UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 92d CONGRESS
SECOND SESSION

JAN 1 4 1974

VOLUME 118—PART 8

MARCH 22, 1972 TO MARCH 28, 1972

(PAGES 9419 TO 10746)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1972

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 92^{d} CONGRESS, SECOND SESSION

SENATE—*Wednesday, March 22, 1972*

The Senate met at 9:30 a.m., and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

The Reverend Andrew L. Johnson, Tuskegee Institute, Tuskegee, Ala., offered the following prayer:

O Thou Master of space, time, and eternity, we pray Thy blessings upon this session of our Nation's highest legislative body.

We thank Thee for the record of service to our Nation that it has compiled through the years, and we pray that each Member of the U.S. Senate might be so touched by Thy Holy Spirit that he might look with new eyes upon the critical needs of our Nation and our world.

Grant them the insight, the comprehension, the empathy, the compassion, and the resolution to make a constructive contribution to the solving of the problems, and in establishing the structure that will promote peace among all nations.

May this august body so plan and work that our culture and civilization will move toward the implementation of the visions of the ancient prophet:

"And they shall beat their swords into plowshares and their spears into pruning hooks; nation shall not lift up sword against nation, neither shall they learn war any more. They shall sit every man under his vine, and under his fig tree, and none shall make them afraid."

We thank Thee for our illustrious past which is our teacher, our arduous present which is our challenge, and our inscrutable future which is our hope.

In Thy holy name we pray. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 22, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, March 21, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair recognizes the distinguished Senator from Delaware (Mr. ROTH) for not to exceed 15 minutes.

(The remarks Mr. ROTH made when he submitted an amendment to H.R. 1, the Social Security Amendments of 1972, are printed in the section of the RECORD devoted to the transaction of routine morning business under the appropriate heading.)

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore (Mr. ALLEN). At this time, in accordance with the previous order, the Chair recognizes the distinguished Senator from New York (Mr. BUCKLEY) for not to exceed 15 minutes.

THE SITUATION IN CAMBODIA

Mr. BUCKLEY. Mr. President, the day before yesterday the armed forces of North Vietnam subjected the capital of Cambodia to the heaviest rocket and mortar bombardment yet delivered on any major city in the Indochinese war. This was Hanoi's latest, most spectacular act of aggression against a people whose only sin has been to attempt to deny the use of their seaports and territories as supply and staging bases for military assaults on a neighbor.

Although it is perhaps too much to hope, perhaps the sheer size and brutality of the attack will shock some of our self-styled leaders of opinion into a better understanding of what is happening in Indochina today. What we are witnessing is the reality of a state of war which has been imposed by the North Vietnamese on a people who want nothing so much as to be allowed to go about their daily lives in peace; a people who seek peace, but not at the sacrifice of their independence; a people who have already demonstrated an extraordinary tenacity and courage in their own defense.

I was in Cambodia just 2 months ago, and was able to observe firsthand, the efforts being made by the Cambodians to build up their own defenses despite their lack of the most rudimentary tools of war. I recall visiting the town of Kampong Cham in northeastern Cambodia, less than 2 miles across the Mekong River from the Chupp rubber plantation, then harboring two seasoned North Vietnamese divisions. I saw there a home defense brigade manned by a ragtag, but determined group of teenagers equipped with an assortment of small arms scavenged from the landscape—five different kinds of rifles of various vintage and of Chinese, European, and American manufacture, to be exact. The Cambodians have shown time and again that they have the will to defend themselves, but it is clear that they cannot hope to succeed without the arms with which to match the increasingly sophisticated weapons with which the Chinese Communists and the Soviet Union continue to supply their enemy.

This small country is a testing ground for the doctrine which the President announced at Guam in 1969 as an alternative to the direct involvement by American forces in future wars in Asia. "Cambodia is the Nixon doctrine in its purest form," the President stated recently. Yet, the significance of what is happening in Cambodia today, and by extension elsewhere in Indochina, seems lost on far too many Americans. This innocence, or ignorance, has nowhere been better exemplified than in an editorial which appeared in the New York Times on March 15. After referring to Cambodia as a "miserable Southeast Asian land," the editorial recommends in effect that the Congress scuttle the administration's proposal to provide its people with the basic military tools which are essential to their national survival.

If the New York Times editorial merely represented another example of the routine cultural sense of superiority which is exhibited by so many Americans who do not understand or care to understand Asia, it could simply be overlooked. But it cannot be overlooked because too many abroad are apt to take the Times' pronouncements seriously. One is tempted for example to ask whether the March 15 editorial had been read by the North Vietnamese commanders before they ordered the attack on Phnom Penh. It cannot be overlooked, because on too many occasions the Times has had its impact on domestic attitudes, witness the classic example of Herbert Matthews' reporting of Fidel Castro's struggle for Cuban freedom.

Although the New York Times has somehow failed to call the fact to the explicit attention of its readers, we do not have in Cambodia a situation, such as that which has existed in South Vietnam, where there can be endless academic debate as to whether the conflict is or is not a "civil war." There is simply no room for debate about the fact that Cambodia is and has been the victim of the most explicit aggression by the Government of North Vietnam.

Under these clear-cut circumstances, if we fail to supply the Cambodians with the minimum hardware required for their own defense, the possibility of encouraging other nations elsewhere in Asia to defend themselves against Communist expansionism must surely be doomed to failure; and if we show ourselves incapable of implementing "the Nixon doctrine in its purest form" on the small scale required for the defense of Cambodia, how can we expect others to place confidence in the one approach to problems of regional security in Asia which specifically precludes the future use of American troops?

Should the New York Times succeed in turning American public opinion against foreign military assistance in one part of the world where the lines are so clearly drawn, how can we be sure that American opinion will not turn against it in others—perhaps even in Europe and in the Middle East—with consequences unimagined by the sages who occupy the cloistered editorial offices of the New York Times?

For the sake of peace, and for the sake of freedom—yes, even if it involves only the freedom of those miserable Cambodians—I hope and pray that the New York Times will fail.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 3160) to provide for a modification in the par value of the dollar, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 2076. An act for the relief of Vladimir Rodriguez LaHera;

H.R. 3751. An act for the relief of Albert M. Reiser, Jr.;

H.R. 8395. An act to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabiliation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes; and

H.R. 9473. An act for the relief of Mrs. Rosanna Thomas.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 2076. An act for the relief of Vladimir Rodriguez LaHera;

H.R. 3751. An act for the relief of Albert M. Reiser, Jr.; and

H.R. 9473. An act for the relief of Mrs. Rosanna Thomas; to the Committee on the Judiciary.

H.R. 8395. An act to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes; to the Committee on Labor and Public Welfare.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, there will be a period for the transaction of routine morning business, with statements by Senators therein limited to 3 minutes.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 664, 672, and 673, all of which have been cleared on both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SMALL BUSINESS ACT

The Senate proceeded to consider the bill (S. 3166) to amend the Small Business Act, which has been reported from the Committee on Banking, Housing and Urban Affairs with an amendment to strike out all after the enacting clause and insert:

That paragraph (4) section 4(c) of the Small Business Act (15 U.S.C. 633) is amended—

(1) by striking out "$3,100,000,000" and inserting in lieu thereof "$4,100,000,000";

(2) by striking out "$450,000,000" and inserting in lieu thereof "$500,000,000"; and

(3) by striking out "$300,000,000" and inserting in lieu thereof "$350,000,000".

SEC. 2. Paragraphs 4(A) and 5(A) of section 7(a) of the Small Business Act (15 U.S.C. 636) are amended by striking out "$350,000" and inserting in lieu thereof "$500,000".

SEC. 3. Section 402(a) of the Economic Opportunity Act of 1964 (42 U.S.C. 2902(a)) is amended by striking out "$25,000" and inserting in lieu thereof "$50,000".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–693), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

HISTORY OF LEGISLATION

S. 3166 was introduced on February 14, 1972, and hearings were held by the Small Business Subcommittee on March 9, 1972. On March 15, 1972, the committee voted unanimously to report out the bill, S. 3166, with amendments.

EXPLANATION OF BILL

S. 3166 is divided into three sections.

Section 1 of the bill amends section 4(c) of the Small Business Act to increase the total amount of loans, guarantees, and other obligations or commitments outstanding by the Small Business Administration. Administrator Kleppe informed the committee in February that by the end of this fiscal year his agency will have reached the maximum levels set by Congress in May of 1971.

Paragraph 1 of this bill will increase from $3.1 billion to $4.1 billion SBA's lending authority for direct, immediate participation and guaranteed loans under section 7(a); displaced business loans under section 7(b)(3); trade adjustment assistance loans under section 7(e); subcontract authority under section 8(a); and economic opportunity loans under title IV of the Economic Opportunity Act of 1964.

Paragraph 2 of section 1 will increase from $450 million to $500 million SBA's lending authority to SBIC's under title III of the Small Business Investment Act of 1968.

Paragraph 3 of the bill will increase from $300 million to $350 million SBA's lending authority under title IV of the Economic Opportunity Act of 1964 for loans to low-income individuals and for businesses located in areas of high unemployment or low income.

The Small Business Administration estimates that these increases will assure continued lending activities through fiscal year 1973.

Section 2 of the bill will increase the Small Business Administration's lending authority under section 7(a) from a maximum loan of $350,000 to $500,000.

Small business is defined in the Small Business Act as one which is independently owned and operated and which is not dominant in its field of operation. The $350,000 limitation now imposed on SBA has not been increased since the agency was made permanent in 1958. During the intervening years business costs have increased considerably and if small business concerns are to remain competitive they must be assured of adequate sources of capital.

Section 3. During the committee's consideration of this bill an amendment was offered to increase from $25,000 to $50,000 the maximum loan that the Small Business Administration is authorized to make, participate (on an immediate basis) in, or guarantee to small business concerns located in urban or rural areas with high proportions of unemployed or low-income individuals or to small business concerns owned by low-income individuals.

The program ceiling increases proposed in S. 3166 represent neither an appropriation of funds nor an authorization for appropriations. They represent, rather, proposals to increase the amounts which may be outstanding from SBA's business loan and investment revolving fund at any one time for purposes of particular SBA financial assistance programs.

Section 4(c)(1) of the Small Business Act, as amended by Public Law 89–409 approved May 2, 1966, provided for the establishment of two revolving funds as of July 1, 1966 (a business loan and investment fund, and a disaster loan fund) for the financing of SBA's programs.

Section 4(c)(3) of the act authorizes appropriations to the two funds "* * * in such amounts as may be necessary * * *." However, with respect to the business loan and investment fund, the Congress has set limits on the amounts which may be used for the various programs by providing in section 4(c)(4) for limitations on the amounts of loans, guarantees, and other obligations or commitments which may be outstanding at any one time from that fund.

With reference to these limitations, it is of considerable significance that they are neither an authorization for funds nor a mechanism by which funds are made available to carry out the various programs involved. Instead, they represent the means by which the Congress controls the extent of the use of available funds for the respective programs.

It is necessary for the financing of SBA's programs that the ceiling figures stated in section 4(c)(4) be raised from time to time. This results from a combination of medium-term loan repayment, steadily increasing loan volume, and a recent need to depend more on the use of guaranteed loans.

Public Law 87-550, approved July 25, 1962, requires that SBA advise the Congress periodically of the ceiling increases necessary for the continuation of its programs, and that such advice include program needs for the fiscal year under consideration plus the two succeeding fiscal years. In keeping with this requirement, S. 3166 proposes increases which would permit the continuation of SBA's financial assistance programs at presently projected levels through the current fiscal year plus fiscal year 1973.

CORDON RULE

In the opinion of the committee, it is necessary to dispense with the requirements of subsection 4 of rule XXIX of the Standing Rules of the Senate in order to expedite the business of the Senate in connection with this report.

LONGFELLOW NATIONAL HISTORIC SITE

The Senate proceeded to consider the bill (S. 3129) to authorize the establishment of the Longfellow National Historic Site in Cambridge, Mass., and for other purposes, which has been reported from the Committee on Interior and Insular Affairs with an amendment on page 3, line 3, after the word "this", to strike out "Act." and insert "Act, not to exceed, however, $586,600 (May 1971 prices) for development of the area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein."; so as to make the bill read:

S. 3129

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve in public ownership for the benefit and inspiration of the people of the United States, a site of national historical significance containing a dwelling which is an outstanding example of colonial architecture and which served as George Washington's headquarters during the siege of Boston in 1775–1776, and from 1837 to 1882 as the home of Henry Wadsworth Longfellow, the Secretary of the Interior is authorized to acquire by donation the fee simple title to the real property and improvements thereon, together with furnishings and other personal property, situated at and known as 105 Brattle Street, Cambridge, Massachusetts, for establishment as the Longfellow National Historic Site.

Sec. 2. The Secretary of the Interior is further authorized to accept the donation of not less than $200,000, and such other sums of money as may be tendered from time to time by the Trustees of the Longfellow House Trust, established pursuant to indentures dated October 28, 1913, and November 18, 1914, and such funds or any part thereof and any interest thereon, may be used exclusively for the purpose of administration, maintenance, and operation of the Longfellow National Historic Site.

Sec. 3. The Longfellow National Historic Site shall be established when title to the real and personal property described in section 1 of this Act and the sum of $200,000 as set forth in section 2 of this Act have been accepted by the Secretary of the Interior, and upon such establishment, the Longfellow National Historic Site shall be administered by the Secretary of the Interior in accordance with the Act approved August 25, 1916 (39 Stat. 535), as amended and supplemented, and the Act approved August 21, 1935 (49 Stat. 666).

Sec. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, not to exceed, however, $586,600 (May 1971 prices) for development of the area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–702), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of S. 3129 is to establish the Longfellow National Historic Site in Cambridge, Mass., and authorizes the Secretary of the Interior to acquire by donation the former home, together with furnishings and other personal property, of one of the most popular American poets of the 19th century, Henry Wadsworth Longfellow. The bill also authorizes the Secretary of the Interior to accept the donation of not less than $200,000 from the trustees of the Longfellow House Trust, which may be used exclusively for the purpose of administration, maintenance, and operation of this proposed National Historic Site.

In addition to the Longfellow home, the proposed historic site includes the carriage house and formal garden, both designed by Longfellow himself. Over 100,000 people have visited the Longfellow home in the last 5 years alone, and in 1962 the home was designated as a registered historic landmark

BACKGROUND

The Longfellow House is of exceptional importance, and from the standpoint of national significance it is fully suitable for establishment as a national historic site for several reasons.

First, this handsome and very well preserved mid-18th century mansion is considered to be one of the best examples of the late Georgian period architecture and has been illustrated in most standard college textbooks on architectural history. Most of the interesting original elements remain intact, and it has lost none of its charm through the normal growth process of occasional alterations during two centuries of continuous use. The structure has always been carefully maintained and is in a good state of repair today.

Secondly, the house is rich in historical significance, as it was used as a hospital for Colonials wounded at Lexington, Concord, and Bunker Hill, and was, during 10 months in 1775–76, the headquarters of Gen. George Washington during the siege of Boston.

But it is as the home of Henry Wadsworth Longfellow that the house is most important. Longfellow's association with the house began in 1837 when he rented a room there. In 1843, upon his marriage to Frances Elizabeth Appleton, the house was given to the couple as a wedding present by the bride's father.

The only American to be memorialized in the "Poet's Corner" at Westminster Abbey, Longfellow's vivid commemoration of historic events, such as "Paul Revere's Ride," and homey descriptions of everyday life, such as "The Village Blacksmith," create a tableau of American culture which is widely read and loved by many people. Longfellow wrote portions of some of his most famous works, including "The Courtship of Miles Standish," "Evangeline," and "The Song of Hiawatha," while he resided in the house in Cambridge between 1843 and his death in 1882.

COSTS

Since the 1.98 acres of land on which the Longfellow House is situated will be donated, there will be no land acquisition costs. No additional land is deemed necessary to establish the site.

Total development costs, based on May 1971 prices, are estimated at $586,600, of which $578,800 will be spent on buildings and utilities, primarily to be used for rehabilitation and remodeling of the house, stable, and shed. The remaining $7,800 will be spent on roads and trails for rehabilitation of the walks and driveways. Annual operating costs are estimated to be $172,000 in the first year and are expected to be about $183,100 by the fifth year.

COMMITTEE AMENDMENT

The committee adopted the amendment recommended by the Department of the Interior to put a limitation on the sum to be authorized for development costs. The amendment is as follows:

On page 3, section 4, line 5, change the period to a comma and add the following: not to exceed, however, $586,600 (May 1971 prices) for development of the area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

COMMITTEE ACTION

The Parks and Recreation Subcommittee held open hearings on S. 3129 on February 15, 1972, and the full committee in executive session on March 15, 1972, unanimously recommended enactment of the bill.

VAN BUREN-LINDENWALD HISTORIC SITE

The Senate proceeded to consider the bill (S. 1426) to establish the Van Buren-Lindenwald Historic Site at Kinderhook, N.Y., and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, line 4, after the word "the", to strike out "Van Buren Lindenwald" and insert "Van Buren"; in line 11, after the word "the", to strike out "Van Buren Lindenwald" and insert "Van Buren"; and, in line 21, after the word "this", to strike out "Act." and insert "Act, not to exceed, however, $225,000 for acquisition of land and $2,278,000 (April 1971 prices) for development of the area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein."; so as to make the bill read:

S. 1426

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of preserving for the education and inspiration of present and future generations the former residence (from 1841 until 1862) and only remaining structure intimately associated with Martin Van Buren, eighth President of the United States, the Secretary of the Interior shall acquire, on behalf of the United States, by gift, exchange, or purchase (with donated or appropriated funds) the real property and improvements thereon known as Lindenwald and located at Kinderhook, New York, together with such adjacent or related lands and interests therein as the Secretary determines are necessary for the establishment of a national historic site. The property so acquired shall be known and designated as the Van Buren National Historical Site. The Secretary may also acquire personal property used or to be used in connection with the administration and interpretation of the national historic site.

Sec. 2. The National Park Service, under the direction of the Secretary of the Interior, shall administer, protect, and develop the Van Buren National Historic Site, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1 and others), and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 and others).

Sec. 3. There are authorized to be appropriated from time to time such sums as may be necessary to carry out the provisions of this Act, not to exceed, however, $225,000 for acquisition of land and $2,278,000 (April 1971 prices) for development of the area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–703), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of S. 1426 is to preserve the former residence of Martin Van Buren, eighth President of the United States, at the only remaining site that is intimately associated with him—Lindenwald, his mansion at Kinderhook, N.Y.

HISTORICAL BACKGROUND

Lindenwald was built in 1797 and purchased by Mr. Van Buren in 1839. The mansion itself has been altered several times since its construction in the late 18th century. The original house is a substantial Federal type with later additions in the Gothic and Victorian styles. The main portion of the Van Buren House is brick, 2½ stories tall, on a stone foundation; it contains 36 rooms and passageways. The interior of the mansion remains relatively unchanged since the historic period. Most of the original hardware remains, including silver-plated knobs and hardware on the first floor and the carpenter locks on the second floor.

Since the beginning of the 20th century many efforts have been made to preserve Lindenwald as a public historic site. Numerous attempts on the part of State agencies and private groups have been unsuccessful up to this point. The National Park Service expressed interest in Lindenwald as early as 1935, and in 1961 Lindenwald was registered as a national historic landmark in recognition of its exceptional value by way of its association with President Van Buren.

COSTS

The proposed Van Buren historic site will encompass approximately 42 acres. Land acquisition costs are estimated at $225,000, to acquire easements in 20 acres that are presently privately owned, and to acquire in fee 20 acres which are privately held. The remaining 2 acres, which are owned by the State of New York, are to be donated. Total development costs are estimated to be $2,278,000, of which $1,974,000 will be used for building and utilities, with the main expenditures for restoration of the mansion and other buildings, and for archeological and historical research.

The remaining $304,000 is to be spent on roads and trails, primarily to develop maintenance and parking areas. Annual operating costs are estimated to be $87,900 in the first year and are expected to be about $227,100 by the fifth year.

Mr. BUCKLEY. Mr. President, it was recently my privilege to make a favorable report from the Committee on Interior and Insular Affairs recommending passage of S. 1426, to establish a Van Buren National Historic Site at Kinderhook, N.Y.

The Van Buren homesite, known as Lindenwald and located in Kinderhook, N.Y., was registered as a national historic site in July 1961. As the only remaining edifice closely associated with President Martin Van Buren, it is fitting that the Lindenwald home should not only be preserved but also opened to the public.

Efforts on behalf of the preservation of the Van Buren home began early in this century. In 1936 concerned New Yorkers organized the Association for the Preservation of the Lindenwald house and property. At the same time the National Park Service expressed an interest. But not until 1961 was the Van Buren home at Kinderhook established as a national historic site.

The Lindenwald house is presently under private ownership. The legislation sponsored by Senator Javits and me as well as the companion legislation introduced in the House of Representatives by Congressman Fish will place the mansion in the National Park Service system.

This legislation requires the purchase of the house and surrounding property by the Federal Government. If purchased, Lindenwald will undergo restoration to recapture the original style of Martin Van Buren's home. Although subsequent owners of Lindenwald have remodeled and redecorated the house since President Van Buren's time, the interior is largely unchanged and according to the National Park Service, adequate research should facilitate restoration of the home to its condition during the time of Van Buren's occupancy.

The house is located in an agricultural area and has a clear view of the Hudson River Valley and of the Catskill Mountains. These surroundings should not be difficult to maintain.

Van Buren was born and buried in Kinderhook. He was admitted to the New York Bar in 1803 and held various county and State officers before he became involved with the Federal Government. Van Buren's political career encompassed the judiciary, the legislative and the executive fields. It was highlighted by his positions as New York Attorney General, United States Senator, Governor of New York, Secretary of State, Vice President and President. Certainly, the house in which this active American spent 20 years of his life should be preserved.

Van Buren purchased Lindenwald in 1839 as a place of retirement. It became his permanent residence in 1841. The historic value of this house is unique in its intimate association with President Van Buren. It is in the interest of the American people to preserve and to open to the public the home of our eighth President. Lindenwald expresses much of Van Buren's style and it is undeniably a part of our heritage.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to establish the Van Buren Historic Site, at Kinderhook, New York, and for other purposes."

Mr. JAVITS. Mr. President, I am pleased that the Senate has passed my bill, S. 1426, which would establish the Van Buren Historic Site at Kinderhook, N.Y. The proposed national historic site would preserve and protect Lindenwald, the home and most significant remaining structure associated with Martin Van Buren, the eighth President of the United States and a prominent New York citizen.

Since the beginning of the 20th century many efforts have been made to preserve Lindenwald as a public historic site. Numerous attempts on the part of State agencies and private groups have been unsuccessful up to this point. The National Park Service has expressed its interest in Lindenwald as early as 1935 and in 1961 Lindenwald was registered as a national historic landmark in recognition of its exceptional value by way of its association with President Van Buren. It is necessary that the Congress take the final step to establish Lindenwald as an historic site.

The original house at Lindenwald was built in 1797 by Peter Van Ness, a public figure of considerable prominence in the local community. In 1839 Martin Van Buren purchased the property which then consisted of a house and 130 acres of land. When his term as President ended in 1841 Van Buren returned to Lindenwald where he resided until his death in 1862. Lindenwald is the only remaining structure associated with President Van Buren.

The Interior Department has evaluated the site as to its possibilities for management as a national historic site and has determined that the site should be established as provided in S. 1426 with minor amendments. Adequate facilities in existing structures on the site will allow the public to have great use and enjoyment of this historic property. Historians would be encouraged to study the site and the proposed collection of Van Buren memorabilia. Comprehensive planning would be coordinated with the appropriate State agencies to insure protection of the setting of Lindenwald.

I believe that it is important to establish memorials to those who have served as presidents of the United States whenever we have an appropriate opportunity. Lindenwald presents us with a fine opportunity and the Senate has it. A companion bill, H.R. 3619, has been introduced in the House by Congressman Hamilton Fish of New York which hopefully will soon be acted on.

ELIZABETH R: A TRIBUTE

Mr. BYRD of West Virginia. Mr. President, a few years back, a prominent critic of the media referred to television as a "vast wasteland." More recently we have seen that alleged wasteland blossom like the proverbial rose, as a new trans-Atlantic wave of "quality television" continues to hit our shores. It all began with the "Forsyte Saga," based upon Galsworthy's sweeping panorama of a family through three generations. The unexpected popularity of that series proved to be prophetic.

A further evidence of public responsiveness to quality programing, when done with style and imagination, was the reception given Sir Kenneth Clark's "Civilisation" series. The current series of six broadcasts—I say "current" because even though the sixth in the series was shown on last Sunday evening, there will be a repeat of the sixth in the series on this coming Saturday evening—dealing with the life of the first Elizabeth. "Elizabeth R," has demonstrated yet again the immense appeal which quality fare can have. Millions of Americans have taken pleasure in following the dramatic portrayal of the "Virgin Queen" during one of the great ages of English and, indeed, of European history, a portrayal superbly delineated by Glenda Jackson. The complexity of the Queen's character, the difficult issues of politics and religion in a time which knew little or no tolerance, the rich diversity of Elizabethan life—brutal, passionate, intense—all these are vividly set forth in the current series, truly a distinguished contribution to television drama in our day.

"Elizabeth R" had been preceded—appropriately enough—by "The Six Wives of Henry VIII," a remarkable presentation by Keith Mitchell of that Tudor despot, father to Elizabeth and husband to no less than six wives in the course of his turbulent life. Here again, the complicated problems of the Reformation were effectively dramatized in the person of King Henry. Together, the two series have given the viewer a sense of participation in one of the greatest centuries in history—the period from the accession of Henry VIII in 1509 to the death of Elizabeth I in 1603, the age of Shakespeare and Drake, Philip II and the Armada, Raleigh and Bacon, Luther and Erasmus, an age—like our own—of disruption and change, destructive and creative alike. It is a special tribute to the BBC productions that the essential character of the 16th century has been so powerfully revealed in the personalities of Henry and Elizabeth and all whose lives they touched.

The series restores our faith in the possibilities of television to achieve quality drama without sacrificing human interest and appeal. The BBC is to be congratulated for this production, and for others in the past and yet to come. A standard has been set which cannot but have a healthy influence upon the American television industry. I am especially pleased to commend Station WETA-TV for carrying this series and thereby contributing so richly to the public good and to the cause of better television fare in this area. In so doing, WETA has truly performed a public service, in the best sense of that phrase.

The success of "Elizabeth R" has proved again that "educational" television need not be dull and uninspired. The romance of history, made tangible in the actual biographies of great personalities, is a never-failing resource, at once instructive and entertaining.

It is noteworthy that a new series is to be launched next week, based upon the Leatherstocking tales of James Fenimore Cooper, classics of well-loved Americana, "The Last of the Mohicans." Surely there is some irony in the fact that this—as well as a 13 part series on the history of the old colony, "America"—are being presented by the BBC. In fact, of course, several popular hits of the current season—"All in the Family" and "Sanford and Son"—are only recently naturalized descendants of British series.

A quality invasion of this kind represents, in fact, a kind of liberation, and we may hope that American television, with its immense technical resources, will respond to the stimulus. In the meantime, we are all the beneficiaries of these imaginatively conceived, stylishly produced, and beautifully acted series.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Allen) laid before the Senate the following letters, which were referred as indicated:

Report on Overobligations of Appropriations

A letter from the Director, Office of Management and Budget, Executive Office of the President, reporting, pursuant to law, that certain appropriations have been apportioned on a basis which indicates the necessity for supplemental estimates of appropriations (with accompanying papers); to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PELL, from the Committee on Rules and Administration, with an amendment:

S. Con. Res. 59. Concurrent resolution to authorize the loan of the Cornelia Fasset painting, "The Electoral Commission of 1877," to the National Portrait Gallery of the Smithsonian Institution (Rept. No. 92-706).

By Mr. HANSEN, from the Committee on Interior and Insular Affairs, with an amendment:

S. 3159. A bill to authorize the Secretary of the Interior to establish the John D. Rockefeller, Jr., Memorial Parkway, and for other purposes (Rept. No. 92-707).

REFERRAL OF A BILL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar No. 558, H.R. 7117, to amend the Fisherman's Protective Act, be referred to the Committee on Foreign Relations, with instructions that it will be reported back to the Senate within 40 days.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. COOK (for himself, Mr. Young, Mr. McGee, Mr. Pastore, Mr. Stevens, Mr. Humphrey, Mr. Bellmon, Mr. McGovern, Mr. Dole, Mr. Anderson, and Mr. Williams):

S. 3393. A bill to amend title XVII of the Social Security Act to provide financial assistance to individuals suffering from chronic kidney disease who are unable to pay the costs of necessary treatment. Referred to the Committee on Finance.

By Mr. DOMINICK (for himself, Mr. Hatfield, Mr. Weicker, and Mr. Allott):

S. 3394. A bill to permit citizens of the United States to buy, hold, and sell gold. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. DOMINICK:

S. 3395. A bill to further the achievement of equal educational opportunities. Referred to the Committee on Labor and Public Welfare.

By Mr. FONG:

S. 3396. A bill for the relief of Roland Q. Lin; and

S. 3397. A bill for the relief of Joe M. Morgan. Referred to the Committee on the Judiciary.

By Mr. HARRIS:

S. 3398. A bill providing for the election of the tribal council of the Osage Nation of Indians. Referred to the Committee on Interior and Insular Affairs.

By Mr. MAGNUSON (by request):

S. 3399. A bill to amend the provisions of title 14, United States Code, relating to the flag officer structure of the Coast Guard, and for other purposes. Referred to the Committee on Commerce.

By Mr. MOSS:

S. 3400. A bill to provide for the issuance of a special series of postage stamps to commemorate the bicentennial of the Escalante Expedition. Referred to the Committee on Post Office and Civil Service; and

S. 3401. A bill to provide for the designation of the Escalante Trail, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. INOUYE:

S. 3402. A bill to provide that persons who are nationals and citizens at birth under section 301(a)(7) of the Immigration and

Nationality Act shall retain their citizenship without meeting certain physical presence requirements. Referred to the Committee on the Judiciary.

S. 3403. A bill to amend the act of June 20, 1918, relating to the retirement of lighthouse service personnel involuntarily separated. Referred to the Committee on Post Office and Civil Service.

By Mr. SPONG (for himself and Mr. Beall):

S. 3404. A bill to amend the Cargo Preference Act of 1954 for certain purposes. Referred to the Committee on Commerce.

By Mr. RANDOLPH (for himself, Mr. Bayh, and Mr. Cooper):

S. 3405. A bill to amend title 23 of the United States Code to establish a national scenic and recreational highway program. Referred to the Committee on Public Works.

By Mr. BIBLE (for himself and Mr. Cannon):

S. 3406. A bill to declare certain Federal lands held in trust for the Confederated Tribes of the Goshute Indian Reservation. Referred to the Committee on Interior and Insular Affairs.

By Mr. WILLIAMS (for himself, Mr. Randolph, and Mr. Pell):

S. 3407. A bill to amend the Education of the Handicapped Act to provide for improved opportunities for handicapped persons, and for other purposes. Referred to the Committee on Labor and Public Welfare.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COOK (for himself, Mr. Young, Mr. McGee, Mr. Pastore, Mr. Stevens, Mr. Humphrey, Mr. Bellmon, Mr. McGovern, Mr. Dole, Mr. Anderson, and Mr. Williams):

S. 3393. A bill to amend title XVII of the Social Security Act to provide financial assistance to individuals suffering from chronic kidney disease who are unable to pay the costs of necessary treatment. Referred to the Committee on Finance.

KIDNEY DISEASE TREATMENT ACT OF 1972

Mr. COOK. Mr. President, I send to the desk for appropriate reference a bill entitled "The Kidney Disease Treatment Act of 1972."

I introduce this measure on behalf of myself, Senators Young of North Dakota, McGee of Wyoming, Pastore of Rhode Island, Stevens of Alaska, Humphrey of Minnesota, Bellmon of Oklahoma, McGovern of South Dakota, Dole of Kansas, Anderson of New Mexico, and Williams of New Jersey.

Mr. President, this bill is designed to provide financial assistance to individuals suffering from chronic kidney disease, "or end stage renal disease," who are unable to pay the costs of necessary treatment. In addition, this act will assure that any individual who suffers from chronic renal disease will have available to him the necessary lifesaving care and treatment, and that he will not be denied such treatment because of his inability to pay for it.

The need to provide financial assistance to those suffering from kidney failure is obvious; in fact, it is acute. In excess of 8 million Americans suffer from some sort of kidney disorder. Of that number, more than 55,000 persons die of acute kidney disease each year. Furthermore, recent statistics disclose that kidney diseases are responsible for about 140 million total days of restricted activity, 63.5 million days of bed disability, and 17 million work loss days.

Such a high degree of prevalence of morbidity, itself predicates the need for treatment. Unfortunately the neecssary lifesaving medical treatment is all too often beyond the means of the sick in spite of the fact that sophisticated medicine has developed the successful technique of treating kidney disorders. For example, there are three systems of delivering treatment—in the hospital, in an ambulatory care center, and in the home—all three of which are widely divergent in their costs to the patient.

Putting aside the geographic cost variations, experts who have studied health costs inform me that $25,000 per year is the mean representative cost of dialysis treatment in the hospital, that $20,000 per year is the price tag for treatment at an ambulatory care facility, and that $20,000 for the first year and $6,000 for each subsequent year is the median cost for dialysis treatment at home. At these prices, those in need of dialysis treatment can ill afford to stay alive.

This situation is a glaring absurdity in American medicine. For while methods have been developed essentially with Federal funds to create a successful means of treating and even curing kidney disorders, we have succeeded in pricing the treatment beyond the range of those who would most benefit by it.

Transplantation treatment pitifully reveals the same problem; prohibitively high costs. At the same time, however, somewhat more is involved than the purely financial obstacles which complicate the proper dispensing of treatment. Since the first successful transplant in 1956, success with transplantation of kidneys either from living donors or cadavers has been relatively consistent. The technical complexity of the operation is no longer a problem given our present-day medical sophistication. Instead, the body's natural immune response to foreign tissues continues to be the cause for kidney rejection.

The ultimate hope among sufferers of kidney disorders certainly lies in being totally cured. While dialysis sufficiently maintains that a human being will live a next-to-normal life so long as he receives his machine treatments 8 hours per day 3 days per week, it appears that many have been condemned to a life based upon the operatability of a machine. This need not be the case should kidney transplants become widely available at affordable prices.

At present, transplant cost estimates vary depending upon the extent of treatment required before and after the transplant operation itself, but by no means can one assume that it is affordable. One analysis of integrated home dialysis/transplant therapy presumes the cumulative expense of treatment to be in excess of $50,000 over a 10-year period. The implication to the family bread winner supporting a wife, two children, and earning an average wage is serious, and in all probability disasterous. He is doomed to a life of bills, creditors, and hardships because he may be one of the few people fortunate enough to receive a kidney transplant.

It is reported that approximately 50,000 persons victimized by kidney disorders are in need of treatment that is not available to them and that each year 7,000 more people develop kidney disorders severe enough to require dialysis maintainance. Virtually all of these people are prospective recipients of a kidney transplant. Unfortunately, problems arise with too few donors, tissue incompatibilities and dissimilar blood types so that the chance of receptivity of a kidney by a patient is dismal at best. Consequently, the incidence of those that must be maintained through a process which passes blood through an artificial kidney machine to filter wastes is indeed staggering.

The common misconception today is that too few machines are available for use. This is not so. In fact, all eligible patients do not have access to kidney machines primarily because they cannot finance this expensive form of treatment rather than because of a lack of kidney machines. The question is, then, how is it possible to improve upon the discrepancy between apparent demand and abundant supply?

To a small extent, amnesty for the needy comes from several areas. Among the current sources of funds are the Office of Vocational Rehabilitation, medicare, medicaid, and a few Blue Cross and private insurance programs. The Public Health Service is currently supporting several studies of the feasibility of undertaking mass screening programs while the National Kidney Foundation has an active program of studying kidney disease and its treatment. However, the most important philanthropic activities are the result of local fund raising campaigns supported by the citizenry. It is through these drives, campaigns, and solicitations that the greatest number of kidney disease sufferers are granted their reprieve. But these drives cannot and will not sustain those requiring treatment.

Throughout the Nation, and in my own State of Kentucky, the biggest problems in descending order are money, facilities, trained personnel, and equipment. Congressman Wilbur Mills, the distinguished chairman of the House Ways and Means Committee, recognized this and acted to correct the urgent need by introducing H.R. 12043 on December 6, 1971. Senator John Sparkman of Alabama likewise recognized the urgency of assisting sufferers of kidney disorders, and to that end introduced S. 3286 on March 12 of this year.

At this time, it gives me great pleasure to join with these distinguished gentlemen in securing kidney disease treatment for all who need it. Like H.R. 12043 and S. 3286, the bill which I introduce today will provide for a program of assistance under which payments will be made to individuals requiring treatment for any part of the costs of such treatment which they are unable to pay from funds otherwise available to them. This bill will also provide that payments involving hemodialysis will be made only to the extent that they do not exceed the cost of the least expensive form of dialysis which is medically and "socially" sufficient.

There are, however, differences between the two previously mentioned bills and the one I introduce today. They are two:

First, my bill contains no provision authorizing grants to States, localities, or public or nonprofit private institutions for the development of improved methods of treatment, the training of personnel, the dissemination of information, or the establishment of hemodialysis centers. This is done after much consultation with and at the recommendation of the National Kidney Foundation. I am firmly convinced that if patient costs are covered, the normal supply-demand situation will take care of the costs of training, artificial kidney center construction and supply. It would only remain to direct available moneys to an area where they will have the greatest impact on saving lives. By making funds directly available to people requiring medical treatment, I feel certain that we will accomplish this goal.

Second, a section is added to my bill defining the scope of benefits provided to an individual. It specifically states that a person receiving treatment shall not be required to pay costs of that treatment which exceed 10 percent of his taxable yearly income. Quite clearly, this method of payment has many advantages. The patient would be assured that medical treatment is not beyond his means, and therefore he would not be hesitant in seeking the necessary medical care. At the same time, the patient would be cognizant of the fact that this plan would be no dole, but rather a partnership which requires that he pay a portion of his medical expenses; in this case the equivalent of 10 percent of taxable income.

In arriving at a percentage which the patient would be required to pay, it was thought that 10 percent would be within the range of most people. We are attempting here to assist the low-income wage earner; a 10-percent payment would not have proportionally as drastic an economic impact as is now the case. Also, a person in a higher salary bracket, above $20,000 for example, would normally be excluded from this program being that the means are available to him to meet his medical expenses, and that he would surely be enrolled in a health insurance plan which would cover his expenses.

In closing, let me add that as the fourth greatest cause of death in the United States, we can ill afford to ignore the seriousness of kidney disease any longer. This Nation has perhaps the best trained physicians and the most sophisticated equipment in the world, yet the afflicted are constrained from receiving the proper care because the costs are well beyond their means. My bill, I believe, is a necessary approach toward reversing the current financial restrictions of delivering kidney treatment to all who need it.

By Mr. DOMINICK (for himself, Mr. HATFIELD, Mr. WEICKER, and Mr. ALLOTT):

S. 3394. A bill to permit citizens of the United States to buy, hold, and sell gold. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. DOMINICK. Mr. President, I introduce a bill on behalf of myself, Senators ALLOTT, HATFIELD, and WEICKER, which would restore to Americans the unfettered right to buy, possess, and sell gold. We should no longer tolerate 1933 circumstances as justification for continued prohibitions on the private ownership of gold.

The present-day realities are that the United States has less than $11 billion in gold reserves and roughly $50 billion in overseas dollar liabilities. As a matter of fact, the Eurodollar market has been estimated to equal about 30 years of South African gold production.

With the free market price of gold hovering around $48 per ounce and the increasingly uncertain international monetary market, it is quite clear that any return to convertibility would trigger a run on our remaining reserves. Domestic gold production in 1971 was 1.494 million ounces, a 14-percent decrease from the previous year. Imports increased from a 1970 level of 6.6 million ounces to 7.2 million ounces, with its adverse effect on our balance-of-payments problem.

The U.S. Bureau of Mines estimates that at prices up to $140 per ounce, we could mine 237 million ounces of gold. Beyond giving a much needed injection to our mining industry, such an increase in gold production would substantially alleviate our trade deficit.

The President's action suspending convertibility demonetized gold and relegated it to the role of a nonmonetary commodity. As a commodity, gold should be as freely available for ownership as pork bellies, scrap steel and silver. Of the 116 member nations in the International Monetary Fund, 100 have more liberal gold ownership laws than the United States. Yet, we continue to be prisoners to anachronistic concepts.

The cornerstone of our economic system is the free interaction of supply and demand as the determinant of worth or value; and this can only be accomplished with gold by restoring to Americans their right to own gold.

In addition to ending the ownership discrimination against Americans, my bill would insure that the U.S. Treasury has a continuing source of supply of gold upon which it would draw to meet international financial institution gold contribution requirements.

The bill provides that domestic refiners of new gold would be required to offer for sale to the Treasury 2½ percent of their quarterly production at the official price. As a result, Treasury could purchase 10 percent of the domestic gold production at a price of $38 per ounce. Any requirements above this amount would have to be satisfied through private market purchases at the prevailing private market price. In order to avoid the possibility that large gold sales by the Treasury could depress the private market, the bill only permits Treasury gold sales at a price which is 15 percent above the current private market price.

Mr. President, I urge that Congress act as expeditiously as possible and use this legislative key to free Americans from their 1933 prevention of gold ownership hobbles.

By Mr. DOMINICK:

S. 3395. A bill to further the achievement of equal educational opportunities. Referred to the Committee on Labor and Public Welfare.

Mr. DOMINICK. Mr. President, on March 17, President Nixon sent to the Congress a message addressing itself to what is currently this country's most compelling domestic dilemma—school busing. To remedy the present and threatened inequities and hardships caused by busing, President Nixon outlined a two-step legislative program promising reasonable solutions. The first step of the program, the "Student Transportation Moratorium Act of 1972," has already been introduced as S. 3388 by the distinguished senior Senator from Nebraska (Mr. HRUSKA).

Mr. President, I now introduce for appropriate reference the President's companion bill, the "Equal Educational Opportunities Act of 1972." Among other things, this bill is intended to be the legislation referred to in section 2(a)(4) of the "Student Transportation Moratorium Act of 1972" which establishes clear uniform school assignment standards to meet 14th amendment obligations further defined in this bill.

To accomplish the objective of the bill title, a dual program is outlined. Title I serves to reestablish commitments tragically lost in the scramble of the busing mania, that the ultimate purpose of any educational expenditure or effort must be to improve the educational opportunity of the children, regardless of race, color, national origin, or language. It provides assistance sufficiently concentrated to provide the critical resource mass necessary to make compensatory education a reality rather than a sociological term to the Nation's educationally disadvantaged children. Title I of the bill utilizes approximately $2.5 billion authorized under title I of the Elementary and Secondary Education Act of 1965 and the soon-to-be-enacted Emergency School Aid Act to upgrade the Nation's poorest schools. In upgrading the schools, the resources will be concentrated on improving basic instructional programs for language skills and mathematics and on basic supportive services.

Mr. President, the second phase of the bill seeks to guarantee a conducive educational atmosphere for our children substantially devoid of long-term large-scale, forced busing. It recognizes that our schools cannot solely shoulder the burden of eliminating racial disparities in our society—that our children should be taught rather than used to achieve a multiracial society which the adult community has been unable or unwilling to do for themselves. Titles II, III, and IV of the bill activate congressional enforcement authority contained in the 14th amendment by setting national standards of equal educational opportunity and national remedies to guide courts in what heretofore has been the judicial jungle of school desegregation cases. Title II clearly defines what constitutes a denial of equal educational opportunity; title III identifies which parties can proceed in which judicial manner; and title IV creates a priority of remedies allowing increased busing only in extraordinary, short-term circumstances.

Mr. President, in conclusion, this bill, together with the Student Transportation Moratorium Act, offers a most reasonable vehicle for our children through unnecessary educational pitfalls created by well-intended adults. It relegates the schoolbus to its former position of prominence as an educational tool rather than as a dominant sociological force, while affirming this Nation's commitment to equal educational opportunities for all children. This being a matter of primary importance, I urge diligent legislative effort and timely enactment of the Equal Educational Opportunities Act of 1972.

Mr. President, I encourage and welcome cosponsorship from any and all of my colleagues, and I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3395

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Equal Educational Opportunities Act of 1972."

POLICY AND PURPOSE

SEC. 2. (a) The Congress declares it to be the policy of the United States that—

(1) all children enrolled in public schools are entitled to equal educational opportunity without regard to race, color, or national origin; and

(2) the neighborhood is an appropriate basis for determining public school assignments.

(b) In order to carry out this policy, it is the purpose of this Act to provide Federal financial assistance for educationally deprived students and to specify appropriate remedies for the orderly removal of the vestiges of the dual school system.

FINDINGS

SEC. 3. (a) The Congress finds that—

(1) The maintenance of dual school systems in which students are assigned to schools solely on the basis of race, color, or national origin denies to those students the equal protection of the laws guaranteed by the Fourteenth Amendment;

(2) The abolition of dual school systems has been virtually completed and great progress has been made and is being made toward the elimination of the vestiges of those systems;

(3) For the purpose of abolishing dual school systems and eliminating the vestiges thereof, many local educational agencies have been required to reorganize their school systems, to reassign students, and to engage in the extensive transportation of students;

(4) The implementation of desegregation plans that require extensive student transportation has, in many cases, required local educational agencies to expend large amounts of funds, thereby depleting their financial resources available for the maintenance or improvement of the quality of educational facilities and instruction provided.

(5) excessive transportation of students creates serious risks to their health and safety, disrupts the educational process carried out with respect to such students, and impinges significantly on their educational opportunity;

(6) the risks and harms created by excessive transportation are particularly great for children enrolled in the first six grades; and

(7) the guidelines provided by the courts for fashioning remedies to dismantle dual school systems have been, as the Supreme Court of the United States has said, "incomplete and imperfect," and have failed to establish a clear, rational, and uniform standard for determining the extent to which a local educational agency is required to reassign and transport its students in order to eliminate the vestiges of a dual school system.

(b) For the foregoing reasons, it is necessary and proper that the Congress, pursuant to the powers granted to it by the Constitution of the United States, specify appropriate remedies for the elimination of the vestiges of dual school systems.

DECLARATION

SEC. 4. The Congress declares that this Act is the legislation contemplated by section 2(a)(4) of the "Student Transportation Moratorium Act of 1972."

TITLE I—ASSISTANCE

CONCENTRATION OF RESOURCES FOR COMPENSATORY EDUCATION

SEC. 101. (a) The Secretary of Health, Education and Welfare (hereinafter in this Act referred to as the "Secretary") and the Commissioner of Education shall,

(1) in the administration, consistent with the provisions thereof, of the program established by title I of the Elementary and Secondary Education Act of 1965, and

(2) in the administration of any program designed to assist local educational agencies in achieving desegregation or preventing, reducing, or eliminating isolation based on race, color, or national origin in the public schools,

take such action consistent with the provisions of this title, as the Secretary deems necessary to provide assistance under such programs (notwithstanding any provision of law which establishes a program described by clause (2) of this subsection) in such a manner as to concentrate, consistent with such criteria as the Secretary may prescribe by regulation, the funds available for carrying out such programs for the provision of basic instructional services and basic supportive services for educationally deprived students.

(b) A local educational agency shall be eligible for assistance during a fiscal year under any program described by clause (2) of subsection (a) of this section (nowithstanding any provision of law which establishes such program) if it

(1) is eligible for a basic grant for such fiscal year under Title I of the Elementary and Secondary Education Act of 1965,

(2) operates a school during such fiscal year in which a substantial proportion of the students enrolled are from low-income families, and

(3) provides assurances satisfactory to the Secretary that services provided during such fiscal year from State and local funds with respect to each of the schools described in clause (2) of this subsection of such agency will be at least comparable to the services provided from such funds with respect to the other schools of such agency.

(c) In carrying out this section, the Secretary and the Commissioner of Education shall seek to provide assistance in such a manner that

(1) the amount of funds available for the provision of basic instructional services and basic supportive services for educationally deprived students in the school districts of local educational agencies which receive assistance under any program described in clause (1) or (2) of subsection (a) of this section is adequate to meet the needs of such students for such services, and

(2) there will be adequate provision for meeting the needs for such services of students in such school districts who transfer from schools in which a higher proportion of the number of students enrolled are from low-income families to schools in which a lower proportion of the number of students enrolled are from such families,

except that nothing in this title shall authorize the provision of assistance in such a manner as to encourage or reward the transfer of a student from a school in which students of his race are in the minority to a school in which students of his race are in the majority or the transfer of a student which would increase the degree of racial impaction in the schools of any local education agency.

(d) The Secretary shall prescribe by regulation the proportions of students from low-income families to be used in the program established by this title and may prescribe a range of family incomes, taking into account family size, for the purpose of determining whether a family is a "low-income family."

EFFECT ON ENTITLEMENTS AND ALLOTMENT FORMULAS

SEC. 102. Nothing in this title shall be construed to authorize the Secretary or the Commissioner of Education to

(1) alter the amount of a grant which any local educational agency is eligible to receive for a fiscal year under title I of the Elementary and Secondary Education Act of 1965, or

(2) alter the basis on which funds appropriated for carrying out a program described by section 101 (a) (2) of this title would otherwise be allotted or apportioned among the States.

SEC. 103. Upon approval of a grant to a local educational agency to carry out the provisions of this title, the assurances required by the Secretary or the Commissioner of Education pursuant thereto shall constitute the terms of a contract between the United States and the local educational agency, which shall be specifically enforceable in an action brought by the United States.

TITLE II—UNLAWFUL PRACTICES

DENIAL OF EQUAL EDUCATIONAL OPPORTUNITY PROHIBITED

SEC. 201. No State shall deny equal educational opportunity to an individual on account of his race, color, or national origin, by:

(a) the deliberate segregation by an educational agency of students on the basis of race, color, or national origin among or within schools.

(b) the failure of an educational agency which has formerly practiced such deliberate segregation to take affirmative steps, consistent with title IV of this Act to remove the vestiges of a dual school system.

(c) the assignment by an educational agency of a student to a school, other than the one closest to his place of residence within the school district in which he resides, if the assignment results in a greater degree of segregation of students on the basis of race, color, or national origin among the schools of such agency than would result if such student were assigned to the school closest to his place of residence within the school district of such agency providing the appropriate grade level and type of education for such student.

(d) discrimination by an educational agency on the basis of race, color, or national origin in the employment, employment conditions, or assignment to schools of its faculty or staff.

(e) the transfer by an educational agency, whether voluntary or otherwise, of a student from one school to another if the purpose and effect of such transfer is to increase segregation of students on the basis of race, color, or national origin among the schools of such agency.

(f) the failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.

RACIAL BALANCE NOT REQUIRED

SEC. 202. The failure of an educational agency to attain a balance, on the basis of race, color, or national origin, of students among its schools shall not constitute a denial of equal educational opportunity, or equal protection of the laws.

ASSIGNMENT ON NEIGHBORHOOD BASIS NOT A DENIAL OF EQUAL EDUCATIONAL OPPORTUNITY

SEC. 203. Subject to the other provisions of this title, the assignment by an educational agency of a student to the school nearest his place of residence which provides the appropriate grade level and type of education for such student is not a denial of equal educational opportunity unless such assignment is for the purpose of segregating students on the basis of race, color, or national origin, or the school to which such student is assigned was located on its site for the purpose of segregating students on such basis.

TITLE VIII—ENFORCEMENT

CIVIL ACTIONS

SEC. 301. An individual denied an equal educational opportunity, as defined by this Act, may institute a civil action in an appropriate district court of the United States against such parties, and for such relief, as may be appropriate. The Attorney General of the United States (hereinafter in this Act referred to as the "Attorney General"), for or in the name of the United States, may also institute such a civil action on behalf of such an individual.

JURISDICTION OF DISTRICT COURTS

SEC. 302. The appropriate district court of the United States shall have and exercise jurisdiction of proceedings instituted under section 301.

INTERVENTION BY ATTORNEY GENERAL

SEC. 303. Whenever a civil action is instituted under section 301 by an individual, the Attorney General may intervene in such action upon timely application.

SUITS BY THE ATTORNEY GENERAL

SEC. 304. The Attorney General shall not institute a civil action under section 301 before he—

(a) gives to the appropriate educational agency notice of the condition or conditions which, in his judgment, constitute a violation of title II of this Act; and

(b) certifies to the appropriate district court of the United States that he is satisfied that such educational agency has not, within a reasonable time after such notice, undertaken appropriate remedial action.

ATTORNEY'S FEES

SEC. 305. In any civil action instituted under this Act, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorneys' fee as part of the costs, and the United States shall be liable for costs to the same extent as a private person.

TITLE IV—REMEDIES

FORMULATING REMEDIES APPLICABILITY

SEC. 401. In formulating a remedy for a denial of equal educational opportunity or a denial of the equal protection of the laws, a court, department, or agency of the United States shall seek or impose only such remedies as are essential to correct particular denials of equal educational opportunity or equal protection of the laws.

SEC. 402. In formulating a remedy for a denial of equal educational opportunity or a denial of the equal protection of the laws, which may involve directly or indirectly the transportation of students, a court, department or agency of the United States shall consider and make specific findings on the efficacy in correcting such denial of the following remedies and shall require implementation of the first of the remedies set out below, or on the first combination thereof, which may remedy such denial:

(a) assigning students to the schools closest to their places of residence which provide the appropriate grade level and type of education for such students, taking into account school capacities and natural physical barriers;

(b) assigning students to the schools closest to their places of residence which provide the appropriate grade level and type of education for such students, taking into account only school capacities;

(c) permitting students to transfer from a school in which a majority of the students are of their race, color, or national origin to a school in which a minority of the students are of their race, color, or national origin;

(d) the creation or revision of attendance zones or grade structures without exceeding the transportation limits set forth in section 403;

(e) the construction of new schools or the closing of inferior schools;

(f) the construction or establishment of magnet schools or educational parks; or

(g) the development and implementation of any other plan which is educationally sound and administratively feasible, subject to the provisions of sections 403 and 404 of this Act.

TRANSPORTATION OF STUDENTS

SEC. 403. (a) No court, department, or agency of the United States shall, pursuant to section 402, order the implementation of a plan that would require an increase for any school year in

(1) either the average daily distance to be traveled by, or the average daily time of travel for, all students in the sixth grade or below transported by an educational agency over the comparable averages for the preceding school year; or

(2) the average daily number of students in the sixth grade or below transported by an educational agency over the comparable average for the preceding school year, disregarding the transportation of any student which results from a change in such student's residence, his advancement to a higher level of education, or his attendance at a school operated by an educational agency for the first time.

(b) No court, department, or agency of the United States shall, pursuant to section 402, order the implementation of a plan which would require an increase for any school year in

(1) either the average daily distance to be traveled by, or the average daily time of travel for, all students in the seventh grade or above transported by an educational agency over the comparable averages for the preceding school year; or

(2) the average daily number of students in the seventh grade or above transported by an educational agency over the comparable average for the preceding school year, disregarding the transportation of any student which results from a change in such student's residence, his advancement to a higher level of education, or his attendance at a school operated by an educational agency for the first time,

unless it is demonstrated by clear and convincing evidence that no other method set out in section 402 will provide an adequate remedy for the denial of equal educational opportunity or equal protection of the laws that has been found by such court, department, or agency. The implementation of a plan calling for this subsection, shall be deemed a temporary measure. In any event such plan shall be subject to the limitation of section 407 of this Act and shall only be ordered in conjunction with the development of a long term plan involving one or more of the remedies set out in clauses (a) through (g) of section 402. If a United States district court orders implementation of a plan requiring an increase in transportation, as described in clause (1) or (2) of this subsection, the appropriate court of appeals shall, upon timely application by a defendant educational agency, grant a stay of such order until it has reviewed such order.

(c) No court, department, or agency of the United States shall require directly or indirectly the transportation of any student if such transportation poses a risk to the health of such student or constitutes a significant impingement on the educational process with respect to such student.

DISTRICT LINES

SEC. 404. In the formulation of remedies under section 401 or 402 of this Act, the lines drawn by a State, subdividing its territory into separate school districts, shall not be ignored or altered except where it is established that the lines were drawn for the purpose, and had the effect, of segregating children among public schools on the basis of race, color, or national origin.

VOLUNTARY ADOPTION OF REMEDIES

SEC. 405. Nothing in this Act prohibits an educational agency from proposing, adopting, requiring, or implementing any plan of desegregation, otherwise lawful, that is at variance with the standards set out in this title, nor shall any court, department, or agency of the United States be prohibited from approving implementation of a plan which goes beyond what can be required under this title, if such plan is voluntarily proposed by the appropriate educational agency.

REOPENING PROCEEDINGS

SEC. 406. On the application of an educational agency, court orders or desegregation plans under Title VI of the Civil Rights Act of 1964 in effect on the date of enactment of this Act and intended to end segregation of students on the basis of race, color, or national origin shall be reopened and modified to comply with the provisions of this Act.

TIME LIMITATION ON ORDERS

SEC. 407. Any court order requiring, directly or indirectly, the transportation of students for the purpose of remedying a denial of the equal protection of the laws shall, to the extent of such transportation, terminate after it has been in effect for five years if the defendant educational agency is found to have been in good faith compliance with such order for such period. No additional order requiring such educational agency to transport students for such purposes shall be entered unless such agency is found to have denied equal educational opportunity or the equal protection of the laws subsequent to such order, nor remain in effect for more than five years.

SEC. 408. Any court order requiring the desegregation of a school system shall terminate after it has been in effect for ten years if the defendant educational agency is found to have been in good faith compliance with such order for such period. No additional order shall be entered against such agency for such purpose unless such agency is found to have denied equal educational opportunity or the equal protection of the laws subsequent to such order, nor remain in effect for more than ten years.

SEC. 409. For the purposes of sections 407 and 408 of this Act, no period of time prior to the effective date of this Act, shall be included in determining the termination date of an order.

TITLE V—DEFINITIONS

SEC. 501. For the purposes of this Act—

(a) the term "educational agency" means a local educational agency or a "State educational agency" as defined by section 801(k) of the Elementary and Secondary Education Act of 1965.

(b) the term "local educational agency" means a local educational agency as defined by section 801(f) of the Elementary and Secondary Education Act of 1965.

(c) the term "segregation" means the operation of a school system in which students are wholly or substantially separated among the schools of an educational agency or within a school on the basis of race, color, or national origin.

(d) the term "desegregation" means "desegregation" as defined by section 401(b) of the Civil Rights Act of 1964.

(e) an educational agency shall be deemed to transport a student if any part of the cost of such student's transportation is paid by such agency.

(f) the term "basic instructional services" means instructional services in the field of mathematics or language skills which meet such standards as the Secretary may prescribe.

(g) the term "basic supportive services" means noninstructional services, including health or nutritional services, as prescribed by the Secretary.

(h) expenditures for basic instructional services or basic supportive services do not include expenditures for administration, operation and maintenance of plant, or for capital outlay, or such other expenditures as the Secretary may prescribe.

Mr. DOMINICK. Mr. President, in conjunction with my introduction of President Nixon's Equal Educational Opportunities Act of 1972, I wish to bring to the attention of my colleagues a most practical analysis of the problem of minority exclusion and injustice by Joseph Alsop in this morning's Washington Post.

Mr. Alsop quite validly traces upward mobility of previous minority groups to jobs—jobs acquired through improved education. The same avenue lies open to present excluded minorities through improved education gained, not through what Mr. Alsop identifies as the "phony cure" of busing, but through strong compensatory education. Mr. Alsop cites strong evidence that the concept is indeed the right approach toward achieving the future dignity of all races, creeds, and colors.

Mr. President, I ask unanimous consent that the text of Mr. Alsop's March 22 column be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BUSING—A PHONY CURE

(By Joseph Alsop)

One other point positively demands to be made about the busing controversy, which seems to be tearing a lot of people to bits. It concerns the escape of minority groups from exclusion and injustice—a process that has been far too little studied.

Our current plethora of guilt-ridden Americans talk as though exclusion and injustice for every minority were permanent American specialties. The contrary is actually true.

Japan, at present, has no less than five very harshly excluded minorities.

These are, the local children of black and white American soldiers, and three groups of pure Japanese blood whose origins are also lost in the mists of history, the Eta, the Fox people, and incredibly enough, "the unpersons."

In England, too, black citizens began to feel exclusion, prejudice and injustice just as soon as their numbers began to mount. In this country alone, in the whole modern world, have fair numbers of formerly excluded minority groups almost wholly escaped.

It has happened fairly recently. What are now called the "ethnic groups" suffered serious job discrimination, housing discrimination, and other forms of exclusion only four decades ago. Today, however, their situation is just the same as that of the once-dominant WASP.

Only 25 years ago, the Chinese and Japanese situation was worse, if anything, than that of our black minority today. The black minority never suffered anything like the Asian land laws of the West Coast states, which the Supreme Court only struck down in 1948. Today, however, the Chinese and Japanese situation is far superior, on average, to that of the poor old WASP.

It is perfectly clear, too, what produced the escapes from exclusion of these minorities. The secret can be put in one word: jobs.

All the formerly excluded minorities got better and better jobs, some by degrees, while the Chinese and Japanese got better jobs with an astonishing rush, despite their supposedly fatal different skin color.

In case of the black minority in America, a much more terrible past history and very heavy and continuing economic handicaps, both make the escape from exclusion and injustice a lot more difficult. But experience has still shown that escape will surely result, if the model of the previous escapes can only be followed. The secret again is jobs.

That hooks the matter directly onto the busing row because the gateway to decent jobs is decent education. No power on earth can terminate the exclusion and injustice suffered by black Americans, so long as an actual majority of black school-leavers are not given the simple educational tools to get and hold decent jobs. That is where we are today.

If school desegregation by busing would provide the needed educational tools, we ought to bus on a huge scale. The school data plainly show, however, that this is not true. Mere desegregation does little or nothing to overcome the terrible educational retardation that afflicts the average black child in school. Hence busing is a phony cure.

That leaves one other cure, but this cure is now widely considered worthless. It was said, for instance, that "there is not a shred of evidence that a compensatory education program . . . will improve the 'education' now being dispensed" by ghetto schools. The author of those words writes for a great New York newspaper. Maybe he ought to bustle up to New York and raise a major row because he has been grossly misinformed.

The success was never reported in New York, for reasons of fashion, presumably, that leave one a bit bewildered. But there is far more than "a shred of evidence," generated right in New York City. It comes from the unique serious experiment in ghetto school improvement ever attempted in this country, this was called the More Effective Schools.

At the end of the 1966–67 school year, for example, the eighteen full-ghetto schools in the MES program underwent the usual reading tests. The end-third graders had every handicap other black children have. But in those tests they achieved a reading average bang on the nose of the national average.

It does not sound like much. But it was far, far more than has ever been achieved by simple school desegregation. It also meant that up through third grade, at least, there was no black education retardation. For want of local support, nonetheless, the MES experiment has been all but dismantled since 1967. Yet the real criticism of the President's new school message is still the flabbiness of the Nixon approach to ghetto school improvement.

By Mr. HARRIS:

S. 3398. A bill providing for the election of the tribal council of the Osage Nation of Indians. Referred to the Committee on Interior and Insular Affairs.

Mr. HARRIS. Mr. President, I send to the desk for appropriate reference a bill to provide for the election of the tribal council of the Osage Nation of Indians.

At a time when we profess to believe in tribal self-determination, the people of the Osage Nation are being frustrated in their efforts to gain control over their own lives, on issues which no longer only concern the disposition of oil, gas, and mineral estates in trust. The Osages rightfully expect to have a say in the vital decisions concerning the health, welfare, and education of their people. Yet, under present statutes, the existing powers of the Osage Tribal Council are limited to actions taken within the purview of the mineral trust estate. Perhaps the best explanation of this problem can be found in the official Bureau of Indian Affairs evaluation report for the Osage Agency, dated January 1971:

> The present tribal council for the Osage Tribe was established by a 1906 Statute which provides for the election of a tribal council by headright share holders. There are many questions today as to the validity of the original roll which was created under the 1960 Statute. As it presently stands, it would be futile to challenge the roll. Aside from the questions which were raised as to the original roll, part of the dividedness which exists among the tribal members is the allegation that the present tribal council is not in fact truly representative of the Osage Tribe. In some respects these allegations may have merit. The 1906 Statute franchised the original headright holders but the present devolution of headright shares has caused the vote to become fractionalized, and further *the headright voting system has created the condition where a proportion of Osage Indians who may be of one-quarter blood or more, but who do not own a headright interest, cannot therefore vote for the tribal council.*
>
> The present tribal council procedurally elected under the method delineated by the 1906 Statute is actively seeking to expand its functions in areas other than the mineral trust interest. These areas are education, housing, employment, and economic development. However, under the Statute the tribal council's powers are limited to actions

> taken within the purview of the mineral trust estate.
>
> The tribal council now finds itself in a legal quandry [sic] since their powers under the Statute are limited to the mineral trust estate but the needs of the Osage Tribe certainly extend beyond the mere management of that estate. The tribal council has recognized the shortcoming, but has not as yet accepted the limitation of the Statute and the lack of a formal constitution and bylaws. It finds itself in a legal dilemma since the tribal council enjoys the majority support of the headright holders [Osage Census roll in June 1970 numbered total of 8,200; in December 1970, 3,120 living persons with headrights, of whom 2,173 were eligible to vote for tribal council if over 21; 42% of headright owners live outside Oklahoma; one-third of all headright owners are non-Osage, since an Osage deemed "competent" to sell his headright may do so to non-Indians] while at the same time it may not necessarily enjoy the majority of the non-headright holders who are Osage Indians.
>
> The Evaluation Team did discuss the situation with the tribal council and it is our present recommendation that the Commissioner consider presenting to the council various alternative methods to provide equal representation among all the Osage Indians, headright as well as non-headright holders. For instance, this could be accomplished by diverting the mineral trust estate from the general functions normally embodied in a tribal council by separating the mineral estate through a corporate trust structure and by establishing a tribal government governed by a constitution and bylaws. Another method could be to provide for an expansion of the tribal council and to allow the new members to be elected by the entire community while at the same time preserving the integrity of the mineral estate by the continuation of the present tribal council operation. These are not exclusive recommendations and they should be considered merely for discussion purposes. The underlying purpose of this recommendation is for the Commissioner to consider various alternatives which could be presented to the present governing body whereby representation of this [sic] unfranchised Osage Indians could obtain representation on a tribal governing body. [pp. 20–22] [emphasis added].

The recommendations contained in this report have yet to be put into action by the Commissioner of Indian Affairs. Therefore, in order to stimulate discussion within the Senate Committee on Interior and Insular Affairs on this issue, I am introducing a bill to amend the Osage Allotment Act of 1906 (34 Stat. 539, as amended) to provide for a new elected Tribal Council. This legislation, which was introduced in the House by Representative Abzug, would also create an Osage Minerals Board as a separate entity. A principal chief would preside over both the Council and the Board, and the present members of the Tribal Council would become the initial members of the Osage Minerals Board. The creation of a separate Tribal Council and Minerals Board basically implements the recommendations contained in the evaluation report. Furthermore, this bill would provide greater participation of all Osages of one-fourth degree Osage blood or more in the election of the Tribal Council. This would do much to end the situation whereby non-Indians control internal tribal goverance.

Mr. President, I am delighted to see that the Senate Committee on Interior and Insular Affairs has scheduled hearings on the Osage claims distribution legislation on March 28. I certainly hope that at the same time the committee will consider this closely related bill that I have introduced today.

Mr. President, I ask unanimous consent that the full evaluation report for the Osage Agency be printed in the Record, along with a copy of my bill.

There being no objection, the bill and report were ordered to be printed in the Record, as follows:

S. 3398

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 9 of the Act of Congress approved June 28, 1906 (34 Stat. 539) as amended by Section 7 of the Act of Congress approved March 2, 1929 (45 Stat. 1478) and further amended by the Act of Congress approved August 28, 1957 (71 Stat. 471) be, and the same is hereby, amended to read as follows:

(A) That the tribal government of the Osage Tribe of Indians, shall consist of one tribal council having the following officers: A principal chief, an assistant principal chief and eight members of the tribal council; said officers to be elected in a general election to be held in the city of Pawhuska, Oklahoma, on the first Monday in June, 1972, and on the first Monday in June each four years thereafter and said officers shall be elected for a period of four years commencing on the first day of July following said elections; that the Osage Tribal Council shall have or exercise all delegated or residual powers of tribal government excepting only management of the oil, gas, coal and other minerals underlying the area formerly known as the Osage Indian Reservation.

(B) The persons now holding office as councilmen of the present Osage Tribal Council shall, upon the election of officers to the tribal council in accordance with "A" above shall be thereafter members of the Osage Minerals Board and said board shall thereafter have all powers of management of the oil, gas, coal and other minerals that have prior to the date of passage of this act, been vested in the Osage Tribal Council by law.

(C) That person elected to the office of Principal Chief in the election provided for in "A" above shall be the presiding officer of the Osage Tribal Council and the Osage Minerals Board and in the absence of the Principal Chief the Assistant Principal Chief shall serve as presiding officer; the presiding officer shall vote only in case of a tie vote of the council or board.

(D) The person elected to the office of Assistant Principal Chief in the election provided for in "A" above shall have no vote in the proceedings of the Tribal Council or the Minerals Board unless he is presiding by reason of the absence of the principal chief; in the event that the office of Principal Chief becomes vacant, the person serving as Assistant Principal Chief shall assume the office of Principal Chief.

(E) No person may serve as Principal Chief or Assistant Principal Chief who is not an adult full-blood member of the Osage Tribe; no person may serve as a member of the Osage Tribal Council who is not an adult member of the Osage Tribe and possesses one-fourth degree or more of Osage Indian blood; and no person may serve as a member of the Osage Mineral Board who is not an allottee or a descendant of an allottee enrolled pursuant to the act of June 28, 1906 (34 Stat. 539) and who owns not less than one full Osage headright or mineral share.

(F) Voting for officers of the Osage Tribal Council shall be held at the Osage Agency and qualifications of voters shall be the same as qualifications for the office of tribal councilman; each person shall have one vote and voting shall be conducted by regulations established by the Commissioner of Indian Affairs; Provided, that the use of absentee ballots are prohibited for elections of tribal officers.

(G) Only adult persons who are allottees or descendants of allottees enrolled pursuant to the act of June 28, 1906 (34 Stat. 539) and whose names appear on the quarterly annuity roll at the Osage Agency may vote for members of the Osage Minerals Board; voting shall be conducted by regulations established by the Commissioner of Indian Affairs; Provided, that each ballot shall have exactly the same value as the voter's headright interest shown on the last quarterly annuity roll.

(H) Filling of vacancies in the office of Assistant Principal Chief, in the tribal council and in the mineral board shall be provided for by regulations by the Commissioner of Indian Affairs.

(I) The Commissioner of Indian Affairs is hereby authorized to remove from any office in the tribal council or minerals board any person for good cause, to be by him determined, after the party involved has had due notice and opportunity to appear and defend himself.

(J) The powers and duties of the Osage Minerals Board shall continue in full force and effect to January 1, 1984 and thereafter until otherwise provided by Congress.

(K) That nothing herein shall be construed as in any way changing the rights of the Osage Tribe in oil, gas, coal, and other minerals as fixed in the act of June 28, 1906 as amended be construed to change or amend any valid mineral lease entered into prior to 1 July 1968.

EVALUATION REPORT: OSAGE AGENCY, JANUARY 11–15, 1971

INTRODUCTION

The Osage Agency evaluation was conducted on the premise that the Agency is to be service-oriented to the needs of the Indian people while it performs the trust duties of the United States, which are substantial at Osage. Within this premise, the evaluation aimed at determining the degree and extent of implementation of the Commissioner's policies and programs. These included tribal involvement in preparation of the 1973 Program Memorandum, tribal opportunity for contracting for services, and the general relationship of the Agency to the tribe, and the tribe with the surrounding community. In addition, the manner in which the Indian Business Development Fund is being utilized.

The Osage Agency serves Indians in Osage County, corresponding to the original reservation area. The minerals of the entire county are held in trust for the tribe. Trust status also applies to the surface rights of 230,000 acres in the county, nearly all of which belongs to individuals.

The population of the county includes 2,565 Indians according to the 1970 Census. About half of these are Osages. The Osage tribal roll includes about 8,200 members.

The Bureau of Indian Affairs maintains a permanent staff of 38 persons. Their grades and Indian descent are shown in the section on findings. The tribe pays for 10 of the BIA employees who are concerned with minerals; in addition the tribe at the present time pays for 4 members of the Interior Department Solicitor's Office who are stationed at Osage.

PROCEDURE

The team consisted of:

BIA Central Office

Arthur J. Gajarsa, Chairman (Assistant to the Commissioner).

Raymond Butler (Social Services).

Donald Maynard (Real Property Management).

Louis Conger (Statistics).

Department of Interior Central Office

Linda K. Bemis (Program Analyst, Bureau of Land Management).

Osage Tribal Council

John Shaw (Councilman).

Other Osage

Joseph Shunkamolah, Jr. (served on January 14).

The schedule follows:

Monday, January 11, 1971

Day—Meeting with Sylvester Tinker, Tribal Chief, and John Pappan, Agency Superintendent.

Evening—Meeting with Osages for Action at Hominy. John Shaw did not attend. Commissioner Bruce had met with this group in the morning, but not as a part of the evaluation effort.

Tuesday, January 12, 1971

Day—Meeting with BIA branch chiefs and chief of tribe in tribal council chamber.

Evening—Meeting of BIA team members with Agency Superintendent.

Wednesday, January 13, 1971

Morning—Interviews with individual Indians and community representatives in Osage Museum.

Afternoon—Part of team met with Osage Nation Organization; rest of team continued interviews with public.

Thursday, January 14, 1971

Day—Part of team attended a special meeting of the full council in the afternoon. The rest interviewed individual BIA employees and continued the public interviews throughout the day.

Friday, January 15, 1971

Morning—Wrap up with Agency Superintendent.

FINDINGS

A. Past economic situation

Until recently, everything at Osage revolved around the wealth of the mineral trust.

1. Those Osages with one or more headrights were wealthy and had a continuous quarterly income. Osages could afford higher education, and many did so.

2. The BIA program was funded by the tribe, and confined itself largely to mineral and land rights. Indians without headrights or trust land were not served. The tribe also funded a field office of the Solicitor at Osage, and does so today, but has requested Government funding.

3. There is a corpus of Federal legislation applying only to Osages. For example, 25 CFR part 73 specifies the tribal council and limits voting to Indian headright owners. Other parts of 25 CFR applying to Osages are 17 (wills), 74 (government of Osage villages), 108 (IIM accounts and budgets), 123 (tribal roll and competency), 127 (lands), 175 (mineral), and 183 (oil and gas). Osages are excluded from the IRA and Oklahoma Welfare Acts.

4. An outsize population of lawyers grew up in Pawhuska, depending on Indian probates, guardianship actions, and other actions concerned with trust property, and competency status. In 1953, the BIA published a 192-page report "The Osage People and Their Trust Property" describing the situation and detailing abuses.

B. Current economic situation

In recent years income from the mineral trust has declined, and now stands at $2,800 a year, about one-half the 1960 figure. This situation is bringing about changes and particular stresses.

1. Older Osages accustomed to living on headrights income can no longer do so. Many who never worked face a difficult adjustment late in life. Jobs are not always open to Osages because the community still thinks of Osages as wealthy. Heirship fractionalization further reduces the amount received by individuals with only part of a headright.

2. Headright owners have a keen interest in raising oil and gas revenues. This tends to put the tribal council in the predicament to produce more income. When there may be little they can do about it. Whatever the prospect may be for secondary and tertiary recovery methods, and this is a major technical study in itself, there will be disagreements about the proper course of action. As an example, debate still goes on about a referendum taken years ago concerning reduced royalties for the waterflooding method of secondary oil recovery.

3. Other ways to increase tribal income are being pursued by the council:

(a) Reaffirming established water rights, charging for their use, and recovering just compensation for past and future condemnation actions. The tribe sees a Federal conflict of interest between the BIA and the Corps of Engineers in this field.

(b) Getting the BIA and the Department to take over the $250,000 in Agency and Solicitor expenses still funded by the tribe (until 1968 the tribe paid all costs; now BIA pays about half the Agency cost).

(c) Legislation, which was introduced but lapsed with the 91st Congress, covered a number of issues. It included transfer of probate from State to Federal jurisdiction, so as to reduce legal fees and provide better protection to Osage property. (The Bar Association of Osage County, on the other hand, feels that the present fee schedule set by the Secretary for certain actions is too low).

(d) Eliminating certain kinds of taxation on trust income, by legislation, litigation, or regulation.

4. *Agricultural leases*. The Superintendent and the BIA Appraiser (Couch) were frequently praised by Indians for substantially raising grazing lease rates on trust property, over the opposition of the cattlemen's association. The BIA appraisal policy is to include non-Indian land values as the comparable sales or lease standard; apparently a considerable change from previous practice. Most Indians lease out their surface rights; there are 88 restricted Indian operators but only five are of economic size. About 16 percent of Osage County surface is in trust status.

A troublesome case mentioned by various Indian people concerned a white rancher (Morrison) with a 1/27th interest in a parcel adjoining other land he holds, who run cattle on the whole parcel and brought suit against the principal owners when they sought to fence their land. The owners are receiving no lease money while the case is in court.

5. A tribal judgment of $13,000,000 has been appropriated by Congress. There are, of course, basic differences of opinion among the Osages on who should share and how the money should be programmed. Legislation is now being prepared for Congressional action.

6. The present council is moving into areas beyond the mineral trust by organizing committees for education, employment and industrial development, health and community services, and housing. A tribal housing authority is being established. The tribe has for some time been involved with OEO. especially in the NYC program. This expansion of the scope of council activity is resisted by the ONO group, which views the council as liimted to dealing with the mineral estate.

7. In the last few years, the Agency has extended its services beyond the mineral and trust land functions. Such programs as social services, employment assistance, and scholarships have been added, as well as the Indian Business Development Fund. These services are also available to non-Osage Indians living in Osage County. There were complaints about the one-quarter Indian blood requirement in some of these programs, especially scholarships.

8. *Trust status of the mineral estate*. The Act of October 6, 1966, states that minerals are reserved to the Osage Tribe until April 8, 1983, and thereafter until otherwise provided by Act of Congress, Osage opinion was virtually unanimous that the trust status must be continued beyond 1983 to permit secondary and tertiary recovery of oil and gas remaining in the ground (estimated presently to equal one-half the original total). Related to this is the fear that Osages who have competency forced on them are not yet ready to protect themselves and their property.

9. *Credit*. Osages do not participate in the Revolving Loan Fund, by statute. Need for Indian credit was mentioned, but not as a major problem. Local banks apparently are restrictive in loans, but this may be a general local policy not confined to Osages. Tulsa banks are stated to be more cooperative.

10. *Housing*. The Council is setting up an Indian Housing Authority. Three tracts of land for Osage Indian villages were established by 25 CFR part 74—Pawhuska, Hominy, and Grayhorse (at Fairfax). Members of the Pawhuska village community council mentioned needs for roads and utilities (the water pipes are old and tend to break). The county has started putting in streets, curbs, gutters, and signs. Housing did not surface as a major issue in the interviews.

C. Osage Tribe

1. Of 8,200 on the Osage Census roll in June 1970, 4 percent were fullbloods and 70 percent were less than one-quarter Indian blood. Apparently a number of mixedbloods were carried on the original 1906 roll, in addition to much intermarriage since. So far as can be determined from the addresses on the census roll, admittedly incomplete, 30 percent live in Osage County, 30 percent in other parts of Oklahoma, and 40 percent live outside Oklahoma.

2. In December 1970 there were 3,120 living persons with headrights (i.e., owners of the mineral estate) plus 122 estates of deceased persons not yet distributed to heirs. Owners of headrights may be original allottees from the 1906 roll, their heirs, and purchasers of headrights from competent Indians. Of these, 2,178 were Osages and thus eligible to vote for the tribal council if over age 21, The geographic distribution of headright owners resembles that for the Osage census, but the date are much more accurate. There are 31 percent in Osage County, 27 percent in other parts of Oklahoma, and 42 percent outside the state.

Since headrights usually pass by inheritance, elder persons predominate—25 percent are 61 or older, and 68 percent are 41 or older. Headright owners tend to feel, though not unanimously, that exclusion of younger members of the family from the headright was not a major problem because parents could and did share the income. The Osages interviewed supported voting rights for younger Osages more than income rights.

3. In June 1970 the tribal council was elected by headright owners as prescribed by statute, to serve from July 1970 to June 1974.

4. Dissension in the tribe centers in two relatively small groups. The basic issues are the powers of the council beyond the mineral estate, eligibility for voting and holding office and the resulting effect on the representativeness of the council and judgment fund distribution. The two groups are:

(a) *Osage Nation Organization* (ONO). Their leaders include Charles Lohah (whom the deam did not see), LeRoy Logan, Raymond Lasley, and Hazel Harper. Their basic principle is control by persons of one-quarter or more Osage blood, regardless of headright interest. They view the present council as essentially a business committee representing only mineral affairs. All other Osage affairs should be under a different council elected by Osages. Similarly, the judgment distribution should be to descendants of one-quarter Osage blood or more, rather than being based on headrights and the 1906 roll which they feel included many persons of little or no Osage blood. ONO has an Oklahoma charter, a constitution, and by-laws, which were provided to the evaluation team. They have developed a program plan, copies of which have been given to Commissioner Bruce, and before him to Commissioner Bennett. They claim 800 members, but others dispute this. The Osage census lists about 2,500 persons with one-quarter or more Osage blood out of a total of 8,200. Although many of the ONO group have headrights, their general support must lie outside judging from the 1970 election in which Logan and Lasley ran last in a field of 14 candidates for councilman, receiving votes equal to 250 headrights. Such a vote from headright owners is not surprising considering that many of them have less than one-quarter Osage blood.

(b) *Osages for Action Organization* (OAO). Joe Shunkamolah is leader of this active but apparently small group. It is centered at Hominy. They feel the Council and the Agency are mismanaging tribal funds and are not furnishing information on the transactions. Accordingly, they want the tribal council suspended or removed, the Superintendent rotated, and a GAO audit of the Agency, particularly trust money. While they favor an Osage blood quantum requirement, the ONO group refuses to be associated with OAO. The OAO program was not made clear to the evaluation team, except for removal of incumbent officials and judgment distribution.

In response to OAO charges, the team determined that GAO conducts an audit of the Agency every two years, the latest in June 1970 with no adverse findings. Another issue, concerning the investment of mineral royalties while waiting for the quarterly distribution, is controlled by Federal regulations for trust money and is under BIA rather than the Council. The reasonableness of expenditures by the Council for its own activities is a matter of judgment, but less than one percent of the mineral receipts for this purpose does not seem excessive to the evaluation team.

The charge of inadequate information about Council business has substance and may partly explain other charges, or the acceptance of such charges by the Osages, as based on lack of information. The Council has no constitution or by-laws. Its sessions are recorded on tape, but this not transcribed, and the only minutes are summaries prepared by the Superintendent's secretary, an Osage who sits as secretary to the tribal council in open meetings. Closed meetings are held on occasion, but the bulk of the meetings are open. Tribal financial accounts are kept by the BIA, and an annual report is made to headright owners, but it appears that the monthly tribal account reports are made available only to headright owners on request.

In interviews the team held with individual Osages, a predominant attitude was that OAO was a small group that did not represent any considerable group of Osages, that it had publicity beyond its importance (partly as the result of the Commissioner's meeting), and was critical, but not constructive. Even some Indians who attended the Hominy meetings made such comments in private. Associated with this was frequently the comment—the Council was elected; now let them do their work and quit harassing them. On the other hand, in the June 1970 election, Joe Shunkamolah, who was one of two candidates for Assistant Principal Chief, received 40 percent of the headright vote for that office.

D. Other Indians in Osage County

It is estimated that about one-half the Indians in Osage County are not Osage. Many come from other Oklahoma tribes. It is safe to say that until the last few years these Indians, along with Osages who had no headright or trust land, received almost no services from the Agency.

Now the Agency has other programs, such as employment assistance, social services, and scholarships, that are available to Indians regardless of tribal or trust status (although there may be an Indian blood quantum requirement).

The staff members concerned with these programs make a point of serving all eligible Indians; however, the fact that they are eligible may be unknown to many Indians because of the long history of the Agency in serving only Osages with trust interests.

E. BIA agency

1. *Rotation*. Most Osages interviewed objected in principle to rotation every two years because it takes longer for a Superintendent to learn the situations so he can make a contribution. Support for the present Superintendent (Pappan) was extensive. Typical remarks, heard over and over again, were: "He is the best superintendent we have had in years. He understands Indians and really tries to help." The Agency staff also got good marks in general.

OAO definitely wants the present Superintendent rotated, and ONO is agreeable to rotation.

2. *Takeover*. The tribal council is not interested in takeover; quite the reverse. They want the BIA to take over funding of the remaining programs which the tribe is supporting, and feel that any takeover proposal by the tribe might jeopardize this goal. Very few interviews commented on tribal takeover.

3. *Tribal involvement with 1973 Program Memorandum*. The council was satisfied with their involvement. At a council meeting, the Superintendent and Agency branch heads explained their programs and proposals. Meetings were also held with individual council members concerned with a particular program area. The Agency and the council maintain close cooperation in the operating program.

4. *Indian Business Development Fund*. There were 7 applications received. Of these, 5 were funded at the Agency for a total of $14,100 as follows:

$4,800 Bates Shaw for leasing and managing tribal golf course.

$3,000 Raymond Redcorn for a food processing facility.

$2,500 Aaron Bighorse for a gas station lease and inventory.

$2,000 George-Ann Robinson to expand Indian craft shop.

$1,800 Lillie Page McGuire to expand beauty shop.

One project received from Osage Indians was outside the Agency jurisdiction and was funded from the Central Office. The amount was $13,800 for a haberdashery shop in Albuquerque.

One project was disapproved because outside financing failed. It concerned a gas station, but the gas company rejected the lease because the applicant wanted to have his son run it for him.

Additional inquiries have been received, and the Superintendent felt that eligible projects would be available in 1972, even through $4,000 of the 1971 money was returned to the Central Office.

5. *Employment of Indians in Osage Agency*. Of the 38 permanent BIA employees, 25 (66%) are Indians. Fifteen are Osage and 10 are from other Oklahoma tribes.

The distribution by grade is:

	Indian	Non-Indian
Grade:		
14	1	
13		1
12	1	5
11	3	4
9	1	
8	1	
7	2	
6	1	
5	6	2
4	5	
3	3	
Wage Board	1	1
Total	25	13

6. *Questionnaire for BIA employees*. Each permanent classified BIA employee was asked to complete a confidential questionnaire and return it to the team in a sealed envelope. The envelopes were opened in Washington and the answers were tallied. Highlights of the returns follow:

There were 32 respondents (91% of the 35 eligible, not counting the Superintendent):

Median age, 47 years.

Average service in BIA, 15 years.

Average Federal service, 16½ years.

Do you plan to continue working for BIA? 94% yes.

Do you like working for BIA? 78% yes; 22% so-so; 0% no.

How would you rate employee morale at the Agency? 34% good; 52% indifferent; 14% poor.

Do you think your fellow workers are satisfied with the opportunity for promotion in the Bureau? 34% more yes; 63% more no; 3% no answer.

Formal training in last 12 months? 38% yes.

Could you do better job with more training? 94% yes.

Are you satisfied with training opportunities offered by and through the Bureau?, 47% more yes; 53% more no.

Does job description show what work you do? 100% all or most.

Is person who tells you what to do most of the time shown as your supervisor in your job description? 97% yes.

Are you ever idle because you have no work to do? 73% seldom or never.

7. *HM Accounts*. For many restricted Osages, contact with the Agency centers on their HM accounts, consisting mainly of head right payments and agricultural lease rentals. There are special statutes for Osages, including Agency approval of individual expenditures above a certain basic allowance, and budgets where the Agency considers it necessary. A system of advance commitment of quarterly headright payments exists, whereby banks and merchants advance credit to Indians with Agency approval (purchase order) against the next headright payment, which the Agency in due course pays directly to the merchant. Some Indians regularly commit 80 percent (the maximum) of their headright in advance and are wired into a cycle that is hard to break. The banks and merchants are charging regular interest rates against what are really secured loans.

On its face the system smacks of undue paternalism. However, in the interviews only a few complaints were made—for example, that some Indians were afraid to come to the Agency to ask about their accounts (although less so than formerly), that information about one's account was not provided (a ledger on each account is sent out each January but had not gone out when we were there), and that one person was treated like a baby.

On the other hand, inability of some Osages to manage their funds was frequently mentioned, and alcoholism is a significant problem among Osages which may be restrained by HM controls.

8. *Time Sheets*. On three different occa-

sions Indians complained about some BIA staff members keeping their own time sheets. These were not specified, except for one in the Administrative Services branch. Another complaint concerned moonlighting by a BIA employee who had an accounting business downtown (we were informed later that written permission had been given and the time was being watched).

F. *Other agencies*

1. *Health*. Indian Health Service provides biweekly clinics at the Agency, there are community health representatives, and hospital services at Pawnee. Diabetes, alcoholism, and mental health are reported as problems. There is a difference of opinion between the tribe and IHS on who should fill a vacant doctor slot at Pawnee.

2. *OEO*. The Osage Tribe is sponsor of the NYC program, which serves Indians and non-Indians in a number of counties. The program was one of the first in the country and is regarded as a model. The tribe is pleased with other OEO services.

3. *Other agencies*. Relations appear to be generally good with county welfare, police, and public schools. On the other hand, there was a tendency to see the following as non-cooperative with Indians: local banks, courts and lawyers, and cattlemen.

RECOMMENDATIONS

1. The BIA is currently defining its trust responsibility. We recommend that when this is completed, the BIA should plan to take over funding of Agency activities now funded by the tribe which fall within the scope of the trust responsibility as defined.

2. We recommend that the BIA expedite the review and adoption of the new oil and gas regulations for Osage.

3. We recommend assistance to the tribal council in establishing Osage water rights.

4. The present tribal council for the Osage Tribe was established by a 1906 Statute which provides for the election of a tribal council by headright share holders. There are many questions today as to the validity of the original roll which was created under the 1906 Statute. As it presently stands, it would be futile to challenge the roll. Aside from the questions which were raised as to the original roll, part of the dividedness which exists among the tribal members is the allegation that the present tribal council is not in fact truly representative of the Osage Tribe. In some respects these allegations may have merit. The 1906 Statute franchized the original headright holders but the present devolution of headright shares has caused the vote to become fractionalized, and further the headright voting system has created the condition where a proportion of Osage Indians who may be of one-quarter blood or more, but who do not own a headright interest, cannot therefore vote for the tribal council.

The present tribal council procedurally elected under the method delineated by the 1906 Statute is actively seeking to expand its functions in areas other than the mineral trust interest. These areas are education, housing, employment, and economic development. However, under the Statute the tribal council's powers are limited to actions taken within the purview of the mineral trust estate.

The tribal council now finds itself in a legal quandry since their powers under the Statute are limited to the mineral trust estate but the needs of the Osage Tribe certainly extend beyond the mere management of that estate. The tribal council has recognized the shortcoming, but has not as yet accepted the limitation of the Statute and the lack of a formal constitution and by-laws. It finds itself in a legal dilemma since the tribal council enjoys the majority support of the headright holders while at the same time it may not necessary enjoy the majority of the non-headright holders who are Osage Indians.

The Evaluation Team did discuss this situation with the tribal council and it is our present recommendation that the Commissioner consider presenting to the council various alternative methods to provide equal representation among all the Osage Indians, headright as well as non-headright holders. For instance, this could be accomplished by diverting the mineral trust estate from the general functions normally embodied in a tribal council by separating the mineral estate through a corporate trust structure and by establishing a tribal government governed by a constitution and by-laws. Another method could be to provide for an expansion of the tribal council and to allow the new members to be elected by the entire community while at the same time preserving the integrity of the mineral estate by the continuation of the present tribal council operation. These are not exclusive recommendations and they should be considered merely for discussion purposes. The underlying purpose of this recommendation is for the Commissioner to consider various alternatives which could be presented to the present governing body whereby representation of this unfranchised Osage Indians could obtain representation on a tribal governing body.

5. The Agency has only recently begun to offer programs in the community services sector, and these may not yet be effectively reading eligible non-Osage Indians living in the county. Although the BIA role is largely coordination, advice, and referral in such fields as social services, education, and housing, we judge that additional services are needed. We recommend that BIA strengthen its support in these fields. The eligibility of all Indians in Osage County needs to be emphasized, as there appears to be misunderstanding on this point despite the efforts of BIA staff concerned.

6. Present legislation bars Indians in Osage County from BIA credit services available to Indians in other parts of Oklahoma. We recommend legislation and other necessary action to extend credit services to Indians in Osage County on the same basis as to other Indians in Oklahoma. If legislation cannot be filed forthwith, the BIA should assist the tribe in obtaining and/or establishing other credit sources, such as credit unions.

7. In accordance with Indian wishes and need, we recommend that BIA support legislation to improve the protection of Osage Indian interests during probate and similar actions.

8. Considerable misunderstanding of the handling of trust money was evident. We recommend Agency efforts to improve communication with the Indians on these matters, including (a) explanation of the procedure and regulations for handling trust receipts pending the quarterly distribution, the interest received, etc., (b) quarterly reports on the amounts of mineral receipts and disbursements by object to be printed and available to the public, and (c) distribution of IIM ledgers more than once a year, to be accompanied by an explanation of the procedures employed and the meaning of entries on the sheet.

9. The council apparently operates without official minutes or formalized by-laws of procedures. Because of the importance of its actions, we suggest that the council consider formalizing its operating procedures, establish official minutes, and make them available to the public upon request.

10. In view of the many discrepancies with regard to the handling of the Osage estates and other legal affairs by the private attorneys of Pawhuska, it is recommended that the Bureau, in cooperation with the Office of Hearings and Appeals of the Department of the Interior, review the procedures for descent and distribution of Osage Indian trust or restricted estates and determine what steps need to be taken to more fully protect the members of the Osage Tribe from the possibility of unscrupulous actions.

11. Recommend further evaluation of the petroleum engineer position with respect to the incumbent's effectiveness in his relationships with the tribe.

12. Recommend the Agency examine current procedures for keeping time records and institute needed changes, if any are called for.

13. The tribal council and a large proportion of the individual members of the tribe indicated that they would prefer to keep the present Superintendent in his post so that the overall Bureau program can be expanded and developed. One concern seems to be that the Superintendent should remain in his position with the Osage Agency until the Judgment legislation has been enacted. It is the recommendation of the evaluation committee that the tribal council be consulted and that its wishes be taken into account.

By Mr. MAGNUSON (by request):

S. 3399. A bill to amend the provisions of title 14, United States Code, relating to the flag officer structure of the Coast Guard, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, at the request of the Department of Transportation, I introduce a bill relating to the flag officer structure of the Coast Guard.

I ask unanimous consent that a copy of the bill together with a letter of transmittal from the Secretary of Transportation be printed at this point in the RECORD.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 3399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 14, United States Code, is amended as follows:

(1) The first sentence of section 41 is amended by striking out "a vice admiral" and inserting in lieu thereof "vice admirals".

(2) The first sentence of subsection (e) of section 42 is amended by inserting the words "or excluded under the provisions of section 9(d)(1) of the Department of Transportation Act" between the words "basis" and "shall".

(3) The second sentence of section 44 is amended by striking out the words "in the grade of captain or above" and inserting in lieu thereof the words "above the grade of captain".

(4) Section 47 is amended by striking out the word "Assistant" wherever it appears preceding the word "Commandant" and inserting in lieu thereof the word "Vice"; by striking out the words "in the grade of captain or above" in the second sentence of subsection (a) and inserting in lieu thereof the words "above the grade of captain"; and by striking out the word "An" in subsection (b) and inserting in lieu thereof the word "A".

(5) By adding the following new sections at the end of Chapter 3:

"§ 50. Area Commanders.

"(a) The President may appoint, by and with the advice and consent of the Senate, a Commander, Atlantic Area, and a Commander, Pacific Area, each of whom shall be an intermediate commander between the Commandant and the district commanders in his respective area and shall perform such duties as the Commandant may prescribe. The area commanders shall be appointed from officers on the active duty promotion list serving above the grade of captain. The Commandant shall make recommendations for such appointments.

"(b) An Area Commander shall, while so serving, have the grade of vice admiral with pay and allowances of that grade. The appointment of an area commander is effective on the date the officer assumes that duty, and terminates on the date he is detached from that duty.

"§ 51. Retirement.

"(a) An officer who, while serving as Commander, Atlantic Area, or Commander, Pacific Area, is retired for physical disability shall be placed on the retired list with the grade and retired pay of vice admiral.

"(b) An officer who is retired while serving as Commander, Atlantic Area, or Commander, Pacific Area, or who, after serving at least two and one-half years in the grade of vice admiral, is retired while serving in a lower grade, may in the discretion of the President, be retired with the grade and retired pay of vice admiral.

"(c) An officer who, after serving less than two and one-half years in the grade of vice admiral, is retired while serving in a lower grade, shall be retired in his permanent grade and with the retired pay of that grade."

(6) The first sentence of section 287 is amended by striking out the word and figures "or 289" and by inserting in lieu thereof the word and figures "289, or 290".

(7) Section 290 is amended to read as follows:

"§ 290. Rear admirals; continuation on active duty; involuntary retirement.

"(a) The Secretary shall from time to time convene boards to recommend for continuation on active duty the most senior officers on the active duty promotion list serving in the grade of rear admiral who have not previously been considered for continuation in that grade. Officers serving for the time being or who have served in the grade of vice admiral are not subject to consideration for continuation under this subsection, and as to all other provisions of this section shall be considered as having been continued in the grade of rear admiral. A board shall consist of at least five officers serving in the grade of vice admiral or as rear admirals previously continued. Boards shall be convened frequently enough to assure that each officer serving in the grade of rear admiral is subject to consideration for continuation during a fiscal year in which he completes not less than four or more than five years service in that grade.

"(b) The Secretary shall, based upon the needs of the service, furnish each board convened under this section with the number of officers to be considered for continuation on active duty. The number that may be recommended for continuation shall be not less than 50 percent or more than 75 percent of the number of officers being considered for continuation.

"(c) The provisions of sections 253, 254, 258, and 260 of this title relating to selection and continuation boards shall to the extent they are not inconsistent with the provisions of this section, apply to boards convened under this section.

"(d) A board convened under this section shall submit its report to the Secretary. If the board has acted contrary to law or regulation, the Secretary may return the report for proceedings in revision and resubmission to the Secretary. After his final review the Secretary shall submit the report of the board to the President for his approval.

"(e) Each officer who is considered but not continued on active duty under the provisions of this section shall, unless retired under some other provision of law, be retired on June 30 of the fiscal year in which the report of the continuation board convened under this section is approved.

"(f) Each officer who is continued on active duty under the provisions of this section shall, unless retired under some other provision of law, be retired on June 30 of the fiscal year in which he completes a total of 36 years of active commissioned service, including service creditable for retirement purposes under sections 432, 433, 434 of this title.

"(g) Notwithstanding subsection (f) of this section, the Commandant, with the approval of the Secretary, may by annual action retain on active duty from fiscal year to fiscal year any officer who would otherwise be retired under subsection (f). An officer so retained, unless retired under some other provision of law, shall be retired on June 30 of that fiscal year in which no action is taken to further retain him under this subsection."

(8) The analysis of chapter 3 is amended by inserting the following new items:

"§ 50. Area Commanders.

"§ 51. Retirement."

(9) The analysis of chapter 11 is amended by striking out:

"290. Rear admirals; retention on the active list; involuntary retirement."

and inserting in lieu thereof:

"290. Rear admirals; continuation on active duty; involuntary retirement."

Sec. 2. Subsection (f) of section 202 of title 37, United States Code, is amended to read as follows:

"(f) The number of rear admirals on the active list of the Coast Guard entitled to the basic pay of a rear admiral of the upper half is one-half of the number of officers on the active list in grades above captain, less the number of officers serving in grades above rear admiral. If the division results in an odd number, the odd number shall be placed in the upper half. However, an officer who is entitled to the basic pay of a rear admiral of the upper half may not have his basisc pay reduced solely because the number of rear admirals is reduced.

INTERIM PROVISIONS

Sec. 3. This Act is effective upon enactment except that continuation boards pursuant to subsection (a) of section 290 of title 14, United States Code, as amended by this Act, may not be held until one year following enactment hereof. During the period of one year following enactment hereof the Secretary of the Department in which the Coast Guard is operating shall convene a board consisting of not less than three Coast Guard officers serving in the grade of vice admiral to recommend for continuation on active duty Coast Guard officers on the active duty promotion list serving in the grade of rear admiral, who during the fiscal year in which the board meets will complete not less than five years service in that grade. Subsections (b) through (g) of section 290 and other sections of title 14, United States Code, as amended by this Act, apply to continuation board action taken pursuant to this section. No officer who is entitled to the basic pay of a rear admiral of the upper half may have his basic pay reduced because of the reduction which results from this Act in the number of officers entitled to the basic pay of a rear admiral of the upper half.

The Secretary of Transportation,
Washington, D.C., February 25, 1972.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Identical letter to:
Hon. Carl Albert,
Speaker of the House of Representatives,
Washington, D.C.

Dear Mr. President: There is transmitted herewith a draft of a proposed bill,

"To amend the provisions of title 14, U.S. Code, relating to the flag officer structure of the Coast Guard, and for other purposes."

The proposed bill would make changes in the personnel provisions of title 14, United States Code, relating to the Coast Guard, and a related change in title 37, United States Code, relating to pay and allowances. Principally, these changes would require periodic continuation boards to recommend officers serving in the grade of rear admiral for continuation on active duty; establish the statutory positions of Commander, Atlantic Area, and Commander, Pacific Area, and authorize the grade of vice admiral for appointees; and effect related technical changes in other sections of title 14.

Under existing law, Coast Guard officers selected to the grade of rear admiral continue to serve in that grade until they complete seven years in grade or a total of thirty-five years commissioned service, whichever occurs earlier. At that time they are subject to involuntary retirement. The system has several deficiencies. At no time during his tenure in flag grade is an officer's performance subject to formal review as, for example, for identification and retention of the best qualified flag officers and possible separation of those not as well qualified. The inflexibility of a system which requires retention for a fixed period of each officer selected to flag grade, regardless of his performance, has impeded uniform promotion flow, and makes necessary an adequate management tool for presenting reasonably comparable selection opportunity to officers becoming eligible for selection to flag grade. The present system also discourages early selection of especially capable officers to flag grade. The seven-year limitation in grade makes selection to flag grade before the twenty-eighth year of service inefficient and somewhat imprudent because early selection forces retirement of such officers before completion of thirty-five years total service.

The proposed bill would require the periodic convening of a continuation board comprised of more senior officers to recommend for continuation on active duty not fewer than fifty percent nor more than seventy-five percent of rear admirals when they reach the approximate midpoint of average service in flag grade. Officers would only be subject to continuation board consideration a single time. Those not selected for continuation would be retired. The officers to be retired would have not more than five years in flag grade and would probably average a total of about thirty-two years commissioned service. Officers selected to continue on active duty, the better performers, would continue to serve until the completion of thirty-six years commissioned service. The removal of the seven years in grade limitation would assure that the early selection to flag grade of an especially capable officer would not have the adverse side effect of shortening his total career.

Another problem with which the Coast Guard has been faced under the present system, and which study shows will be aggravated in the future, is the rather severe variation in flag selection opportunity on a year-to-year basis. The annual opportunity is a function of several variables not now subject to management control. A significant factor is flag officer attrition uncontrolled except by the statutory "thirty-five years service or seven years in grade" limitation. The proposed bill, to the extent that it permits utilization of a controlled forced attrition of flag officers, will provide a significant capability to make the number of new flag officers that can be selected each year relatively uniform.

Under the existing organizational structure of the Coast Guard, the Coast Guard is divided into twelve districts, each headed by a district commander. In addition, districts on the East coast have been administratively grouped under a Commander, Eastern Area. Similarly, districts on the West coast and those encompassing Alaska and the mid and western Pacific have been grouped under a Commander, Western Area.

An area commander has important responsibilities beyond those of the district commanders. The planning, control, and support of operations requiring positive action to coordinate the forces and facilities of more than one district fall within his purview. He is primarily responsible for the organization of zones in his area for search and rescue, for the ocean-station program, for the mobilization planning and operational readiness of the districts within his area, for the communications network of the area, and he is the direct representative of the Commandant in matters involving planning and liaison with the heads of the other armed forces within his area.

The proposed bill would recognize the importance of areas and their commanders by providing a statutory basis for establishing areas and authorizing the grade of vice admiral for officers while serving as area commanders. The names of the areas would be changed to Atlantic Area and Pacific Area to reflect more accurately the geographic fields of responsibility.

Enactment of this proposal does not increase the number of Coast Guard flag officers which may be appointed under existing law. This proposal will, however, create for the first time a pyramidal flag officer structure which will parallel the existing pyramidal structure currently in effect for grades below rear admiral. A proposed change to title 37 will require that the number of rear admirals entitled to basic pay as rear admirals of the upper half will be reduced by the number of officers serving in grades above rear admiral. The change aligns the Coast Guard with Navy in this regard and contributes to a pyramidal structure by assuring that the number of rear admirals of the upper half will be less than the number of rear admirals of the lower half.

The essence of our proposal with regard to area commanders is contained in the proposed new sections 50 and 51 of title 14. To the extent that was possible, the substance and the form of expression used in related or similar provisions in title 14 was followed. For example, section 51 which deals with the retirement of vice admirals closely parallels existing subsections (b), (c) and (d) of section 47 which governs the retirement of the single Coast Guard vice admiral now authorized—the Assistant Commandant. The proposal would, therefore, make the law governing retirement of Area Commanders the same.

The principal operative provisions proposed regarding continuation of rear admirals are contained in the amended section 290 of title 14. The substantive approach, as well as the language, parallels the existing law in section 289, which relates to continuation boards for captains, to the fullest extent that provisions of the latter section could appropriately be made applicable to continuation of rear admirals.

The remaining provisions of the proposed legislation are technical changes to accommodate the major substantive changes, refinements in existing language, or minor substantive changes. An interim provision is included which will assist in the transition to an officer personnel scheme which includes continuation boards for rear admirals. The interim provision provides for an initial continuation board to consider all rear admirals with five or more years service at the time of enactment. The degree of forced attrition will be within the same limits as specified for the regular continuation boards which will follow after the first year following enactment of the proposal.

Enactment of the proposed legislation will lead to improved and more effective management of the resources of the Coast Guard and will recognize the stature of senior officers and the growth of the Coast Guard in numbers and responsibilities in recent years.

When compared to existing authority for officers above the grade of captain, this proposed legislation will cost about $7,000 more annually. The figure reflects the higher pay and allowances of two rear admirals to be appointed to the grade of vice admiral.

A comparative type showing changes in existing law made by the proposed bill is enclosed.

It would be appreciated if you would lay the proposed bill before the Senate. A similar bill has been transmitted to the Speaker of the House of Representatives.

The Office of Management and Budget had advised that there is no objection from the standpoint of the Administration's program to the submission of this proposed legislation to the Congress.

Sincerely,

———.

COMPARATIVE TYPE SHOWING CHANGES IN EXISTING LAW MADE BY THE PROPOSED BILL

(Matter proposed to be omitted is enclosed in brackets; new matter is underscored)

TITLE 14

§ 41. Grade and ratings.

In the Coast Guard there shall be an admiral; [a vice admiral] *vice admirals*; rear admirals; captains; commanders; lieutenant commanders; lieutenants; lieutenants (junior grade); ensigns; chief warrant officers, W–4; chief warrant officers, W–3; chief warrant officers, W–2; cadets; warrant officers, W–1; and enlisted men. Enlisted men shall be distributed in ratings established by the Secretary.

* * * * *

§ 42. Number and distribution of commissioned officers.

(a) * * *

(b) * * *

(c) * * *

(d) * * *

(e) Officers who are not included on the active duty promotion list, officers serving as extra numbers in grade under sections 432 and 433 of this title, and officers serving with other departments or agencies on a reimbursable basis *or excluded under the provisions of section 9(d)(1) of the Department of Transportation Act* shall not be counted in determining authorized strengths under subsection (c) and shall not count against those strengths. The number of officers authorized to be serving on active duty in each grade of the permanent commissioned teaching staff of the Coast Guard Academy, of the Reserve serving in connection with organizing, administering, recruiting, instructing, or training the reserve components, and of the Women's Reserve shall be prescribed by the Secretary.

§ 44. Commandant; appointment.

The President may appoint, by and with the advice and consent of the Senate, one Commandant for a period of four years, who may be reappointed for further periods of four years, who shall act as Chief of the Coast Guard. The Commandant shall be appointed from the officers on the active duty promotion list serving [in the grade of captain or above] *above the grade of captain* who have completed at least ten years of active service as a commissioned officer in the Coast Guard. The Commandant while so serving shall have the grade of admiral.

§ 47. [Assistant] *Vice* Commandant; assignment; retirement

(a) The President may appoint, by and with the advice and consent of the Senate, one [Assistant] *Vice* Commandant who shall rank next after the Commandant, shall perform such duties as the Commandant may prescribe and shall act as Commandant during the absence or disability of the Commandant or in the event that there is a vacancy in the office of Commandant. The [Assistant] *Vice* Commandant shall be selected from the officers on the active duty promotion list serving [in the grade of captain or above.] *above the grade of captain.* The Commandant shall make recommendation for such appointment. The [Assistant] *Vice* Commandant shall, while so serving, have the grade of vice admiral with pay and allowances of that grade. The appointment of [an Assistant] *a Vice* Commandant shall be effective on the date the officer assumes such duty, and shall terminate on the date he is detached from such duty.

(b) A[n] [Assistant] *Vice* Commandant, while so serving, who is retired for physical disability shall be placed on the retired list with the grade and retired pay of vice admiral.

(c) An officer who is retired while serving as [Assistant] *Vice* Commandant, or who, after serving at least two and one-half years as [Assistant] *Vice* Commandant, is retired after completion of that service while serving in a lower rank or grade, may, in the discretion of the President, be retired with the grade and retired pay of vice admiral.

(d) An officer who, after serving less than two and one-half years as [Assistant] *Vice* Commandant, is retired after completion of that service while serving in a lower rank or grade, shall be retired in his permanent grade and with the retired pay of that grade.

§ 50. Area Commanders.

(a) The President may appoint, by and with the advice and consent of the Senate, a Commander, Atlantic Area and a Commander, Pacific Area, each of whom shall be an intermediate commander between the Commandant and the district commanders in his respective area and shall perform such duties as the Commandant may prescribe. The area commanders shall be appointed from officers on the active duty promotion list serving above the grade of captain. The Commandant shall make recommendations for such appointments.

(b) An area commander shall, while so serving, have the grade of vice admiral with pay and allowances of that grade. The appointment of an area commander is effective on the date the officer assumes that duty, and terminates on the date he is detached from that duty.

§ 51. Retirement.

(a) An officer who, while serving as Commander, Atlantic Area, or Commander, Pacific Area, is retired for physical disability shall be placed on the retired list with the grade and retired pay of vice admiral.

(b) An officer who is retired while serving as Commander, Atlantic Area, or Commander, Pacific Area, or who, after serving at least two and one-half years in the grade of vice admiral, is retired while serving in a lower grade, may, in the discretion of the President, be retired with the grade and retired pay of vice admiral.

(c) An officer who, after serving less than two and one-half years in the grade of vice admiral, is retired while serving in a lower grade, shall be retired in his permanent grade and with the retired pay of that grade.

CHAPTER 11—PERSONNEL

§ 287. Separation for failure of selection for promotion or continuation; time of.

If, under section 282, 283, 284, 285, [or] 289, or 290 of this title, the discharge or retirement of any officer would be required less than six months following approval of the report of the board which considered but did not select him for promotion or continuation, the discharge or retirement of such officer shall be deferred until the last day of the sixth calendar month after such approval.

§ 290. Rear admirals; [retention on the active list] *continuation on active duty;* involuntary retirement.

[(a) Any rear admiral, unless retired under some other provision of law or retained on active duty under subsection (b) of this section, shall be retired on June 30 of the fiscal year in which he completes a total of seven years of service in the permanent grade of rear admiral or a total of thirty-five years of active commissioned service, including service creditable for retirement purposes under sections 432, 433, and 434 of this title.

[(b) Notwithstanding subsection (a) of this section, the Commandant, with the approval of the Secretary, may by annual action retain on active duty from fiscal year to fiscal year any rear admiral who would otherwise be retired under subsection (a). A rear admiral so retained, unless retired under some other provision of law, shall be retired on June 30 of that fiscal year in which no action is taken to further retain him under this subsection

[(c) Subsections (a) and (b) of this section do not apply to any officer serving as Commandant.]

(a) The Secretary shall from time to time convene boards to recommend for continuation on active duty the most senior officers on the active duty promotion list serving in the grade of rear admiral who have not previously been considered for continuation in that grade. Officers serving for the time being or who have served in the grade of vice admiral are not subject to consideration for continuation under this subsection, and as to all other provisions of his section shall be considered as having been continued in the grade of rear admiral. A board shall consist of at least five officers serving in the grade of vice admiral or as rear admiral previously continued. Boards shall be convened frequently enough to assure that each officer serving in the grade of rear admiral is subjected to consideration for continuation during a fiscal year in which he completes not less than four or more than five years service in that grade.

(b) The Secretary shall, based upon the needs of the service, furnish each board convened under this section with the number of officers to be considered for continuation on active duty. The number that may be recommended for continuation shall be not less than 50 percent or more than 75 percent of the number of officers being considered for continuation.

(c) The provisions of sections 253, 254, 258, and 260 of this title relating to selection and continuation boards shall, to the extent they are not inconsistent with the provisions of this section, apply to boards convened under this section.

(d) A board convened under this section shall submit its report to the Secretary. If the board has acted contrary to law or regulation, the Secretary may return the report for proceedings in revision and resubmission to the Secretary. After his final review the Secretary shall submit the report of the board to the President for his approval.

(e) Each officer who is considered but not continued on active duty under the provisions of this section shall, unless retired under some other provision of law, be retired on June 30 of the fiscal year in which the report of the continuation board convened under this section is approved.

(f) Each officer who is continued on active duty under the provisions of this section shall, unless retired under some other provision of law, be retired on June 30 of the fiscal year in which he completes a total of 36 years of active commissioned service, including service creditable for retirement purposes under sections 432, 433, and 434 of this title.

(g) Notwithstanding subsection (f) of this section, the Commandant, with the approval of the Secretary, may by annual action retain on active duty from fiscal year to fiscal year any officer who would otherwise be retired under subsection (f). An officer so retained, unless retired under some other provision of law, shall be retired on June 30 of that fiscal year in which no action is taken to further retain him under this subsection.

TITLE 37—PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

§ 202. Pay grades: assignment to; rear admirals of upper half; officers holding certain positions in the Navy.

(f) [Except for those whose basic pay is otherwise specifically authorized by law,] The number of rear admirals on the active list of the Coast Guard entitled to the basic pay of a rear admiral of the upper half is one-half of the number of officers on the active list in [that] grades *above captain, less the number of officers serving in grades above rear admiral*. If [that] *the* division results in an odd number, the odd number shall be placed in the upper half. However, an officer who is entitled to the basic pay of a rear admiral of the upper half may not have his basic pay reduced solely because the number of rear admirals is reduced.

By Mr. MOSS:

S. 3400. A bill to provide for the issuance of a special series of postage stamps to commemorate the bicentennial of the Escalante Expedition. Referred to the Committee on Post Office and Civil Service; and

S. 3401. A bill to provide for the designation of the Escalante Trail, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. MOSS. Mr. President, in 1976 this Nation will be celebrating not only the bicentennial of our birth as a nation at Philadelphia in 1776, but the 200th anniversary of another event far out across the country which helped immeasurably to make our Nation great.

This second event was the expedition that Father Silvestre Valez de Escalante led from Santa Fe to the shores of Utah Lake, opening up the mountains west to European civilization.

The members of the expedition were the first Europeans to view the spectacular regions that now comprise the State of Utah, and the path that they marked through present-day Utah, Colorado, Arizona, and New Mexico blazed the way for traders and others who followed over the route that became known as "The Old Spanish Trail." The impact of this expedition on our history and development cannot be overstated.

I know that we as a nation will be deeply involved in celebrating the bicentennial of our national birth in 1976. That is as it should be, of course. But I hope we will also find time to give a nod to the expedition and the man who wrote such a momentous chapter of the history of the Far West in that same year.

I am introducing two bills today which, if enacted, will assure that the Escalante expedition will not be forgotten.

The first bill authorizes the Postmaster General to issue in 1976 a special series of postage stamps to commemorate the bicentennial of the Escalante expedition, with the series to consist of blocks of four different stamps, each representing that part of the route of the expedition through each of the four States.

The second bill authorizes the Secretary of the Interior to enter into agreements wtih the appropriate officials of the four States—Utah, New Mexico, Arizona, and Colorado—to encourage them to designate the route of the expedition as the Escalante Trail, and to erect or place appropriate markers along the route.

Mr. President, I find Americans becoming more and more interested in our history which has shaped the country in which we live, and I feel there will be tremendous desire in 1976 on the part of the people of the four States involved, as well as of people throughout the country, to relive and reenact the story of the Escalante Expedition.

The story begins in New Mexico, land of the Pueblo Indians and of the Spanish pioneers of the Southwest. Early in 1775 the Governor of that province, writing from his capital at Santa Fe, asked Father de Escalante, Franciscan missionary at Zuni, for a report regarding communication between New Mexico and Sonora; the possibility of opening a road between New Mexico and Monterey, capital of the newly founded missions in California; and the subjugation of the Moquinos, or Hopis, who, having long been hostile to Spanish authority and to Christian missionaries, were an obstacle to the desired communication between Santa Fe and the Pacific coast.

Escalante, a Franciscan friar of great intelligence and unusual ability, had for several years studied and planned to locate a route from Santa Fe to Monterey, by way of the higher latitudes, it being his idea in this way to avoid the vast difficulties of crossing that great chasm, the canyon of the Colorado, as well as the desert regions and the Colorado River itself below the canyon.

In addition to his desire to find a route by way of the higher latitudes, Escalante believed that the Yutas, through whose lands he must pass, were less warlike than the Apaches along the southern land route. The Apaches in the area adjoining the Gila River and the lower Colorado River had proved themselves very bold and warlike. They had attacked the Spaniards with great skill and cleverness, and had been successful in running off and stealing many of their horses and cattle, much of their equipment and provisions, and in wounding and killing many of the Spaniards and their followers.

To obtain data for the report, Escalante with a small party made a horseback journey from Zuni to Hopi land, keeping a detailed diary regarding the trail and affairs at the now famous Hopi mesas of Arizona. The primary purpose of his trek was to inquire about a route to Monterey by way of the great river of the Cosninas—Havasupais—which I judge to be the Colorado.

At the Hopi pueblos the people were sullen, but Escalante was able to interview one young Cosnina who was visiting there. The Indian told Escalante about his homeland in the West and made him a map of the trail from Oraibe to the Cosnina settlement in Havasupai Canyon, showing the turns, the days' journeys, watering places, villages, the size of the country, the course of the Colorado River, and neighboring tribes.

A Spaniard by birth, Escalante came from Spain to New Mexico in 1768. He taught Christian doctrine in the Mission of Our Lady of Guadelupe of Zuni, N. Mex., and he was in charge of this mission. He was a remarkable man in many ways. He had traveled extensively through, and had resided in many parts of New Mexico and Arizona, and was, therefore, well acquainted with this region.

After presenting and urging his plans for several years to the Governor of New Mexico and to the Provincial Minister of the Franciscans, Escalante succeeded in persuading the Governor, in 1776, to sponsor and finance such an expedition, with Francisco Atanacio Dominguez heading the expedition, accompanied by Escalante and Don Bernardo de Miera y Pacheco, a well-known surveyor and mapmaker, who was to make a map of the land they might go through along with seven other residents of Santa Fe.

Escalante had conceived the idea of the excursion and labored with the civil and church authorities for a considerable period of time until the expedition became a reality. He thus became the actual leader, although his superior, Dominguez, assumed nominal charge. Escalante's name, however, has been handed down through history because of his writings, while Dominguez is seldom mentioned, except as Escalante's associate.

Escalante had proposed to make the journey provided his superiors would give him at least 20 men, but having his heart set on this enterprise, and hoping also to convert and civilize large numbers of pagan Indians, he prepared to set out on the hazardous undertaking with Dominguez and only eight men, fully realizing the great dangers and difficulties such reduced numbers might entail.

For a number of years before the historic Escalante expedition, New Mexico traders had been pushing north into the area that is now Colorado, exchanging Spanish goods for fur pelts. One such expedition in 1765 followed a route from Santa Fe northward to the San Juan River and across the northern spur of the La Plata Mountains in present-day Colorado, northwest down the Dolores River, eastward across the Uncompaghgre Plateau and River, and down the latter to the Gunnison. This general route was taken by others in the decade that followed, and thus, by 1776, the region east of the Colorado River and as far north as the Gunnison seems to have been fairly well known. That most of the more important physical features of the country were referred to in the diary of Escalante by names that are still on the map suggests that those names were already in common use at the time.

The historic group that set forth from Santa Fe on Monday, July 29, 1776, numbered 10 persons.

In addition to Escalante, Dominguez, and Miera, who carried an astrolabe and made astronomical observations on the way, the company included Don Pedro Cisneros, alcade mayor of the Pueblo of Zuni; Don Joaquin Lain, also a citizen of Zuni; Lorenzo Olivares of El Paso; the brothers Lucrecio and Andres Muniz, Juan de Aguilar, and Simon Lucero, who bore no official titles and whose residences are not given in the narrative. Some of these men were chosen because as traders and trappers they had been over part of the trail to the far north. Andres Muniz, who the previous year had been north as far as the Gunnison River and knew the Yuta language, went as interpreter. He proved to be highly important on the expedition, because for most of the way through the regions that are now the States of Colorado and Utah, until after the explorers crossed the Colorado River on the homeward trek, all the Indians spoke dialects of the Yuta tongue.

Although there is no specific statement in the diary on this point, it is probable that Escalante's plan was to follow the trappers' trail northwest past Mesa Verde, descend Dolores River some distance, turn west to Green River and the Colorado, and thence to Monterey through a pass in the High Sierra thought to have been sighted by another intrepid Franciscan explorer in the San Joaquin Valley in California.

The first part of the journey followed this plan. The little party made its way up through what is now western Colorado and turned west along the southern flank of the Uinta Mountains, entering the Utah region near the junction of White River with the present State line. They crossed the Green River, which they called the San Buenaventura, and pressed westward along the Duchesne and Strawberry Rivers, emerging at last into Utah Valley via Spanish Fork Canyon on September 23, after almost 2 months of the most arduous journeying.

Father Escalante was full of praise for this beautiful valley which alone, he said, "would provide for as many pueblos of Indians as there are in New Mexico." He described it in detail:

> This lake of Timpanogotzis (Utah Lake) abounds in several kinds of good fish, geese, beaver, and other amphibious animals which we did not have an opportunity to see. Round about it live these Indians, who subsist on the abundant fish of the lake, for which reason the Yutas Sabuaganas call them Come Pescados or Fish Eaters. Besides this food, they gather grass seeds in the plain from which they make stole (porridge), supplementing this by hunting hares, rabbits, and fowls, of which there is a great abundance here. There are also buffaloes not very far to the north-northwest, but fear of the Comanches prevents the Come Pescados from hunting them. Their habitations are chozas or little huts made of willow, of which they also make nice baskets and other necessary utensils. In the matter of dress they are very poor, their most decent garments being a buckskin jacket and long leggings of the same material. For cold weather they have blankets made of the skins of hares and rabbits. They speak the Yuta language, but with notable differences in the accent and in some of the words. They have good features, and most of the men have heavy beards, especially those living farther south. In all parts of this sierra to the southeast, southwest, and west, live a large number of people of the same tribe, language, and docility as these Lagunas, with whom a very populous and extensive province could be formed.

Father Escalante devoted a separate paragraph to Great Salt Lake, of which he heard through the Lagunas but did not see. He wrote:

> The other lake . . . covers many leagues and its waters are noxious and extremely salty, for the Timpanois (Timpanogos) assure us that a person who moistens any part of his body with the water of the lake immediately feels much itching.

Miera, in his report to the king, gave an even more glowing description of a Spanish settlement that he envisioned on the shores of Lake Timpanogos, on one of the rivers flowing into it. This he proposed as the chief principal colony of a "New Empire" to be carved from the vast area between the lake and the Gila River; "for," he said:

> This is the most pleasing, beautiful, and fertile site in all New Spain. It alone is capable of maintaining a settlement with as many people as Mexico City, and of affording its inhabitants many conveniences, for it has everything necessary for the support of human life. This lake and the rivers that flow into it abound in many varieties of savory fish, very large white geese, many kinds of ducks, and other exquisite birds never seen elsewhere, besides beavers, otters, seals, and some strange animals which are or appear to be ermines, judging by the softness and whiteness of their fur. The meadows of these rivers produce abundant hemp and flax without cultivation.

After resting 3 days at Utah Lake, the party turned southward to look for a pass over the mountains into California, but nowhere did they find any sign of a promising route. While the rest of the group camped along the Beaver River, two men sent out on reconnaissance returned to report that they had found no pass whatever by which to cross the sierra, that it was very rough and high in this direction, and that in front of it there was a wide plain without any pasturage or water whatsoever. Meanwhile, the arrival of winter also conspired to make ascent of the mountains impossible. On October 5 Father Escalante wrote:

> On the preceding days a very cold head wind from the south had blown fiercely and without ceasing, followed by a snowfall so heavy that not only the peaks of the sierra but likewise all the plains were covered with snow tonight.

At a place they called Santa Brigida, on the Beaver River, the discouraged party decided to abondon the attempt to reach Monterey. Father Escalante wrote:

> Winter had already begun with great severity, for all the sierras we were able to see in all directions were covered with snow. The weather was very unsettled, and we feared that before we arrived at our destination the passes would be closed, and we would be delayed for two or three months in some sierra, where there might be no people nor any means of obtaining necessary sustenance, for our provisions were already very low, and so we would expose ourselves to death from hunger if not from cold . . . Therefore, we decided to continue south, if the terrain would permit it, as far as the Rio Colorado, and from there proceed toward Cosnina, Moqui, and Zuni.

Not all the voyageurs were satisfied with this decision. Miera, Lain, and the interpreter Andres Muniz were not convinced that it would be impossible to reach Monterey.

> Instead of listening to the force of our arguments, they opposed our views and from then on they were very insubordinate. Everything now was obnoxious to them and

> everything insufferably difficult. They talked of nothing but how useless so long a journey would be.

At a point just east of present-day Lund, Utah, the issue was finally settled by casting lots, and it was decided in favor of Cosnina.

Crossing the Virgin River, the Spaniards marched southward, planning to continue in that direction as far as the Colorado River, which they thought could not be far ahead. However, they were advised by Indians in the area that they could reach the Colorado in 2 days, but would not be able to go the way they desired:

> Because there was no watering place, nor would we be able to cross the river in this region because it ran through a tremendous gorge (the Grand Canyon), and was very deep, and had on both sides extremely high cliffs and rocks, and finally that from here to the river the terrain was very bad.

The Indians refused to escort the Spaniards to the great river, but offered to lead them south some distance along the foot of Hurricane Fault, and to put them on a trail leading eastward to the Cosninas.

At last, on October 26, the party reached the Colorado at Marble Canyon, but it was not until November 7 that they were able to locate a descent and a ford. In order to lead the horses down the side of the canyon, the men cut steps in a rock with axes for a distance of three varas or a little less—about 10 feet. These steps can still be seen, and the place was named Padre Creek in 1937 when it was shown that the party had forded the river here rather than at the so-called Crossing of the Fathers a mile west. From this point on the Colorado, the fathers and their company proceeded directly to Zuni and Santa Fe.

The impact of the Escalante Expedition is evidenced by the increased Spanish interest in the region following his return. Escalante observed a number of times in his journal that villages and towns could be supported by irrigation along streams, but no attempts at colonization were made, nor was the promised mission sent to the Yuta Indians. The international difficulties in which Spain was embroiled, and the formidable Great Plains and their newly mounted Indians, discouraged formal efforts toward colonial expansion or governmental exploitation of the Utah area. However, sanctioned and unsanctioned trading expeditions between Santa Fe and Utah Lake soon resulted in the well-defined route that became known as the Old Spanish Trail.

Father Escalante's journey of 5 months and nearly 2,000 miles, although it failed in its objective to locate and open a route to Monterey, was nevertheless one of the most important trips of exploration ever made from New Mexico into Colorado, Utah, and Arizona, having far-reaching consequences for these States and the areas adjacent to them. The members of Escalante's party were the first white men to see buffaloes near the Green River, Utah; the first to view Utah's magnificent Mount Timpanogos; the first to view the beautiful Utah Valley and Utah Lake. They were the first white men to go among and describe many of the mountain Indian tribes, and the first to cross the great gorge of the Colorado River. The story of their epic journey will forever remain one of the most thrilling and momentous chapters in American history.

By Mr. SPONG (for himself and
Mr. BEALL):

S. 3404. A bill to amend the Cargo Preference Act of 1954 for certain purposes. Referred to the Committee on Commerce.

Mr. SPONG. Mr. President, the United States is becoming increasingly dependent on the import of foreign oil as a major source of fuel. In 1960, this country imported 1.8 million barrels of oil per day, or 18 percent of our petroleum demand. In 1970, imports of oil rose to 3.3 million barrels per day, or 23 percent of our demand. By 1985, it is estimated that the United States will have to import more than 14 million barrels of oil each day in order to satisfy our domestic demand. In other words, we may, by 1985, be relying on foreign sources for nearly 60 percent of our petroleum.

The problem presented by our increasing reliance on imports is complicated by the deterioration of the American-flag tanker fleet. As of January 1, 1972, the world tanker fleet totaled more than 190 million deadweight tons. Yet the U.S. fleet was only 7.6 million deadweight tons, or 4 percent of the total, and these few ships were engaged only in domestic tanker operations. In addition, 11 percent of our total fleet, or better than 850,000 deadweight tons, was laid up. Within a few months, prospects are that a minimum of 1.5 million deadweight tons will be laid up, including many of our newest and most modern vessels.

The situation thus presented is that on the one hand the United States has an increasing need for the tanker carriage of foreign oil to our country and on the other hand our tanker fleet is dwindling in size and wasting away in idleness. The reason is that no oil is being carried from foreign sources to our country aboard American-flag tankers.

If this situation continues, we will be faced with a situation in which we will be dependent on foreign sources for our supply and dependent on foreign sources for the transportation of our supply. Such a dual dependency doubles the risk that in the future, we will not receive the energy supply we require. While we probably cannot help but become more dependent on foreign oil, we can and should prevent total dependency on foreign sources for the carriage of this energy.

It is for this reason that I am introducing legislation on behalf of myself and Senator BEALL to amend the Cargo Preference Act of 1954 to require that a minimum of 50 percent of our oil imports be carried on U.S.-flag vessels.

This provision would automatically provide for a buildup in the U.S.-flag tanker fleet. New jobs would be provided for thousands of Americans in shipbuilding and allied industries and in seafaring, thus helping to alleviate our country's unemployment problem. The companies involved in shipping the oil would be American corporations paying taxes to our Government on their profits.

Militarily, modern mechanized armed forces depend heavily on petroleum products to function. Supplying this need, or logistical support, is becoming more and more the responsibility of the privately owned merchant fleet. As Rear Adm. G. H. Miller stated in the February 1972, issue of Sea Power:

> Shipbuilding budgets have been insufficient in recent years to maintain an adequate Navy. Thus, with the compelling need to modernize its aging combat fleet, the Navy must turn to the U.S. Merchant Marine for an increasing proportion of the logistic support required by the combat fleet. An adequate U.S. Merchant Marine would provide a large reservoir of ships, which could be converted quickly to logistic support functions.

This legislation would help to insure that the United States has a merchant marine which could function as the Nation's fourth arm of defense.

The use of U.S.-flag vessels to carry oil will also assure the American public that this potentially dangerous and polluting cargo will be carried in the safest, most ecologically conscious manner possible. Legislation can be passed to prohibit harmful operating procedures, but such laws are difficult to apply to a foreign-flag vessel. In addition, enactment of this legislation would have a beneficial effect on our balance of payments. For every dollar spent on petroleum transport without this legislation, about $0.52 would go and stay abroad. With the 50–50 amendment, this would be cut to about 26 cents on the dollar, assuming the comparability between United States and foreign costs.

Enactment of this legislation would not make the United States unique in this area. France, Spain, Chile, and Peru have laws which establish quotas for their flag vessels. Japan and other maritime nations strongly promote their merchant fleets through Government policies which achieve the same result as if they had such laws. There has been no retaliation against these countries by the oil producing nations or by other maritime countries. The United States should require that its crude imports be carried in domestic tankers on the same economic and military grounds that caused other nations to adopt that policy.

Testimony before the House Merchant Marine and Fisheries Committee demonstrates that the importation of 50 percent of our oil aboard American-flag tankers will not result in an increase in cost to the consumer.

It is for these reasons that the United States should require that at least 50 percent of our oil imports be carried aboard American-flag tankers. Our national security, our economy, and our environment demand it.

Mr. BEALL. Mr. President, I am pleased to join with the distinguished Senator from Virginia in sponsoring legislation to amend the Cargo Preference Act of 1954. I wholeheartedly concur with the reasons presented by Senator SPONG in proposing that a minimum of 50 percent of our oil imports be carried on U.S.-flag vessels.

There are two important aspects of this bill which must be fully considered. One is the impact of this legislation on the American shipbuilding industry. The second is its relationship to our national security.

It has been estimated that by 1985 we will have to import between 12 and 15 million barrels of oil per day from overseas sources. To supply the United States, a tanker fleet nearly equal to that of all of the tanker capacity in the world today will be required.

If the American flag were guaranteed a carriage of at least 50 percent of this vital cargo, between 50 and 75 million deadweight tons of tankers would be needed. The impact on American shipyards, and on the economy as a whole, would be enormous.

The average private shipyard employment for the first 11 months of 1971 was 128,800. This was the lowest figure since 1965. But, the construction of a 50,000 deadweight tons tanker, costing $14 million, would create jobs for 378 men for a full year. For a 250,000 deadweight ton supertanker costing $62 million, jobs would be created for 1,674 men for a full year.

So, when discussing the construction of a fleet of hundreds of modern tankers, we are talking in terms of ship construction jobs for thousands of skilled and semiskilled Americans. We are talking about giving Americans who are receiving unemployment compensation and welfare the opportunity to work and to make a worthwhile contribution to our society.

These benefits would also be felt by other segments of our economy. Allied industries—those which provide the materials necessary for ship construction—would be stimulated as production increased. The increase in the purchases of consumer goods and services would bolster the economies of the areas surrounding the shipyards and allied industries.

At the present time, it is difficult to regulate any part of the import oil transportation industry simply because American-flag vessels are engaged in the oil import trade. Our Nation must have an active tanker fleet engaged in transporting at least 50 percent of our oil imports. If this is not accomplished, the U.S. Government must be prepared to relinquish all control and regulatory powers over this entire industry to foreign nations.

There appears to be little choice in becoming more dependent on foreign sources for our supply of this vital and strategic raw material. The one remaining choice is whose transportation facilities will we utilize. Becoming dependent on third party foreign governments for transportation would create a dual dependency problem and would at least double the risk of being shut off from our supply of imported oil.

For example, using a third party nation as a transportation medium could create these problems:

A dispute between the producing exporting nation and the foreign-flag nation could effectively cut off all supply to our Nation.

Management and labor problems in the third party foreign-flag nation. Many of the corporations and labor unions of other nations are very politically oriented. For instance, some foreign-flag vessels crews and the companies themselves, refused to carry U.S. cargoes to Vietnam.

A dispute between our Nation and a third party nation transporting our energy resources could result in a withdrawal of all ships of that nation engaged in carrying oil to our country.

A dispute between our Nation and an international corporation that controls importing into the United States under a weak "flag of convenience." For example, if the United States pressures an international company to improve their safety and pollution standards, the company could instead withdraw its ships from our trade. Thus, we would either be without the supply we need, or else be forced to lower our standards and endanger our environment.

It therefore becomes apparent that in time of crisis, only U.S.-flag vessels can be directly controlled by our Government. In a future oil crisis, all the European-flag vessels currently engaged in transporting oil to the United States would either shift to their own oil trade or be nationalized by their governments. We could not afford to lose these ships, which currently carry about one-third of our imported oil. Yet, our European allies could not afford to let us keep these ships in our service.

Many arguments have been presented to attack the fact that our national security requirements command enactment of this amendment. There has been much testimony before the House Merchant Marine and Fisheries Committee to the effect that the United States can rely on the "effective control" fleet in time of national crises. But the truth of the matter is that the doctrine of effective control has never been put to the test. In other words, we have never been in the position to determine once and for all whether these Liberian-, Panamanian-, and Honduran-flag vessels would be available to the United States. We must have oil to survive as a nation, and we must import our oil. Our national security demands that we know we will be able to have the ships we require. There is only one way to so guarantee, and that is through the use of U.S.-flag vessels.

Another argument presented was that in time of an oil boycott against the United States, the exporting nations would load foreign-flag but not U.S.-flag ships. History has shown that this is not the case. The Department of Interior's Middle East Petroleum Emergency of 1967 contains an excerpt from Esso magazine. That article stated that:

> . . . But, following allegations of Anglo-American participation in the war, all loadings at Arab ports for British and U.S. destination were refused, while some Arab states placed an embargo on British and U.S.-flag vessels, irrespective of their destination . . .

The point is that in time of boycott, the exporting nations would not allow any flag to deliver oil to the United States. All participating nations joined in the boycott of the country of destination, whereas not all boycotted U.S.-flag vessels. Their argument in opposition to this legislation is therefore meaningless.

President Nixon, in late July 1970, asserted that "we are primarily—a sea power." Virtually surrounded by water, and hardly self-sufficient, the United States must rely on ships to import oil—vital and strategic material.

We cannot allow the carriage of this energy source to fall completely into foreign hands. We cannot allow our Merchant Marine—our Nation's fourth arm of defense—to deteriorate to such a point that in time of crisis it will be unable to meet our needs. The world is constantly changing. Our enemies of yesterday are our friends of today. And our friends may tomorrow's enemies. We must maintain ourself. We cannot place our fate in the hands of nations who may not desire to or be able to help us in time of trouble.

This legislation must be acted upon favorably. Americans need the jobs and the United States needs the guarantee of security.

By Mr. RANDOLPH (for himself, Mr. BAYH, and Mr. COOPER):

S. 3405. A bill to amend title 23 of the United States Code to establish a national scenic and recreational highway program. Referred to the Committee on Public Works.

NATIONAL SCENIC AND RECREATIONAL HIGHWAY PROGRAM

Mr. RANDOLPH. Mr. President, on behalf of myself, the junior Senator from Indiana (Mr. BAYH), and the senior Senator from Kentucky (Mr. COOPER), I introduce for appropriate reference a bill to amend title 23 of the United States Code to establish a national scenic and recreational highway program.

The purpose of this bill is to meet a long-recognized need for additional means of access to places of scenic, recreational, historical, archeological, and scientific interest. It is based on the acknowledged premise that significant esthetic, educational, and recreational values can be gained from viewing varied vistas of natural grandeur and beauty, utilizing outdoor, open-space recreational areas, and visiting the numerous scattered sites significant in our cultural heritage.

Nearly 8 years ago the development of a national system of scenic roads and parkways was advocated by President Kennedy's Recreation Advisory Council. In June 1966, the President's Council on Recreation and Natural Beauty—successor to the Advisory Council—issued a comprehensive report recommending adoption of a minimum $4 billion, 10-year program for the development of scenic roads and parkways. It should be noted that the report was founded on data submitted by each State and by affected Federal agencies proposing specific projects which were then carefully evaluated and ranked according to potential use, construction costs, and proximity to population centers.

Mr. President, the number and quality of scenic and recreational roads available to the motoring public is deficient. The quantity of open-space and recreational areas, especially that which is readily accessible to many urban dwellers, has been decreasing at the same time more and more families have the time and financial resources necessary to enjoy them. Owners of private automotive vehicles are seeking highways upon which they can drive for pleasure at a more leisurely pace and can benefit from adjoining recreational and other leisure-time facilities.

My bill would attempt to remedy this apparent lack by a new, twofold program; assistance would be provided to both the States and Federal departments and agencies having jurisdiction over public lands of the United States for the development of scenic and recreational highways throughout the Nation. For each of the fiscal years ending June 30, 1974 and 1975, there would be authorized $150 million to be allocated to the States and $50 million to be allocated to Federal departments and agencies for the location, construction, or reconstruction of such highways. Although funding at inception would be only at half the level proposed by the President's Council, I believe the smaller scale would be preferable until the program is fully underway. In later years, increased amounts can be appropriated as demonstrated by future needs and experience.

Scenic and recreational highways built or improved on public lands of the United States, of course, would be financed entirely by the Federal Government, but those within State or local jurisdiction would be entitled to 80-percent Federal share of their total cost. Appropriations for the latter would be apportioned among the States according to a formula combining the elements now employed for Federal-aid highway, secondary, and urban-extension funds. Under this pattern all States would receive amounts proportionate to such factors as total area, population distribution, and highway mileage.

To be eligible for Federal aid under this program, States would comply with criteria to be established by the Secretary of Transportation. Scenic and recreational highways would have to be connected with other Federal-aid highways, marked with uniform identifying signs, and limit outdoor advertising signs, displays and devices in accord with the provisions of the Highway Beautification Act of 1965. Priority would be given to the location of such highways near or easily accessible to larger population centers, and no fees could be charged for the use of any facility constructed with the aid of Federal funds.

The Secretary would be authorized to consult with the heads of Federal departments and agencies having jurisdiction over public lands of the United States and to make agreements for the construction or reconstruction of scenic and recreational roads on such lands. As far as possible the same criteria developed for highways constructed or reconstructed by States under this program would also be made applicable to those established and paid for entirely by Federal funds on public lands of the United States.

In addition to the normal costs involved in planning, designing, engineering, constructing and reconstructing scenic and recreational highways, the bill would permit funds appropriated under both phases of the program to be used for such ancillary purposes as acquiring scenic easements, purchasing historical, archeological or scientific sites of interest, providing roadside rest and recreational areas or other facilities deemed appropriate by the Secretary.

Mr. President, as we approach the 200th birthday of this Nation, I think of this program as one which would provide worthwhile and lasting benefits for the people as a whole. This is contemplated by such a bill. It would be very fitting if by the time the national celebration is held in 1976 substantial sections of the new scenic and recreational highway program could be completed in many of our 50 States.

I ask unanimous consent that the full text of the bill be printed at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3405

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 1 of title 23 of the United States Code is amended by inserting at the end thereof a new section as follows:

"§ 145. National Scenic and Recreational Highway Program.

"(a) (1) The Congress finds—

"(A) that there are significant esthetic and recreational values to be derived from making places of scenic and natural beauty and historical, or scientific interest accessible to the public;

"(B) that there is a deficiency in the number and quality of scenic roads, parkways and highways available to the motoring public;

"(C) that with increased population, greater leisure time and higher percentage of privately owned automotive vehicles, more families than ever are seeking suitable areas in which to drive for pleasure and recreation;

"(D) that the growth of cities and large metropolitan centers has decreased the quantity of open-space and recreational areas available to the general public, especially urban dwellers; and

"(E) that substantial economic, social, cultural, educational and psychological benefits could be gained from a nationwide system of attractive roadways making possible widespread enjoyment of natural and recreational resources.

"(2) It is therefore the purpose of this section to provide assistance to the States and to other Federal departments and agencies having jurisdiction over Federal lands open to the public in order to develop highways throughout the Nation to satisfy such needs.

"(b) As soon as possible after the date of enactment of this section the Secretary shall establish criteria for the location and construction or reconstruction of highways by the States in order to carry out the purpose of this section. Such criteria shall include requirements that—

"(1) priority be given in the location of such highways near or easily accessible to the larger population centers of the State;

"(2) such highways be connected with other Federal-aid highways and preferably with the Interstate System;

"(3) such highways be marked with uniform identifying signs;

"(4) effective control, as defined in section 131 (c) of this title, of signs, displays, and devices will be provided along such highways;

"(5) the provisions of section 129 (a) of this title shall not apply to any bridge or tunnel on any such highway and no fees shall be charged for the use of any facility constructed with assistance under this section.

"(c) For the purpose of this section the term 'construction' includes the acquisition of areas of historical, archeological, or scientific interest, necessary easements for scenic purposes, and the construction or reconstruction of roadside rest areas (including appropriate recreational facilities), scenic viewing areas, and other appropriate facilities determined by the Secretary for the purpose of this section.

"(d) Highways constructed or reconstructed pursuant to this section (except subsection (g)) shall be part of the Federal-aid primary system except with respect to such provisions of this title as the Secretary determines are not consistent with this section.

"(e) Funds appropriated for each fiscal year pursuant to subsection (h) (1) shall be apportioned among the several States for payments to carry out the purpose of this section in the ratio which the total apportionments to each State pursuant to section 104(b) (1), (2), and (3) for such year bears to the total such apportionments to all States for such year.

"(f) The Federal share of the cost of any project for any construction or reconstruction pursuant to the preceding subsections of this section shall be 80 per centum of such cost.

"(g) The Secretary is authorized to consult with the heads of other Federal departments and agencies having jurisdiction over Federal lands open to the public in order to enter into appropriate arrangements for necessary construction or reconstruction of highways on such lands to carry out the purpose of this section. To the extent applicable criteria applicable to highways constructed or reconstructed by the States pursuant to this section shall be applicable to highways constructed or reconstructed pursuant to this subsection. Funds appropriated pursuant to subsection (h) (2) shall be used to pay the entire cost of construction or reconstruction pursuant to this subsection.

"(h) There is authorized to be appropriated out of the Highway Trust Fund (1) not to exceed $150,000,000 for each of the fiscal years ending June 30, 1974, and June 30, 1975, for allocations to the States pursuant to this section, and (2) not to exceed $50,000,000 for each of the fiscal years ending June 30, 1974, and 1975, to carry out the provisions of subsection (g)."

Sec. 2. The table of contents of chapter 1 of title 23 of the United States Code is amended by inserting at the end thereof the following:

"145. National Scenic and Recreational Highway Program."

Mr. COOPER. Mr. President, I am pleased to have the opportunity to join the distinguished chairman of the Committee on Public Works, Senator Randolph, in introducing a bill to establish a national scenic and recreational highway program.

As Senator Randolph has indicated, interest in a national program is not new. There already exist several thousand miles of scenic and recreational roads—National and State parkways which allow no commercial traffic, segments of the interstate and other Federal-aid highways, national forest and park roads, and designated boulevards in some cities. The responsibility for planning and building scenic roads is scattered—

carried out by numerous local, State and Federal agencies, with little reference to each other or to any coherent plan to insure desirable use of limited resources.

This bill provides the opportunity to examine the concept of scenic and recreational roads, to determine the desirable characteristics of a national system, and establish the degree of Federal support and guidance necessary to achieve the desired end.

I have been interested in Federal programs to beautify our highways for many years. In 1967 I introduced the scenic development and road beautification bill to encourage States to enhance the scenic value of selected roads within their borders. I have reviewed, with interest, Gov. Maurice Thatcher's ideas for a national, connected system of parkways. I have been concerned about the slow pace at which parkway development takes place, including lack of progress on the proposed Allegheny Parkway in Kentucky, Virginia, and West Virginia.

I hope that hearings on this bill will provide information useful in defining a national system, such as the type of traffic it is to carry—for example, the extent to which commercial vehicles will be allowed—the design and location characteristics best suited to its purpose; its extent and total cost; and which existing roads it should include.

To many travelers the destination has customarily been more important than the trip. I believe that we, as a nation, now recognize the opportunities we miss by concentrating only on the ultimate goal and that we are beginning to enjoy the journey as well as its end—which is, after all, in an old tradition. I think that a carefully conceived, well-executed national program for scenic and recreational roads could add the dimension of quality to highway travel in America.

By Mr. BIBLE (for himself and Mr. Cannon):

S. 3406. A bill to declare certain Federal lands held in trust for the Confederated Tribes of the Goshute Indian Reservation. Referred to the Committee on Interior and Insular Affairs.

Mr. BIBLE. Mr. President, on behalf of myself and my distinguished colleague from Nevada (Mr. Cannon), I introduce for appropriate reference a bill to declare certain Federal lands held in trust for the Confederated Tribes of the Goshute Indian Reservation located on the boundary line between the States of Nevada and Utah.

The lands in question, adjacent to the present reservation, are in one of the most isolated areas in the United States. The Indians of the Goshute Reservation live in a desolate portion of the great American desert where living is difficult and where the sole means of livelihood is through a marginal stockraising economy. The nearly 2,000 acres of land proposed to be added to the reservation are identical to those now within the reservation boundaries but will permit the tribe to enlarge the present livestock operations and contribute to the welfare of its members.

Mr. President, I ask unanimous consent that a copy of resolution No. 72–G–4 adopted by the governing body of the Confederated Tribes of the Goshute Reservation on December 9, 1971, be printed in the Record as a part of my statement.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

RESOLUTION OF THE GOVERNING BODY OF THE CONFEDERATED TRIBES OF THE GOSHUTE RESERVATION

Whereas, by tribal resolution No. 71–G–4 dated July 9, 1970, the governing body of the Confederated Tribes of the Goshute Reservation requested the Superintendent, Nevada Indian Agency, to withdraw all available Public Domain lands within the corridor between the States of Utah and Nevada for addition to the Goshute Indian Reservation, and

Whereas, the tribal resolution No. 71–G–4 dated July 9, 1970 failed to include a certain parcel of Public Domain land described as the SE¼SW¼ Sec. 34, T. 9 S., R. 19 W., Salt Lake Meridian.

Now therefore be it resolved that since that certain parcel of Public Domain land described as SE¼SW¼ Sec. 34, T. 9 S., R. 19 W., Salt Lake Meridian, was not included in tribal resolution No. 71–G–4 dated July 9, 1970, we wish to include that certain herein described vacant Public Domain land in our application for withdrawal, and we do hereby rescind resolution No. 71–G–4 dated July 9, 1970.

Be it further resolved that we request the herein described vacant Public Domain lands adjacent to the Reservation be withdrawn and added to the Goshute Reservation to be held in trust by the United States of America for the Confederated Tribes of the Goshute Reservation.

Be it further resolved that the Nevada Congressional delegation is requested to introduce appropriate legislation that will convey this land to the Goshute Tribe.

Be it further resolved that the Tribal Secretary is authorized to send copies of this resolution to the Superintendent, Nevada Agency; Intertribal Council of Nevada; the Commissioner of Indian Affairs, and the Secretary of the Interior.

By Mr. WILLIAMS (for himself, Mr. Randolph, and Mr. Pell):

S. 3407. A bill to amend the Education of the Handicapped Act to provide for improved opportunities for handicapped persons, and for other purposes. Referred to the Committee on Labor and Public Welfare.

SUPPLEMENTARY EDUCATION SERVICES FOR THE HANDICAPPED ACT OF 1972

Mr. WILLIAMS. Mr. President, I am today on behalf of myself, Mr. Randolph, and Mr. Pell, introducing a bill to amend the Education of the Handicapped Act—a bill to be known as the Supplementary Education Services for the Handicapped Act of 1972. This bill will authorize the Commissioner of Education to acquire and distribute television products and theater productions, telecommunication aids for the deaf, and sensory and communication devices for the handicapped. And, it will create and support more inclusive opportunities for the handicapped in continuing adult and higher education.

The ideas in this bill were prompted by a visit I made to the National Advisory Committee for the Education of the Deaf several weeks ago to make the first interview ever conducted via teletype, and to celebrate the installation of a teletype at the Mount Carmel Guild in New Jersey. The demonstration of the teletype reinforced my interest in problems of communication for those with disabilities. It brought home to me again the inequalities in our Nation for those who have disabilities that they must cope with every day. And it made me ask a very fundamental question. With all of our advances in technology and additions to knowledge in the last few years, why has that knowledge not been put to use to devise methods to enable disabled persons to function more freely?

I believe too many of us take for granted what modern technology has provided at minimal cost—the telephone, newspapers, films, television, street signs, warning signals. We fail to realize that these benefits are too often unavailable to the handicapped. And therefore we fail to invest much thought, planning, and foresight into creating mechanisms which would enable the handicapped to take advantage of similar communication aids, and to enable them to move more freely and independently in our society.

A few weeks ago, I asked the Congress and the Nation to commit themselves to the goal of full integration of handicapped persons into working, living, and social patterns of this society. If we are to reach our goal, then we must plan now to include them, and enable them to make this integration with ease, and with as little expense as possible. But to do this, we must revise our ways of thinking about persons with disabilities.

I recently had the opportunity to read an address by Dr. James Gallagher, the first Commissioner of the Bureau of Education for the Handicapped and presently director of the Frank Porter Graham Child Development Center at the University of North Carolina. In his address, Dr. Gallagher defined the handicapped as individuals who have problems in processing information around them and responding to this information. In viewing the handicapped in this way, he suggested we might identify the handicapped according to four types of problems they face. There are those who have problems in the reception of information—individuals with hearing and visual handicaps; those who have problems linking new information to old information—individuals who are mentally retarded, or with learning disabilities; those who have difficulties with communication skills—individuals with cleft palates, with cerebral palsy or with motor difficulties; and those who have difficulties with executive control—individuals who have motivational control problems, difficulties with attention control or who are emotionally disturbed.

As simple and easily understood as this categorization is, its ramifications are profound. First, it suggests that if we are going to deal with the problems of the handicapped adequately, not only must we take steps to eliminate causes, but we must find ways to ameliorate the conditions each individual finds himself in. Second, we must plan and provide a continuum of services that will bring each individual with handicaps as close as possible to normal functioning in daily situations. Third, and most important, we must realize that in a rapidly changing society where all individuals are taxed to keep up with rapid change, individuals who have difficulties processing and responding to even the simplest information are at a decided disadvantage.

If we are to find ways to fully integrate these individuals, we must also find ways to help them compensate for their disabilities and to allow them to compete on as equal a basis as possible. That is why I believe that the amendments I am introducing today are so important. We must begin as soon as possible to make their effects felt.

The first section of this bill authorizes the Commissioner to acquire and distribute telecommunications aids to the deaf. These aids would also be distributed to public and private nonprofit schools, agencies, and organizations which serve the deaf, and to police, fire, and other emergency service public agencies. These communication devices are to be made available for the purpose of providing public services to the deaf in times of emergency, to increase educational, cultural, and recreational opportunities for the deaf, and to increase normal communication opportunities between the deaf and hearing persons.

At the present time, there is a teletype system for the deaf in operation—a network of approximately 1,000 teletypewriters. These machines are largely refurbished and obsolete business machines which have been donated or purchased at a cost of approximately $250. This equipment, because it is old, does not have the capabilities of newer machines and therefore cannot communicate with other teletype networks used by motels, airlines, police, and other metropolitan agencies.

Under this section, an electronic keyboard could be provided that can be acoustically coupled with any telephone and will allow for two-way communication with any other phone with a similar system. For emergency services, these devices could communicate with other teletype systems or with central operators that could call emergency aid for the deaf. These systems can be purchased at $200 to $300 per system, and are compatible with existing devices such as the teletype. They are lighter, more portable, and cost about one-fifth what the teletypewriter costs. These devices would have the added capability of being able to connect with any similar computerized system in an educational institution, and therefore could be utilized for important educational services for deaf persons. There are many other telecommunication devices which have been developed that could be used or could be adapted for use by the deaf. This section gives the Commissioner authority to look into such aids and to provide them to the deaf, and to other agencies to improve deaf person's ability to communicate.

The second section of the bill authorizes the Commissioner to provide sensory and communications devices to local and State educational agencies, and other appropriate public or private nonprofit agencies that provide education for handicapped persons other than the deaf. Such devices are to be provided in order to allow handicapped children and adults to participate more fully in elementary, secondary, postsecondary, and continuing education programs.

Under this provision, the Commissioner could provide these aids to enable handicapped persons to more easily receive educational services or allow them to compete more easily with others without handicaps. For example, there are two devices which come to mind that would aid blind individuals in the pursuit of their education. One is a print reader which allows blind individuals to read anything that is printed. The second is a fast playback device like a tape recorder which allows ready access to printed materials, and is more portable and flexible than present talking books for the blind. Let me point out that the authorizations under these two sections represent an important first step toward providing these communication devices at no or low cost to all who need them.

The third provision would authorize grants and contracts for continuing adult and higher education opportunities for the handicapped, and would provide for the development of specifically designed educational programs, supplementary services, and other appropriate services designed to help handicapped persons enjoy equal education opportunities and to compensate for their handicaps. This is a provision that has long been needed. We know that each day more than 1,000 new books are published, more than 75 hours of television programing, and myriad magazines and newspapers are available. We talk often about the "information explosion"—about future shock—and the fact that we are being faced with rapid changes in society and major advances in knowledge and information. Community colleges, "open" universities, and external degree programs have been created offering a wider variety of learning experiences and providing most of us the possibility of continual learning. For one reason or another, the handicapped are often excluded from these experiences.

We know that there are many continuing and adult education programs operating in local communities. Colleges have undertaken to provide special advanced classes for the communities in which they are located. But we have forgotten that the handicapped are often excluded from these programs. If you examine all of these facilities, you will find few, if any, handicapped individuals enrolled. The reasons are obvious, even if the results are unintended. Theoretically, the handicapped should be involved in all of these classes, but there are physical obstacles to their enrollment: lack of transportation, inability to get into the building, inability to hear or see when they get there. For the more severely handicapped, there are other problems: the inability to keep up with the normal progress of a class or lack of familiarity even with basic processes of examination, because they have been denied education for too long. Most program coordinators have not considered these problems. Or, when they have, they have not had funds available to provide special facilities or special compensatory features which would allow the handicapped to participate more readily.

This provision will provide those additional funds. It will enable our communities to plan continuing educational services for the handicapped, and will provide for the creation of special classes and services to begin the compensatory education and training that many of the handicapped need.

Finally, the bill will expand the existing instructional media for the handicapped program to include television products, theater productions, and other media. This provision will allow the Commissioner of Education to provide outstanding theater, television, and other cultural productions to handicapped persons.

Mr. President, I believe that this bill provides important supplementary services for the handicapped. It fills in certain gaps in existing authority for programing for the handicapped, and will enable the Commissioner of Education to put to use developments in the area of technology and information processing which have been produced under research and development authority. And I expect under the broad research authority in title VI, ESEA, it will stimulate further research on applications of existing advances in communication and sensory technology to the real problems of information processing that face handicapped persons.

It is difficult for me to imagine that a Nation which developed the intricate communications technology involved in going to the moon, and supporting information satellites cannot find the expertise, and the money to allow persons with similar information problems to communicate more freely. I refuse to accept the argument that these are not similar problems. The answer has to lie in our willingness to make a commitment to people. And I, for one, will not accept our lack of commitment any longer.

Mr. President, I think it is particularly appropriate that we introduce this legislation today for today the Council for Exceptional Children opens the general sessions of its convention here in Washington at the Shoreham Hotel. CEC is celebrating its 50th anniversary of service and advocacy for exceptional children. This organization is well known throughout the Nation for its fine work and commitment on behalf of exceptional children, and I believe it is a fitting tribute that we join them in celebrating their 50th anniversary with the introduction of this bill.

Mr. President, I ask unanimous consent that the text of this bill be printed immediately following my remarks; and Mr. President, I ask unanimous consent that letters and excerpts from letters I have received on the Subcommittee on the Handicapped, S. 3158, the Office of the Handicapped, and Senate Joint Resolution 202, the White House Conference on the Handicapped be printed immediately following my remarks.

There being no objection, the bill and letters were ordered to be printed in the Record, as follows:

S. 3407

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Supplementary Education Services for the Handicapped Act of 1972".

SEC. 2. (a) Section 651 of the Education of the Handicapped Act (84 Stat. 178) is amended by striking out "(a)".

(b) Section 651 of such Act as amended by this Act is further amended by inserting immediately after "films" the following: ", television products, theatre productions, and other media".

SEC. 3. (a) Section 652(b)(1) of such Act is amended by inserting after "films" the following: "and television products,".

(b) Section 652(b)(3) of such Act is amended by inserting immediately before the semi-colon "and television products".

(c) Section 652(b)(4) of such Act is amended by inserting immediately after "films" the following: ", television products".

SEC. 4. Section 654 of the Education of the Handicapped Act is amended to read as follows:

"TELECOMMUNICATION AIDS FOR THE DEAF

"SEC. 654. (a) The Commissioner is authorized to acquire by purchase, lease, or gift, Teletype, telecommunication and similar communication systems.

"(b) The Commissioner is authorized to distribute by loan or direct grant such communication systems acquired under subsection (a) to public and private non-profit schools, agencies, and organizations which serve the deaf, and to police, fire and other emergency service public agencies and to deaf persons, for the purposes of providing equal opportunity for deaf persons to receive the protection of public agencies in emergencies.

"(c) In distributing communication devices under this section, the Commissioner shall consider the provision of—

"(1) public services to deaf persons in emergencies;

"(2) increased educational opportunity for deaf persons;

"(3) increased cultural and recreational opportunities for deaf persons; and

"(4) increased normal communication opportunity between deaf and non-deaf persons."

SEC. 5. The Education of the Handicapped Act is further amended by adding at the end thereof the following new sections:

"SENSORY AND COMMUNICATION DEVICES FOR THE EDUCATION OF HANDICAPPED PERSONS

"SEC. 655. The Commissioner is authorized to—

"(1) provide by contract, lease, or grant for the development or acquisition of, sensory and communication devices designed to allow handicapped children and adults to participate more fully in elementary, secondary, post secondary or continuing education programs and in increased cultural, recreational, and communication opportunities between handicapped and non-handicapped persons; and

"(2) to distribute such sensory and communication devices to local and State educational agencies, institutions of higher education, and other appropriate public or private non-profit agencies providing education for handicapped persons.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 656. For the purpose of carrying out this part, there are authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1973; $30,000,000 for the fiscal year ending June 30, 1974, and $35,000,000 for the fiscal year ending June 30, 1975.".

SEC. 6. The Education of the Handicapped Act is further amended by adding at the end thereof the following new part:

"PART H—CONTINUING AND HIGHER EDUCATION FOR THE HANDICAPPED

"STATEMENT OF PURPOSE

"SEC. 671. The purpose of this part is to develop, support, and improve opportunities for handicapped persons to partcipate in continuing education programs throughout their lifetime and for all handicapped persons to participate as fully as possible in the education programs of technical and vocational institutions and institutions of higher education which participate in educational programs with non-handicapped persons, thereby providing maximum opportunity for positive social, cultural and educational interaction between handicapped and non-handicapped persons.

"GRANTS AND CONTRACTS FOR CONTINUING AND HIGHER EDUCATION FOR HANDICAPPED PERSONS

"SEC. 672. The Commissioner is authorized to make grants and contracts to institutions of higher education, public or private, non-profit technical and vocational schools, State and local educational agencies, radio and television stations and other appropriate agencies for—

"(1) the development and conduct of specifically designed educational programs to meet the learning needs of handicapped persons;

"(2) providing supplementary services such as tutoring, interpreting services for deaf persons, note taking services for deaf or blind or physically handicapped persons; and

"(3) other appropriate services which are designed to help handicapped persons enjoy equal education opportunities and to compensate for their physical, sensory, mental or emotional handicaps.

"DEFINITION

"SEC. 673. For the purpose of this part, the term "continuing education" refers to educational offering designed to provide handicapped persons with (1) fundamental elementary and secondary educational programs designed to remedy deficiencies in the basic education of handicapped persons; (2) academic and technical materials at the high school and post-secondary level designed to help the handicapped person function more productively.

"AUTHORIZATION OF APPROPRIATIONS

SEC. 674. For the purpose of carrying out this part, there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, $7,500,000 for the fiscal year ending June 30, 1974, and $10,000,000 for the fiscal year ending June 30, 1975."

EDUCATION COMMISSION OF THE STATES,
Denver, Colo., March 17, 1972.
Hon. HARRISON A. WILLIAMS, Jr.,
U.S. Senator, Old Senate Office Building, Washington, D.C.

DEAR SENATOR WILLIAMS: On behalf of the Task Force and staff of the Handicapped Children's Education Program, I would like to take this opportunity to commend you sincerely for your recent successful efforts on behalf of the handicapped.

The establishment of a Subcommittee on the Handicapped as part of the Labor and Public Welfare Committee comes at a time when alternate strategies must be found to deliver services to the vast number of handicapped persons who need but do not now receive them. Your dedicated interest in the development of national policies and programs in this area clearly indicates your total commitment of serving this group.

It is our sincere hope that you will look to the Handicapped Children's Education Program for assistance in carrying out this new work. Your fellow Task Force members and the HACHE staff will be delighted to support you in any way that you feel may be helpful in achieving your goals.

Sincerely,

GENE HENSLEY,
Director, Handicapped Children's Education Program.

STATE OF NEW JERSEY, DEPARTMENT OF INSTITUTIONS AND AGENCIES,
Newark, N.J., March 17, 1972.
Hon. HARRISON A. WILLIAMS, Jr.,
U.S. Senate, Committee on Labor and Public Welfare, Washington, D.C.

DEAR SENATOR WILLIAMS: I read with a great deal of pleasure your commitment to improve the lot of handicapped individuals in our society. It seems to me that the steps you are planning to create a new subcommittee on the handicapped; to support the calling of a White House Conference on the handicapped and to establish an office on the handicapped in the Department of HEW are all excellent steps that should lead to effective instruments for assuring equal opportunities for the bland and other handicapped individuals. * * *

With warmest personal good wishes.

Very truly yours,

JOSEPH KOHN,
Executive Director.

STATE OF RHODE ISLAND PROVIDENCE PLANTATIONS, DEPARTMENT OF EDUCATION,
Providence, R.I. March 16, 1972.
Senator HARRISON A. WILLIAMS, Jr.,
Chairman, U.S. Senate, Committee on Labor and Public Welfare, Washington, D.C.

DEAR SENATOR WILLIAMS: I reviewed your proposed bill, S 3158, and accompanying joint resolution with great interest. When one considers the large number of activities and programs for the handicapped scattered among the various agencies of Health, Education, and Welfare, the need for coordination becomes obvious. Please let me know of any way that I can support your proposal.

Sincerely yours,

FRANCIS B. CONLEY,
Coordinator, Special Education.

THE COUNCIL FOR EXCEPTIONAL CHILDREN,
March 13, 1972.
Hon. HARRISON A. WILLIAMS, Jr.,
Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: I was very pleased to receive your speech delivered February 9, 1972 as printed in the Congressional Record. I am sure that you know we appreciate your continued interest in the education of handicapped children and all of the important things you are helping to make possible for them.

Please be assured of our continued interest and cooperation in any way possible.

With kindest regards and best wishes.

Sincerely yours,

WILLIAM C. GEER,
Executive Secretary.

AMERICAN PSYCHIATRIC ASSOCIATION,
Washington, D.C., March 15, 1972.
Hon. HARRISON A. WILLIAMS, Jr.,
Chairman, Committee on Labor and Public Welfare, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR WILLIAMS: The American Psychiatric Association, which represents 19,000 of the 25,000 practicing psychiatrists in the United States, wishes to commend you on the initiative you have taken in behalf of the handicapped people of this country.

We are aware that you have included the mentally retarded as recipients of your worthy efforts, and we wholly support your concerns since our members have been actively engaged in this area for many years.

The profession of psychiatry is interested in the mental health of all people, including the handicapped. If we, as a society, continue to impose additional hardships on this special group of people instead of finding ways and means to promote their personal welfare through rehabilitation, vocational training, and other aids, there is no question that, as a consequence, their mental health will suffer.

If you should require any assistance from our Association in your endeavors for the handicapped, be assured that we will hasten to be of service.

With very best personal regards, I am

Sincerely,
Ewald W. Busse, M.D.,
President.

Commonwealth of Virginia,
State Department of Education,
Richmond, Va., March 13, 1972.

Hon. Harrison A. Williams, Jr.,
U.S. Senate,
Washington, D.C.

Dear Mr. Williams: Thank you for the remarks made recently by you on the Senate floor asking for a major Congressional and National commitment to the handicapped. You have made a strong and I trust useful statement which should move this Nation closer to a fulfillment of its obligation to the handicapped. This I view as morally necessary and economically feasible. Should you be successful in establishing an Office of the Handicapped, I hope that one of its primary efforts will be toward bringing cohesiveness to the multitude of now existing programs.

Sincerely,
S. P. Johnson, Jr., *Director,*
Elementary and Special Education.

Special Educational Programs,
Washington, D.C., March 13, 1972.

Hon. Harrison A. Williams, Jr.,
The U.S. Senate,
Washington, D.C.

Dear Senator Williams: I have read and studied your recent remarks calling for a national commitment to the handicapped (Congressional Record, Volume 118, No. 17, Wednesday, February 9, 1972). There has been too little attention to the condition of the handicapped in the United States. A condition which in some parts of the country has reached crisis proportions. Too many exceptional children are deprived of educational justice and as you stated, the realization of their personal and economic potential.

Discrimination against the handicapped is as invidious as any we know, and to paraphrase a popular notion that they are often last thought of and first cut off when budgetary allotments are made. Your remarks on the Senate Floor and the statistical data contained therein are all too accurate and once again point out the tragedy which is in the making in this country. I am enclosing copies of our own analysis of this problem right here in the shadow of the Capitol.

As a professional deeply involved in special education, I want to record my support for each of your proposals and to particularly identify myself with your call for a White House Conference on The Handicapped and provision in resolution 202 providing for "educational, health and diagnostic services for all children early in life so that handicapped conditions may be discovered and treated early."

I am willing to assist in this national endeavor you propose, and I enlist your assistance in alleviating the current tragic situation which exists right here in Washington, D.C.

Sincerely yours,
John L. Johnson,
Associate Superintendent.

State of Wisconsin,
Department of Public Instruction,
Madison, Wis., March 15, 1972.

Senator Harrison A. Williams, Jr.,
Chairman, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

Dear Senator Williams: I sincerely appreciate receiving your letter concerning new congressional and national commitment to handicapped persons. I strongly support the ideas expressed in your remarks in the Congressional Record of Wednesday, February 9, 1972.

While there have been a number of successful programs, established by the federal government for handicapped children and adults, I feel that your call for a national commitment is most necessary and timely. I have served on a number of national groups, including the National Advisory Committee on Education of the Deaf, and currently the committee that you also serve on, the Task Force of the Handicapped Children's Education Program for the Education Commission of the States.

I think your ideas expressed in S. 3158 as they relate to coordinating programs is most feasible. I also strongly endorse the concept of a White House conference to focus the attention of the nation, at least for a brief time, on the achievements and needs of handicapped people.

Cordially yours,
John W. Melcher,
Assistant State Superintendent.

Virginia Commission for
the Visually Handicapped,
Richmond, Va., March 15, 1972.

The Honorable Harrison Williams,
U.S. Senate,
Washington, D.C.

Dear Senator Williams: May I first congratulate you on your presentation in the Wednesday, February 9, 1972, edition of *The Congressional Record* concerning your subcommittee on the handicapped, the proposed creation of an Office of the Handicapped in the Department of Health, Education, and Welfare, and the proposed White House Conference on the Handicapped. I found the data you presented to be both thought provoking and challenging.

Sincerely,
Frank S. Penland,
Director, Education Service Department.

Kansas State Department of
Education,
Topeka, Kans., February 22, 1972.

Hon. Harrison Williams, Jr.,
U.S. Senate,
Washington, D.C.

My Dear Senator Williams: The three major initiatives which you have spearheaded should show a significant impact toward alleviating the problems and neglect of the handicapped. It would appear that such a move would give additional visibility to aid in the implementation of the various programming that is needed. * * *

Yours sincerely,
James E. Marshall,
Director of Special Education.

Interagency Council for the
Handicapped of Bergen County,
Bergenfield, N.J., February 21, 1972.

Senator Harrison A. Williams, Jr.,
U.S. Senate Office Building,
Washington, D.C.

Dear Senator Williams: Thank you for your reply dated February 16th and a copy of the Congressional Record dated February 9th. Your comment appear to be "taken from the lips" of parents and professionals who for years have been accepting this piecemeal offering. Even those of us in Bergen County New Jersey who have accomplished far more than other parts of the nation still have many untolled tasks to bring the handicapped up to the second class citizen. Your three proposals will take a giant step forward. If I may contribute two areas which at first reading of the Congressional Record, do not appear covered. First a need to educate that public who are not handicapped or who do not have any handicapped loved ones, that the handicapped do not have a contagious disease and that children without handicaps can play with handicapped children. This applies to all ages including the adult working world where the handicapped are denied social associations which they desperately need to feel success.

In addition there is a need for living facilities for the handicapped young adult who must and desires to learn to live independently of his family. This may require some social services as the young adult learns. Some call these half way houses while others call them living centers. With these facilities must be vocational training or retraining facilities.

Please feel free to call upon our Council for support or reference or in anyway we can assist you in this most important work. We shall be ever grateful for this work you have undertaken.

Norman A. Bleshman.

United Cerebral Palsy
Associations, Inc.,
New York, N.Y., February 22, 1972.

Hon. Harrison A. Williams, Jr.,
Chairman, Committee on Labor and Public Welfare, U.S. Senate, New Senate Office Building, Washington, D.C.

Dear Senator Williams: We of United Cerebral Palsy Associations, Inc., are delighted to learn of your three initiatives on behalf of the handicapped, namely: the creation of a new Subcommittee on the Handicapped; the introduction of a resolution calling for a White House Conference on the Handicapped; and the introduction of legislation to establish an Office of the Handicapped in the Department of Health, Education, and Welfare. * * *

Sincerely,
Elsie D. Helsel, Ph. D.,
Washington Representative.

State of Delaware,
Department of Labor,
Wilmington, Del., March 14, 1972.

Hon. Harrison A. Williams, Jr.,
Chairman, Committee on Labor and Public Welfare, U.S. Senate, Washington. D.C.

Dear Senator Williams: Thank you for providing us with a copy of the Congressional Record containing your comments on the needs of our handicapped citizens and the legislation which you introduced. We strongly endorse the action you have taken and welcome your aggressive leadership and commitment to the handicapped.

The most attractive aspect of your comments as viewed by us is your awareness that a significant part of the answer to our problems lies with the lack of coordination between programs already established. In our experience, even more than coordination is needed. We are increasingly talking about the need for "integration" of services across agency and program lines in such a way that there is a singular point of contact between the handicapped person and the total range of services that are needed to develop optimal potential. Encouraged by initial progress toward the integration of social, employment, and rehabilitation services toward the goal of vocational restoration or self-support, we are now attempting to devise plans for developing an integrated service delivery system which would add education to our program in Delaware. Our idea is to cut across "sole state agency" lines through the means of contracts between agencies in such a way that a prime agency is provided the responsibility for developing a singular comprehensive plan for each handicapped or disadvantaged individual, calling upon the resources of all participating agencies as necessary. Although this offers many benefits and problems, the "client" is relieved of the necessity to work simultaneously with a host of agencies and programs.

Partly due to the categorical nature of public programs and reinforced by the self interests of professional groups and agencies, we frequently duplicate our efforts and utilize our extremely limited resources poorly. Bold and imaginative leadership and new approaches will, we believe, be required to realize the commitments of which you speak.

We wish you every success with your activities and pledge our efforts and resources to the same commitments.

Sincerely yours,

F. Arthur Brill, *Director.*

Bronx, N.Y.
March 17, 1972.

Dear Senator Williams: As the legislative director of the Co-op City Handicapped Adult Association, I would like to thank you for the clear and honest statements you made concerning the handicapped. We read your statements in the Congressional Record of February 9, and we saw it as a Magna Carta type announcement. The handicapped wish to be fully integrated into their communities; not treated as outcasts. We live in an exciting society and the handicapped can make a positive contribution. We think passage of S. 3158 and S.J. 202 will be a giant step towards social equality for the handicapped.

Anything we can do, please let me know.

Respectfully yours,

Lawrence Daley,
Legislative Director.

State of Delaware,
Department of Public Instruction,
Dover, Dela., March 16, 1972.

Hon. Harrison A. Williams, Jr.,
U.S. Senate, Senate Office Building, Washington, D.C.

Dear Senator Williams: The presentation which you recently made in the Senate asking for a major congressional and national commitment to the handicapped has been discussed with the members of our staff who are especially concerned with handicapped children. We commend you for your comments and for your interest in handicapped individuals.

We are highly supportive of the three major initiatives taken; we are particularly enthused about the legislation which you have introduced which would establish an Office of the Handicapped in the Department of Health, Education, and Welfare. With over one hundred different federally-funded programs for the handicapped, a coordinating office would indeed be desirable.

Best wishes in this endeavor.

Respectfully,

Kenneth C. Madden,
State Superintendent.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1819

At the request of Mr. Brock, the Senator from New York (Mr. Buckley) was added as a cosponsor of S. 1819, a bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

S. 1883

At the request of Mr. Magnuson, the Senator from Wyoming (Mr. Hansen) was added as a cosponsor of S. 1883, the Interstate Taxation Act.

S. 2161

At the request of Mr. Hartke, the Senator from South Carolina (Mr. Hollings) was added as a cosponsor of S. 2161 a bill to amend chapters 31, 34, and 35 of title 38, United States Code, to increase the vocational rehabilitation subsistence allowances, the educational assistance allowances, and the special training allowances paid to eligible veterans and persons under such chapters.

S. 2163

At the request of Mr. Mathias, the Senator from Delaware (Mr. Boggs) was added as a cosponsor of S. 2163, the Vietnam Veterans Act of 1971.

S. 2579

At the request of Mr. Harris, the Senator from Texas (Mr. Bentsen) and the Senator from Illinois (Mr. Percy) were added as cosponsors of S. 2579, the Ocean Mammal Protection Act of 1971.

S. 2956

At the request of Mr. Javits, the Senator from Pennsylvania (Mr. Schweiker) and the Senator from Minnesota (Mr. Humphrey) were added as cosponsors of S. 2956, the War Powers Act.

S. 3012

At the request of Mr. Curtis, the Senator from South Carolina (Mr. Thurmond) was added as a cosponsor of S. 3012, the "Individual Retirement Benefits Act of 1971."

S. 3083

At the request of Mr. Hartke, the Senator from Wisconsin (Mr. Nelson) was added as a cosponsor of S. 3083, a bill to amend the Fair Packaging and Labeling Act to provide for a uniform system of quality grades for food products, to provide for a system of labeling of food products to disclose the ingredients thereof, to provide for a system of national standards for nutritional labeling of food products, and to provide for a system of labeling of perishable and semiperishable foods.

S. 3121

At the request of Mr. Scott, the Senator from Oregon (Mr. Hatfield) was added as a cosponsor of S. 3121, a bill to extend the Civil Rights Commission for 5 years.

S. 3276

At the request of Mr. Dole, the Senator from Oregon (Mr. Hatfield) was added as a cosponsor of S. 3276, a bill to enable wheat producers, processors, and end-product manufacturers of wheat foods to work together to establish, finance, and administer a coordinated program of research, education, and promotion to maintain and expand markets for wheat and wheat products for use as human foods within the United States.

S. 3355

At the request of Mr. Dole, the Senator from Ohio (Mr. Taft) was added as a cosponsor of S. 3355, a bill to authorize the payment of a death gratuity to the survivors of certain members of the Armed Forces who have been in a missing-in-action status and subsequently determined to have died during a period when no Government life insurance program was in effect for active duty personnel.

SENATE JOINT RESOLUTION 156

At the request of Mr. Hartke, the Senator from Rhode Island (Mr. Pastore) was added as a cosponsor of Senate Joint Resolution 156, to designate the month of April 1972 as "National Check Your Vehicle Emissions Month."

SENATE JOINT RESOLUTION 217

At the request of Mr. McGee, the Senator from Rhode Island (Mr. Pell) and the Senator from Maryland (Mr. Mathias) were added as cosponsors of Senate Joint Resolution 217, a joint resolution to create an Atlantic Union delegation.

SENATE RESOLUTION 284—SUBMISSION OF A RESOLUTION RELATING TO AGREEMENTS OR TREATIES CONCERNING LANDING RIGHTS OF SUPERSONIC AIRCRAFT

(Referred to the Committee on Foreign Relations.)

SUPERSONIC AIRCRAFT NOISE AND BOOM LIMITATIONS

Mr. CRANSTON. Mr. President, together with Senators Muskie and Pell, I submit two resolutions which express the sense of the Senate that any treaty or agreement granting landing rights within the United States to supersonic aircraft, limit both their noise levels and sonic booms. The resolutions provide: First, that noise levels from supersonic aircraft should be required to meet the international standards for new subsonic jet aircraft, and second, that sonic booms should not be allowed over the United States or within 3 miles of the coast. The noise standard included in the resolution is annex 16 of the International Civil Aviation Organization Convention—a treaty approved by the Senate.

Annex 16 establishes noise standards for all current and future generation commercial subsonic aircraft.

Aircraft noise is measured in effective perceived noise decibels. Annex 16 limits noise emissions at the level of 106 EPNDB for new generation aircraft the size of the Concorde. It is unclear exactly what noise levels will be emitted by the Concorde. The British and French Governments claim that the Concorde will emit noise at the level of 114 EPNdb. Critics of the Concorde, including the acoustical director of NOISE—a group of city governments organized to fight aircraft noise—claim that the Concorde will produce 120 EPNdb or more. The Concorde will therefore emit between 8 and 14 plus EPNdb more than annex 16 standards require.

The difference in these numbers does not seem great until you realize that noise is measured on a logarithmic scale. A noise differential of 10 EPNdb was described in the hearings on S. 1566—an aircraft noise retrofit bill—before the Senate Commerce Subcommittee on Aviation by Randall Hurlburt, the acoustical engineer for the City of Inglewood, which is adjacent to Los Angeles International Airport:

> [A reduction of 10 EPNDB] means that where there are presently 500 aircraft per day flying over a neighborhood, the noise will be approximately equivalent to 50 airplanes per day. Where there are 50 airplanes per day, the change will make the noise environment equivalent to 5 airplanes per day. In spite of what anyone says, this is a dramatic change!

In terms of the total noise environment around an airport, the Concorde will therefore produce between 8 and 14 times more noise than it would if the plane met Annex 16 standard. This would be a dramatic step backward. Our airport environments would become noisier. The goal of reduced aircraft noise pollution embodied in Annex 16 standards would be negated.

Any aircraft flying at speeds faster than sound must produce a sonic boom. There is no question sonic booms cause extensive damage. Sonic booms were inflicted on Oklahoma City during 5-month long tests run by the Air Force. The result was $218,000 in actual damage payments and court awards for damage to windows, plaster, et cetera. Boeing engineers calculated the boom from a Boeing SST would be twice as intense as the typical Oklahoma City boom. The Department of the Interior estimates that if supersonic transports become fully operational over the United States, damage claims would be $35 to $80 million each year. This is the most conservative of estimates ranging up to $160 million each year.

A sonic boom is not a phenomenon that lasts only a few moments. A sonic boom is continuous during all times an airplane is flying at supersonic speeds. If a plane flew at supersonic speeds from New York to Los Angeles, it would leave in its wake a boom carpet—a corridor of the earth's surface which feels the boom. The boom carpet would be approximately 50 miles wide and 3,000 miles long. Every human, every animal, and every structure unfortunate enough to be in that area would be struck by the sonic boom.

In Senate hearings last year, William Macgruder, head of the SST project with the Department of Transportation, said the administration had taken the position for 5 years that aircraft should not be flown at supersonic speeds over land. To make this position binding on airlines flying supersonic aircraft, the agreement granting landing rights should require that no supersonic flight shall occur over the United States or within 3 miles of its shores.

Annex 16 was adopted internationally to reduce aircraft noise. Progress is now being made toward this goal. Older aircraft such as 707's, 727's, DC–8's, and DC–9's, emit considerably more noise than the Annex 16 standard for new aircraft allows. 747's built 2 years ago did not meet annex 16, nor were 747's covered by annex 16. 747's now being built do meet annex 16 standards although they are not required to meet them. The new DC–10 and L–1011 have noise levels which meet annex 16 requirements. Boeing, Douglas, and Lockheed are all building aircraft that meet annex 16.

We must continue to progress in our fight against aircraft noise. If the Concorde is allowed to fly without first meeting annex 16 standards, the progress will be stopped. Aircraft noise will not be reduced, nor will it even remain constant. The Concorde will seriously increase aircraft noise. The Concorde, which will be replacing 747's on international flights, carries less than half the number of passengers at approximately twice the level of noise.

Before the Concorde can land in the United States, either an international agreement or a bilateral agreement must be signed by the United States. The United States should not sign such an agreement unless annex 16 standards for noise are included in such agreement.

Requiring the Concorde to meet annex 16 standards is a difficult decision. It may mean the Concorde will not land in the United States. Supporters of the Concorde believe the U.S. State Department will never allow environmental concern to prevent Concorde flights to the United States. Britain and France have over $1.3 billion invested. It is a serious matter to say to our allies that the largest market in air traffic will not be open to the Concorde. It is also a serious matter to say the progress making our environment more livable will be reversed. The high level of noise produced was one of the major reasons the American SST was discontinued. Can we apply lesser standards to the European supersonic transport? The aircraft noise problem was realized, yet work continued on the Concorde. Britain and France had no reason to believe our position would be different on the Concorde than it was on the American SST. If the Concorde cannot meet acceptable noise standards, then it must not be allowed to land in the United States.

The Senate must decide this now. Discussions on supersonic aircraft noise are currently taking place at talks sponsored by the International Civil Aviation Organization. If the United States does not take the position annex 16 limits should apply to supersonic aircraft, then by default the opposite will be the U.S. position. Applying annex 16 noise standards to supersonic aircraft is a position consistent with all that has transpired in the field of aircraft noise during the past few years. It is the position of the Airport Operators International Council, a group that represents operators of almost all major airports in the United States. It must be the official position of the United States.

The resolution is as follows:

S. Res. 284

Resolved, That it is the sense of the Senate that any treaty or agreement entered into by the United States, to permit or approve the conditions under which supersonic aircraft may land in the United States, should require at a minimum that the noise levels for such aircraft be no greater than the noise levels allowed for subsonic aircraft under Annex 16 of the Convention on International Civil Aviation.

SENATE RESOLUTION 285—SUBMISSION OF A RESOLUTION RELATING TO MINIMUM NOISE LEVELS FOR AIRCRAFT

AIRCRAFT NOISE REDUCTION

Mr. CRANSTON. Mr. President, for myself, Senator MUSKIE, and Senator PELL, I submit a resolution which expresses the sense of the Senate that the U.S. position at the ongoing negotiations of the International Civil Aviation Organization—ICAO—shall be that all subsonic aircraft flown in international flights should meet noise levels established in annex 16 of the ICAO Convention. Annex 16 applies only to new generation aircraft first manufactured after 1971—for example, L–1011, DC–10. Older generation aircraft—for example, 707, 727—in most instances will require retrofitting or modification to reduce aircraft engine noise levels down to annex 16 standards.

Modern technology has discovered a method, called retrofitting, that can reduce aircraft engine noise. Retrofitting involves lining the nacelle, or cowling, of a jet engine with soundproofing material, and enlarging the size of the engine's exhaust outlets. The present generation of planes such as the 737, 727, 707, DC–8, and DC–9, and the older 747, which do not meet acceptable noise level standards can be retrofitted. Retrofitting can reduce the aeronautical noise up to 75 percent on some types of aircraft and bring all types within the limits established by annex 16.

The great need for reducing aeronautical noise is immediate. Physical and emotional damage is being inflicted on persons living near airports. Excessive noise can create a situation where sleep is not restful and leisure time is not relaxing. Constant tension is the result. Vascular constriction and a lowered oxygen level to the cerebral tissues are physiological changes noise can cause.

Deafness is perhaps the most common known consequence of prolonged exposure to high levels of noise. Deafness can reduce the income earning capability of individuals and make their lives more difficult. It is not a handicap that we should allow to be inflicted when it is possible to prevent the high levels of noise that now exist around airports.

The effects of increased noise pollution is making areas of our urban environment unlivable. The most visible examples of this are the neighborhoods beneath the landing and takeoff paths at busy metropolitan airports. Land with a rating of NEF–40—noise exposure forecast is not compatible with residential living, according to the Department of Housing and Urban Development.

Major international airports in the United States often have considerable surrounding areas that fall within the NEF–40-plus category. Los Angeles International Airport has 9,000 acres surrounding it which is classified as NEF–40 or above. The city of Los Angeles is currently spending $300 million to eradicate 1,994 private homes around the airport because of public objection to jet noise. The 400 acres the money will buy accounts for only 5 percent of the NEF–40-plus land around the airport. Courts in California have ordered cities to buy up land with NEF–40 plus around municipal airports.

A study estimates the removal cost for the full project around the Los Angeles Airport alone will be $1.268 billion. Los Angeles would lose more than $20 million annually in property taxes. Similar results will occur in other cities. Not only is the human cost in physiological and psychological damage high in unlivable areas, but the monetary cost to cities is becoming unbearable.

If the noise levels of aircraft utilizing Los Angeles International Airport is lowered by 10 EPNdb, 4,500 of the 9,000 acres in NEF–40-plus acres will no longer have NEF ratings above 40, according to Randall Hurlburt, acoustical expert for the city of Inglewood. Applying this figure to the projected cost for the removal of residences in NEF-40-plus acres around the Los Angeles Airport, savings in removal costs would be around $600 million. Tightening the aircraft noise standards would not only provide a more livable environment but will reduce monetary costs to already overburdened city budgets.

If each nation were to set its own standards on acceptable noise levels for international flights, the result would be confusion and perhaps a breakdown in international air regulation. Because the introduction of aircraft types could increase aircraft noise, and because the problem of aircraft noise was so serious, ICAO called an international conference on aircraft noise. From this meeting came annex 16 to the Convention on International Civil Aviation.

Annex 16 sets maximum noise levels for aircraft, but it is applicable only to aircraft types certified for airworthiness after March 1, 1972, if of engine type bypass ratio 2 or more—747, L–1011, DC–10—or after January 1, 1969, for other subsonic jet aircraft. This means the 737, 727, 707, DC–8, DC–9, and some 747's are not covered.

In March, and again in late summer of this year, preliminary meetings of the International Civil Aviation Organizations Convention on Aeronautical Noise will take place. These meetings seek to improve and extend the international accord on reducing aeronautical noise. To alleviate the severe noise pollution problem that is increasing day by day, the United States should take the position at these meetings, and in the agreement that will hopefully be reached, that subsonic jet aircraft used in international flights and exceeding aircraft engine noise levels prescribed in annex 16 should be retrofitted or modified to reduce aircraft engine noise so as not to exceed such levels.

The cost, both human and monetary, of increasing noise pollution requires that immediate steps be taken to reduce intolerable noise levels. Aircraft are one of the worst offenders. The technology exists to prevent excessive aircraft noise levels and it should be used.

The United States should also take the position that annex 16 standards should be reduced by 10 EPNdb. This means the basic acceptable noise level should be reduced from 108 EPNdb to 98 EPNdb. It is considered that 10 EPNdb is the maximum level of noise people can tolerate, according to acoustical engineer Randall Hurlburt; 90 EPDdb is considered the minimum level people will accept in their environment. A level of 90 EPNdb is the goal we must be working toward. The technology exists to retrofit aircraft engines, reducing noise to 10 EPNdb. It is expensive, but not prohibitively so. The many benefits such as reduced hearing loss and a more tension-free environment are worth the cost. Noise levels must be lowered now at least to the maximum level people can tolerate, and in the future noise standards should be further reduced.

The resolution is as follows:

S. RES. 285

Resolved, That it is the sense of the Senate that, at the preliminary meetings of the International Civil Aviation Organization Convention on Aeronautical Noise, to be held in Canada in March and August, 1972, and with respect to any agreement resulting from such meetings, it should be the position of the United States that any aircraft, of a type that is not presently used for international flights and hereafter is used for such flights, should have aircraft engine noise levels that are not in excess of 10 EPNdb below levels now prescribed in Annex 16 of the Convention on International Civil Aviation.

SOCIAL SECURITY AMENDMENTS OF 1972—AMENDMENTS

AMENDMENT NO. 1077

(Ordered to be printed and referred to the Committee on Finance.)

Mr. ROTH. I am submitting this morning an amendment to H.R. 1, the omnibus welfare, medicare, and social security legislation which is now under consideration by the Committee on Finance. Joining me as cosponsors of this amendment are the distinguished Senator from Alabama (Mr. ALLEN), the distinguished Senator from Tennessee (Mr. BROCK), the distinguished Senator from New York (Mr. BUCKLEY), the distinguished Senator from Colorado (Mr. DOMINICK), the distinguished Senator from Arizona (Mr. GOLDWATER), the distinguished Senator from Florida (Mr. GURNEY), and the distinguished Senator from Georgia (Mr. GAMBRELL).

In essence, it asks that the Congress authorize a 2-year test of both the new family assistance plan, with its uniform minimum benefits, and the newly conceived "workfare" plan, the opportunities for families program.

The language is similar to a measure adopted in 1970 when the Finance Committee reported out H.R. 17550, the previous welfare reform bill which failed to pass the Senate during the 91st Congress. The administration would be required to design two or four tests—half welfare, the other half "workfare"—to implement these tests in representative demographic areas, and to report to the Congress at least every 6 months on their substantive and administrative successes and failures. Separate evaluations and reports would be submitted both to the administration and the Congress by the Comptroller General.

At the end of the 2 years, the Congress would have a ledger of evaluation from which to enact more permanent legislation.

THE NEED FOR TESTING

Mr. President, H.R. 1 has been as hotly debated in the House as any piece of social legislation in recent years. Supporters of the bill cite the alarming statistics which show that the number of beneficiaries under Aid to Families with Dependent Children has risen 147 percent in the 1960's. Even more recently 2.25 million people were added to the AFDC roles during 1970. Costs too have climbed to such levels that many State treasuries are close to the breaking point, not to mention the increased costs of the Federal participation. Clearly these are intolerable developments. We must act to reverse this deteriorating trend.

Yet, opponents of the measure have argued that the family assistance benefits are either too generous, and thereby too costly, or too small to make any significant impact on the deplorable conditions of poverty currently prevailing in all parts of this country.

How are we to really know? At the present time, HEW and OEO are funding four limited experiments of income maintenance programs. However, an excellent report by the Finance Committee on the status of these experiments points out that only one, the New Jersey test, has been in operation long enough to permit any realistic evaluation, and that all four differ substantially from the House passed legislation.

These are pioneer social laboratories, and valuable for their contribution to our understanding of complex economic and behavioral issues. None of them, though, deals directly with the "workfare" elements of this legislation, and their welfare benefit levels are higher than the $2,400 approved so far under H.R. 1. In a sense, we have only reached the wind tunnel. What I am proposing is not only a mock up, but a full 2-year flight test for admittedly sweeping legislation.

IMPACTS OF THE LEGISLATION

Anyone who has reviewed the comprehensive committee report on the bill can not help but be struck by the enormous impact of these proposed reform measures. According to committee estimate, corroborated by the Treasury, H.R. 1 would cost at least an additional $5.5 billion in fiscal year 1973, and a total of $23.5 billion by the end of its currently authorized 5-year life. And if the medicare experience is any precedent, these estimates will prove to be on the low side. During fiscal year 1973, 10½ million additional people will become eligible for welfare or "workfare" benefits, bringing the total number of assisted people to more than 12 percent of our Nation's population. In Puerto Rico, eligible beneficiaries will nearly triple to roughly 1 million, meaning that one person in every three there will be under public assistance. Many States would better than double their welfare roles; every State would, of course, have its welfare lists increased.

The current panoply of combined Federal-State programs makes accurate prediction an impossible task. What will be the effect of increased benefits in the 22 States where a family of four now receives less than the $2,400 suggested minimum? Will the family in Alabama, now eligible for $720 in cash aid, react differently to the plan than the family in New York where cash benefits total $3,240? Can we assume that the family head in Nevada, currently eligible for $1,330 per year, will register for work training when he will receive $1,600 under the proposed new scheme—$2,400 minimum less the $800 penalty imposed for people who fail to register under the "workfare" portion of the bill?

ADMINISTRATIVE PROBLEMS

Mr. President, in addition to this critical problem of work incentives, we must all face the fact that the proposed legislation will, at first, produce an administrative nightmare.

New procedures must first be developed to establish what is a family's true income. Documented proof will be required to establish bona fide beneficiaries. Many offices of HEW, and the Department of Labor will have to interact with probably hundreds of State and local agencies to verify incomes and beneficiaries, enroll 1.4 million new welfare families, provide job training and placement in an additional 2.6 million families, establish and administer day care centers to accommodate millions of children.

Can we logically expect to implement these vast procedures all at once? Can we not expect legitimate beneficiaries to be denied services due to a massive bureaucratic overload? And can we really feel comfortable launching a nationwide welfare reform system when the Comptroller General has only last week reported to us that HEW has had major problems establishing a system of quality control to assure that only currently eligible recipients receive welfare benefits.

This is a most enlightening report which I commend to all my colleagues, and I should like to ask unanimous consent that the digest of this analysis be included at this point in the Record.

There being no objection, the digest was ordered to be printed in the Record, as follows:

[Comptroller General's Report to the Congress]

Problems in Attaining Integrity in Welfare Programs—Social and Rehabilitation Service, Department of Health, Education, and Welfare

WHY THE REVIEW WAS MADE

Whether welfare assistance payments are being provided to eligible persons only is a source of increasing national concern aroused by the following facts.

From fiscal year 1960 to fiscal year 1971, Federal and State welfare costs more than tripled—from $2.8 billion to $8.7 billion.

The number of recipients increased from 5.8 million to 14.3 million.

The General Accounting Office (GAO) examined the effectiveness of the quality control system used by the States, to ensure that public assistance funds were being provided to eligible persons only and that public assistance programs were being managed fairly and efficiently. This system was developed by the Department of Health, Education, and Welfare (HEW).

GAO's review was made in California, Colorado, Louisiana, Maryland, Michigan, New York, Ohio, and Texas. These eight States spent about 50 percent of all Federal welfare funds in fiscal year 1971.

Background

The quality control system was adopted by HEW in 1964 for evaluating eligibility under the welfare programs. It is an adaptation of a technique which is used widely in industry for evaluating the quality of products and services. In October 1970 HEW required the States to implement a revised quality control system. The new system was based on experience under the prior system and on the States' increasing use of simplified method of determining applicants' eligibility.

Under the new system cases are selected on a statistical-sampling basis and are investigated to see whether the eligibility of recipients and the amounts of payments are within established levels of accuracy. If they are not, the States must identify the inaccuracies and take necessary corrective actions.

FINDINGS AND CONCLUSIONS

Benefits from the implementation of a well-conceived quality control system can be achieved only through effective Federal and State administration. Adequate staffing and timely resolution of problems are essential to effective administration.

The Federal quality control system had not been implemented fully in the eight States at the time that GAO completed its fieldwork (July 1971). Consequently quality control has not accomplished its purpose of maintaining integrity over the public assistance programs.

HEW does not know whether rates of ineligibility and incorrect payments are within established levels of accuracy.

The problems encountered in implementing and operating the quality control system are complex, as shown below.

HEW's problems

HEW decided that the Federal quality control system should be implemented as soon as possible after its design was completed. HEW's organization however, was not ready to deal with many of the complexities of implementing a system that required close cooperation between the Federal Government and the States.

HEW recognized, 5 months prior to the system's implementation, that 55 additional staff members were needed—45 for the regional offices and 10 for headquarters. As of September 1971—almost a year later—only 19 of these positions had been filled. (See p. 40.)

HEW was only marginally successful in obtaining State recognition of the importance of quality control and of the need to commit the resources necessary to ensure its success. (See p. 45.)

Once the quality control system was in operation, HEW was able to recognize the problems that the States were having with it. HEW's regional offices, because of insufficient staff and limited knowledge of the system, usually were able only to react to State problems as they occurred rather than to anticipate them and assist States in avoiding the problems.

States' problems

All States visited by GAO had encountered problems in carrying out quality control activities. These problems varied in intensity from State to State. (See p. 12.) Two States—California and New York—had not implemented the Federal system statewide as of July 1971 but had attempted to use other methods to control public assistance expenditures. The methods used were not designed to meet Federal objectives. (See p. 28.)

The remaining six States—which implemented the system statewide—encountered one or more of the following problems.

Staffing—As of April 30, 1971—7 months after the Federal system was to be implemented—only Colorado and Michigan had met their staffing needs. Insufficient staffing continues to be a major problem limiting quality control's effectiveness. (See p. 12.)

Investigations—HEW specified the number of cases to be reviewed in each State so that reliable statistical projections could be made concerning the total number of cases. None of the six States, however, completed the required number of quality control reviews for the quarter October to December 1970, although Colorado and Ohio came close. (See p. 16.)

For those cases that were reviewed, ineligibility rates or incorrect payment rates generally were high. Although these sample results could not be used for statistical-projection purposes for the total number of welfare cases, GAO believes that some error rates were sufficiently high—in view of the number of cases reviewed—for the States to have taken corrective action. (See p. 18.)

Verification—HEW requires that independent verification and documentation of all aspects of eligibility and payment be pursued to the point at which decisions on eligibility and the amounts of payment are conclusive. About 90 percent of the completed quality control reviews analyzed by GAO had not done this.

HEW guidelines did not specify the extent and types of verification to be obtained. For example, if recipients stated at the time of initial application that they had no savings or earnings, this information was reaffirmed in an interview and was accepted by reviewers without further attempts at verification. Use of additional sources—such as employment offices and local credit bureaus—to verify eligibility information could enable States to make more accurate decisions as to eligibility and amounts of payment. (See p. 19.)

GAO analyzed 150 quality control reviews in Colorado and Maryland and in Cuyahoga County, Ohio (50 cases selected at random from each). Had reviewers used additional sources, they could have had more assurance that their eligibility and payment decisions were accurate. (See p. 22.)

Pending legislation

Under pending welfare reform legislation (H.R. 1), HEW would take over administration of all federally assisted welfare programs and would have sole responsibility for quality control. GAO believes that HEW's plans for carrying out this proposed change, if effectively implemented, could restore public confidence in the integrity of the welfare programs.

Because the present Federal quality control system is to be the basis for such a system in the welfare reform program being considered by the Congress, HEW should make a concentrated effort to solve the problems in the present system not only to help accomplish the objectives of the present system but also to provide an adequate basis for the development of the quality control system to be used in the welfare reform program. (See p. 43.)

RECOMMENDATIONS OR SUGGESTIONS

HEW should:

Ensure, through appropriate efforts, that top State officials are aware of the benefits to be derived from an effective quality control system.

Increase headquarters and regional office quality control staffs to a level at which they can effectively assist and monitor State quality control operations.

Define, for the guidance of State and local quality control reviewers, necessary steps to be considered as requirements in determining recipients' resources, incomes, and other eligibility factors so that quality control investigations can provide conclusive findings. (See p. 46.)

AGENCY ACTIONS AND UNRESOLVED ISSUES

HEW has stated that:

Its regional commissioners are taking vigorous action to ensure that States which do not have fully operational quality control systems comply with Federal regulations.

Training seminars are being conducted for its regional staff so that they can provide assistance to States for realizing fuller use of quality control as a management tool.

As of March 1972 all but one of the 55 authorized quality control staff members had been hired, and a request has been submitted to the Congress for additional staff members.

It is developing additional guidelines for issuance to State agencies so that quality control investigations can provide conclusive findings.

The actions taken or planned by HEW should strengthen the quality control system and should make it more effective. (See p. 47.)

MATTERS FOR CONSIDERATION BY THE CONGRESS

This report provides the Congress with timely information for its consideration of welfare legislation and also provides the appropriations committees with information for their consideration of HEW's request for additional quality control staff members. It contains no recommendations requiring legislative action.

THE WISE MIDDLE COURSE

Mr. ROTH. Mr. President, none of us here knows exactly what the Finance Committee will do to modify H.R. 1, or what amendments will be accepted on the floor. Nor can we predict the outcome of the almost certain conference which will be required. Nevertheless, this is bound to be bold legislation, reaching every State and millions of disadvantaged people.

I am deeply concerned with the plight of current welfare programs, with the mounting costs in dollars and family desertions. We cannot ignore these problems, they are a growing blight on our society. I am not opposed to welfare reform, it is an absolutely essential priority if we are to come to grips with the abuses and mistakes of the current patchwork.

But I am asking that we insist on careful and objective analysis of whatever legislation eventually is enacted. I am asking for a 2-year test of family assistance and workfare, for timely and accurate evaluation and reporting both by the Federal agencies involved and the independent Comptroller General. Then, with experience, rather than conjecture, we can act to implement, nationwide, the necessary and workable, welfare reforms this country most certainly needs.

Mr. President, I ask unanimous consent that the amendment be printed at this point in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 1077

Beginning on page 326, line 9, strike out all through page 400, line 22, and insert in lieu thereof the following:

TITLE IV—TESTING OF ALTERNATIVES TO PROGRAMS OF AID TO FAMILIES WITH DEPENDENT CHILDREN

AUTHORIZATION FOR CONDUCT OF TEST PROGRAMS

Sec. 401. (a) For purposes of this section—

(1) The term "family assistance test program" means a program which contemplates that—

(A) the assets and resources of families will (except to the extent otherwise prescribed by the Secretary) be taken into account in determining eligibility for or amount of payments under the program;

(B) there will be established minimum income levels for families of various sizes;

(C) money payments will be made (periodically) to families whose income is less than the applicable minimum income level so established;

(D) such money payments will be denied to any adult member of a family (other than such a member who is ill, aged, or disabled, is caring for another member of such family who is ill or disabled, or is caring for another member of such family who is a child of pre-school age) who refuses without good cause to accept employment or participate in a vocational training or similar training program which is designed to prepare such member to engage in employment;

(E) incentives for members of families to engage in employment will be provided by disregarding a portion of the earnings of such family for purposes of determining eligibility for and the amounts of the money payments payable to such family under the program; and

(F) there will be provided to the families participating in such program (in appropriate cases) (i) placement and employment training services, (ii) child care services when needed to facilitate participation, by adult members of such families, in employment or a vocational training or similar training program, (iii) family planning services, and (iv) other appropriate supportive services.

(2) The term "workfare test program" means a program which contemplates that—

(A) the assets and resources of families will (except to the extent otherwise prescribed by the Secretary) be taken into account in determining eligibility to participate in the program;

(B) families headed by an adult, who (by reason of advanced age, illness, or disability, caring for another member of the family who is ill or disabled, or caring for a member of such family who is a child of pre-school age) is presumed to be unable to engage in employment, will be entitled to receive welfare assistance in the form of money payments the amount of which shall be based on standards of need developed for families of various sizes, with provision for disregarding a portion of the earnings of such family for purposes of determining eligibility for and the amounts of the money payments payable to such family under the program;

(C) adult individuals who are heads of families and who are unemployed (or underemployed) will be eligible to register to participate in employment or in a training program designed to qualify them for specific jobs available in the locality in which they live;

(D) all registrants will be placed in employment (including subsidized public service employment) or such a training program;

(E) registrants placed in employment for wages at less than the rate of the minimum wage would receive wage supplement payments (in amounts which shall not be greater than the difference between any registrant's hourly wage and the minimum wage) for hours (not in excess of 40 hours for any week) during which work is performed by them in such employment;

(F) training allowances would be paid to registrants with appropriate reductions in the amount of such allowances in cases where registrants participate in training on less than a full-time basis; and

(G) there will be provided to the families participating in such program (i) child care services when needed to facilitate participation, by any registrant, in employment or a vocational training or similar training program, (ii) family planning services, and (iii) other appropriate supportive services. (3) The term "family" means a family with children.

(b) (1) The Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") is authorized, effective January 1, 1973, to plan for and conduct, in accordance with the provisions of this section, not more than four test programs. One-half of such programs shall be family assistance test programs and one-half of such programs shall be workfare test programs.

(2) Whenever a family assistance test program is commenced, there shall commence, on the same date as such program, a workfare test program, and both such programs shall (except as may otherwise be authorized by the Congress) terminate on the same date. Except as may otherwise be authorized by the Congress, no test program under this section shall be conducted for a period of less than 24 months.

(3) Any such test program shall be conducted only in and with respect to an area which consists of a State, one or more political subdivisions of a State, or part of a political subdivision of a State, and shall be applicable to all the individuals who are residents of the State or the area of the State in and with respect to which such program is conducted.

(4) During any period for which any such test program is in effect in any State or in any area of a State, individuals residing in such State or the area of the State in which such program is in effect shall not be eligible for aid or assistance under any State plan or program for which the State receives Federal financial assistance under part A of title IV of the Social Security Act.

(5) The Secretary, in determining the areas in which test programs under this section shall be conducted, shall select areas with a view to assuring—

(A) that the number of participants in any such program will (to the maximum extent practicable) be equal to the number of participants in any other such program; and

(B) that the area in which any family assistance test program is conducted shall be comparable (in terms of size and composition of population, of average per capita income, rate of unemployment, and other relevant criteria) to an area in which a workfare test program is conducted.

(c) (1) No test program under this section shall be conducted in any State (or any area thereof) unless such State shall have entered into an agreement with the Secretary under which the State agrees—

(A) to participate in the costs of such test program; and

(B) to cooperate with the Secretary in the conduct of such program.

(2) Under any such agreement, no State shall be required to expend, with respect to any test program conducted within such State (or any area thereof), amounts greater than the amounts which would have been expended with respect to such State or area thereof (as the case may be), during the period that such test program is in effect, under the State plan of such State approved under part A of title IV of the Social Security Act. For purposes of determining the amount any State would have expended under such a plan during the period that any such test program is in effect within such State (or any area thereof), it shall be assumed that the rate of State expenditure (from non-Federal funds) under such plan would be equal to the average rate of State expenditure (from non-Federal funds) under such plan for the 12-month period immediately preceding the commencement of such test program.

(d) (1) The Secretary shall, upon completion of any plans for and prior to the commencement of any test program under this section, submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a complete and detailed description of such program and shall invite and give consideration to the comments and suggestions of such committees with respect to such program.

(2) During the period that test programs are in operation under this section, the Secretary shall from time to time (but not less frequently than once during any 6-month

period) submit to the Congress a report on such programs which shall contain full and complete information and data with respect to such programs and the operation thereof, together with such recommendations and comments of the Secretary with respect to such programs as he deems desirable.

(3) At the earliest practicable date after the termination of all test programs authorized to be conducted by this section, the Secretary shall submit to the Congress a full and complete report on such programs and their operation together with (A) the Secretary's evaluation of such programs and such comments or recommendations of the Secretary with respect to such programs as he deems desirable (B) his recommendations (if any) for legislation to revise or replace the provisions of part A of title IV of the Social Security Act.

(e) (1) The Secretary shall—

(A) in the planning of any test program under this section; or

(B) in assembling information, statistics, or other materials, to be contained in any report to Congress under this section;

consult with, and seek the advice and assistance of, the General Accounting Office and the General Accounting Office shall consult with the Secretary and furnish such advice and assistance to him upon request of the Secretary or at such times as the Comptroller General deems desirable.

(2) The operations of any test program conducted under this section shall be reviewed by the General Accounting Office, and the books, records, and other documents pertaining to any such program or its operation shall be available to the General Accounting Office at all reasonable times for purposes of audit; review, or inspection. The books, records, and documents of each such program shall be audited by the General Accounting Office from time to time (but not less frequently than once each year).

(3) During the period that test programs are in operation under this section, the Comptroller General shall from time to time (but not less frequently than once during any 6-month period) submit to the Congress a report on such programs which shall contain full and complete information and data with respect to such programs and the operation thereof, together with such recommendations and comments of the Comptroller General with respect to such programs as he deems desirable.

(4) At the earliest practicable date after the termination of all test programs authorized to be conducted by this section, the Comptroller General shall submit to the Congress a full and complete report on such programs and their operation together with his evaluation of, and comments and recommendations (if any) with respect to, such programs.

(f) In the administration of test programs under this section, the Secretary shall provide safeguards which restrict the use or disclosure of information identifying participants in such programs to purposes directly connected with the administration of such programs (except that nothing in this subsection shall be construed to prohibit the furnishing of records or information concerning participants in such programs to the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives).

(g) For the purpose of enabling the Secretary to formulate operational plans and to conduct test programs under this section, there are authorized to be appropriated for each fiscal year such sums as may be necessary.

TEMPORARY AND EXPERIMENTAL NATURE OF TEST PROGRAMS

SEC. 402. It is the intention of the Congress, after the termination of the test programs authorized to be conducted under section 401, and after all reports required with respect to such program under such section have been submitted to the Congress, to study the matter of whether permanent legislation should be enacted permanently to establish, in lieu of the existing program of aid to families with dependent children (established by part A of title IV of the Social Security Act), some type of family assistance program or programs.

(b) Nothing in this Act shall be construed as a commitment, on the part of the Congress, to enact (at any future time) legislation to establish, on a permanent basis, any program tested pursuant to section 401 or any similar program.

On page 401, lines 4 and 5, strike out "titles III and IV" and insert in lieu thereof "title III".

On page 401, beginning with line 9, strike out all through line 25, and insert in lieu thereof the following: "except that appropriations for administrative expenses incurred during the fiscal year ending June 30, 1972, in developing the staff and facilities necessary to place in operation the program established by title XX of the Social Security Act, as added by this Act, and for child care furnished pursuant to section 508 during such fiscal year, may be included in an appropriation Act for such fiscal year."

On page 402, beginning with "Act" on line 8, strike out all before "Act" on line 11.

On page 402, line 18, strike out "or XXI".

On page 403, lines 13 and 14, strike out "and families".

On page 403, line 19, strike out "or XXI".

On page 403, line 22, strike out "and families".

On page 403, line 23, strike out "or XXI".

On page 404, line 7, strike out "or family".

On page 404, line 20, strike out "sections 2016 and 2156" and insert in lieu thereof "section 2016".

On page 404, line 24, strike out "and part A of title IV,".

On page 405, line 5, strike out "or family".

On page 405, line 10, strike out "or XXI".

On page 405, line 12, strike out "or 2153(b)".

On page 405, line 13, strike out "or family".

On page 405, line 16, strike out "or family".

On page 405, line 17, strike out "or 2156".

Beginning on page 405, line 25, strike out "or family of a given size)".

On page 406, line 3, strike out "part A of title IV,".

On page 406, line 17, strike out "or families".

On page 406, lines 25 and 26, strike out "and part A of title IV,".

On page 407, lines 5 and 6, strike out "or family".

On page 407, line 8, strike out "or family".

On page 407, line 10, strike out "or family".

On page 407, line 11, strike out "it" and insert in lieu thereof "he".

On page 407, line 11, strike out "its" and insert in lieu thereof "his".

On page 407, line 23, strike out "and part A of title IV,".

On page 408, beginning with "emergency" on line 1, strike out all through "Act," on line 3.

On page 408, line 12, strike out "403,".

On page 409, strike out lines 1 through 7.

On page 410, beginning with "(or" on line 18, strike out all through "XXI)" on line 20.

On page 411, line 2, strike out "or under part A or part B of title XXI".

Beginning on page 411, line 5, strike out all through page 412, line 11.

On page 412, lines 23 and 24, strike out "part A of title IV".

On page 413, line 1, strike out "sections 301 and 401" and insert in lieu thereof "section 301".

On page 413, beginning with "(other" on line 1, strike out all through "Act)" on line 5.

On page 413, beginning with "; except" on line 6, strike out all before the period on line 10.

On page 413, strike out lines 11 through 23.

On page 414, line 7, strike out "and families".

On page 414, line 11, strike out "sections 2016 and 2156" and insert in lieu thereof "section 2016".

On page 414, line 17, strike out "sections" and insert in lieu thereof "section".

On page 414, line 22, strike out "sections" and insert in lieu thereof "section".

On page 414, line 22, strike out "or family".

On page 414, line 23, strike out "or XXI".

On page 415, line 4, strike out "or family".

On page 415, line 6, strike out "or part A of title IV,".

On page 415, line 19, strike out "or 2156".

On page 416, line 2, strike out "or 2154 (b)(5)".

Beginning on page 416, line 5, strike out all through page 418 line 3.

On page 418, line 4, strike out "(b)" and insert in lieu thereof "Sec. 511."

On page 447, lines 13 and 14, strike out "or part A or part B of title XXI" and insert in lieu thereof ", or receives aid in the form of money payments in such month under a State plan approved under part A of title IV".

On page 447, line 19, insert "and" after "1101 (a) (1),".

On page 447, line 21, strike out the comma at the end of the line and insert in lieu thereof a period.

On page 447, strike out lines 23 through 25.

On page 448, lines 11 and 12, strike out "or any family pursuant to part A or part B of title XXI".

On page 448, line 14, strike out "or family".

On page 448, line 15, strike out "of part A or B of title XXI".

On page 448, line 18, strike out "or part A or B of title XXI" and insert in lieu thereof "or part A of title IV".

On page 451, line 9, strike out "sections 302 and 402" and insert in lieu thereof "section 302".

On page 452, line 8, insert, immediately before the semicolon at the end of the line, the following: "and inserting in lieu thereof 'receiving money payments under the Plan of a State approved under part A of title IV, or' ".

On page 452, line 14, insert, immediately before the period at the end thereof, the following: "and inserting in lieu thereof 'individuals receiving money payments under a plan of the State approved under part A of title IV, and' ".

On page 452, beginning with the word "by" on line 20, strike out all through ", and" on line 23.

On page 453, lines 21 and 22, strike out "receiving assistance to needy families with children as defined in section 405(b)" and insert in lieu thereof "receiving aid under a State plan approved under part A of title IV (or meet the income and resources requirement of such State plan),".

On page 454, lines 6, 7, and 8, strike out "who are not receiving assistance to needy families with children as defined in section 405(b)" and insert in lieu thereof "who are not receiving aid under a State plan approved under part A of title IV."

On page 454, line 13, strike out "title I, X, XIV, or XVI, or".

On page 455, beginning with "or would" on line 10, strike out all through "405(b)" on line 13, and insert in lieu thereof "eligible for aid under a State plan approved under part A of title IV".

On page 455, lines 23 and 24, strike out "assistance to needy families with children as defined in section 405(b)" and insert in lieu thereof "money payments under a State plan approved under part A of title IV,".

On page 456, lines 15 and 16, strike out "assistance to needy families with children as defined in section 405(b)" and insert in lieu thereof "aid under the State's plan approved under part A of title IV,".

On page 456, strike out lines 20 through 25.

On page 457, strike out "(C)" and insert in lieu thereof "(B)".

On page 457, line 6, strike out "(D)" and insert in lieu thereof "(C)".

On page 457, line 10, strike out "(F)" and insert in lieu thereof "(D)".

AMENDMENT NO. 1078

(Ordered to be printed and referred to the Committee on Finance.)

SENATOR HUMPHREY PROPOSES 25-PERCENT INCREASE IN RETIREMENT BENEFITS

Mr. HUMPHREY. Mr. President, I am today introducing legislation that would provide a 25-percent increase in social security benefits for the senior citizens of our Nation.

This legislation would provide a start, a downpayment on adequate income for this country's older Americans. It is a badly needed measure—for the elderly are constantly beset by increasing cost for homes, food, property taxes, mortgages, rents, transportation, medical services, and hospital costs. Yet, many of our elderly must pay for these things out of a fixed, level income. Few of our elderly have any prospect of work, few have any prospect of seeing their income increase every year, and almost all of our elderly constantly ask themselves, "How are we going to pay our bills? How are we going to make ends meet?"

Mr. President, I see significant and far-reaching changes coming in our social security and railroad retirement benefit programs. Many of us in Congress have proposed new methods of financing these programs in order to increase benefits and decrease the tax burden on the working man.

This kind of financing is overdue. We ought not let the social security trust fund build up huge surpluses, while at the same time the basic benefits remain low.

It is in this spirit that I introduce a 25-percent increase amendment to H.R. 1 today. And it was in this spirit that I have previously introduced legislation that would begin a system of general revenue contributions to the trust fund, increase the contributions ceiling, lower the tax rates, and institute a minimum payment.

Mr. President, this amendment is necessary, it is honorable, it is required. I would hope that the Senate Finance Committee would give it a prompt and immediate hearing.

AMENDMENT NO. 1079

(Ordered to be printed and referred to the Committee on Finance.)

Mr. HARTKE submitted an amendment intended to be proposed by him to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OADSI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State Public Assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such famililes, and for other purposes.

SENATE INTERVENTION IN SUPREME COURT PROCEEDINGS—AMENDMENTS

AMENDMENTS NOS. 1080, AND 1083

(Ordered to be printed and to lie on the table.)

Mr. SAXBE submitted two amendments intended to be proposed by him to the resolution (S. Res. 280) authorizing Senate intervention in the Supreme Court proceedings on the issue of the scope of Article I, section 6, the so-called speech-and-debate clause of the Constitution.

AMENDMENT NO. 1081

(Ordered to be printed and to lie on the table.)

Mr. SAXBE (for himself and Mr. DOMINICK) submitted an amendment intended to be proposed by them jointly to the resolution (S. Res. 280), supra.

AMENDMENT NO. 1082

(Ordered to be printed and to lie on the table.)

Mr. SAXBE (for himself and Mr. MATHIAS) submitted an amendment intended to be proposed by them jointly to the resolution (S. Res. 280), supra.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 938

At the request of Mr. HARRIS, the Senator from New York (Mr. JAVITS) was added as a cosponsor of Amendment No. 938 intended to be proposed to the bill (H.R. 1), the Social Security Amendments of 1972.

AMENDMENT NO. 1059

At the request of Mr. BOGGS, the Senator from Pennsylvania (Mr. SCOTT) was added as a cosponsor of Amendment No. 1059 intended to be offered to the bill (S. 2760) to amend the Rail Passenger Service Act of 1970 in order to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment, and for other purposes.

ADDITIONAL STATEMENTS

ELEMENTARY SCHOOL PUPILS PLAN OWN NOON MEALS

Mr. ROTH. Mr. President, recently it has been called to my attention that the pupils at the Richard A. Shields Elementary School in Lewes, Del., are engaged in planning their own noon meals as a result of a program on nutritional education being carried out by Mrs. Betty V. Fisher and Mrs. Alice C. Allen, cafeteria staff members, under the guidance of Mrs. Ann M. Cerney, cafeteria manager and the school principal, Frederick D. Thomas.

I believe his activity merits the attention of all citizens who are concerned with the well-being of our Nation's schoolchildren. The knowledge gained by this practical experience in meal planning should serve to instill in each youngster the sound habits of eating which are so vital to their physical and mental development.

I ask unanimous consent that an article describing this program, published in the Delaware Coast Press on March 2, 1972, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LEWES STUDENTS PLANNING NOON MEAL

Four hundred and thirty students have been planning the noon meals for the Richard A. Shields Elementary School in Lewes since Feb. 14 as part of a program on nutritional education. The program is being carried out by Mrs. Betty V. Fisher and Mrs. Alice C. Allen, cafeteria staff members, with the cooperation and guidance of Mrs. Ann M. Cerney, cafeteria manager, and the school principal, Frederick D. Thomas.

Mrs. Fisher and Mrs. Allen are presently enrolled in the third unit of a school food service training program which meets for three hours a week for ten weeks at the Sussex Central High School.

In preparation for the student-planned menus, Mrs. Cerney distributed to each teacher in the third, fourth and fifth grades a health directive from the State Department of Public Instruction which stresses that educators can teach more effectively if their students are properly nourished. The publication showed current studies and research which proved an alarming decline in the physical condition of American youth in all economic and social groups.

In order to enlighten the students, teachers, and hopefully, through the students—their parents, about the National School Lunch program's requirements and values this new school project of the students preparing the menus was undertaken.

The National School Lunch Program was begun in 1946. It operates each school day and uses in excess of a billion dollars worth of food a year for the over nineteen million children that it reaches. The overall national plan is "to close the nutrition gap between food available at home and total food needs, thus meeting current nutritional needs for the child's growth and development and to shore up some nutritive reserves for the child's future growth, development, and well-being."

For the local plan, each classroom teacher at Shields School was given a Type "A" pattern for developing a lunch menu. All 15 classes were invited to participate and the local program will continue until each class has had its turn. The following menu pattern, which includes one third of the daily requirements for a 9–12 year old, is put on the chalk board and explained to each class: two ounces of cooked meat or protein, ⅜ cup of vegetable and or fruit, one slice enriched or whole grain bread, one tablespoon butter or fortified margarine, and ½ pint of whole milk.

Four basic foods had to be included in the menu which was chosen by each class. A variety of suggestions were placed on the board, then eliminated by a voting process. Each menu selected by a class was submitted to the cafeteria in the form of a colorful poster which included pictures of the finished meal. The posters were displayed on a bulletin board in the cafeteria.

On the public address system during the morning announcements, a special tribute was given each day to the class which had prepared that day's menu.

A typical menu planned by Mrs. Barbara T. Smith's fourth grade class included fried chicken, mashed potatoes and gravy, tossed salad, homemade rolls, cherry pie, and milk.

An evaluation project was requested by the cafeteria staff and the form was left to the discretion of each teacher. Mrs. Smith's class chose to write formal letters of appreciation to the cafeteria staff and they were bound in a colorful folder entitled "Our Letters to the Cooks." The following quotations were taken directly from those letters:

"I enjoyed every meal you people cooked. All of you cook very nicely. I know all of you work very hard for the school."

"We liked the lunch. I hope every one liked it, even the teachers."

"I enjoy eating your food any day."

"It really was fun making up our own menu."

"It was so delicious that I could have some more, but I didn't want to be greedy. But boy I tell you that was so good."

"It took a long time to make up the menu. I liked everything but the salad, but everything else was divine."

"I voted for just about everything but the cranberry sauce."

"We did not pick pizza because we thought that most of the other classes would."

"The whole lunch was fantastic and delicious."

CLOSING AND MOVING OF INDUSTRIAL PLANTS

Mr. HARRIS. Mr. President, the problem of industrial plants closing and moving out of communities has been with us for a long time now. In the last few years, however, due to the malfunctioning of the American economy, the problem has seriously intensified.

I believe other Senators will be interested in an article by William Wong in The Wall Street Journal, February 28, which describes steps taken by American Oil Co. to make the separation of one of its refineries in the town of El Dorado, Ark., as painless as possible.

American Oil, according to Mr. Wong, took the plant closing seriously and made this decision only when it became absolutely necessary. When the company finally decided on the closing, it was careful to inform the town 6 months in advance of the shutdown date.

American asked their "other facilities to freeze outside hiring, so that El Dorado employees could have the first crack at job openings." It also helped its employees find jobs in the El Dorado area if they did not wish to leave their homes. Moreover, it gave most of the plant grounds and buildings, worth about $2.2 million, to the county in which the refinery is located.

Unfortunately, we have not yet reached the day when every company lives up to its responsibilities. As Mr. Wong also notes:

> A "wholesome" approach, however, is far from universal. In many instances, workers are still suddenly assembled and summarily fired. In other cases, work forces are methodically trimmed creating an agonizing existence for those left on the job. They wonder when the ax with their name on it will fall. Plants involved in such gradual closedowns are usually allowed simply to die, with little or no explanation from management.

Mr. President, while we may applaud the forward-looking policies of American Oil in providing for the workers it displaced when it closed its plant in El Dorado, it is clear that we cannot depend on enlightenment alone to solve the problems caused by runaway plants. There is need for some national answer to the dilemma faced by hundreds of communities across the Nation.

I believe that there is an answer in Federal chartering. First proposed in the last century and endorsed over the years by such national leaders as Woodrow Wilson, Federal chartering would enable the Federal Government to require from corporations certain obligations toward the community in which they were located before they received the right to incorporate. Federal chartering also would end the practice which permits corporations to shop among various States to gain the lowest taxes or other concessions in the long run detrimental to the public interest.

Today corporations can hold a gun at the head of many communities. They often force the community to invest heavily in new roads, sewers and schools all in order to create the necessary climate to attract the corporation in the first place. Then by subsequently threatening to leave for a more permissive climate in another State, they can compel a community to continue to maintain inadequate pollution standards or to set property taxes at an inequitable and low level for the corporations.

Federal chartering could end these abuses. It could insure that every State would compete in fairness for the benefits of new industry. I think we shall soon see that it is an idea whose time is come.

Mr. President, I ask unanimous consent that Mr. Wong's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 7, 1972]

A PLANT SHUTDOWN IS ALWAYS PAINFUL, BUT IT NEED NOT BE MERCILESS—AMERICAN OIL CO. IS HAILED FOR ITS "HUMANITARIAN" WAY OF CLOSING ONE REFINERY—A PARTING GIFT: 400 ACRES

(By William Wong)

EL DORADO, ARK.—Everywhere one looks around American Oil Co.'s refinery here, workers are busy. Some are carting shiny new parts in and out of warehouses. Others are piling personnel records and old inventory and supply records into boxes and attending a seemingly endless round of meetings with management. Things, in short, are humming.

But the flurry of activity is deceptive. It's not aimed at keeping the refinery going full blast. Instead, it's intended to accomplish just the opposite—a total shutdown—to be completed by March 1.

That's bad news for this peaceful southern Arkansas town of 26,000. For 50 years, the refinery has been one of El Dorado's economic mainstays. Employment at the refinery in recent years has averaged about 275, and property taxes paid by the facility have helped El Dorado achieve many a municipal improvement.

But as bad as the news is for El Dorado, it isn't as bad as it might be. The reason: American Oil is bending over backward to make the shutdown as painless as possible. From a public announcement nine full months before shutdown day to extensive efforts to relocate workers at other American Oil operations, the company has tried mightily to hurt as few people as possible.

"A WHOLESOME APPROACH"

This approach isn't unique to Americans. In fact, it has been taken with increasing frequency in recent times as the sluggish economy has resulted in scores of plant closings. "Most companies have gotten away from the abrupt and brutal closings of years past," says Alfred E. Cummins, a professor at Case Western Reserve University's School of Management. Adds Sidney Kriser, president of Industrial Plants Corp., a plan liquidating firm: "Management today in general has a wholesome, more humanitarian approach to what happens to employes after their separation. Most publicly held companies are trying to do the best possible thing for their employes."

A "wholesome" approach, however, is far from universal. In many instances, workers are still suddenly assembled and summarily fired. In other cases, work forces are methodically trimmed, creating an agonizing existence for those left on the job. They wonder when the ax with their name on it will fall. Plants involved in such gradual closedowns are usually allowed simply to die, with little or no explanation from management.

But on the whole, experts contend, companies these days are leveling more often with their employes, telling them the bad news as straight as it can be told. That's certainly the feeling among workers at the American Oil refinery here, as well as among civic leaders and townspeople in El Dorado. American Oil, they say, has gone to extreme lengths to make sure everyone involved knew in advance what was coming, how it would be handled and the reasons behind the action. As the refinery closing also illustrates, shutting down a plant can be a complex and exhausting process.

A DIFFICULT DECISION

From the outset, of course, the decision to close the refinery was anything but easy for American Oil. About three years before the final decision, officials say, long-range projections made an eventual shutdown a distinct possibility. Then, in late 1969, according to Frank K. Webb, American Oil's manager for refining coordination, it became clear that a decision had to be made.

"We got some of our economists together and got three or four different approaches to the problem," says Mr. Webb, who is in charge of the shutdown. In effect, he says, the economists tried to determine whether the company, looking five or 10 years ahead, would still need the capacity of the old and relatively small El Dorado refinery. Some of the economists said the refinery, capable of turning 43,600 barrels of crude oil daily into gasoline, fuel oil and other petroleum products, should be closed; others disagreed. But finally, due to economic factors, the study group decided in early April that it would recommend a shutdown.

While the economists were debating, other members of the study group delved into other areas of consideration. One area, for example, wsa what to do with the refinery's crude oil supply, some of which was shipped from Texas and some obtained locally. Another was to investigate the company's projected manpower needs for the next five years to determine what could be done with the El Dorado employes.

"Nobody was happy or glad that we were closing El Dorado," Mr. Webb says, "but once the decision was made, everyone pitched in with great enthusiasm to do the best possible job of devising plans to close it down well."

A PRECISE TIMETABLE

After the shutdown decision was made, the group began to devise detailed plans to handle each phase of the shutdown, including a precise timetable on how and when to announce the decision to employes, politicians and community leaders. The entire shutdown package was given final approval on May 6, 1971, by the directors of Standard Oil Co. of Indiana, American Oil's parent company.

All told, harsh economic realities forced the final shutdown decision. The refinery's main source of crude—from the El Dorado area—had dwindled to 52,000 barrels a day from 85,000 barrels a day in 1960. This supply in recent years has been shared by American Oil and a refinery operated by Lion Oil Co., a division of Monsanto Co. Thus, it was necessary for American Oil to make high-cost pipeline shipments of crude from Texas to El Dorado. In addition, officials say, the El Dorado refinery was "too small to meet the technological competition of larger refineries, which can operate more efficiently at lower per-barrel costs."

The announcement timetable was elaborate. The company set May 20, 1971—a full nine months before the scheduled shutdown date—as the day it would publicly announce its decision. Six days before the announcement, American Oil officials began hopscotching from Chicago (corporate headquarters) to Washington, D.C., to Little Rock to El Dorado. The purpose of all the travel was to explain to Arkansas' U.S. Senators and Representatives and key state and local officials why the company was closing the El Dorado facility. Moreover, American Oil sent out explanatory letters on May 18 to 150 top civic and business leaders of El Dorado.

These elaborate advance briefings illustrate a lesson well learned by American Oil. Back in 1958, it abruptly closed a refinery in Destrehan, La.—without first telling local, state or federal politicians, who later complained loudly about the company's action. "We simply misjudged the political aspects" of the Destrehan closing, a company official admits.

The timing of the El Dorado announcement was particularly sensitive. The town was busily preparing for a big week-long celebration in June to commemorate the 50th anniversary of the discovery of oil in the area. Despite the obvious dampening effect American Oil's shutdown announcement might have on the impending gaiety, the company decided it couldn't wait beyond May 20. "We were concerned about our obligation to the employes to let them know the decision as soon as we could so that they might plan accordingly," says Larry Durland, the plant manager.

"We really searched our souls on this decision," sighs Mr. Webb. "We anguished over it more than anything else. It was fully two weeks that we wrestled with it."

Surprisingly, local leaders say the announcement didn't deflate the good times of the celebration. "It wasn't a hindrance nor did it hurt the celebration one bit," declares William Alley, executive director of the El Dorado Chamber of Commerce. A possible reason: American Oil participated fully in the celebration, contributing manpower and equipment to help set up (and then clean up) the replica of a 1920s oil-boom town.

May 20 itself was a day full of meetings, all for the purpose of telling what the company was doing and why. First, corporate officials and Mr. Durland, the plant manager, broke the news to the salaried employes. Then they faced local union leaders and groups of hourly workers. A press conference and a luncheon for civic leaders followed.

A GLOOMY PERIOD

Although rumors about the closing had been circulating for years, the actual announcement stung some like a slap on the face. Judge Carlton Jerry, the top county administrator, says the time of the announcement "certainly was a gloomy period of our people." John Phelps, chairman of the workmen's committee at the refinery, adds, "There were a lot of rumors, but still, when the announcement came, it was a shock to all of us."

Once the initial shock subsided, the company set about resolving its biggest question: What to do with the refinery's 275 employes. The study group discovered that the projected manpower needs of the company's 10 other U.S. manufacturing facilities and other units exceeded the total number of El Dorado employes affected by the shutdown. Mr. Webb therefore asked the other facilities to freeze outside hiring so that El Dorado employes could have first crack at job openings.

With that beginning, the job-placement program for El Dorado workers launched into a series of questionnaires and personal interviews aimed at giving employes one of three choices: to transfer to another company facility at company expense; to seek a job outside the company in the El Dorado area, again with company assistance; or to take early retirement.

The bulk of the placement program centered on job-transfer interviews, which stretched from early June to late November. Representatives from seven different American Oil facilities visited El Dorado and conducted a total of 862 interviews. According to Joseph Feeney, employe relations director at the El Dorado plant, 176 of El Dorado's 214 hourly employes and 31 of its 61 salaried workers received one or more job offers from other company plants.

When all is said and done, the company figures it will spend about $1 million for moving some 200 El Dorado employes to other company locations. Another $700,000, it estimates, will be spent on severance and early-retirement benefits. The money factor played virtually no part in the company's decision to transfer, rather than simply lay off, El Dorado workers, Mr. Webb maintains. He says the average costs of severance-retirement and moving expenses are about equal—$5,500 to $6,000 per employe. In transferring El Dorado workers, Mr. Webb adds, the company benefits by retaining experienced workers. However, he says there's also a disadvantage, since transferred workers are generally older than workers hired from outside the company.

PLEASED EMPLOYES

American Oil's efforts in helping workers find jobs has understandably pleased employes. "The company has bent over backwards for me," declares John Osborn, a 42-year-old mechanic who's transferring to the company's Whiting, Ind., refinery. Mr. Osborn surmises that "99%" of his fellow workers feel as he does. (The company paid for a week-long house-hunting trip to the Whiting area for Mr. Osborn and his wife and will pay moving and temporary living expenses when they get there.)

On the less sticky, but no less massive, question of what to do with the refinery property and machinery, American has made moves to benefit both the community and itself.

The refinery is located on about 440 acres of gently rolling hills. About 400 acres of the land will be donated to Union County. The company is currently negotiating to sell the other 40 acres to a pipeline company. The 400 acres to be given to the county adjoin a 600-acre industrial park, and Judge Jerry says the gift will be used for industrial purposes. The donation, valued by American Oil at $2.2 million, includes the company's water wells and a number of standing structures such as the single-story brick administration building, warehouse, several shacks and a boiler room.

According to Mr. Webb, selling the land would have netted the company 75% (or about $1.6 million at best) of the assessed valuation, after a 25% capital-gains tax, but would probably have required a long wait to find buyers. While donating, on the other hand, will net the company less money—a tax credit this year of about $1.1 million—the money in hand (through the tax credit) plus the positive impact on the community tipped the decision away from selling, Mr. Webb adds.

GIFTS TO CHARITY

Of the millions of dollars worth of machinery at El Dorado, American Oil is seeking to sell some refining units and other equipment to outside sources; other American Oil plants will also have a chance at claiming idled machinery. Office fixtures, such as furniture and filing cabinets, are being given to local charitable organizations and churches. And one of two plant fire trucks is being given to the nearby town of Norphlet.

Throughout the entire closing operation, American Oil corporate officials in Chicago have kept in constant touch with plant administrators. A recent visit to El Dorado by Mr. Webb was typical of the kind of corporate-plant coordination that has occurred.

After hearing a report from Mr. Durland, the plant manager, and his staff, on the current status of the job-placement program, Mr. Webb commented: "Well, it looks like we're in pretty good shape as far as the people situation is concerned." On the issue of machinery disposal, he declared: "Here's what I propose—we turn our purchasing people loose to start soliciting bids from 'junkies' (scrap dealers). It'll take them quite awhile—maybe even a year—to come in here, inspect, then bid."

Plant closings are nothing new for 55-year-old Mr. Webb. He had a hand in supervising the much-criticized Destrehan refinery shutdown in 1958, and he coordinated the closing of the company's Neodesha, Kansas, refinery in 1970. In fact, he admits, he's occasionally, although jocularly, called "undertaker" or "the hatchet man."

American Oil's performance in El Dorado has won raves from local leaders and employes, despite the fact that the community is losing an employer that pays about $3 million in annual salaries and wages and contributes, for example, $162,000 a year to the local school district.

County Judge Jerry says, "We're grateful for their generosity" in donating the property. El Dorado Mayor I. L. Pesses declares, "American Oil has done a commendable and excellent job in the way it announced and is closing the refinery. We have no ill feelings toward them; they've acted in good faith." Union leader Phelps adds, "The company has taken a step forward in plant closings."

EFFECTIVENESS OF YOUTH CONSERVATION CORPS

Mr. DOMINICK. Mr. President, the March issue of American Biology Teacher contains an article by Mr. Dennis Lynch, a district ranger for the Pike National Forest in Colorado, describing his experience with the Youth Conservation Corps program last summer. Mr. Lynch describes the enthusiasm of the 10 girls and 15 boys selected for the program in his area and quotes the participants as believing that it was a most fascinating and rewarding experience.

I believe the article provides some useful, firsthand observations on the effectiveness of the YCC program in its first year of operation. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

YCC . . . AN EXPERIENCE IN THE OUTDOORS

(By Dennis Lynch)

Joan Meyer is a tall, freckle-faced pixie with braids. This fall she waded into her high school chemistry and geology courses with exceptional enthusiasm. Something had happened to her—and to 24 other young people in Colorado Springs, Colo.—in the weeks just ahead of the return to classes.

"This summer has been the most meaningful and most rewarding experience of my life," said Joan, who is 17. "The Youth Conservation Corps program has left a great impression on me and I was proud to be a part of it. The work was fun, even though tiring. But the best part of the job was the education. I never knew my environment could be so interesting."

THE YOUTH CONSERVATION CORPS

What sort of program gets that kind of response? The Youth Conservation Corps (YCC) program of 1971 was the start of a three-year pilot program authorized by Congress to provide summer employment for youth in the nation's forests and parks. Its sponsors, Sen. Henry Jackson and Rep. Lloyd Meeds, both of Washington state, have described YCC as a program to provide youth with meaningful employment and environmental-education opportunities while enhancing our environment at the same time. "It is a way to harness the creative energies of our young people to change the face and character of the nation," Jackson said.

The first YCC program did just that, 2,200 young people were employed in national forests and national parks. It was such a success that Senator Jackson and many of his colleagues are calling for the employment of 100,000 boys and girls in 1972.

Unlike many current federal programs, YCC isn't necessarily for the poor. The bill specifically states that the corps shall be open to youth of both sexes and of all social, economic, and racial classifications. Also, youth employed in the program must be at least 15 years of age and not older than 19. No person can be employed as a member of of the corps for a term in excess of 90 days during any single year.

As a U.S. Forest Service district ranger I became excited about the program as soon as I learned about the bills proposed by Jackson and Meeds. I guess I thought back to my youth in Oregon, when I was 16. That summer I volunteered myself (and my 14-year-old brother!) to the local district ranger, for free, to help him out with trial maintenance and construction. I found out then (as have the kids who more recently, have volunteered themselves to me) that problems of liability, injury, and responsibility prevent the Forest Service from "employing" volunteers. I suppose my disappointment as a teenager caused me, last year, to make a pest out of myself until I was promised a YCC program for my ranger district.

SETTING UP THE PROGRAM

The Pikes Peak District, Pike National Forest, is adjacent to metropolitan Colorado Springs; in fact a portion of the district lies within the city limits. The district is subject to all the pressures and demands of big-city public parks—and we are woefully understaffed and underfinanced. The idea of 25 bright-eyed, eager helpers was exciting. We had worked with youth groups on conservation programs before, but we really began to see youth's potential when we held a "plant-in" on Earth Day, 1970, and had over 120 helpers. The helpers were mostly kids 15 to 18 who came to plant trees and stayed with us until dusk. With this knowledge—that today's kids want to, and can, do constructive work—we pressed ahead for a YCC program.

When at last we got the go-ahead it was for a 25-enrollee program. This was to be a coed program, with the kids living at home and working from 8 a.m., to 5 p.m. five days a week. Over 1,000 invitations went out to senior high students in School District 11, which was our cooperator for this pilot program effort. With the help of the schools' Larry Bussey, special services director, and Chuck Rezor, science adviser, the applications were reviewed by science teachers and counselors, who screened the applicants to a total of 100.

How do you pick 25 enrollees out of 100 enthusiastic and well-qualified young people? Warren Harper, our program director on the district, and I threw up our hands! An old-fashioned drawing of names out of the hat had to be the answer. The 25 lucky applicants were invited to bring their parents to meet with us for a discussion of the program. 15 boys, 10 girls, and their parents, from all walks of life, assured us that we hadn't been wrong. We told them it was their program, their chance: only they could make it successful.

PROJECTS OF ALL KINDS

On June 21, 1971, the boys and girls started their first day with a desire to make the program successful—a desire that never failed throughout the following eight weeks. That first day we hiked 10 km to build a nature trail for the school children of Manitou Springs and Colorado Springs. The enrollees were tired and thirsty but overwhelmingly enthusiastic that evening as they nursed their aching muscles and blisters.

Other projects followed: constructing trail bridges, revegetating eroded slopes, planting trees and shrubs, bulding new trails and maintaining existing trails, maintaining campgrounds, setting signs for a guided automobile tour, developing waterfowl nesting and feeding places, developing food and cover plots for birds and small mammals, and the unending task of cleaning up someone else's trash. The final project was a monument to the kids themselves. Working with our landscape architect, one of the girls, Linda Hansch, designed a campground—and the kids proceeded to build it.

The program included an environmental education effort, too. Each crew was led by a forestry student from Colorado State University. The college students were responsible for encouraging each of their five crew members to discover "environmental awareness" for themselves. No one was to be force-fed or lectured to. It was "learn while doing."

A theme for each week drew attention to a specific part of the environment. This was supplemented by field trips to the life zones (Upper Sonoran to Arctic-Alpine) that exist from Colorado Springs (elevation 1,830 m) to the summit of Pikes Peak (4,300 m), which is about 7 km, air-line, from the city. The corps members also visited a fire tower, recreation places, and timber-management sites. They were given a brief introduction to each trip; then, in the field, they made the measurements of air and soil temperatures and of tree heights, diameters, and ages, and they learned to name the plants and estimate their abundance. They were encouraged to reach their own conclusions about proper management techniques, and they tried these out on the professionals who accompanied them on the trip.

WEEKS OF SELF-DISCOVERY

Parents commented on the decided changes of character that occurred in their sons and daughters. Calmness, confidence, and enthusiasm replaced restlessness, hopelessness, and cynicism. The effect of the program is best summarized in the words of a very thoughtful enrollee. Mitch Corwine, who had shoulder-length hair and real questions about the "establishment" at the beginning, said at the end of the program: "This has been the most fascinating and rewarding summer in my life. I want to thank the people who created and supported the Youth Conservation Corps for giving me the opportunity to prove to a great number of people that I am as good as anybody else." (P.S.: Mitch kept his long hair.)

For me, it was the best program and summer I've ever spent in my 12 years in the U.S. Forest Service. You science teachers are lucky: you get to work with the kids for nine months; I have them for less than three!

DAMAGE FROM STRIP COAL MINING

Mr. HARRIS. Mr. President, more and more attention is being focused, and rightly so, on the human and environmental damage being caused all over this country by the strip mining of coal.

From my own examination of this problem, I have come to believe that the Tennessee Valley Authority is in part to blame for the widening use of stripping, especially in the Appalachian area.

TVA has become one of the largest consumers of stripped coal in the Nation. In the process, it has also become an accomplice in the senseless destruction of hills and streams in parts of Tennessee and Kentucky, West Virginia, and Ohio.

Mr. President, the March issue of Esquire magazine contains an exceptional article on the tragic consequences of strip mining for coal. It demonstrates convincingly why TVA must abandon its current policy as one of the strip coal industry's best customer.

Because of the widespread human suffering it uncovers in coal-stripping areas, this excellent article also illustrates why the Heckler-Nelson bill, calling for the complete abolition of coal stripping, is so urgently needed.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POWER CORRUPTS

(By Osborn Segerberg, Jr.)

BUT THE QUESTION BEFORE THE T.V.A. IS, MUST CHEAP ELECTRIC POWER CORRUPT ABSOLUTELY?

In September, 1935, two years after President Franklin D. Roosevelt signed the bill creating the Tennessee Valley Authority, Senator George Norris went for a boat ride on Norris Lake behind the dam also named for himself. As T.V.A. Chairman David Lilienthal wrote in his *Journals*, Norris "looked at the dam and as the sun's rays were cutting across it toward sunset, he said, 'Gosh, it does take a long time and a lot of work to get ready.' This is an interesting clue to his point of view because all of this work is preliminary to the production of power and electricity which is the thing that he thinks of when he thinks about the T.V.A. The other things to him are interesting sidelines. . . ."

Five years later, however, F.D.R. complained: "The damned newspapers have made it out that T.V.A. is simply a power agency. Now that isn't the fact. We aren't just providing navigation and flood control and power. We are reclaiming land and human beings." And they were reclaimed. Today, behind the system's forty or so power-producing dams, lakes attract water skiers, fishermen, campers, recreation developers. Stimulated commerce and diversified industry radiate prosperity so that the standard of living in the region has climbed at a rate fifty percent above the national average. Nevertheless, in the long run, Senator Norris' view of the real priorities of T.V.A. prevailed over F.D.R.'s. As of June 30, 1970, T.V.A.'s net investment in power assets amounted to $2,850,000,000; its net investment in non-power assets slightly more than $600,000,000. Its 1970 power expenses were $405,000,000 with power revenues totaling $480,000,000 for a net income of $75,000,000. Net expenses for non-power programs in fiscal 1970 were $36,000,000.

T.V.A. is a powerhouse of statistics. But the ones it seems to favor most today emphasize the magnitude of its power production. In 1970, for the first time the system supplied more than 100,000,000,000 kilowatt-hours of electricity. T.V.A. has about 20,000,000 kw. of installed capacity—more than double the capacity of Con Edison, which supplies New York City—with another 10,000,000 kw. scheduled to go on the line by 1975. Average residential use of electricity in the region has grown from 600 kw.h. in 1933, when the average rate was 5.7 cents per kw.h., to 14,650 kw.h. in 1970—more than double the average consumption for the nation. The average residential customer in the T.V.A. area pays about one cent per kw.h., one half the national average. This cheap, generously used electricity is the key to the revival of the Tennessee Valley.

What generally goes unrecognized is that more than eight percent of T.V.A.'s power now comes not from dams but from its eleven steam plants, with the proportion of hydro-electric power dwindling all the time. T.V.A. started out as a harnesser of rivers. By the end of the World War II, most of the suitable hydropower sites had been utilized, while the demand for electricity kept soaring. In order to keep growing in the post-war period, T.V.A. was forced to turn to steam plants, and to reach outside its watershed for the coal to run them. The resort to coal profoundly altered the character of T.V.A., for while water power is free once the dams are built, coal is bought in the market.

In 1961, T.V.A. became embroiled in a nasty spate of publicity involving a complicated antitrust suit brought by east Tennessee and east Kentucky coal operators charging a conspiracy to advance the fortunes of big mechanized mines in western Kentucky. In one of a Pulitzer Prize-winning series of articles in *The Nashville Tennessean*, a state representative charged that in order to sell to T.V.A. the small coal operators "literally have cut wages to the point that kids go hungry." Another *Tennessean* article said T.V.A. used mechanized coal because it is produced more cheaply. "And T.V.A. notes it is bound by federal law to choose the lowest bidder on all coal contracts."

The simmering quarrel between T.V.A. and the coal industry boiled over in 1970 with shrinking fuel supplies and T.V.A.'s announcement of a new rate increase. T.V.A. blamed the rate hike in large part on sky-rocketing coal prices. Chairman Aubrey Wagner, who in 1962 succeeded to the job first held by Lilienthal, accused the industry of "a gross lack of planning . . . to take care of essential public needs." T.V.A. customers, incensed at the rate increase, sallied into Washington to get to the truth of the matter. A National Coal Association official told them bluntly: "The days of cheap energy are gone."

In a more restrained tone, N.C.A. executive vice president James Garvey told the Senate Interior Committee in September, 1970, "T.V.A.'s past ability to use its monopoly purchasing power got T.V.A. into the habit of taking advantage of the coal industry's distressed condition caused by its overproductive capacity. As a result, T.V.A. finds it shocking and unacceptable to pay a fair price for coal." Garvey observed, "In the eastern section, T.V.A. has (following its system of accepting the lowest bid) taken advantage of the willingness of non-career coal companies to 'cream the contours.' T.V.A. in its eastern section has lived off the very inexpensive coal which could be, and was, obtained from strip mining the contours of the hills."

It made good economic sense for T.V.A. to use strip-mined coal. A road-construction boss could take off one week, go into the hills with a bulldozer, power shovel, and a few men, and be a coal operator the next week. It takes fewer men to strip; ton for ton, a man employed in strip mining produces up to five times as much coal and at about one third the cost as the same man working in a deep mine. And the men prefer stripping: a strip miner need not risk his life or his health underground. Moreover, the entire seam of coal can be removed: this is never possible in deep mining. This means cheap coal. In 1961, when the price for Kentucky coal was four dollars a ton, T.V.A. was purchasing supplies on at least one contract for *half* that rate. T.V.A. estimates that the cost of coal amounts to two thirds of the cost of power production. Cheap coal means cheap electricity.

Where T.V.A. pioneered, the notably cautious electric utility industry watched, waited, then followed. With the surging demand for cheap coal in the early 1960's, strip mining went big time. "A monster 115-cubic-yard shovel big enough to dwarf a ten-story building," proclaims a picture caption in a pamphlet on T.V.A.'s Paradise steam plant in Drakesboro, Kentucky, currently the biggest in the world. "It is the largest self-propelled land vehicle in history, and can scoop up, swing and dump a third of a million pounds of earth at a time." T.V.A. issued the brochure in the early Sixties; today's technology has provided shovels half again as large, able to take two-hundred-cubic-yard bites. But the Paradise plant, with a rated generator capacity of 2,500,000 kilowatts, is still the biggest.

The Paradise plant has no geographical relationship whatever to the Tennessee Valley. Its location in west central Kentucky is explained by the fact that it is our first "mine mouth" plant. "This plant burns 21,000 tons of coal a day," a guard proudly told me. "It's sitting right on a bed of coal."

The land surrounding the Paradise plant must be one of the most devastated areas in the United States. Approaching the plant is like entering a combat zone. Kentucky's Senator John Sherman Cooper described it this way in questioning Chairman Wagner at a committee hearing in Washington in August, 1970:

"I don't know that I can say that it is your fault, but one of the purposes, as I understand it, of the T.V.A. is that it deals with conservation and tries to make a better environment. Yet in Muhlenburg County and Ohio County, where Peabody Coal strip-mines—I think it is the second-largest coal company in the United States—these counties look like what we once thought the surface of the moon would look like—terrible."

I asked Chairman Wagner and Information Director Paul Evans how T.V.A. could be associated with the kind of environment that surrounds the Paradise plant. They explained that not all the coal stripped from the area goes to that particular plant (Peabody is mining 65,000,000 tons over a seventeen-year period), that the land mined for T.V.A. is being reclaimed and that the area was nothing but scrub bush or strip mines before the plant was built, anyway.

Although neither man said it, the T.V.A.'s mandate was to rehabilitate the Tennessee Valley, not to worry about Kentucky. A comparable Kentucky Valley Authority undoubtedly would have utilized *its* prime resource, coal. Without cheap Kentucky coal many of T.V.A.'s proudest accomplishments never would have come to pass. Two thirds of T.V.A.'s coal comes from Kentucky—more than 18,800,000 tons from the west, 3,600,000 tons from the east, in all more than twenty percent of the coal strip-mined in the state.

The strip mining that is conducted in the flat, rolling country of western Kentucky, where the Paradise plant is situated, is known as area mining. Here, as in Ohio or Illinois, the tier of coal may lie within thirty to sixty feet of the surface. A supershovel digs a great trench. The topsoil and other material, called the overburden, are piled alongside the trench. Then smaller shovels scoop out the coal. When the accessible coal has been removed, a parallel cut is gouged, with the overburden deposited into the first trench. And so on, so that the land is transformed into a washboard of ridges and valleys like a gargantuan plowed field.

In mountainous country, contour mining is practiced. This corresponds to the L-shaped cut made for a highway along a hillside. First, bulldozers clear trees, brush and vegetation. Dynamite blasting loosens the earth, then shovels and dozers remove the overburden, forming what is called a bench, what would be the roadway if a road were there, joined at right angles to what is called a highwall. Since there is no place to put the overburden, the custom has been to dump the broken trees, stumps, boulders and earth material over the side of the hill. The exposed layer of coal is lifted out by shovels, loaded onto trucks and carted away. The deeper the miners cut into a hillside, the taller the highwall becomes. A limit usually is reached when the highwall attains about thirty to fifty feet.

At this point, auger mining may commence. Drills up to seven feet in diameter bite as deep as seventy yards into the mountain, the spiral blades peeling out the coal. Stripping is the fastest growing method for mineral extraction, particularly for coal. It accounted for only five percent of coal mining in 1931; in the early 1950's, when T.V.A. came into the market, the figure was twenty-two percent; now strip and auger mining are up to forty-four percent.

Until the 1940's strip mining was unknown to the mountain people whose grandfathers had signed so-called "broad form" deeds with the coal companies. For ridiculously low prices—around fifty cents an acre—the natives gave the companies title to all coal, oil, gas and minerals underground, and authorized them to build roads and other structures wherever they wanted to, as well as to cut whatever timber they needed. The mountaineers watched the rape of their land with occasional resorts to violence and sorties to law—the latter futile, since even the rare legal victories against coal operators were doomed to eventual defeat if the case rose to the state's highest court. Where other states held that landowners could not have intended to sell the right to mine their land by a process unknown at the time the deeds were drawn, Kentucky's seven-judge Court of Appeals ratified the broad form in 1956. Another test case was brought in 1968. Not only was the landowner denied damages inflicted by mining, but the rights of the coal operator were extended by the ruling of a four-justice majority, which held: "It appears to us that if, as we in substance are holding, the mineral owner bought and paid for the *right to destroy* [emphasis added] the surface in a good faith exercise of the right to remove the minerals, then there is no basis upon which there could rest an obligation to pay damages for exercising that right." In 1970, Knott County, one of the counties most desperately affected, imposed a ban on strip mining as a public nuisance, but the state's attorney general ruled that the procedure was inconsistent with legal precedent.

If the law offers no redress to the mountaineers, neither does T.V.A. In the Summer of 1970 Leslie Dunbar of the Field Foundation and Eli Evans of the Carnegie Corporation talked to Mrs. Vernon Barnett who lives with her husband below Yellow Creek Mine near Anson, Kentucky. The three men wrote about their encounter in a letter to Frank Smith, a T.V.A. director.

"We asked her what it was like living below the mine, and she told me how they had to flee their house each time it rained for fear that tons of earth above might turn into a mud slide.

"'My husband is a disabled miner and that house is all our life savings,' she said. 'It's a good house and what we always wanted because we never had a toilet or runnin' water until we moved here.' And then she said in a terrified voice, 'Someday that whole mountain is going to wash down through this gully and bury my house.'"

Mrs. Barnett told the Foundation men that she had talked to mine-owner William Sturgill, but he had done nothing. The letter goes on:

"Our quiet inquiries indicated that T.V.A. could be a major purchaser of the coal from Mr. Sturgill's mine and it seemed to us that you might be able to help Mr. and Mrs. Vernon Barnett and others like them. After all, the economics of strip mining indicate that an agency of the government of the United States may have placed this fine couple in fear of their lives to face night after night of uncertainty and outright terror. There are other people like her in Kentucky and we know it is easy to say that solving one person's problems can raise a lot of issues regarding responsibility for others, but T.V.A. could be so much to blame in this situation that we felt compelled to urge you to give it your personal attention."

Director Smith wrote back that Sturgill's Kentucky Oak Mining Company (now known as Falcon Coal Company) was indeed under contract to T.V.A. and that the company was in compliance with its reclamation obligations. Therefore the threat of a landslide was out of the question. However, Smith said, he was sending a man to check on it. "Let me point out again," Smith wrote, "that the coal is not being mined because of T.V.A. but because of the consumption of electric power throughout the country."

As it turned out, the T.V.A. inspector said that the slide situation was unpredictable. In other words, it could happen. The T.V.A. offered to replace the Barnetts' house at a safer location across the road or to move them to a new house, but several months after the inspector's report, the T.V.A. was still surveying land and the couple was still living jeopardy.

Dan Gibson is a living legend in eastern Kentucky because he beat the system and won a small victory. Dan Gibson is eighty-six years old, still full frame, still erect, still a man to be reckoned with. He cut down on his lifetime smoking habit a few months ago because he felt it was beginning to affect his wind.

Dan and his wife live in a typical small mountain cove that cups the head of Cockerel's Trace Fork of Clear Creek in Knott County near Hindman. Mrs. Gibson's son by an earlier marriage lives close by with his family. Mrs. Gibson's father had signed away the mineral rights in this hollow. "My father thought he sold just one seam of coal," Mrs. Gibson said. "Later they claimed the rocks and clay. Nobody ever thought about a bulldozer and shovel."

The bulldozers and shovels began arriving in their area in 1964. A crew would move in quietly and before anyone was aware of it a strip operation would be in full bloom. One neighbor surprised a coal operator, who had already ruined his farm and, with a rifle trained on him, got the operator to write out a check for $4,000 on the spot. But few residents got money or satisfatcion, since the operators were within their legal rights. When blasting dislodged the chimney stones of another neighbor's house, the house caught fire and burned down. Another dynamite explosion broke a gas line and, when a housewife lit a match, the resulting fire burned *that* house down. A third house was buried by tumbling overburden, a mother and her children escaping just in time. Smoke choked everyone, dust settled everywhere.

Then the strippers began probing Dan Gibson's cove. Once in the black of night he noticed lights on the ridge opposite his house. One shot and the lights were turned out. Another time, the strippers chewed the back of a hill and Gibson did not discover that operation until they had cut through the ridge. "Mine water as black as my pants came rolling down into our crick. People came here to fish. There used to be big chubs, but that cleared ever'thing out of the holler."

The showdown came in the Summer of 1965. The land belonged, or eventually would, to two stepsons and three grandsons who were in service, one fighting in Vietnam. Mr. Gibson didn't think it right for their property to be scalped while they were away like that. So he got his .22-caliber gun and went up to the ridge to confront the marauders.

He spotted the invaders when he had approached to about 150 yards; a deputy sheriff was standing in front of bulldozers. Gibson slipped behind the deputy, "I said, 'What are you doin' up here?' He said, 'I'm up here guardin' these men to work.' And I said, 'Mister, I don't want any trouble with you all. I ask you to walk in front of me and go out there and tell them fellers to get off. Go back across that line.' Well, he did. And they went back."

Gibson, whose right hand is crippled, got help from one of the mine crew to set up a hand-lettered sign on his property line. It read: "No Trespassing." This first confrontation occurred about ten in the morning. For the next four or five hours, Dan Gibson sat on his side of the boundary and about twenty of the strip-mining crew sat on the other side. In midafternoon, six state troopers appeared and crossed the border. Gibson asked the leader, whom he identifies as a Sergeant Mitchell, if he had come to run him off his own property. The police officer said he had a right to be there. In reply, Dan Gibson said he was eighty years old and never had trouble with anyone in his life.

* * * * *

Of Kentucky's four major rivers that rise in the eastern hills, Dr. Barbour said that only the Licking "is not in too bad shape except for tributaries in coal areas. Some of the most miserable streams are just gutters, boulders bloody red and glued in place with nothing alive that I could find."

Federal regulation of strip mining has been suggested by U.M.W. President W. A. Boyle, among others, and President Nixon has proposed federal guidelines with a provision for federal take-over if the state fails to enforce the guidelines. These positions are in contrast to the sentiments of T.V.A., which for many years preferred state regulation.

When the New York *Times* editorially proposed a ban on strip mining, T.V.A. Chairman Wagner quickly wrote to the editor opposing such action. He said that barren, treeless wastebands are not to be condoned, of course, but they don't have to exist. "T.V.A. in cooperation with some of its suppliers of coal, has demonstrated that coal can be removed by surface mining and the area involved restored to a condition as good or better than before the mining took place. The productivity of the land can be restored or improved and pollution controlled."

This claim recalls the contention of the lawyer who, in trying to block a claim against his client, argued that the arm of the young complainant actually was stronger since the time he had broken it. The counselor waxed eloquent on the powers of nature to repair and reinforce the site of the fracture until the opposing attorney inquired if his adversary recommended that everyone break his arm in order to improve it. Senior ecologist Dr. George Woodwell of Brookhaven National Laboratory calls T.V.A. brochures of its model reclamation "extremely superficial and misleading" and he estimates that the organic productivity "has been reduced to a fifth to one-tenth its potential prior to disturbance."

The closest thing to federal regulation so far has been the passage of the National Environmental Policy Act, whereby Congress has declared a national policy "to promote efforts which will prevent or eliminate damage to the environment and biosphere." The act says that unless some other national goal supersedes, it is the responsibility of the Federal Government to "attain the widest range of beneficial uses of the environment without degradation . . . maintain, wherever possible, an environment which supports diversity . . . enhance the quality of renewable resources." The law directs a federal agency to file a statement if any action it plans may have an adverse effect on environment, and consider alternatives.

Natural Resources Defense Council, the Environmental Defense Fund, and the Sierra Club, joined by National Audubon Society, have begun legal action to make T.V.A. file such statements with a view toward ending its procurement of coal from strip mining. While T.V.A. does not mine the coal directly, the environmental groups contend the agency is violating N.E.P.A. T.V.A. issued a hundred-page policy statement in December and said it would issue such environmental documents annually, but would not give environmental impact statements for each of the thirty to forty strip-mine contracts negotiated each year. John Adams, executive director of the Natural Resources, believes that by prodding T.V.A. to file an impact statement, "they'll realize what they are doing and stop it—we're forcing them to think." It is a good time for thinking. . . .

It is high time for thinking—thinking about the paradoxes involved in T.V.A.'s two-headed mandate as an environmental agency and as a purveyor of cheap electricity. Reconciling the two is going to be extremely difficult. For example, T.V.A. pioneered the use of electricity for home heating, and is quick to point out that this is a clean way to heat a home. One big power plant undoubtedly concentrates the pollution, and thereby makes it more amenable to control than a lot of little home furnaces. But the price of the gain in air quality is accelerated depletion of coal, for when the fuel is burned at a plant to generate electricity, sixty percent of the coal's heat is wasted. So the cost in energy rather than in dollars to heat an average home electrically is seven and a half tons of coal a year. The energy cost of a color television set is 375 pounds of coal a year, for an electric range nearly half a ton, and almost two tons for air conditioning. The demand for energy can only increase. Cheap thermonuclear power may lie on the distant horizon, but on the other hand it may not—the technological problems of controlling the reaction are enormous, there still is likely to be a highly poisonous by-product, the problems of dispersing the waste heat are immense. For decades the American demand for electric power has been doubling every ten years, and for the past couple of years the rate has been increasing even faster than that. In the long run this geometric increase in energy demand simply cannot continue, because whatever the energy resource limits of the earth may be, there are limits *somewhere*. But of course in the long run we are all dead. In the short run, we have a coal problem.

Some critics believe that bulk users of electric power should be made to pay the same rates as small residential users. These critics believe that providing preferentially cheap electricity acts as a spur to its extravagant use and a constant stimulant to the demand-supply spiral. T.V.A. opposes any such rate change, believing that the economic realities are such that the bulk user deserves cheaper rates. Wagner philosophically opposes any curtailment of the power that builds the products that provide the jobs that bring the money that gives us the standard of living we have. Start to cut back and the process could go into reverse: fewer products . . .

fewer jobs . . . unemployment . . . depression. The whole house of cards collapses.

Former T.V.A. and A. E. C. chairman Lilienthal says, "Cheap power has done its job. I think that changing the rate structure is the quickest and most natural way to bring about a de-escalation in the use of power. The bulk user should be made to pay for the increased costs as well as the housewife."

Even so, Mr. Lilienthal is under no illusions that this will materially affect the use of coal. "The coal is a resource," he said. "It will be used."

IS THE GENOCIDE CONVENTION RETROACTIVE?

Mr. PROXMIRE. Mr. President, one of the more sensitive questions concerning American ratification of the Genocide Convention stems from our own liability under the treaty. There appears to be some uncertainty as to whether the terms of the treaty are retroactive and whether the American people can be held accountable for alleged genocide involving American Indians.

While no citizen of the United States can take pride in our treatment of the Indian during this country's early settlement, there is no reason to fear charges of genocide. The terms of the treaty are not retroactive. Rather, the very essence of the treaty is the prevention and punishment of future acts of genocide committed throughout the world. What we did to the American Indian we will have to bear as part of a national conscience, but the Genocide Convention is not designed to resurrect dead issues. It is a constructive and positive international declaration which states with determination the world's abhorrence of violence and genocide.

Now is the time for America to take its place of moral leadership and swiftly ratify the long-neglected Genocide Convention.

ORGANIZATIONAL QUESTIONS BEFORE THE STOCKHOLM CONFERENCE

Mr. MUSKIE. Mr. President, recently Prof. Richard N. Gardner presented an excellent paper on the organizational questions facing the United States at the 1972 United Nations Conference on the Human Environment to the Secretary of State's Advisory Committee on that Conference.

Professor Gardner is a Henry L. Moses professor of law and international organization at Columbia University. His expertise in the field of international organization is well known.

These comments should prove of great value in developing a clear insight into global environmental problems and the possible institutional means by which these problems can be solved. I ask unanimous consent that Mr. Gardner's remarks be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Richard N. Gardner to the Secretary of State's Advisory Committee on the U.N. Conference on the Human Environment at the U.S. Mission to the United Nations, Friday, March 3, 1972

Richard N. Gardner, Professor of Law and International Organization at Columbia University, served as Deputy Assistant Secretary of State for International Organization Affairs from 1961 to 1965. He is currently serving as consultant to the Secretary-General of the United Nations Conference on the Human Environment on international organizational questions. He also serves as U.N. representative of the International Union for Conservation of Nature and Natural Resources (IUCN). This statement, however, is made in his personal capacity.

I am grateful for this opportunity to present my views to this distinguished Committee on the organizational questions that will face us at the Stockholm Conference. My views on these questions are set forth in detail in the attached statement entitled "The Role of the UN in Environmental Problems." In these brief introductory remarks, I would like to emphasize three points that I believe have not yet received sufficient attention in either official or public discussion of international environmental organization.

First: The desire of the United States for effective international arrangements for environmental regulation is unlikely to be realized without major changes in present U.S. policy toward the United Nations and multilateral development assistance.

I believe, and have argued for more than a decade, that the national security of the United States is gravely threatened by the expensive and dangerous arms race, the uncontrolled growth of world population, the progressive deterioration of the human environment and the spreading frustration of people in the developing countries at their inability to achieve a decent life. A study by the Club of Rome published only this week suggests the very real likelihood of massive breakdowns in world society within the lives of our children or grandchildren if present trends continue. Although the most devastating consequences of these trends may lie some decades in the future, the measures necessary to avert disaster must be taken now.

If this diagnosis is correct, the United States ought to be doing everything within its power to strengthen the United Nations and other international institutions to deal with these global problems. Unhappily, however, the Vietnam tragedy is impelling us not only to reduce our unilateral responsibilities, which is good, but to disengage from our multilateral responsibilities, which is bad. United States support for multilateral institutions is in doubt or disarray all along the line. We take no serious initiatives to enlarge the U.N. role in peacekeeping or development. We take a penny-wise and pound-foolish attitude to the United Nations budget. We adopt a low financial profile as the United Nations drifts toward bankruptcy. We violate solemn treaty obligations by refusing to pay our assessments to the ILO and by breaching the Security Council's embargo on trade with Rhodesia. We move steadily away from the internationally agreed aid target of one percent of GNP as other industrialized nations move toward it. We fail to put up our promised share of funds for the multilateral aid agencies—the International Development Association, the Inter-American Development Bank and the Asian Development Bank.

We complain that the U.N. behaves "irresponsibly." How can we expect the institution to behave responsibly if we do not behave responsibly toward it? At a time of planetary emergency, we are rapidly becoming a global dropout. Our leadership is currently fascinated by the politics of the balance of power. Surely the time has come to devote more attention to the politics of world order.

What does all this have to do with the Stockholm Conference? Everything. A healthy set of environmental institutions is unlikely to flourish in a weak United Nations.

Moreover, an effective multilateral attack on the problems of environment and population growth is not likely to be mounted in the absence of an effective multilateral attack on poverty. Without an increase in the quantity and quality of global aid efforts, the financial and political basis for population control and environmental protection in the less developed countries will not exist. Not only does action on the population and environmental problems cost money that the developing countries do not have, but political resistance to population and environment efforts is likely to grow in these countries if international assistance is static or declining. Already, at the U.N., some countries are charging that the new emphasis by the United States on the environment and population is a gigantic "cop out" to justify our declining foreign aid effort.

Second: The most important single objective of the Stockholm Conference is to establish a flexible institutional framework capable of future growth in response to the needs and demands of the world community.

I do not wish to minimize the importance of the other matters that will be before the Stockholm Conference, such as the Declaration on the Human Environment, the Action Plan. the Convention on Ocean Dumping and the World Heritage Foundation. But the overriding necessity of the Stockholm Conference is to establish an institutional framework to carry on the work which we have only begun. If this is missing, no other achievements can prevent Stockholm from being deemed a failure.

In the attached paper, I describe in some detail my own views about the institutional arrangements that are required—an Environment Secretariat of the highest quality with adequate power of initiative; an inter-governmental body to which governments will send senior environmental decision-makers; effective arrangements to draw upon the expertise of the private scientific community; a substantial environment fund to assure the financing of priority projects; new measures for the prevention and settlement of environment disputes; and the development of more effective arrangements to deal with the marine environment.

The basic point that I wish to stress in these preliminary remarks is that our principal attention in the development of these institutions should be on substance rather than form. To take an example, the question of whether the inter-governmental body is an organ of the General Assembly or of ECOSOC is less important than the question of whether governments are prepared to send as representatives to it their environmental ministers or senior environmental decision-makers.

A related point is that we should not be too disappointed if the institutional arrangements do not spell out all the formal powers which some of us in the United States might like to include. Experience with international institutions inside and outside the United Nations suggests that a general and somewhat vague grant of authority can provide the basis for impressive organic growth over the years in response to the needs and aspirations of the member states. The important thing is to get something going that has the capacity for growth.

Third: The United States should support the establishment within the United Nations of an "international environmental coalition" of those countries that are prepared to undertake special responsibilities for environmental action.

I strongly believe that our major efforts for environmental action should be taken through the United Nations and its family of agencies. No other institutions presently exist in which we can pursue environmental diplomacy with developing countries and Communist nations as well as with the members of the North Atlantic community and Japan. While regional cooperation is also necessary, global action through the U.N. system is indispensable if we are to secure the cooperation of the developing world and take vital decisions to protect the world's oceans and atmosphere.

At the same time, we have to face the fact that action within the U.N. does present special difficulties. There are now more than 130 members of the United Nations and these members have widely varying attitudes as to the seriousness of environmental problems and as to the extent to which they should limit their national freedom of action to deal with them. We need some formula to reconcile the need for global cooperation within the United Nations with the equally compelling need for cooperation that is adequate to the challenge.

I believe that such a formula can be found in an "international environmental coalition" operating within the United Nations. The concept is simple. At the Stockholm Conference and in subsequent meetings, an attempt should be made to reach the highest level of agreement among all U.N. members on institutional and other issues. In the foreseeable future, however, this level of agreement will undoubtedly be disappointing to those of us who feel a sense of urgency about the environmental threat. Therefore, the United States should join in organizing a coalition of environmentally concerned nations who would accept voluntarily a higher level of obligation than the membership as a whole.

One obvious example of this higher level of obligation would be willingness to contribute generously to an environment fund. Less obvious, but no less important, would be the voluntary acceptance by the members of the coalition of certain procedures for periodic reporting and submission of environmental disputes to third party settlement.

To be somewhat more specific, the United States and other members of such a coalition should agree to report to the new Environment Secretariat on all national activities (private as well as public) that might affect the environment of others and to consult in good faith with other members and with international agencies when questions or objections are raised. The members of the coalition should also agree that environmental disputes to which they are a party can be taken to the new intergovernmental body at the reqeust of any other party and that they will cooperate with any specially-constituted scientific fact finding panel which might wish to make on the spot investigations on their territories. The members of the coalition should also agree to make use of the good offices of the Environment Secretariat and to permit nongovernmental groups like IUCN and ICSU to present independent testimony on matters at issue in environmental disputes. In addition, wherever possible, international agreements on such specific matters as oil pollution of the sea or ocean dumping should provide for the settlement of disputes at the request of any party by an arbitral commission or the International Court of Justice, which could organize itself into special chambers for this purpose and make use of scientific "assessors."

I doubt that the members of the "international environmental coalition" would be ready to accept an "environmental veto" by international agencies, much less an environmental "police force." But an international review process of the kind outlined above, even if it did not lead to legally binding decisions by international agencies, would represent a great step forward. I believe it would serve the enlightened self-interest of our country to promote such a process among as many countries as possible and to discharge to the full the obligations involved.

Whatever institutions are created at Stockholm, their vitality will obviously depend on the behavior of governments. The hard question is whether those leaders who now use the rhetoric of "spaceship earth" are really prepared to accept the political and economic costs that this rhetoric implies. The answer will be found in the resources that they are prepared to devote to international environmental efforts and the limitations they are prepared to accept on their traditional freedom of national action.

The institutional decisions which governments take at Stockholm and after will have the most profound consequences not only on the quality of environmental cooperation but also more broadly on the whole system of international relations. Failure to devise a workable pattern of cooperation to cope with urgent environmental issues could lead to international disputes and a poisoning of political relations. On the other hand, success in environmental cooperation could help humanity deal with other pressing problems.

A record of successful achievement in this area would demonstrate the U.N.'s capacity to adjust its institutional habits and deal efficiently with major threats to the survival of mankind. It could show the way to new approaches in the economic and political areas. Perhaps, in the long run, it could stimulate new perceptions of interdependence and strengthen the political commitment of governments to a stronger United Nations.

PLACEMENT OF STUDENTS ON COLLEGE BOARDS OF TRUSTEES

Mr. HARRIS. Mr. President, on February 29, the Senate gave an overwhelming 66-vote endorsement to an amendment which I was privileged to offer, urging colleges and universities to place students on their boards of trustees and boards of regents.

Since I first made public my intention to offer this measure, and since its adoption by this distinguished body, I have received numerous communications from students, faculty members, and administrators across the country concerning the question of student involvement on university governing boards.

After reading through these letters and telegrams, I am even more strongly convinced that student participation in the governance of schools can be of great value—not only to the students, but also to those more directly charged with the difficult task of administering an institution of higher education.

The responses were, almost without exception, highly favorable to increased student involvement. But the most enthusiastic were those from schools where students had been given this additional responsibility. College presidents and student representatives alike found that the perspective added by a student member of the governing board was a change which, in the words of one letter, "their elder colleagues respect, enjoy, and depend upon."

Mr. President, I ask unanimous consent that a number of these letters and telegrams be printed in the Record at the conclusion of these remarks.

Mr. President, we have sent 12 distinguished Senators to confer with Representatives from the House side on the final wording of the Higher Education Act. I am hopeful that the conference committee will retain the wording of the Senate version which gives a mandate for schools throughout America to more fully involve students in their governance.

There being no objection, the items were ordered to be printed in the Record, as follows:

The City University of New
York, Office of the Chancellor,
New York, N.Y., March 6, 1972.

Hon. Fred R. Harris,
U.S. Senate, Committee on Government Operations, Washington, D.C.

Dear Senator Harris: You have asked for my views on how younger trustees have affected policy-making at City University.

After two under-thirty board members had been appointed (in August 1969), the local reaction was simply, "Why hasn't this been done before?" It seemed natural and appropriate that recent college graduates bear responsibility as members of a governing board for academic welfare of those coming after them. The "young" trustees have proved to be forceful allies of their elder colleagues in the university effort. As vigorous spokesmen of student concern, alert to current issues of the day and the university's role in these broader issues, the young board member keeps a board on its toes—the only stance for a governing body today.

At the time Miss Maria Joseph Canino, then 25, and Mr. Jean-Louis d'Heilly, then 28, were appointed by Mayor Lindsay, the average age of Board of Higher Education members was 60. The new members were welcomed wholeheartedly, not only for themselves (both are personable and extremely competent), but also for the liaison board members felt them to be with college students. Like other trustees of the period, the Board of Higher Education had been through the travail of campus unrest; they had found the advice of the newly-formed University Student Senate, which Mr. d'Heilly had chaired, extremely helpful and responsible; and they sensed the need for fresh approaches to academic questions.

One of the first steps taken by the new trustees was to visit the campuses to talk with students and esablish the board's and their own particular interest in student input. We have no doubt that a growing student surveillance of board action and an accelerating contribution to board deliberations through public hearings is in part a ratfication of this round of visits.

Another factor bringing board policy-making closer to students has been the presence of the University Student Senate chairman at board meetings. Although he has no vote, this official is persuasive. Both Miss Canino and Mr. d'Heilly have supported the maturing of this university-wide body.

Currently chairman of the Committee on Campus Governance and a member of the Committee on Student Services, Mr. d'Heilly has persistently moved to update college and university governing procedures to include both advisory and voting responsibility by students and younger (often untenured) members of faculty and staff. As Senate chairman, he initiated a study of governance procedures, following this up with the board's Committee on Law then and later, after he had become a board member. At one time the campuses were uniformly governed by Faculty Councils under board bylaws. Today each campus is required to develop its own governing plan within guidelines established by the board. These new plans provide for student—and often alumni—participation.

Mr. d'Heilly has been particularly concerned with the implementation, evaluation, and readjustment of open admissions procedures to serve student needs.

As a member of the Committee on Expanded Educational Opportunity, Miss Canino has contributed to the refinement and growth of academic programs for disadvantaged students, one of the most important aspects of City University's responsibility. SEEK, College Discovery, and Open Admissions policies are the business of this committee. Similarly, she has been an advocate of increasing efforts to provide for minorities.

Her personal affiliation with Puerto Rican groups like ASPIRA has been enormously helpful to the university in its effort to encourage Puerto Rican students to take advantage of educational opportunities available to them.

She has been a strong proponent of the development of Puerto Rican studies on our campuses and has thus contributed to the overall expansion and deepening of ethnic studies at City University.

Miss Canino is now a member of the board's Committee on Community Colleges and, in that capacity, has provided new insights as to the aspirations and needs of youth today.

To sum it up, young board members bring enthusiastic, knowledgeable, and practical perspectives to a university governing board, which their elder colleagues respect, enjoy, and depend upon. May I congratulate you on your efforts to expand the involvement of young people in making the decisions which affect them. It is the conviction of CUNY's administration and governing board that the effective way to develop the responsibility of youth is to give youth responsibility.

Sincerely yours,

Robert J. Kibbee,
Chancellor.

Nicholls State University,
Thibodaux, La., February 18, 1972.

Re Senate Bill 659, Harris Amendment 398.

Senator Fred R. Harris,
Senate Office Building,
Washington, D.C.

Dear Senator Harris: The Nicholls State University Administrative Council, which is the policy-making council of the University, includes among its membership the President of the Student Government Association.

By virtue of his election to office by the students, the Student Government Association President is automatically a member of the Administrative Council with full voting privilege and rights.

Full Administrative Council membership for the SGA President is a direct means of communication between students and administration, and it is a direct way by which problems of the students can be brought before the Council. Last week, for example, the Administrative Council was in session six hours for the purpose of considering a Code of Student Rights, Freedoms, and Responsibilities proposed by the students and presented to the Council through the SGA President and a group of his associates who attended the Council meeting as guests.

We personally feel that student membership on the Council has provided better communication between students and administration and much good has come from it. Many campus problems were solved because they were brought to the attention of the Council by the SGA President.

Sincerely,

Vernon F. Galliano,
President.
Kerry L. Cooley,
SGA President.

Washington, D.C.,
February 23, 1972.

Hon. Fred R. Harris,
Old Senate Office Building,
Washington, D.C.

The youth in this nation are asking for the right to have a voice in what affects them, and that their voice be heard. For too many years now, countless student leaders throughout the nation have spent hours working within the system; proving to the Administration that they are responsible Consequently, at most colleges today, students are seen on just about every lower policy body. However only too often, their presence means nothing for it is the governing bodies of each institution that makes the major decisions.

Unfortunately, few institutions have students on their governing bodies. Thus, a frustration is felt by most student leaders for they realize that they are involved in little more than busy work. The only way seen by most students to remedy this situation is to have students on their own governing bodies.

Thus, the Undergraduate Student Government at the Catholic University in Washington, D.C., wholeheartedly supports the Harris Amendment. Just as the eighteen year old vote was a large step forward in giving first class citizenship to the youth of this nation, so too would the Harris Amendment be another large step forward for responsible student determinism.

Sincerely,

Joseph Hurley,
President of the Undergraduate Student Government at Catholic University.

Howard University,
Washington, D.C., February 15, 1972.

Hon. Fred R. Harris,
The U.S. Senate,
Washington, D.C.

Dear Senator Harris: This will acknowledge receipt of your letter of February 10, relative to students serving as members on the Board of Trustees of Howard University.

The Board approved the seating of two student members in April, 1970. Full membership was granted with no attendant restrictions, except for terms of office. Student Trustees are elected for a term of one year with eligibility for re-election for an additional year. Other Trustees are elected for a term of three years, with eligibility for reelection.

It has been the experience of the University that inclusion of students on the Board of Trustees has greatly embellished the character of the Board. The insight, input, and perspectives of these members have contributed to a more meaningful and representative body. Student members have themselves gained invaluable experience by participating in University governance at the highest level.

I am pleased to have the opportunity to present you with this information.

Sincerely yours,

Owen D. Nichols,
Vice President for Administration.

National Student Lobby,
Washington, D.C., February 15, 1972.

Dear Senator: As you know, the Higher Education Act—S. 659 is up for a series of votes this week, including an Amendment by Sen. Fred Harris to place a student on the governing boards of colleges receiving federal assistance.

The Amendment would require any institution of higher education receiving federal monies (either in direct aid or through contract) to place at least 1 student on its board (Board of Directors, Board of Trustees, or Board of Regents). This student would have the same rights, privileges, and compensation (if any) as any other member of the board of that institution.

In the past many students on campuses across the nation have attempted to gain representation on the boards of their institutions. Some students have been successful, and Princeton University, Boston College, Vanderbilt University—to name a few—now have students on their boards.

These first students on boards have been extremely effective in increasing communication and understanding between students and the trustees responsible for those institutions. It is our strong feeling that had students been seated at the board meetings a few years ago, much of the turbulence which higher education has experienced could have been avoided.

We strongly urge your support for a student on the board of colleges. The National Student Lobby considers this amendment, along with substantial funding of the Higher Education Act, to be our *No. 1 domestic priority* among the 800,000 students in our member student bodies.

If you have further questions, or would like further information about the NSL, please give our office a call.

Very truly yours,

Layton Olson,
In behalf of 94 college, community college, and university student bodies across the country.

Telegrams

Los Angeles, Calif.

Senator Fred R. Harris,
Washington, D.C.:

Lamar Lyons, student body president, undergraduate Mark Bookman, graduate student body president, and Fred Weiner, director of the UC student lobby at UCLA, fully support your Higher Education Act (S. 659).

Lamar Lyon,
Student Body President.
Mark Bookman,
UCLA Undergraduate.
Fred Weiner,
Graduate Student Body President, Director UC Student Lobby UCLA.

Milwaukee, Wis.,
February 29, 1972.

Senator Fred Harris,
U.S. Senate,
Washington, D.C.:

We the students of Milwaukee Area Technical College, representing 52,000 students, endorse and support Senate Bill 659. We agree there is a need in our own school for students to actively participate on the school board of directors.

Gerald O'Sullivan,
President Student Government,
Milwaukee Area Technical College.

MAYNARD C. DOLLOFF, OF MAINE, NEW PRESIDENT OF NATIONAL ASSOCIATION OF STATE DEPARTMENTS OF AGRICULTURE

Mr. MUSKIE. Mr. President, may I invite the attention of Senators to the announcement that Maynard C. Dolloff, commissioner of the Maine Department of Agriculture, has recently assumed the presidency of the National Association of State Departments of Agriculture. He is the first Maine agriculture commissioner to become President of NASDA since its founding 56 years ago.

Maynard Dolloff has served a long and distinguished career in agriculture, as chairman and secretary of the executive committee of the National Grange for 12 years, as former president of the Northeastern group of NASDA, and at present as commissioner of the Maine Department of Agriculture for the seventh year. His elevation to president of NASDA is just recognition for his many years of effective leadership in addressing the problems of the agricultural community and his contributions toward solving them.

Gov. Kenneth M. Curtis, Governor of Maine, pointed out the importance of

Commissioner Dolloff's new office in the following message:

> I am always gratified when national recognition comes to a state official. The recent elevation of Commissioner Dolloff to the presidency of the National Association of State Departments of Agriculture is a well deserved honor for him and cannot help but bring prestige to the State of Maine.
>
> I want to take this opportunity to congratulate him and to assure him of my fullest support in this important position among the leaders of American agriculture.

NASDA's members include the agriculture commissioners from each State and from Puerto Rico, Virgin Islands, Guam, and Samoa, whose responsibility is to develop uniform procedures for cooperative agreements with the USDA and other Federal agencies. The association also cooperates with the Council of State Governments, the National Governors Conference, and the National Legislative Conference to coordinate programs within the State's market services and national trade developments.

HOW FDA KEPT THE LEAD IN CHRISTMAS

Mr. MONTOYA. Mr. President, of all agencies in the Federal Government which have come under fire recently, none has been on the receiving end of more criticism than the Food and Drug Administration. I have indicated on a number of occasions my extreme dissatisfaction with its activities and performance in the consumer protection area. As a result of this ongoing concern, another situation has come to my attention I believe worthy of this body's consideration. It concerns what I choose to call, How FDA Kept the Lead in Christmas.

It centers around an agreement, arrived at in complete secret between FDA and makers of potentially dangerous lead tinsel for Christmas trees. FDA initiated both meeting and agreement, without knowledge of Congress, consumer protection organizations, health professions, media and, of course, the public. From start to finish, the intention was to keep this entire plot, for such it is revealed to be, from all deeply concerned and affected parties. Here is how its scenario developed.

On February 11, 1971, Mr. Henry Verhulst, of FDA, addressed a series of inquiries to various medical authorities concerning the potential hazard of lead Christmas tree tinsel to young children. One such inquiry was addressed to Dr. J. Julian Chisholm, associate professor of pediatrics at Johns Hopkins University School of Medicine. He is associate chief pediatrician of the Baltimore City Hospitals. I have obtained a copy of Dr. Chisholm's response to FDA, I ask unanimous consent that it be printed at this point in my remarks.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Baltimore City Hospitals,
Baltimore, Md., February 23, 1971.

Mr. Henry L. Verhulst,
Pharmacist Director, Acting Director, Division of Hazardous Substances, and Poison Control PS–140, Bureau of Product Safety, Food and Drug Administration, Washington, D.C.

Dear Mr. Verhulst: This is in reply to your letter of February 11, 1971 concerning the potential hazard of lead Christmas tree tinsel to young children. If ingested, such tinsel would be potentially hazardous if the following conditions were fulfilled. *There are several reports in the medical literature that indicate that metallic lead substances, if retained in the stomach, will be slowly dissolved. Under these conditions, sufficient amounts of lead can be absorbed to produce clinical lead poisoning, even in normal children.* The literature indicates that the material will have to remain in the stomach for a period of one to two months. The question then is whether the tinsel would pass quickly through the gastrointestinal tract or whether it would be retained. This the FDA could very quickly determine in animals by simply rolling up a ball of tinsel, introducing it into the animal's stomach and taking serial X-rays to determine the disappearance time. I suspect that a young child with pica might very well roll up the tinsel in a ball and swallow it. However, I know of no scientific proof of this suspicion. So much for the potential hazard to normal children. *If, however, a child already has a high lead level in blood and tissues, then the absorption of even small additional amounts which might result from a shorter residence time of the tinsel in the gastric intestinal tract would certainly pose a serious health risk.*

With respect to the available action options, I would be inclined to declare the product a "banned hazardous substance," thereby removing it from commercial channels. Since alternative tinsels of aluminum and plastic composition are available, according to your letter, there seems to me to be very little sense in continuing the distribution of a potentially hazardous product, even though the precise hazard of that product is not documented scientifically. I would strongly urge you to request, however, that the FDA do the simple animal experiments along the lines suggested above. This, it seems to me, might buttress any testimony, should that become necessary. I would be willing to testify, should that become necessary and my testimony would follow the statements in this letter.

Yours sincerely,
J. Julian Chisholm, Jr., M.D.,
Associate Professor of Pediatrics, Johns Hopkins University School of Medicine, Associate Chief Pediatrician.

Mr. MONTOYA. Mr. President, note the following two quotations from his letter:

> There are several reports in the medical literature that indicate that metallic lead substances, if retained in the stomach, will be slowly dissolved. Under these conditions, sufficient amounts of lead can be absorbed to produce clinical lead poisoning, even in normal children.
>
> * * * * *
>
> With respect to the available action options, I would be inclined to declare the product a "banned hazardous substance," thereby removing it from commercial channels.

Mr. President, according to an FDA fact sheet, GSS–HS1–571, this agency possesses the following authority:

> The Child Protection Act of 1966 authorized FDA to ban from interstate commerce those household substances so hazardous that warning labels are not adequate safeguards.

It is to be presumed that appropriate officials in FDA's Bureau of Product Safety were aware of their authority under existing legislation when this information came to them.

For the past several years, a significant hue and cry has been raised about problems of childhood lead poisoning. An excellent piece of work has been produced on this subject by Jane S. Lin-Fu. It is entitled "Childhood Lead Poisoning . . . An Eradicable Disease." This article has been reprinted by the U.S. Department of Health, Education, and Welfare, parent agency of FDA. There is a pertinent quotation from that article:

> The answer is that many health workers who work among the poor are not aware that lead poisoning in children is still a problem. They apparently think that the mandatory use of lead-free paint for toys, furniture and interiors of dwellings during the past quarter century has eliminated the problem. Furthermore, childhood lead poisoning is a disease that health workers may not recognize, even though it exists in epidemic proportions, because it has no distinctive clinical features. The symptoms of childhood lead poisoning are non-specific. Anemia, listlessness, excessive irritability, loss of appetite, abdominal pain, constipation—signs and symptoms that appear before obvious evidence of encephalopathy, such as vomiting or convulsions—can all be misinterpreted as indications of some other illness. Because children who suffer from lead poisoning come from the slums, their anemia may be considered to be the result of inadequate nutrition; their listlessness and excessive irritability, to be the results of a pathological home environment; their abdominal pain and vomiting, to be symptoms of indigestion and gastroenteritis. Even convulsions may be regarded as signs of epilepsy rather than as evidence of lead encephalopathy.

On all sides there has been a rising level of awareness regarding hazards of lead ingestion by Americans. The Lead-Based Paint Poisoning Prevention Act recognized the problem, aiming at removing old lead-based paint from existing housing and forbidding its use in federally financed housing. The growing body of evidence indicating the severity of the problem is illustrated by a story in the Washington Post of March 10, 1972.

I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Twenty-Five Percent of D.C. Children Tested Have Unsafe Lead Levels

(By Bart Barnes)

City health officials announced yesterday that 25 percent of all children tested in a nine-month screening program in Washington's model cities area were found to have unsafe lead levels in their blood.

Thirty had to be hospitalized, the officials said, and the others were treated at hospital outpatient clinics and at neighborhood health clinics.

The screening program started last April and ran through December. It was the most extensive survey to date of lead levels in the blood of inner city children and was done by the Community Health and Hospitals Administration under a $204,154 grant from the Model Cities Commission.

Lead poisoning which usually results from the eating of lead-based paint that chips off woodwork, doors, windowsills and plaster of old houses, can cause severe mental retardation or even death.

It is most common among children between the ages of 1 and 6 in the inner city where many old houses were painted with lead-based paint before World War II and which now are deteriorating.

Once thought to be the finest of interior paints, lead-based paint was used extensively in the homes of the wealthy in the pre-World War II era. Many of those homes are now the inner city tenements. Currently, lead-based paint is illegal for interior use.

Katherine James, coordinator for the lead screening program, said 2,214 children were tested for blood lead levels in the model cities area, which encompasses a 2.3-square-mile crescent north of Massachusetts Avenue and includes the Shaw, Stanton Park and Trinidad neighborhoods of the city.

Mr. James said 568 of those children had lead levels of 40 or more micrograms per 100 milliliters of whole blood, a level that physicians consider to be unsafe.

On a second testing, she said, the lead levels in 131 of those children had subsided to below 40 micrograms but the others were still above 40.

Mrs. James said removing the child from a home or an apartment where there was peeling lead-based paint or removal of the toxic paint could account for the levels subsiding in the 131 children. As long as no further lead is being ingested, the body gradually will rid itself of the lead contents, she said.

In every case where a lead level tested above 40 milligrams, Mrs. James said, the housing inspectors were sent to test the paint in the child's house or apartment for the content. Paint with a content of 1 percent lead or more was ordered removed.

The 25 percent who had dangerously elevated blood levels is less than the 33 percent indicated for elevated levels based on initial results of the screening program of November.

But it is still at the top span of 10 percent to 25 percent with elevated blood lead levels found by the Department of Health, Education and Welfare during 1970 in Baltimore, Minneapolis and Philadelphia inner city children.

It is also, Mrs. James said, consistent with a range of 10 percent to 25 percent of elevated lead levels among children tested regularly at neighborhood health clinics around the city.

City officials said they are seeking a $527,861 grant from the Bureau of Environmental Management, an agency of the Department of Health, Education and Welfare, to extend the screening program to all areas of the city.

Mr. MONTOYA. Recently the Environmental Protection Agency announced it is ordering a reduction in gasoline lead content as a public health step. Bearing these cumulative facts in mind, let us then return to people in the Bureau of Product Safety at FDA.

Mr. Verhulst also sent out a letter on February 11, 1971, to the commissioner of health of the city of New York, Dr. Mary C. McLaughlin.

I ask unanimous consent that Dr. McLaughlin's reply be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE CITY OF NEW YORK,
March 4, 1971.

MR. HENRY L. VERHULST,
Pharmacist Director, Acting Director, Division of Hazardous Substances and Poison Control, Bureau of Product Safety, Food and Drug Administration, Washington, D.C.

DEAR MR. VERHULST: In reply to your letter of February 11, 1971 regarding lead Christmas tree tinsel, it is our opinion *that the safest and best course of action would be to ban the use of lead as Christmas tree tinsel because:*

1. A warning that it is a hazard probably would not protect against the hazard, and

2. There are all sorts of excellent commercial tinsels available which are non-toxic.

I hope this information is helpful to you.

Sincerely yours,
MARY C. MCLAUGHLIN, M.D., M.P.H.,
Commissioner of Health.

Mr. MONTOYA. Mr. President, let me emphasize one quotation from her letter to FDA:

> It is our opinion that the safest and best course of action would be to ban the use of lead as Christmas tree tinsel . . .

Note that the letter from Dr. McLaughlin was dated March 4, 1971. FDA's people digested these facts for the rest of March, all of April, May, June, July, and much of August 1971. Obviously, the realities revealed shocked them into inaction.

On August 12, 1971, FDA's Bureau of Product Safety called a meeting of all domestic manufacturers of lead-foil icicles, or Christmas tree tinsel. This meeting was not advertised or publicized in any way. The public, Congress, consumer protection groups, and the media were left totally in the dark as to what was transpiring. This gathering was held in the office of Malcolm Jensen, Director of FDA's Bureau of Product Safety.

At the meeting, the FDA people proposed the following secret deal:

No manufacture of lead icicles after Christmas, 1971.

No sale of lead icicles after Christmas of 1972.

If all six affected companies agreed to the first two items, the Bureau of Product Safety would recommend that FDA accept this voluntary action and take no rulemaking or court action with regard to lead icicles until conclusion of the 1972 Christmas season.

In order to minimize manufacturer loss, FDA would not initiate or publicize the agreement or the alleged dangers from lead icicles until the conclusion of the 1972 Christmas season.

FDA would take whatever action would be appropriate to have the Bureau of Customs of the Treasury Department ban import of Christmas lead icicles at the conclusion of this Christmas season—1971.

Mr. President, I have in my possession the complete text of three letters from three different lead-tinsel manufacturers to Malcolm Jensen, head of FDA's Bureau of Product Safety, confirming this agreement; this astounding agreement. I ask unanimous consent that they be printed at this point in the RECORD. The first of them, from Paper Novelty Manufacturing Co., of Stamford, Conn., is the most revealing and complete, and I include it first.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

PAPER NOVELTY MANUFACTURING CO.,
Stamford, Conn., August 26, 1971.

Re Christmas Lead Icicles
Mr. MALCOLM W. JENSEN,
Director, Bureau of Product Safety, Food and Drug Administration, Washington, D.C.

DEAR MR. JENSEN: Our attorney, Steven D. Newburg-Rinn, has reported to us concerning the meeting held in your office on August 12, 1971, as to the possible hazards caused by the ingestion of lead Christmas Icicles by children.

As I understand it, you proposed at the meeting that the six manufacturers of lead Icicles agree 1) not to manufacture any lead Icicles after Christmas 1971 and 2) not to sell any lead Icicles after Christmas 1972. If all six manufacturing companies agree to this proposal, it is my understanding that you will recommend that your agency accept such voluntary action and take no rulemaking or court action with regard to lead Icicles until the conclusion of the 1972 Christmas season. You also stated at the meeting that in order to help mitigate the economic losses to be suffered by the manufacturers, your agency would not initiate or give any publicity to the voluntary agreement of the Icicle manufacturers or the alleged dangers from lead Icicles until the conclusion of the 1972 Christmas season. We also understand that you agreed at the meeting that were the manufacturers to take voluntary action to take lead Icicles off the market, your agency would take whatever action is appropriate to have the Treasury Department (Bureau of Customs) ban the importation of Christmas lead Icicles at the conclusion of this Christmas season.

Paper Novelty is willing to proceed in the voluntary manner you have suggested. We hereby offer to cease manufacturing lead Christmas Icicles after Christmas 1971 and not to engage in any sales of Christmas lead Icicles after Christmas 1972.

Should you have any questions regarding this matter, please feel free to contact me at the above address or our attorneys, James B. Blinkoff and Steven D. Newburg-Rinn of Fried, Frank, Harris, Shriver, & Kampelman, Suite 1000, 600 New Hampshire Avenue, N.W., Washington, D.C. 20037, 965-9400.

Sincerely,
CHARLES G. MOSES,
Executive Vice President.

BRITE STAR MANUFACTURING CO.,
August 25, 1971.

M. W. JENSEN,
Director,
Public Health Service
Food and Drug Administration
Washington, D.C.,

DEAR MR. JENSEN: On August 12, 1971, your department called a meeting of the manufacturers of lead foil icicles.

At said meeting, your department requested withdrawal of lead foil icicles from the market.

We agree to stop manufacturing all lead foil icicles after Christmas 1971, and will not sell any lead foil icicles after Christmas 1972.

If our industry agreed voluntarily to phase out lead foil icicles by Christmas 1972, your department would not give this information to the news media or inflict a banning order until after Christmas 1972.

Also, you stated that you would see that the Treasury Department would stop all importation of lead foil icicles after Christmas 1971.

Sincerely yours,
ISRAEL KINDERMAN,
President.

THE GEORGE FRANKE SONS CO.,
Baltimore, Md., August 30, 1971.

Mr. M. W. JENSEN,
Director, Bureau of Product Safety, Food and Drug Administration, Washington, D.C.

DEAR SIR: This letter is being written in response to the meeting held in your office on August 12th with all the domestic manufacturers of lead foil Christmas Icicles. Our company was represented by Perry H. Wilt, a vice-president of our company.

It is my understanding from talking to our Mr. Wilt after the meeting that the manufacturers would agree to the following: All manufacturing of lead foil icicles would cease at the end of 1971. Sale of these icicles would stop after Christmas 1972. If the industry would consent to the above, I understand your agency would agree not to initiate any legal action with regard to these lead icicles until after Christmas 1972, at the earliest. Also, your agency would not issue any publicity nor news releases concerning the possible hazards of this product until the end of next year's Christmas selling season. Foreign manufacturers of this item would also be covered by this agreement through action you would take with our U.S. Bureau of Customs.

If the other domestic manufacturers of these lead icicles are willing to abide by this voluntary agreement, our company will also offer not to manufacture these lead icicles after this year and not sell them beyond Christmas 1972.

If you have any questions or suggestions, I will look forward to hearing from you.

Yours truly,

Edward P. Franke,
President.

Mr. MONTOYA. Mr. President, here, then, is what FDA proposed to do.

First, let tinselmakers manufacture this deadly material from the middle of August 1971 until the end of Christmas, 1971. This is a period of almost 4½ full months. No exercise of authority to remove tinsel from the market under previously described existing authority was even mentioned, much less contemplated.

Second, allow full and free promotion and sale of this tinsel for the remainder of 1971 and all of 1972; two complete holiday seasons.

Third, take absolutely no action against the product during this entire period of time.

Fourth, within FDA suppress and not offer to make available any publicity of the agreement or news of danger from such tinsel to consumers for that entire period of time, which comes close to a year and a half.

Fifth, insure that foreign lead tinsel was banned after the end of the 1971 holiday season, presumably allowing domestic manufacturers to make a killing in the 1972 season under terms of the secret agreement. How is that for helping our balance of payments?

On October 14, 1971, Mr. Jensen wrote the president of the Stamford, Conn. company, thanking him before his cooperation. Presumably, the secret agreement was arrived at and implemented. I ask unanimous consent that the text of this letter be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

October 14, 1971.

Mr. Charles G. Moses,
Executive Vice President, Paper Novelty Manufacturing Co., Stamford, Conn.

Dear Mr. Moses: We have received replies from each of the companies manufacturing lead tinsel stating that the production of the lead tinsel will be discontinued by Christmas 1971 and no sale will be made after January 1, 1973.

We are grateful to each producer for his decision to remove this one source of lead from the child's environment, thus helping to reduce the occurrence of lead poisoning.

The cooperation of several industries in reducing or removing the lead content in household products accessible to children will eventually eliminate this threat to the health of the children of the nation.

Your assistance and that of all other members of your industry are sincerely appreciated.

Sincerely,

M. W. Jensen,
Director,
Bureau of Product Safety.

Mr. MONTOYA. Mr. President, one of our distinguished and most courageous colleagues, the Honorable John Moss, of California, first exposed this unholy secret agreement. He promptly demanded that Jensen issue a public warning. Jensen vigorously defended the FDA deal, stating:

> "The best information," from the Nation's 580 poison control centers and other sources indicated, "not one single case" of illness in a child from ingesting tinsel.

In other words, Mr. Jensen told Representative Moss that there was nothing to worry about.

Yet in his letter to Mr. Moss, president of the Paper Novelty Manufacturing Co., Mr. Jensen writes that the eventual termination of the production and sale of lead tinsel would help "to reduce the occurrence of lead poisoning." He continues, describing, "This threat to the health of the children of the Nation." In this letter, which he obviously never intended to see any light of exposure, he readily concedes this threat. Yet when first confronted with revelation of the secret deal, he denigrates the possibility of any threat posed by lead tinsel to America's children. Conscience is certainly a marvelous thing. One could get the impression that Mr. Jensen's opinion of the danger of lead poisoning from tinsel depends on who he is writing to.

Let us bear in mind the letter Mr. Jensen and Mr. Verhulst received from the pediatrician in Baltimore and the commissioner of health of New York City. Both recommended removal of this product from the market. Both indicated there was a significant possibility of hazard from lead tinsel. Let us also recall another quote from Dr. Chisholm's letter.

> If, however, a child already has a high lead level in blood and tissues, then the absorption of even small additional amounts which might result from a shorter residence time of the tinsel in the gastrointestinal tract would certain pose a serious health risk.

His letter was addressed to Mr. Henry Verhulst in late February 1971. Mr. Verhulst is Director of the Nation's federally funded 580 Poison Control Centers. Presumably, if Mr. Jensen, after Congressman Moss asked for a warning, consulted with the Poison Control Center Director on a question of death from tinsel of this kind, he also asked or was informed by him of the other contents of Dr. Chisholm's letter. Or, perhaps, he did not.

At the very least, a public warning of the severest sort was merited. A ban on the product certainly should be considered. Or, perhaps, a series of tests on animals such as were suggested by Dr. Chisholm. Certainly FDA has such facilities immediately at hand.

Bear in mind the following two facts:

These tinsels are approximately 77 percent lead.

Other commercial tinsels, usually made of plastic, are easily available. These are safe, according to Dr. McLaughlin's letter of March 4, 1971.

Similar advice was given FDA by the environmental medical service of the Massachusetts Institute of Technology. Their words of warning were also ignored; totally and completely.

One would think that any public official, especially those involved in such work at FDA, would immediately suspect any product with such an overwhelming lead content. Easy availability of good substitutes offered a perfect alternative. Both factors were ignored by people charged with public safety; the safety of America's children. Representative Moss stated in his letter to Jensen that he knew of no authority for withholding such information from the public.

Mr. President, there, then, is the full story as far as I know it up to now. One point should be stressed. The office involved in this secret deal at public expense has been brought into question before in a variety of ways. The FDA's Bureau of Product Safety has proved to be a major bottleneck against enforcement of the Poison Prevention Packaging Act of 1970. From secret technical advisory meetings to closeness with industry lobbyists, this Bureau has raised a number of questions of propriety by its behavior in regard to this law.

An enormous furor has been raised in regard to this office over the Safe Toy Act, which sat unenforced for a lengthy period.

Now the same operation is directly involved in promoting secret meetings, proposing a secret deal and seeking to protect a potentially deadly product at the expense of the American public.

All these happenings are not accidents. A distinct anticonsumer pattern emerges from them that is undeniable, to say the least.

It will be fascinating in the extreme to hear what excuses will emanate from the FDA now. Will they say they had no personnel? Or will it be not enough money? Or will it be that they did not understand the law? Or that they did not understand that what they did was highly questionable? Perhaps we might even be treated to a new excuse.

FAP ADVOCATES WANT TO SEE CHILD CARE STANDARDS LOWERED

Mr. HARRIS. Mr. President, one of the key sections in the welfare reform provisions of H.R. 1 is title IV, which includes the family assistance plan, FAP. The purpose of FAP is to get mothers of dependent children off welfare, to save money by forcing mothers of children to go out of the home and take whatever jobs are available. Money for day care is provided as part of the package. Day care is the carrot; loss of benefits is the stick.

No savings can be made, however, if adequate day care is provided by the Federal Government. Adequate day care for the preschooler and two school-age children the average welfare mother has would cost $4,500 a year. The wages the mother could earn, working 50 weeks a year at the minimum wage, come to $3,200 per year. That kind of mathematics would kill chances of the so-called welfare reform bill passing. If the extra costs for just 150,000 welfare families are computed on the basis of providing adequate child care, the net loss from such welfare reform would amount to $195 million the first year.

But FAP advocates are in a bind. Existing Federal requirements and regulations in many States are such that the only kind of child care that can be legally provided is adequate—and therefore somewhat expensive—care. If the existing Federal and State laws and regulations regarding the care of children are left unchanged, the day care needed to make welfare reform work could not be provided.

FAP advocates made the only move possible under the circumstances. Wilbur Mills made an official request to HEW for:

> * * * a report and recommendations based on a thorough review, in cooperation with State and local officials, of existing Federal standards as well as State and local licensing requirements in order to determine those requirements which are essential both to protecting the child and assuring an appropriate program for him.

Mr. Mills asked that the report be furnished by February 1, 1971.

Mr. Mills was very frank about his reasons for wanting the report, saying:

> * * * Your committee is also concerned that unreasonable Federal, State and local standards and licensing requirements have interfered with the provision of essential child care services, and may prove a barrier to development and provision of the services essential to the success of the Family Assistance Plan."

The Nixon administration not only provided money from the Office of Economic Opportunity and the Office of Child Development for a contract with a firm to respond to Wilbur Mills' request but also went a step further. The administration also began a revision of the Federal requirements aimed at lowering them—and, thus, the cost of day care—and decided to write a "model day care facility licensing code" which would lower existing State and local regulations.

The administration-funded project is now in its third phase, and the "model code" which was developed to meet Wilbur Mills' objections is now being revised. The next step, according to the contractor running the project is:

> * * * official endorsement by the Federal government and possible subsequent acceptance of part or all of the models by state and local authorities.

The timetable for this part of the "welfare reform" strategy is not working out well. At the Federal level, strong bipartisan support is developing for retention of the existing Federal requirements as a quality floor. Senator Ribicoff, whose statement—Congressional Record, volume 117, part 24, pages 31241–31242—signaled the beginning of a continuing effort by the Senate to "exercise its legislative oversight" is leading the fight in the Senate.

The House most recently gave notice that it supports the requirements when H.R. 12350, the bill to extend the life of OEO, was passed on February 12, 1972. That bill includes a section similar to that introduced in the Senate by Senator Ribicoff which requires programs to meet the existing Federal requirements. Despite some opposition—Representative Rarick attempted to link day care requirements to "local control of the schools"—Congressional Record, February 17, 1972, pages 4295–4296—the bill passed with the language Representative Rarick opposed intact.

Efforts to water down requirements for adequate day care can be expected to continue. But parents that would have to place their children in such custodial programs, and community groups that now are operating adequate programs will have a chance to comment on the activities. As a result of protests made by representatives of parents and community-operated programs, at a San Antonio meeting called by the Office of Child Development to "sell" their "model code" to a national conference, a contract was given to the designated organization chosen by those representatives, the Center for Community Change, to get other reactions to the "model codes."

The Center for Community Change's contract calls for a series of nine workshops throughout the country at which parents and their representatives can comment on the "model codes." Dates of the workshops and sites are: March 10–12, Frogmore, S.C.; March 17–19, Albany, N.Y., and Phoenix, Ariz.; March 24–26, Cincinnati, Ohio, and McAllen, Tex.; April 7–9, Lawton, Okla., and Lancaster, Pa.; April 14–16, Portland, Oreg., and Omaha, Nebr.

Directing the project for the Center for Community Change is Maurine McKinley, on leave from the Black Child Development Institute in Washington. Information about the project and the workshops may be obtained by contacting Maurine McKinley or other project staff members at the Center for Community Change, 1000 Wisconsin Avenue, N.W., Washington, D.C., 2007. Telephone (202) 338–6310.

Information may also be obtained from any of the organizations working with the project, who constitute the project committee. Those organizations, in addition to the Black Child Development Institute and the Center for Community Change, are: Ad Hoc Committee of Southeast Community Child Care Operators; American for Indian Opportunity; American Friends' Service Committee; Child Welfare League of America, Frente Unida de Educadores Puertorriquenos; Interstate Research Associates; National Urban League; Washington Research Project.

INNOVATIONS IN VA MEDICINE

Mr. CRANSTON. Mr. President, Dr. Marc J. Musser, the very able Chief Medical Director of the Department of Medicine and Surgery of the Veterans' Administration, authored an excellent article which appeared in the January 15 issue of U.S. Medicine. He describes the successful efforts made recently to insure that the VA system maintains its effectiveness and flexibility in meeting new situations and new challenges. Specifically, he cites the successes achieved through regionalization of medical programs, expansion of drug dependence treatment centers, improvements in hospital medical recordkeeping systems, increased association and involvement with medical leaders outside the Veterans' Administration, improvements in VA staff participation in policymaking decisions within VA facilities, and programs to make the medical treatment more pertinent to today's needs, such as a pilot program to utilize ambulatory care rather than bed care.

The Subcommittee on Health and Hospitals, which I am privileged to chair, of the Veterans' Affairs Committee, on February 16 reported to the full committee for action on S. 2354 and S. 2219, legislation I have authored to strengthen the VA's ability to continue and increase the scope of these improvements and enhance the VA's capacity to meet new health care challenges as they develop. Full committee action on this legislation and veterans' drug treatment legislation—S. 2108—is scheduled for March 28.

I believe that Dr. Musser's article provides information that will be of great interest to Members of the Senate and will portray to them some exciting developments and innovations in the Veterans' Administration medical program today. I ask unanimous consent that the article be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From U.S. Medicine, Jan. 15, 1972]

VA Regionalization Fears Prove False

(By Marc J. Musser, M.D.)

In an article a year ago in this publication, I discussed the changing patterns in the delivery of health care in the nation, and defined what I considered to be the appropriate role of the health care system operated by the Veterans Administration's Department of Medicine and Surgery in the context of national needs. The passage of a year has sharpened what I feel is, and will be, the vital and pivotal position of that system in the national health picture.

The major challenge facing any health care institution or organization today is its potential to make quality care as readily available as possible to all of the people it was established to serve. I define the challenge to the VA health care system in the same terms with the added challenge of realizing its full potential as a part of the country's total health care system. Everything the VA does in patient care, education, and research in each of its hundreds of facilities in every section of the country is geared to meet both of those challenges.

At least two lessons are apparent in the current VA system. First, its quality and availability of service for all of the veteran patients it is charged to care for has established a model of equity to match efficiency and economy in a total health care system. Second, the flexibility of the system is such that it can readily expand or adjust its facilities, services and the population served, or any one or combination of these. In short, the VA health care system can, if called upon, do more for more people.

In this past year, our efforts as described in the following selected areas of activity have been directed toward insuring that the VA system remains workable and responsive to professional, social, and economic changes, all of which are directly related to meeting and solving these challenges.

REGIONALIZATION

In my previous article, I reported the first step in the VA's program of regionalization—the activation of the Southern California Medical District. We have moved rapidly since that time; 17 additional districts have already been activated and four more will be by July. We expect to reach our planned goal of 37 districts by the end of calendar year 1972.

We are proud of this particular phase of VA operations. It shows the flexibility and adaptability that is an inherent part of our system. It proves that size is no deterrent to progress. Unfortunately, the private sector seems to be having some difficulty in bringing together its autonomous institutions and organizations through voluntary planning agencies, into a viable, effective undertaking.

When we began our regionalization program a year ago, some fears were expressed that it would result in a reduction of professional and institutional autonomy in the VA system. Some people thought regionalization was a serious threat to a status quo they had come to accept. Others saw it as "centralization."

I am happy to report that none of these fears has been realized. On the contrary, the benefits of our regionalization efforts are now beginning to be realized.

For example, we are guided by the principle that a facility which has the best cardiology diagnostic service in a particular regional district should be able, and encouraged, to use this service to benefit all the facilities in the region. This may mean that hospitals in that region will refer more cases of different types to other facilities within the region which have better services for those particular conditions.

In other words, each facility is encouraged, so far as is possible, to do more of the things it does best and to do fewer of the things it does less well or less economically. The result, we expect, will be optimum use of each service in each facility, optimum use of the region's facilities, thereby realizing optimum use of the total VA health care system.

IDEAL STAGE NOT REACHED

Of course, we have not yet reached that ideal stage by any means, and perhaps we never will. But it will not be for lack of effort, as evidenced by the progress of the past year.

The problem of drug dependence has generated social and political pressures upon the VA system. Our goal is the immediate treatment of every eligible veteran who comes to us for help in overcoming a drug abuse problem. The VA is aggressively pursuing the President's mandate and is cooperating wholeheartedly with his Special Action Office of Drug Abuse Prevention in ameliorating the drug problem and rehabilitating the drug victim in our veteran population.

From January 1, 1969, through June 30, 1971, the VA treated and discharged 7,856 patients manifesting drug abuse or dependence. We expect this figure to increase greatly this year.

Five drug dependence treatment centers were established in the VA fiscal year 1971. The Washington, D.C., VA hospital started up the first unit in October 1970 and four more units began operating in January 1971 in New York City; Houston; Battle Creek, Mich.; and Sepulveda, Calif. Thirteen more centers were activated in July. Additional drug programs were planned for July 1972 but because of the urgency of the situation, we requested a $14 million supplement to our budget to enable us to advance the opening of 14 more units. This funding was granted and as of now we have 32 centers in operation.

To provide easy access to services for many veterans who do not live near a drug dependence treatment center, we began early to plan "satellite" clinics in major population centers across the country.

These clinics will be most useful to veterans being treated with methadone maintenance and will be activated as needed. They will be located within the community and will be staffed by an ex-addict counselor, a part-time doctor, and a pharmacist or nurse authorized to dispense drugs.

Personnel from the nearest center will, on an itinerant basis, provide treatment and testing as needed. Counseling and other assistance also will be provided as needed. Two such clinics were opened recently in Houston and in San Francisco.

Our total capacity to treat eligible cases will be much greater than the number of beds of the units. We anticipate each bed will be turned over about 12 times a year so that approximately 6,000 veterans will be detoxified and started on a rehabilitation program on outpatient status.

As before, veterans with drug abuse and related disorders will continue to be accepted into our regular general medical and psychiatric wards, regardless of location. After initial treatment, they will be transferred to an appropriate addiction facility.

In line with our regionalization efforts, we have selected an additional 28 sites where drug dependence treatment centers may be established in July, depending upon the need and the resources available.

AREA HEALTH EDUCATION CENTERS

In introducing the concept of area health education centers, the Carnegie Commission on High Education recommended the development of consortia or other special cooperative arrangements among educational and health care institutions in communities not served by medical schools or major medical centers. The purpose of these centers was to strengthen and expand health manpower programs and thereby add to the quality and availability of health care.

The commission identified 16 such communities in which the VA hospitals were named as the institution most immediately capable of serving as a focal point for an area health education center. A subsequent assessment of VA's unaffiliated hospitals identified eight with an unusual potential in terms of hospital and community resources.

Visits to these eight communities were made with representatives of the Bureau of Health Manpower of the National Institutes of Health, the Health Services and Mental Health Administration of the Department of Health, Education and Welfare, and the VA central office.

The purpose of the visits was to identify interests and capabilities of those VA hospitals and communities in working together to develop community projects, given the appropriate support. Several of the eight hospitals have submitted proposals for developing plans to implement such area centers.

While the VA is providing immediate support for the necessary planning, it is expected that additional support will be forthcoming when new legislation is enacted and funds provided to enable the Department of Health, Education and Welfare to actively participate.

One of the major deficiencies in modern health care delivery is the complexity and inadequacy of the clinical record. As a result, the VA health care system has undertaken a number of pilot projects designed to improve this. Recently, both hospital staffs and central office have indicated interest in the concept of the problem oriented medical record.

Brought to national prominence by Dr. Lawrence L. Weed of the University of Vermont, this concept is an attempt to take the many problems with which the clinician must deal and arrange them in a systematic fashion to eliminate vague recordkeeping. By doing so, the clinician is assured better diagnosis, treatment plan, and follow-up capability.

A recent survey revealed that 50 VA hospital medical services already have adopted the Weed System. A steering committee for problem oriented medical record implementation has been established to conduct a pilot study of feasibility and acceptance of the system. There will be a follow-up study of the effect and use of the problem oriented record on the quality of health care delivery in those hospitals.

This approach, if thoroughly understood and efficiently used, can become an effective aid in providing comprehensive health care within the context of the VA system. It is a prime example of the ability and capacity of the VA to take new developments, implement them system-wide, study them, and make them available to other health care systems. It is the ideal for a collaborative effort in health systems research.

RESEARCH

In connection with research, a recent event demonstrated the capacity of the VA's health care system to do what no other single health care system or institution in the country can do. This was the presentation to Dr. Edward D. Freis of Washington, D.C., VA hospital of the 1971 Clinical Research Award of the Albert and Mary Lasker Foundation for his work in showing the life-saving effectiveness of diagnosis and treatment of moderate hypertension. Believing that even moderate hypertension is dangerous and that it should, and can, be treated, Dr. Freis and his colleagues set up the VA cooperative study group on antihypertension agents in 1964. The five-year study, in which 17 VA hospitals cooperated, established two major points:

That drug treatment for moderate hypertension reduced the death rate by more than 50 per cent.

That drug treatment is 67 per cent effective in preventing major complications which arise from cases of even moderately high blood pressure. These complications include, among others, stokes, congestive heart failure, and kidney failure.

All citizens should be entitled to health care which is comparable to that provided for VA beneficiaries. Consequently, the VA, as a total health care delivery system, or as an individual health care facility within a community, cannot fail to concern itself with the quality of health care and the needs of individuals and institutions in the private sector. Cooperation between VA facilities and those of the private sector is critical to the realization of this social goal.

VA's legal authorizations for community involvement are broad; they encompass a wide array of academic affiliations, sharing, and agreements related to exchange of medical information.

Recently, we have taken vigorous steps to strengthen VA ties on many fronts. Our special medical advisory group, which acts in an advisory capacity to the administrator, is a focal point for these developments. We have attempted to make this group representative of all the country's health care institutions, organizations, and interests. By the same token, we have attempted to actively relate VA health care activities and staff to those organizations.

Dr. Edwin L. Crosby, executive vice president of the American Hospital Association, now serves on the special medical advisory group. I have been elected to the board of trustees of the American Hospital Association. Twice during the past six months, representatives of the Department of Medicine and Surgery have attended meetings of each of the five councils of the American Hospital Association. And in August, the administrator of veterans affairs was invited to address a plenary session at the annual convention of the association.

KNOWLEDGE LIMITED

Statistics indicate that nearly two-thirds of the practicing physicians of America have received some or all of their postgraduate education in VA health care facilities. However, it is obvious that these physicians really have limited knowledge and understanding of the VA health care system from their relatively short experience as residents, interns, or clinical clerks in one or another VA hospital. We are developing better orientation programs for the members of our current and future house staffs.

In addition, we are seeking to inform physicians already in practice about the VA health care system as both a local community resource and as a flexible national system. We are encouraging VA hospital directors and professional staff to become more involved with their colleagues in the community in planning and implementing community-oriented health care activities, and in establishing two-way communications with state and national health organizations. To help achieve these goals, we invited Dr. Russell B. Roth, speaker of the house of delegates of the American Medical Association, to become a member of the special medical advisory group and he has accepted.

ADVISORY GROUP MEMBERS

Several medical school deans or members of their faculty have always been members of the advisory group. The addition of Dr. John Gronvall, dean of the University of Michigan Medical School, to the group now brings the medical school representation to 13 of the total membership of 23.

The reality of the affiliation of 96 VA hospitals with 83 of the country's medical schools was affirmed by the establishment this past year of a new liaison committee of representatives of VA's Department of Medicine and Surgery and of the Association of American Medical Colleges. VA involvement and investment in medical education are now acknowledged by that national organization representing medical education. The association has testified on various legislative proposals before the Congress on veterans' affairs and one the VA health care budget during the past year, and has done so in concert with us.

National officers, eloquently and very directly, expressed deep concern not only about their own personal situations, but, more importantly, about their profesisonal feelings in regard to quality of patient care in the VA system. They pointed up the fact that communications among house officers, the hospital directors, and the VA staff in central office were either non-existent or in need of improvement.

HEALTH AND ENVIRONMENT DIRECTORATE

We have now formally requested all hospital directors and staff to work more closely with members of our house staffs to improve not only the care of the veteran patient, but also their personal and professional working conditions. The result had been that house staff physicians are now serving on policy-making bodies which are dealing in matters of major concern to them personally, and to the mission of the Department of Medicine and Surgery. For example, questionnaires sent out in July established the fact that house staff members were serving on various advisory committees at 35 VA hospitals.

Directly related to this is the fact that two young PHS physicians are now working in my office. Drs. Clement Lucas and Bryan Arling began in July to develop a new office of house staff affairs and to serve as ombudsmen for all VA house staff. Not only are house staff members calling them about their problems, but regular staff people are also contacting them regarding their problems with house staff.

A second VA house staff conference was held early in November. We plan to continue these conferences on a permanent basis. Further, the Department of Medicine and Surgery is also providing assistance for the second national house staff conference to be held in Atlanta in March.

AMBULATORY CARE

In my article last year I mentioned a pilot study structured to give VA admitting physicians the option of placing applicants in an ambulatory hospital care category as an alternative to bed care. More than 8,000 patients in 12 hospitals participated in the test. Our acceptance rate rose 30 per cent, if inpatient and outpatient rates are combined.

In general, patient response was quite favorable, though most were unaware that this was a new program. All 12 chiefs of staff responded enthusiastically to the program. Their recommendations dealt primarily with the passage of enabling legislation and the provision of adequate staff, funding, and space to carry out the program.

The findings were sufficiently encouraging to warrant continued study. Four of the original hospitals were retained for further study and nine new hospitals were added. These later data generally conformed to the findings in the initial test, but with some increases in workload. The number of applicants will probably increase by 10 per cent in 1973 but only by 5 percent in 1974 and by 3 per cent in 1975.

The principle of ambulatory care as a substitute for hospital care is under active consideration in Congress. H.R. 10880, the Veterans Medical Care Act of 1971 (the so-called Omnibus Bill) passed the House on October 4 and is now being considered by the Senate Veterans Affairs Committee. A provision of this bill would liberalize admission rules for VA outpatient care by authorizing outpatient treatment for non-service-connected veterans. Care would be permitted if treatment is necessary for hospital admission or where such care is reasonably necessary to prevent hospitalization.

Another provision of this bill would extend medical benefits to wives and children of veterans permanently and totally disabled from service-connected causes and to surviving widows and children of men who died from similar causes. An estimated 464,000 wives and children would be eligible for VA care.

These two provisions would remove some current limitations which have prevented us from becoming a comprehensive health care system and would enable us to develop the only three major services the VA now lacks—obstetrics, gynecology, and pediatrics.

These liberalizations of the VA medical care program would be accompanied by serious but not insurmountable difficulties, such as the necessity for updating facilities to meet new requirements and the realignment and integration of working relationships among inpatient and outpatient staffs.

I have tried in this article to show that the VA Department of Medicine and Surgery, which comprises the nation's largest health care system, is far from static. We constantly seek to prepare for not only the future needs of our veteran patients, but to prepare for the future that may well include legislation changing the country's health care delivery systems. The challenge of relevancy to which I referred at the outset is exciting; it is one the department can meet and solve for not only its own patients, but in the interest of all Americans.

HIGH MEAT PRICES

Mr. HUGHES. Mr. President, I have been profoundly disturbed by recent ads in the Washington newspapers that add to the already considerable confusion and anxiety in the public mind about high meat prices.

Beef is near the highest level since the end of the Korean war.

One full page ad of a supermarket chain reads:

> Why are they so high? It begins at the source: Livestock prices were not and are not now controlled under the present economic program. Less meat is reaching the market. Prices from our suppliers have skyrocketed. Because of all of these reasons, you will find higher prices on almost all fresh meats.

The implication of that one phrase—"it begins at the source"—as interpreted by the public is that the farmers, the livestock producers, are the beneficiaries of excessive prices for their products that are driving the consumers to the wall.

Nothing could be further from the truth. For the first time in years, the livestock producer is getting a price for some of his products that enable him to make a reasonable profit. But the prices he is getting are by no means excessive and are not, by any stretch of the imagination, the cause of the big bulge in prices at the supermarket. The real cause of high prices falls within the spread between what the farmer gets for his product and what the processed food sells for on the meat counter. For every cent the farmer gets, someone else along the line gets 5 cents or more.

In the meantime, lost in the shuffle is the fact that corn is selling at barely the cost of production—thereby reducing the total agricultural income of the farm belt. Lost in the shuffle is the mention of any price controls for the middleman, such as the processor. Lost in the shuffle is the fact that the annual per capita consumption of beef has increased from 62.2 pounds in 1952 to 114.5 pounds today. Lost in the shuffle is the fact that American consumers are demanding and getting ever fancier processing and packaging for their meat products—and these things cost money.

The administration appears to be working both sides of the street vis-a-vis relationships between the farmer and the consumer. On the one hand, Secretary Butz, with the zealotry of one who has just recently got religion, is loudly advertising and bragging about the prices livestock producers are getting. On the other hand, Mr. Grayson, head of the Price Commission, is criticizing Mr. Butz and suggesting that action should be taken to control the prices of raw agricultural products.

Actually, it is the farmer and the consumer both who are getting the shaft and it is a divisive disservice to the entire country that the farmer is being made the fall guy and consumer resentment is being stirred up against him. The irony of it all is that the country has become accustomed to seeing food furnished by the farmer at the cost of production, or less, while others reap the high profits.

So the answer is not punitive action against the farmer, such as imposing a ceiling on raw agricultural products. Let the Price Commission, if they really want to protect the consumer, look to where the real profits are in the meat-to-market cycle.

The American consumer should know that the prices farmers and cattle feeders are getting these days are about what they were 20 years ago.

What other categories of producers can say the same? What other citizen would settle for the wages he was getting two decades ago?

INEFFICIENCY OF GIANT U.S. FIRMS

Mr. HARRIS. Mr. President, one of the contentions of those who support a vigorous antitrust policy by the Federal Government is that too many giant U.S. firms are too large to be efficient. They are like whales in shallow water. Still able to breathe, they are unable to maneuver like their smaller rivals.

On March 12, 1972, the New York Times published an article by John Bunting, chairman of the First Pennsylvania Banking & Trust Co., who agrees that corporate structure in this country is too topheavy. As Mr. Bunting states:

> The very size of many companies precludes any accurate evaluation of the efficiency of their individual parts or the contributions of their individual managers. Indeed the swollen structure of most corporations today argues against efficiency. It is easy to hide the operating inadequacies of one division in the total corporate structure. In fact, modern accounting practices often encourage management to tolerate a poor performance by one part of the corporation for tax purposes.

Mr. Bunting himself does not favor antitrust actions by the Federal Government as a solution. He argues at this point for voluntary decisions by large corporations to "break themselves up into smaller, relatively autonomous segments." He also is more sanguine than many including myself about the merits of conglomerates.

Nevertheless, his views are of great interest. Here is a man who spends his life evaluating the efficiency of corporations as part of his job as a banker and who has concluded that too many are bloated, topheavy and inefficient.

Mr. President, I ask unanimous consent that Mr. Bunting's thoughtful article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CORPORATE STRUCTURE REQUIRES RADICAL CHANGES

(By John Bunting)

Much has been said and written about President Nixon's new economic policies during the past few months. While establishing price and wage controls, seeking new tax reform and realigning world currency values are all important steps in establishing a kind of new economic ball game for the country, one key player is still missing from the roster: corporate management.

At a time when corporations have a responsibility to make a still greater contribution to the economy and society, they seem less prepared—financially and psychologically—than ever before to meet the challenges of the next decade. At a time when there is increasing pressure on labor to become more productive, no one has really pointed a finger at management and demanded that it become more efficient.

The sad but simple truth is that most corporate managements are anachronistic, self-serving and sorrily in need of radical restructuring. It's not a question of management marching to a different drum but of being out of step with the times.

In the past, the United States usually has had self-correcting devices built into its economy that forced management to be efficient. These "devices" took the form of severe recessions or depressions, which, in a kind of fiduciary Darwinism, weeded out the weak, purified corporate bureaucracies and permitted only the superefficient to survive. With all the terrible consequences of the Great Depression, the one good thing was that it knocked everybody down and made everybody equal for a while before the efficient grew up again.

Today, we have decided that severe recessions or depressions are against the law. While I am advocating the return of such severe economic dislocations, it is important to understand that as a nation we really haven't found a substitute for the one benign consequence of depressions and recessions: the restructuring of management.

In fact, the nature of the times seems intent on maintaining the status quo of helping the weak, poorly managed or mismanaged-company survive—while discouraging practices that in the end might lead to stronger corporate management. Indeed, there is something to the notion that weak managements are overprotected in the United States, as so dramatically illustrated by the Government's rescue of the Lockheed Aircraft Corporation.

More than that, some corporate management teams apparently look upon growth and size as a magic cure-all to inefficiency. The Penn Central situation is a good illustration.

It is equally important to note that the frequent incremental cost-cuttings instituted by management during slow business periods such as we have just experienced are, in effect, little more than fiscal tokenism designed to placate shareholders and reinforce the management team that undertook them in the first place. These cost-cuttings are extremely temporary, often insignificant and usually made within the framework of the existing management structure.

What, then, can be done to make corporations more efficient, short of a major recession or depression? How can management be made more aware of its important role in the revitalization of the nation's economy and meet its social responsibilities at the same time?

One thing that would greatly help would be a "fracturing" of corporations into more manageable pieces. By this, I don't mean that the Government should step in and break up large corporations, such as General Motors, A.T.&A. or I.B.M.; rather that corporation should break themselves up into smaller, relatively autonomous segments.

The very size of many companies precludes any accurate evaluation of the efficiency of their individual parts of the contributions of their individual managers. Indeed, the swollen structure of most corporations today argues against efficiency. It is easy to hide the operating inadequacies of one division in the total corporate structure. In fact, modern accounting practices often encourage management to tolerate a poor performance by one part of the corporation for tax purposes.

How can a shareholder of a huge corporation judge the value of separate divisions to the corporate whole when the results of each are hidden in a consolidated balance sheet? What incentive is there for the manager of one major divisions to be more efficient or more innovative than the manager of another when the efforts of each are sheltered by the total corporate entity? However, if a division were spun off and made a corporation with its own president and board of directors and its own profit-and-loss statement, the fresh air of such public exposure would force management to become more efficient, more competitive. And both the economy and the public would benefit in the end.

Hand in hand with corporate fracturing would be less interference by the Securities and Exchange Commission, the Federal Reserve and other Government agencies in corporate takeover actions. Not only does the Government seem to protect inefficient corporations by compensatory policies that tend to prevent bankruptcies, but efficient management is often restrained from taking steps or making acquisitions or mergers that could help the economy.

Able management, with a proven record of constructive growth and corporate efficiency, should be given greater latitude in making acquisitions. New policies are needed to permit the better managed, faster growing, more capable corporations to take over or eliminate the less able corporations that are wasting their (and the country's) resources. In other words, weak management shouldn't be protected against the "raid" by outsiders.

In this respect, many of our so-called conglomerates have been much maligned. As was noted earlier, merger for merger's sake is no answer to the problem of corporate efficiency, but there are sound economic arguments for advocating the diversification of large, well-financed, well-managed corporations into seemingly far-flung or distant fields.

Moving horizontally in the same industry is bad. When one steel company buys another steel company, it's usually bad for industry, since it reduces competition, and it's bad for the country, since it tends toward economic concentration. But when an I.T.T. diversifies into parking lots or housing, we achieve a kind of corporate integration that fits in with the economic needs of the country. We want insulation against recessions and we need corporations that are broad-based enough to live through a down year without going out of business and adding to the nation's unemployment rolls.

A conglomerate may have to cut back but it won't be forced to shut down. When one part of the conglomerate is suffering, other parts may be thriving, which gives management a kind of balance it would not have if its affiliated parts were separate, independent companies. The total corporation may still show a profit despite the poor performance of one member. At the same time, the shortcomings of the latter will be readily visible.

For example, if First Pennsylvania were engaged only in commercial banking, we would have shown only marginally higher profits last year due to declining interest rates. But because we also owned two consumer finance companies, a mortgage company, an adviser to the investment trust and a few other subsidiaries that did well, we were able to substantially increase the earnings of the total corporation.

Still another change that might increase managerial efficiency would be the overhaul of the corporate board of directors. The No. 1 job of a board of directors is to evaluate management. But, in most cases, the boards are composed of cronies or business associates of management who do little more than rubber-stamp management's policies.

In other words, most boards of directors represent and reaffirm the corporate "establishment." If management is out of tune with what's going on in society, so undoubtedly will be the board. This is why it is crucial for corporations today to restructure their boards to include not only the usual type but also representatives from outside the business sphere, such as consumer, environmental or racial minority groups.

Finally, in keeping with the above, companies obviously need to take a fresh look at their own public relations. Because it has been overprotected—insulated from the pressing need to change—management is out of touch with the mood of the times.

In the area of environmental protection, for example, companies are always complaining about the cost of antipollution measures. It might be better if these companies would accent the positive by taking the attitude that these changes are good. Instead of waiting for pressure from government and environment groups, management should take the initiative in finding ways to restore an ecological balance, and maximize the advantages of pollution control. Since the public wants companies to do these things anyway, they might as well make a business—and a profit—out of it, and stop complaining about what it will cost them.

But more important, until management undertakes the kind of reforms needed to increase its efficiency and make it an active player in the new economic ball game now under way in the nation, it will remain unresponsive and unable to meet its growing social commitments. The time for change is now.

EROSION OF THE WORK ETHIC

Mr. FANNIN. Mr. President, our Nation faces some tough economic problems these days. Foreign goods are pouring into America; U.S. factories are stagnating or moving abroad.

Consumers who very justifiably want the most for their dollar are passing up high-priced American-made goods to purchase the less expensive foreign-made goods.

One of the main reasons for this is the fact that too many American workers are getting paid more and more for doing less and less. Unions have sought to convince workers that their main objective in life is not to produce products or services, but to wring as much as possible out of employers. Employers do as employers must—they pass the additional cost of goods on to the purchaser. The prices go up, the workers want more to offset the inflation, and prices go up again.

Meanwhile, in Japan, in Taiwan, in Korea, in Hong Kong, the world's top manufacturers—including American manufacturers—are finding willing workers who will produce much for relatively little in wages. These workers have energy, desire, and appreciation for their jobs.

I am not suggesting that American workers could or should accept what foreign workers get. We have a technology that allows us to produce more—that is, providing our workers will put forth a fair day's work for a fair wage, and providing our plants are allowed to fully utilize the technology as it is developed.

If we are to survive as a leading manufacturing nation, we must have a return of what once was known as the work ethic.

American workmen must once again take pride in being the best—rather than just the best paid—in the world. Our union leaders must start acknowledging the realities of economics. Workers must be allowed to produce, they must be encouraged to produce.

Mr. President, last Tuesday columnist James J. Kilpatrick provided us with some good insight in the problem. I ask unanimous consent that his column, published in the Washington Evening Star, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Erosion of Work Ethics Is Lamented by Builder

(By James J. Kilpatrick)

Houston.—John E. Healy II spoke at more than 200 meetings last year—industry meetings, union meetings, committee meetings—and at many of them he told the story of the Empire State Building. The story takes only a few paragraphs, but it packs a wallop.

Healy is the handsome, hefty, third-generation builder from Wilmington, Del., who is the outgoing president of the Associated General Contractors of America. The association met here last week in its fifty-third annual convention. The 5,000 delegates went home with a renewed determination to restore some sense to their deeply troubled industry and they took with them the story of the Empire State.

The world's greatest skyscraper broke ground on Jan. 22, 1930. At peak employment, 3,400 men were working to erect 60,000 tons of steel, to lay 10 million bricks, to install 70 miles of water piping, and to connect 3,500 miles of telephone cable. The 102 stories went up at an average of four-and-a-half stories per week. On May 1, 1931, just one year and 98 days later, President Hoover dedicated the building and tenants moved in.

The same structure today, says Healy, would require three to three-and-a-half years to complete.

Granted, the Empire State Building lacked air conditioning, which a contemporary building would demand, but the man-hours required to install air conditioning have been more than offset by the new tools and new techniques of the past 40 years. The grim truth, in Healy's view, is that productivity in the building industry today is less than half what it was then. And why? "The work ethic has been lost."

It has been lost, he believes, through the power of avaricious trade unions, and through the weakness of contractors willing to buy labor peace at any price. The process has grossly inflated building costs, and it has sadly diminished the dignity of working men.

Members of the AGC are eager to have their troubles known. Day in and day out, their experience confirms the picture painted in a hard-hitting report last month by Engineering News-Record. In 1926, a Chicago mason laid 600 blocks a day; today two masons are required for the same work, and they lay 100 blocks a day. In the days when concrete was finished by hand, a contractor figured on 2,000 square feet of finished concrete per man per day; today, with all kinds of power tools, the rate is 600 square feet.

The magazine cited the sorry example of a power plant job that required several small gasoline-powered generators. The unions successfully demanded that each generator be watched by an operating engineer, an electrician, and a pipefitter. The operating engineer got $300 to $400 a week "for starting once or twice a day a gas engine smaller than those on many home lawn mowers."

Each electrician received the same kind of money "for pushing the wire plugs into the sockets of the machine whenever they were moved." The contractor said he never did discover what the pipefitter did.

Such examples are legion. A billion-dollar project in Albany has suffered repeated delays because of a dispute between teamsters and operating engineers: Who is to hold the nozzle of a fuel truck?

On a motel construction job in Philadelphia, electricians and carpenters quarreled over the installation of a chain-hung ceiling lamp.

Many labor leaders privately agree that this nonsense has to stop. Union members themselves are suffering, as many contractors turn to the open shop. Jobs are vanishing.

The contractors who met here in Houston gave Healy an ovation when he insisted that with the union's help, "or without it," productivity and morale must be restored. If the builders will match their convention zeal with hometown determination, the old concept of a fair day's work for a fair day's pay may yet be revived. It's what the unions have been asking all along.

LT. GOV. HENRY HOWELL, OF VIRGINIA

Mr. HARRIS. Mr. President, I invite attention to an article about Virginia's Lt. Gov. Henry Howell, published in this Monday's Washington Post. Lieutenant Governor Howell is a people's politician in the best tradition of Southern populism. The Post article describes his fight against unfair utility rate increases, his effort to repeal the State's sales tax on food and medicine, and his nearly successful campaign to stop the State tax code's preferential treatment of capital gains. The newspaper quotes Lieutenant Governor Howell as commenting on the latter: "This is no tax loophole. It is a major excavation."

Mr. President, I believe that Henry Howell is one of the leading voices for the new populism in the Democratic Party today. I expect we will be hearing a great deal more from him in the future. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A "Matured" Howell: Man To Watch for 1973

"I'm quite capable of having a lovely tea and making polite conversation. My wife, Betty, will have string ensembles and flowers in the executive mansion. As governor, I will be as genteel as a dancer of an 18th century minuet."

—Henry Howell, Aug. 12, 1969.

(By Carl Bernstein)

Richmond.—On the final day of the 1972 General Assembly, Gov. Linwood Holton turned to Betty Howell, wife of Virginia's independent, populist lieutenant governor. Half seriously, the Republican governor asked Mrs. Howell her plans for redecorating the executive mansion when his own term expires in January 1974.

The gubernatorial election campaign of 1973 is still a long way off, but Henry Howell—as evidenced by the governor's question—is very much the man to watch as the state's Republicans and Democrats try to derail his plans for succeeding Holton.

Once widely regarded as the enfant terrible of Virginia's Democratic Party, Howell has emerged from his first legislative session as lieutenant governor with new-found respect. "Maturity" is the word heard most often to describe Howell's supposed transformation, and favorable comments are coming from many quarters:

From his colleagues in the state Senate, over which Howell presided for eight weeks with a fairness acknowledged from both sides of the aisle.

From the state's press, which expended almost as many column inches on the lieutenant governor as the governor during the General Assembly.

From his constituents, who came to the Capitol to lobby for his programs and for whom he lobbied.

And, significantly, from his political enemies, who are legion.

Even House Majority Leader James M. Thomson of Alexandria, an avowed segregationist who regards Howell as something of a dangerous radical, rose on the floor one day to give the 51-year-old lieutenant governor some backhanded praise. The occasion was a debate on Gov. Holton's proposal to create an executive cabinet of six administrative secretaries.

"Henry won't need this reorganization," shouted Thomson, the brother-in-law of U.S. Sen. Harry F. Byrd Jr. "When Henry gets to be governor he'll do the job without all those secretaries and assistant governors because Henry Howell—unlike most people around here—knows how to get things done."

Later, Thomson remarked: "I suppose we might have to live with him as governor for four years. We can do it. The legislature will be here longer than Henry will and we're not about to give him the legislation he wants.

"But I've got to hand it to Henry," Thomson continued. "He's looking like a statesman. Henry's a real leader, which is something we've been a little short on in Richmond lately. The lieutenant governorship might not have much power, but Henry's been smart enough to make it powerful in spite of itself."

Howell came to the lieutenant governorship, his first statewide office after a dozen years in the Assembly, armed with little more than the 362,371 votes he received last Nov. 2 and his reputation.

A political iconoclast who had made a career of challenging the Byrd Machine's policy of annointment and appointment (Howell's phrase), he was an early leader in the consumerism fight; championed organized labor in a state that was among the first to adopt a right-to-work law; called for equal rights when Virginia was seized with the fervor of massive resistance to racial integration; alienated the state's bankers, insurance interests and utility companies by attacking their power and their rates, and parted with the state Democratic Party when it refused to hold a primary election for lieutenant governor in 1971.

The day after his election, Howell set about giving some power to the lieutenant governorship—an office that, by his own description, has traditionally meant "getting a gavel and lining up a preacher to give the Senate prayer and maybe a rabbi every now and then."

Holding a multicolored map of the election results in front of the television cameras. Howell said on Nov. 3: "Now all that blue you see is Henry Howell country. I am sure that these great legislators, who are very skilled in the art of elections, are going to look at all these blue areas of the map when evaluating my legislative program"—the first, he noted, ever submitted by a lieutenant governor.

Howell would establish a "People's Lobby," he said at that first press conference, to come to Richmond and buttonhole legislators on behalf of his key proposals. He would keep in touch with his unlikely constituency—senior citizens, blacks, Wallacites, liberals, state civil servants, union members and small businessmen—by turning his office into something akin to Andrew Jackson's White House, "with all the people invited into that little telephone booth they give the lieutenant governor for an office."

By the second week of the session, there was a steady stream of union members, state employees, teachers, welfare recipients, students, merchants and others in and out of Howell's office, sometimes keeping senators waiting.

"These people realize they are not being fairly treated by the government," says Howell. "They give me my ideas. Because of my record they see me as the best hope of getting heard, of getting the system back in balance."

In the fourth week of the session, a Howell-backed proposal to increase educational aid to the state's handicapped children came up for a public hearing. Busloads of parents of handicapped children—contacted earlier by Howell's office—began arriving at the Capitol in the early morning, so many that the hearing had to be held in the state government's biggest auditorium. At session's end, the bill had passed.

A week after the aid-to-the-handicapped hearing, hundreds of blue uniformed policemen and firemen recruited for the occasion by Howell roamed through the Capitol's halls, lobbying in support of another element of Howell's legislative program: compensation for the families of officers killed in the line of duty. That bill passed, too.

So did a bill backed by Howell that for the first time, Virginia employers were to establish private prepaid health care programs for their workers. ("You can't afford to be sick in this state," the lieutenant governor is fond of saying.)

However, Howell lost on other key elements of his legislative program; tax reform; wholesale reform of the powerful State Corporation Commission, which sets utility rates; elimination of trading stamps; an end to the state sales tax on food and nonprescription drugs, and enactment of a series of consumer bills.

On most of those issues, the lieutenant governor's "People's Lobby" was nowhere to be seen. "It takes a long time to thaw a watermelon if it's been frozen long enough," commented Howell.

"The people of Virginia are not used to being part of their government. Nobody's ever asked them to participate and the average citizen still is not willing to take part in his government. He's suspicious of it because he's been ignored for so long. That's what we're trying to change," he said.

One of the fights that Howell almost won—eliminating a capital gains income tax shelter—is indicative of how the lieutenant governor operates. A letter from Benjamin R. Moser of Vienna, one of the more than 300 Howell received each week from voters during the session, informed him of the situation and asked him to fight it.

The shelter results from the Virginia legislature's 1970 action passing a law that conforms Virginia's tax forms with the federal government, even though the state tax structure is not nearly so progressive as the federal model it conforms with.

Under that bill, Virginians pay state income taxes on only half the capital gains they realize from investments—such as stocks—held for more than six months. Howell said it will cost the state an estimated $16 million a year.

The letter made Howell aware of the tax shelter, and within a week the capital gains tax question had become one of the most controversial in the legislature.

Howell first carried the message to some Knights of Columbus members in Woodbridge, one of the four or five speaking appearances he makes each week. "The Big Boys" are pocketing $16 million a year "while the little old lady on social security pays a tax every time she puts jam on a piece of toast. This is no tax loophole," said Howell "It's a major excavation."

In the end, the tax-writing committees of the General Assembly refused by narrow votes to close the capital gains shelter. But the message had gotten across. "Henry," said one political opponent, "ought to pick up 20,000 votes on that alone. We'll never hear the end of it."

The lieutenant governor is probably the most able orator in Virginia politics, mixing his down-home analogies with the dialects of his personal brand of populism. He summons working class people of all races to join white-collar progressiveness and liberals in fighting "The Big Boys"—Howell's term for the state's big corporate interests and the old Democratic Party kingmakers. Opponents call him a demagogue.

The lieutenant governorship has given Howell constant exposure, from the daily civics lessons he gives to visitors in the Senate galleries, to his picture in Fortune magazine, to campaigning in Florida for his old friend Hubert Humphrey to mention in Jack Newfield's book on "The New Populism," to almost daily mention in the state's newspapers and on television.

It is this exposure that has particularly nettled Howell's political opponents, who fear he is riding a gravy train of free publicity to the governor's mansion, while the Democrats and the Republicans must wait another full year before even choosing their candidates.

"How to handle Henry" is a problem that the opponents concede has not been resolved to their satisfaction. Some moves against Howell:

The legislature refused his request for $50,000 to run his office, so Howell continues to pay four aides out of his pocket and from leftover campaign funds.

The state's Democrats declined to invite the lieutenant governor, who describes himself as a "national Democrat" abandoned by the state party, to their Jefferson-Jackson Day dinner.

There have been speeches, including a couple on the Senate floor, attacking Howell's positions as improper for a ceremonial officer to undertake.

Several legislators researched the possibility of introducing a bill that would preclude Howell from seeking the governorship as an independent (impossible without a state constitutional amendment, they found).

Conservatives are thinking about running an independent candidate against Howell with the backing of both parties, thereby hoping to eliminate the three-way race possibility that was instrumental in giving Howell the lieutenant governorship.

Meanwhile, Henry Howell goes about his business as usual. In the Senate, he has initiated a legislative digest, published by his staff, that for the first time gives senators full descriptions of the bills they are voting on. He has won some fights in his once-lonely battle against the utility rates, and has been joined now by a growing Virginia consumer movement.

His years of criticism of the State Corporation Commission, which regulates virtually every aspect of corporate practice in Virginia, has now been echoed by dozens of legislators, putting heavy pressure on the SCC to pay greater heed to consumers.

Despite the political repercussions, Howell has remained steadfast in his refusal to condemn court-ordered busing to achieve racial integration, or to attack the controversial metropolitan Richmond school consolidation order of Judge Robert R. Merhige.

In his private life, Howell has remained as conservative as the politics of many of his opponents.

He reads when he gets the chance (mostly history and biography), spends available spare moments with his family, helps his secretary rehearse her speeches for the Order of the Eastern Star and—in contrast to his mood on the campaign trail—is quiet, almost shy, and deferential to visitors. But he is constant in his theme:

"The business of government, as George Mason said, is to produce 'that which is capable of producing the greatest degree of happiness and safety.' In this state we still haven't done it. The people have lost their faith in their government. We must bring them back into the political process. That's what I've always been about. That's why the politicians of the past oppose me.

"I'm going to try to win this governorship and that would conclude my contribution. I see that as the last chapter in my political book. After that I want to go to Europe—I've never had the time to travel—and spend time with my family."

THE BENEFITS OF SPACE WORK

Mr. GAMBRELL. Mr. President, many inquiries come to Members of Congress regarding the benefits of space work. Those of us who serve on committees dealing with NASA hear about many applications but they seldom get into the newspapers or on TV. One of the most interesting applications of space technology which is finding wide use is a NASA-developed computer program called NASTRAN—NASA's structural analysis computer program—used to solve structural engineering problems. This computer program is now being used in more than 185 different applications ranging from the design of suspension units and steering linkages on automobiles to the design of power plants and skyscrapers. Initially this program was developed to analyze the elastic behavior of structures in the space program and has been, is and will be used extensively in the design of the space shuttle. But this program is also applicable to the design of other structures and is now considered virtually indispensable by many structural and design engineers who estimate that two-thirds of the projects in which it has been applied would not have been attempted without it. NASA says that a survey of 23 users outside the Space Agency indicates that the assistance provided by this computer program has already saved the users $2.5 million in costs. The program is distributed under contract by the Computer Software Management and Information Center located at the University of Georgia and purchases of the program have been made for an average cost of about $1,700.

Mr. President, the computer program, NASTRAN, has proved to be one of the most important spinoff benefits from the space program to date, but in addition to it, there are several hundred other computer programs available to the public through the Agency's technology utilization program for only modest charges. Information about these computer programs can be obtained from the Computer Software Management and Information Center, University of Georgia, Athens, Ga. 30601. The telephone number is 404–542–3256.

Mr. President, I ask unanimous consent that NASA News Release No. 72–40 on the NASA computer program, NASTRAN, be printed in the RECORD.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

NASA COMPUTER PROGRAM AIDS AMERICAN DESIGNERS

More than 70 industrial firms, universities, laboratories and government agencies are now using NASTRAN, a NASA-developed computer program, to solve their structural engineering problems.

The program is presently being used in more than 185 different applications, ranging from suspension units and steering linkages on automobiles to the design of power plants and skyscrapers. At least 55 more uses of NASTRAN are currently planned.

NASTRAN (NASA's Structural Analysis Computer Program) is a general purpose digital computer program originally designed to analyze the behavior of elastic structures in the space program. One of its major uses by the National Aeronautics and Space Administration has been in the design of the Space Shuttle.

Since it was first made publicly available in November, 1970, more than 600 engineers have become acquainted with the use of NASTRAN. The computer program is now considered virtually indispensable by many structural and design engineers, who estimate that two-thirds of the projects in which it has been applied would not have been attempted without it.

Primary industrial users include aerospace companies, automobile manufacturers, consulting engineering firms and the construction industry.

Examples of their applications of NASTRAN include the design and analysis of:

Aircraft fuselages, wings and tail assemblies;

Automobile frames and other motor vehicle components;

High speed railroad tracks;

Turbine engines; and

Space vehicles and related launch facilities.

The engineering division of a major automobile manufacturer using NASTRAN in the design of its 1973 line of light trucks reports a 60 percent improvement in predicting the behavior of components under stress and a time saving of two-thirds in achieving such calculations. Similar savings in time and effort have been reported by most industrial users.

Firms using the new analysis program predict many improvements in product safety, reliability and quality, as direct benefits to their customers.

NASA spent more than $3 million to develop the program at the Goddard Space Flight Center. The Langley Research Center spends about $400,000 annually to update the program for NASA uses and to help new users apply it and learn its possibilities. A survey of 23 users outside the Space Agency indicates that assistance provided by the Langley Center has already saved them more than $2.5 million in start-up costs and other expenses associated with using the computer program.

The NASTRAN program is now being distributed under contract to NASA by the Computer Software Management and Information Center (COSMIC) at the University of Georgia. The program is user-oriented and organized to do much of its work automatically. Written in a versatile computer language, NASTRAN cas be used on a variety of computers. A complete set of program tapes and documentation can be purchased through COSMIC for an average $1,700, depending on the options required.

The program's capabilities include the analysis of: (a) static response to various loads, thermal expansion and deformation; (b) dynamic response to transient loads, harmonic loads and random stresses; and (c) solutions for vibration, dynamic stability and elastic stability analysis.

NASA-developed computer programs have proved one of the most important spinoff benefits from the space program. Besides NASTRAN, several hundred other programs are publicly available to United States users as part of the Space Agency's Technology Utilization Program. Only modest charges are made to meet the cost of evaluation, processing and distribution.

Further information on NASTRAN and other computer program tapes and documentation is available from NASA's Computer Software Management and Information Center (COSMIC), Barrow Hall, University of Georgia, Athens, Ga. 30601; telephone AC-404/542–3265.

Organizations reported as users of NASTRAN are:

Aerojet Solid Propulsion Company, Sacramento, Calif.

A. O. Smith Corporation, Milwaukee, Wisc.

Argonne National Laboratory, Argonne, Ill.

Atlantic Research Corporation, Costa Mesa, Calif.

AVCO, Lycoming Division, Stratford, Conn.

Bell Aerospace Company, Buffalo, N.Y.

Bell Helicopter, Forth Worth, Tex.

Bell Telephone Laboratory, Whippany, N.J.

Boeing Aerospace Company, Seattle, Wash.

Boeing Computer Service, Kent, Wash.

CHI Corporation, Cleveland, Ohio.

Computer Sciences Corporation, Richland, Wash.

Computer Sciences Corporation, Los Angeles, Calif.

COMSAT Laboratory, Clarksburg, Md.

Control Data Corporation, Minneapolis, Minn.

Control Data Corporation, Chicago, Ill.

COSMIC, Athens, Ga.

Esso Production and Research, Houston, Tex.

Fairchild Industries, Germantown, Md.

Ford Motor Company, Dearborn, Mich.

Franklin Institute, Philadelphia, Pa.

General Dynamics/Convair, Fort Worth, Tex.

General Dynamics/Convair, San Diego, Calif.

General Dynamics Corporation, Pomona, Calif.

General Motors Research Laboratory, Warren, Mich.

Georgia Institute of Technology, Atlanta, Ga.

Goodyear Aerospace Corporation, Akron, O.

B. F. Goodrich, Akron, O.

Grumman Aerospace Company, Bethpage, N.Y.

Hercules, Magna, Utah.

Hercules, Cumberland, Md.

Itek Corporation, Lexington, Mass.

JET Propulsion Laboratory, Pasadena, Calif.

Johns Hopkins University, Silver Spring, Md.

Lockheed Georgia Company, Marietta, Ga.

Lockheed California Company, Burbank, Calif.

Louisiana Tech. University, Ruston, La.

Los Alamos Scientific Laboratory, Los Alamos, N.M.

LTV Aerospace Corporation, Dallas, Tex.

MacNeal-Schwendler, Hampton, Va.
Martin-Marietta Corporation, Denver, Colo.
McDonnell-Douglas Aircraft Corp., St. Louis, Mo.
McDonnell-Douglas Automation Co., St. Louis, Mo.
McDonnell Douglas, Huntington Beach, Calif.
McDonnell Douglas, St. Louis, Mo.
NASA Goddard, Greenbelt, Md.
NASA Ames, Moffett Field, Calif.
NASA Houston, Houston, Tex.
NASA Lewis, Cleveland, O.
NASA MFSC, Huntsville, Ala.
NASA Kennedy, Cape Kennedy, Fla.
NASA Langley, Langley, Va.
Naval Air Development Center, Warminister, Pa.
Naval Ship Research and Development Center, Washington, D.C.
North American Rockwell Space Div., Downey, Calif.
Northrop Services Incorporated, Huntsville, Ala.
Old Dominion University, Norfolk, Va.
Perkin Elmer Corporation, Danbury, Conn.
Pioneer Services Incorporated, Chicago, Ill.
Pratt & Whitney Aircraft, West Palm Beach, Fla.
Raytheon Company, Sudbury, Mass.
Research Analysis Corporation, McLean, Va.
Sandia Laboratories, Albuquerque, N.M.
SCI-Tech., Wilmington, Dela.
Sperry Rand, Huntsville, Ala.
Structural Dynamics Research Corp., Cincinnati, O.
Teledyne Brown, Huntsville, Ala.
Teledyne Ryan, San Diego, Calif.
Teledyne Computer Center, Toledo, O.
Texas Instruments, Dallas, Tex.
TRW Systems, Redondo Beach, Calif.
United Aircraft Sikorsky Division, Stratford, Conn.
Watervliet Arsenal, Watervliet, N.Y.
Westenhoff & Novick, Chicago, Ill.
Westinghouse Telecomputer, Pittsburgh, Pa.
Westinghouse Defense and Space Center, Baltimore, Md.
Westinghouse, Research and Development Center, Pittsburgh, Pa.

STATEMENT ON HEALTH NEEDS

Mr. SPARKMAN. Mr. President, all over the country, in administration circles, in the Congress and among medical and hospital groups, there is a keen awareness of the desperate need for new types of medical personnel to deliver necessary medical services which we are unable to deliver under present conditions. The fact that we do not have enough doctors, enough nurses or medical personnel of other types to do the job we need is recognized by every person familiar with today's health and hospitalization problems.

Equally well known is the impossibility of training new doctors and new nurses fast enough to keep pace with the increasing need.

One of the most promising approaches to meeting this pressing need for medical assistants has been going on in Alabama as a joint venture of the University of Alabama, in Birmingham, and Calhoun Junior College. This program was designed to train and place workers in allied health fields. The training is being given at UAB's School of Community and Allied Health Resources.

Now this whole program which would have been turning out allied health workers, X-ray technicians, inhalation therapists, medical laboratory technicians, dental assistants, medical equipment repairmen, et cetera—all this is being slowed down, because adequate Federal assistance is not forthcoming. I am getting in touch with the Secretary of Health, Education, and Welfare today in an effort to get funds released to keep this program going. It is a pilot program which will be beneficial not only to Alabama and the Southeast, but throughout the Nation.

VOTER REGISTRATION

Mr. McGEE. Mr. President, several days ago the Senate, by the narrow margin of 46 to 42, voted to table the national voter registration bill, S. 2574.

One feature of that bill which raised great controversy in the Senate was the provision limiting durational residency requirements for voting in Federal elections to the period established by the Voting Rights Amendments of 1970—effectively, a 30-day residency. Several opponents of the voter registration bill spoke at length about how this modern provision invaded the prerogatives of the sovereign States, was clearly unconstitutional, and would bring havoc to the election process.

Apparently the constitutional experts of the Senate failed to advise the Supreme Court of the United States. Yesterday, by a vote of 6 to 1, the two recently appointed Justices not participating, the Court ruled that durational residency requirements beyond 30 days are unconstitutional in any election—mind you, not just the election of Senators or Representatives, but any election. I ask unanimous consent that the opinion of the Court be printed in the Record.

There being no objection, the opinion was ordered to be printed in the Record, as follows:

[Supreme Court of the United States]

Dunn, Governor of Tennessee, et al. Against Blumstein

(Appeal from the U.S. District Court for the middle district of Tennessee)

No. 70-13. Argued November 16, 1971—Decided March 21, 1972.

Tennessee closes its registration books 30 days before an election, but requires residence in the State for one year and in the county for three months as prerequisites for registration to vote. Appellee challenged the constitutionality of the durational residence requirements, and a three-judge District Court held them unconstitutional on the grounds that they impermissibly interfered with the right to vote and created a "suspect" classification penalizing some Tennessee residents because of recent interstate movement. Tennessee asserts that the requirements are needed to insure the purity of the ballot box and to have knowledgeable voters. *Held:* The durational residence requirements are violative of the Equal Protection Clause of the Fourteenth Amendment, as they are not necessary to further a compelling state interest. Pp. 5–30.

(a) Since the requirements deny some citizens the right to vote, "the Court must determine whether the exclusions are *necessary* to promote a *compelling* state interest." *Kramer* v. *Union Free School District*, 395 U.S. 621, 627 (emphasis added). Pp. 6–7.

(b) Absent a compelling state interest, Tennessee may not burden the right to travel by penalizing those bona fide residents who have recently traveled from one jurisdiction to another. Pp. 8–12.

(c) A period of 30 days appears to be ample to complete whatever administrative tasks are needed to prevent fraud and insure the purity of the ballot box. Pp. 15–19.

(d) Since there are adequate means of ascertaining bona fide residence on an individual basis, the State may not conclusively presume nonresidence from failure to satisfy the waiting period requirements of durational residency laws. Pp. 19–24.

(e) Tennessee has not established a sufficient relationship between its interest in an informed electorate and the fixed durational residence requirements. Pp. 24–30.

Affirmed.

Marshall, J., delivered the opinion of the Court, in which Douglas, Brennan, Stewart, and White, JJ., joined. Blackmun, J., filed an opinion concurring in the result. Burger, C.J., filed a dissenting opinion. Powell and Rehnquist, JJ., took no part in the consideration or decision of the case.

[Supreme Court of the United States, No. 70–13]

Winfield Dunn, Governor of the State of Tennessee, et al., Appellants, Against James F. Blumstein

On Appeal from the United States District Court for the Middle District of Tennessee, March 21, 1972.

Mr. Justice Marshall delivered the opinion of the Court.

Various Tennessee public officials (hereinafter "Tennessee") appeal from a decision by a three-judge federal court holding that Tennessee's durational residence requirements for voting violate the Equal Protection Clause of the United States Constitution. The issue arises in a class action for declaratory and injunctive relief brought by appellee James Blumstein. Blumstein moved to Tennessee on June 12, 1970, to begin employment as an assistant professor of law at Vanderbilt University in Nashville. With an eye towards voting in the upcoming August and November elections, he attempted to register to vote on July 1, 1970. The county registrar refused to register him, on the ground that Tennessee law authorizes the registration of only those persons who, at the time of the next election, will have been residents of the State for a year and residents of the county for three months.

After exhausting state administrative remedies, Blumstein brought this action challenging these residence requirements on federal constitutional grounds.[1] A three-judge court, convened pursuant to 28 U.S.C. §§ 2281, 2284, concluded that Tennessee's durational residence requirements were unconstitutional (1) because they impermissibly interfered with the right to vote and (2) because they created a "suspect" classification penalizing some Tennessee residents because of recent interstate movement.[2]— F. Supp.—(MD Tenn. 1970). We noted probable jurisdiction, 401 U.S. 934 (1971). For the reasons which follow, we affirm the decision below.[3]

I

The subject of this lawsuit is the durational residence requirement. Appellee does not challenge Tennessee's power to restrict the vote to bona fide Tennessee residents. Nor has Tennessee ever disputed that appellee was a bona fide resident of the State and county when he attempted to register.[4] But Tennessee insists that, in addition to *being* a resident, a would-be voter must *have been* a resident for a year in the State and three months in the county. It is this additional *durational* residence requirement which appellee challenges.

Durational residence laws penalize those

Footnotes at end of article.

persons who have traveled from one place to another to establish a new residence during the qualifying period. Such laws divide residents into two classes, old residents and new residents, and discriminate against the latter to the extent of totally denying them the opportunity to vote.[5] The constitutional question presented is whether the Equal Protection Clause of the Fourteenth Amendment permits a State to discriminate in this way among its citizens.

To decide whether a law violates the Equal Protection Clause, we look, in essence, to three things: the character of the classification in question; the individual interests affected by the classification; and the governmental interests asserted in support of the classification. Cf. *William* v. *Rhodes*, 393 U.S. 23, 30 (1968). In considering laws challenged under the Equal Protection Clause, this Court has evolved more than one test, depending upon the interests affected and the classification involved.[6] First, then, we must determine what standard of review is appropriate. In the present case, whether we look to the benefit withheld by the classification (the opportunity to vote) or the basis for the classifications (recent interstate travel) we conclude that the State must show a substantial and compelling reason for imposing durational residence requirements.

A

Durational residence requirements completely bar from voting all residents not meeting the fixed durational standards. By denying some citizens the right to vote, such laws deprive them of a "fundamental political right, . . . preservative of all rights." *Reynolds* v. *Sims*, 377 U.S. 533, 562 (1964). There is no need to repeat now the labors undertaken in earlier cases to analyze this right to vote and to explain in detail the judicial role in reviewing state statutes which selectively distribute the franchise. In decision after decision, this Court has made clear that a citizen has a constitutionally protected right to participate in elections on an equal basis with other citizens in the jurisdiction. See, *e.g.*, *Evans* v. *Cornman*, 398 U.S. 419, 421–422, 426 (1970); *Kramer* v. *Union Free School District*, 395 U.S. 621, 626–628 (1969); *Cipriano* v. *City of Houma*, 395 U.S. 701, 706 (1969); *Harper* v. *Virginia Board of Elections*, 383 U.S. 663, 667 (1966); *Carrington* v. *Rash*, 380 U.S. 89, 93–94 (1965); *Reynolds* v. *Sims*, *supra*. This "equal right to vote," *Evans* v. *Cornman*, *supra*, 398 U.S., at 426, is not absolute; the States have the power to impose voter qualifications, and to regulate access to the franchise in other ways. *See, e.g., Carrington* v. *Rash*, *supra*, 380 U.S., at 91; *Oregon* v. *Mitchell*, 400 U.S. 112, 144 (opinion of JUSTICE DOUGLAS), 241 (opinion of JUSTICES BRENNAN, WHITE, and MARSHALL), 294 (opinion of JUSTICE STEWART, in which CHIEF JUSTICE BURGER and JUSTICE BLACKMUN joined). But, as a general matter, "before that right [to vote] can be restricted, the purpose of the restriction and the assertedly overriding interests severed by it must meet close constitutional scrutiny." *Evans* v. *Cornman*, 398 U.S. 419, 422 (1970); see *Bullock* v. *Carter*, —— U.S. —— (1972) (slip op. 8–9).

Tennessee urges that this case is controlled by *Druedling* v. *Devlin*, 380 U. S. 125 (1965). *Druedling* was a decision upholding Maryland's duration residence requirements. The District Court tested those requirements by the equal protection standard applied to ordinary state regulations: whether the exclusions are reasonably related to a permissible state interest. 234 F. Supp. 721, 724–725 (Md. 1964). We summarily affirmed *per curiam* without the benefit of argument. But if it was not clear then, it is certainly clear now that a more exacting test is required for any statute which "places a condition on the exercise of the right to vote." *Bullock* v. *Carter, supra*, —— U.S. ——. This development is the law culminated in *Kramer* v. *Union Free School District, supra*, 395 U. S. 621 (1969). There we canvassed in detail the reasons for strict review of statutes distributing the franchise, *id.*, at 626–630, noting *inter alia* that such statutes "constitute the foundation of our representative society." We concluded that if a challenged statute grants the right to vote to some citizens and denies the franchise to others, "the Court must determine whether the exclusions are *necessary* to promote a *compelling* state interest." *Id.*, at 627 (emphasis added); *Cipriano* v. *City of Houma*, 395 U.S. 701, 704 (1969); *City of Phoenix* v. *Kolodziejski*, 399 U. S. 204, 205, 209 (1970). Cf. *Harper* v. *Virginia State Board of Elections, supra*, 383 U. S., at 670. This is the test we apply here.[7]

B

This exacting test is appropriate for another reason, never considered on *Druedling:* Tennessee's durational residence laws classify bona fide residents on the basis of recent travel, penalizing those persons, and only those persons, who have gone from one jurisdiction to another during the qualifying period, Thus, the durational residence requirement directly impinges on the exercise of a second fundamental personal right, the right to travel.

"[F]reedom to travel throughout the United States has long been recognized as a basic right under the Constitution." *United States* v. *Guest*, 383 U.S. 745, 758 (1966). See *Passenger Cases*, 7 How. 283, 492 (1849) (Taney, C. J.); *Crandall* v. *Nevada*, 6 Wall. 35, 43–44 (1868); *Paul* v. *Virginia*, 8 Wall. 168, 180 (1869); *Edwards* v. *California*, 314 U.S. 160 (1941); *Kent* v. *Dulles*, 357 U.S. 116, 126 (1958); *Shapiro* v. *Thompson*, 394 U.S. 618, 629–631, 634 (1969); *Oregon* v. *Mitchell*, 400 U.S. 112, 237 (opinion of BRENNAN, WHITE, and MARSHALL, JJ.), 285–286 (opinion of STEWART, J., with whom BURGER, C. J., and BLACKMUN, J., joined). And it is clear that the freedom to travel includes the "freedom to enter and abide in any State in the Union," *Oregon* v. *Mitchell, supra*, 400 U.S., at 285 (opinion of STEWART, J., with whom BURGER, C. J., and BLACKMUN, J., joined). Obviously, durational residence laws single out the class of bona fide State and county residents who have recently exercised this constitutionally protected right, and penalize such travelers directly. We consideerd such a durational residence requirement in *Shapiro* v. *Thompson, supra*, where the pertinent statutes imposed a one-year waiting period for interstate migrants as a condition to receiving welfare benefits. Although in *Shapiro* we specifically did not decide whether durational residence requirements could be used to determine voting eligibility, *id.*, at 638 n. 21, we concluded that since the right to travel was a constitutionally protected right, "any classification which serves to penalize the exercise of that right, unless shown to be necessary to promote a *compelling* state interest, is unconstitutional." *Id.*, at 634. This compelling state interest test was also adopted in the separate concurrence of MR. JUSTICE STEWART. Preceded by a long line of cases recognizing the constitutional right to travel, and repeatedly reaffirmed in the face of attempts to disregard it, see *Wyman* v. *Bowens*, 397 U.S. 49 (1970), and *Wyman* v. *Lopez*,—U.S.—(Jan. 24, 1972), *Shapiro* and the compelling state interest test it articulates control this case.

Tennessee attempts to distinguish *Shapiro* by urging that "the vice of the welfare statute in *Shapiro* . . . was its objective to deter interstate travel." Brief, at 13. In Tennessee's view, the compelling state interest test is appropriate only where there is "some evidence to indicate a deterrence of or infringement on the right to travel. . . ." *Ibid.* Thus, Tennessee seeks to avoid the clear command of *Shapiro* by arguing that durational residence requirements for voting neither seek to deter travel nor actually do deter such travel. In essence, Tennessee argues that the right to travel is not abridged here in any constitutionally relevant sense.

This view represents a fundamental misunderstanding of the law.[8] It is irrelevant whether disenfranchisement or denial of welfare is the more potential deterrent to travel. *Shapiro* did not rest upon a finding that denial of welfare actually deterred travel. Nor have other "right to travel" cases in this Court always relied on the presence of actual deterrence.[9] In *Shapiro* we explicitly stated that the compelling state interest test would be triggered by "any classification which served to *penalize* the exercise of that right [to travel] . . ." *Id.*, at 634 (emphasis added); see *id.*, at 638 n. 21. While noting the frank legislative purpose to deter migration by the poor, and speculating that "an indigent who desires to migrate . . . will doubtless hesitate if he knows that he must risk" the loss of benefits, *id.*, at 628–629, the majority found no need to dispute the "evidence that few welfare recipients have in fact been deterred [from moving] by residence requirements." *Id.*, at 650 (Warren, C. J., dissenting); see also *id.*, at 671–672 (Harlan, J., dissenting). Indeed, none of the litigants had themselves been deterred.[10] Only last Term, it was specifically noted that because a durational residence requirement for voting "operate to *penalize* those persons, and only those persons, who have exercised their constitutional right of interstate migration . . . , [it] may withstand constitutional scrutiny only upon a clear showing that the burden imposed is necessary to protect a compelling and substantial government interest." *Oregon* v. *Mitchell*, 400 U.S. 112, 238 (opinion of BRENNAN, WHITE, and MARSHALL, JJ.) (emphasis added).

Of course it is true that the two individual interests affected by Tennessee's durational residence requirements are affected in different ways. Travel is permitted, but only at a price; voting is prohibited. The right to travel is merely penalized, while the right to vote is absolutely denied. But these differences are irrelevant for present purposes. *Shapiro* implicitly realized what this Court has made explicit elsewhere:

> "It has long been established that a State may not impose a penalty upon those who exercise a right guaranteed by the Constitution. . . . 'Constitutional rights would be of little value if they could be . . . indirectly denied'. . . ." *Harman* v. *Forssenius*, 380 U.S. 528, 540–541 (1965).[11]

See also *Garrity* v. *New Jersey*, 385 U.S. 493 (1967), and cases cited therein; *Spevack* v. *Klein*, 385 U.S. 511, 515 (1967). The right to travel is "an *unconditional* personal right," a right whose exercise may not be conditioned. *Shapiro* v. *Thompson, supra*, 394 U.S., at 643 (opinion of JUSTICE STEWART); *Oregon* v. *Mitchell, supra*, 400 U.S., at 292 (opinion of JUSTICE STEWART, in which CHIEF JUSTICE BURGER and JUSTICE BLACKMUN joined). Durational residence laws impermissibly condition and penalize the right to travel by imposing their prohibitions on only those persons who have recently exercised that right.[12] In the present case, such laws force a person who wishes to travel and change residences to choose between travel and the basic right to vote. Cr. *United States* v. *Jackson*, 390 U.S. 582–583 (1968). Absent a compelling state interest, a State may not burden the right to travel in this way.[13]

C

In sum, durational residence laws must be measured by a strict equal protection test: they are unconstitutional unless the State can demonstrate that such laws are "*necessary* to promote a *compelling* governmen-

---

Footnotes at end of article.

tal interest." *Shapiro* v. *Thompson, supra,* 394 U.S. at 634 (emphasis added); *Kramer* v. *Union Free School District, supra,* 395 U.S., at 627. Thus phrased, the constitutional question may sound like a mathematical formula. But legal "tests" do not have the precision of mathematical formulas. The key words emphasize a matter of degree: that a heavy burden of justification is on the State, and that the statute will be closely scrutinized in light of its asserted purposes.

It is not sufficient for the State to show that durational residence requirements further a very substantial state interest. In pursuing that important interest, the State cannot choose means which unnecessarily burden or restrict constitutionally protected activity. Statutes affecting constitutional rights must be drawn with "precision," *NAACP* v. *Buton,* 371 U.S. 419, 438 (1963); *United States* v. *Robel,* 389 U.S. 258, 265 (1967), and must be "tailored" to serve their legitimate objectives *Shapiro* v. *Thompson, supra,* 394 U.S., at 631. And if there are other, reasonable ways to achieve those goals with a lesser burden on constitutionally protected activity, a State may not choose the way of greater interference. If it acts at all, it must choose "less drastic means." *Shelton* v. *Tucker,* 364 U.S. 479, 488 (1960).

III

We turn, then, to the question of whether the State has shown that durational residence requirements are needed to further a sufficiently substantial state interest. We emphasize again the difference between bona fide residence requirements and durational residence requirements. We have in the past noted approvingly that the States have the power to require that voters be bona fide residents of the relevant political subdivision. *E.g., Evans* v. *Cornman, supra,* 398 U. S., at 422; *Kramer* v. *Union Free School District, supra,* 395 U. S., at 625; *Carrington* v. *Rash, supra,* 380 U. S., at 91; *Pope* v. *Williams,* 193 U. S. 621 (1904).[14] An appropriately defined and uniformly applied requirement of bona fide residence may be necessary to preserve the basic conception of a political community, and therefore could withstand close constitutional scrutiny.[15] But *durational* residence requirements, representing a separate voting qualification imposed on bona fide residents, must be separately tested by the stringent standard. Cf. *Shapiro* v. *Thompson, supra,* 394 U. S., at 636.

It is worth noting at the outset that Congress has, in a somewhat different context, addressed the question whether durational residence laws further compelling state interests. In § 202 of the 1970 Federal Voting Rights Act, Congress outlawed state durational residence requirements for presidential elections, and prohibited the States from closing registration more than 30 days before such elections. 42 U.S.C. § 1973aa–1. In doing so, it made a specific finding that durational residence requirements and more restrictive registration practices do "not bear a reasonable relationship to any compelling state interest in the conduct of presidential elections." 42 U.S.C. § 1973aa–1(a)(6). We upheld this portion of the Federal Voting Rights Act in *Oregon* v. *Mitchell,* 400 U. S. 112 (1971). In our present case, of course, we deal with congressional, state, and local elections, in which the State's interests are arguably somewhat different; and, in addition, our function is not merely to determine whether there was a reasonable basis for Congress' findings. However, the congressional finding which forms the basis for the Federal Act is a useful background for the discussion which follows.

Tennessee tenders "two basic purposes" served by its durational residence requirements:

"(1) Insure purity of ballot box—Protection against fraud through colonization and inability to identify persons offering to vote, and

"(2) Knowledgeable voter—Afford some surety that the voter has, in fact, become a member of the community and that as such, he has a common interest in all matters pertaining to its government and is therefore, more likely to exercise his right more intelligently." Appellants' Brief, p. 15, citing 18 Am. Jur., Elections, p. 217.

We consider each in turn.

A

Preservation of the "purity of the ballot box" is a formidable sounding state interest. The impurities feared, variously called "dual voting" and "colonization," all involve voting by nonresidents, either singly or in groups. The main concern is that nonresidents will temporarily invade the State or county, falsely swear that they are residents to become eligible to vote, and, by voting, allow a candidate to win by fraud. Surely the prevention of such fraud is a legitimate and compelling government goal. But it is impossible to view durational residence requirements as necessary to achieve that state interest.

Preventing fraud, the asserted evil which justifies state lawmaking, means keeping nonresidents from voting. But, by definition, a durational residence law bars *newly arrived* residents from the franchise along with non-residents. The State argues that such sweeping laws are necessary to prevent fraud because they are needed to identify bona fide residents. This contention is particularly unconvincing in light of Tennessee's total statutory scheme for regulating the franchise.

Durational residence laws may once have been necessary to prevent a fraudulent evasion of state voter standards, but today in Tennessee, as in most other States,[16] this purpose is served by a system of voter registration. Tenn. Code Ann. §§ 2–301 *et seq.;* see *State* v. *Weaver,* 122 S. W. 465 (1909). Given this system, the record is totally devoid of any evidence that durational residence requirements are in fact necessary to identify bona fide residents. The qualifications of the would-be voter in Tennessee are determined when he registers to vote, which he may do until 30 days before the election. Tenn. Code Ann. § 2–304. His qualifications—including bona fide residence—are established then by oath. Tenn. Code Ann. § 2–309. There is no indication in the record that Tennessee routinely goes behind the would-be voter's oath to determine his qualifications. Since false swearing is no obstacle to one intent on fraud, the existence of burdensome voting qualifications like durational residence requirements cannot prevent corrupt nonresidents from fraudulently registering and voting. As long as the State relies on the oath-swearing system to establish qualifications, a durational residence requirement adds nothing to a simple residence requirement in the effort to stop fraud. The nonresident intent on committing election fraud will as quickly and effectively swear that he has been a resident for the requisite period of time as he would swear that he was simply a resident. Indeed, the durational residence requirement becomes an effective voting obstacle only to residents who tell the truth and have no fraudulent purposes.

Moreover, to the extent that the State makes an enforcement effort after the oath is sworn, it is not clear what role the durational residence requirement could play in protecting fraud. The State closes the registration books 30 days before an election to give officials an opportunity to prepare for the election. Before the books close, anyone may register who claims that he will meet the durational residence requirement at the time of the next election. Although Tennessee argues that this 30-day period between registration and election does not give the State enough time to verify this claim of bona fide residence, we do not see the relevance of that position to this case. As long as the State permits registration up to 30 days before an election, a lengthy durational residence requirement does not increase the amount of time the State has in which to carry out an investigation into the sworn claim by the would-be voter that he is in fact a resident.

Even if durational residence requirements imposed, in practice, a pre-election waiting period which gave voting officials three months or a year in which to confirm the bona fides of residence, Tennessee would not have demonstrated that these waiting periods were necessary. At the outset, the State is faced with the fact that it must defend two separate waiting periods of different lengths. It is impossible to see how both could be "necessary" to fulfill the pertinent state objective. If the State has itself determined that a three-month period is enough time in which to confirm bona fide residence in the State and county, obviously a one year period cannot also be justified as "necessary" to achieve the same purpose.[17] Beyond that, the job of detecting nonresidents from among persons who have registered is a relatively simple one. It hardly justifies prohibiting all newcomers from voting for even three months. To prevent dual voting, state voting officials simply have to cross-check lists of new registrants with their former jurisdictions. See Note, Residence Requirements for Voting in Presidential Elections, 37 U. Chi. L. Rev. 359, 364 and n. 34, 374; cf. *Shapiro* v. *Thompson, supra,* 394 U.S., at 637. Objective information tendered as relevant to the question of bona fide residence under Tennessee law—places of dwelling occupation, car registration, driver's license, property owned, etc.[18]—is easy to double check, especially in light of modern communications. Tennessee itself concedes that "[i]t might well be that these purposes can be achieved under requirements of shorter duration than that imposed by the State of Tennessee. . . ." Appellants' Brief, p. 10. Fixing a constitutionally acceptable period is surely a matter of degree. It is sufficient to note here that 30 days appears to be an ample period of time for the State to complete whatever administrative tasks are necessary to prevent fraud—and a year, or three months, too much. This was the judgment of Congress in the context of presidential elections.[19] And, on the basis of the statutory scheme before us, it is almost surely the judgment of the Tennessee lawmakers as well. As the court below concluded, the cutoff point for registration 30 days before an election—

"Reflects the judgment of the Tennessee legislature that thirty days is an adequate period in which Tennessee's election officials can effect whatever measures may be necessary, in each particular case confronting them, to insure purity of the ballot and prevent dual registration and dual voting."— F. Supp.—(Appendix, pp. 48–49).

It has been argued that durational residence requirements are permissible because a person who has satisfied the waiting period requirements is conclusively presumed to be a bona fide resident. In other words, durational residence requirements are justified because they create an administratively useful conclusive presumption that recent arrivals are not residents and are therefore properly barred from the franchise.[20] This presumption, so the argument runs, also prevents fraud, for few candidates will be able to induce migration for the purpose of voting if fraudulent voters are required to remain in the false locale for three months or a year in order to vote on election day.[21]

In *Carrington* v. *Rash, supra,* 380 U.S. 89, this Court considered and rejected a similar kind of argument in support of a similar kind of conclusive presumption. There, the

---

Footnotes at end of article.

State argued that it was difficult to tell whether persons moving to Texas while in the military service were in fact bona fide residents. Thus, the State said, the administrative convenience of avoiding difficult factual determinations justified a blanket exclusion of all servicemen stationed in Texas. The presumption created there was conclusive—"incapable of being overcome by proof of the most positive character." *Id.*, at 96, citing *Heiner* v. *Donnan*, 285 U.S. 312, 324 (1932). The Court rejected this "conclusive presumption" approach as violative of the Equal Protection Clause. While many servicemen in Texas were not bona fide residents, and therefore properly ineligible to vote, many servicemen clearly were bona fide residents. Since "more precise tests" were available "to winnow successfully from the ranks . . . those whose residence in the State is bona fide," conclusive presumptions were impermissible in light of the individual interests affected. *Id.*, at 95. "States may not casually deprive a class of individuals of the vote because of some remote administrative benefit to the State." *Id.*, at 96.

Carrington sufficiently disposes of this defense of durational residence requirements. The State's legitimate purpose is to determine whether certain persons in the community are bona fide residents. A durational residence requirement creates a classification which may, in a crude way, exclude nonresidents from that group. But it also excludes many residents. Given the state's legitimate purpose and the individual interests which are affected, the classification is all too imprecise. See p. 13, *supra*. In general, it is not difficult for Tennessee to determine on an individualized basis whether one recently arrived in the community is in fact a resident, although of course there will always be difficult cases. Tennessee has defined a test for bona fide residence, and appears prepared to apply it on an individualized basis in various legal contexts.[22] That test could easily be applied to new arrivals. Furthermore, if it is unlikely that would-be fraudulent voters would remain in a false locale for the lengthy period imposed by durational residence requirements, it is just as unlikely that they would collect such objective indicia of bona fide residence as a dwelling, car registration, or driver's license. In spite of these things, the question of bona fide residence is settled for new arrivals by conclusive presumption, not by individualized inquiry. Cf. *Carrington* v. *Rash*, *supra*, 380 U.S., at 95–96. Thus, it has always been undisputed that appellee Blumstein is himself a bona fide resident of Tennessee within the ordinary state definition of residence. But since Tennessee's presumption from failure to meet the durational residence requirements is conclusive, a showing of actual bona fide residence is irrelevant, even though such a showing would fully serve the State's purposes embodied in the presumption and would achieve those purposes with far less drastic impact on constitutionally protected interests.[23] The Equal Protection Clause places a limit on government by classification, and that limit has been exceeded here. Cf. *Shapiro* v. *Thompson*, *supra*, 394 U.S., at 636; *Harman* v. *Forssenius*, 380 U.S. 528, 542–543; *Carrington* v. *Rash*, *supra*, 380 U.S., at 95–96; *Skinner* v. *Oklahoma*, 316 U.S. 535 (1942).

Our conclusion that the waiting period is not the least restrictive means necessary for preventing fraud is bolstered by the recognition that Tennessee has at its disposal a variety of criminal laws which are more than adequate to detect and deter whatever fraud may be feared.[24] At least six separate sections of the Tennessee Code define offenses to deal with voter fraud. For example, Tenn. Code Ann. § 2–324 makes it a crime "for any person to register or to have his name registered as a qualified voter . . . when he is not entitled to be so registered . . . or to induce or procure any other person to register or be registered when such person is not legally qualified to be registered as such. . . ."[25] In addition to the various criminal penalties, Tennessee permits the bona fides of a voter to be challenged on election day. Tenn. Code Ann. §§ 2–1309 *et seq.* Where a State has available such remedial action to supplement its voter registration system, it can hardly argue that broadly imposed political disabilities such as durational residence requirements are needed to deal with the evils of fraud. Now that the Federal Voting Rights Act abolishes those residence requirements as a precondition for voting in presidential and vice presidential elections, 42 U.S.C. § 1973aa–1, it is clear that the States will have to resort to other devices available to prevent nonresidents from voting. Especially since every State must live with this new federal statute, it is impossible to believe that durational residence requirements are necessary to meet the State's goal of stopping fraud.[26]

B

The argument that durational residence requirements further the goal of having "knowledgeable voters" appears to involve three separate claims. The first is that such requirements "afford some surety that the voter has, in fact, become a member of the community." But here the State appears to confuse a bona fide residence requirement with a durational residence requirement. As already noted, a State does have an interest in limiting the franchise to bona fide members of the community. But this does not justify or explain the exclusion from the franchise of persons, not because their bona fide residence is questioned, but because they are recent rather than long-time residents.

The second branch of the "knowledgeable voters" justification is that durational residence requirements assure that the voter "has a common interest in all matters pertaining to [the community's] government. . . ." By this, presumably, the State means that it may require a period of residence sufficiently lengthy to impress upon its voters the local viewpoint. This is precisely the sort of argument this Court has repeatedly rejected. In *Carrington* v. *Rash*, for example, the State argued that military men newly moved into Texas might not have local interests sufficiently in mind, and therefore could be excluded from voting in state elections. This Court replied:

"But if they are in fact residents . . . they, as all other qualified residents, have a right to an equal opportunity for political representation. . . . 'Fencing out' from the franchise a section of the population because of the way they may vote is constitutionally impermissible." 380 U.S., at 94. See 42 U.S.C. § 1973aa–1(a)(4).

Similarly here, Tennessee's hopes for voters with a "common interest in all matters pertaining to [the community's] government" is impermissible.[27] To paraphrase what we said elsewhere, "All too often, lack of a ["common interest"] might mean no more than a different interest." *Evans* v. *Cornman*, 398 U.S. 419, 423. "Differences of opinion" may not be the basis for excluding any group or person from the franchise. *Ciprano* v. *City of Houma*, *supra*, 395 U.S., at 705–706. "The fact that newly arrived [Tennesseans] may have a more national outlook than longtime residents, or even may retain a viewpoint characteristic of the region from which they come, is a constitutionally impermissible reason for depriving them of their chance to influence the electoral vote for their new home State." *Hall* v. *Beals*, 396 U.S. 45, 53–54 (1969) (dissenting opinion).[28]

Finally, the State urges that a long-time resident is "more likely to exercise his right [to vote] more intelligently." To the extent that this is different from the previous argument, the State is apparently asserting an interest in limiting the franchise to voters who are minimally knowledgeable about the issues. In this case, Tennessee argues that people who have been in the State less than a year and the county less than three months are likely to be unaware of the issues involved in the congressional, state, and local elections, and therefore can be barred from the franchise. We note that the criterion of "intelligent" voting is an elusive one, and susceptible to abuse. But without deciding as a general matter the extent to which a State can bar less knowledgeable or intelligent citizens from the franchise, cf. *Evans* v. *Cornman*, *supra*, 398 U. S., at 422; *Kramer* v. *Union Free School District*, *supra*, 395 U. S., at 632; *Ciprano* v. *City of Houma*, *supra*, 395 U. S., at 705,[29] we conclude that durational residence requirements cannot be justified on this basis.

In *Kramer* v. *Union Free School District*, *supra*, 395 U. S. 621 (1969), we held that the Equal Protection Clause prohibited New York State from limiting the vote in school district elections to parents of school children and to property owners. The State claimed that since nonparents would be "less informed" about school affairs than parents, *id.*, at 631, the State could properly exclude the class of nonparents in order to limit the franchise to the more "interested" group of residents. We rejected that position, concluding that a "close scrutiny of [the classification] demonstrates that [it does] not accomplish this purpose with sufficient precision. . . ." *Id.*, at 632. That scrutiny revealed that the classification excluding nonparents from the franchise kept many persons from voting who were as substantially interested as those allowed to vote; given this, the classification was insufficiently "tailored" to achieve the articulated state goal. *Ibid.* See also *Ciprano* v. *City of Houma*, *supra*, 395 U.S., at 706.

Similarly, the durational residence requirements in this case founded because of their crudeness as a device for achieving the articulated state goal of assuring the knowledgeable exercise of the franchise. The classifications created by durational residence requirements obviously permit any long-time resident to vote regardless of his knowledge of the issues—and obviously many long-time residents do not have any. On the other hand, the classifications bar from the franchise many other, admittedly new, residents who have become minimally, and often fully, informed about the issues. Indeed, recent migrants who take the time to register and vote shortly after moving are likely to be those citizens, such as appellee, who make it a point to be informed and knowledgeable about the issues. Given modern communications, and given the clear indication that campaign spending and voters education occur largely during the month before an election,[30] the State cannot seriously maintain that it is "necessary" to reside for a year in the State and three months in the county in order to be minimally knowledgeable about congressional, state or even purely local elections. There is simply nothing in the record to support the conclusive presumption that residents who have lived in the State for less than a year and their county for less than three months are uninformed about elections. Cf. *Shapiro* v. *Thompson*, *supra*, 394 U.S., at 631. These durational residence requirements crudely exclude large numbers of fully qualified people. Especially since Tennessee creates a waiting period by closing registration books 30 days before an election, there can be no basis for arguing that any durational residence requirement is also needed to assure knowledgeability.

It is pertinent to note that Tennessee has never made an attempt to further its alleged interest in an informed electorate in a universally applicable way. Knowledge or competence has never been a criterion for participation in Tennessee's electoral process for

---

Footnotes at end of article.

long-time residents. Indeed, the State specifically provides for voting by various types of absentee persons.[31] These provisions permit many long-time residents who leave the county or State to participate in a constituency in which they have only the slightest political interest, and from whose political debates they are likely to be cut off. That the State specifically permits such voting is not consistent with its claimed compelling interest in intelligent, informed use of the ballot. If the State seeks to assure intelligent use of the ballot, it may not try to serve this interest only with respect to new arrivals. Cf. *Shapiro* v. *Thompson, supra,* 394 U.S. at 637–638.

It may well be true that new residents as a group know less about state and local issues than older residents; and it is surely true that durational residence requirements will exclude some people from voting who are totally uninformed about election matters. But as devices to limit the franchise to minimally knowledgeable residents, the conclusive presumptions of durational residence requirements are much too crude. They exclude too many people who should not, and need not, be excluded. They represent a requirement of knowledge unfairly imposed on only some citizens. We are aware that classifications are always imprecise. By requiring classifications to be tailored to their purpose, we do not secretly require the impossible. Here, there is simply too attenuated a relationship between the state interest in an informed electorate and the fixed requirement that voters must have been residents in the State for a year and the county for three months. Given the exacting standard of precision we require of statutes affecting constitutional rights, we cannot say that durational residence requirements are necessary to further a compelling state interest.

IV

Concluding that Tennessee has not offered an adequate justification for its durational residence laws, we affirm the judgment of the court below.

MR. JUSTICE POWELL and MR. JUSTICE REHNQUIST took no part in the consideration or decision of this case.

FOOTNOTES

[1] Involved here are provisions of the Tennessee Constitution, as well as portions of the Tennessee Code. Article IV, § 1, of the Tennessee Constitution, provides in pertinent part:

"Right to vote—Election precincts . . . .—Every person of the age of twenty-one years, being a citizen of the United States, and a resident of this State for twelve months, and of the county wherein such person may offer to vote for three months, next preceding the day of election, shall be entitled to vote for electors for President and Vice-President of the United States, members of the General Assembly and other civil officers for the county or district in which such person resides; and there shall be no other qualification attached to the right of suffrage.

"The General Assembly shall have power to enact laws requiring voters to vote in the election precincts in which they may reside, and laws to secure the freedom of elections and the purity of the ballot box. . . ."

Section 2–201, Tennessee Code Annotated provides:

"Qualifications of voters.—Every person of the age of twenty-one (21) years, being a citizen of the United States and a resident of this State for twelve (12) months, and of the county wherein he may offer his vote for three (3) months next preceding the day of election, shall be entitled to vote for members of the general assembly and other civil officers for the county or district in which he may reside."

Section 2–304, Tennessee Code Annotated provides:

"Persons entitled to permanently register—Required time for registration to be in effect prior to Election.—All persons qualified to vote under existing laws at the date of application for registration, including those who will arrive at the legal voting age by the date of the next succeeding primary or general election established by statute following the date of their application to register (those who become of legal voting age before the date of a general election shall election [sic] selecting nominees for such general election), who will have lived in the state for twelve (12) months and in the county for which they applied for registration for three (3) months by the date of the next succeeding election shall be entitled to permanently register as voters under the provisions of this chapter, provided, however, that registration or re-registration shall not be permitted within thirty (30) days of any primary or general election provided for by statute. If a registered voter in any county shall have changed his residence to another county, or to another ward, precinct or district within the same county, or changed his name by marriage or otherwise, within ninety (90) days prior to the date of an election, he shall be entitled to vote in his former ward, precinct or district of registration."

[2] On July 30, the District Court refused to grant a preliminary injunction permitting Blumstein and members of the class he represented to vote in the August 6 election; the court noted that to do so would be "so obviously disruptive as to constitute an example of judicial improvidence." The District Court also denied a motion that Blumstein be allowed to cast a sealed provisional ballot for the election.

At the time the opinion below was filed, the next election was to be held in November 1970, at which time Blumstein would have met the three-month part of Tennessee's durational residency requirements. The District Court properly rejected the State's position that the alleged invalidity of the three-month requirement had been rendered moot, and the State does not pursue any mootness argument here. Although appellee now can vote, the problem to voters posed by the Tennessee residency requirements is "capable of repetition, yet evading review." *Moore* v. *Ogilvie,* 394 U.S. 814, 816 (1969); *Southern Pacific Terminal Co.* v. *Interstate Commerce Commission,* 219 U.S. 498, 515 (1911). In this case, unlike *Hall* v. *Beals,* 396 U.S. 45 (1969), the laws in question remain on the books, and Blumstein has standing to challenge them as a member of the class of people affected by the presently written statute.

[3] The important question in this case has divided the lower courts. Durational residence requirements ranging from three months to one year have been struck down in *Burg* v. *Canniffe,* 315 F. Supp. 380 (Mass. 1970); *Affeldt* v. *Whitcomb,* 319 F. Supp. 69 (ND Ind. 1970); *Lester* v. *Board of Elections for District of Columbia,* 319 F. Supp. 505 (DC 1970); *Bufford* v. *Holton,* 319 F. Supp. 843 (ED Va. 1970); *Hadnott* v. *Amos,* 320 F. Supp. 107 (MD Ala. 1970); *Kohn* v. *Davis,* 320 F. Supp. 246 (Vt. 1070); *Keppel* v. *Donovan,* 326 F. Supp. 15 (Minn. 1970); *Andrews* v. *Cody,* — F. Supp. — (MDNC 1971), as well as this case. Other District Courts have upheld durational residence requirements of a similar variety. *Howe* v. *Brown,* 319 F. Supp. 862 (ND Ohio 1970); *Ferguson* v. *Williams,* — F. Supp. — (ND Miss., Aug. 30, 1971); *Cocanower* v. *Marston,* 318 F. Supp. 402 (Ariz. 1970); *Fitzpatrick* v. *Board of Election Commissioners,* — F. Supp. — (ND Ill. 1970); *Piliavin* v. *Hoel,* 320 F. Supp. 66 (WD Wis. 1970); *Epps* v. *Logan,* — F. Supp. — (No. 913) (WD Wash. 1970); *Fontam* v. *McKeithen,* — F. Supp. — (Civ. 71–2631) (ED La.). In *Sirah* v. *Brown,* — F. Supp. — (Civ. 70–164) (SD Ohio 1970), the District Judge refused to convene a three-judge court and summarily dismissed the complaint.

[4] Noting the lack of dispute on this point, the court below specifically found that Blumstein had no intention of leaving Nashville and was a bona fide resident of Tennessee. — F. Supp. — (App., p. 36).

[5] While it would be difficult to determine precisely how many would-be voters throughout the country cannot vote because of durational residence requirements, but see Cocanower & Rich, Residency Requirements for Voting, 12 Ariz. L. Rev. 477, 478 and n. 8 (1970), it is worth noting that during the period 1947–1970 an average of approximately 3.3% of the total national population moved interstate each year. (An additional 3.4% of the population moved *intrastate* each year.) U.S. Dept. of Commerce, Bureau Census, Current Population Reports, Population Characteristics, Series P–20, No. 210, Jan. 15, 1971, Table 1, pp. 7–8.

[6] Compare *Kramer* v. *Union Free School District,* 395 U.S. 621 (1969), and *Skinner* v. *Oklahoma,* 316 U.S. 535 (1942), with *Williamson* v. *Lee Optical Co.,* 348 U.S. 483 (1955); compare *McLaughlin* v. *Florida,* 379 U.S. 184 (1964); *Harper* v. *Virginia Board of Election,* 383 U.S. 663 (1966), and *Graham* v. *Richardson,* 403 U.S. 365 (1971), with *Morey* v. *Doud,* 354 U.S. 457 (1957), and *Allied Stores of Ohio* v. *Bowers,* 358 U.S. 522 (1959).

[7] Appellants also rely on *Pope* v. *Williams,* 193 U.S. 621 (1904). Carefully read, that case simply *holds* that federal constitutional rights are not violated by a state provision requiring a person who enters the state to make a "declaration of his intention to become a citizen before he can have the right to be registered as a voter and to vote in the State." *Id.,* at 634. In other words, the case simply stands for the proposition that a State may require voters to be bona fide residents. See TAN 15, *infra.* To the extent that dicta in that opinion is inconsistent with the test we apply or the result we reach today, that dicta is rejected.

[8] We note that in the Federal Voting Right Act, Congress specifically found that a durational residence requirement "denies or abridges the inherent constitutional right of citizens to enjoy their free movement across State lines . . ." 42 U.S.C. § 1973aa–1(a)(2).

[9] For example, in *Crandall* v. *Nevada,* 6 Wall. (73 U. S.) 35 (1868), the tax imposed on persons leaving the State by commercial carrier was only $1, certainly a minimal deterrent to travel. But in declaring the tax unconstitutional, the Court reasoned that "if the State can tax a railroad passenger one dollar, it can tax him one thousand dollars," *id.,* at 46. In *Ward* v. *Maryland,* 12 Wall. (79 U. S.) 418 (1871), the tax on nonresident traders was more substantial, but the Court focused on its discriminatory aspects, without anywhere considering the law's effect, if any, on trade or tradesmen's choice of residence. Cf. *Chalker* v. *Birmingham & N W. R. Co.,* 249 U. S. 522, 527 (1919); but see *Williams* v. *Fears,* 179 U. S. 270 (1900). In *Travis* v. *Yale & Towne Mfg. Co.,* 252 U. S. 60, 79–80 (1920), the Court held that New York could not deny nonresidents certain small personal exemptions from the state income tax allowed residents. The amounts were certainly insufficient to influence any employee's choice of residence. Compare *Toomer* v. *Witsell,* 334 U. S. 385 (1948), with *Mullaney* v. *Anderson,* 342 U. S. 415 (1952).

[10] JUSTICE STEWART specifically noted that quite apart from any purpose to deter, "a law that so clearly *impinges* upon the constitutional right of interstate travel must be shown to reflect a compelling governmental interest." *Id.,* at 643–644 (emphasis added). See also *Graham* v. *Richardson,* 403 U.S. 365, 375 (1971).

[11] In *Harman,* the Court held that a Virginia law which allowed federal voters to qualify either by paying a poll tax or by filing a certificate of residence six months before the election "handicap[ped] exercise" of the right to participate in federal elec-

tions free of poll taxes, guaranteed by the Twenty-Fourth Amendment.

[12] Where, for example, an interstate migrant loses his driver's license because the new State has a higher age requirement, a different constitutional question is presented. For in such a case, the new State's age requirement is not a *penalty* imposed solely because the newcomer is a new resident; instead, all residents, old and new, must be of a prescribed age to drive. See *Shapiro* v. *Thompson, supra,* 394 U. S., at 638 n. 21.

[13] However, as noted *infra,* TAN 15, States may show an overriding interest in imposing an appropriate bona fide residence requirement on would-be voters. One who travels out of a State may no longer be a bona fide resident, and may not be allowed to vote in the old State. Similarly, one who travels to a new State may, in some cases, not establish bona fide residence and may be ineligible to vote in the new State. Nothing said today is meant to cast doubt on the validity of appropriately defined and uniformly applied bona fide residence requirements.

[14] See n. 7, *supra.*

[15] See *Fontham* v. *McKeithen,* —— F. Supp. —— (Civ. 71–2631, Dec. 7, 1971, p. 12) (ED La. 1971) (Wisdom, J., dissenting); *Pope* v. *Williams,* 193 U.S. 621 (1904), and n. 7, *supra.*

[16] See, *e.g.,* Cocanower & Rich, Residency Requirements for Voting, 12 Ariz. L. Rev. 477, 499 (1970); MacLeod & Wilberding, State Voting Residency Requirements and Civil Rights, 38 Geo. Wash. L. Rev. 93, 113 (1969).

[17] Obviously, it could not be argued that the three-month waiting period is necessary to confirm residence in the county, and the one-year period necessary to confirm residence in the State. Quite apart from the total implausibility of any suggestion that one task should take four times as long as the other, it is sufficient to note that if a person is found to be a bona fide resident of a county within the State, he is by definition a bona fide resident of the State as well.

[18] See, *e.g., Brown* v. *Hows,* 163 Tenn. 178, 42 S. W. 2d 210 (1930); *Sparks* v. *Sparks,* 114 Tenn. 666, 88 S. W. 173 (1905). See generally Law Revision Commission, Title 2—Election Laws, Tentative Draft of October 1971, Section 222 and Comment. See n. 22, *infra.*

[19] In the Federal Voting Rights Act of 1970, Congress abolished durational residence requirements as a precondition to voting in presidential and vice-presidential elections, and prohibited the States from cutting off registration more than 30 days prior to those elections. These limits on the waiting period a State may impose prior an election were made "with full cognizance of the possibility of fraud and administrative difficulty. *Oregon* v. *Mitchell,* 400 U.S. 112, 238 (opinion of Brennan, White, and Marshall, JJ.). With that awareness, Congress concluded that a waiting period requirement beyond 30 days "does not bear a reasonable relationship to any compelling state interest in the conduct of presidential elections. 42 U.S.C. § 1973aa–1(a)(6). And in sustaining § 202 of the Act, we found "no explanation why the 30-day period between the closing of new registration and the date of election would not provide, in light of modern communications, adequate time to insure against . . . frauds." *Oregon* v. *Mitchell, supra,* 400 U.S., at 239 (opinion of Brennan, White, and Marshall, JJ.). There is no reason to think that what Congress thought was unnecessary to prevent fraud in presidential elections should not also be unnecessary in the context of other elections. See TAN 26, *infra.*

[20] As a technical matter, it makes no sense to say that one who has been a resident for a fixed duration is presumed to be a resident. In order to meet the durational residency requirement, one must, by definition, *first* establish that he is a *resident.* A durational residence requirements is not simply a waiting period after arrival in the State; it is a waiting period after *residence* is established. Thus it is conceptually impossible to say that a durational residency requirement is an administratively useful device to determine residence. The State's argument must be that residence would be presumed from simple *presence* in the State or county for the fixed waiting period.

[21] It should be clear that this argument assumes that the State will reliably determine whether the sworn claims of duration in the jurisdiction are themselves accurate. We have already noted that this is unlikely. See p. 16, *supra.* Another repeating problem for the State's position is the existence of *differential* durational residency requirements. If the State presumes residence in the county after three months in the county, there is no rational explanation for requiring a full 12 months' presence in the State to presume residence in the State.

[22] Tennessee's basic test for bona fide residence is (1) an intention to stay indefinitely in a place (in other words, "without a present intention of removing therefrom," *Brown* v. *Hows,* 163 Tenn. 178, 42 S. W. 2d 210 (1930)), joined with (2) some objective indication consistent with that intent, see n. 18, *supra.* This basic test has been applied in divorce cases, see, *e.g., Sturdavant* v. *Sturdavant,* 28 Tenn. App. 273, 189 S. W. 410 (1944); *Brown* v. *Brown,* 150 Tenn. 89, 261 S. W. 959 (1924); *Sparks* v. *Sparks,* 114 Tenn. 666, 88 S. W. 173 (1905); in tax cases, see, *e.g., Denny* v. *Sumner County,* 134 Tenn. 468, 184 S. W. 14 (1916); and in estate cases, see, *e.g., Caldwell* v. *Shelton,* 32 Tenn. App. 45, 221 S. W. 2d 815 (1948); *Hascall* v. *Hafford,* 107 Tenn. 355, 65 S. W. 423 (1901); and voting cases, see, *e.g., Brown* v. *Hows,* 163 Tenn. 178, 42 S. W. 2d 210 (1930); Law Revision Commission, Title 2—Election Laws, Tentative Draft of October 1971, § 222 and Comment.

[23] Indeed, in Blumstein's case, the County Election Commission explicitly rejected his offer to treat the waiting period requirement as "a waivable guide to Commission action, but rebuttable upon a proper showing of competence to vote intelligently in the primary and general election." Complaint in Appendix, p. 8. Cf. *Skinner* v. *Oklahoma,* 316 U.S. 535, 544–545 (1942) (Stone, C. J., concurring).

[24] See *Harmon* v. *Forssenius,* 380 U.S. 528, 543 (1965) (filing of residence certificate six months before election in lieu of poll tax unnecessary to insure that the election is limited to bona fide residents in light of "numerous devices to enforce residency requirements"); cf. *Schneider* v. *New Jersey,* 308 U.S. 147, 164 (1939) (fear of fraudulent solicitations cannot justify permit requests since "frauds may be denounced as offenses and punished by law").

[25] Tenn. Code Ann. § 2–1614 makes it a felony for any person who "is not legally entitled to vote at the time and place where he votes or attempts to vote . . . , to vote or offer to do so," or to aid and abet such illegality. Tenn. Code Ann, § 2–2207 makes it a misdemeanor "for any person knowingly to vote in any political convention or any election held under the Constitution or laws of this state, no being legally qualified to vote . . . ," and Tenn. Code Ann. § 2–2208 makes it a misdemeanor to aid in such an offense. Tenn. Code Ann. § 2–202 makes it an offense to vote outside the ward or precinct where one resides and is registered. Finally, Tenn. Code Ann. § 2–2209 makes it unlawful to "bring or aid in bringing any fraudulent voters into this state for the purpose of practising a fraud upon or in any primary or final election. . . ." See, *e.g., State* v. *Weaver,* 112 S. W. 465 (1909).

[26] We note that in the period since the decision below, several elections have been held in Tennessee. We have been presented with no specific evidence of increased colonization or other fraud.

[27] It has been noted elsewhere, and with specific reference to Tennessee law, that "[t]he historical purpose of [durational] residency requirements seem to have been to deny the vote to undesirables, immigrants and outsiders with different ideas." Cocanower & Rich, *supra,* 12 Ariz. L. Rev., at 484 and nn. 44, 45, and 46. We do not rely on this alleged original purpose of durational residence requirements in striking them down today.

[28] Tennessee may be revealing this impermissible purpose when it observes:

"The fact that the voting privilege has been extended to 18 year old persons . . . increases, rather than diminishes, the need for durational residency requirements. . . . It is so generally known, as to be judicially accepted, that there are many political subdivisions in this state, and other states, wherein there are colleges, universities and military installations with sufficient student body or military personnel over eighteen years of age, as would completely dominate elections in the district, county or municipality so located. This would offer the maximum of opportunity for fraud through colonization, and permit domination by those not knowledgeable or having a common interest in matters of government, as opposed to the interest and the knowledge of permanent members of the community. Upon completion of their schooling, or service tour, they move on, leaving the community bound to a course of political expediency not of its choice and, in fact, one over which its more permanent citizens, who will continue to be affected, had no control." Appellants' Brief, pp. 15–16.

[29] In the 1970 Voting Rights Act, § 201, 42 U. S. C. § 1973aa, Congress provided that "no citizen shall be denied, because of his failure to comply with any test or device, the right to vote in any Federal, State, or local election. . . ." The terms "test or device" was defined to include, in part, "any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrates the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject. . . ." By prohibiting various "test[s]" and "device[s]" which would clearly assure knowledgeability on the part of voters in local elections, Congress declared federal policy that people should be allowed to vote even if they were not well informed about the issues. We upheld § 201 in *Oregon* v. *Mitchell, supra.*

[30] H. E. Alexander, Financing the 1968 Election 106–113 (Citizen Research Foundation 1969); *Affedt* v. *Whitcomb,* 319 F. Supp. 69, 71 (ND Ind. 1970); Cocanower & Rich, *supra,* 12 Ariz. L. Rev. 477, 498 (1971).

[31] The general provisions for absentee voting apply in part to "any registered voter otherwise qualified to vote in any election to be held in this state or any county, municipality, or other political subdivision thereof, who by reason of business, occupation, health, education, or travel, is required to be absent from the county of his fixed residence on the day of election. . . ." Tenn. Code Ann. § 2–1602. See generally Tenn. Code Ann. §§ 2–1601 *et seq.* An alternative method of absentee voting for armed forces members and federal personnel is detailed in Tenn. Code Ann. §§ 2–1701 *et seq.* Both those provisions allow persons who are still technically "residents" of the State or county to vote even though they are not physically present, and even though they are likely to be uninformed about the issues. In addition, Tennessee has an unusual provision which permits persons to vote in their *prior* residence for a period after residence has been changed. This section provides, in pertinent part: "If a registered voter in any county shall have changed his residence to another county . . . within ninety (90) days prior to the date of an election, he shall be entitled to vote in his former ward, precinct or district of registration." Tenn. Code Ann. § 2–304. See also Tenn. Code Ann. § 2–204.

[Supreme Court of the United States, No. 70–13]

WINFIELD DUNN, GOVERNOR OF THE STATE OF TENNESSEE, ET AL., APPELLANTS, AGAINST JAMES F. BLUMSTEIN

On Appeal from the United States District Court for the Middle District of Tennessee, March 21, 1972.

Mr. Justice Blackmun, concurring in the result.

Professor Blumstein obviously could hardly wait to register to vote in his new home State of Tennessee. He arrived in Nashville on June 12, 1970. He moved into his apartment on June 19. He presented himself to the registrar on July 1. He instituted his lawsuit on July 17. Thus, his litigation was begun 35 days after his arrival on Tennessee soil, and less than 30 days after he moved into his apartment. But a primary was coming up on August 6. Usually, such zeal to exercise the franchise is commendable. The professor, however, encountered—and, I assume, knowingly so—the barrier of the Tennessee durational residence requirement and, because he did, he instituted his test suit.

I have little quarrel with much of the content of the Court's long opinion. I concur in the result, with these few added comments, because I do not wish to be described on a later day as having taken a position broader than I think necessary for the disposition of this case.

1. In *Pope* v. *Williams*, 193 U.S. 621 (1904), Mr. Justice Peckham, in speaking for a unanimous Court that included the first Harlan and Mr. Justice Holmes, said:

> "The simple matter to be herein determined is whether, with reference to the exercise of the privilege of voting in Maryland, the legislature of that State had the legal right to provide that a person coming into the State to reside should make the declaration of intent a year before he should have the right to be registered as a voter of the State.
>
> * * * * *
>
> "The right of a State to legislate upon the subject of the elective franchise as to it may seem good, subject to the conditions already stated, being, as we believe, unassailable, we think it plain that the statute in question violates no right protected by the Federal Constitution.
>
> "The reasons which may have impelled the state legislature to enact the statute in question were matters entirely for its consideration, and this court has no concern with them." 193 U.S., at 632, 633–634.

I cannot so blithely explain *Pope* v. *Williams* away, as does the Court in its footnote 7, *ante*, p. —, by asserting that if that opinion is "carefully read," one sees that the case was concerned simply with a requirement that the new arrival declare his intention. The requirement was that he make the declaration *a year* before he registered to vote; time as well as intent was involved. For me, therefore, the Court today really overrules the holding in *Pope* v. *Williams* and does not restrict itself, as footnote 7 says, to rejecting what it says is mere dicta.

2. The compelling state interest test, as applied to a State's denial of the vote, seems to have come into full flower with *Kramer* v. *Union Free School District No. 15*, 395 U.S. 621, 627 (1969). The only supporting authority cited at that point is in the "See" context to *Carrington* v. *Rash*, 380 U.S. 89, 96 (1961). But as I read *Carrington*, the standard there employed was that the voting requirements be reasonable. Indeed, in that opinion Mr. JUSTICE STEWART observed, p. 91, that the State has "unquestioned power to impose reasonable residence restrictions on the availability of the ballot." A like approach was taken in *McDonald* v. *Board of Election Commissioners*, 394 U.S. 802, 809 (1969), where the Court referred to the necessity of "some rational relationship to a legitimate state end" and to a statute's being set aside "only if based on reasons totally unrelated to the pursuit of that goal." I mention this only to emphasize that *Kramer* appears to have elevated the standard. And this was only three years ago. Whether *Carrington* and *McDonald* are now frowned upon, at least in part, the Court does not say. See *Bullock* v. *Carter*, — U.S. — , — (1972).

3. Clearly, for me, the State does have a profound interest in the purity of the ballot-box and in an informed electorate and is entitled to take appropriate steps to assure those ends. Except where federal intervention properly prescribes otherwise, see *Oregon* v. *Mitchell*, 400 U.S. 112 (1970), I see no constitutional imperative that voting requirements be the same in each State, or even that a State's time requirement relate to the 30-day measure imposed by Congress by 42 U.S.C. § 1973aa–1 (d) for presidential elections. I assume that the Court by its decision today does not depart from either of these propositions. I cannot be sure of this, however, for much of the opinion seems to be couched in absolute terms.

4. The Tennessee plan, based both in statute and in the State's constitution, is not ideal. I am content that the one-year and three-month requirements be struck down for want of something more closely related to the State's interest. It is, of course, a matter of linedrawing, as the Court concedes, *ante*, p. 18. But if 30 days pass constitutional muster, what of 35 or 45 or 75? The resolution of these longer measures, less than those today struck down, the Court leaves, I suspect, to the future.

[Supreme Court of the United States, No. 70–13]

WINFIELD DUNN, GOVERNOR OF THE STATE OF TENNESSEE, ET AL., APPELLANTS, AGAINST JAMES F. BLUMSTEIN

On Appeal from the United States District Court for the Middle District of Tennessee, March 21, 1972.

Mr. CHIEF JUSTICE BURGER, dissenting.

The holding of the Court in *Pope* v. *Williams*, *supra*, is as valid today as it was at the turn of the century. It is no more a denial of Equal Protection for a State to require newcomers to be exposed to state and local problems for a reasonable period such as one year before voting, than it is to require children to wait 18 years before voting. Cf. *Oregon* v. *Mitchell*, 400 U.S. 112 (1970). In both cases some informed and responsible persons are denied the vote, while others less informed and less responsible are permitted to vote. Some lines must be drawn. To challenge such lines by the "compelling state interest" standard is to condemn them all. So far I am aware, no state law has ever satisfied this seemingly insurmountable standard, and I doubt one ever will, for it demands nothing less than perfection.

The existence of a constitutional "right to travel" does not persuade me to the contrary. If the imposition of a durational residency requirement for voting abridges the right to travel, surely the imposition of an age qualification penalizes the young for being young, a status I assume the Constitution also protects.

Mr. McGEE. In our committee hearings on voter registration, the Department of Justice opposed enactment of a Federal voter registration program on the grounds, among others, that it was unconstitutional. Of course, we are all constitutional scholars. There are 100 in the Senate, 435 in the House, and 200 million in the Nation. But only a few have any real voice in the matter, and only nine have any vote. I extend my sympathy to the former Attorney General, therefore, who directed the Department of Justice to point out the unconstitutionality of Federal legislation regulating durational residency requirements for Federal elections. He guessed wrong. I ask unanimous consent that the particular testimony of the Department of Justice be printed at this point in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF RALPH ERICKSON

If I may just recite that for the record I think it would be helpful. The abolition of durational residency in presidential elections can be justified on the basis that the offices involved are national and are intended to represent national interests. Senators and Congressmen on the other hand, are elected to represent the State from which they are elected. If a highly mobile population is permitted to vote wherever they please, regardless of their ties to or interest in the locality, then the fundamental constitutional concept of geographic representation is undermined.

Mr. McGEE. Mr. President, it has also come to my attention that during our consideration of S. 2574, the Department of Justice made numerous telephone calls to some of my colleagues urging them to vote against the voter registration bill. It is a sad irony that the Department of the Government of the United States charged with insuring voting rights for all citizens under law, for insuring the fair and impartial administration of justice, and charged, under our bill, with insuring that fraud does not occur in Federal elections spent its time lobbying against the enactment of legislation to simplify the procedures for citizens to register to vote.

The time for voting rights has come. The issue of simplified voter registration will not disappear, because of our setback last week. The Supreme Court has struck down another barrier to the people voting to have an effective voice in their government. Surely Congress will not be far behind.

MONOPOLY AND CORPORATE POWER

Mr. HARRIS. Mr. President, the issue of monopoly and corporate power is becoming increasingly important in the 1972 presidential campaign. When I introduced the Concentrated Industries Act last September, some people wondered whether Americans were really concerned about the dangers of unchecked corporate power. Since that time a number of things have shown that people do want action to protect their interests as consumers, workers, and citizens. The Federal Communications Commission responded to public pressure to reopen its investigation of A.T. & T.'s rates. The Federal Trade Commission has moved to break up the shared monopoly in the breakfast cereal industry. And every American has witnessed the sordid spectacle of high officials of the Justice Department and top executives of ITT explain on national television how big business gets its way with big Government.

In an effort to help stimulate thoughtful debate on these issues, Ralph Nader and Mark Green, two outstanding young advocates of the public interest, wrote to each of the presidential candidates—except President Nixon—asking for their views on monopoly and corporate abuses. I ask unanimous consent to have printed in the Record a summary of the responses they received, a copy of their request, and the full statements by the candidates. These statements indicate, I believe, that most of the candidates do appreciate the problem we face in this area and are increasingly willing to face up to the necessary solutions. I hope to hear a great deal more from them on these issues in the months ahead.

There being no objection, the items were ordered to be printed in the Record, as follows:

Views on Monopoly

"Why does the American public 'tolerate' the degree of monopoly we now have," the editors of the Antitrust Law and Economics Review recently asked; "[t]he answer is they don't know about it." In an effort to inform the American public about the degree and costs—both economic and political—of monopoly, and to try, as individual citizens, to help broaden a campaign dialogue, we sent a letter containing a series of questions concerning antitrust and corporate power to every announced Presidential candidate on January 14, 1972 (sample copy attached). Since President Nixon had already stated that he would not become involved in any campaign statements, he was not included. Enclosed are replies from eight candidates: Senators Humphrey, McGovern and Muskie, Mayors Lindsay and Yorty, Representatives Chisholm and McCloskey, and former Senator McCarthy. Those not replying included Senators Hartke and Jackson, Governor Wallace (his letter is enclosed), and Rep. Ashbrook.

The issue of corporate power has recently threatened to become the equivalent of race in the 1950s and ecology in the 1960s—problems of great magnitude but all avoided in that time. Instead of ignored, the extent and impact of corporate power should be the issue of the seventies. Some towns or countries are developed while others are abandoned; trade tariffs or quotas are written; inflation worsened or eased; technology implemented or suppressed; political campaigns decisively affected; American style and taste manipulated by advertising campaigns; consumers and employees damaged by product or industrial environment hazards—all are issues intimately affected by aspects of corporate power and antitrust.

For the first time within recent memory, major candidates for the Presidency are here taking positions on these subjects. Among others, Mayor Lindsay wrote that, "The real need is for a declaration of independence—independence of government from corporate domination." Senator McGovern noted that:

"I agree with both of your premises—that the accumulation of corporate power is among the most critical issues to be addressed in 1972, and that the American people deserve to know how the candidates stand, and what they propose to do, on issues of this kind.

". . . As a practical matter, the decisions made in the board rooms of these companies (the top 200) can have as much influence on the country's directions, and perhaps more, than decisions made in the United States Congress or in the White House."

According to Senator Muskie, "the fundamental question raised by this issue must be faced by our political leadership. . . . I intend to speak to these issues in a thoughtful and comprehensive manner during the forthcoming campaign."

Considering the replies as a whole, it seems to us significant that: of seven replies concerning federal chartering as a mechanism for corporate accountability, all seven said they would support the concept or seriously consider supporting it as President; of six candidates addressing themselves to the issue of corporate secrecy, all urged that corporations disclose more of their activities to the public; of five commenting on shared monopolies (oligopolies), four favored either deconcentration suits or legislation.

The ITT-Kleindienst hearings have begun to make antitrust a word of common currency. Perhaps with the aid of this dialogue, antitrust can become more of a subject of uncommon interest to decision-makers charged with implementing or shaping the national policy for a competitive economy.

[Identical letter sent to all announced candidates]

Washington, D.C.,
January 14, 1972.

Senator Edmund Muskie,
Old Senate Office Building,
Washington, D.C.

Dear Senator Muskie: As the 1972 Presidential race begins, we consider it appropriate to raise with each of the announced candidates an issue whose importance is only matched by its omission during campaigns: corporate power and antitrust policy. It is a problem of intimate impact on all Americans, touching as it does the pocketbooks of all consumers. It decisively affects the level of innovation, the level of inflation, the quality of goods and services, the extent of pollution and product hazards, the role of small business and professionals, the health and safety of employees, and, of course, the prices we pay. These are all issues of magnitude and moment and all are affected by corporate power and antitrust enforcement.

Corporations are clearly a dominant presence in our lives. They account for 56% of national income; listing the top corporations by sales and the top states by general revenues, 21 of the first 25 are corporations. One hundred and eleven industrial firms have over one billion dollars in assets while six hundred have over a hundred million in assets. Our top one hundred firms control about 50% of all industrial assets, or more than what the top two hundred held in 1950, the year Congress enacted the Celler-Kefauver Act; and today's two hundred largest firms control about two-thirds of industrial assets, the same share as was held by the *1000* largest in 1941, the year the Temporary National Economic Committee (TNEC) submitted its final report to Congress recommending an "Investigation of Concentration of Economic Power."

Even more troubling than this extent of so-called aggregate concentration has been the level of actual market domination by a few firms. The best estimates put the proportion of manufacturing value added occurring in monopoly or shared monopoly industries at over 60%. And a monopoly or shared monopoly means, by definition, that competition has ceased to function; a few corporate managements, either by explicit collaboration or by cue, act in unison to keep prices high and to reduce the consumer's moneysworth. Examples of such industries are many: automobiles (GM, Ford and Chrysler), aluminum (Alcoa, Kaiser and Reynolds), rubber tires (Goodyear, Firestone, U.S. Rubber and Goodrich), steel (U.S. Steel, Bethlehem, National and Republic), soaps-detergents (Procter & Gamble, Colgate-Palmolive, Lever Bros.) and cereals (Kelloggs, General Foods).

A secret staff report now at the Federal Trade Commission estimates that "if highly concentrated industries were deconcentrated to the point where the four largest firms control 40% or less of an industry's sales, prices would fall by 25% or more." Such problems go far beyond the esoterica of economic data. They impose real costs on real people. For example: there were once numerous competing milk firms in Minneapolis-St. Paul in the mid-sixties, but only three big milk firms in neighboring Duluth-Superior; although costs were similar in both markets, the half-gallon wholesale price in 1967 was 33.8 cents in Minneapolis-St. Paul, 45 cents in Duluth.

While there was once as many as 88 competing auto manufacturers in 1921, today the "Big Three" produce 83% of all cars sold in the United States and 97% of all domestic models; industrial economist Leonard Weiss, of the University of Wisconsin, has estimated that the noncompetitive state of the auto industry costs consumers $1.6 billion. The oil import quota, by keeping out much foreign competition, permits domestic oil firms to overcharge by an estimated $5–$7 billion per year; for the family of four in New York, it means an average of $102.32 added to gasoline and home heating bills every year. While all Americans paid an average of 20 cents for a loaf of bread in 1964, consumers in Seattle paid 24 cents, or 20% more, due to a local price-fixing conspiracy.

In the aggregate, the economic cost inflicted by industrial concentration can only be described as staggering. Monopoly tends to misallocate resources and depress production. As a result, our Gross National Product is smaller than it would otherwise be. It has been recently estimated by two eminent economists, William Shepherd and F. M. Scherer, that the overall cost of monopoly in terms of lost product (or "lost GNP") is between *$48 billion and $60 billion annually.* Further, Shepherd has estimated that monopoly redistributes wealth regressively by *$23 billion annually.* How? Scherer explains that "monopoly profits realized by industrial corporations transfer income from the average consumer to the relatively rich," since it is the wealthy who own the lion's share of all publicly held stock.

"Why does the American public 'tolerate' the degree of monopoly we now have," asked the Editors of *The Antitrust Law and Economics Review;* "The answer is they don't know about it." The fault, to an extent, must lie with public officials who have failed both to bring it to public attention and to take a stand on it. Whatever the reason, it can no longer remain hidden. The results are too expensive: they provide the superstructure for much of our present inflation; they lead to Lockheed-bailout situations, where firms become so big and important that they cannot be permitted to fail; they cause the retardation of pollution technology for which we all pay the piper; they lead to the consolidation of political power with economic power; and they inspire the expansion of government controls to deal with noncompetitive and hence unaccountable markets, *viz.* Phases I and II.

Attorney General John Mitchell recognized verbally the dangers in a widely reported June 1969 speech: "I believe that the future vitality of our free economy may be in danger because of the increasing threat of economic concentration by corporate mergers. . . . The danger that this super-concentration poses to our economic, political and social structure cannot be overestimated." More recently, Congressman Emanuel Celler has introduced a bill to consolidate and enhance the antitrust enforcement powers of the Justice Department and the Federal Trade Commission.

Senator Fred Harris has introduced a bill to decentralize our major monopolies into more efficient and competitive units. Senator Philip Hart, Chairman of the Senate Antitrust and Monopoly Subcommittee, has announced that he intends to submit his own version shortly. The Federal Trade Commission is on the verge of issuing a complaint charging the three biggest cereal companies with being an illegal shared monopoly.

All the foregoing, however, are just proposals. There are other proposals pushing in the pro-monopoly direction. The Nixon Administration has hinted for months that antitrust laws should be eased in order to permit mergers of domestic firms to improve their competitive position with their foreign competitors. It is anticipated that President Nixon will make just that recommendation in his State of the Union Address. But it has already been done for him by Senators Warren Magnuson and Daniel Inouye, who have introduced a bill which basically exempts export cartels from the reach of the Sherman Antitrust Act.

These and related issues all warrant the response of those public officials who seek the Presidency, that office best situated to change the thrust and pace of our antimonopoly enforcement. A Presidential campaign should candidly bring to the citizenry the great issues of the day and citizens, as well, should have an opportuntiy to stimulate such a response. We respectfully request, therefore, that you reply to the following questions. Our purpose is to compile the answers for distribution to interested citizens and press. We believe that the compiled answers will prove helpful to the American consumer in evaluating this vitally important matter.

(1) What our your views on the legislation proposed by Congressman Celler (H.R. 12004), and Senators Warren Magnuson and Daniel Inouye (S. 2754)? Do you favor the deconcentration of large shared monopolists—General Motors, for example—as would be accomplished by Senator Fred Harris' bill S. 2614?

(2) Do you agree with the antitrust enforcement policy of Presiden Nixon's Justice Department that conglomerates can and should be sued under prevailing antitrust doctrine but that shared monopolies cannot and should not be?

(3) Senator Nelson is holding a series of hearings inquiring into corporate secrecy. Do you think corporations should systematically make public, except in limited trade secret situations, the following information:

Profit and loss statements by product line;

Amount of pollution emissions and effluents for all product lines and plant facilities;

Occupational injuries and diseases suffered each year by type and number of employees affected;

Listing on the container or product the name and amount of all ingredients in the product;

Product testing, including test methodolgy, selection process and results, for every product marketed;

Public files of all consumer complaint letters, and documentation pro and con for all product hazards discovered internally or identified and alleged by outside parties;

Factual substantiation of all advertising claims.

(4) Do you think a new TNEC investigation should be called to probe and publicize economic concentration in America today?

(5) If elected President, would you consider supporting a Federal Chartering Act, which would require that large corporations doing interstate business get their corporate charters from the national government, rather than from the individual states as now?

(6) What are your general views regarding problems and solutions to corporate power and monopoly? What do you think of the following mentioned methods to achieve corporate accountability:

More "corporate democracy" and "shareholder rights";

Stronger and more frequently imposed white collar criminal sanctions;

More and better antitrust enforcement;

More and better health, safety and rate regulation;

"Public enterprise" (Comsat, Amtrak) or nationalized industries;

Appeals to corporate responsibility on the part of corporate managers;

Internal corporate due process to protect dissenters and to preserve constitutional rights of all employees.

Thank you for your considered responses.

Sincerely yours,

RALPH NADER,
MARK GREEN.

U.S. SENATE,
Washington, D.C., February 29, 1972.

MSSRS. RALPH NADER and MARK GREEN,
Washington, D.C.

DEAR SIRS: Your letter concerning corporate power and antitrust policy asks pointed and probing questions on a subject of great importance that has been of concern to me for many years. Although I have not been able to analyze the details of all the statements in your letter, I am in basic agreement with the view that there must be limits to concentrations of economic power and that antitrust enforcement should be a major means of limiting such concentrations of power. Furthermore, I agree with the premise that the maximization of consumer welfare is the talisman—not the value of small or big enterprise for their own sakes, but the production and delivery of a diversity of quality goods at low prices.

The subject is a vast, technical and complex one (as the length of your study report indicates) and would require a lengthy analysis for complete discussion. I am unable to provide that. I can, however, provide you with relatively brief answers to your specific questions.

(1) Your first question refers to three altogether different legislative proposals. H.R. 12004 was introduced by Congressman Celler to deal with economic concentration by setting up an administrative organization to control large corporate mergers, acquisitions and interlocking relationships. Your letter refers to this as "a bill to consolidate and enhance the antitrust enforcement powers of the Justice Department and the Federal Trade Commission." That conclusion is in question. The bill creates a new Office of Industrial Organization under a cabinet level Administrator; it repeals Section 2 of the Sherman Act, Section 11 of the Clayton Act, and all of the major regulatory statutes. The net effect of these changes is to take a very substantial part of the antitrust enforcement power away from the Department of Justice and the Federal Trade Commission and lodge it in the Administrator of the new Office of Industrial Organization. It is open to question whether this will increase the efficiency or effectiveness of antitrust enforcement or merely add a third agency to the two now engaged in antitrust enforcement. There have been no hearings on this bill yet, so we do not have the benefit of comments from the Department of Justice or the FTC. In any event, I would want the comments of my Attorney General in the next administration and other experts before approving such a major reduction in the enforcement powers of the Department of Justice.

The substantive provisions of the Cellar Bill are similar in many respects to existing antitrust statutes, but do contain some provisions that may be an improvement in existing law. The proposed prohibitions on interlocking directorships and officerships, for example, go considerably beyond the present provisions of Section 8 of the Clayton Act and seem to be a distinct improvement. On the other hand, the provision for direct appeal of antitrust cases exclusively to the Supreme Court is retained.

Nearly all scholars who have studied this subject, including the Supreme Court itself and the Assistant Attorney General in Charge of the Antitrust Division under both Democratic and Republican administrations, have all concluded that this is an outmoded procedure which actually handicaps antitrust enforcement. In most cases, a Court of Appeals is able to give more expeditious and thorough review to a case than the Supreme Court, and for many years the Department of Justice has advocated eliminating or modifying this provision. This is a technical matter that illustrates the difficulty of now stating before hearings an overall judgment on this bill in its present form.

S. 2754, introduced by Senator Magnuson and Senator Inouye, is a very long and comprehensive proposal to expand U.S. exports. The bill, I notice, has 13 titles relating to such subjects as the establishment of an International Commerce Service (similar to the State Department Foreign Service), establishment of a Trade Development Corps, grants to state and local governments, an export trading program, regional American merchandise centers, export commercial paper, ocean freight rate disparities and other related matters. Many of these provisions seem worthwhile and the sections dealing with ocean freight rate disparities strike at a long standing abuse.

However, since the focus of your letter is on antitrust, I assume that you are concerned with the provisions dealing with chartered export associations. This title would give eemption from the antitrust laws to chartered export associations. This title would give exemption from the antitrust laws to chartered export associations approved by the Secretary of Commerce. It is similar to but broader than the present Webb-Pomerene Act. I am told that the Department of Justice has presented testimony on this bill criticizing provisions of Title VII and opposing their enactment.

I am inclined to oppose these provisions, but neither my staff nor I have been called upon to study the bill since it has not yet reached the floor, and I would want to see if there is persuasive evidence that the bill is in the national interest by stimulating trade and assisting our balance of trade position. The notion that there should be a favorable balance of payments is, of course, at the root of the Magnuson proposal, but reducing competition and hence output and efficiency is neither the means to the end nor a price worth paying. Reducing competition is simply not the way to make industry capable of producing efficiently, having effective research, adopting dynamic marketing techniques, and so on.

S. 2614, introduced by Senator Harris, is a bill which embodies recommendations of the White House Task Force on Antitrust Policy.

In introducing the bill, Senator Harris said that in his view all of the evils at which the bill is aimed are "already illegal under existing antitrust law." The FTC has recently brought suit against the four largest manufacturers of breakfast cereal on what is reported to be a theory of "shared monopoly" or oligopoly in action. There will, of course, be hearings on this bill before it is presented for legislative action. I will want to study and weigh the testimony and evidence of the hearings on the bill, as well as observe legal and economic developments in this area, in order to determine the need and desirability of such legislation before it is presented to me for action.

(2) The conglomerate problem involves primarily a concern for bigness and for concentration of wealth and the political and social power which accompanies such concentrations. And, the present Attorney General and the recent Assistant Attorney General in charge of the Antitrust Division have made some stirring speeches about the dangers of monopoly and economic concentration. However, their record has been considerably less impressive than their speeches. It has been a record of lost motions, moot questions, consent decrees, lost cases. The present Department of Justice has demonstrated that it can start antitrust suits against conglomerate mergers.

The FTC has recently shown that it can start proceedings against companies having "shared monopolies," hardly a new doctrine. It seems to me that the facts speak for themselves. The antitrust laws, like most other laws, are enforced effectively not by speeches or filing a few headline making cases, but by continuous, vigorous, fair and effective enforcement, day after day and month after month. This is the kind of antitrust enforcement I favor and will provide, and, in the long run, this is the only way to make the laws effective.

(3) I favor full disclosure of all information that may be significant or useful to consumers and to those concerned with effective operation of the economy. There should certainly be encompassing and effective laws or regulations requiring the disclosure to consumers of the identity, ingredients and significant characteristics of products. We must recognize that implementation of this principle is complicated and difficult, but we have made substantial progress in this area over the years and I'm confident that a new administration, truly responsive to consumer needs, can secure the promulgation and enforcement of effective laws and regulations requiring factual disclosures to consumers on labels and containers and substantiation of factual advertising claims.

With respect to a financial statement by product lines, such information may in fact enable the government better to ascertain where markets are monopolistic. With respect to the amount of pollution emissions and effluents for all product lines and plant facilities, this kind of information should be made public. Occupational inquiries, product ingredients, and product testing information should be made public. Public files of consumer complaints and factual advertising substantiation ought to be made public.

But we must recognize that the way to get disclosures on all of these categories is by having an administration dedicated to the public interest which will staff the departments and agencies with energetic and like-minded officials. If new laws should be needed to require disclosures necessary to protect consumers, workers or the public, I will not hesitate to advocate and actively seek appropriate legislation.

(4) A White House Task Force on Antitrust Policy was appointed by President Johnson and rendered a report in July 1968. A Task Force on Productivity and Competition was appointed by President Nixon and rendered a report in February 1969. Neither report has received much attention or study and from all appearances the present administration has sought to bury both reports. There has been no discussion of either report by a responsible spokesman of the present administration.

It seems to me that there has been too much of a tendency to appoint a study group and thereafter ignore it altogether. Certainly that has been the case in this administration. On the other hand, the two White House Task Forces have engaged only in surveying published work and rendering their own analysis and expert opinion. Although a great body of literature does exist, I do think that there should be a new effort to gather factual evidence regarding the question of economic concentration in the United States today.

More studying, however, ought not to hold up taking action when evidence is clear. I do not have a firm opinion whether this additional investigation can best be done by establishing a new commission, on the model of the TNEC, or by utilizing some one or more of the existing agencies on Congressional committees. I think that this is a subject for investigation and would certainly insist upon having current factual evidence on this subject gathered as a basis for decision and action by federal agencies.

(5) The question as to whether there should be a Federal Chartering Act for large corporations doing interstate business implies that the powers of the federal government to regulate corporate activity in interstate commerce are subject to legal limitations. I am not a lawyer, but it seems to me that the decisions of the Supreme Court in recent years have held that the federal government has all the authority that it needs to achieve any social objectives with respect to corporations engaged in interstate business. Is there a special purpose in having a corporation chartered by the federal government rather than by one of the states?

The important issues involve substantive matters with respect to conduct that is permitted, require or forbidden. The substantive laws are, of course, enacted by Congress and the issues have not concerned the power of the federal government to act but rather the desirability of proposed kinds of government action. I am not aware that any of the substantive problems will be simplified by the adoption of a Federal Chartering Act. If that should prove to be the case, and if it appeared that there were problems which required the federal chartering of large corporations, I would certainly support such a statute.

(6) In general, as indicated above, I believe that there must be limits set to the concentration of economic power and monopoly and that we must have sustained and vigorous enforcement of the antitrust laws in order to achieve this. However, the antitrust laws are not, by themselves, adequate to insure either the structure or the performance that we desire in our economy. There are many other provisions of law and government action that are also important. For example, the tax laws have done much to encourage mergers and acquisitions. It is quite possible that appropriate revisions in the tax law may be as effective, or more effective, than antitrust prosecution, in determining large corporate mergers.

Certainly corporations, as large aggregations of economic power, should have internal due process to protect the rights of their employees as well as their stockholders, and we should have more corporate democracy and greater legal concern for the rights of both employees and stockholders.

I am in favor of more and better health, safety and rate regulation, as well as more and better antitrust enforcement. Ultimately we must have a widespread recognition by the majority of corporate managers that business has a social responsibility, as well as the opportunity to earn a profit. We can accomplish much by laws and law enforcement. However, there are limitations to what can be accomplished by laws and law enforcement. In order to achieve the best of which we are capable, we must have leadership by the government together with an active sense of social accountability by responsible citizens and business leaders. Business, business leaders and other citizens must demonstrate a willingness to assume the full burdens of social responsibility in achieving the social goals which most of us share.

Sincerely,

HUBERT H. HUMPHREY.

U.S. SENATE,
Washington, D.C., February 29, 1972.

Mr. RALPH NADER and Mr. MARK GREEN,
Corporate Accountability Research Group,
Washington, D.C.

DEAR RALPH AND MARK: Thank you very much for your letter inviting my views on the trend toward economic concentration in the United States.

I agree with both of your premises—that the accumulation of corporate power is among the most critical issues to be addressed in 1972, and that the American people deserve to know how the candidates stand, and what they propose to do, on issues of this kind. I am, therefore, presently preparing a detailed series of recommendations to deal with economic concentration. I hope you will regard what I have to say now as an interim response to your questions, and that you will also examine the more detailed recommendations I will be making in the weeks ahead.

(1) The Celler Bill to bring the anti-trust enforcement powers of the Justice Department and the Federal Trade Commission into a single unit would be a useful step, and I support it. However, this must be done under terms assuring that the new agency will be completely independent of political pressures.

I am opposed to a special anti-trust exemption for export firms as Senators Magnuson and Inouye have proposed, first because it would deny protection to our own consumers and domestic competitors and, second, because it could create as many problems as it would solve with respect to foreign competition. We have sufficient experience to know that monopoly power tends to worsen problems of inefficiency.

I have joined as a cosponsor of S. 2614, and it has my full support.

(2) I do not. Shared monopoly is much more of a threat to competition than the conglomerate, and that, rather than artificial organizational distinctions, must be the ultimate test in determining whether anti-trust enforcement should be applied.

(3) Yes. Corporate secrecy should be sharply limited to cases in which the information bears on trade or marketing secrets and in which release would deny the company a competitive advantage it has earned. All of the subjects listed are appropriate for shareholder and public review. As you may know, I have introduced legislation requiring substantiation of advertising claims and product testing.

(4) Yes. Although there may be better vehicles than the Temporary National Economic Committee used in 1941, I would support a current thorough investigation of economic concentration and its implications.

(5) Federal chartering would be of limited value in the abstract, but it could serve as an important vehicle for enforcing public interest limitations on corporate activities. Unlike the extremely liberal acts of most states, a Federal Chartering Act would have to be carefully drawn to achieve those results. In addition, I would consider federal chartering as a supplement to state statutes, rather than a substitute, to permit state regulation as well.

(6) The trend toward economic concentration raises at least two issues for serious debate and action.

First is the decline in competition itself, and the harmful consequences which follow from that trend—rising prices, a lack of innovation, inefficiency, and industrial stagnation. We have long since made the value judgments on this issue, and we have chosen in favor of protecting free enterprise against monopoly and monopolistic practices. The priority need here, therefore, is for better enforcement of existing anti-trust laws and for new legislation, where necessary, to account for changes in the nature of the economy and for methods of bringing about the results of monopoly which could not have been contemplated during consideration of the original Sherman and Clayton Acts.

On the second issue we have really made no value judgments, except by default. I refer here to the role played by the large corporations in both defining and shaping our political and economic institutions, and it is an issue which should concern us regradless of whether or not competition can be preserved.

Government thus far has made no attempt to regulate or discourage bigness *per se;* in fact the most passionate arguments have been made against efforts of that kind.

But it seems to me that there are profoundly important reasons for at least examining what it means when just six firms receive one quarter of all manufacturing profits, or when 200 firms control two thirds of all industrial assets. As a practical matter, the decisions made in the board rooms of those companies can have as much influence on the country's directions, and perhaps more, than decisions made in the United States Congress or in the White House. Further, because of traditional methods of political financing, those companies have had the power to assure that their interests will be protected regardless of what else government does, and regardless of which party is in office. And protection of their interest can easily mean neglect of important public needs.

One way to respond to this growing corporate power is for the Federal government to use its own considerable influence as the country's biggest consumer, as has been done to some extent with respect to automobile safety standards. Federal procurement standards can certainly influence corporate priorities. They could also have a bearing on corporate size, and on such problems as runaway industries.

But in any case, considering the whole of our economy, I am not philosophically ready to say that such bigness is either inevitable or acceptable. I do not welcome the trend toward proportionately fewer independent entrepreneurs and proportionately more dependent employees because I think it has a negative impact not only on the goal of a free economy but also on the nature of our polical and social systems.

On the specific points you raised:

(a) There is certainly room for improvement in the area of shareholder rights, including access to information of the kind discussed in an earlier question. At the same time, however, I do not see much of value to be gained by attempts to remake the corporate structure in the image of political democracy, in order to influence its decisions in favor of the public interest. Certainly the public interest should be raised in corporate decisions, and that is one reason for favoring the inclusion of public directors on corporate boards. But we have to recognize, too, that the essential purpose of these institutions, and the reason shareholders invest in them, is to make money. It is probably futile and also unreasonable to expect them to perform the government's role as well. If government offers profits in exchange for the production of napalm, for example, I think it misses the mark to assign the primary blame to the corporation rather than to the government. To cite another case, it is at best a chancy proposition to expect that an industry which pollutes air and water will voluntarily end those practices so long as they are permitted by government. We urgently need government that is more responsive in these areas, and I intend to press for that goal. It is more realistic and more attainable than seeking corporations which are willing to regulate themselves.

(b) It is ludicrous to expect maximum fines of $50,000 to deter crimes which can net millions of dollars. It makes far more sense to deny the violator any benefit than to levy fines of treble damages, or, where appropriate, to impose prison terms on top of economic penalties. The fact that prison terms have been given on only three occasions in the entire history of anti-trust enforcement clearly documents the need for more rigorous application of existing sanctions.

(c) The consolidation of anti-trust law enforcement agencies could accomplish a great deal within the context of existing law. Since the decision as to whether or not to prosecute these cases is so obviously susceptible to political pressures, such decisions should not be made by political appointees serving at the pleasure of the President.

(d) I agree on each point. The Occupational Health and Safety Act has been a severe disappointment thus far from the standpoint of all parties, and it needs both revision and more vigorous implementation. Similarly, existing regulation on rates is exceedingly uneven at best. In many cases it appears that regulatory commissions exist to ratify and legitimatize, rather than to prevent, excessive rates.

(e) This may be appropriate in some areas, particularly in the few instances—such as power generation and transmission—where competition is not a practical alternative, and where the public interest is deeply invalued. I would, however, generally prefer steps to preserve and restore competition where that can be done.

(f) Such appeals should certainly be made, but they cannot effectively substitute for government steps to remove the profitability from or prohibit activities which are contrary to the public interest.

(g) The nation's labor unions have accomplished a great deal in this respect. I am still studying the question of whether it would be appropriate for the Federal government to adopt legislation extending similar rights to that proportion of the work force which is not unionized, and I have not yet reached a conclusion.

With every good wish, I am

Sincerely,

GEORGE MCGOVERN.

U.S. SENATE,
Washington, D.C., January 27, 1972.
Messrs. RALPH NADER and MARK GREEN,
Washington, D.C.

GENTLEMEN: Thank you for your letter of January 14 concerning economic concentration in the United States. I am glad you have raised these issues of paramount importance to our society. I, as well as you, feel that the fundamental question raised by this issue must be faced by our political leadership.

I have been concerned about these issues and my staff has been doing intensive research on them. I intend to speak to these issues in a thoughtful and comprehensive manner during the forthcoming campaign.

I also shall answer your detailed questions in the very near future, as soon as I can give some thought to them.

Sincerely yours,

EDMUND S. MUSKIE,
U.S. Senator.

U.S. SENATE,
Washington, D.C., February 4, 1972.
Messrs. RALPH NADER and MARK GREEN,

GENTLEMEN: I would like to respond to the questions you raised in your letter of January 14 concerning my position on the concentration of industry and on antitrust policy. Because you have asked specific questions, I shall make my response to them as brief and to the point as possible.

As I noted to you in my interim response to your letter, I intend to discuss the question of competition and monopoly in the forthcoming campaign.

In answer to your specific questions:

1. Congress clearly needs to reexamine the antitrust laws in the light of present day realities and revise them as necessary to provide the tools to deal with the problems of economic concentration. Also enforcement of present antitrust laws must be more vigorous and more consistent. I feel that Section 2 of the Sherman Act and Section 5 of the Federal Trade Commission Act can be used effectively to combat the problem of concentration. I have under study proposals that will address the need of further legislation to deal with the problem of economic concentration.

2. I feel that prevailing antitrust doctrine permits suits against conglomerates as well as the so-called "shared monopolies" or oligopolies. The present action of the FTC against cereal manufacturers is a good example.

3. I agree that corporations should make public, subject to the limitations to which you refer in your question, all of the seven categories of information you list in your third question.

4. I very much favor a new TNEC investigation to focus public attention on the question of economic concentration.

5. If elected President, I would consider supporting a Federal Chartering Act.

You know of my commitment to increased corporate responsibility. The methods you suggest are useful tools toward that end, although public ownership may be appropriate in particular cases, like Comsat, but not in others.

Sincerely,

EDMUND S. MUSKIE,
U.S. Senator.

THE CITY OF NEW YORK,
OFFICE OF THE MAYOR,
New York City, N.Y., March 7, 1972.
Messers RALPH NADER and MARK GREEN,
Washington, D.C.

DEAR MESSERS. NADER AND GREEN: Enclosed is my response to your questionnaire on Corporate Power.

With best wishes.

Sincerely,

JOHN V. LINDSAY.

STATEMENT BY JOHN V. LINDSAY ON CORPORATE POWER AND ECONOMIC CONCENTRATION

During the six years I have served as Mayor of New York City, I have become increasingly aware of the costs of concentrated power in America—public and private. Unchecked private power, no less than arbitrary public power, seriously threatens a free society. The antidote for both involves diffusion of power, disclosure of information needed to make intelligent choices in the public and private marketplace, and access to decision-making by those most directly affected by it.

In the last five years New York City has pursued more vigorously than any government in the nation a campaign to protect the public and the consumer from unfair or unwarranted actions of business.

We have established the first Department of Consumer Affairs in the nation, which has enacted tough regulations to give consumers the information and tools needed to stand on an equal footing with industry. These include strong rules against deceptive advertising, the country's first municipal unit-pricing law to enable consumers to shop comparatively, and an open-dating law to give consumers full information about food freshness.

We have established in that Department an Office of Consumer Advocacy, authorized to bring class actions on behalf of aggrieved consumers.

We have been the first City in the nation to establish a Consumer Protection Division within its Department. We have instituted over 20 anti-trust cases and secured millions of dollars of refunds for consumers, including $37 million from price-fixing drug companies.

We have brought suit against unjustified telephone rate increases and demanded that any such increases be linked to service.

We have established a cabinet-level committee, with full time staff, to monitor the City's public utiilties and represent users before regulatory commissions, the first effort of its kind by any city in the nation.

We have brought consumer protection programs to the people through neighborhood offices to assist individual consumers in gaining redress from offending businesses.

We have scrutinized, scaled down, and, in some cases, rejected plans for construction of electric power plants, in order to preserve the quality of New York's environment.

We have cast the shares in New York City's pension fund on behalf of the corporate responsibility proposals submitted by

Campaign GM, the only government in the nation to do so.

Many of the needed reforms of big business, however, are beyond the range of even the most active local government. The growing concentration of economic power has become one of the root problems of the American economy. In industry after industry, the basic decisions that shape our economic lives—decisions on wages, prices, product quality, product safety, and pollution—are made not by the anonymous forces of the marketplace, but by a handful of corporate executives.

Instead of acting as a check on big business, the federal government has too often acted as its silent partner. One by one, steps taken to control private power have been undermined and diluted. The anti-trust laws have never been systematically directed against "shared monopolies." The securities acts of the New Deal have made corporations disclose information needed by investors, but have left vital public questions unanswered. The regulatory agencies have shielded some industries from competition rather than subordinating them to the public interest.

Last year, President Nixon spoke of a "New American Revolution"—which turned out to be no more than a reshuffling of federal bureacracies. The real need is for a declaration of independence—independence of government from corporate domination. It must include the following guarantees:

1. *Corporate Information and Disclosure:* The executives of some of our largest corporations have as much discretionary power over the lives, lungs, and pocketbooks of American citizens as do our Governors. Yet it is often impossible for public officials and private citizens to probe the soundness of those decisions because they are cloaked in secrecy. Corporations should, of course, be permitted to preserve legitimate trade secrets. However, they should be required to disclose information dealing with the public impact of their private decisions.

Specifically, I propose a Corporate Freedom of Information Act which would require an *annual report to the public* with the following information:

1. Profit and loss by product line;
2. An Environmental Impact Statement specifying the amounts and kinds of pollution discharged;
3. Job-related employee health and safety data;
4. Contents of each product as well as the unit price where appropriate (which would also be listed on the product container);
5. Results of product testing;
6. Factual substantiation of advertising claims;
7. Consumer complaints, recognized product hazards, and records of recoveries by consumers in defective product suits.
8. Corporate lobbying expenses and all contracts with government officials involved in decisions affecting the company.

In addition to opening up corporate decision-making to public scrutiny, government decision-making involving the regulation and supervision of business should be taken from behind closed doors. Anti-trust settlements, private rate-making, and the formulation of regulatory policies are particularly susceptible to political interference and should therefore be placed on the public record.

2. *Anti-trust and deconcentration:* The anti-trust laws must be made to apply to the giant "shared monopolies"—great corporations which co-ordinate their prices and thereby extract a premium from the consumer's dollar.

There is considerable support for the proposition that existing anti-trust laws can be effectively employed to proceed against oligopolistic industries. However, to the extent that existing legislation is inadequate, I support new legislation to give the government a clear mandate to proceed against "shared monopolies." I support the recommendations of the Neal Task Force on Anti-Trust, empaneled by President Johnson, that the growth of the handful of mammoth corporations which control some of our most critical industries should be stopped and their power reduced. I subscribe to the basic objectives of the Harris bill.

I also endorse the general approach of the proposals to shift the burden of justification to corporations proposing mergers with significant economic impact. This will provide a useful tool for anti-trust enforcement.

I am not convinced however, that removing enforcement power for structural anti-trust offenses from the Justice Department and the FTC and establishing a new Office of Industrial Organization, will provide substantial benefits. The only guarantee of a vigorous anti-trust policy is a President thoroughly committed to one and a public that is aware of its stake in anti-trust enforcement. An anti-trust President will appoint an anti-trust Attorney-General and ensure an anti-trust Justice Department.

I oppose any effort to broaden the anti-trust exemption for export cartels and, instead, call for repeal of the special provisions allowing such cartels.

The alarming concentration of two particular industries—energy and agriculture—deserve special attention. Oil, gas, coal and atomic fuel ownership is becoming increasingly mingled, under the benevolent gaze of the Federal Power Commission. New legislation may be necessary to divest this common ownership wherever feasible. The entry into agricultural production by giant, non-farm conglomerates threatens the existence of the small and efficient independent farm in America. I support the legislative proposals to prohibit vertical integration into agriculture by large, non-farm corporations and force the divestiture of existing agricultural holdings by these corporations.

The Nader questionaire suggests a new set of national hearings modeled on the TNEC hearings on economic concentration held in the late 1930's. I propose a broader investigation, into the nature and extent of corporate power, not simply within particular industries but in the economy as a whole. The investigation should encompass:

1. The conglomerate merger movement;
2. Economic concentration through vertical and horizontal integration;
3. Economic effects of state and federal regulation in communications, power, oil, agriculture, shipping, ground transportation, airlines, professional regulation, and other fields;
4. Corporate involvement in government decision-making, including the extent of corporate lobbying and expenditures in political campaigns;
5. Tax, subsidy, and tariff concessions enjoyed by corporate interests.

Such hearings should be—as a matter of law—undertaken every ten years.

1. *Regulation and subsidization:* A Senate committee recently estimated that the federal government gives out $63 billion in subsidies every year—a major fraction to narrow business interests. These subsidization policies have often developed without extensive public debate and are often maintained long after their original purpose has been exhausted. As a result, they are often contradictory, dysfunctional, and counter-productive. Oil companies, shipping companies, agri-business corporations, and trucking firms are among those who receive a generous boost from the American taxpayer.

Other regulatory policies have the effect of transferring money directly from the consumers pocketbook to the bank accounts of favored industries. Government-imposed oil import quotas nick every American family for over $100 a year. A government-sponsored price fix for truck transportation raises the cost of virtually everything we buy and use. Airline tickets cost more because the government fences out competition. Telephone charges increase constantly while a basic re-examination of the phone company by government gets bogged down in intragovernmental buck passing.

I propose the following:

The abolition of oil import quotas as recommended by President Nixon's own Task Force and vetoed by the White House.

A thorough and comprehensive review of federal subsidies—direct payment, tax loss, and in-kind services—to determine which are essentially private windfalls and must be abolished or modified.

Elimination of minimum rate regulation and entry controls for all forms of transportation—air and surface.

A strengenthened FCC investigation of ATT rates with the full cooperation of all government agencies.

Tighter regulation of large, national corporations is imperative. Because of their pervasive impact on our lives and their deep involvement in government, they have become, in many cases, essentially "quasi-public" entities. Such regulation—over the social impact of corporate decisions, over the scope of shareholder rights, and over public access to corporate information—can only be accomplished on the federal level. It can be carried out either under the rubric of federal chartering or by special legislation, such as the Corporate Freedom of Information Act, the "shared monopoly" legislation and the other legislative proposals I have suggested. The practicality and value of federal chartering as the method to achieve tighter regulation deserves serious consideration.

Effective Consumer Remedies: As long as the marketplace is an ineffective mechanism for protecting the consumer, new methods must be devised to ensure that he will not be victimized by excessive corporate power. I support:

Legislation to facilitate the initiation of consumer class actions.

A Federal Consumer Protection Agency, with the power to intervene on behalf of consumers before all federal agencies and the ability to bring class actions on behalf of consumers.

The encouragement of public interest advocates by permitting the deductability of contributions to such tax exempt entities and permitting public interest law firms to pursue litigative strategies without endangering their tax exempt status.

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 18, 1972.
Mr. RALPH NADER and Mr. MARK GREEN,
Washington, D.C.

DEAR MESSRS. NADER AND GREEN: I am pleased to respond to your letter of January 14, discussing corporate power and anti-trust policy in America. I am, of course, very familiar with your work in this area and want to take this opportunity to note how great a debt is owed to you by the unemployed, the working man and the consumer of this nation.

My campaign is based on many of the assumptions which your previous work and your letter support. At the heart of my campaign is the conviction that the concentration of economic power and wealth in America is largely responsible for many of the internal social problems we face today, and that the Nixon Administration, so closely allied to and dependent on big business, is either unwilling or unable to act effectively for the public benefit.

My position papers will elaborate on this theme. In the enclosed copy of my economic policy position, I have called for increased corporate income taxes as part of major tax reform. The enclosed position paper on our criminal justice system calls for greater attention to white collar crime including price-fixing, perjury, bribery, and antitrust policy, and the environmental policy paper documents the servile knuckling under of the Nixon Administration on pollution matters. Other position papers on health and consumer affairs will similarly show how great is the influence of big business on all facets of American society and our foreign policy as well. Copies of these papers will be forwarded to you as soon as they are published.

I stand on such a platform with the knowledge that the leading candidates for the Democratic nomination, according to the polls, may well eventually find themselves beholden to wealthy, corporate contributors whose influence could remain considerable during their administrations. I offer my candidacy without the endorsements or support of the rich, feeling myself to speak out candidly and realistically on the key issues.

I address myself to your specific points, which rightly provide for the dispersal of economic power and greater governmental authority to force changes in the structure of our economic institutions.

(1) I support and will vote for Congressman Celler's Corporation Control Act, H.R. 12004. I expect to oppose S. 2754. I most emphatically support Senator Harris' bill, S. 2614, and will work for the deconcentration of large shared monopolists.

(2) No.

(3) Yes.

(4) Yes.

(5) Yes.

(6) I support each and every one of the methods you suggest. May I note that I have doubts about the likely success of our "public enterprises" such as Comsat and Amtrak. The superior performance of the nationalized railroad system in Europe suggests that nationalization be seriously considered for such enterprises here. You have proposed, I believe, that corporate managers be made personally liable for corporate responsibility. To some extent, as you may know, this idea is already in practice in Italy where I understand owners and managers have been jailed for pollution offenses. I feel this proposal has real merit.

May I close with the comment that I am devoting my political career to turning this country around, to reversing its priorities and ending the unfairness, injustice and inequality which permeates our national life. In dedicating yourselves to the same cause, you give me the confidence to believe that this effort can succeed, despite the enormity of the task. I earnestly hope your letter and related activities will encourage more political figures to begin to challenge the political and economic power of the corporate state, and its ability to impose its will on the Nixon Administration and its distorted values on the American people.

Sincerely,

SHIRLEY CHISHOLM,
Member of Congress.

SHIRLEY CHISHOLM SPEAKS OUT

PRESIDENTIAL CAMPAIGN POSITION PAPER NO. 4—THE ECONOMY

The disastrous performance of the economy under the Nixon Administration can be largely understood as the result of the Big-Business orientation of this government and its utter disregard for critical problems of the consumer, the worker, and the unemployed poor. Millions of low-income Americans have deeply suffered from the Nixon Administration's callous handling of the economy. The Nixon recession has, of course, created tragic side effects—increased crime, increased welfare rolls, and widespread despair among the poor and unemployed of America over the moral intentions of this Administration.

More and more Americans now realize how close is the Nixon Administration's alliance with the huge corporate interests of this country. They remember clearly when, six days after his inauguration, President Nixon announced that the government would not intervene in price and wage discussions. They remember very clearly when the Administration calmly admitted that an increase in unemployment in America would be necessary to reduce inflation. The result of this passivity towards the rich, on the one hand, and this incomprehensible coldbloodedness toward the worker and the poor on the other, has been the worst possible economic crisis—virtually complete economic stagnation, increased and continuing inflation, record-high unemployment, the first trade deficit since 1893, a huge balance of payments deficit, a world monetary crisis and forced devaluation of the dollar.

The economic record of this Administration is very clear, and its statistics are appalling for the average American taxpayer. The cost of living in America has risen under this Administration at a rate double that during the previous Administration. Food prices have skyrocketed, the cost of owning a home has soared, medical and hospital costs have shot beyond control. Local transit fees have gone up 18%. Basic commodities such as copper and steel mill products increased in the first year of this Administration to the percentage increase during the entire eight-year period from 1961–8.

Nixon policies have caused the largest increase in unemployment in over a decade, an increase from 3½% to over 6% of the labor force, or 2 million jobless workers. The unemployment rate for construction workers has more than doubled. The unemployment rate for manufacturing employees has almost doubled. The number of workers forced to live on unemployment compensation has doubled. The unemployment rate for Black Americans has climbed to over 10%. Black teenage unemployment is at an intolerable 38%. There is little sign that this aloof Administration has any real concern for the personal impact of unemployment in terms of relatives out of work, or for its social impact in terms of Black and youth unemployment.

While prices have soared and the low-income worker has lost his job, the Nixon Administration's bungling has virtually halted this nation's economic growth. The industrial production index fell steadily during the past 3 years and the real Gross National Product declined. The cost of borrowing has risen at an alarming rate with interest rates soaring to the highest level in 100 years. Housing construction has fallen more than 20%. State and local governments have been unable to borrow for vital public projects, so they have had to close schools or saddle taxpayers with burdensome interest costs.

The Nixon recession represents the fourth major recession of the past 20 years—all having occurred under Republican Administrations. At the root of it all is the unique, privileged relationship which these Administrations have enjoyed with this nation's giant corporate and industrial interests, whose arrogant power has for too long been permitted to control Washington and thus, all our lives. In the time-honored Republican tradition of "what is good for General Motors is good for the country," this Administration refused to act when, at the outset of its first year in office, big business cooly and confidently proceeded to announce huge price increases on a wide range of products. As prices began to rise along the entire economic front, the Administration then began to cut back on government spending in an effort to cool the inflation.

Which were the federal programs to be cut? Federal assistance to libraries and related community services, education centers, aid for handicapped children, bilingual education, community health centers, medical libraries, and health research facilities, assistance to medical schools, and consumer assistance. Jobs in these vital fields were abolished, and people were thrown out of work. The Job Corps Program has been substantially reduced and the Office of Economic Opportunity is being gutted.

At the same time, this Administration energetically pushed those wasteful and enormously expensive programs benefitting its big business constituency—the ABM, SST, the C5A, Lockheed, highway construction, and unjustified subsidies for corporate farms.

By slashing domestic programs, by continuing the 10% income tax surcharge, and by its tight money policy of high interest rates, the Nixon Administration sacrificed the ambitions and energies of millions of low-income Americans, those who could least afford to bear the burden of such a sacrifice.

We had heard much in the 1968 campaign of Nixon promises of jobs and training for Black Americans, and of his "firm" support for "Black Capitalism." One look at the record and at the ghettos of America's cities shows the utter emptiness of those campaign promises. The only action by the Administration to promote "Black Capitalism" was the creation of an office of Minority Business Enterprise in the Commerce Department, an office with no authority to make loans or to fund or supervise programs. One after another of the helpless officials of this program have, not surprisingly, been forced to quit.

With the Nixon Administration having virtually destroyed any hope for improvement in the miserable economic position of the poor and the low-income worker, Congress acted. It passed a law to provide hundreds of thousands of immediate jobs to the unemployed—and the President vetoed it. Congress passed a bill providing Day-Care Centers for children, whose mothers could then join the work force, and the President vetoed it too.

The Administration then turned around and, showing where its real interests lay, acted to give billions of dollars of tax relief to business via the 10% investment credit, on top of its $4 billion a year depreciation "reform." The President killed an effort to limit political campaign contributions by the rich, in full knowledge that he will count on these huge sums to buy his re-election next November. So this incredible story ends—with the chairman of the board of General Motors earning a salary of ¾ of a million dollars in 1971 at the same time that the unemployed in Seattle have so little to eat that Japan feels obligated to ship food to help them survive.

More and more thoughtful Americans, including a growing number of businessmen, have been shocked to learn of the economic inequality and exploitation which are destroying the very fabric of American society. They have come to realize that this is a government of, by, and for big business. The Nixon Cabinet and other top officials in the Administration represent one of the greatest concentrations of individual wealth in the world, and, as such, they predictably resisted for so long the use of the powers of the Presidency in curbing the inflationary pressures that have been destroying the value of the American dollar. This country can no longer stand the Nixon Administration's divisive and incompetent economic policies.

The economic philosophy of the Nixon Administration is based on the principle that the business of America is business. This being the case, the economic reality for the inexperienced and untrained Black man and the poor will be "last to be hired and first to be fired." This is an Administration which ignores the social and psychological costs of its policies to the common man. It is an empty shell, the tool of slick advertising techniques, the prisoner of narrow political allegiances, and the faithful servant of those privileged and selfish economic interests which systematically block every attempt to narrow the great gap between the rich and the poor in this country.

If this Administration again triumphs at the polls in November, we can expect further abuse of the poor. We may expect new regressive taxes, such as a national sales tax (value added), which will fall on those least able to afford. There will be substantial, new increases in defense spending, new space shuttle, and fat new contracts for the war industry. Those programs tending to eliminate some of the intolerable inequities of our economic system will continue to be vetoed. Funds for an adequate family assistance program will be cut and slashed.

Rebuilding and revitalizing the society after four traumatic years of the Nixon Administration depends more than anything else on meaningful changes in our economic priorities, and this, the Nixon Administration, by its very nature, can never accept. This Administration's values and sense of social relations constitute a fatal obstacle to any hopes for real social and economic progress in America. A government so heavily dependent on a small clique of corporate millionaires, industrial polluters, and privileged power brokers can never be seriously expected to concern itself with the daily problems of the poor, the working man, the unemployed, the black, the young, or the elderly pensioner.

No Administration can be so indissolubly connected to the interests of big business and special interests and still work to eliminate its crisis or credibility and intent among millions of Americans.

I believe that the future of our great society depends upon the ending of government by the conservative, repressive, and selfish. It depends upon the ending of the economic exploitation of the common man, black and white, by those privileged powers which now rule Washington.

My Administration will move emphatically to assist those Americans presently estranged from the American economic system. It will seek representation for those performing vital services, such as domestic workers, while gaining miserable compensation. It will devote itself to the creation of an ultimately more balanced economy and to the final elimination of the intolerable inequality and poverty which we should all be ashamed to admit exists in this, the wealthiest nation in the history of man. Some of the principal means which I support toward these ends are as follows:

1. Ending the billion dollar cost of U.S. military involvement in Indochina;

2. Creation of a Federal Family Assistance Program to replace the present Welfare Program and the Food Stamp Program which is a failure. The initial minimum guaranteed income for a family of four would be $6,400.

3. Tax Reform. The tax proposals of the Nixon Administration have consistently favored business over the low-income consumer. State, local, and city taxes are increasing while the progressive, graduated income tax has been reduced. My Tax Reform Program will reduce unfairness and special privilege in the following ways:

I. (A) Increased individual and corporate income (even a 1% increase would raise $6 billion);

(B) Elimination of the oil depletion allowance;

(C) Elimination of the capital gains tax;

(D) Elimination of regressive federal payroll taxes;

(E) Establishing of excess profits tax;

4. Reductions in Federal spending;

(A) Elimination of the huge federal subsidies paid to rich farmers not to grow crops;

(B) Reduced spending on federal highway construction;

(C) Reduced defense spending, including the closing of unnecessary military installations and the reduction of our troop levels abroad by 50%;

(D) Reduced spending on space programs and cancellation of the space shuttle project;

5. Expansion of job opportunities through creation of useful 500,000 public service jobs, with preference to the 350,000 unemployed veterans. Greater federal assistance for labor manpower training programs. Increased federal programs to put highly skilled unemployed engineers to work in mass transit, air and water pollution control programs; maintenance of some form of wage-price controls, particularly on rents;

6. Federal legislation to guarantee equal opportunities for women in attaining jobs, equal pay, and promotions.

7. Creation of a comprehensive national day-care system to permit more mothers to work.

8. Greater federal support for O.E.O., E.E.O.C., O.M.B.E., and S.B.A.—greater support for minority enterprise and employment.

Shirley Chisholm for President Headquarters, 20 E Street, N.W., Washington, D.C. 20001.

HOUSE OF REPRESENTATIVES,
Washington, D.C., January 24, 1972.

MR. RALPH NADER,
Washington, D.C.

DEAR RALPH: This is an initial response to your letter of January 14.

I would like to comment more fully in the future, but thought you might get at least a partial idea of my thinking from the enclosed speech I gave at Dartmouth.

Keep up the good work.

Best regards,

PAUL N. MCCLOSKEY, Jr.

REMARKS BY CONGRESSMAN PAUL N. MCCLOSKEY, DARTMOUTH COLLEGE, NOVEMBER 29, 1971

I would like to discuss tonight two or three fundamental issues in the 1972 campaign. The issue is what John Gardner recently referred to as "The Dirty Little Secret That Everyone Knows"—the vast influence of money in politics.

The influence of money in political decision-making is not new—it has been with us since the inception of Democratic self-government. Under the Nixon administration, however, the threat of concentrated wealth, working secretly to influence governmental decision-making, has reached crisis proportions, and threatens the very existence of the nation itself.

Why should this be so? The reason lies in the fact that the faith of our people is the strength of our system of government. It is not just a desired aspect of our national stability and security—it is essential to that national stability and security.

We can never forget that we are a nation which operated by the consent of the governed. Our people must consent to file honest tax returns, consent to give honest judgment in jury cases, consent to serve in the armed services in time of conflict. That consent is and can only be based on faith in government—faith that the government is honest and faith that it is truthful.

What is the present measure of the faith of Americans that their government is honest, truthful and worthy of trust? A recent poll taken by the Center for Political Studies at the University of Michigan reflects specifically the trend which I believe all of us have instinctively sensed in recent years.

Since 1958, the faith and trust of Americans has been diminishing rapidly. During the past seven years, the number of Americans trusting the government to do what is right all or most of the time dropped from 63.7% in 1964 to 37.7% in 1970.

During the same time frame, the question was asked: "Would you say the government is pretty much run by a few big interests looking out for themselves or that it is run for the benefit of all the people?" The percentage of Americans believing the government was run for the benefit of all the people dropped from 63% in 1964 to 41% in 1970. By 1970, the second year of the Nixon administration, nearly half of the people interrogated stated their belief that the government was being run by a few big interests looking out for themselves.

There was ample reason for that belief in 1970. There is even clearer reason today. An increasing concentration of wealth working secretly to support political candidates and to influence government decisions is not only welcomed but encouraged by the Nixon administration. Let me define precisely the three evils which so endanger the nation.

First, the new concentration of wealth primarily in big business;

Second, the new importance of wealth in electoral politics;

Third, the administration's encouragement of secrecy in the application of that wealth in political campaigns and in governmental decision-making.

With respect to the new concentration of wealth, there can be no question. Attorney General Mitchell recognized the problem over two years ago. By June 1969, 200 large corporations controlled nearly 60.7% of the manufacturing assets of the nation. Corporate mergers had more than doubled in the previous year. The Attorney General said in a speech in June 1969, "The danger that this super concentration represents to our . . . political . . . structure cannot be overestimated."

He went on to mention "the unacceptable probability that the nation's manufacturing and financial assets will continue to be concentrated in the hands of fewer and fewer people,"—the very evil that the Sherman Act, the Clayton Act and other antitrust and anti-price-fixing laws were designed to combat.

What did the Attorney General mean when he used the words "danger to our political system" by the concentration of economic power? In effect, he was recognizing the basic fact that the concentration of economic power also meant the concentration of political power.

The whole thrust of our constitutional form of government was to restrain the accumulation of power. James Madison had said "the accumulation of all power, legislative, executive and judicial, in the same hands may justly be pronounced the very definition of tyranny. An accumulation of economic power sufficient to control political decisions can likewise create tyranny.

Senator Kefauver once said: "Through monopolistic mergers the people are losing power to direct their own economic welfare. When they lose the power to direct their economic welfare they also lose the means to direct their political future.

Why, then, has the Nixon administration failed to provide leadership to reduce this increasing concentration of wealth and power?

The answer may lie in the second evil. The influence of big money on the political process. This Administration is the primary beneficiary of the economic power of big business. This is the Administration which has placed primary emphasis on the profits of big business as the goal of our economy—on the theory that those profits will ultimately "trickle down to the public at large."

This Administration resurrected the SST after it had been abandoned by the Johnson Administration, supported the bail-out of the Penn-Central Railroad and urged the granting of a federal loan guarantee to Lockheed under conditions no small business in America could have hoped to obtain.

This administration's chief fund raiser, Maurice Stans, was named Secretary of Commerce. Now, for the next campaign, is reported that he will resign his post in order to again raise funds chiefly from the big businessmen of America.

Who besides big businessmen can afford to attend $500 per plate dinners? The $5 million dollars raised from those nation-wide dinners several weeks ago was raised almost entirely from big businessmen. In Houston, Texas, nearly all of the 400 people in attendance (raising $200,000 for the President's re-election) were reported to be oil men. What does this bode for the hope of ending the oil import quota system as recommended by the President's task force over two years ago?

Three years ago, the Republican party was able to raise twice as much money from businessmen as was the Democratic party from *all* sources. As the administration in power, the Republican leadership is in a beautiful position to cash in on its enthusiasm for big business. A concentration of wealth unaccompanied by campaign spending and contribution reform merely makes it that much easier to raise more money than the opposition. The White House just announced that the President will veto the proposed public financing bill just passed by the Senate. Getting $1.00 from each of 20,000,000 is far less beneficial than getting $20,000,000 from a few thousand corporate executives and oil men, particularly when the opposing party cannot hope to raise equivalent sums.

This administration has not hesitated to respond swiftly and helpfully to those who make large campaign contributions.

Consider the great milk boondoggle of last spring finally disclosed in the newspapers only a few weeks ago.

The government has long had the power to guarantee the price of manufactured milk. Last March that guarantee was $4.66 per hundred weight. The dairy farmer leaders came to Washington to seek an increase. Secretary of Agriculture Hardin denied the increase, finding no evidence to support it.

The dairy farmers, then, ten days later, on March 12, paid $10,000 to four Republican campaign committees. The next day, March 23, the dairy farmer leaders were granted an audience with the President himself at the White House.

The following day, March 24, the dairy farmers paid $25,000 to ten Republican committees for the re-election of the President. Lo and behold, the following day, March 25, Secretary Hardin announced that he would grant a price increase of 27 cents per hundred weight on the basis that "continuing research" had turned up new information on rising costs.

Ten days later, April 5, $45,000 was given to nine additional committees. And by August 20, a total of $170,000 had been given to at least 68 committees, most if not all of them based in Washington, D.C. where a loophole in the law permits them to go unrecorded as to the source and amount.

On September 3, 40,000 dairy farmers met for the biggest and perhaps happiest dinner in the history of Chicago. The President dropped by to pay his respects, and no wonder.

The importance of money to politics can be easily recognized when we look at last year's Senate races in seven large states. Fifteen candidates (New York had three) ran in those seven states. Eleven of the candidates were millionaires, and all seven of the winners were millionaires.

The cost of campaigning has skyrocketed. No candidate for public office today has even the remotest chance of winning unless he has either immense personal wealth or wealthy backers. This is a tragedy for the democratic process. Only 2½% of our people earned over $25,000 per year in 1969. Who, earning less than that sum, can afford more than a few dollars for the candidate of his or her choice? The importance of campaign financing is threatening to subvert the whole process of democracy. The concentration of the wealth necessary to campaign financing threatens to subvert our whole concept of a government of separated powers and to destroy that most priceless asset of all, our faith that our government is *not* controlled by a few big financial interests.

Let me give you one additional example of the *power* of wealth and the power of generous campaign contributions to President Nixon. This example came to light only recently in testimony before my own House subcommittee on Conservation and Natural Resources.

ARMCO Steel was the 69th largest corporation in the United States in 1970. Its corporate officers were reported by the *Washington Star* to have given $14,000 to the Nixon campaign.

ARMCO Steel has also been one of the worst polluters of the Houston ship channel. Its Houston plant for years has been putting nearly a half ton of cyanide per day into the ship channel. Cyanide is one of the most toxic substances known to man.

On December 9, 1970, the EPA filed an action to force a termination of the cyanide discharge after all negotiations with the company had failed.

On September 17, 1971, the federal district judge issued an order requiring that the discharge of cyanide cease forthwith.

On September 28, the President of ARMCO, Mr. C. William Verity, wrote a letter to President Nixon at the White House, asking him to look into the Court's decision. On September 30, Mr. Verity was reported to have commented that Secretary of the Treasury Connally had been contacted and that through his influence, high level consultations were going on at that moment between the Justice Department and the EPA concerning the decision.

On October 4, the Houston Business Journal quoted Verity as saying, "I pray every night for John Connally . . . if I could only have another son, his name would be John Connally Verity. At last there is reality in Washington and it changes the entire outlook for the steel industry and most gratefully ARMCO."

The letter Mr. Verity had sent to the President and the efforts of Mr. Connally were apparently successful, because a few days later on November 4, 1971, the EPA and the Justice Department stipulated to a modification of the Court's judgment of September 17, permitting ARMCO to continue the discharge of cyanide until July 1, 1972.

The seriousness of this set of circumstances lies in the fact that after a lawsuit was in progress, after a judgment was obtained, the posture of the prosecution was relaxed not by the arguments of counsel for ARMCO, communicated to the government attorneys and the court, but by the direct intervention by the steel company president with the President of the United States. This sort of conduct is reprehensible. Any ordinary litigant who sought personally to stop a lawsuit by the Justice Department would be condemned or prosecuted.

Only recently, a Justice Department attorney, Richard Kleindienst, testified against an aide of Senator Fong who had suggested that a large campaign contribution might be forthcoming if a particular prosecution against a constituent would be halted. This aide was convicted.

Since the inception of this country, attempts to interfere with the prosecution of the litigation by the parties themselves have been considered a violation of law and reprehensive. President Nixon is a lawyer. Nevertheless, his personal assistant Peter Flannigan admittedly contacted EPA and the Justice Department after the President received Mr. Verity's letter.

Mr. Flannigan is no stranger to big business. He was also a fund raiser for Mr. Nixon's 1968 campaign as the President of the Barracuda Tanker Corporation, owner of the Liberian flag tanker Sansinena. Under United States law, the tanker was ineligible for U.S. coastal shipping unless a waiver could be granted by the Treasury Department. Being ineligible for such trade, the Sansinena was worth an estimated $4.5 million; if the waiver could be granted, it would be perhaps worth $11 million.

For several years, Mr. Fred Hartley, President of the Union Oil Company, had reportedly been trying to obtain a waiver for the Sansinena. The waiver could be not be granted so long as U.S. tankers were available for the coastal trade. On February 25, 1970, Flannigan's 300 shares of stock in Barracuda were sold to others in the Barracuda venture. On March 2, the Treasury granted an unusually broad waiver for the ship, on the ground that the national security required it.

Senator Joseph Tydings disclosed these facts in a speech to the Senate on March 9th, stating that by a stroke of the pen, the government had made $6.5 million for Barracuda. My own Committee on Merchant Marine & Fisheries prepared to hold a Congressional inquiry on the subject, whereupon the White House called Treasury officials to the White House on the evening of March 9. The next day, Secretary of the Treasury David Kennedy announced that the waiver would be cancelled. The national security apparently no longer required the Sansinena for the coastal shipping of oil.

These examples merely illustrate the power of wealth applied to the governmental decision-making process.

By far the worst evil we face today is the secrecy of large financial contributions which are permitted by loopholes in the law. The Corrupt Practices Act passed in 1925 purports to limit both campaign contributions and spending. Yet, when I commenced this campaign for President, I found that the law has loopholes that a truck could be driven through. The law does not apply to primaries, for example. As mentioned earlier, it does not apply to committees based in Washington, D.C. One wealthy individual can give millions of dollars if he wishes, merely by limiting his gifts to a $5,000 contribution to separate committees. To receive the $170,000 kindness of the milk producers, for example, the Republican National Committee merely set up a whole series of Washington committees, with names like "The Committee for the American Dream," or "Committee for Sound Econoy." But for the error of the attorney who thought the law applied, we might never have had the chronological relationship between the campaign contributions to the President and the Administration's change of heart on milk prices.

A funny occurrence in Chicago was disclosed recently. Vice President Agnew attended a $1,000 per plate dinner in Chicago in 1968. False listings of campaign contributors of at least $22,000 were then filed with the Clerk of the House of Representatives. Let me quote from the report of James R. Polk, a former Associated Press reporter who investigated 1968 campaign spending under a grant from the Fund For Investigative Journalism:

"Eighteen donors listed for $22,000 in the Victory '68 record confirmed in interviews that they didn't give the money. Bunched among the false listings were names of a dozen more persons who refused to answer questions, didn't remember, couldn't be found, or died."

Who *did* give the $22,000 in question remains a mystery. Chances are that they were big businessmen of considerable wealth.

The examples of secrecy in campaign contributions are legion. Within six months of my own first election to Congress in 1967, lobbyists from three large industries or associations of industries dropped by my Congressional office to pay their respects and leave me an envelope filled with five or ten $100 bills. Being new to the business, I politely inquired of each one as to the names and addresses of the donors—the gift bearer in each case indicated that the names would be furnished later, and in due course I received a list of names of people from Omaha to Baton Rouge who had each given me $100. I had the distinct impression my inquiry was not the usual practice.

In 1968, 181 Members of Congress filed statements that they had received *no* contributions and had spent no money on their campaign. Committees had done it for them.

The evil lies not in the gift, but in its secrecy.

I raise this issue tonight because the President has made it clear that he intends to veto the public campaign financing bill just passed by the Senate as he did the spending limitation bill a year ago. And only a few days ago his Congressional Liaison representative dropped by the Republican cloakroom in the House of Representatives to let it be known that the White House would not be unhappy if the campaign reform legislation now before the House is killed altogether this year.

This is a key issue to the future of America and the restoration of both the honesty and openness of government as well as public faith in government.

The answers are relatively simple. We need a new law which absolutely limits individual contributions, which provides a tax write-off for small contributions, which reasonably limits expenditures in the various media, which grants a reasonable chance for equal debate time to all candidates at the lowest available rates, and above all else requires complete disclosure of contributions and adequate enforcement powers and procedures. Many of these provisions are included in the Senate bill which the President has said he will veto and in the legislation now before Congress. As compared with the present system of secrecy and corruption, I strongly favor the Senate bill. If the President continues to oppose campaign contribution disclosure and reform, I believe he should be defeated on that basis alone in the March 7th primary. I hope, for the good of the country, he will withdraw his opposition.

Office of the Mayor,
Los Angeles, Calif., February 4, 1972.
Messrs. Ralph Nader and Mark Green,
Washington, D.C.

Gentlemen: I welcome the opportunity you have given me to comment on the very important issue of corporate power and antitrust policy. Before responding to the specific issues raised by you in your letter of January 14, 1972, I would like to point out that our free enterprise system is one of the primary reasons that this country is so great. We must work hard to maintain our free enterprise system and instruct our children in its many merits and its relationship to our personal freedoms and liberties. We all have a stake in maintaining the free enterprise system and must not abuse it as is being done by the present administration which is using our credit rating based upon the productivity of our economy to borrow excessively thus producing unprecedented federal deficits and debt increases.

I favor competition as necessary to the survival and proper functioning of the free enterprise system and for the protection of the nation's consumers. I am not anti-business, large or small, but big power is subject to big abuse making necessary government intervention on behalf of the consumer-citizen. The "cue" or "follow the leader" system is obviously used by some to evade anti-price fixing statutes. When detected, this practice must be dealt with promptly. Also, when management representing a monopoly bargains with a monopolistic Union, the consumer can be the victim of unfair prices, especially where foreign competition is not a factor in pricing policies.

Now, as to the specific issues raised by you:

I favor vigorous enforcement of existing laws against monopolistic practices without fear or favor. I also favor legislation to insure competition, thus strengthening our free enterprise system and giving reasonable protection to the consumer.

As regards corporate secrecy, I feel that corporations should be required to disclose most of the information you mention. Reporting of such things as profit and loss by product line, pollution emissions by plant facilities, and documentation of consumer complaints, appear to be reasonable requirements. However, I do not feel that we should so burden industry with disclosure requirements as to unreasonably hinder their operations and raise the costs of production which would then have to be passed on to the consumer. These matters should be based on reason and not emotion.

Your suggestion that a new investigation be made similar to that conducted by the (TNEC) to probe and publicize economic Temporary National Economic Committee concentration in America may have some merit. You will recall that the original TNEC was formed by Congressional resolution prior to World War II (1938) to study the monopoly and the concentration of economic power in the United States. This Committee published some important monographs and had its effect on the American Economic System. Before another such a committee is formed, however, we should make a determination that existing agencies cannot and are not adequately performing this function. Also, I would not want to see this type of activity degenerate into a "witch hunt" as is too often the case.

If I were elected President, I would definitely consider supporting a Federal Chartering Act requiring large corporations doing interstate business to secure their corporate charters from the federal government, rather than from the individual states as they now do. This would go a long way in securing needed conformity in reporting and accountability, and corporations would no longer find it possible to easily "escape" these requirements by obtaining their charters in one state as opposed to another.

Many of my general views regarding problems and solutions to corporate power and monopoly are outlined above. However, here again I feel that we must proceed in a reasonable manner. I cannot quarrel with many of the methods you propose for achieving corporate accountability but I do feel that as much as possible we should attempt to get voluntary compliance from industry on these matters. When that fails, of course, we must go to the courts. I do not believe in harassment of business or exaggeration of faults.

Thank you for this opportunity to express some of my views on this subject.

Very truly yours,
Sam Yorty,
Mayor.

Washington, D.C.,
January 24, 1972.
Mr. Ralph Nader,
Washington, D.C.

Dear Ralph: I have received your letter of the 14th including the questionnaire.

I am glad that you are raising this question. The corporation has been a matter of concern to me in public speeches since at least 1960 when I began to talk about its arbitrary power and to use the term *corporate feudalism* as descriptive of the institutionalization and the economic and political independence of the large corporations.

I have watched for 20 years the evidence of the ineffectiveness of our anti-trust laws. Whereas I do not despair of their having some effect, I am not very encouraged and am of the opinion that more direct regulation of the large corporations that are non competitive, and also of the large ones which have the appearance of competition such as the automobile industry, is the only available effective way of proceeding. I am not convinced that having 20 automobile companies rather than four major ones would move us any closer to the solution of the problem of the automobile.

On most of the issues you have raised, I have been making the record clear for 20 years.

I do think we should move toward federal chartering of corporations.

I am in favor of more corporate democracy and regulation in all critical areas, and possibly a public member on the board of corporations above a determined size.

With best wishes.

Sincerely yours,
Eugene J. McCarthy.

The Wallace Campaign,
Montgomery, Ala., March 6, 1972.
Mr. Mark Green,
Washington, D.C.

Dear Mark: Due to our extremely heavy mail load, we received your letter only this morning. Unfortunately, the Governor has been on a tour in Florida and we would not have been able to get to him by your deadline, anyway. Unlike other candidates, Governor Wallace answers these type questions himself. He does not allow anyone else to speak for him. He feels this is the only honest way to answer questions.

Please keep in touch with us and call us anytime.

We certainly appreciate your interest.

Very truly yours,
Joe Azbell,
Director of Communications.

OKLAHOMANS GIVE THEIR VIEWS

Mr. BELLMON. Mr. President, periodically Oklahomans are invited to give their opinions on various matters of public interest. Recently our office distributed a questionnaire dealing with three major issues before the Senate this year: welfare reform, revenue sharing, and deficit spending.

Mr. President, I ask unanimous consent that the questionnaire, with results shown in percentages, be printed in the Record.

There being no objection, the questionnaire was ordered to be printed in the Record, as follows:

QUESTIONNAIRE

1. *Welfare Reform:*

Please indicate by a check which of the following you favor:

6% Guaranteed annual income for poor people.

32% System that would encourage a welfare recipient to take a job without losing benefits.

84% Requiring able-bodied welfare recipients below 65 to register for a job or training and take a job when one is offered.

43% If no jobs are available, create public works jobs.

6% Stop welfare entirely and let people go hungry if they can't or won't work.

2. *Revenue Sharing:*

Each year the federal government returns large amounts of money to state and local governments in the form of special aid programs. Proponents of revenue sharing say that under the present system the decisions on where this money goes are made by federal bureaucrats who do not have to stand for election and sometimes tend to become dictatorial. They favor returning a portion of federally-collected tax revenues directly to state and local officials with no strings attached. One big argument is whether the money should go directly to mayors and other local officials or to the state government to be divided.

Do you favor the general concept of revenue sharing? 43% Yes, 35% No.

Do you prefer the present system of Federal grants for hospitals, highways, education and crime control? 53% Yes; 31% No.

Which level of government do you have the most confidence in? 19% City; 17% County, 30% State, 33% Federal, 4% None.

Would you prefer that any new Federal funds go to the state government, (42%); county government, (16%); or city government, (25%).

If the state government had the responsibility of allocating funds to local units of government, who should make the decision? 9% Governor, 82% Legislature.

3. *Deficit Spending:*

President Nixon's new budget contains a deficit estimated at nearly $38.8 billion, the 17th deficit in 20 years. Do you favor deficit spending? 9% Yes, 86% No.

To cut the size of the federal deficit, would you raise taxes (6%); or reduce spending, (89%).

If you favor raising taxes, which ones would you raise? 11% Income, 3% Property, 16% Gasoline, Liquor-tobacco 14%, None 9%.

Do you favor a federal added-value tax, with funds going to support local schools in lieu of property taxes? 28% Yes, 53% No.

If you favor reducing expenditures, where would you cut? 10% National Defense, 85% Foreign Aid, 44% Space Research, 12% Agriculture, 4% Natural Resources, 9% Highways and Airports, 38% Community Development and Housing, 9% Education and Manpower, 5% Health, 58% Welfare, 9% Veterans Benefits.

SOME NEWS ABOUT OUR PERFECT NUCLEAR SAFETY RECORD

Mr. GRAVEL. Mr. President, although there has not yet been a disastrous nuclear power accident in this country, there have been some close calls, like the Fermi accident in 1966, and numerous operating fiascos which indicate how lucky we have been.

The AEC's regular reports, called "Reactor Operating Experiences" or ROE, describe blunders and problems which would be comic except that some day these problems may result in a nuclear accident which renders several States of this Nation uninhabitable.

LEAVING IT TO THE EXPERTS

Five ROE examples typify the mechanical and human defects:

ROE 69–9 concludes as follows:

> In the recent past, there have been a number of occurrences at reactors where human error resulted in undesirable situations. None of these situations represented a threat to the health and safety of the public. The absence of more serious effects is largely the result of good luck.

From ROE 69–10 we learn that, during a routine check at a power reactor, abnormal radioactivity was observed in the building water distribution. The presence of radioactivity was confirmed in the plant drinking fountains. The contamination was found to have arisen from an inappropriate cross-connect between a 3,000-gallon radioactive waste tank and the water system. The report concludes:

> The coupling of a contaminated system with a potable water system is considered poor practice in general.

From ROE 71–22 we learn that 63 out of 191 containment isolation valves failed to operate when tested at one nuclear powerplant; their failure apparently resulted from rust, oil, and water, present due to lack of preventive maintenance.

ROE 69–8 reports that:

> Within the past two years at licensed reactors, a number of instances have occurred wherein important valves failed to operate properly.

In one case, an entire core spray system was found inoperative because check valves had been jammed during assembly. The system, which is a critical component when the reactor is in trouble, may have been inoperative for a year before discovery.

The implications of ROE 71–3 may be the worst of all, for, during low-power operation of a large nuclear plant, safety rods failed to respond to a reactor SCRAM, or shutdown. A number of safety elements, in redundant array, were simultaneuosly disabled by an accidental arrangement of components. Periodic maintenance procedures were incapable of detecting the problem.

Such reports cast a new light on promotional claims about nuclear safety, and also on a question which may come to a vote here in the next few days:

Should Congress amend the Atomic Energy Act to allow nuclear powerplants to start operation before the regular licensing procedures are complete? Or should Congress instead declare a moratorium on nuclear power construction and operation until fundamental safety problems have been resolved?

Members of Congress, nuclear investors, the board members of every electric utility in the country, the Office of Emergency Preparedness, the Department of Defense, and the general public, should become familiar with the AEC's Reactor Operating Experience reports.

Fortunately, a compilation of very recent reactor operating experiences was made in January 1972, by Dr. Henry W. Kendall, who is a high-energy physicist at MIT and a leading member of the Union of Concerned Scientists.

PAPERS PLACED IN THE RECORD

Mr. President, I ask unanimous consent to have his report, entitled "Reactor Accidents: Some Recent Experiences," printed at the end of my remarks, as well as excerpts from a report entitled "Dresden II Incident of June 5, 1970," which appeared in the AEC's journal Nuclear Safety, September–October 1971.

The events described in these papers are fully understandable, even when the technical terms are unfamiliar.

We discover, in the case of the Dresden II incident, that a huge reactor was out of control for 2 hours after one meter gave a false signal and another monitor got its pen stuck. Once control was regained, the plant had to be put out of operation for repairs.

During the accident, radioactive iodine had been released from the nuclear reactor into the drywell area of the containment, and was measured at 100 times above the permissible concentration.

Fortunately, the public was not exposed to radiation, but as Dr. Kendall points out, the Dresden II accident demonstrates vividly how design flaws, sequential instrument and equipment failures, and human errors, can "chain together" to prolong and amplify the severity of what initially may be a relatively minor incident.

THE ODDS ON IMPOSSIBLE ACCIDENTS

Furthermore, the Dresden II accident should warn us to ignore calculations which purport to show that the chance of a severe nuclear accident is negligible. The calculated probability for the accident which actually did happen at Dresden II would have been so low as to be called negligible or even impossible.

Because of this accident and the repairs it required, some other defects were discovered in the plant. For instance, it was learned that the sequence and starting-times of the Emergency Core Cooling System components were not according to design during the incident, though their actual use was, fortunately, not required.

PROOF OF FALLIBILITY

Anyone who reads these Reactor Operating Experiences will realize what arrogance we suffer from nuclear promoters who claim they can foresee and engineer around all hazardous contingencies.

One of the outstanding admissions about the Dresden II accident was that insufficient thought had been given to the dangers of high-water-level situations; all the attention had been on low-water-level situations.

ON BECOMING HUMAN GUINEA PIGS

I hope that Members of Congress will give serious attention to a moratorium on nuclear power plant operation, as proposed in S. 3223, when they ponder the implications of the closing comment about the Dresden accident, which I quote from the journal Nuclear Safety:

> It is unfortunate that procedural, mechanical, and control inadequacies can be recognized only upon the occurrence of some incident that puts them to a real test. The Dresden Two installation, its procedures, and its operating staff have benefited substantially, in the long run, from having suffered and recovered from this particular incident."

There being no objection, the items were ordered to be printed in the RECORD, as follows:

REACTOR ACCIDENTS: SOME RECENT EXPERIENCES BY HENRY W. KENDALL, JANUARY 1972

(The Union of Concerned Scientists, Box 289,
MIT Station, Cambridge, Mass. 02139)

I. INTRODUCTION

Evaluating probabilities of having reactor accidents of varying degrees of severity is very difficult. This is a consequence both of lack of a data base of sufficient size, and of the uncertainties associated with making estimates of the likely paths by which accidents can occur.

The following abstracts have been assembled from the AEC publication *Reactor Operating Experiences,* with critical comments added. They are extremely revealing—especially with regard to the frequent divergences between the way things are supposed to go and the way they frequently do go. Several of the incidents might well have developed into far more damaging accidents. Notice that two of them resulted in partial or complete uncovering of a reactor core.

It is clear from these reports that the potential for the development of a major accident on a number of instances has been very great. One particularly disquieting accident and its recent sequela are discussed at considerable length in the last abstract.

The a priori probability of this kind and sequence of events occurring at all, computed by conventional estimation procedure, is so small as to be utterly negligible by any standard. Yet the incident occurred and it was an ominous indication of what may reoccur. No better emphasis of the need for the utmost diligence in assuring reactor safety can be found than in reports of this kind.

II. EXTRACTS FROM REACTOR OPERATING EXPERIENCES (R.O.E.)

ROE 71–3.—During low power operation of a large reactor, the safety rods failed to respond to a reactor SCRAM. A number of safety elements, in redundant array, were *simultaneously* disabled by an accidental arrangement of components. Periodic maintenance procedures were *incapable* of detecting the error in the arrangement.

ROE 71–2.—A malfunction in a hydraulic control valve in a main steam bypass valve system of a BWR led to *uncovering of the reactor core.* This, combined with an excess hydraulic pressure (the consequence of a relief valve set at 4800 psi rather than 3000 psi) caused the transient, during which reactor pressure varied from 1280 to 200 psig. It was fortunate the reactor had been operated at low power for only 28 hours, following a 7-month shutdown, otherwise, there would have been risk of severe accident.

ROE 69–20.—A power outage in a small reactor initiated substantial leakage of the reactor pool water. The report concluded that "This occurrence demonstrates again that an unlikely sequence of events can lead to a potentially serious problem".

ROE 69–10.—During a routine check at a power reactor, abnormal radioactivity was observed in the building water distribution. The presence of radioactivity was confirmed in the plant drinking fountains. The contamination was found to have arisen from an inappropriate cross connect between a 3000 gallon radioactive waste tank and the water system. The report concludes that "The coupling of a contaminated system with a potable water system is considered poor practice in general".

ROE 69–9.—In a discussion of a number of reactor operating errors, the report concludes: "In the recent past, there have been a number of occurrences at reactors where human error resulted in undesirable situations. None of these situations represented a threat to the health and safety of the public. The absence of more serious effects is largely the result of good luck."

ROE 69–8.—"Within the past two years at licensed reactors, a number of instances have occurred wherein important valves failed to operate properly". In one case a core spray test was carried out during reactor shutdown. The entire core spray was inoperative owing to check valves that had been jammed during assembly. It appeared possible that the valves had not been operative for one year. This spray system is a critical component for reactor safety.

ROE 69–4.—"Safe operation of plant compromised". ". . . human error, displayed by non-adherence to established plant procedures and failure to promptly recognize abnormal plant conditions, resulted in the deborating portion of the occurrence".

ROE 69–2.—"When SCRAM occurred, the reactor operator on duty erred in his assessment of the cause and also in his failure to notify a senior operator of the event (a beam port moderator failure) before attempting to return to full power. Because of previous problems with the servo system, other operators at this facility stated that they, too, would have attributed the SCRAM to a failure in the power control servo. A sticking recorder-pen in the power channel was another fairly common cause of previously unplanned shutdowns. It is apparent that operations permitted by management over extended periods of time with instrumentation exhibiting obvious deficiencies led to complacency on the part of the operators and to possible misinterpretation of information as evidenced. Reliable instrumentation would eliminate this type of fallacy".

ROE 17–3.—Malfunctions of motor-operated valves have occurred recently at several power reactor facilities. These malfunctions were attributed to mechanical or electrical faults or maladjustments of the valve motor-operators. *These valves were located in emergency cooling systems.*

1. Motor-operated valve did not close completely. The cause of the operational failure was not evident during the previous routine witnessing of the operation of the valve. . . . A similar failure had occurred earlier.

2. A valve used in both the feedwater and safety injection systems failed. Investigation revealed that no down-limit switches had been provided for the valves, and a torque-switch failure resulted in searing of the 2½'' diameter valve stem.

3. Following a complete loss of off-site power and a reactor SCRAM (with main steam line isolation) at a BWR facility, the motor-operated valve in the condensate return line on the emergency condenser (reactor isolation heat sink) failed to operate as required. Later investigation revealed a tripped thermal overload that prevented operation, a malfunction not immediately evident to the control room operators. The cause of failure of the motor-operated valve (which caused the trip out) could not be determined.

ROE 71–72.—Rupture of Main Steam Safety Valve Pipe Nozzle . . . during hot functional testing of a new PWR. A six-inch diameter pipe nozzle welded to a 26-inch O.D. main steam pipe spool piece, *failed completely.* No nuclear core was in place in the reactor. The extremely loud noise produced by escaping steam rendered communications by the plant intercom system ineffective, and plant operators reported in person to the control room for instructions.

At the time of this report, the cause of the failure had not been determined by post-incident investigation. The stress analysis performed for the failed valve nozzle indicated that the *sum* of *known stresses* was significantly *less* than the yield strength and ultimate strengths of the failed nozzle material. ". . . it appears that the inlet nozzle may have been marginally designed for a full discharge load condition." . . . "The 12 main steam-line safety-valve inlet nozzles were redesigned to provide for a conservative design. . .".

ROE 71–7.—Investigation showed numerous cracks on the inner surface of a 24-inch diameter main reactor coolant line, resulting from thermal fatigue. The cracks were from ¼-inch to 1⅜-inch long and up to a maximum depth of ¼-inch.

ROE 71–8.—During normal testing at an operating BWR, one of two emergency cosdenser condensate valves did not open. The valve operator-motor was repaired to eliminate overheating. Four months later it failed again, requiring extensive repairs. After three months more of operation, it failed a third time.

ROE 71–18.—During routine testing of the standby gas treatment system at a BWR facility prior to initial criticality, *the inlet valve to one of two filter trains did not open.* The malfunction resulted from the presence of an extraneous piece of teflon tape and improper adjustment. Testing later established that operation of valves *on both trains* proceeded too slowly. The potential significance of these deficiencies is that in certain kinds of accidents, it is essential that the valves operate within specified time limits in order to prevent (radioactive) gas from reaching the building housing the system.

ROE 71–22.—Numerous pneumatically—operated *Containment Isolation Valves failed to function properly* during a routine containment isolation test conducted at a PWR facility. It was determined that *water, oil,* and *rust* contamination of the air supply for the air-operated components was the principal reason for the failures. A protracted outage of the facility along with a *lack of preventive maintenance* apparently contributed to the multiple failures. Sixty-three of 191 valves failed to operate on test.

(*Abstracted from Nuclear Safety Nov.–Dec. 1971*).—Two reactor SCRAMS at a BWR two days apart occurred. The first was initiated by low reactor-vessel water level caused by insufficient feedwater flow. The second occurred when a malfunction closed the turbine control valves. Vessel pressure then exceeded normal from abnormal (sluggish) functioning of part of steam pressure control. Coolant void collapse *increased reactivity* of reactor and caused high-flux monitor SCRAM.

III. Partial Blowdown Accident at Dresden 2

The AEC series of documents describing reactor accidents entitled *Reactor Operating Experiences* contains one description of a pressure control system malfunction in a large reactor that resulted in partial blowdown of the primary coolant system and overpressure of the containment. The accident is strikingly revealing of the manner in which design flaws, sequential instrumental and equipment failures, and defective reactor operating procedures can chain together to prolong and amplify the severity of what initially may be a relatively minor incident.

In order to clarify the sequence of events, we have inserted parenthetical remarks that include, *inter alia,* some of the post-accident analysis, both from the AEC documents and from a discussion of the accident in *Nuclear Safety.*

The accident occurred in the second generation Boiling Water Reactor, Dresden 2, on June 5, 1970. A similar accident occurred at Dresden III on December 8, 1971. It is described in a preliminary way.

1. A spurious signal in the reactor pressure-control system initiated events.

(This was later found to have originated in a defective wire-wound potentiometer).

2. The spurious signal caused the turbine control valves to open, which in turn caused the steam bypass valve to the main condenser to open.

3. These events in turn initiated a turbine trip-out, which in its turn initiated a reactor SCRAM.

4. The collapse of steam bubbles (void collapse) gave an initial reactor water level drop. This drop automatically initiated an increase in the feedwater system rate.

(Except for the spurious signal, all of this sequence of events was correctly initiated).

5. Immediately both feedwater pumps tripped-off, from too-low suction pressure warning signal.

(It was found later that levels were improperly set, and, post-accident, the trip levels were re-assigned.)

6. One feedwater pump restarted automatically. With this pump operating, and as a result of system depressurization from the open bypass lines, the reactor water-level began rising rapidly.

7. The spurious signal now apparently disappeared, and so the reactor pressure decrease was able to initiate closure of the bypass valves.

8. The reactor water-level again started to decrease rapidly, from void collapse augmented by the injection of subcooled feedwater. The depressurization had greatly lowered the main steam line pressure, so that a low-pressure sensor activated to close the main steam isolation valves. The reactor vessel water level at the time was varying over a wide range.

(The closure was a trip-out, and the valves *stayed closed,* so as later to prevent a necessary pressure reduction).

9. The reactor water-level now started to

rise, as before, fed by the automatic operation of the one feedwater pump able to function.

10. The water level recorder stuck at the *low-level* position.

11. The reactor operator reacting to this false low-level indication, switched feed pumps to *manual control* and *maximum flow*.

(Other, adjacent gauges gave correct high-level readings. They were disregarded by the operator. Post-accident procedure changes were made to *prevent* feedwater flow when the level was high. The real difficulties started with the reading of the recorder with the stuck pen).

12. The actual water level rose, flooding the isolation steam condenser and the main steam lines.

13. After ½ minute, the operator tapped recorder case and recorder came unstuck. Operator set feedwater flow at *minimum*. The flow should have gone to zero but did not owing to *valve leakage*. During this time the reactor pressure had dropped to 775 psi and then started to rise again.

14. The operator tried to reduce this potentially hazardous rise by three means:

1. Actuating the isolation condenser.

(This failed to go into service. Moreover, the fact that it was not operating was not discovered for some minutes. It was discovered later to have been deactivated by the high-flow signal from the flooded lines. The flow trip-level for these lines had been set too low by an erroneous technical specification requirement.)

2. Reopening the main steam isolation valves.

(These failed to open as they were not reset from an earlier low-pressure trip-out).

3. Opening electromagnetic relief valves.

(These opened).

15. The reactor pressure dropped rapidly from 1050 psi to 960 psi, and the operator closed the valves.

16. The reactor pressure rose rapidly as soon as valve closed, (as a result of core decay heat, and water-level rise from feedwater injection).

17. The pressure rise became a pressure *surge* in the main steam line. The surge opened one safety valve.

(After the accident it was estimated that a *water hammer* developed in the line because of the presence of water in the steam lines).

(The discharge fluid from this open valve impinged on the lifting levers of two safety valves, cocking them both open. A design mistake made this error possible. These valves remained open throughout the full depressurization and cooldown that followed. The condition was not recognized during the remainder of events).

18. The operator opened another electromagnetic relief valve, causing rapid depressurization.

19. The operator closed the valve, and the pressure started rising rapidly as feedwater flow exceeded the loss through the safety valves.

20. The operator opened the relief valve again, and the pressure rise stopped.

21. The deactivation of the isolation condenser was corrected, and the unit brought into service. Pressure now slowly decreased.

22. Twenty minutes after the initial spurious signal, the reactor water-level was approximately constant with a slow pressure decrease owing to the undiscovered leaks from the partially opened safety valves. The area of concern now became the reactor containment. The primary containment-vessel pressure was increasing.

23. At 2 psi a pressure signal initiated the Emergency Core Cooling System: the reactor building ventilation system was isolated, standby diesel power started, standby gas treatment system was initiated.

(The high pressure emergency coolant system was not available: it had been shut down for repairs following earlier damage. Even if it had been available, it would not have functioned owing to high water-level trip out.

(The low-pressure cooling injection was inhibited, as reactor pressure was above 350 psi level for automatic lock-out.)

24. The operator manually locked out the low-pressure cooling injection system as the reactor pressure decreased below 350 psi. The containment pressure continued to rise above 5 psi. Pressure information became unavailable.

(Procedures called for initiation of containment sprays in order to reduce containment pressure when pressure exceeded 2 psi. The operators were unable to determine the containment pressure, however, for the only pressure gauge in service was off-scale on its 5 psi range. The operators were unable to determine the cause of the accident from the information available to them at the time. In spite of this the operating staff decided, in violation of procedures, not to employ containment sprays. Two licensed senior reactor engineers concurred in this decision. In retrospect, it was determined that this decision was not warranted in view of lack of available information on conditions of leakage, temperature, pressure, and radioactivity within the containment).

25. Thirty minutes after the spurious signal, the operators decided to vent the containment, and so the drywell was valved open to the standby gas treatment system. The highest drywell temperature measured was 205°F but the recorder then ran out of paper and subsequent temperature history was lost.

(Both the pressure and temperature of the containment exceeded the design values appropriate for the use of the gas treatment system. The gas treatment system was designed to operate at near atmospheric pressure and was tested only to 1.5 psig. It was later determined that the drywell peaked at 20 psig and 320°F. The temperature could have reached 340° F. The design temperature was 281°F).

26. Eighty minutes after the spurious signal, the operators bypassed the isolation signal from drywell overpressure in order to use drywell coolers and to allow the use of the drain sump-pump to clear the drywell into the radwaste system.

(This action was forbidden *both* by the technical specifications of the AEC Operating License and by applicable plant procedures when drywell pressure exceeded 2 psig. Two licensed engineers concurred in this decision to negate the isolation signal. At this time the containment pressure was still off-scale on the single available gauge).

27. Finally, the "incident" was brought under control, so that, two hours after the spurious signal the drywell pressure fell below 2.2 psig.

Comments.

The comments in quotes are taken from *Nuclear Safety* Vol 12, no 5 Sept, Oct., 1971.

"A review of events indicated that existing procedures were not altogether adequate".

"Much emphasis had been placed on the dangers of allowing the pressure-vessel water level to fall below the top of the fuel, but not enough emphasis was given to the dangers of high-water-level situations. Both the normal and emergency operations procedures were to be reviewed and revised. . . ."

Electric cables were damaged and electric motors developed low resistance problems.

Recovery included replacing some electric cables with improved cables having higher temperature ratings, rerouting other electric cables, drying electric motors, reorienting the discharge direction of safety valves, revising the reactor pressure control system, improving the capability of the isolation condenser, and revising operating and emergency procedures.

The failures of the electrical cables occurred at temperatures as low as 220° F. Some of the types of cable failure had been enhanced by earlier handling abuse, twisting, and crowding in ducts.

During the shutdown repairs, it was discovered that the sequence and starting times of the emergency—core-cooling-system—components were not according to design during the incident, although their actual use was not required.

Release of radioactivity from the reactor core occurred. Samples taken in the dry well indicated about 100 times the permissible concentration of I–131 on June 5 and 82 times on June 6.

It was necessary to increase the gas flow through the standby gas treatment system in order to make the radioiodine concentration decrease rapidly enough. Personnel were able to enter the drywell on June 7.

No member of the general public was exposed to radioactivity. Although the existence of fuel damage from the accident was denied by the reactor owners, the plant was refueled after the accident. It had been refueled two months prior to the accident. No report on the condition of the fuel was made public. It is difficult to understand the radioactivity release in the absence of fuel damage.

This accident displayed an incredible level of irresponsibility and incompetence.

One should recognize that such an unexpected combination of poor design, inadequate maintenance, and defective operating procedures can, in unfortunate circumstances, inject radioactivity into the atmosphere in amounts that can be lethal at dozens, if not close to 100 miles.

Extraordinary efforts have to be made to prevent such an event from occurring, and it is abundantly clear that they have not been made.

IV. THE SECOND PARTIAL BLOWDOWN ACCIDENT AT DRESDEN III

On 8 December 1971 an accident occurred in the Dresden III nuclear power reactor which resulted in a primary containment pressure of 20 psig. Only very scanty information is available.

The accident was initiated by a condensate booster pump trip. This caused loss of the feedwater pumps on low suction pressure. Resulting lowering of the reactor water-level initiated reactor SCRAM. Approximately 50 seconds after the SCRAM, the main steam isolation valves closed on low steam-line pressure. As a consequence of the closure of these valves, the reactor-vessel water-level rose rapidly under control of the feedwater control system and reached the level of the steam lines.

Five minutes after the start of the accident, the primary containment pressure reached 2 psig. This event apparently initiated operation of some of the Emergency Core Cooling Systems. Containment pressure continued to rise to a maximum of 20 psig, then dropped. Torus sprays were placed in service to assist in containment heat removal. Five and three-quarters hours after the start of the accident, the containment pressure was still 3.8 psig.

Union of Concerned Scientists comment

This accident was evidently moving along the same path as the accident of the sister plant Dresden II—the feed-water pump trip-offs, main steam isolation valve closure, automatic reestablishment of uncontrolled feedwater flow with water-level again reaching the main steam lines, what was evidently a reactor vessel depressurization that resulted in automatic initiation of Emergency Core Cooling Systems, and development of a containment pressure that reached the high value of 20 psig.

As some measure of the scale of this pressure it should be noted that the *maximum credible* accident involving complete loss of reactor coolant (following a postulated double ended break of the largest recirculating line in the reactor) the containment pressure is expected to rise only to about 60 psig.

It had been recognized after Dresden II that feedwater control, especially for high water-levels, had previously been inadequate. It is apparent that the lesson was not learned.

We wonder what is required in order for these potentially hazardous reactor installations to be designed, constructed, maintained, and operated in safe and reassuring ways.

[From the Journal Nuclear Safety, September–October 1971]

EXCERPTS FROM "DRESDEN 2 INCIDENT OF JUNE 5, 1970"

(By C. D. Cagle)

Abstract: On June 5, 1970, while Dresden Unit 2 (a second-generation boiling-water reactor) was undergoing power testing and was operating at approximately 75% power [1875 MW(t), 623 MW(e)], a spurious signal in the reactor pressure-control system altered the steam flow to the turbine and caused a turbine trip followed by a reactor scram. Subsequent erratic water-level and pressure control in the reactor vessel, compounded by a stuck indicator pen on a water-level monitor—recorder and inability of the isolation condenser to function as needed, led to discharge of steam and water through safety valves into the reactor dry well. Electric cables were damaged and electric motors developed low-resistance problems. No significant amount of radioactive contamination was discharged to the environment. There was no pressure damage of the reactor vessel or the dry-well containment walls. Recovery included replacing some electric cables with improved cables having higher temperature ratings, rerouting other electric cables, drying electric motors, reorienting the discharge direction of safety valves, revising the reactor pressure-control system, improving the capability of the isolation condenser, and revising operating and emergency procedures. The reactor remained shut down until Aug. 8, 1970. Two to 3 weeks of this downtime was ascribed to refueling.

Dresden Unit 2 is a second-generation 2527-MW(t) [809-MW(e)] General Electric boiling-water reactor (BWR) operated at the Dresden Nuclear Power Plant by the Commonwealth Edison Company, Chicago, Ill. * * *

* * * * *

On June 5, 1970, the reactor was undergoing initial-startup power tests and was operating at approximately 75% power [1875 MW(t), 623 MW(e)] at near equilibrium conditions with full recirculation flow in the core. * * *

ASSESSMENT OF DAMAGE

Damage was confined to equipment within the dry well and was caused by the steam and water discharged through the safety valves. A total of about 30 ft of thermal insulation needed replacement on one main steam line, a feedwater riser, and a recirculation riser. Low resistance was found in five valve motors, a floor-drain pump motor, and a dry-well-cooling blower motor. Seven dry-well electrical penetrations had small leaks through the inboard sides of their double seals. Two of four source-range monitor cables were shorted or open. Four of eight intermediate-range monitor cables had low insulation resistances. Ninety-three local power-range monitor cables were shorted, 10 were open, and 61 were operable. Control cables to the traversing in-core probe indexer were shorted. Two safety valves were jammed partly open owing to their lifting levers having been rotated by the steam and water jet from a third safety valve. Minor paint damage occurred on the dry-well wall.

Although the dry-well temperature history during the incident had been lost by lack of instrument chart paper, damage to plastic connector caps and cable insulation indicated (as shown by later tests) that temperatures in excess of 250°F had occurred. Calculations based on steam conditions in the dry well indicated that the maximum atmospheric temperature could have been no higher than 320°F and that the wall temperature was much less. Tempilstik marks on the walls indicated that 200°F was not exceeded. The containment-structure design temperature is 281°F at 0 psig.

The maximum pressure experienced by the pressure vessel and the main steam lines during the incident was determined to be less than the design pressure.

CORRECTIVE ACTIONS

Tests with new samples of local power-range monitor cables revealed that failures of center conductors occurred by buckling at as low as 220°F and that drifting of the center conductor caused shorts at as low as 300°F. This type of failure was enhanced by handling abuse, twisting, and crowding in ducts. Not all tests produced failure, even up to 500°F for 1 hr. Since these cables are vendor-specified for continuous operation at 275°F, the same kind of cable was reinstalled but with great care and with less crowding in ducts.

Source-range and intermediate-range monitor cables were not tested, since it was known that their temperature ratings were less than that of the local power-range monitor cables. They were replaced with a new type of cable having a temperature rating of 350°F. New ducts were provided to separate the source-range and intermediate-range monitor cables from the local power-range monitor cables to avoid crowding.

The traversing in-core-probe-indexer control cables were replaced with new cables rated for 300°F.

The main-steam-line safety valves that lifted were inspected and tested in accordance with the manufacturer's recommended criteria and the ASME and Illinois Boiler Code requirements. Their associated rupture disks were replaced, and the valves were oriented so that damage to other equipment by their discharge would be minimized. Since lifting levers on the valves are not required by the ASME Code, approval to remove them was requested from the Illinois Boiler Board.

Motors on all valves were dried and passed inspection. One of seven dry-well-cooling blower motors had to be replaced. All leaks in the inboard electrical-penetration seals were repaired. The feedwater-control system was improved to minimize control-valve leakage, insensitivity of flow control, and low suction trip caused by pump-runout conditions.

The sequence and starting times of the emergency core-cooling-system components were not according to design during the incident, although their actual use was not required. The system controls were revamped to conform to the design requirements.

The condensate-return-isolation trip point on the isolation condenser was raised from 120 to 300% of normal flow to agree with the design intent and the operating conditions. The Technical Specifications were revised to reflect this change.

The electrohydraulic-control system, in which the spurious signal that triggered the incident originated, was revised to minimize noise pickup. Specifically the malfunctioning device, a potentiometer located at some distance from the pressure-amplifier card, was replaced with a ceramic potentiometer located near the pressure-amplifier card, and some associated terminals were eliminated. Cables from the electrohydraulic-control adjustment panel were rerouted so that the signal cables were separated from power cables. A control circuit relating the automatic load-following circuits, the recirculation-flow-control system, and the electrohydraulic-control load-frequency-control circuit was rearranged to eliminate the possibility of introducing erroneous voltages to the electrohydraulic-control panel.

PROCEDURE MODIFICATIONS

Although the actions of the operators resulted in a safe and more or less orderly shutdown despite equipment malfunctions, a review of events indicated that the existing procedures were not altogether adequate.

Much emphasis had been placed on the dangers of allowing the pressure-vessel water level to fall below the top of the fuel, but not enough emphasis was given to the dangers of high-water-level situations. Both the normal and emergency operating procedures were to be reviewed and revised to place more emphasis on the seriousness of high-water problems.

The standby gas-treatment system was used as a venting path to reduce the pressure in the dry well when the only knowledge of the pressure there was that it was greater than 5 psig. This was done under closely controlled conditions and through a 2-in. bypass line rather than the 18-in. line provided. The gas-treatment system, however, was designed to operate at near atmospheric pressures and was tested at only 1.5 psig. Therefore it is felt that a safer procedure would have been to reduce the dry-well pressure to below 2 psig by condensing steam with the torus sprays or, if necessary, the dry-well sprays before venting to the gas-treatment system. New procedures and revisions of existing procedures have been issued to establish this requirement.

COMMENTS

If loss of control of the pressure-vessel water level had not occurred during the incident, apparently nothing more than a simple shutdown would have occurred and would have been followed, either then or eventually, by the rewiring of the electrohydraulic-control system to eliminate noise pickup. The real incident began with the loss of water-level control, which was caused by the operator observing a single water-level indicator that had a stuck pen. The incident reports mention revised procedures to better emphasize the problems associated with high water level, but fail to say whether more than one readout instrument has been provided or the reliability of the instruments has been improved. Once the high-water-level condition developed, there seemed to be no clear-cut procedure for reducing the level.

Since it was known that the isolation condenser needed a greater condensate-return-line capability, it seems surprising that no special procedures regarding its use and limitations were observed. After initial actuation of the condenser, several minutes elapsed before the operator was aware that it had almost immediately quit functioning.

Although the instrumentation cables in the dry well have been made less susceptible to moisture and temperature damage, it is not clear that the various electric motors affected by steam and water during the incident have been made less vulnerable. So long as the pressure-vessel safety valves vent directly into the dry well, the operation of electric motors in the dry well must be considered unreliable following pressure-surge incidents.

The loss of the dry-well temperature history during the incident, owing to a single recorder having run out of chart paper, again demonstrates the value of complete redundancy. Although a number of temperature monitors were provided, the use of a single recorder thwarted the value of whatever redundancies might have been supplied in other parts of the temperature-monitoring system.

It is unfortunate that procedural, mechanical, and control inadequacies can be recognized only upon the occurrence of some incident that puts them to a real test. The Dresden 2 installation, its procedures, and its operating staff have benefited substantially, in the long run, from having suffered and recovered from this particular incident.

EDUCATIONAL OPPORTUNITIES FOR WAR VETERANS

Mr. TOWER. Mr. President, the first GI bill was enacted for the veterans of World War II. All of its successors, including the present GI bill for Vietnam era veterans, have a single recurring theme—education is opportunity.

As a nation, we have committed ourselves to assisting our veterans to make a successful readjustment to civilian life. An education, with its attendant opportunities for gainful employment and a full life, is a key to a successful transition.

The GI bill, which provides financial assistance to meet educational costs, is a powerful incentive for a veteran to continue his education. Over 42 percent of the veterans of World War II used their educational benefits. Presently 38 percent of our Vietnam era veterans are using their GI bill. However, even the financial assistance of the GI bill is not sufficient to overcome other obstacles which frustrate the educational goals of many veterans.

Therefore, I note with great pleasure some of the recent developments to remove some of these obstacles. These developments—variations of the traditional mode of financial assistance—promise to enrich the education possibilities for the Vietnam era veteran. I commend them to the attention of my colleagues.

THE BROCK AMENDMENT TO THE HIGHER EDUCATION BILL

The GI bill does not cover the entire cost of the veteran's education. The veteran must demonstrate his commitment by financing the remainder of this educational expense.

The present unemployment situation for Vietnam era veterans is critical The part-time job market, a primary source of additional financial support for a college student, is slight. In an effort to expand the part-time job market, Senator BROCK introduced amendment 972 to S. 659, the higher education bill.

I was pleased to have the opportunity to join Senator BROCK as a cosponsor of the work-study for community service learning program. This proposal contains two key proposals. The first provision authorizes $10 million to be allocated to the States to be distributed to public, private, or nonprofit agencies. These funds will be used to pay the compensation of students employed by these agencies which are providing needed community services. Community services includes, but is not limited to, work in such fields as environmental quality, health care, education, public safety, crime prevention and control, housing and neighborhood improvement, and other fields of human betterment and community improvement. These public service jobs are very much in demand by communities across the Nation. Furthermore, the agencies would make an effort to relate the projects performed by the students to their general academic program and to a comprehensive program for college student services to the community.

The second major provision of amendment 972 is the assurance that the Vietnam era veterans will be given preference. Hence, this amendment will enable veterans who are in need of additional financial support to attend institutions of higher education to obtain earnings from employment. This proposal offers the maximum potential both for effective service to the community and for the enhancement of the educational development of such students.

This amendment was withdrawn upon request of the Senate leadership in order to minimize the difference between the House version and the Senate version of the higher education bill. However, I was extremely pleased that Senator JAVITS gave his assurances that the Senate conferees will work for a work-study program which would emphasize community service and a veterans' preference. I am hopeful that these constructive, positive recommendations will be included in the final version of the higher education bill's work-study program.

THE MED-VET PROJECT

A second type of variation consists of individualized programs being developed by universities and community colleges across the country to meet the educational needs of the veterans. An outstanding example of such a program is Project Med-Vet, initiated by the Dallas County Junior College District—El Centro branch—in Dallas, Tex. With a grant from the Division of Nursing, U.S. Public Health Service, a curriculum has been developed for an associate degree in nursing tailored to the needs of a veteran who has acquired medical training and experience in the armed services.

Each year, over 30,000 men and women leave the military who have received extensive training in an allied health field. These veterans represent a great resource which could be developed to alleviate the critical health manpower shortage in the civilian sector.

Regrettably, the attempts of these veterans to pursue a civilian health career are often discouraged and frustrated. They need certification or licensure from the State agencies to practice. In order to qualify for these examinations, however, the veteran needs an appropriate degree from an accredited institution.

Although many veterans would be willing to take courses to refresh or supplement their training in order to qualify for the State examinations, few schools will recognize and grant credit for their training and experience. Therefore, the education is needlessly repetitive, costly, and time consuming.

Project Med-Vet, however, eliminates this deterrent for the veteran by extensively testing his knowledge and skills. If he can demonstrate competence in a subject matter, he is given credit for the course and passed out of it. Thereby, many basic courses are bypassed. The student can emphasize those areas of training in which he needs additional help, and still reduce the time necessary to obtain a degree.

In addition to this challenge system, special seminars are conducted to explore the differences in the practice of military and civilian medicine.

The first class of 12 students graduated in December. Eleven are presently working in the Dallas area and one is working in New Mexico. These students will sit for their State licensure examination in April. There are currently 38 students in the course of study.

I commend El Centro and the very capable leadership of Dr. Bill J. Priest, chancellor, and Dr. Robert Leo, director of special projects, for this exciting innovation in the education of veterans and allied health personnel.

A COMMUNITY COLLEGE FOR THE AIR FORCE

Although a serviceman receives excellent training and experience in many technical fields, he often finds it difficult to transfer this knowledge into a meaningful record for employment and education purposes. A most innovative and challenging concept—A Community College for the Air Force—is being developed by Lt. Gen. George B. Simler. I ask unanimous consent that the text of an article in the Air Force Magazine, written by Capt. John T. Correll, USAF, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A COMMUNITY COLLEGE FOR THE AIR FORCE

(By Capt. John T. Correll, USAF)

RANDOLPH AFB, TEX.—In line with new trends in American vocational education, the Air Force plans to activate its own community college here this spring.

It will be a different kind of school, to be called the Community College of the Air Force. There are no classrooms at the home "campus" in San Antonio. Its initial task will be to provide the airman a transcript of his in-service education and training in a form acceptable to civilian schools and employers. At the same time, the Air Force is proceeding toward full civilian accreditation for its technical training centers. Provided this happens, the Community College will grow to a consortium of accredited schools—hopefully within two years.

The Community College was created to serve the unique needs of USAF airmen, whose training now receives limited recognition in the civilian world, and who often have difficulty in consolidating the academic credits they earn while in uniform.

"I'm convinced that this is one of the most progressive steps the Air Force has taken in the interests of its people and in the interest of the country, from the national resource standpoint, in twenty-five years," said Lt. Gen. George B. Simler, Commander of the Air Training Command, of which the Community College will be a part.

Col. John L. Phipps, ground-level planner in the Community College venture, and who holds a Ph.D. in Education, will serve as the institution's first president.

"What we're doing is not in isolation," Colonel Phipps observed. "We're a part, really, of a larger movement in American education as a whole."

He cites a number of recent attempts to recognize educational experience outside the traditional model. These include establishing a University Without Walls for the Department of Housing and Urban Development, in which unconventional course material can be accredited, and the practice of the New York Board of Regents in granting academic credit on the basis of examinations to any student, registered or not.

The Community College will issue a transcript, with credits from both its own accredited technical schools and college-level courses the airman took in off-duty time.

"We are starting out with the objective of giving these young men credit for the things that they achieve in the technical training area while they're in the service," General Simler told Air Force Magazine. "In the initial stages, we're going to work very closely with the academic institutions that are interested in working with us through the various accrediting associations."

The idea for a Community College of the Air Force was born in ATC, but planners here soon sought the counsel of two other commands—Air University and the Air Force Academy—both of which had extensive experience in higher education and long association with the civilian academic world. In Lt. Gen. Albert P. Clark of the Academy and Lt. Gen. Alvan C. Gillem II of Air University, General Simler found enthusiastic colleagues. Together, they proposed the concept to the Pentagon, where both the need for and the value of a Community College of the Air Force were quickly recognized.

Vocational training is the Air Force's biggest recruiting incentive. Human Resources Laboratory researchers discovered that many young people enlisted because they wanted training and a chance to improve their skills.

The Air Force provides that kind of training. Its courses—ninety percent of which teach skills that can be used in civilian occupations—are equal or superior to the material taught in the top vocational and technical schools. Nevertheless, a veteran's training is very difficult to certify in a way that is meaningful to anyone outside the Air Force.

In addition, some airmen have accumulated many hours of college credits on their own time, seldom leading up to anything because they didn't stay in one place long enough to graduate, and had trouble transferring their work to a new school when they moved.

"In my opinion," General Simler declared, "there is a big deficiency in the recognition of the kinds of technical training we do in the Air Force. The employer may or may not have any knowledge of the degree of that training, the depth of it, the value of it, or the academic hours that went into making this man a qualified technician. So what we're attempting to do in this idea of a Community College of the Air Force is pull all that together."

As soon as the Community College data system is built and Air Force course content is translated into civilian language and semester hours—probably about the midsummer 1973—the Community College of the Air Force will begin issuing transcripts to ATC-trained airmen. (At present, the planners aren't sure just how far back in history they can go with the transcript service, but say they plan to serve as many people as possible.)

Such a transcript will be valuable to a prospective employer as well as to the airman.

"I anticipate that the transcript will be favorably received, because it's going to give an employer a definitive record of what this young man has accomplished," General Simler continued. "It will not only contain information on how he did in his training, but will include how he did subsequent to that in on-the-job training and in the Weighted Airman Promotion System. It will also contain any other courses he has been able to take from civilian institutions. The employer will have a very clear record of what this fellow has achieved—probably a better record from the standpoint of the personnel man who's going to hire him than anything else he'll get from any other candidate. It'll be a real pedigree."

One of the pillars on which the Community College of the Air Force is built is the Utah project, carried out by the Air Force Association's Aerospace Education Foundation and the U.S. Office of Education (*see page 69*).

In 1967, Utah placed three Air Force courses—in their original form—in civilian high schools, vocational schools, and a college. The Air Force materials proved as efficient and more popular than the previously used material. This prompted a seminal question: If ATC courses are taught in college for college credit, then why not arrange for direct college credit for Air Force people when they take these courses in the Air Force?

The breakthrough came when ATC's Sheppard Technical Training Center at Wichita Falls, Tex., was accepted last July as an affiliate of the Southern Association of Colleges and Schools. This is the first step toward accreditation, which can be conferred by a vote of member schools following a year of self-study by an affiliate to document the manner in which it meets Association standards.

General Simler instructed other ATC schools to take similar initiatives and seek affiliate status from the accrediting agency in their areas. The tech schools at Keesler AFB, Miss., and Lackland AFB, Tex., as well as the Security Service's school at Goodfellow AFB, Tex., have since affiliated with the Southern Association of Colleges and Schools. ATC's two other technical training centers—at Chanute AFB, Ill., and Lowry AFB, Colo.—are in the area of the North Central Association, which does not have an affiliation step in its accrediting process. Both Chanute and Lowry, however, are working on self studies to present to the Association.

Accreditation, ATC points out, is highly desirable because it provides assurance to institutions of higher education that an independent educational accrediting association has conducted a thorough review of Air Force technical training and found it to meet comprehensive standards.

At present, an individual who has received Air Force training can ask a college or university to give him credit for that training. The American Council on Education provides a listing of most military courses, and, where appropriate, recommends that credit be given for those courses. There is no requirement, however, that institutions accept military training for credit, and accreditation is expected to increase the likelihood that credit will be given.

"We're going to get some very serious questions about the Community College of the Air Force and its purpose," General Simler predicted. "We'll be tasked to justify why we should be accredited, I'm sure, and we feel that we have all the justification that we need, and that we can support our position."

Acceptance by civilian educators is especially important.

"We work hand in glove with the academic civilian world," General Simler asserted. "To this point in time, they have been most cooperative and most receptive."

Community College planners have been advised all along by civilian educators, and the school's advisory committee will include a number of educators, as well as Air Force officials and people from other federal agencies.

"The key idea behind the Community College of the Air Force concept," stresses Colonel Phipps, "is that existing Air Force technical training programs can be documented as formal education experiences. These experiences—supplemented by further formal instruction and experience—can be folded to meet the requirements of licensing and certifying agencies and educational institutions."

In a forthcoming article for ATC's *Instructor Journal*, Colonel Phipps wrote: "The importance of degrees, licenses, certificates, and other symbols of qualification in today's society cannot be overemphasized. The world of work has been called a 'certified meritocracy'—a world in which doors open only to those who have the 'papers' attesting to their achievements. Perhaps that is too Orwellian a view, but few would argue that diplomas often sharply separate the socioeconomic status of some members of our society from others who are equally deserving, but lack formal recognition of their qualifications."

Parallel to the effort to accredit ATC tech schools, the physician's assistant training program at Sheppard is already accredited by the American Medical Association. Graduates can be licensed in several states.

On the surface, it would seem that accrediting and certifying an airman's skills to make him more competitive in the job market would work to the detriment of Air Force retention. General Simler doesn't foresee any great problem.

"First of all," he said, "I think we have an obligation to Americans who come into the Air Force to provide them this kind of service, regardless of whether they stay in the Air Force or return to civilian life. I think we have an obligation to the industry of the United States to provide them with a man who has recognized skills that are usable by them.

"I think we can compete in the numbers of people we take in annually to retain a sufficient number for our own purposes. We should have a flow of people into and out of the Air Force on their initial enlistment. We don't want to retain everybody. It just wouldn't be healthy for us."

(General Simler's comments on retention carry special credibility. Through December, his Air Training Command led the entire Air Force in retention rates for the year, having reenlisted 46.7 percent of its first-term airmen who were eligible to reenlist.)

There are benefits to the career man, too, and they go beyond the increased prestige accruing to him as a certified master of his trade. He will be in an improved position to seek post-service employment.

"He isn't going to be in the Air Force forever," General Simler pointed out. "If a youngster who comes to us at seventeen years of age leaves after twenty years of service, he's only thirty-seven years old."

The President's National Advisory Council on Vocational Education has expressed keen interest in the Community College of the Air Force and, along with representatives of AFA's Aerospace Education Foundation, will visit San Antonio this spring for a firsthand look.

The benefit to society in general will be significant. Each year, more than 100,000 veterans leave the Air Force, trained for work in civilian occupations. With the coming of the Community College of the Air Force, they will represent a skilled manpower resource that can be drawn upon much more readily than is now possible.

"We haven't run into any problems that we haven't been able to resolve," General Simler said. "We've been able to justify our position as we moved along, each step of the way—and I think this will probably maintain itself. The only thing that remains is a lot of hard work."

EXPERTS OPPOSE VALUE-ADDED TAX

Mr. PROXMIRE. Mr. President, yesterday the Joint Economic Committee began hearings on the value-added tax and on alternative methods of raising the needed additional revenues for meeting the educational, health, and basic income distribution requirements of the Nation. It is clear that by the mid-1970's the Federal Government will need at least extra revenues of $50–$100 billion to finance vast unmet needs, especially at the State and local level.

Some of these revenues can come from improvement or elimination of existing Federal programs. But a large part will necessarily have to come from additional Federal taxes. The administration has narrowly focused its attention on the possibilities of instituting a value-added tax to finance new initiatives. Yet this tax seems to perpetuate and extend the inequities that already exist in our tax system.

That the value-added tax is a regressive tax is generally recognized; this was corroborated by the witnesses that appeared before the committee yesterday. Among the three witnesses who testified yesterday, two were flatly opposed to the tax and the other gave it only qualified support. Prof. John Due stressed that the tax will place the greatest burden on lower income groups. He emphasized that the tax:

> Will be distributed in a relatively regressive fashion because lower income groups spend higher percentages of their incomes on taxable goods than do persons in the higher income groups. Even more serious than the relative regressivity, which can be offset to some extent by the progressivity of the income tax, is the absolute burden on the lowest income groups, already living below a minimum subsistence budget.

These sentiments were echoed by Mr. Sheldon Cohen, former Commissioner of the Internal Revenue Service, who also brought out the inflationary aspects of a tax on value added. Mr. Cohen pointed out that:

> Imposition of a value-added tax generally results in increasing the cost of consumer items. Thus, the cost of living rises—generally, very sharply. Inflation in the United States is a serious and persistent problem at the moment and for the foreseeable future. A value-added tax would only add fuel to the fire, making more difficult the job of moderating inflationary pressures in the economy.

Mr. President, I think that this is a quite important point that has been ignored in the discussion of value-added tax thus far. When I questioned the witnesses they suggested that imposition of a 5-percent VAT might raise consumer prices in excess of 4 or 5 percent.

Finally, one witness did give the value-added tax his qualified support. Prof. Charles McClure, of Rice University, would endorse VAT if the income and corporation income taxes were substantially reformed. He indicated that:

> Ideally, imposition of a tax on valued added would occur in the context of integration of the personal and corporate income taxes, reform of the newly integrated income tax, and initiation of low income relief. A less ambitious, but acceptable, program would replace income tax integration with reform of capital gains taxation. Failing this, the VAT should not be substituted for the corporation income tax.

These witnesses raised serious questions about the equity, efficiency of operation, cost of living, and balance-of-payment aspects of the value-added tax. Mr. President, I ask unanimous consent that the excellent papers presented to the Joint Economic Committee follow the text of my remarks in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Statement of Sheldon S. Cohen, Before the Joint Economic Committee, March 21, 1972

Mr. Chairman and Members of the Committee: My name is Sheldon S. Cohen. I am a partner in the law firm of Cohen and Uretz in Washington, D.C. During the period December, 1964, through January, 1969, I served as Commissioner of Internal Revenue.

I appreciate very much your invitation to appear today to present my personal views concerning proposals that a value-added tax be enacted to provide a new source of Federal revenues.

At a time when all levels of government—Federal, State, and local—are hard pressed to raise funds needed to finance vitally needed public services and programs, we must search diligently for means of raising additional revenues efficiently and equitably, whether from existing taxes or new ones. Any serious proposal to raise revenue must be judged carefully in the light of these standards and on its merits.

It is important, therefore, that the issues presented in examining the desirability and feasibility of a value-added tax be put in proper perspective.

There are some who would have the public believe that a value-added tax is the way—indeed, the only way—to relief from the increasing burden of local property taxes. That is simply not true. Whether property tax relief is needed or desirable is an independent question. If careful analysis demonstrates that less reliance should be placed on local real estate taxes as a source of local funding, there are many alternatives, only one of which is a value-added tax, that must be examined to find the best solution—and not just an expedient answer.

The value-added tax must, therefore, withstand scrutiny on its own to determine whether it has the potential of meeting the dual tests of efficiency and equity better than other means at our disposal.

The essence of a value-added tax system is that at each stage of production and distribution a tax is imposed at a given rate on the value added to the product or service. Although there are various ways in which the tax may be structured, it is generally accepted that in most cases the tax is passed along to the ultimate consumer in the form of a price increase at least equal to the aggregate tax which the product or service bears. The tax, therefore, is a tax on consumption—how much a person spends—rather than a tax on income—how much a person earns.

A consumption tax has the inherent characteristic of regressivity—lower income groups pay proportionately greater taxes than those with higher incomes, since a greater portion of their earnings are expended for living costs. Although there may be devices which can moderate the severity of the regression, a viable system remains, nevertheless, dominantly regressive. Although proponents of the tax suggest it is a simple tax to administer, attempts to reduce regressivity will necessarily increase the complexity and administrative difficulties of the system, both for the public and the Government. A value-added tax studded with the requisite exemptions and exclusions merely to remove its most serious regressive impact, will present intensely serious administrative problems.

Clearly, the income tax is more equitable and fair, since it is based on ability to pay—rather than on the need to consume. If the income tax system were presently structured to yield fully its revenue potential with reasonable progressivity in fact, other alternatives for the raising of revenues might have to be considered. But, the income tax system is not operating in accord with its potential. The system is overloaded with unwise and unneeded tax preferences which narrow the base and permit many with large incomes to avoid paying their fair share. Large amounts of revenue can be raised now by meaningful tax reform—and at the same time we can restore public confidence in the fairness of the system. Given these circumstances, I see no justification to enactment of a value-added tax which would only shift more of the tax burden to low and middle income families.

These considerations aside, the case for a value-added tax is still not persuasive.

Proponents of the tax point to its use in European countries as demonstrative of its success and the need for us to follow their lead in order to more fully integrate our system of taxation with theirs. But the European experience generally has been quite different from ours. The level of compliance with the income tax, indeed, any tax, in Europe has been relatively low, compelling those countries to find alternatives—such as value-added taxes—which, though less equitable, are more productive of revenue. That has not been the case in the United States where we have an enviable record of an overall high degree of compliance with the progressive income tax system. Many a tax official from abroad has marveled at our system and expressed to me his keen desire that his own system could function as well.

Moreover, in some countries, such as Sweden, the adoption of the value-added tax was accompanied by a repeal of the retail sales tax—the substitution of one form of consumption tax for another—not the substitution of a consumption tax for an efficient income tax.

I am also unconvinced that adoption of a value-added tax would have any significant beneficial effects insofar as foreign trade or balance of payments problems are concerned. The fact that a value-added tax is adopted which, as an indirect tax, may be rebated to exporters under the General Agreement on Tariffs and Trade, does not improve the existing situation. It is only where a value-added tax is substituted for a non-refundable direct tax that a positive impact on pricing of export articles in foreign markets occurs. Even if the enactment of a value-added tax were accompanied by a concurrent reduction in some other tax, such as the property tax, the effect is likely to be so modest as to have little or no impact on our trade position. For example, the amount of property taxes borne by business as a percentage of sales is so slight, that even if property taxes were repealed completely in favor of a value-added tax, there would likely be no significant impact on the pricing of export goods. But even were we to assume that a convincing case can be made that a value-added tax would have a favorable effect on our foreign trade of meaningful proportions, the argument is still not won. The anticipated benefit still must stand the test of comparison with its cost, its effect on various segments of society, and the degree to which its regressive characteristics can be tolerated as a matter of tax justice. The benefits may well not be worth the burdens.

Another serious aspect of a value-added tax is its adverse effect on inflation. Imposition of a value-added tax generally results in increasing the cost of consumer items. Thus, the cost of living rises—generally, very sharply.

European countries experienced significant inflationary pressures following adoption of value-added taxes—with prices frequently rising by more than the amount of the tax, as some businesses used the tax as a device for passing on general price increases. Since the tax also results in increased cost of operation and investment, as a practical matter prices are likely to increase in amounts greater than the amount of the tax itself.

Inflation in the United States is a serious and persistent problem at the moment and for the foreseeable future. A value-added tax would only add fuel to the fire, making more difficult the job of moderating inflationary pressures in the economy.

Many businesses, as well as consumers, may also be adversely affected by a value-added tax. The tax would involve new and expanded administrative costs in order to maintain the records needed for compliance. More importantly, some business groups would be caught in a squeeze which would have significant adverse financial effects.

Although it is generally assumed that the tax would be passed on in the form of higher prices to consumers, that may well not be the universal experience. The rate of tax would be very high in relation to profits in industries which have high volume and low percentage yields. For example, assume a business has an annual volume of $10 million and earns a 1 percent net profit of $100,000. A three percent value-added tax could amount to as much as $300,000. If by reason of competitive conditions, or otherwise, any portion of that tax is not passed on to consumers, the company's profit picture would be altered drastically—to a much greater degree than would result from a significant rise in corporate income tax rates.

The value-added tax has serious drawbacks—for consumers, for business, and for our economy. I believe we ought to be focusing our efforts on strengthening our income tax system, which can raise revenues more fairly and efficiently. In summary, the United States in the 1970's is neither the time nor the place for a value-added tax.

STATEMENT ON THE PROPOSAL FOR A FEDERAL VALUE ADDED TAX TO PROVIDE FUNDS TO REPLACE LOCAL PROPERTY TAXES FOR THE FINANCING OF EDUCATION

(By John F. Due, professor of economics and chairman of the department, University of Illinois, Urbana)

Reform of the methods of financing education is long overdue and action to reform the system is being prompted by recent court decisions. There are a number of alternative avenues of reform: replacement of the local property taxes by a uniform state property tax; increases in state income and sales taxes to provide the necessary funds; grants of funds out of Federal income tax revenues; and the recent suggestion by the administration, now under study by the Advisory Commission on Intergovernmental Relations, for a Federal value added tax to raise money for this purpose.

While the need for reform is unquestioned, there are a number of serious objections to the value added tax proposals:

Equity—A value added tax is simply a form of sales tax, equivalent in base and yield at a given rate to a retail sales tax, differing only in that the tax is collected in increments from each firm in production and distribution channels on the value added by each firm, rather than entirely from the retailer on the final selling price at retail. The sum of the values added at each stage in production and distribution of course equals the retail selling price. The presumption is that the value added tax will shift forward to the final consumer, with some deviations, in the same pattern as a retail sales tax. To the extent that it does not, it rests in an inequitable and capricious fashion on the owners of various businesses and their employees.

Under the assumption of forward shifting of the value added tax, the tax will be distributed in a relatively regressive fashion because lower income groups spend higher percentages of their incomes on taxable goods than do persons in the higher income groups. Even more serious than the relative regressivity, which can be offset to some extent by the progressivity of the income tax, is the absolute burden on the lowest income groups, already living below a minimum subsistence budget.

The regressivity and the absolute burden on the poor can be lessened by exemption of food from the value added tax. But this approach is highly unsatisfactory in many respects. Exemption favors those persons who spend relatively high percentages of their income on luxury foods. It unnecessarily exempts food expenditures of the higher income groups and causes a much greater reduction in tax revenue than is necessary to accomplish the objectives. The exemption does not free the lowest income groups from their entire tax burden. It materially complicates the tasks of retailers in applying the tax and of auditors in checking upon the accuracy of returns.

A much more satisfactory approach is the provision of a credit against income tax representing value added tax paid on minimum necessary purchases, with refund for those persons having no income tax liability. This system is used with the sales taxes in Indiana, Colorado, and several other states. Compared to food exemption, this approach causes less loss in revenue and is much less discriminatory against various families, while relieving the very poor of all tax liability. It causes far fewer administrative and compliance complications than food exemption. But experience in the states does show two limitations. A substantial number of the poor do not file for their refunds, and thus the intent of the program is not fully attained. Secondly, there is also some multiple filing, a person obtaining several refunds.

Even with food exemption or a credit against income tax, however, the value added tax suffers from several limitations on equity grounds. The tax cannot be made progressive as can the income tax. The tax favors those families at each income level that deliberately spend relatively low percentages of their incomes. No adjustment for family circumstances is possible, except crudely under the credit against income tax system.

Despite popular views to the contrary, the property tax is not regressive except at the very low and very high income groups.[1]

Certainly the value added tax provides no improvement over the property tax in terms of overall distributional patterns. Much of the property tax—an estimated 40 percent—rests on land. One of the few subjects on which economists agree is that a tax on land values is one of the least objectionable of all forms of taxation and has much merit from an equity standpoint. Reduction in taxes on land will result in increases in land values and a bonus to large landowners. If the Federal government is to increase its contribution for schools, the obvious solution, from the standpoint of equity, is to improve the structure of the income tax, close additional loopholes, and if necessary increase the rate. We have just witnessed substantial reductions in the income tax; the obvious solution to obtain more revenue is to call upon an improved income tax to supply it, not to add a new tax which on equity grounds is inevitably an inferior levy.

Fiscal Policy Effects. A Federal value added tax should undoubtedly have greater adverse effect on employment than other forms of tax, because of its greater effect in restricting consumption, per dollar of revenue. The tax hits more heavily those families consuming all or most of their income and gives some incentive to curtail consumption. While in theory this effect could be offset by other fiscal or monetary policies, in fact such policies do not appear easy to implement or fully effective.

At the same time, the value added tax would add to inflationary pressures by raising the cost of living. This reaction would likely more than offset the anti-inflationary effect of the tax in reducing consumption. While virtually all taxes may have some effect in leading to demands for higher wages, a levy that directly increases the cost of living index is likely to have the greatest influence, per dollar of tax revenue.

Intergovernmental Relations. Establishment of a Federal value added tax would infringe upon the states' major revenue source, the retail sales tax, now used in 45 states and yielding 30% of state tax revenues. The states are restricted in the income tax field by the substantial Federal use; their one major autonomous source is the sales tax. Without question establishment of the Federal value added tax would restrict the ability of the states to gain additional revenue from this field.

Operational Complications. A Federal value added tax would create a vast new complex of tasks for business firms of all types and necessitate a major new enforcement and audit staff for the Internal Revenue Service. The number of taxpaying firms would be in the neighborhood of 5 million (with farmers excluded from the tax).[2] These firms would have to keep records and file returns for the new tax in additional to the ones now required of them for the state retail sales taxes. For smaller businesses, the very concept of the value added tax would create complications, at least initially.

The value added tax, under the usual tax credit system, as used in Europe, works most smoothly when there are no exemptions of types of taxpayers, since the tax paid by one firm constitutes a deduction for another. Each firm calculates tax by subtracting the tax paid on its purchases from the figure obtained by applying the tax rate to its taxable sales. Whenever this chain is broken, special techniques are required to avoid multiple taxation by exempting sales by vendors to exempt firms or granting refunds to firms that have paid tax on purchases but are not registered vendors on their sales. To make the three million farmers in the United States subject to the tax would add greatly to compliance and enforcement problems. But if they are exempt, either the sales to them must be specifically exempted, a refund provided to them for tax paid on purchases, or the price of the products purchased from them assumed to contain a certain tax element which the purchasers, if registered firms, can deduct against their tax liability. Any of the approaches creates major complications. Commodity exemptions create more problems than under retail sales taxes since the exemption must carry through several production and distribution stages. Other exemptions are likely to be made for various social and economics reasons: medical care, hospital service, urban transport. The concept of value added is not clearcut or easily defined with banks and insurance companies. On the whole the value added tax is not nearly as simple a levy as is sometimes argued.

These complications suggest that if the Federal government were to move into the sales tax field, it should use the retail sales tax form instead. This is a simple levy familiar to most business firms in the United States, and Federal operation could be coordinated with the state sales taxes. Only firms selling at retail are vendors and the number of taxpaying firms is therefore somewhat less. The only potential advantage of the value added tax over the retail sales tax is the possible greater ease in excluding all producers goods from the tax if desired. Firms can be permitted to deduct tax paid on all of their purchases and not just those of materials and parts, and check needs to be made only on the firm itself. With the retail sales tax the exemption applies to the sale of producers goods by the suppliers and therefore check must be made upon both supplier and purchaser. This argument has been stressed by Professors Ann Friedlaender and Carl Shoup.[3] But the argument can easily be exaggerated. Most sales of producers goods can be excluded under retail sales taxes if desired; the states have never actually systematically sought to do so.

---

[1] This is shown in studies by the Advisory Commission on Intergovernmental Relations.

[2] There are 4.1 million firms now registered under the state sales taxes.

The other arguments for the value added form of sales tax, that it lessens evasion because much of the tax is collected at the manufacturing and wholesale levels where firms are larger, and that it provides automatic cross check since tax deducted by merit in the United States, in view of the ability to enforce retail sales taxes with little evasion. This argument is highly significant in countries that cannot collect heavy taxes from retailers.

THE FOREIGN TRADE QUESTION

The argument is often advanced that use of a value added tax would aid the position of American producers competing in foreign markets, since the tax would be rebated on exports. As a replacement for the property tax, there would be virtually no net advantage, except possibly for a few property intensive firms now heavily burdened by local property taxes not refunded at export. But for most manufacturers, property taxes constitute a negligible element in the costs of goods they are selling for export. As compared to a personal income tax there is no advantage whatever since the income tax does not affect export prices.

The personal income tax may, it is true, result in higher wage demands, but the value added tax also has this effect, almost certainly of greater magnitude per dollar of revenue.

Even as compared to the corporate income tax, the value added tax offers little advantage, even though the value added tax can be refunded on exports while the corporation income tax cannot. The inability to refund the corporate income tax is relevant for our exports only if the corporate income tax is actually reflected in higher prices of commodities exported. There is no clearcut evidence that the corporate tax is even reflected in the prices of domestic goods, despite the vehement insistence of many persons that it is; even if it is, the tax is not necessarily reflected in export prices. But more significantly, our major competitors in world markets have corporate income taxes comparable to ours in height; our producers are under no net competitive disadvantage. The European value added taxes were introduced to replace the turnover form of sales tax, not income, property, or other levies.

In general, no field of taxation has seen so much nonsensical discussion than the value added tax. To some persons, the mere act of levying a value added tax and then refunding it on exports, even without elimination of any other tax, would aid our exports; this is ridiculous nonsense. To others we must have a value added tax because other countries are using one—there is a frantic running scared—we have to use it because they are using it—copycat bandwagon attitude on the part of many people who should know better. In reality, much of the support for the tax comes from persons who are primarily interested in reducing the overall progressivity of the tax structure; the term "value added tax" smells sweeter, they hope, than the term "sales tax." The dogged insistence of a few persons that a value added tax is not a sales tax plays into their hands. The property tax is notoriously unpopular; to the supporters of a federal sales tax, the school finance crisis offers the golden opportunity to introduce the levy by tying it to elimination of a highly unpopular levy. There are far simpler and more attractive methods to meet the need to eliminate the local property tax for financing education: statewide property taxes, higher state sales and income taxes; a more effectively progressive Federal income tax.

STATEMENT TO THE JOINT ECONOMIC COMMITTEE OF THE CONGRESS OF THE UNITED STATES ON VALUE ADDED TAXATION

(By Charles E. McClure, Jr., associate professor of economics, Rice University, March 21, 1972)

Like most questions of tax policy, whether the United States should adopt a federal tax on value added (TVA) has no simple answer. The verdict depends upon the alternative sources of revenue available and the context in which the decision must be made. A choice that would be acceptable under one set of circumstances might be totally unacceptable under another. In my testimony today I want to examine two widely discussed alternatives to imposition of a federal tax on value added, with special emphasis upon the historical and institutional context in which we are facing the issue.

I. Substituting TVA for the Corporation Income Tax

Until recently, the tax on value added was discussed most commonly as a replacement for part or all of the corporation income tax. Advocates of the switch to TVA ordinarily predicated their case primarily upon hoped-for improvements in the balance of payments, with an occasional nod to the expected growth effects and neutrality of the tax on value added.

The balance of payments argument has ranged from the simplistic, but unconvincing, truism that under the General Agreement on Tariffs and Trade border tax adjustments (export rebates and compensating import duties) are allowed for the TVA, but not for the corporation income tax, to more sophisticated analysis involving assumptions about the shifting and incidence of the two taxes. The growth argument relies upon the assumption that corporate saving and investment would rise substantially if the TVA replaced the corporation income tax. Finally, the neutrality of the ideal TVA contrasts sharply with the distinct non-neutrality of the corporation income tax. The latter tax discriminates between the incorporated and unincorporated sectors of the economy, against equity financing and the use of capital in the incorporated sector, and between industries.

Opponents of the substitution of the tax on value added for the corporation income tax have tended to play down the supposed advantages of such a move and have questioned whether the advantages, even if real, would be worth the cost in terms of equity. First, they have questioned both the likelihood that the balance of payments would benefit much from the shift and the desirability of predicating important decisions of internal tax policy upon their presumed balance of payments implications. I share both these doubts, the second especially strongly in the light of the recent realinement of exchange rates.

There is little doubt that substituting a TVA for the corporation income tax would increase saving and investment significantly, provided the corporation tax is not shifted. Of course, if it is shifted, little effect is to be expected. But one must ask whether further stimulus to corporate saving and investment is needed in the wake of the recently enacted ADR system of depreciation for tax purposes and restoration of the investment tax credit. Moreover, even if more stimulus to saving and investment is needed, there are other, and perhaps better, ways of providing it than through substitution of a TVA for the corporation tax. Finally, one could question the wisdom of creating a huge flow of corporate saving that might go uninvested if business confidence were weak, contributing to deflationary pressures.

Opponents of the tax on value added are also usually willing to admit the superiority of the TVA on neutrality grounds, with several provisos. First, elimination of the corporation income tax would create an enormous tax haven in retained earnings. Besides having obvious implications for tax equity, this tax haven would itself distort economic decisions in important new ways. Second, it is virtually certain that any tax on value added would contain exemptions for administratively hard-to-tax items, and it might well also contain exemptions to reduce the regressivity of the value added tax. Thus it is an open question whether the gain in economic efficiency resulting from the tax substitution would be great. This is an issue which deserves further exploration.

The heavy artillery in the case against substituting a tax on value added for the corporation income tax is the regressivity of the TVA. Like any general sales tax, the TVA takes a decreasing share of income as income rises. Thus it imposes a proportionately heavier burden on low income families than on high income families. If the corporation tax is borne by recipients of profit income, as many economists think, the tax substitution under examination would represent a substantial shift toward regressivity—a shift which many see as unconscionable. Whether this equity effect should outweigh the supposed advantages of the TVA balance of payments, growth, and neutrality grounds, as opponents of the TVA contend, involves important value judgements about which opinions can reasonably differ, though I personally think it should. Of course, if the corporation tax is shifted, as some economists and most businessmen think, there is somewhat less reason to oppose the change on equity grounds, but there is also less gain to be expected on the growth side. Unfortunately, we do not know the incidence of the corporation income tax, and are not likely to achieve early agreement on it.

On balance, I would oppose the simple substitution of the TVA for the corporation income tax, even though I am no fan of the latter tax. The balance of payments effects probably would not be large, and should not weigh heavily in the decision in any case. The growth effects, while potentially important, can be achieved in other ways, and should be viewed as less important than before the Nixon administration's measures to stimulate investment. The TVA is probably more nearly neutral than the corporation income tax, though even it is likely to be far from completely neutral. But most important, I question the advisability of the substitution because it would leave the United States with an undesirable combination of income and consumption taxation.

I do not object in principle to a dual federal system of income and consumption taxes, as I shall make clear in a moment. But I do object strongly to the kind of dual system that the simple tax substitution would produce. The consumption tax portion would not necessarily be at fault, provided its regressivity at the lower end of the income scale were relieved. (I should hope that this relief would be provided directly through refundable tax credits or low income relief, rather than by exempting "necessities" (see below), and that administrative exemptions would be kept to a minimum, in order to preserve the neutrality of the tax.)

---

[3] Ann F. Friedlaender, "Indirect Taxes and Relative Prices", *Quarterly Journal of Economics*, Vol. 81 (Feb. 1967), pp. 125–39; Carl Shoup, "Experience with the Value Added Tax in Denmark and Prospects in Sweden", *Finanzarchiv*, Vol. 28 (March, 1969), pp. 236–52.

The fault, rather, would lie in the form of income taxation that would remain beside the TVA. The portion of income attributable to individuals taking the form of retained earnings of corporations would be reached only by the capital gains tax—a most imperfect fiscal device indeed. Massive amounts of economic income would be taxed at the preferential capital gains rates or—given present tax law—would escape income taxation completely when transferred by reason of death. The preferential taxation of capital gains is, of course, most relevant for high income taxpayers. Moreover, various other well-known loopholes in the personal income tax laws would remain unfilled. Many of these are also available primarily to upper income taxpayers. So long as these blatant violations of vertical equity—not to mention horizontal equity—remain, replacement of the corporation income tax with a tax on value added seems totally unacceptable on equity grounds.

This does not, however, mean that I would not support a general sales tax at the federal level under the right circumstances. But the circumstances are fairly special, and would involve a thorough overhaul of the federal income tax. First, I would like to see integration of the personal and corporation income taxes, preferably utilizing the partnership method. Corporate profits would be attributed to shareholders and included in their ordinary personal income for tax purposes. A corporation tax would exist, if at all, only as a means of withholding. This would eliminate the double taxation of dividends, if it now occurs, without creating a tax haven in retained earnings. Second, substantive reform of the newly integrated income tax system along lines that have been advocated for years by economists and others interested in equitable income taxation would greatly increase both the horizontal and vertical equity of the U.S. income tax. Finally, a meaningful program of low income relief, such as a negative income tax, would provide a given minimum standard of living for those families at the bottom of the income distribution.

In this context of meaningfully progressive income taxation, a federal sales tax would not be a particularly objectionable addition to the federal revenue system. On balance, the federal revenue system would have been rendered substantially more progressive in the top income brackets by the integration and reform of the personal and corporation income taxes. And any tendency towards regressivity at the bottom end of the scale—including that involved in a TVA—would have been more than offset by the initiation of important low income relief. In this setting it seems difficult to fault the addition of a federal sales tax to our fiscal arsenal, especially since in principle the tax rates applied under the integrated income tax (including the negative income portion) could be adjusted as necessary in the interests of tax equity.

The tax reform just described is ambitious, or even Utopian, and perhaps it is senseless to bother to describe it. Yet I believe the description is worth the bother, if only to highlight the stringency of the circumstances under which elimination of the separate corporation income tax and imposition of a general federal sales tax would be acceptable on equity grounds. Certainly those circumstances are a far cry from what has usually been envisaged by those advocating the simple substitution of the TVA for the corporation income tax.

It would be possible to stop short of this extreme proposal for thorough tax reform in search of acceptable conditions for imposition of a federal sales tax. Substitution of a sales tax for the corporation income tax might be acceptable provided capital gains taxation were significantly reformed in order to prevent the tax haven in retained earnings described earlier. The necessary reform would involve both taxation of capital gains more nearly like ordinary income and constructive realization at death, with periodic valuation of assets for tax purposes being a further useful feature of such reform. Of course, loophole closing would remain a worthy goal of tax policy.

It would be desirable to combine reform of capital gains taxation and the newly imposed federal sales tax with general low income relief of the type mentioned in the discussion of the ideal tax package. But lacking that, relief for the burden of the sales tax should be allowed low income families by providing refundable credits under the personal income tax. Such credits would result in refunds to those families with income tax liabilities smaller than the amount of the credit. This approach would, of course, involve a considerable administrative burden, which would be avoided by including relief for the burden of the sales tax in the general program of low income relief. Finally, relief to low income families provided through exemption of necessities would distort choices and would rank as a distinctly third-best choice. Of course, as noted earlier, simple substitution of a TVA for the corporation income tax without either taxation of capital gains or low income relief would be completely unacceptable on equity grounds.

II. REPLACING LOCAL PROPERTY TAXES WITH TVA REVENUES

Though details are still quite sketchy, it is said that the Nixon administration is considering proposing a federal tax on value added, the revenue from which would be used to relieve the burden of existing local property taxes used to finance public education. Thus in recent months the revenue from a tax on value added has been discussed primarily as a replacement for local property taxes, rather than as a substitute for the corporation income tax. In this portion of my remarks I want to comment briefly upon what I take to be the Nixon position.

In general, it seems that reduced reliance on local property taxes is a worthwhile goal of public policy. In the early days of this nation, when economic activity was largely agricultural, the local property tax might have been a reasonable way to attempt to tax according to benefits received or ability to pay, or both. But in an industrial society, the local property tax is inferior on both counts; tax liabilities are related closely to neither benefits nor ability to pay taxes. Moreover, the portion of the tax levied on improvements tends to distort locational decisions within metropolitan areas and to retard the economic redevelopment of our central cities. In a related vein, financing public education through local property taxes means that a child's educational opportunities depend crucially upon where he lives. Recent court cases have found this unacceptable. Finally, the local property tax is usually thought to be significantly regressive in the low income range, due to the heavy burden on housing. Thus it seems better on virtually all grounds to finance local public services, including education, through local taxes on sales or income or through shared revenues from state or federal taxes on sales or income than to continue to rely on the local property tax on improvements. (There is no compelling case for discontinuing taxation of land values. In fact, there is a strong argument on both equity and efficiency grounds for continuing the taxation of land. The tax on land, unlike almost all other taxes, causes no economic distortions, and removing it would result in windfall capital gains to present landowners.)

Given the many faults inherent in local property taxation—not all of which would be remedies under state imposition of property taxes, another frequently discussed response to the court cases mentioned above—the Nixon proposal would not necessarily be objectionable. Certainly it would be preferable to both foregoing badly needed public services and continued reliance on the property tax. It would be a step forward on efficiency grounds. And it might not have overly adverse effects on the equity of the tax system, since the property tax is probably even more regressive than the value added tax over the low income range. (This difference arises largely from the treatment of housing under the two taxes: the property tax imposes a heavy burden on housing, whereas the TVA would probably exempt it.) However, any endorsement of the Nixon proposal must be closely qualified.

If the ideal federal income tax system outlined earlier was implemented, education could acceptably be financed largely through local sales or income taxes, with a minimum quality of education being assured through state or federal grants-in-aid. This would have the advantage that local control of education would be maintained. In principle, even regressive local sales taxes would be acceptable, since they could be offset by adjusting the level of transfers under the assumed federal program of low income relief. Alternatively, more reliance could be placed on state or federal taxation and revenue sharing or grants to local governments, through perhaps at the expense of some loss of local control. In any case, substituting sales tax financing of education for property tax financing would be most acceptable in the context of thorough reform of the federal income tax system, including initiation of a system of low income relief. Seen in this light, the Nixon proposal to replace property tax revenue with revenue from a federal TVA, without reforming federal income taxation, represents a distinctly inferior, though perhaps acceptable, compromise with tax equity.

But other compromise solutions are available, and some are superior to the Nixon choice. The most obvious alternative, and the only one I want to discuss here, would be to use revenues from reform of the existing income taxes to replace revenues from the local property tax. Base broadening would produce considerable revenue and an income tax that is more equitable, both horizontally and vertically, as well as more nearly neutral, and should be a high priority legislative item. The choice of income tax reform over imposition of a federal tax on value added seems especially appropriate in the present context, in that the progressivity of the federal tax system has recently been reduced by the initiation of the ADR system and the investment tax credit. It simply seems undesirable on equity grounds to follow the granting of these incentives to business investment with imposition of a national sales tax. Thus while the Nixon proposal may be acceptable if the alternative is to forgo important public services or to continue to rely upon the property tax revenues is distinctly inferior to replacing these revenues through reform of the income tax system. It is to this matter of income tax reform, and not to the tax on value added, that I urge the Congress to address its attention.

III. TVA OR RETAIL SALES TAX

To this point the discussion has focused upon the substitution of a federal tax on value added for the federal corporation income tax or the local property tax, with or without concomitant income tax reform. It is desirable to pause briefly at this point, however, to ask whether an American federal sales tax—if one is to exist—should be levied as a tax on value added or in the more familiar form of a retail sales tax. The two forms of sales tax can be expected to have roughly equivalent economic and distributional effects, so the choice between them should be made primarily on administrative grounds.

The primary advantages of the value added approach to taxing sales are the relative ease of exempting business services, capital goods, and intermediate products from the tax and the self-enforcing features of the tax.

The advantages of the retail sales tax include its familiarity to American businessmen, the smaller number of firms and amount of paperwork involved, and the greater ease of piggybacking state and local sales tax on a federal retail sales tax. Which set of considerations should control any decision about a federal sales tax is far from clear; knowledgeable authorities can be found on both sides of the issue. But one thing is certain. Any decision to levy a tax on value added, rather than a retail sales tax, should not be made by default because no one bothered to consider it explicitly. Any detailed analysis of the question will almost certainly involve considerations such as those mentioned above, and will put to rout such irrelevant or specious, but often repeated, arguments for the TVA as "the Europeans are using it" and "border tax adjustments are allowed under the value added tax."

IV. SUMMARY OF CONCLUSIONS

The most important policy conclusions offered in my remarks today can be summarized briefly. First, the simple substitution of a value added tax for the corporation income tax would be completely unacceptable on equity grounds. Ideally imposition of a tax on value added would occur in the context of integration of the personal and corporate income taxes, reform of the newly integrated income tax, and initiation of low income relief. A less ambitious, but acceptable, program would replace income tax integration with reform of capital gains taxation. Failing this, the TVA should not be substituted for the corporation income tax.

The Nixon proposal to replace property tax revenues with a tax on value added would be acceptable, if the alternative were to forgo badly needed public services or to continue to rely upon the local property tax. But a preferable alternative would be to replace lost property tax revenues by reforming the income tax system, rather than by imposing a national sales tax. Finally, whether any future American sales tax at the national level should take the form of a value added tax or a retail sales tax deserves far more explicit consideration than it has thus far received.

THE EXPENDABLES

Mr. HUMPHREY. Mr. President, on January 20, 1972, I introduced, for myself and the Senator from Illinois (Mr. PERCY), S. 3044, a bill to amend the Civil Rights Act of 1964 in order to prohibit discrimination on the basis of physical or mental handicap in federally assisted programs. This bill responded to an awakening public interest in millions of handicapped children, youth, and adults who suffer the profound indignity and despair of isolation, discrimination, and maltreatment. It is essential that the right of these forgotten Americans to equal protection under the laws be effectively enforced through prohibiting their exclusion from services receiving Federal assistance. Increasing support for this position in the Congress is reflected in the current addition of 10 Senate cosponsors of this legislation.

In my remarks upon the introduction of the bill to protect the civil rights of the handicapped, I described some of the broad categories of people who would be directly affected—children who are mentally retarded, physically handicapped, or emotionally disturbed; disabled veterans; the mentally ill; and handicapped youth and adults who can and want to learn a trade and experience the dignity of work and a paycheck. But the fundamental fact that one confronts is a paucity of information, an absence of firm statistics, regarding the true extent of this great human need across America. Truly, this fact, in itself, demonstrates the segregation of millions of Americans from society—suggesting a disturbing viewpoint that these people are not only forgotten but perhaps expendable.

An excellent series of articles appeared in the Evening Star, published in Washington, D.C., during January, in which this point is made precisely in the title of the series, "The Expendables." The author of this series, staff writer John Mathews, has performed a vital service, and in the finest tradition of in-depth reporting, in laying before the public the true story of exclusion and inadequate concern experienced by hundreds of handicapped children in the Washington metropolitan area.

Developing interest by the press, radio, and television in this vital issue has been indicated by editorials by WRC–TV in Washington, D.C., and by the Washington Post. The February 10, 1972, editorial by the NBC-affiliated television station asserted that—

> Thousands of people, especially children, have been excluded outright from the public education and job training that could have led them to a healthier, happier, more productive life.

And its conclusion underscores the purpose of my legislation:

> We have an obligation to these hidden and forgotten people—we can and should no longer avoid it.

Most recently, an editorial, entitled "The Legal Rights of the Retarded," published in the Washington Post of March 15, 1972, drew attention to the significance of an order by a Federal court in Montgomery, Ala., requiring the correction of conditions at an institution for the mentally retarded in Tuscaloosa. The editorial stated:

> According to one observer, this is the first time a court has ever held that mentally retarded persons involuntarily confined in an institution have a right to adequate treatment and care.

And the editorial goes on to cite the national significance of expanding litigation efforts in this area.

I offer these important items in the hope that they will help to promote informed public debate and action on the vital need to affirm and guarantee the rights of the handicapped. Representative CHARLES A. VANIK, of Ohio, who introduced a bill, H.R. 12154, identical to mine, has made an active and continuing effort to develop the statistical and case record on the denial of the civil rights of persons with mental and physical handicaps. In a statement in the CONGRESSIONAL RECORD of February 7, 1972, on "Discrimination Against Handicapped Veterans," Representative VANIK emphasized the despair and indignity felt by some 224,000 veterans registered at Public Employment Service offices in fiscal 1971, who were not placed in regular nonagricultural jobs. And in a further statement in the RECORD of February 17, 1972, he spelled out the State-by-State statistics of 4¼ million handicapped children of school age who are excluded from public schools in America.

These statistics are shocking and demand decisive action by Congress. I have joined in sponsoring legislation introduced by the Senator from New Jersey (Mr. WILLIAMS), authorizing funds for a White House Conference on the Handicapped in the Office of the Secretary of Health, Education, and Welfare. These can be important steps in identifying human needs and coordinating Federal programs of assistance. I also urge that action be taken on my bill, S. 3044, which proposes a direct solution of the central problem: The denial of the civil rights of millions of Americans.

Mr. President, I ask unanimous consent that the articles and editorials cited in my remarks—the five-part series, entitled "The Expendables," by John Mathews, appearing in the Evening Star; the WRC–TV editorial, "Hidden People," of February 10, 1972; and the editorial, entitled "The Legal Rights of the Retarded," appearing in the March 15, 1972, issue of the Washington Post—be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE EXPENDABLES—I

(By John Mathews)

In Washington and its Maryland and Virginia suburbs there are hundreds of children society treats as expendables: Children with physical, mental and emotional handicaps who are either excluded outright from public education or inadequately served by their school systems.

These are the children it has become fashionable to call "exceptional," or "special." They are the mentally retarded, the emotionally disturbed and the physically handicapped—the innocent victims of disease, accidents, environment, heredity or circumstances. They can be born to the poor in the inner city or to the affluent in the suburbs.

Handicapping conditions do not discriminate between Larry, who lives in the District, or Joyce from Prince Georges County, Daniel from Montgomery County, or John from Fairfax.

These are not their real names. Their situations, however, are real—all too real, in fact, to them and their parents.

Larry is 11½ and cannot talk. He can signal anger and pleasure through a personal code of guttural grunts. Psychologists have labeled him "brain-damaged," that imprecise, catch-all tag used to describe children whose normal growth and development has been mysteriously stunted.

Although Larry has never spoken, you can give him the "Yellow Pages" section of the phone book and say, "Find me the Hecht Co.," and Larry will flip to page 432 and place his finger on the department store's name in a display advertisement. He will then point to the Sears ad, but if you try to trick him by telling him it's Penney's, he grunts angrily, then "Ummms" approvingly when you finally say "Sears." Larry can identify gasoline companies, motels and carryouts in the same way.

Larry's mother has a desperate faith that somehow a key can be found to unlock those words shut up within her son's mind. But, like hundreds of other handicapped children in Washington, Larry has never had a single day of public education in his life.

Five years ago, a school principal, in effect, unilaterally banished Larry from public education. He told Larry's mother that the District school system had no special programs for her son. Along with the parents of about 500 other children, Larry's mother has been waiting—for two years now—to get a District grant to pay for tuition in a specialized school that could help her son.

Meanwhile, Larry attends a recreation program for two hours a day at the dismal Anacostia Park Playground. There are four such play centers for retarded children around the city. Officials say about 30 children in the programs (nearly half) have never been to public schools.

Joyce, 7, lives in Prince Georges County. She is what is known as "multiple-handicapped." Joyce is deaf and also said to be emotionally disturbed. She has been out of school since September.

As in the District, schools in Prince Georges, and, for that matter, other Maryland and Virginia suburbs—have no programs for children with such multiple handicaps. Joyce may also have difficulty getting accepted at a specialized school for the deaf, since schools for the deaf or the blind often exclude children who are also emotionally disturbed or mentally retarded.

Before Joyce's parents can find a school for their child and qualify for special state aid given in Maryland to educate children with serious handicaps, they must obtain an evaluation from a psychiatrist. But they can't afford the fee, usually $50 or more.

After a frustrating search lasting several months, the county's special education staff finally was able to arrange a free evaluation for Joyce this month at the District's St. Elizabeths Hospital. No such free service existed in Prince Georges.

By the time the results of the evaluation are forwarded to the state education department and papers are processed, Joyce probably will have missed nearly a year of the valuable schooling and therapy she needs.

Daniel is luckier than Larry or Joyce, because he is in school in Montgomery County. He is 15, tall for his age (well over 6 feet), able to get along with people, adept and responsible when he is given jobs like mowing lawns or washing cars.

Daniel is also mentally retarded. His IQ is around 50, about half that of the so-called normal child. For several years, he has been in a school program for the trainable retarded—now euphemistically called the "moderately" retarded—those who test in the 35 to 55 IQ range.

At the Concord School in Bannockburn, Daniel goes to classes with other retarded children, ranging in age from 5 to nearly 21. His principal says most of the children eventually will wind up in state institutions for the retarded after they reach 21, when their right to further public education ends, or when their parents die or can no longer cope with them in the home.

In effect, the principal says, much of the training in self-care and obedience to rules at Concord School is designed to enable the children "to function better in an institutional setting" later.

Daniel, however, could function with some help in society, the principal says. But the county has no program of on-the-job training or placement for children of Daniel's competence. The principal is trying now to start his own.

John, whose family lives in Fairfax County, is not retarded, but he is in the intensive social habilitation ward—the "locked up" ward—at Lynchburg Training School and Hospital, the state institution for the retarded which serves half the state, including Northern Virginia.

The 17-year-old boy, and about 25 other young men and adolescents, are at the institution for the retarded because state correctional schools say they cannot handle disturbed children. Lynchburg's director, Dr. Benedict Nagler, has unsuccessfully resisted accepting such cases, claiming his training school is not equipped to function as a correctional institutional or as a mental hospital. "This is one of the grey areas in our state," he says.

The cases of Larry, Joyce, Daniel and John are similar to hundreds in Washington, its suburbs and the nation. Some specialists have estimated that perhaps as many as 1 million retarded children in the country are excluded from schools as "uneducable."

Locally, the best estimates of the number of children barred from public edudcation, or badly served by it, have been made recently in Washington, where a new associate superintendent, Dr. John L. Johnson, is making a strong case to the school board, the city government and Congress for vastly increased financial support.

Dr. Johnson calculates that at least several hundred children in the District are totally excluded from public schools. Nearly 900 more children have been individually identified as needing special education programs not now provided because there are no funds. These children include 223 diagnosed as emotionally disturbed, 269 retarded children and 329 with a variety of special learning problems. The remainder are handicapped by degrees of blindness, deafness or poor physical health.

In the suburbs, officials in charge of special education programs insist no children are barred from schools or special tuition aid for private schooling, but that can be a matter of definition.

With the exception of Alexandria, all suburban public school systems have disowned any direct responsibility for a small group of handicapped children—the profoundly retarded children—often called "uneducables"—with IQs below 30, who function at the level of 1- an 2-year-old infants.

To fill this gap, the Montgomery County Association for Retarded Children recently began its own program for the profoundly retarded. Three children, age 6 and above, were known to need such schooling. But, between May and October, as word of the new program spread, a dozen or more prospective students emerged. These were children sheltered by their parents, unknown to school authorities.

There's little doubt that school programs for handicapped children in the suburbs are in most respects light years ahead of those in the District. Montgomery, for example, has been known to attract parents of handicapped children from neighboring states who specifically settle in the county because of its special education programs.

While the suburbs can claim superiority, their programs generally are deficient when it comes to dealing with emotionally disturbed children and those with special learning problems, like reading difficulties.

School officials in Washington and the suburbs readily acknowledge those days that they may lose control soon over placement of children in special education programs—that is, who qualifies and who doesn't. The handwriting on the wall, as they see it, is a three-judge federal court decision issued in Pennsylvania last October.

After expert testimony, the court ruled that the state could not exclude any retarded children from the right to public education, since all such children can be educated in some way. For some, this means reading at a fourth-grade level; for others, it means being taught to feed, clothe and toilet themselves.

In the District, the parents of seven children—all excluded from public education—have filed a similar class action law suit contesting school board rules that give officials wide discretion in barring children from public education.

Children, particularly those with behavoir problems, have been expelled permanently from schools under board rules that give as causes for expulsion: "Immoral conduct, indecent language, violent or pointed opposition to authority, persistent disobedience or disorder, habitual tardiness, unauthorized absence, poor personal hygiene and continuing academic failure."

The Expendables: It's 3 Against 1—II

(By John Mathews)

At Boys Junior-Senior High School, the prime facility in Washington's public school system for adolescent boys said to have "emotional and behavioral problems," a typical school day began recently with the singing of the religious hymn, "Holy, Holy, Holy, Lord God Almighty. . . ."

Following the hymn, both students and teachers at the assembly recited in unison the vintage verse "Teamwork" by Edgar A. Guest, the popular poet of the '20s and '30s. A teacher moralized to the boys about the self-reliant and non-conformist messages of Ralph Waldo Emerson and Henry David Thoreau.

Then, Hiram F. Jones, the 65-year-old principal who has run the school for six years, delivered what amounted to a short inspirational sermon. "Look at life's bright side. Look at life through rose-colored glasses" he told the boys. "Life is what you make it no matter how you take it."

Later, Jones singled out individual boys for praise or criticism. An embarrassed teenager was called, "My No. 1 man," and complimented for his good behavior and well-shined shoes. Another boy was told that he was "going to learn how to obey," and was required to make a public apology for an infraction of rules.

"It's three against one," Jones told him. "Your mother wants you to straighten out, your parole officer and me. We're going to break your spirit, brother."

The assembly wound up with a mathematics contest and an award for the best-dressed student. Teachers voted in the contest, Jones told a visitor, "because the boys used to gang up and vote for somebody who looked like a vagabond and someone who looked like Clark Gable wouldn't win."

Principal Jones' special brand of exhortation and evangelism for dealing with troubled young people has been repeatedly questioned in recent years by outside critics.

Evaluations have said that criteria for placing students in the school are unclear, that the school has an inadequate program, lacking psychological services, and that no accurate record has been kept of what happens to its students.

Fifty-six students are currently enrolled, but daily attendance seems to hover around 20, giving the school with eight teachers and one counselor an incredibly high and costly student-teacher ratio.

Washington's Boys Junior-Senior High School illustrates a problem shared by both the District and suburban school systems: The needs of students with emotional problems have been dealt with inadequately—or not at all.

In the field of special education—the name given to school programs for handicapped children—disturbed children are the most neglected.

Besides emotionally disturbed children, most area schools are also virtually rejecting any responsibility for school programs for these groups of children:

Preschool retarded and physically handicapped children, the 3-, 4- and 5-year-olds whose parents must find private schooling much of which they consider inadequate.

So-called profoundly retarded children those with IQs of 30 or below.

Adolescent and young adult handicapped students, who can find little in the way of job training available to them in public school programs.

For students with emotional problems, Prince Georges County has "no program as such," according to a school official. Arlington, Fairfax and Montgomery counties have classes in some elementary schools, but virtually no programs for junior and senior high school students. Alexandria pays attention to the older students, but ignores the younger children.

How to handle children with emotional problems raises many basic questions not only about this group, but also about other handicapped children, such as the retarded or physically disabled.

Teachers and administrators in the special education field—often prodded by parent and community organizations—are asking these days whether handicapped children are helped or harmed by being segregated in separate school buildings and into special classes.

Do children suffer a psychological stigma from special placement? Does isolation from normal children and confinement with children having the same problems reduce or reinforce the problems? And, in the case of emotionally disturbed children, are separate classes and schools actually helping troubled children or are they helping teachers and principals rid themselves of children they consider troublemakers?

In Arlington, Margaret Wadsworth, the county supervisor for special education, says she has resisted establishing classes for older emotionally disturbed students. "As soon as you create such classes, they are filled up," she said. "All teachers have students they consider emotionally disturbed and want removed from their classes."

In Washington, one of the committees of a special education task force that examined programs for emotionally disturbed children said the District's "social adjustment" classes, currently enrolling nearly 600 children, "often serve as dumping grounds for second-rate teachers and for disruptive children." Children are often assigned "arbitrarily and unfairly" to what are known as "sack classes," because, in the words of a junior high school principal quoted by the committee, the children "dare to be different."

In Montgomery County, a consulting team headed by Prof. Paul H. Voelker of the University of Pittsburgh surveyed special education programs. In its March 1970 report the consultants said it was hard to find a difference between children labeled as "emotionally handicapped" and placed in special classes and children in other classes said to suffer from "specific learning disabilities."

The consultants warned that "the very fact of special class placement, assignment to a teacher in a self-contained class . . . is likely to lead to a certain amount of inflexibility, labeling and self-fulfilling prophecy."

Visits to classes for children with specific learning disabilities appear to bear out the consultants' warnings. Children in these classes are said to be of normal or higher intelligence but have perceptual-motor problems. They have difficulty dealing with symbols or controlling hand movements and often see letters and numbers in reverse fashion.

In one school with a middle and upper income population, the 11 children in a class for specific learning disabilities were largely isolated from the rest of their classmates. The teacher said that virtually all the children exhibited degrees of emotional problems and at least two belonged in a class for disturbed children. During her two years with the class, the teacher said, only one child made enough progress to return to a regular class.

Despite the increasing trend against special, separate schools for handicapped children—especially the emotionally disturbed—Montgomery County is ready to open one. The new Mark Twain School in Rockville will eventually have 250 students, aged 11 to 16, who are no longer tagged with the label "emotionally handicapped," but are described as having a "range of behavior patterns and educational needs" that cannot be met in a regular school setting.

The Pittsburgh consultants have expressed fears that Mark Twain School will become a "dumping ground" for disturbed students. At a time when the labeling and isolating of handicapped children is being de-emphasized, the consultants said it was "unfortunate" the county should start a school that "can hardly help but lead to the utimate in labeling."

In Washington, the city's new head of special education, Associate Supt. John L. Johnson, plans major changes for the archaic Boys Junior-Senior High School and for the city's entire approach to disturbed children. Formerly an associate professor at Syracuse University specializing in the problems of emotionally handicapped children, Johnson is planning to establish what he calls therapeutic centers, homes in the community and even store fronts where troubled children will spend part of their school day, or relatively brief period in their school careers, getting special help.

"I don't think we ought to be building anything separate or special for any specific group of handicapped children," he said in a recent interview.

Johnson, however, has inherited another special school, the Mamie D. Lee School, a facility for retarded children in Northeast Washington.

It took parent groups about a dozen years of pressuring the school board and the city and lobbying congressional committees to get the school built as a center for trainable retarded, children with IQs in the 30 to 55 level. The new school opened in the fall, but is still at half its capacity. It lacks a principal and an assistant principal, as well as shop, home economics and physical education teachers. Dr. Johnson says he is resisting parent and staff pressure to fill the school with students and complete staffing until he finds the best qualified personnel available.

Even with a full enrollment of 200 students, the Lee school will take care of only a fraction of the city's estimated 700 retarded children classified as trainable. The remaining children will still go to school in some of the system's oldest facilities, such as the nearly 100-year-old Lennox School Annex opposite the Navy Yard in Southeast Washington, or in makeshift classrooms invariably located in the basements of regular school buildings.

Johnson and many specialists in the field of educating handicapped children agree that children at the trainable or moderately retarded level do not need special classes. But, he feels that the traditional approach of segregating these children in separate schools or isolated classes with regular school buildings—the pattern in Washington and the suburbs— is wrong.

The isolation of the moderately retarded dates from a time when educators felt that because children of this level of retardation often look and act differently from normal children they should be sheltered for their own good or the "protection" of normal children.

John and other specialists argue that if the objective of education for the retarded—or for the deaf, blind and physically handicapped children—is to give them every chance to live as normal a life as possible in society, they must have early and frequent contacts with normal children.

Perhaps the most debate and disagreement in the special education field centers on the so-called educable retarded, children in the 50–55 to 78–80 IQ range. Research in recent years has raised doubts as to whether children scoring on the upper end of the scale, in the 70s and 80s, are actually retarded, or are merely slow in developing because of deprived backgrounds.

Much of Judge J. Skelly Wright's 1967 de facto segregation decision dealt with this group of children. In barring the then current track system, the judge ruled that over 5,000 children classified as educable retarded and confined to special classes had been denied their rights to equal educational opportunity.

Wright found that the special "basic track" classes were dumping grounds for children with a variety of problems, that the instructional program was inadequate and that once assigned to such a class a child was condemned to an inferior education.

In Fairfax County, Beatrice Foster, the supervisor for special education, candidly acknowledges that "there is no question classes for educable retarded have often been a dumping ground." In the last two years, she has been reducing the number of children assigned to such special classes.

Prince Georges County schools have tried to limit the number of children in educable retarded classes by having "floater" teachers. These special teachers work with individual children and small groups, who remain part of regular classes. Montgomery County is using the same approach on a smaller scale.

Like most special educators, Montgomery's director Philip J. Stromowsky sees special placement of handicapped children as a last resort. In coming years, he maintains, the county will emphasize special help for children with special needs who will remain in the mainstream of public education.

Archie S. Oliver Jr., Alexandria's first full-time director of special education who has had extensive teaching experience in the field, including several years in the District, takes a more radical view. "I see the time when there will be no special classes for handicapped children," he says. Special education teachers will act as supports to regular classroom teachers, he adds.

The ever changing approach to handicapped children is illustrated, Oliver says, by the fact that "only 20 years ago, schools thought mildly retarded people could not be educated and should be placed in institutions for their entire lives."

Preschools Rare for Handicapped

Just about everybody believes that children benefit from early education. Parents pay out money for cooperative and private preschools. The federal government supports Head Start programs for 3- and 4-year-olds and many public school systems have established preschools and kindergartens.

Often, however, programs which seem to be beneficial to normal children are generally denied handicapped children. Among area public schools only the small Alexandria school system has a well-established preschool program for handicapped children.

FEW EARLY PROGRAMS

If you live in Washington, or in other Maryland and Virginia counties, and you have a handicapped child, there are no public school programs generally available before age 6.

In Alexandria, the preschool program at Lee School for children who are retarded and sometimes have physical handicaps is largely the result of the work of a dynamic educator, Mrs. Cressie Miller.

Enrolling children as young as 2, the program has been operating for eight years. During that time, Mrs. Miller has encountered several cases of children who were diagnosed as retarded. These diagnoses, however, were wrong.

A withdrawn 2-year-old could not speak when he came to the preschool. Another child, who had spent two years in the District's Junior Village, could not play with toys and barely responded to adults and other children. A little girl, who had enjoyed a favored place in her family as the youngest of seven children, had drawn a cloak of silence about her after her mother had a new baby.

ENTER REGULAR CLASSES

All of these children broke out of their shells and eventually entered regular first-grade classes. If they had not had the benefit of early education, Mrs. Miller believes they probably would have entered special classes for the retarded at age 6 and the prophecy of the incorrect diagnosis would have been fulfilled.

"There must be many children like these who actually become retarded because they have not had a chance at early education." she concludes.

The Expendables: Out of Sight, Out of Mind—III

(By John Mathews)

The women—teen-agers to middle-aged—are dressed in identical, loose-fitting, striped robes. Many wear oversized diapers with "D.C. Government" stenciled in ink on them. They wander about the large, barren, yellow-tiled room in dazed, bizarre postures. Some clutch after unseen objects, others crouch in fetal positions, still others chatter aimlessly.

In another section of the new Curley Building—designed, you are told, in modules to "make it more humanizing"—the teen-age boys are eating lunch. Some have their faces literally in their trays, so they can scoop the food with their bare hands into their mouths. As they finish eating and leave the small dining room, an attendant swabs food off their naked bodies, covered only with diapers bearing the government stamp. The boys are then pointed down a hallway where another attendant checks them into another large, bare, tiled room.

They are all "residents" at Washington's institution for the retarded, which bears the idyllic name of Forest Haven. They are the so-called "profoundly retarded"—adolescents and adults with the mental capacity of 1- and 2-year old infants.

These scenes are duplicated at virtually any large state institution for the retarded, like Maryland's Rosewood or Virginia's Lynchburg Training School and Hospital.

But conditions like these need not exist.

At Forest Haven in the Poplar Cottage 10- to 24-year-old males at about the same level of retardation as those in the Curley Building have been taught to dress and feed themselves. Most are now toilet trained. A rigorous program of "operant conditioning" has been used in which tokens are given as rewards for acceptable behavior. They can be cashed in for toys or candy.

The reason some profoundly retarded people at Forest Haven are living at virtually an animal level and others are not is simply a matter of money. It takes more staff to run a carefully controlled training program like that in the Poplar unit. But the city institution has about 100 vacant positions (of an authorized strength of 500), resulting from congressional and city government fund cutbacks and job freezes.

"Out of sight, out of mind," is how R. Rimsky Atkinson, Forest Haven's acting director for the last three months, characterizes public and government attitudes toward institutions for the retarded here and elsewhere. Invariably, such institutions, as well as mental hospitals and prisons, are tucked away in some rural setting or hidden behind high walls.

Like Washington's Forest Haven, Lynchburg Training School and Hospital—the Virginia institution for the retarded that services Northern Virginia—is also "out of sight, out of mind."

With about 3,600 "patients"—as they are called at Lynchburg—the institution is at least 500 beds above capacity. At last count, 160 patients were sleeping on mattresses on the floor. Last year, a hepatitis epidemic, probably abetted by crowded living conditions, struck several hundred inmates, two of them fatally.

Lynchburg, which has nearly 600 patients from Northern Virginia, spends an estimated $8 a day per patient, which Dr. Benedict Nagler the institution's "superintendent," says is probably the lowest figure for any comparable institution in the nation. Washington's Forest Haven spends $18 a patient, also inadequate in view of higher personnel and food costs here than in Southern Virginia, said Atkinson, the acting director. The cost in Maryland institutions is over $30 daily per resident.

Maryland's largest facility for the retarded, Rosewood State Hospital, the subject of much media attention recently, is also badly overcrowded with its 2,500 patients, 500 more than its capacity. After his first visit to Rosewood, the state's new director of mental retardation, Bert W. Schickel, called it one of the worst he had seen in his 35 years in the field.

Schickel said he was even more concerned with what he called dehumanizing conditions—such as jail cottages, locked doors and isolation cells—than by the overcrowding.

Conditions at both Rosewood and Washington's Forest Haven have been the subject of recent court actions. At Rosewood, an attendant was charged last year with whipping several young residents. In the District, parents of three children have brought civil actions against the city, charging negligence at Forest Haven resulted in injuries to their children.

In all of the three District cases, negligence is attributed to lack of supervisory personnel and overcrowding—the direct result of congressional and city fund cutbacks. A group of youths in one case shoved a helpless boy into a scalding shower and, in another incident, a child was intentionally burned on the ear with an electric iron by another child. The third case involves the scalding in a hot tub of a paralyzed child who was being bathed by an attendant.

With 1,300 residents, Forest Hayden is at least several hundred above capacity, but Atkinson, acting director, considers shortage of personnel an even more critical problem. In Pine Cottage, for example, where 82 severely retarded boys and men aged 15 to 50 are housed, three counselors are assigned to day shifts and two at night.

Beds in dormitories are less than a foot apart and residents are confined most of the day to two rooms because of the scarcity of counselors.

To operate something beyond the custodial program now offered, Atkinson said, 18 counselors are needed for each day shift instead of three and four at night instead of two. The cottage population should also be reduced from 82 to about 60, he said.

Beyond the visible conditions—the overcrowding, the programs which consist largely of endless hours of television, many residents of mental institutions could be living in the outside world. Hundreds of retarded people at Forest Haven, Lynchburg, Rosewood—and even Maryland's new Great Oak's Center, considered a model institution—do not belong in those institutions.

For example, Lynchburg has among its 3,600 residents 16 persons, most of them over 50, who are officially classified as not retarded. An additional 21 patients are "borderline" retarded and 379 more are classified as mildly retarded.

Some of these people have crippling handicaps or conditions requiring constant bed care, and others have been "institutionalized" to such a degree that they could not function in the outside world. But many could live outside the institution, just as thousands of other retarded persons do successfully.

At the District's Forest Haven, according to Atkinson, about 50 school-age children could live at home, but do not because city schools lack adequate educational programs for them. At least 135 adults are ready for job training programs that could help them acquire a skill and possibly employment and self sufficiency outside the institution. But, Forest Haven has funds for only 50 on-the-job placements off its grounds.

"If we had group homes and social services—we only have two social workers with 1,300 residents—we could return at least one-third of the residents to the community," said Atkinson. Another third of the residents could benefit from "training activities, rather than the babysitting we give them now," he added.

Even at Maryland's new Great Oaks Center in the Calverton section of Silver Spring—considered a model of institutions for the retarded—there are children who do not belong there. The center has at least 10 school-age children of the trainable retarded level who could be at home, if Prince Georges County had room for them in school programs.

Dr. Bruce H. Hobler, the institution's clinical director, says a "large number" of the center's children, infants to 12-year-olds from five counties, including Montgomery and Prince Georges, could live outside the center if there were community resources to support them at home. "Our ability to move children out depends entirely on the availability of community resources," Hobler said.

The lack of community resources is keeping institution for the retarded filled above capacity. Many residents of institutions come from broken homes or problem-ridden families, but little has been done to line up foster homes willing to take handicapped children. School educational programs have been slow in developing here, again limiting the chances of some residents returning to their families.

The new movement in other states of developing group homes—small living units in the community for the retarded—is just beginning in the Washington area. The Montgomery County Association for Retarded Children plans to open a network of such homes in the next few years for retarded children, adolescents, young adults and older people, most of whom come from institutions.

Novel Great Oaks Method Overcomes Basic Handicaps

In a ward at Maryland's Great Oaks Center 8- to 12-year-old retarded children are routinely condemned by society to live their lives out as permanent 1- and 2-year-old babies.

They are "profoundly retarded" children said to have barely measurable IQs and the mental capacity of infants.

In most institutions, attendants spoon-feed these children, diaper and dress them. But, at Great Oaks in the Calverton section of Silver Spring, some of these children are now feeding themselves with utensils, dressing themselves and even becoming toilet-trained. They may be the first profoundly retarded children with severe physical handicaps ever to learn these skills in any institution in this country.

The acquisition of such basic skills means that some of the children will actually be able to leave the institution and return to their families.

The unique training program at Great Oaks has been developed by Howard Reuben, a retired government psychologist, who uses controversial operant conditioning techniques, suggested by the research of the eminent behavioral scientist B. F. Skinner. The approach seeks to reward positive behavior and ignore improper behavior.

Some private and public schools and institutions in the Washington area are experimenting with varieties of these techniques for training seriously retarded and other handicapped children. Some students are given tokens for positive behavior that can later be cashed in for toys or candy, and in other programs, small money payments are made for good attendance and behavior.

Public school officials are skittish about discussing operant conditioning or behavior modification programs since they fear negative public reactions. "It's hard to explain to people that we are using techniques with children that have been used to train white rats and pigeons," one teacher said.

When Reuben first began working with an 11½-year-old child we will call Jimmy, doctors said the child had virtually no measurable intelligence and had a physical condition making it impossible for him to grasp and hold objects in his hands. He was usually fed by an attendant, or placed his face partially in a tray so he could push food into his mouth.

Reuben used a $90-a-week attendant he trained as the prime teacher and recorded Jimmy's progress on video tape.

The training program for Jimmy began with the attendant holding a spoon in the child's hand, dipping it into food and lifting it to Jimmy's mouth. Soon, Jimmy began to exert pressure on the spoon and the attendant could let go of his hand just before the food went into his mouth.

Gradually, the attendant over a few days moved her hand away from the child's hand to his wrist. Already the medical prediction was refuted. Jimmy was holding the spoon, but still required the aid of the attendant's hand on his wrist.

By the end of 2½ weeks, the attendant was holding Jimmy's arm at the elbow. It took another week to get Jimmy to feed himself independently without even the slightest pressure of the attendant's hand at his elbow. During the whole training period, food provided the incentive. When Jimmy did not cooperate, or failed in his task, he experienced delays in getting the food he craved.

A more involved procedure was used to toilet train Tom, an 8½-year-old profoundly retarded child with a spinal defect that makes it impossible for him to walk. He has to pull himself along the floor with his pathetically limp legs tucked beneath him.

Psychologist Reuben noticed that Tom did not like wet diapers and would often pull them off when they were not changed immediately. Tom was indifferent to food, but loved hot showers, which became the primary reinforcement tool in his training.

Tom's intervals of wetting his diaper were recorded and found to occur in a regular pattern. One day he was taken to the shower, just before a regular period of urination, and placed over the drain. When he urinated in the drain, he was immediately rewarded with a hot shower.

Later, a plastic bowl was placed over the shower drain. Tom quickly learned to urinate in the bowl and empty it in a nearby toilet, which he enjoyed flushing. The next step was to have a carpenter construct a "potty chair," since none for 8½-year-olds is manufactured commercially.

Tom quickly made the transition to the chair, using it soon for defecation as well. Soon, the chair's legs were cut and the seat was placed over a regular toilet. A ramp had to be built so Tom could drag himself up to the toilet seat without assistance.

Tom is also learning to feed and clothe himself and psychologist Reuben's objectives for him are widening. He wants to see how much language a child said to be destined to live his life at an infant level can learn.

THE EXPENDABLES: SOME AREAS HELP MORE—IV

(By John Mathews)

If you have a handicapped child needing specialized treatment and education which public schools cannot provide, perhaps your first concern should be where you happen to live in the Washington area.

It's no small matter, either.

Full-time residential treatment and education offered only by a private psychiatric hospital for an emotionally disturbed child can cost $20,000 or more annually. Day programs for retarded or physically handicapped students can cost $8,000 or more.

In Maryland, you can expect to receive over $10,000 to pay for your child's education and therapy, but, if you live in Virginia the maximum you can get is about $4,000. In the District you can get up to $4,500.

Parents with high-option military or government insurance can make up much of the deficit. Families without such protection are out of luck.

These disparities in payments may soon become a legal issue involving the right of every child to a free education at public expense, regardless of his disability and regardless of the cost of that education.

The District, Maryland and Virginia have what are called "tuition-grant" or "excess-cost" programs based on the rationale that it is not feasible for public schools to operate programs for some categories of severely handicapped children.

Children who are both deaf and blind, or who are deaf or blind, as well as retarded or physically impaired, require programs with specialized equipment and expert personnel. Some severely neurotic or psychotic children also need a full-time hospital setting.

Since there are relatively few of these children, it would not make economic sense for public school systems to operate such programs themselves. As a result, the tuition-grant and excess-cost programs have been established to help pay the costs of educating such severely handicapped children in private schools and institutions.

Virginia, Maryland and the District in effect acknowledge through their special grant programs that seriously handicapped children who cannot be educated by local school systems have a right to a free public education. But limited funds—particularly in Virginia and the District—curtail that right.

Maryland's excess-cost program with its more liberal payments has provided as much as $14,000 annually for some individual children, but the State Board of Education will soon consider a recommendation from its education department to place a $6,000 limit on individual grants.

Such dollar limits, however, may become a moot question in the future. Court decisions are sprouting up around the nation prohibiting school authorities from excluding severely handicapped children from public education. In Washington, a case has been filed on behalf of emotionally handicapped and retarded children who have been excluded from local public schools.

One of the remedies for satisfying the courts is for public school systems to start programs for handicapped children they have previously not educated. Washington last fall began a small experimental class for profoundly retarded children, which enrolled several children who are plaintiffs in the court suit.

If a school system faced with a court decree, however, decides not to take on a new program for previously unserved children, it has the alternative of providing payments for education in private schools and institutions. Plaintiffs in that event are likely to ask the court to order full payment of all costs, which would vastly inflate tuition grant budgets.

Under current tuition grant programs, costs have escalated annually. The District now spends $1.3 million a year for 505 children, an average grant of $2,500 a child.

When the program began in Maryland in 1968, 32 children received grants costing $103,579. Last year, 104 children, or more than three times as many, received grants, but costs increased more than 500 percent to $554,058. Over $200,000 more is budgeted for the current year. Grants last year averaged above $5,300 a child, more than twice Washington's average.

Officials in both the District and Maryland concede that the tuition grant programs have been inherently discriminatory. They blame soaring costs, however, on private schools' increasing their tuitions—often in anticipation of increased state support available to parents of handicapped children.

Washington's new Associate School Supt. John L. Johnson, who is trying to reform the District's tuition grant program, says flatly, "In the past, a large number of children whose parents had influence with Congressmen and with the school board were able to get tuition grant payments." Parents, he adds, who were "not skilled at negotiating the bureaucracy" ended up on waiting lists for grants, which currently total about 500.

Maryland's administrator of tuition grants, Richard L. Gamble, who has been in the job for a year, acknowledges also that his state's excess-cost program is used disproportionately by people "who are more sophisticated and have the know how."

With only one full-time person in any school system concentrating on getting state aid for its handicapped children, Montgomery County last year got the highest number of grants, 34, nearly 30 percent of the statewide dollar total. Baltimore City, with the highest concentration in the state of children from low-income families got only five grants. A number of rural counties, like Wicomico, Garrett and Washington, had no excess cost grants.

Besides the excess-cost program, Maryland grants local school districts $1,000 for each handicapped child in their school systems. This program cost $11.9 millilon last school year, with $2.2 million of the amount paid out for private schooling.

In addition, three counties—Montgomery, Prince Georges and Howard—provide their own grants for private schooling. In Montgomery some of these grants can even be used for placing children with behavior problems in military schools.

In the District, an income breakdown for the 505 tuition grants shows a majority of the awards, 346, went to families with less than $10,000 income. Forty-five children receiving grants, however, came from families earning $20,000 or more yearly. Six families were in the $30,000-plus income bracket.

Many lower-income parents in Washington are still on waiting lists for tuition grants, although the situation has improved in the last year or so. Such persons have had an advocate in the Information Center for Handicapped Children, a small dynamic office funded directly by the U.S. Office of Education and independent of the school system. The center, which has also made the first local attempt to catalogue all programs available for handicapped children, is scheduled to go out of business at midyear.

Despite such special help many lower-income parents—as well as many in the middle income brackets—cannot make up the difference between the government grants available here and the high cost of special private schooling.

In calling for a $6,000 limit on excess cost aid in Maryland, the state education department is raising an issue that may well have to be settled by the state legislature, which has set no limit on the amount that can be spent for individual cases. Some organizations for handicapped children have argued that the state department had already violated the intent of the law by limiting grants, before the general ceiling was proposed.

The department's memorandum to the board argues that the primary reason for setting an excess cost limit is that private school tuitions are soaring "to astronomical levels." Experience in other states has shown, the memorandum continues, that setting a grant limit forces private schools to use a sliding scale for tuition based on parent income. The limit also would "encourage shopping around to obtain adequate service at the best price," the memorandum adds.

To illustrate the current situation faced by some private schools for handicapped children which depend almost exclusively on the excess-cost program to pay their tuition, a specialist in the field sketched this scenario:

"I don't mean to say that people running private schools are motivated solely by money, but you can't ignore the economic side of it. Let's say you and I wanted to start a school for emotionally disturbed adolescents. We would describe ourselves as a therapeutic day school staffed by young, emphatic teachers and aides who use positive reinforcement techniques and milieu therapy to effect behavioral changes.

"We would set our enrollment at 30 boys and girls and our tuition at $6,000 for a 10-month year, all of it probably coming from excess cost or insurance. That's a gross of $180,000. Okay, we hire three teachers at $12,000 apiece and three young aides at $5,000 each, so that's $51,000 in salaries. Of course, we both teach part-time, giving the school a very impressive staff to student ratio, much individual attention.

"We pay out $6,000 a year to rent a church Sunday-school hall, $10,000 for supplies and equipment, $5,000 for food, $1,000 for utilities—roughly a round figure totaling about $80,000 for all costs. Subtracting that from our gross of $180,000, leaves us with a very substantial $100,000. We both could make $30,000 a year and leave a good bundle for construction of a permanent building and expansion. It's a pretty good proposition, and nonprofit too."

In Washington, Dr. Johnson is also concerned about private schools and the services they are providing handicapped children. He is planning to ask each private school with a child supported by a District tuition grant to outline every year a specific program for the child with specific goals, then report back at the end of the year on whether objectives have been met.

Johnson would also like to contract with specialized schools to take a class of District students, supported by tuition grants, and a District teacher as a trainee. After a year or two, the trained teacher and the class could be incorporated in the public school system.

"That would be a way of testing the commitment of private schools to the community," he said.

DON'T LOOK THROUGH THEM . . .

Like black people, Chicanos, Indians, women and some others—handicapped people are now being discovered as a neglected class. The handicapped, particularly the retarded, do not speak out for themselves; their parents or advocates are their voices.

"We are a new breed. The day parents came out of the backroom was the day the children came out," said Carole Hosey, the mother of 9½-year-old Stevie, who is categorized as profoundly retarded.

"We want you to know our children," she says. "We want you to ask questions, to stare at them—if you wish—but not to look at them as if they are transparent. Look at them carefully, because they are a part of life."

Mrs. Hosey, the Bethesda wife of a civilian employe of the Department of Defense and the mother of four "normal" children, and Hilda Ederer of Rockville, the mother of two children diagnosed as retarded, agreed to speak on the record recently to a Star reporter.

They spoke openly, candidly about their frustrations and tensions at caring for their children, who are—infinitely more difficult to care for then the most troublesome "normal" infant.

They also spoke angrily about pediatricians and purported experts in the field of retardation—the professionals who know pathetically little about the unused potential of retarded children and who continually discourage and delude parents.

"We need the truth more than anybody else," said Mrs. Ederer. "We need the truth early so we can find help for our children. If we are made to look through rose-colored glasses, we aren't helping our children."

Mrs. Hosey remembers a pediatrician who called her child "a moron," and a neurologist who said, "If you had eight hours a day and 20 years, maybe you could teach Stevie to feed himslf."

She also remembers with a touch of bitterness other doctors who urged her and her husband to put Stevie in an institution and forget about him. "There was so much willingness to eliminate the child, because they did not consider him a productive member of society," she said, "but we only thought of him as our child and we did not feel guilty about him."

Both Stevie Hosey and Julian Ederer, who is 8½, have made remarkable progress in the last few months. They are enrolled in a special training program at Great Oaks Center in Silver Spring, a state institution for retarded children. There psychologist Howard Reuben uses operant conditioning—a system of positive rewards and step-by-step repetition—to teach the children to feed, toilet and clothe themselves.

"A miracle," is the way both mothers described that precious moment when they saw their boys for the first time dip a spoon into food, raise the spoon unaided to their mouths and eat the food. "Stevie had never eaten a cookie himself—imagine a 9½-year-old child who had never eaten a cookie by himself—but he does now," said Mrs. Hosey.

Neither mother now entertains inflated ideas about the ultimate capabilities of their children. They share, however, a deep anger at the system: A system which regularly has written off certain categories of handicapped children, their children, as hopeless.

THE EXPENDABLES: NEW TERMS NEEDED?—V

(By John Mathews)

After weeks of examining programs for handicapped children and adults in public and private schools and in state institutions, there are some images which are hard to erase:

At Lynchburg Training School and Hospital in a ward for children confined to wheelchairs and beds, there is a 5-year-old boy whose arms and legs will never develop. In place of limbs, he has little stunted flippers. His condition is believed to have resulted from his mother's taking the drug Thalidomide—which several years ago was found to cause birth defects—during pregnancy. The child is not retarded and does not belong in an institution for the retarded, but the state has no other facility for children like him with severe physical handicaps.

Linwood School, a private institution in Ellicott City, Md., has a program for autistic children—victims of a largely unexplained disorder which leaves them unable to communicate, locked into what has been described as a "cage of unbreakable glass." In a class for young children, a little girl holds a scrap of paper in front of her eyes and constantly chases what may be to her an imaginary butterfly. A 7-year-old boy endlessly tries to put too many plastic chips in a small container. He repeatedly reaches an intolerable level of frustration, flings the chips across the room, then later begins his futile cycle again.

In a dark room at an isolated recreation department building in Anacostia Park, 11 children, 8 to 13-year-olds, take part in a two-hour play program five times a week. None of the children, all of whom are diagnosed as retarded, has ever been in a public school. Their mothers have not been able to cope successfully with the bureaucracy, in some cases being told by principals that there is no place for their children in school. "I want my child to learn her address and telephone number, to learn to count and read," says one mother. "She needs more than recreation; she needs an education."

In all the state institutions, there are hospital wards where children and adults with a variety of defects which cripple their brains or nervous systems see life through the ever-present bars of hospital beds. Dedicated attendants—and there are many in the badly neglected state hospitals—painstakingly feed them, change them and wheel them to sun porches and television-viewing areas. The lack of physical therapists in the past, and inadequate therapy programs at present, mean that at least some of them are permanently condemned to bedridden lives, doctors say, though some may have had a chance of becoming at least partially mobile.

Initially, you are shocked by these schools and institutions; perhaps, for that matter, even repelled by the cruelties of nature, disease and heredity. Mongoloids, hydrocephalics, the brain-damaged and the retarded are beyond our narrow view of what constitutes normality in appearance and behavior.

But, when a middle-aged retarded woman at the Lynchburg institution makes you read a letter from home and tells you of the joy she anticipates from the expected Christmas visit of her parents, the initial uncomfortable strangeness you feel begins to dissolve.

Or, when an autistic child, who does not speak or hear what you say, touches your face and clasps your hand or when a group of so-called emotionally disturbed boys get you to join and mediate their intense kickball game, the fear and insecurity of encountering people who are different wears off.

As an attendant who takes care of patients with severe handicaps and physical deformities in a state institution's hospital ward put it, "We don't think of them as patients. They're people to us."

To most of the rest of us, handicapped children and adults are not people. They are, instead, abstractions—medical problems we hear or read about. Essentially, they are invisible, hidden people from whom we have carefully shielded ourselves.

In schools, handicapped children—the blind, the deaf, the retarded, the emotionally troubled or the physically impaired—are usually confined to special classes or to separate schools. It has become fashionable to call them "exceptional." Their programs are even labeled "special education."

That term particularly infuriates one parent of a retarded child, James P. Chapman of Silver Spring. "It sounds like you're getting special treatment, like a charity case. We should get rid of the term and just call it public education," he said.

Chapman, who has headed a committee of the Montgomery County Association for Retarded Children now planning a radically new way of ending the segregation of many retarded persons, is also irritated by other traditional terms. " 'Trainable retarded' and 'training schools for the retarded,' " he said, "are fine for animals in the zoo, but not appropriate names for people." The term "educable retarded," Chapman added, "seems to make the assumption that all other retarded people are not educable."

His own organization is now planning to substitute "retarded citizens" for "retarded children" in its title. "If you think of a 30-year-old person as a child, he will act as a child," he said. "It's a self-fulfilling prophecy."

Society has found it easy to segregate the handicapped, because it does not view the hidden and invisible people as a direct threat.

Handicapped children are unlikely to ever march on the school board and retarded adults have never been known to stage a revolt in a state institution.

The deliberate segregation of the handicapped and their resulting invisibility have led to their traditionally low rating on the priority list of educational and community programs. "We have long been the bastards of educational and social services, put out of the family deliberately and forgotten," said one specialist in the field.

Beyond the inadequate funding, the incomplete programs for the handicapped in public schools, and the sorely neglected state institutions, there is a larger issue at stake these days. It deals with the basic relationship between handicapped people and the so-called "normal society."

So far, what has become known as the "normalization principle" is usually discussed when dealing with the retarded, the largest category of handicapped people, but its implications apply to other handicaps as well.

The principle has been defined by Bengt Nirje, a specialist on the retarded in Sweden, where the principle is being practiced, as "making available to the mentally retarded patterns and conditions of everyday life which are as close as possible to the norms and patterns of the mainstream of society."

What this means is that retarded and other handicapped people must become as much as possible a part of society, living and working in the community, managing their financial affairs, making decisions for themselves. The vehicle for integrating the retarded into the community is the group home where retarded children—or adolescents or younger and older adults—can live beyond the wards of institutions with the assistance of non-retarded houseparents.

The concept has revolutionary implications for school programs. It means that many schools will have to change the objectives of their programs from preparing retarded people for life in an institution or in a sheltered family to semi-independent living in the community. If successful, the movement will hopefully reduce the number of people generally condemned to a life isolated from society.

So far, the movement towards normalization is largely a European phenomenon, but a healthy start has been made in this country in the states of Nebraska and Washington. Locally, the Montgomery County Association for Retarded Children is planning to open a network of group homes for the retarded in the county beginning this year.

The county program would start initially with probably four "training hostels," homes where young adult retardates, mostly over age 16, would gain their first experience in living away from home or an institution. They would be enrolled in job training or school programs while living in the group home. Each home would have no more than eight retarded persons, plus houseparents. In time, some of the retarded people would be expected to leave and find a place in the community with or without supervision.

Eventually, the county plans calls for establishing group homes for infants, 3 to 5-year-old children, adolescents, young adults and older retardates. One special home, called a crisis relief unit, would offer temporary residence for retarded children and young adults whose families are experiencing a difficult period, or simply need placement for their retarded family member in order to move or take care of some family business.

Chapman, an IBM computer salesman who headed the county association's committee planning the group home network, visited Omaha and Lincoln, Neb., to see five residences and apartment living units now serving 50 mildly and moderately retarded young and older adults. The program there is operated by a unique five-county agency, called the Eastern Nebraska Community Office of Retardation.

Chapman likes to cite the case of John Bynum, who became something of a celebrity when he was named handicapped employe of the year in the state. Now 46, Bynam spent 38 consecutive years in a Nebraska institution for the retarded until he entered a group home two years ago.

Bynum is black, has a speech impediment, experiences seizures and lacks a formal education, because his club foot prevented him as a child from climbing to the second-floor classroom in the institution where he grew up. A psychologist once said he was "totally incapable of functioning" outside the state institution for the retarded.

For the last two years, Bynum has operated a dishwashing machine at a hospital, never missing a day of work. He discovered at one point that the washing line had been set up incorrectly and suggested improvements that were carried out.

Chapman feels there are hundreds of John Bynums in Montgomery County and elsewhere, who have been cheated of the right to a normal life.

If society gives them a chance to show they are people, and not problems, perhaps they will reach that goal, he adds.

WRC-TV EDITORIAL: "HIDDEN PEOPLE"

We, as a society, have for years, deliberately segregated ourselves from the retarded, the emotionally disturbed and the physically handicapped. We have hidden them away from our thoughts and priorities. As a result thousands of people, especially children, have been excluded outright from the public education and job training that could have led them to a healthier, happier, more productive life.

In the District, it is estimated that as many as 15,000 children require some form of special education, yet less than 5,000 are getting even minimal help. Hundreds more are not receiving any education or training in school at all.

No one in the District government or on Capitol Hill has ever officially acknowledged an obligation to educate these unfortunate children. Only this year Congress began to recognize the extent of the D.C. school problem. Funds, for the first time, are available to seek out and hire more highly trained teachers, buy the sophisticated equipment needed and set up special schools for emotionally disturbed—something the District has never had before.

However, corresponding needs for these people such as vocational services—have been and still are neglected or ignored. They are under the Human Resources Department and there is where more effort must now be made. Without vocational services, the handicapped are thrown out of the schools into a void—left, again, to waste away the years.

We have an obligation to these hidden and forgotten people—we can and should no longer avoid it.

THE LEGAL RIGHTS OF THE RETARDED

Accounts of gruesome and pitiful conditions in mental hospitals have been regularly reported in the press in recent months. Few states are without their human warehouses where large numbers of the sick and retarded are allowed to be stacked indefinitely on shelves of despair and deprivation. In many places, perhaps even all, inhumanity to the retarded is not intentional nor the result of designed contempt; instead, the sorry treatment of so many proceeds from lack of money and lack of staff—traditionally the twin causes of institutional neglect.

The situation is grim but not entirely hopeless. A recent order by a federal court in Montgomery, Alabama, may mark the beginning of a new national attitude toward people who are mentally retarded. Judge Frank M. Johnson Jr. ordered state officials to correct conditions at the Partlow State School and Hospital at Tuscaloosa. The evidence seen by Judge Johnson "vividly and undisputably portrayed Partlow as a warehousing institution which, because of its atmosphere of psychological and physical deprivation, is wholly incapable of furnishing treatment to the mentally retarded and is conducive only to the deterioration and debilitation of residents." In more personal terms, Harold E. Martin, editor and publisher of the Montgomery Advertiser-Journal wrote in his newspaper after a visit to the hospital: "I have covered wars and death in almost every kind of catastrophe during 30 years in the newspaper business but was totally unprepared for the horrors of an institution whose whole concern for the more severe cases is uncivilized and dehumanized custodial care . . ." Judge Johnson entered an interim order to correct immediately such things as fire hazards and unhealthful food, and to begin a disease immunization program. A March 31 deadline was issued for the hiring of 300 staff persons; this deadline has already been met. According to one observer, this is the first time a court has ever held that mentally retarded persons involuntarily confined in an institution have a right to adequate treatment and care.

The importance of this decision lies in the fact that not only has actual help been given to thousands of the retarded in Alabama, but that the decision may have a positive affect nationally. Other suits may be brought involving other hospitals. Already, a proposal has been made by the American Civil Liberties Union, the American Orthopsychiatric Association and the Center for Law and Social Policy—a Washington public interest law firm—to form a national council on the rights of the mentally impaired. Through test case litigation, the council would identify and implement the rights of the mentally ill and retarded. As the group notes, "mental impairment is more than just a health problem for our society. It is also a pressing legal problem. Despite their numbers, the mentally impaired are among our society's most abused minorities . . . The hospitals in which these persons are confined are often worse than prisons and the 'treatment' which is the purported justification for such confinement is often non-existent."

Successful court cases are an important and obviously much-needed way to guarantee the rights of the retarded. Ideally, states should not have to be forced to provide adequate treatment, but since legislative appropriations for mental health are often small, decisions like Judge Johnson's will become more and more crucial. It is also welcome news that mental health lawyers will be active.

SUPPLEMENTAL AIR TRANSPORTATION EXCEEDS CONGRESSIONAL AUTHORITY — ADMINISTRATION DEPARTMENTS ARE WRONG IN THEIR INTERPRETATION OF THE LAW

Mr. RANDOLPH. Mr. President, many months ago the Civil Aeronautics Board proposed the creation of a new concept in air transportation called the "non·affinity charter." In late December of 1971 the Board moved toward adoption of this proposal by issuing a notice of proposed rulemaking. Under this notice the name of the new concept would be changed to "travel group charter." The proposal, however, differs little from that which the Board originally announced.

I bring this matter to the attention of the Senators because it seems to me to be a very unfair proposal. The air transport network of the United States is unsurpassed in any other country of the world. It provides a system of regular and predictable scheduled services to smaller communities as well as to large ones, and in times of low traffic demand as well as in times of high traffic demand. This system of air transportation came into being by virtue of the wisdom and foresight of our predecessors in the Congress. In 1938 they adopted the Civil Aeronautics Act, which I assisted in drafting and passing in the U.S. House of Representatives, when a Member of that body. The legislation placed duties on the shoulders of the scheduled airlines in exchange for the rights which were granted to them. Since the enactment of that original measure the scheduled carriers have responded well to this combination of responsibility and right. They have produced for us an air transportation system which has strengthened the mobility and the security of our Republic and of our traveling and shipping public.

After World War II a second type of airline came into existence. It was known as the nonscheduled carrier. Such a carrier was authorized to operate by the Civil Aeronautics Board, using its exemption authority, on condition that its operations would be truly nonscheduled, and that those operations would not interfere with the services provided by the scheduled airlines.

Mr. President, these carriers, in my opinion, far exceeded the scope of their operating authority and was not in accordance with the terms of their operating permits. Moreover, the courts held that the authorizations issued by the Civil Aeronautics Board exceeded those which were permissible under the Board's exemption authority.

To solve this problem the Congress, in 1962, amended what had become the Federal Aviation Act so as to provide a proper statutory basis for certification of the nonscheduled airlines. By that legislation it called these airlines supplemental air carriers, defined them, and defined the permissible scope of their activities in air transportation. We established two tests: First, that any air transportation they would be authorized to perform would fit within the meaning of the word "charter"; second, that they could only provide such air transportation was would supplement the scheduled services.

I am sure that the Civil Aeronautics Board recognizes these limitations and will apply them in determining whether the supplemental air carriers should be authorized to perform the new travel group charters. In my view, this type of air transportation cannot be considered as a true charter, and authorization of the supplementals to perform this type of air transportation would amount to authorizing the supplementals to supplant, rather than supplement, the scheduled services.

All persons desiring to do so were permitted to file comments on the Board's new proposal last month. Many comments were filed, some in support of the proposal and some in opposition. I am particularly disturbed, however, by two filings which came from the executive branch. These comments were submitted by the Department of Justice and the Department of Transportation. Both comments seem to ignore the standards established by the Congress for determining what type of air transportation authority should be granted to the supplemental carriers. Instead, these two Departments have embraced what they call the "substantial impairment" theory. In other words, they appear to tell the Board that it may authorize the supplemental carriers to carry passengers and cargo so long as their activities do not "substantially impair" some given level of scheduled service.

I emphatically point out the administration that this is not the law. I further tell the administration that it has no power to make the law. That is the function of Congress, and Congress has set the boundaries defining supplemental air transportation. We expect the Board, as an administrative agency created by Congress, to follow the law.

TRIBUTE TO SENATOR GOLDWATER

Mr. BROCK. Mr. President, throughout his public career, the Senator from Arizona (Mr. GOLDWATER) has been a staunch defender of Taiwan, the leading spokesman in this country for the defense of that nation against potential aggression from the mainland. The free men and women of Taiwan could have no better champion in the Congress of the United States than this man who has taken up their cause against those who would write them off as sacrifices on the bloody altar of detente.

With such a distinguished record behind him, it is no accident that Senator GOLDWATER is admired, respected, and supported by millions of Americans who share his concern for the defense of this Nation and allied nations against Communist aggression and subversion. As the Senator said about himself in addressing the Young Republicans Leadership Conference on March 10:

> . . . I am a very vociferous, strong champion of Nationalist China, and will still be. . . .

Mr. President, it took a very special kind of political courage for the man acknowledged as the foremost American champion of a free and independent Taiwan—for a man known throughout the world as a crusader against communism and all forms of collectivism—to support his President when he visited the People's Republic of China last month. It took a special kind of man to take the lead in defending the President against the attacks of many men and women who have been his friends and political supporters for a decade or more.

But Barry Goldwater is that kind of man—very special. I know. I will always hold a place in my heart and mind for him as an example of integrity, courage and conviction which I believe constitutes the standard which the rest of us must strive to attain. His action in this regard, in supporting a President because he was right, again illustrates the point only too well.

Since he spoke out in defense of the President, the Senator from Arizona has been the object of an often bitter attack by many Americans who in my opinion should know better. There is something very dispiriting in this reaction—dispiriting and disquieting. BARRY GOLDWATER, Mr. President, represents the best that is in us. Throughout his time in the Senate, he has earned and gotten the respect and admiration of many men within and without his party who disagree with him on specific issues yet can never doubt his decency, intelligence and character.

I know beyond the shadow of any possible doubt that there is not a man in this body who sympathizes with the goals and tactics of the Chinese Communist Government of the People's Republic of China. I know that the overwhelming majority of Americans are vehemently opposed to what that government and its accompanying ideology represent. Yet, in the face of that, most of us in the Senate and a huge majority of Americans approve of President Nixon's trip to China. We have come to realize that the government of mainland China constitutes a force in the real world with which we must deal. Certainly President Nixon harbors no illusions on the humanity of that government—but he also harbors no illusions on what it will take to build a generation of peace throughout the world.

In supporting the President's initiatives in the Pacific, none of us has been the object of the attacks which Senator Goldwater has suffered. It is not as though these attacks were unexpected. It is not as though there was no other course open to him. But he chose the right course knowing what the price would be.

It is a source of satisfaction to me that the Senator, not his detractors, reflects the overwhelming response of this Nation—Republican and Democrat, liberal and conservative. It is an honest response, rooted in faith in our President and faith in the ability and character of free men.

WELFARE REFORM: THE TIME IS NOW

Mr. HUMPHREY. Mr. President, poverty is a condition of life that most Americans do not have and are not likely to experience. For some Americans though, poverty is real and depressing. Life for poor Americans is indeed bleak. To go without eating, to lack money for decent shelter and adequate clothing, to say again and again to one's children, "No, we cannot buy a new pair of shoes or a new toy," to be without the standard elements of human comfort is an existence with little reward and much heartache.

Simultaneously, the poor, the welfare recipient, and the hungry are the most vilified, least understood segment of our population. We can close our eyes and hope they will go away or pretend that we do not see them, but they remain, a testimony to an affluence that has not yet arrived. And, always, the poor live on the other side of the street, or across the tracks, or beyond the bend in the river.

In August 1969, the President of the United States, in his welfare reform message, called upon the Nation to accept the notion that "a measure of the greatness of a powerful nation is the character of the life it creates for those who are powerless to make ends meet."

Welfare rolls continue to spiral. From 1960 to 1969, rolls increased some 4.4 million. The Department of Health, Education, and Welfare estimates that left unchanged, rolls will increase until, in 1977, the level will reach 20.3 million. The public assistance figures for September 1971 indicate that some 12.9 million recipient families received aid. There were an additional 2 million individuals receiving aid under the adult categorical program.

In our urban areas, the scope of public assistance is even more frightening. New York, according to data from the National Center for Social Statistics has 13.4 percent of its population on welfare. In St. Louis, the percentage is 12.5. Philadelphia has a percent rate of 11.5 and Boston-Suffolk has 15.3 percent of its population receiving public assistance.

Cost figures, in terms of dollars, have also increased. In 1960, the Federal Government spent 2.05 billion on public assistance. Expenditures estimates for 1970 indicate that total outlay for assistance, exclusive of medicaid, administrative, and general assistance will be about 10.2 billion. Of that total, the non-Federal share is about $4.481 billion and the Federal share equals $5.795 billion. Once medicaid, administrative, general assistance, and social services are included the total cost increases to an estimated $20.939 billion, with Federal cost estimated at $11.6 and non-Federal cost at $9.3 billion.

Something is wrong and something must be changed.

GOALS OF WELFARE REFORM

First, we can and must put an end to hunger in America. We must end forever poverty-related malnutrition. And, to do it will require both an expanded food stamp program and a basic benefit level above $2,400. We simply must have a national goal to end hunger in this Nation.

Second, we can and must enact a system that treats recipients fairly and provides coverage for all the needy—not just families, or the elderly, or those who are physically disabled.

Third, we must maintain and strengthen the family. We can begin by providing assistance to the working poor, by providing adequate day care centers, and by expanding job training and public service employment at a fair minimum wage.

Fourth, we can and must simplify the administration of public assistance. Administration should be federalized; red tape should be reduced; and employee protection for social workers and support personnel should be assured.

Fifth, we should guarantee that no recipient receives less assistance under a reformed welfare system than he does receive under the present system.

Sixth, we must assure that a reformed welfare system must be as fair to the middle and moderate income taxpayers as it is to the recipient. We must guard against fraud and deception and provide an opportunity to work for those who can work.

We can and must provide fiscal relief from the crush of local taxes. We can do so by federalizing the complete cost of public assistance and by closing the loopholes in our Federal tax system.

Seventh, we must recognize that welfare is a national problem demanding national answers and the commitment of national resources.

WHO RECEIVES PUBLIC ASSISTANCE?

As our Nation considers welfare legislation, I believe it is highly important to keep a perspective on the problem by understanding the composition of the welfare population.

Who receives public assistance? The welfare myths would have us believe that almost all recipients are black, that all the families have 10 or more children, that all are on welfare for generations, that all recipients are shiftless or lazy, and that few of the recipients work but almost all could, if forced, go to work.

The results of the latest Department of Health, Education, and Welfare study, gives a different picture of AFDC recipients. According to this report, 48.3 percent of recipients are white, 43.3 percent are black, and 8.4 percent are other races. The average number of children in a welfare family is three, a decrease from the 1967 figures. Over half of all AFDC families have two or less children. Only 11.5 percent have six or more children. The median age of a child on AFDC is 9, with about one-third of all the children under the age of 6.

Families on welfare generally do not receive assistance more than 2 years. In fact, 51 percent of the recipients are on AFDC less than 2 years. Thirty-two percent are on less than a year. The median length is 20 months.

The employment data for AFDC fathers reveals that of those presently unemployed, 71.1 percent are normally blue collar, 6.2 percent are service workers and 11.6 percent are formworkers. Less than 2.4 percent of all AFDC fathers have never held employment. For the AFDC mother, 13 percent are employed in regular or part time jobs; 7 percent are enrolled in training programs or are waiting for training programs; 35.5 percent did not work because they were needed in the home, caring for small children. Thirty-six percent were physically or mentally incapacitated, had no marketable skill or could not find suitable employment.

Of the missing father, 5.5 percent are dead, 11.5 percent are incapacitated, 75.4 percent are absent from the home—with 13.7 percent divorced, 15.9 percent deserted, and 27.9 percent not married to the mother. No information for the remainder.

The average monthly income of an AFDC family is $50.65, with $25.55 in earnings and $25.10 in unearned income, not including assistance monies. One-half of all AFDC families participate in the food stamp program; 12 percent live in public housing; and 80 percent have not received any family planning services.

Three of every 10 recipients receive less than $100 aid; four of 10 receive anywhere between $100 and $199; and three of 10 get over $200 a month in aid.

Categorically, the public assistance rolls are composed of 24 percent enrolled in the old age assistance program; 8 percent are in the aid to blind; 50.3 percent are children; 2.9 percent are incapacitated adults; 13 percent are AFDC mothers. Of this 13 percent, 7 percent are in training; 36 percent are incapacitated; 35.5 percent are mothers in homes; and 13 percent are presently employed; the remaining mothers are unavailable for work.

The President's Commission on Income Maintenance sums up work potential this way: Of 1.2 million people, nonaged family heads who did not work, one-half were women with responsibilities for children, one-third were incapacitated adults; 230,000 were attending school; 15 percent continually searched for work but because of economic conditions, could not find work; and less than 100,000 men were able-bodied and did not work.

Thus, of the 12.9 million people receiving public assistance, 2.6 million could be considered eligible for work. Among this number 2 million are women—mothers with children—and of these only about 44.5 percent can move into regular employment once child care, training, and jobs are assured.

Of the other 600,000 employment potentials, less than one-fifth would be considered suitable for employment. Work and potential for work boils down to this: Less than a million of the 12.9 million on public assistance, and any addition to the welfare system through the inclusion of the working poor.

This is the welfare population.

They demand our consideration and compassionate judgment, as we in the Senate make decision.

I would now like to examine the goals I have outlined.

1. ENDING HUNGER AND MALNUTRITION

No condition of human life pains me more than to realize that there is still hunger in America.

As a Senator, I was intimately involved in food programs.

As Vice President, I worked for child feeding programs, for school lunches, and for food stamp programs.

Now once again as a Senator, I pledge to continue the battle against hunger.

FOOD STAMP PROGRAM

I believe we have made a start by providing additional funds for the food stamp program. More families than ever are using stamps. And, with proper regulations, increased funding, the relaxing of eligibility requirements and a sympathetic Presidential leadership, we can continue to increase participation.

But, we must remember that a cash-out of food stamps is really a cash-down if hunger is not reduced. Food stamps should not be cashed out if the net effect of such action is to reduce the purchasing power of the poor, and if such action will lead to an increased utilization for the commodity distribution program as now legislated and operated—a program which food stamps were designed to replace.

The food stamps cash-out under the House bill increases the probability that in some States, if these States do not maintain current benefits, total dollar benefit will be reduced. A family of four in Michigan presently receives, if they have no other income, an AFDC benefit of $3,156. This family is eligible for $444 in food stamps, for a total benefit of $3,600. Under the House proposal, the total cash benefit, assuming the States maintain current levels, would be $3,165; but food stamps no longer exist; the result would be a $444 loss in benefits for this family. On the other hand, a State such as Louisiana, which only has a total benefit level—cash and food stamps—of $2,304, the recipient family would gain about $95.

Overall, if States do not maintain benefits at the current cash-plus-food stamp levels, recipients in 46 States will have welfare payment cuts.

COMMODITY DISTRIBUTION PROGRAM

Indirectly, the House action on food stamps increases the pressure that the commodity distribution program will double and triple in size and scope. The House bill, while it does ban recipients of family assistance from participation in the food stamp program, does not ban recipients from participating in the commodity distribution program.

The commodity program is filled with errors of design and operation which work to the disadvantage of the poor. These errors have been well documented by hearings before the House Committee on Agriculture, Senate Committee on Agriculture and Forestry, a Select Committee on Nutrition and Human Needs, and before citizens groups such as the Board of Inquiry Into Hunger in the United States. The problems of the commodity program are familiar: Transportation centers far away from the population; restricted hours; heavyweight of the commodities; inadequate nutritional value; insufficient quantities of food; irrational and illogical application for eligibility procedures.

The greatest failing, though, of the commodity programs, from the standpoint of being an integral part of any income maintenance scheme, is that the support and concepts which underlie it are farmer, not welfare recipient, oriented. The Nixon administration bluntly intimated this fact in its response to the recommendations of the White House Conference on Food, Nutrition, and Health:

> . . . we maintain that commodity programs are of a different nature. Their primary thrust is to help balance the agricultural economy rather than to provide income substitutes. They serve a different constituency than that concerned with health and nutrition. (Page 77, Comprehensive Report, White House Conference on Food, Nutrition and Health, February, 1971)

This statement will remain as a serious and fatal indictment of the commodity programs as nutritional improvement mechanisms.

CASH ASSISTANCE

Cash assistance, not just for families but for all needy is a key element in ending hunger. But, the cash income must be adequate.

I have previously introduced legislation that would lift about 6 million elderly out of poverty. We can do this with an immediate financial increase in adult categories and in social security benefits.

The $2,400 annual assistance for a family of four is at least $1,500 below the Government's own recognized poverty line. The $2,400 family assistance for a family of four in deficient when one realizes that the changes mandated for the adult categories would provide a $2,400 benefit level for an aged family of two. Surely a four-person family has more dollar needs than a two-person family.

The poverty level for a family of four is at least $3,000 below the lower living level budget of the Bureau of Labor Statistics. In my own city of Minneapolis, the Bureau of Labor Statistics estimates that the total cost of four-person family consumption on a lower income budget is $5,561, including $1,866 for food, $1,465 for housing, $492 for transportation, $843 for clothing and personal care, $540 for medical care, and $355 for other expenses. In addition, it is estimated that such a family will pay $343 in social security and disability insurance and $892 in personal income taxes. A $2,400 level without any supplementation is woefully inadequate.

THE COST

The reason usually offered for not increasing the benefits is cost. Public welfare cost today, including medicaid, administration and emergency assistance, totals $21 billion, of which $11.6 is Federal and $9.3 billion is State and local funds. A family program with a $2,400 Federal base costs excluding administration, medicaid, and emergency assistance, $9.1 billion increasing that base to the $3,600 for a family of four would cost $15.8 billion. This figure, some argue, is unrealistic, beyond Federal budget capacities, and remains but a goal for some distant future action.

But, there is another dimension to the cost datum—the human cost. What does it cost if we do not increase benefits? What does it mean in terms of sustained malnutrition—in terms of babies and children who are underfed, who go to bed night after night hungry, who exist on staples of beans and grits?

What does it cost society to keep people in perpetual states of inactivity, or listlessness, or nonproductivity? What is the cost if families do not have adequate shelter or plumbing facilities? What is the cost of combating disease aggravated by the lack of sanitary conditions?

What is the cost in terms of babies yet unborn who upon birth have a 30-percent less chance of survival the first year, three times the chance of normal children of being mentally retarded because they are likely to be undernourished, not likely to finish elementary school, let alone high school and have better than an even chance of being on the same welfare system their parents so deplored and so hated?

The immediate solution is this: Increase the benefit level and do more for those who have less. We are a great country; surely we can take care of our people.

There are a variety of alternatives to a static Federal floor. We could increase the floor each year by a percentage of the poverty level until at some time in the future the poverty level becomes the Federal minimum. Or, we could provide that the floor increase a percentage of the family food consumption component of the Bureau of Labor Statistics low-income budget, until that component becomes the Federal floor. Or, we could change the ceiling each year by enacting new legislation. However it is done, it is my opinion that an escalator should be a part of the legislation—to move the basic Federal payment to levels of adequacy.

Finally, we should build into any Federal payment a cost of living and regionalization factor. It is only fair and equitable that differences in living expenses be recognized as a legitimate ingredient of welfare cash assistance.

A sound food assistance program and an adequate Federal income program can help accomplish the goal of ending hunger—the most urgent domestic priority.

2. ADEQUATE COVERAGE

The second goal is adequate coverage.

The family assistance plan covers only those poverty families with children. It does not cover the 1.8 million childless couples living in poverty nor does it cover the 2.3 million single adults living in poverty.

The plan assumes that these individuals will be covered by State welfare payments. But not all States pay what is called general assistance—benefits which go to those who do not qualify for the regular categories of assistance.

Conceivable, this omission could be a subtle pressure for a childless couple to have children—at least then they could receive family assistance.

A national program should cover all the needy.

3. WORK OPPORTUNITY

In the United States work is honorable and it is expected. Those recipients who can work should work. And, indeed, data tends to support the conclusion that almost all recipients able would like to work—if only jobs were available.

However, to make work opportunity more effective, we should spell out in detail what is and what is not suitable employment. And, we should assure that day care, public service, and upgraded training will be available.

Day care and public service employment are vital to any welfare reform. Without them, reform legislation could only institutionalize a welfare crisis.

The Department of Health, Education, and Welfare estimates that 1.3 million children will require day care if H.R. 1 becomes law. Cost figures for these children vary between $1,600 and $2,000 a child. But, present day care programs provide services for less than 250,000 children. And there are serious questions whether or not the funds in H.R. 1 are sufficient to meet this need. The House committee report states that well-designed child care including educational, health, nutritional, and other services should be the basis of our child care programs.

H.R. 1 also provides for 200,000 public services employment jobs. This is vital to the success of a comprehensive welfare program. However, we must be certain that at a time when the economy is sluggish and depressed, as it is now, we provide sufficient public service jobs.

Public service jobs are not necessarily dead end meaningless jobs. Public service can be jobs of opportunity and a path to career mobility. I have called for 1 million public service jobs. I would hope the Congress and administration would enact at least that many jobs.

INCENTIVE

There is one other work opportunity feature of the welfare program that should be examined: incentive to work.

One of the major problems with the present welfare system is the lack of incentive for the working poor to earn additional dollars. Under the present procedures, earned income is deducted from the benefit at a rate of $30 and one-third the remainder. Unearned income is reduced dollar-for-dollar from the benefit check.

I believe the working poor must be included in any welfare program—either as an integral part of program or as part of a pilot project that would be automatically triggered into effect.

I favor a work incentive of 50 percent—allowing the working poor to keep 50 cents of every dollar.

It is my feeling that a restricted and regressive 67-percent incentive rate as presently slated will actually be a disincentive. The Heniman Commission has said that a 50-percent tax rate is better than a 67-percent tax rate. A 50-percent tax rate does increase program cost, for it increases the break-even level and brings more potentially eligibles into the program. But, it also provides an adequate work incentive that may hasten the removal of the recipient from the welfare rolls.

4. ADMINISTRATION

Although I strongly favor the assumption of welfare administration by the Federal Government, I also believe that administering the program should be as simple and as concise as possible. I am fearful that splitting responsibility between the Department of Labor and the Department of Health, Education, and Welfare, though admirable, might increase the difficulty of coordination, increase the red tape, and increase the confusion.

A. APPLICATIONS

The application procedure of the House bill is vague and unclear. On one hand, the language does specify what happens when the recipient fails to file his income report—the recipient is summarily cut off from benefits. And, if the failure to file persists, then benefits for any subsequent reapplication are reduced by a specified dollar amount.

On the other hand, the procedure for filing an application and the kinds of information that are to be included on that application remains the realm of secretarial discretion. What kinds of "data and material" must the recipient file—income wage statements, home ownership policies, birth certificates, death certificates, baptismal certificates, income taxes, car titles?

If we are going to have complicated eligibility and certification procedures, then we should be legislatively specific as to kinds of data and material that the potential recipient must supply. In the long run, I believe we can guard against fraud and illegal acts and still have a certification system that is simple and rapid.

B. REVIEW AND HEARINGS

It is in the hearings and review proceedings that capriciousness, while maybe not deliberate often, is more a function of the fact that the welfare recipient often does not know his rights, is not informed in clear and understandable language of them, or is just too scared to speak for those rights. Given the history of welfare procedural review, it would seem necessary to specify as clearly as possible the rights, regulations, and provide for the publication and communication of those rights.

C. LOCAL COMMITTEES

The House bill provides for local adcountry to evaluate and 'report on the visory boards set up throughout the country to evaluate and "report on the effectiveness of the program." The language of the bill says that each committee "shall consist of equal numbers of representatives of labor, business, and the general public, as specified by the Secretaries." Just what does the "general public" mean? Does it mean that welfare recipients are to be included or excluded?

We have had numerous Federal programs in which the consumers of the program have no opportunity to participate in the design or the evaluation of the program. In fact, social scientists are agreed that the failure to ask the poor, to consult with them, and obtain their thinking about policies which affect them is one cause behind the failure of many social programs. Since recipients of public housing aid have served on the board of the public housnig authorities and food stamp recipients have served on food stamp advisory committees, does it not make sense to allow welfare recipients to serve on a board that will be charged with evaluating the delivery capacity of the family assistance plan?

D. EMPLOYEES

I believe that State and local government employees should be assured of accrued rights during the transition from State to Federal administration. We must and should protect the right of those workers who might be assimilated into the federal system and I believe that we should assist all others to find new and equally productive jobs.

It is important also to have workable accounting income procedures. We simply must make every effort to be as current and as fair as possible in the calculation and definition of a recipient's income for assistance payments.

5. MAINTENANCE OF BENEFITS

It seems axiomatic that any reform of the present welfare system would at least guarantee that recipients would not receive less cash benefits than they are presently receiving.

The Federal legislation must include a maintenance of benefits clause. States must be mandated to provide present levels of benefits to public assistance clients; because, in fact, if we do not guarantee existing benefits, we subtly increase the pressure to reduce benefits.

This pressure is great and may be overpowering—the burden of welfare costs is more than most States can bear.

When this pressure for a reduction in total State costs is coupled with the notion that some States do not pay 100 percent of needed standards now, the lack of a maintenance of benefit clause will likely prove catastrophic to welfare recipients.

President Nixon's once famous dictum that no recipient will receive less than his current benefit is laughable, if it were not so tragic.

The most positive way out of this dilemma is to include a maintenance of benefits clause along with a hold harmless for both people and States and a high rate of Federal participation in the financing of State supplementary welfare payments.

The essential point is this: The taxpayers of our States need massive fiscal relief from the crush of taxes used to pay welfare cost. At the same time, children, mothers, and older Americans ought to have protection against any cut in benefits.

STANDARD OF NEED

Even a maintenance of benefit clause, though helpful as a guarantee to recipients, does not provide as much in fact as in theory. It is true that no recipient will get less than current levels; it is also true, in some States, that many people do not get enough to cover their needs.

Fourteen States pay recipients 100 percent of the monthly amount for basic family needs, as these needs are defined by the State. All 14 of these States—Colorado, Connecticut, Hawaii, Illinois, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, South Dakota, and Washington also have benefit levels above the proposed Federal floor of $2,400. A maintenance of benefits provision is important in these States to assure continuance of the payment level.

Other States, such as Alabama, Arizona, Delaware, Mississippi, Nevada, South Carolina, and West Virginia, pay considerably less than the full standard of need. Alabama, for example pays only 35 percent of the standard—$81 of the estimated $230 monthly amount for basic needs. Delaware pays 65 percent—$187 of a $236 need standard. Mississippi pays 40 percent—$70 of an estimated $230 need standard.

For recipients in these States, a $2,400 Federal floor will increase their incomes. The maintenance of benefit provision is not wholly applicable—though any Federal sharing of voluntary State supplementation may encourage those States to increase payment levels.

6. FAIRNESS

No one denies that there are two costs to every welfare system: to the recipient who must bear the burden of living under the system and to the taxpayer who must pay dollar cost of the system.

The cities and the States are in financial trouble.

They need help and they need it as rapidly as possible.

There are serious reservations whether or not the relief promised by welfare legislation is sufficient to meet the crisis demands of State and local government. It could mean that the inequitable distribution of State cost which originally led to a reform of the welfare system, will be frozen into law. Those States which now provide cash payments substantially above the proposed Federal floor would not find their cost increasing, but neither would they find any State savings from their cost of maintaining benefits to the 1971 level, once the basic Federal payment is deducted.

On the other hand, those States which presently pay less than the $2,400 level will have little or no State welfare cost under the new program. The limitation on increases in expenditures has no direct and immediate effect on these States.

Since one of the goals of this legislation is to provide fiscal relief to beleaguered States and local governments—to save the States money that is desperately needed for other programs—the Federal Government should provide for increased starting Federal floor and contribute a share of the supplementary payment States would make to recipients over and above the basic $2,400.

This Federal participation in State supplementary payments will have three effects. First, it would provide States an incentive not to reduce benefits from present levels. This would protect welfare recipients from a cut in public assistance.

Second, it would mean that the welfare program would be on its way to true federalization. If the percentage which the Federal Government aids in State supplements was continuously increased, then there eventually would be a complete federal system of both costs and administration. Third, Federal participation would provide the fiscal relief that the high payment States desperately need.

And adequate benefit level or a phased-in increase in the percent of Federal aid for State supplements would provide the fiscal relief the States want and it would truly recognize the welfare crisis as a national and not a local crisis.

7. WELFARE AS A NATIONAL PROBLEM

The House bill recognizes that welfare is no longer a local or State problem. It is a national problem demanding national standards of eligibility, basic national benefit floors, national administration, and national distribution of the cost.

Welfare reform is but one of the "reforms" we must make this year. Hand in hand with it we must have "revenue sharing reform" and "tax reform." In fact, these three "reforms" fit together.

Our present taxing system is grossly unfair to the middle-, moderate-, and low-income individual. There is something unfair about a society that taxes poor people while millionaires and the wealthy are allowed to escape from taxation. Yet that is precisely what happens. Poor people pay over $5.4 billion collectively in direct taxes, $2.8 billion in social security taxes, $2 billion in indirect taxes, and $14.5 billion in indirect consumer taxes.

I have previously offered amendments to eliminate the poor from Federal tax liability. This amendment was adopted by the Senate, but the Nixon administration fought it in the conference committee over the Revenue Act of 1971.

I think we must move ahead quickly on tax reform. And, I have joined in sponsoring a comprehensive tax reform proposal.

I think we must move ahead quickly on revenue sharing.

I think we must move ahead quickly on welfare reform.

The administration has delayed on these reforms all too long—they have asked for postponement in revenue sharing and welfare reform. And the administration refuses to propose a tax reform program.

As in the past, Congress must take the initiative.

These are national problems and they must receive national answers.

The time is not tomorrow; the time is now.

POLL OPPOSES GUARANTEED ANNUAL INCOME

Mr. CURTIS. Mr. President, as the Committee on Finance continues its consideration of welfare reform and the "guaranteed annual income" proposal contained in H.R. 1, I wanted especially to invite attention of Senators to the results of a recent poll taken in his State by the distinguished senior Senator from North Dakota (Mr. Young).

The Senator received 11,000 responses to his questionnaire. A total of 9,327 responded to the question, "Do you favor the President's welfare reform proposal with its guaranteed annual income?" Of those, 30 percent favored the proposal and 70 percent opposed it. A very significant result of the poll was that of 274 students who responded to the question only 35 percent favored the proposal and 65 percent opposed it.

Not only does the Senator's poll reflect overwhelming opposition to the "guaranteed annual income" approach to welfare reform in his State, but it indicates that young people do not view the matter substantially differently from their elders.

In a Federal Republic such as ours, it ill behooves Congress to force upon the citizens of an entire State a program they oppose by so wide a margin. I know that the results of Senator Young's poll has been or would be substantially duplicated in many other States—almost certainly in my own.

I commend Senator Young for this important contribution by his office and his constituents to the enlightenment of Congress on this and other issues. The full results of the poll appear at page 8947 of the Congressional Record of March 17.

OCEANS

Mr. NELSON. Mr. President, the current issue of the Sierra Club bulletin includes an article entitled "Long Island Sound: The Urban Sea," written by Donald Squires. It is a very informative piece, describing the threats to the environment of the sound and the beginnings now of steps to try to save it, with concerned citizens groups providing the push.

Similar stories could be told all over the country, of course: Accelerating pollution, tragic consequences, public awareness and concern, governmental efforts to stop the wastage and destruction before the resource is completely and irreversibly spoiled.

But there is something unique in the Long Island Sound story: It is not a lake or a river that is being destroyed; it is a part of the ocean itself.

"The urban sea" is the new tag for the sound. It is a term that gives little cause for comfort: If we do not act now to protect and manage the marine environment, minimizing conflicts in uses, surveying and preserving its ecology, we will quickly make the same mess of the supposedly limitless ocean environment as we have of much of our land.

I ask unanimous consent that the article entitled "The Urban Sea" be printed at this point in the Record, along with two New York Times articles, one just this morning reporting a 60,000 gallon oil spill in the sound from a grounded tanker, and the second reporting active consideration by the New Jersey Assembly of a measure to create an offshore sanctuary for the entire length of the State.

There being no objection, the items were ordered to be printed in the Record, as follows:

Long Island Sound the Urban Sea

(By Donald F. Squires)

Some 10,000 years ago the great wall of ice which covered most of northern North America stalled in its advance, retreated and advanced again. Two great ridges of sand and gravel, over 100 miles in length and up to 30 miles in width, were piled up on the Continental Shelf ten to fifteen miles off the Connecticut shore forming, when the ice withdrew, Long Island. As the ice continued its retreat a fresh water lake was formed in the embayment between the glacial ice on the Connecticut shore and Long Island. This soon was replaced by sea water, forming what is now Long Island Sound.

Because of this geological history, Long Island Sound is not a typical estuary with a great river at one end, the sea at the other. The Sound is an enclosed arm of the Atlantic Ocean, with several important rivers such as the East Housatonic, Connecticut and Thames Rivers, draining into it. But this is not what makes Long Island Sound of interest today, but rather the fact that this body of water has become an urban sea.

Today the Sound is a playground for some 12 million people. On its shores the citizens of New York and Connecticut bathe (where possible), boat, race, fish, bird watch, dig for clams (where possible), and earn a living through shell fishing and fin fishing. Today the Sound is also used as a dumping ground for 1.8 million tons of dredge tailings, materials from metropolitan excavations, and for waste products of certain industries. Additionally, sixty municipal sewage treatment plants discharge over 170 million gallons of waste water per day into the Sound, and it receives the waste heat of power plants generating more than 3,000 megwatts.

What makes this urban sea interesting is that from the Metropolitan complex of Queens and Westchester Counties on the western boundaries of the Sound, the scene changes slowly and steadily to the east as urbanization gives way to suburbia and finally to the agricultural areas of eastern Long Island and eastern Connecticut. (Suffolk County, Long Island, is the leading agricultural county in New York State.) Here, at the eastern end of the Sound, the cluttered, industrialized shoreline and the hustle and bustle of harbor, airports and bridges has given way to the open coasts which still have vestiges of their earlier maritime history. Mystic Seaport, Connecticut, with its whaling museum and square riggers, is matched by the quaint village of Sag Harbor, Long Island and its whaling museum and traditions. Old oyster industries, once a multi-million dollar venture in Long Island Sound, still hang on, but only a few companies are still fighting the increased costs of labor, starfish, and pollution. The famous Stonington fishing fleet still operates and the Stonington dragger, though no longer built, is still a familiar sight in this area.

Long Island Sound presents the full spectrum of man's impact on the sea from the urban sea at the western end to the open, relatively unpolluted waters at the eastern end. The eastern end of the Sound is relatively open and has good exchange of water between the Atlantic Ocean and Block Island Sound. At the western end, access to the sea is greatly constricted through the East River, a toruous channel which, before the boulder fields of Hell's Gate were cleared was considered one of the most difficult passages for sailing ships. The exchange of waters between the New York Harbor and western Long Island Sound is still a subject of debate among hydrologists, but apparently there is a great input to the Sound of nutrient laden waters derived in large part from the sewage treatment plants of Manhattan, Queens and Westchester Counties.

What has happened to Long Island Sound over the years? Nothing dramatic. Just a slow, general, wasting through misuse coupled with a general indifference because the problems were not observable by the public. In the past few years the situation has changed; public awareness of the importance of the Sound has reached high levels and the public concern expressed by civic and conservation groups has not been unheeded. Spurred on by the activities of these groups, Senator Abraham Ribicoff of Connecticut and Congressman Lester Wolff of Long Island sponsored legislation in the Congress to establish a Long Island Sound Commission to study, recommend and manage this body of water. In response to the congressional action, President Richard Nixon, by executive order, increased the responsibility of the New England River Basins Commission to include the waters of Long Island Sound and called for a three-year study to formulate a 20-year plan for its management. As with so many of these actions, the legislative and executive intent has not been backed with funds, and presently the Long Island Sound study is making haste slowly.

The most pressing problem of Long Island Sound, to isolate the one single factor to which to attribute its present decay, is the concentration of sewage outfalls in the western end. The impact of sewage and the resulting biological stimulation from the nutrient materials placed in the waters has caused responsible reporters to project the imminent death of Long Island Sound—the difficulty is to define "death." The immediate observable impact of sewage outfalls is the build-up of what has been termed a "nutrient-wall" at about a third of the length of the Sound from its western extremity. From the "normal" levels of nitrates and phosphates, the essential chemical building blocks for life, which exist in much of the eastern Sound, there are sharply increasing values from roughly the point of Lloyds Neck westward. In the westernmost portion of the Sound, the concentrations of nitrogen and phosphorus are among the highest in marine waters anywhere in the world.

Each year the tiny plants of the sea, the phytoplankton, the base of the entire food chain of the sea, respond to the lengthening day and the slight warming of the water temperatures by increasing in numbers. This rapid growth of the phytoplankton is termed a bloom, and the growth intensity of the bloom is governed to a large extent by the nutrient materials in the waters. In short, when the phytoplankton bloom begins, the single-celled plants divided, grow and divide again, increasing in numbers until all the nutrients which support their growth are exhausted. The numbers of these plants then fall off sharply to a base level where the "crop" remains at a relatively stationary level until the waters build up a new supply of nutrients. In Long Island Sound these blooms generally occur in February and August. As man has increased the nutrient levels of the Sound through introduction of sewage, the intensity of the blooms has increased with time until they have reached the critical point at which the wildly developing populations of phytoplankton have gone beyond the point of being beneficial to the environment and have become, at their peaks, detrimental.

The problem of extreme phytoplankton blooms, the result of a process called eutrophication, has many dimensions. Upon death of the phytoplankton individuals, many species of which have very short life spans, the organic material of the cells sinks and is oxidized by the dissolved oxygen contained in the waters. Organic material added to the Sound through sewage also utilizes oxygen in the waters, further reducing amount of oxygen available to organisms living at or near the bottom. Depletion of oxygen in the western portion of the Sound has reached levels which are now critical for many months of the year—and new sewage plants being developed by communities on both the Connecticut and Long Island Shores call for additional outfalls. Despite the fact that the sewage will be "highly" treated, the treatment is not sufficient to remove the nutrients from the waters and the situation can be expected to worsen.

Long Island Sound once boasted a commercial fishery of consequences, but today there are very few commercial fishing activities left. Pollution is only one factor in this reduction, for with the increase in human population the Sound has become an important recreational fishery area. Although current fisheries data are sketchy, there are many indications that the problem of the Long Island Sound fisheries may result from the competition between the sports fisherman and the commercial fisherman for the same species of fishes, with the sportsman taking the largest portion of the catch. Though the commercial fisheres are highly regulated and much scientific effort has been put into the development of management programs for commercially important species, salt water recreational fishing is largely unregulated and management techniques have not yet been developed comparable to those of the fresh water fisheries. Even though the sports fishermen may be taking the largest portion of the catch, the laws are still oriented towards protecting the sports fishermen rather than the basic fishery itself.

Fishes taken in Long Island Sound are beginning to show distressingly high levels of mercury. Larger specimens of bluefish and striped bass, both highly prized by the sports fisherman, have shown mercury contents as high as 1.2 parts per million. Should these values continue to rise an important recreational asset may be lost. Here, however, the problem is less well defined and may not be assessable against the waters of the Sound. Most of the species of fish taken in the Sound are migratory, ranging from Cape Cod to the Chesapeake Bay. Much research must be devoted to determining where these species acquire the mercury before we will be able to control the problem.

Shell fisheries, once an important industry for Long Island Sound, are hard pressed on many fronts. Oyster spat produced in Connecticut were formerly taken out to beds in Long Island Sound to grow to market size. High quality marketable oysters were produced in large quantities until the mid-1950's when the industry was decimated by an influx of predatory starfish. The cause of the invasion is still unknown and the starfish remain. Their presence alone, but with the situation worsened by pollution, has resulted in the almost complete collapse of the Long Island Sound oyster industry. At the present time efforts are being made to revive the production of oysters through mariculture including the use of heated waste waters from power plants for stimulating more rapid growth of the oyster. These efforts, however, are still very small in scale. Pollution has affected recreational shell fishing in Long Island Sound. At the present time over 75,000 acres of bottom lands have been closed to shellfishing because of contamination by coliform bacteria from human sewage.

The New York Bight region has received a great deal of national publicity because of the dumping of sewage sludge in the coastal ocean. While newspaper reports often include the word "garbage" in describing these dumping practices, in fact no garbage is dumped at sea in the New York region. But Long Island Sound is the unhappy recipient of 1.8 million tons of debris dumped yearly in its nineteen designated dumping grounds. The materials dumped here consist primarily of dredge spoils from harbor management programs. These spoils present a very real hazard to the future of Long Island Sound. Studies conducted at the Marine Sciences Research Center demonstrate that most dredging operation sites are industrialized harbors which receive both treated and untreated sewage and industrial wastes. As a result a thick accumulation of fine grained, highly carbonaceous material has built up on the harbor bottoms. It is this material which is most frequently dredged and carried off to the dumping grounds. The restirring of these fine grained sediments exposes the organic material contained in them to the waters of Long Island Sound, creating yet another drain upon the oxygen of its waters through release of contained nutrients. It may also release various toxic or deleterious chemicals derived from industrial wastes into the waters of the Sound.

Dredging operations are manifold in the waters of Long Island Sound. They range in scope from the maintenance of major channels for commercial shipping to the opening of shallow embayments for recreational boating and the construction of marinas. Over 185,000 pleasure craft are registered in areas surrounding Long Island Sound. Nowhere has this been more important than on the eastern end of Long Island where the number of natural harbors decreases rapidly to the east and the pressures from population growth in the last decade have created long waiting lists for marina space. To meet these demands, local authorities dredged wetlands at increasing rates. Recently the trend has slowed as pressure from conservation groups and the environmental community has led, in certain areas, to the placing of very high priority upon public acquisition of wetlands and their preservation as open space and vital segments of the marine ecosystem. However, the action came sufficiently late so that between 1954 and 1964 over 29 percent of the wetlands of Long Island were lost.

Oil is a perpetual problem. Long Island Sound has not been looked upon as a favorable site for the production of oil, and the nearest producing areas are sufficient distant to not directly endanger its waters. However, the Sound does provide a sheltered corridor for the transport of oil by barges and small tankers. Both sides of the Sound are dotted by tank farms and oil transhipment facilities. In 1970 and 1971 major spills of over 300,000 and 600,000 gallons occurred. The impact of large volumes of oil in marine waters is a part of the dreary litany too well known to environmentalists. However, potentially more serious, and more difficult to assess, is the cumulative effect of the small spills occurring at transshipment points over long periods of time. Though the volumes of each spill may be undramatic, the biological effects may in time be as important as the larger, more conspicuous events which catch the public eye.

The catalogue of woes of Long Island's waters has been scarcely touched. Unwritten here are the effects of pesticides, PCB's, agricultural run-off, changes in fresh-water runoff through increasing utilization of groundwaters on Long Island, the effects of highway expansion upon recreational areas, and the process of urbanization. To end on such an unhappy note is to do Long Island Sound's clamoring public a great disservice. There is a great deal of positive action and, to a large extent, it has been generated by pressures from the public who now clearly see the deteriorating water quality.

Both Connecticut and New York State, through their environmental agencies, are beginning to take tougher positions in the enforcement of existing regulations. Many will reckon that these actions are too little, too late, but the direction is correct. Connecticut has passed a Wetlands Act which provides for greater State control of wetlands areas. Suffolk County, Long Island, is proposing legislation requiring zoning review by the County rather than solely by local municipalities. A Regional Planning Board established by Nassau and Suffolk Counties has made pioneering efforts in attempting to integrate the quality of the marine environment into regional planning. The Board established an advisory group, the Regional Marine Resources Council, which has engaged in a program of research which will lead to a comprehensive management program for the marine region of the two counties. Citizens' groups have emerged as an active and potent force in guiding public opinion and governmental action. Groups such as the Nature Conservancy, the Audubon Society, and more recently the Sierra Club, are continuing long standing efforts to conserve the natural resources of the Sound. Other, newer environmental groups have joined forces, such as the Long Island Environmental Council and the Junior League in New York and Connecticut. The governments of New York and Connecticut have begun discussions leading to the development of a compact providing for better controls for Long Island Sound.

What of the future? It is not wise to attempt to predict the course of events about which so little is known. Surveys of Long Island Sound conducted in the mid-fifties by the Bingham Oceanographic Institute of Yale University, and in the past two years by the Marine Sciences Research Center, State University of New York, provide only two points on a graph of water quality. Projection beyond these points becomes an exercise in anticipation of the wisdom of the people. The accumulation of pollutants in Long Island Sound has probably not reached its maximum and the levels of metals, insecticides and nutrients will continue to increase for as much as ten years.

Will the recuperative forces of Long Island Sound be pushed to the point beyond which environmental quality precipitously declines? The prospects for the urban sea are linked to the future of the cities. If we save the cities, restoring the quality of their environment and life experiences, we can do the same for the urban sea which provides so much life enhancement for the populace living on its shores.

Dr. Squires is director of the Marine Sciences Research Center and professor of Biological Sciences and of Earth and Space Sciences at the State University of New York, Stony Brook. A Research Associate at the American Museum of Natural History and the Smithsonian Institution he is also an Associate for Natural History Information Resources at the Smithsonian. Dr. Squires is the author of numerous biological, geological, and oceanographic articles.

[From the New York Times, Mar. 22, 1972]

GROUNDED TANKER SPILLS OIL IN L.I. SOUND

(By David A. Andelman)

FISHERS ISLAND, L.I., March 21.—A 2.5-million gallon tanker ran aground and split open early today, spilling more than 60,000 gallons of oil into Long Island Sound.

The spill, the largest in more than three years in Long Island Sound, quickly spread, covering more than 45 square miles. Late this afternoon it began washing ashore in areas of southern Connecticut near Niantic and on Fishers Island, which, though closer to Connecticut, is part of Long Island.

Officials of the Connecticut Department of Environmental Protection said that a number of gulls already had been seen coated with oil, a No. 2 home heating oil.

In the last two months, oil from two other spills, both of unknown origin, has washed up on the beaches of Long Island—one along a 25-mile front of Fire Island National Seashore, the other on the north shore of Suffolk County.

In December, an empty 640-foot tanker split in half and sank at the dock in Port Jefferson harbor and last month another tanker ran aground in the same harbor, but no oil escaped.

Shortly after 3 A.M. today, the F. L. Hayes, a 240-foot coastal tanker owned by Spentenbush Inc. of New York City, ran aground on Bartlett Reef, about two miles from the Connecticut shore. Coast Guard officials refused to state the cause of the error that caused the grounding.

The ship, bound from Bayonne, N.J. to the Dahl Oil Company in Norwich, Conn., was carrying 600,000 gallons of No. 2 oil.

Two of its seven tanks ruptured on impact and it was nearly four hours before workers from the New England Pollution Control Company were able to place oil-containment barriers around the ship and stop the flow of oil. An estimated 63,000 gallons of oil had already escaped, Coast Guard officials reported.

At 2:30 P.M. today, after the oil in the tanker had been removed to barges, the ship was refloated using tugboats and was transported to New York City for repairs.

The last spill of comparable magnitude in Long Island Sound also occurred on Bartlett's Reef, in January 1969, when a barge ran aground. That slick extended from Waterford, Conn., to Point Judith, R.I., and resulted in the death of "hundreds of birds."

Shortly after yesterday's incident became known, officials of the Federal Environmental Protection Agency's regional headquarters in Boston flew to the scene.

Due to the size of the spill in navigable waterways, the provisions of the National Oil and Hazardous Pollution Contingency Plan were invoked, giving authority to the Coast Guard to take charge of clean-up operations.

[From the New York Times, Mar. 22, 1972]

JERSEY ASSEMBLY MOVES TO BAN FLOATING A-PLANTS

(By Ronald Sullivan)

TRENTON, March 20.—The State Assembly unanimously approved a legislative resolution today aimed at blocking the construction of two floating nuclear-power generating plants off New Jersey's southern coast.

Plans for the nuclear plants were made public last Wednesday by the Public Service Electric and Gas Company.

A few hours after the Assembly action, the chairman of the Assembly's Agriculture, Conservation and Natural Resource Committee announced that her committee probably would clear another legislative measure next week creating a state sanctuary extending three miles to sea from Sandy Hook to Cape May. Such a measure would effectively bar the power stations as well as any other intrusion into coastal waters within the state's three-mile jurisdiction.

The sanctuary measure has Assembly Speaker Thomas J. Kean among its sponsors.

The sanctuary would be protected from "any exploitation, development or activity that would seriously alter or otherwise endanger the ecology or the appearance of the ocean, the sea bed or the sub-soil therein."

NEW POLITICAL REALITY

According to the chairman, Assemblyman Josephine Margetts, a Morris County Republican, the approved resolution and the bill in her committee represented a powerful new political realty in New Jersey. Any proposal that poses any threat to the environment, she said, will encounter legislative opposition unheard of here five years ago.

Mrs. Margetts cited last week's emphatic rejection in the Assembly of a proposal by the New Jersey Turnpike Authority to construct a $322-million expressway extension through the middle of the state.

Today's resolution, which approved by a vote of 65 to 0, called on the Atomic Energy Commission in Washington and the State Department of Environmental Protection to oppose plans for the reactors pending environmental studies.

However, sponsors of the resolution readily conceded that the primary objective was to block the plans entirely.

Public Service announced that it had signed a letter of intent with the Westinghouse Electric Corporation for the construction of two 1.15-million kilowatt nuclear-power generators that would be anchored offshore—either in front of the Long Beach island community of Harvey Cedars, or near Little Egg Harbor inlet.

The generators would cost $1-billion and Public Service, the state's largest power utility, said it hoped to start construction by 1976 and have them running by 1980.

The new proposals have led to a storm of opposition in southern New Jersey, where state legislators, county officials, and local office-holders plan a rally in opposition at the National Guard Armory in Toms River on Saturday.

ACCIDENTS WILL HAPPEN

Assemblyman Franklin H. Berry Jr. of Ocean County said no one would want to sit, much less swim, at a beach with a nuclear-power generating plant "staring you in the face."

He also stressed the threat to sea life and the fact that "accidents will happen, no matter what the engineers say," and cited the collapse of Air Force radar tower 66 miles off the Monmouth shoreline in 1961.

"Can you imagine a nuclear-power plant running amok in the Atlantic?" he asked.

A spokesman for Public Service said the Assembly resolution was "redundant" because the A.E.C. required lengthy environmental studies as a matter of policy before any approval would be considered.

RURAL DEVELOPMENT BILL REPORTED—"MAGNA CARTA" FOR RURAL AMERICA

Mr. HUMPHREY. Mr. President, yesterday the full Committee on Agriculture and Forestry approved the Rural Development Act of 1972 which I, Senator HERMAN E. TALMADGE, chairman of the committee, and other members of the committee and Senate sponsored. This bill represents the culmination of almost a full year's effort by the Rural Development Subcommittee, of which I am privileged to serve as chairman, and the full Committee on Agriculture and Forestry. It is truly a "Magna Carta" for rural America.

Almost immediately following the formation of the newly established Rural Development Subcommittee last April, I began hearings both here in Washington and in various parts of the country concerning rural development and legislation designed to further the objectives embodied in rural development. The bill reported yesterday by the full committee takes into account much of the findings of those hearings.

Among the first major bills introduced last year as a part of our subcommittee's efforts was S. 2223, sponsored by Senator HERMAN TALMADGE and myself. This bill, which now is almost wholly contained in the bill reported yesterday, will provide for the establishment of a new and expanded system of credit and financial assistance for rural communities and for industrial and job development in rural America. That bill alone was cosponsored by 51 Senators. Other provisions added to this legislation which now comprise the new bill that were reported yesterday also had many sponsors in both the Senate and the House.

When we began our subcommittee work last year, I made it very clear that rural development was a "bipartisan" matter. And I am happy to report, Mr. President, that throughout our work and efforts concerning this legislation, we have maintained strong bipartisan support in the Congress, and in particular, within the committee and the subcommittee.

The bill reported by the full committee yesterday, is one of the most far-reaching and comprehensive pieces of rural development legislation probably ever to be reported by any committee of Congress.

If enacted, and properly funded, this piece of legislation will serve as a new foundation for rebuilding rural America and the thousands of towns and communities that are located within our Nation's countryside. It represents a strong beginning toward renewing both the promise and potential of rural America and in building a better America. And as such, it also will play a vitally important role in helping to achieve our goal of a more balanced national growth and development pattern in the United States.

It will give new hope to millions of young people who want to live and work in our Nation's smaller communities and family farms, young people, who otherwise, will be forced by economics and lack of opportunity to migrate to our Nation's larger cities.

It will provide desperately needed financial assistance, through revenue sharing, to States, nonmetropolitan planning and development districts and to local governments to help them plan and build new tomorrows.

It will provide needed incentives to industry to establish and expand businesses and jobs throughout the rural regions of our Nation for the millions of unemployed and underemployed people now residing there.

It will provide for the establishment of a research and education program needed to support and guide the future development of our rural communities and countryside, including special efforts to help small farmers, as farmers, in reaching their goals of improved income through better management.

It will broaden our conservation and environmental efforts in rural areas to conserve and better utilize water, land, and other valuable natural resources.

It will establish a badly needed program of financial assistance for small communities to improve their fire protection services.

It will liberalize credit for farm loans, including loans for young people to get started in agriculture.

It will extend all of these rural development programs to our Nation's first citizens; namely, American Indians.

And it will vest primary responsibility for national rural development with the U.S. Department of Agriculture.

Hopefully, Mr. President, when this bill is considered by the Senate it will receive the support and vote of every Member of this distinguished body. Although many of us often think of rural America as merely farms and open country, containing few people, let me call attention to the fact that the rural America we are addressing ourselves to in this new legislation, encompasses close to 70 million Americans or 35 percent of the Nation's total population.

Mr. President, now let me discuss the major provisions of the new rural development bill reported yesterday by the committee.

First. It provides for the establishment of a borrower-owned, nonfarm credit system, similar to the existing farm credit system. The Federal Government would appropriate $200 million a year for 10 years. It is anticipated that the system would provide a loan fund up to 20 times the size of the capital in the system. Since borrowers would have to purchase stock in the system, the Federal contribution would eventually be paid off, and the system would be owned by its borrowers and participants.

Second. The bill provides authority for unlimited Farmers Home Administration loans for essential community facilities; to finance business; and improve the environment of rural areas. It also provides loans for small business, and expands the number of eligible applicants and loan purposes for community facility loans.

Third. It liberalizes Farmers Home Administration lending authority for farm loans. It increases from $35,000 to $50,000 the limit on operating loan indebtedness for farmers. It increases Farmers Home appraisals on farm real estate by providing for appraisals at market value rather than "normal basis." By changing the farm operating loan program to an insured loan program, it will provide a larger loan fund for all farmers. There is also a provision for loans for young people to get started in farming or other rural business enterprises.

Fourth. The bill includes a total first-year grant authority of $730 million. Five hundred million of this is part of a revenue sharing provision of the bill which would be provided to the States for rural development purposes. Unlike the Nixon administration's original special revenue sharing plan for rural community development, the committee bill would not "fold in" any of 11 categorical grant programs, such as the Appalachian Regional Commission or the rural environmental assistance program, or the Cooperative Agricultural Extension Service.

One hundred million of the authorization would go to borrowers to be used as an incentive for business location in rural areas and for community facilities development.

Fifty million dollars is authorized for grants to the land grant universities for the establishment of rural development extension programs, research and training for rural development and for small farmers.

Five million dollars are authorized for a new rural community fire protection program.

Fifth. The proposal greatly extends the purposes for which cost sharing grants can be made by the Soil Conservation Service, providing for 10-year contracts for soil and water conservation practices. It permits grants from other agencies for land acquisition, and authorizes Federal cost sharing for municipal and industrial water supplies. The authorization for this program is $75 million.

Sixth. It includes a tough antipiracy provision, prohibiting any financial assistance that would result in the transfer of employment or business activity either by an applicant firm or a directly competing firm.

Seventh. The bill reorganizes the Department of Agriculture and gives it prime responsibility for rural development. It would reorganize the Farmers Home Administration into the Farm Development Administration and the Rural Enterprise and Community Development Administration, each under its own Administrator. It provides an Assistant Secretary for Rural Development Credit.

In order to be eligible for loans to grants, individuals and communities must be located outside cities of 50,000 population and their suburbs.

A committee report on the bill is expected in about 10 days.

THE BUSING DEBATE

Mr. GAMBRELL. Mr. President, the busing debate has largely been one of high intensity and low-grade yield. It has been characterized by political posturing and useless and misleading rhetoric.

In the midst of all the chaos and clamor a few voices have sought in temperate tones and with compelling logic to fasten our attention on some of the fundamental and underlying truths relating to public school desegregation.

One of the most sensitive and knowledgeable commentators on this subject, who has consistently offered light, as opposed to heat, and who has persistently sought solutions rather than acclaim, is the distinguished junior Senator from Virginia (Mr. Spong). On Monday, he entered in the Record his views on the antibusing and equal education proposals made by President Nixon last Friday evening.

Senator Spong's statement is characteristically thoughtful as well as forceful, articulate, and persuasive. In particular, Senator Spong's comments on the essentially useless distinction between racial segregation, which is described as "de facto" and that which is described as "de jure" has received attention in an editorial published in the Roanoke Times of March 21, 1972, The Times is one of Virginia's leading daily newspapers. I ask unanimous consent that the editorial be printed in the Record at the end of my remarks.

Senator Spong has well served his country and his constituents in Virginia by urging the end of forced busing to achieve racial balance for integration purposes and the adoption of a uniform national policy on the subject of school desegregation; one which will be uniformly enforced.

If the so-called leadership of this country, in the Capitol and in the White House, ever ceases playing political games with this issue and gets around to resolving it in a way which will receive public acceptance, the contributions of Virginia's Senator Spong will surely be among the most significant. His diligence and his statesmanship will make it possible for workable solutions to be arrived at.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Roanoke Times, Mar 21, 1972]

Senator Spong, Hammer and Tong

Virginia Sen. William B. Spong Jr. is performing a service by pounding away on every occasion at one of the central mistakes of the times: court doctrine which treats Northern localities one way and Southern localities another way in school desegregation cases. The justification is that Southern states once had segregation by law (de jure) while Northern states had segregation in fact (de facto).

There is abundant historical evidence that Northern states also discriminated in law and in fact before and after Reconstruction; discrimination has been a matter of degree. The harm done by this "separate and unequal" treatment before the courts has kept the Congress frrom mobilizing its entire intelligence behind ways to cure the unfairnesses of the past, North and South, East and West.

Secure in their de facto segregated strongholds (and oftentime sending their own children to private schools), Northern Congressmen have been too pious, too full of preaching and too blind to realities. Massive busing, criss-cross busing, two-way busing has wrenched support for public education; it has damaged a hard-won public support for, or at least acquiescence in, the desegregation process. In the South, of course. What difference did that make to the de facto segregated strongholds in the North?

Times have changed. School desegregation orders, with wild busing plans, have been issued now in Northern cities. Automatic liberal representatives from Northern districts are switching positions so dramatically it would be comical if it were not tragic. They have helped sow the wind, Gov. George Wallace of Alabama is reaping the whirlwind.

If the nation is lucky, and it probably will be, it will survive the next eight months without the reversal of the 1954 and 1955 Supreme Court decisions prophesied too freely. If a new Congress sits down and tries to solve the problem on a uniform, national basis, the solution will be fair and more enduring. For that, Senator Spong would deserve a good deal of the credit. He is hitting at a basic part of the problem.

YOUTH FOR UNDERSTANDING

Mr. HARTKE. Mr. President, I invite the attention of Senator to the fine work being done by the Youth for Understanding exchange student program. This organization earlier this year marked the exchange of its 20,000th student.

The mission of this group is to provide an opportunity for high school students to travel to a foreign country and live with a foreign family as though they were a member of that family. In this way, international understanding is brought to the personal, the family, the school, and the local community level. The young people are carefully selected on the basis of their academic achievement and their involvement in the community.

Many of these outstanding young students from the United States and the exchange countries indicate that the understanding that they gained as the result of this people-to-people exchange has been of vital importance to them, and, in turn, to their communities, in bringing about the understanding that promotes international goodwill. In this space age when the telecommunication has brought the events of the world into our homes, it is more important than ever before that we learn to understand one another and to appreciate and share our differences in culture, language, and attitudes. I know of no better way to accomplish this than by allowing our young people to live the culture of another country while foreign students see our country through our eyes.

Mr. President, I am particularly proud of the participation of students from the State of Indiana. An average of 40 high school youth each year have had an intercultural experience with families in other countries. Six last year had the opportunity to study for a full year in Sweden, Holland, Germany, and Finland, in the language of that country.

We owe a great deal to the 20,000 students who have participated in these exchanges, to the host families with whom they have lived in their exchange programs and to those who are constantly working to arrange the exchanges. Only as these young people become leaders in their own communities and countries will we be able to fully appreciate how much has been accomplished by this excellent group.

MARIHUANA AND THE LAW—NATIONAL COMMISSION REPORT

Mr. JAVITS. Mr. President, the National Commission on Marihuana and Drug Abuse—of which the Senator from Iowa (Mr. Hughes) and I are members—today made public its long-awaited report and recommendations to the President and the Congress on the subject of marihuana.

The report deals in great detail not only with the medical and health implications of marihuana use, but also with the legal, economic, and social issues.

It covers the nature and scope of use, effects of the drug, the relationship of marihuana use to other social behavior, and the efficacy of existing law.

The Commission held formal and informal hearings developing extensive evidence from all points of view, including those of public officials, community leaders, district attorneys throughout the country, young people, medical, and other professional experts and students.

More than 50 projects were funded, ranging from a study of the effects of marihuana on man to a field survey of enforcement of the marihuana laws in six metropolitan jurisdictions.

Mr. President, I ask unanimous consent that there be included in the Record at the conclusion of my remarks a summary of the major findings presented in the report and recommendations of the Commission.

Of singular importance is the recommendation of the Commission that criminal penalties be eliminated for the private possession and use of marihuana. The Commission has taken a forthright and enlightened position which should go far toward deemphasizing marihuana as a confusing and controversial public policy issue. It is a most salutary and significant step.

But, my distinguished colleague, Senator Hughes, chairman of the Special Senate Subcommittee on Alcoholism and Drug Abuse, and I would carry the decriminalization recommendation further, and have filed a joint statement containing our separate views so indicating.

We differ from the other commissioners in our view that certain activities involving possession and use of marihuana, which are deemed to be necessarily incident to private possession and use, ought also to be decriminalized. It is for this reason that we have taken exception to those parts of the recommendations dealing with the doctrine of contraband, the casual not-for-profit sale and the limited public possession of marihuana.

Mr. President, I ask unanimous consent that the full text of our separate views be printed in the Record following the summary of the findings and recommendations of the Commission, and that a list containing the names of the members of the Commission also be printed.

The report is comprehensive and thorough, and will assist materially in clearing the air of much misinformation and emotion which has heretofore prevented the development of rational social policy regarding this drug.

I urge Members of Congress to give their closest attention to this important report and the recommendations of the Commission. Senator HUGHES and I intend to introduce shortly appropriate legislation to accomplish several of the objectives found in the recommendations of the Commission.

We hope that others—in Congress, as well as parents, young people and others throughout the Nation—will take a fresh look at the problem of marihuana in our society with the new perspective provided by the Commission's report.

I commend the distinguished former Governor of Pennsylvania, Raymond P. Shafer, who, as Chairman of the Commission, provided important leadership in the development of the report. I commend also the Vice Chairman, Dr. Dana L. Farnsworth, other members of the Commission and its Executive Director, Michael Lowenreich—Americans of dedication and insight—who devoted much time away from their personal and professional interests to participate so productively in this effort. Lastly, I wish to congratulate the staff of the Commission which worked particularly effectively under great pressure to complete the first year's work of the Commission.

I look forward to the second-year study of the Commission which will deal with the critically important subject of drug abuse in the United States.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF FINDINGS AND RECOMMENDATIONS AND MEMBERSHIP OF THE COMMISSION

WHO USES THE DRUG

At least 24 million Americans 12-years-old and over have used marihuana at least once, and at least 8.3 million are current users.

More than 40% of college and graduate students have tried the drug.

Of those persons who have ever used marihuana, 41% of the adults (18 and older) and 45% of the youth (12-to-17) no longer use it.

The great majority of marihuana users use the drug less than once a week, probably on weekends, or at a party.

Two percent (500,000) of "ever-users" can be classified as heavy users and use the drug more than once a day.

THE EFFECTS OF MARIHUANA

There is no evidence that experimental or intermittent use of marihuana causes physical or psychological harm. The risk lies instead in the heavy, long-term use of the drug, particularly of the most potent preparations.

Marihuana does not lead to physical dependency. No tortuous withdrawal symptoms follow the sudden cessation of chronic, heavy use. Some evidence indicates that heavy, long-term users may develop a psychological dependence on the drug.

The immediate effects of marihuana intoxication on the individual's organs or bodily functions are transient and have little or no permanent effect. However, there is a definite loss of some psychomotor control and a temporary impairment of time and space perceptions.

No brain damage has been documented relating to marihuana use, in contrast with the well-established brain damage of chronic alcoholism.

A careful search of literature and testimony by health officials has not revealed a single human fatality in the United States proven to have resulted solely from use of marihuana.

Tests on monkeys have demonstrated that the dose required for "overdose death" is enormous and for all practical purposes unachievable by humans smoking marihuana.

No reliable evidence exists indicating that marihuana causes genetic defects in man; however, since fetal damage cannot be ruled out, the use of marihuana is not advisable during pregnancy.

The incidence of psychosis from marihuana use is exceedingly rare, and such reactions tend to occur in predisposed individuals.

MARIHUANA AND PUBLIC SAFETY

The evidence indicates that marihuana does not cause violent or aggressive behavior or crime.

Recent research has not proven that marihuana use significantly impairs driving ability; however, reliable research has not yet been conducted and the Commission strongly suspects that the acute effects of marihuana use (such as spatial and time distortion and slowed reflexes) may impair driving. The Commission believes that driving while under the influence of any intoxicant is a serious risk to public safety.

MARIHUANA AND PUBLIC WELFARE

From what is now known about the effects of marihuana, its present level of use in American society does not constitute a major threat to public health; the high-risk group constitutes the 2% of American "ever-users" who use the drug heavily and pose a concern for public health officials.

The Commission emphasizes the need for increased research into long-term psychological effects, especially with regard to effects on motivation.

Although some segments of society fear that marihuana use leads to idleness and "dropping out," little likelihood exists that the introduction of a single element such as marihuana use would significantly change the basic personality of any person; rather, an individual is more likely to drop out when circumstances join to produce pressures which he cannot handle effectively.

MARIHUANA AND OTHER DRUGS

Recognizing that one of the most controversial issues in the study of marihuana is its relationship to other drugs, the Commission explored in depth the hypothesis that marihuana use leads to the use of other drugs.

The overwhelming majority of marihuana users do not progress to other drugs, although statistically marihuana users are more likely to experiment with other drugs than are non-users.

Marihuana use does not dictate whether or which other drugs will be used.

As stated by Governor Shafer, "If any one reason can characterize why people in the United States escalate their drug use and become multidrug users, it is peer pleasure."

ENFORCEMENT OF THE MARIHUANA LAWS

The Commission was directed by Congress to evaluate the existing federal and state laws relating to marihuana. The vast majority of arrests occur at the state level (at least 200,000) as opposed to the federal level (approximately 4,000). In a study of enforcement in six metropolitan jurisdictions in different states, the Commission found:

93% of the arrests in the sample were for possession.

69% of the arrests were preceded by no investigation, occurring in vehicles or on the street.

Arrests were concentrated among the young (88% were 25 or under); typically the arrestee was a white male, in a school or employed in a blue collar job, without a prior record.

Two-thirds of the arrestees were arrested for possession of an ounce of marihuana or less.

Offenders were generally (67%) arrested in groups of two or more persons.

The Commission pointed out that the criminal justice system often responded to this unusual group of "criminals" in a lenient way:

At least 48% of the adult cases and 70% of the juvenile cases were dismissed by the police, the prosecution or the judiciary.

One-third of the arrestees were convicted and sentenced.

Of those convicted of possession, 24% were incarcerated, usually for a year or less.

The Commission concluded that the law enforcement community has adopted a policy of "containment." "Although effort is sometimes expended to seek out private marihuana use," the Report states, "the trend is undoubtedly to invoke the marihuana possession laws only when the behavior (possession) comes out in the open." Governor Shafer added: "The overriding feature of the present marihuana laws is the threat of arrest for indiscretion."

After considering the effects and social impact of marihuana use, the Commission considered four alternative social control policies for the drug: (1) Approval; (2) Elimination; (3) Neutrality; and (4) Discouragement.

The Commission emphasized that society should not approve or encourage the recreational use of any drug. On the other hand, the Commission concluded that elimination of marihuana and its use is unachievable, and the drug's relative potential for harm to individuals and society does not justify a social policy designed to seek out and firmly punish those who use it.

The most difficult question, the Commission explained, was whether society should try to dissuade its members from using marihuana or should defer entirely to individual judgment, remaining neutral. After lengthy consideration of this issue, the Commission chose to recommend to the public and its policy-makers a social control policy seeking to discourage marihuana use, while concentrating primarily on the prevention of heavy and very heavy use.

The Commission's next step was to consider three legal responses as a means of implementing the discouragement policy: (1) total prohibition (2) partial prohibition; and (3) regulation.

The Commission explained that the total prohibition scheme now in effect prohibits all marihuana-related behavior, including possession for personal use. Partial prohibition would prohibit cultivation and distribution of the drug but would not prohibit private consumption or acts related to consumption. The distinct feature of a regulation scheme (legalization) is that distribution of the drug is legal.

The Commission, rejecting both the present system and the regulatory scheme, was of the unanimous opinion that marihuana use is not a sufficiently grave problem to subject its users to criminal procedures, but that legalization was inadvisable for a drug which does alter short-term perception, which has uncertain long-term effects and which may be of transient social interest.

Instead, the Commission recommended a partial prohibition scheme which symbolizes a continuing societal disapproval of use, yet removes the criminal stigma and threat of incarceration for users, and also maximizes the flexibility of future public responses as new information comes to light.

The major features of the recommended scheme are that: production and distribution of the drug would remain criminal activities as would possession with intent to distribute commercially;

Marihuana would be contraband subject to confiscation in public places;

Criminal sanctions would be withdrawn from private use and possession incident to such use, but, at the state level, fines would be imposed for use in public;

In order to keep use private, possession of more than one ounce in public would be prohibited;

In addition, casual, not-for-profit transfers of small amounts, permitted in private, would be prohibited in public.

(Specific recommendations for federal and state law are attached).

Five of the 13 Commissioners differed in minor respects regarding the recommendations. Commissioners Rogers, Carter and Ware agree with the discouragement policy and the decriminalization aspects of the recommendations but would recommend, in addition, a civil fine for possession of any amount of marihuana and would limit casual transfers only to those instances where there is no remuneration at all. Commissioners Hughes and Javits believe that marihuana should not be contraband, that all not-for-profit sales should be excluded from the criminal sanction, and that the "ounce or less" requirement for possession in public should be removed.

"A most important question," said Governor Shafer in explaining the Commission's position, "and one which is still too early to answer, is whether the use of marihuana is fad or fashion. It is possible that the widespread use of marihuana could well disappear of its own accord."

In the Commission's opinion, the proposed partial prohibition scheme would permit the law enforcement community to concentrate on what it is best able to do, reduce trafficking and supply of the drug. At the same time, the Commission believes that responsibility for discouraging consumption should rest with non-legal institutions, such as family, schools, church, and the medical profession.

In anticipation of the Commission's responsibility to present a report on all drugs in 1973, Governor Shafer said:

"From the many surveys and research studies, and from our formal and informal hearings and deliberations, it is evident that the phenomenon of drug abuse in our country poses a very serious threat to our society which will require a massive and sustained effort in drug education and in the revision of our laws to make them uniform, appropriate, effective, and humane. However, such responses are in effect only medications that will help to contain the social illness of drug abuse. The causes of drug abuse must be identified more precisely and must be attended to by the cooperative efforts of all institutions of our society. We will not be able to deal effectively with the problem of drug abuse until we find answers to the larger problem of the diminishing concern among some of our citizens for such matters as long-range personal objectives, self-discipline and the sense of public obligation."

RECOMMENDATIONS*

I. Federal

a. Possession of marihuana for personal use would no longer be an offense, but marihuana possessed in public would remain contraband subject to summary seizure and forfeiture.

b. Casual distribution of small amounts of marihuana for no remuneration, or insignificant remuneration not involving profit would no longer be an offense.

c. A plea of marihuana intoxication shall not be a defense to any criminal act committed under its influence, nor shall proof of such intoxication constitute a negation of specific intent.

II. State

a. Cultivation, sale or distribution for profit and possession with intent to sell would remain felonies (although we do recommend uniform penalties).

b. Possession in private of marihuana for personal use would no longer be an offense.

c. Distribution in private of small amounts of marihuana for no remuneration or insignificant remuneration not involving a profit would no longer be an offense.

d. Possession in public of one ounce or under of marihuana would not be an offense, but the marihuana would be contraband subject to summary seizure and forfeiture.

e. Possession in public of more than one ounce of marihuana would be a criminal offense punishable by a fine of $100.

f. Distribution in public of small amounts of marihuana for no remuneration or insignificant remuneration not involving a profit would be a criminal offense punishable by a fine of $100.

g. Public use of marihuana would be a criminal offense punishable by a fine of $100.

h. Disorderly conduct associated with public use of or intoxication by marihuana would be a misdemeanor punishable by up to 60 days in jail, a fine of $100, or both.

i. Operating a vehicle or dangerous instrument while under the influence of marihuana would be a misdemeanor punishable by up to one year in jail, a fine of up to $1,000, or both, and suspension of a permit to operate such a vehicle or instrument for up to 180 days.

j. A plea of marihuana intoxication shall not be a defense to any criminal act committed under its influence nor shall proof of such intoxication constitute a negation of specific intent.

k. A person would be absolutely liable in civil court for any damage to person or property which he caused while under the influence of the drug.

ANCILLARY RECOMMENDATIONS

In addition to these legal recommendations for federal and state action, the Commission believes certain other ancillary recommendations should be presented for action.

Legal and Law Enforcement Recommendations

I. Federal

a. Federal law enforcement agencies, especially the Bureau of Narcotics and Dangerous Drugs and the Bureau of Customs, should improve their statistical reporting systems so that policies may be planned and resources allocated on the basis of accurate and comprehensive information.

b. The Federal Bureau of Narcotics and Dangerous Drugs should increase its training programs of state and local police with special emphasis on the training in the detection of trafficking cases.

c. Increased border surveillance, a tightening of border procedures, and a realistic eradication program to diminish the supply of drugs coming into the country, coupled with a more effective program for diminishing the domestic production and distribution of marihuana, are required.

II. State

a. All states should adopt the Uniform Controlled Substances Act to achieve uniformity with regard to marihuana and other drug laws, with the exception that the legal response to possession for one's own use be uniformly adopted in accordance with our recommendation in Chapter V of this report.

b. Each state should establish a centralized compulsory reporting and record-keeping authority so that adequate and accurate statistics of arrests, sentences and convictions on a statewide basis are available.

c. Those states requiring physicians to report drug users seeking medical assistance should change such requirements to insure the confidentiality of the drug user's identity, so that persons needing medical help will feel free to seek it.

III. International

If the United States should become a signatory of the proposed Psychotropic Convention, we recommended that cannabis be removed from the existing Single Convention and consideration be given to listing it in the proposed Psychotropic Convention among drugs which have similar effects.

MEDICAL RECOMMENDATIONS

1. Fuller coordination of the marihuana research conducted by governmental and private agencies is needed to reduce the duplication of effort, assure a diversity of new approaches and new objectives, and to provide efficient integration of findings into the available body of knowledge.
2. Research efforts to develop an inexpensive, easy method for detecting and quantifying the presence of marihuana in the blood, breath or urine of a person suspected of being intoxicated should be accelerated.
3. An accelerated program for funding foreign research should be undertaken immediately.
4. Increased support of studies which evaluate the efficacy of marihuana in the treatment of physical impairments and disease is recommended.
5. Community-based treatment facilities should be promoted in caring for problem drug users utilizing existing health centers when possible and appropriate.
6. Public health courses on the social aspects of drug use should be included in the curricula of the schools of the health professions.

OTHER RECOMMENDATIONS

1. The Commission recognizes that several state legislatures have improperly classified marihuana as a narcotic, and recommends that they now redefine marihuana according

---

*The 13 Commissioners are in basic agreement with the Report and its recommendations. However, several Commissioners diverge with specific recommendations and their opinions are presented in a footnote on pages 151–156. A brief summary of this footnote follows:

Commissioners Rogers and Carter agree with the discouragement policy and the decriminalization aspects of the recommendations, but feel that the contraband concept is not a sufficiently strong expression of societal disapproval of the use of marihuana. They would recommend, in addition, a civil fine for possession of any amount of marihuana in private or in public. This civil fine would not be reflected in a police record.

Commissioner Ware agrees completely with the statements of Congressmen Rogers and Carter but wishes to reemphasize that the social policy and legal scheme adopted is applicable only to marihuana and should not be construed to embrace other psychoactive drugs. He advocates some penalty short of criminalizing the users, such as a civil fine or some type of extensive drug education. Further, he is opposed to the use of any drug, including alcohol, for the express purpose of becoming intoxicated.

Commissioners Hughes and Javits, while agreeing with the Commission's recommendation that the private use of marihuana be taken out of the criminal justice system, disagree with three specific recommendations relating to the implementation of the discouragement policy.

First, they would eliminate the contraband provision from the partial prohibition scheme adopted by the Commission. Second, believing the Commission has not set forth a clear standard as to what constitutes the casual not-for-profit sale, they recommend that all not-for-profit sales be excluded from criminal sanction. Third, they feel there is no need to retain criminal sanction on public possession of more than one ounce of marihuana and would permit public possession of "some reasonable amount" for personal use.

to the standards of the recently adopted Uniform Controlled Substances Law.

2. A single federal agency source should disseminate information and materials relating to marihuana and other drugs. The National Clearinghouse for Drug Abuse Information should be charged with this responsibility.

3. The Special Action Office for Drug Abuse Prevention in the White House should be responsible for the coordination, development and content review of all federally-supported drug educational materials and should issue a report as soon as possible, evaluating existing drug education materials.

4. The Commission notes the significant role played by the voluntary sector of the American community in influencing the social, religious and moral attitudes of our nation's citizens and recommends that the voluntary sector be encouraged to take an active role in support of our recommended policy of discouraging the use of marihuana.

Separate Views of Senators Javits and Hughes

Commissioner Hughes (Senator from Iowa) and Commissioner Javits (Senator from New York) believe that the Commission has taken a major, highly laudable step in recommending that the private use of marihuana be taken out of the criminal justice system. They concur in its threshold judgment that overall social policy regarding this drug should seek to discourage use, while concentrating primarily on the prevention of irresponsible use. They disagree, however, with three specific recommendations relating to the implementation of this discouragement policy.

First, they would eliminate entirely the contraband provision from the partial prohibitory model adopted by the Commission. They want it eliminated first because its legal implications are confusing and the subject of disagreement even among lawyers. Whether or not possession of a given substance is criminal, possession of material designated as contraband makes that possession *unlawful*. Also, marihuana designated as contraband would be subject to government search and seizure, even though the underlying possession is no longer criminal. The provision—which does not apply to marihuana held for personal use within the home—is considered by both Commissioners to be an unnecessary "symbol" of the discouragement policy. It will not foster elimination of the misunderstanding and mistrust which is a hallmark of our current marihuana policy.

Commissioners Hughes and Javits seek to eliminate it also because as a practical matter it serves no useful law enforcement purpose within the overall partial prohibitory model. If marihuana held for personal use within the home is not contraband, why should marihuana held for personal use within one's automobile be contraband? As a matter of fact, the area of operation of the contraband provision is extremely narrow. If one possesses *more* than one ounce of marihuana in public, it may be seized without regard to the contraband doctrine since such possession is a criminal violation.

Since the contraband provision does not apply to marihuana possession and use in private, the only effective area covered by the contraband provision is the area of possession in public of *less* than one ounce. The Commission has chosen to remove the stigma of the criminal sanction in this kind of case. To impose instead a contraband provision, which it is argued is in the nature of a civil "in rem" seizure which does not operate against the person, is to cloud the issue and to weaken the force of the basic decriminalization step. A persuasive justification simply has not been made.

Both Commissioners seek to eliminate it also because they believe that the voice of the Commission should be loud and clear that the preservation of the right of privacy is of paramount importance and cannot be casually jeopardized in the pursuit of some vague public or law enforcement interest which has not been defined and justified with clarity and precision.

The second area of disagreement with the Commission's recommendations concern the casual distribution of marihuana and the not-for-profit sale. As they understand:

(1) The totally donative transfer is not subject to criminal penalty, regardless of where it takes place.

(2) The transfer of *small* amounts for *insignificant* remuneration not *involving a profit* is not subject to criminal penalty, (except if it is accomplished in public, in which case it is subject to criminal sanction), but,

(3) The transfer of *"large* amounts" for *"significant"* remuneration not involving a profit is subject to criminal penalty.

In a footnote on page 63 of the Report, the Commission refers to a Report of the Senate Judiciary Committee on the Comprehensive Drug Abuse Prevention and Control Act of 1970. In substance, it implies that within the meaning of the Act transfers of more than one or two marihuana cigarettes in return for 50 cents or one dollar to cover cost are not intended to be covered as casual transfers, but rather are to be treated as unlawful sales.

Commissioners Hughes and Javits feel that the Commission has failed to set forth a clear standard which will adequately inform the public of their obligations under the law. The recommendation and its discussion in the Report are confusing and fail to provide the individual with sufficient guidance to allow him to act without having to dodge in and out of illegality. It also undermines a basic, stated objective of the Commission i.e., to concentrate the weight of the criminal sanction upon significant supply and distribution activities rather than upon casual consumption.

Moreover, proscribing even the most casual not-for-profit transfers when they occur in public is, in their opinion, incorrect. Such transfers are necessarily incident to private possession and use. To hold that they should be subject to criminal sanction is logically inconsistent with the Commission's rationale and recommendation on decriminalization of such private activities.

Instead, both Commissioners recommend that all not-for-profit sales be excluded from the criminal sanction. It is fundamental that there be a clear separation between the serious, commercial, profit-making-seller, or "pusher" as he is known, and the individual who merely splits the cost of a reasonable supply of the drug with his friends or acquaintances.

Thirdly, exception is taken to the retention of the criminal sanction on public possession of more than one ounce.

The individual who buys an ounce and a half would be a criminal when he buys on the corner, when he puts it in his pocket, when he gets in his car and drives home, when he is on his doorstep, but not when he crosses the threshold of his home. Again Commission policy should direct the attention of the law enforcement community to the person who sells the drug for profit, and not to the person who uses the drug privately.

If an individual has more than a few ounces in his possession, and there is probable cause to believe that he intends to sell it for profit, that activity is already covered under the Commission's recommendation that possession with intent to sell is illegal. Therefore, there is no need to further proscribe simple public possession.

All the component parts of the recommended policy of the Commission should be consistent with its objective of non-interference with casual transfers, and possession and use which is essentially and fundamentally private and personal.

The contraband device, the not-for-profit sale, and public possession of some reasonable amount which should be presumed to be necessarily incident to private use should all be removed from the ambit of legal sanction. To do so would be to strike down "symbols" of a public policy which had never been adequately justified in the first instance. Such steps would in no way jeopardize the firm determination of the Commission that the use of marihuana ought to be discouraged.

Commission Members

By law, the National Commission on Marihuana and Drug Abuse has 13 members. Nine public members were appointed by the President who also named the Chairman and Vice Chairman (five maximum from one political party).

Of the four congressional members, two were named by the President of the Senate and two by the Speaker of the House (two from each political party).

Raymond P. Shafer, Chairman, former Governor of Pennsylvania, Chairman of the Board and Executive Director, Teleprompter Corporation, New York.

Dana L. Farnsworth, M.D., Vice-Chairman, former Director of Health Services, Harvard University, Cambridge, Massachusetts.

Henry Brill, M.D., Director of Pilgrim State Hospital, West Brentwood, Long Island.

Representative Tim Lee Carter (R-Kentucky).

Mrs. Joan Cooney, President of the Children's Television Workshop and Producer of "Sesame Street," New York, New York.

Charles O. Galvin, Dean of Southern Methodist University, Law School, Dallas, Texas.

John A. Howard, Ph.D., President of Rockford College, Rockford, Ill. and President of the American Association of Independent College and University Presidents.

Senator Harold E. Hughes (D-Iowa).

Senator Jacob K. Javits (R-New York).

Representative Paul G. Rogers (D-Florida).

Maurice H. Seevers, M.D., Professor and former Chairman of the Department of Pharmacology, University of Michigan, Ann Arbor.

J. Thomas Ungerleider, M.D., Assistant Professor of Psychiatry, U.C.L.A. Neuropsychiatric Institute, Los Angeles.

Mitchell Ware, Attorney, Mazza, Mazzio and Ware, Chicago, former Superintendent of the Illinois Bureau of Investigation, Chicago.

NATIONAL OR STATE PRESIDENTIAL PRIMARIES?

Mr. HRUSKA. Mr. President, the distinguished Senators from Montana (Mr. MANSFIELD) and Vermont (Mr. AIKEN) recently proposed that State presidential primaries be eliminated in favor of one national primary.

Their reasoning as always was logical and persuasive. The financial drain, the physical drain, and the circus aspects of a long series of State primaries are valid arguments for a change in the system.

There are also many good arguments, however, for a continuation of State primaries. If we look at the primaries in a broad perspective, it is possible to see virtues peeping through the curtain of disadvantages.

In an editorial entitled "A National Presidential Primary?" published on March 19, 1972, the Omaha World-Herald has taken such a look at the situation in its editorial columns. It has weighed the arguments for and against

State primaries succinctly but carefully. In my opinion it has done a commendable job of stating a persuasive case for their continuation.

In essence, the World-Herald concedes the wasteful and sometimes silly aspects of State primaries. But it goes on to point out that in the broader view the primaries do furnish a proving ground for presidential candidates which may well be a vital contribution to the complex process of selecting the right man to lead the Nation.

This thought-provoking and reasoned analysis of the question is worthy of study and I commend it to my colleagues. I ask unanimous consent, Mr. President, that the text of the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A NATIONAL PRESIDENTIAL PRIMARY?

Should we scrap state presidential preferential primaries?

Sens. Mansfield and Aiken say they think we should. The Senate majority leader and the Republican veteran would amend the Constitution to provide for a national primary.

The system of state preferential elections is a political circus, they say. It is unfair to candidates and to the voters.

A presidential primary is a political circus. No doubt of that. So is a national political convention, or any rousing political rally, especially when some political prize is in contention.

Moreover, the primaries are wearing upon the candidates. They cost a lot of money. Sometimes the tired candidates say foolish things. (Sometimes they say foolish things when they're rested, too.)

If anybody wants to take another punch at our friends of the electronic media, it might be said that the eye of a network camera focusing on a candidate touring the boondocks can make him and that particular boondock seem a lot more important than they probably are to the process of picking a candidate.

Yet when all is said and done, we think that more is to be said for the state primaries than against them, and that not much is to be said for a national primary.

Columnist Max Lerner observed the other day that for all their barbarities the primaries are not useless. They test the candidate by making him go through a punishing physical and political ordeal. If he can't survive these preliminary tests, how is he going to act when he has to make great decisions dealing with crises that may mean peace or war?

A man should be stretched and tempered in the primaries. If he buckles under such stresses, then he's not the man to be president.

The New Hampshire and Florida primaries have been enlightening, not only because they have reshuffled the relative positions of the candidates but because they have helped to establish what is surely a major issue of this campaign.

McGovern and Muskie appear in different perspective than they did before the two primaries. Gov. Wallace's standing has changed. Humphrey and Jackson look a little better than they did. And Florida voters demonstrated the importance of the busing issue.

Would the national interest have been served if Sen. Muskie had gone unchallenged as his party's front-runner until a national primary in August? We think not. The state primaries provide a series of useful tests for which a single primary would not be a suitable replacement.

AUTHOR OF NEWS TWISTERS TESTIFIES

Mr. HRUSKA. Mr. President, the Senate Judiciary Subcommittee on Constitutional Rights, on which I am privileged to be ranking minority member, has been holding hearings on freedom of the press for several months. Under the chairmanship of the distinguished Senator from North Carolina, the subcommittee has been developing what I believe will prove to be a most useful and educational body of information on this subject.

On February 2 the subcommittee heard testimony from Miss Edith Efron, a writer for "TV Guide," whose recent book, "The News Twisters," has caused a considerable reaction both within and outside of the major television networks. During her appearance Miss Efron outlined the methodology she employed in studying television news coverage of the 1968 presidential campaign, and discussed her rather striking results. Among other things, she was led to conclude that a simple word-count revealed a substantial bias against Richard Nixon. According to Miss Efron's pro-and-con word computation, the following totals were reached: 16 to 1 against Nixon on CBS; 10 to 1 against Nixon on NBC; 8 to 1 against Nixon on ABC.

Mr. President, I believe all Senators will find Miss Efron's testimony both startling and fascinating. I therefore ask unanimous consent that her prepared statement be printed in its entirety in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TESTIMONY OF EDITH EFRON, PRESENTED BEFORE THE SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS, FEBRUARY 2, 1972

Senator Ervin, Members of the Committee: A view has crystallized in this country that the bias controversy is a relatively new phenomenon, spawned by a repressive Nixon Administration, and bred in the dark shadows of right-wing conspiracies.

This view is a symptom of our anti-historical age, where memories are increasingly confined to the parameters of the daily press.

The bias controversy was actually born in the 30's with the collectivist concept of public ownership of the airwaves. Until that time, if people did not like the bias of a publication or a news service, they solved the problem by refusing, individually, to buy it—a simple and rational system that still prevails in all media have broadcast news. It is when they were informed by the United States Government that they collectively "owned" the airwaves, and were quasi-proprietors of the broadcast press, that they began to haggle collectively over the political orientation of that press.

The Government took its first drastic action to control bias in 1941, when the FCC, with its Mayflower Decision, deprived all American broadcasters of their First Amendment rights by forbidding them to express their own views on controversial issues. This solved the bias problem satisfactorily: there were no longer any controversial views on the air to get excited about. Unfortunately, the solution was more deadly than the problem: it constituted a frontal lobotomy of the entire broadcast medium. America had to endure eight years of government-induced vacancy in a major communications system—and the marks of the lobotomy have never disappeared—before the error was acknowledged and corrected.

The correction did not take the form of restoring unbreached First Amendment rights to the individual broadcaster; he remained a second-class citizen. It took the form, in 1949, of the Fairness Doctrine—which allowed the broadcaster to express his own opinions on major controversies, provided that he gave "equal", "equally forceful" and "non-partisan" coverage to other points of view as well.

And from 1949 to this present day, there has been constant dissension in this country over the problem of fairness in broadcast news. It has been most acute with respect to network news which, by virtue of government permission and protection, has acquired a monopoly over the nationwide dissemination of the facts and interpretations of American political life.

As a staff writer on TV Guide, I have been covering this constantly simmering antagonism to the political attitudes in network news for ten years. It was a serious problem in 1960. By 1964, under the Kennedy Administration, the anger had become so intense that it inspired a Congressional investigation. And by 1968, under the Johnson Administration, this anger exploded like a bombshell—with nationwide protests being registered over network coverage of the race riots, the Republican convention, the Democratic convention, the anti-war riots in Chicago. The number of Americans by then who felt that network news was biased ranged between 57 and 70 percent, according to polls of the period.

Throughout this remarkable decade of mounting protest, network management has militantly refused to grant that there is the slightest basis in reality for these public reactions. It has attributed them to a variety of neurotic responses ranging from selective perception, through escapist intolerance of bad news, to a hostile desire to kill the messenger who brought the bad news. Apart from this parlor psychoanalysis of the majority of the population, the networks have had nothing to say save to attest with regularity to their own impeccably objective perceptions.

It was in 1968, at the height of the nationwide protests against network bias that I undertook to do a study of my own—a study of how the networks covered the critical two-thirds of the Presidential campaign of 1968, the last seven weeks until Election Day. I was given a small grant to cover taping, typing and research expenses by the New York Historical Research Foundation, and I set to work.

Time does not permit an extensive presentation of my theory and method, but I will mention three points:

First, I concentrated on prime-time news alone, because all studies indicate that these early-evening news programs are the most important source of political information for the majority of the country.

Secondly, I used an intrinsically journalistic observation as my key test for bias. There is one slanting device known to every editor and reporter in the land. It is this: if a reporter wishes to load coverage of a controversy in favor of a certain position—he will simply stuff his coverage with opinions from those who take the desired position, while giving little or no room to the other side. There are other far more subtle editorial slanting techniques—in The News Twisters, I name and illustrate 33 of them—but this is the central one on which my entire analysis is based: I did a systematic check on the equity of pro and con opinion on a group of controversial subjects. This test simultaneously served to check on the network's adherence to the Fairness Doctrine.

Third and last: I selected the major controversial subjects of the period: The Presidential Race, the War, Black Militancy, Left-Wing protest movements, and several sub-aspects of these broad subjects. In classifying opinion on these matters as pro and con, my basic rule was always to conform to the reporters' own classifications where they existed. If, for example, a reporter described an opinion as "heckling" or "opposition" or as "booing", I classified it as antagonistic opinion; if he described it as "endorsement" or "support" or as "cheering", I classified it as favorable or pro-opinion. The great bulk of opinion in the study turned out to be of this variety which already came precategorized in one way or another by the reporter. The opinion which I classified independently was usually covert or implicit opinion by reporters.

This, in essence, was my method. I applied it systematically to seven weeks of network coverage—300,000 words. And the results appeared in The News Twisters. I will not report on all my findings here. Instead, I will give you a close-up view of the results of my investigations into two of the most important controversies of the 1968 period—The Nixon-Humphrey race and the War.

The results on Mr. Nixon alone have caused the greatest consternation. Speaking quantitatively, in terms of simple word-count, the pro and con opinion on the Republican Candidate for the Presidency ran as follows:

16 to 1 against Nixon on CBS

10 to 1 against Nixon on NBC

8.5 to 1 against Nixon on ABC.

The anti-Nixon opinion is so voluminous in contrast to the pro-Nixon opinion that it verges on the ludicrous. The content of most of this criticism itself cannot be challenged. Most of the attacks on Nixon were journalistically legitimate. They came from Democratic Party and Independent Party challengers, from assorted Democratic Party Politicians, from Democratic union chiefs, and, as such, were a valid part of the campaign.

What was bizarre was primarily the quantity and repetitiousness of the criticism, often in purely optional matters. To illustrate: on CBS, Nixon was charged with telling untruths seven times by political opponents—twice by Hubert Humphrey, twice by Wallace, once by Ramsey Clark, once by Clark Clifford, and once by Lawrence O'Brien. But NBC and ABC deemed such charges newsworthy only three times each. Thus, CBS viewers heard politicians charge Nixon with dishonesty more often than did the viewers on the other two networks put together. All one can conclude is that CBS particularly liked to air this charge.

Similarly, the degree of hostile editorialization about Nixon, his personality, his morality, his campaign techniques, and so on, was quite voluminous. ABC viewers were privileged to hear Nixon described as a man who went for his enemies' "jugular" and who would like to assault them with a "meat-axe".

Startling as was the vast body of anti-Nixon opinion, even more startling were the pro-Nixon findings. In their way, these are the most deadly.

Here, for example, is a summary of all pro-Nixon opinion, from the public and from Republican political figures, carried by CBS TV News during the seven weeks of the campaign period studied: on only *six* days during the entire seven-week period did CBS news stories include opinion favorable to Nixon from members of the public.

On only *one* day during the seven week period—on October 28th, towards the very end of the campaign—did CBS news stories include any Republican political opinion which praised Richard Nixon. It came specifically, from Dwight and Mamie Eisenhower, and from Nixon assistants Patrick Buchanan and Raymond Price.

The picture is even bleaker for Nixon on ABC-TV. ABC news stories also reported only 6 times in seven weeks on opinions favoring Nixon from the public. And as for Republican political figures: once, on October 8th, ABC News informed its viewers that Senator Javits supported Nixon. Unless one wants to count Bud Wilkinson as a Republican political figure—there was no more.

Of the three networks, NBC was most generous. NBC viewers actually heard opinions favorable to Nixon from the public 12 times in seven weeks. And NBC cited four Republican politicians, on four different days as having favorable attitudes to Nixon. They were: Senator Dirksen, Representative Gerald Ford, Vice Presidential Candidate Spiro Agnew, and State Senator David Stanley.

Given facts like these, one need hardly look at the anti-Nixon opinion at all to know that this was politically biased coverage. The opinions of American citizens who supported Nixon, and the opinions of the Republican Party representatives who were working to elect him President, were simply not on the air.

By contrast, the coverage of Humphrey was fair. Most network newsmen were not enamored of Humphrey—at least not until he had come out for a unilateral bombing halt and won the support of the anti-war groups; but by the end of the campaign period, pro and anti-Humphrey opinion was fairly equitable on all three networks—with ABC and CBS being a touch more friendly, and NBC a touch less. In general, the early sources of political antagonism to Humphrey were thoroughly explored by the reporters; and the later sources of support were given a full airing.

My statistical findings on the Presidential race have aroused something of an uproar in the country. And inevitably, a great many people are frantically denying their reality and are charging me with writing fiction, most particularly in the area of the Nixon findings. You will be interested, therefore, in the comments made in the Winter issue of The Public Interest by Professor Paul H. Weaver of the Harvard University Department of Government. He writes as follows:

". . . there are three points to be made about this problem. First, my own inspection of two different samples of Miss Efron's file of anti-Nixon opinion convinces me that, by any reasonable standard, the large majority of such items are in fact quite clearly anti-Nixon opinion; no more than 20 or 30 percent of the anti-Nixon items might be questioned. Nobody has shown that the proportion of questionable items is larger; indeed, so far critics have merely adduced a few extreme examples, as if these were enough to invalidate the entire study. And this brings me to the second point. What is significant about Miss Efron's findings is not the absolute numbers of words pro and con; it is the *relative size* of the two bodies of opinion. In order to invalidate the finding of a huge disparity between pro-Nixon and anti-Nixon opinion, it is not enough to show that *some* anti-Nixon opinion has been incorrectly classified—one must show that *most* of it has been incorrectly classified. Even if one were to find that she had overestimated the amount of anti-Nixon opinion by 100 percent and underestimated the amount of pro-Nixon opinion by 50 percent, there would still be 2.5 times more anti-Nixon opinion than pro-Nixon opinion, a clearly "unfair" pattern. Needless to say, nobody has yet established errors of this magnitude, and it seems unlikely that anyone will."

You will also be interested in a statement issued to the press on October 27th of last year by Dr. George Weinberg. Dr. Weinberg is a psychologist, a research consultant, a statistician, and author of one of the leading statistics texts in use in American colleges and universities for the past decade. Dr. Weinberg said:

"I saw Miss Efron's research before reading her book and before knowing her conclusions. I found that my judgments coincided with hers well over 90% of the time. The great majority of the statements she classifies as pro or con opinion could hardly be classified otherwise. Miss Efron is far more objective, systematic and explicit in her method than anyone known to me who has ever written a book about TV. After examining her data, I believe that any systematic tabulation by any method would result in essentially the same findings."

In brief, I have not been writing fiction.

Given these findings on Nixon the question inevitably comes up: Was this bias deliberate? The answer to this question is complex and I cannot do justice to it in a few words. But briefly my own answer is this. it was not deliberate in the sense of an organized plot or of a conscious cabale. But it was inevitable given the virtually all-liberal composition of network staffs.

During the campaign, Eric Sevareid acknowledged on the air that most newsmen were for Hubert Humphrey—leaving to implication the fact that most were against Richard Nixon. On February 8, 1970 Howard K. Smith brought this implication out into the open. He generally confirmed Vice President Agnew's charges and said this about the newsmen's prejudices: "Johnson was politically assassinated and some are trying to assassinate Nixon politically. They hate Richard Nixon irrationally."

I believe that my findings are evidence of such antagonism, that it was so deep and widespread that it contaminated professional decisions—and that network managements must be held responsible for the result.

Now, to examine another subject, briefly—the War.

In The News Twisters, opinion on the Vietnam War is classified under different headings, just as it appeared in network news stories. There is: opinion on the U.S. War Policy in general; and opinion on the U.S. Bombing Halt policy in particular.

And once again, we see precisely the same pattern of heavy loading of opinion on one side—and a virtual void of opinion on the other.

In the seven weeks studied, the three networks carried 72 different stories in which opinion was heard condemning the U.S. Policy on the war, and demanding a unilateral bombing halt in opposition to the Johnson policy of reciprocity. Seventy-two stories means that about 10 times every week, the networks were pounding America—and the Johnson Administration—with opinion opposed to government policies on the war. This editorially selected outcry, subtly interlaced with editorial opinion, came from the following sources:

Senators Fulbright, Javits, Morse, and McGovern; Paul O'Dwyer, John Gilligan; Eldridge Cleaver, Dick Gregory, The President of Yale, SDS Leader Tom Hayden, Actress Vanessa Redgrave; The Socialist Workers' Party, The Peace and Freedom Party, The Freedom and Peace Party, The Socialist Labor Party, The Communist Party; Arthur Goldberg, George Ball, Averill Harriman, Cyrus Vance; U Thant; Indira Gandhi; Xuan Thuy, the North Vietnamese Negotiator; Soviet Premier Kosygin; British and Tokyo demonstrators—and assorted domestic students, demonstrators, Black militants, soldiers, pacifists, artists and so on.

Many of these sources were frequently repeated in successive newscasts. It is quite clear that the networks concentrated on the views of an assortment of Doves and Leftists, foreign and domestic, who were opposed to U.S. war policies.

And what did we hear on the other side? I'll summarize it for you precisely. It was to be found in only 13 stories—13 as opposed to 72, meaning: a 6 to 1 ratio against the Government:

ABC aired only four opinions opposed to a unilateral bombing halt in 7 weeks—three from President Johnson, alone or in combination with Walt Rostow and Dean Rusk; and one from President Thieu of South Vietnam.

CBS aired only two such opinions—one from Ohio Republican William Saxbe, and a paraphrased opinion citing "the generals in Vietnam and the Secretary of State".

And NBC also presented two opinions—one from President Thieu, and one from Iowa State Senator David Stanley.

That is: 8 opinions in 7 weeks opposing a unilateral bombing halt, on all 3 networks combined.

On the subject of the general war policy:

ABC aired four favorable opinions—those of President Johnson and or Ambassador James Wiggins—twice each.

CBS aired only one such opinion—from President Johnson.

And NBC aired none.

That is: 5 opinions in 7 weeks favoring the Johnson policies, on all 3 networks combined.

This is remarkable coverage indeed of the biggest controversy in the nation. It totally failed to reflect the attitudes in the nation, which at the time was giving President Johnson majority support. The Administration's allies, both domestic and foreign, were simply not on the air.

On February 27, 1968, Walter Cronkite presented a special report from Vietnam. In it he said: "It seems now more certain than ever that the bloody experience of Vietnam is to end in a stalemate", and he predicted that the United States would not be victorious in this war. And on March 10, 1968, Frank McGee presented a Sunday Report in which he said that "the enemy now has the initiative" and that "the war as the Administration has defined it is being lost". The New York Times headlines read on March 12: "U.S. is losing war in Vietnam, NBC declares".

Apparently having decided that the war was being lost, these two networks, and ABC as well, resolved to give little or no air time to any view which supported President Johnson's policies.

Whatever one may think about the war, this is not balanced reporting of diverse opinions on a crucial controversy. It is disguised, political advocacy.

Very much the same situation prevails in the other controversial areas which I investigated. Over and over again on all 3 networks—whether the subject was Black Militants, or the White Middle Class, or the Left, or the Right—this lopsided opinion can be found. It favored Black power, it opposed the White Middle Class; it favored the left, it opposed the Right. Almost always the opinion was loaded on the left-liberal side of the controversies. Almost always there was a vacuum, or a dramatic shortage, where strong opposition views could and should have been present.

Because of this acute shortage of opinion on one side of almost every controversy, one can state with extraordinary precision which groups in this country were deprived of representation on network news programs during the 1968 period of study. These groups were:

The broad white middle class majority, Republican and Democrat

Conservative and Republican leaders

The broad black majority

Moderate black civil rights leaders

And the ideological pro-violence New Left.

And these happen to be the very groups which in 1968 and 1969 charges the network repeatedly with bias. They, in fact, are exactly what remains when you subtract the left-liberals from the American political spectrum. It is no great surprise that when Vice President Agnew delivered his speech on network bias a year after the period of this study, there was a volcanic eruption in the nation—with some 57 percent of the public, including 60 percent of all college graduates, supporting him. This public explosion appears to have been a direct and cumulative response to the opinion loading, to the one-sided advocacy that passed for balanced reporting on controversies.

The Americans who protested are obviously the Americans whose views were chronically left out.

Omission—the crudest slanting technique in the journalistic repertoire—is the principal technique in network slanting. It is perhaps inevitable therefore that when CBS chose to attack The News Twisters, its attack was a monument to this very slanting technique.

In September, before The News Twisters was published, a 10 page document was distributed to the nation's media by CBS. The mailing literally blanketed the country. It is a study of The News Twisters conducted by The CBS News Department itself. It claimed to present hard, documentary evidence of the degree to which I had grossly distorted CBS transcripts. This evidence, said CBS, was based on a "spot check" of those transcripts.

This document is a fraud. Its fraudulence consists in a systematic omission of every conceivable piece of information either from CBS transcripts or from The News Twisters' text which would make my classifications intelligible and would reveal the reasoning behind them. The effect of these omissions was to make my work seem arbitrary, irrational and dishonest.

Seventeen charges were listed by CBS—a number that is statistically insignificant for my study; although CBS did not mention this fact to its readers—and of these 17 charges, 15 contained active misrepresentations of either CBS transcripts of The News Twisters' text or both. I have prepared a detailed report in which I identify every misrepresentation; restore every violated context; present the stories that CBS sought to conceal; and I have identified the precise principles by which CBS conducted its so called random "spot check". My analysis reveals that it was not a "spot check" at all but a carefully calculated smear planned to discredit my book before publication. I call this report "How CBS Tried To Kill A Book". I cannot cite from it, textual analyses must be read. I hope that every member of the Committee will read it and I request that it be published in the record of these hearings. I believe that this report will assist the Committee in its examination of the conflicts that have arisen nationally over network news.

Now I respectfully submit that the very existence of an ideological oligopoly that controls the airwaves—let alone one which acts to destroy both criticism and critics—is an immense danger to this country. A considerable awareness already exists in Congress of this danger and some substantial proportion of Congressmen are as angered by the bias as are members of the public. But Congress is nonetheless afflicted by a characteristic paralysis when it comes to action in this area. Even an explosion of nationwide protest—a protest that included 3 out of every 5 college graduates according to the Harris and Gallup polls—could not move Congress into action.

It is quite apparent why the Congress—and the FCC—are paralyzed. This misadventure of Congressman Staggers reveals the bitter truth: that their hands are permanently tied; that they *cannot* act against this monolithic bias on the nation airwaves; that the Fairness Doctrine is an impotent ideal which cannot be enforced without violation of the First Amendment; that the First Amendment does not deny the right of a news service to be biased, it only states that the news service is free; that even the Supreme Court cannot talk the discrepancy between the Fairness Doctrine and the First Amendment out of existence; and that the nation in fact has no protection whatever from this ideological oligopoly.

The day must come when Congress acknowledges this truth—and more: when it acknowledges that it alone has created this situation, that it is by Congressional permission alone that this oligopoly exists and has so long been sheltered from any challenge to its power. On that day, Congress will recognize that this artificial tyranny must be destroyed—by the Congress which brought it into being.

There is only one way to destroy it without violating the First Amendment. That way is not by the petty chivvying and nibbling and the proliferation of regulations that has gone on for years. It is for the government to acknowledge the sacred status of the First Amendment in this country; to acknowledge that it has no business regulating an intellectual and artistic medium—that it never had any business doing so—that it never should have violated the First Amendment rights of individual broadcasters and allowed 3 nationwide monopolies to form on this intellectually stagnant base—and that it should not year after year, have blocked economic and technological competition in this area to protect the profits of these 3 giant monopolies.

The government must acknowledge all this however painful it may be. It must get out of broadcasting lock, stock and barrel and let CATV, Pay TV, and cassette technology rip, uncontrolled, unlicensed, unregulated, uncensored, and uninhibited—dominated exclusively by the desire to win voluntary customers, and regulated by the law of supply and demand alone. Only this hurricane of fresh air will bring about in broadcasting the intellectual freedom and diversity that is now lacking.

What is desperately needed in broadcasting is the classical American system that prevails in all the other free media in this land—a free enterprise, pay system, in which each producer of intellectual and artistic commodities is absolutely sheltered by the First Amendment; in which each individual consumer purchases only the products that please him and leaves those who have tastes and views alien to his strictly alone. It is this competitive system—free of the twin plagues of government intervention and nationwide monopolistic concentrations of power—which alone have given us the huge spectrum of intellectual and artistic alternatives in this country. It is this proved and honorable system which must be introduced into broadcasting.

Only one thing is needed to accomplish this and that is for government to withdraw from this media. Poetry does not need the government; plays do not need the government; movies do not need the government; documentaries, newspapers, magazines, novels, photographs and sports events do not need the government. All this country has gotten from government intervention into this realm is the stupidest, most restricted, and most venal medium of communications in the country.

There may be chaos for a while if the government gets out. This chaos would be temporary and supportable. And when it settles, and when the long pent up creative and competitive energies flow into this government-created vacuum—health will be restored to this medium.

In the process, those arrogant parasitical growths known as the networks will shrink down to the size of normal syndicated operations—selling their wares in an open market and feeling the bite of direct competition for the consumer dollar. This is, of course, precisely as it should be.

The irrational power of the networks today is purely a function of the freedom which has so long been denied to others. It is the government which must take that power back.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

EQUAL RIGHTS FOR MEN AND WOMEN

The ACTING PRESIDENT pro tempore. In accordance with the previous order, the Chair lays before the Senate the unfinished business, which will be stated by title.

The assistant legislative clerk read as follows:

> A joint resolution (H.J. Res. 208) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

The ACTING PRESIDENT pro tempore. The pending amendment is amendment No. 1068, offered by the Senator from North Carolina (Mr. ERVIN). Time is limited to 2 hours, equally divided between the proponent of the amendment and the manager of the bill. Who yields time?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged against either side.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, the pending amendment reads as follows:

> At the end of section 1 add the following sentence: "This article shall not impair the validity, however, of any laws of the United States or any State which extend protections or exemptions to women.".

I am constrained to offer this amendment because I remember how faithfully my own mother performed the obligations devolving upon her as a wife and mother. I am also constrained to offer this amendment because of my realization that my life has been made happy by a wife who has stood beside me for many years and has faithfully performed all of the obligations devolving upon her as a wife and mother.

My own mother and my own wife have given me the capacity to comprehend what Rudyard Kipling said in his poem entitled "Mother o' Mine" from "The Light That Failed."

If I could, I would compel every Member of the Senate to read the poem before he votes on this amendment. If every Member of the Senate would read it before he casts his vote, I am confident that he would have great difficulty in voting to rob wives and mothers and widows of the protections which commonsense and reality and the experience of the human race have placed around them, to enable them to perform their roles as wives and mothers, to give necessary nurture and training to their children, and to impart to their children the training which is absolutely indispensable to their intellectual and spiritual development.

The poem reads:

> If I were hanged on the highest hill,
> Mother o'mine, O mother o'mine!
> I know whose love would follow me still,
> Mother o' mine, O mother o' mine!
> If I were drowned in the deepest sea,
> Mother o' mine, O mother o' mine!
> I know whose tears would come down to me,
> Mother o' mine, O mother o' mine!
> If I were damned o' body and soul,
> I know whose prayers would make me whole,
> Mother o' mine, O mother o' mine!

Mr. President, in appraising the objectives of the militants, we are confronted by the question whether there is any rational basis for reasonable distinctions between men and women in any of the relationships or undertakings of life.

We find in chapter 1, verse 27, of the Book of Genesis this statement which all of us know to be true:

> God created man in His own image. In the image of God, created He him. Male and female, created He them.

For this reason I share completely the recent observation of a legal scholar, Mr. Bernard Schwartz of the New York University Law School:

> Use of the law, in an attempt to conjure away all the differences which do exist between the sexes, is both an insult to the law itself and a complete disregard of fact."

While I believe that any laws making unfair or unreasonable distinctions against women should be repealed by legislative bodies, or judicially annulled by courts under the provisions of the 14th and 15th amendments, I have an abiding conviction that the law should make such distinctions between men and women as are fairly or reasonably necessary for the protection of women and the existence and development of the race.

When He created them, God made physiological and functional differences between men and women. These differences confer upon men a greater capacity to perform arduous and hazardous physical tasks. Some wise people even profess the belief that there may be psychological differences between men and women. To justify their belief, they assert that women possess an intuitive power to distinguish between wisdom and folly, good and evil.

To say these things is to imply that either sex is superior to the other. It is simply to state the all-important truth that men and women complement each other in the relationships and undertakings on which the existence and development of the race depend.

The physiological and functional differences between men and women empower men to beget and women to bear children, who enter life in a state of utter helplessness and ignorance, and who must receive nurture, care, and training at the hands of adults throughout their early years if they and the race are to survive, and if they are to grow mentally and spiritually. From time whereof the memory of mankind runneth not to the contrary, custom and law have imposed upon men the primary responsibility for providing a habitation and a livelihood for their wives and children to enable their wives to make the habitations homes, and to furnish nurture, care, and training to their children during their early years.

In this respect, custom and law reflect the wisdom embodied in the ancient Yiddish proverb that God could not be everywhere, so he made mothers. The physiological and functional differences between men and women constitute the most important reality. Without them human life could not exist.

For this reason, any country which ignores these differences when it fashions its institutions and makes its laws, is woefully lacking in rationality.

The common law and statutory law of the various States recognize the reality that many women are homemakers and mothers, and by reason of the duties imposed upon them in these capacities, are largely precluded from pursuing gainful occupations or making any provision for their financial security during their declining years. To enable women to do these things and thereby make the existence and development of the race possible, these State laws impose upon husbands the primary responsibility to provide homes and livelihoods for their wives and children, and make them criminally responsible to society and civilly responsible to their wives if they fail to perform this primary responsibility. Moreover, these State laws secure to wives dower and other rights in the property left by their husbands in the event their husbands predecease them in order that they may have some means of support in their declining years.

If the equal rights amendment should be interpreted by the Supreme Court to forbid any legal distinctions between men and women, it would nullify all existing and all future laws of this kind.

The purpose of my amendment is to prevent the equal rights amendment from nullifying all existing laws and disabling Congress and the 50 State legislatures to enact future laws which grant protections to wives and mothers and widows.

As appears from pages 936 to 954 of the Yale Law Journal, the equal rights amendment is expressly designed to nullify the State laws which give these economic and social protections to wives, mothers, and widows and to provide in their stead that the rights and responsibilities of men and women in the areas covered by these laws shall be absolutely coequal. To sustain the assertion which I have just made, I wish to read what the Yale Law Journal says on this subject:

> Given the traditional social and economic view that woman's place was in the home, it is not surprising that laws affecting domestic relations have defined women's rights and duties with great specificity.
>
> At common law, a woman who married became a legal non-person—a *femme couverte.* Upon marriage, she lost virtually all legal

status as an individual human being and was regarded by the law almost entirely in terms of her relationship with her husband. Statutory developments in the nineteenth and early twentieth centuries tended to frame a more dignified but nevertheless distinct and circumscribed legal status for married women. At the present time domestic relations law is based on a network of legal disabilities for women, supposedly compensated by a corresponding network of legal protections. The law in this area treats women, by turns, as mental incompetents and as more mature persons than men of the same age; as valuable domestic servants of their husbands and as economic incompetents; as needing protection from their husbands' economic selfishness and as needing no protection from their husbands' physical abusiveness. In many respects, such as name and domicile, the law continues overtly to subordinate a woman's identity to her husband's.

Mr. President, I digress to assert that none of these so-called disabilities are imposed upon the business or professional women who elect not to become wives or mothers. I also take the risk of saying that this paragraph which I have just read is written by young ladies who have never been married.

I continue to read:

Much of the national discussion about women's status has focused on marriage and divorce laws, and rightly so, because the issues involved are important to people personally, and because women's domestic role has traditionally been considered their primary one.

Unquestionably, the trend in marriage and divorce law is in the direction of treating the spouses equally or on the basis of their individual capacities. Progressive present-day models for change in the area of family law eliminate virtually all differentiation on the basis of sex. Thus, in most instances, the effect of the Equal Rights Amendment on marriage and divorce law will be to move the law more directly, more forcefully, and more expeditiously in the direction it is already going.

In considering the following discussion of the impact of the Equal Rights Amendment on some aspects of domestic relations law, the reader should keep in mind the law's limited power to predetermine and control the nature of intimate personal relationships. In the realm of marriage and the family, social customs, economic realities, and individual preferences have a far greater influence on behavior than the law.

I digress to thank the Almighty that this is so.

I resume reading:

This is not to say that the law does not play an important role in shaping and channeling these other forces, but rather to point out that a change in the law—insofar as the change leaves room for choice, as do the possibilities suggested below—will not result in immediate widespread change in what are essentially social customs. Furthermore, it is important to remember that the impact of the marriage and divorce laws varies according to the economic class of the family. In preparing this section, we have been limited by the dearth of academic research about the differential impact of domestic relations law according to economic class.

1. LAWS AFFECTING THE ACT OF MARRIAGE

The statutory requirements for a lawful marriage are generally very simple. They include in most states a valid license, a waiting period before issuance of the license, a medical certificate, proof of age, parental consent for parties below the age of consent, and a ceremony of solemnization. Of these, only age requirements for marriage with and without parental consent involve widespread discrimination on the basis of sex. A 1967 survey of state marriage laws by the United States Department of Labor showed that only ten states set the same minimum age for marriage (age below which marriage, even with parental consent, is prohibited) for men and women. Only eighteen states set the same age of consent (age at which marriage is permitted without parental consent) for both men and women. In every state with an age differential, the minimum age for men was one to three years higher than the minimum age for women.

Since the minimum marriage age in all states is now well above the normal age of puberty, physical capacity to bear children can no longer justify a different statutory marriage age for men and women. Instead, there seem to be two current rationales for the higher marriage age for men. One is that, mentally and emotionally, women mature earlier than men. Maturity is such a relative and subjective concept that a court could never use it as a test for an inborn characteristic distinguishing all women from all men. Furthermore, mere estimates of emotional preparedness founded on impressions about the "normal" adolescent boy and girl are based on the kind of averaging which the Equal Rights Amendment forbids. The other rationale for the age difference is that men should not be distracted during adolescence from education and other preparation for earning a living. This rationale is obviously untenable: the law should give as much encouragement to women to prepare themselves to earn a living as it gives to men.

Under the Equal Rights Amendment, a court challenge to the age differential would most likely be made by a man suing to require issuance of a license to him at the lower women's age. Faced with such a challenge to the state law a court would have to find, for the reasons just discussed, that the marriage age differential did not meet the strict criteria of the unique physical characteristics tests required by the Equal Rights Amendment. Once it had concluded that a state could not constitutionally set one marriage age for men, and one for women, a court would be able to increase the marriage age for women upward to match the age for men, on the theory that the state should be equally solicitous of a woman's training as a man's. Or a court might find that the legislature had pegged the age for men unreasonably high and revise the marriage age for men downward to correspond to the marriage age for women. A legislature reconsidering laws about the minimum age for marriage, either before or after a court challenge, would have to set a single age for men and women after weighing the policy considerations underlying the age limit. These considerations might indicate the higher age, the lower age, or an age in between the two.

I digress to observe that if this be a correct interpretation of the equal rights amendment, the courts are to have the powers to make laws rather than the power to interpret laws. I base that on the statement of the authors that under the equal rights amendment a court could lower the marriageable age of men down to the marriageable age of women, or raise the marriageable age of women up to the marriageable age of men. Personally, I think courts have enough jobs to do when they stick to their judicial knitting and leave the making of the laws to legislative bodies.

2. MERGER OF THE WOMEN'S LEGAL IDENTITY INTO HER HUSBAND'S

a. *Name Change*. The requirement that a woman assume her husband's name at the time she marries him is based on long-standing American social custom. It is also firmly entrenched in statutory and case law. In some states statutes indicate that a married woman must not only take but keep her husband's name. Women who continue to use their maiden names after marriage may encounter resistance from the Internal Revenue Service, voting registrars, motor vehicles departments or any number of non-governmental sources.

I emphasize the following sentence:

The Equal Rights Amendment would not permit a legal requirement, or even a legal presumption, that a woman takes her husband's name at the time of marriage. In a case where a married woman wished to retain or regain her maiden name or take some new name, a court would have to permit her to do so if it would permit a man in a similar situation to keep the name he had before marriage or change to a new name. Thus, common law and statutory rules requiring name change for the married woman would become legal nullities. A man and woman would still be free to adopt the same name, and most couples would probably do so for reasons of identification, social custom, personal preference, or consistency in naming children.

However, the legal barriers would have been removed for a woman who wanted to use a name that was not her husband's.

Some state legislatures might decide there was a governmental interest, such as identification, in requiring spouses to have the same last name. These states could conform to the Equal Rights Amendment by requiring couples to pick the same last name, but allowing selection of the name of either spouse, or of a third name satisfactory to both.

I digress to say it would be a terrible thing if the husband and wife could not agree on the last name under the equal rights amendment. That is one cause of friction which does not exist now, but would arise under the equal rights amendment.

I resume reading:

Similarly, statutes which now permit the judge in a divorce case to use discretion in determining whether to allow a woman to resume her maiden name or to take a new name would be extended under the Equal Rights Amendment to cover all men, or at least men who had changed their names at marriage. Moreover, any state coercion regarding an individual's choice of name might still be open to attack under developing constitutional principles of due process and privacy.

In a state where both spouses were required to have the same last name, the children would simply take their parents' name. If the state had no requirement that husband and wife take the same name, it could either require that parents choose one of their names for their children, or it could decide to have no rule at all. The Amendment would only prohibit the states from requiring that a child's last name be the same as his or her father's, or from requiring that a child's last name be the same as his or her mother's.

I want to digress from the reading to call attention to what a drastic impact this interpretation of the equal rights amendment, in respect to the names of husbands, wives, and children, would have upon the existing law and the fact that the change would serve no useful purpose whatever.

I call attention to the minority views contained in the report on this measure at pages 50, 51, and 52:

One of the most interesting assertions of the article in the *Yale Law Journal* which Representative Griffiths says "explains the workings of the amendment," is the statement that:

"The Equal Rights Amendment would not permit a legal requirement, or even a legal presumption, that a woman takes her husband's name at the time of marriage . . . The states could conform to the Equal Rights Amendment by requiring couples to pick the same last name, but allowing selection of the name of either spouse, or of a third name satisfactory to both . . . thus common law and statutory rules requiring name change for the married woman would become legal nullities."

The effects of this requirement on the record-keeping demanded by our society would be staggering. Imagine an attorney searching a land title with this type of last-name system.

The wisdom of allowing a state to determine that a wife's legal name shall be that of her husband has just been upheld 8–0 in a per curiam decision of the Supreme Court in the case of *Forbush* v. *Alabama*. The interest of the State in maintaining control over licensees and requiring the most efficient way to do so should be obvious to everyone, as it was to all the members of the Supreme Court. But it's not obvious to the proponents of the ERA who want to abolish all legal pronouncements favoring the husband's surname.

Just a cursory check of only a very few of the laws of the states will indicate just how far-reaching the Equal Rights Amendment will be in this area alone. Most states appear to recognize the common law rule that a wife assume her husband's surname. *E.g. People ex. rel. Rago v. Lipsky,* 327 Ill. App. 63, 63 N.E. 2d 642 (1945); *Freeman v. Hawkins,* 77 Tex. 498, 14 S.W. 364; *Chapman v. Phoenix National Bank of the City of New York* 85 N.Y. 437 (1881); *Bacon v. Boston Electric Railway Co.*, 256 Mass. 30, 152 N.E. 35 (1926).

In addition, many state statutes are based upon the assumption that a woman assumes her husband's surname upon marriage. For example, statutes relating to the issuance of driver's licenses often include a provision requiring licensed drivers to notify a state agency of changes in name resulting from marriage, *See, e.g. Colo. Rev. Stat. Ann.* Sec. 13–4–17; *Fla. Stat. Ann.* Sec. 322–19; *Ill. Ann. Stat.* Ch. 95½, Sec. 6–116; *Ind. Ann. Stat.* Sec. 47–2710; *Kan. Stat. Ann.* Sec. 8–248; *Ky Rev. Stat.* Sec. 186–540; *Me. Rev. Stat.* tit. 29, Sec. 546; *Minn. Stat. Ann.* Sec. 171.11; *Mont. Rev. Codes Ann.* Sec. 31–140; *N.M. Stat. Ann.* Sec. 64–13–53; *N.D. Century Code* Sec. 39–06–20; *Okla. Stat. Ann.* tit. 47, Sec. 6–116; *R.I. Gen. Laws Ann.* Sec. 31–10–32; *S.C. Code Ann.* Sec. 46–170; *Tenn. Code Ann.* Sec. 59–708; *Tex. Rev. Civ. Stat. Ann.* Art. 6687b, Sec. 20; *W. Va. Code Ann.* Sec. 173–2–13.

State statutes relating to divorce often authorize courts to change a woman's name upon divorce. *See, e.g., Alaska Stat.* Sec. 09.55.010 (no court order necessary); *Arizona Rev. Stat. Ann.* Sec. 25–319; *Ark. Stat. Ann.* Sec. 34–1216; *Cal. Civ. Code* Sec. 4457 (annulment), 4521 (dissolution); *Conn. Gen. Stat. Ann.* Sec. 46–21; *Del. Code Ann.* tit. 3, Sec. 1536; *D.C. Code Ann.* Sec. 16–915; *Ga. Code Ann.* Sec. 30–121; *Hawaii Rev. Laws* Sec. 574–5; *Ill. Ann. Stat.* ch. 40, Sec. 17; *Ind. Ann Stat.* Sec. 3–1225; *Kan. Stat. Ann.* Sec. 60–1610; *Ky. Rev. Stat. Ann.* Sec. 403.060 (if divorce obtained by wife); *Me. Rev. Stat. Ann.* tit. 19, Sec. 752; *Mass. Gen. Laws Ann.* ch. 208, Sec. 23; *Mich. Comp. Laws Ann.* Sec. 552. 391 (if no minor children); *Minn. Stat. Ann.* Sec. 518.27 (if *wife* obtained divorce); *Mo. Ann. Stat.* Sec. 452.100 (if *wife* obtains divorce); *Nev. Rev. Stat.* Sec. 125.130; *N.J. Stat. Ann.* Sec. 2A:34–21; *N.C. Gen. Stat.* Sec. 50–12; *Okla. Stat. Ann.* tit. 12, Sec. 1278 (if husband at fault); *Ore. Laws 1971,* ch. 280, Sec. 13; *Pa. Stat. Ann.* tit. 23, Sec. 98 (woman may *elect* to use maiden name after divorce); *R.I. Gen. Laws Ann.* Sec. 15–5–17 (if *wife* obtains divorce); *S.C. Code Ann.* Sec. 20–117; *Tex. Rev. Civ. Stat.* art. 5931 (either party may change name upon divorce); *Vt. Stat. Ann.* tit. 15, Sec. 557 (if *wife* obtains divorce); *Va. Code Ann. Ann.* Sec. 20–121; *Wash. Rev. Code Ann.* Sec. 26.08.130; *W. Va. Code Ann.* Sec. 48–2–23 (if no children); *Wis. Stat. Ann.* Sec. 247.20 (if no children and no alimony).

State voter registration laws often include provisions requiring women to reregister when their names are changed by marriage. *See, e.g., Colo. Rev. Stat. Ann.* Sec. 49–4–19; *Del. Code Ann.* tit. 15, Sec. 1750; *Ill. Ann. Stat.* ch. 46, Sec. 46, Sec. 6–54; *Ind. Ann. Stat.* Sec. 29–3428 (but women may vote or run for office under professional name); *Kan. Stat. Ann.* Sec. 25–2316; *Ky. Rev. Stat. Ann.* Sec. 117.735; *La. Rev. Stat Ann.* Secs. 18:41, 234, 241; *Me. Rev. Stat. Ann.* tit. 21, Secs. 638, 831 (notification of change required); *Md. Ann. Code* art. 33 Secs. 3–9, 3–18; *Mass. Gen. Laws Ann.* ch. 51 Sec. 2 (notification); *Neb. Rev. Stat.* Sec. 32–216; *Nev. Rev. Stat.* Sec. 293.517; *N.J. Stat. Ann.* Sec. 19:31–13; *N. M. Stat. Ann.* Sec. 3–4–5; *Ohio Rev. Code Ann.* Sec. 3503.19 (not necessary to reregister if name is *not* changed upon marriage); *Ore. Rev. Stat.* Secs. 247.290, 247.440; *R.I. Gen. Laws Ann.* Sec. 17–9–18 (notification); *S.D. Comp. Laws Ann.* Sec. 12–4–18; *Tenn. Code Ann.* Secs. 2–303, 2–305; *Va. Code Ann.* Sec. 24.1–51; *Wash. Rev. Code Ann.* Sec. 29.10.040.

State laws regulating notaries public also often contain provisions involving name changes resulting from marriage. *See, e.g., Iowa Code Ann.* Sec. 77.12 (married female notaries may continue to use maiden names); *N.J. Stat. Ann.* Sec. 52:7–7 (married female notaries to use hyphenated name); *Pa. Stat. Ann.* tit 57, Sec. 156 (female married notaries must notify state agency of change of name); *Va. Code Ann.* Sec. 55–117 (female married notaries to indicate maiden name); *Wyo. Stat. Anne.* Sec. 32–2 (female married notaries to notify state agency of name change and to add husband's surname to signature).

State statutes which authorize civil actions for change of name also sometimes have provisions which are clearly based on the assumption that a wife's legal surname is the surname of her husband. *See, e.g., Iowa Code Ann.* Sec. 674–1 (married woman may not bring action to change her name); *Iowa Code Ann.* Sec. 674–10 (if husband changes his surname, wife's name is also changed); *Ky. Rev. Stat. Ann.* Sec. 401–010 (married women not allowed to change name); *Mich. Comp. Laws Ann.* Sec. 711.1 (if husband changes name, wife's name also changes); *Minn. Stat. Ann.* Sec. 259.10 (if husband changes name, wife's name changes if she joins in the application-statute does not indicate what happens if wife fails to join in application); *Vt. Stat. Ann.* tit. 5, Sec. 814 (if husband changes name, wife's name also changes).

Finally, in some state statutes reference is made to "change of legal name" without it being specified whether this includes name changes resulting from marriage. *See e.g., Mass Gen. Laws Ann.* ch. 30, Sec. 13 (notaries must reregister upon change of name); *Neb. Rev. Stat.* Sec. 64–114 (notaries changing legal name may continue to use name under which they received commission); *N.H. Rev. Stat. Ann.* Sec. 261–2 (driver's license holders required to make notification of change of legal name may continue to use name under (notaries to apply for change of name on commission upon legal change of name). In light of the common law rule, however, such provisions are likely to be held to apply to changes of name by marriage.

It should be noted, in conclusion, that the above listing of state statutes is not exhaustive. Rather, it is meant to suggest the kinds of state statutes which include provisions based upon the assumption that a woman's legal name changes upon marriage.

Mr. President, those are just a few of the many thousands of State laws which would be nullified by an equal rights amendment. This shows that we would have absolute chaos from a legal standpoint if 38 of the States should be so foolish as to emulate the august example that Congress is about to set, and ratify the equal rights amendment.

I resume the reading from the Yale Law Journal:

b. *Domicile.* The location of a person's domicile affects a broad range of legal rights and duties, including the place where he or she may vote, run for public office, serve on juries, receive free or lowered tuition at a state school, be liable for taxes, sue for divorce, and have his or her estate administered. The common law rule for determining the wife's domicile was simple: the domicile of the wife merged in that of her husband; moreover, she had the duty to follow him if his choice was a reasonable one, and her refusal to do so was considered desertion. Legislative or judicial changes have modified this blanket rule in most states for some purposes, most commonly for divorce jurisdiction. However, only three states—Alaska, Arkansas, and Wisconsin—permit a woman to have a separate domicile from her husband for all legal purposes.

A court suit challenging discriminatory domicile rules could arise after a woman had been denied some right or benefit because her husband's domicile had been imputed to her. In such a suit a court would have to hold that the Equal Rights Amendment requires rules governing domicile to be the same for married women as for married men. Extending women's dependent status to men would simply create a circular situation with each spouse's domicile dependent on the other's. Thus, equal treatment of men and women for purposes of domicile implies giving married women the same independent right to choice of domiciles as married men now have. A court would probably resolve the inequality by striking down whatever statute or portion of a statute sets out a special rule for married women. It would leave standing the general domicile law which would automatically be extended to married women. For similar reasons, a court would do away with the rule that refusal to accompany or follow a husband to a new domicile amounts to desertion or abandonment. A husband would no longer have grounds for divorce in a wife's unjustifiable refusal to follow him to a new home, unless the state also permitted the wife to sue for divorce if her husband unjustifiably refused to accompany her in a move.

These results would cause little disruption.

Mr. President, I must repeat that statement:

These results would cause little disruption and would be beneficial to those women who are now adversely affected by the domicile law. Professor Kanowitz concludes that the domicile rule "has become useless as an influence within the family. Its most important practical effects are to deprive wives of certain governmental benefits they would otherwise have and to create technical legal difficulties for third parties. The cases in which the issue is raised typically do not involve the resolution of a dispute between spouses in an ongoing marriage. . . . Its retention serves only to evoke bygone images of the husband as master and the wife as obedient servant."

With respect to children, the traditional rule is that the domicile of legitimate chil-

> dren is the same as their father's. Even those states which permit a married woman to have a separate domicile from her husband appear to retain this rule with respect to the child's domicile. The Equal Rights Amendment would not permit this result. Either by legislative action or judicial determination, a state would have to devise a sex-neutral basis for determining the child's domicile.

I have to observe at this point, oh, how these militants who advocate equal rights for women must hate sex, to judge from their efforts in seeking to abolish it. I resume the reading:

> Either by legislative action or judicial determination, a state would have to devise a sex-neutral basis for determining the child's domicile. The most reasonable domicile would be the place the child actually lives most of the time.

I digress to observe that if that means anything, it means that a child, by running away from home, can select its own domicile, despite its immaturity, and despite the fact that existing laws require the father to support the child—in the father's home.

I resume the reading:

> If the family lives together but one of the parents is domiciled in a separate place, the child's domicile should be the place of family residence. If the parents live apart, then the child's domicile should be the domicile of the parent with whom he or she lives most of the time. Alternatively, the state could allow the child to determine his or her own domicile on the basis of where he or she actually lives or works, if apart from both parents.
>
> 3. RIGHTS OF HUSBANDS AND WIVES INTER SE
>
> The reluctance of courts to interfere directly in an ongoing marriage relationship is a standard tenet of American jurisprudence. As a result, legal elaboration of the duties husbands and wives owe one another has taken place almost entirely in the context of the breakdown of the marriage—either voluntary breakdown through separation, desertion, or divorce, or involuntary breakdown through incapacitation or death. Any legal changes required by the Equal Rights Amendment are thus unlikely to have a direct impact on day-to-day relationships within a marriage, because the law does not currently operate as an enforcer of a particular code of relationships between husband and wife.
>
> a. *Rights of Consortium*. One of the law's most comprehensive efforts to define the rights and obligations of the partners to a marriage relationship occurs in personal injury actions, after one or the other spouse has been seriously incapacitated. In order to instruct the jury as to the proper standards for awarding damages, the judge must define what benefits the plaintiff should have expected from his or her now incapacitated spouse. At common law these standards were rigidly defined and totally male-oriented. A man had a right to recover damages for loss of his wife's services when she was injured by intentional or negligent action. In time, a husband's rights of consortium were defined to include love, affection, companionship, society, and sexual relations. A woman, by contrast, had no right to sue for loss of her husband's services, since in theory, he provided none.
>
> The Equal Rights Amendment would not permit men to have a greater right than women to recover for loss of their spouse's services and companionship. Courts in many states have already extended to women the right to sue for loss of consortium, although some courts continue to uphold this differential between men's and women's rights. The Equal Rights Amendment would settle the current uncertainty and disagreement among the states by requiring them all to grant women the same right to sue that men now have.
>
> More fundamentally, however, the Equal Rights Amendment would prohibit enforcement of the sex-based definitions of conjugal function, on which the discriminatory consortium laws are based. Courts would not be able to assume for any purpose that women had a legal obligation to do housework, or provide affection and companionship, or be available for sexual relations, unless men owed their wives exactly the same duties. Similarly, as discussed more fully below, men could not be assigned the duty to provide financial support simply because of their sex.

Mr. President, I digress from the reading to emphasize the last sentence from the Yale Law Journal. It states that under the equal rights amendment, men could not be assigned the duty to provide financial support for their wives simply because of their sex. I assert that if that be so—and it necessarily is so, because the equal rights amendment would abolish all legal distinctions between men and women, no matter how reasonable they are—then the courts of this land would have a highly uncertain duty and would be confronted by legal confusion every time they had a husband indicted for nonsupport of a wife, every time a wife sued the husband to recover sums expended by her for her own support, and every time a wife sought alimony from her husband in a divorce or a support proceeding.

This illustrates the truth of what Prof. Paul A. Freund of the Harvard Law School said—that the adoption of the equal rights amendment would fill this country with "constitutional and legal chaos" and would make every law regulating in any way the relationship of men and women a matter to be ultimately decided by the Supreme Court of the United States. That means every law, for all practical intents and purposes.

The only reason we have any law is to prescribe rules of conduct for people; and there are only two kinds of people—the equal rights amendment to the contrary notwithstanding—and those people are divided into men and women. So all will be involved in a state of constitutional and legal uncertainty if this amendment is adopted.

I digress from reading the article in the Yale Law Journal to read a telegram which has just been sent to me by Rabbi Boruch Liebowitz. The telegram reads as follows:

> DEAR SENATOR ERVIN: The Rabbinical Alliance of America, a national organization representing over 500 orthodox rabbis and Hebrew educators, is alarmed over the threat to religious practices and feelings of orthodox Jews inherent in the proposed so-called Womens Rights Amendment.
>
> The implicit sanction in the proposed amendment for drafting women into the armed services is a direct threat to orthodox Jewish women who could be subjected to intolerable pressures even with allowances for conscientious objectors.
>
> The possibility of the proposed amendment, if enacted, ending separate restroom facilities in transportation and elsewhere is abhorrent to our people.
>
> This bill could jeopardize the maintenance of separate dayschool education for boys and girls in many Jewish communities.
>
> We, therefore, respectfully request that Congress carefully consider our feelings and that any proposal for equal rights for all Americans, which we as Jews have long championed, clearly specify that the religious practices of our faith shall be in no way harmed or endangered.
>
> RABBI ABRAHAM GROSS,
> *President.*
> RABBI BORUCH LIEBOWITZ,
> *Administrator.*

I now resume reading from the Yale Law Journal, and I start with section 6, entitled "Allocation of the Duty of Family Support Between Husband and Wife":

> b. *Allocation of The Duty of Family Support between Husband and Wife.* In all states husbands are primarily liable for the support of their wives and children, although the details of this liability and the possible defenses vary. A wife may be liable for supporting her husband in many states, but generally only if the husband is incapacitated or indigent. In most states the mother is liable for support of the children only if the father refuses or fails to provide for their support.
>
> Criminal nonsupport laws are the legal system's most heavy-handed technique for enforcing the husband's current duty of support. Nonsupport was not an indictable offense at common law. But criminal statutes in all but three states now penalize a man's desertion or nonsupport of his wife, and all American jurisdictions set criminal penalties for nonsupport of young children. While these laws typically penalize either parent who fails to provide support for a minor child, the duty of interspousal support is placed solely on the man.
>
> The child-support sections of the criminal nonsupport laws would continue to be valid under the Equal Rights Amendment in any jurisdiction where they apply equally to mothers and fathers. However, the sections of the laws dealing with interspousal duty of support could not be sustained where only the male is liable for support. Applying rules of narrow construction of criminal laws, courts would have to strike down nonsupport laws which impose the duty of support on men only. Legislatures might decide not to re-enact any husband-wife criminal nonsupport laws. Criminal sanctions against the husband are widely recognized as poor compensation for a wife's unpaid domestic labor and discriminatory treatment against her in the labor market; a legislature might choose to use its resources for a more direct attack on these problems. Alternatively, a state legislature could adopt a law which makes no distinctions on the basis of sex, like the Model Penal Code's nonsupport provision.

I digress here to say that this is a direct assertion that the equal rights amendment will invalidate every law now in existence which makes a husband primarily responsible for the support of his wife, and which makes the father primarily responsible for the support of his children.

If there was no other basis for rejecting the equal rights amendment than that, that alone should justify its rejection.

I resume reading:

> With regard to civil enforcement of support laws, courts could take a more flexible approach.

The PRESIDING OFFICER (Mr. PEARSON). The time of the Senator from North Carolina, under the unanimous-consent agreement, has expired.

Mr. ERVIN. Mr. President, may I ask how much time I have remaining on the bill?

The PRESIDING OFFICER. The Senator has 252 minutes remaining.

Mr. ERVIN. That is about 4 hours if

my mathematics are correct. I yield myself such time on the bill as I may use.

The PRESIDING OFFICER. The Senator from North Carolina may proceed.

Mr. ERVIN. Mr. President, I resume reading:

The Equal Rights Amendment would bar a state from imposing greater liability for support on a husband than on a wife merely because of his sex. However, a court could equalize the civil law by extending the duty of support to women.

I digress a moment here to observe that that is another assertion made by the proponents of the equal rights amendment, that under the equal rights amendment the courts could usurp and discharge the legislative function of making the laws.

Perhaps I am somewhat old fashioned in my views, but I think that the court has enough to do if it just sticks to its judicial knitting, without attempting to invade the field of the legislature. There is no doubt that the court will not be able to extend laws limited to women, to men.

I resume reading:

With regard to child support this is already the rule in Iowa, where father and mother are under the same legal duty to support the children.

Alarmists claim that the Equal Rights Amendment would change the institution of the family as we know it by weakening the husband's duty of marital support in an ongoing marriage. This concern is based on a misunderstanding of the role laws about support actually play. Many courts flatly refuse to enter a support decree when the husband and wife are living together. In most such cases the husband, as head of the family, is free to determine how much or how little of his property his wife and children will receive.

Mr. President, I digress here to say that if there is any court in the United States that says a husband can permit his wife to starve to death while she is living with him, I have never heard of it.

I am glad to say that the Legislature of the State of North Carolina has had more intelligence than that, that a husband can be reached either criminally or civilly if he fails to support his wife while he and his wife are living together.

I resume reading:

The Equal Rights Amendment would not require mathematically equal contributions to family support from husband and wife in any given family. A functional definition of support obligations, based on current resources, earning power, and nonmonetary contributions to the family welfare, would be permissible and practical under the Equal Rights Amendment, so long as the criteria met the tests of reasonable classification described above in Part III(C). If husband and wife had equal resources and earning capacity, neither would have a claim for support against the other. However, if one spouse were a wage earner and the other spouse performed uncompensated domestic labor for the family, the wage-earning spouse would owe a duty of support to the spouse who worked in the home. Creating in each spouse equal liability for support might give creditors an advantage in some instances where they would not currently be able to reach the wife's resources. If this extra liability created hardship for families, the legislature could make rules limiting the extent of creditors' access to a family's resources.

Mr. President, I digress here to observe that in one of James Russell Lowell's poems, a father gives his son the advice not to marry for money but to marry where the money is.

The equal rights amendment would certainly encourage some sons to take that advice of their fathers', because if the wife had some money or some property, the son could compel the wife to support him under this interpretation of the equal rights amendment, which I take to be absolutely correct.

I resume reading:

c. *Ownership of Property*. The law has attempted to recognize women's contribution to the family by giving each spouse an interest in property acquired during the marriage. Two different systems have been adopted in the United States for distributing property rights within a family—the community property system and the common law system. In both systems the woman's right matures primarily upon separation or death of her spouse. As both systems currently operate, they contain sex discriminatory aspects which would be changed under the Equal Rights Amendment.

(1) *Community Property*. In the eight community property states—Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, and Washington—property acquired by each spouse during the marriage is owned in common by both husband and wife. This system is sometimes championed by advocates of women's rights because it gives a housewife who earns no independent income a legal share in the family property. However, in all the community states, except Texas and Washington, the husband has power of management and control over the community property; and in some states he can assign, encumber or convey the property without his wife's consent. Thus, in some of the community property states a working wife may be put in the position of a woman before passage of the Married Women's Property Acts: she may lose control of her own earnings to her husband.

Under the Equal Rights Amendment, laws which vest management of the community property in the husband alone, or favor the husband as manager in any way, would not be valid. In the absence of new legislation, the courts would leave decisions about disposition of the community property to be made jointly by husband and wife. This would be consistent with the general judicial preference to allow married couples to work matters out between themselves.

Legislatures might prefer to follow the example of the recent amendment of the Texas community property law. The new Texas law provides that "each spouse shall have sole management, control and disposition of that community property which he or she would have owned if a single person.

Mr. President, I digress to observe that this virtually nullifies the community property system.

I resume reading from the Yale Law Journal:

Rather than leaving decisions about the community property to husband and wife together, this rule would give the spouse who had earned or been given property the power to dispose of it. This rule obviously favors the wage-earning spouse, who in most instances under current conditions will be the man. Thus it would require scrutiny as a rule neutral on its face, which falls more heavily on one sex than the other. The Texas law also states that property of one spouse which is mixed or combined with property of the other spouse is subject to the joint control of husband and wife unless they agree otherwise. This part of the law would certainly be valid under the Equal Rights Amendment.

(2) *Common Law Ownership*. The other forty-two states have a common law basis for distributing marital property. However, Married Women's Property Acts in every state have modified the harsh common law principles that gave the husband complete control over his wife's property and the products of her labors. With certain exceptions these statutes give a woman the right to control property she owned before marriage as well as property she earns or receives by gift or devise during marriage. Except for qualifications relating to the right of a surviving spouse to inherit, therefore, each spouse now owns his or her separate property free of legal control of the other spouse.

The Married Women's Property Act did not automatically abolish the common law estates of dower and curtesy, but today most states have abandoned these cumbersome devices for protecting the interests of widows and widowers, and others have modified them substantially. In their place, the states have substituted other forms of protection of a marital share of the property of one or both spouses. All states except North Dakota and South Dakota give the woman a nonbarrable share in her husband's estate, but a number of states fail to give the husband a corresponding legal claim in his wife's estate. The widow's allowance or family allowance, homestead, and limitation on gifts to charity are other devices to protect a surviving spouse against complete disinheritance.

Where these devices give the surviving husband rights equal to the surviving wife, they would be valid under the Equal Rights Amendment. In the many states, however, where the wife still has a protected position, the discriminatory laws would either be invalidated or extended. Where a legal device has proved to be a useful protection, legislatures would probably be inclined to extend its coverage to men, but where the technique has provided little real protection, the legislatures could take the opportunity for review provided by the Equal Rights Amendment to revise or repeal the law.

d. *Grounds for Divorce*. Professor Leo Kanowitz points out that "there is almost an air of unreality about the enumeration of specific grounds of divorce found in the statutes of all the states." This is because the great mobility of middle class Americans permits them to go to a state which has liberal grounds for divorce, or abroad, when they want to dissolve a marriage. In addition, a high proportion of couples seeking divorce agree to allege as fictions the requisite grounds for divorce. Furthermore, divorce laws have typically been written in terms that make sense only to an ongoing marriage, permitting divorce if, and only if, a fundamental element of the marriage compact has been violated.

Recognizing these factors, as well as the unreasonableness of permitting divorce only for certain limited and specific reasons, proponents of legislative reform recommend evaluating the overall health of the marriage rather than pinning particular guilty action on one or the other of the spouses. The Uniform Marriage and Divorce Act, adopted by the National Conference of Commissioners on Uniform State Laws, provides for a decree of separation or divorce to be granted upon a finding that "the marriage is irretrievably broken." California currently permits divorce on a finding of irreconcilable differences between the parties. North Carolina, Ohio, and the District of Columbia permit a divorce after voluntary separation for a year. Nevertheless, the statutory grounds for divorce which remain in effect in most states are of concern because they still control in contested divorce situations, because they affect the economic and personal relations of the parties even if consent divorces, and because there is evidence that they cause a disproportionate amount of difficulty to poor people.

In the past many grounds for divorce were highly sex discriminatory; today only a few apply solely to one sex or the other. These are non-age, pregnancy by a man other than husband at time of marriage, nonsupport, alcoholism of husband if and only if accompanied by wasting of his estate to the detriment of his wife and children, wife's unchaste behavior (without actual proof of adultery), husband's vagrancy, wife's absence from state for ten years without husband's consent, wife's refusal to move with husband without reasonable cause, wife a prostitute before marriage, husband a drug addict, indignities by husband to wife's person, and wilful neglect by husband.

Except for nonsupport and pregnancy, all the sex discriminatory grounds for divorce listed above are anachronisms, surviving in only one or two states, and are not deserving of extended discussion here. In each instance, a court could invalidate such a provision without doing any serious harm to the overall structure of the state's divorce law. On the other hand, the court could also extend the law to the opposite sex without risking serious criticism that it was usurping legislative authority.

I digress to observe that is a very remarkable statement, that a court acting under the equal rights amendment could change the law of the State without risking serious criticism to its usurping legislative authority.

I resume the reading:

Even without the pressure of the Equal Rights Amendment, these provisions are likely to be dropped or extended to the opposite sex in the course of divorce law reform.

Of the thirty states which allow a woman a divorce for nonsupport, only two—Arkansas and North Dakota—give a husband whose wife has failed to support him a cause of action. This disparity is a reflection of the sex bias in support laws, described above. Like the duty of support during marriage and the obligation to pay alimony in the case of separation or divorce, nonsupport would have to be eliminated as a ground for divorce against husbands only, or else extended to the wife where the husband was without resources and the wife had the financial capacity to support him.

The laws that grant a husband a divorce because at the time of marriage he did not know his wife was pregnant by another man would be subject to strict scrutiny under the unique physical characteristics tests. As with paternity laws, the argument can be made that the ease of identifying the mother of a child, as opposed to the difficulty of identifying the father, is a kind of unique physical characteristic which justifies different rules regarding the relationship of mothers and fathers to illegitimate children.

However, no reason exists for distinguishing between the duties and obligations of the mother and the father when the father of an illegitimate child has acknowledged parternity or has been adjudged the father in a paternity proceeding. Furthermore, the divorce laws are not based primarily upon the physical act of giving birth but upon other considerations. The laws derive, at least in major part, from the fact that any child born of a woman during marriage is presumed to be her husband's child. Whether the husband claims the child or not, the law imposes on him the duty to support the child and gives the child his name. In this respect the law places an unequal burden on the husband, for his wife receives no corresponding obligations to support or nurture any children her husband may conceive. Since the Equal Rights Amendment would require men and women to bear equal responsibility for the support and nurture of their children, it eliminates most of the justification for giving men alone this ground of divorce. The Equal Rights Amendment would permit resolution of the disparity either by giving a woman a claim for divorce if, at the time of marriage, she did not know that her husband had impregnated another woman, or by abolishing the ground altogether.

I disgress to observe that that is a rather remarkable statement that the equal rights amendment might invalidate a State law which grants the husband grounds for divorce against his wife if his wife is pregnant by another man at the time of his marriage and he is ignorant of the fact of such pregnancy.

e. *Alimony*. Alimony following divorce involves issues similar to those discussed above in connection with support laws. However, a different set of laws and rules is involved. In jurisdictions where fault is still central to divorce proceedings, alimony awards are closely linked to the judicial determination of fault. More than one-third of the states authorize divorce courts to grant alimony to either spouse, but the remaining jurisdictions permit alimony awards to the wife only.

The Equal Rights Amendment would not require that alimony be abolished but only that it be available equally to husbands and wives. This result is consistent with the recommendations of Robert Levy to the Special Committee on Divorce of the National Conference of Commissioners on Uniform State Laws, who concludes,

> [T]he distinction [permitting alimony for wives but not husbands] is an historical idiosyncrasy; there is no principle reason for maintaining the distinction between husbands and wives; almost all recent commentators and official studies of divorce-property doctrines have recommended that the distinction be abolished.

I digress to observe that would be quite a surprise for the women of America to learn that the equal rights amendment will require them to pay alimony to their husbands on exactly the same grounds their husbands are required to pay alimony to them.

I resume the reading.

Alimony laws could be written to grant special protection to a spouse who had been out of the labor force for a long time in order to make a non-compensated contribution to the family's well-being. Similarly the laws could provide support payments for a parent with custody of a young child who stays at home to care for that child, so long as there was no legal presumption that the parent granted custody should be the mother. In short, as long as the law was written in terms of parental function, marital contribution, and ability to pay, rather than the sex of the spouse, it would not violate the Equal Rights Amendment.

The maintenance provisions of the Uniform Marriage and Divorce Act serve as an example of the kind of law which would be valid under the Equal Rights Amendment. The Act provides for maintenance to be paid from one spouse to the other if the spouse seeking maintenance lacks sufficient property to provide for his reasonable needs and is unable to support himself through appropriate employment, or is the custodian of a child whose condition or circumstances make it appropriate that the parent not seek employment outside the home. The amount and duration of payments for maintenance are to be determined after the court considers the financial resources of the party seeking maintenance, the time necessary to acquire sufficient training to enable the party to find appropriate employment, the standard of living established during the marriage, the duration of the marriage, the age and physical and emotional condition of the spouse seeking maintenance, and the ability of the spouse from whom maintenance is sought to meet his or her own needs while making maintenance payments.

f. *Custody of Children*. At common law the father, if living, was the natural guardian of his child and as such was nearly always entitled to custody of the children in case of separation or divorce. Some states, including California and Utah, changed this by statute which prefers the mother if the child is young. Others, including Missouri, Florida, Minnesota, New York, and Colorado, give both spouses equal right to custody of the children. In most states there is no statute favoring one parent or the other; rather, preference for the mother or father exists as a result of judicially created presumptions in favor of the mother for girls and young children and in favor of the father for older boys.

The Equal Rights Amendment would prohibit both statutory and common law presumptions about which parent was the proper guardian based on the sex of the parent. Given present social realities and subconscious values of judges, mothers would undoubtedly continue to be awarded custody in the preponderance of situations, but the black letter law would no longer weight the balance in this direction.

4. SUMMARY

The present legal structure of domestic relations represents the incorporation into law of social and religious views of the proper roles for men and women with respect to family life. Changing social attitudes and economic experiences are already breaking down these rigid stereotypes. The Equal Rights Amendment, continuing this trend, would prohibit dictating different roles for men and women within the family on the basis of their sex.

I digress to observe that is a rather remarkable statement. The equal rights amendment would prohibit dictating different roles for men and women within the family on the basis of their sex.

I resume the reading:

Most of the legal changes required by the Amendment would leave couples free to allocate privileges and responsibilities between themselves according to their own individual preferences and capacities. By and large these changes could be made by courts in the process of adjudicating claims under the Amendment. In any area where the legislature felt that sudden extension of the law to men and women alike would cause undue hardship, it could pass new legislation basing marital rights and duties on functions actually performed within the family, instead of on sex.

That completes the reading of this portion of the article from the Yale Law Journal, which deals with present domestic relations between husband and wife and what domestic relations between husbands and wives would be if the equal rights amendment were adopted.

I digress to observe that Professor Kanowitz, the author of the book "Women and the Law, the Unfinished Revolution," states the equal rights amendment will have no impact on the laws making distinctions between men and women because those distinctions are based upon function and not upon sex. I wish I had the confidence that Professor Kanowitz' interpretation of the equal rights was correct. His interpretation is in sharp contrast to that of Professor Freund of Harvard Law School and Professor Kurland of the University of Chicago Law School, and that of the late Dean Roscoe Pound of the Harvard Law School, and other illuminating statements of legal scholars which I have placed in the Record.

Under the interpretation of these great legal scholars, the Supreme Court is likely to hold that the equal rights amendment compels Congress and the legislatures of the 50 States to blind their eyes to sex when they enact legislation and to make and to convert all men and all women into identical legal beings, having identically the same rights and identically the same responsibilities. If that interpretation should prevail, then one can only say that the equal rights amendment constitutes an effort to destroy the handiwork of God when he created mankind male and female instead of one sex.

I yield the floor.

Mr. BAYH. Mr. President, I yield myself as much time as might be required.

The Senator from Indiana will be brief, inasmuch as much of this subject matter was discussed at some length yesterday, and he sees no reason to belabor further the Senate with his counterargument to that of the Senator from North Carolina. I think the Senator raises a legitimate concern. I am convinced he is sincere in his beliefs, but I think the strong weight of opinion would prove that the effect of this amendment would be contrary to that which he has outlined.

Insofar as the protection of wives and mothers, as far as alimony and children and dower rights and all other rights are concerned, what we are suggesting is that, rather than wipe out all these rights, we are going to say to a woman and to a man that each will be treated equally under the law, both men and women; that both husband and wife will be treated equally; that if a father and husband has certain rights, a wife and mother should have the same rights; that if a husband or widower has certain rights, then the wife or widow should have them. It seems to me that is what equality is all about.

Mr. COOK. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. COOK. May I say I would like to be associated with the remarks of the Senator from Indiana. It bothers me that a woman can marry and have rights and responsibilities taken away from her, and then, if her husband dies and she becomes a widow, she immediately is emancipated, and then if she remarries, she goes back into the state she was in before.

It seems to me rather odd that, somehow or other, we should make a chattel out of a particular individual under a constitutional form of government.

It also bothers me, relative to the statement that the Creator made this great distinction between men and women, that, somehow or other, it seems to me what in effect has been said is that when the Creator made that distinction, God said to man, "You make all the laws and make them restrictive on woman."

All I can say is that is it not fortunate that woman did not take the ball first and legislate against us, because, if that were the case, we would be here now challenging all these things. We would be here trying to say that, under a constitutional form of government, we should be equal. But instead, today, we live within the framework of the great document and under, frankly, the freest system of society in the world, save as it applies to one particular segment of our society, 53 percent of our society, the female individual in this Nation.

I yield back the remainder of my time.

Mr. President, have the yeas and nays been requested?

The PRESIDING OFFICER. No; they have not.

Mr. COOK. Mr. President, we yield back our time.

Mr. ERVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. Mr. President, I yield myself whatever time I may need, pending the arrival of one of our brethren.

Mr. ERVIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. Tunney). The question is on agreeing to the amendment (No. 1068) of the Senator from North Carolina (Mr. Ervin). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Florida (Mr. Chiles), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Jackson), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), and the Senator from New Hampshire (Mr. McIntyre) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mr. Chiles), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Jackson), the Senator from South Dakota (Mr. McGovern), and the Senator from New Hampshire (Mr. McIntyre) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. Packwood) is necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Oregon (Mr. Packwood) would vote "nay."

The result was announced—yeas 14, nays 77, as follows:

[No. 116 Leg.]

YEAS—14

Buckley
Byrd, Va.
Cannon
Cooper
Cotton
Eastland
Ervin
Fannin
Goldwater
Hansen
Hollings
Long
Miller
Stennis

NAYS—77

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Byrd, W. Va.
Case
Church
Cook
Cranston
Curtis
Dole
Dominick
Eagleton
Ellender
Fong
Fulbright
Gambrell
Gravel
Griffin
Gurney
Harris
Hart
Hatfield
Hruska
Hughes
Inouye
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McGee
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NOT VOTING—9

Chiles
Hartke
Humphrey
Jackson
McClellan
McGovern
McIntyre
Mundt
Packwood

So Mr. Ervin's amendment (No. 1068) was rejected.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that the President had approved and signed the following acts and joint resolution:

On March 17, 1972:

S. 602. An act to provide for the disposition of judgments, when appropriated, recovered by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, in paragraphs 7 and 10, docket No. 50233, U.S. Court of Claims, and for other purposes;

S. 996. An act relating to the transportation of mail by the U.S. Postal Service;

S. 3244. An act to amend the Military Construction Authorization Act, 1970, to authorize additional funds for the conduct of an international aeronautical exposition; and

Senate Joint Resolution 190. Joint Resolution to provide for an extension of the term of the Commission on the Bankruptcy Laws of the United States, and for other purposes.

On March 18, 1972:

S. 671. An act to provide for division and for the disposition of the funds appropriated to pay a judgment in favor of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation Montana, in Indian Claims Commission docket No. 279–A, and for other purposes.

On March 21, 1972:

S. 860. An act relating to the trust territory of the Pacific Islands; and

S. 2097. An act to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. GAMBRELL) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. GAMBRELL). The Chair, on behalf of the Vice President, pursuant to Public Law 84-1028, announces the appointment of the Senator from Oregon (Mr. HATFIELD) to the Board of Visitors to the U.S. Military Academy in lieu of the Senator from North Dakota (Mr. YOUNG).

EQUAL RIGHTS FOR MEN AND WOMEN

The Senate continued with the consideration of the joint resolution (H.J. Res. 208) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

AMENDMENT NO. 1069

Mr. ERVIN. Mr. President, I call up my amendment No. 1069 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment as follows:

> At the end of section 1 add the following sentence: "This article shall not impair the validity, however, of any laws of the United States or any State which impose upon fathers responsibility for the support of their children.".

Mr. ERVIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ERVIN. Mr. President, I now yield to the Senator from New Hampshire (Mr. COTTON) such time as he may need.

Mr. COTTON. I shall only speak for 3 minutes.

Mr. BYRD of West Virginia. Would the distinguished Senator from North Carolina indicate, as there are several Senators in the Chamber at this moment, whether we might expect a vote on this amendment within the next 30 minutes?

Mr. ERVIN. The Senator from New Hampshire would be the better Senator to inform the Senator from West Virginia on that, as he has the time to speak. I shall only require two or three sentences for my statement.

Mr. COTTON. I see no reason why we could not vote within 10 minutes. I shall not take much time.

Mr. BYRD of West Virginia. Would the Senator then agree to a time limitation?

Mr. ERVIN. I shall have only two or three sentences to say. It would be up to the Senator from New Hampshire.

Mr. COTTON. Mr. President, this is the only amendment that the Senator from New Hampshire is really interested in. It is one which I have always supported in the past whenever the question of a constitutional amendment on the rights of women has been considered.

For years, the Senator from New Hampshire has frankly informed constituents who write to him from time to time that he is perfectly willing that there shall be written into the Constitution of the United States an amendment guaranteeing equal rights for women. But, Mr. President, he has also said that he will never vote—and that goes for today—for a constitutional amendment that would release fathers from the obligation to contribute to the support of their minor children. That is why I urge the adoption of this brief and simple amendment. If it is adopted, I can vote for the constitutional amendment. If it is not adopted, I shall be compelled to vote against it. If the laws of our States requiring men to contribute to the support of the children they beget, whether legitimate or illegitimate, are to be nullified by the proposed amendment, it should be known not as the women's lib amendment but as the men's lib amendment for an amendment which does not clearly permit States by their laws to make men fulfill their responsibilities relieves men and takes away the rights of women.

But, even worse, it takes away the rights of small, infant children. No one in his senses could look forward to a generation in which small children would be placed in foster homes or in institutions because we have written into the Constitution an amendment that makes it impossible for the mother to receive contributions from the father of her children in order that she can be with them and they may have the benefit of a mother's love and care.

Mr. President, this amendment is so simple and yet so necessary and merely provides that—

> This article shall not impair the validity, however, of any laws of the United States or any State which impose upon fathers responsibility for the support of their children.

Mr. President, the Senator from New Hampshire feels strongly on this because he served for 9 years as a county prosecuting attorney. It is largely a rural county. The women in that county were not the kind of women who cry out for this amendment and whom it is supposed to benefit. They were mostly like my own mother—country housewives and mothers who knew from time to time the pinch of poverty. They were not the socially elite, the highly educated, or the politically active.

Mr. President, in the 9 years I served as county attorney, it seemed to me that I spent 25 percent of my time trying to make the men who had deserted their wives with four or five small children, contribute to the support of those children.

That is why, Mr. President, I cannot vote for this proposed constitutional amendment unless it is safeguarded by the amendment now offered to it. Mr. President, I am now glad to yield to my good friend from Wyoming.

Mr. HANSEN. Mr. President, I thank my distinguished colleague from New Hampshire for yielding to me at this time.

Mr. President, what the Senator from New Hampshire is saying is most important. The Finance Committee, of which I am a member, has been holding hearings on H.R. 1. We have heard testimony from individuals, including county prosecuting attorneys testifying to the effect that if they were able to go across State lines, if they had the support of State departments of public welfare, and the support of the Department of Health, Education, and Welfare, in the opinion of one county attorney from the State of Arkansas who estimated that he could reduce the burden of welfare brought about by aid to families with dependent children by as much as 20 percent.

I shall certainly support the pending amendment. It seems ridiculous to me that we should pass a constitutional amendment which wipes out and obliterates all distinctions between the sexes. And I say that as one Senator who has cosponsored the amendment and as one who has told the people of the State of Wyoming that I would support the amendment. However, that was before I listened to some of the more learned Members of the Senate who had delved more deeply than I had at that time into the ramifications of the amendment.

This is an amendment which should be adopted if we are concerned about the rights of those on welfare, if we are concerned about the breaking up of families, and if we are concerned about the fathers who do not seek to fulfill their responsibility but pull out and leave their wives and their families unattended.

I appreciate very much the very important observations made by my good friend, the Senator from New Hampshire. I shall support the amendment.

Mr. COTTON. Mr. President, I thank the Senator from Wyoming. I yield to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOPER. Mr. President, I, too, urge the Senate to support the pending amendment. I speak as one who served as county judge and as circuit judge for 9 years.

The problem arises from two situations. The problem arises from legitimate children born in wedlock where, many times, there is a divorce or separation and a judgment for alimony and child support.

I have seen again and again where the father would fail to meet the orders of the court and would be hailed into court, cited for contempt, and placed in jail for a time. Then he would finally be released upon his agreement to resume the payment to his infant children. After that time, he would again fail to keep those promises.

Many times a father moves into another State where our State law could not reach the father because usually the Governors of other States would not permit extradition in such cases.

The situation also arises in the case of illegitimate children, in which the man is charged with being the father of the child and is brought into court. The case is tried, and the jury determines that the man is the father of the child. The court orders that he make payments for the maintenance of that child. As I recall, that would be until the age of 18 years.

It is against the impulse of a man to do this unless he is an honorable man. In most of these cases the burden would fall upon the mother and eventually upon the State, as many of the mothers in most cases would not be able to maintain the child.

It is a serious question. I believe that there are thousands—perhaps hundreds of thousands—of children in our country today who are in this situation. I noticed in the newspaper the other day that in the District of Columbia it is believed that this year 50 percent of all children born in the District of Columbia would be illegitimate. As I have just noted, most of the times there is not the slightest responsibility on the part of the father to provide for the child.

Mr. PASTORE. Mr. President, will the Senator from New Hampshire yield for a question?

Mr. COTTON. I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, will the Senator point out—because I am very interested in the dialog that has transpired on the floor—wherein the equal rights amendment without this particular amendment would absolve the fathers of children from the responsibility to support those children. Where does the Senator get that? It is common law that, if one is decreed to be the father in the case of an illegitimate child, he contribute to the support of that child. There is nothing in the equal rights amendment that denies the right to impose responsibility upon that parent.

I did not think that the equal rights amendment has anything at all to do with the matter at hand.

Mr. COTTON. Mr. President, I believe there is grave danger that, if the amendment in its present form becomes a part of the Constitution, courts would be compelled to impose exactly the same obligations for support of minor children upon the mother and the father. If the father leaves the jurisdiction, as is often the case, the whole obligation would fall upon the mother, for she is accessible many times when the father is not.

This would serve to obliterate the family concept that has always been the cornerstone of our society—that the father is principally the breadwinner and the mother provides the loving care so necessary to infants and young children. Mr. President, I am not so much worried about the strain put upon public welfare referred to by the distinguished Senator from Wyoming, but I am concerned that mothers should be able to be at home and that children attain a certain age because there is a period to my mind from which the children will never recover and their entire lives may be affected by the lack of constant care and supervision of a mother who loves the child.

Mr. PASTORE. Is the Senator actually saying, should the equal rights amendment pass without this particular amend ment, that where a mother goes before a court for an order for child support, the court would be obligated to say, "You go out and get a job and support the child because the Constitution says that it is your responsibility as much as your husband's responsibility?" Is that what the Senator is saying?

Mr. COTTON. That is almost what I am saying, but not quite. I am saying that the court would be obligated to make an order that the mother share in that support, because they would have to be treated exactly alike. There is also grave danger that it will be held that they would have to be treated exactly alike in any order that would issue. The mother would have to pay half and the father would have to pay half of the support.

Mr. PASTORE. Mr. President, I am interested in hearing the position of the opposition to the amendment.

Mr. COTTON. Before I surrender the floor, I wish to utter some final words. It is because of my own vivid experience during 9 years and the evidence I had of the disposition of men to beget children and then walk out on their responsibilities that I see danger in a constitutional amendment that does not make it clear that this is a reservation. Perhaps the amendment is safe without the adoption of this provision. There are distinguished lawyers in this body who appear to think so, but there are also many legal authorities of the highest repute that have indicated their fear that a bald, all-encompassing constitutional amendment would strike down the power of the States to place the responsibility of financial support of young children upon the father.

I hope that the Senator from Rhode Island is correct in his interpretation, but if he should be wrong and the present proposed language is not added, the results would be tragic.

I cannot bear to visualize my country in a situation where children bereft of a father's support and a mother's care grow up in day care centers or institutions. I fear that more than anything in the world, and I cannot bring myself to vote for a constitutional amendment that for lack of safeguarding language might bring this to pass.

Mr. President, I yield the floor.

Mr. PASTORE. Mr. President, I do not want my position to be misunderstood. I was Governor of my State before I came to the Senate 22 years ago. No one worked harder to clear up the social welfare rolls than I did. I had the director of public welfare in my office every other day to make sure that every father was made responsible for supporting his children. I did not care where the father was. I said, "Go and get him, even if it costs twice as much as it would to support the child, because we have to set an example."

I am afraid that the Senator is reading something into this amendment that is not the case. That is what disturbs me.

Mr. ERVIN and Mr. BAYH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. ERVIN. Mr. President, I am sorry that the distinguished Senator from Rhode Island was not in the Chamber this morning when I read into the record the article from the Yale Law Journal for April 1971. This article was written by a constitutional scholar, Prof. Thomas Emerson, of the Yale Law School, and by three highly educated young lady lawyers.

It states specifically that under the laws in all the States the husbands are primarily liable for the support of their wives and children. It stated expressly that where the State law imposed on the husband primary responsibility for support of the child that that law would be unconstitutional under the equal rights amendment because it makes a legal distinction between the legal responsibility of the husband and the wife. That is an inescapable conclusion.

Why in the world they want to rob little children of the right that they be primarily supported by their fathers is something the Senator from North Carolina is incapable of conceiving.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. PASTORE. I am looking now at the report filed by the committee, page 17. I guess this amendment came up in committee. I assume so.

Mr. ERVIN. I do not recall.

Mr. PASTORE. At any rate the report of the committee states that the report of the Association of the Bar of the City of New York accurately describes the amendment's effect in this area.

> The Amendment would bar a state from imposing a greater liability on one spouse than on the other merely because of sex. It is clear that the Amendment would not require both a husband and wife to contribute identical amounts of money to a marriage. The support obligation of each spouse would be defined in functional terms based, for example, on each spouse's earning power, current resources and nonmonetary contributions to the family welfare.
>
> Thus, if spouses have equal resources and earning capacities, each would be equally liable for the support of the other—or in practical effect, neither would be required to support the other. On the other hand where one spouse is the primary wage earner and the other runs the home, the wage earner would have a duty to support the spouse who stays at home in compensation for the performance of her or his duties.

The Senator from North Carolina says that this gentleman from Yale disputes this?

Mr. ERVIN. Yes. He said that the child support sections of criminal nonsupport laws could not be sustained where only the male is liable for support.

That is exactly what the laws of all 50 States of this Union do and if the equal rights amendment is passed without this amendment it will invalidate the laws of 47 States which place primary obligation on the father.

Mr. PASTORE. It was the impression of the Senator from Rhode Island that the primary responsibility of a father to support his family is common law. It is common law and it is codified. I understand that, and I agree with the Senator from North Carolina.

Mr. ERVIN. The Senator is mistaken. There is no obligation at common law for the father to support the child. All of the obligation for the father to support the child is statutory.

Mr. BAYH. The Senator from Indiana

wishes to interject one brief observation that may or may not be accurate. There is a subject under discussion here in which there is legitimate difference of opinion. The Senator from North Carolina and the Senator from New Hampshire have one position. I certainly feel they have a right to have that position but so far the contrary position has not been expressed at all. With respect to my friend from Rhode Island I do not think he will get my position expressed by asking questions of the Senator from North Carolina because my friend from North Carolina feels very strongly on the other side.

Mr. ERVIN. Not only the Senator from North Carolina says this, but some of our outstanding legal scholars say the same thing: Prof. Roscoe Pound, Prof. Paul Freund of Harvard Law School and not only them but most knowledgeable supporters of the equal rights amendment, Professor Emerson, of Yale Law School and these three young ladies agree with me.

Mr. PASTORE. Mr. President, in connection with what was just said by the manager of the bill, I want him to understand that while he is going to present his case, and I am going to stay to listen, I have every perfect right to ask the questions I have been asking. I am the one who is going to be voting on the question. I do not care who manages the bill or who sponsors an amendment, I am going to vote on the question. I am going to hear both sides, and the idea that we are not going to get to your side until the Senator from North Carolina sits down, he is going to sit down after the Senator from Rhode Island asks him the questions.

Mr. BAYH. I hope the Senator from Rhode Island will reread the RECORD. There was no inference that he was doing anything short of his rights, by fact or by inference. I would be the last one to deny the Senator the right to ask anybody he wants to ask questions.

Mr. PASTORE. I suggest to the Senator from Indiana that he read the RECORD as well. He said we are not going to get to the other side of the coin until the Senator from North Carolina sits down, and he cannot sit down until you stop asking questions.

If you want to tone it down I will accept your apology.

Mr. BAYH. I did not say that, but if the Senator from Rhode Island wants an apology, he has it.

Mr. PASTORE. Thank you very much.

Mr. ERVIN. Mr. President, the AFL–CIO Executive Council adopted a report on this subject.

That report expressly states:

> The proposed equal rights amendment would render all protective labor laws for women workers unconstitutional, as well as any other laws treating the sexes differently. Such laws, for example, include marriage laws which place primary responsibility for family support on husbands and fathers.

Mr. COOK. Mr. President, will the Senator yield me 5 minutes?

Mr. BAYH. May the Senator from Indiana have a chance to express himself, inasmuch as we had a little dialog that I think led to a little misunderstanding of what the Senator from Indiana was trying to say and what the Senator from Indiana did in fact say?

I agree that every Member of this body should be concerned about and study what impact, if any, this amendment will have on the responsibility imposed on parents and the kind of tender, loving care that is provided for their children.

Although I know there is a real difference of opinion on this matter, I think the strongest case can be made to support my position that the well-intentioned and sincere concerns expressed by the Senator from New Hampshire and the Senator from North Carolina are not well founded. The Senator from Indiana suggests that some of those who have been pushing hardest for this amendment agree with his interpretation.

I do not know how you can judge depth of conviction. But there are not too many people around who have been pushing harder for this particular amendment than the Senator from Indiana. I do not think that, because a few people who might be categorized as supporting the equal rights amendment might share the belief think this would lead to totally absolving husbands of any responsibility, that necessarily is the fact.

Let me suggest that I think we are talking about two things, and I think it is important to recognize that. First, we are talking about illegitimacy. I think this was very accurately stated by the Senator from Rhode Island. He nailed it to the wall. We are talking about illegitimate children and we are talking about putative fathers. We cannot do anything about that by passing or rejecting the equal rights amendment.

The fact is that there are a large number of illegitimate children, which should be recognized. I wish we could say we could pass a joint resolution or a constitutional amendment or a law that would say we are not going to have any more illegitimate children. But we are. We are going to have more, with or without this amendment.

Mr. PASTORE. Mr. President, will the Senator yield at that point?

Mr. BAYH. I yield.

Mr. PASTORE. I realize that this has nothing to do with putative fathers and illegitimate children. I realize that. We are talking about the support of these children.

Let us assume that a woman does have a child by a man, and each of them earns $50 a week. What is the purport of that without this particular amendment? Do they each have to contribute an equal amount to the support of that child?

Mr. BAYH. The court would take into consideration the capacity of each to support the child and would so decide.

Mr. PASTORE. And each one would make a contribution to the support of the child?

Mr. BAYH. Depending on their ability to contribute that support.

Mr. PASTORE. Whereas if there is a State law that says the responsibility is primarily that of the father, then, of course, we are changing the statute through this amendment.

Mr. BAYH. Primarily of the father, yes, if not solely of the father.

Mr. PASTORE. Let us assume there was a law which provided it is the obligation of the father to support the children. Let us assume there is such a State law. This particular equal rights amendment, without the Ervin amendment, would change that law?

Mr. BAYH. Exactly.

Mr. PASTORE. That is all I want to know.

Mr. BAYH. It would let each case be decided on its own merits, and not on the irrelevant basis of sex.

Let me quote from what the bar of the city of New York has said about the obligation to support children. It said:

> The support obligation of each spouse would be defined in functional terms, depending on each spouse's earning capacity, current resources, nonmonetary contributions to the family welfare.

Interestingly enough, there was a case stated in yesterday's Washington Post, which I have been trying to run down, relative to alimony and child support, in which the court refused to strike down an agreement that was entered into earlier which gave to the woman the primary support of the children. The particular circumstances involved were that the woman was a doctor, earning $42,000 a year, and the man was a college professor, earning $18,000 a year, and the judge indicated that the woman, who made twice as much as the man, ought to contribute twice as much to the wellbeing of the children.

I want to suggest to those who think this is going to change the whole equation that I do not think it is. Most fathers in this country are still going to have the primary responsibility of supporting the raising of their children, not because they are men, not because they are fathers, but because most fathers are the primary wage earners. They are the ones who, if there is a dissolution of the family unit, are still going to have the earning power on the marketplace. The mothers are not.

It is the intention that this amendment would continue to impose the obligation on that spouse, mother or father, man or woman, who has the greatest capacity to provide for the children—nothing more, nothing less.

Mr. COOK. Mr. President, will the Senator yield?

Mr. BAYH. I yield to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOK. Mr. President, I want to associate myself with the remarks of the Senator from Indiana, and then I would like the Senator from Rhode Island to listen to how well off a woman is now, married and with children, and not separated, not divorced.

I might say to the Members of the Senate that when we started this debate, on the first day of it, I put a long statement into the RECORD. One of the sections of that statement was entitled "The Equal Rights Amendment and Alimony and Child Support Laws."

I would like Senators to know what great shape a woman is in now who is married and has children, and read to them the best and one of the few cases in the United States that we have had on the subject of a wife who tries to get adequate support from her husband, when there is no separation and there is no support. I read from the case of McGuire against McGuire, a case in Nebraska:

> This was a Nebraska case involving the wife of a well-to-do farmer. During her marriage of 34 years, the plantiff testified she had been a "dutiful and obedient wife" who had "worked in the fields, did outside chores, cooked and attended to her household duties . . . raised as high as 300 chickens, sold poultry and eggs, and used the money to buy clothing, things she wanted, and for groceries." Her husband did not tolerate any charge accounts. He would give her only small amounts of money and for the last three of four years had not given her any money nor provided her with clothing except a coat a few years previous. The house had no bathroom, bathing facilities or inside toilet and kitchen sink. Water was secured from a well. The furnace had not been in good working order for 5 or 6 years. The furniture was old, and the defendant was driving a 1929 Ford equipped with a heater which did not operate.

Let me emphasize, there was no divorce, no separation; this is just the case of a wife seeking adequate support and maintenance:

> The District Court had required the husband to pay for certain items in the nature of improvements and repairs to the house and for furniture and appliances for the household in the amount of several thousand dollars. They had ordered the defendant to purchase a new automobile with an effective heater, required that his wife be entitled to pledge the credit of the defendant for "necessaries of life," and awarded a personal allowance in the amount of $50 a month.
>
> The Supreme Court of Nebraska overturned the ruling, stating:
>
> ". . . to maintain an action such as the one at bar, the parties must be separated or living apart from each other.
>
> "The living standards of a family are a matter of concern to the household, and not for the courts to determine, even though the husband's attitude toward his wife, according to his wealth and circumstances, leaves little to be said in his behalf. As long as the home is maintained and the parties are living as husband and wife it may be said that the husband is legally supporting his wife and the purpose of the marriage relation is being carried out. Public policy requires such a holding. it appears that the plaintiff is not devoid of money in her own right. She has a fair-sized bank account and is entitled to use the rent from the 80 acres of land left by her first husband, if she chooses . . ."

That is the shape she is in now, I say to the Senator from Rhode Island. That is the shape she is in without a divorce and without a separation. If she has a husband who does not want to spend a dime on her, that is tough, says the court in effect. If he does not want to spend a dime on the children, that is tough. If he does not want to fix the furnace, that is tough. If he does not want to give her a bathroom, that is tough.

I can only say to the Senator—and unfortunately the Senator from New Hampshire is not here at the moment—if he weeps for children when their fathers leave, and he will only vote for this if the father has left and he is compelled to pay by reason of a separation or a divorce, what is he going to do for the wife who has a husband who will not spend a nickel on her or the children?

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. PASTORE. Will the Senator from Kentucky please tell me how the equal rights amendment will cure that Nebraska case?

Mr. COOK. Yes, it could.

Mr. PASTORE. Tell me how.

Mr. COOK. I think it would give an entirely different interpretation to the marriage situation. It would give an entirely different interpretation relative to the constitutional right of a male and the constitutional right of a female.

Mr. PASTORE. What has that got to do with giving her support? Suppose the husband says, "I just won't pay"? Then where are you? You cannot eat the Constitution.

Mr. COOK. I think at least we could carry it out within that confined situation where people are not going to get a divorce.

Mr. PASTORE. I want the Senator to understand that I am going to vote for the equal rights amendment, whether it contains any amendment or not, but I am a little concerned about some of the things said by the Senator from New Hampshire. I am concerned that this is not going to be an escape hatch for people who have the responsibility to support their children.

Mr. COOK. I do not think it is at all. Let me state what I think is the easiest answer: I think there will not be a distinction simply by reason of sex, but I think that has nothing to do with the distinction every State legislature can make by law, by reason of financial responsibility to support. We now impose one degree of recognition and distinction upon the father, and say we do it because he is the breadwinner. I do not think we make any distinction as to his ability to pay. His assumed ability to support today is because he is the wage earner, and that is why, in the past, they have used the word "father," because he was the wage earner. Is the Senator telling me we will have fewer on welfare than there are now? Is he saying that because the father is gone and we cannot find him, this amendment is going to change that? Not at all. But we have shifted the emphasis to where it ought to be, to the ability to support rather than to an image.

That is all I say to the Senator. I think it is very clear, and I do not think there can be any great argument about it. Is this constitutional amendment, if passed, going to say to a man who has the ability to work and the financial ability to support, that he may hide behind this constitutional amendment, if a State statute says that the individual of the family who has the financial ability shall do the supporting, that he is not required to and does not have that obligation? I do not think anyone in this room or any legal expert can say that when we take away the word "father" and take on the new term "financial responsibility to pay" that we have not bridged the gap.

The PRESIDING OFFICER. Will the Senator yield to receive a message from the House of Representatives?

Mr. COOK. I yield the floor.

Mr. BAYH. Mr. President, again I think this is a legitimate concern, but I just reemphasize what I said a moment ago. I read for the RECORD and the consideration of those present section 230.5 of the Model Penal Code, which I think suggests the way this particular subject would be handled.

Mr. ERVIN. Which is not the law anywhere in the United States.

Mr. BAYH. But it is a well-taken and well-respected document, I think, and it can be taken as a point of reference for what could be and probably would be the law of the land if this amendment were passed.

The section entitled "Persistent Nonsupport" reads as follows:

> A person commits a misdemeanor if he or she persistently fails to provide support which he or she can provide and which he or she knows he is legally obliged to provide to a spouse, child, or other dependent.

There is no reason why either spouse should not be responsible for the support of the child, depending on which one has the income and earning capacity. I come back again to the best case I could find, no longer ago than yesterday morning, where a woman making $42,000 was required to provide greater support for a child than her husband making $18,000.

In most of the cases in the courts today, in accordance with tradition, it will be the other way around, and what will happen is, it will be found that the man is making $42,000, and the woman is not making anything in the way of income, but is doing all the work at home and making it possible for the father to go out and pursue his profession.

That is the way it is in most cases today, and no doubt will be tomorrow, and it results in the father being the sole support of the child because he, throughout the marriage relationship, is the one who has developed the capacity to earn and provide the children with maintenance.

Mr. PASTORE. That is the situation now, without the equal rights amendment. But my experience in the courts has been that when the court, in any separation or divorce case, states the amount of alimony to be paid or the amount to be given to the children, he usually takes into account what the financial status of the woman is as well. We do not need an equal rights amendment to the Constitution to do that. That has historically been the case: If the woman makes twice as much as the man, and the man is required to contribute to the support of the children, usually, in assessing the amount, the judge should be able not only to take into account the ability to pay, but also the financial status of the woman. That has always been the case.

I am just wondering if we change that. If we do not change it, we have no trouble. But the argument has been made here that we would, and that is the reason we have conducted this little debate, so we will not have any misunderstanding that this is going to be an escape hatch for wayward fathers.

Mr. BAYH. Quite the contrary. The Senator from North Carolina seeks to change this by suggesting that this is not the case, and that the whole responsibility ought to rest on the fathers. The Senator from Indiana respectfully dissents from that opinion.

Mr. ERVIN. Well, the Senator from North Carolina regrets that he was unable to make a statement which would enlighten the Senator from Indiana as to his position.

The Senator from North Carolina stated that under the laws of 47 of the 50 States of this Union, the father is primarily responsible for the support of his children, and that there are only three States in the Union which have laws which place an equal obligation to support on the father and the mother.

If the equal rights amendment is passed, the laws of 47 States will immediately be stricken down, and there will be no laws until some subsequent laws are enacted.

Now, under the present system, if a prosecuting attorney bringing a criminal action or a next friend bringing a civil action proceeds against the father for the support of a child, all he has to do is show two things: first, that the defendant is the child's father, and, second, that the defendant has failed to support his child. That is all there is to it. Those are matters which can be litigated very quickly. This is an extremely important advantage over what would happen if the equal rights amendment is passed.

If the equal rights amendment is passed, the father, who is called on by the court, by the prosecuting attorney, or by a next friend to support his child, can say:

> I have a defense to this accusation. My wife is a better worker than I am. My wife has more property than I have, and my wife is the one who has to be called upon to support.

I say that this amendment ought to be voted for by every Senator who believes that the Scripture speaks correctly when it says that it is better that a man should have a great millstone tied about his neck and should be drowned in the depths of the sea than to have him wrong a little child.

I am ready to vote.

Mr. BAYH. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from North Carolina. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Florida (Mr. Chiles), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Jackson), the Senator from Massachusetts (Mr. Kennedy), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), and the Senator from New Hampshire (Mr. McIntyre) are necessarily absent.

I further announce that, if present and voting the Senator from South Dakota (Mr. McGovern), the Senator from Massachusetts (Mr. Kennedy), the Senator from Washington (Mr. Jackson), the Senator from Minnesota (Mr. Humphrey), the Senator from Florida (Mr. Chiles), and the Senator from New Hampshire (Mr. McIntyre) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. Packwood) is necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Colorado (Mr. Dominick) is detained on official business.

If present and voting, the Senator from Oregon (Mr. Packwood) would vote "nay."

The result was announced—yeas 17, nays 72, as follows:

[No. 117 Leg.]

YEAS—17

Bennett
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Cooper
Cotton
Eastland
Ervin
Fannin
Goldwater
Hansen
Hollings
Jordan, Idaho
Long
Pastore
Stennis

NAYS—72

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Case
Church
Cook
Cranston
Curtis
Dole
Eagleton
Ellender
Fong
Fulbright
Gambrell
Gravel
Griffin
Gurney
Harris
Hart
Hatfield
Hruska
Hughes
Inouye
Javits
Jordan, N.C.
Magnuson
Mansfield
Mathias
McGee
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NOT VOTING—11

Chiles
Dominick
Hartke
Humphrey
Jackson
Kennedy
McClellan
McGovern
McIntyre
Mundt
Packwood

So Mr. Ervin's amendment (No. 1069) was rejected.

Mr. BAYH. Mr. President, yesterday the very distinguished Senator from Mississippi (Mr. Stennis) and I debated the effect of the equal rights amendment. My friend was apparently quite concerned about the effect the amendment would have on police forces in our States and localities. I said then, and I repeat now, that the amendment will require that all governmental action be based not on the irrelevant characteristic of sex, but on relevant characteristics such as intellectual ability and physical strength.

Yesterday's Evening Star contains an article concerning Mrs. Prentiss Strickland, of the District of Columbia, who has become Washington's first full-time policewoman with full line responsibilities. Mrs. Strickland is assigned to the traffic division, is directing traffic near the White House, and is doing so quite successfully.

According to the article, the Washington police force is attempting to increase the number of women on its staff. These women will perform the same jobs and receive the same pay as policemen. Thus, Washington is already moving in the direction that the equal rights amendment will take the rest of the country.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

For the First Time

(By Duncan Spencer)

She drew on the fresh white gloves this morning, adjusted the cap, buckled on her .38, told her husband to get breakfast for their two little children and walked out to direct traffic.

It was the first time for Mrs. Prentiss Strickland, and the first time for any full-time policewoman in Washington. "I don't know how I feel," she said, slightly flattered, slightly embarrassed that the TV crews were there every moment.

Mrs. Strickland, Officer Strickland, of the 3700 block of King Avenue SE., is 25, wears octagonal granny glasses, carries a pack of orange traffic tickets and, for the time being, flashes a wide beautiful smile.

She was at the northeast corner of the White House grounds early with her instructor, a white-haired veteran sergeant, Charles Blackburn. Even during the interviews, Blackburn told her to keep an eye on the traffic—as he put it. "I told her to maneuver so she always had the intersection under observation."

"I've wanted to go to the Traffic Division since I graduated," she explained. "I don't really know why, I just like the idea of being outside." A Park Police officer nearby was heard to say, "Women's lib is eating this up—but when you see 3,000 to 4,000 pounds of cars coming, what can you do?" She didn't hear him.

Officer Strickland's gentle, immaculate debut is part of a Metropolitan Police Department drive to get 110 policewomen in the same jobs as men do on the force. The women get the same pay as the men—$8,500 to start. In her seven months as a police officer, Mrs. Strickland has been a clerk and has done patrol duty with a male counterpart. She has written one ticket in her career—for parking.

Blackburn took her out to the middle of Pennsylvania Avenue as the flood of cement trucks, buses and cars grew. For a few moments they worked close together, almost like a pair of dancers, practicing their hand motions. Then she was alone—with her whistle shrilling, her white gloves flashing and the cars doing what they were told.

There was only one mishap—there almost had to be—the whistle broke and Blackburn gave her his.

Mr. BAYH. Mr. President, I ask unanimous consent to have printed in the Record a statement of the Communications Workers of America entitled "CWA and the Equal Rights Amendment."

There being no objection, the statement was ordered to be printed in the Record, as follows:

CWA and the Equal Rights Amendment

The Communications Workers of America is an international union composed of half a million workers, 60 percent of whom are women. In negotiating better wages and benefits for our members, as well as handling their workplace grievances, we pay closest attention to any federal and state legislation which could affect our members' economic and social well-being. With such a large female membership, we have, of course, examined carefully the proposed Equal Rights Amendment now before the Senate.

The Communications Workers of America has always believed in equality of protection under the laws for all. We have fought on the state and federal level for legislation which would guarantee the rights of workers to equality of opportunity on the job and have worked to improve and extend the coverage of benefits presently available under the law. Our effort has been exerted on behalf of all of our members, regardless of race or sex.

Our extensive efforts in this behalf have made it very apparent to us that certain powerful groups catering to corporate interests work hard at frustrating our attempts to extend meaningful protections and benefits presently available either to men or women as a class under state laws and contracts. Indeed, there exist employers who have actually perverted the uses of some of these existing laws to withhold employment or promotional opportunity to individual workers.

However, where the beneficial aspects of legislation limited to one group had been such that it earned the support of our own members in that favored group, we supported the retention of these laws, as well as efforts to extend them to all workers. We opposed efforts to scratch all these laws in one fell swoop. However, actions taken under Title VII of the 1964 Civil Rights Act have voided many of these laws. We applauded those courts which saw fit to extend to men benefits that were available only to women.

On October 12, 1971, the U.S. House of Representatives passed by a 354 to 23 vote an equal rights for women amendment to the Constitution. This amendment, H.J. Res. 208, states: "Equality rights under the law shall not be denied or abridged by the United States or by any state on account of sex." What is the relationship of this constitutional amendment to the laws with which we are concerned in this discussion? Many fear it will lead to the abolition rather than the extension of beneficial state laws which protect only women, rather than both sexes. The Senate Judiciary Committee refused to incorporate language in the amendment aimed at preserving these laws, so that Senate passage and state ratification of the constitutional amendment could place the fate of this state protective legislation in question.

We went to make clear, however, that even without the incorporation of language specifically addressed to the state protective labor laws, we see the Equal Rights Amendment as a means of asserting not an equal right to be abused, but equality of the right to protection. The Communications Workers of America has always supported the extension of existing protective legislation for women to men. We look upon the Equal Rights Amendment as constitutional guarantee, a national commitment that will aid us in achieving this goal. If the safety and family commitment of women have been recognized as valid concerns in the past, why not today extend the same concern and compassion to men?

Anyone who protests discriminatory treatment does so in hopes of obtaining at least the same privileges as have been enjoyed by the favored class. We reiterate our belief that equal rights and privileges do not mean equality of abuse. Where benefits of employment have been enjoyed by one class of people and not another the employer's duty to remedy the present effects of past discrimination has been made clear by the courts. We ask those state legislatures who will be active in the processes of ratification and reconsideration of state statutes which apply to only one sex to remember that the mere abolition of truly beneficial laws will meet with fierce opposition by working people.

In closing, we offer that the Equal Rights Amendment is one more step in a long American history of securing individual liberties. American citizens should have equal access to whatever opportunities their abilities and choice incline them. This right of access should be safeguarded by our Constitution no less when these citizens are women. We enjoin the various state legislatures, however, to observe the dictates of justice, equity and concern for the common good, as well as a growing legal precedent when considering laws that confer benefits for working women and men.

AMENDMENT NO. 1070

Mr. ERVIN. Mr. President, I call up my amendment No. 1070 and ask that it be stated.

The PRESIDING OFFICER (Mr. STEVENSON). The amendment will be stated.

The assistant legislative clerk read the amendment as follows:

> At the end of section 1 add the following sentence: "This article shall not impair the validity, however, of any laws of the United States or any State which secure privacy to men or women, or boys or girls.".

Mr. ERVIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. Mr. President, will the distinguished Senator from North Carolina yield for a question?

Mr. ERVIN. I am delighted to yield to the Senator from West Virginia for a question.

Mr. BYRD of West Virginia. Would the distinguished Senator from North Carolina be willing to agree to a unanimous consent agreement cutting the time in half on amendments? In other words, reducing the time from 2 hours to 1 hour, to be equally divided, as in the previous order?

Mr. ERVIN. That will be entirely satisfactory to me.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time on any amendment to the pending measure be limited to one hour to be equally divided and controlled as heretofore agreed upon.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. I thank the distinguished Senator from North Carolina.

Mr. ERVIN. Mr. President, there are statutes on the Federal statute books and on the statute books of all the States which secure the right of privacy to men and women and to boys and girls.

The statute that illustrates statutes of this character is section No. 95–48 of the General Statutes of North Carolina which provides:

> § 95–48. *Separate toilets required.*—In the interest of public health and in compliance with G. S. 130–160 and 143–138, adequate, well-lighted and ventilated toilet facilities plainly lettered and marked, for each sex shall be provided and maintained in a sanitary condition by all persons and corporations employing both males and females. Such toilet facilities shall be separated by full and substantial walls. (1913, c. 83, s. 1; C. S., s. 6559; 1963, c. 1114, s. 1.)

In addition to that, there are statutes which require separate toilet facilities for boys and girls in public schools. There are statutes that require separate toilet facilities for men and women in public buildings and in buildings used for the interstate transportation of passengers. In addition to that there are statutes in every State and there are statutes upon the Federal statute books which require that men and women prisoners serving sentences under court order shall be confined in separate cells and, in many cases, in separate prisons.

Virtually, every State in this Union has laws establishing reformatories for boys and girls who transgress the laws of the States. Those laws require that the reformatories for boys and girls be separate.

Then there are many statutes which provide, as in the case of section 148–44 of the General Statutes of North Carolina, that the Department of Prisons shall provide quarters for female prisoners separate from those of male prisoners; and shall provide for separate facilities for youthful offenders, as required by sections 15–210 to 15–215.

The question raised by this amendment is what will be the effect of the Equal Rights amendments on laws which establish privacy of this nature and which require that the sexes be separated in restrooms and reformatories and prisons. I have read what might be called the bible of what some people designate as the women's lib, the Yale Law Journal article which appeared in the issue for April 1971.

Here is what it says, summing up its comments, reading from page 901 to 902:

> It is impossible to spell out in advance the precise boundaries that the courts will eventually fix in accommodating the Equal Rights Amendment and the right of privacy. In general it can be said, however, that the privacy concept is applicable primarily in situations which involve disrobing, sleeping, or performing personal bodily functions in the presence of the other sex. The great concern over these matters expressed by opponents of the Equal Rights Amendment seems not only to have been magnified beyond all proportion but to have failed to take into account the impact of the young, but fully recognized, constitutional right of privacy.
>
> It should be added that the scope of the right of privacy in this area of equal rights is dependent upon the current mores of the community. Existing attitudes toward relations between the sexes could change over time—are indeed now changing—and in that event the impact of the right of privacy would change too.

In other words, the opponents of the equal rights amendment say that they cannot spell out in advance the boundaries that the courts will eventually fix in accommodating the equal rights amendment to the right of privacy. They also say that the effect on the amendment of the right of privacy is not only uncertain at present, but that it may fluctuate or change one way or the other in the future.

That is not the opinion of persons who are experts in the field of constitutional law and the interpretation of statutes.

The distinguished Senator from Indiana wrote a letter to Fred Buzhardt, General Counsel of the Defense Department, in which some comment was made on this point. As the Senator from North

Carolina interprets the letter from the General Counsel of the Department of Defense, the General Counsel expressed the opinion that even though in the military it would be possible to arrange separate facilities for men and women while they were at some established posts, he pointed out that under this amendment the men and women would be sent into combat the perform exactly the same service, and after doing this, he pointed out the obvious:

> Even if segregation in living quarters at facilities were allowed under the amendment, during combat duty in the field, there are often, in effect, no facilities at all. The privacy for both sexes might be impossible to provide or enforce.

Let us see what the effect of the equal rights amendment on the right of privacy of men and women and boys and girls who are not affiliated with the military is.

Professor Freund, of the Harvard Law School, testified about this matter before the Senate Judiciary Committee in 1970. After stating that the amendment would be absolute, Professor Freund stated that it would follow that the equal rights amendment "would require that there be no segregation of the sexes in prisons, reform schools, public restrooms, and other public facilities."

Prof. Philip Kurland, editor of the Supreme Court Review and professor of law at the University of Chicago Law School, is one of this Nation's greatest constitutional scholars. He testified in response to questions put to him by me at the hearings on the equal rights amendment before the Senate Committee on the Judiciary as follows:

> Senator ERVIN. . . . the law which exists in North Carolina and in virtually every other state of the Union which requires separate restrooms for boys and girls in public schools would be nullified, would it not?
>
> Professor KURLAND. That is right, unless the separate but equal doctrine is revived.
>
> Senator ERVIN. And the laws of the states and the regulations of the Federal government which require separate restrooms for men and women in public buildings would also be nullified, would it not?
>
> Professor KURLAND. My answer would be the same.

Many women are compelled by necessity rather than by choice to work in industrial plants. Under the laws of virtually every State in the Union, industrial plants and other facilities are required to provide separate restrooms and separate dressing rooms for women in instances where those men are required to change their wearing apparel.

Yesterday I placed in the Record and read to the Senate a statement made by representatives of most of the working women of America who belong to the union, in opposition to the equal rights amendment. In this statement the representatives of these working women gave many reasons why Congress should not submit the equal rights amendment to the States and many reasons why the States should not ratify such amendment if Congress should be foolish enough to submit to them. They gave as one of the reasons that the equal rights amendment would destroy rights cause new problems by destroying laws "that require restrooms and dressing rooms for women workers."

I do not care to elaborate this point. I merely suggest that those Members of the Senate who believe that government should not have the power to segregate men and women and boys and girls in restrooms or to segregate male and female prisoners in institutions of correction and prisons ought to vote against my amendment. But those Senators who believe that the right of privacy of men and women and boys and girls ought to be preserved against obstruction by the equal rights amendment ought to vote for my amendment.

It is clear as the noonday sun in a cloudless sky that the only reason that this Nation has separate restrooms for men and women and boys and girls and separate prisons for men and women prisoners is sex. Consequently, being a distinction based on sex, the equal rights amendment would abolish the power of the Federal Government and the power of the 50 States to require separate facilities of this nature for persons of different sexes.

I am ready to yield back the remainder of my time on the amendment.

Mr. BAYH. Mr. President, inasmuch as this is a very significant point raised by the Senator from North Carolina I think a few words of response are required. The point has been raised, so I feel that I must at least express my very strong contrary views to our distinguished colleague from North Carolina. I think that perhaps the best way and the most efficient way to do this is, first, to read a quotation from Professor Dorsen of the New York University Law School. I think he pretty well describes this matter. Second, I ask unanimous consent to have printed in the RECORD after the quotation by Professor Dorsen portions of the opinion in the case of Griswold against Connecticut.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BAYH. Professor Dorsen states:

> It is sometimes claimed that an amendment would require all public restrooms to be integrated, along with the sleeping quarters of prisons and other public institutions. This, of course, is nonsense. The Constitution must be read as a whole, and an equal rights amendment would fit into the total constitutional framework. In particular, the right of privacy, recognized by the Supreme Court in the Connecticut birth control case, *Griswold* v. *Connecticut*, 381 U.S. 479 (1965), must be considered in the present context. While the limits of the right of privacy are as yet undefined, it seems plain that its implications would permit, and might require, separate restrooms for the sexes and separate sleeping quarters in public institutions. We should not readily assume that the proposed constitutional amendment would be pressed unreasonably to a point where other constitutional guarantees would be compromised. Accordingly, we find no serious problem in the "restroom-bedroom" specters raised by opponents of an equal rights amendment.

EXHIBIT 1

The foregoing cases suggest that specific guarantees in the Bill of Rights have penumbras, formed by emanations from those guarantees that help give them life and substance. See *Poe* v. *Ullman*, 367 U.S. 497, 516–522, 81 S.Ct. 1752, 6 L.Ed.2d 989 (dissenting opinion). Various guarantees create zones of privacy. The right of association contained in the penumbra of the First Amendment is one, as we have seen. The Third Amendment in its prohibition against the quartering of soldiers "in any house" in time of peace without the consent of the owner is another facet of that privacy. The Fourth Amendment explicitly affirms the "right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." The Fifth Amendment in its Self-Incrimination Clause enables the citizen to create a zone of privacy which government may not force him to surrender to his detriment. The Ninth Amendment provides: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

The Fourth and Fifth Amendments were described in *Boyd* v. *United States*, 116 U.S. 616, 630, 6 S. Ct. 524, 532, 29 L.Ed. 746, as protection against all governmental invasions "of the sanctity of a man's home and the privacies of life."

We recently referred in Mapp v. Ohio, 367 U.S. 643, 656, 81 S.Ct. 1684, 1692, 6 L.Ed.2d 1081, to the Fourth Amendment as creating a "right to privacy, no less important than any other right carefully and particularly reserved to the people." See Beaney. The Constitutional Right to Privacy, 1962 Sup.Ct. Rev. 212; Griswold, The Right to be Let Alone, 55 Nw.U.L. Rev. 216 (1960).

We have had many controversies over these penumbral rights of "privacy and repose." See, e.g., Breard v. City of Alexandria, 341 U.S. 622, 626, 644, 71 S.Ct. 920, 923, 933, 95 L.Ed. 1233; Public Utilities Comm. v. Pollak, 343 US 451, 72 S.Ct. 813, 96 L.Ed. 1068; Monroe v. Pape, 365 U.S. 167, 81 S.Ct. 473, 5 L.Ed. 2d 492; Lanza v. State of New York, 370 U.S. 139, 82 S.Ct. 1218, 8 L.Ed.2d 384; Frank v. State of Maryland, 359 U.S. 360, 79 S.Ct. 804, 3L.Ed.2d 877; Skinner v. State of Oklahoma, 316 U.S. 535, 541, 62 S.Ct. 1110, 1113, 86 L.Ed. 1655. These cases bear witness that the right of privacy which presses for recognition here is a legitimate one.

The present case, then, concerns a relationship lying within the zone of privacy created by several fundamental constitutional guarantees. And it concerns a law which, in forbidding the *use* of contraceptives rather than regulating their manufacture or sale, seeks to achieve its goals by means having a maximum destructive impact upon that relationship. Such a law cannot stand in light of the familiar principle, so often applied by this Court that a "governmental purpose to control or prevent activities constitutionally subject to state regulation may not be achieved by means which sweep unnecessarily broadly and thereby invade the area of protected freedoms." NAACP v. Alabama, 377 U.S. 288, 307, 84 S.Ct. 1302, 1314, 12 L.Ed.2d 325. Would we allow the police to search the sacred precincts of marital bedrooms for telltale signs of the use of contraceptives? The very idea is repulsive to the notions of privacy surrounding the marriage relationship.

We deal with a right of privacy older than the Bill of Rights—older than our political parties, older than our school system. Marriage is a coming together for better or for worse, hopefully enduring, and intimate to the degree of being sacred. It is an association that promotes a way of life, not causes; a harmony in living, not political faiths; a bilateral loyalty, not commercial or social projects. Yet it is an association for as noble a purpose as any involved in our prior decisions.

Reversed.

Mr. BAYH. It is unequivocally clear in the report of the Committee on the Judiciary that this is the intention of the Senate. It is equally clear because identical language is in the House report, that this is the intention. The right to privacy will continue to exist and will be fully protected after the equal rights amendment is ratified.

Mr. COOK. Mr. President, this is the amendment my staff in reviewing it affectionately referred to as the "potty amendment."

What I do not understand, if the logic of the Senator from North Carolina is correct, is this. He said if I had all of these constitutional rights up to now as a man, and a woman has not, that I had the right to go into a lady's restroom. But as a matter of fact today if a man goes to a lady's restroom he gets arrested. We do not have that right.

If the theory of the Senator is correct that it is as clear as the sun in a cloudless sky with respect to what we are talking about, it must be a rainy day, such as today, when we cannot see the sun. It is said I have had these rights all along and we are giving equal rights under the Constitution which, in essence, means we have not been doing it up to now.

If I had more rights than the feminine sex, and my rights were equal with my brethren, and equal to the rights of women, then I had the right to utilize both of those facilities, but she only had the right to use one facility. Obviously, this is not the case.

I get the notion that we are being told there is a statute in every State of the Union, and I expect that we could be told, if time had not expired, that all those statutes are going to be eliminated; but, if I had all those rights and I could go to both, I would be arrested if I went to the other. So I think this is, although I hate to use the word, a specious argument. I do not think it can stand the march of legal opinion. It cannot stand up against the Griswold case, because the constitutional right of privacy can be used to sanction separate male and female facilities for activities which involve disrobing, sleeping, and personal bodily functions. It cannot stand the march of logic. I do not think it has anything to do with the argument of constitutionality and that it would do a great injustice to the intelligence of the American people if the amendment were attached to the constitutional amendment, because the equal rights amendment does not prohibit the separation of the sexes where the right of privacy is involved.

I yield back my time.

Mr. ERVIN. Mr. President, if I could recapture some of the time I have yielded back——

Mr. COOK. Mr. President, I have no objection.

Mr. ERVIN. The distinguished Senator from Kentucky may think this is specious, but two of the greatest constitutional lawyers in the United States do not think it is specious. I have read into the Record the testimony of Prof. Paul Freund, of the Harvard Law School, and the testimony of Phil Kurland, professor of law at the University of Chicago Law School. I do not think anything could be more plainly demonstrated than the fact that the equal rights amendment will prohibit separate restrooms for men and women.

We have a law passed that says a certain restroom must be marked as being usable for women and another as being usable for men.

The present law provides that a person of neither sex can use a restroom marked for the other sex. That distinction is the most obvious distinction based on sex. The only reason we have separate restrooms is on account of sex, and the equal rights amendment will render unconstitutional every distinction based on sex and it will clearly render unconstitutional every Federal and State law requiring separate restrooms for the two sexes and every Federal and State law requiring that men and women prisoners be detained in different cells or in different prisons.

Mr. BAYH. Mr. President, I yield back my time.

Mr. ERVIN. Mr. President, I do the same.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from North Carolina. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Florida (Mr. Chiles), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Jackson), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), and the Senator from New Hampshire (Mr. McIntyre) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mr. Chiles), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Jackson), the Senator from South Dakota (Mr. McGovern), and the Senator from New Hampshire (Mr. McIntyre) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. Packwood) is necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Vermont (Mr. Stafford) is detained on official business.

If present and voting, the Senator from Oregon (Mr. Packwood) would vote "nay."

The result was announced—yeas 11, nays 79, as follows:

[No. 118 Leg.]

YEAS—11

Bennett
Byrd, Va.
Cooper
Eastland
Ervin
Fannin
Hansen
Hollings
Long
Stennis
Talmadge

NAYS—79

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, W. Va.
Cannon
Case
Church
Cook
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Ellender
Fong
Fulbright
Gambrell
Goldwater
Gravel
Griffin
Gurney
Harris
Hart
Hatfield
Hruska
Hughes
Inouye
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McGee
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stevens
Stevenson
Symington
Taft
Thurmond
Tower
Tunney
Weicker
Williams
Young

NOT VOTING—10

Chiles
Hartke
Humphrey
Jackson
McClellan
McGovern
McIntyre
Mundt
Packwood
Stafford

So Mr. Ervin's amendment (No. 1070) was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 1071

Mr. ERVIN. Mr. President, I call up my amendment No. 1071, and ask for its immediate consideration.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The amendment will be stated.

The legislative clerk read as follows:

> At the end of section 1 add the following sentence:
>
> This article shall not impair the validity however of any laws of the United States or any State which make punishable as crimes sexual offenses.

Mr. BAYH. Will the Senator request the yeas and nays?

Mr. ERVIN. Mr. President, I ask for the yeas and nays on this amendment.

The yeas and the nays were ordered.

Mr. ERVIN. Mr. President, virtually every State in this Union has certain criminal statutes which prohibit the use of obscene language to female telephone operators, or prohibit the use of obscene language in the presence of women, or which make it a criminal offense for a man to seduce an innocent and virtuous woman under the promise of marriage, or which make it a crime for a man to have carnal knowledge of an immature girl under the age of consent. These laws will be stricken down by the equal rights amendment.

There is another law which we have known in popular parlance as the Mann White Slavery Act. This law makes it a crime for men to transport women in interstate or foreign commerce for immoral purposes or for the purposes of debauchery or for the purposes of prostitution. This law will also be stricken down as unconstitutional by the equal rights amendment.

I find my views on this subject sustained by the article by Prof. Thomas Emerson and three young lady lawyers which appeared in the Yale Law Journal for April 1971. An article which is supported completely by Congresswoman Griffith who is the primary supporter of the ERA in the House of Representatives. I read from page 954 of that article:

> *C. Criminal law*
>
> The Equal Rights Amendment will not affect most criminal laws because statutory definitions of crimnal activity make men and women equally liable for most offenses; that

is, men and women can commit and be punished for most crimes equally. However, in the area of sexual activity the norm changes. Sex differentiation and sex discrimination pervade laws about overt sexual behavior and behavior with sexual overtones, reflecting the confluence of social stereotypes about gender and sexuality. Many of the laws, such as seduction laws, statutory rape laws, and laws prohibiting obscene language in the presence of women, embody a stereotype of women as frail and weak-willed in relation to sexual activity. Others, such as the prostitution and "manifest danger" laws, display a contradictory social stereotype: women who engage in certain kinds of sexual activity are considered more evil and depraved than men who engage in the same conduct. The Equal Rights Amendment would not permit such laws, which base their sex discriminatory classification on social stereotypes. Courts would generally strike down these laws rather than extend them to men because of the rule of strict construction of penal laws, described above.

This article points out that there are in many States criminal statutes which make the forcible commission of sodomy serious offenses, felonies, punishable by long terms of imprisonment. I read what the article in the Yale Law Journal says about what the equal rights amendment would do to laws of this nature:

Rape laws—

Speaking of forcible rape—

could thus be sustained as a legislative choice to give one part of the body (unique to women) special protection from physical attack. By contrast, the statutes which include penetration "per anum and per os" in the definition of rape, could not justifiably be limited to female victims because no physical characteristic unique to women is being protected by these laws. A court could choose between invalidating these broader rape laws or else limiting them to penetration of a woman's genitals. In the case of such a serious offense, courts would probably choose to retain the central and valid portion of the law and invalidate only the part referring to "penetration per anum and per os."

In other words, the article says that if a man forcibly penetrates the mouth of a woman against her will, that would be stricken down as unconstitutional by the equal rights amendment.

I now read another passage, on pages 957, 958, and 959:

With a few notable exceptions, laws which punish sexual intercourse per se as a constructive assault rest on the premise that the female party is incapable of giving meaningful consent. Best known among these are the statutory rape laws, which punish men for having sexual intercourse with any woman under an age specified by law, frequently sixteen. Other laws, covering more specific situations, prohibit men from having sexual intercourse with female wards, patients, and students. A related series of laws explicitly prohibit men from obtaining women's consent to sexual intercourse through misrepresentation, deception, or fraud.

These laws suffer from a double defect under the Equal Rights Amendment. First, they single out women for special protection from sexual coercion, even where men in similar circumstances are equally in need of protection; in this sense the laws are "underinclusive."

To be sure, the singling out of women probably reflects sociological reality: in this society, young women, who learn both that marriage is the most important goal for them and that they may pursue it only passively, are undoubtedly more susceptible than young men to the lures of persons who want to take sexual advantage of them. Likewise, in this society, the bad reputation and illegitimate child which can result from an improvident sexual liaison may be far more ruinous to a young woman's psychological health than similar conduct is to a young man's. But the Equal Rights Amendment forbids finding legislative justification in the sexual double standard, and requires such statutes to be framed in terms of the general human need for protection rather than in terms of crude sexual categories.

Second, traditional laws protecting all women of a particular age or status against sexual assault are "overinclusive" to the extent that they punish sexual activity when unwanted penetration of the vagina is not involved. It might be argued that statutory rape laws and other laws which render a woman's consent inoperative should be sustained on the same theory that forcible rape laws are upheld: that the legislature wished to give special protection to young women's genital organs. However, it is unlikely that such claims could withstand close court scrutiny under the unique physical characteristics tests. In particular, a court would be unable to find a close correlation between the activity being regulated (consensual sexual intercourse) and the justifying physical basis (susceptibility of the vagina to unwanted penetration).

Even if it found noncoerced sexual intercourse rarely physically harmful to postpubescent girls, a court might find that sexual intercourse is physically dangerous to girls who have not reached puberty. Upon finding such a fact situation, the court would conclude that the class of women victims is defined too broadly. If it made such a determination, a court could limit the operation of the statutory rape laws to prepubescent children. In the alternative, the court could strike down the law altogether because of its overbreadth and because it fails to base its sex difference upon a unique physical characteristic of women.

If invalidated, some of the laws, such as the seduction laws, which derive from outdated standards of courting and morality, would probably not be resuscitated.

So this passage says the equal rights amendment would render unconstitutional all laws dealing with consensual sexual intercourse by a man with a girl unless the girl was under the age of puberty. In other words, a mature man, wise in the ways of the world, could induce a young girl above the age of puberty and under the age of 16 to have intercourse with him and he would go unwhipped by justice under the equal rights amendment.

Then this article also says that the prostitution laws prohibiting the interstate transportation of women for purposes of prostitution would be stricken down under the equal rights amendment, unless extended to cover prostitution on the part of men.

With reference to the White Slavery Act, I read at page 965, as follows:

As prostitution laws are redefined to cover male as well as female prostitutes, a court faced with a challenge to the Mann Act might also be inclined simply to extend this law to apply to the transportation of men for illicit purposes. Under current conditions, such an extension would not subject a large number of additional people to criminal liability. However, this would disregard the legislative history and body of court decisions interpreting Congressional intent, which have placed great emphasis on the weakness of women. As late as 1960, the Supreme Court declared: "A primary purpose of the Mann Act was to protect women who are weak from men who are bad." *Denning* v. *United States,* 247 F. 463, 465. It was in response to shocking revelations of subjugation of women too weak to resist that Congress acted. See H.R. Rep. No. 47, 61st Cong., 2d Sess., pp. 10–11. As the legislative history discloses, the Act reflects the supposition that the women with whom it sought to deal often had no independent will of their own, and embodies, in effect, the view that they must be protected against themselves.

Given this background, a court might feel that extending the law to cover men would be expanding criminal liability further than Congress intended. Here, as with other criminal laws, a court would probably resolve doubts about congressional intent by striking down the law.

I digress to remark that the courts are not empowered to change the language of congressional enactments. They could not possibly change the meaning of the Mann White Slavery Act by substituting the word "men" where it talks about women being victims of the offense. So I concur in the last remark which the authors of this article make, that the court would probably resolve doubts about congressional intent by striking down the law.

Mr. President, I ask unanimous consent to have printed in the RECORD the excerpt in the article from the Yale Law Journal dealing with criminal law.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXCERPT FROM YALE LAW JOURNAL

C. CRIMINAL LAW

The Equal Rights Amendment will not affect most criminal laws because statutory definitions of criminal activity make men and women equally liable for most offenses; that is, men and women can commit and be punished for most crimes equally.[200] However, in the area of sexual activity the norm changes. Sex differentiation and sex discrimination pervade laws about overt sexual behavior and behavior with sexual overtones, reflecting the confluence of social stereotypes about gender and sexuality.[201] Many of the laws, such as seduction laws, statutory rape laws, and laws prohibiting obscene language in the presence of women, embody a stereotype of women as frail and weak-willed in relation to sexual activity. Others, such as the prostitution and "manifest danger" laws, display a contradictory social stereotype: women who engage in certain kinds of sexual activity are considered more evil and depraved than men who engage in the same conduct. The Equal Rights Amendment would not permit such laws, which base their sex discriminatory classification on social stereotypes. Courts would generally strike down these laws rather than extend them to men because of the rule of strict construction of penal laws, described above.[202] Legislatures, of course, would be able to extend or re-enact any laws about sex offenses to apply equally to men and to women. A few types of criminal statutes, most notably rape laws, may be justified as deriving their sex bias from physical realities. Here the courts would closely scrutinize the laws to determine whether they fall within the scope of the exception for unique physical characteristics.

1. SEXUAL ASSAULTS

Rape laws undoubtedly raise one of the most difficult problems under the Equal Rights Amendment because they deal with such a serious offense and because, though

---

Footnotes at end of article.

apparently simple, they involve two very different kinds of sex distinction. As most commonly defined in the laws of the states, as well as in the Model Penal Code, rape is the forcing of sexual intercourse by a man on a woman, without her consent.[203] This definition involves two kinds of sex differentiation: only a man can be found guilty as a perpetrator of rape, and only a woman can be the victim of rape.[204] These distinctions are usually not made explicit in the language of the statutes, but their interpretation is central to the treatment of rape laws under the Equal Rights Amendment.

Insofar as rape is defined as penetration into the vagina by the penis, courts could uphold forcible rape laws which limit liability to men as based on a unique physical characteristic of men.[205] Laws which define rape as forced sexual intercourse could also be sustained if a court defined sexual intercourse as an act done only by a man and a woman together, and if the statute clearly and appropriately defined women as the sole victims of rape.[206] Using the criteria described in Part III for determining whether a law bears the necessary close relationship could conclude that, on balance, the law to a unique physical characteristic,[207] a court should be sustained. Among other things, the court might find that rape is an extremely traumatic event for the victim; that most men are capable of penetration, and therefore, rape; that a major proportion of sexual assaults consist of sexual intercourse forced by men; that penetration by a man's penis carries with it the possibility of unwanted pregnancy for the victim and forcible penetration carries high danger to injury to the victim; that a criminal penalty is an appropriate way of deterring rape; and that, accompanied by procedural and substantive rights, the law is sufficiently narrow and specific in its scope to be upheld.

Similarly, insofar as a court could find that the rape laws are intended to give special protection from assault to women's vaginas, it could sustain the laws even though their protection is limited to women. A court would conduct an inquiry analogous to that described above for determining whether, under the unique physical characteristics tests, the rape laws could properly be limited to female victims. All or nearly all women's genitals differ from all or nearly all men's genitals in that they can be penetrated in an act of sexual assault against the victim's will. Rape laws could thus be sustained as a legislative choice to give one part of the body (unique to women) special protection from physical attack. By contrast, the statutes which include penetration "per anum and per os" in the definition of rape, could not justifiably be limited to female victims because no physical characteristic unique to women is being protected by these laws. A court could choose between invalidating these broader rape laws or else limiting them to penetration of a woman's genitals. In the case of such a serious offense, courts would probably choose to retain the central and valid portion of the law and invalidate only the part referring to "penetration per anum and per os." Alternatively, the legislature could extend the laws to cover the designated assaults on all persons, regardless of sex.

Rape is only one of a number of nonconsensual sexual acts which are penalized throughout the United States.[208] Laws governing such offenses are based on two related sets of concerns. The first is that unwanted sexual contact may be imposed on a person in ways ranging from physical force and threats to more subtle coercion in the form of deception and abuse of positions of trust and authority. The second range of concerns is that particular groups in the population may be especially susceptible to such sexual coercion. By merging these two aspects of the problem of sexual assault, traditional laws provide highly uneven and irrational coverage permeated by sex discrimination.

With a few notable exceptions, laws which punish sexual intercourse per se as a constructive assault rest on the premise that the female party is incapable of giving meaningful consent.[209] Best known among these are the statutory rape laws, which punish men for having sexual intercourse with any woman under an age specified by law, frequently sixteen.[210] Other laws, covering more specific situations, prohibit men from having sexual intercourse with female wards, patients, and students.[211] A related series of laws explicitly prohibit men from obtaining women's consent to sexual intercourse through misrepresentation, deception, or fraud.[212]

These laws suffer from a double defect under the Equal Rights Amendment. First, they single out women for special protection from sexual coercion, even where men in similar circumstances are equally in need of protection; in this sense the laws are "underinclusive." [213] To be sure, the singling out of women probably reflects sociological reality: in this society, young women, who learn both that marriage is the most important goal for them and that they may pursue it only passively, are undoubtedly more susceptible than young men to the lures of persons who want to take sexual advantage of them. Likewise, in this society, the bad reputation and illegitimate child which can result from an improvident sexual liaison may be far more ruinous to a young woman's psychological health than similar conduct is to a young man's. But the Equal Rights Amendment forbids finding legislative justification in the sexual double standard, and requires such statutes to be framed in terms of the general human need for protection rather than in terms of crude sexual categories.

Second, traditional laws protecting all women of a particular age or status against sexual assault are "overinclusive" to the extent that they punish sexual activity when unwanted penetration of the vagina is not involved. It might be argued that statutory rape laws and other laws which render a women's contest inoperative should be sustained on the same theory that forcible rape laws are upheld: that the legislature wished to give special protection to young women's genital organs.[214] However, it is unlikely that such claims could withstand close court scrutiny under the unique physical characteristics tests. In particular, a court would be unable to find a close correlation between the activity being regulated (consenusal sexual intercourse) and the justifying physical basis (susceptibility of the vagina to unwanted penetration).[215]

Even if it found noncoerced sexual intercourse rarely physically harmful to postpubescent girls, a court might find that sexual intercourse is physically dangerous to girls who have not reached puberty. Upon finding such a fact situation, the court would conclude that the class of women victims is defined too broadly. If it made such a determination, a court could limit the operation of the statutory rape laws to prepubescent children. In the alternative, the court could strike down the law altogether because of its overbreadth and because it fails to base its sex difference upon a unique physical characteristic of women.

If invalidated, some of the laws, such as the seduction laws, which derive from outdated standards of courting and morality, would probably not be resuscitated. Upon reexamination, legislatures might decide that the existing kidnap laws or other unlawful restraint laws already penalize any serious offensive deception or decoying, and that further penalties would be duplicative. Legislatures would be free, however, to extend the laws against sexual coercion to protect men as well as women. This is particularly likely where sexual relations with preadolescent children are involved.[216]

A slightly different problem is raised in states which set penalties for sexual activities initiated by women, as well as by men, but where different laws, standards of guilt, and penalties apply depending on whether the actor is a woman or a man. Michigan, for example, prohibits women from engaging in sexual intercourse with boys younger than fifteen.[217] But the law requires that the defendant actually knew the boy was under fifteen (the statutory rape law does not require actual knowledge of the girl's age), and the penalty is a maximum of five years, as compared with the lifetime maximum for statutory rape.[218] Aside from the forcible rape laws, whose special coverage can be justified on the basis of physical characteristics unique to men and women, the Equal Rights Amendment would require sexual assault laws to provide equal standards of guilt and penalties for men and women offenders.[219]

Considering the variety of laws regulating nonconsensual sexual activity, ranging from rape to sexual contact, it is surprising to realize that all of them can be reduced to a few basic elements: the touching of or with genitals, by means of force or deception, and, in the case of young people, the touching of genitals by an older person. The current sexual offense laws are highly duplicative, both of one another, and of general penal laws against kidnap, assault, and battery. The great degree of overlap in these laws, as well as the many distinctions without differences, provide a fertile field for confusion; they also encourage overcharging and extreme penalties. Moreover, the particular situations with which many of the laws deal evoke strongly emotional reactions and foster legislative mandates of higher penalties than the actual act usually merits. For instance, rape is singled out from other sexual offenses and classified with murder for the purposes of sentencing. This classification helps neither the accused [220] nor the victim.[221] Moreover, it tends to reduce the seriousness of other forms of sexual assault besides actual intercourse, which may well be equally disturbing for the victim.

The Model Penal Code has undertaken to bring together the confusing disparity of sexual offenses into a few categories structured in terms of the nature of the act, the vulnerability of the victim, and the coerciveness of the situation.[222] The Equal Rights Amendment would require legislatures in all states to reformulate at least some of their laws. While legislatures could very simply bring the laws into line with the Amendment by substituting the word "person" every time the words "female," "male," "man" or "woman" appear, hopefully they would be encouraged to re-evaluate, rationalize, and simplify this crazy-quilt area of criminal law.

2. CONSENSUAL SEXUAL RELATIONS

Criminal laws in every state penalize some sexual liaisons, even though both partners are fully responsible for their conduct and engage in the acts voluntarily and privately. As with nonconsensual sexual conduct, legislatures have frequently linked the definition of these crimes to the sex of one or both partners.

Statutes prohibiting sodomy generally sweep in alike men and women, married and unmarried persons, heterosexuals and homosexuals.[223] As a result, most of these statutes would not violate the Equal Rights Amendment, prohibiting as they do certain acts regardless of the identity of the actor or the circumstances of the act. A few states, however, limit liability under their sodomy statutes to males.[224] Like rape, the definition of sodomy can be limited to penetration by the penis. Where sodomy is defined in this way, such that females are incapable of com-

---

Footnotes at end of article.

mitting it, laws restricted to males may be sustained under the Equal Rights Amendment. However, a statute which defined sodomy more broadly, to include all oral-genital contact, would violate the Amendment if it were restricted to males.

A few adultery laws also contain sex discriminatory provisions which would be impermissible under the Equal Rights Amendment. Roman law defined adultery as sexual intercourse with another man's wife.[225] Some states reflect this one-sided view by failing to define intercourse between a married man and a single woman as adultery.[226] In Massachusetts and Oregon, an unmarried woman cannot be punished for relations with a married man, although an unmarried man is criminally liable if he participates in an adulterous relationship with a married woman.[227] Discrepancies like these in the liability of men and woman derive from social attitudes toward the relative offensiveness of extramarital activity by men and by women. The singling out of married women's extramarital activity harks back to concepts of a married woman as the property of her husband, although common law justifications focused on the fact that a married woman's liaison might produce offspring who would have her husband's name and whom her husband would have the duty to support.[228] However, the core idea in adultery is that extramarital intercourse per se threatens the marriage relationship. If this is the case, a court could not permit a state to set stricter penalties for a woman's extramarital activity than for a man's.

Following the rule of narrow construction of criminal statutes, courts will most likely invalidate sodomy or adultery laws that contain sex discriminatory provisions, instead of solving the constitutional problems by extending them to cover men and women alike.[229] This is especially likely since statutes regulating consensual sexual activity are also open to attack under the constitutional right to privacy in intimate sexual matters.[230] However, a legislature intent on retaining criminal penalties for sodomous or adulterous conduct could easily bring the laws into line with the Equal Rights Amendment by extending them to apply equally to men and women.

3. PROSTITUTION

At common law and still today in most parts of the United States, prostitution is, by definition, a crime committed only by women.[231] Even statutes neutral on their face turn out to be enforced only against women offenders.[232] Prostitution laws have been the focus of much heated controversy about the proper role of law in regulating moral or sexual behavior, and many people believe prostitution should not be criminalized at all.[233] But more narrowly, prostitution laws have been attacked as discriminating against women. Two kinds of sex bias are written into the majority of prostitution laws: first, women who sell access to their own sexual conduct are penalized, whereas men who do the same thing are not; and, second, the prostitute, who under current psychosocial conditions is usually a woman, is penalized, whereas the patron, who is usually a man, is not.[234]

Courts may be expected to hold that laws which confine liability for prostitution to women only are invalid under the Equal Rights Amendment. There is no unique physical characteristic of women which would justify outlawing prostitution when it is done by women, and not when it is done by men. Earlier beliefs that women are the carriers of venereal disease because of their sex have no scientific basis. Ideas that women who sell access to their bodies are social problems, whereas men who do the same thing are not, derive their only rationality from a social double standard which may not enter into legislative or judicial determinations under the Equal Rights Amendment. Even in the absence of the Equal Rights Amendment, recent reforms of prostitution laws have extended the coverage to men. Thus, the Model Penal Code refers to a person guilty of prostitution as "he or she."[235] The New York Penal Code contains a section explicitly stating that both men and women may be guilty of prostitution.[236] With the impetus of the Equal Rights Amendment, other state legislatures can be expected to move in this direction.

If prostitution laws were redefined to cover male prostitutes, then the courts would be unlikely to find a per se violation of the Equal Rights Amendment in the fact that prostitution laws penalize the "seller" but not the "buyer." In general, regulating the conduct of the seller and not the buyer is a rational governmental choice, although in the case of prostitution such a choice may not make sense, even in terms of effective deterrence.[327] Nevertheless, prostitution laws which penalize only the seller would be subject to judicial scrutiny as classifications which fall more heavily on one sex than the other.[238] Thus, to sustain its laws, a state would bear a heavy burden of demonstrating the rationality of regulating only the seller and not the buyer in a prostitution transaction. Reformed penal laws have already begun to regulate patrons as well as prostitutes.[239] It is likely, and desirable, that legislatures, in removing the sex bias from their laws, will follow this lead.

Just as the Equal Rights Amendment would invalidate prostitution laws which apply to women only, so it would require invalidation of laws specially designed to protect women from being forced into prostitution. In addition to many state laws of this type, the federal White Slave Traffic Act (Mann Act) prohibits the transportation in interstate "any woman or girl for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose to induce, entice, or compel such woman or girl to become a prostitute or to give herself up to debauchery or to engage in any other immoral purpose."[240]

Related sections of the Act also prohibit persuading, inducing, enticing, or coercing a woman to travel in interstate commerce for the above purposes.[241] Cases interpreting the Mann Act have held that a woman may be found guilty as a principal under the Act; in some circumstances she may even be convicted of agreeing to transport herself in interstate commerce.[242] However, it is no crime to transport a man or boy in interstate commerce for the purposes set forth in the statute. Congress could easily bring the Mann Act into conformity with the Equal Rights Amendment by substituting the word "person" for the words "woman or girl" in the statute.

As prostitution laws are redefined to cover male as well as female prostitutes, a court faced with a challenge to the Mann Act might also be inclined simply to extend this law to apply to the transportation of men for illicit purposes. Under current conditions, such an extension would not subject a large number of additional people to criminal liability. However, this would disregard the legislative history and body of court decisions interpreting Congressional intent, which have placed great emphasis on the weakness of women. As late as 1960, the Supreme Court declared:

"A primary purpose of the Mann Act was to protect women who are weak from men who are bad." *Denning v. United States*, 247 F. 403, 465. It was in response to shocking revelations of subjugation of women too weak to resist that Congress acted. See H.R. Rep. No. 47, 61st Cong., 2d Sess., pp. 10–11. As the legislative history discloses, the Act reflects the supposition that the women with whom it sought to deal often had no independent will of their own, and embodies, in effect, the view that they must be protected against themselves."[243]

Given this background, a court might feel that extending the law to cover men would be expanding criminal liability further than Congress intended. Here, as with other criminal laws, a court would probably resolve doubts about congressional intent by striking down the law.

4. INDETERMINATE SENTENCING

In addition to separate substantive law for men and women, some states have special sentencing provisions for women. These laws in effect require or permit judges to place women in a separate correctional status in which the lengths of their sentences are determined not by the judge but by correctional authorities within the limits set by statute. When women are placed in such a status, they may be subjected to longer sentences than those provided for in the substantive statute, thereby creating higher maximum penalties for women than for men convicted of the same crime.

In *United States* ex rel. *Robinson v. York*[244] and *Commonwealth v. Daniel*,[245] two indeterminate sentencing laws were successfully attacked under the Fourteenth Amendment as denying women equal protection of the laws.[246] However, similar laws remain on the books in a number of states.[247] Such laws, if not invalidated under the Fourteenth Amendment. in general, the special laws for sentencing of women are in the form of separate additional sentencing statutes. Thus, if a court invalidated the special law for women, it would simply leave women subject to the standard sentencing laws. This was the result in *Robinson* and *Daniel*.

FOOTNOTES

200. The Equal Rights Amendment would forbid sex discriminatory enforcement just as the Fourteenth Amendment forbids enforcement which discriminates on the basis of race. Yick Wo v. Hopkins, 118 U.S. 356 (1886). However, such attacks involve very difficult problems of proof and are not discussed here. See, for a discussion of the recent rapid rise in the crime rate of women, and of changing law enforcement attitudes toward women offenders, Roberts, *Crime Rate of Women Up Sharply Over Men's*, N.Y. Times, June 13, 1971, at 1, col. 1.

201. The proportion of all women arrested who are arrested for sex offenses, including forcible rape and prostitution, is nearly four times the proportion of all arrested men. F.B.I., U.S. DEPT. OF JUSTICE, UNIFORM CRIME REPORTS FOR THE UNITED STATES 124 (1967).

202. See the discussion in Part IV(B), at p. 915 *supra*.

203. *See, e.g.,* MODEL PENAL CODE § 213.1 (Proposed Official Draft, 1962).

204. The language of some rape statutes suggests that either a man or a woman may be guilty of rape. Even these statutes, however, generally preclude the possibility of charging a woman with rape by defining sexual intercourse as the penetration of a man's penis into a woman's vagina, or, in some cases, her mouth or anus. Furthermore, a Yale Law Journal study in 1952 found no reported case in which a woman had been convicted of rape as a principal. See Comment, *Forcible and Statutory Rape: An Exploration of the Operation and Objectives of the Consent Standard*, 62 YALE L.J. 55 n.2 (1952). For the general rule that rape can be committed by a male only, see 75 C.J.S. *Rape* § 6 (1952).

In all states, both by common law and statute, only women can be victims of forcible rape; see 75 C.J.S. *Rape* §§ 1, 2, 7 (1952). Forcible sexual assault on an adult male is not defined as rape. Many states have enacted additional laws penalizing nonconsensual sexual assaults on men, but none of these laws bears the extreme penalties of the standard rape laws. A few states severely penalize sexual relations with children of both sexes, but force is not an essential element of those statutes; they are discussed at p. 959 *infra*, in conjunction with statutory rape.

205. Statutes which define rape as "penetration" mostly fail, with Victorian delicacy, to specify what instruments of penetration are included. The common law antecedents of the rape statutes, as well as contemporary case law, indicate that courts have limited the application of rape laws to penetration by a man's penis. However, penetration of a woman's vagina may be made by many instruments other than a man's penis, and with equally devastating consequences for the victim's psyche. Whether or not pregnancy has resulted from the rape is immaterial under current laws; similarly, sterility is not a defense for a man accused of rape. Thus a court might conclude there is no rational reason for differentiating such assaults, of which women are as capable as men, and hold the rape laws invalid unless they extend to women assailants as well as men.

206. The Model Penal Code, § 213.1 (Proposed Official Draft, 1962) adopts this definition of rape.

207. See the discussion in Part III(B), at p. 895 *supra*.

208. A few states still have statutes which extend the concept of "sexual assault" to the use of obscene or insulting language in the presence of a woman. For instance, Alabama penalizes any person who in the presence or hearing of any girl or woman, uses abusive, insulting, or obscene language.

Ala. Code, tit. 14, § 11 (1958). See also Mich. Comp. Laws Ann. § 750.337 (1968); Ariz. Rev. Stat. § 13–377 (1956). A variation on the same theme is a Georgia libel law which forbids anyone to utter or circulate "any defamatory words or statements derogatory to the fair fame or reputation for virtue of any virtuous female," Ga. Code Ann. § 26–2104 (1953). Such laws, based on a stereotyped view that women are morally pure, yet morally fragile, rather than on any unique physical characteristic of women which actually distinguishes them from men, would be invalidated under the Equal Rights Amendment.

209. The few statutes which declare young or helpless males incapable of consent are: Colo. Rev. Stat. Ann. § 40–2–25(1) (k) (1963) (intercourse with male under 18 solicited by female); Ill. Ann. Stat. ch. 38, §§ 11–4 and 11–5 (Smith-Hurd 1964) (indecent liberties with a child and contributing to the delinquency of a child, regardless of sex); Ind. Ann. Stat. § 10–4203 (1956) (intercourse with male over 14 knowing he is epileptic, imbecile, feeble minded or insane); Ky. Rev. Stat. § 435.100 (1970) (carnal knowledge of male child under 18); Mich. Comp. Laws Ann. §§ 750.339–340 (1968) (debauching a male under 15); Wash. Rev. Code Ann. § 9–79.020 (1961) (sexual intercourse with male under 18).

210. *See, e.g.,* 44 Am. Jur. *Rape* § 17 (1942). Some states make an exception for intercourse with women who are not virgins, *e.g.,* Fla. Stat. § 794.05 (1961).

211. *See, e.g.,* Mich. Comp. Laws Ann. §§ 750.342, 750.341 (1968) (prohibiting intercourse with female wards and patients in mental institutions); D.C. Code Encycl. Ann. § 22–3002 (1967) (penalizing male teachers who have sexual intercourse with any woman currently their student).

212. Seduction laws penalize men for inducing unmarried women to engage in sexual conduct by a promise, usually of marriage. *See, e.g.,* N.J. Stat. Ann. §§ 2A: 142–1, 142–2 (1969). Michigan, like many other states, makes it a crime for a person to entice a woman under 16 away from her parents or guardian for purposes of prostitution, concubinage, sexual intercourse, or marriage. Mich. Comp. Laws Ann. § 750.13 (1968).

213. *See, e.g.,* the report of the Carroll County, Maryland, grand jury calling for legislation "to prevent mental and physical harm to unsuspecting, unprepared adolescents by forced, coerced or seduced sexual activity which may warp the development of such children as useful citizens to society." The report was prompted by evidence presented to the grand jury that two women elementary school teachers had seduced boys 11 and 12 years old. The grand jury concluded that the Maryalnd criminal code provided no statute under which the teachers could be indicted and called for state legislation "giving male juveniles equal protection under the laws." Washington Post, Jan. 2, 1971, at 3, col. 2. The Royal Commission on the Status of Women in Canada has reached a similar conclusion. Its recent Report recommended "that the Criminal Code be amended to extend protection from sexual abuse of all young people, male and female, and protection to everyone from sexual exploitation either by false representation, use of force, threat, or the abuse of authority." Report of the Royal Commission on the Status of Women in Canada ch. 9, par. 42, at 374 (1970).

214. It is true that statutory rape may involve breaking the hymen, but very few states consider the victim's chastity material to the question of guilt. Moreover, statistical reports show that few statutory rape complainants are virgins. See Schiff, *Statistical Features of Rape,* 14 J. For. Sci. 102 (1969).

215. The law in most states presumes that a sixteen year old girl can consent to marriage (with her parents' approval), and, by implication, to sexual relations, while an unmarried girl of sixteen is legally presumed to be incapable of giving consent to a single act of sexual intercourse. However, there are no physical differences between the sexual acts involved. As discussed at pp. 938–39 *supra,* the minimum marriage age is not based on a unique physical characteristic of women. Therefore, the statutory rape law, which also deals with consensual sexual relations, cannot be justified as based on such a unique characteristic. There are, of course, social and psychological differences between marital and extramarital sexual relations, and the state may recognize them through sex-neutral legislation about extramarital sexual intercourse involving either young men or young women.

216. Some states already have laws that protect all children, regardless of sex. For example, Illinois has merged its statutory rape law into laws prohibiting indecent liberties with any child or contributing to any child's sexual delinquency. Ill. Ann. Stat. ch. 38, § 11–4 (Smith-Hurd Supp. 1971) and ch. 38, § 11–5 (Smith-Hurd 1964).

217. Mich. Comp. Laws Ann. § 750.339 (1968).

218. *Compare* Mich. Comp. Laws Ann. § 750.339 *with* § 750.520 (1968).

219. Where a state has mirror-image statutes which penalize men and women for the same conduct, by the same standards, and with the same penalties, the laws could be upheld under the Equal Rights Amendment. For example, Michigan's identical laws prohibiting acts of "gross indecency" between two men and between two women would not have to be invalidated; a court would not require the formality of rewriting a statute such as this, where in effect, it already covers men and women alike. *See* Mich. Comp. Laws Ann. §§ 750.338, 750,338(a) (1968).

220. The Fourth Circuit recently held that Maryland's death penalty for rape was so excessively disproportionate as to violate the Eighth Amendment's guarantee against cruel and usual punishment. Ralph v. Warden, 438 F.2d 786 (4th Cir. 1970).

221. Between 1960 and 1967 the number of forcible rapes known to law enforcement officials increased 61 per cent. In contrast, the proportion of forcible rapes solved by arrest of the offender decreased annually between 1965 and 1967. Uniform Crime Reports, *supra* note 201, at 12 13.

In conjunction with the severe penalties for forcible rape, the defense of consent has developed. The existence of the consent defense (which is unique to rape) has the effect of putting the complainant on trial, for she will usually be subjected to a relentless defense examination, in an attempt to impugn her character and suggest that she actually consented to sexual attack. The consent defense and corresponding trial tactics thus have the effect of deterring women from making complaints about rape attacks; the Federal Bureau of Investigation estimates that forcible rape "is probably the most underreported crime by victims to police." Uniform Crime Reports, *supra* note 201, at 13. As a result, some women's rights advocates have argued that women would actually be better protected if rape were prosecuted simply as aggravated assault.

222. Model Penal Code §§ 213.0–06 (Proposed Official Draft, 1962). For instance, the Model Penal Code's crime of "sexual assault" prohibits offensive "touching of the sexual or other intimate parts of the person of another for the purpose of arousing or gratifying sexual desire of either party." Model Penal Code § 213.4 (Proposed Official Draft, 1962).

223. "Sodomy" is used here, as it is used in many statutes, to include both oral-genital contact and anal intercourse. In some states it also includes mutual masturbation, sexual relations with animals, and sexual contact with dead bodies.

224. *See, e.g.,* 81. C.J.S. *Sodomy* § 1 (1953).

225. M. Ploscowe, Sex and The Law, 146 (1951).

226. In Indiana, adultery is defined as intercourse between a man and a married woman, while intercourse with an unmarried woman is defined as the lesser offense of fornication. Warner v. State, 202 Ind. 479, 175 N.E. 601 (1931). A similar discrepancy is apparent in the "unwritten law defense," which survives in some states for men. The unwritten law defense permits a man to argue in complete defense to a homicide prosecution that the man he killed was, at the time of the homicide, in the act of sexual intercourse with his wife; it is, in other words, a license to men to murder in the face of adultery. No state gives women who kill their husbands' lovers a corresponding defense. Tex. Penal Code, Art. 1220 (Vernon's 1961); N.M. Stat. Ann. § 40A–2–4(1953); Utah Code Ann. § 76–30–9(4) (1953).

227. Both married men and married women are liable for extramarital sexual intercourse. Ore. Rev. Stat. § 167.010 (1969); Mass. Gen. Laws, ch. 272 § 14 (1932).

228. R. Perkins, Criminal Law 337 (2d ed. 1969).

229. *Cf.* Buchanan v. Batchelor, 308 F. Supp. 729 (N.D. Tex. 1970) in which a federal court invalidated Texas's entire sodomy law because of its overbreadth in extending to acts between husband and wife. The decision was vacated by the United States Supreme Court *sub nom.* Buchanan v Wade, 91 S. Ct. 1222 (1971), and remanded for consideration in the light of Younger v. Harris, 401 U.S. 37 (1971), and Samuels v. Mackell, 401 U.S. 66 (1971).

230. *See* Griswold v. Connecticut, 388 U.S. 479 (1965). At least two states have already repealed their laws against consensual homosexual relations. *See* Ill. Ann. Stat. ch. 38, §§ 11–2, 11–3 (Smith-Hurd 1964); Conn Gen. Stat. Rev. §§ 53a–65, –75 to –77 (Supp. 1969) (effective Oct. 1, 1971).

231. *See* "Prostitution," Black's Law Dictionary 1386 (4th ed. 1951); 73 C.J.S. *Prostitution,* § 1 (1951); Elsner v. Commonwealth, 375 S.W. 2d 825 (Ky. 1964). *But cf.* D.C. Code Encly. Ann. § 22–2701 (1967). At least one

state still imposes special punishment on young women who are considered "in manifest danger of falling into habits of vice." No corresponding provisions are made for young men. *See* CONN. GEN. STAT. ANN. §§ 17–379, 18–65. Connecticut's statutes survived constitutional attack in State v. Mattiello, 4 Conn. Cir. 55, 225 A.2d 507 (1967), *appeal dismissed,* 395 U.S. 209 (1969).

232. S. Harmon, Attitudes Toward Women in The Criminal Law Process 5 (1970) (unpublished paper on file at Yale Law School Library.)

233. *Compare* A. FLEXNER, PROSTITUTION IN EUROPE (especially at 11–14) (1914), *with* REPORT OF THE COMMITTEE ON HOMOSEXUAL OFFENSES AND PROSTITUTION [The Wolfden Report] (1957). If the newly articulated constitutional right to privacy receives expanded interpretation, *see* discussion in Part III(D) at p. 900 *supra,* all regulation of prostitution, other than public health measures, may be ruled unconstitutional.

234. Men may be punished as entrepreneurs for trafficking in women or keeping a house of ill fame. They are seldom prosecuted for mere patronage of a prostitute. KANOWITZ, *supra* note 2, at 16–17.

235. MODEL PENAL CODE § 251.2 (Proposed Official Draft, 1962).

236. N.Y. PENAL LAW § 230.10 (McKinney 1967).

237. The recidivism rate for prostitution is so high that prostitution has been called "life on the installment plan." Lukas, *City Revising its Prostitution Controls,* N.Y. Times, Aug. 14, 1967, at 1, col. 2. Compare the Soviet Union's success at deterring prostitution by posting publicly the names, addresses and places of employment of the customers of prostitutes. KANOWITZ, *supra* note 2, at 17.

238. In its published statistics, the Federal Bureau of Investigation classifies "commercialized vice" together with prostitution. Even so 30,866 women were arrested for prostitution or commercialized vice as compared with 8,878 men. This figure is particularly striking in light of the fact that the total number of men arrested in 1967 was seven times greater than the total number of women arrested. UNIFORM CRIME REPORTS, *supra* note 201, at 124.

239. *See* N.Y. PENAL LAW § 230.05 (McKinney 1967); CONN. GEN. STAT. ANN. PENAL CODE § 84, 1969 Public Act No. 828 (effective Oct. 1. 1971). However, New York's law penalizing the patrons of prostitutes has only rarely been enforced. Speech by Elizabeth Schneider, Yale Law School, April 29, 1971.

240. 18 U.S.C. § 2421 (1964).

241. 18 U.S.C. §§ 2422-23 (1964).

242. United States v. Holte, 236 U.S. 140 (1915); *but cf.* Gebardi v. United States, 287 U.S. 112 (1937).

243. Wyatt v. United States, 362 U.S. 525, 530 (1960).

244. 281 F. Supp. 8 (D. Conn. 1968).

245. 430 Pa. 642, 243 A.2d 400 (1968).

246. In *Robinson,* the court ordered the petitioner released because she had already served the statutory maximum sentence for breach of the peace and resisting arrest. The court stated that to hold her for the full three years permitted under the sentencing law for women offenders would have denied her the equal protection of the laws. In *Daniel,* appellants' cases were sent back for resentencing because the court held that Pennsylvania's law requiring judges to impose the statutory maximum on all women sentenced to the State Correctional Institution at Muncy violated the Equal Protection Clause.

247. *E.g.,* ME. REV. STAT. ANN., tit. 34, § 802 (men); §§ 853–54 (women) (Supp. 1970). Disparities also exist in the juvenile laws of several states. For instance, in New York a court can order incorrigible, ungovenable, or habitually disobedient women to be held in custody until they are 20, if they are adjudged "persons in need of supervision" (PINS); whereas, boys can be held under the PINS statute only until age 18. Since most of the commitments under the PINS law stem from activity which could not result in criminal conviction, the law imposes on women two years of extra liability for non-criminal activity. N.Y. FAMILY COURT ACT, §§ 712, 756 (McKinney 1963).

Mr. ERVIN. Mr. President, this article makes it plain that the equal rights amendment will render unconstitutional State statutes which make it a crime for a man to seduce an innocent, virtuous woman under the promise of marriage, State statutes which make it a crime for a man to have carnal knowledge of an immature girl above the age of puberty and under the age of 16, and the White Slavery Act which makes it a crime for a man to transport women in interstate or foreign commerce for immoral purposes or for purposes of debauchery and prostitution.

Mr. President, my amendment is merely designed to make it certain that the equal rights amendment will not impair the validity of any laws of the United States or of any State which makes sex offenses punishable as a crime.

Mr. President, I sincerely trust that the Senate will adopt this amendment.

Mr. BAYH. Mr. President, I yield myself such time as I may need. I shall be brief, inasmuch as the distinguished Senator from North Carolina and I had a rather detailed discussion about this matter on yesterday, and anyone who cares to examine it in further detail will find my remarks in yesterday's RECORD.

I certainly think that the Senator from North Carolina has made a significant contribution to this debate by bringing this issue into focus.

None of us who support the equal rights amendment—perhaps I should not say none, but at least, including myself, I should say most of us who are supporting the equal rights amendment—have no desire at all that it have the effect attributed to it by the Senator from North Carolina.

Perhaps the best place to start in this brief rebuttal would be to read from the committee report which states as a general rule particularly relative to the question of rape and statutory rape:

> The Amendment will not invalidate laws which punish rape, for such laws are designed to protect women in the way that they are uniformly distinct from men.

None of the items the Senator from North Carolina is concerned about would be stricken by the equal rights amendment. Rather, because of their sexual bias, in the judgment of the Senator from Indiana and the majority of the Judiciary Committee, such laws will be sustained. They will not be stricken down as unconstitutional, because the distinction between the laws as to their application to men and women is not based simply on their sex, but on their unique physical characteristics—their distinct physical differences. Indeed, men and women do have unique physical characteristics and that is why we need unique, distinct and different laws relating to various sex crimes. To determine whether the law is based on unique physical characteristics, the Senator from Indiana suggests that one must look at both the group protected by the law and the group which might be punished. Again let us use the rape law in question. Rape laws, under this analysis, are perfectly constitutional, for both the groups which is protected; namely, women, and the group which can be punished; namely, men, have unique physical characteristics which are directly related to the crime, to the act for which an individual is punished.

With respect to statutory rape, the same analysis can be drawn, I suggest most respectfully. Only men can physically commit the crime of statutory rape and only women can physically be the victims of the crime.

The PRESIDING OFFICER (Mr. TOWER). Who yields time?

Mr. BAYH. Mr. President, I yield back the remainder of my time.

Mr. ERVIN. Mr. President, the Senator from Indiana mentioned the fact that men and women have unique physical characteristics which are distinguishable from each other. That is true. That is exactly what makes the distinction between men and women and makes them members of different sexes. This equal rights amendment is designed to outlaw every law which is based on the distinction of sex. So, it is impossible to maintain the position of my good friend, the Senator from Indiana. The whole equal rights amendment recognizes that men are men and women are women, because they have different unique physical characteristics which divide them into two sexes. And manifestly, a constitutional amendment which says that we cannot have a law based upon distinction between sexes would invalidate any law based upon this distinction.

Mr. President, I am willing to yield back the remainder of my time.

Mr. BAYH. Mr. President, I yield myself a couple of minutes under the bill.

The PRESIDING OFFICER (Mr. ROTH). The Senator from Indiana is recognized.

Mr. BAYH. Mr. President, the Senator from Indiana has not contended in debate with the Senator from North Carolina throughout these many hours and many days that men and women did not have distinct characteristics that made them different. It has been quite to the contrary.

There is no way we can pass a constitutional amendment to change this. However, by definition the crime of, let us say, rape, can apply to only one group who are the victims and one group who are the perpetrators of this crime. This is based on the unique physical characteristics of the sexes.

Thus, in the judgment of the Senator from Indiana and, indeed, even in the judgment of the Yale Law Review article which I quote with some reluctance, because of the different interpretations the Senator from North Carolina and I have put upon it, that is one area in which I have agreement with the scholars who wrote that article when they said that rape laws would continue to be valid after ratification of the equal rights amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Florida (Mr. CHILES), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from New Hampshire (Mr. MCINTYRE) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mr. CHILES), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Washington (Mr. JACKSON) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. PACKWOOD) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Colorado (Mr. ALLOTT) and the Senator from Kentucky (Mr. COOPER) are detained on official business.

Also, the Senator from Tennessee (Mr. BAKER) is detained on official business.

If present and voting, the Senator from Oregon (Mr. PACKWOOD) would vote "nay."

The result was announced—yeas 17, nays 71, as follows:

[No. 119 Leg.]

YEAS—17

Bennett
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Cotton
Dominick
Eastland
Ervin
Fannin
Goldwater
Hansen
Hollings
Long
Miller
Stennis
Talmadge

NAYS—71

Aiken
Allen
Anderson
Bayh
Beall
Bellmon
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Case
Church
Cook
Cranston
Curtis
Dole
Eagleton
Ellender
Fong
Fulbright
Gambrell
Gravel
Griffin
Gurney
Harris
Hart
Hatfield
Hruska
Hughes
Inouye
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McGee
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stevens
Stevenson
Symington
Taft
Thurmond
Tower
Tunney
Weicker
Williams
Young

NOT VOTING—12

Allott
Baker
Chiles
Cooper
Hartke
Humphrey
Jackson
McClellan
McGovern
McIntyre
Mundt
Packwood

So Mr. ERVIN's amendment (No. 1071) was rejected.

Mr. ERVIN. Mr. President, for the information of the Senate I propose to offer two more amendments, and virtually back to back. I think we can finish voting on these two amendments in a very few minutes. I would suggest that Senators remain in the Chamber instead of returning to their offices or committee rooms.

Mr. BYRD of West Virginia. Mr. President, would the Senator agree to a unanimous-consent order limiting time on each of the two amendments to not to exceed 10 minutes, to be divided equally between the mover of the amendment and the manager of the bill?

Mr. ERVIN. That is satisfactory to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 472

Mr. ERVIN. Mr. President, the first of these amendments in amendment No. 472. I wish to modify that amendment so that it will conform to the amendment I now send to the desk, and I ask that it be stated as set forth in the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The amendment, as modified, was read as follows:

> Strike out all after the resolving clause and insert in lieu thereof the following:
>
> "ARTICLE—
>
> "SECTION 1. Neither the United States nor any State shall make any legal distinction between the rights and responsibilities of male and female persons unless such distinction is based on physiological or functional differences between them.
>
> "SEC. 2. The Congress shall have the power to enforce the provisions of this article by appropriate legislation."

Mr. ERVIN. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. ERVIN. Mr. President, this amendment is very simple. It is a substitute for the equal rights amendment. It would invalidate every Federal and every State law which makes any distinction between the legal rights of men and women unless that distinction is based upon physiological or functional differences between them.

In other words, I think most of the laws which now make the distinction between men and women are based on physiological and functional differences. The criminal laws are based on physiological differences, and the laws relating to labor and the rights of wives, mothers, and widows are based on functional differences between men and women.

I ask the Senate to repent of the evil course of conduct it has been following since these repentant amendments have been called up by adopting this amendment. The amendment would abolish the laws on the important relations between men and women, but still leave Congress with power to make reasonable distinctions between them.

I yield back the remainder of my time.

Mr. BAYH. Mr. President, once again we discuss basic philosophical differences that exist between the Senator from Indiana and the Senator from North Carolina. Suffice it to say that if this amendment is adopted, we might as well lock up shop and go home. We would have destroyed all the efforts we have been making to try, at long last, to provide equal opportunity—not special privilege, but equal opportunity—for women.

Let us be brutally frank as we take a look at various State laws in the country. These law were not passed and they are not administered in a way which admittedly discriminates against women. No State legislature has courage enough to pass a bill and say the reason for passage is that it is trying to deny equal pay for equal work, or limit the admissions of women to State university to keep women out of work by requiring her to get a court order before she can go into business. These are specific laws which now exist. No, the reason why a woman must go into court and get a court order is that we are trying to protect her because of her physiological and functional differences is what is said by those who pass such laws. That is the basis which permits the discrimination to exist.

I know the Senator from North Carolina does not have that motive in mind, but that is the impact which the statutes that exist in the States of the Union often have.

Mr. COOK. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. COOK. We have debated this substitute in committee on many occasions. If this substitute should prevail, we would have to send the amendment to the Senate-House conference where it will die. And then we would not have this volume of hearings of 800 pages and the other volumes of hearings, that go with this, to explain the meaning of the amendment. Is that not true?

Mr. BAYH. That is correct.

Mr. COOK. All the work of 49 years would be for naught. Agreeing to such proposals now would mean that we would have to introduce the original amendment again next year, and we would start on its 50th year. Is that correct?

Mr. BAYH. Yes.

Mr. COOK. As a matter of fact, if this is adopted, it would not be up to this body's interpretation of whether or not it applies to the laws as passed and for the purpose for which the substitute is submitted, but it would be for every State legislature, for every city council, for every legislative body, at any level, to make a determination of what they thought, within their wisdom, was the basis for which they could make a distinction. Is that not true?

Mr. BAYH. That is accurate. Permit me to cite two specific examples. A State legislature in State X could come to the conclusion that women generally, as a whole, as a group, are not able to defend themselves against attack at night. Thus, on that basis, the legislature could, under the wording of the present amendment, deny women the right of being employed at night because of the distinction that exists between them and men.

Mr. COOK. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. COOK. Let me give the Senator another example. If a State held that physiologically it was not wrong for a woman to work 40 hours, or even 60 hours, or more, and that it was not wrong for a woman to work overtime, then she would have that privilege in one State but might be denied that in another.

Mr. BAYH. Yes.

Mr. COOK. Because the concept of the distinction could be settled differently in 50 different jurisdictions, as far as the States are concerned, and all the distinctions that any legislative body anywhere in the country could make. Is that correct?

Mr. BAYH. That is correct.

I yield back my time.

Mr. ERVIN. Mr. President. I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Florida (Mr. CHILES), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. JACKSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from New Hampshire (Mr. MCINTYRE) are necessarily absent.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. MCINTYRE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Washington (Mr. JACKSON), the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from Florida (Mr. CHILES) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. PACKWOOD) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Alaska (Mr. STEVENS) is detained on official business.

If present and voting, the Senator from Oregon (Mr. PACKWOOD) would vote "nay."

The result was announced—yeas 12, nays 78, as follows:

[No. 120 Leg.]

YEAS—12

Bennett
Buckley
Byrd, Va.
Eastland
Ervin
Fannin
Goldwater
Hansen
Hollings
Long
Stafford
Stennis

NAYS—78

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Ellender
Fong
Gambrell
Gravel
Griffin
Gurney
Harris
Hart
Hatfield
Hruska
Hughes
Humphrey
Inouye
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McGee
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NOT VOTING—10

Chiles
Fulbright
Hartke
Jackson
McClellan
McGovern
McIntyre
Mundt
Packwood
Stevens

So Mr. ERVIN's amendment (No. 472), as modified, was rejected.

(Disturbance in the visitors' galleries.)

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate and in the galleries?

The PRESIDING OFFICER. The attention of visitors in the galleries is called to the fact that no demonstrations are permitted, either in favor or against.

Mr. STAFFORD subsequently (on March 28, 1972) said: Mr. President, on Vote No. 120, of March 22, 1972, I am incorrectly recorded as having voted "yea." I voted "nay" on that vote. I ask unanimous consent that the permanent RECORD and the Journal be corrected accordingly.

The PRESIDING OFFICER (Mr. BROCK). Without objection, it is so ordered.

Therefore, on the above vote, the yeas are 11 and the nays are 79.

THE 2,000TH CONSECUTIVE ROLLCALL VOTE FOR SENATOR PROXMIRE

Mr. MANSFIELD. Mr. President, I am happy to announce to the Senate that with the most recent rollcall vote, our distinguished colleague, the Senator from Wisconsin (Mr. PROXMIRE), has completed his 2,000th consecutive vote on a rollcall, beginning in April 1966. I think he deserves the credit of the Senate.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 904. An act to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases; and

S. 3160. An act to provide for a modification in the par value of the dollar, and for other purposes.

EQUAL RIGHTS FOR MEN AND WOMEN

The Senate continued with the consideration of the joint resolution (H.J. Res. 208) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

AMENDMENT NO. 1044

Mr. ERVIN. Mr. President, I call up my amendment 1044.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. ERVIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

Strike out all after the resolving clause and insert in lieu thereof the following:

That the two articles set forth in sections 2 and 3 of this resolution are proposed in the alternative as amendments to the Constitution of the United States, one of which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within a period of seven years after the date of their admission by the Congress to the States. Upon the ratification of one such proposed amendment within that period, the other such proposed amendment shall have no further force or effect.

SEC. 2. The first article of amendment so proposed is the following:

"ARTICLE—

"SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"SEC. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

"SEC. 3. This amendment shall take effect two years after the date of ratification.".

SEC. 3. The second article of amendment so proposed is the following:

"ARTICLE—

"SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. The provisions of this article shall not impair the validity, however, of any laws of the United States or any State which exempt women from compulsory military service, or from service in combat units of the Armed Forces; or extend protections or exemptions to wives, mothers, or widows; or impose upon fathers responsibility for the support of children; or secure privacy to men or women, or boys or girls; or make punishable as crimes rape, seduction, or other sexual offenses.

"SEC. 2. The Congress shall have the power to enforce the provisions of this article by appropriate legislation.

"SEC. 3. This amendment shall take effect two years after the date of ratification.".

Mr. ERVIN. Mr. President, this amendment is very simple. It is based on the realization that the people of the States have an interest in constitutional amendments just as much as Congress has.

This amendment provides that two proposed amendments to the Constitution shall be submitted to the States in the alternative, that one of these amendments shall be the equal rights amendment as set forth in House Joint Resolution 208, and that the second of these amendments shall embody provisions of the various separate amendments which I have heretofore submitted and upon which votes have heretofore been cast. In other words, it submits these amendments to the States, in the alternative, to allow them to take their choice between the two amendments—the equal rights amendment, as set out in House Joint Resolution 208, and an amendment embodying the separate amendments I have heretofore proposed, reading as follows:

The provisions of this article shall not impair the validity, however, of any laws of the United States or any State which exempt women from compulsory military service, or from service in combat units of the Armed Forces; or extend protections or exemptions to wives, mothers, or widows; or impose upon fathers responsibility for the support of children; or secure privacy to men or women, or boys or girls; or make punishable as crimes rape, seduction, or other sexual offenses.

"Sec. 2. The Congress shall have the power to enforce the provisions of this article by appropriate legislation.

"Sec. 3. This amendment shall take effect two years after the date of ratification.".

In other words, it just submits two amendments in the alternative to the States and allows the States to take their choice between the two amendments and to ratify the one of which they may approve.

I do not recall whether I have asked for the yeas and nays, but I do so now.

The yeas and nays were ordered.

Mr. BAYH. Mr. President, the Senator from North Carolina is one of the most, if not the most, tenacious, and dedicated adversaries one can possibly have in debating a measure on the floor of the Senate.

The proposal he asks us to accept now would permit the various State legislatures to go on a fishing expedition to determine whether they thought the equal rights amendment as embodied in the pending order of business was their preference or the so-called equal rights amendment as embodied in the amendment of the Senator from North Carolina was their preference.

In my judgment, in the constitutional amendment process, Congress has to stand up and be counted. In this day and age particularly, let us not waffle. We are either for this amendment, the equal rights amendment, which has been the product of study and deliberation for 50 years, or we are against it. If we do not think it is good, let us not send it out to the State legislatures and shift the buck onto them. Let us make that determination for ourselves.

I should add that we have had five rollcall votes today and two or three yesterday, and each of the individual parts that is now embodied in the whole by the amendment of the Senator from North Carolina already has been decided; and the Senate, by a 70-some vote to a handful, has voted "no" on each of the parts. I respectfully suggest that the whole is no more acceptable.

Mr. COOK. Mr. President, will the Senator yield for a question?

Mr. BAYH. I yield.

Mr. COOK. Would this not, in effect, say that the States could not exercise responsibility toward acquiring a constitutional amendment in this field, because particular States could decide to accept first article and reject the second one and the next State could accept second article and reject the first one? In fact, we would have to have a tabulator, when we got all through, to find out where we stood, to be sure of coming to a conclusion, because part of it could be accepted and part rejected. Or would we have to see all 50 legislatures get together and see which one they were going to accept and which one to reject?

Mr. ERVIN. Only 38.

Mr. COOK. It would be difficult to get even 38 out of such a conglomeration as we have in front of us today.

Is that not correct?

Mr. BAYH. The Senator from Indiana said earlier that the best way to defeat the equal rights amendment was to divide our shots and then let each State legislator go back to his constituency and say, "I voted for the equal rights amendment when it was in my legislature." But you would never get three-quarters in agreement on anything. Just as Members of this body would like to add a word or a sentence, we are never going to get two-thirds in agreement until we recognize that this is as good a measure as we can have.

Let us vote this matter down so that we can, in short order, send to the State legislatures the one measure on which there is great support in the Senate and in the House and throughout the country.

Mr. MAGNUSON. Before we come to final passage, this may be a good time to put a query to the Senator from Indiana or any other Senator who can answer it.

Some concern has been expressed in my State and the other States that have had community property laws for a long time. I recall that last year or the year before, we had a long colloquy on the floor, the Senator from Indiana and I, as to how the amendment might affect the community property law system which is in effect in some States of the Union. It is a law which, I am sure, both men and women in my State would not like to see jeopardized or in any way to be modified or watered down. The community property laws offer great protection for women in many cases, particularly in cases of divorce suits and estates. I do not think there would be any sentiment for this amendment in my State legislature if it touched the traditional community property laws which are based on the old Spanish laws which have been in existence in my State ever since it was a territory. So I wonder whether the Senator from Indiana could briefly comment on that.

Mr. BAYH. That is a good point raised by the Senator from Washington. The equal rights amendment will in no way affect the disposition of community property under a community property law settlement. The State of Washington and particularly the State of Texas would not be affected at all because both the State of Washington and more recently the State of Texas have changed the provisions which existed in a handful of States which would permit, after an equal division, the husband to maintain sole managerial capacity in those few——

Mr. MAGNUSON. That used to be the law in the State of Washington.

Mr. BAYH. Yes; but it is not now.

Mr. MAGNUSON. It is not now.

Mr. BAYH. Texas recently revised its statute; so that the equal rights amendment will not affect the community property law one iota as written in the State of Washington.

Mr. MAGNUSON. My last question—and I shall be brief—is, when we come to the question of estates, basically the community property law is a matter of a 50-percent automatic division in a community estate which is set aside if the wife is the survivor. That is not necessarily true the other way. She can will her separate property, but there have been some decisions that have declared in our State that if the husband is the sole survivor, he may not be able to touch her 50 percent. How would this affect estates? Leave the law as it is?

Mr. BAYH. The equal rights amendment would leave the statute as it is, yes. But the courts could not give to the widow rights in the estate of her husband which it would not give a widower in the estate of his wife.

Mr. MAGNUSON. As to the estates—

Mr. BAYH. Yes—equal disposition.

Mr. MAGNUSON. That has to be made crystal clear when it gets out into the community property States.

Mr. BAYH. I appreciate the Senator from Washington bringing this point to our attention.

Mr. ERVIN. Mr. President, if I may make one or two observations on that point. The community property States allow the husband to be the manager of the property and to control the property, so that the equal rights amendment would invalidate the community property law in every State where the husband is allowed to manage or control the property. There is no question about that. It depends on what the law of a particular State is on that point, but the community property laws would be invalidated by the equal rights amendment because it would discriminate against women by giving men the management and control of community property.

The PRESIDING OFFICER (Mr. Roth). All time on this amendment has now been yielded back.

The question is on agreeing to the amendment (No. 1044) of the distinguished Senator from North Carolina (Mr. Ervin).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Florida (Mr. Chiles), the Senator from Michigan (Mr. Hart), the Senator from Indiana (Mr. Hartke), the Senator from Washington (Mr. Jackson), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), and the Senator from New Hampshire (Mr. McIntyre) are necessarily absent.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. McIntyre), the Senator from South Dakota (Mr. McGovern), the Senator from Washington (Mr. Jackson), the Senator from Michigan (Mr. Hart), and the Senator from Florida (Mr. Chiles) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. Packwood) is necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Oregon (Mr. Packwood) would vote "nay."

The result was announced—yeas 9, nays 82, as follows:

[No. 121 Leg.]

YEAS—9

Bennett
Byrd, Va.
Eastland
Ervin
Fannin
Hansen
Hollings
Long
Stennis

NAYS—82

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Ellender
Fong
Fulbright
Gambrell
Goldwater
Gravel
Griffin
Gurney
Harris
Hatfield
Hruska
Hughes
Humphrey
Inouye
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McGee
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NOT VOTING—9

Chiles
Hart
Hartke
Jackson
McClellan
McGovern
McIntyre
Mundt
Packwood

So Mr. ERVIN's amendment (No. 1044) was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 18) to amend the U.S. Information and Educational Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, I rise to ask the majority leader the schedule for the remainder of the day and the rest of the week.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate so that the Senators can hear the majority leader?

The PRESIDING OFFICER. The Senate will please be in order.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished Republican leader, it is my understanding that as of this moment there will be no further amendments and that very shortly we will reach the question on adoption of the pending joint resolution. Some Senators will want to make statements, and rightfully so, but I would hope other Senators who have not been so active in connection with this measure would consider the possibility of placing their remarks in the RECORD. It would be helpful. I make that suggestion because it is the intention to call up next the Ervin-Mansfield amendment, Senate Resolution 280, authorizing Senate intervention into Supreme Court proceedings on the issue of the scope of article I, section 6, the so-called speech and debate clause of the Constitution.

It is my further understanding that there may be five amendments offered to that measure. At the present time the joint leadership is trying to work out a time limitation. Therefore, there will be further votes today.

When that is disposed of today, if it can be, it is anticipated that tomorrow we will take up the last two items on the calendar, if they are cleared on both sides, and evidently they are noncontroversial.

Then, we can take up S. 3178, to relieve broadcasters of the equal time requirement of section 315 with respect to candidates for President and Vice President. There will be rollcall votes on that measure tomorrow.

When that measure is disposed of we will take up S. 2895, a bill to enable producers of commercial eggs consistently to provide an adequate but not excessive supply of eggs to meet the needs of consumers, and so forth. That will take up most of tomorrow.

Then, on Friday we will take up an act to authorize certain naval vessel loans, H.R. 9526, to which there will be an amendment offered.

On Tuesday next the Senate will take up S. 1821, the measure dealing with aircargo. There is a time limit agreement on this proposal.

Also on Tuesday next we will take up the so-called war powers bill; and in between, hopefully, the legislative appropriation bill which should be ready Tuesday or Wednesday. On Friday, or Monday, or Tuesday—and probably Friday—the conference report on Radio Free Europe and Radio Liberty should be ready.

Mr. SCOTT. Mr. President, will the Senator yield briefly with respect to the bill which provides for an adequate but not excessive supply of eggs? Since this is the Easter season, could the majority leader inform me how many is "not excessive"?

Mr. MANSFIELD. I do not know about eggs, but I know that hens are supposedly in excessive supply. [Laughter.]

Do not get me wrong.

Mr. SCOTT. I suggest the Senator wait until the final vote on the equal rights amendment.

Mr. MANSFIELD. I was not being facetious, but I did hear on the radio the other night in connection with this bill that there is an excess of 250 million hens, and that legislation has been recommended by the Committee on Agriculture to correct this imbalance.

Mr. SCOTT. I thank the majority leader.

PROBLEMS IN THE TRANSPORTATION INDUSTRY

Mr. MAGNUSON. Mr. President, with the current emphasis on the environment and the sharpening awareness of the flaws in our transportation system, it is natural that we be concerned. Daily, we search for the answers to the questions which will lead to a sound national transportation policy.

Mr. President, the remarks of John A. Creedy president of the Water Transportation Association, Kentucky Chapter, made recently at the University of Louisville, highlight some of the problems in the transportation industry. Mr. Creedy's remarks show considerable expertise in the field and I ask unanimous consent that the text of his remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

TRANSPORT POLICY REFORM: CAN PROGRESS BE MADE NOW?

It is a pleasure and a privilege to be back in Louisville again to discuss transportation policy before the American Society of Traffic and Transportation.

The topic is: "Does the transportation industry really want deregulation?"

I could simply say "no" and sit down. But the problem isn't that simple—nothing in transportation is that simple. The concept of deregulation is a target that is changing shape rapidly as we go along—so rapidly that I think it can fairly be said that the deregulation issue is now obsolete.

Karl Marx lived to say he wasn't a marxist. I am told that Freud lived long enough to say he wasn't a freudian. In the end, Keynes denied he was a Keynesian. Similarly the deregulators have been around long enough now to deny they are any longer in favor of deregulation.

In testimony in January Richard W. McLaren, former chief of the antitrust division of Justice, stressed that he was not calling for an end to regulation, but rather a form of re-regulation.

So, to answer the question, we are not talking about the deregulation as it first burst upon us—the abolition of the ICC. There seems to be a growing recognition among shippers and in the Department of Transportation that the problem is not quite so simple as it first appeared, a willingness to say that maybe the deregulation proposal isn't perfect. One doesn't hear quite so often the refrain that those who run the transportation industry are uniquely stupid, that their views should be ignored, that solutions must be imposed on them over their opposition.

The most extreme form of this view was the suggestion advanced last year by one group of shippers that the industry was so incompetent that a commission should be formed, outside the ICC and the DOT, dominated by shippers, to determine cost standards for the industry—rather like asking the fox to guard the chickens.

Some of the errors of the more extremist thinking which so long held the center stage no longer have widespread support. We may be in a new phase in which we are prepared for progress. Dryden, the 17th Century English poet, put it neatly with these lines:

> "Errors like straws upon the surface flow
> He who would search for pearls must dive
> below."

It seems to me that a little intensive diving below, a little additional work on the propositions before us could bring back the pearls we all seek, action on a number of important change in national transport policy of a type which reasonable men can agree are inherently sound.

With open-mindedness and good will, we may arrive this year at those far-sighted policies which will enable the industry to attract investment on a basis that is competitive with the rest of the economy and thus forestall the present danger of nationalization and meet the industry's long range responsibility to the expanding economy.

We start with the public statement of the Department of Transportation that their bills are not necessarily the last word in wisdom. The carriers, on their part, have never described the Surface Transportation Act, which rail, truck and water carriers support, as the complete answer to every problem. Both measures include very useful ideas. There would appear to be a real basis for common action between the DOT and the carriers.

I believe also that there is much common ground between the producers of transportation and the consumers, the shippers. Shippers are expecting the transportation industry to lay out tens of billions of dollars in the next few years for expansion of capacity to meet the needs of the growing economy and for improvement in service. Ultimately that investment must be underwritten by adequate earnings. If the transport industry is to remain under private enterprise, those earnings must be the basis for debt and equity investment on terms competitive with the rest of the economy. Rate levels must be adequate to provide those earnings.

In the last analysis, there is no dodging that issue.

It should therefore be possible for the shippers and carriers to agree on reasonable standards for adequate revenues and earnings, with proper safeguards to assure the shippers that adequate rate levels are indeed translated into adequate new capacity and improved service.

The water carriers have long advocated a method for taking most of the controversy out of the issue of adequate revenues and earnings. We have proposed that a careful study be made of capital requirements of the industry for the next five years or 10 years. Water Transport Association has done this for six of the major barge lines and the amount of money needed to take care of a modest expansion of five per cent a year and to maintain the fleet at an optimum 15 years average age is staggering. Reasonable people should have no problem with rate levels adequate to provide capacity needed by the public. If we show the shippers the role earnings have to play in their interest much of the controversy should fall away. Unless shippers are expecting the transportation industry to subsidize them—and I do not believe this is the case—a meeting of minds on the earnings issue should be possible.

There are a number of issues on which the DOT and the carriers may not agree in detail, but they certainly are in basic agreement in principle. Liberalization of abandonment procedures for unneeded railroad facilities, some kind of government loans or government guaranteed loans, accelerating the elimination of dangerous railroad grade crossings, minimizing discriminatory state taxation and eliminating ICC prescribed rates which are below out-of-pocket cost are broadly non-controversial.

It is hardly worth elaborating on the details of these issues because the public need is so evident.

But so far we haven't been able to resolve two issues of great importance, the lessening of government intervention in transport management decisions and the encouragement of vigorous competition. Of course fostering healthy competition inevitably reduces the need for detailed regulation.

Anyone who criticizes the effectiveness of competition in transportation has to answer the question "compared to what." The unregulated segment of the economy, judging by its price record alone, has performed less well than the transportation industry.

Freight rates have lagged for behind the wholesale and consumer price indices. Indeed, the economists who describe the structure of the unregulated economy say that managers of most of it are "too intelligent" to compete on a price basis. Thus over most of industry we have "administered prices," "mutual forbearance" and a general preference for competing by advertising or by service, but not, if they can help it, on a basis of price.

While we believe that transportation has done well compared to industry generally, and that there is active intermodal price competition in transportation, certainly there is no room for complacency. No one, least of all the ICC, believes the regulatory process is perfect.

As we come down to the wire this year, I suggest that the important changes in national policy on which we will, in the end, all agree will be those changes which greatly improve the regulatory process rather than undermine it.

Everything points in this direction. First, the carriers find many legitimate objections to proposals for deregulation. Second, the shippers are splintered in their views of what needs to be done and have been little help in determining new policies. Beyond the incantation "remove outmoded regulation" the actual proposals founder against the practical realities of the transportation market place.

The rate bureaus, for example, meet the pragmatic needs of both carriers and shippers and cannot be abolished or greatly weakened. If they remain, a public referee on the decision of rate bureaus must also remain. Rate deregulation founders on that basic dilemma.

It should however be possible to reform any abuses of rate bureaus, such as they are, without interfering with their legitimate function. All carriers are agreed on the need to identify and eliminate rate bureau abuses.

But I think we have to give urgent attention to ideas which would lead to the improvement of regulation. It is a proper objective of economic regulation to foster competition to the maximum extent feasible. Both the pressures and incentives of competition help to assure optimum performance in the public interest and lessen the need for regulatory action.

It wonderfully clears the mind in considering the issue of what constitutes a proper concept of healthy competition to review antitrust policies. In the unregulated segment of the economy, ambitious businessmen have tried a wide variety of tactics which, when stripped of all their complexities have a common theme. The would-be monopolist is the fellow who uses his inordinate leverage or market power to prevail on the basis of power and not of efficiency. That's the key. The antitrusters' objective is to make sure that the more efficient but less powerful competitor is not artificially shut out of an opportunity to compete.

Some 12 years ago, the water carrier industry commissioned a study of antitrust policies and at that time recommended that the experience of the antitrusters could both simplify and strengthen the regulatory process.

A fundamental aspect of existing antitrust policy is that it seeks to assure to the public the economic benefits associated with healthy competition—productive efficiency, price and quality rivalry, innovativeness—not by prescribing but by proscribing.

The basic goal is to insure, insofar as possible, that the way will be kept open for competitors to prevail in the market place on the basis of superior efficiency and performance, which advances the public interest, rather than superior power and leverage, which advances only the private interest. Accordingly, a basic approach may be to outlaw, as being truly anti-competitive, efforts to enhance market position through conduct, devices or practices which reflect, not the accomplishments of efficiency and performance, but the wielding of power and leverage.

We can identify explicitly in transportation, as we have in the unregulated segment of the economy, those practices which can and should be outlawed because they lead to the suppression of competition. Supplementing regulatory experience with antitrust experience in factual situations, we can greatly stimulate and expedite the regulatory process and free up new opportunities for competition.

It will interest you that at a forum on March 11 last year at the University of Louisville, before this same group, in commenting on how to strengthen the transportation system, I advocated common action on an industry program by railroads, water carriers and truckers. The suggestion was not an idle one. Over the previous six months I had been visiting with eastern, southern and western railroads and with truckers to explore such a program. Independently, the truckers had been thinking along the same lines. It was very shortly after your meeting last year that the three modes were able to agree on a common program which became the Hartke-Adams Surface Transportation Act.

The program we developed was heavily weighted in favor of the railroads. There was relatively little in it for the water carriers or the truckers. It represented our mutual recognition that the railroad problem was more severe than ours, but of a nature that would reach all of us if it were not turned around. There is today a distinct danger of nationalization of the railroads. If that happened it would be a turning point in the long history of our country because if we can't solve the railroad problems under free enterprise, the rot will spread to the rest of transportation and from there to the electric utilities, from there to coal and from there to steel and who knows where it will end. The truckers, the railroads and ourselves believe that every effort reasonable men can put forward should be exerted to prevent nationalization of the railroads. Our competitive free enterprise system is a bright passage in human experience, more productive, more capable of spreading the benefits of civilized living to more people than any other system devised by man.

The most important single thing about this rail-water-truck alliance is the ability it has demonstrated to reach agreement on important issues. That is new in the transportation industry. Always before we have spent our energies and time defeating each other's proposals.

This is a new force. Shippers, the Congress, the Department of Transportation should use it and build on it.

It is my faith that, working together, we can discover and then achieve in the public interest those broad new policies which men of good will recognize as inherently sound.

UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT AT STOCKHOLM, SWEDEN

Mr. MAGNUSON. Mr. President, in June, more than a thousand delegates from 130 countries will meet at the United Nations Conference on the Human Environment at Stockholm. Their mandate is to arrive at agreement on the first steps of a cooperative global effort to keep this planet habitable for man. Their responsibility is so awesome and their task of such enormity, that few can fully comprehend it at this time. The success of this first international venture in managing man's only habitat is so critical to his biological and physical health that we dare not comprehend its failure.

Preparations for the Conference have been underway now for well over a year. Those of us who have observed these events are confident that the Conference's Secretary-General, Mr. Maurice Strong, was an excellent choice to head up such an important undertaking. He has been extremely effective in stimulating a broad program of preparatory work at both the national and international levels, and he has brought to the task an infectious enthusiasm that is providing a great deal of hard thinking on the issues that will hold the center of the stage at Stockholm.

Not the least among these efforts is the considerable amount of interest and work that has been generated here in the United States. Our representative on the Conference's Preparatory Committee, Mr. Christian Herter, Jr., Special Assistant to the Secretary of State for Environmental Affairs, is supported by the work of a number of Federal agencies and interagency groups as well as by the generous contributions being made by private organizations of highly qualified experts from the professional, academic and industrial communities. Finally, the Secretary of State has established an Advisory Committee on the Conference, which is chaired by our colleague, the Senior Senator from Tennessee. This committee acts as a channel through which the views of the public can be made known to our representatives to the Stockholm Conference.

The agenda for the Stockholm Conference has been set to include the environmental aspects of six main subject areas, and it is expected that discussions of these areas will lead to the adoption of an action plan. Generally speaking, the six areas include: planning and management of human settlements; natural resource management; identification and control of pollutants; educational and informational aspects; development; and the organizational implications of action proposals.

It is the last of these subjects—the question of what agency will be designed or designated to carry out an effective program of environmental management—that is of particular interest to me. I am persuaded that unless the Conference is able to take decisive steps on the question of how the effort is to be organized, then any agreements that might be reached on other agenda items can never be implemented.

The question of organization of an international environmental effort is one that has concerned and occupied a number of groups and individuals ever since the idea of a global effort was conceived. It is one which continues to be studied with diligence, for I believe there is growing recognition that this may be one of the thorniest problems facing the Conference.

At the center of the problem of organizing a global effort is the question which continues to present the most serious hurdle to the understanding and agreement that the making of public policy requires. That is the question of how to translate scientific information generated throughout the various disciplines to the public decisionmaking level. Among the complex problems facing society today, few contain in such measure the ingredients that make for a full flowering of this dilemma as the one we have tagged "the environmental problem"—in reality, a whole class of problems.

It is axiomatic that solutions to environmental problems—if they are to be achieved—must be based, first, on intelligent assessments of their nature, extent, and consequences. Second, they require that decisionmakers understand the technological possibilities and methods that can be utilized for the amelioration of those problems. Both of these areas are functions of the translation—or transference—of scientific information to the public decisionmaking level.

At this point in time, scientific information on the environment is fragmented and scattered throughout the disciplines. A great number of organizations have been involved for years in one or another of the diverse activities subsumed by the term "environment."

This is demonstrated by the most cursory examination of hundreds of publications whose focus is one or another aspect of man's relation to his physical environment.

That there are a great number of international organizations involved in the diverse activities connected with the environment is demonstrated by a study published early last year by the Committee on Commerce. In that study, we attempted to identify as many international organizations as possible whose functions and interests concerned one or another aspect of the environment. Our report, which is entitled "Environmental Activities of International Organizations," identified about a hundred such organizations. While some had interests that covered a wide range of environmental problems, we found most to be concerned with only a part of the total picture—in many instances, in activities that were incidental to their main function; for example, economic development, food production, disease prevention, or scientific research.

A WORLD ENVIRONMENTAL INSTITUTE

Senators will remember that more than a year ago this body addressed itself to the question of bringing all of this diverse scientific information together so that legislators and other public policymakers could benefit from the knowledge being generated by the scientific community. Senate Resolution 399, which was approved by the Senate on October 9, 1970, recommended that our representatives to the Stockholm Conference propose the creation of a World Environmental Institute, "to act as a global research center and to disseminate knowledge of environmental problems and their solution to all nations of the world . . ." I was proud to have introduced that resolution, which was cosponsored by more than 40 Senators, and I was gratified that it was approved by this House.

I noted, when we passed Senate Resolution 399, that its aims were supported by the international scientific community as represented by the International Council of Scientific Unions, as well as by our National Academy of Sciences Committee for International Environmental Programs and the U.S. Executive Committee for the International Biological Program.

Last June, the Interparliamentary Union adopted a motion which, as I read it, adds the endorsement of yet another distinguished body to the concept of a worldwide clearinghouse for environmental information. At its Conference on the Environment, held in Bonn, the IPU representatives adopted a motion recommending that legislators support "urgent international consultation and action" to arrangements to provide the institutional framework which was contemplated in Senate Resolution 399. Specifically, the IPU motion stated:

> Information on public environmental programs and their implementation both at national and international levels should be centralized in order to give easy access to procedures and techniques which can be of potential benefit to the environment.

And further, the IPU motion stated:

> An international Data Bank whose function it would be to collect information on pollution, to interpret it and make it available to all countries, should be established.

In recent months, Mr. President, two notable studies of this problem of the institutional framework for an international environmental effort have been made. Both of these studies were conducted by highly qualified scholars and scientists. Their recommendations, I believe, deserve the serious attention of our representatives to the Stockholm Conference.

SCIENCE AND INTERNATIONAL DECISIONMAKING

The first of these groups was jointly sponsored by the International Institute for Environmental Affairs and the Aspen Institute for Humanistic Studies. This "International Environmental Workshop" was held at Aspen, Colo., last summer, and its report contains the recommendations of the group for organizing the global environmental effort. I understand the report entitled "The Human Environment: Science and International Decision-Making," has been forwarded to Secretary General Strong. I have read it and commend what I consider its sound conclusions and recommendations to every Member of Congress.

By way of introducing a very brief description of the Institute's recommendations, Mr. President, I want to quote one sentence from the report. It is this:

> The most compelling organizational requirement is to forge an intimate working relationship in international environmental affairs between the intergovernmental community and the world of science and technology.

I was struck, when I read that conclusion both by its logic and by its essential agreement with the conclusions reached by a group of scientists and statesmen who met here at the Capitol in May of last year, at a Colloquim on International Environmental Science. That meeting, sponsored jointly by the Senate's Committee on Commerce and the Committee on Science and Astronautics of the House of Representatives, was attended by a number of distinguished leaders and environmental scientists who met to discuss with Members of Congress the needs of international environmental science. We had a productive 2-day exchange of views which inevitably turned to the question of how scientific knowledge could be organized and used as the basis for policy decisions on what is basically a scientific problem. At the end of the second day's discussions, Dr. Thomas Malone, vice president of the International Council of Scientific

Unions, who acted as rapporteur for the colloquium, in his summary remarks stated a general consensus of the meeting. He said:

> We will have to set up institutions . . .
>
> We need a small policy council at the U.N. level to review and to coordinate. We need national governments carrying on monitoring programs, coordinated by specialized agencies. We need regional organizations working together.
>
> But the big need is the knowledge need, and as I sat and listened to these discussions, I became more and more convinced that we do need a World Environmental Institute, which can bring to bear on this problem these sophisticated techniques . . . that will provide the link between informative environmental knowledge and public policy . . .

With this as a background, let me turn now to a brief discussion of the recommendations of the International Environmental Workshop, which I mentioned a moment ago. The report describes the workshop's proposals as "minimal steps" to meet present organizational needs and to generate further institutional partnership in the future. To initiate this institutional system for environmental cooperation, four instruments are recommended:

First. The establishment of a small, dynamic, self-contained unit for environmental affairs at a high level in the United Nations.

The report does not specify the kind of "unit"—whether it take the form of a council or committee, or some other—but assumes that agreement on the functions and roles of such a unit would ultimately determine its administrative form. The purpose of the unit would be to provide an overall focal point and to perform specified central services for member governments as well as for U.N. agencies. Most important, it would constitute liaison between the intergovernmental community and the community of science and technology.

Second. The workshop recommends the establishment, by the world scientific community, of a World Institute for Environmental Research and Development.

This is envisioned as a counterpart to the U.N. environmental unit and as its principal partner in the nongovernmental world of science and technology. The recommendation contemplates the Institute as one removed as far as possible from questions of political motivation, yet linked in some explicit way with the intergovernmental community. Such "insulation" would be insured by provisions calling for financing the Institute through voluntary contributions from governments, and for management of the Institute by the scientific community.

Third. The group recommends that "regional centers of excellence" in environmental affairs be created in major developing areas of the world.

As I understand this recommendation, the regional centers would be essentially independent units, to promote an integrated approach to environmental problems in each region, to provide the scientific information needed by decision-makers within the region, and to advise—and be assisted by—the environmental unit established within the United Nations. No standardized regional unit is contemplated by the workshop recommendation, but each would reflect patterns of organization commonly found in various regions of the world. One may think of these centers as regional partners of the unit established within the United Nations.

Fourth. The group's final organizational component is the establishment, by voluntary government contributions, of a World Fund for the Environment, to be administered by the United Nations unit for environmental affairs.

While most of the funds required for environmental protection and improvement will probably be invested in national programs by governments and other bodies, the operation of this new proposed international structure, as well as the need for new surveys, research, and educational needs connected with the international approach will require additional expenditures. Financing cannot be accomplished by diverting funds from already-approved programs at the intergovernmental level; most of these are probably not receiving sufficient funding at the present time to carry out their assigned functions. So new sources of financing must be provided to implement new functions, such as filling out the missing links in a complete global monitoring system, aiding the establishment of the regional centers, providing special assistance to developing countries for environmental surveys, and the like.

INSTITUTIONAL IMPLICATIONS OF INTERNATIONAL ENVIRONMENTAL COOPERATION

The second examination of the problem of providing adequate institutional arrangements for environmental protection and management at the international level was made by the Committee for International Environmental Programs of the National Academy of Sciences. The Committee's report, "The Institutional Implications of International Environmental Cooperation" was released on November 1, 1971. The tone of the report is set out in its introduction, particularly in the paragraph following a statement to the effect that the burden of environmental problems on the organizations determining policy is such that, unless institutional capacities are improved we will face "an accelerating decline into chaos." The report's introduction then states:

> The irony here is that organized man is not now using effectively either knowledge or resources currently available for the amelioration of social and environmental problems; nor is he yet moving effectively to generate new knowledge essential to the resolution of these problems. The irony could turn to tragedy if he now fails to direct the rapidly growing potential of science and technology toward coping more effectively with his difficulties. An imperative need to put knowledge more fully at the service of social decision making is the basic factor of the instutitional question.

The Committee's recommendations, which are directed to the Department of State, focuses on issues which are among the principal agenda items of the 1972 U.N. Conference. As stated in the introduction they are to be regarded as "first steps" rather than "ideal solutions" of problems of coming to terms with the environment at the international level. I should like to include those recommendations at this point, with the comment that their similarity to other findings and recommendations I have mentioned commend their serious consideration by those who will represent the United States at the Stockholm Conference.

The report recommends that the U.S. Government:

First. Initiate and responsibly participate, as a matter of policy serving the national interest and the interests of other nations, in international programs designed to cope with critical environmental problems; and

Second. Initiate and support, to this end, the establishment of new, and the adaptation of existing, institutions to assure effective and systematic exploration and treatment of such problems.

Specifically, the report recommends that the U.S. Government support:

> The establishment of a single focal point in the United Nations system to provide central leadership, to assure a comprehensive and integrated overview of environmental problems and develop stronger linkages among environmental institutions and the constituencies which they serve.
>
> The creation of an independent global environmental science advisory and research board to provide scientific counsel to decision makers in intergovernmental and governmental agencies, supported by such research capabilities as are needed to assure and substantiate scientific credibility of judgments rendered.
>
> Proposals, such as those advanced by the UN Intergovernmental Working Group on Monitoring or Surveillance and by the Scientific Committee on Problems of the Environment (SCOPE) of the International Council of Scientific Unions (ICSU), to have the United Nations develop a global monitoring system based on the coordinated use of existing facilities but supplemented by such additional institutional arrangements as will be required to observe, trace, and assess the impact of critical substances affecting man and the biosphere.
>
> The establishment of a world fund for the human environment to support the nonhousekeeping activities of the UN environmental unit and to be administered by that unit to meet the costs of catalyzing global environmental action.
>
> Current initiatives by transnational or regional organizations to deal with environmental problems as an integral or supplemental part of ongoing programs and that it encourage and support current trends to establish transnational or regional organizations wherever such arrangements are instituted to address common problems of critical importance and where national capabilities are inadequate to deal with them effectively.

Mr. President, in closing these remarks, I want to restate my conviction that mankind faces no greater challenge than the one posed by the environmental predicament his activities have produced, and will continue to produce, as the earth's growing populations in the very near future continue to exact increasing demands on the planet. The answer to that predicament lies in effective cooperation between the world of science and the institutions of government—both national and international.

The recommendations I have just reported appear to me to call for sensible and feasible first steps toward achieving that cooperation. I hope they will be seriously studied by our delegates at Stockholm in June, and I hope that Senators will examine and support them.

EQUAL RIGHTS FOR MEN AND WOMEN

The Senate continued with the consideration of the joint resolution (H.J. Res. 208) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

The **PRESIDING OFFICER**. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the third reading of the joint resolution.

The joint resolution (H.J. Res. 208) was ordered to a third reading and was read the third time.

Mr. MILLER. Mr. President, I shall vote for the pending proposed constitutional amendment.

For 50 years, women's groups have sought to put an end to discrimination by reason of sex—especially in the areas of education and employment. They have also been understandably resentful of practices and, in some cases, laws which treat their sex as "inferior"—a position which is morally unjustifiable and completely incompatible with an enlightened, progressive society.

I believe they are entitled to have their preferred version of an equal rights constitutional amendment referred to the State legislatures for possible ratification.

I regret that the particular version they have chosen admits of interpretations which could cause serious trouble in the ratification process. For example, will three-fourths of the State legislatures ratify a constitutional amendment under which young women could be drafted and, further, assigned to combat duties?

The Senate rejected an amendment which would have avoided such an interpretation. I voted for the amendment for two reasons: First. I doubt that a majority of the people I represent desire such a result; and second, such a result is not needed to achieve the objectives being sought—objectives which most of us fully support.

However, if ratification should fail, there can still be no doubt but what the Congress is clearly on record against Federal laws which would discriminate against our citizens because of their sex. This, alone, is a major achievement.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Florida (Mr. CHILES).

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Statement by Senator Chiles

Mr. CHILES. Mr. President, I strongly support the Equal Rights Amendment. This amendment will declare the national policy and supreme law of the land to be that sex discrimination on any level of government is wrong. I think we have at long last come to realize that it is only through such a strong declaration—through an amendment to the U.S. Constitution, that we can eliminate the legal sex discrimination that exists in certain aspects of life throughout our country.

While I recognize that there has been some important progress made toward the goal of equal rights and responsibilities for women and men, particularly in recent years, I know too that definite patterns of sex discrimination persist.

Up until today, we have been trying to eliminate the legal sex discrimination that permeates our society on a purely piecemeal basis. We have passed some laws—title VII of the Civil Rights Act of 1964 for example, which excluded women from juries altogeployment, or the Equal Pay Act; but our legislative action, like our court action has been slow, fragmented, and inadequate.

It is hard for me to believe that today, in 1972, women are sometimes still denied even the basic rights and responsibilities of citizenship. Up until 1966 there were three States which excluded women from juries altogether and even today there is one State which requires that women, but not men, register specially to be eligible to serve on juries. Discrimination against women is evident in the criminal laws of some States, in college admissions policies, in acceptance into the professions; and the business and labor laws of certain States are also often blatantly discriminatory. Many States have so-called "protective" labor legislation—laws that often serve rather to restrict and discriminate than to protect. Sex discrimination in employment is today even obvious in Government employment. Women constituted 34 percent of all fulltime white collar Federal civil service employees in 1967. At that time they filed more than 62 percent of the four lowest grades and only 2.5 percent or less of the four highest grades.

I fully realize there are those who argue that the discriminatory laws, rules and practices could possibly be eliminated administratively, or legislatively without recourse to constitutional amendment. But the Court has refused to hold that discrimination based on sex, like racial discrimination is inherently "suspect" and cannot be justified in the absence of a "compelling and overriding State interest."

We cannot, I believe, wait any longer for Congress or the State legislatures to take the time to weigh, consider and debate their various laws concerning the equality of men and women before the law. And I think it is high time the women of our country had some tangible evidence of this Nation's commitment to their equal treatment. Therefore, I am pleased to support this historic legislation before the Senate today. After careful consideration, I cannot come to any other conclusion than this: Because of the legal sex discrimination in our country today, the best way to rid our social, cultural and economic life of this discrimination is through the passage of the Equal Rights Amendment. I support the House Joint Resolution 208 without amendment.

Mr. BUCKLEY. Mr. President, I have studied the committee report in support of the equal rights amendment with the greatest care, just as I have the arguments on the floor of the Senate in favor of and in opposition to the amendment in its present form.

I find myself in full agreement with the finding that there still exists in our country a discrimination against women which cannot be justified and which ought not to be tolerated. As to this I feel there is virtually no disagreement either within the Senate or within the United States as a whole. The argument, therefore, concerns only the question of how best to redress these legitimate grievances.

In America today we find three factors which affect the relative rights, prerogatives, duties, immunities, and obligations of men and women. Some of these are cultural, others social, and the balance economic. I speak of distinctions based on sex, deferences conferred because of sex, and discrimination which is predicated on sex. Only the last, I submit, is the proper target of the amendment now under consideration and of the enormous effort by the women of America to redress their longstanding and legitimate grievances. Yet the proposed equal rights amendment would have the inevitable effect of obliterating all of these differentiations—these distinctions, deferences, and discriminations—in the name of an abstract equality, of whether they in fact infringe upon the substantive rights of women.

It is because of this—because, quite specifically, of my deep respect for women—that I cannot support the amendment; and I cannot support it because whatever the intentions of its sponsors, I think we will inevitably find it tugged and twisted and extended far beyond the limits of commonsense and reason. I am opposed to the proposed amendment because, in its attempt to eliminate discrimination against women, it will at the same time inevitably strike down those distinctions and those deferences which our society now extends to women. It seems to me that the discriminations which all of us want to see ended can be more effectively accomplished in other ways, as I shall discuss later in my remarks.

Now I recognize that many militants regard the deferences and distinctions which are embedded in our social customs as discriminatory per se. Yet, if in fact these customs and attitudes do not penalize women, I cannot see why we should be forced to abandon them. Yet that is precisely what would happen to many of our existing conventions based on the analyses given by the proponents themselves.

Let me merely cite a few examples of the effects of the equal rights amendment which are reported in the committee report, and in an article in the Yale Law Journal, which has been cited by the principal proponents of the amendment as best describing its probable consequences.

One of the most immediate and obvious results of the amendment would be to make women equally subject to being drafted into military service as men; and more than that, "women will serve in all kinds of units, and they will be eligible for combat duty." Quite frankly, I cannot see why we should adopt a constitutional amendment which would preclude American society from determining that the obligation to serve in the infantry and other combat forces will be restricted to men. I cannot, for the life of me, see where this distinction would relegate women to the category of "second class citizens."

We are also told, with respect to deferment policies for parents with dependent children, that such policies "could provide that one, but not both, of the parents would be deferred. For example, whichever parent was called first might be eligible for service; the remaining parent, male or female, would be deferred." This despite the fact that the mother in our country usually has the primary, direct responsibility for the care and upbringing of children. While stating unequivocally that women would be as subject to combat duty as men, the article in the Yale Law Journal mentions that "it is important to remember that all combat is dangerous, degrading and dehumanizing." If this be so, then why is it wrong for our society as a whole men and women alike, to conclude that it is to our social benefit to see to it that that parent who is most closely associated with the upbringing and training of the next generation is spared that "degrading and dehumanizing" experience?

Let us move on to the field of criminal law. We are told by the proponents of the amendment that—

> Statutory rape laws, which punish men or having sexual intercourse with any woman under an age specified by law—(would) suffer a double defect under the Equal Rights Amendment. To be sure, the singling out of women probably reflects sociological reality . . . Likewise, in this society, the bad reputation and illegitimate child which can result from an improvident sexual liaison may be far more ruinous to a young woman's psychological health than similar conduct is to a young man's. But the Equal Rights Amendment forbids finding legislative justification in the sexual double standard.

With respect to the traditional concepts of parental and familial obligations, the proposed amendment would have, according to its sponsors, the following effects:

> In ninety percent of custody cases the mother is awarded the custody. The Equal Rights Amendment would prohibit both statutory and common law presumptions about which parent was the proper guardian based on the sex of the parent. . . . In all states husbands are primarily liable for the support of their wives and children . . . (but) the child support sections of the criminal nonsupport laws . . . could not be sustained where only the male is liable for support. . . . The Equal Rights Amendment would bar a state from imposing greater liability for support on a husband than on a wife merely because of his sex.

These, then, are the admitted practical consequences of the adoption of the proposed amendment. I would like to suggest, however, on the basis of our experience with the sometimes extravagant extension of newly defined rights in other fields, that in due course extremist groups will demand, and some Federal regulators and some Federal courts will concede, other interpretations too bizarre to contemplate.

Mr. President, this entire discussion and debate rests at bottom on certain assumptions about the meaning of the word "equality."

It is a word of singularly elusive meaning, and it is therefore incumbent upon Congress, in passing on this proposal, to make as clear as it possibly can just what is intended. As Mr. Justice Frankfurter once remarked:

> Legislation has an aim; it seeks to obviate some mischief, to supply an inadequacy, to effectuate a change of policy, to formulate a plan of government. That aim, that policy is not drawn, like nitrogen, out of the air; it is evinced in the lanugage of the statute, as read in the light of other external manifestations of purpose. That is what the judge must seek and effectuate, and he ought not to be led off the trail by tests that have overtones of subjective design.

It is here, I must confess, that in seeking to limit the ambiguity of the word "equality" to an irreducible minimum, I find the proponents of the measure to be less than fully enlightening. From the outset, proponents of the amendment both within Congress and without, have oscillated between two conflicting interpretations of the amendment's central purpose. Even now, on the eve of the vote, they seem uncertain as to which understanding ought to operate as the controlling intent.

The first interpretation, which derives from what might be called the "unisex" approach to the problem, holds in effect that any lgeal classification based on sex would be per se unconstitutional under the proposed amendment. The second interpretation, seeking to avoid the necessary rigidities of a per se rule, holds that sexual classifications are valid provided that they are applied equally to both sexes.

The first view is articulated by Prof. Thomas I. Emerson and others, who in the Yale Law Journal article so widely praised and disseminated by congressional sponsors of the amendment, writes as follows:

> The basic principle of the Equal Rights Amendment is that sex is not a permissible factor in determining the legal rights of women, or of men. This means that the treatment of *any* person by the law may not be based upon the circumstance that such person is of one sex or of the other.

The second view will be found, among other places, in a legal memorandum being distributed by the Citizens' Advisory Council on the Status of Women, which warmly endorses the amendment in its present form. The memorandum states:

> The Equal Rights Amendment would not nullify all laws distinguishing on the basis of sex, but would require that the law treat men and women equally.

The Emerson view would, presumably, obliterate all distinctions based on sex; whereas the council view would, presumably, tend in the direction of "separate but equal." But it is not at all easy to say. It was the Emerson view, presumably, which prompted the Coast Guard recently to promulgate regulations to allow female members of a ship's crew to use washroom and toilet facilities that are also used by male members of a crew. The council view, presumably, would permit separate facilities. But, again, it is not easy to say which view ought to be thought of as controlling the intention of Congress. But if the intention of Congress is ambiguous with respect to something so ludicrous as washroom and toilet facilities, how can we expect the courts to find clarity of intention with respect to a whole host of genuine and important problems of construction that may arise once this amendment is passed? I pity the judge who will be obliged to wallow through the legislative history of this proposal in search of clarity where there is none, vainly trying to pin Congress down where Congress has deliberately sought to be evasive.

Mr. President, I do not commonly find myself in agreement with the editorial writers of the New York Times, and, as it happens, we are in disagreement as to the substantive merits of the proposal now before us. But on the occasion of the passage of the equal right amendment by the House, the Times, I thought, said something that badly needed saying:

> Equal rights for women is a proposition so unarguable in principle and so long overdue in practice that it is a pity to have it approached by the House of Representatives as an exercise in political opportunism. For 47 years that body regularly rejected out of hand all proposals for a women's rights amendment to the Constitution. Now it approves, without committee hearings and after only an hour's debate, a constitutional change of almost mischievous ambiguity.

Despite extended hearings, and despite debate here on the floor, it seems to me that the Senate is indulging precisely the same kind of mischievous ambiguity that possessed the House. At the root of this ambiguity is a fundamental confusion between so-called equal rights—which is in itself a problematic concept, as I suggested earlier—and so-called women's rights. The former tends in the direction of, and if some proponents of the measure are to be believed, actually embraces the idea of sameness and would therefore tend to obliterate altogether any legal distinctions based on sex. The latter, rightly understood, seeks to eliminate only those laws which discriminate against women as such and which relegate them to an inferior legal status. If the latter concept were the controlling intention of the proponents, and if it were certain that the courts would implement that intention and refrain from indulging the excesses of "unisex," I would glady support an amendment designed to accomplish the goal.

But I am convinced, Mr. President, that the present amendment is not so limited, and I am further convinced that adequate remedies exist today to correct the inequities which are the appropriate targets for a women's rights amendment. The most important of these, of course, is the 14th amendment. In the past, some have doubted whether that amendment could be used as an effective vehicle for the elimination of unreasonable classifications based on sex. But the Supreme Court last December clearly opened the door to future litigation to test the constitutionality of all such classifications.

In the case of Reed against Reed, the court struck down an Idaho statute which granted preference to males over females in the appointment of administrators for decedents' estates, holding that the discrimination bore no reasonable relationship to the purpose sought to be accomplished by the law of estate administration.

To all but the most ardent zealots of the women's liberation movement, the decision must be considered as a dramatic breakthrough on behalf of women's rights. And it suggests, as Prof. Paul Freund of Harvard has pointed out, that if the advocates of the proposed amendment had in the past devoted as much time, energy, and money to artful litigation under the 14th amendment as they have in the past year or so to lobbying for the equal rights amendment, the alleged necessity for such a wide-ranging amendment might not have existed at all in 1972. But if past opportunities cannot be recovered, I believe that Reed against Reed bodes well for the future and that a wide variety of unjustly discriminatory laws can be struck down as arbitrary and unreasonable.

The 14th amendment, of course, is not the only legal remedy available to aggrieved women. Title VII of the Civil Rights Act of 1964, which Congress recently amended to provide greatly enlarged enforcement powers for the EEOC, provides yet another powerful tool for the relief of women discriminated against in the field of employment. Litigation under the 14th amendment and under title VII seems to me to provide adequate remedies for the great majority of cases in which women are relegated to an inferior legal status.

It has been suggested that litigation under the 14th amendment, involving as it does a test of "reasonableness," would be unavailing in those cases where women are the ostensible beneficiaries of State legislation, the theory being that the courts would be disposed to uphold laws designed for the benefit of women, notwithstanding their adversely discriminatory character. Given Reed against Reed and certain other cases on the lower Federal court and State court levels, I am not convinced that this argument is so weighty as perhaps it once was.

I am, therefore, encouraged in the belief that a case-by-case approach will produce efficacious results. Certain advocates of the women's liberation movement tend to pooh-pooh the effectiveness of such piecemeal litigation. But experience will testify to the fact, I believe, that rights won by the gradual, if admittedly sometimes tedious process of litigation acquire a more permanent constitutional security than the often ephemeral promises of vaguely worded statutes, fleshed out with grandiloquent humanitarian sentiments but very little else.

Litigation under existing constitutional and statutory provisions would have another advantage, one that is to my mind the most important of all. It is that litigation, proceeding as it does from case A to case B to case C until a rule of reasonable general applicability is framed, is more likely to protect the interests of those women who want and need protection. This is something that very much needs talking about, although given the passions which animate the women's liberation movement it has for the most part been so far ignored.

The most conspicuous and outspoken representatives of the women's liberation movement have a habit of talking as if they were the duly appointed guardians of the women of America. Whether the women of America want or need this kind of guardianship, however, is another matter altogether. I am unaware of any plebiscite granting representative authority to the women's liberation movement from the women of America, nor am I aware of any demonstrable indication that the women of America approve of what their self-appointed guardians would have delivered up for them. On the contrary, as the distinguished Senator from North Carolina has pointed out, in the only detailed poll taken on the subject, the overwhelming majority of those polled revealed a singular indifference, if not hostility, toward the more obvious legal consequences that would flow from the passage of the equal rights amendment. Fully 77 percent of American women opposed equal treatment with respect to military service; 83 percent opposed the idea that a wife should be the breadwinner if she were a better wage earner than her husband; and 69 percent opposed the idea that a woman should pay alimony if she has money and her husband does not.

Yet, as I suggested earlier, if the equal rights amendment were to be ratified, women would be drafted and could be required to serve in combat; States would be barred from imposing greater liability for support on a husband than on a wife merely because of his sex; criminal sanctions for failure to support one's family could not be sustained where only the male is liable for such support; and obligation for alimony could be placed upon either spouse. Such changes in the law may bring joy to the hearts of the more militant advocates of the women's liberation movement, but they are not necessarily in the interests of most American women. As Prof. Philip Kurland, of the University of Chicago, has pointed out:

> There remains . . . a very large part of the female population on whom the imposition of such a constitutional standard could be disastrous. There is no doubt that society permitted these women to come to maturity not as competitors with males but rather as the bearers and raisers of their children and the keepers of their homes. There are a multitude of women who still find fulfillment in this role. This may be unfortunate in the eyes of some; it remains a fact. It can boast no label of equality now to treat the older generations as if they were their own children or grandchildren. Nor can women be regarded as unified in their desire for this change. Certainly the desire to open opportunities for some of them can be achieved without the price of removal of the protection of others.

I concur with Professor Kurland, but I would go him one further. I not only believe that the great majority of American women find fulfillment in their roles as wives and mothers, but I suspect that the great majority of American women are inclined to resent the demeaning, derogatory, and cynical posture taken against marriage and motherhood by some of the outspoken advocates of the women's liberation movement, as if marriage and motherhood were the hallmarks of inferiority and servitude. To be sure, not all feminists share this jaundiced view, a fact for which we can all be thankful. There are many articulate and engaging activists in the movement, and they have made a compelling case for altering many of our laws which unjustly discriminate against women, especially in the area of job opportunities. With many of their grievances I am in great sympathy, but with Professor Kurland, I am satisfied that present constitutional and statutory law provide ample opportunities for redress. I am not at all convinced that the "liberation" of some women requires the removal of legal protections from others or the imposition of greater legal burdens upon those who do not share the goals of the liberationists.

Professor Kurland has written:

> The temper of our times demands instant and simplistic answers to complex problems. And it is this temper that assumes that the cure for such problems lies in the incantation of the word "equality" by our highest governmental means, the Constitution. . . .

I believe that a principled case can be made for the elimination of such laws as may unjustly discriminate against women. The operative word in that formulation, of course, is "unjustly." But "injustice" is no less slippery a term than "equality," and it is difficult in the abstract—as every wise man since Plato has known—to declare fully and finally what it entails. The central difficulty with the equal rights amendment is that it assumes that equality constitutes the whole of justice, and that sameness of treatment constitutes the whole of equality.

I must admit to being somewhat skeptical about the validity of either proposition. I can conceive of cases where the status of women in our society would be advanced by granting or retaining certain legal protections, which, from the perspective of the women's liberation movement, would be considered as remnants of an outmoded "male chauvinism"; but I can also conceive of cases where such ostensible protections or benefits actually work undue hardships upon women and ought therefore to be struck down or modified.

I do not believe, however, that the best way to go about deciding these complex matters is to adopt an ambiguous far-reaching, and ideologically rigid constitutional amendment. I am prepared, in short, to examine each case as it arises, and I am convinced that the Constitution as it now stands, combined with a variety of State and Federal statutory remedies, is sufficient to the task. There are many injustices in this world, but a constitutional amendment, least of all one so vague in its thrust as this one, is not always the best way to eradicate them. Should this amendment be ratified by the several States, I fear that "victory" for some women will have been bought at the price of injuring others. It will not be the first time that a proposal designed to eliminate alleged injustices actually ends up by creating injustices far worse than those it sought to eliminate.

Mr. BROOKE. Mr. President, I support House Joint Resolution 208, the equal rights amendment, presently before us, and believe it should be promptly passed without qualification or change.

The amendment—in 24 simple words—"equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex," gives the women of this country the personal magna carta they have sought for so long. They seek nothing more than equality. They deserve no less.

Women now outnumber men; they comprise 53 percent of our population. But despite their number, despite their suffrage, the doors of equal opportunity have been shut to them since before the American Revolution. In State after State—instance after instance—the law itself discriminates against them: here, women cannot own property or do business without their husband's—and in some cases the court's—consent. There, a woman cannot get a loan at a bank, sign a lease or invest her own money without her husband's consent. Millions of women in the labor force do not receive social security benefits equal to their payments into the fund if their husband also receives social security. The women who serve in the military do not receive housing allowances and health benefits for their dependents. Women can be, and are, sentenced to far harsher prison terms for an offense which would earn a much lighter sentence if committed by a man.

Many of the laws which "protect" women did, in fact, perform that necessary function 50, 60, or 70 years ago when the sweatshop and the blatant exploitation of women and children were a reality. Tens of thousands of those women were immigrants, newly arrived in this country, unfamiliar with our laws, and desperate for income to support themselves and their families. Unions were in their infant stage, almost impotent. Wages and hours legislation had not been enacted for all our people. Government, at every level, had to throw its weight into the scales as the ally of women and children who had no vote and were powerless to protect themselves.

What was designed to liberate and succor, generations ago, shackles today.

The growth of unions, the economic floor which wages and hours legislation has placed under all workers, an alert media and the public conscience now make most of these unnecessary.

They are, in fact, a roadblock to the realization of the equal-pay-for-equal-work concept.

The statistics condemn the status quo: On an average, families with male heads had an income of $7,783 in 1969; families with female heads had an average income of $4,007.

Only 3 percent of workingwomen earn more than $10,000 per year; yet 26 percent of workingmen earn over $10,000 per year.

One hunts through the professions—business, industry—in vain, for enlightenment in regard to the status of women. Look at education, for example.

Women in the teaching profession are consistently relegated to the less demanding, lower paying positions as elementary and secondary school teachers. Only 10 percent of women college teachers attain the rank of full professor, while 50 percent of the male teachers do so. Women average $576 less per year at the rank of assistant professor; $742 less per year as associate professors; and $1,119 less per year as full professors. Yet 91 percent of all the women in this country with Ph. D.'s are working today—81 percent of them full time.

I wish I could exempt my own profession—the law, from this indictment. I cannot. It is no accident that there are so few women judges. Or that so few women lawyers become partners in the prestigious, affluent law firms of this country.

Mr. President, it is time to call a halt. It is time for Congress to redress the balance. The adoption of this amendment would help to do that.

There are some ancillary benefits for men which will flow from enactment of this amendment—paying alimony to a woman who is self-supporting will become a thing of the past. Men will also inherit and enjoy the same protection which is now afforded to women in business and industry.

But what of the women who desire no change in their present status? Women who want to be mothers and housewives rather than "breadwinners." Women who have always been dependent upon a husband's earned income, retirement pay or survivors' benefits. Women who do not want to invest or own property in their own name.

Those women can rest easy. Those who prefer or elect to retain the status quo may do so. But for most of the 42 percent of American women who are in the work force in some capacity, for the many millions of American women who are single and self-supporting or who are the sole support of other dependents, this amendment guarantees new opportunity and that most elementary but elusive status: equality.

No longer will they be denied the opportunity to hold a job simply because they are women. No longer will they be denied loans, access to housing or other benefits solely on the grounds that they are women.

Equal rights for women is long overdue. I applaud this amendment and support its passage.

Mr. DOLE. Mr. President, this is a significant day for America, After more than a half century, Congress has approved the constitutional corollary of the 13th, 14th, and 15th amendments which guarantee equality of rights to all citizens, regardless of race, and it has brought to full force the spirit of the 19th amendment which extended universal suffrage to all citizens, regardless of sex. Congress has passed the equal rights amendment proclaiming that women are full and equal citizens of this great Nation.

I note this day with a particular sense of its historic importance for the State of Kansas and the Republican Party. I do so because the equal rights amendment was first proposed in Congress by Charles Curtis, a great American who was elected Vice President under President Herbert Hoover. He was also a great Kansan, who devoted virtually his entire adult life to public service through six terms in the House of Representatives and four terms in the Senate. And he was a great Republican, who, in addition to his national offices, was majority leader of his party in the Senate and a widely respected and admired Republican leader on the national level.

The lanaguage of Senator Curtis' amendment was as follows:

> Men and women shall have equal rights throughout the United States and every place subject to its jurisdiction. Congress shall have the power to enforce this article by appropriate legislation.

When Senator Curtis introduced the equal rights amendments in 1923, he drew attention, both for Kansans and Republicans, to a solid and forthright position in the cause of women's rights. This position has been maintained and built upon throughout the years, and today I know the Republican Party and the people of Kansas appreciate the significance of having Senator Curtis' initiative fulfilled.

But more than being merely a matter of State or party pride, passage of the equal-rights amendment should be a source of strong national satisfaction in seeing a major step toward the extinction of a fundamental and far-reaching shortcoming in our legal and social systems. This step has been long in coming, but it has at last been taken.

Now we must look ahead. The job has been passed to the legislatures of the States. I am hopeful they will respond as they did last year when the amendment providing for the 18-year-old vote was ratified with the utmost dispatch and regard for the importance of its contents.

More work is in store, but today's action establishes a milestone in the history of women's rights and the rights of the individual. Congressional approval has been secured, and women and men—Americans—can now look ahead to the day when the equal rights amendment will be known by another and more significant name: the 27th amendment to the U.S. Constitution.

Mr. STEVENSON. Mr. President, this is the 50th year that the equal rights amendment has been before the Senate, it having been introduced in every Congress since 1923. Numerous committee hearings have been held over the years, and the amendment has been debated on the floor several times. It has now been debated again in the Senate over the last several days.

As a cosponsor of this amendment, I would like to reiterate my support.

There is but one principle involved, although, as is clear from the discussions, the ramifications are many and varied.

The principle is that sex, by and of itself, cannot be used as a classification to deny or abridge any person of his or her equal rights under the law. This, of course, is more than a mere negative statement that henceforth there can be no legally sanctioned discrimination against women. The amendment should accomplish that, but it will do more. It will tell the Federal Government and the governments of the several States that in all their laws they must set up reasonable distinctions and qualifications based not on the overbroad categorization of sex, but rather on the characteristics of individuals. Certainly, for example, if an occupation requires a basic level of physical fitness, that level can still be required, and it may be that women will not be able to meet those physical qualifications and that men will. Or vice versa. But, under the law it will no longer be acceptable to say that sex by and of itself is a reasonable factor by which to say that an individual will not be able to hold that job. A man or woman will no longer be denied the right to hold that job, to "pursue happiness," simply because of his or her sex. The burden will be on the State to show that a particular individual does not possess the physical qualities necessary to function in the job.

How the courts and judges of the future will interpret the infinite sets of factual situations which will confront them is not, and can not, be known to us. Similarly, in 1868 it could not be known that within 30 years the Supreme Court would hold that "separate but equal" facilities for blacks and whites would not violate the equal protection of the laws, or that in 1954 the Supreme Court would reverse that initial decision.

What we are doing is enunciating a principle in the Constitution of the United States. There are and will be classifications based on sex which will be held not to deny or abridge any particular individual's equal rights. Indeed, such classifications will be necessary in some cases to assure the individual's constitutional right to privacy. But where such a classification does impinge on an individual's equal rights under the law, there will now be a firm constitutional basis for the courts to end the discrimination.

The 19th amendment, of course, uses language similar to the equal rights amendment when it says that:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

The State of Illinois was the first State to ratify that amendment.

Section 18 of article I of the new Illinois constitution, which became effective last July 1, upholds a principle similar to that of the proposed equal rights amendment:

> The equal protection of the laws shall not be denied or abridged on account of sex by the State or its units of local government and school districts.

Illinois is one of only three States to have enshrined this principle in its Constitution.

As a Senator from Illinois, therefore, I feel that I am acting within the traditions of my State as I lend support to the equal rights amendment. The Constitution does not give Congress the final say on constitutional change. Illinois may yet speak again on this issue, this time in its largest context. It is now time to let Illinois, and every State, have that final say.

Mr. TOWER. Mr. President, I rise today in unequivocal support of the equal rights amendment. We have been discussing this matter for some time now and I believe that the time has come for those of us here in the Senate to affirm our support of this amendment and pass the question on to the States, so that they, acting collectively, may finally be able to decide the issue.

I am convinced that we in the United States are not making anything near maximum utilization of the resource we have in our women. From the standpoint of their intellects, their talents, and their capabilities, given the opportunity, women, in many instances, excel at jobs that are traditionally held to be men's jobs.

As a working politician, I have witnessed the effectiveness of women in politics and am more than impressed. In my own instance, I have appointed a woman as my campaign manager. So far as I know, I am the only major statewide candidate in the country to intrust the future of his or her career to a woman. Both of my Texas offices are managed by women. These responsibilities and the commensurate authority, I have delegated to them, not because they are women, but because they have earned it. They have taught me that the traditional taboos against women in such jobs are to be ignored.

Mr. President, I believe that the most certain way in which women's rights can be fully guaranteed is to pass a constitutional amendment. We have tried several times in this decade to resolve this matter by legislation, yet sex discrimination continues to prevail in all too many fields. In 1938, we passed a very significant piece of legislation to guarantee women equal rights in jobs and pay. The Fair Labor Standards Act specifically prohibited an employer from discriminating on the basis of sex in payment of wages for equal work and equal jobs in equal working conditions. In the Civil Rights Act of 1964, we passed an even more important law dealing with equal employment opportunity. Title VII of that act prohibited discrimination in employment by any major firm engaged in interstate commerce. Also covered were labor organizations and employment services. In addition to such Federal laws, there are numerous State laws banning sex discrimination. For example, 35 States have enacted equal pay laws; 16 have adopted fair labor employment laws which specifically include women.

In theory, then, there would appear to be ample guarantee that a woman with the same qualifications as a man should be considered equally with that man for a particular position, that she should receive the same pay and have the same chances for advancement. In practice, however, this has simply not been the case. In 1970, there were 31 million women in America's labor force—or 38 percent of the total number of workers. This represents an increased during the last few decades and, therefore, a fuller use of our Nation's labor potential. Women over 16 are concentrated in the field of clerical work. In fact, this constitutes about 34 percent of the women's working force. Since this field is commonly grouped with white collar jobs, and since white collar jobs often are more remunerative than blue collar work, the large number of women clerical workers would appear to be in a good economic position. However, the median wage of full-time, year-round clerical workers who are women was $4,789 in 1968, while men in this field were earning $7,351.

Unfortunately, the situation is not improving over time despite the enactment of clearly worded legislation. In 1955, the median salary for full-time, year-round workers was $2,719 for women and $4,252 for men. Women were then receiving 63 percent of what men were earning. In 1968, the median salary for women increased in real terms to $4,457; however, that of men had reached $7,664. Speaking in terms of median wage, women in 1968 received only 58.2 percent of what men were earning—a decrease of nearly 5 percent.

One traditional and important field for women in past years has been teaching; it seems somewhat easier to combine this career with family life. Even here, however, there appears to be bias. The National Education Association found that in 1965–66 the median wage for women who were members of teaching staffs in colleges was less than that of men on all professional levels. In fact, women who were full professors had a median annual salary of $11,649 and men, $12,768.

In overall occupational patterns, the position of women in the labor force has deteriorated in recent years. Since the period before World War II, women have become increasingly concentrated in service trades and clerical work; however, their position in professional and technical work areas has become worse over the years—in fact, it dropped from 45 percent in 1940 to 38 percent in 1968. If there were a substantial rationale for such differences in occupations and salary levels, there might be some justification for the existing situation. Instead, more education and more freedom from homemaking tasks indicate the position of women in the labor force should have improved over time.

Also, women have tended to show up as well or better than men in time-on-the-job studies, and their turnover rates are comparable to men's. In fact, women show less tendency to leave jobs as they acquire higher responsibility.

In another important area, we also find evidence which tends to show a biased treatment of the female—education. Education is a major key to individual success in our society, besides being vital to our technological, sociological and psychological progress as a nation. Hearings before the House Special Subcommittee on Education have indicated that higher levels of previous achievements are required of women in order to gain admission to a college or university. In fact, many schools admit fixed proportions of men and women each year—in favor of men.

The courts have not been of much assistance in solving the discrimination problem in either labor or education. Women's work rights have generally not been considered to be covered under the "equal protection" clause. In Muller against Oregon, a leading 1908 Supreme Court case, the Court upheld a limitation on the number of hours a woman could work in a bakery, declaring that sex was a valid basis for classification. Not until passage of the Civil Rights Act of 1964 was this doctrine seriously challenged; however, the EEOC, which has the authority to enforce title VII of the act, has not been very successful to date in winning court cases which it has initiated in response to specific complaints. Only recently has the Supreme Court agreed to hear a title VII case. Likewise, just a few weeks ago the Supreme Court upheld an Alabama law which prohibits a married woman from obtaining a driver's license in any but her married name.

Mr. President, this recognition of the equal civil rights of women coming as it is over 50 years after the adoption of the women's political rights amendment, is long overdue. Another very basic right this amendment will secure for women is the basic right to contract in their own behalf. It will make certain that women will have full contractual rights with their male counterparts. In our free society, as in any truly free society, contractual rights are a basic ingredient in the freedom syndrome. Clearly, if one is not free to contract as he sees fit, within broadly based public policy limits, then freedom is illusory. I hope that, at this hour in time, we here in the Congress will remove the last vestiges of restrictions on women's civil rights and give this amendment the approval that should have been forthcoming from this great body during the last Congress.

In spite of some of the dire predictions that have been made, I do not feel that any earth-shattering disruptions will come from this amendment. In our system of Anglo-Saxon justice, the most prevalent of all our rules is the rule of reason. All changes that come about will, and should, be in our historical perspective. I have faith in our system, and know that we will do the right thing at the right time.

What we are in effect doing here, Mr. President, is continuing along the historical process of women's equality. As I have stated, this amendment will allow the States, collectively, to decide the issue once and for all. In this way, the legislatures in every State will have the opportunity to fully consult with their constituents and make a separate judgment on the merits of the amendment. This is part of the checks and balances of our constitutional system that has sustained us for so long. When the results are in, I have little doubt that this amendment will be ratified, most probably in record time.

In conclusion, Mr. President, I am pleased to have had a small part in helping to bring about the consideration of this amendment before this body. I hope that it will be quickly sent to the States for their consideration and ratification. Let us proclaim that in 1972 women in America have achieved full equality with men.

Mr. SPARKMAN. Mr. President, I rise in support of the joint resolution proposing an amendment to the Constitution relating to equal rights for men and women. I am proud to remind the Senate that I am an enthusiastic cosponsor of that measure.

I think the time has come for the Senate to go on record. By passing the Senate joint resolution, we are not saying that a woman's place is not in the home. We simply wish to say to the Nation—men and women alike—that if a woman wants to bake bread and garden, that is her choice.

If she wants to be an aerospace engineer or a banker—then she has the right to her choice and full equality in the pursuit of her profession. If she wants to design machinery or become an architect, then she should be able to do so and with the same pay and the same opportunities as a man.

In a nation where equal protection under the law is one of our basic foundations, women too often have been neither equal nor protected.

She has been and is being shortchanged by archaic work laws, by property laws, by limitations that sometimes even make her unemployable. This certainly is one reason why unemployment among women has been so high. The time is now to bring women more into the mainstream of economic life and to seek for her the same quality of life we seek for the Nation as a whole.

We have come a long way in recent years in the field of women's rights, but we have many inequities to overcome before women can share in the general advances in our society.

Some State laws preserve inequities based on social attitudes of 50 years or a century ago. For example, in four States in order to set up her own business, a woman must go to court to prove her fitness. Many States have laws restricting the working hours of women—which prevents them earning the same extra money through overtime that men do. Several States have arbitrary laws stopping a woman from working before or after childbirth regardless of her or her employer's wishes in the matter. Some property and inheritance laws are basically discriminatory against women. Additionally, many States have rules that women may not hold certain jobs or enter certain professions.

In our own Federal Government, Foreign Service wives for almost 200 years were governed by a strict set of rules although they were not employees of the Federal Government. Just this year the State Department has issued welcome new rules for the wives of State, AID, and USIS employees stating that wives could hold jobs or pursue careers abroad, that certain duties cannot be levied on them against their will, and that evaluation of wives' participation or lack of participation in volunteer or other activities cannot be used in the performance evaluation reports of their husbands.

Women hold more property and control three-fourths of all consumer spending in this country. Yet in private enterprise, we find few women in management or positions of power. In fact, a smaller number of top echelon professional jobs are held by American women than in any other developed country in the world.

Only 9 percent of American doctors are women—compared to 50 percent in Russia and 18 to 25 percent in the Western European countries. Only 3 percent of all lawyers are women and only two percent of the judges in the United States. Proportionately, there are more women physicists in Italy than in the United States.

Although education is one field in which women have done particularly well, only 10 percent of college professors are women. Women tend to be held to the elementary and secondary level, and few are promoted to administrative positions. Last year at the Harvard School of Education, where 65 percent of the students are women, only 12 women were on the faculty of 185.

Clearly, the time has come to go on record in favor of equal pay for equal work, for equal opportunity, and equal participation in our national life, and for an end to some of the anachronisms of law regarding women.

Mr. President, various actions on this subject have been introduced in the Congress over the decades, and every President since President Eisenhower has endorsed the equal rights proposal.

About a dozen States have taken official action already in support of the pending amendment, which has received endorsement by such varied organizations as the American Association of College Deans, the National Association of Women Lawyers, the National Education Association, the National Federation of Business and Professional Women's Clubs, and the United Automobile Workers.

Mr. President, I urge my colleagues to join me in support of the Senate joint resolution.

Mr. TUNNEY. Mr. President, I wholeheartedly support the equal rights amendment which provides in part "equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex."

My colleagues, the junior Senators from Indiana and Kentucky are to be congratulated for their careful and articulate campaign to convince us all that this provision—which has been pending before this body in various forms for the past 50 years—was long overdue and crucial to end various forms of direct and invidious discrimination against a majority of the population of this country: women.

I think it is no longer questioned—and it is amply documented by the Senate hearings in 1970 and the House hearings in 1971—that women are not afforded equal protection under the laws of the United States or by our institutions. Resolutions proposing an equal rights amendment have been introduced in every Congress since 1923, and the amendment for which I vote today was passed without any amendments by the House of Representatives. It is high time for the Senate to cast its vote to assure equality of legal rights for all our citizens.

Accepting the fact that discrimination against women does exist, many people still argue that a constitutional amendment is an inappropriate remedy. First, they say, such an amendment is unnecessary. I disagree. It is true that the 14th amendment, by its terms, guarantees equal protection under the law, but the courts have not interpreted the 14th amendment to protect women from many forms of discrimination. As it was ably stated by "Women United":

> The question is not whether the 14th Amendment could provide protection for the rights of women, but whether it has been

interpreted to protect women from discrimination. It has been the contention of equal rights advocates that the equal protection clause should be extended to women. Granted, there has been some progress through recent judicial actions to eliminate sex discrimination. No woman seeking protection of her rights under the 14th Amendment ever won a case before the Supreme Court until 1971, when the court struck down a state law which favored men over women administrators of estates. That case, however, was narrowly confined to its facts. (Reed v. Reed. No. 70–4, November 22, 1971). Unless legislators, by adopting the "era," express their firm conviction that reform must be vigorously undertaken, progress will be slow and costly, with no guarantee of success. It is the highest type of discrimination to require that women assert their rights under the 14th Amendment by having issues of discrimination adjudicated on a case-by-case basis.

I concede that, if the courts were to move forward with regard to interpreting the 14th amendment to afford true equal protection for women, this new amendment could be redundant. Even so, the enactment of this amendment will symbolize and emphasize this country's dedication to providing true equality for all. This sort of dedication cannot be emphasized enough, and I feel it appropriate to include it in our Constitution.

I think that the literature and my colleagues who have been so outspoken on this issue have said about all one could say on the specifics and importance and ramifications of this amendment. I will just add one more voice to theirs: "We must wait no longer to remove this last barrier to equality in our Nation." In this country which prides itself on the freedoms that its people have, it is an outrage that we have waited this long to grant women truly equal treatment under law.

In conclusion, let us take equal treatment under law as a first step, and move on to eliminate the other subtle forms of social and personal discrimination against women that derive from socially ingrained ideas about the woman's proper role. These notions, too, have kept women from developing their full potential. The enactment of the equal rights amendment will go a long way toward providing the kind of dignity and legal status to which every American is entitled: I pledge myself to go even further.

Mr. GAMBRELL. Mr. President. Having made a careful study of the proposed equal rights amendment to the U.S. Constitution, I have concluded that I will vote in favor of its passage through the U.S. Senate. The study leading up to this decision has caused me considerable concern. I have serious reservations about the desirability of this constitutional amendment which might have prompted me to vote against it if passage by Congress insured its adoption. Fortunately, the drafters of our Constitution provided that Congress can only propose amendments to it, and that ratification by three-fourths of the States before an amendment becomes law. If the Senate passes this amendment and consideration of it moves on to the local level, I trust that the people of this country, and especially the women of this country, will fully inform themselves on the consequences of enactment, and will then either support or reject it on that basis.

Careful investigation of the subject reveals that the precise meaning of the amendment in regard to responsibilities of women—as distinguished from rights—and on the legal effect of the amendment with respect to domestic relations and the obligations of support within the family is unclear.

A wide variety of specific questions in these areas are dealt with in the article, "A Constitutional Basis for Equal Rights for Women" Yale Law Journal 871 (1971) by Professors Brown, Emerson, Falk, and Friedman. To mention a few such as marriage, divorce, sexual relations, support and custody of children, and alimony, will illustrate that these issues are not insubstantial.

The amendment is phrased in terms of "equality of rights". However, many authorities suggest that equality of responsibility is also contemplated. Some even go so far as to suggest that sexual identity shall not be recognized in any respect under the law. To me this seems as foolish as to say that no law may take cognizance of the difference between night and day. Permitting laws which recognize this difference is not to say that either night or day is superior, but is simply to recognize that they are not the same.

In regard to the important subject of domestic relations, and the obligations of support within the family, even the Senate Judiciary Committee report is ambiguous. The majority report of the committee states that the ERA "may" have an effect on domestic relations laws, and that courts "probably" would be reluctant to alter the obligations of support within the family. In other words, the family relationship, which is the cornerstone of our society, may have to fly blind until the courts have had an opportunity to define the meaning of the amendment.

Frankly, I do not think that a majority of women, and certainly not of men, in this country want the law to be required to ignore the differences between men and women and I do not so interpret the amendment. At the same time, I think the majority of American men and women support the elimination of discrimination against women, purely on the basis of sex, in areas where an individual's sex is immaterial. The Supreme Court of the United States has, in fact, held this to be the law at present under the Constitution of the United States, Reed against Reed —— U.S. —— 40 U.S. Law Week 4013 (1971). Legislation now could be enacted pursuant to the 14th amendment of the U.S. Constitution which would implement women's rights in this respect. On this basis, I have supported and voted for the Equal Employment Opportunities Act of 1972, and could support other similar legislation.

At the same time, I can appreciate that the enactment of an appropriate constitutional amendment might accelerate the elimination of invidious sex discrimination in areas where it now exists.

But according to many authorities, the equal rights amendment in the form now presented, goes much further than this.

Many women with whom I have discussed the matter, upon being informed of the amendment's potential in the areas which I have mentioned, are inclined to oppose it.

As the matter now stands, I am faced with the obligation of voting on a constitutional proposal, the meaning of which is in question. Yet, the proposal has twice previously received overwhelming support from the House of Representatives, and is heavily favored in the U.S. Senate. Furthermore, it has the ardent support of organized women, although many of them seem to be poorly informed on the legal consequences of the proposal they advocate.

Possibly a happy solution would be to submit the proposal to a referendum among women, before permitting it to become law. However, we do not have this option at the present time.

All things considered, I have concluded that I should not stand in the way of permitting the amendment to be submitted for ratification or rejection at the local level. Therefore, I have concluded to vote for passage of the amendment. However, my vote for its passage through the U.S. Senate, is certainly not a vote in favor of it, without regard to its meaning and regardless of whether the people want it or not.

To me the amendment means that legal distinctions based solely upon sex are prohibited, except in instances where sex as such is the matter under consideration.

Such a change in our fundamental law is the people's business, and a matter for them to decide at the local level. If the amendment, fully understood, is what the American people want, then I will not use my vote in Congress to deny it to them.

Mr. FULBRIGHT. Mr. President, I want the record to reflect my strong support for House Joint Resolution 208, the proposed constitutional amendment insuring equal rights for women. I have actively supported and cosponsored this measure for many years, and I am quite pleased to be able to join the overwhelming majority of Senators who have shown by their vote today the recognition of the justness of the basic principle of this amendment: that sex is not an allowable determinant of the legal rights of men or women. Particularly significant in our action today is that we in Congress, after 49 years of debate, have cleared for the States an undiluted amendment to the Constitution stating simply that:

> Equality of rights under the law shall not be denied or abridged by the United States or any State on account of sex.

Opponents of this amendment have said that the ERA will bring about too many changes in our society. While it is true that some changes will occur once the amendment has been ratified, it is also true that the changes destined to occur have been needed for a long time. Many questions have been raised expressing fears which are based upon what I believe to be misconceptions about House Joint Resolution 208. These questions have been answered most persuasively in each instance. The public record on this measure is quite complete, and I am personally satisfied that the changes which we can look forward to are those which will have a healthy effect upon the fabric of our society. With the passage of this amendment, Mr. President, we will not be forcing social change, but rather we will be helping to provide the legal framework for change that is both just and responsive to the needs and requests of a majority of American citizens.

Mr. HARTKE. Mr. President, although it has been 50 years since women in this country achieved political equality with men, there has not yet been complete realization of equality between the sexes.

For most of that half century, a constitutional amendment which would guarantee such full equality has been before the Congress. Introduced first in 1923 and revised in 1943, I am proud to be the present sponsor of the equal rights amendment which first received the support of the Senate Judiciary Committee 28 years ago and which in 1970 received the overwhelming support of the House.

The substance of the equal rights amendment is contained in the following sentence:

> Equality of rights under the law shall not be denied or abridged by the United States on account of sex.

Some maintain that such a constitutional amendment is unnecessary and would represent a "constitutional frill." While the 14th amendment has proved an effective tool for combating discrimination against members of certain groups, notably racial minorities, the Supreme Court has not extended this tool to combat sex discrimination.

That there is a need for the equal rights amendment cannot be disputed. The most indifferent survey of State and Federal laws reveals a dark, insidious pattern of discrimination. For example, laws and practices operating to exclude women from State colleges and universities; dual pay schedules for men and women performing the same jobs; State laws placing restrictions on the legal capacity of married women or on their right to establish a legal domicile; State laws which require married women, but not married men, to go through a formal procedure of obtaining court approval before they may engage in independent business; social security and other social benefits legislation which give greater benefits to one sex than to the other; and areas of family law, military law, and labor law in which women are treated differently from men. Each of these instances of discriminating laws and practices can be abolished one by one, but there is no adequate substitute for a constitutional guarantee against prejudice.

Unfair laws do not create discrimination but merely reflect it. Society and, in this case, men, act out their prejudices by enacting discriminatory laws. The discrimination exists before the law and is reflected in the place which women occupy in our society. In industry and in Government, in the home and in the office, women are paid less, hired last, promoted least and given the least demanding work. Statistics as well as statutes reveal the same sad discriminatory pattern and this is so even though women are now a vital part of the economy. Today, 31 million American working women represent 38 percent of the U.S. work force. Despite the growing number of working women and the enactment of various legislation such as the Equal Pay Act and the Civil Rights Act relating specifically to sex discrimination in employment, economic discrimination against women is worsening, not improving.

In 1955, the median salary of full-time, year-round workers was $2,719 for women and $4,252 for men. Women were thus receiving only 63.9 percent of what their male counterparts received. In 1968, while the median salary for women workers had increased to $4,457, that of men had reached $7,664. In other words, women in 1968 received only 58.2 percent of what their male counterparts earned.

Even in fields traditionally associated with women, such as teaching, the economic bias persists. The National Education Association found that in 1965–66 the median wage of women who were members of college teaching staffs was less than half that of men on all professional levels.

Women suffer from discrimination not only in the money they receive, but also in the jobs they are offered. There is not only a money gap, but also a professional gap. Few women have been allowed to enter the professions. Only 1 percent of Federal judges are women, only 1 percent of engineers are women. Despite greater education for women and more freedom from household tasks, women's job opportunities have declined. In 1940, women constituted 40 percent of the professional and technical work force, but by 1968, they constituted only 30 percent. Once again, we see that the problem is getting worse, not better.

The Equal Rights Amendment which I have proposed has often been reported favorably by the Senate Judiciary Committee, most recently in 1964. It has twice passed the Senate, in 1950 and in 1953, and in 1970 it had the support of 87 Senators. Because of the discussion on this proposal in the 91st Congress, some have suggested that changes be made in the amendment which will assure its passage. In fact, Senate Joint Resolution 8 and 9, and House Joint Resolution 208 embody those suggested changes. I oppose such changes as being unnecessary.

The primary issue is in regard to State enforcement. When the Equal Rights Amendment was first introduced in 1923, the enforcement clause read:

> Congress shall have power to enforce this article by appropriate legislation.

This wording of the enforcement clause was adhered to in the resolutions on the Equal Rights Amendment introduced from 1923 to 1943. In 1943, the Senate Judiciary Committee voted to change the enforcement clause by extending the enforcing power to the several States. The enforcement clause as changed by the 1943 Judiciary Committee read:

> Congress and the several States shall have the power, within their respective jurisdictions, to enforce this article by appropriate legislation.

The reference to State enforcement was the major change embodied in this revision. In its report, the committee commented on its reasons for opposing the original clause which restricted enforcement to the Federal level—

First, it envisioned geographic uniformity throughout the United States.

Second, it tended to impair the right of each of the several States to determine for itself its public policy.

Third, it surrendered to the Federal Government the power to enforce the article within the several States by appropriate legislation notwithstanding its effect upon such local statutes as those governing—

The title, transfer, and descent of real estate;

Community property;

Domicile;

Public morals, health, and welfare;

Domestic relations; and

Police power.

I see no reason for changing the wording of the enforcement clause.

The clause serves two important functions. In the first place it gives power to both Congress and the State legislatures to pass affirmative legislation implementing the substantive provisions of the equal rights amendment. Provisions of this nature, such as those embodied in the 13th, 14th and 15th amendments, have come to be important in legislative efforts to enforce the rights guaranteed. The Federal and State governments must, of course, exercise the powers conferred "within their respective jurisdictions."

In the second place the provision is designed to avoid the possibility that the conferring of power upon the Federal legislature will exclude the exercise of State power to implement the amendment. As we know, the Supreme Court has sometimes held that the existence of Federal power in a certain area precludes the States from legislating in that area, even though the Federal power has not actually been exercised. In the case of the equal rights amendment, it is clear that many of the problems in assuring equal rights for women will arise in areas where the States have primary jurisdiction, such as marriage and divorce, property, welfare and the like. It is important therefore, that, although Congress should be given full power to enforce the amendment, the grant of such power to the Federal Government be not construed to preempt the States from legislating.

It will be noted that, in the only other recent amendment which posed a similar question of assuring the continuance of State power—namely the 18th amendment enacting prohibition—a similar provision was included.

Of course, if there is a conflict between legislation passed by Congress and legislation passed by a State, the Federal law takes precedence under the supremacy clause. In the absence of such a conflict, however, the equal rights amendment establishes that the States and the Federal Government have concurrent jurisdiction.

Some have suggested that the provision quoted above might be subject to two interpretations which "would obstruct, not advance, the purposes of the amendment." It is my opinion that such concern is unnecessary. Dean Lewis Pollak of Yale Law School, first voiced such concern in 1970. He believes that Federal courts might read this cause as requiring the same degree of judicial deference to State statutes purporting to implement the amendments as would normally be given to Federal statutes implementing the amendment;" and "this could mean that the parochial—and, as might often be the case, mutually inconsistent—statutes of State legislatures would assume an unprecedented degree of apparent dignity and consequent unreviewability merely because they were denominated implementations of this amendment."

I agree with Professor Emerson's response to Dean Pollack. Professor Emerson stated:

> I do not follow the reasoning on this. There is no constitutional doctrine that the Supreme Court gives less deference to action of State legislatures than it does to action of the Federal legislature. To the extent that any such result obtains in practice, it is due to basic factors inherent in the nature of the Federal system and the function of the Supreme Court. I cannot believe that the Supreme Court would alter its attitude or position on these matters because of a faint, hidden implication in the concurrent jurisdiction clause of the Equal Rights Amendment. Only an explicit command could effectuate such a basic alteration of constitutional law and practice.

The arguments made by Dean Pollak are well worth considering. They have convinced a number of constitutional scholars within the past year. Nonetheless, it is still my contention that such fears can be overcome by developing the proper legislative history stressing that my version of the equal rights amendment is not to preempt the Federal Government from acting to enforce the amendment but to avoid the possibility that the conferring of power upon the Federal legislature will exclude the exercise of State powers to implement the amendment.

Another difference between the current resolution pending on the floor and the traditional equal rights amendment is a requirement that the amendment be ratified within 7 years and that, if ratified, it not take effect until 2 years from the date of ratification. Only four of the 25 amendments adopted so far have contained a requirement that they be ratified within 7 years, and none of the adopted amendments has included a stipulation that it not take effect until 2 years following ratification.

No such provision appears in the 19th amendment establishing women's suffrage, the one most comparable to the traditional equal rights amendment. Nor does any such provision appear in the last three amendments adopted—the 23, 24, and 25. It seems clear that the 7-year limitation has not been considered necessary in the past. Furthermore, the assumption that the States will act within a 7-year period may well be erroneous.

If the States follow the Congress' example in action on the equal rights amendment, it is quite unlikely that the equal rights amendment will be ratified within 7 years. If there is such a delay, then we must begin the entire process once again. I think that the women who have been involved in the equal rights struggle for any length of time can easily document the delay and procrastination they have encountered in their efforts to secure equality for women.

In addition, the clause stating that the effective date of the equal rights amendment should be 2 years from the date of ratification rather than 1 year, is unnecessary. The only prior amendment that has had a limitation on its effective date is the 18th amendment and that was 1 year. There is no reason why 1 year should not suffice in the case of the equal rights amendment.

The traditional amendment's provision for a 1-year period is adequate since both State and Federal legislatures would have time to conform their laws during the ratification process. It should be stressed that, just as a Governor can convene the legislature for the sole purpose of acting on State matters, he has the same authority to convene a special session of the State legislature for the purpose of conforming State statutes with the equal rights amendment. In fact, it would probably be more appropriate to convene such a session rather than attempting to change such discriminatory laws during the normal course of legislative business.

Mr. President, during the past year I have been contacted by many women concerned with the passage of the equal rights amendment. Some of them have worked for decades in its behalf. They have endured frustration and delay, but they have remained undefeated and undaunted. In 1970, when the amendment passed the House and had 87 sponsors in the Senate, they watched in disbelief as their efforts came to naught.

Following that disappointment, they watched as the wording of the amendment—wording which had survived more than 20 years of testing—was altered to suit some of the arguments first raised by its opponents. They have watched as many in the House voted for the newly revised amendment thinking that it was the traditional amendment. Today, I join with these women in sharing a sense of frustration and dismay.

Mr. President, I support the traditional amendment and oppose any substitute to it. There can be no substitute for justice. What women want is equality, nothing more, nothing less. I urge the Senate to respond unanimously to this longstanding call to justice.

Mr. SYMINGTON. Mr. President—

> Equality of rights under the law shall not be denied or abridged by the United States or any State on account of sex.

This statement of principle proposed to be embodied in the Constitution, presages a national and concrete commitment for the equal treatment under law of men and women.

The equal rights amendment concerns legal rights, not private courtesies. In their 1970 report the Missouri Commission on the Status of Women emphasized that:

> It is equal legal rights, equality under the law, women are seeking—not to be men or to replace them. Too often equality has been mistaken for sameness.

A St. Louis Post-Dispatch editorial comment is worth repeating:

> . . . women's equality has nothing to do with opening doors for them or lighting their cigarettes. Such acts symbolize respect, which equality need not destroy. Nor does equality mean that women, in order to be equal, must be able to perform the rigorous physical labors. After all, many men can't. Women's equality has its immediate applications in the area of job accessibility and salaries, but in the broader context it seeks to assure the breadth of opportunity for self-fulfillment that men now enjoy. It has nothing to do with sameness, and if it ever should the game is up.

To be sure some progress, old and new, has been made in long efforts to improve the status of women.

In 1919 the 19th amendment gave women the right to vote. In 1964 title VII of the Civil Rights Act barred discrimination against women in employment where sex was not a bona fide employment qualification.

Despite these and other changes that have been made in both Federal and some State laws, arbitrary classifications persist in most jurisdictions. As example, in some States women are subject to heavier prison penalties than men for commission of the same criminal offense.

In many States, protective labor laws bar women from certain types of occupations or limit the hours or conditions of employment. Although these laws were well-intentioned, the Equal Employment Opportunities Commission has found that their tendency is to discriminate and restrict opportunities rather than to protect women.

I believe women as well as men should have the right to seek those situations in life for which, as individuals, they are qualified. This concept is at the core of the equal rights amendment and admittedly it presents difficulties in its application to military service.

Whereas women now volunteer and serve admirably in the military services, they do so under limitations as to number; also educational and age requirements are different for women than for men.

It is necessary to recognize that equal rights mean also equal responsibilities. This is not to say, however, that all women would be required to undertake military tasks for which they as individuals might not be suited, any more than all men meet the standards required for induction or for particular assignments.

The duties of citizenship should not be considered any less for young women than for young men; else, as Prof. Norman Dorsen of New York University Law School told the Senate Judiciary Committee, the unequal obligations suggest an inferior status for women:

> When women are excluded from the draft—the most serious and onerous duty of citizenship—their status is generally reduced. The social stereotype is that women should be less concerned with the affairs of the world than men. Our political choices and our political debate often reflect the belief that men who have fought for their country have a special qualification or right

to wield political power and make political decisions.

Still another positive aspect concerns fairness in affording women who desire to volunteer to do so and to thereby earn benefits that flow from military service. As example, there are educational benefits under the GI bill, employment preferences inside and outside Government for veterans and also special advantages in home loans.

While the impact of the amendment on domestic relations and child support laws is another troubling area, I have been impressed by the reasoned statements of the Citizens Advisory Council on the Status of Women which support passage. The Council points out that:

> . . . the Equal Rights Amendment would not deprive women of any enforceable rights of support and it would not weaken the father's obligation to support the family. Because it would require complete equality of treatment of the sexes, it might be used to require that the spouses in divided families contribute equally within their means to the support of the children so that the spouse with the children is not bearing the larger share of responsibility for support than the other spouse."

Inasmuch as State laws cover matters relating to marriage, grounds for divorce, property rights of widows and widowers and presumptions as to the parent preferred for child custody, it is well to remember that the Equal Rights Amendment requires the approval not only of two-thirds of the House and the Senate but also three-fourths of the State legislatures.

The ratification process will afford an excellent and needed opportunity for the States to consider the molding of present laws to conform to the greater realities of today's families and to the requirements of the Equal Rights Amendment.

I will vote for the Equal Rights Amendment because I believe it is a symbol needed now to assure that the fundamental law of the United States will afford women an equal opportunity for growth as individuals in accordance with their desires and capacities.

EQUAL RIGHTS—LONG OVERDUE

Mr. HUMPHREY. Mr. President, today is a great day for America. In the next few minutes the Senate will vote overwhelmingly to pass House Joint Resolution 208, the equal rights amendment.

The first equal rights amendment was introduced in the Congress in 1923 and has languished here ever since. The stage has been set since 1920, the year the 19th amendment gave women the vote. Since that time, women have strived to achieve full participation in all facets of American society. Now the time is long overdue for us in Congress to give women what they should have had all along—the rights of all citizens in America.

This afternoon, after 48 long years, we have the opportunity to guarantee their equal protection under the law by voting on final passage of the equal rights amendment.

The case for the amendment has been made clear. We can ill afford to do without the energies and abilities of half of our population. The time has come to bring to the forefront of our national conscience the fact that a nation founded on justice can no longer relegate more than half its population to second-class citizenship.

The American dream—the dream of meaningful participation in all that society offers—must move from dream to reality. The women of America have been systematically excluded from full and meaningful participation. This discrimination tarnishes our Nation and its promise.

The great problem of women in America is a problem of access, alternatives, and opportunity. Women must receive equal pay for equal work. Women must have equal access to leadership positions in business and government. And millions of women—particularly minority women—must be provided with adequate job training so that their opportunities range far beyond domestic employment which often means dead-end jobs at the poverty level.

Today it is not enough that we talk of the Nation's "manpower" needs, we need womanpower as well. You know that when business is bad as it is today the people who are the most expendable are let go first. And all too often the "expendable" people are women.

The problem of women's rights is the problem of human rights. In order to achieve a truly just society, we must attack all aspects of discrimination. Discrimination on the basis of sex will not disappear immediately even with the passage of this amendment today. People will have to change the way they think about the roles of women and men in American society.

As that great American Lucy Stone said in 1855:

> In education, in marriage . . . in everything, disappointment is the lot of the woman. I wish that women, instead of being walking show-cases, instead of begging of their fathers and brothers the last and gayest new bonnet, would ask of them their rights.

Today women are not asking, but finally demanding their full rights as citizens. Are we to remain insensitive to the injustices perpetuated against 104 million of our citizens? Let us begin to redress the injustices of the past by voting overwhelmingly for the passage of the equal rights amendment before us today.

EXPANDING FREEDOM: EQUAL RIGHTS FOR WOMEN; MOSS SUPPORTS EQUAL RIGHTS FOR WOMEN AND MEN

Mr. MOSS. Mr. President, the Senate now faces a rare opportunity to expand equality and liberty in this country. Most of our efforts to extend legal rights in recent years have been directed toward minority groups in our society. Today we have an opportunity to expand equality in the form of a constitutional amendment for the majority of our citizens—for women, who are 51 percent of our population.

Since this amendment was first introduced in 1923, the path toward its adoption has been strewn with parliamentary obstacles. Those have now been swept aside. If the Senate will adopt a constitutional amendment that does not require a conference with the other House, we can insure the passage of an equal rights amendment in this Congress. We can be participants in a very historic event.

WHAT THIS AMENDMENT MEANS

Women face pervasive discrimination in employment practices. This amendment would help to open the occupational structure for those women who desire to work. At present, the median salary income of women is 59.5 percent the level received by men. In spite of the general impression held by the public, this income gap has actually been widening in recent years. It is this kind of discrimination that has led America's teachers to endorse the constitutional amendment by a vote of 83 percent.

Under present law, women are often paid less for jobs that appear to be identical to tasks performed by men. More important than this, however, is the fact that the upper occupational categories are often closed to women, not on the basis of ability, but simply on the basis of being a woman. Though universities are by no means unique, they are one example of this kind of discrimination.

Medical schools received applications from women at an increasing rate over the past three decades. The number of applications rose 300 percent from the period 1929–66. Yet admissions for women actually declined. The average amount of money per scholarship for female students is significantly less than that of male students. The picture does not get better at the graduate level. Many university programs openly discriminate against women in their admission policies. This amendment would mean that such university programs could only exclude women on the basis of qualifications that are applied equally among men and women. There are similar examples throughout society. Universities are by no means peculiar in this discrimination.

The legal rights of America's women would be significantly expanded by the adoption of this constitutional amendment. All married women would be able to hold ownership of personal property; amazingly, some States still prohibit a married woman from holding property in her own name. One State in our Nation imposes jail terms of 30 days on men who are convicted from some crimes, but applies a term of 3 years for women who are convicted on identical charges. This kind of blatant violation of basic equality will no longer be allowed once this constitutional amendment is adopted.

Many of us are now aware of the extensive roots of legal discrimination that still permeate the subsoil of our society. Some States still allow a man to use "passion killing" as a partial defense in court when he feels his marriage has been undone by the acts of his spouse, but do not allow the same defense by women who feel they have been wronged in the same fashion.

These laws often serve to protect men from competition in employment rather than to protect women, as the opponents of this amendment often suggest. When women are not allowed to work more than a limited numbers of hours in some States, and are barred from competing for jobs with certain lifting requirements in other States, then they are often frozen out of jobs. The limitation placed on these jobs should not be stricken—they should simply be applied to both sexes rather than one. If a job has a requirement for strength and physical stamina, that requirement should be applied equally to both sexes.

This amendment will mean that child support, alimony, and other payments related to separation and divorce will be based on the merits of the argument, such as the earning capacity of the parties and the need established in a given situation. These will no longer be determined on the basis of sex. The Citizens' Advisory Council on the Status of Women reported that

> * * * the data available, though often scanty, indicates that in practically all cases, the wife's ability to support herself is a factor in determining the amount of alimony; that alimony is granted in only a very small percentage of cases; that fathers by and large, are contributing less than half the support of the children in divided families; and that alimony and child support awards are very difficult to collect.

It is not likely, therefore, that such payments will be substantially increased by this amendment; what is likely is that judgments regarding such payments will be based upon justifiable criteria rather than on the basis of sex differences.

What this amendment really means is that women will be judged as individuals. When they apply for jobs, they will be judged on their ability, training, and other job-related factors. They will not be branded categorically and faced with a separate, and often prejudicial, set of standards. They will be free to develop in their own individual way.

WHAT THIS AMENDMENT WILL NOT MEAN

The adoption of the equal rights amendment will not lead to the merging of public restroom facilities. The bizarre charges leveled at this amendment are simply not true. It will not impose quotas on all aspects of hiring.

The equal rights amendment would in all probability lead to the drafting of some women if drafting of men is also in process. But it would not mean that women would serve in every aspect of our military effort: if some military jobs, such as certain aspects of combat action, had requirements that eliminated women, then so be it. Women would not serve in those jobs. Neither would the men who did not qualify for the standards set for that specific kind of activity. This would be allowable under the amendment, as long as the standards are set on the basis of the job performance, and not on the basis of sex.

I have consistently supported the goal of a volunteer army. This would eliminate the kind of debate that occurs over whether women should or should not be drafted. Until we reach that point, women would be called upon to serve their country to the same degree that men serve.

It is not true that this amendment would necessarily result in women being drafted into the Armed Forces to the detriment of the family. At present, men who are the sole support of families may claim exemption. When persons are needed to care for their children, exemptions can be granted. These exemptions simply must be uniform for both sexes.

We must make a distinction between "sameness" and "equality." Let me quote from the report issued by members of the House Judiciary Committee:

> "Equality" does not mean "sameness." As a result, the original resolution would not prohibit reasonable classifications based upon characteristics that are unique to one sex. For example, a law providing for payment of the medical costs of childbearing could only apply to women. In contrast, if a particular characteristic is found among members of both sexes, then under the proposed amendment it is not the sex factor but the individual factor which should be determinative.

After the adoption of this amendment, States would have 2 years to clarify their laws on this subject. When present laws create unfair obstacles, I would expect the State legislatures to eliminate those laws. When State laws provide useful protection, such as minimum wage laws in States where only women are covered, I would expect that State to extend those laws to cover all workers regardless of sex. There is ample case law to demonstrate that the courts have the authority to make this kind of extension if the State legislatures do not.

CONCLUSION

The fight for equal rights for women is very close to victory. It is closer than it has ever been before. The time has come, the stage is set, and the need is apparent. I hope that Senators will join together to support these words, unencumbered by any modifying amendments:

> Equality of rights under the law shall not be denied or abridged on account of sex.

EQUAL RIGHTS AMENDMENT PASSAGE IS TIMELY AND NECESSARY

Mr. RANDOLPH. Mr. President, I reiterate my support for the adoption of the resolution insuring equal rights for men and women. I am a cosponsor of this proposed constitutional amendment being debated and have cosponsored several similar amendments in previous Congresses. I have voted against all of the amendments offered to this resolution. Their approval, even in part would have torn into legislative shreds the purpose of this historic effort.

Our Nation was founded on the basis that:

> All . . . are created equal, . . . with certain unalienable Rights, . . . among these are Life, Liberty, and the Pursuit of Happiness. . . .

However, this Declaration of 1776 has not yet applied to those of the female sex.

It is inconceivable to me that, in this supposedly enlightened age, there should be such ponderous deliberation on the equality of humans. Yet, Congress has delayed for five decades the passage of the equal rights amendment, but today will act to rectify this condition.

We are not discussing rights which need be or have been earned but rather rights which American women are willing to accept and desire to receive. There is no such thing as a woman's place. She has always shouldered her share in our society. The contributions of women have been very great in all phases of the development of not only our Nation but the world. Very often, however, we attempt to cut them off summarily from the continuing and expanding productivity of American life. Women have been forced to overproduce and to overperform to overcome the barriers to recognition and acceptance as an effective, viable participant in our society—culturally, socially, and economically.

The enfranchisement of women on August 26, 1920, to participate in the political life of our country was only the first major step in recognizing women's equality under the law. American women have come a long way from the days when nursing and teaching were considered the only proper occupations. Today, one in every three workers outside the home is a women. Women must be encouraged to prepare for whatever jobs they are interested in and aspire to do. No field should be closed to capable and well-trained women. It is not a matter of competition with men but rather permitting each person to make the fullest use of his or her talents. In the recognition of individual differences, we establish a base from which to work on the equalization—not of sex, but of opportunity.

It is past time that these legal barriers be removed. Our affirmative action, of course, will not wipe out sex discrimination prejudices in the minds and activities of private individuals, groups, and companies. By removing the legal restrictions we can accord women greater opportunity to pursue a richer, fuller life and the opportunity to attack the prejudices that continue to exist in the minds of people.

It is appropriate that as we approach our bicentennial that we not only celebrate the creation of our Republic but that we also further the creed on which our great Nation was founded—liberty, justice, and equality for all—by adoption of the proposed 27th amendment to the Constitution. I am certain the necessary 38 States will ratify—and do it soon.

I recommend the Chairman of the Constitutional Amendments Subcommittee (Mr. BAYH) for his leadership and perseverence in this matter and in his continuing efforts to insure that our Constitution and the rights guaranteed therein are available to all Americans. Last year we accomplished such an expansion by the approval of the 26th amendment according 18-19-20-year olds the right to vote, a change which I worked to achieve for almost 30 years.

EQUAL RIGHTS FOR WOMEN—AN AMENDMENT WHOSE TIME HAS COME

Mr. BYRD of West Virginia. Mr. President, there is ample evidence in the report from the Committee on the Judiciary, that equality of rights for women under Federal and State law especially—in employment—does not now exist, and that certain inequities currently and historically suffered by women due to unequal provisions of the law should be eliminated forthwith.

The equal rights amendment to the Constitution now being considered in this body has a legislative history going back almost half-a-century. Shortly after the ratification of the 19th amendment, when women's suffrage became a reality, a constitutional amendment was proposed giving equal rights to men and women. In nearly every Congress since 1923, similar action had been proposed, and resolutions were reported favorably by the Subcommittee on Constitutional Amendments in the 88th, 89th, and 90th Congresses. Resolutions were reported favorably by the Committee on the Judiciary in the 80th, 81st, 82d, 83d, 84th, 86th, 87th, and 88th Congresses.

House Joint Resolution 208, which we are currently considering in this body, was adopted in the House of Representatives in October of 1971 by the overwhelming margin of 354 to 23. By a vote of 15 to 1, the Senate Committee on the Judiciary, on February 29, 1972, ordered House Joint Resolution 208, Senate Joint Resolution 8, and Senate Joint Resolution 9 reported favorably to the Floor of the Senate, unamended.

It is clear from this legislative history that there is strong support for the equal rights amendment in both the House of Representatives and in the Senate. This is as it should be. Sex should not be a factor in determining the legal rights of women or of men, and the discrimination against women prevalent in our laws in the fields of education, business and labor, and private and public employment is an anchronism. While I am sure that these restrictions stem from an original desire to protect, rather than to dispossess, their effect in today's society is appreciably more toward restriction than protection, and they should be eliminated. The adoption by the Senate of the equal rights amendment is an important and necessary step in that direction.

Mr. ERVIN. Mr. President, at long last I have become convinced that a two-thirds majority of the Senate is going to join the House in submitting the equal rights amendment to the States for ratification or rejection. This being true I would like to make some information available to members of legislatures by inserting it in the Record at this point. I ask unanimous consent that two statements made by Prof. Philip Kurland of the University of Chicago Law School and a statement made by Justice Philip Frankfurter, and certain comments made by me thereon be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Congressonal Record, Sept. 14, 1970]

THE EQUAL RIGHTS FOR WOMEN AMENDMENT

Mr. Ervin. Mr. President, one of the most amazing facts in the present debate on the House-passed equal rights for women amendment is that no law professors were called to testify by either the House or the Senate subcommittees considering the matter. It is unbelievable to me that the Congress would seriously consider a proposed amendment to the Constitution which was not discussed at all by those who have spent their lives studying and teaching constitutional law.

In the Senate Judiciary Committee hearings this week, we have attempted to hear several law professors discuss the ramifications of the equal rights for women amendment, if it passes. Yesterday, I placed in the Congressonal Record the statement of Paul J. Freund, of the Harvard Law School, in opposition to this amendment. Today, I ask you to consider the testimony of another outstanding constitutional law expert—Prof. Philip Kurland of the University of Chicago Law School. Professor Kurland is editor of the Supreme Court Review and is truly one of the most knowledgeable men in the United States in his field.

In his statement, Professor Kurland writes that the equal rights amendment is an "instant and simplistic" solution to a complex problem. He foresees many problems resulting from the amendment, including the possible use of quota figures in Federal agencies as a guide to discriminations against women.

While Professor Kurland feels that "the proper answer to the very real problem of inequality now bedevilling some women in this country would be better answered by specific legislation than by the proposed constitutional amendment," he does state that the amendment which I introduced, Senate Joint Resolution 231, would be preferable to the House-passed version.

The passage of a constitutional amendment is serious business, and I hope that every Senator will be able to thoughtfully consider Professor Kurland's statement.

Mr. President, I ask unanimous consent that Professor Kurland's testimony be printed at this point in the Record.

STATEMENT OF PHILIP B. KURLAND

I am honored by the Committee's invitation to appear before it today. I am, however, dubious that I can materially contribute to a solution of the problems confronting you. I come with questions not answers.

My bias should be made clear. I am satisfied, though I cannot provide the Committee with documentary evidence, that women in this country suffer from unreasoned discrimination against them in many phases of their lives, not least in the sphere of employment. I am anxious to help diminish such unjustified discrimination. But I am not sure that the proposed constitutional amendment offers a realistic means for bringing about such a result.

My doubts may be based in part on my personal notions about constitutional amendments. I think that they are clearly the best means of bringing about changes in governmental structure. I think they offer an appropriate means for reversal of constitutional construction by the Supreme Court. I think they may be the necessary means for protecting minorities from imposition by majorities and the unenfranchised from imposition by the enfranchised. Women, however, are neither a minority nor unenfranchised. This would suggest to me that the most appropriate means for securing the desired results on their behalf would be by way of appropriate legislation rather than constitutional amendment.

The answer which this Committee is considering, however, is an amendment to the Constitution. H.J. Res. 264 has already passed the House by an appropriate majority. Its provisions also seem to have been endorsed, if not finally, by the necessary majority of the Senate. Such an answer is in keeping with much of the temper of our times that demands instant and simplistic solutions to complex problems, that assumes that the cure for such problems is the utterance of the magic word "equality," and that the proper governmental agency for effecting the cure is the judiciary. All three of these contemporary attitudes are represented in H.J. Res. 264.

I don't think the answer is that easy, much as I wish it were.

The arguments against the amendment, putting aside that of the unenlightened who would endorse the notion that the only proper place for women is as helpmates for men, are four.

First. It is contended that in light of the newly expanded meaning of the Equal Protection Clause of the Fourteenth Amendment, there is no need for further constitutional provision to protect women against invidious discrimination. It is clear that, to the extent the proposed amendment authorizes legislation by Congress and the States, no addition is needed. Section 5 of the Fourteenth Amendment plus the Commerce Clause gives the Congress an almost unlimited reach in commanding equality between the sexes. There are no inhibitions on State legislatures that would prevent them from doing the same, except for the concept of preemption by either federal legislation or the Commerce Clause. The question remains, however, whether the equality talked about by the Court in construing the Fourteenth Amendment is the same equality as is the subject of the proposed amendment. Only if the answer to that question is in the affirmative does the proposed amendment become redundant. The ambiguity of meaning of the proposed amendment does not make clear its equation with current Equal Protection Clause doctrines.

Second. It is argued that the proposed amendment will raise a myriad of legal problems involving such matters as family law and decedent's estates to the status of constitutional issues that will have to be decided by a Supreme Court already unduly burdened with an unbearable load of constitutional business. The answer offered to this argument is that any fundamental change in the social structure of our society to be brought about by constitutional amendment will place such a burden on the federal judiciary. The Court itself has shown no reluctance to add similar social issues to its docket. Insofar as more important matters make claims on the Court's jurisdiction, it remains within the discretion of the Court to decide which cases it will decide. Again, the extent of the burden may well depend upon the clarity of purpose and meaning of the proposed amendment. The more ambiguous it is, the greater the problem of constitutional adjudication will be.

Third. It is said that the proposed amendment will invalidate a host of state laws enacted not for the purpose of discriminating against women but with the objective of favoring them. One can readily see the difficulty of determining whether a law favors or discriminates against women. For example, my classical economist friends would say that laws protecting women against overtime work and night work do not in fact favor them because these laws place women at a competitive disadvantage in the employment market. In any event, the question of the extent to which laws classifying on the basis of sex would be invalidated would again depend on the meaning and purpose of the proposed amendment.

Fourth. It is suggested that the proposed amendment seeks not equality of the two sexes before the law but identity of them. Surely the elimination of differences between men and women cannot be obliterated by constitutional fiat. And the current state of knowledge of the biological sciences is not yet adequate to bring this about as a fact. But once more we are thrown back to the question of the meaning and purpose of the proposed amendment.

It is evident that the language of the proposed amendment is itself too barren to provide sure answers to these objections. It simply provides that: "Equality of rights under law shall not be denied or abridged by the United States or by any State on account of sex." With all due respect to Senator Ervin, I cannot agree with his statement on the floor of the Senate that the difficultly inheres in the construction of the word "sex." For me, at least, it derives rather from the use of the word "equality."

It was almost a century ago that Sir James Fitzjames Stephen, in his book, *Liberty, Equality, and Fraternity,* asserted that "equality is a word so wide and vague as to be by itself almost unmeaning." Nothing that has happened in the intervening years has done anything to make it more specific.

It seems to me, therefore, that it is incumbent on Congress, unless it wishes to leave the matter wholly in the hands of the federal judiciary, to attempt to define, to the extent that it can, what it means by the word "equality" as it is used in the proposed amendment. It can do this in two ways. The first and better way would be to write its meaning into the language of the amendment itself. Certainly this is a difficult undertaking. And perhaps the political situation being what it is, Senators and Congressmen may well believe that it is the greater part of wisdom not to risk the costs of delay in the preparation of the amendment. I would remind them, however, that constitutions are not written for the moment. Henry Clay once said on the floor of the Senate, admittedly with some hyperbole, that constitutional provisions are "not merely for the generation that then existed, but for posterity—unlimited, undefined, endless, perpetual posterity." Perhaps, then, it is worth the cost of delay to present an amendment the meaning of which is as clear as it is in the power of Congress to make it.

The alternative to careful drafting of the amendment itself is the careful preparation of the legislative history, primarily by way of the report of this Committee to the Senate. This is no certain cure for the defects of ambiguity. The resort by Justices of the Supreme Court to the legislative history behind the Reconstruction Amendments makes clear the dangers of this game. Legislative history will as frequently compound the confusion as resolve it. Nevertheless, if this is the only open road, it must be taken.

The essential question to be answered by this Committee's report then, if nowhere else, is what it understands to be the meaning of "equality" as used in the proposed amendment. Again, this is no easy task. Hints may be found in some data of Mr. Justice Frankfurter in his construction of the Equal Protection Clause of the Fourteenth Amendment. In *Whitney* v. *Tax Commission* (309 U.S. 530, 542 (1940)) he said: "The Equal Protection Clause was not designed to compel uniformity in the face of difference." And during the same Term, he announced in *Tigner* v. *Texas* (310 U.S. 141, 147 (1940)): "The Constitution does not require things which are different in fact or opinion to be treated by the law as though they were the same." It was his belief, as stated in *Dennis* v. *United States* (339 U.S. 162, 184 (1950)) that "there is no greater inequality than the equal treatment of unequals." And it was Mr. Justice Holmes who told us that: "The Constitution is not to be satisfied with a fiction." (*Hyde* v. *United States*, 225 U.S. 347, 390 (1912).) I should think that these statements would provide a clue for the meaning of the word "equality" in the context that it is to be used. Governmental distinction between males and females must be justified in fact before it can pass muster under the proposed amendment. If the distinction is based on reason, then the legislation should be presumptively valid. The mere fact that there are two sexes is not reason in itself for distinguishing between them in legislation. On the other hand, that a distinction is drawn between them in legislation should not be sufficient to invalidate the law.

It may be said that this is already the command of the Equal Protection Clause. And it may well be. But there are cases that suggest this is not true. Nor has such a clear doctrine emerged from the Supreme Court's Equal Protection cases as to make this construction certain.

There are other questions to which the Committee should address itself, questions revealed by recent Supreme Court cases and others on their way to adjudication in that tribunal.

One question is whether the proposed amendment would tolerate in certain circumstances a doctrine of separate but equal facilities. Certainly there are still some, albeit old-fashioned, notions of privacy that might properly evoke the use of such a rule.

A second area of concern should be to what extent does the amendment by its terms condemn only governmental action and when does private action become government action for purposes of the amendment. Still further, to what extent is it contemplated that the authorization for legislation contained in the proposed amendment is to be restricted by a limitation to "state action?"

Finally, the Committee might like to speak to the issue whether the proposed amendment contemplates legislation authorizing "compensatory discrimination" or "benign quotas." This necessarily involves the problem of what constitutes proof of discrimination and the problem of remedies. Should it be enough, for example, to show that the ratio of male employees to female employees at the executive level in the Department of Labor or the Department of Health, Education, and Welfare is not in the same proportion as men to women in the population at large? If proof of discrimination is made what are appropriate remedies for its elimination?

When the time comes for the Supreme Court to look to the legislative history of the proposed amendment to aid it in providing answers to these questions, the answers should be there for them to find.

Let me turn to the proposed alternative in S.J. Res. 231. It must be apparent that the Senate proposal answers more of the questions that I have raised than does the House amendment. It certainly does not answer all of them. And it creates a problem of its own, to define more precisely the area covered by the general proposition in light of the exceptions thereto.

There is clearly one fact that speaks up loudly for the choice of the Senate proposal. Times have changed in such a way that it may well be possible for the generation of women now coming to maturity, who had all the opportunities for education afforded to their male peers and who had an expectation of opportunities to put that education to the same use as their male peers, to succeed in a competitive society in which all differences in legal rights between men and women were wiped out. There remains a very large part of the female population on whom the imposition of such a constitutional standard would be disastrous. There is no doubt that society permitted these women to come to maturity not as competitors with males but rather as the bearers and raisers of their children and the keepers of their homes. There are a multitude of women who still find fulfillment in this role. In the eyes of some, this may be unfortunate, but it is true. It can boast no label of equality now to treat the older generations as if they were their own children or grandchildren. Nor can women be regarded as unified in their desire for change. Certainly the desire to open opportunities to some need not be bought at the price of removal of legal protections from others. The Senate proposal would allow for such differences, the House proposal would not.

In summary then, I think that the proper answer to the very real problem of inequality now bedeviling some women in this country would be better answered by specific legislation than by the proposed constitutional amendment. If the route of constitutional amendment is taken, the amendment ought clearly to spell out what it means. If this cannot be accomplished by new drafting, then it should be attempted by explanation in this Committee's report to the Senate. As between the House version and the Senate version of proposed constitutional amendments, there are good reasons for choosing the latter.

[From the CONGRESSIONAL RECORD, Jan. 31, 1972]

VIEWS OF JUSTICE FELIX FRANKFURTER ON THE EQUAL RIGHTS AMENDMENT

Mr. ERVIN. Mr. President, many years ago the late Justice Felix Frankfurter wrote to the New Republic magazine which I feel expresses a great deal of truth about the equal rights amendment that will soon be considered by the Senate. Justice Frankfurter certainly expresses my feelings in his letter when he states that he "cares as deeply as a man can care for the elimination of unjustifiable differentiations in law between men and women," but Justice Frankfurter goes on to criticize the strenuous efforts of the equal rights for women advocates to remove all differences in the law in the treatment of women and men. Justice Frankfurter concludes his letter by stating that—

"The Woman's Party cannot amend nature. But it can add considerably to the burdens already weighing too heavily upon the backs of women, the industrial workers, who are least able to bear them."

I certainly agree with Justice Frankfurter and I hope every Member of the Senate will read his letter as a contribution of a very wise man to the up-and-coming debate on the amendment. Realistically, I feel the soundness of his pronouncements are evidenced by the fact that most labor unions in this country, including AFL–CIO, strongly oppose the equal rights amendment.

Mr. President, I ask unanimous consent that the letter by Justice Felix Frankfurter which appeared in the New Republic be printed in the RECORD.

UNIVERSITY OF CHICAGO,
Chicago, Ill., April 6, 1971.

Representative DON EDWARDS,
House Judiciary Committee,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. EDWARDS: If the record on the equal rights amendment hearings is not yet closed, I should like to append thereto a letter by Felix Frankfurter, written to the New Republic way back in 1924 but which still has, I think, great relevance to the issues pending before the committee.

I regret very much that my mother's very serious illness prevented me from attending the hearings.

Sincerely yours,

PHILIP B. KURLAND.

THE EQUAL RIGHTS AMENDMENT

Miss Crystal Eastman challenges the gallantry of men by offering as a poser, in connection with the "equal rights" amendment of the Woman's Party, the question: "How would you feel about it if you were a woman?" Her question assumes a power of imagination which, alas, has been denied to mere man just because he can only think within his own skin. Therefore, I can't tell her how I would feel about it as a woman. It may be more relevant for me to tell her how I feel about it as one who cares, I suspect, as deeply as a man can care for the elimination of unjustifiable differentiations in law between men and women, but one who also happens to be a lawyer and perhaps familiar with what law can do and what law cannot do, in the significant details that matter.

The legal position of woman cannot be stated in a single simple formula, especially under our constitutional system, because her life cannot be expressed in a single simple relation. Woman's legal status necessarily involves complicated formulation, because a woman occupies many relations.

The law must have regard for woman in her manifold relations as an individual, as a wage-earner, as a wife, as a mother, as a citizen. Only those who are ignorant of the nature of law and of its enforcement and regardless of the intricacies of American constitutional law, or indifferent to the exacting aspects of woman's industrial life, will have the naivete or the recklessness to sum up woman's whole position in a meaningless and mischievous phrase about "equal rights." (I am aware that Crystal Eastman once upon a time knew something about law; but that was long ago and far away. Now she disregards her former learning and writes as a "feminist.") Nature made man and woman different: the Woman's Party cannot make them the same. Law must accommodate itself to the immutable differences of nature. For some purposes men and women are persons and for these purposes the law should treat them as persons, subjecting them to the same duties and conferring upon them the same rights. But for other vital purposes men and women are men and women—and the law must treat them as men and women, and, therefore, subject them to different and not the same rules of legal conduct.

The unjustifiable legal differentiations as to women still existing in different States vary greatly from State to State. Now that women have the vote, these discriminations will readily yield to correction by appropriate State action, provided the attempts at reform are preceded by an effective analysis of the legal situation in each State, an understanding formulation of remedies and an adequate educational exposition of the evils and remedies as a preliminary to legislation. But in a binding effort to remove remaining differences in the law, in the treatment of women as compared with men, which do not rest on necessary policy based on inherent differences of sex, the Woman's Party would do away with all differences which arise from the stern fact that male and female created He them. The Woman's Party cannot amend nature. But it can add considerably to the burdens already weighing too heavily upon the backs of women, the industrial workers, who are at least able to bear them.

[From the CONGRESSIONAL RECORD, Feb. 4, 1972]

UNIVERSITY OF CHICAGO LAW PROFESSOR OPPOSES EQUAL RIGHTS FOR WOMEN AMENDMENT

Mr. ERVIN. Mr. President, one of the Nation's most outstanding law professors, Philip B. Kurland, professor of law at the University of Chicago Law School and editor of the Supreme Court Review testified last year before the House Judiciary Committee in opposition to the equal rights for women amendment.

In his statement, Professor Kurland maintains that adequate authority now exists for the legislatures of the States and Congress to pass legislation "that is directed to specific evils and effective administration of that legislation will be far more effective in accomplishing the purpose of eliminating invidious discrimination." I agree with Professor Kurland and I think that the advocates of the equal rights amendment could make much better use of their time in bringing forth specific proposals before Congress and the State legislatures that would be designed to correct specific areas of discrimination against them.

Professor Kurland finds a great deal wrong with the fact that the equal rights amendment could be interpreted to abolish all legal differences in the treatment of men and women. Professor Kurland called this "a demand for unisex by constitutional mandate." And, with simple clarity, Professor Kurland explains what is wrong with the unisex amendment. He said:

"There are physiological and biological differences between men and women that are not subject to eradication even by constitutional amendment."

Professor Kurland discusses in detail one very practical problem which could be caused by the passage of the equal rights amendment. I sincerely hope that each Senator, before voting on the equal rights amendment, will think about this problem. Professor Kurland has this to say:

"Times have changed in such a way that it may well be possible for the generation of women now coming to maturity to surrender all special legal protection and privileges. A great majority of them have had all the opportunities for education and training afforded to their male peers, with an expectation of full opportunities to put that education and training to the same use as their male peers. They may well be able to succeed in a competitive society in which all differences in legal rights between men and women were wiped out. There remains, however, a very large part of the female population on whom the imposition of such a constitutional standard could be disastrous. There is no doubt that society permitted these women to come to maturity not as competitors with males but rather as the bearers and raisers of their children and the keeper of their homes. There are a multitude of women who still find fulfillment in this role. This may be unfortunate in the eyes of some; it remains a fact. It can boast no label of equality now to treat the older generations as if they were their own children or grandchildren. Nor can women be regarded as unified in their desire for this change. Certainly the desire to open opportunities to some of them can be achieved without the price of removal of the protection of others."

Mr. President, I ask unanimous consent that Professor Kurland's statement be printed at this point in the RECORD.

STATEMENT BY PHILIP B. KURLAND, PROFESSOR OF LAW, THE UNIVERSITY OF CHICAGO

I am grateful to the committee for its invitation to express my views on the subject of a proposed constitutional amendment to provide "equal rights for women." I am not sure that I have any contribution to make to a subject that has received such extensive attention by the Congress over a period of almost 50 years now.

Indeed, I have but two points to make to this committee on the subject. First, I do not believe that a constitutional amendment is either necessary or appropriate to alleviate the very real discriminations suffered today by women in American society. I say this for two reasons. The discriminations from which women suffer in our society are essentially not those imposed by laws of either national or local governments. I submit, too, that legislation, for which Congress and the States already have ample authority, that is directed to specific evils and effective administration of that legislation will be far more effective in accomplishing the purpose of eliminating invidious discrimination.

My second proposition is that if such an amendment is to be proposed by Congress, its aims and purposes are to be clearly delineated, either in the language of the amendment or by the reports of the committees recommending the amendment to the respective houses of Congress. Congress should particularly indicate whether it is fostering a "unisex" approach or one that bars only invidious discrimination against women. They are not the same, however much some of the sponsors of the proposed amendments would like them appear to be the same.

At the risk of trying to teach my grandmother to suck eggs, I should like to begin by referring to the tortured history of the proposed amendment.

I. SOME LEGISLATIVE HISTORY

Last year, some 47 years after it was first proposed in Congress, a joint resolution to initiate an equal rights amendment was sprung from the grasp of this committee, rushed through the House after a debate of less than 1 hour, and failed of endorsement in the Senate by a whisker. The 1923 version was put simply and ambiguously: "Men and women shall have equal rights throughout the United States and in every place subject to its jurisdiction. Congress shall have power to enforce this article by appropriate legislation." Obviously, the language so chosen was rife with problems of appropriate construction. The 1970 language, in a form that has essentially been used for the last 15 years or so, and repeated in the proposed resolutions under consideration here today, afforded different, but no less challenging, ambiguities. It reads:

"Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation."

The proposal for an equal rights amendment obviously had not lain dormant between 1923 and 1970. After the initial impetus provided by the suffragettes, it emerged again in the period following the Second World War, during which much of what had therefore been considered men's work was ably performed by women. Indeed, in the years 1942, 1944, 1946, 1948, 1950, 1952, 1953, 1956, and 1962, the Senate Committee on the Judiciary had reported favorably on essentially the same proposal as that under consideration in 1970. And, in 1950 and 1953, the Senate had approved those resolutions with the votes of 63 to 19 and 73 to 11, respectively. There was, therefore some irony in the fact that the proposal that had in the past succeeded in the Senate but languished in the House of Representatives should, in 1970, have met its doom in "the other body" after passage in the House of Representatives.

There is an explanation for this. The Senate had not in fact changed its position in the interim. The two successful Senate forays in 1950 and 1953, had been accomplished only after the proposal had been amended by Seantor Hayden's language, which appended the following: "The provisions of this article shall not be construed to impair any rights, benefits or exemptions conferred by law upon persons of the female sex." Had the proponents of the 1970 proposal taken cognizance of this history and accepted the conditions of the Hayden qualifications, I venture that the proposal would have again readily secured Senate acquiescence. The refusal by some protagonists to accept the qualification was probably not, however, inadvertent; it was calculated. It represented a deliberate choice between two different objectives, either but not both of which the proposed amendment might fully serve.

II. CONSTRUCTION AND RECONSTRUCTION

Mr. Justice Frankfurter once told us: "Legislation has an aim; it seeks to obviate some mischief, to supply an inadequacy, to effectuate a change of policy, to formulate a plan of government. That aim, that policy is not drawn, like nitrogen, out of the air; it is evinced in the language of the statute, as read in the light of other external manifestations of purpose. That is what the judge must seek and effectuate, and he ought not to be led off the trail by tests that have overtones of subjective design." If it is the duty of the judiciary to effectuate the aim of legislation, it is no less the duty of the legislation, to the best of its capacity, to make clear what its aims are. It ought to say what mischief it wishes to obviate, what inadequacy it wants to supply, what change of policy it desires to effectuate, or what the plan of government is that it is seeking to formulate. If it is an act of usurpation for the judiciary to read legislation to effect its own aims and purposes, it is an act of abdication for the legislature to fail to state its purposes and aims in framing the legislative act that it promulgates.

The prime difficulty with the proposed 1970 equal rights amendment was that the National Legislature came close to approval of constitutional legislation without defining—without knowing?—its aims and purposes. This is not a lawyer's cavil. It was a defect so patent that newspaper editorial writers could see it. Thus, the New York Times wrote:

"Equal rights for women is a proposition so unarguable in principle and so long overdue in practice that it is a pity to have it approached by the House of Representatives as an exercise in political opportunism. For 47 years that body regularly rejected out of hand all proposals for a women's rights amendment to the Constitution. Now it approves, without committee hearings and after only an hour's debate, a constitutional change of almost mischievous ambiguity."

The Times itself was guilty of compounding the confusion, for it fell into the trap of thinking that equal rights and women's rights are necessarily descriptive of the same legislative objectives. It is of the essence of the problem that frequently they are not. And so there is merit in its desire for elimination of almost mischievous ambiguity, just as there is merit in the editorial proposal of the Wall Street Journal: "Well, we're all for the ladies, but even so, before we write some new words into the Constitution it would be nice to know what they really do mean."

A. A basic conflict of purpose

The primary problem of construction offered by the proposed equal rights amendment derives from the fact that the movement for women's rights is Janus-faced. The proposed amendment presented one aspect, while much of its support was voiced in terms of its other visage. The first would command the treatment of men and women as if there were no differences between them, even at the price of removing protections and benefits that have otherwise been afforded to females. It was a demand for unisex by constitutional mandate. And much of the benefit of such a proposal, to the extent it was possible to effectuate it, would inure to males rather than females, since equality may be attained by applying to all the rules that had theretofore been applied only to females, such as a lower age of emancipation, no legal obligation of family support, exemption from military service.

The second attitude sought only the elimination of discrimination against women, a ban on treating females as a disabled class. Legislation purporting to afford—and in fact affording—privileges to women that were not also available to men would not run afoul such constitutional provision. The difference is essentially the difference between the amendment without the qualifying Hayden language, and with it. And herein lies the conflict among those who would support some constitutional amendment to abate the legal incapacities of women, certainly a sufficient majority of both the House and the Senate to promulgate a proposed amendment if they could but agree on its purpose and function.

There are some basic difficulties with the unisex approach, not the least of which is that there are physiological and biological differences between men and women that are not subject to eradication even by constitutional amendment. Practically, of course, this may present no difficulties for the very reason that nature cannot be subjected to human laws while humans must bow to the laws of nature. The essential claim for such a declaration of equality of the sexes is its symbolic value. The temper of our times demands instant and simplistic answers to complex problems. And it is this temper that assumes that the cure for such problems lies in the incantation of the word "equality" by our highest governmental means, the Constitution, or by the voice of the Constitution, the Supreme Court of the United States. Without denying the importance of symbols, it is necessary to recognize that when they are only the creatures of the Constitution, thus far at least, their effect has been less than pervasive.

A second difficulty with a constitutional mandate of instant equality of the sexes is that proferred by history. Times have changed in such a way that it may well be possible for the generation of women now coming to maturity to surrender all special legal protection and privileges. A great majority of them have had all the opportunities for education and training afforded to their male peers, with an expectation of full opportunities to put that education and training to the same use as their male peers. They may well be able to succeed in a competitive society in which all differences in legal rights between men and women were wiped out. There remains, however, a very large part of the female population on whom the imposition of such a constitutional standard could be disastrous. There is no doubt that society permitted these women to come to maturity not as competitors with males but rather as the bearers and raisers of their children and the keeper of their homes. There are a multitude of women who still find fulfillment in this role. This may be unfortunate in the eyes of some; it remains a fact. It can boast no label of equality now to treat the older generations as if they were their own children or grandchildren. Nor can women be regarded as unified in their desire for this change. Certainly the desire to open opportunities to some of them can be achieved without the price of removal of the protection of others.

On the other hand there are also difficulties in an amendment that does not ban all legislative distinction in treatment of men and women, that would leave unchallenged those laws that purported to confer, in Senator Hayden's language, "rights, benefits or exemptions * * * upon persons of the female sex." The question when a statute confers a benefit rather than imposing a disability is often difficult to answer. The most cited example of the problem are those laws that provide for minimum wages, maximum hours, limitations on night work, and requirements of sanitary conditions for women workers. Certainly since Louis D. Brandeis fought for the validity of such legislation, it has been assumed by right-thinking people that the legislation was for the benefit of women.

Classical economists, on the other hand, are clear that such laws put women at a competitive disadvantage in the employment market. A Department of Labor study, however, purported to show that there was no difference in women's employment between those States that have laws providing minimum wages or banning night work and those that didn't and only a very small difference between the States that banned women's overtime work and those that did not. This sort of question, whether the legislation affords privilege or imposes disability, however, may be one appropriate or judicial resolution on a case by case basis, with the results dependent on the facts adduced and the values assigned to them.

B. The problem of equality

If an amendment were passed that in effect prohibited all legislative classification in terms of sex, the results might not be desirable but the problems of construction would be minimal. The judicial answers could be mechanical and, therefore easy. The difficulty is that not even the sponsors of such a unisex amendment have made the claim for rigid classification. Apparently embarrassed by the prospect of the abolition of such existent requirements as separate toilet facilities for men and women or the availability of maternity leaves, proponents of the equal rights amendment asserted that certain distinctions could continue to be maintained, so long as the principle of equality is assured. The concept of equality is not, however, one that is easily defined or confined.

The phrase "equal rights" might be repeated an infinite number of times without providing additional guidance to the speaker or listener. Mr. Justice Cardozo noted some time ago that "a great principle of constitutional law is not susceptible of comprehensive statement in an adjective." And it was almost a century ago that Sir James Fitzjames Stephen asserted that "equality is a word so wide and vague as to be by itself almost unmeaning." Nothing that has happened in the intervening years has done anything to make it more specific.

There are suggestions in some of Mr. Justice Frankfurter's opinions to mark the perimeter of a constitutional notion of equality that have an appeal, if only to a small audience. In *Whitney* v. *Tax Commission,* he pointed out that: "The equal protection clause was not designed to compel uniformity in the face of difference." And, in the same term of Court, he announced in *Tigner* v. *Texas.* "The Constitution does not require things which are different in fact or opinion to be treated by the law as though they were the same." It was also his view that "there is no greater inequality than the equal treatment of unequals." Applying these notions in the context of the equal rights amendment, one might work out some generalizations. Governmental distinction between males and females would have to be justified in fact before it could pass muster under the proposed amendment. If the distinction were based on reason, then the legislation should be presumptively valid. The mere fact that there are two sexes should not be reason in itself for distinguishing between them in legislation. On the other hand, the mere fact that a distinction was drawn between them ought not to suffice to invalidate the law. I should think that appropriate data of sociological conditions, especially those deriving from a history of different treatment of the sexes, might warrant the continuance of certain benefits and protections. This should certainly be true of laws relating to domestic relations where marriage contracts were made under laws that created certain expectations or obligations of one spouse to the other, including the male's obligation to support not only his wife but his children as well.

C. The Equal Protection Clause

Such a construction necessarily raises the question whether the equal protection clause of the 14th amendment does not already afford all that the proposed equal rights amendment would offer. The difficulty is that the other informed answer must be that it probably does, but we have no definitive construction by the Supreme Court to give us adequate assurance. Certainly there are cases in the past that raise some doubts that this notion of nondiscrimination on the ground of sex has yet been constitutionally established. Certainly *Breedlove* v. *Suttles, Goessart* v. *Cleary,* and *Holt* v. *Florida,* to the extent that they are still viable precedents, do not make it clear that classification by sex is yet regarded, under the 14th amendment, as a "suspect classification" like those of race or religion.

On the other hand, there can be little doubt that the 14th amendment together with the Commerce clause give more than adequate authority to the national legislature to ban discrimination on the basis of sex. And the 1964 Civil Rights Act affords ample evidence that the power can be utilized where the legislature finds that such invidious discrimination needs extirpation.

The scope of the 14th amendment as a direct restraint on Government action still reveals some ambiguities, however, that would also trouble the proposed equal rights amendment. To what extent is the constitutional ban to be read as one against State action only? When is individual action to be treated as State action? And to what degree does the constitutional ban on discrimination authorize legislation providing for "reverse discrimination" or "benign quotas?" If a new amendment does not—and it is not likely that it will—reveal the answers to these questions in its language, it would be helpful to its proper construction to know from the legislative history what Congress thought to be the proper answer to these questions. As of now, the entire legislative history—from 1923 to 1970—is less than enlightening on these subjects.

I tend to believe that an equal rights amendment would be more important for its enabling clause than for its direct substantive effect, especially if the "unisex" construction were not adopted. And such an enabling clause would certainly add little to what is already provided by the 14th amendment and the Commerce clause. Today, the area of governmentally compelled or sanctioned discrimination against women is very limited and is growing smaller all the time. It should be noted, for example, that some of the primary planks of the "women's liberation" platform, such as the right to abortion, or to "child care centers," would be totally unaffected by the proposed amendment even in its "unisex" version.

III. CONCLUSION

I come back to the point at which I started. I don't think that the controversy over the proposed amendment goes to the question whether invidious discrimination against women should be eliminated, but rather to the question of the appropriate means for accomplishing that objective. If the answer is to be by amendment, which I regard as unnecessary because the legislative power that it would confer already exists, the amendment should be something more than a license to the judiciary to create that kind of amendment that Congress was itself unable to frame. Congress should, at least, choose between a proposal that would purport to say that there are no differences between men and women that are cognizable by law and its alternative that would seek to protect women against discrimination.

Mr. ERVIN. Mr. President, I ask unanimous consent to have printed in the RECORD the minority views expressed by me in respect to the committee report.

There being no objection, the minority views were ordered to be printed in the RECORD, as follows:

MINORITY VIEWS OF MR. ERVIN

Is the Equal Rights Amendment to be the Tonkin Gulf Resolution of the American social structure?—Dr. Jonathan H. Pincus, Professor of Neurology, Yale Medical School.

I. INTRODUCTION

To abolish unreasonable and unfair discriminations against women is a worthy goal. No one believes more strongly than I that discriminations which society makes against women in certain areas of life ought to be abolished and they ought to be abolished by law in every case where they are created by law.

To stop discriminations against women we are considering Constitutional amendments which would abolish all legal distinctions between men and women. Therefore, the question to be resolved by the Senate is that: Should all laws which treat men and women differently be abolished and should the Federal government and the State legislatures be forbidden by the Constitution to pass any such legislation in the future?

Before we abolish all legal differences in the treatment of men and women to reach the admittedly unfair discriminations which do exist against women, I believe that we should consider the following questions:

1. What is the character of the unfair discriminations which society makes against women?

2. Does it require an amendment to the Constitution of the United States to invalidate them?

3. If so, would the Equal Rights Amendment constitute an effective means to that end? In other words, would the ERA reach areas in which the Congress does not really want to act?

It is the better part of wisdom to recognize that discriminations not created by law cannot be abolished by law. They must be abolished by changed attitudes in the society which imposes them.

II. DO WOMEN REALLY WANT THE EQUAL RIGHTS AMENDMENT?

One of the recurring myths that surround the equal rights for women amendment is the allegation that all women are for the amendment. This is not so.

The only detailed poll that has been taken on women's feelings on the equal rights question was done by Elmo Roper in September 1971. It is interesting to compare the feelings of women on specific subjects with what the sponsors of the equal rights amendment, including Congresswoman Griffiths, indicate will be the effect of the amendment.

a. In Elmo Roper's poll, 77 percent of the American women disagree "that women should have equal treatment regarding the draft." Yet, there is no doubt that all those interpreting the amendment believe that it will cause women to be drafted and to serve in combat. A *Yale Law Journal* article which the amendment sponsors, including Congresswoman Griffiths, have lauded as explaining how the amendment will work after passage says, "the amendment permits no exception for the military . . . Women will serve in all kinds of units, and they will be eligible for combat duty."

b. In Elmo Roper's poll, 83 percent of American women disagree that "a wife should be the breadwinner if better wage earner than husband." Yet, the supporters of the amendment in the *Yale Law Journal* say that "the equal rights amendment would bar a state from imposing greater liability for support on a husband than on a wife merely because of his sex . . . child support sections of the criminal nonsupport laws could not be sustained where only the male is liable for support."

c. In the Elmo Roper poll, 69 percent of American women disagree that "a divorced woman should pay alimony if she has money and her husband hasn't." Yet, the supporters of the amendment say in the *Yale Law Journal* that "the equal rights amendment would not require that alimony be abolished but only that it be available equally to husbands and wives."

In interpreting these figures, it is important to remember that these large percentages of American women do not want the very things the ERA proposes. The primary sponsors of the ERA, including Congresswoman Griffiths, maintain that: A wife should have the legal responsibility for family support if she is the better wage earner; the alimony laws should apply equally to men and women with the result that a divorced woman should pay if she has the money; the draft laws should apply equally to men and women with the result that women will serve in combat.

So what we have with the equal rights amendment is a proposition that will destroy all legal distinctions between men and women and the majority of men do not want this and the majority of women do not want this.

III. UNFAIR EMPLOYMENT DISCRIMINATION

From the information given me by many advocates of the Equal Rights Amendment and from my study of the discriminations which society makes against women, I am convinced that most of the unfair discriminations against them arise out of the different treatment given men and women in the employment sphere. No one can gainsay the fact that women suffer many discriminations in this sphere, both in respect to the compensation they receive and the promotional opportunities available to them. Some of these discriminations arise out of law and others arise out of an absence of law.

When I sought to ascertain from them the specific laws of which they complain, the advocates of the Equal Rights Amendment have cited certain state statutes, such as those which impose weightlifting restrictions on women, or bar women from operating saloons, or acting as bartenders, or engaging in professional wrestling. Like them, I think these laws ought to be abolished. I respectfully submit, however, that resorting to an amendment to the Constitution to effect this purpose is about as wise as using an atomic bomb to exterminate a few mice.

Let me point out that Congress and the Executive Branch have done much in recent years to abolish discriminations of this character insofar as they can be abolished at the Federal level.

a. Under the Equal Pay Act of 1963 (29 USC 206) Congress made it obligatory for employers to pay men and women engaged in interstate commerce or in the production of goods for interstate commerce equal pay for equal work, irrespective of the number of persons they employ.

b. Under Title VII of the Civil Rights Act of 1964 (42 USC 2000) Congress decreed that there can be no discrimination whatever against women in employment in industries employing 15 or more persons, whose business affects interstate commerce, except in those instances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of the enterprise. Just recently, the Congress has vastly extended the powers of the Equal Employment Opportunity Commission to enforce women's employment rights by allowing the EEOC to seek enforcement orders from the Federal District Court.

c. The President and virtually all of the departments and agencies of the Federal government have issued orders prohibiting discrimination against women in Federal employment, and have provided for affirmative action in the hiring and promotion of women.

Moreover, State Legislatures have adopted many enlightened statutes in recent years prohibiting discrimination against women in employment.

If women are not enjoying the full benefit of this Federal and state legislation and these executive orders of the Federal government, it is due to a defect in enforcement rather than a want of fair laws and regulations. Since the ERA is not self-enforcing, this defect in enforcement will survive the passage of the amendment, and women will still have to bring suits to enforce their rights in the employment sphere with no more remedies than they presently enjoy.

IV. EQUAL RIGHTS AMENDMENT UNNECESSARY BECAUSE OF THE 14TH AMENDMENT

A good case can be made for the proposition that it is not necessary to resort to a Constitutional amendment to abolish state laws which make unfair discriminations between men and women in employment or any other sphere of life. This argument rests upon the Equal Protection Clause of the Fourteenth Amendment which prohibits states from treating differently persons similarly situated, and is now being interpreted by the courts to invalidate state laws which single out women for different treatment not based on some reasonable classification.

To be sure, the Equal Protection Clause may not satisfy the extreme demands of a few advocates of the Equal Rights Amendment who would convert men and women into beings not only equal but alike, and grant them identical rights and impose upon them identical duties in all the relationships and undertakings of life.

It cannot be gainsaid, however, that the Equal Protection Clause, properly interpreted, nullifies every state law lacking a rational basis which seeks to make rights and responsibilities turn upon sex.

My view is shared by legal scholars. Their views on this subject are succinctly expressed by Bernard Schwartz in his recent commentary on the Constitution of the United

States which declares "that a law based upon sexual classification will normally be deemed inherently unreasonable unless it is intended for the protection of the female sex."

The best example of the Supreme Court's willingness to use the 14th Amendment to strike down laws which discriminate against women, thus rendering the ERA unnecessary, is the case of *Reed* v. *Reed.*

The Reed case

On November 22, 1971, the Supreme Court, in a unanimous decision, gave a strong indication that they would find all unreasonable sex-based classifications to be in violation of the equal protection clause of the 14th Amendment.

In the case of *Reed* v. *Reed,* 40 L.W. 4013 (1971), the Court found unconstitutional an Idaho statute requiring preference of male relatives over female relatives for appointment as administrators of an intestate's estate. The Court applied the conventional test of reasonableness and found an "arbitrary preference established in favor of males." The Court continued by saying, "By providing dissimilar treatment for men and women who are thus similarly situated, the challenged section violates the equal protection clause."

A *New York Times* editorial on November 23, 1971, construed the decision to mean that:

"The effect of this ruling is to place the fate of various sexually discriminatory laws on a case-by-case basis. This is a slower but preferable way to correct the evils of discrimination than the passage of the proposed equal rights amendment."

Professor Paul Freund of the Harvard Law School has the same view. He stated in a recent letter to me on the significance of the *Reed* case:

"In view of the *Reed* decision, however, I believe more strongly than ever that the subject should be left to be worked out under the equal protection clause, as are other questions of group classification. The equal protection guarantee, together with the ample legislative powers of Congress, is the best avenue to achieve meaningful equality of the sexes under law. This approach is greatly to be preferred to one that would force all the manifold legal relationships to men and women, from coverage under selective service to the obligation of family support, into a mold of mechanical unity."

Professor Phil Kurland of the Chicago Law School and Editor of the *Supreme Court Review* also wrote to me concerning the significance of the *Reed* case. Professor Kurland is convinced that the *Reed* case will pave the way for action by the courts and the legislatures to rectify many of the admittedly unfair discrimination which confront women, but without the dangers resulting from an absolute Constitutional amendment. Professor Kurland said:

"But I am of the view that a sound program of legislative reforms would do more, especially under the mandate now received from the Supreme Court in *Reed* v. *Reed,* to eliminate more of the grievances that women have against their roles frequently imposed on them in our society. Legislation can get at specific problems in a way that no constitutional provision can."

I believe the *Reed* case indicates that the Supreme Court will act under the 14th Amendment to strike all discriminations of which women now complain and, therefore, I believe the *Reed* case renders the ERA unnecessary.

V. RECENT DEVELOPMENTS IN THE LAW

I firmly believe that recent case law illustrates very dramatically a statement made by Professor Freund last year. He said:

"It seems to me, incidentally, if the energy and dedication that have gone into the movement for the equal rights amendment over the past 40-odd years had been devoted to the selection and the sponsorship of test cases with respect to some of the unjust State laws that we have heard about this morning, a great deal more accomplishment could be shown with respect to the advancement of equal rights than we can boast of today."

Proponents of the equal rights amendment have frequently cited what they believe to be hesitance on the part of courts to deal with inequalities facing women. The Supreme Court particularly has received criticism on this score.

Yet this term the Supreme Court has heard several cases relating to sex discrimination. On October 19, 1971, the Court heard oral argument in a case challenging a provision of the Illinois Juvenile Court Act which regards unwed mothers as parents but does not consider unwed fathers as parents for the purpose of deciding who shall have custody of illegitimate children. *In re Stanley,* 256 N.E. 2d 814 (Ill. 1970), cert. granted, No. 70–5014. In upholding this provision the Illinois Supreme Court held that this is not a denial of equal protection because the distinction between the class of mothers and the class of fathers "is rationally related to the purposes of the Juvenile Court Act" (presumably to protect the best interests of the children). A case heard by the Court on December 7, 1971, involves the holding of the Louisiana Supreme Court that the absence of women on general venire lists for grand jury duty is not cause for quashing an indictment. *State* v. *Alexander,* 233 So. 2d 891 (La. 1970), cert. granted, No. 70–5026.

In a case already decided this term, the Supreme Court unanimously struck down an Idaho statute which required preference of male relatives over female relatives as administrators of intestates' estates. *Reed* v. *Reed,* 40 L.W. 4013 (November 22, 1971). I have discussed this case earlier at length. Chief Justice Burger, writing for the Court, quoted from *Royster Guano Co.* v. *Virginia,* 153 U.S. 412, 415 (1920), to the effect that a classification "must be reasonable, not arbitrary, and must rest upon some ground of difference having a fair and substantial relation to the object of the legislation, so that all persons similiarly circumstanced shall be treated alike." *Reed,* slip opinion, p. 5.

Last term the Court reached a decision in a landmark case arising under Title VII of the Civil Rights Act of 1964. In the first sex discrimination case arising under Title VII to reach the Supreme Court, a Court of Appeals decision permitting a corporation to distinguish between women with pre-school age children and men with pre-school age children in hiring was reversed. *Phillips* v. *Martin Marietta Corp.,* 400 U.S. 542 (1971). The Supreme Court remanded the case for an evidentiary hearing in the District Court as to whether the family obligations of women with pre-school age children are so relevant to job performance that hiring or other employment distinctions based on the fact of a woman having pre-school age children are justifiable as a bona fide occupational qualification.

I think it is very obvious that the Supreme Court is not ignoring the issue of discrimination against women. Certainly the lower courts are tackling the question and usually deciding in favor of women's equality. Many successful employment discrimination suits have been brought under Title VII. For example, numerous state labor laws have been held invalid as being in conflict with Title VII's mandate for equal employment opportunity. A federal district court has held a California statute prohibiting female employees from lifting objects weighing 50 pounds or more to be in conflict with Title VII and, therefore, void. *Local 246, Utility Workers Union of America, AFL–CIO* v. *Southern California Edison Co.,* 320 F. Supp. 1262 (C.D. Calif. 1970). In an earlier decision, a California statute regulating hours and conditions of employment for women was struck down as being in conflict with Title VII. *Rosenfeld* v. *Southern Pac. Co.,* 293 F. Supp. 1219 (C.D. Calif. 1968). Illinois hours limitations for working women have fallen. *Caterpillar Tractor Co.* v. *Grabiec,* 317 F. Supp. 1304 (S.D. Ill. 1970). Ohio legislation restricting female employment in workshops and factories and prohibiting female employees from lifting anything weighing more than 25 pounds has also been held invalid. *Ridinger* v. *General Motors Corp.,* 325 F. Supp. 1089 (S.D. Ohio 1971); *Jones Metal Products Co.* v. *Walker,* 25 Ohio App. 2d 141 (1970).

In addition, certain policies relating to the employment of women have been held to violate Title VII. Recently the Supreme Court declined to review a Seventh Circuit decision holding that a retirement plan which requires female employees to retire at 62, but does not require men to retire until 65 is sex discrimination in violation of Title VII. *Drewrys Limited U.S.A., Inc.* v. *Bartmess,* 444 F. 2d 1186 (1971), rev. denied 40 L.W. 3212 (November 9, 1971). The Court also declined to review a Fifth Circuit ruling that an airline company's refusal to hire males as flight cabin attendants is sex discrimination in violation of Title VII. *Pan American World Airways, Inc.* v. *Diaz,* 442 F. 2d 385 (1971), rev. denied 40 L.W. 3212 (November 9, 1971). In two other cases employers' policies of refusing to hire women for jobs requiring the lifting of weights over a certain amount have been held invalid under Title VII. *Weeks* v. *Southern Bell Telephone and Telegraph Co.,* 408 F. 2d 228 (5th Cir. 1969); *Bowe* v. *Colgate-Palmolive Co.,* 416 F. 2d 711 (7th Cir. 1969). An airline's no-marriage rule for stewardesses have been held to constitute sex discrimination under Title VII. *Sprogis* v. *United Air Lines, Inc.,* 444 F. 2d 1194 (7th Cir. 1971).

Other employment cases favorable to women have been brought under the Equal Pay Act. For example, payment of men at a higher rate than women for the same job has been held to violate the Equal Pay Act. *Schultz* v. *Wheaton Glass Co.,* 421 F. 2d 259 (3rd Cir. 1970).

Women have also made gains in other areas of sex discrimination. Many of the long-accepted prohibitions and segregations are being removed. An example is state laws prohibiting female bartenders, which have been struck down in New Jersey and California. *Paterson Tavern and Grill Owners Assn., Inc.* v. *Borough of Hawthorne,* 108 N.J. Super. 433 (1970); *Sail'er Inn, Inc.* v. *Kirby,* 485 F. 2d 529 (1971). In another case a federal district court in New York held that the refusal of an ale house to serve women violated the equal protection clause of the Fourteenth Amendment. *Seidenberg* v. *McSorleys' Old Ale House, Inc.,* 317 F. Supp. 593 (1970).

Other suits challenging the treatment of women on equal protection grounds have also been successful. A Pennsylvania statute providing for longer prison terms for women than for men committing the same crimes was held to violate equal protection. *Commonwealth* v. *Daniel,* 430 A. 2d 400 (1968). (See also, *U.S. ex rel, Robinson* v. *York,* 281 F. Supp. 8 (D. Conn. 1968), in which a federal court struck down a similar Connecticut statute.) A school board regulation requiring women teachers to take a leave of absence at the end of the fifth month of pregnancy has been held to violate equal protection.

Cohen v. *Chesterfield County School Board,* 326 F. Supp. 1159 (E.D. Va. 1971). In *Kirstein* v. *Rectors and Visitors of the University of Virginia,* 309 F. Supp. 184 (E.D. Va. 1970), a three-judge federal court held that the denial to women of education equal to that offered men at the University of Virginia at Charlottesville violated equal protection. The court approved a plan setting quotas for the admission of women.

The Justice Department has taken action to aid women in fighting discrimination. In an important suit against Libbey-Owens-Ford, the Attorney General won a decree giving women opportunity to achieve promotions and advancement on the same basis as male employees.

These events are not typical of a society which does not care to eliminate discrimination. Nor are they characteristic of a judicial system determined to maintain the status quo.

VI. HOW WOULD THE ERA BE INTERPRETED

If the Equal Rights for Women amendment is approved, I believe that the Supreme Court will reach the conclusion that the ERA annuls every existing Federal and state law making any distinction between men and women however reasonable such distinction might be in particular cases, and forever robs the Congress and the legislatures of the fifty states of the Constitutional power to enact any such laws at any time in the future. I am not alone in entertaining this fear.

When the so called Equal Rights Amendment was under consideration in 1953, Roscoe Pound of the Harvard Law School and other outstanding scholars joined one of America's greatest legal scholars, Paul A. Freund of the Harvard Law School, in a statement opposing the Equal Rights Amendment upon the ground that they feared that this devastating interpretation might be placed upon it if it should be adopted. This statement made these indisputable observations:

"If anything about this proposed amendment is clear, it is that it would transform every provision of law concerning women into a constitutional issue to be ultimately resolved by the Supreme Court of the United States. Every statutory and common law provision dealing with the manifold relation of women in society would be forced to run the gauntlet of attack on constitutional grounds. The range of such potential litigation is too great to be readily foreseen, but it would certainly embrace such diverse legal provisions as those relating to a widow's allowance, the obligation of family support and grounds for divorce, the age of majority and the right of annulment of marriages, and the maximum hours of labor for women in protected industries.

"Not only is the range of the amendment of indefinite extent, but, even more important, the fate of all this varied legislation would be left highly uncertain in the face of judicial review. Presumably, the amendment would set up a constitutional yardstick of absolute equality between men and women in all legal relationships. A more flexible view, permitting reasonable differentiation, can hardly be regarded as the object of the proposal, since the Fourteenth Amendment has long provided that no state shall deny to any person the equal protection of the laws, and that Amendment permits reasonable classifications while prohibiting arbitrary legal discrimination. If it were intended to give the courts the authority to pass upon the propriety of distinctions, benefits and duties as between men and women, no new guidance is given to the courts, and this entire subject, one of unusual complexity would be left to the unpredictable judgments of courts in the form of constitution decisions.

"Such decisions could not be changed by act of the legislature. Such a responsibility upon the courts would be doubtless as unwelcome to them as it would be inappropriate. As has been stated, however, the proposal evidently contemplates no flexibility in construction but rather a rule of rigid equality. This branch of the dilemma is as repelling as the other."

After analyzing in some detail the laws whose validity might be jeopardized by the Equal Rights Amendment, the statement concluded with these observations:

"The basic fallacy in the proposed amendment is that it attempts to deal with complicated and highly concrete problems arising out of a diversity of human relationships in terms of a single and simple abstraction. This abstraction is undoubtedly a worthy ideal for mobilizing legislative forces in order to remedy particular deficiencies in the law. But as a constitutional standard, it is hopelessly inept. That the proposed equal rights amendment would open up an era of regrettable consequences for the legal status of women in this country is highly probable. That it would open up a period of extreme confusion in constitutional law is a certainty."

Appearing before the Senate Judiciary Committee hearings in September, 1970, it was obvious that Professor Freund has the same view today of the proposed amendment. In a colloquy with me, Professor Freund had the following to say:

Senator Ervin. I also interpret your statement and what you have said to indicate a conviction on your part that there is grave danger that the courts will interpret the House-passed equal rights amendment, if it is ratified by the requisite number of states, as depriving Congress of the powers it now has under the equal protection clause to adopt legislation which is for the benefit of women?

Mr. Freund. Yes. I think that is quite right because there must be intended some more absolute standard of equality than the equal protection clause embodies. That would be the point of the amendment.

Senator Ervin. And if the House-passed equal rights amendment were ratified by the states, thus made a part of the Constitution, it is susceptible of interpretation that it would require the courts to strike down all legal distinctions made between men and women, no matter how reasonable and necessary those distinctions might be?

Mr. Freund. That is my understanding of what the language as well as the purpose of the sponsors is today.

Professor Philip Kurland of the Chicago Law School also arrived at the same conclusion as Professor Freund. He said:

Professor Kurland. I would think that the amendment as it is now simply provides that classification by sex by any governmental action is invalid.

Senator Ervin. In other words your interpretation of the amendment as presently phrased is that it would be probably interpreted to eliminate sex as a basic for classification in legislation?

Professor Kurland. If I were charged with the interpretation of the language, that would be the conclusion that I would reach.

Senator Ervin. If that interpretation would be correct, the law which exists in North Carolina and virtually every other state of the Union which requires separate restrooms for boys and girls in public schools would be nullified, would it not?

Professor Kurland. That is right, unless the separate but equal doctrine is revived.

Perhaps one of the best guides to a general interpretation of the Equal Rights Amendment can be found in the *Yale Law Journal* article of April, 1971. That article has been called a "masterly piece of scholarship" by Senator Bayh and has been cited by Congresswoman Griffiths, the primary sponsor of the ERA in the House of Representatives, to "help you understand the purposes and effects of the ERA . . ." The *Yale Law Journal* gives us the following guidelines for the general interpretation of the ERA:

1. "The basic principle of the Equal Rights Amendment is that sex is not a permissible factor in determining the legal rights of women, or of men. This means that the treatment of *any* person by the law may not be based upon the circumstance that such person is of one sex or the other." (p. 889) ". . . the principle of the Amendment must be applied comprehensively and *without* exceptions." (p. 890)

2. "Only an *unequivocal ban* against taking sex into account supplies a rule adequate to achieve the objectives of the Amendment." (p. 892) ". . . prohibition against the use of sex as a basis for differential treatment applies to *all* areas of legal rights." (p. 891) ". . . From this analysis it follows that the constitutional mandate must be *absolute*." (p. 892)

3. "Our legal structure will continue to support and command an inferior status for women so long as it permits *any* differentiation in legal treatment on the basis of sex." (p. 873) ". . . Equality of rights means that sex is not a factor." (p. 892)

VII. SPECIFIC AREAS AFFECTED BY THE EQUAL RIGHTS AMENDMENT

Time and space preclude me from an attempt to picture in detail the constitutional and legal chaos which would prevail in our country if the Supreme Court should feel itself compelled to place upon the Equal Rights Amendment the devastating interpretation feared by these legal scholars.

For this reason, I must content myself with merely suggesting some of the terrifying consequences of such an interpretation.

While the amendment would affect all areas of our society, I will mention only a few of the specific areas including: the military, the criminal law, privacy, domestic relations, and protective labor legislation.

VIII. MILITARY

The impact of the ERA on the military will be *massive*.

The Congress and the legislatures of the various states have enacted certain laws based upon the conviction that the physiological and functional differences between men and women make it advisable to exempt or exclude women from certain arduous and hazardous activities in order to protect their health and safety.

Among Federal laws of this nature are the Selective Service Act, which confines compulsory military service to men; the acts of Congress governing the voluntary enlistments in the armed forces of the nation which restrict the right to enlist for combat service to men; and the acts establishing and governing the various service academies which provide for the admission and training of men only. There is no question that these laws will be abolished. As Professor Paul Freund of the Harvard Law School said, "And so women must be admitted to West Point on a parity with men; women must be conscripted for military service equally with men . . ." Professor Phil Kurkland of the Chicago Law School agrees.

The position of the Justice Department and the Defense Department is that women will be subject to the draft. In a letter to Senator Bayh dated February 24, 1972, the General Counsel for the Defense Department, J. Fred Buzhardt, dealt with some of the problems which would be caused by the ERA in the military. Mr. Buzhardt said:

"Further, there is the possibility that assigning men and women together in the field in direct combat roles might adversely affect the efficiency and discipline of our forces.

"On the other hand, if women were not assigned to duty in the field, overseas, or on board ships, but were entering the armed forces in large numbers, this might result in a disproportionate number of men serving more time in the field and on board ship because of a reduced number of positions available for their reassignment.

"If this amendment allowed no discrimination on the basis of sex even for the sake of privacy, we believe that the resulting sharing of facilities and living quarters would be contrary to prevailing American standards.

"Even if segregation of living quarters and facilities were allowed under the amendment, during combat duty in the field there are often, in effect, no facilities at all, and privacy for both sexes might be impossible to provide or enforce."

In a letter to Senator Ervin, Deputy Assistant Secretary of Defense Don R. Brazier said that Defense had not made any estimates of costs on changing the military to conform with the Equal Rights Amendment. Furthermore, Mr. Brazier said:

"The Department has not made such estimates and without specific programs for such 'equal' service, it is impossible to make any estimate. One of the major areas that would contribute to increased costs would be separate facilities, both in terms of living quarters, as well as working facilities in areas where women are not currently stationed.

"Until a definitive plan is developed indicating where and under what circumstances women would serve in isolated areas, with combatant forces, aboard ships, etc., it is not possible to make a definitive estimate of costs. *If extensive additional facilities or modifications to current facilities were required, the costs could be considerable.*"

A very complete analysis of the ERA's effect on the military was compiled in the *Yale Law Journal* in April 1971. The significance of this article that Congresswoman Griffiths has said that the article ". . . will help you understand the purposes and effects of the Equal Rights Amendment" and Senator Bayh has called it a "masterly piece of scholarship." Thus, the supporters of the amendment feel that it will have the following effect on the military and I agree with them. No clearer or more unique history of legislative intent can be presented of the amendment and the military because both the opponents and the proponents agree on the amendment's effect in this area.

Significant excerpts from the *Yale Law Journal* which is supported by the amendment's proponents are as follows:

1. "The Equal Rights Amendment will have a substantial and pervasive impact upon military practices and institutions. As now formulated, the Amendment permits no exceptions for the military." (p. 969)

2. "Women will serve in all kinds of units, and *they will be eligible for combat duty*. The double standard for treatment of sexual activity of men and women will be prohibited". (p. 978)

3. "Neither the right to privacy nor any unique physical characteristic justifies different treatment of the sexes with respect to voluntary or involuntary service, and pregnancy justifies only slightly different conditions of service for women." (p. 969)

4. "Such obvious differential treatment for women as exemption from the draft, exclusion from the service academies, and more restrictive standards for enlistment will have to be brought into conformity with the Amendment's basic prohibition of sex discrimination." (p. 969)

5. "These changes will require a *radical* restructuring of the military's views of women." (p. 969)

6. "The Equal Rights Amendment will greatly hasten this process and will require the military to see women as it sees men." (p. 970)

7. "A woman will register for the draft at the age of eighteen, as a man now does." (p. 971)

8. "Under the Equal Rights Amendment, all standards applied through (intelligence tests and physical examinations) will have to be neutral as between the sexes." (p. 971)

9. "The military will clearly have sufficient time during the period after ratification to make the minor adaptations, such as the expansion of gynecological services, necessary to comply with the statute." (p. 971)

10. "First, height standards will have to be revised from the dual system which now exists." (p. 971)

11. "The height-weight correlations for the sexes will also have to be modified." (p. 972)

12. Deferment policy "could provide that one, but not both, of the parents would be deferred. For example, whichever parent was called first might be eligible for service; the remaining parent, male or female would be deferred." (p. 973)

13. "If the rules continue to require discharge of women with dependent children, then men in a similar situation will also have to be discharged . . . The nondiscriminatory alternative is to allow both men and women with children to remain in the service and to take their dependents on assignments in noncombat zones, as men are now permitted to do." (p. 975)

14. "Distinctions between single and married women who become pregnant will be permissible only if the same distinction is drawn between single and married men who father children." (p. 975)

15. "Thus, if unmarried women are discharged for pregnancy, men shown to be fathers of children born out of wedlock would also be discharged. Even in this form such a rule would be suspect under the Amendment, because it would probably be enforced more frequently against women. A court will therefore be likely to strike down the rule despite the neutrality in its terms, because of its differential impact." (p. 975)

16. "Under the Equal Rights Amendment the WAC would be abolished." (p. 976)

17. "Women are physically as able as men to perform many jobs classified as combat duty, such as piloting an airplane or engaging in naval operations . . . there is no reason to prevent women from doing these jobs in combat zones." (p. 977)

18. "No one would suggest that . . . women who serve can avoid the possibility of physical harm and assault. But it is important to remember that all combat is dangerous, degrading and dehumanizing." (p. 977)

19. "Male officers are provided a dependent's allowance based on their grade and the number of dependents . . ." The Equal Rights Amendment will recognize "the husband of a female officer . . . as a dependent." (p. 978)

20. "Athletic facilities will also have to be made available to women personnel." (p. 978)

IX. CRIMINAL LAW

Because of different physical characteristics, and health considerations, and other reasons, legislatures have adopted some criminal laws which apply to only one sex or the other or treat men and women differently in some degree. Because the Equal Rights Amendment will forbid any legal distinctions between men and women, all existing and future criminal laws of this nature would be nullified.

As in several areas, a good review of the types of laws that will be changed by the ERA was discussed in the April 1971 issue of the *Yale Law Journal*. This article has been cited with approval by the proponents of the ERA and the statements which I have excerpted should constitute a good example of what we could expect after passage of the act in the area of criminal law. The excerpts from the *Yale Law Journal* are as follows:

1. "Courts faced with criminal laws which do not apply equally to men and women would be likely to invalidate the laws rather than extending or rewriting them to apply to women and men alike." (p. 966)

2. "Courts will not likely invalidate sodomy or adultery laws that contain sex discriminatory provisions, instead of solving the constitutional problems by extending them to cover men and women alike." (p. 962)

3. "Seduction laws, statutory rape laws, laws prohibiting obscene language in the presence of women, prostitution and 'manifest danger' laws . . . The Equal Rights Amendment would not permit such laws, which base their sex discriminatory classification on social stereotypes." (p. 954)

4. "The statutory rape laws, which punish men for having sexual intercourse with any woman under an age specified by law . . . suffer from a double defect under the Equal Rights Amendment." (p. 957)

5. "To be sure, the singling out of women probably reflects sociological reality . . . Likewise, in this society, the bad reputation and illegitimate child which can result from an improvident sexual liaison may be far more ruinous to a young woman's psychological health than similar conduct is to a young man's. *But the Equal Rights Amendment forbids finding legislative justification in the sexual double standard* . . ." (p. 958)

6. "Adultery laws also contain sex discriminatory provisions which would be impermissible under the Equal Rights Amendment." (p. 961)

7. "Courts may be expected to hold that laws which confine liability for prostitution to women only are invalid under the Equal Rights Amendment." (p. 963)

8. "Just as the Equal Rights Amendment would invalidate prostitution laws which apply to women only, so the ERA would require invalidation of laws specially designed to protect women from being forced into prostitution." (p. 964)

9. "A court would probably resolve doubts about congressional intent by striking down the Federal White Slave Traffic—Mann Act." (p. 965)

X. DOMESTIC RELATIONS LAWS

The common law and statutory law of the various states recognize the reality that many women are homemakers and mothers, and by reason of the duties imposed upon them in these capacities, are largely precluded from pursuing gainful occupations or making any provision for their financial security during their declining years. To enable women to do these things and thereby make the existence and development of the race possible, these state laws impose upon husbands the primary responsibility to provide homes and livelihoods for their wives and children, and make them criminally responsible to society and civilly responsible to their wives if they fail to perform this primary responsibility. Moreover, these state laws secure to wives dower and other rights in the property left by their husbands in the event their husbands predecease them in order that they may have some means of support in their declining years.

If the Equal Rights Amendment should be interpreted by the Supreme Court to forbid any legal distinctions between men and women, it would nullify all existing and all future laws of this kind.

As with the military, a good analysis of what the amendment will accomplish in the area of domestic relations was set out in the *Yale Law Journal* which has been fully endorsed by Congresswoman Martha Griffiths and other proponents of the ERA. As I have stated earlier, no clearer legislative intent can be presented because I agree with the amendment's proponents that the ERA will have the following effects.

Significant excerpts from the Yale Law Journal which is supported by the proponents of the ERA in the area of domestic relations are as follows:

1. "The Equal Rights Amendment, continuing this trend, would prohibit dictating different roles for men and women within the family on the basis of their sex." (p. 953)

2. "Thus, common law and statutory rules requiring name change for the married women would become legal nullities." (p. 940)

3. "These states could conform to the

Equal Rights Amendment by requiring couples to pick the same last name, but allowing selection of the name of either spouse, or of a third name satisfactory to both." (p. 940)

4. "The Amendment would also prohibit the states from requiring that a child's last name be the same as his or her father's, or from requiring that a child's last name be the same as his or her mother's." (p. 941)

5. "In ninety per cent of custody cases the mother is awarded the custody. The Equal Rights Amendment would prohibit both statutory and common law presumptions about which parent was the proper guardian based on the sex of the parent." (p. 953)

6. "physical capacity to bear children can no longer justify a different statutory marriage age for men and women." (p. 939)

7. "mere estimates of emotional preparedness founded on impressions about the 'normal' adolescent boy and girl are based on the kind of averaging which the Equal Rights Amendment forbids." (p. 939)

8. "The Equal Rights Amendment would not permit a legal requirement, or even a legal presumption, that a woman takes her husband's name at the time of marriage." (p. 940)

9. "a court would do away with the rule that refusal to accompany or follow a husband to a new domicile amounts to desertion or abandonment." (p. 942)

10. "A husband would no longer have grounds for divorce in a wife's unjustifiable refusal to follow him to a new home." (p. 942)

11. "the traditional rule is that the domicile of legitimate children is the same as their father's . . . The Equal Rights Amendment would not permit this result." (p. 942)

12. "In all states husbands are primarily liable for the support of their wives and children . . . the child support sections of the criminal nonsupport laws . . . could not be sustained where only the male is liable for support." (p. 944 and 945)

13. "The Equal Rights Amendment would bar a state from imposing greater liability for support on a husband than on a wife merely because of his sex." (p. 945)

14. "Two different systems have been adopted in the United States for distributing property rights within a family—the community property system and the common law system . . . As both systems currently operate, they contain sex discriminatory aspects which would be changed under the Equal Rights Amendment." (p. 946)

15. "Under the Equal Rights Amendment, laws which . . . favor the husband as manager (of community property) in any way, would not be valid." (p. 947)

16. "All states except North Dakota and South Dakota give women a nonbarrable share in her husband's estate, but a number of states fail to give the husband a corresponding legal claim in his wife's estate . . . the discriminatory laws would either be invalidated or extended." (p. 948)

17. "a court could invalidate (many grounds for divorce) without doing any serious harm to the overall structure of the states' divorce laws . . . These are pregnancy by a man other than husband at time of marriage, nonsupport, alcoholism of husband, wife's unchaste behavior, husband's vagrancy, wife's refusal to move with husband without reasonable cause, wife a prostitute before marriage, indignities by husband to wife's person, and willful neglect by husband." (p. 950)

18. "Like the duty of support during marriage and the obligation to pay alimony in the case of separation or divorce, nonsupport would have to be eliminated as a ground for divorce against husbands only . . ." (p. 951)

19. "The laws that grant a husband a divorce because at the time of marriage he did not know his wife was pregnant by another man would be subject to strict scrutiny under the unique physical characteristics tests." (p. 951)

20. "The Equal Rights Amendment would not require that alimony be abolished but only that it be available equally to husbands and wives." (p. 952)

21. "the laws could provide support payments for a parent with custody of a young child who stays at home to care for that child so long as there was no legal presumption that the parent granted custody should be the mother." (p. 952)

22. The ERA could require "for maintenance to be paid from one spouse to the other if the spouse seeking maintenance lacks sufficient property to provide for *his* reasonable needs and is unable to support *himself* through appropriate employment." (p. 952)

XI. PROTECTIVE LABOR LEGISLATION

Many states and the Federal government have enacted labor legislation which protects women from certain forced activities. These protections were not always easy to develop. As Margaret Mead, noted anthropologist, said to a AFL–CIO meeting in March, 1971, "In the beginning of mining, there were women down those mines and children . . . we got the women and children out of the mines you know." Dr. Mead then goes on to say, "I've been against the equal rights amendment always."

The largest labor organization in the country, the AFL–CIO has recommended that Congress not pass the Equal Rights Amendment for the same reason that Margaret Mead opposed it: The adverse effect the amendment will have on hard-won protective legislation for women.

In its Resolution No. 122, the AFL–CIO states:

"We continue opposition to the so-called equal rights amendment as an unnecessary addition to the Constitution, ultimately more harmful than helpful to the legal rights of women."

Prior to the adoption of the resolution, the executive council of the AFL–CIO, in a report to its convention, said:

"We have opposed the equal rights amendment to the Constitution because of its potentially destructive impact on State labor legislation for women workers . . . Experience, to date, shows that 'equality' has been used to remove labor law protections for women, rather than to extend them or adapt them to man. The proposed equal rights amendment would render all protective labor laws for women workers unconstitutional, as well as any other laws treating the sexes differently. Such laws, for example, include marriage laws which place primary responsibility for family support on husbands and fathers."

A librarian at the University of California Library, Mrs. Laurel Burley, has written on the drastic consequences which would result to the protective labor laws for women if the ERA passes. Those upper-class, well-educated women who are pushing so hard for this amendment should ponder Mrs. Burley's words. She states that:

"The major danger in the proposed ERA lies in the fact that it would in one fell swoop invalidate all protective legislation enacted by the States to protect working women from exploitative employers . . . Protective legislation not only sets maximum hours and minimum wages standards, but also mandates such provisions as rest areas, toilet facilities, and elevators, adequate lighting and ventilation, rest and meal breaks (including the right to eat one's meal away from the immediate work area), adequate drinking water (important for women and children who are farmworkers), and protective garments and uniforms."

Mrs. Burley feels that some of the results of court action under Title VII of the 1964 Civil Rights Act are indicative of the changes which will be brought about to the extreme because of the Equal Rights Amendment. On this point, she states:

"Some idea of what might be expected were the ERA to pass can already be seen in the use being made of Title VII of the Civil Rights Act. In late 1969 Fibreboard Corporation in Antioch, California began to force women to work 16 hours a day and to lift backbreaking weights. Pacific Telephone in 1970 began ignoring state protective legislation relating to minimum hours. In fall 1970 Oregon took away the right of women to have two ten-minute rest breaks in an eight-hour day; and another large California corporation, Crown Zellerbach, began denying meal breaks to both men and women working in the Antioch plant. In summer 1971 a U.S. Court of Appeals struck out the sections of the California Labor Code regulating maximum weight lifting and the eight-hour day, 48-hour week for women. All these actions were justified on the basis that Title VII and EEOC guidelines superseded state protective legislation. Such instances are mounting at an incredible rate. On the basis of Title VII, 17 states have either totally or substantially annulled or repealed protective legislation covering women. *The ERA as it stands will add the finishing touch.*

As in other areas, I believe the *Yale Law Journal* article which has been adopted by Congresswoman Griffiths as "explaining the ERA" should be read to determine its effects on labor legislation. Excerpts from the article state that:

1. "Under the Equal Rights Amendment, courts are thus not likely to find *any* justification for the continuance of laws which exclude women from certain occupations." (p. 929)

2. "Laws which require employers to impose leave on pregnant employees for a specified period before and after childbirth, without providing job security or retention of accrued benefits, such as seniority credits . . . would fall." (p. 929) The article cites as an example which will be struck down in every state, a school board regulation imposing maternity leave at least four months prior to the expected birth of her child." (p. 931)

3. "There is little reason to doubt, therefore, that courts will invalidate weightlifting regulations for women under the Equal Rights Amendment." (p. 935)

4. "This result (to invalidate maximum hours which apply only to women) would also be predicted from principles of statutory construction under the Equal Rights Amendment." (p. 936)

5. "The courts are likely to . . . equalizing both sexes under the Equal Rights Amendment by invalidating (a law protecting women from coerced overtime)." (p. 936)

6. "Laws which restrict or regulate working conditions would probably be invalidated." (p. 936)

XII. MISCELLANEOUS

Because of the broad nature of the ERA, there is really no way to tell just how afar it will reach. As Professor Paul Freund of the Harvard Law School said, "The range of potential litigation is too great to be readily foreseen . . ." Therefore, I believe it would be profitable to mention just several random examples which were brought out in the April 1971 *Yale Law Journal*. As I have mentioned, before, the *Yale Law Journal* is unique because it provides a very minimum level of change which the ERA will bring about. This is true because of the strong support of the article by Congresswoman Griffiths and other supporters of the ERA. Under miscellaneous examples, the article mentions:

1. "the government cannot rely upon the administrative technique of grouping or averaging where the classification is by sex . . . whatever the price in efficiency, the classification must be made on some other basis." (p. 891)

2. "It is obvious that the marginal relationship of the unique physical characteristics of pregnancy to the problem of absenteeism would require invalidation . . . of a government regulation to reduce absenteeism by barring women from certain jobs.

3. Men will get extensive leave for child rearing because "if only women can get extensive leave for child rearing it becomes economically impossible for men to stay at home to care for children while their wives work." (p. 897)

4. "A rule allowing sick leave only to mothers when a member of their household is sick is a prohibited sex classification." (p. 898)

5. "A law might prohibit adults with primary responsibility for child care from working in managerial jobs, on the grounds that the function of caring for children was inconsistent with substantial occupational responsibility. Such a law or government regulation would constitute a serious evasion of the Equal Rights Amendment." (p. 898)

6. "Protection against indirect, covert or unconscious sex discrimination is essential to supplement the absolute ban on explicit sex classification of the Equal Rights Amendment." (p. 900)

7. "Thus the courts have power to grant affirmative relief in framing decrees in particular cases . . . such decrees could provide remedies for past denial of equal rights which take into account sex factors and give special treatment to the group discriminated against." (p. 904)

8. "Affirmative action may appear, paradoxically, to conflict with the absolute nature of the Equal Rights Amendment. But where damage has been done by a violator who acts on the basis of a forbidden characteristic, the enforcing authorities may also be compelled to take the same characteristic into account in order to undo what has been done." (p. 904)

9. "There is no doubt that the Equal Rights Amendment would eliminate differentiation on account of sex in the public schools and public university systems." (p. 906)

10. "It would seem clear that the basic principles of state action would, as a general proposition, require that the state eliminate male domination from the educational system." (p. 907)

11. "States which grant jury service exemptions to women with children will either extend the exemption to men with children or abolish the exemption altogether." (p. 920)

XIII. RIGHT TO PRIVACY

I believe that the absolute nature of the Equal Rights Amendment will, without a doubt, cause all laws and state-sanctioned practices which in any way differentiate between men and women to be held unconstitutional. Thus, all laws which separate men and women, such as separate schools, restrooms, dormitories, prisons, and others will be stricken. Also, men and women will be thrown together with no separation on the grounds of sex in the military.

The proponents of the ERA mention that the Constitutional right to privacy will protect and keep separate items such as public restrooms; however, this assertion overlooks the basic fact of constitutional law construction: The most recent constitutional amendment takes precedence over all other sections of the Constitution with which it is inconsistent. Thus, if the ERA is to be construed absolutely, as its proponents say, then there can be no exception for elements of publically imposed sexual segregation on the basis of privacy between men and women.

Even assuming the *very unlikely* result that privacy will allow segregation of the sexes in places like the military, Fred Buzhardt, General Counsel of the Defense Department, mentioned the physicial impossibility of providing this always in the military. Mr. Buzhardt said:

"Even if segregation of living quarters and facilities were allowed under the amendment, during combat duty in the field there are often, in effect, no facilities at all, and privacy for both sexes might be impossible to provide or enforce."

Professor Paul Freund of the Harvard Law School testified about this matter before the Senate Judiciary Committee in 1970. After stating that the amendment would be absolute, Professor Freund said that it would follow that the ERA "would require that there be no segregation of the sexes in prison, reform schools, public restrooms, and other public facilities."

Professor Phil Kurland, Editor of the *Supreme Court Review* and a Professor of Law at the University of Chicago Law School stated before the Judiciary Committee:

Senator Ervin. The law which exists in North Carolina and in virtually every other state of the Union which requires separate restrooms for boys and girls in public schools would be nullified, would it not?

Professor Kurland. That is right, unless the separate but equal doctrine is revived.

Senator Ervin. And the laws of the states and the regulations of the Federal government which require separate restrooms for men and women in public buildings would also be nullified, would it not?

Professor Kurland. My answer would be the same.

As Professors Freund and Kurland indicate there is no qualification of the ERA for the privacy of women just as there will be none for the draft or protective labor laws.

A few examples in our society where the privacy aspect of the relationship between men and women would be changed are:

1. Police practices by which a search involving the removal of clothing will be able to be performed by members of either sex without regard to the sex of the one to be searched.

2. Segregation by sex in sleeping quarters of prisons or similar public institutions would be outlawed.

3. Segregation by sex of living conditions in the armed forces would be outlawed. This includes close quarter living in combat zones and foxholes.

4. Segregation by sex in hospitals would be outlawed.

5. Physical exams in the armed forces will have to be carried out on a sex neutral basis.

There are, of course, numerous other examples which flow from the absolute nature of the Equal Rights for Women amendment.

XIV. THE RADICAL EFFECT OF THE EQUAL RIGHTS AMENDMENT ON THE AMERICAN SOCIAL STRUCTURE

In the hearings before the Senate Judiciary Committee last year, Professor Paul Freund of the Harvard Law School testified that:

"Indeed, if the law must be as undiscriminating concerning sex as it is toward race, it would follow that laws outlawing wedlock between members of the same sex would be as invalid as laws forbidding miscegenation. Whether the proponents of the amendment shrink from these implications is not clear."

Like Professor Freund, it is not clear to me either if the proponents of the amendment shrink from these implications. This matter illustrates as well as any the radical departures from our present system that the ERA will bring about in our society. Speaking in opposition to the ERA, Professor James White of the Michigan Law School also mentioned certain bizarre results which would flow from passage of the ERA. Professor White said:

"With the exception of Illinois and perhaps a few other states, there are laws on the books which make it a crime to engage in certain kinds of homosexual activity. First of all, I suppose the amendment would bring in question all that law . . . I think the question is, is this the way we should do away with it or should we allow the states to control this themselves?"

Professor White continued that there would certainly be litigation on the sexual requirements of the marriage ceremony and that "conceivably a court would find that the State had to authorize marriage and recognize marital legal rights between members of the same sex." At that point in the testimony, Professor White's comments centered on the effect on the community property laws of homosexual marriages. I wondered about the effect on adoption procedures.

* * * * *

Professor of Neurology at the Yale Medical School, Dr. Jonathan H. Pincus, has asked the following question: "Is the Equal Rights Amendment to be the Tonkin Gulf Resolution of the American social structure?" In a statement in opposition to the ERA, Dr. Pincus goes on to answer his question in the affirmative, and in his discussion he sheds some real light on the radical changes which will be made in our social structure.

At the present time in all states husbands are primarily liable for the support of their wives and children but, as Representative Griffiths' approved article in the *Yale Law Journal* states, "The ERA would bar a state from imposing greater liability for support on a husband than on a wife merely because of his sex." Dr. Pincus is very concerned about the effects of this removal of a husband's responsibility. Dr. Pincus said:

"It seems to me that the removal of legal responsibility from a man for supporting a family, giving the family a name and protecting his daughters from the sort of influences the U.S. Army might have in store for them before marriage is likely to have some effect on the manner in which men relate to their wives and children and vice versa; those traditional ties will be weakened."

Dr. Pincus feels that "a solid happy family life is the foundation of mental health and happiness," and as to the effects of the ERA on this family life, he goes on to state:

"I would predict that the Equal Rights amendment and many of the other goals of its proponents will bring social disruption, unhappiness and increasing rates of divorce and desertion. Weakening of family ties may also lead to increased rates of alcoholism, suicide and, possibly, sexual deviation."

Whether or not one agrees with the predictions of Dr. Pincus, I believe he is asking very genuine questions which should be discussed before the Constitution is amended. Before we begin tinkering with the very subtle mechanisms of family relationships and social responsibilities, should we not consider that we might in fact be passing a Tonkin Gulf Resolution of the American social structure?

* * * * *

While I believe that any unfair discriminations which the law has created against women should be abolished by law, I have the abiding conviction that the law should make such distinctions between them as are reasonably necessary for the protection of women and the existence and development of the race.

I share completely this recent observation by Mr. Bernard Swartz: "Use of the law in an attempt to conjure away all the differences which do exist between the sexes is both an insult to the law itself and a complete disregard of fact."

The late Justice Felix Frankfurter, in an eloquent statement in the *New Republic* magazine many years ago put it a different way. Justice Frankfurter said:

"Only those who are ignorant of the nature of law and of its enforcement and regardless of the intricacies of American constitutional law, or indifferent to the exacting aspects of woman's industrial life, will have the naivete or the recklessness to sum up woman's whole position in a meaningless and mischievous phrase about "equal rights'."

Let us consider for a moment whether there be a rational basis for reasonable distinctions between men and women in any of the relationships or undertakings of life.

When He created them, God made physiological and functional differences between men and women. These differences confer upon men a greater capacity to perform arduous and hazardous physical tasks. Some wise people even profess the belief that there may be psychological differences between men and women.

To say these things is not to imply that either sex is superior to the other. It is simply to state the all important truth that men and women complement each other in the relationships and undertakings on which the existence and development of the race depend.

The physiological and functional differences between men and women empower men to beget and women to bear children, who enter life in a state of utter helplessness and ignorance, and who must receive nuture, care, and training at the hands of adults throughout their early years if they and the race are to survive, and if they are to grow mentally and spiritually. From time whereof the memory of mankind runneth not to the contrary, custom and law have imposed upon men the primary responsibility for providing a habitation and a livelihood for their wives and children to enable their wives to make the habitations homes, and to furnish nuture, care, and training to their children during their early years.

In this respect, custom and law reflect the wisdom embodied in the ancient Yiddish proverb that God could not be everywhere, so he made mothers. The physiological and functional differences between men and women constitute the most important reality. Without them human life could not exist.

For this reason, any country which ignores these differences when it fashions its institutions and makes its laws is woefully lacking in rationality.

Our country has not thus far committed this grievous error. As a consequence, it has established by law the institutions of marriage, the home, and the family, and has adopted some laws making some rational distinctions between the respective rights and responsibilities of men and women to make these institutions contribute to the existence and advancement of the race.

It may be that times are changing and more and more women will leave the home to compete in the business and professional community. However, I would like to call the Senate's attention to the remarks of Professor Phil Kurland of the University of Chicago Law School on this point. He said:

"Times have changed in such a way that it may well be possible for the generation of women now coming to maturity, who had all the opportunities for education afforded to their male peers and who had an expectation of opportunities to put education to the same use as their male peers, to succeed in a competitive society in which all differences in legal rights between men and women were wiped out. There remains a very large part of the female population on whom the imposition of such a constitutional standard would be disastrous. There is no doubt that society permitted these women to come to maturity not as competitors with males but rather as the bearers and raisers of their children and the keepers of their homes. There are a multitude of women who still find fulfillment in this role. In the eyes of some, this may be unfortunate, but it is true. It can boast no label of equality now to treat the older generations as if they were their own children or grandchildren. Certainly the desire to open opportunities to some need not be bought at the price of removal of legal protections from others."

XV. THE EQUAL RIGHTS AMENDMENT: A CASE STUDY IN ONE SPECIFIC AREA

One of the most interesting assertions of the article in the *Yale Law Journal* which Representative Griffiths says "explains the workings of the amendment," is the statement that:

"The Equal Rights Amendment would not permit a legal requirement, or even a legal presumption, that a woman takes her husband's name at the time of marriage . . . The states could conform to the Equal Rights Amendment by requiring couples to pick the same last name, but allowing selection of the name of either spouse, or of a third name satisfactory to both . . . thus common law and statutory rules requiring name change for the married woman would become legal nullities."

The effects of this requirement on the record-keeping demanded by our society would be staggering. Imagine an attorney searching a land title with this type of last-name system.

The wisdom of allowing a state to determine that a wife's legal name shall be that of her husband has just been upheld 8–0 in a per curiam decision of the Supreme Court in the case of *Forbush* v. *Alabama*. The interest of the State in maintaining control over licensees and requiring the most efficient way to do so should be obvious to everyone, as it was to all the members of the Supreme Court. But it's not obvious to the proponents of the ERA who want to abolish all legal pronouncements favoring the husband's surname.

Just a cursory check of only a very few of the laws of the states will indicate just how far-reaching the Equal Rights Amendment will be in this area alone. Most states appear to recognize the common law rule that a wife assume her husband's surname. *E.q. People ex. rel. Rago* v. *Lipsky*, 327 Ill. App. 63, 63 N.E. 2d 642 (1945); *Freeman* v. *Hawkins*, 77 Tex. 498, 14 S.W. 364; *Chapman* v. *Phoenix National Bank of the City of New York*, 85 N.Y. 437 (1881); *Bacon* v. *Boston Electric Railway Co.*, 256 Mass. 30, 152 N.E. 35 (1926).

In addition, many state statutes are based upon the assumption that a woman assumes her husband's surname upon marriage. For example, statutes relating to the issuance of driver's licenses often include a provision requiring licensed drivers to notify a state agency of changes in name resulting from marriage. *See, e.g. Colo. Rev. Stat. Ann.* Sec. 13–4–17; *Fla. Stat. Ann.* Sec. 322.19; *Ill. Ann. Stat.* Ch. 95½, Sec. 6–116; *Ind. Ann. Stat.* Sec. 47–2710; *Kan. Stat. Ann.* Sec. 8–248; *Ky. Rev. Stat.* Sec. 186.540; *Me. Rev. Stat. Ann.* tit. 29, Sec. 546; *Minn. Stat. Ann.* Sec. 171.11; *Mont. Rev. Codes Ann.* Sec. 31–140; *N.M. Stat. Ann.* Sec. 64–13–53; *N.D. Century Code* Sec. 39–06–20; *Okla. Stat. Ann.* tit. 47, Sec. 6–116; *R.I. Gen. Laws Ann.* Sec. 31–10–32; *S.C. Code Ann.* Sec. 46–170; *Tenn. Code Ann.* Sec. 59–708; *Tex. Rev. Civ. Stat. Ann.* Art. 6687b, Sec. 20; *W. Va. Code Ann.* Sec. 173–2–13.

State statutes relating to divorce often authorize courts to change a woman's name upon divorce. *See, e.g. Alaska Stat.* Sec. 09.-55.010 (no court order necessary); *Arizona Rev. Stat. Ann.* Sec. 25–319; *Ark. Stat. Ann.* Sec. 34–1216; *Cal. Civ. Code* Sec. 4457 (annulment), 4521 (dissolution); *Conn. Gen. Stat. Ann.* Sec. 46–21; *Del. Code Ann.* tit. 3, Sec. 1536; *D.C. Code Ann.* Sec. 16–915; *Ga. Code Ann.* Sec. 30–121; *Hawaii Rev. Laws* Sec. 574–5; *Ill. Ann. Stat.* ch. 40, Sec. 17; *Ind. Ann. Stat.* Sec. 3–1225; *Kan. Stat. Ann.* Sec. 60–1610; *Ky. Rev. Stat. Ann.* Sec. 403.060 (if divorce obtained by wife); *Me. Rev. Stat. Ann.* tit. 19, Sec. 752; *Mass. Gen. Laws Ann.* ch. 208, Sec. 23; *Mich. Comp. Laws Ann.* Sec. 552. 391 (if no minor children); *Minn. Stat. Ann.* Sec. 518.27 (if wife obtained divorce); *Mo. Ann. Stat.* Sec. 452.100 (if wife obtains divorce); *Nev. Rev. Stat.* Sec. 125.130; *N.J. Stat. Ann.* Sec. 2A:34–21; *N.C. Gen. Stat.* Sec. 50–12; *Okla. Stat. Ann.* tit. 12, Sec. 1278 (if husband at fault); *Ore. Laws 1971*, ch. 280, Sec. 13; *Pa. Stat. Ann.* tit. 23, Sec. 98 (woman may *elect* to use maiden name after divorce); *R.I. Gen. Laws Ann.* Sec. 15–5–17 (if *wife* obtains divorce); *S.C. Code Ann.* Sec. 20–117; *Tex. Rev. Civ. Stat.* art. 5931 (either party may change name upon divorce); *Vt. Stat. Ann.* tit. 15, Sec. 557 (if *wife* obtains divorce; *Va. Code Ann.* Sec. 20–121; *Wash. Rev. Code Ann.* Sec. 26.08.130; *W. Va. Code Ann.* Sec. 48–2–23 (if no children); *Wis. Stat. Ann.* Sec. 247.20 (if no children and no alimony).

State voter registration laws often include provisions requiring women to reregister when their names are changed by marriage. *See, e.g., Colo. Rev. Stat. Ann.* Sec. 49–4–19; *Del. Code Ann.* tit. 15, Sec. 1750; *Ill. Ann. Stat.* ch. 46, Sec. 6–54; *Ind. Ann. Stat.* Sec. 29–3428 (but women may vote or run for office under professional name); *Kan. Stat. Ann.* Sec. 25–2316; *Ky. Rev. Stat. Ann.* Sec. 117.735; *La. Rev. Ann.* Secs. 18:41, 234, 241; *Me. Rev. Stat. Ann.* tit. 21, Secs. 638, 831 (notification of change required); *Md. Ann. Code* art. 33 Secs. 3–9, 3–18; *Mass. Gen. Laws Ann.* ch. 51 Sec. 2 (notification); *Neb. Rev. Stat.* Sec. 32–216; *Nev. Rev. Stat.* Sec. 293.517; *N.J. Stat. Ann.* Sec. 19:31–13; *N. M. Stat. Ann.* Sec. 3–4–5; *Ohio Rev. Code Ann.* Sec. 3503.19 (not necessary to reregister if name is *not* changed upon marriage); *Ore. Rev. Stat.* Secs. 247.290, 247.440; *R. I. Gen. Laws Ann.* Sec. 17–9–18 (notification); *S.D. Comp. Laws Ann.* Sec. 12–4–18; *Tenn. Code Ann.* Secs. 2–305; *Va. Code Ann.* Sec. 24.1–51; *Wash. Rev. Code Ann.* Sec. 29. 10.040.

State laws regulating notaries public also often contain provisions involving name changes resulting from marriage. *See, e.q., Iowa Code Ann.* Sec. 77.12 (married female notaries may continue to use maiden names); *N.J. Stat. Ann.* Sec. 52:7–7 (married female notaries to use hyphenated name); *Pa. Stat. Ann.* tit. 57, Sec. 156 (female married notaries must notify state agency of change of name); *Va. Code Ann.* Sec. 55–117 (female married notaries to indicate maiden name); *Wyo. Stat. Ann.* Sec. 32–2 (female married notaries to notify state agency of name change and to add husband's surname to signature).

State statutes which authorize civil actions for change of name also sometimes have provisions which are clearly based on the assumption that a wife's legal surname is the surname of her husband. *See, e.g., Iowa Code Ann.* Sec. 674–1 (married women may not bring action to change her name); *Iowa Code Ann.* Sec. 674–10 (if husband changes his surname, wife's name is also changed); *Ky. Rev. Stat. Ann.* Sec. 401–010 (married women not allowed to change name); *Mich. Comp. Laws Ann.* Sec. 711.1 (if husband changes name, wife's name also changes); *Minn. Stat. Ann.* Sec. 259.10 (if husband changes name, wife's name changes if she joins in the application—statute does not indicate what happens if wife fails to join in application); *Vt. Stat. Ann.* tit. 5, Sec. 814 (if husband changes name, wife's name also changes).

Finally, in some state statutes reference is made to "change of legal name" without it being specified whether this includes name changes resulting from marriage. *See e.g., Mass. Gen. Laws Ann.* ch. 30, Sec. 13 (notaries must reregister upon change of name); *Neb. Rev. Stat.* Sec. 64–114 (notaries changing legal name may continue to use name under which they received commission); *N.H. Rev. Stat. Ann.* Sec. 261–2 (driver's license holders required to make notification of change of legal name); *S.C. Code Ann.* Sec. 49–6.1 (notaries to apply for change of name on commission upon legal change of name). In light of the common law rule, however, such provisions are likely to be held to apply to changes of name by marriage.

It should be noted, in conclusion, that the above listing of state statutes is not exhaustive. Rather, it is meant to suggest the kinds of state statutes which include provisions based upon the assumption that a woman's legal name changes upon marriage.

XVI. A REASONABLE ALTERNATIVE TO THE ERA

This brings us to the question whether Congress should consider the submission to the States of a Constitutional amendment to deal with the matter, and whether such amendment should permit Congress and the States acting within their respective jurisdictions to make reasonable distinctions between the rights and responsibilities of men and women in appropriate areas of life.

I honestly believe that the equal protection clause, properly interpreted, is sufficient to abolish all unfair legal discriminations made against women by state law.

Despite this belief, I intend to offer an amendment to the ERA which would prevent constitutional chaos. The amendment to the ERA which I plan to offer on the floor of the Senate reads as follows:

"The provisions of this article shall not impair the validity, however, of any laws of the United States or any State which exempt women from compulsory military service, or from service in combat units of the Armed Forces; or extend protections or exemptions to wives, mothers, or widows; or impose upon fathers responsibility for the support of children; or secure privacy to men or women, or boys or girls; or make punishable as crimes rape, seduction, or other sexual offenses."

Mr. BAYH. Mr. President, will the Senator yield briefly so that we may ask for the yeas and nays on final passage?

Mr. ERVIN. I yield for that purpose.

Mr. BAYH. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. There is a sufficient second. The yeas and nays are ordered.

Mr. ERVIN. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from North Carolina may proceed.

Mr. ERVIN. Mr. President, I believe that the overwhelming majority of the good women who have been advocating——

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. Will the Senate please be in order? Senators who wish to confer with fellow Senators will please retire to the cloakroom. The Senate will be in order.

The Senator may proceed.

Mr. ERVIN. Mr. President, I believe the overwhelming majority of good women who have been advocating and who are still advocating adoption of the equal rights amendment are like a majority of the Members of the Senate and House of Representatives in respect to their knowledge of what this amendment will do.

For this reason I hope that all of us will note this prayer:

> Father, forgive us for we know not what we do.

Mr. BYRD of West Virginia. Mr. President, may we have order in the galleries?

The PRESIDING OFFICER. Visitors in the galleries are reminded they are guests of the Senate and that the rules require there be no demonstrations of any type at any time. The Chair respectfully requests that you abide by that rule.

The Senator from North Carolina is recognized.

Mr. ERVIN. Mr. President, I have attempted unsuccessfully to persuade the Senate to adopt various amendments which would make the equal rights amendment more understandable. My motive in so doing has been as lofty as the motive which actuated the conduct of Job Hicks in my county about the turn of the century. At that time they had in my county a good bricklayer, a very skillful bricklayer named John Watts. John Watts took the notion he had been called upon to preach. While he was very proficient in the art of bricklaying, he was somewhat deficient in theology, and that fact was noted by one of his contemporaries, Job Hicks. John Watts had a practice of getting some of the local rural churches to let him use their pulpits on Sunday. On one occasion he was preaching in one of these small rural churches when Job Hicks happened to come by. Job Hicks had had several drinks of Burke County corn liquor, which is alleged to be a very potent beverage.

When Job staggered by this little country church and saw John Watts in the pulpit, exhorting the congregation, Job staggered up the aisle, grabbed John Watts by the coat collar, dragged him to the door of the church, and threw him out upon the ground. Job Hicks was prosecuted in the superior court of my county for disturbing religious worship. He was convicted by a jury and was called to the bar of the court by Judge Robinson for sentencing.

Judge Robinson evidently felt like Job Hicks—that there might be some deficiencies in the theological doctrines being expounded by John Watts at the time of this unseemly event, and so, in seeking somewhat to temper the wind to the shorn lamb in his sentence, Judge Robinson said, in a very stern voice, "Job Hicks, when you were guilty of this unseemly conduct on the Lord's Day, you must have been so intoxicated as to not realize what you were doing." Job Hicks responded and said, "Your Honor, it is true I had had several drinks of corn liquor, but I would not want Your Honor to think that I was so drunk that I could stand by and see the word of the Lord be mumicked up like this without doing something about it."

So I have offered amendments, because I did not wish to see the Constitution of the United States being mumicked up.

I am just as much interested as any Member of this Congress is in seeing to it that unfair and unreasonable and arbitrary discriminations in laws against women are abolished. I am convinced, and my conviction is shared by some of the greatest legal scholars of this country, that all unfair or unreasonable or arbitrary discriminations made by law against women in our country are unconstitutional under the due process clause of the fifth amendment, which is applicable to the Federal Government, and the equal protection clause of the 14th amendment, which is applicable to the States.

I, therefore, believe that it is wholly unnecessary for the Constitution to be amended to abolish unfair or unreasonable or arbitrary distinctions made against women by the acts of Congress or by the laws of any of the States.

I certainly believe that it is very unwise and very undesirable to adopt the equal rights amendment in its present form, because that amendment is susceptible of the interpretation—and many legal scholars think that is the only interpretation that could be placed upon it—that it converts men and women into identical legal beings and confers upon men and women identical legal rights and subjects men and women to identical legal responsibilities.

I fear this will be the interpretation which the Supreme Court will necessarily have to place upon the equal rights amendment, because the equal rights amendment is absolute and rigid in terms and admits of no exceptions or limitations. It declares, in substance, that neither Congress nor the legislatures of the 50 States can make any legal distinction based upon sex.

Well, the good Lord made some substantial distinctions between men and women when He created them. The Book of Genesis informs us quite truly that when God created mankind He created them male and female. I am of the opinion that Mrs. Myra Wolfgang, a high officer in a union which represents women, stated an indisputable truth when she said the difference between men and women cannot be changed by an act of Congress or by a constitutional amendment.

Now, to be sure, Congress and the States can amend the Constitution and say to all legislative bodies in this Nation that they must pretend that men and women were not created as two sexes, but created as one sex. That will not settle any problems. It will merely magnify the problems and make Congress and the States rather ridiculous in that they would be attempting to repeal the handiwork of God.

I am troubled by a constitutional amendment which undertakes to do something which is impossible, and that is to convert men and women into identical legal beings.

I am troubled by this amendment on another ground, and I have been surprised to notice so many Members of the Senate who profess to believe in States' rights and State responsibilities support this amendment. When he wrote his great opinion in Texas against White, Chief Justice Salmon P. Chase stated that the Constitution in all its provisions look to an indestructible Union composed of indestructible States. I fear—and I say this in all seriousness—that if this equal rights amendment is adopted by the States, it will come near to abolishing the States of this Union as viable governmental bodies. I think it will virtually reduce the States of this Union to meaningless zeroes on the Nation's map. I think it will transfer virtually all the legislative power of government from the States to Congress.

I do not know how many Members of the Senate have read the decision of the Supreme Court in the case of Katzenbach against Morgan, which laid down the strange doctrine that the fifth section of the 14th amendment, which empowers Congress merely to enforce the first section of the 14th amendment, gives Congress the power to nullify State laws and substitute for State laws, even in areas committed by the Constitution to the States, Federal laws.

I invite the attention of the Senate to this proposed amendment in its present form:

> SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.
>
> SEC. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

If the decision of the Supreme Court in Katzenbach against Morgan is adhered to by the Supreme Court, section 2 of this equal rights amendment in its present form will empower the Congress of the United States to supplant the States in every field of legislation which relates to men and women or boys and girls; and I respectfully submit that that applies to virtually every field of legislation and to virtually every law.

Why do I say that? I say that because laws are not passed to regulate the conduct of animals or birds or fishes; laws are passed for only one purpose, and that is to govern the conduct of people. And despite the clamor of some of the supporters of the equal rights amendment, there are only two kinds of people in this world, and those two kinds of people are males and females.

So I think that some of us might well get down on our knees and pray, "Father, forgive us, for we know not what we do."

This is the most drastic proposal for amendment of the Constitution ever recommended or supported in the history of this Nation. If it is susceptible of the interpretation which the Supreme Court placed upon the fifth section of the 14th amendment in Katzenbach against Morgan, then this amendment, if ratified by the States, will give Congress the power to occupy the entire legislation field in this Nation in respect to the manifold union composed of indestructible States, will be bereft of their power in this respect. The States will become to all intents and purposes meaningless zeroes upon the Nation's map.

Not only that, the federal system, which contemplates an indestructible union composed of indestructible States, as it is now established by all of the provisions of the Constitution, will be substantially destroyed, and all legislative power relating to the manifold relations of men and women will be concentrated in the Congress of the United States.

And not only that, but the ultimate power to interpret all of the laws of this nature will be lodged in the Federal courts to the exclusion of the State courts.

I believe, and I honestly believe, that this proposed amendment is susceptible of these drastic interpretations. Indeed, since it has no exceptions and no limitations, and is absolute and rigid in its provisions, I do not see how it can be interpreted otherwise. That is a bad situation, thus to concentrate all power of this nature in the Federal Government, because nothing truer was ever said than the statement which Woodrow Wilson uttered on one occasion in which he said that when we resist the concentration of governmental power, we resist the processes of death, because concentration of power always precedes the destruction of human liberties.

So much for my fears about the interpretation which will be placed upon the equal rights amendment. I want to take this occasion to thank the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD), the distinguished assistant majority leader, the Senator from West Virginia (Mr. BYRD), and the distinguished floor manager of this measure, the Senator from Indiana (Mr. BAYH), for their great courtesy, their patience, and their forbearance which they have manifested toward me during the days this resolution has been under debate.

I also wish to take this occasion to thank one of my aides, Robert Bland Smith, Jr., for the dedicated, diligent, and untiring assistance which he has given to me in my efforts to present to the Senate views which I feel deeply and which I entertain honestly.

I also wish to pay tribute to the small band—an exceedingly small band—of stouthearted Senators who have shared my views in respect to the equal rights amendment and have supported my efforts to bring some degree of order out of the legal chaos which the amendment is likely to inflict upon our country. It is almost impossible to conceive the state of legal chaos which will ensue if this amendment is ratified by the States. It will invalidate thousands of laws which make legal distinctions between men and women, many of which are based upon entirely rational grounds and a recognition of the fact that God did create two sexes.

These stouthearted Senators who have stood by me in this body sought in vain to make it certain that the equal rights amendment would not compel the Congress to subject women to compulsory military service when there was no necessity for so doing. They sought, and sought in vain, to make it certain that the daughters of America would not be sent into combat to die or to be maimed by the bayonets, the bombs, the bullets, the grenades, the mines, the napalm, the poison gas, and the shells of an enemy.

They tried to make certain that the laws of the United States and the laws of the States which extend protections and exemptions to women in general and to wives, mothers, and widows in particular, which commonsense and reality and the experience of mankind have shown to be needful to enable them to perform their roles as wives and mothers, and to extend to helpless children the nurtures which they require in their infancy, and to give them the training necessary to their intellectual and spiritual role, were not outlawed by this amendment. They sought to do that in vain.

They also sought to make certain that the laws which imposed upon husbands the primary obligation to support their wives, and upon fathers the primary obligation to support their children, would not be abrogated by this amendment. They also sought to do that in vain.

They also sought to make certain that the laws of the United States and the laws of the States which secure privacy—an invaluable right—to men and women and to boys and girls would not be abrogated by this amendment. They sought to do that in vain.

They also sought to make certain that mature men would not go unwhipped of justice if they seduce innocent and virtuous women under promises of marriage, or if they have carnal knowledge of immature girls under the age of consent, or if they transport women and girls in interstate or foreign commerce for the purpose of debauchery and prostitution. These stouthearted Senators also sought that objective in vain.

The stouthearted Senators, who stood by me in this flight, and I have sustained an overwhelming defeat. But I believe that we have sustained this defeat under circumstances in which defeat serves better than victory to shake the soul and let the glory out. I say to those stouthearted Senators who supported me in this fight that they can lay to their hearts the satisfaction that they have not aided in an effort to crucify American womanhood upon the cross of dubious equality and specious uniformity. They have pursued this course because they cannot blind themselves to the proposition that when God created mankind, he created them male and female.

I cannot vote for this resolution on final passage.

I sincerely hope that the State legislatures will give serious consideration to all the arguments which have been made for the resolution and all the arguments which have been made against the resolution. I hope they will not agree to a constitutional amendment which would compel Congress to send my 5-year-old granddaughter on a subsequent occasion into combat with armed enemies of the United States where there are millions and millions and millions of men available to perform that duty.

I appreciate the indulgence of the Senate, and I yield the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. MANSFIELD. Mr. President, first, may I extend my congratulations to the distinguished senior Senator from North Carolina for the fight he has waged in all honesty, with deep conviction, and with great vigor.

If this constitutional amendment is adopted in the Senate by a two-thirds vote, it will not be a catastrophic defeat for the distinguished Senator; but if defeat there is, it will be an honorable defeat, because he has stated his case with cogency and clarity, and he has waged the good fight for what he thinks is right, and perhaps history will prove him right. But, as the Senator has indicated, it is going to take three-quarters of the States to affirm or to approve what Congress will have done if this body this afternoon passes the constitutional amendment by a two-thirds majority, and that remains to be seen.

I want to pay my deepest respects to the distinguished Senator not only for the fight he has waged, consistently and with clarity, but also for the fact that he is the only Member of this body who, since we returned to the second session of this Congress on January 18, has been engaged in debate, day in and day out, without fail. He has been the first Member to come into the Chamber, along with the joint leadership. Almost always, he has been the last Member to leave.

So I commend the distinguished Senator for the remarkable physical stamina he has shown, and I honor him for the intellectual integrity he has displayed.

Mr. ERVIN. Mr. President, I thank the distinguished majority leader for his most generous and gracious remarks. If I had not entertained heretofore the profound admiration for him which I do, I would certainly entertain it now.

Mr. BAYH. Mr. President, I ask unanimous consent that excerpts from the majority report of the Senate Judiciary Committee, explaining in significant detail some of the issues which have been discussed here today be printed in the RECORD, so that the State legislatures of the 50 States may have the benefit of that information.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

[Excerpts from the majority report of the Committee on the Judiciary on the Equal Rights Amendment—submitted by Mr. BAYH]

STATEMENT

The proposed Equal Rights Amendment reads as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE—

"SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"SEC. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

"SEC. 3. This amendment shall take effect two years after the date of ratification."

The history of the proposal, the need for an Equal Rights Amendment, and the effect of the Amendment are discussed in detail in later sections of this Report. The basic principle on which the Amendment rests may be stated shortly: sex should not be a factor in determining the legal rights of men or of women. The Amendment thus recognizes the fundamental dignity and individuality of each human being. The Amendment will affect only governmental action; the private actions and the private relationships of men and women are unaffected. And the Amendment only requires equal treatment of individuals; it does not require any State or the federal government to establish quotas of men or women in, for example, admission to State supported schools.

Both major political parties have repeatedly supported this proposal in their national party platforms. It has received the endorsement of Presidents Eisenhower, Kennedy, Johnson and Nixon. Both the Citizens' Advisory Council on the Status of Women, created by President Kennedy, and the President's Task Force on Women's Rights and Responsibilities, created by President Nixon, have recommended in strongest terms approval of the Amendment. At least eleven states (California, Connecticut, Delaware, Florida, Louisiana, Maryland, Minnesota, Nebraska, New York, North Dakota, Pennsylvania) have taken official action in support of the Amendment. The House of Representatives on October 12, 1971 approved the Amendment 354 to 23. And S.J. Res. 8, which is identical to H.J. Res. 208, is cosponsored by over half the Senate.

Moreover, an impressive list of organizations have recorded their support of the Equal Rights Amendment. Among them are the following:

American Association of College Deans.
American Association of University Women.
American Association of Women Deans and Counselors.
American Association of Women Ministers.
American Civil Liberties Union.
American Federation of Soroptimist Clubs.
American Home Economics Association.
American Jewish Congress.
American Medical Women's Association.
American Newspaper Guild.
American Nurses Association.
American Society of Microbiology.
American Society of Women Accountants.
American Society of Women Certified Public Accountants.
American Women in Radio and Television.
Association of American Women Dentists.
B'nai B'rith Women.
Church Women United.
Common Cause.
Council for Christian Social Action, United Church of Christ.
Council for Women's Rights.
Ecumenical Task Force on Women and Religion (Catholic Caucus).
Federally Employed Women.
General Federation of Women's Clubs.
Intercollegiate Association of Women Students.
International Association of Human Rights Agencies.
International Brotherhood of Painters and Allied Trades.
International Brotherhood of Teamsters.
International Union of United Automobile, Aerospace & Agricultural Implement Workers UAW.
Interstate Association of Commissions on the Status of Women.
Ladies Auxiliary of Veterans of Foreign Wars.
League of American Working Women.
National Association of Colored Women.
National Association of Negro Business and Professional Women's Clubs.
National Association of Railway Business Women.
National Association of Women Lawyers.
National Coalition of American Nuns.
National Education Association.
National Federation of Business and Professional Women's Clubs.
National Organization for Women.
National Welfare Rights Organization.
National Women's Party.
National Women's Political Caucus.
Professional Women's Conference.
St. Joan's Alliance of Catholic Women.
Unitarian Universalist Women's Federation.
United Automobile Workers.
United Methodist Church—Women's Division.
Women's Equity Action League.
Women's International League for Peace and Freedom.
Women's Joint Legislative Committee for Equal Rights.
Women United.

Finally, a number of distinguished constitutional scholars have testified in support of the Equal Rights Amendment, including Professor Norman Dorsen of New York University, Professor Thomas I. Emerson, Lines Professor of Law at Yale Law School, and Leo Kanowitz, Professor of Law at the University of New Mexico. Moreover, the Association of the Bar of the City of New York, through its Committee on Civil Rights and Special Committee on Sex and Law has urged "adoption of the [Equal Rights] Amendment as the best means of establishing equality before the law." And the American Bar Association recently adopted a resolution which "supports constitutional equality for women, and urges extension of legal rights, privileges and responsibilities to all persons, regardless of sex."

In sum, the Committee was impressed with the broad base of political, public and scholarly opinion in favor of the Equal Rights Amendment, and recommends that it be approved.

I. LEGISLATIVE HISTORY

Proposed constitutional amendment providing for equal rights for men and women have been introduced in nearly every Congress since 1923, shortly after the ratification of the 19th Amendment extended the right to vote to women. Resolutions were reported favorably by the Subcommittee on Constitutional Amendments in the 88th, 89th and 90th Congresses, as well as a number of earlier Congresses. Resolutions were reported favorably by the Committee on the Judiciary in the 80th, 81st, 82nd, 83rd, 84th, 86th, 87th and 88th Congresses.

In the 81st Congress, and again in the 83rd Congress, resolutions passed the Senate with a floor amendment. This floor amendment provided that the Amendment "shall not be construed to impair any rights, benefits or exemptions now or hereafter conferred by law upon members of the female sex." In both instances, the House of Representatives failed to act. The same floor amendment was added to an equal rights resolution during Senate consideration in the 86th Congress. The proponents of the amendment objected to this addition because it diluted the equality of rights and responsibilities among men and women, which is the Amendment's goal. Accordingly, the resolution's principle sponsors moved to recommit it to the Judiciary Committee, and that motion was passed.

On May 5, 6, and 7, 1970, the Subcommittee on Constitutional Amendments held hearings on the Equal Rights Amendment. It received testimony from 42 witnesses, received 75 additional insertions of material, and compiled a hearing record of almost 800 pages. *The Equal Rights Amendment,* Hearings Before the Senate Subcommittee on Constitutional Amendments, 91st Cong., 2d Sess. (1970). The Subcommittee met and reported the Amendment to the full Committee on August 10, 1970. Soon thereafter the full Committee held a further series of hearings on the Amendment, on September 9, 10, 11, and 15, 1970. It listened to 25 witnesses and compiled a 430 page record of hearings. *Equal Rights 1970,* Hearings Before the Senate Committee on the Judiciary, 91st Cong., 2d Sess. (1970).

In the meantime, the House of Representatives voted to discharge its Judiciary Committee from further consideration of the Equal Rights Amendment and, on August 10, 1970, by a vote of 350 to 15, approved the Amendment (H.J. Res. 264).

The House-passed joint resolution was not referred to the Senate Judiciary Committee but was placed directly on the Calendar pursuant to the request of the Senate leadership. H.J. Res. 264 became the pending Senate business on October 6, 1970. After several days of debate, on October 13, 1970, the Senate adopted by a vote of 36 yeas to 33 nays Amendment No. 1049, which added a second sentence to the first section of the joint resolution, as follows: "This article shall not impair, however, the validity of any law of the United States which exempts women from compulsory military service." Amendment 1049 also imposed a seven-year time limit on the ratification process and made the joint resolution effective two years—instead of one year—after ratification. Thereafter, the Senate also adopted, 50 yeas to 20 nays, Amendment No. 1048, which added to the pending joint resolution a second section proposing an additional constitutional amendment relating to prayers in public buildings. After further debate the Senate laid aside the joint resolution, as amended, on November 19, 1970, and proceeded to the consideration of other business. No further action was taken in the 91st Congress.

In the 92d Congress, Subcommittee No. 4 of the House Judiciary Committee held hearings on H.J. Res. 208—which is identical to S.J. Res. 8 and 9 in the 92d Congress—on March 24, 25, and 31, and April 1, 2, and 5, 1971, hearing testimony from 35 witnesses. *Equal Rights for Men and Women*, Hearings Before Subcommittee No. 4 of the House Judiciary Committee, 92d Cong., 1st Sess. (1971). On April 29, 1971 the Subcommittee by a voice vote ordered the measure reported to the House Judiciary Committee. The full Committee amended the joint resolution on June 22, 1971 by a vote of 19 to 16 by adding a section which provided that the Amendment would "not impair the validity of any law of the United States which exempts a person from compulsory military service or any other law of the United States or any State which reasonably promotes the health and safety of the people." It then, by vote of 38 to 2, ordered the joint resolution reported favorably. The Committee Report, H.R. Rep. 92-259, was filed on July 14, 1971. Separate views were filed by 14 Representatives; Minority views were filed by 3.

On October 12, 1971 the House rejected by vote of 104 to 254 the Committee amendment to H. J. Res. 208. After further debate, it approved the resolution in its original form by vote of 354 to 23. (117 Cong. Rec. H. 9392 (Daily ed. Oct. 12, 1971)).

In the Senate, the Subcommittee on Constitutional Amendments met on November 22, 1971, and adopted by vote of 6 to 4 a motion to substitute the following language for sections 1 and 2 of S.J. Res. 8, and S.J. Res. 9, and H.J. Res. 208:

"SECTION 1. Neither the United States nor any State shall make any legal distinction between the rights and responsibilities of male and female persons unless such distinction is based on physiological or functional differences between them.

SEC. 2. The Congress shall have the power to enforce the provisions of this article by appropriate legislation."

The subcommittee then voted unanimously to report all three joint resolutions, as amended, to the full Judiciary Committee.

By vote of 15 to 1 on February 29, 1972, the Senate Judiciary Committee ordered S.J. Res. 8, S.J. Res. 9 and H.J. Res. 208 reported favorably to the floor unamended. Prior to ordering the Equal Rights Amendment reported favorably and unamended, the Committee took the following actions:

(1) Rejected by roll call vote of 1 to 15 a motion to substitute for sections 1 and 2 of the Equal Rights Amendment the language (printed above) recommended by the Subcommittee on Constitutional Amendments (see Part IV, *infra*);

(2) Rejected by voice vote a motion to add the following language to section 1 of the Equal Rights Amendment: "The provisions of this article shall not impair the validity, however, of any laws of the United States or any State which exempt women from compulsory military service, or from service in combat units of the Armed Forces; or extend protections or exemptions to wives, mothers, or widows; or impose upon fathers responsibility for the support of children; or secure privacy to men or women, or boys or girls; or make punishable as crimes, rape, seduction, or other sexual offenses," (see Part IV, *infra*);

(3) Rejected by voice vote a motion to add the following language to section 1 of the Equal Rights Amendment: "Nothing contained in this article shall be construed to deprive the United States and the several States of the legislative power to extend to female persons any right or protection sanctioned by the fifth or fourteenth articles of amendment";

(4) Rejected by roll call vote of 2 to 14 a motion to add the following language to section 1 of the Equal Rights Amendment: "This article shall not impair the validity of any law of the United States which exempts women from compulsory military service or service in combat units of the Armed Forces", (see Part III(B), *infra*);

(5) Rejected by roll call vote of 3 to 13 a motion to add the following language to section 1 of the Equal Rights Amendment: "This article shall not impair the validity of any law of the United States which exempts women from compulsory military service," (see Part III(B), *infra*);

(6) Rejected by voice vote a motion to add the following language to section 1 of the Equal Rights Amendment: "No Federal law shall prohibit an institution of higher education from enrolling only male or female students or students of both sexes. If any such institution of higher education enrolls both male and female students, such institution shall not be allowed to accept only a certain percentage of individuals of either sex," (see Part III(E), *infra*).

II. THE NEED FOR THE EQUAL RIGHTS AMENDMENT

A. Discrimination against women

While there has been some progress toward the goal of equal rights and responsibilities for men and women in recent years, there is overwhelming evidence that persistent patterns of sex discrimination permeate our social, cultural and economic life. The magnitude of sex discrimination in the country today can be gauged by the simple and eloquent statement of Congresswoman Shirley Chisholm when she testified before the Subcommittee on Constitutional Amendments in May 1970: "I have been far oftener discriminated against because I am a woman than because I am black."

Some legislative progress has been made toward equal rights, but not enough to wipe out all discrimination against women in State and Federal law. Congress approved Title VII of the Civil Rights Act of 1964, which prohibits sex discrimination in employment unless sex is a "bona fide occupational qualification." And Congress approved the Equal Pay Act which assures that many persons who do equal work receive equal pay regardless of sex. But these laws fail to reach discrimination in many areas, allow for substantial exemptions in some cases, and have often been implemented too slowly.

The Supreme Court has been slow to move too: recently, for the first time, it did invalidate a state law which discriminated against women, but it did so in a way which left the burden of proof on each woman plaintiff to show that the law is unreasonable. The Court has consistently refused to apply the Fourteenth Amendment to discrimination based on sex with the same vigor it applies the Amendment to distinctions based on race.

In the States, progress has been mixed. Some States have made diligent efforts to revise outmoded and discriminatory laws, and three States—Illinois, Pennsylvania and Virginia—have recently approved State constitutional provisions banning sex discrimination. But in other States, there has been no progress at all.

On the whole, sex discrimination is still much more the rule than the exception. Much of this discrimination is directly attributable to governmental action both in maintaining archaic discriminatory laws and in perpetuating discriminatory practices in employment, education and other areas. The social and economic cost to our society, as well as the individual psychological impact of sex discrimination, are immeasurable. That a majority of our population should be subjected to the indignities and limitations of second class citizenship is a fundamental affront to personal human liberty.

Specific examples of sex discrimination are legion, and have been brought to the attention of Congress many times, through hearings on the Equal Rights Amendment and on other legislation (for example, *Discrimination Against Women*, Hearings Before the Special Subcommittee on Education of the House Committee on Education and Labor, 91st Cong., 2d Sess. (1970)). In assessing the need for the Equal Rights Amendment, it is useful to review a few of the best known and most far reaching cases of invidious sex discrimination.

1. Criminal Liability and Civil Responsibility

Difficult as it is to believe, the record shows that women are sometimes denied even the basic rights and responsibilities of citizenship in the United States today. Until 1966, for example, three States exluded women from juries altogether. And today there is still at least one State which requires women, but not men, to register specially to be eligible to serve on juries.

There is also invidious discrimination against women in the criminal laws of some States. One State has a statute allowing women to be jailed for three years for habitual drunkenness, while a man can receive only 30 days for the same offense. In two States, the defense of "passion killing" is allowed to the wronged husband, but not to the deceived wife. And in another State, female juvenile offenders can be declared "persons in need of supervision" for noncriminal acts until they are 18, while males are covered by the statute only until age 16.

2. Education

Governmental action also contributes significantly to sex discrimination in education. Approximately 75 percent of the college students in the country attend publicly supported institutions. These colleges and universities have a crucial role in determining employment opportunities for women by providing access to professional training and careers. Yet widespread patterns of sex discrimination are found in the admissions policies and hiring practices of institutions of learning throughout the country. As an independent report prepared for the Department of Health, Education and Welfare this year stated: "Discrimination against women, in contrast to that against minorities, is still overt and socially acceptable within the academic community."

Discrimination in admission to college is widespread. In 1968, only 18 per cent of the men entering public four-year colleges had a high school grade average of B+ or better. But 41 per cent of the freshman women had attained such grades. In 1969 one State university published an admissions brochure which stated that "admission of women on the freshman level will be restricted to those who are especially well qualified." Another State university admitted women only for summer school sessions, and never to the regular academic curriculum, unless they are related to employees or students and wish to pursue a course of study otherwise unavailable. In 1970, the percentage of the female population enrolled in college was markedly lower than the percentage of the male population. Over 40 percent of the males between the ages of 18 and 21, and over 20 percent of the males between 23 and 24 were enrolled in college. But the comparable figures for females were 29 percent and 9 percent respectively.

Discrimination in admission to graduate schools is, if anything, even more widespread, despite the fact that women's undergraduate grade point averages are higher than men's. Testimony before the House Special Subcommittee on Education in 1970 revealed, for example, that the number of women applying for admission to U.S. medical schools increased by more than 300 percent between 1929–30 and 1965–66 (while male applications increased by only 29 percent). The percentage of women applicants who were accepted actually declined during the same period. And while women received 55 percent of the Bachelors degrees awarded in all fields in 1968–69, women received only 37 percent of the Masters degrees, only 13 percent of the Doctorates, and only 4 percent of the professional degrees.

Discrimination against women does not end with admission; it pervades every level of the teaching profession. While 75 percent of the teachers in public elementary and secondary schools are women, only 22 percent of the elementary school principals and only 4 percent of the high school principals are women. At the college level, statistics show that while almost half of the male teachers become full professors only 10 percent of the female teachers are granted that status. And according to a recent survey of 36 prominent law schools, to take a final example, only 2.1 percent of the faculty members are women, and a quarter of those are classified as Librarians.

3. Business and labor

The business and labor laws of some States discriminate invidiously against women. Some States place special restrictions on the right of married women, but not married men, to contract or to establish independent businesses or to become a guarantor or a surety. Perhaps even more astounding, the Committee discovered at the hearings in 1970 that twenty-six States then had laws or regulations which prohibited the employment of adult women in specified occupations or industries which were open to adult men.

Most States have enacted so-called "protective" labor legislation in one form or another. Many of these laws are not protective at all, but rather are restrictive, and have been shown to have a discriminatory impact when applied only to women. For example, a law which limits the working hours of women but not of men makes it more difficult for women to obtain work they desire and for which they are qualified, or to become supervisors. State laws which limit the amount of weight a women can lift or carry arbitrarily keep all women from certain desirable or high-paying jobs, although many if not most women are fully capable of performing the tasks required. Speaking of such restrictive laws as a whole, the Equal Employment Opportunities Commission states in its guidelines on sex discrimination:

"The Commission believes that [state laws which restrict or limit the employment or conditions of employment of females] although originally promulgated for the purpose of protecting females, have ceased to be relevant to our technology or to the expanding role of the female worker in our economy. The Commission has found that such laws and regulations do not take into account the capacities, preferences and abilities of individual females and tend to discriminate rather than protect."

Partially because of these laws, and also because of other sorts of sex discrimination, working women are at a great disadvantage in the private sector. The median salary income for women is only 59.5 percent of that earned by men—and in recent years the gap between male and female median incomes has been widening. In 1969, less than 5 percent of all fulltime female workers earned over $10,000 per year, compared with 35 percent of all male workers. At the other end of the scale, 14.4 percent of women, but only 5.7 percent of men, earned less than $3,000. Indeed, sex discrimination is so pervasive that women with four years of college education made only slightly more than men with an eighth grade education. And while women account for more than 40 percent of all white collar jobs, they hold only one in ten managerial positions and one in seven professional jobs.

Sex discrimination is clearly present even in government employment, which in total accounts for more than 20 percent of the labor force. For example, although women constituted 34 percent of all full-time white collar Federal Civil Service Employees in 1967, they filled more than 62 percent of the four lowest grades and only 2.5 percent or less of the four highest grades. And sex discrimination in government has an effect even greater than the numbers involved, for private employers often look to government as a model for employment practices.

B. Inadequacy of legislative or judicial relief

It is sometimes argued that all of the discriminatory laws and practices which exist could be eliminated without a constitutional amendment. If the Supreme Court were to hold that discrimination based on sex, like discrimination based on race, is inherently "suspect" and cannot be justified in the absence of a "compelling and overriding state interest", then part of the reason for the Amendment would disappear. But the Court has persistently refused so to hold. Indeed, the Court has upheld many laws which plainly discriminate against women.

Its first significant case involving sex discrimination was *Bradwell* v. *Illinois*, 83 U.S. 130 (1872), in which the Court upheld the refusal of the Supreme Court of Illinois to allow women to practice law. The Court relied on the Privileges and Immunities Clause of the Fourteenth Amendment and not the Equal Protection or Due Process Clauses, to uphold the law. Two years later, the Court held that the Fourteenth Amendment did not confer on women citizens the right to vote, in *Minor* v. *Happersett*, 88 U.S. 162 (1874), a position which stood until ratification of the Suffrage Amendment in 1920.

Later, the Court began to apply a standard of "reasonableness" to laws which discriminated on the basis of sex. This test was employed to uphold against constitutional attack labor laws which appeared to have little if any reasonable justification. A good example is the case of *Goesart* v. *Cleary*, 335 U.S. 464 (1948), in which the Court upheld a Michigan statute prohibiting all females—other than the wives and daughters of male licensees—from being licensed as bartenders. The Court in *Goesart* assumed that such patently discriminatory legislation could be sustained if it were "reasonably" related to the State's objective in making such a classification. The Court did not even explore the possibility that a more rigorous constitutional standard should be applied.

More recently, in *Hoyt* v. *Florida*, 386 U.S. 57 (1967), the Court upheld a Florida statute providing that no female would be called for jury service unless she had registered to be placed on the jury list. The Court found that such discrimination was permissible under the Fourteenth Amendment, since it was reasonable 'for a state, acting in pursuit of the general welfare to conclude that a woman should be relieved from the civic duty of jury service unless she herself determines that such service is consistent with her own special responsibilities."

Last year the Supreme Court for the first time struck down a law which discriminated against women. In *Reed* v. *Reed*, ——— U.S. ———, 40 U.S.L.W. 4013, (1971, the Court invalidated a State law which arbitrarily favored men over women as administrators of estates. But the Court did not overrule such cases as *Goesart* and *Hoyt*, and it did not hold that sex discrimination is "suspect" under the Fourteenth Amendment. Instead, the Court left the burden on every woman plaintiff to prove that governmental action perpetuating sex discrimination is "unreasonable." And that is a difficult burden to carry, indeed. As the Association of the Bar of the City of New York pointed out in its recent report "[t]he 1971 *Reed* case indicated no substantial change in judicial attitude." Passage of the Equal Rights Amendment will make it clear that the burden is *not* on each woman plaintiff to show sex discrimination is "unreasonable"; the Amendment will, instead, assure all men and women the right to be free from discrimination based on sex.

Of course, it would theoretically be possible for Congress and each State to revise their laws and eliminate those which discriminate against women. But without the impetus of the Equal Rights Amendment, that process would be far too haphazard and much too slow to be acceptable. We cannot afford to wait any longer for Congress and each of the 50 State legislatures to find the time to debate and revise their laws. As in other areas where the Constitution has been amended, there is an imperative for immediate action. The Nation has waited too long already—it has been 49 years since the Equal Rights Amendment was first introduced. Only a constitutional amendment can provide the legal and practical basis for the necessary changes.

Finally, we cannot overlook the immense symbolic importance of the Equal Rights Amendment. The women of our country must have tangible evidence of our commitment to guarantee equal treatment under law. An amendment to the Constitution has great moral and persuasive value. Every citizen recognizes the importance of a constitutional amendment, for the Constitution declares the most basic policies of our Nation as well as the supreme law of the land.

The Committee concludes that because of the pervasive legal sex discrimination which now exists, and because of the inedaquacy of legislative and judicial remedies, there is a clear and undeniable need for the Equal Rights Amendment.

III. THE EFFECT OF THE EQUAL RIGHTS AMENDMENT

A. General principles

The general principles on which the Equal Rights Amendment rests are simple and well-understood. Essentially, the Amendment requires that the federal government and all state and local governments treat each person, male and female, as an individual.

It does not require that any level of government establish quotas for men or for women in any of its activities; rather, it simply prohibits discrimination on the basis of a person's sex. The Amendment applies only to governmental action; it does not affect private action or the purely social relationships between men and women.

The Separate Views of Congressman Edwards and 13 other members of the House Judiciary Committee in the House Report on the equal rights amendment, H.R. Rep. 92–359, state concisely and accurately the understanding of the proponents of the Amendment:

"The basic premise of House Joint Resolution 208 in its original form is a simple one. As stated by Professor Thomas Emerson of Yale University, one of the Nation's foremost authorities on constitutional law, the original text is based on the fundamental proposition that sex should not be a factor in determining the legal rights of women or of men.

"The existence of a characteristic found more often in one sex than the other does not justify legal treatment of all members of that sex different from all members of the other sex. The same is true of the functions performed by individuals. The circumstance, that in our present society members of one sex are more likely to be engaged in a particular type of activity than members of the other sex, does not authorize the Government to fix legal rights or obligations on the basis of membership in one sex. The law may operate by grouping individuals in terms of existing characteristics or functions, but not through a vast over-classification by sex.

"The main reason underlying the basic concept of the original text derives from both theoretical and practical considerations. The equal rights amendment (H.J. Res. 208) embodies a moral value judgment that a legal right or obligation should not depend upon sex but upon other factors—factors which are common to both sexes. This judgment is rooted in the basic concern of society with the individual, and with the right of each individual to develop his own potentiality.

"The legal principle underlying the equal rights amendment (H.J. Res. 208) is that the law must deal with the individual attributes of the particular person and not with stereotypes of over-classification based on sex. However, the original resolution does not require that women must be treated in all respects the same as men. "Equality" does not mean "sameness." As a result, the original resolution would not prohibit reasonable classifications based on characteristics that are unique to one sex. For example a law providing for payment of the medical costs of child bearing could only apply to women. In contrast, if a particular characteristic is found among members of both sexes, then under the proposed amendment it is not the sex factor but the individual factor which should be determinative.

"Just as the principle of equality does not mean that the sexes must be regarded as identical, so too it does not prohibit the States from requiring a reasonable separation of persons of different sexes under some circumstances. In this regard, two collateral legal principles are especially significant. One principle involves the traditional power of the State to regulate cohabitation and sexual activity by unmarried persons. This principle would permit the State to require segregation of the sexes for these regulatory purposes with respect to such facilities as sleeping quarters at coeducational colleges, prison dormitories, and military barracks.

"Another collateral legal principle flows from the constitutional right of privacy established by the Supreme Court in *Griswold* v. *Connecticut*, 381 U.S. 479 (1965). This right would likewise permit a separation of the sexes with respect to such places as public toilets, as well as sleeping quarters of public institutions.

"With respect to other constitutional considerations, it should be noted that (H.J. Res. 208) would apply only to governmental action, and not to private or individual action. In this regard, as well as in some of its other features, (H.J. Res. 208) is similar to those provisions of the 14th Amendment which are directed against racial, ethnic, and religious discrimination. Thus, in interpreting (H.J. Res. 208) the courts would have available a substantial body of case law which could be used as a guide when relevant. At the same time much as the struggle of women for equality is comparable to that of racial, ethnic, and religious minorities, there are some differences which the courts could also take into account in appropriate cases."

Because substantial controversy has arisen over the impact of the Equal Rights Amendment in a few specific areas, it is appropriate to suggest the likely application of these general principles in such areas.

B. Military service

It seems clear that the Equal Rights Amendment will require that women be allowed to volunteer for military service on the same basis as men; that is, women who are physically and otherwise qualified under neutral standards could not be prohibited from joining the service solely on the basis of their sex. This result is highly desirable for today women are often arbitrarily barred from military service and from the benefits which flow from it: for example, educational benefits of the G.I. bill; medical care in the service and through Veterans Hospitals; job preferences in government and out; and the training, maturity and leadership provided by service in the military itself.

It seems likely as well that the ERA will require Congress to treat men and women equally with respect to the draft. This means that, if there is a draft at all, both men and women who meet the physical and other requirements, and who are not exempt or deferred by law, will be subject to conscription. Once in the service, women, like men, would be assigned to various duties by their commanders, depending on their qualifications and the service's needs.

Of course, the ERA will not require that all women serve in the military any more than all men are now required to serve. Those women who are physically or mentally unqualified, or who are conscientious objectors, or who are exempt because of their responsibilities (e.g., certain public officials; or those with dependents) will not have to serve, just as men who are unqualified or exempt do not serve today. Thus the fear that mothers will be conscripted from their children into military service if the Equal Rights Amendment is ratified is totally and completely unfounded. Congress will retain ample power to create legitimate sex-neutral exemptions from compulsory service. For example, Congress might well decide to exempt all parents of children under 18 from the draft.

Our understanding of the effect of the Equal Rights Amendment comports with that of the House. The members of the House Judiciary Committee, quoting from the Report of the Senate Judiciary Committee on the Equal Rights Amendment in 1964, said:

"It could be expected that women will be equally subject to military conscription and they have demonstrated that they can perform admirably in many capacities in the Armed Forces. But the government would not require that women serve where they are not fitted just as men [are not required to serve where not fitted]."

Or, as Congresswoman Martha Griffiths, the primary sponsor of H.J. Res. 208, said on the floor:

"The draft is equal. That is the thing that is equal. But once you are in the Army you are put where the Army tells you where you are going to go."

Congressman Edwards, who had chaired the House Subcommittee Hearings on the Equal Rights Amendment, put it this way:

"Women in the military could be assigned to serve wherever their skills or talents were applicable and needed, in the discretion of the command, as men are at present."

Furthermore, our understanding comports with that of the witnesses at the hearings and other interested parties. See, for example, the testimony of Professor Norman Dorsen of New York University Law School in *Equal Rights for Men and Women 1971*, Hearing Before Subcommittee No. 4 of the House Judiciary Committee, 92d Cong., 1st Sess. 162–164 (1971); Report of the President's Task Force on Women's Rights and Responsibilities, *A Matter of Simple Justice* (April, 1970) (the Equal Rights Amendment "would impose on women an obligation for military service"); National Association of Women Lawyers, Letter to Hon. Emanuel Celler (April 27, 1971) (females "would be . . . subject to the draft on the same basis as young men" and "women in the military would receive the same benefits and veterans' preferences, employment, education skills learned in the service").

One question often raised is whether men and women can serve together efficiently in the Armed Services. Perhaps the best answer is that they are doing so now without apparent difficulty. The experience of other countries supports this conclusion. In Israel, women are required to serve in the Defense Forces just as men. They are not, however, assigned to combat posts, nor are they required to engage in physical combat. Rather, they perform critical noncombatant tasks in the clerical, communication, electronics and nursing fields. Separate and independent facilities are maintained for women soldiers. Under these circumstances, no significant difficulties have arisen from having men and women serve together.

C. Labor legislation

A number of States have laws which restrict or limit the occupations or conditions of employment of females, but not of males. These laws are often called "protective", but in practice many of them discriminate against women by making it difficult and sometimes impossible for a fully qualified woman to obtain certain jobs, often highly desirable ones. Because of Title VII of the Civil Rights Act of 1964, which prohibits sex discrimination in employment in certain instances where sex is not a "bona fide occupational qualification", these laws are not nearly as great a barrier to fair employment for women as they once were. Nevertheless, some States retain their laws.

Most of the so-called "protective" laws were passed to protect women from exploitation in another era, and they represented hard won progress. But today, some are merely restrictive, and because they apply only to women confer no real benefit. For example, some States have laws which absolutely prohibit women, whether qualified or not, from certain jobs—jobs which are open to men. Other States have weight lifting laws applicable only to women which effectively deny fully qualified women certain jobs. Still others have laws limiting the hours women may work—and these sometimes prevent women from gaining promotions to supervisory positions. As the Equal Employment Opportunity Commission has found, such laws "do not take into account the capacities, preferences, and abilities of individual females and tend to discriminate rather than protect."

Ratification of the Equal Rights Amendment will result in equal treatment for men and women with respect to the labor laws of the States, as in other legal matters. This will mean that such restrictive discriminatory labor laws as those which bar women entirely from certain occupations will be invalid. But those laws which confer a real benefit, which offer real protection, will, it is expected, be extended to protect both men and women. Examples of laws which may be expanded include laws providing for rest periods or minimum wage benefits or health and safety protections. Men are now sometimes denied the very real benefits these laws offer. As Professor Leo Kanowitz pointed out to your Committee at its Hearings in September 1970: "The fears of some opponents of the [Equal Rights] Amendment that its adoption would nullify laws that presently protect women only are thus unfounded—since the equality of treatment required by the [A]mendment can be achieved by extending the benefits of those laws to men rather than by removing them for women." The Association of the Bar of the City of New York pointed out in discussing laws requiring rest periods for women only, that they "may be extended to both sexes without burden or disruption."

D. Expansion versus nullification of unconstitutional statutes

The question of whether laws found unconstitutional under the Equal Rights Amendment will be struck down or extended to cover both men and women, is a question which extends beyond the area of labor legislation. Of course, the legislatures of the several States will have the primary responsibility for revising those laws which conflict with the Equal Rights Amendment. Indeed, the purpose of delaying the effective date of the Equal Rights Amendment for two years after ratification is to allow legislatures—particularly those which meet only in alternate years—and agencies an opportunity to review and revise their laws and regulations. As stated above, the Committee expects that any labor law, or other legislation, which is truly protective will be extended to include both sexes, while laws which are restrictive will become null and void.

In those situations where a court finds a State or federal law in conflict with the Equal Rights Amendment, the legal infirmity will be cured either by expanding the law to include both sexes or nullifying it entirely. As discussed above, it is expected that those laws which are discriminatory and restrictive will be stricken entirely as the court did in *McCrimmon* v. *Daley*, 2 FEP Cases 971 (N.D. Ill. March 31, 1970) which involved a law banning women from a certain occupation. On the other hand, it is expected that those laws which provide a meaningful protection would be expanded to include both men and women, as for example minimum wage laws, see *Potlatch Forests, Inc.* v. *Hays*, 318 F. Supp. 1368 (E.D. Ark. 1970), or laws requiring rest periods, *cf.* Equal Employment Opportunities Commission Case No. 6-8-6654 (June 23, 1969), 1 CCH Employ. Prac. Guide 6021.

There can be no question that the courts, upon holding a statute unconstitutional, can expand the scope of the statute if necessary to cure its legal infirmity. As Mr. Justice Harlan said, concurring in *Welsh* v. *United States*, 398 U.S. 333, 361 (1970) (footnote omitted):

"Where a statute is defective because of underinclusion there exist two remedial alternatives: a court may either declare it a nullity and order that its benefits not extend to the class that the legislature intended to benefit, or it may extend the coverage of the statute to include those who are aggrieved by exclusion." *See Skinner* v. *Oklahoma ex rel. Williams*, 316 U.S. 535, 543 (1942); *Iowa Des-Moines Nat'l. Bank* v. *Bennett*, 284 U.S. 239, 247 (1931); *Developments In the Law-Equal Protection* 82 Harv. L. Rev. 1065, 1136-37 (1969).

The Supreme Court has applied this principle in many cases. In 1880, for example, the Court extended a State statute limiting jury service to "electors" to include blacks enfranchised by the 14th and 15th Amendments rather than striking the law down. *Neal* v. *Delaware*, 103 U.S. 370 (1880). In *Sweat* v. *Painter*, 339 U.S. 637 (1950), and *McLaurin* v. *Oklahoma State Regents*, 339 U.S. 637 (1950) the Court held that State laws restricting access to State institutions of higher education on the basis of race were unconstitutional; it expanded the laws so that black students had equal access. And in *Levy* v. *Louisiana*, 391 U.S. 68 (1968), the Court extended to illegitimate children the right, restricted by a State statute to legitimate children, to recover wrongful death benefits. See generally Dorsen, *The Necessity of a Constitutional Amendment* in Equal Rights for Women: A Symposium on the Proposed Constitutional Amendment, 6 Harv. Civ. Rts.—Civ. Lib. L. Rev. 216 (1971).

As previously stated, courts have had a great deal of experience in dealing with laws which discriminate on the basis of sex, for Title VII of the Civil Rights Act of 1964 prohibits employment discrimination on the basis of sex unless sex is a "bona fide occupational qualification". Under that Federal statute a State overtime wage law was extended to include men, *Potlatch Forests, Inc.* v. *Hays*, 318 Supp. 1368 (E.D. Ark. 1970) as were weightlifting limitations, *Bowe* v. *Colgate-Palmolive Co.*, 416 F. 2d 711 (7th Cir. 1969). On the other hand, State laws banning women from an occupation have been struck down, *McCrimmon* v. *Daley*, 2 FEP Cases 971 (N.D., Ill. March 31, 1970), *on remand from* 418 F. 2nd 366 (7th Cir. 1969). See generally *Developments In the Law—Employment Discrimination and Title VII of the Civil Rights Act of 1964*, 84 Har. L. Rev. 1109, 1188-1190, 1194-1195 (1971).

E. Criminal law, education and family law

The general principles discussed above will govern the application of the Equal Rights Amendment to all fields of law. With respect to criminal law, for example, the Amendment will prohibit a State from providing for different punishments for men and women who commit the same crime, *cf. Commonwealth* v. *Daniel*, 430 Pa. 642, 243, 243A. 2d 400(1968). But the Amendment will not invalidate laws which punish rape, for such laws are designed to protect women in a way that they are uniformly distinct from men.

With respect to education, the Equal Rights Amendment will require that State supported schools at all levels eliminate laws or regulations or official practices which exclude women or limit their numbers. The Amendment would not require quotas for men and women, nor would it require that schools accurately reflect the sex distribution in the population; rather admission would turn on the basis of ability or other relevant characteristics, and not on the basis of sex. A similar result may be expected with respect to the distribution of scholarship funds. State schools and colleges currently limited to one sex would have to allow both sexes to attend. Employment and promotion in public schools would, as in the case of other governmental action, have to be free from sex discrimination.

It should also be noted with respect to education that the Amendment would not require that dormitories or bathrooms be shared by men and women. As explained above, the Amendment does not prohibit the separation of the sexes where the right of privacy is involved. As the Association of the Bar of the City of New York pointed out in its report, "[t]he constitutional right of privacy could be used to sanction separate male and female facilities for activities which involve disrobing, sleeping and personal bodily functions."

The Equal Rights Amendment may also have an effect on those State laws affecting domestic relations. In this area, as elsewhere, the Amendment will prohibit discrimination based on sex. This will mean that State domestic relations laws will have to be based on individual circumstances and needs, and not on sexual stereotypes. The report of the Association of the Bar of the City of New York accurately describes the Amendment's effect in this area:

"The Amendment would bar a state from imposing a greater liability on one spouse than on the other merely because of sex. It is clear that the Amendment would not require both a husband and wife to contribute identical amounts of money to a marriage. The support obligation of each spouse would be defined in functional terms based, for example, on each spouse's earning power, current resources and nonmonetary contributions to the family welfare.

"Thus, if spouses have equal resources and earning capacities, each would be equally liable for the support of the other—or in practical effect, neither would be required to support the other. On the other hand where one spouse is the primary wage earner and the other runs the home, the wage earner would have a duty to support the spouse who stays at home in compensation for the performance of her or his duties.

"Although courts still probably would be reluctant to interfere in the allocation of support between husband and wife in an ongoing marriage, upon the dissolution of marriage, both husbands and wives would be entitled to fairer treatment on the basis of individual circumstances rather than sex. Thus alimony laws could be drafted to take into consideration the spouse who had been out of the labor market for a period of years in order to make a non-compensated contribution to the family in the form of domestic tasks and/or child care."

As Professor Norman Dorsen pointed out to the Committee:

"The National Conference of Commissioners on Uniform State Laws recently adopted a Uniform Marriage and Divorce Act which takes an approach similar to that contemplated by the Equal Rights Amendment. It provides for alimony or maintenance for either spouse, and child support by either or both spouses, by defining all duties neutrally in terms of functions and needs of the people involved, rather than in terms of their sex. The action by the Commissioners, a respected and prudent body, deserves special consideration."

In sum, there is no reason to fear that the Equal Rights Amendment will have undesirable effects on the rights of men and women under State domestic relations laws.

* * * * *

V. SECTIONAL ANALYSIS

Resolution: This is the traditional form of a joint resolution proposing a constitutional amendment for ratification by the States. The seven year time limitation assures that ratification reflects the contemporaneous views of the people. It has been included in every amendment added to the Constitution in the last 50 years. It is interesting to note that the longest period of time ever taken to ratify a proposed amendment was less than 4 years. The power and responsibility of Congress to impose a reasonable time limit for ratification of constitutional amendments was made clear in both *Dillon v. Gloss* 256, U.S. 368 (1921), and *Coleman v. Miller,* 307 U.S. 433 (1939).

Section 1: This is the operative portion of the Amendment, described in detail above.

Section 2: This section grants Congress the power to implement the provisions of the Amendment by legislation. The wording is taken from Section 5 of the 14th Amendment, and almost identical language is found in the 13th, 15th, 19th, 23d, 24th, and 26th Amendments.

Section 3: This section delays the effective date of the Amendment for two years after ratification. The purpose of this section is to give the States and the federal government an opportunity to review and revise their laws, regulations and practices so as to bring them into compliance with the Amendment. Those State legislatures which meet only in alternate years, of course, will need this length of time to have an adequate opportunity to review their laws.

Mr. BAYH. Mr. President, I also ask unanimous consent to have printed in the RECORD a list of those organizations which have been particularly helpful to the Senate and to the Judiciary Committee in its deliberations. I only wish I had the time to name all the individuals, both staff members of these organizations and others who have worked on their own, whose countless hours of work have been of incalculable value to those of us in Congress who have been involved in this effort. I am also indebted to my staff for all the efforts they have made to make possible the adoption of this important amendment by the Senate.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

American Association of College Deans.
American Association of University Women.
American Association of Women Deans and Counselors.
American Association of Women Ministers.
American Civil Liberties Union.
American Federation of Soroptimist Clubs.
American Home Economics Association.
American Jewish Congress.
American Medical Women's Association.
American Newspaper Guild.
American Nurses Association.
American Society of Microbiology.
American Society of Women Accountants.
American Society of Women Certified Public Accountants.
American Women in Radio and Television.
Association of American Women Dentists.
B'nai B'rith Women.
Church Women United.
Common Cause.
Council for Christian Social Action, United Church of Christ.
Council for Women's Rights.
Ecumenical Task Force on Women and Religion (Catholic Caucus).
Federally Employed Women.
General Federation of Women's Clubs.
Intercollegiate Association of Women Students.
International Association of Human Rights Agencies.
International Brotherhood of Painters and Allied Trades.
International Brotherhood of Teamsters.
International Union of United Automobile, Aerospace & Agricultural Implement Workers UAW.
Interstate Association of Commissions on the Status of Women.
Ladies Auxiliary of Veterans of Foreign Wars.
League of American Working Women.
National Association of Colored Women.
National Association of Negro Business and Professional Women's Clubs.
National Association of Railway Business Women.
National Association of Women Lawyers.
National Coalition of American Nuns.
National Education Association.
National Federation of Business and Professional Women's Clubs.
National Organization for Women.
National Welfare Rights Organization.
National Woman's Party.
National Women's Political Caucus.
Professional Women's Conference.
St. Joan's Alliance of Catholic Women.
Unitarian Universalist Women's Federation.
United Automobile Workers.
United Methodist Church—Women's Division.
Women's Christian Temperance Union.
Women's Equity Action League.
Women's International League for Peace and Freedom.
Women's Joint Legislative Committee for Equal Rights.
Women United.

Mr. BAYH. Mr. President. I also wish to bring to the attention of my colleagues an article by Marguerite Rawalt, an attorney at law, concerning the necessity of the equal rights amendment. Mrs. Rawalt is a past president of the National Association of Women Lawyers and is the general counsel of Women United. She has worked long and hard to secure passage of the equal rights amendment and in this article she describes persuasively the reasons that the Senate must join the House and give congressional approval to the equal rights amendment.

I ask unanimous consent that an article entitled "Women Are Constitutional Outcasts" from "The Woman Physician," official publication of the American Medical Women's Association, vol. 26, December 1971, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WOMEN ARE CONSTITUTIONAL OUTCASTS

(By Marguerite Rawalt)

(ABSTRACT.—*The legal status of women is reviewed, and shows that women do not have the same legal rights and privileges as men. The passage of an* Equal Rights Amendment *is therefore a necessity.*)

The hidden truth about the U.S. Constitution is that it applies to men only. The founding fathers who drafted this document to govern the new democracy based it upon the English common law under which women and slaves were mere chattels. After 187 years of application and interpretation, women alone are still outside its pale, with the single exception of the right to vote granted by a specific amendment, in 1920. Only by further amendment can American women be brought into the rarified atmosphere of constitutional protection, since both the judicial and legislative branches have failed to recognize women as full beneficiaries of the law. Accordingly, the "Equal Rights Amendment" has been introduced in *every Congress for the past 48 years* and reads as follows:

"Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex."

WHY IS AN EQUAL RIGHTS AMENDMENT NEEDED?

The U.S. Supreme Court is the final interpreter of the Constitution. It has never ruled that the female half of the population is entitled to the benefits readily accorded to all males, either citizens or aliens. Since the original Constitution did not include females, cases claiming constitutional protection have arisen under the Fifth and Sixth Amendments thereto. The Fifth Amendment, applicable to the Federal Government, declares that no person may "be deprived of life, liberty or property without due process of law." The 14th Amendment adopted in 1868, forbids any state to "deprive *any person* of life, liberty or property without due process of law; or to deny to *any person* the equal protection of the laws."

The "equal protection" clause has been often and variously applied by the U.S. Supreme Court to insure legal rights of male citizens and of male non-citizens; to alien Chinese laundrymen and Japanese fishermen; to corporations; to racial groups; to school children; to juveniles; and to arch criminals. It seems irrefutable to say that the Court has embraced everybody and everything within the ambit of the 14th Amendment except only women of America. There follows an analysis of the high Court's controlling rulings.

1. *The right to work is not a woman's right under the 14th Amendment.*

The Supreme Court refused to apply the 14th Amendment to insure women the right to follow the profession of law. It has never been held to give women the right to work at any lawful occupation of the individual's choice. Illinois and Virginia statutes denying admission of women to the practice of law were early upheld by decisions in 1872 and in 1894.[1] The rationale was that:

"The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life . . . at common law a women had no legal existence separate from her husband . . . and many rules of law dependent upon this cardinal principle still exist in full force in most states, one that a married woman is incapable, without her husband's consent, of making contracts" and

"That God designed the sexes to occupy different spheres of action, and that it belonged *to men to make, apply, and execute the laws*, was regarded as an almost *axiomatic truth.*"

State legislatures later voluntarily opened the legal profession to all.

On the other hand, the Court has never failed to uphold the right to work for the men of this country. When Yick Wo, one of many Chinese laundrymen in San Francisco appealed from denial of a license, the Supreme Court in 1886 found "no reason whatever . . . why they should not be permitted to carry on their harmless and useful occupation on which they depend for a livelihood." [2]

In 1948, the Court granted certiorari "to review this question of importance" being the constitutionality of a California law prohibiting the licensing of "alien Japanese" interned during the war. Said the Court, ruling in his favor:

"The 14th Amendment and laws under its authority embody a general policy that all persons lawfully in this country shall abide 'in any state' on an equality of legal privileges with all citizens under non-discriminatory laws." [3]

Yet women have been excluded as persons and citizens under the 14th Amendment. In fact, as women view the matter today, with 31½ million women in the work force, not only are they excluded from equal protection, but the words of the Constitution have been turned into limitations, conditions exclusions, weight-lifting limitations to bar them from promotions to supervisory jobs, to deny them opportunity to earn premium pay for overtime, and even to cause the employer to lower the percentage of women hired in his work force. This reserves the better jobs for male workers.

When the Supreme Court was faced with the contention in 1908 that the Oregon law restricting women from working more than ten hours per day was a denial of their right to work, a denial of equal protection, the Court's rationale for refusing to uphold the same hours for all workers, men or women, was that *"Sex is a valid basis for classification."* [4] It ruled that women, as a class, could be denied equal protection; that there was no discrimination or differentiation as between all women, by placing them in a "reasonable" category. The Court refused to follow its own decision given just three years earlier striking down a New York statute that limited hours for men and women. The Court declared: [4]

"She is properly placed in a class by herself and legislation designed for her protection may be sustained when like legislation is not necessary for men and could not be sustained.

In *Lochner v. New York* we held that a law that no laborer may work in a bakery over 60 hours a week was not *as to men* a legitimate exercise of the policy power of the state, but an unreasonable and unnecessary and arbitrary inference with the *right and liberty of the individual* . . . as such void under the Federal Constitution."

In 1948, the Court upheld a Michigan statute denying a license to work as bartender to any female *"unless* she be wife or daughter of the male owner." [5] Women, as a class, could be thus denied the better paying job behind the bar, although they were free to serve in lower paid waitress jobs on the public side of the bar—was this equal protection? However, the New Jersey State Supreme Court in 1970 overruled such a state law "in light of current customs and mores."

TITLE VII OF THE CIVIL RIGHTS ACTS OF 1964

A first breakthrough in restrictive labor laws came with enactment of Title VII of

---

Footnotes at end of article.

the Civil Rights Act of 1964, which makes it unlawful for an employer, employment agency, or labor organization to discriminate in employment on account of race, religion, national origin, or sex. An exception was written into the law for a "bona fide occupational qualification" (BFOQ) to cover such instances as guards in prisons, religion of employees in a religious institution, and the like. The first cases to reach the courts were brought by women in trade unions, to challenge the state restrictive labor laws imposing maximum hours of work, weight-lifting, separate seniority lists, and job descriptions which served to relegate women to the lower paying levels. The cases were decided against the women plaintiffs in the trial courts whereupon women attorneys, and newly formed civil rights for women organizations, came to the side of the litigants and carried their cases up to higher courts on appeal. In the two cases which have become final, the U.S. Court of Appeals reversed the trial courts and ruled in favor of the women, ordering that they receive back pay and the jobs which they had been refused. *Weeks v Southern Bell Tel. & Tel. Co.* (March 4, 1969)[6] decided by the U.S. Court of Appeals, Fifth Circuit, sitting in New Orleans, ruled against the employer's weight-lifting condition on the job in question, and set down the rule that the employer "had the burden of proving that all, or substantially all, women would be unable to perform safely and efficiently the duties of the job involved." In *Bowe v Colgate-Palmolive Co.* (Sept. 26, 1969)[7] the U.S. Court of Appeals, Seventh Circuit, sitting in Chicago, ruled that if weightlifting conditions were to be applied,[7] they must be applied to each individual, male or female; outlawed separate seniority lists for male and female employees; and struck down union contracts fixing job categories which gerrymandered women into the lowest paying job levels.

Two lower Court decisions have overruled state laws fixing maximum hours for women only, not by application of the 14th Amendment, but on the ground that such laws violate Title VII, which, as a Federal law, takes precedence over state law under the Supremacy Clause of Article VI of the Constitution.[8] However, the Supreme Court refused to review a decision by the California Federal Court in which the female plaintiff challenged the *Muller v Oregon* ruling on maximum hours laws.[9] And thus the 1908 "sex is a valid basis for classification" doctrine still stands not only as to labor laws, but throughout other areas of law which single women out for different treatment.

Maternity leave regulations imposing arbitrary periods of absence for pregnancy, have produced two irreconcilable federal court decisions under the 14th Amendment.[10] A District Court sitting in Virginia ruled that a school board regulation requiring teachers to take leave of absence from duty at the end of the fifth month of pregnancy, was a violation of the equal protection clause. It ruled that the school board was an arm of the State so that its regulations constituted state action. However, a District Court, sitting in Ohio, about the same date, refused to find any constitutional denial in such a provision, quoting *Muller v Oregon* and its whole progeny of cases ruling that "sex was a reasonable classification."

The one and only employment rights case to reach the Supreme Court since 1964 did not present a 14th Amendment issue, simply the question whether the fact that the employee was a mother of pre-school children amounted to "BFOQ" exception under Title VII to warrant the company's refusal to hire her. *Ida Phillips v Martin Marietta Corporation* (Jan. 25, 1971).[11] The Court remanded the case to the trial court with an "indication that a BFOQ exception could be established by a showing that some women, even the vast majority, with pre-school age children have family responsibilities that interfere with job performance and that men do not usually have such responsibilities." Justice Thurgood Marshall said, however, "I fear that in this case . . . the Court has fallen into the trap of assuming that the act permits ancient canards about the proper role of women to be a basis for discrimination. Congress, however, sought just the opposite result."

Meanwhile, a number of states have voluntarily applied the provisions of Title VII and the regulations thereunder which hold that such state laws imposing conditions upon women only, are superseded by the Federal law, and are no longer enforceable. Thus, without Supreme Court retraction, these laws are being dropped through a piecemeal, state by state, process. However, the all-pervasive principle that "sex is a reasonable classification" marches on and has put its tentacles into other fields of law to deny equality of rights to women.

2. *The 14th Amendment does not insure fair and equitable property rights to married women.*

In every state in the Union, one or another kind of legal disability or restriction limits the property rights of married women, as reported by the President's Commission on the Status of Women (1963). The 1944 opinion of the Florida Supreme Court aptly summarizes the situation:

". . . a woman's responsibilities and faculties remain intact from age of maturity until she finds her mate; whereupon, incompetency seizes her and she needs protection in an extreme degree. Upon the advent of widowhood she is reinvested with all her capabilities which had been dormant during her marriage, only to lose them again upon remarriage. Intermittently, she is protected and benefited according as she is married or single."

Under common law principles which undergird the statutes in 42 states, each spouse owns whatever property he or she earns. Where the husband is the sole income producer, *all* the property acquired during marriage is therefore *his* property. While state laws have variously modified the common law principle, some limitation remains in every jurisdiction. In the eight community property states, husband and wife each owns an outright one-half of the property acquired during marriage, even though the wife has no outside earnings. But in most jurisdictions the husband, and not the wife, has the management rights, enabling him to create debts and dissipate the property without knowledge or consent of his wife. Texas notably revised its community property laws in 1968 to equalize management and ownership. Florida changed its Constitution to recognize a property right for married women.

A tremendous step toward equalizing property rights was taken in the model and proposed Uniform Marriage and Divorce Act promulgated in August 1970, and given endorsement by the American Bar Association. It is hoped that the states will adopt such a uniform act, thus clearing the maze of divorce grounds, and of provisions governing division of property upon dissolution of marriage. The Act would provide that upon dissolution of marriage, the marital property be divided by the Court without regard to marital misconduct, after considering such relevant factors as the economic circumstances of each spouse and the contribution of each to the acquisition of the property, including an evaluation of the contribution of a spouse as homemaker. Alimony, as such, is discarded in favor of court-assessed "maintenance payments" which may be assessed against either husband or wife, based upon reasonable needs, and the ability to support himself or herself by employment. The Court may order either or both parents to pay reasonable amounts for support of a child, and retains control over enforcement of the payment. Previous defenses of condonation, connivance, collusion, recrimination, in divorce actions would be abolished. The grounds for divorce, to be decided upon by the court after considering many outlined relevant factors, are that "the marriage is irretrievably broken" and that children are provided for. This proposed uniform act embraces "equality of rights under the law." The Equal Rights Amendment would undergird and hasten its adoption by all the states.

3. The 14th Amendment does not guarantee the right to female students to attend any public college of their choice.

In 1938 the Supreme Court held that the Missouri State University could not refuse to admit a person to study on the ground of his race, and ordered it to admit Mr. Gaines to its law school because he was otherwise denied equal protection of the laws.[12] Yet, 20 years later, the same court refused to review a ruling by the State Court of Civil Appeals of Texas which upheld the denial of the right to enroll in that state's university by a female student, on the ground of her sex. This was in face of the undisputed fact that she could not major in the course in floriculture in any other school of the state. The state court relied upon the doctrine that "sex is a reasonable classification" and refused to follow the Gaines decision precedent because the "question of race was different." [13] Two lower court decisions in 1970 raise an interesting conflict. The U.S. District Court in Virginia ruled that the exclusion of women from the state university violated the 14th Amendment's equal protection clause. The U.S. District Court in South Carolina refused to find such a violation in the case of male students seeking admission to the state supported female-only college, this latter case citing with satisfaction the whole line of leading cases stemming from *Muller* v. *Oregon*—"sex was a reasonable classification." [14]

But while the wheels of justice grind slowly in the courts, women have brought before federal administrative agencies, charges of sex discrimination against universities and colleges challenging quotas for student admissions, discrimination in scholarships and financial assistance, and in the hiring and promotion of women faculty members.[15]

4. Not until 1968 was the 14th Amendment applied to eliminate longer prison sentences for women than for men committing the same crime.

In 1968, two courts invalidated state laws which imposed longer prison sentences upon women than upon men for the same crime, and did so by rejecting the doctrine that "sex is a valid classification." [16] This shocking difference in treatment of the sexes was said to stem from legislative convictions that it required longer to rehabilitate a female than a male criminal. The U.S. District Court in Connecticut concluded that "nothing in the different nature of men and women noted by the Supreme Court in the Muller, Goeseart and Hoyt cases suggests any reasonable or just relation between the misdemeanors involved here and the inequality in potential punishments. . . ." The Supreme Court of Pennsylvania similarly was "convinced that considerations of factors which would justify a difference between men and women in matters of employment, as well as in a number of other matters, do not govern or justify the imposition of a longer or greater sentence of women than is imposed upon men for the commission of the same crime." And, is there such difference in the nature of men and women as to uphold a statute which excuses as justifiable homicide a husband's killing of his wife's paramour, but leaves a wife chargeable with murder for the killing of her husband's partner in adultery?" [17]

Footnotes at end of article.

5. The denial of constitutional coverage for women because it is lawful to treat them as a class apart (an outcast class!) extends into other areas of law, for example such as conditions upon right to serve on juries, married women's compulsory domicile as that of her husband, and right to serve as estate fiduciaries. A case is now waiting decision in the Supreme Court, testing an Idaho statute that "males shall be preferred to females" as administrators of an estate.[18]

CONGRESS AND THE EQUAL RIGHTS AMENDMENT

The Equal Rights Amendment which would make women of America citizens and persons under the Constitution, has been introduced in every Congress since 1923. All that Congress is asked to do is to submit the proposed Amendment to the states for their ratification. At least 11 states have already taken official action memorializing the Congress to do so.

Year after year, the resolution proposing the Equal Rights Amendment was stymied in the House Judiciary Committee, until in 1970, the unusual procedure of a discharge petition ordered the measure removed from Committee and gave opportunity to the 435 members to vote on the measure. A woman member of Congress, Martha Griffiths, introduced the petition. The resounding vote in favor of the Amendment was 350 to 15, on August 10, 1970. The House-passed Resolution was later killed in the Senate by crippling amendments.

Through the years, the Senate has voted on the proposed Amendment at least four times, only after shamefully nullifying its meaning and scope with a rider of exceptions for all state laws.

Powerful opposition persists from the AFL–CIO unions. However, the also powerful UAW has officially supported the Amendment.

The Amendment was introduced in the 92nd Congress in January 1971, by Hon. Martha Griffiths, persistent champion of the measure. The House Judiciary Committee broke precedent by promptly holding hearings in March, but the full Committee by a majority of one vote, added a nullifying "Wiggins Amendment." At this writing, in such devitalized form, the measure is scheduled for floor debate following the end of the Congressional recess on September 8, '71.

CONCLUSION

Women of the United States *are not* now persons and citizens under the Constitution as presently worded and interpreted, because controlling decisions of the U.S. Supreme Court establish and adhere to this exclusion.

Women *should be* full participants in this democracy, without exclusion by reason of sex.

Therefore, women and enlightened men must fight on until the Constitution embraces the principle that *"equality of rights under the law . . . shall not be denied or abridged* on account of sex."

FOOTNOTES

[1] Bradwell v. Illinois (1872) 83 U.S. 130; In re Belva Lockwood (1894) 154 U.S. 116.

[2] Yick Wo v Hopkins, 118 U.S. 356 (1886).

[3] Takahashi v Fish & Game Commission 334 U.S. 410 (1918).

[4] Muller v Oregon, 208 U.S. 412 (1908). Sixty years later, in Mengelkoch v Industrial Welfare Comm., 284 F. Supp. 950 (C. D. Calif.) the court commented: "It was in Muller v Oregon that Louis Brandeis submitted his famed brief containing medical and socio-economic data to establish the reasonableness of the state classification by sex", a brief used in many later types of litigation . . . . Mr. Felix Frankfurter represented the State in a later case of Bunting v Oregon, thus solidifying the doctrine of excluding women from 14th Amendment equal protection."

[5] Goeseart v Cleary 335 U.S. 464 (1948) (Michigan law) Paterson Tavern & Grill Owners Assn. v Hawthorne, 270 A. 2nd 628 (N.J. Sup. Ct. 1970).

[6] Weeks v Southern Bell Tel. & Tel. Co. 408 F. 2d 228 (CA–5, March 4, 1969) reversing 277 F. Supp. 117 (S.D. Ga. 1968).

[7] Bowe et al v Colgate-Palmolive Co. 416 F. 2d 711 (CA–7, 1969) reversing 272 F. Supp. 332 (S.D. Indiana, 1967).

[8] Leah Rosenfeld v Southern Pacific Co. 293 F. Supp. 1219 (C.D. Calif. 1968) Caterpillar Tractor Co. and Illinois Bell Tel. & Tel. Co. v Grabiec, 317 F. Supp. 1304 (S.D. Ill. 1970).

[9] Mengelkoch v Industrial Welfare Comm. 284 F. Supp. 950 (C.D. Calif. 1968) review denied, case, remanded, 393 U.S. 83 (1968).

[10] Cohen v. Chesterfield County School Board, 326 F. Supp. 1159 (E.D. Va. 1971) La Fleur et al. v. Cleveland Board of Education, 326 F. Supp. 1208 (N.D. Ohio. 1971).

[11] Ida Phillips v. Martin Marietta Corp. (Jan. 25, 1971) remanding 411 F. 2d 1 (CA–5, 1969) and 416 F. 2d 1257.

[12] Missouri ex rel Gaines v. Canada 305 U.S. 337 (1938).

[13] Allred v. Heaton 336 S.W. 2d 251 (Tex. Civ App. 1960) cert den 364 U.S. 517.

[14] Kirsten v. Rectors & Visitors of U. of Virginia, 309 F. Supp. 184 (E.D. Va. 1969) Williams v. McNair, 316 F. Supp. 134 (D.C. S. Car. 1970).

[15] The Woman's Equity Action League (WEAL), Cleveland, Ohio, organized in 1967, has filed complaints in Office of Federal Contract Compliance of Dept. of Labor, and to Secretary, Health, Education and Welfare, pursuant to Ex. Order 11375, forbidding sex discrimination by government contractors.

[16] U.S. ex rel Carrie Robinson v. Janet York, Supt. 281 F. Supp. 8 (D.C. Conn. 1968) Commonwealth v. Jane M. Daniel et al 430 Pa. 642, 243 A. 2d 400 (Sup. Ct. Pa. 1968).

[17] Texas Penal Code, Art 1220 and annotated cases.

[18] Reed v. Reed 465 P. 2d 635 (Idaho Sup. Ct. 1970) cert gto. Oct. Term. 1970 No. 430.

Mr. BAYH. Mr. President, I join in the remarks just made by the distinguished majority leader relative to the part the distinguished Senator from North Carolina (Mr. ERVIN) has played in this debate. As I said earlier, I cannot think of a more tenacious, dedicated, sincere, and worthy adversary than he. It has been the good fortune of the Senator from Indiana on occasion to find a strong ally in the Senator from North Carolina. Indeed, he can be a strong ally. I remember well my first experience in amending the Constitution. It was a great moment when the Senator from North Carolina came through the door of the rear of this Chamber at 11:30, after having driven all night from North Carolina, to be in this Chamber to support the position the Senator from Indiana had taken at that time, on the issue of presidential disability and vice presidential succession. It is fair to say that without the significant support of the Senator from North Carolina, the 25th amendment to the Constitution would not now be the law of the land.

As he was a most comforting ally then, he is a most worthy adversary now. The difference of opinion the Senator from Indiana has had with him has in no way diminished my feeling that he has not been sincere. He has been totally sincere. He is a tremendous debater.

I do not think it is necessary to say more. I just feel that perhaps I might touch on one or two points in which the Senator from Indiana differs with his friend from North Carolina. There is the question of the need for a constitutional amendment at all. The Senator from Indiana, as chairman of the Constitutional Amendments Subcommittee, asked himself that question some time ago. I wish a constitutional amendment were not necessary.

As the Senator from Indiana reads the Constitution, women should be considered as fully equal persons under the 14th amendment. Women have never been accorded full equality under the 14th amendment of the Constitution.

The view expressed by my friend from North Carolina that passage of this amendment will destroy the States and take away all their power would cause me some concern, if I agreed with the distinguished Senator. I am sure that each Member of this body is capable of making his own judgment on that particular issue. But, I am of the opinion that if the States of this Union survived back in the 1800's when Congress by constitutional amendment said it was unlawful to discriminate against a black citizen of the United States, certainly now, over 100 years later, the States of this Union will be able to survive a constitutional amendment that declares, "Thou shalt not discriminate against citizens of the United States on the basis of sex."

I shall not repeat the differences I have had with my friend from North Carolina in the area of the draft and combat, the obligation of fathers to support their children, the impact that this amendment would have on sex crimes, or the impact that this amendment would have on mothers, wives, and widows, because that has all been debated fully on the floor. Each Senator has had the chance to listen, to express himself, and to vote accordingly.

The Senator from North Carolina suggested that the supporters of this amendment feel it is possible to create identical human beings, through a constitutional amendment. That is impossible in the judgment of the Senator from Indiana. There is no way we can create two identical males or two identical females; nor can we create a man and woman with the same identity.

The distinguished Senator from North Carolina went further to say that what we were trying to create were identical legal rights. I agree 100 percent with my good friend from North Carolina on that point. I suggest that the Senate would be well advised to make that judgment.

But identical human beings? Impossible. Identical legal rights, based on the God-given talents and skills that one human being possesses? Indeed, that is the very thing we are trying to protect and to insure.

Mr. President, it is my firm conviction that our action today in removing the last legal barriers to full participation in American life by the women of this country is in the finest tradition of our constitutional heritage. It is the heritage of a Nation whose prime objective has been the continuous struggle for an open and equal society—an open and equal society for all, black, brown, red, white—and, hopefully, at long last, men and women.

Mr. COOK. Mr. President, I wish to commend the distinguished Senator from North Carolina for his debate, although we have disagreed from the outset.

Mr. President, 4 years from now, this Nation will be 200 years old. For those women in this Nation that sought the right to vote many years ago, the New York Times, and many Senators on the floor of the Senate, stated that this country would indeed be ruined by woman suffrage. They said, "Back to the kitchen." They said it was unthought of and unheard of, that it was unconscionable, for anyone to consider that the women in this Nation should have the right to vote. The consistency of the editorials published in the New York Times during those days was unbelievable. They almost succeeded, because it took 72 years from the start of the crusade, at the Seneca Falls Convention in 1848, for women to gain the right to vote, in the 19th amendment in 1920.

Congress has now been on this matter for 49 years, since 1923. Forty-nine years to give to a body of individuals freedom under a Constitution in the freest form of government in the world today. Forty-nine years to say in fact that in this Nation of ours all "men" are, indeed, created equal—using the word "men" in its widest, broadest, and its all-inclusive form.

It came as a rather startling revelation to me when the distinguished Senator from North Carolina said that, indeed, he thought that if this equal rights amendment should pass, all of the States would lose their legislative power.

It never dawned upon me that the 50 States of this Union now maintain their separateness by reason of the fact that they could discriminate and legislate against women. I did not know that. It came rather as a shock and surprise to me.

I can only say that I am sorry, that this is a cause whose time has come because this is a cause that should have always been.

I wish to sincerely thank Miss Barbara Schuhmann from my office who has worked on this now ever since she came here. She has been the most tenacious individual on this matter that a Senator could ever have as a part of his staff. She came here from Louisville, where she left school; finished college here and is now in law school. I think I can truly say that her contribution to me in this matter has been absolutely remarkable.

Mr. President, at this time I would like to explain the time factors involved with the equal rights amendment for my Senate colleagues.

After the Senate passage of the unchanged amendment, it will be submitted to the States. Three-fourths, or 38 of the State legislatures must agree to this amendment within 7 years of our vote. Even after that is accomplished, we must wait another 2 years before the amendment becomes effective, unless the courts take heed of our mandate prior to that time.

It would be fitting for me to point out here that if the Senate changes the wording of the amendment as passed by the House of Representatives, the amendment will be killed for this year. Any change at this point would send the amendment to a Senate-House conference where it would die. The criticism day before yesterday by some Members of the Senate that the proponents are unreasonable in insisting upon the exact House language, therefore, is not justified. The proponents know as well as the critics that any change whatsoever in the wording of the amendment means failure. The proponents are not being unreasonable in insisting upon the exact language of the House: We are only being realistic.

What I am saying is this: Even Senate passage of the original wording does not assure that this amendment will become effective; and even if three-fourths of the States agree to this amendment this year, the State and Federal governments will have 2 years in which to change their laws which discriminate on account of sex.

Mr. President, I agreed to these time limitations 2 years ago only as a compromise to those who were concerned that the amendment would bring such sweeping changes in the law that a flood of litigation would follow its effective date. These compromise measures, although realistically speaking are unnecessary, further point out the ease with which this amendment can take effect. In addition, these compromise measures prove that the proponents are not being unreasonably intolerant of change in the wording of the proposal. We simply realize that in a constitutional amendment, we must have a declaration for future generations that we will not tolerate discrimination on account of sex to be part of our laws. We will not accept less. We will not tolerate any change at this point in the wording of the amendment because any change now means defeat.

It is conceivable that the amendment would not take effect for another 9 years after Senate passage. However, I doubt that this will be the case. I believe that the time has come when everyone realizes that our laws unjustly and unreasonably discriminate on account of sex. I believe that everyone has come to realize that the discrimination is so imbedded in our laws that a constitutional amendment is needed to assure every person in this country the equal protection and due process of law. I believe that everyone realizes that the equalization of our laws should have occurred when the Constitution was written. I believe that the Senate realizes that it must vote for an unchanged equal rights amendment.

We are not considering a piece of legislation that can be changed next year or the year after that. We are considering a constitutional amendment that will remain the law until changed by another amendment or until this country no longer exists. In view of the magnitude and importance of the measure before the Senate, I submit that the proponents are only being realistic when we state that we will not tolerate any change in the wording. Any change will defeat the measure. And any change will not assure the equalization of our laws that is long overdue and so vitally necessary.

Mr. President, my distinguished colleague from North Carolina has quoted the late dean of the Harvard Law School, Roscoe Pound. Dean Pound said in regard to the equal rights amendment:

> With respect to the proposed constitutional amendment I feel very strongly that it is a mistake to pile up specific prohibitions in addition to the general guarantees of the Bill of Rights. The guaranty of due process in the Fifth and Fourteenth Amendments secures against arbitrary and unreasonable legislation of every sort, whether on the part of Congress or of State Legislatures. With this protection against arbitrary and unreasonable legislation it certainly ought not to be necessary to add specific prohibitions. If the things aimed at are arbitrary and unreasonable there is already protection against them; if they are reasonable they ought not to be inhibited.

At this time I certainly do not want to list, once again, the numerous cases in which the courts have failed to include women within the framework of the equal protection clause. However, it does require some response.

More specifically, I refer to an extremely interesting law review article by Prof. John D. Johnston, Jr. and Prof. Charles L. Knapp of New York University Law School. The authors have analyzed a wide variety of sex discrimination cases in the State and Federal courts dealing with the following subjects:

> A. Professional and occupational restrictions;
> B. Labor regulation;
> C. Places of accommodation;
> D. Jury qualifications;
> E. Public education;
> F. Criminal sentencing, and;
> G. Consortium.

From an examination of these cases the authors made the following conclusions:

> (1) Despite the enactment of various laws designed to improve the position of women, male-dominated legislatures and courts have historically exhibited the belief that women generally are—and ought to be—confined to the social roles of homemaker, wife and mother, and gainfully employed (if at all) only in endeavors which comport with their assumed subservient, child-oriented and decorative characteristics;
>
> (2) A small but significant number of courts has recently perceived that some legislation mandating sex discrimination presents substantial constitutional questions, and several such laws have been struck down on equal protection grounds;
>
> (3) Despite such holdings by a number of state and lower federal courts, opinions continue to appear in which both the result and the reasoning are virtually indistinguishable from those issued nearly a century ago. *In the absence of a definite shift of position on the part of the Supreme Court, and in the face of continued adherence by many state and federal courts to traditional sexist attitudes, it is far too soon to assert that a clear trend toward judicial recognition of women's rights has developed.* (Emphasis added)

I urge my colleagues to read this article and then to explain to me why a constitutional amendment in the form of House Joint Resolution 208, specifically prohibiting sex discrimination is not needed. A constitutional amendment was needed to give women the right to vote; another constitutional amendment is needed to specifically and forever prohibit arbitrary and unreasonable discrimination based upon sex. With all due respect to the late and great legal scholar, Dean Pound, the fifth and 14th amendments have not given women the intended "due process" and "equal protection" under the law.

As Professors Johnston and Knapp have stated:

> Sexism—the making of unjustified (or at least unsupported) assumptions about individual capacities, interest, goals and social roles solely on the basis of sex differences—is as easily discernible in contemporary judicial opinions as racism ever was.

Mr. President, I have a lengthy law review article from the New York University Law Review which I ask unanimous consent to have printed in the RECORD at this time, so that it will be available for those who peruse it in the future to make up their minds on this rather remarkable step we are taking today. This step is not one that will put everything in this country in chaos but it is a constitutional amendment that will be submitted to the States so that we might accomplish, after 4 years short of 200 years, equality for every individual in this Nation, regardless of whether they may be male or regardless of whether they may be female.

There being no objection, the law review article was ordered to be printed in the RECORD, as follows:

SEX DISCRIMINATION BY LAW: A STUDY IN JUDICIAL PERSPECTIVE

(By John D. Johnston, Jr. and Charles L. Knapp*)

(NOTE.—In this article, the authors analyze a wide variety of cases in which the courts have dealt with sex discrimination by law and conclude that the performance of American judges in this area has generally ranged from "poor to abominable." Arguing that many of the considerations which have led to the invalidation of racially discriminatory laws are equally present when legislative classifications are based on sex, they suggest that the general failure of the courts to perceive this point may be due to certain deeply ingrained attitudes that judges share with a majority of American males. The authors therefore conclude by proposing several countermeasures which judges may employ to overcome any male bias and bring a more objective outlook to the resolution of sex discrimination issues.)

I. INTRODUCTION

Women's liberation is: a slogan—a challenge—a movement—a threat—a cliche—an enigma—or something else, depending on who you are. It is not surprising that "women's lib" connotes different things to different people; their perceptions of it reflect differing social and cultural backgrounds and varying levels of sensitivity to the disadvantages inflicted on some members of society solely for being female. It follows that any contribution (pro or con) to the growing body of "women's lib" literature is likely to be disparaged by some readers as the product of an uninformed mind or a distorted sense of values. It can thus be easily dismissed, on the ground of fatal bias—intentional, subconscious, or naive—by anyone who has strong opposing feelings on the subject.

Though mindful of these pitfalls, we nevertheless tender our own analysis of judicial attitudes toward the relationship between the sexes, gleaned from opinions in cases involving sex-based discrimination. We do not claim to be particularly, much less uniquely, qualified to comment on such matters. Each of us is a middle-aged, white male—some might characterize us as fairly typical WASPs, of the subspecies "law professor." Neither of us has ever been radicalized, brutalized, politicized or otherwise leaned on by the Establishment in any of the ways that in recent years have led many to adopt heretical views of various kinds.

Each of us, however, was led last year—one through bar association activity,[1] the other in response to questions from female students about the property rights of women—to begin to investigate the ways in which American judges have responded to various types of sex discrimination.[2] Our research has been of the most traditional kind: finding, analyzing, attacking and defending judicial opinions. We believe that our selection of cases is representative, though admittedly far from exhaustive.

Our conclusion, independently reached, but completely shared, is that by and large the performance of American judges in the area of sex discrimination can be succinctly described as ranging from poor to abominable. With some notable exceptions, they have failed to bring to sex discrimination cases those judicial virtues of detachment, reflection and critical analysis which have served them so well with respect to other sensitive social issues. Particularly striking, we believe, is the contrast between judicial attitudes toward sex and race discrimination. Judges have largely freed themselves from patterns of thought that can be stigmatized as "racist"—at least their opinions in that area exhibit a conscious attempt to free themselves from habits of stereotypical thought with regard to discrimination based on *color*. With respect to *sex* discrimination, however, the story is different. "Sexism"—the making of unjustified (or at least unsupported) assumptions about individual capabilities, interests, goals and social roles solely on the basis of sex differences—is as easily discernible in contemporary judicial opinions as racism ever was.

We will attempt to demonstrate this thesis through a sampling of what American judges have said in opinions in sex discrimination cases over the past hundred years. Some opinions contain assertions that are, by any rational analysis, overt declarations of "male supremacy." In others, more or less objective rationales for sex discrimination are advanced. The relatively few (and for the most part quite recent) decisions invalidating sex discrimination will also receive consideration, substantively and as possible precursors of a changing judicial attitude.

We make no particular claim for the originality of any of the ideas expressed in the discussion that follows. Indeed, it seems to us that most of them have probably been expressed already by others, although sometimes in a different form or context.[3] We have, however, attempted to compile, from judicial opinions in several major areas of sex discrimination by law, those arguments and statements that most clearly reveal the attitudes shaping judicial decisions. We will avoid protracted discussion of particular questions of constitutional doctrine, such as the precise interpretation and application of the due process and equal protection clauses; we also prefer not to join the increasingly heated debate over the desirability of a new "Equal Rights" amendment.[4] We have avoided emphasizing these issues in part because of our lack of constitutional expertise, but also because we are convinced that preoccupation with legal doctrine has left largely unexplored the surprising extent to which the survival of sex discrimination can be attributed to pervasive judicial attitudes.

We have investigated a number of areas in which the states discriminate by law on the basis of sex. Taken individually, some may appear of less than overwhelming importance; in the aggregate, however, they encompass a broad spectrum of activity, affecting women in several significant aspects of their relationship to society.[5]

Footnotes at end of article.

II. SEX DISCRIMINATION BY LAW

A. Professional and occupational restrictions

1. Practice of Law

One of the earliest Supreme Court decisions upholding sex discrimination by state action was *Bradwell v. Illinois*.[6] In that case the Illinois Supreme Court had denied a woman's application for a license to practice law solely because she was a female. Although the state statute delegating to the court authority over bar admissions made no specific provision for the exclusion of females, the state court found this to have been the legislative intent and denied the application. It assumed that at the time the statute was enacted the legislators held certain fixed ideas about the roles of the sexes: "That God designed the sexes to occupy different spheres of action, and that it belonged to men to make, apply, and execute the laws was regarded as an almost axiomatic truth."[7]

The petitioner appealed this ruling to the Supreme Court on constitutional grounds. There was no opposing counsel, but none was needed since only Chief Justice Chase dissented from the decision affirming the denial of the application.

The opinion of the court was mainly addressed to the petitioner's claim that the state court's action violated the privileges and immunities clause of the fourteenth amendment. This claim was rejected on the ground that the petitioner, having become a citizen of Illinois, could no longer claim the protection of that clause. The court further indicated that, in any event, admission to law practice was not one of the privileges or immunities of a citizen of the United States.

The opinion did not expressly refer to equal protection. This may be attributable to the fact that, in the *Slaughterhouse Cases*[8] decision handed down just prior to *Bradwell*, the Court had expressly limited the scope of fourteenth amendment equal portection to cases involving racial discrimination.[9]

The most interesting feature of the case, however, is the concurring opinion of Mr. Justice Bradley, in which two of his brethren joined. As an affirmation of God's grand design for the sexes, we believe it is unexcelled in legal literature. The significant passages are the following:

"The claim that, under the fourteenth amendment of the Constitution, which declares that no State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States, the statute law of Illinois, or the common law prevailing in that State, can no longer be set up as a barrier against the right of females to pursue any lawful employment for a livelihood (the practice of law included), assumes that it is one of the privileges and immunities of women as citizens to engage in any and every profession, occupation, or employment in civil life.

"It certainly cannot be affirmed, as an historical fact, that this has ever been established as one of the fundamental privileges and immunities of the sex. On the contrary, the civil law, as well as nature herself, has always recognized a wide difference in the respective spheres and destinies of man and woman. Man is, or should be, woman's protector and defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life. The constitution of the family organization, which is founded in the divine ordinance, as well as in the nature of things, indicates the domestic sphere as that which properly belongs to the domain and functions of womanhood. The harmony, not to say identity, of interests and views which belong, or should belong, to the family institution is repugnant to the idea of a woman adopting a distinct and independent career from that of her husband. So firmly fixed was this sentiment in the founders of the common law that it became a maxim of that system of jurisprudence that a woman had no legal existence separate from her husband, who was regarded as her head and representative in the social state; and, notwithstanding some recent modifications of this civil status, many of the special rules of law flowing from dependent upon this cardinal principle still exist in full force in most States. One of these is, that a married woman is incapable, without her husband's consent, of making contracts which shall be binding on her or him. This very incapacity was one circumstance which the Supreme Court of Illinois deemed important in rendering a married woman incompetent fully to perform the duties and trusts that belong to the office of an attorney and counsellor.

"It is true that many women are unmarried and not affected by any of the duties, complications, and incapacities arising out of the married state, but these are exceptions to the general rule. The paramount destiny and mission of woman are to fulfill the noble and benign offices of wife and mother. This is the law of the Creator. And the rules of civil society must be adapted to the general constitution of things, and cannot be based upon exceptional cases.

"The humane movements of modern society, which have for their object the multiplication of avenues for woman's advancement, and of occupations adapted to her condition and sex, have my heartiest concurrence. But I am not prepared to say that it is one of her fundamental rights and privileges to be admitted into every office and position, including those which require highly special qualifications and demanding special responsibilities. In the nature of things it is not every citizen of every age, sex and condition that is qualified for every calling and position. It is the prerogative of the legislator to prescribe regulations founded on nature, reason, and experience for the due admission of qualified persons to professions and callings demanding special skill and confidence. This fairly belongs to the police power of the State; and, in my opinion, in view of the peculiar characteristics, destiny, and mission of woman, it is within the province of the legislature to ordain what offices, positions, and callings shall be filled and discharged by men, and shall receive the benefit of those energies and responsibilities, and that decision and firmness which are presumed to predominate in the sterner sex." [10]

Unfortunately, the reader is not favored with any indication of the manner by which this "divine ordinance" was transmitted by the Creator to Mr. Justice Bradley.

Twenty-one years after *Bradwell*, the Supreme Court affirmed another state's denial of a woman's application for admission to law practice. In *re Lockwood*,[11] the petitioner had already been admitted to the bars of the Supreme Court and the District of Columbia (and allegedly of several other states as well). A Virginia statute provided that any "person" who had been previously admitted to practice in any state or in the District of Columbia could also practice in Virginia's courts. The Supreme Court of Appeals of Virginia simply construed "person" to mean "male" and denied the petition. The primary issue for the Supreme Court was the state court's interpretation of the statute. In a short opinion for a unanimous Court, Chief Justice Fuller refused to issue a writ of mandamus ordering petitioner's admission to practice. As in *Bradwell*, there was no mention of equal protection; and, of course, *Bradwell* had already foreclosed the privileges and immunities argument.

The Supreme Court has not decided any other cases involving exclusion of women from the practice of law. It is quite clear by now, of course, that the equal protection clause does apply to state regulation of bar admissions and that a denial of admission on grounds having no "rational connection with the applicant's fitness or capacity to practice law" is invalid.[12] By the time these principles became clearly recognized, however, total exclusion of women from law practice was no longer an active problem. Thus, *Bradwell* and *Lockwood* remain the only Supreme Court decisions on the subject.

Footnotes at end of article.

It is inconceivable, were the issue to arise, that any court today would conclude that there is a rational basis for the total exclusion of women from law practice. In this area, God's grand design has thus been overtaken by the demonstrated fact that women are not, as a class, inherently unfit to practice law.[13] As we shall see, however, the attitudes revealed by Justice Bradley have been widely shared by American judges and have decisively influenced their response whenever the validity of sex discrimination has been called into question.

2. Sale of liquor

The states undoubtedly possess broad powers over the sale of intoxicating beverages.[14] State regulation has frequently included restrictions on the issuance of bartending licenses to women unless they are closely related to the male owner of a licensed establishment. A Michigan statute prohibiting the issuance of a bartending license to a female, unless the wife or daughter of an owner, was challenged on equal protection grounds in *Goesaert v. Cleary*.[15]

The principal defect complained of, however, was not the general exclusion of women from bartending but the *exception* made in favor of wives and daughters of owners. Appellant's contention was that this exception had no national basis. The statute was nevertheless upheld by the court, voting six-to-three. Writing for the court, Mr. Justice Frankfurter declared:

"Michigan could, beyond question, forbid all women from working behind a bar. This is so despite the vast changes in the social and legal position of women. The fact that women may now have achieved the virtues that men have long claimed as their prerogatives and now indulge in vices that men have long practiced, does not preclude the States from drawing a sharp line between the sexes, certainly in such matters as the regulation of the liquor traffic. See the Twenty-First Amendment and *Carter v. Virginia*, 321 U.S. 131. The Constitution does not require legislatures to reflect sociological insight, or shifting social standards, any more than it requires them to keep abreast of the latest scientific standards." [16]

The majority obviously did not perceive any serious equal protection problems arising from a complete exclusion of women from bartending.[17] But what *is* the rational basis for exclusion, in terms of fitness or capacity to be a bartender? The opinion contains only a vague reference to "moral and social problems" against which the state is permitted to protect itself. Nothing else.

Having concluded that total exclusion would be upheld, the majority then considered the validity of Michigan's exception:

"Since bartending by women may, in the allowable legislative judgment, give rise to moral and social problems against which it may devise preventive measures, the legislature need not go to the full length of prohibition if it believes that as to a defined group of females other factors are operating which either eliminate or reduce the moral and social problems otherwise calling for prohibition. Michigan evidently believes that the oversight assured through ownership of a bar by a barmaid's husband or father minimizes hazards that may confront a barmaid without such protecting oversight. This Court is certainly not in a position to gainsay such belief by the Michigan legislature. If it is entertainable, as we think it is, Michigan has not violated its duty to afford equal protection of its laws. We cannot cross-examine either actually or argumentatively the mind of Michigan legislators nor question their motives. Since the line they have drawn is not without a basis in reason, we cannot give ear to the suggestion that the real impulse behind this legislation was an unchivalrous desire of male bartenders to try to monopolize the calling." [18]

The three dissenters did not comment upon the majority's assertion that total exclusion of women from bartending would be valid. Instead, they dissented only because the exception operated in favor of female relatives of a male owner, but did not extend to daughters of a *female* owner—or, for that matter to a female owner herself. This fact convinced them that the legislature was not actually motivated by "solicitude for the moral and physical well-being" of would-be female bartenders. Furthermore, they concluded that such solicitude would be the "only conceivable justification" for this type of discrimination. The opinion of the Court did not respond to the dissenters' argument.

Perhaps the most striking feature of the case, though, is the fact that in 1948 no member of the Court openly challenged the assertion that, in the interest of protecting itself against unspecified "social problems," a state could exclude all women from the occupation of bartending. The opinion displays only token adherence to the requirement that, in order for a legislative classification to be valid, there must be a rational connection between the classification and some proper legislative goal. Since this is usually the minimum requirement for upholding a state statute against an equal protection challenge, the Court clearly did not consider the statute to be class legislation in the area of protected civil liberties, to be sustained only if a compelling state interest in the classification is shown.[19]

Prior to *Goesaert*, a number of state courts had sustained similar statutes, brushing aside constitutional challenges with expressions of deference to legislative judgment in matters of "public morality." [20] A rare exception was the unanimous decision by the Supreme Court of Florida [21] invalidating a statute which prohibited women from serving "liquor by the drink over any bar or counter." The short opinion is couched mainly in substantive due process terms, ignoring the array of contrary decisions in other states.

In cases decided after *Goesaert*, state courts have tended to rely heavily on that opinion in sustaining statutes against constitutional challenge.[22] At least two state courts, however, have repudiated the reasoning of *Goesaert* and similar cases.

In *Paterson Tavern & Grill Owners Association, Inc. v. Borough of Hawthorne*,[23] the Supreme Court of New Jersey invalidated a local ordinance which excluded women from bartending. Noting that *Goesaert* had been the subject of critical academic comment, the court concluded that its precedential value was highly questionable. Having so concluded, however, the court nevertheless declined to invalidate the ordinance on equal protection grounds. Rather, it declared that the ordinance exceeded the borough's delegated police power, "in the light of current customs and mores," [24] and the court thereby limited its holding to the specific regulation presented.[25] Thus, it appears that the New Jersey court will now seriously test any sex-based discriminatory legislation to determine whether it has any rational basis; indeed, it might eventually be persuaded to employ an equal protection rationale in such cases.

In invalidating a California statute prohibiting female bartenders,[26] however, that state's supreme court refused to confine itself to such a limited rationale. Its unanimous decision in *Sail'er Inn, Inc. v. Kirby* [27] is the most far-reaching state court decision on the subject of sex discrimination, and seems destined for landmark status.

In *Sail'er Inn,* several bar owners who were employing female bartenders sought a writ of mandamus to prevent the state's alcoholic beverage control authority from revoking their liquor licenses in consequence of their violation of the statute. The court might have held that the statute had been impliedly repealed by a 1970 amendment to the California Fair Employment Practices Act expressly barring sex discrimination.[28] This would not have been a novel holding[29] and by itself would have furnished a sufficient ground for granting the requested relief. The court chose, however, to address itself to questions of greater import.

Initially, the court considered petitioners' contention that the state statute had been superseded, as a matter of federal supremacy, by Title VII of the 1964 Civil Rights Act.[30] Title VII prohibits any employer under its coverage[31] from discriminating on the basis of sex except where a "bona fide occupational qualification" is concerned. In harmony with a growing body of authority,[32] the court held that the state law was superseded by Title VII as to those petitioners whose employers were subject thereto, the state having failed to advance sufficient facts to justify excluding females from the occupation of bartending.

Furthermore, the court could have rested its decision solely upon a provision of the California constitution which prohibits the disqualification of any person, on account of sex, "from entering or pursuing a lawful business, vocation, or profession."[33] An early precedent had construed the provision as follows:

"As we understand the section, it does establish, as the permanent and settled rule and policy of this State, that *there shall be no legislation either directly or indirectly incapacitating or disabling a woman from entering on or pursuing any business, vocation, or profession* permitted by law to be entered on and pursued by those sometimes designated as the stronger sex. . . . [T]here are no exceptions in this section, and neither we nor any other power in the State have the right or authority to insert any, whether on the ground of immorality or any other ground. All these are considerations of policy, the determination of which belonged to the convention framing and the people adopting the Constitution; and their final and conclusive judgment has been expressed and entered in the clear and unmistakable language of the Constitution itself . . .[34]"

The *Sail'er Inn* opinion accepted this view: "[A]lthough an inability to perform the tasks required by a particular occupation, sex-linked or not, may be a justification for discrimination against job applicants, under section 18, mere prejudice, however ancient, common or socially acceptable, is not."[35]

Three arguments were presented to the *Sail'er Inn* court in support of the proposition that women are in some respects less able to perform the duties of a bartender. First, it was contended that women are incapable of preserving order and protecting patrons of a bar. The court answered:

"This argument ignores modern day reality. Today most bars, unlike the saloons of the Old West, are relatively quiet, orderly and respectable places patronized by both men and women. Even if they were not, many bars employ bouncers whose sole job is to keep order in the establishment. Furthermore, the experience in the states which permit women to tend bar indicates that the dire moral and social problems predicted by the Attorney General do not arise.[36]"

Second, the statute was said to be a measure for protecting women against injury at the hands of inebriated customers. The court replied:

"The desire to protect women from the general hazards inherent in many occupations cannot be a valid ground for excluding them from those occupations under section 18. Women must be permitted to take their chances along with men when they are otherwise qualified and capable of meeting the requirements of their employment . . . We can no more justify denial of the means of earning a livelihood on such a basis than we could deny all women drivers' licenses to protect them from the risk of injury by drunk drivers. Such tender and chivalrous concern for the well-being of the female half of the adult population cannot be translated into legal restrictions on employment opportunities for women.[37]"

Finally, it was argued that the statute tends to prevent "improprieties and immoral acts." The court responded:

Section 18 in no way prevents the Legislature from dealing effectively with the evils and dangers inherent in selling and serving alcoholic beverages; it merely precludes resort to legislation against women rather than against the particular evil sought to be curbed.[38]"

Concluding that the statute was in conflict with the constitutional provision, the court declared it void.

This construction of the state constitutional provision relating to sex discrimination in business and employment furnished ample basis for granting the relief sought by the petitioners in *Sail'er Inn*; it was therefore unnecessary for the court even to consider the application of the equal protection clauses of the California and United States constitutions.[39] Nevertheless, the court did reach this question—and its discussion of equal protection is clearly the most significant part of the opinion.

The court properly recognized that the initial issue was which equal protection test to apply. Conceding that the Supreme Court had never expressly so held, the court nevertheless concluded that "fundamental interests" were affected and that the "strict scrutiny" test was therefore appropriate. The court perceived two reasons for applying this high standard to the statute; it infringed upon the "fundamental right to pursue a lawful profession," and it involved a sex classification, which "should be treated as suspect."[40] The court's discussion of the latter point is particularly apt and persuasive. After noting several cases in which the Supreme Court had applied this test to such classifications as race and national origin,[41] the court then drew this analogy to sex classification:

"Sex, like race and lineage, is an immutable trait, a status into which the class members are locked by the accident of birth. What differentiates sex from nonsuspect statuses, such as intelligence or physical disability, and aligns it with the recognized suspect classification is that the characteristic frequently bears no relation to ability to perform or contribute to society. . . . The result is that the whole class is relegated to an inferior legal status without regard to the capabilities or characteristics of its individual members. . . . Where the relation between characteristic and evil to be prevented is so tenuous, courts must look closely at classifications based on that characteristic lest outdated social stereotypes result in invidious laws or practices.

"Another characteristic which underlies all classifications is the stigma of inferiority and second class citizenship associated with them. . . . Women, like Negroes, aliens, and the poor have historically labored under severe legal and social disabilities. Like black citizens, they were, for many years, denied the right to vote and, until recently, the right to serve on juries in many states. They are excluded from or discriminated against in employment and educational opportunities. Married women in particular have been treated as inferior persons in numerous laws relating to property and independent business ownership and the right to make contracts.

"Laws which disable women from full participation in the political, business and economic arenas are often characterized as "protective" and beneficial. Those same laws applied to racial or ethnic minorities would readily be recognized as invidious and impermissible. The pedestal upon which women have been placed has all too often, upon closer inspection, been revealed as a cage. We conclude that the sexual classifications are properly treated as suspect, particularly when those classifications are made with respect to a fundamental interest such as employment.[42]

The court then considered the state interests allegedly served by the statute. The state had argued that female bartenders might commit "improprieties" and that they would be an "unwholesome influence" on bar patrons. The first contention was rejected with these comments:

"This rationale fails as a compelling state interest because it is wholly arbitrary and without support in logic or experience.

* * * * *

"Where the evil which the Legislature seeks to prevent can be directly prevented through nondiscriminatory legislation, and where the class singled out by the Legislature has no necessary connection with the evil to be prevented, the statute must be struck down as an invidious discrimination against that class."[43]

The second argument fared no better:

"The claim of unwholesomeness is contradicted by statutes which permit women to work as cocktail waitresses, serve beer and wine from behind a bar (Bus. & Prof. Code, § 25655), or tend bar if they or their husbands hold a liquor license. The objection appears to be based upon notions of what is a "ladylike" or proper pursuit for a women in our society rather than any ascertainable evil effects of permitting women to labor behind those "permanently affixed fixtures" known as bars. Such notions cannot justify discrimination against women in employment."[44]

The court's conclusion was stated with devastating simplicity: "The state has not only failed to establish a compelling interest served by [the statute], but it has failed to establish any interest at all."[45] The statute was held to be violative of the equal protection clauses of the California and federal constitutions.

Sail'er Inn is a remarkable decision. Although a few other state and federal courts have invalidated various types of sex discrimination on constitutional grounds, this opinion is by far the most penetrating. The California court is the first state court of last resort to accept the thesis that sex is a "suspect" classification. The same conclusion has been reached by at least one lower federal court,[46] but *Sail'er Inn* appears at this time to be the most persuasive opinion addressed to the constitutional question. If other courts are moved to adopt this test of equal protection in the area of sex discrimination, then a greater incidence of success by those attacking sex classifications in future cases can be anticipated.

Sail'er Inn may even have an influence upon those courts that choose not to apply the "strict scrutiny" standard to sex classifications. The California court's finding that the state had shown "no interest at all" in support of the statute suggests that the exclusion of women from bartending would not have survived even the "rational basis" test of equal protection. If other courts can be persuaded to follow this example and carefully analyze any alleged state interests that are advanced to justify sex discrimination,

---

Footnotes at end of article.

then it is likely that future decisions will more frequently accord with *Sail'er Inn* in result, if not precisely in legal theory.

Finally, *Sail'er Inn* must be recognized as a challenge to the Supreme Court to reexamine its traditional position on the constitutionality of sex discrimination, since the California statute was expressly held to be in violation of the equal protection clause of the fourteenth amendment. Although the court made a ritual attempt to distinguish *Goesaert*,[47] the main thrust of the *Sail'er Inn* opinion is irreconcilable with the sexist assumptions underlying that case, and the California court has in effect rejected its authority. This is an open invitation to the Supreme Court to reexamine *Goesaert* and similar decisions in the light of contemporary understanding of sex discrimination.

Finally, we note a recent case involving alleged discrimination against *men*.[48] A New York statute required the fingerprinting of all male employees of liquor wholesalers. A wholesaler whose license was cancelled for failure to comply with the fingerprinting requirement brought an action to have his license restored, on the ground that the requirement was discriminatory and therefore invalid.

This contention was rejected by the court on the ground that a rational basis exists for requiring fingerprints of male employees only. The legislature, it said, must have been concerned about the possibility that "strong-arm" tactics would be used by wholesalers against retailers in order to obtain business (a practice apparently dating back to Prohibition). In addition, the legislature apparently concluded that wholesalers would be likely to employ men for this purpose, but not women. Conceding this reasoning to be "slightly tenuous,"[49] the court nevertheless deferred to the legislative determination.

Sophisticated training in the use of physical force against another person is, of course, widely available to both men and women. Women who have mastered karate, judo or the use of firearms can injure or kill an adversary as easily as any man. How, then, can the legislative distinction be rationally justified? Only, it would seem, by clear evidence that women would not in fact *utilize* their destructive capabilities to further such illegal solicitation. The court concluded that such utilization would be "highly improbable," but failed to suggest any basis for this conclusion. Recent arrests of mugging gangs including females suggest that the conclusion is tenuous at best. This 1970 decision plainly demonstrates the stubborn persistence of the old myth of woman as a frail and delicate creature.

3. Wrestling

In its expression of male dissatisfaction with women's changing status, and of willingness to obstruct further change wherever possible, *State* v. *Hunter*[50] is a remarkable recent descendant of Mr. Justice Bradley's opinion in *Bradwell* v. *Illinois*.[51] An Oregon statute regulating wrestling "exhibitions" totally excluded females from participation. The court upheld it against an equal protection challenge, purporting to find a rational basis for the exclusionary classification:

> "We believe that we are justified in taking judicial notice of the fact that the membership of the legislative assembly which enacted this statute was predominantly masculine. The fact is important in determining what the legislature might have had in mind with respect to this particular statute, in addition to its concern for the public weal. It seems to us that its purpose, although somewhat selfish in nature, stands out in the statute like a sore thumb. Obviously it intended that there should be at least one island on the sea of life reserved for man that would be impregnable to the assault of woman. It had watched her emerge from long tresses and demure ways to bobbed hair and almost complete sophistication; from a creature needing and depending upon the protection and chivalry of man to one asserting complete independence. She had already invaded practically every activity formerly considered suitable and appropriate for men only. In the field of sports she had taken up, among other games, baseball, basketball, golf, bowling, hockey, long distance swimming, and racing, in all of which she had become more or less proficient, and in some had excelled. In the business and industrial fields as an employe or as an executive, in the professions, in politics, as well as in almost every other line of human endeavor, she had matched her wits and prowess with those of mere man, and, we are frank to concede, in many instances had outdone him. In these circumstances, it is any wonder that the legislative assembly took advantage of the police power of the state in its decision to halt this ever-increasing feminine encroachment upon what for ages had been considered strictly as manly arts and privileges? Was the Act an unjust and unconstitutional discrimination against woman? Have her civil or political rights been unconstitutionally denied her? Under the circumstances, we think not."[52]

This passage reveals, as clearly as any we have seen, that male judges are now fully aware of the growing dissatisfaction of many women with their male-imposed subordinate status. Significantly, judges will even concede that, once admitted to many of the spheres of human activity formerly denied them, women have performed at least as competently as men. Nevertheless, this court openly applauds legislative resistance to further female "encroachment," disdaining to conceal its male bias behind any protectionist facade such as the preservation of women's health or the prevention of "social problems." Candor, yes. Evenhanded administration of justice by an impartial tribunal, no. Indeed, the opinion virtually glories in its own revealed bias.

The same issue was raised recently in New York, where the State Athletic Commission refused to license female wrestlers.[53] An action seeking to invalidate this rule was dismissed by the Appellate Division[54] with the following comments:

> "It has been argued that females have fared less well under the Equal Protection Clause than have males of certain minority groups which have long been the victims of discrimination. . . . Furthermore, the presumption of constitutionality of a classification requires the courts to *assume* the existence of a reasonably conceivable state of facts to sustain it. . . . It has also been suggested that the Commission's determination is founded on a mid-Victorian concept which females have long since abandoned and which has no place in this enlightened last third of the Twentieth Century. Notwithstanding any personal opinion or attitude we may hold in this respect, there is legal justification and support, under the legislation which created the Commission, for the determination made by it."[55]

Even assuming that the court has stated the proper equal protection test, what "reasonably conceivable state of fatcs" justifies this particular discriminatory classification? *Stating* a test is no substitute for *applying* it. At an earlier point, the opinion contains a vague reference to past "infestation" of boxing and wrestling by "undesirable elements." Even if this is true, what is the rational connection between such infestation and the challenged rule? The court was silent. While the opinion is by no means an expression of overt sexism like *State v. Hunter*, it is also a far from satisfactory exposition of the reasoning process by which the decision was reached. If there was any rational basis for the exclusion of women from wrestling, it does not emerge from a reading of the opinion.

4. Appointment of Administrators

Unlike corporate fiduciaries, individuals do not customarily make a business of serving as executors or administrators. In that respect, a limitation upon service by women in these fiduciary capacities is not a business or professional exclusion. But competent estate administration does require, among other things, sound judgment, administrative ability and an understanding of business practices. Male domination of the business world is a historical fact, although not nearly so pronounced now as previously.[56] In view of all this, may the legislature validly mandate a preference for males over females in the appointment of administrators?

This is the question raised by *Reed* v. *Reed*.[57] In Idaho, persons applying for letters of administration are entitled to judicial consideration according to a statutory order of priorities. The statute favors certain classes of relatives of the decedent over others and prefers all eligible relatives before creditors.[58] Certain persons are completely disqualified, including nonresidents, infants, criminals and those adjudged incompetent to perform the duties of administrator "by reason of drunkenness, improvidence or want of understanding or integrity."[59] Within any eligible class the probate court may grant letters to more than one person.[60] The controversial requirement is this: "Of several persons claiming and equally entitled to administer, males must be preferred to females. . . ."[61]

The disqualification provision makes it clear that the court is not required to prefer *incompetent* males over competent females; on the other hand, it also plainly shows that the purpose of the male preference provision could not be simply to prevent the selection of incompetent females. Rather, among members of the highest eligible category, none of whom is otherwise disqualified, the court is required to give preference to males.

In *Reed*, the decedent was survived by both adoptive parents. Each parent applied separately for letters of administration, and the probate court obeyed the legislative command by appointing the father. The mother then challenged this appointment on the ground that the male preference provision denied her equal protection of the laws. She was successful in the district court, but that judgment was reversed by the Supreme Court of Idaho.

That court purported to apply the "rational connection" test to determine whether or not the male preference requirement was so arbitrary and capricious as to violate equal protection. It was able to suggest two possible motives for the legislature's action: (1) promotion of prompt settlement of estates by curtailing disputes over the appointment of administrators; and (2) a feeling that men are generally better qualified than women to act as administrators. The second proposition apparently troubled the court somewhat, prompting this further amplification:

> While this classification may not be entirely accurate, and there are doubtless particular instances in which it is incorrect, we are not prepared to say that it is so completely without a basis in fact as to be irrational and arbitrary."[62]

Both of these rationales are faulty, even if one concedes that the appropriate standard of judicial review is "rational connection." There is an obviously legitimate state interest in expediting the process of estate administration; that does not mean, however, that every means by which this interest may be furthered is rational. Requiring every successful applicant to have red hair or demonstrate a capability to jog two miles in sixteen minutes would undoubtedly reduce the

---

Footnotes at end of article.

number of competitors for appointment and thereby curtail litigation, but such requirements would have no rational connection with fitness to act as an administrator. The expediting-of-appointments argument is thus clearly a makeweight.

The second rationale, then, must be the decisive one. The court suggested that the Idaho Legislature had apparently determined that, as compared with men, women are generally deficient in business acumen. Nevertheless, the court conceded that such a characterization was not universally accurate; hence, a particular female applicant might in fact be as well or even better qualified to administer an estate than her male counterpart. Despite the obvious possibility that such cases will arise, the statute leaves the probate judge no discretion: Where the applicants are equally qualified, the male must be appointed; indeed, he must be preferred to the female even if he is in fact demonstratably less qualified. A clearer case of arbitrariness can hardly be imagined.

Perhaps the pernicious effect of the male preference requirement can be further illuminated by consideration of an analogous statute discriminating on the basis of race rather than sex.[63] Suppose the Idaho Legislature had enacted a similar statute which mandated a preference for whites over nonwhites. Also, suppose that a particular decedent had no immediate family or that no member of his family wished to administer his estate; consequently, creditors of the estate would be eligible for appointment as administrator. Also suppose that the estate has only two creditors: Ebony Trust Co. and Joe's Grocery. The senior trust officer of the former (a black man) and the proprietor of the latter (white) have applied for letters of administration. While the grocer is a respected citizen operating a successful business, he did not finish high school, and has never served as a personal representative. Unless disqualified "for want of understanding or integrity," however, he must be appointed.

The trust officer appeals from the order of appointment, challenging the statute on equal protection grounds. Both arguments advanced by the court in *Reed* could be relevant here: the statutory preference for whites could help to avoid time-consuming controversies; and it might be shown that, on the average, whites have more formal education, more responsible jobs and more business experience than blacks.

Would these two arguments be sufficient to sustain the hypothetical statute against the trust officer's constitutional attack? Obviously not: the statute is based on an assumption of racial inferiority that is clearly invidious as applied to this individual appellant.

Can the statute in *Reed* be logically distinguished from this hypothetical statute? We would suggest that it cannot. Both types of discrimination rest on the fallacious assumption that generalizations which can accurately be made about a class as a whole are equally accurate with respect to each individual member of the class. In addition, statutes mandating various types of sex discrimination have reinforced a historical pattern of male domination over females. In this respect, such statutes serve the same function as statutes discriminating on the basis of race: they support and strengthen the power of one group (and its individual members) to dominate the members of another.

5. The "Judicial Process" in Female Exclusion Cases

With the notable exceptions of *Paterson Tavern & Grill Owners Association* and *Sail'er Inn*, the opinions considered so far reveal three distinct forms of rationalization used to uphold state legislation that excludes or disadvantages females with respect to various occupations or offices. These include: (1) express reliance on a mythology of male supremacy, which confines women to a subordinate social role and then patronizingly "protects" them against even their own attempts to change that role; (2) total deference to the legislature, despite serious assertions that its discriminatory enactments violate specific constitutional guarantees; and (3) cursory dismissal of these serious constitutional issues, on the basis of inadequately supported conclusions that rational connections do exist between sex discrimination and the promotion of some vaguely articulated state interest. The first of these is crude, unjudicial and offensive to an increasingly large number of both men and women. The other two are inadequate substitutes for clear thinking and reasoned analysis. Taken together, they constitute a pattern of flagrant judicial insensitivity to the injustice visited upon women by male-dominated state legislatures.

This pattern, we believe, will also be evident in the areas surveyed in the remainder of our discussion.

B. Labor regulation

It is a transcendent irony that one of the most celebrated and widely respected decisions in the history of the Supreme Court has, after sixty-odd years, come to be viewed as a "roadblock to the full equality of women."[64] The case is, of course, *Muller v. Oregon*,[65] Brandeis brief and all. *Muller*, it will be remembered, upheld the constitutionality of an Oregon statute that restricted the employment of women in any "mechanical establishment, or factory, or laundry" to ten hours per day. Three years earlier, in *Lochner v. New York*,[66] the Court had declared unconstitutional a New York law regulating maximum hours of work for all bakery employees, male as well as female. *Muller* did not overrule *Lochner*, but distinguished it on the ground that women require special treatment which the legislature may properly require employees to supply. Here is the relevant portion of the opinion:

"That woman's physical structure and the performance of material functions place her at a disadvantage in the struggle for subsistence is obvious. This is especially true when the burdens of motherhood are upon her. Even when they are not, by abundant testimony of the medical fraternity continuance for a long time on her feet at work, repeating this from day to day, tends to injurious effects upon the body, and as healthy mothers are essential to vigorous offspring, the physical well-being of woman becomes an object of public interest and care in order to preserve the strength and vigor of the race.

"Still again, history discloses the fact that woman has always been dependent upon man. He established his control at the outset by superior physical strength, and this control in various forms, with diminishing intensity, has continued to the present. As minors, though not to the same extent, she has been looked upon in the courts as needing especial care that her rights may be preserved. Education was long denied her, and while now the doors of the school room are opened and her opportunities for acquiring knowledge are great, yet even with that and the consequent increase of capacity for business affairs it is still true that in the struggle for subsistence she is not an equal competitor with her brother. Though limitations upon personal and contractual rights may be removed by legislation, there is that in her disposition and habits of life which will operate against a full assertion of those rights. She will still be where some legislation to protect her seems necessary to secure a real equality of right. Doubtless there are individual exceptions, and there are many respects in which she has an advantage over him; but looking at it from the viewpoint of the effort to maintain an independent position in life she is not upon an equality. Differentiated by these matters from the other sex, she is properly placed in a class by herself, and legislation designed for her protection may be sustained, even when like legislation is not necessary for men and could not be sustained. It is impossible to close one's eyes to the fact that she still looks to her brother and depends upon him. Even though all restrictions on political, personal and contractual rights were taken away, and she stood, so far as statutes are concerned, upon an absolutely equal plane with him, it would still be true that she is so constituted that she will rest upon and look to him for protection; that her physical structure and a proper discharge of her maternal functions—having in view not merely her own health, but the well-being of the race—justify legislation to protect her from the greed as well as the passion of man. The limitations which this statute places upon her contractual powers, upon her right to agree with her employer as to the time she shall labor, are not imposed solely for her benefit, but also largely for the benefit of all. Many words cannot make this plainer. The two sexes differ in structure of body, in the functions to be performed by each, in the amount of physical strength, in the capacity for long-continued labor, particularly when done standing, the influence of vigorous health upon the future well-being of the race, the self-reliance which enables one to assert full rights, and in the capacity to maintain the struggle for subsistence. This difference justifies a difference in legislation and upholds that which is designed to compensate for some of the burdens which rest upon her."[67]

The second quoted paragraph seems shockingly close to *Bradwell* in its male supremacist assumptions. The first properly recognizes that pregnant women are not able to perform some of the tasks that men or nonpregnant women do. Significantly, though, the statute applies to *all* women, whether pregnant or not: Thus, the court was moved to imply that woman's primary social function is reproduction. This idea is, of course, an integral part of the "grand design myth. While the *Muller* opinion is slightly more restrained than Justice Bradley's concurring opinion in *Bradwell*, its sexist assumptions are no different.

It now seems unfortunate that the Court did not expressly overrule *Lochner* and hold that "freedom of contract" does not inhibit states from exercising their police power to set maximum working hours. The sexist rationale would then not have been necessary, and the judiciary would have been deprived of one of its most frequently cited authorities for the general proposition that sex is a valid basis for legislative classification.[68]

The constitutional issues raised by protective legislation have not been in the spotlight in recent years, due to the enactment of Title VII of the Civil Rights Act of 1964, which prohibits sex-based discrimination in employment unless the employee's sex is "a bona-fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise."[69] In the wake of *Muller* and similar cases, several states enacted statutes regulating employment of women in a variety of respects.[70] In addition to wage and hour standards, these included limitations on the poundage that women could be required to lift. Since the effect of such laws frequently is to render women ineligible for certain jobs, their validity under Title VII was soon questioned.[71] The Equal Employment Opportunity Commission has taken the position that protective regulations "have ceased to be relevant to our technology or the expanding role of female workers in our economy" and should not therefore be a defense to an otherwise unlawful employment practice.[72] Several courts have now held that Title VII supersedes conflicting state protective laws as a matter of federal supremacy.[73] The issue will very likely make its way to the Supreme

---

Footnotes at end of article.

Court. To the extent that Title VII is held to invalidate such state regulation, *Muller* will have been superseded by congressional fiat.[74]

Meanwhile, the Court has ruled on another aspect of Title VII in *Phillips v. Martin Marietta Corp.*[75] In that case, the employer's policy was to refuse even to consider hiring females with preschool children for a certain position, although no such exclusion was made in the case of similarly situated males. An unsuccessful female applicant challenged this policy, contending that it was a per se violation of the statute. This contention was rejected, and the case was remanded for further proceedings to determine whether or not the policy was within the bona fide occupational qualification exception.

Although Title VII has substituted the supremacy issue for equal protection where state-mandated sex discrimination is concerned, its ultimate effect may be to induce some judges to rethink their position on the broader question of sex discrimination and equal protection. If it does, the reason will be the bona fide occupational qualification exception. In *Richards v. Griffith Rubber Mills*,[76] for instance, an employer refused to promote a woman because of a state regulation prohibiting women from lifting more than fifty pounds; in the new job, she would occasionally be required to lift as much as sixty pounds. The court conceded that the regulation was probably valid under *Muller*, but nevertheless held it invalid under Title VII, which "no longer permits either employers or the states to deal with women as a class in relation to employment to their disadvantage. . . . Individuals must be judged as individuals and not on the basis of characteristics generally attributed to racial, religious, or sexual groups.[77]"

That "individuals must be judged as individuals" is, of course, also the essence of the equal protection argument. The reasoning employed in *Richards* to find a violation of Title VII could thus just as easily be used to strike down, on equal protection grounds, any state regulation that discriminates against individuals solely on the basis of their sex.

Weeks v. Southern Bell Telephone & Co.[78] also involved an employer's refusal to consider hiring women for certain jobs on the ground that these jobs were too "strenuous" for females. The court not only narrowly construed the bona fide occupational qualification exception, but placed on the employer the burden "of proving that he had reasonable cause to believe, that is, a *factual basis* for believing, that *all or substantially all* women would be unable to perform safely and efficiently the duties of the job involved." [79] This test seems less stringent than the principle stated in *Richards*, in that it would not necessarily invalidate every discrimination based on attributed group characteristics. On the other hand, it clearly prohibits discrimination justifiable only by reference to characteristics attributed to an "average" member of the affected group.[80]

C. Places of public accommodation

Statutes and ordinances prohibiting women from patronizing bars or taverns, or regulating the manner of their patronage, were the subject of a flurry of litigation in the early twentieth century. These regulations, like those excluding women from working in bars, apparently reflected a strongly held belief that the combination of men, women and liquor in such places would be somehow detrimental to "public morality."

In an influential 1902 Colorado case,[81] a saloon owner sought to enjoin the enforcement of such a regulation on constitutional grounds. A Denver ordinance, authorized by a provision of that city's charter, prohibited keepers of "liquor saloons, dram shops, or tippling houses" from admitting any women to their establishments, either as customers or as employees. The petitioner had argued that a woman had the same right as a man to enter a saloon and buy a drink of liquor, and that to forbid him to sell liquor to women was therefore an unjustified interference with his business and a deprivation of property without due process of law. Granting its major premise, this argument seems compelling. The court, however, was not at all impressed. While conceding some validity to the petitioner's case, it nevertheless found a reason to sustain the ordinance:

"If a discrimination is made against women solely on account of their sex, it would not be good; but if it is because of the immorality that would be likely to result if the regulation was not made, the regulation would be sustained. That injury to public morality would ensue if women were permitted without restrictions to frequent wine rooms, there to be supplied with liquor, is so apparent to the average person that argument to establish so plain a proposition is unnecessary. But if some people might not be willing to concede this, it is enough to say that the general assembly, speaking through the city council, with whom the decision entirely rests, has so determined. Women, therefore, may properly be excluded from wine rooms, as this ordinance provides, and, if they have no constitutional right to insist upon being admitted to places there to be supplied with liquor, when the effect would be demoralizing to society, *a fortiori* the saloonkeeper may be prevented from furnishing them facilities for contributing to that result. . . . [T]he classification made with respect to the persons permitted to frequent wine rooms for supplying themselves there with liquor [is] based upon reasons that have their seat in the facts of nature, and . . . such regulations are conducive to, and are reasonably adapted to secure, the worthy object of preserving public morality." [82]

A contrary result had been reached, however, in a 1900 Kentucky case. There the ordinance not only prohibited women from going into or out of saloons, but also made it a misdemeanor for any woman to "frequent, loaf, or stand around" within fifty feet of such an establishment. Penalties for violation of the ordinance could be assessed against both the offending female and any saloon keeper who permitted her to enter. In *Gastenau v. Commonwealth*,[83] a saloon keeper convicted of violating this ordinance appealed on constitutional grounds. The prosecution argued that the ordinance had been enacted because "very disreputable, low and vile women congregate in and about saloons and places where liquor is sold, thereby causing affrays, fights, murder, and other crimes." [84] Agreeing that regulation of the conduct of such women was a proper subject for exercise of the police power, the court nevertheless held the statute invalid for overbreadth. For instance, it pointed out that lawful activities might quite properly bring even morally upstanding women within fifty feet of saloons. Furthermore, the court doubted whether well-behaved females could be excluded from frequenting saloons so long as their behavior was orderly and their purpose was lawful. The ordinance was held to be "unreasonable and an unnecessary interference with individual liberty." [85]

Six years later, however, Kentucky courts were again presented with a challenge to the constitutionality of a similar ordinance, which provided as follows:

"It shall be unlawful for any infant or female to go into or be in and drink intoxicating liquors in any saloon . . . or for the keeper or proprietor or controller, or one in charge of such room or place of business, to suffer and admit such infant or woman to drink therein or to be or remain for over five minutes. . . . It shall be a defense to this ordinance if the person charged with its violation shall show that such infant or female was of good repute and was at the time sober and orderly and had the consent so to do of the parent or guardian of the infant or husband of the female, or in case of reasonable necessity." [86]

A prosecution for violation of this ordinance was dismissed by the circuit court, and the state appealed. The Court of Appeals upheld the ordinance, distinguishing *Gastenau* on the ground that the overbreadth found in that case was not repeated in this ordinance.[87] The court was apparently convinced that the new ordinance offered sufficient protection to orderly, well-behaved women who visited saloons for lawful purposes, even though it placed upon defendants the burden of proving that they were within one of the exceptions stated in this ordinance.

Nevertheless, the ordinance was frankly sexist. It classed women with infants, as creatures requiring man's protection. It subjected any woman who remained in a saloon more than five minutes to the possibility of a criminal charge, and then placed the burden on *her* to justify herself—on the assumption, no doubt, that most females in bars for over five minutes were a threat to public morals. For married women, it required a showing of spousal consent, confirming the male role as woman's keeper or guardian.

Why should such an ordinance be enacted? Why did the court so readily agree that, when certain women are present together with liquor in a saloon, they "cause" men to fight and murder? Was the ordinance designed to keep "nice" girls "nice," by discouraging them from going into saloons? To protect men from their own antisocial, aggressive impulses? To make bars into male sanctuaries? To keep the husbands of "good" women from being tempted into liaisons with "loose" women? Whatever the motivation for such ordinances, they achieved their aim of regulating conduct by ascribing criminal or immoral tendencies to citizens on the basis of their sex, rather than by requiring a showing of actual immoral conduct.[88] These ordinances reflect two different facets of the female stereotype in the mythology of male supremacy. On the one hand, the female is viewed as a pure, delicate and vulnerable creature who must be protected from exposure to immoral influences; and on the other, as a brazen temptress, from whose seductive blandishments the innocent male must be protected. Every woman is either Eve or Little Eva—and either way, she loses.

Similar ordinances can still be found in some municipalities. In a 1969 case. *Gallagher v. City of Bayonne*,[89] the ordinance prohibited tavern owners from allowing women to stand or sit at a bar; they could be served liquor only if seated at a table. Despite an earlier dictum suggesting the contrary,[90] the court held that the ordinance exceeded the limits of the city's police power. Reasoning by analogy to a recent decision invalidating a regulation which had prevented owners from allowing homosexuals to congregate at bars,[91] the court concluded that the scope of permissible regulation extended to specific antisocial or immoral *acts*, but not to the "mere congregation" of women at a bar.

The practice of refusing service to women at bars is not solely the result of state law. It often reflects private policies. For instance, the Rainbow Lounge in the Hotel Syracuse had a policy against serving unescorted women at its bar, although apparently they could be served at tables. In *DeCrow v. Hotel Syracuse Corp.*,[92] a female who had been refused service sought a federal court injunction against the continuance of this policy on the ground that it violated the equal protection clause, the Civil Rights Act of 1964 [93] and a number of other federal civil rights statutes.[94] Her action was dismissed for lack of jurisdiction on two grounds. First, it was held that the public accommodations provi-

---

Footnotes at end of article.

sions of the 1964 Act[95] (unlike Title VII) do not prohibit sex discrimination; secondly, the equal protection clause and the other statutes were interpreted as requiring a showing of state action, which the court found to be absent in this case.

Plaintiff then proceeded in the state courts, contending that defendant's policy was in violation of various provisions of the New York Civil Rights Law. She was again unsuccessful.[96] Although the state statute provides that "all persons" are *entitled* to full and equal facilities and privileges in places of public accommodation, it only prohibits owners from denying equality "on account of race, creed, color or national origin."[97] The court held that sex discrimination was not a violation of the latter provision. Another section of the statute declares it to be a misdemeanor for any innkeeper to refuse "without just cause or excuse, to receive and entertain any guest."[98] This provision was not violated, said the court, because the defendant did not *refuse* to serve the plaintiff; service was merely *conditioned* on the female's having an escort or being willing to sit at a table.

The first line of reasoning may be defensible on the ground that sex discrimination was not specifically prohibited by the statute; it is nevertheless a narrow construction in the light of the statute's purpose and the declaration that all persons are entitled to equal service. The second rationale, however, is indefensible: The attempt to characterize the effect of the hotel's policy as conditional service, rather than as a refusal to serve, is an exercise in sophistry. Suppose persons of a certain race were prohibited from sitting in certain sections of restaurants, or from living in certain areas of a city or riding in certain parts of a bus. Would anyone seriously contend that this is "conditional acceptance" of, rather than refusal to accept, members of that race?

The hotel's policy should have been recognized for what it was—a refusal to serve unescorted women under circumstances where unescorted men would receive service. The fact that unescorted women (and men) could sit at tables or that escorted women (or men) could sit at the bar is therefore simply irrelevant. In terms of the statute, then, the only real question is whether or not this refusal of service was for "just cause or excuse." It was incumbent upon the court to inquire as to the reasons for the defendant's policy and then to test them against the statute's purpose of guaranteeing freedom from discrimination in places of public accommodation. By resorting to the specious "conditional service" rationale, the court abdicated this responsibility.

Private discrimination was again challenged on federal constitutional grounds in *Seidenberg v. McSorley's Old Ale House, Inc.*[99] The facts were similar to the *DeCrow* cases, except that no female had ever been served at the defendant's establishment, at the bar or elsewhere. Declining to follow the first *DeCrow* decision, however, the district court denied a motion to dismiss the action for want of jurisdiction.[100] There being no issue as to any material fact, both parties moved for summary judgment, and the plaintiff's motion was granted.

In order to reach the constitutional issue, the court first had to find that the defendant's exclusionary policy constituted state action. It conceded that the Supreme Court has never ruled that a private commercial enterprise is subject to the fourteenth amendment solely because it is licensed by the state. The court nevertheless held that the compelling public interest in the liquor trade, coupled with New York's pervasive regulatory scheme, justified the requirement that the defendant conduct its business on the same principle of equality applicable to the state itself.

Having reached the equal protection issue, the court proceeded to test defendant's policy against the rational basis standard:

"In the case before us no difference between men and women, as potential customers of the defendant, has been offered as a rational basis for serving the one and not the other. It may be argued that the occasional preference of men for a haven to which they may retreat from the watchful eye of wives or womanhood in general to have a drink or pass a few hours in their own company, is justification enough; that the simple fact that women are not men justifies defendant's practice. The answer is that McSorleys' is a public place, not a private club, and that the preferences of certain of its patrons are no justification under the Equal Protection Clause. Such preferences, no matter how widely shared by defendant's male clientele, bear no rational relation to the suitability of women as customers of McSorleys'.

"Nor do we find any merit in the argument that the presence of women in bars gives rise to 'moral and social problems' against which McSorleys' can reasonably protect itself by excluding women from the premises.... Outdated images of bars as dens of coarseness and iniquity and of women as peculiarly delicate and impressionable creatures in need of protection from the rough and tumble of unvarnished humanity will no longer justify sexual separatism."[101]

In *Seidenberg*, as in *Gallagher*, a court has finally repudiated the notion that every woman should be viewed as either an innocent or a temptress—and in either case, as somehow man's inferior—to be guarded or guarded against. Once this attitude has been overcome, there is no further justification for discrimination against female patrons in bars. These two opinions have established a new model for judicial review of discriminatory ordinances and policies applicable to places of public accommodation.

Their influence need not be confined to this area of law, however. Many kinds of sex discrimination are rationalized, even today, on the basis of stereotypes just as simplistic and exaggerated as those reflected in the liquor cases. As other courts are persuaded to follow the example set in *Sail'er Inn, Seidenberg* and *Gallagher*, they will be obliged to make a more searching inquiry into the rationality of any sex classification challenged on equal protection grounds. They will no longer be content to uphold discriminatory laws merely as a gesture of total deference to the legislature or as a shield against some ill-defined threat to public morality. Even more importantly, they will reexamine their own uncritical acceptance of stereotypical ideas about sex characteristics as appropriate grounds for legislative distinctions.

D. Jury qualification

The common law jury, grand and petit, was exclusively a male institution.[102] The right (or duty) of women to serve as jurors was not recognized in America until the early twentieth century, when women began to obtain voting rights.[103] There is, however, one series of nineteenth-century opinions from the Washington Territory which vividly suggests how one male judge viewed the desirability of permitting women to serve on juries.

A Washington statute provided that all "qualified electors" were eligible to serve as petit jurors and all "qualified electors and householders" were eligible to serve as grand jurors. In *Rosencrantz* v. *Territory*,[104] a female defendant had been indicted by a grand jury composed in part of married women living with their husbands. She appealed, claiming that her indictment had been returned by an improperly constituted grand jury. The Supreme Court of the Territory denied her appeal, noting that the franchise had been extended to Washington women by statute and that the female jurors were thus "qualified electors." But the court construed the statute as requiring grand jurors to be *both* "qualified electors" and "householders." Whether a married woman living with her husband could be a "householder" was thus the determinative issue. The court concluded that the local Married Women's Act conferred sufficient joint control over the family property and children so that both husband and wife could be deemed "householders" within the meaning of the jury statute. The majority opinion did not discuss the desirability of having women on juries; it did, however, suggest that the principle of equality expressed in the Married Women's Act constituted a "spirit of progress."[105]

The decision evoked a furious dissent from Judge Turner. He contended that, in light of the jury s history as an institution, "qualified electors" was meant to refer exclusively to qualified *male* electors; in any event, he argued, married women were not "householders." In elaborating the first of these two arguments, he revealed a strong opinion on the underlying question of policy:

"It is said that the rights of the weaker sex, if I may now call them so, are more regarded than in the days of Blackstone, and that the theory of that day, that women were unfitted by physical constitution and mental characteristics to assume and perform the civil and political duties and obligations of citizenship, has been exploded by the advanced ideas of the nineteenth century. This may be true. No man honors the sex more than I. None has witnessed more cheerfully the improvement in the laws of the states, and particularly in the laws of this territory, whereby many of the disabilities of that day are removed from them, and their just personal and property rights put upon an equal footing with those of men. I cannot say, however, that I wish to see them perform the duties of jurors. The liability to perform jury duty is an obligation, not a right. In the case of woman, it is not necessary that she should accept the obligation to secure or maintain her rights. If it were, I should stifle all expression of the repugnance that I feel at seeing her introduced into associations, and exposed to influences which, however others regard it, must, in my opinion, shock and blunt those fine sensibilities, the possession of which is her chiefest charm [*sic*], and the protection of which, under the religion and laws of all countries, civilized or semi-civilized, is her most sacred right.

"If one woman is competent as a juror, all women having the same qualifications are competent. If women may try one case, they may try all cases. It is unnecessary to say more; to suggest the shocking possibilities to which our wives, mothers, sisters, and daughters may be exposed, unless the legislature should hereafter relieve us from what I believe to be a mistaken construction of the law. These observations, however, are not pertinent here. The question is, what is the law? I say that the law now concerning the important incidents of a jury trial are, by express constitutional provision, what they were at the common law, and that under that law a jury was no jury unless it was composed of men."[106]

Judge Turner had an equally strong view on the question of whether a married woman living with her husband could be a "householder" within the meaning of the statute:

"The husband was not only the head of the family at common law, because under that law he had the right to be obeyed by all the family, including the wife, but because of inherent and acquired differences between himself and wife in mental and physical constitution. He was better fitted to wage the war for present subsistence, and to accumulate the competence that was to

---

Footnotes at end of article.

make provision against want in the future. The experience gained by him in prosecuting this branch of the partnership matured his judgment, strengthened his will, and made him confident and self-reliant. I believe that the facts I have mentioned obtain to this day, and that they operate and will continue to operate to give the husband paramount authority in the household, as that term is understood at common law, until an upheaval of nature has reversed the position of man and woman in the world. Legislative enactment would not make white black, nor can it provide the female form with bone and sinew equal in strength to that with which nature has provided man. No more can it reverse the law of cause and effect, and clothe a timid, shrinking woman, whose life theater is and will continue to be and ought to continue to be, primarily the home circle, with the masculine will and self-reliant judgment of a man." [107]

Three years later, in *Harland v. Territory*,[108] the same court was faced with the same issue of jury service by women. Perhaps in part due to personnel changes on the court, a majority of the judges joined in Judge Turner's opinion overruling *Rosencrantz*.[109]

Female eligibility for jury service was not widely litigated until the years immediately following World War I, when, as result of the nationwide women's suffrage movement, the nineteenth amendment was adopted. Since jury qualification in many states was linked in some respetc to voting eligibility, the extension of suffrage to women frequently raised—as it had in the Washington Territory cases—the question of whether women were thereby qualified to serve on juries.[110]

Where the statute defined eligibility for jury service in terms of "qualified electors" or some similar phrase, many state courts held that the extension of suffrage to women automatically made them eligible to serve as jurors.[111] In other states with similar statutes, the opposite result was reached; a notable example is *Commonwealth v. Welosky*.[112]

In *Welosky*, the defendant challenged the array of jurors on the ground that women had been excluded. The applicable Massachusetts statute provided that every "person qualified to vote" for the legislature should be eligible for jury service.[113] Despite the extension of suffrage to female citizens of Massachusetts, the court held that the legislature had not intended the reference in the statute to a "person qualified to vote" to include females:

"It is unthinkable that those who first framed and selected the words for the statute now embodied in G.L.c. 234, § 1, had any design that it should ever include women within its scope. It is equally inconceivable that those who from time to time had reenacted that statute had any such design. When they used the word "person" in connection with those qualified to vote for members of the more numerous branch of the General Court, to describe those liable to jury service, no one contemplated the possibility of women becoming so qualified. The same is true in general of those who from time to time reenacted the statute in substantially the same words. No intention to include women can be deduced from the omission of the word male. That word was imbedded in the Constitution of the Commonwealth as a limitation upon those citizens who might become voters and thereby members of a class from which jurors might be drawn. It would have been superfluous also to insert that word in the statute.[114]"

The court's conclusion as to legislative intent was bolstered by two other points, both of which have become familiar themes: a felt necessity to exempt at least some women from jury service, and the lack of suitable accommodations for women jurors.[115]

As in *Welosky*, most state courts treated the eligibility issue as one of statutory construction.[116] In North Carolina, however, a constitutional issue was determinative. In *State v. Emery* [117] it was held that the state constitution, which provided for the "ancient mode of trial by jury" and for conviction only by "a jury of good and lawful men," precluded the extension of jury service to females. The majority rested its holding entirely upon the unchallenged fact that trial by jury at the common law consisted of trial by male jurors. One dissenting justice commented on this at length:

[I] thing the language of the Constitution should not be held to a rigid and inelastic construction when it conflicts with the progress of human thought and changing social conditions. It should be more liberally constructed so as to meet the needs of a complex and growing civilization. I think this section of the Constitution is capable of the reasonable interpretation, in accord with modern thought, which would not disqualify women from this important service. I think it should be given this interpretation in the light of the progressive changes in the status of women and their equal share with men in the powers and responsibilities of government and justice. I do not think the courts should be restricted to the mere ascertainment of what we think now was in the minds of the framers of the Constitution who, however wisely they laid the foundations, could not envision the limitless future, else we should be fettered by the dead hand of the past." [118]

The other dissenter, however, delivered the *coup de grace* to the majority with a more laconic observation: "The most insistent argument advanced in behalf of appellants is that women have never been permitted to serve on juries. Which goes to show that an attitude can be more formidable than an argument." [119]

As the eligibility of women for jury service came to be more widely recognized and the presence of females on juries became commonplace, two new questions were raised: Can a state properly *exclude* all women from jury service? Alternatively, can a state permit all prospective women jurors voluntarily to *exempt* themselves from service?

The United States Supreme Court has never directly ruled on the first question, but *Strauder v. West Virginia* [120] contains a frequently quoted dictum on the subject. The issue in *Strauder* was whether a Negro could lawfully be tried under a statute limiting jury service to white male citizens. Holding the statute's racial classification to be in violation of the equal protection clause of the fourteenth amendment, the Court added:

"We do not say that within the limits from which it is not excluded by the amendment a State may not prescribe the qualifications of its jurors, and in so doing make discriminations. It may confine the selection to males, to freeholders, to citizens, to persons within certain ages, or to persons having educational qualifications. We do not believe the Fourteenth Amendment was ever intended to prohibit this. Looking at its history, it is clear it had no such purpose. Its aim was against discrimination because of race or color. As we have said more than once, its design was to protect an emancipated race, and to strike down all possible legal discriminations against those who belong to it. . . . We are not now called upon to affirm or deny that it had other purposes." [121]

Since *Strauder*, the Court has decided three cases involving the exclusion of women from juries. In none of these, however, was the exclusion prescribed by state law. Two involved federal juries chosen at a time when the federal statute referred to state law for standards of jury eligibility. In *Ballard v. United States* the Court indicated that exclusion of females from the federal jury had been improper, since the state law involved there expressly qualified women for service.[122] Speaking for four of the five-man majority, Mr. Justice Douglas eloquently stated a case for inclusion of women on juries:

"It is said, however, that an all male panel drawn from the various groups within a community will be as truly representative as if women were included. The thought is that the factors which tend to influence the action of women are the same as those which influence the action of men—personality, background, economic status—and not sex. Yet it is not enough to say that women when sitting as jurors neither act nor tend to act as a class. Men likewise do not act as a class. But, if the shoe were on the other foot, who would claim that a jury was truly representative of the community if all men were intentionally and systematically excluded from the panel? The truth is that the two sexes are not fungible; a community made up exclusively of one is different from a community composed of both; the subtle interplay of influence one on the other is among the imponderables. To insulate the courtroom from either may not in a given case make an iota of difference. Yet a flavor, a distinct quality is lost if either sex is excluded. The exclusion of one may indeed make the jury less representative of the community than would be true if an economic or racial group were excluded." [123]

The third case, *Fay v. New York*,[124] involved a number of challenges to a New York "blue ribbon" grand jury, one of which alleged systematic discrimination against women in selecting the venire.[125] The Court affirmed the lower court's conclusion that appellant's evidence did not establish this contention, but went on to suggest that the exclusion of women from juries would not raise a serious constitutional question:

The first state to permit women jurors was Washington, and it did not do so until 1911. In 1942 only 28 states permitted women to serve on juries and they were still disqualified in the other 20. Moreover, in 15 of the 28 states which permitted women to serve, they might claim exemption because of their sex. It would, in the light of this history, take something more than a judicial interpretation to spell out of the Constitution a command to set aside verdicts rendered by juries unleavened by feminine influence. The contention that women should be on the jury is not based on the Constitution, it is based on a changing view of the rights and responsibilities of women in our public life, which has progressed in all phases of life, including jury duty, but has achieved constitutional compulsion on the states only in the grant of the franchise by the Nineteenth Amendment. We may insist on their inclusion on federal juries where by state law they are eligible but woman jury service has not so become a part of the textual or customary law of the land that one convicted of crime must be set free by this Court if his state has lagged behind what we personally may regard as the most desirable practice in recognizing the rights and obligations of womanhood." [126]

Although understandable in its reluctance to impose federal constitutional standards in an area historically within the states' competence to control, this dictum nevertheless calls to mind—in its total reliance on historical practice as justification for sex discrimination—the dissenter's observation in *State v. Emery* that attitudes can be more formidable than arguments.

A 1939 Florida opinion is also worthy of note on the exclusion issue. In *Hall v. State*,[127] a statute restricting jury service to males was challenged by a female defendant. Relying on the *Strauder* dictum, the court rejected her contention that the statute violated the fourteenth and fifteenth amendments. The court further concluded

---

Footnotes at end of article.

that the exclusion of women from the jury could not have prejudiced the defendant:

"It is not contented that juries composed of men would be less fair to women defendants than would juries composed of women. Indeed, experience would lead to a contrary conclusion. The spirit of chivalry and of deep respect for the rights of the opposite sex, have not yet departed from the heads and hearts of the men of this country." [128]

The court's facile assumption may be questioned in light of the fact that the defendant in this case was accused of having given perjured testimony against a male defendant in an earlier murder trial. She was convicted by the all-male jury and sentenced to life imprisonment.[129]

The first square holding that exclusion of women from juries violates the equal protection clause of the fourteenth amendment was *White v. Crook*,[130] a case involving the Alabama jury statute. Ignoring the *Strauder* dictum, the court expressed its conclusion as follows:

"Women are allowed to serve on juries in the federal courts and in the courts of forty-seven states. Only in three—Alabama, Mississippi and South Carolina—are women completely excluded from jury service. The time must come when a state's complete exclusion of women from jury service is recognized as so arbitrary and unreasonable as to be unconstitutional. As to Alabama, we can see no reason for not recognizing that fact at the present time." [131]

Without questioning the soundness of the result, we might point out that the opinion relies on nose-counting as its means of determining the scope of fourteenth amendment guarantees; in this respect, it is open to the same criticism as *Fay v. New York*.

The State of Alabama did not appeal from the *White* decision, and all three statutes completely excluding women from jury service have since been repealed.[132] Subsequent to *White*, and prior to its repeal, however, the Mississippi statute was upheld by the supreme court of that state.[133] The following paragraph is the only portion of the opinion in which any reason was advanced to justify exclusion:

"The legislature has the right to exclude women so they may continue their service as mothers, wives, and homemakers, and also to protect them (in some areas, they are still upon a pedestal) from the filth, obscenity, and noxious atmosphere that so often pervades a courtroom during a jury trial." [134]

With the demise of exclusionary state statutes, the issue raised in *White* might appear to be moot. Cases may well arise, however, in which relief is sought from various other exclusionary practices. For example, the Fifth Circuit Court of Appeals has recently ruled that, in light of Mississippi's new statute making women eligible for jury service, state officials have a duty not to discriminate by including only a token proportion of women on the jury list.[135]

Now that statutory exclusion of females from juries is at least out of fashion, if not unconstitutional, primary attention is shifting from exclusion to exemption. Statutes in a number of jurisdictions permit women, though eligible for service, to exempt themselves solely on account of their sex. Such statutes have been consistently upheld against the claim that they unconstitutionally discriminate against female defendants [136] or against prospective male jurors.[137]

Some exemption statutes give every female summoned for jury duty the privilege of excusing herself from service. In a few states, the statutes have gone even further, providing that no woman is to be placed on the jury list unless she has previously filed a statement of her willingness to be called for service. The rationale for the latter type of statute is that it avoids the inefficiency of summoning many women who would choose to claim their exemption if called.

In *Hoyt v. Florida*,[138] a statute of this latter type was upheld by the Supreme Court against an equal protection attack. Noting that eighteen states permitted an automatic exemption for women and that three of these implemented this policy by calling only those women who had previously volunteered, the Court found that there was a rational basis for Florida's system:

"Despite the enlightened emancipation of women from the restrictions and protections of bygone years, and their entry into many parts of community life formerly considered to be reserved to men, woman is still regarded as the center of home and family life. We cannot say that it is constitutionally impermissible for a State, acting in pursuit of the general welfare, to conclude that a woman should be relieved from the civic duty of jury service unless she herself determines that such service is consistent with her own special responsibilities." [139]

The appellant also contended that Florida's statute, as applied, was unconstitutionally discriminatory. She pointed out that, out of some 46,000 eligible women voters in her county, only 220 had volunteered for jury duty during the eight years women had been eligible for such service. "Beside the point," the Court responded; "[g]iven the reasonableness of the classification . . . the relative paucity of women jurors does not carry" any "constitutional consequence." [140] Given the fact—accepted by the Court—that the end product of the Florida system in defendant's county was a jury list of 10,000 persons, of which only ten—ten!—were women, it is apparent that the Florida system was the functional equivalent of total exclusion.[141]

As indicated above, the Court has never held that outright exclusion of women from juries is a violation of equal protection. For many years, however, the Court has consistently condemned racial exclusion in jury selection.[142] The *Hoyt* opinion attempted to explain this seeming anomaly:

"This case in no way resembles those involving race or color in which the circumstances shown were found by this Court to compel a conclusion of purposeful discriminatory exclusions from jury service. . . . There is present here neither the unfortunate atmosphere of ethnic or racial prejudices which underlay the situations depicted in those cases, nor the long course of discriminatory administrative practice which the statistical showing in each of them evinced."[143]

The meaning of this passage is obscure. At best, it overlooks the obvious fact that statutes exempting women from jury service do reflect the historical male prejudice against female participation in activities outside the family circle. At worst, it can be read as *condoning* that prejudice by suggesting that, although racial and ethnic prejudice are "unfortunate," sex prejudice is not.

Notwithstanding *Hoyt's* susceptibility to such criticism, any judge thereafter facing a federal constitutional challenge to a similar exemption for women could simply cite that case as dispositive.[144] In two recent cases involving the New York jury statute however, judges have seen fit to add further embellishment to the *Hoyt* rationale, thereby reflecting their own attitudes toward this type of sex discrimination.

In *Leighton v. Goodman*,[145] a male called for jury duty sought an injunction against the county clerk's enforcement of the summons. Plaintiff challenged the jury statute on equal protection grounds: that by providing automatic exemption for women—*all* women—it in effect discriminated against all males. Although acknowledging that "the time may very well be ripe" for the legislature to amend the statute, the district court nevertheless held the constitutional claim "patently insufficient as a matter of law." Adhering to the "rational basis" test, the court suggested a justification for the exemption:

"Granted that some women pursue business careers, the great majority constitute the heart of the home, where they are busily engaged in the 24-hour task of producing and rearing children, providing a home for the entire family, and performing the daily household work, all of which demands their full energies. Although some women now question this arrangement, the state legislature has permitted the exemption in order not to risk disruption of the basic family unit. Its action was far from arbitrary." [146]

Even if the court's factual assumptions were correct,[147] the view of women here expressed is reminiscent of that expressed by Judge Turner nearly ninety years ago.

In *DeKosenko v. Brandt*,[148] plaintiff, a female tenant suing her landlord, also challenged the New York jury law on constitutional grounds, claiming that it would deprive her of a fair jury. Her claim was denied by the New York County Supreme Court in an opinion defective in so many different ways that no description here could possibly do it justice. As an inducement to the reader to see for himself, we present the final passage:

"Plaintiff is in the wrong forum. Her lament should be addressed to the "Nineteenth Amendment State of Womanhood" which prefers cleaning and cooking, rearing of children and television soap operas, bridge and canasta, the beauty parlor and shopping, to becoming embroiled in plaintiff's problems with her landlord." [149]

We offer the following translation: "Plaintiff cannot complain of the absence of women on her jury, because that results from the willingness of women to claim their exemption, not from the mere existence of the exemption itself." As the dissenting Florida judge in *Hoyt* remarked in his opinion:

"[I]t seems to me that if the present restriction upon female jury service were constitutional, then we must hold that the legislature could validly require all women to serve but limit male service to volunteers and thus, in effect, create an all female jury system." [150]

In such a situation, would an absence of *males* from the jury thereafter be ascribed to "the State of Manhood, which prefers golf, bowling and working for a living to becoming embroiled in another male's lawsuit"?

Despite the general judicial acquiescence, we submit that an automatic jury exemption for women should raise a serious equal protection question. We doubt that any statute would today be upheld which provided that all black persons (or, for that matter, all white persons) should have an automatic exemption from jury service.[151] Is a blanket exemption for all females any more justifiable? Granted that many females have work or child care responsibilities (or health disabilities) which might justify excusing them from service, it is difficult to imagine any excuse (except pregnancy, a condition hardly shared at any one time by even a majority of the women in America) which could not also be advanced by a man similarly situated.[152] How then is it possible to maintain that an exemption for every woman—including even the childless, single woman, and the working wife or mother—is not an arbitrary discrimination when based solely on her sex? Such a scheme, we submit, is based—and court opinions right up to the present day support our contention—on an additional assumption: that women are delicate creatures to be encouraged to stay at home and be protected from the hard, cruel world—and incidentally, as long as they *are* at home, to do the cooking, cleaning, mend-

---

Footnotes at end of article.

ing and ironing for those of us who do have the affairs of the world to attend to.

E. Public education

Although the dominant form of public education in the United States today is obviously "coeducation" (both sexes taught in the same schools and usually in the same classes), a number of public institutions of higher learning are not coeducational. In recent years a few courts have been called upon to decide the validity of a state educational policy providing for separation of the sexes; overall, the results represent at best a limited recognition of the right to equal educational opportunity regardless of sex.

Two such cases have come before the Texas Court of Civil Appeals. In 1958, in *Heaton v. Bristol*,[153] female plaintiffs had sought to enter Texas A. & M., an all-male institution. Reversing the lower court, the appellate court held—despite uncontroverted findings by the trial court that Texas A. & M. offered several courses of study not available at any other public institution of higher learning in the state—that no constitutional right of the plaintiffs had been violated. First, it was not shown that plaintiffs desired to take any of the courses unique to that institution. Nor was the court impressed by plaintiffs' argument that, by denying them the right to attend this particular institution, which was most near their homes and thus most convenient, the state had denied them equal protection. Finally, the court relied upon the existence of compulsory military training at Texas A. & M. as evidence of its unsuitability for females and pointed to the lack of any precedent upholding plaintiffs' position.

To determine whether there is unequal treatment of the sexes, the court stated, one must view the state's entire higher education system. The court concluded that the Texas system did make "ample and substantially equal provision for the education of both sexes." [154] In the court's view, the question was simply whether the state may constitutionally maintain, along with sixteen coeducational institutions, two which are not coeducational—one male, one female:

> "We think undoubtedly the answer is Yes. Such a plan exalts neither sex at the expense of the other, but to the contrary recognizes the equal rights of both sexes to the benefits of the best, most varied systems of higher education that the State can supply." [155]

A similar action was brought two years later in *Allred v. Heaton*,[156] and in that case, at least one of the plaintffs declared her desire to enroll in floriculture, one of the courses apparently not available at any other campus in the Texas university system. The court, possibly dubious of her good faith since she had once declared an intention to study law, held that, since the applicants (relying on the stated policy of exclusion) had not submitted applications for admission, they were precluded from relief. In affirming generally its earlier position with respect to sex-segregated education, the court indicated in dictum that should the plaintiff in fact apply for admission to study floriculture, she should not be excluded solely on the basis of her sex.[157] Upon rehearing, the college moved to strike that paragraph from the court's opinion, as constituting dictum. The court granted the motion without comment. This was not the only dictum in the opinion, however; consider the following:

> "Surely the Supreme Court of the United States will not attempt to interfere with the public policy of the sovereign states of this nation in the management and control of their respective education systems so long as such systems do not discriminate against color or race.[158]

A far different view of the constitutional issues was expressed in *Kirstein v. Rector and Visitors of the University of Virginia*,[159] a 1970 decision involving the College of Arts and Sciences of the University of Virginia at Charlottesville. A three-judge federal district court held that refusal to admit women to the college was a denial of equal protection, since the college offered courses of instruction not found elsewhere in the state and because its degree had greater "prestige" than that of any other state college. The court did, however, deny plaintiffs' claim for relief, on the ground that a plan for implementing coeducation at the campus had already been adopted. The court expressly declined to decide whether it was impermissible for the state to operate *any* institution of higher learning restricted to one sex, on the ground that plaintiffs lacked standing to raise the issue. The court was also careful to skirt—in a footnote—the question of whether the ghost of *Plessy v. Ferguson* [160] still walks: "We need not decide on the facts of this case whether the new discontinued principle of "separate but equal" may have lingering validity in another area—for the facilities elsewhere are not equal with respect to these plaintiffs." [161]

The most recent case to call into question a state's operation of sex-segregated educational facilities is *Williams v. McNair*,[162] a suit in which several males sought to enjoin South Carolina's operation of Winthrop College on a for-girls-only basis. South Carolina maintains a substantial number of university-level institutions, only two of which are segregated by sex—Winthrop and the Citadel, an all-male military academy. The court denied relief, noting that there is a respectable body of opinion which supports single-sex education on the ground that an educational institution can advance its effectiveness by concentrating on "areas of primary interest to only one sex." In the court's view, this was sufficient to demonstrate that the state's discrimination was not "wholly wanting in reason." [163] The court did not go so far as to suggest that the state could maintain all its educational institutions on a sex-segregated basis, but it did declare that on the facts presented, where there were coeducational institutions available to every student in the state, equal protection had not been denied. The *Kirstein* case was distinguished with ease on the ground that the court there had specifically found that equal facilities were not available to women elsewhere in the state university system. The *Williams* decision has recently been affirmed without opinion by the United States Supreme Court.

The district court in *Williams* was careful to avoid the kind of overt sexist rhetoric that has marred court opinions in many sex-discrimination cases, and at first blush the decision seems not only predictable but reasonable in light of the general availability of quality coeducation in the state. But closer examination may be in order. The statute establishing Winthrop College described its curriculum as follows: "such education as shall fit them [young women] for teaching" and also "stenography, typewriting, telegraphy, bookkeeping, drawing (freehand, mechanical, architectural, etc.), designing, engraving, sewing, dressmaking, millinery, art, needlework, cooking, housekeeping and such other industrial arts as may be suitable to their sex and condusive to their support and usefulness," together with such other subjects "as the progress of the times may require." [164] To evaluate this case, it may be useful to return to the racial analogy:

1) May the state properly operate only one college, for whites only? Clearly not. Could it operate only one, and only for men? The *Williams* opinion concedes that it could not.

2) Could it operate only two colleges, one for whites and one for blacks? Again, clearly not. Could it operate only two colleges, one for women and one for men? The *Williams* opinion is silent. In view of the long history of male dominance, we suggest that the adoption of such a scheme by a male-dominated legislature would at least raise a constitutional question. If accompanied by different curricula, clearly reflecting stereotypical attitudes about sex roles, a strong inference would arise that the scheme reflected an assumption that women are inherently incapable of education on an equal basis with men—just as clearly as the race-segregated schools of the South indicated a similar belief about the races.

3) Can the state operate separate schools for the races, so long as it maintains at least some school where the races *are* mixed? Any plan where the white citizens of a state were given the option of education in black-free state colleges would seem in clear violation of the school segregation decisions,[165] *whether or not* any integrated schools were also available. Should the same result follow in a sex-segregation case?

To the *Williams* court and apparently to the Supreme Court as well, the answer is clear: no violation here. But consider the facts of *Williams*: In addition to its coeducational colleges, South Carolina operates two sex-segregated institutions—Winthrop, a school apparently designed to produce secretaries and homemakers, and the Citadel, a military school offering a full range of liberal arts and engineering degrees. To pursue the race analogy a bit further, suppose that South Carolina, in addition to operating one or more racially mixed institutions, should maintain two other colleges. One, Dred Scott Institute, would offer degrees in agriculture, music, dance and physical education; it would accept only black students. The other, Calhoun College, would offer degrees in nuclear physics, medicine, law, engineering and business administration; only whites need apply. Even assuming that all of these studies were available at a biracial institution in the state, would such a scheme survive constitutional scrutiny?

It is difficult to see how; indeed, any other answer is unthinkable. And yet, the maintenance of two institutions for the sexes in South Carolina, one for male warriors and the other for female domestics, is different only in that the assumptions it reflects about individual capabilities and aspirations are more widely shared. The role of a housewife or a secretary is an honorable and productive one; so of course is the role of a champion athlete or a tenant farmer. To attack the attitudes reflected in the *Williams* decision is not to denigrate the individuals for whom such stereotypes happen to be accurate; it is to attack the arrogant assumption that merely because these stereotypes are accurate for some individuals, the state has a right to apply them to all individuals—and, indeed, to shape its official policy toward the end that they shall *continue* to be accurate for all individuals.

F. Criminal sentencing

State statutes prescribing the term of imprisonment for various crimes sometimes distinguish between offenders on the basis of sex. In some cases, the statute permits the the sentencing judge to set a fixed term (within a stated range) for an offender of one sex, while requiring an indeterminate sentence for an offender of the other.

In *State v. Heitman*,[166] a Kansas statute provided that a female over eighteen should be sentenced to confinement for an indeterminate term of no more than the maximum sentence fixed by law for her offense. The female defendant had been convicted of a misdemeanor punshable by thirty days to six months imprisonment and was accordingly sentenced to an indeterminate term of six months. She appealed on equal protection grounds: Had she been a man, the judge in his discretion could have sentenced her to a fixed term of less than six months. The trial court's action was affirmed. Although recog-

---

Footnotes at end of article.

nizing the principal that "no different or higher punishment shall be imposed on one than that which is prescribed for all, for the same offense,"[167] the Kansas Supreme Court concluded that sufficient differences exist between men and women to justify classification by sex in the correction and rehabilitation of criminals:

"It required no anatomist, or physiologist, or psychologist, or psychiatrist to tell the Legislature that women are different from men. In structure and function human beings are still as they were in the beginning. 'Males and females created He them.' It is a patent and deep-lying fact that these fundamental anatomical and physiological differences affect the whole psychic organization. They create the differences in personality between men and women, and personality is the predominating factor in delinquent careers. It was inevitable that, in the ages during which woman has been bearer of the race, her unique and absolutely personal experiences, from the time of conception to the time when developed offspring attains maturity, should react on personality, and produce what we understand to be embraced by the term 'womanhood.' Woman enters spheres of sensation, perception, emotion, desire, knowledge, and experience, of an intensity and of a kind which man cannot know. Her individualities and peculiarities are fostered by education and by social custom—whether false and artificial or not is of no consequence here; and the result is a feminine type radically different from the masculine type, which demands special consideration in the study and treatment of non-conformity to law."[168]

It is sadly ironic that the court's opinion was largely devoted to praise of indeterminate sentencing as an example of the scientific foundation and humane approach of "the new penology." In retrospect, the court's touching faith in the rehabilitative capabilities of prisons seems naive at best.

Statutes of this sort apparently were not successfully challenged until 1968.[169] In that year several courts, both state and federal, concluded that such discrimination violated equal protection. The first such case was *United States ex rel. Robinson v. York*,[170] a federal habeas corpus proceeding. In this case, the effect of the Connecticut statute was to require an indeterminate (maximum three years) sentence for petitioner, even though a male convicted of the same offense would receive at most a total sentence of eighteen months. In addition to the disparity between fixed and indeterminate sentences, the case thus raised an issue not presented in *Heitman:* a longer maximum sentence for the female. Citing *Loving v. Virginia*[171] for the proposition that equal protection requires any *racial* classification to be subjected to the "most rigid scrutiny," the *Robinson* court held that sex discrimination should bear the same heavy burden of justification:

"While the Supreme Court has not explicitly determined whether equal protection rights of women should be tested by this rigid standard, it is difficult to find any reason why adult women, as one of the specific groups that compose humanity should have a lesser measure of protection than a racial group."[172]

Tested by this standard, the statute was found wanting. Suggesting that imprisonment is still imprisonment, whatever euphemisms may be employed to describe it, the court was unable to discern any reason sufficient to justify the difference in treatment:

"It may be granted that a broad discretion should be given to the courts in order that the punishment imposed should bear a proper relation to the enormity of the offense. But the circumstances which may affect the sentences must be circumstances connected with the crime. That there are differences between men and women cannot be denied, but that these differences justify a longer imprisonment of women cannot be sustained. There is no connection whatsoever between a breach of peace or resistance to arrest and being a woman. Those misdemeanors may be committed by persons of either sex.[173]

The principle announced in *Robinson* has since been applied in two other Connecticut cases: once again in a federal district court,[174] and once in the Superior Court of Connecticut.[175]

In *Commonwealth v. Daniel*,[176] the Pennsylvania Supreme Court reached a similar result. The statute in that case did not prescribe for women a sentence longer than the maximum for men, but, like the Kansas statute attacked in *Heitman*, it did deprive the court of the power to impose upon females a fixed sentence shorter than the statutory maximum. The *Daniel* opinion fell short of articulating the "rigid scrutiny" test employed in *Robinson;* on the contrary, it stated that a "strong presumption of Constitutionality"[177] attaches to every statute. Nevertheless the court concluded:

"[W]e fail to discern any reasonable and justifiable differences . . . between men and women which would justify a man being eligible for a shorter maximum prison sentence than a woman for the commission of the same crime, especially if there is no material difference in their records and the relevant circumstances."[178]

This opinion supports our contention that not only are many forms of sex discrimination vulnerable when subjected to "rigid scrutiny," but they cannot even survive a serious application of the "rational basis" test.[179]

In light of the consistent holdings in these recent cases, *Wark v. State*[180] is a disagreeable surprise. For escaping from a Maine prison farm, the defendant had been sentenced to an additional term of six to twelve years. He contended (and the Supreme Judicial Court of Maine assumed) that a female convicted of escaping from the women's reformatory would have been subject to a maximum sentence of no more than eleven months. Appellant therefore argued that his sentence constituted a denial of equal protection. The court distinguished the recent sentencing cases on the ground that they involved sex discrimination justified only by considerations of rehabilitation and "reform." Maine's statute, said the court, was enacted for a different reason: deterrence of a particular offense. With respect to escape, the court felt, the "distinctive attributes of the sexes" were both "relevant" and "controlling":[181]

"The Legislature could on the basis of long experience conclude that women, even those sentenced to the State Prison for serious offenses, tend for the most part to be more amendable to discipline and custodial regulation than their male counterparts and can therefore be effectively confined in an institution which lacks the high walls, armed guards and security precautions of a prison. By the same token the Legislature could reasonably conclude that the greater physical strength, aggressiveness and disposition toward violent action so frequently displayed by a male prisoner bent on escape from a maximum security institution presents a far greater risk of harm to prison guards and personnel and to the public than is the case when escape is undertaken by a woman confined in an institution designed primarily for reform and rehabilitation. Viewing statutory provisions for punishment as in part a deterrent to criminal conduct, the Legislature could logically and reasonably conclude that a more severe penalty should be imposed upon a male prisoner escaping from the State Prison than upon a woman confined at the 'Reformatory' while serving a State Prison sentence who escapes from that institution. We conclude that a classification based on sex under these circumstances is neither arbitrary nor unreasonable but is a proper exercise of legislative discretion which in no way violates the constitutional right to equal protection of the law."[182]

One indication of the tenacity of sex stereotyping is the fact that an opinion like that in *Wark* will so often seem sensible on first reading—at least to a male reader. After all, men are bigger and stronger on the average than women; if we were prison guards, we would probably be more afraid of an escaping male prisoner than a female. Isn't the court's reasoning therefore correct?

The trouble with the court's approach is that, in its preoccupation with group characteristics, it ignores the fact that the law punishes *individuals*. Again, the best way to illustrate the defect in this approach may be by analogy. For instance, suppose it could be demonstrated that persons of one race do commit a particular crime more frequently (in proportion to their numbers) than persons of other races. Could the state constitutionally prescribe a higher sentence for persons of that race who commit that crime, on the sole ground that this would constitute a greater deterrent to those who most need to be deterred? The answer—even if one did not agree with it—is clear. Can similar sex discrimination be any more justifiable?

Of course, it might be argued that the *Wark* court was speaking not only of propensity to commit the crime, but also of ability to commit it. Men are, by and large, bigger and stronger than women; not only may they be more likely to try to escape, they could be more likely to succeed. Is it not then proper for the state to consider this factor in fashioning a sentencing statute aimed at deterrence?

Since is is awkward to pursue a racial analogy at this point (it being virtually impossible for the writers to imagine any crime which members of one race have more ability to commit),[183] let us use another physical characteristic which, like sex and race, is not the result of individual choice: the ability to see. It seems perfectly plausible to assume that sighted persons are more capable than blind persons of committing virtually any crime. Would a statute be valid which provided that for any blind adult convicted of a felony, the penalty should be reduced by one-half?

If such a statute would be held to violate equal protection, the statute in *Wark* should clearly fare no better. Even if the hypothetical statute could be upheld, however, the *Wark* statute is still deficient by comparison. It distinguishes between defendants not on the basis of their *individual* characteristics, but solely on the basis of the extent to which two groups differ in *average* size and strength—differences which may not at all apply to particular individuals within either group.

In support of the *Wark* result, it might further be argued that men may properly be confined in separate institutions, made more "escapeproof" than those for women. This point may be well-taken,[184] even so, it does not necessarily follow that a higher sentence is in order for the crime of escape by a male, since, as the *Wark* court recognized, the sentence is properly to be regarded as "punishment," even though it may have a deterrent effect. It might well be argued that a defendant cannot properly be punished in part simply for being a male. Nor, even if all males *were* bigger, stronger and more aggressive than all females, is the statute necessarily justifiable by analogy to criminal statutes which punish an offense more harshly when accompanied by a greater threat of harm, *e.g.*, "armed robbery." In those cases, the offender may be influenced in his choice of weapons by the varying

---

Footnotes at end of article.

punishments held out. The male does not choose his sex, however; in our view, he therefore cannot appropriately be punished for it.

G. Consortium

The concept of "consortium" combines two disparate elements: (1) companionship and affection (including sexual relations) between spouses, and (2) the right of one spouse to the services of the other spouse.[185] It will come as no surprise to the reader that originally both of these elements were obligations owed by wives to their husbands, but not vice versa. The underlying assumptions about sex roles are by now all too familiar:

"But the right of consortium was by no means fully expressed [at common law] in the terms of society, companionship, and conjugal affection. The right to service was a prominent factor in it, and in respect to certain kinds of injuries, without doubt, the predominant factor. If we go back to the times when it took on its meaning the conditions were that the wife was socially and legally regarded as the husband's inferior, as having her existence merged into that of her husband, and as owing to him the duty, which he was entitled to command, of serving and administering to him in all the relations of domestic life. Her emancipation of recent years was centuries in the future. She was looked upon as the servant of and ministrant to her liege lord, to whom and to whose interests she was, by virtue of her marriage vow, devoted. He was entitled to her services, and these she was expected to render in the care of his home, in the rearing of his children, and in attending upon his wants." [186]

Since wifely services could easily be equated with those of any servant, legal liability for interference with the master-servant relationship was easily extended to cases of injury to the husband-wife relationship.[187] Eventually, loss of consortium became recognized as a material element of damage in four types of actions by husbands against third parties: (1) criminal conversation, (2) alienation of affection, (3) malicious interference with the marital relationship and (4) negligent personal injury to the wife, resulting in loss of her services.

While corresponding recovery was available to wives in actions of the first three types, it was not in the fourth. Four primary reasons were advanced to justify this dichotomy.[188] By 1950, courts in at least eighteen jurisdictions had accepted these arguments,[189] with no clear holdings to the contrary.[190] Notwithstanding this overwhelming support for the no-recovery rule, each of the four assigned justifications is questionable.

The first is that a wife had no common law right to maintain an action in her own name. This argument is of little or no weight now that such disabilities have been removed; at any rate, it hardly justifies denial of a cause of action for only one of the four types of injury to the martial relationship.

The second argument is that, in the first three types of action, the wife's injury is "direct," but in the fourth it is merely "consequential." Even if this distinction does have some validity however, it affords no apparent justification for applying this limitation to wives but not to husbands.

A third rationale advanced in favor of the no-recovery rule is that a wife has no right to the services of her husband, as contrasted with his companionship, affection, etc. This argument depends on the premise that the only element of recovery in the wife's consortium action would be loss of services. This premise appears unjustified, however, since the husband's recovery for loss of consortium has always included damages for loss of conjugal relation as well as loss of service.[191] Moreover, even if loss of services *were* the only element of recovery, the wife might nevertheless be entitled to a cause of action by virtue of the Married Women's Acts. These acts removed many disabilities formerly imposed upon married women, and they could have been interpreted as giving the wife a reciprocal right to her husband's services. But they were not.[192]

The fourth reason for denying the wife's recovery for loss of consortium is that the husband in his own action against the tortfeasor can recover for impairment of his ability to provide support. Permitting the wife to sue the same defendant for loss of her husband's services would therefore result in double recovery. Since husbands do have a duty to support their wives, it must be conceded that this rationale has some validity, and recent opinions have treated it as the determinative issue in evaluating the no-recovery rule.

The leading authority for rejection of the no-recovery rule on nonconstitutional grounds is *Hitaffer v. Argonne Co.*[193] In this case of first impression, the court carefully considered the principal justifications for the rule, and found each of them insufficient. The court answered the double recovery argument by asserting that it would be a simple matter to deduct from the wife's damages any amount recoverable by the husband for impairment of support.[194] Rejecting the unbroken succession of contrary precedent in other jurisdictions as based on "specious and fallacious reasoning," the court then adopted for the District of Columbia a rule allowing the wife to recover.[195]

In the twenty-one years since *Hitaffer*, a number of courts have been called upon to reconsider the wisdom of continued adherence to the no-recovery rule. Although the decisions have been divided, *Hitaffer* has attracted a considerable following.[196] Indeed, very recent cases indicate a clear trend in favor of permitting recovery.[197] In this area at least, the courts appear to be awakening to the fact that rules of law based upon outmoded concepts of uxorial status do not deserve contemporary reaffirmation.

In jurisdictions where the courts have refused to abandon the no-recovery rule, it is not surprising that equal protection claims have been raised. In two recent diversity cases, federal district courts in Michigan and Illinois were required to apply Indiana law in determining whether a wife could recover for loss of consortium. Since Indiana precedent at the time was clearly against recovery,[198] the only question was whether such a rule contravened the fourteenth amendment. In one case,[199] the opinion simply announced the court's conclusion that the Indiana rule violated equal protection. In *Karczewski v. Baltimore & Ohio Railroad*,[200] however, a similar conclusion was reached only after a carefully stated analysis of the problem. After reviewing the standard arguments against recovery, the court rejected them as unconvincing:

"[T]hat women cannot sue for loss of consortium is not excusable because based upon an historical legal doctrine which viewed a woman as her husband's chattel or "servant." Some positive justification is required. Nothing persuasive is offered by any of the cases which deny her this right.

"Marriage is no longer viewed as a "master-servant" relationship. It has assumed a special status in which each party has equal rights under the law." [201]

Concluding that there was in fact no rational basis for the no-recovery rule, the court then held it to be a violation of equal protection.[202]

Slightly more than a year later, however, *Karczewski* was in effect overruled by the Seventh Circuit Court of Appeals in *Miskunas v. Union Carbide Corp.*[203] In that case, the Indiana no-recovery rule was again contested on equal protection grounds. The only rational basis that the court could discover for the Indiana rule was the avoidance of double recovery. But that, it felt, was sufficient:

"Because a husband can recover for lost earnings, Indiana could reasonably conclude that it would be undesirable to give the wife an action that might permit double recovery. Since 87.8% of married men are employed and only 34.4% of wives are employed, Indiana could justifiably discriminate in this respect between the spouses. Indiana could infer that more often in a wife's suit than a husband's the jury would award her duplicating damages for some of the same elements of injury." [204]

At first glance, the employment statistics relied upon by the court seem to support its conclusion that there is a rational basis for the no-recovery rule, since they do demonstrate that the great majority of actions by wives will involve the possibility of double recovery. On closer examination, however, the figures reveal that, for 12% of the wives, an action for loss of consortium could not possibly result in double recovery. The arbitrariness of the no-recovery rule is demonstrated by the unfairness of its application to these wives. If the double-recovery problem is sufficiently acute to warrant an exclusionary rule at all, using the plaintiff's sex as the basis for exclusion seems questionable. It would be much fairer (and would impose no special burden on the courts) to entertain the wife's cause of action at least in every case where the husband was unemployed at the time of injury.

The consortium cases reflect a variety of ways in which sexist patterns of thought retain their influence over rules of law. In its inception, the rule granting only the husband an action for loss of consortium was blatantly male-supremacist: At common law, wives could be analogized to servants; a husband could therefore claim the benefit of the established cause of action for loss of the services of a negligently injured servant. Today, of course, no course could seriously declare that a husband is the "master" of his wife and that he is entitled to her services, companionship and sexual attentions without incurring any reciprocal obligations. Where the no-recovery rule survives, its principal justification is now the fear of double recovery—seemingly more a rationalization than a reason.

Although not stressed in judicial opinions, there may be another reason why the no-recovery rule is still adhered to. There is ample evidence that American courts have been reluctant to extend tort liability for purely "emotional" injury—largely because of their apprehension that indulgent juries will award excessive damages, given the intangible nature of such an injury and the ease with which it can be feigned. Thus, negligent infliction of mental suffering has only recently received wide recognition as a compensable wrong.[205] The principal element in a wife's consortium recovery is apt to be the loss of her husband's companionship and affection; it would hardly be surprising if many courts regard this as an essentially "psychological" injury, requiring similar caution.

If this hypothesis is valid, then judicial retention of the no-recovery rule is understandable, but hardly commendable. Even if the fear of unjustified recoveries does furnish sufficient reason for a rule of exclusion, it surely does not require the perpetuation of irrational distincitons based on sex alone. Whatever the rule, it should be the same for both sexes; both should be permitted to recover, or neither.

H. Conclusions from the cases

Although the above cases deal with sex discrimination in a wide variety of activities, they by no means exhaust the examples which might be shown. We believe they are sufficient, however, to demonstrate the following general propositions:

(1) Despite the enactment of various laws

Footnotes at end of article.

designed to improve the position of women, male-dominated legislatures and courts have historically exhibited the belief that women generally are—and ought to be—confined to the social roles of homemaker, wife and mother, and gainfully employed (if at all) only in endeavors which comport with their assumed subservient, child-oriented and decorative characteristics;

(2) A small but significant number of courts has recently perceived that some legislation mandating sex discrimination presents substantial constitutional questions, and several such laws have been struck down on equal protection grounds;

(3) Despite such holdings by a number of state and lower federal courts, opinions continue to appear in which both the result and the reasoning are virtually indistinguishable from those issued nearly a century ago. In the absence of a definite shift of position on the part of the Supreme Court, and in the face of continued adherence by many state and federal courts to traditional sexist attitudes, it is far too soon to assert that a clear trend toward judicial recognition of women's rights has developed.[206]

III. SEX AND RACE

In nearly every section of this study, we have advanced the analogy of racial discrimination in order to clarify and strengthen our arguments that various forms of sex discrimination constitute a denial of equal protection. Although we elected to postpone discussion of the general aptness of the analogy between race and sex, we are of course aware that the reader may not be ready to concede the validity of any argument based primarily on such an analogy. We are convinced, however, that each example we have suggested is appropriate and that all of them can be justified by the same general considerations.

Analytically, state-enforced sex discrimination is virtually identical to racial discrimination in at least three significant ways: (1) each reflects a group stereotype based on imputed characteristics which, if not purely imaginary, are nonetheless inapplicable to many individual members of the group; (2) each provides governmental endorsement for the opinion privately held by members of a dominant group that, due to the supposed existence of these characteristics, each member of the subordinate group is inherently inferior; and (3) proceeding from the assumption that the stereotypes are accurate, each attempts to confirm and perpetuate the existence of the supposed characteristics by requiring every citizen to conform to a variety of rules, all of which reflect the belief that one group is in fact inferior to another.

The falsity of certain racial stereotypes, notably with respect to blacks and American Indians, has become widely recognized in recent years. That the female stereotype is also untrue (and even a bit foolish) has been convincingly argued by many, but the myth of female inferiority stubbornly persists—even among supposedly enlightened judges. The preceding sections document the consistency with which our (overwhelmingly male) judiciary has supported enactments of our (predominately male) state legislatures that require women to conform to the expectations of the dominant group. In addition, the case law clearly shows that women have been denied equal treatment in employment, public education, places of public accommodation and—shamefully—in those supposed bastions of "equal justice," the criminal and civil courts. In all of these respects, contemporary sex discrimination closely resembles the pre-*Brown* pattern of racial discrimination by law

As bases for classification, sex and race share three important similarities: (1) by and large, members of the subordinate group are readily identifiable; (2) membership in the "inferior" group is initially nonvolitional; and (3) once acquired, this membership cannot be renounced. (Particularly in the last respect, race and sex discrimination are of a different order from discrimination against the poor or the young; members of these latter groups are not inevitably trapped for life in a subordinate status.) It is repungent to the most rudimentary sense of fairness that a person should be officially relegated to an inferior status, severely limiting his opportunities for self-expression and achievement, solely because of an accident of birth. Stripped to its essentials, this is precisely the effect of racial and sex discrimination.

Belatedly, whites are starting to comprehend the enormity of the injustice perpetrated upon nonwhites in America. White males, on the other hand, have hardly begun to recognize that the society we control has visited exactly the same type of injustice upon nonmales—though admittedly with less heinous consequences. Notwithstanding the fact that a far greater degree of visible harm has been suffered by nonwhites than by females, a general pattern of economic and political disadvantage is easily demonstrable in both cases.

In terms of other, less obvious effects upon individual members of the subordinate group, sex and race discrimination are again distressingly similar. When it enforces either kind of discrimination with a broad range of sanctions, the state encourages its citizens to relate to each other according to group stereotypes, rather than as individuals. This is dehumanizing—for the dominant group as well as the subordinate. But the effect on the "inferior" individuals is particularly unfortunate: constant subjection to pervasive reinforcement of group stereotypes tends to influence—to *distort*—their perception of themselves. As one recent commentator put it:

> "Lowered cultural expectations of success and higher expectations of failure result in a self-fulfilling prophecy: From those of whom little is expected little is achieved. These patterns of discouragement, the perpetuation in our education processes of women as "helpmate," the absence of "appropriateness," all these handicaps to women in our society are key factors in a woman's choosing to be a nurse rather than a doctor, a law secretary rather than a lawyer, a researcher rather than a writer, a teacher rather than a practitioner.[207]"

At best, these effects of racial and sex discrimination are wasteful of invaluable human resources; at worst, they are damaging and degrading to the individuals affected.

In light of all these similarities between the operation and effects of both types of state-imposed discrimination in education, employment and the judicial process, we believe it entirely appropriate to use racial analogies to assist in the resolution of cases involving the rights of women. Indeed, we would contend that, at least with respect to the areas surveyed above, both types of discrimination should be subjected to the identical equal protection standard.

True, there may be areas of state regulation where the analogy between sex and race should not be employed—where certain types of sex discrimination should be recognized as valid although corresponding racial discrimination would not be. Several areas of law not discussed above quite explicitly distinguish between the sexes, and often operate upon them unequally. One obvious example is the regulation of sexual activity by criminal statutes that punish one sex exclusively or more severely than the other; another is the regulation of family relationships by statutes—such as those relating to marriage and divorce, abortion and sterilization, child custody and support, etc.—that in many ways define the rights and duties of the marital partners differently according to their sex. There are those who feel that all laws governing sexual conduct and familial relationships are in need of drastic overhauling, so as to make them completely neutral between the sexes. On the other hand, many would argue that there are basic societal interests in these areas which might be threatened by such a readjustment.

One need not hold any particular opinion about society's regulation of sexual activity and marriage, however, in order to respond to the issues of equal protection arising in education, employment, and the judicial process. On the contrary, the argument for sex equality in these areas is made even more compelling by the fact that the sexual discriminations there involved have nothing whatever to do with sexual activity or inherent sex differences. This is not to deny that equal protection issues may be raised by laws regulating sexual conduct or familial relationships; it is simply to suggest that such issues should be all the more visible in the many cases where sex differences or sexual activity are not directly involved.

IV. JUDICIAL ATTITUDES TOWARD SEX DISCRIMINATION CASES

Despite the strong argument that sex discrimination has much the same destructive potential as race discrimination, it is nevertheless undeniable that American judges have responded more readily to claims of injury from the latter. It is possible, of course, that this merely establishes that sex discrimination is not inherently harmful—thereby disproving our thesis. It is also possible, however, that there are reasons why male American judges should have difficulty in perceiving its harmful effects. We should like to offer our intuitive suggestions as to what some of these reasons may be. We believe that what follows is to a great extent applicable to all males, although our primary concern is with the extent to which it may be true of judges in particular.

The failure of any male to perceive the harmful potential of various sexually discriminatory laws and practices can perhaps be initially ascribed simply to a lack of knowledge. This is particularly true in contrast with race discrimination. For at least the past ten years, the white public has been exposed to a rather steady and wide-ranging stream of information about the effects of one hundred years of segregation and discrimination on the black citizens of America. Only recently, however, has the public begun to be aware of the injurious effects of sex discrimination. It is the responsibility of counsel, of course, to educate the judge about the facts of any lawsuit, and in a case involving sex discrimination, this includes helping him to understand in what respects the practice complained of is harmful to those affected.

Like most other men, male judges suffer from an additional handicap in comprehending the effects of sex discrimination. With respect to race, it is likely that the white judge has close personal association with few if any black persons; although his information about the harms of race discrimination may therefore be secondhand, it nevertheless may have considerable validity for the black population in general. Virtually every judge, however, is in daily contact with one or more women on a close personal basis—a wife, a daughter, a mother, a sister, or one or more office employees. If the women with whom he is associated are all apparently happy and satisfied, he is likely to conclude from this that all "sensible" women are content with their lot. In this respect, judges—like the authors of law review articles—must be alert to the dangers in overgeneralizing from their personal experience.

Even assuming that a judge does understand the effects of sex discrimination, he may nevertheless be deterred from granting relief in a particular case because of personal attitudes of which he is not even aware.

Footnotes at end of article.

There are a number of emotional responses to "women's liberation" which it seems to us are shared by many men, including some judges. One of these, the fear of competition from individual women, is probably not present in the judge's case; judges, by and large, hold positions where women are no particular danger to either job retention or possible promotion. This may of course change in another generation, as the proportion of female law graduates rapidly increases, but for the present generation of judges, women probably pose little or no threat of personal competition.

In a more abstract way, however, competition from women as a group may indeed seem to threaten the judge's interests. Most judges hold their offices at least in part because of past activity in a political organization under predominately masculine control. Although there are of course able and successful female practitioners of the art of politics, they remain exceptions proving the rule that politics, like most exercises of power, is still a "man's game." Any change in the respective roles of the sexes which militates against such masculine domination—even if only in an insubstantial, largely symbolic way (as for example the question of whether women should serve on juries)—may stir uneasiness in the heart of one amply rewarded by, and comfortable with, the political status quo.

Fear of economic or political competition even if wholly subconscious, is of course an obvious reason why one might be moved to support discriminatory practices. There are, however, other emotions which may influence any male judge's response to a suit involving sex discrimination. All lawyers know that the "law" as represented by the results of litigated cases is as much the product of the court's evaluation of the "morality" of the parties' behavior and the "fairness" of the possible decisions as it is of any set of abstract rules. One way in which a good judge will utilize his emotional responses in partnership with his intellect is by engaging in a process of *empathy*—attempting to perceive the case before him as it is viewed by *the parties themselves*. Olympian detachment is indeed the best posture from which to render final decision, but it should be assumed only after the judge has first exercised his ability to emphasize with the parties to the lawsuit.

Faced with a black man's complaint of racial discrimination, a white judge may well do at least a passable job of empathizing with the plaintiff—of temporarily imagining himself to be black-skinned. This will of course vary with the judge's own conditioning on the matter of race. For a judge taught from birth to regard every black person as a subhuman creature, empathizing with a black man is as inconceivable as empathizing with an eagle or a Labrador retriever. The judge not so severely handicapped, however, will be able to imagine how it would feel to be on the receiving end of such discriminatory treatment. From this perspective, the judge's answer to the hypothetical question "How would I feel if someone did that to me" is likely to be "Furious!"—because if there is *anyone* unaccustomed to being treated as inferior or subordinate, it is a white male American judge. Having subjected himself, even if fleetingly, to what he imagines to be the plaintiff's mental tribulations, the judge is better equipped to test the parties' competing claims against an abstract principle of law.

Where sex discrimination is alleged, however, most male judges are likely to have considerable difficulty empathizing with a female complainant. Even before the typical American child first become aware of sex differences, he (or she) is conditioned to conform to the social role expected of his sex—which interests he should pursue (and which to shun), which occupations he should consider (and which to ignore), how he should talk, walk, think and *feel*. And one of the very worst things he can do, in society's eyes, is to express a desire to be—or to behave as though he were—a member of the other sex. Although there is some evidence that preoccupation with secondary sex differences may be declining, for the present generation of judges it may be easier to assume the imagined mental state of a black male, of whatever station in life, than it is successfully to imagine that one is a *female* (even a white, middle-class one). The wonder is not that some judges display insensitivity toward the sexist features of our society but rather than an increasing number of judges are apparently able to break through the strictures of their own conditioning.

An even more deeply rooted emotion which judges share with most of mankind is a general hostility to change—especially change of such a fundamental and far-reaching character as to transform radically the basic institutions of society. Although complaints about sex discrimination may focus on particular practices, the whole battery of "women's liberation" goals seems to some (both men and women) to portend a future society in which the roles of men and women as members of a family unit would be so different from those of today as to make it almost unrecognizable. Perhaps children would not be raised by their parents at all; perhaps marriage as we know it would disappear completely; perhaps the concept of "family" would mean something completely different—or nothing at all. To many white southerners of twenty years ago, the end of racial segregation seemed to spell the end of civilization. For the elderly or even middle-aged person today, any prospect of a basic change in the family structure of society as he has known it may seem equally disquieting. Even the most modest demand for equality, if perceived as the spearhead of a wide-ranging assault on the social order, may thus be viewed as a threat. But the reconciliation of stability and change is the essence of the judicial function; judges are therefore required to transcend their natural aversion to change—to join in shaping the course of social evolution, rather than adamantly opposing it.

If the above analysis has any validity, it follows that male judges are likely to decide issues of sex discrimination from a narrow perspective and under certain psychological handicaps. Are any countermeasures available to them?

First, the judge can avoid the temptation to dismiss summarily any claim of impermissible sex discrimination as "lacking in substance." The fact that a particular statute or practice has received general acquiescence for many years from both males and females should not foreclose judicial consideration of its constitutionality. (Here again, race discrimination furnishes an instructive parallel.)

The next suggestion is implicit in what has been said earlier about the process of judicial empathy. The judge must make a conscious effort to educate himself as to the effect of the statute or practice in question, from the point of view of the different types of women it affects. If the statute is one which prohibits all women from engaging in a certain occupation, for instance, he cannot be content with merely considering whether he, a mature male, is inclined to think that women generally ought not to engage in the proscribed activity (much less whether he thinks his own wife or daughter should do so). Rather, he must consider how a variety of women—single women as well as married, older women as well as young, black women and white, those with much education and those with little, those with children and those with none—are affected.

Further questions should be explored: Do the reasons advanced to support the discrimination in question apply only to *some* women? To some *men*, as well? Does it represent an expression of the stereotype of woman as a homebody, fit only for domestic labor? Or as some sort of harlot, wantonly corrupting innocent men? Does it appear to represent a conclusion that some portion of the community's affairs are—and should continue to be—run completely or primarily by men? That some kinds of decisions are better left to men? If the answer to some of these questions is yes, we would suggest that a prima facie case has been made against the validity of the statute or practice in question, as a denial of equal protection.

If the judge has reached this conclusion, then the next question is whether there is a basis for the legislature's action sufficient to overcome the initial finding that improper class legislation may be involved. We have earlier suggested that a classification based on sex is one which demands "scrutiny" as "strict" as any other, including race. If the reader disagrees, he will probably concede that there must at least be a "rational basis" for the discrimination. How does the judge ascertain whether such a "rational basis" exists?

It is perhaps more appropriate to suggest what the judge should *not* do in this regard. One suggestion would be to avoid merely concluding (as some judges apparently do) that the legislature must have had *some* reason, and whatever it was, it is good enough. Certainly a presumption of validity attaches to any legislative act, but when that presumption has been overcome by a showing of unequal treatment, it should be incumbent on the proponent of the act to demonstrate what its purpose was and why that purpose justifies treating the sexes in an unequal manner.

A second response to avoid is acquiescence in discrimination merely on the ground that it may obviate some degree of expense or inconvenience. An easy example is the jury statute considered in the *Hoyt* case, which was supported by the argument that calling only female volunteers would avoid the inconvenience occasioned by calling women who would then claim exemption. Another might be the claim of an educational institution that requiring it to admit females would entail the burden of providing them with restroom and other facilities not currently available. In our view, a state's policy of discrimination is not justifiable merely because it is more convenient or less expensive than a nondiscriminatory policy. It would be cheaper and more convenient to choose our President only from the citizens of one particular state, to have only citizens of that state elect him and to elect a new one only when the incumbent dies or retires. It would also be cheaper and quicker to do away with trial by jury in criminal cases. There are competing interests in both cases, however, which are stronger than the mere desire for efficiency and economy. The policy against sex discrimination should also be strong enough to prevail in such a competition. While efficiency and economy are in general "rational bases" for legislation, they do not justify discrimination against individuals on the basis of inborn characteristics which they are powerless to alter.

V. CONCLUSION

Having presented the results of our legal research, as well as our own intuitive hypotheses about judicial attitudes in sex discrimination cases, we would add only one item to a presentation perhaps already overlong. Freely conceding as we do that male judges are not unique in manifesting sexist habits of thought but rather share them with most other males (even law professors, ourselves included), have we any justification for singling out the judiciary for special criticism?

The judge in American society occupies a position of unique esteem in the eyes of his fellow citizens. In return for this particular honor, the judge assumes a special burden of personal responsibility for the fairness, objectivity and disinterestedness of his approach to the legal issues presented to him for resolution. This duty requires him, insofar as he is humanly able, to perform his judicial functions without yielding to the many prejudices and superstitions that influence other men in every aspect of their daily lives. Just as the policeman's special role entitles society to expect him not to react violently to taunts or expletives that would incite most men to action, so the judge can fairly be expected to free himself as nearly as possible from the limitations of his personal attitudes about sex roles in cases involving constitutional challenges to sex discrimination. The judicial role must transcend social conditioning in such matters; in this respect, the judge must be *above* other men.

Another aspect of the judicial role is the responsibility to be *ahead* of other men. Judges are not entitled to the luxury of shielding themselves behind public opinion or community attitudes, however strongly held those may be. The judiciary thus cannot shift responsibility to the legislatures, the press, women's liberation activists or anyone else. Nor can it postpone affirmative action until public opinion is overwhelmingly convinced that the time is appropriate. A judge whose opinions on important questions of public policy reflect nothing more than his private estimate of public majority opinion is engaging in journalism, not jurisprudence.

Our study has convinced us that, to date, most male American judges faced with issues of sex discrimination have not adequately met these special responsibilities. There are, however, some encouraging signs of progress. It is our hope that this study will contribute to an increasing judicial understanding of and sensitivity toward the serious constitutional issues raised by state laws that discriminate against individuals solely on the basis of their sex.

FOOTNOTES

*Professors of Law, New York University School of Law. The authors gratefully acknowledge the assistance of four New York University law students, Messrs. Douglas Behr, Lawrence Vaughan, Darman Wing and Richard Wolf, each of whom performed research which is reflected in the discussion that follows.

[1] Professor Knapp was a member of the Committee on Federal Legislation of the Association of the Bar of the City of New York, which studied proposed constitutional amendments designed to redress discrimination on the basis of sex. The committee's findings appear in Report, Amending the Constitution to Prohibit State Discrimination Based on Sex, 26 Record of N.Y.C.B.A. 77 (1971).

[2] "Sex discrimination" can be used in a generic sense, connoting differing treatment of individuals solely on the basis of their sex. It can also be used in a pejorative sense to denote those situations in which inequality of treatment is designed to benefit one sex to the detriment of the other. Except where the context indicates otherwise, we will use the term in the former sense.

[3] Some of the most valuable references are: L. Kanowitz, Women and the Law (1969); Crozier, Constitutionality of Discrimination Based on Sex, 15 B.U.L. Rev. 723 (1935); Murray & Eastwood, Jane Crow and the Law: Sex Discrimination and Title VII, 34 Geo. Wash. L. Rev. 232 (1965); Note, Sex Discrimination and Equal Protection: Do We Need A Constitutional Amendment?, 84 Harv. L. Rev. 1499 (1971); Developments in the Law—Employment Discrimination and Title VII of the Civil Rights Act of 1964, 84 Harv. L. Rev. 1109 (1971); Note, Sex Discrimination and the Constitution, 2 Stan. L. Rev. 691 (1950). Also of interest is Brown, Emerson, Falk and Freedman, The Equal Rights Amendment: A Constitutional Basis for Equal Rights for Women, 80 Yale L.J. 871 (1971), which appeared as this article was going to press.

[4] For a recent exchange of views on the subject by eminent constitutional lawyers, see Symposium, Equal Rights for Women: A Symposium on the Proposed Constitutional Amendment, 6 Harv. Civ. Rights-Civ. Lib. L. Rev. 215 (1971). See also Brown, Emerson, Falk and Freedman, The Equal Rights Amendment: A Constitutional Basis for Equal Rights for Women, supra note 3.

[5] A March 1970 memorandum of the Citizens' Advisory Council on the Status of Women lists 15 specific areas of sex discrimination:

> 1. State laws placing special restrictions on women with respect to hours of work and weightlifting on the job;
>
> 2. State laws prohibiting women from working in certain occupations;
>
> 3. Laws or practices operating to exclude women from State colleges and universities (including higher standards required for women applicants to institutions of higher learning and in the administration of scholarship programs);
>
> 4. Discrimination in employment by State and local governments;
>
> 5. Dual pay schedules for men and women public school teachers;
>
> 6. State laws providing for alimony to be awarded, under certain circumstances, to ex-wives but not to ex-husbands;
>
> 7. State laws placing special restrictions on the legal capacity of married women or on their right to establish a legal domicile;
>
> 8. State laws that require married women but not married men to go through a formal procedure and obtain court approval before they may engage in an independent business;
>
> 9. Social Security and other social benefits legislation which give greater benefits to one sex than to the other;
>
> 10. Discriminatory preferences, based on sex, in child custody cases;
>
> 11. State laws providing that the *father* is the natural guardian of the minor children;
>
> 12. Different ages for males and females in (a) child labor laws, (b) age for marriage, (c) cutoff of the right to parental support, and (d) juvenile court jurisdiction;
>
> 13. Exclusion of women from the requirements of the Military Selective Service Act of 1967;
>
> 14. Special sex-based exemptions for women in selection of State juries;
>
> 15. Heavier criminal penalties for female offenders than for male offenders committing the same crime.

CONGRESSIONAL RECORD, vol. 116, pt. 7, p. 9684. We shall treat in some detail the first three and the last two items on this list. In addition, we will discuss discrimination in places of public accommodation and with respect to recovery for loss of consortium.

[6] 83 U.S. (16 Wall.) 130 (1873).

[7] Id. at 132.

[8] 83 U.S. (16 Wall.) 36 (1873).

[9]

> We doubt very much whether any action of a State not directed by way of discrimination against the negroes as a class, or on account of their race, will ever be held to come within the purview of this [equal protection] provision. It is so clearly a provision for that race and that emergency, that a strong case would be necessary for its application to any other.

Id. at 81.

[10] 83 U.S. (16 Wall.) at 140–42.

[11] 154 U.S. 116 (1894).

[12] See Konigsberg v. State Bar, 353 U.S. 252, 262 (1957); Schware v. Board of Bar Examiners, 353 U.S. 232, 238–39 (1957).

[13] In 1949, then U.S. Supreme Court Associate Justice Thomas C. Clark described women lawyers in the following words:

> As lawyers they have demonstrated their ability in all phases of law. . . . Any debate as to their legal ability would be as obsolete as a discussion on the merits of Woman Suffrage . . . [Y]ou can depend upon a woman lawyer for a careful painstaking legal job. . . . The legal profession has been immeasurably strengthened by the presence of women lawyers.

Tally, Women Lawyers of Yesterday, Today, and Tomorrow, 46 Women Lawyers J., Summer, 1960, at 21, 23–24.

Women have proved themselves to be capable practitioners and have risen to important positions within the legal profession:

> According to the United States Department of Labor, about 175 women were judges of Federal, State, County, and City courts in 1955. . . . This figure does not include women justices of the peace. In 1957 a woman was presiding judge of the Sixth Circuit . . . of the United States Court of Appeals, the highest judicial post ever held by a woman in the United States. Another woman was judge of the United States District Court, one of the fifteen judges for the District of Columbia. In California, a woman was, as of 1957, an associate Justice of the Tax Court of the United States and a woman was appointed a judge of the United States Customs Court in June, 1955, the second woman to hold this post . . .

Harris, Women and the Law, 47 Women Lawyers J., Winter, 1961, at 20, 21. Furthermore, the number of women sitting as judges has now risen to 200 and the number of female federal district judges has increased to three. There is still only one woman on the United States courts of appeals. Sassower, Women in the Law: The Second Hundred Years, 57 A.B.A.J. 329, 330–31 (1971). Nevertheless, the legal profession remains male dominated; women lawyers constitute only about 3% of the total. Moreover, this percentage has remained virtually constant over the past 20 years. The percentage from 1948 to 1966 rose only from 1.8 to 2.8%. The 1967 Lawyer Statistical Report 15 (Weil ed. 1968).

After admission to the bar, women encounter further discrimination. In a study of women lawyers, James J. White found on the basis of a questionnaire study that "males make a lot more money than do the females." White, Women in the Law, 65 Mich. L. Rev. 1051, 1057 (1967). Furthermore, the practices of women lawyers seem to be centered around certain areas: "The proportion of females engaged in trusts and estates (60%), domestic relations (50%) and tax (31%) [was] higher than the proportion of men engaged in these activities. These data accord with the commonly held beliefs about women's practice." Id. at 1062. See generally Dinerman, Sex Discrimination in the Legal Profession, 55 A.B.A.J. 951 (1969); Sassower, Women in the Law: The Second Hundred Years, 57 A.B.A.J. 329 (1971); Testimony Submitted by the Women's Rights Comm. of N.Y.U. School of Law for Hearings Conducted by the House Subcomm. on Educ., 116 Cong. Rec. H7980 (daily ed. Aug. 10, 1970).

[14] The twenty-first amendment provides that "the transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors in violation of the laws thereof, is hereby prohibited." U.S. Const. amend. XXI, § 2. This amendment has been interpreted as relaxing the usual commerce clause limitations on state regulation of the liquor trade. Hostetter v. Idlewild Liquor Corp., 377 U.S. 324, 330–31 (1964); Carter v. Virginia, 321 U.S. 131, 140 (1944) (Frankfurter, J., concurring); Ziffrin, Inc. v. Reeves, 308 U.S. 132, 137–38 (1939). The amendment does not, however, similarly relax the due process and equal protection guarantees of the fourteenth amendment. See Joseph E. Seagram & Sons, Inc. v. Hostetter, 384 U.S. 35 (1966); Parks v. Allen, 409 F.2d 210 (5th

Cir. 1969); Krauss v. Sacramento Inn, 314 F. Supp. 171, 177–78 n.5 (E.D. Cal. 1970).

[15] 335 U.S. 464 (1948).

[16] Id. at 465–66.

[17] The three-judge district court from which the appeal had been taken was no more enlightening in its discussion of the legislative intent, referring to a conceivable (but unspecified) "grave social problem" that could be created by female bartenders and to the likelihood that male owners would be motivated to maintain a "wholesome atmosphere" if their wives or daughters were tending bar. The statute was then categorized as a "special provision for the protection of women." Goesaert v. Cleary, 74 F. Supp. 735, 739 (E.D. Mich. 1947).

[18] 335 U.S. at 466–67.

[19] For a general discussion of the difference between the usual "reasonable classification" test of equal protection and the more strict "compelling state interest" test applied to certain "suspect" classifications, see Developments in the Law—Equal Protection, 82 Harv. L. Rev. 1065 (1969). For a recent illustration of the manner in which the determination of the applicable test may affect the result of a case, see Hawkins v. Town of Shaw, 437 F.2d 1286 (5th Cir. 1971).

The Supreme Court has never held that sex discrimination is inherently suspect, nor has it ever invalidated such discrimination by applying the "reasonable classification" test. See note 206 infra.

[20] See, e.g., City of Hoboken v. Goodman, 68 N.J.L. 217, 51 A. 1092 (Sup. Ct. 1902): "The supposed evil aimed at is the employment of women in connection with a traffic likely to induce vice and immorality." Id. at 221, 51 A. at 1093. See also State v. Considine, 16 Wash. 358, 364, 47 P. 755, 757 (1897):

The legislature is the supreme authority, within constitutional limitations, to determine what is and what is not an immoral business or a nuisance, and when it has so determined, its enactment is valid unless the legislative act is clearly partial, arbitrary, and oppressive. The prohibition of employment of a female person in the statute under which defendant was convicted uniformly applies to all persons employing, and who are engaged in a like business with defendant, and extends to all female persons employed.

Fifty years later, the pattern remained the same. See, e.g., Fitzpatrick v. Liquor Control Comm'n, 316 Mich. 83, 105, 25 N.W.2d 118, 127 (1946): "The extent to which the legislature may be influenced by a newer conception . . . as to the rights of women in employment and in social life, and particularly to act as bartenders in licensed liquor establishments, is for the legislature, and it only, to decide."

[21] Brown v. Foley, 158 Fla. 734, 29 So. 2d 870 (1947).

[22] E.g., Hargens v. Alcoholic Beverage Control Appeals Bd., 263 Cal. App. 2d 601, 69 Cal. Rptr. 868 (Ct. App. 1968); State v. Burke, 79 Idaho 205, 312 P. 2d 806 (1957).

[23] 57 N.J. 180, 270 A.2d 628 (1970).

[24] Id. at 186, 270 A.2d at 631.

[25] A similar technique was employed by the New Jersey courts to invalidate an ordinance prohibiting women from being served liquor at a bar unless seated. Gallagher v. City of Bayonne, 106 N.J. Super. 401, 256 A.2d 61 (Super. Ct. App. Div.), aff'd, 55 N.J. 159, 259 A.2d 912 (1969). See text accompanying notes 89–90 infra.

[26] This statute declared it a misdemeanor for a female to serve as a bartender and subjected both employer and employee to criminal sanctions. It also contained an exception for female owners of bars and wives of male owners. Cal. Bus. & Prof. Code § 25656 (West 1964).

[27] 485 P.2d 529, 95 Cal. Rptr. 329 (Sup. Ct. 1971).

[28] Cal. Labor Code §§ 1411–12 (West 1971).

[29] See, e.g., Longacre v. State, 448 P.2d 832 (Wyo. 1968).

[30] Civil Rights Act of 1964, §§ 701–16, 42 U.S.C. §§ 2000e-2000e-15 (1964). The effect of Title VII on state regulation of employment conditions is considered more fully in the next section.

[31] Employers with fewer than 25 employees are exempt from Title VII. Id. § 701(b), 42 U.S.C. § 2000e(b) (1964). Apparently some, but not all, of the employers in *Sail'er Inn* were exempt on this ground. See 485 P.2d at 532 n.4, 95 Cal. Rptr. at 332 n.4.

[32] See text accompanying notes 69–74 infra.

[33] Cal. Const. art. 20, § 18 (West 1954).

[34] In re Maguire, 57 Cal. 604, 608 (1881) (emphasis added).

[35] 485 P.2d at 533, 95 Cal. Rptr. at 333.

[36] Id. at 533–34, 95 Cal. Rptr. at 333–34.

[37] Id. at 534, 95 Cal. Rptr. at 334.

[38] Id.

[39] The court asserted that the clauses are substantially identical, citing County of Los Angeles v. Southern Cal. Tel. Co., 32 Cal. 2d 378, 196 P.2d 773 (1948). 485 P.2d at 538 n.13, 95 Cal. Rptr. at 338 n.13.

[40] 485 P.2d at 539, 95 Cal. Rptr. at 339.

[41] Loving v. Virginia, 388 U.S. 1 (1967); McLaughlin v. Florida, 379 U.S. 184 (1964); Takahashi v. Fish & Game Comm'n, 334 U.S. 410 (1948); Korematsu v. United States, 323 U.S. 214 (1944); Truax v. Raich, 239 U.S. 33 (1915).

[42] 485 P.2d at 540–41, 95 Cal. Rptr. at 340–41.

[43] Id. at 542, 95 Cal. Rptr. at 342.

[44] Id. at 542, 95 Cal. Rptr. at 342.

[45] Id. at 543, 95 Cal. Rptr. at 343.

[46] United States ex rel. Robinson v. York, 281 F. Supp. 8 (D. Conn. 1968). Cf. White v. Crook, 251 F. Supp. 401 (M.D. Ala. 1966); Commonwealth v. Daniel, 430 Pa. 642, 243 A.2d 400 (1968).

[47] The court distinguished *Goesaert* on the ground that the Michigan statute permitted women to tend bar only under circumstances where a close male relative was the actual owner of the bar and presumably could be expected to supervise the female bartender's activities. The California statute, on the other hand, contained an exception which allowed female owners to tend bar even in the absence of a male "protector." 485 P.2d 543, 95 Cal. Reptr. at 343. Thus *Goesaert's* protectionist rationale could not sustain the California statute.

[48] Vintage Soc'y Wholesalers Corp. v. State Liquor Authority, 63 Misc. 2d 287, 311 N.Y. S. 2d 735 (Sup. Ct. 1970).

[49] Id. at 289, 311 N.Y. S. 2d at 739.

[50] 208 Ore. 282, 300 P.2d 455 (1956).

[51] See text accompanying note 10 supra.

[52] 208 Ore. at 287–88, 300 P.2d at 457–58.

[53] N.Y. Unconsol. Laws § 8906 (McKinney 1961) confers upon the commission "sole control . . . over all licenses to . . . persons who participate in . . . wrestling matches or exhibitions." Pursuant to this authorization, Rule A-14, denying wrestling licenses to women, was promulgated.

[54] Calzadilla v. Dooley, 29 App. Div. 2d 152, 286 N.Y.S.2d 510 (4th Dep't 1968).

[55] Id. at 156–57, 286 N.Y.S.2d at 516 (emphasis added).

[56] The National Association of Bank Women reports that 270 women are bank chairmen or presidents, 20 are senior vice-presidents and 50 are executive vice-presidents. For Women, A Difficult Climb to the Top, Bus. Week, Aug. 2, 1969, at 42, 44. "The National Association of Bank Women, Inc. . . . is an organization of 6,431 women holding bank corporate titles . . . [M]embership includes about one-third of all women officers in the country." Foster, Executive Potential on the Distaff Side, Business, June 1969, at 47. Moreover, about 10% of all accountants and 2% of all CPA's are women. A. King, Career Opportunities for Women in Business 68 (1963).

Many women also have less specialized business experience. In 1968, over one million women were managers, officials or proprietors. U.S. Dep't of Labor, Women's Bureau Bull. No. 294, 1969 Handbook on Women Workers 90 (1969). Also, over 16,000 or 58.8% of women workers held white collar jobs. Id. Finally, 406 women earned master's degrees in business and commerce (2.7% of the degrees awarded), and 106 earned degrees in economics (9.5% of the total). More than 5,000 bachelor's degrees in business and commerce (8.6%) and over 1,000 degrees in economics were awarded to women. Id. Furthermore, in 1956, there were 5,900 women life insurance agents, about 3% of the total full-time underwriters. At the same time women made up about 1% of the agency managers and assistants. U.S. Dep't of Labor, Women's Bureau Bull. No. 229, Life Insurance Selling, Careers for Women as Life Underwriters 5 (1961).

[57] 93 Idaho 511, 465 P.2d 635 (1970), prob. juris. noted, 401 U.S. 934 (1971).

[58] Idaho Code § 15–312 (1948) establishes the order of priorities as:

(1) surviving spouse,
(2) children,
(3) parents,
(4) brothers [!],
(5) sisters [!],
(6) grandchildren . . .
(10) creditors . . .

[59] Id. § 15–317.

[60] Id. § 15–315.

[61] Id. § 15–314.

[62] 93 Idaho at 514, 465 P.2d at 638.

[63] Analogies to racial discrimination will also be suggested with regard to other specific issues discussed in later sections. The general aptness of the race analogy to sex discrimination cases is considered in Section III, infra.

[64] Murray, The Rights of Women, in The Rights of Americans 521, 525 (N. Dorsen ed. 1971). For a much earlier statement of a similar view, see Comment, 13 B.U.L. Rev. 276 (1933).

[65] 208 U.S. 412 (1908).

[66] 198 U.S. 45 (1905).

[67] 208 U.S. at 421–23.

[68] In West Coast Hotel v. Parrish, 300 U.S. 379 (1937), for example, the Court upheld a minimum wage statute for women by forthrightly rejecting the *Lochner* rationale and clearly establishing the principle that "freedom of contract" is no bar to state regulation of wages and working conditions. Id. at 391–95. While the Court did uphold a species of sex discrimination in *Parrish*, and in passing quoted several of *Muller's* sexist statements with apparent approval, it is possible that the Court would today be less ready to sustain such a statute against an equal protection (as opposed to a due process) attack.

[69] Civil Rights Act of 1964, § 703(e), 42 U.S.C. § 2000e-2(e) (1964). For a discussion of the application of Title VII to sex discrimination, see Developments in the Law—Employment Discrimination and Title VII of the Civil Rights Act of 1964, supra note 3, at 1166–95.

[70] For a discussion of protective statutes currently in force in a number of states, see Murray, supra note 64, at 537–39.

[71] See generally Oldham, Sex Discrimination and State Protective Laws, 44 Denver L.J. 344 (1967).

[72] 29 C.F.R. § 1604.1 (b) (1971).

[73] Rosenfeld v. Southern Pac. Co., No. 71–23983 (9th Cir., June 1, 1971); Ridinger v. General Motors Corp., 325 F. Supp. 1098 (S.D. Ohio 1971); Kober v. Westinghouse Elec. Corp., 325 F. Supp. 467 (W.D. Pa. 1971); Caterpillar Tractor Co. v. Grabiec, 317 F. Supp. 1304 (S.D. Ill. 1970); Richards v. Griffith Rubber Mills Corp., 300 F. Supp. 338 (D. Ore. 1969); Southern Cal. Edison Co. v. Utility Workers Local 246, 61 CCH Lab. Cas. ¶ 9369 (C.D. Cal. 1969); Sail'er Inn, Inc. v. Kirby, Sup. Ct. 485 P.2d 529, 95 Cal. Rptr. 329 (1971). See also Mengelkoch 1. Industrial Welfare Comm'n, 284 F. Supp. 956 (C.D. Cal.), appeal dismissed and remanded, 393 U.S. 83 (1968). But see Krauss v. Sacramento

Inn Corp., 314 F. Supp. 171 (E.D. Cal. 1970); Ward v. Luttrell, 292 F. Supp. 162 (E.D. La. 1968).

Title VII also prevails over privately imposed sex discrimination of a like nature. See Bowe v. Colgate-Palmolive Co., 416 F.2d 711 (7th Cir. 1969); Weeks v. Southern Bell Tel. & Tel. Co., 408 F.2d 228 (5th Cir. 1969); Cheatwood v. South Cent. Bell Tel. & Tel. Co., 303 F. Supp. 754 (M.D. Ala. 1969); Division of Human Rights v. New York-Pa. Professional Baseball League, 36 App. Div. 2d 364, 320 N.Y.S.2d 788 (4th Dept. 1971).

[74] If weightlifting and similar regulations are invalidated by Title VII, then exclusionary statutes of the sort discussed in the previous section will also fall unless based on a "bona fide occupational qualification." Title VII does not extend beyond employment discrimination, however. Hence, the constitutional issues will be decisive in an area such as public accommodations, discussed in the next section.

[75] 400 U.S. 542 (1971).

[76] 300 F. Supp. 338 (D. Ore. 1969).

[77] Id. at 340.

[78] 408 F.2d 228 (5th Cir. 1969).

[79] Id. at 235 (emphasis added).

[80] For a criticism of the *Weeks* decision, see Developments in the Law—Employment Discrimination and Title VII of the Civil Rights Act of 1964, supra note 3, at 1179–81.

[81] Adams v. Cronin, 29 Colo. 448, 69 P. 590 (1902), aff'd, 192 U.S. 108 (1904).

[82] Id. at 496–97, 69 P. at 593.

[83] 108 Ky. 473, 56 S.W. 705 (1900).

[84] Id. at 475.

[85] Id.

[86] See Commonwealth v. Price, 123 Ky. 163, 164–65, 94 S.W. 32, 33 (1906).

[87] Id. at 166–67, 94 S.W. at 34.

[88] Cf. Coates v. City of Cincinnati, 402 U.S. 611, 615 (1971).

[89] 106 N.J. Super. 401, 256 A.2d 61 (Super. Ct. App. Div.), aff'd per curiam, 55 N.J. 159, 259 A.2d 912 (1969).

[90] Eskridge v. Division of Alcoholic Beverages Control, 30 N.J. Super. 472, 476–77, 105 A.2d 6, 9 (Super. Ct. App. Div. 1954).

[91] One Eleven Wines & Liquors, Inc. v. Division of Alcoholic Beverage Control, 50 N.J. 329, 235 A.2d 12 (1967).

[92] 288 F. Supp. 530 (N.D.N.Y. 1968).

[93] 42 U.S.C. §§ 2000a–2000h–6 (1964).

[94] Id. §§ 1983, 1985.

[95] Id. §§ 2000a–2000a–6.

[96] De Crow v. Hotel Syracuse Corp., 59 Misc. 2d 383, 298 N.Y.S.2d 859 (Sup. Ct. 1969).

[97] N.Y. Civ. Rights Law § 40 (McKinney 1948).

[98] Id. § 40–e (McKinney Supp. 1970).

[99] 317 F. Supp. 593 (S.D.N.Y. 1970).

[100] Seidenberg v. McSorley's Old Ale House, Inc., 308 F. Supp. 1253 (S.D.N.Y. 1969).

[101] 317 F. Supp. at 605–06.

[102] The sole exception was a jury of females called to determine the fact of pregnancy. 3 W. Blackstone, Commentaries *362 (1775).

[103] See generally Fay v. New York, 332 U.S. 261, 289–90 (1947).

[104] 2 Wash. Terr. 267, 5 P. 305 (1884).

[105] Id. at 274, 5 P. at 306.

[106] Id. at 278–79, 5 P. at 309–10.

[107] Id. at 281, 5 P. at 311.

[108] 3 Wash. Terr. 131, 13 P. 453 (1887).

[109] The ground chosen was a narrowly technical one, but the result was sweeping: For failure to properly express its "object" in its title, the statute conferring voting rights on women in Washington Territory was held to be invalid. The result was to render women not only ineligible for jury service, but also ineligible to vote. In 1888, the Washington Legislature acted again to confer suffrage on women, but the statute was again struck down, this time as being outside the power of the territorial legislature. Bloomer v. Todd, 3 Wash. Terr. 599, 19 P. 135 (1888).

[110] Of course, the nineteenth amendment took precedence over any contrary provision of state law; if it had provided that jury qualifications should be equal for both sexes, no state law to the contrary would have prevailed. The amendment was universally held, however, to be directed solely at suffrage. E.g., State v. Mittle, 120 S.C. 526 113 S.E. 335, writ of error dismissed for want of jurisdiction, 260 U.S. 705, cert. denied, 260 U.S. 744 (1922).

[111] E.g., People v. Barltz, 212 Mich. 580, 180 N.W. 423 (1920); Parus v. District Court, 42 Nev. 229, 174 P. 706 (1918). For a collection of cases, see Annot., 157 A.L.R. 461, 470 (1945).

[112] 276 Mass. 398, 177 N.E. 656 (1931), cert. denied, 284 U.S. 684 (1932). Another example is People ex rel. Fyfe v. Barnett, 319 Ill. 403, 150 N.E. 290 (1925). But see People ex rel. Denny v. Traeger, 372 Ill. 11, 22 N.E.2d 679 (1939).

[113] Ten years earlier, the Supreme Judicial Court of Massachusetts had been asked by the state's House of Representatives whether, in light of the ratification of the nineteenth amendment, women were automatically qualified as jurors, and, if not, whether the legislature had the power to declare them qualified. The court answered these questions in the negative and affirmative, respectively. In re Opinion of the Justices, 237 Mass. 591, 130 N.E. 685 (1921). The jury statute under consideration in *Welosky* was the statute which had been considered in the court's earlier opinion; because of its advisory nature, however, the earlier opinion was expressly treated in *Welosky* as nonbinding although, as the text indicates, it was not repudiated). 276 Mass. at 400, 177 N.E. at 658 (1931).

[114] 276 Mass. at 407–08, 177 N.E. at 661.

[115] Id. at 410–11, 177 N.E. at 662. As examples of cases where these two factors were given weight, see People v. Shannon, 203 Cal. 139, 141–42, 263 P. 522, 523 (1928); State v. Kelley, 39 Idaho 668, 676, 229 P. 659, 662 (1924).

[116] Cases which found no constitutional obstacle to the addition of women to juries include: People ex rel. Denny v. Traeger, 372 Ill. 11, 22 N.E.2d 679 (1939), and Commonwealth v. Maxwell, 271 Pa. 378, 114 A. 825 (1921). See also United States v. Wood, 299 U.S. 123, 145 (1936), where there is dictum to the effect that the jury trial provision of the sixth amendment is no bar to the addition of women to the jury.

[117] 224 N.C. 581, 31 S.E.2d 858 (1944).

[118] Id. at 591, 31 S.E.2d at 865 (Devin, J., dissenting).

[119] Id. at 601, 31 S.E.2d at 871–72 (Seawell, J., dissenting). Another way to deal with the historical argument is to meet it on its own ground. In Commonwealth v. Maxwell, 271 Pa. 378, 114 A. 825 (1921), the court held that historically the most important feature of trial by jury had been that the legislature had the power to set jury qualifications.

[120] 100 U.S. 303 (1879).

[121] Id. at 310.

[122] 329 U.S. 187, 193–94 (1946). In the earlier case, Glasser v. United States, 315 U.S. 60 (1942), the Court had refused to find that an all-male federal grand jury had been improperly constituted. This holding, however, was based on the fact that only a very short period of time had elapsed between the enactment of the Illinois statute qualifying women for jury service and the selection of the grand jury in question. Id. at 64–65. The Court's clear implication was that absent these circumstances, the exclusion of women from the jury list would have been error.

[123] 329 U.S. at 193–94 (1946).

[124] 332 U.S. 261 (1947).

[125] The defendants in *Fay* were male labor union officials who had been convicted of extorting payments from employers by threats of various kinds. Their principal ground of appeal was the asserted invalidity of the process by which the special "blue ribbon" jury panel was drawn, alleging that the process discriminated both against women and against laborers, craftsmen and service employees—the "working class" in general. The five-member majority's opinion appears to hold that the record on appeal justified a finding of no purposeful discrimination; it also declares that such discrimination, even if present, would not necessarily constitute a denial of equal protection to defendants. Mr. Justice Murphy's dissenting opinion does not touch on the issue of sex discrimination, and, in light of the nature of the defendants' activities, it seems likely that the allegations of economic and social discrimination were the main basis of defendants' argument.

[126] 332 U.S. at 289–90.

[127] 136 Fla. 644, 187 So. 392 (1939).

[128] Id. at 665, 187 So. at 401.

[129] The court's rationale is also called into question by the many cases throughout the country which have considered whether a particular defendant has standing to raise the issue of exclusion of women from the jury lists. A rule applied in many state courts, although apparently not favored in the federal courts, is that only a female defendant has standing to raise the issue, on the theory that it is the female defendant whose interests are threatened by practices which operate to exclude women. For cases applying the majority rule, see, e.g., Griffin v. State, 183 Ga. 775, 190 S.E. 2 (1937); McKinney v. State, 3 Wyo. 719, 30 P. 293 (1892). Contra, Walter v. State, 208 Ind. 231, 195 N.E. 268 (1935). As to the federal courts, compare United States v. Butera, 420 F.2d 564, 567 n.2 (1st Cir. 1970), with Woodruff v. Breazeale, 291 F. Supp. 130 (W.D. Miss. 1967), aff'd, 401 F.2d 997 (5th Cir. 1968).

[130] 251 F. Supp. 401 (M.D. Ala. 1966) (3-judge court).

[131] Id. at 409.

[132] Ala. Code tit. 30, § 21 (Supp. 1969), amending Ala. Code tit. 30, § 21 (1958); Miss. Code Ann. § 1762 (Supp. 1970), amending Miss. Code Ann. § 1762 (1942); S.C. Code Ann. § 38–52 (Supp. 1970), amending S.C. Code Ann. § 38–52 (1962).

[133] State v. Hall, 187 So. 2d 861 (Miss.), appeal dismissed, 385 U.S. 98 (1966). See also Philpot v. State, 43 Ala. App. 326, 190 So. 2d 293 (1966).

[134] State v. Hall, 187 So. 2d 861, 863 (Miss. 1966).

[135] Ford v. White, 430 F.2d 951, 955 (5th Cir- 1970). See also United States v. Butera, 420 F.2d 564 (1st Cir. 1970) holding that inclusion of a disproportionately small number of women on the master jury list raises an inference of purposeful discrimination. Occasionally, the intentional exclusion of women jurors from a particular case will be frankly admitted. E.g., Abbott v. Mines, 411 F.2d. 353 (6th Cir. 1969) (trial judge had barred all women from jury empaneled to try malpractice action involving cancer of the penis); State ex rel. Passer v. County Bd., 171 Minn. 177, 213 N.W. 545 (1927) (trial court excluded females from panel when a number of "carnal knowledge" cases were pending).

[136] E. g., State v. Bray, 153 La. 103, 95 So. 417 (1923).

[137] E.g., Leighton v. Goodman, 311 F. Supp. 1181 (S.D.N.Y. 1970).

[138] 368 U.S. 57 (1961).

[139] Id. at 61–62.

[140] Id. at 65.

[141] The idea that exclusion is the natural result of the women-volunteers-only type of exemption statute is also strongly suggested by the Louisiana cases. See State v. Reese, 250 La. 151, 171, 194 So. 2d 729, 737, cert. denied, 389 U.S. 996 (1967); State v. Dreher, 166 La. 924, 943, 118 So. 85, 92, cert. denied, 278 U.S. 641 (1928); State v. Bray, 153 La. 103, 106, 95 So. 417, 418 (1923). In each of these cases involving a female defendant there were apparently no women on the jury panel in the defendant's parish.

[142] E.g., Strauder v. West Virginia, 100 U.S. 303 (1879). See generally, Swain v. Alabama, 380 U.S. 202, 204, 228–29 (1965).

[143] 368 U.S. at 68.

[144] Before the Florida statute was amended in 1967, it was once more unsuccessfully challenged, this time on the ground that it operated unfairly to exclude *black* women from juries. Scott v. State, 207 So. 2d 493 (Fla.), cert. denied, 393 U.S. 884 (1968).

[145] 311 F. Supp. 1181 (S.D.N.Y. 1970).

[146] Id. at 1183.

[147] In 1965, 37% of all women of working age were in the labor force. Nearly 60% of these women were married, and over a third had children under 18 years of age. In families where all children were over six years old and the fathers were at home and working, 43% of the wives were employed. U.S. Dep't of Labor, Women's Bureau Bull. No. 240, 1965 Handbook on Women Workers 15, 21, 37, 42 (1965). Whether these figures show that the "great majority" of women spend a 24-hour day at home is debatable. They certainly do not support the proposition that the working woman represents an aberration, which seems to be the court's view.

[148] 63 Misc. 2d 895, 313 N.Y.S.2d 827 (Sup. Ct. 1970).

[149] Id. at 898, 313 N.Y.S.2d at 830. The *DeKosenko* opinion was written by a judge who had earlier exhibited insensitivity to the aspirations of women. See Goldblatt v. Board of Educ., 52 Misc. 2d 238, 275 N.Y.S.2d 550 (Civ. Ct. 1966), aff'd, 57 Misc. 2d 1089, 294 N.Y.S.2d 272 (Sup. Ct. 1968) (holding a female teacher not entitled to benefit of differential salary payment during her period of jury service, though male teacher would be so entitled).

[150] Hoyt v. State, 119 So. 2d 691, 701–02 (Fla. 1960) (Hobson, J.), aff'd, 368 U.S. 57 (1961).

[151] A Florida Supreme Court judge who dissented in the *Hoyt* case raised this point:

> No one in this enlightened age would question the fact that if a limitation such as is placed upon women by our statute with reference to jury service were engrafted into our statutory law in regard to some of the so-called minority groups comprising our citizenry, it would be stricken down as violative of constitutional guarantees of due process and equal protection of the laws.

Id. at 700.

[152] There seems to be no reason why a jury statute could not simply provide an exemption for any individual (regardless of sex) having the personal responsibility of caring for a minor child. While most of the prospective jurors thus excused might still be women, the exemption would then be related to a relevant circumstance affecting particular individuals, and men coming within its provisions would be entitled to a similar exemption. Such a statute was upheld against constitutional challenge in State v. Smith, 102 N.J. Super. 325, 246 A.2d 35 (Super. Ct. 1968), aff'd, 55 N.J. 476, 262 A.2d 868, cert. denied, 400 U.S. 949 (1970).

[153] 317 S.W.2d 86 (Tex. Civ. App. 1958), cert. denied, 359 U.S. 230 (1959).

[154] Id. at 99.

[155] Id. at 100.

[156] 336 S.W..2d 251 (Tex. Civ. App.), cert denied, 364 U.S. 517 (1960).

[157] Id. at 262–63.

[158] Id. at 261.

[159] 309 F. Supp. 184 (E.D. Va. 1970).

[160] 163 U.S. at 537 (1866).

[161] 309 F. Supp. at 187 n.1, There is one other recent case involving a state university in which sex discrimination was successfully challenged on equal protection grounds. In Mollere v. Southeastern La. College, 304 F. Supp. 826 (E.D. La. 1969), female plaintiffs complained of a rule which required all female students under the age of 21 (regardless of their year) to live in college dormitories while subjecting only *freshmen* men to the same requirement. The court held the rule to be a violation of equal protection, but the significance of its opinion is unclear in light of the conceded fact that the rule's sole purpose was to insure adequate income from dormitory fees; there was apparently no argument that the policy was based in any respect on any differences between men and women. The opinion is an interesting example of one court's application of the equality principle in a sex-discrimination case, however, particularly in its use of a race-discrimination analogy to make a point about arbitrary treatment. Id. at 827 n.1.

[162] 3 16 F. Supp. 134 (D.S.C. 1970), aff'd mem., 401 U.S. 951 (1971) (Justice Harlan dissenting on the issue of whether direct appeal to the Supreme Court was available).

[163] Id. at 137.

[164] Id. at 137 n.3.

[165] See Green v. County School Bd., 391 U.S. 430 (1968); Goss v. Board of Educ., 373 U.S. 683 (1963).

[166] 105 Kan. 139, 181 P. 630 (1919).

[167] Id. at 140–41, 181 P. at 631.

[168] Id. at 146–47, 181 P. at 633–34.

[169] See, e.g., Ex parte Gosselin 141 Me. 412, 44 A.2d 882 (1945), appeal dismissed sub nom. Gosselin v. Kelly, 328 U.S. 817 (1946); Ex parte Brady, 116 Ohio St. 512, 157 N.E. 69 (1927).

[170] 281 F. Supp. 8 (D. Conn. 1968).

[171] 388 U.S. 1 (1967) (invalidating Virginia's antimiscegenation statute).

[172] 281 F. Supp. at 14.

[173] Id. at 16.

[174] United States ex rel. Sumrell v. York, 288 F. Supp. 955 (D. Conn. 1968).

[175] Liberti v. York, 28 Conn. Supp. 9, 246 A.2d 106 (Super. Ct. 1968).

[176] 430 Pa. 642, 243 A.2d 400 (1968).

[177] Id. at 650, 243 A.2d at 404.

[178] Id.

[179] The principle of the *Daniel* case has also been applied in Pennsylvania to the issue of where the defendant will be imprisoned. In Commonwealth v. Stauffer, 214 Pa. Super. 113, 251 A.2d 718 (1969), the defendant had been sentenced to a state penitentiary for women. On appeal, she was ordered returned to the county jail, it being conceded that any man convicted of the same offense would be confined in a county institution. The opinion nowhere suggests that separate imprisonment of men and women is constitutionally suspect; it does, however, suggest that the type of confinement must be substantially the same for both sexes.

Another recent Pennsylvania case involved still a different type of sex discrimination. In In re Williams, 210 Pa. Super. 388, 234 A.2d 37 (1967), aff'd sub nom. In re Jones, 432 Pa. 44, 246 A.2d 356 (1968), the commitment of two youthful males to a correctional institution as "defective delinquent juveniles" was challenged on the ground that the stated procedure was applicable only to males. The Superior Court held the constitutional challenge to be without merit, supporting its holding largely by quotations from its opinion in the *Daniel* case, 210 Pa. Super. 156, 232 A.2d 247 (1967), later reversed by the Pennsylvania Supreme Court. The issue of unconstitutional sex discrimination was apparently not argued on appeal. Cf. Chambers v. Director, 244 Md. 697, 223 A.2d 774 (1966) (dictum that limiting a state procedure for the treatment of "defective delinquents" to males is not unconstitutional). But see Morgan v. State, 179 Ind. 300, 101 N.E. 6 (1913) (holding unconstitutional a state statute providing for the commitment to an institution for "insane criminals" of any male defendant acquitted of a felony charge solely by reason of insanity).

The Pennsylvania Supreme Court has also indicated a willingness to extend the principle of the *Daniel* case to invalidate sentences meted out to juvenile offenders that are longer than those imposed on adults for identical offenses. In re Wilson, 438 Pa. 405, 430–32, 264 A.2d 614, 617–18 (1970). At least one other court has rejected this approach, in the absence of a showing by the accused that the state's juvenile correction system is devoid of rehabilitative aspects beyond those of mere confinement and discipline. Smith v. State, 444 S.W.2d 941, 948 (Tex. Civ. App. 1969). See also the cases cited in Comment, 82 Harv. L. Rev. 921, 925–26 n.25 (1969). On the general topic of sentencing, see Rubin, Disparity and Equality of Sentences: A Constitutional Challenge, 40 F.R.D. 55 (1967).

[180] 266 A.2d 62 (Me.), cert. denied, 400 U.S. 952 (1970).

[181] Id. at 64.

[182] Id. at 65.

[183] For one hypothetical example, see the suggestion by Professor Graham Hughes in The Right to Special Treatment, in The Rights of Americans 102 (N. Dorsen ed. 1971).

[184] Some doubt may be cast on this proposition, however, by a decision such as Commonwealth v. Stauffer, 214 Pa. Super. 113, 251 A.2d 718 (1969). See note 179 supra. *Stauffer* can be distinguished, however, on the ground that in that case it was a *female* defendant who was being treated as the greater risk.

[185] See Lippman, The Breakdown of Consortium, 30 Colum. L. Rev. 651 (1930).

[186] Marri v. Stamford St. R.R., 84 Conn. 9, 12, 78 A. 582, 583 (1911).

[187] Lippman, supra note 185, at 652–53.

[188] For a good short discussion of these rationales, see Note, Equal Protection: The Wife's Action For Loss of Consortium, 54 Iowa L. Rev. 510, 517–21 (1968). For a trenchant criticism of the rule barring recovery by wives, see Foster, Relational Interests of the Family, 1962 U. Ill. L.F. 493, 520.

[189] See cases cited in Hittafer v. Argonne Co., 183 F.2d 811, 812–13 n.5 (D.C. Cir.), cert. denied, 340 U.S. 852 (1950).

[190] To the extent that Hipp v. E. I. DuPont, 182 N.C. 9, 108 S.E. 318 (1921) was not in accord, it was overruled by Hinnant v. Tidewater Power Co., 189 N.C. 120, 127–29, 126 S.E. 307, 311–12 (1925).

[191] See Lippman, supra note 185, at 665–69.

[192] In a few jurisdictions, the Married Women's Act was held to deprive the husband of his cause of action for loss of consortium, forcing him to share the wife's disability. See, e.g., Marri v. Stamford St. R.R., 84 Conn. 9, 78 A. 582 (1911); Bolger v. Boston Elevated Ry., 205 Mass. 420, 91 N.E. 389 (1910); Helmstetler v. Duke Power Co., 224 N.C. 821, 32 S.E.2d 611 (1945).

[193] 183 F.2d 811 (D.C. Cir.), cert. denied, 340 U.S. 852 (1950).

[194] Id. at 819.

[195] The *Hitaffer* case involved two different issues: whether a wife can recover for loss of consortium as a matter of general law, and whether the workmen's compensation statute for the District of Columbia permitted any recovery for loss of consortium. The court answered both questions affirmatively. In Smither & Co. v. Coles, 242 F. 2d 220 (D.C. Cir.), cert. denied, 354 U.S. 914 (1957), *Hitaffer* was overruled on the second issue. It was reaffirmed on the first issue, however, in Rollins v. District of Columbia, 265 F. 2d 347 (D.C. Cir. 1959).

[196] See W. Prosser, Torts § 119 (3d ed. 1964); Restatement (Second) of Torts § 695, at 13–21 (Tent. Draft No. 14, 1969); Annot., 23 A.L.R. 2d 1378 (1952).

[197] Three recent decisions following *Hitaffer* and overruling contrary precedent are Troue v. Marker, 252 N.E. 2d 800 (Ind. 1969); Millington v. Southeastern Elevator Co., 22 N.Y. 2d 498, 239 N.E. 2d 897, 293 N.Y.S. 2d 305 (1968); and Clouston v. Remlinger Oldsmobile Cadillac, Inc., 22 Ohio St. 2d 65, 258 N.E. 2d 230 (1970). Pennsylvania reaffirmed its adherence to the no-recovery rule by a 5–2 margin in Brown v. Glenside Lumber & Coal Co., 429 Pa. 601, 240 A. 2d 822 (1968).

[198] Burk v. Anderson, 232 Ind. 77, 109 N.E. 2d 407 (1952); Boden v. Del-Mar Garage, 205 Ind. 59, 185 N.E. 860 (1933); Miller v. Sparks, 136 Ind. App. 148, 189 N.E. 2d 720 (1963). All three were expressly overruled in Troue v. Marker, 252 N.E. 2d 800, 806 (Ind. 1969).

[199] Owen v. Illinois Baking Corp., 260 F. Supp. 820 (W.D. Mich. 1966).

[200] 274 F. Supp. 169 (N.D. Ill. 1967).

[201] Id. at 175.

[202] Contra, Krohn v. Richardson-Merrell, Inc., 219 Tenn. 37, 406 S.W.2d 166 (1966), cert. denied, 386 U.S. 970 (1967); Seagraves v. Legg, 147 W. Va. 331, 127 S.E.2d 605 (1962).

[203] 399 F.2d 847 (7th Cir. 1968), cert. denied, 393 U.S. 1066 (1969). At the time of the *Miskunas* decision, both Illinois and Wisconsin had followed *Hitaffer*. Subsequently, Indiana did also. Troue v. Marker, 252 N.E.2d 800 (Ind. 1969). The equal protection issue now appears moot in the Seventh Circuit, except as to causes of action arising prior to the changes in state law.

[204] 399 F.2d at 850.

[205] See generally W. Prosser, Torts § 55 (3d ed. 1964).

[206] The Supreme Court has never squarely held that any form of sex discrimination violates the equal protection guarantee. Moreover, as recently as the spring of 1971, in Williams v. McNair, 401 U.S. 951 (1971), the Court summarily affirmed a decision upholding South Carolina's operation of a sex-segregated college against an equal protection challenge. (We have already noted our reservations about the Court's disposition of that case; see text accompanying notes 162–65 supra.) Since no opinion was handed down in *Williams*, however, there is no way to discover the basis for the Court's conclusion that no constitutional violation had been demonstrated.

The Court obviously has not foreclosed the possibility that some forms of sex discrimination can violate the guarantee of equal protection, however, as evidenced by its agreement to hear at least three cases in which this issue is directly presented: Reed v. Reed, 93 Idaho 511, 465 P.2d 635 (1970), prob. juris. noted, 461 U.S. 934 (1971), discussed in the text accompanying notes 57–63 supra; In re Stanley, 45 Ill.2d 132, 256 N.E.2d 814 (1970), cert. granted sub nom. Stanley v. Illinois, 400 U.S. 1020 (1971), involving alleged discrimination against the male parent in awarding custody of illegitimate children; and State v. Alexander, 255 La. 941, 233 So.2d 891 (1970), cert. granted sub nom. Alexander v. Louisiana, 401 U.S. 936 (1971), involving a claim that females were systematically excluded from the grand jury which returned a rape indictment against the defendant, a male Negro. (The state court's opinion in the *Alexander* case indicates that *race* discrimination was the principal ground of defendant's motion to quash the indictment, however.) The decisions in these three cases are expected to reveal the attitudes of the current members of the Court toward equal protection as it applies to sex discrimination.

It must be acknowledged, however, that several recent Supreme Court decisions have appeared to restrict, rather than enlarge, the scope of the equal protection clause. In James v. Valtierra, 402 U.S. 137 (1971), the Court upheld a provision of the California constitution prohibiting construction of any low rent housing project unless it had received prior approval in a local referendum. Petitioners had contended that this special obstacle to the provision of low income housing discriminated against the poor, violating their right to equal protection. In Hunter v. Erickson, 393 U.S. 385 (1969), the Court had earlier held invalid a similar law requiring a referendum as a prerequisite to the passage of any "fair housing" ordinance designed to prohibit racial discrimination. Mr. Justice Black (the sole dissenter in *Hunter*) wrote the Court's opinion in *James*; four justices joined him in refusing to extend the *Hunter* holding to invalidate discrimination which was apparently directed only against persons of low income, without regard to race. (Justices Marshall, Brennan, and Blackmun dissented; Justice Douglas did not participate.)

In Levy v. Louisiana, 391 U.S. 68 (1968) and Glona v. American Guarantee and Liability Insurance Co., 391 U.S. 73 (1968) the Court (dividing 6–3 declared discriminatory treatment of illegitimates in a State's Wrongful Death Act to be a violaton of equal protection. After Chief Justice Warren and Justice Fortas had been replaced by Chief Justice Burger and Justice Blackmun, however, a new 5–4 majority reached a different conclusion in Labine v. Vincent, 401 U.S. 532 (1971), involving an illegitimate's right to inherit from his natural father. Mr. Justice Black, again writing the majority opinion, attempted in *Labine* to distinguish *Levy* and *Glona; Labine* nevertheless casts great doubt on the validity of the proposition—which arguably had been established in *Levy* and *Glona*—that illegitimacy constitutes a "suspect classification" for purposes of equal protection.

These decisions indicate that the Court is sharply divided over the scope of the equal protection clause, and specifically over the question of what (if any) application it may have outside the area of race discrimination. In this regard, see also Oregon v. Mitchell, 400 U.S. 112 (1970), especially the discussion at 126–31 (Mr. Justice Black's opinion, seemingly arguing that the fourteenth amendment applies only to racial discrimination) and 150–52 (appendix to the opinion of Mr. Justice Douglas, listing cases said to have struck down, on equal protection grounds, statutes discriminating on bases other than race). The only prediction that the authors feel safe in making about the three currently pending cases is that the decisions are not likely to be unanimous, and are even less likely to be embodied in a single opinion.

[207] Sassower, supra note 13, at 330.

Mr. BAYH. Mr. President, I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. PERCY. Mr. President, I shall be very brief. I hope I can be briefer than 5 minutes.

Mr. President, I have tremendous respect for my colleague, the Senator from North Carolina. I have joined him in the past on many issues, such as "speedy trial" and others involving individual rights and liberties. However, I could not be more opposed than I am now to the position the Senator from North Carolina has taken for men and women in this area of equal rights.

I have deep respect for his knowledge and the Constitution and for the knowledge possessed by Professor Kurland of the University of Chicago. I agree with him that adequate authority now exists for Congress and the legislatures of the States to pass legislation that, as he has put it, is directed at specific evils and for effective administration of legislation to eliminate invidious discrimination.

I would only ask one queston: If this authority does exist and has existed all these years, then why have we not, for heaven's sake, done something about exercising this authority?

I do not know of anyone in this body who would not recognize and appreciate that there is discrimination against women in business; that there is discrimination against women in the labor unions in this country; on virtually every university campus in this country; and in virtually every governmental agency and department.

If we had authority to do something about it, why did we not do something about it before?

Mr. President, the Senate's imminent action in approving the equal rights amendment draws to a close the 49-year debate that has surrounded the issue of equal rights for men and women. It is the culmination of a great deal of effort on the part of the amendment's supporters in the House and Senate. I think we are deeply indebted to the distinguished Senator from Indiana (Mr. BAYH) and the distinguished Senator from Kentucky (Mr. COOK), who have worked relentlessly to see the amendment through the Judiciary Committee and to muster support from both sides of the aisle. As a cosponsor of Senate Joint Resolution 9, I have strongly endorsed not only this proposal but each one directed toward insuring equal treatment under the law for men and women since first coming to the Senate in 1966.

I believe the Senate has done a great service to this country by rejecting every single effort to cripple the basic amendment which is to be submitted to three-fourths of the States for ratification.

Even among the resolution's opponents, there seems to be little question but that tradition and law have worked together to relegate women to an inferior status in our society. In many cases this has been intentional, based on an archaic precept that women, for physiological or functional reasons, are inferior. This concept has lead to the implementation of laws that prohibit women from engaging in certain businesses, managing their own properties and finances, entering into legal contracts, holding jobs which they are deemed incapable of performing, actively competing in public and private educational institutions for a quality education, and serving on a jury.

Certainly a form of male chauvinism was practiced in the Senate for almost two centuries, until only last year by preventing young women from gaining invaluable experience in Government through serving as Senate pages. Certainly as we look back at the experience we have had since last year with girl pages in the Senate, we can see that the arguments conjured up against their being permitted to so serve have certainly evaporated. These arguments look as shallow to us today as many of us felt they were all along.

Where discrimination has been less overt, we have imposed on women certain responsibilities that make it impossible for them to achieve equality. Marriage and divorce laws are primary examples of this.

Married women may by law expect in many instances nothing more than their husbands decide to give them. Once the marriage has been dissolved, a woman ordinarily has custody of the couple's children making it difficult if not impossible for her to work outside the home, although she must also assume the major responsibilities of supporting those children. Statistics on alimony and child support, which I have entered into the record, indicate that 1 year after the divorce only 38 percent of the fathers are in compliance with courts' support orders. After 10 years, only 13 percent are in compliance. What this means is that women, under the concept of maternity rights, must physically care for the children and assume the financial responsibility of earning a living for them as well.

Application of our criminal laws to women offenders is another example of inequality. Many States' laws automatically prescribe longer prison sentences for women than for men.

We now live under an ambiguous, conflicting, and discriminatory set of laws that in many cases do not even pretend to insure equal treatment for men and women. It seems a fairly simple principle of equity that the difference of treatment under the law should not be based on sexual distinctions, but rather, if there must be a difference, on the basis of some relevant material facts which compel the distinction. I am confident that the constitutional amendment which the Senate is about to approve will achieve that equality.

I suppose, in all candor, that other methods such as amending current labor, marriage, contract and corporate laws could also achieve this desired purpose. But the approach would be piecemeal, timeconsuming and for some States, ineffective. Only a constitutional amendment will provide the universal applicability and impetus to States to reform their laws and practices to be consistent with the constitutional mandate.

There are numerous misunderstandings as to what a constitutional amendment will, in practice, do. Many feel that an amendment will bring chaos to the employment field. It is true that the ERA will overturn States' so-called protective labor laws where they exist. But in view of the fact that modern technology has made such laws unnecessary and nonessential, the disruptive impact of the amendment would, in my view, be minimal. The amendment sets no quotas on the employment of women in any business, neither does it encourage women to abandon their homes to compete with men in the business area. It simply says that if a woman chooses to work, she must have the unfettered opportunity to do so and be regarded as equal to men in all phases of her employment, promotion, and working conditions.

Neither does the equal rights amendment lessen or demean the importance of women as wives, mothers, and mainstays of the home. Equality does not imply sameness. While the family structure is at the heart of our society and this legislation does nothing to disrupt that notion, we must recognize that women of today are different, they are aware of and willing to accept their responsibilities as citizens in a modern society and ought to be free to accept those responsibilities much as they are free to remain in the home if that is their choice. It was Susan B. Anthony, great defender of women's rights, who said almost a century ago that:

> Modern invention has banished the spinning wheel, and the same law of progress makes the woman of today a different woman from her grandmother.

Today we will truly acknowledge that equality can no longer be legally conditioned upon sex, that women, as they assume new roles in our society, deserve as a matter of law equal treatment under the law.

I commend the Senate in advance for the action it is about to take passing the amendment without any crippling changes and am proud that I was able to play a role in bringing about this important change in the law.

Mr. BAYH. Mr. President, I yield 1 minute to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, in my inaugural address as Governor of South Carolina, I advocated equal rights for women. I have favored this principle since that time.

I am very proud of the action that I feel the Senate will take today in passing this amendment so that it may be submitted to the States for ratification. I predict that the States will approve it.

Mr. President, I would like to say a few words in support of the equal rights amendment. This proposed constitutional amendment providing for equal rights for men and women has been introduced in nearly every Congress since 1923, shortly after the ratification of the 19th amendment extending the right to vote to women. The mere fact that this amendment has persevered so long is evidence of the grave need many people have attached to the importance of the amendment.

Even though there has been progress in recent years toward the goal of equal rights and responsibilities for men and women, there is overwhelming evidence that persistent patterns of sex discrimination permeate our social, cultural, and economic life. This holds true in spite of recent laws and Supreme Court decisions aimed at prohibiting such blatant discrimination.

For an example, working women are at a great disadvantage in private business. The median salary income for women is only 59.5 percent of that earned by men and the gap between male and female median incomes has been widening in recent years. In 1969, less than 5 percent of all full-time female workers earned over $10,000 per year, compared with 35 percent of all male workers. Sex discrimination also is present in government employment, which accounts for more than 20 percent of the labor force.

Mr. President, many States have business and labor laws which invidiously discriminate against women. These laws vary in their direction and import, but all have the effect of restricting or prohibiting women from engaging in a particular job or occupation. Many of these so-called "protective" labor laws are well intended, but they are a great disadvantage to the working women. For example, a law which limits the working hours of women but not for men makes it more difficult for women to obtain work they desire and for which they are qualified to perform or to become supervisors.

Last year the Supreme Court for the first time struck down a law which discriminated against women. The Court in Reed against Reed invalidated a State law which arbitrarily favored men over women as administrators of estates. This case is a step in the right direction; however, it does not go far enough. The Court did not hold that sex discrimination is "suspect" under the 14th amendment, but left the burden on every woman plaintiff to prove that governmental action perpetuating sex discrimination is "unreasonable."

Theoretically, this amendment may not be necessary because the Court, Congress, and the States could eventually strike down all sex discrimination laws. This approach is not practical mainly because it is too haphazard and too slow to be acceptable.

Therefore, the only practical basis to provide the necessary changes is through a constitutional amendment. The Nation has waited far too long for this important congressional action. It is now time for the Senate of the United States to act affirmatively on this important constitutional amendment.

The context of this amendment is short and concise and accomplishes the necessary change with a minimum of verbage. The amendment essentially requires that the Federal Government and all State and local governments treat each person, male and female, as an individual. It applies only to governmental action; it does not affect private action or purely social relationships between men and women.

Mr. President, I have long been a supporter of the equal rights amendment. However, this amendment would compel women to be drafted into the armed services and subject them to combat duty which may be neither necessary or desirable in our society. For this reason, I supported amendments to prevent this. The intent of these proposals was to allow the Congress to exempt our women from certain military obligations without infringing upon the great benefits guaranteed by the basic amendment. I do not feel that such obligations should be imbedded in the Constitution and believe Congress should have the power of decision concerning selection of persons eligible for the draft.

Mr. President, despite Senate rejection of the draft provision, I feel the need for the equal rights amendment is obvious. The time for this amendment is now. I, therefore, urge the Senate to act immediately and favorably on this necessary amendment to the U.S. Constitution.

Mr. BAYH. Mr. President, I yield 3 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 3 minutes.

Mr. COOPER. Mr. President, I will be brief. I have voted for practically all of the amendments which the distinguished Senator from North Carolina has offered. I voted for them because I thought they raised the valid question whether certain protections now accorded by law to women would be abrogated if the constitutional amendment is finally approved. I hope the State legislatures of our country will give due consideration and debate to these important questions raised by the Senator from North Carolina.

I believe they have merit, and although I shall vote for the constitutional amendment, I believe it will pose difficult problems for State legislatures and the Congress when they attempt to maintain protections, such as exemption from military draft, and protection and support of children by fathers.

The Senator from North Carolina is a great constitutional lawyer, and an honor to the Senate. However, he has suggested an interpretation of the amendment which I believe should be opposed on the floor of the Senate. It is his suggestion of a possible interpretation by the courts of the amendment that would have the practical effect of abrogating the Federal-State relationship and of vesting in the Congress jurisdiction of practically all legislation under the control of the Congress.

With all due respect, I do not think such an interpretation could prevail. There are other provisions of the Constitution securing the Federal-State relationship and the jurisdiction of the courts; which would be considered if such is raised and they are as strong as the pending amendment.

I must say that I believe we could secure by statute practically any question to assure women necessary protection against discrimination. Some groups with whom I have talked do not understand all of the grave questions raised about their own protections and their own privileges. But they want, more than anything else, the Congress of the United States, the people of the United States to declare through a constitutional amendment they are equal to men and entitled to all possible rights.

I must say that it is compelling argument.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ERVIN. Mr. President, I yield to the Senator from Kentucky any time that he needs.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOPER. Mr. President, I want to say that I am doubtful that the amendment is really needed, but I have the belief that the women of this country believe it is needed, and that they want Congress and the State legislatures to express their full equality. I shall vote for the measure. I am hopeful and I believe we have enough faith in the courts and our Supreme Court to interpret it in such a way that it will guarantee full rights, and at the same time it will not remove from women the protections they need.

Mr. FONG. Mr. President, I ask unanimous consent to have printed in the Record the individual views of the Senator from Hawaii which appear in the report so that they may be available to members of State legislatures.

There being no objection, the individual views were ordered to be printed in the Record, as follows:

Individual Views of Mr. Fong

It is an undisputed fact that women have not been treated the some as men in industry, in the professions or under our various State and Federal laws.

A. HISTORICAL BACKGROUND

The so-called protective legislation, such as minimum wage laws, maximum hour laws, limitations on nightwork for women, when enacted in the early part of this century was intended to protect the health, safety and morals of female workers.

Unfortunately, as more and more women joined the working force, these laws have at times been used to the detriment of women. These laws have prevented or hindered the employment of women and their promotion to positions utilizing all their abilities. This has worked not only to the detriment of women, but to the detriment of the nation, which has been denied the full benefits of their talents, training and ability.

Equal rights for women is not a new concept. As early as 1848, at the first meeting for equal rights for women, held in Seneca Falls, New York, Elizabeth Cady Stanton read her now famous "Declaration of Sentiments":

"The history of mankind is a history of repeated injuries and usurpations on the part of man toward woman, having in direct object the establishment of an absolute tyranny over her."

The Declaration, under some 15 headings, then summarized the many discriminations against women at that time. Married women were unable to own property, to retain their own earnings, to sue, to retain counsel, or even to be the guardians of their own children so long as the husband lived. And, for the most part, they were barred from all but a primary grade education, nor could they vote.

Progress has been made toward equal treatment under law for women.

The 19th Amendment in 1920 gave women the right to vote.

The Civil Rights Act of 1964, among other things, prohibited discrimination based on sex, although Section 703(e) of that Act provides that discrimination based on sex can be justified if it is pursuant to a "bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise."

However, Executive Order 11375 (October 13, 1967), as amended, explicitly prohibits discrimination on the basis of sex in Federal employment and employment on Federal contracts.

Concededly, this is not enough.

B. HAWAIIAN ISLANDS

My state of Hawaii has been in the forefront of the move to eliminate statutory discrimination based on sex. Our fair employment practice law, our minimum wage and overtime pay laws apply equally to men and women. Jury qualification for men and women is the same. Women, equally with men, have the right to contract and to own property.

But even in Hawaii some laws are different for men and women. To cite a few: the laws of inheritance give a widow greater rights than they give to widowers. Certain preferences in State government employment and housing are given to widows, but not to widowers. A wife is not liable for her husband's debts. A husband is liable for a wife's debts, her proper support and maintenance. If he fails to provide suitable support, that is a ground for divorce, with temporary alimony and attorney's fees afforded only to women.

C. EFFECTS OF DISCRIMINATORY LEGISLATION BASED ON SEX AND NEED FOR REMEDIAL LEGISLATION

In many other states and under some Federal laws, there is greater discrimination, based solely on sex.

Sometimes this discriminatory legislation works to the detriment of women: higher standards are often required of women than of men; women too frequently are not hired or promoted to better paying jobs because of so-called protective legislation.

As outlined in the Report, all the criminal and civil discrepancies in treatment of men and women, in education, in business and the professions concededly exist.

On the other hand, some discriminatory legislation is beneficial to women; Women are eligible for Social Security benefits at 62, men at 65; rights to old-age, survivors, disability and other benefits under the Social Security Act and laws administered by the Department of Defense and the Veterans Administration are much more favorable to women than men.

As the Report of the Committee points out, under the Equal Rights Amendment, one standard would be applied to all—regardless of sex. Since all persons will be treated alike, it will be necessary to amend each Federal or State law which is discriminatory in any way, be that descrimination beneficial or detrimental to women. Unless the Congress and the legislatures of each of the States enact such amendatory statutes within the two-year period provided for in the Amendment, it will fall to the courts to determine which discriminatory legislation is to be declared void and hence inapplicable to either sex, and which discriminatory legislation is to be extended to both sexes.

This legislative function should not fall to the courts by default.

After a preliminary survey of the legislation most likely to be affected, I find almost all Federal laws which treat women differently from men can be amended. For instance: depending on cost and other factors, women's eligibility to all benefits under Social Security can be (1) kept at age 62 and men's lowered to that age, or (2) men's present eligibility age of 65 extended to women, or (3) a new age for eligibility applicable to both sexes can be fixed. The third alternative may be the fair and feasible solution.

D. COMPULSORY MILITARY SERVICE

(1) Effect of Equal Rights Amendments on draft and assignment of women

However, there is one area in which insurmountable difficulties arise—military service. It is conceded by the proponents of this amendment that women, like men, will have to register for and be subject to the draft.

The Selective Service System in a letter dated February 25, 1972 advises:

"Should the legislation administered by our agency be affected by the amendment proposed in H.J. Res. 208, we would be required to register approximately two million more persons a year, twice the present number, with additional cost resulting in the areas of registration. If the additional registrants are further processed, additional costs for classification, examination and induction would result. Roughly, these costs would be doubled. The cost of operating national headquarters, the states' headquarters and the service centers, would not be materially increased but the work of the local boards and their paid employees would reach twice its present level.

"In more specific terms, in our budget for fiscal year 1973, service to registrants is $64,726,000. To double the number of registrants might not double the cost of this phase of our activity, but would substantially increase this item. Our examination services, budgeted at $1,107,000, is more closely related to the size of calls by the Department of Defense than to the number of registrants, and might not be substantially increased. Costs of administrative services and other activities would undoubtedly increase, but should not be doubled."

Going one step further, once women are registered, the question arises whether women must be assigned on an equal basis for all types of military service. If women are found physically qualified (under the same tests administered to determine men's qualifications) they will, in all likelihood, be required to serve in combat.

The Majority Report chooses not to face this reality. On the one hand they want equal treatment in drafting women for compulsory military service, but then, not being willing to fact the consequences of this action, they fall back on the words of Congresswoman Martha Griffiths, the primary sponsor of H.J. Res. 208, on the floor:

"The draft is equal. That is the thing that is equal. But *once you are in the Army you are put where the Army tells you where you are going to go.*" (Emphasis supplied)

Fortunately, these words were uttered by a woman. A man would have been accused of male chauvinism and of advocating discriminatory treatment of women.

The Majority Report is replete with "expectations"; including that women will not be "assigned to combat posts, nor . . . required to engage in physical combat," as is the case of the Israeli Army. They overlook the realities. Israeli women do not serve in the Armed Forces because of their demands for equal treatment regardless of sex, but because of Israeli's small population, the services of each individual is indispensable to the defense of the country. Hence, different treatment of the women and the men in the Israeli Army is acceptable, even though incompatible with the concept of the Equal Rights Amendment.

Interestingly, on the subject of the present service of men and women in the Israeli Army, the maintenance of "separate and independent facilities" for women soldiers, is conceded, as is the fact that women soldiers perform tasks "in the clerical, communication, electronics and nursing fields." These tasks are characterized in the Report as "critical noncombatant tasks,"—yet, women are assigned these tasks on the basis of sex.

Hence, under H.J. Res. 208, as reported out by the Senate Judiciary Committee, it is my firm conviction that if women pass the same tests as given men prior to assignment to duty, they must also serve on combat duty, if found qualified for such duty.

Furthermore, the Department of Defense points out that if women could not be assigned to field duty, it might result in a disproportionate number of men serving more time in the field and on board ship because there would be a reduced number of positions available for their reassignment to non-combat duty. That would clearly be discriminatory against men—unless all persons who serve on combat duty are released from service in a shorter period of time. This same situation applies to the Army, Navy, Marine Corps, Air Force, Merchant Marine and the Coast Guard.

(2) Effect of equal rights amendment on right of privacy

Separate units for women will, I believe, be abolished just as separate ethnic and racial units in the Armed Forces have been abolished—both men and women will serve in the same units. What privacy women will be able to be afforded, if any, is uncertain. The Department of Transportation has already published in the Federal Register its notice of proposed rule-making to amend Coast Guard regulations to allow female members of the crew to use washrooms and toilet rooms that are used by male crew members. This, I believe, is indicative of the future if women are subjected to the draft.

(3) Additional costs of military service of women under equal rights amendment

I have requested of the Department of Defense an estimate as to what additional costs, if any, would be involved were women required to serve in all positions on an equal basis with men in the military service.

The Department's response, in a letter dated March 13, 1972, states, in pertinent part:

"The Department has not made such estimates and without specific programs for such "equal" service, it is impossible to make any estimate. One of the major areas that would contribute to increased costs would be separate facilities, both in terms of living quarters, as well as working facilities in areas where women are not currently stationed.

"Until a definitive plan is developed indicating where and under what circumstances women would serve in isolated areas, with combatant forces, aboard ships, etc., it is not possible to make a definitive estimate of costs. **If extensive additional facilities or modifications to current facilities were required**, the costs could be considerable."

As responsible Legislators, I feel we should have some definite indication as to what additional costs will be involved if the proposed amendment in its present form becomes part of our Constitution.

E. CONCLUSION

I voted in the Judiciary Committee to report out the Equal Rights Amendment.

However, for all the above set forth reasons, I am not ready or willing to support compulsory military service. If and when an all-volunteer military force comes into being, of course those women who wish to volunteer and serve in the field or on board ships may do so. But, so long as we have a draft law, I intend to vote to exempt women from compulsory military service, and to support such modification of the Equal Rights Amendment.

With this reservation, I give my fullest support to the Equal Rights Amendment and will do all possible to introduce necessary legislation to eliminate other differing treatment afforded men and women under our Federal laws.

Mr. BYRD of Virginia. Mr. President, will the Senator from Indiana yield to me for 3 minutes?

Mr. BAYH. I yield.

Mr. BYRD of Virginia. Mr. President, I shall vote in favor of House Joint Resolution 208, the equal rights amendment for women.

I share many of the concerns voiced by the distinguished senior Senator from North Carolina. I voiced those concerns by supporting clarifying amendments.

I think we would have had a better package to send to the States to consider as a constitutional amendment had clarifying amendments been adopted, but the majority of the Senate felt otherwise.

I would like to see more women interested in politics. I would like to see more women taking an interest in government. I think women can make many contributions to government. They can bring an idealism to government that is badly needed.

I would like to see more women in the Senate and in the House of Representatives. I would like to see more women in the State legislatures. I would like to see more women in the Cabinet of the United States and in high positions in the executive branch of Government. Yes, I believe women can make a great contribution.

As I mentioned earlier, I have some concern about the broadness of this constitutional amendment, as does the senior Senator from Kentucky, which he just voiced. I think it would have been a better proposal had clarifying amendments been agreed to, but I nevertheless shall vote in favor of House Joint Resolution 208.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. I yield back the remainder of my time.

Mr. ERVIN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the joint resolution. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. EASTLAND. Mr. President, on this joint resolution, I have a pair with the Senator from Arkansas (Mr. McClellan) and the Senator from Florida (Mr. Chiles). If they were present and voting, they would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Florida (Mr. Chiles), the Senator from Washington (Mr. Jackson), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), and the Senator from New Hampshire (Mr. McIntyre) are necessarily absent.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. McIntyre), the Senator from South Dakota (Mr. McGovern), and the Senator from Washington (Mr. Jackson) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. Packwood) is necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Oregon (Mr. Packwood) would vote "yea."

The yeas and nays resulted—yeas 84, nays 8, as follows:

[No. 122 Leg.]

YEAS—84

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cranston
Curtis
Dole
Dominick
Eagleton
Ellender
Fong
Fulbright
Gambrell
Gravel
Griffin
Gurney
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—8

Bennett
Buckley
Cotton
Ervin
Fannin
Goldwater
Hansen
Stennis

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Eastland, against.

NOT VOTING—7

Chiles
Jackson
McClellan
McGovern
McIntyre
Mundt
Packwood

The PRESIDING OFFICER (Mr. Roth). Before announcing the result, the Chair would like to remind the occupants of the galleries that no demonstrations are permitted under the rules of the Senate. The Chair respectfully requests that the galleries comply with that request.

On this vote the yeas are 84, the nays are 8. Two-thirds of the Senators present having voted in the affirmative, the joint resolution is passed.

[Demonstrations in the galleries.]

Mr. BAYH. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. PASTORE, Mr. COOK, and other Senators moved to lay the motion on the table.

The PRESIDING OFFICER. The question is on the motion to lay on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. There will be order in the Senate.

The Senator from Montana.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that we——

Mr. BYRD of West Virginia. Mr. President, we cannot hear the Senator. May we have order?

The PRESIDING OFFICER. The Chair once again requests that the Senate and the galleries be in order. The majority leader has an important announcement to make, and we cannot hear him.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar No. 356, Senate Joint Resolution 150; Calendar No. 660, Senate Joint Resolution 8; and Calendar No. 661, Senate Joint Resolution 9, all companion measures to the legislation just passed, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE INTERVENTION IN SUPREME COURT PROCEEDINGS ON THE SPEECH AND DEBATE CLAUSE OF THE CONSTITUTION

Mr. MANSFIELD. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 670, Senate Resolution 280, the so-called Ervin resolution, so that it may become the pending business.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 280) authorizing Senate intervention in the Supreme Court proceedings on the issue of the scope of Article I, Section 6, the so-called speech and debate clause of the Constitution.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. MANSFIELD. Mr. President, what this means is that as far as the distinguished Senator from North Carolina is concerned, he still gets no respite, because he will have to take the lead in trying to make clear the significance of this resolution.

PROGRAM

Mr. MANSFIELD. Mr. President, if I may have the attention of the distinguished acting minority leader, I should like to state to the Senate, in better form, what the schedule will be.

When Senate Resolution 280 is disposed of, hopefully this evening, or, if not, tomorrow, the Senate will proceed to the consideration of the bill dealing with equal broadcasting time, which will be handled by the distinguished senior Senator from Rhode Island (Mr. PASTORE). It will be followed by the egg bill, and may I say that in referring to the excess hens somewhat earlier, I was referring to a term that has come up known as henocide, and I have checked the various records, which bear out my statement.

Following the egg bill, the items on the calendar which have to do with changing the name of Cape Kennedy to Cape Canaveral and to establish the Gulf Islands National Seashore will be taken up tomorrow or Friday, together with naval vessel laws and Radio Free Europe.

The act to extend the Export Administration Act will come down on Tuesday, along with the bill amending the Federal Aviation Act with respect to civil air carriers. The War Powers Act will be laid down that day, hopefully, and debate will begin. The legislative appropriation bill may well be taken up on Tuesday.

For the information of the Senate, there will be no session on Monday, the reason being that seven of our colleagues will be in Denver on official business. After talking it over with the leadership on the Republican side, we have come to the conclusion that it is only fair that this group be given that consideration. Furthermore, in relation to that, the calendar is in fairly good shape. Does the distinguished acting Republican leader agree?

Mr. GRIFFIN. Yes; I agree, and I think that is very considerate of the majority leader.

Mr. MANSFIELD. Of the joint leadership.

That is it, Mr. President.

Mr. MOSS. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. MANSFIELD. How long?

Mr. MOSS. About 2 minutes.

Mr. MANSFIELD. Very well. Make it 1 minute.

OBJECTION TO REQUEST FOR CHANGE OF REFERENCE OF S. 2032, TO AMEND THE HATCH ACT

Mr. MOSS. Mr. President, on June 9, 1971, I introduced S. 2032, a bill aimed at long overdue reform of the so-called Hatch Act, which has been governing the political activities of Federal employees since 1939.

At the time I introduced this legislation, it was referred to the Committee on Rules and Administration. Today, however, I am informed by Senator CANNON, who is chairman of its Subcommittee on Privileges and Elections, that because the Hatch Act provisions do not affect elections per se, but only the activities of the Federal employees in those elections, he would have no objection to having S. 202 re-referred to the Committee on Post Office and Civil Service.

His position on this matter agrees with that of the Rules Committee chairman. On Monday, Senator JORDAN indicated that another Hatch Act reform measure, introduced by Senator MCGEE, would most appropriately be referred to the Committee on Post Office and Civil Service.

Mr. President, since the Committee on Post Office and Civil Service, of which I am a member, is most deeply concerned with Federal employee issues, I ask that S. 202 be re-referred to this latter committee, where it can be considered along with other proposals to liberalize the Hatch Act. I believe this would greatly facilitate Senate action on long overdue reform of laws which continue to deny over 3 million Federal employees any responsible role in our democratic processes.

Mr. GRIFFIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

SENATE INTERVENTION IN SUPREME COURT PROCEEDINGS ON THE SPEECH AND DEBATE CLAUSE OF THE CONSTITUTION

The Senate continued with the consideration of the resolution (S. Res. 280) authorizing Senate intervention in the Supreme Court proceedings on the issue of the scope of article I, section 6, the so-called speech and debate clause of the Constitution.

Mr. ERVIN. Mr. President, this resolution recognizes the fact that the Supreme Court case which is to be reviewed on writs of certiorari, which is concerned with certain legislative activities of the junior Senator from Alaska (Mr. GRAVEL), presents a question of grave moment to the Senate in respect to the meaning and the scope of the speech and debate clause set out in article I, section 6, of the U.S. Constitution.

As is well known to the Senate, the distinguished Senator from Alaska read, at the time this case arose, certain extracts from the so-called Pentagon Papers at a session of a subcommittee of which he was chairman. The Senator from Alaska was acting in the execution of his office as a Member of the U.S. Senate.

After that event, an aide of the Senator from Alaska was summoned before a grand jury sitting in the city of Boston, and an effort was made on the part of the Government to examine the aide of the Senator from Alaska in respect to the action taken by the Senator from Alaska on the occasion which I have mentioned.

This was recognized by the Senator from Alaska to raise a grave constitutional question under article I, section 6, the speech and debate clause, and so he intervened in the proceedings before the grand jury in Boston, and asked that the subpena for his aide be quashed, or, in lieu thereof, that the scope of the questions which would be put to the aide be restricted so as to prevent any inquiry being made by the grand jury in respect to the action of the Senator from Alaska in the execution of his office as Senator.

The speech and debate clause provides, in substance, that no Member of Congress can be required to answer for anything he says in a speech or debate in any other place, that is, otherwise than in the Congress itself.

This privilege is given to Senators and Representatives because of the experience of Members of the British Parliament prior to the independence of this Nation. They had a situation in which Members of the British Parliament were actually prosecuted and punished at the insistence of the Crown for daring to speak their honest views on the floor of the House of Commons.

Mr. President, this privilege is not given to a Senator or a Representative for his own benefit. It is given to Senators and Representatives for the benefit of the Nation.

It is recognized that it is essential for Senators and Representatives to have an absolute privilege to say in speech and debate anything which they feel their duty to their country requires them to say. They are given this privilege or this right for the benefit of the Nation, in order that the Nation may have the benefit of courageous action on the part of those who are our lawmakers.

While the provision of the Constitution is restricted by the terms to speech and debate, it has been recognized by the decisions of the Supreme Court that this privilege extends to every activity taken by a Senator or a Representative in the execution of what he conceives to be the duties of his office, even though the matter is not connected with something which is germane to the action of the House of which he is a Member.

It is absolutely essential that this be so, because, as we know, a large part of the labor of each Member of Congress is done in committee. So the privilege is not restricted to the floor of the House of which the Member is a Member. It extends to any of his official actions, and it is not required that his action to which the privilege extends shall be germane to any matter pending before the House or before the committee of which he is a Member. This is essential, for without this right, the privilege or right would amount to nothing. A Senator or Representative, who is elected to Congress, if he disagrees—as he would have a right to do and as he might conceive it to be his duty to do—with the majority of the other Members of the House of which he is a Member, would be denied this privilege if the privilege could be exercised only in respect to a matter which was germane at the moment to some business pending before the Senate or the House or a committee of the Senate or the House.

Otherwise, an individual Senator or an individual Representative could be robbed of the privilege in its entirety. This is a privilege which is given to a Senator and a Representative, and it protects no matter how much his action may be disapproved of by the other Members of the House of which he is a Member. This is essential in order to make the privilege or the right of any value whatever.

I have no reference to the distinguished Senator from Alaska in saying this, but I think that the right which arises out of the speech and debate clause of the Constitution is intended to protect every Member of the Senate and is even intended to allow a Senator or a Representative—to put it in plain English—to make a damn fool of himself. It is necessary that this be so if the American people are going to have the courageous and the honest representation which they are entitled to have in Congress.

The Senator from Alaska, in the judgment of the Senator from North Carolina, has been fighting a fight which is essentially a fight on behalf of the Senate of the United States. When his aide was called to testify before the grand jury, he rightly intervened in his aide's behalf and pointed out to the Federal district court, and subsequently to the circuit court of appeals of that circuit, that if the courts are going to take note of the realities of the situation, the courts are bound to conclude that it is impossible, in the present state of duties which devolve upon a Senator, for a Senator to act without the assistance of his aides.

The Government took a peculiar position in the matter originally and took the position—according to the brief I have read—that it not only had a right to summon the aide of the Senator from Alaska to testify before the grand jury but also had the right to subpena the Senator, himself—a position which is clearly untenable.

This matter has been heard on appeal by the court of appeals of that circuit, and the court of appeals has handed down a very fine decision. The court of appeals recognized the position taken by the Senator from Alaska that it is essential that this privilege extend to the Senators' aides, insofar as the Senators' aides are acting at the instance of the Senator and the Senator is acting within the execution of his office. This was an extension of the recognition of the privilege beyond what had been recognized in the previous decisions of the Supreme Court of the United States.

This case, which is being reviewed on writs of certiorari applied for both by the Department of Justice and by the Senator from Alaska, presents squarely the question as to whether or not this right or privilege, secured by article I, section 6, of the Constitution, extends to the aides of Senators.

It is essential, it seems to me, for the Senate, as an official body, to make an appearance in this case as an amicus curiae and insist that the Supreme Court accept the interpretation based upon article I, section 6, by the court of appeals in a most enlightened opinion.

There also are other questions which should be debated and presented to the court for its consideration; namely, the question of to what extent a Senator has the power to inform the public about matters in which the public has a grave concern. Certainly, the public has had no graver concern in recent years than its concern in respect to the war in Southeast Asia.

I am constrained to say that the position of the Senator from North Carolina and the position of the Senator from Alaska in respect to the war in Southeast Asia are about as divergent from each other as are the views of any other two Senators on that particular matter. But I think it is essential for us to present to the court the position that the Supreme Court should adhere to the very wise opinion and decision made by the court of appeals in respect to the extension of this privilege of the Senator to the aides of the Senator when acting within the course of the Senator's orders and the Senator has acted within the execution of his office.

I also think it is necessary to try to persuade the court to make some decision with respect to the question of what actions a Senator can take to inform the public about public questions in which he feels a great concern; that is, the question of publication.

We have no authoritative decision of the Supreme Court which settles the last question. When we take the position that the privilege must necessarily be extended from the Senator to the aide who assists the Senator in the execution of his office, we are merely asking the court to accept reality, because that is the way Senators function. When we ask that the court make some definite decision on the question of the extent of the right of a Senator to undertake to inform the country of matters in which he has a deep interest—that is, public matters—I think we are also taking note of reality.

Those of us who sit in the Senate day after day know that it is extremely difficult to get the attendance of Senators, with their manifold duties, to hear debates on the floor of the Senate, and that one of the ways in which we can reach Senators and bring conviction to them about the soundness of our views is to get the news media to take note of those views, and in that way indirectly inform the other Senators of the views we entertain and give them an opportunity to weigh their soundness.

This resolution would authorize the filing of an amicus curiae brief on behalf of the Senate, to present the questions to the Supreme Court. It recognizes, in effect, that the Senator from Alaska has, thus far, been fighting a battle which is essentially the battle of the Senate, insofar as it involves the extent of the privilege based on the right of the speech and debate clause in the Senate. It contains a provision that would let the Senate finance out of its contingent fund the cost of the Senator from Alaska going to the Supreme Court but not the expenses accrued prior to that time.

I sincerely trust that the Senate will adopt the resolution because I consider that the adoption of the resolution is necessary to protect the prerogatives of the Senate and the prerogatives of every Senator.

I would say that the resolution expresses the claim that its adoption by the Senate will not be construed to be the expression of any opinion as to whether the Senator from Alaska, whose conduct is involved in this case, was wise or foolish; but it does recognize that it is essential for the Senate to see that this prerogative of Senators is protected to the fullest extent that the Constitution permits.

Mr. **PASTORE** and Mr. **SAXBE** addressed the Chair.

The **PRESIDING OFFICER** (Mr. BENTSEN). The Senator from Ohio is recognized.

Mr. **SAXBE**. Mr. President, first, I should like to state that not only do I have an argument but I also have several amendments which are now at the desk. It is my intention to ask for rollcall votes on the amendments as well as a rollcall vote on the resolution itself.

I should like to make it perfectly clear that there is no opposition as to the purpose of the Mansfield-Ervin resolution. I have listened to what the Senator from North Carolina has just said, and I agree, and I think the minority agrees also, that the Senate as a whole should be represented at the Supreme Court by the filing of an amicus curiae brief. We oppose only the provision which authorizes the expenditure of public funds to provide for the legal expenses of the Senate and the junior Senator from Alaska.

Mr. President, the relevant facts and procedural history of this case began June 29, 1971, when the Senator from Alaska unsuccessfully attempted to insert into the CONGRESSIONAL RECORD a classified study prepared by the Department of Defense popularly called "The Pentagon Papers." Not being able to accomplish his purpose before the entire Senate, he convened the Subcommittee on Buildings and Grounds, of which he was chairman, of the Senate Public Works Committee. And, even though the documents bore an overall defense security classification of top secret sensitive, he began at midnight on the 29th to read aloud extensive portions of the study. At the close of the subcommittee hearing, and when he could read no longer, the Senator from Alaska placed the entire study, comprising some 7,000 pages of material in 47 volumes, into the public subcommittee record.

The question of whether the subcommittee meeting was legal I want to raise in passing, but I think the circuit court of appeals has taken care of that to our satisfaction. Needless to say, the fact that the subcommittee meeting was called after the offices were closed and notification was given by slipping a note under the doors of the members of the subcommittee after the offices were closed, certainly is not in the spirit or intent of the committee rule then existing.

I might further raise the point that the new rules of the Senate which have been adopted by the Committee on Public Works would not permit this, but at that time those rules had not been adopted. They were adopted shortly thereafter. The questionable nature of calling of this subcommittee meeting will not be an important element in the amicus curiae brief before the Supreme Court.

Returning to the facts of the case, the Senator from Alaska contacted the Institute for Policy Studies here in Washington sometime on June 29 for the express purpose of obtaining someone to edit the record containing the Pentagon papers. Dr. Leonard S. Rodberg, a physicist and resident fellow at the institute, reported to the Senator's office, and was immediately placed on his staff. Dr. Rodberg received no compensation from the Senate, but was cloaked with all other indicia of Senate employment. He immediately went to work for the Senator from Alaska, editing the transcript of the subcommittee hearing after he had assisted the Senator at the subcommittee meeting. Dr. Rodberg is still on the Senator from Alaska's staff.

After the committee transcript containing the Pentagon papers was prepared, Dr. Rodberg assisted the Senator from Alaska in negotiating with several publishing firms for private publication of the study. An agreement was ultimately concluded with Beacon Press of Boston to publish a four-volume work entitled "The Senator Gravel Edition of the Pentagon Papers: The Defense Department History of Decisionmaking on Vietnam." Beacon Press is the publishing arm of the Unitarian Universalist Association.

On August 24, 1971, Rodberg received a subpena from a Federal grand jury in Boston. And, the Unitarian Universalist Association received two subpenas duces tecum which were withdrawn because of a stay order in the lower court. Rather than appear as a witness before the Federal grand jury, Dr. Rodberg filed a motion to quash the subpena in the Federal district court. The Senator from Alaska was allowed to intervene in this litigation and argued that Dr. Rodberg, as his legislative aide—which the Senator from North Carolina (Mr. ERVIN) has just referred to—was protected by the speech or debate clause of the Constitution from any inquiry regarding the Senate subcommittee meeting or his efforts on behalf of the Senator from Alaska to publish the Pentagon Papers.

The district court denied the motion to quash but said:

> No witness before the Grand Jury currently investigating the release of the Pentagon Papers may be questioned about Senator Mike Gravel's conduct at a meeting of the Subcommittee on Public Buildings and Grounds on June 29, 1971, nor about things done by the Senator in preparation for and intimately related to said meeting.

Also, the court stated:

> Dr. Leonard S. Rodberg may not be questioned about his own actions on June 29, 1971 after having been engaged as a member of Senator Gravel's personal staff to the extent that they were taken at the Senator's direction either at a meeting of the Subcommittee on Public Buildings and Grounds or in preparation for and intimately related to said meeting.

The district court's opinion also stated that the arrangement for private publication of the study by Beacon Press was not within the Senator's constitutional privilege and therefore Dr. Rodberg could not refuse to testify before the grand jury concerning publication. While the Senator from Alaska was seeking modification of the district court's order, a grand jury subpena was also served on Howard Webber, editor of the Massachusetts Institute of Technology Press, with which ultimately unsuccessful negotiations for publication took place. This subpena was also stayed by a supplemental order from the court of appeals.

Both sides appealed. The first circuit court of appeals held:

> No witness before the Grand Jury currently investigating the release of the Pentagon Papers may be questioned about Senator Mike Gravel's conduct at a meeting of the Subcommittee on Public Buildings and Grounds on June 29, 1971, nor if the questions are directed to the motives or purposes behind the Senator's conduct at that meeting, about any communications with him or with his aides regarding the activities of the Senator or his aides during the period of their employment, in preparation for and related to said meeting." The Court further held that "Dr. Leonard S. Rodberg may not be questioned about his own actions in the broadest sense including observation and communications oral or written, by or to him, or coming to his attention while being interviewed for, or after, having been engaged as a member of Senator Gravel's personal staff to the extent that they were in the course of his employment.

The court also rested its decision on a common law privilege that prevents questioning the legislative aide, instead of relying on constitutional immunity. Finally, the court of appeals dealt with private, third parties, recognizing that they could be asked certain questions concerning their own conduct regarding the publication of the Pentagon Papers.

Senator GRAVEL and the United States both sought and were granted writs of certiorari by the Supreme Court. On the merits, the court will consider the following questions:

First. Is the publication of the public records of a congressional subcommittee protected by the Constitution from judicial inquiry; that is, can the executive branch use the subpena and contempt powers of the judicial branch to test legislative activity;

Second. Are personal Senate aides and third parties—here Beacon Press—assisting in the informing function of the Member of Congress protected from judicial inquiry;

Third. Can a court inquire into the procedural regularity of a Senate subcommittee hearing or is this strictly the function of the legislative branch; and

Fourth. Did the circuit court err in relying upon the common law immunity for Senators and aides established for the executive branch rather than the constitutional immunity contained in article I, section 6.

The fact pattern which I have previously enumerated makes it obviously clear that the junior Senator from Alaska abused scope of "legitimate legislative activity" when he convened the Subcommittee on Buildings and Grounds of the Public Works Committee. Even though he may have complied with the "letter of the law" insofar as following required procedures for convening the subcommittee is concerned, it is clear that there is no acceptable rationale for a review and rendition of the "Pentagon Papers" before that particular subcommittee. Consequently, how can the Senate as a body now authorize and obligate itself to pay the legal expenses incurred as a result of the cause of action which directly arose out of the abuse of the rules surrounding this incident? It is, to say the least, a non sequiter.

Second, to assume now the legal expenses of the Senator from Alaska, as this resolution provides, would establish a dangerous precedent. That precedent would enable any one Member of the Senate to effectively bind the Senate as a body to authorize payment of legal expenses merely by the act of intervening in a lawsuit whenever he chose to do so. I do not believe it is the desire of this body to place ourselves in that position.

Further, to allow now for the fees of private counsel is not warranted. Surely we who make the laws are qualified to fashion our own legal arguments before the Supreme Court, which in turn is charged with the obligation to interpret those laws.

Finally, the Senate recently has on two occasions authorized the retention of and payment for private counsel. Those two cases, Dombrowski against Eastland and McSourley against McClellan, clearly establish the proposition that the Senate should only assume the legal expenses when one of the Members has been sued and must answer as a defendant. This is not the case before us now. Here we have a situation where a Member has interviewed in a preexisting legal action. Now it might be argued that the junior Senator from Alaska had no choice but to intervene. This is not so. He clearly had the option to intervene or not to intervene, and his intervention in no way altered the basic question of the interpretation of article I, section 6, of the U.S. Constitution which is now before the court. To maintain that his intervention was necessary to protect the Senate's interest cannot be supported. If such were the case then why do we find it necessary to be debating this resolution which provides for the Senate to file our own amicus brief?

We can only conjecture as to the reason for his intervention. Was it to pay Dr. Rodberg's expenses, or was it at the time to keep alive the issue of the Pentagon papers when interest was beginning to die? I cannot help feeling that it was an attempt to keep alive something which at that time was an extremely controversial issue.

Again I say to the Senate that our interests in article I, section 6, are the same. We wish to protect the immunities which we enjoy in this body, conferred years ago against incursions of the executive and judicial into the narrow field of legislative immunity.

However, in this particular case I cannot help feeling that this is primarily an in-house situation that we as Senators should have settled on the floor of the Senate.

Certainly it was a violation of the spirit of the Senate, and it was a violation, while not perhaps of the rules which did not exist at that point, but certainly of the orderly and mannerly procedure we have been following over the years.

The frustration over not being able to read the Pentagon papers on the floor of the Senate must have been great. The Senator then called a meeting of the Subcommittee on Buildings and Grounds. I have here a selected area set out for the Committee on Public Works, and nowhere does it, by any stretch of the imagination, go to an issue such as this. Then he issued an order which obviously could not have been successful without members of that subcommittee, and then proceeded to read classified and secret material for the sole purpose of publishing it in a yet-to-be selected paper.

I cannot help feeling that it is an embarrassing incident for the Senate and an embarrassing incident that we should police ourselves. Obviously, there is little interest in so doing, but I think we can show our indignation and our contempt for such procedures by not bailing out the Senator from Alaska at this point.

The Senator from North Carolina referred to the question of paying only those fees that are prospective. I find nothing in the resolution which states that they are only prospective; and I find nothing in it which would limit the amount of the fees.

In an effort to determine the amount of the fees, we contacted counsel representing the Senator from Alaska and asked if they would give us an indication. The answer was, "Well, it is not substantial; but then it is not insubstantial." We asked "Is it over six figures?" They answered "It will probably be less than six figures."

I would say that would mean that $99,000 is less than six figures. This is as much as we could get on it.

Nobody has discussed expenses for the Senate's representation. Amendments I have at the desk will go to this question. But then, again, a committee of Senators is proposed in the resolution. There is no number, no question of bipartisanship, and it gives them no power to negotiate this matter.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SAXBE. I yield.

Mr. MANSFIELD. There were sums bruited about in the policy committee. We had before us for that purpose the Senator from North Carolina (Mr. ERVIN), whom I look upon as the outstanding constitutional lawyer in this body. Some of the figures bruited about were—and I stand to be corrected—between $20,000 and $25,000.

Second, the policy committee did consider a committee of Senators equally divided between the two parties, but the final decision was that only one Senator would be appointed from our side, and he would be the distinguished Senator from North Carolina. All of this was predicated on bringing the matter to the attention of Republican Senators, so they would be able to give us the benefit of their judgment. If they decided to join us, fine; if they did not, that was their privilege.

So we did discuss these matters. If a Senator is selected from our side, he would be the Senator from North Carolina (Mr. ERVIN) only; and if any money is to be expended, the figure I heard suggested was between $20,000 and $25,000.

I make this statement to the Senate for its information.

Mr. SAXBE Did the Senator contemplate that figure to be for representation of the Senate as a body, or did that amount include both the Senate representation and fees to counsel for the Senator from Alaska?

Mr. MANSFIELD. As I gather—and I am not a lawyer—it included the fees the Senator from Alaska might incur in relation to this process from here on out. I understand the briefs have to be filed by April 7, but it was primarily—and again I wish the Senator from North Carolina would corroborate this or correct me if I am wrong—for the use of outside counsel and advice to help representatives of the Senate in appearances before the court. Is that correct?

Mr. ERVIN. Yes; that is the way I understand it. No action was definitely taken, but that was the consensus in the matter.

Mr. MANSFIELD. The brief has to be filed April 3 or 4 rather than April 7.

Mr. MATHIAS. Mr. President, will the Senator from Ohio yield?

Mr. SAXBE. I yield.

Mr. MATHIAS. Mr. President, I thank the Senator for yielding. I concur with his statement that there is considerable sympathy on this side of the aisle for the basic proposition which has been set forth by the distinguished Senator from North Carolina. The Senate does have a primary interest in these proceedings, and that interest should be represented in an impartial and objective brief that would be filed in an attempt to lay out the constitutional law on this very difficult subject.

Scholars in recent years have been talking about the twilight of parliaments, stating that the age of strong legislative arms of government is in fact coming to an end. We see all too often that the executive branch of a government, not only of this Government but also of many other governments, is stronger due to the different kind of world in which we live.

One cause for the increase in the power of the executive branches of government in many parts of the world is the growth of what we in this country call executive privilege. Executive privilege is the claim by the executive branch of government that it has the right and, in fact, the duty and responsibility, in the interests of the country, to withhold information. I think we in Congress have at least tacitly admitted there is such a right because we have failed to press witnesses who have claimed executive privilege.

Clearly the President takes counsel not only within himself but also with his trusted advisers to reach the goal of Government. All of this has led to certain practices on behalf of the executive branch of government which have strengthened it very greatly since the time when the legislature had the right to question anything the executive did.

Concurrently, of course, there have been changes in the legislative branch of Government. The basic constitutional immunity given to legislators by the Constitution of the United States—to allow legislators in the House and the Senate to counsel among themselves freely in open debate for the good of the country—has become inadequate if it is limited to this floor alone because many legislative activities take us away from the floor of the Senate.

It is also inadequate if it is limited to Members of this body alone because we, as well as officials in the executive branch, have found it necessary to have advice and counsel. We should very clearly have that part of our legislative activity covered within the immunities which the Constitution originally gave us.

These are all purposes which existed before the Senator from Alaska called a subcommittee hearing, and I hope they will exist for a long time hereafter. That is our basic governmental proposition dealing with the organic law of the country, and it is in that context, I think, that it demands our attention.

It is the broad, objective view that we seek to present to the court, and not a narrow view based on a single case. In that light I think that, with some amendments which we will propose, we can support the thrust of the resolution presented by the Senator from North Carolina.

Mr. DOMINICK. Mr. President, will the Senator from Ohio yield?

Mr. SAXBE. I yield.

Mr. DOMINICK. I thank the Senator from Ohio.

Mr. President, I have listened to these statements with considerable interest. I also have done quite a lot of work on this particular resolution, with the aid and assistance of my staff. I have consulted with the Senator from Ohio, the Senator from Maryland, and many other Senators. I think that if we are going to take a look at this matter we ought to try to put it somewhat into perspective. First of all, we are faced with the situation in which the Senator from Alaska, as I understand it, is claiming immunity not only for himself and for Dr. Rodberg, who went on his staff the same day the publicaion occurred but who did not appear on the Senate payroll, but also is claiming immunity for anyone with whom he has discussed the matter, whether he is in or out of government.

So it is a very broad exemption that is being claimed by the Senator from Alaska.

Section 6, article I, of the Constitution says—and I read it in part—that Senators and Representatives shall not only be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same—and I will interpolate here—but also that for any speech or debate in either House they shall not be questioned in any other place.

The Senator's claim is not that he is being questioned in any other place, but that other people are being questioned. They are being questioned not because any charge has been filed against them, but solely in order to secure information for a grand jury to determine whether or not any prosecution is even advisable.

In other words, we are dealing at the moment with a purely hypothetical case where a grand jury has simply been brought together to try to learn what the evidence is and to determine whether any prosecution is even warranted. That is the first situation we are faced with.

The second situation is that apparently no factual questions are involved in this case. As I said a few minutes ago, Dr. Rodberg—and this was pointed out by the Senator from Ohio—was apparently a physicist who was working outside the Senate as a friend, or aide, or assistant, or ideological friend, or whatever it was, with the Senator from Alaska, and was not made an aide except for the specific purpose, so far as I can find out, of assisting in the publication of the Pentagon papers at the subcommittee hearing. This was the Subcommittee on Public Buildings and Grounds of the Committee on Public Works.

The Public Works Committee has jurisdiction—and I read this into the RECORD because it is important—over proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

(1) Flood control and improvement of rivers and harbors.

(2) Public works for the benefit of navigation, and bridges and dams (other than international bridges and dams).

(3) Water power.

(4) Oil and other pollution of navigable waters.

(5) Public buildings and occupied or improved grounds of the United States generally.

(6) Measures relating to the purchase of sites and construction of post offices, customhouses, federal courthouses, and government buildings within the District of Columbia.

(7) Measures relating to the Capitol Building and the Senate and House Office Buildings.

(8) Measures relating to the construction or reconstruction, maintenance, and care of the buildings and grounds of the Botanic Gardens, the Library of Congress, and the Smithsonian Institution.

(9) Public reservations and parks within the District of Columbia, including Rock Creek Park and the Zoological Park.

(10) Measures relating to the construction or maintenance of roads and post roads.

Under no conceivable circumstances does the committee have jurisdiction over a classified defense document called "The Pentagon Papers," no matter how one views it.

There is a rule of the Senate, which perhaps is not totally applicable here, because of the circumstances, but it does provide that should a committee take jurisdiction over a subject matter over which it has no jurisdiction, it is then subject to challenge.

It is very difficult to challenge anything before a one-man subcommittee meeting held at midnight, with no notice of the meeting having been given. But I feel certain, as the Senator from Ohio has said, that if the rules were not flatly broken, they were at least impliedly broken, and most certainly the spirit was violated.

Then we were suddenly faced with this resolution, drawn up and presented to us in our conference on the Republican side. We looked it over, and it seemed to us that it involved us immediately in the question of the activities of the Senator from Alaska about which the Senate had not undertaken any inquiry up to this time; but under this resolution we are being asked to participate with the sponsors of the resolution in authorizing the payment of public funds for the Senator from Alaska as well as for the Senate. It is not just the expenses of the Senate itself which we are being asked to underwrite, but also the expenses of the Senator from Alaska.

I am a lawyer, although I have not practiced since 1961, when I came to Congress. But in my 20 years of experience, expenses, generally speaking, refer to out-of-pocket expenses. They do not necessarily refer to legal fees, but I gather it to be so in this case.

In determining what a legal fee is, any lawyer—I do not care who he is or where he is from—usually delays billing the client until after he has seen what has happened in the case. Therefore, I would presume the legal fees and the expenses of the Senator from Alaska will be presented after the Supreme Court hearing, and will be considered as a part of the Supreme Court hearing. So to that extent we are already underwriting the work which has been done—very effective work, I might say, from the standpoint of the Senator from Alaska and the Senate—in both the district court and the court of appeals. We will then be faced with a brief and with legal fees on the question of how broad the exemption is in the Constitution in a case in which the Senator from Alaska himself intervened and in a case in which no criminal charge had been leveled, but in which a grand jury was simply trying to find out whether there were any facts sufficient to warrant an indictment.

If we start getting the Senate involved to that extent at the expense of the taxpayer, it strikes me that we are going way beyond the scope of any other Senate involvement. This question was discussed at some length in the Republican conference, a quorum being present; and a resolution was adopted, which I read as follows:

Resolved, That the Republican Conference authorize the Chairman, Senator Smith of Maine, to appoint a committee to perfect and file a brief; that said brief pray the Supreme Court to rule in such manner so as to protect the necessary immunities of the Legislative Branch notwithstanding the misconduct or alleged misconduct of a single Member. No expenditure of taxpayer funds to be authorized.

That was the position that we took in our conference, after we had had some quite spirited debate on the whole subject. Pursuant to that resolution, Senator SMITH did appoint a committee, consisting of the Senator from Ohio (Mr. SAXBE), as chairman, and Senator MATHIAS and myself as the other members. That is one of the reasons why we are on the floor of the Senate today.

But in all conscience, I simply cannot see how the Senate can take the position that we are going to use public funds, not only to take care of the expenses of the Senate itself in its brief to the Supreme Court, but also absorb the expenses which the Senator from Alaska has incurred by intervening in the district court initially. This, to me, simply does not mean that we are operating reasonably or sensibly insofar as the public of the country is concerned.

Having said that, I think the next thing that we ought to take a look at is what will be before the Supreme Court.

I have brought up the questions of fact which I wish had been debated, discussed, and considered at least by Members of the Senate long before this, because I do believe that we ought to take care of our internal situations as best we can, and to do it promptly. But the district court, as the Senator from Ohio has said, has assumed that Dr. Rodberg was an employee, and the Justice Department has not denied that, so that is not an issue.

Second, as I understand it, the question of whether the publication was improper as a result of an nonauthorized committee meeting is also not an issue before the Court. The parameters of the question which have been presented now for discussion before the Court read as follows——

Mr. ERVIN. Mr. President, will the Senator pardon me for an observation on the point he just mentioned?

Mr. DOMINICK. I am happy to yield to the Senator from North Carolina.

Mr. ERVIN. There is a decision of the Supreme Judicial Court of Massachusetts, which was handed down shortly after 1800, and which held that the courts would not inquire into the legality of the proceedings as to which the legislator invokes the speech and debate privilege, and that is recited with apparent approval by Justice Frankfurter in the decision which involved the legislative committee from the State of California in, I believe it was, the Brandhove case. I shall supply the correct citation later.

But the findings of the Court have placed those questions outside the parameters of the matters being heard on these writs of certiorari.

Mr. DOMINICK. I thank the Senator from North Carolina, and I think this helps the record.

In other words, what the Senator and I are both saying is that the questions vital to this case, particularly insofar as the Senate intervention in the Supreme Court is concerned, are not really to be considered because they involve the question of action or inaction of the Senate in regard to the conduct of a Member.

The Supreme Court, in granting certiorari, simpy states the questions presented as follows:

> (1) Does the constitutional responsbility of a U.S. Senator to inform his constituents and colleagues about workings of government require that his action in publishing an official, public record of a subcommittee of which he is chairman, containing documentary information critical of executive conduct in foreign affairs, be accorded protection as legislative activity under the Speech and Debate Clause?

That is the first point. There is nothing in this question which would bring up the issue, which is what we are talking about, as to whether the subcommittee of which the Senator from Alaska is chairman had any right to review any of these documents whether in secret or in public session. So that apparently is not to be considered.

The second question for discussion is:

> (2) Does the Speech and Debate Clause bar grand jury questioning of aides of members of Congress and other persons about matters that may touch on activities of members of Congress which are protected "speech or debate"?

Notice that, again, there is nothing here in connection with the Senator from Alaska; nor is his immunity being questioned. The issue is whether a grand jury can question, not only aides, or perhaps not aides but other persons who are not even connected with the Senator from Alaska except by research that they may have done or by other activities whereby, somehow or other, they may have been connected with him.

The third question is:

> (3) Does a senatorial aide have a common law privilege not to testify before a grand jury concerning the private republication of material which his Senator-employer had introduced into the record of a Senate subcommittee?

In other words, here we are not even dealing with the speech and debate clause given as a privilege under the Constitution to Members of the House and Members of the Senate, but a common law right which is being asserted on behalf of aides not to testify before a grand jury.

I gather that the Justice Department is taking the view that no one has any immunity under the speech and debate clause of the Constitution except a Senator himself, and then only for speech or debate on the floor of the Senate. This is their position. It has been their position in the lower courts, and they have been beaten in the lower courts on this point, and are going to the Supreme Court on the same issue.

It strikes me that whatever brief we are filing—and I do not know who is going to prepare it, but I hope that Senator ERVIN will in the light of his unmatched qualifications—will not go so far as to assert that any person contacted by any Senator in any way is exempt from giving testimony before a grand jury or a court. If we go that far, it means that with modern means of publication, either by radio, television, or letters, and with the frank now being used freely by Members of the House and the Senate, everyone is going to be immune from any questioning anywhere in the country. I certainly hope we do not go that far.

I would say again that I think we are here dealing with an extremely sensitive subject. I see absolutely no reason why members of the public, who have not been involved in this matter and who in many cases object strenuously to what Senator GRAVEL and others did, should be saddled with the expense of paying his costs in the lower court. I think it is wrong, and it was for that reason that I was willing to serve on this committee and speak my piece here tonight.

Mr. MANSFIELD. Mr. President, will the Senator yield to me briefly?

Mr. DOMINICK. I yield to the Senator from Montana.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I have been talking with the distinguished Senator from North Carolina, who is carrying the burden of the pending legislation, and the distinguished Senators from Ohio (Mr. Saxbe), Colorado (Mr. DOMINICK), and Maryland (Mr. MATHIAS). I should like at this time to propound a unanimous-consent request: That beginning at the hour of 10:15 tomorrow morning there be a limitation of 1 hour on each amendment and 1½ hours on the resolution.

The PRESIDING OFFICER. Is there objection?

Mr. GOLDWATER. Mr. President, reserving the right to object, I should like to ask the majority leader the status, now, of the so-called War Powers bill. I was told earlier today that it would be taken up next week, maybe Tuesday or maybe Thursday. I have been told, however, within the last 15 minutes, that as a result of this unanimous-consent agreement it would be taken up on Thursday of this week.

Mr. MANSFIELD. No, no. The best we can say as of now is that it will be taken up possibly on Tuesday. That is a long shot; it may more likely be Wednesday or Thursday, and I am not sure we can finish it by the time we begin the Easter recess at the conclusion of business a week from Thursday. But not this week.

Mr. GOLDWATER. I am very deeply interested in that bill. I also have a son, who is currently in Congress, and who is getting married. I do not wish to turn down my duties to him in deference to my duties here in opposition to that measure. I have to live with him a lot longer than with my fellow Senators.

Mr. MANSFIELD. I know; but may I ask the Senator what Solomon-like answer he would give were he in my shoes?

Mr. GOLDWATER. Well, if I were in the Senator's shoes I would join the Republication Party. [Laughter.]

I would suggest, because this matter is not going to be settled quickly—I think there will be 3 or 4 days of debate on it—that if it could be put off until after Easter, it would serve the Senate better, and we can take care of some other bills that can be taken care of better in the interim.

There is no big hurry about having the war powers bill passed right now. It can pass at any time.

Mr. MANSFIELD. That is correct.

May I say that the joint leadership will do its best to cooperate with the distinguished Senator from Arizona. But I wish he would exercise his usual forbearance—and I say that most seriously—and recognize the position we are in. If we can accommodate him, we will; but it is my impression that the bill will take 3 or 4 days, and I do not think we can finish it before we go out on a 2-day Easter recess beginning at the conclusion of business a week from tomorrow.

Mr. GOLDWATER. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The unanimous consent agreement reads as follows:

> *Ordered,* That effective at 10:15 a.m. on Thursday, March 23, 1972, during the further consideration of S. Res. 280, a resolution authorizing Senate intervention in the Supreme Court proceedings on the issue of the scope of article 1, section 6, the so-called speech and debate clause of the Constitution, debate on any amendment shall be limited to 1 hour, to be equally divided and controlled by the proponents of the amendments and the Senator from North Carolina (Mr. Ervin). *Ordered further,* That debate on the resolution be limited to 1½ hours to be equally divided and controlled by the Senator from North Carolina (Mr. Ervin) and the minority leader or his designee.

Mr. MANSFIELD. This agreement will not become effective until the hour of 10:15 tomorrow. There will be no morning hour for the conduct of morning business. There will be three speeches, however. So what will be said tonight will be to lay the foundation for the discussion which will be resumed tomorrow.

I hope that Senators who want to speak on the matter will do so, because I should like to read the RECORD in full before we get back on the resolution tomorrow morning.

There will be no more votes tonight.

Mr. BROCK. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. BROCK. I should like to take this opportunity to clarify a couple of points.

The Senator from North Carolina, the Senator from Montana, and the Senator from Ohio were discussing the matter of fees. Perhaps the Senator from Ohio or the Senator from North Carolina can tell me whether or not he has any assurance from the Senator from Alaska or his counsel as to the amount of the fees which might be anticipated under the resolution.

Mr. SAXBE. I believe the Senator heard what I said about the matter. We made a diligent attempt to obtain that information in contacting the Senator's counsel, and the nearest they would come to say that it would be less than six figures. But I might add that that certainly is not binding in any way upon this body or upon them.

Mr. BROCK. The Senator from Montana said that he understood the figure might be closer to $20,000 to $25,000.

Mr. MANSFIELD. I said that that was a figure which was bruited about. We had nothing to go on to confirm it. It was just a figure taken out of thin air, so it has no validity.

Mr. BROCK. Would the Senator from North Carolina be able to give us any idea of what the fees for the Senate portion of the resolution might be?

Mr. MANSFIELD. I would have to defer to the distinguished Senator from North Carolina for an answer to that question.

The question was whether we could give the Senator from Tennessee any idea as to what fees might be necessary to carry on such a proceeding before the Supreme Court. Is that correct?

Mr. BROCK. Yes.

Mr. ERVIN. I was just in consultation with the Senator from Alaska, and he said that he could inform me in the morning as to what his counsel thought it would be. I would suggest that we await that information, which I think the Senator is entitled to have.

Mr. BROCK. I would appreciate it very much. I would be delighted to wait until morning.

I should like to ask the Senator a further question. I think he would like to assure his constituents, as I would mine, that this action does not constitute an expression of support or even an attempt to condone any action which may have been undertaken by the Senator from Alaska personally.

Mr. ERVIN. The resolution contains a provision at the top of page 3 which reads:

> *Resolved,* That these resolutions do not express any judgment of the action that precipitated these proceedings.

I think that under that reservation it would not.

I do not think it involves a question of whether the Senate approves the action which resulted in this lawsuit. The question is whether the Senate will stand up and fight for its undoubted privileges under the speech and debate clause.

Mr. BROCK. Would the Senator then clarify for me why the resolution has to go to the point of expressing willingness to pay the legal fees of the Senator from Alaska. He has voluntarily sought to be a party to this suit. Why could we not then limit ourselves to paying the fees of the Senate, which many of us could support?

Mr. ERVIN. The answer to that question is simply this: The ability of the Senate to present its views on this point depends upon the ability of the Senator from Alaska to make a presentation of his appeal, because our appeal would be much like a veriform appendix. It would be annexed to his appeal.

The thought of the Democratic Policy Committee was that we ought to make certain that he would be financially able to present his cause to the Supreme Court. Otherwise, our cause would fall, too.

Mr. BROCK. By this action does the Senator from North Carolina, or the Democratic Policy Committee, endorse every element of the Senator from Alaska's appeal?

Mr. ERVIN. I do not.

I mean no offense at all to the Senator from Alaska, but I invite the attention of the distinguished Senator from Tennessee to a statement in one of the Supreme Court opinions—I believe it was by Justice Brandeis—that some of the greatest constitutional doctrines have been declared in cases which involved people who were not too respectable.

I am not referring to the Senator from Alaska on that point, but it is to illustrate the fact that out of conduct of which we may disapprove sometimes arise decisions which establish great constitutional principles.

Mr. BROCK. I am in favor of great constitutional privileges so long as they are not rooted in something with which I very much disagree.

I have a great caution about asking my constituents in the State of Tennessee to pay legal expenses for an action with which they would disagree.

I raise this point because it seems to me, that the Senate could act fully, properly, and in the public interest in presenting its own case without being involved with the actions of the Senator from Alaska, either by implication or otherwise.

It seems to me that if the Senator says, as he has said, that he cannot in good conscience support the brief or the appeal of the Senator from Alaska as stated, then it is somewhat out of phase with our own responsibilities to ask the people of the country to pay the expenses of that suit. It seems to me that we have every right to protect the prerogatives of the Senate.

Mr. ERVIN. I did not quite say that. I said that I thought the adoption of the resolution authorizing the Senate to file an amicus curiae brief did not constitute an endorsement of the action taken by the Senator from Alaska. In fact, that is exactly what the resolution expressly disclaims.

Mr. BROCK. If the Senate is going to present its own view to the Supreme Court, which it has every right to do, then should it not hire its own counsel? Should we then designate one Member of the Senate to retain counsel for the Senate, because is that not what the Senator has done when he says we are going to pay the legal fees of the Senator from Alaska?

Mr. ERVIN. I am cautious about things like that, because I do not like to hire counsel and have no authority to pay, when no authority exists to pay the fee.

Mr. BROCK. The resolution empowers the Senator from Alaska to retain counsel or to continue paying counsel he already has, and to add additional counsel without limit.

Mr. ERVIN. I do not think so.

Mr. BROCK. I do not see anything in the resolution which limits him.

Mr. ERVIN. I would construe the resolution as allowing the Senate to employ counsel to prepare a brief, not the Senator from Alaska.

Mr. BROCK. I would refer the distinguished Senator to line 6 of page 2, which reads:

> *Resolved,* That any expenses incurred pursuant to these resolutions, including the expenses of the junior Senator from Alaska.

That has no limit, no condition, no criteria. He can hire anybody he wishes, as many as he wishes, at whatever price he wants to pay, and we have no assurance as to what kind of brief is going to be presented. Yet we purport to present it on behalf of the Senate and that the people are going to foot the bill.

Mr. ERVIN. I do not think we would have the authority to tell the Senator from Alaska what kind of brief to file.

Mr. BROCK. I do, if the Senator is going to ask the taxpayers to pay for it.

Mr. ERVIN. It would not work that way because we cannot file a brief for the Senate unless the Senator from Alaska prosecutes his appeal—is proceeding on a writ of certiorari. We do not have to adopt the same position that he takes in his brief.

Mr. BROCK. Does the Senator honestly tell me that the Senate itself cannot submit its own brief before the Supreme Court as amicus curiae in this case without referring to the Senator from Alaska at all?

Mr. ERVIN. Yes, because if it were not for the Senator from Alaska's case, there would be no need for the Senate to intervene as amicus curiae.

Mr. BROCK. Then, why do we have to participate? Why do we have to pay counsel for the Senator from Alaska when we have our own counsel? That is what I cannot seem to get through to the Senator.

Mr. ERVIN. That is just the point which I understand the Senator from Ohio (Mr. SAXBE) is going to present by an amendment which, I presume, would be to eliminate this matter; in which event, of course, the Senator from Tennessee will be at liberty to vote for that amendment. He would also be at liberty to vote against the resolution in case such an amendment were rejected.

Mr. BROCK. The Senator can count on one thing, and that is that the Senator from Tennessee will support that amendment very vigorously.

Perhaps the distinguished Senator will answer one more question for me: How can I explain to my constituents that because this body, even if it is protecting the interests of the Senate and ultimately the interests of a legislative body, would raise their taxes and levy a fee upon their incomes so as to pay for the actions of the Senator from Alaska and his legal counsel in his defense?

Mr. ERVIN. The Senator from Tennessee has just put to the Senator from North Carolina a most difficult question. Tennessee used to be a part of North Carolina. North Carolina tried to explain things to the people of Tennessee, but the people of Tennessee would not take North Carolina's explanation. Finally, to settle the problems which arose between North Carolina and Tennessee, we gave them to the Federal Government. [Laughter.]

Mr. BROCK. We bless you for that. We have both prospered in the process. My grandfather came from North Carolina. We are proud of that heritage. We have learned from the process. However, the Senator is not responding to my question.

Mr. ERVIN. North Carolina, notwithstanding the fact that Tennessee was sometimes a wayward child, is very proud of her daughter, Tennessee. I think the Senator from Tennessee could explain to the people of Tennessee that here is a case which involves, in a most serious manner, the prerogatives of all Members of the Senate under the speech and debate clause of the Constitution, and that if he votes for the resolution, he can tell his people that he voted for the resolution in order to make it certain that the prerogatives of the Senate were fully sustained insofar as we could do so by persuasion upon the Supreme Court.

Mr. BROCK. I very much respect and admire the distinguished Senator from North Carolina. He is the most able constitutional lawyer in this body. I honor him.

Mr. ERVIN. I appreciate that compliment, but sometimes I think the Supreme Court had such an aversion to approving anything I knew on that subject, that it left me in a state of total ignorance. [Laughter.]

Mr. BROCK. I do respect the Senator from North Carolina, and I respect his statement that great constitutional questions can come from unfortunate situations.

I find the implications of this unfortunate situation of compelling interest at this particular juncture. I find it somewhat difficult to rationalize the first "Whereas," on page 2, which reads:

> Whereas this case necessarily involves the right of the Senate to govern its own internal affairs and to determine the relevancy and propriety of legislative activity and the scope of a Senator's duties under the rules of the Senate and the Constitution;

Mr. ERVIN. I will say that I do not have any difficulty with that, although I do not like "whereases" as a proposition. But under the Constitution of the United States, the Senate has the right to discuss with any Member of the Senate any conduct in which he may engage, which may be in violation or which the Senate might consider to be disorderly. I think that one of the crucial questions involved in this case is: Can a Senator of the United States be required to answer, either directly or indirectly, before a grand jury, for conduct which the Senate alone has the power to deal with? I think that is a very serious question.

Mr. BROCK. I would agree as to the seriousness of the question. I, frankly, would be more prone to follow the leadership of the Senator from North Carolina if the Senate had openly considered this question. But it has not. To my knowledge, no official body of the Senate of the United States has undertaken any action, or made any effort, to investigate the conditions surrounding this case.

Mr. SAXBE. Mr. President, if I might interject a comment, I was informed that the Committee on Public Works, in executive session, did consider the reporting fee, and the chairman and the ranking minority member objected to it. It was not further considered. That is as near an action in this regard that the Senate has taken.

Mr. GRAVEL. Mr. President, will the Senator from Tennessee yield at that point?

Mr. BROCK. I am delighted to yield to the Senator from Alaska.

Mr. GRAVEL. I wonder: Did I hear correctly that there was a reporting bill which was discussed in the Public Works Committee?

Mr. SAXBE. I was told that the reporting fee for the reporting of the subcommittee meeting was presented to the full Committee on Public Works and that it was objected to by the chairman of the committee, the Senator from West Virginia (Mr. RANDOLPH), and by the ranking minority member, the Senator from Kentucky (Mr. COOPER), and it was not further considered. No action was taken. Can this be clarified?

Mr. GRAVEL. I believe that the Senator from Kansas (Mr. DOLE), who is now in the Chamber, was one of the Senators at that meeting, and he knows the facts. He knows that a fee was not reported to the committee, but there was a fee which was objected to by the ranking minority member, and I volunteered to pay the fee. Similarly, the ranking Republican member of that committee, the Senator from Connecticut (Mr. WEICKER), also offered to pay the fee. Those are the facts.

Mr. SAXBE. What I referred to was the full Committee on Public Works.

Mr. GRAVEL. That is exactly what I refer to. The Senator from Kansas (Mr. DOLE) was present at that meeting, and if there is any explanation that can be made, it can be made by Senator DOLE.

Mr. BROCK. Perhaps the Senator from Kansas would inform us of the facts surrounding the action by the full Public Works Committee.

Mr. DOLE. Mr. President, as I recall, the meeting was held in executive session on July 8 and there was much discussion; but the final outcome was basically as the Senator from Alaska has indicated, that the question of the reporting fee may have been raised but the transcript has never been accepted by the Public Works Committee. The Senator from Alaska did volunteer to pay the reporting fee, and I believe that the Senator from Connecticut (Mr. WEICKER), on his own, and not as a member of a minority on the committee, asked if he might be permitted to pay one-half the fee. Whether he has done that, I am not certain; but there was never any committee action to pay the fee, nor has the transcript of the hearings on June 29 and June 30 been received by the committee.

That is why I am concerned, too, about the language raised by the Senator from Tennessee, on the legislative activity. I wonder, as a Member, if the resolution would not ratify the conduct of any Senator, not try to judge a Senator's conduct, but would, in fact, ratify the conduct of having an unauthorized subcommittee meeting without notice or any minority member being present, and about a subject over which the subcommittee had no jurisdiction.

If that is the case, maybe I can have a committee meeting on whether the Democrat National Committee should pay its telephone bill of $1.5 million. Then we can go to the Supreme Court and I can ask that the Senate pay for my counsel fees. I do not believe that is the intent of the resolution. I do not believe that I have that right as a Senator to have any hearings anywhere and say: "We will have hearings tonight. Follow me to whatever room I might be able to find," and then have some kind of hearings. Maybe I can after the resolution is adopted.

Mr. MANSFIELD. Mr. President, if the Senator will yield, the Democratic National Committee is not an adjunct of the Senate. There is no Senator on that committee that I know of, and certainly there is no relation to this institution.

Mr. BROCK. Mr. President, what about the Beacon Press? They were very much involved in this case. Are we going to endorse this, and can a Senator by anointment grant immunity to anyone he designates?

Mr. MANSFIELD. Mr. President, may I say, to keep the record straight, that what the Democratic Policy Committee did unanimously, and only after calling in as a special guest the distinguishd senior Senator from North Carolina, was to recognize a proposition which did not affect the Senator from Alaska so much as it affected the Senate as an institution and all Senators as individuals, the GRAVEL incident aside.

We immediately got in contact with the distinguished minority leader the same day. They were having a luncheon. We sent word to Mr. Ferris or Mr. Leach so that any questions could be answered so as to indicate that what we were attempting to do would be subject to the approval of the Republicans.

As the distinguished Senator knows, this is not a Democratic proposal, although it is in the form of a resolution introduced by two Demorcats. It is a Senatorial proposition, and it affects the Senate as an institution and all Senators as individuals.

I hope we will not get down to the Democratic National Committee telephone bill and whether it is due the A.T. & T., the I.T. & T., or whatever it is, or to the Beacon Press. We are talking about the Senate. That is what counts, and that is the most important factor so far as we as individual Senators are concerned. We re trying to keep alove the greatness of this institution.

Mr. BROCK. I am making every effort to do that. I revere this body. However, there is a serious question as to whether by paying the counsel fees of the Senator from Alaska in this case we do not in fact endorse whatever brief is filed, and if a Senator could designate some attorney, whether he is on his staff or not, to receive immunity, he would be a party to that and the Senate would be a party to it because it is paying for it.

Mr. DOLE. Mr. President, I did not mean to use that as an example. It just came to my mind. However, it has been on my mind for some time.

Mr. MANSFIELD. It has been on our minds, too.

Mr. DOLE. In any event, I think it raises a very serious question. Do we ratify the conduct of the Senator from Colorado or the Senator from Ohio or the Senator from Kansas? We are not the majority party. I am using ourselves as an example. If we adopt this resolution, will anything prevent me from having a committee meeting tomorrow night?

Mr. ERVIN. The resolution does not deal with a committee meeting.

Mr. DOLE. Suppose I had one.

Mr. ERVIN. It says on lines 1, 2, and 3 of page 3:

> *Resolved*, That these resolutions do not express any judgment of the action that precipitated these proceedings; . . .

I do not know how that could be expressed more clearly. It is not an expression of approval. It is not approval.

Mr. DOLE. We have not been in touch on that issue. However, if some other Senator did something that might be similar to what has been done, we might get in touch with that Senator and discipline him in some way.

Mr. ERVIN. The issue in which we are primarily interested is whether a Senator is to be called on to be questioned in some other place in a court by the executive branch for action taken by him in the execution of his duties.

Mr. BROCK. It is a lot more than that. It is whether he or his political appointees or hirelings or anyone else he selects should be called on.

Mr. ERVIN. The court has passed on the question as to whether Dr. Rodberg was, within the meaning of the law, an aide to Senator GRAVEL. That matter is not involved.

Mr. BROCK. The court has acted. However, has the Senate acted? If the Senate is going to stand up and say before the court: "Let us alone. Grant us total immunity. Give us the right to run our own affairs and police our interests," I think we have a right to do that, if we undertake this action.

Mr. ERVIN. When one gets into court, he has to go on the record whether he likes it or not. The Senator may not like it. However, it has been found that Dr. Rodberg was his aide. That question is immaterial.

A Senator has the right to seek the assistance of anyone in the performance and execution of the duties of his office. And he cannot be called upon to answer for the exercise of those duties by the examination of any of his assistants that he avails himself of.

Mr. BROCK. If the Senate, through this resolution, were to hire counsel for the Senator from Alaska it would be fair to say then: "You have condoned every action that has been taken." That is the question I was asking before, because we have taken no action of our own.

Mr. ERVIN. I have disagreed with people many times. I have made contributions of money to a man whose conduct I viewed as reprehensible in order to assure that he had a fair trial according to law. I did not endorse his conduct. I just assured him that he would have a fair trial.

Mr. BROCK. The Senator just got through saying that. So why do we pay the Senator's expenses?

Mr. ERVIN. Simply because another branch of the Government can impose on the separation of powers, are we going to sit supinely by and let some other branch of the Government exercise the power that the Constitution gives us to deal with our own Members and let them deal with those Members?

Mr. BROCK. We are sitting supinely by when actions are taken with which a number of Senators disagree and we take no action.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. BROCK. I yield to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I just want to point out in connection with what the Senator from North Carolina is saying that, yes, we are all willing to go in and say that the immunity of a Senator of the United States or maybe even of some of his staff members ought to be protected. However, if we are going to file a brief and if, as the Senator from Tennessee says, any Member can anoint somebody by talking to him or writing to him or asking him for an opinion that is set forth within the parameters of what the Supreme Court is looking at, I for one do not want any part of it.

I do not think the Senate ought to be involved in asking for immunity for themselves or for anyone else.

Mr. ERVIN. I do not think a Senator can anoint anyone under the debate and speech clause except to the extent that the man had been employed in the execution of his duties as a Senator. The question involved in this case is, How far can a Senator go?

Mr. BROCK. Mr. President, will the Senator deny that every voter in Tennessee who voted for me aided me in the performance of my duties by placing me here?

Mr. ERVIN. No. They put the Senator from Tennessee in a position where the Senator from Tennessee acquired the legal capacity to execute the duties of the office of a Senator. They did not aid him in the execution of his duties.

Mr. BROCK. Every time anyone writes me a letter, if I give him personal attention, I can then extend the immunity to him. I do not think there is any divine right.

Mr. ERVIN. If the Senator summons that resident from Tennessee and has him assist the Senator here in the performance of his duties, I think he would be clothed with the same immunity with which the court said Dr. Rodberg was clothed.

Mr. BROCK. Whether he is on the payroll or not?

Mr. ERVIN. Absolutely. That is my position. The question is whether the Senator avails himself of his assistance. The question is whether he aids the Senator in the execution of his office, and not whether he is on the payroll. The question is whether he aids the Senator.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. MATHIAS. Mr. President, I think it would be useful to get this question back within the perimeter of what is practical and what we are really concerned about.

The housekeeping questions within the Senate, I agree totally with the Senator from Tennessee, are the Senate's problems.

If the Senate has doubts and resolves those doubts by action, that is one thing. If it resolves them by inaction, that is the same thing because inaction can speak as loudly as action on occasion.

The point is that those are problems for the Senate to resolve, and neither the courts nor the executive should involve themselves in the internal workings of the Senate. That is essentially what the court in Massachusetts said over 100 years ago. The court will not look beyond the record.

But in this case we have something new, and that is to have the court consider the extent of the immunities conferred under the speech-and-debate clause. This was a subject the Senator from North Carolina will recall was discussed before the Subcommittee on Administrative Practice and Procedure of the Committee on the Judiciary. We had among witnesses before the committee the then Assistant Attorney General William Rehnquist, who is now Mr. Justice Rehnquist, and who at that time was in the Office of Legal Counsel. Mr. Rehnquist gave a succinct description of what we are talking about. He was speaking on behalf of the Justice Department in connection with the executive privilege and he said:

> The President is entitled to undivided and faithful advice from his subordinates, just as Senators and Representatives are entitled to the same sort of advice from their legislative and administrative assistants, and judges to the same sort of advice from their law clerks. The notion that those engaged in directly advising members of any of the three branches of the government should have their work filtered through a process of analysis and criticism by columnists, newspaper reporters, or selected members of the public before that advice reaches their constitutional superior is entirely at odds with any system of responsible popular government.

I go back and read that statement

again because it is an interesting choice of words. Justice Rehnquist is noted for his careful choice of words:

> The notion that those engaged in directly advising members of any of the three branches of the government should have their work filtered through a process of analysis and criticism by columnists, newspaper reporters, or selected members of the public before that advice reaches their constitutional superior is entirely at odds with any system of responsible popular government.

I think in commonsense language that that states the proposition. He is not talking exactly on the point here of bringing a matter before the grand jury, but it is the principle involved here and one about which there is not much dispute in the Senate.

Mr. SAXBE. I compliment the Senator for bringing that matter to the attention of the Senate and returning us to the area we have been discussing.

I started out by discussing our sincere regard for protecting the rights and immunities of the Senate. But the very nature of the acts which are brought into discussion here—and I might say that the full colloquy on this is excellent because it brings up the acts for scrutiny—just does not jibe with the conduct of this body in the procedure of orderly legislative action.

I might add, too, that the Senate itself has recognized this, because since that time the committee, including the Committee on Public Works, has adopted certain rules that obviously require adequate notice. The slipping of notes under doors in the middle of the night and giving the color of legality to an obvious rump meeting is no longer possible. So the Senate has recognized this, but it has recognized it belatedly.

The question of whether the Senate should or should not consider censure for such activity is something that is brought up here on the floor for the first time. In talking about the resolution, we should recognize there are a great many unanswered questions which I hope we can go to directly tomorrow in the matter of these amendments. Then we can take some action, which I feel in many areas the majority can concur with in putting some limits on fees and some control in narrowing the areas, and certainly in seeing to it that the short time remaining is fully taken advantage of.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SAXBE. I yield.

Mr. MANSFIELD. Any proposals to be offered tomorrow will be given every consideration by the majority.

I would point out that this is not a Democratic or a Republican matter. I would like to make a few observations, if I may, because the one thing we do not want to get involved in here is a political implication, because nothing could be further from the thoughts of the Senate, if it is the thinking of the Senate, than thoughts on politics. I assure the Senator that every proposal made tomorrow will be given every consideration by Members on this side of the aisle.

Mr. SAXBE. If the Senator will yield on that point, the attitude that is prevailing among Members on this side at present, and a great many other people, is that the Senate is unwilling to recognize the dereliction in this particular instance, and that the majority has collected in a protective shield around the Senator from Alaska to carry him through so that he will suffer no harm, no financial damage, and because of what we think was an unwarranted use of a then-existing committee facility he had available to him.

Mr. MANSFIELD. Mr. President, if the Senator will yield, the Senate is the judge of the propriety of the actions of the Senator from Alaska, and the Senate only; not the Supreme Court, not the executive branch, but the Senate, and the Senate only. If the Senate wishes to pay or not to pay the hearing transcript fees of Senator GRAVEL, or to sanction or censure the activities of any Senator, it is for the Senate, and the Senate alone, to decide. That is the issue before us.

Is the Senate as an institution going to be the judge of its own affairs? If any Senator's activities are going to be judged, let the Senate alone be the judge. That is the meaning of the resolution before the Senate.

I emphasize the role of the Senate, not a Democratic-controlled Senate but a Senate made up of Republicans and Democrats who have to make the decisions themselves, and not allow the executive branch or the judicial branch to take unto themselves that which is our responsibility.

Mr. SAXBE. Mr. President, I certainly agree with the basic statements that the Senator has made, but I do not believe the resolution as it stands at present is a fair statement of our attitude. There is a great deal of common ground in the resolution, common ground that both of us can agree on, and I think the whole legislative process at its best—which I hope will operate tomorrow—will shape the resolution in such a manner that we can go together into the Supreme Court to protect those things which we think are always subject to attack.

Mr. ERVIN. Mr. President, I should like to pay tribute to the majority leader. I just told him that the finest constitutional lawyer in America could not have made a better statement of the principle which is involved before us here.

A good many years ago we had turmoil here over the situation of Senator Joe McCarthy. At a later time there was a great deal in the press about the conduct of Senator Dodd. On those occasions the Senate recognized that the Senate alone has the right to judge a Senator for disorderly conduct in his office as a Senator, and nobody else. That is the principle that is involved here, as we see it.

Mr. SAXBE. I know the Senator sees it that way, and it is also obvious that Senators there see nothing wrong in the actions of the Senator from Alaska in what he did in his frustration after not being able to disclose these secret papers on the floor of the Senate. Therefore, we feel that this type of colloquy is extremely important in bringing the actions out, and we think we can better find the common interest in this.

We are talking about days and time, and the fact that the brief has to be printed and filed.

I might say that, on instructions of the Republican conference, we, with what lawyers we have available—I think they are excellent lawyers—have been working on a brief. We think we can do it in-house. In other words, we think we can, with the tremendous level of legal knowledge and experience we have in the Senate, prepare an in-house brief.

Many of us have appeared before the Supreme Court of the United States many times. We think that in this case the issues are clear, as set out in the circuit court of appeals. We want to sustain it. We question whether we can hire better counsel than we can lay hands on here.

Certainly, if we make the laws, we think that we can defend those same laws. However, this is something we can bring up tomorrow in the way of amendment. I truly hope that Senators will look over the amendments, that Senators will be provided with copies, in the hope that we can find a common ground and a common interest.

Mr. ERVIN. I think the Senator from Ohio has just taken a very sensible position. I shall be glad to examine the amendments overnight, if I have copies of them.

Mr. MANSFIELD. Mr. President, I will read this debate with a great deal of interest. It has been instructive as well as constructive. I am glad we spent so much time on this matter, in which the Senate is under consideration as an institution.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. DOMINICK. I wanted to tell the Senator from North Carolina and other Senators, as well, that I shall be preparing three more amendments, other than the ones that are here, but I will not need much time. I hope that when the amendments come up and we get them out of the way, we will not need these at all. I think they can be disposed of in a half hour or less.

Mr. MANSFIELD. I appreciate the remarks of the Senator from Ohio. This will speed up the consideration of the matter—not that we are rushing, but we do have other legislation which the leadership hopes to have completed before the recess begins a week from Thursday.

ORDER FOR RECOGNITION OF SENATOR TUNNEY TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that tomorrow, following the recognition of the distinguished Senator from Minnesota (Mr. MONDALE), the distinguished Senator from California (Mr. TUNNEY) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO PROCEED TO PENDING BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of Senator TUNNEY's remarks there be no morning business or no morning hour and that the Senate proceed directly to the pending resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRECEDENTS FOR PAYING COUNSEL FEES

Mr. ERVIN. Mr. President, before we adjourn, I ask unanimous consent that a statement showing the precedents for the Senate to pay counsel fees be printed in the Record.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

Memorandum

The Republicans will propose amendments to the Gravel resolution which would prohibit the financing of Senator Gravel's legal expenses. However, there are a number of precedents for this provision of the resolution.

During recent history the Senate has, on two occasions, authorized the retention of private counsel to represent Members and staff aides who have been sued in their official capacities when the issues involved in the litigation relate to the privileges of the Congress. In the first case, *Dombrowski* v. *Eastland*, the Judiciary Committee voted to retain Roger Robb as counsel to represent Senator Eastland and Mr. Sourwine. Upon the request of Chairman Eastland, the Rules Committee authorized payment out of the Judiciary Committee's funds for attorney's fees, expenses and assessed court costs. In the second case, *McSourley* v. *McClellan* now pending in court, the Permanent Investigating Subcommittee has followed a similar procedure to retain H. Jack Miller to represent Chairman McClellan.

In the Eastland and McClellan cases, the plaintiffs sued because Senate Committee employees carried out the orders of their Committee Chairman to seize documents and records belonging to the plaintiffs. It was further alleged that the Senators and employees involved had used the Committee processes. In the Gravel case the Department of Justice is seeking to question an aide of the Senator's because that aide carried out the directions and orders of his Senator.

The Justice Department has also claimed that the Senator and his aide used the Committee process for an improper purpose. The only difference between the prior cases and the Gravel case is that Senator Gravel decided to intervene to protect the Senate and himself whereas Senators Eastland and McClellan were sued. However, it now seems reasonably clear that Senator Gravel acted wisely for at the time the subpoena was issued the Senate was not in session and he had only 36 hours within which to act. If he had not moved to intervene, the Senate's vital interests would have been totally unrepresented.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9:30 a.m.

Senators Gravel, Mondale, and Tunney will each be recognized for not to exceed 15 minutes, and in the order stated.

There will be no period for the transaction of routine morning business.

The Senate will then immediately resume its consideration of the Ervin-Mansfield resolution, on which there is an agreement of 1½ hours on the resolution and 1 hour on any amendment thereto.

When that resolution has been disposed of, the Senate will take up S. 3178, the suspension of section 315, equal broadcasting time. Final action is hoped for tomorrow on the equal broadcasting time bill.

The leadership also hopes to dispose of S. 2895, dealing with egg prices. Moreover, if cleared, the leadership hopes to dispose of Senate Joint Resolution 193, Cape Canaveral, and S. 3153, Gulf Islands National Seashore.

There will be rollcall votes tomorrow, and we may very well have a long day.

ADJOURNMENT UNTIL 9:30 A.M.

Mr. SAXBE. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9:30 a.m., tomorrow.

The motion was agreed to; and at 6:35 p.m. the Senate adjourned until tomorrow, Thursday, March 23, 1972, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 22, 1972:

Agency for International Development

Jarold A. Kieffer, of Minnesota, to be an Assistant Administrator of the Agency for International Development, vice Herbert Salzman, resigned.

U.S. District Courts

Otto R. Skopil, Jr., of Oregon, to be a U.S. district judge for the district of Oregon, vice Alfred T. Goodwin, elevated.

James M. Burns, of Oregon, to be a U.S. district judge for the district of Oregon, vice Gus J. Solomon, retired.

U.S. Coast Guard

The following named officer of the U.S. Coast Guard Reserve for promotion to the grade of rear admiral:

Charles J. Hanks.

HOUSE OF REPRESENTATIVES—*Wednesday, March 22, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Search me, O God, and know my heart: try me and know my thoughts: and see if there be any wicked way in me and lead me in the way everlasting.—Psalm 139: 23, 24.

Eternal Father, to whom the darkness and the light are both alike in the midst of the troubles of these trying times, worn and weary by worry and work, we turn to the quiet calm of Thy presence. For a moment we would be still and know that Thou art God.

Endow us with insight to understand the needs of our people and help us to work for greater justice in our land, for fuller freedom among the nations and for an enduring peace in our world. May we realize that Thou art our Father, our fellowmen are our brothers, and we are our brothers keepers. With this vision of Thy kingdom may we make our decisions, mold our laws and build our Nation. Thus may we walk from darkness to light, from weakness to strength, from fear to faith and from any ill will to an abiding good will. In the mood of the Master, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 904. An act to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 3054) entitled "An act to amend the Manpower Development and Training Act of 1962," agrees to a conference requested by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Nelson, Mr. Kennedy, Mr. Mondale, Mr. Cranston, Mr. Hughes, Mr. Stevenson, Mr. Randolph, Mr. Taft, Mr. Javits, Mr. Schweiker, Mr. Dominick, and Mr. Beall to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 764. An act to authorize the disposal of lead from the national stockpile and the supplemental stockpile;

S. 773. An act to authorize the disposal of metallurgical grade chromite from the national stockpile and the supplemental stockpile;

S. 1379. An act to authorize the Secretary of Agriculture to establish a volunteers in the national forests program, and for other purposes;

S. 3086. An act to authorize the disposal of nickel from the national stockpile; and

S. Con. Res. 55. Concurrent resolution providing for the recognition of Bangladesh.

HOUSING BOOM CONTINUES TO PACE OUR ECONOMIC EXPANSION

(Mr. WIDNALL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WIDNALL. Mr. Speaker, the unprecedented boom in new home construction accelerated in February. Private housing starts soared 8.4 percent over the previous month, to a seasonally adjusted annual rate of nearly 2.7 million units. This unusually strong advance indicates that the housing sector will continue to be a potent contributor to the economic expansion and provide the new homes so essential to the wellbeing of this Nation's families.

It is important to put these statistics in perspective. The many record-breaking months of housing construction recently may give some the idea that the housing sector has always been strong. This is, of course, a mistaken impression. Until recently, we have never had a year when housing starts totaled 2 million units. Until recently, we would have to go way back to 1950 to find a month when housing starts reached an annual rate of 2 million.

During the 1960's, housing starts never reached an annual total of even 1.6 million units. In contrast, the total for 1971 is now estimated to be nearly 2.1 million units. February 1972 is the third consecutive month that the level of starts has remained above the 2.4 million unit mark. And the level of permits for new home construction remains at 2.1 million, suggesting that starts will remain strong for many months to come.

It is easy to find bad economic news if one searches hard enough. But the housing sector will give pessimists no consolation. Housing construction has been unusually vigorous. And the signs are that this sector will continue to add strength to the current economic expansion.

HON. OGDEN R. REID WELCOMED TO DEMOCRATIC PARTY

(Mr. HAYS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HAYS. Mr. Speaker, I join with my colleague, the gentleman from Indiana (Mr. Brademas) and the majority leader in welcoming the conversion of the gentleman from New York (Mr. Reid) to the Democratic Party. I have been a friend of Ogden Reid since he came to the House. I think he is a sound, dedicated, hard-working Member. I think he will be a valuable addition to our party.

Might I say this is in great contrast to the mayor of Fun City, who lately converted to the party, Mr. Lindsay. I also knew him when he was here. He served on my NATO Committee. He made absolutely no contribution. He is phonier than a Confederate $3 bill with Abraham Lincoln's picture on it.

TRIBUTE TO THE LATE LAURENCE E. TIERNEY, JR.

(Mr. KEE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KEE. Mr. Speaker, at 2:45 a.m. this morning, Mr. Laurence E. Tierney, Jr., known widely by his friends in "Larry," died at St. Mary's Hospital in Richmond, Va., following extensive and complicated surgery.

Mr. Speaker, Mr. Tierney was a neighbor and very dear personal friend of mine in my home city of Bluefield, W. Va., and he was known as the tower of strength. A man of complete dedication not only in southern West Virginia but throughout a good part of the United States.

Unfortunately, time does not permit me to list his unexcelled positions of responsibility in numerous business enterprises, each one of which grew and prospered under his able leadership. While he retired from many of his business activities, he had the ability to select extremely qualified men to carry on under his most capable direction.

Some time ago, he sold his vast coal interests and at the time of his death, he was chairman of the board of directors of the Flat Top National Bank in my home city of Bluefield. The example he set will long continue to influence and inspire us.

Mr. Speaker, while we are all filled with sadness, I take this opportunity to extend my prayers to Mr. Tierney's family and I have a strong feeling that he will watch over us from his house in the kingdom of heaven.

DRUG ABUSE PREVENTION

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Alabama. Mr. Speaker, yesterday President Nixon signed into law the Drug Abuse Office and Treatment Act of 1972. This bill gives permanent status to the Special Action Office for Drug Abuse Prevention. Under this Office, Government efforts will be coordinated to prevent drug addiction through education, treatment rehabilitation, training and research, and tough law enforcement. The Office will pull together the drug abuse prevention threads which now run independently through 13 Federal agencies. It is my belief that this new approach, coupled with the full cooperation of the Congress and the people, can not only root out the misery peddlers on our city streets, but also provide help to the many victims of this national problem. We must present a balanced attack on this problem. That is, we must move through tough law enforcement against the supply sources for illegal drugs while at the same time moving through strong drug abuse prevention programs against the demand for drugs among our citizens.

We need to fumigate every corner of the breeding grounds for drug addiction. Intense, coordinated efforts such as planned by the Special Action Office for Drug Abuse Prevention will give us a good start on this massive problem.

THE NEWEST CONSUMER FRAUD

(Mr. SMITH of Iowa asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Iowa. Mr. Speaker, I noticed in the newspapers yesterday there were two full-page advertisements by Giant Foods and Supervalue alleging to help the consumer to spend his money better. I was curious, so I went out this morning shopping to the Giant store and the Supervalue store across the road in the 3900 block of Minnesota Avenue. I found as a matter of fact the cost per unit of proteins in the food they are pushing was more than in the food they do not want people to buy. In fact some cuts of meat were as little as one-fifth as expensive per protein unit as pizza, which is the kind of food one ad encouraged people to buy. These ads constitute an outright consumer fraud. They take the consumer's money to buy an advertisement to mislead the consumer. During a special order today following other business previously scheduled, I am going to detail the facts relative to this newest consumer fraud.

INTEREST RATES ON HOUSING

(Mr. PATMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PATMAN. Mr. Speaker, I join my good friend, William B. Widnall, from New Jersey, the ranking minority member on the Banking and Currency Committee, in expressing appreciation that we have a large number of housing starts. It is wonderful.

However, it is a great pity that the people who are building these homes are having to pay from $30,000 to $40,000 on the purchase of a $20,000 home, in interest rates. I believe it is terrible we permit that to be done.

We have been unable to reduce the rates. They can be reduced. They could be reduced to 5 percent on housing loans to the purchaser and owner. There are ways of doing it without additional cost to the Government, to save the people tremendous sums of money. I certainly am dissatisfied that we are not able to do more to save the consumer more money on the purchase of homes, something that is so necessary in the promoting of environmental quality.

THE EFFECT OF CHANGING THE PAR VALUE OF GOLD ON INTEREST RATES

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, it seems to me that implicit in the action which was taken yesterday to devalue the dollar, sponsored and fathered by the gentleman from Texas (Mr. Patman) is an increase in interest rates and inflation, because, if I read the papers correctly, many hundreds of millions, perhaps billions of dollars will be extracted from the U.S. Treasury to take care of the so-called short fall in U.S. contributions to various international institutions due to the deliberate dollar devaluation.

I wonder who is going to take care of the "short fall" for every citizen of this country whose dollars will also be depreciated as a result of yesterday's action by some 8 percent.

CONFERENCE REPORT ON S. 18, GRANTS TO RADIO FREE EUROPE AND RADIO LIBERTY

Mr. MORGAN. Mr. Speaker, I call up the conference report on the bill (S. 18) to amend the U.S. Information and Educational Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of March 14, 1972.)

Mr. MORGAN (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read. It was printed in the RECORD on March 14, I am sure the Members have read the report and the statement.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania.

Mr. MORGAN. Mr. Speaker, I yield myself 5 minutes.

After long and frustrating deliberation, the managers on the part of the House reached agreement on S. 18, which authorizes the funds necessary to keep Radio Free Europe and Radio Liberty operating until the end of the current fiscal year—June 30, 1972.

The Senate agreed to the House figure of $36 million for fiscal year 1972, an increase of $1 million over the Senate authorization.

The House bill included an authorization for fiscal year 1973, but the Senate refused to agree to any authorization for fiscal year 1973. The House accepted the Senate provision which provides funds only through next June 30.

The Senate conferees agreed, however, as set forth in the statement of the managers "that further legislation will be considered before the end of the fiscal year."

The principal issue which confronted the conference committee was the fact that the majority of the Senate conferees wanted Radio Free Europe and Radio Liberty to close down next June 30.

The House conferees insisted that we would not accept the Senate bill if, by accepting their bill, we were put in the position where we might be said to have accepted the Senate contention that the two programs were to terminate on June 30. We did not agree to the termination of of these programs, and the statement of managers includes a statement agreed to by both sides that further legislation will be considered before the end of the fiscal year.

We were confronted with the fact that both Radio Free Europe and Radio Liberty had run out of money and would have to close down unless agreement was reached.

The continuing resolution which had financed their operations since last July expired on February 22. They had been able to meet their payrolls for a couple of weeks, but they said it was necessary to notify their employees that they were closing down unless an agreement on the authorization was reached on March 15.

The Committee on Foreign Affairs was impressed by the testimony of the witnesses who appeared before us last fall in support of Radio Free Europe and Radio Liberty. People who had lived behind the Iron Curtain and who had depended on these two programs for uncensored news gave convincing testimony as to the effectiveness of both of these operations.

I remember particularly that when there were riots at certain seaports in Poland over a year ago, the only way that news of these riots reached the people of Poland outside the cities was from the broadcasts of Radio Free Europe.

I believe that the United States should continue to support these programs. I also believe that this view is shared by a majority of the other body.

The latest information I have is that more than 60 Senators have joined in sponsoring Senate Resolution 272, expressing support for Radio Free Europe and Radio Liberty, but the Senate conferees apparently were not influenced by this indication of the attitude of a majority of the Senate.

The bill that passed the House on last November by a vote of 271 to 12 provides a much more realistic and constructive approach than the legislation we have brought back from conference.

I believe that the conference report before us is the best agreement that could be reached under the circumstances, however, and I urge its approval.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I am glad to yield to the distinguished gentleman from Michigan.

Mr. GERALD R. FORD. Let me compliment the gentleman from Pennsylvania, the distinguished chairman of the committee, and the gentleman from California (Mr. MAILLIARD), the ranking Republican member of the committee, for trying to get a better settlement than has been brought back to the House today. I know that both of them and the other members of the conference on the House side strove mightily to attempt to get a longer life for Radio Free Europe and Radio Liberty and better funding, but complications arose in the conference which, unfortunately, could not be resolved except for the conference report which is before us today.

Could the gentleman from Pennsylvania outline, if possible, what he thinks will happen between now and the end of this authorizing legislation?

Mr. MORGAN. I understand that funds have already been appropriated and are available as soon as the authorization is approved. I can assure the minority leader that as soon as the message comes up from the Executive asking for an extension for the year 1973, the Committee on Foreign Affairs will hold hearings and take action to bring the matter before the House before the end of the fiscal year I believe that the proposal for a study commission to decide what future arrangements should be made for continuing these programs as provided in the House is a good idea and will receive careful consideration by the Foreign Affairs Committee when the matter comes before us again. I feel it is the best approach, and I hope we can extend the life of the agency through 1973 until this study is completed.

Mr. GERALD R. FORD. I thank the gentleman, and I wish him well because I agree with him that this program has had a fruitful and beneficial life from the point of view of the United States. To kill these two programs now I think would be a most unwise act as far as our country is concerned.

Mr. MORGAN. I think that the many expressions of support for Radio Free Europe and Radio Liberty which came from all parts of the country show that these programs are in the best interest of the United States.

Mr. GROSS. Mr. Speaker, will the gentleman yield to me?

Mr. MORGAN. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Would the gentleman refresh my memory? Is the $36 million provided in the conference report the total for fiscal 1972?

Mr. MORGAN. That is right.

Mr. GROSS. The total authorization for this purpose for fiscal year 1972?

Mr. MORGAN. That is correct. This is for fiscal year 1972 which ends June 30.

Mr. GROSS. I thank the gentleman.

Mr. MORGAN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. PODELL).

Mr. PODELL. Mr. Speaker, we have before us a bill to amend the United States Information and Education Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty.

Radio Liberty's history reads of good worthy goals, accomplished by not-so-worthy means. The revelation that Radio Liberty's espousal of the cause of freedom was financed with Central Intelligence Agency funds illustrates this point most cogently.

Thus I welcome S. 18, designed to make Radio Liberty an agent of the public interest, financed by the public and accountable to it. I welcome the proposed study commission and its goal to evaluate the need and appropriateness of such broadcasting in an era of detente.

But there is one sort of broadcasting that is clearly needed now, today, more than ever. That is regularly scheduled Yiddish broadcasts directed to Soviet Jews. Such broadcasts should not replace the regular news and feature items aired in Russian. They should be in addition to such Russian language material.

Such programs serve a dual purpose:

First, they would provide information on cultural, educational, and religious topics that Russian Jews can find nowhere else. For in Russia, all books on Jewish history and culture are locked in libraries for the use of scholars with official authorization. And I need not tell you that the Russian Government rarely favors interested Jews with such permission. In fact, several courageous men and women have served sentences in the notorious Russian labor camps for exactly this crime—unauthorized possession of Jewish educational material. Radio Liberty Yiddish programing could fill this gap now in a time when the consciousness of Russian Jews and their interest in their cultural heritage grows daily.

Second, Yiddish broadcasts to Russian Jews by a radio station financed by the U.S. Government would communicate to the Soviet Jews struggling to retain their cultural identity in an atmosphere of persecution and repression that the people of the United States support them in their valiant fight.

Some people have minimized the potential impact of such broadcasts with deceptive figures on the number of Jews who speak Yiddish. It is true that most Soviet Jews do speak Russian; but it is also true, and much more significant, that most Soviet Jews understand Yiddish. Many, in fact, prefer to use it as a means of retaining their Jewish identity.

Some Americans, free to educate themselves and their children as they see fit, look at the decreasing usage of Yiddish in this country and wrongly conclude that Yiddish is a language of the "shtet Europe shetl" that exists no more. I disagree with this conclusion.

Soviet Jews have no freedom to send their children to cultural schools. But they do have Yiddish with its cultural richness and texture, that expresses 2,000 years of Jewish history like nothing else can, to teach their children. They would be glad, as emphasized by many prominent young Russian Jews who have escaped to the West, for Radio Liberty's help in that task.

It is a task that Radio Liberty can safely undertake without fear of upsetting our efforts to achieve a detente with the Russians. I base this conclusion on a news interview that quoted Ambassador Anatole Dobrynin, of the Soviet Union, as saying that such broadcasting would have no effect on Russian-American relations.

I have written to the Secretary of State and to Radio Liberty on this matter.

I hope that Radio Liberty will use its new freedom wisely and in the public interest, and broadcast regularly scheduled programs in Yiddish.

Mr. MAILLIARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the conference report on S. 18, the bill to authorize funds for the operation of Radio Free Europe and Radio Liberty.

It was an extremely difficult and frustrating conference. I am keenly disappointed that we were not able to sustain the position of the House, which had passed a reasonable and constructive bill on November 19, 1971.

I am sure most Members are aware of this intransigence of several of the Senate conferees. In their effort to kill the radios, they rebuffed our every effort to negotiate a reasonable compromise.

While the conference agreement leaves much to be desired, it does at least continue the radios through the remainder of this fiscal year. It specifies that the conferees agreed to legislation which will continue the programs at the authorized rate of $36 million only for the balance of the current fiscal year "with the clear understanding, however, that further legislation will be considered before the end of this fiscal year."

I hope the House will demonstrate its strong support for the continuation of Radio Free Europe and Radio Liberty by voting overwhelming approval of this conference report.

Mr. BROOMFIELD. Mr. Speaker, the adoption of the conference report on S. 18 today represents the culmination of many months' laborious effort to save Radio Free Europe and Radio Liberty as voices of freedom behind the Iron Curtain. While it is necessary to accept this report, the legislative solution it contains is inadequate because it provides for the continuance of these two valuable radio organizations only until the end of this fiscal year. This is an insufficient reflection of the confidence this body has shown in the two radios. With the adoption of this conference report, we are now faced with the prospect in the near future of going through the hearings again and repeating the whole legislative process in order to obtain legislation for next year. The House bill would have provided a 2-year authorization and a commission to carefully study the desirability of continuing the radios and making their recommendations to the Congress before the end of that period.

In conference, the Senate conferees seemed to be unaware of the fact that the name of the game when the conferees of the two bodies meet is compromise. The Senate conferees refused to budge one iota from their 1-year authorization and from the requirement that the funding be through the State Department rather than through an independent source.

You will recall, Mr. Speaker, that the House version of S. 18 passed this body with 27 votes in favor and only 12 votes against. The Percy-Humphrey sense of the Senate resolution, Senate Resolution 272, advocating the continuance of Radio Free Europe and Radio Liberty has now been cosponsored by 67 Members of that body. This is a clear indication of what the Members of Congress think of the work that is being done by the radios.

As a dramatic indication of how important the voice of Radio Liberty is to those compelled to live behind the Iron Curtain, in the Soviet Union, a letter was sent this week to Congress signed by 97 residents of Israel who were able to leave the Soviet Union. Their plea to the Congress is to preserve Radio Liberty. In their letter they say:

> It is very difficult to explain to you, people of a free country, how vital and important it is for everybody behind the Iron Curtain to get a true and objective information about world affairs.
>
> We suppose that you have already received many letters and requests from righteous persons all over the world, asking you not to close down this station. We believe that they are, as we are, wondering how could you even take into consideration the shutting down of this source of encouragement and hope for so many people!

The record of the hearings in committee is replete with similar statements by former residents of Eastern Europe. We have done the right thing in preserving the radios but it is unfortunate that we must start our labors anew in order to keep the radios from falling victim to those who seek their demise.

The fact that there will be legislation concerning the radios is a tribute to the persistence, patience, and leadership of the distinguished chairman of the Foreign Affairs Committee, the gentleman from Pennsylvania.

Mr. DERWINSKI. Mr. Speaker, I support the conference report with reluctance. I believe Radio Free Europe and Radio Liberty should have long-term authorization and appropriations support, not the very limited time set by this report.

It is my understanding that necessary steps will be taken in the House and Senate to overcome the obstructionist tactics of the junior Senator from Arkansas and legislation extending the operations of these two radio stations will develop in time.

I would remind my colleagues of the House that much as we wish it, the battle for the minds of men is not yet over. So long as censorship prevails in the Soviet bloc, their citizens will seek to know the truth.

If we tire of the competition and write off the minds of millions in the Soviet bloc, we reduce their ability to influence their governments toward the liberalization of policies. To achieve a generation of peace, we must continue to compete for the minds of men.

Mr. SCHEUER. Mr. Speaker, my recent trip to the Soviet Union increased my understanding and appreciation of the vitally needed service to Soviet citizens—Jews and non-Jews alike—provided by Western radio broadcasts. In my conversations with Jews and dissidents in Moscow and other cities, I was told over and over again that the programs of the Voice of America and Radio Liberty, BBC, and Kol Israel make available not only hard information suppressed by official media, but also build for them a deeply needed emotional bridge to the West.

The broadcasts reassure them that they are not alone, that people in the outside world have not forgotten them and continue to take a sympathetic interest in their struggle for basic human rights.

I share the desire to end the cold war and its relics. But, as the Washington Post has noted, Radio Liberty's broadcasts are not "provocative, propagandistic diatribes." Instead, Radio Liberty provides the people of the Soviet Union with news that they are unable to obtain in any other way, and it does so, again in the words of the Post, "professionally, responsibly and effectively." The broadcast of news in this manner cannot be viewed as a continuation of the cold war, and the free flow of information cannot be viewed as an obstacle to the continued search for detente.

It may very well be that the broadcasts of Radio Liberty ought to be further toned down, but the need for reform should not impel us to "throw the baby out with the bathwater." We should make every effort to support Radio Liberty, and the desire for better relations between the United States and the Soviet Union should not prevent the acceptance of this bill which will permit Radio Liberty to continue its broadcast operations.

Mr. RODINO. Mr. Speaker, I am very pleased to give my strong support to the conference report on S. 18, to permit continued funding for Radio Free Europe and Radio Liberty through fiscal year 1972. However, I am at the same time deeply distressed by the recent impasse that for a time threatened to silence the broadcasting of factual news and opinion by these two stations to the peoples of the Soviet Union and the Communist East bloc nations.

It is imperative, in my judgment, that we immediately move to consider legislation to resolve the future role of Radio Free Europe and Radio Liberty following this brief reprieve for the stations' operations.

I have a special interest in these two voices of freedom, Mr. Speaker, for I am the author of Public Law 90–215, enacted in 1967, which amended the Immigration and Nationality Act to permit the naturalization of the dedicated employees of Radio Free Europe and Radio Liberty. Previously these individuals, who for long years selflessly served the interest of the United States abroad, had been unable to obtain citizenship. Despite their permanent resident alien status, they could not fulfill the residency requirements of our Immigration and Nationality Act because they remained in Europe to transmit messages of truth and hope to the peoples of Russia, Bulgaria, Czechoslovakia, Hungary, Poland, and Romania.

I urge approval of the conference report, and I would like to include in the RECORD an article from Time magazine of March 6, and an editorial from the Newark Star-Ledger of March 16 commenting on the importance of continuing the broadcasts of Radio Free Europe and Radio Liberty.

It is my hope that Congress will act expeditiously to consider the role of Radio Free Europe and Radio Liberty, and the proper means of financing their broadcasts, for, as the Time article noted:

> They have both won a reputation for veracity and reliability inside and outside the Communist countries.

The articles follow:

[From Time, Mar. 6, 1972]

TURNING OFF THE RADIOS

For more than two decades, the Soviet Union and its Eastern European allies have tried to silence Radio Free Europe, which beams programs of news, music and political commentary to five Eastern European countries, and Radio Liberty, which broadcasts exclusively to the Soviet Union. Last week both stations were on the brink of being shut down—by U.S. Senator J. William Fulbright.

The chairman of the Senate Foreign Relations Committee is waging a singlehanded and (so far) highly effective battle against the two stations whose broadcasts from West Germany, he feels, jeopardize America's efforts to improve relations with Communist nations. "These radios," says Fulbright, "should take their rightful place in the graveyard of cold war relics."

STOP PAYMENTS

One basis of Fulbright's two-year-old campaign is that the stations, instead of being the private organizations that they claimed to be, were actually supported by the Central Intelligence Agency. Last spring the Nixon Administration ordered the CIA to stop its payments and proposed the creation of a public-private corporation similar to COMSAT that would run the two stations under congressional scrutiny. But Fulbright has created a deadlock between the House and Senate over bills that would keep the stations alive until this or some other new arrangement could be worked out. As a result, a temporary congressional appropriation expired last week, leaving RFE and Radio Liberty with only enough money for a few more weeks of operation.

As it happens, Fulbright's criticism of the stations is itself a cold war relic. To be sure, when they were founded in the early 1950s, both Radio Free Europe and Radio Liberty were indeed propaganda tools that sought to undermine the Communist governments. To its enduring discredit, Radio Free Europe, in the opening stage of the 1956 revolution, encouraged Hungarian freedom fighters to believe that the West would intervene militarily on their side. Since then, however, there have been massive personnel and policy changes at both stations.

MUSIC HOURS

Most of the old émigré right-wingers, who unrealistically ranted for an overthrow of the Communist regimes, were weeded out in favor of younger and more perceptive East Europeans and Soviet defectors. In general, these staffers have tried to encourage a process of liberalization within the Communist societies. No one can evaluate to what degree the stations have affected developments in the East bloc, but they both have won a reputation for veracity and reliability inside and outside the Communist countries.

Radio Free Europe employs 1,600 people, 960 of them at its headquarters in Munich. Operating on a $21 million budget, it broadcasts a total of 557 hours each week in native language to Poland, Czechoslovakia, Rumania, Bulgaria and Hungary. About half of the programs is news and analysis of events in the various East bloc countries. Other programs range from music hours featuring the latest Western rock to special reports on living conditions of foreign workers in Western Europe.

Much of RFE's information comes from monitoring of East European news services and radio broadcasts, and interviews with travelers, The station's 100 political analysts, many of them natives of Eastern Europe, often are able to draw deductions that an official Eastern European commentator could never make. Example: the notion that the Polish government actually encourages alcoholism because it collects a big tax on vodka.

To protect its reputation for accuracy, RFE's broadcasts, if anything, err on the side of caution. When reports of Alexander Dubcek's ouster first came from Prague over a Western news ticker, RFE waited for Czechoslovakia's confirmation before airing the item. Despite the fact that for years RFE held up Yugoslavia as an example of how a Communist regime could peacefully develop toward liberalism, RFE has given extensive coverage to the Croatian crisis that has shaken Yugoslavia's progress toward greater governmental freedoms. Judging by the annual polls of East bloc tourists in Western Europe, RFE's audience is impressive: 78% of all radio-listening Poles, 81% of the Hungarians, 77% of Rumanians, 78% of Bulgarians and 60% of the Czechoslovaks. At present, all the East bloc countries except Czechoslovakia and Bulgaria have given up trying to jam RFE since the broadcasts tend to get through anyhow.

Samizdat Essay. Radio Liberty, which has a $14 million budget, employs 800 persons, including 250 Soviet defectors. It broadcasts 24 hours daily in 19 languages. A research staff of 40 gleans Russian publications for details about happenings in the country. Through private channels, Radio Liberty receives underground *samizdat* (literally, self-publishing) manuscripts that are clandestinely circulating in the Soviet Union and broadcasts them to listeners in Russia.

At Radio Liberty, a typical day's broadcasting, in addition to hourly news bulletins, might include a *samizdat* essay by a Soviet engineer on the need for economic reform in Russia and a synopsis of a Polish film that is not being shown in Russia. Radio Liberty tries to fill in gaps caused by Soviet censorship. For example, it carries criticism by Western psychiatrists about Soviet imprisonment in mental hospitals of political dissenters.

The Soviet and Eastern European regimes understandably want RFE and Radio Liberty closed down since they challenge the governments' control over the information reaching their people. Despite Fulbright's argument that the stations must be silenced as a U.S. contribution toward relaxing tensions in Europe, many Western Europeans maintain exactly the opposite. As one West German editorial put it: "In this era of *détente,* it is all the more important that the voice of free opinion is not silenced." Even though his Ostpolitik seeks better relations with the Communist countries, West German Chancellor Willy Brandt obviously agrees. He has consistently rejected Polish and Soviet suggestions that the stations' licenses to operate from West German territory be withdrawn.

[From the Star-Ledger, Mar. 16, 1972]

VOICES OF FREEDOM

The Nixon Administration has won a partial victory in averting the unfortunate shutdown of Radio Free Europe and Radio Liberty, which have played vital roles in keeping open lines of communication for people in Eastern Europe and the Soviet Union.

The transmissions of these stations have provided factual news of the outside world to people whose governments would prefer to force-feed with distorted domestic propaganda.

Despite a highly favorable report by the Library of Congress, which made a study at the request of the Senate Foreign Relations Committee, the stations were threatened with extinction because of differences between House and Senate conferees on bills authorizing the continuation of these broadcasts.

Under an arrangement worked between the White House and congressional aides, the Administration agreed to drop its efforts to obtain long-term funds for American-operated stations and accepted a plan to keep them on the air at least three more months.

The two stations were set up at the height of the cold war to broadcast news and commentary to people behind the Iron Curtain. They have been attacked and reviled by Moscow and other Communist countries because their transmissions often included news not available in the tightly-controlled Communist media.

The existence of electronic allies of liberal elements in the Communist world could be a bargaining point for the President when he visits Moscow next May. Any final decision on the fate of Radio Free Europe and Radio

Liberty should be deferred until after Mr. Nixon returns from the Soviet Union when Congress can take a fresh look at U.S.-Russian relations.

Mr. MORGAN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 13592, NATIONAL SICKLE CELL ANEMIA PREVENTION ACT

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 904 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 904

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13592) to amend the Public Health Service Act to provide for the prevention of sickle cell anemia. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. O'NEILL. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. BURTON. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield to the gentleman from California.

(By unanimous consent, Mr. BURTON was allowed to speak out of order.)

(Mr. BURTON asked and was given permission to revise and extend his remarks and to include extraneous matter.)

DEMOCRATIC STUDY GROUP WELCOMES REPRESENTATIVE OGDEN REID TO THE RANKS OF THE NATIONAL DEMOCRATIC PARTY

Mr. BURTON. Mr. Speaker, as chairman of the Democratic Study Group, I am pleased to welcome Representative OGDEN REID to the ranks of the National Democratic Party in the House of Representatives. As noted in an editorial in this morning's New York Times, he has long been a leader of the progressive wing of the Republican Party. His joining our party brings to us "another future leader of great decency, dedication, and talent."

Since the latter part of the 19th century, Representative REID's family has devoted itself to public service in the finest tradition of the Republican Party. In light of this tradition, it is easy to understand Representative REID's disillusionment with the current direction of the Republican Party.

We encourage men of conscience on the other side of the aisle to emulate Representative REID's fine example. Thus strengthened, we will go on to make the House of Representatives the progressive, responsive institution conceived by the founders of the Republic.

The editorial follows:

DEMOCRAT REID

Leaving the Republican party is a much tougher wrench for Representative Ogden R. Reid than it was for Mayor Lindsay. His grandfather was a founder of the G.O.P. and its Vice Presidential candidate in 1892 on a slate headed by Benjamin Harrison. The Westchester Congressman was the last member of his family to edit The New York Herald Tribune in its long career as a voice of intelligent Republicanism.

That Mr. Reid has decided he can no longer stay in the party is graphic evidence of how far to the right it has drifted under the leadership of President Nixon. Unquestionably, the stiff primary challenge Mr. Reid faced from powerfully backed conservative elements in the state G.O.P. helped prompt his switch into a Democratic party that is hardly at the peak of its popular appeal or internal unity. But an even stronger spur was the increasing distaste Mr. Reid felt for pretending ties with an Administration whose policies he could not swallow on such issues as civil liberties, education, child care, the fight against racial discrimination and the pace of extrication from Vietnam. Above all, his break came out of despair at the divisive trend of most Administration approaches.

As believers in a strong and vital two-party system, we are sad to see the Republican party in this state—so long a leader in the party's progressive wing—becoming a conservative bastion with diminished appeal to independents of the type responsible for the repeated elections of Governor Rockefeller and Senator Javits. But the Governor himself has been a poor recent steward of that tradition and Mr. Reid risked total isolation. His decade of service in the House has been marked by steady growth in the quality and diversity of his accomplishment. Still short of his 47th birthday, he brings to the Democrats another future leader of great decency, dedication and talent.

REPRESENTATIVE REID QUITTING GOP; PLANS RACE AS A DEMOCRAT

(By Richard L. Madden)

WASHINGTON, March 21.—Representative Ogden R. Reid of Westchester County, whose family's involvement with the Republican party dates back almost a century, will announce tomorow his switch to the Democratic party.

Friends of the 46-year-old liberal Republican said that among the factors involved were a decision that he could not support President Nixon for re-election, the prospect of a difficult Republican primary fight in his newly drawn Westchester district, and a feeling that his chances for advancement to statewide office, such as Governor, were blocked on the Republican side.

Mr. Reid, who is completing his 10th year in the House and who has been increasingly critical of the Nixon Administration, scheduled a news conference for 10:30 A.M. tomorrow at the Carlyle Hotel in New York City to make what his office called "an important political announcement."

Mr. Reid was reported by his office to be in New York and unavailable for comment. However, other political figures—Republican as well as Democratic—who have talked to him in recent days said they were convinced that he would announce his candidacy for reelection as a Democrat.

Such a shift would follow by seven months the move by Mayor Lindsay, a political ally of Mr. Reid, into the Democratic party and would further weaken the ranks of the so-called progressive wing of the Republican party in New York State.

In anticipation of Mr. Reid's announcement, the Westchester County Republican organization, which had been scheduled to hold a convention in White Plains tomorrow night to designate Congressional candidates, postponed its meeting. Republican officials began discussing potential candidates who might make a strong race against the Representative.

PERSUASION SAID TO FAIL

It was understood that John N. Mitchell, the former Attorney General who is now directing Mr. Nixon's re-election campaign, met with Mr. Reid last weekend in an apparently unsuccessful effort to talk the Representative out of bolting the Republican party.

At a news conference in Albany today, Governor Rockefeller acknowledged that he had discussed the matter with Mr. Reid "over the last two or three weeks." The Governor indicated that he expected a party switch.

Mr. Rockefeller said that any statement should come from Mr. Reid, whom he praised as a "long and old friend" who had been a strong supporter of previous Rockefeller campaigns for the Presidency and Governor. The Governor added:

"Now I know, and have known for quite a while, that he [Mr. Reid] has been frustrated with getting—the problem of getting things done—in Congress, and that his rate of progress onto the statewide scene in the state has not been as rapid as I think he would like to see it. So I understand the considerations he faces."

"THE WRONG PARTY"

Mr. Rockefeller continued: "Now, my personal feeling would be that for anyone to switch his allegiance from the Republican party to the Democratic party would be joining the wrong party at the wrong time, but that is a personal feeling.

Two years ago Mr. Reid scored only a narrow victory in the Republican primary, but he won handily in the general election, with his traditional drawing of Democratic and independent votes.

Max Berking, the Westchester County Democratic chairman, declined comment on Mr. Reid's intentions, but he said that he thought the Representative would be welcomed by Democratic officials, who are scheduled to meet Thursday night to designate candidates.

While Mr. Reid has been increasingly critical of the Nixon Administration, a decision to leave the party was regarded as somewhat uncharacteristic for the Representative, whose ties to the Republicans have been strong.

His grandfather, Whitelaw Reid, was the unsuccessful Republican nominee for Vice President on Benjamin Harrison's ticket in 1892. Mr. Reid, a former president and editor of the now defunct New York Herald Tribune, was the United States Ambassador to Israel in the Eisenhower Administration.

If Mr. Reid is re-elected as a Democrat, his 10 years of seniority in the House also might be endangered.

Mr. O'NEILL. Mr. Speaker, House Resolution 904 provides an open rule with 1 hour of general debate for consideration of H.R. 13592, the National Sickle Cell Anemia Prevention Act.

The purpose of H.R. 13592 is to amend the Public Health Service Act to provide for the prevention of sickle cell anemia.

A national program will be established for diagnosis, prevention, and treatment of the disease together with screening and counseling programs and informational programs.

Grants and contracts by the Secretary are authorized for the establishment and operation of voluntary screening and counseling programs as part of other existing public health care programs. In order to carry out this section of the legislation, $20 million are authorized for fiscal year 1973, $25 million for fiscal year 1974, and $30 million for fiscal year 1975.

The Secretary is authorized to make grants and contracts for research and development programs. In order to carry out this section of the bill, $5 million are authorized for fiscal year 1973, $10 million for fiscal year 1974, and $15 million for fiscal year 1975.

The bill sets forth the requirements applicable to grants under the act.

Mr. Speaker, sickle cell anemia is one of the greatest killers among young black children in the Nation today. Annually, an estimated 1,155 new cases are discovered; and for each of these new cases a very painful and usually fatal disease has begun. This figure for the estimated number of new cases discovered is considerably higher than the estimate for other major hereditary childhood diseases. For instance, cystic fibrosis has only 1,206 new cases discovered annually; muscular dystrophy, 813.

At least 50,000 black Americans suffer from sickle cell anemia. Each year, one in 500 black births is afflicted with this crippling disease, and at least 5,000 require hospitalization. Although there is a wide range in the severity of the disease process, black Americans afflicted with this disease rarely survive to adulthood. Most die before they reach the age of 20.

It is important to distinguish between those who have the sickle trait and those that suffer wiht the disease. Those who have only one positive sickle cell gene may not suffer from the disease, but can transmit the disease to their children. Experts have estimated that of the 25 million black people in America, approximately 2.5 million may have the sickle cell trait. This means that if two carriers produce a child, there is a 25-percent chance that the child will have sickle cell anemia and a 50 percent chance that the child will be a carrier.

Sickle cell anemia results from an abnormal hemoglobin molecule in the red blood cells which cause the cells in the body to take on a sickle S-shape. Once the cells have this form, several clinical manifestations may ocur: Severe anemia can result; the normal flow of blood to the vital organs such as the heart, kidney, lungs, is impeded by the sickle-shaped cell. When the normal flow of blood is impeded, intense pain results; most victims die from the disease, since the repeated oxygen crisis from lack of blood flow to vital organs causes a toll on the body.

Sickle cell anemia is a genetically hereditary form of anemia which afflicts blacks almost exclusively. At the present time, there is no known cure for this disease.

I need not emphasize the significance and importance of the legislation before us today. The national program established by H.R. 13592, National Sickle Cell Anemia Prevention Act, would not only conduct research to improve the treatment of persons suffering from sickle cell trait or sickle cell anemia. More importantly, the bill authorizes grants and contracts to assist in establishing and operating voluntary sickle cell anemia screening and counseling programs. The screening process would be to determine who has the disease and who are the carriers of the disease; this is the one major area of the disease which needs to be further developed.

It is estimated that between 8 and 13 percent of the black population carries sickle cell trait. This bill will enable tests to be run in schools in black areas to help both parents and children understand the disease and understand how best to keep healthy those who are afflicted with the disease or those who carry the trait.

This bill is a stepped-up effort to make a real national commitment to attack this crippling and, in most cases, fatal hereditary disease. Research treatment and information about sickle cell anemia have been conducted by NIH and the Veterans' Administration. President Nixon, in his health message to Congress in 1971, called for an increase of $6 million in the budget for research into sickle cell anemia. These efforts are only initial commitments to find ways to treat and cure this disease. H.R. 13592 authorizes $25 million for the first fiscal year this act goes into effect. But this, too, is only a beginning to help victims of sickle cell anemia.

While I wish to express my strong support for this measure, I feel that the bill as reported by the committee is only a halfway measure since there are two commonly found genetic blood disorders leading to anemia in America, the other one being Cooley's anemia. Initially, this anemia was prevalent of persons of Mediterranean descent, namely Greeks and Italians. Today, however, America's Mediterranean population has intermarried. The disease is now found not only in Americans of Italian and Greek origin, but also in Americans of Jewish, Scandinavian, and even Oriental origin. Like sickle cell anemia, the victim of this disease rarely lives to adulthood. Like sickle cell anemia, Cooley's anemia is a hereditary disease in which 25 percent of children born of individuals with even a mere trait of the disease will have a severe form of the disease and 50 percent will be carriers. While the severity of the disease covers a wide range in sickle cell victims, victims of Cooley's anemia always suffer from severe forms. From early life on, the victims of Cooley's anemia must undergo daily blood transfusions in order to maintain a blood count sufficient for survival.

Like sickle cell anemia, not much Federal research and grant programs have been given to find treatment for victims of Cooley's anemia. I believe that both forms of anemia are serious problems and that Federal assistance is essential to make progress against these two fatal diseases. Why should this act merely provide funds and assistance to attack sickle cell anemia and do nothing for the equally fatal Cooley's anemia? For these reason, I strongly support BOB GIAIMO's amendment for $7.1 million in Federal assistance to combat Cooley's anemia.

Mr. Speaker. I urge the adoption of the rule in order that the legislation may be considered.

Mr. LATTA. Mr. Speaker, I agree with the statement just made by the gentleman from Massachusetts, Mr. O'NEILL, the purpose of the bill is to establish a national program for diagnosis, prevention and treatment of sickle cell anemia together with screening and counseling programs and informational programs.

Sickle cell anemia is said to occur in approximately one in 500 black births in the United States per year. Although there is a wide range in the severity of the disease process, those who have the disease rarely survive to adulthood.

The cost of this bill is $25,000,000 for fiscal year 1973, $35,000,000 for fiscal year 1974; and $45,000,000 for fiscal year 1975.

Since H.R. 13592 is a clean bill, introduced after the conclusion of hearings, the report of the Committee on Interstate and Foreign Commerce does not include reports from the executive agencies on this particular bill. However, other bills dealing with the same subject, were opposed by HEW on the grounds that programs already existing within HEW were sufficient to achieve the purposes of these bills. The other executive agencies expressing views either concur with HEW or oppose particular sections of the bills.

There are no minority views included in the report of the Committee on Interstate and Foreign Commerce.

The bill was ordered reported unanimously by a voice vote. Similar legislation passed the Senate on December 8, 1971—S. 2676.

Mr. Speaker, I yield 5 minutes to the gentleman from Tennessee (Mr. QUILLEN).

(By unanimous consent, Mr. QUILLEN was allowed to speak out of order.)

MISUSE OF FLAG BY NBC

Mr. QUILLEN. Mr. Speaker, the National Broadcasting Co., in its primary election coverage this year, has, in my opinion, violated the Federal Flag Code by using the U.S. flag in its advertising and as an introduction to its election campaign coverage.

For the past several weeks, I have watched with distaste and repulsion as NBC flashes its "Decision '72" before millions of television viewers. I object to the use of the U.S. flag as a part of the numeral seven and I contend that this image is in very poor taste.

To those of us who have a deep feeling for our flag and its symbolism, this action on the part of NBC is degrading and disrespectful.

Mr. Speaker, I do not take the floor to question the patriotism of the officials or anyone at NBC, but to spotlight this violation of the Federal Flag Code in the hope that it will immediately be corrected.

Volume 36 United States Code, section 176(i), states:

> The Flag should never be used for advertising purposes in any manner whatsoever.

The use of the flag in advertising for campaign coverage by NBC is clearly an infraction of the Federal Flag Code.

Unfortunately, the Code does not prescribe any penalties for noncompliance with its rules, nor does it include any other provision for enforcing compliance. The Code, as distinguished from the antidesecration law, is intended to be a guide to be followed on a voluntary basis by all U.S. civilians or civilian groups to the end that, as far as practicable, the manner in which the flag is displayed shall be uniform.

Surely, if a television network of the stature of the National Broadcasting Co. cannot abide by these guidelines, how can we expect our citizenry to show proper respect for the flag. More importantly, how can we impress upon our young people that this emblem is the traditional symbol of our free land.

While NBC's use of the flag in the numeral 7 of its "Decision '72" format might might not constitute an intentional or knowing contempt of the flag, I contend that it is wrong to include it in this way. Indeed, it is an insult to this emblem of justice and freedom—the embodiment of our Nation's principles.

I am confident the network artists can come up with a better promotional gimmick for its election coverage and special reports this year than having the flag imposed in the numeral 7 in their "Decision '72" advertising.

The National Broadcasting Co. and all television networks and news media have a tremendous responsibility to the American public. They are a great influence on the thinking of our citizens and they are charged with setting a good example.

Their purpose is not to offend and I feel in most instances they strive to conduct their programing and news broadcasts in the best possible taste.

However, by using the U.S. flag as a promotional gimmick to advertise their "Decision '72" coverage, the National Broadcasting Co. is violating the Federal Flag Code in the worst possible respect.

Needless to say, Mr. Speaker, I hope that last night's coverage of the Illinois primary is the last time I personally have to watch this distasteful misuse of the American flag.

Mr. LATTA. Mr. Speaker, I have no further requests for time and yield back the balance of my time.

Mr. O'NEILL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. O'KONSKI. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll and the following Members failed to answer to their names:

[Roll No. 85]

Aspin
Baring
Belcher
Biaggi
Bingham
Bolling
Cabell
Celler
Chappell
Chisholm
Clark
Clay
Collins, Ill.
Conyers
Corman
Crane
de la Garza
Dellums
Dowdy
Dwyer
Edwards, La.
Eshleman
Fuqua
Galifianakis
Gallagher
Gaydos
Gray
Hagan
Halpern
Harvey
Hawkins
Hébert
Heckler, Mass.
Heinz
Howard
Hull
Johnson, Pa.
King
McEwen
Mahon
Mallary
Metcalfe
Mikva
Mitchell
Moorhead
Obey
O'Hara
Passman
Patman
Pike
Pirnie
Pryor, Ark.
Purcell
Rangel
Rees
Reid
Rostenkowski
Ruppe
Saylor
Scheuer
Shoup
Sisk
Smith, Calif.
Stanton, James V.
Stokes
Stubblefield
Teague, Tex.
Yates

The SPEAKER. On this rollcall, 363 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

NATIONAL SICKLE CELL ANEMIA PREVENTION ACT

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13592) to amend the Public Health Service Act to provide for the prevention of sickle cell anemia.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 13592, with Mr. EVINS of Tennessee in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. SPRINGER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 13592, the proposed National Sickle Cell Anemia Prevention Act.

This is a 3-year bill with total appropriation authorizations of $105 million to provide for voluntary sickle cell anemia screening and counseling programs; for informational and educational programs; for research programs; and for treatment programs.

Sickle cell anemia is an inherited blood disease primarily affecting black Americans. Approximately 1,000 black infants are born each year with sickle cell anemia, and it is estimated that between 25,000 and 50,000 individuals are currently afflicted with it. These unfortunate individuals usually die before the age of 20; few survive beyond age 40; and most are disabled before death. There is no known cure for the disease.

In general, the program contemplated under the bill will involve screening individuals for the sickle cell trait, and counseling individuals with this trait that in the event they marry a person who also has the trait, the likelihood is one in four that a child born to them will have sickle cell anemia; two in four that a child will carry the sickle cell trait; and one in four that a child born to them will neither have sickle cell anemia nor the genetic abnormality known as the sickle cell trait.

The bill also provides for further research into the diagnosis, treatment, and prevention of the disease.

The bill was considered by the Subcommittee on Public Health and Environment, and unanimously reported to the full committee. The bill was unanimously reported to the House by a voice vote; I know of no opposition to the bill, and urge its passage.

Mr. PEPPER. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the gentleman from Florida.

Mr. PEPPER. Mr. Chairman, I want to commend the distinguished chairman of the committee, the gentleman from West Virginia (Mr. STAGGERS) and the members of his Committee on Interstate and Foreign Commerce for bringing forth this much needed legislation to provide $105 million for a 3-year Federal program to combat sickle cell anemia.

I was pleased to move in the Rules Committee that this measure—H.R. 13592—be reported out favorably, and, I am happy to say, the bill was reported out unanimously.

Sickle cell anemia is an affliction which primarily affects blacks and yet, many of its potential victims do not understand its painful, and frequently fatal, implications.

The Congress, devoted for more than three decades to major efforts to deal with the various diseases, has previously taken no notice of this ailment which hits one out of every 500 black children and causes the death of many of them before the age of 20.

Cystic fibrosis, which afflicts only one in every 1,400 children, is known to every potential donor of charitable funds; but cystic fibrosis hits home in the white suburbs as well as in the black community.

Sickle cell anemia is associated primarily, however—but not exclusively—with blacks. Those who carried the new gene had an advantage over those who did not. The disadvantages of the mutation are manifest when a child inherits the sickle cell gene from both parents.

The estimates vary as to the number of blacks afflicted with this disease; but it is generally agreed that 40,000 to 50,000 persons have the disease, and an additional 8 to 13 percent of all blacks carry the trait.

One thing about sickle cell anemia is not in dispute. Those who have the disease rarely grow to maturity; thus, it is a disease of children and young adults. Its victims do not survive, but the carriers of a new generation of victims do survive and reproduce.

Current treatment for those suffering from the disease is minimal, at best. This treatment can minimize, however, the sickle cell "crisis" and prolong the life of its victims.

One of the objectives of this legislation would be to provide medical research to find ways to cope with these crises, as well as to develop programs to identify the carriers of the trait, so that they can minimize the possibility of future pairing of the single cell trait.

Federal support for research on sickle cell anemia has previously been provided by the National Institutes of Health, but the budget for fiscal year 1971 was a mere $1 million. This was split between the National Heart and Lung Institute and the National Institute of Arthritic and Metabolic Diseases.

In the 1972 budget, an additional $5 million dollars of the Heart Institute's budget was earmarked for programs dealing with sickle cell anemia. But, this is an insignificant fraction of the almost $2 billion in Federal funds allotted for medical research.

This legislation would show the dramatic increase in congressional support for sickle cell anemia research, which is so long overdue. Without a doubt, sickle cell anemia research is an idea whose time has come.

I strongly urge, not only for the black people of our country, but for black people everywhere, that the House approve this very vital legislation.

Mr. STAGGERS. Mr. Chairman, I thank the distinguished gentleman from Florida.

Mr. BENNETT. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Florida.

Mr. BENNETT. Mr. Chairman, I congratulate the committee for bringing out this much needed legislation. Sickle cell anemia has long been a cruel burden for many of our citizens, an inheritable, debilitating, painful and often fatal disease. With the heavy thrust of the Federal Government to stamp out this disease, there is very real hope for the eradication of the disease in the near future. I am happy to urge the prompt enactment of this legislation to do precisely that.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman.

Mr. MADDEN. Mr. Chairman, I want to commend the distinguished chairman of the Committee on Interstate and Foreign Commerce, the gentleman from West Virginia (Mr. STAGGERS) for bringing this legislation to the floor of the House.

The pending bill (H.R. 13592) which was unanimously reported out of the Rules Committee yesterday, is identical with the legislation I filed several months ago along with a number of other Members of the House.

Chairman STAGGERS and members of the House Interstate and Foreign Commerce Committee are to be commended for the ample hearings held on this legislation and also for reporting the same out of committee for House action.

Sickle cell anemia is a deadly disease and has affected thousands of individuals and families throughout the Nation over the years. I do hope that this legislation is acted upon favorably by the House today as it will provide an initiating program and involve the expenditure of approximatley $105 million over the next few years to effect and promote scientific research for the purpose of curbing and eliminating this mysterious scourge inflicted upon so many of our people.

It is unfortunate that there is at present no effective medical attack or concentrated effort to learn the nature, origin, and risk of this disease. The Congress must persist and strengthen all efforts of research to combat this disease.

More than 10 years after sickle cell anemia was identified as the tragic killer, we are finally beginning to become aware of its terrible tolls. It is a blood disease resulting from the inheritance of a genetic factor relating to the so-called sickle cell trait. It is a painful and deadly disease. It kills over half its victims before the age of 20. Few survive beyond the age 40 and most are crippled long before death.

The disease strikes approximately one out of every 500 black persons. Medical research estimates that over 2 million Americans carry the so-called sickle cell trait. These persons are generally not in danger of the disease itself, but the children of parents who both carry the trait, run high risk of inheriting the disease.

Yet, when compared to other serious diseases, sickle cell has received only minimal attention and research compared with the frequent occurrence of other diseases—neglect of sickle cell anemia research is inexcusable. Cystic fibrosis, a disease that affects primarily white persons occurs with a frequence of one in every 2,940 births. Sickle cell occurs in roughly one out of every 500 births of black children.

There is still no nationwide voluntary organization devoted to sickle cell anemia, but groups in many cities throughout the country are now active and increasing in effectiveness. There is still no cure for sickle cell anemia and it would be cruel for us today to promise one. Thus this bill will provide new impetus and support for continuing and expanding research efforts. In addition to research however. there is a tremendous need to provide education of the public on the nature and inheritance of sickle cell disease.

I do hope that the House today will unanimously vote for the pending bill without adopting any crippling or curtailing amendments.

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the origin of the sickle or half-moon shaped cells in the bloodstream of many black citizens is not clearly traceable. Scientists believe that it developed centuries ago as a defense of the system against malaria. We do know that those who have what is known as the sickle cell trait—one such gene—do resist malaria remarkably well. When a child is born with two such genes, however, it ceases to become a blessing and becomes a curse. Such a child will probably not live beyond 20 years and all through those years it will suffer much pain at irregular intervals. Once this condition exists there is little to be done.

Research goes on but it is well recognized that more research would be desirable. This bill would provide some extra money for that purpose. It is not claimed here that the problem is being neglected. On the contrary, there are Government programs of several types presently underway. Research supported by NIH amounts to about $1.5 million. Maternal and Child Health Services under social security give some help as does the new family planning activities approved by Congress last year.

This bill is intended to give somewhat greater direction and support to the effort and particularly to upgrade and emphasize the aspects of screening and counseling. This is vitally important because adults with the sickle cell trait are very apt to produce a child with the disease and this is a most unsettling thought. By encouraging adults to be tested before marriage the incidence can be greatly lowered. It is basically a family planning problem. Information must be developed and disseminated to bring the story to those who may be carriers. There are probably 2.5 million people in the United States who carry the sickle cell trait and about 50,000 with the actual disease.

The bill before us today provides $25 million for fiscal year 1973 for both research and screening. The administration has already provided about $15 million for these purposes in its budget and probably will not go much beyond that, but some further leeway is provided in case progress indicates the desirability of stepping up the effort later in the year which will extend to July 1973. The next 2 years provide $35 and $45 million, respectively, and it is hoped that progress made during the first year will make the use of such sums practical. The Senate bill passed last December provides considerably more and will have to be comprised when we later meet in conference.

I recommend passage of H.R. 13592.

The question is asked as to how this bill compares with the legislation in the other body. The Senate passed fairly the identical bill in December 1971 as S. 2676. Their figures for 1973, 1974, and 1975 were as follows: $33 million, $49 million, and $65 million. With the exception of the fiscal year 1975, our figures very much approximate those of the Senate. I would anticipate that when we go to conference we will have no difficulty in resolving that question. Actually I believe our figures are adequate in this field.

Personally I would sort of stand on our figures pretty firmly insofar as I have anything to do with a conference.

Mr. HALL. Mr. Chairman, will the gentleman yield at that point and along that line?

Mr. SPRINGER. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the statements of both the chairman and the ranking minority member of this committee. Certainly the time has come when we should and must do something about this dread genetic disease. There is a point to which I shall speak later, but I wish now to rise to the point of funding in view of the recent technological breakthroughs in the testing and mass surveys that can be made using special urea solutions and computers which are already in operation for immediate determination, and at 2 cents per test instead of a dollar a test. Did the committee have this under consideration rather than using the proprietary Sickledex test?

Mr. SPRINGER. All of what the gentleman has talked about was gone into by the committee. It is my understanding that as of yesterday, when we were talking about this, not in the subcommittee, we discussed that fact that the matter of testing is something more complicated than it is pictured in the amendment which will later be offered. It is a little more difficult in testing, but outside of that we think what we are doing at the present time is not adequate, but we believe we are approaching something which will be of great value.

Mr. HALL. Mr. Chairman, will the gentleman yield further?

Mr. SPRINGER. I yield to the gentleman from Missouri.

Mr. HALL. Possibly I did not get my point across. I think we have a technical breakthrough here, not only in the research requisite for origin and diagnosis of the disease, but for mass surveys and isolation of those who carry it, with all the advice, with all the treatment they require, and, finally, in the treatment of the disease, but specifically in a technique of mass survey that can be computerized. These are metabolic and molecular breakthroughs. Indeed, it is being done in some of the services—NIH and the U.S. Army, plus the Veterans' Administration. If we were to collate and coordinate with those people so that the time is ripe for the borning of this self-help domestically, to possibly eliminate the disease, much in the same manner as polio was eliminated, simply by taking a cube of sugar with urea, if and when it is done.

Therefore, I am complimenting the committee, but at the same time I am hoping that you are aware of the reduced cost of mass surveys and testing at the time that you set up the appropriation, and I hope you will stick by your guns, even in conference, if it is found that you do not need all of this funding, that it can be reduced, rather than added onto as requested by the other body.

I include the following:

SICKLEDEX TEST FOR HEMOGLOBIN S—A CRITIQUE

(By Robert M. Nalbandian, M.D.; Raymond L. Henry, Ph. D.; Jeanne M. Lusher, M.D.; Lt. Col. Frank R. Camp, Jr., M.S.C., U.S.A.; and Col. Nicholas F. Conte, M.D., M.C., U.S.A.)

(The Sickledex test has been proposed as "specific" for hemoglobin S in the absence of a disclosure of the principle and reagents. Its convenience and simplicity has already assured widespread usage. But serious errors will be made unless the chemistry of the test is understood and coupled with the insights of modern molecular hematology. Evidence indicates that the Sickledex test consists of potassium phosphate, sodium dithionite, and saponin. When this test is used with insight, much diagnostically valuable information can be obtained.)

The proprietary Sickledex test is rapidly gaining favor as a diagnostic test for hemoglobin S because of its speed, simplicity, and convenience.[1-7] This wide usage is proceeding in the absence of knowledge of the reagents and the principle of the test. However, when in 1968 Diggs and co-workers proposed the Sickledex test,[1] the reagents and principle were not disclosed. While the Sickledex test is an excellent screening test, it has distinct limitations unless molecular basis for the test is clearly understood.

Studies in our laboratory[8] led us to the conclusion that the Sickledex reagent consists of a quantity of phosphate buffer, sodium dithionite, and saponin and so was very similar to the Itano solubility test.[9] If into such a reagent system an appropriate quantity of hemoglobin S in intact red blood cells is introduced, a series of events will occur as follows: (1) the cells will lyse; (2) the hemoglobin S tetramers will deoxygenate; (3) the conditions at the molecular level will be ideal for the formation of microfilaments and microcables;[10 11] (4) when hemoglobin S is present a nematic crystal system will form.[12 13] The presence of hemoglobin S will thus be recognized by the appearance of a turbid solution, which in the Sickledex test is regarded as positive. However, under such conditions not only will hemoglobin S form a turbid nematic liquid system but so also will other non-S sickling hemoglobins such as C (Harlem), C (Georgetown), Bart's (personal communication, H. Lehmann, July 1969), H,[14] and possibly others too.

In an attempt to confer additional specificity to the test, Henry et al[15] and Nalbandian[11] and co-workers modified the Sickledex test by the introduction of urea, since it has been shown that urea would disperse those nematic liquid crystal systems uniquely caused by hemoglobin S (or its structural variant hemoglobin C [Harlem]). In our own laboratories (Blodgett Memorial Hospital, Grand Rapids, Mich, and US Army Medical Research Laboratory, Fort Knox, Ky) we have prepared reagents made from potassium phosphate, sodium dithionite, and saponin which function entirely satisfactorily and are in no detectable way inferior to the proprietary and undisclosed Sickledex solution. This has been achieved at a reagent cost of about 2 cents per determination in contrast to the substantially higher cost of the proprietary Sickledex test reagent.

Knowledge of the presumptive reagents, and principle of the test lead to an understanding of false-positive and false-negative reactions, and the pitfalls of faulty technique. These have been well discussed in part by Diggs and Walker.[7] False-negative Sickledex test reactions may be obtained by (1) inadequate quantities of blood from anemic patients (hemoglobin levels below 10 gm/100 ml or hematocrit readings less than 30%); (2) deterioration and inactivity of the reducing agents (probably sodium dithionite); (3) deterioration and inactivity of the lytic agent (probably saponin); (4) various improper techniques in illumination and visualization of the lined reader scale; and (5) quantities of hemoglobin S too small to detect as at birth and, possibly, in transfusions. False-positive tests have been recognized in the Sickledex to be due to (1) polycythemic blood or the addition of too much blood in relationship to the quantity of reagent; (2) interference by dysglobulinemias such as macroglobulinemia, myeloma, and cryoglobulinemia. We reiterate that hemoglobin Bart's will give a false-positive Sickledex test, and so may non-S sickling hemoglobins such as C (Harlem), a clinically benign disease, C (Georgetown), possibly Alexandria,[8 11] and Heinz-body-forming hemoglobins.

It is generally not appreciated that hemoglobin S is genetically delayed and does not begin to become the predominant hemoglobin component until after three months of age.[16] Maximal levels of hemoglobin S are not achieved until 5 to 6 months of age. Hence, it is pointless to attempt to screen black babies for the presence of hemoglobin S before 6 months of age by any test unless extraordinary measures are employed. Indeed, it may give erroneous results, since hemoglobin Bart's may be present at birth in some cases of thalassemia.[16]

All hemoglobin specimens which test positive by the Sickledex test should be studied by electrophoresis and, if desired, by the urea modification of Henry et al (see above).

FOOTNOTES

[1] Diggs LW, Schorr JB, Ascari WQ, et al: A new diagnostic test for hemoglobin S. Presented as an exhibit before the 22nd joint annual meeting of the American Society of Clinical Pathologists and the College of American Pathologists, Miami Beach, Fla., Oct. 1968.

[2] Loh WP: A new solubility test for rapid detection of hemoglobin S. *J Indiana Med Assoc* 61:1651-1652, 1968.

[3] Diggs LW, Durst D, Walker RD: The test tube turbidity method for detection of HBS. Read before the International Congress of Hematology, Munich, Germany, Aug 1970.

[4] Ballard MS, Radel E, Sakhadeo S, et al: A new diagnostic test for hemoglobin S. *Pediatrics* 76:117-119, 1970.

[5] Canning DM, Huntsman RG: An assessment of Sickledex as an alternative to the sickling test. *J Clin Path* 23:736-737, 1970.

[6] Loh WP: Evaluation of a rapid test tube turbidity test for the detection of sickle cell hemoglobin. *Amer J. Clin Path* 55:55-57, 1970.

[7] Diggs LW, Walker R: Technical points in the detection of sickle cell hemoglobin by the tube test. *Amer J Med Techn* 37:33–36, 1971.

[8] Nalbandian RM, Kessler DL, Henry R: Nonspecificity of tests for hemoglobin S. *Bull Path* 10:277, 1969.

[9] Itano HA: Solubilities of naturally occurring mixtures of human hemoglobin. *Arch Biochem Biophys* 47:148–159, 1953.

[10] Nalbandian RM, Henry RL, Nichols BM, et al: *The Murayama Test: I. Evidence for the Modified Murayama Hypothesis for the Molecular Mechanism of Sickling, report 893*. Fort Knox, Ky, US Army Medical Research Laboratory, 1970.

[11] Nalbandian RM: *Molecular Aspects of Sickle Cell Hemoglobin: Clinical Applications*. Springfield, Ill, Charles C Thomas Publisher, 1971.

[12] Harris JW: Studies on the destruction of red blood cells: VIII. Molecular orientation in sickle cell hemoglobin solutions. *Proc Soc Exp Biol Med* 75:197–201, 1950.

[13] Perutz MF, Mitchison JM: State of haemoglobin in sickle-cell anaemia. *Nature* 166:677–679, 1950.

[14] Heller J, Yakulis V: A simple and reliable test for sickling. *JAMA* 203:990, 1968.

[15] Henry RL, Nalbandian RM, Nichols BM, et al: *An Automated Screening Method for the Specific Detection of Homozygous and Heterozygous S Hemoglobin*, report 898. Fort Knox, Ky, US Army Medical Research Laboratory, 1970.

[16] Nalbandian RM, Henry RL, Camp FR Jr, et al: Embryonic, fetal, and neonatal hemoglobin synthesis: Relationship to abortion

---

Footnotes at end of article.

and thalassemia. *Obstet Gynec Survey* 28: 185–191, 1971.

NEW STRATEGY FOR SICKLE CELL DISEASE

The importance of the two papers by Nalbandian and his associates published elsewhere in this issue of The Journal is that they demonstrate how, armed with determination and a suitable screening test, concerned civil authorities can efficiently survey a population at risk from sickle cell disease.

Unfortunately, there is still considerable doubt about what type of treatment should be offered to those affected persons such mass surveys bring to light. Despite the wide publicity it has attained, the use of intravenous urea as a remedy for the painful sickle cell crisis has many problems associated with it, though these are currently being evaluated by investigators in several research centers.[1]

The protocol recommended by Nalbandian[2] requires intensive care facilities, venous catheterization with the tip positioned by x-ray in the superior vena cava and an indwelling urinary catheter. A sterile 30% solution of urea in 10% invert sugar is infused slowly to maintain levels of blood urea nitrogen in the range of 150 to 200 mg/100 ml. Urea and electrolyte concentrations are measured at hourly intervals. Other chemical and hematological procedures are recommended. Water balance is carefully monitored. The infusions are continued until "the patient reports complete or virtually complete relief from pain."

Since the pains associated with the crises are due to varying degrees of focal stasis of sickled erythrocytes leading to hypoxia, perivascular edema, and infarction, and since the duration of crises is variable, it is difficult to evaluate therapeutic effectiveness. One of the handicaps of any form of treatment is that the drug cannot go to the focal area involved because the blood vessels are obstructed by sickled cells. It is therefore imperative that treatment be started before infarction and necrosis have occurred.

The disadvantages of any form of intravenous therapy for recurrent sickle cell crises are the necessity of admissions to emergency rooms and hospitals, the technical difficulties, and the expense. Skilled intravenous teams are necessary, but are in short supply. In infants and children, those who most often have painful crises, intravenous therapy is impractical, while adults may have veins that are hard to find and to cannulate, especially if they have been used frequently in the past. During the severe crises patients writhe in agony, object to restraint, and find it difficult to hold still for hours or days while intravenous solutions slowly infuse. It is erroneous to state that treatment with urea is inexpensive just because commercial urea costs approximately $1 per pound. By the time the urea has been prepared in intravenous kits together with the sugar solution solvent, the cost is many tens of dollars, while to this sum must be added the cost of admission to an intensive care ward, of the hematological tests, and of the physician's fee.

Urea owes its effectiveness to the fact that it easily traverses cell membranes, breaks molecular bonds, and causes the helical aggregates (tactoids) of reduced hemoglobin within the red cells to revert to the soluble state. Unfortunately, urea in high concentrations is also capable of causing alterations in molecules other than sickle cell hemoglobin and in cells other than erythrocytes.

Whether or not urea fulfills its expectations and proves to be the answer to sickle cell crises, patients with sickle cell anemia and related diseases owe a debt of gratitude to Dr. Nalbandian and to other investigators for helping to increase public awareness and concern about the magnitude and seriousness of the problem, for exploring new methods of treatment, for developing more specific tests, for the introduction of an automated test, and for the popularization of mass screening programs.

The idea that chemical engineering at the molecular level may make it possible to overcome the handicaps of an hereditary abnormality serves as a challenge to explore the possibilities of other drugs[3,4] that may be as effective as urea, while being easier to administer and of less toxic potential.

L. W. DIGGS, M.D.

MEMPHIS.

Mr. SPRINGER. May I say in reply to my colleagues from Missouri that not only did we go into this funding quite carefully, but I have also talked to the chairman of the Subcommittee on Appropriations which handles this matter. He intends to make a statement a little later in the day as to what has been done to date. We do not want to leave the impression that nothing in this field has been done and that we are originating something new. I would like all of our colleagues to know what has been done and what this legislation proposes to do.

In addition, the gentleman from Kentucky, I think, wants to reply to a question that my distinguished colleague from Missouri brought to his atention a moment ago.

Mr. CARTER. In response to the distinguished gentleman from Missouri, say the committee has gone into the cost of these tests and, indeed, there has been a breakthrough which we need to take advantage of, and we trust that it will cost less money than was thought previously.

I thank the distinguished gentleman for yielding.

Mr. SPRINGER. Mr. Chairman, I yield 6 minutes to my distinguished colleague, the gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. Mr. Chairman, a disease that attacks one of each 500 children in the Nation, kills more than half its victims before they are 20 years old and which inflicts great pain and crippling is hardly the sort of malady that would normally go neglected in terms of research and prevention in a nation such as ours.

If a nation of enormous generosity toward funding the eradication of countless diseases around the globe, many of which never were important threats in the United States; in a nation in which biomedical research will not rest until ways have been found to deal effectively with all threats to American health—in such a nation a disease such as sickle cell anemia would likely have a difficult time perpetuating itself. We could well expect the kind of campaign that would be mounted to deal with such a heinous child-killer.

But, as you all know, such has not been the case. American medical crusades have been directed against any number of ailments of similar or reduced threat to the American populace. Yet attempts to understand and control sickle cell anemia have largely been of the token variety.

I speak today not to argue whether or not the most significant reason for this past misplacement of medical care priorities has had to do with the reality that sickle cell anemia strikes not one of every 500 children in America, but rather one of every 500 black children. This neglect may indeed be an accurate production of the present sociological climate in this Nation; but arguing this premise is not my present concern.

It is my concern, as a Congressman and as a physician, to see that this neglect of a disease that afflicts about 2 million black Americans is dealt with immediately in correct proportion to its degree of threat to American health.

In my estimation, the provisions of these bills presently being considered represent an effective early response to that threat. That is why I helped sponsor them; the $90 million asked for here should be granted with no more delay to research and counsel people about this child-killing disease in repayment to black America for this period of gross medical neglect. The Nation at the very least has a moral obligation to provide immediate facilities and resources for counseling on the scope of the disease.

People have a right to know if they are unknowingly carrying the sickle cell trait.

The program of voluntary testing must be extensive enough to reach all black persons, so couples who have recessive sickle genes will know they do, thus enabling them to decide if they want to risk the 1 in 4 chance that any children they create together will be stricken with this killer disease. To keep these persons needlessly in the dark any longer would be unimaginably cruel.

The second, more clear-cut concern is to reduce that 1 in 4 ratio.

Medical research has conquered all manner of killers in the past; a concerted effort, at long last, by the same medical researchers could do the same to sickle cell anemia. We will never know what success we can have until we give it a far harder try than ever we have in the past.

I do not confirm or reject all the rhetoric connected with the history of nontreatment of sickle cell anemia. This Congress must not concern itself with such rhetoric until there is time for retrospect after this child-killer is eradicated from this Nation. I have no patience with delaying rhetoric when the lives of children are at stake.

I urge my fellow Congressmen to join me in support of this truly emergency legislation. Each moment spent here in argument is time wasted for the saving of lives.

Mr. NELSEN. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the distinguished gentleman from Minnesota.

Mr. NELSEN. Mr. Chairman, I wish to associate myself with the remarks of the distinguished gentleman in the well and point out to the House of Representatives that our subcommittee is particularly fortunate in having our good friend, the gentleman from Kentucky, on the committee. He is a practicing physician. Likewise, on the Democratic side we have Dr. Roy, the gentleman from Kansas, so we have two medical doctors on our subcommittee which deals with all these health problems. I believe that our country is fortunate to have the very qualified expert services of these two gentlemen.

---

[1] Scott RB: Urea therapy in sickle-cell anemia. *New Eng J Med* 285:1025–1026, 1971.

[2] Nalbandian RM (ed): *Molecular Aspects of Sickle Cell Hemoglobin: Clinical Applications*. Springfield, Ill. Charles C Thomas, 1971.

[3] Cerami A, Manning JM: Potassium cyanate as an inhibitor of the sickling of erythrocytes in vitro. *Proc Nat Acad Sci* 68:1180–1183, 1971.

[4] Kraus LM, Kraus AP: Carbamyl phosphate mediated inhibition of the sickling of erythrocytes in vitro. *Biochem Biophs Res Comm* 44:1381, 1971.

Mr. CARTER. Mr. Chairman, I thank the distinguished gentleman for his very kind remarks.

I would like to say, in return, not because of the compliment the gentleman paid me, but because I really know and feel over the years that the gentleman has been one of the greatest legislators in this body, and that he is a great compromiser.

I am in hopes that in the near future Mayor Washington in his wisdom will see fit to name the vocational training school here in the District of Columbia, which was fathered by the distinguished gentleman from Minnesota, the Ancher Nelsen Vocational School.

Mr. NELSEN. I thank the gentleman.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the Delegate from the District of Columbia, Mr. Walter Fauntroy.

Mr. FAUNTROY. Mr. Chairman, I rise in support of H.R. 13592 and to commend the fine work of this committee, and in particular the fine work of its subcommittee, whose chairman, Paul Rogers, was so helpful. The speed with which the committee held hearings and reported this bill indicates to me the concern of many Members of Congress about the tragedy of this dreaded disease which affects primarily black people causing their death and heaping upon them a pain and suffering which no one should have to bear. It is a pain and suffering which is made harder because of the dearth of programs and the dearth of funds which could, if available, perhaps find the cure and an alleviation of the affliction.

Sickle cell anemia strikes one of approximately every 500 young black children killing more than half of them before they reach the age of 20. It is a genetic malady whose horrors are passed from generation to generation recurring predictably when the necessary genetic conditions are present. The gene is normally passed onto the children of parents who both carry the sickle cell trait. Approximately one in 12 blacks carry the trait with the chance of both parents carrying the trait being one in 144.

Blacks who inherit the disease itself suffer periodic crises in which the normally spherical red blood cells are distorted into crescent-like shape. These deformed cells block narrow capillaries, depriving nearby tissues of needed oxygen and causing excruciating pain. Persons who have only the trait generally do not need care for this condition, as it generally does not cause any difficulty except in instances of extreme stress at certain altitudes or during certain phases of other ailments.

Each major crisis—and there is an average of three per year—requires an average of 7 days hospitalization. In addition, there are generally four to five less serious crises that, while they do not require hospital treatment, require varying degrees of restricted activity. It is not necessary to detail the distraught feelings and the financial loss that affect parents whose children are suffering with this disease.

Yet, the problem instead of decreasing, as are many others, is becoming greater. The majority of blacks now live in urban areas. For these areas, because of the incident rate, the disease becomes not just a significant health problem, it has become a prevalent health problem demanding immediate attention. To understand the meaning of this, one must look at the incident rates for other major cogenital and genetic childhood diseases. Muscular dystrophy occurs at rates of one per 5,000 births, cystic fibrosis at one per 2,940, and diabetes mellitus at one per 2,500, while sickle cell anemia occurs at the rate of one per 500. In 1967, there were 1,155 cases of sickle cell anemia, 813 of muscular dystrophy, and 1,206 of cystic fibrosis.

Here in the District of Columbia, where the black population approaches 70 percent, it is estimated that the costs of care for the 1,000 afflicted children approaches $4 million. And, the disease far exceeds childhood diabetes, nephrosis or cystic fibrosis as a cause of illness.

Like many other diseases, the key to effective palliative treatments is early diagnosis. Today, there are inexpensive screening tests which can be offered prior to marriageable age.

Those who are found to carry an abnormal hemoglobin gene could be counseled to be sure that their mates were tested. Only in this way can heterozygote pairs be detected, and only in this way can informed decisions be made about childbearing among "at risk" parents. This is not to suggest that a couple will decide to have no children; it is to suggest that whatever they do will be done on the basis of an informed and intelligent decision.

The bill (H.R. 13592) which is now before you, establishes a national program for diagnosis, prevention, and treatment of sickle cell anemia, together with screening and counseling programs and information programs. My original bill and a similar measure that passed the other body are more far reaching than the bill reported to you today. These other bills would have brought the Veterans' Administration and the Department of Defense directly into the screening programs; but, while these provisions were deleted by the committee, the bill I am urging you to support is still a giant step which, if you will take it, is a most important commitment to the finding of a cure and a prevention of this dreaded disease.

Since the purpose of this bill is to provide a coordinated and overall effort against sickle cell disease, the primary thrust of the bill, in addition to research, is the providing of funds for the creation of screening and counseling programs. Screening will allow black parents to learn whether their combination of genes presents a high chance of their passing the disease onto their offspring. Based on this information, counseling programs can advise the parents of alternatives. As Dr. Robert B. Scott has written in the AMA Journal—

> Whether a young couple will decide to have no children or plan a family of limited size or disregard the knowledge of the risk would be entirely their own decision, one which no one could make for them. However, the opportunity to protect their families from the tragedy of sickle cell anemia will have been offered.

This is the reason that I had hoped we would have included the Department of Defense because it is here that so many young men come through in a systematic and orderly way. Until we have a volunteer army, I think it is safe to presume that every young man will be examined by the Armed Forces medical people who could determine if he were a trait carrier and then either offer him counseling or direct him to the places where counseling is available. If we had done this, we would have maximized the utilization of the services that we are providing in this authorization.

I point this out merely because of the enormity of the tragedy when uncounseled persons marry and have, through chance, children with the disease. We must do something to alleviate this misfortune. The start to that "something" is in this bill with those above mentioned aspects and its second thrust of providing grants for research, and the development of programs for diagnosis, prevention and treatment of sickle cell anemia. Under this provision, funds would be made available to public and nonprofit private entities such as medical schools, hospitals and foundations, for the development of programs in basic research, in reaching those people who are not now reached by any existing program.

Mr. SATTERFIELD. Will the gentleman yield?

Mr. FAUNTROY. I am glad to yield to the gentleman.

Mr. SATTERFIELD. I would just like to comment on one thing. The gentleman mentioned that the Senate bill was more extensive than ours. I assume you are referring to that part of the Senate bill dealing with the Veterans' Administration. I just want to take this opportunity to assure you and the House that, although the committee bill does not include the Veterans' Administration, the Subcommittee on Hospitals of the House Veterans' Affairs Committee has conducted public hearings on this subject and is now in the process of attempting to develop legislation.

Mr. FAUNTROY. Thank you. I will look forward to passing that, also, when it comes through.

Mr. SPRINGER. Mr. Chairman, I yield as much time as he may consume to the gentleman from New York (Mr. Kemp).

Mr. KEMP. Mr. Chairman, I rise in support of H.R. 13592, the National Sickle Cell Anemia Control Act. On January 31, 1972, I introduced H.R. 12750 which also provides for the control of sickle cell anemia and is similar to the measure we have before us today.

At this point I include an article from the December 2, 1971, issue of the Buffalo Challenger, a black weekly, and I call attention to the quote of Dr. Lemuel Diggs where he emphasizes that episodes of the disease "are considered medical emergencies":

Drive Urged for Sickle Cell Anemia

Sickle cell anemia, a hereditary disease that strikes hundreds of thousands of people—Black and white—throughout the world requires much more basic laboratory and human research before doctors can discover a cure for the blood disorder, experts concluded after a two day symposium that ended in New York yesterday. (11/19/71).

Physicians also told the 1200 symposium participants at the Commodore Hotel that the number of babies with sickle cell anemia born to future generations could be reduced substantially if more genetic counseling services were offered to patients.

The doctors urged that continuous counseling be given in the new cases detected by blood tests at the screening clinics that are springing up across the country.

Symposium scientists also said that more could be done by applying what is already known in the everyday medical care of sickle cell patients.

Further, the doctors stressed that much misinformation has been disseminated concerning what the disease does to its victims in this country, Africa, Greece, and other Mediterranean countries, India, Central and South America and elsewhere.

Sickle cell anemia, which was the first disease found to result from derangements of molecular machinery, affects people in two ways—one serious, the other minor. A laboratory test called hemoglobin electrophoresis can distinguish between the two forms—the disease and the trait.

In the overwhelming majority of cases no health hazard exists for the person with sickle cell trait, doctors emphasized at the symposium. An estimated 10 per cent of the Black population in this country carries the sickle cell trait.

Dr. Yvette F. Francis, who directs the sickle cell clinic at Jamaica Hospital here said, that each time a woman with a sickling trait becomes pregnant from a man with the sickling trait, the chance is one out of four or 25 per cent, that the baby, regardless of sex will get the disease.

No health problem exists, the geneticists said, if a person without the sickle cell trait marries someone with the sickle trait. Half the children produced by such couples would have the harmless sickle cell trait, but none would have sickle cell anemia.

Sickle cell anemia is gaining increasing public attention, partly because it concerns at least two million American Blacks and also because politicians are paying more attention to the problems and costs of delivering health care.

These were among the reasons why the Medical Society of the County of New York, National Foundation March of Dimes and Foundation for Research and Education in Sickle Cell Disease sponsored the symposium about a disease that has existed since ancient times, but was first reported in a medical journal only in this century.

Sickle cell disease results because too many of its victim's red blood cells are destroyed, thereby making the person anemic.

Anemia is the condition that results when the blood has too few red cells to carry the oxygen needed to meet the body's biochemical demands.

For reasons that scientists said, they did not fully understand, many of the red cells in sickle cell anemia patients become knifelike and fragile when exposed to low amounts of oxygen.

When red cells, sickle, they clog small arteries, cut off further oxygen supplies and perpetuate a vicious cycle that can seriously damage organs such as the kidney, lung, bone or brain.

Some sickled cells, depending on the duration of their exposure to low amounts of oxygen, can resume their normal oval shape when exposed to high levels of oxygen. Nevertheless, sickle cells survive for shorter periods than the 100 day life span of normal red cells.

Beginning in infancy sickle cell anemia can produce bizarre painful symptoms anywhere in the body of a person who inherits a double dose of the sickle genes.

Dr. Lemuel W. Diggs of Memphis said that the disease usually occurred in repeated, painful episodes, called "crises," that are considered medical emergencies.

Mr. Chairman, that is exactly what we have before us today—a medical emergency. One just has to be impressed with the magnitude of the extensive manifestations and complications that this disease can produce. Here is a condition that among other things can produce severe pain, blindness, strokes, lung clots, heart attacks, heart failure, miscarriages, gallstone, chronic healing-resistant skin ulcers, poor weight gain, mimics the clinical picture of rheumatic fever, and appendicitis, leads to frequent infectious complications such as pneumonia, septicemia, and meningitis, and then seemingly, so as an act of kindness to the problems just elucidated, death itself.

The magnitude of 2 million people in this country are affected with this condition and we are practically all aware of other diseases such as diabetes, tuberculosis, and leukemia. It is appalling that although the latter occur with less frequency, many people do not even know the sickle cell amenia is in existence.

Mr. Chairman, sickle cell anemia is a hidden, stalking killer, and can be likened to the closing lines from the immortal pen of Edgar Allen Poe's classic tale of striking similarity, "The Masque of the Red Death." Unless we likewise chart the proper course of action, "this thief in the night, too, can spread darkness, decay, and death over the inimitable dominion of many a proud and beautiful people."

Mr. STAGGERS. Mr. Chairman, I yield whatever time he may need to the gentleman from Missouri (Mr. Symington), a member of the subcommittee.

Mr. SYMINGTON. Thank you, Mr. Chairman.

I simply wish to say that I join in the remarks, particularly those of my colleague on the committee, Dr. Carter, and I share the views of the distinguished ranking member of the committee, Mr. Nelsen, that through the presence and the active interest of the two men of medicine who serve on the committee, we have benefited greatly. We have also benefited on the floor from hearing from my own distinguished colleague from Missouri, Dr. Hall. We are indeed lucky to have men with these disciplines available when we try to get this type of legislation through.

Basically, I think all three of them have agreed that this bill is essentially preventive medicine in and of itself, and this is the kind of medicine that we had better start practicing in this country, considering the cost of curative medicine.

This bill recommends counseling, which will be absolutely essential in order to help stabilize the number of afflicted people, and give us time—and we are indeed going to need a little time—to do the research that this bill also provides for.

Let us hope in another few terms of Congress we can consider this job done.

Mr. EDMONDSON. Will the gentleman yield?

Mr. SYMINGTON. I am glad to yield to my colleague from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, I want to congratulate the gentleman on his thoughtful statements about this bill and on the significance of it as a new approach to a very serious national health problem. We need to make a commitment of this kind to solve such problems in our country.

I would like to commend the committee for the fine work on this bill. I support it enthusiastically.

Mr. SYMINGTON. I do want to state on my own behalf and I am sure on behalf of other members of the subcommittee that we give our thanks to the chairman of the subcommittee, Mr. Rogers of Florida, for the leadership he has shown in this matter.

Mr. STAGGERS. Mr. Chairman, I yield time he may require to a member of the subcommittee, Mr. Roy of Kansas.

Mr. ROY. Thank you, Mr. Chairman. I rise in support of the bill.

I would also like to associate myself with the remarks of the other members of the subcommittee and would like to congratulate our chairman Mr. Rogers and Mr. Nelsen, the ranking minority member, for their expeditious handling of this legislation.

As an obstetrician and gynecologist, I am acutely aware of the need for genetic counseling, the provision for which is provided for by legislation, for those who are likely to have children with sickle cell anemia. I believe this is an especially important part of this bill.

Sickle cell disease is a disease affecting the red blood cell which until recently has been neglected by our society. It affects primarily the people of African origin. It is estimated that 10 percent of approximately 2.5 million black men and women in our country are carriers of the sickle cell trait. Additionally, it is calculated that one in 500 blacks will have the disease. If two people with the sickle cell trait marry, one in four of their offspring may have the disease, and two in four may carry the trait.

The people who are affected by sickle cell anemia are subjected to approximately three "crises" a year which consist of extreme pain and swelling of hands and feet, joints, and abdominal pain. Over a period of time, leg ulcers and jaundice develop, bones become abnormally shaped; kidney failure, heart failure and blindness may also develop. The most tragic result of this disease is that very few people with it live beyond the age of 25.

This situation must not be allowed to continue. This bill would give us the means to carry out voluntary screening and counseling for sickle cell trait and anemia of our fellow black Americans.

In this way, those who carry the trait will be knowledgeable of its potential damage. This bill also provides funding for research into the treatment of this disease for which there is no known treatment.

I strongly urge unanimous passage of this bill as a step in the attack of this dread disease.

Mr. STAGGERS. Mr. Chairman, I would like to say that I agree with the statements made about Dr. Carter and Dr. Roy and Mr. Nelsen and Paul Rogers and every member of the subcommittee. They have worked long and hard on all of the bills that have come out. Without fear of contradiction, I can say that this subcommittee turns out probably twice as much legislation as any other subcommittee in the House. And, all of it is for the benefit of all the people of this land.

We have neglected too long the health of America. We are just now beginning to come to the point where we realize that this is one of our weak points.

In addition, Mr. Chairman, I would like to say that the subcommittee certainly has done a great job and I again want to compliment each and every member of this subcommittee for the time they have put into this program and the work which they have done on it.

I now yield, Mr. Chairman, to the distinguished chairman of the subcommittee, the gentleman from Florida (Mr. Rogers).

Mr. ROGERS. I thank the chairman.

Mr. Chairman, I thank our distinguished chairman of the full committee for his kind remarks on behalf of all of the members of the subcommittee. Under his leadership and direction and his urging and prodding the subcommittee has been a very active subcommittee. It has tried to do what in my opinion is a competent job for the Congress and for the American people.

Mr. Chairman, this bill that we have before us today, H.R. 13592, is an important bill and, particularly, it is an important bill to Americans all over the country in every community.

Sickle cell anemia is a genetically transmitted blood disorder which affects an estimated 50,000 Americans and it is believed that another 2.5 million Americans carry the genetic trait which may cause the disease to be transmitted to their offspring. The disease is marked by extremely painful "crises" caused when sickle cell hemoglobin is deprived of oxygen and the normally round doughnut-shaped red blood cells take on a sickle or quarter moon shape. These sickled cells are unable to pass through the capillaries and jam up causing the oxygen deprived tissue to die. Afflicted persons are also extremely susceptible to infection and have an average life span of about 20 years.

The existence of sickle cell anemia, which afflicts black people almost exclusively, has been known for over 60 years. Yet, as recently as 1968 a survey in Richmond, Va., found that only 30 percent of those questioned had even heard of the disease. Medical researchers referred to sickle cell anemia as the forgotten disease until very recently. There is no known cure for the disease and most treatment methods are in experimental stages at present. Until very recently federally funded research in this area was virtually nonexistent.

Mr. Chairman, this bill is the first meaningful effort by the Federal Government in dealing with this significant health problem, sickle cell anemia. The bill provides for a national program to combat sickle cell anemia under a new title XI of the Public Health Service Act. The bill provides authorizations for $75,000,000 for screening, counseling, and education programs, and $30,000,000 for research and programs for diagnosis, prevention, and treatment of sickle cell disease over the next three fiscal years. I might also add that this program is strictly voluntary and the law would provide for strict confidentiality of all test results, records, or other information gathered as a result of participation in this program.

Mr. Chairman, sickle cell anemia is a real problem and it must have a real solution. We must move now to bring the resources of the Federal Government to bear on this problem and we must initiate programs which will hopefully result in the prevention of this disease and treatment methods for those 50,000 Americans who presently suffer from the ravages of sickle cell anemia and the 2,500,000 who are carriers. Certainly these people have a right to expect to live a normal life free from the daily expectation of pain and even death they now face.

Mr. Chairman, this legislation does zero in on a specific disease. It does not go to every blood disease in the country. We are trying to do something for this specific disease—sickle cell anemia. That is the only disease which the hearings zeroed in on. Until the committee has a chance to spread upon the record the necessity of doing something for other specific diseases and to develop information concerning what the research effort ought to be and in what direction it ought to be geared—then I hope the House will sustain the committee in having as its sole purpose the zeroing in on sickle cell anemia.

I would urge that this House pass this bill, showing that we are serious in getting to the solution of this problem of sickle cell anemia.

Mr. SPRINGER. Mr. Chairman, I yield such time as he may consume to the distinguished minority leader, Mr. Gerald R. Ford.

Mr. GERALD R. FORD. Mr. Chairman, I take this time only because within the last several years in my hometown of Grand Rapids, Mich., some excellent research and testing work was done on the problem of sickle cell anemia. As a result of those tests in the Grand Rapids school system, under the distinguished leadership of Dr. Robert M. Nalbandian, some interesting and constructive results were achieved. As a consequence of this leadership in the city of Grand Rapids, under Dr. Nalbandian, a local television station WZZM—channel 13—undertook to put together a documentary, at their own expense, telling the story of sickle cell anemia.

I am glad to report that that television documentary, solely put together under talent, has been nominated as one of ten candidates for a television Emmy award in the documentary field. Naturally, I would hope that this locally produced television documentary "Paradox of Neglect," would be selected as the winner in the Emmy competition. However, whether that particular documentary wins or not, the Grand Rapids school system under the technical leadership of Dr. Nalbandian has performed a superb service in the medical field by conducting these tests with the black school children in Grand Rapids.

I have in my possession a number of technical documents describing the work that was done by Dr. Nalbandian and his team. The results that have been achieved certainly justify the program. These results were achieved at minimal cost and expense. I freely admit that prior to my lengthy conversations with Dr. Nalbandian I did not understand what the disease was and knew less about the seriousness of it. But after seeing the documentary film produced by WZZM-TV and after spending a considerable amount of time with Dr. Nalbandian, I want to compliment the Interstate and Foreign Commerce Committee for launching this expanded attack upon sickle cell anemia. This disease poses a most serious probem. This legislation will get us started on the right kind of program.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Illinois.

Mr. SPRINGER. Mr. Chairman, may I say that the subcommittee is familiar with the work that has been done in the Grand Rapids schools, and it is excellent. It is too bad that we cannot insert in the Record the film which the distinguished minority leader has mentioned, but I trust that when we get back into the House that the gentleman will take the liberty of inserting the material, which I know he has at hand, in the Record, in order that our colleagues may know a summary of what has been done in this field in Grand Rapids.

Mr. GERALD R. FORD. Mr. Chairman, I thank the gentleman from Illinois (Mr. Springer) for his comments.

I will place in the Record the material that Dr. Nalbandian and his associates have given me.

I say further that if you have not seen this television documentary, "Paradox of Neglect," you should make an effort to do so. It is the most dramatic depiction of sickle cell anemia that I have ever seen. It is much easier to understand from seeing and hearing than it is to understand from reading. I would hope that at some future time this film would be made available for individuals in the House to see.

I am glad to say that after the film was shown to Senator Edward Brooke that he filmed an introduction to the film which is now part of the documentary. He was convinced it was one of the finest television documentaries he had ever seen, and he was glad to be a part of it.

So I would urge the Members of the House to see the film, and if they cannot I will try to get the text so that they can get the benefit of this fine work.

Mr. Chairman, at this point I insert in the RECORD a number of reports on sickle cell anemia and Dr. Nalbandian's work, which have appeared in medical publications. The reports follow:

[From the Journal of the National Medical Association, January 1972]

SICKLE CELL ANEMIA—CONQUEST OF A MOLECULAR DISEASE

(By Robert M. Nalbandian, M.D., Associate Pathologist, Blodgett Memorial Hospital, Grand Rapids, Mich.; Adjunct Associate Professor of Physiology, School of Medicine, Wayne State University, Detroit, Mich., Consultant to U.S. Army, Medical Research Laboratory, Fort Knox, Ky.

Sickle cell anemia is a cruel, crippling, episodic disease. Although it lingers, it is lethal for its victims, 99% of whom are black. The epochal paper of Pauling and associates [1] formulated and supported by experimental evidence the penetrating concept that sickle cell anemia was caused by genetically controlled structural features of an abnormal hemoglobin molecule. According to Pauling this disease now has "a known molecular basis for pathogenesis, a molecular basis for diagnosis, and a molecular basis for treatment." [2] His statement is supported by a series of brilliant investigations since 1949 on hemoglobin at the molecular level. Murayama of the National Institutes of Health achieved a major, significant advance when, based upon his construction of a precision scale model of the hemoglobin molecule, he elucidated his hypothesis [3,4] for the molecular mechanism of sickling, recently only slightly modified by him.[3] Our inferences and deductions, made from the assumption that the modified Murayama hypothesis was correct, have produced an astonishing number of important discoveries, strengthening thereby the validity of his hypothesis very substantially. As a consequence, for the first time in medicine, we have a uniquely comprehensive view of a lethal disease extending as a continuous spectrum from the aberrant hemoglobin molecule to the clinical level of diagnosis and treatment in the afflicted patient.

These recent advances, all derived from the Murayama hypothesis, are discussed in detail elsewhere. [2,5,8]

1. The Murayama test is the first specific test with a molecular basis for the detection of S hemoglobin.[2,5,8]

2. A therapeutic molecular strategy director at the sickling event was developed.[2,5,7] This consisted of mounting a chemical attack on the implicated hydrophobic bonds between interacting tetramers of S hemoglobin.

3. In the search for a chemical desickling agent the specifications of molecular properties were first derived from molecular theory and *preceded* the selection of urea.[2,5]

4. An automated dithionite test [10] and a tube version,[9] each with a molecular basis for the detection of hemoglobin S, have been developed, appropriate for mass screening of large human populations. The automated method processes 120 specimens per hour at a reagent cost of 2c each. These testing techniques have been shown to be entirely accurate in two extended field trials: 1) more than 23,000 soldiers examined at the U.S. Army Medical Research Laboratory at Fort Knox, Kentucky and 2) over 5000 black school children and indicated blood relatives in Grand Rapids, Michigan.

5. Experimental work has led directly to the design of successful clinical protocols for the use of intravenous urea in the treatment of sickle cell crisis [2,6] and the use of oral urea in the prophylactic treatment of sickle cell disease.[2,7]

The therapeutic decision *deducted* from molecular information to use urea in the treatment of sickle cell disease moved Pauling to write: [2] "Most methods of therapy have been empirical in origin. We might consider that medicine is now entering a new stage in which detailed molecular understanding of the nature of disease will be used effectively in the search for therapeutic methods." The protocols [2,5-7] which we have published for the intravenous and oral modes of urea therapy in the treatment of sickle cell disease were evolved with great care over the past 2 years, drawing upon the collected experience of several clinicians at several medical centers. The treatment is safe and effective IF the protocols are faithfully followed in all particulars. Urea, even though produced in the liver and endogenous to the body, when used as a pharmaceutical agent may, like any other agent, be mishandled with adverse consequences for the patient. Hence, faithful compliance with the provisions of the published protocols is essential if therapeutic failures and medical misadventures are to be avoided.

These investigations of the therapeutic use of urea for sickle cell disease and shown to be safe and effective are now in the final stage of evaluation, namely, controlled randomized studies. Substantial funding will be required to expedite the last phase of this research. Our clinical protocols are published [2,5-7] for the attention of serious students of this disease so that evaluation of this chemotherapeutic modality may proceed at an accelerated pace by the use of identical, reliable protocols simultaneously at independent medical centers. Until such studies have been completed and reported, these protocols are not intended for general medical use. Pauling states [2] that the urea modality of treatment "offers a great promise for the future. The suffering of the sickle cell homozygotes can be and should be decreased by the use of methods of therapy" as described.

While the conquest of this disease is of vital concern to 500,000 American blacks and to millions of Africans and non-blacks elsewhere in the world there are even more profound aspects to this body of research. Lethal effects of a genetic disease have ostensibly been conquered by chemical methods deduced from a fund of specific, highly sophisticated molecular information. Our attention was directed toward the incorrect structure of the genetic product, S hemoglobin, rather than toward the incorrect code in the gene. By chemical manipulation of the hemoglobin S molecule with urea, the deadly property of sickling was inhibited without interference with the critically essential function of oxygen transport. Certainly, this is exquisitely delicate molecular remodeling. The methods culminating in the chemotherapeutic use of urea in sickle cell disease now become a model for the conquest of other genetic disease, well before the era of gentic engineering.

Investigators are invited to turn their attention to these recent innovative diagnostic and therapeutic advances in sickle cell anemia at the molecular level of reference. There are no final answers in medicine. Imminent discoveries beckon us all onward.

FOOTNOTES

[1] PAULING, L., H. A. ITANO, S. J. SINGER, and I. C. WELLS. Sickle Cell Anemia, A. Molecular Disease. Science, 110:543, 1949.

[2] NALBANDIAN, R. M. (ed.), Molecular Aspects of Sickle Cell Hemoglobin: Clinical Applications, Chas. C. Thomas Co., Springfield, Ill. 1971.

[3] Listing of U.S. Army Medical Research Laboratory Reports No. 893 through 898. New Eng. J. Med., 284:165, 1971.

[4] MURAYAMA, M. Molecular Mechanism of Red Cell "Sickling." Science, 153:145, 1966.

[5] MURAYAMA, M. Structure of Sickle Cell Hemoglobin and Molecular Mechanism of the Sickling Phenomen. Clin. Chem., 14:578, 1967.

[6] NALBANDIAN, R. M., G. SHULTZ, J. M. LUSHER, J. W. ANDERSON, and R. L. HENRY. Sickle Cell Crisis Terminated by Intravenous Urea in Sugar Solutions—a Preliminary Report. Am. J. Med. Sci., 261:309, 1971.

[7] NALBANDIAN, R. M., J. W. ANDERSON, J. M. LUSHER, A. AGUSTSSON, and R. L. HENRY. Oral Urea and the Prophylactic Treatment of Sickle Cell Disease—a Preliminary Report. Am. J. Med. Sci., 261:325, 1971.

[8] NICHOLS, B. M. and R. M. NALBANDIAN, R. L. HENRY, P. L. WOLFF and F. R. CAMP, JR. Murayama test for Hemoglobin S: Simplification in Technique. Clin. Chem., 17:1057, 1971.

[9] NALBANDIAN, R. M., B. M. NICHOLS, F. R. CAMP, JR., J. M. LUSHER, N. F. CONTE and R. L. HENRY. Dithionite Tube Test—A Rapid, Inexpensive Technique for the Detection of Hemoglobin S and Non-S Sickling Hemoglobin. Clin. Chem. 17:1028, 1971.

[10] NALBANDIAN, R. M., B. M. NICHOLS, F. R. CAMP, JR., J. M. LUSHER, N. F. CONTE and R. L. HENRY. Automated Dithionite Test for the Rapid, Inexpensive Detection of Hemoglobin S and Non-S Sickling Hemoglobinopathies. Clin. Chem. 17:1033, 1971.

AN AUTOMATED MASS S.C.A.T. PROGRAM IN GRAND RAPIDS SCREENING PROGRAM FOR SICKLE CELL DISEASE

(By Robert M. Nalbandian, M.D.; Bruce M. Nichols; Albert E. Heustis, M.D.; Winston B. Prothro, M.D.; and Frederick E. Ludwig, M.D.)

The automated dithionite test, which identifies hemoglobin S at reagent cost of 2 cents each and at a rate of 120 specimens per hour, has been used successfully in both civilian and military mass screening programs for the detection of sickle cell disease. Black school children in Grand Rapids, Mich., were used as the initial test population for a trial of the technique in an ordinary community. Families of those students with positive tests were selected out of a total black population for additional testing. Several patient-controlled options were then offered to afflicted families, including choice of physician, clinics, treatment, and genetic counseling. Country-wide adoption of this automated method should lead to the accumulation of accurate statistics for the first time on incidence, morbidity, mortality, gene frequency, and susceptibility to other diseases of sickle-cell afflicted individuals.

A comprehensive mass screening program for sickle cell disease which includes diagnosis, treatment, and genetic counseling has been successfully accomplished with the black population of Grand Rapids, Mich. The automated screening technique processes specimens at the rate of 120/hr per unit at a reagent cost of 2 cents each and requires only 0.5 ml of anticoagulated whole blood.

While there are numerous screening programs for the detection of sickle cell disease in operation at various medical centers in the United States, these programs are limited in scope, reaching only a small number of the black population at risk. Furthermore, tests in current use do not have a known molecular basis for specificity and none are automated.

TECHNIQUES

All specimens were collected in 5-ml vacuum test tubes with edetic acid (EDTA) as the anticoagulant.

All blood specimens collected in the initial mass screening are processed by the automated dithionite test.[1] Periodic updating of the population at risk is to be conducted twice a year. Such updating may be done conveniently by either the automated dithionite test or the dithionite tube test[2] at no difference in cost. The reagents of the dithionite tests (four types have been developed) essentially consist of (1) potassium phosphate, (2) sodium dithionite, and (3) saponin. When hemoglobin S, either homozygous or heterozyous, red blood cells are exposed to such reagents, the cells lyse, the hemoglobin deoxygenates, and a nematic liquid crystal forms which interferes with the transmittance of light. Loss in transmittance does not occur with hemoglobin A in such systems. Diagnostically significant curves are obtained by automated techniques with the use of a sequential multiple analyzer. Details of principle, techniques, and documentation of the validity and reliability of the test have been published elsewhere recently.[1,2] False-negative results may be obtained if the sodium dithionite or the saponin is not potent or if there is very severe anemia. False-positive tests may be obtained with hemoglobin Bart's and perhaps some other non-S sickling hemoglobins. Therefore, since the automated dithionite test is a mass screening technique, hemoglobin electrophoresis of all positive dithionite specimens will not only yield accurate diagnoses for hemoglobin S, but also will lead to the identification of other hemoglobinopathies, now often overlooked or misdiagnosed.

Hemoglobin electrophoresis at pH 8.4 was done by the equipment and method of the Helena Laboratories, Beaumont, Tex.

All collection of blood specimens was done in several Grand Rapids schools by teams of "bleeders" consisting of a clerk and a paid, professionally skilled person who did the actual venipuncture. The latter included medical technologists, registered nurses, medical students, and physicians. At all bleeding stations, either a doctor of medicine or a registered nurse supervised the overall operation. A simple code for identifying individuals and schools was developed and used. All collected specimens of blood were refrigerated but not frozen on the day of collection and were processed in an interval from a few hours up to ten days after collection.

Each positive tested individual was given at the genetic counseling session a wallet card identifying the hemoglobinopathy as suggested by Moran.[3] Instructions were given that the card was to be shown whenever medical attention or hospitalization is sought.

In our study (Table 1) 309 cases of sickle cell hemoglobin were found among 5,192 individuals tested. The total cost per test (Table 2) was 82 cents each. The total cost per positive test was $13.69 each. Using our methods and techniques, LTC Frank R. Camp, Jr., and COL Nicholas F. Conte of the US Army Medical Research Laboratory, Fort Knox, Ky., have successfully screened to date more than 23,000 troops and have found over 165 cases of sickle cell hemoglobin at a cost per test of 0.17 cents and a cost per positive test of $19.03 each (unpublished data). Dr. Leo P. Cawley (oral communication, March 1971) and Dr. Edwin L. Bemis and associates (oral communication, Sept. 1971) have instituted current community-wide mass screening programs in their respective cities by the use of our techniques. Commander Lawrence G. Dickson of the US Naval Medical Research Institute, Bethesda, Md. (oral communication, July 1970), has coupled our automated dithionite test with an automated technique for the detection of glucose-6-phosphate dehydrogenase deficiency. The results of mass screening of naval recruits for these factors may ultimately be used as a basis for determining geographical zones of assignment for military duty.

TABLE 1.—SUMMARIZED DATA ON POPULATION BASE AND RESULTS OF MASS SCREENING PROGRAM

	Number of students			
	White	Black	Not specified[1]	Total
Grand Rapids school system	27,041	7,917		
Screening tests performed	52	4,465	675	5,192
Hemoglobinopathy diagnosed:				
AS	1	264	41	306
SC		1	1	2
SS		1		1

[1] The race of 675 students was not specified because of clerical omission.

TABLE 2.—*Summary of expenses involved in screening program—5,192 tests*

	Cost
Reagents	$259.05
Supplies (vacuum test tubes, needles, etc)	1,233.71
Electrophoresis (supplies, reagents)	24.10
Wages:	
Professional	1,693.09
Nonprofessional	1,019.80
Total	4,229.75
Cost per test	0.82
Cost per positive test	13.69

COMMENT

Comprehensive Mass Screening Program.—Any mass screening program for the detection of hemoglobin S must be designed so that the lowest possible cost per positive test will be achieved. Otherwise the cost of mass screening of the total US black population would come to a prohibitive sum.

In metropolitan areas comprehensive mass screening can be achieved economically in two phases. The first is an initial mass screening by automated technique of black school children at selected schools. Second, the blood relatives of children showing positive tests are tested. In these families, individuals with positive tests are then further tested by hemoglobin electrophoresis to determine hemoglobin genotypes, information which is highly pertinent to genetic counseling. Such an approach eliminates the needless screening of large numbers of sickle-cell-negative individuals and keeps the cost of the screening program low. The screening program requires a semiannual updating of the population by screening tests. All black school children entering at the kindergarten level or transferring into the school system at any grade level are tested. Again, the families of positive-testing students are also tested.

We believe that voluntary, well-publicized educational programs antedating by several weeks the initial and subsequent mass screenings are essential to the success of this type of project.

Patient-Controlled Options.—All individuals or families detected during the program to be afflicted with sickle cell disease were offered a set of options: (1) They were free to do nothing more. (2) They could seek the advice of a physician of their choice. (3) They could seek the advice of a physician knowledgeable in the indications and anministration of urea therapy. (4) They could visit the sickle cell anemia clinic and obtain urea treatment from designated physicians at the Blodgett Memorial Hospital. (Urea therapy, which is still under investigation and evaluation[4-6] was used as part of an ongoing research program in the absence of other known effective treatment for sickle known effective treatment for sickle cell disease.) (5) Finally, they were given the opportunity to obtain family-wide genetic counseling from black geneticists from Michigan State University. (The genetic counseling aspect of this program is under the guidance of Prof. Herman Slatis and will be reported subsequently by him and his colleagues elsewhere.)

FUTURE COMPREHENSIVE SCREENING PROGRAMS

On the basis of our experience with this mass screening program we wish to emphasize certain points.

1. For maximum effectiveness, screening programs should be presented to the entire community by black leaders including physicians, dentists, nurses, and religious leaders. Essential to the success of the program is a preceding educational campaign making use of the news media—radio, television, newspapers, and magazines. In addition, parent-teacher associations and health-oriented groups are most useful, and educational projects on sickle cell disease at all grade levels in the school system if undertaken well in advance of the actual screening will be effective in mobilizing students to participate. In those schools where such programs were well carried out almost 99% of the student body gave blood specimens.

2. The mass screening of a segment of the population of a large metropolitan area is a complex undertaking. The logistics must be closely coordinated among the personnel of the local school system, the health department, the physician's organizations, the local hospital laboratories, medical technologists, and registered nurses.

3. The opportunity for human error is markedly reduced if the actual bleeding team consists of professional personnel, while a registered nurse or a physician should also be in attendance when blood specimens are being collected.

4. In order to avoid possible medicolegal entanglements, the program must be free and voluntary. Permission slips signed by the parents authorizing the collection of the blood specimen and the performance of the test should always be obtained.

5. In our study we noted some reluctance by high school students to submit to testing. A particular effort should always be made to involve this particular age group since afflicted individuals of reproductive age will benefit most from genetic counseling.

6. Careful record compilation and coding is essential if each community is to continue to benefit from such a program.

Comprehensive mass screening programs (diagnosis, treatment, genetic counseling) for sickle cell disease can now be mounted in any interested community, since an automated, inexpensive testing technique is now available. Such a model study has been successfully accomplished in Grand Rapids, Mich. As a consequence, there are now a small number of successful, ongoing civilian and military mass screening programs for the detection of sickle cell disease by techniques and methods described and cited in this paper.

---

[1] Nalbandian RM, Nichols BM, Camp FR Jr, et al: Automated dithionite test for the rapid inexpensive detection of hemoglobin S and non-S sickling hemoglobinopathies. *Clin Chem* 17:1033–1037, 1971.

[2] Nalbandian RM, Nichols BM, Camp FR Jr, et al: Dithionite tube test: A rapid, inexpensive technique for the detection of hemoglobin S and non-S sickling hemoglobin. *Clin Chem* 17:1028–1932, 1971.

[3] Moran, T. J.: Detection of hemoglobin S in a community hospital. *JAMA*, to be published.

[4] Nalbandian RM (ed): *Molecular Aspects of Sickle Cell Hemoglobin: Clinical Applications*. Springfield, Ill. Charles C. Thomas Publisher, 1971.

[5] Nalbandian RM, Shultz S, Lusher JM, et al: Sickle cell crisis terminated by intravenous urea in sugar solutions: A preliminary report. *Amer. J. Med. Sci.* 261:309–324, 1971.

[6] Nalbandian RM, Anderson JW, Lusher JM, et al: Oral urea and the prophylactic treatment of sickle cell disease: A preliminary report. *Amer. J. Med. Sci.* 261:325–334, 1971.

ABSTRACT NO. 51—MASS SCREENING FOR HEMOGLOBIN S IN LARGE CIVILIAN AND MILITARY POPULATIONS BY THE AUTOMATED DITHIONITE TESTS

Robert M. Nalbandian, M.D., Frank R. Camp, Jr., M.S., Nicholas F. Conte, M.D., and Keats K. Vining, F.A.C.P., Departments of Pathology and Medicine, Blodgett Memorial Hospital, Grand Rapids, Michigan and U.S. Army Medical Research Laboratory, Fort Knox, Kentucky.

Four new dithionite tests have recently been developed for the detection of hemoglobin S. One of these, the automated dithionite test, has been used in large mass screening programs in metropolitan and military populations constituting in aggregate a field-test of over 27,000 individuals. The automated technique processes 120 specimens per hour on a ½ cc of anticoagulated whole blood at a reagent cost of 2¢ each. In Grand Rapids a comprehensive mass screening program was undertaken successfully. The initial test population were the black school children. Positive testing children identified the affected families in the community. Members of such families were then also tested. Several patient-controlled options were offered including choice of physician, clinic treatment, and genetic counseling. By this selective approach to the black population at risk in large metropolitan communities the needless effort and expense of screening sickle cell negative individuals is avoided, resulting in a low total cost per test (83¢ each) and a low total cost per positive test ($13.85 each) when all administrative costs are included. Detailed data of the Grand Rapids survey and the more than 20,000 troops studied at the U.S. Army Medical Research Laboratory will be presented. The automated dithionite test is an efficient reliable technique suitable for the mass screening of large human populations for the detection of sickle cell hemoglobin. An ancillary gain in the universal utilization of this automated, objective, reproducible technique will be the accumulation of accurate statistics for the first time on incidence, morbidity, mortality, gene frequency, and susceptibility to other disease of sickle cell victims.

ABSTRACT—A COLLECTED BIBLIOGRAPHY OF CLINICAL ADVANCES IN SICKLE CELL DISEASE BASED ON THE MURAYAMA MOLECULAR HYPOTHESIS

OBJECTIVE

To collect and make conveniently available in one source a bibliography of all scientific communications dealing with diagnostic and therapeutic advances in sickle cell disease derived from the Murayama hypothesis for the molecular events involved in the sickling of a hemoglobin S red cell.

METHOD

The published papers, abstracts, presentations at national and international scientific meetings, a book, a scientific exhibit, a television documentary, and other scientific communications are collected and arranged in the order of publication or presentation. Listed in this bibliography are 74 such items. The cited research work emanates principally from three institutions: Department of Pathology, Blodgett Memorial Hospital, Grand Rapids, Michigan; Department of Physiology, School of Medicine, Wayne State University, Detroit, Michigan; and the US Army Medical Research Laboratory, Fort Knox, Kentucky.

CONCLUSIONS

The Murayama hypothesis for the molecular events involved in the interior of a sickling hemoglobin red cell is based in part on his construction of a precision scale model of the hemoglobin S molecule. Murayama, drawing in part upon the molecular investigations of others, such as Pauling, Braunitzer, Konigsberg, Muirhead, Perutz, and Ingram, has in effect provided us with a molecular definition of disease and a description of molecular interaction which has pathogenetic significance in sickle cell disease. This is the first time any disease has been understood in such terms at the molecular level in medicine. The cited references in this bibliography are all directly derived from the Murayama hypothesis either by deduction or inference. These scientific communications represent advances at the clinical level. Our group has bridged the growing gap between advancing sophisticated basic science work and an effective transliteration of such information into clinical gains in sickle cell disease. All of the following discoveries are such extensions of the Murayama hypothesis:

1. Five inexpensive, new tests for hemoglobin S, each with a molecular basis: (a) Murayama test; (b) four dithionite tests.

2. Several successful mass screening studies for sickle cell hemoglobin in large military and civilian populations by the automated dithionite test.

3. A therapeutic molecular strategy for mounting a chemical attack on the intertetrameric hydrophobic bonds essential to the sickling event.

4. The theoretical specifications defining an effective desickling agent including some particulars of molecular structure which antedated and led to the selection of urea.

5. Optical and electron microscopy evidence for the desickling effect of urea.

6. The evolution of a safe and effective clinical protocol for the intravenous use of urea in sugar solutions in the treatment of acute sickle cell crisis without the effect of narcotics or analgesics.

7. The evolution of a simple clinical protocol for the oral, prophylactic treatment of sickle cell disease and related clinical conditions.

Each and every time a prediction was made from the Murayama hypothesis experimental results confirming the deduction or inference were consistently forthcoming. Without too much exaggeration, one may view the Murayama hypothesis as a scientific cornucopia of innovative clinical advances in sickle cell disease.

It is for the convenience of the serious student of sickle cell disease who may wish to advance the clinical knowledge of sickle cell disease by the *molecular route* of the Murayama hypothesis that we have compiled this pertinent bibliography.

The citations in this publication span only two years—from November 1969. The scientific content of these citations only begins to suggest the truth, power, and beauty of the Murayama hypothesis. It is our hope that other workers will pick up this powerful tool which Murayama has given us and will advance the clinical gains in diagnosis and treatment of sickle cell disease, a deadly if lingering affliction which numbers its worldwide victims in the untold millions.

A COLLECTED BIBLIOGRAPHY OF CLINICAL ADVANCES IN SICKLE CELL DISEASE BASED ON THE MURAYAMA MOLECULAR HYPOTHESIS

PAPERS

1. Nalbandian, R. M., D. L. Kessler, and R. L. Henry. Nonspecificity of tests for hemoglobin S. Bull. Path. 10:277, 1969.

2. Nalbandian, R. M., and D. L. Kessler. The Murayama test, a specific test for hemoglobin S. Bull. Path. 10:323, 1969.

3. Nalbandian, R. M., R. L. Henry, B. M. Nichols, F. R. Camp, Jr., and P. L. Wolf. The Murayama test. Part I. Evidence for the modified Murayama hypothesis for the molecular mechanism of sickling. USAMRL Report No. 893, 17 September 1970 (DDC AD No. 715 248).

4. Nalbandian, R. M., R. L. Henry, B. M. Nichols, F. R. Camp, Jr., and P. L. Wolf. The Murayama test. Part II. Principles, technique, interpretation, and data. USAMRL Report No. 894, 17 September 1970. (DDC AD No. 715 249).

5. Nalbandian, R. M., R. L. Henry, M. I. Barnhart, and F. R. Camp, Jr. Sickling reversed and blocked by urea in invert sugar: Optical and electron microscopy evidence. USAMRL Report No. 895, 17 September 1970. (DDC AD No. 715 250).

6. Nalbandian, R. M., R. L. Henry, G. Shultz, F. R. Camp, Jr., and P. L. Wolf. Sickle cell crisis terminated by use of urea in invert sugar in two cases. USAMRL Report No. 896, 17 September 1970. (DDC AD No. 721 005).

7. Henry, R. L., R. M. Nalbandian, B. M. Nichols, P. L. Wolf, and F. R. Camp, Jr. Modified Sickledex tube test. A specific test for S hemoglobin. USAMRL Report No. 897, 17 September 1970. (DDC AD No. 715743).

8. Henry, R. L., R. M. Nalbandian, B. M. Nichols, P. L. Wolf, and F. R. Camp, Jr. An automated screening method for the specific detection of homozygous and heterozygous S hemoglobin. USAMRL Report No. 898, 17 September 1970. (DDC AD No. 715744).

9. Nalbandian, R. M., R. L. Henry, T. N. Evans, F. R. Camp, Jr., P. L. Wolf, and N. F. Conte. Embryonic, fetal, and neonatal hemoglobin synthesis: Relationship to abortion and thalassemia. USAMRL Report No. 910, 17 November 1970. (DDC AD No. 717231).

10. Nalbandian, R. M., R. L. Henry, B. M. Nichols, F. R. Camp, Jr., and P. L. Wolf, Molecular basis for a simple, specific test for S hemoglobin: The Murayama test. Clin. Chem. *16*:945, 1970.

11. Nalbandian, R. M., R. L. Henry, F. R. Camp, Jr., P. L. Wolf, and T. N. Evans. Embryonic, fetal, and neonatal hemoglobin synthesis: Relationship to abortion and thalassemia. Obstet. Gynec. Surv. *26*: 185, 1971.

12. Nalbandian, R. M., and T. N. Evans. Sickle cell disease: A molecular approach to pathogenesis, diagnosis, and treatment. Mich. Med. *70*: 411, 1971.

13. Nalbandian, R. M. The molecular basis for the pathogenesis, diagnosis, and treatment of sickle cell disease. Lab. Med. *2*:12, 1971.

14. Nalbandian, R. M., G. Shultz, J. M. Lusher, J. W. Anderson, and R. L. Henry. Sickle cell crisis terminated by intravenous urea in sugar solutions—a preliminary report. Amer. J. Med. Sci. *261*:309, 1971.

15. Nalbandian, R. M., J. W. Anderson, J. M. Lusher, A. Agustsson, and R. L. Henry. Oral urea and the prophylactic treatment of sickle cell disease—a preliminary report. Amer. J. Med. Sci. *261*:325, 1971.

16. Nalbandian, R. M., R. L. Henry, M. I. Barnhart, B. M. Nichols, F. R. Camp, Jr., and P. L. Wolf. Sickling reversed and blocked by urea in invert sugar. Amer. J. Path. *64*:405, 1971.

17. Nichols, B. M., R. M. Nalbandian, R. L. Henry, P. L. Wolf, and F. R. Camp, Jr. Murayama test for hemoglobin S: Simplification in technique. Clin. Chem. *17*:1059, 1971.

18. Nalbandian, R. M., R. M. Nichols, F. R. Camp, Jr., J. M. Lusher, N. F. Conte, R. L. Henry, and P. L. Wolf. Dithionite tube test—a rapid, inexpensive technique for the detection of hemoglobin S and non-S sickling hemoglobin. Clin. Chem. *17*:1028, 1971.

19. Nalbandian, R. M., B. M. Nichols, F. R. Camp, Jr., J. M. Lusher, N. F. Conte, R. L. Henry, and P. L. Wolf. Automated dithionite test for the rapid, inexpensive detection of hemoglobin S and non-S sickling hemoglobinopathies. Clin. Chem. *17*:1033, 1971.

20. Nalbandian, R. M., B. M. Nichols, F. R. Camp, Jr., N. F. Conte, J. H. Lusher, and R. L. Henry. The detection of sickle cell disease in large human populations by an

automated technique. USAMRL Report No. 936, 11 June 1971.

21. Nalbandian, R. M., B. M. Nichols, F. R. Camp, Jr., J. M. Lusher, N. F. Conte, R. L. Henry, and P. L. Wolf. Dithionite tube test—a rapid, inexpensive technique for the detection of hemoglobin S and non-S sickling hemoglobin. USAMRL Report No. 942, 4 August 1971.

22. Nalbandian, R. M., B. M. Nichols, F. R. Camp, Jr., J. M. Lusher, N. F. Conte, and R. L. Henry. Automated dithionite test for the rapid, inexpensive detection of hemoglobin S and non-S sickling hemoglobinopathies, USAMRL Report No. 943, 4 August 1971.

23. Nichols, B. M., R. M. Nalbandian, R. L. Henry, P. L. Wolf, and F. R. Camp, Jr. The Murayama test for hemoglobin S—a simplification in technique. USAMRL Report No. 944, 4 August 1971.

24. Nalbandian, R. M., R. L. Henry, J. M. Lusher, F. R. Camp, Jr., and N. F. Conte. Sickledex test for S hemoglobin—a critique. USAMRL Report No. 945, 4 August 1971.

25. Henry, R. L., R. M. Nalbandian, B. M. Nichols, P. L. Wolf, F. R. Camp, Jr., and N. F. Conte "An Automated, Modified Sickledex Test Technique for the Specific Detection of Homozygous and Heterozygous S Hemoglobin." In *Advances in Automated Analysis*, New York, Mediad, 1970, pp 471–476.

26. Nalbandian, R. M., B. M. Nichols, F. R. Camp, Jr., N. F. Conte, J. M. Lusher, and R. L. Henry. The detection of sickle cell disease in large human populations by an automated technique. Milit. Med., 1971 (in press).

27. Nalbandian, R. M., R. L. Henry, P. L. Wolf, and F. R. Camp, Jr. Molecular basis for the specific test for hemoglobin S (Murayama test). Ann. Clin. Lab. Sci. 1:26, 1971.

28. Nalbandian, R. M., R. L. Henry, M. I. Barnhart, and F. R. Camp, Jr. The molecular basis for the treatment of sickle cell crisis by use of urea in invert sugar solutions. Ann. Clin. Lab. Sci., 1971 (in press).

29. Henry, R. L., R. M. Nalbandian, R. M. Nichols, P. L. Wolf, F. R. Camp, Jr., and N. F. Conte. Modified Sickledex tube test: A specific test for S hemoglobin. Clin. Biochem., 4:196–207, 1971.

30. Nalbandian, R. M., R. L. Henry, J. M. Lusher, F. R. Camp, Jr., and N. F. Conte. Sickledex test for S hemoglobin—a critique. JAMA 218:1679–1680, 1971.

31. Nalbandian, R. M., B. M. Nichols, A. E. Heustis, W. B. Prothro, and F. K. Ludwig. A mass screening program for sickle cell disease. JAMA, 218:1680–1682, 1971.

ABSTRACTS

1. Nalbandian, R. M., D. L. Kessler, B. M. Nichols, R. L. Henry, F. R. Camp, Jr., P. R. McCurdy, and P. L. Wolf. The Murayama test: The first specific test for hemoglobin S. J. Reticuloendothel. Soc. 7:654, 1970.

2. Nalbandian, R. M., D. L. Kessler, R. L. Henry, F. R. Camp, Jr., B. M. Nichols, P. R. McCurdy, and P. L. Wolf. The molecular basis for the first specific test for hemoglobin S: The Murayama test. Fed. Proc., 29:423, 1970.

3. Nalbandian, R. M., R. L. Henry, B. M. Nichols, D. L. Kessler, F. R. Camp, Jr., and K. K. Vining, Jr. The molecular basis for the treatment of sickle cell crisis by intravenous urea. Ann. Int. Med. 72: 795, 1970.

4. Nalbandian, R. M., D. L. Kessler, R. L. Henry, M. I. Barnhart, F. R. Camp, Jr., P. R. McCurdy, and B. M. Nichols. The molecular basis for the first specific test (Murayama test) for hemoglobin S and the therapeutic use of urea. Abstracts, 6th Int. Meeting of the Reticuloendothelial Soc., 1970, p 106.

5. Nalbandian, R. M., D. L. Kessler, R. L. Henry, F. R. Camp, Jr., P. R. McCurdy, P. L. Wolf, and B. M. Nichols. The molecular basis for the first specific test for hemoglobin S: The Murayama test. Abstracts, 13th Int Congr. Hemat., 1970, p 333.

6. Henry, R. L., R. M. Nalbandian, D. L. Kessler, M. I. Barnhart, F. R. Camp, Jr., and B. M. Nichols. The molecular basis for the treatment of sickle cell crisis by intravenous urea. Abstracts, 13th Int. Congr. Hemat., 1970, p 260.

7. Barnhart, M. I., J. M. Lusher, R. L. Henry, and R. M. Nalbandian. Electron microscopic evidence of reversal of sickling in crisis by iv urea in invert sugar. Blood, 36: 837, 1970.

8. Nalbandian, R. M., R. L. Henry, F. R. Camp, Jr., and P. L. Wolf. A unique, specific test for S hemoglobin. Lab Invest. 24:441, 1971.

9. Nalbandian, R. M., R. L. Henry, F. R. Camp, Jr., and P. L. Wolf. An electron microscopic study of reversal of red cell sickling. Lab. Invest. 24: 442, 1971.

10. Barnhart, M. I., J. M. Lusher, R. L. Henry, and R. M. Nalbandian. Reversal and inhibition of sickling by ruea-glucose. Fed. Proc. *30*:684, 1971.

11. Nalbandian, R. M., B. C. Houghton, R. L. Henry, and P. L. Wolf. The molecular basis for the oral, prophylactic use of urea in the treatment of sickle cell anemia. Fed. Proc *30*:684, 1971.

12. Nalbandian, R. M., R. L. Henry, P. L. Wolf, and F. R. Camp, Jr. The molecular basis for each of three new specific tests for S hemoglobin. Amer. J. Clin. Path. *56*:131, 1971.

13. Nalbandian, R. M., R. L. Henry, G. Shultz, and N. Avery, Jr. SS crisis treated successfully by urea in invert sugar. Ann. Intern. Med. *74*:827, 1971.

14. Nalbandian, R. M., R. L. Henry, B. M. Nichols, F. R. Camp, Jr., and P. L. Wolf. "Molecular Basis for a Simple, Specific Test for S Hemoglobin: Murayama Test." In *The Year Book of Pathology and Clinical Pathology*, W. B. Wartmen (ed). Chicago, Year Book Publishers, 1971, pp. 357–358.

NATIONAL AND INTERNATIONAL MEETINGS

1. Nalbandian, R. M., D. L. Kessler, B. M. Nichols, R. L. Henry, F. R. Camp, Jr., P. L. Wolf, and P. R. McCurdy. The Murayama test: The first specific test for hemoglobin S. Presented at the 6th Annual National Meeting of the Reticuloendothelial Society, San Francisco, Cal., Dec. 2–5, 1969.

2. Nalbandian, R. M., D. L. Kessler, R. L. Henry, F. R. Camp, Jr., B. M. Nichols, P. R. McCurdy, and P. L. Wolf. The molecular basis for the first specific test for hemoglobin S: the Murayama test. Presented at the 54th Annual Meeting of the Federation of American Societies for Experimental Biology, Atlantic City, New Jersey, April 12–17, 1970.

3. Nalbandian, R. M., R. L. Henry, B. M. Nichols, D. L. Kessler, F. R. Camp, Jr., and K. K. Vining, Jr. The molecular basis for the treatment of sickle cell crisis by intravenous urea. Presented at the 51st Annual Meeting of the American College of Physicians, Philadelphia, April 12–17, 1970.

4. Nalbandian, R. M., D. L. Kessler, R. L. Henry, M. I. Barnhart, F. R. Camp, Jr., P. R. McCurdy, and B. M. Nichols. The molecular basis for the first specific test (Murayama test) for hemoglobin S and the therapeutic use of urea. Presented at the 6th International Meeting of the Reticuloendothelial Society, Freiburg, Germany, July 28–August 1, 1970.

5. Henry, R. L., R. M. Nalbandian, D. L. Kessler, M. I. Barnhart, F. R. Camp, Jr., and B. M. Nichols The molecular basis for the treatment of sickle cell crisis by intravenous urea. Presented at the 13th International Congress of Hematology, Munich, Germany, August 2–8, 1970.

6. Nalbandian, R. M., D. L. Kessler, R. L. Henry, F. R. Camp, Jr., P. R. McCurdy, P. L. Wolf, and B. M. Nichols The molecular basis for the first specific test for hemoglobin S: the Murayama test. Presented at the 13th International Congress of Hematology, Munich, Germany, August 2–8, 1970.

7. Henry, R. L., R. M. Nalbandian, B. M. Nichols, P. L. Wolf, F. R. Camp, Jr., and N. F. Conte. An automated, specific method for the detection of S hemoglobin. Presented at Technicon International Congress, New York, N.Y., November 2–4, 1970.

8. Nalbandian, R. M. Molecular basis for the specific test for hemoglobin S (Murayama test). Presented at 38th Annual Meeting of the Association of Clinical Scientists, Washington, D.C., November 6–8, 1970.

9. Nalbandian, R. M., B. M. Nichols, and D. L. Kessler. The Murayama test for hemoglobin S—methodology. Presented at 38th Annual Meeting of the Association of Clinical Scientists, Washington, D.C., November 6–8, 1970.

10. Nalbandian, R. M. Molecular basis for the treatment of sickle cell crisis by the use of urea in sugar solutions. Presented at 38th Annual Meeting of the Association of Clinical Scientists, Washington, D.C., November 6–8, 1970.

11. Barnhart, M. I., J. M. Lusher, R. L. Henry, and R. M. Nalbandian. Electron microscopic evidence of reversal of sickling in crisis by iv urea in invert sugar. Presented at 13th Annual Meeting of the American Society of Hematology, San Juan, Puerto Rico, December 6–8, 1970.

12. Nalbandian, R. M., R. L. Henry, P. L. Wolf, and F. R. Camp, Jr. The molecular basis of each of three new specific tests for S hemoglobin. Presented at the Interim Meeting of the American Society of Clinical Pathologists, Las Vegas, Nevada, February 19–26, 1971.

13. Nalbandian, R. M., R. L. Henry, F. R. Camp, Jr., and P. L. Wolf. An electron microscopic study of reversal of red cell sickling. Presented at the 60th Annual Meeting of the International Academy of Pathology, Montreal, Quebec, Canada, March 9–13, 1971.

14. Nalbandian, R. M., R. L. Henry, F. R. Camp, Jr., and P. L. Wolf. A unique, specific test for S-hemoglobin. Presented at the 60th Annual Meeting of the International Academy of Pathology, Montreal, Quebec, Canada, March 9–13, 1971.

15. Nalbandian, R. M., R. L. Henry, G. Shultz, and N. Avery, Jr. SS crisis treated successfully by urea in invert sugar. Presented at the 52nd Annual Meeting of the American College of Physicians, Denver, Colorado, March 29–April 2, 1971.

16. Nalbandian, R. M., B. C. Houghton, R. L. Henry, and P. L. Wolf. The molecular basis for the oral, prophylactic use of urea in the treatment of sickle cell anemia. Presented at 55th Annual Meeting of the American Society for Experimental Biology, Chicago, Illinois, April 12–17, 1971.

17. Barnhart, M. I., J. M. Lusher, R. L. Henry, and R. M. Nalbandian. Reversal and inhibition of sickling by urea-glucose. Presented at the 55th Annual Meeting of the American Society for Experimental Biology, Chicago, Illinois, April 12–17, 1971.

18. Nalbandian, R. M., R. L. Henry, B. M. Nichols, F. R. Camp, Jr., and P. L. Wolf. Molecular basis for a simple, specific test for S hemoglobin: the Murayama test. Presented at the 23rd Annual Meeting of the American Association of Clinical Chemists and the 15th Annual Meeting of the Canadian Society of Clinical Chemists, Seattle, Washington, August 9–13, 1971.

19. Nalbandian, R. M., B. M. Nichols, F. R. Camp, Jr., R. L. Henry, and P. L. Wolf. Dithionite test for hemoglobin S: a tube and automated technic with a molecular basis for specificity. Presented at the 24th Annual Meeting of the American Association of Blood Banks, Chicago, Illinois, September 12–16, 1971.

20. Nalbandian, R. M., G. Shultz, J. W. Anderson, and J. M. Lusher. Acute sickle cell crisis treated by intravenous urea in sugar solutions. Presented at the 14th Annual Meeting of the American Society of Hematology, San Francisco, California, December 5–7, 1971.

BOOK

Nalbandian, R. M. (ed). Molecular Aspects of Sickle Cell Hemoglobin: Clinical Applications. Charles C. Thomas Co., Springfield, Illinois, May 1971.

EXHIBIT

Murayama M., R. M. Nalbandian, F. R. Camp, Jr., and N. F. Conte. Molecular basis for sickling and therapeutic use of urea. Scientific exhibit, constructed by Armed Forces Institute of Pathology. From: National Institutes of Health, Blodgett Memorial Hospital, Department of Pathology, Wayne State University School of Medicine, Department of Physiology, and US Army Medical Research Laboratory, Fort Knox, Ky.

BOOK CHAPTER

Nalbandian, R. M. "Advances in the Molecular Pathology of Sickle Cell Disease: Clinical Applications." In *Advances in Clinical Pathology*, American Society of Clinical Pathologists.

ENCYCLOPEDIA ARTICLE

Nalbandian, R. M. Sickle cell disease. The World Book Encyclopedia, 1971 (in press).

TELEVISION DOCUMENTARY

Nalbandian, R. M., and M. Murayama (technical advisors). Paradox of Neglect. TV Documentary (52 minutes running time), Station WZZM, Grand Rapids, Michigan.

LETTERS

1. Nalbandian, R. M., D. L. Kessler, and R. L. Henry. Anthropoid diseases in animals. New Eng. J. Med. *282*:103, 1970.
2. Nalbandian, R. M., P. L. Wolf, and F. R. Camp, Jr. Specificity of tests for hemoglobin S. JAMA *215*:489, 1971.
3. Nalbandian, R. M. Urea for sickle-cell crisis. New Eng. J. Med *284*:1381, 1971.
4. Nalbandian, R. M. Urea treatment of sickle-cell crisis. New Eng. J. Med. *285*:408, 1971.

INTERNATIONAL SYMPOSIUM

Mammen, E. F., G. F. Anderson, and M. I. Barnhart (eds). Sickle cell anemia. President at 20th Annual Symposium on Blood. Department of Physiology, School of Medicine, Wayne State University, Detroit, Michigan, January 20–21, 1971. Supplement to Thrombosis Diathesis et Haemorrhagica (scheduled for 1972).

Mr. SPRINGER. Mr. Chairman, I yield such time as he may consume to my distinguished colleague, the gentleman from Ohio (Mr. MILLER).

Mr. MILLER of Ohio. Mr. Chairman, I wish to express my full and complete support for H.R. 13592, the National Sickle Cell Anemia Prevention Act, and the national commitment it makes to find a way to diagnose and cure this inherited blood disease which primarily afflicts black people.

The Federal Government can no longer stand in the background and ignore the urgent need to put its muscle behind a concerted effort to study and control this tragic affliction. Most who have the disease will not live to age 20 after having suffered an incredibly agonizing life. Interest and research in the disease have been growing rapidly but much remains to be done. Federal resources can make the important difference between an early cure and a lifetime of suffering. That is why this legislation is a giant step in that direction.

Mr. SCHEUER. Mr. Chairman, I rise in support of this legislation to establish a national program for diagnosis, prevention, and treatment of sickle cell anemia, a blood disease which strikes only black Americans. This genetic disease, carried by one out of every 12 blacks, afflicts one out of every 500 black babies born in this country. It is a painful, deadly malady which has received far too little attention until very recently.

This legislation provides for a voluntary screening and counseling program and programs to develop and distribute educational materials relating to sickle cell anemia. The bill authorizes an initial $25 million for fiscal year 1973, increasing to $45 million by fiscal year 1975. These sums will greatly help reduce the incidence of this disease and bring new resources to bear on the problems of diagnosis and cure. I am confident that this bill will receive the overwhelming, favorable endorsement of the House today.

Mr. BADILLO. Mr. Chairman, I rise to offer my enthusiastic support for this legislation and to again emphasize for the RECORD that it is being enacted over the objections of the administration—just another example of how distorted and misdirected the Nixon administration's priorities really are.

It seems incredible that we have failed for this long to establish a national commitment to deal with the dread disease of sickle cell anemia. We know that more than 2 million Americans carry the so-called sickle cell trait; that the disease is incredibly painful, killing over half its victims before the age of 20 and crippling most before death.

We know, too, that sickle cell anemia is genetic in origin and that one out of every 12 black persons is a carrier.

When we compare the incidence of sickle cell anemia at birth with other diseases occurring among all races, the implications become obvious: in the United States, one out of every five black infants is born with sickle cell anemia while one out of every 2,500 of all races is born with diabetes, one out of every 2,880 with leukemia and one out of every 5,000 with muscular dystrophy.

In April 1969, the Harlem Hospital in New York sponsored a community health fair and tested a random sample of black people from the community for sickle cell anemia. Of 47 tested, seven showed the sickle cell trait—almost 15 percent.

The bill before us today is a start, but an important one. It will establish a national program for diagnosis, prevention, and treatment, a voluntary screening and counseling program, and new programs to develop and distribute educational materials relating to this dread disease. An important feature of the bill provides for community representation in the development and operation of programs.

I regret that the House bill is not as broad in scope or as generous in funding as is the Senate version and I particularly regret the failure of the House bill to bring the Veterans' Administration and the Department of Defense into the screening programs.

On balance, however, the bill deserves the support of every Member of this House and immediate implementation by the Department of Health, Education, and Welfare.

Mr. CONYERS. Mr. Chairman, after many silent years, the public and the Congress have finally recognized the need for public funds to fight the painful and tragic disease of sickle cell anemia which afflicts so many black Americans.

Only as recently as February 1972, President Nixon declared sickle cell anemia an area of administration concern. Now that the Senate has taken swift and generous action to give substance to administrative concern by unanimously passing the National Sickle Cell Anemia Act, the House must meet its responsibility.

The bill reported out by the House Interstate and Foreign Commerce Committee is a good one. It is not, however, as generous as its Senate counterpart. Whereas S. 2676 authorizes $142 million to fight sickle cell, the House version authorizes only $105 million. I would hope that we would raise the level of House funding to meet Senate levels. Adequate funding is essential if the fight against sickle cell is to be successful.

Furthermore, I should like to see included in the House version, those sections of the Senate bill which would provide protection of Armed Forces personnel and of veterans through the Department of Defense and the Veterans' Administration.

It is commendable that the Senate was able to pass such worthy legislation and that the House committee acted so quickly. It is reassuring that at long last the Congress considers sickle cell anemia not only a national problem, but one demanding national effort and priority.

Mr. STOKES. Mr. Chairman, today we meet to vote on a bill of utmost importance to black Americans, the National Sickle Cell Anemia Act. I would like to demonstrate how and why sickle cell anemia is so widely feared in the black community, and why this legislation is badly needed.

The statistics speak with a loud and disarming voice; 50,000 Americans are afflicted with sickle cell anemia and they lead intolerably painful existences as a result, rarely living past the age of 30. Two million other black Americans carry the sickle cell trait, and run the risk of transmitting the disease to their children.

Until now, little Federal money has been spent in the fight against this dreaded disease. Today, however, we vote on a bill which will change that situation. H.R. 13592 would provide $25 million for fiscal year 1973, $35 million for fiscal year 1974, and $45 million for fiscal year 1975. With these funds, voluntary screening and counseling programs would be instituted, along with programs to distribute educational materials to black communities. Persons nearing child-rearing age would be given first priority, followed by children under the age of 7.

We have learned two important lessons from our efforts to fund programs designed to combat sickle cell anemia. First, we have discovered that, if black people had not banded together to fight the political and medical establishment, the disease would still be ignored or unknown today. Second, we must realize that the battle against sickle cell anemia is only part of the larger war against insufficient and inadequate health care in urban and rural communities throughout the land.

If this bill is passed by the House today, as I am confident it will be, we cannot afford to rest on our laurels. Instead, we must follow this bill through its implementation, and then move on toward a national system of health care which will insure that we never again make the mistake of neglecting a major disease.

Mr. WILLIAM D. FORD. Mr. Chairman, I want to join with my colleagues today in urging prompt passage of H.R. 13592, the National Sickle Cell Anemia Prevention Act.

This bill would establish programs for the diagnosis, prevention, and treatment of one of the most neglected health problems in the United States. It is estimated that between 50,000 to 80,000 Americans are afflicted with this disease. Approximately one in 500 black children will suffer from sickle cell anemia and its effects are particularly tragic. The average victim of the disease, under age 6, may require up to 10 visits to the hospital each year. After age 10, this child may expect to spend a minimum of 4 weeks of every year in the hospital, with each hospital visit costing almost $1,000. One-half of the victims die before they reach the age of 5, and 80 percent die before age 30. Despite these shocking statistics, the disease is still incurable and treatment methods are grossly inadequate.

In his health message to Congress on February 18, 1971, President Nixon stated that one "disease target for concentrated research should be sickle cell anemia." The President went on to say that:

> It is a sad and shameful fact that the causes of this disease have been largely neglected throughout our history. We cannot rewrite this record of neglect, but we can reverse it.

I completely share the President's views as expressed in this statement, and Congress, by the introduction of this legislation is obviously prepared to set forth a national commitment to combat this disease. But in spite of the administration's inspiring rhetoric, administration spokesmen opposed this bill during its consideration by the House Interstate and Foreign Commerce Committee.

Mr. Chairman, there have been many occasions during the Nixon administration when Congress has been called upon to take the leadership in areas where the administration's verbal promises have not been followed through with action. The administration's position on this bill, however, presents a shocking example of its continual lack of concern for the urgent problems afflicting black Americans in this country.

I strongly urge passage of this bill as a first step toward demonstrating Congress' desire to put forth a national commitment to eradicate this dread disease.

Mr. ANDERSON of California. Mr. Chairman, as an author of a bill which would establish a national sickle cell anemia program, I rise in support of H.R. 13592.

This measure would establish a national program for diagnosis, prevention, and treatment of sickle cell anemia—a disease that kills half of its victims before their 20th year, and most of the rest by age 40.

This painful and deadly blood disease is inherited when both parents carry the sickle cell trait. Approximately 2,500,000 black Americans carry this trait and pass it along to their offspring. Approximately one black child out of every 500 born in the United States inherits this often fatal disease.

The bill before us today, H.R. 13592, would attack sickle cell anemia on two fronts: First, to determine who has the trait and the disease, and to counsel those who are afflicted, the bill provides $75 million over the next 3 years for the establishment and the operation of voluntary sickle cell anemia screening and counseling programs in the communities. In addition, information and educational material will be developed relating to sickle cell anemia and it will be distributed to doctors and clinics, and also to the general public.

Second, to develop methods of diagnosing, treating, and preventing sickle cell anemia, the bill authorizes $30 million over the next 3 fiscal years.

Currently, a variety of tests are available for the detection and the diagnosis of sickle cell disease. Several recently developed screening tests can be administered at less than 50 cents per sample.

Our efforts to detect the cause of sickle cell anemia have been quite successful. However, there is a great need to improve methods of treating those who have the anemia. Most physicians in treating sickle cell patients have used blood transfusions, surgery, and intravenous therapy to combat the disease. Unfortunately, these methods of therapy do not appear to provide complete relief or to remedy the cause of the disease. In some cases, the treatments have serious side effects. The bill before us today should result in the development of improved methods to treat and control the deadly disease.

I am pleased that grants and contracts will be made to organizations on the local level, since many community minded individuals and organizations in the area of Los Angeles that I represent, have been in the forefront of the fight to prevent sickle cell anemia.

As the Senate has already adopted similar legislation, I am hopeful that this measure will be rapidly approved in conference, and signed into law in the coming weeks.

Mr. ADDABBO. Mr. Chairman, I rise in support of the national sickle cell anemia bill, H.R. 13592, adopted unanimously by the House committee. I shall also support the amendment proposed by my good friend and colleague, Mr. Giaimo, to bring Cooley's anemia under the bill. I do not feel that the inclusion of this amendment will in any way dilute the sickle cell anemia programs.

Sickle cell anemia is a vicious blood disease that is peculiar to black people. It is estimated that as many as 50,000 people suffer from this disease and few live beyond the age of 20. Many die much earlier after much suffering involving long periods of hospitalization.

The bill would establish a national program for diagnosis, prevention, and treatment of sickle cell anemia. It would also establish a voluntary screening and counseling program and programs to develop and distribute educational materials relating to this disease. Participation in the program would be strictly voluntary and all information discreetly handled.

This crash program is warranted in order that we make a commitment in the fight to control this vicious disease. Until now almost no Federal resources have gone into the study and control of the disease. Within my own district, there are many concerned citizens and organizations, who at their own expense and time, are working on this serious problem.

The Giaimo amendment, to bring Cooley's anemia under the bill, is a step in the right direction. This particular blood disease affects children of Italian and Greek background and study and control of this particular disease should also be included under these programs.

I fully support the sickle cell anemia bill and the Giaimo amendment, to include Cooley's anemia.

Mr. ROSTENKOWSKI. Mr. Chairman, sickle cell anemia is a malicious bigoted disease of the blood that affects one out of every 500 black people in the United States. It is a cruel, painful, and costly disease that has no cure, no prevention, and, until now, a disease that has been disgracefully neglected by the Congress and the medical society. An attempt to find a cause and a cure for sickle cell anemia is long overdue.

Today, Mr. Chairman, the House will consider the National Sickle Cell Anemia Act. This act will provide a national diagnosis, prevention, and treatment program for sickle cell anemia. It will also establish a voluntary screening and counseling program as well as programs to develop and distribute educational materials relating to sickle cell. As a primary sponsor in the House of the Sickle Cell Anemia Act, I cannot urge my colleagues strongly enough to support the quick passage of this act.

Sickle cell anemia kills most of its victims before they reach 20 years of age. It is clear that a widespread screening for the disease could provide black families with information concerning the probability of this genetic disease effecting their children, and thus, considerably limit its occurrence. This screening program and the research programs combined with extensive counseling and educational programs are a major step forward in establishing a national commitment in dealing with sickle cell anemia. Again, I urge unanimous support in the House for the Sickle Cell Anemia Prevention Act.

Mr. HILLIS. Mr. Chairman, I take the floor today to support legislation which is important to a great segment of our society.

It is unfortunate that in years past there has been no great concentrated effort to combat sickle cell anemia.

It is unfortunate that this dreaded disease has been allowed to thrive not only in the United States but throughout the world.

This amendment will set up a national program for the prevention and treatment of this disease.

We must remember that some 80,000 people throughout the world die annually of sickle cell anemia.

We must remember that those who have inherited this disease rarely live past the age of 20 years old.

We must remember that out of 25 million black Americans, 2.5 million are born with traces of sickle cell anemia and 50,000 of these Americans receive the full dose of this disease.

It is also important to remember that this disease is not only fatal, but extremely painful. A person who has sickle cell anemia can expect six to seven critical painful attacks each year.

I, and the great majority of Americans, for the past generations have supported campaigns to combat cancer, TB, heart disease and many other killers of mankind.

It appears as if sickle cell anemia has long been without a chief opponent.

With this amendment, this will end. I say, let us make a beginning. Let today be the beginning of our war against sickle cell anemia.

Mr. RODINO. Mr. Chairman, I am pleased to support the amendment that will be offered by our distinguished colleague (Mr. GIAIMO) to provide an additional $7.1 million for research, screening, treatment, and training programs for Cooley's anemia. I want, at the outset, to pay tribute to our colleague's fine work in bringing to our attention this widespread disease, which is incurable and usually fatal, and which was little known until he initiated his effort to combat it.

I strongly support H.R. 13592, the National Sickle Cell Anemia Act. There is an urgent need to act effectively to provide help for the many citizens, primarily black people, who are afflicted with this agonizing disease or who carry the genes to transmit it to their children.

Since Cooley's anemia is similar to sickle cell anemia, it would be most appropriate to expand the bill before us to provide additional authorization for programs to attack Cooley's anemia. Initially Cooley's anemia, medically termed *thallasemia major*, was peculiar only to persons of Mediterranean descent—Italians and Greeks primarily. However, with generations of intermarriage it is now found among Americans of many other racial strains. By including Cooley's anemia programs under H.R. 13592 we would be establishing one act to cover both these genetic blood disorders.

The nature of our country's population interchange means, undoubtedly, that the range of this disease will increase. It seems imperative to me that we begin now to provide needed help, instead of waiting until the magnitude of the problem is such that we will have to undertake a vast crash program when it reaches epidemic proportions.

Mr. GREEN of Pennsylvania. Mr. Chairman, I am happy to rise in favor of this most important legislation for the prevention of sickle cell anemia.

The tragedy of sickle cell anemia is the tragedy of problems afflicting blacks in that they go virtually unrecognized, unattended, and unsolved.

Perhaps because sickle cell anemia is a disease which afflicts blacks exclusively, its urgency has gone virtually unnoticed.

This has been manifested by the meager amounts spent on sickle cell research and by the absence of reliable treatment for the thousands of blacks suffering from the disease. Even where there are projects working for a solution to this problem, the lack of funds has been devastating.

Funds are sorely needed for research, counseling, public education, and volunteer screening, in both civilian and Government sectors. Also, it is absolutely necessary that centers for research and training in sickle cell anemia be developed. The legislation before us would provide for these important steps.

We must now pass this legislation. We can no longer ignore this disease which afflicts more than 100,000 black people across the country and the children of over 20,000 blacks in the city of Philadelphia.

Mrs. HICKS of Massachusetts. Mr. Chairman, I rise in support of H.R. 13592, the National Sickle Cell Anemia Control Act. This bill will provide Federal assistance for a disease that has crippled nearly 2 million Americans. H.R. 13592 provides approximately $100 million for programs to combat sickle cell anemia. It is time we gave this disease a top priority for in order to prevent or ameliorate its damaging symptoms support of relevant research grants are necessary. I commend the chairman and members of the House Interstate and Foreign Commerce Committee for favorably reporting this bill.

My district which is the Ninth Congressional District in Massachusetts lies within the city of Boston.

According to the U.S. Census 1970, as reported by the Research Bureau Boston Redevelopment Authority: In Boston, 104,483 of the 641,000 citizens are of black ancestry; this equals approximately 16.3 percent. The census of 1970 almost certainly underestimated the actual population of black citizens and there has been a definite increase in the number of blacks in Boston during the last year or so. It would be realistic to state that the population of blacks in Boston currently numbers between 110,000 and 120,000 which is approximately 20 percent of the population and live in the South End, North Dorchester, and Roxbury areas. A number of surveys have been conducted in the last 35 to 40 years as to the prevalence of sickle cell trait. The several surveys conducted of urban population give a prevalence level as stated of sickle cell trait of 8.5 percent which means that Boston contains in its population approximately 9,000 individuals with sickle cell trait. Accordingly, the prevalence in Boston of sickle cell anemia must be about 180 individuals.

Today I would like to confirm my continuing support for a significant increase in Federal funds for an attack on sickle cell anemia. I introduced in May of last year, H.R. 8423 in the belief that it was time to establish a priority effort to gain control of and eliminate this terrible disease of black America.

Sickle cell anemia was first identified more than 60 years ago. Research on a cure for this disease was initiated shortly thereafter but the first major breakthrough in demonstrating the molecular basis for the disease did not occur until 1949 when Dr. Linus Pauling, a well-known biochemist and Nobel prize winner, showed that the characteristic sickling of the red blood cell was due to an abnormal hemoglobin molecule. Just recently, and using Dr. Pauling's work as a basis for the investigation, a small step has been taken toward the evaluation of a new chemical treatment for patients in the acute stages of the disease. We need to exploit this progress which has been achieved if we are to avoid another half century of awaiting a cure.

This disease is unusual in its occurrence. Sickle cell anemia is limited primarily to black citizens of our country who have inherited the trait for the disease from each of their parents. The evidence suggests that the disease became established in the Negro population as a result of some poorly understood evolutionary processes associated with a resistance to malaria. In Africa, where this disease had its origin the biochemical protective mechanism afforded blacks with the sickling trait a greater degree of resistance against the lethal effects of malaria than blacks without the trait. As a result this mutation of the hemoglobin molecule has survived.

Individuals who inherit the trait for the disease from each of their parents suffer terribly from the disease. The manifestations of the disease in small children is particularly pitiful to see and patients with the disease seldom live beyond the age of 40. One difficulty in combating the disease has been that the disease requires special testing for identification and diagnosis and this testing has not been really available.

Federal support for investigation of sickle cell anemia is scattered throughout several institutes of the National Institutes of Health, including the National Institute of Arthritis and Metabolic Diseases; the National Heart and Lung Institute; and the National Institute of General Medical Sciences; and the Health Services and Mental Health Administration. Although coordination of effort has been assigned to the National Heart and Lung Institute, the history of research on this disease indicates that it has never received any priority of attention.

In 1971, President Nixon announced that Federal funds to combat sickle cell disease would be increased to $6 million. While this level of funding represents almost a fourfold increase in effort, it is not nearly enough to take immediate advantage of the knowledge which is already available and to extend this knowledge to the black population. Clearly what is needed is some means of improving the lot of individuals affected with sickle cell anemia, hopefully by so modifying this aberration of hemoglobin that it does not cause symptoms, or at worse, causes very minor symptoms. This means research. As I have indicated, there have been a few promising signs for the treatment of the disease. Genetic counseling services and screening to identify the presence of the disease could be provided. These services should be provided to their fullest extent. Genetic blood disorders have been neglected for too long. Research, training, screening, prevention, and treatment programs will be established and coordinated effectively with passage of this legislation.

Mr. BYRNE of Pennsylvania. Mr. Chairman, I rise to express my wholehearted support for H.R. 13592, the National Sickle Cell Anemia Control Act.

Mr. Chairman, the terrible disease of sickle cell anemia most commonly strike black children, afflicting them with a life of pain. Most of its victims are unable to live beyond the middle thirties. Despite the prevalence of the disease and its unbearable consequences, little research has been conducted into methods of treatment and possible cures. Recently, however, scientific findings have indicated that there is a very real chance to do something about sickle cell anemia, if a concentrated effort is made.

Mr. Chairman, what is required is a national commitment against sickle cell anemia. This commitment must take the form of a substantially stepped-up research program within the National Institutes of Health to combat this dreaded disease which hopefully will lead to its eventual elimination.

Mr. Chairman, this bill provides the tools for this national commitment. I urge its immediate adoption.

Mr. RYAN. Mr. Chairman, it is essential to establish an effective national program for diagnosis, prevention and treatment of sickle cell anemia, an inherited blood disease which afflicts an estimated 50,000 black Americans. Another 2.5 million may be carriers of the trait. The purpose of H.R. 13592 is to establish such a program.

This bill would also establish a voluntary screening and counseling program and programs to develop and distribute educational materials relating to sickle cell anemia. Participation in any program would be wholly voluntary, with a guarantee of confidentiality of information obtained in the screening, counseling, and treatment process.

The National Sickle Cell Anemia Prevention Act also authorizes the Secretary of Health, Education and Welfare to make grants and contracts for projects for, first, research in the diagnosis, treatment, and prevention of sickle cell anemia, and second, the development of programs for diagnosis, treatment and prevention of sickle cell anemia.

The bill authorizes $25 million for fiscal year 1973, $35 million for fiscal year 1974, and $45 million for fiscal year 1975.

The bill also provides for community participation in the development and operation of programs, and gives priority screening and counseling first to persons entering childbearing years and second to children under 7. Priority for contracts and grants is to be given areas which HEW determines to have the greatest number of persons in need of the programs.

Sickle cell anemia is caused when an individual inherits two genes—one from each parent—which have the property of causing sickle cell anemia. The particular characteristic of sickle cell anemia is the occurrence of an abnormal hemoglobin molecule in the red blood cells, which causes the normally doughnut-shaped red blood cells to become crescent or sickle-shaped. Once the cells have assumed this shape, it becomes difficult for them to pass through the capillaries. Thus they accumulate in these vessels and block the flow of blood to surrounding tissues. The usual symptoms that result are stunted growth, pain, swelling of the joints, hemorrhage, tissue death, and consequent failure of vital organs such as the heart, spleen, and kidneys. Blindness, stroke and ulcers of the leg also occur. As a result, most sickle cell anemia victims fail to live beyond the age of 20.

This disease is believed to have developed in Africa centuries ago, because the single sickle cell gene is effective in combatting certain types of malaria.

Although the original bill sponsored by the distinguished gentleman from the District of Columbia (Mr. FAUNTROY) and the Senate passed bill are more far-reaching than this bill, nonetheless this bill is a major step forward in dealing with sickle cell anemia. I urge that it be passed by this House.

Mr. SPRINGER. Mr. Chairman, I have no further requests for time.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Sickle Cell Anemia Prevention Act".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress finds and declares—

(1) that sickle cell anemia is a debilitating inheritable disease that afflicts approximately two million American citizens and has been largely neglected;

(2) that the disease is a deadly and tragic burden which is likely to strike one-fourth of the children born to parents who both bear the sickle cell trait;

(3) that efforts to prevent sickle cell anemia must be directed toward increased research in the cause and treatment of the disease, and the education, screening, and counseling of carriers of the sickle cell trait;

(4) that simple and inexpensive screening tests have been devised which will identify those who have the disease or carry the trait;

(5) that programs to prevent sickle cell anemia must be based entirely upon the voluntary cooperation of the individuals involved; and

(6) that the attainment of better methods of prevention, diagnosis, and treatment of sickle cell anemia deserves the highest priority.

(b) In order to preserve and protect the health and welfare of all citizens, it is the purpose of this Act to establish a national program for the diagnosis, prevention, and treatment of, and research in, sickle cell anemia.

AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

SEC. 3. (a) Section 1 of the Public Health Service Act is amended by striking out "titles I to X" and inserting in lieu thereof "titles I to XI".

(b) The Act of July 1, 1944 (58 Stat. 682), as amended, is amended by renumbering title XI (as in effect prior to the enactment of this Act) as title XII, and by renumbering sections 1101 through 1114 (as in effect prior to the enactment of this Act), and references thereto, as sections 1201 through 1214, respectively.

(c) The Public Health Service Act is further amended by adding after title X the following new title:

"TITLE XI—SICKLE CELL ANEMIA PROGRAM

"SICKLE CELL ANEMIA SCREENING AND COUNSELING PROGRAMS AND INFORMATION AND EDUCATION PROGRAMS

"SEC. 1101. (a)(1) The Secretary may make grants to public and nonprofit private entities, and may enter into contracts with public and private entities, for projects for the establishment and operation of voluntary sickle cell anemia screening and counseling programs as part of other existing public health care programs.

"(2) The Secretary shall carry out a program to develop information and educational materials relating to sickle cell anemia and to disseminate such information and materials to persons providing health care and to the public generally. The Secretary may carry out such program through grants to public and nonprofit private entities or contracts with public and private entities and individuals.

"(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1973, $25,000,000 for the fiscal year ending June 30, 1974, and $30,000,000 for the fiscal year ending June 30, 1975.

"PROJECT GRANTS AND CONTRACTS FOR RESEARCH AND PROGRAMS FOR DIAGNOSIS, PREVENTION, AND TREATMENT

"SEC. 1102. (a) The Secretary may make grants to public and nonprofit private entities, and may enter into contracts with public and private entities and individuals, for projects for (1) research in the diagnosis, treatment, and prevention of sickle cell anemia, and (2) the development of programs for diagnosis, prevention, and treatment of sickle cell anemia.

"(b) For the purpose of making payments pursuant to grants and contracts under this section there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, $7,500,000 for the fiscal year ending June 30, 1974, and $10,000,000 for the fiscal year ending June 30, 1975.

"VOLUNTARY PARTICIPATION

"SEC. 1103. The participation by any individual in any program or portion thereof under this title shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program.

"APPLICATIONS; ADMINISTRATION OF GRANT AND CONTRACT PROGRAMS

"SEC. 1104. (a) A grant under this title may be made upon application to the Secretary at such time, in such manner, containing and accompanied by such information, as the Secretary deems necessary. Each applicant shall—

"(1) provide that the programs and activities for which assistance under this title is sought will be administered by or under the supervision of the applicant;

"(2) describe with particularity the programs and activities for which assistance is sought;

"(3) provide for strict confidentiality of all test results, medical records, and other information regarding screening, counseling, or treatment of any person treated, except for (A) such information as the patient (or his guardian) consents to be released; or (B) statistical data compiled without reference to the identity of any such patient;

"(4) provide for appropriate community representation in the development and operation of any program funded by a grant under this title;

"(5) in the case of an application for a grant under section 1101(a)(1), provide assurances satisfactory to the Secretary that (A) the screening and counseling services to be provided under the program for which the application is made will be directed first to those persons who are entering their childbearing years and secondly to children under the age of 7, and (B) appropriate arrangements have been made to provide counseling to persons found to have sickle cell anemia or the sickle cell trait:

"(6) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

"(7) provide for making such reports in such form and containing such information as the Secretary may reasonably require.

"(b) In making any grant or contract under this title, the Secretary shall (1) take into account the number of persons to be served by the program supported by such grant or contract and the extent to which rapid and effective use will be made of funds under the grant or contract; and (2) give priority to programs operating in areas which the Secretary determines have the greatest number of persons in need of the services provided under such programs.

"PUBLIC HEALTH SERVICE FACILITIES

"SEC. 1105. The Secretary shall establish a program within the Public Health Service to provide for voluntary sickle cell anemia screening, counseling, and treatment. Such program shall be made available through facilities of the Public Health Service to any person requesting screening, counseling, or treatment, and shall include appropriate publicity of the availability and voluntary nature of such programs.

"REPORTS

"SEC. 1106. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress on or before April 1 of each year a comprehensive report on the administration of this title.

"(b) The report required by this section shall contain such recommendations for additional legislation as the Secretary deems necessary."

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

COMMITTEE AMENDMENT

On page 4, strike out line 14 and all that follows down through line 19, and insert in lieu thereof the following:

"(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, $10,000,000 for the fiscal year ending June 30, 1974, and $15,000,000 for the fiscal year ending June 30, 1975."

The committee amendment was agreed to.

AMENDMENTS OFFERED BY MR. GIAIMO

Mr. GIAIMO. Mr. Chairman, I offer several amendments and ask unanimous consent that they be considered en bloc as they all deal with the same subject matter.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. GIAIMO: Page 1, line 5, insert "and Cooley's" immediately after "Sickle Cell".

Page 2, line 20, insert "and Cooley's" after "sickle cell".

Page 4, insert after line 25, the following:

"PROGRAMS RELATING TO COOLEY'S ANEMIA

"SEC. 1103. (a)(1) The Secretary may make grants to public and nonprofit private entities, and may enter into contracts with public and private entities, for projects for the establishment and operation of Cooley's anemia screening, treatment, and counseling programs.

"(2) The Secretary may make grants to public and nonprofit private entities, and may enter into contracts with public and private entities and individuals, for projects for research in the diagnosis, treatment, and prevention of Cooley's anemia.

"(3) The Secretary may make grants to public and nonprofit private health profession schools for fellowships for training in the diagnosis, treatment, and prevention or Cooley's anemia. Fellowships provided under grants under this paragraph shall be limited to such amounts as the Secretary finds necessary to cover the cost of the training of, and stipends and allowances (including travel and subsistence expenses and dependency allowances) for, the fellows.

"(4) The Secretary shall carry out a program to develop information and educational materials relating to Cooley's anemia and to disseminate such information and materials to persons providing health care and to the public generally. The Secretary may carry out such program through grants to public and nonprofit private entities or contracts with public and private entities and individuals.

"(b)(1) For the purpose of making payments pursuant to grants and contracts under subsection (a)(1), there are authorized to be appropriated $500,000 for the fiscal year ending June 30, 1973, and for each of the next two fiscal years.

"(2) For the purpose of making payments pursuant to grants and contracts under subsection (a)(2), there are authorized to be appropriated $1,700,000 for the fiscal year ending June 30, 1973, and for each of the next two fiscal years.

"(3) For the purpose of making grants under subsection (a)(3), there are authorized to be appropriated $150,000 for the fiscal year ending June 30, 1973, and for each of the next two fiscal years.

"(4) For the purpose of carrying out subsection (a)(4), there are authorized to be appropriated $25,000 for the fiscal year ending June 30, 1973, and for each of the next two fiscal years.

Page 5, line 2, strike out "1103" and insert in lieu thereof "1104".

Page 5, line 9, strike out "1104" and insert in lieu thereof "1105".

Page 7, line 4, strike out "1105" and insert in lieu thereof "1106".

Page 7, line 6, insert "and Cooley's" after "sickle cell".

Page 7, line 13, strike out "1106" and insert in lieu thereof "1107".

Mr. GIAIMO (during the reading). Mr. Chairman, I ask unanimous consent that the reading of the remainder of the amendments be dispensed with, since they are merely technical amendments renumbering the various sections, and that they be printed in the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The gentleman from Connecticut (Mr. GIAIMO) is recognized.

Mr. GIAIMO. Mr. Chairman, I want to commend the committee headed by the distinguished chairman, the gentleman from West Virginia (Mr. STAGGERS) and the gentleman from Illinois (Mr. SPRINGER), the ranking Republican member; also the gentleman from Florida (Mr. ROGERS) who I know has done a great deal of work in this area and has a real dedication to the health needs of the American people.

Mr. Chairman, I support this legislation. I think we must do more in the area of sickle cell anemia research, screening and dissemination of information.

But, I do think if we are going to undertake this job at long last, we should not stop on the 1 yard line—we ought to go the additional 1 yard and do the complete job in this area of trying to find a cure for anemia and to set up a proper screening process.

This legislation commonly known as sickle cell anemia legislation is in fact legislation designed to find a remedy, a cure, treatment, and to set up screening processes for a genetic blood disorder. That is the heart and soul of this type of legislation. The doctors who are engaged in research in this area are trying to obtain more knowledge and to find cures for this genetic blood disorder.

Now, what is this genetic blood disorder? It is prevalent in two important types that few laymen and Congressmen heard about, just a few short years ago. If you had asked the man in the street what sickle cell anemia was 5 years ago, very few would have known. The same goes for Cooley's anemia.

Basically, sickle cell anemia is a genetic blood disorder manifested in an irregularity in the red blood corpuscles, which affects predominantly, as the chairman of the committee said, in 99 percent of the cases, people of the black race. We have 25 million blacks in the United States. And we must get started in that work.

Cooley's anemia, on the other hand, is a similar, very much the same genetic blood disorder affecting the red blood corpuscles, and this type of anemia affects not the black race but those peoples from the Mediterranean areas, of whom there are more than 20 million in the United States.

Who are they? There are Italians, there are Greeks, there are Spanish-speaking people, people of Spanish background, which includes not only those from Spain but those from Puerto Rico, those from Mexico, and the great Spanish areas of the Southwest. Also, many Mediterranean people have intermarried in Europe and the United States with other peoples not from the immediate Mediterranean area. So conceivably in the United States there are upwards of 20 or 30 million people or more who carry the genetic disease, or the gene which can bring about Cooley's anemia. Cooley's anemia is a very similar type of malady wherein the children as in the case of those with sickle cell anemia, rarely live past the age of 30 years of age, if they attain that. Children with Cooley's anemia are incurable and must be kept alive with blood transfusions at least every 3 or 4 weeks.

If we are going to have a large Federal effort in this area, as we are and as we should, let us not put ourselves in the position of saying the Government is going to help those children who are afflicted with sickle cell anemia, but that it will not help the 200,000 people in this country who are afflicted with Cooley's anemia. Are we going to say "no" to the many millions who may not be afflicted but who may be carriers of Cooley's anemia, to those people whose ancestors came from the Mediterranean area, are we going to say, "We are not going to do anything for your children or for you."

The disease is still relatively small in number—200,000. The best time to control this disease would be before it spreads, and the way to do that is to set up these screening processes at the same time that we do research.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

(By unanimous consent, Mr. GIAIMO was allowed to proceed for 5 additional minutes.)

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from New York.

Mr. BIAGGI. I commend the gentleman from Connecticut for his amendment and also for his affirmative approach to the fundamental legislation dealing with sickle cell anemia. I would like to associate myself with his remarks.

Mr. Chairman, I support the amendment offered by the gentleman from Connecticut (Mr. GIAIMO). This amendment would include funds for research, training, screening, prevention and treatment programs for Cooley's anemia under this act.

Cooley's anemia is a genetic blood disorder which is similar to sickle cell anemia. At one time, this disease only afflicted persons from the Mediterranean area. Over the course of generations, however, the disease has been carried to persons of a wide variety of backgrounds. Sickle cell anemia is almost identical to Cooley's anemia and the methods of treatment and research are very similar. The primary difference between the two is that sickle cell anemia is confined almost exclusively to members of the black race, while Cooley's anemia afflicts a wide variety of people. Indeed, a cure must be found for both of these fatal diseases.

Cooley's anemia has stricken approximately 200,000 young Americans. They suffer from pallor, softened bone structure and other grievous symptoms. Most of the victims die before they are 20 years of age. Unfortunately, as with sickle cell anemia there is no known cure for this illness. In addition, the victims must undergo a continuum of blood transfusions.

Mr. Chairman, these dreaded afflictions are very closely related. In fact, an individual may have sickle cell anemia and Cooley's anemia at the same time, but a separate screening process is necessary to detect Cooley's anemia. In other words, if it is discovered that a person may be suffering from sickle cell anemia he will not know that he has Cooley's anemia until a separate test is conducted. For these reasons, I support the amendment offered by the gentleman from Connecticut (Mr. GIAIMO) so that a coordinated attack can get underway to combat both of these genetic blood disorders.

Time is of the essence. We must get these programs underway immediately before these diseases claim the lives of more of our youth.

Mr. MONAGAN. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Connecticut.

Mr. MONAGAN. Mr. Chairman, I wish to compliment the gentleman on his amendment, which I support.

The National Sickle Cell Anemia Act which we are now considering is progressive legislation and I am confident that all present comprehend the misery and suffering which this dreaded disease has caused in the past and continues to cause for thousands of our fellow Americans. But we must also consider the far reaching and devastating effects of Cooley's anemia.

Although a distinct disease Cooley's anemia, like sickle cell anemia is a disorder of the hemoglobin of the blood and is transmitted generically. There are over 100,000 Americans afflicted with this painful disease—and tragically the majority are children. The disease becomes manifest during the first year of life. Those afflicted require frequent and costly blood transfusions to correct their anemia. They also suffer malformed development leading to brittle, easily broken bones and alteration in facial appearance. In most instances, death occurs before the 20th year.

The existing programs in the research of the causes and possible cures for this disease are totally inadequate. In fact, at this time very little is known about Cooley's anemia even though it was described as a separate and specific type of blood disease about 1925 by Dr. Thomas B. Cooley. These programs must be given adequate monetary resources to carry their activities to effect.

We must not continue to neglect those individuals afflicted with Cooley's anemia. I have received numerous communications concerning the tragic experience of years of anguish and enormous medical expenses and the ultimate death of a son, daughter, nephew, niece or grandchild. Decisive action must be taken by this Congress before additional children become the victims of this killing malady. I urge my colleagues to support the amendment which Mr. GIAIMO has offered to provide $7.1 million for research, screening, treatment, and training programs to ease and eventually eliminate the agony of Cooley's anemia.

Mr. GIAIMO. I thank the gentleman.

Let us do a complete job so that when children come in for screening they are not turned away because they may not be suffering from sickle cell anemia but, in fact, may be suffering from Cooley's anemia.

I have a letter from Alexander Wiener, M.D., New York University Medical Center. Some may ask, "Who is Dr. Wiener?" He is the discoverer of the Rh factor in children. He urges support for this amendment and says in effect: Let us get started on the entire job in anemia, which is found prevalently in two types, sickle cell and Cooley's.

Yale University has done extensive work in this area. Dr. Harold A. Pearson, professor of pediatrics at Yale, encourages us to include Cooley's anemia.

We are not going far afield. We are not bringing in all types of illnesses and diseases. We are not making a Christmas tree out of this legislation. We are dealing with the same genetic blood disorders which bring about anemia, and we are saying they are found in two types, sickle cell and Cooley's, one which affects blacks and one which affects those whites of Mediterranean origin. Let us get started on both now.

We are going to save ourselves a great deal of suffering and hardship for families in the future if we can identify these diseases and counsel those people who may be carrying the genes in them and passing them on to their children yet unborn. Let us not do half the job.

Also I want to commend the many people who have worked with me in this connection in recent months. I would like to commend especially my good friend, the gentlewoman from Connecticut (Mrs. ELLA GRASSO) who has taken an extreme interest in this matter, as well as the gentleman from Massachusetts (Mr. CONTE) and the gentleman from New York (Mr. PODELL) and the gentleman from New Jersey (Mr. MINISH) who could not be here, because he had to be back in New Jersey, but he is very strongly in favor of this legislation.

I think the committee can do this. It will be said and it has been said in the committee report that they would like to hold some hearings and do some work on this, and that they are not opposed to this legislation. I know they are not, but the hearings are going to be purely a repetition of the hearings we have had. We are going to be having the same people come in and tell us what the disease is, and tell us that they do not know too much about it, that there is no hope of a cure at the present time, that they want to do more research, and that they want to set up screening and counseling services so they can find the people who are carrying the genetic disorder.

I do not think we should wait. I think once we have started on this course, and once we have undertaken to do something about sickle cell anemia, we should go that additional 1 yard over the goal line and do something for the people who are suffering from Cooley's anemia, who are suffering the difficulties we find with those who are suffering from sickle cell anemia.

Mr. Chairman, I urge favorable treatment of the amendment.

Mr. CONTE. Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague, the gentleman from Connecticut. I wish to commend him now for the great service he is performing in alerting us all to the very real dangers of Cooley's anemia.

I might say here that I have done all I could in my service on the Subcommittee on HEW of the Committee on Appropriations to see that the sickle cell anemia was fully funded last year, and I will continue to do so this year.

The alarming factor about this disease is the rapidly rising number of people that are being afflicted by it. At one time the disease was confined only to persons of Mediterranean background. Now, however, it has spread through intermarriage to persons of Jewish, Scandinavian, German, and even oriental backgrounds. Cooley's anemia now affects about 200,000 young Americans, few of whom will survive the age of 20. It spares no race or nationality.

The time to act is now. We have seen the tragedy that delay has wrought with regard to sickle cell anemia. Let us not compound this tragedy by waiting until Cooley's anemia claims more victims than sickle cell anemia.

Let us seize the initiative now. To my mind, this legislation is the perfect vehicle for launching an attack on both these diseases. Both are genetic blood disorders. Both share common traits and universal modes of research and treatment. Both work an unspeakable severity upon their victims. Both can strike an individual at the same time.

I urge my colleagues to support this amendment which would provide funds for research, screening, treatment, and training programs for Cooley's anemia. Its acceptance would in no way diminish the importance we are placing on finding a cure for sickle cell anemia. Rather it would expand our dedication and commitment by authorizing a concerted effort to control both these severe blood disorders.

Thank you, Mr. Chairman.

Mr. BIESTER. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to my good friend from Pennsylvania.

Mr. BIESTER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Connecticut. I commend him for his initiative and I commend the gentleman in the well for his support.

Mr. CONTE. I thank the gentleman very much.

Mrs. GRASSO. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered to H.R. 13592 by my friend and colleague from Connecticut (Mr. Giaimo).

As the first sponsor of legislation introduced this session of Congress to establish a national program to seek an effective treatment and cure for sickle cell anemia, I would like to commend the gentleman from West Virginia (Mr. Staggers), the gentleman from Florida (Mr. Rogers), and the entire committee for the bill before us. Passage by the House of H.R. 13592, the National Sickle Cell Anemia Prevention Act, will provide the vital beginning of necessary medical programs for the diagnosis, prevention, and treatment of sickle cell anemia. For far too many years this disease has brought pain, suffering, and death to its victims. The time for providing the necessary Federal funding to meet this medical crisis is long overdue.

While applauding this attempt to combat such a dread affliction, I believe that this amendment to provide $7.1 million for a program to fight Cooley's anemia would greatly strengthen the bill before us.

Today, few Americans have heard of Cooley's anemia—save the families and friends of those unfortunate individuals afflicted with this disease. Although two distinct diseases, Cooley's anemia and sickle cell anemia have certain similarities. Like sickle cell anemia, Cooley's anemia is a genetically transmitted hemoglobin disorder. Individuals suffering from the disease suffer from severe anemia, enlargement of the spleen, characteristic changes in the skin and facial features, and a greatly shortened life expectancy. At this time no specific therapy is available for the victims of Cooley's anemia, although periodic blood transfusions will keep individuals alive through their teens.

Cooley's anemia most frequently appears in the descendants of people from the Mediterranean littoral. At this time the possibility exists that more and more people may be affected as succeeding generations intermarry and pass the trait to other ethnic groups.

Adoption of this amendment, Mr. Chairman, would enhance the purpose of the National Sickle Cell Anemia Prevention Act. This bill establishes a procedure for a national attack against a genetic blood disease. Why limit the scope of the legislation to diagnosis, prevention, and treatment of a single anemia? Now is the time for the Congress to provide the funds requested to assist programs dealing with a similar genetic blood disease.

Let us not wait until the incidence of Cooley's anemia reaches frightening proportions. Let us begin a concerted attack on Cooley's anemia by providing the funds needed to initiate the treatment of this disease.

It is my heartfelt hope that the House will pass this important amendment to H.R. 13592.

Mr. COTTER. Mr. Chairman, I rise in strong support of H.R. 13592, the National Sickle Cell Anemia Control Act of 1972.

The need for this legislation is obvious. Over 2 million American youngsters suffer the ravages of this dread disease. For too long we have not paid sufficient attention to this genetic blood disorder, and our current situation is directly attributable to this neglect. This disease primarily affects our black citizens and the ravages of this disease not only cost an incalculable total in human suffering, but deprive our Nation of the contributions of these individuals.

By supporting H.R. 13592 we are moving to end this neglect. Action is overdue and I am happy that in this, my first term, the House is acting to correct this oversight. This legislation provides over $100 million to launch a coordinated attack on this disease. This $100 million will be used for necessary research, training of medical personnel, and screening and testing programs, and, of course, prevention and treatment of the disease.

I earnestly support this needed legislation.

On another matter, Mr. Chairman, I will support an amendment offered by my good friend and distinguished colleague from Connecticut (Mr. Giaimo) to add $7.1 million for new research into Cooley's anemia. These additional funds would be used to study the causes and find a cure for Cooley's anemia, a disease which primarily affects our citizens of Italian and Greek descent.

I urge my colleagues to support this bill and this amendment.

Mr. KOCH. Mr. Chairman, I rise in support of H.R. 13592, the National Sickle Cell Anemia Prevention Act. It is only through an overwhelming national commitment that we can make real inroads into the conquest of this most painful and often fatal disease.

This hereditary blood disease attacks an average of one in every 500 black children born, and it is estimated that 50,000 black Americans currently suffer from it. At present there is no known cure, and most treatment methods are in experimental states. And although it ranks as one of the most prevalent childhood diseases—with an average of 1,155 new cases discovered annually, compared with 1,206 new cases of cystic fibrosis and 813 of muscular dystrophy—until very recently federally funded research in this area was virtually nonexistent.

Now, with this national prevention program, we can be hopeful that successes will come from this concerted effort. Medical research, when adequately funded, can have significant results, as has been demonstrated many times already. This act creates a research program for diagnosis and treatment together with a voluntary screening and informational program. Such programs would be very valuable in identifying the 8 to 13 percent of the black population that is estimated to carry this genetic sickle cell trait and in providing them with the counseling services so important in dealing with this disease.

It is outrageous how Congress has neglected for so long taking decisive action to initiate a sickle cell anemia prevention program, and I call upon Congress now to support H.R. 13592 and to direct a full-scale effort toward the eradication of this disease.

Mrs. HICKS of Massachusetts. Mr. Chairman, I rise in support of the amendment. I should like to commend the gentleman from Connecticut (Mr. Giaimo) and also all Members who are supporting this amendment.

This amendment will authorize Federal funding for medical research and screening programs intended to assist the victims of Cooley's anemia and the millions of children yet unborn, who may have the disease. Cooley's anemia is a disorder of the blood's hemoglobin transmitted genetically. The severe form of Cooley's anemia known as Thalassemia or Mediterranean anemia is found in one of every 1,000 American children born of parents whose ancestors were natives of countries surrounding the Mediterranean Sea—predominantly of Greek and Italian origin.

The time is now for the Federal Government to provide the necessary funding for research and detection funds for those who suffer from this disease. This Congress should make a priority effort to gain control of and eliminate Cooley's anemia.

Mr. CARTER. Mr. Chairman, I move to strike the last word.

I am sympathetic with the distinguished gentlemen and gentlewomen who would amend this bill.

Cooley's anemia only affects childdren usually under 1 year of age. It is characterized by an increased fragility of the red blood cells; that is, the red blood cells just will not stand up, they burst and the child becomes anemic and dies.

Actually, a relatively small number of people throughout the United States are involved.

We have a much needed bill here today, one which has been studied for some time but which has not received sufficient appropriations or sufficient emphasis; that is, the bill concerning sickle cell anemia. I do not believe it is a propitious time to dilute this legislation we have here today.

We might, if we took in all the anemias, consider many more. We do not have just sickle cell anemia, or sicklemia, as it is called, and Cooley's anemia, but we have also many more which are equally devastating, and are some of the worse diseases that are known.

For instance, we have pernicious anemia. We have anemia due to deficiency of folic acid. We have anemia due to iron deficiency. We have anemia due to pyridoxine deficiency. We have anemia due to different conditions of the hemoglobin, a lack or a deficiency in the SC hemoglobin. There are so many that if we covered all of them this bill would be a monstrous thing, a Christmas tree, and we would be opening up a great can of worms.

So let us today agree to study Cooley's anemia, to have hearings on that at some time in the future, and if it deserves appropriations we can do that at a later day.

At the present time we are confronted by a disease, sickle cell anemia, which does present a much greater problem to a larger segment of American society today. Let us continue as we have begun and target in or zero in on this particular disease of sickle cell anemia.

If we do not concentrate on this, the effect of our efforts today will be greatly diluted. Therefore, I would urge that the amendment be defeated.

Mr. ROY. Mr. Chairman, I rise in opposition to the amendment.

I commend the gentleman from Connecticut (Mr. GIAIMO) for his excellent presentation and for the fact that he brought to the attention of this body a disease which is indeed a severe disease.

I do not feel, however, that it is proper to amend this bill which is specifically directed toward sickle cell anemia by adding provisions for Cooley's anemia.

I think there is one important thing that should come to the attention of this body; namely, at the present time money is being spent in the area of research on Cooley's anemia. In fact, the information I have received is that $630,000 is being presently spent on Cooley's anemia and $1.2 million is being spent on sickle cell anemia. This is a ratio of 1 to 2. The ratio of the number of people with Cooley's anemia versus those with sickle cell anemia is probably in the neighborhood of 1 to 40. The American Public Health Association informed me that the best estimate they could give with regard to the number of people afflicted with Cooley's anemia was 15,000. The Cooley's Anemia Society estimates it is 100,000. I heard the figure today of 200,000. We are aware of the fact—and it is very well confirmed—that there are over 600,000 people with sickle cell anemia. By the same token, we are aware of the fact that there are 2.5 million people with the traits of sickle cell anemia.

What we are doing with this bill, which is of extreme importance, is we are finding those with sickle cell anemia traits. We are making money available to test a large population so we know who has the traits and what marriages are likely to result in sickle cell afflicted offspring. In this way we have a chance of bringing about a stop to sickle cell anemia.

The great question I have with regard to Cooley's anemia is whom do we test? It is apparent that those of Mediterranean origin, the Italian people, the Greek people, and the Middle Eastern people, are afflicted, but, as was so well pointed out by a number of people who spoke before me, the marriages have been great within and without these groups and, in all probability, if we would test all the people in this Nation who are likely to have Cooley's anemia, we will be testing about half or more than half of the population.

How can we test that number? The only test presently available for Cooley's anemia traits is hemoglobin electrophoresis, which usually costs $20 per person. If we are going to spend $20 per person to test, by Mr. GIAIMO's own admission, perhaps 20 million or 30 million people, then we are talking about a tremendous appropriation of money.

Again I want to point out that the only way we can presently do anything effective about sickle cell anemia, and Cooley's anemia is by identifying those with the traits before they mate and before they have offspring, because the offspring will be born with the disease. After we identify those with the disease we can only treat the anemia.

So we have no idea and personally I have no idea and those on the committee who have had the opportunity to study it have no idea what the cost would be to have an effective testing program for the genetic trait of Cooley's anemia.

By contrast, with sickle cell anemia, we know that we can test all black people in this Nation for probably $100 million or less and, as my distinguished colleague, Dr. HALL pointed out, we can test them rather inexpensively, for perhaps as little as 40 cents per person rather than the $20 per person to test for Cooley's trait.

For these reasons, I oppose the amendment.

I think it is worthwhile that Cooley's anemia has been brought to our attention and that the committee may indeed wish to hold hearings on this disease. However, to bring this in as an amendment to this particular bill would not be proper nor appropriate; for we are zeroing in, as our chairman has stated, on sickle cell anemia which afflicts a great number of black people in this Nation.

Therefore, Mr. Chairman, I urge this body to vote down the amendment offered by the gentleman from Connecticut (Mr. GIAIMO).

Mr. SYMINGTON. Mr. Chairman, will the gentleman yield?

Mr. ROY. I yield to my colleague from Missouri.

Mr. SYMINGTON. Mr. Chairman, I think the members of the committee should take into account what the gentleman from Kansas has said because of its application to the need for hearings on the questions he raises concerning the manner in which Cooley's anemia must be studied and the feasibility of various approaches to it, none of which we have had an opportunity to observe or hear about from qualified people in the scientific and medical disciplines.

I certainly and I fervently hope and trust that the opposition of the committee to the suggestion that Cooley's anemia should not be tacked onto this bill is not misinterpreted as a lack of interest or concern on the part of the committee in that disease.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. SYMINGTON. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Missouri is recognized for 5 minutes.

Mr. SYMINGTON. Mr. Chairman, I have asked for this time to simply conclude by saying that the questions already raised here on the floor concerning Cooley's anemia should make us all realize that this is no time to add this amendment to a bill that has been worked on for weeks and weeks and, in fact, months, in order to give us an understanding of a very difficult disease, sickle cell anemia. I do not doubt that Cooley's anemia is equally difficult to understand and equally deserving of hearings. I hope such hearings can be held, but we cannot hold them here on the floor of the House.

Mr. NELSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I shall be very brief.

I would like to point out the fact, as has been mentioned previously, that this subcommittee has produced a vast amount of health legislation such as the health manpower bill, the cancer bill, the drug abuse bill, and I could go on and name many, many more bills which we have brought out.

As I pointed out earlier we have some experts on our committee that help to guide our course. It was the feeling of our committee in considering this bill that we should confine our efforts in this particular case to sickle cell anemia. I wish to add that the Giaimo amendment brings to our attention another problem to which we should give more thought and consideration before we proceed to pass legislation in regard to it.

I think that it would be most inappropriate to tie it to the bill we now have before us.

So, I would hope the amendment is defeated and that we may go on and pass this bill in its present form to deal with a problem that is so extensive and so severe, as has been pointed out today by the doctors on our committee.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Connecticut (Mr. GIAIMO).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GIAIMO. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendments were rejected.

Mr. MICHEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as a member of the Appropriations Subcommittee having jurisdiction over the funding of our health programs, I am concerned over the impression some people are giving that nothing is being done on the sickle cell problem.

In fact, a great deal is being done, the Federal budget for programs to deal with this disease was increased tenfold from fiscal 1971 to fiscal 1972—from $1 million to $10 million.

For the fiscal year beginning this July, the administration has proposed another 50-percent increase, which would bring the funding level to $15 million. And these are dollars which would bear directly and specifically on sickle cell anemia. Throughout the National Institutes of Health we have numerous research programs and projects which may provide some of the answers we are seeking for sickle cell. Millions of dollars are going into basic research on blood and genetic abnormalities, the results of which may shed light on how to effectively combat sickle cell anemia.

For fiscal 1973, the administration is proposing to spend some $4.5 million for comprehensive research and community service centers. Another $6.5 million would go into screening and education clinics. Some $3.7 million would be expended directly on research through the National Heart and Lung Institute, and other national institutes. About a quarter of a million dollars would go into information and education efforts apart from what I have just mentioned.

[Dollars in millions]

	Fiscal year—	
	1972	1973
1. Comprehensive research and community service centers	$4.5	$4.5
2. Screening and education clinics	1.8	6.55
3. Research	3.7	[1] 3.7
4. Information and education	0	.25
Total	10.0	15

[1] To be administered by Health services and Mental Health Administration.

[2] Includes $1,000,000 in National Institute of Arthritis and Metabolic Diseases, National Institute of General Medical Services, and the National Institute for Child Health and Development. The remaining $2,700,000 is in heart and lung.

The bulk of the additional $5 million proposed for fiscal 1973 would go into the screening and education clinic program to be conducted primarily through the Health Services and Mental Health Administration.

At least three methods of sickle cell anemia therapy are thought to be promising and warrant a clinical trial to find out how effective they are. The first phase of this clinical study is now underway. Comprehensive centers of research and service will serve not only as teaching institutions, but as places where research can be conducted and the results of that research can be made available directly to the people who are affected by this disease.

I do not quarrel with the intent behind this legislation, but I think we should try to put it in perspective. A substantial effort is already being made to deal with this disease, and as a member of the Appropriations Committee, I intend to see that it continues. However, there are many other diseases that seriously affect large segments of our population, and in the context of the dollars we have available for health programs I believe we should try to maintain a reasonable, overall balance of effort.

Mr. HORTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of H.R. 13592, the National Sickle Cell Anemia Prevention Act.

For those Americans who have worked so long to gain national awareness of the sickle cell problem, House consideration of this measure is rightfully a source of tremendous encouragement. I think we would have to admit that, in the not too distant past, few of us were even aware of sickle cell anemia, much less sensitive to the toll this vicious disease takes in pain, suffering, and death of black Americans.

In retrospect, it is difficult to understand the low priority which has been given to the study of sickle cell anemia. History shows us that sickle cell disease has been known for more than 60 years and the fundamental nature of its biochemical cause for more than 20 years. When examining the incidence of the disease, we find that one out of every 12 blacks is a carrier of the sickle cell trait. One out of every 500 black children born in this Nation is afflicted with sickle cell anemia and faces a short, agonizing life. But our support of biomedical research on sickle cell anemia has not been given the priority which one would expect if priorities for research were determined by the seriousness and incidence of a disease. That progress which has been made on sickle cell disease is the work of a few devoted and brilliant individuals—in frequent instances, the dogged, determined efforts of black physicians working with limited resources.

With the passage of H.R. 13592, we can establish for the first time a significant Federal program for the prevention of sickle cell anemia. The legislation provides $105 million over a 3-year period for widespread screening for the sickle cell trait as well as research programs to find ways of diagnosing and curing the disease. On the whole, I believe the committee has devised a commendable program, though I would have preferred bringing the Veterans' Administration and the Defense Department directly into the screening programs for sickle cell disease, as does the bill already passed by the Senate.

Mr. Chairman, many of us were sponsors of the various sickle cell bills considered by the committee. While we may have differed somewhat over what approach to take, we were nevertheless united in calling for a national attack on sickle cell disease. I am confident that the National Sickle Cell Anemia Prevention Act would be a tremendous step forward in establishing the level of national commitment needed, and I hope it will be met with our unanimous support.

Mr. HALL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like simply to add that had I had an opportunity to speak on the last amendment I would have quoted from Dr. Robert Nalbandian, M.D., writing in "Laboratory Medicine," pages 12–50, May 1971, and further quoting Dr. Linus Pauling; the fact that:

> Sickle cell anemia is the first disease to have become thoroughly understood, the first disease for which a clear and complete explanation of its manifestations can be formulated, and for which we have developed a method not only for controlling the crisis of the disease, but it is the first disease for which there is a known molecular basis for its origin, or pathogenesis, a molecular basis for the diagnosis and a molecular basis for treatment.

As an old surgeon with a rusty scalpel, we had nothing to do with the treatment of this disease, but I did study it years ago under Dr. H. Gideon Wells and E. R. LeCount, when it was first beginning to be understood; and it would in my opinion be an error to complicate this bill with the treatment of another disease which has not been fully exploited, and for which the research and technical breakthrough has not been accomplished for a mass screening and treatment; and the panacea of pouring more funds and personnel into a project not yet ripe for borning.

Therefore I consider the action of the committee on this amendment was good and proper.

Mr. BIAGGI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of this bill.

Mr. Chairman, the National Sickle Cell Anemia Control Act is an urgently needed piece of legislation. This hereditary disease, which is found primarily among members of the black race, has remained incurable primarily because of a lack of Federal support to find a cure. This fatal disease results in the occurrence of an abnormal hemoglobin in the red blood cells. It causes its victims to suffer prolonged agonizing pain sometimes lasting for years before they finally die.

What is even more tragic, however, is that the primary victims of this disease are young children. Nothing is more heartbreaking than to see one of these children suffering from anemia, pallor, weakness, poor physical development, jaundice, enlargement of organs like the heart, liver, and spleen, and even ugly skin ulcers. They also are more susceptible to infections, paralysis, and blindness.

The effect upon the black community of this one disease is so sizable that a continued effort to find a cure must be made immediately. The anemic, or active form of the disease occurs in about one in every 500 black births in the United States. The median age of survival is 20 years. Moreover, the extensive hospitalization required in the treatment of this disease forces the victim to miss school, work, and the many other normal functions of their daily lives that contribute to growth and development.

I have cosponsored legislation which would provide funds for research toward finding a cure for this horrible disease and I wholeheartedly support the bill under consideration.

Another, closely related hereditary blood disorder which affects approximately 200,000 young Americans is Cooley's anemia. This disease was originally found only among persons of Mediterranean background, but due to intermarriage through the generations, it now affects a wide variety of persons of differing backgrounds.

The research methods, screening, prevention and treatment programs could easily be integrated with the sickle cell anemia program. For this reason, I will support the amendment which will be offered by the gentleman from Connecticut (Mr. GIAIMO) which would include Cooley's anemia in this legislation.

Over the course of the past several years we have spent a great deal of money to conquer such hereditary diseases as cystic fibrosis or phenylketonuria. We must now make an all-out assault to combat sickle cell anemia and Cooley's anemia as well.

We must continue our struggle to rid the world of all diseases which afflict mankind. This cannot be accomplished, however, without the Federal research funds necessary to carry out this noble objective.

I hope that my colleagues will join with me in supporting this major piece of legislation. I would also hope that the amendment offered by the gentleman from Connecticut (Mr. GIAIMO) will be passed and thus make the act even stronger.

Today isn't soon enough to begin the fight to wipe these related diseases from the face of the earth.

(Mr. PICKLE asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PICKLE. Mr. Chairman, sickle cell disease, the most common inherited disorder in the United States, is believed to be present in more than 2 million black Americans. Although the disease occurs in a relatively benign "carrier" form known as "sickle cell trait," approximately 1 in every 500 black infants is born with the life-threatening form of the disease called "sickle cell anemia." There is no known cure.

The disease is due to a genetically determined defect in hemoglobin, the respiratory pigment in red blood cells which enables them to carry oxygen throughout the body. Under conditions of diminished oxygen supply or physical or emotional stress, the abnormal hemoglobin molecules become attached to one another in such a way as to distort the normally doughnut-shaped red cells into a distinctive crescent or sickle-shape, hence the name sickle cell anemia. The inability of these sickled cells to pass freely through smaller blood vessels creates a "logjam" effect, blocking the flow of blood surrounding tissues and causing the extreme pain known as the sickle cell "crisis."

A person is relatively safe if he carries the sickle cell trait, however, it is important that the person realize the incidence of sickle cell anemia should he marry someone who also carries the trait If both parents carry the sickle cell trait, they stand a 1-in-4 chance that one of their offspring will have sickle cell anemia, hence the importance of counseling and education programs to advise future parents who are double trait carriers of the problems to be expected if they should wed.

In 1970, $100,000 was spent on sickle cell research in a Nation that spent $1.6 billion on research. Four million dollars were spent on cystic fibrosis which strikes one in 3,000, and $10 million were spent on muscular dystrophy which strikes one in 5,000. Moreover, a total of $14 million were raised by various charity organizations supporting cystic fibrosis and muscular dystrophy whereas the National Sickle Cell Anemia Foundation was able to raise only about $75,000.

Today I rise in support of the National Sickle Cell Anemia Act. Although this bill does not go quite as far as some would like, it is a certainly giant step in the direction of curbing this dread disease.

Among other things, this bill would provide:

First, $75 million over the next 3 years for screening, counseling, and educational and informational activities.

Second, $30 million over the next 3 years for research in the diagnosis, treatment, and prevention of sickle cell anemia and the development of programs for diagnosis, treatment, and prevention of sickle cell anemia.

Third, all participation in any of these programs would be voluntary.

Mr. Chairman, I urge the adoption of this legislation. We must not wait any longer to direct our resources against this malady.

Mr. WIDNALL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, at this time I would just like to extend my full support on this legislation. It is a measure that is urgently needed. I wish to commend the members who sponsored this bill, for the work they have done on it, as have many other Members of the Congress, and I want to congratulate the committee on the work they have done on the bill they have brought in.

Mr. Chairman, I most earnestly urge that the House will overwhelmingly approve this bill, H.R. 13592, the National Sickle Cell Anemia Prevention Act.

Last October, I cosponsored H.R. 11257, which was also titled the National Sickle Cell Anemia Prevention Act.

Subsequent committee action by the Committee on Interstate and Foreign Commerce resulted in the unanimous passage of a clean bill, the one we vote on today. I am pleased that the committee has taken expeditious action on this urgent problem.

It is imperative that the Nation move quickly on this problem because the increase in sickle cell anemia cases can be stopped cold with education, diagnosis and counseling.

The magnitude of this problem is indicated by the some 50,000 Americans who suffer with sickle cell anemia. However, the potential tragedy is much greater. An estimated two and a half million Americans have the trait. Their ignorance of the genetic consequences which result from a couple who both have the trait and bear children, can mean a generation of Americans severely afflicted by sickle cell anemia.

While sickle cell anemia strikes one in 500 black persons, the fact that one in ten carries the trait should alert us to the great potential danger in this blood disease.

Recent tests in Washington, D.C. schools, which have been limited by a lack of funds, indicate that a thorough testing of the students is necessary.

The money we authorize here, $25 million for fiscal 1973, $35 million for 1974 and $45 million for 1975, can carry out the programs initiated, such as that in the District school system.

Support is needed now and I urge my colleagues to recognize the need for immediate approval of this bill.

Mr. TIERNAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to express my strong support for H.R. 13592, the National Sickle Cell Anemia Control Act.

The tremendous need for this legislation is undeniable. Approximately 40,000 to 50,000 persons in this country have sickle cell anemia, and an additional 8 to 13 percent of the black population carry the trait. This genetic disease occurs in 1 out of every 500 black babies, most of whom do not live beyond the age of 20.

The bill we have before us today would provide for research, training, screening, prevention, and treatment programs. The $100 million provided for in H.R. 13592 should be looked at as only a beginning, but it is certainly a giant leap toward establishing a national commitment to effectively deal with sickle cell anemia.

To date we as a nation have not even devoted to this disease a significant fraction of the money we have applied to research into other childhood diseases. And yet back in 1967 there were approximately 1,155 new cases of sickle cell anemia, compared with 813 cases of muscular dystrophy. This is not to say that we should devote less money to the cure of muscular dystrophy, but that we should substantially increase our commitment to deal with sickle cell anemia.

We have ignored this disease too long. I urge all of my colleagues to support H.R. 13592.

Mr. Chairman, I also wish to lend my support to the amendment proposed by my able colleague from Connecticut (Mr. GIAIMO) which would provide support for grants, contracts, and fellowships for research and treatment of Cooley's anemia. Cooley's anemia, sometimes called thalassemia, is also a genetically determined form of anemia which occurs primarily in peoples of Mediterranean origin. In this disease, the fundamental defect is inability to synthesize adequate amounts of hemoglobin, the substance in red blood cells which enables them to carry oxygen. Although the true incidence is not known and obviously would vary from area to area depending upon the percent of population of Mediterranean origin, the best available estimates are that about 200,000 individuals in this country carry the gene. Unfortunately, much needs to be learned concerning treatment of the disease and I believe that major emphasis on research on Cooley's anemia is warranted. I therefore support the efforts of my colleague from Connecticut to include support for Cooley's anemia as part of this bill.

Mr. HALL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as I said before, during the general debate, and specifically during the 5-minute rule on the bill, there has never been a disease that has been as well researched, and whose time has come for borning of Federal support in the domestic area, as is the case of sickle cell anemia.

Its origin is most interesting, probably having to do in the black areas of Africa with nature's own evolving of a defense mechanism against malaria of the most devastating variety.

The methods by which it causes its destruction are now well known and, as I said, very recently, the molecular etiology or pathogenesis of the disease is now thoroughly understood, and a rapid screening method of inexpensive molecular—and computerized—diagnosis has been well developed and utilized.

Finally, the treatment in the form of molecular treatment is available, and it is now predicted will become as simple as the preventive treatment of poliomyelitis and other diseases. Indeed, I would like to join with the members of the committee, and particularly the gentleman from Grand Rapids, Mich., the distinguished minority leader of the House (Mr. GERALD R. FORD) in referring to the beautiful work done by one of our outstanding groups of researchers and technicians in developing the new replacement of the proprietary test for hemoglobin-S.

I would even commend the issue of Laboratory Medicine published by the American Society of Clinical Pathologists for May of 1971 and its editorial and its "critique," or seminar on the actual diagnosis, treatment and prophylaxis of sickle cell anemia.

Even the vaunted Journal of the American Medical Association for December 13, 1971, has both editorials and a compendium of articles by the same doctor who did his work in Grand Rapids, Mich., in this area, the distinguished Dr. Robert M. Nalbandian, Associate Pathologist of the Department of Pathology at Blodgett Memorial Hospital in Grand Rapids.

I have not been privileged to see the television film that was prepared locally and privately, but I do want in closing to simply read the statement by twice Nobel Laureate, Dr. Linus Pauling, when he said that sickle cell anemia is the first disease to have become thoroughly understood.

This is an outstanding statement, all of its own.

In concluding my remarks, I will simply request that we again ascertain that the breakthrough in using simple urea, sodium citrate, or other chemical drugs for mass screening technique and diagnosis plus treatment, might well be considered in lieu of the expensive or proprietary Sickledex tests.

I have nothing against proprietary tests developed by private enterprise research and perpetrated by people who are available, but I would be against using this with taxpayers' funds when there are such simple and decisive molecular screening tests available using the simple chemicals available at less than $1 per pound for such tests, plus preparation costs.

Mr. Chairman, the following is an article by Dr. Robert M. Nalbandian to which I referred earlier in my remarks:

[From Laboratory Medicine, May, 1971]

THE MOLECULAR BASIS FOR THE PATHOGENESIS, DIAGNOSIS, AND TREATMENT OF SICKLE CELL DISEASE

(By Robert M. Nalbandian, M.D.)

(NOTE.—Robert M. Nalbandian, M.D., is Associate Pathologist, Department of Pathology, Blodgett Memorial Hospital, Grand Rapids, Mich. Dr. Nalbandian is the editor of a new book, Molecular Aspects of Sickle Cell Hemoglobin: Clinical Applications, with a foreword by Professor Linus Pauling, twice Nobel Laureate, published this month by Chas. C. Thomas Co., Springfield, Ill.)

Contrary to current discussions in the medical and paramedical press, sickle cell disease is one of the best understood of diseases.

The devastating ravages of sickle cell disease are not generally appreciated. This genetic affliction is cruel, crippling, lingering, and lethal.

It first manifests at about five to six months after birth because it is delayed in its clinical expression due to genetic switching mechanisms involving the production of incorrectly structured beta-S globin chains in the S hemoglobin molecule.

The clinical course is punctuated by agonizing episodes of bone-cracking plain and temperature elevations with anemia, listlessness, lethargy, infarcts of virtually all organs of the body including the spleen, bone, lung, and central nervous system.

Some victims are struck with blindness, aphasia, crippling, paralysis, and convulsions. Others have episodes of severe abdominal pain mimicking the acute surgical abdomen which can lead to unnecessary surgery and increased hazards of death under anesthesia. Clinical manifestations also include leg ulcers, jaundice, increased susceptibility to infection, and hyporegenerative bone marrow activity.

Sociologically, these victims are often poor students and poor workers, frequently unable to earn adequate incomes. They are hopelessly demoralized. Furthermore, they are impoverished by expensive hospitalizations of varying frequency.

Ultimately, they may become addicted to narcotics which are used by frustrated physicians as an act of therapeutic desperation even though such treatment is known to be ineffective in eliminating the pain.

Finally, these victims die prematurely after years of suffering the blows of this crushing disease. What a staggering penalty to pay because of the genetic substitution of two amino acids among 574 per molecule of hemoglobin!

In 1949, Linus Pauling and associates[1] produced experimental proof and established sickle cell anemia as the first example of a molecular disease in which the molecular structural anomaly of hemoglobin was genetically controlled.

Three years later, Pauling predicted[2] that when the complete structure of the hemoglobin molecule would be discovered, such knowledge would permit the development of improved therapeutic methods. Pauling's prophecy has been fulfilled in less than 20 years!

A remarkable series of investigations dating from 1949 at the molecular level on hemoglobin culminated in 1966 by the brilliant, singular achievement of Dr. Makio Murayama at the National Institutes of Health when he published his hypothesis for the molecular mechanism of sickling in hemoglobin S.[3]

This astonishingly accurate hypothesis was evolved from his construction of a precision model of the hemoglobin molecule on a scale of 127 million to 1. Murayama has discussed in detail his recently, slightly modified concepts.[4]

We have extended the Murayama hypothesis by our inferences and our deductions. As a result we have developed a series of recent advances at the molecular level of reference.[4]

1) the development of three specific tests for S hemoglobin, each with a molecular basis;

2) a therapeutic strategy for the treatment of sickle cell crisis consisting of a chemical attack on the intertetrameric hydrophobic bonds responsible for the sickling event as specified by Murayama;

3) the theoretical and deductive specification of molecular properties for an ideal chemotherapeutic agent which antedated and led to the selection of urea;

4) the evolution of a clinical protocol for the intravenous use of urea in the treatment of acute sickle cell crisis,

5) the evolution of a clinical protocol for the oral use of urea in the prophylactic treatment of sickle cell anemia.

All of these discoveries are a direct consequence of the modified Murayama hypothesis and are a confirmation of the validity of his prescient molecular view of sickling since his hypothesis has proved so fruitful in the prediction of these discoveries. And so the Pauling prophecy of 1952 has been fulfilled precisely.

THE MURAYAMA TEST

Elsewhere,[4-6,8] we have shown that all tests in use today in hospital laboratories to diagnose sickle cell hemoglobin are nonspecific. The Murayama test (named by us in recognition of his elucidation of the molecular mechanism of sickling) is a simple, visual method for the detection of the existence of the implicated hydrophobic bonds essential to the sickling event in concentrated, deoxygenated hemolysates when S hemoglobin is present.

The unique property of such hydrophobic bonds is that the intermolecular bonds weaken as 0° C. is approached. Hence, they have a "negative temperature coefficient of gelation." That is, such systems exhibit phase changes which are thermally dependent.

Footnotes at end of article.

Appropriately prepared hemolysates of S hemoglobin are thus a gel at 37° and a liquid at 0° and are reversibly so at the limits of this temperature range—just the opposite of jello!

The molecular specificity of this test is predicated on the submolecular pathology of amino acid substitutions in the beta-S globin chains of the hemoglobin S molecule.

We have correctly predicted from molecular structure the differential behavior of such non-S sickling hemoglobins as C (Harlem), I, and C (Georgetown) under conditions of the Murayama test.[4, 6] Details of data and techniques have been published elsewhere.[4, 6]

DEDUCTIVE SELECTION OF UREA AS A CHEMOTHERAPEUTIC AGENT

As another extension of the Murayama hypothesis, we reasoned[4, 7] that mounting a chemical attack on the implicated hydrophobic bonds required an agent which among other specifications had the capacity to break hydrophobic bonds plus specific molecular structural features which have been detailed elsewhere. Such deductive specifications led to the selection and use of urea for this purpose.

Our initial experiments with one molar urea in aqueous solutions did reverse cells sickled by 2% $Na_2 S_2 O_5$ *in the persistent presence of that reducing agent.* Within a half hour, however, extensive evidence of hemolysis was observed. Shortly thereafter, we discovered that urea in sugar solutions (invert sugar or glucose) served as an effective and ideal desickling agent without producing any hemolysis.

Extensive optical and electron microscopic evidence of such desickling activity of urea has been provided by one of the members of our research team, Dr. Marion I. Barnhart, Professor of Physiology at Wayne State University in Detroit.[4, 7]

MODIFIED SICKLEDEX TEST

The Sickledex test was offered in 1968 as a "specific test for S hemoglobin" without benefit of disclosure of the principle of the test or description of the reagent.

In 1969, in the *Bulletin of Pathology,* we published our views that the Sickledex test was, in fact, a derivation of the Itano solubility test published some 15 years earlier, and, in view of the present day knowledge of over 150 hemoglobinopathies, could not be considered to be specific any longer.

We regard the Sickledex test as an excellent screening procedure. Hence, we knew that the principle of the test was, at essence, a measure of the solubility parameter of deoxygenated hemoglobins, the principle of the Itano solubility test.

We have discussed in detail elsewhere[4, 8] the fact that sickle cell hemoglobin tests predicted on solubility parameters alone are no longer valid since there are now known to be other hemoglobins which will give false tests under the specified conditions of the Sickledex test. Among such false positive tests, we predicted that hemoglobin Bart's would so behave. This has been confirmed by experimental evidence.[4, 8]

In association with Henry and co-workers, we modified the Sickledex[4, 8] by the addition of urea to "positive" tests, reasoning that nonspecific nematic liquid crystal systems produced by one or another of a non-S sickling hemoglobins, would remain intact in the presence of urea, *i.e.,* positive tests would remain positive in the presence of urea; whereas such liquid crystal systems mediated by hydrophobic bonds as in hemoglobin S would reverse in the presence of urea, *i.e.,* positive tests would become negative in the presence of the hydrophobic-bond-destroying urea.

Details of data and techniques and a detailed discussion of principles and interpretation have been published elsewhere.[4, 8]

An automated version of our Sickledex modification has been adapted[4, 9] to a two-channel Auto-Analyzer so that one line carries an aliquot of blood in Sickledex solution and the other carries an aliquot of the same blood specimen in a urea-Sickledex solution. Under these conditions there is a distinct *gain* in percent transmittance of light in the urea-Sickledex channel, since the nematic liquid crystal system responsible for the turbidity (sickled S hemoglobin) is dispersed by the urea.

This automated system has recently been proven accurate and feasible in the mass screening of large human populations for the detection of S hemoglobin in extensive field studies conducted jointly with the U.S. Army Medical Research Laboratory at Fort Knox, Ky.

Because of the relatively high cost per determination of the proprietary Sickledex test, we have determined in our laboratory (BMH) that reagents prepared by us consisting of potassium phosphate, $Na_2S_2O_4$ (sodium dithionite), and saponin provide perfectly satisfactory working solutions in no detectable way inferior to the stock solutions vended by the developers. This confirms our 1969 assertion that the Sickledex test is derived from the Itano solubility test.

Furthermore, in studies currently underway in our laboratory, the cost of the test has been reduced from $1.00 to 2½¢ per determination. Thus, for 2½¢ per test (reagent cost) on ½ cc. of EDTA-collected whole blood, automated determinations for the diagnosis of both sickle hemoglobin and non-S sickling hemoglobin have been conducted at the rate of 120 per hour.

The survey of large human populations in metropolitan areas for case finding of sickle cell disease leading both to medical genetic counseling and to treatment (see below) is now a proven technique. All that is required at present to make advances in diagnosis and treatment as well as accurate statistics in this area of human disease is interest and funding. Details of data and techniques are discussed elsewhere.[4, 9]

INTRAVENOUS UREA IN THE TREATMENT OF SICKLE CELL CRISIS

Explicit and detailed protocols for the intravenous use of urea in sugar solutions have been published.[4, 10] In every case of acute sickle cell crisis where the specific provisions of our published protocols have faithfully followed we have never had a therapeutic failure, a medical misadventure, or a death. Hence, explicit compliance with our protocols in the treatment of acute sickle cell crisis will result in safe, effective treatment of acute sickle cell crisis without the use of narcotics or analgesics.

We have completed our safety and feasibility studies and are currently entering a large series of controlled, randomized studies as the final phase of evaluation of our protocols. We have made these protocols available to interested investigators who wish to conduct independent controlled series of studies of their own. However, we urge faithful compliance with all provisions of our protocol in order to maintain safety and therapeutic effectiveness.

ORAL, PROPHYLACTIC TREATMENT OF SICKLE CELL ANEMIA

The therapeutic basis for oral prophylactic urea rests on the experimental demonstration in our laboratory[4, 10] that it takes less urea to block the sickling event in susceptible cells than it does to reverse sickling in aliquots of such cells. The theory for such therapeutic efficacy of low doses of oral urea has been discussed in extenso elsewhere.[4, 10]

The intravenous therapeutic modality for the termination of an acute sickle cell crisis is spectacular and impressive, but is rather expensive, requiring hospitalization, and, most important, represents treatment after the vasculo-occlusive episodes and attendant tissue injury.

Since sickle cell disease injures tissue systems in episodic fashion by crisis, the use of oral urea is designed to mitigate and specifically to eliminate sickle cell crisis, correct the anemia by increasing the red blood cell survival time, relieving the enormous metabolic load on the bone marrow organ.

With our preliminary study in more than 80 cases of sickle cell disease managed on oral prophylactic urea, the therapeutic responses have been impressive to date. Also, details of cases of priapism, hematuria in heterozygotes, SC hemoglobinopathy in pregnancy, and near crisis-like states all responding to oral prophylactic urea are either in press at present or await completion of concurrent studies.

The advantages of the oral modality of treatment over the intravenous regimen are that it is simple, inexpensive, safe, avoids incremental tissue injuries, and restores the patient to productive activity. The promise of oral prophylactic urea for the homozygous S diseases victim is a productive, painfree, full life span—all for pennies a day since urea costs only $1.00 per pound.

After an extensive study of our detailed research work on sickle cell anemia, Linus Pauling, twice Nobel Laureate, recently wrote:[4] "Sickle cell anemia is the first disease to have become thoroughly understood, the first disease for which a clear and complete explanation of the manifestations could be formulated." He states[4] that our work has led to the development of a method "for controlling the crisis of the disease. Sickle cell anemia has thus become one of the first diseases for which there is a known molecular basis for pathogenesis, a molecular basis for diagnosis, and a molecular basis for treatment."

FOOTNOTES

[1] Pauling, L., et al.: Sickle Cell Anemia, a Molecular Disease, Science 110; 543–548, 1949.

[2] Pauling, L.: The Hemoglobin Molecule in Health and Disease, Proc. Amer. Phiosoph. Soc. 96: 556–565, 1952.

[3] Muryania, M.: Molecular Mechanics of Red Cell Sickling, Scence 153: 145–149, 1966.

[4] Nalbandian, R. M. (ed.): Molecular Aspects of Sickle Cell Hemoglobin; Clinical Applications, Springfield, Ill.: Charles C. Thomas, May 1971.

Author's Note: The next six listed U.S. Army Medical Research Laboratory Reports, numbers 893–898, are available from The Defense Documentation Center, Cameron Station, Virginia 22314, or from The Clearing House for Federal, Scientific, and Technical Information, Department of Commerce, Washington, D.C. 20310.

[5] Nalbandian, R. M., et al.: The Murayama Test: Part I. Evidence for the Molified Murayama Hypothesis for the Molecular Mechanism of Sickling, report 894, U.S. Army Medical Research Laboratory, Sept. 17, 1970.

[6] Nalbandian, R. M., et al.: The Murayama Test: Part II, Principles, Techniques, Interpretation, and Data, report 894, U.S. Army Medical Research Laboratory, Sept. 17, 1970.

[7] Nalbandian, R. M., et al.: Sickling Reversed and Blocked by Urea in Invert Sugar: Optical and Electron Microscopy Evidence, report 895, U.S. Army Medical Research Laboratory, Sept. 17, 1970.

[8] Henry, R. L., et al.: Modified Sickledex Tube Test: A Specific Test for S. Hemoglobin, report 897, U S. Army Medical Research Laboratory, Sept. 17, 1970.

[9] Henry, R. L., et al.: An Automated Screening Method for the Specific Detection of Homozygous and Heterozygous S Hemoglobin, report 898, U.S. Army Medical Research Laboratory, Sept. 17, 1970.

[10] Nalbandian, R. M., et al., Sickle Cell Crisis Terminated by Use of Urea in Invert

Sugar in Two Cases, report 896, U.S. Army Medical Research Laboratory, Sept. 17, 1970.

Mr. ROGERS. Mr. Chairman, I move to strike out the last word.

Mr. O'KONSKI. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Eighty-nine Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll and the following Members failed to answer to their names:

[Roll No. 86]

Abourezk
Baring
Belcher
Bow
Clark
Clay
Collins, Ill.
Conyers
Dingell
Dowdy
Dwyer
Edwards, La.
Eshleman
Fuqua
Galifianakis
Gaydos
Gibbons
Gubser
Halpern
Harsha
Harvey
Hébert
Hicks, Wash.
Hull
Johnson, Pa.
Jonas
Jones, Ala.
Karth
Melcher
Metcalfe
Mikva
Minish
Morse
Obey
O'Hara
Passman
Patman
Pryor, Ark.
Rangel
Rees
Reid
Rosenthal
Rostenkowski
Saylor
Scheuer
Seiberling
Shoup
Sisk
Stanton, James V.
Steiger, Wis.
Stubblefield
Teague, Tex.
Thompson, N.J.
Udall
Wilson, Charles H.
Wright
Yates

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. Evins of Tennessee, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill H.R. 13592, and finding itself without a quorum, he had directed the roll to be called, when 374 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the point of order of no quorum was raised, the gentleman from Florida (Mr. Rogers) had been recognized.

The Chair recognizes the gentleman from Florida.

Mr. ROGERS of Florida. Mr. Chairman, I would urge the passage of this bill.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. Evins of Tennessee, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 13592) to amend the Public Health Service Act to provide for the prevention of sickle cell anemia, pursuant to House Resolution 904, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 392, nays 0, not voting 39, as follows:

[Roll No. 87]

YEAS—392

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Badillo
Baker
Barrett
Begich
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conte
Corman
Cotter
Coughlin
Crane
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Gallagher
Garmatz
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, La.
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Michel
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Steed
Steele
Steiger, Ariz.
Stephens
Stokes
Stratton
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—39

Baring
Belcher
Chamberlain
Collins, Ill.
Conyers
Dowdy
Dwyer
Edwards, La.
Eshleman
Fuqua
Galifianakis
Gaydos
Halpern
Harsha
Harvey
Hébert
Hull
Johnson, Pa.
Metcalfe
Mikva
Minish
Obey
O'Hara
Powell
Pryor, Ark.
Rangel
Rees
Reid
Rostenkowski
Saylor
Scheuer
Shoup
Sisk
Stanton, James V.
Steiger, Wis.
Stubblefield
Teague, Tex.
Udall
Yates

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Belcher.
Mr. Rostenkowski with Mr. Shoup.
Mr. Mikva with Mr. Johnson of Pennsylvania.
Mr. James V. Stanton with Mr. Halpern.
Mr. Rees with Mr. Harvey.
Mr. O'Hara with Mr. Saylor.
Mr. Minish with Mr. Powell.
Mr. Sisk with Mrs. Dwyer.
Mr. Teague of Texas with Mr. Eshleman.
Mr. Stubblefield with Mr. Harsha.
Mr. Hull with Mr. Chamberlain.
Mr. Fuqua with Mr. Reid.
Mr. Udall with Mr. Steiger of Wisconsin.
Mr. Metcalfe with Mr. Dowdy.
Mr. Baring with Mr. Galifianakis.
Mr. Rangel with Mr. Gaydos.
Mr. Conyers with Mr. Scheuer.
Mr. Yates with Mr. Pryor of Arkansas.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce be discharged from the further consideration of the Senate bill S. 2676, a similar bill to H.R. 13592, just passed by the House, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2676

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act shall be cited as the "National Sickle Cell Anemia Control Act".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress hereby finds and declares—

(1) that sickle cell anemia is a debilitating, inheritable disease that afflicts approximately two million American citizens and has been largely neglected;

(2) that the disease is a deadly and tragic burden which is likely to strike one-fourth of the children born to parents, both of whom bear the sickle cell trait;

(3) that efforts to control sickle cell anemia must be directed toward increased research in the cause and treatment of the disease, and the education, screening, and counseling of carriers of the sickle cell trait;

(4) that simple and inexpensive screening tests have been devised which will identify those who have the disease or carry the trait;

(5) that programs to control sickle cell anemia must be based entirely upon the voluntary cooperation of the individuals involved;

(6) that the attainment of better methods of control, diagnosis, and treatment of sickle cell anemia deserves the highest priority.

(b) In order to preserve and protect the health and welfare of all citizens, it is the purpose of this Act to establish a national program for the control, research, and treatment of sickle cell anemia.

AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

SEC. 3. (a) Section 1 of the Public Health Service Act is amended by striking out "titles I to X" and inserting in lieu thereof "titles I to XI".

(b) The Act of July 1, 1944 (58 Stat. 682), as amended, is amended by renumbering title XI (as in effect prior to the enactment of this Act) as title XII, and by renumbering sections 1101 through 1114 (as in effect prior to the enactment of this Act), and references thereto, as sections 1201 through 1214, respectively.

(c) The Public Health Service Act is further amended by adding after title X the following new title:

"TITLE XI—SICKLE CELL ANEMIA PROGRAM

"GRANTS FOR SICKLE CELL SCREENING AND COUNSELING PROGRAMS

"SEC. 1101. (a) The Secretary is authorized to make grants to and enter into contracts with public and nonprofit private agencies, organizations, or institutions to assist in the establishment and operation of voluntary sickle cell anemia screening and counseling programs and to assist in developing and making available information and educational materials relating to sickle cell anemia to all persons requesting such information or materials, and to inform the public generally about the nature of sickle cell anemia and the sickle cell trait.

"(b) In making grants and contracts under this section the Secretary shall give priority to areas within States having the highest percentage of population in need of sickle cell anemia screening and counseling programs; with a further priority to community-based organizations in such areas.

"(c) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1973; $35,000,000 for the fiscal year ending June 30, 1974; and $40,000,000 for the fiscal year ending June 30, 1975.

"RESEARCH AND RESEARCH TRAINING GRANTS

"SEC. 1102. (a) In order to promote research and research training in the diagnosis, treatment, and control of sickle cell anemia, development of programs to educate the public regarding the nature and inheritance of the sickle cell trait and sickle cell anemia, and the development of centers for research, testing, counseling, control or treatment of sickle cell anemia, the Secretary is authorized to make grants to public or nonprofit private agencies, organizations, or institutions and to enter into contracts with public or private agencies, organizations, or institutions and individuals for projects for research and research training in such fields.

"(b) For the purpose of making payments pursuant to grants and contracts under this section there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973; $10,000,000 for the fiscal year ending June 30, 1974; and $15,000,000 for the fiscal year ending June 30, 1975.

"VOLUNTARY PARTICIPATION

"SEC. 1103. The participation by any individual in any program or portion thereof under this title (whether by grant or contract) shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from or to participation in, any other program.

"APPLICATIONS

"SEC. 1104. A grant under this title may be made upon application to the Secretary at such time, in such manner, containing, and accompanied by such information as the Secretary deems necessary. Each application shall—

"(1) provide that the programs and activities for which assistance under this title is sought will be administered by or under the supervision of the applicant:

"(2) provide for strict confidentiality of all test results, medical records, and other information regarding screening, counseling, or treatment of any person treated, except for (A) such information as the patient (or his guardian) consents to be released; or (B) statistical data compiled without reference to the identity of any such patient;

"(3) provide for appropriate community representation in the development and operation of any program funded under this title; and

"(4) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title.

"PUBLIC HEALTH SERVICE FACILITIES

"SEC. 1105. The Secretary shall establish a program within the Public Health Service to provide for voluntary sickle cell anemia screening, counseling, and treatment. Such program shall be made available through facilities of the Public Health Service to any eligible person requesting screening, counseling, or treatment, and shall include notification of all eligible persons of the availability and voluntary nature of such programs.

"REPORTS

"SEC. 1106. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress on or before April 1 of each year a comprehensive report on the administration of this title.

"(b) The report required by this section shall contain such recommendations for additional legislation as the Secretary deems necessary."

PROTECTION OF ARMED FORCES PERSONNEL

SEC. 4. (a) The Secretary of Defense is authorized and directed to promulgate rules and regulations to provide for screening and counseling of members of the Armed Forces (including their dependents), civilian employees of the Department of Defense, and persons examined at Armed Forces examining and entrance stations, for the sickle cell trait and sickle cell anemia.

(b) Such rules and regulations shall provide for—

(1) voluntary screening for the sickle cell trait for persons described in subsection (a) who request such a test, at no cost to such person;

(2) communication to such person described in subsection (a) of the results of such test;

(3) voluntary referral of individuals determined to possess a positive trait to an appropriate military or civilian counseling or treatment agency;

(4) notification to persons described in subsection (a) of the cost-free and voluntary nature of the screening and referral programs implemented pursuant to this section;

(5) education of persons described in subsection (a) regarding the nature and inheritance of the sickle cell trait and sickle cell anemia; and

(6) assurance that all information obtained on specimens submitted voluntarily under this Act shall be held confidential except for (A) such information as the patient (or his guardian) consents to be released or (B) statistical data compiled without reference to the identity of such patient.

(c) The Secretary of Defense shall provide for voluntary counseling or treatment of such persons described in subsection (a) found to have the sickle cell trait or sickle cell anemia at an appropriate military or civilian facility as the case may be.

(d) (1) The Secretary of Defense shall prepare and submit to the President for transmittal to Congress on or before April 1 of each year a comprehensive report on the administration of this section.

(2) The report required by this subsection shall contain such recommendations for additional legislation as the Secretary of Defense deems necessary.

(e) The participation by any individual in any program or portion thereof under this section shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program.

PROTECTION OF VETERANS

SEC. 5 (a) Chapter 17 of title 38, United States Code, is amended by adding at the end thereof the following new subchapter:

"Subchapter VI—Sickle Cell Anemia

"§ 651. Screening, counseling, and medical treatment

"(a) The Administrator is authorized to offer to any veteran who is receiving hospital or domiciliary care or medical services under this chapter or is receiving an examination to determine eligibility for benefits under this title, a screening examination for sickle cell trait or sickle cell anemia, including providing to such veteran full information regarding the nature and inheritance of sickle cell trait and sickle cell anemia and regarding the availability to such veteran of a screening examination under this subchapter, and to provide such a screening examination upon such veteran's request.

"(b) Upon a finding that such veteran has the sickle cell trait or sickle cell anemia, the Administrator is authorized to offer, and, if such veteran requests, provide for counseling (which shall include such a screening examination and counseling for the veteran's spouse, when requested, and a complete explanation of the veteran's eligibility for hospital care and medical services under this chapter) and/or necessary hospital care and medical services for a disability arsing from such trait or anemia.

"(c) The Administrator shall ensure that each veteran receiving benefits under laws administered by the Veterans' Administration receives, as soon as practicable after enactment of this subchapter, full information regarding the nature and inheritance of sickle cell trait and sickle cell anemia and the availability of screening examinations and treatment for such trait and anemia.

"§ 652. Research

"The Administrator shall carry out research and research training in the diagnosis, treatment, and control of sickle cell anemia based upon the screening examinations and treatment provided under this subchapter, subject to the provisions governing voluntary participation and confidentiality in section 653 of this title. For the purpose of carrying out such research, there are authorized to be appropriated $3,000,000 for the fiscal year ending June 30, 1973; $4,000,000 for the fiscal year ending June 30, 1974; and $5,000,000 for the fiscal year ending June 30, 1975.

"§ 653. Voluntary participation; confidentiality

"(a) The participation by any person in any program or portion thereof under this subchapter shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program under this title.

"(b) The Administrator shall promulgate rules and regulations to ensure that all information and patient records prepared or obtained under this subchapter shall be held confidential except for (1) such information as the patient (or his guardian) requests in writing to be released or (2) statistical data compiled wtihout reference to patient names or other identifying characteristics.

"§ 654. Reports

"(a) The Administrator shall prepare and submit to the President for transmittal to the Congress on or before April 1 of each year a comprehensive report on the administration of this subchapter.

"(b) The report required by this section shall contain such recommendations for additional legislation as the Administrator deems necessary."

(b) The analysis at the beginning of such chapter is amended by adding at the end thereof:

"SUBCHAPTER VI—SICKLE CELL ANEMIA

"651. Screening, counseling, and medical treatment.
"652. Research.
"653. Voluntary participation; confidentiality.
"654. Reports."

MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STAGGERS moves to strike out all after the enacting clause of the bill S. 2676, and insert in lieu thereof the provisions of H.R. 13592, as passed, as follows:

SHORT TITLE

SECTION 1. This Act may be cited as the "National Sickle Cell Anemia Prevention Act".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress finds and declares—

(1) that sickle cell anemia is a debilitating, inheritable disease that afflicts approximately two million American citizens and has been largely neglected;

(2) that the disease is a deadly and tragic burden which is likely to strike one-fourth of the children born to parents who both bear the sickle cell trait;

(3) that efforts to prevent sickle cell anemia must be directed toward increased research in the cause and treatment of the disease, and the education, screening, and counseling of carriers of the sickle cell trait;

(4) that simple and inexpensive screening tests have been devised which will identify those who have the disease or carry the trait;

(5) that programs to prevent sickle cell anemia must be based entirely upon the voluntary cooperation of the individuals involved; and

(6) that the attainment of better methods of prevention, diagnosis, and treatment of sickle cell anemia deserves the highest priority.

(b) In order to preserve and protect the health and welfare of all citizens, it is the purpose of this Act to establish a national program for the diagnosis, prevention, and treatment of, and research in, sickle cell anemia.

AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

SEC. 3. (a) Section 1 of the Public Health Service Act is amended by striking out "titles I to X" and inserting in lieu thereof "titles I to XI".

(b) The Act of July 1, 1944 (58 Stat. 682), as amended, is amended by renumbering title XI (as in effect prior to the enactment of this Act) as title XII, and by renumbering sections 1101 through 1114 (as in effect prior to the enactment of this Act), and references thereto, as sections 1201 through 1214, respectively.

(c) The Public Health Service Act is further amended by adding after title X the following new title:

"TITLE XI—SICKLE CELL ANEMIA PROGRAM

"SICKLE CELL ANEMIA SCREENING AND COUNSELING PROGRAMS AND INFORMATION AND EDUCATION PROGRAMS

"SEC. 1101. (a) (1) The Secretary may make grants to public and nonprofit private entitles, an may enter into contracts with public and private entities, for projects for the establishment and operation of voluntary sickle cell anemia screening and counseling programs as part of other existing public health care programs.

"(2) The Secretary shall carry out a program to develop information and educational materials relating to sickle cell anemia and to disseminate such information and materials to persons providing health care and to the public generally. The Secretary may carry out such program through grants to public and nonprofit private entities or contracts with public and private entities and individuals.

"(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1973, $25,000,000 for the fiscal year ending June 30, 1974, and $30,000,000 for the fiscal year ending June 30, 1975.

"PROJECT GRANTS AND CONTRACTS FOR RESEARCH AND PROGRAMS FOR DIAGNOSIS, PREVENTION, AND TREATMENT

"SEC. 1102. (a) The Secretary may make grants to public and nonprofit private entitles; and may enter into contracts with public and private entities and individuals, for projects for (1) research in the diagnosis, treatment, and prevention of sickle cell anemia, and (2) the development of programs for diagnosis, prevention, and treatment of sickle cell anemia.

"(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, $10,000,000 for the fiscal year ending June 30, 1974, and $15,000,000 for the fiscal year ending June 30, 1975.

"VOLUNTARY PARTICIPATION

"SEC. 1103. The participation by any individual in any program or portion thereof under this title shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program.

"APPLICATIONS; ADMINISTRATION OF GRANT AND CONTRACT PROGRAMS

"SEC. 1104. (a) A grant under this title may be made upon application to the Secretary at such time, in such manner, containing and accompanied by such information, as the Secretary deems necessary. Each applicant shall—

"(1) provide that the programs and activities for which assistance under this title is sought will be administered by or under the supervision of the applicant;

"(2) describe with particularity the programs and activities for which assistance is sought;

"(3) provide for strict confidentiality of all test results, medical records, and other information regarding screening, counseling, or treatment of any person treated, except for (A) such information as the patient (or his guardian) consents to be released; or (B) statistical data compiled without reference to the identity of any such patient;

"(4) provide for appropriate community representation in the development and operation of any program funded by a grant under this title;

"(5) in the case of an application for a grant under section 1101(a) (1), provide assurances satisfactory to the Secretary that (A) the screening and counseling services to be provided under the program for which the application is made will be directed first to those persons who are entering their child-bearing years and secondly to children under the age of 7, and (B) appropriate arrangements have been made to provide counseling to persons found to have sickle cell anemia or the sickle cell trait;

"(6) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

"(7) provide for making such reports in such form and containing such information as the Secretary may reasonably require.

"(b) In making any grant or contract under the title, the Secretary shall (1) take into account the number of persons to be served by the program supported by such grant or contract and the extent to which rapid and effective use will be made of funds under the grant or contract; and (2) give priority to programs operating in areas which the Secretary detemines have the greatest number of persons in need of the services provided under such programs.

"PUBLIC HEALTH SERVICE FACILITIES

"SEC. 1105. The Secretary shall establish a program within the Public Health Service to provide for voluntary sickle cell anemia screening, counseling, and treatment. Such program shall be made available through facilities of the Public Health Service to any person requesting screening, counseling, or treatment, and shall include appropriate publicity of the availability and voluntary nature of such programs.

"REPORTS

"SEC. 1106. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress on or before April 1 of each year a comprehensive report on the administration of this title.

"(b) The report required by this section shall contain such recommendations for additional legislation as the Secretary deems necessary."

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "To amend the Public Health Service Act to provide for the prevention of sickle cell anemia."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 13592) was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their own remarks on the bill just passed, and to include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

PROTEST AGAINST $2.1 BILLION FOREIGN MILITARY ASSISTANCE REQUEST

(Mr. ROUSH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROUSH. Mr. Speaker, I rise today to add my vote of protest against congressional approval of the $2.1 billion foreign military assistance request for fiscal 1973 which the administration has placed before this Congress.

My protest is based on several grounds.

First and foremost is the fact that this country is already short on money for the everyday needs of the American people. In the name of prudent management and stemming inflation the Office of Management and Budget has callously impounded, reserved, and refused to spend the funds Congress appropriated for educational, housing, transportation, environmental programs. How can we then possibly justify spending over $2 billion for foreign military aid with the hope of some vague, long-term, highly questionable goals when we cannot manage to apply the American taxpayer's dollar to the immediate and critical needs here at home?

My second grounds for protest rests on those goals themselves and what the American people will buy or secure for that $2 billion. I seem to remember that our first involvement in Southeast Asia was in the form of military equipment. Do we want that? Do we even want intensified involvement in the military planning of other nations? Does that purchase security for us at home?

I think not. Actually at the worst we may with that $2 billion purchase another war for ourselves because where our arms go, there also go our political and economic interests. And even if we do not become directly involved in a war, acting in the role of an arms supplier we thereby provoke innumerable conflicts between rival nations. Without our prized military assistance these nations could not so easily and precipitously engage in fighting wars among themselves.

Finally, Mr. Speaker, the Congress expressed its intent regarding foreign military assistance in extended argument and debate last year, finally completing this discussion a short time ago. I believe that lengthy consideration reflected attention to the increased complaints of the American people about this kind of spending and the effort to reconsider some of our priorities. I do not believe that we should allow that healthy reappraisal to be frustrated by restoring those funds for fiscal 1973.

COMPENSATION TO THE NAVAJO TRIBE FOR RECREATIONAL USE OF FORMER RESERVATION LANDS AT GLEN CANYON

(Mr. SKUBITZ asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SKUBITZ. Mr. Speaker, I am introducing for myself, Mr. SAYLOR, Mr. UDALL, Mr. STEIGER of Arizona, Mr. LLOYD, and Mr. MCKAY, a bill to authorize the Secretary of the Interior to transfer franchise fees received from certain concession operations at Glen Canyon Recreation Area, Ariz., and for other purposes.

This proposal is the result of Executive Communication No. 1685 and is a step towards fulfillment of an agreement with the Navajo Tribe for the use of their former reservation lands transferred for recreational use at the Glen Canyon Recreation Area. This bill directs that the Secretary place the annual franchise fee received from the Park Service-concessioner-operated Rainbow Bridge floating marina facility at Lake Powell into a separate fund of the Treasury and to transfer that fee to the Navajo Indian Tribe in consideration of the tribe's continued agreement to the use of their former reservation lands for recreation purposes. Compensation is intended to commence after passage of the legislation and is intended to be the sole compensation for any claim the tribe may have for past compensation for the use of their lands at Rainbow Bridge.

The Navajo Tribal Council has approved the use of the former reservation lands for this purpose. The tribe's approval, however, and its agreement to any recreational use of former reservation land within the recreation area, as well as cooperative development of contiguous tribal lands, is contingent upon the transfer of the annual franchise fee as provided in this proposal.

Although there are no other situations wherein franchise fees are transferred by the National Park Service to an Indian tribe, there are two areas of the National Park System involving similar circumstances. At Bighorn Canyon National Recreation Area, Mont., the Crow Indian Tribe of Montana is given a preferential right to construct and operate revenue-producing facilities on certain Federal lands, and to retain any resulting revenues. At Canyon de Chelly National Monument, Ariz., located entirely on Indian lands within the Navajo Indian Reservation, the concessioner pays an annual franchise fee directly to the tribe.

The text of the bill is:

H.R. 14029

A bill to authorize the Secretary of the Interior to transfer franchise fees received from certain concession operations at Glen Canyon Recreation Area, Arizona, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any provision of law requiring such fees to be credited to miscellaneous receipts in the Treasury of the United States, there shall be placed in a separate fund in the Treasury of the United States the annual franchise fee received by the Secretary of the Interior from concessioner-operated facilities at the Rainbow Bridge floating complex in Forbidding Canyon, within the Glen Canyon Recreation Area, Arizona, and the Secretary of the Interior is authorized to transfer such fees annually from said fund to the Navajo Tribe of Indians in consideration of continued agreement by the tribe to the use of lands transferred to the United States from the Navajo Indian Reservation for the purpose of anchoring such facilities.

H.R. 13832, LIQUEFIED NATURAL GAS SHIPS AND FACILITIES—A MATTER OF HIGH NATIONAL PRIORITY

(Mr. ANDERSON of Tennessee asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ANDERSON of Tennessee. Mr. Speaker, on March 15, I introduced legislation which would authorize the U.S. Government to negotiate the construction, outfitting and equipping of 40 ships for the purpose of transporting liquefied natural gas. The delivery date for these ships would be no later than January 1, 1980.

The purpose of this bill is to meet an impending energy crisis which, from all indications, the United States will experience by the year 1985. A reprint of the bill follows the text of this statement.

Another aim of this legislation is to establish a new national energy policy which would insure adequate energy to meet the projected needs of our domestic and industrial economy during the next decade.

There are several additional goals. One relates to atmospheric pollution. Natural gas burns almost pollution free. Then, conservation. Vast quantities of natural gas are still being flared to the atmosphere at wellheads throughout the world. This is a shameful waste, particularly when we consider the well-being of future generations.

I am fully aware of the complexities and difficulties of trying to look and plan ahead on matters of public needs. However, we must begin planning for the next decade before a growing energy crisis becomes a national catastrophe.

Authorities estimate that at the present rate of energy consumption in the United States, combined with a continuing decrease in domestic supply of energy sources, by 1985, we will be required to import over 40 percent of all forms of energy consumed. This will include the importation of approximately 15 million barrels of oil per day and 12 trillion cubic feet of natural gas per year. We are currently importing 3.4 million barrels of oil per day and it is anticipated that the growth rate of oil imports will be 300 to 400 percent during the next 15 years.

A massive cutback in the anticipated growth rate of energy consumption is not the solution if we are to survive and compete effectively as an industrial nation and support a relatively high standard of living, though certainly we must pay strong attention to conservation of energy resources.

The primary sources of energy in the foreseeable future will continue to be oil and gas. Coal and nuclear power will continue to provide substantial inputs, but even with the coal industry doubling its output and nuclear plants increasing their megawatt yield 80 times, these sources will provide only 37 percent of our national needs in 1985.

In addition, all the nonconventional sources combined, such as hydroelectric, geothermal, tidal, and solar power, will provide less than 3 percent of our total energy needs in 1985.

The remainder of our energy needs, estimated to be 60 percent of the total, will be supplied from petroleum and natural gas.

If oil imports grow at the currently projected rates, in 1985 our oil needs will require between 300 and 350 oil tankers of 250,000 deadweight tons in service. The United States has no harbor capable of accommodating this size tanker.

Should an energy crisis come to the United States today, it is anticipated that we could meet and accommodate our energy needs for about 1 year at the most.

To meet such a crisis would mean relaxing air pollution standards so that high sulfur fuels could be consumed along the east coast and particularly in the energy deprived Northeastern sector of the country. It would mean increasing domestic oil production, depleting on-hand reserve stocks and production from uneconomical wells. Even with these "emergency" measures we may be able to stand off the crisis for only about 17 months.

Mr. Speaker, we must direct our efforts toward a new national energy policy and we must look for new sources of energy which will most effectively meet the impending crisis.

I believe liquefied natural gas is that source. The ships and facilities will be costly. I estimate we are talking about a public commitment of at least $3 billion and a private commitment of $12 billion for a total of $15 billion. But these ships must be built in U.S. yards and they must be manned by U.S. crews. The potential is for at least 75,000 new jobs. To let the ships be built abroad, the LNG market commandeered by other nations, will not only wipe out that job potential, but place us as captives in the LNG marketplace. Other countries can charge whatever they want and cut off our supply at the slightest whim.

The use of LNG is not a new theory since we are already importing quantities of it to meet peak winter demands in the cold Northeast. But, if we are already using this form of energy producing fuel, and we know how to produce it, why do we face an energy crisis? The problem is in transporting the gas. The United States currently has no ships capable of carrying LNG and the future will determine that the country with the transporting capability will control the market of this vital energy form.

Ten points can be made which give credence to the need for more U.S. participation in the LNG field:

First. Presently, the public and industrial demand for LNG is growing at the rate of 3.4 percent per year while discoveries of new domestic gas reserves are declining.

Second. If the present trend continues, the United States will face a shortage of 20 trillion cubic feet of gas per year by 1985. And, if automobiles were to convert to LNG, which can be easily accomplished, the LNG requirement in this country would increase by 35 percent.

Third. At the same time the role of LNG on the world energy market is rapidly expanding with the United States being the largest user, consuming more than two-thirds of the world's supply.

Fourth. By contrast, the Soviet Union currently consumes 20 percent of the world's total supply of LNG and Western Europe about 5 percent. But Western Europe may soon increase their gas usage to approximately 10 percent as pipeline networks from the U.S.S.R. and the Netherlands are completed.

Fifth. Those countries now planning to increase LNG imports include France, Italy, Spain, Japan, as well as the United States.

Sixth. Thus far, the United States LNG efforts have been directed principally toward storage sites and highway-based semitrailers, 50 of which have been built and are operating mostly in New England and California.

Seventh. U.S. consumers along the east coast have been importing LNG from overseas via foreign-flag ships to meet the needs of the winter months. Our role in the transportation of this gas is virtually nil.

Eighth. Six Western European nations and Japan are leading the international field in LNG ship interest and construction. Today there are 13 LNG ships in service and 20 more on order.

Ninth. The closest the United States has come to operating a liquid natural gas carrier is the *Marine Eagle*, a converted T–2, which is being used as an ammonia carrier along the east coast.

Tenth. The United States, with its highly developed space technology, is fully capable, more so than any other country, of leading the world in the construction of LNG ships and facilities.

All of our space flights have utilized liquefied gasses. Various kinds of metals have been proven; pumps, compressors, insulation and refrigeration techniques have been tested and used in orbital and lunar missions.

We have the experience, capability, and knowledge to move ahead in this field if we put our space and ship technology to work together.

Since the famous New York blackout in October 1965, there have been literally hundreds of other power shortages and failures across the United States. In my own Tennessee Valley country we have seen the reserve coal supply dwindle from 60 days to as few as 1½ days. We are being warned and alerted that new directions must be taken to insure ample energy in the future.

The bill which I have introduced is but the first step in assuring that our future energy needs will be met. At a later date I plan to offer legislation for the construction of additional shore-based and off-shore LNG facilities. Meanwhile, it is important that we not delay the ship construction program which would mean a great deal to our country in terms of meeting the energy crisis, the unemployment problem, and providing a much needed stimulant to the entire maritime industry.

U.S.-owned and operated LNG ships are obviously in the national interest. The country which owns and operates these ships will have a profitable business and obviously will exercise control over the world's supply of LNG reserves.

We need these ships. Vast amounts of proven and unproven reserves are constantly being discovered in Alaska and in several nations overseas. To allow another nation to take the lead and monopolize the LNG transporting market would be detrimental not only to our economic interests but could lead to international politics depriving us of vital energy sources during some future international crisis.

Regulations and policies of the past will no longer suffice.

We cannot afford to follow our present shortsighted policy with respect to energy development and consumption. If we do, we will have the sorry task of telling the Nation, "Sorry, out of gas." It is imperative that we move aggressively and immediately into the LNG shipbuilding field. From time to time I will have additional comments regarding the ships and other parts of the system.

Mr. Speaker, in conclusion, I include in the RECORD a copy of a letter sent to the President by the Commission on American Shipbuilding urging a program of mass production of LNG carriers:

DEAR MR. PRESIDENT: In accordance with the mission of the Commission on American Shipbuilding, defined in Public Law 91–469, the undersigned members of the Commission, since their appointment by you in January 1971, have been actively "reviewing the status of the American Shipbuilding industry, its problems and its progress toward increasing its productivity and reducing production costs."

The Commission's activities have included visits to shipyards in the United States, Europe, and Japan as well as inspections of specialized operations related to shipbuilding activities. In addition, both collectively and individually, we have consulted with a substantial number of national and international shipbuilding experts.

The Commission plans to submit a final detailed report of its findings and recommendations, as directed, prior to October 21, 1973. However, certain developments, which are currently accelerating, appear to make an interim report a matter of some urgency. These developments relate to a unique opportunity now available to the U.S. shipbuilding industry which, if not promptly supported by the coordinated actions of certain agencies of the U.S. Government, may be irrevocably lost to foreign competition. A potential multi-billion dollar U.S.

market over ten years is involved. The immediate, favorable impact on U.S. employment and trade balances would substantially support the goals established by your Administration. This Commission feels, as a result of its assessments to date, that this market can be developed by U.S. shipbuilders if, but only if, the Administration takes the initiative in coordinating and supporting this program.

Before specifically discussing this emerging multi-billion dollar market for U.S. manpower and materials, it may be appropriate to summarize certain interim findings of the Commission which relate to the foregoing.

First, we find it has been clearly demonstrated that, with the enactment of the Merchant Marine Act of 1970 under your sponsorship, many United States shipyards, with the market opportunities implicit in that statute, have already undertaken considerable investment in capital improvements and new facilities.

Second, we find that, even though the volume of construction of a series of standard ships under multiple-ship contracts has been only partially started, the United States shipyards are definitely prepared to make significantly larger modernization investments when the shipbuilding volume so warrants.

Third, we are encouraged that to date the shipbuilding industry is meeting the required milestones for declining subsidy support; in fact, in several recently awarded contracts, the construction differential subsidy goals have been exceeded.

We should now like to refer to the specific market opportunity mentioned earlier. This is the market for liquefied natural gas (LNG) tankers. To meet the energy shortages which will occur around the world, and particularly in this country, in increasing degrees of severity, and to meet the environmental criteria for providing this energy, we believe it will be necessary to move vast tonnages of LNG from the gas fields of the world to the United States, northern Europe, and Japan. Much of this gas is now being wasted and strong political pressures are being brought to bear on United States' interests in all gas and oil producing areas. The technological problems of consumers have been resolved. The only open question is whether or not the United States' shipbuilding industry will participate in this market.

The LNG tankers now being designed, with a typical capacity of 125,000 cubic meters of containment space, will be in the approximate price range of 80 to 90 million dollars. At least 100 tankers of this capacity will be needed within ten years.

The technology of these tankers, insofar as the fabrication of their cryogenic tankage and handling systems is concerned, owes its origins in large degree to the United States aerospace industry. It is believed that, as in the case of many other highly sophisticated similar systems, United States production costs will not show anything like the degree of difference, vis-a-vis foreign costs, which exists in the building of other types of ships. Therefore, a lesser degree of support, well below the goals established in your program, appears to be enough to win our rightful share of this market.

It should be pointed out that virtually all major foreign maritime nations receive some form of government support to encourage shipbuilding. For example, the Japanese shipbuilding industry today, through the effective force of industry/government cooperation, coordination, and imaginative adaptation and improvement of techniques developed in the United States during World War II, enjoys over half of the total, world-shipbuilding export market. Japanese flag owners also receive special price considerations.

Japan has moved to a position of shipbuilding prominence by the creation of an environment which has made this tremendous achievement possible. This environment has been shaped by governmental encouragement, careful monitoring, and support, mostly in the form of financing, credit, and tax devices designed to attract domestic as well as export ship construction contracts. These devices have generated a continuity of workload which, in turn, has (1) insured a stable level of shipyard operations, (2) enabled an expansion of national capacity, and (3) produced a favorable economic climate for shipbuilding.

Shipbuilding has thus become a substantial factor in Japan's national economy and balance of trade. It is regarded as a prestige industry essential to the national good, and the marketing of shipbuilding capabilities has been effectively cultivated with considerable stimulus and input on the part of the Japanese Government. As a matter of interest, the Commission has observed positive steps by the Japanese shipbuilders to insure a substantial position in the LNG market.

Until the enactment of the Merchant Marine Act of 1970, the United States private shipbuilding industry had been plagued by an environment in terms of limited, spasmodic markets and stifling procedures, beyond the industry's control. The situation is now changing. From our studies, inspections, and assessments thus far, there are substantial indications that most of the major problems within the private shipbuilding industry of the United States can be solved by an expanding and steady volume of contracts, stable employment for the labor force, and a more favorable total environment, all of which are closely related. The above, thus, are our interim findings and conclusions and are submitted with the hope that they will be helpful to you and your Administration in the formulation of national policies pertaining to our maritime posture, of which the shipbuilding industry is an integral ingredient. We believe, as is obvious from the foregoing, that the LNG tanker market presents the greatest, foreseeable opportunity to further our national shipbuilding goals, as well as improve our national maritime posture.

H.R. 13832

A bill to authorize the construction of forty liquified natural gas carriers to meet the energy crisis

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Commerce is authorized to enter into contracts with shipbuilders of the United States or the Commonwealth of Puerto Rico for the construction, outfitting, and equipping of not to exceed forty LNG ships, with ship delivery date not later than January 1, 1980. Such contracts shall be awarded by competitive bidding to the lowest responsible bidder, with the right reserved in the Secretary to disapprove any and all bids: *Provided, however,* That the Secretary of Commerce may negotiate contracts with shipbuilders at what he determines is a fair and reasonable price if the shipbuilder (1) submits backup cost details and evidence that the price is fair and reasonable and (2) agrees that the Controller General of the United States, or any of his authorized representatives shall, until the expiration of three years after final payment, have access to and the right to examine any pertinent books, documents, papers, and records of the shipbuilder or any of his subcontractors related to the negotiation or performance of any contract or subcontract negotiated under this Act and will include in his subcontracts a provision to this effect.

(b) The Secretary of Commerce shall include in each contract for the construction of ships under this Act a provision that the shipbuilder, subcontractors, materialmen or suppliers shall use, so far as practicable, only articles, materials, and supplies of the growth, production, or manufacture of the United States as defined in paragraph (k) of section 401 of the Tariff Act of 1930: *Provided, however,* That in respect to other than major components of the hull or superstructure and any material used in the construction thereof, (1) if the Secretary of Commerce determines that the requirements of this subsection will unreasonably delay completion of any vessel beyond its contract delivery date, and (2) if such determination includes or is a concise explanation for the basis thereof, then the Secretary of Commerce may waive such requirements to the extent necessary to prevent such delay.

(c) No shipbuilder shall be deemed a responsible bidder, and the Secretary of Commerce shall not negotiate a contract with any shipbuilder, unless the Secretary of Commerce determines that the shipbuilder possesses the ability, experience, financial resources, equipment, and other qualifications necessary properly to perform the proposed contract. Each bid, or negotiated price, submitted to the Secretary of Commerce shall be accompanied by all detailed estimates on which it is based. The Secretary of Commerce may require that the bids of any subcontractor or other pertinent data accompany such bid or negotiated price. All such bids and data relating thereto or to a negotiation price shall be kept permanently on file.

SEC. 2. (a) The Secretary of Commerce is authorized to sell to any citizen of the United States, as defined in section 2 of the Shipping Act, 1916, for operation in the United States domestic trade, any vessel constructed under the Act.

(b) The purchase price of the vessel shall be its construction cost less straight line depreciation on the basis of a twenty-five year life to the date of sale. The purchaser shall pay 12½ per centum of the purchase price at the time of sale and shall pay the balance and not to exceed twenty-five equal annual installments with interest at a rate not less than (1) a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturity of such loans, adjusted to the nearest one-eighth of 1 per centum, plus (2) an allowance adequate in the judgment to the Secretary of Commerce to cover administrative costs, the balance of such purchase price and the interest thereon being secured by a preferred mortgage on the vessel sold and otherwise secured as the Secretary of Commerce may determine.

SEC. 3. The Secretary of Commerce is authorized to sell to any citizen of the United States, as defined in section 2 of the Shipping Act, 1916, for operation in the United States foreign trade, any vessel constructed under this Act. The purchase price shall be the construction cost of the vessel, less construction-differential subsidy determined under section 502(b) of the Merchant Marine Act, 1936, depreciated on a straight line basis and on the basis of a twenty-five-year life to the date of sale. Construction-differential subsidy for the purposes of this section shall not exceed 35 per centum of the construction cost of the vessel. The purchaser shall pay 25 percentum of the purchase price at the time of sale and shall pay the balance in not to exceed twenty-five equal annual installments with interest at a rate of not less than (1) a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturity of such loans, adjusted to the nearest one-eighth of 1 per centum, plus (2) an allowance adequate in the judgment of the Secretary of Commerce to cover administrative costs, the balance of such purchase price, and the interest thereon, being secured by a preferred mortgage on the vessel sold and otherwise secured as the Secretary of Commerce may determine.

Sec. 4. (a) The Secretary of Commerce is authorized to charter, to any citizen of the United States, any vessel constructed under this Act for operation in foreign or domestic trade with an option to purchase the vessel.

(b) If the vessel is chartered for operation in domestic trade, the annual charter hire shall be 4 per centum of the depreciated construction cost of the vessel plus the sum of (1) a percentage of the depreciated construction cost, computed annually upon the basis of a twenty-five year life of the vessel, determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods of maturity comparable to the term of the charter, adjusted to the nearest one-eighth of 1 per centum and (2) an allowance adequate in the judgment of the Secretary of Commerce to cover administrative costs. The option to purchase for operation in domestic trade shall be at the price specified in section 2 of this Act.

(c) If the vessel is chartered for operation in foreign trade, the annual charter hire shall be 4 per centum of the construction cost of the vessel less construction-differential subsidy determined under section 502 (b) of the Merchant Marine Act, 1936, depreciated on a straight-line basis and on the basis of a twenty-five-year life to the first day of the year for which the charter is to be paid plus the sum of (1) a percentage of the foregoing amount determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the term of the charter, adjusted to the nearest one-eighth of 1 per centum and (2) on allowance adequate in the judgment of the Secretary of Commerce covering administrative costs. The option to purchase for operation in foreign trade shall be the price specified in section 3 of this Act.

Sec. 5. Vessels built under this Act shall be documented under the laws of the United States and shall remain so documented for twenty-five years.

Sec. 6. Operating-differential subsidy under the Merchant Marine Act, 1936, shall not be paid for operation of any vessel built under this Act.

Sec. 7. The term "foreign trade" as used in this Act means trade between United States, its territories or possessions, or the District of Columbia, and a foreign country.

Sec. 8. There are authorized to be appropriated such sums as are necessary, to remain available until expended to carry out the purposes of this Act.

BANKRUPTCY OF OIL IMPORT QUOTA PROGRAM IS NOW CLEAR

(Mr. CONTE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CONTE. Mr. Speaker, as an article in today's Washington Post by Thomas O'Toole points out, a top administration official responsible for oil import policy acknowledged to me yesterday that the United States has now reached a point where it will be necessary to substantially increase oil imports.

The admission, made by Assistant Interior Secretary Hollis M. Dole in testimony before a House Small Business Subcommittee chaired by our colleague Neal Smith, is, of course, not a total surprise. Federal Power Commissioner John Carver, only last week, testified before us to the same effect.

Even major oil companies are now admitting this must happen. And, more significantly, the Texas Railroad Commission, which for years has artificially held down oil production to maintain high prices—in what is called "market demand prorationing"—last week abandoned its controls for the first time in 24 years. I will have more to say on the decline of prorationing in a few days.

Nevertheless, Secretary Dole's admission is also significant, since he and his Department for years have been the chief protectors of the domestic oil industry, at the consumer's expense.

Ever since oil quotas were first imposed in 1959, I have warned they would only serve to more rapidly deplete our own resources at a terrible cost to the consumer. President Nixon's own task force on oil import controls conceded in 1970 that quotas now cost consumers more than $5 billion a year in artificially higher prices. In fact, when we add to that figure the $4.3 billion a year we lose in revenues due to the oil depletion allowance and other unjustified tax breaks for this industry, the annual tab comes to $9.3 billion.

In return for all this Government largesse we have been promised that domestic exploration would be increased to assure an adequate supply of domestic oil. What has happened, in fact, is that the major oil companies have spent far more on foreign than domestic exploration, and as a result we are fast running out of oil.

Mr. Speaker, we must not wait until the oil quota system collapses of its own weight. The consumer cannot be asked to continue to pay a terrible price for the transparent illusion of "national security." The time has come to enact my bill—H.R. 638 and identical bills, H.R. 4933, 4934, 4935, 5186 and 6851—which has more than 90 cosponsors, to repeal oil quotas and stop this inexcusable rape of the consumer now.

The article referred to follows:

Interior Aide Sees Oil Import Need If U.S. Output Becomes Inadequate

(By Thomas O'Toole)

A top official of the Interior Department conceded yesterday that the United States might have to raise its oil import quotas because domestic oil production is unable to keep pace with demand.

"We're looking right now at the possibility of a shortfall of crude oil in the U.S. and we're not prepared to say there won't be a larger deficit," Assistant Secretary Hollis M. Dole told the House Committee on Small Business, which is investigating the impact of the energy shortage on small business. "We're going to have to take a completely new look at our quota system."

Dole pointed out that Texas and Louisiana had raised their oil production "allowables" (Texas 100 per cent) in the last week, and that Venezuela was straining its capacity to keep up with U.S. demand.

Dole said the East Coast is already getting 50 per cent of its crude oil and 68 per cent of its fuel and heating oils from Venezuela.

"From what we know about Venezuelan reserves it is unlikely they will be able to furnish us with much more than they are now," he said. "This is why we must turn to North Africa and the Middle East."

Dole debated with Rep. Silvio Conte (R-Mass.) about when the United States must relax the restrictions on Middle East oil and by how much.

"You have to take oil where you can get it," Conte said. "Remove all restrictions, remove all quotas, and you'll see this whole thing stabilize itself."

Dole replied that the U.S. is still reluctant to raise its import quotas to admit Middle East oil.

"I'm not sure it would stabilize," he told Conte. "It would be my hope that it would, but I'm not all that sure."

"Well, we might not agree," Conte answered, "but you're getting closer to my way of thinking than the last time you were here before this committee."

While conceding that the U.S. might be easing its stand on oil imports, Dole said it is doing so with great reluctance.

"It's true we're coming closer to raising the imports," Dole said, "and this is what disturbs me—the impact our reliance on foreign oil has on national security."

Dole's relaxed stand on imports comes at a time when the U.S. oil industry has eased its own position. In recent weeks the industry has said production is no longer able to keep pace with demand.

WELCOME TO HON. OGDEN R. REID TO THE DEMOCRATIC PARTY

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I take this opportunity to say just a word with respect to the distinguished gentleman from New York, the Honorable Ogden R. Reid, who has just made a determination to become a member of the Democratic Party. Mr. Reid is one of my closest personal friends in Congress, and has served as the ranking minority member of the Select Subcommittee on Education, which I have the honor to Chair, and of which he has always been a diligent, dedicated, hard-working, and public-spirited member. This has been, I know, a difficult decision for Mr. Reid. I am confident that having become a member of the majority party he will continue to display the same sense of dedication and hard work that he has demonstrated in the other party.

I must here note, Mr. Speaker, the unusual significance of Mr. Reid's decision, for his grandfather was a founder of the Republican Party and in 1892 its candidate for Vice President when Benjamin Harrison ran for President.

Moreover, Mr. Speaker, Mr. Reid was the last member of his family to serve as editor of the New York Herald Tribune, long an example of responsible Republican journalism.

In addition, Ogden Reid also served with great distinction as U.S. Ambassador to Israel under President Eisenhower.

I might add, Mr. Speaker, as one who was brought up as a Methodist, I may say that the decision of Congressman REID to join the Democratic Party after having served in the Republican Party for so many years only shows that it is never too late to be saved.

Mr. Speaker, I include at this point in the RECORD the text of an editorial in the New York Times of today, March 22, 1972, entitled, "Democrat REID":

DEMOCRAT REID

Leaving the Republican party is a much tougher wrench for Representative Ogden R. Reid than it was for Mayor Lindsay. His grandfather was a founder of the G.O.P. and its Vice Presidential candidate in 1892 on a slate headed by Benjamin Harrison. The Westchester Congressman was the last member of his family to edit The New York Herald Tribune in its long career as a voice of intelligent Republicanism.

That Mr. Reid has decided he can no longer stay in the party is graphic evidence of how far to the right it has drifted under the leadership of President Nixon. Unquestionably, the stiff primary challenge Mr. Reid faced from powerfully backed conservative elements in the state G.O.P. helped prompt his switch into a Democratic party that is hardly at the peak of its popular appeal or internal unity. But an even stronger spur was the increasing distaste Mr. Reid felt for pretending ties with an Administration whose policies he could not swallow on such issues as civil liberties, education, child care, the fight against racial discrimination and the pace of extrication from Vietnam. Above all, his break came out of despair at the divisive trend of most Administration approaches.

As believers in a strong and vital two-party system, we are sad to see the Republican party in this state—so long a leader in the party's progressive wing—becoming a conservative bastion with diminished appeal to independents of the type responsible for the repeated elections of Governor Rockefeller and Senator Javits. But the Governor himself has been a poor recent steward of that tradition and Mr. Reid risked total isolation. His decade of service in the House has been marked by steady growth in the quality and diversity of his accomplishment. Still short of his 47th birthday, he brings to the Democrats another future leader of great decency, dedication and talent.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. BRADEMAS. I am happy to yield to the majority leader.

Mr. BOGGS. I concur in the remarks made by the distinguished gentleman from Indiana, and welcome to the ranks of the majority party in the House the distinguished gentleman from New York (Mr. REID). I, like the gentleman from Indiana, have known the gentleman from New York well and favorably for many years. I first came to know him when he was our Ambassador to Israel back in President Eisenhower's administration.

I have watched his work here since he first came to Congress. He has been conscientious, able, innovative, and dedicated. We are glad to have him, and I know he will make a great contribution to our party.

Mr. Speaker, in this connection, I include an editorial from today's New York Times:

DEMOCRAT REID

Leaving the Republican party is a much tougher wrench for Representative Ogden R. Reid than it was for Mayor Lindsay. His grandfather was a founder of the G.O.P. and its Vice Presidential candidate in 1892 on a slate headed by Benjamin Harrison. The Westchester Congressman was the last member of his family to edit The New York Herald Tribune in its long career as a voice of intelligent Republicanism.

That Mr. Reid has decided he can no longer stay in the party is graphic evidence of how far to the right it has drifted under the leadership of President Nixon. Unquestionably, the stiff primary challenge Mr. Reid faced from powerfully backed conservative elements in the state G.O.P. helped prompt his switch into a Democratic party that is hardly at the peak of its popular appeal or internal unity. But an even stronger spur was the increasing distaste Mr. Reid felt for pretending ties with an Administration whose policies he could not swallow on such issues as civil liberties, education, child care, the fight against racial discrimination and the pace of extrication from Vietnam. Above all, his break came out of despair at the divisive trend of most Administration approaches.

As believers in a strong and vital two-party system, we are sad to see the Republican party in this state—so long a leader in the party's progressive wing—becoming a conservative bastion with diminished appeal to independents of the type responsible for the repeated elections of Governor Rockefeller and Senator Javits. But the Governor himself has been a poor recent steward of that tradition and Mr. Reid risked total isolation. His decade of service in the House has been marked by steady growth in the quality and diversity of his accomplishment. Still short of his 47th birthday, he brings to the Democrats another future leader of great decency, dedication and talent.

Mr. BRADEMAS. I thank the distinguished majority leader.

EASY ANSWERS TO ECONOMIC PROBLEMS?

The SPEAKER pro tempore (Mr. LINK). Under a previous order of the House, the gentleman from Florida (Mr. GIBBONS) is recognized for 60 minutes.

Mr. GIBBONS. Mr. Speaker, our history books are filled with the stories of leaders who chose easy but illusionary answers to their difficulties, only to have their countries follow these answers to ruin. And those who have not learned from these mistakes will be condemned to repeat them.

Today we live in a terribly complex and interdependent world—a world in which there literally are no easy answers to the difficulties which confront us, and yet those who would have us accept this kind of answer persist.

False but expedient answers have always been damning, but how much truer this is today than it has ever been. Certainly we can no longer afford the luxury of picking easy, illusionary answers to any of the real problems facing us, be they political, social, or economic.

Last fall a number of us became quite concerned about the easy answers which were being offered to solve our domestic and international economic problems. We saw foreign countries made the scapegoats for all of these difficulties, and the claim was made that we could restore our economic health if only we would cut ourselves off from these foreign devils.

This solution was simple enough, all right, but it had virtually no connection with the facts of our economic situation. Also, history warned us of the perils of a country's trying to protect its economic interests by building a wall of trade restrictions around its borders. Our attempt to do so in the 1930's proved to be cruel folly.

So, in the belief that the answer of "protectionism" was a false and perilous one, our bipartisan group of Members set about trying to find out more about the reasons for our economic problems and their relation to international trade and investment.

As part of this effort to educate ourselves and others about the facts of our economic problems, we conferred with a number of economic experts. In fact, we are still doing so. We also scheduled a series of three special orders in the House on the relation between trade and investment and the health of our domestic economy.

Having tried to show in the first two special orders last fall how needless and foolish "protectionism" is, it seemed only fair that we should focus our attention on the real economic issues for the United States in this third special order and on constructive measures which might be taken to deal with these issues effectively.

We hope not to fall into the "easy answer" trap which we have criticized so strongly, for these economic issues are not easy ones to solve. Rather, we hope to talk about more fruitful and realistic solutions to our economic problems than protectionism or trade restriction, which only denies the reality of our economically interdependent world and can harm us all irreparably.

We do not claim special expertise in the economic field, but we are guided by what we think to be some important contributions by those who specialize in this area. We intend to continue trying to understand our economic problems better and to develop remedies to them. We offer our thanks to those who have helped us in this regard and we hope they will continue to do so.

Our first special order on November 19 was concerned with the great benefits to the United States and to the whole world which flow from world trade and continued international cooperation. The second special order, on December 8, dealt with the very real danger that the severe trade restrictions which have been proposed by some Americans would not only fail to protect the interests of this country economically, but would surely result in retaliation which could plunge the whole world into another series of depressions and trade wars.

Since these special orders, our findings on the benefits of trade and the dangers of trade restrictions continue to be confirmed.

Andrew Brimmer, a member of the Board of Governors of the Federal Reserve System, recently completed an excellent study regarding the positive effects of trade on our economic well-being. I would like to include that statement at the end of my remarks.

Without a doubt, imports not only make a wide variety of goods available to Americans at reasonable prices, but they are also immensely important in keeping American industry on its toes. Commerce Secretary Peter G. Peterson recently told the Joint Economic Committee of Congress:

> I don't even remember in my previous business incarnation ever waking up, driving to work and thinking how glad I was to have competitors. Deep down I suspect a few of us really enjoy competition. It was easy to like foreign competitors even less. But we certainly learn, if too slowly and reluctantly, to respect the enormous importance of competition in spurring us to improve products and lower costs in ways we would not otherwise do.

I have asked this question many times before: Where would many American motorists be today if the practical little Volkswagen had not become available as an alternative to the large American cars which were being produced by U.S. automobile manufacturers?

On December 14 I made a statement in the House about the false claims of some textile manufacturers that they were being put out of business by cheap foreign imports and thus many American workers in these industries were losing their jobs. The fact was that in many of these cases, mismanagement, changes in consumer tastes, or other causes completely unrelated to imports were responsible.

At the end of my remarks today I would like to include some information on the health of another American industry which has sharply attacked imports as responsible for their difficulties—the footwear industry. I do so because I believe that it is most important that we face up to the facts about trade. This is not to deny that some few of our domestic economic problems may have some connection to our foreign trade, but let us be very sure that we do not foresake the very substantial benefits of trade for false reasons.

In our first special order I pointed to the report and papers of the President's Commission on International Trade and Investment Policy as a good source for a balanced presentation of our domestic and international economic situation. While I may disagree with a few of the recommendations offered by the Commission, I believe their "program for action" is as valid and important today as it was when the report was issued in July of last year.

I am pleased that we have made progress in some of these areas and deeply regret that we have not shown the leadership and sense of urgency about these matters which the Commission judged necessary.

As the Commission and many others have ably pointed out, improvement of our domestic economic situation is key to both meeting the current objections to trade and allowing us to continue expanding the benefits we reap from trade.

We have seen that trade simply cannot be blamed for our domestic economic problems and that, even according to the goal of domestic employment, we stand to lose much more than we would gain by trade restrictions.

Further, it has become apparent that our failure to deal effectively with our high unemployment and inflation rates, coupled with an out-of-date international monetary system and a virtually useless adjustment assistance program, is basically what brought us to the brink of international economic disaster by August 15 of last year.

It is my own feeling that we must do more to restore our domestic economic health, particularly in the area of employment. I strongly support the "Jobs Now" program which has been proposed in Congress and I look forward to the first report of the Productivity Commission. Our own Science and Astronautics Committee has done a good deal of work on the subject "Science, Technology and the Economy" and has made some specific recommendations on the implications of its findings for our international economic problems in their interim report.

There are also indications that we must have a better organization of Government agencies who deal with our domestic and international economic policies, as well as better coordination with Congress on decisionmaking in this area.

Dr. Harald Malmgren, a noted international economist and an adviser to Ambassador William Eberle, our Special Representative for Trade Negotiations, has stated in his new book that we must give much more attention and priority to our international economic interests. In fact, he believes that we need a whole new international system for stabilizing economic and trade relationships to contain conflicts. This multilateral economic peacekeeping apparatus should be supplemented, Malmgren says, by economic negotiations equivalent to the current strategic arms limitation talks—SALT.

I believe that many of Dr. Malmgren's suggestions, including ones relating to Government reorganization and better coordination of international economic policy, deserve serious consideration. At the end of my remarks I would like to insert a review of Dr. Malmgren's book which appeared recently in the Journal of Commerce.

There have been many other recommendations for a more active Government role in areas such as data collection, economic planning and the expansion of support for research and development, as well as for changes in Government policy in areas such as antitrust law and taxation. The issues involved here may be complex ones, but I think they are too important for us not to investigate these recommendations carefully and make these changes where they are appropriate.

With regard to antitrust laws as they affect companies doing business abroad, there can be little doubt that there is a need for clarification of the laws, for instance as they related to export associations. Federal Trade Commission Chairman Miles Kirkpatrick recommended in his testimony on the Export Expansion Act certain changes in the antitrust laws as they relate to export associations. In any case, there is certainly a need for clarification.

Because I think it may be of interest, I'd like to include at the end of my remarks information on the value of an export association to the phosphate producers in my home district of Tampa who produce for export. I would also like to insert a statement on the value of our "metrification" as it relates to trade.

Our proceeds from trade represent only 4 percent of our GNP. Nonetheless, there is evidence to indicate that the expansion of our trade can actually help restore our domestic economic health.

For some time our balance of trade suffered from the fact that the American dollar was overvalued in relation to other currencies. The recently approved devaluation of the dollar in terms of gold by 8.57 percent, coupled with a 12-percent realinement of the dollar with the currencies of our major trading partners, should be of great help in making our exports more competitive in world markets. Whatever progress we can make in reducing inflation and improving productivity will also do so, and we can expect an additional 60,000 jobs for each $1 billion gain in our balance of trade.

Our success in this area will be a fleeting one, however, if we do not assume more leadership than we have since August 15 in establishing negotiations on a new international monetary system which will have the reserves to facilitate expanded world trade and investment and an exchange rate mechanism which will be stable and yet flexible enough to avoid the kind of exchange rate crises which have characterized the system in recent years.

Immediate negotiations on the convertibility of existing dollar balances should be undertaken in order to maintain the functioning of the international monetary system. Some good recommendations on this issue are contained in the forthcoming report of the Joint Economic Committee on the President's 1972 Economic Report.

A number of recent studies have shown how multinational corporations, which operate in this country and abroad, contribute to our economic welfare. Private and Government studies have revealed that—

U.S. multinational corporations increased exports by 180 percent between 1960 and 1970, as compared with a national average of 53.5 percent for the country's businesses as a whole.

One hundred and twenty-one multinationals surveyed showed employment increases in the United States during 1970 of 31.1 percent, as compared with a 12.3-percent growth in U.S. manufacturing employment in general.

The major reason for multinational companies to establish plants in foreign countries is the problem of retaining foreign markets and overcoming tariff and trade barriers. Far less than 10 percent of overseas production is for American consumption. Thus, this production benefits Americans by increasing employment in this country to some extent and by enabling American multinationals to make foreign sales which they would have otherwise lost to businesses from other countries.

We cannot of course continue to benefit from expanded world trade and investment unless existing international economic barriers to these activities are removed wherever possible.

In this connection, I think it is most

encouraging that the United States, Europe, and Japan have agreed to embark on a major new round of trade negotiations in 1973. No country can expect to have its own way completely at these negotiations. However, the very fact that we will be sitting down with the other major trading nations of the world to try to achieve mutually beneficial changes in our various national trade and investment policies is a most promising development.

The United States is the world's richest country and the world's largest single export market for other countries, while our exports represent one-fifth of all free world trade. However, the other countries of the world are growing strong economically and, particularly with the increasing unification of Europe, it has become obvious that the United States cannot dictate terms on the international scene—nor should we want to do so.

It is of course hard to achieve a balance between negotiations aimed at our economic self-interest and statesmanship aimed at harmonizing international economic relations and promoting world peace. However, I fear we have erred recently on the side of self-interest, unreasonable demands on countries which are old friends of ours, and undue delay, as in the area of international monetary reform. I sincerely hope that we can look forward to leadership in the administration and in Congress reflecting the realization that cooperative multilateral solutions to our international problems are absolutely essential.

The Foreign Economic Policy Subcommittee of the House Foreign Affairs Committee will hold informational hearings in late April on our existing adjustment assistance program and proposals to improve it which have been made. Hopefully, these hearings will extend to proposals which would provide some Government assistance in legitimate cases of economic dislocation, regardless of whether an increase in import competition was the reason for the dislocation or whether some other economic factor was involved.

In general, I think it can be said that we have made some impressive progress in starting to find solutions to our real domestic and international economic problems.

As I have indicated, I think much more remains to be done in certain areas, and I sincerely hope that we will continue to progress toward these solutions on the basis of the ever-increasing information on our economic problems which is becoming available to us.

Our welfare and that of the whole world depends on our ability to find cooperative solutions to these pressing problems.

The inserts follow:

IMPORTS AND ECONOMIC WELFARE IN THE UNITED STATES

(Remarks by Andrew F. Brimmer, member Board of Governors of the Federal Reserve System before the Foreign Policy Association, February 16, 1972)

IMPORTS AND ECONOMIC WELFARE IN THE UNITED STATES

Last October, when I accepted the invitation to appear before this Association at this time, I indicated that the subject matter of my remarks would concern "The Dollar at Home and Abroad: Perspectives on the International Economic Position of the United States." That umbrella topic was chosen because it was impossible to anticipate at that time the outcome of the multilateral negotiations then underway among leading industrial countries to realign foreign exchange rates. But it was understood that I would focus on a more limited aspect of the general subject—the specific topic depending on the circumstances prevailing in the international arena at the time I actually appeared before you.

In the meantime, an historic realignment of exchange rates has occurred, and its general features have been thoroughly and widely reported. While the international payments system established at Bretton Woods facilitated the growth of world trade and investment for more than a quarter of a century, serious imbalances among the leading industrial and trading nations did develop in recent years. Undoubtedly, the principal manifestation of this disequilibrium is the large and persistent deficit in the United States balance of payments.

I am indebted to several members of the Board's staff for assistance in preparation of these remarks. Mr. Samuel Pizer had overall responsibility for the staff effort. Mr. Daniel Roxon made the estimates of employment effects of foreign trade, and Mrs. Barbara Lowrey helped with the analysis of the effects of import restrictions on consumer prices. Mrs. Betty L. Barker also provided assistance in the analysis of both employment and price effects. Of course, I alone bear responsibility for these remarks.

The elimination of that deficit has been an important national objective, and the realignment of exchange rates agreed to last December in Washington should help us achieve that goal over the next few years.

A keystone of that agreement was the decision by the United States to propose a devaluation of the dollar by 7.89 per cent. On February 9, the U.S. Treasury Department transmitted to the Congress a proposal to raise the official price of gold by 8.57 per cent (from $35 to $38 per ounce)—and thus fulfill the pledge made at the Smithsonian meeting. Another feature of that agreement was the expectation that the United States would obtain significant modifications in trade practices abroad that actually or potentially hampered our exports.

In the last few weeks, the United States has worked out liberalizing arrangements for some exports to Japan and the members of the European Economic Community (EEC), and discussions are continuing with Canada. Moreover, on February 11, the United States and the EEC jointly called for multilateral discussions starting in 1973 with the aim of erasing existing barriers to trade. Australia and Canada have indicated their support of such talks, and the support of other countries is also being sought.

Against the background of these events, the foreign exchange markets are still adjusting to the rate realignment and the existence of wider margins of fluctuation. Congressional hearings on the gold price bill are scheduled to begin next week. Consequently, under these circumstances, I decided to focus my remarks today on one aspect of U.S. international economic relations where the issues involved are clearly drawn—although by no means settled. I thought that a discussion of the relationship of imports to the welfare of American consumers would be both interesting and of considerable domestic significance at this time.

In the view of a sizable number of Americans, imports are "bad" while exports are "good." Of course, this unfavorable view of imports is not hard to understand: it is partly a legacy of the eighteenth century mercantilist notion that a nation could increase its wealth by selling more to foreigners than it brought from them—and by collecting the favorable balance in gold! But it is also partly the result of a more modern idea that a country can increase domestic employment through maximizing exports while keeping imports to a minimum. Undoubtedly still other sources of the bias against imports could be identified. But whatever the explanation, the net result is to create a bad image of imports in the eyes of a sizable proportion of American citizens. In fact, with few exceptions, the same situation exists in most other countries.

In our own land, the hostility toward imports is probably more widespread than it has been for many years. One can detect this hostility in public opinion polls, newspaper editorials—and above all in the polemics of protectionist organizations. Moreover, it appears that sentiment in Congress is becoming increasingly sympathetic toward plans to limit imports.

I had hoped that the campaign to place severe restraints on imports had passed its highwater mark a year or so ago when the effort to impose quotas on textiles and shoes failed to win Congressional approval. Sadly, however, a new—and far more comprehensive—movement to restrict imports has been launched, and a number of supporting voices are being heard in both houses of Congress. One particular proposal would impose quotas on an extremely broad range of imported commodities while also severely limiting foreign direct investment by U.S. corporations. In the public at large, a noticeable number of traditional defenders of freer trade (especially some segments of organized labor) are abandoning their positions to join the ranks of the protectionists.

This rising tide of protectionism is not only distressing: it is also fundamentally against the best interest of American consumers. If the effort is successful and imports are severely limited by quotas, the range of consumer product choices will be narrowed considerably; consumer prices will be appreciably higher, and the burden will fall most heavily on those low-income groups least able to bear the costs.

Given this prospect, it is urgent that those of us who believe in the benefits of freer trade do what we can to help prevent the protectionists from building a fence around the American market. We must not be misled by the mistaken argument that the advocates of restrictions of imports are protecting the jobs of American workers. I am aware of the spurious argument which holds that "workers are consumers," "consumers have to work in order to consume," so the interest of the two groups are the same. The fact is that workers work for income, and they maximize their welfare by spending their income on as wide a range of goods and services as possible—paying the lowest prices they can find. To obtain income, it is obviously necessary for most people to work, and the expansion of job opportunities is obviously important. But we must avoid confusing the situation of consumers with that of employees in particular industries.

The rest of these remarks is devoted to a discussion of imports and economic welfare in the United States. The principal focus is on the employment effects of foreign trade and the costs to consumers of restricting imports by quotas and similar devices. Several key conclusions can be summarized here:

Studies I have made suggest that the foreign trade sector of the United States economy may be generating more than 750,000 jobs, even after allowing for the number of jobs that might be displaced by competitive imports.

The existing quotas on sugar may be costing American consumers as much as $300 to

$500 million each year, and the recently arranged agreement restrictions imports of man-made fiber and woolen textiles into the U.S. may cost consumers as much as $300 million in 1972. Petroleum quotas apparently cost consumers an extra $5 billion in 1969 alone.

Competition from imports also helps to dampen increases in prices of domestically produced products. This conclusion is clearly suggested by the behavior of prices for several categories of items during the inflation that has prevailed in this country since the mid-1960's.

These and several other points are explored more fully below.

GROWTH AND IMPORTANCE OF IMPORTS

In 1971, imports amounted to $45.7 billion. Exports totaled $42.8 billion. So last year the United States recorded a trade deficit of $2.9 billion.[1] The trade deficit in 1971 reflected a year-to-year rise of nearly 15 per cent in imports in contrast to a gain of about 2 per cent in exports. Over a longer horizon, the growth of imports has been equally dramatic. Between 1961 and 1971, the level of imports rose by $31.1 billion, an increase of 214 per cent. Over the same decade, exports rose by $22.6 billion, an increase of 113 per cent.

While exports have grown only slightly faster than the American economy as a whole during the last decade, imports have grown about 1½ times as fast. As a result, the ratio of imports to gross national product (GNP) climbed from 2.79 per cent in 1961 to 4.36 per cent in 1971. At the same time, the export-GNP ratio edged up from 3.87 per cent to 4.08 per cent.

The main explanations of these divergent trends are widely known: the rapid expansion of aggregate demand in the United States (especially after 1964) induced a significant rise in imports of materials required to sustain domestic production. As the economy expanded, consumer incomes rose appreciably, and a sizable share of the increase was spent on foreign goods. Moreover, because of the inflation associated with the Vietnam War, the competitiveness of U.S. exports declined progressively. Simultaneously, foreign producers found it increasingly possible to undersell some U.S. products in our own market. Although trade barriers executed or maintained by some of our principal trading partners clearly hampered the growth of U.S. exports over the last decade, the basic disequilibrium in our own economy in the last half of the 1960's—aggravated by the rigidity of exchange rates—was a major cause of the sluggish performance of exports in the face of a vigorous advance in imports.

OVERALL IMPORTANCE OF IMPORTS

While imports represent only a small share of total GNP (4.36 per cent), their importance in the supply of *goods* available in the United States is much greater—in excess of 8 per cent. In a number of particular sectors and industries, the share is even higher. In this context, we can put aside those categories of commodities in which imports are our only source of supply—such as bananas, coffee, cocoa and tea.

In the last two years, over 15 per cent of new automobiles purchased in the United States were foreign-type imports (cars imported from Canada are considered to be domestic-type). In other consumer goods lines, imports were equally or more important. For example, in 1970, imports represented the indicated percentages of domestic supply in the following lines:

	Percent
35 mm still cameras	100
Magnetic tape recorders	96
Motorcycles	90
Hairwork (toupees and wigs)	85
Radios	70
Amateur motion picture cameras	66
Black and white TV's	52
Sewing machines	49
Sugar	*45
Leather gloves	30
Footwear (nonrubber)	30
Liquors	*28
Flatwear	22
Canned sea food	*20
Wine	*20
Textiles (including apparel)	12

*Percentage in 1968, the year for which latest data are available.

Of course, imports are not limited to consumer-type goods. Many of our imports are industrial materials which are essential to domestic production. For instance, in 1968, imports constituted the following percentages of domestic supply.

	Percent
Natural abrasives	100
Manganese ores	95
Bauxite	86
Scouring products	40
Iron ores	35
Pulp mill products	31
Copper (smelted)	27
Lead and zinc ores	27
Potash	27
Steel	15

In interpreting these rough measures of U.S. market penetration by imports, one should remember that the ratios summarize greatly varying situations in a number of large and diverse product lines. For instance, in both textiles and steel, there is a significant number of specific and major product categories in which imports account for well over half of total domestic consumption. Nevertheless, taking the economy as a whole, imports still represent only a modest fraction of total production, and foreign producers have captured only a small share of the overall market in the United States.

U.S. FOREIGN TRADE AND DOMESTIC EMPLOYMENT

As I indicated above, opposition to imports is increasing partly because the inflow of foreign goods is said to have an adverse effect on American jobs. With domestic economic activity moving at a slow pace last year—and with the number of unemployed now exceeding 5 million—this opposition to imports has been further strengthened. Thus, it might be helpful to put in perspective the effect of U.S. foreign trade on domestic employment.

In interpreting the estimates presented below relating domestic employment to foreign trade, it is necessary to keep their tentative nature in mind. In making the estimates, care was taken to spell out explicitly the assumptions made and the nature of the statistical information on which I relied. The use of estimates, of course, cannot be avoided if economic analysis is to be employed for the illumination of vital issues of public policy. So, while the figures must be used with caution, they do provide an indication of the magnitudes involved.

The number of jobs related to our foreign trade—that is, generated by imports as well as by exports—is not insignificant. In 1969, according to estimates made by the Bureau of Labor Statistics (BLS) in the U.S. Department of Labor, about 2.6 million jobs could be attributed to the $37.5 billion of exports of merchandise in that year. Thus, about 69,000 jobs were associated with each $1 billion of exports in 1969.[2] Export-related employment covers persons engaged directly in producing for exports (termed primary employment) as well as those employed in industries supplying goods to those industries which actually do the exporting (termed indirect export employment). According to the BLS studies, the ratio of primary to indirect export employment is approximately 1 to 1—that is, for every job in the industry doing the exporting, there is a supporting job in another industry providing goods to the export industry.

The number of jobs currently related to exports apparently is roughly the same as that estimated by BLS a few years ago. This conclusion is based on a new estimate which I made using the BLS technique to update the latter's 1969 figures. According to my rough estimate, there were approximately 2.65 million jobs related to export activity in 1971. Since the value of merchandise exports last year amounted to about $40 billion (in 1969 prices), there was an average of 66,000 jobs per $1 billion of exports.[3] This estimate suggests that increased productivity in export industries has almost kept pace with the growth of export volume, so there has been little net gain in export-related jobs.

In the aggregate, export employment accounts for about 4 per cent of total private employment. However, the relative share of export-related employment is much higher in a number of important sectors. About 9 per cent of total employment in agriculture in 1969 was related to exports, while in the manufacturing sector BLS estimated that exports accounted for about 7 per cent of total employment—or about 1½ million jobs. Among manufacturing industries, the contribution of exports to employment was particularly high in the construction machinery industry (27 per cent), engines and turbines (15 per cent), office and computing machines (13 per cent), and aircraft (14 per cent).

IMPORT-RELATED EMPLOYMENT

The estimation of domestic employment related to imports is far more difficult than was the case with exports. In the first place, some imports clearly compete with domestically-produced goods. So the task here is to estimate the employment that *theoretically might* occur—assuming other factors are constant—in the event that these imports *were* produced in the United States. Secondly, other imports do not compete with domestically produced goods but rather are necessary for domestic production or require distribution and marketing services. Thus, they increase employment opportunities in the domestic industries using the imports. In order to get some measure of the employment effects of imports, it is necessary to classify imported products according to their competitiveness with domestic products. This, of course, is no simple task, and—frankly—no one has been able to devise a uniformly acceptable method to do this.

However, if the assumption used by the BLS in developing estimates of the "hypothetical" employment that might result from producing "competitive" imports in the United States is accepted (i.e., that 75 per cent of all imports fall into this category), the number of such jobs was approximately 2.4 million in 1969. In view of the sharp rise in the *volume* of imports since 1969 (about 12 per cent compared with a much smaller increase in output per person), it is not unlikely that the number of such jobs in 1971 was somewhat higher. As with exports, the employment estimates include both direct employment necessary to produce the item and the indirect labor necessary to provide the supplies, material and services incorporated into the final commodities.

Again, as noted above, the sharp rise in the number of jobs affected has aroused labor unions and others to become increasingly critical of national policies promoting freer trade and less mindful of the advantage of such a system to the domestic economy. Consequently, the employment aspects of foreign trade might be elaborated somewhat further.

Footnotes at end of article.

It is important to keep in mind that estimates of employment gains from restricting imports represent "hypothetical" employment. They do *not* represent the actual number of jobs lost because of imports which would be gained in the absence of imports. For example, without a concerted effort to reallocate resources, the U.S. would be unable to find people with the requisite skills—not to mention other resources—to produce imports domestically. Rather the effort to replace imports with domestic products in recent years would have placed additional stress on the economy and further heightened inflationary pressures. But probably most important of all, a large-scale effort to substitute domestic products for imports would bring about a reduction in exports. Some imported items have embodied materials or components which are exports of the U.S.—for example, automobiles from Canada which incorporate parts exported from the United States; imported transistorized appliances which include exported electronic components; and imported textiles which contain domestic cotton. Any employment created by domestic production of imported items which contain U.S.-made components would be offset, in part, by the loss of employment related to the exports of the components. More generally, exports pay for our imports, and restriction of one part of our foreign trade (imports) is bound to react on the other part (exports). Hence the job gains on the import side would be partly offset by jobs lost on the export side. Expressed another way, the jobs related to exports are not independent of imports.

The remaining 25 per cent of imports are generally considered to be "noncompetitive" with goods produced in the United States. These imports include some products which are not produced at all in the United States—e.g., coffee, cocoa, chromite, tea, etc. Of course, it is conceivable that, with a sufficient expenditure of effort and resources, it might be possible to produce some of them domestically, but the amount of employment that would be created is purely speculative and is not of any practical interest. Moreover, there are a number of imported goods that are comparable to domestic goods—but which are in short supply in the United States—such as bauxite, asbestos, and newsprint. These imports supplement domestic production. To expand production of these goods to replace imports would also require a large—and probably very costly—investment of labor and capital.

Obviously imports that are not produced at all or which are needed to supplement short supplies in the United States are clearly different in their impact on the economy from those which are "competitive" with domestic goods. "Noncompetitive" imports are generally accepted as integral and necessary inputs into the domestic economy, and they are undoubtedly beneficial to domestic output and employment. Certainly there are many U.S. jobs involved in processing, transporting and marketing these goods. These jobs, together with jobs similarly involved in marketing and shipping "competitive" imports, are *real* jobs that actually exist today, and they are not at all like the "hypothetical" employment that might result from producing competitive imports domestically.

Clearly there must be a considerable number of jobs associated with the $45 billion of imports recorded in 1971. Unfortunately, there are no official estimates of such jobs. However, using the input-output tables and the level of merchandise imports in 1971, I made a rough calculation of the number of jobs associated with the processing and marketing of imported goods which are considered noncompetitive (25 per cent of imports) as well as with the domestic marketing of competitive imports. The very rough estimate suggests that in 1971 about 650,000 jobs were directly related to such activities. Unlike the estimates of jobs related to exports and to competitive imports if produced domestically, this estimate does not include the indirect employment which might result from the processing of crude and semifinished industrial materials or other noncompetitive imports. There is no way of determining whether employment in supporting industries is dependent on the existence of these imports. It is possible that the bulk of the employment in such supporting industries also provide materials to industries processing domestically produced materials, and such jobs would exist without the imports. However, if employment in these supporting industries is primarily dependent on imports, then the estimated 650,000 jobs generated by imports would be on the low side.

There is still another contribution that imports make to domestic employment which is often overlooked. Because of the relative cheapness of foreign products as compared to domestic products, domestic consumers have extra disposable income to spend on other products. For example, in 1971, competitive imports were about $40 billion landed in the United States. If foreign products were 10 per cent cheaper than domestic goods (and I realize this is a crucial assumption), then American consumers would have roughly $4 billion more to spend on other goods than if they had bought these competitive imports domestically. Since it is estimated that about 100,000 jobs are created for every $1 billion of expenditures by consumers, then approximately 400,000 additional domestic jobs could result from the savings made by consumers in buying the cheaper foreign goods. (Actually this is overstated since part of the $4 billion saved by consumers would also be spent on foreign goods. If foreign goods constitute about 10 per cent of total expenditures, then the amount available for expenditure on domestic goods would be $3.6 billion with a job contribution of 360,000.)

OVERALL EMPLOYMENT EFFECTS

To sum up, when one attempts to estimate domestic employment related directly or indirectly to U.S. foreign trade, it is necessary to include: (1) the employment generated by exports, (2) the jobs associated with the processing and marketing of imports, and (3) the employment resulting from consumers buying cheaper foreign products. In combination, these jobs clearly exceed the number of "hypothetical" jobs which might result if competitive imports were produced in the United States. Again, the estimates of foreign trade-related employment presented here are rough, and they should be interpreted with caution. Yet, they do demonstrate that the question of jobs cuts both ways. One may hope that this perspective will be kept in mind as the role of imports is debated.

IMPORTS AND CONSUMER WELFARE

The importance of imports to consumers should not be minimized. The availability of imports means that consumers are able to buy products not produced domestically—or that they are able to choose among a greater variety of styles or a broader range of prices than if only domestically made goods were available. For example in 1970, the Presidential Task Force on non-rubber footwear concluded that ". . . from the consumer point of view, imports have opened up important new options. The extremely low-priced imports, priced often far below any comparable domestic footwear except canvass-upper, rubber-soled footwear, have provided entire *new* lines of basic foot coverings. At the other end, there can be little doubt that styles developed abroad in the higher price ranges have also provided new consumer choices." As is widely known, for many years imports of foreign automobiles (such as Volkswagen) offered American consumers the only choice of small cars.

The fact that imports enable consumers to buy lower-priced goods than are available domestically can be documented in a variety of ways. One way is to compare the prices of domestic and imported products where this can be done directly. Thus, in late 1970, the average price of imported footwear and imported apparel was estimated to be only 60 per cent of the price of domestically produced items.[4] In the case of automobiles, there may be as much as a $1,000 differential between the average price of foreign and domestic-type cars, although, of course, the actual vehicles are quite different. But the imported automobiles are clearly andvantageous to lower income consumers. The world price of a barrel of petroleum may be one-third less than the domestic price at the well-head. And the list could be extended still further.

However, an even better way to illustrate the price advantage of imported goods to consumers is to examine the effects of restricting such imports by the imposition of quotas. Several specific cases involving important consumer items can be cited:

Petroleum: Mandatory quotas on petroleum have been in effect for an extended period of time. It is estimated that they have kept domestic prices perhaps more than $1.25 per barrel higher than world prices. According to the Cabinet Task Force on Oil Import Control, which submitted its report in early 1970, ". . . in 1969 consumers paid $5 billion more for oil products than they would have paid in the absence of import restrictions. By 1980 the annual cost to consumers would approximate $8.4 billion. Without import controls, the domestic well-head price would fall from $3.30 per barrel to about $2.00, which would correspond to the world price. Although we cannot exclude the possibility, we do not predict a substantial price rise in world oil markets over the coming decade." A majority of the Task Force recommended that the present quotas be replaced by a system of tariffs involving a lesser degree of protection.

Unfortunately, the Task Force's recommendation was not accepted, and American consumers have continued to provide a substantial subsidy to domestic producers of petroleum products.

Sugar: Quotas on sugar imports have been in effect since the mid-1930's. The policy is aimed at stabilizing prices and supporting the domestic sugar industry. While the sugar control program is obviously complex, one undisputed result has been to peg sugar prices in the United States considerably above world prices. One of the reasons why the world price is much below that in the United States is that foreign producers, after supplying their quotas at very favorable prices in the United States, in the United Kingdom, and in a few other countries using quota systems, can afford to sell their residual supplies on world markets at very low prices and realize a reasonable overall profit margin.

If the United States (and other countries) were to remove controls on sugar imports, the price to the U.S. consumer would fall, the world price would rise somewhat, and a single effective price would be established at some level between the two. Of course, the exact level cannot be estimated in advance, but a rough idea can be gotten of the magnitude of the subsidy which American consumers are providing to producers and distributors of domestic sugar. In 1970, total consumption of sugar in the U.S. was over 20 billion pounds. Of this amount, 55 per cent was produced domestically, and 45 per cent was imported. Roughly one-third of total consumption was accounted for directly by consumers, and the remainder served

---

Footnotes at end of article.

as intermediate inputs for industry. In the end, however, consumers of final products had to pay for the full (and higher) costs of sugar. Consequently, using actual prices published, we can estimate the cost of sugar quotas to consumers, although the latter did not purchase directly the entire supply available for consumption.

In the four years 1968–71, the U.S. wholesale price of sugar averaged about 3 cents per pound higher than the estimated import price. (The estimated import price is about 1 cent higher than the world price because of duties and freight.) given this price differential, the cost of the sugar quota can be estimated. First, we can assume that the domestic wholesale price would be forced down to the prevailing import price in the absence of quotas and that the domestic retail price would fall by the same *absolute* amount as the domestic wholesale price, i.e., by 3 cents per pound. Ths reduction of 3 cents per pound, would have saved an American consumers of sugar roughly $600 million. valued at the retail level, in 1970.

Of course, it is entirely possible (and indeed probable) that, with the elimination of quotas, a new price for sugar would fall between the current domestic price and the import price—rather than declining all the way to the current world market value.[5] Nevertheless, the savings to consumers would still be substantial—perhaps in the neighborhood of $300 million to $500 million.

Textiles: The recently concluded multinational agreement fixing quotas on imports of man-made fiber and woolen textiles will have a sizable impact on American consumers. The agreement will limit the growth of such imports from Japan to 5 per cent a year, and from Korea, Taiwan and Hong Kong to 7½ per cent a year, compared with an average rate of growth of nearly 20 per cent in the last few years. Consequently, the imposition of the quotas should have noticeable effects. In 1971, imports of such textiles were approximately $2 billion. In the absence of quotas, and if recent growth rates continue, they could rise to perhaps $2.4 billion in 1972 (ignoring the effects of the exchange rate realignments agreed to last December). Under the quotas, however, these textile imports will be limited to a value of about $2.1 billion. Thus, if total demand remains unchanged, an additional amount of textiles (valued at $300 million, f.o.b.) would have to be supplied by domestic producers.

How much more in excess of $300 million will American consumers pay for this foreign dock-side value of goods? It has been estimated that the normal mark-up of imports of textiles and apparel is approximately 50 per cent. So at retail, the quota-prohibited imports would have cost consumers $450 million. However, if we use the relative price of apparel as a means of valuing total textile imports, we would estimate the average retail price of domestically produced textile goods to be about 5/3 the price of imported items. On this basis, the domestic retail value of the same $450 million of foreign imported textile goods would be about $750 million, if they were produced and sold domestically. Therefore, American consumers would have to pay about $300 million *more* than they would have spent on the imported items.

Automobiles: Another illustration of the possible impact of quotas is provided by an estimate of what might have happened if automobile imports had been subject to a quota during the last five years—a period during which imports more than doubled. In 1966, imports of foreign-type cars amounted to 651,000 units. If a quota had been imposed limiting the growth in the number of imported vehicles to 5 per cent per year, by 1971 imports could not have exceeded 830,000. Since the actual level of cars imported was 1,563,000 in 1971, there were 733,000 more automobiles imported than would have been permitted by a quota. If we assume that the total number of cars purchased would have been unaffected by a quota, American producers would have been able to sell an additional 733,000 units.

However, the additional cost to American consumers would have been substantial. As indicated above, the difference in the average price of foreign-type cars and domestic automobiles may be at least $1,000. Consequently, consumers might have had to pay $700–$800 million more for automobiles in 1971 than they actually did. (Again this assumes that the higher prices would not have reduced the level of demand—in actuality an unlikely outcome.)

The conclusion suggested by these examples is clear: quotas or other quantitative limitations on imports are extremely costly to consumers. While they obviously preserve a larger share of our market for domestic producers, the ultimate burden falls on households and individuals whose real economic welfare is diminished.

IMPORTS AND DOMESTIC INFLATION

Not only do imports offer consumers the possibility of lower-priced substitutes, but they also help to dampen increases in prices of domestically produced goods. By introducing added competition, imports may encourage more efficient and cheaper domestic production. Several dimensions of the inflation that has prevailed in the United States since the mid-1960's offer evidence suggesting that imports probably helped to moderate price increases of a number of domestically produced items.

Of course, in reviewing this evidence, one must not overlook the fact that other factors besides the availability of imports influenced price movements in particular sectors. Specifically, supply bottlenecks and domestic price support programs undoubtedly played significant roles. But, on balance, the role of imports apparently was also important in dampening price increases in several segments of the economy.

The evidence can be traced generally in the behavior of a number of components of several leading price indexes during the periods 1964–69 and 1969–71. These data indicate that in the case of wholesale prices, all commodities in the index (WPI) rose by 12.5 per cent in the 1964–69 period. However, price changes among major categories varied widely.

The effects of quota restrictions on the behavior of domestic prices were particularly noticeable in the case of farm products, a category containing a wide range of items subject to quantitative import limitations. For this group, the WPI rose by 15.8 per cent in the years 1964–69. The rise for foods and feed was especially sharp—e.g., meats, poultry, and fish, 31.6 per cent; dairy products, 22.4 per cent. These increases in food prices undoubtedly weighed heavily on the lowest income groups who must spend a proportionately larger share of their income on food.

If we use the components of the GNP implicit price deflator as measures, an even sharper picture emerges. The total index rose by 17.8 per cent in the 1964–69 years. However, among components, the prices of services and structures (for which there are few foreign substitutes) rose much more rapidly than the prices of goods. The advance for services was 21.7 per cent, and the rise for structures was 26.3 per cent. But of more significance, within the goods category, the largest price rises occurred among commodities in which imports could not grow because of quotas.

The same general pattern of price changes is evident in the data for 1969–71. Although the excess demand (generated partly by the Vietnam War effort) had eased considerably by the close of 1969, domestic inflationary pressures continued.

Again, the influence of imports on the behavior of prices was clear: in general, in categories in which foreign competition was restricted because of quota limitations, prices rose more rapidly than in categories where imports were free to expand.

While we have been focussing on the effects of imports on consumer prices, it is important to remember that imports used as inputs in production may also help to keep down the final price of consumer goods. If producers are able to draw on the cheapest source of inputs (which may come from abroad), then final consumer products can be less expensive.

CONCLUDING OBSERVATIONS

The foregoing discussion should have demonstrated that imports bring enormous benefits to American consumers. The availability of foreign goods broadens the range of consumer choice and also helps to dampen pressures on domestic prices. This conclusion is recognized by most observers—even by those who favor increased restrictions on imports.

However, as I noted at the beginning, the key issue in the debate over import controls turns on the relation between imports and domestic jobs. The evidence presented here clearly shows that foreign trade has a positive effect on domestic employment. Yet, having made this point, I would raise the question of whether a job comparison is the most meaningful way of evaluating the value of trade to the U.S. economy. In one sense, on a job basis one might hope that there were *more jobs related to imports* than to exports. This would indicate that we as a nation are exporting those goods where the level of productivity is relatively high, while importing goods of industries where the level of productivity is relatively low. In this way, we would be fostering those efficient domestic industries while importing items produced abroad in industries in which our production is relatively less efficient.

Perhaps a more relevant evaluation of the impact of trade and its effect on employment should be at the aggregative level and the overall improvement to our society in general. If one accepts the proposition that one goal of our society is to provide consumers with an increasing volume of goods and services at the lowest possible costs, i.e., with an increasingly higher standard of living, one also should be prepared to accept goods from foreign sources as well as those produced domestically. In this sense trade is beneficial to the overall growth of employment and output in the U.S. economy. True, there will be structural problems as imports grow and change in composition. But the overall benefit to our society vastly outweighs the frictional and temporary adjustment problem.

In my judgment, higher imports represent a transitional problem to our economy—although a serious one—and we have to seek ways to reallocate our domestic resources so that we will reap the benefits from trade by providing (both to ourselves and countries abroad) those goods and services in which we are most proficient. In this way, we can maintain the strength of our economy by remaining sufficiently resilient and flexible to take full advantage of all the resources available to us both domestically and from the rest of the world. This, of course, is the basis of the principle of international specialization on which the continued and accelerated growth in national and world economic welfare is based.

What must be kept in mind is that the function of exports is to pay, in real terms, for our imports. To the extent that imports involve less real resources (and are thus cheaper in real terms), consumers can obtain more goods than they otherwise could. These savings can be passed on in the form of additional spending, and the stimulative

---

Footnotes at end of article.

effect of the additional consumer outlays can have a cumulative impact on economic growth and employment.

I do not mean to imply by the above comments that certain industries and individuals are not having serious difficulties as a result of the sizable expansion of imports of finished manufactured goods into the United States in the last 10 years. Obviously certain industries and people do need help. However, restrictions on imports, in my judgment, are simply not the appropriate way to provide this help. Rather, we need retaining, financial benefits, and relocation assistance for labor and other resources displaced by competitive forces (and this includes pressures from domestic sources—such as new technological developments—as well as from foreign competition).

On the other hand, providing new adjustment assistance to affected industries should not be aimed at perpetuating them indefinitely through a government subsidy. Instead, our objective should be to assist the human and other resources involved to move to those expanding sectors of the domestic economy where they can be employed to greater advantage. This may be to other types of manufacturing or to the production of badly needed services in the health and educational areas.

I understand the national Administration is examining the whole question of adjustment assistance and expects to present a vastly revamped program to Congress that would be much more effective than the one presently used. This is a program which all of us should support.

FOOTNOTES

[1] These figures for trade are those used in the balance of payments accounts.

[2] The BLS estimates of employment related to exports was derived by first determining output generated in individual industries by exports. Through an analysis of input-output relationships, both the primary and indirect outputs generated were calculated. The outputs for each industry were then translated into employment by estimated average output per person (productivity). The employment estimates for each industry were summed to get an overall employment estimate. The estimated average employment per $1 billion of exports was derived by dividing this employment estimate by the value of exports in 1969.

[3] To update the employment estimates from 1969 to 1971 in a rough manner, I relied on the BLS techniques. Two statistics were needed: (1) the change in the volume (real) of exports from 1969 to 1971; this was 6.3 per cent. (2) the change in output per person (productivity) from 1969 to 1971; this was 4.4 per cent. Export employment in 1969 was 2,600,000 jobs; if this number is multiplied by the index of increase in real exports from 1969 to 1971—i.e., 1.063 per cent—and the product is divided by the increase in productivity, the result is the number of 1971 export-related jobs. The calculations for estimating export employment in 1971 are as follows:

(1) Export employment, 1969, 2,600,000.

(2) 1971 export volume relative to 1969, 1.063.

(3) 1969 employment times 1971 volume index [(1) × (2)], 2,763,000.

(4) 1971 productivity relative to 1969, 1,044.

(5) 1971 employment adjusted for increased productivity [(3) ÷ (4)], 2,646,000.

[4] See Andrew F. Brimmer, "Import Controls and Domestic Inflation," a paper presented at the University of Maryland, College Park, Maryland, November 11, 1970.

[5] It should be noted in passing that, in the last few months, the world price of sugar has risen sharply because of production shortages. Experts on the sugar industry see this development as a temporary phenomenon which should pass fairly soon.

Statement by Congressman Sam Gibbons

In June 1970 the American Footwear Manufacturers Association spokesman, W. L. H. Griffin, appeared before the Committee on Ways and Means advocating the imposition of absolute quotas on imports. In response to my questions, Mr. Griffin admitted that in the 1960's—a 10-year period in which he cited the great growth of imports—his company, Brown Shoe of St. Louis, Missouri, had steadily rising profits and that its profit ratio, sales to profits, had steadily increased during this period when imports were supposed to have hurt the industry. Just last month Mr. Griffin announced that Brown Shoe Company's net earnings had increased 8.3% for the fiscal year ended October 30, and that net sales had increased 9.5% to $505,730,000 for fiscal 1970. Mr. Griffin credited the improvements largely to aggressive and effective marketing of the firm's products, efficient scheduling and manufacturing, careful inventory control and continuing efforts to control all costs rigidly.

Another substantial American footwear producer. Interco, reported this month that net earnings in the fiscal year ended November 30 rose 14.2% over a year ago, on a sales gain of 8.9%. Interco's Chairman, M. R. Chambers, reported that fiscal 1971 was the eighth consecutive year in which the figures exceeded the previous year. I have always had confidence in the American management-union team being able to meet foreign competition, and these facts demonstrate the resilience of our U.S. footwear industry.

I read with considerable interest the *Footwear News* story of November 25, 1971, in which Interco and the union leaders are meeting with the government to reach an agreement on the amount of the increase in wages for shoe workers. I trust that all parties will be cautious in seeking too great a wage increase, for fear that the consequent rise in production cost would price their shoes out of the market. In 1970, a special inter-agency task force issued an exhaustive 122-page report on the U.S. footwear industry. Among its many conclusions was that "import competition has not prevented the industry from raising footwear prices, raising them, in fact, at a faster rate than most components of the price indexes. Moreover, the period of greatest acceleration in price increases was accompanied by the most rapid growth of imports." In another study of the industry conducted by the Federal Reserve Bank of Boston, a significant conclusion, along these lines, was reached. "In fact, many New England shoe manufacturers feel that the major constraint upon the level of their output is not foreign competition, but the high cost of labor in New England."

The *Wall Street Journal* recently, taking note of shoe imports, said that their "major impact has been made principally on the marginal producer". The article noted that other companies have been "able to maintain their relative market positions by diversifying, aggressively promoting branded lines, providing retailers with good in-stock support on reorders, and improving their manufacturing efficiencies."

The Government Task Force Report found an essentially healthy domestic shoe industry and specifically noted that the individual companies with problems were invariably those that were "undercapitalized and vulnerable to conditions in credit and financial markets," or were lacking in design, creativity and sales ability. The overall conclusion was strong and unequivocal: "The facts and information available to the Task Force do not, in its judgment, constitute a case of injury to the overall footwear industry."

[From the Journal of Commerce, Mar. 2, 1972]

Domestic Footwear Industry Sees 1972 Production Rise

The domestic footwear industry, buoyed by the effective devaluation of the dollar and pinning its hopes on more imaginative styling, sights a rise in production this year, spokesmen for the industry said yesterday.

This would be the first rise in U.S. shoe output since 1968.

The currency realignment has finally reversed the tide of shoe imports, and domestic production of leather and other nonrubber footwear should rise by 5 per cent this year to about 565 million pairs, said Harold B. Gessner, chairman of the American Footwear Industries Association, Inc.

Imports are still rising, but the realignment of currencies has greatly slowed the growth rate, Mr. Gessner, who also is president of Oomphies, Inc., and Mark Richardson, president of the association, indicated.

STYLING FACTOR

Better styling of American shoes both for men and women is at least as much responsible for the comeback, they contended.

The increased emphasis on shoe styling, they said, results from the rising popularity of casual clothes that require or suggest compatible footwear such as fashion boots for women and high heeled shoes for men.

The gains in total shoe sales are being made in the face of rising costs for both labor and material. Costs are expected to go up 10 per cent this year. The Argentine government's limitation on hide exports also is a problem for American shoe makers.

Shoe retailers and manufacturers who retail themselves are pushing their merchandising operations vigorously. One large chain opened 350 new stores last year and plans to open more than 200 this year.

Imported non-rubber shoes cut rapid inroads into the American market in the 1960s, reached 290 million pairs or 32.7 per cent of all U.S. sales in 1971. That represented a gain of 10.4 per cent over 1970, following a 20.5 per cent jump in 1970 from 1969.

[From Footwear News, Feb. 24, 1972]

U.S. Shoe Reordering Pace Up

CINCINNATI.—Reorders during the first two weeks of February have been running about 20 percent ahead of last year, Philip G. Barach, president of U.S. Shoe Corp., told Footwear News Tuesday.

In an interview following the 10-minute annual shareholders' meeting at the company's executive offices here, Barach said, "I happen to think retailer inventories are low. The fact that Easter is two weeks early this year is a variable, but hemlines are stabilized and the return of good-looking feminine styles bid well for us.

Barach said the company "Is still laboring with the shoe retailing area. It's still in a turn-around stage. The next quarterly report will tell a clearer story."

Barach added however, that the Wm. Hahn division "has continued to show substantial growth and earnings strength."

Barach also said that U.S. Shoe domestic manufacturing facilities are running at full capacity.

"If this keeps up we could be in the pleasantly interesting position of looking for more capacity."

He said that no decision will be made until summer and he emphasized that if additional facilities are needed they will be leased rather than built.

At the shareholders' meeting, attended by 16 people, most of whom are officers and directors of the company, Barach said first quarter 1972 sales for U.S. Shoe were up 9.3

per cent and earnings were up 6.9 per cent.

First quarter sales amounted to $85,619,000, compared with first quarter sales of $78,328,000 for 1971.

Net earnings amounted to $3,388,000, equal to 50 cents a share, compared with net earnings of $3,169,000, or 47 cents, for the first period last year.

The 1971 amounts have been restated to include the operations of the Casual Corner of companies of Atlanta and Washington, D.C., acquired on a pooling-of-interests basis subsequent to Oct. 31, 1971.

Barach said the manufacture of U.S. Shoe brands in Spain and Italy has brought about a "tougher mix of shoe which is turning it into a plus for us. We've been able to add styles that we ordinarily couldn't produce here.

PER MAN HOUR FIGURES

"We're in a hedge position," said Barach. "We won't commit to brick and mortar.

"You can't put your head in the sand about imports," Barach said. "This is the way we're trying to meet the competition until there is a voluntary control bill."

Barach said the average wage for shoe workers in the U.S. is $2.50 an hour, compared to 57 cents an hour in Spain and $1.40 an hour in Italy.

He said productivity in Spain and Italy amounts to 7 pairs per man hour compared to 10 pairs per man hour in the U.S.

He said imports amounted to about 15 per cent of U.S. Shoe's wholsale sales in 1971 compared to an industry average of about 30 per cent.

In a statement prepared for release at the annual meeting, Barach also said:

Initial orders for advance fall lines have been good and "retailers showed considerable enthusiasm for our lines at the recent New York Guild Show in January.

"We sense an improved tone both in the level of general retail activity and in the reception of all of our lines. This should augur well for continued sales improvement throughout the year, provided the general economy holds firm.

"We are now encouraged that our initial sales objective of exceeding last year by at least 8 per cent is reasonable and attainable. If accomplished, our sales volume for fiscal 1972 would approximate $360 million."

(Sales for 1971 amounted to $324 million.)

"The wind now is at our backs," Barach told FN. "At this time last year, it was in our face."

Elected to the 17-man board were Charles E. Carples, executive vice-president of U.S. Shoe's Specialty Retailing division, and Arnold Dunn, corporate vice-president and president of the Marx & Newman division.

They replace Walter Marx, chairman of the Marx & Newman division, and David Falk, retired senior vice-president-merchandising of the Bloomingdale's division of Federated Department Stores.

[From Footwear News, Jan. 20, 1972]

BANKS RATE NE FIRMS A-1

(By Jack Shea)

BOSTON.—The New England footwear manufacturing industry has emerged from three very lean years in good financial shape. That's the opinion of bankers and financiers here, who are positively cheery about the industry—at least on a short-term basis.

They believe footwear companies have produced better managers; are well-financed, which aided the survivors when conditions were at their worst, and know their marketplace better, thanks to greater style involvement. Management has been improved in some cases by undergoing a baptism of fire and in others by adding new people.

At the First National Bank, which of the Boston banks is believed to have the largest number of shoe firms as clients, Henry Allen, vice-president, New England division, said, "I have only one client I'm worried about; a year ago I couldn't have said that."

Leon Bishop, vice-president of the New England Merchants National Bank, which is primarily financing men's businesses these days, told FN, "We are in good shape and most of our clients are unsecured." Unsecured creditors are considered financially stable enough to borrow without pledging physical assets.

Finance companies, too, like the shoe industry. At James Talcott, Inc.'s Boston office, Arthur V. Duffy, vice-president, predicted better days for the industry. He has not seen an influx of clients and explained that companies which have lost their image as "bankable" risks are Talcott's market.

Finance companies also service young companies struggling to become bankable—but there aren't many of them these days, either, he said.

Moneymen said that even in the hardest of times, profitable shoe firms had no trouble getting working capital at rates based on the particular situation.

Interviews with a cross-section of financiers unearthed only one case where a shoe man is getting prime rate. Mostly, conventional bankers begin at 1½–2 points above prime, and finance companies with unsecured accounts get 12–13 per cent or more.

According to Benjamin Bowden, senior vice-president at the First, part of the optimism is based on "the trouble imports have had recently with deliveries, and a style changeover." A problem with domestic makers in recent years has been "a lack of styling out of footwear, which is necessary, particularly in women's shoes, because shoes are not worn out, they pass out of fashion," he said.

The current situation is not without pitfalls, however.

* * * * *

On secured loans, lenders will take 50–60 per cent of inventories, and 70–80 per cent, higher in some cases, of receivables as collateral.

As several lenders explained, the rash of closings in recent years has glutted the second-hand machinery market with many machine types. Thus the market value of that machinery is lower and less can be advanced against it.

Inventories also, are watched more closely. Stories are told here by rueful bankers who ended up owning stocks which style obsolescence had made unattractive in the wholesale market.

Most lenders relate loan transactions to individual applicants. "I want to know his track record, what he's got, where his market is and what he wants to do," said one.

A second phenomenon, and one, sources said, which demonstrates better management mettle, is a trend to longer collection periods and the response by makers.

Al Hermes, an analyst at Dun & Bradstreet's Boston office, told FN, "Collections have been sticky the past two years, beginning with the credit crunch. Using that as a crutch, many firms are now using their creditors to help finance their business."

Other lenders report a movement to 60-day payments, up from the conventional 30-day period. Others said suppliers and tanners are bearing the brunt of the "waiting game."

Import buying, generally done with money "up-front," together with the money crunch, has further drained retail pockets, thus adding to their liking for longer payment terms, bankers say.

Manufacturers are rising to it, several said. Duffy, at Talcott, said, "Managements now realize the importance of financial controls."

At Green Shoe Manufacturing Co., James Ridge, credit manager, confirmed that his company is taking a more active look at receivables. Several divisions have been computerized recently and a look at the receivables chart shows "we've remained about constant over the past year or

* * * * *

Herbert Greif, president of the Geo. E. Keith Co., Brockton, Mass., said his company is also taking a more firm position on payments.

Asked to rate retailers as payers, most sources said independents are having the most difficult time paying and, while department stores get mixed reviews, virtually all said discount chains manage to work the maximum time limit from their customers.

There are reports, too, that chains will hold up payment on billing technicalities. One source cited a chain refusing payment on thousands of pairs until an invoice ambiguity involving 24 pairs was resolved.

Still others point to the necessity of complex forms for chains because of the volume and diversity of their buying. "The manufacturers must learn to conform to chain billing procedures," says Bowden at First National.

Despite these problems, manufacturers still like the chains because of the volume bought and because "you know the money is there, you know you are going to get it," said one women's novelty maker.

Inventory control is another area of better management control because manufacturers are learning to take the bit, bankers said.

Merchants' Bishop said, "The alert people always controlled inventories better. Some learned the hard way, but now most are aware of it.

"A man with a $40 retailer these days who doesn't sell it the first time around, is now selling it for what he can get. He may not make money on it, but he is at least getting rid of it," he said.

[From the Journal of Commerce, Mar. 3, 1972]

MULTILATERAL ECONOMIC PEACEKEEPING SYSTEM URGED BY NIXON TRADE AIDE

(By Muriel Allen)

WASHINGTON, March 2.—The world needs an international system for stabilizing economic and particularly trade relationships to contain conflicts—a multilateral economic peacekeeping apparatus.

This is the theme of a new book by Harald B. Malmgren, an adviser to President Nixon's special trade representative, William D. Eberle. As the Nixon Administration tentatively explores strategies for proposed 1973 economic negotiations with its major trading partners, Dr. Malmgren believes it is considering the broad gauge approach he recommends to give economic issues top priority in foreign policy.

Dr. Malmgren points out that President Nixon is emphasizing the need for the economic superpowers to enter into an era of economic negotiations equal to the Strategic Arms Limitation Talks (SALT) and other military defense bargaining. A major economic thrust could be launched in May when the President goes to the Russian summit meeting. A full range of trade and investment issues could be raised at that time, Dr. Malmgren believes.

1973 TALKS

The 1973 talks will represent a breakthrough because the Common Market has agreed for the first time to work on agricultural and industrial issues concurrently.

Noting that there are few proposals on how to reform the world trading system, Dr. Malmgren discusses three major areas for negotiation in his book, "International Economic Peacekeeping in Phase II." These are nontariff barriers, tariffs, and the need for a safeguard system "to get people in sensitive industries to go along" with movements toward freer trade.

What can the U.S. Government do to modernize domestic and international economic policies? Dr. Malmgren argues for a "strong, but very small, staff on the Council on International Economic Policy, the director of which is equal with the director of the National Security Council staff. This group should perform all of the functions required by the President."

The State Department "should be restructured gradually to place functional bureaus above regional bureaus," the book says, and the economic area staffed with a mixture of foreign service officers and civil servants not permanently attached to state, serving the secretary directly.

In handling all matters under international negotiations, the Commerce Department should establish a close working relationship with industry. The Agriculture Department should strengthen relations with farm organizations through a consultative committee.

The Labor Department should appoint an advisory board on world economic policy. These actions would leave the White House free to consider "only the most heated political issues directly," Dr. Malmgren reasons. The staff director of the Economic Policy Council should work directly with the Congress to eliminate current poor coordination between the legislative branch and departments.

Economics should be given "a far higher priority" in terms of time and staffing so that the President and secretary of state are better briefed on relationships between economic, security, and political issues in foreign policy, Dr. Malmgren suggests.

The executive branch could make a major bipartisan effort to secure congressional support for a joint resolution to assist the White House to work out necessary economic long-range reforms, Dr. Malmgren said at a news briefing on his proposals. This would build up confidence at home and in other countries in the U.S. Government's determination to avoid patchwork solutions.

If this country continues a piecemeal approach to monetary crises or trade conflicts, "businessmen as well as governments would continue to be walking through a minefield" threatened by economic explosions, the author warned.

Japan, Europe, Canada and the U.S. "have to be drawn together and enmeshed in multilateral discussions on all economic problems . . ." although implementing reforms "will be a politically painful course. It can only be accomplished if politicians see that they must play a major supporting role."

This will require changes in previously sacrosanct national economic policies, especially agriculture, Dr. Malmgren said.

Economists agree the recent monetary crisis means that the broken down international economic system has to be replaced. Dr. Malmgren believes officials in key capitals are close to consensus on how to reconstruct that system. He emphasizes that trade liberalization alone will not be meaningful, and that work on lessening industrial and agricultural trade barriers must parallel monetary reform.

Dr. Malmgren points out that there will always be quotas to protect sensitive industries and that government's will never completely stop intervening in trade matters because of political considerations.

But the economist stresses the crucial importance of a new strategy for nontariff barriers into which nations policy decisions would be fitted. . . .

[From the Journal of Commerce, Jan. 4, 1972]

U.S. PHOSPHATE ROCK PRODUCERS UNITE TO EXPAND EXPORT FIRM PRICES

(By Al Wyss)

Faced with intense competition both in this country and overseas, a number of major United States producers of phosphate rock are taking steps to act as a combined force to hold and expand export markets and to obtain better prices.

Under the Webb-Pomerene Act, five major U.S. producers, accounting for about three-fourths of U.S. exports, are negotiating all export contracts as a group through the recently formed Phosphate Rock Export Association (Phosrock). The companies belonging to Phosrock—namely American Cyanamid, Conoco, W. R. Grace, International Minerals & Chemical Corp. and Occidental Chemical Co.—expect to reap a number of advantages from their association, including reduced marketing expenses, bigger export volume, lower freight rates and better, or higher, prices because of increased negotiating or bargaining strength.

Exports of Florida phosphate rock are estimated to have totaled over 12 million tons in 1971, valued at about $88 million.

An export association has been critically needed by the U.S. industry, a leading supplier in world markets, second only to Morocco. Competition in the U.S. for the last several years has been severe, fed to a great extent by overproduction and overcapacity, with the result that export prices have come down sharply as the various U.S. producers continually cut prices in order to take business away from one another. As a result prices of the 10 to 12 million tons of phosphate rock exported in recent years came down from about $7.00 a ton in 1966 to a little over $5.00 per short ton, f.o.b. mine, in the past year.

OVERSEAS COMPETITION

Moreover, competition from overseas phosphate rock producers has been tough and is likely to get tougher as production is expanded and new production comes on stream, such as in the Spanish Sahara.

Despite this increasing foreign production, phosphate rock produced in Florida, which accounts with North Carolina for about 83 per cent of U.S. output and most of this country's exports, is still one of the best lowest cost sources in the world for this raw material. Most of the phosphate rock produced in Florida is used in fertilizers.

Production of all marketable phosphate rock in the U.S. in 1971 totaled about 38.0 million short tons valued at $203.7 million. Exports of Florida phosphate rock as reported by the Bureau of Mines for the first nine months of 1971 were approximately 9.2 million tons valued at $66.1 million. Shipments were made to 32 countries with Japan, Canada, West Germany, and Italy receiving 57 per cent of the total.

The newly formed and still not fully organized association already has achieved encouraging results by negotiating big contract sales at prices which show a better return. A sales contract was negotiated for the shipment of substantial tonnage of Florida phosphate rock to Latin America. Even more recently, a contract was negotiated by Phosrock calling for increased tonnage to Europe.

In negotiating such contracts, Phosrock is attempting to restore all or at least some of the price cuts which took place in recent years because the level to which prices sank showed a very low return and for some producers a loss.

William W. Chadwick, president and chief executive officer of Phosrock, pointed out that the association is just getting organized. Although it was technically organized about a year ago, it only started marketing operations after Conoco joined the group last July. It is expected that Phosrock will be fully staffed and organized by next July.

Mr. Chadwick, who is on loan from International Minerals & Chemical and has had extensive experience in export sales of phosphate rock, will set up headquarters at Tampa, Fla.

Aside from the elimination of price-eroding competition among the five U.S. producers, Phosrock will improve profit margins for the firms involved by combining overseas marketing activities, Mr. Chadwick pointed out. The association also is expected to secure better freight rates because of the more substantial volume handled by Phosrock, making it a more important customer to ship lines.

The association will be able to offer a much larger and varied line of phosphate rock grades for overseas customers.

* * * * *

The big problem the years ahead will involve rising world production as output is expanded and new mines come on stream. One of the biggest new suppliers will be the Spanish Sahara which is expected to come on stream within the next few years, with an initial production of about 3 million tons, still relatively modest compared to the U.S.

Production in the Spanish Sahara, however, is expected to rise to about 10 million tons in the following several years. In addition, expansions are planned by Russia, Tunis, Egypt, Israel, Algeria and other countries. Some of these are relatively small individually but in the aggregate the increased output could have an adverse impact on world markets and prices.

As one industry official recently said: "If an industry ever needed an export association this one really does."

An adverse impact upon the competitive position of the Florida industry in the world market place also is expected to result from the State of Florida's mineral severance tax which took effect July 1, 1971. This tax will be 3 per cent on the mineral value through 1973, going to 4 per cent through 1975 and to 5 per cent thereafter. A tax credit, not to exceed 25 per cent of the tax paid, will be allowed for reclaiming mined out areas and current mining areas.

Phosrock will, moreover, be in a more advantageous position to meet intensifying competition from foreign producers which is likely to develop as mines and production in other countries are expanded and new mines come on stream.

Mr. Chadwick points out that U.S. producers could face serious problems in the future because of the nature of overseas competition. Practically all overseas production is either government-controlled or owned jointly by governments. Frequently, such suppliers will sell in world markets for badly needed foreign exchange or political reasons, regardless of the profit or economic factors involved.

On the other hand, it is also to the advantage of such producers to obtain as good a price as possible for their product to build foreign exchange.

Major producer and exporter is Morocco which has a definite advantage in selling to European markets because of the freight rate differential.

The U.S. industry, however, does have a number of plus factors working for it, including its efficient low cost production and the high quality and variety of its product. In some countries quality is relatively poor and deposits meager.

And more recently, supply and demand in the U.S. appears to be coming into better balance, following a number of years of excess capacity.

[From the Journal of Commerce, Jan. 5, 1972]

ON THE RIGHT TRACK

Those in and out of the government who are seeking ways and means of increasing American exports could do worse than study what five major producers of phosphate rock are doing to accomplish that very thing on their own hook. They are taking advantage of the little-used Webb Pomerene Act to establish a joint force in the export field.

An article by Al Wyss in this newspaper yesterday explained how and why this action is being taken. As an export product, Florida phosphate rock has been encountering bruising competition from that of Morocco and soon will face more from sources in the Spanish Sahara. Prices have been forced down to a level that makes it very difficult to market U.S. phosphate rock in Europe by traditional means, especially when the relatively high costs of shipping that commodity across the Atlantic are taken into account.

What the producers felt they needed was a single organization that could negotiate with foreign buyers, with overseas ship operators and reduce export prices by paring their marketing costs. No two or more of the five companies are allowed by the antitrust laws to agree on prices and trade practices with respect to sales in the domestic market. But the Webb-Pomerene Act permits them to do so with respect to foreign sales so long as their organization is properly registered with the Department of Justice and provides the government with regular reports on its activities.

There is, however, something curious about the Webb-Pomerene Act and the uses to which it has been put. It was passed just after the First World War as a means of enabling American exporters to meet the competition they had previously experienced and expected to experience again from the large cartels of Great Britain, Continental Europe and Japan.

So this statute—a relatively simple affair as antitrust legislation goes—has been in effect for more than 50 years. In some lines of business export associations have formed under its protection and functioned for varying periods, one of them involving lumber and another plywood. But most of the participants in these associations have been relatively small companies. The larger forms of business enterprise have tended to shun Webb Pomerene. They have done so for what strikes them as a good reason.

The Justice Department's Antitrust Division has never had much enthusiasm for exemptions from antitrust prosecution contained in various federal laws (the Interstate Commerce and Civil Aeronautics acts provide other examples), and in the years following the Second World War let it be known on several occasions that not only was it less than enthusiastic about Pomerene, it thought it should be repealed. Without ever saying so directly, the department managed to convey to all who would listen the dark suspicion that any firms in the same line of business who got together on export prices and practices would simultaneously seize the opportunity to discuss the same subjects in relation to the domestic market.

This message was not lost on the nation's major exporters. They read it as meaning that those who grouped together in export associations, no matter how legal, could expect to find their activities at home subjected to very severe scrutiny indeed. Even a firm doing its utmost to comply with every stricture of the antitrust laws tends to avoid this kind of inspection, if possible. After all, it can always make mistakes. So can the Department of Justice. Why court harassment unnecessarily when in most cases the export business at stake is only a fraction of the business generated by the big home market?

Why indeed? But there are circumstances under which a more general resort to Webb Pomerene might develop. The stage would be set for this if the department would indicate that it is now taking a more relaxed view of these matters and that a company joining in a Webb Pomerene export association won't find itself automatically made the object of the department's deepest suspicions and probes.

Will that be the case? Some of the members of the new Phosphate Rock Export Association are highly visible on the American business landscape: American Cyanamid, Conoco and W. R. Grace. These are not small business firms in any sense of the word and the assumption must be that they are going into their Webb Pomerene venture with their eyes open. If their operations prove a success we wouldn't be surprised to find that they will have emulators. But much, as we say, will depend on the attitudes of the Department of Justice.

Everyone knows that the United States must find some way of increasing its exports if it is to clear up its balance of payments deficits by means that won't court another depression. The President has already made one key move in this direction by devaluing the dollar. A greater resort to Webb Pomerene export associations could provide another. It won't work miracles, but it would make more sense to us than some of the other incentives we have heard proposed—among them the use of export subsidies.

IMPROVED WORLD TRADE POSITION FORESEEN FOR METRIC AMERICA

MARCH 16, 1972.—Today in Washington Rep. Sam Gibbons (D-Fla.) called for an end to bushels and pecks. "The metric system is just plain common sense," said Gibbons. "We are handicapping ourselves economically by clinging to what were originally only makeshift units of measurement."

Gibbons has just introduced legislation to establish a national policy relating to conversion to the metric system over a ten-year period. "Americans have been dragging their feet on this issue since the days of John Quincy Adams," Gibbons pointed out. "We must take action now.

"Our balance of trade has taken a disastrous turn for the worse," Gibbons continued. "Metrication will improve our world trade position by increasing our competitiveness in two ways. First, our products will be more acceptable in foreign markets if they are made to generally recognized standards and measurements. Our export market is almost totally metric. Second, using the metric system would improve productivity at home, many businessmen believe.

"Even more important than improving our trade position is preventing it from deteriorating," Gibbons went on. "We must act now to make sure that we are not left out of international negotiations to establish world-wide standards. It is estimated that within 10 years a complete set of product standards will be agreed upon. U.S. standards are unquestionably superior in many, many areas.

"But if we don't speak the common international language, metric units, we will be unable to fight for international adoption of our standards. They will be set in our absence.

"The question is not whether the U.S. will go metric, but how and when. We are already partly on the metric system. In 1970, 10% of manufacturing in the U.S. was carried out by firms employing metric standards to some extent, and the percentage has increased since then. Over 90% of producers in both manufacturing and nonmanufacturing industries questioned in an exhaustive Department of Commerce study expressed themselves in favor of conversion to metric units. The cost should be low: the pharmaceutical industry, for instance, which has already converted reported the total cost as 0.05 of 1% of value added by manufacture. We must establish a national coordinated policy framework to facilitate our producers' changeover.

"The U.S. has been debating the pros and cons of metrication for 200 years," Gibbons concluded. "Meanwhile, the issue has been decided throughout the world. Today the U.S. is the only major trading nation with no official commitment to the metric system. Surely it is time to conclude our lengthy deliberations, to unite production in this country in a single system of measurements, and to move at once towards a metric internationally competitive America.

Mr. CULVER. Mr. Speaker, I welcome this opportunity to join the dialog on "Constructive Alternatives to Protectionism." This is a matter of central concern to the Congress and more specifically to the Foreign Affairs Subcommittee on Foreign Economic Policy. I should like to take this opportunity to acquaint Members with an initiative we are taking in this field. On March 1 of this year I introduced with 80 cosponsors a concurrent resolution on the subject of trade adjustment assistance in relation to our foreign economic policy. This resolution (H. Con. Res. 546–549) has been referred to my subcommittee and will form the foundation for informational hearings starting April 24. At a later date we will release further details on these hearings, including the scope and nature of the questions on which we will be seeking testimony. At this time I would like to review the background against which the resolution has been introduced.

Mr. Speaker, many Members of this House and of the other body have expressed concern in recent months about foreign trade disadvantages being experienced by American firms and workers. Some have pointed to unfair trade practices engaged in by foreign companies and governments, which have gone unchallenged by the Executive. Others have suggested that root difficulties are to be found in our domestic economy, through lack of vigorous competition and declining innovation and productivity. A major debate is shaping up on the degree of trade expansion we need or can afford, and how best to promote the interests of industry and labor and the consumer. There is dispute in Congress—as there is among the affected groups, both about the facts of the matter and about their significance.

But there are a few facts on which a substantial consensus does appear to be emerging. One is that the concerns being voiced by labor and management in the affected sectors of our economy are real concerns, and cannot be ignored or swept away by resort to conceptual slogans, whether of "free trade" or "protectionism." Another is that at least one of the remedial concepts to which we have paid lipservice, and partially embodied in legislation—namely, trade adjustment assistance—has been employed so ineffectively and inadequately in practice as never to have been given a meaningful test. Still a third fact which few deny is that to the extent the United States reacts unilaterally in the world arena to trade problems and stresses, we risk incurring political losses so serious as to endanger our country's security and well-being.

These at least are among the tentative conclusions derived from a series of hearings held last year by the Foreign Affairs Subcommittee on Foreign Economic Policy, which I chair. We examined successively the economic impact of enlargement of the European Common Market; the international implications of President Nixon's new economic policy; and the state of our politico-economic relationships with our two major trading partners, Canada and Japan.

Our own efforts with regard to internal conversion assistance as a constructive alternative to aggressive mercantilist practices or protectionism dating back to the 1962 Trade Expansion Act, are virtually stillborn. The criteria used for adjustment assistance have been so difficult to meet—on occasion even self-contradictory—and the procedures so cumbersome that in the past decade only two firms have ever received any substantial assistance from the Government. I ask leave to have reproduced at the close of my remarks an article from the Wall Street Journal of December 8, 1971, entitled "Promises, Promises," which documents the failings of this program.

Nor does the record of the European Common Market to date seem very much better. Regional and social assistance were included as goals of the Rome Treaty, and funds have been allocated for relief of distress in the coal and textile industries—which have declined in employment by roughly 50 and 25 percent, respectively, since adoption of that treaty. But the level and sophistication of assistance have been nowhere near adequate, it appears, to relieve chronic underemployment in regions like southern Italy, and the outlay for economic conversion has been totally dwarfed by expenditures to subsidize inefficient farming operations under the community's common agricultural policy.

Thus, both domestically and internationally, there appears to be a pressing need for examination of workable schemes for economic conversion as an alternative to destructive trade wars. If our farmers and coal producers are more efficient than those in Europe and Japan, that efficiency should be recognized in access to export markets. By the same token, if firms and workers in other sectors of our economy fall behind their foreign competitors in efficiency, they should have available to them a meaningful and effective array of alternative investment and employment opportunities.

Mr. Speaker, I am not so naive as to expect that economic conversion assistance alone can prove a panacea to all our trade problems and perplexities. Other remedies, both bilateral and multilateral, will no doubt have to be employed from time to time, at least in the short term, to counter genuinely unfair practices by foreign governments and industries. We do not in fact know how much help we can expect from a workable economic conversion program, because we have never had one. Nor do we know how much of our economic conversion needs are attributable to trade pressures, as opposed to other factors operating within our domestic internal economy such as shifting technology and changes in the priorities of Government programs. We do or should know that our country and its constituents—workers, investors, and consumers—along with the peoples and governments of other friendly lands, would be better off if we had answers to these questions.

It is to stimulate the exploration for those answers that I have introduced, in company with 80 cosponsors, a concurrent resolution expressing the sense of the Congress regarding the importance to our foreign policy of devising effective measures of trade adjustment assistance. With leave, I ask that the text of this resolution together with the names of the cosponsors be printed at the close of my remarks. I must say that I have been very gratified by the depth and breadth of support from my fellow Members for this initiative—extending as it does to representatives of both parties from all regions of the country. It seems obvious that we share a conviction about the importance of examining this subject.

And 1972 is the year in which to do that. Discussions among governments are now underway to prepare for a possible new round of multilateral trade negotiations to commence next year. This year is also scheduled to witness the completion of the ratification process for enlargement of the Common Market. And the executive has let it be known that it plans to submit no new trade legislation to the Congress this year. We can thus use this year to lay a solid informational and analytical foundation for the legislative consideration that is bound to be called for in 1973. In that context, I am hopeful that the concurrent resolution we have introduced will be both useful and pertinent.

H. CON. RES. 546

Concurrent resolution expressing the sense of the Congress regarding steps to strengthen the foreign policy of the United States through measures relating to the domestic economy.

Whereas, in an increasingly interdependent world no longer dominated by the actions or authority of a few superpowers, the United States needs a foreign policy that will foster sustained, effective, and consistent relationships with other countries, based on sober assessments of long-term mutuality of interests; and

Whereas an international economic posture for the United States that looks beyond immediate issues to a workable pattern of worldwide fiscal trade, and investment cooperation is essential to such a foreign policy; and

Whereas the ability of the United States to maintain an effective, long-range, and consistent foreign policy has been and remains periodically subject to disruption as a result of stresses felt by various sectors of the United States economy from foreign trade disadvantages; and

Whereas the experience of other nations in pursuing adjustment policies and devising mechanisms to deal effectively with similar stresses and dislocations may have pertinence for appropriate United States policy in this field; and

Whereas presently available means of adapting the United States economy to such stresses have been ineffective and inadequate and are in need of reexamination: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that domestic policies which promote the economic strength of the United States are a necessary prerequisite to the effective implementation of a consistent and constructive foreign policy in the 1970's and beyond; and that the United States Government should exert every effort to examine and prepare workable, responsible, and efficient measures to promote the legitimate interests of American workingmen, consumers, investors, and business in order to be able to carry out a foreign policy which will promote the national interest and the achievement of balanced and stable world relationships.

PROMISES, PROMISES: FIRMS HURT BY IMPORTS, ASSURED OF HELP IN 1962, FIND IT TOUGH TO GET—SO FAR, ONLY TWO RECIPIENTS WIN FEDERAL AID INTENDED TO ENCOURAGE FREE TRADE—THE PLASTIC PIANO SITS SILENT

(By John Pierson)

WASHINGTON.—At stake, it would seem, is peace, prosperity, free trade and nothing less than the future of the plastic piano.

You see, Estey Piano Co. of Union, N.J., and Bluffton, Ind., has been badly hurt because the government agreed to lower the tariff that kept the price of foreign-made pianos high. So the government agreed to help Estey design a less expensive plastic model, which would make the company competitive again, to help keep Estey in business until the new piano was ready and then to help produce it.

Now, after a considerable outlay of time and money all around, the government has changed its mind. Estey has laid off its 100 workers and put its factory—situated in Indiana—up for sale. (There's only an office in New Jersey.) The fate of the plastic piano is in doubt. Says Estey President Robert Mehlin, whose family has been making pianos for six generations: "We have been very seriously injured by this whole thing."

What has happened to Estey is symptomatic of what has happened to a program enacted nine years ago that was supposed to be free trade's answer to protectionism. Let us cut tariffs, free-traders told business and labor, and we'll help you adjust to the inevitable flood of imports. For workers, the help was to come in the form of extra unemployment benefits, retraining and relocation money. For companies, the law specified loans, technical advice and tax breaks to help them modernize present product lines or move into new ones.

ONLY TWO GOT HELP

Nearly a decade after enactment of the Trade Expansion Act of 1962, U.S. imports have doubled, thousands of workers have lost their jobs and hundreds of companies have been hurt. While many workers have been getting benefits, only two companies—a shoe manufacturer and a producer of barber chairs—have received any substantial assistance from the government. Another shoe company has been told it will get help.

This failure of the government to make good on its promise to business can only swell pressure for new protectionist moves, free trade advocates fear. This year the Nixon administration has imposed a 10% import surcharge and has won an agreement limiting Asian shipments of synthetic and woolen textiles—atop earlier restrictions on cotton textiles and steel. If new U.S. import restraints should follow, free traders foresee higher prices for American consumers and added bitterness between the U.S. and its trading partners.

For the first seven years after Congress passed the law, the Tariff Commission was the villain of the piece. From October 1962 to October 1969, 13 industries, eight individual companies and six groups of workers asked for help but were turned down by the commission. In November 1969, after a change in membership, the commission began interpreting the law less strictly; it ruled that the piano industry had been injured by imports resulting from tariff cuts.

Since then, two other industries (flat glass and barber chairs), 17 individual companies and 64 worker groups have passed the injury test, either through yes votes of the commission or through tie votes that President Nixon has broken in favor of assistance. The latest to qualify are Bibb Manufacturing Co., a textile maker based in Macon, Ga., and 1,000 of its workers and former workers.

SO WHAT HAPPENED TO ESTEY?

The Labor Department has certified some 20,000 workers for extra unemployment benefits. But of the 18 injured companies that so far have applied to the Commerce Department for relief, one has been denied help, two have received loans, one has been promised a loan and 13 applications are pending; Estey, which once was authorized by the Commerce Department to obtain a loan, is getting only technical assistance.

Here's what happened to Estey.

In February 1970, two months after the Tariff Commission ruled that the piano industry was injured, President Nixon gave piano makers temporary "escape clause" relief from tariff cuts and made them eligible to seek adjustment assistance.

In March 1970, Estey asked the Commerce Department for permission to apply for help: In June 1970, after determining that Estey was indeed among the injured of the industry, Commerce Secretary Maurice Stans declared the company could submit an aid proposal.

During the next nine months, Estey, the department, a management consultant hired by it, and the Small Business Administration worked out a package that included a $90,000 grant and a $2.6 million loan. The grant was technical assistance for building a prototype plastic piano and for a study to make sure there was a market for the new product. The loan was for paying off Estey's prior creditors, financing continued production of wood pianos until the plastic one was ready and building a new plant.

BIG PLAY FOR STORY

Last March, Secretary Stans certified that Estey's proposal was "reasonably calculated materially to contribute to the economic adjustment of the firm" and "authorized" the grant and loan. A Commerce Department press release heralded Mr. Stans' action. Newspapers in New Jersey and Indiana gave the story big play.

In April, Edward Killam, then director of the department's trade adjustment assistance division, wrote Estey's creditors that the government money "will be available to liquidate obligations of the firm . . . including any obligations which may exist to you."

Under the law, once he has certified a company's adjustment assistance proposal, the Secretary of Commerce first asks the Small Business Administration if it wants to make the loan and the Economic Development Administration if it wants to make the grant. If either agency says "no," then the Secretary "may" provide the help himself.

In May, the EDA said it was willing to give Estey $90,000 for the prototype piano and the market study. Then things began falling apart.

In July the SBA said it was "deferring" action on Estey's loan. Until the prototype and the study were successfully done, the SBA said, there was no "reasonable assurance"—as required by the law—that Estey could repay the government. Commerce Department sources suspect that the SBA simply preferred to have the department risk its own money.

Meanwhile, Mr. Killam had been replaced as director of trade adjustment assistance by Lewis Kaufman, former Los Angeles partner of Goldman, Sachs & Co., an investment firm. Mr. Kaufman viewed the program somewhat differently from Mr. Killam. For example, he felt that no funds should go to pay off prior creditors. As he saw it, the program was meant "for the economic adjustment of firms, not as a creditors' relief act."

Bothering Mr. Kaufman, too, was the fact that some of Estey's creditors were also principal stockholders. Although Estey's proposal stipulated that the stockholders would wait for their money until the government got its money back, Mr. Kaufman says he still worried that the loan would go to "bailing out" stockholders rather than revitalizing Estey.

So despite Mr. Stans' March authorization, despite the Commerce Department's press release, despite Mr. Killam's letters to banks and other creditors, the department joined the SBA in deferring action on the $2.6 million loan.

And in September, it refused a request from Estey for enough money to keep going until the prototype was built and the market study completed early in 1972.

Late in September, Mr. Mehlin told a Senate Commerce subcommittee that the department had a right to change its mind about the program, but he argued that once Secretary Stans had approved Estey's proposal, "he should certainly live up to that commitment."

Harold Scott, Assistant Secretary of Commerce for domestic and international business, called the Estey case "unfortunate." According to Mr. Scott, trade adjustment assistance had "languished as a relatively inactive feature" of his department, handled mainly "at the staff level."

FROM CHAIRS TO CABINETS

Mr. Mehlin said he was closing his plant in Bluffton and laying off his 100 workers, many of them experts who would be hard to replace if and when the plastic piano went into production. But he now says he'll try to persuade his creditors to hold off and not force Estey into bankruptcy. With the help of the EDA's $90,000 grant, he's going ahead with the prototype and the market study. He still believes that the new piano has "terrific" potential, and he hopes, one way or another, to prove it.

While Estey was having its ups and downs, 17 other companies were applying for help in adjusting to imports. Two have received it.

In September 1970, the BSA loaned $2 million and guaranteed a private loan of another $2.1 million to Emil J. Paidar Co. of Chicago, a maker of barber chairs. The loans were to help Paidar diversify for moving into production of dental cabinets, too. The EDA has provided $22,000 of technical assistance.

Paidar used the loans to begin work on a new plant, but Paidar President John Diouhy says he now wants to sell the new plant and acquire another company that makes dental cabinets. So he's asking Commerce for an additional $3 million.

And early this year, the SBA loaned $1.4 million to Benson Shoe Co. of Lynn, Mass. The EDA provided $200,000 of technical assistance, and the Commerce Department gave tax aid in the form of an extra two years of net operating loss carryback.

VARIOUS STAGES OF SUSPENSE

Benson President Phillip Kaplan says government aid has allowed him to reorganize management, production and sales methods. Volume has doubled with only 20% more help. "To us the program has been good," says Mr. Kaplan.

Both these loans included funds to pay off creditors, a standard SBA practice. Both were made before the Commerce Department got adjustment assistance money of its own. Thus, the SBA had to decide the issue for itself, unlike in the Estey case.

Now that it has its own money, the Commerce Department has just agreed to lend $662,000 to help breathe new life into Louis Shoe Co. of Amesbury, Mass. The EDA will kick in $100,000 of technical aid.

Meanwhile, 13 other companies are in various stages of suspense. Some submitted their aid proposals months ago and are waiting anxiously for a response. "I just hope they can get us the assistance in time," says Victor Pomper, president of H. H. Scott Inc., a Maynard, Mass., producer of hi-fi equipment.

A few companies have gotten past the Tariff Commission but are still waiting for Commerce Department permission to apply for help. Robert Bretzfelder, president of Krakauer Brothers, a New York City piano maker, says that every time he sends department officials some figures to prove that his company has been injured, "they ask for more figures." This has been going on for half a year. "If a company was really on the brink of going out of business and had to wait this long, they'd be out of business," he says.

Commerce officials deny it, but these delays may have had something to do with the resignation last month of Mr. Kaufman, the adjustment assistance director. "There have been some suggestions that things happen faster," Mr. Kaufman concedes. "Maybe my problem is that I'm used to dealing with large, successful companies and not with small, unsuccessful ones."

But clearly there are other obstacles to winning trade adjustment assistance. The requirements for proving injury are so tightly written that few companies to begin with get by the Tariff Commission. After that, the procedure for getting help is so complicated that only a few have received it. Division of the authority for dispensing aid permits apparent buck-passing, as in the Estey case.

There may be a basic inconsistency in the law's requirements that companies must be "seriously" injured to be eligible for help and give "reasonable assurance" of repayment. By allowing companies working capital to pay creditors and meet other current expenses only in "exceptional" cases, the law holds little hope for firms like Estey that are on the brink of ruin.

Recently, President Nixon's Commission on International Trade and Investment Policy recommended a number of reforms in adjustment assistance. Among other things, it said one agency should be responsible for operating the program and there should be easier loan terms. Going further, it is urged the government to anticipate import adjustment problems and identify industries most likely to be hurt.

List of Cosponsors

James Abourezk (S. Dak.).
Bella Abzug (N.Y.).
Brock Adams (Wash.).
John B. Anderson (Ill.) R.
Thomas Ashley (Ohio).
Les Aspin (Wis.).
Nick Begich (Alaska).
Jonathan Bingham (N.Y.).
Edward Boland (Mass.).
Richard Bolling (Mo.).
John Brademas (Ind.).
Jack Brooks (Tex.).
Herbert Burke (Fla.) R.
Phillip Burton (Calif.).
James Corman (Calif.).
John Davis (Ga.).
Ronald Dellums (Calif.).
Edward Derwinski (Ill.) R.
John Dow (N.Y.).
Robert Drinan (Mass.).
Pierre du Pont (Del.).
Don Edwards (Calif.).
Frank Evans (Colo.).
Dante Fascell (Fla.).
Thomas Foley (Wash.).
William Ford (Mich.).
Donald Fraser (Minn.).
Peter Frelinghuysen (N.J.) R.
Sam Gibbons (Fla.).
Gilbert Gude (Md.) R.
Lee Hamilton (Ind.).
Richard Hanna (Calif.).
Michael Harrington (Mass.).
William Hathaway (Maine).
Wayne Hays (Ohio).
James Howard (N.J.).
William Hungate (Mo.).
Andrew Jacobs Jr. (Ind.).
Joseph Karth (Minn.).
Edward Koch (N.Y.).

Arthur Link (N. Dak.).
Mike McCormack (Wash.).
William Mailliard (Calif.) R.
Spark Matsunaga (Hawaii).
Lloyd Meeds (Wash.).
Abner Mikva (Ill.).
Patsy Mink (Hawaii.).
William Moorhead (Pa.).
Bradford Morse (Mass.) R.
Charles Mosher (Ohio) R.
John Moss (Calif.).
Morgan Murphy (Ill.).
Lucien Nedzi (Mich.).
David Obey (Wis.).
James O'Hara (Mich.).
Claude Pepper (Fla.).
Otis Pike (N.Y.).
Richardson Preyer (N.C.).
Thomas Rees (Calif.).
Ogden Reid (N.Y.) R.
Henry Reuss (Wis.).
Benjamin Rosenthal (N.Y.).
Edward Roybal (Calif.).
William Ryan (N.Y.).
James Scheuer (N.Y.).
John Seiberling (Ohio).
Neal Smith (Iowa).
Robert Steele (Conn.) R.
Louis Stokes (Ohio).
James Symington (Mo.).
Frank Thompson (N.J.).
Morris Udall (Ariz.).
Jerome Waldie (Calif.).
Charles Whalen, Jr. (Ohio) R.
Lester Wolff (N.Y.).
Sidney Yates (Ill.).
Gus Yatron (Pa.).
Clement Zablocki (Wis.).
John Zwach (Minn.) R.

Mr. FRENZEL. Mr. Speaker, in the year immediately following World War II, the U.S. dominance of international trade was almost total. Ours was the only significant industrial complex which emerged from that war that was not only intact, but improved. So strong was our economy, and thus our currency, that at the Bretton Woods Conference the dollar became the standard of international exchange.

During the immediate postwar period, U.S. technology and production facilities were so superior that other nations were forced to establish restrictive barriers in the form of tariffs, quotas and other types of limitations in order to allow their own domestic industries to grow. Their products and services needed protection before they could become competitive. If not actually encouraging these barriers, the United States did little to prevent them from being established.

Since the end of the war, in the intervening 25 years, our economic and trade dominance has declined. Some of the reasons are that the European and Japanese economies have revived, that the technologies of other nations have caught up, that the policy of establishing trade restrictions, both tariff and nontariff, was expanded, that our burden of international defense spending did not shift in proportion to the increasing economic viability of other nations and, perhaps most of all, that our Government and our people remained largely passive in the highly competitive international trading game. Our decline was such that in 1971, for the first time in my lifetime, and in that of most of the Members here, our country showed a negative balance of trade.

We will never again, and perhaps never want to, regain the international economic dominance which we enjoyed 20 years ago, but there are steps we can take to improve our lagging international stature.

In recent weeks we have heard much discussion on the merits of protective legislation, specifically the Investment Act of 1972, more commonly known as the Burke-Hartke bill. This legislation is well intended, and perhaps in the short run might be helpful. But the long-term effect of establishing rigid barriers for further imports and limiting U.S. participation in foreign markets will undoubtedly eliminate many more jobs and further our relative economic decline.

There are many alternatives to protectionism. Some changes can be effected which will allow for an immediate improvement in our international trade balance. Important negotiating strides have been made toward reduction of certain of the quantitative barriers which the European Community has imposed on agricultural products and other products as soybeans, oranges, juices, and arrangement with Japan for such products as soybeans, oranges, juices and quality beef. Additionally, the United States and the European Community have communicated to the Director General of GATT their desires to review and to negotiate improvements in all areas of international trade. The stated desires for cooperation will hopefully bring more favorable trade arrangements for U.S. producers which in turn will create more job opportunities for U.S. citizens. Had the Congress expressed a strong desire for more restrictive trade regulations, we undoubtedly would not have been able to negotiate favorably with any other nation in the world.

Though there are some offices, and certain individuals in our Federal Government, who are actively working toward a more favorable export climate, many exporters still find resistance within our own Government, particularly in trade relations with the Eastern European nations. The only large trade market in the world which has not been fully tapped is the Eastern European market.

Though the 1969 Export Administration Act eliminated some of the barriers, Commerce Department approval for sales in eastern Europe is laboriously slow. Commerce ought to be seeking advice from appropriate elements of government when authorizing such sales, but the ad hoc, poorly structured nature of the Interagency Committee, which reviews these contract proposals, has proven to be cumbersome and in many cases have placed U.S. manufacturers at a serious competitive disadvantage. I represent an area which includes several of the major computer products manufacturers. The continuing cutbacks in aerospace and defense have limited the existing domestic markets for these firms and have limited their ability to concentrate funding on important research and development. By opening the eastern European nations for the sale of nonstrategic equipment, without transfering any of the basic technology, the vigor of a domestic industry and the availability of U.S. jobs have been further enhanced.

In the past few months I have been made aware of two instances where producers of computer products have been able to find markets in east Europe nations and have eventually been given Commerce Department clearance, but not before being delayed for what I feel was an undue amount of time. The delay in both instances jeopardized the sale for which both Japanese and British manufacturers were also bidding. I would urge that the Commerce Department review, with the intent of streamlining the procedures by which these approvals can be granted.

If the Burke-Hartke bill has a strength, it is the desire to tighten the restrictions on dumping and on the countervailing duties. While the United States may never match some of its foreign competitors in the types of financial and promotional assistance it provides for exporters, we can at least work to eliminate many of the anticompetitive actions of foreign governments which allow their manufacturers to undercut the prices of domestic products, which force American producers to either produce cheaper goods or get out of the market.

I would also urge a greater use of adjustment assistance for the domestic industries and firms which are put at a competitive disadvantage with foreign competitors. Though Commerce now has the statutory authority to provide this assistance, it has been reluctant to exercise this authority. This inaction has caused the affected industries to further retrench and has strengthened the cause of protectionism. While every U.S. citizen should feel that he has a right to a job if he is actively seeking work, we do not necessarily have the legislation to provide him with a job in the same industry which provided jobs for his father and grandfather. If the United States is to regain its technological superiority and thus preserve a vibrant economy and job climate, it is vital that our energies and resources be committed to new and innovative ideas and industries.

One of the unfortunate fallacies which has arisen from the current debate is the theory that the multinational firms have been exporting jobs as they have established facilities abroad. While there may be instances of jobs which have gone abroad, the evidence which I have seen has conclusively proved that the multinational firms have produced many more U.S. jobs which are dependent on their foreign activities. If protectionist legislation is passed, I am confident that many of the multinational firms will be forced into flight from the United States and the job availability in this Nation will be further weakened.

The Congress should fully consider any legislation which would affect our foreign trade. In my judgment, we will err greviously if we attempt to preserve the product mix, the trade balance and the trade partners which typified our international involvement in the decade of the sixties. By such action we will lose forever the ability to ever again compete on equal terms in international markets.

We must demand equality from our trading partners, assistance from our

Government, better technology from our trading companies and improved productivity from our work force. Our long-term well being depends in part on our ability to compete internationally. Protectionism only means we have resigned from international competition.

Mr. FRASER. Mr. Speaker, there is increasing concern over the continuing, chronic high rate of unemployment in the United States today. Roughly 5½ million people are out of work. Ten years ago, during the last period of high unemployment in our country, the scapegoat was automation. Today it is rising imports and the growth of multinational corporations. The unemployment situation improved in the sixties, without adoption of any of the then popular proposals to restrict automation. It improved because of expansionary Federal fiscal and monetary policies. If jobs are to be found for all, similar policies are needed today, combined with effective anti-inflation measures. We must not repeat the fatal error of Smoot-Hawley, an error that helped precipitate the Great Depression. The proffered cure of import quotas and restrictions on overseas investments could be disastrous. We must keep international trade channels open—remove restrictions, not impose new ones.

Only a tiny percentage of the 2 million persons who were put out of work last year lost their jobs because of foreign competition. But whatever the cause, we must do something to help these unfortunate people over the difficult transition period of retraining for a new job and possible transfer to a new locality. Ideally, we should do something to help all displaced workers, no matter what the source of their unemployment. However, sometimes we have no choice but to approach problems piecemeal. Because our past trade adjustment assistance program has proved of little help to workers who have sorely needed that help, I would like to discuss today a new, effective program that could aid workers and at the same time alleviate pressures for restrictive trade measures.

Let me trace briefly the origins of the current system of trade adjustment assistance and the reasons for labor's disenchantment with it. In the Trade Expansion Act of 1962 the President sought authority to reduce tariffs by as much as 50 percent. Adjustment assistance provisions were offered as a conciliatory measure to labor but were so hedged with restrictions as to prove virtually useless. The Ways and Means Committee, in reporting the bill, expressed the purpose of the adjustment assistance provisions for workers in this fashion:

> Their displacement will be the price of the national gain from expanded trade and in those cases where it would be inappropriate to assist these workers and their employers by increasing tariffs or otherwise restricting imports, they should be helped to adjust to the new international competition—to become able to enjoy its benefits themselves.

This was a praiseworthy objective, but the words proved empty ones.

A Department of Labor report on the adjustment assistance program for workers under the Trade Expansion Act points out that there has been "tacit acceptance by organized labor that adjustment assistance was a chimera and the requirements of the law could not be satisfied." As Frank V. Fowlkes pointed out in the October 9 edition of the National Journal—

> Workers and firms, who were reluctant to accept the assistance program as a substitute for protection to start with, have been frustrated by delay, red tape and rejection.

From the passage of the act in October 1962 until November 1969, the Tariff Commission denied every petition submitted to it by workers, firms, and industries. Only after the Automotive Products Trade Act of 1965 had shown that adjustment assistance was practicable, did the adjustment assistance program under the Trade Expansion Act begin to function at all.

Under this act, an affected firm, industry or group of workers has to show to the Tariff Commission's satisfaction that: first, an increase in imports has resulted from a trade agreement concession granted by the United States and, second, that this increase in imports is the major cause of the injury suffered. An affirmative finding on the part of the Tariff Commission provides the basis for Presidential action. The President, in turn, authorizes the petitioning of firms and industries to apply to the Secretary of Commerce, and the petitioning of groups of workers to the Secretary of Labor, for assistance.

Such assistance under the 1962 act is further restricted by the requirement that the worker must have been employed for from 1½ to 3 years prior to separation. Payments are 65 percent of the average weekly wage, or of the average weekly manufacturing wage, whichever is less. Benefits continue for a year after separation, or for an additional half year if the worker is undergoing training. Because the process is lengthy and unwieldy, in the few cases where such assistance has been granted, it has generally been retroactive, paid in a lump sum, long after the adjustment has been completed. Retraining for all practical purposes has been lost in the shuffle; actually it should be the prime focus of the whole thing since an "adjustment" to the changed economic situation is the objective.

The Automotive Products Trade Act of 1965, which provided assistance to workers who lost jobs because of the United States-Canada auto agreement, eased the criteria of eligibility. Petitioners no longer had to show that the changed trade situation had been the major cause of their displacement, but only a primary cause. They could also qualify for assistance if injury had occurred because of declining production for export. Under this act the Tariff Commission was relegated to the status of a factfinding body, and determination of eligibility rested with the President.

Under the Automotive Trade Products Act, 21 workers' petitions were filed for adjustment assistance. Fourteen of these were granted, and some 2,000 workers received payments totaling more than $4 million, of which, however, only $61,000 went for retraining. This act expired in 1968.

It was not until November 1969 that the very first petition for adjustment assistance under the Trade Expansion Act of 1962 was acceded to by the Tariff Commission, 7 years after enactment of the legislation. Small wonder that labor has lost faith in a program of trade adjustment assistance. From November 1969 to March 1971 of 66 petitions for assistance filed by groups of workers, the four-man Tariff Commission found evidence of injury in 16 cases. It divided evenly on 20 cases, and it found no injury in nine cases. The President found in favor of the workers in the 20 tied decisions. Thus, 29 out of the 66 groups of workers who have applied have been certified eligible for assistance.

A 30th favorable decision was reached this January when the President decided to permit firms and workers in the marble and travertine industry to apply for trade adjustment assistance. One of these firms is the Vetter Stone Co. of Kasota, Minn. The determination in this case was, wisely, not to increase tariffs on finished marble and travertine, but to seek the elimination of tariffs on all unfinished and some semifinished marble and travertine imports. This move will lower costs for domestic producers and let them adjust genuinely by competing more successfully against foreign bidders. U.S. employment in producing finished marble products will probably thus be increased.

My distinguished colleague, the gentleman from Wisconsin (Mr. ASPIN) and I have introduced the Workers Readjustment Assistance Amendments of 1972—H.R. 13854—which would improve the machinery of granting assistance and make such assistance easier to obtain. This bill would make the following changes in the current program:

First, new machinery would be set up to administer the program. Twelve regional councils would replace the unresponsive Tariff Commission. The Secretary of Labor would appoint to each council three members from labor, three from industry, and three from the public sector. These councils would determine the eligibility of workers for assistance.

Second, workers would have to show that unemployment or underemployment had been brought on by an appreciable increase in imports or by an appreciable decline in production for export. Under current law an increase in imports has to be shown to be the major cause of injury.

Third, the requirement that the increase in imports causing injury must arise from a trade concession would be dropped.

Fourth, the 1½- to 3-year employment requirement prior to separation would be shortened to 1 year. The existing provision discriminates unwisely against new labor force participants. They are the workers least protected by other means. They have no seniority and no claim to separation pay and are thus in the most need of assistance.

Fifth, payments would be increased to 100 percent of average weekly wages and would continue for 1 year, or a year and a half if the worker were undergoing retraining.

Sixth, relocation allowances would no longer be limited to heads of families. As the law now stands, it does not offer help to youthful workers who may want to transfer away from a hopeless employment situation.

Corresponding legislation is also needed to speed up procedures and liberalize criteria for assistance to affected firms and industries.

I wish to emphasize, Mr. Speaker, that current economic troubles do not stem from foreign trade competition. International trade makes up only 8 percent of our gross national product. Moreover, recent studies have made a strong case that the number of jobs lost because of changes in exports and imports has been minimal—only 16,600 from 1970 to 1971—and that U.S. investment overseas has actually increased employment overall here at home. Five thousand of the 40,000 employees of the 3M Co., owe their jobs directly to international operations. Minneapolis Honeywell has had 5,000 jobs created in the United States because of exports, jobs that would not otherwise exist.

In the long run, our future prosperity and the peace of the world depend upon an enlightened system of multilateral, nondiscriminatory trade. In the short run, however, workers caught in the existing unfavorable situation should be helped. The right way to deal with legitimate grievances of domestic industries is through adjustment assistance, liberalized and speeded up to help when the help is needed—when workers are laid off and not many months later. Labor has been disillusioned too long by the assistance they have been unable to obtain under the Trade Expansion Act of 1962. We must show them that such assistance is possible, now.

Mr. CORMAN. Mr. Speaker, since 1962 the U.S. trade policy has been moving steadily away from the liberal trade approach which has characterized it since 1934. The Trade Expansion Act of 1962, which had overwhelming support in Congress, led to the Kennedy round of trade negotiations. Yet, since 1962, quantitative restrictions on imports, including "voluntary restraints" by foreign suppliers, has risen to the point that the liberalizing effect of tariff cuts in the Kennedy round has been reduced.

Several arguments have traditionally supported a liberal U.S. trade policy in the post World War II era:

By exchanging goods which we can produce most efficiently for goods which can be produced more efficiently by others we will improve our economic growth and national wealth.

Imports can help to alleviate the problem of inflation and can help to maintain necessary competitiveness among U.S. industries.

Consumers are given a wider choice of goods at lower prices.

Discrimination against the United States is reduced among foreign economic groups such as the Common Market and the European Free Trade Association, thus protecting our exports and acting as a disincentive for foreign investments by American firms.

On balance, free trade creates jobs in this country by the need for more labor to produce exported goods.

It is apparent now that if no action is taken to reverse the present momentum on trade restrictions, we can only look toward further erosion of our traditional freer trade policies. We need to explore the possibilities of stemming such erosion.

On February 11, this year, the U.S. trade negotiators, principally the Secretary of Commerce and his advisers, and representatives of the Common Market Community, stated jointly that multilateral discussions would start early in 1973 with the aim of erasing existing barriers to trade, particularly the nontariff trade barriers. Canada and Australia have already indicated that they are eager to join such discussions in the light of their peculiar Empire preference, as these were affected when Britain joined the Common Market. The United States is now actively seeking the support of other major trading countries for such a trade conference.

During the last few weeks the urgent problem of our trade deficit has been discussed here at length because of the drastic "quota" law that has been introduced to minimize the harmful effects of excessive imports of like or competitive products.

It is evident, however, that the whole question of protectionism has arisen due to the fact that certain basic industries have had to contend with excessive imports, not only undercutting U.S. prices but also causing widespread layoffs and closing of plants. This has led to strong statements that only a "quota" law could be the remedy against such injurious imports.

But such protectionism is not the answer. There are constructive alternatives. My colleague, the Honorable SAM GIBBONS, has taken the lead in stating that freer trade has benefits for all and that restricting our import trade not only will upset the U.S. traditional free trade philosophy but will invite retaliation from our trading partners. Not only will such restrictive action reduce consumer choice of available articles, but it will undoubtedly raise the prices of domestically produced goods. A hard and fast proposal to restrict imports is just not the answer.

I wish to associate myself with the views of Mr. GIBBONS that there are constructive alternatives to protectionism. I believe that the American consumer should have the final say as to his choices. It is up to us to help prevent the protectionists from building a fence around the American market. While there is certainly a need to protect U.S. commerce from unreasonable import restrictions or other policies which discriminate against U.S. trade, a viable case cannot be made that restricting imports would really protect the jobs of American workers. I am optimistic that with devaluation, removal of trade barriers, additional export expansion incentives, wider participation in export drives and governmental credit and insurance programs, we will be able to generate at least 750,000 new jobs in foreign trade in the near future. And none of these programs is restrictive of imports.

The proponents of "protectionism" may say that this is an optimistic appraisal. But, according to the Bureau of Labor Statistics, using 1969 figures, about 2.6 million jobs could be attributed to the $37.5 billion of exports of merchandise in that year. Thus each $1 billion of exports generated 69,000 jobs. To this total one could actually add another 69,000 supporting jobs in related industries. In 1971, the estimate is that about 66,000 jobs are generated for each $1 billion worth of exports. It seems obvious that the more we push the export trade, the more our employment will rise.

In the aggregate, export employment accounts for about 4 percent of total private employment. But actually, in some important sections of the country, the employment ratio is far higher. In agriculture it is 9 percent, in manufacturing 7 percent, in construction machinery it rises to 27 percent, engines and turbines 15 percent, office and computing machines 13 percent, and aircraft 14 percent.

On the other hand, it is far more difficult to estimate the domestic employment related to imports, because we assume theoretically that these imports were produced in this country. Naturally, imports may be absolutely necessary to our manufacturing industries. Here, using BLS figures, it was estimated that in 1969 approximately 2.4 million people were engaged in import and related activities.

I would also like to stress another factor which is often minimized, namely that by introducing added competition, imports may encourage more efficient and cheaper domestic production.

All in all, higher imports into the United States during the last few years represent a transitional problem in our economy. With realinement of our national resources, with a wider assistance program to those individual companies that are in difficulties due to various causes, and above all, with a concerted effort by our thousands of smaller companies that have not yet even tried to sell in foreign markets, we can stabilize our international trade in such a way that our exports can show a growing surplus, our consumers get the best prices on goods, and our overseas trading partners will continue their long-established associations with us.

In any discussion of the U.S. free trade concept, one other factor concerns me deeply—and that is that our liberal trade policies since World War II have been in a large sense an important component in our foreign policy. Our exports were essential to the reconstruction of Japan and Europe and an essential corollary to the Marshall plan and to our later technical assistance programs to developing countries. It is evident that our trade policies have, and will continue to have, a strong impact on the overall foreign policy of the United States. If we permit our trade programs to become protectionist, we turn our back on the world. We then begin the road back to the isolationist policies of the earlier years in this century, and thus lose our influence in being an effective force for world peace.

Beyond the consumer who is helped through importation of certain goods; beyond the creation of jobs a nonrestrictive trade policy would provide; beyond the prospective increase in our gross national product and additions to our national wealth, this country's role in the keeping of world peace—often minimized—is reason enough why this country must clearly continue to follow the road of a liberal trade policy.

Mr. UDALL. Mr. Speaker, I want to congratulate the gentleman from Florida (Mr. GIBBONS) for initiating this educational series of discussions on the Nation's trade policies. Few subjects are so important and so dimly understood.

The relative merits of free trade policies and protectionism have provided this country with one of its most persistent debates. Yet all too infrequently has that debate emerged from academia and officialdom and entered the world of those most affected by the outcome—consumers.

Such an unusual public debate on the trade issue was sparked 3 years ago in Arizona when the Agriculture Department—bowing to the pressures of domestic growers—issued a marketing order severely limiting the import of Mexican tomatoes into my home State. My investigation of that incident led me to write an essay which has bearing on current arguments being made for and against protectionist legislation.

The essay follows:

Protectionism Versus Free Trade: The Great Tomato Rhubarb and Other War Stories

"The United States reached a turning point in its life as a nation when Congress overwhelmingly approved the Trade Expansion Act. By its action, Congress rejected economic isolationism and the status of a second-rate economic power for the U.S. It accepted the challenges of competing at home and abroad with the world's toughest competitors. It accepted the responsibilities of Western leadership." Columnist Sylvia Porter in the 1963 World Book Year Book.

This congressman and the Department of Agriculture are locked in a struggle right now—a struggle which may be just an opening round in a broad new war between domestic producers and consumers. Historically this is a kind of war in which consumers finish last.

At issue at the moment is a new order, printed in the Federal Register January 4, which sets new and higher standards for tomatoes sold in interstate commerce. Behind it is an attempt by tomato growers in Florida to reduce competition from tomato growers on the West Coast of Mexico. Since the Mexican tomatoes are generally vine-ripened, whereas Florida tomatoes are shipped green, a careful writing of the new regulation has had the effect of keeping a substantial portion of the Mexican product off the U.S. market. The Department of Agriculture acknowledges its new marketing order, drafted by the Florida Tomato Committee, will cut Mexican tomato shipments by 20%. Growers and shippers say it will be somewhere between 30 and 50%.

Since U.S. imports through Nogales have made it one of the principal points of entry for this Mexican produce, this restriction can have dire effects on many of my constituents, on the economy of Santa Cruz County and—perhaps most importantly—on U.S. relations with Mexico, our important neighbor to the South.

What's more, this kind of import restriction—and let's call it exactly what it is—can result in the adoption of similar protectionist or retaliatory measures by other nations. In the case of Mexico this could mean the loss of many more U.S. jobs than would be gained for agricultural workers in Florida. The reason: we sell far more goods to Mexico than Mexico sells to us. In 1967 we sold Mexico $1.2 billion in goods while spending $749 million on Mexican imports; this has been the consistent pattern for years. Some Mexican officials are already talking about retaliating by buying farm machinery in Europe rather than the United States.

The angry reactions of my Nogales constituents and others to this new trade barrier recall the protests of 3½ years ago when the United States reduced the amount of liquor which could be brought back, duty free, from other countries. Our neighbors in Nogales, Sonora, are still reeling from that blow engineered by bourbon distillers in Louisville, Kentucky, and other centers of domestic liquor production.

Tomatoes and liquor—these are but two small items in a growing debate over foreign trade policy in this country. Already we have seen major efforts mounted in Congress to restrict imports of steel, textiles, meat, dairy products and numerous other commodities claiming a need for protection from foreign competition. Arizona is involved in many direct and indirect ways. Some examples which cross my desk:

A Cochise County rancher, resenting the import of Australian beef which, he says, competes with American-grown beef and drives down the price, demands a lowering of beef import quotas.

A pack bag manufacturer who does part of his manufacturing in Arizona and part in Mexico protests U.S. textile import quotas which limit the number of finished pack bags he can bring back into this country.

A stockholder in U.S. Steel writes me to do something about the increasing imports of German and Japanese steel, which he believes will cut into sales of American steel products.

An Arizona firm seeks help from this same congressman in nailing down a $750 million contract to supply iron ore pellets to the Japanese steel industry and, simultaneously, asks the U.S. government to prohibit an American group from investing money in Australia for development of iron ore to supply the same Japanese market.

Arizona cotton growers, enraged by President Nasser's false charges against our country during the Middle East War, ask me to cosponsor a bill denying cotton import quotas to nations having severed diplomatic relations with us—namely Egypt and the Sudan. I cosponsor such a bill. It passes but is vetoed.

Arizona's industrial development leaders urge manufacturers to establish "twin plants" along the Mexican border, employing Arizona labor for a part of the production, cheaper Mexican labor for the remainder. They see this form of enterprise as a great boon to Arizona's industrial growth and as the answer to competition from countries having significantly lower labor costs, such as Taiwan and Japan.

An Arizona newspaper tells the story of a plant in Flagstaff which was forced to shut down because it couldn't pay the federal minimum wage of $1.60 an hour. Out of work: 33 Navajo Indians. The explanation: competition from Taiwan and Mexico.

Who can say where the answer lies? Would Arizona be helped by import restrictions—on both beef and tomatoes? Would we be better off with free trade, to encourage "twin plants," or limited trade, to help foster Indian employment in Flagstaff? Is it better to permit beef imports which make hamburger cheaper for Arizona housewives, or to restrict them for the benefit of Arizona cattlemen? These are complex questions which have no simple answers. But I think it's important to realize that, just as we see import restrictions from many points of view in Arizona, people in other states also have their special problems and their special, and often conflicting, points of view. Since this is one nation, and not 50, the job of the President and the Congress is to arrive at policies which are of greatest benefit to the nation as a whole. And as a congressman I see my job as striving for a delicate balance between contending interests in my district and between the interests of my district and of the nation as a whole.

For Arizona and the nation one must ask: where will all this lead? What are the implications of protectionism and of free trade for our economy, for domestic wage levels, employment and unemployment, the stability of the dollar and our role in world affairs?

ARGUMENTS FOR TRADE RESTRICTIONS

One of the most outspoken opponents of free trade in this country is O. R. Strackbein, chairman of the Nation-Wide Committee on Import-Export Policy. He sees the U.S. economy as terribly weak and shaky, unable to meet the challenge of competition from abroad. To those who might have imagined that competition was the great strength of our economic system his words may come as something of a shock. Here is what he wrote in a statement which just crossed my desk:

"The competitive weakness of this country makes our economy stand like an island plateau against the pounding waves and tidal flows that beset it from all sides. The natural sequence will be a leveling process that will continue, unless it is halted, until we are level with the sea."

Those who view our position in this light argue that the lower wages paid in other countries inevitably will result in a drop in the production and sales of the same commodities and products turned out in this country. In the end, as they see it, our standard of living will be reduced or our industries will wither and die.

To these people the "reciprocal trade" concept introduced by President Roosevelt in the 1930s was a terrible mistake, and the Trade Expansion Act of 1962 was a disaster. The latter set the stage for negotiations, just completed last year, to reduce the tariffs we assess incoming products and pay to ship our products into other countries. Prompted by the severe competition of the European Common Market, that act—which, as your congressman, I supported—gave authority to the President to reduce existing tariffs by 50% in exchange for concessions from other nations, and to eliminate tariffs on those products where the United States and Common Market countries dominated world trade. As a result of the so-called Kennedy Round of negotiations many of those decisions are now history, and others are awaiting congressional action on what is known as the American Selling Price (basically, a "temporary," "infant-industry" protective tariff established for benzenoid chemicals after World War I and left untouched to this day).

Without doubt tariffs are the most effective device for stopping imports. But this tactic is no longer available for most commodities. Protectionists are now turning to non-tariff barriers especially import quotas. The import quota says to Japan, for example: we won't tax the steel you ship in, but we'll limit your imports to so many million tons per year. The size regulation on Mexican tomatoes is another form of non-tariff barrier. The effect is the same—to lessen competition and prop up domestic prices. Through pressure on Congress to enact such quotas industry groups hope to do indirectly what they can't do directly through tariffs. Presumably domestic producers benefit, but domestic consumers pay more for what they buy.

As the protectionists see the situation, any gain realized by consumers in the form of lower-priced goods can only be a short-term advantage because ultimately their own income and jobs will suffer. Scratch a consumer, they say, and you'll find someone whose income is derived from U.S. production. Anything that threatens U.S. production of any commodity or product threatens U.S. consumers, too.

Mr. Strackbein states this case very clearly. In answer to those who say we can meet the threat of foreign competition through cost-reduction and modernization of plant facilities he says:

"Also, no one should deceive himself that significant cost-reduction is a mild operation. In terms of employment it is harsh and drastic. We have a classic example in coal mining. In the mid-'fifties this industry was moribund because of encroaching competition from diesel oil, natural gas and imported residual fuel oil. The only hope of survival lay in cost reduction. The objective was indeed accomplished by the introduction of machinery that supplanted men in a gargantuan ratio. The coal industry saved itself but the cost in coal miners' jobs was two out of every three. Employment dropped at a dizzying rate, falling from 480,000 to 140,000 or less in fifteen years. The problem known as Appalachia was a direct result. The cost of relief and inhuman misery was 'unthinkable' and had it been appreciated ahead of time, would no doubt have been avoided as intolerable."

In other words, he believes we should not have modernized the coal industry, not made it competitive with coal production in other countries, but rather subsidized the coal industry in order that it could continue to employ 340,000 men it no longer needed. The implications of this philosphy for an economy that prides itself on its efficiency and competitiveness are rather startling if you think about them.

Significantly, I think, this is not the position of most American industries, of the U.S. Chamber of Commerce or the American Farm Bureau Federation. However, it is the position of many segments of the economy insofar as their own industries are concerned. In other words, many of these groups favor the principle of free trade—but not for their industry. They're happy to lower or eliminate trade barriers on everything else, but they see a desperate need to restrict the import of German bicycles or Swiss watches or English shoes. It's like being against all Federal spending except that in your own state. And it is from the special appeals of many such segments in our economy that the campaign for new trade restrictions has taken shape. The danger is that, acting out of concern for their own special problems, these industry groups, combined, might succeed in turning back the clock in our country's trade relations.

Turning back the clock could mean a return to the protectionist days of the Smoot-Hawley Tariff of 1930. That act, a reaction to the stock market crash of 1929, not only shut off imports but reduced our exports—through reprisals—to a mere trickle. Coming at the very start of the depression that rash act robbed us of hundreds of thousands of jobs just when the economy was least able to handle such a loss.

ARGUMENTS AGAINST RESTRICTIONS

Ever since the mercantile days of Adam Smith and his *Wealth of Nations* in 1776 there has been one matter on which nearly all economists have agreed: that nations benefit from free trade and are harmed by high tariffs. Yet protectionism remained for nearly 200 years as the prevailing rule in world trade. Only in the years since World War II have we seen any significant departure from this pattern. The big breakthrough, of course, was the tariff-lowering arrangement known as the European Economic Community, or Common Market. The huge advantages accorded members of the Common Market in trade among themselves made it a virtual necessity that the United States take steps to improve its competitive position; the Trade Expansion Act of 1962 was the result.

Old ideas don't die quickly, however, and we're now seeing a reaction set in. The old protectionist arguments are being paraded anew, and I think it's important that we weigh the counter arguments:

Trade that is essentially free increases each trading nation's standard of living. This is so because goods tend to be produced by the most efficient producers in each country. For any given level of manpower a greater supply of goods and services can be made available for the enjoyment of the people that would be the case if inefficient producers were kept in business through trade barriers.

Protectionist fears arise from a totally impossible eventuality—a situation in which a nation would import vastly more goods than it sold abroad. But, basically, goods are paid for with other goods; goods are the currency of international commerce. Increased imports ultimately require increased exports, and vice versa. Commerce is impossible without something close to a balance between the two. Thus, the number of jobs lost through imports will always be balanced in the main by the jobs gained through exports.

Unrestricted trade increases the real income of workers in trading nations. First, through the pressures of competition it forces each nation to strive for its greatest efficiency, to produce those goods which it can turn out at the greatest economic advantage to itself; thus, there is a need to get the greatest production out of each worker, and through this heightened efficiency there are the means to increase wages. Secondly, the availability of less-expensive goods (take, for example, the superb Japanese cameras you can buy today at really modest prices) makes the income of workers go farther than ever before.

The ready availability of imports serves as a check against inflation. When demand outstrips supply, the normal result is an increase in prices, often detrimental to producer and consumer alike. The importation of goods from abroad (provided they're not blocked by tariffs or quotas) can avoid such inflationary situations. And, of course, the steady competition from foreign goods will force our economy to reduce costs and hold down prices, thereby relieving the pressures of inflation.

From the foregoing you may sense that I am a "free trader." I tend to be, as does President Nixon. However, I believe every situation relating to our trade with foreign countries deserves careful analysis: I'm willing to acknowledge that an occasional justification can be made for temporary restrictions on the import of certain goods. The maintenance of industries capable of meeting our needs in time of war (when foreign sources may be cut off), the encouragement of new industries having the potential for real competitiveness at a later date—situations of this kind make sweeping generalities hazardous and broad principles subject to occasional exceptions. And that's why Congress will spend so much time this year talking about the problems of so many segments of our economy—about dairy products, textiles, steel and all the rest.

HOW STRONG IS OUR ECONOMY?

Behind the drive for new trade restrictions is the fear that our economy can't stand the test of international competition, as Mr. Strackbein so dramatically stated. Let's take a look at this economy which is so weak and fragile:

Between 1959 and 1967 steel imports rose by 7 million tons. But in the same period U.S. steel production rose by 34 million tons and employment in the steel industry increased by 24,000 jobs.

In 1960 the per capita, after-tax, spendable income of the U.S. population was $1,883 expressed in terms of 1958 dollars. On the same basis per capita, after-tax income is now $2,473—a gain of close to $600 in just eight years.

In 1960 we had total civilian employment of 66 million. Today we have 76 million jobs—a gain of 10 million jobs in eight years.

In 1960 we had 3.8 million unemployed. Today, after adding 20 million people to our population, we have only 2.8 million unemployed. Our unemployment rate of 3.6% is among the lowest in the world. Some even argue that it's too low.

In 1960 our total national product in durable goods was worth $81 billion, expressed in 1958 dollars. In 1968 our durable goods production had risen to $124 billion—a gain of 53% in eight years.

In 1960 our total product of non-durable goods was $60 billion. Last year it stood at $82 billion—a gain of 37% in eight years.

Our Gross National Product in 1960 was $503 billion, compared to $861 billion in 1968. Expressed in 1958 dollars, the 1960 total was $487 billion, the 1968 total $707 billion—a gain of $220 billion. That gain, discounting the effect of inflation, is equivalent to the total 1960 national product of the entire Common Market—Belgium, France, Germany, Italy, Luxembourg and the Netherlands—plus Austria, Denmark, Norway, Portugal, Sweden and Switzerland. That's not our total product—that's just what we added in eight years.

I should think that anyone, reading these figures, would see in them signs of a very healthy, strong and competitive economy. These are not products of protectionism; they're the result of increasingly free trade, marked by declining trade barriers through this eight-year period. To see this economy as one about to be leveled by intenational competition is, in my judgment, like seeing the New York Jets last month as a team on the verge of collapse.

BUT WHAT HAPPENED TO OUR TRADE SURPLUS?

Some of the fuel for this year's trade debate will come from recent statistics showing a sharp drop in our traditional foreign trade surplus last year. Here are some quick figures:

1959: Exports, $16.4 billion; imports, $15.6 billion; surplus, $.8 billion.

1960: Exports, $19.6 billion; imports $15 billion; surplus, $4.6 billion.

1967: Exports, $30.9 billion; imports, $26.8 billion; surplus, $4.1 billion.

1968: Exports, $33.8 billion; imports, $33.1 billion; surplus, $.7 billion.

The 1968 surplus was actually $726 million, a drop from the expected $1 billion surplus. Protectionists undoubtedly will see this as the beginning of the end unless the dike is plugged fast.

Just as one game doesn't make a season, one year doesn't make a trend. The Commerce Department attributes the 1968 decline to strikes and strike-threat situations in steel, copper, and aluminum, and to a boom in the domestic economy making possible the purchase by consumers of more foreign luxury goods, especially automobiles, and including "American" cars made in Canada. Imports represented 3.8% of our Gross National Product, compared to 3% in recent years—still a very modest figure.

It is also helpful to note that our trade surplus in 1959 was just $789 million, yet a year later it had bounced back to $4.6 billion. In any case, most economists consider it important only that there be a reasonable balance between exports and imports; there is not great advantage to big surpluses. In fact, any surplus means some other country or countries will have a deficit—and thus a net loss of jobs. It's unreasonable, in their view, to insist that the United States *always* have a surplus and its trading partners, taken as a block *always* have a deficit.

OTHER TROUBLESOME QUESTIONS

Even though every U.S. President since Franklin D. Roosevelt has favored tariff reduction, and even though that has been the policy of this country since passage of the Reciprocal Trade Agreement Act of 1934, protectionists still argue that free trade will reduce our wages, working conditions, living standards and profits to the levels of our poorest trading partners. Countering these arguments is not easy because international trade is such a poorly-understood subject. These are some of the questions raised:

1. It's immoral to buy goods from nations with substandard wages. We ought to use trade as a weapon to force other countries to raise wage levels.

2. Cheap foreign labor will produce unemployment in this country. Charity begins at home.

3. High wages in this country, held up in part by the minimum wage laws, make it impossible for us to compete with cheap-labor countries.

Trade advocates see little merit in these arguments. They answer:

1. Since the world's resources aren't distributed evenly, trade is an absolute necessity, not only within the borders of individual countries, but between countries. How else could non-agricultural countries survive? How would a one-crop economy, producing only coffee, or rubber, feed its people? History shows that the more nations engage in trade, the higher are their standards of living. Without trade they couldn't possibly advance. Higher wages cannot come from production for which a country is not suited.

2. As long as exports and imports are essentially in balance, as many jobs are gained as lost. If exports are in surplus, as they traditionally have been for the United States, there will be a net gain in employment.

3. How could there be exports at all if lower wages always gave the foreigner an advantage? The truth is that lower cost, not lower wages, determines competitiveness, efficiency, availability of resources and other factors are often far more important than wages in determining prices.

F. W. Taussig, a Harvard economist, answered these arguments some years ago when he wrote:

"In the United States by far the most common and most effective argument in favor or protection is that it makes wages high or enables wages to be high. With many persons it is an accepted article of faith that American wages can be kept high, and the American standard of living can be maintained, only if there is protection against the goods made by the cheaper labor of other countries . . . This fear of universal leveling rests on ignorance or misunderstanding of the causes that lead to the differences between countries in money wages, in prices, in general prosperity . . . None put forward in favor of protection are more specious and widely held, none are more fallacious."

THINGS TO WATCH FOR

As the new Nixon Administration gets to work on the many problems facing this country you may want to watch for indications of the President's position on some of these foreign trade issues. Here are the major ones:

Tariff-cutting authority under the Trade Expansion Act of 1962 expired June 30, 1968. President Nixon may ask for an extension of that authority permitting him to take new initiatives in reducing tariffs.

Congress last year failed to act on President Johnson's proposal to eliminate the so-called American Selling Price system, a post-World War I tariff which gives special "infant industry" protection to our giant chemical industry. The Johnson Administration agreed to seek repeal of the ASP in exchange for tariff concessions by other countries. President Nixon may or may not abide by that commitment; if he does, he may face difficulties from congressmen and senators having large chemical plants in their states.

During the campaign President Nixon said he had sympathy with some of the temporary measures proposed to prevent excessive imports of such products as textiles and steel. However, he said last week he opposes import quotas. It will be interesting to see how he responds to mounting pressures from industries seeking such relief.

YOUR THOUGHTS ARE WELCOME

In this report I have tried to present as complete a picture as possible of the foreign trade debate that is shaping up in Congress this year. I have tried to depict for you the kind of situation I face as your congressman—a situation in which I must represent both producers and consumers, both those who seek import restrictions and those who stand to benefit from the free flow of foreign imports of various kinds. I intend to keep trying to do the best job I can of representing all of you.

As I indicated at the outset, producers tend to carry more weight in these debates than consumers. I expect that will continue to be true, not because it's right but because producers of steel, textiles, chemicals—and Florida tomatoes—are better organized and can bring greater pressure to bear on the decisions of government. As a consumer and/or producer you can sit back and watch as the show begins, or you can become part of it. I'll welcome your views.

MORRIS K. UDALL.

Mr. SYMINGTON. Mr. Speaker, I would like to add my voice to those here today calling for us to seek alternatives to protectionism as a solution to our trade problems. Not only does construction of protectionist barriers to foreign trade invite retaliation through enactment of similar measures by our trading partners abroad, but it would seriously undermine the international cooperative efforts to alleviate the crisis in the international monetary system attempted at the Smithsonian in December.

Many words have recently been spoken against the protectionist forces at work among us. Erza Solomon, a member of the Council of Economic Advisers, in remarks made before the American Management Association in February, attacked the notion that "severe protective moves will create jobs." Mr. Solomon noted that the very jobs which our exports created will be eliminated when we stop importing. Further, Mr. Solomon states that the protectionists ignore that fact that "the average job created by shutting off imports is far less economically productive than the average job lost by an evaporation of export markets."

Mr. Solomon maintains that—

The best argument against this line of reasoning is a letter written 150 years ago by a French economist. He wrote in behalf of the fictitious Candlemaker's Society of Paris appealing to the French Government to board up all windows, because the light from the sun, available too cheaply, was competing unfairly with the employment of poor hard-working candlemakers who would otherwise be enjoying a boom in the manufacture of their products. He even pursued the argument further, if only the windows could be boarded up, then the large boom in candlemaking would spread its benefits over the rest of society when the people employed spent their wages and profits buying goods and services from the rest of France.

Clearly the answer for the U.S. is not in that direction but rather in the opposite one. As other nations master the art of producing the older products like textiles (200 years old), steel (100 years old), and cars (60 years ago), it is up to the more technologically advanced societies like the U.S. to create new markets in new products that embody new technologies. We have played this game very successfully for 80 years and there is no reason whatever to believe that we need to be less successful at it in the decades ahead.

Another interesting speech encouraging the United States to seek alternatives to protectionism to improve our balance of trade was delivered recently before the 12th Annual Conference of the Containerization Institute by Robert M. Norris; Mr. Norris is the president of the National Foreign Trade Council. It is his conviction that we should try to improve our trade situation, not by withdrawing behind protectionist barriers, but by facing the realities of import quotas, exchange controls, administrative restrictions and other obstacles to trade and seeking their removal through international agreements for reciprocal reduction of non-tariff barriers. I would like to submit the major portion of Mr. Norris' speech for the RECORD:

A MAJOR PORTION OF THE REMARKS PREPARED FOR DELIVERY BY ROBERT M. NORRIS, PRESIDENT, NATIONAL FOREIGN TRADE COUNCIL, BEFORE THE TWELFTH ANNUAL CONFERENCE OF THE CONTAINERIZATION INSTITUTE, MARCH 14, 1972.

Before we can think about realism in world business, it seems to me important to first think about our foreign economic policy. For nearly 40 years, United States foreign economic policy has been founded upon expanding U.S. international trade and investment. Just as recently as February 9, President Nixon, in his report to Congress on U.S. Foreign Policy for the 1970's, stated:

"A retreat by any nation or group of nations into protectionism, or attempts to gain advantage over others by means of neomercantilist policies, will deal a severe blow to the international cooperation which underlies the strength and prosperity of all nations." In the same document, the President calls for "a general expansion of world trade including improved access for American products to foreign markets."

Foreign economic policy, to the extent possible, should be formulated for the longer run. Unfortunately, however, these policies become frustrated by five-alarm, short-term measures.

On the positive side, it seems to me that the New Economic Program provided a badly needed shock last August to the system of fixed exchange rates which had been the monetary mechanism for world trade since the Bretton Woods agreement of July 1944. The Smithsonian Accord reached last December 18th in Washington initiated a new transitional phase for the monetary system, averting the immediate threat of economic warfare. Exchange rates have stabilized within wider margins, so that foreign traders can do business with a greater degree of certainty. Nevertheless, there remains a massive "dollar overhang" of U.S. dollars in foreign hands, waiting to be repatriated. Following our almost incredible $30 billion balance of payments deficit last year on an official settlements basis, the dollar holdings of foreign central banks have shot up to more than $29 billion, and this, plus other foreign holdings, have brought the total dollar "overhang" to more than $50 billion.

We must not be impatient about the reflow of dollars which are held abroad. The enactment of the Administration's gold bill, increasing the official dollar price of gold by eight and a half per cent, should do much to help. But until this takes place, there can be some continued uncertainty about monetary developments. The dollar is not yet out of the woods—or should I say Bretton Woods.

In any event, for the short-term at least, American traders now have the advantage of a general upward realignment of foreign currencies, averaging around seven per cent, thus making American products more competitive. Actually, calculations of the average appreciation of the currencies of our major trading partners (except Canada) indicate a greater advantage of 10 to 12 per cent for the dollar.

We in the Council welcome the realistic realignment of exchange rates as an interim step toward a truly workable international monetary system. We believe that a foremost imperative for world economic progress is to resolve disparities which had developed in the functioning of the Bretton Woods system.

Another fact of life in the real world of international business is the significant number and variety of non-tariff barriers still obstructing commerce in the aftermath of the tariff cuts negotiated at Geneva under the Kennedy Round and completed at the start of this year. Some say it is time for a Nixon Round of negotiations aimed at removal of non-tariff barriers. Others say there will be no trade bill in Congress this year, which would authorize the United States to enter new trade talks, because of the fear that it would be saddled with protectionist amendments.

Pending new negotiations, world traders must face the reality of import quotas, exchange controls, administrative restrictions and other obstacles to trade. More than a thousand of these arbitrary barriers are said to be listed in a document compiled by the secretariat of the General Agreement on Tariffs and Trade.

We must continue to support stronger initiatives to achieve trade expansion through international agreements for the reciprocal reduction or removal of non-tariff barriers. These negotiations must call for sound bargaining based on the principle of enlightened national interest, promising real advantage for expanding markets for U.S. products, with the interest and well-being of agriculture as well as industry fully comprehended.

Negotiations with the European Economic Community thus assume particular importance. The coming expansion of the Common Market raises serious questions for United States traders. Will the enlarged Market maintain its wall against American farm exports? Will it keep up its preferential arrangements with African countries? We should call for a phasing out of discriminatory trading arrangements and would hope instead for progress in trade liberalization on the most-favored nation basis. The conditions for world trade must be based on equity and reciprocity.

We can no longer rest assured that we enjoy a monopoly on all advanced technology or on production techniques or even managerial skills and know-how. Our trading partners abroad challenge us for markets in Latin America, Africa, Asia and even in our own backyard.

Indeed, our shares of markets have been declining in the face of this competition. World exports last year are estimated to have amounted to $343 billion, of which the United States exported $43 billion, or 12.6 per cent of the total. Ten years ago the world total was $134 billion, of which the United States had a 16.7 per cent share.

Last year the United States had its first trade deficit since fiscal year 1893, amounting to more than $2 billion. Even taking into consideration the boost for American competitiveness provided by the New Economic Program, it must be recognized that some time will elapse before any substantial improvement in our trade balance will be realized. Realistically, a trade deficit estimated at about $1 billion for 1972 would probably be in the ballpark. Another significant balance of payments deficit is clearly in the offing. However, we should look for an improvement in our balance of payments as well as the beginning of a buildup in our trade surplus in 1973.

We are still the world's leading exporter and importer, and I know that—competition or no competition—we intend to keep it that way. You gentlemen, who are on the firing line of world trade, know better than any that America can compete.

But today there is a clear negative reality; namely, the threat to the future growth of our foreign markets in the form of legislation which would have a disastrous effect on America's international companies and the U.S. economy. I refer to the Burke-Hartke bill, entitled "Foreign Trade and Investment Act of 1972," which in its restrictive and protectionist trade aspects, could be more damaging to America's real economic interests than was the Hawley-Smoot Tariff Act of 1930. This legislation would create a new agency to impose quotas on imports of certain goods, would establish controls on the transfers of both capital and technology, and would increase taxation on foreign source income primarily by doing away with the long-established credit allowed for foreign taxes paid and making immediately taxable all foreign earnings even though not remitted as dividends.

Much has been said and written about this proposed legislation. Much will continue to be said and written. In November of last year we in the Council published a document on this subject as a result of a survey of our membership entitled, "The Impact of U.S. Foreign Direct Investment on U.S. Employment and Trade." If I were to make just one point today, the enactment of the Burke-Hartke bill would achieve effects just the opposite of those intended by the proponents of the bill. Instead of saving jobs for American workers, it would cost jobs of American workers. Instead of helping exports, it would curtail exports.

One can readily understand the emotional basis for legislation of this type. When Americans are out of work, the instinct is to pass a law, or do something drastic so they can go back to work. But this bill is self-defeating. It assumes that management is more interested in creating foreign jobs than in creating jobs at home. That is just not so.

The basic problem of maintaining full employment and an equitable bearing of the burden of adjustment to changes in industrial production and trade patterns must not rely on restrictive measures as proposed in the Burke-Hartke bill, but should rely on expansionist approaches which would increase the contributions of international companies to our balance of payments and which would increase the level of employment in the United States and internationally. It is one of today's realities that United States growth is tied directly to world economic growth and cannot be increased at the cost of growth elsewhere.

It is my hope that labor organizations who seem to be campaigning so actively for the Burke-Hartke bill will begin to appreciate the true economics of what they propose before it is too late. Nobody wants a return to the Hawley-Smoot era or to the Depression and the shrinkage of world trade which came with it.

To try to reach full employment through restrictive measures aimed at cutting off imports, slowing the flow of technology and prohibiting foreign direct investment is to multiply several fold the effects of the "beggar-thy-neighbor" policies of the 1930's. Rather, we should be pursuing policies which seek to solve the problems of industrial growth and change through expansion and not contraction or economic isolationism.

At the New York Economic Club dinner the other night, Secretary of Commerce Peter G. Peterson was asked how he assessed the political outlook for the Burke-Hartke legislation and whether the Administration planned to take an active role in working for its defeat. In referring to the economic climate which prevailed just before the New Economic Policy was announced last August, Secretarv Peterson said:

"In that environment, with high unemployment, I think I can say almost emphatically that the odds of your getting something like the Burke-Hartke bill, which I would consider a national disaster, were much higher than they are at the present time."

He went on to say "the Administration is doing everything it can to make its position clear—that the effects that are being discussed today are very understandable, they're very human and we must do something about the unemployment problem in this country—we've got to do more about the whole adjustment process—which is getting more serious, but to do it in a way that would close off America would not only have the most serious kinds of effect on our competitiveness on our productivity, indeed on our jobs, but in my view on the kind of world that it would become if this country were to close itself off, because we are entering a world where you cannot separate economics from politics."

Earlier I referred to the progress which you have all made in the effective use of containers. I would be remiss if I did not also commend progress that has been made in a corollary area, namely, that of documentation. The National Committee on International Trade Documentation has shown that our annual foreign trade amounts to 18 million shipments, export and import, and these shipments create more than 800 million documents which generate a total of more than six billion copies. The cost of documents is said to be about 7 per cent of the cost of the product. Much has been accomplished in the direction of the simplification of all this paperwork, notably the development of the United States Standard Master for International Trade, a format which will incorporate commercial forms with the Government Bill of Lading, Drawback Form, Export License and Customs Entry Forms.

Even greater progress in this partnership between government and business is again one of the realities of doing international business.

The Office of Facilitation of the Department of Transportation has provided leadership on the governmental side in the alignment of commercial and governmental documents; in achieving agreement with other shipping nations for an intermodal through Bill of Lading applicable to all surface cargo movements; in studies for a standard transportation commodity description and code system, a uniform system of marking and identification of containers, and other steps toward the development of coordinated transportation services in the intermodal environment which characterizes today's transportation industry.

All concerned agencies of Government are strongly bending their efforts toward helping American traders to expand sales abroad. For example, there is the Administration's legislation for the DISC. The Domestic International Sales Corporation is a means for achieving limited deferral of taxes on export sales income to thus make us more competitive internationally. Without going into the details of this new mechanism, I commend it to the attention of any exporter or potential exporter who has not already looked into its possibilities. Besides the statutory departments of our government such as State, Treasury, Commerce and Agriculture, we have as partners with business of course the Export-Import Bank of the United States and such other agencies as the Foreign Credit Insurance Association and the Overseas Private Investment Corporation.

The National Export Expansion Council is another example of effective government-business partnership. This organization originated with a directive by President Eisenhower on March 17, 1960 which resulted in the creation of a National Export Expansion Committee of five members. Today, as the National Export Expansion Council, it is composed of some 80 business, labor and professional leaders. It is concerned with advising the Secretary of Commerce on overall coordination of the national export expansion program. The 19-member Executive Board provides planning and policy direction and develops recommendations on international business programs, working through five action committees, export finance, taxation, transportation, export promotion and trade and investment in developing countries.

In turn, the 42 Regional Export Expansion Councils, which coincide with the Department of Commerce field offices, are comprised of dedicated private businessmen and professionals who develop and implement practical programs to stimulate greater interest in exporting. They serve in an advisory capacity on a great variety of export trade matters to assist those who are already in and those who want to enter the export field. I urge everyone here to fully utilize and take advantage of the services and programs of the Regional Export Expansion Councils and the Field Offices of the Department of Commerce.

Last year the United States exported $65 billion worth of goods and services. This was equal to about six and a half percent of our gross national production of goods and services. We can raise this percentage. I am confident and find great comfort in the knowledge that, supported through your work and efforts, American leadership in world trade can and will continue.

Mr. ASPIN. Mr. Speaker, on March 16, the distinguished gentleman from Minnesota (Mr. FRASER) and I introduced the Workers Readjustment Assistance Amendments of 1972. This legislation will improve and liberalize rules of eligibility and benefits for workers who seek adjustment assistance. The present system, Mr. Speaker, to be quite blunt, is a disaster. The Tariff Commission which determines eligibility of workers and of firms has been totally unresponsive to the needs of both groups. Between 1962 and 1969 not one single application for workers adjustment assistance was approved by the Tariff Commission. Since then the number of approved applications has been extremely limited.

The purpose of our legislation is to remove the Tariff Commission from the process of determining workers eligibility for adjustment assistance. Our bill provides for the establishment of 12 regional councils known as industry councils that will be made up of three representatives of labor, three representatives of management, and three public members all appointed by the Secretary of Labor. The regions outlined in the legislation will parallel the present Federal Reserve districts.

The purpose of this decentralization of the process is to wrestle control from Washington's central bureaucracy which is unfamiliar and unsympathetic to the problems of both workers and firms around the country. Members serving on an industry council will know the problems of their particular region. While industry councils based on a single industrial sector could easily become self serving, a regional council offers the necessary balance between excessive central control and dominance by the narrow interests of a single industry.

Not only have we attempted to establish a middle ground in setting up an industry council, but we also have tried in this legislation to stake out a middle position between extreme free traders and extreme protectionists. A few free traders are willing to offer concessions to foreign competition without providing assistance to displaced workers. Many protectionists are willing to throw away all of the important benefits that free trade provides rather than lose a few jobs. Our bill will permit the continued expansion of free trade, which eventually produces more jobs than it destroys, and at the same time provide adequate compensation for affected workers.

It is my hope that if the Congress during this session debates the issue of trade, it will take into serious consideration striking this proposed balance between extreme free trade and protectionism. Free trade is the best route to economic prosperity but it cannot be achieved without providing displaced workers with a chance to start a new life, and find a new job.

SCHOOL BUSING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STOKES) is recognized for 60 minutes.

Mr. STOKES. Mr. Speaker, I have requested time this afternoon to bring together my colleagues from the Congressional Black Caucus and many of our colleagues in the House to discuss President Nixon's proposals concerning school busing. We will be discussing the President's statement of March 17, 1972, and two bills which have been introduced to implement his recommendations.

The first of the bills, H.R. 13915, was introduced by the gentleman from Ohio (Mr. MCCULLOCH), the gentleman from Michigan (Mr. GERALD FORD), and the gentleman from Minnesota (Mr. QUIE). It is entitled the "Equal Educational Opportunities Act" and has been referred to the Committee on Education and Labor.

The second bill, H.R. 13916, was introduced by the gentleman from Ohio (Mr. MCCULLOCH) and the gentleman from Michigan (Mr. FORD). It is entitled the "Student Transportation Moratorium Act."

Before discussing the specifics of the two bills, I must comment briefly on the President's statement and the policy it reflects. There seem to be several basic themes. The first theme is that the struggle to dismantle the dual system of schools is over. By proclaiming victory, President Nixon justifies his proposal to limit the remedies which have been most successful in bringing about desegregation. Several times he states that:

> The dismantling of the old dual system has been substantially completed.

That statement is tragically and grossly incorrect. The administration's own data indicate the minimal progress which has been made since Brown against Board of Education was decided. On June 13, 1971, the Department of Health, Education, and Welfare released data on desegregation of schools. In the continental United States the following figures indicate the degree of de facto segregation which remains:

NEGROES BY STATE—NUMBER AND PERCENTAGE ATTENDING SCHOOL AT INCREASING LEVELS OF ISOLATION, FALL 1968 AND FALL 1970, ELEMENTARY AND SECONDARY SCHOOL SURVEY

				Negroes attending													
		Negro		0 to 49.9 percent minority schools		50 to 100 percent minority schools		80 to 100 percent minority schools		90 to 100 percent minority schools		95 to 100 percent minority schools		99 to 100 percent minority schools		100 percent minority schools	
State	Total pupils	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States:																	
1968	43, 353, 568	6, 282, 173	14. 5	1, 467, 291	23. 4	4, 814, 881	76. 6	4, 274, 461	68. 0	4, 041, 593	64. 3	3, 832, 843	61. 0	3, 331, 404	53. 0	2, 493, 398	39. 7
1970	44, 877, 547	6, 707, 411	14. 9	2, 223, 506	33. 1	4, 483, 905	66. 9	3, 311, 372	49. 4	2, 907, 084	43. 3	2, 563, 327	38. 2	1, 876, 767	28. 0	941, 111	14. 0

Thus, 49.4 percent of black students are still in schools which are over 80 percent black, and 14 percent of black students are still in 100 percent segregated schools.

The figures on blacks in the 100 largest school districts are even less encouraging.

NEGROES IN 100 LARGEST (1970) SCHOOL DISTRICTS BY GEOGRAPHIC AREA—NUMBER AND PERCENTAGE ATTENDING SCHOOL AT INCREASING LEVELS OF ISOLATION, FALL 1968 AND FALL 1970, ELEMENTARY AND SECONDARY SCHOOL SURVEY

				Negroes attending													
		Negro		0 to 49.9 percent minority schools		50 to 100 percent minority schools		80 to 100 percent minority schools		90 to 100 percent minority schools		95 to 100 percent minority schools		99 to 100 percent minority schools		100 percent minority schools	
Area	Total pupils	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States:																	
1968	10,328,038	3,195,127	30.9	415,162	13.0	2,779,965	87.0	2,468,005	77.2	2,298,320	71.9	2,148,363	67.2	1,745,219	54.6	1,041,396	32.6
1970	10,482,814	3,387,423	32.3	544,109	16.1	2,843,314	83.9	2,431,526	71.8	2,224,162	65.7	2,000,227	59.0	1,513,616	44.7	710,181	21.0
32 Northern and Western:[1]																	
1968	5,747,849	1,796,111	31.2	248,067	13.8	1,548,044	86.2	1,303,789	72.6	1,171,311	65.2	1,047,760	58.3	752,904	41.9	296,376	16.5
1970	5,787,264	1,909,984	33.0	250,812	13.1	1,654,172	86.9	1,399,940	73.3	1,269,931	66.5	1,129,751	59.1	801,715	42.0	316,148	16.6
6 Border and District of Columbia:[2]																	
1968	1,340,469	470,901	35.1	62,122	13.2	408,779	86.8	375,791	79.8	357,807	76.0	343,097	72.9	278,341	59.1	145,386	30.9
1970	1,360,862	487,435	35.8	66,122	13.6	421,313	86.4	383,259	78.6	364,189	74.7	342,118	70.2	286,306	58.7	150,463	30.9
11 Southern:[3]																	
1968	3,239,720	928,115	28.6	104,973	11.3	823,142	88.7	788,425	84.9	769,202	82.9	757,506	81.6	713,974	76.9	599,634	64.6
1970	3,334,688	990,004	29.7	227,175	22.9	762,829	77.1	648,327	65.5	590,042	59.6	528,358	53.4	425,595	43.0	243,570	24.6

[1] Alaska, Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin and Wyoming.

[2] Delaware, District of Columbia, Kentucky, Maryland, Missouri, Oklahoma, and West Virginia.

[3] Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia.

These statistics demonstrate two points. Clearly, desegregation is far from completed. Perhaps even more important, desegregation has progressed much more slowly in the North and West than in the South. The lack of progress in the North reflects the greater degree of segregation in housing in urban areas. The chance of a neighborhood school being segregated are greater in the North than in the South because of housing patterns. Busing, which has sometimes been used to bring together students from different neighborhoods, has been a valuable tool in desegregating these schools. It cannot be lightly discarded.

Another of the President's themes is that busing, in and of itself, is somehow objectionable. His view appears to be that the inconvenience, the disruption, and the expense of busing outweigh the benefits of desegregation. He admits that the courts turned to busing because it offered a realistic and immediate aproach. A busing plan benefits students now in school, not students yet unborn, as plans to construct new facilities would. Because he is satisfied that the struggle for desegregation is over, the President sees no harm in eliminating the effective and immediate tool of busing.

President Nixon cites Chief Justice Burger's statement in the Swann case to the effect that schools cannot be made to solve all of the probems of racial discrimination. Ironically, he never mentions the discussion, in the same opinion, of busing. The reason for this omission is obvious. The Chief Justice, speaking for the unanimous court, upheld the district court's conclusion that assignment of students to their neighborhood schools would not have produced a dismantling of the dual school system in Charlotte. In short, busing was not merely justifiable but necessary in that instance. *Swann* v. *Board of Education* (402 U.S. 1, 29–32 (1971)).

The President's proposal directly conflicts with the reservations of Chief Justice Burger about "rigid guidelines—for application to an infinite variety of problems." Swann at 29. The President would have national uniformity. Courts would be deprived of flexibility to deal on a case-by-case basis with local problems. Busing, which the court upheld in Swann, and which has been successfully used in many cases would be uniformly prohibited.

Finally, President Nixon speaks of equalizing educational opportunities without busing. His plan smacks of Plessy v. Ferguson. He would leave the students, black and white, affluent or destitute, where they are. He speaks of providing additional funds to the poorer schools to bring them up to parity with the better schools. Actually, his proposal provides no new or additional funds to improve poor schools. It simply shifts funds already budgeted, eliminates the cost of busing, and continues programs which were to be funded for just 1 year. In short, the President has once again spelled out a "benign neglect" policy both with respect to desegregation and to improvement of the quality of education.

Let me now comment specifically on the substance of the President's proposals, the bills themselves. The moratorium bill, H.R. 13916, provides for a halt to busing for purposes of desegregation. Busing, under a court order or a desegregation plan submitted under title VI of the Civil Rights Act of 1964, would be stopped until July 1, 1973 or the date of enactment of permanent legislation, whichever is earlier. The bill contains "findings" by the Congress to the effect that busing has been extensive and excessive and that there is a need for national uniformity of standards on reassignment and busing for purposes of desegregation. Nearly 45 percent of all students are bused, and less than 3 percent of that total are bused for purposes of desegregation. Busing can hardly be considered either extensive or excessive. I share the view expressed by Chief Justice Burger that national uniformity on the subject of busing is not only unnecessary but impossible if we are sincere about desegregation. Swann at 29 to 32.

My basic opposition to the moratorium bill is that it will leave thousands of black children where they are, in poor, segregated schools, while the Congress considers ways to improve their lot. Busing, which can provide some relief to some of those children, would be proscribed. This lost time will never be regained. I submit that this moratorium is essentially similar to a stay of proceedings which is available in court proceedings. Why should Congress grant a stay in all cases, including those which are not even on appeal, when that relief is available through the appellate court process.

It makes for more sense to allow the courts to continue to weigh the arm to black children against the expense and inconvenience of carrying out a busing order in individual cases. I note that the courts frequently issue such stays and expedite the appeal process. This was done very recently by Judge Haynsworth in the Richmond case decided by Judge Mehrige.

Whatever happens on the issue of a moratorium on busing, we must confront several very serious policy questions in the equal educational opportunities bill, H.R. 13915. That bill is proposed as the ultimate, long run program to desegregate schools. In reality, it would perpetuate and even promote segregation. The grandiose and eloquent statements of policy are empty because of severe limitations on existing remedies.

The congressional finding in section 3(a)(2) that "the abolition of dual school systems has been virtually completed and great progress has been made and is being made toward the elimination of the vestiges of those systems" is more than a self-serving declaration by the Nixon administration. It will become a convenient excuse for courts and the administration to stop desegregation efforts where they are. It tells courts and administrations that we have gone far enough.

In sanctifying the neighborhood school concept, the bill promotes the theory of separate but equal schools. Given the realities of present housing patterns, neighborhood schools will be segregated. The bill provides no remedies to deal with this situation and eliminates two remedies which have been fashioned by the courts. Busing is proscribed absolutely with respect to students in the sixth grade and below, and is virtually impossible to justify for students in the 7th grade and above. Decisions like that by Judge Mehrige in the Richmond case would be all but eliminated. That case involved the merging of school districts despite politically determined boundary lines. Section 404 of this bill would require, as the basis of such an order, a showing that the "lines were drawn for the purpose—of segregation—and had the effect of segregating children among public schools." This imposes a nearly unbearable burden on a plaintiff seeking relief. He must go back to the time of the creation of the districts and show that lines were drawn to establish segregated schools. In many cases, this simply is not true and in nearly all cases it could not be proven. This section thus eliminates decisions like that in the Richmond case.

Finally, I must express my complete amazement at the provisions contained in section 406. The section provides that:

> On the application of an educational agency, court orders or desegregation plans under title VI of the Civil Rights Act of 1964 . . . shall be reopened and modified to comply with the provisions of [the] act.

The effect of this section would be to permit all of the existing court orders and desegregation plans to be challenged on the basis of the limitations of remedies contained in this bill. Busing plans would, of course, be the most seriously affected. Desegregation programs which are now operating effectively and with a minimum of controversy would be subject to attacks which would reopen old wounds and undo all gains. The doctrine of stare decisis would be meaningless. Cases which have been through years of appeals would be relitigated with all of the delays and expenses that would involve. This provision amounts to a retroactive rollback of many of the gains for which we have struggled so long.

I have serious doubts about the constitutionality of the President's proposals to limit desegregation remedies. Congress clearly has the power to enforce 14th amendment guarantees.

The power of Congress to restrict or dilute the guarantees of the 14th amendment was specifically considered by the Supreme Court in *Katzenbach* v. *Morgan,* 384 U.S. 641 (1965). Speaking for the majority, Mr. Justice Brennan said that section 5 of the 14th amendment "does not grant Congress power to—restrict, abrogate, or dilute" the guarantees of equal protection and due process. Morgan at note 10, page 651. I submit that this is exactly what the administration bills are designed to do.

The personal rights of litigants to equitable relief, where appropriate, would be cut off by this legislation. The determination of the proper scope of equitable relief should be left to the courts. The President should ponder the statement on the subject by Chief Justice Berger in the Swann case:

> In seeking to define the scope of remedial power or the limits on remedial power of courts in an area as sensitive as we deal with here, words are poor instruments to convey the sense of basic fairness inherent in equity. Substance, not semantics, must govern, and we have sought to suggest the nature of limitations without frustrating the appropriate scope of equity. *Swann* at 31.

The administration proposal would "frustrate the appropriate scope of equity" and would deny litigants their personal rights to adequate, effective relief. Substantive rights without appropriate remedies become meaningless.

In view of the provisions I have discussed, it is hardly surprising that the council of black appointees of the Nixon administration is reportedly dissatisfied with the President's proposals and is studying changes. What is distressing about that report is that the black appointees apparently had virtually no input into the drafting of the bills. The administration plan is far more than an antibusing plan, it is a plan to limit future desegregation efforts and to roll back many of the gains.

We have come to expect the worst from an administration which began its civil rights enforcement efforts by intervening to delay desegregation of Mississippi schools.

Able, dedicated civil rights leaders like Frank Render, Leon Panetta and Clifford Alexander worked within the administration but were forced out because of their effectiveness and unwillingness to back down. These bills are the culmination of a progression of actions which have chipped away at our gains and made further progress more difficult. We begin today to struggle against the constraints of this regressive legislation.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may extend their remarks on the subject matter of my special order today.

The SPEAKER pro tempore (Mr. LINK). Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. RANGEL. Mr. Speaker, I believe that most Americans are against any form of racial discrimination and that they accept the fundamental provision prohibiting it. It follows, therefore, that any child, black or white, has the right to be free from discrimination in our public schools.

President Nixon, however, believes otherwise.

In his speech to the Nation and in the legislation he has just sent to Congress, the President has clearly cast his ballot in favor of racial discrimination, injustice, and unequal opportunity. He has submitted a bill with the misnomer, Equal Educational Opportunities Act, a proposal which, if enacted, would guarantee unequal, antieducational, nonopportunities for millions of black American children.

A close examination of the Presidential proposal makes it obvious that he has surrendered to the forces of regression and racism. His bill opens with a series of fallacious findings which would lay down a smokescreen of deceit in front of our citizens. Were Congress to adopt the President's contention that "the abolition of dual school systems has been virtually completed and great progress has been made and is being made toward the elimination of the vestiges of those systems," then Congress would shut its eyes to the truth: the Department of Health, Education, and Welfare has reported that only a minority of black children—in the North and in the South—attend integrated schools.

The truth is that school busing constitutes the largest transportation system in the country and that only a small percentage of those who ride the buses each day do so for reasons of racial or educational equality; they simply live beyond walking distance of any neighborhood school. Furthermore, since students will travel by schoolbus for many years to come, the President and Congress must take decisive action to establish rigid schoolbus safety standards—regardless of the present controversy.

We did not hear the voice of President Nixon raised when it was black children who were bused away from their own neighborhoods to segregated schools. But the administration would now outlaw the use of busing to achieve a positive result.

The Nixon legislation shows a total lack of understanding of the system of justice which we have developed over the past 200 years. He criticizes the Supreme Court for failing "to establish a clear, rational, and uniform standard for determining the extent to which a local educational agency is required to reassign and transport its students in order to eliminate the vestiges of a dual school system," ignoring the fact that our courts are bound to consider the individual circumstances in each case. We all recognize that each town and city is different, and that is senseless to argue that the courts should disregard variations found in specific cases. However, the cardinal concept is, however, well established: racially discriminatory and unequal schools are intolerable under our Constitution.

We are told that the President is opposed to discrimination, yet his legislation would curb the equity powers of our courts to remedy the effects of that discrimination. Adoption of the President's bill would render the right to equal and quality education a meaningless sham.

We are told that the President believes in "law and order," yet he proposes that any school desegregation case already decided under title IV of the Civil Rights Act of 1964 be reopened at will. Does "law and order" mean overturning the antidiscrimination laws and court decisions of the past? Yes, according to the President.

Congress cannot morally adopt the Nixon plan. It cannot in good conscience succumb to the lure of the bigot. It cannot now reverse the slow, hard-won progress made by those who believe in civil rights and equal opportunity for all Americans.

The question of busing has become a presidential red herring designed to perpetuate racial discrimination and deny educational opportunity to black children.

Mr. CONYERS. Mr. Speaker, I sometimes wonder how far a President will go to mislead his countrymen, and how far they will let him go before realizing that they have been swindled. Surely Mr. Nixon has gone too far this time trying to coax the public to participate in his antibusing sideshow. A proposal which appears to contain something for everybody is in reality the worst kind of political sham.

Mr. Nixon is playing a game which threatens to tear at the already delicate legal and social balance in this country.

He has chosen to cater to the fear of the powerless and to manipulate the power of the fearful. Quality education, no matter how important and basic to a nation's growth, will not solve the problems of school desegregation. And school desegregation, no matter how vital to a healthy, integrated society, will not by itself bring us quality education.

There is no question that a horrendous deficiency exists in today's education. Thousands of schools, black and white, are inadequately funded, poorly staffed, and isolated from the mainstream of American life. Money is desperately needed to rectify the deficiencies of these schools and it must come in great quantities and soon. But, Mr. Nixon's legislation, promising as it may appear to some on the surface, does not solve the economic needs of education. While minimal emphasis is placed on aid to ghetto schools, the bill basically rearranges funds which have already been requested by the President.

Quality education is more than airy classrooms, well-paid teachers, and lots of books. There can be no quality education without integration. Quality education means an educational experience which will lay the foundation for intelligent participation in a democratic society. Children who are raised in isolation can hardly be expected to understand their society and its workings. And, since children learn more from each other than from any other resource of the education environment, there can be no better way to achieve this understanding than through schools which are representative of their society. Integrated education that has the support of the community is working in hundreds of American communities in every region. It can and does result in better education for all children—black and white, rich and poor.

The ruse of "quality education" is not the worst of the Nixon hoax. The President has used as his final justification for the busing moratorium recent polls which say black parents do not like busing either. But what he has not dealt with is the sentiment supported by a recent Gallup poll that 80 percent of the black people interviewed believe that if busing will get them what they want—which is good education for their children—then busing it will have to be.

By rejecting busing out of hand, Mr. Nixon is creating an impression that the courts have ordered excessive busing. This is simply not true. Court-ordered busing has generally not been excessive, nor have courts engaged in indiscriminate racial balancing.

There is a popular belief that busing to desegregate schools has resulted in more overall busing. This has not been the case. Children have been bused so long as there have been buses. A careful look at the Department of Health, Education, and Welfare statistics on busing since 1929 shows that while the number of children bused to school has risen gradually, along with an increase in the total number of children, the rate of increase has not. That is to say, in 1929, 7.4 percent of all schoolchildren were bused. That figure rose about 10 percentage points every 10 years up to 1959. It did not increase after 1954. What is more, the rate of increase has actually dropped since 1959. Yet in the 18 years since Brown against the Board of Education busing has not been massive, where is the basis for current fears? How many times have children been bused to maintain segregated patterns of education? Where are the cries against busing poor little children far from home then? How many times have children been bused past white schools to black schools farther from home?

Despite his public promise to find means to replace busing as a tool of integration, Mr. Nixon has simply not delivered. His revelation that he found an alternative to busing turned out to be just another Presidential pretense. Instead of replacing that so-called bad means to a good end, he has left open the possibility of a bill of questionable constitutionality, sought the enactment of legislation which would inhibit the Federal courts or administrative agencies from rectifying acts which have already been declared illegal by the Supreme Court, and generally muddled an already confused and desperate problem.

Although by the President's own claim, the proposed moratorium on busing would only forbid implementation of new busing ordered by the courts, closer examination of the bill throws this already doubtful proposal into further question. Section 406 of the so-called Equal Educational Opportunities Act states:

> On application of an educational agency, court orders or desegregation plans under Title VI of the Civil Rights Act of 1964 in effect on the date of enactment of this Act and intended to end segregation of students on the basis of race, color, or national origin shall be reopened and modified to comply with the provisions of this Act.

With administrative support and diligent application, this small, unobtrusive section could become the tool for destroying the foundation of desegregated education as we have come to understand it—modest as it has been—in the past 18 years.

So, where are we left now? We could be saddled with legislation which is claimed to do much but which in effect would do very little. It would neither meet the desperate economic needs of education, nor would it resolve the dilemma of integrated education. Those who have remained loyally committed to fighting separate and unequal societies have now been told that the 1954 Brown decision and the Civil Rights Act of 1964 are no longer basic underpinnings of national domestic policy. Even those who oppose busing but favor integrated education have been cheated. And in the process of confusing the issue, the President may very well have succeeded in doing great damage to our constitutional and judicial structure.

Mr. MITCHELL. Mr. Speaker, will the gentleman yield?

Mr. STOKES. I yield to the distinguished gentleman from Maryland.

Mr. MITCHELL. First I want to commend my distinguished colleague, Congressman STOKES, for taking this special order, and I wish to further commend him for the very succinct and precise presentation he has made with reference to the latest maneuver by the Nixon administration. This maneuver, as Congressman STOKES has indicated, is clearly a continuing part of the effort of the administration to wipe out the gains that black Americans have made.

I believe we have to speak bluntly and honestly to this. I believe the school-busing issue is the "white herring" of this political campaign year. It is a much better "white herring" than "law and order" was 4 years ago, because it involves children, motherhood, neighborhood, and the American Constitution. Forty to 65 percent of all school children—depending upon whether you read the school bus or the public transportation statistics—are riding something to school already.

Busing is a very good "white herring" indeed.

Antibusers say they cannot be accused of racism, because they can point to significant numbers of blacks who are themselves against busing. They conveniently ignore the fact that blacks have reasons—centuries of reasons and decades of school desegregation legislation—leading them to conclude that it is time to stop holding out hopes, false hopes, to yet another generation of kids, and start educating their own children, controlling their own schools, and improving their own neighborhoods. But do not believe for a minute that this widespread disillusionment is limited to busing, or even education in general, a fact which I have never heard brought out by the big-time antibusers when they gleefully point to black support.

For most of the antibusing forces in this country, however, the issue is so emotional that it is not affected by blacks for or against. People who might have had trouble supporting unembellished racism, can wholeheartedly support a euphemism for racism. Especially when it involves kids and the American Constitution. And when it occurs in the total absence of moral leadership by the American chief of state.

I thank the gentleman for yielding.

Mr. STOKES. I thank the gentleman from Maryland for his remarks.

I now yield to the gentleman from California (Mr. HAWKINS).

Mr. HAWKINS. First, Mr. Speaker, I would like to commend the gentleman from Ohio for the very fine statement which he has made and for this opportunity which he has given to set the record straight.

I am in agreement with what he has said, and I feel he has made a great contribution to a clarification of the issues in this controversy.

I would like at this particular point, Mr. Speaker, to have inserted in the RECORD a record of the Nixon administration on school desegregation actions and inactions.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

CHRONOLOGY OF THE NIXON ADMINISTRATION'S SCHOOL DESEGREGATION ACTIONS AND INACTIONS

1969

Jan. 29: Five southern school districts, against which Title VI proceedings had been exhausted and termination of federal funds were pending, were given a 60-day period of delay by HEW Secretary Finch. Finch said if the districts came up with acceptable plans, they would receive the lost funds retroactively.

Feb. 6: The President said of freedom-of-choice plans for desegregation—If the plan were "simply a subterfuge to perpetuate segregation, then the funds should be denied to such a school system." But, if a plan were found "to be one which actually is bringing an end to segregation" then it would be "appropriate".

Feb. 10: HEW Secretary Robert H. Finch said that the Nixon Administration would move to enforce school desegregation legislation "nationally, not just in the South." "You've got de facto segregation in every part of this country," he declared, "and we're going to go after it."

March 10: Secretary Finch's interview in U.S. News & World Report alluded to some impending change in the HEW school desegregation guidelines. In addition, the Secretary was quoted as saying that HEW must retain its enforcement powers: "We cannot turn (the entire enforcement-compliance field) over to the Justice Department now because we have built up a certain momentum in education, in terms of getting school districts to recognize that a . . national goal has been set. If you were to chop off everything now in my department, just let Justice handle compliance. . . . I think a lot of this momentum that has been built up would be lost." (See July 3, 1970)

March 14: HEW General Counsel designate Robert Mardian sent Secretary Finch a memorandum advocating, among other things, that HEW might permit an extension beyond the previously established 1969 target date for total desegregation and that this policy could be implemented without any particular public announcement. This memorandum was exposed in an Evans and Novak column.

March 18: The Leadership Conference on Civil Rights received assurance from Secretary Finch that there would be no change in the guidelines.

March 24: Secretary Finch disavowed the Mardian memorandum.

April 15: The *Washington Post* reported that Administration sources claimed that the guidelines were being "revamped" because they were "vague and ambiguous." Secretary Finch and Attorney General Mitchell reportedly attended meetings at the White House on the guidelines.

April 15: The HEW Office for Civil Rights initiated enforcement actions under Title VI of the Civil Rights Act of 1964 against Ferndale, Michigan. This was the first HEW action against a northern district.

April 22: Office for Civil Rights Director, Leon Panetta's letter in response to a letter from Jack Greenberg of the NAACP Legal Defense Fund to Secretary Finch: "The Department is not contemplating any changes in the guidelines at this time."

May 16: Leon Panetta, in a speech in Atlanta, said: "Why can't we continue to use free choice? . . . The answer is that the Supreme Court ruled against it. . . . HEW policies are controlled by that decision."

May 13: HEW submits two year plans to a South Carolina Federal District Court giving 21 districts another year of freedom of choice.

June 20: Jerris Leonard commented that the Administration's position would be that districts are required to desegregate by the target deadline (September 1969) where that was possible." He was also quoted as saying "It's wrong to set arbitrary deadlines." (Washington Post, June 20.)

June 28: Secretary Finch was quoted as saying there would be no relaxation of the guidelines. (New York Times, July 1.)

July 1: Secretary Finch proposed to the White House that a new policy statement on the school desegregation guidelines contain no provisions for more time to comply with the law. (New York Times, July 1.)

July 3: Attorney General John N. Mitchell and HEW Secretary Robert H. Finch announced that no longer would the Administration rely chiefly upon fund cut-offs by the HEW Department to bring districts into compliance. Instead, major emphasis would shift to the use of lawsuits initiated by the Justice Department against noncomplying school systems. Such a shift would, Finch and Mitchell said, minimize the need for termination of funds.

The deadline of September 1969 for complete desegregation was reaffirmed. But the Administration said it would permit exceptions for school districts with "bona fide educational and administrative problems." It continued:

"It is not our purpose here to lay down a single arbitrary date by which the desegregation process should be completed in all districts or to lay down a single arbitrary system by which it should be achieved."

The policy statement was deplored by civil rights leaders and lauded by southerners. It was criticized by the U.S. Commission on Civil Rights as a change to a less effective means of bringing desegregation. School desegregation statistics released by the HEW Department showed that areas under court order achieved substantially less desegregation than those under the jurisdiction of the Department.

July 3: Leon Panetta, Director of the Office for Civil Rights, announced that he planed to send all southern school superintendents a letter explaining the new policy. (Washington Post, July 4.) A few days later Secretary Finch was quoted as saying that no letter of explanation would be sent. He said it was "unnecessary."

July 5: White House Press Secretary said that the Administration was "unequivocably committed to the goal of finally ending racial discrimination in schools."

July 7–8: The Department of Justice filed five school desegregation suits in the South and one in the North. HEW sent termination orders covering three districts to Congress for the one-month waiting period before final cut-off of federal funds. One district submitted an ineffective plan which was accepted by HEW during that month. The other two districts were terminated. These were the last fund terminations for 12 months. In previous years, fund cut-offs had averaged over 150 per year.

August 1: The Department of Justice filed a statewide suit against Georgia to end segregation in the state's public schools.

August 3: The Whitten Amendment to the HEW Appropriations Bill was passed by the House. This Amendment would, in effect, have prohibited HEW from requiring anything other than freedom of choice plans. The Administration took no position on the Amendment. Later, in the Senate, it opposed the amendment.

August 13: In Attorney General Mitchell's speech to the American Bar Association, he said: "The extravagant rhetoric of the last few years have offered promises which cannot be delivered, and have set as immediate goals programs which will take a decade to complete."

August 25: The Administration asked the Federal Courts to delay desegregation in 33 Mississippi districts from September 1969 until September 1970. On August 28 the Fifth Circuit granted the Administration request.

August 26: Civil rights lawyers in the Justice Department met to draft a protest against the Nixon Administration's decision to delay desegregation in southern school districts. The lawyers charged that the Administration had bowed to political pressure from southern Members of Congress to relax the guidelines.

September 16: Vice President Agnew said he was against busing children "to other neighborhoods simply to achieve an integrated status of a larger geographic entity."

September 22: On "Issues and Answers", Secretary Finch said that HEW would continue to use busing as a method of achieving school desegregation.

September 27: Assistant Attorney General for Civil Rights, Jerris Leonard, said, "if the court were to order instant integration nothing would change. Somebody would have to enforce that order." (Washington Post 9–28–69)

October 14: The Department of Justice filed suit against Waterbury, Connecticut. It was the second northern suit filed by the Nixon Administration.

October 29: The Supreme Court in *Holmes* v. *Alexander* unanimously rejected the Administration's request for desegregation delay in 33 Mississippi districts. It directed immediate desegregation, stating that maintenance of segregated schools under the guise of "all deliberate speed" was no longer acceptable.

October 30: Attorney General Mitchell said, in response to the Supreme Court decree, that the Justice Department would bring every available resource to bear in enforcing the decree. He said, "All Americans, state and local officials, judges, federal officials, and citizens will be called upon to understand, cooperate, and comply. If we believe in a society based on the rule of laws, we will do so without hesitation."

December 8: In a news conference, President Nixon said concerning the Oct. 29 Supreme Court order for immediate school integration, that he intended "to carry out what the Court has laid down. I believe in carrying out the law even though I may have disagreed as I did in this instance with the decree that the Supreme Court finally came down with."

December 31: Again, the Administration asked the Supreme Court to delay until September 1970 the desegregation of "uncommitted districts" of the South. The Supreme Court rejected the request on January 14.

1970

January 6: Secretary Finch expressed concern about the South's new private schools. He said there was a move, which he supported, within the Administration to end tax exemptions for private schools chartered to avoid desegregation in public schools. He estimated 300–400 private schools had opened in the South since enactment of the 1964 Civil Rights Act.

January 22: The Justice Department stated in its Pasadena, California, school desegregation brief that all black neighborhoods were no excuse for all black schools. The Department said, "Under the facts in this case, use of a strict neighborhood school policy and a policy against crosstown busing take on constitutional significance as a violation of the Fourteenth Amendment."

February 1: Vice President Agnew announced that President Nixon planned to establish a Cabinet-level committee to counsel southern school districts about implementing court-ordered desegregation plans "in the least disruptive way."

February 12: White House Press Secretary Ronald L. Ziegler indicated that President Nixon believed the North and the South should be subject to Federal school desegregation orders. He re-emphasized that Nixon had "consistently opposed and still opposes compulsory busing of school children to achieve racial balance."

February 17: Leon Panetta was forced to resign as Director of the Office for Civil Rights. He charged that the Administration was willing to yield to southern political pressure at the expense of the dsegregation enforcement effort. (See Panetta book, "Bring Us Together: *The Nixon Team and the Civil Rights Retreat*", 1971)

February 17: President Nixon promised Federal assistance to school districts "in complying with the courts' requirements." He made the statement during his announcement of a Cabinet-level committee, chaired by Vice President Agnew, to aid schools under court orders to desegregate immediately.

February 21: HEW General Counsel Robert Mardian was named Director of the Cabinet Committee on School Desegregation.

February 24: The HEW Civil Rights Reviewing Authority found that the Columbia, South Carolina school system had failed to desegregate its schools as required by Title VI of the Civil Rights Act of 1964. Secretary Finch said he believed Columbia officials had acted in good faith and that he would reconsider the Reviewing Authority's decision if it were appealed to him.

March 1: Secretary Finch condemned the desegregation orders involving busing for Charlotte-Mecklenberg, North Carolina, and Los Angeles, California.

March 3: Two HEW staff members resigned over the pace of school desegregation and 125 other HEW employees in the Office for Civil Rights sent a letter to Mr. Nixon expressing "bitter disappointment" over the forced resignation of Leon Panetta, director of the office.

March 4: John Ehrlichman, President Nixon's chief domestic adviser, said that he opposed the integration of Negro and white students in the public schools if it only served the purpose of mixing the races and did not upgrade over-all educational standards. The White House aide said he believed "that when a change in the racial makeup of the schools is undertaken for a purely social end, that's a misuse of the schools."

March 6: More than 1,800 HEW employees signed and sent a petition to Secretary Finch requesting an open meeting on school desegregation policies.

March 6: Thirty-seven top black officials in the Nixon Administration met with the President and urged him to clarify his position on school desegregation and to take more action in the field of civil rights. The meeting marked the first time the President had met with all his black appointees at one session.

March 9: Vice President Agnew said the most effective means of ending *de facto* segregation in the United States was by creating opportunities for better housing and better jobs for Negroes, not by busing school children simply to achieve racially balanced schools.

March 24: President Nixon pledged in an 8,000-word document that his Administration would not abandon or undermine the school desegregation gains since the Supreme Court's 1954 ruling outlawing "separate but equal" educational facilities. The President said it was his "personal belief" that the 1954 decision "was right in both constitutional and human terms."

He continued:

"I have instructed . . . officials of the Government to be guided by these basic principles and policies:

"Deliberate racial segregation of pupils by official action is unlawful. . . . It must be eliminated at once.

"Segregation of teachers must be eliminated. . . . Each school system in this nation . . . must move immediately . . . toward a goal under which 'in each school the ratio of white and Negro faculty members is substantially the same as it is throughout the system.'

"With respect to school facilities, school administrators throughout the nation . . . must move immediately to assure that schools within individual school districts do not discriminate with respect to the quality of education.

"Transportation of pupils beyond normal geographic school zones (to achieve) racial balance will not be required.

"Federal advice and assistance will be made available on request, but Federal officials should not go beyond the requirements of law in attempting to impose their own judgment on the local school district.

"Racial imbalance in a school system may be partly *de jure* in origin, and partly *de facto*. In such a case, it is appropriate to insist on remedy for the *de jure* portion, which is unlawful, without insisting on a remedy for the lawful *de facto* portion.

"*De facto* racial separation, resulting genuinely from housing patterns, exists in the South as well as the North; in neither area should this condition by itself be cause for Federal enforcement actions. *De jure* segregation brought about by deliberate school-board gerrymandering exists in the North as the South; in both areas this must be remedied. The law should be applied equally."

Mr. Nixon revealed that the Government planned to allocate $1.5 billion over the next two years to help school districts in the North and South alleviate the effects of racial segregation.

He repeated his opposition to student busing simply as a means of achieving racially balanced schools without improving the quality of education, and he said that he was in favor of the neighborhood-school concept.

April 8: Secretary Finch and the new Office for Civil Rights Director, J. Stanley Pottinger, held a press conference in which Pottinger announced that HEW would begin monitoring Southern school districts which had agreed or been told by a court to desegregate. (Washington Post 4–8–70) (HEW has never monitored court-ordered plans.)

April 9: The Department of Justice filed an amicus brief in the Charlotte-Mecklenburg case suggesting that Judge McMillan had committed "an abuse of discretion" by ordering an "extreme" busing plan.

April 11: The Commission on Civil Rights criticized President Nixon's March 24 policy statement on school desegregation as inadequate, overcautious and possibly signaling a major retreat on the issue of school integration.

April 13: The Department of Justice filed a memorandum with the Fifth Circuit Court of Appeals spelling out its strong reservations about the Manatee County, Florida, court order busing provisions.

April 16: Attorney General Mitchell said that everyone has "the right to reject unreasonable requirements of busing and to send their children to neighborhood schools." He said this right is "just as important as the right of all of our citizens to be assigned [to schools] without regard to their race." (Washington Post 4–17–70)

April 27: James E. Allen Jr., U.S. Commissioner of Education, said he intended to continue his work to end school segregation whether it was *de facto* or *de jure*. This statement was at odds with President Nixon's Policy statement March 24 that his Administration could do nothing about *de facto* segregation resulting from neighborhood residential patterns.

April 28: Three Nixon Administration chief civil rights officials and their aides met with South Carolina school administrators and told them that all public schools in the South must implement desegregation plans by the time classes resumed for the fall term. OCR Director, J. Stanley Pottinger said his office soon planned to emphasize enforcement against northern segregation and that "it is time to move as vigorously in the North as other administrations have moved in the South." (Washington Post 4–29–70)

May 5: Secretary Finch said on a television interview program that the Supreme Court should move against school racial segregation caused by housing patterns.

May 21: President Nixon formally asked Congress to appropriate $1.5 billion over the next two years to be used primarily to help finance desegregation of southern schools and to spur northern school districts to integrate voluntarily.

May 25: HEW notified more than 1,000 school districts that they must remove language barriers and other discriminatory practices which handicap national-origin minority children.

May 26: The Justice Department intervened in a desegregation suit in Senora, Texas. This was the first Administration action in a case involving primarily Mexican-Americans.

June 5: The announcement was made that Secretary Finch was leaving HEW to move into the White House as a counselor to the President.

June 10: Dr. James E. Allen Jr. was asked to resign as Commissioner of Education and Assistant Secretary of HEW by Secretary Finch. Allen attributed his dismissal partly to his views on desegregation. He accused the Administration of lacking commitment to the total desegregation of schools. Allen said Finch had told him "he had been directed to seek my resignation."

June 10: The Internal Revenue Service (IRS) announced in a new policy directive that private schools practicing racial discrimination in their admissions policies would have their tax-exempt status revoked. IRS said, however, that a published open admissions statement would be accepted as proof that there was no discrimination.

June 13: New HEW Secretary Richardson said the Administration was doing everything it could under present standards to produce more desegregation in the North.

June 25: Secretary Richardson said he would use Title VI of the Civil Rights Act of 1964 federal fund cut off powers if necessary to enforce school desegregation. (No funds had been terminated since August 6. 1969.)

June 26: The Justice Department filed an amicus brief before the Supreme Court in opposition to the plaintiffs in the Charlotte-Mecklenburg desegregation case.

June 27: Assistant Attorney General Jerris Leonard chastized critics of the Nixon Administration's handling of school desegregation. He said, "I think it's about time that our politically motivated critics stop accusing a department of footdragging [when it] has made more progress in school desegregation in 17 months than was made in 15 years. . . . I'm getting pretty annoyed by the cynical, asinine criticism. All it does is tend to lessen the confidence of black parents and others who are fighting for desegregation." (Washington Star 6–28–70)

July 2: Secretary Richardson ordered the cutoff of federal funds to three school districts under Title VI of the Civil Rights Act of 1964. *There have been no fund cutoffs since.*

July 9: The Justice Department filed suit against 46 southern school districts for failing to produce acceptable desegregation arrangements. Six more suits were filed July 10.

July 16: Assistant Attorney General Leonard confirmed Justice Depatment plans to send a 100-man Federal task force to establish five regional command posts throughout the South in an effort to reduce the potential for disturbances and receive complaints of discrimination as hundreds of southern districts implemented desegregation arrangements for the first time. This activity was in response to the decisions of the Supreme Court and in spite of Administration footdragging.

July 17: The Justice Department issued a statement in Attorney General Mitchell's name declaring that information indicating 100 lawyers were being sent to the South was "premature" and that no decision had yet been made on the number of lawyers to be used.

July 19: Secretary Finch said on "Issues and Answers," "We are not sending any large augmentation of people into the South."

July 20: President Nixon, during an impromptu news conference, said "Our policy . . . is cooperation rather than coercion . . . there cannot be instant integration. But segregation must be ended. That is the law of the land and it is necessary for us to go forward and to end it (segregation) with a transition period which will be as least difficult as possible."

July 30: President Nixon, on sending U.S. officials to the South, said "As far as the number of Federal officials that should be sent to the South, let me emphasize that that will be based on whether those southern districts or states that have this problem of desegregation ask for help, either Justice Department or HEW experts. We are not going to have force—a force policy in this area . . . Our policy is one of cooperation, rather than coercion."

(Top Administration spokesmen told reporters later that the President had erred and that officials would be sent into these areas at the Justice Department's initiative).

August 14: President Nixon visited New Orleans to state his Administration's intention to avoid treating the South as a "second-class part of the nation" in the matter of school desegregation. He said he would meet the responsibility to uphold the Supreme Court desegregation decision. "This is one country, one people, and we are going to carry out the law in that way, not in a punitive way—treating the South as basically a second-class part of the nation—but treating this part of the country with the respect that it deserves, asking its leaders to cooperate with us and we with them."

Mr. Nixon said he had rejected a Federal approach of waiting for trouble and then ordering in Federal enforcers. "I have no patience with those from the North that point the finger at the South and then overlook the fact that in many northern cities and northern states the problem may also be a very, very difficult one."

August 15: Columnists Evans and Novak pointed out that Vice President Agnew had been removed from active participation on the Cabinet Committee on School Desegregation, reportedly to preserve Agnew's standing in the South.

September 6: The New Orleans Times-Picayune reported on an earlier meeting with a group of southerners in which President Nixon stated he had a higher responsibility to enforce the law—and beyond that, to lead the nation out of the energy-tapping racial morass. He said it was time to settle these things, to clean the slate so that the next generation could start fresh.

October 12: The U.S. Commission on Civil Rights reported that there had been a "major breakdown" in the enforcement of the nation's legal mandates forbidding racial discrimination and urged President Nixon to exercise "courageous moral leadership." The 1,115-page report was entitled "The Federal Civil Rights Enforcement Effort."

October 12–14: Solicitor General Erwin N. Griswold, arguing the Government's case before the Supreme Court against student busing and racial balance in the schools in the Deep South, said that white students might flee the South's public schoolrooms if school desegregation were passed too vigorously.

On racial balance in the schools, he said, "I cannot find that in the Constitution." But he rejected the argument that the Constitution prohibited assigning children to schools on the basis of race in order to break up segregated schools.

October 19: The NAACP Legal Defense Fund filed suit against HEW, charging it with "general and calculated default" in its enforcement of Federal school desegregation guidelines.

November 24: Six private civil rights groups charged that the $75 million Emergency School Assistance Program was improperly administered. They found and documented, among other things, that grants went to districts engaging in racial discrimination and projects which were racist in their conception.

November 25: The Office of Education said it planned to send inspectors between then and January 15 to all 812 school districts given grants under the Emergency School Assistance Program, and "where we find violations we are going to crack down." (Washington Post 11–26–72)

December 11: The Office of Education earmarked $3.2 million to help retrain about 1,500 black teachers and principals who had been dismissed or demoted as a result of school desegregation. The Administration made no similar announcement, however, to move legally against districts which discriminatorily dismissed and demoted school personnel.

1971

March 15: The General Accounting Office issued a report on the $75 million Emergency School Assistance Program citing "weaknesses" in the administration of the program. It said the "weaknesses . . . were due, to a large degree, to [a] desire for expenditious funding, at the expense of a more thorough review and evaluation of school districts' applications." The findings confirmed those of the private civil rights groups in their report.

March 16: Senator Robert Dole, Republican National Chairman, said the Nixon Administration must find a credible salesman to improve its image among black voters. He said, "We haven't convinced black Americans that there has been a commitment from this Administration for their cause."

April 20: The Supreme Court ruled in the *Swann v. Charlotte-Mecklenburg* case, among other things, that busing was an acceptable desegregation tool. In so doing, the Court rejected the position advocated by the Nixon Administration.

April 21: Ronald L. Zeigler, White House Press Secretary announced, "The Supreme Court has acted and the decision is now the law of the land and it is up to the people to obey it. It is up to local school districts and courts to carry out the court decision. The Departments of Justice and HEW will carry out their statutory responsibiliites."

April 22: Secretary Richardson said in a speech to an NAACP Legal Defense Fund dinner in New York City, "We are committed to the full enforcement of the requirements of the law. But we are convinced that these requirements can now be fulfilled more effectively by cooperation than by coercion, by persuasion than by force."

May 14: HEW submitted a desegregation plan for Austin, Texas to a federal district court which called for several non-contiguous school zones and required extensive busing necessitating the purchase of up to 100 new buses.

May 28: In an interview, reported in the Atlanta Constitution, Secretary Richardson said southern cities would be told "you now have new tools" to finish the desegregation job and the government will help in any way it can.

June 1: HEW submitted a desegregation plan for Nashville, Tennessee which, like the Austin plan used non-continguous zones and extensive busing.

July 19: A federal court judge rejected the HEW plan for Austin, Texas and adopted instead the local district's plan. The Justice Department had until August 3 to file an appeal.

July 30: The Office of Education sent a memorandum to governors, state and local school superintendents, and HEW personnel concerning priorities under a Congressionally approved resolution continuing the funding of the Emergency School Assistance Program. The memorandum announced that transportation costs would be given very low priority and that local educational agencies were "expected to fund their transportation needs through state and local resources." This memorandum was sent out after Dr. Goldberg himself had earlier told representatives of several groups that money available under the continuing resolution would be used to support additional busing.

August 3: The Justice Department appealed the Austin decision, but accompanied the appeal with a statement from President Nixon which made three points:

First, the District Court decision had to be appealed because it was inconsistent with recent Supreme Court decisions. However, "In the process of the appeal, the Justice Department will disavow [the HEW] plan on behalf of the government."

Second, the President stated:

"I am against busing as the term is commonly used in school desegregation cases. I have consistently opposed the busing of our nation's school children to achieve a racial balance, and I am opposed to the busing of children simply for the sake of busing. Further, while the Executive Branch will continue to enforce the orders of the court, including court ordered busing, I have instructed the Attorney General and the Secretary of Health, Education, and Welfare that they are to work with individual school districts to hold busing to the minimum required by law."

Third, the Administration would submit an amendment to the Emergency School Assistance Act, passed by the Senate but still before the House of Representatives, to prohibit the expenditure of any of those funds for busing.

August 11: Presidential Press Secretary Ziegler disclosed that the President had told the Justice Department and HEW, orally and in writing, to carry out their school desegregation responsibilities "whenever possible without the use of busing." This he topped off with a threat to bureaucrats:

"Those who work within the government are going to be responsive. Those who are not responsive quite possibly will find themselves in other assignments, and quite possibly in assignments not in the Federal Government."

In his pronouncement Mr. Ziegler failed to make clear that Secretary Richardson and Attorney General Mitchell had both approved the Austin desegregation plan. The White House staff had also reviewed the plan, so it must be assumed that they at least had not disapproved it.

August 12: The U.S. Commission on Civil Rights strongly condemned the President's August 3 statement, saying "What the nation needed was a call to duty. Unfortunately, the President's statement almost certainly will have the opposite effect . . . of undermining the desegregation effort."

August 18: The Justice Department asked for a delay in the implementing of an extensive busing plan in Corpus Christi, Texas—a plan drawn up and submitted by HEW 12 weeks earlier. Corpus Christi is 50 per cent Mexican-American and 5 per cent black. Justice Black granted a short delay the next day.

August 19: HEW Office for Civil Rights initiated enforcement proceedings against Prince George's County, Maryland for failure to desegregate according to the requirements of the *Swann v. Charlotte-Mecklenburg* decision.

August 31: Chief Justice Burger refused on technical grounds to stay a racial balance plan for Winston-Salem, North Carolina. Instead he took the unusual step of clarifying" the *Swann* decision. He said that if lower courts "read this court's opinions as requiring a fixed racial balance or quota they would appear to have overlooked specific language" in the *Swann* opinion. Copies of this "clarification" were sent routinely to federal judges with a notation that it was for their "personal attention" followed by the initials "WEB." Some judges were reported to be insulted and distressed by the Chief Justice's "guidance."

September 13: Secretary Richardson said in a press conference, "In the situations where busing is being required now by court orders, by voluntary plans that have been negotiated with HEW, the amount of busing required is necessary in order to eliminate the vestiges of a dual school system. That doesn't mean—as Chief Justice Burger has reemphasized—that the busing is being required in order to achieve racial balance. It is to eliminate the vestiges of the officially required segregation under old laws."

November 7: Ronald Ziegler announced that on November 5 President Nixon telephoned House Minority Leader Gerald Ford to congratulate House Republican leaders on the anti-busing amendments attached to the school desegregation aid bill that week. The Administration did nothing to prevent the House approval of the anti-civil rights amendments added to the higher education bill. President Nixon, in fact, was the chief advocate of one of the amendments. (*Washington Post* 11–7–71)

1972

January 6: An Office of Education official wrote the head of the Florida School Desegregation Consulting Center stating that the Center could not draw up a desegregation plan requested by a federal judge for Memphis, Tennessee. He said the Center can only draw plans at the request of a local school district. This was a new policy. HEW funded Centers like the Florida one have drawn hundreds of plans including the one for Austin, Texas which was withdrawn on August 3.

January 20: In his State of the Union Message, President Nixon said he opposed "unnecessary busing for the sole purpose of achieving an arbitrary racial balance.

February 14: President Nixon met with Congressional proponents of a constitutional amendment to prohibit busing. While he declined to endorse such an amendment for the time being, he said, according to his press secretary, "We do have a national problem, we are not going to leave the situation as it is . . . we are looking for a remedy." Zeigler characterized the problem as ". . . a situation where there is court-ordered busing of such magnitude that it is widely believed to be counterproductive to the children of this nation."

Mr. HAWKINS. following that, I would like to have inserted also a statement contained in a telegram to the President prior to his educational message in which the leaders of prominent national organizations have pleaded with him to refrain from the type of divisive tactics he employed.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

TELEGRAM TO MR. NIXON

MARCH 13, 1972.

DEAR MR. PRESIDENT: We understand that you plan to issue shortly a comprehensive statement on your administration's position on educational policy, including racial segregation and bussing in the nation's public schools.

Since you met, in a well publicized meeting, with those favoring a constitutional amendment to prohibit bussing and to halt desegregation progress, we feel it is only fair that you meet with us at your earliest convenience, and before adoption or dissemination of any school policy. We wish to discuss with you our strong views that:

1. Racial isolation of our children—black and white—in our nation's schools is an educational and legal wrong;

2. Every reasonable means should be employed to end such racial isolation including bussing;

3. The issue at hand is compliance with the law. The constitutional rights of black school children should not be subjected to the political needs of the moment;

4. Our schools are our children's first major involvement with our public institutions and to permit them to incorporate and reflect residential racial discrimination is no less indefensible, legally and educationally, than to fail to eliminate, root and branch, vestiges of official discrimination; and

5. The constitutional rights of school children and quality education are the major issues facing us. Neither can be ignored or achieved by endless debate on peripheral issues like bussing. Black school children should no longer be required to wait for their achievement or to bear a disproportionate burden in their achievement because of America's inability or unwillingness to provide equally for all our children. What is called for now is strong moral presidential leadership counselling compliance with the law as decreed by the Courts of our land rather than defiance and backtracking.

Dr. Ralph Abernathy, President, Southern Christian Leadership Conference, 334 Auburn Avenue, NE, Atlanta, Georgia 30312.

Jack Greenberg, Executive Director, NAACP Legal Defense and Educational Fund, Inc., Ten Columbus Circle, New York, New York 10019.

M. Carl Holman, President, The National Urban Coalition, 2100 M Street, N.W., Washington, D.C. 20037.

Dorothy Height, National Council of Negro Women, 1346 Connecticut Avenue, N.W., Washington, D.C., 20036.

Vernon Jordan, Executive Director, National Urban League, 55 East 52nd Street, New York, New York.

Bayard Rustin, Executive Director, A. Philip Randolph Institute, 260 Park Avenue, South, New York City, New York 10010.

Roy Wilkins, Executive Director, NAACP, 1790 Broadway, New York, New York 10019.

Mr. HAWKINS. Mr. Speaker, while attempting to project an antisegregation public posture, it is the policy of this administration to "pay off" the maintenance of black ghetto schools as a means of avoiding the legal and moral responsibiilties of implementing and enforcing constitutional rights.

The President gives the impression of creating a new policy and making available new Federal funds for what he calls "quality" education. As a matter of fact he is merely bending along with the winds of political pressures and reemphasizing "separate and unequal" schools under the guise of so-called compensatory education.

Despite his own admission that conclusive evidence to support compensatory programs is not available, he is willing to ignore constitutional requirements on the nebulous basis that by spending $300 per child, equal educational opportunities can be achieved.

Actually, the President is resting his case on the racial-inferiority concept of "cultural deprivation" that assumes that black children are deficient and not their schools. He ignores the vast amount of data available that support the theory of the socioeconomic composition of the student body being more important to student achievement than such inputs as class size, teachers, and expensive physical facilities. He is willing to take the costly and wasteful road for the political mileage.

This is not to conclude that only by integration can any improvement be made. The problem is how, if not by desegregating our schools, and at what cost? And who is going to pay it?

It must be obvious that a 3 to 4 percent annual inflation rate, it would require much more than $2.5 billions in new money merely to repair the monetary policy damage to our schools.

Even more, successful compensation education will require structural and reorganizational changes in school systems, a vast amount of community control in decisionmaking, and three to four times more money than is now being expended. In addition we would have to address ourselves to both racism in our society and revolutionary changes in the power structure. That all this is about to happen is as unlikely as a snowstorm in Washington in the summertime.

Even restricting the problem to cost alone, would involve an expenditure three times the current level on title I—ESEA—or about $3.5–4 billion, plus strengthening teacher personnel, and capital expenditures for many more classrooms. The total has been estimated to exceed $15 billion a year and with no assurance of substantial and lasting success.

In partial recognition of this cost the President proposes to rescue only about a fifth of the target population of disadvantaged children. This he calls "the critical mass" concept of confining the benefits to fit into a Federal outlay of $2.5 billion. This raises a curious legal question as to the constitutional rights of the ignored children who will be denied even compensatory education.

It is this brutalizing assault on children we know to be in need of educational and constitutional protection that constitutes the danger in Nixon's political expediency. His words of sophistry that "conscience and the Constitution both require that no child should be denied equal educational opportunity" are revealed as a sham and a ploy without substance, with no expectation of fulfillment.

The President's proposals have set us on a dangerous course of confrontation that leads to disunity, despair, and even violence. In a period which calls for greatness, he has abdicated to the bigots and political demagogues. It is now left to the Congress to lead. And, I submit, Mr. Speaker, this is our opportunity and responsibility if we would uphold the Constitution and move our country ahead.

Mr. STOKES. Mr. Speaker, I thank the gentleman from California for his contribution.

Mr. Speaker, I now yield to the distinguished gentleman from Massachusetts (Mr. DRINAN).

Mr. DRINAN. Mr. Speaker, I want to commend the distinguished gentleman from Ohio for arranging this special order so that we would have at least a moment of rationality on this particular subject.

Mr. Speaker, I ask unanimous consent at this time to place in the RECORD a number of editorials which have vigorously opposed the recent statements on this subject by the President. The Boston Globe, the Milwaukee Journal, the Washington Post, the New York Times, and many others have criticized as incredible and unbelievable, President Nixon's statements.

The SPEAKER pro tempore (Mr. LINK). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The material referred to follows:

[From the New York Times, Mar. 18, 1972]

False Busing Crisis

President Nixon has snatched the anti-busing ball off the muddy field of Florida primary politics and is trying to carry it to a November touchdown, whatever the price in national division. In his televised address Mr. Nixon rejected demands for a Constitutional amendment to ban school busing, not because it would trivialize the Constitution, but only because "it takes too long."

With a strident appeal for "action now" that lent a presidential imprimatur to the hysteria already distorting this issue, Mr. Nixon has asked Congress to pass legislation that would "call an immediate halt to all new busing orders by Federal courts."

Far from adding perspective to the argument, the President further confuses it by inveighing against the busing of children over long distances to inferior schools "just to meet some social planner's concept of what is considered to be the correct racial balance. . . ." He wants to save a generation of children from the policies of those who are putting "primary emphasis on more busing rather than on better education."

All this paints an alarming picture of a reality that does not exist. No new legislation is required to prevent the courts from mandating racially balanced schools. In a unanimous ruling based on an opinion written by Chief Justice Berger last April, the Court upheld busing as a means of dismantling dual school systems. At the same time, however, the Court stated explicitly that it had neither mandated nor considered desirable the establishment of a racial balance or of any "fixed mathematical norms."

The Burger ruling stressed that, where there was no history of discrimination, "it might well be desirable to assign pupils to schools nearest their homes." It specifically questioned the wisdom and proprietary of transporting children over long distances.

Thus, it is clear that the Supreme Court does not require the kind of indiscriminate busing Mr. Nixon wants to outlaw. No legislation is required to prohibit a Federal court from ordering what the Supreme Court has already declared undesirable. Mr. Nixon must surely know that the principal aim of desegregation is to allow children who have been confined to inferior schools to be given access to superior ones, and not vice versa. Many children moreover have long been bused over long distances, in order to maintain segregation.

The President's second proposal—the Equal Educational Opportunities Act of 1972—aims at improving schools now attended by poor children, in other words primarily the segregated schools. This is what desegregation was all about in the first place. It is in those districts which have failed in the nearly two decades since the historic Brown decision of 1954 either to desegregate or to improve the schools attended by black children that Federal courts have been driven to order busing.

There is little in the President's call for spending $2.5 billion to upgrade poverty schools attended by black children that Federal courts have been driven to order busing.

There is little in the President's call for spending $2.5 billion to upgrade poverty schools that is not already contained in the Elementary and Secondary Education Act of 1965. Regrettably, neither the Federal Government nor many state and local school authorities have shown the will and skill to put the act and the funds to effective use.

President Eisenhower made little secret of his personal coolness toward the 1954 desegregation ruling, but he enforced the law as defined by the Court to the limit of his Presidential power. When the Chief Executive now appeals for legislation to limit the authority of the judiciary, he tampers with the foundations of government under law; for he diminishes the capacity of the courts to gain voluntary and peaceful compliance for their rulings. Such compliance is never more vital than in times of deep social conflict. It is an asset not to be squandered for temporary political gain.

[From the Boston Globe, Mar. 18, 1972]

A Terrible Injustice

President Richard M. Nixon has, as he likes to say, made one thing perfectly clear in his 15-minute television address Thursday night and in his special massage to Congress on Friday. He has adopted the busing issue as a prime vote-getter in his campaign for reelection.

The Southern strategy is in full bloom again. And what is not so clear is where this leaves Alabama Gov. George C. Wallace, who may have thought that he had the issue all to himself. Yet it is becoming quite clear where all this is leaving or could leave the nation—back in 1954, before the US Supreme Court ruled that racial segregation in the public schools is unconstitutional.

The President's action was both political and opportunistic—two adjectives that are not necessarily contradictory. Before the returns from Florida, Mr. Nixon had planned only a written message to Congress on busing. But with Wallace polling 42 percent, and 74 percent of Florida's votes favoring a constitutional amendment to ban school busing, the President changed his mind and took to the airwaves.

It was a blatant piece of free campaigning and the Democrats would do well to demand equal time.

"Busing" has become a code word, and the President surely had to know this and take advantage of it. Forty percent of all schoolchildren in this country are bused every day to regional, parochial or private schools with no protest at all. But when busing for purposes of racial balance is involved, it becomes another matter.

When the President took office he also took a solemn oath to "preserve, protect and defend" the Constitution, which vests in the Supreme Court the judicial power to interpret the Constitution. The Supreme Court has ruled—and unanimously—that busing is one of the tools—not the only tool, but one of them—that may be required to desegregate public schools.

Mr. Nixon has now gone farther than he went last Aug. 3 when he opposed "the busing of our nation's schoolchildren to achieve racial balance," which in itself seemed to call into question the Supreme Court's ruling.

He will now, he says, take action to stop such busing, because "a number of . . . lower Federal courts . . . have gone too far, in some cases beyond the requirements laid down by the Supreme Court in ordering massive busing to achieve racial balance." Doing all this by a constitutional amendment "deserves a thorough consideration by the Congress," he says, but has "a fatal flaw. It takes too long."

And so what he proposes is a law calling "an immediate halt to all new busing orders by Federal courts, a moratorium on new busing." It is bad enough for a Chief Executive to contravene the ruling of our highest court, but in this case he is asking the legislative branch of government to join him in dictating to the third branch established by the Constitution he is sworn to uphold.

And in what case pending in a lower Federal court would he have the Justice Department intervene, not on the side of the Constitution, but on the side of those charged with violating it?

Would it be similar to the case involving Charlotte, N.C., and its surrounding county, decided last April 21 in a unanimous opinion written by Chief Justice Burger? In that case, the decision approved a new busing plan that meant less busing, not more, to achieve racial desegregation. Under the old, dual school busing system, pupils at all grade levels had averaged 15 miles of busing one way, for an hour a trip. Under the new system, an elementary school student would average only seven miles, and not more than 35 minutes.

And it is not alone a matter of how far Congress, already divided, will go on this spurious and divisive question of changing the law of the land. Mr. Nixon says he will have the Justice Department intervene in "selected cases" in which lower courts have exceeded Supreme Court requirements on busing.

Is he not willing to recognize that the final arbiter of lower court decisions that exceed its own is the highest court itself, and that so intervening in the judicial process is to load the judicial dice?

No amount of words, under such attractive headings as "The Equal Educational Opportunities Act of 1972," can hide the terrible injustice of what is being proposed. All in all, it was a demeaning day for our country.

[From the Washington Post, Mar. 18, 1972]

Mr. Nixon on Schools and Race

In his address to the nation on Thursday evening, Mr. Nixon played fast and loose with the hopes of two quite different constituencies—those committed to an immediate rollback of busing orders, and those committed to the pursuit of quality desegregated education. When you have read the documents the White House withheld until the morning after the President's public address and when you consider that those documents—draft legislation and the rest—are meant to fulfill the expectations the President raised, you can understand why the fine print was kept out of view for a day.

The President's proposed moratorium on more busing, for instance, would, if enacted by Congress, leave busing previously ordered by the federal judiciary intact—the buses, like the caissons, would go rolling along. True, that much, at least, might have been divined from an attentive reading of Mr. Nixon's Thursday-night remarks. But the hoax played on those other Americans who took seriously Mr. Nixon's remarkable revelation that he had come up with an alternative to busing and one that would produce desegregation, is something else again. Busing, the President said, "is a bad means to a good end," and he went on: "The question, then, is 'How can we end segregation in way that does not result in more busing?'" He then announced to the nation that he had found the way. "The proposals I am sending to the Congress," he pledged, "provide an answer to that question." Well, they do not. There is nothing there. Mr. Nixon has neither found nor presented an answer to the question he raised. Rather he has recommended rejuggling some funds, having a pass at a court-curbing bill of questionable constitutionality, and enacting legislation that would ultimately inhibit the federal courts or administration agencies from remedying what are concluded to be illegal acts of segregation.

We shall return to the specific provisions of the legislation which Mr. Nixon has proposed. These are divided between two bills. The first which would remain in force only until the second had been enacted (or until July 1, 1973), if there were no action on the second bill) would forbid implementation of any new busing ordered by courts for the purpose of desegregating schools. It is a highly dangerous and highly political maneuver—one that would interfere with the courts' capacity to fulfill their constitutional obligations and which would also presumably provide Mr. Nixon with political credit in certain antibusing circles and yet one which would offer no relief to those districts currently in the midst of implementing comprehensive busing orders.

The second bill fetchingly named the "Equal Educational Opportunities Act of 1972," rearranges funds (almost all of these already requested by the administration) so that some emphasis is put on aid to ghetto schools. So far as desegregation is concerned, it sticks fairly closely (with a few exceptions) to the definitions of illegal segregation that the Supreme Court and most of the lower federal courts have been using as the basis of busing orders. What it would change is the nature of available remedies. Busing of children below the sixth grade would be limited by a standard that would be different for each district and the standard would be wholly unrelated to the constitutional violation found. It would thus do nothing to achieve the uniform national policy Mr. Nixon has professed to be seeking. Busing of older children would be undertaken, as it now is by most courts, only as a last resort and if no lesser remedy will serve.

What is so disappointing—and so reckless—in all this is that Mr. Nixon's proposals sport with a desperate national need. Never mind that the reason the federal courts have increasingly been obliged to function as school boards is that the Nixon administration has systematically withdrawn executive branch support from implementation of the Civil Rights Act of 1964—it is true, as Mr. Nixon suggested, that the nation needs a uniform and wise national policy concerning desegregation that will see the courts, the Congress and the executive branch functioning together and to an agreed-upon end. And never mind that much of the progress in desegregation that the Nixon administration claims credit for was produced by its loss of court cases trying to inhibit desegregation—it is true that we have come to a point where better means are required to reach the "good end" of school desegregation.

But the President has done nothing to fulfill these desperate national needs. He has offered recommendations that at most will make them more apparent and perhaps less soluble. Black Americans and white Americans who have labored at some cost and some risks to "give life to the law" (in Mr. Nixon's phrase) have had the rug pulled out from under them. Those in affected districts who have argued that the law must be obeyed and that the commitment of the Brown decision of 1954 and the Civil Rights Act of 1964 must be fulfilled have been abandoned by the President. Blacks who had been led to believe since 1954 that this country's commitment to equality was real and irreversible have been given good reason now to doubt that it is either. The conflict between the federal judiciary and the other branches of government has likely been exacerbated, not helped or healed. Beneath the rhetoric, Mr. Nixon in fact said very little. It is amazing that he could manage at once to say so little and do so much harm.

[From the Washington Post, Mar. 22, 1972]

MORE ON THE PRESIDENT'S "ANTI-BUSING" PROGRAM

The President's mish mash of proposed "anti-busing" legislation has now gone to the Hill. It is, as we have already observed, fraudulent in its failure to provide even half the things the President has claimed for it, of questionable constitutionality so far as its court-curbing features are concerned, and disgraceful in the willingness it reveals to kick equality in the head for the sake of short term personal political gain. For anyone who may imagine that the two legislative measures Mr. Nixon has proposed are to be taken seriously as an attempt to deal with the tormented problem of race and schools or that they reflect the end product of some consistently held belief regarding desegregation or "equal educational opportunity"—to use the elevating phrase—we think a little historic perspective may be in order. This most recent maneuver by Mr. Nixon can best be understood in relation to his administration's 2-year record on the legislation at hand.

We will leave aside that part of the record which is not specifically connected with this legislation—the incredible ziggings and zaggings on racial policy as a whole, the apparent compulsion to sport not just with constitutionally commanded principles and constitutionally protected rights, but also with the fate of so many schoolchildren and with that of so many school and community leaders who have been trying to act equitably and in good faith. For the measures Mr. Nixon has now sent to Congress relate specifically to his so-called emergency school aid act, legislation that grew out of a statement he made on school desegregation two years ago almost to the day.

Then, as now, the President was responding somewhat belatedly to the pressure of a confused and tension-filled situation which he had done much to create. He had done so by swinging his administration back and forth, by summarily going into court to slow down a desegregation order the administration had previously been supporting in court, by losing the case and bringing on a unanimous Supreme Court demand that desegregation be accomplished—and be accomplished forthwith. Subsequently, the Congress went into an acrimonious and inconclusive debate, threatening all manner of curbs on both the federal judiciary and the provisions of the Civil Rights Act of 1964. At about this point in the fracas, it was announced that Mr. Nixon would make a statement.

The presidential statement of March 24, 1970, contained a pledge to abide by the Supreme Court's rulings in these matters, and Mr. Nixon also disclosed that his administration had decided to recommend an expenditure over two years of $1.5 billion "to be put . . . into programs for improving education in racially-impacted areas. North and South, and for assisting school districts in meeting special problems incident to court-ordered desegregation." Since it turned out that, among other things, the administration had neither decided where the money would come from nor how it was to be spent, another two months elapsed before the proposal was submitted to Congress. The House took its time and did not get around to passing the measure until winter. Without administration support, it appended an "anti-busing" proviso to the bill, one that would have prevented its funds from being used to support busing in certain situations. The Senate refused to accept this version and with administration guidance, advice, encouragement and support refashioned the bill into a much more integration-minded measure—and one from which any anti-busing provision was notably absent. With administration and joint leadership support, it passed the Senate 78 to 8.

That was in late spring of 1971. By summer, Mr. Nixon was abruptly to announce another turnabout. He now wished a stiff "anti-busing" provision to be put into the legislation, one that would prohibit the use of any funds for the purpose of busing—even busing that had been ordered by the courts and which affected districts had no choice but to pursue. The President revealed this latest swerve in the course of announcing that the Austin busing plan, which his administration had been in court trying to put into effect, was no longer the administration's plan. (Although it had been cleared personally with Attorney General Mitchell and Mr. Nixon's White House aides, the plan was now to be disparaged as the work of "bureaucrats.")

Despite the protests of school officials who believed that funds earmarked to aid in the process of desegregation could best be used by them to implement busing orders, the House put the Nixon "anti-busing" proviso into its new version of the bill, added a few even more stringent amendments and sent its handiwork back to the Senate. Mr. Nixon, who had congratulated Minority Leader Ford for his role in helping pass the whole "anti-busing" package, thereupon fell silent again. The administration observed the whole recent uproar in the Senate over the Griffin and other amendments with what it termed "benevolent neutrality"—first cousin, presumably, of "benign neglect." Only after a series of tense votes and reversals and after it had observed Minority Leader Scott fighting desperately to bring enough party members along to spare the bill Senator Griffin's embellishments and after a fairly decent Senate version of the bill had reached conference, did the President publicly speak or deign to give guidance. He had a whole new set of ideas he told the world Thursday night—some of them more regressive than the worst features of the House-passed bill.

As the congressional rematch gets underway, it seems to us important that a few things be held in mind. One is that "busing" is a fake issue—and not just because of the patent fakery with which the administration has been manipulating it. For it is not "busing" that Mr. Nixon is seeking to undermine by this program, but rather the integrity of the courts, the vitality of the constitution, and the commitment this country has long since made—or was thought to have made—to the rescue of those black schoolchildren who are trapped in an environment which must destroy them and of which the schools are a single, but essential part. He is not alone in his instinct for retreat. You hear a lot of scholastic argument from others these days about how test scores show that this won't work or that won't work and about how the school can't do it all and about how money isn't "the answer" or integration isn't "the answer"—and in the name of this exquisite polemical stalemate a monstrous national cop-out is being justified. That there is no single universally applicable or desirable method for meeting our constitutional social responsibilities surely does not suggest that we should merely forget them. But that is the course Mr. Nixon has now urged on the country. It will require the efforts of a lot of brave and wise men in Congress to reject what he has asked.

[From the Milwaukee Journal, Mar. 17, 1972]

LEADING THE COUNTRY BACKWARD

President Nixon's highly political television statement on school bussing was a confusion of doubletalk. We already knew that he opposed bussing, but where does our leader lead us from there?

He sidestepped the question of constitutional amendment to stop bussing. He said Congress should thoroughly consider it, but that its fatal flaw is that it would take too long to accomplish. Thus, he permits the belief that he favors a constitutional amendment without actually going on record in support of one.

Nixon correctly noted that some lower federal court orders for bussing had gone beyond what the Supreme Court has so far specifically required. That, of course, is in the nature of the court system. It is misleading to imply, as Nixon did, that the Supreme Court would necessarily declare those orders invalid. In fact, the Supreme Court so far has refused to do that.

In asking Congress to declare a moratorium on all new court ordered bussing, Nixon raises once again, but does not answer, the question whether Congress can stop the courts from enforcing the Constitution. Congress cannot, and the Senate specifically rejected the idea in finally voting down the Griffin amendment. Even some of bussing's strongest opponents among those pressing for a constitutional amendment say that Congress through legislation cannot do it.

Nixon says, perhaps correctly, that a majority of Americans oppose bussing while favoring continued desegregation. The question then, he says, is "How can we end segregation in a way that does not result in more bussing?" He did not answer the question. Instead, the legislative proposal he outlined on TV is nothing more than warmed over compensatory education—the old idea of improving education in existing, racially isolated schools. Where is he leading us, back to "separate but equal," back before 1954, when the Supreme Court declared "separate but equal" to be unequal inherently.

And how, instead of leading the fight for desegregation and court ordered integration, the Justice Department is to be sent into the battle against bussing for that purpose. After 18 years it is to reverse its field and take us backward.

As for Nixon's $2.5 billion concentration of federal funds on improving education in poor urban and rural schools, it is welcome, and in fact the government is already doing much of that. But it has nothing to do with the question how, specifically, he plans to "provide better education for every child in America in a desegregated school system," as he promised early in his speech.

The president ended his address by saying that the way we handle this complex issue "is a supreme test of the character, the responsibility and the decency of the American people." Thursday night he flunked.

Mr. DRINAN. Mr. Speaker, I would also ask unanimous consent to insert at this point in the Record an article by Carl T. Rowan in the Washington Evening Star of March 22, with the title "Busing Stand a Sad Chapter in U.S. History."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The material referred to follows:

Busing Stand a Sad Chapter in U.S. History

(By Carl T. Rowan)

For many reasons, personal and professional, I have strained to find something good to say about President Nixon's latest pronouncement on school busing. But I am driven to the conclusion that the President's proposals mark one of the saddest chapters in this nation's history.

A periodically glorious campaign to make this one society of mutual admiration and respect, which began full-force back in the 30's, has been dragged to an end. For the first time in half a century the President of the United States has arrayed himself and the immense powers of the executive branch on the side of "separate but equal." He is decreeing generations more in which the poor, the have-nots, wind up without a remote chance to succeed in that race we call the pursuit of happiness.

Nixon turned some neat phrases about integration and equality of opportunity, but they can never camouflage the truth that he was retreating before the charge of George Wallace, bending to the howl of the mob, both of whom he unwittingly armed when he put the phrase "forced busing" into the language.

The White House may call it a "libel" on the American people, but the naked truth is that bigotry is now riding high in this country, so high that even the President is crowded into a position where he appears to be either its prisoner or its ally.

Nixon beseeches Congress to direct the courts not to order any more busing for racial balance. The President must know that he cannot seize the schools any more than Harry Truman could seize the steel mills in the face of a disapproving court. Congress simply cannot forbid federal constitutional rights of this nation's children. And let no one forget that busing is simply a form of relief to children who have been subjected to a panoply of officially sanctioned injustices.

Nixon may believe that his "strict constructionist" Supreme Court will go along meekly with whatever Congress orders, but I rather suspect that even his most conservative appointees will see the dangers of this meat-cleaver attack on the judicial branch.

Millions of black Americans find bitterly amusing Nixon's argument that a constitutional amendment would "take too long" and leave thousands of youngsters to endure busing next year.

Where has Nixon been during the 17 years and 10 months since the *Brown vs. Board of Education* decision when black parents and children were screaming that "it takes too long" to escape the discriminations and humiliations of Jim Crow schools that our highest court had outlawed?

Justice delayed was justice forever denied to millions of black kids who finished their entire public schooling without getting one iota of judicial relief. Suddenly, when it comes to canceling their late relief, the White House finds that time is of the essence!

The truth is that from Wild Goose, Minn., to Sloppy Gulch, Fla., the school buses will roll on, with more than 18 million children aboard, from now until Richard Nixon is just a name in the history books. Because busing is the passport of white children to equal education. The record will show that the only buses derailed were those carrying black children toward a reasonable chance to secure their American birthright.

I know Nixon proposes to mollify minority and poor children with his "Equal Educational Opportunities Act of 1972" and a $2.5 billion expenditure.

Even if we give the President credit for the most egalitarian of intentions (which I frankly find it hard to do), there are some dismaying flaws to his proposals:

He is offering a warmed-over "compensatory education" scheme with extra financing from unnamed sources. I have documented in previous columns how earlier outlays of billions for educating the deprived and speeding desegregation wound up in swimming pools and fancy frills for affluent whites. Until the White House spells out the guarantees that vast new money will actually be spent to benefit the poor, experience dictates that we regard the new scheme as a pretty piece of wool to be spread over gullible eyes.

Even if the government does pour some money into neighborhoods occupied by blacks, Puerto Ricans, Indians, it would still be a reversion to "separate but equal." It would scarcely differ from 1952 and 1953 when legislatures in South Carolina and other Southern states were pumping money into showcase schools for blacks (after generations of abominable neglect) to try to head off the outlawing of Jim Crow.

Nixon has to know that allocating $2.5 billion to remedy the plight of schools for the poor is like weeping into the Pacific Ocean in an attempt to make it run over. He must know that however flamboyant the gestures toward the ghettos may now be, there is absolutely no possibility of equal education opportunity if you keep the poor, black, brown and red in separate schools while the rich and influential bask in the sanctuaries of their "neighborhood" emporia of education. Money flows toward affluence—and influence.

Much of the nation wants to kid itself. But some of us have to live with the reality that Nixon has asked Congress to underwrite an educational setup that guarantees this country remaining two nations, quite divisible, one white and one black, with liberty and justice for some.

Almost all of us will live to rue this sad interlude in the life of an already too troubled society.

Mr. DRINAN. Mr. Speaker, it has now been 17 years and 10 months since the Brown decision, when the Supreme Court ruled that with all deliberate speed there should be integrated schools. Now, 17 years and 10 months afterwards we have the President giving an address on this subject in which he never once mentions the term integrated. He asks, rather, that we have a moratorium on integration for 2 more years.

This raises a most fundamental moral and constitutional issue: Does this proposal constitute an unlawful invasion of the Federal Courts' jurisdiction and involve a violation of the doctrine of separation of powers? I am certain that scholars and others will agree that the President has unlawfully confronted the Federal Courts of this country.

Contrary to what the President has said, the courts have not ordered massive busing to establish racial balance. Not a single example of such judicial activity has been cited by the President nor by anyone who has supported his particular viewpoint. Not a single decision has been cited, even though in his address the President said at least three or four times that there have been judicial decisions which are unreasonable.

There is specific judicial protection against any unreasonable busing decisions given by Chief Justice Burger in the Swann decision of April 20, 1971, and I cite the very language of the Chief Justice:

> We find no basis for holding that the local school authorities may not be required to employ bus transportation as one tool of school desegregation. Desegregation plans cannot be limited to the walk-in school.

Chief Justice Burger goes on to say:

> Busing will not be allowed to significantly impinge on the educational process.

The Chief Justice went on to define what unreasonable busing is, and these are his words:

> When the time or distance of travel is so great as to risk either the health of the children or significantly impinge on the educational process . . .

It seems to me that the alleged rights sought to be protected by the President have already been precisely anticipated by the U.S. Supreme Court. Every decision requiring busing is appealable. If the people at the local level think that a decision is unreasonably burdensome, they have their remedy, and their remedy should not be in the Congress; it should be by appeal through the normal, established, legal process, in the courts.

The President is asking the Congress now to join him in fundamentally eroding the authority of the courts and the Constitution.

It seems to me that now as never before we have to have rationality and we, in the Congress, have to deescalate continually the rhetoric that has reached the White House.

The President of the United States has said that busing is a bad means to a good end. But he gave no good means to that end, which presumably still is good, in his judgment.

As has been noted here previously, more than 18 million children every day go to school on a bus, and a very tiny minority of that group go there by reason of court-ordered integration.

I will conclude, Mr. Speaker, by quoting the very sound and wise words of Senator MONDALE, chairman of the Senate Select Committee on Equal Educational Opportunity.

He cut through all the rhetoric and put it calmly this way:

> We have only two choices; we can assume our share of the burden. We can begin to ask the right questions—not whether we should resist school desegregation, but how we can best work to assure that school integration is conducted in a sensible, educationaly beneficial manner. We can fulfill the commitment to equality of opportunity which we have made in the past. We can build on the hopeful examples of successful integration, help the courts avoid educational mistakes, and make school desegregation work.
>
> Or we can stand in the schoolhouse door. We can resist the rulings of the Supreme Court and the advice of educators. We can abandon all the efforts of the past 17 years to eliminate discrimination and end racism—in pursuit of a policy of national resistance toward what the Constitution requires and what each of us knows to be morally right.

I am afraid, Mr. Speaker—and I say it with sorrow—that the President of the United States has chosen to stand in the schoolhouse door.

Mr. STOKES. Mr. Speaker, I thank the gentleman from Massachusetts for his contribution.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. STOKES. I yield to my colleague, the gentleman from California.

Mr. DELLUMS. Mr. Speaker, I thank the gentleman. I would like to commend him for obtaining this special order on an issue which unfortunately has become—by virtue of the President's involvement and utilization of the politics of fear, divisiveness and expediency—one of the No. 1 questions today in America.

Yet when we are dealing with the fact that busing has so become the No. 1 issue in America, we are still bombing and maiming and killing in Vietnam, we still have mass unemployment, inadequate housing, inadequate health care and all the other critical problems that daily affect human beings in this country, I find it a major travesty in human justice—one that reflects very negatively on the politics of this country.

At the risk perhaps of being repetitious, I want only to make some brief remarks.

In addressing myself to the President's proposal: First, I find it ludicrous that the President of the United States can engage in implicit intimidation of the lower courts. I think that issue should be at least addressed and focused upon for and by the American people.

Second, when the President suggests legislation that would limit the ability of the judiciary to do the job that it is constitutionally charged to do, we walk into a very dangerous area of separation of powers, which, in my estimation, must be maintained if there is to be any humanity or any sense of democracy in this country.

Third, the President's proposal that we spend $2.5 billion to bring some level of equality of education to those who are educationally deprived and even harmed in America—I find that also ludicrous.

It was interesting that the President never mentioned where he was going to obtain the $2.5 billion. I think we can speculate with great accuracy. The $2.5 billion will come out of the pockets and out of the hands of the poor who would have received that $2.5 billion in some other form, except for expediency by the President who now comes rushing to the aid of the country—and interestingly enough—during a presidential election year.

When you place that $2.5 billion a year to elevate the level of education for millions of young people in this country in juxtaposition to $2.5 billion that we are spending each year to fight squalor and poverty, it becomes only enough money to address itself to, perhaps, 3 percent to 5 percent of the total needs of the human beings who live in dire poverty. But we can quickly release $2.5 billion to enhance the level of education in this country.

Again, it only points to expediency, and not for real relief of the human needs that exist in America today.

Finally, I close with a few remarks that you and I as Members of the Congressional Black Caucus as elected Members of this body and who are ostensibly concerned about human justice and human rights should—and must—oppose every single effort to pass antibusing legislation on the floor of the Congress.

First, any constitutional amendment that goes to the issue of limiting busing would be, in my estimation, a very dangerous precedent. When the U.S. Congress infringes upon the rights of the judiciary with a constitutional amendment, what makes us believe that next week, next month, or next year it would not limit other human rights and other human justices?

When we start such a precedent, it is very difficult to turn it around.

Second, I do not believe that this body should be involved in the process of limiting the powers of the judiciary as laid out in the Constitution of the United States. Whether we like many of the decisions that the Supreme Court has made or not, whatever human liberties we are experiencing in this country have been because the Supreme Court has been willing to legislate through the judicial process. Why? Because, over the years, we in this body or in the other body have not been strong enough or committed enough to legislate in very controversial areas.

Perhaps that is because some of us are too preoccupied with being reelected to office rather than in solving human problems.

Third, any effort to pass legislation which would cut off the limitation of Federal funds into a community for this purpose also strikes at title V, section (b) of the 1964 Civil Rights Act. That act is not the most powerful instrument in this country, but it certainly provides a handle by which some of us can stop the flow of Federal funds into communities where discrimination exists. I think this instrument should be an instrument that is not damaged.

So I would urge all of my colleagues to think very clearly about the constitutional implications, the issue of the separation of powers, and the lack of funds which the President has proposed in terms dealing with this very grave problem. If he was talking about $20.5 billion a year, maybe we would be in the ball park.

Fourth, it would be my hope that I would be a Member of this body where the overwhelming majority of the people here were focused on the major and critical problems that are facing the people of this country, black and white, red and yellow, young and old, rather than continuing to project expediency and the divisiveness of an issue—busing—that should not be the No. 1 question in America.

I close by thanking the gentleman for his courage and articulateness in focusing on this serious issue, and I thank him for the opportunity he has afforded us to join him in his special order.

Mr. STOKES. I thank the gentleman from California for his remarks and his contribution to the special order.

I yield to the gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. Mr. Speaker, I want to join the gentleman in expressing my appreciation for his taking this special order so that others can join him in responding to a very serious question facing the Congress and the country.

Last Thursday the President calmly informed the Nation that busing as a means of assuring quality education for our children was no longer acceptable to his administration. While Mr. Nixon was really saying was that he wanted to go back to 1896 when the Supreme Court enunciated the doctrine of "separate but equal" in the case of Plessy against Ferguson. In so doing, he implied that the Supreme Court's 1954 decision in Brown against Board of Education, which held that separate facilities for black and white citizens were inherently unequal, should be ignored or overruled.

Furthermore, it is quite clear that the President denies the law of the land, the 1964 Civil Rights Act and other statutes enacted in the struggle to make equal opportunity a reality in the United States of America.

I do not believe that the American people will be misled by this attempt to dupe them. Therefore, I believe it becomes the responsibility of Representatives in Congress to oppose vigorously the proposals of the President.

In asking for a moratorium on busing, and allegedly asking for billions of dollars to promote a so-called "equal educational opportunity" program, the President is callously overlooking a fact which the courts accepted 20 years ago and which most Americans, in the calm of ordinary discussion, recognize today—that separate facilities are inherently unequal.

During the past 25 years thousands of Americans—white and black—have walked on picket lines, sat in lunch counters, and paraded in marches in the effort to realize the goal of an integrated, quality school system and indeed, an integrated society. In recent years their efforts have begun to fruition in that Congress and the courts have acted by law to provide equality for all Americans. It is important to keep in mind that those of us who are speaking here today are supporting busing and other methods of integration not merely for the sake of integration, but because it is crystal clear that only when our schools are integrated will there be quality educational opportunity for both black and white students, and that only this can bring about hope for political and social equality for black and white students.

Busing is a means, and not the only means, to achieve the end of equal, quality education. It is where necessary, an acceptable means and one which we cannot abandon merely because we are in an election year.

I want to note at this point my opinion that any action taken by Congress to restrict the power of the courts to order busing is unconstitutional. Article III of the Constitution empowers the Congress to limit the jurisdiction of the Federal courts, but that power is circumscribed by the due process clause of the fifth amendment; that is to say, Congress may not exercise its article III authority in a manner which will deprive any person of due process of law. It is plain that Congress cannot prevent the Federal courts from considering constitutional questions. It follows quite naturally from this that the courts cannot be prevented from ordering whatever remedies are necessary and proper to vindicate these rights. As Justices Rutledge and Murphy said in *Yakus* v. *United States,* 321 U.S. 414 (1944):

> Whenever the judicial power is called into play [as it must be in a constitutional case], it is responsible directly to the fundamental law and no other authority can intervene to force or authorize the judicial body to disregard it.

Since the question of equal protection of the laws is a constitutional one, the Federal courts automatically have jurisdiction to consider it; having this jurisdiction, they must have the power to order whatever remedies are necessary to effectuate it.

What President Nixon proposes as a "new" substitute for quality integrated education is in fact not at all new. The $2.5 billion which he seeks in Federal funding for inner-city schools has long been authorized under title I of the Elementary and Secondary Education Act.

We cannot turn our backs on the effort to rectify the effects of 250 years of slavery and an additional 100 years of a more subtle bondage.

We cannot turn our backs on such court decisions as Brown against Board of Education and Swann against Charlotte-Mecklenburg, and such enacted and accepted statutes as the Civil Rights Act of 1964. This is the law of the land, and it should be the law of the land, and it must be the law of the land. What we must do now is to see that it is carried out.

The President is using the issue of "busing" as both a code word and a smokescreen for his real issue—opposition to integrated and equal opportunity in education, in housing, and in employment. Congress must recognize that and fight it as such.

Mr. STOKES. Mr. Speaker, I thank the gentlewoman from New York for her contribution to this special order.

Mr. Speaker, I yield to the distinguished gentleman from Massachusetts (Mr. HARRINGTON).

Mr. HARRINGTON. Mr. Speaker, what we need today is not just speaking out against President Nixon's message on busing, though I intend to speak out each day on that moral outrage. What we need now is action by a courageous Congress to thwart its effect on the courts, and on the Nation. It is a policy which will continue the hatred and disharmony in the nation between those of the white race, and those of the black. It is a policy based on a remarkable misunderstanding of the constitutional principles involved in recent court cases from Denver to Pontiac to Richmond. And it is a policy which threatens to throw this Government into a constitutional crisis pitting the power of the judiciary against that of the Congress. The President has sought to commit the Nation to a dangerous policy designed to produce maximum political effect with minimum positive results for quality education either in the cities, or in the suburbs. Quality education can never be separate education. Separate education is inherently unequal, whether caused by law or not. And unequal educational opportunities is indefensible from a moral if not constitutional standpoint.

There is no confusion in the courts about busing. The Supreme Court set out in Swann against Charlotte-Mecklenburg and Taylor against Board of Education exactly what the Constitution mandates. The Court has not insisted upon racial balance. What it does insist upon is that no governmental action be taken on any level which furthers school segregation, and that where such action has been taken in the past, the Government in question must take remedial action to undo its segregationist efforts.

Emerging from the President's message is a commitment to separate but equal educational opportunities, a philosophy rejected time and again since Brown in 1954. In accepting that antique premise, the President demonstrates an inexcusable naivete when he claims that the schools should not serve a major social purpose. Schools are never neutral—never. They are the most potent social force of any nation. In segregated areas, they serve to reinforce a never-ending cycle whereby minority and low-income families are forced to live, eat, recreate, and educate in a confined lifestyle which is stifling to their humanity and certainly abhorrent to any sense of social justice. Government complicity in this segregation cannot be tolerated.

From a budgetary standpoint, the President's message is a fraud. A renaming of $2.5 billion already in his 1973 budget will not provide even a beginning toward the goal of acceptable urban education. That sum includes a title I commitment $4.6 billion below the congressional authorization level for title I programs under the Elementary and Secondary Education Act, and will reach less than half of the pupils in this country between the ages of 5 and 17 who should qualify for supplemental assistance. Past administrative actions on education round out the picture: Appropriations in excess of the President's inadequate requests have met with two stern vetoes. For him now to talk of quality education is fraud.

Finally, Mr. Speaker, I most resent the political context of the busing message, with its bow to pressure from those who would seek their own self-interest at the expense of social progress and equal opportunity. It is a cheap political ploy against the courts and the Constitution in an election year. And I resent being called an extremist by the President because of my support of integration and equal opportunity. That seems an irresponsible label for a man who says he is calling on the "collective wisdom and experience" of the Congress in dealing with the busing issue.

Mr. STOKES. I thank the distinguished gentleman from Massachusetts for an excellent contribution to this subject.

Mr. CORMAN. Mr. Speaker, will the gentleman yield?

Mr. STOKES. I yield to the distinguished gentleman from California (Mr. CORMAN).

Mr. CORMAN. I thank the gentleman for yielding.

I join my colleagues in commending the gentleman for taking this special order. The matter we discuss is of utmost importance to this Nation.

I remember some 7 years ago, when the leadership of this Nation was in other hands, the President of the United States stood in this Chamber and said, "We shall overcome." He meant that we would overcome the vestiges of human slavery in this Nation, racial segregation.

He devoted much of his energy, effort and time as our President in helping to overcome segregation.

In 1967, when much of this Nation erupted in violence and there was an obvious social sickness in our land, he asked 11 of us to look as carefully as we could at what happened, why it happened, and what ought to be done about it. We unanimously concluded that this Nation would never free itself from the threat of that madness, so long as we maintained a dual society.

We also concluded that the next important point at which we must strike down this dual society was in our public schools.

There is no question but that every American is greatly affected by his education, not only what he learns in school but what his experiences are in school. It is what the U.S. Supreme Court was saying in 1954. The Court was not concerned about whether a board of education was of good heart or of malicious intent. What the Court was looking at was little children who sat in classrooms and what happened to them. The Court said that if you isolate children by color, you are inherently unfair to them; you demean them and deprive them of equal education.

Many children who were born that year are finishing high school this year in racially segregated schools. Their right to equal educational opportunity is gone forever. There is nothing we can do about that.

What does the President now suggest we do about 5-year-olds whose educational experience is ahead of them? He seems to imply that we must stop any opportunity those 5-year-olds have of going into a U.S. court and saving themselves from a racially segregated school life.

But he goes on to plead for Federal funds to, as he puts it, offer for the first time real equal educational opportunities.

A willingness to spend any Federal money on aid to elementary and secondary education is a change from President Nixon's historic position. One might reasonably assume that school children in this country were as bad off in 1950 and 1960 in this regard as they are in 1972. It is a fact that in 1950 Congressman Nixon, as a member of the House Education and Labor Committee, cast a crucial vote to kill Federal aid to education. In 1960, then Vice President Nixon cast a tie-breaking vote in the Senate for the same purpose—to block Federal aid to education.

I do agree with the President that we must spend money now for quality education for every school child. This in no way alters the constitutional fact that racially segregated education is not and cannot be quality education.

Looking specifically at the President's moratorium proposal, to whom is he speaking and what is he saying? He is speaking to American children who have gone to court, pleaded their case, convinced a judge that they are being denied their constitutional rights, and have had their grievances redressed. This has happened in about 600 cases across this land. Richard Nixon now says to those children, "I, as your President, snatch from your hands that victory. I do not deny your rights or your need for help, but I, with the help of the Congress, will intervent to deny you your remedy."

The President misreads the Constitution. I believe he misreads the sense of fairness of the American people. Clearly no parent wants his own child bused to an inferior school. He does not want his child to walk to an inferior school. But clearly he does not want to impose on other children what he rejects for his own.

We were angered when we saw pictures a decade ago of grown people assaulting and spitting upon little girls entering integrated schools in Louisiana for the first time. We saw little to be admired in a Governor who stood symbolically in the schoolhouse door. When we sort out carefully what President Nixon has said, we will realize that the President's adversary is not a judge, a bureaucrat, or an extreme social planner. Rather the President's adversary is a 5-year-old child, probably black, who wants a chance to live the American dream.

I have a young lady in my office who grew up under that old segregated system. I asked her to write for me what she thought about school desegregation. Her name is Winifred Burrell. I ask unanimous consent that I may include her remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

BUSING

In 1954, the Supreme Court of the United States ruled that "Separate educational facilities are inherently unequal" and ordered that desegregation of public institutions be accomplished "with all deliberate speed." It has been eighteen years since this landmark decision, Brown v. Board of Education of Topeka, and it appears that "all deliberate speed" is a slow deliberate process since the majority of our Nation's schools are still segregated. Very understandably, conditions in different localities, North-South, urban-rural, vary so widely that rigid rules could not be laid down to govern all situations. It was, therefore, left to the lower federal courts and-or local school districts to devise the means necessary to abolish segregated schools in a particular area. This, however, presented a major problem for the school districts simply because integration is not an easy matter. It is neither simple nor popular, and resistance to any plan or method could be expected. Finally, in 1969, the Supreme Court ruled that the time in which schools were to desegregate with "all deliberate speed" had expired and school systems were ordered to desegregate immediately. As a result, federal courts across the Nation ordered massive student busing, if necessary, as an immediate and economical remedy. Not unexpectedly, adverse public reaction spread rapidly and anti-busing forces moved swiftly to create an atmosphere of confusion and rebellion. Busing students, however, is not the total answer to the problems involved in integrating our schools, but it is a step forward toward the ending of segregated schools and the beginning of quality education for all.

Before the 1954 Supreme Court decision, Black and white students alike were bused to segregated facilities. Even today, forty percent of the Nation's public school children are being bused to and from their respective schools. Busing in itself has never been viewed as undesirable, but busing to achieve integration has been labeled as unconstitutional, unfair and unjust. It is, therefore,the word "integration" not "busing" that draws the thin line of distinction from acceptance. It is further noted that the basic need for busing as a tool to eliminate segregated schools is merely a direct result of segregated housing patterns. If the neighborhoods were integrated, the schools would automatically become integrated. This, unfortunately, is far from being realized.

To show the changes in housing patterns and school compositions, I cite my own experience as an example of the trend. In 1952 I was in the 7th grade when my family moved into a predominantly white neighborhood in Washington, D.C. A white junior high school was situated approximately three blocks from our house. I was, however, compelled to attend a segregated junior high school in another section of town. This meant I had to walk past the white junior high school to use public transportation to attend a segregated school. By the time I graduated from junior high school, the Supreme Court decision had been handed down, and school officials used residential boundaries for the abolishment of separate institutions. During this period of time, however, this predominantly white neighborhood had rapidly diminished to a predominantly Black neighborhood and the all white junior high school was now integrated with an all Black community. It was, therefore, impossible to integrate two elements because you only had one component part. Specifically, the housing barrier has long been the contributing factor which justified a dual educational system. Busing, however, can be used to overcome this barrier and, thus, provide the fully integrated educational systems guaranteed by the law.

Busing will also ensure quality education for all, especially the Black student. Black students have been subjected to inferior education for decades. Studies have shown and proven that educational separation produces educational inequality. It is, therefore, essential that Black people be given the opportunity to enter the mainstream of American life, and quality education is a first step toward this end. Further, quality education is necessary for the national security and economic prosperity. But most important it will make possible the enrichment of an individual's life. Black students, traditionally, have been educated in schools where facilities and curricula are inadequate and by teachers who, themselves, often are products of the separate and unequal system in which they teach. Since Blacks have never been accepted as an equal part of this Nation in a society that rejects and attempts to dehumanize them, it is no wonder that they are ill-equipped to compete or adjust. It is, therefore, imperative that Blacks be afforded the opportunity to receive quality education no matter what the cost, and since busing is one of the methods devised to accomplish this, it should be used, when and where necessary, as a move toward the ending of unequal educational facilities in this country.

Busing, very simply, is only one device that can be implemented to ensure quality, integrated education. It cannot change the attitudes and minds of a society that has long believed in "separate but equal" educational systems. Even though quality education was a myth under the separate but equal statute, it was the intent of the Supreme Court to rectify this fallacy. It is unconscionable that this Republic committed since its inception, and written into the Constitution by which it is governed, to the principles of freedom, justice and human dignity for all its citizens, should continue to separate children in school simply because of the color of their skin. A child born in 1954 was given a great opportunity when the historic Supreme Court decision was handed down. This same child has now completed his high school education under the same conditions that prevailed at the time of his birth. Although the Supreme Court charted the course, separate educational facilities are still sanctioned in this country. Maybe the child born today will be afforded his inherent rights as a citizen as dictated by the Constitution.

Mr. STOKES. I thank the distinguished gentleman from California.

I now yield 1 minute to the distinguished gentleman from California (Mr. WALDIE).

Mr. WALDIE. I appreciate the gentleman yielding.

I commend the gentleman for bringing this matter before the House.

I am one sitting here today who is troubled and deeply troubled by conscience and, I think, my own questionable courage on the issue. My conscience has been, I think, clarified by what I listened to today, and I am encouraged. I wish there had been others in this House who were as troubled as I am and who are uncommitted, who would have been able to sit here today and listen to this debate. It is sad that but a handful of Members were on the floor during this presentation and most of them were already persuaded as to opposition to the President's proposal. Those not so persuaded might have learned.

Mr. STOKES. I thank all of my colleagues who have participated in this special order. I think you have rendered a real service on the part of the House and on the part of this Nation.

Mr. BURTON. Mr. Speaker, I would like to commend my colleagues for bringing some light to this issue which has, to date, generated a good deal of heat but all too little understanding.

I have received a number of communications from leaders in my community and in the Nation which will help to put this issue into some perspective. Excerpts of these letters follow:

Kathryn S. Blalock, president, League of Women Voters of San Francisco:

> Thank you for your vote on March 8 against inclusion of strong anti-busing provision in the higher education bill . . . We cannot afford to eliminate any method which will achieve the goal of quality integrated education.

The Reverend James M. Purcell, cochairman; Dr. Robert Bulkley, cochairman; Rabbi Roger Herst, cochairman, San Francisco Conference on Religion, Race, and Social Concerns:

> We ought to tell you that we are opposed to the anti-busing amendment, however, because we are firmly committed to integrated schools and while we would want any school system to explore ways other than busing to achieve integration, we would not rule out busing.
>
> The real issue, Congressman Burton, has not changed since 1954. It remains equal educational opportunity and the elimination of segregation and discrimination and we must use creative and imaginative means to achieve those ends. This means not foreclosing busing as a possibility.

Rev. John J. O'Connor, executive director, Catholic Social Service of San Francisco:

> I am writing to urge you to refrain from signing the discharge petition on H.J. Res. 620. I feel this proposed Constitutional Amendment would strike down progress toward school integration.

Lucy Wilson Benson, president, League of Women Voters of the United States:

> Vote against instructing conferees to insist on House busing amendment to Higher Education Bill S-659.

Clarence Mitchell, legislative chairman, Leadership Conference on Civil Rights:

> On behalf of our 127 national organizations we urge you to oppose any effort to instruct Higher Education Act conferees on any anti-civil rights provisions.

Andrew J. Biemiller, director, Department of Legislation, AFL-CIO forwarding text of President George Meany's statement. The Meany statement reads:

> The President's message on busing significantly omits any commitment on the part of his Administration to enforcing the law of the land—quality, integrated education for America's school children.
>
> He does not commit his Administration to the expenditure of one penny in new money to improve the educational opportunities of disadvantaged children. The Elementary and Secondary Education Act—already on the books—authorizes in Title I far greater expenditures than the President is proposing. The Emergency School Aid Act—already passed by both the House and Senate—is the source of the rest of the money the President proposes spending. In fact, the $2.5 billion the President talks about is far short of the authorized spending level in ESEA for the improvement of disadvantaged schools.
>
> Ever since his inauguration, the President has consistently opposed increasing the appropriation for the program designed to improve schools attended by the disavantaged.
>
> He twice vetoed congressional efforts to increase federal funding of the nation's schools—including tens of millions of dollars for aid to disadvantaged schools. One of these vetoes was carried out in front of a national television audience.
>
> Now the President is back on national television trying to convince the American people that he has changed his opinion on improving the educational opportunities of disadvantaged children. This is political chicanery.
>
> No new legislation is needed to improve educational opportunities for the disadvantaged. An excellent law is already on the books. What is needed and what has been lacking, however, is Presidential leadership to encourage the Congress to increase the appropriations to their full authorized level.
>
> Further, the "busing moratorium" President Nixon proposes is a cynical attempt to reward those who said "never," and to undermine the moral leadership of those citizens who endeavored to comply with the Constitution and the Supreme Court's 1954 decision.
>
> The Administration has chosen a course that, at the least, is at the margin of constitutionality. The real loser in this Nixon-inspired constitutional confrontation will be the integrity of our legal system.
>
> The Administration, while invoking the slogan "law and order," has repeatedly struck at the courts, which, since the time of John Marshall, have been regarded as the ultimate line of defense for constitutional liberty. It now proposes, in the guise of regulating the courts' jurisdiction, to deprive them of the power to enforce the 14th Amendment by busing orders designed to eradicate the last vestiges of the segregated "dual school" system, even where that is the only method sufficient to secure true desegregation. If the 14th Amendment can be deprived of its vitality in this way then none of our constitutional rights is secure.
>
> The harm to the constitution is no less severe because the proposed legislation is of limited duration—to expire five months after the presidential eletcion. For the rights in question are those of individual school children and once lost for any school year cannot be recaptured.
>
> The AFL-CIO remains firm in its commitment to quality, integrated education. We are, therefore, opposed to the President's current political maneuvers on this question.

Mr. RYAN. Mr. Speaker, at a time when our Nation desperately needs firm moral leadership, the President has abdicated and alined himself with those who would make political capital out of racial distrust and discord.

Instead of calmly reminding the American people that a clearly established line of Supreme Court decisions, starting with Brown against Board of Education in 1954, requires the integration of schools, and the use of busing where necessary to dismantle the dual school system, the President enunciated a new doctrine of nullification in his message on the busing of school children.

The legislative package the President has presented to Congress concerning busing is certainly designed to halt the progress achieved over the last two decades in eliminating the dual school system. The legislation presented by the President is both deceptive and of questionable constitutionality. In engaging in this maneuver, the President encourages the public to lose respect for the landmark Supreme Court decisions in this field and falsely raises hopes that the difficult problem of busing will now be solved. It is a sad day for this country when the actions of its Chief Executive encourage the citizenry to lose respect for the law.

Specifically, the President has proposed: first, a moratorium on all new or additional busing orders lasting through July 1, 1973, or until the passage of substantive legislation; second, the Equal Educational Opportunities Act of 1972 which would combine the already existing programs operating under parts of title I of the Elementary and Secondary Education Act and the proposed Emergency School Assistance Act, which is pending in Congress, to provide money for schools in poor neighborhoods and offer these impoverished districts some extra money, as a way of compensation for the lack of busing. This program, in other words, is a disguised throwback to the old Plessy against Ferguson doctrine of separate but equal school facilities, which the Supreme Court explicitly overruled in the 1954 Brown against Board of Education decision.

In so ruling the Court found that separate schools are inherently unequal, despite whatever monetary efforts might be expended on the black school system. That finding of the Court has been borne out in more recent studies of the education system. The massive report of James S. Coleman, of Johns Hopkins University, entitled "Equality of Educational Opportunity" suggests that the home environment is the best way to achieve good school performance, and that mixing of social and economic groups in schools leads to improvements in performance and is a much more promising approach than raising expenditures and facilities and teachers in largely segregated schools of poor communities.

Thus does the President attempt to implicitly reverse the Supreme Court and foster the unconstitutional concept of separate but equal schools. The President does not serve the country well by dancing to the tune of Gov. George Wallace on this issue. Moral leadership was what was required, and it was sadly not forthcoming.

The SPEAKER pro tempore. The time of the gentleman from Ohio (Mr. STOKES) has expired.

THE NIXON MANIFESTO—SEPARATE BUT EQUAL

(Mr. CLAY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLAY. Mr. Speaker, the President has once again exploited the executive privilege of free public air waves. This time in a nationally televised speech, President Nixon disgracefully called for a return to public education as it existed prior to May 17, 1954. By appealing to the baser instincts in the American people, our President added fuel to the flames of racial hate which now engulfs our country. He started his defense of a separate but equal society on a false premise that U.S. district courts have been ordering "massive busing" for the purpose of racial balance. What might I ask, constitutes "massive busing?" Is it real or illusory? Does it exist in fact, or does it exist only in the minds of those who vehemently oppose the extension of full rights to all Americans?

The real issue, indeed the only issue at stake in the busing controversy, is that of race. The so-called evils of busing only become emotional monsters when that big yellow bus terminates at the little red schoolhouse which happens to have many black students enrolled. There is no such animal in the American educational system known as the "neighborhood school." Anyone who alludes to it is injecting a dimension into the debate which smacks of racism. The fact is, that more than 60 percent of all American children attending school today are arriving there by bus.

If our President were honest, if the majority of our citizens were honest on the question of busing—we would not be confronted today with the so-called solutions to the so-called evils of busing. If busing entails all the evils our President contends, such as creating serious risks to the health and safety of children; disrupting their educational process; and impinging significantly on their educational opportunity, then, our President is advancing the wrong solutions. I would think that our President would be advocating that no Federal funds be used to finance buses or schools where children are enrolled who live more than 3 miles from school. If indeed there is an existence of neighborhood schools, I see no reason for a child to attend a school more than 3 miles from home.

For the President of the United States to provide the forum and vehicle to create the climate for respectability of racists and racism is diabolism. His intentions must be held in suspect by any decent person who knows him and his past performances. In one breath he calls for a moratorium on all busing for racial balance and in the next proposes to spend $2.5 billion to provide equality education for minorities. It seems unbelievable to me that he could make such a statement in light of the fact that just 18 months ago in his veto message to the Congress he said, $453 million for elementary and secondary education, handicapped, vocational and adult education, student college loans, and libraries was "the kind of big spending that is wrong for all the American people." In fact, his budget for fiscal 1972 included only $1.85 billion for all elementary and secondary education. How then can any intelligent person believe that President Nixon is serious about spending a meager $2.5 billion to improve the quality of education for minorities? A closer look at the $2.5 billion which Nixon now proposes reveals no new commitment of funds but rather a "hold the line" effort in an attempt to spend the same amount as is now being spent.

Under President Nixon, we have witnessed the whole thrust of the 1960's to eliminate the degrading, dehumanizing effects of racism reversed. Under the Kennedy and Johnson administrations, racial and social injustices were confronted as moral and legal wrongs to be rootel out from our society. Neither Kennedy nor Johnson was reluctant to use the entire weight of the Presidential Office to embrace and promote the concept of racial equality. Unfortunately, President Nixon has chosen to follow the lead of men like Adolf Hitler and Woodrow Wilson. President Nixon prefers demagoguery to decency. He prefers to "bleed-white" than to "lead right." If President Nixon is genuinely interested in improving the quality of education for the deprived, denied children of the ghetto, then he should use the resources of this great Government of ours to improve the quality of life in all aspects for them. He cannot support "economic discrimination" in suburban housing which is equated with racial discrimination and yet contend that ghetto children are being denied quality education because of the conditions under which they are forced to live. He is, in effect, responsible for them being forced to live under those conditions. The President opposes "forced" busing on the one hand but protects "forced" patterns of housing discrimination on the other.

He cannot shed tears for those same black children who are bused to suburban areas to receive quality education and at the same time deny their black parents equal job opportunities by refusing to enforce the laws against discriminatory hiring.

Sitting back and watching how the wind blew in Florida, the President seized upon the results of that State's busing referendum. Mr. Nixon may win additional support from the racist segment of our population but in the process of gaining these votes, he is taking the Constitution into his own hands to turn the civil rights clock back to 1896. For blacks, the journey on the road to equality has been a long and trying one. Obstructionists such as Mr. Nixon have always attempted to block the road to total equality. But he and his kind cannot turn back the clock, cannot deny blacks their constitutional rights without endangering the constitutional rights of whites.

Those who drafted the Constitution and the Declaration of Independence foresaw the kinds of hysteria and pandamonia that would exist in days like this. They knew that men who normally are protectors of the Constitution and the rights of individuals would be called upon by ignorant mobs to set aside the rights of individuals and in effect destroy the Constitution.

Thomas Paine so eloquently put it when he said:

> These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of his country; but be that stands it now, deserves the love and thanks of man and woman.

Seldom in our Nation's history has the need for a reasoned approach to our many social, political and economic problems been more clearly felt. Yet, we permit ourselves to be confused and divided by issues that are magnified and distorted out of all relation to reality.

The matter of school busing to achieve integration is one such issue. Our ability to separate out the real problems from the contrived may well prove a supreme test of our ability to maintain a democratic, pluralist society.

The American Jewish Committee reasserts its unequivocal commitment to an integrated society and to quality public education for all. Integrated public schools offering equal educational opportunity are a necessary component of that society.

We are unalterably opposed to a constitutional amendment against busing or any other executive or legislative technique which would undermine this commitment.

We make no attempt to ignore or minimize the many practical difficulties involved in integrating schools. Many Americans are resisting court-ordered busing because they honestly feel it would jeopardize the quality of their children's education. Many are concerned for their children's safety. Some support has also developed among our racial and ethnic minorities for a retention of separate schools as part of their political and social drives. These real problems have been exploited by cynical politicians who fan hysteria and offer simplistic solutions to complicated social issues.

The current emotional debate over busing loses sight of some of the important facts; first, 18 million schoolchildren—40 percent of the total school population—are normally bused to and from school for reasons that have nothing to do with racial balance; second, in Mississippi, South Carolina, and Alabama there has been a 2- to 3-percent decrease in the number of students bused since 1967–68 in the process of desegregating previously segregated schools. The issue, therefore, is not "massive" or "forced" busing, but rather whether there should be new constitutional, legislative, and executive prohibitions on the use of any busing in desegregation plans that are developed by local communities or directed by courts.

The American Jewish Committee believes that there should be no such prohibitions, and that a variety of school integration approaches must be used to achieve the twin goals of integration and quality education.

We must not permit "the busing issue" to divert us from the complex of economic, social, and political issues crying out for solution in order to improve the quality—and the equality—of life for all Americans.

MEAT PRICES

The SPEAKER pro tempore (Mr. LINK). Under a previous order of the House the gentleman from Iowa (Mr. SMITH) is recognized for 30 minutes.

(Mr. SMITH of Iowa asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. SMITH of Iowa. Mr. Speaker, in yesterday's newspaper appeared two full-page advertisements, one by Giant Food Stores and the other by Safeway Food Stores, both of which alleged to contain information which could help consumers fight inflation.

The Giant Food Store ad reads, in part, as follows:

> You have the right to be informed about meat prices. Meat prices are high and from all predictions will remain high. Beef is near the highest level since the end of the Korean war. Why are they so high? It begins at the source: Livestock prices were not and are not now controlled under the present economic program. Less meat is reaching the market. Prices from our suppliers have skyrocketed. Because of all these reasons, you will find higher prices on almost all fresh meats.
>
> We consumers can help bring prices down. Buy less meat. Use other forms of protein.

Then, they list as examples many kinds of fish, both fresh and frozen, as good buys. Dried beans, lentils, cereal grain products, macaroni and spaghetti, and peanut butter too, when combined with animal proteins and other foods, such as dairy products, make a meal of high quality protein.

Then it says:

> There are lower-priced, nutritious substitutes for high-priced meat. In addition, Giant has provided some valuable shopping tools that can help you get the most nutrition for your food dollar. Nutrition information is posted for 85 items in all Giant stores. Check the posters to find nutritious alternatives for the more expensive foods.
>
> The unit price, that is the cost per measure, is posted for most items sold in Giant stores. Use unit pricing. It is there to help you. There are ways to beat the high cost of meats.

It is signed by Esther Peterson who takes the title of "Consumer Adviser to the President of Giant Food."

Then the ad on Safeway Stores says, in big, black print:

> HELP FIGHT INFLATION AND EAT WELL, TOO!

Under that it says:

> There is something you can do to help fight inflation. It's something all of us can do in the fight against higher food prices. Let's use more of the many nutritious foods which are plentiful and lower in price. When you serve one of these, you save money right now. Also, you help to speed the day when costs will go down on other foods.
>
> We will be telling you in Safeway newspaper ads and through store signs which foods are current "Inflation-Fighters."

Then it lists a number of foods it says one should buy to fight inflation, such as scrapple, bologna, some pancake mix, and some other foods.

Now, Mr. Speaker, my curiosity was raised enough that I went to both a Giant Food Store and a Safeway Food Store, which are across the street from one another near the 3900 block of Minnesota Avenue. After shopping and comparing the prices in those stores I can only conclude that these ads are an outright consumer fraud designed to mislead customers to buy foods which contain less of the needed nutrients per dollar of expenditure. While in almost every instance the comparable food at the Safeway store was cheaper than in the Giant store, the foods Safeway promoted in their ad as "Inflation-Fighters" in fact cost more per protein unit than other available foods including some meats. This is another example of how consumers are being charged more money than necessary in order to pay for advertising which commits a fraud upon them.

The Giant ad states that "Beef is near the highest level since the end of the Korean war," and says that the cause is that "livestock prices were not and are not now controlled." While beef is barely higher than it was 20 years ago, the earnings per share of stock of the Giant Food Corp., which operates in the District of Columbia, Maryland, and the Virginia area, on an adjusted basis, have increased more than 100 percent in the last 4 years, from $1.13 in 1967 up to $2.65 for the past 12 months. The earnings per share of stock on Safeway Stores, Inc., for the same period advanced from $2 up to $2.91, or 45 percent in just 4 years. Instead of diverting attention toward a product that has barely increased in price in 20 years, it seems one place they could better help fight inflation would be to take less profit and spend less of the consumers' money for advertisements designed to mislead consumers.

The Giant advertisement was centered on the idea that meat prices are too high, but that Giant offers several good protein alternatives such as fish, eggs, cheeses, and various other products mixed with animal protein. Upon checking prices, I found an interesting fact. I broke these products down from a table that is in a handbook published by the Department of Agriculture Research Service which shows the amount of protein in each of the various foods.

For example, it shows that on round steak of choice grade there are 91.6 grams of protein per pound. At the price that was quoted in the store that is 1.6 cents per gram. On the other hand, chuck roast, which was featured as one of these "inflation fighters," was 89 cents a pound, but it only contains 18.7 grams of protein per pound, so that the cost per gram was 4.7 cents.

In fact, the "inflation fighter" chuck roast is three times as much per gram of protein as is the choice round steak.

Also it was noteworthy that big bologna, for example, which contains all kinds of leftovers and cereals, and some other foreign substances to meat, as binders, is actually as highly priced per protein unit as round steak.

Mr. Speaker, I insert at this point a list of the various foods that I checked.

The material referred to follows:

	Price per pound	Gram of protein per pound	Price per gram of protein, in cents
Round steak (choice grade)	$1.49	91.6	1.6
Ground beef	.75	81.2	.92
Stewing lamb	.39	83.5	.45
Sliced ham	.79	90.7	.87
Big bologna	.93	60.3	1.52
Chicken legs	.75	51.2	1.47
Chicken thighs	.69	61.6	1.1
Turkey	.57	55.6	1.0
White enriched bread	.29	39.5	.73
Chuck roast (choice grade)	.89	18.7	4.7
Perch filet (frozen or fresh)	.79	31.5	2.5
Catfish filet	1.09	79.8	1.36
Carp fish (whole)	.49	24.5	2.0
Eggs, grade A large per dozen $0.49 per 24-ounces dozen equals	.39	52.1	.6
American cheese	.89	105.2	.84
Swiss cheese	1.26	119.8	1.05
Cottage cheese	.33	61.7	.53
Scrapple	.43	39.9	1.08
Margarine (corn oil)	.49	2.7	18.1
Cheese pizza, $0.79 for 13½-ounces	1.00	40.4	2.7
Pizza with sausage, $0.79 for 13½-ounces	1.08	35.4	3.05

In several instances good meat of cheaper cuts that were available were much cheaper, in fact, than some of the so-called inflation fighters.

The Giant ad alleged that cereal grain products combined with meat is cheaper and indeed it should be. However, you will notice in the table I am inserting in the RECORD that the cereal grain product combined with proteins in the list is pizza.

According to a handbook printed by the U.S. Department of Agriculture Research Service on the composition of foods, the grams of protein per unit figure out in such a way that their pizza is 280 percent as much per protein unit as ham and also 180 percent as much per protein unit as choice grade round steak. It is over 500 percent as much per protein unit as stewing lamb and of course cheaper cuts of meat would be even cheaper than pizza by comparison. So the ad directs attention away from cheaper foods per protein unit.

The Giant ad claims "The unit price, that is the cost per measure, is posted for the items sold in Giant stores." In fact, the only products I saw which told how much protein it contained were dog food and cat food. What good does it do a housewife who is shopping for protein nutrients to know that a certain box contains one pound of some mixture if the protein content of the mixture is not available?

The most important item in most people's diet is proteins. Indeed most people eat too few proteins and too much of the foods which can be stored as fat. The Giant ad was allegedly directed at how to secure a better buy in proteins. Indeed more education is needed on how to shop for protein. However, the Giant ad contained misinformation and if the advice therein were followed would result in customers making the worst buys in the store in terms of cost per edible protein unit.

Unless a consumer goes to the store armed with a computer and a table showing protein content of each of those foods, they have little chance to know which is the best buy.

When a company increases their margin of profit per share of stock so much that they more than double that profit in 4 years and still have money to buy full page ads to divert the attention of customers from those profits and also mislead them into buying products which cost more per protein unit, it is time for consumers to stand up to those companies which engage in such false advertising techniques with consumers' money and to divert purchases away from such stores as Giant and Safeway to stores which do not use these shoddy practices.

The Giant ad is signed by Esther Petersen who is given the title of "Consumer Advisor." I must conclude that if she advised on this, she was advising Giant how to extract more money for less from consumers.

While prices were cheaper in most every instance at the Safeway store, they too were promoting products which in many instances cost more per protein unit and claiming the higher cost products were "Inflation-fighters."

It is surely past time for supermarkets to either use the truth as a prerequisite in advertising or else stop advertising. Perhaps this specific example will help direct consumers' attention toward the need for an analysis on foods and to be wary of claims by consumer advisers whose paycheck comes from the company that makes higher profits from fraudulent advertising.

We also need a consumer protection agency to take effective action in cases like this.

Meanwhile consumers can protest this kind of activity by avoiding the Giant and Safeway and those who engage in such practices.

I hope Mrs. Knauer of the Office of Consumer Affairs will also give it her attention.

Mr. LANDGREBE. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman.

Mr. LANDGREBE. Mr. Speaker, I would like to compliment the gentleman from Iowa on his very close scrutiny of this matter and for bringing this information to the floor of the House of Representative. I would associate myself with the gentleman's remarks.

Mr. SMITH of Iowa. I thank the gentleman.

Mr. LINK. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman.

Mr. LINK. Mr. Speaker, I commend the gentleman from Iowa for bringing this matter to the attention of the House and the Nation.

Mr. Speaker, the retail cost of a representative market basket of food rose $21 during 1971 and $20 of that $21 went to middlemen. Only $1 went to the farmer-producer.

In the past 20 years, farm prices have increased only 7 percent compared to 340 percent for wage earners, 430 percent for Government employees, 200 percent for business and professional people, and 300 percent for receivers of dividends. In the same 20-year period, farm production costs have increased by 50 percent.

The following statistics on live cattle and retail meat prices in a midwestern city in 1952 and 1972 should be noted. In January of 1952, the producer received $39 per hundredweight for prime cattle and $35.50 to $38 for most choice to prime.

Now, 20 years later, on February 16, 1972, the producer received virtually the same price, $38 for prime and $34 to $37 for most choice to prime. Yet, in the same 20-year period, the price to the consumer in the market has virtually doubled.

On January 9, 1952, the consumer paid, 85 cents per pound for Swiss streak; 49 cents for hamburger; 79 cents for rib streak; 79 cents for beef stew; 98 cents for sirloin; 85 cents for round steak; 65 cents for beef roast; and 69 cents for prime rib.

On February 16, 1972, the consumer in the same supermarket paid $1.69 for Swiss steak; 98 cents to $1.19 for hamburger; $1.59 for rib steak; 98 cents for beef stew; $1.68 for sirloin steak; $1.38 for round steak; $1.19 for beef roast; and $1.29 for prime rib.

Mr. Speaker, these figures speak for themselves. Clearly, the producer should not be made the scapegoat for the rising cost of living.

Mr. SMITH of Iowa. Mr. Speaker, I yield to the gentleman from Montana.

Mr. MELCHER. Mr. Speaker, I want to commend the gentleman from Iowa (Mr. SMITH) for taking this special order to draw the attention of the House to a misleading advertisement concerning the price of meat. It is timely that the public be informed that a full page advertisement by Giant Food chain in this morning's Washington paper is not giving complete and accurate facts to the public on the price of meat available in their stores and other stores throughout the country.

The wholesale price of choice steer beef on June 15, 1970 was $47.50. Last week, on March 15, the whole sale price was $54.45—both figures Omaha basis. This reflected a 14-percent increase over a 21-month period.

For the same period—June 15, 1970, pork loins wholesaled at $58.80, but on March 15 of this year, the wholesale price was $53.15, or close to 10 percent less. Combining the two wholesale prices on the choice steer beef with its modest increase and the pork loins or pork chops with their modest decrease in price, it is very much apparent that the price increases in red meats since mid-1970 until last week are not the responsibility of the producer. The wholesale price of pork and beef combined are very nearly the same as the combined wholesale price of the two red meats were almost 2 years ago.

The responsibility for the increase in retail prices of red meats which the Giant ad says have skyrocketed is clearly the responsibility of the middlemen and the retailer. It would seem to me that the Giant Food chain executives could well explain to the public that they are not paying the producers of pork and beef any bonuses but are buying these products at very nearly the same combined prices that they purchased them for in mid-1970.

If there are going to be recommendations for fish and seafoods as a substitute for red meats, Giant and other food chains could well start a campaign to protect their consumers by advocating passage of a bill which I have had in Congress for 2 years which would require the inspection of all fish and sea foods for wholesomeness, sanitation, and healthfulness. We do have laws requiring inspection of all meat, poultry, and dairy products but we allow fish and seafood products to go uninspected, leaving the consumers unprotected in sanitation and health requirements.

The consuming public deserves to have complete honesty with presentation of all the facts concerning the price and quantity of the products that they buy in their huge retail food industry.

Mr. SMITH of Iowa. I want to thank the gentleman. I certainly wholeheartedly endorse his comments concerning the need for fish inspection.

I also note in the cable that carp fish, which are usually considered to be the poorest fish to buy, are more than twice as high in protein per unit as ground beef at the Giant store today.

RIGHT-TO-READ PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, I would not have thought it possible, but the Department of Health, Education, and Welfare has stooped to a new low in its dealings with the Prince Georges County public school system.

On January 5, 1972, HEW notified the county school board that it had approved a grant for the national right-to-read program to be administered at the Randolph Village Elementary School in my neighborhood. On January 24, HEW notified the board that it would not fund the program.

It is this sort of cruel game playing by HEW which leads me to question more strongly every day if HEW really has the interests of schoolchildren at heart.

The terrible irony of HEW's most recent "now you see it, now you don't" move is that it penalizes most severely the very students it claims it is most anxious to help—educationally disadvantaged black children.

In its noncompliance action against the Prince Georges County School Board, HEW contended the board had not met desegregation guidelines and cited as an example the predominantly black Randolph Village Elementary School.

HEW claims it initiated the noncompliance action to insure quality education in predominantly black schools—a goal which we all share—and then it turns around and withdraws funds from the very type of program that is so desperately needed to provide quality education in those schools.

It makes no sense whatsoever.

Mr. Speaker, let us all hope that the President's recent firm policy against busing will finally put a halt to the absurd activites of HEW which are playing havoc with our schools.

THE DISTRIBUTIVE EDUCATION AT WILLIAMSVILLE NORTH HIGH SCHOOL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, believe today's young people are too often judged en masse by the example of the small minority who make headlines. It is sometimes easy to forget that the vast majority of today's youth are hard working individuals deeply concerned about their future and the future of their country.

I am proud to call attention today to an outstanding group of young people in my district the Distributive Education Clubs of America (DECA) at Williamsville North High School, Williamsville, N.Y., under the creative leadership of coordinator Richard Barry. This fast-growing youth organization has effectively been working with business in a cooperative effort to help preserve and promote our free enterprise system. I would like to bring to the attention of my colleagues the following background information concerning DECA which is available thanks to the efforts of my good friend Morry Poummit, chairman of the Board of Colad, Inc., Buffalo, N.Y.

The Distributive Education Clubs of America (DECA), of which the Williamsville Chapter is a part, is a national organization which combines work and study for students interested in merchandising, marketing, management and service operations. DECA brings together the business community and public schools, providing students with a combination of theoretical and practical job training and businessmen with capable, mature, career minded employees.

Before World War II, a survey was taken by an education committee of high school graduates who did not go to college. The survey showed that 35 percent of these students went into the distribution of products. These young people were the future clerks, salesmen, stockboys, cashiers, and other retail store employees.

Often when they applied for a job, the first question asked was "What training and experience do you have?" Not having either, they were generally rejected and had to continue looking for employment.

So the educators got together and created courses in distributive education, which had to do with salesmanship, merchandising, displays, advertising, promotions, et cetera. It was hard to interest students in taking these courses primarily because they were new and teachers were inexperienced. This has all changed, but let me continue with the historical background.

Between 1937 and 1942 schools created distributive education courses. To interest students in these courses, clubs were formed and adopted names like Future Retailers, Future Distributors, Future Merchants, and Distributive Education Clubs.

Statewide meetings were held between 1941 and 1944 because the local chapters grew and felt the need to communicate with each other. By 1945 State conferences and associations were organized and about this time the idea of a national organization was born.

In 1946 the U.S. Office of Education called a meeting of State distributive education supervisors to develop plans for a national organization. The first conference was held in Memphis, Tenn., in 1947. There were 17 charter members including New York State. In 1948 at the second conference in St. Louis, the official name was adopted—DECA. To better understand what the letters mean, they are DE—Distributive Education—DECA—Distributive Education Clubs of America.

The growth and development of DECA has been rapid. Nationally, there are now 4,000 DECA chapters with over 120,000 members. In New York State we have 133 chapters with 3,500 members.

The national organization is supported by leading American business firms. It administers a scholarship program, makes awards to outstanding students and conducts student leadership conferences.

Past growth and plans for the future give every indication that DECA is destined to become one of the leading youth organizations of our time. This growing success of DECA nationally is due in large part to the tireless efforts of local chapters such as the club at Williamsville North High School which has set an example for excellence unmatched nationwide.

Last year at the Distributive Education Clubs of New York 11th Annual Leadership Conference, Williamsville North High School won more prizes than any chapter in the country had ever won and I would like to list these awards at this time:

1. Chapter of the Year.
2. Student of the Year, Boy.
3. Student of the Year, Girl.
4. Job Interview, Boy.
5. Display Judging.
6. Studies in Marketing on Home Furnishings Manual and Footwear Manual.
7. Second Place DECNY Sweetheart.
8. Third Place Job Interview, Girl.
9. Third Place Display Construction.
10. Four Honorable Mentions.

In addition, one of the chapter's members was elected president of New York State and came very close to being national president. The Williamsville North High School DECA coordinator, Richard Barry, has done a tremendous job and is to be commended for his efforts. His students are presently working on a marketing project that is sponsored by Colad and Buffalo Niagara Sales and Marketing Executives (SME).

I would like to share with my colleagues more detailed information concerning DECA and the accomplishments of the DECA chapter at Williamsville North High School. Therefore, I am proud and pleased to include in the CONGRESSIONAL RECORD at this time an article which appeared in the publication "You and Your Schools" and general information concerning DECA:

COOPERATIVE EDUCATION

DISTRIBUTIVE EDUCATION

The Distributive Education program is probably the most widely known and highly publicized part of the whole, in part because of the huge success of DECA, the students' merchandising club. Distributive education is a three-year program, with a student registration of approximately 125 in each of the two high schools, which has as its most important purpose the recognition by each student of his own abilities, the training of each student in the selling of those abilities, and the presentation to each student of the wide range of opportunities available to one of his abilities.

Classes in Distributive Education include those in psychology, selling and marketing, career choosing, and personal inventory. Students as juniors are placed in jobs fitting their interests and abilities on a part-time basis, usually in the afternoon, five days a week or less. These young people take a full academic course in morning modules at their high school, report to a job for as much as four hours a day in the afternoon, and receive on-the-job training there.

Many students take Distributive Education courses who cannot, because of their academic load, take a job. These students can benefit from the realistic look at the business world which these courses offer them, even though they are not able to take advantage of the unique training which is to be had working in business itself.

Graduates of the Distributive Education Course have entered many colleges such as SUNY at Buffalo, Erie County Community College, Alfred University, and schools such as the Fashion Institute of Technology, and Foxmore Institute. Students earn one regents credit for each year of on-the-job training taken under the sponsorship of the Distributive Education Department, as well as regents credits in all their morning courses. Thus, graduates are fully capable of making different choices: that of attending a four-year college, that of attending a technical school full time, that of studying part time and working part time while further developing skills or going into the work which they will know ahead of time they enjoy and are suited to and in which they have good training.

INDUSTRIAL CAREER TRAINING

The goals of the Industrial Career Department, remain those of recognition of abilities, relevant experience, and development of personal skills, and knowledge of career opportunities.

The Industrial Careers section, headed by Robert Bedell, a teacher with 18 years with this District has sections in both high schools, and is a two-year course. Students must be 16 years old to enter the course, and are placed upon entering the course in a suitable industry.

Courses taught include work in learning about industrial opportunities, personal assessment, and work skills. About 35 students are registered in this department, and all are worked with by Mr. Bedell on a one to one basis. The placement of each student is decided on the basis of his personal likes, his hobbies, his abilities, and his personality. There is constant communication between Mr. Bedell and the employer to check student progress.

In this department students learn things which adults in the working world take for granted, but which students need guidance to react to in a positive manner. For example, young people who have had no experience in applying to industry for a job need facts to properly make out an employment application. Income taxes and the making out of returns is another factual matter taught to students in this program. The importance of work attitudes, including punctuality, proper work clothes, pleasant personality, and attention to direction are all taught and practiced in actual work conditions.

Graduates of this course have, in many cases, been highly successful in their chosen professions. One young man is now teaching automobile body work for General Motors, and flies to classes all over the country. Another is a baker for a large baking department, having come close to being a dropout before he was placed in a position he enjoyed and to which he believed he could contribute skills learned in the Industrial Careers Department.

Another student graduated from the Industrial Careers Department after working while studying as a machinist with a Williamsville industry. He went into the Navy and earned a machinist rating as a result of his training at Williamsville High School. He then returned to Williamsville and to work for his former employer. He is now a machinist, training students from the Industrial Careers Department in that same industry.

SECRETARIAL OFFICE TRAINING

The Secretarial Office Training course, enrolling about 130 students, is on a morning-study, afternoon-office-work schedule. Most of these students are seniors, but a few juniors are judged advanced enough in their secretarial studies to be allowed to work afternoons in offices also. It should be understood that all students who take shorthand, typing, and office practice are not part of the Secretarial Office Practice course, but only those who have advanced well in their secretarial studies and who want the experience of on-the-job training.

Mr. Mauro is in charge of office placement, and he is assisted by two teacher advisors at High School North, Mrs. Therese Ferrara, secretarial teacher and Miss Clare McCabe, office practice teacher and at High School South, Miss Jean Poorten, secretarial, and Miss Lois Blair, office theory. These teachers rate students as to excellence in their studies for Mr. Mauro who then suggests three names of students who are competent to fill the positions, but the employer is to make the final choice. Further, Mr. Mauro believes that each student would have practice which is gained by talking to an employer about a specific job.

These teacher advisors have a personal knowledge of the ability, achievement and personality of these girls, as does Mr. Mauro.

They also help her with any work problems individual to her own job. To receive credit for the work experience, the student must satisfy both the employer and the teacher advisors as to his performance.

In talking of Cooperative Education, which includes, in the Williamsville plan, three departments—Distributive Education, Industrial Careers, and Secretarial Office Practice, it should be understood that all students who take vocational training are not in these programs. In fact, few of the students in business or vocational training are taking Cooperative Education courses. Students in Cooperative Ed must be screened for commitment, for academic ability (since they must do academic work in a half day while other students may have a full day for such study), and for cooperativeness. Although students earn a small paycheck each week, the important facet of the Cooperative Education idea is that actual business experience is invaluable training for life itself. Most students see the Cooperative Education experience that way, and find the relevance of the courses taught in school valuable in giving them facts on which to base future career choices, and business experience which is of use in developing attitudes which business will pay money for.

MR. MAURO, DIRECTOR

Coordinator of the Cooperative Education Department, Ralph Mauro has been a member of the Williamsville District staff for 13 years. He became coordinator in 1964, with his principal duties encompassing both department administration and placement work for the Secretarial Office Training Section. This year he is teaching a class in career planning at Williamsville North.

A lifetime Buffalo and Western New York resident, Mr. Mauro graduated from Canisius College, and he received his Masters Degree in Education Marketing from SUNY at Buffalo. He now lives in Elma with his wife Betty and his five children, Peggy, a sophomore in high school; Patty, a student in junior high school; Francis and William in elementary school; and Michael, 4, still at home. The whole Mauro family enjoys water sports and spends as much time as weather allows in swimming and boating.

Mr. Mauro is a believer in the ability of young people to offer individually something worthwhile to their community. He is working with other community residents in Elma to form a Boys Club there. His long range educational goals include (1) working toward early career education in the middle schools—offering courses which would expose students to the world of work, work's dignity and the relationship of each student to the occupational world; (2) expansion of supervised on-the-job training; and (3) insuring that work experience is included as an integral part of each student's program.

COOPERATIVE EDUCATION

Cooperative education is a three-pronged weapon to attack and conquer the evils of unemployment, student apathy, inexperience, and lack of commitment. Called "cooperative" because both the Williamsville high schools and local business and industry cooperate to train local young people, this unusual Williamsville program offers training for life—training in:

1. Selling themselves.

2. Using their capabilities to best advantage.

3. Good work techniques.

4. The specific skills of the kind of job they want.

5. Having a successful employment interview.

6. Making out employment forms and resumes.

To make this program work well and to the best interests of the employers in our area and to place the right type of student in each job, Mr. Ralph Mauro coordinates and is liaison for the 3 areas. Cooperative Education comprises three areas—Distributive, Industrial, and Secretarial. Mr. Richard Barry at North High School and Mr. John McCracken at South High School are Teacher-Advisors for Distributive Education. Mr. Robert Bedell is in charge of Industrial Training division in both schools. Secretarial Office training has Mr. Mauro in charge of placement with the assistance of Mrs. Therese Ferrara at High School North and Miss Jean Poorten at South.

COOPERATION FROM EMPLOYERS

Much is required of these employers who must not only train the students in their own work systems, but must also cooperate with the school district in assessing each student's abilities and attitudes to the work world, and in paying each student for his work. The employers gain students who stay on the job because of counseling, school credit gained, and learning of the business world in general. In many cases the employer has the opportunity to employ full time a young person whom he has trained when that employee has finished his further schooling or training.

The Cooperative Education Department is labelled a success by the businessmen who have gained useful and well-trained employees, by students who have received invaluable experience and training, and by the community of Williamsville at large which has great numbers of young people more fitted to join the world of business.

COOPERATIVE EDUCATIONAL PHILOSOPHY

The Cooperative Education department of the Williamsville high schools has as its aim to train good dependable and loyal employees But far more than that, the department works to help students learn the value of their own possible contribution to the world of work and learn the best possible way to make this contribution. That these aims have been met is proved by the hundreds of interested businessmen who year after year hire students from the Cooperative Education department, who sing the praises of the students with whom they have worked and the members of the department who have made this relationship possible. Students of the department have been accepted into colleges all over the country, better fitted to choose their college course, and better fitted to earn part of their college expense. Students of the department have made their way successfully in many phases of business and industry over the years that the department has functioned. Students return to the members of the Cooperative Education department to get further counseling in career choices, to tell members of the department of their successes and triumphs, and to give members of the department further insights into aid which may be given members of the student body not yet out of school.

Because of the one to-one relationship which this sort of training necessitates, teachers and coordinators of the program know their students well and this individualization makes for increasingly valuable knowledge in training for Cooperative Education.

The exceedingly wide range of career opportunities available to be tested by interested students, from carpenters to interior decorators, from landscape designers to auto mechanics, from accountants to salesmen, widens each year as the employment market changes and as members of the department find that there are more and more demands for their students.

The Cooperative Education department offers courses of interest to all high school students, to those who want a work study program and to those who do not, to those who believe they have a career choice well in mind as well as to those who have no idea what they want to do in the complex business network of the United States. Members of the Cooperative Education department believe in their courses so thoroughly that they recommend at least a few of them for each high school student, and high school students in all ranges of ability who have taken one or more of the courses agree in that assessment.

General Information on Distributive Education Clubs of America

WHAT IS DECA?

The Distributive Education Clubs of America—otherwise known as DECA—is an organization whose program of leadership and personal development is designed specifically for students enrolled in Distributive Education. Distributive Education is a program of instruction which teaches marketing, merchandising and management.

Any student enrolled in any Distributive Education instructional program in the nation is eligible for membership in his local DECA Chapter, his State Association of DECA and National DECA. Each Chapter elects its own student officers and the DE Teacher-Coordinator serves as the Chapter Advisor. All Chapters within a state comprise a State Association of DECA, which is under the leadership of the State DECA Advisor. Each such unit elects student officers as leaders for that particular group. National DECA is composed of State Associations. Student delegates elected by each state in turn elect their own national officers. DECA, Inc., the legal sponsoring unit of this national youth movement, elects a Board of Directors, which is the policy making group of DECA.

DECA is a non-profit, non-political, non-secretarian, youth organization. All Chapters are self-supporting, with members paying local, state and national dues.

DE students have common objectives and interests. Each is studying for a specific career objective in marketing and distribution. Chapter activities have a powerful psychological effect upon the attitudes of students and, for many, DECA is the only opportunity which they have to participate in social activities of the school and to develop knowledge of the responsibilities of citizenship.

DECA Chapters are to DE students what a civic or professional organization is to a group of businessmen. Chapter activities are recognized as a part of the total educational program because of their development of leadership ability, professional attitudes, better citizenship characteristics, and social growth of the individual. DECA Chapter activities are always centered in the school. These Chapter activities serve the teacher-coordinator as a teaching tool by creating interest in all phases of marketing and distribution study.

The DECA Chapter is the showcase for student achievement and progress. Through its activities, students with an interest in marketing and distribution are attracted to the DE program. No set pattern of operation is prescribed for any local Chapter; however, the majority plan activities which include social, civic, professional, and benevolent activities and adopt projects which provide for school and community betterment.

DECA activities provide DECA members an opportunity to serve as leaders and followers, and provides an opportunity for them to receive state and national recognition which they would not have otherwise.

GOALS OF DECA

To assist State Associations in the growth and development of DECA.

To further develop education in marketing and distribution which will contribute to occupational competence.

To promote understanding and appreciation for the responsibilities of citizenship in our free, competitive enterprise system.

ADULT GUIDANCE

National DECA is composed of State Associations of DECA. These State Associations have been duly chartered by the Distributive Education Clubs of America, Inc., upon approval of the Board of Directors.

On the national scale, the governing bodies are both student and adult. Distributive Education Clubs of America, or DECA, refers to the student area. It is composed of five divisions: High School, Junior Collegiate, Collegiate, Alumni, and Professional. For these five divisions each State Association selects national voting delegates, who, at the National Conference, elect their own National Officers, and conduct the business of that Division.

The adult governing body is DECA, Inc. This is the legal sponsoring agency of DECA and its membership is composed of the head State person responsible for Distributive Education, or his appointed representative in each chartered Association. This group is represented by a Board of Directors, elected by the members of DECA, Inc. The Board of Directors consists of thirteen members including nine persons elected by and from the membership of DECA, Inc., the immediate past President of the Corporation, plus an appointed treasurer, and the Vice President of the Distributive Education Division of the American Vocational Association. Two meetings annually of DECA, Inc., are held at a designated time and place to coincide with the annual American Vocational Association Convention and the annual National Leadership Conference of DECA. The Board of Directors meets as necessary.

DECA—What It Is—What It Does

WHAT IS DE?

Distributive Education identifies a program of instruction which teaches marketing, merchandising and management.

WHAT IS DECA?

DECA identifies the Program of Youth Activity relating to DE—Distributive Education Clubs of America—and is designed to develop future leaders for marketing and distribution.

DECA is the only national youth organization operating within the nation's schools to attract young people to careers in marketing and distribution.

DECA AND THE STUDENT

DE students have common objectives and interests in that each is studying for a specific career objective. DECA activities have a tremendous psychological effect upon the attitudes of students, and many students have no other opportunity to participate in social activities of the school or to develop responsibilities of citizenship.

DECA members learn to serve as leaders and followers, and have opportunity for state and national recognition that they would not have otherwise.

DECA AND THE SCHOOL

DECA Chapter activities are always school-centered, thus contributing to the school's purpose of preparing well-adjusted employable citizens. Chapter activities serve the DE Teacher-Coordinator as a teaching tool by creating interest in all phases of marketing and distribution study, and serve as an avenue of expression for individual talent.

The Chapter is the "show window" for student achievement and progress, and is the public relations arm of the DE instructional program. It attracts students to the DE program who are interested in marketing management and distribution careers and assists in subject matter presentation.

DECA AND THE COMMUNITY

DECA members have made numerous studies and surveys to aid the economic development of their own community. Individual and group marketing projects continue to encourage this type of contribution.

Many businesses favor hiring DE students because of their interest in training and their related school study of that particular business. Many leaders in business and government have praised DECA for its civic-related activities.

DECA AND THE NATION

DE instruction and DECA activity constantly emphasize America's system of competition and private enterprise. Self-help among students is the rule rather than the exception, and DECA leaders give constant encouragement to continued education.

History has proven that whenever a nation's channels of distribution fail to function, that nation is shortlived. As DECA attracts more of our nation's youth to study marketing and distribution, the total DE program becomes a vital necessity to our national security.

NATIONAL DECA MONTH

The purposes of National DECA Month are to call attention to the Distributive Education program, to enhance the educational facilities of your school and to highlight the activities of DECA. DECA Month is held in March each year and should be centered around local and/or statewide DECA activities. Promotional materials are made available to Chapters and State Associations to aid any planned observance.

THE DECA FOUNDATION

The DECA Foundation is a legal body representing the Distributive Education Clubs of America, Inc. Statements within the Articles of Incorporation give DECA the privilege to receive and spend monies for educational purposes. It also gives protection to those who make financial contributions to DECA for these purposes. The DECA Foundation was officially chartered under the laws of the Commonwealth of Virginia on February 2, 1960. DECA's Board of Directors constitutes the membership of The DECA Foundation and establishes policy for its operation. The national Program of Youth Activity is financed by contributions to DECA and is administered under policy established by these Directors.

ADVISORY GROUPS

There are several groups which serve in an advisory capacity to the Board of Directors. One of the most prominent is the National Advisory Board. This group is composed of organizational representatives which contribute financial support to DECA. Regular NAB meetings are held twice each year, normally during the AVA convention and the DECA National Leadership Conference. The NAB is of invaluable assistance to our youth movement.

Other advisory groups include the American Vocational Association, the National Association of Distributive Education Teachers, the Council for Distributive Teacher Education, the National Association of State Supervisors of DE, the National Association of State Directors of Vocational Education, and the U.S. Office of Education.

DECA HEADQUARTERS

National DECA Headquarters houses the employed staff of DECA, Inc. The Executive Director, employed by the Board of Directors, is responsible for the administration of National Headquarters and for executing the public policies established by the Board of Directors. His exact duties are described in Article II of the Articles of Incorporation of the Distributive Education Clubs of America, Inc. Other staff members are responsible for the development, promotion, and coordination of many DECA activities between National Headquarters and State Associations.

DECA TERMINOLOGY

DECA, Inc—legal identity of adult group responsible for the youth program of DECA. Chartered in 1946. Meets twice each year.

DECA—term used in referring to the student organization: local, state or national.

The DECA Foundation—created to assist and encourage DECA members to continue career study in marketing and distribution; serves as a financing arm for DECA.

Board of Directors—elected by members of DECA, Inc., to set policy for DECA, Inc., and The DECA Foundation.

National Advisory Board—representatives from organizations contributing financial support to DECA. Serves in advisory capacity to Directors. Meets as necessary.

Regional Leadership Conferences—leadership meetings held generally in the fall of the year in each of four DECA Regions for the purpose of providing an opportunity for leadership development of State Association Officers and DECA Advisors.

National Leadership Conference—annual climax of year's DECA activity. Purposes: recognize outstanding individual ability and classroom achievement; inspire individual and group leadership. High School Division NLC approved by the National Association of Secondary School Principals.

National Delegates—student representatives elected by State Associations to conduct the official business of the student organization. National officers are elected by and from these delegates.

The DECA Distributor—official publication of DECA, Inc. Circulation 125,000 with readership estimated at two to one. Supplemented by the DECA Dateline.

DECA Headquarters—national offices of DECA; DECA, Inc.; and The DECA Foundation, located at 200 Park Avenue, Falls Church, Virginia 22046.

PUBLICATIONS

The DECA Distributor is the official national magazine of The Distributive Education Clubs of America. Each student member receives a copy of The DECA Distributor through his Chapter Advisor. In addition, the DECA Dateline is sent to each Chapter Advisor for Chapter use. Many other brochures are available at a very nominal charge from National Headquarters.

MEMBERSHIP ITEMS

Beginning in the fall of 1962, a navy blue blazer with the DECA emblem on the left breast pocket was approved as the official identifying uniform of DECA. It is available through Approved Suppliers who meet specifications as may be approved by the Board of Directors of DECA, Inc. In addition, membership pins and other appropriate identification items are available through DECA Approved Suppliers of these items. Each supplier is listed in the Suppliers and Sales Project Guide published annually for Chapter use.

SALES PROJECT GUIDE

At the beginning of the school year each DECA Chapter is provided with a Suppliers & Sales Project Guide to assist Chapters in planning sales project activities for the year. All DECA Approved Sales Project Companies and Suppliers are described in this publication. Chapters may order approved DECA Supplies or products direct, using the appropriate order forms supplied in the Guide.

GROWTH AND DEVELOPMENT

The Chapter Develops

During the period between 1937 and 1942, when cooperative programs in Distributive Education were becoming more widely established, the students in these Distributive Education classes began to form Distributive Education Clubs. This was a spontaneous effort on the part of the students and occurred simultaneously throughout the country. Why did this happen and what need were these clubs filling? Several basic factors were involved.

First, Distributive Education students were employed away from the school campus at their training stations during the afternoon—at a time when many of the other students in their school were involved with the school's extra-curricular activities. The Distributive Education students were, therefore, missing a very important part of school life.

Secondly, these students of Distributive Education had a common interest—their great desire for professional and personal growth.

Thirdly, they felt the need—common to everyone—to *belong*, to develop socially, and to be a part of the group.

Thus, local Chapters began to spring up all over the country. These early clubs adopted many names—*Future Retailers, Future Distributors, Distributors, Future Merchants*, and *Distributive Education Clubs*.

Between 1941 and 1944, when it became apparent that the strength of local Chapters was growing and when they began to feel the need to communicate with each other, a few States held statewide meetings of Distributive Education Clubs. By 1945, a few states had officially organized State Associations and were holding state conferences. During this time, the idea of a national organization was born.

The National Organization Develops

In 1946, the United States Office of Education invited a represented committee of State Supervisors of Distributive Education to meet in Washington, D.C., with representatives of the USOE, to develop plans for the national organization of Distributive Education Clubs and to prepare a tentative constitution and an organizational chart.

As a result of this preliminary meeting, the national organization was launched and the first Interstate Conference of Distributive Education Clubs was held in Memphis, Tennessee, in April, 1947. At that meeting, delegates from twelve states unanimously adopted a resolution to form a national organization. The organization was officially endorsed by the *National Association of State Directors of Vocational Education*, meeting at the same time in Chicago, Illinois. Officers were elected and committees were appointed to prepare a charter and a constitution for consideration at the next year's conference.

The second National Leadership Conference, held in St. Louis, Missouri, in 1948, saw the adoption of the constitution and the official name, the Distributive Education Clubs of America, designated DECA, and the acceptance of 17 charter member states. They were: Arkansas, Georgia, Indiana, Kansas, Kentucky, Louisiana, Michigan, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Utah, Virginia, and Washington.

In order to provide interim leadership, the President of the *National Association of State Supervisors of Distributive Education* appointed a *National Advisory Committee* to serve in lieu of an executive secretary. In 1949 an incorporation meeting, made up of State Supervisors and Advisors of affiliated states, elected the Board of Trustees of the Distributive Education Clubs of America, Inc., to serve as the policy-making body for DECA. DECA was officially chartered under the laws of the Commonwealth of Virginia in 1950.

The development of DECA has been closely followed by many outstanding national, state, and local business organizations, and many have given support assuring the continued growth of DECA.

The *American Vocational Association*, by vote of the House of Delegates, became an official sponsor of the Distributive Education Clubs of America on December 1, 1950.

National Headquarters Develops

In 1951, DECA committees began developing plans for a full-time national organizational structure. Included in these plans were a National Headquarters, *The DECA Foundation*, and other activities designed to promote the welfare of the Chapters, and the State Associations.

In 1953, a National Headquarters was established for DECA and set up at 1010 Vermont Avenue, N.W., in Washington, D.C., in space provided by the *American Vocational Association*. At that time the first Executive Secretary of DECA was employed. The first issue of The Distributor, the national publication of DECA, was presented just prior to the second annual conference in St. Louis. From 1947 to 1953, the Oklahoma Distributive Education state staff edited and published The Distributor.

While the Distributive Education Clubs of America—DECA—is a student organization and is operated by students under an adopted constitution, DECA, Inc., is the legal sponsoring group of the youth movement and is composed of the head State persons responsible for Distributive Education in those states affiliated with DECA, Inc.

The DECA Foundation was established to provide for legal acceptance of gifts, donations and the establishment of funds needed to operate the National Headquarters and the DECA National Program of Youth Activity. Many national, state, and local business organizations have become vitally interested in the DECA movement. Many have given and continue to give financial aid to DECA.

In 1957, donors to ***The DECA Foundation*** made it possible for DECA to add a Member Service Department to its National Headquarters and to employ a Program Director to head that Department. The annual DECA National Leadership Conference still remains as one of the highlights of the National Program of Youth Activity. A National Officer Training Conference, began in 1957 as an annual function and remains a valuable part of the training of National DECA Officers.

Since 1958, some states have been sending delegations representing junior colleges and other post secondary institutions to the National Leadership Conferences, in an effort to find ways and means to establish DECA Chapters in such institutions. Official recognition was given to this effort in 1961 by a change in the national constitution to allow those states interested to form Post Secondary Divisions. The first National Officer Training Conference for this Division was held in December, 1962, in connection with the *American Vocational Association* convention, meeting in Milwaukee, Wisconsin, at that time. The following year, 1963, the Post Secondary Officer of the High School Division in an effort to more closely coordinate the activities of both Divisions.

In 1960–61 The DECA Scholarship Loan Awards Program was developed and the first scholarship loans were awarded in 1962. This one program has done more than any other DECA activity to help erase the stigma of Distributive Education being a program of terminal education. From 1962 to 1970, approximately 160 scholarship loan awards were given to DECA members.

In 1967, a Public Relations Department was added to the DECA Headquarters, and in 1968 a Publications Department was added, with each Department having its own Director. Both of these Departments have aided greatly in DECA development.

During the 1969 National Leadership Conference in Atlantic City, Alaska became the last state in the Union to be chartered as an affiliated State Association of DECA. Alaskan Delegates received a standing ovation during the chartering ceremony symbolizing a true DECA welcome. Also in 1969 the Board of Directors granted approval to establish four DECA Regional Leadership Conferences as a part of DECA's Program of Youth Activity, to provide additional opportunity for leadership Development activities to a greater number of DECA members.

During the 1970 National Leadership Conference in Minneapolis, Voting Delegates of both Divisions of DECA approved a completely revised Constitution. This major revision allowed for the expansion of DECA to five Divisions: High School, Junior Collegiate,

Collegiate, Alumni, and Professional Divisions. Collegiate and Alumni representatives held developmental meetings during the Conference to draft Bylaws for their Divisions and to plan for Divisional development.

Membership in DECA has continually increased each year from 793 members in 1947 to almost 110,000 members in 1970. During each year of its existence, DECA has experienced a substantial membership increase. The number of State Associations affiliated with this national youth movement has increased from twelve in 1947 to 52 in 1970, including the District of Columbia and Puerto Rico.

The growth and development of DECA has been rapid. Many interested educators and business organizations have given their advice, their cooperation, and their support. Past growth and plans for the future give every indication that DECA is destined to become one of the leading youth organizations of our time.

Membership growth

1948	793
1950	5,127
1952	9,200
1954	11,196
1956	12,431
1958	15,235
1960	19,122
1961	22,183
1962	24,939
1963	29,885
1964	36,889
1965	47,359
1966	59,260
1967	72,426
1968	83,783
1969	97,960
1970	108,226

NATIONAL ADVISORY BOARD

History

The National Advisory Board is a group of individuals who represent interests giving financial support to DECA. The Board was created by a joint desire of the DECA Board of Directors and those investing funds in DECA development. DECA, Inc., first approved the appointment of a "National Business Advisory Board" on April 25, 1954, and one meeting of that group was held in New York City in January, 1955, under the direction of George M. Stone (Executive Secretary of DECA, 1953–55). Primary purpose of that meeting was to discuss ways and means of gaining financial support for DECA.

Following that meeting, no other formal meetings of this group were held; however, several of the individuals attending that meeting were most helpful in DECA financial development.

In the spring of 1956, the name of this advisory group was changed to the *National Advisory Board* and the first official meeting of this group was held that fall. Both the name and the purpose of the group have remained unchanged since that time.

Purposes

To serve as a liaison for all financial interests in matters of DECA development.

To serve in an advisory capacity, as requested by the Board of Directors of DECA, Inc.

To lend support to the promotion of DECA.

To assure equal recognition of each contributing interest regardless of the amount contributed.

Operating policies

(Adopted December 6, 1966)

(Revised December 10, 1968)

I. Name

The organization shall be known as the NATIONAL ADVISORY BOARD of the Distributive Education Clubs of America (DECA), and may be referred to as NAB.

II. Purpose and objectives

1. The purpose of this organization shall be to serve in an advisory capacity to the Board of Directors of DECA, Inc.

2. The basic objectives shall be to serve as a liaison for all financial interests in matters of DECA development and to lend support to the promotion of DECA.

III. Membership

1. Any organization contributing Five Hundred Dollars ($500) or more annually to DECA, Inc., is eligible for membership and to name a representative to serve on the NAB. An organization shall become a member by invitation, and membership shall be in the name of the organization and not the representative.

2. All candidates for membership shall be approved by vote of the Executive Committee.

3. If a representative is unable to continue to serve, it shall be his responsibility to notify his company which should designate his successor.

IV. Officers

1. The officers shall be a Chairman, a Vice Chairman, and a Secretary. All officers shall be elected at the winter meeting of the NAB and shall hold office for the succeeding two years or until duly qualified successors are elected.

2. *Chairman*—The Chairman shall preside at all meetings of the NAB and its Executive Committee. He shall appoint Chairmen of all Standing Committees and other special committees as soon after his election as practicable. He shall be an ex-officio member of all committees except the Nominations Committee. He shall perform all duties incident to his office and shall recommend such action as may be deemed by him likely to increase the usefulness of the NAB. In the event the Chairman, the Vice Chairman, and the Secretary are absent from meetings of the NAB or Executive Committee, the Chairman shall appoint another representative on the NAB to preside.

3. *Vice Chairman*—The Vice Chairman shall oversee the broadening of financial support for DECA, shall arrange to have representatives of new organizations get acquainted with the officers and other members at the semi-annual meetings, and shall assist the Chairman in the performance of his duties at the Chairman shall determine.

4. *Secretary*—The Secretary shall keep a record of the procedings of all meetings of the NAB, shall send out notices of meetings, and shall prepare other records for NAB as necessary.

V. EXECUTIVE COMMITTEE

1. The Executive Committee shall consist of no more than 16 members of the NAB. These members shall be the Chairman; Vice Chairman; Secretary; Chairmen of the Standing Committees; the immediate past Chairman; and six representatives elected from the membership at large. Members of the Executive Committee may serve simultaneously as an elected member and as an appointed chairman of a Standing Committee, described in Policy VI.

DIAMOND CLUB PROGRAM

Purpose

To provide funds for the Program of Youth Activity conducted by DECA on local, state and national levels in the following areas:

Awards and recognition, leadership conferences, program development.

Leadership training, public information, scholarship loans.

Definition: The Diamond Club Program is a project that allows State Association of DECA to strengthen and expand their program of youth activity for student members of DECA. It also provides an avenue for business, individuals and organization to financially support a youth program designed for their direct benefit.

The Diamond Club Program is the plan approved by the Distributive Education Clubs of America for self-support of the State Association. The goal of the Diamond Program is to build and sustain a sound financing program for the State Association on a continuing basis.

Need: The need of each State Association to have a sound financing program has been documented repeatedly by surveys. The need for an avenue through which to conduct their own DECA program including the State local, state, and regional businesses can support a given state has also been recognized by the State Association Advisors, Board of Directors of DECA, Inc., and the National Advisory Board. The Diamond Club Program combines in one package an effective plan for solving both of these needs.

Information on any aspect of the Diamond Club Program can be obtained by writing DECA Headquarters.

MEMBERSHIPS

The *Diamond Club Membership* is an exclusive recognition by DECA for those individuals and business interests who are giving maximum support toward student members of DECA in their own state. It entitles the contributor to personal recognition on the Diamond Club membership roster, a personalized membership card, an inscribed membership certificate, a subscription to all state and national publications of DECA, an opportunity to participate in the Diamond Club of your State Association, publicity releases by the State Association in cooperation with the contributor, and other recognitions by the State Association and the Distributive Education Clubs of America as may be appropriate. Cost: $500 or more.

The *Sustaining Membership* of the Diamond Club Program is a recognition of those individuals and business interests who desire to support the Diamond Club Program of their state to the extent implied. *A Sustaining Membership* entitles the contributor to a personalized membership card, an inscribed membership certificate, and personal recognition by the State Association of DECA as may be appropriate. Cost: $100 to $499.

The *Supporting Membership* of the Diamond Club Program is a method of recognizing those individuals and business organizations who may desire to support the Diamond Club Program of their state on a limited basis. *A Supporting Membership* entitles the contributor to a personalized membership card, a membership certificate, and recognition by the State Association of DECA as may be appropriate. Cost: $10 to $99.

DESIGNATION AND PROTECTION OF NATURAL AREAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BLACKBURN) is recognized for 10 minutes.

Mr. BLACKBURN. Mr. Speaker, on February 17, I had the pleasure of introducing legislation which would grant the Secretary of the Interior the power to develop a program for the designation and protection of natural areas throughout the United States.

Presently, the only program available to the Secretary for the preservation and protection of natural areas is the wilderness system. Unfortunately, land must already be in Federal hands for this act to apply. Though the land and water conservation program does provide a 50–50 matching grant for the development of land and water resources for recreational purposes, it does not apply to saving natural areas. Thus, the Interior Department does not have authority to grant aid to States and local governments to acquire natural areas of geological or ecological significance. The legislation which I introduced would grant the Secretary of the Interior the power to make 50–50 matching grants for this purpose.

I have found, through my studies, that there is a need for an expanded program to protect natural areas in order to achieve an increased appreciation of the natural history of the United States. Their appropriate use, including environmental education, scientific research, and public appreciation of these areas will be encouraged if they are so protected. Most of us remember our youth in which there were large expanses of natural areas. Unfortunately, with the continuing urban sprawling, these areas are being destroyed and we face the danger that future generations will not have the chance to use nature's wonders as we did.

I realize that in any program of this nature there should be an orderly system and criteria established for designating which areas deserve protection and assistance. Therefore, under title II of my legislation, I establish an Advisory Council on the Preservation of Natural Areas. The members of the Advisory Council shall be the Secretaries of the Interior, Agriculture; Housing and Urban Development; Transportation; Defense; Health, Education, and Welfare; the Smithsonian Institution; the president of the Natural Resources Council; and 10 appointments made by the President of the United States from the public. This Council will advise the President and the Congress on matters relating to the implementation and the coordination of this act with other Federal and State activities. Furthermore, the Council shall establish a national registry of areas which are endangered and will be first to receive funding under this act.

Preservation and protection of our natural areas at this time in our country's history is of prime importance. If we wait too long, there will be little left to protect. I urge prompt consideration of my bill.

EMERGENCY STRIKE LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BURKE) is recognized for 15 minutes.

Mr. BURKE of Florida. Mr. Speaker, I am pleased to join with my colleagues and give my views on strike legislation intended to provide a more effective means for protecting the public interest against national emergency disputes involving the transportation industries. I cosponsored H.R. 12692, along with 76 of my colleagues.

The action taken by the Subcommittee of the House Interstate and Foreign Commerce Committee on March 1, which killed any possible action on this measure this year, is regrettable.

It is unfortunate that the Members of Congress will not have a chance to vote on this bill this year, and it is manifestly unfair to the American people that they are placed at the mercy of management-labor negotiators who have the power to create massive unemployment, food, fuel, and supply shortages, and even to undermine our entire economy. The recent examples of the British coal miners strike and the British mail strike, presage similar chaos in our own country if the present laws are not changed.

Labor leaders oppose compulsory arbitration and want to continue with voluntary arbitration to arrive at what they call a balance of interests between labor and management. In theory this is free enterprise functioning at its best. But, in reality, labor disputes directly involving the public have three parties; namely, labor, management, and the general public—and the materials of all parties are not represented. To me the public's interests are paramount, and the public is not being represented, nor is its welfare being taken into account in prolonged labor strikes. Since the public doesn't have a voice in the negotiations, the average citizen suffers more than either labor or management.

All fair-minded Americans are in agreement that the workingman should be protected against unscrupulous employment practices, but, by the same token, the average workingman and the American public must also be protected against unscrupulous labor practices. Our present labor laws, regrettably, are outmoded today and put the public at the mercy of the labor bosses who must put on a big show and continually demand higher wagers or face the possibility of losing their high position at the next union officers election. Strikes, today, are everybody's business, especially those massive strikes involving large corporations like General Motors, or the recent railroad and dock strikes. Everybody suffers—the employer, the striker, those who work in allied industries whose paychecks are dependent upon the strikers going back to work, and the average citizen who consumes the product or service. It is the consumer in the long run, whether he is a union man, a nonunion man, a worker, or a striker, who ultimately must "pay the freight" because of resulting inflation which brings higher costs and reduces the purchasing power of his hard earned dollar.

Today, in our highly integrated economy, big business and big labor, control such a tremendous amount of our national output, that it is folly to permit such a reckless disregard for the public interest, lest we soon have no nation and no economy with which to deal.

I joined with my colleagues in the Congress in offering a proposal which each of us felt was a viable alternative to compulsory arbitration, but it has been rejected. What we had hoped for was that in cases where a threatened strike or lockout could deprive any section of the Nation of essential transportation services, the President would be authorized to appoint a board of inquiry to study the issues, file a public report and submit to the President recommendations for settlement of the strike. Further, upon receipt of the report from the board, the Secretary of Labor would initiate one or more of the following:

First, a 30-day back-to-work order;

Second, a call for partial operation of struck facilities;

Third, require both labor and management to submit a list of resolved and unresolved issues and submit their final offers for settlement of the strike;

Fourth, appoint a three-member panel to select the final offer from those submitted if settlement has not been achieved.

Nothing in the bill we offered would change the current operation of the Taft-Hartley law with respect to nationwide strikes, nor the use of the 80-day cooling-off period. The bill applied solely to the railroad, airline, maritime, longshore and trucking industries.

The effect of such legislation would be that when existing methods for settlement of strikes are exhausted—which could be a lengthy process—an automatic system would set in to end the strike and preserve the public interest. This would replace the present system where all branches of government get into the act—legislative, judicial, and executive—on each and every major strike.

The law has been applied ineffectively to bring trade unions under the judicial structure so that the same rules are applied to them as to all others in society. Over a period of many decades, however, labor unions have been able to establish a position wherein their activities are virtually immune to actions brought in Federal and State courts. As a consequence, nonunion employees and others have been denied adequate legal protection against coercion and violence, and the general public has been denied protection against economic injury. Badly operated unions by themselves cannot destroy the free market economy, but they may nevertheless make it function so badly as to provide its gradual decline, and, either consciously or unconsciously harm all in our society.

The Congress has been forced to act seven times since 1963 to prevent strikes in the railroad industry alone, and still no effective, permanent, mechanism has been set up to settle national emergency disputes. True, there is a paucity of labor laws. Essentially there are five: First, the Clayton Act of 1914 which regulated issuance of injunctions in labor disputes; second, the Railway Labor Act of 1926 which provided the first interventionist policy for the Federal Government; third, the Norris-LaGuardia Act of 1932 which drastically limited jurisdiction of the Federal courts in labor disputes; fourth, the Wagner Act of 1935—the original National Labor Relations Act—which created the National Labor Relations Board and intervened to eliminate employers' resistance to unionization, and fifth, the Taft-Hartley Act which emphasized freedom of choice of employees to join or not to join a union. This lack of regulation is not an accident. Congress has been controlled by a liberal majority for most of the recent past and the labor leaders have always been affiliated with the liberals. As a direct consequence there are not enough votes in the Congress in my opinion to pass a bill designed to outlaw compulsory unionism or to in any way reform labor unions since the majority of those on the Labor Committees in both the House and Senate are strongly labor oriented.

With H.R. 12692 my colleagues and I tried to find an equitable and effective compromise position which would preserve the right of labor to strike and yet at the same time guard the public's interests. But alas even this was rejected.

Thus it seems we will have to tolerate prolonged and widespread transportation strikes until the public in righteous indignation demands otherwise. Perhaps the passage of time and the continued abuse of power by strike negotiators will finally enrage the electorate sufficiently to force those they send to Congress as their representatives to support legislation which benefits the people of America rather than just a strong special interest group. Until then however we will be compelled to tolerate outrages such as the recent west coast dock strike which lasted a record number of days and affected all U.S. ports including Port Everglades which is in my district and the Port of Miami just south of my district.

Port Everglades is the shipping site for much of the Florida citrus crop that is exported. The dock strike caused serious disruption not only to citrus shipments which had a drastic effect on the entire Florida citrus industry and the pocketbooks of housewives buying oranges but affected other industries too. It jeopardized over 15 years of effort in establishing overseas markets for Florida citrus products and further added to our already unfavorably lopsided balance of payments.

Agriculture products both exports and imports were greatly reduced. The reduced demand for exports caused by the strikes depressed prices to farmers and raised prices in supermarkets.

Farm income was further reduced by the additional cost of diversion to open ports increased storage costs, and spoilage where adequate storage was not available. These lower prices and increased costs were hard for the farmers to bear. How were the farmers and orange growers' interests represented in the west coast dock strike negotiations?

While I favor the right of our working man to better his condition and I am fully in accord with the principle of free collective bargaining, I feel it should be apparent to all that the succession of laws passed by Congress over the past decades and the rulings of the courts have combined to insulate organized labor bosses from due process, in both equity and law. I feel that this power has often been wielded unfairly, and that all Americans, including both management and the working man has suffered because of it. A proper solution to the problems created by labor-management struggles is of critical importance to the economic and moral health of all the people of our Nation.

THE CLEAN WATER PACKAGE OF AMENDMENTS TO H.R. 11896

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Reuss) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, next week the House will take up the bill called the Federal Water Pollution Control Act Amendments of 1972—H.R. 11896—which was reported out of the Public Works Committee on March 11, 1972—H. Rept. 92-911.

At the outset, let me state that the committee bill contains a number of very fine provisions relating to the construction of municipal waste treatment systems and the conduct of antipollution research and related programs. Many of them are superior to provisions in the strong Senate-passed bill—S. 2770—relating to these same subjects.

The House bill shifts the emphasis away from the water quality standards approach of 1965 which, after nearly 7 years, has met with little success. Water quality standards have been approved only for interstate waters, and then only in 27 of 54 jurisdictions—the 50 States, Puerto Rico, District of Columbia, Virgin Islands, and Guam. Even where approved, many States have unilaterally extended timetables for compliance. Existing Federal law does not even require such standards for intrastate waters, although some States have adopted them. Disputes over the standards, lack of enforcement, and virtually no effluent controls have added to the ineffectiveness of these standards. Moreover, the existing law continues the outmoded theory that our waterways have an unlimited capacity to assimilate wastes.

The House bill, like the Senate bill, wisely transforms the Federal antipollution effort into a program of effluent limitations to control water pollution at the source. Water quality will be a measure of program effectiveness and performance, rather than the sole means of pollution control.

But the Committee bill (H.R. 11896) is far weaker than the Senate bill in the areas of establishing effluent standards and goals after 1976, enforcement, permits to control waste discharges, citizen participation, and worker protection.

In addition, the committee bill would severely limit antipollution enforcement under the Refuse Act of 1899 and emasculate the National Environmental Policy Act of 1969 and the Fish and Wildlife Coordination Act—three laws that are giving the public, for the first time, an opportunity to require the Federal Government and polluters alike to give full consideration to the antipublic effects of their actions on our environment.

Our colleagues—Representatives Abzug and Rangel—have already detailed for us the weaknesses of H.R. 11896 in their "Additional Views" (H. Rept. 92-911, p. 393) on the bill. Their views were reprinted in the March 16, 1972, issue of the Congressional Record (pages 8805-8813). I need not repeat them here.

When H.R. 11896 is taken up in the House, we will offer the "Clean Water Package of Amendments." That package is already cosponsored by 40 Members of Congress. The amendments will be offered in an effort to strengthen the bill in line with the stronger Senate-passed bill (S. 2770).

The "Clean Water Package of Amendments" will:

Establish that, by 1981, without further action by Congress, polluters must use the best available technology, taking into account the costs thereof, to clean up the wastes they pour into our waterways. Section 304 of the bill, of course, sets forth the following "factors" relating to the assessment of "best available technology": age of equipment and facilities involved, the process employed, the cost and economic, social, and environmental impact of achieving effluent reduction, and foreign competition. Our amendment does not, in any way, affect the "no discharge" goal declared by the House Committee in section 102(a) of the reported bill. With or without our amendments, that declared goal would be a part of the bill;

Provide more national control over the State programs of discharge permits, in order to prevent economic hardship and interstate competition for industries, communities, and workers and to insure that the water quality objectives of the bill are achieved;

Strike from the bill provisions that give polluters who violate this bill or the Refuse Act a total immunity until 1976 from enforcement actions, merely because they file an application for a permit;

Strike from the bill language that would gravely restrict the rights of any person to sue polluters and the Environmental Protection Agency, so as to establish that his rights in water pollution control should be no less than the rights which Congress established for any person in the Clean Air Act and which the House adopted on February 29, 1972, in the noise control bill (H.R. 11021);

Provide criminal sanctions against polluters who willfully violate an EPA order to abate their pollution; and provide adequate worker protection.

The "clean water package of amendments" will also prevent the weakening of the Fish and Wildlife Coordination Act and the National Environmental Policy Act of 1969—NEPA.

The committee states in its report on H.R. 11896 (H. Rept. 92-911) that it did not "intend . . . to decrease or limit the consideration of fish and wildlife" in the administration of the water pollution program (p. 137). But despite this helpful legislative history, the bill amends the Fish and Wildlife Coordination Act. The plain language of the amendment not only limits, but totally eliminates, such "consideration" in the case of future discharges and dredge and fill permits issued under provisions of the bill. Our amendment will carry out the stated intention of the committee.

The committee, in explaining the NEPA amendment in the bill (H. Rept. 92-911, pp. 137-139), relies entirely on a statement made on the floor of the Senate. We have seen, however, that, since then, a great deal of controversy has arisen in that body and elsewhere over the precise meaning of the NEPA amendment—see National Journal, Feb. 26, 1972, pp. 336-349. Moreover, the House Committee revised the Senate version of this language, causing further uncertainty as to its meaning. The Committee report cites the recent Kalur decision which held that environmental impact statements under NEPA must be filed for Refuse Act permits, and then asserts that if that decision is upheld on appeal, EPA may still be required, despite this amendment, "to prepare" such statements.

We feel certain that the House should not support such a vague and ambiguous amendment, particularly when there is such great uncertainty as to its effect and scope. The House Committee on Merchant Marine and Fisheries, which developed and held hearings on NEPA and has jurisdiction over it, is presently holding hearings on the very problems to which this NEPA amendment in H.R. 11896 is supposedly addressed. The bill being considered by that committee is H.R. 13752. Moreover, that committee will shortly have before it a study by the General Accounting Office on the administration of NEPA. We think that committee, because of its jurisdiction over NEPA, should be given an opportunity to complete the extensive review it has begun and to act on H.R. 13752. Certainly, the deficient piecemeal approach in H.R. 11896 should not be passed by the House while the parent committee is actively trying to work out such problems as may exist in the administration of NEPA.

The "Clean Water Package" is supported by a broad-based group of environmental, civic, labor, farmer, and other groups, including:

Amalgamated Clothing Workers of America.
Bass Anglers Sportsman Society.
Clean Air, Clean Water, Unlimited.
Common Cause.
Environmental Action.
Environmental Policy Center.
Friends of the Earth.
Izaak Walton League of America.
League of Women Voters of the United States.
Minnesota Conservation Foundation.
Minnesota Environmental Control Citizens Association.
Minnesota Public Interest Research Group.
National Consumers League.
National Farmers Union.
National Wildlife Federation.
Northern Environmental Council.
Oil, Chemical, and Atomic Workers International Union.
Save Lake Superior Association.
Sierra Club.
Sport Fishing Institute.
Trout Unlimited.
United Automobile Workers.
United Steelworkers of America.
The Wilderness Society.

The New York Times on March 20, 1972, printed an editorial urging adoption of our "Clean Water Package" of amendments. At this point in the RECORD, I insert the New York Times editorial on H.R. 11896:

[From the New York Times, Mar. 20, 1972]

AND CLEAN WATERS

The water-pollution control bill, which Senator Muskie sponsored and his colleagues long ago approved by a vote of 86 to 0, is even more far-reaching and hence in worse trouble. Between heavy fire from industry and moderate fire from the Administration the Senate bill may be shot down, or existing controls may be seriously weakened in the name of improvement.

Of the changes made by the House Public Works Committee, one of the sharpest setbacks is the drastic modification of the Senate's objective to decrease effluents into the nation's waters for the next thirteen years, by which time (at least this is the goal) they would be eliminated altogether. The House committee, while theoretically retaining the goal, would subject the plan to a study by the National Academy of Sciences, to be followed by a second vote in Congress—by which time a lot of foul water will have flowed under the bridge. Not content to weaken the Senate bill, the committee would also reduce the effectiveness of the EPA by shifting primary responsibility for the issuing of effluent permits to the states, a grave backward step.

Representatives Reuss of Wisconsin and Dingell of Michigan are striving to reverse these stultifying changes with a "clean-water package" of amendments. Unless the efforts of these two outstanding conservationists succeed, there may be no clean water legislation in this Congress at all—a disastrous setback to a cause that cannot afford any delay.

The following Members have joined in urging our colleagues to support these amendments:

LIST OF MEMBERS

Henry S. Reuss, Thomas M. Pelly, John E. Moss, Lucien N. Nedzi, Dante B. Fascell, Floyd V. Hicks, David R. Obey, William D. Ford, Bella S. Azbug, Paul N. McCloskey, Jr.

Martha W. Griffiths, Philip E. Ruppe, James G. O'Hara, Ken Hechler, H. John Heinz, III, Benjamin S. Rosenthal, Robert O. Tiernan, Robert W. Kastenmeier, Dan Rostenkowski, Les Aspin.

John D. Dingell, John P. Saylor, Ray J. Madden, Thaddeus J. Dulski, Gilbert Gude, John H. Dent, Silvio O. Conte, Donald M. Fraser, Jack F. Kemp, Charles C. Diggs, Jr.

John Conyers, Jr., Michael Harrington, Thomas M. Rees, F. Bradford Morse, Charles B. Rangel, Charles A. Vanik, Abner J. Mikva, Donald W. Riegle, Jr., John G. Dow, Ogden Reid.

We urge our other colleagues to join us in cosponsoring these amendments.

The clean water package of amendments follows:

I. AMENDMENTS TO TITLE III OF H.R. 11896, AS REPORTED

Re: Requiring use by 1981 of best available technology

1. In section 301(b), on page 267, line 19, strike the words "except as provided in section 315,"; and

2. In section 315, on page 346, strike the sentence beginning on line 19 and ending on line 2, page 347.

II. AMENDMENT TO TITLE III OF H.R. 11896, AS REPORTED

Re: Criminal sanctions against polluters who willfully violate EPA pollution abatement order

In section 309(c)(1), on page 306, line 25, before the words "any permit" insert the following: "any order issued by the Administrator under subsection (a) of this section, or".

III. AMENDMENTS TO TITLE IV OF H.R. 11896, AS REPORTED

Re: Permits to control the discharge of wastes into the nation's waterways

1. In section 402(a)(5) on page 358, strike all after the period in line 7 through to the end of line 24 inclusive.

2. In section 402(b), on page 359, lines 15 and 16, strike "unless he determines that adequate authority does not exist:" and insert in lieu thereof the following: "if he determines, and publishes his determination, that adequate authority does exist:"

3. In section 402(b), on page 359, lines 18 and 19, strike out "any applicable" and insert in lieu thereof: "all".

4. In section 402(d), on page 362, line 25, insert a comma after the word "Administrator"; and on page 363, line 2, strike "(b)(5) of this section" and insert in lieu thereof the following: "(d)(1) of this section that such State proposes to issue a permit,".

5. In section 402(e), on page 363, line 13, after the period insert the following: "No waiver shall be made under this subsection unless regulations have been first promulgated under subsection (f) of this section relating to the category of point sources with respect to which each waiver is proposed".

6. In section 402(1), on page 365, line 1, after "a" insert "valid"; and strike out the sentence beginning on line 5 and ending on line 19.

IV. AMENDMENTS TO TITLE V OF H.R. 11896, AS REPORTED

Re: Citizen suits

1. In section 505(a), on page 377, line 24, and in section 505(b), on page 379, line 5, strike out the word "citizen" and insert the word "person".

2. In section 505(b), on page 379, line 14, strike out the words "issued by the Administrator";

3. In section 505(g), on page 381, strike lines 1 through 6; and in line 7, change "(h)" to "(g)".

V. AMENDMENTS TO TITLE V OF H.R. 11896, AS REPORTED

Re Employee protection

1. Section 507, on page 384, between lines 7 and 8, insert the following:

"(e) The Administrator shall conduct continuing evaluations of potential loss or shifts of employment which may result from the issuance of any effluent limitation or order under this Act, including, where appropriate, investigating threatened plant closures or reductions in employment allegedly resulting from such limitation or order. Any employee who is discharged or laid-off, threatened with discharge or lay-off, or otherwise discriminated against by any person because of the alleged results of any effluent limitation or order issued under this Act, or any representative of such employee, may request the Administrator to conduct a full investigation of the matter. The Administrator shall thereupon investigate the matter and, at the request of any party, shall hold public hearings on not less than five days notice, and shall at such hearings require the parties, including the employer involved, to present information relating to the actual or potential effect of such limitation or order on employment and on any alleged discharge, lay-off, or other discrimination and the detailed reasons or justification therefor. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation, the Administrator shall make findings of fact as to the effect of such effluent limitation or order on employment and on the alleged discharge, lay-off, or discrimination and shall make such recommendations as he deems appropriate. Such report, findings, and recommendations shall be available to the public. Nothing in this subsection shall be construed to require or authorize the Administrator to modify or withdraw any effluent limitation or order issued under this Act."

2. In section 509, on page 385, on line 21, after the comma, insert the following: "or carrying out section 507(e) of this Act,".

VI. AMENDMENTS TO TITLE V OF H.R. 11896, AS REPORTED

Re: Fish and Wildlife Coordination Act and the National Environmental Policy Act of 1969

1. In section 511(b) on page 389, line 21, strike "and"; and on line 22, change the period to a semi-colon and insert the following: "and (4) the issuance of permits under sections 318, 402, and 404 of this Act."

2. In section 511(d), page 390, strike lines 6 through 16 inclusive.

LOSS OF A COLLEAGUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Crane) is recognized for 5 minutes.

Mr. CRANE. Mr. Speaker, today Republicans lost a colleague with the announcement by the gentleman from New York, Representative Ogden Reid, that he is changing his party affiliation. Often the temptation is felt by some on such an occasion to criticize, to level charges of "turncoat" and disloyalty. I think such criticisms overlook a broader issue.

There are wide-ranging philosophical differences within each of our two major parties. Many have insisted that this is desirable, that the parties to be truly national must be all-embracing and reflect every shade of opinion. I have never subscribed to this concept of political parties.

At the inception of the Republic, the hope and expectation was that the country would never witness the emergence of what James Madison in Federalist 10 described as factions, but what we later came to describe as political parties. Ironically enough, it was James Madison himself who was instrumental in developing the first political alternative to the prevailing orthodoxy in the form of a political faction which developed into the first Republican Party which elected Thomas Jefferson in 1800. This was a wholly natural development.

The kind of consensus hoped for by our Founding Fathers represented, perhaps, the one area where they failed properly to understand the nature of man. What they learned in short order is that unanimity is rarely the incident of human councils. Perhaps they knew it all the time and their aversion to faction was simply an expression of hope that we could find a new unanimity to guarantee the survival of the great experiment they had launched.

The Republican Party of Jefferson and Madison was not intended to represent all things to all men. On the contrary, it grew out of the deep conviction entertained by Madison, Jefferson, and others that those who represented the incumbent administration—identified as Federalists at that time—increasingly resurrected the specter of monarchical government. They deliberately chose the word "Republican" to describe their alternative because they were profound believers in republican institutions and saw them as antithetical to oligarchical or monarchical systems. In short they formed an opposition party that rested on the most profound differences that can exist amongst men in their understandings of the role government should play.

At the Constitutional Convention in Philadelphia there was a plan for the Federal Republic circulated amongst the members and authored by Alexander Hamilton. It called for a totally centralized form of government. While Hamilton preferred to use the word "President" to describe the head of that government, the government was so centralized in form that the President would have been a virtual dictator or king. Hamilton went so far as to recommend that Governors of States should not be elected but rather appointed by the President. Clearly, had Hamilton's views prevailed, the system of government created would have more nearly represented the dictatorships we are all too familiar with in the 20th century rather than the one we have. Jefferson, by contrast, believed that government is the servant of the people and the vigor of republican institutions rests upon local autonomy and local responsibility.

Those who today insist upon blurring meaningful distinctions between parties really do a disservice to the purpose of political parties. That purpose is not to guarantee that those on either side of the philosophical spectrum shall always win, but rather that we shall always be guaranteed the right to register meaningful dissent.

The gentleman from New York has obviously made a decision of conscience that was not easy but proper. There is still a residuum of meaningful difference between the Republican Party's approach to problem solving and the Democratic Party's approach to problem solving. My colleague opted in favor of the national party that more nearly reflects his own philosophical convictions.

FULTON URGES CATTLE HIDE EXPORT CONTROLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. Fulton) is recognized for 5 minutes.

Mr. FULTON. Mr. Speaker, the American shoe industry, the American shoe worker, and the American shoe consumer face a very serious price-cost squeeze which is on the verge of causing very serious economic dislocation and pressure to increase inflation.

What has been taking place and continues at this very moment is that American cattle hides are being exported at increasing rates only to be used for the manufacture of foreign footwear which is then imported back into this country at increasing rates.

According to a statement of March 2 of this year by House Ways and Means Committee Chairman Mills, the price of American hides has roughly doubled over the past year. This increase in exports has been matched by an increase in shoe imports. In 1960, imports equaled about 5 percent of U.S. domestic production. In the past year, this ratio had grown to almost 50 percent of domestic production and, in the month of January, it was two-thirds.

In the past, in the case of steel and textiles, the American Government has moved to quick action when the ratio of imports to U.S. production reached only 10 percent.

So, in voicing my concern over the problem of cattle hide exports, I join with many other concerned individuals who are talking about real damage to a vital domestic industry. We are not just crying "wolf."

At this point, I would like to quote from a letter on this subject from a representative of one of the Nation's leading footwear producers which was sent to Commerce Secretary Peterson on February 16, 1972:

> Obviously, as the price of hides increases, the price of leather we make our shoes from also increases. Since hide costs constitute a good part of the ultimate price to the consumer, we will be forced to raise our prices substantially to cover the cost of these increases. Not only will this help increase the cost of living, but at the same time, we will inevitably lose additional business to our overseas competitors. You are very familiar, I know, with the basic problem we have in the shoe industry—competing against the cheap labor, tax advantages, subsidies and other artificial stimulants that the foreign exporters use. We have certainly felt the effects of this in our business and have been forced to discontinue operations in at least three plants.

Mr. Speaker, this is not an uncommon situation or plight in the American footwear industry today. Help is needed and it is needed immediately.

Some time ago, on February 2, 1972, I wrote the Secretary of Commerce urging immediate export controls on cattle hides. In reply, I was told that the Department was considering the options available for relief. However, since that time, absolutely nothing had been done by the Department of Commerce or our Government to alleviate this situation.

Therefore, today I once again communicated to the Department of Commerce through Secretary Peterson my profound concern over this matter and urged, also once again, that immediate action be taken to apply the necessary export controls.

Unless this action is forthcoming, elementary economics warns that the American footwear industry as we know it may well be doomed in the very near future.

THE ADMINISTRATION OF JOHN BELL WILLIAMS, GOVERNOR OF MISSISSIPPI, 1968–72

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. GRIFFIN) is recognized for 15 minutes.

Mr. GRIFFIN. Mr. Speaker, during the term of any administration few people commend it but many are quick to criticize, some perhaps rightfully so. But at its conclusion the task remains for history to judge, not based upon the manner of man but rather on the deeds and accomplishments of the man and his administration. It is indeed very difficult for us all to look objectively at a recent public record and render a fair judgment, but history does not judge hastily and therefore can remain objective in its assessment. But as it is with the judgment of history, we always find that the deeds and the accomplishments when finally realized and viewed in proper prospective are credited to the one man who made them possible, and rightfully so.

In January of this year the Honorable John Bell Williams completed his term as Governor of the State of Mississippi. I do not attempt here to prejudge history on this administration but do attempt to look at it objectively, not at the man himself but the deeds and accomplishments. And after looking at these deeds and accomplishments I believe we must credit the man, John Bell Williams, with a job well done.

Even in these turbulent times, we in Mississippi were able to find hope—to find direction and to dedicate ourselves to the task that was before us to achieve a great and prosperous future.

Mississippians under the John Bell Williams administration were able to enjoy a tremendous program of improvement for public education. Appropriations for higher education were doubled in an effort to build a university, college, and junior college system where our young people did not have to leave our State to obtain a good education. In in the past 4 years four more junior college campuses were opened making a college or vocational education accessible to all citizens.

During the past 4 years, through a successful industrial development program in our State, over 54,000 new jobs were created by new or expanding industries. In a period when other sections of our country were experiencing slowdowns, Mississippi's economy continued to swing upward to new heights.

With the establishment of a coordinator of Federal-State programs in the Governor's office, the Williams administration became Mississippi's first to seek actively Federal funds in various aid and assistance programs to upgrade the quality of life for all Mississippians.

During the Williams administration, there were enacted sales tax reform, income tax reform, the new Drug Control Act, medicaid, the largest highway construction program in our history, penal reform and many more that will benefit the future of Mississippi.

Few of the programs of the past 4 years that I have mentioned here are short lived gains or contributions. On the contrary, they go to the very construction of a strong foundation upon which our people can build their homes for a prosperous future and fulfill their hopes and needs for that future. Many years will undoubtedly pass before the full benefit of many of these programs are realized but the passage of years will not dull the memory of the contributions and accomplishments that have been made nor who made them. Rather like a fossil, the years will leave an indelible mark upon the bedrock on which our State is built.

And I believe that when the judgment of history is finally made on the administration of John Bell Williams, without fanfare of politics or polls of public opinion, the deeds and accomplishments will speak for themselves and place it high among the most successful and progressive administrations in the history of Mississippi.

A few days before passing the torch to his successor on January 18, 1972, John Bell Williams addressed the Mississippi Legislature in joint session. I am sure that many who served with Mr. Williams in this body, would be interested in his farewell address. It follows:

FAREWELL ADDRESS

Mr. President, Mr. Speaker, distinguished members of the joint assembly: I speak to you today for the last time as Governor of the State of Mississippi.

As the shadows lengthen in the fading hours of this administration; as the sun sets to rise again in the expectant dawn of a new administration but a week hence, it is well that our reflections on an eventful yesterday become the prologue to an even greater tomorrow.

The last four years have seen periods of great political controversy; yet these were resolved according to the representative system under which we live. Our State has been strengthened thereby.

During these years, our State fell victim to the most extensive and destructive natural disaster ever to strike the Western Hemisphere; yet our people rose to the occasion, overcame adversity, and effected the most speedy and complete recovery ever experienced under comparable circumstances.

These years have known tragedy; they have known triumph. For me, as Chief Executive of this State shouldering the responsibilities imposed upon me by my oath of office, there have been moments of glorious victory and moments of agonizing frustration. These years have brought heartaches and happiness, disappointment and satisfaction. But in the final analysis, the sum total of these emotional experiences is a further enhancement of my indestructible faith in the collective wisdom of our people as expressed through their elected officials; an even stauncher conviction that our basic republican form of government is the finest ever conceived in the mind of man for the management of orderly society; and last—and perhaps most important to me—an even more intense feeling of confidence in the innate goodness of our people.

Today, in compliance with the laws of our State, I appear before you to give a report of the state of the government; and, in accordance with custom, to recommend to you for your consideration such programs as, in my opinion, will promote the welfare of the people of Mississippi.

I shall not make suggestions for legislative action in new areas. This, in my opinion, is properly the prerogative and responsibility of the distinguished Mississippian in whom the majority of our people have reposed their faith and confidence to serve as Governor of our State for the next four years.

However, I think it proper to suggest to you certain courses of action designed to effect the continuation and strengthening of worthwhile programs already before the people of Mississippi.

Some of these programs had their genesis in our administration. Others were a part of the continuing process of government as we in America know it; programs initiated in previous administrations and passed along to us, in turn, for our consideration.

Herein lies much of the vigor—and one of the principal virtues—of our system of government. We maintain a continuity of interest and purpose which allows one administration to build on the successes of those who have served before. Seldom is this affinity violated to the point where sharp cleavages in government policy are discernible.

It is my confident belief that the transition from the outgoing administration to the one incoming will be harmonious and will result in an orderly exchange of powers.

In a few days we will complete what, by any objective standard of evaluation, must be recorded as a productive, progressive, and responsible administration of the governmental affairs of the people of Mississippi.

Although I believe that the true impact of this administration has not yet been felt fully, nor its implication for the future progress of Mississippi as yet adequately understood and appreciated, I am confident that the judgment of history will deem these four years among the most notable in the life of our State and the general welfare of its people.

In the campaigns of 1967, a general consensus prevailed as to our greatest priority needs; those commanding most urgency in their fulfillment. Succinctly, these major needs, on which everyone agreed, were in the areas of educational improvement and highway construction.

In 1968, the first year of the present administration witnessed the enactment of the largest and most comprehensive program of improvements to public education ever achieved by any Administration. That act of responsibility by the elected representatives of our people might well be considered the real break-through in Mississippi education.

Never before had so many of our people and their elected officials been so united in their support of quality education for our children, the most precious of all our resources. Succeeding years brought forth more improvements, and public education enjoyed its greatest era of general support. At the outset of our administration, we determined that we were going to make it a true landmark period in education; to create a standard by which future progress could be judged. The record of the past four years shows that we accomplished that goal.

At the same time we were striving to upgrade the quality of instruction in our public schools, we faced the most trying and difficult circumstances—perhaps the greatest single threat to the existence of public education—that had confronted our people since the dark and shameful days of Reconstruction. In spite of many harsh impositions and provocations, our people and their elected officials exercised remarkable and commendable restraint. There has been little disruption; and through the patience, fortitude and determination of our people, public education in Mississippi survived its most critical period in one hundred years.

Because of interference through Federal courts and the meddling of Federal bureaucracy, public school conditions in many areas of our State were considered to be intolerable by many of our individual citizens and parents. Parents feared—in many cases with full justification—a deterioration of instructional standards within the public school system in certain communities, and sought refuge for their children in a private school system. These four years have seen a most phenomenal growth in the numbers and quality of private educational facilities, fortunately in most instances without a feeling on the part of our people that public and private education are incompatible or that one must resist the other. We must continue to urge our citizens to accept the existence of public and private education as being complementary rather than competitive. They must accept the fact that both can live side by side without conflict and accomplish the purpose intended for both: the education and enlightenment of a generation of our children.

Means have been sought to provide some form of public support to these private institutions which are serving the public good. In each instance where we sought to assist, Federal courts arbitrarily frustrated our efforts. Even now, I hope that some means can be found by which this segment of secondary education might be given public financial support.

Because of the priority placed by the present administration on quality education; our schools—for the first time—have been able to compete favorably with those of other States in efforts to attract and retain better and more qualified teachers. During the last four years, teachers' salaries were increased by 39%, while at the same time, expenditures per child from State and local sources rose a total of 44%. A reduction in the teacher-pupil ratio—commonly known as a teacher-unit—from 30 to 27 pupils, provided an opportunity for more individual instruction for the child.

Our public junior college system has shown unprecedented growth in this period of time, and now ranks as second to none in the entire Nation. Enrollment in our public junior college system has nearly doubled during this administration. We are now within reach of our ultimate goal of providing a minimum of two years of college to every young Mississippian who is willing to work for it and who will undertake to pursue that education in a responsible manner.

For the first time, divisional status within the Department of Education was conferred upon our junior college system by Act of the Legislature, thus giving due recognition of the importance of this vital and indispensable segment of our educational system.

Four new junior college campuses have been opened in the past four years, and two more will be opened next September. Strong new programs have been established in basic education, occupational training, manpower development and remedial education, and State support for junior colleges has more than doubled during the past four years.

Annual State funding for vocational education—an indispensable element in the future economic development of our State—has almost doubled. Most important, this new emphasis on vocational education has created a new appreciation for vocational technical training among the people of our State. It has created a new image; one which will help guide thousands of our citizens into new fields of employment and create new opportunities for the realization of individual ambitions for happiness, production and prosperity.

This, in part, is the effort we are making to upgrade education—and thus the economic well-being—of all Mississippians.

We have seen also a strengthening of the entire college and university system within the State. The general support for the eight public senior colleges and universities more than doubled during this administration, and capital improvements for these institutions have totalled more than 44 million dollars.

The level of support now enjoyed by our institutions of higher learning is the highest in their existence; yet, it is but a step toward greater progress that can and must be accomplished in this area of education.

The last four years experienced an alarming trend throughout this country on the part of many college students. Rebellion against authority, disruption of the orderly processes of education, student riots, demonstrations, and violence were the order of the day on a disturbing number of campuses in this country. It is to the everlasting credit of Mississippi's youth that during this period, characterized by uncertainty and turbulence in our colleges, Mississippi students and faculty members—with few exceptions—deported themselves in the best traditions of American citizenship, displaying respect for law and order on our campuses. It is my fervent hope that the nightmare of this era of conflict shall have given way already to an awakening of the responsibilities of citizenship so vital to an orderly society. To those administrators, faculty members and students responsible for keeping these troubles in our State to a minimum, we can but give an expression of profound appreciation.

During the 1969 Extraordinary Session, the Legislature established and funded the Mississippi Authority for Educational Television. On February 1, 1970, Channel 29 in Jackson was activated, and has been in operation continuously since that time. Since that time, enabling legislation has been enacted and funds provided for the completion of a network designed to serve the entire State. I would urge your continued support of educational television as a potentially indispensable aid to our educational efforts.

Perhaps my greatest single disappointment during my four-year term as Governor came when the Senate refused—by the slim margin of two votes—to finance the much needed statewide four-lane highway construction program to which but a few weeks earlier it had given an overwhelming vote of approval. It is paradoxical that those who succeeded in defeating this legislation gained nothing more than a Pyrrhic victory, because in less than two months the oil companies had increased the retail price of gasoline as much as two cents, with none of the increase going to the construction of better highways for Mississippians. Those who took part in frustrating the approval of financing of this initial program must assume the burden of responsibility for delaying for a year and a half the initiation of any major highway construction program in Mississippi; and further, they must hold themselves accountable for the increased costs of bond financing and the higher costs of highway construction caused by this delay.

Because our primary highways had fallen into such a deplorable state that they were impeding our economic development and contributing to one of the highest and most tragic highway casualty rates in the country, it was inevitable that something had to be done. Consequently, having been forced by circumstances to compromise the initial program, it is yet noteworthy that this administration eventually succeeded, in 1969, in enacting what is nonetheless the largest single highway construction and improvement program ever undertaken within the bounds of our State.

The program adopted at the Extraordinary Session of the 1969 Legislature was the first major highway construction and improvement program that had been undertaken since the late 1930s.

Despite the fact that much is said today about the need for a four-lane highway construction program—an emphasis to which I fully subscribe as evidenced by my initial recommendations—this emphasis on four-laning should not obscure from the minds of the Legislature and the public the other important work which has been performed on our highways during this administration.

Under the three hundred million dollar highway program secured in 1969, tremendous improvements have been made on our existing primary and secondary highways. To date, we have committed less than one-third of the initial three hundred million dollar program to the cost of modernizing and improving some 1200 miles of highways, and an additional 600 miles of such improvements have been programmed.

Preliminary engineering and right-of-way acquisition is progressing to begin major four-laning on sections of U.S. Highways 78, 82, 49, 6 and 45. Passing lanes and other safety promoting facilities have been and are being constructed on many routes.

Most of the work on Highway 45 from Corinth to Waynesboro and Highway 84 from Natchez to Waynesboro is under contract, and plans to let the rest of it to construction are in this year's highway program.

In addition, we recently announced application for Federal funds through the Mississippi Division of Appalachian Development which will lead to four-laning of U.S. Highway 78 from Fulton to Tupelo.

We have already programmed nearly 300 additional miles of four-lane highways in Mississippi. This includes the following highways:

78 from the Tennessee line to Holly Springs.

78 from New Albany to Tupelo.

6 from Batesville to Oxford.

82 from Greenville to Winona.

82 from Starkville to Columbus.

49 from Jackson to Yazoo City.

Furthermore, numerous four-lane bypasses have been programmed to expedite the movement of highway traffic around numerous communities which include, among others: Philadelphia, Morton, and Louisville on Highway 15; Meridian and Macon on Highway 45; and Brookhaven on Highway 84.

The enactment of the 1969 Program made possible an acceleration of construction schedules and completion dates for Interstate 55 between Winona and Canton, moving the target date ahead by more than a year. Through the efforts of the Governor's Emergency Council, established following the incident of Hurricane Camille, the completion target date for Interstate 10 from Louisiana to the Alabama line has been moved ahead by two years.

Much more needs to be done in the area of highway construction, if Mississippi is to continue, even, to maintain its present pace of economic acceleration. It is my fervent hope that—at long last—it might become possible to remove the stumbling block of sectionalism from our highway planning. The absence of a modern highway system in North Mississippi, where it is most desperately needed at this point in time, is a severe deterrent to the economy of South Mississippi as well, though it may not be immediately apparent to the jaundiced eye of provincialism. Past experience suggests that too many Mississippians tend to consider the need for highway construction on a regional or local basis rather than to view it in the perspective of a modern statewide network of traffic arteries. There might have been a time in our State when this narrow viewpoint could be justified with some semblance of reason. However, the demands of today's volume of vehicular traffic are such that this viewpoint can no longer be accommodated with any degree of sanity or commonsense. Economic needs, safety requirements, and today's volume of traffic make it absolutely imperative that we continue to embark upon new programs so as to insure a maximum of highway mobility and safety for our people. The program in this administration will not be enough to meet the current needs in this area, not to mention the requirements of the future. This is a challenge which you as members of the next administration are destined to encounter.

Much of the past four years has been plagued with a nationwide business recession, a continuing squeeze on capital available for expansion, and an uneasy foreign situation. Yet, remarkably, the industrial development of Mississippi attained record-breaking heights.

During this period, the years 1968 and 1970 were recorded as the two best years in the State's history insofar as industrial progress is concerned.

From 1968 through 1971, almost 54,000 new jobs for Mississippians were announced by new and expanded industries. We must maintain and even accelerate this pace, for it should be stressed that when we talk about new jobs we must plan ahead for jobs in the next ten years for the young people between 10 and 19 years of age who already are in our educational system.

We have made great progress—and we need to make even greater strides forward. But the fact becomes apparent—when one contemplates the record—that under every administration beginning with the first administration of Governor Hugh White and continuing through the present, the Agricultural and Industrial Board, which administers our statewide industrial development effort, has consistently, year after year, turned in a record of performance scarcely equalled by any other agency in the entire State of Mississippi.

I am confident that this excellent record of professional competence, industry, and devotion to the progress of Mississippi will continue.

Soon after my inauguration, the Office of Coordinator of Federal-State Programs was established within the Governor's Office by Executive Order. Its purpose was to provide assistance to State departments, agencies and institutions in the development of Federal programs so that the people of Mississippi can be assured fair, efficient, and coordinated planning and administration of these programs.

Since the creation of this office, Mississippi has invested slightly in excess of 700 thousand dollars of State funds in programs administered by this office. This investment, in turn, has generated more than 310 million dollars in Federal funds that have been applied to developmental planning and action programs for the improvement of conditons for our people. It was the creation of this office that made possible the establishment of a Division of Comprehensive Health Planning, responsible for the development of plans to utilize with maximum effectiveness the health resources available within our State and to plan for new and expanded health services for our people. Some of these activities include a major State Health Agency Study, an Appalachian Health Care Study in cooperation with the University of Mississippi School of Medicine, and the organization of work which eventually led to the enactment of a fiscally sound and workable program of Medicaid in Mississippi , now providing medical needs for more than 263,000 aged, indigent, disabled and needy citizens of our State.

The Federal-State office was responsible for the establishment of the Law Enforcement Assistance Agency through which millions of dollars have been channeled for the improvement and strengthening of State and local law enforcement agencies. This has been accomplished primarily in the areas of police training and equipment, juvenile delinquency, narcotics and organized crime control and the upgrading of correctional institutions and methods.

The Division of Appalachian Development geographically limited to twenty eligible counties in Northeast Mississippi, has invested more than 20 million dollars in roads, airports, hospitals, schools, colleges, water and sewer systems, and recreational facilites through implementation in Mississippi of the Appalachian Regional Development Act of 1965. This has proven to be a Federal program which nonetheless takes its direction from the local level and the disposition of those funds is determined without Federal dictation or domination.

The Governor's Highway Safety Program, instituted in 1968, has financed programs of motor vehicle registration and inspection, driver education and licensing, a major helicopter ambulance demonstration project, and has made available to local communities and counties thirty-five ground ambulances. The full potential of this program is yet to be realized; but in its infancy, it has made a noteworthy contribution to the welfare and lives of our people.

Largely through the efforts of the Governor's Highway Safety Program, a workable and acceptable Implied Consent Law was proposed by me and adopted by the Legislature. This was much needed legislation in the interest of protecting lives and property on our public highways, and will go into operation later in the spring. No doubt it will contribute substantially to a reduction in highway accidents, fatalities and injuries.

The Division of Economic Opportunity, the Division of Manpower, the Council on Aging, and the Governor's Committee on Employment of the Handicapped have added to the benefits enjoyed by our people as a result of the establishment of the Office of Federal-State Coordinator.

The Office of Federal-State Programs has played a vital role in the acceleration of progress and the orderly development of our State during the past four years. Because of the proliferation of Federal programs available to the States which properly fall within the purview of this Office, its administrative structure might well need revision. I would suggest that a serious study be conducted into the present operational apparatus, in order that such revisions or reorganizations as might be indicated could be applied in the interest of promoting more efficiency and manageability of these programs. Should these programs be kept under the direction of the Governor's Office, or should they be incorporated in the creation of a new department, it is my feeling that a line of authority should be more clearly defined. It should be remembered that although this program is but four years old; and while only a proportionately small outlay of State funds is required for its operation, it is responsible for the expenditure of hundreds of millions in Federal funds for the development of our State.

Last year, the Legislature enacted for the first time a major drug control Act, recognizing the need to cope with a problem that becomes more intense with each passing day. This Act, while not perfect and definitely in need of further refinements; nevertheless, provides for the first time a means by whch our State can meet the problem effectively. As part of the Drug Control Act, the Legislature created a statewide drug enforcement agency, the first of its kind in our State's history. This agency has now been activated and staffed under the direction of Mr. Ken Fairly, a well qualified and aggressive law enforcement administrator. A great portion of its operational funds is provided through the law enforcement assstance agency, and its work is already beginning to be felt—and favorably.

Regrettably, Mississippi does not have appropriate facilities for the rehabilitation of those who have fallen victim to the drug traffic. Recent experiences, all tragic, have shown that commitment of these young victims of the drug traffic to the State Penitentiary as common criminals is not the answer to the problem.

While penal confinement is necessary in the case of professional drug peddlers—human monsters who deserve neither mercy nor quarter—the unwitting youngsters who fall prey to these monsters deserve the help and understanding of society. Most of these youngsters suffer emotional or psychological problems; otherwise, they would not seek escape from reality through hallucinogens or opiates. Accorded proper treatment by society and given competent professional help, a vast majority of these youngsters can be rehabilitated and returned to society as productive citizens. To this end, I would hope that you might devote serious time and study to a more efficacious approach to this problem than has been followed in the past. Perhaps the answer lies in the establishment of controlled treatment centers to which this type of offender might be committed—hopefully, salvaged. It is possible that other answers are available; in any event, I am confident that a detailed study of this and alternative approaches to the solution of the drug abuse problem is not merely in order, but absolutely imperative at this time.

No chronicle of events or accomplishments during this period would be complete should it fail to emphasize the outstanding work of the Governor's Emergency Council in the successful recovery efforts following Hurricane Camille. Created by Executive Order, this Council was charged with the tremendous responsibility of coordinating, planning, supervising and maintaining surveillance over the rebuilding of the Gulf Coast and South Mississippi; acting as liaison between our local political subdivisions and Federal Disaster and Relief Agencies, and making certain that our beautiful and once prosperous Gulf Coast would reacquire its former eminence with the greatest of dispatch. Their outstandingly successful efforts in accomplishing this end—a goal now surpassed—deserve the commendation of all our people.

The swift and effective response of the Mississippi Legislature in providing a State appropriation of ten million five hundred thousand dollars for the use and benefit of the political subdivisions in the disaster stricken area was an act of the highest responsibility. Nor could I fail to mention, and express appreciation for, the millions of dollars in cash relief and emergency items that poured into South Mississippi in the wake of Hurricane Camille from private sources. Missisippians will never cease to appreciate, nor will we forget these generous outpourings from the hearts of a compassionate people of a great nation.

Taking advantage of the knowledge gained through the experience of Hurricane Camille, the emergency relief and recovery effort that followed the subsequent series of tornadoes that devastated a number of Delta communities has been commended by the Office of Emergency Preparedness as the most swift, efficient, and wholly satisfactory undertaking of such nature in the life of that agency.

The Education and Research Center completed in 1969, the new Carrol Gartin Justice Building now under construction, the Walter Sillers State Office Building soon to be dedicated, the Robert E. Lee properties (which include the former hotel now occupied by State agencies, the 301 Building, the Burroughs Building and several large parking areas) acquired by purchase, and the soon-to-be started Mississippi Wildlife Museum will stand long as physical symbols of an era of progress designed to provide greater services to the people of Mississippi.

The establishment at the Mississippi State Penitentiary of first-offenders' camp, prerelease centers for men and women, improvement and modernization of existing housing facilities for inmates, a significant extension of vocational education facilities, aptitude testing of every incoming inmate, the construction of new and expanding inmate recreational facilities, the construction of an employees' recreation center, are but a few of the improvements that have been effected at that institution. These improvements along with the application of modern principles in the science of correction, have contributed to the sharp, and almost unbelievable, reduction in the rate of returns by prisoners following their initial release from custody. This is further enhanced by the fact that, while paying their debt to society, these prisoners are given an opportunity to mold themselves into productive citizens through training and experience gained at the Penitentiary.

This institution, once regarded as nothing more than a "hell-hole" of brutality and human dereliction, is now highly regarded as a model institution of its type by correctional author'ties in other parts of America.

Last year, the Legislature enacted a bill that called for additional changes in the physical plant and operation of this institution. This legislation is well intended, and contains some forward-looking innovations. However, I would point out that the bill contains numerous deficiencies that will need correction, as I pointed out to you in the message accompanying my approval of the bill. Further, its implementation is going to be expensive and a burden on the taxpayers of our State. I would suggest that this act be given further study with the view of adding such amendments as might be necessary in the interest of the institution and the taxpaying public.

Tourism is a major industry in our State. While we have witnessed since 1970, the growth of tourism from a 260 million dollar enterprise to one now grossing nearly a half billion dollars, we have yet to scratch the surface of our potential in this area. Our State Park System has added three new State Parks and three historic sites to the facilities which it manages for the recreation and entertainment of our people and our out-of-State tourist guests. Our Mississippi Park System under efficient and aggressive management has contributed substantially to the economy of the State. Much is yet to be done, however, toward the improvement of this system, and cannot be done at the present level of funding for operations and capital improvements. This problem deserves your attention.

The restriction of time precludes further elaboration—even mention or enumeration—of advancements brought about in other agencies in the interest of better government and more services to the people. For this reason, accomplishments of other agencies during this Administration—while no less important in the context of the whole—will have to be delineated elsewhere. Suffice it to say though, that in every category of State government there has been progress and accomplishment, and I invite your scrutiny of these activities.

By reference, I call to your attention for review and further study the recommendations submitted in my message to the last Regular Session having to do with a proposed reorganization of the Executive Branch of our State government. This message was submitted on January 13, 1971, and its text is contained in the journals of both Houses. I hereby renew the suggestion that consideration and study be given to a needed reorganization of these agencies. The Report of the Mississippi Commission on Efficiency and Economy in State Government has previously been made available to each of you for your study. Some of its recommendations, if not all, might well serve as the basis for bringing about desirable reforms in the organizational structure of our State government.

I take great pride in the achievements of the past four years. I take greater pride, even, in the fact that these achievements have been attained without disturbing the fiscal integrity of our State government. Our fiscal posture is one of strength and solidarity. At the close of this Administration—even after providing the services herein mentioned—we will pass to the incoming Administration an unencumbered cash balance in our general fund in excess of $15 million—a most enviable position among the several State of our Union.

In conclusion, permit me to extend congratulations to each of you upon your election and the trust and confidence reposed in you by your constituencies. As a member of the Legislature, you hold one of the most important offices within the gift of our people. It is my prayer that you will be the beneficiaries of God's richest blessings in the years to come, and that He will guide and direct you in all your deliberations as you seek to serve the best interests of your people.

To the Governor-elect, I offer the same congratulations and the same prayer and pledge my help and cooperation to him as he takes the helm of our Ship of State as its pilot to guide it through the uncharted waters for the next four years.

To the people of our great State, I express profound appreciation for the confidence placed in me four years ago, and for having given me the opportunity to serve in the highest and most responsible office in the State.

To the thousands of fine citizens of our State, whose prayers and expressions of sympathetic understanding and approval have given me needed encouragement and inspiration during these four years, I extend my profound gratitude.

To my family and to my staff, I express publicly my appreciation for their loyalty, perseverance, patience and support throughout this trying, but richly rewarding, period in my life.

I would express gratitude to my fellow chief executives throughout the country for the great honors extended to Mississippi through my selection as a member of the Executive Committee of the 50-State National Council of State Governments; for having permitted me to serve as Chairman of the 15-State Appalachian Regional Commission; and for having selected me as Chairman of the 1971, 19-Jurisdiction Southern Governors' Conference. My election by my fellow governors to serve them in these capacities brought great honor to me personally. More importantly, it gave recognition to the fact that Mississippi—despite what may be said by our detractors—still commands a position of highest respect among the sisterhood of States.

This administration has moved the State forward through turbulent waters. It is axiomatic that the winds of progress that fill the sails to move the Ship of State ahead are the same winds that create the waves that make its journey perilous and difficult.

Next week you will have a new Governor. He deserves your support and your prayers. I wish for him, and you, a successful and productive administration.

In the campaign of 1967, I stated to my audiences: "I believe I can make you a good Governor; I know that I can make you an honest Governor."

Now, at the close of my administration, I would paraphrase by saying: "I hope I have made you a good Governor; I know that I have made you an honest Governor."

I take comfort on this day in the knowledge that I have done my best. Whatever mistakes I may have made were those of the head and not of the heart, for I have given dedicated service to Mississippi to the full measure of my strength, my energy, my time and my talent. I have fought consistently and unwaveringly in support of the same principles and philosophies I advocated in my candidacy for this office. I can but express regret that I did not have more to give.

We await the judgment of history.

ADMINISTRATIVE DISCHARGES CAN BE UNFAIR

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I should like to bring to the attention of this House subjects which are not often raised in legislative forums: Homosexuality in the Armed Forces and the administration of military justice with reference to the absence of due process in many administrative discharge proceedings in the military services.

Currently, there is a matter involving a young man, whose case I am making public at his request, who is charged with allegedly engaging in a homosexual act. Seeking an opportunity to defend himself by requesting a court-martial where he would have his day in court, RMSN Robert A. Martin, Jr., USN, wrote to me on January 19, 1972, stating:

> After 1½ years in the Navy, during which I have had a spotless record and high performance marks, the Navy is now trying to give me an undesirable discharge. The charge: "suspected homosexual involvement." That's right, I am accused of being suspected! The Personnel Officer at the US Naval Support Activity Naples (FPO NY 09521), CWO4 Price, who would play the part of the prosecutor against me in an Administrative Discharge Board hearing, himself told me he didn't have any proof against me.

He went on in his letter to say:

> As a journalist by profession and training (before enlisting in the Navy I was a reporter for the New York bureau of the Associated Press) I am particularly aware of the consequences of the stigma attached to a less-than-honorable discharge in what remains in its employment practices a conservative profession. . . . If the Captain believes a court martialable offense has occurred, he should bring it to a court-martial rather than use the administrative discharge procedures to punish a person without a proof of wrong-doing.

I believe that RMSN Martin is right in his demand and that an individual should have the right, particularly in situations which could have such grave consequences to one after discharge from the Navy, to a trial to determine whether or not he is in fact guilty as charged. In support of his request for a court-martial so as to enable him to confront his accuser, I sent the following letter to the Department of the Navy:

> HOUSE OF REPRESENTATIVES,
> *Washington, D.C., February 29, 1972.*
>
> CONGRESSIONAL LIAISON,
> *Department of the Navy,*
> *Washington, D.C.*
>
> DEAR SIR: I am writing to you concerning RM3 Robert A. Martin, Jr., [redacted], AF South Box 148, FPO New York 09524.
>
> In view of the gravamen of the charges against him and what the effect of a general discharge given for homosexuality will have on his career in the future, I believe justice requires that he be given a court martial, as he has requested, so that he might defend himself against the charges.
>
> It was never intended, in my judgment, to permit discharges under less than honorable conditions as a way of allowing the Navy to avoid proving charges in a serious case. He is aware of the penalties that might flow from a conviction at a court martial which are greater in degree than those from administrative proceedings, and he is willing to take his chances because he believes he is not guilty of the charges.
>
> I would therefore appreciate your giving him the opportunity to defend himself in court and your advising me of the disposition of the matter.
>
> Sincerely,
>
> EDWARD I. KOCH.

In response, the Navy informed me that final action will not be completed in this matter until late April 1972.

At the present time, no decision has been made concerning his request for the court martial. Surely, this is an elementary right—the right to a full hearing with an opportunity to cross-examine one's accuser. Also interested in this matter involving the right to due process is Senator SAM J. ERVIN, JR., chairman of the Senate Subcommittee on Constitutional Rights.

I believe that the time has come for overhauling the legal processes used by the armed services in connection with discharges based on alleged homosexual acts. Prior to receiving the correspondence from RMSN Martin, I had correspondence on this subject with the Department of Defense which I am setting forth:

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 7, 1971.
Secretary MELVIN LAIRD,
Department of Defense,
Washington, D.C.

DEAR MR. SECRETARY: I have on occasion received complaints from young men in the Army who have been discharged as the result of their being homosexuals. The discharge which they receive as I understand it is often less than honorable and obviously has a chilling effect upon their personal and professional lives after they leave the service.

I would appreciate your advising me whether the barring of homosexuals in the Armed Forces is by law or by regulation, and if the type of discharge they receive, which often appears to be punitive, is by law or regulation. I would appreciate receiving your comments on this matter and informing me, if the policy is governed by regulation, whether you would consider changing those regulations so as to permit honorable discharges to those discharged for homosexual conduct.

Further, I should like your point of view on the proposal advanced by some that private homosexual conduct off the base should not bar service in the Armed Forces. Prime Minister Pierre Trudeau summed up my feelings when he said "the state has no business in the bedrooms of the nations."

Sincerely,
EDWARD I. KOCH.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., July 20, 1971.
Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: This is in response to your letter of July 7, 1971, regarding Department of Defense policy concerning homosexuals in the Armed Forces.

The enclosed Fact Sheet regarding Department of Defense policy on homosexuals in the Armed Forces is provided for your information. No changes are contemplated regarding this policy.

The policy regarding the type and character of administrative discharge governing the separation of homosexuals from the Armed Forces is contained in Department of Defense Directive 1332.14, "Administrative Discharges," dated December 20, 1965 [Sections VII.G. 6, and 1.2.) A copy is enclosed for your information.

The nature of a discharge issued as a result of being adjudged by court-martial is specifically governed by Federal statute, 10 United States Code 925. This section encompasses all unnatural sexual intercourse between humans or between humans and animals. Some homosexual relations could come within the provisions of this section. The maximum punishment which may be imposed for a violation of Section 925 is outlined in paragraph 127c, Table of Maximum Punishment, *Manual for Courts-Martial, supra* as follows:

By force and without consent: Dishonorable Discharge, confinement at hard labor for 10 years, total forfeiture of all pay and allowances.

With a child under the age of 16 years: Dishonorable Discharge, confinement at hard labor for 20 years, total forfeiture of all pay and allowances.

Other cases: Dishonorable Discharge, confinement at hard labor for 5 years, total forfeiture of all pay and allowances.

The accused may be charged with assault with intent to commit sodomy in violation of 10 United States Code 934. The maximum punishment in violation of Section 934 is a Dishonorable Discharge, confinement at hard labor for 10 years, and total forfeiture of all pay and allowances.

The *Manual for Courts-Martial* is an Executive Order of the President of the United States as prescribed by Section 836, 10 United Code. All branches of the Armed Services are bound by its provisions.

I trust that the information provided will be of assistance to you. Your interest in matters pertaining to the Military Services is appreciated.

Sincerely,
LEO E. BENADE,
Major General, USA, Deputy Assistant Secretary of Defense.

HOUSE OF REPRESENTATIVES,
Washington, D.C. August 11, 1971.
Secretary MELVIN LAIRD,
Department of Defense,
Washington, D.C.

DEAR MR. SECRETARY: I am writing to you with further reference to the question of homosexuals in the Armed Services, about which I wrote to you on July 7, 1971.

While I do not approve of the Department of Defense's policy to discharge all homosexuals automatically from the military, I would like to direct this letter to change which could be made in current policy regarding the type of discharge given to homosexuals. When referring to a homosexual in this letter, I mean only a consenting adult who has engaged in homosexual acts on his or her own time and not in public.

Apparently, each branch of the service has a certain discretion in deciding how such an individual is to be discharged, and that such persons usually are not given court martials but are discharged administratively. According to existing regulations as set forth in the Department of Defense Directive No. 1332.14, December 20, 1965, a homosexual could be given administratively either an honorable (Unsuitability G–6) or undesirable (Unfitness I–2 or Misconduct J–1) discharge.

With an undesirable discharge, it is my understanding that any veterans' benefits to which an individual might otherwise be entitled can be cut off at the discretion of the administering agency. Furthermore, the discharge papers are marked "under terms other than honorable" accompanied by a code number signifying sexual deviation. This type of discharge is, in effect, a harsh, punitive measure, one that hardly reflects the contemporary and more enlightened attitude of society today towards an individual's sexual preferences.

Not only is present military policy on this matter cruelly out of date, but I believe that what little discretion exists relating to the method of discharging homosexuals is being abused. By way of illustration, I refer you to SECNAV Instruction 1900.9, April 20, 1964, which in my estimation encourages Naval personnel to give undesirable discharges to any homosexual or suspected homosexual. On the first page of this document, paragraph 4f states:

"When processing an individual by administrative action in accordance with this instruction and when the conditions prompting such action are essentially voluntary participation in aberran sexual activity, the separation of the individual will normally be characterized as having been "under conditions other than honorable." Administrative processing of cases should therefore contemplate such an ultimate disposition."

I cannot see that homosexual behavior in the military is an "offense" which merits this type of discharge. While it is apparent that the leaders of the military, in order to maintain discipline, feel it necessary to exclude homosexuals; there is no need to gratuitously punish them with an undesirable discharge.

Usually these individuals are being punished for a failure to comply with the special dictated of an artificial society which they were forced to join. Many, no doubt, were unaware of their homosexual tendencies before joining the service. Furthermore, the present policy of indicating the reason for discharge as sexual deviation constitutes an invasion of privacy. The military can, of course, keep its own records indicating why an individual was separated, but that information ought not in any way be made public.

What might be argued by some to be the concern of the military in one's personal life while an active military duty certainly ought not to be the concern of others in civilian life.

I would hope that you would give serious attention to this matter and advise me whether or not you would be willing to alter present Department of Defense policy, so that homosexuals, as defined in this letter, are given honorable discharges. Particular attention should be given to issuing new directives to supercede any documents such as SECNAV 1900.9 referred to above.

Sincerely,
EDWARD I. KOCH.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., August 19, 1971.
Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: This is in response to your letter of August 11, 1971, requesting that the Department of Defense alter current discharge policy so that a homosexual would be given an honorable discharge when the consenting adult engages in homosexual acts on his or her own time and not in public.

We cannot agree that Department of Defense policy concerning the discharge of homosexuals, as enumerated in my letter of July 7, 1971, is "cruelly out of date and does not reflect the contemporary and more enlightened attitude of society."

It is noted that in your reference to paragraph 4f, SECNAV Instruction 1900.9 dated April 20, 1964, the following was omitted:

"Whenever a higher character of separation is found to be warranted upon departmental review, such will be effected and command submitting case shall take pains to note all circumstances favorable to the individual which would affect the type of discharge to be awarded."

Accordingly, we do not believe this paragraph, when considering its full meaning and coupled with the total intent of the Instruction, encourages the issuance of undesirable discharges to homosexuals.

At the time a person is separated from the military service he is furnished a DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) which reflects the type of discharge, reason and authority. A separation designator number instead of a narrative statement is used to reflect the reason for separation. This is done to afford the individual who receives a less than honorable discharge some protection from stigmatism which could result from words used to describe the reason for his discharge. The release of these separation designator numbers is closely monitored and provided only to governmental agencies indicating a "need to know." Accordingly, this information is not made a matter of public knowledge.

I trust that the information provided will be of assistance to you. Your interest in matters pertaining to the military services is appreciated.

Sincerely,

LEO E. BENADE,
Major General, USA, Deputy Assistant Secretary of Defense.

HOUSE OF REPRESENTATIVES,
Washington, D.C., January 7, 1972.

Maj. Gen. LEO E. BENADE, USA,
Deputy Assistant Secretary of Defense, Department of Defense, Washington, D.C.

DEAR GENERAL BENADE: I am writing to you with further reference to the question of homosexuals in the Armed Services. I thank you for the response which you sent and which I am enclosing.

I assume from the reference to paragraph 4f, SECNAV Instruction 1900.9, that it is your intent that the Department of Defense whenever possible will provide an honorable separation as opposed to an undesirable discharge to homosexuals. I would appreciate being provided with the number of undesirable discharges issued as the result of homosexual activity each year for the last 5 years, and, if the records are available within that same period, the number of honorable discharges issued to homosexuals.

With respect to the separation designator numbers and your belief that they are not a matter of public knowledge, may I tell you that they indeed are. Employment agencies are well aware of these numbers and as I am sure are many others. What purpose does it serve to place the designator number on the discharge when that information can be kept in the file? In view of that, I would ask you to consider reviewing a change in this area.

Thank you for your interest in this matter.

Sincerely,

EDWARD I. KOCH.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., January 17, 1972.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: This is in response to your letter of January 7, 1972, requesting additional information on the matter of homosexuals in the Armed Forces.

The enclosed chart depicts the administrative discharges issued for homesexual tendencies or sexual perversion during fiscal years 1967–1971.

In regard to your comment regarding separation designator numbers (SDN) being public knowledge, it is re-emphasized that the Department of Defense does not make SDNs a matter of public knowledge.

It should be noted that the purpose of DD Form 214 is threefold: (1) provides the recipient with a brief record of a term of net service during his current term of service, (2) provides various Governmental agencies with an authoritative source of information, and (3) provides the military service information for administrative purposes. The form serves a multitude of purposes and the elimination of data such as "reason for separation and authority" would drastically reduce the value and use of the document. For example, the elimination of SDNs from the data element "reason for separation and authority" on the DD Form 214 would cause a lengthy delay by the Veterans' Administration in determining an individual's eligibility for veterans' benefits inasmuch as a time-consuming search and review would have to be made of the veteran's record which is retired to the appropriate record center of the Service upon his discharge.

While the Department of Defense is committed to a periodic re-examination of policies relating to the preparation of and the inclusion of data on the DD Form 214, no changes are contemplated concerning the elimination of SDNs from the document.

I trust the information provided will be of assistance to you. Your interest in matters pertaining to the Armed Forces is appreciated.

Sincerely,

LEO E. BENADE,
Major General, USA,
Deputy Assistant Secretary of Defense.

DEPARTMENT OF DEFENSE—ADMINISTRATIVE DISCHARGES
HOMOSEXUAL TENDENCIES

	Honorable	General	Total
1967	64	414	478
1968	230	322	552
1969	254	192	446
1970	250	182	432
1971	204	214	418
Total	1,002	1,324	2,326

SEXUAL PERVERSION

	Honorable	General	Undesirable	Total
1967[1]				
1968	117	294	654	1,065
1969	140	370	586	1,096
1970	119	481	419	1,019
1971	93	439	235	767
Tota	469	1,584	1,894	3.947

[1] Data not available.

HOUSE OF REPRESENTATIVES,
Washington, D.C., January 28, 1972.

Maj. Gen. LEO E. BENADE, USA,
Deputy Assistant Secretary of Defense, Department of Defense, Washington, D.C.

DEAR GENERAL BENADE: Thank you for your letter of January 17th responding to my earlier correspondence concerning homosexuals in the Armed Services.

Because the military's definition of "sexual perversion" includes more than homosexual acts between consenting adults it is impossible for one to interpret how many of those undesirable discharges, listed in your table of administrative discharges, were for homosexual activity between consenting adults. Only a comparison of honorable, general, and undesirable discharges specifically relating to homosexual activity between consenting adults would reflect the military's present policy towards this so-called "offense." If you have such specific figures, I would appreciate receiving them.

It appears from your letters that the Department of Defense has no intention at this time of altering its present policy regarding homosexuals. While I do not want to prolong this correspondence endlessly, I do want to state that in my opinion your reasons for refusing to eliminate SDN's from discharge-papers are not persuasive. If and when the Department of Defense conducts a "periodic re-examination of policy, I trust the elimination of SDN's will be approved, for indeed their meaning is public and their effect harmful.

Sincerely,

EDWARD I. KOCH.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., February 4, 1972.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: This is in response to your letter of January 28, 1972 regarding homosexuals.

The administrative discharge statistics provided in my letter of January 17, 1972 represents the complete break out of data maintained by this office.

Thank you for your letter.

Sincerely,

LEO E. BENADE,
Major General, USA, Deputy Assistant Secretary of Defense.

LIGHT ON CRIME

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, my correspondence and discussions with constituents reflect the growing concern with the menace of street crime. I have attempted to make practical proposals to deter what has become an intolerable situation in New York City. My blow the whistle on crime campaign and my bill to relieve our local police of the responsibility to guard foreign missions are two of these recommendations with which you are perhaps familiar.

Today I am introducing a bill, H.R. 14022, to establish a Federal light on crime program. This legislation would mandate the expenditure of $30 million in each of the next 3 years specifically for the purchase and installation of high-pressure sodium-type lights. The funds would come in grants made directly to local governments on a 75-percent Federal, 25-percent local share basis.

High-pressure sodium lights are able to illuminate a city street far better than our traditional street lighting. They, in a sense, turn night into day and their effectiveness as a deterrent against crime is undeniable.

In Washington, D.C., after installation of high-level lighting in high-crime areas, crime decreased by 31 percent.

Gary, Ind., installed 5,000 new street lights. Criminal assaults dropped 70 percent and robberies 60 percent.

In Chattanooga, Tenn., crime in a 12 block area dropped 70 percent after lighting.

This program I am proposing involves relatively low costs, and can have an immediate impact on reducing street crime. This is a program designed to light our streets for people rather than just for cars; it is a program designed to return the streets to the people.

New York City and other localities have initiated their own, high level lighting plans on a limited scale, combining private and local government funding. Some such light illuminates parts of our own East Side even now. But in a time of budgetary crisis in local government, it is clear that the Federal Government should provide funding for high intensity lighting.

An infusion of Federal funds would allow the type of massive lighting program which I believe we need in our urban areas, and which localities can never finance alone. Rather than having only individual blocks sporadically lighted, Federal funding could conceivably insure that whole communities would be illuminated, to the benefit of residents and merchants alike.

I hope that the Congress will give prompt consideration to H.R. 14022. We must do what we can to move the country to the date when we can all "see the light" and end the terror in our streets.

MARIHUANA: A SIGNAL OF MISUNDERSTANDING

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, today the National Commission on Marihuana and Drug Abuse issued its report on the use of marihuana in this country. Entitled, "Marihuana: a Signal of Misunderstanding," the report recommends that possession of marihuana for personal use no longer be an offense. The Commission would also eliminate the sanctions against casual distribution of small amounts of marihuana for no remuneration, or insignificant remuneration, not involving profit.

As the one who introduced the original legislation establishing the Commission, I am pleased with the report that has been issued. The Commission has been judicious in its weighing of the evidence and considerations surrounding marihuana use and reasonable in the recommendations it has made. These recommendations go a long way in placing marihuana in proper perspective.

I plan to offer legislation in the House to implement the report's basic recommendations for the Federal decriminalization of marihuana.

If implemented, the Commission's recommendations will help to change the present legal framework and remove penalties that almost everyone concedes are not justified and not effective in deterring usage. The harsh and unrealistic treatment given marihuana users under Federal, and particularly State laws, has undermined the credibility of the Government's policies vis-a-vis the hard drugs, and has distracted our law enforcement efforts from the serious drug abuse problems facing us today.

It is important that the Congress and the States act to correct the criminal code relating to marihuana which indeed is a result of a "misunderstanding" about the substance we are dealing with. We must be sure that this Presidential Commission's report is acted on and not left to become moribund like so many of its predecessors.

Mr. Speaker, I would like to submit for printing in the RECORD the summary of the 184 page report provided by the National Commission on Marihuana and Drug Abuse. It follows:

NATIONAL COMMISSION ON
MARIHUANA AND DRUG ABUSE,
Washington, D.C., March 22, 1972.

The National Commission on Marihuana and Drug Abuse unanimously recommended today a policy of discouragement for marihuana use. While rejecting legalization of the drug itself, as in the case of alcohol, the Commission declared that an effective discouragement policy does not require making private possession of marihuana a crime nor does it recommend putting its users in jail.

In its Report, *Marihuana: A Signal of Misunderstanding*, which was submitted to President Nixon at the White House and to the Congress, the Commission recommended that possession for personal use in private and casual not-for-profit sales in private not be made criminal offenses.

However, the Commission recommended the retention of heavy penalties for cultivation, trafficking, and possession with intent to sell. Use in public would be a criminal offense and the drug, if found in public, would be contraband and subject to seizure. (A list of all recommendations is attached to this information sheet.)

In making the presentation, Raymond P. Shafer, former Governor of Pennsylvania and Chairman of the 13-member Commission appointed by President Nixon (see attached list), said "The Commission exercised judicious restraint in making its recommendations. We unanimously agree that marihuana use is not a desirable behavior, and we agree that society should discourage use. Nevertheless, we feel that, placed in proper perspective with other societal problems, citizens should not be criminalized or jailed merely for *private* possession or use."

Marihuana: A Signal of Misunderstanding is based on an intensive fact-finding effort which began shortly after funds became available March 22, 1971. The investigation included more than 50 commissioned projects, public and student hearings, and surveys of the general public, law enforcement and medical communities.

Governor Shafer emphasized that "We have attempted to tell the American people the truth about marihuana. In our Report, we have tried to separate fact from fiction and to clear up the many misunderstandings surrounding the marihuana controversy."

The following are some of the major findings presented in the Report:

WHO USES DRUG

At least 24 million Americans 12-years-old and over have used marihuana at least once, and at least 8.3 million are current users.

More than 40% of college and graduate students have tried the drug.

Of those persons who have ever used marihuana, 41% of the adults (18 and older) and 45% of the youth (12–17) no longer use it.

The great majority of marihuana users use the drug less than once a week, probably on weekends, or at a party.

Two percent (500,000) of "ever-users" can be classified as heavy users and use the drug more than once a day.

THE EFFECTS OF MARIHUANA

There is no evidence that experimental or intermittent use of marihuana causes physical or psychological harm. The risk lies instead in the heavy, long-term use of the drug, particularly of the most potent preparations.

Marihuana does not lead to physical dependency. No tortuous withdrawal symptoms follow the sudden cessation of chronic, heavy use. Some evidence indicates that heavy, long-term users may develop a psychological dependence on the drug.

The immediate effects of marihuana intoxication on the individual's organs or bodily functions are transient and have little or no permanent effect. However, there is a definite loss of some psychomotor control and a temporary impairment of time and space perceptions.

No brain damage has been documented relating to marihuana use, in contrast with the well-established brain damage of chronic alcoholism.

A careful search of literature and testimony by health officials has not revealed a single human fatality in the United States proven to have resulted solely from use of marihuana.

Tests on monkeys have demonstrated that the dose required for "overdose death" is enormous and for all practical purposes unachievable by humans smoking marihuana.

No reliable evidence exists indicating that marihuana causes genetic defects in man; however, since fetal damage cannot be ruled out, the use of marihuana is not advisable during pregnancy.

The incidence of psychosis from marihuana use is exceedingly rare, and such reactions tend to occur in predisposed individuals.

MARIHUANA AND PUBLIC SAFETY

The evidence indicates that marihuana does not cause violent or aggressive behavior or crime.

Recent research has not proven that marihuana use significantly impairs driving ability; however, reliable research has not yet been conducted and the Commission strongly suspects that the acute effects of marihuana use (such as spatial and time distortion and slowed reflexes) may impair driving. The Commission believes that driving while under the influence of any intoxicant is a serious risk to public safety.

MARIHUANA AND PUBLIC WELFARE

From what is now known about the effects of marihuana, its present level of use in American society does not constitute a major threat to public health; the high-risk group constitutes the 2% of American "ever-users" who use the drug heavily and pose a concern for public health officials.

The Commission emphasizes the need for increased research into long-term psychological effects, especially with regard to effects on motivation.

Although some segments of society fear that marihuana use leads to idleness and "dropping out," little likelihood exists that the introduction of a single element such as marihuana use would significantly change the basic personality of any person; rather, an individual is more likely to drop out when circumstances join to produce pressures which he cannot handle effectively.

MARIHUANA AND OTHER DRUGS

Recognizing that one of the most controversial issues in the study of marihuana is its relationship to other drugs, the Commission explored in depth the hypothesis that marihuana use leads to the use of other drugs.

The overwhelming majority of marihuana users do not progress to other drugs, although statistically marihuana users are more likely to experiment with other drugs than are non-users.

Marihuana use does not dictate whether or which other drugs will be used.

As stated by Governor Shafer, "If any one reason can characterize why people in the United States escalate their drug use and become multidrug users, it is peer pressure."

ENFORCEMENT OF THE MARIHUANA LAWS

The Commission was directed by Congress to evaluate the existing federal and state laws relating to marihuana. The vast majority of arrests occur at the state level (at least 200,000) as opposed to the federal level (approximately 4,000). In a study of enforcement in six metropolitan jurisdictions in different states, the Commission found:

93% of the arrests in the sample were for possession.

69% of the arrests were preceded by no investigation, occurring in vehicles or on the street.

Arrests were concentrated among the young (88% were 25 or under); typically the arrestee was a white male, in school or employed in a blue collar job, without a prior record.

Two-thirds of the arrestees were arrested for possession of an ounce of marihuana or less.

Offenders were generally (67%) arrested in groups of two or more persons.

The Commission pointed out that the criminal justice system often responded to this unusual group of "criminals" in a lenient way:

At least 48% of the adult cases and 70% of the juvenile cases were dismissed by the police, the prosecution or the judiciary.

One-third of the arrestees were convicted and sentenced.

Of those convicted of possession, 24% were incarcerated, usually for a year or less.

The Commission concluded that the law enforcement community has adopted a policy of "containment." "Although effort is sometimes expended to seek out private marihuana use," the Report states, "the trend is undoubtedly to invoke the marihuana possession laws only when the behavior (possession) comes out in the open." Governor Shafer added: "The overriding feature of the present marihuana laws is the threat of arrest for indiscretion."

After considering the effects and social impact of marihuana use, the Commission considered four alternative social control policies for the drug: (1) Approval; (2) Elimination; (3) Neutrality; and (4) Discouragement.

The Commission emphasized that society should not approve or encourage the recreational use of any drug. On the other hand, the Commission concluded that elimination of marihuana and its use is unachievable, and the drugs' relative potential for harm to individuals and society does not justify a social policy designed to seek out and firmly punish those who use it.

The most difficult qeustion, the Commission explained, was whether society should try to dissuade its members from using marihuana or should defer entirely to individual judgment, remaining neutral. After lengthy consideration of this issue, the Commission chose to recommend to the public and its policy-makers a social control policy seeking to discourage marihuana use, while concentrating primarily on the prevention of heavy and very heavy use.

The Commission's next step was to consider three legal responses as a means of implementing the discouragement policy: (1) total prohibition; (2) partial prohibition; and (3) regulation.

The Commission explained that the total prohibition scheme now in effect prohibits all marihuana-related behavior, including possession for personal use. Partial prohibition would prohibit cultivation and distribution of the drug but would not prohibit private consumption or acts related to consumption. The distinct feature of a regulation scheme (legalization) is that distribution of the drug is legal.

The Commission, rejecting both the present system and the regulatory scheme, was of the unanimous opinion that marihuana use is not a sufficiently grave problem to subject its users to criminal procedures, but that legalization was inadvisable for a drug which does alter short-term perception, which has uncertain long-term effects and which may be of transient social interest.

Instead, the Commission recommended a partial prohibition scheme which symbolizes a continuing societal disapproval of use, yet removes the criminal stigma and threat of incarceration for users, and also maximizes the flexibility of future public responses as new information comes to light.

The major features of the recommended scheme are that:

Production and distribution of the drug would remain criminal activities as would possession with intent to distribute commercially;

Marihuana would be contraband subject to confiscation in public places;

Criminal sanctions would be withdrawn from private use and possession incident to such use, but, at the state level, fines would be imposed for use in public;

In order to keep use private, possession of more than one ounce in public would be prohibited;

In addition, casual, not-for-profit transfers of small amounts, permitted in private, would be prohibited in public.

Specific recommendations for federal and state law are attached).

Five of the 13 Commissioners differed in minor respects regarding the recommendations. Commissioners Rogers, Carter and Ware agree with the discouragement policy and the decriminalization aspects of the recommendations but would recommend, in addition, a civil fine for possession of any amount of marihuana and would limit casual transfers only to those instances where there is no remuneration at all. Commissioners Hughes and Javits believe that marihuana should not be contraband, that all not-for-profit sales should be excluded from the criminal sanction, and that the "ounce or less" requirement for possession in public should be removed.

"A most important question," said Governor Shafer in explaining the Commission's position, "and one which it is still too early to answer, is whether the use of marihuana is fad or fashion. It is possible that the widespread use of marihuana could well disappear of its own accord."

In the Commission's opinion, the proposed partial prohibition scheme would permit the law enforcement community to concentrate on what it is best able to do, reduce trafficking and supply of the drug. At the same time, the Commission believes that responsibility for discouraging consumption should rest with non-legal institutions, such as family, schools, church, and the medical profession.

In anticipation of the Commission's responsibility to present a report on all drugs in 1973, Governor Shafer said.

"From the many surveys and research studies, and from our formal and informal hearings and deliberations, it is evident that the phenomenon of drug abuse in our country poses a very serious threat to our society which will require a massive and sustained effort in drug education and in the revision of our laws to make them uniform, appropriate, effective, and humane. However, such responses are in effect only medications that will help to contain the social illness of drug abuse. The causes of drug abuse must be identified more precisely and must be attended to by the cooperative efforts of all institutions of our society. We will not be able to deal effectively with the problem of drug abuse until we find answers to the larger problem of the diminishing concern among some of our citizens for such matters as long-range personal objectives, self-discipline and the sense of public obligation."

I. Federal

a. Possession of marihuana for personal use would no longer be an offense, but marihuana possessed in public would remain contraband subject to summary seizure and forfeiture.

b. Casual distribution of small amounts of marihuana for no remuneration, or insignificant remuneration not involving profit would no longer be an offense.

c. A plea of marihuana intoxication shall not be a defense to any criminal act committed under its influence, nor shall proof of such intoxication constitute a negation of specific intent.

II. State

a. Cultivation, sale or distribution for profit and possession with intent to sell would remain felonies (although we do recommend uniform penalties).

b. Possession in private of marihuana for personal use would no longer be an offense.

c. Distribution in private of small amounts of marihuana for no remuneration or insignificant remuneration not involving a profit would no longer be an offense.

d. Possession in public of one ounce or under of marihuana would not be an offense, but the marihuana would be contraband subject to summary seizure and forfeiture.

e. Possession in public of more than one ounce of marihuana would be a criminal offense punishable by a fine of $100.

f. Distribution in public of small amounts of marihuana for no remuneration or insignificant remuneration not involving a profit would be a criminal offense punishable by a fine of $100.

RECOMMENDATIONS*

* The 13 Commissioners are in basic agreement with the Report and its recommendations. However, several Commissioners diverge with specific recommendations and their opinions are presented in a footnote on pages 151–165. A brief summary of this footnote follows:

Commissioners Rogers and Carter agree with the discouragement policy and the decriminalization aspects of the recommendations, but feel that the contraband concept is not a sufficiently strong expression of societal disapproval of the use of marihuana. They would recommend, in addition, a civil fine for possession of any amount of marihuana in private or in public. This civil fine would not be reflected in a police record.

Commissioner Ware agrees completely with the statements of Congressmen Rogers and Carter but wishes to reemphasize that the social policy and legal scheme adopted is applicable only to marihuana and should not be construed to embrace other psychoactive drugs. He advocates some penalty short of criminalizing the users, such as a civil fine or some type of extensive drug education. Further, he is opposed to the use of any drug, including alcohol, for the express purpose of becoming intoxicated.

Commissioners Hughes and Javits, while agreeing with the Commission's recommendation that the private use of marihuana be taken out of the criminal justice system, disagree with three specific recommendations relating to the implementation of the discouragement policy.

First, they would eliminate the contraband provision from the partial prohibition scheme adopted by the Commission. Second, believing the Commission has not set forth a clear standard as to what constitutes the casual not-for-profit sale, they recommend that all not-for-profit sales be excluded from criminal sanction. Third, they feel there is no need to retain criminal sanction on public possession of more than one ounce of marihuana and would permit public possession of "some reasonable amount" for personal use.

g. Public use of marihuana would be a criminal offense punishable by a fine of $100.

h. Disorderly conduct associated with public use of or intoxication by marihuana would be a misdemeanor punishable by up to 60 days in jail, a fine of $100, or both.

i. Operating a vehicle or dangerous instrument while under the influence of marihuana would be a misdemeanor punishable by up to one year in jail, a fine of up to $1,000, or both, and suspension of a permit to operate such a vehicle or instrument for up to 180 days.

j. A plea of marihuana intoxication shall not be a defense to any criminal act committed under its influence nor shall proof of such intoxication constitute a negation of specific intent.

k. A person would be absolutely liable in civil court for any damage to person or property which he caused while under the influence of the drug.

ANCILLARY RECOMMENDATIONS

In addition to these legal recommendations for federal and state action, the Commission believes certain other ancillary recommendations should be presented for action.

Legal and law enforcement recommendations

I. Federal

a. Federal law enforcement agencies, especially the Bureau of Narcotics and Dangerous Drugs and the Bureau of Customs, should improve their statistical reporting systems so that policies may be planned and resources allocated on the basis of accurate and comprehensive information.

b. The Federal Bureau of Narcotics and Dangerous Drugs should increase its training programs of state and local police with special emphasis on the training in the detection of trafficking cases.

c. Increased border surveillance, a tightening of border procedures, and a realistic eradication program to diminish the supply of drugs coming into the country, coupled with a more effective program for diminishing the domestic production and distribution of marihuana, are required.

II. State

a. All states should adopt the Uniform Controlled Substances Act to achieve uniformity with regard to marihuana and other drug laws, with the exception that the legal response to possession for one's own use be uniformly adopted in accordance with our recommendation in Chapter V of this report.

b. Each state should establish a centralized compulsory reporting and record-keeping authority so that adequate and accurate statistics of arrests, sentences and convictions on a statewide basis are available.

c. Those states requiring physicians to report drug users seeking medical assistance should change such requirements to insure the confidentiality of the drug user's identity, so that persons needing medical help will feel free to seek it.

III. International

If the United States should become a signatory of the proposed Psychotropic Convention, we recommend that cannabis be removed from the existing Single Convention and consideration be given to listing it in the proposed Psychotropic Convention among drugs which have similar effects.

Medical recommendations

1. Fuller coordination of the marihuana research conducted by governmental and private agencies is needed to reduce the duplication of effort, assure a diversity of new approaches and new objectives, and to provide efficient integration of findings into the available body of knowledge.

2. Research efforts to develop an inexpensive, easy method for detecting and quantifying the presence of marihuana in the blood, breath or urine of a person suspected of being intoxicated should be accelerated.

3. An accelerated program for funding foreign research should be undertaken immediately.

4. Increased support of studies which evaluate the efficacy of marihuana in the treatment of physical impairments and disease is recommended.

5. Community-based treatment facilities should be promoted in caring for problem drug users utilizing existing health centers when possible and appropriate.

6. Public health courses on the social aspects of drug use should be included in the curricula of the schools of the health professions.

Other recommendations

1. The Commission recognizes that several state legislatures have improperly classified marihuana as a narcotic, and recommends that they now redefine marihuana according to the standards of the recently adopted Uniform Controlled Substances Law.

2. A single federal agency source should disseminate information and materials relating to marihuana and other drugs. The National Clearinghouse for Drug Abuse Information should be charged with this responsibility.

3. The Special Action Office for Drug Abuse Prevention in the White House should be responsible for the coordination, development and content review of all federally supported drug educational materials and should issue a report as soon as possible, evaluating existing drug education materials.

4. The Commission notes the significant role played by the voluntary sector of the American community in influencing the social, religious and moral attitudes of our nation's citizens and recommends that the voluntary sector be encouraged to take an active role in support of our recommended policy of discouraging the use of marihuana.

COMMISSION MEMBERS

By law, the National Commission on Marihuana and Drug Abuse has 13 members. Nine public members were appointed by the President who also named the Chairman and Vice Chairman (five maximum from one political party).

Of the four congressional members, two were named by the President of the Senate and two by the Speaker of the House (two from each political party).

Raymond P. Shafer, Chairman, former Governor of Pennsylvania, Chairman of the Board and Executive Director, Teleprompter Corporation, New York.

Dana L. Farnsworth, M.D., Vice-Chairman, former Director of Health Services, Harvard University, Cambridge, Massachusetts.

Henry Brill, M.D., Director of Pilgrim State Hospital, West Brentwood, New York.

Representative Tim Lee Carter (R-Kentucky).

Mrs. Joan Cooney, President of the Children's Television Workshop and Producer of "Sesame Street," New York, New York.

Charles O. Galvin, Dean of Southern Methodist University, Law School, Dallas, Texas.

John A. Howard, Ph.D., President of Rockford College, Rockford, Ill. and President of the American Association of Independent College and University Presidents.

Senator Harold E. Hughes (R-Iowa).

Senator Jacob K. Javits (R-New York).

Representative Paul G. Rogers (D-Florida).

Maurice H. Seevers, M.D., Professor and former Chairman of the Department of Pharmacology, University of Michigan, Ann Arbor.

J. Thomas Ungerleider, M.D., Assistant Professor of Psychiatry, U.C.L.A. Neuropsychiatric Institute, Los Angeles.

Mitchell Ware, Attorney, Mazza, Mazzio and Ware, Chicago, former Superintendent of the Illinois Bureau of Investigation, Chicago.

REMEDY OR PUNISHMENT?

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASPINALL. Mr. Speaker, the phenomenon of local and regional problems having a "ripple" effect on the national welfare is not uncommon in this Nation and I take this opportunity to call such a situation to the attention of my colleagues. The contribution of Western reclamation to the benefit of the whole Nation has been recited on numerous occasions throughout this century, frequently in response to vague and unfounded criticism.

On May 26, 1964, I spoke to my colleagues here in the House of Representatives on the subject of the reclamation program and the following statement is just as valid today as it was then:

The multipurpose reclamation program carried on through which the Department of the Interior's Bureau of Reclamation is the principal instrument through which the Federal Government, guided by the Congress, seeks to develop the water and related land resources of the arid and semiarid western lands. The dry West comprises more than one-half of our Nation's total land area. It is the most rapidly growing sector of our economy and ranks as the best and most important customer, client, branch office and factory of the long-established business and industrial community of the Eastern States.

The continued well-being and growth of the West—and the East—depends in large measure on the successful development and wise use of a single natural resource. That resource is water.

The development of that resource, Mr. Speaker, is at a critical crossroads as described in a statement by the director of the Colorado Water Conservation Board, Felix L. Sparks. To those who have any question about Mr. Sparks' statement, I suggest that the scientific principle that says, "For every action there is an equal and opposite reaction," has application in political science, as well. When considering the reaction of Mr. Sparks and the rest of us who associate ourselves with him, please consider the action which has prompted it.

The statement follows:

WASHINGTON, D.C.,
March 20, 1972.

Mr. Chairman and Gentlemen of the Council:

I appear here today as a representative and director of the Water Conservation Board of the state of Colorado at the direction of the members of that board to express opposition to many of the salient features of the proposed principles and standards. The Colorado Water Conservation Board is charged by statute with the responsibility for protecting, developing and conserving the waters of the state of Colorado and the prevention of floods. The board has overall responsibility for state water planning and has the specific responsibility of coordinating its activities with those of other states and the federal government. It was one of the first state water planning agencies established in the United States and has functioned in this capacity now for over thirty years.

The state of Colorado supported the enactment of the Water Resources Planning Act in 1965. We were in accord with Section 103 of that act which directs this council to develop uniform procedures for federal participation in the planning and development of this nation's water resources. We are, however, appalled at the results.

The principles now under consideration have been proposed for the use of the many thousands of people in the state and federal governments who are responsible for water resource planning. They should, therefore, be comprehensible to the average person engaged in such endeavor. Unfortunately, the principles consist mostly of random economic theories expressed in rambling and extensive prose. No precise analysis of much of the verbal garbage contained in the proposed principles is possible. However, the conclusion is inescapable that an initial decision was made that water resource development is an evil thing which could be best controlled by a process of bureaucratic strangulation. While it was not easy to reach these conclusions in the mind-numbing process of analyzing the proposed principles, we offer the following supporting observations.

The water resource planning process is already a time consuming and costly endeavor. The average time lag for projects in Colorado from date of initial study to construction exceeds twenty years. For many projects this time lag has exceeded thirty years. It can hardly be argued that water resource projects are hastily conceived and thereafter hastily constructed. Nevertheless, this interminable delay is to be stretched out even further, and perhaps into the millennium, if the proposed principles are adopted. The ingredients for this delay are contained in the quixotic assumptions that everyone from the man in the street to the man in the White House should be directly involved in the planning process, assisted by layer upon layer of governmental agencies.

The more obvious tool for delay is the fluctuation of the so-called discount rate. This fluctuation is not new but only aggravated by the proposed principles, as I shall illustrate.

In 1965 a series of disastrous floods occurred in the state of Colorado with the tragic loss of over twenty human lives and staggering property damages in excess of a half a billion dollars. The greatest flood in terms of water volume, but not in property damage, occurred in the Bijou Creek drainage of northeastern Colorado. The Corps of Engineers was immediately requested, among other things, to initiate planning leading to the control of floods on Bijou Creek. By late 1969 the Corps had developed a feasible plan for controlling floods originating in that area. Those plans were then submitted for review at the Washington level, but a funny thing happened. They were returned to the Omaha office for reformulation using a new and higher interest rate. Under this new criteria, the Corps presented its revised plans to the state water board about two weeks ago, almost seven years after the 1965 flood. The revised plan drastically reduces the previously planned control of Bijou Creek floods. Since this revised plan cannot be submitted to the Congress before next year, it will be subject to another new and increased interest rate if the proposed principles are adopted. And so ad infinitum.

It is most interesting to note that the proposed principles apparently place no value on human life nor on human suffering. Apparently these elements have no monetary value.

Having made these generalized unkind observations, I would like to turn to a few more specific criticisms, including the proposed seven percent discount rate. I do not purport to fully understand the theoretical opportunity cost of federal investment as it relates to the discount rate, a rate actually described in the principles as being at ten percent. This rate apparently is borrowed from a study made by a Mr. J. A. Stockfisch in 1969 for the Institute for Defense Analyses. If in fact the average rate of return on the investment of private capital is ten percent, then the millions of Americans who annually invest their capital at a lesser rate should be somewhat surprised. Why, for instance, should Americans invest millions of dollars annually in treasury bills which are currently returning less than four percent. Perhaps all investors should hold out for a ten percent rate, or even seven percent. The results on the American economy would be interesting and probably catastrophic.

The originators of the proposed discount rate also suggest that the opportunity rate is based in part on the alleged fact that the federal government foregoes tax revenues when it competes with the private market to build water resource projects. It has long been my understanding that the federal government taxes the interest which is received by investors on government securities. No weight apparently was given to this fact, nor the fact that water resource projects in themselves generate considerable tax revenues, or, in the case of flood control projects, reduce tax deductions by reducing casualty losses.

I realize that these criticisms of the proposed discount rate may not be accurate. Those of us who live in the real world sometimes find it difficult to adjust our thinking to the Olympian world of abstract economics. Nevertheless, the proposed rate smells more like a device to prevent further water resource development in this country than it does to promote the welfare of its citizens, a welfare based to a major extent on the use of water and the prevention of water-caused disasters.

In the event the proposed discount rate is not sufficient to destroy federal participation in water resource development, the five year construction start requirement can be used to administer the coup de grace. As we read the proposed principles, authorized projects on which actual construction or other similar activity is not commenced within five years from date of authorization will be reviewed in accordance with the proposed principles. The words "or other similar activity" are confusing. We know of no activity which is similar to construction except construction itself. We urge that as a minimum change, the Council consider inserting the words "or advance planning", in lieu of the words "or other similar activity".

It is extremely rare to have construction commence on any project within five years from the date of authorization will be reviewed in accordance with the proposed principles. The words "or other similar activity" are confusing. We know of no activity which is similar to construction except construction itself. We urge that as a minimum change, the Council consider inserting the words "or advance planning", in lieu of the words "or other similar activity".

It is extremely rare to have construction commence on any project within five years of date of authorization. The time lag between authorization and the initial appropriation for advance planning is usually at least two years. A time lag of four or five years is not unusual. Advance planning usually consumes another three or four years, primarily because of fiscal limitations.

As an example of the already ridiculous time lag, I cite the example of the Savery-Pot Hook unit, a joint Colorado-Wyoming project. This project was accorded a top priority by the Colorado Water Board in 1938. It was finally authorized by the Congress in 1964. Although advance planning was completed several years ago, construction has not yet started. However, construction funds have been appropriated by the Congress for the past two years but withheld by the Office of Management and Budget. By what legal authority that agency is able to flaunt the laws of Congress, we have not been able to determine. We are not unaware of the domination of the Office of Management and Budget in the preparation of the proposed principles, although the Water Resources Planning Act gives that agency no such authority. The ironic comedy of the five year limitation is that the Office of Management and Budget can, and is, making it impossible to get project construction started within the five year period.

Insulated and protected from normal democratic procedures, the administrative branches of this government are rapidly assuming the total executive, judicial and legislative functions separately reserved by the Constitution. If the laws enacted by Congress can be ignored and rejected by the shadowy fourth body of administrative government, the question remains as to why we bother with the elective process in the first place.

During the past decade, ten multi-purpose water resource and flood control projects have been authorized by the Congress for construction in the state of Colorado, on which construction has not yet started. Because of past fiscal limitations, there is no way that construction on seven of these projects can be started within the proposed five year time limit. With a little more help from the Office of Management and Budget, the other three projects can also be pushed into the never ending cycle of re-analysis. Cumulatively, over 230 years of planning effort and several millions of dollars have been applied to achieve the present status of these projects. Now it is proposed that the hopes, dreams and aspirations of thousands of our citizens be callously crushed by administrative fiat. We may be forced to submit to this type of administrative tyranny, but not without a fight.

We vigorously dissent to this limitation in all of its aspects. Its adoption would constitute a flagrant invasion of the powers reserved to the Congress. Its use would constitute an effective veto over acts of Congress in a manner neither contemplated nor permitted by the Constitution or statutory law. Not even a tortured construction of the Water Resources Planning Act can justify this limitation as a part of planning principles and standards. We therefore urge that this provision be eliminated.

The proposed principles provide that: "The regional development objective will be used in formulating alternative plans only when directed." While we are not sure what this means, the statement appears to violate Section 104 of the Water Resources Planning Act. That section plainly states without reservation that special regard shall be given to achieving optimum use of water in the area involved. While national goals are also to be given special consideration under the quoted section, there is nothing in the act which indicates that national goals are to have any preference.

Neither national goals nor the national economy are separate entities. They are merely the total of many component parts. National goals are at the best difficult to define and are constantly changing. If regional objectives must be subjugated to some mystic and ever changing national goal, then this nation is doomed to stagnation. We therefore urge that the proposed principles follow the mandate prescribed by Congress.

We note that the Council reserves the authority to amend whatever standards are adopted from time to time. This provision appears to be necessary and in accordance with the powers granted by the Congress. However, we find neither comfort nor justification in the statement that such amendments are subject to concurrence by the Office of Management and Budget. The question naturally arises as to whether or not Congress created a Water Resources Council or a subservient arm of the Office of Management and Budget. A careful reading of the Water Resources Planning Act does not reveal that the Office of Management and Budget was to play any part in the formulation of water resource planning principles. This is a futile argument, but we make it anyway.

It has been reported that a former huckster for Lipton tea has made the statement: "All dams are an obscenity. Floods and pestilence have been a means of controlling population." The gentleman is entitled to his opinion, but there are others who would disagree. There are people in West Virginia today, both living and dead, who would certainly disagree. I know from past association that this Council would also disagree with the statement, but I am not so sure about the other agency which participated in the preparation of these proposed principles.

In Colorado, as in most western states, about fifty percent of our total yearly water supply flows down our rivers during two months of the year. In order to support our current population and economy, we must store the excess waters of the spring runoff for use during the remainder of the year. This requires dams.

Most civilizations and their cities developed along perennial streams and rivers. Such was and is the case here in the United States. I am sure that most people do not feel that they should be drowned or their property destroyed because of mankind's ancient habits. Flood protection also requires dams. If all of these dams are obscene, then let us be classed as an obscene people.

We believe that the proposed principles

and standards for water resource planning unjustly and illogically single out water resource development for discriminatory treatment. We know of no other governmental activity, either federal or state, which is subjected to a similar discount rate or planning procedures.

There have been, and probably will continue to be, errors in judgment in the development of our natural resources and the treatment of our environment. Remedial measures are necessary. However, the proposed principles appear to be more punitive than remedial. We therefore urge that they be revised in their entirety in a comprehensible form, with the objective in mind that both water resource development and flood control will forever be essential to the welfare of the people of this nation.

WHY SOVIET ARMS WORRY UNITED STATES

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, I think it is vitally important that we in the Congress are aware of what our top Defense specialist is saying about Soviet military capabilities and what is needed on our part to insure an adequate defense posture for our country.

In a recent interview, Secretary Laird said:

> Based on the evidence I see, it is my belief that the Soviet Union is trying for military superiority over the United States by the latter part of the 1970's and during the 1980's. And we are not matching this effort at the present time.

We can ill afford not to maintain that level of technological superiority we now hold over the Soviet Union. To pursue a course of unilateral disarmament as some would have us do would be catastrophic for the United States.

For the benefit of our colleagues, I insert the entire interview of Secretary Laird as appears in the U.S. News & World Report for March 27 following my remarks:

INTERVIEW WITH DEFENSE SECRETARY LAIRD: WHY SOVIET ARMS WORRY UNITED STATES

Q. Mr. Secretary, your annual Defense Report to Congress has created considerable discussion. What do you mean by the new "strategy of realistic deterrence" you are putting into effect?

A. I am pleased with the growing discussion of national-defense issues which this report, together with the President's Foreign Policy Report which preceded it, have brought about.

What we are talking about is peace—how to achieve it and how to maintain it.

Essentially, my report to the Congress tells how we are achieving the transitions from war to peace, from a wartime economy to a peacetime economy, from a draft-dominated armed force to one peopled with volunteers, and from an era of confrontation to an era of negotiation.

I believe the American people are coming more and more to understand that the Nixon Administration has made fundamental changes in how we plan for our nation's safety and security, and for achieving the President's goals of peace and of an improving quality of life for all Americans.

The strategy of realistic deterrence is the Defense Department's plan for implementing the Nixon Doctrine and the strength and partnership pillars of the strategy for peace outlined by our Commander in Chief. Meaningful negotiations—the third pillar—are made possible by adequate strength and stronger partnerships.

Q. Is the U.S. maintaining its military strength in today's world?

A. Not as much as we should be, particularly in the area of maintaining technological superiority.

I believe we have adequate defense forces today, but I am concerned about the period from 1975 on. I don't want any future President of the United States to be in a position where he has to crawl to any negotiating table anywhere in the world. That's what we are talking about as far as the real issues of the defense budgets are concerned—the maintenance of the future strength of the United States.

Since I became Secretary of Defense, I have tried to inform Congress and the American people about the program that the Soviet Union embarked on in 1965 to modernize both their conventional and strategic forces. Based on the evidence I see, it is my belief that the Soviet Union is trying for military superiority over the United States by the latter part of the 1970s and during the 1980s. And we are not matching this effort at the present time.

For example, our research-and-development requests to the Congress in recent years have been cut substantially.

Q. What can you tell us about these cuts?

A. Take fiscal year 1972 [which ends June 30]. That budget did not pass the Congress until last December, six months after the fiscal year began. We had asked Congress for an 800-million-dollar increase in research and development to maintain the technological superiority which is so important to the future of this country. Congress cut that requested increase by 50 per cent—400 million dollars out of our total research-and-development request for fiscal 1972. You can't maintain technological superiority that way.

In this year's budget, we are asking Congress for 1 billion dollars more than they gave us last year. I hope that the Congress will recognize that in a free society which is competing with a closed society technological superiority is an absolute must.

Q. What about reports that the Russians are dismantling some of their armaments?

A. The only things they are retiring are obsolete ships and weapons systems in favor of new ships, new aircraft and new types of strategic and theater missiles.

They are going forward at a tremendous rate with their naval construction, both conventional and nuclear. In the nuclear field, they now have under construction or in being about 43 of the Y-class submarines, each carrying 16 ballistic missiles.

Our ballistic-missile nuclear-submarine force consists of 41 Polaris-Poseidon ships. Looking to the future, what concerns me is that the Soviet Union by the end of next year will likely move ahead of us in numbers of Polaris-type submarines. At the present rate of Soviet construction—if we decided to construct any ballistic-missile nuclear submarines—they would have over 70 by the time we could build and have operational No. 42.

Q. What can you tell us about land-based missiles?

A. As you know, the Soviet Union has already moved ahead quantitatively in land-based missiles. They have more than 1,500 missiles capable of reaching targets in the United States. We have 1,054—the same number approved by the Congress in the mid-1960s.

Q. How do the two nations compare in strategic bombers?

A. We have some 500 bombers assigned to the Strategic Air Command at this time. This number includes about 70 of the smaller FB–1s, with the remainder of the force composed of B–52s. The Soviets have about 200 bomber aircraft assigned to their long-range-aviation forces. About 50 of these are configured as tanker aircraft for in-flight refueling. They also have built and are flying several of their new "Backfire" bombers.

Q. Well, then, why aren't you worried right now?

A. There is a simple answer to that. We have superiority today because of our technology. We have, I believe, a two-to-three year lead over the Soviet Union in technology, in the Poseidon submarine and the Air Force's Minuteman III with their multiple independently targeted re-entry vehicle (MIRV).

However, their land-based missiles are bigger than ours and therefore have a greater "throw weight" than ours. By that I mean their bigger boosters give them a greater capability to deliver more and bigger warheads with their existing missiles than we have in our existing forces.

Given their technological capabilities, I'm sure they can match our technology within two or three years.

That is why it is absolutely essential that we maintain technological superiority over the Soviet Union, and why I put such a high priority on our research-and-development budgets for the Army, Navy and Air Force.

That is also why it is so important to us in the Department of Defense that the United States seek a really adequate limitation of strategic arms, not only defensive but offensive weapons as well.

As President Nixon made so clear last May 20, it is essential that any agreement between the United States and the U.S.S.R. must include offensive as well as defensive-weapons limitations. The safety and security of the American people require this.

That is why, as I have stated before congressional committees, we cannot accept a ceiling on anti-ballistic-missile systems [ABM] without a ceiling on land and submarine-based offensive missiles as well.

Q. Do you think the present negotiations between the U.S. and the Soviet Union for a strategic-arms-limitation treaty will produce suitable results for us?

A. At present, we feel that in the not too distant future we and the Russians can move from arms competition to strategic-arms limitation and from there to limitations on other types of weapons, including conventional weapons. Also, I would hope we can move toward mutual limitations on military assistance, another area where the Soviets have placed great emphasis in recent years.

But it is my strong view that it would be a great and dangerous mistake for the U.S. to take unilateral disarmament actions. In short, we must have verifiable mutual-arms-limitation agreements.

Q. What do you mean by verifiable?

A. Let me be perfectly candid with you. President Nixon is leaving no stone unturned in his pursuit of better relationships with the Soviet Union. But let us not forget, either, that the President recognizes full well the profound differences and disagreements that will continue to exist between the Soviet Union and the United States.

We cannot eliminate those differences overnight, because they have to do with different ideas about the rights and responsibilities of men and governments, and about different approaches in dealing with other nations.

I believe that great nations today can be peaceful adversaries without being belligerent antagonists. But to continue to move in this direction we must have confidence on both sides that any agreements we do enter into are, in fact, being honored.

To put it bluntly, this President and this Secretary of Defense are not going to place the destiny of the United States, or of our friends and allies, at the mercy of the hoped-for good will of any other power. That's why verification is so important as we seek to resolve what can be resolved in our relationships with the Soviet Union and to control what cannot be immediately resolved.

Q. What are some of the things the Department of Defense is doing now to keep our forces ahead technologically?

A. Let's take this year as an example. We have asked Congress for a supplemental appropriation of 35 million dollars to enable us to go forward with what, for the time being, we call ULMS—the undersea long-range-missile system. Shortly, we will be announcing a new name for the ULMS. This is a successor to the Poseidon nuclear submarine, which itself is a conversion of the Polaris submarine which was developed in the 1950s.

As a matter of fact, as a member of Congress I sponsored the amendment appropriating more than President Eisenhower's Administration asked for in its 1957 budget for building up our Polaris force.

Tŏday, I might add, the tendency of Congress is to cut rather than increase military appropriations. Other key programs in the pending defense budget include the B–1 strategic bomber, the airborne command post, and the F–14 and F–15 aircraft.

When I was a member of Congress, representing the seventh district of Wisconsin, I was often distressed when the executive branch refused to recognize the coequal status of the Congress in national-defense responsibility and refused to spend "add-on" money voted by the Congress for national defense.

Let me tell you that this is one Secretary of Defense who will spend every dollar over and above our requests that Congress deems necessary. I have made this position known at every opportunity in my testimony before Congress in the last three years.

"WE ARE STANDING STILL"

Q. Aside from nuclear-ballistic-missile submarines, how does the Soviet Navy compare with that of the United States?

A. Well, they've gone forward also in attack-type submarines which are nuclear powered. They outnumber us in this area. They are also moving ahead vigorously in major surface-combatant-ship construction, including a very large cruiser with multiple missile systems.

We aren't standing still, of course, in ship construction in the face of this momentum. When I became Secretary of Defense we were spending less than a billion dollars a year on our shipbuilding and conversion program. We increased that to 2 billion dollars within a year, upped it to 3 billion last year, and now are asking for about 3.6 billion dollars.

Of course, our concern about the nature and scope of the Soviet threat is not confined to their impressive gains in nuclear and naval capabilities. For example, as I noted in my Defense Report, Soviet and other Warsaw Pact forces continue their growth both in quality and in quantity, including new tanks, lift forces, and several new types of aircraft.

Q. What has been the extent of our slowdown in arms spending?

A. In total defense-budget terms, from fiscal year, 1969, to our proposed fiscal year, 1973, budget request, we have gone down from about 9 per cent to about 6.4 per cent of our gross national product for national-security outlays, and from about 45 per cent to 31 per cent of total federal-budget outlays. Those figures represent 20-year lows.

Much of that reduction, of course, is attributable to the winding down of the war in Vietnam and to implementation of our new strategy of realistic deterrence.

While it is difficult to draw exact comparisons, the Soviet Union continues to devote a greater share of its gross national product to national security than we do. In money terms, while they are operating from a GNP about half the size of ours, they are spending in U.S. dollar equivalents just about the same amount as we are on national security. And, of course, their commitment to North Vietnam has averaged somewhere between 500 million and 1 billion dollars annually since 1965, while the U.S. had to devote as much as 22 billion dollars in its peak spending year—1968—to the war in Vietnam. Furthermore, the Soviet Union puts from 30 to 35 per cent of its military budget into manpower-related costs. We spend from 52 to 56 per cent of our military budget for such costs.

So, even with the great burden of U.S. Vietnam costs steadily declining, the personnel-cost disparity in the two budgets leaves Soviet planners with approximately 65 to 70 per cent of their budget for modernization in such areas as strategic forces, shipbuilding, and other improvements in missiles and conventional forces against roughly 45 per cent available to our planners.

Now, if you project that ahead for five to seven years in terms of actual money available for modernization in U.S. nuclear and conventional forces, you can see that we could be in trouble in the last half of the 1970s if you assume that the Soviets are spending at about the same over-all rate in defense programs as we are.

Q. What's the answer?

A. A top priority, let me repeat, is to maintain technological superiority. We also must move ahead with the weapons-modernization programs for all our active-duty forces and with the increases I've asked for in the National Guard and Reserve programs.

We also must have a strong and effective security-assistance program to help our friends and allies under our new "total-force concept." In talking to students and other Americans, I stress the point that we intend to avoid future Vietnams—that we no longer intend to be the cop on every beat—but we don't intend to cop out on our world leadership role, either. To make that commitment work, we need a strong military-assistance program, and Congress has to support it.

The only other alternative is to cut back on our treaty commitments and accept a free-world security gap—but I don't see any bills being introduced in the Senate with any support to repeal any of those commitments that have been entered into under our constitutional processes, including Senate ratifications.

I think these measures, if we can go ahead with them, can and will meet the Soviet challenge, deter war and restore and preserve peace.

Q. Are you getting the support you need from Congress?

A. Not entirely. Last year, for example, Congress cut our requests by about 3 billion dollars.

BEYOND "MILITARY REALITIES"

Q. Is it true, as some Democratic politicians are saying, that we now accept the principle of armed parity with the Soviet Union instead of superiority?

A. Let me put it this way:

In my view, a vast majority of the American people may perhaps be willing to accept parity in the area of strategic nuclear weapons, but under no circumstances would they or should they accept inferiority. Certainly, as Secretary of Defense, I would never recommend or accept inferiority.

The sufficiency of our armed forces is a matter that cannot be judged strictly from the standpoint of military realities. Global political realities are also very much involved. I am concerned about what the political effect would be on our allies—or, for that matter, on the people of the United States—if the Soviet Union acquired a vastly superior nuclear force, whether on land, at sea or in the air.

In other words, it is crucial to the achievement of lasting peace that neither our own citizens nor our friends and allies ever have reason to question the adequacy of our strength or our resolve.

Q. Do you believe this year's political candidates understand this?

A. All presidential candidates should look at this matter very carefully, for I believe that a vastly superior strategic force in the hands of the Soviet Union is something that no President ever would want to face.

And, gentlemen, let me repeat that this fiscal year, 1973, defense budget that we are fighting for doesn't involve so much the strength Richard Nixon will have as Commander in Chief in his second term. It has much more to do with assuring the necessary strength for the Presidents who will succeed him in the post-1976 period. Our long-range planning takes into account the challenges and requirements that will face our future Presidents.

Q. If you get from Congress what you want for research and development, along with money for construction, what would the United States armed forces get out of it?

A. Let's use an example:

If we go ahead with the ULMS program which I mentioned earlier, the follow-on step from the Poseidon program, the first 10 of the new missile-firing submarines could be replacements for our 10 oldest Polaris-type submarines.

Adm. "Bud" [Elmo R.] Zumwalt, the Chief of Naval Operations, Adm. H. G. Rickover and others here assured me that if we can go forward by April 1 with the design contract for the new-type submarine, we will be able to get the first ULMS by 1978.

The ULMS involves a new system which, as presently planned, will carry 24 missiles and enable submarines to operate out of bases in the continental United States. This means—and it's very important—that it will have a beneficial impact on our crews. This is difficult duty, and as we worked toward the volunteer service and zero draft calls, the idea of nuclear submarines based in the United States is appealing.

Q. What are the Soviet capacities in this area?

A. They are turning out the Polaris-type or Y-class submarines at a current rate of about nine a year, and they could go even faster. These submarines are not as good as ours, because we have a technological lead. Our submarines are quieter and less susceptible to detection.

However, it takes a long time to develop new weapons and techniques, which limits our margin of safety.

Q. Mr. Secretary, do you foresee any immediate changes in the U.S. military position in Asia as a result of President Nixon's visit to Peking?

A. The military position and our military commitments there have not changed. Our treaty obligations have been ratified by the United States Senate. We will maintain those treaty obligations.

Of course, our posture will continue to change somewhat as we implement the Nixon Doctrine, which calls for building stronger partnerships with our allies and helping them to take some of the defense responsibility in their own areas, so the United States will not have to be the cop on every beat in the world.

The Nixon Doctrine also calls for a strong military position on the basis of total-force planning—taking into consideration, that is, the capabilities of our allies and using their available resources to the best advantage in the area that is involved.

All this has enabled us to withdraw a great many of our military forces from Asia—not only from Vietnam but also from other Asian countries. That, as you know, has been going on for some time now. We are in transition from war-fighting forces in Asia to peacetime Nixon Doctrine deterrent forces.

Q. Will there be withdrawals from Asia beyond those planned in Vietnam?

A. Yes, as partnerships with our allies are strengthened. They have to be willing to take over certain responsibilities. After all, these are *mutual* defense treaties we have with them, and sometimes that mutuality gets overlooked.

Take, for instance, Japan. That's a mutual-defense treaty, and when I talk to my Japanese friends I certainly try to emphasize that fact. We are providing and will continue to provide the nuclear umbrella. I feel certain that our friends in Japan understand the mutuality of that defense arrangement, which requires from them an increased contribution to the security within their country and within their area, particularly in view of the Okinawa reversion.

Q. Is anybody out there listening to you?

A. I think they are. The proposed defense budget of Japan has been increased—not substantially, but an increase nonetheless.

I think the Cambodians have done very well and the Vietnamese have done well. So have the Koreans and our friends on Taiwan. The Thai, I think, are going better than they have in the past.

Q. What has this meant for the U.S.?

A. It means that we have been able to withdraw well over half a million people from that part of the world. I think the South Koreans are stronger today, militarily, than they were when this Administration took office. Yet we have 20,000 fewer Americans there.

Q. How soon are U.S. forces going to leave Taiwan?

A. I hope that Congress approves the increase over last year's program that we have asked for in our military-assistance program there. I will do the best job I can in defending that increase and, also, the sale of excess military equipment to Taiwan. We are, for example, going to continue our training programs.

Q. But how fast will you withrdaw U.S. forces?

A. As we apply the Nixon Doctrine and tensions ease, we will not maintain an American presence there longer than is needed. There are not as many American servicemen on Taiwan as there were when I became Secretary of Defense. We will continue to make withdrawals, based to some extent on our continuing progres in turning over military responsibilities in Vietnam to the South Vietnamese, because that is tied in with our presence on Taiwan.

Q. What about American withdrawal from Vietnam itself?

A. We completed Phase 1 of Vietnamization last year—turning over ground-combat responsibilities to the South Vietnamese. Phase 2, which deals with turnover of logistics, artillery and air support to the South Vietnamese, also is moving along very well. It will, of course, take longer because of the training that is required, but Phase 2 is on schedule or ahead of schedule in all areas.

For instance, the South Vietnamese have taken over responsibility for in-country naval operations and most in-country air-support requirements.

I might also point out that under the Vietnamization program we have withdrawn several million tons of U.S. material, a reduction of some 80 to 85 per cent of the material we had in Vietnam at the peak of U.S. involvement. I think that is quite an accomplishment and a tribute to the superb leadership of Gen. Creighton Abrams.

Phase 3 involves the phasing out of the military-advisory program, and we are into that, too.

Altogether, we will be down to 69,000 American servicemen in Vietnam by May 1, from the high point of the 549,500 authorization when the Nixon Administration assumed office.

The whole program of Vietnamization is going along well, and the South Vietnamese are in a position where they have the capability to handle their internal security—very adequately, I believe. That doesn't mean that they are going to win every time they meet the enemy. They are going to have some tough fights, because the enemy has substantial capabilities.

Q. When will Vietnamization be officially completed?

A. The third phase takes you down to a position where the total U.S. forces will be lower than at the start of President John F. Kennedy's Administration, when we had about 800 or 900 military advisers in Vietnam.

When Phase 3 is completed, American military presence in Vietnam will be terminated. But President Nixon has made it clear that this will not happen until the question of Americans held prisoners of war has been settled and the missing in action have been accounted for.

Q. Is there any prospect of hastening that?

A. The fastest way to terminate U.S. involvement in the war still is through negotiations. As to the prisoner-of-war issue, I believe that question will be solved when the enemy decides to abide by the Geneva Conventions which he signed and yet is violating in at least 16 different ways at the present time.

The Geneva Conventions are not subject to negotiation. I think the pressure of the Communist world, the nonaligned world and the free world will have to be brought to bear on the enemy to abide by these conventions.

As you know, the President has designated the week of March 26 through April 1 as a national week of concern for our prisoners of war and missing in action. I would also point out that the President, Secretary of State William P. Rogers, and I bring this humanitarian matter to the attention of every foreign leader we see, and I will be doing it again in Europe in May.

REAL IMPORTANCE OF VIETNAMIZATION

Q. Do you expect anything to come out of present negotiations with the North Vietnamese?

A. I have been more optimistic about the Vietnamization program, I think, than anybody else in Washington since it got started. Vietnamization—rather than negotiations—is proving to be the means by which we are terminating American involvement in Vietnam.

Q. But haven't U.S. bombings of North Vietnam been stepped up? Why is that?

A. What has increased recently is the number of enemy firings at our unarmed-reconnaissance flights. And I can assure you that, as long as I am Secretary of Defense and they fire at our reconnaissance aircraft, the escorting planes will retaliate. Our fliers have the authority to strike back when threatened; and they will continue to protect themselves.

SHARING THE BURDEN IN EUROPE

Q. Mr. Secretary, is the partnership idea that you feel is working so well in Asia getting results with our European allies, too?

A. Yes. We have had an improvement in what our partners in the North Atlantic Treaty Organization are doing.

They have moved forward with a billion-dollar European-defense-improvement program. They have also increased their military budgets. The Federal Republic of Germany this year has Cabinet approval for a 13 per cent increase in its defense budget.

Over all, the defense budgets of our European allies will be increased by about a billion dollars, or 6 per cent. In real-term purchasing power, this does not add up to the full 6 per cent because of inflation. Clearly, there is a growing awareness on the part of our NATO allies of the need to share the burden, and the things they have done in the last 18 months are all to the good.

Q. Are they still reducing the number of men they keep under arms?

A. The number of individual servicemen has remained fairly constant. One country, Denmark, may institute some reductions. We've had communications about this, and I hope they will not do it.

Q. Why does the Pentagon resist so strongly any suggestions of reducing American forces in Europe?

A. As we move from a period of arms competition to a period of arms limitation, this is not the time to take unilateral actions—either on the part of the United States or any of its allies. We feel in the Pentagon—more strongly, I think, than any other department of Government—that it is most important for us to arrive at arms-limitation agreements. Unilateral disarmament in any form, however, would be a dangerous mistake and would weaken the chances for such agreement.

Q. Do you think we can do business with the Russians in the fields of arms control and mutual reduction of forces?

A. It is not a question of doing business. It is a question of arriving at verifiable agreements that would put a downward pressure on the chances of conflict and an upward pressure on the prospects for lasting peace. I believe that we can arrive at agreements in these areas if the compliance is verifiable.

I would always stress the importance of just what means of verification are necessary and of making sure we have those means. In some cases this would require onsite inspection, but in many areas there are other means of verification which can be used.

Q. Turning to another subject, Mr. Secretary, what is the situation in the Mediterranean at the present time?

A. The importance of the Middle East in Soviet strategic planning has clearly increased. They are establishing bases in the Mediterranean area. Their warships have increased their steaming days in the Mediterranean to about 20,000 a year, from the approximately 750 steaming days they averaged in the early 1960s. They are operating there to a much greater extent than we are.

If you apply the total forces of the United States and our allies in that area, we have a realistic deterrent for the next few years. But as this Soviet momentum continues, we must watch the situation closely and, together with our allies, take offsetting actions when required.

Q. How concerned are you about the growth of Soviet activity in the Indian Ocean?

A. The Russians have a greater presence there than we do. It is of concern to us, of course. It should also be of interest to Japan, and I've told the Japanese that. They get a tremendous amount of their oil from that region, and there is a continual stream of ships moving through the Indian Ocean to and from Japan. Unquestionably, Japan must be concerned about insuring that those shipping lanes remain open.

Q. Would this call for a Japanese naval presence in the Indian Ocean?

A. It could.

Q. Will we also have to increase our activities there?

A. We might.

Q. Mr. Secretary, there is a lot of talk about problems of drugs, desertion and racial conflict among servicemen. What can you tell us about the morale situation?

A. We have those problems and we're doing something about them. In drugs, we have instituted a very satisfactory testing procedure to determine drug usage. We're looking to our whole system of military justice as it applies to whites and blacks, and we have set up an institute to help train officers and noncommissioned officers in the handling of racial problems.

Q. What are you doing about the advancement of black officers?

A. We have more black general officers and flag officers than at any time in history. We have carried out a promotion policy to the point where we have our first black admiral.

We are also recognizing women. We have our first women generals in the Air Force and Army, and we will have our first woman admiral in the Navy within six months.

Q. How confident are you that you have reliable and well-motivated people in the armed services—people you can depend on in any emergency?

A. I'm very confident that we have good people and that our "human-goals program" will assure even further progress. We have raised salaries of our lower-ranked enlisted personnel by 325 per cent since 1964. We have made Selective Service a lot fairer, and we are having to draft fewer and fewer men. When President Nixon took office, about 300,000 a year were being drafted. This year, we will draft fewer than 50,000—less than it has been in any year in the lifetime of our draft-age men and women.

Q. Do you think you can do away with the draft entirely and go to all-volunteer forces?

A. We have set a target date of July 1, 1973. This means we will have to recruit volunteers more intensively. To do that we must be able to compete for talent in our high schools and on college campuses.

Q. Are colleges a trouble spot for you?

A. I wouldn't say so. A few years ago college campuses were voting to discontinue Reserve Officers' Training Corps, for example. At some of those campuses now, we are being asked to reinstate it, and we have a waiting list of colleges for our ROTC program.

Q. If you're getting rid of the draft, do you believe that it's time to grant amnesty to those who fled to Canada and Sweden and other places to avoid the draft?

A. No, I do not. Today is not the time—not when we are continuing to use Selective Service and have men involved in Vietnam, held as prisoners or unaccounted for as missing in action. Whether you're talking about blanket amnesty or selective amnesty, it's just not the time to consider the question.

I would point out, however, that our country historically has always tempered justice with mercy.

Q. With the end of the draft in sight, is this going to place more emphasis on the National Guard and the Reserve forces for your manpower in emergency?

A. Yes. For too many years, they have been treated more or less as stepchildren. Their missions too often did not relate to national strategy. Their programs too often did not adequately challenge young men and women. Their equipment was not good enough.

That is why we've asked for an increase of 600 million dollars for the National Guard and Reserve program. That is why we're going to transfer a billion dollars' worth of equipment to the Reserve and National Guard in fiscal year 1973—the highest level of equipment ever transferred to them.

Along with that I have assured Congress and the Governors of our 50 States that we're going to give them increased responsibilities in our total-force planning. Guardsmen and Reservists understand that in case of another emergency, they will be called first. It won't be like Vietnam where we used draftees and shunned the trained men of the Reserve and the National Guard.

Q. Mr. Laird, moving over to domestic politics for a moment, what role do you expect to take in the 1972 presidential campaign?

A. I plan to discuss as much as I can with the American people the importance of effective national-security planning. I won't be making purely partisan political appearances, but I won't hesitate a moment to defend national-security programs which I believe are essential to the safety and security of our country.

I would welcome invitations from the Democratic and Republican platform committees to testify on the nonpartisan issue of national security.

Q. What are your plans if President Nixon is re-elected to a second term?

A. After the President's re-election, I plan to spend some time with my family. As to what I will do after that, it has been my policy as Secretary of Defense not to make unnecessary forecasts or predictions, and I'm not going to make a personal exception to that policy right now.

OLDER AMERICANS FOOD PROGRAM

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I am sure you know how deeply gratified that the Congress has now authorized the program of better nutrition for the elderly which I proposed in 1970. I am also very pleased by the favorable response this legislation has received throughout the country. An excellent example, I think, is the following editorial by Mrs. Virginia Weldon Kelly, which apeared February 22, 1972, in the Long Beach, Calif., Press-Telegram:

HOT MEALS FOR THE ELDERLY COMING UP

President Nixon has endorsed the legislative measure, passed by the House on Feb. 7, to provide a hot meal at least five days a week for the nation's elderly. There are 23 million 60-plus citizens.

Almost identical legislation was passed unanimously by the Senate in November.

The legislative authorizes $100 million for fiscal year 1973 and $150 million for fiscal year 1974.

Sponsors of the measure expect that President Nixon will sign the legislation about March 2 in a White House ceremony.

House sponsors were two Democrats, Claude Pepper, Florida, and John Brademas, Indiana. The bi-partisan Senate sponsors are Edward Kennedy, Massachusetts, and Charles Percy, Illinois.

Rep. Pepper has been a pioneer in working for hot meals for those 60 or more.

Pepper asserts that the longer older Americans can remain in their own homes, the better their physical and emotional health will be, and the less will be spent on nursing home care under Medicare and Medicaid. He points out that 25–30 per cent of the nation's elderly suffer from "tea and cast"malnutrition.

The program is general primarily towards the poor but meals and other nutrition services would be available to those better off on an ability to pay basis.

Under the two-year program, the federal government would finance up to 90 per cent of the cost of state-sponsored hot food programs for those 60 and older.

The programs would be operated for the states by public or private institutions or catering services, agencies, church groups, or political sub-divisions. It is expected that church homes, other benevolent groups, and retirement villages could participate.

Hot meal programs would be set up in church halls, schools, firehouses, senior citizen centers, service clubs, and other well located places.

Older citizens will be given preference in employment in the program, but there will be opportunities for teen-agers who need jobs. The Congress hopes that thousands of high school and college students will give their services along with more mature volunteers.

Each meal would be required to provide at least one third of the calories and balanced diet recommended by the Food and Nutrition Board of the National Academy of Sciences National Research Council.

It is also hoped that participants can take home a cold meal for supper.

Transportation to and from the meals would be taken to those who are temporarily or chronically ill.

A recent survey has revealed that only 12,000 shut-ins in the nation are now receiving meals-on-wheels operated by churches and other groups.

The special nutrition program was also suggested by the White House Conference on Food, Nutrition and Health in 1969.

The scope of the problem was outlined recently in the report of President Nixon's Task Force on Aging. It stated that insufficient income was only one of the causes of malnutrition. Other causes include: physical inability to shop or to cook, chronic disability, lack of knowledge on nutrition—and loneliness.

This week in a Connecticut Avenue chain supermarket, a 92-year-old woman, leaning on a cane, said she had walked three blocks in 23 degree weather. She bought a pint of milk but did not buy a loaf of bread for her supper. She could not carry it. A reporter took her home. On the way, she said she had never heard of the new nutrition legislation.

One of the biggest problems, congressional leaders say, will be informing the elderly.

Mrs. Richard M. Nixon's special interest is volunteerism. The Older Americans Food Program can be a worthwhile interest for everyone.

ADDRESS BY HON. WILBUR MILLS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on March 3 at Atlanta, Ga., at the second National House Staff Conference Institute for the Study of Health and Society, the distinguished gentleman from Arkansas, chairman of the House Ways and Means Committee, Hon. Wlbur Mills, delivered a very significant and able address setting forth a comprehensive program to provide for the health needs of the people of this country.

In view of the concern that all of the American people should have access to the best of medical and hospital care, it is a matter of special interest to observe the deep study and the broad understanding which Mr. Mills exhibits in respect to this critical subject. Since legislation of this character would come from the Ways and Means Committee of the House, the thinking of Chairman Mills is particularly meaningful to Members of the House and to the people of our country. Mr. Mills is respected by all the Members of this House, as well as by the Members of the other body, as a man with an extraordinary grasp of the problem of adequate and proper medical care, as one possessing a great knowledge in this and related fields, and as a most important figure in the passage of such legislation.

Therefore, Mr. Speaker, so that my colleagues and fellow countrymen might profit by Mr. Mills significant thinking in this most important field of health care, I ask that his address appear in the Record following my remarks:

Remarks of Congressman Wilbur D. Mills

Good morning, ladies and gentlemen. I very much appreciate the invitation to be the keynote speaker at this, the Second National House Staff Conference. And I want to thank Doctor Roy, the distinguished Representative from Kansas, for his introductory remarks. He has already established a well-deserved reputation in the House on health matters.

The wide ranging subject matter which will be taken up by your conference over this weekend illustrates once again the active period of ferment and change which permeates the health field today. This period of reexamination of priorities and methods in health is most obvious among physicians themselves. And this is a most encouraging sign. I have become convinced from my experience as a legislator over the last 30 years that legislation cannot by itself drastically modify an industry as large and as complex as our health industry. I must say, though, it appears that the threat of legislation has some influence on encouraging the health professions to recognize and seek solutions to serious problems in American health care. But whatever the motivation, I am greatly pleased to see the active consideration of these problems and the work toward finding solutions to them so clearly illustrated in this conference.

While the motivation for change must come largely from within the health professions, if we are to see real rather than merely paper progress, there is much that government can do to support that progress. I would like to take the major part of my time discussing in general terms what the government's role might be, but a word or two first about the present situation.

This audience is well aware that government already plays a very substantial role in health. And you know that the debate surrounding national health insurance is not whether the government should become involved in health but how much more and in what way. The magnitude of the present government role can be illustrated by two simple facts. The first fact—two government programs alone, medicare and medicaid, are paying out more money in this fiscal year for patient care than will all of the private health insurance organizations combined. The second fact—out of a total of $75 billion in fiscal year 1971 spent for health, government at all levels paid $28.5 billion, or 38 percent.

What additional activities are appropriate for government in meeting our present problems? Let me try to answer that in terms of what I see as possible major elements in any national health insurance legislation likely to be approved by the House of Representatives.

The first element will likely be a new program of health care for the poor. The present medicaid program, while it has done much to improve health care for the poor, needs to be replaced with a program which will make a uniform set of benefits, at least as comprehensive as those available to the middle income groups, available to all of the poor in all areas of the country. The Administration bill, as you know, meets none of these conditions.

The second element will be a program to improve the health insurance protection, both in quality and quantity, available to the great bulk of Americans in the middle income groups. I will not repeat for this audience the date which indicate the spotty coverage and irrational premium setting devices which characterize our present arrangements. Just as one example, a musician who supports his family by entertaining the patrons in a small restaurant more than likely has to pay twice as much for the same health insurance as his neighbor who works in a small factory. Why is this? Because private health is not very likely to underwrite a low-cost insurance policy in a small restaurant.

I believe government can help in this area by providing the mechanism under which virtually every American family, regardless of its situation, will have the same basic coverage at about the same price. And I believe that we can do it without having to place on the Federal bureaucracy the entirely impossible administrative task of managing our entire health complex.

For employed Americans and their families we can follow the general idea of our existing workmen's compensation programs by requiring that all employers provide a basic set of health benefits largely at employer cost. In this way we could avoid the serious problems inherent in the Administration bill where the employer merely has to offer the insurance. We could quite easily and appropriately extend the purposes of the unemployment compensation program to include maintenance of health insurance protection during periods of unemployment I would, however, have employers, employees and the government share equally in the cost—employers should not be asked to shoulder the entire burden.

We will also need a system to assure basic benefits to the self-employed and perhaps small employers. The Administration bill would attempt to rely upon risk pools to accomplish this objective but their spokesmen admit they have not been able to find a way to do it. It may be that we will have to develop two or more nationwide options under government auspices to provide health insurance coverage to these groups on at least as favorable terms as those for employees of large firms.

With these three major elements, mandated health coverage for the employed and self-employed and their families, continuation of the coverage during periods of unemployment, and the same benefits for the poor, we will have constructed a system which will provide the same basic benefits to virtually all Americans.

And as a supplement to all of these we will need a system for meeting catastrophic health costs. But I have become pretty well convinced that the catastrophic element of the bill must measure the catastrophe by comparing the amount of a family's medical expenses with its financial situation. That seems to me to be essential, since what is a catastrophe in one family would not be in another. The working family man with a wage of $9,000 a year can be bankrupted a lot easier than a man with an income of $100,000. An approach which would relate health costs to taxable income would seem to hold the most promise of assuring adequate protection for those who need help while avoiding spending public funds for those who do not need it.

While these are the major steps we might take to meet problems of inadequate insurance protection against health costs, there are problems related to health care delivery and costs which we will also need to consider. We cannot deal with the demand side of health care without looking into the supply side.

While there is not time for me to go into all of the things we might do to improve the delivery of health care I would like to mention a few possibilities. But before I do let me remind you that one common theme in the hearings last fall on health insurance was the need to use the payment system to encourage change in delivery. To apply an old adage, we are being asked to call the tune as the ones who pay the piper. I think we will call a few tunes, not to put the bureaucrats in charge of health, but to give support to positive forces for change in health care.

For example, we could require private insurers as well as government programs to use medical foundations, called a professional services review organization under the Senator Bennett amendment, to perform all utilization review functions. And we could add to that a provision setting up a medical group at the national level composed of representatives of the various medical specialties to advise local foundations about current changes in recommended diagnostic and therapeutic practices.

The Administration has recommended that third party payments not be made for health facilities which have been built or expanded without specific approval of a health facilities planning agency. We will give this proposal serious consideration. These are just two examples of the tunes we might call. Before we complete action on this bill there might be quite a medley of tunes.

Before I conclude my remarks this morning there is one other element of a national health bill which I personally believe is very important. Our present maternal and child health and crippled children's program—title V of the Social Security Act—needs to be substantially augmented. This program has demonstrated its capacity to markedly reduce infant mortality and to improve the health of children and their mothers wherever it is in operation. In fact, this program may very well account for most of our improvement in infant mortality rates in recent years. We can no longer tolerate an infant mortality rate in one census tract twice that of the next census tract which happens to have a maternal and child health project. We know we can reduce mortality so now we must.

This program has shown also that we must recognize a special need among at least some portion of the poor. It will not be enough to give a basic benefit package to those living in some of our ghettos if we do not accompany it with programs which will educate them in how to use health care and which will assure the availability of quality health services. I do not believe in a two-level health system—one for the poor and one for the rest of the population and we will do everything we can to avoid it.

In conclusion, I would like to repeat what I said at the outset. The impetus for real and lasting change in our health system to meet its problems must come largely from those working within the system. The problems of rising cost of disorganized and ineffective methods of providing health care, of increasing dependence on foreign medical graduates so desperately needed in their own countries, and other problems to be discussed in this conference cannot be solved by government alone. Legislation can effectively support forces for change, it cannot create them. We in Congress will continue to view carefully the steps you are taking to meet known problems. We will need your thoughtful advice on how legislation can best support emerging solutions to the problems. I hope you will give us your help freely and objectively, so that together we can work toward a health financing and delivery system which will be what all Americans deserve.

INCREASING SOCIAL SECURITY BENEFITS: CONTINUING STRUGGLE NEARS SUCCESS

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, it is with great pleasure that I have today joined with my good friend and colleague from California (Mr. BURTON) and other Members of the House, in writing to the distinguished chairman of the House Ways and Means Committee, WILBUR

Mills, expressing our support for his recent announcement urging that social security benefits be increased 20 percent. As the sponsor of legislation proposing a 20-percent increase, I am particularly encouraged by Chairman Mills' endorsement.

One of the major goals of my congressional career has been to help achieve a substantial increase in social security benefits. More than any other group in this Nation, senior citizens have been victimized by a ruthless inflation and many are unable to live in dignity for lack of adequate income despite a life of hard, dedicated work. It is my belief that the Federal Governmnet must make social security a genuine source of security for the elderly. Thus, shortly after joining the Congress in 1965, I introduced legislation in the House which would have increased social security benefits by 50 percent. This proposal was a companion measure to a bill introduced in the Senate by the late New York Senator, Robert F. Kennedy. Although at the time, both Senator Kennedy and I knew it would take a long, hard battle to place more money in the pockets of the elderly, we did not shrink from the challenge.

The years following the introduction of that proposal have shown the Congress unprepared to provide senior citizens with the income they need and deserve. In 1967, the Congress approved a 13.5 percent increase in benefits. While voting for the increase, I insisted that it was far from adequate. So, in 1968 and 1969, I urged adoption of an additional 35 percent increase. In the Tax Reform Act of 1969 and the Debt Ceiling Act of 1970, the Congress enacted increases totaling 25 percent. However, during those years, inflation was at its peak and the needs of our senior citizens far exceeded what the Federal Government provided. Thus, despite these increases, I remained convinced that the effect to secure adequate assistance for the elderly would have to continue. Therefore, last year, I introduced H.R. 9300, an omnibus social security proposal which is now pending before the Ways and Means Committee and which would provide, among other things, for a boost in benefits of 20 percent.

Last summer, the House adopted and sent to the Senate H.R. 1, a comprehensive bill which would enhance benefits—but only by 5 percent. While the Senate has been considering that bill for many months, support for raising this meager increase has mushroomed. With the backing now of Chairman Mills, the chances for a truly progressive and substantial increase in benefits look brighter than ever. It is my strong hope that the Members of the Senate will realize the urgency of providing genuine security for our senior citizens and speedily enact H.R. 1 with the 20 percent increase. However, if prospects for passage of the controversial H.R. 1 in the very near future are dim, I would urge separation of the increased social security benefits provision from the rest of the bill and prompt enactment of the greater benefits. With Chairman Mills' leadership, I am sure that the overwhelming majority of Members of the House will vote to accept the 20-percent increase.

THE CREDIBILITY CRISIS

(Mr. STAGGERS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. STAGGERS. Mr. Speaker, my attention has been called to an address by Mr. J. L. Robertson, Vice Chairman of the Board of Governors of the Federal Reserve System, given before the Independent Bankers Association of America on March 15, 1972. Mr. Robertson's topic is "The Credibility Crisis."

This is a problem that is spreading over wide areas of our society. As Mr. Robertson rightly points out, both the political and business worlds are feeling its effects and it has become a grave problem for our communications media. Our Investigations Subcommittee in particular has been the recipient of many complaints and allegations concerning the presentation of manufactured or staged events being presented to the public under the guise of bona fide television news stories and documentaries.

I think that Mr. Robertson's remarks effectively raise some very basic issues which are in need of increasing attention and analysis. I commend it to your reading:

The Credibility Crisis

In searching for a subject for my remarks here, it occurred to me that since, in the formulation of monetary policy, I have been in the front lines longer than anyone else—more than two decades—I should say something about the economy, perhaps pinpointing the mistakes of the past, explaining how we got to where we are, and indicating where we go from here. But the more I thought about it, the more certain I was that that objective was not a good one. At least with respect to where we go from here, the papers are full of prognostications—some by persons whose only qualification would seem to be an academic degree. I think all I need to say to you on that subject is that, at long last, the fallacious and enervating doctrines of "gradualism" and " benign neglect" have been discarded—unfortunately, at the cost of price and wage controls—and that we are now headed in the right direction. Given time, the psychological attitudes of businessmen and consumers will change for the better. The wisdom and steadfastness with which we formulate and adhere to sound monetary and fiscal policies, while awaiting those changes in attitude, will determine not only the extent to which we succeed in reducing both inflation and unemployment, but also the time when we can safely dispense with controls.

Having given up that objective, I turned to another. I thought perhaps the Hunt Commission Report would meet my needs. But the more I read that report, the more inappropriate it seemed, because the good and bad ideas are so intertwined and knotted together that it is almost impossible to unravel them. In this political year, I am sure Congress will not be able to do so. Why should I impose on your time to discuss them now? Besides, few of you have any doubts about my views on any portion of the report. And so, again, I changed objectives.

The other day a play opened in Philadelphia called "The Selling of the President," in which the candidate is portrayed as having been born and raised in Broken Bow, Nebraska, my home town—a town about which bankers have been hearing for as long as I have been making speeches. The play is based on the book, "The Selling of the President 1968," by Joe McGinniss. I read that book and Broken Bow was never mentioned. Why was it injected into the play? My guess is that the playwright is a banker on the side who is utilizing what he learned at your conventions to get to Broadway—or, perhaps, to enhance the credibility of his play.

Credibility is what I want to talk about today. We have heard a lot about credibility gaps in recent years. But I would put it more strongly. Our society is suffering from a credibility crisis. It affects the political world and the business world. It is a grave problem for our communications media. Our educational institutions and even our family life are touched by the growing lack of trust and confidence.

Some efforts have been made to augment credibility in the business world by enacting legislation. You in the banking business have been touched by this through the Truth in Lending Act, which has been under my wing from its inception. We are now seeing a major governmental effort to get a higher degree of truth in advertising. It must come as a great shock to many of the denizens of Madison Avenue to be confronted with demands that they both explain what they mean and provide proof when they claim that brand X is 20 per cent faster or brand Y lasts 10 per cent longer. Those percentages always remind me of Chinese economic statistics—they sound fine but you seldom know what the base is.

I do not know whether this drive for truth in advertising will ever get to the point where a certain newspaper is asked to prove that it really gives its readers "all the news that's fit to print," or whether a certain magazine will be asked to provide the statistics that will show that it really is "the world's most quoted news weekly." Probably not. One of the strange facets of the tell-the-truth campaign is that it has the enthusiastic support of most of the mass media, as long as it does not apply to them. The media agree that you bankers should be scrupulously honest in informing your customers about your interest charges. At the same time, some of them contend that "freedom of the press" gives anyone who has access to a printing press or a microphone the right to lie and deceive, even if those lies are part of an effort to incite people to perform illegal acts, such as blowing up banks.

Examples of this curious double standard are not hard to find. One government agency, the Food and Drug Administration, is willing to use the full force of the law to stop an advertiser from exaggerating the effectiveness of its mouthwash in combating cold germs. But another agency, the Federal Communications Commission, was apparently unwilling to even so much as slap the wrist of a powerful television network for showing its vast audience a baby that (according to the network) was dying of starvation, when the actual cause of death was premature birth and had nothing to do with malnutrition.

The protective mantle of the First Amendment to the Constitution has been draped around such varied activities as peddling pornography, pushing pot, and advocating arson, but it has not been extended to provide protection to those who would stretch the truth in their efforts to sell mouthwash or gasoline. Perhaps it is felt that the mendacity of Madison Avenue is a greater threat to our well being than the intellectual drivel of the pushers of drugs, debauchery, and destruction. But a consequence of our unprecedented tolerance of dissemination of destructive falsehood is the growth of the great credibility crisis that now confronts us.

We find the communications media being used to undermine the credibility of everyone who represents authority, whether it be the government official, the business leader, the police, the school teacher, or the mere parent. In turn, the credibility of the media is called into question, and the public regards with increasing skepticism what they are told by the press and the broadcasters. An ace political correspondent of the *Washington Post* put it this way:

"The measure of the failure of the newspapers is the open skepticism and even derision with which they are viewed by their customers. The press has as big a credibility gap as any institution in this society."

A well known liberal academic, with extensive experience in high government positions, Daniel Patrick Moynihan, has voiced deep concern about the degree to which irresponsible behavor on the part of the news media is making it difficult for our government to perform its assigned tasks effectively. In an article published last year, Mr. Moynihan said:

"Hence the conditions are present for a protracted conflict in which the national government keeps losing. This might once have been a matter of little consequence or interest. It is, I believe, no longer such, for it now takes place within the context of what Nathan Glazer has described as an 'assault on the reputation of America . . . which has already succeeded in reducing this country, in the eyes of many American intellectuals, to outlaw status . . .' In other words, it is no longer a matter of this or that administration; it is becoming a matter of national morale, of a 'loss of confidence and nerve', some of whose possible consequences . . . are not pleasant to contemplate."

We can see those consequences emerging already. On the one hand, there is a growth in the number of cynics who believe nothing; on the other, we see an increase in the number of "true believers" who are guided by nothing but their own unshakable convictions. The cynics are bogged down in apathy and indecision. The true believers are fired with fanaticism, not tempered with knowledge. The ability of our people to cooperate to promote the general welfare is vastly diminished, as we find it increasingly difficult to reach agreement on what the general welfare is.

For example, virtually every country in the history of the world, including ours, has always placed high priority on maintaining its ability to defend itself against potential enemies. This priority was well stated by Adam Smith two hundred years ago when he wrote in The Wealth of Nations: "Defense is much more important than opulence."

When Smith wrote those words, no one enjoyed much opulence in terms of present day standards. It is shocking that in a society that has more motor cars, television sets, air conditioners, etc., etc. per capita than any country in the world, the cry is going up that we cannot afford to spend the money required to provide ourselves with an adequate defense against our potential enemies. We are told that we must reorder our priorities and that national defense must be shoved far down the list. This is not just the cry of some "lunatic fringe". It is a theme that is put forward by serious contenders for high political office. It is supported by influential newspapers and by some of the most influential voices heard on that powerful medium, network television.

I do not question their motives, but I do question their judgment, and I am shocked by some of the methods that they employ to influence public opinion. Let me cite a couple examples of the methodology.

A few months ago one of the best known TV commentators in the country told his vast audience that two-thirds of the regular tax income of this country was spent on the military. He compared this unfavorably with the old state of Prussia, which he said was criticized around the world for spending half of its income on the military. The implication was that the United States is more militaristic than Prussia was in its heyday.

The statistics used by this commentator were incorrect. In the last fiscal year, our expenditures on national defense amounted to a little over 40 per cent of the revenues of the federal government. This year it is estimated that defense expenditures will amount to less than 36 per cent of federal revenue—a far cry from the figure of two-thirds used by the television commentator. After his figures were challenged, the commentator attempted a lame justification which made little sense. He and his network refused to correct the misleading impression that was given to the estimated fifteen million people who heard the original broadcast. They refused to even acknowledge the fact that a far more valid measure of the relative defense burden carried by different countries is the ratio of defense expenditures to GNP. They have not informed their audience that in the last fiscal year the total defense expenditures of the United States amounted to just a little over 7 per cent of our GNP, the lowest this ratio has been for many years.

The commentator in question makes no bones about the fact that in his judgment the United States spends far too much on defense. He is one of those who wants to see our priorities drastically reordered. He appears to overlook the fact that it will not be Americans who reorder our priorities if we so weaken our defenses that we are unable to protect ourselves from an attack. However, he is entitled to his judgment. What he is not entitled to do, in my opinion, is to use his privileged position as a national television commentator to persuade others of the correctness of his judgment by feeding them false information.

The president of CBS News would appear to agree, because a few years ago he made this statement:

"Anybody in news who is unfair, biased or inaccurate—deliberately or negligently—despoils his journalistic heritage and demeans his profession."

That is a fine statement. Unfortunately, however, it would appear that it is not invariably heeded even in his own organization. You may recall that a year ago CBS broadcast a documentary called "The Selling of the Pentagon", which aroused great controversy. This CBS production has probably been charged with more inaccuracy and bias than any comparable television production to date. I will cite only one example, not the most important, but one which is indisputable because it involves the use of false statistics.

In introducing the theme of huge Defense Department expenditures on public affairs, CBS noted that about $30 million a year was budgeted for such expenditures. However, it pointed out that an "unpublished" study by the prestigious Twentieth Century Fund had estimated that such expenditures might be as high as $190 million. CBS displayed a graph showing that this was more than all three television networks combined spent on their news programs. However, investigation by the critics revealed that at the time the CBS program was aired, the study by the Twentieth Century Fund had been published and that it contained no such figure. On the contrary, it said that no accurate estimate of total Defense Department spending on public affairs could be made. Although one of the papers prepared for the study had included the $190 million estimate, the Twentieth Century Fund had not wished to lend its prestige to a figure that it did not consider to be reliable. The Twentieth Century Fund dropped it, but CBS did not. Whether this inaccuracy was deliberate or negligent I cannot say, but to borrow the words of the CBS official I just quoted, those responsible for it demean their profession. What is sadder still is that CBS has admitted the facts but has not to this day apologized for the inaccuracy or corrected the misinformation which it disseminated.

However, the most important criticism of this particular TV production centers on the basic veracity of the documentary.

There are those of us who think that if the taxpayer is to be asked to support a defense program that costs around $80 billion a year, the government has a responsibility to tell him why it is necessary and what is being done with his money. CBS rejected that viewpoint so completely that it made no mention of it whatsoever in its documentary. The basic issue at the heart of this program was never debated. CBS assumed that expenditures to inform the public about the need for national defense were unnecessary and then went on to show that they were being made, implying that it was showing the public examples of illegitimate and wasteful activities. It seems safe to infer that what the producers wanted to accomplish was not the trimming of a few million dollars from the Defense Department budget to save the taxpayers money. They were clearly after bigger game. If the government could be denied the right to finance an information program to maintain public support for national defense then those such as the commentator I discussed earlier would find it much easier to win public support for really huge cuts in our national defense. The documentary clearly implied that we no longer needed to be as concerned with national defense as we once were, since we had been living in an era of peaceful coexistence for over a decade. That decade, I might note, included such events as the building of the Berlin Wall, the Cuban missile crisis, the Vietnam War, and the Soviet invasion of Czechoslovakia.

I call these matters to your attention today, rather than discussing with you banking matters or the state of our economy, because I, too, have become impressed with the importance of assigning proper priorities to our national goals. I had the privilege recently of reading the manuscript of a forthcoming book by General Lewis W. Walt, who retired last year from his post as Deputy Commandant of the Marine Corps. General Walt is not only a great soldier, but he is a most articulate and perceptive observer of the current scene.

His book bears an omnious title: "America Faces Defeat". It begins with words that everyone concerned with reordering priorities ought to think about. He says:

"Most living Americans have grown up in the most powerful nation on earth. Under the cover of that strength we have enjoyed an affluence hardly equalled in the history of any nation. This era ended in 1971. Today, we are a second-class power and we will have to accept that role for at least four years. Perhaps longer, possibly, forever."

He goes on to say:

"The individual citizen has not yet felt the impact of this basic change from strength to weakness, from leadership to compromise. Each of us will feel it as the world market for our goods and services shrinks; as we find ourselves increasingly alone within the community of nations; as we are forced to abandon the noble projects we have devised for the health, education and welfare of every living American.

"Instead, we shall have to learn once again the harsh lessons of weakness, of being trampled upon, and how it is to tighten our belts in privation and gird ourselves for nearly hopeless conflicts. We face, today, either defeat or years of national tragedy."

Those are strong words—too strong, I am sure, for those TV commentators who juggle figures to persuade the public that America is already spending far more than necessary on national defense. I will be surprised if General Walt is invited to discuss his book and its dire warning on the popular TV talk shows. I will be surprised if our leading newspapers and magazines give it any serious attention, but not because it would be disquieting to the American people to hear such warnings. The media spokesmen are constantly telling us that they should not be blamed for conveying so much bad news to the public. They explain that if the news is bad, they have a sacred obligation to report it, and we should not conclude that they like it any more than we do. On that basis, of course, the media would not shrink from alerting the American public to the bad news that General Walt is bringing out in his forthcoming book.

My guess is that General Walt's warning will be largely ignored for the same reason that similar warnings voiced by other distinguished Americans have been ignored in recent years. The explanation lies in these words penned by David Broder of the *Washington Post:*

"Selectivity is the essence of all contemporary journalism. And selectivity implies criteria. Criteria depend on value judgments, which is a fancy word for opinions, preconceptions and prejudices."

It would be naive to suppose that the criteria for news selection employed by a TV commentator or a newspaper editor who believes that we are already spending far too much on defense would lead him to give prominent attention to the warning of General Walt.

That is why those of us who by chance are aware of such things must avail ourselves of opportunities to discuss them and to inform others. We must not permit our country to be immobilized and rendered defenseless by media manipulation.

Because of the credibility crisis, the average citizen is hard-pressed to know who and what is to be believed. I am prepared to admit that I am no expert on military matters. Perhaps experts such as General Walt who voice these disturbing warnings are wrong. But if we follow their advice and keep our defenses stronger than might really be necessary, what have we lost? Nothing more than a slight retardation in the expansion of what is the highest level of living the world has ever known. If, on the other hand, we follow the advice of those who say that a strong defense is not necessary and it develops that they are wrong, what will we lose? Our lives, our freedom, our country. I have no difficulty in choosing the side on which I would rather err.

I make no apology for appearing before you today to talk about matters that are not related to banking. We are Americans first and bankers second. When our country is in danger, we ask our sons to interrupt their studies and careers, to shoulder arms and give their lives if necessary to defend us. It behooves all of us who have passed that age and who have risen to positions of leadership in our communities and our profession to take whatever steps we can to insure that our country remains strong: that we not slip into war or—worse—into surrender from weakness.

The likelihood that the national news media will continue to ignore the warnings of experts in this field may create the impression that what I have said to you today is a minority view of doubtful validity. In my view, that would be a false impression, flowing from what Theodore H. White has described as the increasing concentration in fewer hands of the cultural pattern of the United States. Mr. White has said: "You can take a compass with a one-mile radius and put it down at the corner of 5th Avenue and 51st Street in Manhattan and you have control of 95 per cent of the entire opinion-and-influence making in the United States."

That explains, perhaps, why we get the monotonous sameness of opinion from our national news media, much of it very much at odds with the deeply held views of what I believe to be the great majority of American people. There is no acceptance of the idea that those encompassed by Mr. White's circle ought to reflect the views of the people. One of the most prominent TV commentators reacted to such a notion by saying:

"More responsive to the public. What are they talking about? . . . I'm not about to adjust the work I do according to the waves of popular feeling that may come over the country. No responsible person can do that."

That surely means that the voices of the people must more frequently be heard in contradiction of the waves of feeling that emanate from that tiny group of men in Manhattan that make up, according to Mr. White, 95 percent of the opinion-and-influence making in the United States.

Let no man be deterred. It has been said that it is easier to find a score of men wise enough to discover the truth than to find one man intrepid enough, in the face of opposition, to stand up for it. Perhaps that one takes his counsel from Daniel De Foe, who said: "He that has truth on his side is a fool, as well as a coward, if he is afraid to own it because of other men's opinions."

DISASTER AT BUFFALO CREEK

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, on February 26, 1972, a coal refuse retaining "dam" located on the property of the Buffalo Mining Co. failed and released millions of gallons of water and tons of refuse, resulting in some 150 persons dead or missing, and extensive property damage, including loss of homes and family possessions.

The Interior Department recently reported that the dam in question was constructed by the coal company to retain mine waste waters—often referred to as "blackwater"—which result from the daily mine operations. The State of West Virginia would not allow the company to discharge the water into nearby Buffalo Creek, because the mine water was polluted.

Instead of developing an effective treatment system, the coal operator sought the cheapest means of meeting the State requirement. The operator constructed a dam to retain the polluted water. But, as Interior found, this dam was not constructed to retain safely "large volumes of water over any lengthy period of time. Dams of the type that failed helped meet State water pollution control requirements, but their structural stability in terms of holding impounded water was deficient in several respects. In short, dam construction standards and controls should have been taken into account more fully in the design of the dam to meet clean water requirements."

But the Interior Department's report misses one important point—dams, whether well-constructed or not, are not an adequate substitute for treating mine waste water.

Even water impounded behind a well-constructed dam must regularly be released to avoid overflow or another disaster. If the polluted water is released without treatment, it will degrade our waterways.

Today, there are many so-called retaining dams in West Virginia and in other States which are used by coal operators to trap mine waste water. In West Virginia, the Governor has ordered the water released in many of them. But in time, if this situation is allowed to continue, these impoundments will refill again.

We must avoid this. Such dams are a hazard from both a safety and pollution control standpoint.

In a few days, there will come to the House floor H.R. 11896, as reported by the House Public Works Committee on March 11, 1972—the Federal Water Pollution Control Act Amendments of 1972.

That bill contains several fine provisions relating to the construction of waste treatment systems and water pollution control research. But it also is, in many respects, far weaker than the bill (S. 2770) which passed the Senate last November by a vote of 86 to 0.

I have joined our colleagues, Representatives Dingell and Reuss and over 30 other colleagues in cosponsoring the "Clean Water Package of Amendments" which will bring H.R. 11896 closer to the stronger Senate bill.

At that time, I will also offer an amendment to provide that the Administrator of the Environmental Protection Agency publish, within 6 months after enactment, regulations for the effective treatment of mine water wastes that result from underground mining operations. Thus, for example, where an underground mine uses an impoundment to treat mine water wastes and regularly or occasionally discharges the water behind the impoundment, these regulations would establish guidelines for the treatment of those wastes by means other than impoundments. Where impoundments are permitted, the regulations will establish requirements for their construction and operation.

I urge my colleagues to join me in support of my amendment to H.R. 11896.

We cannot afford, in West Virginia or elsewhere, another tragedy like that which occurred at Buffalo Creek last month. We should not let the coal operators of this Nation establish, under the guise of complying with antipollution laws, unsafe conditions that threaten lives. These operators should be required to install effective treatment systems that insure safety to people and prevent pollution of our waterways.

The text of my amendment to H.R. 11896 as follows:

Amendment to Title III of H.R. 11896, as Reported

(Proposed by Mr. Hechler of West Virginia)

Page 291, between lines 11 and 12, insert the following:

"(b) The Administrator, after consultation with appropriate Federal and States agencies and other interested persons, shall publish within six months after the date of enactment of this title (and from time to time thereafer) regulations for the effective treatment, including, where appropriate, the safe storage for treatment purposes of mine water wastes resulting from new or currently operating undergound mines. Effluent limitations for point sources established by this title shall, where applicable, be in accord with such regulations. Upon promulgation such regulations would be subject to the enforcement provisions of section 309(a) of this title."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Kyros for Wednesday, March 23, 1972, on account of official business.

Mr. Baring (at the request of Mr. Tiernan), for Thursday, March 23, through March 29, 1972, on account of official business.

Mr. Halpern (at the request of Mr. Gerald R. Ford), for today, and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Steiger of Wisconsin, for 60 minutes, on March 29, and to revise and extend his remarks and include extraneous matter.

Mr. Smith of Iowa, for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. Aspinall, for 30 minutes, on March 28, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Landgrebe) to revise and extend their remarks and include extraneous material:)

Mr. Hogan, for 5 minutes, today.

Mr. Kemp, for 15 minutes, today.

Mr. Blackburn, for 10 minutes, today.

Mr. Burke of Florida, for 15 minutes, today.

Mr. Crane, for 5 minutes, today.

Hr. Heinz, for 15 minutes, today.

(The following Members (at the request of Mr. Clay) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 10 minutes, today.

Mr. Reuss, for 30 minutes, today.

Mr. Drinan, for 10 minutes, today.

Mr. Reuss, for 60 minutes, on March 23.

Mr. Fulton, for 5 minutes, today.

Mr. Griffin, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Edmondson and to include extraneous matter in three instances.

Mr. Rooney of New York, and to include extraneous material.

All Members to have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the special orders given by the gentleman from Florida, Mr. Gibbons, and the gentleman from Iowa, Mr. Smith.

(The following Members (at the request of Mr. Landgrebe) and to include extraneous matter):

Mr. Bell in two instances.

Mr. Springer in two instances.

Mr. Kemp.

Mr. Whalen.

Mr. Shriver in two instances.

Mr. Wyman in two instances.

Mr. Derwinski in three instances.

Mr. Archer.

Mr. Ashbrook in three instances.

Mr. McKinney.

Mr. McClure.

Mr. Frenzel.

Mr. Thomson of Wisconsin.

Mr. Bray in two instances.

Mr. Schwengel.

Mr. Goldwater in two instances.

Mr. Price of Texas.

Mrs. Dwyer in three instances.

Mr. Brown of Michigan.

Mr. Hosmer in two instances.

Mr. Minshall in two instances.

Mr. Keith.

Mr. Terry.

(The following Members (at the request of Mr. Clay) and to include extraneous matter:)

Mr. Badillo in three instances.

Mr. Gonzalez in three instances.

Mr. Hagan in five instances.

Mr. Biaggi in 10 instances.

Mr. Carney.

Mr. Aspin in 10 instances.

Mr. Wolff.

Mr. Diggs.

Mr. Pickle in six instances.

Mr. Addabbo.

Mr. Stephens.

Mr. Hanna in two instances.

Mr. William D. Ford in two instances.

Mr. Rarick in three instances.

Mr. Anderson of California in two instances.

Mr. Purcell.

Mr. Begich.

Mr. Brasco in two instances.

Mr. Gray in two instances.

Mr. Bingham in two instances.

Mr. Kluczynski in two instances.

Mr. Fountain in two instances.

Mr. Green of Pennsylvania in two instances.

Mr. Drinan in two instances.

Mrs. Mink in three instances.

Mr. Symington in two instances.

Mr. Griffin.

Mr. Monagan.

Mr. Fauntroy in five instances.

Mr. Miller of California in five instances.

Mr. Ryan in three instances.

Mr. Roy in two instances.

Mr. Scheuer in four instances.

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 764. An act to authorize the disposal of lead from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

S. 773. An act to authorize the disposal of metallurgical grade chromite from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

S. 1379. An act to authorize the Secretary of Agriculture to establish a volunteers in the national forests program and for other purposes; to the Committee on Agriculture.

S. 3086. An act to authorize the disposal of nickel from the national stockpile; to the Committee on Armed Services.

S. Con. Res. 55. Concurrent resolution providing for the recognition of Bangladesh; to the Committee on Foreign Affairs.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 904. An act to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases; and

S. 3160. An act to provide for a modification in the par value of the dollar, and for other purposes.

ADJOURNMENT

Mr. CLAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Thursday, March 23, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1765. A letter from the Director, Office of Management and Budget Executive Office of the President, transmitting a report that various appropriations listed therein have been apportioned on a basis which indicates a necessity for supplemental estimates of appropriations, in order to permit payment of pay increases, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

1766. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report showing the total amount of assistance-related funds obligated in, for, or on behalf of Cambodia during the 6 months ended December 31, 1971, pursuant to section 655(f) of the Foreign Assistance Act of 1971; to the Committee on Foreign Affairs.

Received from the Comptroller General

1767. A letter from the Comptroller General of the United States, transmitting a report on improvement needed in manpower training at the Boston Skills Center under the program administered by the Department of Labor and the Department of Health, Education, and Welfare; to the Committee on Government Operations.

1768. A letter from the Comptroller General of the United States, transmitting a report on how the Department of Defense improved the use of cargo space on ammunition ships by better planning; to the Committee on Government Operations.

1769. A letter from the Comptroller General of the United States, transmitting a report that more effective use of program resources could be made by the Economic Development Administration of the Department of Commerce, to alleviate unemployment; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee on Agriculture. H.R. 9676. A bill to authorize the conveyance of certain lands of the United States to the State of Tennessee for the use of the University of Tennessee; with an amendment (Rept. No. 92-939). Referred to the Committee of the Whole House on the State of Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 13591. A bill to amend the Public Health Service Act to designate the National Institute of Arthritis and Metabolic Diseases as the National Institute of Arthritis, Metabolism, and Digestive Diseases, and for other purposes (Rept. No. 92-940). Referred to the Committee of the Whole House on the State of the Union.

Mr. EDWARDS of California: Committee on the Judiciary. S. 2713. An act to amend title 18 of the United States Code to authorize the Attorney General to provide care for narcotic addicts who are placed on probation, released on parole, or mandatorily released (Rept. No. 92-941). Referred to the Committee of the Whole House on the State of the Union.

Mr. EDWARDS of California: Committee on the Judiciary. H.R. 9135. A bill to amend the act of August 19, 1964, to remove the limitation on the maximum number of members of the board of trustees of the Pacific Tropical Botanical Garden (Rept. No. 92-942). Referred to the Committee of the Whole House on the State of the Union.

Mr. EVINS of Tennessee: Select Committee on Small Business. Report on the impact of Federal installations on Small Business (Rept. No. 92-943). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ARCHER (for himself, Mr. Abbitt, Mr. Fisher, Mr. Goodling, Mr. Steiger of Arizona, and Mr. Winn):

H.R. 13998. A bill to repeal the Davis-Bacon Act and the Contract Work Hours Standards Act, and related provisions of law; to the Committee on Education and Labor.

By Mr. ASPIN (for himself and Mr. McKinney):

H.R. 13999. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize design standards for schoolbuses, to require certain standards be established for schoolbuses, to require the investigation of certain schoolbus accidents, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BADILLO (for himself, Mr. Addabbo, Mr. Bingham, Mr. Collins of Illinois, Mr. Conyers, Mr. Corman, Mr. Dellums, Mr. Dow, Mr. Edwards of California, Mr. Halpern, Mr. Harrington, Mr. Hathaway, Mrs. Hicks of Massachusetts, Mr. Kastenmeier, Mr. Koch, Mr. Mikva, Mr. Moorhead, Mr. Rangel, Mr. Rosenthal, Mr. Ryan, Mr. Seiberling, Mr. Stokes, and Mr. Symington):

H.R. 14000. A bill to establish comprehensive and developmental child care services in the Department of Health, Education, and Welfare; to the Committee on Education and Labor.

By Mr. BIAGGI (for himself and Mr. Peyser):

H.R. 14001. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

By Mr. BINGHAM (for himself and Mr. Waldie):

H.R. 14002. A bill to authorize the Secretary of State to furnish assistance for the resettlement of Soviet Jewish refugees in Israel; to the Committee on Foreign Affairs.

By Mr. BINGHAM (for himself and Mr. Anderson of Tennessee):

H.R. 14003. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the registration and licensing of food manufacturers and processors, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BINGHAM (for himself and Mr. Koch):

H.R. 14004. A bill to provide Federal citizen anticrime patrol assistance grant to residents' organizations; to the Committee on the Judiciary.

By Mr. BRINKLEY:

H.R. 14005. A bill to authorize a Coast Guard appropriation for alteration of bridges over the navigable waters; to the Committee on Merchant Marine and Fisheries.

By Mr. CORMAN:

H.R. 14006. A bill to grant full credit for military service in the computation of railroad retirement annuites for disability in the case of persons also eligible for pension, compensation, or other benefits as a result of such service; to the Committee on Interstate and Foreign Commerce.

By Mr. CORMAN (for himself and Mr. Goldwater):

H.R. 14007. A bill to amend the Disaster Relief Act of 1970 to authorize cancellation of 25 percent of the principal of certain loans; to the Committee on Public Works.

By Mr. COUGHLIN:

H.R. 14008. A bill to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DENHOLM:

H.R. 14009. A bill to declare that certain federally owned land is held by the United States in trust for the Sisseton-Wahpeton Sioux Tribe of the Lake Traverse Indian Reservation in North and South Dakota; to the Committee on Interior and Insular Affairs.

H.R. 14010. A bill to amend section 130 of title 23 of the United States Code to provide for the illumination of certain railway-highway crossings; to the Committee on Public Works.

By Mr. DUNCAN:

H.R. 14011. A bill to amend the Occupational Safety and Health Act of 1970, and for other purposes; to the Committee on Education and Labor.

H.R. 14012. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise the eligibility conditions for annuities, to change the railroad retirement tax rates, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 14013. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. FISH:

H.R. 14014. A bill to amend the Federal Aviation Act of 1958 to prohibit the expenditure of Federal funds for certain airport development projects unless the Secretary of Transportation certifies that there has been afforded the opportunity for public hearings to consider the economic, social, and environmental effects of such development and its consistency with local planning, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FOLEY (for himself, Mr. Leggett, Mr. McFall, Mr. Johnson of California, Mr. McCormack, and Mr. Moss):

H.R. 14015. A bill to amend section 2(3), section 8c(2), section 8c(6)(I), and section 8c(7)(C) of the Agricultural Marketing Agreement Act of 1937, as amended; to the Committee on Agriculture.

By Mr. GIAIMO (for himself and Mrs. Grasso):

H.R. 14016. A bill to amend the public Health Service Act to provide for the prevention of Cooley's anemia; to the Committee on Interstate and Foreign Commerce.

By Mrs. GRASSO:

H.R. 14017. A bill to amend title 18 of the United States Code to permit the mailing of lottery tickets and related matter, the broadcasting or televising of lottery information, and the transportation and advertising of lottery tickets in interstate commerce, but only where the lottery is conducted by a State agency; to the Committee on the Judiciary.

H.R. 14018. A bill to amend title 39 of the United States Code to exempt certain newspaper advertisements of lotteries which are legal under applicable State law, or sponsored by a State, from the list of nonmailable matter; to the Committee on Post Office and Civil Service.

By Mr. GROVER:

H.R. 14019. A bill to establish a contiguous fishery zone (to the outer limits of the Continental Shelf) beyond the territorial sea of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. GUDE:

H.R. 14020. A bill to establish the Potomac National River in the States of Maryland, Virginia, West Virginia, and the District of Columbia, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KASTENMEIER (for himself and Mr. Railsback):

H.R. 14021. A bill to amend the Trademark Act to extend the time for filing oppositions, to eliminate the requirement for filing reasons of appeal in the Patent Office, and to provide for awarding attorney fees; to the Committee on the Judiciary.

By Mr. KOCH (for himself, Mr. Anderson of Tennessee, Mr. Eilberg, Mr. Aspin, Mr. Córdova, Mr. Donohue, Mr. Gallagher, Mr. Green of Pennsylvania, Mr. Helstoski, and Mr. Rangel):

H.R. 14022. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for grants to cities for improved street lighting; to the Committee on the Judiciary.

By Mr. LENT:

H.R. 14023. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

By Mr. McFALL (for himself, Mr. Perkins, Mr. McDade, and Mr. Zablocki):

H.R. 14024. A bill to amend the Public Works and Economic Development Act of 1965 in order to increase the authorization of appropriations for the fiscal year ending June 30, 1973, for public works and development facilities grants, and to require that a larger percentage of such appropriations be expended in certain redevelopment areas; to the Committee on Public Works.

By Mr. MOLLOHAN:

H.R. 14025. A bill to amend the Federal Coal Mine Health and Safety Act of 1969 to provide protection from impoundments of water used in connection with the operation of coal mines; to the Committee on Education and Labor.

By Mr. PIKE:

H.R. 14026. A bill to amend the act entitled "An act to establish a contiguous fishery zone beyond the territorial see of the United States," approved October 14, 1966; to the Committee on Merchant Marine and Fisheries.

By Mr. RODINO:

H.R. 14027. A bill to amend the Internal Revenue Code of 1954 to raise needed additional revenues by tax reform; to the Committee on Ways and Means.

By Mr. SHIPLEY:

H.R. 14028. A bill to support the price of milk at 90 percent of the parity price for the period beginning April 1, 1972, and ending March 31, 1973; to the Committee on Agriculture.

By Mr. SKUBITZ (for himself, Mr. Saylor, Mr. Udall, Mr. Steiger of Arizona, Mr. Lloyd, and Mr. McKay):

H.R. 14029. A bill to authorize the Secretary of the Interior to transfer franchise fees received from certain concession operations at Glen Canyon Recreation Area, Ariz., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. STAGGERS:

H.R. 14030. A bill to amend the Public Health Service Act to extend for 3 years the authorization for grants for communicable disease control and vaccination assistance; to the Committee on Interstate and Foreign Commerce.

H.R. 14031. A bill to provide increases in railroad retirement benefits comparable to those provided by the Social Security Amendments of 1972; to the Committee on Interstate and Foreign Commerce.

By Mr. THONE (for himself, Mr. Cleveland, Mr. Collins of Texas, Mr. Dennis, Mr. Griffin, Mr. Melcher, and Mr. Schmitz):

H.R. 14032. A bill to amend the Occupational Safety and Health Act of 1970, and for other purposes; to the Committee on Education and Labor.

By Mr. VANIK:

H.R. 14033. A bill to amend the Civil Rights Act of 1964 in order to make discrimination because of physical or mental handicap in employment an unlawful employment practice, unless there is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise; to the Committee on Education and Labor.

By Mr. VANIK (for himself, Mr. Rosenthal, Mr. Badillo, Mr. Biaggi, Mr. Clark, Mr. Dellums, Mr. Eilberg, Mr. Fraser, Mr. Gibbons, Mr. Halpern, Mr. Hosmer, Mr. Koch, Mr. Podell, Mr. Rodino, and Mr. Charles H. Wilson):

H.R. 14034. A bill to repeal the meat quota provisions of Public Law 88-482; to the Committee on Ways and Means.

By Mr. WHALEN (for himself, Mrs. Dwyer, Mr. Kyros, Mr. Kastenmeier, Mr. Burke of Massachusetts, and Mr. Hicks of Washington):

H.R. 14035. A bill to authorize the President, through the temporary Vietnam Children's Care Agency, to enter into arrangements with the Government of South Vietnam to provide assistance in improving the welfare of children in South Vietnam and to facilitate the adoption of orphaned or abandoned Vietnamese children, particularly children of U.S. fathers; to the Committee on Foreign Affairs.

By Mr. BEGICH:

H.R. 14036. A bill to restore to Federal civilian employees their rights to participate, as private citizens, in the political life of the Nation, to protect Federal civilian employees from improper political solicitations, and for other purposes; to the Committee on House Administration.

By Mr. DORN:

H.R. 14037. A bill to amend the Tariff Schedules of the United States to provide for the duty-free entry of mica films; to the Committee on Ways and Means.

By Mr. GUDE (for himself, Mr. Hogan, and Mr. Broyhill of Virginia):

H.R. 14038. A bill to facilitate the resolution of medical malpractice suits in the District of Columbia; to the Committee on the District of Columbia.

By Mrs. HICKS of Massachusetts:

H.R. 14039. A bill to permit collective negotiation by professional retail pharmacists with third-party prepared prescription program administrators and sponsors; to the Committee on the Judiciary.

By Mr. RIEGLE (for himself, Mr. Cederberg, Mr. Gerald R. Ford, and Mr. Puppe):

H.R. 14040. A bill to promote development and expansion of community schools throughout the United States; to the Committee on Education and Labor.

By Mr. SCOTT:

H.R. 14041. A bill to provide a startup tax adjustment program for small business and for persons engaged in small business; to the Committee on Ways and Means.

By Mr. MANN:

H.J. Res. 1126. Joint resolution to pay tribute to law enforcement officers of this country on Law Day, May 1, 1972; to the Committee on the Judiciary.

By Mr. McDADE:

H. Con. Res. 570. Concurrent resolution: The Northern Ireland Resolution; to the Committee on Foreign Affairs.

By Mr. PERKINS (for himself, Mrs. Green of Oregon, Mr. Thompson of New Jersey, Mr. Dent, Mr. Pucinski, Mr. Daniels of New Jersey, Mr. Brademas, Mr. O'Hara, Mr. Hawkins, Mr. William D. Ford, Mrs. Mink, Mr. Scheuer, Mr. Meeds, Mr. Gaydos, Mr. Clay, Mrs. Chisholm, Mr. Biaggi, Mrs. Grasso, Mrs. Hicks of Massachusetts, Mr. Mazzoli, Mr. Badillo, and Mr. Reid):

H. Res. 905. Resolution urging supplemental appropriations to implement the President's message of March 17, 1972, calling for equal educational opportunities; to the Committee on Education and Labor.

By Mr. BADILLO:

H. Res. 906. Resolution calling for an increase in appropriations for title I of the Elementary and Secondary Education Act; to the Committee on Education and Labor.

By Mr. THOMPSON of New Jersey:

H. Res. 907. Resolution providing funds for the expenses of the investigations and studies authorized by House Resolution 819; to the Committee on House Administration.

H. Res. 908. Resolution providing expenses for the Committee on Interstate and Foreign Commerce; to the Committee on House Administration.

H. Res. 909. Resolution to provide funds for the further expenses of the investigation and study authorized by House Resolution 20; to the Committee on House Administration.

H. Res. 910. Resolution providing for the expenses of the House Select Committee on Crime; to the Committee on House Administration.

H. Res. 911. Resolution to provide funds for the expenses of the investigations and studies authorized by rule XI(8) and House Resolution 304; to the Committee on House Administration.

H. Res. 912. Resolution to provide for the further expenses of the investigation and study authorized by House Resolution 201 for the Committee on Armed Services; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII,

342. The SPEAKER presented a memorial of the Senate of the State of Hawaii, relative to the recent report of the Commission on Population Growth and the American Future, which was referred to the Committee on Government Operations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON:

H.R. 14042. A bill for the relief of Jose Carlos Recalde Martorella; to the Committee on the Judiciary.

By Mr. DUNCAN:

H.R. 14043. A bill for the relief of Lt. Col. Horace Hill, U.S. Air Force Reserve (retired); to the Committee on the Judiciary.

By Mr. KEMP:

H.R. 14044. A bill for the relief of Richard Burton, SFC, U.S. Army (retired); to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 14045. A bill for the relief of Tino Cattabiani, his wife, Caterina Cattabiani, and their minor son, Pier Maria Cattabiani; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

203. The SPEAKER presented a petition of the City Council, Alexandria, Va., relative to placing the Liberty Bell on tour of the 50 States, which was referred to the Committee on Interior and Insular Affairs.

EXTENSIONS OF REMARKS

THE NEW OCCUPATIONAL SAFETY AND HEALTH ACT

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. HUNGATE. Mr. Speaker, there is considerable interest in possible revision of the Occupational Safety and Health Act of 1970, and I thought this recent analysis in the "American Bar Association Journal" of March 1972 should be helpful:

THE NEW OCCUPATIONAL SAFETY AND HEALTH ACT

(By William B. Spann, Jr.)

After extensive committee hearings and floor debate, the Occupational Safety and Health Act of 1970 was passed by Congress in December of 1970 and signed into law by the President as Public Law 91-596. The effective date of the act was April 28, 1971. Standards were promulgated on May 29, effective August 27; thus, aggressive enforcement of the act began on that date. With several exceptions, the act applies to all employment throughout the states and possessions. It is expected that it will apply to more than 4.1 million businesses and 57 million employees.

Legislation of the application of this breadth deserves, indeed demands, the study and attention of lawyers, for there are few practitioners who will not have occasion to give advice that should take this act into account. Ignorance of the application and provisions of the act could be disastrous. The act has teeth; its penalties are severe; criminal sanctions are provided, including imprisonment if a death occurs; and no one would want to advise a calculated risk under the act.

THERE ARE THREE BASIC ELEMENTS OF THE ACT

The act contains three basic elements: (1) the issuance of occupational safety and health standards by the Department of Labor; (2) provisions for federal enforcement of these standards; with (3) effective and in some cases severe sanctions or penalties when violations occur. Its primary purpose as defined in Section 5 of the act is that each employer "shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or likely to cause death or serious physical harm . . .".

The heart of the act insofar as the need for legal advice is concerned is Sections 8 through 13 and Section 17, which deal with inspections and investigations, the issuance of citations, procedures for enforcement, judicial review and penalties. In the various steps entailed in the issuance of citations and notices and the procedures for enforcement, arbitrary and rather short time limits are established: While it is too soon to have authoritative court interpretations of those limitations, we may assume that they will receive the same strict construction the courts have applied to other acts protecting employees. A company that wants to protect itself under the act must do so within the confines of the act or not at all.

ACT IS A VALID EXERCISE OF POLICE POWER

Under the present status of the law, the act will be upheld under the commerce clause as a valid exercise of the police power for the protection of the health and welfare of the public. While the enforcement proceedings appear to be somewhat harsh and almost summary in nature, they do afford due process. I would expect any contest over constitutionality to fail.

Section 8 deals with inspections, investigations and record keeping. It provides that an agent of the Secretary of Labor may enter, without delay and at reasonable times, any establishment, construction site or other area where work is performed. The agent is required to present appropriate credentials, to the owner, operator or agent in charge, but inspection cannot be avoided by hiding out or by being indefinitely out of the city. In the Congressional debates, it was suggested that if after a reasonable time no one shows up admitting to be the agent in charge, the inspector may regard any employee as the agent in charge for the purpose of presenting his credentials. No advance notice of inspection will be given, and, indeed, Section 17(f) of the act provides that any person giving advance notice without authority from the secretary or his designees may be punished by a fine of not more than $1,000 or imprisonment of not more than six months, or both.

EMPLOYER MUST KEEP ACCIDENT AND ILLNESS RECORDS

Section 8 also gives to the secretary subpoena power over a witness for the production of evidence enforceable in the United States district courts and requires certain accident and illness records to be kept by the employer.

During the inspection a representative of the employer and a representative authorized by the employees must be given an opportunity to accompany the inspector, and if there is no authorized employee representative, the inspector may consult with a reasonable number of employees. The inspector may also question privately any employer, owner, operator, agent or employee.

Inspection may also be requested by employees or employees' representatives by giving written notice to the secretary or his authorized representative of the claimed violation or danger. A copy of this notice is required to be provided to the employer at the time of inspection, but the names of those giving the notice may, upon their request, be eliminated. Upon receipt of this notice, the secretary must determine whether reasonable grounds exist to make a special inspection and, if he determines there are no reasonable grounds, he must advise the employees or their representative in writing of this determination. There are also procedures for employees to give written notice of alleged violations while an inspection is going on.

Section 9 deals with the issuance of citations. If, as a result of the inspection, the secretary's representative believes that an employer has violated the provisions of the act, he must issue with reasonable promptness a written citation setting forth the nature of the violation, including a reference to the provision of the act, standard, rule, regulation or order alleged to have been violated. In addition, this section fixes a reasonable time for abatement of the violation and provides that a notice in lieu of citation may be issued for *de minimis* violations. The report of the conference committee of Congress suggests that reasonable promptness for issuance is not more than seventy-two hours from the time the violation is detected (Conference Report 91–1765). It is required that the citation be posted prominently by the employer at or near each place of violation, and the failure to do so is subject to a civil penalty of $1,000 for each violation.

CITATIONS NOT CONTESTED ARE NOT SUBJECT TO REVIEW

Section 10 sets forth the procedure for enforcement. If a citation issues under Section 9(a), the secretary within a reasonable time after termination of the inspection or investigation must notify the employer by certified mail of the penalty, if any, proposed under Section 17, and the employer has only fifteen working days from receipt of the notice to notify the secretary that he intends to contest the citation or proposed assessment of penalty. Under Section 10 (c), any employee or representative of employees may within fifteen working days of the issuance of the citation contest the time allowed for the abatement of the citation as unreasonable. If the employer fails to give notice of an intention to contest within fifteen working days of the receipt of the notice of the penalty or the employees fail to give notice within fifteen days of the citation contesting the time allowed for abatement, "the citation and assessment as proposed shall be deemed the final order of the [Occupational Safety and Health Review] Commission [established by Section 12 of the act] and not subject to review by any court or agency".

If an employer contests a citation or penalty in good faith, the time permitted by the secretary for abatement does not begin to run until the entry of a final order by the commission. If the citation is not complied with within the period for correction allowed, the employer then is notified of the penalty for failure to comply, and he has fifteen days to contest this proposed penalty.

It should be made clear that there are two penalties. Upon the issuance of a citation, a penalty is involved and the penalty as proposed is enforced in some amount even though the violation is corrected within the time allowed. More about the nature of this penalty later. If the violation is not corrected within the time allowed, a second and more severe penalty is assessed. Under the act, the violation when cited incurs a penalty, the theory being that the employer himself should maintain safety standards without the necessity of an inspection.

In case of any contest, the secretary must immediately advise the commission, which consists of three members appointed by the President by and with the consent of the Senate. The commission affords the opportunity for a hearing, following which the commission, based on findings of fact, issues an order affirming, modifying or vacating the secretary's citation or proposed penalty or directing other appropriate relief. This order becomes final thirty days after its issuance. Rules of procedure before the review commission have been issued, but are too detailed and complex for explanation here.

PROVISION FOR JUDICIAL REVIEWS IS LIMITED

Judicial review is provided by Section 11 of the act for any person adversely affected or aggrieved by an order of the commission. The parties seeking review must file a petition in the United States court of appeals for the circuit in which the violation is alleged to have occurred or where the employer has its principal office, or in the Court of Appeals for the District of Columbia Circuit, within sixty days following the issuance of the commission's order. The court has authority to grant temporary relief or a restraining order and has power to enter, upon the pleadings, testimony and proceeding in the record, a decree modifying, affirming or setting aside the order of the commission and enforcing it to the extent that the order is affirmed or modified.

The provision for judicial review is sharply limited. No objection which has not been urged before the commission can be considered by the court unless the failure or neglect to do so is excused because of extraordinary circumstances, and the act provides that the findings of the commission with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. This writes into the act the rule with regard to the findings of fact by the National Labor Relations Board of *Universal Camera* v. *National Labor Relations Board,* 340 U.S. 474 (1951). It is provided, moreover, that the commencement of the proceedings in the circuit court do not operate as a stay of the order of the commission unless the court expressly so orders.

It appears that the judicial review provided will furnish very little relief to employers from an order by the commission. Even if a party can establish the need for additional evidence before the court, the court must return the case to the commission to take this evidence and make it a part of the record, and the commission may then modify its own findings or make new findings. The substantial evidence rule would apply to any further review by the court after the additional hearing before the commission.

Section 11(b) gives a right to the secretary also to obtain review of a final order of the commission by filing in the circuit court and, if no petition for review is filed with a court of appeals within sixty days of the commission's order, the commission's findings of fact and order are conclusive in connection with any petition for enforcement filed after the expiration of the sixty-day period. When the secretary files with the circuit court for enforcement, the clerk of the court, unless otherwise ordered by the court, enters as a matter of routine a decree enforcing the order, thus permitting contempt proceedings before the court to implement enforcement. In these enforcement proceedings the court of appeals may assess all of the penalties provided in Section 17 of the act in addition to invoking any other remedies available to it.

WHEN EMPLOYEES CAN BRING AN ACTION

Section 11(c) provides protection against discharge or discrimination to any employee who files a complaint. Should an employee complain to the secretary of this action against him within thirty days of the alleged violation, and if the secretary determines that a violation has occurred, he may bring an action in a United States district court for all appropriate relief for the employees, including rehiring or reinstatement with back pay.

The commission's principal office is located in the District of Columbia, but it may hold hearings or conduct proceedings at any other place. The chairman of the commission is authorized to appoint hearing officers, and the report of the hearing officer becomes a final order of the commission within thirty days after he reports unless a member of the commission directs that the report be reviewed by the commission. Thus, there is no certain right of review of the hearing officer's findings by the commission and, under, the substantial evidence rule applicable to court review, the hearing officer's findings of fact frequently will be the ultimate findings.

Section 13 provides for a special procedure that gives the United States district courts jurisdiction on petition of the secretary to restrain any conditions or practices that are found to be such that a danger exists which could reasonably be expected to cause death or serious physical harm either immediately or before the danger can be eliminated through the routine enforcement procedures. The district court may, on the filing of this petition, grant a temporary restraining order immediately, but this can be effective for no longer than five days. A hearing must be set within that period if an ex parte restraining order is granted.

HOW EXISTENCE OF IMMINENT DANGER IS DETERMINED

Section 13(c) places determination in the individual inspector as to whether imminent danger exists. The inspector is required immediately to inform the affected employees and employers of the danger and that he is recommending to the secretary that relief be sought. Section 13(d) provides that if the secretary arbitrarily or capriciously fails to seek relief, any employee who may be injured by reason of this failure or the employee's representative may bring an action against the secretary for a writ of mandamus to compel him to seek such an order. Translating the language of the act to plain parlance, this means simply that if an inspector advises an employer that an imminent danger exists which may cause death or serious physical harm and that he is recommending that a temporary injunction be sought by the secretary, the secretary can be expected to act almost immediately to obtain a restraining order that would shut down the entire operation or that portion of it which threatens death or serious physical harm. This section has not been used yet, and it is anticipated that its use will be rare.

A recapitulation of the penalties in Section 17 is in order. Subsection (a) provides that any employer who willfully or repeatedly violates the act or any court rule or order promulgated or regulations prescribed, may be assessed a civil penalty of not more than $10,000 for each violation.

Subsection (b) provides that any employer who has received a citation for a serious violation shall be assessed a civil penalty of up to $1,000 for each violation, and Subsection (c) that if the employer is cited for a violation not deemed to be a serious violation, he may be assessed up to $1,000. The only difference between the serious and nonserious violation is the permissive nature of the penalty if it is regarded as nonserious. From this point on, the penalties become more severe, adding strong teeth to the act.

Subsection (d) provides that any employer who fails to correct a violation for which a citation has been issued within the period permitted for its correction, may be assessed a civil penalty of not more than $1,000 for each day during which the civil violation continues.

Subsection (e) states that an employer who commits a willful violation that causes death of an employee shall, upon conviction, be puished by a fine of not more than $10,000 or by imprisonment of not more than six months, or by both, and after the first conviction, the penalty is doubled, that is, a fine of not more than $20,000 or imprisonment of not more than one year, or both.

Subsection (g) provides for any person making any false statement, representation or certification in any document filed or required to be maintained under the act, upon conviction, a fine of not more than $10,000, imprisonment for not more than six months, or both.

Subsection (j) gives to the commission authority to assess the civil penalties. Recall that the secretary's office first proposes the civil penalties and, if they are not contested within fifteen days, they automatically become the order of the commission. If the matter is contested, then the commission would have authority to set the penalties within the limits stated.

This short review of the new Occupational Safety and Health Act should make it clear that all lawyers, not just those who regularly advise employers or labor organizations, should know the major provisions of this legislation and how it affects clients who will come for guidance. It is a major step on the part of the Federal Government into the national employment picture.

MERCY COLLEGE OF DETROIT

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mrs. GRIFFITHS. Mr. Speaker, it is with pleasure that I place into the RECORD an article on the new president of Mercy College of Detroit, Sister Agnes Mary Mansour. Sister Agnes Mary not only is a Detroiter but a graduate of Mercy itself, which I am proud to say is a part of my 17th Congressional District. The sister's outstanding work as a teacher and scholar is recognized throughout the country and her new plans and projects for Mercy offer much promise to the Detroit community. The article written by Katherine Sudomier, which appeared in the Detroit News Sunday magazine, follows:

A QUIET NUN WANTS TO REVOLUTIONIZE HEALTH EDUCATION

(By Katherine Sudomier)

By the time dark-eyed Agnes Mary Mansour graduated from Mercy College of Detroit and had gone on to become a Sister of Mercy, she had some very distinct ideas about what was wrong in the training of hospital personnel.

Many were being "over-educated" for the jobs they were doing; some were attending college for four years for a position they could learn in a single year. The educational waste was discouraging to students and added to hospital costs of patients.

Today—with a doctorate in biochemistry, several years of college teaching experience and a year's fellowship in administration to boost her along—she is in a position to do something about it. She was inaugurated Friday as Mercy's president, but her plan already is in motion.

A five-year experiment underwritten by $445,000 in federal Health, Education and Welfare funds promises to revolutionize the preparation of students in the field of allied health sciences. The sum spread over five years was part of $2½ million given in 1971.

In short, Sister Agnes Mary's approach to education of students in associated medical fields provides education in at least two stages, allowing a student to get off at an early level with potential certification in his or her study area.

It is designed to reduce college dropouts and prepare needy students for a job sooner; lower medical costs may be an added bonus. Most of all, the concept may be workable in a whole variety of academic fields outside medicine, even engineering.

It has special attraction to the high school graduate who is not sure he wants to spend four years in college. Under the Mercy plan he can spend two or four years and leave at either stage with a specific job capability. Still the program is built into the context of a four-year liberal arts curriculum.

The basic concept of the program appears so simple that it seems amazing no one has done it before.

Since its announcement, Mercy has received a flood of applications from people of all ages anxious to participate in the program.

There is one hitch: In the program financed by HEW, Mercy necessarily must limit the number of students able to participate. Sister stresses that the HEW grant basically finances a test run of the concept.

The first year is being spent in gathering additional faculty and planning the curricula. The next four years will test its merit. So, at the moment, Mercy must encourage many applicants to enroll in other areas of study.

Because of its innovative nature, it immensely improves the job advancement prospects of health field technicians and professionals.

Sister believes for better health care, greater responsibility must be given to well prepared but lower ranked medical personnel, who are left dilly-dallying with test tube cleaners and low salaries.

Recognizing her capability, HEW this month named her as consultant in the development of allied health manpower in the department's special area which assesses the merits of health education programs seeking federal funds.

Mercy, perhaps best known until now as the alma mater of a recent Miss America (Pamela Ann Eldred), will try to alter the entire U.S. medical caste system with this new approach. What attracted HEW interest was the plan's basic belief that many people in medical fields are overtrained for the jobs they perform. Also, important allied health jobs could be filled more quickly.

Initially, Mercy's program will mean more graduates in the three fields included in the HEW-funded project—medical technology, medical record library science and dietetics. The college hopes to add others as the experiment proves itself.

Sister Agnes Mary's fondest hopes are tagged to her theory for the next stage: Graduates of two-year programs will do the more routine technical tasks now done by those with baccalaureate degrees. These latter professionals are expected to relieve doctors of many duties they now perform, allowing them more time to spend on greater medical problems.

Under current practice a medical technologist isn't allowed to release test results to patients, even though he makes and evaluates the test in many instances. More of the routine, semi-skilled jobs now being performed by over-qualified graduates will open up to undergraduates who are trying to pay their way through college.

Moreover, the upgrading of the lower-rank job will open job opportunities for those who want a skill they can learn quickly and cheaply.

"Better distribution of the health services is absolutely vital for better health care," Sister warns, adding that if professional groups don't help raise the status of these fields, the government might.

In Michigan there is one doctor for every 933 people, with an even higher ratio in rural areas. This compares favorably to South Carolina, with one physician for 1,341 residents, but unfavorably with New York, with one doctor for each 518 people.

"In one clinic I know of there is no difference between the job performed by the four-year graduate medical technologist and the two-year certified lab assistant, except the pay," says Sister.

Sister Agnes Mary admits she had great reservations about assuming the new job of president. "If Mercy is going to have a bad administrator, it may as well be someone who loves the college, too," she says, with unconvincing meekness, in her super-tidy office.

To understand what she gave up to be college president, you have to know what she had: She had a rare kind of partnership with her students, where college was not only fun but a shared learning experience, instead of an advise and consent forum.

Sister was a resident advisor in Manning Hall, the only girls' dormitory at Mercy. It is the only dorm, except for a small house which harbors a handful of Mercy's male students. Mercy went co-ed in 1964, now has 400 full and part-time male students.

Her room in Manning had snatches of poetry on wall posters. One poster read: "Life is Big."

"You always knew she would welcome you," says a senior student, "despite countless chemistry tests. And if you had a problem, she always came up with some kind of solution, at least something to grab onto."

When Sister joined the students for card games or sports, she gave her all. "She's fantastic at cards," says a student, "and she likes all sports . . . volleyball, baseball, touch football, horseshoes." In fact, Sister is a basketball coach for the college's women's team, a sideline she hopes to continue in spite of the multiple demands of her new office.

Most of Mercy's students are first generation college goers who commute, as did Sister Agnes Mary when she attended Mercy 20 years ago. They are from middle class families which have worked hard to afford college. (Over 60 percent receive some financial assistance.)

Mercy is a "practical" liberal arts college. You don't go there if your chief goal is to learn cocktail party chatter. That's another reason she thought so hard—and so successfully—about a stepladder approach to education: Some students simply couldn't last out a four-year course. They'd need to get off, and get jobs and, maybe, finish later.

"Most of our students come with a strong desire to serve," says Sister Agnes Mary. "They come asking: 'How can I best learn to give of myself.' It puts an obligation on us educators to foster this desire, to let it grow."

As Josephine ("Jo") Mansour she attended St. Charles Elementary and High School on Detroit's East Side. Her father worked for Murray Body Corp. and her mother came from the Mabarak real estate family. Her parents still live in the neighborhood around Townsend and St. Paul. "It's always a kiss on the cheek when you go there," says a friend of Sister's.

"Her mother and father say: 'How'd it go today, Jo?' And she says: 'Oh fine.' And that's all. They don't make anything big out of her job. But they are sweet folks, and so proud of her they beam all over."

Sister Agnes Mary says she felt the call to a religious vocation during high school and her undergrad years at Mercy, but: "I wouldn't admit it." After college graduation she admitted it and began to prepare to become a Sister of Mercy. She says: "I knew by then it was what I wanted for sure, and I've never been sorry. I had plenty of time to make up my mind."

Stymied as a med tech grad, Sister got her master's degree at Catholic University in Washington, D.C., returned to Mercy and taught chemistry, got her doctorate in biochemistry at Georgetown University in Washington, returned to be chairman of Mercy's Chemistry Department and then the Natural Science Department.

In 1970–71 school term Sister Agnes Mary was an American Council on Education administrative intern at the University of Kentucky in Lexington.

Mercy offers all its professional programs within a liberal arts context. Besides its interest in the health field, the college has special programs aimed at civic betterment. Among these are preprofessional social work and a law enforcement and protection program, coordinated by former Detroit Police Commissioner Johannes Spreen, and featuring present Commissioner John Nichols and his wife, Jean, as lecturers.

"I want the corner of Southfield and Outer Drive to be truly a college of Mercy," Sister says, reflecting on her own philosophy.

"We want to prepare students who are intellectually competent, deeply compassionate and committed to serve their God and their fellow man.

"We want to learn enough so it just all flows into their profession."

If all goes well, the training of medical personnel in the country may be vastly changed because of her.

THE TAIWAN CONCESSIONS: A RED CHINESE VICTORY?

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. SCHMITZ. Mr. Speaker, in times like these we need to recall the words of Patrick Henry on the eve of the American Revolution, in response to the appeasers of his day:

> They cry Peace, peace! when there is no peace. Is life so dear, and peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God!

Fortunately there are still voices in our land that will not let us forget the reality of chains and slavery, the reality of a tyrant government's unending war against its own people, that lies behind all the talk of peace and understanding with the Red Chinese regime in Peking. Fortunately there are still voices that will not let us forget that our President, in his recent visit to Peking, took a very long step toward forcing the last 15 million free Chinese into subjection to these same Communist tyrants. Here are two of those voices—William F. Knowland's and Tom Anderson's. The editorial "The Taiwan Concessions: A Red Chinese Victory?" appeared in former Senator Knowland's newspaper, the Oakland Tribune, on February 29. The article "All-Time Murderer" was one of Tom Anderson's widely syndicated "Straight Talk" columns early this month.

The articles follow:

THE TAIWAN CONCESSIONS: A RED CHINESE VICTORY?

When President Nixon revealed last July he was going to Peking for a face-to-face summit with the leaders of Communist China, the question of Taiwan was generally acknowledged to be the starting point for any accord that might be reached.

At that time, we labeled the whole venture a "gamble where the odds are heavily against (the United States) from the start." Our concern for the integrity of this nation's solemn treaty obligation with the Taiwan government was shared by many diplomatic observers familiar with the powerful, conflicting forces churning about in the frothy geopolitical cauldron of Asia and the Far East.

Now that the President's epic journey to the heartland of Chinese communism has ended, the worst fears of last summer seem fully confirmed, and the "gamble" appears only to have paid off in terms of a signal diplomatic victory for Premier Chou En-lai and his Marxist government in Peking.

By failing to confirm in the joint communique with Chou the U.S. commitment to protect Taiwan against external attack, the President even seems to have gone far beyond the previously announced Nixon doctrine abdicating the U.S. role of a global anti-Communist force. Remaining aloof and neutral in another's dispute is one thing, ignoring a promise to protect a friend is quite another.

The United States now acknowledges Chou's long-standing claim that Taiwan is part of China, and the promise of eventual withdrawal of all U.S. troops from the island seems to portend the day when an armed invasion will be launched by Communists secure in their knowledge that there will be no U.S. response.

Chou promises to "liberate" the 15 million Chinese on Taiwan, but as the reporters who accompanied Mr. Nixon related, there are already precious few liberties under the Chinese Communists. All mainland Chinese life is so closely controlled that true freedom and true liberty, even approximating the American meaning, are simply not known and not permitted.

But all this Mr. Nixon has known for many years. Is the President now prepared to sacrifice the Nationalist government and the Taiwan people to a life of Marxist slavery in order to find an accommodation with Chou En-lai?

There were no counter-concessions by Chou or by Red party Chairman Mao Tse-tung, and until these Red leaders show evidence beyond mere words of a true intention to work towards Asian peace, then the President's virtual disavowal of a solemn American treaty obligation seems both unprofitable and potentially dangerous.

Indeed, the people of Taiwan may be excused for reacting with the same uncomfortable nervousness as did the people of Czechoslovakia after Britain's Prime Minister Neville Chamberlain returned from Munich with the proud announcement of his "peace in our time" deal with Chancellor Adolph Hitler of Nazi Germany.

ALL-TIME MURDERER

(By Tom Anderson)

Measured in terms of murders, Mao Tse-tung is the greatest criminal of all time. He has been responsible for the murder of an estimated 64 million people. Millions of them were his enemies. Other millions were merely unfortunate enough to be old, sickly, unable to work. Mao Tse-tung had them killed, like we would kill chickens or hogs, and then had their bodies ground up and spread on the land for fertilizer.

Our President is thus now planning a gigantic "Marshal Plan" for Red China. Since they have no gold, or even dollars, and virtually nothing to sell us, the President plans for us to give them billions of dollars worth of fertilizer and other goodies Our government, of course, will pay our Big Business a good price for the food, fertilizer, trucks, tires, farm equipment, computers, cars, electronic equipment, etc., sent to Mao. Thus Big Business will have more profits and we can delay the coming financial crash. Also our Tycoons can be more generous in their donations to the Administration in the coming Presidentidal campaign. And, we might even have a favorable balance of trade once again. Most important of all, however, this gigantic aid to Mao Tse-tung will save his regime from toppling and enable them to defeat that old warlord Chiang Kai-shek and conquer Formosa.

These grants will also make Russia jealous and this will open the door for us so we can give them more billions of dollars in goods and equipment to make their brand of tyranny work too.

With China and Russia fat and happy and us bankrupt, we have thus postponed the anticipated conflict between them and assured ourselves that the only war between them will be the one they fight over our grave.

Have you wondered why you have not read any report or seen any TV news by the commentators who accompanied Nixon, which told you the truth about Mainland China? The answer is simple. No honest reporter was allowed to go.

The following truth from *Review of The NEWS* gives us the real story:

"Correction, Please!—Item: From an article in Reader's Digest for February 1972:

"Despite a flint-like quality of mind and body, Chou (En-lai) can be very human. Once he stopped at a rural commune to chat with some school-girls who were taking their turn at farm work. 'Did you cry when you first arrived here?' asked the Premier, noticing their muddy clothes. The answer was 'No.' But Chou continued, 'It would not have mattered if you did. It's only human to cry when you are not used to something.'

"Correction: One might as well depict Adolf Hilter as a lover of small animals; This maudlin effort by the *Digest* to portray a Communist cutthroat as a man of compassion is a betrayal of the trust of millions of its readers. And it is especially outrageous since the *Digest* has itself published numerous articles over the years about the horrible conditions which are the norm in Chou's China.

"The scholarly journal *Issues And Studies* for March of 1971 carries a review of a recent biography of Chou En-lai in which the reviewer states: "The author further points out Chou's genteel and elegant manner is in extreme contrast to his ruthless way of handling the Communist Party's secret service. The most shocking example known was the case of Ku Shun-chang's in 1931. . . . Ku Shun-chang, a top secret agent and captain of the assassination team under Chou's command, was arrested by, and then defected to, the (Nationalist) government in 1931. After defecting, Ku revealed important information. This led to a massacre of Ku's whole family, who were all buried alive on the instructions of Chou En-lai. In the official files of the French Concession in Shanghai, where the murder took place and was later disclosed, Chou remained a wanted murderer.' The *Reader's Digest* conveniently overlooks many such cases in its puff about Chou.

"Then there are the untold millions consigned to slave labor camps in Red China. Even the United Nations admitted in 1955 that 20 to 25 million Chinese were in 'regular' forced labor camps, and that an additional 12.5 million were in 'corrective' labor camps. By 1968, some 25 million Chinese had perished in those camps. And it is Chou En-lai who oversees the operations of those death camps—murder facilities to which the *Reader's Digest* applies the euphemism 'continuing disciplinary migrations'!

"In 1966, nearly 11 million Chinese youths were organized into what was called the Red Guard, gangs of Communist storm troopers that blanketed China with disruption, terror, and bloodshed for three years—all with the advice and consent of Chou En-lai. In *Peking's Red Guard,* a thoughtful book co-authored by Dr. S. C. Y. Pan and published by Twin Circle, we read that: "Lin Piao was acclaimed their commander, and Chou En-lai and Chu Teh became their advisors. With these men at their head, the Red Guards acquired prestige, and most important, the support and power which enabled them to do whatever they wanted in order to carry out the Great Proletarian Cultural Revolution."

"Ma Sitson, China's leading violinist, gave to *Life* magazine in 1967 an eyewitness account of Red Guard activity. The great violinist observed: "Elsewhere in the city (Peking) there were many terrible incidents during this period. Students at one high school actually beat to death every one of their teachers. The woman who lived next door to us in the west city was accused of having a radio transmitter and sending messages to Chiang Kai-shek. Red Guards pulled her from her house into the street and killed her. People spoke of heaps of unburied bodies rotting in the mortuaries."

"The *Digest's* slant in this article is also illustrated when it says: 'Now with President Nixon's spectacular policy reversal and the overwhelming U.N. vote, Mainland China's 750 million people are coming into their own.' This is madness! One might as well write that the people of Germany came into their own when Hitler was rounding up the Jews. Rather, the *Digest* should have reminded its readers of the following analysis by the Asian People's Anti-communist League: 'Let us always bear in mind that the Communist system is more cruel and inhumane than any in previous history. It is diametrically different from the traditional system which had been preserved through long ages.' The families of 64 million Chinese murdered by Chou En-lai and his Comrades will testify to that!

"There is a saying among refugees from Chou's China that the Yellow River is at flood tide, swollen with the tears of the Chinese people. Those are the tears *Reader's Digest* should be concerned about, instead of eulogizing the mass murderer with whom President Nixon is now breaking bread."—Copyright 1972, The American Way Features.

SHOPPING FOR AUTO INSURANCE

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. HUNGATE. Mr. Speaker, in these days of debate on no-fault insurance, it appears the insurance commissioner of the State of Pennsylvania has found a somewhat different approach to the citizens' problems regarding automobile insurance. The following article merits further study:

[From The Commercial Appeal, Memphis]

SHOPPING FOR AUTO INSURANCE

How do you pick an automobile insurance company?

Some do it simply by giving their business to a friend who happens to be an insurance agent. Some do it because they have seen a company's name in an advertisement. Some others do it by finding a company which is willing to write insurance to cover the applicant and his family, having found that other companies would not.

All that maybe changing, if what happened recently in Pennsylvania is extended throughout the nation.

That state's insurance commissioner, Herbert S. Denenberg, has issued what he says is the first "Shopper's Guide to Auto Insurance." Prepared by the Pennsylvania Insurance Department, this guide compares annual premiums in six different rating territories for the 12 largest automobile insurance writers who write approximately 50 per cent of the auto insurance business in Pennsylvania.

The guide reveals amazing variations in premiums for the same classification of policyholders. For example, a 19-year-old driver, for specific coverage, faces premiums in Philadelphia that vary from $1083 to $1716. And an adult driver in Bedford and Fulton counties of that state can find premiums that vary from $132 to $212 for the same coverage.

The publication has met strong resistance from the insurance companies, of course. The insurance commissioner admits his guide is "not to be used as the last word" in selecting an insurance company. He says the consumer should be aware other factors can enter into premium differences. These differences can include variations in policy coverage features, service of agents, financial strength of the companies.

To his critics, he offers the same advice he gave last year when there was strong criticism of a similar guide to Pennsylvania hospitals. It is: "If you don't like it, publish a better guide yourself."

It seems to be sound advice. Maybe insurance companies should be working on such guides of their own, with their own explanation of differences in premiums, now that the existence of such differences is coming out into the open.

A TAXATION WITH REPRESENTATION

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. SCHMITZ. Mr. Speaker, several weeks ago one of my constituents, Mrs. Harold Alderfer of Costa Mesa, Calif., wrote me a letter which expresses more vividly than any other I can recall receiving, just what the relentless "soaking" of the hard-working, productive middle and lower middle income taxpayer is doing to our country and our people. Mrs. Alderfer has no quarrel with me, as she now realizes, since I fully agree with what she says about taxations, welfare, and the courts, and have consistently voted against the increases in Government spending which require high taxes, and for limiting the power of the courts which has been so much abused. But it would appear that she does indeed have a quarrel with many other Members of the body, who I hope will consider how they might answer her if she were their constituent. Her indictment is directed toward the Congress of the United States as a whole.

The following letter is published with Mrs. Alderfer's written permission. In view of her sentiments expressed in it, I am especially proud that in her second letter giving me permission to insert this one in the RECORD, she tells me that:

In my 42 years, I have never felt so well represented by a Congressman."

The letter follows:

COSTA MESA, CALIF.,
February 4, 1972.

JOHN G. SCHMITZ,
U.S. Congressman, 1208 Longworth House Office Building, Washington, D.C.

DEAR CONGRESSMAN SCHMITZ: This letter comes from an extremely worried mother of 3, who cannot seem to control the fate of our family any longer because of the high cost of living and taxes imposed on us by you lawmakers.

We have always tried to live within our $10,000 annual income. There are no luxuries such as vacations, new cars, new clothes, entertainment etc. All the money earned in the family is spent on food, house payments and taxes, the bare necessities.

We are in a critical state financially as we can no longer keep up with the inflationary costs of food, taxes etc. We have had to borrow on our life insurance to merely pay the taxes and we have no reserve. When we purchased our 9-year old home, it was what we thought we could afford. Within a year the valuation went up and our taxes followed and they keep going up each year.

Across the country people in the professions such as doctors, big industry and the like have received raises. My husband did not get a raise. The cost of postage, food and clothing keep going up. It makes me angry when I see how welfare costs have gone up. I'm not against helping people but I am against being taxed to feed hippies, transients and helpless individuals who don't even try to help themselves and complain about not getting enough help.

People like us who have gone along paying higher taxes supporting these people are finding ourselves getting into the same predicament—the tremendous difference being that we have tried for so many years to stay with a job, have done menial work just to pay taxes and foregone all luxuries because we need all the money earned to buy food for the family. If you lawmakers don't do something for people like us, believe me, there will be an uprising and it won't stop until something is done for people like us who are genuinely trying to make a go of living.

Another thing has become a laughing matter. What has happened to our court system? The criminals come out looking like angels and we the people and our law enforcement people are made to look like tyrants. What is happening to our country? We have Sirhan Sirhan, Angela Davis, Richard Spec and others, who are in jail or prison going almost free. The cost of holding their trials etc. keeps mounting and we are paying for that—but what is so maddening is that the people they murdered cannot speak for themselves and we seem to be helpless to do anything for the dead. Why has it become more glamorous to be a criminal type than one who supports the laws of the country?

So many things in this country need reform. America is becoming a sad country, it reminds me of what we fought for long ago—taxation without representation! Can't you representatives do something for us? We pay your salary. I love this country and don't like what is happening to it.

Is there anything you people can do to help this family? There must be many thousands like us who are at the breaking point as a family. Where can we go? What can we do? Is welfare the next step? You people who set the taxes are devouring this family. Does it make you feel good?

Sincerely,

MRS. HAROLD ALDERFER.

ASSISTANT SECRETARY FOR TOURISM, C. LANGHORNE WASHBURN, TESTIFIES BEFORE HOUSE SMALL BUSINESS SUBCOMMITTEE

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. HUNGATE. Mr. Speaker, as chairman of the Subcommittee on Environmental Problems Affecting Small Business, of the Select Committee on Small Business, which recently concluded the first part of a series of hearings on small business opportunities in outdoor recreation and tourism, I believe the hearings have produced some valuable information which will be of great benefit to the Congress.

I would particularly like to call attention to the testimony of the Assistant Secretary of Commerce for Tourism, Hon. C. Langhorne Washburn, who spoke about the efforts of the U.S. Travel Service in promoting tourism to this country from abroad.

Secretary Washburn is to be commended on the high quality of his statement and for his enthusiasm and cooperation in testifying before the subcommittee.

Because of the great interest of my colleagues and the American people in this subject, I am inserting Secretary Washburn's statement at this point in the RECORD:

STATEMENT OF C. LANGHORNE WASHBURN, ASSISTANT SECRETARY OF COMMERCE FOR TOURISM

Mr. Chairman and members of the Committee, I appreciate the opportunity to testify before you today.

I will begin by outlining the importance of international tourism and what it means to our economy, cite some specific characteristics of foreign travel in the United States, discuss briefly some of the programs of USTS and EDA designed to increase foreign tourism to the United States and improve the host facilities for both foreign and American tourists, and conclude with my thoughts on the role of small businesses in foreign tourism and recreation.

OVERVIEW

The international travel market is a multibillion dollar foreign exchange earner representing the largest item of international world trade. Last year, world-wide international travelers took 181 million trips and spent an estimated $19.9 billion. The United States received 7.6% of the arrival market, hosting 13.8 million arrivals, and 14.6% of the dollar market, earning $2.9 billion. With respect to other host countries of the world, this Nation ranks first in terms of tourism receipts and fifth in terms of the volume of visitor arrivals.

To me, the importance of the entire market cannot be stressed enough. World-wide, this market grew 137% between 1960 and 1970 and is expected to continue to grow at an estimated 7% per year, reaching 280 million trips by 1980. Yet, in the last 10 years, the U.S. share of the total remained relatively constant. This country has merely been keeping pace with a growing market. The untapped VISIT USA potential is tremendous and expanding each year, as per capita incomes continue to rise throughout the world. It is currently estimated that some 82 million people of the world have the financial ability to travel to the United States. Further importance of this market can be seen in the following:

Each tourist from overseas countries equals an export item worth $400.

Each $20,000 spent by foreign tourists in the U.S. creates one job. Hence, last year, foreign tourist spending (excluding transportation) provided for 122,580 new jobs.

For every 100 people directly employed in the travel industry, 60 to 100 back-up jobs are created in related industries.

Dollars earned from tourists stay in the local area directly benefiting the residents and small business of the area.

It is factors such as these, in addition to the fact that the United States is behind other national governments in tourism promotion—currently, we rank 19th—that led Presdent Nixon in his State of the Union Message to request "that the budget for the United States Travel Service be nearly doubled in the coming year."

In addition there are certain factors currently at work which we must capitalize on fully through increased promotion abroad. In 1972, such factors favoring increased foreign travel to the United States are (1) the recent U.S. dollar adjustment which makes it less expensive for foreign travelers in this country, and (2) the reduction of air fares across the North Atlantic. In 1976, the Bicentennial and Winter Olympics are expected to provide a great impetus for increased travel to this country. In fact, we are anticipating between 22 million and 25 million visitors in 1976, with receipts expected to total about $5 billion. I would like to make sure this forecast is reached, if not surpassed by (1) the proper and adequate promotion of this country abroad; and (2) developing the necessary tourist facilities to fully host these visitors.

SPECIFIC CHARACTERISTICS AND DIMENSIONS OF FOREIGN VISITORS TO THE UNITED STATES

Origin—Foreign visitors to the United States come from every corner of the globe but in the greatest numbers from Canada and Mexico, comprising 82% of all arrivals and 59% of all foreign exchange earnings. Visitors from overseas countries, while accounting for only 18% of the arrival market, represent 41% of our tourist dollar earnings. Looking more closely at the overseas market. Europe represents the most important area, accounting for 45% of all *overseas* arrivals.

Key European countries are the United Kingdom with 13% of the overseas market (325,555), followed by West Germany with 8.1% (203,010); France with 5.4% (133,604); Italy with 3.7% (93,421); and the Netherlands with 2.4% (58,748). The second most important geographic area is Asia/Oceania, accounting for 24.4% of all overseas arrivals, with Japan (311,066—12.5%) and Australia (70,860—2.8%) being the two dominant countries. The third key area is South and Central America, representing 17.1% of all overseas arrivals with the main tourist generating countries being Venezuela, Colombia, Brazil and Argentina.

Earnings—Our earnings from these visitors vary according to their country of origin. In terms of overall averages, excluding transportation, each overseas and Mexican visitor is equal to an export worth $400. When Canadian visitors are included, the figure is lower—$200. Thus, while Canadians comprise the majority of foreign visitor arrivals, their per capita expenditure in the United States is the lowest, equaling only $90. Consequently, considerably more Canadian visitors are needed to equal the per capita spending of the West German ($375), Mexican and Japanese ($500) or Venezuelan ($675) visitor.

Seasonality—Over 40% of our foreign visitors come to this country during the summer months of June, July, and August, while less than 20% arrive during the winter months of November, December, January and February. This seasonality is representative of all international travel, primarily brought about by employers encouraging their employees to take summer vacations, with entire companies in Europe being closed during July or August and by the summer vacations of school children. This problem has been receiving increased attention by the Organization for Economic Cooperation and Development (OECD) Tourism Committee which is presently investigating possible solutions.

Average Length of Stay—Length of stay, as per capita expenditure, similarly varies with the visitor's country of origin. The overall average for all overseas visitors is estimated at 15 days, with Europeans staying an average of 17 days; South Americans, 15 days; Japanese 10 days; Mexican visitors who travel outside the border area stay on the average of 10 days; and Canadians, 5 days.

WHERE DO THEY GO/WHAT DO THEY SEE?

Perhaps the one generality which could hold true is that foreign visitors are interested in "*seeing America*"—just as our citizens are interested in doing when they travel within this country. Our outdoor scenic attractions as well as the sights and sounds of our big cities, day or night, are appealing to the foreign visitor. To cite some specific examples, the American Frontier West with its Indians, mountains and deserts, are particularly popular with Europeans, chiefly among the West Germans. The warm, sunny areas of the United States, and sandy beaches are popular, notably among the British, Scandinavians, and Canadians. The Japanese are interested in seeing all that is possible in the time allotted—from beaches to big cities to industrial plants.

Shopping in our major cities is a popular activity, particularly among Latin Americans, as is visiting Disneyland or Disney World. In fact, large festivals or exhibits are generally popular with Latin Americans as exemplified (1) in the increase (up 50%) in Mexican visitors to this country during the period of the Hemisfair in Texas; and (2) the number of Mexicans visiting a USTS exhibit in Mexico City—over 1,000,000 in 3 months.

There appears, however, to be some discrepancy between what visitors would *like* to do and what they *actually* do. Generally, they stay within a small radius of the U.S. port at which they enter. For example, the majority of Mexicans visit only the states of California, Arizona, New Mexico and Texas. Europeans generally visit the Middle to Northeastern areas of the United States. Latin Americans see areas in the Southeastern United States, notably, Florida and Puerto Rico; while visitors from Asia primarily tour Guam, Hawaii and the West Coast of the United States.

Why is this so? Besides the usual degree of discrepancy between intentions and actions, it may be due to such facts as (1) an increase in travel costs to see places outside the major port of entry; (2) fear of not being able to communicate outside the major gateway cities; (3) less familiarity with the interior of the United States; and (4) the existence of few available organized tours, although more are offered now than 5 years ago.

It is in this area that I feel the small businessman has a definite role to play—in serving the foreign tourists' needs, particularly outside of the big cities. The trend currently, is toward more promotion of areas other than the already popular foreign tourist destinations such as New York City and Northeastern U.S. Chicago is becoming increasingly popular as a gateway city for foreign visitors. Las Vegas, last year, became an official international port of entry. Airline advertising is beginning to feature travel to areas West of the Mississippi as well as to the East. All this actively represents an attempt to make America more accessible and attractive to the foreign visitor to better meet his needs and expectations.

USTS PROGRAMS

The programs of the United States Travel Service designed to promote and host foreign visitors can generally be classified under two broad headings: (1) stimulating demand; and (2) improving tourist plant facilities. Some of the specific programs are outlined below:

(1) Stimulating demand

Consumer advertising campaign costing over $2 million in Canada and Europe, reaching over 30 million people.

Distribution of over 6 million informational brochures (in German, French, Spanish, Italian and Japanese) featuring U.S. regions, gateway cities, historic sites, and national parks, in all of the major tourist generating countries.

Special "high visibility" VISIT USA exhibits in Canada, Mexico and Japan. Total visitor attendance was estimated at 3.5 million.

VISIT USA familiarization tours for 3,000 foreign tour operators and foreign travel writers to acquaint them with the attractions and tour offerings of the United States.

VISIT USA seminars with the U.S. travel sellers and foreign tour packages. The purpose of these seminars is to save the foreign tour operator the time and money of a trip to the U.S., and to encourage him to develop and sell moderately priced VISIT USA package tours for both groups and individuals.

(2) Improving tourist plant facilities

Hotel/motel language certification program

To date, 182 hotels and motels have multilingual staffs at their front desks, switchboards and restaurants, speaking Spanish, French, German or Japanese. The hotels are publicized abroad and display a USTS plaque indicating "Welcome" in the various languages.

Multilingual Port Reception Program

Multilingual student port receptionist corps are in operation in New York's Kennedy International Airport, Seattle/Tacoma and San Juan international airports. USTS conducts this program in cooperation with the local authorities. The Receptionists assist incoming foreign visitors in clearing Customs and Immigration and on making transportation connections.

Travel Phone USA

Travel Phone USA is nation-wide, multilingual, toll-free telephone interpreter service sponsored by USTS in cooperation with TraveLodge International. The visitor can dial the service from anywhere in the Continental United States (except Alaska) and obtain telephone interpreter assistance, or answers to his travel-related questions, in Spanish, French, German or Japanese. USTS explains the availability of this service in brochures distributed abroad. In addition, television clips produced by USIA on the Travel Phone USA have been seen by more than 360 million residents overseas.

Americans-At-Home is a USTS organized community-operated host plan for foreign visitors. 73 cities throughout the United States are participating from Syracuse, New York to Joplin, Missouri, to Tucson, Arizona. The program is designed to enable foreign visitors traveling without sponsorship to get to know Americans informally in their homes. USTS prints in nine languages and distributes abroad a folder giving details and telephone numbers of the community-sponsoring groups around the country.

In addition, in the area of tourist plant development, the National Tourism Resources Review Commission is currently studying the existing facilities and will make recommendations on the type of programs needed to meet the needs of all tourists—both foreign and domestic, to 1980.

Two other major USTS programs, I believe I should also mention are: (1) The International Convention Office; and (2) Matching Grants Program.

(1) *International Conventions Office* located in Paris, played a substantial role in winning 8 major international congresses for the United States last year, bringing the total to 26 congresses since its opening in 1969. Foreign attendance at these 8 new congresses is expected to equal 21,000 with spending in excess of $5.9 million. In addition, last year, a Washington-based USTS international conventions manager was appointed to provide domestic support to the Paris Office in the total effort to attract a larger share of the world's international congresses.

(2) *Matching Grants Program*—Last year, USTS launched its new matching grants program with regions, states, cities and public or private non-profit organizations, for the purpose of increasing promotion and improving domestic services for foreign visitors. USTS is allowed to fund up to 50% of the total cost of the project—available USTS funds equaled $550,000 last year. As of March 1, 17 grants have been made totaling $215,000; 3 have been for the production of films, 1 for a travel mission to Japan, 2 for convention bureaus for the installation of simultaneous language translation facilities and the remainder for joint advertising with USTS in Canada and Mexico.

In addition to USTS programs, many of those of the Economic Development Administration (EDA) involve tourism development. Since 1965 EDA has invested over $98 million for tourism and recreation projects to benefit lagging economies especially in rural areas of this Nation.

Some specific examples of this agency's programs include public works grants for state park development and tourism and recreation projects on Indian reservations. Grants and loans for state park development totaled approximately $20 million and included parks in the states of Alabama, Arkansas, Kentucky, Tennessee, Virginia and West Virginia, while grants and loans were provided to 25 Indian reservations in 15 states totaling $31.4 million.

In addition, EDA provides business loans and working capital guarantees and has funds available for feasibility studies and management and operational technical assistance to tourism and recreation related activities.

SMALL BUSINESS AND TOURISM

I believe that small business enterprises can play an important role in servicing the needs of foreign tourists in their particular areas by providing:

(1) The needed people-to-people contact, and

(2) The necessary tourist facilities, particularly in rural areas and smaller cities of the United States.

(1) People-to-people contact

Perhaps one of the best ways to see and learn about a foreign land is on a personal basis, a person-to-person contact. It has oftentimes been said that "It is the people that make the place." In fact, the Bahamian Ministry of Tourism was so concerned with the unfriendly image of its people that it launched a nation-wide "hospitality" campaign and began training all individuals servicing the tourist—from taxi driver to waiter to shopkeeper to hotel clerk, to be friendly, congenial hosts, representing the Bahamas as a Nation.

(2) Foreign tourist facilities

Small businesses have a most important part to play in servicing the foreign tourist—from the guest-house owner, the restauranteur specializing in home cooking, the talkative shopkeeper, to the local tour guide. Foreign visitors want to see this part of America as well as the big cities, the hotels, restaurants and large department stores.

Small businessmen can work with those communities who belong to the USTS Americans-At-Home Program. Each community could plan for the supply facilities it feels are warranted by the current and expected volume of foreign visitors to their area, and to the extent the community is desirous of developing tourism in their area. USTS can provide additional assistance with matching grants to the community, group of communities, city, state or entire region, for increased promotion or development of tourist facilities for foreign visitors.

While the program limits grants to nonprofit organizations, the small businessmen can work with the local recipient of the grant. Currently, USTS is helping to increase the flow of visitors to destinations outside of the major gateway cities by not only providing grants to Miami, Las Vegas, San Francisco, but also to New Orleans, Lincoln, Nebraska, and the Southern Highlands of North Carolina, Tennessee, Georgia and Virginia.

TOURISM AND THE ENVIRONMENT

I have stressed repeatedly to both industry and state travel leaders the need for the proper development of tourist attractions, preserving existing destinations, and nurturing and protecting the essential characteristics which attract tourists to an area. Something seems to happen when tour destinations are developed too rapidly and without proper planning. They seem to lose their appeal. They become spoiled. And tourists leave them and move on to new "in" spots.

I believe tourism is wholly compatible with environmental values. Indeed, development of the kinds of attractions which tourists appreciate will most often involve "showing off" the environmental values which this nation has to offer, so that it is in the interest of the tourism industry to protect this environment. Thus, tourist development can exist symbolically with the culture and heritage of the community when it is planned properly. I believe that the travel industry has recognized the challenge of proper environmental development. In fact, The Travel Research Association, an industry-government association, consisting of universities, advertising agencies, airlines, hotels and motels, and government tourist associations, devoted its most recent conference to "Tourism and the Environment."

The foregoing was intended to provide you with the broad overview of international travel to the United States, the programs designed to increase the flow of tourism to and within this country, and a role small businesses can play in this important and growing market.

Mr. Chairman, this concludes my formal statement. I shall be happy to respond to any questions you or the members of this Subcommittee may have.

Mr. Speaker, I was also pleased to have my good friend, Mr. Harold Koplar, chairman of the Missouri Tourism Commission and chairman of the St. Louis Tourist Association, testify before our subcommittee. He brought some valuable insights to our investigation of tourism, such as the growing trend of large companies to locate conventions in foreign countries because of cheaper cost for accommodations.

Mr. Koplar cited examples where large corporations arranged sales meetings in Portugal or other overseas locations. Sometimes they send as many as 4,000 of their employees to foreign tourist resorts as part of a tax-deductible sales meeting.

Mr. Koplar suggests that we reexamine our tax structure in regard to deductions for business conventions with a view toward encouraging greater domestic business travel. I feel this has merit and should be studied.

COOLEY'S ANEMIA RESEARCH DESPERATELY NEEDS FEDERAL FINANCIAL SUPPORT

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. GIAIMO. Mr. Speaker, the medical research community searching for the cause and cure of Cooley's anemia is large and growing, but desperately in need of Federal financial support.

Federal support would earmark Cooley's anemia as a particular priority for intra- and extra-mural programs of the National Institutes of Health, and continued support of the clinical research program of NIH will provide the subsidies to research facilities necessary to support study and service for patients with this and other mysterious but widespread diseases.

The high quality of existing medical research in this field—demonstrating the existence of a base of knowledge nearly ripe for practical application—has been shown in reviews of work on Cooley's nemi in the medical literature.

In 1966 and now in the March 16, 1972, issues of the New England Journal of Medicine, for example, review is made of research into the basic genetic and phycological causes of Cooley's anemia.

In 1964 and again in 1969 the New York Academy of Sciences and the Cooley's Anemia Blood and Research Foundation for Children jointly sponsored symposia on the problems of Cooley's anemia, resulting in the collection and publication of research papers totaling over 1,300 pages.

Much basic research has been done, therefore, with little or no Federal help. It is well known, however, that particular areas of medical research blossom when Federal direction and support are given. Researchers in basic areas are more able to direct their studies to practical ends, the clinical or applied part of medical research is enhanced within the institutions and organizations that conduct sophisticated medical research, results are more easily disseminated within the scientific community, avoiding duplicative work, and the work stimulated and supported by private foundations or general purpose research grants is brought to its fullest scientific and practical fruition.

Cooley's anemia is not unknown to medical research, Mr. Speaker, quite the opposite; but the practical help available to the physician or pediatrician who deals with Cooley's anemia is pitifully small. It is time to give national direction and support for this work, so that the patients and families affected by Cooley's anemia will benefit from the best our Nation's scientific and medical community has to offer.

THE SOVIET THREAT

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 21, 1972

Mr. THURMOND. Mr. President, the February 1972 issue of the Aiken, S.C., Chamber of Commerce "News and Views" contains therein a timely article entitled "A Lesson From History."

I found the article to be a particularly interesting analogy of our present international situation. The author warns against deluding ourselves into believing that simply because we desire peace, others in the world will not seek to destroy our way of life. Although we have long heard the idle boasts of the Soviets to defeat our system, we must take heed of their growing military strength and face the reality that peace may be better obtained through bargaining from a position of power.

Mr. President, I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A LESSON FROM HISTORY

"The Soviets' present buildup of strategic forces, together with what we know about their development and test programs, raises serious questions about where they are headed and the potential threats we and our allies face. These questions must be faced soberly and realistically." President Richard M. Nixon, *U.S. Foreign Policy for the 1970's: A New Strategy for Peace,* Report to the Congress, February 18, 1970.

The President of the United States issued the above warning to the Congress almost two years ago. Since that time the circumstances which provoked the warning have become much more serious. Yet no action has been taken to counter the danger.

For nearly 25 years Marcus Porcius Cato ended all of his speeches in the Roman Senate with the solemn intonation: "Besides, I think that Carthage must be destroyed." By 151 B.C. he had won his point; Rome declared war on Carthage and a fleet set sail for Africa. But the Carthaginians, now peace-loving and unprepared for major war, sought desperately to avoid it. The Roman Senate promised their hastily dispatched envoys that Carthage would be spared if 300 children from the most prominent families would be given up as hostages. With great uneasiness and lamentation, this was done. Next, the Carthaginian ambassadors were summoned to hear the Roman demand that Carthage surrender her remaining ships and implements of war. This, too, was done. Finally, the Romans demanded the evacuation of the city so that it could be burned to the ground.

When the Carthaginians heard this final demand they realized they had been tricked, in one of history's greatest acts of perfidy. Wild with grief and anger, they tore limb from limb the leaders who had urged appeasement and frantically sought to rebuild their defenses. In two months, while the Romans massed their forces, they produced 8,000 shields, 18,000 swords, 30,000 spears, 60,000 catapult missiles and a new fleet of 120 ships. But it was too little and too late. Following a bitter siege of three years, the Roman armies broke through the walls and nearly the whole population of Carthage perished by the sword. The city was then razed to the ground and the soil was sown with salt. The destruction was as complete as might be the most devastating nuclear attack of today's world.

MODERN PARALLELS

Historical analogies are never exact, of course, but the lessons they teach about the attitudes of men and government are instructive. The America of today would do especially well to pay some attention to the sad story of Carthage. Because if we do not soon come to our senses we will be well on the way toward a rerun, with ourselves this time cast in the unfamiliar role of the victims.

Cato called for the destruction of Carthage because he saw that it was regaining its prosperity after its earlier defeat under the great Hannibal, who had invaded Italy and had very nearly conquered Rome itself. Cato believed that the world of his day could not accommodate two strong antagonistic powers, and that Carthage would again become a military threat to Rome if left unchecked. Therefore, he persuaded his countrymen to launch a preventive war.

In reality, the people of Carthage had no further imperial ambitions. They wished only to be left in peace to develop trade and commerce and pursue their "domestic priorities." They must have been well aware of Cato's exhortations and of the developing Roman attitude, but they did little to prepare for war, hoping thereby not to provoke the Romans. When the prospect of war nevertheless became immediate, they sought to avert it by the most abject appeasement, including submission to total disarmament. When this policy was unsuccessful they chose to fight rather than surrender but by then their resources were hopelessly inadequate to the task. The result was that they, as well as their city, perished forever.

For more than 25 years, since the U.S. and the U.S.S.R. became the two predominant world powers, we have heard the Soviet equivalents of Cato proclaim the undying "conflict of social systems" in which they have sworn that their system will emerge as the victor. Desiring no conflict of any kind ourselves, and wishing only a live and let live arrangement with our adversaries, we have allowed ourselves to be comforted by Soviet assurances that war is not necessary to the triumph of their system. And we have been generally content to leave in slavery those who have fallen victim to their system in order not to appear "provocative."

At the same time, we have listened to our own philosophers assuring us that nuclear weapons have rendered war "unthinkable" because it is supposedly, "unwinnable." Thus bemused, we have watched, with apparent lack of official or popular concern, as the overwhelming military superiority which we once enjoyed over our enemies has ever more rapidly melted away. That superiority, with official blessing, has given way to what is now called "sufficiency."

Whether or not the Soviet Union is now operating upon some Hitlerian timetable leading up to an actual attack upon the United States, in order to remove us once and for all as a military rival, is debatable. Quite possibly no decision has yet been made that this is necessary—not yet.

What does seem certain beyond reasonable doubt is that a period of almost unimaginable danger, not a "generation of peace," lies ahead of this country. This stems from a combination of two factors. One is the political rot and erosion that is sweeping almost completely through what was once known as the "free world." The other is the rapidly accelerating momentum of the Soviet strategic military buildup.

A RUSSIAN AIRCRAFT CARRIER? THE IMPLICATIONS ARE OMINOUS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following editorial from the Los Angeles Times:

[From the Los Angeles Times, Mar. 17, 1972]

A RUSSIAN AIRCRAFT CARRIER? THE IMPLICATIONS ARE OMINOUS

(By Robert S. Elegant)

MUNICH.—The Soviet Union is building a very large ship in its Black Sea shipyard at Nikolayev, which has during the past five years completed the helicopter assault-and-antisubmarine carriers Leningrad and Moskva.

The new ship poses both a riddle and a challenge. It might be simply a large tanker or passenger ship. It could be another helicopter carrier, though its estimated size of more than 30,000 tons would be unprecedentedly—and counter-productively—large for that function. But the chances are strong that the Russians are building their first conventional aircraft carrier, though intelligence cannot confirm that conclusion.

If the hull under construction is an aircraft carrier, its significance would exceed by far the metal, electronic gear, aircraft and highly trained air crews, whose cost will be at least $500 million and, perhaps, twice that figure. The United States, Britain and other Western powers would still deploy many times that number of carriers. But a Soviet carrier would, in the long run, affect the world balance of power.

Since the weight of the evidence indicates that the mysterious hull is an aircraft carrier, non-Soviet strategists must proceed on that assumption. Her construction would indicate, first, that the Soviet Union has taken the fundamental decision to alter its previous policy of relying upon shore-based aircraft to support naval activities and upon submarines for long-range operations. Building an aircraft carrier, even as a pilot model for more and bigger carriers, would mean that the Russians are preparing to back their bid for world influence with hardware—and much hard cash.

Above all, building a carrier would demonstrate that the Soviet Union has, however tentatively, reversed its previous ingrained objection to aircraft carriers as "bourgeois, imperialist weapons."

Once again Moscow would be reaching far outward for power. Perhaps First Secretary Leonid Breznhev of the Party would use a carrier as a bargaining counter in his long-term effort to win agreement on naval parity with the West. But even a single carrier is a fearsomely expensive chip in the international poker game—and admirals are notoriously reluctant to surrender advantages once gained.

Taken together with intensive Russian research into vertical and short take off and landing aircraft, a new carrier would pose a threat of Soviet expansion into areas where Moscow has previously been weak or even unable to deploy armed force. Moscow doesn't need carriers to maintain its influence in the Mediterranean, since it already possesses many air fields around the perimeter. Moscow does need carriers to operate effectively in the Atlantic and, above all, in Asia.

From the Indian Ocean to Australia to the Pacific, Russian carriers could temporarily or permanently, establish naval superiority over medium-sized or large areas. The consequent command of the sea could exert tremendous political influence.

The curious feature of command of the sea is that you either possess it or you don't. If you do, you needn't fight to dominate shipping and commerce in an area. If you don't, fighting won't do much good.

In Southeast Asia, the Kremlin wishes to contain Chinese influence which does not now assert itself through naval force and is unlikely to do so in the foreseeable future. Nonetheless, Russian naval power can exercise the strongest counter-influence throughout the area.

In the Far East, as also in Southeast Asia, the Russians could find themselves either working against or cooperating with Japan, which must, in the long run revert to naval power to assert new influence and to protect her lines of communication. The countries of the area, already deeply worried by Japanese commercial domination, are becoming vitally concerned about Japan's future military power. Russian naval expansion, sustained by new naval air power could either serve as a counterweight or be cast decisively onto the same side of the scales as Japanese power. In either case, Russian influence would increase enormously.

A carrier force could, thus, enable Moscow to retrieve certain present disadvantages in the world power struggle. The Kremlin could either "scale up" its carrier force in both size and numbers of "trade off" all or a portion for agreements with the non-Communist powers.

At the very least, the construction of a carrier force would enable the Kremlin to keep all its options wide open over a long period of time—albeit at a very high cost.

NATION TO CENTER ON PEVELY, MO.

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. ICHORD, Mr. Speaker, the population center of this country has always been located east of the Mississippi River. However, various research organizations now tell us that based on projected population growth during the 1970's the center of population in this Nation will creep across the Mississippi and be located close to Pevely, Mo., by 1980.

Mr. Speaker, Pevely, Mo., which is in Jefferson County, is in the congressional district which I serve at the present time. I call attention to this fact because this shift clearly points to the fact that Missouri and, especially, such counties as Jefferson are growing and thriving.

At this point, I would like to insert in the RECORD for the consideration of all the Members the Associated Press story on the shift of the center of the Nation to Pevely:

[From the Springfield (Mo.) Leader-Press, Feb. 11, 1972]

NATION TO CENTER ON PEVELY

KANSAS CITY—The nation's population center continues its movement west during the decade of the 1970s and will creep across the Mississippi River for the first time in

1980, a financial firm's research department said today.

Based on its estimates of the 1980 Census and patterns of growth, the research group predicted the nation's demographic center will be near Pevely, Mo., located about 25 miles south of St. Louis and six miles west of the Mississippi River.

Pevely is about 35 miles southwest of Mascoutah, Ill., the 1970 population center.

The projection was made by the research department of Waddell & Reed, Inc., a Kansas City-based national financial services complex.

"It is more than a mere titular honor for a place to be pinpointed as the population center of the country," said William A. Reasoner, the firm's president and chief executive officer.

"It is also an indication of the real growth potential for the surrounding area. Pevely, for example, is located in a region that is expected to grow significantly during the rest of this decade as St. Louis suburban development radiates outward," Reasoner said.

The nation's population center has moved westward steadily since the first census, conducted in 1790, placed the demographic center near Chestertown, Md., 23 miles east of Baltimore.

MODEST HERO SAVES CHILDREN'S LIVES

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. McKINNEY. Mr. Speaker, last week in Stamford, Conn., 33 families were left homeless, victims of a disastrous fire which swept their neighborhood. Out of this tragedy, a modest man emerged a hero. Had he not acted as he did, seven children might not be alive today. That man is Ray Mitchell who rescued the seven children from one of the burning buildings. He came away with his hair singed and, as the Stamford Advocate has noted, his modesty intact. Mr. Speaker, I believe that Mr. Mitchell deserves the commendation of the Members of this House. At this point in the Record, I would like to insert Advocate reporter Bob Masullo's account of Mr. Mitchell's heroics:

Seven Small Children Owe Lives to Modest Hero

(By Bob Masullo)

Forty-nine-year-old Roy Mitchell came out of Monday night's West Side fire, which destroyed four black ghetto tenements, with his hair singed and his modesty intact.

Because of his actions, seven small children are alive today who otherwise might have died in the fire.

However, on Monday night at the Red Cross emergency room in the West Main St. Community Center, where he registered for aid along with other victims of the fire, he said nothing of his deeds, even when asked by a reporter for his account of the event.

An adult daughter, Miss Brenda Mitchell of 213 Selleck St., gave the following account Tuesday of what her father did at the fire:

"He was babysitting for seven children in the apartment of Mrs. Mozzel Person (apartment number six in 5 Roe Park Ave.). The children were in a bedroom and my father was sitting on the porch when the fire started.

"Two-year-old Brenda Williams came out on the porch all upset. She could not talk, but he knew something was wrong from the way she was acting.

"He went inside and the fire was all around. So he rounded up all the children and got them outside as fast as he could. (The apartment was on the ground floor).

"When he got outside one of the kids (Eugenia Person, 6) told him, 'The baby is still inside.'

"He ran back in, although the fire was already very bad, and got the baby (Germain Williams, 7 months) and brought her outside to safety. That's how he got his hair singed, when he ran back in."

Miss Mitchell identified the other children as James Hussel, 5; Reginald Person, 5; Kimley Robertson, 6, and Jacqueline Hussel, 2.

According to Miss Mitchell, the Williams children are grandchildren of Mr. Mitchell: the Robertson child is Mr. Mitchell's godchild; the Person children are the grandchildren of Mrs. Person, and the Hussel children are related to Mrs. Person.

ENVIRONMENTAL ZEAL HAS OUTRUN COMMONSENSE

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. HOLIFIELD. Mr. Speaker, the people of California will be faced with an initiative measure on their June 6 primary ballot. The measure is proposition No. 9 and it is titled "The Clean Environment Act of 1972." This measure has been placed on the ballot by a group that have named their organization the People's Lobby.

Because of the attractive title "Clean Environment Act" people may confuse the contents of the bottle with its attractive label. I trust this will not occur and do not believe it will occur if the general public really understands the dangerous provisions in the act.

Proposition No. 9 is a perfect example of environmental zeal having outrun commonsense and reality. It cloaks the most harsh and unconstitutional provisions under a pious title.

Briefly, the proposition would close down all industrial and home sources of any air pollutant for at least half of each year. No one is permitted a hearing and no court may intervene—in other words, due process of law is denied.

The 20 million people of California are to be denied an adequate supply of electricity for a period of from 5 to 12 years through a moratorium on the construction of new pollution-free nuclear powered generating plants.

Most of the proven and effective insecticides, pesticides, and herbicides are to be outlawed in spite of the fact that known substitutes are more dangerous to man than those to be outlawed.

Most of what the proposition demands is impossible, the remainder is ridiculous.

I have said before and I restate again, "If this act passes, it would drive most of California's business out of the State or into bankruptcy." The people of California are literally being "propositioned" down a primrose path to economic ruin.

The people of California are being asked to vote upon a proposition which will have a lasting and drastic effect upon their own lives and the future of the State.

They are being asked to exchange their jobs, economic well-being, convenience, and some of their constitutional rights for the false hope that this measure will bring about a clean environment.

The people should not make this choice without fully undertsanding the contents of the initiative. It is doubtful that the 500,000 citizens who signed the petition to place this measure on the ballot had the slightest idea as to its real contents. And since the very long initiative will have to be explained on the ballot in very terse terms, the voters will not know of its contents on election day.

The Congress has enacted the Environmental Policy Act and created the Environmental Protection Agency to enforce that act. The Clean Air Acts of 1967 and 1970, along with clean water legislation which will soon be passed, are forward-looking laws which rightly take into account the technology and availability of economic support—taxes and profits—to support an antipollution effort. The California Legislature has, following many hours of hearings and debate, passed numerous antipollution laws. These laws are very strict but also take into consideration what is possible.

The initiative was apparently drafted without the benefit of legal or scientific expertise. Its terms do not reflect the sober deliberation found in laws enacted under the legislative process.

If there, in fact, was deliberation it appears to be aimed solely at the destruction of the industrial and agricultural base upon which 8,721,000 workers must depend for a livelihood. In 1971, more than 600,000 people were unemployed in California. More than 100,000 other persons had given up, and dropped out of the labor force. The employment picture will not be much better in 1972.

The imposition of this ill-conceived law will, without doubt, drive most of California's business and industry out of the State or into bankruptcy. Already financially depressed county and city governments will also be bankrupted. No tax revenues would be available to retain the services of many of the 1,137,000 State and local government employees.

Stated simply, the imposition of this law would result in the greatest depression California has ever experienced.

Further, the initiative would not halt pollution. It is aimed at the source of only 15 percent of total air pollution, and ignores the cause of 85 percent—the automobile.

Little is known about the leadership or membership of the organization which originated the initiative. Whoever they are, it must be said that they are insensitive to the basic needs of those in our State who must live on fixed and low or moderate incomes.

Perhaps the members of that organization can afford the extremely high prices of food grown on organic farms. Perhaps their resources will allow them to move and seek employment in another State. And perhaps their standard of living needs no improvement. But this is not the happy lot of the many people who would bear the greatest burdens—the loss of jobs and higher prices.

No one will disagree that the problems of pollution abatement must be met head on and solved. However, we have a choice of methods. We can seek solutions within the realm of the "real world" where technology and the economy permit; or we can follow the approach of the so-called Clean Environment Act and strike out blindly.

Every thinking voter should reject the initiative and urge their elected and appointed officials to proceed with all possible speed on the course of reason.

I append to my remarks an excellent editorial printed in the Los Angeles Times on March 12, 1972, on this measure, proposition No. 9:

Wrong Way To Clean Up the Air

It's called the Clean Environment Act, a title of such respectability and promise that hundreds of thousands of Californians were glad to sign petitions to put it on the ballot. It will go to the voters next June 6, as Proposition 9.

It is being touted as a comprehensive assault on pollution. It is in fact a slapdash and deceptive measure which, if enacted, would probably increase air pollution, disrupt control procedures, and cost the people of California untold millions in unnecessary expenses and penalties.

Begin with air pollution. The thrust of Proposition 9 is to set highly technical and rigid standards for the sulfur content of diesel fuel and the lead content of gasoline. Now as it happens neither of these elements contributes in any significant way to photochemical smog, which is the main air pollution concern in Southern California. Both are pollutants, to be sure; what the proposed legislation disregards is the actual extent of pollution involved, the variations in the problem from area to area, and the costs to consumers of eliminating the contaminants.

Consider sulfur oxides, which definitely are not a good thing to have around. These come mainly from the burning of fossil fuels, like coal and oil, that contain sulfur. The primary sources are stationary sites—power plants and the like. Yet Proposition 9 would drastically reduce the sulfur content only of diesel fuel sold trucks, busses and cars.

The relevancy of the assault on sulfur in diesel fuel aside, there is the serious question of practicality. Refineries can be built to produce low-sulfur diesel fuel, but the oil industry says this would take at least two years and a huge capital investment. The oil industry, to be sure, is not the most objective source when it comes to questions of air pollution caused by fossil fuels. But the fact remains that enactment of this proposed law could threaten a major disruption of transportation in California and mean added costs for goods to all consumers. And for a purpose whose necessity is by no means evident.

Then there is leaded gasoline. Lead does have to be taken out of gasoline, chiefly so smog control devices can work properly. Proposition 9 says that after July 1, 1976 no more leaded gasoline could be sold in California. What it doesn't say is what will happen to the millions of pre-1971 cars that will still be on the road then which require leaded gasoline to run efficiently. It doesn't say what it would cost motorists to convert their older cars to run on lead-free gasoline, if converters were available. And it ignores the federal government's sensible timetable for phasing out leaded gasoline, an action that makes the proposed ban of doubtful legality.

Proposition 9 would make it unlawful to build nuclear power plants anywhere in the state for the next five years. Period. It takes no note of the state's constantly growing electricity energy needs, which include the need for power to help clean up the environment. What it does do is invite the further construction of fossil fuel power plants to help fill the energy gap that nuclear-generated power plants should be filling. That would mean putting into our air the contaminants that nuclear plants spare us, including those same sulfur oxides that the restriction on diesel fuel pretends to attack! It makes no sense at all.

The measure would also ban the letting of new leases or renewal of existing ones for oil or gas drilling along the coast, from three miles offshore to one mile inland. While we also oppose offshore oil exploration and drilling near the coastline, we can see no sound reason for extending the ban one mile inland.

The proposition provides for penalties for violations of any air pollution laws. The penalty is a fine of .4% of the gross income for the previous year for any person or company guilty of a violation. The penalty could be levied every day until the violation is corrected. As Norman Livermore, secretary of the State Resources Agency, has noted, this could apply even to a motorist "whose car smokes too much." We believe polluters should be penalized. But the sledgehammer, inflexible approach of Proposition 9 is not the way.

There is more in this initiative that is of doubtful utility, wisdom and legality. In the area of air pollution its provisions, if enacted, seriously threaten to add to our problems rather than to alleviate them. That one fact alone is sufficient to require the defeat of this proposal.

No doubt the motivation and chief appeal of this initiative has been frustration, the feeling that special interests have succeeded in inhibiting enactment or enforcement of necessary environmental protection laws, that local air pollution control boards have not been vigorous enough in cracking down on polluters, that there has not been a strong enough sense of urgency on the part of officials to environmental threats to public health. There is more than a little truth in this, as we have noted often before.

But bad law is not the solution, and that's what Proposition 9 would be. It would, if passed, trigger legal challenges and court fights that could go on for years, and worse, could lead in the meantime to a halt in further necessary steps to combat pollution. That wouldn't help the cause of environmental clean-up, and it wouldn't help the people of California. Proposition 9 should be defeated.

GOOD ADVICE FOR ALL AMERICANS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. WYMAN. Mr. Speaker, once again the Warner and Swazey Co. in an advertisement appearing in the current issue of the U.S. News & World Report offers sound advice to all Americans. Essentially, the message is to try a little harder.

This is so true. If each of us would only put a little more effort into making the daily lives of someone else a little better, there is no telling what could happen. It just might become that better America to which we all aspire. The ad follows:

Try Saying "Good Morning" as Though You Really Meant It

Then (tomorrow, say) try treating some teen-ager like an adult.

Find someone to praise for doing a good job—waitress, bus driver, newsboy, store clerk, anyone.

Show respect for an older person's experience (or fortitude).

Be patient with someone who doesn't understand as quickly as you do.

Write or phone someone having a difficult time. Say you know it's rough, but you have faith in him.

Look pleasant.

If you're white, go out of your way to be polite to a black man or woman; if you're black, to a white.

Do your job a little better. Maybe you'll get some praise, but certainly you'll get more satisfaction.

Help someone—a cripple across a street, a young man or woman looking for a job (whether you can give it or not, give him hope) or an older one, discouraged in his.

Contribute to some church or charity—money if you can, time if you can't.

It just could be that this sort of understanding is what this country needs right now. Try it tomorrow—all day tomorrow. You might be surprised!

PAUL C. ALLEN

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mrs. GRIFFITHS. Mr. Speaker, at this time, I would like to insert in the Record the story of one of Michigan's outstanding labor leaders, Paul C. Allen. His efforts in the early days of union growth and his long-time service with Riggers and Machinery Erectors Local 575 stand as tribute to the men and women of America's labor movement. The story, which was printed in the program of a testimonial dinner recently given in his honor, follows for everyone to read:

Paul C. Allen

Riggers and Machinery Erectors Local 575 is a small local union by most standards. It has less than 1,000 members and its jurisdiction covers only a very small part of the labor movement.

But, this local's members enjoy a high standard of living through the good wages and fringe benefits that have been negotiated for them by their union.

If you asked the members how this happens to be, you'd get the same answer from all of them. It's the same answer you'd get from the old-timer of the union scene, the so-called "pros" of the business of representing people. They all say:

"Paul C. Allen."

There is no doubt that Paul Allen has made all this possible.

Once a big burly man, rough and ready to fight for what he believed was right for the working man and coming up in an area when this was necessary, Paul was seen on many a picket line in the 30's when unions were making their greatest organizing efforts.

Born in Wabash, Ind., Oct. 8, 1915, the youngest of three children of Paul Allen and his wife Julie Bramble Allen, he watched his dad who was a railroad man and inherited his union-mindedness. Upon graduation from high school, he came to Michigan in 1927.

He joined and was initiated in Riggers Local 575 Nov. 1, 1937, which was then under the supervision of the International Union and in 1938 he was elected the first president of the union.

He negotiated the first collective bargaining agreement and has negotiated every contract since, having set a precedent for the Building and Construction Trades with the Riggers being the first union to include Health and Welfare benefits in their contracts.

In 1941 he was elected a Business Agent and for a time was General Organizer for the International Association of Bridge, Structural and Ornamental Iron Workers. He is now Business Manager of Local 575, having been re-elected to the post without opposition for 23 years. He has also served as President of the Iron Workers District Council of Michigan and Vicinity since 1960.

Local 575 is regarded as one of the most efficiently operated union organizations in America. The union has its own headquarters in Union Center, 14333 Livernois, modern complex which is a far cry from the one-room office on the third floor of a building on Erskine where the union started more than 35 years ago.

The building houses optical and dental care facilities, a doctor's office and a credit union—all provided without cost to the members. The union owns and makes beds available to members at the McNamara Hospital in Warren. It awards two scholarships annually. It has two recreation and retirement centers, a "Sunrise Village" at Marathon, Fla., and another at Leonard, Michigan and was even negotiating for a cemetery.

"We owe it to our members," said Paul, "to protect them on and off the job . . . from cradle to casket."

A supplemental pension plan, unequalled anywhere in the labor movement, has added a degree of financial security and dignity to the entire membership, young and old alike.

Those are the bare facts of the things that can be directly attributed to his leadership and foresight. Looking closer at Paul Allen, you see a very humane man who very rarely wears a tie and who more than likely will be puffing a cigar while he talks to you.

He is a dedicated family man with a wonderful wife, Ruth, and three sons and a daughter.

Believing strongly in the rights of the individual, Paul saw the grave injustice in the conviction of his friend, Jimmy Hoffa and he stood by, working diligently throughout the long fight for his release. And, Paul would do this for other friends.

He found out for himself that he had a multitude of friends when just a little over a year ago he lost his vision. When he regained his sight through what he termed "a miracle of God and medical science," he wrote in his column in HARD HAT, the local's widely-read newspaper, "I have learned a lot about my friends. I have discovered there are a lot of wonderful people. They probably have always been there, but I suppose I never really appreciated them. . . until now."

He paid particular tribute to his wife Ruth, who he married in 1952 and who he said, "above all others, was there at all times, reading to me the many, many pages of material that I have these many years as a union leader had to read and digest so that we could act in the best interests of the members."

And, much as he has done all along the way, he looked to the future, saying, "Now we can go on with our programs for the members. Believe me, the future looks brighter than ever . . . I can see it does!"

DRUG ABUSE: THE PEOPLE MUST ACT

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. PRICE of Texas. Mr. Speaker, America does not have a drug problem. What we have is a people problem. Drugs have been around for centuries and have essentially changed very little. But what has changed is the climate, acceptability and hunger within large segments of our society for these kinds of products. Turning on with drugs has in the past decade become fashionable, in some circles even respectable, and for many an acceptable way of thumbing their noses at the government and society. We are, in fact, in the midst of a drug culture that is threatening the very future of our society if we do not act swiftly and forcefully to bring it under control.

We are constantly being told by some experts that drug abuse is a symptom of a sick society and that it is hardly surprising that people are seeking to escape through drugs from a world full of so many complicated problems. When I hear this kind of talk, I wonder how many young people will be persuaded by these words that they are predestined to become junkies and speed freaks. What the experts ought to be telling us is that the drug abuser is an individual with a basic character weakness. He cannot face up to stress and expects ready, instant answers; when the easy answers are not available he has to escape through artificial means. Drug abuse must be separated from the other problems of our society, not viewed as a symptom of those other problems. In the end it is really not that complicated—either you use drugs or you do not. What we need is to spend more time teaching our children how to deal with problems, not how to avoid or escape them.

There are also some people who would argue that every individual has the right to use his body as he chooses and that the drug abuser is not hurting anyone but himself. Frankly, I find this unacceptable. Everyone whose life is touched by the addict—his family, his friends—suffers because of his habit. And, of course the ultimate victim is society as a whole, which must shoulder the expense of his treatment, his lack of productivity, and the crime to which he eventually must turn to support his habit. The addict also contributes to the ongoing activities of organized crime, for it is this group which reaps the profits of his expensive habit. Furthermore, drug abuse is infectious; friends and associates are often the means through which drugs are introduced to still more people. The truth is that the drug abuser does not exist in isolation, and his actions are exacting a terrible toll on society.

But despite all the harm that drug abusers themselves cause, none of their offenses are as great as those of the pusher—the individual who makes a profit by exploiting the weakness of others. These men are vultures in our society, feeding on the curse of drug abuse. All of our law enforcement agencies must be mobilized to bear down on them and their activities; they deserve no mercy. I can think of no penalty too severe for those who deal in the narcotics traffic, for they are killers on the installment plan. We must be relentless in our effort to halt the traffic in illicit drugs and to severely punish those who make their livelihood from it. And not only must we deal severely with individuals involved in this illegal traffic, but we also must deal strictly with any nation—be it France, Thailand, or any other—which does not cooperate with our effort to halt the production and traffic in illicit narcotics. Strict economic and diplomatic sanctions must be applied against such nations.

Still another group of people who are causing a great deal of uproar these days are those who call for the legalization of marihuana or for the lifting of penalties for its use. We have been subjected to endless arguments as to whether marihuana is harmful and whether it is better or worse than alcohol, but no one has come up with any certain answers. The Commission on Marihuana will be reporting imminently, and I can only hope that we will not be hearing more unsubstantiated claims that marihuana is really not very harmful and therefore we ought to be more lenient regarding its use. The plain truth is that marihuana is a drug, and the warning signals that it may be harmful are numerous. The recent "Marihuana and Health" report issued by the National Institute of Mental Health pointed out that marihuana can provoke psychotic episodes in unstable individuals, impair driving ability, and may cause other serious effects about which little is known. Dr. William E. Bunney, Director of NIMH's Division of Narcotic Addiction and Drug Abuse, stated that the effect of heavy use of marihuana over long periods of time is "one of the biggest question marks." And Dr. Bertram S. Brown, Director of NIMH, commented that "the current state of scientific and medical evidence" does not justify making the use of marihuana legal. We certainly do not need another socially approved intoxicant, and the use of marihuana ought to be vigorously discouraged, at least until we have more knowledge concerning its effects.

One of the most important things I have learned from my vantage point as a Representative is that people spend for too much time talking about drug abuse instead of taking action to eradicate it. They talk about the drugs that are being abused, the bizarre effects that they have, and why people take them. Everyone is alarmed and shocked, but they just shake their heads, substitute talk for action, and sit back and depend on Congress to enact legislation. This is ridiculous. With drugs as with so many of the other problems which face us, we must have more than concern, more than rhetoric, and more than legislation; if we are to survive we must have action, and that action must come from an alert and concerned American public which is determined to eradicate this curse from our land.

ST. PATRICK'S DAY PROGRAM

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. BIAGGI. Mr. Speaker, when St. Patrick's Day comes around each year, every American becomes a "Friendly Son of Erin." We are all aware of the torments taking place today in northern Ireland. But beyond these troubles we should also take note of the genius of Irish culture and civilization to which America owes so much.

I feel especially privileged to bring to the attention of my colleagues the work of the Irish-American Cultural Institute, the premier international Irish organization and publishers of Eire-Ireland, the quarterly journal of Irish studies. The IACI is the first and only national and international organization in the United States devoted exclusively to promoting the culture of Ireland, past and present. It is not a social, fraternal, or a religious organization. It promotes no causes but the cause of Irish culture: the whole of national intellectual and cultural life. The IACI's board of directors and national council include members from across the United States and from Ireland. Honorary cochairmen of the institute are HSH Princess Grace of Monaco and Mr. I. A. O'Shaughnessy, St. Paul, Minn.

This week, Mr. Speaker, the IACI is presenting the Catholic University of America the Washington Irish Fortnight, a unique concentration in Irish culture. The program will run through March 27. Distinguished cultural leaders, scholars, musicians, and authors have been brought from Ireland for this cooperative international venture with prominent Americans.

The program consists of illustrated and regular lectures, performances, and demonstrations. An array of scholarly and creative talent focuses on various facets of Irish culture and civilization—art, music, archeology, literature, and history.

I would like to add that the undergraduate student government and the graduate student association of the Catholic University of America are cosponsoring the Washington area Irish Fortnight on behalf of Catholic University, in recognition of the university's long association with the promotion of Irish culture.

In 1896, a few years after the university's founding, an endowed Chair of Celtic was established. This has provided for perpetual research and teaching in Celtic at the Catholic University. For the more than 70 years since the Ancient Order of Hibernians endowed the Celtic Chair, many of America's foremost Irish scholars have worked in the university's division of Celtic studies. They have provided leadership for research in the intellectual and cultural world, and have brought home to the academic community and to the public the value and meaning of Irish civilization.

It should also be noted, Mr. Speaker, that the IACI is presenting the Irish Fortnight in St. Paul, Minn., and in Seton Hall University, Newark. In recognition of the extraordinary contributions which the institute is making to our culture the Senate of the State of New Jersey recently adopted a resolution commending its president, Dr. Eoin McKiernan.

Mr. Speaker, because I am so deeply appreciative of the institute's work and because I know that our colleagues will want to hear about the Irish Fortnight I include in my remarks the program of the Washington Irish Fortnight:

FRIDAY, MARCH 17

Maloney Hall—8:00 p.m.

Film Short: The Art of the Celtic High Cross.

Lecture: "Gods of the Gaels"; *Liam Gogan*, Formerly Deputy-Keeper of Irish Antiquities in the National Museum of Ireland (Dublin).

Chairman and Commentator: Louis J. Luzbetak, SVD, Ph.D., Executive Director of CARA

SATURDAY, MARCH 18

Maloney Hall—8:00 p.m.

Lecture: "What Makes An Irishman Laugh?"; *Tony Butler*, Critic for the Evening Press (Dublin).

Chairman and Commentator: Art Buchwald, Syndicated Columnist (The Washington Post).

SUNDAY, MARCH 19

Caldwell Hall—2:30 p.m.

Lecture: "The First Irish in Eighteenth Century America"; *Thomas Hanley, S.J., Ph.D.*, Editor of the Carroll papers for the Maryland Historical Society and the American Catholic Historical Association.

Chairman: Al. Philip Kane, Esq., Washington, D.C.

Caldwell Hall—4:00 p.m.

Lecture: "Feeling In Irish Poetry"; *Eoin McKiernan*, PhD., Litt.D., President, Irish American Cultural Institute.

Chairman: Rev. Gilbert Hartke, OP, Head, Department of Speech and Drama, Catholic University.

SUNDAY, MARCH 26

Caldwell Hall—2:30 p.m.

Lecture: "Anglo-Irish Sensibility—From the Eighteenth Century to Today"; *Alec Reid*, Irish author and interpreter of Beckett.

Chairwoman: Sr. Anne Francis Cavanaugh, RSM, Ph.D. Superior General, Sisters of Mercy of Eire.

Caldwell Hall—4:00 p.m.

Lecture: "An American-Irish Sensibility—The Art of Flannery O'Connor"; *Riley Hughes*, Founder and Director, Georgetown University Writers Conference.

Chairwoman and Commentator: Mrs. Eugene J. McCarthy, author; Vice-President, Church Women United.

MONDAY, MARCH 27

Caldwell Hall—8:00 p.m.

Film Short: Megalithic Monuments of Ireland.

Lecture: "Revelations from Irish Archaeology"; *M. J. O'Kelly*, Archaeologist, U. C. Cork.

Chairman: Courts Oulahan, Secretary-Treasurer, Society for the Preservation of Historic Ireland.

McMahon Hall—9:30 p.m.

Lecture and Demonstration: "Traditional Irish Pipe Tunes"; *Paddy Maloney*, Managing Director of Claddagh Records.

Chairwoman: Barbara Murphy, Coordinator Fortnight Music Committee.

FRIDAY, MARCH 24

Maloney Hall—8:00 p.m.

Lecture: "Irish Nationalism: The Impress of History"; *Donal Macartney*, Lecturer in Modern Irish History, University College, Dublin.

Chairman and Commentator: Carroll Quigley, Ph. D., Historian; author of Tragedy and Hope, A History of the World in Our Times.

Maloney Hall—9:30 p.m.

Lecture: "III. The Irish Character: The Welding of Cultures"; *Sean O Tuama*.

Chairman and Commentator: Riley Hughes, Ph.D., Founder and Director, Georgetown University Writers Conference.

SATURDAY, MARCH 25

Caldwell Hall—8:00 p.m.

Lecture: "Irish Nationalism: The Amalgam of Forces"; *Donal Macartney*.

Chairman and Commentator: James Kirwan (Counsellor), Press and Information, Embassy of Ireland.

MONDAY, MARCH 20

Caldwell Hall—8:00 p.m.

Performance: Irish Folk Music; Sung and played by Tomas O. Canainn Trio; (Matt Cranitch, Tom Barry), award-winning group in all-Ireland music festivals.

TUESDAY, MARCH 21

McMahon Hall—8:00 p.m.

Lecture: "Jack B. Yeats: Ireland's Foremost Emerging Painter?"; *James White*, Director, National Gallery of Art, Dublin.

Chairman: H. E. William Warnock, Ambassador of Ireland.

WEDNESDAY, MARCH 22

Caldwell Hall—8:00 p.m.

Lecture: "I. The Irish Character: The Historical Revelation"; *Sean O Tuama, Ph.D.*, Premier author and poet in Gaelic and in English.

Chairman: The Honorable, Mario Biaggi, M.C.

Caldwell Hall—9:30 p.m.

Lecture: "The State of Celtic Studies in America"; *Robert Meyer, Ph.D.*, Chairman, Celtic Department, Catholic University.

Chairman: Robert Lado, Ph.D., Director, Department of Languages and Linguistics, Georgetown University.

THURSDAY, MARCH 23

McMahon Hall—8:00 p.m.

Lecture: "II. The Irish Character: The Internal Contradictions"; *Sean O Tuama*.

Chairman: The Honorable, William Taft, former Ambassador to Ireland.

SPACE IS OUR NEW FRONTIER

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. FUQUA. Mr. Speaker, the outstanding gentleman from Texas, the Honorable OLIN E. TEAQUE, was recently quoted in the Wednesday, March 1, 1972, edition of the Eagle of Bryan-College

Station, Tex. This editorial discussing the 10 years since the epical flight of John Glenn, the first American to orbit the earth, quotes "TIGER" TEAGUE on our national space effort. I could say little to improve upon either the editorial or my friend's and colleague's words. The editorial follows:

SPACE IS OUR NEW FRONTIER

Ten years ago, John Glenn stirred the hearts of Americans as he made this nation's first orbits of the earth. For almost five hours, Glenn held much of the world's attention as he overcame problems to complete his mission.

Now, an incredibly swift decade later, the Moon Era is drawing to a close. The ultimate goal of Glenn's flight was to put a man on the moon. Next December Apollo 17 will make America's last scheduled manned landing. Apollo 16 will touch down this spring.

Public attention remained riveted on successive space spectaculars which developed the men and hardware for the moon. When Neil Armstrong and Buzz Aldrin landed the Eagle of Apollo 11 on the moon in 1969, the world watched. Since then, interest and funding have fallen drastically.

In 1971, $3 billion was spent on space research and development. This represented a small fraction of our total federal expenditure. In the ten years since the space program was initiated, the program has contributed to opening new frontiers in technology and science.

But the broad questions that have been raised focus on the issue as to why we should be in space at all. With our massive domestic problems would we not have been better off waiting, until these problems had at least been gotten in hand.

In a recent interview, U.S. Rep. Olin Teague stated "... there was plenty to be done in Europe when Columbus first sailed. If Columbus had waited until Europe had no more internal problems, he would still be waiting."

And Teague could just as easily have added other names to the list—names which stand out in history as representing the finest efforts of man to open new frontiers. Those names would include Darwin, Marco Polo, Eric the Red, Dewey, Livingston, Rogers, Magellan, and ad infinitum. These names were grabbed at random. Some went in peace, some to conquer, some for trade, some with scientific problems to research.

These men in their time moved forward into new worlds—and those new worlds today are part of our everyday life.

It is fact that the only new worlds left today are out in space. And because man is both inquisitive and acquisitive, the urge to explore must be tempered by the need to maintain global balances. We can not forget that Russia is very much in space.

As Teague said ..."only so long as the United States is a major space power will the FREE use of space be available to mankind. Space today is the high ground militarily. To abrogate the field to a potential enemy is to court disaster."

History teaches us that point very well.

UNEMPLOYMENT: THE TRUTH OF THE MATTER

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mrs. ABZUG. Mr. Speaker, a recent article on the editorial page of the Washington Post is an extremely cogent articulation of the problem of unemployment among various groups in our economy—especially women. I am including the article in the RECORD for the edification of my colleagues:

UNEMPLOYMENT AS AN ISSUE IN THE ELECTION

(By Alice M. Rivlin)

One might have expected unemployment to be among the simplest and most comprehensible issues of the election campaign. A high unemployment rate means that the economic machinery is not functioning properly, right? That's bad for the incumbents, because they are in charge of keeping the machine running. What could be simpler than that?

But to no one's surprise the administration does not see it this way and has launched a multi-pronged verbal onslaught designed to diffuse the unemployment issue and make it a lot more complicated. The administration's argument reminds one of the old story about the man who returns a borrowed pot to the owner with the statement: I deny that it is broken; anyway, it is not my fault, because it was already broken when you gave it to me; and furthermore I've done everything I could to fix it. The administration's line on unemployment goes something like this: (1) unemployment is not as serious a problem as it might seem because many of the unemployed are women and young people; (2) anyway, unemployment is not our fault, because it was a necessary consequence of winding down the war; and (3) we are doing everything either we or the Democrats can think of to fix it up.

Administration spokesmen, of course, do not actually say that unemployment is not serious—on the contrary. "We recognize that unemployment is a serious problem," Council of Economic Advisers Chairman Herbert Stein told the Press Club last month. "At the same time," he continued, "it would be a travesty to call it a disaster or to compare the situation with the Great Depression. This is especially true when it is recognized that in 1971, 48 per cent of all unemployment was accounted for by people aged 16 to 24 and another 23 per cent by females 25 years of age and older." Without saying why, Dr. Stein left the clear implication that unemployment of women and young people is less serious than the unemployment of mature men. He also pointed out that a lot of young people are not in the labor force—as though that eased the plight of those that were—and that some of those counted as looking for work were also in school.

Dr. Stein is right, of course, that a higher proportion of the unemployed are women and young people than, say, a decade or two ago. This is partly because there are proportionately more women and young people in the labor force than there used to be, but it is mostly because unemployment rates for these groups have gone up relative to those of experienced men. Both phenomena—the increase in women and young people in the labor force and the relative rise in their unemployment rates—have been taking place gradually over the years. They are not features of the current recession.

The administration's apparent contention is that unemployment of women and young people does not cause as much pain and suffering as unemployment of mature males because other people do not depend on their incomes. But this is only partly true. Many women, especially black women, head families, and so do many men under 25. The 23-year-old married man with a new baby and no assets to fall back on may feel his unemployment more keenly than his father. There is also psychological damage. The young person who can't find work may end up pretty discouraged with himself and society. Even loss of a part-time job may be serious, if it means dropping out of school.

Wives tend to earn less than their husbands, but that does not mean that no one depends on their incomes. The black family which is finally making it because both husband and wife work may feel just as desperate about the payments on the house or the car when the wife is out of work as when the husband is.

In any case, the unemployment rate is not so much a measure of economic pain and suffering—the poverty rate is a more sensitive indicator of that—as a measure of the health of the economy. It is also probably a pretty accurate proxy for the way people *feel* about the economy, which is why it matters in elections. If jobs are hard to get, people know about it. They worry about their own jobs; they postpone the vacation or the addition on the house or the store. It may not matter much to their state of mind whether the particular person they heard was out of work was Sam's father, or Harry's wife or Aunt Sue's oldest boy.

The second argument—that unemployment is attributable to de-escalation of the war—is a recurrent theme in the President's speeches. "We all know why we have an unemployment problem," he told the Nation on August 15. "Two million workers have been released from the armed forces and defense plants because of our success in winding down the war in Vietnam. Putting those people back to work is one of the challenges of peace . . ." "It is obvious," he repeated in his last economic message, "that the unemployment problem has been intensified by the reduction of over two million defense-related jobs . . ." And in the State of the Union address, he pointed out again "that if the more than two million men released from the armed forces and defense-related industries were still in their wartime jobs then unemployment would be far lower."

These presidential assertions that peace causes unemployment—vaguely reminiscent of Marxist theories that a capitalist system needs imperialism to maintain prosperity—are not stressed in the Report of the President's Council of Economic Advisers for the simple reason that they are not very accurate economics.

The attribution of the unemployment to military cutbacks implies that defense expenditures create employment and that other government expenditures do not. But there is no basis for this. If the administration had fully offset drops in military spending with increases in civilian programs, the de-escalation need not have created any aggregate unemployment at all, although there would have been local difficulties arising from the fact that the defense and civilian employment might have been concentrated in different places.

In fact, however, prior to August 1971, the administration deliberately pursued a policy of *not* offsetting the military cutbacks fully with increases in civilian spending. They were consciously holding down total government spending in order to create slack in the economy and reduce the inflation. It was not an implausible policy, although the human costs were bound to be high. Many economists thought at the time that it would be worth creating some unemployment in order to lower the rate at which prices were rising.

However, the policy did not work. Unemployment rose all right, but the inflation stubbornly refused to subside. Finally, in August 1971, the administration abruptly changed its strategy, began fighting inflation directly with wage and price controls, and started to use the budget to stimulate rather than cool off the economy. In view of this history it would be far more accurate to attribute current unemployment to a well-intentioned but unsuccessful attempt to fight inflation without price controls, than to attribute it to de-escalation of the war.

The third argument—we are doing everything anyone could do about unemployment—was strongly stated by Dr. Stein in his remarkable speech to the Press Club, "This administration has, I believe, the most powerful, comprehensive, coherent program for dealing with unemployment that any administration ever had . . . We are running the biggest budget deficit ever, except for World War II . . . We have the most comprehensive price-wage control system ever except during the Korean War and World War II . . . We have suspended the convertibility of the dollar . . . We are spending this year about $10 billion for manpower programs and unemployment compensation . . ." The message is: you Democrats have a lot of gall criticizing us; after all, we're playing your song and playing it louder than you ever played it yourselves.

This recital of Republican accomplishments boggles the mind—at least for a moment. If you had offered 100 to 1 odds a year ago that Stein would be standing before the Press Club crowing about deficit spending, devaluation, and comprehensive price controls you would have had no takers. If you had predicted that the Republicans would actually be exaggerating the size of their deficit you would have evoked the sympathetic half-smile that people reserve for harmless nuts.

But look carefully at that whopping $39 billion deficit now predicted for the fiscal year ending June 30, 1972. In the first place, most of that deficit is a result of the sluggish economy, not a response to it. Tax collections are below what they would have been at full employment and some kinds of expenditures (such as unemployment compensation) are higher. The full employment deficit, a much better measure of the stimulative effect of the federal budget on the economy, is much smaller ($8 billion, not $39 billion) and very recent. In the first half of this fiscal year the government actually ran a small full employment surplus.

Moreover, the full employment deficit in the second half of the fiscal year (January-June 1972) is at least partly accomplished by pushing expenditures that would normally have occurred later into the current six month period. For example, the administration has indulged in a bit of calendar reform—the most original budget idea since Julius Caesar?—and has at least temporarily abandoned the twelve month year. Thirteen months worth of public assistance payments will be made to the states in the current fiscal year, leaving only eleven payments for next year. This maneuver has the effect of making this year's deficit look bigger (and next year's look smaller), but it has no real economic effect. States are not going to get their money out to poor people any faster than they would have anyway. Some of the other devices used to enlarge the current deficit seem equally unlikely to have any real economic effect. As George Perry put it in testimony before the Joint Economic Committee recently, the current "deficit looks to be about 10 parts slack-induced . . . 1 part full-employment deficit, representing a noticeable but not excessive fiscal push on the economy; and 1 part hope, representing estimates of expenditures that may never materialize."

That the administration is finally using the budget to stimulate the economy is good news; whether they are pushing hard enough remains to be seen. One could certainly make a case for creating deficits in a more stimulating way—giving consumers a tax break rather than investors and spending more on programs that create jobs directly, such as public service employment.

In the end, of course, it may turn out that the unemployment issue is really very simple after all. The average voter is probably neither interested in nor influenced by the who-struck-John arguments of the economists. If he has the gut feeling—based on personal observation, unemployment rates, or whatever evidence comes to his notice—that the economy is moving forward he will vote for Mr. Nixon; and if he doesn't, he won't.

EDITORIAL DRIVEL ON CAPITAL PUNISHMENT

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. WYMAN. Mr. Speaker, today's Washington Post editorializing that somehow capital punishment is outmoded cruelty unbecoming a free state is more editorial drivel. Justifiable homicide has always included capital punishment, derived in part from the ancient "lex talionis"—an eye for an eye and a tooth for a tooth.

Every person subject to the jurisdiction of American jurisprudence should know that if he or she willfully and deliberately with premeditated design, kills another human being, that they will forfeit their own life.

The sanctity of the lives of law-abiding citizens must be protected by the assurance of capital punishment in those relatively narrow range of situations in which innocent citizens are deliberately slain by willful criminals.

There can be no question but that the prospect of capital punishment is a deterrent to some people. How many murders it actually deters is impossible to determine—just as it is equally impossible to assert that the absence of the penalty of capital punishment results in a higher rate of first degree murder. In this era of rising crime, including such truly horrible, deliberate murder, as the Manson garroting of Sharon Tate, a helpless 8-months pregnant girl, or the methodical slaying of a dozen migrant farmworkers or the hiring of an assassin to slay for financial gain, society deserves and is entitled to the protection of the prospect of capital punishment. It also is entitled to firm, swift justice, not only in trial but in appellate review and in execution of sentence.

As for calling capital punishment cruelty—this is more editorial drivel. It is no more cruel than imprisonment for life plus 99 years—and a heck of a lot less expensive to boot.

An editorial follows:

KILLING IN MARYLAND

Del. Devin Doolan has introduced in the Maryland House of Representatives a modest, sensible and humane proposal for the substantial limitation of capital punishment as a factor in the state's criminal justice system. His bill would not totally abandon the death penalty as a punishment—a position dictated in our judgment by respect for the sanctity of human life and by a recognition that the state can best foster such respect by its own observance of it. Nevertheless, it would take a significant stride forward. It would do away with execution except for persons found guilty of the killing of a law-enforcement officer during the commission of another felony, murder committed by someone inside a penal institution or premeditated killing by someone previously twice convicted of that crime.

The adoption of this measure would put Maryland among those states and territories which have recognized that the death penalty is inconsonant with contemporary standards of civilization. Eleven have abolished it outright; five more have narrowly limited its application, as in Mr. Doolan's proposal, to a few extremely serious crimes. The country as a whole has manifested its repugnance for killing its convicts by almost completely avoiding that gruesome punishment in recent years. In 1935, capital punishment was a commonplace in the United States; 199 human beings were put to death officially in that year. In 1967, there were just two executions; and there have been none at all since then. Leadership in the deliberate abandonment of this outmoded cruelty would be becoming to the Free State.

COMPRENSIVE TAX REFORM

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. ASHLEY. Mr. Speaker, today I am joining Senator GAYLORD NELSON in sponsoring a comprehensive tax reform bill designed to make the Federal tax system more equitable and to generate more revenue.

Sometimes is very wrong with a system in which people earning $50,000 a year pay no more in taxes than persons earning $5,000. We must restore the integrity of our most progressive tax—the Federal income tax—by closing the loopholes which permit the rich to frequently pay less than the poor and some of the very rich to pay nothing at all.

The measure I am introducing today would not only make our tax system fairer, it would provide some of the revenue necessary to enable the Federal Government to develop a national health care system, reduce the burden on property taxes as a basis of educational funds, rebuild our cities, provide increased employment opportunities, and clean up our environment.

Some of the major provisions of the bill, which would produce $15 billion or revenue in 1973, are as follows:

First, substitute a $150 tax credit for the $750 personal exemption. At present a personal exemption is worth $525 to the top bracket taxpayer and only $107 to the taxpayer in the lowest bracket. This change would reduce taxes for approximately 30 million taxpayers with income below $10,000, while still returning an additional $1.9 billion a year to the Federal Treasury.

Second, tax capital gains at death. Under our present system, if a taxpayer bought $3 million worth of stock in 1958 and sold it today for $10 million, he would have to pay a capital gains tax on the $7 million increase in value. But if he holds the stock and passes it on to his heirs through his will, neither he nor his heirs will ever have to pay tax on the amount of the increased value of the stock while he held it. By taxing the $7 million as a capital gain at death, the bill would eliminate an unjustifiable loophole and raise $3 billion a year.

Third, place a 15 percent ceiling on all mineral depletion allowances. In 1966, the top 20 American oil companies made $4¾ billion in profits, yet they paid Federal income taxes at the rate of only 8½ percent. At the same time, the Treasury estimates that the cost of the average well was recovered 19 times. While the oil depletion allowance was reduced from 27½ percent to 22 percent by the Tax Reform Act of 1969, there is still no valid reason for not reducing it further. A reduction to 15 percent would save $400 million a year.

Fourth, repeal the asset depreciation range (ADR) system of accelerated depreciation for business property. This scheme to allow rapid writeoffs was written into the Revenue Act of 1971 to encourage businesses to invest in new plant and equipment. But with business currently using only 74 percent of the plant and equipment it already has—and the 7 percent investment tax credit of the 1971 act also designed to encourage such investment—the ADR provision is likely to have little impact on investment. On the other hand, its repeal would bring in $2.4 billion in 1972 and $3 billion annually thereafter.

Fifth, broaden the application of the minimum tax. The minimum tax provision which was included in the 1969 Tax Reform Act has reduced the number of persons with reported incomes in excess of $200,000 who pay no Federal income tax from over 300 to 112. By making more items subject to the minimum tax and by increasing the tax rates from a flat 10 percent to 50 percent of the regular income tax rates, we could eliminate the gross inequity of the very rich paying little or no taxes and at the same time raise an additional $3 billion.

Overall, a comprehensive tax reform bill such as I have proposed would make our tax system far more progressive and equitable and would also yield the revenue necessary to provide the social services we want, without diminishing job creation or exploration for important minerals, the major ostensible justifications for these tax breaks.

LABOR MOVES AGAINST TAX LOOPHOLES

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. WALDIE. Mr. Speaker, the efforts by the American labor movement to bring about a dramatic closing of present tax loopholes should be commended by every taxpaying American.

Legislation being considered by the Congress to achieve such tax reform should have highest priority during this session.

Clearly, Mr. Speaker, the will of the people is for enactment of these reforms and I would like to state at this time my unequivocable support for these efforts.

Mr. Speaker, the County Employee, official publication of the Los Angeles County Employees Association, recently published an excellent report on this matter entitled "Labor Moves Against Tax Loopholes."

I would urge all my colleagues to read this informative article.

The article follows:

LABOR MOVES AGAINST TAX LOOPHOLES

Demanding drastic and immediate tax reform, AFL–CIO leaders have blamed the Democratic-controlled Congress, as well as President Nixon, for shifting billions of dollars in taxes from big business to the working man and plunging the U.S. into its worst debt deficit in history.

Wealthy corporations and their stockholders have been relieved of their fair share of the Federal tax burden, according to the AFL–CIO Executive Council, and "the great majority of Americans whose living standards depend on a job and a paycheck will be called upon to make up the balance."

AFL–CIO Chief Economist Nathaniel Goldfinger said the national debt under Mr. Nixon has risen to historic heights, and the AFL–CIO is supporting Chairman Wilbur D. Mills of the House Ways & Means Committee in his efforts to force the Nixon Administration into tax reforms.

Mills, the powerful Democratic Congressman from Arkansas, called on President Nixon to submit proposals by March 15 for closing the glaring loopholes in the Federal income tax structure. However, Budget Director George Shultz said he was not optimistic, when asked to evaluate chances for plugging tax loopholes.

HUMPHREY BLASTS $18 BILLION TAX GAP

On another front, Sen. Hubert H. Humphrey called for comprehensive changes in the Federal tax structure to close gaping loopholes that result in an annual tax loss of $18 billion.

Humphrey called the Federal tax structure "rigged in favor of the wealthy few at the expense of the many—rigged in favor of unearned income, rigged against you—the working man." He said America has become "a nation that is privately rich, but publicly poor.

"The top two percent in income earn 22 percent of all income, but pay less than 10 percent of the total tax bill," the 1968 Presidential nominee said, adding that the Treasury Dept. admits more than 100 Americans making over $200,000 a year paid no income tax at all.

Pointing out that one-fourth of the population earning $8,000 to $14,000 must shoulder 36 percent of the total tax bill, Humphrey declared:

"The time has come for tax justice for the American working family. The time has come for a tax system that says to the super rich, to the banker growing wealthy on sky-high interest rates, that you must carry your fair share of the load," Humphrey said, adding:

TAX BREAK OF $9 BILLION FOR BIG BUSINESS

"Our tax system is full of inequities—breaks for the wealthy and special interests, and loopholes. The reason your tax bill is too high is that the bill for the favored few is too low. One large oil company earns more than $2.8 billion a year but pays less than 11 percent of its income in taxes, while a worker with a wife and two children earning $8,000 a year pays about the same rate.

"Is it fair that big business got a $9 billion tax break in the Revenue Act of 1971? I say no—no more fast write-offs and no more phony loopholes.

"Is it fair that 10 percent of our people can take advantage of all kinds of tax dodges and tax shelters to avoid paying taxes? I say no. The American public is through subsidizing generations of wealth.

"The Treasury Department has become the blocking back for big business, and the little man has no one running interference for him in Washington."

INSURANCE FIRMS PAY ZERO TAXES

Meanwhile back in Sacramento, spokesmen for "Project Loophole" charged that legislation aimed at reducing insurance company tax breaks has turned into a "quarter-million dollar investment bonanza."

"Voters were hoodwinded" said a spokesman for the group formed by State Sen. Mervyn M. Dymally (D-Los Angeles) to probe State tax inequities.

As a result, according to "Project Loophole," twelve insurance firms based in California paid No State taxes at all in 1970.

The Project Loophole figures have been confirmed by the State Board of Equalization.

In a related development, State Sen. David A. Roberti (D-Los Angeles) reintroduced legislation to eliminate the insurance company tax loophole. But similar efforts have failed—most recently during the 1971 legislative session—due allegedly to the influence of the powerful insurance lobby in Sacramento.

QUIET TRAGEDY OF RURAL AMERICA

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. DENT. Mr. Speaker, in a recent issue of New Priorities, I read an article which underscores the growing concern many of us have about the decline of family farms and resultant migration of rural Americans to our already overcrowded, blighted urban areas. Mr. Samuel Bougher, the author of this compelling study, accurately identifies the culprits of this unfortunate trend. I think my colleagues will find this article not only enlightening, but worthy of a reconsideration of our national priorities. Also, I think it relates directly to a provision in H.R. 7130—the minimum wage bill reported by the Committee on Education and Labor—with respect to the coverage of conglomerate enterprises.

I insert the following article in the RECORD at this point.

THE QUIET TRAGEDY OF RURAL AMERICA

(By Samuel Bougher)

THE PROBLEM

While the nation's attention was focused on the plight of its cities, and metropolitan Americans rested comfortably with their Jeffersonian notions of the family farmer satisfying his physical and spiritual needs from the soil, major forces have been at work transforming rural America into a network of corporate fiefdoms. We are now on the verge of closing American farming—and with it large parts of rural America—to all except the giant conglomerate.

America's number one industry is food—not defense hardware, not transportation, not electronics. In 1970, the American grocery bill came to $91 *billion*. Add in the restaurant tab, and the total food bill for that year was $114 billion. The federal government spends more than $5 billion a year in direct agricultural outlays and loses millions more because of agricultural tax loopholes.

Yet little public attention has been directed to the drastic change in character of landholding patterns in America, or to the government policies—a patchwork of contradiction, counterproductivity and confusion—that have encouraged that change.

What has been happening to American agriculture since World War II? The total number of farms has been declining rapidly, while the average size of farms has been increasing. In 1945, there were about six million farms averaging 167 acres each. In 1971, there are less than three million farms, averaging 389 acres. Half as many farms, averaging twice as large in 25 years. In short, farmland has not been retired, it simply has been concentrated in fewer hands. USDA officials estimate that within the next two decades, 500,000 large-scale corporate farms will do the work of today's three million enterprises.

The truest picture of what has been happening in rural America can be seen by examining who is selling how much. In March of 1970, 56.5 percent of America's farmers accounted for less than eight percent of all farm sales. while 13 percent, the largest of all farms, wound up with two-thirds of all U.S. farm sales.

Meanwhile, 70,000 family farmers each year have been forced to give up farming—as a profession and a way of life—and leave rural America, eventually taking with them the non-farming rural service people who have lost their markets. While the American city has become almost unbearably overcrowded, large areas of America have become rural ghosttowns, snapshot negatives of the urban ghetto. Eighty percent of the people in the United States now live on ten percent of its land.

Who are the farmers left behind, the operations that buy out their departing brethren and grow larger and larger? What are the names on the mailboxes in rural America today? The American family farmer is being replaced by the vertically integrated "total food system." Today's American family is named H. J. Heinz Company, Coca Cola Corporation, Stokely Van Camp, Campbell Soup, Ocean Spray Cranberries, Prudential Insurance Company, Ralston-Purina, General Foods, Green Giant, Dow Chemical, Penn Central, Union Carbide, Goodyear Tire, Tenneco, etc. Those who originally sold to the farmer, or purchased from the farmer, have become the farmer.

The family farmer has not been the only victim of the new corporate land grab. Agribusiness has consistently exploited farm workers. To the industry, these field laborers are a necessary evil, wanted when it is time to hoe a field or harvest a crop, but definitely not wanted once the task is done. Farm workers are perceived as just another cost of production, not human beings. More attention is devoted to the tomatoes than to the people who pick them.

Farm workers are almost exclusively an agri-business problem. Small farmers—those grossing less than $5,000—paid only 5.2 percent of the farm wage bill in 1964. Eighty-eight percent of all farm wages were paid by the largest 13 percent of all farms. But the wages they paid are among the lowest in the country. Even farm workers who are able to obtain year-round employment—less than 12 percent of the total—earn less than $3,500 a year.

The condition of America's farm workers and their families is no secret. Farm worker families today still live in stifling shelters without heat, plumbing, privacy or hope for human happiness.

It is not the inevitable workings of history that made agri-business dominant and farm workers subservient in rural America; rather it has been the carefully managed impact of government policies. Farm workers are not the ones that have shaped these policies, nor have the great mass of small and medium size farmers been the ones to make the choices; the policies are the product of agribusiness and their powerful spokesmen in Washington. Just as farming has become concentrated in fewer and more powerful hands, so has the rural political power.

THE CONFERENCE

There are a number of important issues that could be discussed at a conference on the plight of rural America, including:

1. The relationship between the urban problem and the rural problem. A million people have been leaving rural America each year. Attempting to solve the urban problem without a recognition that the disease of the city was contracted in rural America is like trying to bail out a boat with a hole in the bottom.

2. Are we in danger of forever losing the rural alternative as a way of life? Are we destined to become a thoroughly urban nation, with rural America simply a factory for our food and fiber? Is the process reversible? How?

3. What has been the role of government in promoting this transformation in rural America? Who runs the Department of Agriculture for whom? How do our tax laws encourage corporate farming to the detriment of the family farmer? Are government farm subsidies responsible for creating the agriculture of bigness?

4. Why have we made no progress in eliminating rural poverty since the President's Commission on Rural Poverty poignantly documented the extent of the problem in 1967? Why aren't farm workers thoroughly covered by social security unemployment insurance, workmen's compensation, minimum wage laws, child labor standards, and legislation permitting collective bargaining?

5. Where do we want to go in rural America? Who decides? Should the powerful control? Are the present directions our manifest destiny?

6. *Solutions.* Should the federal government initiate a policy of *land reform in America,* buying land back from the largest farms and selling it to farm workers and other low income families at liberal credit terms? Should the federal government use its procurement power to help reverse the flow from rural America? Should agricultural subsidies be pegged to income rather than production? Should farm workers come fully within the social legislation of the past three decades?

CLEAN WATER PACKAGE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. DINGELL. Mr. Speaker, under date of March 17, 1972, a group of 36 Members of the House sent their colleagues a letter urging support of the clean water package of amendments to the pending water pollution control legislation—H.R. 11896. I include the text of the letter and the names of the cosigners at this point in the Congressional Record:

Congress of the United States,
House of Representatives,
Washington, D.C., March 17, 1972.

Dear Colleague: In a few days the House will take up the bill (H.R. 11896) called the Federal Water Pollution Control Act Amendments of 1972. The Clean Water Package of Amendments will be offered to strengthen the bill in line with the stronger Senate-passed bill (S. 2770).

The Clean Water Package of Amendments will:

Establish that, by 1981, without further action by Congress, polluters must use the best available technology, taking into account the costs, to clean up the wastes they pour into our waterways;

Provide more national control over State programs of discharge permits, in order to prevent economic hardship and interstate competition for industries, communities, and workers and to insure that the water quality objectives of the bill are achieved;

Strike from the bill provisions that give polluters who violate this bill or the Refuse Act a total immunity until 1976 from enforcement actions, merely because they file an application for a permit;

Provide that the rights of citizens to sue polluters and the Environmental Protection Agency, which this bill would gravely restrict, should be no less than the rights which Congress established in the Clean Air Act and which the House adopted on February 29, 1972, in the Noise Control bill (H.R. 11021);

Prevent the weakening of the National Environmental Policy Act of 1969 and the Fish and Wildlife Coordination Act;

Provide criminal sanctions against polluters who willfully violate an EPA order to abate their pollution; and

Provide adequate worker job protection.

The Clean Water Package is supported by a broad-base group of environmental, civic, labor, farmer and other groups, such as: Amalgamated Clothing Workers of America; Bass Anglers Sportsman Society; Clean Air, Clean Water, Unlimited; Common Cause; Environmental Action; Environmental Policy Center; Friends of the Earth; Izaak Walton League of America; League of Women Voters of the U.S.; Minnesota Conservation Foundation; Minn. Environ. Control Citizens Assoc.; Minn. Public Interest Research Group; National Consumers League; National Farmers Union; National Wildlife Federation; Northern Environmental Council; Oil, Chem., and Atomic Workers Intern. Union; Save Lake Superior Association; Sierra Club; Sport Fishing Institute; Trout Unlimited; United Automobile Workers; United Steelworkers of America; The Wilderness Society.

We urge that you support adoption of the Clean Water Package which will be printed in the Congressional Record of March 20, 1972.

Sincerely,

Henry S. Reuss, Thomas M. Pelly, John E. Moss, Lucien N. Nedzi, Dante B. Fascell, Floyd V. Hicks, David R. Obey, William D. Ford, Bella S. Abzug, Paul N. McCloskey, Jr., Martha W. Griffiths.

Philip E. Ruppe, James G. O'Hara, Ken Hechler, H. John Heinz, III, Benjamin S. Rosenthal, Robert O. Tiernan, Robert W. Kastenmeier, John D. Dingell, John P. Saylor, Thaddeus J. Dulski.

Gilbert Gude, John H. Dent, Silvio O. Conte, Donald M. Fraser, Jack F. Kemp, Charles C. Diggs, Jr., John Conyers, Jr., Michael Harrington, Thomas M. Rees, F. Bradford Morse, Charles B. Rangel, Charles A. Vanik, Abner J. Mikva, Donald W. Riegle, Jr., John G. Dow.

PRICE OF MEAT

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mrs. GRASSO. Mr. Speaker, it is my strong conviction that the Secretary of Agriculture, Earl L. Butz, should immediately resign from his post in the Cabinet.

Secretary Butz talks as if he is a friend of the American farmer; but in reality, he is less a friend of the farmer than he is a monumental insult to the American public. Since he became Agriculture Secretary last December, Mr. Butz has consistently demonstrated a callous indifference to the needs and the pleas of the American people. He has tried to force them to their knees by not only praising rising meat prices, but also blaming consumers and their spending habits for meat price hikes. And what is their crime? Consumers merely want to include meat in their family diet.

Last week, my colleague Stewart McKinney, of Fairfield, and I wrote to President Nixon urging him to impose an executive freeze on meat prices until such time as the Price Commission revises the guidelines applicable to food prices. In our letter, we stated that meat prices in the Northeast have risen by 8 percent, sometimes even as much as 11 percent, in the last 2 months. It is anticipated that consumers will spend a record $125 billion for food in 1972—that is $6.6 billion more than in 1971; and to a great extent that 4.5-percent increase will be taken up by meat price increases.

The wholesale price index for foods rose 1.8 percent in February—including raw agricultural products which are totally uncontrolled, and processed foods, which are controlled. At that rate, meat prices this year will rise a horrendous 21.6 percent.

Secretary Butz' reaction to uncontrolled food prices is unsuppressed glee. The present prices for beef—the highest since the Korean war—provide "the best way to insure a good supply of better cuts of beef that I prefer," he recently said in a speech in Houston, Tex. Clearly the Secretary is unconcerned that millions of Americans are troubled by exorbitant increases in prices for hamburger, frankfurters, and other so-called cheaper cuts of meat. He says salaries are increasing—it seems his philosophy is that people should get ahead in order to stand still.

And if any attempt is made to give the consumer a chance to catch his breath—by instituting a freeze on meat prices or food price controls, for example—this presumably intelligent, rational high Government official cries that he will "fight like a wounded steer" to prevent any slowing of meat price increases. In addition, he threatens the public with empty meat counters and meat rationing. Secretary Butz recognizes the rising tide of pressure from increasingly angry and dismayed consumers to halt further erosion of the shrinking family food dollar. That is the "attack" he resents and against which he invokes his "wounded steer" posture.

It is understandable that an Agriculture Secretary would defend the interests of farmers. After all, the American farmer is the most efficient food producer in the world, and yet he receives a smaller reward for his investment than other industries, has little control over what he gets for what he produces, and in general is in economic trouble despite Government subsidies.

However, it is also true that rising food prices do not translate into a corresponding increase in income for the farmer. His share in the percentage of retail food price increases has grown steadily smaller over the years. What happens to food prices happens to them between the farm and the grocery store. The average annual food bill for consumers rose from $2,223 to $2,244 between 1970 and 1971, with all but $1 of the $21 increase going to processors and retailers. The point is that farmers are not to blame for climbing food costs.

It is also understandable that the administration would like to curry favor with farmers during this election year by keeping food prices high and boosting farm subsidies by nearly $1 billion to a record high of more than $4 billion. However, this plan does not require as its goal the breaking of the consumer's back. The administration seems to be concerned about rising meat prices—meat imports—mostly cheaper grades—have been allowed to increase by 7 percent, though this will have an admittedly negligible impact on prices; Cost of Living Council Director Donald Rumsfeld says he is concerned; and Price Commission Chairman C. Jackson Grayson suggests that if consumers ate less meat, or sought cheaper cuts of meat; the upward pressure on prices might be eased. More important was President Nixon's recent comment to his newly-sworn economic advisor, Marina von Neumann Whitman:

> Now get those food prices down!

I look forward with interest to the President's response to Congressman McKinney's and my letter urging an immediate freeze on meat prices.

What is hard for me to understand is Secretary Butz' flippant and condescending attitude toward the American people during this period when all of us are trying in a rational manner to bring about economic recovery and provide a better life for all Americans. Mr. Butz' reaction to the 7-percent ceiling increase in meat imports for cheaper cuts is that, to his pleasure, housewives will not be helped much.

> I guess she wants a nice choice roast or a good sirloin steak. She doesn't like hamburger too much.

The housewife may not prefer hamburger; but if Secretary Butz has his way, she will be lucky to be able to afford enough for her family on special occasions.

Such a shocking performance ill becomes a Cabinet officer whose job is to serve the public interest. To be sure, we will not be intimidated by him in our efforts to ease the burden of the family food shopper. To the man who cheers soaring meat prices while consumers struggle to put meat on the family table, my suggestion is that he would best serve the public interest by resigning immediately from a post which requires far more sensitivity, reason and tact than are reflected in his statements to the American public.

THE POLICY OF "ASSURED DESTRUCTION"

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. BOB WILSON. Mr. Speaker, free-swinging freshman Congressman Floyd Spence is the product of a football scholarship at the University of South Carolina. Captain of the track team and basketball player, Spence also collected highest scholastic and student government honors. He brought this same fire and leadership to law school and to civic, military and political life. At 43, Spence is a veteran South Carolina lawmaker and now, on the Washington scene, an outspoken proponent of a national defense posture that will serve to keep America viable and a cornerstone of world peace.

It is a pleasure to include as a portion of my remarks the following article from Survive magazine:

SOVIET ARMS BUILD-UP AND THE POLICY OF "ASSURED DESTRUCTION"

(By Congressman Floyd Spence)

The annual Soviet Armed Forces display on November 7, honoring the revolution of 1917, did not show any new missiles or strikingly new weapon systems. But that is certainly no cause for complacency or rejoicing. The build-up of the Soviet arms arsenal and their expansion of defense research and development in search of new and better weapon systems continues at a steady pace.

In his speech at the Moscow ceremony, Soviet Defense Minister Marshal A. A. Grechko stressed again that "the most important task is to raise the defense capacity of the USSR, the combat power of the Soviet armed forces and their constant preparedness . . ."

In line with this statement, it is significant that this year's military parade in Moscow was seconded by a display of Soviet naval strength in the port of Havana, Cuba. A naval detachment consisting of two submarines and two submarine chasers, under the command of Rear Admiral N. V. Soloviev, arrived in Havana several days before the November 7 commemoration to participate in the Cuban celebrations. The Soviet vessels displayed anti-aircraft rockets, and atomic missiles were clearly visible on the decks of the larger submarine chaser. Friendly Cuban visitors queued up on the piers in long, curious lines and were invited aboard for a close-up look.

The menacing language of this show of strength in American waters should not be overlooked or misunderstood. This is the first time the Soviet armed forces have ever celebrated their revolutionary holiday in any official way in the waters of the North American continent.

Ever since the time of Lenin, the Communists have said continually that they must gain not only a strategic superiority but a complete and effective supremacy over the capitalist world—in weapons technology, armed forces strength, economic capacity to produce decisive weapon systems, and psychological and moral readiness to use these weapons. That was what Krushchev meant when he used his famous phrase "we will bury you." The Soviets have behaved according to their statements, but for some strange reason, which I confess has always baffled me, their pronouncements are considered by too many Americans to be only so much meaningless propaganda.

Many people, including leading government officials, expected and hoped that after gaining parity, both the United States and the Soviets would level off and stop further expansion of their weapon systems.

In 1968 we agreed to join with the USSR in negotiations on strategic arms limitations, the so-called SALT talks. The United States at this time had 1,054 ICBM's, 656 SLM's and over 600 long-range bombers; the Soviet Union had a total of 600 ICBM's, including 100 heavy SS-9's. Since 1968 there have been five rounds of SALT, alternating between Helsinki and Vienna. During the three years of negotiation, the Soviet Union has increased its ICBM arsenal by about 900, to the present figure of about 1,500 or 1,550 units, including approximately 300 SS-9's.

The United States was serious about arms limitations and did not increase the actual number of its ICBM's. We began only a replacement program wherein the improved Minuteman III was substituted for out-dated Minuteman I and II missiles and some MIRVing of individuals warheads was undertaken.

Contrast this with the Soviet Union, which has maintained the ICBM construction rate of about 300 new missile systems annually, or about 150 to 180 new missiles from one SALT negotiation round to the other. In 1971, space reconnaissance revealed that the Soviets were preparing new and bigger silos for ICBM's, the number of which by October, 1971, was estimated at 100. These new underground silos are capable of accommodating missiles even larger than the formidable SS-9. As Hugh Sidey noted in the October 15th issue of Life magazine, our best experts are still uncertain as to precisely what this new construction means, weaponwise.

In the area of missile defense, the Soviet Union has about 67 ABM sites, with SA-7 missiles capable of missile intercept at high altitudes. According to more recent reports, a group of about 50 new launchers is being deployed for ABM interceptors with much higher velocity. Our modest Safeguard ABM program is dwarfed by comparison.

During October, Soviet technology succeeded in actually intercepting a satellite in flight, linking the interceptor with it and blowing up both. This is a feat we have yet to perform. If the Soviets can intercept and destroy their satellites in flight, they may soon be able, if they are not already, to intercept and destroy our surveillance satellites. This is the only practical means we have of keeping abreast of arms developments taking place within their closed society. Their ability to destroy these reconnaissance satellites means they would control the timing of any possible future direct confrontation. In the critical days or weeks preceding such possible strike they could eliminate our ability to anticipate or observe the preparations for the strike.

Further, the Soviet strategic missile force now has 750 medium-range units capable of reaching U.S. installations in Western Europe and the Far East for which the United States has no comparable equivalent, either through NATO or otherwise.

Then there is the Soviet Navy. It has grown much faster than anybody could anticipate or predict. In the short period of 14 years, under the command of Admiral S. Gorshkov, the Soviet submarine and surface fleet grew to a strong force capable of staging in the waters of the world a naval exercise, code named "Ocean," which surpassed any similar maneuver by any country or group of countries in the entire naval history of the world. In 1968 the USSR started its Y-class submarine program. This is its principal submarine-launched missile carrier. It is estimated that about 17 such submarines were operational by the end of 1970, and at the rate of about one sub per month, they have close to 27 at the present time. The Soviet surface fleet concentrated on adding new missile cruisers ("Kresta" class), destroyers ("Kynda" class), and the small speedy "Komar" and "Osa" boats in numbers surpassing any estimates and predictions. As a result, the Soviets can now maintain a permanent fleet of about 40 to 60 ships in the Mediterranean Sea alone, putting an end to the U.S. Sixth Fleet's complete control of the area and exerting strong political impact in the Middle East, North Africa, and Southern Europe.

The Soviet Union is evidently dedicated to supporting its recent political initiatives with a strong, balanced armed force which will be superior to the United States in the areas of strategic missiles, air force, naval power, and conventional on-the-ground weaponry. They engage in negotiations designed to limit or reduce armaments only for the purpose of speeding up and implementing this final Soviet superiority. The theoretical reasoning of mutual advantage, implicit in "parity," "sufficiency," or "flexible deterrence," has not affected to any appreciable degree the basic Soviet thrust toward a stronger, superior military force and a position of real prevailing strength, both militarily and politically. In pursuit of this goal, the Soviets channel a considerable portion of their resources to expand their armaments research and production. As Mr. Sidey accurately noted in his article, their research and development budegt has, for years, exceeded "anything necessary for mere parity with us."

The great weakness of our so-called "assured destruction" posture has been its underlying assumption that the leaders of the USSR respond, as our people do, to the threat of massive retaliation with its toll in death and destruction.* Nothing in the moral or political system they espouse warrants such an assumption, and nothing in the record of their recent arms development indicates concern in that regard.

What is far more likely is that we will, indeed, awake one day soon to find the Soviets have achieved some massive new breakthrough in weapons technology which will render our defensive system obsolete.** It is not in terms of striking particulars but in terms of overall growth and input into research and development and the number and complexity of new Soviet weaponry developments, that this prediction is justified. It simply stands to reason that a nation engaged in extensive weapons research and development will, sooner or later, come up with a breakthrough. Certainly one engaged in only minimal research and development, as we have been, is not likely to be able even to cope with such a breakthrough by others, let alone achieve one itself.

In short, "assured destruction" is not defense—it is merely psychological warfare. And I am convinced it was propounded by people who had a rather poor grasp of both defense and psychology.

The policy of "assured destruction," which is meaningless to the Soviets but grates on the moral principles of Americans, should be scuttled in favor of a forthright policy of dynamic research and development, an unmistakable posture of military strength with a balance between defensive and offensive systems, and a resolute civilian population bolstered by an adequate and visible civil defense. It is to the support of programs and funding essential to such a policy that I have pledged myself as a member of the House Armed Services Committee.

---

* See English translation of Soviet book Civil Defense (1971) analyzed by Joanne Gailar in May–June 1971 issue of Survive.

** See "The Myth of 'Assured Destruction'" by Eugene P. Wigner, Survive, July–August 1970.

DEVELOPMENT OF A NATIONAL MANPOWER POLICY

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. STEIGER of Wisconsin. Mr. Speaker, the National Manpower Advisory Committee of the Department of Labor recently convened a conference commemorating the 10th anniversary of the enactment of the Manpower Development and Training Act of 1962 here in Washington, D.C. on March 16–17, 1972. One of the principal speakers to the conference, which was addressed by the Secretary of Labor, James D. Hodgson and others, was Dr. Sar A. Levitan, distinguished labor economist and director of the Center of Manpower Policy Studies at the George Washington University.

Dr. Levitan, who is also vice chairman of the National Manpower Policy Task Force, delivered a speech on the need for the development of a comprehensive national manpower policy as we move into the second decade of major Federal initiative in this vital area. His remarks were indeed penetrating and I would like to share with my fellow Members of Congress the remarks of an esteemed friend.

DEVELOPMENT OF A NATIONAL MANPOWER POLICY

(By Sar A. Levitan)

Each of us has a favorite tale of what changes MDTA has wrought. These stories deal with the millions who turned to the programs for help, the hundreds of thousands who have learned saleable skills and the dollars and cents that they are now earning instead of collecting unemployment insurance or welfare checks. The more sophisticated among us, who talk to computers, come up with impressive benefit-cost ratios that offer proof positive that MDTA has been worthwhile. In brief, we are better off today because we have had the MDTA for 10 years.

But I am running ahead of my story. The script for these festivities calls at this stage for a review of how it all came about.

So let us reminisce. My major qualification for the honor bestowed today apparently is longevity: I'm supposed to tell it as it all really was, based upon personal recollection. Regrettably, I was out of the country when the Smith-Hughes Act was debated and passed. So I'll have to telescope my observations on more recent history.

THE SAME PROBLEMS PERSIST

It was only 11 years ago that Congress embarked upon the first of a long and growing series of programs to aid the structurally unemployed. The legislation dealt with federal aid to depressed areas and was proposed for workers stranded in areas of high chronic unemployment. The proposal called for annual federal expenditures of $10 million to retrain workers whose skills have become obsolete. This was too much for some members in Congress; they thought that the federal government has no business spending good taxpayers' money to train unemployed workers. They loudly expressed the fear that from little acorns big trees would grow and that this little program would lead to vast new federal expenditures. And, thank heaven, they were right. Top manpower policy shapers no longer talk in millions but in billions. As the acknowledged wit of MDTA once remarked, little did he know when he learned fractions in school that in planning manpower programs point one would mean not a dime but a hundred million dollars.

But the quantum jump from millions to billions may be misleading. The scene has not changed as radically as these numbers might suggest. A student of manpower problems today might be forgiven if he has the feeling that the current arguments about manpower policy sound familiar and are reminiscent of the debate that led to the passage of MDTA. It seems that the arguments are just as pertinent today as they were in 1962. A common denominator is still reported by the Bureau of Labor Statistics with annoying repetition as it was 10 years ago: that the rate of unemployment is hovering around 6 percent and a drop to 5.7 percent is no cause for rejoicing and hardly a harbinger of full employment. Critics complain today as they did a decade ago that we should focus more on the 94 percent who are working than on the 6 percent who are unemployed. To clinch the argument they point out that more people are working today than ever before. And in each case, both today and a decade ago, they are correct for the population and economy have grown and the number of employed has continued to rise. But that does not fill the stomachs or satisfy the aspirations of those who are on the outside looking in, searching for useful work but not finding it.

Ten years ago we came up with a good and satisfactory reason—to some—explaining these 6 percent who are left out. We were told that there was really nothing wrong with the economy except that these unfortunates are "structurally" unemployed. And that was that. This explanation was supposed to lead to solutions. The answer we came up with is that if we train the unemployed they will find jobs and we'll all live happily ever after.

It takes more than just a token commitment to establish a society in which every person seeking work can find useful employment. So today again there are those among us who argue that we should settle for less than full employment. I don't believe it. And we have clearly seen that we can reduce forced idleness well below 4 percent, though we should achieve this goal with different methods than we used in the mid 1960s.

Ten years ago when we argued the same issues, the debate was couched more in visceral reactions than in good solid numbers. We have made a great deal of progress in the past decade. We have learned—at least some of us—that the overall average unemployment ratio is a very useful social barometer. But averages by themselves obviously do not tell the full story—a man and a horse have on the average three legs. When national unemployment hovers around 6 percent, unemployment in urban poverty areas is nearly twice as high and among minority youth it is 5 times as high. Disturbing as these statistics are, the recommendation of the technicians to discontinue these series because of alleged flaws in the data, and the eagerness with which policymakers acted on these recomendations, casts doubts on the sagacity of their judgments, leaving a gnawing feeling about their motivation.

Nonetheless, the old "solution" of blaming the messenger for the message persists. Ten years ago we were also dissatisfied with the monthly BLS reports about unemployment, and one national publication came out with an ingenious explanation: It's all the fault of bureaucrats who exaggerate unemployment problems because they have a vested interest in high levels of unemployment. You will have to judge for yourself the amount of progress we made in this area.

The MDTA and other manpower programs are hardly to be blamed for high unemployment. Instead, it would be more appropriate to credit these efforts for the hundreds of thousands who have been helped. Only the most enthusiastic backers and those who opposed stronger medicines to reduce unemployment have viewed manpower programs as a nostrum for our unemployment ills.

THE PROPER ROLE OF MANPOWER PROGRAMS

Unfortunatly, it has become commonplace to expect too much from manpower programs. Manpower programs do not create jobs nor should they be expected to eliminate poverty or discrimination. Manpower policies are likely to affect only marginally inflationary pressures or the ills of a complex urban society such as family breakup, pollution, and congestion. Nonetheless, social scientists, politicians, and statesmen have placed unrealizable, possibly naive, trust in manpower programs that encourages rhetoric in place of hardnosed analysis. Economists have claimed that an expansion of manpower programs would reduce unemployment by 2 percent and responsible statesmen have been no less sanguine about the presumed promises of manpower measures.

Newly emerging welfare policies perhaps best illustrate this faith in manpower programs. Conservative legislators who are normally most careful with the taxpayers' dollar and (when they do loosen the purse strings, it is not to help the poor), have shown a remarkable eagerness to spend vast sums of money on manpower programs in the hope of reducing welfare outlays. Both Democratic and Republican administrations have clung to this faith. President Kennedy urged training programs for welfare recipients to motivate them to seek economic independence. His slogan was "rehabilitation instead of relief." President Nixon recommended vast outlays for "workfare instead of welfare."

A decade of experimentation with manpower programs for welfare recipients does not justify optimism about using training programs as a means to reduce relief rolls. Welfare reflects both the multiple handicaps of recipients and the generosity of taxpayers who bear the costs. There are good reasons for expanding manpower programs to aid those who depend on meager relief, but saving public expenditures is not one of these.

Relief is given to the destitute not because it necessarily improves the efficiency of the economy, but out of compassion for those in need. So, too, training programs should be offered to those who have difficulty competing in the free labor market because they need help and not because of the impact of these expenditures upon the national economy. It's not at all improbable that the development of training programs for the poor will reduce their long run dependence upon welfare. If this happens, so much the better. Appropriate training may help some poor people to escape dependency but we should not expect training to cure poverty. More than a quarter of the poor are 55 or older and thus not likely to profit from training. Even more of the poor are in female-headed families. A sizeable group of these women have health problems, more have inadequate education, and even more have skills which command little remuneration even when they can find work. Most have young children in need of day care, which is in short supply nationwide and is more likely to be expensive than dependable. Transportation and health difficulties, the children's needs, and pregnancy often interrupt training or employment. And most crucial is the fact that jobs are not available to all who overcome these obstacles.

Other examples could be cited of the exaggerated faith that has been placed in training. Members of my own trade have tried to sell training as a new snakeoil, good for all ailments. Expansion of manpower programs, according to these enthusiastic proponents, will cure the economy from inflation, unemployment, ease the trade-off between the two, and improve the environment, to boot. Training increases some individuals' chances of being hired but does not expand the economy's complement of job slots. Thus, it affects the distribution rather than the degree of unemployment. Even if all those seeking work received training, the level of unemployment—forced idleness—might be reduced only marginally.

Even though there is usually slack in the training system and facilities do not operate at full capacity, training programs leave much to be desired as countercyclical tools because they cannot be expanded or contracted at will. It takes considerable time to develop facilities, gather instructional staff, select applicants, and enroll students. By the time the unemployed complete their course of training, the economic conditions that called for the expansion may have changed. Because human lives are involved, training programs cannot be expanded or contracted like an accordian and cannot be easily adjusted to changes in business conditions. We do not base enrollment in Harvard or Stanford or Duke on the level of unemployment. Enrollment in skill centers or the Job Corps should also be based on individual needs.

Manpower programs were initially designed to aid workers whose skills are obsolete. By expanding beyond remediation into prevention, these emerging institutions manifested the evolving democratic tenet that society should not segregate sections of the population to remain—without hope for improvement—the hewers of wood and drawers of water. Training can provide paths for upward mobility, not only for those who have difficulty competing for even entry jobs, but also to those who aspire to more skilled and challenging jobs. But the resources available for manpower programs are quite limited in comparison to the vast universe of need. Therefore, successive administrations and Congresses have placed increasing emphasis upon serving those in greatest need. Until the outbreak of the recession, from which we are hopefully recovering, manpower programs attempted increasingly to serve those who are discriminated against in the labor market and those who have difficulty in competing for sustained gainful employment. But the cost of this choice was to play down the upgrading function of MDTA.

The last decade was a period of experimentation and development of infrastructure for manpower programs. It was also a period of introspection. Possibly no other social program has undergone as close scrutiny by the Congress, the academic community, and the administrators of the program. We know everything that is wrong with these programs and also quite a lot that is right with them. The latest happening in manpower—the Emergency Employment Act—also indicates that we have already developed an efficient structure capable of acting when an emergency arises. It is not easy to give away a billion dollars and to hire 130,000 people within 6 months. But this is exactly what the Manpower Administration has done—most efficiently.

Conventional wisdom about the snail's pace of government action notwithstanding, the manpower administrators have demonstrated the capability to act massively and speedily.

LESSONS OF THE DECADE

From experimentation and introspection, manpower administrators have learned important lessons. Time will permit here to single out seven conclusions on which most observers would agree.

1. First and foremost, investing in human resources makes sense. Cost-benefit ratios are always open to question, and vary markedly from program to program, but those who vote funds for manpower programs can find comfort in the finding that society gets back more in terms of productive work and reduced support than it expends to provide manpower services. The investment, so say the numerologists, is justified in dollar and cents without even considering the less tangible benefits.

2. There is no single clientele for manpower service, but rather a whole range of groups in the labor force which can benefit. MDTA was designed to assist the technologically displaced. The poor, regardless of cause, were included under the Economic Opportunity Act in 1964, and services were extended on a large scale to welfare recipients after 1967. Recently, there has been an increase in services for veterans and for unemployed engineers and scientists. Gradually, what is emerging is a comprehensive human resources approach and, hopefully, a comprehensive human resources policy, which seeks to develop and utilize fully the abilities of all citizens.

3. Just as many types of persons may benefit, there are no simple solutions for varying problems. It is now recognized that basic education, counseling, medical care, and other services may be required along with training, and these multiple services are now offered by manpower programs or by related governmental efforts. Each target group may need a variety of services. The ideal of one-stop comprehensive delivery to the needs of each individual and each area remains elusive and may actually be impractical in many cases.

4. To provide various services for many groups requires careful coordination. The establishment of numerous separate institutions is not efficient. As manpower efforts have expanded, the federal government has funded programs for all sorts of occasions and for all types of people. This proliferation of manpower efforts has led to a great deal of waste. The Manpower Development and Training Act has continued, to borrow Garth Mangum's phrase, to be the "foundation of manpower programs." But the superstructure frequently extended beyond its foundations and has therefore become wobbly. Ten years of experience has demonstrated the need to develop a more consolidated and comprehensive program.

5. A promising development has been the establishment of institutional training facilities. A decade ago such facilities were not available for adult men and women. It is a mistake, however, to separate those seeking remedial education from persons who seek other educational pursuits. As more and more adults return to school to recharge their intellectual batteries and to renew their skills, remedial education and training can become an integral part of a general adult education program. A comprehensive manpower program would coordinate the learning of adults needing training and those pursuing avocational interests.

6. On a broader scale, it has been learned that even with a complete range of manpower services, clients may still have employment problems because of their location, racial or other discrimination, or other flaws in the labor market rather than in the individual. Manpower programs have helped to spotlight these barriers to full participation in the labor market and have contributed to their decline, though, alas, not yet to their breakdown. Indeed, one of the most important contributions of the manpower programs is their dissemination of information. The employment problems of various labor market groups are more widely understood than ever before. There is much broader insight into the causes of these problems and the ingredients to their solution. The gradually emerging discipline of manpower is also a vested interest group to work for increased human development efforts.

7. A final contribution of the last ten years has been to provide a more rigorous foundation for public policymaking. In the manpower field, more than ever before, an attempt has been made to measure and evaluate the impact of the programs, to improve their design on the basis of these measurements and evaluations, and to experiment with new approaches. Though in many cases, these results fell far short of what have been accomplished, manpower policymaking was far ahead of other areas. Its methods are now being applied elsewhere, and hopefully, research, evaluation, and experimentation will be an integral part of all efforts in the future.

A FAVORABLE BALANCE

Federal manpower programs are rapidly reaching maturity. The Office of Management and Budget has estimated that the federal outlays alone for manpower programs during the current year will carry a price tag of $4.3 billion and the cost will rise above the $5 billion mark by next year. Even with the dwindling value of the dollar, the manpower programs are now an important industry supporting an army of newly certified and aspiring manpower experts.

It may come as news to the newly emerging academic manpower complex that training programs have also benefited hundreds of thousands of clients, though by no means all the 7 million who have gone through the Labor Department's work and training programs. Many enrollees have learned new skills and the families of many more have been fed—after a fashion—while the enrollees have undergone training.

A realistic appraisal of the developing federal manpower policy must acknowledge the limitations of manpower efforts and recognize that training in itself does not produce jobs even for those who have mastered their lessons. The argument that manpower programs are no substitute for fiscal and monetary policies by no means denigrates the proper role of these measures. We must continue to rely upon fiscal and monetary policies to achieve high employment while manpower programs focus on helping individuals develop their potentials to earn a living and to function with dignity.

AN EPITAPH BY THE HONORABLE LESTER G. MADDOX

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. THOMPSON of Georgia. Mr. Speaker, the Lieutenant Governor of Georgia, the Honorable Lester G. Maddox, recently wrote an epitaph, which he says he hopes will be used as a memorial should America ever fall to her enemies.

I believe that the thoughts expressed in this epitaph are worthy of consideration by the Members of Congress and by all Americans. For that reason, I include it in the RECORD.

Here lies the remains of the United States of America, born a free republic on July 4, 1776, in Philadelphia, Pennsylvania; delivered by the hands of patriots who so loved freedom that they dared to demand it, standing ready to sacrifice their fortunes, even their very lives, to insure that freedom was established and preserved.

The infant republic was threatened from every quarter. Its own mother country sought to end its life with the sword. Hostile forces, coming by ship and by horseback, tortured the infant with cannon, arrow, and pen. But the infant continued to survive and grow and prosper, nurtured by the love of men and women, now long forgotten, who would not accept tyranny at any price.

And the young nation grew to adolescence. In this period of its growth, it was torn in half by the divergent philosophies, and weak from loss of blood, its wounds healed slowly. But nourished by a strong faith in God and its principles of private enterprise, private property rights, states' rights, and respect for human dignity, the scars of civil war all but completely faded, and the century-old nation matured to become a giant among nations.

Many were envious of the wealth and prosperity of the vibrant, burgeoning, republic. While Americans sang of "spacious skies," "amber waves of grain," and "fruited plains," nations without America's abundance of freedom and plenty cried out for food to feed their starving masses, and multitudes flocked to the shores of the one nation which promised every individual an opportunity to reach his full potential.

The greedy came not with outstretched hands, but with clenched fists. But America, with unprecedented industrial muscles developed through the system of private enterprise, and with an unyielding spirit born of a long life of freedom, turned back every aggressor and remained the greatest nation of all time.

But then, with a full belly, weary of war and confident that the land and the hard-won freedom were secure, the giant slept. The American people grew apathetic. They stored away their feelings of patriotism along with the flags they once waved proudly. Politicians became followers rather than leaders, and as crime swept the nation, government failed in its first responsibility, that of protecting the lives and property of its citizens. The people ceased to be secure in their homes and safe on the streets.

The people surrendered public education, and a million times more important, they surrendered their children, the nation's most precious resource, to a federal "police state," which acted without constitutional authority in stealing away the rights and freedoms of America's children and their parents.

America turned from God, grew self-righteous, and began playing God rather than praying to Him, and communism, drug addiction, pornography and immorality ate steadily away at the moral and spiritual strength of the nation.

When tyrants came and nudged him with riots, anarchy, crime, war, and threat of war, the giant only mumbled, "okay," rather than rising to fight.

And so, gradually, communism and socialism replaced capitalism and freedom. Private property rights were abolished a little at a time, and the Constitution of the United States was re-written by judicial tyrants and bureaucratic dictators until ultimately, it became totally meaningless and was discarded.

Human dignity and personal initiative were gradually eroded and replaced with government handout programs until, finally, every citizen received a government paycheck, and none remained to produce the needed wealth.

Faith in God was replaced by faith in man, faith in government, faith in political parties, and faith in immortality of the United States of America.

In his last moments, the giant opened his eyes. In one final, valiant effort, he tried to get back to his feet, but he was kicked back down by the iron boot of tyranny.

His last words were, "Don't give up hope. All we need is more dollars . . . just a few more dollars, . . . just a few more dollars . . ."

May the greatest nation the world has ever known rest in peace.

UNEMPLOYMENT PROBLEMS

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mrs. GRASSO. Mr. Speaker, the city of New Britain, Conn., in my Sixth District, is experiencing a critical unemployment problem with over 6,200 unemployed persons representing 12 percent of the labor market. Seventy percent of the unemployed are heads of households. The statistics are truly startling.

In an attempt to alleviate the problem, Mayor Stanley J. Pac has conducted under the Emergency Employment Act an in-depth analysis of the unemployment situation in New Britain. The mayor is to be commended for his imaginative and worthwhile use of EEA funds. For the analysis of the problem has provided the background material necessary to develop projects and programs that will be of benefit in reducing unemployment in New Britain.

On February 25, it was my pleasure to cosponsor with Mayor Pac a conference in New Britain at which Federal, State, and local government agency representatives, business and labor leaders came together to discuss the report and make appropriate recommendations. It is our strong conviction that stepped-up intergovernmental cooperation is the most effective way to translate Mayor Pac's detailed unemployment report finding into constructive programs. Indeed, all of us are working for the objective of creating more jobs and improving the quality of life in New Britain.

For the benefit of my colleagues, I am inserting in the RECORD a statistical profile of unemployment in New Britain, along with Mayor Pac's preface to the study. The analysis includes the identification of those unemployed, the number of heads of household, number of veterans, occupational skills, and other pertinent information.

The analysis follows:

STATISTICAL PROFILE OF UNEMPLOYMENT IN NEW BRITAIN, CONN., FEBRUARY 25, 1972

Today's conference has been called to discuss the almost unprecedented economic and unemployment crisis to face the city of New Britain in over twenty years. Historically, it must be said that this city has, for too long a time, been overly dependent upon the defense and aerospace industries for its survival. As a consequence, far ranging national cutbacks have all but crippled our local economy and involuntarily "benched" a staggering segment of the professional, technical, structural and machine trade groups which constitute our city's greatest asset . . . its highest skilled labor force.

The enclosed material well illustrates this staggering joblessness which pervades our labor ranks. They are a result of an in-depth study of unemployment in our city by the staff of the public employment program.

The purpose of this research effort was to accurately number and define unemployment in New Britain, and to analyze the resulting data in order to develop sound action proposals aimed at combating the unemployment program.

Raw data for this study was gathered from employment application card files at the Connecticut State Employment Office in New Britain.

As evidenced by the results, this city is faced with a problem that is just too big for us to cope with at the local level.

		Percent of category	Percent of total New Britain unemployed	Percent of labor market unemployed
I. Unemployed (Jan. 21, 1972):				
(1) Females	2,715		43	36
(2) Males	3,562		57	47
Total	[1] 6,277		100	83
II. Head of household unemployed:				
(1) Females	824	19	13	11
(2) Males	3,555	81	57	47
Total	4,379		70	58
III. Minority group unemployed:				
(1) Spanish	453	52	7	6
(2) Nonwhite	420	48	7	6
(3) Oriental	4			
(4) American Indian	1			
Total	878		14	12
IV. Disadvantaged unemployed:				
(1) Spanish	175	23	3	2.5
(2) Nonwhite	162	21	3	2.5
(3) White	426	56	6	5
Total	763		12	10
V. Unemployed in excess of 52 weeks	867		14	11
VI. Combined veterans unemployed:				
(1) Veterans (V)	710	59	11	9
(2) Special veterans (SV) and Vietnam era	499	41	8	7
Total	1,209		19	16
VII. Labor market area unemployed:				17
(1) New Britain	6,277			83
(2) Plainville	488	6.4		
(3) Berlin	404	5.3		17
(4) Other	400	5.3		
Total	7,569			

[1] New Britain unemployed, city of New Britain only: Represents 14.2-percent unemployment rate in labor market area, New Britain labor market area employment equals 43,960.

OCCUPATIONAL GROUP OF UNEMPLOYED (JAN. 21, 1972)

Group	Amount	Percent of unemployed
1. Professional, technical and managerial	428	7
2. Clerical and sales	1,251	20
3. Service	594	10
4. Farming, fishing and forestry	48	1
5. Processing	183	3
6. Machine trades	1,452	23
7. Bench work	777	13
8. Structural work	878	14
9. Miscellaneous	576	9
Total unemployed in New Britain	6,277	100

CITY OF NEW BRITAIN
OCCUPATIONAL GROUP OF UNEMPLOYED VETERANS
(Jan. 21, 1972)

Group	Amount	Percent of unemployed veterans
1. Professional, technical, and managerial	135	11
2. Clerical and sales	164	13
3. Service	80	7
4. Farming, fishing, and forestry	8	1
5. Processing	32	3
6. Machine trades	214	18
7. Bench trades	37	3
8. Structural work	403	33
9. Miscellaneous	136	11
Total, unemployed veterans	1,209	100

CITY OF NEW BRITAIN
OCCUPATIONAL GROUP OF UNEMPLOYED MINORITIES
(JAN. 21, 1972)

Group	Amount	Percent of minority unemployed
1. Professional, technical, and managerial	21	2
2. Clerical and sales	106	12
3. Service	125	14
4. Farming, fishing, and forestry	7	1
5. Processing	68	8
6. Machine trades	201	23
7. Benchwork	129	15
8. Structural work	95	11
9. Miscellaneous	126	14
Total, minority group unemployed	878	100

*City of New Britain—College educated unemployed**

Still attending:	
Business administration	17
Education	8
Accounting	4
English	4
Sociology	4
Liberal arts	4
History	3
Math	3
Art	2
Economics	2
Psychology	2
Data sciences	1
Science	1
Physical education	1
Police administration	1
Communications	1
Merchandizing	1
Marketing	1
Interior design	1
Total (1 percent of total)	61
College graduates:	
BS-BA degrees:	
Psychology	7
Economics	5
Sociology	4
History	3
Math	3
Physical education	3
Biology	2
Drama	2
Education	2
Political science	1
Medical	1
Physics	1
Chemistry	1
Geography	1
Liberal arts	1
Music	1
Languages	1
Management	1
Marketing	1
Total unemployed holding BS or BA degrees	41
MS and MA degrees:	
Economics	1
Math	1
Education	1
History	1
Physics	1
Counseling	1
Total unemployed holding MS or MA degrees	6
PHD degrees: Chemistry	2
Total of unemployed holding degrees (.008 percent)	49

*These statistics reflect only those unemployed individuals whose college major differed from their stated occupation.

City of New Britain—Technical, professional, managerial unemployed

Technical:	
Mechanical draftsman	7
Draftsman	11
Product designer	18
Design checker	2
Manufacturing engineer	3
Assistant engineer	6
Time study engineer	8
Electronic engineer	3
Electronic technician	5
Engineering scheduler	1
Engineer	6
Chemical engineer	1
Radio engineer	2
Marine engineer	1
Design engineer	2
Laboratory tester	6
Process planner	4
Systems analyst	3
Computer sciences	8
Metallurgist	1
Surveyor, construction	4
Radio operator	2
Medical technician	4
Aerial photographer	1
Total, technical (1.75 percent)	109
Professional:	
Architect	2
Financial analyst	4
Credit analyst	1
Controller	1
Economist	4
Assessor	1
Accountant	21
Purchasing agent	9
Marketing specialist	3
Sales/service	5
Mathematician	4
Chemist	4
Physicist	1
Biologist	3
Social scientist	2
Political scientist	2
Lawyer	1
Security officer	1
Revenue agent	1
Commercial designer	7
Fashion artist	2
Musician	1
Communications	9
Shipmate	1
Athlete	2
Physical education/sports instructor	4
Teacher	50
Teacher's aide	2
Director/special education	1
Teacher/mentally retarded	1
Psychology/counseling	7
Employment interviewer	2
Interpreter	1
Librarian	2
Medical/dental assistant	12
Nurse	6
Pharmacist	2
Health inspector	1
Airplane pilot	2
Administrative assistant	8
Administrative contractor	2
Social worker	19
Total, professional (3.5 percent)	217
Managerial:	
Manager	65
Manager trainee	17
Company president	4
Production manager	3
Superintendent/construction	7
Supervisor	5
General foreman	1
Total, managerial (1.75 percent)	102
Total, technical, professional, and managerial unemployed (7 percent)	428

CITY OF NEW BRITAIN, DEFINITION OF AGE GROUP OF UNEMPLOYED

	Number	Percentage
Age group:		
16 to 20	632	10
21 to 29	2,069	33
30 to 39	917	15
40 to 49	1,071	17
50 to 65	1,320	21
66 and over	268	4
Over 45:		
Male	1,007	
Female	973	

TECHNICAL/PROFESSIONAL UNEMPLOYED[1]

Category:	Amount
Medical[2]	39
Computer science	14
Management	8
Psychiatry	6
Electronic technology	5
Mechanical	4
Education	4
Language interpreter	3
Photographer	3
Dental	2
Communications	2
Accounting	2
Personnel	2
Banking	1
Expeditor	1
Tax examiner	1
Market research analyst	1
Journalism	1
Total	59

[1] This is a list of unemployed individuals who possess skills and training in addition to their primary occupations.

[2] 85 percent of this figure is composed of nurses aides.

ARMY HELICOPTER GUNSHIP

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. GIAIMO. Mr. Speaker, one of the most urgently needed items for the Army's inventory of defense systems is the helicopter gunship.

A diversified Army helicopter gunship is needed to counter some very serious threats. For instance, in the European theater the Warsaw Pact and Soviet forces maintain a superior margin of mobility because of a greater number of armored vehicles than NATO has. However, NATO and the United States could offset or balance that edge by having mobility in the form of helicopter attack units supported, of course, by low-flying helicopter gunships.

In guerrilla warfare or counterinsurgency, the Air Force close air support systems cannot flush out the enemy as capably as a helicopter gunship can. The helicopter gunship can fly along contours at low altitudes, change to slow speeds, and, of course, move vertically and turn about in a way that provides a more accurate and timely response to the needs of ground troops. The infantry soldier's survival can be further assured.

Whereas the Air Force close air support systems can interdict from high altitudes and destroy generally defined targets, which is necessary, they cannot identify and segregate individual targets during periods of harried close combat without the support of specialized forward air controllers and a sophisticated communications system, while the helicopter gunship can provide support almost instantaneously. Helicopter gunships can support small but highly important patrols or other small engagements when it would appear too costly to provide the Air Force systems.

A helicopter gunship rides "shotgun" during an air assault. After the troops are on the ground, the gunship continues to support by fire. It stays close to the unit it is supporting and can perform as a protective lead element, or a rear guard, or it can defend the flanks. The

Air Force close air support systems must fly too fast. The main concerns of the Air Force close air support systems should be the larger obstacles which are the main impediments to an infantry unit's progress, which is why they would maintain much napalm and large rockets.

The gunship can land in an emergency. It can change its role and evacuate wounded if necessary. It can aid the commander of ground troops to reconnoiter. It can serve as a command ship.

The V–STOL quality gives the system a broad range of advantages that fit the needs of the infantry. I sincerely hope that the request for funds for the Army's helicopter gunship will be supported by this Congress.

THE GAPS IN OUR AIR DEFENSE

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. HÉBERT. Mr. Speaker, in my opinion Claude Witze, senior editor of Air Force magazine, is one of the most knowledgeable and reliable reporters on the Washington scene, and I have had the privilege of inserting several of his past articles in the RECORD.

Today I want to insert an in-depth report entitled, "The Gaps in Our Air Defense," a subject in which we all should be interested.

As you know, I immediately launched an investigation into the surprise landing of a Cuban plane in New Orleans on October 26 of last year to determine how it was able to enter our airspace undetected.

My Armed Services Investigating Subcommittee learned that there was a 1,500-mile gap in our air defense system along the southern border of the United States. Fortunately, I was able to get a commitment from Secretary of Defense Melvin Laird a short time after my subcommittee report was made public that a radar would be installed at Whitehouse, Va., to plug that gap.

Mr. Witze's article deals with our entire air defense situation, and I insert it at this point:

THE GAPS IN OUR AIR DEFENSE

(By Claude Witze)

About two and a half years ago, Gen. Seth J. McKee, Commander in Chief of the North American Air Defense Command (NORAD), was asked by the Joint Chiefs of Staff to evaluate the impact of a proposed shutdown of half a dozen long-range radars, then part of the network guarding the USA from attacks by hostile bombers.

The General's reply was that if six radars had to be closed down, for budget reasons, they should be selected from the area along the Gulf of Mexico, because that was the least critical area.

However, he added, "we will be vulnerable to embarrassement by undetected and unchallenged flights entering the U.S. . . ."

"When was that written" General McKee was asked last November by Rep. F. Edward Hébert, chairman of the House Armed Services Committee.

The witness gave the date as September 4, 1969.

"You certainly have been embarrassed," the Congressman continued.

"Yes, Sir," was the General's answer.

The General was not alone. Mr. Hébert has been embarrassed, too, most of all last October 26, when a Russian-built AN–24 transport, out of Havana, Cuba, landed at Moisant International Airport in New Orleans. Mr. Hébert represents New Orleans in Congress, and national defense is his personal legislative bailiwick.

The Armed Services chairman had been upset previously, on October 5, 1969, about a month after General McKee wrote to the JCS. That was the day an armed Cuban MIG–17 flew undetected from Havana to Homestead Air Force Base in Florida and landed while the Presidential aircraft, *Air* Force One, was parked nearby.

Both incidents resulted in examinations by Mr. Hébert's committee. It was only two weeks after the New Orleans surprise that his Armed Services Investigating Subcommittee, chaired by the chairman himself, called a hearing.

The report on that session came up with these conclusions:

1. Existing US air defense is virtually useless. It is more concept than actuality.

2. In a series of economy moves, beginning in 1963, our detection and intercept capabilities have rapidly deteriorated despite a steadily increasing threat posed by submarine-launched missiles and newly developed Soviet long-range bombers.

3. Because of the failure to maintain a viable US air defense system, sovereign US airspace cannot be effectively protected from intrusions by foreign aircraft, civil or military.

4. A 1,500-mile opening in our air defense exists on the southern US perimeter between Florida and California. The area is virtually devoid of military surveillance and air defense command and control.

5. The Cuban plane incidents of 1969 and 1971 demonstrate that any foreign power can, at will, violate the southern US airspace without detection or interception. More importantly, they suggest that any enemy having the capability to attack from the south would be immune from detection and interception.

COMMITTEE RECOMMENDATIONS

The committee made two recommendations to the Secretary of Defense:

1. Accelerate the upgrading of existing outmoded and ineffective continental air defenses by inclusion of the Airborne Warning and Control System (AWACS), the Over-the-orizon Backscatter Radar (OTH-B), and the Improved Manned Interceptor (IMI).

2. Utilize, as an interim measure for southern air defenses, the OTH-B system presently available for detection and surveillance.

If Mr. Hébert seems unduly alarmed, there are more reasons for it than two airplane sorties from Cuba. The truth is that Soviet bomber flights along the fringes of North America are routine. Alaska, Canada, and Iceland are common territories of interest and the Russian flights are monitored by American and Canadian interceptors. Our Defense Department has a policy of keeping silent about this, although the Canadian government shows little reticence in this regard. At NORAD Headquarters in Colorado Springs, Colo., there is a file of motion-picture films, taken from accompanying interceptors, of innumerable examples of Russian bombers on probing flights.

General McKee makes it clear to visitors at his command post at Ent AFB, Colo., that the two Cuban flights are different only in that they terminated in the continental US. Soviet bombers fly over our fleets in the Atlantic and Pacific and skirt the continent with regularity. They are checking NORAD's response time. They are recording the frequencies of our command-and-control systems and radars. They are giving Russian bomber crews realistic training. They are observing our naval activity.

And NORAD is not alone in facing these feints. Reports from Europe say Soviet aircraft are probing NATO defenses in the same manner. Almost daily they are testing NATO's ability to react. The British Royal Air Force sees a great deal of Russian Bear and Badger bombers, many of them headed for Cuba. In Castro's country they not only can receive fuel and maintenance, but they profit from the experience of navigating and operating at the edge of the United States.

Like General McKee, Mr. Hébert is interested in broader aspects of the problem than those dramatized by the Cuban act in his own front yard.

In his report on the most recent hearing, the chairman points out there has been little change in our concept of air defense since the late 1950s, when Russian bombers were the only threat. Since then, the missile has assumed stature as a strategic weapon, "although the bomber threat has not significantly diminished."

At the same time, the report says, to save money, air defense forces on the continent have been cut sixty percent. It fixes 1963 as the start of this degeneration. As money became scarcer, the decision was made to deplete the southern defense ring in favor of the northern borders.

SURPRISED REACTION

Out in Colorado Springs, a component neighbor of NORAD is USAF's Aerospace Defense Command, headed by Lt. Gen. Thomas K. McGehee. General McGehee sounds a little surprised when he talks about the reaction in Congress to a couple of episodes in which the southern defense ring has been penetrated by airplanes from Cuba. He points out that there was little objection in Congress back in 1963 when the first steps were taken. According to the General's recollection, the first surveillance radar to be dismantled was in Texas. And the only Congressman to complain with vehemence was Edgar F. Foreman, a Texas Republican and Armed Services Committeeman. When the radar was taken out, the hole was called "Foreman's Gap."

Now the gap is about 1,500 miles long, and the Cubans know it can be penetrated with ease. The aircraft that landed in New Orleans last October—Mr. Hébert says it was flown in by Fidel Castro's personal pilot—was designated Cubana 887. Early on the morning of the flight, the Havana Air Traffic Control Center filed an instrument flight rule (IFR) flight plan for a proposed trip from Havana to New Orleans. The message designated the flight as Cubana Special One, not Cubana 877.

This flight plan was filed directly with the Federal Aviation Administration's switching center at Kansas City, Mo., and relayed at once to centers at Houston and Miami as well as the New Orleans International tower. Word also was passed on to NORAD, FAA headquarters, and the State Department. The plan called for Cubana Special One to depart Havana at 9:00 a.m. with estimated arrival in New Orleans at 11:59 a.m. Intended airspeed was 240 miles an hour at an altitude of 14,000 feet.

The Cubans violated a couple of regulations right at the outset. There is a rule, instigated by the State Department and presumably enforced by FAA, that says any flight from Cuba is required to file its flight plan five days in advance. This wasn't the case and when FAA asked Havana if Cubana Special One had taken off, FAA was told it had not departed. In fact, Cubana 877 had already been in the air about forty minutes. On top of this, at no time was FAA told how many passengers were aboard or their identification. Mr. Hébert says one of those aboard was the chief of Castro's central intelligence organization.

"There is no evidence," the Armed Services report says, "that any of the US authorities advised the Cuban authorities that the flight plan filed by Havana failed to conform to US requirements in at least two important respects and, therefore, would not be approved."

STICKY MATTER

On the morning of October 26 there was another sticky matter in the news about Cuba that obviously had a bearing on how FAA handled what turned out to be Cubana 877. Washington was concerned about an American Airlines 747 and 235 passengers that had been hijacked to Havana and kept there more than two days. James Murphy, Director of the Office of Air Transportation Security, was the man in charge of the problem on the morning of October 26. Under questioning, he was asked whether he challenged the Cubans when they failed to give five days' notice for the flight.

"We were having a hard time with the Cubans that particular day," Mr. Murphy replied. "The night before—because of the American 747 and 235 people on the ground—the Havana Center told the Miami Center to stop bugging them. They didn't want any more transmissions. We tried to be very selective in communicating with Havana Center until it really counted. . . ."

Mr. Murphy said he waited until fifty-three minutes after the flight plan called for Cubana Special One to have taken off, then ordered Miami to ask whether the aircraft had taken off or not. He suspected, by this time, that Cubana Special One had something to do with the hijacked airplane and the release of the Americans aboard. He said, "We were urging the State Department and other elements to treat the Cubans with courtesy and consideration on their arrival" because he did not want to jeopardize the release the 747 and the Americans aboard.

As for Cubana Special One, the inquiry found Havana replied to Mr. Murphy's query at 9:54 a.m., saying the aircraft had not departed. Later evidence showed Cubana 877 had taken off at 7:15 a.m. and was in the air for thirty-five minutes before the flight plan was filed. It arrived in New Orleans at 11:17 a.m., nearly an hour earlier than the arrival time estimated in the flight plan for Special One.

The first knowledge US officials had of an impending arrival was a request for landing instructions received at New Orleans International at 10:57 a.m. The aircraft identified itself as Cubana 877 and said it was twenty-five miles away at 4,000 feet. Cubana 877 was cleared for landing at 11:12 a.m. There is no further reference to Cubana Special One.

Who was on board? Twenty-one Cubans who said they came to town to attend an International Sugar Cane Technological Conference. In addition to arriving without an approved flight plan, they had no US visas for admission to this country.

The uninvited and unannounced Cuban guests were put up, for a couple of days, at a Hilton Hotel adjacent to the New Orleans airport. Then they were moved, to quarters that were less expensive to the US government. They spent the next half-dozen days at the Belle Chasse Naval Air Station, where they were bedded down in—of all places—the F. Howard Hébert Bachelor Officers Quarters. From here, they were sent home, without a taste or smell of sugar.

STATE NOT SPARED

The committee report does not spare the State Department. Kenneth M. Smith, FAA Deputy Administrator, testified that "we got nowhere" in first efforts to find out whether any visas had been issued.

An hour and twenty minutes after the proposed departure of Cubana Special One, the word came back from State that visa applications for the sugar-cane conference had been denied about a month earlier.

As a matter of fact, the State Department had known for over a year that Cubans were making a determined effort to attend the conference. The Armed Services Committee argues that State "should have brought this information promptly to the attention of all agencies concerned with national security, in order to insure a ready response to a possible illegal entry. However, although the problem was discussed over a period of months, there is no evidence that either NORAD or CONAD was advised of the pending problem or that any contingency plan had been agreed upon."

Further, in discussing NORAD's participation, the report concludes that it was exactly eight minutes after the Cubans had deplaned at New Orleans that the command had a call from the State Department representative at the National Military Command Center. The message: Due to Soviet Prime Minister Kosygin's arrival in Cuba that day, the Havana airport was closed and the proposed flight—of Cubana Special One, later Cubana 877—could not take off.

"Under these circumstances," the report says, "it would not be too difficult to understand why NORAD might have been less than certain as to what, if anything, it should do."

General McKee's attitude was stated, loud and clear, on the stand. He was asked whether he was of the opinion that the Cubans really were headed for the conference on sugar, or "did they have something else in mind?"

The answer was that from the way the flight was conducted and the fact that it was not detected "indicates to me that they underflew our radar, which did give coverage in the Cuban area. Also, since they didn't report in at the mandatory reporting points as they should have done, it is my opinion they didn't want us to know they were there until they arrived."

The General was reminded that even though he doesn't have the equipment, he has the responsibility.

"If they had come in, let's say, and dropped bombs or something or other, you would be the fellow that would be on the pan, would you not?"

The General replied this was most likely.

General McKee raised a point of his own about the State Department's requirement for five days' notification of unscheduled flights from Cuba to airports in the U.S. There had been a long discussion about it, and the USAF captain who got the first word on October 26 testified that he did not know of the requirement.

"That response might have led you to believe that others of us were aware of that requirement," General McKee told the hearing. "The facts are that I was not aware of it, and I have been unable to determine that anyone in NORAD was aware of it."

JCS CHAIRMAN

There were two star witnesses heard on the subject of air defense capabilities. In addition to General McKee, the committee had a long session with Adm. Thomas H. Moorer, Chairman of the JCS.

The General reviewed the role of CINCNORAD and his responsibilities to the President, the Prime Minister of Canada, the JCS, the Secretary of Defense, and their military counterparts in Canada. NORAD is binational; it uses the strength of USAF's Aerospace Defense Command (ADC), the Canadian Forces Air Defense Command, and the U.S. Army Air Defense Command.

Back in 1958, when NORAD was established, it had substantial forces. What has happened since then is shown in this tabulation:

NORAD WEAPONS

	1960	1971
Nike/Hawk batteries	270	63
Fighter squadrons (Reg.)	65	14
Fighter squadrons (ANG)	38	15
Bomarc squadrons	9	7
Total	382	99

By June 30, 1972, the fourteen regular interceptor squadrons will be cut to nine and, by June 30, 1973, reduced again to seven, half of the 1971 strength. The Fiscal 1973 proposed budget, sent to Congress in January, also indicates the Army's surface-to-air batteries will be depleted to only twenty-one. The number of Bomarc squadrons already stands at five instead of seven.

NORAD RADARS

	1960	1971
Long-range radars	187	99
Gap fillers	105	0
Total	292	99

In the same time period, personnel assigned for air defense of the continent were reduced by about sixty percent, from 246,720 to 94,575.

In his testimony, General McKee emphasized that he does not have forces to cover our southern approaches. There are from four to six interceptors on alert at Homestead AFB in Florida. He said that in the past year the 20th NORAD region, which is responsible for air defense of the southeastern U.S., has detected a total of 176 unknown aircraft.

"I can say," he told the committee, "that our anti-bomber defense systems are obsolescent and generally nonexistent along our southern border. We still have precisely the same types of weapons that we had in the early 1960s, but they are now ten years older, and we have them in far fewer numbers. In spite of this phase down in weapons and personnel, CINCNORAD's responsibilities have not diminished."

PRIORITY DEPLOYMENT

Later, the General said he must use what he has on a priority basis. Russia has the capability to threaten our survival and that is why his limited arsenal is deployed the way it is. He said the master plan drawn up in 1967 was based on the premise that the savings achieved by phasing down the system would amortize the procurement of a more modern defense force.

It was repeatedly pointed out that the decisions to phase down air defense are made by the Joint Chiefs of Staff and "at a higher level." NORAD gets its orders from the JCS. The Hébert hearing called Admiral Moorer, JCS Chairman, to testify.

The Admiral, always a blunt witness on Capitol Hill, made no bones of the fact that "fiscal realities" dictate some JCS decisions. He said the big threat from Russia lies in their nuclear missile capability; their bombers could strike targets in the southern states, but better options are in hand at this time.

So far as Cuba is concerned, Admiral Moorer testified that it has Russian MIG–17 and MIG–21 aircraft, the latter with an operating radius that would permit attacks no further away than Florida. American deterrent power, the Admiral believes, is enough to eliminate the risk of such an assault. He indicated the JCS still stands in support of the air defense modernization program drafted in 1967. Under questioning he gave the anticipated operational dates for the OTH–B, IMI, and AWACS projects. The dates were deleted by the censors.

For the improved interceptor, Admiral Moorer suggested, probably for the first time in public, that either the Navy's Grumman F-14 or the USAF McDonnell Douglas F-15 could fill the bill. In Colorado Springs, General McGehee indicated to this reporter that ADC has been working on a proposed modification of the new USAF aircraft, the F-15 that can fill the requirement later in the 1970s.

In his testimony, Admiral Moorer somehow did not seem to share the distress of General McKee and Congressman Hébert over their embarrassment at the violation of our airspace and regulations by Cubana 877. He was asked what he would do if he had more money. "Would you fill this gap as a top priority, or put it somewhere else?"

The Admiral replied that he would favor more modernization.

"You might procure the AWACS aircraft, for example, when it becomes available, so that it could be redeployed quickly to establish a barrier along the southern area in order to prevent these single-plan run-ins.

"I think you are always going to have the possibility that a single plane flying on the deck can penetrate almost any system that you could develop. It would be very expensive indeed to build up a system in this area that [would be] 100 percent leakproof. It would be very expensive for the purpose of intercepting one or two aircraft a year, if you consider these priorities that I have discussed.

"On the other hand, I realize fully the psychological impact and the need for the United States to protect this airspace. It is a highly desirable capability, as I have said. But at the rate we have been reducing the defense budget, and viewing at the same time the condition of the current air defense forces, I would have to look at the problem in totality to see just where we should put the money."

It was suggested by Rep. Samuel S. Stratton of New York that the Cubans might attempt an attack against a US target and Russia would intervene by threatening nuclear war if the US retaliated.

The Admiral said he does not think the Kremlin would be willing to trade Moscow for New York in order to support Castro "on such a junket as these MIGs might indulge in." He puts his faith in continued deterrent power.

STORED RADAR

It was while Admiral Moorer was testifying that the inquiry learned there is a backscatter radar (OTH-B) in storage. In early December, at the final session of the Armed Services hearing, witnesses were called from the Office of Naval Research and the International Telephone & Telegraph Corp. (ITT) to discuss the status of this project. A vast amount of the testimony was deleted by Pentagon censors, upon publication of the transcript. What was learned is best summarized in the committee report:

"The brightest spot in this depressing picture was supplied by certain military and civilian witnesses, who testified that Over-the-Horizon Backscatter (OTH-B) radars are in operation overseas today, and have been for some time, and such a unit is now available to provide immediate detection capabilities along our southern perimeter," the report says.

"Experiments with OTH-B detection systems have been conducted since the late 1940s; but at that time results were inconclusive as to their value for military purposes. In the late 1950s, greater attention was directed toward the development of OTH capabilities when the Navy proved it could detect nuclear testing. In the early 1960s, the Navy constructed an OTH-B and began reporting missile launches, as well as nuclear testing.

"Later, techniques were developed to detect aircraft and cruise missiles that can be launched from submarines. The operational capability of OTH was proven in the deployment of such radars overseas. Confirmation of the OTH capabilities has led to plans to develop a sophisticated OTH-B system for US air defenses to be operational in the mid-1970s. However, a used system, which is now available, can provide interim detection capabilities along our southern perimeter."

The report continued:

"Estimates provided by industry witnesses indicated that coverage of the Florida Straits, and practically the entire Gulf of Mexico by the existing OTH-B radar, can be achieved in six months. They also testified that the first-year costs, including refurbishment, installation, and site preparation, as well as one year of operational manning, are estimated at $5.7 million.

"The subcommittee urges the Department of Defense to take immediate action to install the presently available OTH-B at a location that would close the gap in our southern defense perimeter. The subcommittee also urges the rapid development, procurement, and deployment of the improved OTH-B to insure the integrity of our entire CONUS defense detection capability. This, of course, is but the first step in the critically needed upgrading of our CONUS defense which, in addition, must also include the new Airborne Warning and Control System (AWACS) and Improved Manned Interceptor (IMI).

"These two systems can also be operational by the mid-seventies and, when used in connection with the OTH-B, can give this country real defensive security. This must be accomplished with all speed, for each passing day makes more dangerous 'the calculated risk' which has been permitted in the name of economy."

What the report failed to point out in this otherwise revealing summary of OTH-B capabilities is that the new advance in radar contributes to more than our defense against intrusions by airplanes, be they bombers or irritating little flights like that of Cubana 877. The OTH-B, once fully operational, will be part of the continent's strategic warning system.

A NEW SOVIET BOMBER

In recent months, the Russian surge to achieve nuclear superiority has been well publicized. *Jane's Weapons Systems*, published last November, reported that the Soviet Union has "overtaken, and in some cases surpassed, the West in developing missiles and other weaponry." More recently, there was the appearance of a new bomber, named "Backfire" by NATO. *Jane's* says it is supersonic with a low-altitude capability at no loss of speed. Also, that "the approximately equivalent US B-1 bomber project is only at the mockup stage, while Russia has two Backfire prototypes flying."

In Colorado Springs, air defense experts argue that the Russian aircraft now in use for offshore missions near North America are a credible threat to the United States. Heaviest is the TU-95 Bear, with an unrefueled range of about 8,000 miles. It can carry a 25,000-pound bomb load.

The commercial version of this airplane, the TU-114, regularly flies nonstop from Havana to Moscow. Bear bombers fly nonstop Moscow to Havana in seventeen hours—that trip has become routine. They are turboprops.

There is a smaller, medium-range Soviet bomber called the Badger, frequently seen off Alaska, and a supersonic medium-range bomber named Blinder. The Defense Department estimates there are 750 aircraft in these two classes, plus 110 Bears and ninety Bisons, an older all-jet bomber.

The credibility of this threat is accepted at NORAD and obviously is of major concern to the Armed Services Committees of both the House and Senate. No report is complete, however, without reference to the skepticism that prevails in other key areas.

It suffices to call attention to last year's hearings of the Subcommittee on Defense Appropriations of the Senate Appropriations Committee. The Chairman is Allen J. Ellender, who hails from Louisiana and is a political neighbor of F. Edward Hébert.

Mr. Ellender, who has visited Russia and considers himself something of an expert on that country, its intentions and capabilities, says "they are not building bombers to any extent." He says the force they have is old and he fears that "the moment we start building the B-1 . . . they are going to go back and try to imitate us.

"I have contended all along that we have put Russia on the defensive for the last fifteen or twenty years. That is what we have done. That is why you see so many Russian ships in the Mediterranean. We have been in the Mediterranean for twenty-two years, and they just recently have come there."

The hearings were held last April, but the censored transcript was released only about the first of this year. In it, Chairman Ellender engaged in exchanges on Russion military stature with Grant L. Hansen, Assistant USAF Secretary for Research and Development, and Lt. Gen. Otto J. Glasser, Deputy Chief of Staff for R&D.

Mr. Hansen pointed out that the F-106 air defense interceptor is fourteen years old. That situation must be remedied and other R&D money for the next few years must go to finish development of the B-1, the F-15, the A-X, and AWACS. There are other items essential to our defense, including better surface-to-air missiles, optically aimed weapons, improved reconnaissance devices, unmanned observation platforms, and relays for guidance and control. So far, there is no development program for the IMI.

Mr. Ellender's response was to recall the history of the North American B-70 bomber. He said the project was stopped because the Russians improved their high-altitude defense system, which also forced the US to alter B-52 tactics and put the aircraft on the deck. "How do we know," the chairman asked, "they won't develop a low-altitude defense system that will counter the B-1's low-level capabilities?"

The response was that the B-1 will be versatile; it can go high and fast, and go low, using sophisticated penetration aids.

Facing General Glasser, who outlined the case for OTH-B and AWACS, the Appropriations Chairman challenged the spending of "tremendous sums" for a warning system aimed at Russian bombers, arguing that it escalates the arms race. Again, he depreciated the threat from Russian bombers.

General Glasser testified that the OTH-B proposed funding for Fiscal 1972 was $3.6 million, added to prior funding of $8.6 million. Then there was this revealing exchange:

Chairman ELLENDER: In view of the limited threat against the continental United States, just why do you feel it necessary to spend all of these funds to develop new aircraft warning systems?

General GLASSER: As you know, we have hard evidence of a bomber prototype, which is well advanced in the Soviet Union and which could be in production long before we would be able to put in these reactive defenses.

Chairman ELLENDER: That has been going on for several years?

General GLASSER: Yes, Sir.

Chairman ELLENDER: When we develop a new weapons system, the Russians emulate us or develop a countermeasure to our action. The development of the B-1 may well accelerate the development of more sophisticated Russian bombers. Don't you agree?

General GLASSER: I am not in a position to agree with you, but I would have to point out that it would be reckless of us to engage in unilateral disarmament.

This discussion, essentially about the chicken and the egg, is going to be continued in 1972. Considering the opinions of Mr. Hébert, Generals McKee, McGehee, and Glasser, Admiral Moorer, and Mr. Ellender, the debate is not likely to wane.

The right answer could be dictated in Moscow.

Until it is, the NORAD command and Congressman Hébert appear to be the only principals truly embarassed by such events as the flight of Cubana 877.

THE NEW YORK TIMES AND NEW YORK POST SCORE PRESIDENT NIXON'S BUSING STAND

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. RYAN. Mr. Speaker, President Nixon's message to Congress concerning the busing of children to achieve racial balance in schools failed to provide the Nation with the leadership it needs to deal with this highly charged emotional issue. Instead of reminding the American people that a clearly established line of Supreme Court decisions, starting with Brown against Board of Education in 1954, requires the integration of schools and the dismantling of the dual school system, the President chose to aline himself with those who make political capital out of racial distrust and discord.

The proposed moratorium on all new or additional busing orders would be a legislative usurpation of judicial power, which at the least would provoke a constitutional crisis. It is a direct assault upon the Supreme Court's desegregation decision and should be rejected.

Two of New York City's major newspapers, the New York Times and the New York Post, have in editorials on March 18 forthrightly scored the President's decision to extract maximum political capital from the busing issue.

Both of these editorials which point out how the President is confusing the issue, lucidly and cogently discuss the busing question; I commend them to the attention of my colleagues:

[From the New York Times, Mar. 18, 1972]

FALSE BUSING CRISIS

President Nixon has snatched the antibusing ball off the muddy field of Florida primary politics and is trying to carry it to a November touchdown, whatever the price in national division. In his televised address Mr. Nixon rejected demands for a Constitutional amendment to ban school busing, not because it would trivialize the Constitution, but only because "it takes too long."

With a strident appeal for "action now" that lent a President imprimatur to the hysteria already distorting this issue, Mr. Nixon has asked Congress to pass legislation that would "call an immediate halt to all new busing orders by Federal courts."

Far from adding perspective to the argument, the President further confuses it by inveighing against the busing of children over long distances to inferior schools "just to meet some social planner's concept of what is considered to be the correct racial balance. . ." He wants to save a generation of children from the policies of those who are putting "primary emphasis on more busing rather than on better education."

All this paints an alarming picture of a reality that does not exist. No new legislation is required to prevent the courts from mandating racially balanced schools. In a unanimous ruling based on an opinion written by Chief Justice Burger last April, the Court upheld busing as a means of dismantling dual school systems. At the same time, however, the Court stated explicitly that it had neither mandated nor considered desirable the establishment of a racial balance or of any "fixed mathematical norms."

The Burger ruling stressed that, where there was no history of discrimination, "it might well be desirable to assign pupils to schools nearest their homes." It specifically questioned the wisdom and propriety of transporting children over long distances.

Thus, it is clear that the Supreme Court does not require the kind of indiscriminate busing Mr. Nixon wants to outlaw. No legislation is required to prohibit a Federal court from ordering what the Supreme Court has already declared undesirable. Mr. Nixon must surely know that the principal aim of desegregation is to allow children who have been confined to inferior schools to be given access to superior ones, and not vice versa. Many children moreover have long been bused over long distances, in order to maintain segregation.

The President's second proposal—the Equal Educational Opportunities Act of 1972—aims at improving schools now attended by poor children, in other words primarily the segregated schools. This is what desegregation was all about in the first place. It is in those districts which have failed in the nearly two decades since the historic Brown decision of 1954 either to desegregate or to improve the schools attended by black children that Federal courts have been driven to order busing.

There is little in the President's call for spending $2.5 billion to upgrade poverty schools that is not already contained in the Elementary and Secondary Education Act of 1965. Regrettably, neither the Federal Government nor many state and local school authorities have shown the will and skill to put the act and the funds to effective use.

President Eisenhower made little secret of his personal coolness toward the 1954 desegregation ruling, but he enforced the law as defined by the Court to the limit of his Presidential power. When the Chief Executive now appeals for legislation to limit the authority of the judiciary, he tampers with the foundations of government under law; for he diminishes the capacity of the courts to gain voluntary and peaceful compliance for their rulings. Such compliance is never more vital than in times of deep social conflict. It is an asset not to be squandered for temporary political gain.

[From the New York Post, Mar. 18, 1972]

THE POLITICS OF DISCORD

President Nixon's special message to Congress contains some elaboration and even modification of his televised address on school busing. But it does not alter its basic thrust. Mr. Nixon has clearly chosen to extort maximum political dividends from the tensions surrounding the living controversy and forfeited another chance to assert courageous moral leadership. In a situation that cried out for reason and reconciliation, he has let down many men, women—and children—who have been conscientiously striving to find an honorable common ground, including his own Senate leader, Hugh Scott (R-Pa.).

But before commenting on either his prose or his proposals, let us begin by saying it would be a misfortune if Mr. Nixon's opponents were to fall into the trap of allowing him to convert this issue into the central argument of 1972.

The tragedy is that the busing controversy has been—and apparently will continue to be—a cruelly diversionary, divisive conflict. No matter how it is resolved in the legislative arena at this juncture, the Supreme Court will still be heard from. Mr. Nixon is deluding the country by suggesting that the program he outlined can be imposed overnight.

Moreover, and perhaps more important, regardless of the immediate legislative result, the deep unrest and frustration afflicting so much of America will remain essentially unchanged. The drug plaque responsible for much of the nation's crime—inside and outside the schools—would not be remotely affected by the stoppage of the buses. No jobless Vietnam veteran would gain employment. Explosive economic inequities would be unaltered. And the distortion of national priorities embodied in the military budget would remain a flagrant example of conspicuous human waste.

Mr. Nixon could have performed a momentous mission by placing the problem in such perspective rather than injecting new emotionalism into the debate. He could have recognized and saluted the areas—especially in the South—in which busing has proved to be an entirely positive weapon in achieving both desegregation and quality education. He could have recalled the long, sad history of the busing of black children to maintain segregated schools.

But he did none of these things. While professing to discern the complexity of the problem, he offered simplistic—and largely spurious—answers little different from those George Wallace had proposed. He delivered a harsh blow to the thoughtful leaders of the black community who have been striving to resist the new tide of separatism in their own ranks. He derisively assailed the "social planners" whom he seemed to accuse of insensitivity to the unease of parents and of a mindless attachment for the busing process. But it was a Republican Chief Justice named Earl Warren who presided over the court in the celebrated case that is now the real center of the storm.

Mr. Nixon depicted himself once again as a man walking the "middle ground" between rival extremists. If that were truly his position, he would have backed the Scott-Mansfield amendment approved by the Senate.

That amendment essentially borrowed the language used by Chief Justice Burger last April when he declared objections to busing became valid "when the time or distance of travel is so great as to risk either the health of the children or significantly impinge on the educational process."

These words are responsive to the concern voiced by parents in situations where busing plans would expose children to manifestly hazardous areas and inferior schools. While such provisions might be subject to abuse, they appeared to reflect a consensus of moderate, responsible Senate opinion.

Mr. Nixon's moratorium is far closer to the essence of the rejected Griffin amendment and plainly raises grave issues of constitutionality. For while Griffin urged a permanent busing ban—rather than a moratorium—the principle of legislative usurpation is the same.

If the President had aligned himself with the Scott-Mansfield position and advanced a program for genuinely expanded school aid, he could have justly portrayed himself as a voice of restraint and affirmation. Instead he has chosen a course that invites repudiation by the Chief Justice he appointed. He has appeared to resurrect the doctrine of "separate but equal."

Perhaps worst of all, he has helped to promote the delusion that the country can find the way to peace and tranquillity by stopping new buses for 15 months. He has set the stage for a long, bitter, distracting legislative struggle. That is the most melancholy aspect of this dismal interlude.

JUDGMENT OF TV EXECUTIVES AND NEWSCASTERS QUESTIONED

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. HÉBERT. Mr. Speaker, the judgment of television executives and newscasters was brought into question most ably recently in a speech delivered by Mr. J. L. Robertson, Vice Chairman of the Board of Governors of the Federal Reserve System.

His remarks deserve wide distribution, and for that reason I am inserting them at this point in the RECORD:

THE CREDIBILITY CRISIS

(By J. L. Robertson)

In searching for a subject for my remarks here, it occurred to me that since, in the formulation of monetary policy, I have been in the front lines longer than anyone else—more than two decades—I should say something about the economy, perhaps pinpointing the mistakes of the past, explaining how we got to where we are, and indicating where we go from here. But the more I thought about it, the more certain I was that that objective was not a good one. At least with respect to where we go from here, the papers are full of prognostications—some by persons whose only qualification would seem to be an academic degree. I think all I need to say to you on that subject is that, at long last, the fallacious and enervating doctrines of "gradualism" and "benign neglect" have been discarded—unfortunately, at the cost of price and wage controls—and that we are now headed in the right direction. Given time, the psychological attitudes of businessmen and consumers will change for the better. The wisdom and steadfastness with which we formulate and adhere to sound monetary and fiscal policies, while awaiting those changes in attitude, will determine not only the extent to which we succeed in reducing both inflation and unemployment, but also the time when we can safely dispense with controls.

Having given up that objective, I turned to another. I thought perhaps the Hunt Commission Report would meet my needs. But the more I read that report, the more inappropriate it seemed, because the good and bad ideas are so intertwined and knotted together that it is almost impossible to unravel them. In this political year, I am sure Congress will not be able to do so. Why should I impose on your time to discuss them now? Besides, few of you have any doubts about my views on any portion of the report. And so, again, I changed objectives.

The other day a play opened in Philadelphia called "The Selling of the President", in which the candidate is portrayed as having been born and raised in Broken Bow, Nebraska, my home town—a town about which bankers have been hearing for as long as I have been making speeches. The play is based on the book, "The Selling of the President 1968", by Joe McGinniss. I read that book and Broken Bow was never mentioned. Why was it injected into the play? My guess is that the playwright is a banker on the side who is utilizing what he learned at your conventions to get to Broadway—or, perhaps, to enhance the credibility of his play.

Credibility is what I want to talk about today. We have heard a lot about credibilty gaps in recent years. But I would put it more strongly. Our society is suffering from a credibility crisis. It affects the political world and the business world. It is a grave problem for our communications media. Our educational institutions and even our family life are touched by the growing lack of trust and confidence.

Some efforts have been made to augment credibility in the business world by enacting legislation. You in the banking business have been touched by this through the Truth in Lending Act, which has been under my wing from its inception. We are now seeing a major governmental effort to get a higher degree of truth in advertising. It must come as a great shock to many of the denizens of Madison Avenue to be confronted with demands that they both explain what they mean and provide proof when they claim that brand X is 20 per cent faster or brand Y lasts 10 per cent longer. Those percentages always remind me of Chinese economic statistics—they sound fine but you seldom know what the base is.

I do not know whether this drive for truth in advertising will ever get to the point where a certain newspaper is asked to prove that it really gives its readers "all the news that's fit to print," or whether a certain magazine will be asked to provide the statistics that will show that it really is "the world's most quoted news weekly". Probably not. One of the strange facets of the tell-the-truth campaign is that it has the enthusiastic support of most of the mass media, as long as it does not apply to them. The media agree that you bankers should be scrupulously honest in informing your customers about your interest charges. At the same time, some of them contend that "freedom of the press" gives anyone who has access to a printing press or a microphone the right to lie and deceive, even if those lies are part of an effort to incite people to perform illegal acts, such as blowing up banks.

Examples of this curious double standard are not hard to find. One government agency, the Food and Drug Administration, is willing to use the full force of the law to stop an advertiser from exaggerating the effectiveness of its mouthwash in combatting cold germs. But another agency, the Federal Communications Commission, was apparently unwilling to even so much as slap the wrist of a powerful television network for showing its vast audience a baby that (according to the network) was dying of starvation, when the actual cause of death was premature birth and had nothing to do with malnutrition.

The protective mantle of the First Amendment to the Constitution has been draped around such varied activities as peddling pornography, pushing pot, and advocating arson, but it has not been extended to provide protection to those who would stretch the truth in their efforts to sell mouthwash or gasoline. Perhaps it is felt that the mendacity of Madison Avenue is a greater threat to our well being than the intellectual drivel of the pushers of drugs, debauchery, and destruction. But a consequence of our unprecedented tolerance of dissemination of destructive falsehood is the growth of the great credibility crisis that now confronts us.

We find the communications media being used to undermine the credibility of everyone who represents authority, whether it be the government official, the business leader, the police, the school teacher, or the mere parent. In turn, the credibility of the media is called into question, and the public regards with increasing skepticism what they are told by the press and the broadcasters. An ace political correspondent of the *Washington Post* put it this way:

"The measure of the failure of the newspapers is the open skepticism and even derision with which they are viewed by their customers.

The press has as big a credibility gap as any institution in this society."

A well known liberal academic, with extensive experience in high government positions, Daniel Patrick Moynihan, has voiced deep concern about the degree to which irresponsible behavior on the part of the news media is making it difficult for our government to perform its assigned tasks effectively. In an article published last year, Mr. Moynihan said:

"Hence the conditions are present for a protracted conflict in which the national government keeps losing. This might once have been a matter of little consequence or interest. It is, I believe, no longer such, for it now takes place within the context of what Nathan Glazer has described as an 'assault on the reputation of America . . . which has already succeeded in reducing this country, in the eyes of many American intellectuals, to outlaw status . . .' In other words, it is no longer a matter of this or that administration; it is becoming a matter of national morale, of a 'loss of confidence and nerve', some of whose possible consequences . . . are not pleasant to contemplate."

We can see those consequences emerging already. On the one hand, there is a growth in the number of cynics who believe nothing; on the other, we see an increase in the number of "true believers" who are guided by nothing but their own unshakable convictions. The cynics are bogged down in apathy and indecision. The true believers are fired with fanaticism, not tempered with knowledge. The ability of our people to cooperate to promote the general welfare is vastly diminished, as we find it increasingly difficult to reach agreement on what the general welfare is.

For example, virtually every country in the history of the world, including ours, has always placed high priority on maintaining its ability to defend itself against potential enemies. This priority was well stated by Adam Smith two hundred years ago when he wrote in *The Wealth of Nations:* "Defense is much more important than opulence."

When Smith wrote those words, no one enjoyed much opulence in terms of present day standards. It is shocking that in a society that has more motor cars, television sets, air conditioners, etc., etc. per capita than any country in the world, the cry is going up that we cannot afford to spend the money required to provide ourselves with an adequate defense against our potential enemies. We are told that we must reorder our priorities and that national defense must be shoved far down the list. This is not just the cry of some "lunatic fringe". It is a scheme that is put forward by serious contenders for high political office. It is supported by influential newspapers and by some of the most influential voices heard on that powerful medium, network television.

I do not question their motives, but I do question their judgment, and I am shocked by some of the methods that they employ to influence public opinion. Let me cite a couple examples of the methodology.

A few months ago one of the best known TV commentators in the country told his vast audience that *two-thirds* of the regular tax income of this country was spent on the military. He compared this unfavorably with the old state of Prussia, which he said was criticized around the world for spending *half* of its income on the military. The implication was that the United States is more militaristic than Prussia was in its hey-day.

The statistics used by this commentator were incorrect. In the last fiscal year, our expenditures on national defense amounted to a little over 40 per cent of the revenues of the federal government. This year it is estimated that defense expenditures will amount to less than 36 per cent of federal revenue—a far cry from the figure of two-thirds used by the television commentator. After his figures were challenged, the commentator attempted a lame justification which made little sense. He and his network refused to correct the misleading impression that was given to the estimated fifteen million people who heard the original broadcast. They refused to even acknowledge the fact that a far more valid measure of the relative defense burden carried by different countries is the ratio of defense expenditures to GNP. They have not informed their audience that in the last fiscal year the total defense expenditures of the United States amounted to just a little over 7 per cent of our GNP, the lowest this ratio has been for many years.

The commentator in question makes no bones about the fact that in his judgment the United States spends far too much on defense. He is one of those who wants to see our priorities drastically reordered. He appears to overlook the fact that it will not be Americans who reorder our priorities if we so weaken our defenses that we are unable to protect ourselves from an attack. However, he is entitled to his judgment. What he is not entitled to do, in my opinion, is to use his privileged position as a national television commentator to persuade others of the correctness of his judgment by feeding them false information.

The president of CBS News would appear to agree, because a few years ago he made this statement:

"Anybody in news who is unfair, biased or inaccurate—deliberately or negligently—despoils his journalistic heritage and demeans his profession."

That is a fine statement. Unfortunately, however, it would appear that it is not invariably heeded even in his own organization. You may recall that a year ago CBS broadcast a documentary called "The Selling of the Pentagon", which aroused great controversy. This CBS production has probably been charged with more inaccuracy and bias than any comparable television production to date. I will cite only one example, not the most important, but one which is indisputable because it involves the use of false statistics.

In introducing the theme of huge Defense Department expenditures on public affairs, CBS noted that about $30 million a year was budgeted for such expenditures. However, it pointed out that an "unpublished" study by the prestigious Twentieth Century Fund had estimated that such expenditures might be as high as $190 million. CBS displayed a graph showing that this was more than all three television networks combined spent on their news programs. However, investigation by the critics revealed that at the time the CBS program was aired, the study by the Twentieth Century Fund had been published and that it contained no such figure.

On the contrary, it said that no accurate estimate of total Defense Department spending on public affairs could be made. Although one of the papers prepared for the study had included the $190 million estimate, the Twentieth Century Fund had not wished to lend its prestige to a figure that it did not consider to be reliable. The Twentieth Century Fund dropped it, but CBS did not. Whether this inaccuracy was deliberate or negligent I cannot say, but to borrow the words of the CBS official I just quoted, those responsible for it demean their profession. What is sadder still is that CBS has admitted the facts but has not to this day apologized for the inaccuracy or corrected the misinformation which it disseminated.

However, the most important criticism of this particular TV production centers on the basic veracity of the documentary.

There are those of us who think that if the taxpayer is to be asked to support a defense program that costs around $80 billion a year, the government has a responsibility to tell him why it is necessary and what is being done with his money. CBS rejected that viewpoint so completely that it made no mention of it whatsoever in its documentary. The basic issue at the heart of this program was never debated. CBS assumed that expenditures to inform the public about the need for national defense were unnecessary and then went on to show that they were being made, implying that it was showing the public examples of illegitimate and wasteful activities. It seems safe to infer that what the producers wanted to accomplish was not the trimming of a few million dollars from the Defense Department budget to save the taxpayers money. They were clearly after bigger game. If the government could be denied the right to finance an information program to maintain public support for national defense, then those such as the commentator I discussed earlier would find it much easier to win public support for really huge cuts in our national defense. The documentary clearly implied that we no longer needed to be as concerned with national defense as we once were, since we had been living in an era of peaceful coexistence for over a decade. That decade, I might note, included such events as the building of the Berlin Wall, the Cuban missile crisis, the Vietnam War, and the Soviet invasion of Czechoslovakia.

I call these matters to your attention today, rather than discussing with you banking matters or the state of our economy, because I, too, have become impressed with the importance of assigning proper priorities to our national goals. I had the privilege recently of reading the manuscript of a forthcoming book by General Lewis W. Walt, who retired last year from his post as Deputy Commandant of the Marine Corps. General Walt is not only a great soldier, but he is a most articulate and perceptive observer of the current scene.

His book bears an ominous title: "America Faces Defeat." It begins with words that everyone concerned with reordering priorities ought to think about. He says:

"Most living Americans have grown up in the most powerful nation on earth. Under the cover of that strength we have enjoyed an affluence hardly equalled in the history of any nation. This era ended in 1971. Today, we are a second-class power and we will have to accept that role for at least four years. Perhaps longer, possibly, forever."

He goes on to say:

"The individual citizen has not yet felt the impact of this basic change from strength to weakness, from leadership to compromise. Each of us will feel it as the world market for our goods and services shrinks; as we find ourselves increasingly alone within the community of nations; as we are forced to abandon the noble projects we have devised for the health, education and welfare of every living American.

"Instead, we shall have to learn once again the harsh lessons of weakness, of being trampled upon, and how it is to tighten our belts in privation and gird ourselves for nearly hopeless conflicts. We face, today, either defeat or years of national tragedy."

Those are strong words—too strong, I am sure, for those TV commentators who juggle figures to persuade the public that America is already spending far more than necessary on national defense. I will be surprised if General Walt is invited to discuss his book and its dire warning on the popular TV talk shows. I will be surprised if our leading newspapers and magazines give it any serious attention, but not because it would be disquieting to the American people to hear such warnings. The media spokesmen are constantly telling us that they should not be blamed for conveying so much bad news to the public. They explain that if the news is bad, they have a sacred obligation to report it, and we should not conclude that they like it any more than we do. On that basis, of course, the media would not shrink from alerting the American public to the bad news that General Walt is bringing out in his forthcoming book.

My guess is that General Walt's warning will be largely ignored for the same reason that similar warnings voiced by other distinguished Americans have been ignored in recent years. The explanation lies in these words penned by David Broder of the *Washington Post:*

"Selectivity is the essence of all contemporary journalism. And selectivity implies criteria. Criteria depend on value judgments, which is a fancy word for opinions, preconceptions and prejudices."

It would be naive to suppose that the criteria for news selection employed by a TV commentator or a newspaper editor who believes that we are already spending far too much on defense would lead him to give prominent attention to the warning of General Walt.

That is why those of us who by chance are aware of such things must avail ourselves of opportunities to discuss them and to inform others. We must not permit our country to be immobilized and rendered defenseless by media manipulation.

Because of the credibility crisis, the average citizen is hard-pressed to know who and what is to be believed. I am prepared to admit that I am no expert on military matters. Perhaps experts such as General Walt who voice these disturbing warnings are wrong. But if we follow their advice and keep our defenses stronger than might really be necessary, what have we lost? Nothing more than a slight retardation in the expansion of what is the highest level of living the world has ever known. If, on the other hand, we follow the advice of those who say that a strong defense is not necessary and it develops that they are wrong, what will we lose? Our lives, our freedom, our country. I have no difficulty in choosing the side on which I would rather err.

I make no apology for appearing before you today to talk about matters that are not related to banking. We are Americans first and bankers second. When our country is in danger, we ask our sons to interrupt their studies and careers, to shoulder arms and give their lives if necessary to defend us. It behooves all of us who have passed that age and who have risen to positions of leadership in our communities and our profession to take whatever steps we can to insure that our country remains strong, that we not slip into war or—worse—into surrender from weakness.

The likelihood that the national news media will continue to ignore the warnings of experts in this field may create the impression that what I have said to you today is a minority view of doubtful validity. In my view, that would be a false impression, flowing from what Theodore H. White has described as the increasing concentration in fewer hands of the cultural pattern of the United States. Mr. White has said: "You can take a compass with a one-mile radius and put it down at the corner of 5th Avenue and 51st Street in Manhattan and you have control of 95 per cent of the entire opinion-and-influence making in the United States."

That explains, perhaps, why we get the monotonous sameness of opinion from our national news media, much of it very much at odds with the deeply held views of what I believe to be the great majority of American people. There is no acceptance of the idea that those encompassed by Mr. White's circle ought to reflect the views of the people. One of the most prominent TV commentators reacted to such a notion by saying:

"More responsive to the public! What are they talking about? . . . . I'm not about to adjust the work I do according to the waves of popular feeling that may come over the country. No responsible person can do that."

That surely means that the voices of the people must more frequently be heard in contradiction of the waves of feeling that emanate from that tiny group of men in Manhattan that make up, according to Mr. White, 95 per cent of the opinion-and-influence making in the United States.

Let no man be deterred. It has been said that it is easier to find a score of men wise enough to discover the truth than to find one man intrepid enough, in the face of opposition, to stand up for it. Perhaps that one takes his counsel from Daniel De Foe, who said: "He that has truth on his side is a fool, as well as a coward, if he is afraid to own it because of other men's opinions.

YOUNG REPUBLICANS ENDORSE STRONG SPACE PROGRAM

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 1972

Mr. TEAGUE of Texas. Mr. Speaker, the Young Republican National Committee on March 10, 1972, endorsed the space shuttle program. Because of the importance of this commitment of these young people to a major national effort I am inserting in the RECORD the press release from the Young Republican National Federation and a copy of their resolution endorsing the most important space activity of this decade—the development of a low cost transportation system to space—the space shuttle:

YOUNG REPUBLICANS ENDORSE STRONG SPACE PROGRAM

WASHINGTON.—The Young Republican National Committee, at its meeting March 10, 1972, endorsed the space shuttle program.

The resolution urges "Congress to supply adequate funding for the Space Shuttle Program to guarantee the growth of the United States in future space ventures and to insure continual lead in space exploration and scientific development."

"Because the United States is number one in space," the resolution says "the space program has been responsible for economic growth and employment of many communities throughout the United States, and has greatly aided in the progress of medical and scientific technology, thereby advancing world progress."

RESOLUTION

Whereas, the United States is number one in the space program; and,

Whereas, the space program has been responsible for the economic growth and employment of many communities throughout the United States; and,

Whereas, the space program has greatly aided in the progress of medical and scientific technology, thereby advancing world progress,

Therefore be it resolved that the YRNF does hereby endorse and support the space program and urge the Congress of the United States to supply adequate funding for the Space Shuttle Program, to guarantee the growth of the United States in future space ventures, and to insure our continual lead in space exploration and scientific development.

FOXES AND CHICKEN COOPS—PHASE 2½

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. O'HARA. Mr. Speaker, in earlier installments of this series on the Nixon administration's penchant for asking the foxes to protect the chickens, I have concentrated on the Labor Department's ingenious interpretation of its clear legislative mandate to promote and protect the interests of wage earners. But this inventiveness is not, in the Nixon era, limited to the Labor Department.

It is worthwhile, for example, to take a look at the personnel of the Price Commission and the Pay Board to understand why it seems that working people are making most of the sacrifices in the President's endless "war on inflation," while big business cheers from the sidelines and continues to enjoy whatever it is big business expects to enjoy during Republican administrations.

Mr. Duane Emme has written a recent article on where the wage freezers and price fixers in this administration come from. Like my earlier insertion on the backgrounds of Labor Department officials, this brief biographical summary is most illuminating.

The summary follows:

PEOPLE WITH CORPORATION TIES HOLD KEY POSITIONS IN PHASE II

(By Duane Emme)

WASHINGTON (PAI).—Labor has charged that President Nixon's Phase II program is shaped to favor corporations over workers and consumers—and revelations about the people running it continue to show a tilt in that direction.

Leo Perlis, director of AFL–CIO Community Services, told a luncheon meeting of the AFL–CIO Maritime Trades Department that all of the present Price Commission members have strong ties to corporate managements.

Meanwhile, an examination of the Pay Board shows that four of its ten top staff people are from business. Three are from government, one from education, one is a lawyer and one is a former Air Force officer. There are no key people on the staff with union backgrounds.

Here is a rundown on some of the corporation connections of Price Commission members:

Chairman C. Jackson Grayson, currently on leave as Dean of the School of Business Administration at Southern Methodist, has had an academic career that has been liberally mixed with work for corporate managements. He has helped train executives for Motorola, IBM and Sun Oil Co. He has been a consultant to Sun, Humble and Marathon Oil Companies and Standard Oil of Ohio.

William Scranton, former governor of Pennsylvania, was board chairman of Scranton-Lackawanna Co. and has served on the board of International Textbook Co., Scott Paper Co. and Fidelity Bank & Trust.

John W. Queenan was the managing partner of Haskins & Sells, an accounting firm with a number of business firm clients.

J. Wilson Newman is former board chairman and chief executive officer of Dun & Bradstreet, the noted financial directory firm He has served on the boards of Chemical Bank Corp., General Foods and Consolidated Edison.

Robert F. Lanzillotti, has had a career as a professor of economics at several universities but he also has been a consultant to the Michigan Bankers' Association, U.S. Steel Corp., and the Swift Co.

William T. Coleman is a partner in a noted Philadelphia law firm with a long list of corporation clients.

The Price Commission has seven members but the seventh post is vacant. It was held by Mrs. Marina V. N. Whitman who resigned to join the President's Council of Economic Advisers. Ironically, she was the only one of Nixon's seven original appointments without apparent ties to business.

Biographical data furnished by the Commission on its members shows none of the business background of members except to touch upon it slightly in the sketches on Grayson, Queenan and Newman.

A look at the biographies of the top staff people in the Commission indicates that nearly all of them come from government careers. There are some with legal backgrounds but any corporate experience they may have had is not identified.

However, conspicuously missing from any key or even influential staff posts are people from union positions or consumer organizations. The sole representative of labor in any notable position is John Tomayko, Steelworkers' director of pensions and insurance, a member of the health services advisory committee to the Commission.

Labor's complaint on the tripartite members of the Pay Board, 15 in all, has been that at least three of the five so-called "public" members are not truly representative of the public; William Caples is a former Inland Steel vice-president and Arnold Weber and Neil Jacoby come from government posts in which they helped formulate Nixon economic policies.

In turning to the biographies of the Board's top staffers, four acknowledge a background with links to corporations:

Executive Director Robert P. Tiernan is a former tax attorney and labor counsel for Kaiser Aluminum and Chemical Corp.; John W. Ross, special assistant to Chairman George Boldt, comes from a labor relations post on the management side of the Wall Street Journal; R. T. McNamar, director of economic policy and case analysis, is a former tax attorney for Standard Oil of California; and Jack E. McGregor, general counsel, was president of a professional hockey team and Pittsburgh's "Business Man of the Year" in 1966.

A search through the Board's staff turned up ony two people from labor careers, neither in key posts: Frank Burhardt of the Painters serves in the economic policy division, and Charles McDonald of the Communications Workers, is an attorney advisor in the legal section.

CLEAN WATERS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. FRASER. Mr. Speaker, next Monday and Tuesday the House will take up the Federal Water Pollution Control Act Amendments of 1972. The following editorial in the March 20 edition of the New York Times states succinctly the need to strengthen this bill:

AND CLEAN WATERS

The water-pollution control bill, which Senator Muskie sponsored and his colleagues long ago approved by a vote of 86 to 0, is even more far-reaching and hence in worse trouble. Between heavy fire from industry and moderate fire from the Administration the Senate bill may be shot down, or existing controls may be seriously weakened in the name of improvement.

Of the changes made by the House Public Works Committee, one of the sharpest setbacks is the drastic modification of the Senate's objective to decrease effluents into the nation's waters for the next thirteen years, by which time (at least this is the goal) they would be eliminated altogether. The House committee, while theoretically retaining the goal, would subject the plan to a study by the National Academy of Sciences, to be followed by a second vote in Congress—by which time a lot of foul water will have flowed under the bridge. Not content to weaken the Senate bill, the committee would also reduce the effectiveness of the EPA by shifting primary responsibility for the issuing of effluent permits to the states, a grave backward step.

Representatives Reuss of Wisconsin and Dingell of Michigen are striving to reverse these stultifying changes with a "clean-water package" of amendments. Unless the efforts of these two outstanding conservationists succeed, there may be no clean water legislation in this Congress at all—a disastrous setback to a cause that cannot afford any delay.

ALL-AMERICAN CITY

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. GIAIMO. Mr. Speaker, the town of North Branford, Conn., has recently been named an "All-America City," one of nine municipalities in the Nation so honored. I am extremely proud to have this town in my congressional district.

This town of nearly 11,000 people has been awarded the designation "All-America City" primarily because of the high level of citizen participation evidenced in a recent change in the town's governmental structure.

We all know, Mr. Speaker, how often apathy is found in municipal government, and how often personalities and heated arguments overshadow rational debate in the city and town elections of America.

North Branford, however, has proven that widespread civic action can take place in an atmosphere of debate, exchange, and positive action. The importance of North Branford's designation as an All-America City in recognition of this civic action is not that one side was "right" and another "wrong" during the referendum that changed the town's government, but that both were "right" in going about that change with widespread citizen involvement.

Mr. Speaker, the involvement of the people of North Branford in changing their form of government was such that more than a fifth of the population signed the petition forcing a referendum, and more than two thirds of the town's voters turned out to vote on the question.

Entry in the All-America Cities competition was made in behalf of North Branford by the North Branford League of Women Voters, and Mrs. Maurice Raymond, chairman of the Charter Revision Commission, presented the town's case at the National Municipal League Conference on Government in Atlanta.

More information and evidence of North Branford's achievement is contained in the following article and editorials which I would like to submit for RECORD:

[From the Hartford Courant, Mar. 1, 1972]

A STATE TOWN HONORED

For so small a state, Connecticut has won over the years a large share of national awards for community progress. And now another has been added. As announced the other day, North Branford has been named one of the nine All-America Cities for 1971 by the National Municipal League. Thus are hearty congratulations in order for the New Haven suburb of little more than 10,000 persons.

As many will recall, two other Connecticut communities won the same All-America Cities distinction last year. And the awards to Enfield and Bloomfield were equally deserved. If one still tends to think of these three communities as small towns, that makes their achievements all the more remarkable in competing with far larger municipalities across the country. And there is considerable variety in the reasons for the awards to Connecticut in the past two years.

North Branford, for instance, has been cited for "the efforts of its citizens to reform an obsolete local governmental structure." Local government is always a highly subjective matter, of course. And whether the council-manager system, now in effect in North Branford, is better than the traditional selectmen-town meeting form of government which it replaced is still debatable. What is especially noteworthy, however, is the fact that many responsible residents of the town believed so earnestly in the necessity for a change that they worked hard for it.

Thus, at the behest of an organization called Citizens for Council-manager Government, a special election was held last March on a new charter. And 67 per cent of the town's eligible voters turned out, favoring the council-manager system by a tally of 1,713 to 1,547. But perhaps the real winner was the democratic process. The large turnout for the election was attributed by the National Municipal League to a door-to-door campaign conducted by the citizen's group. The average turnout for special elections in Connecticut, the League has noted, is 24 per cent.

Last year, in Enfield's case, that town was cited for citizen participation in a variety of municipal functions. More specifically, the community was applauded for the imaginative $5 million Thompsonville redevelopment program, school-building projects and commercial and industrial expansion, notably a proposed 500-acre industrial park. As for Bloomfield, it was commended for its forward-looking, educational planning. The town had launched a desegregation program which includes a $5.5 million middle school for housing all fourth, fifth and sixth grade pupils, while a redistricting plan is providing an equal race mixture in the lower grades.

There are those of late, including the Wall Street Journal, who regard the All-America Cities awards as mere boosterism, signifying little. We don't agree. When citizens work tirelessly to improve their own communities, there is nothing so rewarding as a sincere pat on the back. And it's nice that North Branford has joined Enfield and Bloomfield (and Hartford as well) in earning that nod.

NATIONAL HONOR FOR NORTH BRANFORD

We congratulate the Town of North Branford upon its selection as an All American City—one of only nine municipalities in the nation to be chosen for the high honor. The citizens of neighbor cities and towns can profit by the example and inspiration of the healthy civic interest that won the coveted award for the relatively small community of 10,654.

This marks the first time since the mid-1950s that an All-America Cities flag has flown in this region. The only other community in the area to win it was New Haven itself, honored as it underwent the pangs of pioneering in redevelopment. The accomplishments that brought the honor to New Haven are visible today—despite difficulties experienced by the city in common with other urban centers. It is most likely that in the years to come, North Branford will profit by its extraordinary achievement.

Politics being what it is, there may be some residents of North Branford who resent the honor, which grew out of controversy. It was bestowed for the display of civic interest that was channeled to action, with resultant change in the town's form of government. Whether one feels the change is for the better or worse, it seems plain enough that apathy was not countenanced by the citizens of North Branford. There should be satisfaction on the part of all over the fact that so many citizens of the town took part in the decision to establish a council-manager form of government.

No less than 250 to 400 residents instigated the campaign that eventually involved so many townspeople. An unprecedented turnout of 67 per cent of the voters approved the change by a close vote of 1,713 to 1,547. Such a turnout is highly commendable when the undramatic issue, important though it is, involves government structure and no personalities.

But all along the line, high interest was stimulated by a non-partsan drive in the face of Town Hall obstruction and lassitude. The selectmen had refused to implement the recommendation of a charter commission that the voters express themselves at the poll. But the campaign leaders wouldn't take delay for an answer.

A petition to force the referendum was circulated through citizen action. That petition was signed by 2,008 voters when only 690 signatures were required—an indication of the intensity of the effort. The determination held all the way, right down to the business of convincing a town meeting to overrule the selectment on the referendum date so that more citizens would be likely to vote.

The voice of the people has been heard and heeded in North Branford through citizen initiative that has put the town in the national spotlight.

PRESIDENT NIXON MEETS RESPONSIBILITY ON BUSING

HON. HENRY BELLMON

OF OKLAHOMA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 21, 1972

Mr. BELLMON. Mr. President, the message which President Nixon sent to Congress on busing deserves the full attention and fair consideration by every Member because it represents a sincere effort by this administration to come to grips with a controversy which has become the most heated and highly emotional issue of the year.

The specific legislative proposals offered by the President requires serious study, which I am confident they will receive from the appropriate committees. There should be an adequate opportunity for debate, in order that all Members may be able to have all the necessary information before making a final decision on the President's proposals.

While the merits of the administration's plan are yet to be fully examined, however, the message alone has already accomplished one worthwhile purpose. It has served to inject a leveling influence into a situation where panic threatened to rule.

President Nixon's approach will not be pleasing to those who seek a simple, sudden, single-shot solution to the complex and longstanding problem of educational inequality. Neither will it please those who wish to return to the totally separate educational system of pre-1954. This is a problem which does not lend itself to immediate settlement and it is far too important to be swept back under the rug.

Sometimes the role of the Chief Executive is to serve as a balance wheel to keep the country from tearing itself apart. President Nixon has met that responsibility to a high degree in the recommendations he has made to the Congress.

Although busing is not a product of Congress, but of the courts, integration of the public schools is not a problem we can ignore.

Totally aside from the constitutional ramifications of the matter—about which competent and fair legal minds disagree—there is another issue that must be decided. The question is: Are black people here to stay and are white people ready to admit that they are?

If the answer is "Yes," then two courses of action are open. One is to pursue a course of action which has the end result of confining blacks to separate areas where they are maintained largely with huge sums of welfare payments. Around and through these communities will be needed an army of police to control crime and contain fear. Also needed will be another army of medical and social workers to contend with the problems of alcoholism, drug abuse, unemployment and illegitimacy. The net contribution of such a community is negative.

Another choice is to follow Thomas Jefferson's admonition as expressed in the Declaration of Independence:

> We hold these truths to be self-evident, that *all* men are created equal, that they are endowed by their Creator with certain unalienable rights . . ." This theme was further extended in the Constitution which says, in the 14th Amendment: ". . . nor shall any state deprive any person of life, liberty or property without due process of law; nor deny to *any* person within its jurisdiction the equal protection of the laws."

Even one who has never considered himself to be a great social reformer cannot ignore the plain requirements of this language nor deny the direction our Nation's founders had in mind when this language was adopted.

The main point to keep in mind is simply this: Where, in what direction, is the country headed?

Until the 1954 Supreme Court decision in Brown against Board of Education, public school systems for more than 50 years had been allowed to operate under laws which permitted racially separate school systems, if those systems also were theoretically equal. In many States, the result of this doctrine was the enactment of laws which either required or officially sanctioned racially separate or dual school systems.

In such situations, regardless of how close a school was located to a home, children in the family were assigned to school on the basis of their race. In order to assure racial segregation, it was frequently necessary to bus both black and white children many miles each day.

In the Brown case, the court declared that "separate educational facilities are inherently unequal" and ordered that school desegregation be accomplished "with all deliberate speed."

My own State of Oklahoma, which had pioneered in breaking down color barriers at institutions of higher learning, moved rapidly and successfully to implement the court order and to end the dual school system. During the decade that followed, Oklahoma compiled an excellent record of progress in civil rights, moving away from separation in many areas—eating places, hotels and motels, public facilities, transportation and employment. The same thing has happened generally over the country.

These changes have come slowly and sometimes painfully. The real question before Congress and the country now is, Shall we continue in this direction or do we begin to move back to where we were 18 years ago?

This country was established by those who believed that every citizen deserves an opportunity to fully develop whatever abilities and talents he has. It was believed that the Creator did not limit brains and talent to members of any race or class.

A nation that denies full participation in society and an opportunity for making a full contribution to any citizen because he is in the minority becomes a little weaker and a little less desirable place to live for everyone.

This, then, is the fundamental question that must be answered. I feel that the country must continue moving in the direction of bringing the races closer together by offering equal opportunity for all. This standard certainly should apply to education, because a person who is denied an education in his youth will find doors to opportunity closed to him all the rest of his life. A government which fails to provide an educational opportunity to its youth cannot through welfare or any other means make atonement later.

Over the years Congress has tried numerous times to enact a law dealing with the busing of students, but these attempts have been overturned as soon as they get into court. A prime example is the Civil Rights Act of 1964, which stated that:

> No local educational agency shall be forced or required to bus or otherwise transport students in order to overcome racial imbalance.

During the most recent Senate action on this subject, a number of antibusing amendments were introduced to education appropriations legislation previously passed by the House. Most attention was focused on two of these—the Griffin amendment and the Scott-Mansfield amendment.

Mr. President, I ask unanimous consent that a comparison of these two amendments and a summary of the key provisions of each be printed at this point in the RECORD.

There being no objection, the comparison and summary were ordered to be printed in the RECORD, as follows:

COMPARISON OF GRIFFIN AND SCOTT-MANSFIELD AMENDMENTS

GRIFFIN	SCOTT-MANSFIELD
Section 901—No court of the United States shall have jurisdiction to make any decision, enter any judgment or issue any order the effect of which would be to require that pupils be transported to or from school on the basis of their race, color, religion, or national origin.	**No comparable section.**
No comparable section.	**Section (a)—No funds appropriated for the purpose of carrying out any program subject to the provisions of the General Education Provisions Act, including this Act, may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system, except on the express written request of appropriate local school officials: Provided, however, that no court, and no officer, agent, or employee of the United States shall order the making of such a request: And provided further, that no funds shall be made available for transportation when the time or distance of travel is so great as to risk the health of the children or significantly impinge on the educational process.**

Comparison of Griffin and Scott-Mansfield Amendments—Continued

griffin—continued	scott-mansfield—continued
Section 902—No department, agency, officer, or employee of the United States, empowered to extend Federal financial assistance to any program or activity at any school by way of grant, loan, or otherwise, shall withhold or threaten to withhold any such Federal financial assistance in order to coerce or induce the implementation or continuation of any plan or program the effect of which would be to require that pupils be transported to or from school on the basis of their race, color, religion, or national origin.	Section (b)—No officer, agent, or employee of the Department of Health, Education, and Welfare (including the Office of Education), the Department of Justice, or any other Federal agency shall, by rule, regulation, order, guideline, or otherwise, (1) urge, persuade, induce, or require any local education agency, or any private nonprofit agency, institution, or organization to use any funds derived from any State or local sources for any purpose, unless constitutionally required, for which Federal funds appropriated to carry out any applicable program may not be used, as provided in this section, or (2) condition the receipt of Federal funds under any Federal program upon any action by any Federal program upon any action by any State or local public officer or employee which would be prohibited by clause (1) on the part of a Federal officer or employee. No officer, agent, or employee of the Department of Health, Education, and Welfare (including the Office of Education) or any other Federal agency shall urge, persuade, induce, or require any local education agency to undertake transportation of any student where the time or distance of travel is so great as to risk the health of the child or significantly impinge on his or her educational process; or where the educational opportunities available at the school to which it is proposed that such student be transported will be substantially less than those offered at the school to which such student would otherwise be assigned under a nondiscriminatory system of school assignments based on geographic zones established without discrimination on account of race, religion, color, or national origin.
Section 903—Notwithstanding any other law or provision of law, in the case of any order on the part of any United States district court which requires the transfer or transportation of any student or students from any school attendance area prescribed by competent State or local authority for the purposes of achieving a balance among students with respect to race, color, religion, or national origin, the effectiveness of such order shall be postponed until all appeals in connection with such order have been exhausted or, in the event no appeals are taken, until the time for such appeals has expired.	Section (c)—Notwithstanding any other law or provision of law, in the case of any order on the part of any United States district court which requires the transfer or transportation of any student or students from one local educational agency to another, or which requires the consolidation of two or more local educational agencies for the purpose of achieving a balance among students with respect to race, sex, religion, or socioeconomic status, the effectiveness of such order shall be postponed until all appeals in connection with such order have been exhausted or, in the event no appeals are taken, until the time for such appeals has expired. This section shall take effect upon the date of its enactment and shall expire at midnight on June 30, 1973.
Section 904—If any provision of this title, or the application thereof to any person or circumstance, is held invalid, the remaining provisions of this title, or the application of such provision to other persons or circumstances, shall not be affected thereby.	No comparable section.

Summary of Key Provisions of Griffin and Scott-Mansfield Amendments

GRIFFIN

Federal courts would be forbidden by Congress to issue school desegregation orders that would have the effect of requiring busing.

Federal officials would be forbidden to withhold or threaten to withhold federal funds in order to coerce or induce school districts to begin or continue any desegregation program that would have the effect of requiring busing.

Federal district court orders that require busing or consolidation of school districts to achieve racial balance would be stayed until all appeals have been exhausted.

SCOTT-MANSFIELD

Federal funds could not be used for busing to overcome racial imbalance, unless requested in writing by local school officials.

No court or federal official could order a school district to request federal funds for that purpose.

No federal funds could be used for busing when the time or distance or travel is so great as to risk the health of the children or significantly impinge on the educational process.

Federal officials would be barred from urging, persuading, inducing or requiring local school districts to spend state or local funds for busing unless constitutionally required.

Federal officials would be barred from pressuring a local school district to bus students to a school where educational opportunities are substantially less than those at a neighborhood school.

Federal district court orders that require busing from one school district to another or consolidation of school districts to achieve racial balance would be stayed until all appeals have been exhausted, or until June 30, 1973.

Mr. BELLMON. Mr. President, as the summary shows, the amendments contain many similar provisions.

The Scott-Mansfield amendment, which was approved by the Senate, answered most of the criticisms that have been raised by opponents of busing. By prohibiting the use of Federal funds for busing unless requested in writing by local school officials, the responsibility and authority was placed on local boards of education which are in the best position to make decisions. It prevents courts from ordering school districts to request Federal funds and guards against Federal agencies pressuring schools into using State or local funds for busing.

Under this amendment, no Federal funds may be used to transport students when the time or distance of travel may be harmful to their health or education. Also, Federal officials are barred from making a school district bus students to a school where educational opportunities are substantially less than those at their neighborhood school.

The basic difference between these two amendments, as I saw it, was that the Griffin amendment would completely remove busing as a tool to achieve school integration, while Scott-Mansfield would place heavy restraints on busing but not do away with it entirely.

Until a better solution is found, it is my feeling that Congress should not forbid the use of busing everywhere and under every circumstance. Therefore, I could not support the Griffin amendment. The Scott-Mansfield amendment offers a reasonable, workable approach to the problem and for that reason I found this particular legislation more preferable.

Also to be considered is the fact that both these amendments would be subject to challenge in the courts and it was generally felt that Scott-Mansfield had a better chance of being upheld though admittedly even this is questionable.

The battle is far from over on the busing issue. There will be other votes, in both the House and the Senate. There will be much speechmaking, letterwriting, and arguments pro and con.

Nobody I know of likes or wants busing to achieve school integration, although busing has been practiced for years without being regarded as evil. As members of a farm family, my wife and I and our three girls all have had to ride the bus to public school.

However, I fully recognize the intense public concern that has been generated in Oklahoma as well as other parts of the country as a result of Federal court rulings on the question. I can well understand the frustration and anger that citizens may feel under the pressure of Federal authority.

In this statement, I have attempted to set forth my feelings on the subject to this point. On a final note, and perhaps as a guide to future consideration of this difficult problem, I ask unanimous consent to insert a portion of the 1971 report of the U.S. Commission on Civil Rights.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Busing and the Neighborhood School

Two emotionally charged issues have intruded into the public debate over school

> desegregation and have tended to cloud understanding rather than clarify discussion. These are "busing" and the "neighborhood school." Those who have used them as arguments against desegregation ignore certain plain facts. One is that every day of every school year 18 million pupils—40 per cent of the Nation's public school children—are bused to and from school, and the buses log in the aggregate more than two billion miles each year. Another is that the trend of modern-day educational thought is away from the neighborhood school—a self-contained unit serving a relatively small student population—in favor of larger school units where economies of scale frequently make possible a broader curriculum, provision of new educational equipment, and special services not financially possible in schools which serve small numbers of students.

This happened in Oklahoma in the late 1940's and early 1950's when over 3,000 rural neighborhood schools were closed and the students were "bused" to schools in town.

> To discuss desegregation in terms of "busing" and "neighborhood schools" is to remove the issue from the legal and educational context to which it belongs and transfer it to the arena of emotion and politics. Neither busing nor the organizational structure of school systems is an end unto itself. Rather, each is a means to the end of desegregated, quality education. As this Commission pointed out last April:
>
> . . . the emphasis that some put on the issue of busing is misplaced. As most Americans would agree, it is the kind of education that awaits our children at the end of the bus ride that is really important.

Mr. BELLMON. Mr. President, it is my firm conviction that this is something everyone can agree on—the President, Congress, the courts, educators, parents and children, black or white. I am hopeful that the people of this country, with the vast public and private resources we have at our disposal, can unite in a common goal to achieve the objective of the best possible education for every child in this Nation.

THE HIGH COST OF WATER POLLUTION CONTROLS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. CRANE. Mr. Speaker, it has become commonplace for those concerned with problems in American society to refer to such problems as crises and to propose crash programs designed to stem the onrushing tide of disaster.

In most instances the solutions proposed by critics are neither as new nor as innovative as they suppose them to be. Critics of medical care, for example, call for national health insurance and Government-controlled medicine. Critics of the welfare system call for a guaranteed annual income system conducted from Washington. Those concerned with unemployment simply advocate that Government hire all of those without jobs.

The alleged solutions and responses are simply the same old answer of "let the Government do it," which we have heard in response to so many other problems in the past. Government, we may recall, was meant to solve the farm problem, the problem of slum housing, the problem of inflation. Government, through the Office of Economic Opportunity, was going to assist those who were underprivileged in gaining the education and training they needed. In all of these cases, Government involvement has compounded rather than solved the problem.

Now the Congress is discussing the problem of water pollution. This problem exists, as does the farm problem, the problem of slums and all of the other problems which crusading reformers hope to solve by turning them over to Government bureaucrats.

The Senate has passed a bill and the House is considering a bill which will, its sponsors tell us, produce clean lakes and rivers all across America. The bill provides a clear-cut timetable: By June 30, 1974, municipal sewage pollution facilities will provide the equivalent of secondary treatment. By July 1, 1974, construction grants for treatment facilities will be made on a regional, or areawide basis, rather than on a city or town basis as in the past. By January 1, 1976, industrial sources of pollution will be required to have the best practicable control technology. By January 1, 1981, industry will cease water pollution discharges. By 1985, the discharge of all pollutants from all sources into navigable water will be eliminated.

In an important article in Barron's of January 31, 1972, Washington attorney Douglas Caddy notes that:

> The Administration and industry representatives argue that the setting of these goals and deadlines is unrealistic and could lead to a new undermining of the confidence of the citizens in their government when expectations are not fulfilled.

Environmental Protection Agency Administrator William Ruckelshaus told a National Press Club luncheon that the provision for the elimination of all discharges into waterways by 1985 is not technically feasible.

The demands made upon American industry may not be only unreasonable, but also not possible. In his article, Mr. Caddy points out that:

> Industry is . . . disturbed over the logistical problem of meeting the Phase I January 1, 1976, deadline, since EPA regulations defining the treatment facilities will not be available until 1973. The design and installation of sophisticated treating facilities for large or complex manufacturing plants involve a lead time of several years.

Beyond this, Mr. Caddy writes, is the fact that:

> Phase II will see a separate and more stringent standard for treating facilities. Thus, after massive investment in Phase I facilities, industry may quickly find that they do not satisfy the act's requirements.

Another aspect of this legislation which is of growing concern is the fact that under this bill any citizen would have the right to initiate a civil suit against any party who is alleged to violate an effluent limitation or a Federal or State abatement order, or against the EPA Administrator for failure to perform a nondiscretionary act. Businessmen, on the other hand, are unfairly denied the right to challenge the Administrator's actions in civil or criminal enforcement proceedings.

It is unusual that a Congress which is concerned with unemployment and the fact that American industry is becoming less and less competitive in the world market would place such new restrictions and limitations, as well as expenses, upon business. Economist Paul McCracken warned that the impact of this water legislation could "turn out to be proportionately heavy on industries and products that are important to our foreign trade" and could lead to enlarged structural unemployment, the most difficult to control because it is caused by disappearing markets.

Congress should carefully consider the implications of this legislation. All of us seek cleaner air, cleaner lakes and cleaner rivers. The question involved is not our goal, but whether particular legislative remedies bring us closer to such goals, or make their achievement less possible and less realistic, as well as more costly. I wish to share Mr. Caddy's article, "Effluent Society? Pending Water Pollution Controls Would Cost Industry Dear," with my colleagues, and insert it into the RECORD at this time.

[From Barrons, Jan. 31, 1972]

EFFLUENT SOCIETY? PENDING WATER POLLUTION CONTROLS WOULD COST INDUSTRY DEAR

(By Douglas Caddy)

Now that Congress has reconvened for its second session, it will pick up where it left off in processing major legislation. At the top of the list is the Federal Water Pollution Control Act Amendments of 1972, an impressive title for an array of concepts and proposals which may drastically affect the balance sheets of American corporations for at least the next decade.

In the opinion of most Congressional leaders, the new water bill could be the most important legislation enacted by the 92nd Congress. One thing is certain: if the proposed 1972 amendments to the Federal Water Pollution Control Act of 1965 are adopted without substantive modification on the floor of the House, their potential impact upon the economy and upon industry, agriculture, labor and government will be profound. The bi-partisan leaders of the House Public Works Committee, in announcing that the Committee had ordered its bill HR 11896 reported on the day before the first session of Congress ended, described it as "the most significant water improvement legislation ever reported to Congress," meaning the 1972 offspring amendments certainly outshine their parent act passed seven years ago.

SENATE VOTE

The Senate passed its own bill S. 2770 on November 3. The vote of 86–0 clearly reflected the absence of controversy and debate, although Senators James Buckley (R.-C., N.Y.) and Lloyd Bentsen (D., Texas), who serve on the Senate Public Works Committee, voiced concrete reservations about some of the bill's provisions. The Senate Public Works Committee in the past two years devoted 33 days to public hearings on the water legislation, heard 171 witnesses, received 470 statements for the record, compiled 6,400 pages of testimony and held 45 executive sessions. In the end, even the two slightly critical Senators, joining in praise for Senator Edmund

Muskie (D., Maine) for skillfully guiding the bill toward successful passage, voted "yea" and sent the measure to the House.

Rep. John Blatnik (D., Minn.), Chairman of the House Public Works Committee, almost immediately indicated he strongly opposed reopening the public hearings on the legislation which his committee, like its counterpart in the Senate, had been conducting for months. The Adminstration, supported by industry and state governments which felt the Senate bill weakened their pollution control powers, pressed for new hearings. Within a week after having voiced opposition to the hearings, Rep. Blatnik succumbed and scheduled final hearings for December 7–10.

The four days of hearings saw a parade of prominent witnesses—from the Republican governor of New York, Nelson Rockefeller, to the then Chairman of the Council of Economic Advisers, Paul McCracken—criticize the Senate and House bills as embracing the wrong goals and establishing dangerous regulatory powers. Nevertheless, on December 16 the House Committee voted to order its own bill, stronger in some aspects than the Senate version, sent to the House floor where it will be voted upon, perhaps as early as February. Rep. Robert Jones (D., Ala.), who is Acting Chairman while Rep. Blatnik recovers from a slight heart seizure, and Rep. William Harsha (R., Ohio), ranking minority member, declared the House bill goes "with the overwhelming bi-partisan support of the Committee's members."

COMPLEX PROVISIONS

One reason why little or no opposition is voiced against the legislation in Congress is that few members of Congress admit they understand the amendments' complex provisions and concepts. Indeed, it is worth noting that the Senate Public Works Committee on October 28 voted to report its bill but the actual text and committee report were not available until November 1, the day before the Senate was scheduled to vote. S. 2770 is 190 pages long and its length and complexity undoubtedly deterred many Senators from reading the bill in the 24 hours between the time the bill became available and the debate and vote. Thus, the Senate almost blindly relied upon the collective judgment of its Public Works Committee, which strongly recommended passage.

It was not until after Senate passage that the Administration and other critics awoke and began to clamor for a re-examination by the House Committee. S. 2770 and H.R. 11896 (as introduced on November 19—the text of the final bill will not be ready until February) must be read sentence by sentence to pierce their complex concepts and provisions. After doing so, one veteran Washington lawyer described the bills as "virtually a world's fair of legislative ingenuity and legal intricacy."

The controversy that has developed since Senate passage swirls around five concepts embraced by both bills:

First, the legislation sets a series of goals to be achieved and deadlines to be met in order for the country to obtain pollution-free water.

By June 30, 1974, municipal sewage pollution facilities will provide the equivalent of secondary treatment.

By July 1, 1974, construction grants for treatment facilities will be made on a regional, or area-wide basis, rather than on a city or town basis as in the past.

By January 1, 1976, industrial sources of pollution will be required to have the best practicable control technology.

By January 1, 1981, industry will cease water pollution discharges.

By 1985, the discharge of all pollutants from all sources into navigable water will be eliminated.

INTERIM GOAL

There is one general interim goal: to make lakes and streams clean enough by 1981 for swimming and for the propagation of fish, shellfish and wildlife.

The Administration and industry representatives argue that the setting of these goals and deadlines is unrealistic and could lead to a new undermining of the confidence of the citizens in their government when expectations are not fulfilled. Environmental Protection Agency Administrator William Ruckelshaus told a National Press Club luncheon on the same day that the House Committee ordered its bill reported that the provision for the elimination of all discharges into waterways by 1985 is not technically feasible.

Earlier, in committee testimony, the chairman of the Council on Environmental Quality, Russell Train, also criticized the goal. After noting that "since wastes will not simply disappear and must be disposed or recycled in some way," Train observed, "a no-discharge requirement presupposes that it is uniformly preferable to dispose of all waterborne waste on the soil or in the air rather than in the water, except where some type of re-use is possible. It is true that the land should be considered and quite possibly used to a much greater extent as an alternative to water for waste disposal, particularly for wastes that are composed of usable nutrients. However, I am aware of no evidence that land can be regarded as the best or even a viable solution for all or most waste disposal requirements. There are practical limits on land availability; there is potential for contamination of soil and ground waters be heavy metals and other materials.

"These and other questions need, and are receiving, further research and investigation. Moreover, surface water has a capacity to absorb a certain amount of wastes without harm. Although we certainly should not abuse or strain this capacity, neither should we ignore it, especially not without weighing the environmental hazards of alternative disposal choices." Train further noted that incremental costs of abatement increase greatly as higher levels of reductions are required. This is shown in the accompanying table.

EFFLUENT LIMITATION STANDARDS

The second major concept is abandonment of water quality standards developed under the 1965 Act and substitution of effluent limitation standards. Premised on a determination of the beneficial uses to be made of a given body of water, water quality standards include a description of the quality necessary for such uses, stated in physical, chemical and biological measures. A schedule of remedial actions to achieve and preserve such quality is included.

The proposed effluent limitation standards would require the progressive restriction on discharges into the water until the point is reached when no pollution effluent is discharged, i.e. 1981 for industry, and 1985 for all other sources.

EPA Administrator Ruckelshaus, in criticizing the substitution of effluent limitation standards for water quality ones, points out that this concept would forbid tertiary chemical treatment of sewage. Such a system is currently being installed at the Blue Plains sewage plant for the District of Columbia and, according to Ruckelshaus, the discharges from this treatment will be just short of drinkable quality. However, under the concept of effluent limitation the treated discharges could not be put into the Potomac River. According to Ruckelshaus, the alternative will necessitate the building of huge lagoons for sewage sludge settlement and the use of irrigation or some other system for the return of disinfected sewage effluent to the land, EPA favors the new legislation building upon the existing foundation of water quality standards and employing effluent limitation only as a tool to achieve such standards.

BEST PRACTICABLE

The legislation's third major concept is to achieve the "no discharge" goal and effluent limitation standards through two phases. Phase I would require industry to apply the "best practicable control technology currently available" by January 1, 1976. Phase II would require industry to apply the "best available control technology" by January 1, 1981, if it is unable to eliminate completely the discharge of pollutants. A part of this concept is that all new point sources or discharge for 28 industrial groups (such as textile, steel, paper, chemical, etc.) will be required to use the "best available technology" and, if practicable, to meet a standard of performance which permits no discharge of pollution.

Industry representatives express concern over this concept because the legislation fails to define adequately what constitutes best "practicable" control technology, opening the possibility that the EPA or private parties in citizen's suits allowed under the act, might take the position that any control technology which is "possible" or "capable of being used" (the dictionary definition of practicable) is required. Since the two bills establish a precise standard of "secondary treatment" for publicly owned plants, they argue that precise standards should be applied to industry.

Industry is also disturbed over the logistical problem of meeting the Phase I January 1, 1976, deadline, since EPA regulations defining the treatment facilities will not be available until 1973. The design and installation of sophisticated treating facilities for large or complex manufacturing plants involve a lead time of several years. Moreover, thousands of plant owners will be competing at the same time for the equipment and construction labor. There is already about $7 billion worth of waste treatment facilities for which federal financial assistance has been committed, construction of which is incomplete or not yet under contract. Still another problem is that Phase II will see a separate and more stringent standard for treating facilities. Thus, after massive investment in Phase I facilities, industry may quickly find that they do not satisfy the act's requirement.

NO SOLACE

The citizen's suits and administrative and judicial procedure set forth in the amendments comprise the fourth major concept. Since the act will permit citizen's suits to enforce compliance, industry may find no solace in the suggestion that EPA will be reasonable in applying the act and in resisting literal compliance.

The amendments would allow any citizen to initiate a civil suit against any party who is alleged to violate an effluent limitation or a federal or state abatement order, or against the EPA Administrator for failure to perform a non-discretionary act. If EPA or the state initiates a civil or criminal action on its own against the alleged violator, no court action may take place on the citizen's suit.

Any party who willfully or negligently violates its discharge permit or who violates several other specific provisions contained in the amendments shall be liable to a fine up to $25,000 per day of violation and/or one year in jail. The penalty for the second conviction is $50,000 per day and/or two years in jail.

The Senate bill requires a petition for review of EPA's promulgation of standards relating to new sources of toxic pollutants and any petition for review of the EPA Administrator's acceptance or rejection of a state's procedure for controlling new sources or issuing permits to be filed within 30 days in the U.S. Court of Appeals for the District of Columbia. A challenge to the Administrator's actions cannot be raised in civil or criminal enforcement proceedings.

FAIR SHAKE

Industry representatives argue these provisions substantially deprive interested parties, including the states, of access to judicial review. Since the U.S. Court of Appeals in the District of Columbia is characterized by some as a "liberal" court, they believe that they would receive a fairer shake if appeals could be filed in the U.S. Court of Appeals for the appropriate local circuit.

The House bill contains a provision which may prove to be a superior judicial procedure. It requires the President, through the Department of Justice, to study and make recommendations on the advisability of establishing an Environmental Court to resolve disputes over administration of pollution control measures.

The final concept embodied in the amendments is contract authorization. This would eliminate the budget-appropriation process of Congress and would give EPA direct authority to enter into contracts. At stake is the contracting authority to disburse vast sums of public sums. The House bill calls for a total outlay of $27 billion over four years—$7 billion more than the Senate bill. The Administration had originally recommended $8 billion for the same time span.

Of the $27 billion in the House bill, $20 billion would be for sewage-treatment plants, including construction of collection systems. The Senate bill authorizes $14 billion for plant construction. Both bills, in bypassing the normal budget-appropriation process, allow EPA to enter into long-term contracts with regional authorities. The federal share of construction costs under HR 11896 would range from 60% to 75%, depending on the state's contribution. This compares with 60%–70% in S. 2770 and 30%–55% in existing law. Both bills also authorize reimbursement to cities and states for their sewage plant construction work since 1965 ($2.4 billion in S. 2770 and $2.75 billion in HR 11896).

SIDESTEPS SAFEGUARDS

EPA Administrator Ruckelshaus, who would have the authority to disburse the billions of public funds, is opposed to contract authorization—as are a number of Senators. He says it "sidesteps all the safeguards and discipline provided by the budgetary-appropriation process. . . ."

The concept of contract authorization raises perhaps the most fundamental question concerning the potential impact of the water act amendments: will the economy be adversely affected?

Paul McCracken believes it may well be. In testimony before the House Committee last December he observed: "If new programs are taken in without seeing clearly the magnitude and character of future commitments, they may get out of line with our capability in the future to produce, thereby imposing severe strains and distortions on the economy. . . . We are already on an expenditure course such that federal outlays will tend to riso more rapidly than the increment of revenues that ongoing economic growth will yield with any given system of tax rates."

He warned that the impact of the water legislation could "turn out to be proportionately heavy on industries and products that are important to our foreign trade" and could lead to enlarged structural unemployment, the most difficult to control because it is caused primarily by disappearing markets.

In concluding, McCracken indicated his prepared remarks held three implications:

(1) "The commitment involved in H.R. 11896 is large. Required capital outlays for a sustained period would be equal to something like one-tenth of business fixed investment, and another like amount would be spent for operating costs.

(2) ". . . It would appear physically to be very difficult for this country under its system of construction as currently organized to produce the physical plants to achieve the level of effluent removal suggested by 1981 by either the Senate or House bills. Over the last two years the rate of growth of construction of waste disposal facilities has been 25% annually. This compares with a long-term rate of growth of approximately 6%. . . . Higher levels of activity in this sector could lead to more rapidly escalating inflationary pressure. . . ."

(3) The question of the economic feasibility of carrying the removal level to 100% "is not answered by whether even purer water is better but whether after achieving a reasonably high level of removal the large resources involved to achieve small further gains could contribute even more to our material welfare if they were to be used elsewhere. . . ."

IMPORTANT EFFECT

The economic common sense contained in McCracken's comments had an important effect. Committee members agreed to insert a new provision in their bill to require that within two years after enactment the National Academy of Sciences would complete and report to Congress a study of the social, economic and technological effects that would result from achieving the 1981 clean water goals. The requirement that industries must use the best available pollution control technology would not come into force until the Congress takes action to implement the findings of the National Academy of Sciences study. Practically, this might mean the 1981 requirement would not take effect unless Congress reimposed it.

Of course, even if provision requiring this study is retained in the bill on the floor of the House, it may be struck out when the House and Senate bills are sent to conference committee. Nevertheless, the McCracken testimony and the proposed study do serve to focus the attention of the entire House not on the question most frequently posed up to now: "Do we need this legislation if we are to clean up our waters?" but instead: "If we pass this legislation, will its environmental benefits be more than offset by the social, economic and technological costs required to implement it?"

If Congress enacts the water act amendments, President Nixon is not likely to exercise a veto. To do so, as Ruckelshaus says, would open him to accusations that he favors "dirty water." Accordingly, Ruckelshaus cautioned the House Committee members in enacting legislation: "We must be as careful as surgeons. We must take care not to throw the proverbial out with the bathwater."

TOTAL NATIONAL COSTS OF SUCCESSIVE LEVELS OF POLLUTANT REMOVAL

[Dollar amounts in billions]

Level of removal	Total cost	Cost per incremental percentage point of removal
85 to 90 percent	$61.0	$0.7
95 to 99 percent	119.0	6.0
100 percent	317.0	66.0

Source: Estimates of the Council on Environmental Quality and the Environmental Protection Agency. In effect the data are in terms of 1971 dollars, since no price inflation has been built into the data. Total costs include a 10-year program of capital expenditures and 20 to 25 years of operating costs for those facilities.

STATE MUTUAL LIFE ASSURANCE CO. OF AMERICA IN WORCESTER, MASS., LEADS THE WAY IN DEMONSTRATING THAT IT PAYS IN CASH, AS WELL AS IN HEALTH, TO QUIT SMOKING

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. DONOHUE. Mr. Speaker, as the Member of Congress representing the city of Worcester, Mass., in which the State Mutual Life Assurance Co. of America is located, I am proud of the most effective social development partnership for progress this great company has with all our community elements and I earnestly feel the company officials and employees deserve our universal congratulations and commendation for being the first in their field to provide incentives to consumers to quit smoking by offering them lower premiums on life and health insurance policies.

In this regard, a very enlightening article entitled "The High Cost of Smoking," by Walter S. Ross, in the March 1972 issue of the Reader's Digest, gave national editorial recognition to State Mutual's non-cigarette-smoker life insurance program in these extracted words, and I quote:

> It started in 1964, when the Surgeon General's famous report disclosed that cigarette smokers had an overall death rate 68 percent higher than non-smokers. Subsequently, State Mutual Life Assurance Company of America began advertising, "The non-cigarette smoker is a better life-insurance risk. He's entitled to a better rate. So we've given it to him." State Mutual started selling life insurance in minimum amounts of $10,000 at approximately a three-percent discount to all who could honestly sign the statement, "I do not now smoke cigarettes, nor have I smoked any cigarettes for at least the past 12 months." This would save a 31-year-old non-cigarette-smoking man $15.60 a year on a $30,000 policy. On larger policies, savings are higher.
>
> Through 1971, State Mutual had sold more than $1.2 *billion* of non-smoking insurance; today this insurance accounts for 35 percent of the company's new business. State Mutual finds that not only are the non-smoking policyholders better risks, but that they buy larger policies, and hold onto them more consistently. Perhaps it's easier for them to pay premiums because of the money they save on cigarettes. A 30-year-old man can buy $10,000 policy with what he saves on a pack and a half of cigarettes per day. Today, 11 other companies have non-smokers' insurance.

Mr. Speaker, the very timely and interesting Reader's Digest article mentioned above emphasizes that cash incentives, to nonsmokers, are being extended in other business fields and they are part of a wholesomely developing national trend because most businesses are increasingly discovering that being concerned about and contributing to the improvement of the quality of life for the consumer is not only good citizenship but also good business in a better country. In its particular industry State Mutual Life Assurance Company of America has shown the way; to others we simply say—go and do likewise—for your own, for your consumer's and for the Nation's best interest.

THE CONSEQUENCES OF SEGREGATION

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. EDWARDS of California. Mr. Speaker, we need, I think, to be constantly reminded of the evil consequences of segregation in our society. In the recent debates on integrating the suburbs and the use of busing to desegregate the schools there has been little, if any, mention of the terrible cost of continued segregation for the minority communities. Yet while the debate continues, the heavy toll of lost opportunities is exacted daily, often beneath the level of our notice and hidden from our consciences. The just completed report of the 20th century fund on "The Job Crisis for Black Youth" gives us the latest accounting of the damage inflicted upon blacks by continued segregation and denial of opportunity. This report deserves the attention of everyone in the Congress, and I hope that we will all read it to become more aware of the human casualties we are creating daily in our society by our continued refusal to end the racial segregation which permeates almost every segment of American life.

I commend to the immediate attention of all in this body the recent Washington Post editorial on this important study:

PROBLEMS OF BLACK YOUTH

"When hope dies, its heirs are desperation and despair," said James B. Conant a decade ago, warning of the "social dynamite" planted in our cities by the enforced idleness and empty expectations of "hundreds of thousands" of young people. The warning is cited in a study of "The Job Crisis for Black Youth" conducted by a special task force for the Twentieth Century Fund (Praeger, $3.95). It found that the "hundreds of thousands" have multiplied, particularly among black ghetto youth and that the "social dynamite" which some years ago exploded at Watts and the subsequent ghetto riots, is now detonating in a steadily increasing barrage of crime. "As against a white adult unemployment rate of 4.6 per cent during the second quarter of 1971," the task force reports, "the over-all black teen-age unemployment rate was 34.9 per cent— or more than seven times greater; in the poverty areas it was 39.1 per cent. For black adults between the ages of 20 and 24 the unemployment rate was 19 per cent."

The causes are numerous and, in part, obvious: our general failure to generate sufficient jobs at adequate wages for all who want to work; racial discrimination; the near-breakdown of the inner-city schools which permit young people to drop out or graduate from high school without the minimum skills required for desirable jobs; the lack of an alternative to formal schooling of adolescents and the reluctance of employers to hire young blacks and train them for other than dead-end jobs. Another often-cited cause is the flight of industry to the suburbs which leaves the inner-city resident with fewer opportunities for low-skill jobs at the bottom rung of the ladder to upward mobility. But that, says the study, is somewhat of an oversimplification. Because of the growth in services and government activities the number of jobs for unskilled workers has actually increased. The trouble is that many of these jobs are filled by commuters from the suburbs and, more important, that the number of black migrants and poorly educated inner-city youngsters is increasing even faster than the jobs. This trend continues to accelerate. And so does the prospect for crime. One cause, of course, is the despair of ghetto life and the contacts youth makes on the street. But a major and most disturbing factor, says the study, "may be the rising 'legitimacy' of crime, to the extent that blacks see it as an expression of civil disobedience"—as a form of protest.

The task force acknowledges that there are no easy solutions and that a many-faceted attack is needed. It would give priority to creating public-service jobs for all young people who can't find jobs in private industry, step up funding of antidiscrimination efforts and expand services, including child care, family planning and part-time employment for young black women who suffer the highest unemployment rates.

In the end, however, the nation, including its black leaders, must recognize that the problems of ghetto youth are essentially the problems of the ghetto. And these problems will become worse, no matter how much we spend or how well we mean, as long as we continue to house the black and the poor almost exclusively in the inner city. We can, perhaps, ameliorate ghetto conditions. But we cannot eliminate its inherent evil until we eliminate the ghetto itself.

RAIL PASSENGER CUSTOMERS NEGLECTED

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mrs. GRASSO. Mr. Speaker, I deeply regret that the House, in its consideration of H.R. 11417, the National Railway Passenger Corporation Review Act, refused to accept the amendment to make the so-called inland route between New Haven, Conn., and Boston, Mass., a permanent component of the Amtrak system.

This amendment would have provided intercity rail transportation between New Haven, Wallingford, Meriden, Berlin, and Hartford in Connecticut, and Springfield, Worcester, Framingham, and Boston in Massachusetts. Such a provision would have done much to rekindle interest in rail transportation among the people of central Connecticut and central Massachusetts.

The inland route to Boston from New Haven includes over 1.2 million more people than the present Shore Line route. Although an important goal of Amtrak is creation of a balanced transportation system, Amtrak now runs 10 trains daily along the Shore Line route, but only one train daily from Springfield to Boston. Many more individuals would avail themselves of Amtrak trains if a more balanced route were inaugurated. Of the numerous people who drive from Hartford to Boston each year, a large number would gladly travel by train if the opportunity were offered.

Since the amendment considered would have required only a minimum of three trains daily along the inland route, it would not have jeopardized the existing Amtrak Shore Line route.

Instead of revitalizing intercity rail traffic, Amtrak continues to neglect potentially rich market areas by refusing to schedule rail service along those routes which would serve a large number of potential travelers. The Northeast is not alone in this problem. Other sections of the country also are without effective rail service. A large, untapped pool of potential rail passenger customers is being neglected by the current state of intercity rail transportation. Perhaps Amtrak will someday recognize this potential and take advantage of the promise it offers.

SICKLE CELL ANEMIA: RESEARCH, TREATMENT, AND DETECTION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. RANGEL. Mr. Speaker, the House of Representatives is scheduled to consider legislation—landmark legislation—to fight the deadly sickle cell disease which afflicts black Americans. Sickle cell anemia, an inherited blood disease, strikes approximately one out of every 500 black children born in the United States. Most of its victims die a painful death before their 20th birthdays.

In December of 1971, the Senate passed S. 2676, a bill which would provide $142 million over the next 3 years for Federal aid in the research, treatment, and detection of sickle cell anemia. The House Committee on Interstate and Foreign Commerce has reported out H.R. 13592, a bill less comprehensive than the Senate measure and providing $105 million—$37 million less than the Senate version—to combat this menace to our health. We in the House of Representatives would be remiss in authorizing anything less than our colleagues in the Senate to implement the National Sickle Cell Anemia Prevention Act. In addition, we have a moral obligation to guarantee that full appropriations swiftly follow enactment of this legislation.

I urge my colleagues to join in support of this desperately needed action. Promising research developments based on years of work have been revealed. Increased programs to educate possible carriers of the genetic sickle cell trait are reaching the black communities of America. We must not let these hopeful signs be crushed by the failure of Congress to authorize and fund the war on sickle cell disease.

EVALUATION OF COUNCIL ON ENVIRONMENTAL QUALITY—A COMMENTARY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. DINGELL. Mr. Speaker, I insert into the CONGRESSIONAL RECORD an excellent historical commentary on the Council on Environmental Quality entitled "The Council on Environmental Quality: an Evaluation," by Mr. Richard N. L. Andrews, published in the January-February 1972 issue of the Journal of Soil and Water Conservation:

THE COUNCIL ON ENVIRONMENTAL QUALITY: AN EVALUATION

(By Richard N. L. Andrews)

(NOTE.—Richard N. L. Andrews is a Ph.D. candidate in environmental planning at the University of North Carolina, Chapel Hill.)

The Council on Environmental Quality has collected generous shares of both praise and blame for the course that federal environmental policy has taken in the past two years. However, it is not clear that how significant a role CEQ actually has played in this process. It is useful, therefore, to evaluate its powers, achievements, and problems during its first years of existence in order to put in accurate perspective both its potentials and its limitations.

CEQ was created by Congress as part of an unusual legislative package which not only established a "national policy on the environment" but included what were described as "action-forcing provisions" to assure implementation of that policy by federal agencies.[4] In CEQ, Congress created an ongoing institutional focal point for environmental policy-making and review.

The administration originally opposed creation of a statutory council, preferring instead to work through a cabinet-level coordinating committee. But Congress insisted, pointing out that while the cabinet committee filled a need for interdepartmental coordination, it had neither the time, the expertise, nor the independence of traditional departmental missions to provide consistent, expert advice to the president on environmental policies and trends[6] CEQ was created therefore, as a three-member body of "exceptionally well-qualified men," appointed by the president and subject to Senate confirmation. To it was attached the staff of the Office of Environmental Quality, created by the Water Quality Improvement Act of 1970. (Public Law 91-224).

CEQ'S AUTHORITIES

By law CEQ is authorized to:

Assist the president in preparing the annual environmental quality report,

Gather information on environmental conditions and trends,

"Review and appraise" federal activities affecting the environment.

Develop and recommend environmental policies to the president,

Conduct ecological and environmental investigations and research,

Report annually to the president, and

Conduct such other studies as the president may request.

Once congressional determination to create a statutory council became clear. President Nixon used the enactment of the law as a springboard for a sweeping set of environmental policy initiatives. He stressed environmental considerations strongly in his state of the union message, budget message, a special environmental message to Congress in February 1970, and an executive order directing abatement of pollution emanating from federal facilities. One month later, in the executive order directing implementation of the procedures of the National Environmental Policy Act, he clearly went beyond the specific requirements of the law by authorizing CEQ to:

Conduct public hearings and conferences on environmental issues,

Coordinate (not merely review and appraise) federal activities affecting the environment,

Issue guidelines to federal agencies for compliance with NEPA, and

Issue such other instructions to the agencies and request such information from them as necessary to fulfill its responsibilities.

The significance of these added authorities hardly needs to be emphasized. First, they clearly underscore the commitment of the administration as well as Congress to environmental policy initiatives. Second, they give to CEQ powers otherwise held by few if any agencies in the executive office, except the Office of Management and Budget, to guide and influence the policies and actions of other federal agencies.

The administration's policy commitment to environmental quality has remained clear since that time as well in a stream of executive orders, legislative initiatives, and policy statements, including emphasis in each of the annual presidential messages to Congress. Thus whatever may be said of CEQ's actions, the actions have been taken in the context of a clear mandate from both Congress and the president to harmonize federal actions with environmental quality goals.

The limits of CEQ's powers must also be noted, however. CEQ is not an environmental czar, nor even a new national resources planning board. It has no authority to veto the actions of any other agency, nor even to require an agency to file the detailed statement of environmental impact required by Section 102(2)(C) of NEPA. It does have the power to review agency actions for environmental impact and to give advice both to the agency and to the president. But in any intractable conflict with another agency, CEQ's power is limited to its ability to persuade the president to take action. Its influence on the agencies can thus be explained only by its success in persuading the president to adopt its recommendations, or by its success in persuading agencies to adopt its recommendations voluntarily and thereby avoid later adverse consequences in the wider forums of congressional, judicial, and public opinion.

ACCOMPLISHMENTS TO DATE

Activities

Since its establishment, CEQ has been responsible for or contributed to a wide range of policy actions, including at least six executive orders: reversal of a ruling by the Internal Revenue Service denying tax-exempt status to nonprofit environmental law groups; discontinuation of construction on the Cross-Florida Barge Canal; formulation of the president's 1971 environmental legislative program; establishment, organization, and budgeting of the new Environmental Protection Agency; special studies leading to legislative initiatives by the president for control of ocean dumping and toxic substances; and regular advice, staff work, and recommendations to the president on such issues as eagle killings, oil spills, stream channelization, nuclear testing, the Alaskan oil pipeline proposal, international treaties, land use problems, and the upcoming United Nations Conference on the Human Environment.[5]

CEQ also has published two annual reports,[1,2] the first a primer on environmental problems, the second a more sophisticated discussion of present trends and recent progress in resource management, the innercity environment, and the relationships of recent developments in law and economics to environmental problems.

The most far-reaching of CEQ's activities in terms of impact, however, has been its oversight and guidance of the implementation of NEPA's procedures by federal agencies. CEQ issued interim guidelines to the agencies in April 1970 and in July of that year published a list of the agencies that should be consulted about particular types of environmental impacts. In January 1971 it issued notice of its intention to revise the guidelines. The revised guidelines were issued three months later.

Despite these guidelines and CEQ's continuing review and assistance to the agencies in implementing them, a substantial lack of uniformity is still evident in the quality of the responses by many agencies. To suggest the reasons for this unevenness, it is useful to look briefly at the guidelines themselves.

Guidelines

Two basic policies are evident in both the interim and revised guidelines. First, although new procedures are required which may, in turn, affect choices between alternative projects and other types of actions, no new explicit rules of preference for making such choices are stated. The guidelines require that environmental impacts be considered in the decision-making process, and they imply clearly that some amount of bias in the direction of minimizing adverse environmental impacts must be introduced in the process of choice. But they do not show clearly how heavily such considerations are to be weighed against traditional agency objectives and budgetary constraints in making particular decisions or how much the administration is willing to sacrifice in attaining other goals (such as water resource development, highway construction, economic growth, and budget control) to achieve environmental goals.

The second policy is that much of the responsibility for implementation is left to the agencies themselves, minimizing the number of specific across-the-board requirements imposed by CEQ. There are obvious reasons for this policy, including the variation in situations and procedures among agencies which precludes governance of all by a single set of definitions and requirements, and also the newness and inexperience of CEQ which precludes sufficient understanding of the agencies' situations and modes of operation to prescribe operational rules for them. NEPA itself was written in general terms in recognition of the procedural differences that would be required to achieve its purposes in the varying contexts of different agencies. On the other hand, such a policy also made inevitable a chaotic transitional period of administrative adaptation.

Within these two policies, the guidelines serve to define particular points of ambiguity in the law, such as the "fullest extent possible" to which agencies are expected to comply with NEPA and the relationship between NEPA's impact statements and the water quality certification requirements of Public Law 91-224. The guidelines also suggest the range of topics that should be covered in the procedures and environmental statements prepared by the agencies.

In addition to clarifying and expanding somewhat this range of topics, the revised guidelines include one particularly significant policy change. They direct that no proposed administrative action significantly affecting the environment shall be taken until at least 90 days after a draft statement and 30 days after a final statement of environmental impact has been sent to CEQ and made public.

This requirement is, for better or worse, a significant departure in administrative de-

---

Footnotes at end of article.

cision-making. In effect, it establishes a public right to know of proposed administrative actions and their foreseeable consequences before they occur, increasing the possibility that opposition will develop from those individuals and groups who are adversely affected. As Haefele[3] pointed out, the requirement raises the issue of who should decide among alternative uses of resources and how.

Critics of the provision contend that such access creates chaos, opening the administrative process to interminable questions of effects and to repeated "bites at the apple" to stop or stall projects by opponents. CEQ itself initially opposed inclusion of the provision. The interim guidelines did not contain it, and it was included in the revised guidelines only after direct threats by Congress to establish it by statute.[7]

Advocates of the provision, however, argue that administrative problems can be cured by better administration and sensitive rulemaking, by adapting to the law and bringing the environmentally concerned public into the planning process when alternatives are being generated and considered rather than by trying to keep it out until the last possible moment; that both the spirit of NEPA and the letter of the executive order implementing it in fact require such public participation as early and as fully as possible; and that during the first year of implementation before the guidelines were revised several agencies demonstrated clearly their willingness to suppress environmentally adverse information until the action was practically a *fait accompli*.

In summary, some difficulties that agencies have experienced in implementing of omission in the interim guidelines, due CEQ's guidelines may be attributed to errors largely to the newness of CEQ in governmental decision-making processes. Presumably, revisions in the guidelines have ameliorated most of these problems.

A greater portion of the agency difficulties may be attributed to the transitional problems of attempting to develop and implement new environmental planning procedures, especially in response to judicial interpretations of the law. Most of these problems also should subside as the transition is weathered and agencies settle into the new procedures.

The remaining problems which exist in some agencies appear to be the result of administrative failure to respond effectively to the new mandate. One such failure is recalcitrance on the part of some agencies not traditionally concerned with environmental quality. Another is the failure of some agencies traditionally concerned with conservation to make the much smaller adjustments that are needed, incorporate environmental quality considerations and early public participation at defined points by clear rulemaking, write environmental statements from the data they already have, and get on about their work. Environmental evaluation and citizen participation in planning need not stifle administrative decision-making, as the new chairman of the Atomic Energy Commission has so ably shown. These processes, however, do represent a challenge requiring better evaluation and better administration, and CEQ's guidelines have catalyzed this challenge.

CEQ'S PROBLEMS

In addition to the legal limitation on its power to compel action, CEQ has suffered from several administrative problems during its first two years. None of these appear insuperable, however.

The first such problem was prolonged birth pangs. Heavy responsibilities were thrust upon it immediately after its inception, but it was not fully funded until December 1970. It thus operated for nearly a year with an inadequate staff borrowed from other agencies. In addition, it operated during a period of three major reorganizations of the executive branch and was given only six months before it was required to submit its first annual report. These circumstances forced initial concentration on short-range programs rather than on the more comprehensive mandate of the law.

A second and ongoing problem is the small size and unbalanced composition of CEQ's staff. It would be impossible for any staff of only 23 professionals to review the environmental activities of all federal agencies by any more rational criterion than political controversiality, simply because of the magnitude of the job, let alone conduct long-range environmental analyses in addition. Of CEQ's 23 professionals, as of April 1971, only four had advanced degrees in the sciences and two in economics, compared with eight in law and four in public administration.[8] The Council simply has not had the capabilities to carry out the full mandate of NEPA and has been forced instead to focus on the most politically controversial issues which are not necessarily the most environmentally important ones.

A third and related problem is the lack of any objective framework for systematically evaluating the environmental consequences of federal actions and weighing them against traditional costs and benefits. In the absence of such a framework, CEQ is limited to attempting to prevent the worst alternatives—actions which beyond any reasonable doubt would have seriously adverse environmental consequences—and to preventing the most politically controversial actions to protect the president's and, indeed, its own environmental reputation—actions which may or may not actually be the most threatening to environmental quality. The "squeakiest wheel" theory of administrative choice is hardly unique to CEQ, but it is a particularly important and difficult problem in a policy arena such as environmental quality where complex systems of solutions are needed, but quick, visible, and politically saleable solutions are demanded.

Finally, CEQ must operate aware of the fact that its future effectiveness is intimately related to the fate of the environmental issue in general, an issue presently in vogue but subject to all the uncertainties and instabilities of such issues. The reality that political support for environmental quality is primarily of the diffused sort characteristic of consumer issues makes it imperative that CEQ maintain public credibility and keep environmental quality alive as a political issue—to the extent that it can do so in its role as advisor to the president.

WHAT NEXT?

Despite its problems, CEQ has had considerable success and hopefully will continue to experience such as transitional problems are resolved and federal agencies become accustomed to planning and managing for environmental quality as a matter of course. CEQ's future depends no less than in the past on the ongoing commitment of the president to environmental quality goals since its power is limited to its ability to persuade him; but if present trends in environmental indicators are accurate, CEQ's area of policy responsibility will be an important subject for federal planning and action through the foreseeable future.

In addition to the proposals in the president's 1971 environmental legislative program, two particular problems appear likely to figure prominently in CEQ's activities in the near future. The first is land use, an issue on which several bills already are pending in Congress. This issue is a natural outgrowth both of concern over pollution and of national environmental policy since many if not most environmental problems result from the ecologically inappropriate use of land and its associated resources.

The second problem is project evaluation criteria, especially the problem of relating environmental quality criteria to traditional economic criteria for project justification. Language in the conference report on CEQ's appropriation for fiscal year 1972 directed CEQ to consider economic effects in conjunction with environmental criteria[5] and the decision by a federal court of appeals last summer construed NEPA as requiring a balance of economic and environmental factors in decision-making.[9] Moreover, guidelines proposed by the Water Resources Council (but not yet officially adopted by the president) for the evaluation of water resource projects direct that such evaluation be carried out in a genuinely multiple-objective framework rather than under the present single criterion of natural economic efficiency.[10] The issue is a most difficult one, but one with which both CEQ and the Office of Management and Budget (as well as the individual agencies) must grapple. Possibly, a joint effort by these agencies might produce new and better methods for project evaluation that would provide clear information, if not preference rules, for trading off economic and environmental considerations.

CEQ, however, is only a focal point for environmental policy-making and not the sole repository of such policy-making in the federal government. The actions or inactions of nearly all federal agencies affect environmental quality. Responsibility for it rests with the agencies, not with CEQ, and its maintenance and restoration are probably the most challenging task to confront agency administrators and planners in recent years. CEQ's creation was a necessary but by no means sufficient condition for achieving national environmental quality goals.

FOOTNOTES

[1] Council on Environmental Quality. 1970. *Environmental quality—1970. Washington,* D.C. 326 pp.

[2] Council on Environmental Quality. 1971. *Environmental quality—1971.* Washington, D.C. 360 pp.

[3] Haefele, E. T. 1971. *Decision-making in common property resources.* J. Soil and Water Cons. 26 (4) : 132–134.

[4] U.S. Congress. 1970. *The National Environmental Policy Act of 1969, Public Law 91–190.* U.S. Code Annotated 42, Sec. 4321–4347. Washington, D.C.

[5] U.S. Congress, House. 1971. *Agriculture—environment and consumer protection programs, fiscal year 1972.* H. Rpt. 92–376. Washington, D.C.

[6] U.S. Congress, House, Committee on Merchant Marine and Fisheries. 1969. *Council on Environmental Quality.* H. Rpt. 91–378. Washington, D.C.

[7] U.S. Congress, House, Committee on Merchant Marine and Fisheries. 1970. *Administration of the National Environmental Policy Act.* Hearings, serial no. 91–41, part I. Washington, D.C.

[8] U.S. Congress, House, Committee on Merchant Marine and Fisheries. 1971. *Administration of the National Environmental Policy Act.* H. Rpt. 92–316. Washington, D.C. 107 pp.

[9] U.S. Court of Appeals, District of Columbia Circuit. 1971. *Calvert Cliffs Coordinating Committee vs. Atomic Energy Commission.* No. 24,839 and No. 24,871, decided July 23, 1971. Washington, D.C. 40 pp.

[10] Water Resources Council. 1970. *Report to the Water Resources Council by the Special Task Force.* Washington, D.C.

ANTI-COMMUNIST CHROME COMES TO AMERICA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. RARICK. Mr. Speaker, the Burnside affair attempting to prevent entry of Rhodesian chrome into the United States leaves many questions unanswered. For example, where did the protesters who call themselves the Committee of Blacks Against Oppression obtain their information that the Santos Vega was loaded with "illegal" Rhodesian chrome and under whose discipline and orders were the so-called demonstrators reacting?

Importation of chrome from anti-Communist Rhodesia is by express orders of a law passed by the U.S. Congress and signed by the President which states that whenever a strategic war material can be obtained from a free world country rather than a Communist country, it should be so done. Actions against the Rhodesian chrome shipment as illegal can only be regarded as an act of disobedience against the laws of the United States. Certainly no American would disobey his own Nation's laws in the interest of national defense to support an emotional United Nations theory of economic embargo.

These misinformed and misguided demonstrators do not understand the law and facts; for if they act with full knowledge, then they are being used as nothing more than an activist lobby in support of the Soviet Union, which is not only the Communist nation supplying the military hardware—the MIG airplanes and SAM missiles killing American fighting men in Vietnam—but is an all-white nation where all of its people, even its own citizens, are oppressed.

For a so-called Committee of Blacks Against Oppression to lobby on the banks of the Mississippi River in the United States for continuation of a Russian monopoly on chrome is a ridiculous exploitation by whoever is calling the signals.

SPORTS CORPS—COACHES

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. MORSE. Mr. Speaker, one of the most effective, least costly, and remarkably successful Government programs designed to promote international friendship and understanding and to supply a critically needed manpower shortage in developing nations of the world has been the Sports Corps, a branch of the Peace Corps. Now slightly over one year old, the Sports Corps has placed 283 American coaches in some 25 countries around the world, many of whom will be serving as coaches for these nations at the upcoming Olympic games in Munich.

Sports Corps files are replete with enthusiastic praise for the work of these American coaches who have not only provided specialized athletic training, but have also instilled a deep sense of national pride and respect in the teams they coach. The success of the Sports Corps has not, however, been limited to the coaching of international olympic teams; U.S. Sports Corps athletes receive the same warm and enthusiastic welcome when they provide a heretofore lacking coach for a community high school or for a college in a developing nation.

Mr. Speaker, the enormous impact and importance of sports in forming and strengthening global understanding is, I feel, far too often overlooked, but it is an aspect of international relations that has, over the years, been highly successful. Recent history provides us with numerous instances when athletes from different countries have come together in mutual endeavors, while at the same time, political leaders from these countries have been unable to establish effective lines of communication among themselves.

Endeavors like the Sports Corps, the International Sports program operated by the Department of State, and the numerous private organizations contributing to international understanding through sports, deserve our fullest praise, support, and encouragement. They can and have very effectively opened many doors to better international understanding.

Two articles from last week's Washington News call attention to the achievements of the Sports Corps and its dedicated and talented director, Mr. Glenn C. Randall, a former world class athlete and National Olympic Coach, whose enthusiasm and talent have gone far in developing the Sports Corps. Glenn Randall's experiences in coaching Pakistan's Olympic Team in 1964, 1965 and his subsequent work in fostering international athletic programs have given the Sports Corps such a high reputation that requests from all over the world for volunteer coaches are flowing into Peace Corps Headquarters.

I am pleased to share the following two articles with my colleagues, which describe Mr. Randall's achievements, and those of Mr. Jay Jackson, a Sports Corps coach serving in Honduras, and I ask they be inserted in the RECORD at this point:

COACH MAKES GOOD IN A NEW PEACE CORPS

(By Tom Quinn)

The Peace Corps sometimes seems to sneak up on people. On Monday you're "considering" the possibility of leaving for awhile your comfortable suburban enclave and, boom—on Thursday you're halfway to Morocco or Malaysia or, in the case of Jay Jackson, Honduras.

For more than a year now, Jackson has been a one-man basketball program in that poor Central American republic. He returned to Washington, D.C., last week to pick up some textbooks for his nationwide coaches clinic in Honduras and to have a back operation.

This week he is back down there preparing the national all-star team for the upcoming Central American Championships.

Two things about Jackson struck me as unusual during a conversation just before he left for the South:

This 6-foot-4, lean, blond, blue-eyed man is not what people have come to regard as a "typical Peace Corps Volunteer."

He certainly is not a typical basketball coach.

In the first place, Jackson is 35 years old. He and his wife, Flora, not only volunteered themselves but also their children: Jay, 7, Jeff, 6 and Jim, 2. This is an example of a recent new emphasis under director Joe Blatchford for Volunteer families. When the Jacksons decided to apply for the program over a year ago there were 30 participating families. Now there are 167.

But if Jackson had been the typical basketball coach of his high school team in Oak Harbor, Wash., he never might have considered the Peace Corps.

"But I wasn't. When I finished my fourth year as basketball coach at Oak Harbor I found I was disillusioned," Jackson said. "I always thought athletics were supposed to be for the kids, but I was beginning to realize that in the States it's not so much how you play the game but whether or not you win . . . or lose."

About that time, he ran into a friend who with his wife had taught in a Peace Corps program in Ethiopia. Jackson casually mentioned he wouldn't mind a change of scene and boom,—three weeks later the Peace Corps called to ask if he'd like to go to Tunisia.

Within a few weeks, the Jacksons' destination changed from Tunisia to Morocco to Honduras but that's not surprising since the Peace Corps is a government bureaucracy whose organization is somewhat less together than its ideals.

"When we first got there, things were kind of slow. Flora got an intestinal problem and had to return to the states. I wasn't making much headway myself. In fact, I was overwhelmed with the lack of facilities, lack of discipline and general inertia in Honduras," Jackson said.

For example, in the Honduran capital, Tegucigalpa, three people handled the whole basketball program for four high schools and 16 primary schools. They would visit each school, one by one, twice a week for an hour each visit. On each occasion 60–80 children would vie for a chance to shoot the two or three basketballs allotted to each school.

"At that point we were discouraged but we decided to stick it out as long as possible," Jackson said.

Then a couple of things happened to change everything. Jackson traveled to the north coast of Honduras to give a clinic in San Pedro Sula. The people there were more enthusiastic than the Tegucigalpans and when the clinic was finished they flew his wife to San Pedro Sala for a special fiesta of thanks.

"Boy, I'll tell you, it was a real tear jerker," Jackson recalled. "And I went back to Tegucigalpa a new man. We felt accepted for the first time."

The Jacksons then moved out of their suburban, American-type home in the Honduran capital and set up housekeeping instead in a colonial building downtown.

"Now we were beginning to feel a part of the people," Jackson said.

Mrs. Jackson started a nutrition program in poor "barrios" of Tegucigalpa and she has had, so far, a 1,000 per cent success, dispensing vitamins and breakfasts to 120 youngsters. (She started out with 12.) The Jacksons are even trying to adopt one of the children who participates in the program.

Jay, meanwhile, has made headway, too. He is successfully conducting coaching and referee clinics and when he leaves next year he figures to have increased the number of qualified referees from six to 25 in the country and the number of coaches from three to 30.

The national basketball team is undergoing a weight program to strengthen the players for what Jackson calls a "pressing-running game—sort of a UCLA program without height." Indeed, there are only two players as tall as 6–4 on the team.

"It will take more than two years to build up the quality of basketball—I'd say the national team right now is about on the level of a good high school team—but at least we're laying the foundations," Jackson said.

In the meantime, the Jacksons have discovered they can get along fine without such

USA basics as the telephone, television, automobiles, frozen foods and hot water.

"The interesting thing is that in the past year and a half we have had more family life together than anytime in our 10 years of marriage," Jackson said. It used to be that everything was all work from seven in the morning to 10 or 11 at night back home.

'But this experience has really given us, as a family, a lot more sense of purpose and accomplishment. And we've made the kind of trans-cultural friendships that, well, were really hard to find back home.

"We had the feeling we weren't really of service to anyone in Oak Harbor but in Honduras it has been exactly the opposite. There we have come up against what I guess you could call 'real' rather than 'imaginary' problems.

"And it's been even more rewarding for the kids, who didn't seem to have our problems adjusting."

Listening to Jackson reminds me of what a radical friend told me recently: "The true revolutionary puts his flesh on the line with his ideals."

That does fit Jackson, altho he is probably more an "evolutionary" than a "revolutionary." His presence in Honduras is supposed to stabilize the country rather than revolutionalize it.

Still, Jay Jackson is no phony. The world could use a lot more like him.

SPORTS CORPS BUILDS TEAMS—AND NATIONS

(By Tom Quinn)

"Did you know that Pete Maravich got more to sign a professional basketball contract than the combined sports budgets of all the countries on the continent of Africa? Now that's a good example of the sports gap."

—Glenn Randall, director of Sports Corps

When Glenn Randall agreed to coach the track and field team of Pakistan in 1964–65 neither he nor anyone else foresaw that experience engendering Sports Corps, a new and of Peace Corps.

"The West Pakistanis are direct descendants of Alexander the Great—a people who run like the wind and are as big physically as doors," Randall said. "When president Ayub Khan requested a coach, the State Department contacted me thru Sports International and I leaped at the chance.

"Pakistan was not much in Asia, but after months of preparation when we finally went to the Asian Games, we (Pakistan) set 18 Asian records.

"Overnight Pakistan became the track and field power of all Asia—just because of one American coach."

Randall did not forget that remarkable lesson. Five years later, he helped found Sports Corps with the intention of sending qualified volunteers to Third World countries in order to:

Teach instructors as well as students of these countries.

Form scholastic leagues and sports clubs.

Coach national teams and athletes to represent their country.

Today, only 16 months after the founding of Sports Corps, 283 American coaches are serving in 25 countries trying to do what Randall accomplished in Pakistan. Fifteen countries will have American coaches at the Olympic Games in Munich, thanks to Sports Corps.

The idea, Randall says, is not to train athletes simply to break records. "This is the easy, logical, safe way for us to form and maintain very strong friendships in these countries," he said in his office in the Peace Corps building on a corner of Lafayette Park.

"The fact is," Randall continued, "we are one of the few arms of Peace Corps that is immediately accepted and appreciated by all countries. And with no suspicion and none of that Big Brotherism.

"Man, even President Nixon has said that sports and cultural activities are the best vias of communication between us and the Communist block countries. It follows that sports is one of the most natural ways for 'developing countries' to get to know us and for us to get to know them."

Bill Toomey, Olympic decathalon champion and world record holder, was one of the first Americans to accept the Sports Corps challenge. Joe Blatchford, young Peace Corps director, and Randall decided to test out the idea of Sports Corps by sending Toomey to Venezuela, Ghana, Honduras, Ethiopia and Kenya. He returned full of enthusiasm.

"We watched a whole newly-formed nation—Kenya—being brought together by the strength of distance runner Kip Keino so we knew what a strong force sports could be in a country. Strong national figures or teams can instill incredible pride in the people." Randall said. "It may sound strange but we found if a people can believe in a team they often believe in themselves."

Just after Sports Corps formed in late 1970, Randall and Toomey toured 19 Asian countries and asked them if they would accept Sports Corps volunteers. "Everyone said yes unhesitantly," Randall said, "tho many of these same countries were equivocal about the rest of the Peace Corps."

Toomey is now in charge of promotion and recruitment for Sports Corps, but others who embody the program include:

Mrs. Wilma Sutherland, M.A. in physical education and former Professor of PE at the University of California, is directing a teacher training program for the public schools of Valencia, Venezuela.

Bob Clotworthy, for 10 years the head swimming and diving coach at Princeton University and an Olympic gold medalist in diving is the national swimming coach in Venezuela.

Bill Sweek, a sparkplug on two recent UCLA NCAA champion basketball teams, is in Tunisia as national coach.

Bob Shul, Olympic 5,000 meter champion in Tokyo in 1964, coached the Malaysia track and field team to 18 gold medals in 24 events in recent South East Asian Peninsular Games. And Malaysia had never won more than six events in the games before Shul's arrival.

To this writer, the most important example of the effectiveness of Sports Corps is the case of Chile. When I passed thru Chile in 1966, students had shut down a university in Conception because of widespread belief that Peace Corps volunteers were CIA spies.

Whether or not this was true is not important. The Chilean government was about to ask the United States to remove the Peace Corps from Chile simply because they had enough problems without it.

Since then, Chile has voted in a Communist president and the United States has been cold in its diplomatic relations with the country.

Sports Corps, however, is going strong in Chile. It is accepted and lauded. The Chilean national swim and fencing coaches are both Sports Corps volunteers. Former University of Delaware coach Dan Peterson is not only the Chilean national basketball coach but five of his ex-players are distributed thruout the country in a highly organized network to develop Chilean basketball players.

Randall, however, is far from satisfied. Now he wants to:

Lead the United States into Red China. "We'd love to help the President set up an exchange program with Red China . . . we are the vehicle to do it and now is the time—in the spirit of the Olympic ideal."

Set up a National Academy of Sports in the USA. "To promote American excellence in all sports. We're only good at five of 31 world sports."

Set up an international "Corps of Olympic Volunteers"—athletes and coaches from developed nations to spread thruout the Third World much as Sports Corps is doing, except on a multi-national scale.

Promote a "domestic Sports Corps" principally dedicated to speaking out FOR sports as an alternative to drug abuse among America's youth.

All of this seems like a lot to ask from a nation beset with the bills for problems at home and abroad—but it's not so much.

"The entire Peace Corps could be supported on what we spend for just two or three missiles," Randall said, "and, believe me, compared to the whole Peace Corps budget, Sports Corps is just taxi fare."

THE FAILURE OF PUBLIC HOUSING

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. EDWARDS of California. Mr. Speaker, the failure of Baber Village in Prince Georges' County, following fast upon the decision to demolish much of the Pruitt-Igoe high-rise housing project in St. Louis, is a stark commentary on the failure of public housing to provide the decent, safe, and sanitary housing for the Nation's poor that has been promised in the national housing programs of the past 3 decades. During hearings by the Civil Rights Oversight Subcommittee of the Committee on the Judiciary on the enforcement of the fair housing laws by the Federal Government, we explored with administration officials and public witnesses the reasons for this failure. The answers we received were consistent with those set forth in the excellent editorial in today's Washington Post: public housing is doomed to failure so long as it continues to perpetuate the patterns of racial and class segregation which characterize our Nation's housing patterns. The Washington Post is right, what is needed is not new housing placed in the same old segregated patterns, but new communities that provide housing opportunities for all.

The Washington Post editorial follows:

NEEDED: NOT HOUSING BUT COMMUNITIES

Great hopes were raised when only four years ago the nation's first Secretary of Housing and Urban Development, Dr. Robert C. Weaver, broke ground for Baber Village, an apartment house project for some 200 families of meager means, at the Mount Pleasant area, just north of Central Avenue in Prince Georges' County. Here was to be a new approach to housing the poor that would avoid the old mistakes of public housing—a program that had become thoroughly discredited.

"Decent, safe and sanitary" public housing to provide shelter for those who cannot afford the going market price for it, first became a national program in 1936 under the New Deal. It has been in trouble ever since. One of the troubles was (and is) that public housing projects concentrate large numbers of poor and poorly educated people in isolated ghettos. At least 60 per cent of the families who live in these projects are black or Spanish speaking. Another trouble is that, due to restrictions imposed by Congress (which at one time, for instance, would not tolerate such "luxuries" as a balcony) many, if not most of these projects were poorly designed, devoid of beauty and amenity. The worst trouble is that the public housing projects tend to provide just housing without the social services, recreation and education that the poor need more urgently than people of means. Most projects are located on the other side of the railroad tracks, as it were, far removed from shops, schools and job opportunities and all the other "facilities" that facilitate climbing the ladder of what the sociologists call "upward mobility."

Thus, public housing became highly unpopular, so unpopular, in fact, that many communities actually passed laws to prohibit it. In some instances even the poor themselves refused to move into these projects, preferring instead to live in "indecent, unsafe and unsanitary" slums. If the slums were razed for urban renewal, freeways and other new construction, they would crowd into other parts of town and thus create new slums.

Though none of this had anything to do with *the principle* of public housing, the program barely crept along. We have yet to build the 810,000 public housing units Congress called for back in 1949. And roughly one half of the public housing constructed during the 1960's was built not for large families most in need of it, but for the elderly (who need housing, too, of course, but are more acceptable, somehow, than a lot of noisy children).

The Kennedy and Johnson administrations, as a result, launched a bewildering proliferation of new federal housing subsidy programs. Baber Village was built under one of the first of these, known to housing professionals as 221 (d) (3). The idea of this section of the 1961 Housing Act is that nonprofit organizations, such as church groups or labor unions, should house the poor rather than the government. It is done with generous federal mortgage guarantees and sharply reduced interest and insurance charges. Some hailed this approach because it seems to strengthen free enterprise. Others called it "a gimmick." The fact is that many of these 221 (d) (3) projects have worked out extremely well. The Sursum Corda development at First and M Streets, NW, for instance, a cluster of townhouses and small apartments for some 200 families, sponsored by a group of Catholic church organizations, is a model of its kind. Others, like Baber Village, which is sponsored by the African Methodist Episcopal Church, merely confounded the old public housing mistakes. Baber Village is isolated, poorly designed and far removed from shops, schools and job opportunities. What is more, its sponsor invested less than $5,000 in the project and lacked all knowledge and experience in housing construction and management.

Afflicted by shoddy construction, crime vandalism, Baber Village is in dire distress. More than a quarter of the houses are vacant and the African Methodist Episcopal Church is unable to raise the money for repairs and the mortgage payments. They have therefore decided to ask HUD to foreclose the mortgage and to turn the problem back to the U.S. government.

The heart of the problem is, of course that decent, safe and sanitary housing alone—public, private or in-between—is simply not enough. It must be supplemented by adequate community services, police protection, medical care, transportation, recreation and the rest. In short, it is time to stop building housing for the poor and to start building communities that include everyone.

MASS TRANSIT, YES; MORE HIGHWAYS, NO

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. BRASCO. Mr. Speaker, the cities of our Nation are choking to death on the automobile. Cities like New York have desperate need of a massive transfusion of Federal funds for urban mass transit. Such action by Government is long overdue and desperately needed. We have already arrived at a point where it is practically impossible to move large numbers of city residents across metropolitan areas with regularity. If we do not act swiftly, our urban areas as we have come to know them will cease to exist. Urban mass transit subsidies by Government are utterly vital.

When I return home to my district in New York, I hear on all sides the legitimate and increasingly desperate request by constituents for this kind of action. Many urban Congressmen have petitioned the administration, seeking some understanding of the plight of our people. In response we receive mumbling and promises of vague future actions.

It is most difficult to impress upon this relatively isolated group of powerful men and women the urgency of our need.

Instead of some truly swift, comprehensive policy, we receive more highway plans, complete with destructive impact upon viable neighborhoods of our cities.

When will the people who decide our transportation priorities understand the last thing we want or need or will tolerate is more expressways? Why should more suburbanites be able to dash through the heart of our cities on their way to work or to their homes in suburbs? These roads tear apart good neighborhoods, displace honest, hard-working urbanites and in the end only further pollute the air. In effect, new superhighways create far more problems than they solve.

America has been on a roadbuilding orgy for at least the past 15 years, mainly through the Interstate Highway System, with 42,500 miles in total mileage. It has been and is being financed by the trust fund through user taxes virtually every American pays. Yet these funds are untouchable for other, more vital purposes, such as urban mass transit. A massive, shrewd, well-organized and well-financed highway lobby prevents any such use of these moneys. Attempts have been made to bring into being a similar trust fund for urban mass transit. I, for one, have joined in sponsorship of legislation to accomplish this goal. Yet the highway lobby, working closely with the administration, has held mass transit forces at bay, frustrating their legitimate efforts to cut the Gordian knot of traffic we are choking on.

Costs of the Interstate Highway System have been immense in terms of actual dollars expended, environmental damage sustained and priorities reversed. Immense amounts of ill will have been created, particularly among city groups who have become victims of these roads and their people removal programs. It is vital that the Secretary of Transportation tell us what his transportation blueprint for the future is going to look like. It is also vital that he inform the Nation of what the cost of future roadbuilding is going to be in terms of environmental damage.

These roads promote suburban flight away from cities. This, in turn, leads to urban blight. As a corollary of such programs, commerce is siphoned away from cities, taking jobs and tax money away from where they are needed most. This, of course, leads to downgraded municipal services and lack of people in urban areas.

The Interstate system has uprooted people in huge numbers; 58,000 in 1970 alone. By making it ever easier to use cars instead of rapid mass urban transit, we deplete our oil reserves. Over 38 percent of annual petroleum production in the United States goes into making gasoline, according to the National Petroleum Institute.

Autos on roads cause at least 39 percent of the Nation's appalling, growing air pollution, according to the Environmental Protection Agency, and as much as 80 percent of it in certain cities. Yet this year, highways will get $5.2 billion from the Federal Government, while rapid transit systems will have to be satisfied wtih $750 million. This is senseless, especially to a State and city like New York, which pays into the Federal Treasury far more than it receives in return from all Federal programs.

Nevertheless, the handwriting is on the wall. In every city across our Nation people are coming to realize they just do not have to endure this kind of outrage on their pocketbooks, nerves, and lives.

Groups are organizing all across the Nation, and highways are being stopped one by one by outraged, alert, aware groups through court actions. Virtually every month another victory is scored against these roads.

Last November, the courts stopped a federally funded freeway in San Francisco because the State had failed to make an adequate environmental study. One week later, highway foes got Interstate 90 in Seattle halted for the same reason. Victories in Washington against freeways threatening neighborhood integrity of the city have heartened freeway opponents across the entire United States.

My Borough of Brooklyn desperately needs attention to its transportation needs through a Federal mass transit commitment. The people I represent will not accept further puerile excuses and delays. In every way we can, we shall oppose the highway juggernant until some measure of sanity is restored to the Nation's transportation priorities.

MY RESPONSIBILITY TO FREEDOM, BY CAROLYN RUSS

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. QUILLEN. Mr. Speaker, each year the Veterans of Foreign Wars and its Ladies Auxiliary conducts a Voice of Democracy contest.

This year nearly 500,000 secondary school students participated, and the winning contestant from each State was brought to Washington for the final judging for five national scholarships which were awarded as the top prizes.

I am extremely proud that the winner in Tennessee in Miss Carolyn Russ from my hometown of Kingsport. A senior at Dobyns-Bennett High School, Miss Russ is the daughter of Mr. and Mrs. Erwin Russ. She hopes to pursue a teaching career or a career in the humanities.

Residents of Kingsport have great pride in Miss Russ and it is significant to note that in 1966 her brother, David, won the same contest and went on to become national winner.

Miss Russ has an impressive record at Dobyns-Bennett. She is a National Merit Scholar semifinalist, a nominee as Outstanding Teenager of America, has won tournament awards for debating, oratory and impromptu speaking, as well as receiving awards in Latin, math, and Tennessee history.

She is a member of the National Honor Society, the Beta Club, and the Science and Humanities Seminars.

The theme of this year's VFW contest was "My Responsibility to Freedom." I have all the confidence in the world in our young people, and after reading Miss Russ' essay, my confidence is greater than ever before.

It is a pleasure to make this prize-winning essay available for readers of the RECORD. At the same time, I wish to commend the Veterans of Foreign Wars for its continued interest in the Nation's young people.

The essay follows:

MY RESPONSIBILITY TO FREEDOM

(By Carolyn Russ)

Freedom is a bell! "A bell is no bell till you ring it." How shall I ring it? What is my responsibility to freedom?

I view freedom as a gift, and consider a responsibility to be something which *must* be fulfilled. When considering my responsibility to freedom I find that the idea of *preserving* freedom seems to be the central one, with a cluster of related ideas around it. Foremost among these related ideas are two which are basic to the preservation of freedom.

The first is most often mentioned—the negative idea expressed as "refraining from abusing freedom". It is easy to see that abuse destroys freedom since it causes quick destruction. This is apparent even in elementary school. When the teacher allows whispering, and someone forgets and shouts, the freedom to whisper is quickly withdrawn. Abuse of freedom and restrictions are directly proportional: as one gets larger the other gets larger. But, restrictions and freedom are inversely proportional: as restrictions get larger, freedom gets smaller.

I accept the idea of not abusing freedom as one way I can preserve it.

Less obvious is the second idea that *using* freedom is a way of preserving it because destruction of freedom by non-use is a more gradual destruction. This gradual destruction like Sandburg's Fog, "comes on little cat feet", and therefore is possibly more dangerous. Like man's vestigial appendix, freedom unused gradually shrinks into uselessness.

I accept the responsibility of *using* freedom in order to preserve it.

How may I, a high school student, use my freedom? Here my point of view is limited. I have only limited experience. I have a limited area of influence. I have limited opportunities. Maybe the word "student" is the key. *Learning* is my job—my way of using freedom.

What do I learn? Again I start with the obvious: learning the historical and structural facts of our American government, from the names of the signers of the Declaration of Independence to the name of my congressman, from the provisions of the Bill of Rights to those of the 26th amendment. I must not neglect these.

But I cannot stop here. I need to learn what other generations have thought—their political, theological and scientific philosophies—to evaluate them, and to use them as a base upon which to build my own thoughts. Through a variety of experiences I need to learn the essential art of understanding and getting along with people. Finally, I must learn how to speak and write about my ideas effectively, for, if I cannot express myself, I have failed in using my freedom.

All this learning is going to take a while—the rest of my life, I guess—so, at the same time I will have to start working—working, I hope, with wisdom enough to work until *real* solutions are found. To illustrate how I feel about this, let me talk about the problem of pollution—something everyone feels he must do something about. We have an abundance of people going out on Saturdays and picking up aluminum cans and chewing gum wrappers. This is all well and good—so far as it goes. But I can see the day coming when everyone will say, "Look, there's no trash along our highways. The pollution problem is solved." And meanwhile dirty air and impure water will be killing us all.

Solving a problem in this manner can be compared with trying to get rid of an iceberg. A team of people chopping on the iceberg with icepicks pretty soon might chop away the peak above the water. Good! Yet seven times as much of that iceberg remains underneath the water and, with the top part gone, it's hard to see the iceberg is there until your ship is wrecked upon it.

What is my responsibility to freedom? It is to preserve it by using it, not abusing it, by learning all I can so as to be able to share it, to be concerned, and to act responsibly to reach real solutions.

Freedom is a bell. A bell may be rung so that it produces discordant noise or harmonious music. May I ring the bell of freedom with a tone that is clear and strong and pure, for freedom *is* my responsibility.

THE LATE HON. JAMES W. TRIMBLE

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

MR. GIBBONS. Mr. Speaker, I would like to join those eulogizing our former colleague, James W. Trimble, for I feel a distinct, personal loss in his passing. When I was a young freshman in the Congress, he showed me many acts of kindness. He was never too busy to take time to talk to me and to explain either the issues of the day or the intricate parliamentary procedures before the House. He was always available for advice and counsel and gave unstintingly of his time. I shall never forget his many deeds of kindness, and I am certain that many others benefited from his unselfish acts.

Jim Trimble was deeply dedicated to the public interest and served the 3d District of Arkansas well for 22 years. He was a member of the Public Works Committee, and later, the Rules Committee of the House of Representatives. He was greatly respected by his colleagues.

To his loved ones, I join many others in offering deep sympathy in this time of deep sorrow over his passing.

INEQUITIES IN THE RENT REGULATIONS UNDER PHASE II

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. MINISH. Mr. Speaker, I wish to call to the attention of the membership the following letter addressed to the members of the New Jersey delegation by Mr. Martin Aranow, president, New Jersey Tenants Organization, in which he cogently summarizes the inequities in the rent regulations under phase II.

The "horror stories" may be downgraded by the Rent Advisory Board, but they are all too real for a great number of tenants not only in New Jersey but throughout the Nation.

I have expressed my deep concern to the Chairman of the Price Commission and I hope prompt and effective remedial action will be forthcoming. If not, the Banking and Currency Committee, on which it is my honor to serve, will conduct oversight hearings to insure that the administrtaion of the stabilization program is in compliance with the intent of Congress.

Mr. Aranow's letter follows:

NEW JERSEY TENANTS ORGANIZATION,
March 14, 1972.

Congressman HUNT,
Congressman SANDMAN,
Congressman HOWARD,
Congressman THOMPSON,
Congressman FORSYTHE,
Congressman WIDNALL,
Congressman ROE,
Congressman HELSTOSKI,
Congressman FRELINGHUYSEN,
Congressman RODINO,
Congressman MINISH,
Congresswoman DWYER,
Congressman GALLAGHER,
Congressman DANIELS,
Congressman PATTEN.

DEAR REPRESENTATIVES: The federal wage price rent freeze is just not working.

Under the Phase 2 guidelines landlords are permitted to legally increase rents virtually without ceilings. We can document cases where landlords have raised rents 35% and 45%—all within the legal requirements of the Phase 2 regulations.

The regulations are confusing to landlords, tenants and to the Internal Revenue Service in various locations throughout the state. The elderly and those on fixed incomes are not the only people being hurt. People who have leases are the most severely discriminated against. This happens to be predominantly middle class apartment dwellers.

We feel that we are literally "banging our heads against a stone wall" since our meeting with Rent Advisory Board Executive Director James Tanck only produced sympathy—and no changes. It is now up to you, our representatives, to try and do something. Perhaps public hearings or other types of pressure are in order to make the administration fully aware of what they are doing to innocent people. This fact is clear, it is morally wrong to limit a man's wages to 5.5% and allow his rents to skyrocket to as much as 45%.

We need your help now. When Mr. Tanck heard of the large rent increases occurring in New Jersey he said, "there are always a few horror stories."

Please feel free to contact us should you desire any further information. As of this point the outlook is bleak and it is our sincere hope that you can make the difference. We look forward to hearing from you in the near future.

Very truly yours,

MARTIN ARANOW,
President.

TRIBUTE TO JACK PROVO

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. FRENZEL. Mr. Speaker, on Friday, March 17, the Minneapolis Tribune carried an editorial praising the governmental career of Hennepin County Board Chairman Jack Provo. The occasion was Chairman Provo's retirement from the Hennepin County Board.

The editorial correctly identifies Provo's major achievement which was providing Hennepin County, a jurisdiction of over 1 million people, with updated capabilities which allow it to perform its duties effectively, efficiently, and economically.

From the day he began his service on the Hennepin County Board, Jack Provo relentlessly pursued excellence in county government. The present structure of Hennepin County government is testimony to Provo's effective work both in the legislature and among his fellow board members.

The people of Hennepin County will miss Chairman Jack Provo's leadership.

The Tribune editorial follows:

PROVO'S COUNTY BOARD TENURE . . .

Hennepin County Board Chairman Jack Provo was not an original member of the Republican "Young Turks" who entered Hennepin County politics in the early 1960's to provide a decade of enlightened, progressive leadership in county and state government. But Provo fit this pattern when, after an intra-party fight for endorsement in 1964, he was elected a county commissioner on a platform that stressed expansion of the role of county government.

Since then, Provo has been an important part of the controlling board majority that accomplished just such an expansion under the chairmanship, earlier, of Robert Janes and, since 1969, of Provo himself. Buildings—the county Government Center and a new General Hospital—have been the most obvious county board concern for a number of years. But the board's major contribution in the Janes-Provo years has been to reorganize and professionalize county government—equipping it with the capabilities necessary to shed its old custodial role, to accept new responsibilities and to concentrate on problem-solving during a period in which suburban population and political power expanded rapidly.

When Provo leaves the county board in September to become Hennepin County District Court administrator, most of the "Young Turks" will be gone. A few—Janes, Bill Frenzel—have moved to Washington; others—Wayne Popham, John Yngve—have, like Provo, chosen to retire from elective office. Replacing officials of such quality is not easy.

Both political parties have turned up some men of similar caliber—County Commissioner Thomas Olson and Minneapolis Alderman John Cairns, for example, and state legislators Arne Carlson, Thomas Berg and Robert Tennessen. Provo's resignation re-emphasizes the need and the responsibility of the parties, if they are to fulfill one of their major purposes, to offer more such candidates to the voters.

ANTIMILITARY COLLEGES

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. DUNCAN. Mr. Speaker, the cooperation between the military and our institutions of higher education has produced the finest military officers in the world. Recently, some of these institutions have let their political feelings be known by barring ROTC units from their campuses. It seems that educators who are supposed to instill the principles of understanding and objectivity in our youth are now violating those principles by letting their biases be known.

The editorial which I have inserted in the RECORD today makes an excellent case for eliminating Defense Department subsidies to schools which have lost their objectivity toward the military.

The editorial follows:

[From the Knoxville News-Sentinel, Feb. 26, 1972]

ANTIMILITARY COLLEGES

More than a dozen of the big colleges and universities have phased out military training courses, or are in the process.

Yet some of these schools, Harvard in particular, have continued to receive Federal funds for teaching officers of the armed forces.

Rep. F. Edward Hébert, chairman of the House Armed Services Committee, has threatened to push a special law to bar military officers from colleges which have dropped ROTC or forbidden military recruiters on campus.

There already is a law of this type, but some Pentagon officials have said they didn't think it applied across the board.

The Pentagon has said it will send servicemen "to the most appropriate graduate school" despite Hébert's threat.

In any event, Hébert is in the process of using his formidable influence to prevent any service from sending officers to institutions which have banned either ROTC or recruiters.

As he points out, there are thousands of colleges and universities in this country, and the armed forces surely can find schools which offer suitable courses without subsidizing institutions which otherwise don't want any part of the military.

The decisions to drop ROTC or bar recruiters were forced, in most cases, by dissident student groups or faculty groups. Schools which buckled to those demands hardly are appropriate places to send young officers for advanced or specialized training at taxpayer expense.

THE "WRONGS" COMMON CAUSF IGNORES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. CRANE. Mr. Speaker, in considering the problems facing the Nation, too many individuals and organizations tend to see only those alleged "evils" which tend to reinforce their own preconceived notions.

Businessmen, accordingly, rarely see the faults of businessmen, and labor leaders rarely see the faults of unions. Similarly, we do not depend upon Government bureaucrats to tell us what is wrong with the administration of Government agencies.

It would be expected, however, that an organization which holds itself out as one which seeks the public interest, rather than the interest of a particular group, would concern itself with "wrongs" wherever they might be found.

Common Cause holds itself out as such an organization, yet it has proven very one-sided in its assessment of the Nation's problems.

Two "wrongs" which Common Cause has failed to identify, according to Arthur Krock, former Washington bureau chief of the New York Times, are:

1. The monopolistic power of organized labor, derived from a combination of (a) legal immunities from acts, including "muscular diplomacy," which would be illegal if performed by any other group, and (b) the gratitude of politicians to the unions for large contributions to their campaign expenses through "educational committees."
2. The callous exploitation of elementary-school children as pawns by vote-seeking politicians and fanatic reformers who are racists in reverse.

Common Cause has not seen fit to concern itself with the excesses of union power and the hypocrisy of enforced school busing. School busing, opposed by more than 75 percent of the American people, yet imposed upon them by bureaucrats and the courts, seems of no interest to an organization which alleges to be a "people's lobby."

Mr. Krock points out that an organization which calls itself an "ombudsman" for the people should speak out in behalf of the deepest felt needs of the people, such as for safe streets. He notes that the public has a right to expect such an organization providing a courageous voice against—

> The prevalent crimes of violence, and a detailed denunciation of a legal system which tolerates the hideous crime of rape by allow-

ing the rapist almost to count on going unwhipped of justice.

Yet what are the reforms Common Cause urges—a "date certain" for withdrawal from Vietnam and opposition to the SST. Mr. Krock concludes that—

> If the Nation is to be "rebuilt," I do not find a likely bidder for the contract in the application Mr. Gardner has entered for Common Cause.

I wish to share Mr. Krock's article, which appeared in the Washington Post of February 11, 1972, with my colleagues, and insert it into the RECORD at this time.

The article follows:

The Power of Organized Labor and Busing: Certain "Wrongs" Which Common Cause Ignored

(By Arthur Krock)

Common Cause, described by its founder, John Gardner, as a people's lobby working to "rebuild this nation . . . heal [it] and set it again on the path to greatness," has just issued over his signature an appeal for new members. In four single-spaced typewritten pages of lofty prose, Mr. Gardner has specified certain "wrongs" which Common Cause is "pushing" to correct. But conspicuously absent from these specifications, and hardly even to be inferred from a flood of generalizations, are two "wrongs" which bear down more heavily on the people than the safe and routine few Mr. Gardner has cited as reforms that Common Cause is "pushing."

These two wrongs are: (1) The monopolistic power of organized labor, derived from a combination of (a) legal immunities from acts, including "muscular diplomacy," which would be illegal if performed by any other group, and (b) the gratitude of politicians to the unions for large contributions to their campaign expenses through "educational committees." (2) The callous exploitation of elementary-school children as pawns by vote-seeking politicians, and fanatic reformers who are racists in reverse.

The "labor movement," to which Mr. Gardner referred as one of those reforms which "welled up out of the people" on the prompting of such citizens' organizations as Common Cause, began as a liberation of workers from the brutal exploitation of employers. But under legislative, judicial and executive favoritism it has developed into an economic and political tyranny which subjugates the general welfare to its own. In the process of so-called collective bargaining national unions are armed unilaterally with the weapon of strikes which, under the threat of paralyzing all communications and whole industries, confront management with the choice of agreeing to contracts that feed the fires of the inflation kindled by previous contracts, or shutting down their production.

When union strike funds are exhausted, the strikers can increase the burden on the taxpayers by going on welfare. If management attempts to continue production, the union involved in the dispute need only throw out a picket line to restrain the members of uninvolved unions from carrying out their contracts to remain on the job. And this despite the fact that the striking union may be shot through with corruption and its demands outrageous by any standard.

Yet no call for laws ending strikes which suspend national transportation is to be found in the statement of the aims of Common Cause.

If any protest against conditions that are "wrong" has "welled up" strongly from the people, it is against the crazy-quilt pattern of busing to effect a mathematical racial balance in the public schools. The doctrinaries, both the high-minded and the mush-headed do-gooders, plus the mercenary politicians and political judges who have aligned with them, are uprooting small children from their neighborhoods, friends and families and sending them miles away by bus to areas from which other groups are being transported to the home neighborhood of the first.

Yet all the Supreme Court has ruled so far is that no state or sub-division may exclude a child from an elementary school by reason of his race. If a good school is nearby and the school of his choice is on the other side of town, the Supreme Court thus far has not said the state or sub-division must provide his transportation.

But a diligent search of Mr. Gardner's appeal for new Common Cause members discloses only this timid reference to a condition which is foremost among the things that are "wrong" with this country: "Your children attend crowded schools."

In a document with such a high degree of self-asserted righteousness of self-anointment as the ombudsman of the downtrodden, the reader also has a right to expect what he will not find—even a trace of—an extended arraignment, and a courageous one, of the prevalent crimes of violence, and a detailed denunciation of a legal system which tolerates the hideous crime of rape by allowing the rapist almost to count on going unwhipped of justice. Yet no violence committed by one person on another is more degrading to the victim than this desecration of a woman, or more capital a crime, justifying the extermination of the creatures who commit it and making detailed identification of the suspect the duty of the press.

Instead Mr. Gardner's statement reports that Common Cause is "pushing" reforms that require no courage to do this political voting rights, "a date certain" for total withdrawal from Vietnam, no SST, tax favoritism.

If the nation is to be "rebuilt," I do not find a likely bidder for the contract in the application Mr. Gardner has entered for Common Cause.

CELEBRATE CENTENNIAL

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. MILLER of California. Mr. Speaker, the city of San Leandro, located in Alameda County on the eastern shore of San Francisco Bay is celebrating its centennial.

San Leandro is a viable community with lovely homes and supported by an industrial complex in no way detracts from the beauty of the city, and yet helps to support its activities.

The mayor of San Leandro is the Honorable Jack Maltester who has been honored by his fellow mayors by being elected president of the National Conference of Mayors and serving on several important government boards.

San Leandro is a good community in which to live and work, and I am proud to have it as a part of the congressional district I represent.

I want to join with San Leandrans in celebrating their 100th birthday and, as a part of these remarks, include a brief history of the city:

SAN LEANDRO

CENTENNIAL PHILOSOPHY

The Centennial has been planned as a community event. It includes activities reminiscent of past celebrations and also activities and events such as parades and dinners for San Leandrans and their guests.

The philosophy of the Centennial is to bring San Leandrans together to enjoy each other and their community, to work and play together and to remember San Leandro's history and its present as well. The Centennial Committee also hopes to provide the city with a permanent souvenir of the celebration. This is the Casa Peralta, which was purchased and donated to the city by Mr. and Mrs. Jack Brooks. Now housing the Centennial staff, it will be a public property to be used for cultural, youth, recreation and senior citizen activities, as well as for museum display purposes.

The Centennial is also planned as a way of rededicating ourselves to our city's future—to realize its prospects and opportunities and dedicate ourselves anew to working for them.

The first pioneers came thousands of years ago, in the great periodic migrations from Asia to the American continent. They were Indian people, hunters and gatherers. These shell-mound people lived on the San Leandro shoreline as early as 3000 years ago. They found a lush land, teeming with birds, game, and shellfish, and they stayed. They were probably the ancestors of the Costanoan people the Spaniards found when they explored the area 2800 years later.

The Spanish called them Costanos, "coast people." Anthropologists used the term Costanoan for the groups from the East Bay and the Peninsula (including San Francisco) down the coast to Big Sur and Soledad who spoke languages from the same language family.

There was no division into tribes, the people thought of themselves as belonging to villages—rancherias as the Spanish called them. To locate these rancherias we have to rely on the records of the Spanish explorers and missionaries, because almost all the rancherias had been destroyed or abandoned before the Americans came.

While the Spanish explorers in 1772 and 1776 never reported villages in Oakland or San Leandro, the Indians may still have had rancherias on the beach or in the redwoods.

There was an Indian village on San Lorenzo Creek, and there were another four or five to the south on each creek between San Lorenzo and Milpitas. They were of average size in 1772 and 1776, perhaps roughly 100 people in each. We do not know their names, although one rancheria near Mission San Jose was named Oroison.

The Indian way of life at San Leandro was in tune with nature. Before the white men came, the Indians lived in houses made of poles covered with tule matting. There was a temescal or sweathouse in every village, shaped like an inverted basket and covered with mud. The people took sweatbaths daily, which prevented several skin diseases. Women wore only short aprons, one in front and one in back, made of tule, deerskin, or fiber from bark. Their faces usually were tattooed in lines or rows of dots. Men and children went about naked, though in cold weather members of both sexes threw rabbitskin blankets over their shoulders. The hair was left long but worn tied on the top of the head with twine, apparently by both men and women. Men often were bearded.

At the winter solstice a dance was held regularly at Mission San Jose by the Costanoans.

THE EXPLORERS, THE MISSIONS, AND THE RANCHOS

Two centuries ago, in the early morning of March 26, 1772, 16 men broke their camp on the San Lorenzo Creek and crossed into what is now San Leandro. They were the Fages-Crespi expedition, and they were the first white men to explore San Leandro. Captain Pedro Fages led the group, which included 12 soldiers, a muleteer, an Indian servant, and Father Juan Crespi, who performed religious services and kept a diary. In the diary Crespi described San Leandro as part of a level plain with relatively few trees except in the creek. The land was good, though, and covered with wild grasses, herbs, and tules. The group did not apply a name to San Leandro or its creek.

Four years later, on March 31, 1776, another expedition, the Anza expedition, camped on San Lorenzo Creek and the next day explored San Leandro. Diaries were kept by both Captain Juan Anza and Father Pedro Font. Father Font described San Leandro Creek on April 1 as "an arroyo with little water but with a deep bed grown with cottonwoods, live oaks, laurels and other trees . . ." They saw four bears and reported them plentiful here, ". . . for we saw several Indians badly scarred by bites and scratches of these animals." Evidently these Indians were seen in San Leandro.

With the founding of Mission San Jose de Guadalupe on June 11, 1797, the padres really began to change the way of life at San Leandro. Almost all the local Indians were brought to the mission and converted to Christianity during the next 15 to 20 years. The majority lived in Indians huts around the mission (Mission San Jose). Their labor built the mission, plowed the fields, and tended the stock. This was a large job, because the mission lands extended north to San Leandro Creek.

Many of the Indians became vaqueros, and San Leandro became a place for rounding up the northern stock, El Rodeo de San Leandro. The name, after St. Leander (a Spanish bishop), may have occurred before Jose Joaquin Estudillo—the city's founder—arrived: or Estudillo may have been the first to use it, if St. Leander was his patron saint as Freeman once reported.

In 1834 the missions were secularized. That meant that the administration of the mission buildings, lands, and herds was taken over by the Mexican government. Some of the land and stock was given to the faithful Indians tending them in San Leandro and elsewhere. Some of it was dispersed in the form of land grants. In 1836 Estudillo brought 300 white heifers to San Leandro from Rancho Pinole and established his home here on the bank of San Leandro Creek, about where Donovan Drive and Brookside Street now meet. On January 8 of the following year Estudillo filed for a grant of the Rodeo do San Leandro, between the Arroyos of San Leandro Creek and San Lorenzo Creek. After waiting for five years, Don Joaquin realized his application must have been lost, and he filed a new one. Four months later he received the grant, October 16, 1842. It included all the land between the two creeks from the hills to the Bay, except the lands occupied and cultivated by Indians. He called it Rancho San Leandro.

When the Americans came, they bought or squatted on what land the Indians had held on to. As the ranchos broke up, the Indians gradually intermarried with the Mexican population and became indistinguishable from it, especially since most had Spanish names given them by the padres or rancheros. No treaties or settlements ever were made. The descendants of the Costanoans reconstructed themselves as the Ohlone Indian Tribe in 1971.

Life on the Estudillo Rancho was gracious, pastoral, and unhurried. Don Joaquin made a good living from his rancho, and through the trade of hides and tallow with New England merchant ships was able to buy fine silks for his wife and daughters, casks of brandy for entertaining, and may other things that could not be produced here easily. He had more than 100 Indian vaqueros and servants at one time. There was time for roundups: dances: meriendas (picnics); bullfights; and visits to relatives in the East Bay, San Francisco, and Monterey. Life was good.

Estudillo had married Juana Martinez (March 30, 1805 to November 8–14, 1879) on February 6, 1823, and they had 10 children by 1842 when Don Joaquin applied again for his grant. The children were: Concepcion (born 1825, wife of John B. Ward), Ramon (born 1827), Gertrudis (born 1829), Antonio (born 1830), Maria de Jesus (1831–1909, wife of William H. Davis), Vicente (1833–1893), Luis (born 1836), Magdalena (born circa 1842, wife of John Nugent), Dolores (born circa 1841, wife of Charles H. Cushing), and Jesus Maria ("Chumalia") Estudillo (born circa 1844, died 1910). Their stories are told in Shaffer's history and San Leandro Recollections, Centennial publications.

The Estudillos gave the Plaza and land for the County Courthouse (Clarke and W. Estudillo), for St. Leander's Church, and for several parks on San Leandro Boulevard (formerly the ball park and the tennis courts). Davis and Ward laid out the town of San Leandro on February 27, 1855, St. Leander's Day. They drove around the county in a buggy to get votes to move the county seat to San Leandro, and they built the Estudillo House. Ward built the first dam across San Leandro Creek to provide water, and it was he who opened up Washington Avenue in 1860 as a street to San Lorenzo.

These are just a few of their activities that shaped the town. Magdalena, Maud, Sybil, and Elsie avenues were named after the Nugent family. Chumalia Estudillo (who usually went by J. M. Estudillo) was a town trustee and quite active in civic events.

Ygnacio Peralta owned all San Leandro north of the Creek (and Oakland to Church Street and to 69th Avenue). This was his part of the Rancho San Antonio grant (from San Leandro to El Cerrito) that had been given to his father, Luis Maria Peralta, in 1820. It was in 1842 that Don Luis rode up on the East Bay hills with his sons and divided the grant among them.

We do not know the exact year Ygnacio moved here, but he had built an adobe by 1842 on San Leandro Creek (near the end of 105th Avenue in Oakland). He was across the creek from the Estudillos in their first adobe. Ygnacio (April 3, 1791–May 9, 1874) and his wife, Rafaela (Sanchez) Peralta (born 1800), had 12 children: Marcia del Carmen (1819–1874), Jose Francisco (born 1820), Miguel Antonio (born 1825), Joaquin (1827–1869). Maria Ludovina Columba (1828–1917) Luis Maria (born 1831), Jose de Jesus (born 1833), Juan Bautista (born 1835), Maria Antonia (1836–1926), Gabriel or Bariella (born 1839), Rafael (born 1840), and one, possibly another Maria, who died young. Records of marriages of all but Joaquin, Luis Maria, Rafael, and the young Maria are in existence.

THE COMING OF THE AMERICANS—IMMIGRANTS 1850–1871

San Leandro had only a handful of American settlers before 1850. One of the earliest was William Heath Davis (1822–1909), who came to California as a cabin boy on one of his father's ships from Hawaii as early as 1831. By 1838 he had advanced considerably to supercargo, then became an owner of Yankee trading ships. He met his future wife in 1842. He soon ran a merchandise store in San Francisco. He finally married Maria de Jesus Estudillo in 1847 and came to San Leandro, where he lived with the Estudillos for several years.

The second American son-in-law, John B. Ward, came to California during the Gold Rush in 1849 (though he had visited the coast as a cabin boy in 1840). He came to this area after a try at the mines, and married Concepcion Estudillo in November, 1851. In late 1849 Thomas W. Mulford, Moses Wicks, A. R. Biggs, E. Minor Smith, and W. C. Smith, all of whom had come during the Gold Rush, crossed the Bay in a whaleboat and settled as duck hunters and squatters in the area of the present Mulford Gardens. Mulford and Wicks remained and played major roles in the development of the large-scale farming, shipping, and oyster industries of San Leandro.

OBSERVATIONS ABOUT OUR LEGAL SYSTEM

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. HALPERN. Mr. Speaker, last December, a most significant message was delivered by a public-spirited, dedicated American citizen. The contents of this address touched me so deeply that I feel, in view of the timeliness of this message, that it should be brought to the attention of the Members of this body.

I refer to the address of Harry Goldsmith before the annual president's dinner of the Grand Jurors Association of Bronx County, N.Y. Mr. Goldsmith, the outgoing president of the association, delivered a most inspiring and forceful address in which he made certain observations about our legal system—observations which, if translated into action, would contribute immeasurably to the fight against the rising crime rate and the scourge of narcotics abuse.

I was particularly pleased to note that Mr. Goldsmith's colleagues in the Grand Jurors Association and his many friends and admirers have honored this remarkable man many times before. He is, to be sure, a very exceptional human being. Harry came to the United States in 1937, leaving the horrors of Nazi Germany behind him, and from that time on he has been an active participant in numerous civic and community projects. This man is indefatigable, his vision laudable, and his perseverance unmatched. As he has said many times "It has always been very easy for me to give—but very embarrassing for me to receive." This is the creed by which Harry Goldsmith lives and his friends and community are all the better for it.

I know personally of Harry Goldsmith's contributions to worthwhile causes through his unrelenting efforts to find solutions to the problems of drug addiction, particularly as it affects adolescents. Mr. Goldsmith served for several years as a member of the Lay Board of Riverside Hospital, the only facility in the world at the time dedicated solely to the treatment of preadult addicts. This institution was established by the city of New York nearly 20 years ago under a State-enacted adolescent civil commitment law which I was priviledged to sponsor. For some while I served as chairman of that board and I witnessed first-hand the trials, the frustrations, the agonies of the addiction problem which began to plague us during the 1950's. Mr. Goldsmith, despite the discouragements that would have dissuaded a lesser man, became even more determined, even more relentless in his efforts to find the answers, and has been devoting every spare moment toward that end.

That is why I was so pleased with the recognition accorded Harry Goldsmith by the Bronx Grand Jurors. That is why his words—so sincere, so genuine—mean so much.

Mr. Goldsmith's speech on the evening of December 2 was guided by his usual inspiration and ability to see things as they really are. I would, at this time, like to share with my colleagues his speech of December 2 so that they might learn of this warm and dedicated communty leader and reflect on his thoughts.

The speech follows:

THE GRAND JURORS ASSOCIATION, OF BRONX COUNTY, ANNUAL PRESIDENT'S DINNER, DEC. 2, 1971

Reverend Clergy, Distinguished Guests and Friends: Mr. Chairman, Judge Dollinger, thank you very much for your kind words.

It is with sincerest gratitude that I accept this gift from the Grand Jurors Association. It has always been very easy for me to give—but very embarrassing for me to receive. It is almost painful for me to answer when I am being praised and I am the recipient of a wonderful award presented on behalf of an elite group of citizens—by a friend, one of the outstanding jurists in our community.

My family and I accept this great token of recognition with the deepest humility and appreciation of the spirit in which it was presented.

In 1937 this country opened its door and gave me the opportunity to become a citizen, raise a wonderful family and blessed me with many loyal friends. During the first few years in this country I learned what the words poverty and desperation meant, but with hard work and some luck, I overcame these obstacles. Having fled from the injustices, prejudices and ravages of a Nazi Fascist ideology, I dedicated myself to the struggle for safeguarding our sacred democratic principles, which have provided equality and justice for all our citizens.

I have chosen to be active in the fight against drug abuse and have devoted my time to the Grand Jury system, which is pledged to the promotion of justice, and is one of the finest instruments in protecting the innocent. It encourages civic participation by the people. It enables the community to temper justice with mercy.

Those of you who have served on the Grand Jury know the feeling of disappointment and hopelessness, after spending weeks listening to case after case. However, we *must not be* discouraged, but continue to use the Grand Jury system to see justice done, because the delay of justice is injustice.

We are fortunate in Bronx County to have a human dynamo, a vigorous, energetic and forceful District Attorney, Burt Roberts, who is capably assisted by a brilliant, loyal and devoted staff.

We have in our county, under the outstanding command of Chief Anger and Inspector Courtenay, the finest and most efficient police force in all of the boroughs. We also have compassionate judges who are respected for their fairness, impartiality, and who sit for many a long day in judgment under extremely trying circumstances.

If we, ladies and gentlemen, analyze the phrase—"life, liberty and the pursuit of happiness," we know, based upon our daily experience with the Grand Jury—that *life* is cheap in the streets of Bronx County; that *liberty* does not exist for many of our citizens, locked in their homes behind gates, after dark (and especially for many of our senior citizens who are involuntary prisoners afraid to walk the streets of our once safe borough). And—there is little *happiness* for those who want to enjoy the fruit of their labor.

We are all frustrated in our efforts to break the cycle of crime and injustice. We must, however, continue our pursuit to find some answers to these horrendous problems. I suggest that all of us, both in our public and private capacities, be first and foremost, citizens of courage, determination and deep conviction. We must be ready to struggle for honest and just values, regardless of the consequences. We must not yield to community pressure nor become instruments of political power groups.

After sitting for years on the Grand Jury, I have made certain observations, which I would like to share with you.

1. Innocent victims of crimes should enjoy the same constitutional rights and privileges that are given to the perpetrators.

2. We need a uniform Federal gun law, which would prohibit the sale of guns. Every time there has been a homicide, the perpetrator has had easy access to a weapon.

3. The Sullivan law should be rigidly enforced.

4. There seems to be an indiscriminate and flagrant amount of bail jumping. Bail should be set to guarantee the appearance of the defendant in court.

5. Bail should be revoked if a person is arrested for a felony while awaiting trial on another charge.

6. Bail should be denied if a person who is arrested for committing a felony has in his possession a shot gun, sawed-off shot gun, or a machine gun.

7. In felony narcotic cases, bail should be denied.

8. More emphasis should be placed upon the prevention of crime and upon the supervised parole and probation, rather than upon long jail sentences. To accomplish this, we need more qualified probation, parole and warrant officers.

9. Justice should be meted out in such a way as to have the greatest effect upon the defendant. His appearance in court must not become a revolving door.

10. Corroboration should not be necessary on a rape indictment, especially when children are the victims.

11. The facilities and the staff of the courts, and the D.A.'s office should be enlarged to meet the ever increasing volume of cases.

12. The fee of the Grand Juror should be sufficient so that no person who has the ability and desire to serve shall be denied the right for reasons of financial hardship.

Ladies and gentlemen, distinguished guests, *you* provide the hope to all New Yorkers who seek peace in their homes and safety in the streets. I hope that you will use your influence, when appropriation bills are being considered, both in the State Legislature and in the Congress, so that we can implement some of these ideas and improve all services. Let us all recognize that law leads to freedom and lawlessness to servitude. We are living on borrowed time, and the need for action is acute. Rousseau said "to live is not merely to breathe—it is to act".

I hope the father of all mankind will guide us in these troubled times so that we can cope with the many problems sweeping our community. Let us show compassion and understanding for those less fortunate than we are. Let us not talk brotherhood—let us be brothers. May life, liberty and the pursuit of happiness be once again the touchstone for every member of our community.

May I share with you a short story that sums up my sentiment?

There was an ancient philosopher who was challenged by a young man: "Tell me, old man, is the bird in the hand behind my back dead or alive?" And the man of wisdom replied, "The answer lies in your hand".

Ladies and gentlemen—the answer lies in *our* hands.

ANTHONY HENNINGER

HON. JAMES M. HANLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. HANLEY. Mr. Speaker, the role of a mayor in any of our American cities is indeed challenging and demanding. And, thank God, many of our more courageous citizens choose to "bite the bullet," and offer their talent, time, and dedication to the electorate as candidates for mayor of their respective cities. If the majority of the people are convinced of the candidates superior qualification, he is elected and as such assumes great challenge and responsibility.

I am sad to say that a man who met that challenge, a close friend of mine, died last Friday. He had spent his twilight years in retirement after rendering great service to his community.

I refer to the Honorable Anthony Henninger who served the city of Syracuse, N.Y., in truly exemplary fashion through the years 1957 to 1961. Mr. Henninger passed away on March 17, and his absence creates a real vacuum in my home community and certainly in the life of his wonderful wife, Susan, to whom I express my deep sympathy.

Mr. Henninger's life style is probably best expressed in the content of the following articles:

HE ENRICHED SYRACUSE

(By Joseph V. Ganley)

(Joseph V. Ganley who covers the Washington scene for The Herald-Journal, Herald-American, was city hall reporter in Syracuse for many years. Here he reminisces about Anthony A. Henninger, a mayor he came to know well in official and social circles and on the golf course as well.)

Former Mayor Anthony A. Henninger, who died yesterday in Crouse-Irving Memorial Hospital, came to Syracuse 50 years ago to shop for a transmission plant. He acquired an operation on Plum St., which later became the New Process Gear Co., and stayed to make Syracuse his home.

There is no doubt that the community has been a better place for his staying.

"Tony" Henninger was 80 at his death, but until his recent illness, he was one of the youngest men in town.

The results of that original purchase may be seen out on Fly Road where the modern New Process Gear plant operated by Chrysler Corp. is a testament to Mr. Henninger's industrial stewardship.

He served the city as mayor from 1958 through 1961 and the accomplishments of those years are all around us. Henninger High School on the East Side, named after him; Corcoran High on the West Side, named after another mayor, Thomas J. Corcoran; a couple of junior high schools, two or three elementary schools, the new airport at Hancock Field and the Lake Ontario water system, to name the major ones.

His public philanthropy is known. What is not so visible is the "secret" side of Tony Henninger—the side that dispensed financial aid to scores of young men for college education, and to old employes when they were in need.

Anthony Henninger's was a unique, many-sided personality. A strong character, carrying an imposing physical presence, he never lost his respect for his associates in those early days in the automotive business in Muncie, Ind., his birthplace, Toledo, Ohio, and Detroit.

Two of them, the famous Walter P. Chrysler and W. C. Durant, were never anything but "Mister" Chrysler and "Mister" Durant to Tony.

Many anecdotes could be told about Tony—he was one of the most generous persons around, yet would save pencil stubs and hated to lose a golf ball. He gave his $20,000 salary quadrupled to charity when he ran city hall, yet he made a federal case out of saving soap and toilet tissue.

Few know that in his early days in Muncie, he peddled papers to earn money for his keep, and played piano and booked dance bands during his early youth. He played semi-pro baseball and loved the game all his life. He was a Yankee fan—he loved a winner.

There was nothing dull about Tony Henninger. Another unique character, the late Alexander F. "Casey" Jones caught the "flavor" of the mayor in an editorial in 1961 when Henninger was leaving city hall:

"If he pauses to look back on that old pile of drab colored stone, he will chuckle to himself and murmer: 'There was never a dull moment. Nice to have known you.' "

It was nice to have known you, too, Tony. And, with your beloved wife, Susan, we'll miss you.

ANTHONY HENNINGER CITED AS "MAN FOR ALL SEASONS"

(By Ramona B. Bowden)

A concelebrated Mass of Resurrection was conducted yesterday in St. John the Evangelist Roman Catholic Church for Anthony A. Henninger who died Friday.

Attending were leaders in the industrial, business, educational and sports world as well as former mayors, members of the judiciary, representatives of state and local government. With many friends and a long list of honorary bearers, they filled the large church to near capacity.

In the presence of the Most Rev. David F. Cunningham, bishop of the diocese, who offered the final prayers and gave the absolution, the Mass was concelebrated by the Rev. Msgr. Edgar M. Holihan, pastor, with the Very Rev. William L. Reilly, S.J., president of LeMoyne College, and the Rev. Robert F. Grewen, S.J., former president of LeMoyne. Assisting were Msgr. Richard Clark, Msgr. A. Robert Casey, the Rev. Charles Fahey, and the Rev. Francis J. Pierson.

In his eulogy, Monsignor Holihan said, "With the idea of death, our world today seems to be involved with the finality of leaving here a question mark. But Christianity gives the answer. We know what it says, but we do not believe it. But Christ means exactly what He says 'I am the Resurrection, I am the life. . .' "

"Every individual here was born into this life as a pilgrim to pass through in the companionship of man and with God, so that God will call him to eternal companionship with Himself. The whole purpose of creation is to do the best we can to the glory of God and the good of souls including our own," said the priest.

"When you have a magnanimous spirit like Mr. Henninger and know we have various shades of generosity, we see the example of one who is leaving us and going to God. We've seen the example, the courage, the success, the concern for others, and we see ourselves as little people with small awareness of others," he said.

"Mrs. Henninger, priests, ministers, family and all your friends, we offer you our deepest sympathy, our continual prayers for his eternal rest and our prayers for comfort and strength for yourself," said Monsignor Holihan.

In deference to Mrs. Henninger who is a member of Park Central Presbyterian Church, the pastor, the Rev. Bradford N. Pusey, gave his tribute to Mr. Henninger who had been a generous benefactor to Park Church:

"He was an industrialist of imagination and success. He was a champion for education and a promoter of the best in competitive sports. He demonstrated that government for and by the people works. He crusaded for community health and cultural enrichment. To everything he touched he gave generously of his resources, time, energy, skill and wealth. But over-arching all he did and was, Anthony knew himself to be a child of God. There was no necessity to translate his faith into words; his daily life-style exhibited that the heart of Christianity was the Sermon on the Mount and the Golden Rule.

"If ever the city of Syracuse shall raise up "a man for all seasons" must it not be for this faithful husband, courageous leader, generous benefactor, trusted friend and mentor in the ways and will of God, Anthony A. Henninger?" said Mr. Pusey.

ANTHONY A. HENNINGER

For almost 50 years, the name of Anthony A. Henninger has been in the forefront of scores of movements to help make Syracuse a better community in which to live.

The passing yesterday of the handsome, white-haired former mayor marked the end of a career in which Tony Henninger became known as an enlightened industrialist at the helm of the old New Process Gear plant, as an enthusiastic backer of baseball whose generosity and hard work helped bring Triple A competition back to MacArthur Stadium, as a benefactor and Regent of LeMoyne College, and as a hard working mayor who gave the city strong leadership.

It became a by-word that when Tony Henninger got behind a good project, it was bound to succeed. His enthusiasm inspired many others to join with him, and his public gifts to LeMoyne College, Syracuse University, to his church and to all good causes won him the admiration of thousands.

Less than five years ago he, a devout Catholic, and Mrs. Henninger, a Presbyterian, contributed $80,000 to purchase a chancel organ for Park Central Presbyterian Church as a memorial to their son, Robert Anthony Henninger.

Syracuse University conferred on him in 1951 its highest award, an honorary doctor of laws degree. LeMoyne College, where he had established the Anthony A. Henninger Scholarship Fund, gave him its Salterrae (Salt of the Earth) medal in 1968 in recognition of 20 years of service as a charter member of its Board of Regents and former chairman of its board.

He was pleased when the new East Side high school near Teall Avenue was designated the Anthony A. Henninger High School as one of five schools begun during his administration. At that time, then-Mayor William F. Walsh noted, "Nobody has been more dedicated to the children of this city than he."

When a member of the school's first graduating class presented Mr. Henninger a Class of 1965 ring, the former mayor mused, "The last time I received a ring was when I was married. I don't mind being married to Henninger High School."

CAMP FIRE GIRLS

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mrs. GRASSO. Mr. Speaker, during the past 62 years, 4 million American women have participated in the Camp Fire Girls. The organization's emblem is, of course, a campfire, which symbolizes both the warmth of comradeship and the spirit of the out of doors. Its motto reflects the Camp Fire Girls' worthy goals: "Worship God, seek beauty, give service, pursue knowledge, be trustworthy, hold on to health, glorify work, be happy."

At this time, we celebrate the anniversary of the founding of Camp Fire Girls by Dr. Luther Halsey Gulick. Over three generations, this organization has continued to grow and to have a positive influence on the daily lives of its members.

Our Nation has benefited from the good citizenship qualities exemplified by the dedicated leaders of the Camp Fire Girls. It was Dr. Gulick's conviction that because adolescence is such a critical period in the lives of young people, and because women are playing an increasingly important role in all aspects of society, an organization such as Camp Fire Girls is needed to provide young women an opportunity to develop to their full potential as community leaders and good citizens.

We are very grateful that Dr. Gulick was so successful in establishing such a program. For this reason, it gives me pleasure to salute the Camp Fire Girls—an organization that abounds in resourcefulness, energy, and imagination—on this important anniversary.

SEARCHING FOR CAUSE AND CURE OF COOLEY'S ANEMIA

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. GIAIMO. Mr. Speaker, the medical research community searching for the cause and cure of Cooley's anemia is large and growing, but desperately in need of Federal financial support.

Federal support would earmark Cooley's anemia as a particular priority for intra- and extra-mural programs of the National Institutes of Health, and continued support of the clinical research program of NIH will provide the subsidies to research facilities necessary to support study and service for patients with this and other mysterious but widespread diseases.

The high quality of existing medical research in this field—demonstrating the existence of a base of knowledge nearly ripe for practical application—has been shown in reviews of work on Cooley's anemia in the medical literature.

In 1966 and now on the March 16, 1972, issues of the New England Journal of Medicine, for example, review is made of research into the basic genetic and physiological causes of Cooley's anemia.

In 1964 and again in 1969 the New York Academy of Sciences and the Cooley's Anemia Blood and Research Foundation for Children jointly sponsored symposia on the problems of Cooley's anemia, resulting in the collection and publication of research papers totaling over 1,300 pages.

Much basic research has been done, therefore, with little or no Federal help. It is well known, however, that particular areas of medical research blossom when Federal direction and support are given; researchers in basic areas are more able to direct their studies to practical ends, the clinical or applied part of medical research is enhanced within the institutions and organizations that conduct sophisticated medical research, results are more easily disseminated within the scientific community, avoiding duplicative work, and the work stimulated and supported by private foundations or general purpose research grants is brought to its fullest scientific and practical fruition.

Cooley's anemia is not unknown to medical research, Mr. Speaker, quite the opposite, but the practical help available to the physician or pediatrician who deals with Cooley's anemia is pitifully small. It is time to give national direction and support for this work, so that the patients and families affected by Cooley's anemia will benefit from the best our Nation's scientific and medical community has to offer.

H.R. 9615—IMMIGRATION VISAS

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mrs. GRASSO. Mr. Speaker, the passage by the House of H.R. 9615 is a welcome event in the lives of so many people. This bill creates additional immigration visas for a period of 4 years. It will do much to correct some of the injustices which resulted from the transformation of the immigration program from an earlier system based on national origin quotas to the present one of "first come, first served."

It was not so long ago that the system of national origin quotas led to the parting and long separation of families. While one member of the family might be able to come to America, others would be left at the docks—waiting for an opening in the restrictive quota system. Years would go by with fathers living far from sons; with sisters separated from brothers. Each year the list of requests for visas would grow; each year only a certain number from any one country would be granted. No provision in the old law would allow the unused visas of one country to be transferred to those in another country.

The Immigration and Nationality Act Amendments of 1965 eliminated the national origins quota system and provided for a certain period of transition to eliminate some of the backlog of previous visa requests.

But even this welcome legislation had its flaws. The case of the present fifth preference immigrant—the brothers and sisters of U.S. citizens—provides a prime example. When the old law was repealed, 158,696 individuals fit under this category. Because the terms of the old law were overly restrictive to Southern Europeans, Italy had the largest oversubscription. Its 114,717 registrants were more than two and a half times as large as the registrants of all the other countries of the world combined. Originally, a 5-year phaseout period for preferential admissions had been considered.

However, when this legislation became law, the final transition period for removing the backlog of preferential requests amounted to only 3 years. As a result, of all the countries of Europe, only Italy still retains a significant backlog of fifth preference requests for visas. Italian-Americans still wait for their brothers and sisters to join them in America. They still wait for the joy of seeing their brothers and sisters arrive to begin a new life.

The passage of H.R. 9615 will alleviate most of this backlog. Italy will receive over 28,000 of the nearly 40,000 additional visas created for the four-year life of this act. Families will be reunited. The long wait will then be over. Happiness and love will pour from grateful hearts.

In addition, the amendments of 1965 resulted in a type of reverse discrimination, as epitomized in the sharp curtailment of immigration from Northern Europe. Prospective immigrants from Great Britain, Ireland, and Germany have been unable to qualify under the new preference system. The new legislation passed by the House would help remove this distinct disadvantage through the formula of granting special visas to certain countries. Under the provisions of this legislation, Great Britain and Germany would receive the maximum total of 7500 visas annually. Ireland would receive 4096, while Poland would be entitled to 2970 visas annually for 4 years.

Mr. Speaker, the last vestiges of inequitable and discriminatory immigration system of the past must be removed. I was pleased to give my support to this legislation which passed the House, and hope that it will receive quick and favorable consideration in the Senate.

THE 100TH ANNIVERSARY OF OUR NATIONAL PARK SYSTEM

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. GERALD R. FORD. Mr. Speaker, this month marks the 100th anniversary of our National Park system, which began with the creation of Yellowstone National Park in legislation enacted by the Congress and signed by President U. S. Grant. Yellowstone was not only the first National Park in the United States, but the first such wilderness recreational area set aside by any nation for the benefit of future generations, and it set an environmental example for the world a full century ago.

In an unusual full-page public service advertisement in the March 1 edition of the Wall Street Journal, Sunset magazine and Books of Menlo Park, Calif., tells the story of the inception of our National Park system and urges Americans to celebrate the centennial by visiting one or more of them this year. With signs of spring all around us, it is a message well worth heeding.

The text of the anniversary ad follows:

PEOPLE LAUGHED AT JOHN COLTER—HE CLAIMED TO HAVE SEEN GREAT SPOUTING GEYSERS NEAR THE YELLOWSTONE, NATURALLY, NOBODY BELIEVED IT IN 1807

John Colter wasn't looking for geysers. He was looking for beaver pelt. Having left the Lewis and Clark expedition, he was on his own, and a man has to make a living.

Somehow, on his trapping jaunts, he happened upon the bubbling potholes, craters, and geysers near the headwaters of the Yellowstone. But nobody believed his story (any more than they believed Jim Bridger 20 years later). After all, weren't frontiersmen noted for telling tall tales?

In fact, it was not until 1870—63 years after Colter's first sighting—that a survey party out of Montana verified, in spite of their own previous disbelief, that the phenomena of "Colter's Hell" actually existed.

Suddenly those unbelievable geysers had become reality—and the whole magnificence of Yellowstone a nation's opportunity.

TODAY IS AN IMPORTANT ANNIVERSARY

Just 100 years ago this very day, on March 1, 1872, an Act was signed into law by President Grant, setting aside two million acres of Yellowstone's splendor as a "pleasuring ground for the benefit and enjoyment of the people."

This was the world's first national park; the first time in history that a superlative natural resource had been set aside for purely aesthetic, emotional, and non-material satisfactions as a national park. Truly an environmental milestone.

And what an amazing chain reaction it started.

Since 1872, our National Parks have grown to include nearly 300 areas of natural, cultural, and historical significance in the American heritage. And vast new tracts of wilderness and reaction land are being added through a program which President Nixon has called The Legacy of the Parks.

The national park concept is also one of our most successful "exports." More than 100 nations have been inspired by our example to establish over 1,200 national parks and reserves of their own.

Think how all of these priceless treasures will be valued 100 years from now, just as we value our Yellowstone today.

WE'RE ALL INVITED TO THE BIRTHDAY PARTY

President Nixon has invited all of us in America, and all our good friends beyond our borders, to join in celebrating the 100th birthday of our National Parks.

The invitation is issued in the form of a Presidential Proclamation, designating 1972 as National Park Centennial Year.

So how does one participate?

The folks at Sunset Magazine and Books, being by nature do-it-yourself advocates, think the best way to celebrate this national birthday party is to go and visit a National Park. Or, better still, several.

It's the kind of party in which the guests have all the fun.

Why don't you go? You won't have to travel far, if you don't wish to, because these shrines of heritage are all around us. Or, if you're willing to journey at bit further, visit one of the fabled places you've heard about all your life, but have just been putting off until "someday."

It's a wonderful way for families to explore the richness of their country together.

While some parks are heavily populated on big holiday week-ends, their reasonably long seasons afford you plenty of other time choices. (Several parks have all-year accommodations and camping facilities.)

Some of your most rewarding experiences, by the way, will be the explorations you can make on foot, away from roads and beaten paths.

Hopefully, your visits will inspire you, as it has us at Sunset, to support the addition of more such worthwhile areas. To meet the expanding needs for human enrichment in the next century of parks, millions of Americans and their government representatives must make an all-out commitment to work together for more parks and wilderness areas.

And, if, perchance, you find yourself where it all began at Yellowstone, just quietly tip your hat to the same patriarchal geyser John Colter saw, and say, "Happy Birthday, Old Faithful."

WHY IS SUNSET SO INTERESTED?

Sunset Magazine and Books are part and parcel of Western America, where, by good fortune, nature has located a vast number of the most spectacular areas in the National Park System.

From Alaska's Mount McKinley to New Mexico's Carlsbad Caverns, Colorado's Rocky Mountain to Hawaii's Haleakala, we Westerners are blessed with an abundance of National Parks.

Because travel and exploration are important aspects of Sunset's service to its readers, our editors have become recognized authorities on the lore of National Park areas in Western America.

This goes back to 1898, when the maiden issue of Sunset Magazine had a National Park, Yosemite, as its feature article.

Since then, literally thousands of pages in Sunset publications have been devoted to helping people derive enjoyment from their National Park experiences.

Why is Sunset so interested? Because we believe that the existence and influence of National Parks are among the most precious of American legacies—and that the dedicated people of the National Park Service make a matchless contribution to world communion.

That is why we invite you to share in cherishing, preserving, and enjoying these wonderful manifestations of man's best wisdom.

And why we have sponsored this anniversary day message.

HOUSE OF REPRESENTATIVES—*Thursday, March 23, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Our help is in the name of the Lord, who made heaven and earth.—Psalms 124: 8.

Our Father God, who art the life within our souls, the law within our minds, and the love which warms our hearts, direct us with Thy most gracious favor and further us with Thy continual help that this day may be a great day because Thou art with us and we are with Thee.

In the haste and hurry of a swiftly moving age may we be strengthened by Thy spirit to live by the light of love, to walk in wise ways and to serve our country faithfully with high honor.

Most heartily do we pray that Thou wilt bless our President, our Speaker, and Members of Congress. Grant unto them courage, faith, and wisdom, and so rule their hearts and direct their endeavors that justice, peace, and good will may everywhere begin to prevail: To the honor and glory of Thy holy name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following titles:

H.J. Res. 208. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1426. An act to establish the Van Buren Historic Site at Kinderhook, N.Y., and for other purposes;

S. 3129. An act to authorize the establishment of the Longfellow National Historic Site in Cambridge, Mass., and for other purposes; and

S. 3166. An act to amend the Small Business Act.

The message also announced that the Vice President, pursuant to Public Law 84–1028, appointed Mr. HATFIELD as a member of the Board of Visitors to the U.S. Military Academy in lieu of Mr. YOUNG, excused.

EQUAL RIGHTS FOR WOMEN

(Mrs. GRIFFITHS asked and was given permission to address the House for 1 minute.)

Mrs. GRIFFITHS. Mr. Speaker, not only do I want to thank all of you and all of the Senate for this day, making it possible for women to be considered as human beings under the Constitution, but also I wear these flowers today to celebrate the fact that Hawaii is the first State to ratify the equal rights amendment.

CALL OF THE HOUSE

Mr. KYL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 88]

Abourezk
Alexander
Anderson, Ill.
Ashbrook
Ashley
Badillo
Baring
Belcher
Brooks
Buchanan
Camp
Carey, N.Y.
Celler
Chamberlain
Chappell
Chisholm
Clark
Clay
Collins, Ill.
Conyers
Davis, Wis.
de la Garza
Dellums
Dent
Diggs
Dorn
Dowdy
Dwyer
Eckardt
Edwards, La.
Eshleman
Foley
Ford, William D.
Forsythe
Fulton
Fuqua
Galifianakis
Gallagher
Gaydos
Gray
Hagan
Halpern
Hastings
Hawkins
Hébert
Hull
Johnson, Pa.
Jones, N.C.
Kemp
Kyros
Landrum
McKinney
Metcalfe
Mikva
Mitchell
Murphy, N.Y.
Nelsen
O'Hara
Pelly
Pryor, Ark.
Pucinski
Rangel
Rees
Riegle
Rosenthal
Rostenkowski
Saylor
Scheuer
Shoup
Springer
Staggers
Stanton, James V.
Stokes
Stubblefield
Teague, Calif.
Teague, Tex.
Wampler
Yates
Yatron
Zablocki

The SPEAKER. On this rollcall 351 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS UNTIL MIDNIGHT TOMORROW

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tomorrow night to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

FORTY-FOUR DAYS AND STILL NO WORD FROM PRESIDENT NIXON ON TAX REFORM

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SEIBERLING. Mr. Speaker, 44 days ago our esteemed colleague and chairman of the House Ways and Means Committee, WILBUR MILLS, wrote to President Nixon requesting him to submit to the Congress a plan for tax reform. The chairman asked that the President submit his proposals by March 15 in order for Congress to have time to act on them in this session. It is March 23, and nothing has emerged from the Nixon administration except silence.

Perhaps this silence is an indication that the administration believes the issue of income tax reform is a passing fad, drummed up by the media. It is not. When it is public knowledge that because of special tax loopholes more than 1,300 people with incomes in excess of $50,000 paid no taxes in 1970, the issue of tax reform will not go away. When the public knows that because of the oil depletion allowance, our 19 largest oil corporations pay a smaller percentage of their combined net earnings in taxes—less than 9 percent of $9 billion in 1970—than the worker who earns $9,000 a year, the issue of tax reform will not go away. When our largest steel firm, with net earnings of $154 million, can boast in a report to its stockholders that it paid no Federal income tax in 1971—the issue of tax reform will not go away.

Private and corporate tax loopholes make a mockery of the progressive principles on which the Federal income tax was originally based. They shift the burden of the cost of Government from those who are best able to bear it onto others who are not. Tax loopholes also deprive the Government of billions of dollars in revenue every year. These funds are lost to the public at a time when they are desperately needed for domestic social programs. If we are going to restore equity to our tax laws and faith in our Government, tax reform is an urgent necessity.

We have asked the President to make his proposals—to offer the Nation responsible leadership on the question of income tax reform. To date he has given no indication that he intends to take any action.

The deadline for the expiration of the Federal debt ceiling increase is June 30. The Congress cannot in good conscience approve another debt increase without meaningful action toward raising additional revenue. The only fair way to do this is income tax reform.

We cannot wait much longer for the President to act.

RELEASED TIME FOR REGISTRATION

(Mr. LEGGETT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, a bipartisan group of Members of Congress is sponsoring a young-voter registration program we call "Released Time for Registration."

The purpose of this program is to encourage high schools to make voter registration an official school activity for 18-year-old students. Now that the 26th amendment has enabled all 18-year-olds to vote, it seems most highly desirable that they do so. After all, they are the ones who are going to have to live with national policy the longest; in that sense they have the largest stake in the future of our country.

Sponsors of the program are Republicans DELLENBACK, QUIE, WHALEN, FINDLEY, MOSHER, BELL, and Minority Leader JERRY FORD working with Democrats RICH PREYER, JOHNSON of California, ANNUNZIO, DRINAN, UDALL, BOGGS, and LEGGETT.

We are urging all our colleagues to contact the high school principals in their district, informing them of the deadline for registration to vote in this year's primary election. We urge that registration be made an official school activity.

Principals can follow the example of Jeb Stuart High School in nearby Fairfax, Va., by busing all 18-year-olds to the county seat for registration.

They can release students from class to go and register on an individual or class basis.

Or they can bring registrars right into the school.

In any case, we must act quickly. Young people need to have a symbolic and substantive voice in running the country. I urge all my colleagues to write not only to their high school principals but to their local NEA chapters, school boards, League of Women Voters, student vote organizations, et cetera, urging immediate action. All of these groups are already working on this project nationally.

STATE PRESIDENTIAL-PREFERENTIAL PRIMARIES

(Mr. TAYLOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. TAYLOR. Mr. Speaker, today I introduced a bill that would require all State presidential-preferential primaries to be held on the same day. Twenty-five of these primaries are scheduled this year—up from 14 in 1968—and they are stretched out over several months.

This system of multiple primaries leaves candidates broke and exhausted and leaves the public confused, tired, and sick from an overdose of politics.

The present system places too much emphasis on the results of one State which may or may not represent a valid cross-section of American opinion.

I agree with Senator MANSFIELD that the present system is a "political circus or road show" and that it is not fair to the candidates or the voters. For the underfinanced candidate, this system is fatal.

I am not convinced that presidential-preferential primaries should be held at all, especially under the present system when in many cases delegates are not bound to support the winner.

But, if we are going to conduct these primaries, they should all be held on the same day and many of the evils in the present system would be removed.

HAWAII FIRST IN EQUAL RIGHTS

(Mr. MATSUNAGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MATSUNAGA. Mr. Speaker, as Hawaii's Representative to Congress and cosponsor of the equal rights amendment I take pride in coming to the well today to announce that the 50th and youngest State of the Union has paved the way to ratify the amendment and granting equal rights to women. The Hawaii State Legislature has distinguished itself by becoming the first to ratify the constitutional amendment adopted by the Congress. This the Hawaii Legislature did within 2 hours after the Senate approved the House initiated legislation.

I do hope that a minimum of 75 percent of the other States will follow the leadership of their youngest sister State. May the pure child take them by their hand.

REPEAL ELECTION REFORM

(Mr. DEVINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEVINE. Mr. Speaker, since the Congress enacted the so-called Federal Election Campaign Act of 1971—and I voted for it—there has been nothing but confusion and a galaxy of contrary interpretations.

In fact, certain liberal newspapers, in their zeal to promote their reform kick, have in large measure been responsible for the enactment of this legislative atrocity.

I have long favored a revision of election laws to limit amounts contributed as well as to be expended and have sponsored and cosponsored bills to eliminate the inequities. But under this new law, labor union leaders can still pour millions into buying their own handpicked candidates, and the little fellow with limited means is really not protected.

Further, the reporting requirements, and complicated administrative details are so complex and burdensome that one can hardly be a candidate without risking the possibility of going to jail.

Mr. Speaker, obviously the Congress is unhappy about what it has done, and upon close examination of the fine print in the law, many feel we should fall back and start over again.

We recognize some of the press will scream in righteous indignation, but the old law is much better than the bad new one. Since Congress was somewhat stampeded into enacting election reform, I am proposing a simple repealer; if adopted, we can then systematically legislate a reasonable election reform bill, under normal conditions, and pass a good law without being under the gun of an impending general election.

I trust my colleagues will join me in this course of action.

ARE MEAT PRICES OUT OF LINE?

(Mr. ZWACH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ZWACH. Mr. Speaker, the over-the-counter prices of meat are causing a great deal of concern throughout our country. Some of our big chain stores are urging their customers to substitute other products for meat and some of the Members of the House of Representatives have authored legislation to eliminate quotas on meat imports.

I wonder if any of these people have ever taken a look at what has happened to our food dollar in the past 20 years?

Twenty years ago, the average consumer spent $896 per year for food.

Of that amount, $448 went to the producer and $448 went to the middleman. The producer got 50 percent of the food dollar and the middleman 50 percent.

Today, the average expenditure is $1,224.

Of that total, the producer now gets only $447, a dollar less than he got 20 years ago, but the middleman's share has increased to $767.

The middleman now gets 62 percent of the food dollar and the producer only 38 percent.

In the past 20 years, farm income has

increased only 7 percent, but the average wage earner's salary has increased 340 percent, business and professional incomes have increased 200 percent and corporation dividends 300 percent. The producer of meat at the farm level is receiving less than he did 20 years ago.

It is easy to see that the producer is still at the bottom of the economic ladder and that meat, at the producer level, is still a great bargain in view of the income increases of the rest of our people.

CONDUCT OF U.S. OFFICIALS OVERSEAS

(Mr. HUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNT. Mr. Speaker, I have read with considerable interest reports that certain members of the Senate Foreign Relations Committee would like to initiate an inquiry into the alleged behavior of Ambassador Arthur Watson on a recent flight from Paris to Washington. I commend them for wanting to look into this matter. It seems to me that the deportment of officials who represent this country overseas may well be a legitimate area of public interest and should be thoroughly examined by the Congress. But in our interest to look into one highly publicized affair, we should not avoid looking into others which may have been equally damaging. Accordingly, if the Senate Foreign Relations Committee thinks the allegations about Mr. Watson are worth examining, in the interest of equity, I will have to ask the State Department to make available to me their files on other American officials who travel or work overseas. The reports about Ambassador Watson are not the only reports available on the deportment of American officials overseas. The State Department keeps files on Congressmen, Senators, and other public officials as well. If Ambassador Watson's behavior is worth examining, so is their behavior. All American officials—whether they are Ambassadors or not—represent the United States when they are traveling in foreign countries. If the Senate Foreign Relations Committee thinks it is their duty to begin looking into this area, I think we have to look into it thoroughly.

GRADE SCHOOL CHILDREN TO MARCH

(Mr. BROYHILL of Virginia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BROYHILL of Virginia. Mr. Speaker, yesterday word reached a number of us in the House that a few left-wing radical leaders associated with the District school system were planning a street march using grade school children to exploit their own political bankruptcy.

The news was too degrading to believe—but I call to the attention of the House, Mr. Speaker, that this bizarre event is actually scheduled for Saturday in the streets of the Nation's Capital.

It is an all-time low in cheap, callous, cradle-snatching cruelty and I urge as strongly as I can that this body of the Congress, Mr. Speaker, rise as one to condemn the politically depraved that have planned it.

I sent a telegram this morning to Mayor Walter Washington urging that he condemn this pitiful parading of schoolchildren for the purpose of massaging the egos of a few disgruntled and disgusting so-called community leaders who exploit children in frustration over their own political failures. I urge the Mayor to withdraw permits. I urge, Mr. Speaker, that all Members of the House make known their anger to Mayor Washington by calling or sending telegrams demanding an end to endangering the minds and lives of our District grade school students by dragging them into the hazards of our streets as helpless pawns of political madness.

FEBRUARY RISE IN INDUSTRIAL OUTPUT

(Mr. COLLIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLIER. Mr. Speaker, the dispensers of gloom and doom on the state of our economy in recent months will, I am sure, be pleased to know that the February rise in industrial output of 0.7 percent was the largest rise since last September.

Mr. Speaker, last week the Federal Reserve Board released the industrial output figures for the month of February, 1972. The February rise in industrial output of 0.7 percent, seasonally adjusted, was the largest rise since last September. This rise in production is encouraging not only because of its large size, but because it is a continuation of an upward trend in industrial production which started last September, after President Nixon's new economic program was inaugurated.

Additionally, the February gain was broadly based. From January to February the index of production of consumer goods rose from 118.3 to 119 percent of the 1967 base period, business equipment production grew from 97.6 to 98.3 percent and materials production rose from 108.4 to 109.7 percent.

By industry grouping, the performance was also strong. Manufacturing production rose in February from 106.4 to 107.2 percent, durable goods production from 99.4 to 100.4 percent and nondurable goods production from 116.5 to 117.1 percent.

The high output of household appliances, carpeting, and furniture during February is especially good news, because it indicates that strengthening consumer confidence in the economy is being reflected in rising purchases. This news concerning industrial production, when combined with the reports we have had in the past month of growing strength in business plans to invest in new plants and equipment during January, and business expectations regarding sales and inventory investment during the first quarter of 1972, is further evidence that we are engaged in a strong, broadly based economic expansion.

THREE MEMBERS OF PAY BOARD RESIGN

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. EDWARDS of Alabama. Mr. Speaker, yesterday three members of the Pay Board resigned, claiming that they had been the victims of "flagrant favoritism." I do not propose to say who has been right or wrong in past Pay Board decisions because I have not been privy to the considerations of the Board. But I must express my concern and even criticism of any member of the Pay Board, whether management, public, or labor, who would quit out of anger before this important work of economic stabilization is done. We must all move together if we are to curb inflation. There comes a time when the national interest is paramount. That time is now, and it is regrettable that any person or group would not be willing to put his own interests second to the interests of the entire country.

One of America's greatest strengths has always been its ability to compromise, its ability to bring together divergent points of view for the common good. On the other hand, some of our greatest problems have arisen when any one group has decided to throw in the towel on established ways of doing things, has decided that their one group could best decide things for all the people, adopting a sort of "my way or I will not play" attitude.

Steps have been taken in the last 8 months or so to bring galloping inflation under control. Statistics indicate that these steps are working. But these steps were always based on one important assumption: That substantially all the people would be willing to cooperate, would be willing to put the national interest above all else. It is my hope that those members who resigned from the Pay Board will reconsider and will return to make a contribution to economic stabilization.

GRADE SCHOOL CHILDREN TO MARCH

(Mr. HOGAN asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. HOGAN. Mr. Speaker, I share the concern of the gentleman from Virginia (Mr. BROYHILL) over the utilization of schoolchildren in the District of Columbia to propagandize their parents.

I am particularly distressed by a flyer bearing a cartoon which personally attacks the President of the United States. I think it is in grossly poor taste. I also deplore the fact that officials of the District of Columbia school system are exploiting children for propaganda purposes.

Mr. Speaker, I deplore this shocking cartoon because it attacks Mr. Nixon as an individual. I deplore it because it attacks him as the President of the United States who, regardless of political affiliation or position on a particular issue is entitled to respect. I deplore it because innocent children are being manipulated for political purposes.

A SUCCESSFUL FEED GRAIN SIGNUP

(Mr. MAYNE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MAYNE. Mr. Speaker, the final feed grain signup figures announced by Secretary Butz in Kansas City yesterday afternoon show a most gratifying participation by American farmers. The 37 million-plus crop-acres already enrolled more than double the 17-million-acre set-aside of last year. This should reduce corn production substantially and give our farmers a chance for more adequate prices in the marketplace next fall.

No doubt there will be some "gloomsayers" who will continue to predict another huge corn crop and repeat their oft-repeated opinion that the 1970 Agriculture Act cannot possibly succeed. But by this heavy signup the feed grain producers of American have demonstrated their confidence in and strong support of the present program. The Secretary has for his part certainly used the flexible features of the program to good advantage, adding new options when the original provisions did not appear to be attracting sufficient participation.

I am, of course, happy to note that my own State of Iowa exceeded its USDA assigned goal of 3.8 million acres by almost 300,000 acres. Iowa has once again enrolled the most acres, followed by Texas, Nebraska, and Illinois, in that order.

I want to commend all ASCS personnel at the Federal, State, and local level for outstanding performance of duty in conducting this signup. The extra options added in the revisions made their task of explaining the program to producers unusually difficult this year. And this burden came hard on the heels of extremely heavy loan activity arising from the large corn carryover, with a combination of loan processing and signups requiring much extra time and effort from ASCS staffers. But the wide spread participation announced yesterday shows they certainly rose to the occasion. It is not inconsiderable achievement to have more than doubled the acres set aside from 1 year to the next.

I congratulate the Department of Agriculture and the Nation's farmers on getting the 1972 feed grain program off to such a good start. They have improved prospects for a successful program and an improvement in feed grain income this year.

CHILDREN'S MARCH

(Mr. QUIE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. QUIE. Mr. Speaker, as the gentleman from Virginia (Mr. BROYHILL) and the gentleman from Maryland (Mr. HOGAN) have indicated, of all the demonstrations that have taken place in the Nation's Capital in recent years, the so-called Children's March for Survival scheduled for this Saturday is by far the most cynical and ill conceived.

The National Welfare Rights Organization and other groups sponsoring this demonstration are using the lure of puppet shows, theater, and games, free kites and balloons to politicize little children for their own purposes.

In so doing, they have been guilty of a vicious and slanderous attack on our Nation's President by distributing in the public schools of this city a pamphlet containing a cartoon of the President with the caption, "Nixon doesn't care" about hungry children.

Such tactics can only rebound to the detriment of their expressed cause, the sidetracking of the President's welfare reform proposal and a workable program of day care for the children of working mothers, reducing Federal aid to the District, and delaying home rule.

I urge the sponsors of this demonstration to reconsider the folly and the waste and the dangers of perverting little children's minds in this political fashion. The reaction of the Congress and the public will be the reverse of that for which they hope.

ANNOUNCEMENT OF BRIEFING ON THE REPORTING ASPECTS OF THE NEW CAMPAIGN EXPENDITURE LAW

(Mr. BOLLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOLLING. Mr. Speaker, I have been asked to make the announcement that on Monday, Tuesday, and Wednesday, of next week in the hearing room of the Committee on Ways and Means, there will be a briefing, morning and afternoon, on the reporting aspects of the new campaign expenditure law. That briefing will be carried out by a variety of people, but it will include the Clerk of the House and the Comptroller General of the United States. The morning briefing will be at 9:30 or 10 a.m.; the afternoon briefing will be at another time to be established. But each Member will receive written notice to this effect.

I am further informed that on Wednesday afternoon the new provisions of law dealing with tax deductibility, and so on, will be a special subject for that briefing.

CHILDREN'S MARCH

(Mr. DELLENBACK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. DELLENBACK. Mr. Speaker, lobbying is a valid and traditional part of the legislative process. Public meetings and marches are often perfectly proper. But I am shocked at reports that schoolchildren in the District of Columbia, who cannot possibly know what they are being asked to do, are being talked and hoodwinked into participating, directly or indirectly, in a lobbying march this Saturday that is completely out of line.

The reported attacks on President Nixon are unfounded, unfair, inaccurate, and slanderous.

For public tax dollars to be used for such purposes as those here involved, is counterproductive and will make much more difficult the task of those of us in this body who are genuinely interested in advancing the causes of the District and its people.

LEGISLATIVE BRANCH APPROPRIATIONS, 1973

Mr. CASEY of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13955) making appropriations for the legislative branch for the fiscal year ending June 30, 1973, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill be limited to not to exceed 2 hours, one-half the time to be controlled by the gentleman from Michigan (Mr. CEDERBERG), and one-half to be controlled by myself.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 13955, with Mr. ANNUNZIO in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Texas (Mr. CASEY) will be recognized for 1 hour, and the gentleman from Michigan (Mr. CEDERBERG) will be recognized for 1 hour.

The gentleman from Texas is recognized.

Mr. CASEY of Texas. Mr. Chairman, I yield myself such time as I may consume for an explanation of the bill.

Mr. Chairman, this is the usual annual appropriation bill for the legislative branch of the Government for the next fiscal year. Included in the bill are funds for the operation of the House of Representatives, the various joint activities of the House and Senate, the Architect of the Capitol, the Botanic Garden, the Library of Congress—including the Congressional Research Service—the Government Printing Office, the General Accounting Office, and the Cost-Accounting Standards Board.

Conforming to long practice, funds exclusively for operations and activities of the Senate—including two items jurisdictionally under the Architect of the Capitol—are left for decision and insertion by that body.

The various items in the bill are spelled out in the committee report. Many more details are carried in the printed hearings. I will give a few highlights of the bill at this time.

This is the first year that I have had the privilege to serve as chairman of the Legislative Subcommittee of the Committee on Appropriations and it was with a heavy heart that I accepted this chairmanship. As you all know, the vacancy occurred due to the untimely death of our dear friend, the late George W. Andrews. Appropriately, the usual gratuity payable to the heirs of a deceased Member is included in this bill for his widow. It is a difficult assignment to follow in his footsteps.

The weight of my task has been lifted through the help and cooperation of the chairman of our full committee, Mr. MAHON of Texas, and all of the members of the subcommittee—Mr. EVANS of Colorado, Mr. HATHAWAY of Maine, Mr. ROUSH of Indiana, Mr. BEVILL of Alabama who was appointed to fill the vacancy on the subcommittee, Mr. CEDERBERG of Michigan, Mr. RHODES of Arizona, and Mr. WYATT of Oregon. I purposely omitted mentioning Mr. Bow of Ohio, the ranking minority member of both the full committee and of the subcommittee as this will be the last year he will be helping to present this bill to the House. We regret he is not going to be with us after the close of this Congress, but we wish him well in his forthcoming retirement from active congressional service.

SUMMARY OF THE BILL

The bill contains recommendations totaling $427,604,764, which is $47,030,661 below appropriations enacted to date for fiscal year 1972 and $6,022,240 less than was requested in the budget for fiscal year 1973. Appropriations for 1972 enacted to date total $474,635,425. The budget estimates for 1973 considered by the committee total $433,627,004.

In considering the comparison with 1972, it should be noted that appropriations have not yet been made to cover the half-year cost of the 5.5-percent pay increase which went into effect on January 1, 1972, as well as certain wage board salary increases. Appropriations to cover these 1972 pay costs will be included in the second supplemental appropriation bill, 1972, which is scheduled to be reported next month. A total of $17,251,700 is included in the bill we are considering today to cover the cost of the pay raises in fiscal year 1973.

The fact that total recommendations are $47,030,661 less than 1972 appropriations is due to two nonrecurring items in 1972. The 1972 appropriations included $32,994,000 for the cost of reimbursing the U.S. Postal Service for official mail costs of the Congress for 2 years—1971 and 1972. The amount for 1972 was made for advance payments on a quarterly basis to conform with practice in effect throughout the rest of the Federal Government. Appropriations for 1972 also included $71,090,000 for construction of the new Library of Congress James Madison Memorial Building.

As I noted earlier, the recommendations for 1973 are $6,022,240 less than requested. This reduction is primarily in three areas: first, funds requested for reimbursing the U.S. Postal Service for the costs of handling congressional mail; second, additional staff requested for the Congressional Research Service, and third, additional staff requested for the General Accounting Office.

HOUSE OF REPRESENTATIVES

The sum of $141,601,770 is recommended for the operation of the House of Representatives during the coming year. This is $9,009,200 more than has been appropriated to date for the current year and over $6,000,000 is for pay increases and related costs. The remainder is primarily within the categories of workload and increased costs. The House has authorized additional allowances for itself, there is an increasing utilization of clerk-hire by the Members, and full year funding has been provided for the 214 new police positions on the House side authorized last year. Taking into account the pending pay supplemental for 1972, the increase is $6,093,600. The allowance is $359,500 less than requested.

I want to call special attention to the language in the report regarding the House Library-Document Room. This activity, which by law is under the Office of the Clerk of the House, is a duplication of service and materials both with the Library of Congress and the Document Room operated by the Doorkeeper of the House. In the opinion of the Committee, as stated in our report, this activity should be phased out by the end of fiscal year 1973. However, it is not the intention of the Committee that the library facility located at the back of this chamber, to my right, be closed. This small library facility is serving the immediate needs of the Members on a day-to-day basis when the House is in session and arrangements should be made to continue this service.

No funds are included in the bill for the installation of a closed circuit television system and other security apparatus in the various buildings on Capitol Hill under the terms of House Concurrent Resolution 550 which was adopted by the House a week ago, on March 16. Inasmuch as this resolution requires action by the other body and there are some questions as to how the cost of such a system should be funded, no action has been taken at this time. Possibly consideration can be given to a supplemental appropriation later on.

The Clerk of the House requested $327,000 for furnishing offices contemplated to be located in the Congressional Hotel. The request was denied as no definite plans have been made as to what activities might be housed in that building.

The committee has inserted $5,000 for the procurement of a portrait of Speaker ALBERT. This is the longstanding practice.

JOINT ITEMS

A total of $26,095,144 has been approved for the various joint activities of the House and Senate. This recommendation is $11,624,011 below 1972 appropriations enacted to date and $3,245,490 below the total amount requested for 1973. The entire reduction is in the reimbursement to the U.S. Postal Service for official mail costs of the Congress, which I mentioned earlier. Appropriations for this purpose are now made in advance in accordance with forecasts of the Postal Service as to volume and cost. Payments are made on a quarterly basis and adjustments to actual costs will be made at the end of the year. The appropriation, as recommended, will become available immediately upon enactment of the bill into law and will be available for such adjustments as may be necessary for 1972. Adjustments necessary at the end of fiscal year 1973 can be considered at that time.

ARCHITECT OF THE CAPITOL

The bill includes recommended appropriations totaling $19,764,900 for 1973 for those items of a joint nature or relating solely to the House. The recommendation is $570,000 above the amount requested due to the inclusion of several reappropriations of unobligated balances required for the continuation of a number of construction and renovation projects into the next fiscal year.

There are no major projects funded in the 1973 budget. Most of the increases allowed are to meet pay costs and the increased costs of supplies and materials. The sum of $50,000 has been provided for the continuing program of improvement and modernization of electrical wiring in the Capitol. Provision has been made for the alteration and modernization of three elevators on the House side of the Capitol. The Committee approved the installation of railings on sections of the central portico on the East Front of the Capitol, as well as modifications to the first floor corridor adjacent to the House restaurant and Sergeant at Arms bank. This work will be done in conjunction with the mural decoration project instigated by the Capitol Historical Society.

The bill also includes funds for the replacement of equipment and other improvements to the House restaurant facilities in both the Capitol and House office buildings. The Committee has approved $98,300 to improve the two corridors in the Capitol leading to the Attending Physician's office and the Minority Leader's office. These corridors are currently most unattractive with a combination of white bathroom-type tile and windows reminiscent of tenement house back porches. The design proposed by the Architect is in keeping with the crypt and rotunda areas which are immediately adjacent to these corridors. Funds are also included for a security system for the steam and chilled water tunnels connecting the Capitol Power Plant and the various buildings on Capitol Hill served by that facility.

WEST CENTRAL FRONT OF CAPITOL

There are no funds in the bill for the West Front project. The Members of the House are aware of the action of the Commission for Extension of the United States Capitol on March 8, 1972, in directing the Architect of the Capitol to proceed with the preparation of final plans for extending the west central front.

In reviewing the history preceding this action, I would refer back to Public Law 91-145, approved December 12, 1969.

This law, the Legislative Branch Appropriation Act, 1970, appropriated $2,275,000 for the extension of the Capitol including $250,000 for the employment of independent nongovernmental engineering and other services on the feasibility and cost of restoring the west central front. The law provided, and I quote:

> Provided further, That after submission of such study and report and consideration thereof by the Commission, the Commission shall direct the preparation of final plans for extending such west central front in accord with Plan 2 (which said Commission has approved), unless such restoration study report establishes to the satisfaction of the Commission:
>
> (1) That through restoration, such west central front can, without undue hazard to safety of the structure and persons, be made safe, sound, durable, and beautiful for the foreseeable future;
>
> (2) That restoration can be accomplished with no more vacation of west central front space in the building proper (excluding the terrace structure) than would be required by the proposed extension Plan 2;
>
> (3) That the method or methods of accomplishing restoration can be so described or specified as to form the basis for performance of the restoration work by competitive, lump sum, fixed price construction bid or bids;
>
> (4) That the cost of restoration would not exceed $15,000,000; and
>
> (5) That the time schedule for accomplishing the restoration work will not exceed that heretofore projected for accomplishing the Plan 2 extension work: Provided further, That after consideration of the restoration study report, if the Commission concludes that all five of the conditions hereinbefore specified are met, the Commission shall then make recommendations to the Congress on the question of whether to extend or restore the west central front of the Capitol.

On July 1, 1970, Speaker McCormack, Chairman of the Commission for Extension of the United States Capitol, announced the employment of Praeger-Kavanagh-Waterbury, Engineers-Architects of New York, to make a study of the feasibility of restoring the west central front of the United States Capitol. The consulting firm submitted its report on December 30, 1970. The Commission met on March 8 and I quote from a portion of the resolution adopted unanimously by its members:

> Whereas, the restoration feasibility and cost study and report of the Praeger-Kavanagh-Waterbury, Consulting Engineers-Architects, made pursuant to Public Law 91-145, was considered by the Commission at its meeting of March 8, 1972, in Room EF-100 of the Capitol; and
>
> Whereas, the Commission established to its satisfaction that all five of the conditions specified in Public Law 91-145, relating to restoration, cannot be met; Now, therefore, be it resolved.
>
> That the Architect of the Capitol is hereby directed to proceed with the preparation of final plans for extending the west central front in accord with Plan 2 heretofore approved by the Commission.

No additional money is needed at this time. The money for the preparation of final plans for extending the west central front was appropriated in Public Law 91-145. There is no need for construction funds at this time. They could not be utilized.

LIBRARY OF CONGRESS

An amount totaling $78,161,450 is recommended for the operating expenses of the Library in the coming fiscal year. The major increases for fiscal year 1973 relate to the Congressional Research Service. A request was made for 120 new positions. The committee has recommended 86, which will provide a total staff of 524.

Construction of the new James Madison Memorial Library Building is currently underway and occupancy is scheduled for February 1975. The bill provides $4,000,000 for the initial outfitting of the building. Most of the money is for compact shelving. The committee was advised that approximately 20 months leadtime is required for the fabrication and installation of these shelving units.

GOVERNMENT PRINTING OFFICE

The bill provides $63,739,900 for the Government Printing Office which includes $46,500,000 for congressional printing and binding. The remainder, $17,239,900, is for the activities of the Office of the Superintendent of Documents, which are primarily of a revenue producing nature.

The volume and cost of congressional printing and binding continues to increase. The allowance is an increase of $8,500,000 over 1972 appropriations and includes $7 million to reimburse a deficiency in the 1972 appropriation for charges incurred for fiscal year 1971 work which were paid out of the 1972 appropriation. There is no effective way to determine in advance the volume of congressional printing which the Government Printing Office is called upon to produce.

Estimated expenditures for fiscal year 1973 work total $39,500,000, an increase of $5,500,000 over the $34 million estimated for 1972. Three major areas of increase are the Congressional Record; bills, resolutions, and amendments, and hearings. The cost per page of the Congressional Record continues to increase—from an estimated $140 per page in 1972 to an estimated $170 per page in 1973.

RESTRICTION ON PRINTING FUTURE EDITIONS OF UNITED STATES AND DISTRICT OF COLUMBIA CODES

The committee has included language in the bill, on page 26, which will restrict distribution of future new editions of the United States and District of Columbia Codes to each Member of the House and Senate to not more than two sets. Under the terms of the 1947 law (1 U.S.C. 211) each Member of the House and Senate is entitled to 10 sets, although the committee understands that the current practice is to limit distribution to five sets for House Members and seven sets for Senate Members. In an effort to avoid what looks like a nonessential expenditure, the committee has proposed this restriction. Over 2,900 sets of the 1970 edition of the United States Code have been delivered to the folding rooms of the two Houses for distribution to the Members and officers of the two bodies. The cost of printing the 1970 edition, which was done by the Government Printing Office, exceeds $1 million and does not count the cost of printing supplements during the 6-year interim before a new edition is put out.

The restriction will go to only new editions and will not affect supplements to the 1970 edition as they are published. It will not affect distribution to committees, including the Committees on the Judiciary. It will not affect the copies distributed to depository libraries, or to the Superintendent of Documents for sale. The restriction does not affect the availability of a set of the U.S. Code Annotated or the Federal Code Annotated under the authority of House Resolution 506 of the 90th Congress.

GENERAL ACCOUNTING OFFICE

The bill provides $95,820,000 for the operation of the General Accounting Office during the next fiscal year, and includes $1,600,000 for the Office of Federal Elections. This office has been set up to carry out the activities assigned to the General Accounting Office by the Federal Election Campaign Act and the Presidential Election Campaign Fund Act.

The Committee has allowed 120 of the 238 new positions requested which will provide a total of 4,889 man-years of employment in the regular staff and 35 man-years in the Office of Federal Elections.

CONCLUSION

I have outlined the highlights of the bill. The various items are explained in more detail in the report as well as the printed hearings.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CASEY of Texas. I yield to the gentleman.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I notice with interest that the new Postal Service Corporation attempted to charge the House on the basis of the first-class rate for all mail, letters or packages, sent out by Members and, of course, by the House committees. Apparently the Postal Service also ought to make this retroactive. Is it not correct, that they tried to charge the top rate for all mail, bulk as well as first-class mail?

Mr. CASEY of Texas. That is correct. The Post Office Department has been put on a business basis and the Postal Service officials are trying to get all the revenue they can. The gentleman is quite correct—they are going to try to bill us first-class rates for everything we send out.

Mr. GROSS. I am sure that they are on the right track in trying to make the Postal Service pay its way to the fullest extent but they do not charge anyone else first-class rates for bulk mail, and I am pleased the committee denied the appropriation for that purpose.

Mr. CASEY of Texas. We are going to see that we are not treated any differently from anyone else.

Mr. GROSS. That is precisely the point. As to the question of the budget for cars, I assume that the leadership is being well taken care of in the matter of Cadillacs these days?

Mr. CASEY of Texas. I will say to the gentleman, you will find this bill provides for three automobiles and chauffeurs only.

Mr. GROSS. Only three?

Mr. CASEY of Texas. Yes, sir.

Mr. GROSS. That represents a reduction?

Mr. CASEY of Texas. Yes; I think it may over the years. This was not done this year, but possibly it has been done down through the years. We have only three—for the Speaker of the House, the majority leader, and the minority leader. They are the only ones who have chauffeurs on this side of the Capitol.

Mr. GROSS. I am glad to hear that. I am getting more favorable reports than ever before with respect to this legislative housekeeping bill.

Now, with regard to special window glass for the Library of Congress—what occasions that?

Mr. CASEY of Texas. We did not allow the special windows for the Library of Congress.

Mr. GROSS. But they were asked for?

Mr. CASEY of Texas. They asked for them, but those windows would have cost about $200 apiece. They would have cost somewhere in the neighborhood of $40,000 and it was just for the first floor. The committee wondered, if they were concerned about safety, why was the request just for the first floor. If somebody is going to throw a rock at them, they could throw it up to the second floor.

We did not think there should be any more concern for that particular facility than any other facility on the Hill or other Federal buildings in the city.

Mr. GROSS. Have they had window breakage at the Library of Congress?

Mr. CASEY of Texas. There has been no particular destruction at the Library of Congress and that was one of the reasons we thought we should deny this request. They based their request on anticipated trouble—there was fear on their part.

Mr. GROSS. The committee is allowing the General Accounting Office $1,600,000 for this new Federal Elections Office.

Mr. CASEY of Texas. Yes, sir.

Mr. GROSS. What provision is being made for the Clerk of the House, whose office, I assume will do most of the work for the House of Representatives?

Mr. CASEY of Texas. The Clerk has been authorized a number of new positions by the Committee on House Administration. He told us this is a new operation and he might be coming back with a request for additional funds. But as of right now he has what we think he should have in order to carry out the duties placed upon him.

Mr. GROSS. Would the gentleman briefly state what the function of the General Accounting Office will be in this matter?

Mr. CASEY of Texas. The General Accounting Office will gather information on the presidential race. It includes primary expenditures and what-have-you. They will receive and retain that information on expenditures for public view and reporting as required by the act. They are supposed to make audits, as I understand, to see if there have been any violations.

Mr. GROSS. But the GAO will have no function with respect to the House or Senatorial elections?

Mr. CASEY of Texas. It is my opinion that they will not.

Mr. GROSS. I thank the gentleman for his responses.

Mr. ROUSH. Mr. Chairman, will the gentleman yield?

Mr. CASEY of Texas. I yield to the gentleman from Indiana.

Mr. ROUSH. I observe with great pleasure that there is restrictive language in the bill which will provide for the phasing out of the House library. Does the gentleman have any idea as to how much money this will save if this library is phased out?

Mr. CASEY of Texas. No; I really do not, though I think it would be a little less than $100,000. I will say this: The gentleman from Indiana is one of those who raised this question, and I commend him for it. He has gone into other phases of activities funded in this bill. He probably knows the answers better than I do, since he has been so active in exploring some of these duplications of services that we should be dispensing with.

Mr. ROUSH. It is true, is it not—and I do not know the exact amount—but it is true that there are nine employees involved in the operation of that library?

Mr. CASEY of Texas. That is true, but I do not think you can say that we are going to phase out all of them, because we want to retain the library at the back of the Chamber.

Mr. ROUSH. Would not the gentleman agree that that library just off the House floor could be operated by the Library of Congress, just as they operate their annexes over in the Rayburn Building, perhaps even with greater efficiency in that during the time we are discussing a bill which has reference to a particular subject, they could supply experts to be on hand during that period of time?

Mr. CASEY of Texas. I will not go that far, but I would agree with the gentleman until we have an opportunity to dig into the question a little more. I will say that we have started the task. I am with you in phasing out the duplication of services that are unnecessary.

By the same token, I do not want to see the membership denied services they have been getting and need. There seems to be satisfaction with the service rendered by this small floor facility. I do not want to get someone who is not responsible to the House running such a facility.

Mr. ROUSH. I would certainly agree with the gentleman in that regard. I would advise the gentleman and also the other Members of the House that I have now legislation in hand, which will be introduced next Wednesday, which will do away with this House Library, which is, according to the officials of the Congressional Library, entirely duplicatory of the work they are doing and work which is being done elsewhere, as far as the document room is concerned, this could be easily absorbed by the document room, which is presently run by the Doorkeeper.

Mr. CASEY of Texas. Again I want to commend the gentleman from Indiana on his very active participation in the hearings and also for his diligence in trying to help us save money. I think you are doing it in a proper manner, that is, submitting a measure for full hearing and investigation.

Mr. ROUSH. I appreciate the gentleman's comment. If the gentleman will yield further, I would like to refer to the printing of the United States Code. As the gentleman knows, I advocated that we do away with the furnishing to Members of the United States Code, period. I did this because of the provision in the law which permits a Member to receive a copy of the United States Code Annotated. There may be some wisdom in the action that the committee has taken here, and I am certainly not at this time going to object to it. However, I would also like to advise the House in this connection that it is my intention to seek an amendment to the law which provides for the providing of a Member with the United States Code Annotated, which will place that set of books in the Member's possession, just as we place a typewriter in a Member's possession. It belongs to the office and not the Member.

The law also provides that a Member who leaves the Congress, as I did, and comes back can get another set of the United States Code Annotated. I think that again is ridiculous. I was offended when a book salesman came to me with a twinkle in his eye and suggested I had available to me a second set of this very, very expensive legal set of books.

I want to compliment my chairman for the diligence he has given to these matters. I believe there is much to be done, and I appreciate the chairman's indication that he is going to look into many of these matters in the future when we have the time and opportunity to do so. I think the gentleman has done a remarkable job in these very few weeks he has had the chairmanship of the committee.

Mr. CASEY of Texas. I sincerely thank the gentleman from Indiana.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. CASEY of Texas. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Chairman, I, too, want to congratulate the chairman on the work of the subcommittee. I note with pleasure an entry which indicates a considerable sum for the revision of Cannon's Procedure and Hinds' Precedents of the House. Can the gentleman give us any indication as to when the new edition of the Precedents can be made available to the Members?

Mr. CASEY of Texas. I cannot tell the gentleman when it will be made available. There has been some delay in finding the caliber of people needed to do the work.

Mr. ROUSH. Mr. Chairman, will the gentleman yield?

Mr. CASEY of Texas. I yield to the gentleman from Indiana.

Mr. ROUSH. Mr. Chairman, I do not know if I can provide an authoritative answer, except I have discussed this matter with the Parliamentarian. As I recall, he advised me it would be probably 2 or 3 years before they would be available.

Mr. CASEY of Texas. I thank the gentleman from Indiana.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. CASEY of Texas. I yield to the gentleman from California.

Mr. SISK. Mr. Chairman, I thank the gentleman for yielding.

I think I would like to direct a question to the gentleman in connection with the Congressional Research Service. It was my understanding that the Director of the Congressional Research Service had sought, as I recall, 120 new positions. I believe—is it not correct, Mr. Chairman—that 86 of those positions have been allowed in this bill?

Mr. CASEY of Texas. That is correct. There have been 120 requested, and we are recommending 86, which will increase the staff to 524. They were given 75 new positions last year.

The gentleman knows we are anxious to see that the Members of this House get all the service they need, and that was the purpose of creating and expanding the Congressional Research Service. By the same token, it is difficult to find some of the people qualified in the areas required.

Certainly we want them to build up as rapidly as possible, but we do not want to overdo it to the extent that unqualified people are hired. We have confidence in them, but we are concerned over how rapidly they are growing—and frankly, also, we have to find proper space for them to operate in this year.

Mr. SISK. If the gentleman will yield further, let me commend my good friend, the gentleman from Texas. I know of his interest in this matter. I appreciate it very much. The gentleman from Missouri (Mr. BOLLING) and I have had an opportunity to testify before the gentleman's committee to indicate our interest, and I am in no sense criticizing the action of the committee, but I am only trying to take care of many of us who are very much concerned about seeing that the Congressional Research Service is built up as rapidly as possible to meet the needs of Members and the needs that were in the minds of the Congress at the time of the Reorganization Act.

I want to commend the gentleman for his making at least a substantial improvement over what was in the bill last year.

I well recognize, and I want to agree with the gentleman that these are specialists and very highly qualified people if we are going to get the kind of people who will do the job. They are not easy to come by.

As I say, I am not here in any way criticizing, but I would like to set the record straight. I understand there was some statement made that I might offer an amendment in connection with this matter. I am not going to offer such an amendment, but I want to join with the chairman and other members of the committee in urging that the committee continue to watch this matter, and to the extent we can that we make of the Congressional Research Service as quickly as possible a true source of expertise and help and assistance for the committees of Congress, in the House and the Senate.

Mr. Chairman, I thank the gentleman for his courtesy in yielding and his courtesy to myself and the gentleman from Missouri (Mr. BOLLING).

Mr. CASEY of Texas. I commend the gentleman from California and the gentleman from Missouri (Mr. BOLLING), for their desire to see that the intent of the reorganization act which the gentleman handled and sponsored, of upgrading service to the Members of the House, is carried out. I assure the gentleman if we find we have made a mistake we will come back here and give assistance.

Mr. SISK. I thank the gentleman.

Mr. CEDERBERG. Mr. Chairman, I yield myself such time as I may consume.

The distinguished gentleman from Texas, the chairman of the subcommittee, has given us the details of this appropriation bill, and certainly there is not any reason to go over that ground. Therefore, I will take but a very few minutes.

I should like to say that the subcommittee has restrictions as to how far it can go in cutting this kind of a bill, or any kind of a bill, because of the legislation which makes these appropriations in order.

I would also say, when we refer to actions taken in the legislative area by other committees, that places more burdens mostly on the General Accounting Office. Almost all the legislation we pass these days gives them new responsibility. This naturally requires that we give them new personnel and funds to finance them.

There has been discussion as to the congressional reorganization, called congressional reform. This has caused increases in personnel and increases in cost.

Then there is the election reform bill, which is placing an unusual burden on the General Accounting Office. No one really knows what burden is going to be placed on the Clerk of the House or the Clerk of the Senate, so we will have to feel our way along on that type of legislation.

I believe it is fair to say, on congressional reform, until we get the regulations we as Members of the House do not know where we stand. So it is going to be some time before we really know what the increased costs are going to be as to implementing much of this legislation.

We have done our best under the able guidance of the chairman of the subcommittee to provide what we think is necessary to carry on the activities covered in this bill.

We have not given any of the agencies everything it wanted. We cut the personnel request of the General Accounting Office and of the Congressional Research Service, and I believe we cut some for the Clerk of the House, who, I can see, is on the floor today carefully watching us as we pass out the appropriation over which he will have a great deal of jurisdiction.

I can only say I believe we in the subcommittee have diligently tried to do what is necessary to provide services for the legislative branch. I believe the legislative branch and the areas under our jurisdiction deserve the same kind of consideration, no better but no worse than the treatment of other agencies either in the judiciary or the administrative branch of the Government. This is what we have tried to do, and I believe we have done it.

Mr. CASEY of Texas. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, I take this time today because I would like to be able to offer an amendment to this particular legislation, dealing, of course, as Members are well aware, I believe, with a subject which has concerned me for a number of years since I first came here, the west front of the Capitol.

I would like to offer that amendment today, but unfortunately the only meaningful kind of amendment to meet my purpose would represent legislation on an appropriation bill and would therefore be out of order; so I am not able to offer it.

There is nothing in this particular bill on the west front, but the legislative appropriation bill has traditionally been the vehicle by which we in the House have had the opportunity, and the only opportunity, and a somewhat limited opportunity, it was, to address ourselves to this question of whether the west front should or should not be extended.

So I think it is appropriate that as we discuss this bill for fiscal year 1973 we should at least bring ourselves up to date on this particular issue of the west front, even though we are estopped at the moment from doing anything about it. Members who have been here for a couple of terms will recall the last time we had any discussion on this subject was in December 1969 on the 1970 legislative appropriation bill. That was a very detailed discussion and a rather bitter one. We had a record vote and we took a number of other actions in this House to deal with the subject of the west front and to try to resolve some of the controversies that occurred at that time in that particular bill.

In fact the very thing I object to most here today is that there is nothing in this bill today that would give us any opportunity to deal with this subject in the light of what has happened since 1969. The details of the study we ordered in 1969 have now been made public, and yet the House itself is denied an opportunity to vote one way or the other on this controversy in the light of this study. Unfortunately a preliminary decision on that has already been made in secret, behind closed doors, with no record, and without even the courtesy of a discussion of the facts that were made available to Congress in a study authorized back in 1969.

Those who were here in 1969 will recall the big argument given at that time for extending the west front of the Capitol—and the gentleman from Illinois (SID YATES) was down here with charts and drawings and practically terrorizing every Member of the House into believing that we stood in imminent danger of destruction—was that George Stewart had told us that the whole front was going to fall down unless we approved the extension project.

So in order to find out whether that

charge was true and whether the only way to prevent the west front from falling down was to extend it, we appropriated $200,000 for an independent, professional study by an expert firm of engineers. That study was made and was submitted to the Congress in January 1971.

In spite of all the heart-rending arguments we had heard on the floor, this report said conclusively and decisively not only that that claim was a lot baloney, and that the west front of the Capitol is not falling down, but that you do not have to extend it in order to fix it up. That repair job in fact, can done for $13.7 million instead of the $45 million or $60 million or $70 million that might be otherwise required for the extension so the Praeger report concluded.

Mr. JACOBS. Will the gentleman yield?

Mr. STRATTON. Let me just complete my argument, if I may, and then I will be glad to discuss the matter with the gentleman.

Yet, in spite of the fact that that report had been made by a reputable firm—and we got all of the best people in the industry and in the engineering field to recommend who should do the study—there has never been one single word of comment by the so-called commission on the extension of the Capitol about the fact that the Praeger report had totally demolished the argument of George Stewart and Mr. Campioli and SID YATES and everyone else who had been talking about the west front.

Instead, other day, on the 8th of March, 15 months after the Praeger report was made public, they met in some quiet little chamber in the capitol and said:

> We are going to go ahead and extend the Capitol in spite of that report and in spite of the cost.

Now, how did they justify that action? Well, they hung their argument on two things. First, the 1969 legislation had said that five conditions had to be met to end the extension plan. One of them was that you had to be able to restore the Capitol for not more than $15 million. Actually the Praeger report says you can do the restoration job for $13.7 million. Yet this group of nonengineers, these nontechnicians said:

> We are not sure; maybe restoration might cost more than $15 million; so we are going to turn down the whole report and instead foist a $60 million or $70 million cost on the American taxpayers.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. Mr. Chairman, I want to present my argument first, because it is somewhat complicated, and then I will be delighted to discuss the issue with the gentleman.

So what other reason did they give for undertaking this great expense, now that we know for certain that the west front is not falling down? Well, they claim we need more office space in the Capitol. So, we are going to have to turn this Nation's number-one historic shrine into a grand Howard Johnson's, and provide 253 special, hideaway offices for senior Members who do not want to ride back to the Rayburn, Longworth or Cannon Buildings in between quorum calls or recorded teller votes. That is the reason, Mr. Chairman, that we are told we will have to spend $45 million or $50 million more than we need to on the west front. Yes, we are going to destroy the Nation's number-one historic shrine, and we are going to cover up the last remnants of a historic building that even the British were not able to destroy in 1814.

That is the issue that is really facing us, even if we are not being allowed to vote on it.

Do you want to let them go ahead and make that decision? Or should not we, as Members of the Congress who authorized this study back in 1969, at least have the right to vote on what we best ought to do in the light of the conclusions of the Praeger report, for which we spent so much money.

And the thing that disturbs me most, Mr. Chairman, concerns the Architect of the Capitol. Those who were here during the 1969 controversy will recall that one of the biggest issues was that we had an Architect of the Capitol who was not really an architect. George Stewart never made any pretense to being an architect. He was a builder, and he wanted to build—and, by gosh, he certainly did build. And he did everything he could to push his building projects through. He even put those dramatic supports out there on the west front and led everybody to believe the building really was going to collapse, so he could build up more psychological momentum to construct a new west front, and so have another memorial building project to his credit. Well, George Stewart passed away and we got ourselves another architect, and we got what we had been trying to get—a real, professional architect. In fact he was a member of the prestigious American Institute of Architects, who had been one of those who had said very clearly, as an architect, that this historic Capitol building should not be tampered with.

Well, what happened? Once this new Architect, George White, went to work, he forgot all about being a professional architect. Instead he became an office boy. He let himself be pushed around by the establishment who told him: "We just have to have more of those hideaway office spaces." And so instead of giving the Congress the benefit of his professional ability as an architect Mr. White allowed himself to be pushed around. Well, Mr. Chairman, we already have enough people down in that office now, beginning with Mr. Campioli, who can easily be pushed around by the establishment.

What we needed was an architect with the courage of his convictions. But this fellow has not given his professional opinion to the Members of Congress. And I have said he ought to resign. I say it again: I feel sincerely he should resign. He is flying under false colors.

So this is where we stand today, Mr. Chairman. We have $2 million appropriated back in the 1970 bill which is going to be used now for plans on a project that we have already had in the planning stage for 10 years. I just hope that money will continue to be used, as it should be used for planning on paper, and will not be used for clandestine construction work, because at some time we are going to have to vote on this issue. I think that this House ought to be able to make that final decision, and I just hope the Architect doesn't try to be cute and use his $2 million to try to present us with a fait accompli we would have trouble reversing.

If the future of the country lies in the hands of the collective wisdom of the House and Senate, then why is it that the future of the Capitol Building shall be so unique and all-important that decisions affecting it cannot be handled except by the top leadership?

That is the issue we ought to address ourselves to, and I am sorry it is not here for us to act on. But I have introduced appropriate legislation. I had a special order on this on the 16th of March, and I sent a "Dear Colleague" letter to every Member of Congress on the 20th of March. I know we are all fed up with "Dear Colleague" letters; but if you are interested in this important issue of the west front it is only one page long. All the relevant arguments are there. I hope that you will read it and I welcome the support of Members in this fight—which is only now beginning, I might add.

The CHAIRMAN. The gentleman from New York (Mr. STRATTON) has consumed 10 minutes.

Mr. CEDERBERG. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa (Mr. SCHWENGEL).

Mr. SCHWENGEL. Mr. Chairman, I hope there is no one here who may seriously question my interest in and my concern for the preservation of the Capitol. Few, I believe, and I confess humbly, surpass my interest in the history and the heritage of this great monument, our Capitol.

I will begin by suggesting to you and telling you, as many of you already know, that originally as a historian, I was opposed to both the east front and the west front extensions. But because of my growing interest, I researched this question and I have studied it in depth. The original plans were considered. The needs were noted. I have changed my mind. I was wrong and I have said so at different times on the floor of the House.

One of our troubles around here is that an institution for publicity in this area insists on only publishing one side of the story. On March 8 and 9, I took the floor and discussed this matter and commented on the decision of the Commission. This organization for publicity was made known of this, but not one line was in the paper. But, the opposition was there.

So I invite now, Mr. Chairman, the publicity facilities here, and one in particular, to pay attention to another side and to note what other people have said who are competent and who are interested and who are just as dedicated and concerned about this.

Now having commented on that, let me talk about change. My colleagues, there have been many changes in this Capitol Building. It is not a status quo-building just as this Nation is not a status quo institution.

We had the original design—and the first dome was a low dome. Then wisely and because the Congress needed more space, in 1850 a move was made to expand the Capitol and the result is this room—with one comparable to it on the Senate side.

Then it was noted that there was something wrong with that low dome and that it was out of proportion. So it was recommended that we put a dome on like you see on the Capitol.

Then there was the question of need for balance on the west front and the terrace idea was conceived and an extension was conceived at that time.

In 1904 this Congress, looking forward to that extension part of the project to develop some bronze doors and there are three magnificent bronze doors on the east front now and they tell a magnificent story of our early history.

There is another set of doors which will be on display soon that will be designed for the west front, but because something happened we never could get on with this business. Every time it was up, there was somebody on the House floor opposing it. Even when we changed from gas light to electric light, some of the wise men in the Congress on the House and Senate side both commend: Well, what is the matter with the gas light? This electric business is just a fad and it is dangerous and we should not do it.

There was debate about the dome. So change has been a tradition and the status quo has not been the tradition.

Now as to the hideways—I have been, I think, and every man can if he wants to, get into every room in this building. Some are not convenient to get into—you have to go through a manhole to explore the area where they dug there one time.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman.

Mr. JACOBS. I would like to see the gentleman get into the room where this committee met, the Appropriations Committee. I understand that no Members of Congress except members of the committee were admitted while the hearings were going on.

Mr. SCHWENGEL. I knew about those hearings. But I happen to trust those people very much. They are our representatives.

While we are commenting on that, I will say I have been able to find it and I have gone there and no discourtesy was shown. I found out what took place there. There was an honest evaluation of the facts and they were acting in accordance with the wishes of the Congress.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. Yes, I yield to the gentleman from Indiana.

Mr. JACOBS. Does the gentleman take the position that hearings on the expenditure of public money should be closed, that that is perfectly all right, and that we should just trust the members of the committee?

Mr. SCHWENGEL. I do not endorse that, of course, but that is not the question.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. The committee was glad to receive all Members who expressed an interest in coming to the committee, and all such Members did come and were heard.

Mr. JACOBS. Mr. Chairman, will the gentleman yield further?

Mr. SCHWENGEL. I yield to the gentleman from Indiana.

Mr. JACOBS. That is not an answer to my question. The question is whether Members can attend, not as witnesses, but to observe other witnesses. I would like the committee to state whether that would be permitted.

Mr. SCHWENGEL. Under the provisions of Congress, as the act was passed originally, the amendment called for a study and report, that the Commission would make the judgments, they did so, and they reported. When this happened, I went down here to see what happened. As far as I was concerned, they were very courteous.

I know what has taken place. I have every confidence in the judgment of these people, and I have confidence, I will say, in the new Architect. He is a qualified architect, and to question his integrity when he comes here is just not fair. I do not believe these kinds of people are affected by politics and political pressures. He could make a lot more money than he is getting, I believe, in private practice. So why should he worry about a job? Why should he not represent the best interests of the people?

Someone mentioned Campioli. He was one of the great architects of all time. He was hired by the Rockefeller Foundation and developed the Williamsburg layout there. This man is a traditionalist. Originally, like myself, he was opposed to both the east front and the west front extensions. But he was wise enough to recognize the facts and he changed his mind.

Now, I am not worried about hideaways. Any Member of the Congress can get into any room in the Capitol he wants to get into, and that includes those rooms that are used by Members on the other side. Of course, there are not nearly so many over here. Percentagewise, more of the Members on the other side can be taken care of.

Let me tell you about a great need here, my friends. The dome section of the Capitol, to me, is holy ground. That is the center of this building. That is where a lot of important events have taken place. That is where our great statesmen have lain in state. That is the reception center. I am ashamed of it.

I do not like something else. When a carload of people come here from Iowa, Texas, Indiana, New York, or elsewhere, some of whom are 65 years of age and older, they have to park a block and a half away, walk, climb 47 steps, and there is not even a restroom anywhere in the area. There is no place to sit down and relax. But there will be if we have an extension. We will have a nice driveway up the west front. They can walk 14 steps, get on a moving platform, and move into the reception center and begin their tour at that point. What is wrong with that? Nothing, of course.

Mr. CASEY of Texas. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. I am glad to yield to the gentleman from Texas.

Mr. CASEY of Texas. I want to commend the gentleman for his activities in seeing that the Capitol becomes what it should be, a thing of beauty. If Members will look around, they will see that little by little we are accomplishing some of the things that need to be done. They will notice that our old Chambers are starting to get a little cleaning. Our committee has helped in getting junk off the balcony. I think by the time the centennial arrives and we have our celebration, we will have more pride in this building.

Mr. SCHWENGEL. Mr. Chairman, I now want to comment for the RECORD on the following questions:

First. Statements relating to Congressman STRATTON'S remarks on the floor March 16, 1972; the action of the Commission March 8, 1972; and the restoration and other reports.

Second. Resolution of the Commission March 8, 1972, containing the Commission's decision and the law relating to the restoration study and the extension of the Capitol.

Third. Law authorizing the extension of the central portion of the Capitol—east and west fronts—under direction of the Commission created therein.

Fourth. Editorial from the Evening Star, March 10, 1972.

Fifth. Memorandum from the Architect to the Commission, March 6, 1972.

Sixth. Background of George M. White, Architect of the Capitol.

The material referred to follows:

NOTES ON WEST FRONT OF THE CAPITOL

(If Congressman Stratton tries to stop planning through amendment or other device on the Legislative Branch Appropriation Bill, 1973)

1. Stratton stated in his speech on the floor of the House, March 1972, that he had introduced three separate bills to accomplish his objectives. These bills were referred to the Committee on Public Works. Why is he now attempting to circumvent the regular legislative processes through an appropriation bill?

2. The House debated the West Front problem fully on September 19, 1969, and agreed to appropriate $2,000,000 for the final planning of the extension. Mr. Stratton's amendment to stop this was defeated by the House, CONGRESSIONAL RECORD, volume 115, part 19, page 26389.

As far as the House was concerned, we could have proceeded then, more than 2 years ago, with the extension, which would have saved the escalation that has resulted in the meantime—some $10,000,000 to $15,000,000.

It was only after the insistence of some members of the other body that the provision for a so-called restoration study was agreed to in conference and the extension was postponed until the restoration study could be received and studied.

Any escalation of the cost of the extension, therefore, can be laid at the doorstep of the restorationist. It is not the fault of the Commission or the Architect of the Capitol.

3. The Commission composed of the Speaker, the Majority Leader and the Minority Leader on this side; the President of the Senate, the Majority Leader, and the Minority Leader on the Senate side; and the Architect of the Capitol, is about as representative of the Membership of the Congress as anyone could hope for. Yet, the gentleman from New York (Mr. Stratton) would characterize the Commission as some kind of a monster who goes about making arbitrary decisions. He even wants the Commission abolished. Well, I think we can all draw our own conclusions from such explosive oratory. If he can't have his way, then all is wrong.

4. The Commission has done precisely what the Congress mandated in the Legislative Branch Appropriation Act of 1970. The charge that we have done otherwise is absolute nonsense.

Five conditions were spelled out in the Legislative Branch Appropriation Act, 1970, which restoration must meet in order to be considered by the Commission. If *all* those considered were not met to the satisfaction of the Commission, then the law said the Commission shall direct the preparation of final plans for the extension as already approved by the Commission. This is exactly what the Commission has done.

5. Before our meeting of March 8, 1972, the Commission had received from the Architect of the Capitol the restoration report, the Architect's comments on the report and on his effort going back over a period of more than a year, and his professional judgments relating to the west front problem. At the meeting, we had available the Preliminary Plans and estimates of cost for the extension, and all the background information, including hearings, debate on the floor, committee reports, etc., during the last several years on this question.

Near the close of the Commission's discussion, Congressman Ford, read aloud each of the 5 conditions specified by the law and asked Architect White to comment on each one. The following resulted:

"(1) That through restoration, such west central front can, without undue hazard to safety of the structure and persons, be made safe, sound, durable, and beautiful for the foreseeable future;"

Mr. White stated that the wall can be made relatively safe and sound. However, he said, there is grave doubt that it can be made durable and beautiful except with continued and substantial maintenance.

Representative Ford then read the next condition:

"(2) That restoration can be accomplished with no more vacation of west central front space in the building proper (excluding the terrace structure) than would be required by the proposed extension Plan 2".

Mr. White said that this was a true statement.

Representative Ford then read the following conditions:

"(3) That the method or methods of accomplishing restoration can be so described or specified as to form the basis for performance of the restoration work by competitive, lumpsum, fixed price construction bid or bids;

"(4) That the cost of restoration would not exceed $15,000,000;"

Mr. White stated that conditions 3 and 4, taken together, cannot, in his opinion, be said to be capable of attainment.

Representative Ford then read condition (5):

"That the time schedule for accomplishing the restoration work will not exceed that heretofore projected for accomplishing the Plan 2 extension work: Provided further, That after consideration of the restoration report, if the Commission concludes that all five of the conditions hereinbefore specified are met, the Commission shall then make recommendations to the Congress on the question of whether to extend or restore the west central front of the Capitol."

Mr. White stated that condition (5) can be met.

Mr. White said that after a great deal of study and soul-searching, he concluded that he should not think in terms of "preservation" or "extension", but he should think in terms of what would best serve the people of the Nation. The building has a tremendous meaning for the people because it is to them a symbol of democracy and a Temple of Liberty. He said that the great mass of the people who view the Capitol see it as a beautiful scene and are unconcerned with the theoretical priorities of importance of various exterior features. Their money, he concluded, would be best spent by proceeding with the extension rather than trying to save the one remaining old wall.

Mr. White was asked if he had complete jurisdiction of the building and full responsibility for it, would he restore it or extend? He said without hesitation that he would extend the old west central front.

6. George M. White, Architect of the Capitol: Mr. White was highly recommended to the President for appointment in his present position by the American Institute of Architects. He is a professional engineer, a professional architect, as well as a member of the bar. When he was appointed as Architect of the Capitol, he was an officer of the AIA. His leanings were toward restoration as a result of his association with the AIA. After studying the west front problem for more than a year and after his experience as Architect of the Capitol, he felt compelled in the interest of sound judgment and good planning to recommend the extension, rather than the so-called restoration.

7. Mr. Stratton mentions the cost of the restoration study, of approximately $245,000. It should be remembered that the Congress also spent some $266,000 for the extension study, preliminary plans and estimates of cost, which were also before the Commission when its decision was made and which have been before the Congress since 1967. Every Member of the Congress was sent a copy by former Speaker McCormack.

8. Mr. Stratton says the Commission's action was wrong "no matter what the 1970 appropriation bill may say." The gentleman is well known as a "law and order" man. Why then would he expect the Commission to ignore the very precise provisions of the law?

9. Mr. Stratton says the restoration report "totally demolished all the contentions that had underlain the long pressure for the West Front extension."

Mr. White, a professional architect and engineer, says that is not true. He says "The structural adequacy of the west wall is, in fact, indeterminate. As many experts will declare that it is stable as will say that it is unstable. But even those who support the position of stability admit to the indeterminacy of the loading computations and, therefore, say that the wall should be strengthened as an insurance against the probability of a possible failure." Even the restoration report recommends structural restoration.

10. Mr. Stratton seeks to prove that all five conditions are met by the restoration study. Even those who prepared the restoration did not believe this was true. Example:

In the transmittal letter accompanying the restoration, it is stated:

"The restoration can be accomplished within the general guidelines set forth by Congress as a directive to the Commission for Extension of the Capitol."

Page IV of the report under "Findings" it is stated:

"Restoration methods can be specified to form a basis for performance of the work by competitive lump sum construction bids."

Page 15 of the report:

"A cost plus contract with an 'upset price' seems more realistic and could be obtained on a competitive basis."

Commenting on the first quotation: The Congress enacted five specifics—not general guidelines.

Commenting on the second quotation: No where in the report is there an explanation of how this can be accomplished. Just a bare statement.

Commenting on the third quotation: This is, in effect, an admission that those responsible for the restoration agree that a lump sum bid procedure cannot be utilized—they recommend a cost plus procedure for the restoration work.

11. Mr. Stratton admits that the cost of restoration could go over the $15,000,000 limit established by the Congress, but he attributes this to escalation. The restoration report in explaining the cost estimates (page 15) says: "Unit costs include an escalation factor."

12. Mr. Stratton does not like what the Commission has done. Well, that is no surprise. And we respect his right to differ, but in so doing he should look at *all* the facts, and not just those that suit his purpose. The decision on the West Front was made and should have been made on the facts, the evidence, and sound judgment—not upon intemperate, wild and misleading statements such as we have read of late in the Congressional Record and in at least one local newspaper.

13. The decision of the Commission was a wise, thoughtful, and reasonable decision. It was made in an atmosphere of calm study and consideration, with each Member of the Commission taking part and expressing his views. Still, there was a unanimous vote in favor of going ahead with the extension.

14. Hideaways—Mr. Stratton says there is no reason to extend the building except to have "secret hideaways" in the Capitol. When the East Front was extended, the House portion was put to use for official business of the House—there are no hideaways in that extension. Why should he try to mislead the public and his colleagues into thinking the West Front extension would be given over for hideaways for House Members?

ADDITIONAL RESPONSES TO STRATTON'S REMARKS

1. Remarks have been made by Stratton concerning the proposed extension transforming the Capitol into a super Howard Johnson's, inferring that the appearance of the building would change and that the interior would provide services of that nature. Such demagoguery obscures the facts and speaks only to the emotions. A model of the extended building has been in Statuary Hall for several years. Can anyone see *any* Howard Johnson appearance in that design? The old plan to provide visitors' facilities in the Capitol has long since been abandoned in favor of the new Visitor Center in Union Station. The exterior of the extension will be a faithful continuation of the classical design of the Capitol with which everyone is familiar. The renderings of the Associate Architects' proposal are and have been available for everyone to see and clearly indicate the enhancement of the magnificent appearances of the building.

2. Remarks by Stratton and Randall regarding the Washington Post editorial state their agreement that the editorial was "well reasoned and reach valid conclusions." On the contrary, the editorial was intemperate, emotional, inflammatory and largely non-factual.

The editorial characterizes the Commission's unanimous decisions as "an arrogant maneuver of dubious legality." Even Mr. Stratton admits the legality of the decision when he says, "It is true that the provisions of Public Law 91–145 do not require the Commission to justify their decision or to make any report to anybody."

The editorial criticizes the design itself, when even the American Institute of Architects in their testimony stated that the design was not in question. To the contrary, some of the most respected designers of classical architecture in the Nation have viewed the proposed design as an improvement to the West Central Front.

The editorial states that "William Thornton's softly elegant sandstone facade is the only visible link to the Capitol's beginnings." What sandstone? The original sandstone has been covered with layer upon layer of gray paint since 1819. Plate # 1 in the Praeger report clearly shows the cracked, messy and miserable appearance of the so-called elegant stone once the paint is removed.

The editorial says that the Olmstead terraces will be ruined. Not so. In fact, changes to them will hardly be noticeable and, instead, they will become more beautiful and broader in vista than they are now. Even the American Society of Landscape Architects (and Olmstead was a Landscape Architect) reviewed the plan and had no objection to it. The perspective of the dome will be enhanced by the design strength of the new pediment that will be incorporated over the extended portico.

So, it is rather obvious that the last vestige of objectivity was wrung from the editorial policy of the Post in this instance.

3. Mr. Randall remarks that "As I recall, all the Architects of America were against this change and all the historians were against it." That is a blatant exaggeration to say the very least. A substantial number of highly respected and nationally prominent architects have testified and expressed themselves in favor of the extension. The official position of the American Institute of Architects is by no means representative of *all* of the architects in the *Institute* membership, and certainly doesn't represent even the majority opinion of all of the *registered* architects in America.

It is also interesting to note that the Architect of the Capitol was a Vice-President and Member of the Board of Directors of the American Institute of Architects and he also opposed the extension until he became aware of all of the facts involved, and he has now changed his position and supports extension.

4. Stratton remarks that the Praeger report confirms that the Capitol is not going to collapse. *Not true.* The Praeger report clearly says that *in their opinion* collapse is not *imminent, but* because of the indeterminacy of the loading forces, no one can be certain of that, and therefore the wall should be strengthened and repaired. The Praeger report does *not* say there is no danger.

5. Stratton says the report states that "We can fix it up so that the cracks are gone." *Not true.* The report states clearly that the wall will continue to crack even after their recommended procedures.

6. Stratton says the existing bracing is a "public relations gimmick." *Not true.* The visible bracing is primarily at the portico and the Praeger report agrees with the necessity for the bracing to prevent the collapse of the portico. The portico is *not* the wall.

7. Detailed study indicates a thicket of unknowns that can never be adequately penetrated. An attempt to restore the wall will lead to endless maintenance and repair at no predictable cost limitation, as indicated by the Praeger report itself in its factual portions.

Comments on the West Front of the Capitol Discussion

There are some basic facts about which there is no substantive or actual disagreement.

Fact No. 1: The wall must be strengthened in some way, either by an attempt to do so in its present position or by a positive method of buttressing through additional laterally placed walls that will be part of an extension. Prior information *and* the Praeger report substantiate this.

Fact No. 2: The existing wall, if an extension is provided, will *not* be disturbed. It will remain in place and continue to be partially exposed on the interior as is the old East Front original wall.

Fact No. 3: The design of the extension is a virtual reproduction of the existing appearance, is *not* a point of contention by architects, and, if anything, is viewed by experts in classical architectural design as an improvement and an enhancement of the basic appearance of the Capitol from the west. This results from the original design having been related to the old, small, low dome, rather than the existing dome which was added in 1865.

Fact No. 4: The proposed extension will reproduce the existing classical details at all points where it can be done, as was done on the East Front, in order to recreate the original design insofar as possible.

Fact No. 5: The existing terraces will be disturbed only in part and will be extended in accordance with the extension of the wall itself, and, again will reproduce the existing design insofar as possible.

Fact No. 6: The wall in question totals only *20%* of the total exposed existing walls of the Capitol; thus 80% of the exterior of the building will not be disturbed in any way.

POSITIONS

The *building* itself—the Temple of Liberty—is the shrine to the American people and a symbol of freedom and democracy throughout the world. The dome, the wings, the steps on the East Front, the general appearance of the building as a unified whole, form the shrine that lives in the minds of people everywhere. The 20% of the exterior wall is *not* the shrine but is being made to appear so on the part of those whose sentiment brings them to believe that any disturbance to the building at all is a disturbance to the shrine. History tells an opposite story. There have been 15 separate and distinct changes to the bulk of the Capitol and countless changes and alterations, numbering into the hundreds, on the interior of the building. (See the attached list.) The history of the building has been one of continuous change and growth as the Nation has changed and grown and the needs of the Congress have similarly changed and grown.

At one time in the history of the Nation this single building housed the Supreme Court, the Library of Congress, and all of the offices of all of the Senators and all of the Congressmen. The space demands gradually forced the removal of the Supreme Court in 1935, the Library of Congress in 1898, and the working offices of the Senate and the House into buildings which now form the Capitol Hill complex. There remains in the building, especially on the House side, the dire need for space in proximity to the legislative chambers for those supportive functions of the legislative process that are a necessary part of the legislative process. Not only do the separate branches of the legislature require supportive offices of their own, but the legislative process has evolved an increasing number of joint conferences and other joint Senate-House activities which are requiring increasing volumes of space close to the legislative chambers. These space requirements are increasing year by year.

The Praeger report contains a number of ambiguities which are resolved in favor of strengthening the existing wall in its present location instead of buttressing with the walls of an extension. There is no doubt that the wall can be strengthened in some fashion in that way. The body and substance of the report do not substantiate some of the opinions which are presented in the form of conclusion to the report. A great many ambiguities are apparent as one reads the details and supportive information in the report itself. These unknowns and ambiguities can lead to a quicksand of entrapment in terms of the final possible cost of restoring the wall in place.

A real question exists as to whether an expenditure of $20 to $30 million to repair the wall and get no usable space in return is a valid expenditure of the taxpayers' money. The differential between the cost of $20 to $30 million and the cost of the extension, which is estimated at $50 to $60 million, will result in the creation of 270,000 gross square feet of space so that the citizens of this Nation will receive something tangible in return for the expenditure of their funds. We must concern ourselves primarily with what will best serve the people of this Nation. The needs of their elected representatives to enable them to properly conduct the legislative process will be served through the expenditure of public funds to provide necessary space. The people will not be served through an expenditure of 20 or 30 millions of dollars which will result in a repaired, patched, painted wall in the Capitol of the greatest Nation on earth.

If we were discussing the building as a whole, the people undoubtedly would want funds to be spent for the preservation of this Shrine of Democracy. But we are not talking here about the *building* as a whole. We are talking merely about a piece of wall. That kind of sentiment for this living, working building, which is part museum and visited by millions of Americans every year, and yet is an active legislative business building, must be placed on the scales against the tremendous need of the legislature for additional space. Our space needs will not diminish. They will increase as the population increases. We will need space in many ways, one of the most important of which is space in proximity to the legislative chambers.

The need for continued repair and maintenance to the wall, if it remains in place as an exterior wall of the building, is indicated by the Praeger engineering report. The report states: "If the wall voids were filled, exterior cracking would be inhibited by transfer of stress to interior portions of the wall. Generally, however, *cracking will continue to occur* as the wall adjusts to temperature change." The report then recommends a series of control joints which, in theory, are supposed, but not guaranteed, to control the locations of the cracks. The report then says, "With these measures *future cracking should occur at a much reduced rate.*" This is an example of numerous places in the report where an opinion is expressed which leaves the decisionmakers to live with the result in the event that the opinion is not borne out by future experience.

It will be noted that the report does not say future cracking *will not* occur, nor does it say that future cracking *will be* reduced. It merely says future cracking *should* occur at a much reduced rate.

The question of condensation on the interior wall is examined in only a very cursory fashion in the report and leaves a great measure of doubt as to the future needs for maintenance and repairs as interior plaster may become damaged from moisture. The appendix to the recent AIA report indicates a similar concern for this problem.

Continuous painting of the wall forever into the future is recommended by the report, not only as a preservative method but also to cover the blemishes that will occur in the wall as a result of the repair process that the report recommends. The report says, "Effective grouting will require relatively close spacing of drill holes vertically and horizontally in the upper walls." These holes are recommended to be drilled every three feet in both directions. "This would increase the need for the replacement stone required to obtain an unflawed surface, possibly in excess of that available in the East Front storage piles. For Scheme 2 this would mean either some proportion of *artificial replacement stone,* or toleration of a pock-marked appearance on a fairly regular grid. Under Scheme 1 this would be of no concern, since patch marks would be painted over."

The report also says, "Future damage by intrusion of moisture or paint can be *controlled* by the application of a stone preservative and joint sealer, a *procedure which should be applied at regular intervals.*"

The report thus indicates that the restoration will, at the very best, be a patchwork process with a result that requires continuous maintenance and painting in order for the appearance to approach the level of being satisfactory.

This is further indicated in the report by the statement that the removal of the existing paint, some of which is an eighth of an inch in thickness, cannot be accomplished without damage to the existing stone. "The experience gained by the test removal of paint, performed as part of this study, indicates that it will not be possible to completely remove the paint and paint stain without some damage to the stone."

The report contains several gratuitous opinions of a non-engineering nature, which indicate a bias that raises the question of credibility with regard to the report's conclusions, especially since the broad conclusions do not appear to follow the weight of the evidence in the body of the report.

The following quotations are examples: "Some stones are so far eroded that they should be replaced but others, less seriously deteriorated, *may be tolerated as an expected sign of age. . . .* The Capitol is 150 years old and should give an impression of venerable age, not a crisp newness that denies its historical background." Neither of these are opinions in areas in which the engineering firm holds itself out to be competent. They appear to be added in order to rationalize some preconceived notions.

The body of the report states, "A cost plus contract with an 'upset price' seems more realistic and could be obtained on a competitive basis." Thus, although the report concludes that a competitive lumpsum fixed price construction bid or bids *can* be obtained, it nevertheless recommends that the work should *not* be accomplished on that basis.

The entire question of cost is thus left wide open. Even the AIA report says, "It would be impossible for anyone at this stage of study to guarantee a total restoration cost." The AIA report also says, "The Task Force recognizes that the work could be done on a competitive, lumpsum, fixed price construction bid or bids but we feel that competitive bidding for a fixed profit and overhead *with the work being done on a cost basis* should be strongly considered in the same way the White House restoration was accomplished."

The appendix to the AIA report makes the following statement in commenting on the Praeger report: "There is discussion of the thermal effect of solidification of the wall resulting from the infilling of the present cavity. This phenomenon is not discussed in great detail other than to conclude that there is to be predicted a 10% net increase in heat gain or heat loss in the solidified wall. The effect of this change in the internal structure of walls of such comparatively great mass bears closer investigation. It is probable that it will require an interval of time, perhaps 18 months to 2 years, for the long stabilized thermal and hydro balance within the walls to become re-established, responsive to modifications resulting from the filling of the voids and the possible modification in the reverse permeability or breathing property of the wall."

In further comments, the appendix to the AIA report states, "It is difficult to accept the categorical statement that 'condensation in the wall will not occur during the summer'. The computations on Figure 22 do not appear to indicate a recognition of the lag in change of the ambient humidity and temperature of the internal wall volume and it is possibly questionable whether the conclusions shown thereon are valid without further experimental documentation."

Thus, we find that even those who support the Praeger report find serious difficulties in accepting it in toto. If one examines the report *objectively* and one recognizes the responsibility of having to face the future with the possibilities of future difficulties and additional repairs and, thus, additional costs, in the saving of the wall, then one must conclude that these factors will lead the Congress into a thicket of unending difficulties with the wall if it should decide to try to save it. That circumstance, coupled with the dire need for space, will bring any dispassionate, reasonable man to the conclusion that an *extension* to the United States Capitol will best serve the people of this Nation.

1. Original North Wing:
Begun 1793—completed 1800.
Senate occupied from 1800–1859.
House occupied 1800–1801, 1804–1807.
Supreme Court occupied 1801–1935.
Library of Congress occupied 1800–1824.

2. 2-story Senate Chamber converted to separate stories with Supreme Court occupying lower chamber from 1810–1860.

3. Temporary structure at location of Statuary Hall occupied by House from 1801–1804.

4. South Wing completed in 1807. Occupied by House 1807–1857.

5. Both North and South Wings (and 1-story wooden connecting passageway) burned in 1814 and reconstruction was completed in 1819.

6. Central Section begun in 1818 and completed in 1829. Library of Congress occupied 2 stories of West Central Front 1824–1897. Altered to provide office spaces after 1897.

7. Present Senate and House Wings begun in 1851 and completed in 1859.

8. Old low dome replaced from 1856–1865.

9. West Central section reconstructed following a fire in 1851.

10. Terraces on North, South and West added 1884–1892.

11. Gas explosion in old North Wing required reconstruction in 1898.

12. Original wood roof construction replaced with steel and concrete in 1902.

13. Cast iron and glass skylights over both Chambers from 1857–1949 replaced from 1949–1951.

14. East Front extension constructed 1958–1962.

15. Interior alterations and changes 1958–1972.

Commission for Extension of the U.S. Capitol—March 8, 1972

Whereas Public Law 91–145, approved December 12, 1969, provides:

EXTENSION OF THE CAPITOL

For an additional amount for "Extension of the Capitol", $2,275,000, to be expended under the direction of the Commission for Extension of the United States Capitol as authorized by law: *Provided,* That such portion of the foregoing appropriation as may be necessary shall be used for emergency shoring and repairs of, and related work on, the west central front of the Capitol: *Provided further,* That not to exceed $250,000 of the foregoing appropriation shall be used for the employment of independent non-governmental engineering and other necessary services for studying and reporting (within six months after the date of the employment contract) on the feasibility and cost of restoring such west central front under such terms and conditions as the Commission may determine: *Provided, however,* That pending the completion and consideration of such study and report, no further work toward extension of such west central front shall be carried on: *Provided further,* That after submission of such study and report and consideration thereof by the Commission, the Commission shall direct the preparation of final plans for extending such west central front in accord with Plan 2 (which said Commission has approved), unless such restoration study report establishes to the satisfaction of the Commission:

(1) That through restoration, such west central front can, without undue hazard to safety of the structure and persons, be made safe, sound, durable, and beautiful for the foreseeable future;

(2) That restoration can be accomplished with no more vacation of west central front space in the building proper (excluding the terrace structure) than would be required by the proposed extension Plan 2;

(3) That the method or methods of accomplishing restoration can be so described or specified as to form the basis for performance of the restoration work by competitive, lumpsum, fixed price construction bid or bids;

(4) That the cost of restoration would not exceed $15,000,000; and

(5) That the time schedule for accomplishing the restoration work will not exceed that heretofore projected for accomplishing the Plan 2 extension work: *Provided further,* That after consideration of the restoration study report, if the Commission concludes that all five of the conditions hereinbefore specified are met, the Commission shall then make recommendations to the Congress on the question of whether to extend or restore the west central front of the Capitol.

Whereas, the restoration feasibility and cost study and report of Praeger-Kavanagh-Waterbury, Consulting Engineers-Architects, made pursuant to Public Law 91–145, was considered by the Commission at its meeting of March 8, 1972, in Room EF–100 of the Capitol; and

Whereas, the Commission established to its satisfaction that all five of the conditions specified in Public Law 91–145, relating to restoration, cannot be met: Now, therefore, be it resolved,

That the Architect of the Capitol is hereby directed to proceed with the preparation of final plans for extending the west central front in accord with Plan 2 heretofore approved by the Commission.

Carl Albert, Speaker of the House of Representatives, Chairman; Hale Boggs, Majority Leader of the House; Gerald R. Ford, Minority Leader of the House; Spiro T. Agnew, President of the Senate; Mike Mansfield, Majority Leader of the Senate; Hugh Scott, Minority Leader of the Senate; George M. White, Architect of the Capitol.

Legislation Governing Extension of the Capitol Project

(Public Law 242, 84th Congress, as amended by Public Law 406, 84th Congress, Public Law 88–248, 88th Congress and Public Law 91–77, 91st Congress)

Extension of the Capitol: The Architect of the Capitol is hereby authorized, under the direction of a Commission for Extension of the United States Capitol, to be composed of the President of the Senate, the Speaker of the House of Representatives, the majority leader of the Senate, the majority leader of the House of Representatives, the minority leader of the Senate, the minority leader of the House of Representatives, and the Architect of the Capitol, to provide for the extension, reconstruction, and replacement of the central portion of the United States

Capitol in substantial accordance with scheme B of the architectural plan submitted by a joint commission of Congress and reported on March 3, 1905 (House Document numbered 385, Fifty-eighth Congress), but with such modifications and additions, including provisions for restaurant facilities, and such other facilities in the Capitol Grounds, together with utilities, equipment, approaches, and other appurtenant or necessary items, as may be approved by said Commission, and for such purposes there is hereby appropriated $5,000,000, to remain available until expended, and there are hereby authorized to be appropriated such additional sums as may be determined by said Commission to be required for the purposes hereof: *Provided,* That the Architect of the Capitol under the direction of said Commission and without regard to the provisions of section 3709 of the Revised Statutes, as amended, is authorized to enter into contracts and to make such other expenditures, including expenditures for personal and other services, as may be necessary to carry out the purposes of this Act and, prior to any appropriations being provided for extension, reconstruction, and replacement of the west central portion of the United States Capitol, to obligate such sums as may be necessary for the employment of nongovernmental engineering and other necessary services and for test borings and other necessary incidental items required to make a survey, study and examination of the structural condition of such west central portion, to make reports of findings, and to make recommendations with respect to such remedial measures as may be deemed necessary, including the feasibility of corrective measures in conjunction with extension of such west central portion."

[From the Washington Star, Mar. 10, 1972]

White's Right Vote

When the late J. George Stewart was the non-architect Architect of the Capitol, that anachronism was widely blamed for Stewart's persistent campaign to extend the west side of the U.S. Capitol rather than patch up its eroded surface.

"Fire Stewart!" was the battle cry in those days, the argument being that no real architect would for a moment support such a project.

Thus, upon Stewart's death in 1970, his replacement predictably turned out to be an impeccably credentialed professional. George M. White, the new man, was not only a respected former vice president of the American Institute of Architects, he had personally shared—before taking on the new job—that outfit's objections to any alteration in the dimensions of the Capitol. So what's happened?

Well, after more than a year's day-to-day exposure to the needs and realities of the Capitol, Architect White joined the House and Senate leadership this week in voting unanimously to proceed with an addition that will reproduce precisely the architectural features of the present worn-out west front and provide, in the process, a lot of space for some essential facilities the Capitol now lacks.

And, also predictably, a few strident voices now are calling for White's resignation. But most of the steam by now has gone out of this tired old refrain, and it's high time. White's decision was not, as the charge goes, a cave-in to political pressures. It springs from a wealth of exposure to facts he did not have a year ago, and which most of his critics still do not have.

Among the things he came to realize, White says, was that "the Capitol is not a museum." Indeed it is not. It is the workshop of Congress. As such, the Capitol's entire history during the past century and a half has been one of constant change and growth, accommodating to Congress' changing needs and paralleling—if one chooses to look at it that way—the growth of the nation itself.

The marvel is that this sequence of changes—some, in the earlier days, involving drastic architectural modification—invariably has added to rather than detracted from the allure and symbolic magnificence of the beloved old building, while keeping pace with Congress' urgent space requirements.

That tradition was scrupulously upheld in the controversial extension of the Capitol's east front a dozen or so years ago. It will be, as well, by the project on the west which White rightly endorsed this week.

The Architect of the Capitol,
Washington, D.C., March 6, 1972.

Memorandum to the members of the Commission for Extension of the U.S. Capitol:

The primary purpose of this meeting is the consideration by the Commission of the January, 1971 report of the firm of Praeger-Kavanagh-Waterbury, Consulting Engineers and Architects, relating to the feasibility and cost of the restoration of the West Central Front of the Capitol, as proposed in such report.

Under the prevailing statute providing for this report, the Commission is charged with the responsibility of establishing to its satisfaction whether the five conditions specified in the law are met.

If the Commission determines that the five conditions are *not* met, then the law provides that the Commission shall direct the preparation of final plans for extending the West Central Front in accord with Plan 2 which the Commission has heretofore approved.

If the Commission concludes that the five conditions *are* met, then the law provides that the Commission shall make recommendations to the Congress on the question of whether to extend or restore the front.

LAW RELATING TO THESE DETERMINATIONS

In the Legislative Branch Appropriation Act, 1970, (Public Law 91–145), the Congress simultaneously appropriated $2,000,000 for preparation of final contract drawings and specifications for carrying out Plan 2 for extension of the West Central Front of the Capitol and $250,000 for engineering and other necessary services for studying and reporting on the feasibility and cost of restoring the front.

The law provided that pending the completion and consideration of the restoration study and report, no further work toward extension was to be undertaken.

The law also contained the following provisions which are pertinent to your consideration today:

"That after submission of such study and report and consideration thereof by the Commission, the Commission shall direct the preparation of final plans for extending such west central front in accord with Plan 2 (which said Commission has approved), unless such restoration study report establishes to the satisfaction of the Commission:

"(1) That through restoration, such west central front can, without undue hazard to safety of the structure and persons, be made safe, sound, durable, and beautiful for the foreseeable future;

"(2) That restoration can be accomplished with no more vacation of west central front space in the building proper (excluding the terrace structure) than would be required by the proposed extension Plan 2;

"(3) That the method or methods of accomplishing restoration can be so described or specified as to form the basis for performance of the restoration work by competitive, lump sum, fixed price construction bid or bids;

"(4) That the cost of restoration would not exceed $15,000,000; and

"(5) That the time schedule for accomplishing the restoration work will not exceed that heretofore projected for accomplishing the Plan 2 extension work: *Provided further,* That after consideration of the restoration study report, if the Commission concludes that all five of the conditions hereinbefore specified are met, the Commission shall then make recommendations to the Congress on the question of whether to extend or restore the west central front of the Capitol."

Upon direction of the Commission for Extension of the United States Capitol, after exhaustive study, the engineering contract for the restoration study was awarded to Praeger-Kavanagh-Waterbury, Engineers-Architects of New York City, on July 1, 1970.

The Praeger report was received at the end of December, 1970, and was forwarded immediately to all Members of the Commission and released to the press and others interested.

STATEMENT OF THE ARCHITECT OF THE CAPITOL RELATING TO HIS STUDY OF THE WEST FRONT PROBLEM

Early last year, as the newly appointed Architect of the Capitol, and in anticipation that the Commission in Charge, before reaching a conclusion on the matter, would seek my professional judgment in assisting them to evaluate the Praeger report, I began a detailed professional review of all available information relating to the history and development of the West Central Front proposals.

Among the activities in which I engaged during the review are the following:

1. A careful and diligent open-minded study of the Praeger report.
2. A physical examination of both the interior and the exterior of the original west walls.
3. A careful review of testimony given over a period of many years before various House and Senate Committees concerned with the proposals for the extension of the West Front of the Capitol, and before the Commission for Extension of the United States Capitol.
4. A reading and review of the record of the floor debates in both the Senate and the House that led to the various actions of the Congress.
5. A review of the legislation, committee reports, and other documents on the subject.
6. Study of the Mueser, Rutledge, Wentworth & Johnston engineering report of 1957.
7. Study of the 1964 engineering report of The Thompson & Lichtner Co., Inc.
8. A study of the various reports of the former Architect of the Capitol, as well as reports made to him by the Associate Architects for the Extension Project.
9. Meetings and discussions of the various past studies, and of the Praeger report, with the staff of the Arcitect of the Capitol.
10. Requested and received advice and counsel from the American Institute of Architects which responded by appointing a new Task Force to re-examine the AIA position. We engaged in several conferences and a written report from the Task Force was received.
11. Asked three prominent general contractors, an officer and members of the AGC, for their opinion with regard to estimates of cost as outlined in the Praeger report and the feasibility of obtaining competitive, lumpsum bids.
12. Conversed at some length with Mr. E. H. Praeger himself in order that I might obtain verbal clarification of a number of what I considered to be ambiguous or contradicting portions of the written report.
13. Conferred with the Advisory Architects, Consulting Engineers, and others.
14. Conferred with other individuals who have maintained a long interest in the Capitol, including Senators, Congressmen, and design professionals.
15. Spoke with a British stone preservation expert who inspected the Capitol, and then read several of his papers regarding the

deterioration of stone generally and in England in particular.

16. Inspected, at no cost to the Government, several European restoration projects.

17. Personally examined the space needs of the House of Representatives and, to some degree, the space needs of the Senate. Have explored all areas on the House Side of the Capitol, from the basement through the attic, and many of the Senate areas. Several discussions have been held with Senator Jordan about my proceeding with a full space study of Senate facilities and he has now approved my proceeding with that study.

18. Examined and studied the matter of how the Congress uses the building, how the public (visitors) also uses the building, and further, how their respective and simultaneous needs must be considered.

19. Spent untold hours in review of the various data and in the reading of articles by many persons concerned with preservation, planning, the history of the Capitol, and in the re-examination of the Praeger report.

PROFESSIONAL JUDGMENTS OF THE ARCHITECT

After these many months of study and investigation, I am prepared to offer the following professional judgments, which for the purposes of this brief presentation have been necessarily simplified:

1. The structural adequacy of the west wall is, in fact, indeterminate. As many experts will declare that it is stable as will say that it is unstable. But even those who support the position of stability admit to the indeterminancy of the loading computations, and, therefore, say that the wall should be strengthened as an insurance against the probability of a possible failure. Thus, although there appears to be no imminent danger of an immediate collapse, there may well be concentrations of forces that have accumulated through structural and other changes over the years and that could, under certain circumstances, be triggered and released. There appears, then, to be no basic disagreement regarding the need to strengthen, and thus stabilize the wall in some fashion. Further, there appears to be no disagreement that this goal may be achieved in at least two ways, one of which is through restoration, or a strengthening of the wall in situ, and another of which is through an extension of the building itself, which will, in effect, buttress and thus strengthen the wall.

2. There appears to be no disagreement with regard to the extenior appearance of the proposed extension, nor any disagreement with regard to the total appearance of the Capitol that would result.

3. That human characteristic which manifests itself in our desire to save and preserve at least some of our heritage, whether it be personal, national, or international, finds a high degree of intensity in some, and it may then be expressed in the feeling that preservation is a primary goal in and of itself. I submit that the intensity with which that desire exists in the spectrum of people's feelings must, in this instance, be weighed against some of the physical needs of the Congress that must be met. If the Congress, for example, were to commission the design of a new legislative complex, the designers would undoubtedly need to assist in the writing of a program which would describe the physical needs of the Congress in the transaction of its daily business. The configuration of the building or buildings would arise from a study of these needs. In this existing legislative building, viz., the Capitol, these needs have changed and expanded over the years, and, indeed, are continuing to do so

It is apparent that complex problems such as these are not generally capable of simple solutions. Recognizing that it may thus be an oversimplification to so state, it is nevertheless my opinion that the Congress must weigh the sentiment of preservation against its physical needs, taking into account the various alternative methods of providing needed space in close proximity to the legislative chambers.

4. The argument can be made that the fact that the West Front contains the last remaining exposed original wall, is indicative of the past life and hence the growth of this living, working symbol of democracy and freedom that is the capitol. Sometime, of course, acceleration in the growth of our Nation may diminish and perhaps that point is already in sight. It has therefore been suggested that the existing physical outline of the Capitol be considered inviolate at its present location. Somewhere that position must surely be taken, but it appears that it is not necessarily valid to presume that it cannot be taken at some other location, such as, for example, that of the proposed extension.

5. The final cost of the proposed restoration appears to be indeterminate. Most experts feel that the cost will certainly be more than $15,000,000, notwithstanding the written statement in the Praeger report. The requirements of items 3 and 4 of Public Law 91–145, previously quoted, indicated that a lumpsum contract for restoration of not more than $15,000,000 must be capable of being obtained. I interpret these two items, taken together, as meaning that the Congress has set a fixed, limited, i.e., maximum, cost of $15,000,000 as one of the criteria for the feasibility of restoration. Experience in the construction of buildings indicates that a lumpsum contract, in and of itself, is not an assurance that the designated sum will indeed be the final cost. It is my considered professional opinion, based upon my recent investigations as outlined above, that the restoration, as proposed, cannot be accomplished for a total final cost of $15,000,000. In that connection, it is important to recognize that even though the cost per square foot of an extension might appear to be high because of the particular kind of construction that would be necessary, any expenditure for restoration, because no space would be added, would result in what mathematically results in an infinite cost per square foot.

It is, further, worthy of note that there is no disagreement among the advocates of the various positions that restoration work generally, and the West Front of the Capitol in particular, should, because of its specialized nature, be accomplished through the medium of a cost plus a fixed fee contract rather than through a lumpsum agreement obtained on a competitive bid basis.

Although the specifics of the other three provisions of Public Law 91–145 can generally be said to be capable of being met, with the obvious possibility for disagreement regarding what is "safe, sound, durable, and beautiful for the foreseeable future", I believe that it would be inappropriate to presume that the cost limitation can or could be met.

SUMMARY

Summarizing, then, I submit the following judgments: (a) although it is relatively stable, the west wall needs repair and strengthening; (b) the restoration method of strengthening the wall cannot be accomplished for a guaranteed cost limit of $15,000,000; (c) the Congress must weigh and decide upon the relative importance and the appropriate methods of providing for its space needs in the Capitol, as compared with the admittedly highly desirable goal of preserving the exposed physical wall.

Additional information will be available at the meeting of the Commission.

GEORGE M. WHITE,
Architect of the Capitol.

GEORGE M. WHITE

Born in Cleveland, Ohio, November 1, 1920. Four children: Stephanie 19, Jocelyn 18, Geoffrey 17, and Pamela 14. Holds the degrees of Master of Science and Bachelor of Science from the Massachusetts Institute of Technology (1941). Master of Business Administration from the Graduate School of Business of Harvard University (1948); Bachelor of Laws from Case Western Reserve (1959). He is a Registered Architect in Ohio, a Registered Professional Engineer in Ohio and Massachusetts, a member of the Ohio Bar, and certified by the National Council of Architectural Registration Boards, and the National Council of State Boards of Engineering Examiners.

A former electronics design engineer and assistant division manager, Electronics Dept., General Electric Company (1946), he has practiced as an architect and as a consulting engineer since 1948.

Former member of the Faculty in Physics and in Architecture at Case Western Reserve University.

A Fellow of the American Institute of Architects, he is a former A.I.A. Vice President and Board Member; Member and former Chairman of the A.I.A. Documents Board and Insurance Committee; Chairman of A.I.A. Task Forces on Structure, on Professional Liability Insurance, and on Labor Liaison; member of the National Panel of Arbitrators of the American Arbitration Association, the National Society of Professional Engineers, the American Bar Association, and the Bar of the Supreme Court of the United States. Awarded the Gold Medal of the Architect's Society of Ohio.

Author of numerous articles on Professional Liability, Professional Corporations, and Construction Law.

President, Director, and Trustee of several real estate development organizations; President of Whitecliff Inc., a 100 bed extended care facility; Chairman of the Board of Merriman Holbrook, Inc., a marine hardware manufacturer.

Appointed Architect of the Capitol in January 1971.

Mr. Chairman, the following is the essence of a letter to the editor that provides in part the answers to some questions raised by the Washington Post.

To the Editor of the Washington Post:

It seems to me that your editorial "Obstinate Vandalism on Capitol Hill" is most unfortunate, inaccurate, and highly misleading. The editorial appears calculated only to inflame—not to inform. It is the same old refrain such as experienced in former years. One must conclude that all objectivity has been wrung from your editorial policy on the West Front matter. The editorial reflects a closed mind—"None so blind as those who will not see".

It is amazing that you characterize the Commission's unanimous decision as "an arrogant maneuver of dubious legality". One assumes that your editorial writer is capable of reading and understanding the very clear language of the governing statute—language which I might say was inserted at the request of those sponsoring restoration:

"That after submission of such (restoration) study and report and consideration thereof by the Commission, the Commission *shall direct* the preparation of final plans for extending such west central front in accord with Plan 2 (which said Commission has approved), *unless* such restoration study report establishes to the satisfaction of the Commission: (1) That * * *" (emphasis supplied)

and then the five well-publicized conditions to be met by restoration are stated in the law.

The entire membership of the Commission met on March 8, 1972, considered the report, and established to its satisfaction that all of the five conditions specified could not be met. It therefore unanimously directed the Architect of the Capitol to proceed with the preparation of final plans for the extension, precisely as mandated by the statute. When a Commission of Congress carries out the responsibilities placed upon it by Act of Congress, how can any fair and reasonable editor charge arrogance and dubious legality?

Your criticism of the design of the approved extension is indicative of your frantic state of mind insofar as this project is concerned. Even the various groups from the American Institute of Architect who have reviewed the plans have had no objection to the design. The American Registered Architect's Society has endorsed the design.

How long will you continue to mislead your readers by such worn out and inaccurate statements as the extenders would "bury the last remaining external vestiges of the Capitol as it was originally designed and built. William Thornton's softly elegant sandstone facade is the only visible link to the Capitol's beginning * * *." This makes me chuckle just a bit. I am sure your writer knows (or he should know) that Dr. Thornton's "softly elegant standstone" has not been seen for over 160 years. What one sees is the old cracked stones, patched up over the years, and buried under numerous coats of grey paint—yes, paint, not softly elegant sandstone. Dr. Thornton's work (as changed by Architects Bulfinch and Latrobe) have not been seen for many generations. If you wish to see how "elegant" this old sandstone is, I invite you to examine Plate 1 in the restoration report, showing the messy and miserable appearance of the old stone once the paint is removed.

The Olmstead terraces will be ruined? Not at all, in fact, changes to them will hardly be noticeable and they will become even more expansive and more beautiful with the magnificent new front as a backdrop. The American Society of Landscape Architects should know about such things. They reviewed the plans and had no objections. In fact, they assisted the Architect by making several helpful suggestions.

The perspective of the dome, far from being hurt, will be enhanced by the new front with its central pediment.

Relative to the five conditions which the restoration study was required to meet: although the restoration report contains a passing, general statement "Further, the restoration can be accomplished within the guidelines set forth by Congress", the same report contained the following qualification in another part of the report:

"The third Commission condition stipulates that 'restoration can be so described or specified as to form the basis for performance of the restoration work by competitive bid or bids'. A cost plus contract with an 'upset price' seems more realistic and could be obtained on a competitive basis."

This language indicates that even those who prepared the restoration report did not believe a competitive lumpsum contract was feasible, although they, in effect, had previously stated otherwise in their general statement. We all know that the only meaningful competition on a cost-plus-a-fixed-fee contract is on the fixed fee itself (perhaps 10% of the contract) and even that figure is usually subject to adjustment if unknowns are encountered.

Since the Commission's decision, I have had the opportunity to discuss the five conditions with George White, the Architect of the Capitol, who is an eminently qualified architect and engineer. He advised me that, in his professional judgment (after studying the project for over a year), the two requirements relating to the cost and lumpsum bid features could not be met and he also doubts that the requirement relating to safety, soundness, durability and beauty could be met to any great degree. Therefore, it is his judgment that only two out of five conditions could probably be met.

But he also informs me that his recommendation in favor of extension was founded on a much broader basis than the five conditions. That basis is "what solution would best serve the people of the United States", and on that question, he felt compelled by sound planning and good judgment to vote in favor of extension.

You conclude that the crumbling west wall is now proven to be a myth by the restoration report. If that is so, then why does the restoration report state that "a structural restoration program is required"? If the poor condition of the west wall is a myth, why spend more than $15,000,000 on it?

I sincerely believe the Commission and the Architect have made the right decision and I would express the hope that you would now appreciate and respect that decision although you previously espoused restoration. I have noted with much satisfaction the editorial favorable to the extension in the Washington Evening Star and I invite you to join us in carrying forward the now approved extension.

A unanimous decision of the Leaders of the Congress, from both the Senate and House and from both sides of the aisles, plus the Vice President and the Architect of the Capitol, deserves support—not condemnation.

FRED SCHWENGEL,
Member of Congress.

Mr. CEDERBERG. Mr. Chairman, I yield 9 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Chairman, today the House takes up the first appropriation bill for fiscal 1973. By it we give the executive branch new obligational authority.

Are we putting the cart before the horse? Have we adopted a budget for the Government for the ensuing year? Have we matched spending plans with revenue, and made decisions as to what shall be done about the difference? The answer is "No."

Even the smallest business firm and the smallest municipality adopts a budget before it starts spending money for the coming business year.

Under the Constitution, the House of Representatives is given the purse strings of Government, but at no time from one end of the year to the other does the House adopt a budget.

Instead we receive the President's budget recommendations, make no decision whatever on them, but instead start appropriating money piecemeal.

It is, of course, human nature, and therefore the nature of the House, to avoid grasping the nettle of difficult decisions. No Member relishes voting for less spending, for high taxes. We are not eager to vote up or down a resolution which contains the entire fiscal picture for the ensuing year—the revenue forecast, a limit on obligational authority to be granted by means of the various appropriation bills and resolutions, whether measures are needed for added revenue, and/or higher debt ceiling. Certainly, during my 12 years, the House has never faced squarely prior to the commencement of a fiscal year the entire budget picture.

By this neglect the House has effectively let the purse strings slip from its hands, placing the executive branch more effectively in the driver's seat.

The fiscal situation has truly become hypercritical as noted in the letter we all received 2 days ago from Chairman MAHON. In stark terms he pictured the crisis that is upon us. I wish he had gone on to spell out a remedy, or even propose a step or two out of the tangle.

Nevertheless we should all be grateful to the chairman for this information. It helps to focus attention on the problem. And certainly recognition of a problem is the first essential before a solution is found.

I have a suggestion to make, and I speak of it at this particular time because if my suggestion were acted upon the House could not in today's circumstances consider this appropriation today.

My proposal is a rule change under which the House could not consider any appropriation bill for the ensuing fiscal year until it has first adopted a resolution containing a House-authorized Federal budget for the year.

Here is the first part of the rule change I propose:

The Committee on Appropriations and the Committee on Ways and Means of the House of Representatives are authorized and directed to meet jointly at the beginning of each regular session of Congress and after due study and review, including consideration of the economic report and budget recommendations of the President, report to the House a resolution containing a House-authorized Federal budget for the ensuing fiscal year not later than 60 days after both Presidential reports have been received.

The proposed budget shall include:

First. Estimated overall Federal receipts from all sources;

Second. The maximum aggregate amount to be granted in obligational authority for all purposes, together with a maximum amount for each appropriation bill or resolution;

Third. Specific recommendations as to adjustment in revenue measures and/or public debt level necessitated by a deficit or surplus, if such is shown by budget figures on aggregate expenditures and receipts.

The balance of the language deals with requirements for the appropriation bills and resolutions as they subsequently come forward. Its main provisions would require a two-thirds vote for the House to appropriate more obligational authority than provided in the House-approved Federal budget.

You will note the 60-day provision. This would give the subcommittees on appropriations approximately until March 1 to hold hearings on the President's budget. In some cases the hearings could be completed in that time. In other cases not. In all cases the subcommittees could come up with a well-educated estimate of appropriation requirements for the ensuing year and thus participate in an informed way with the Ways and Means Committee in developing the resolution containing the House-approved Federal budget.

The resolution would set an aggregate obligational authority limit for each subsequent appropriation bill. For example, it would set a limit for the legislative branch, the bill not before us.

After the adoption of the budget resolution, the appropriations committee could then—and only then—bring forward for action the bill for the legislative branch. If the total figure in the bill did not exceed that in the House-approved Federal budget, the appropriation could be approved by a simple majority. If it was in excess, a two-thirds vote would be required.

Conference reports and continuing resolutions would be subject to the same provision.

The important difference would be that, unlike today, the House would have a solid, responsible point of reference when it began the appropriations process.

It would have decided the fundamental questions of appropriation ceilings, and the equally important question of how the funds required by these appropriations would be secured—how much by taxation, and how much by higher public debt; that is to say, inflation.

That, I suggest, is a businesslike, responsible way for us to proceed with our fiscal business. It holds the promise, I think, of curbing deficit financing.

Does my proposed rule change have a chance of acceptance? I have asked several of my colleagues, as well as members of the professional staff of the House, that question. I get little encouragement, even though all acknowledge that the present system is not working satisfactorily and something must be done.

One man, a professional of great experience, put it this way: "A lot of things, including this plan of yours, could be done—if there is the will. I am strongly inclined to believe the House lacks the will to make a reform of this magnitude."

Maybe so. Maybe this effort of mine is a waste of time. Maybe a better plan can be devised. I hope so. This is the best I have been able to come up with in consultation with perhaps a dozen others, but I am eager to scrap it in favor of a better approach.

Here is the full text of the rule change I propose:

RULE ON HOUSE-AUTHORIZED FEDERAL BUDGET

SEC. —(A) The Committee on Appropriations and the Committee on Ways and Means of the House of Representatives are authorized and directed to meet jointly at the beginning of each regular session of Congress and after due study and review, including consideration of the economic report and budget recommendations of the President, report to the House a resolution containing a House-Authorized Federal Budget for the ensuing fiscal year not later than 60 days after both Presidential reports have been received.

The proposed budget shall include:

1. Estimated overall Federal receipts from all sources;

2. The maximum aggregate amount to be granted in obligational authority for all purposes, together with a maximum amount for each appropriation bill or resolution;

3. Specific recommendations as to adjustment in revenue measures and/or public debt level necessitated by a deficit or surplus, if such is shown by budget figures on aggregate expenditures and receipts.

(B) No bill or resolution carrying appropriations for the ensuing fiscal year shall be in order for consideration by the House until the House-Authorized Federal Budget for such year has been approved.

The report on each such bill or resolution must include a statement in one of the following forms: "The provisions of this bill (or resolution) conform to the requirements of the House-Authorized Federal Budget for fiscal 19— and will not cause it to be unbalanced in any respect. The bill (or resolution) as reported will appropriate $——, and when this amount is deducted from $——, the maximum amount for this appropriation bill (or resolution) under the House-Authorized Federal Budget for fiscal 19—, the remaining balance is $——."—or—"The provisions of this bill (or resolution) do not conform to the requirements of the House-Authorized Federal Budget for fiscal 19—. The bill (or resolution) as reported will appropriate $——, and when this amount is deducted from $——, the maximum amount for this appropriation bill (or resolution) under the House-Authorized Federal Budget for fiscal 19—, a deficit results in the amount of $——."

Any bill or resolution carrying appropriations whose report fails to include a statement in the first form shall require the approval of two-thirds of those Members present and voting, a quorum being present. This requirement shall not be waived or suspended.

(C) The joint statement of managers to accompany a report made by a committee of conference on a bill or resolution carrying appropriations shall include a statement in one of the following forms: "The provisions of this conference report conform to the requirements of the House-Approved Federal Budget for fiscal 19— and will not cause it to be unbalanced in any respect."—or—"The provisions of this conference report do not conform to the requirements of the House-Authorized Federal Budget for fiscal 19—."

A conference report on a bill or resolution carrying appropriations which fails to include a statement in the first form shall require the approval of two-thirds of those Members present and voting, a quorum being present. This requirement shall not be waived or suspended.

During reading of today's bill, I will offer an amendment.

For obvious reasons, it deals only with a cut in spending. It has nothing to do with taxes. I am under no illusions about its fate. It will not be accepted. It would cut the appropriation by $55 million—representing a cut of 14 percent below the President's budget request.

I offer it to focus attention on our budget problem, and to show how much surgery is needed to come up with a balanced budget in fiscal 1973. I am not suggesting that the best way to meet the entire budget problem is with the axe. Some cuts are necessary and certainly desirable, but we should also look at revenue. If we plan to keep on with the vast programs—even just those now on the books—we should be raising additional tax revenues, not cutting taxes.

But the sad fact is that we seem unlikely to do either. We are unlikely to raise taxes, and we are unlikely to cut spending much either.

That is why I have come to the conclusion that the rational, practical way to meet the problem is through a fundamental change in House rules of procedure, a change which will cause all Members to face up at one time at the beginning of the year to the broad interrelated questions of spending, revenue, debt, and inflation—and then make some decisions, before the actual spending process starts.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Chairman, I compliment the gentleman from Illinois on the statement he is making and the proposal he has made. He is trying to bring some discipline into the fiscal affairs of the country.

I applaud the gentleman for his effort. I believe his proposal needs some refinement, and I do not approve all of it, but I do applaud the gentleman's efforts, and I hope he will continue them.

Mr. FINDLEY. I thank the gentleman very much.

Mr. CEDERBERG. Mr. Chairman, I have no further requests for time and yield back the remainder of my time.

Mr. CASEY of Texas. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The clerk proceeded to read the bill.

Mr. CASEY of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. JACOBS

Mr. JACOBS. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

LEADERSHIP AUTOMOBILES

For purchase, exchange, hire, driving, maintenance, repair, and operation of an automobile for the Speaker, $18,780.

For purchase, exchange, hire, driving, maintenance, repair, and operation of an automobile for the majority leader of the House, $18,780.

For purchase, exchange, hire, driving, maintenance, repair, and operation of an automobile for the minority leader of the House, $18,780.

The clerk read as follow:

Amendment offered by Mr. JACOBS: On page 1 strike out lines 23, 24, and 25.

On page 8 strike out lines 1, 2, and 3.

Mr. JACOBS. Mr. Chairman, this amendment simply deletes two of the three chauffeur-driven limousines provided for in this bill, the two assigned to the two floor leaders of the House of Representatives.

Mr. Chairman, I have and have had for, I believe, about 4 or 5 years now a bill introduced here to eliminate all chauffeur-driven vehicles from the U.S. Government with the exception of one each for Cabinet members and so many as the President may require, the Speaker of the House of Representatives, the Chief Justice, and the Vice President of the United States.

It was in March 1801 when a gentleman living close by the Capitol arose in his boarding house and dressed and went downstairs and had breakfast with the other boarders in the boarding house and then walked to the Capitol and was inaugurated as President of the United States.

Well, things have changed since Thomas Jefferson took office, and I think we all realize as a practical matter the need for these automobiles in the case of certainly the President of the United States for his security. However, I must say where I come from and I suspect where everybody else comes from, when a person gets a car with his job the car has something to do with the job. I think it would be rather crowded on the floor to have two Cadillac limousines trying to maneuver around. I understand the floor leaders' jobs to be here on the floor. That is where their services are performed.

I offer this amendment with no enmity for my good friend from Michigan or my good friend from Louisiana and without any personal reference whatsoever.

Just as an example of what I think is spending that is unnecessary in the Federal Government, I think a public servant does not need a servant to drive him around or, if he does, maybe he is not in good enough shape to serve the public.

Mr. CASEY of Texas. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not know why Thomas Jefferson walked to his inauguration, but I am sure the streets in Washington were much safer then than they are now.

However, I think it is a little ridiculous to say that we have cut out some other chauffeur-driven automobiles, so we should cut out these. I certainly think the two floor leaders here deserve the courtesy and the convenience, if you will, of having these cars, because they are certainly in need of them.

I urge that the amendment be defeated.

Mr. CEDERBERG. Mr. Chairman, I rise in opposition to the amendment.

I think this amendment would be a serious mistake. The work of the majority and minority leaders does not confine itself to the floor of the House of Representatives in the United States Capitol. It takes itself to many other places around this city. The demands on the majority and minority leaders are unbelievable. I think the least we can do to lighten their load as they try to carry out their legislative leadership responsibilities is to give them this kind of service so that they can cover the areas that need to be covered.

I know from personal experience and my contacts with the minority leader that it is almost an impossible job, and it is that way for the majority leader, too. They need this help.

Mr. HOSMER. Will the gentleman yield?

Mr. CEDERBERG. I am glad to yield to the gentleman.

Mr. HOSMER. If the amendment now pending were to pass, would it still leave automobiles for some nonelected officials of the House like the Clerk and the Sergeant at Arms?

Mr. CEDERBERG. Yes.

Mr. JACOBS. Will the gentleman yield?

Mr. CEDERBERG. I am glad to yield to the gentleman.

Mr. JACOBS. I just wonder. I agree they would be. The only thing is to pass the bill that I am going to introduce, then, and I have a discharge petition pending with two signatures on it, which I introduced 12 months ago, so if the membership rejects this amendment, I hope they will expedite that bill by signing that petition.

Mr. CEDERBERG. How many names do you have on that discharge petition?

Mr. JACOBS. I said there are only two on it, which would get rid of all of the limousines throughout the Federal Government. So if anybody is interested in it, even if you do not have a limousine, you can make it down to the well and sign the petition.

Mr. CEDERBERG. The gentleman has made his contribution and we appreciate it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. JACOBS).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FINDLEY

Mr. FINDLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FINDLEY: On page 29, after line 20, add the following: "SEC. 105. Money appropriated in this Act shall be available for expenditure in the fiscal year ending June 30, 1973 only to the extent that expenditure thereof shall not result in total aggregate net expenditures of all agencies provided for herein beyond 86 per cent of the total aggregate net expenditures estimated therefor in the budget for 1973 (H. Doc. 215)."

Mr. FINDLEY. Mr. Chairman, back in 1967 an amendment became quite prominent, and I must say quite popular, under the name of the Bow amendment, and, except for the percentage figures set forth in the language just read by the Clerk, the amendment now before us is identical with the Bow amendment.

At that time the percentage figure in the Bow amendment was 95 percent, the objective at that time being to reduce the expenditure for the ensuing fiscal year by 5 percent. The percentage figure set forth in this revised language, which is in my amendment, is 86 percent, meaning a reduction in expenditures in the ensuing fiscal year of 14 percent.

Why the difference? I came to the 14 percent figure as being the amount that would have to be deducted from each main element of the President's budget in order to bring the budget into balance.

I know if there is any discussion on this amendment it will be argued that this is a bare-bones appropriation bill, the salaries and almost everything in it are mandated by statute, required by law, and that if we are going to have an amendment like this it will necessitate cutting our salaries, cutting our staff, cutting a lot of very important and essential things. No doubt that is true. But, nevertheless, if we are serious about trying to find a way to balance the budget by cutting spending and spending alone, this is the magnitude of the cut that we have to be thinking about, because anything less, at least on an across-the-board basis, applied to every appropriation bill as we expect it to come forward, will simply not do the job.

Now, in all candor I do not expect this amendment to be accepted. I doubt if a 5 percent amendment would be accepted. There is not the will to cut spending on this bill or any other appropriation bill. But, as the chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON), so dramatically presented to us by his letter of 2 days ago, we are confronted with a fiscal crisis, and the magnitude of it is such that we ought to be seriously considering doing something beyond what we have been doing the last year or so.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Michigan.

Mr. CEDERBERG. Mr. Chairman, I think we are all interested in holding the line on spending. I know that the gentleman is making a very dramatic speech about his concern, which is a concern that we all have.

Mr. FINDLEY. I like the gentleman's adjective.

Mr. CEDERBERG. As I stated before, the amounts that are in this bill are the results of other legislation that has been pending.

What was the gentleman's vote on the Congressional Reorganization Act?

Mr. FINDLEY. I believe I voted affirmatively on it.

Mr. CEDERBERG. Through that we have gotten I do not know how many hundreds more employees.

Mr. FINDLEY. I might tell the gentleman that when the conference report on the tax cut came around last year, I voted "no." I do not know how the gentleman voted, but I voted "no."

Mr. CEDERBERG. That is not the question involved here.

Mr. FINDLEY. I think it is part of this problem.

Mr. CEDERBERG. How did the gentleman vote on the election reform?

Mr. FINDLEY. I voted for that. That is another expense.

Mr. CEDERBERG. That is another expense, and a new office and additional expense for the General Accounting Office, the Clerk of the House of Representatives, and the clerk of the Senate.

The gentleman is making his pitch in the wrong place.

Mr. FINDLEY. This is the only place available.

Mr. CEDERBERG. The gentleman should do it before it gets here. It is too late when it gets here. You have to do it earlier.

Mr. FINDLEY. It is too late in a lot of places, like the public debt ceiling; that comes much too late, too. We are too late now, if we wish to make changes in individual appropriation bills to conform to an approved budget because we have had no budget resolution for the Federal Government.

We should have required the approval of a budget resolution and thus face squarely all the elements in the budget, and made a decision on it before we start appropriating moneys.

Mr. CEDERBERG. That requires a change in the Rules of the House.

Mr. FINDLEY. So we are way behind in a lot of respects.

My point is that we had better start

thinking about a different way to proceed if we are going to avoid a fiscal disaster.

Mr. CEDERBERG. I do not disagree with the gentleman in that regard.

Mr. FINDLEY. The other side of the coin is that if we are not going to be able to cut spending by 14 percent on every appropriation bill that comes before us this year, and wish nevertheless to achieve a balanced budget, we are going to have to think of where to get new revenue.

I do not know of any proposal that is under active consideration now to rescind tax cuts that were voted last year or impose new revenue measures.

I would hate to see the House delay another year.

Does the gentleman agree with me that it would be wise for us to adopt a Federal budget before we appropriate any money?

Mr. CEDERBERG. I would like to see something done in that area if it can possibly be worked out. I talked with the gentleman privately about that matter.

Mr. FINDLEY. Yes.

Mr. CEDERBERG. I talked with the gentleman about that in the office and raised that question about this in the budget.

Mr. CASEY of Texas. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, of course, the goal that the gentleman from Illinois seeks is a commendable one. We all wish we could find some way to get ourselves out of this financial dilemma But, I would point out—even if we should adopt this amendment, I do not know who would administer it because this branch of Government is not like, let us say, the Department of Agriculture where you have one department. There are a number of different segments of the legislative branch and there is no possible way that you can intelligently—or unintelligently—administer this proposal unless we just limit it to certain items.

Many of the items are of a mandatory nature that have to be done. Athough the gentleman's idea is a commendable one—there is no way it can possibly be administered.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. CASEY of Texas. I yield to the gentleman.

Mr. FINDLEY. Mr. Chairman, I appreciate the gentleman yielding.

This same point was brought up when Mr. Bow offered this amendment 6 years ago.

Mr. CASEY of Texas. Was that to this bill?

Mr. FINDLEY. Yes—to this very bill. His response was—Well, somebody put together the bill that is now before us and there must have been some authority to bring the pieces together. His presumption was that that same authority might deal with the cutting process.

Mr. CASEY of Texas. You mean this committee, for instance?

Mr. FINDLEY. Whatever authority put together the piece of legislation that came in the budget request.

Mr. CASEY of Texas. Mr. Chairman, I urge that the amendment be defeated.

Mr. GUBSER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I feel justified in rising in opposition to this amendment, because if my memory serves me correctly—I voted for very few, if any, of the so-called Bow amendments. I do not believe in a meat axe approach to budget cutting. I believe in a selective approach.

In the 20 years that I have served as a Member of the House, I never once presumed to lecture my colleagues and I shall not do that today.

As a normal human I have no corner on morality and I make no such claim. But nevertheless I do think it is time the House took a look at the way it has been conducting itself in recent years.

I am reminded of the line from Hamlet, "The lady doth protest too much me thinks."

I am wondering why in recent years we seem to assume a massive sense of guilt about everything that we do. The finger of accusation is pointed at the House of Representatives and we assume the burden to prove we are not dishonest.

Last year we passed a bill to prove we are not political crooks regarding campaign expenditures.

It was a good idea and I voted for it. But in our haste to prove ourselves innocent we passed a bill which almost no one understands. Our pell-mell rush to prove that the Congress of the United States was not a composite of crooks produced an ambiguous piece of legislation.

My father always used to say to me, "Think highly of yourself and then try to live up to it."

I think it is about time that we, the Members of Congress, start thinking of just what we are and what we represent. I have told many people in my congressional district that I will take any 435 people that anybody wants to pick coming out of any church any place in the United States on any Sunday morning, and the level of integrity and honesty of the Congress of the United States will be above those 435.

This is a great body which makes the decisions which determine the future of mankind. It is a responsible and important body that needs no defense.

Do you realize that not more than 11,000 men and women in the history of the United States have ever been priviledged to serve as Members of Congress and have been given that honor? I think we have a right to feel proud of what we are.

Yes, we make mistakes because we are human. But they are honest mistakes. And I think it is about time that by our actions on the floor of the House we stop saying in effect "We are guilty."

Let us appropriate the money that is required to run this legislative branch. I think the amendment should be defeated.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I am happy to yield to the gentleman from California.

Mr. HOSMER. I am somewhat intrigued with the amendment offered by the gentleman from Illinois, but I would like to make some legislative record briefly. If the amendment is adopted, and a 14-percent reduction is required, I would hope that it would not come out of the payment to widows and heirs of deceased Members, or the Office of the Chaplain, or the books for the blind, or the medical supplies for the attending physician, or the Capitol Police, or the power supply for the Capitol, at the very least. There probably are other items that I could mention.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, guilt or no guilt, honest or dishonest, this Government is spending money that it does not have as represented by the $40 billion deficit in this fiscal year of 1972 and the projected built-in budget deficit of $25.5 billion for fiscal 1973. And if there is anyone in this House who believes it will end with a $25.5 billion deficit, that individual has another guess coming.

I am going to support the gentleman's amendment, and it is strong medicine—but strong medicine is necessary these days if ever we are going to correct this situation of going head-over-heels deeper and deeper into debt each year. I am going to support the gentleman's amendment, but I can inform the gentleman from Illinois here and now that I am not going to support the new international organization he is sponsoring, and which is going to cost a lot of money if it is approved.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. FINDLEY. I guess a more pertinent question will be, will the gentleman support my proposed rules change under which the House can adopt a resolution with a House-approved Federal budget in it before we can appropriate any money? Does the gentleman feel that that would be a constructive step forward?

Mr. GROSS. I will support any proposal put before the House that brings some kind of order out of the financial chaos that confronts this country.

Mr. FINDLEY. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. FINDLEY).

The amendment was rejected.

Mr. CASEY of Texas. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the Chair, Mr. ANNUNZIO, chairman of the Committee of the Whole House on the State of the Union, reported that the committee, having had under consideration the bill (H.R. 13995) making appropriations for the legislative branch for the fiscal year ending June 30, 1973, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

Mr. CASEY of Texas. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. KEATING. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 363, nays 9, not voting 59, as follows:

[Roll No. 89]

YEAS—363

Abernethy
Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Tenn.
Andrews
Annunzio
Archer
Arends
Ashley
Aspin
Badillo
Baker
Barrett
Begich
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conte
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Danielson
Davis, Ga.
Davis, S.C.
Dellenback
Dellums
Denholm
Dennis
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Duncan
du Pont
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Gallagher
Garmatz
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Grover
Gubser
Gude
Hagan
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
King
Koch
Leggett
Lennon
Lent
Link
Lloyd
Long, La.
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Michel
Miller, Calif.
Mills, Md.
Minish
Mink
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reid
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stanton, J. William
Steed
Steele
Steiger, Ariz.
Stephens
Stokes
Stratton
Stuckey
Sullivan
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—9

Findley
Gross
Hall
Kyl
Landgrebe
Latta
Miller, Ohio
Schmitz
Steiger, Wis.

NOT VOTING—59

Abbitt
Alexander
Anderson, Ill.
Ashbrook
Aspinall
Baring
Belcher
Bow
Camp
Chappell
Clark
Clay
Collins, Ill.
Conyers
Curlin
Daniels, N.J.
Davis, Wis.
de la Garza
Delaney
Dent
Dow
Dowdy
Dulski
Dwyer
Edwards, La.
Eshleman
Fulton
Fuqua
Galifianakis
Gaydos
Griffiths
Halpern
Hastings
Hays
Hull
Johnson, Pa.
Kemp
Kluczynski
Kuykendall
Kyros
Landrum
Metcalfe
Mikva
Mills, Ark.
Minshall
Murphy, N.Y.
Nelsen
Pryor, Ark.
Rangel
Rostenkowski
Saylor
Scheuer
Shoup
Staggers
Stanton, James V.
Stubblefield
Symington
Yates
Yatron

So the bill was passed.

The Clerk announced the following pairs:

Mr. Daniels of New Jersey with Mrs. Dwyer.

Mr. James V. Stanton with Mr. Minshall.

Mr. Hays with Mr. Halpern.

Mr. Mikva with Mr. Anderson of Illinois.

Mr. Rostenkowski with Mr. Davis of Wisconsin.

Mr. Fulton with Mr. Shoup.

Mr. Dent with Mr. Johnson of Pennsylvania.

Mr. Delaney with Mr. Hastings.

Mr. Chappell with Mr. Ashbrook.

Mr. Clark with Mr. Eshleman.

Mr. Aspinall with Mr. Camp.

Mr. Kluczynski with Mr. Landrum.

Mr. Yatron with Mr. Saylor.

Mr. Kyros with Mr. Metcalfe.

Mr. Stubblefield with Mr. Kuykendall.

Mr. Alexander with Mr. Mills of Arkansas.

Mr. Curlin with Mr. Hull.

Mr. Inouye with Mr. Nelsen.

Mr. Scheuer with Mr. Conyers.

Mr. Murphy of New York with Mr. Kemp.

Mr. Staggers with Mr. Bow.

Mr. Symington with Mrs. Griffiths.

Mr. Rangel with Mr. Galifianakis.

Mr. Dulski with Mr. Collins of Illinois.

Mr. Gaydos with Mr. Clay.

Mr. Baring with Mr. Abbitt.

Mr. Yates with Mr. Pryor of Arkansas.

Mr. Dow with Mr. Dowdy.

Mr. de la Garza with Mr. Belcher.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CASEY of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill (H.R. 13955) just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following date the President approved and signed a bill and a joint resolution of the House of the following titles:

On March 21, 1972:

H.R. 10834. An Act authorizing the State of Alaska to operate a passenger vessel of foreign registry between ports in Alaska, and between ports in Alaska and ports in the State of Washington, for a limited period of time; and

H.J. Res. 1097. Joint Resolution making certain urgent supplemental appropriations for fiscal year 1972, and for other purposes.

OLDER AMERICANS—A MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-268)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

To the Congress of the United States:

When I addressed the White House Conference on Aging last December, I pledged that I would do all I could to make 1972 a year of action on behalf of older Americans. This message to the Congress represents an important step in fulfilling that promise.

Many of the actions which are outlined in this message have grown out of concerns expressed at the White House Conference and at related meetings across the country. The message also discusses a number of steps that have already been taken or that were announced at an earlier date. All of these actions are part of our comprehensive strategy for helping older Americans.

The momentum which has been generated by all these steps—old and new—will move us toward the great national obectives which the White House Conference set forth. I pledge that this momentum will be sustained as we follow through on these initiatives and as we keep other recommendations of the White House Conference at the top of our agenda, under continuing review.

This message, then, does not represent the last word I will have to say on this important subject. It does, however, identify those administrative steps which we are taking immediately to help older Americans, along with a number of legislative initiatives which should be of highest priority on this year's congressional agenda.

We often hear these days about the "impatience of youth." But if we stop to think about the matter, it is the elderly who have the best reason to be impatient. As so many older Americans have candidly told me, "We simply do not have time to wait while the Government procrastinates. For us, the future is now." I believe this same sense of urgency should characterize the Government's response to the concerns of the elderly. I hope and trust that the Congress will join me in moving forward in that spirit.

A COMPREHENSIVE STRATEGY FOR MEETING COMPLEX PROBLEMS

The role of older people in American life has changed dramatically in recent decades. For one thing, the number of Americans 65 and over is more than six times as great today as it was in 1900—compared to less than a 3-fold increase in the population under 65. In 1900, one out of every 25 Americans was 65 or over; today one in 10 has reached his 65th birthday.

While the number of older Americans has been growing so rapidly, their traditional pattern of living has been severely disrupted. In an earlier era, the typical American family was multigenerational—grandparents and even great-grandparents lived in the same household with their children and grandchildren, or at least lived nearby. In recent years, however, the ties of family and of place have been loosened—with the result that more and more of our older citizens must live apart or alone. The rapid increase in mandatory retirement provisions has compounded this trend toward isolation. Under such conditions, other problems of older persons such as ill health and low income have become even more burdensome. And all of these difficulties are intensified, of course, for members of minority groups and for those who are blind or deaf or otherwise handicapped.

The sense of separation which has characterized the lives of many older Americans represents a great tragedy for our country. In the first place, it denies many older citizens the sense of fulfillment and satisfaction they deserve for the contributions they have made throughout their lifetime. Secondly, it denies the country the full value of the skills and insights and moral force which the older generation is uniquely capable of offering.

The major challenge which confronts us, then, as we address the problems of older Americans is the new generation gap which has emerged in this country in recent decades between those who are over 65 and those who are younger. The way to bridge this gap, in my judgment, is to stop treating older Americans as a burden and to start treating them as a resource. We must fight the many forces which can cause older persons to feel dependent or isolated and provide instead continuing opportunities for them to be self-reliant and involved.

If we can accomplish this goal, our entire Nation will reap immense benefits. As I put it in my speech to the White House Conference on Aging, "* * * any action which enhances the dignity of older Americans enhances the dignity of all Americans, for unless the American dream comes true for our older generation, it cannot be complete for any generation."

From its very beginnings, this Administration has worked diligently to achieve this central objective. To assist me in this effort, I established a special task force on aging in 1969. In that same year, I elevated the Commissioner on Aging, John Martin, to the position of Special Assistant to the President on Aging, the first such position in history. Later, I created a new Cabinet-level Committee on Aging, under the leadership of the Secretary of Health, Education, and Welfare, to ensure that the concerns of the aging were regularly and thoroughly considered by this Administration and that our policies to help older persons were effectively carried out. To provide greater opportunity for older Americans to express their own concerns and to recommend new policies, I convened the White House Conference on Aging—which met last December and which was preceded and followed by many other meetings at the grassroots level. I asked the Cabinet-level Committee on Aging to place the recommendations of the Conference at the top of its agenda. And I also asked the Chairman of the Conference, Arthur Flemming, to stay on as the first Special Consultant to the President on Aging, so that the voice of older Americans would continue to be heard at the very highest levels of the Government.

One dimension of our efforts over the last three years is evident when we look at the Federal budget. If our budget proposals are accepted, overall Federal spending for the elderly in fiscal year 1973 will be $50 billion, nearly 150 percent of what it was when this Administration took office. One particularly important example of increased concern for the elderly is the fact that overall Federal spending under the Older Americans Act alone has grown from $32 million in fiscal year 1969 to a proposed $257 million in fiscal year 1973—an eight-fold increase. This figure includes the $157 million I originally requested in my 1973 budget, plus an additional $100 million which I am requesting in this message for nutrition and related services.

How much money we spend on aging programs is only one part of the story, however. *How* we spend it is an equally important question. It is my conviction that the complex, interwoven problems of older Americans demand, above all else, a *comprehensive* response, one which attacks on a variety of fronts and meets a variety of problems.

This message outlines the comprehensive strategy which this Administration had developed for bridging the new generation gap and enhancing the dignity and independence of older Americans. That strategy has five major elements:

1. Protecting the income position of the elderly;

2. Upgrading the quality of nursing home care;

3. Helping older persons live dignified, independent lives in their own homes or residences—by expanding and reforming service programs;

4. Expanding opportunities for older people to continue their involvement in the life of the country; and

5. Reorganizing the Federal Government to better meet the changing needs of older Americans.

A SUMMARY OF MAJOR INITIATIVES

In addition to discussing important actions which have been taken in the past or are now underway, this message focuses attention on the following major items of new and pending business.

1. *To protect the income position of older Americans, The Congress should:*

—enact H.R. 1 as soon as possible, thus providing older Americans with $5½ billion of additional annual income. H.R. 1 would increase social security benefits by 5 percent, make social security inflation-proof, increase widow, widower and delayed retirement benefits, liberalize earnings tests, and establish a floor under the income of older Americans for the first time;

—repeal the requirement that participants in part B of Medicare must pay a monthly premium which is scheduled to reach $5.80 this July. This step would make available to older persons an additional $1.5 billion—the equivalent of roughly another 4 percent increase in social security benefits for persons 65 and over;

—strengthen the role played by private pension plans by providing tax deductions to encourage their expansion, requiring the vesting of pensions, and protecting the investments which have been made in these funds;

—enact revenue sharing proposals designed to provide the opportunity for significant property tax relief; and

—enact my proposed consumer protection legislation which deals with problems which are especially acute for older citizens.

The Adminstration will:

—continue its investigation of alternative methods for financing public education in such a manner as to relieve the present heavy reliance on property taxes;

—propose major improvements in the military retirement system, including a one-time recomputation of retired pay;

—continue the battle against price inflation, with special emphasis in the health care field;

—develop a program to foster greater awareness among older citizens of their legal rights under the Interstate Land Sales Full Disclosure Act; and

—develop a program designed to help each State create consumer education programs for older citizens.

2. *To upgrade the quality of nursing home care,*

The Congress should:

—make it possible for the Federal Government to assume the entire cost of State inspection of homes receiving payments under the Medicaid program; and

—approve my request for additional funds for training nursing home personnel.

The Administration will:

—continue to strengthen and expedite other portions of my 8-point program for upgrading nursing homes, including my commitment to withdraw Federal funds from those homes that refuse to meet standards and to make adequate alternative arrangements for those who are displaced from substandard homes; and

—develop proposals for protecting older persons in the purchase of nursing home services.

3. *To help older persons live dignified, independent lives in their own homes or residences,*

The Congress should:

—appropriate the $100 million I requested for the Administration on Aging in my 1973 budget;

—appropriate an additional $100 million for nutritional and related purposes;

—appropriate $57 million for other programs under the Older Americans Act, bringing total spending under this act to $257 million—an eight-fold increase over fiscal year 1969;

—renew and strengthen the Older Americans Act, which so many older persons rightly regard as landmark legislation in the field of aging—extending it for an indefinite period rather than for a specified period of years;

—create a new, coordinated system for service delivery under this act, so that the Administration on Aging can help develop goals for such services, while State and area agencies create specific plans for achieving these goals; and

—allow States and localities to use some of the funds now in the Highway Trust Fund to finance their mass transit programs, including special programs to help the elderly.

The Administration will:

—ensure that Departments and agencies involved in the field of aging identify the portion of their total resources that are available for older persons and ensure that use of these resources is effectively coordinated all across the Government;

—strengthen the role already played by local officials of the Social Security Administration and other agencies in providing information about Federal services to older persons and in receiving their complaints;

—launch this summer a new Project FIND—a program which will enlist the services of Government workers at the grassroots level in an outreach effort to locate older persons who are not involved in Federal nutrition programs and who should be;

—step up efforts to meet the special transportation needs of older Americans, giving priority to community requests for capital grants that aid the elderly from the Urban Mass Transportation Fund;

—provide more and better housing for older Americans by issuing new guidelines for two HUD programs to make them more readily applicable to the elderly, by extending the mortgage maturity for the FHA-insured nursing home program, by drawing upon research of the Law Enforcement Assistance Administration to reduce crime, by encouraging the provisions of more space for senior centers within housing projects for the elderly, and by developing training programs in the management of housing for older persons.

4. *To expand opportunities for older persons to continue their involvement in the life of our country,*

The Congress should:

—appropriate the funds I have requested for such action programs as Retired Senior Volunteers and Foster Grandparents;

—authorize the ACTION agency to expand person-to-person volunteer service programs, helping more older Americans to work both with children and with older persons who need their help; and

—broaden the Age Discrimination in Employment Act of 1967 to include State and local governments.

The Administration will:

—work with 130 national voluntary groups across the country in a special program to stimulate volunteer action; and

—develop a national program to expand employment opportunities for persons over 65, through programs such as Senior Aides and Green Thumb, by urging State and local governments to make job opportunities available under the Emergency Employment Act of 1971, by working through the public employment offices to open part-time job opportunities in both the public and private sector, and by reaffirming Federal policy against age discrimination in appointment to Federal jobs.

5. *To improve Federal organization for future efforts,*

The Administration will:

—strengthen the Secretary of Health, Education, and Welfare's Advisory Committee on Older Americans—providing it with permanent staff capability to support its increased responsibilities;

—arrange for the Commissioner of Aging, in his capacity as Chairman of the Advisory Committee on Aging, to report directly to the Secretary of Health, Education, and Welfare;

—create a Technical Advisory Committee on Aging Research in the Office of the Secretary of Health, Education, and Welfare to develop a comprehensive plan for economic, social, psychological, health and education research on aging.

PROTECTING THE INCOME POSITION OF OLDER AMERICANS

Perhaps the most striking change in the lives of most Americans when they turn 65 is the sudden loss of earned income which comes with retirement. The most important thing we can do to enhance the independence and self-reliance of older Americans is to help them protect their income position. I have long been convinced that the *best* way to help people in need is not by having Government provide them with a vast array of bureaucratic services but by giving them money so that they can secure needed services for themselves. This understanding is fundamental to my approach to the problems of the aging.

The success of this income-oriented strategy depends in turn on giving effective attention to two factors: first, where older Americans' money comes from and second, what it is used for.

WHERE THE MONEY COMES FROM: REFORMING AND EXPANDING GOVERNMENT PROGRAMS

The most important income source for most older Americans is social security. Accordingly, improvements in social security have been the center piece of this Administration's efforts to assist the elderly. Today, approximately 85 percent of all Americans over 65 receive regular cash benefits from social security, while 93 percent of those now reaching age 65 are eligible to receive such benefits when they or their spouses retire.

Since 1969, social security cash benefits have been increased twice—a fifteen percent increase in January of 1970 and another ten percent increase one year later. These increases represent a $10 billion annual increase in cash income for social security beneficiaries. As I suggested, however, in my 1969 message to the Congress concerning social security reform, *bringing* benefit payments up to date alone is not enough. We must also make sure that benefit payments *stay* up to date and that all recipients are treated fairly.

My specific proposals for achieving these ends are presently contained in the bill known as H.R. 1—legislation which is of overwhelming importance for older Americans. This bill passed the House of Representatives in the first session of the 92d Congress and is presently pending before the Senate Finance Committee. I continue to believe firmly that H.R. 1 is the single most significant piece of social legislation to come before the Congress in many decades.

Let us consider the several ways in which this legislation would help the elderly:

1. *An Additional Increase in Social Security.* Under H.R. 1, social security benefits would be increased by an additional 5 percent effective in June of 1972. This increase would provide $2.1 billion in additional income for older Americans during the first full year that it is effective. It would mean that social

security benefits would be one-third higher after this June than they were just 2½ years ago. *This represents the most rapid rate of increase in the history of the social security program.*

2. *Making Social Security "Inflation Proof."* Under H.R. 1, social security payments would, for the first time, be automatically protected against inflation. Whenever the Consumer Price Index increased by 3 percent or more, benefits would be increased by an equal amount. Payments that keep pace with the cost of living would thus become a guaranteed right for older Americans—and not something for which they have to battle again and again, year after year.

3. *Increased Widow's Benefits.* About 58 percent of the population age 65 and over are women, most of whom depend primarily on social security benefits earned by their husbands. Under the present law, however, widows are eligible for only 82½ percent of the retirement benefits which would be paid to their late husbands if they were still alive. H.R. 1 would correct this situation by increasing widows' benefits to 100 percent of the benefits payable to their late husbands. It would similarly expand the eligibility of a widower for benefits payable to his late wife. Altogether, this provision would mean that about 3.4 million widows and widowers would receive increased benefits totaling almost three quarters of a billion dollars in the first full year.

4. *Increased Benefits for Delayed Retirement.* Under present law, those who choose not to retire at age 65 forfeit their social security benefits for the period between the time they are 65 and the time they finally retire. H.R. 1 would allow retirees to make up a portion of these lost benefits through higher payments after retirement. Benefits would increase by one percent for each year that a person had worked between the ages of 65 and 72.

5. *Liberalized Earnings Tests.* Like the increased benefit for delayed retirement, the liberalized earnings tests contained in H.R. 1 would encourage more of our older citizens to remain active in the economic life of our country. This is a step which I promised to take in the 1968 campaign and for which I have been working ever since.

It is high time this step was taken. Those who *can* work and *want* to work should *not* be discouraged from working—as they often are under the present law. By reducing the barriers to work, we can increase the sense of participation among older citizens and at the same time tap their energies and experience more effectively.

Under H.R. 1, the amount that a beneficiary could earn without losing any social security would be increased from $1,680 a year to $2,000 a year. That ceiling, in turn, would be automatically increased each time there was a cost of living benefit increase in social security. In addition, for those who earn in excess of $2,000, the potential reduction in social security payments would also be lessened. Under the present law, benefits are reduced by $1 for each $2 of extra earnings, but this rate applies only to the first $1,200 earned above the exempt amount. Additional earnings beyond that level now cause benefits to be reduced on a $1 for $1 basis. Under H.R. 1, benefits would be reduced on a $1 for $2 basis for all earnings above $2,000—no matter how much more a person earned.

6. *Adult Assistance Reform.* One of the most important elements of H.R. 1—and one of the most under-publicized—is its provision to place a national floor under the income of every older American. H.R. 1 would replace the present Old Age Assistance program with a single, federally-financed program which would provide a monthly income of $150 for an individual and $200 for a couple when fully effective.

This program would assist 4.5 million elderly persons instead of the 2.1 million currently reached. It would also eliminate the practice of placing liens on homes as a condition of eligibility. Eligibility for assistance would be determined on the basis of need without regard to the income or assets of relatives. Relative-responsibility rules would not be a part of this new program.

I believe this reform is particularly important since it channels massive resources—some $2.8 billion in additional annual benefits—to those whose needs are greatest.

7. *Special Minimum Benefits.* H.R. 1 would also provide special minimum benefits for people who have worked for 15 years or more under social security. The guaranteed minimum benefit would range from $75 a month for a person who had worked 15 years under social security to $150 a month for a person with 30 years of such work experience. At maturity, this provision would increase overall benefit payments to $600 million.

H.R. 1: THE NEED FOR PROMPT ACTION

In addition to all of these benefits for older people, H.R. 1 would have enormous benefits for many younger Americans as well. Clearly the passage of this bill is a matter of the very highest priority. I have made that statement repeatedly since I first proposed this far-reaching program in 1969. As I make that statement again today, I do so with the conviction that further delay is absolutely inexcusable. To delay these reforms by even one more year would mean a loss for older Americans alone of more than $5 billion.

It is my profound hope that the Senate will now carry forward the momentum which has been generated by the passage of H.R. 1 in the House of Representatives, thus seizing an historic opportunity—and meeting an historic obligation.

WHERE THE MONEY COMES FROM: MILITARY, VETERANS AND FEDERAL EMPLOYEE BENEFITS

We are also making significant progress toward improving the retirement income of career military personnel, veterans and Federal employees.

1. *To improve military benefits,* I will soon submit legislation to the Congress for recomputing retirement pay on the basis of January 1, 1971 pay scales, thus liberalizing annuities for current retirees. I will also submit legislation to provide—for the first time—full annuities for retired reservists at an earlier age, and to revise benefit payments so that retirees receive their full annuities when they are most needed, at the conventional age of full retirement. I hope these proposals will receive favorable consideration.

In addition, I support legislation to provide military retirees with a less expensive survivor annuity plan—one which is similar to that now provided to retired civil servants.

2. *Benefits for veterans* are also improving. Our efforts to improve both the quality of care and the number of patients treated in Veterans Administration hospitals will have a major impact on older veterans, since more than one-fourth of all VA patients are over 65. The staff to patient ratio at VA hospitals will be increased to 1.5 to 1, an all-time high, if our budget proposals are accepted.

The fiscal year 1973 budget also provides for further increases in nursing home care with the result that the authorized number of VA-operated nursing beds will have doubled since 1969 and the number of community contract beds and State home beds built and operated with VA subsidies will have increased by one-third over the same period.

In addition, I have signed into law significant improvements in pensions for elderly veterans which relate benefits more closely to need and protect recipients from income loss because of increases in the cost of living. In January of 1971, pensions were increased by an average of 9.6 percent. One year later, they went up an additional 6.5 percent and a new formula was adopted relating benefits more closely to need for the first time.

3. *Federal Employee Benefits* are also up. Retirement benefits for Federal employees have been liberalized in several instances, and—under a more generous formula for determining cost of living increases—annuities have gone up nearly 16 percent in the last 2½ years. In addition, the Government's contribution to Federal health benefit premiums of current and retired employees has been substantially increased.

WHERE THE MONEY COMES FROM: REFORMING THE PRIVATE PENSION SYSTEM

Only 21 percent of couples now on our social security rolls and only 8 percent of non-married beneficiaries are also receiving private pensions. While this picture will improve somewhat as workers who are now younger reach retirement, nevertheless—despite the best efforts of labor and management—only half the work force is presently covered by private pension plans. As the White House Conference on Aging pointed out, the long-range answer to adequate income for the elderly does not lie in Government programs alone; it also requires expansion and reform of our private pension system.

Late last year, I submitted to the Congress a five-point program to achieve this goal. It includes the following items:

1. *Tax deductions to encourage independent savings toward retirement.* Individual contributions to group or individual pension plans should be made tax deductible up to the level of $1,500 per year or 20 percent of earned income,

whichever is less. Individuals should also be able to defer taxation of investment earnings on these contributions.

2. *More generous tax deductions for pension contributions by self-employed persons.* The annual limit for deductible contributions to pension plans by the self-employed—on their own behalf and for those who work for them—should be raised from $2,500 or 10 percent of earned income, whichever is less, to the lesser of $7,500 or 15 percent of earned income.

3. *Requiring the vesting of pensions.* Persons who have worked for an employer for a significant period should be able to retain their pension rights even if they leave or lose their jobs before retirement. Unfortunately, many workers do not now have this assurance—their pensions are not vested. To change this situation, I have proposed a new law under which all pensions would become vested as an employee's age and seniority increased. Under this law, the share of participants in private pension plans with vested pensions would rise from 31 percent to 47 percent and the overall number of employees with vested rights would increase by 3.6 million. Most importantly, among participants age 45 and older, the percentage with vested pensions would rise from 60 percent to 92 percent.

4. *The Employee Benefits Protection Act.* This legislation was first proposed to the Congress in March of 1970; it was strengthened and resubmitted in 1971. It would require that pension funds be administered under strict fiduciary standards and would provide certain Federal remedies when they are not. It would also require that plans provide full information to employees and beneficiaries concerning their rights and benefits.

5. *A study of pension plan terminations.* In my December message, I also directed the Departments of Labor and the Treasury to undertake a one-year study concerning the extent of benefit losses which result from the termination of private pension plans. This study will provide the information we need in order to make solid recommendations in this field, providing needed protection without reducing benefits because of increased costs.

WHERE THE MONEY GOES: THE BURDEN OF HEALTH COSTS

Growing old often means both declining income and declining health. And declining health, in turn, means rising expenditures for health care. Per capita health expenditures in fiscal year 1971 were $861 for persons 65 and older, but only $250 for persons under 65. In short, older Americans often find that they must pay their *highest* medical bills at the very time in their lives when they are *least* able to afford them.

Medicare, of course, is now providing significant assistance in meeting this problem for most older Americans. In fiscal year 1971, this program accounted for 62 percent of their expenditures for hospital and physicians' services and 42 percent of their total health payments. In addition, an estimated 40 percent of Medicaid expenditures go to support the health costs of the elderly, while other programs provide significant additional assistance.

But serious problems still remain. Accordingly, this Administration has been working in a number of ways to provide even more help for the elderly in the health-care field. One of our most important proposals is now pending before the Congress. I refer to the recommendation I made more than a year ago that the Congress combine part B of Medicare—the supplementary medical insurance program, with part A—the hospital insurance program, thus eliminating the special monthly premium which older persons must pay to participate in part B—a premium which will reach $5.80 per month by July. I have reaffirmed my commitment to this important initiative on other occasions and today I affirm it once again. Elimination of the premium payment alone would augment the annual income of the elderly by approximately $1.5 billion, the equivalent, on the average, of almost a 4 percent increase in social security for persons 65 and over. I hope the Congress will delay no longer in approving this important proposal.

Our concern with health costs for older Americans provides additional reasons for the prompt approval of H.R. 1. Under that bill:

—Provision is made for extending Medicare to many of the disabled (about 60 percent of whom are age 55 and over) who are drawing social security benefits and who have had to give up work before reaching regular retirement age;

—Medicare beneficiaries would have the opportunity to enroll in Health Maintenance organizations—organizations which I strongly endorsed in my special message on health policy because of my conviction that they help to prevent serious illness and also help to make the delivery of health care more efficient;

—Provision is made for removing the uncertainties relative to coverage under Medicare when a person needs to use extended care facilities after hospitalization.

In my recent message to Congress on health policy, I indicated a number of other measures which will help reduce the cost of health care. I spoke, for example, of the special attention we have been giving under Phase II of our New Economic Policy to the problem of skyrocketing health costs, through the special Health Services Industry Committee of the Cost of Living Council. I indicated that a number of cost control features would be introduced into the Medicare and Medicaid reimbursement processes—with the overall effect of reducing health costs. I have also called for new research efforts in fields such as heart disease, cancer, and accident prevention—initiatives which also promise to reduce health problems—and health bills—for older persons.

WHERE THE MONEY GOES: INFLATION

Inadequate retirement incomes are strained even further when inflation forces older persons to stretch them to meet rising costs. Because older persons are uniquely dependent on relatively fixed incomes, they are uniquely victimized by the ravages of inflation. While my proposals for making social security benefits inflation-proof will provide significant help in defending the elderly against this menace, it is also important that we take on this enemy directly—that we curb inflationary pressures.

This goal has been a central one of this Administration. When I came to office this country was suffering from a massive wave of price inflation—one which had resulted in large measure from the methods chosen to finance the Vietnam War. The problem of reversing this wave by conventional methods was a more stubborn problem, frankly, than I expected it to be when I took office. By the summer of 1971, it became clear that additional tools were needed if inflation was to be quickly and responsibly controlled. Accordingly, I announced last August a New Economic Policy—one which has received the strong support of the Congress and the American people.

I have been especially gratified that older Americans—whose stake in the battle against inflation is so high—have rallied to support this new economic program. With their continued support—and that of all the American people—we can carry this battle forward and win a decisive victory.

One key element in that battle, of course, is to be sure that Government spending programs, including those which help the elderly, are responsibly financed. If they are not, then inflation will merely be reignited and Government policy will merely be robbing older Americans with one hand of the aid it gives them with the other.

WHERE THE MONEY GOES: PROPERTY TAXES

Two-thirds of all older citizens—and 78 percent of older married couples—own their own homes. For these Americans—and for many younger Americans as well—the heavy and growing burden of property taxes constitutes one of the most serious of all income-related problems. Even those who rent their homes often bear an unfair burden since property tax increases are frequently passed along in the form of higher rents. The reason these burdens are so onerous, of course, is that the income from which property taxes must be paid by the elderly is usually going *down* at the very time the taxes are going *up*.

Property taxes in the United States have more than doubled in the last 10 years. The problems which this fact implies are felt by Americans of all ages. But elderly Americans have a special stake in their solution.

I am committed to doing all I can to relieve the crushing burden of property taxes. I have been proceeding toward this end in two ways. First, I am continuing to push for passage of our general and special revenue-sharing proposals, legislation which would channel some $17 billion into State and local budgets and thus provide a significant opportunity for property tax relief. At the same time, as I indicated in my recent State of the Union Address, I am also moving to change the system through which we finance public education. In developing a new approach, I will draw on the recommendations of the President's Commission on School Finance, the Advisory Commission on Intergovernmental Relations, and other analyses such as those which are being performed under the direction of the Secretaries of the Treasury, and of Health, Education, and Welfare. The purpose of this intensive investigation is to develop ways of putting this Nation's educational system on a sounder financial footing while helping to relieve the enormous burden of school property taxes.

REDUCING INCOME TAX BURDENS

Recently approved and pending changes in the income tax laws also provide special help to older persons. Under these provisions, a single person age 65 or over would be able to receive up to $5,100 of income without paying any Federal income taxes, while a married couple with both husband and wife 65 or over would be able to receive up to $8,000 of such tax-free income.

WHERE THE MONEY GOES: PROTECTING ELDERLY CONSUMERS

The quality of life for older Americans depends to a large extent upon the responsiveness of the marketplace to their special needs. It is estimated that elderly persons now spend over $60 billion for goods and services every year—and they will be able to spend billions more if my proposals for increasing their income are enacted. Our economy should be responsive to the needs of older Americans; they have a high stake in advancing consumer protection.

Through organizational changes, administrative actions and legislative recommendations, this Administration has been working to provide needed protection for the American consumer in general—and for the older consumer in particular. The several pieces of consumer legislation which I have submitted to the Congress are designed to reduce dangers which are especially acute for older consumers—and I again urge their enactment.

In addition, I am asking my Special Assistant for Consumer Affairs, in cooperation with the Secretary of Housing and Urban Development, to develop a program for helping to enforce the Interstate Land Sales Full Disclosure Act by fostering greater awareness among older citizens of their legal rights under this legislation.

Recognizing that the complexity of today's marketplace demands great sophistication by the individual consumer, our primary and secondary schools have stepped up their programs for consumer education. Unfortunately, many older Americans have never had the opportunity to benefit from such programs. The Office of Consumer Affairs is therefore developing guidelines for adult consumer education programs with particular emphasis on the needs of the elderly. To carry out these guidelines, I am asking my Special Assistant for Consumer Affairs, working in cooperation with the Secretary of Health, Education, and Welfare, to develop a program of technical assistance to help the States create consumer education programs specifically designed for older citizens.

A COMPREHENSIVE EFFORT FOR IMPROVING INCOME

The key characteristic of my strategy for protecting the income position of older Americans is its *comprehensiveness*. For it would help to augment and protect the income older persons derive from social security, adult assistance, Federal military, veterans and civilian benefits, and private pensions, while at the same time curbing the cruel drain on those incomes from rising health costs, inflation, taxes and unwise consumer spending. I hope now that the Congress will respond promptly and favorably to these proposals. If it does, then the purchasing power of the elderly can be enhanced by billions of dollars a year—an achievement which could do more than anything else to transform the quality of life for Americans over 65.

UPGRADING THE QUALITY OF NURSING HOME CARE

Income related measures can help more older Americans to help themselves; they build on the strong desire for independence and self-reliance which characterizes the older generation. We must recognize, however, that some older Americans—approximately five percent by recent estimates—cannot be primarily self-reliant. These older men and women require the assistance provided by skilled nursing homes and other long-term care facilities. For them, a dignified existence depends upon the care and concern which are afforded them in such settings.

In June of 1971, at a regional convention of the National Retired Teachers Association and the American Association of Retired Persons, I pledged to meet the challenge of upgrading nursing home care in America. I expressed my determination that nursing homes, for those who need them, should be shining symbols of comfort and concern. I noted that many such facilities provide high quality care, but that many others fall woefully short of this standard. I observed that those who must live in such facilities are virtual prisoners in an atmosphere of neglect and degradation.

Following that speech, I directed the development of an action plan to improve nursing home care and I announced that 8-point plan in August of 1971. I am pleased to be able to report that we have made significant progress in carrying out that plan. We have delivered on all of the eight promises implied in that program. Let us look at each of them:

1. *Training State Nursing Home Inspectors*—Through February of 1972, almost 450 surveyors had been trained in federally-sponsored programs at three universities. Contract negotiations are underway to continue ongoing programs and to establish new ones at two university training centers.

2. *Complete Federal Support of State Inspections Under Medicaid*—Legislation to raise the level of financial participation by the Federal Government in this activity to 100 percent was submitted to the Congress on October 7, 1971, as an amendment to H.R. 1. This proposal is awaiting Congressional action.

3. *Consolidation of Enforcement Activities*—A new Office of Nursing Home Affairs has been established in the Office of the Secretary of Health, Education, and Welfare. This unit is directly responsible for coordinating all efforts to meet our July 1, 1972, deadline for inspections of skilled nursing homes and for certification of these facilities in accordance with proper procedures.

4. *Strengthening Federal Enforcement*—142 new positions have been allocated to the Medical Services Administration to enforce Medicaid standards and regulations. Added emphasis is being placed on the audit process as a tool for enforcement; 34 additional positions are being added in HEW's Audit Agency to perform audits of nursing home operations.

5. *Short-term Training for Professional and Paraprofessional Nursing Home Personnel*—This program is currently funded at the $2.4 million level and is scheduled to train 20,000 persons. The fiscal year 1973 budget which I submitted to the Congress contains $3 million to train an additional 21,000 persons.

6. *Assistance for State Investigative Units*—A program to develop and test investigative-ombudsman units to respond to individual complaints and to other problems in the nursing home area has also been initiated. As an interim mechanism, nearly 900 social security district and branch offices have been designated as listening posts to receive and investigate complaints and suggestions about nursing home conditions.

7. *Comprehensive Review of Long-term Care*—The Office of Nursing Home Affairs is now carrying out a comprehensive analysis of issues related to long-term care.

8. *Cracking Down on Substandard Nursing Homes*—Progress is also being made on this important front. Last December I signed legislation which, among other things, authorizes Federal quality standards for intermediate care facilities, thus giving us additional authority to guarantee a decent environment for those who live in long-term care facilities.

Every State providing nursing home care under the Medicare and Medicaid programs has now installed systems for surveying and certifying nursing homes. In the area of fire-safety and other safety guidelines, a coordinated set of standards for home providing care under these programs is being put into effect.

Medicaid compliance activities have also been stepped up. Onsite Federal reviews of State Medicaid certification procedures have been carried out. Deficiencies in those procedures were found in 39 States. These deficiencies were publicly announced by the Secretary of Health, Education, and Welfare on November 30, 1971, along with a timetable for correcting them. Since that time, 38 of the 39 States have made the necessary corrections. We have determined that every facility receiving Medicaid funds must have been inspected and correctly certified by July 1, 1972.

While we prefer to upgrade substandard homes rather than shut them down, we will not hesitate to cut off money when that is necessary. As of February 11, 1972, in fact, 13 extended care facilities had been decertified for participation in Medicare. In such cases, as I have often pledged before, we are firmly committed to seeing that adequate alternative arrangements are made for those who are displaced.

In fiscal year 1971, the Federal Government contributed $1.2 billion to the cost of nursing home care. We should also remember, however, that more than 40 percent of the annual expenditure for nursing homes is borne by private sources. In addition to seeing that Federal tax dollars are properly spent in this area, it is also important that private individuals are protected when they purchase nursing home services. I have asked the Secretary of Health, Education, and Welfare to develop proposals to deal with this dimension of the nursing home challenge.

SPECIAL SERVICES TO FOSTER INDEPENDENCE

Improving the income position of older Americans and upgrading nursing homes—these are two concerns which have been of highest priority for this Administration in the past and which will continue to be central in the future. As we work to develop a truly comprehensive strategy, however, other agenda items have also been emerging as areas of special emphasis, particularly those involving public and private services which can help older persons live dignified, independent lives in their own homes for as long as possible.

INCREASED RESOURCES FOR THE ADMINISTRATION ON AGING

Since the passage of the Older Americans Act in 1965, the Administration on Aging has had the lead Federal role in developing and coordinating such services. While that office has accomplished many significant things, the importance and urgency of its mission have outstripped its financial resources.

It was to help remedy this situation that I announced at the White House Conference on Aging last December that I would call for a five-fold increase in the budget of the Administration on Aging—from $21 million to $100 million. As I will discuss below in greater detail, I am now requesting an additional $100 million for nutritional and related purposes, money which would also be spent through the Administration on Aging.

With this substantial increase in funds, we would be able to step up significantly our efforts to develop and coordinate a wide range of social and nutritional services for older Americans. Our central aim in all of these activities will be to prevent unnecessary institutionalization—and to lessen the isolation of the elderly wherever possible.

EXTENDING THE OLDER AMERICANS ACT

Since its passage in 1965, the Older Americans Act has served as an important charter for Federal service programs for the elderly. Unless the act is promptly extended, however, the grant programs it authorizes will expire on June 30th. This must not happen. I therefore urge that this landmark legislation be extended—and that the extension be indefinite, rather than limited to a specific period of time.

STRENGTHENING THE PLANNING AND DELIVERY OF SERVICES

In addition, I am asking that the Older Americans Act be amended to strengthen our planning and delivery systems for services to the elderly. Too often in the past, these "systems" have really been "non-systems," badly fragmented, poorly planned and insufficiently coordinated. My proposed amendments are designed to remedy these deficiencies.

We should begin by helping to develop and strengthen the planning capacities of the State agencies on aging and of new area agencies on aging which would be established within each State. Up to 75 percent of the administrative costs of these new area planning agencies would be funded by the Administration on Aging, which would also establish general goals to which activities at the State and local levels would be directed. One of the major priorities would be to enhance and maintain the independence of older citizens.

The State and area planning agencies would plan for the mobilization and coordination of a wide range of resources—public and private—to meet such goals. The Administration on Aging would be authorized to fund up to 90 percent of the cost of social and nutritional services provided under plans developed by the area planning agencies. In fiscal year 1973, $160 million would be allocated in formula grants for nutritional and social services. An additional $40 million would be allocated in special project assistance to develop new and innovative approaches and to strengthen particularly promising area plans.

By establishing overall objectives and by providing both money and mechanisms for a stronger planning and coordination effort, we can ensure that resources and energies which are now widely scattered and fragmented can be pulled together in ways which will notably increase their impact.

COORDINATING FEDERAL EFFORTS

Even as we strengthen coordination at grassroots levels, so we must do a better job of coordinating Federal programs. As this message makes clear, efforts are being made all across our Government to help older citizens. But if there was one clear message at the White House Conference on Aging, it was that this wide range of Federal resources must be better coordinated. To help achieve this important objective, I have directed my Special Consultant on Aging to work with all these agencies in an intense new effort to develop coordinated services.

As the first step in this effort, I have directed those agencies whose programs have a major impact on the lives of older persons to provide the Cabinet-level Committee on Aging, within sixty days, with the amounts they identify as serving the needs of the elderly. In addition, I am directing that each agency identify, within the total amount it expects to spend for its aging programs, a sum that will be available to the States and localities for purposes related to the Older Americans Act. The Administration on Aging will then provide this information to the States so that it can be utilized in the State and local planning process. State aging agencies will also be able to transmit their views on proposed Federal programs, thereby furthering the interchange of information and strengthening overall coordination.

Under these procedures, we can ensure that all resources for helping the elderly are fully marshalled and coordinated, in a way which is responsive to the special needs of every State and locality in our land.

ESTABLISHING INFORMATION AND COMPLAINT CENTERS

We must also work to improve communications between the Federal Government and older Americans and to alert the Government to areas of special need. Because older persons often have some difficulty moving about conveniently, and because services are often fragmented and channeled through complex bureaucratic mechanisms, it is especially important that the elderly have one place to turn where they can obtain needed information and let their views be heard.

As I have already noted, we have been moving in this direction under my program to upgrade the quality of nursing home care. Following the directive which I announced at the White House Conference on Aging, social security offices have also been expanding their information and referral services for the elderly. District and branch offices are now handling more than 200,000 such inquiries each month—and that number is expected to increase. A task force is now at work within the Social Security Administration to examine ways of improving this service.

As another step in this direction, I have directed the Cabinet-level Committee on Aging to examine ways in which we can use other Government offices—such as the General Services Administration's Federal Information Centers and the Agricultural Extension Service's local offices—in further expanding and improving our information and complaint services.

FIGHTING HUNGER AND MALNUTRITION

In addition to our overall funding and coordination proposals concerning Federal services, we are also moving ahead in a variety of specific service areas. One of the most important is the fight against hunger and malnutrition among the elderly.

The thought that any older citizens—after a lifetime of service to their communities and country—may suffer from hunger or malnutrition is intolerable. Happily, since I submitted my message on hunger and nutrition to the Congress in May of 1969, we have made significant strides toward eliminating this problem among all age groups in America. Our efforts to increase incomes have been central to this endeavor, of course. But our special food assistance programs have also been substantially augmented.

If my budget proposals for fiscal year 1973 are accepted, overall spending for food stamps will have increased ninefold since 1969. In the coming fiscal year, an estimated 2 million elderly participants in the Food Stamp Program will receive benefits of $343.5 million, compared with only $45.8 million in fiscal year 1969. Virtually every county in the Nation now offers either the Food Stamp or the Food Distribution Program; in early 1969, nearly 500 counties offered neither. In all, 2.5 million older Americans benefit from at least one of these programs.

Food assistance is important to the elderly. They benefit not only from nutritious food but also from the activity of preparing meals and sharing mealtimes with others. To maximize these benefits, the Department of Agriculture in January revised its regulations to improve the nutrition program and expand participation.

But more needs to be done. Many older persons who are entitled to food stamps or to surplus commodities are still not receiving them. Why is this the case? In many instances, older Americans do not realize they are eligible for participation. The agencies which provide assistance are often unaware of older persons who need their services. Some older persons choose not to participate—out of pride or out of fear that accepting food assistance may subject them to the arbitrary treatment they associate with the present welfare system. In some cases, older persons want to participate but find that necessary transportation is unavailable.

To overcome the barriers which keep older Americans from full participation in food assistance programs, we are launching this year a major outreach campaign called Project FIND. This campaign will be conducted through a senior citizen awareness network made up of federally operated or funded field offices and outreach workers. It is my hope that Federally-supported personnel will be augmented in this effort by volunteers from State local government offices and from the private sector. For ninety days, all these workers will go out across our country to find those who should be participating in nutrition programs but who are not yet involved.

Last night, I signed into law S. 1163, a new national nutrition program for the elderly. This program will provide prepared meals in a group setting and delivered meals for those who are confined to their homes. I welcome this effort. Because of my strong feeling that this area should be one of priority action, I will submit to the Congress—as I suggested above—an amendment to my 1973 budget to provide an additional $100 million for nutritional and related services. My proposed amendments to the Older Americans Act would further strengthen this effort by ensuring that the Food Stamp Program is planned as part of a more comprehensive service effort.

Other steps will also be taken in this area. In some areas, for example, space at federally-assisted housing projects will be utilized for feeding older persons. The support of State and local governments of civic and religious organizations and of the food services industry will also be solicited. Maximum use will be made of existing technical resources, including skilled personnel who have worked with the school lunch program and other special programs of the Department of Agriculture. The time has come for marshalling all of our resources in a comprehensive campaign to meet the nutrition needs of older Americans.

PROVIDING BETTER TRANSPORTATION FOR THE ELDERLY

For many older Americans, lack of mobility means poor access to friends and relatives, to government services and to meaningful participation in the community. Unless we meet the challenge of providing better transportation for older persons, our efforts in other fields will not be as effective as they should be. This is why I told the delegates to the White House Conference on Aging that I would, by administrative action, require that Federal grants which provide services for older persons also ensure that the transportation needed to take advantage of these services is available.

In addition, the Department of Transportation is significantly increasing its program for developing new ways to meet the public transportation needs of older persons. The approaches which are being tested include special new transportation services to take elderly citizens from housing projects and other residential areas to hospitals, senior citizen centers, social service agencies, employment opportunities and the like; and demand-responsive services whereby the elderly are picked up at their doorsteps and taken to specific desired destinations.

Once new ways have been developed for meeting the transportation needs of the elderly, we must also make them generally available. One proposal which could help significantly in this effort is the recommendation recently submitted to the Congress by the Secretary of Transportation under which some of the funds now in the Highway Trust Fund could be used by States and localities to augment resources in the mass transportation area.

I hope the Congress will give prompt approval to this important plan. The flexibility it provides would allow State and local officials—who know best the transportation needs of the elderly within their own jurisdictions—to give special consideration to meeting those needs. I am asking the Secretary of Transportation to develop specific suggestions for assisting the States and localities in these undertakings.

In addition, the Department of Transportation is ready to give priority attention to community requests for helping older Americans through capital grants from the Urban Mass Transportation Fund and is willing to commit significant resources to this end. I urge the States and localities to move immediately to take advantage of these resources.

MEETING THE HOUSING NEEDS OF OLDER CITIZENS

This Administration has also worked hard to respond to the very special housing needs of older Americans. It is expected, for example, that an all-time record in producing subsidized and insured housing and nursing homes for the elderly will be achieved this year by the Department of Housing and Urban Development. In the current fiscal year, nearly 66,000 units of subsidized housing for the elderly will be funded under HUD's housing assistance programs—a figure which should rise to over 82,000 in fiscal year 1973. In addition, accommodations for over 14,000 people, mostly elderly, will be provided this fiscal year under HUD's nursing and intermediate care facility programs—and nearly 18,000 such accommodations will be provided next year. Finally, a large number of elderly citizens will benefit from other housing funded by this year's record number of nearly 600,000 subsidized housing unit reservations. Clearly, we are making substantial progress in this important area.

A number of other administrative steps have also been taken to ensure that this new housing is responsive to the special needs of the elderly. For example, Secretary Romney recently announced new guidelines for the Section 236 subsidized rental program for lower income elderly tenants. These guidelines will help ensure greater variety in building types, including highrise structures, and more flexibility in their locations. As a result of these guidelines, older persons will find such housing arrangements even better suited to their particular needs.

The Department of Housing and Urban Development has also issued initial guidelines for the new Section 106 (a) program which will provide technical assistance to non-profit sponsors of low and moderate income housing—including housing which is specially designed for the elderly.

In addition, the Department will extend the mortgage maturity for its Federal Housing Administration insured nursing home program up to a maximum of 40 years. This decision will not only reduce monthly occupancy charges to patients, but it will also enable sponsors of residential housing to "package" residential and nursing home complexes more easily. The proximity of these facilities will permit elderly persons temporarily to vacate their residential units for short term nursing care—and at the same time remain close to family, friends, and the environment to which they are accustomed.

I have also directed the Secretary of Housing and Urban Development to work with the Administration on Aging in developing training programs dealing with the management of housing for the elderly.

The Law Enforcement Assistance Administration has undertaken an intensive research effort to determine factors which encourage or inhibit crime in residential settings and to develop total security systems to reduce crime in housing projects. The Department of Housing and Urban Development plans to use the results of this effort in its housing programs. I have also made grant funds available through the Law Enforcement Assistance Administration for reducing crime in areas housing older persons. Already, in two cities, funds have been granted specifically for this purpose.

Crime is an especially serious problem for older citizens. Through these and other measures, we will continue our strong effort to meet this challenge.

Two years ago my task force on aging observed that "older persons would make greater use of many of the services society intends them to receive if these services were made more accessible to them. One reason that the number of senior centers has increased so fast is because centers facilitate the packaging, marketing, and delivery of services." The task force also noted that, "although the number of senior centers has rapidly grown in recent years, centers are still too limited in number to reach more than a fraction of the older population." In my judgement, a natural location for a senior center is a housing facility occupied primarily by older persons.

The Department of Housing and Urban Development administers two housing programs under which such facilities can be made available to older persons living in the project and in the surrounding neighborhood: the Section 236 Program and the Public Housing Program. Both of these programs provide specially designed housing for lower income older persons. The law under which these programs are administered contains language which allows the financing of facilities designed primarily for use by older persons including "cafeteria or dining halls, community rooms, workshops, infirmaries . . . and other essential service facilities."

To increase the supply of well located senior centers, I have instructed the Department of Housing and Urban Development to encourage greater provision of community space for senior centers within subsidized housing projects for the elderly. The Department will consider the community's overall need for these centers in determining the appropriate scale of centers within such housing projects.

On other fronts, the Farmers Home Administration in the Department of Agriculture is taking steps to meet the housing needs of elderly persons who live in rural areas. Under the Section 502 program, for example, thousands of elderly families have received millions of dollars in loans for home ownership and repair. The Section 515 program, which provides favorable interest loans with repayment periods of up to 50 years to stimulate the development of rental housing in rural areas, has also moved forward. Rental units financed under this program have tripled from 1969 to 1973.

EXPANDING OPPORTUNITIES FOR INVOLVEMENT

It is important that we give sufficient attention to the things our Nation should be doing for older Americans. But it is just as important that we remember how much older Americans can do for their Nation. For above all else, what our older citizens want from their country is a chance to be a part of it, a chance to be involved, a chance to contribute.

I am determined that they will have that chance. For as I told the White House Conference, "we cannot be at our best if we keep our most experienced players on the bench." This Administration is deeply committed to involving older citizens as actively as possible in the life of our Nation—by enhancing their opportunities both for voluntary service and for regular employment.

IMPROVING VOLUNTARY SERVICE PROGRAMS

Voluntary social action has long been recognized as one of the great distinguishing characteristics of America, a force which has helped to unite and focus our diverse people in the pursuit of common goals. And even as the voluntary spirit has helped our country move forward more effectively, it has also provided those who have volunteered for service with a greater sense of fulfillment.

The voluntary spirit is particularly relevant to the lives of older Americans. The White House Conference on Aging, for example, called attention to "ways in which older Americans could fulfill themselves by giving service to one another and to their communities." Delegates to the Conference called for "a national policy . . . to encourage older adults to volunteer," and urged "that existing national older adult voluntary programs should be expanded and funded at adequate levels in order to serve extensive numbers of volunteers." They urged a mobilization of public and private organizations to strengthen the volunteer movement.

I agree completely with these judgments. That is why, at the time of the White House Conference, I pledged to move successful voluntary programs from demonstration status to full operation on the national level, an expansion effort that is rapidly moving forward.

I requested, for example, that the Foster Grandparent program be doubled to $25 million, providing for 11,500 foster grandparents to serve 23,000 children each day—50,000 children in all each year—in some 450 child care institutions throughout the country. I also asked that ACTION's Retired Senior Volunteer Program (RSVP) be tripled to $15 million so that as many as 75,000 senior volunteers could be involved in community services.

When the RSVP program has developed to the full extent permitted by the new appropriations, as many as 11,000 volunteers will be serving older persons in nursing homes and other extended care facilities, bringing companionship and personal assistance to some 45,000 residents who might otherwise be lonely and isolated. At the same time, as many as 13,000 part-time RSVP volunteers will be serving as homemaker and health aids, enabling thousands of older persons to continue to live in their own homes. By using senior volunteers in a variety of programs, we can foster that human contact which brightens the lives both of those who are served and those who volunteer.

But other new steps are also needed in this area.

As one such step, the Congress should enact legislation which would enable the ACTION agency to expand person-to-person volunteer service programs for older Americans. These efforts would build on the successful experience of the Foster Grandparent program. One important characteristic of such programs is that so much good can be accomplished, so many people helped, for a relatively small dollar investment. It would indeed be tragic if we did not capitalize on this opportunity.

Measures are also needed to improve coordination among the many Federal and non-Federal volunteer activities which affect the aging. As one important step in this direction, the Administration on Aging and the National Center for Voluntary Action have enlisted the cooperation of 130 national voluntary organizations in a program to help older men and women in 300 communities live dignified lives in the familiar settings of their own homes. Too often, older Americans are displaced from such settings simply because small problems such as simple home repairs, shopping and trips to obtain health care have become too difficult. And yet, with only minimal assistance from volunteers, these problems could easily be met.

I have directed the ACTION agency to work in every possible way to help provide such assistance. Already, the RSVP program is moving forward in this area. I am confident that other ACTION program volunteers can also make a major impact in this field. It is my hope, too, that communities will consider the elderly residents of federally assisted housing projects as a source of volunteer manpower for serving other older persons.

As we move ahead with this entire program, we should take encouragement from successes of the past. One which is particularly noteworthy is the program in Mount Vernon and Edmunds, Washington, where local citizens have designed a unique bridge across the generation gap called STEP—Service To Elderly Persons. Under this program, volunteers from the local high schools have undertaken, on a regular basis, to assist elderly persons in performing small tasks, while at the same time providing them with companionship and renewed hope. Everyone gains from a program of this sort. If leaders at every level are alert to such possibilities, our progress can be enormous.

Often in quiet ways, the people of the United States have been responding to the challenges of our society with compassion and resourcefulness. Now it is for those of us who have the responsibility for national leadership to provide the Federal assistance which can help such voluntary efforts go even further and accomplish even more.

EMPLOYMENT OPPORTUNITIES FOR OLDER CITIZENS

Discrimination based on age—what some people call "age-ism"—can be as great an evil in our society as discrimination based on race or religion or any other characteristic which ignores a person's unique status as an individual and treats him or her as a member of some arbitrarily-defined group. Especially in the employment field, discrimination based on age is cruel and self-defeating; it destroys the spirit of those who want to work and it denies the Nation the contribution they could make if they were working.

We are responding to this problem in

a number of ways. The Department of Labor, for example, has filed over 80 suits under the Age Discrimination in Employment Act of 1967—30 of which have been successfully concluded. I will soon propose to the Congress that this act be broadened to include what is perhaps the fastest growing area of employment in our economy—the State and local governments. I will also send a directive to the heads of all Federal departments and agencies reaffirming and emphasizing our policy that age shall be no bar to a Federal job which an individual is otherwise qualified to perform.

The Age Discrimination in Employment Act relates to persons between the ages of 45 and 65. I recognize that persons falling within this age group are confronted with special problems in the employment area and that we should do everything we can to resolve these problems. It is also important, however, that we help open employment opportunities for persons over 65. To this end, I have requested the Secretary of Labor to urge the States and local communities to include older persons in the opportunities provided by the Emergency Employment Act of 1971, and to work with our public employment offices so that they will be in a position to help open job opportunities for the over 65 group, including opportunities for part-time employment in both the public and private sectors.

I also asked last fall that funds be doubled for special Operation Mainstream projects for low-income older workers—such as Green Thumb and Senior Aides. This measure can mean that as many as 10,000 older persons will be employed in activities that provide useful community service.

ORGANIZING FOR FUTURE ACTION

One of the important concerns of the White House Conference on Aging was the way in which the Government is organized to deal with the problems of older Americans. It was because I share this concern that I established my original task force on aging, appointed the first Special Assistant to the President on Aging and the first Special Consultant to the President on Aging, set up a new Cabinet-level Committee on Aging and called the White House Conference.

In a similar manner, the Secretary of Health, Education, and Welfare has taken steps to ensure that the voice of older Americans speaks loud and clear within that Department. He has informed me that he will strengthen the Department's Advisory Committee on Older Americans and provide it with staff capability to support its increased responsibilities. The Commissioner of Aging, in his capacity as Chairman of the Advisory Committee, will report directly to the Secretary.

Another important organizational concern involves Government research activities which concern the process and problems of aging. It is important that the same scientific resources which have helped more people live longer lives now be applied to the challenge of making those lives full and rewarding for more Americans. Only through a wise investment in research now, can we be sure that our medical triumphs of the past will not lead to social tragedies in the future.

What we need is a comprehensive, coordinated research program, one which includes disciplines ranging from biomedical research to transportation systems analysis, from psychology and sociology to management science and economics. To coordinate the development of such a program, a new Technical Advisory Committee for Aging Research will be created in the office of the Secretary of Health, Education, and Welfare.

A GENERATION NO LONGER FORGOTTEN

We all grow old; the younger generation today will be the older generation tomorrow. As we address the needs of older Americans, therefore, we are truly acting in the best interest of all Americans. The actions and proposals which have been outlined in this message are designed to address those needs and meet those interests.

When I spoke about the problems of the elderly back in 1968, I described our older citizens as "an entire generation of forgotten Americans." But since that time, as this message clearly demonstrates, that situation has sharply changed. Today, it can truly be said that at all levels of Government and in all parts of the country, "the aging have come of age." Much work still remains, to be sure, but we can conclude with assurance that the aging are forgotten no longer.

Just before the First World War, one of the brilliant young writers of that day penned a line which has since become a hallmark of the period: "It is the glory of the present age," he wrote, "that in it one can be young."

Since that time, the generation of which he wrote has come through a troubled and challenging time—through two World Wars and a Great Depression, through the difficult experiences of Korea and Vietnam. The members of that same generation have led this country through a time of social and economic change unparalleled in world history. And they have come through all of these challenges "with colors flying." Because of their success, we now have the opportunity to complete their quest for peace and justice at home and around the world.

At such a moment, one obligation should be very high on our list of priorities: our obligation to this older generation. Let us work to make ours a time of which it can be said, "the glory of the present age is that in it men and women can grow *old*"—and can do so with grace and pride and dignity, honored and useful citizens of the land they did so much to build.

RICHARD NIXON.

THE WHITE HOUSE, *March 23, 1972.*

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the remainder of this week, if any, and the schedule for next week.

Mr. BOGGS. Mr. Speaker, will the distinguished minority leader yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, in reply to the gentleman from Michigan, we have concluded the legislative program for this week, and I will ask permission to go over until Monday in a few minutes.

The program for next week is a relatively short program because of the Easter recess.

Monday is District Day, but there are no District bills.

The first bill to be considered will be H.R. 11896, the Federal Water Pollution Control Act Amendments, under an open rule with 4 hours of debate. If we complete action on that bill by Tuesday night or Tuesday afternoon late we will consider on Wednesday H.R. 13188, the Coast Guard authorization, subject to a rule being granted, and H.R. 13324, the maritime authorizataion, subject to a rule being granted.

Mr. GERALD R. FORD. With the consideration of the rule on Monday for the Federal Water Pollution Control Act Amendments, and 4 hours of general debate, would the gentleman from Louisiana anticipate we would begin to read the bill for amendment on Monday?

Mr. BOGGS. I would not. I would anticipate we would not begin to read the bill for amendment until Tuesday.

Of course, conference reports may be called up at any time and any further program will be announced later.

The Easter holiday recess will begin at the close of business on Wednesday, March 29, and continue until Monday noon, April 10.

ADJOURNMENT OVER TO MONDAY

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that business scheduled for Calendar Wednesday on Wednesday next be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

THE FAA DICTATES—PART 7

(Mr. KARTH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KARTH. Mr. Speaker, I must confess that I approach this final comment in my series of reports on the arrogance of the FAA Administrator, Mr. John H. Shaffer, with some weariness. This feeling is not brought about by research involved in compiling this report or its writing. Rather it is from the certain feeling that although this is the last of my series it will no doubt not be the end of the Administrator's meddling and intervention in the question of a second airport in the Twin Cities. Mr. Shaffer has gone back on his word before to me and I seriously doubt that the exposure of his conduct through my reports to the House will deter him from future pressure tactics.

If there is any cause for optimism it is from the assurances from the local officials involved that they will resist intimidation from Mr. Shaffer. As I said before I have never questioned Mr. Shaffer's right to express a "professional" opinion on a matter involving aviation and the Twin Cities. I do question his right continually to bludgeon local officials and to break his repeated pledges of neutrality.

The other note of optimism arises from the feeling that through these reports I have alerted our colleagues in the House to the threat that Mr. Shaffer represents. If nothing else this series has informed our colleagues of what to expect if a Member of the House finds himself on the opposite side of a question with Mr. Shaffer.

Mr. Speaker, I have been asked by some of our colleagues, in the light of Mr. Shaffer's conduct in this affair, why I have not called for his resignation or his firing. I have not done this, Mr. Speaker, because the conduct of the Administrator which is notable for his incredible charges that those who oppose his views are "myopic, archaic, and have their heads in the sand," has stripped the Administrator of whatever influence that he might have.

While I have been constantly dismayed by his refusal to stay out of State and local matters his insistence upon butting in again and again has left him in the position of the boy who shouted "wolf" once too often. His bulldozing tactics have lost their effectiveness. With this being the facts of life there is no need to ask that Mr. Shaffer either resign or be removed from office—his actions have made it such that the office is now impotent so far as Twin Cities officials are concerned. The office might as well be vacant so far as making any difference to those who once sought his advice.

And so, Mr. Speaker, I conclude this story of the sorry and indefensible conduct that has been displayed by the Administrator. I end not on any note of elation for it is hardly a proud duty to document the arrogance of a Federal bureaucrat who occupies a responsible position of public trust. But it is a duty I felt necessary to perform so that others will be warned in the future.

U.S. POSTAL SERVICE TX–786

(Mr. PICKLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PICKLE. Mr. Speaker, many Members are growing concerned with the U.S. Postal Service. The new corporation has not yet proven they can give better service, yet they have increased the rates.

To compound the irony, the Postal Service has fueled the fire by eliminating—for all practical purposes—the postmarks of colorful towns throughout the United States in favor of some numerical gibberish like TX–786.

I see no justification for destroying the facts and fictions and traditions which have grown up around such colorful postmarks in my district as Snook, Dime Box, Pflugerville, and Cat Spring. There is something basically wrong with a hardhearted or hardheaded bureaucrat who prefers a bunch of postmark numbers to Patman's Switch.

I think it is time the Congress assert itself in saving a little bit of Americana.

Recently, I prepared a newsletter on this subject and, in the hopes that more will join in this cause, I include that report now:

U.S. Postal Service TX–786

That's what was postmarked on a letter that came in yesterday. It did not come from the Pacific Fleet or Henry Kissinger somewhere in China. It came from Schulenburg, Texas. It could have come from Pflugerville, Prairie Lea, Wimberley, or Bluffton.

In one fell swoop, the Postal Service has replaced local color, history, and pride with a set of numbers which might warm a mathematician's heart—but not a hometown booster's.

When I raised this question earlier, a news service ran the story on the national wire. I received sympathetic letters from throughout the United States, Canada, and Puerto Rico. Obviously, the people don't like being computerized.

The Postal Service in Washington attacked me as being "political."

Nuts.

Washington Postal Services officials say their job is to deliver the mail—period. I disagree. They—this new corporation—say someone in Snook can still get their local postmark. But I note that they have to go downtown to the Post Office, usually between certain hours, to do so. And a whole lot of the mail will still simply be "Postal Service number so-and-so."

I think a compromise could be worked out using both the U.S. Postal Service jargon and still retaining the local postmark. The small communities are the guts and backbone of this nation. Their fierce hometown pride should not only be preserved but encouraged.

Besides . . . how does J. Edgar Hoover trace an extortion letter from U.S. Postal Service IA503?

Footnote: Ever heard of Nameless, Texas? That's in our district. The name came from an earlier hassle with Washington. Nameless is not far from Trail's End and it used to be called Fairview. But, one of my constituents in a delightful letter last week writes: "Washington, D.C., wrote there was already a Fairview. Three or four names were suggested but were all turned down. The folks got mad and wrote back—let's be nameless, and be damned." And so the town was called Nameless. That's what the Postal Service apparently is trying to call all our towns.

Nuff said.

TAX BREAKS FOR HOMEOWNERS

(Mr. GREEN of Pennsylvania asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GREEN of Pennsylvania. Mr. Speaker, today I am introducing a bill which would eliminate the tax benefits presently being received by slum landlords and which would provide a new tax deduction for average homeowners who make improvements in their residences.

For far too long we have been subsidizing the destruction of residential properties in our cities.

The average homeowner who cares enough about his neighborhood and his home to keep the property up gets no tax breaks. Instead, he is likely to be subjected to an increased assessment and, therefore, winds up paying higher taxes for having repaired his property. Yet, we give greedy, nonresident slumlords tax breaks in the nature of a depreciation allowance, whether or not they operate their buildings in compliance with the law.

My bill is designed to change that by giving assistance to the average guy who keeps up his home and denying depreciation allowances to nonresident owners who maintain their properties in violation of Federal, State, county, or municipal housing codes. It provides $1,000 per year deduction for expenses incurred in having exterior painting, plastering, carpentry repairs, plumbing and heating work, electrical work, roofing, and painting done to owner occupied residential property. Any other similar items which lengthen the structural life or soundness of the building would also be covered.

The absurdity of our whole housing concept is that, after we have encouraged destruction with our tax policies, we then ask taxpayers to pay billions to correct our mistakes.

This absurdity must end. My bill is a step toward ending it.

The bill follows:

H.R. 14062

A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements in owner-occupied residential property and to eliminate the property depreciation allowance for certain non-owner-occupied rental property.

Be it enacted by the Senate and House of Representatives of the United States of Amercia in Congress assembled, That (a) part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by redesignating section 218 as section 219 and by inserting after section 217 the following new section:

"Sec. 218. Repair or Improvement of Taxpayers' Residental Property.

"(a) Allowance of Deduction.—There shall be allowed as a deduction the ordinary and necessary expenses paid during the taxable year for the repair or improvement (including exterior painting, plastering, carpentry work, plumbing and heating work, electrical work, roofing and glazing, pointing, and any similar items which lengthen the structural life or soundness of the building) of the taxpayer's owner-occupied residential property.

"(b) Limitations.—The deduction allowed a taxpayer under this section shall not exceed $1,000 for any taxable year. (2) No deduction may be allowed under this section with respect to any capital expenditure."

(b) The table of sections for such part VII is amended by striking out

"Sec. 218. Cross references"

and inserting in lieu thereof

"Sec. 218. Repair or Improvement of Taxpayers' Residence.

"Sec. 219. Cross references."

(c) Section 62 of such code (relating to definition of adjusted gross income) is amended by inserting after paragraph (8) the following new paragraph:

"(9) Repair or Improvement of Taxpayers' Residence.—The deduction allowed by section 218."

(d) Section 167 (a) of such code (relating to depreciation) is amended by deleting the period at the end of subsection (2) thereunder and inserting "except non-owner-occupied residential rental property which is maintained in violation of Federal, State, county, or municipal housing codes or regulations."

Sec. 2. The amendments made by this Act shall apply only with respect to taxable years ending after the date of the enactment of this Act.

THE 151ST ANNIVERSARY OF GREEK INDEPENDENCE

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, March 25 marks a milestone in the proud history of Greece. One hundred and fifty-one years ago, on March 25, 1821, Greek patriots raised the flag of revolt against their Turkish oppressors. The cause of Greek independence immediately caught the imagination of the American people, and expressions of sympathy and solidarity were forthcoming from communities across our Nation. Although the Greek struggle for independence was long and bitter, the tide turned with the intervention of the British, French, and Russian navies at the Battle of Navarino on October 20, 1827, when the Turkish fleet was defeated and destroyed. Subsequently, a peace treaty was signed at Adrianople calling for Turkish recognition of Greek sovereignty. At long last, after more than 400 years of foreign domination, Greece was recognized as a free and independent nation.

During the next century, the Greeks devoted their efforts to establishing a stable government and to promoting economic stability and social progress. When they were threatened anew with the opening of World War II, again they showed their fierce devotion to freedom and independence. On October 28, 1940, Greece rejected the Fascist ultimatum to surrender. "Okhi!"—"No!"—was the Greek reply, and this famous response is remembered annually in the Okhi Day Holiday which celebrates the Greek determination to remain free.

The end of World War II brought no respite to the Greeks. Their country was devastated, and they faced a new threat within their borders in the form of armed Communist bands seeking to overthrow the Government. However, once more they showed courageous determination to preserve their liberty at all costs. The struggle against the Communist threat was aided substantially by America's pledge to assist the Greek people in their fight against the Communist rebels. America's pledge became popularly known as the Truman doctrine for it came in the form of an announcement on March 12, 1947, by former President Harry S. Truman. At that time, Truman noted:

> The valor of Greece . . . convinces me that the Greek people are equal to the task.

Finally, in 1949, America's faith was rewarded, for hostilities came to an end and the Greek struggle against the Communist forces was successfully concluded.

The ideal of democracy, born in ancient Greece over 2,000 years ago, has prevailed, and in fact, has inspired other nations in their struggle against oppressors. And the notable Greek contribution to philosophy, art, medicine, mathematics, drama, and countless other areas has influenced in large measure the course of history and the advancement of world civilization.

It is thus a pleasure to extend greetings to the Greek people in my own city of Chicago, in our Nation, and all over the world on the occasion of their Independence Day and to recall a century and a half of genuine friendship between the people of America and the people of Greece.

HIGH RETAIL BEEF PRICES BENEFIT NO ONE

(Mr. SKUBITZ asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SKUBITZ. Mr. Speaker, last Friday, March 17, I appeared before the Democratic Study Group's Consumer Task Force on Food Prices to discuss current beef prices. I pointed out that Kansas and Midwest beef producers were not the beneficiaries of high retail beef prices; that indeed prices for cattle on the hoof were no higher than they were 20 years ago while retail beef prices had risen from 40 to 70 percent.

This week Giant Food stores took full-page advertisements on a pro bono publico basis to advise consumers to buy substitute foods and boycott beef; that beef prices were the highest since the Korean war and that the problem was at the source, that is, the farmer.

That, of course, is a complete falsehood. Fortunately, the majority leader in the other body, the esteemed Senator from Montana, nailed this point in a statement Wednesday.

Yesterday I wrote Joseph Danzansky, president of Giant, and William S. Mitchell, president of Safeway Food Stores, in an effort to point out a few facts that they both conveniently overlooked. I also took occasion to call the matter to the attenion of Mr. Newbold Noyes, editor of the Evening Star, in which the Giant full-page ad appeared. The Star is an estimable newspaper and I do not believe it would wittingly want to be a party to what is passed off as an institutional advertisement designed to inform the public which instead misleads the consumer buying meat at the retail counter.

Mr. Speaker, we are all consumers. None of us is happy with high prices for anything, including beef. Neither my wife nor Kansas beef producers are happy about high retail beef prices. I am simply fed up with this campaign to make the beef producer the culprit when the entire price rise goes to the middleman—the processor and the packer and the wholesaler and the retailer.

Incidentally, I note that Secretary of Agriculture Butz is quoted in the Evening Star as having told some guests at the White House Tuesday evening:

> Giant right now is getting a higher profit on poultry without reducing the price that it was getting on beef.

That is morality for you; urging housewives not to buy beef because you can make more profit on poultry!

Mr. Speaker, I include my statement before the Consumer Task Force, the text of my letters to Giant and Safeway and to the Evening Star at this point in the Congressional Record.

High Retail Beef Prices Benefit No One

(Statement of Hon. Joe Skubitz, Republican of Kansas, before the Consumer Task Force of the House of Representatives Democratic Study Group)

Thank you, Mr. Rosenthal. I am grateful to you for the opportunity to appear here at this hearing into food prices.

I don't want to be misunderstood. I am a consumer and I speak for consumers in my own District of Kansas. They too are suffering from high food prices and high meat prices and they too, like all of us, are looking for relief. Too many people who know that Kansas is an important beef producer, that livestock is the State's number one industry, jump to the conclusion that Kansans approve of these high retail beef prices.

The fact is that Kansas consumers and Kansas beef producers feel about high retail beef prices just as Mr. Rosenthal does, just as his New York housewives do, and just as my wife does.

Indeed, food prices are high not only in New York City and in Kansas but throughout the country. As a matter of fact, retail meat prices are actually higher in some stores in Kansas and Nebraska than they are in New York and Washington retail stores. High retail beef prices have not benefitted and do not now benefit Kansas livestock producers by a single penny.

The high meat price cluprit is higher processing costs, higher labor costs, higher transportation costs. These are the factors that have been directly reponsible for retail meat price hikes that average more than 40% during the last twenty years. It is these factors and the invisible profit margins to those who handle meat from the day the animal leaves the slaughtering pen until it is picked up in a saran-wrapped fancy package on the chain store meat counter that are largely responsible for today's beef prices in the stores.

I aim to set the record straight, to document what has happened to livestock prices and retail meat prices over the past twenty years, and once and for all to remove the misplaced and unjustifiable blame placed on livestock growers for high retail meat prices.

I want to refute as emphatically as I can the mindless and totally unrelated suggestion now being heard in various quarters that the way to solve the meat price situation is to lift quotas on foreign beef and import it from Australia or Argentina or Mexico. The facts tend to prove that increases in beef supply, whatever their source, do not greatly affect the retail price. They do and will drive down the price of beef on the hoof for the American livestock producer with no benefit to the consumer.

Let us now look at a few figures. Twenty years ago, in 1952, cattle prices on the hoof stood at 140% of parity; in short, they were 40% higher to the cattleman than what had been established as a then-equitable price based on all other existing comparable costs. In January of 1952 the average price for cattle on the hoof was about $35 per hundred weight. Some higher grades brought $39 a hundred.

Now 20 years later, cattle on the hoof were selling a week ago at 88% of parity, a price 52% lower relatively than the cattle producer received for his beef 20 years ago. Indeed, the average slaughter price for beef in Kansas last month was $32.60 per hundred weight. The price has since dropped another $1.20 a hundred to $31.40. Cattlemen in Kansas this past week got 15% less for their average beef than was paid 20 years ago.

Match that price fact with anything else you buy!

Now let's look at the comparative retail prices of beef in the stores twenty years ago and now. I asked the Bureau of Labor Statistics for a compilation of average retail beef prices in New York and Washington on the nearest identical dates for the same cuts of beef. Let me read them to you.

Here are the New York comparative prices:

	March 1952	January 1972	Percent increase
Round steak	$1.18	$1.71	47
Rib roast	.85	1.16	40
Chuck roast	.77	.81	7
Hamburger	.66	.93	49
Here are the Washington comparative prices:			
Round steak	1.13	1.42	29
Rib roast	.88	1.22	40
Chuck roast	.76	.80	7
Hamburger	.66	.69	5

I might note that since hamburger varies so widely in quality, the indicated price increase is probably not significant.

Perhaps a more valid and meaningful comparison may be derived by scanning newspaper advertisements in the two cities 20 years ago and recently. Afterall, these are the prices that the consumer pays at the meat counter.

So, while the price of beef at the farm remained static, what happened to the retail price at the friendly neighborhood chain store in New York and Washington. Well, let's look at the record, the newspaper advertisements.

In New York, according to advertisements in the New York News of March 3, 1952, chuck roast was selling for 69¢ a pound at the A & P and Safeway; rib roast was quoted at 79¢ a pound at Safeway; ground beef at 65¢ a pound at both stores; pot roast at 85¢ and round pot roast at 97¢.

In Washington, on March 1, 1952, Giant in an advertisement in the Washington Post quoted rib roast at 71¢, chuck roast at 61¢, ground beef at 59¢, sirloin and round steak at 87¢ and porterhouse steak at 97¢ a pound. Acme and Food Fair prices on the same cuts, when advertised, were identical on that day.

Now, let's look at the prices for the same cuts of beef, the same advertisements in the same newspapers in some of the same stores in 1972, twenty years later.

In the New York News of February 14 and 16, ground round was $1.09 per pound at Daitch-Shopwell and Bohacks, an increase of about 70% over twenty years ago. Chuck roast was quoted only by Daitch's and at 99¢ per pound, an increase of 42%. Round roast, priced by Bohacks, ranged from $1.29 for the bottom roast to $1.39 for the top round, an increase of from 32% to 42% from the ordinary pot roast of 20 years back.

Unfortunately, a detailed comparison, cut by cut, is not possible since all four stores checked in New York—Grand Union, Bohacks, A & P and Daitch-Shopwell—advertised new and entirely different cuts than in former years—another device which permits the price to be raised to the consumer.

The story is about the same in Washington. In the March 6 advertisements in the Washington Post, chuck steak was 99¢ a pound in two stores and 98¢ in one, an increase of approximately 60%. Rib roast was quoted at 99¢ a pound at the A & P, a relatively modest increase of just under 40%. Safeway quoted ground beef at 69¢ a pound, and Magruders and Acme priced ground chuck at 89¢ a pound, an increase in ground beef of 20% and of ground chuck of approximately 40%. Safeway posted rib roast on March 9, at $1.49 a pound and Magruders had the same cut at $1.09 compared with Giant's 71¢ a pound 20 years ago, increases of 103% and 70% respectively.

I won't burden the record further. I think the point is clear. Retail meat prices, laying aside differences in cuts, are on the average at least 40% higher today than they were 20 years ago in our large eastern metropolitan areas.

Labor costs have jumped enormously at the processing and packing plants and in the retail stores. Hourly wages in packing plants have gone up 44% in the last decade alone while hourly wages in retail groceries and butcher stores have jumped 48% in the past ten years. The housewife is paying for these costs in the added price for beef. Transportation costs have soared tremendously and again the consumer is paying for that in the retail cost of beef.

Mr. Rosenthal, in his statement in the February 18 CONGRESSIONAL RECORD, included an editorial from the New York Post critical of Secretary Butz's suggestion that a consumer boycott of meat prices will bring down prices. The New York Post editorial suggested more foreign beef imports to stop American livestock producers from fattening their profits!

Some fattening! Some profits!

The Post, incidentally, has raised the newsstand price of its paper 200% in the same twenty year period. Would it be fair to suggest that this is price gouging? Of course not. The Post doesn't have to convince anyone that its labor costs and its newsprint costs and all its other costs probably went up 100% or more to justify the present 15¢ per copy as compared with 5¢ a copy in 1952.

One wonders why the Post, in its wisdom, is so willing to charge the cattle producers with making high profits when, unlike the Post, their selling price today is actually lower than it was 20 years ago.

It cannot be emphasized too strongly that cattle prices at the slaughtering pens are today lower than they were twenty years ago. Why?

Simply because the cattle grower had to meet the same inflationary spiral, the same increased costs of labor, the same rise in transportation costs that the New York Post had to meet and that all American business has had to meet.

Unfortunately, unlike the Post, the cattle producer has not been able to pass on the added cost. To bring them to market, his cattle cost him the same 40% to 60% more in labor and feed prices but he gets no more for them because he is paid what the packing house corporations and conglomerates dictate.

The answer must be obvious even to the least informed. The increased cost in meat at retail—that tremendous spread in price between what is paid the grower on the farm and what the housewife pays at the butcher counter—has gone to the middlemen. That 40%, 50% and even 100% margin went to the people between the farmer and the housewife and the people who work for them.

Mr. Rosenthal expressed it well when he said that " . . . the sad thing about this food price increase is that the individual farmer will probably see very little of the money because it will be going to the agribusiness corporations including the packers and processors."

If we are going to look into what has happened to food prices these past 20 years, and specifically beef prices, I suggest that this investigation zero in on national wage policies. Basic farm prices just have not been a factor in the food price rises of recent years.

Price controls and raising beef import quotas will not, in my judgment, reduce meat prices at retail. Meat consumption in this country has risen from 60 pounds per capita 20 years ago to 117 pounds per capita this past year and our cattle ranchers and feeders continue to increase production to meet demand without having increased the slaughter price.

I submit, Mr. Chairman, that this is a remarkable accomplishment and one to be commended. What we need in this country, and in my State of Kansas, is further encouragement to the beef producers to produce and market more cattle They need better prices to meet increasing costs.

I suggest Mr. Rosenthal, that the time has come for consumer advocates and leaders like yourself to launch a crusade to reduce that middleman spread and bring prices down where they belong, based on what the grower is now getting for his cattle.

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 22, 1972.

Mr. JOSEPH B. DANZANSKY,
President, Giant Foods, Inc.,
Lanham, Md.

DEAR MR. DANZANSKY: Giant Foods' full page advertisement in yesterday's (March 21) Evening Star amazes me and all informed persons. If your "consumer advisor", Mrs. Peterson, is responsible I suggest that she be a bit more careful of her facts and that you, as one who prides himself on being a public spirited citizen, pay somewhat more attention to the facts before approving new public policies for a major food supplier in this area.

Item. Why don't you compare beef prices on the hoof today with those of 20 years ago? You will find that the price per hundred weight is actually lower than in 1952.

Item. Why don't you compare Giant's retail prices for a series of beef cuts yesterday with those for the same cuts twenty years ago. You will find that they range from 40% to 70% higher.

Item. Why don't you tell the consuming public who is getting this 40% to 70% markup; why not explain graphically just how the housewife's dollar spent for beef is being distributed and to whom?

Item. Why not attempt to deal factually and intelligently with the wage spiral over the past twenty years as a major factor in the increased cost of meat to the consumer and its effect on meat prices by the packer and processor and by you as the retailer.

Item. Why use such an inflammatory and misleading statement that "beef is at the highest level since the end of the Korean war" and "it begins at the source" which is designed to suggest that the reason for high meat prices in your stores is because cattle prices on the farm are high. Wouldn't it have been more honest to put the facts in proper perspective?

a. For example. Twenty years ago beef prices paid to the producer by the packers were 140% of parity; today they are at 88% of parity or less. Does that indicate that the beef producer is the mercenary culprit? Even Mrs. Peterson must understand that *all* prices and wages have changed in twenty years and that parity is merely a reflection of existing costs and prices. Is it fair to suggest that the beef producer is supposed to absorb the increased costs for labor and feed over the past twenty years and should now sell his beef for less—52% less in relative parity levels than he did twenty years ago?

b. Last Friday Omaha prices for prime live steers were $35.75 a hundred pounds, down $1 a hundred for the week and down $2.40

a hundred for the twenty-year high in January. Kansas prices for average beef ranged around $32 a hundred pounds. Nevertheless, cattle shipments of 23,000 head at the 11 major terminals were 30% greater than a week ago. In the preceding week, 600,000 cattle were slaughtered at the federally inspected packing plants, 19,000 more than the previous week and the largest volume in more than two months. Does this look like the beef producer is the greedy culprit holding back his product for higher prices?

Item. Why not tell consumers why meat prices at retail gyrate widely, sometimes from day to day or week to week; why Giant has "specials" on certain meats or cuts of meat every other day. Wouldn't it be more honest to explain that the control of meat prices rests largely with the packers and processors who determine the prices paid for cattle and the price the retailer pays them? Wouldn't it be fair to explain that their daily and weekly quotations to you affect and control your prices to the consumer?

I am not disputing your right to buy full page advertisements, nor the Star to accept them, to suggest that consumers buy meat substitutes, particularly if Giant does not enjoy the margin of profit on beef that it does on fish or poultry or cheese. But you have no right, in my judgment, to suggest that a boycott of beef by consumers is the appropriate manner in which to bring the farmer to heel when he is today relatively worse off economically than any segment of our economy.

As a busy man, involved in all sorts of community enterprises, I doubt that you would have the time to read the text of my recent statement on retail beef prices before the Rosenthal subcommittee of the Democratic Study Group. But perhaps you could suggest that Mrs. Peterson and your advertising people glance through it before they prepare additional so-called public interest advertisements.

Regretfully yours,

Joe Skubitz.

House of Representatives,
Washington, D.C., March 22, 1972.

Mr. William S. Mitchell,
President, Safeway Stores, Inc.,
Oakland, Calif.

Dear Mr. Mitchell: As president of Safeway Stores, Inc., I presume you are knowledgeable about, and perhaps responsible for, Safeway advertising suggesting that current beef prices are inordinately high and that consumers boycott meat purchases and buy substitute protein food. Could I suggest that it would be prudent to be a bit more careful of the facts, all of the facts, so that the buying public will not be misled.

Safeway particularly, as a feeder, slaughterer and retailer, in effect a vertical conglomerate in this field, should exercise especial caution since it, as the complete middleman knows where the spread goes between slaughter prices and retail beef prices at the Safeway counter.

Item. Why don't you compare beef prices on the hoof today with those of 20 years ago? You will find that the price per hundred weight is actually lower than in 1952.

Item. Why don't you compare Safeway's retail prices for a series of beef cuts yesterday with those for the same cuts twenty years ago. You will find that they range from 40% to 70% higher.

Item. Why don't you tell the consuming public who is getting this 40% to 70% markup; why not explain graphically just how the housewife's dollar spent for beef is being distributed and to whom?

Item. Why not attempt to deal factually and intelligently with the wage spiral over the past twenty years as a major factor in the increased cost of meat to the consumer and its effect on meat prices by the packer, processor and the retailer and by you as all three plus a feeder and producer.

Item. Why use such inflammatory and misleading statements designed to suggest that the reason for high meat prices in your stores is because cattle prices on the farm are higher. Wouldn't it have been more honest to put the facts in proper perspective?

a. For example. Twenty years ago beef prices paid to the producer by the packers were 140% of parity; today they are 88% of parity or less. Does that indicate that the beef producer is the mercenary culprit? Even Safeway must understand that *all* prices and wages have changed in twenty years and that parity is merely a reflection of existing costs and prices. Is it fair to suggest that the beef producer is supposed to absorb the increased costs for labor and feed over the past twenty years and should now sell his beef for less—52% less in relative parity levels than he did twenty years ago?

b. Last Friday Omaha prices for prime live steers were $35.75 a hundred pounds, down $1 a hundred for the week and down $2.40 a hundred from the twenty-year high in January. Kansas prices for average beef ranged around $32 a hundred pound level. Nevertheless, cattle shipments of 23,000 head at the 11 major terminals were 30% greater than a week ago. In the preceding week, 600,000 cattle were slaughtered at the federally inspected packing plants, 19,000 more than the previous week and the largest volume in more than two months. Does this look like the beef producer is the greedy culprit holding back his product for higher prices?

Item. Why not tell consumers why meat prices at retail gyrate widely, sometimes from day to day or week to week; why Safeway has "specials" on certain meats or cuts of meat every other day. Wouldn't it be more honest to explain that the control of meat prices rests largely with the packers and processors who determine the prices paid for cattle and the price the retailer pays them? Wouldn't it be fair to explain that their daily and weekly quotations affect and control your prices to the consumer?

I am not disputing your right to buy full page advertisements, nor the newspapers to accept them, to suggest that consumers buy meat substitutes, particularly if Safeway does not enjoy the margin of profit on beef that it does on fish or poultry or cheese. But you have no right, in my judgment, to suggest that a boycott of beef by consumers is the appropriate manner in which to bring the farmer to heel when he is today relatively worse off economically than any segment of our economy.

As a busy man, I doubt that you would have the time to read the text of my recent statement on retail beef prices before the Rosenthal subcommittee of the Democratic Study Group. But perhaps you could suggest that others of your staff and your advertising people glance through it before they prepare additional so-called public interest advertisements.

Regretfully yours,

Joe Skubitz.

House of Representatives,
Washington, D.C., March 22, 1972.

Mr. Newbold Noyes,
Editor, The Evening Star,
Washington, D.C.

Dear Mr. Noyes: I am well aware that the editorial department does not concern itself with advertising—except, of course, to the extent that advertising helps keep a newspaper alive.

Nevertheless, it has occurred to me that in-depth news handling and fairness might suggest to the Food Page editor, or even to a discerning editorial writer, that the Giant advertisement referred to in my letter to Mr. Danzansky, and in similar advertisements by Safeway, is certainly misleading and may not be entirely factual. A newspaper such as the STAR owes its readers more, I believe.

Sincerely,

Joe Skubitz.

INTERNATIONAL MONETARY REFORM—LET US GET GOING

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. Reuss) is recognized for 60 minutes.

Mr. REUSS. Mr. Speaker, by passing overwhelmingly earlier this week H.R. 13120. to modify the par value of the dollar, the Congress has constructively cooperated with the administration Phase I of international monetary reform.

I am confident that Congress will cooperate equally constructively with the vastly more important phase II of international monetary reform. This is the sense of the one agreed statement of all Members—Republican and Democratic—of the joint committee in its 1972 joint economic report, released today. While differences throughout the 150-page report by Republicans and Democrats, and by Members of each party, were deep and wide on almost every issue, all agreed in the following statement:

> We must promptly start negotiations on longer term international monetary reform. We should explore the potential of utilizing such reform as a means to promote capital flows toward less developed countries. A reformed international monetary system should guarantee sufficient exchange rate flexibility.

To the same effect are the report's majority views on international economics, pages 59 to 67; the minority views, pages 126 to 136; and the additional views of Senator Jacob K. Javits, pages 137 to 139.

This same view—that international monetary reform is needed, and that negotiations should start now—runs through the mainstream of international monetary utterances since the crisis of last August 15.

On September 13, 1971, the six of the European Economic Community—France, West Germany, Italy, Netherlands, Belgium, Luxembourg—came on strong for a reconstruction of the international monetary system, stressing the modification of fixed parities, the growing reliance on "reserve instruments collectively created and managed internationally," and attention to "the needs of developing countries." Three days later, Japan, Canada, Great Britain, Sweden, and Switzerland, indicated their adherence to the declaration of the six.

The spirit of reform was reiterated—this time with the United States joining in—in the December 18, 1971, communique which followed the group of 10 Smithsonian meeting in Washington. That communique concluded:

> The Ministers and Governors agreed that discussions should be promptly undertaken, particularly in the framework of the IMF, to consider reform of the international monetary system over the longer term. It was agreed that attention should be directed to the appropriate monetary means and division of responsibilities for defending stable ex-

> change rates and for insuring a proper degree of convertibility of the system; to the proper role of gold, of reserve currencies, and of Special Drawing Rights in the operation of the system; to the appropriate volume of liquidity; to re-examination of the permissible margins of fluctuation around established exchange rates and other means of establishing a suitable degree of flexibility; and to other measures dealing with movements of liquid capital. It is recognized that decisions in each of these areas are closely linked.

The spirit of reform is thus bipartisan, multinational, desperately needed, and long delayed.

And what of the administration, and particularly the Treasury, where the responsibility lies?

Like a patient suffering with a fever, the Treasury's attitude toward reform comes in fits and starts, interspersed with periods of profound coma. There was the swashbuckling activity of August 15, followed by months of ambiguity and inaction. Then there were the great December moments at the Azores and the Smithsonian, followed again by months of innocuous desuetude.

Just in the last few days have come some overt and visible signs that the administration and the Treasury are again thinking about monetary reform. The Treasury's view on international monetary reform is that it is "wrestling with the complexities of this most complex subject."

All sorts of bold new ideas, undreamt of in the Smithsonian philosophy, are being floated. As reported in the New York Times of March 11, Secretary Connally is toying with "an idea for a future world economy divided openly and purposely into several major blocks."

Again, as reported in the Wall Street Journal of March 20, Secretary Connally advocates an "automatic discipline" against countries that run chronic surpluses in their balance of payments, a discipline which would require surplus countries to give up part of their excess monetary reserves to a special fund from which deficit countries could borrow. The idea was so new, reported the Wall Street Journal, that the Secretary has not yet been able to discuss it with his "key strategist," the Under Secretary for Monetary Affairs.

The principal thing holding the Treasury back, it appears, is its inability to decide on just whom to negotiate with.

I speak today, because I believe there is a proper forum for the negotiation of international monetary reform, one that should be convened without delay; that there is a proper subject matter for negotiation, with most of the technical details already well thought through; and that there is a proper timetable, one looking toward the practical achievement of monetary reform by the time of the annual meetings of the International Monetary Fund-World Bank in Washington next autumn.

I shall discuss these questions of Reform—Who? Reform—What? and Reform—When? And I believe that the Congress will support constructive initiatives by the administration along the lines I project.

REFORM—WHO?

On the question of the proper parties and forum for negotiating international monetary reform—an obvious first order of priority—the Treasury's position, as stated in the Wall Street Journal of March 20, hints at simultaneous negotiations in three places:

> One among the traditional "Group of Ten" key industrial countries, one in another group representative of the 20 nations on the executive board of the IMF, and a new group representing major power blocks.

Simultaneous negotiations with three vaguely overlapping groups sounds to me like a poor way to proceed. We do not have enough expert jugglers to keep three balls in the air at once. Neither does anybody else.

Apart from the dispersion of energy involved in simultaneous negotiations in three forums, two of the three forums suggested are poor ones. Secretary Connally himself has criticized the Group of Ten as being "limited to industrial nations and wealthy nations." He is quite right. With the UNCTAD countries about to assemble in an indignation meeting in Santiago, Chile, in the next few weeks, it does not make sense to pick a forum for monetary reform which would exclude them.

Likewise, to adopt the Treasury's obsession with "major power blocs" concedes too much to the curse of bigness. Why in the name of commonsense do we want to go around forming power blocs—European, Japanese, African, Latin America, or any other kind? Within the power bloc, they tend to set up a hateful master-slave relationship. Between and among the power blocs, they make for aggressiveness, when what is needed is cooperation.

That leaves the third Treasury suggestion—"another group representative of the 20 nations on the executive board of the IMF." While the suggestion is somewhat misleadingly put, it has great merit.

In fact, the International Monetary Fund, through its Managing Director Pierre-Paul Schweitzer, on January 24, 1972, unfolded in great detail an excellent plan for a ministerial group of 20 who between them would represent all the 120 countries of the IMF. Basically, this would simply involve an upgrading to the ministerial level of the present 20 executive director groupings. Some of the IMF executive directors, like the United States, represent but one major country. Others represent a group of countries, such as the Netherlands-Austria-Yugoslavia-Israel grouping. Still others represent a greater number of less developed countries, such as the executive director grouping for 18 African countries which have all emerged from French colonialism.

The IMF January 24 suggestion is that each of these 20 groups be a little club, with a head and some deputies which would give broad-scale representation—usually through finance ministers or central bank presidents—to the various countries in the grouping. Frequent rotations would insure fairness to all countries in the grouping.

The January 24 initiative has been well received in discussions between executive directors of the fund since January.

Here is a way to achieve unity through diversity. We ought to adopt the IMF suggestion tomorrow, and convene the new 20-member streamlined monetary parliament within the next few weeks. It should stay on the job until a reform is agreed upon, for presentation to the fund's governors and then for ratification by the Fund members.

REFORM—WHAT?

Once this 20-member group has convened, it needs an agenda. Here, again, the International Monetary Fund has been spending the months since August 15 most usefully. Its able staff has refined the issues and posed some answers on the whole gamut of problems involved in international monetary reform. Dozens of staff papers have culminated in the basic document "Reform of the International Monetary System—A Sketch of Its Scope and Content," dated March 7, 1972. The paper and its predecessors have been widely discussed by the executive directors and staff of the fund, and tentative agreement is beginning to emerge.

The document concerns itself with all the basic questions of monetary reform: How to bring about prompter changes in exchange rates; how to consolidate outstanding dollar and sterling balances into special drawing rights; how to finance balance-of-payments deficits and surpluses of reserve countries; how to attain symmetrical multicurrency intervention; how to make special drawing rights rather than gold the standard in which par values are expressed; how to provide an attractive rate of interest of special drawing rights; how to make the international monetary system better serve the needs of developing countries.

The March 7 "Sketch" could serve well as a starting point for the 20-member group negotiation. For the "Sketch" so to serve would not require that the United States agree with its every point. But negotiations must start somewhere, and the "Sketch" is a good place to start.

REFORM—WHEN?

Nothing concentrates a monetary expert's mind better than the knowledge that he is expected to produce something. The goal of a new monetary agreement by the September meeting of the Fund and Bank should do just that. If the broader questions of international monetary reform are pursued with the same zeal that attended the pursuit of the realinement of last December, there should be no difficulty in accomplishing what is needed in the 6 months between now and next fall.

Nobody—certainly not the United States—will win by further delay. Delay simply exposes the world to the danger of further monetary crises, to a return to autarchy and fragmentation. Let us move.

PORNOGRAPHIC MATERIALS

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. HEINZ) is recognized for 5 minutes.

Mr. HEINZ. Mr. Speaker, I am introducing a bill that I believe will substantially reduce the flow of pornographic materials and will also protect individuals against invasion of privacy.

Many people find today that the privacy of their own home will not protect them or their children from receiving mail that is unsolicited, unwanted, objectionable, and in some cases obscene. This is a type of invasion of privacy that can and must be put to a stop.

Junk mail comes to many of us because our names have appeared on mailing lists which have been sold to commercial enterprises without our knowledge or consent.

The bill I present today, Mr. Speaker, is designed to protect the individual's right of privacy by prohibiting the sale or distribution of certain information. This particular bill, in effect, would give the individual the right to control what is known about him or her and insure that information collected for one purpose will not be used for another.

The right to privacy is one every American should enjoy. To deprive anyone of this right by denying control over what he or she receives through the mail should be illegal.

I hope the House will give this bill the immediate attention it deserves.

FEDERAL FISCAL RESPONSIBILITY

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. ESCH) is recognized for 30 minutes.

Mr. ESCH. Mr. Speaker, today I am introducing legislation which I hope will help the Congress reassert its role in assuring Federal fiscal responsibility. I would like to take this opportunity, before giving details of the bill to commend the work of the distinguished ranking minority member of the Appropriations Committee (Mr. BOW) in working toward the goal of fiscal responsibility. His original proposal in 1970 helped generate my interest in this area.

For too long Congress has been talking too much about fiscal responsibility and doing too little about it. There are at least four major areas of needed reform: Congress must institute a total limitation framework on spending. Each Member of Congress has his own set of priorities, but generally they total up to more than the available revenues. By setting an annual spending limitation, Congress would finally face up to the limitation in available dollars.

Second, there has been a lack of predictability in funding. The Legislature has failed to pass appropriation bills on time and thus the agencies and departments have been forced to function on a costly and ineffective day-to-day basis.

Third, the Federal bureaucracy has often been slow in paying its own bills to local and private contractors, causing undue hardship and costs for the individual citizen.

Finally, the legislative branch has never asserted its rightful role in determining that once funds were authorized and appropriated they should be spent. For too long the executive branch has held indiscriminate power to impound funds for specific programs and thus to subvert the intent of the Congress. The bill which I am introducing today, the Fiscal Responsibility Act of 1972, moves toward the correction of these deficiencies. It is not a bill which may attract dramatic headlines, but I believe it could become a most significant instrument for meaningful congressional reform in the area of fiscal responsibility. It reaches out to the pressure points in the authorization-appropriation-expenditure cycle to develop more effective means of channeling Federal funds. Surely our taxpayers deserve this.

In the last few months my congressional office has received a large volume of mail requesting that I help to put Congress back on the road to fiscal responsibility.

The Fiscal Responsibility Act of 1972 has four titles. Title I moves the Federal fiscal year to coincide with the calendar year. This section will help Federal budget planners and Members of Congress in doing long range comprehensive planning for the budget. At the present time Members of Congress are forced to consider the 1,100-page budget document hurriedly if they want to decide on the budget before the beginning of a new fiscal year. In recent years this has forced Congress to pass a continuing resolution which allows an agency to operate while Congress finishes its appropriations process.

Title II of the bill requires Congress to establish an annual expenditure limitation. The Congress would be required to establish this limitation 45 days after the President's annual economic message. This would force Congress to consider our Federal budget in light of limited dollars and competing priorities.

Title III of the bill establishes a Federal impoundment procedure. It establishes two types of impoundment. The President may impound funds in a department or agency on a percentage across-the-board basis and must notify Congress immediately of this action. Either House of Congress then has 60 days to disapprove of the impoundment to force the President to stop the impoundment.

If the President decides to impound funds for a particular program in a department or agency without regard to the percentage limitations he must prenotify the Congress of his intention and wait 60 days before proceeding with this special impoundment. Congress has been increasingly critical of impoundments which are targeted at particular programs. This requirement should help to limit this procedure.

The impoundment portion of the bill also includes a special section aimed at Federal officials who are unreasonably slow in disbursing funds to State and local units of government or to private contractors. If extra costs are incurred by the recipient of Federal funds because of a delay of 60 days or more, the Federal Government becomes liable for those extra costs.

The final section of the bill authorizes the Congress to undertake a study of budgetary and fiscal alternative procedures. Hopefully, this will allow Congress to continue in its upgrading of Federal budgeting procedures. In his fascinating book, "Politics of the Budgetary Process," Aaron Wildavsky states that:

> The overriding concern of the literature on budgeting with normative theory and reform has tended to obscure the fact that we know very little about the budgetary process.

The study authorized in title IV of my bill should help us to gain the knowledge necessary to reevaluate our budgetary procedure for the future.

In the next few weeks I am hopeful that many of my colleagues will join me in supporting a reassertion of the integral role which the Congress should play in assuring Federal fiscal responsibility. The Fiscal Responsibility Act of 1972 offers some positive solutions to problems in our budgeting system and I am hopeful that my proposals will receive thorough consideration this year.

I include a text of the bill and a title by title analysis of the Federal Fiscal Responsibility Act of 1972 for the benefit of my colleagues.

H.R. 14057

A bill to assure greater Federal fiscal responsibility

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Federal Fiscal Responsibility Act of 1972.

DECLARATION OF PURPOSE

The Congress declares, that in light of the increasing complexity of the Federal Government, and in light of the Constitutional requirements for congressional involvement as an integral partner in the budgetary process and because of the recent modernization of the Executive Departments' budgetary procedure that

(1) The Congress should begin to consider the Federal budget and other fiscal policies in a systematic and analytical manner;

(2) The Congress should reestablish its primary role in developing the monetary and fiscal policies of the Government of the United States;

(3) The Congress should begin to examine alternatives to present budgeting and appropriations procedures to insure that it may consider budgetary and fiscal policies in a systematic and analytical manner;

(4) the Congress should begin to consider the budget in a comprehensive manner so that competing programs and departments can be considered in a unified budget strategy which recognizes the increasing demands on the Federal tax dollar;

(5) the Congress should establish budgetary and fiscal procedures which will assure the orderly and timely channeling of funds from the Federal Government to the States.

TITLE I—MODIFICATION OF THE FISCAL YEAR

SEC. 101. Effective with the second calendar year which begins after the date of enactment of this Act, the fiscal year of all departments, agencies, and instrumentalities of the United States shall be the calendar year.

SEC. 102. The Director of the Office of Management and Budget is authorized to make provision by regulation, order, or otherwise for the orderly transition by all departments, agencies, and instrumentalities of the United States affected by section 101 of this title from the use of the fiscal year in effect on the date of enactment of this Act to the use of the fiscal year prescribed by section 101 of this title.

TITLE II—ESTABLISHING CONGRESSIONAL EXPENDITURES LIMITATIONS

SEC. 201. Except as otherwise provided in this title, the expenditures and net lending (budget outlays) of the Federal Government during each fiscal year shall not exceed that amount which the Congress shall fix by concurrent resolution no later than forty-five legislative days, as that term is used in title II of this Act, after the latest day set by law for the budget message of the President with respect to such fiscal year. In fixing such limitation, the Congress shall consider relevant economic indicators, program goals and budgetary considerations which will be helpful in establishing a comprehensive budget strategy.

SEC. 202. The limitation set by section 201 of this title shall be increased by an amount equal to any net increase in total expenditures and net lending (budget outlays) during such fiscal year with respect to relatively uncontrollable outlays under then existing law, open-ended programs and fixed costs.

SEC. 203. The limitation set by section 201 of this title shall also be increased by an amount equal to the net increase in receipts over the estimated receipts upon which such limitation was fixed.

SEC. 204. Not later than 15 days after the sine die adjournment of each session of the Congress, the Director of the Office of Management and Budget shall report to the President and to the Congress his estimate of the net effect of action or inaction by the Congress on total expenditures and net lending (budget outlays) recommended by the President for the fiscal year following such session. If such estimate indicates that total expenditures and net lending (budget outlays) for that fiscal year would be in excess of the limitation established by section 201 of this title, as adjusted in accordance with sections 202 and 203, the Director shall specify in such report, for each activity for which he estimates expenditures and net lending to be in excess of the amount recommended therefor by the President, the pro rata reduction in expenditures and net lending required to comply with that limitation, as adjusted. Expenditures and net lending (budget outlays) for any such activity for that fiscal year shall not exceed the amount which would have been permitted by congressional action thereon, reduced by the amount specified in the Director's report.

SEC. 205. In the administration of any activity as to which (1) the obligational authority is reduced in order to effectuate reductions in expenditures and net lending (budget outlays) required by section 204 of this title, and (2) the allocation grant, apportionment, or other distribution of funds among recipients is required to be determined by the application of a formula involving the amount appropriated or otherwise made available for distribution, the amount remaining available for obligation after such reduction shall be substituted, in the application of the formula, for the amount appropriated or otherwise made available. Neither the United States nor any of its officers shall be liable for any part of the difference between the amount appropriated or otherwise made available for any activity and the amount as so reduced.

TITLE III—ESTABLISHING A FEDERAL IMPOUNDMENT PROCEDURE

SEC. 301. (a) Whenever the President impounds any funds appropriated by law out of the Treasury for a specific purpose or project, or approves the impounding of such funds by an officer or employee of the United States, he shall, within ten days thereafter, transmit to the House of Representatives and the Senate a special message specifying

(1) the amount of funds impounded,

(2) the specific projects or governmental functions affected thereby, and

(3) the reasons for the impounding of such funds.

(b) Each special message submitted pursuant to subsection (a) shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each such message shall be printed as a document for each House.

SEC. 302. For purposes of this title, the impounding of funds includes—

(1) withholding or delaying the expenditure or obligation of funds (whether by establishing reserves or otherwise), appropriated for projects or activities, and the termination of authorized projects or activities for which appropriations have been made, and,

(2) any type of executive action which effectively precludes the obligation or expenditure of the appropriated funds.

SEC. 303. (a) Except as provided for in Section 304(c), the President shall cease the impounding of funds specified in each special message within sixty calendar days of continuous session after the message is received if such impounding shall have been disapproved by either House of Congress by passage of a resolution stating in substance that that House does not favor the impounding.

(b) The Provisions of this section and Section 304 shall be considered as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this section; and they shall supersede other rules only to the extent that they are inconsistent therewith; and

(c) With full recognition of the constitutional right of either House to change the rules (so far relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(d) For purposes of this section and section 304, the continuity of a session is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the sixty day period.

(e) Any resolution of disapproval as provided for in subsection (a) of this section and in subsection (c) of section 304 shall be referred to the committee in each House whose responsibility includes the authorization of appropriations for the department or agency whose funds have been impounded.

SEC. 304. (a) Except as provided in subsections (b) and (c) of this section, the President shall not impound any funds from appropriations made by the Congress for any appropriations categories of any department or agency of the federal government unless such impoundment is made in all appropriations categories of that department or agency on the basis of equal percentage impoundment among appropriations categories.

(b) Variations of up to 10 percentage points in the impoundment of funds between individual appropriations categories within a department or agency shall not be deemed as unequal percentage impoundment among appropriation categories for the purposes of subsection (a) of this section.

(c) In the event that the President desires to impound funds for a particular appropriations category within a department or agency without reference to the limitations established in subsections (a) and (b) of this section he shall submit a Presidential message as provided for in Section 301 of this act prior to any such impoundment. Either House of Congress shall have thirty days of continuous session, from submission of the message, to disapprove by passage of a resolution stating that that House does not favor the proposed impounding in contravention of subsections (a) and (b) of this section. After such time the President shall be allowed to impound that appropriations category without regard to provisions in that section.

(d) For the purposes of this section, the term "appropriations category" means each designation of a use or program in the acts of Congress appropriating funds.

SEC. 305. Any costs which are incurred by the recipient of Federal funds as a result of delay, in disbursing such funds, in excess of sixty days after the date on which such recipient was to receive such disbursement according to notification from the appropriate Federal authority shall be reimbursed by the Federal Government. The district courts of the United States shall have exclusive original jurisdiction to hear and determine cases brought under this section. This section shall not apply to any costs incurred by the recipient of federal funds as a result of delay consequent to the impounding of such funds under this title.

TITLE IV—PROVIDING FOR AN ANALYSIS OF FISCAL PROCEDURES

SEC. 401. It is the purpose of this title to authorize a study of the impact of past, present, and anticipated appropriations procedures in the Congress, including the feasibility of two-year funding of some Federal programs.

SEC. 402. (a) There is established the Fiscal Responsibility Study Commission (hereinafter referred to as the "Commission"), which shall consist of:

(1) The Comptroller General;

(2) The chairmen of the Appropriations Committees of the Senate and the House of Representatives;

(3) The ranking minority member of each of such Appropriations Committees;

(4) The chairman and the ranking minority member of the Senate Committee on Finance; and

(5) The chairman and the ranking minority member of the Ways and Means Committee of the House of Representatives.

(b) The members of the Commission shall serve without compensation and shall select from among themselves a Chairman, who may, under such rules as the Commission shall establish, appoint such staff at such salaries as may be necessary to carry out the duties of the Commission.

(c) The Commission shall—

(1) study the impact of past, present, and anticipated appropriations procedures in the Congress;

(2) consider the feasibility of funding selected Federal programs on a two-year basis; and

(3) consider such other matters in their deliberations which will assist the Congress in attaining the ability to examine budgetary questions in a comprehensive manner.

(d) No later than December 31, 1973, the Commission shall report the results of its study to the Congress, together with such recommendations including recommendations for legislation, as it deems appropriate. Upon the filing of its report under this subsection, the Commission shall cease to exist.

TITLE-BY-TITLE ANALYSIS

THE FEDERAL FISCAL RESPONSIBILITY ACT OF 1972

Title I—Changing the Fiscal Year.

This title changes the Fiscal Year to coincide with the calendar year the second year after enactment.

Title II—Establishing Congressional Expenditures Limitations.

Congress is required to establish a limitation on expenditures 45 days after the President delivers his economic message to the

Congress. 15 days after the Congress adjourns sine die the Director of the Office of Management and the Budget is required to supply Congress and the President with his estimate of expenditures and if expenditures will exceed the limitation established he will specify the pro rata reductions required to bring expenditures within the limitation.

Title III—Establishing a Federal Impoundment Procedure.

This title creates two types of federal impoundment procedures. The first type of impoundment is called proportional impoundment. This procedure requires the President to notify the Congress in the event that he impounds funds on a proportional basis among appropriations categories in the department or agency where he impounds funds. The proportional impoundment limitation is not violated by variations among appropriations catagories of up to 10%. Either House then has 60 days to disapprove of the impoundment for it to cease.

If the President decides to impound funds without regard to the proportional limitation in a department or agency, he must notify the Congress thirty days in advance of the proposed special impoundment. If either House of Congress does not disapprove of the special impoundment within the required time period the President can proceed with his special impoundment for the appropriations catagory of the department or agency.

One section in this title also indemnifies recipients of federal monies against excess costs incurred as a result of delays in disbursement for non-impounded funds in excess of sixty days.

Title IV—Authorizing a Study of Fiscal Procedures.

This title authorizes a study of fiscal procedures conducted by a commission composed of the Comptroller General and the leadership in each House of the Appropriations Committee and the Ways and Means Committee of the House and the Finance Committee of the Senate. The commission has a life of one year to study alternatives to present fiscal and budgetary procedures including the possibility of funding some programs on a two year basis. At the conclusion of the study the commission will report back to Congress with recommendations.

CRIME IN THE CITY

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. Hogan) is recognized for 25 minutes.

Mr. HOGAN. Mr. Speaker, one of the great contributions of the city in the history of man has been the opportunity city life holds for dialog among men, for exchange of ideas, for development of the arts, and literature—in short, for the advancement of civilization. Every great civilization has had a great city.

But today we continue to face a problem that holds the seeds for destruction of the very essence of the city—the ease and availability of contact with other men.

The problem is crime—crime that has distorted and perverted the way we live and the way we react to our fellow man.

I know of a doctor who has told his wife she must not drive into Washington, D.C., after dark. And she has insisted that he always ride with a dog on his night rounds.

Most of the women volunteers who help my staff from time to time will not come into Washington after dark to work at my office, and most resist coming into town even during the day.

In New York—I was there recently for subcommittee hearings on the problem of illegal aliens—in New York, the Broadway theaters have moved up their starting times to help people get off the streets and home earlier at night. But they are having attendance problems because the people just do not want to come into the heart of Manhattan at night.

My good friend Barry Farber, the radio personality, has been inundated with mail from people who are fed up with crime and who are supporting his efforts to launch a campaign against crime.

Not only are people afraid to go for a walk in their neighborhood after dark all across this Nation, they are afraid in their own homes. People are increasingly afraid to stop and help a stranded motorist. They avoid getting involved. Not long ago a young girl, half naked, ran out of the woods along Pennsylvania Avenue, screaming for help. It is estimated that between 300 and 400 people must have seen her and not one person stopped. The girl was found the next morning—raped and murdered.

Last year in Texas a serviceman was shot in a suburban neighborhood. He ran from house to house pounding on doors, begging someone to give him help, asking someone to call a doctor. Not one person answered the door. Every resident waited until he had moved down the block and then peered through partly opened doors to watch his progress. When the police finally arrived on the scene, the man lay dead in the middle of the street.

Just how serious and widespread the problem of crime is, I think, was evident in the article on crime which appeared not too long ago in Life magazine. In that issue Life presented the questionnaire responses of 43,000 readers. The survey provides strong evidence of how widespread the fear of crime is.

Life pointed out that three-fourths of those who responded worry about their safety in their own homes. The questionnaire also asked the respondents if they feel safe on the streets of their community at night. Sixty-one percent replied, "no." In cities of over half a million, the number of "no" answers rose to 80 percent.

A great deal of this fear is justified by experience. More than four out of 10 respondents reported that they or a member of their family have been victims of a crime within the past year. In cities of over a million, almost three out of five said they had been the victim of a crime.

The question is: What can we do about crime and the poison it spreads through a community?

Well, I think we have found part of the solution in the District of Columbia. Through a combination of providing large amounts of money for more and better police protection, strengthening the laws against crime and by reorganizing the courts through the District of Columbia Crime Act we have made dramatic progress in curbing crime in the District of Columbia.

In the last year since the beefing up of the police department and implementation of the Crime Act, which I was privileged to help move through the House, crime decreased by about 13 percent. In January crime hit a 5-year low and then in February set another new 5-year low.

Part of that success is due to the reorganization of the court system which has dramatically reduced court backlogs and insured swift prosecution of criminals.

Since its peak in June 1970, the Washington court backlog of felonies has been reduced by 80 percent. Last year the U.S. attorney's office returned about 4,000 indictments, nearly double the average number of indictments for the last 20 years when the U.S. attorney's office was downgrading felonies to misdemeanors because of the court backlogs.

No longer can a criminal commit a crime in Washington and feel that, even if he is caught, he will not have to face a serious penalty. That is a powerful deterrent to crime.

The District of Columbia Crime Act also nearly doubled the number of judges, allowed the hiring of 25 more assistant U.S. attorneys and created the Public Defender Service.

The result has been a decrease in crime. And, in my opinion, the District of Columbia crime bill should be a model for the Nation. Similar national legislation, I think, would be a major step in our fight against crime, but much more is necessary.

In my home county of Prince Georges for example, where there has been a disturbing increase in crime in the past few years, there appears to be a need for additional police officers. Washington, D.C., with 760,000 residents, has about 5,000 police officers. Prince Georges County, with 670,000 residents, has 630 county police officers. And the various municipalities have an estimated total of 265 part-time and full-time officers. That makes a total of about 900 police officers for a sprawling county that is farther from tip to tip than Washington is from Baltimore.

As part of an attempt to help the Prince Georges County police, I have sponsored legislation which would allow a Prince Georges policeman to pursue into the District of Columbia, anyone he has reason to believe has committed a criminal offense.

Because of current restrictions on pursuit, there are frequently times when county law enforcement officers have to stop at the District line and watch criminals slip away.

For example, last year a Prince Georges police officer spotted a man driving with an obscured license tag and when he tried to stop the car the driver tried to outrun him. Fortunately the officer was able to stop the man before he could cross into the District of Columbia and escape.

When the officer went to ticket the driver, he discovered that the driver was a suspect in an armed robbery, and inside the car he found a wig, a gun, a bag full of money and a note stating:

> This is a holdup. Give me your tens and twenties.

If the officer had not been able to stop the driver before the county line, an armed robber would have escaped. My legislation would close that escape route.

On the national level there are some other steps we can take to combat crime. Drug addiction and drug-related crime are areas we must attack.

The President has just signed into law a $1 billion drug bill which I supported and spoke in favor of in the House.

The law establishes a Special Action Office in the White House for drug prevention. The Office will organize coordinated efforts across the country to combat drug abuse.

Under the law a national center for training in drug prevention techniques will be established; treatment and rehabilitation of victims will be increased and improved: research will be conducted for a substitute for methadone in dealing with heroin addiction; and grants will be provided for State drug programs.

Enactment of the drug bill was especially gratifying to me because I have sponsored similar legislation as a member of the Republican Task Force on Drug Abuse.

I believe this bill is an important step in our battle against drugs and drug addiction, but I believe much more must be done, and I pledge that I will continue to work toward legislation which would provide for involuntary commitment of any individual a court determines is an addict. The commitment would be, in effect, a quarantine of a sick person whom we must take out of society and help to get well for his sake and society's sake.

I am also sponsoring legislation which calls for mandatory jail sentences with no possibility of parole for nonaddict pushers. Harsher penalties must be levied on pushers.

In an effort to keep runaway youths from having to turn to crime to sustain themselves, I am also sponsoring the runaway youth bill. The bill would provide youths with a place to stay briefly, strengthen the interstate reporting methods on runaways, provide notification to parents of the location of their children and offer counseling services to the youths and their families.

Those are some of the directions we are moving in to combat crime—increased police protection, streamlining of the courts, combating drug addiction and drug-related crime, and helping runaway youth. But there is one other area of crime control which demands our attention. That is America's prison system.

As John Mitchell said not too long before he resigned as Attorney General:

> The state of America's prisons comes close to a national shame. No civilized society should allow it to continue. . . . Four out of every five felonies committed in the United States is the work of a person with a criminal record. And two out of every three men released from prison are back in trouble with the law again in a very short time.

Mr. Mitchell put the case very bluntly. It does only limited good to train and equip our police forces or streamline our judicial system if our prisons are turning out criminals faster than they can be rounded up and tried. Until we bring our corrections systems into the 20th century, our other efforts will be frustrated.

In fiscal 1971 the Law Enforcement Assistance Administration provided more than $100 million to States and other units of government—solely to improve corrections.

And in fiscal 1972 the figure will be more than double that, coming close to a quarter of a billion dollars. That represents almost 100 times as much as we spent on corrections reform 3 years ago. ago.

The Safe Streets Act has provisions which require, in effect, that States virtually double their corrections spending. Furthermore, this legislation reflects the latest in corrections thinking, and requires that the money be spent on modern, community-based systems—not on perpetuating the old fortress-type prisons.

And we must learn to use the time a man serves in prison to equip him to live a useful life in the community.

If we can accomplish these goals, coupled with drug control, better police protection, and streamlined courts, then I think we are on our way to halting the spread of crime.

The "crime" of crime is what it does to man and his relationships with other men. We must be able to live without fear so that we can live as man should live—freely, openly, and dedicated to the service of one another.

NATIONAL STANDARDS NEEDED FOR SAFE DRINKING WATER

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. Robison) is recognized for 5 minutes.

Mr. ROBISON of New York. Mr. Speaker, many of us who have been working for the past 2 years for national drinking water standards were heartened by the recent testimony of Robert W. Fri, Deputy Administrator of the Environmental Protection Agency, before the Senate Subcommittee on Environment. In the course of his statement, Mr. Fri gave EPA's endorsement for legislation which would have the Administrator of EPA set national drinking water standards for all health-related aspects of drinking water.

This endorsement of the principle of national standards may well remove the last impediment to House consideration of this legislation, which now rests in the Public Health and Environment Subcommittee of the House Committee on Interstate and Foreign Commerce. Our colleague from Florida (Mr. Rogers), who is chairman of that subcommittee, took the leadership on the question of safe drinking water last May, when his subcommittee held extensive hearings on H.R. 1093, sponsored by Chairman Rogers and several members of his subcommittee, and H.R. 437, the Pure Drinking Water Act, which I introduced in this Congress.

During those hearings, Administrator Ruckleshaus, of the Environmental Protection Agency, stated that EPA could not support the legislation pending before the House Interstate and Foreign Commerce Committee. Mr. Ruckleshaus indicated that EPA would continue its study of problems relating to drinking water supplies and would consider the need for both administrative and legislative actions. We are not exceptionally pleased to see that EPA has indeed concluded that national standards are necessary to insure the safety of drinking water, and the way is clear for expeditious House consideration of legislation which would insure that the best available technology is used to protect against chemical, bacteriological and viral pollution of drinking water.

I am very happy, Mr. Speaker, to be able to insert in the Record at this time the remarks of the Honorable Robert W. Fri, Deputy Administrator of the Environmental Protection Agency:

Statement by Hon. Robert W. Fri

> Mr. Chairman, I am pleased to have the opportunity of appearing before this Committee to testify on EPA's program for the protection of drinking water and to discuss Amendment 410 to S. 1478, the proposal relating to that program.
>
> The Federal government's responsibility for protecting drinking water is centered in the Environmental Protection Agency, which inherited this authority from the Department of Health, Education, and Welfare in 1970. Historically, this program has been based on the Federal responsibility for preventing the spread of communicable diseases in interstate commerce, pursuant to the Public Health Service Act. Under this Act, EPA enforces regulations which preclude interstate carriers from utilizing water from sources which have not complied with certain required drinking water standards.
>
> Regulations adopted under that authority are used to enforce standards for those systems which serve interstate carriers; presently, this enforcement authority applies to 665 out of an estimated 30,000 public water supply systems serving both large cities and small towns and applies only as such water is used by interstate carriers.
>
> Under that authority drinking water standards have been established. These U.S. Public Health Service Standards, last revised in 1962, contain certain mandatory limits and recommended limits concerning physical characteristics and chemical and biological constituents affecting the quality of the water. Our regulations concerning drinking water also deal with requirements for effective control programs to limit the future risk potential of structural or operational defects of water supply systems.
>
> Violations of the mandatory aspects of the Standards lead to prohibition of the use by interstate carriers of water drawn from that system pending the application of additional treatment or the development of an additional drinking water source. The Standards impose these mandatory limits on levels of coliform bacteria, arsenic, barium, cadmium, chromium, cyanide, lead, floride, selenium, and silver intake which can clearly affect the health of the user.
>
> In addition, the Standards recommend limits on certain physical characteristics and chemical constituents of drinking water which are primarily of aesthetic concern in that they impart undesirable taste and odors to the water, cause discoloration of plumbing fixtures and the like.
>
> Since the jurisdiction of our existing program is limited to those water supply systems serving interstate carriers, our enforcement covers only half of the 160 million people served by community water supply systems. We would point out, however, that most large cities and the States use the

Standards in regulating the quality of their drinking water supplies. An extrapolation of the Comunity Water Supply Study, a field inspection and evaluation of 969 community water supply systems conducted by HEW in 1970, indicated that approximately 5.4 percent of the national population or 8 million people are served water that is potentially dangerous in that it fails to meet the mandatory standards set by the Federal government. These 8 million people receive unsafe water from an estimated 5,000 of the nation's community water supply systems surveyed in the Community Water Supply Study. In the majority of cases these deficient systems are smaller systems serving smaller communities. In relation to this, national health figures indicate that during the ten-year period from 1961 to 1970, there were at least 128 known outbreaks of diseases or poisoning attributed to drinking water.

While the Community Water Supply Study shows that most Americans are receiving drinking water that meets health standards, it also indicates that many of our Nation's water supply systems are subject to potential problems because individual water supply systems contain structural or operational defects; because they are manned by improperly trained personnel; and because many State and local control programs are inadequate. As a result of the inadequacies in State surveillance programs revealed by the 1970 Community Water Supply Study.

We are evaluating nine additional State control programs, we have also been reviewing the manpower and training needs required to administer public water supply programs at the State and local levels of government. We believe, as a result the Community Water Supply Study, that a lack of trained personnel is one of the greatest problems in insuring an adequate and safe water supply for the public. We have determined that the States employ about 300 engineers in water supply activities, which is about one-third the number which we believe is needed to support an effective program at the State level.

EPA is also conducting a research program to provide a better scientific base to assure safe and asthetically acceptable drinking water for public consumption. The research includes inquiry into such areas as identification and evaluation of disease producing and toxic agents that may appear in drinking water supplies, development and evaluation of water treatment processing, and development of simple and rapid methods of detection and quantification of bacteria, virus, chemicals, and toxic agents in water.

The Community Water Supply Study showed that poor operating and surveillance procedures and inadequate physical facilities, while more prevalent in smaller communities, exist in all types and sizes of water supply systems, in both large cities and small towns.

Our concern is to assure the application of adequate and up-to-date standards of quality for safe, healthful drinking water and that water supply systems are in fact reliable in delivering safe water supplies. This objective necessarily entails the use of trained and competent staffs for operating and maintaining the systems so as to deal with difficulties of the individual water system in an effective manner. We believe that this effort should and must be implemented at the State and local level.

Although our study and analysis is not yet completed, several deficiencies have clearly emerged in the over-all national approach to providing safe public drinking water supplies. First, the application of Federally enforceable standards is not broad enough to cover all community water supply systems. Second, State and local control programs, because of deficiencies in their planning, training, and enforcement activities are not providing adequate regulation of local water supply systems. Finally, from a reliability standpoint, many of the systems themselves are not capable of delivering drinking water capable of delivering drinking water of acceptable quality on a continuing basis because of their lack of adequate facilities and sufficient numbers of trained personnel.

In view of these shortcomings, we have concluded that Federal legislation is needed to address certain aspects of the overall situation. As a result we are recommending to the Committee what we believe to be the essential ingredients for legislation to correct the problems of providing safe, reliable supplies of drinking water.

Such legislation should in our view contain the following elements:

1. The Administrator should be authorized to set National drinking water standards, which would be addressed to all health related aspects of drinking water. These standards would limit the chemical, biological, radiological, or other health related contaminants that might appear in drinking water. The standards would also include requirements for the operation and maintenance of water supply systems insofar as necessary to assure achievement of the health related limits described above. We believe that the setting of such standards should be a Federal responsibility because standards needed to protect health do not vary with locality and the Federal Government can bring greater resources to assess the complex health and technical aspects involved.

2. The application of such standards should be clearly limited to drinking water supplied, and not to raw water sources. Extending the purview of standards beyond the goal of upgrading the quality of drinking water and supply systems would be a duplication of the provisions of the Federal Water Pollution Control Act, under which standards have already been established and would continue to be established relating to such raw water sources.

3. In addition to the National standards which relate to health aspects, we believe that EPA should develop and publish recommended limits relating to other constituents and characteristics which affect drinking water, such as taste, odor, and color. I would emphasize that these would be recommended limits as distinguished from the standards which specify mandatory limits. Such recommended limits are helpful as guidelines for States and localities to set out desirable characteristics for which they should strive for their public drinking water supplies even though a health risk is not involved.

4. The primary enforcement responsibility for drinking water standards, in our opinion, should lie with the States and localities. Federal authority to enforce the drinking water standards should come into play only if the States and local governments fail to act. Primary responsibility for assuring safe drinking water now rests with State and local government, and that is where we are convinced it should remain. The difficulties that we have identified with the National programs of drinking water do not stem from the present roles of respective levels of government but rather from inadequate coverage of enforceable Federal standards and from inadequate State and local programs. The solution of those problems would not, in our opinion, be effected by changing the roles of Federal or State governments in this area, but by assuring the enforcement of National standards and by strengthening State and local programs. In order for enforcement to be effective, a dual requirement should be included which would provide in cases where substantial adverse health risks are involved for immediate notification first, to State authorities and, through the States, to the Administrator and second, to the users of the water supply system. Such notice should include the extent and nature and possible health effects of such noncompliance with National standards and the remedial measures which will be taken to correct the problem. Additionally, in cases where the State or locality fails to take prompt remedial action, the Administrator should have authority to institute administrative orders as appropriate to regulate uses of the water supplies in question, prohibit new connections, regulate the source of contamination or prohibit delivery of contaminated water.

5. Each water supply system authority should have to report regularly (at least annually) to the State agency regarding the quality of water delivered. The states should also have to report to the EPA annually regarding the quality of water delivered by each system in the State. Such a reporting system is important because it would provide continuing and pertinent information as to contaminant level and operation and maintenance procedures of the individual water supply.

6. States and localities should develop strong programs of surveillance, enforcement, technical assistance, training, and long-range planning. We see a Federal role in this regard directed toward the provision of research and technical assistance in those areas that are beyond the capabilities of the States.

7. Any drinking water legislation should clarify that the Administrator continue to be authorized to promote and conduct research into all aspects of water hygiene. We believe such research is necessary to provide the scientific data and methodology that will enable the Federal, State, and local entities involved in the supplying of drinking water to effectively perform their respective responsibilities.

Mr. Chairman, it appears that many of these elements, which we consider necessary in any Federal drinking water legislation, are provided in Amendment 410 to S. 1478. However, we have difficulty with the following aspects of this Amendment. First, we do not believe that program grants as suggested in Section 302(m) are necessary or desirable. They would serve to help erode State responsibility and make State agencies dependent on Federal support. We believe that enforceable Federal standards, coupled with adequate monitoring requirements, will serve to stimulate improved local programs.

Second, we feel that the standards published pursuant to Section 302(a) of that Amendment should not apply to the "raw water source" or drinking water supply. In the same regard, the "National Water Hygiene Standards" of Section 302(b), which relate to various undesirable substances in "lakes, rivers, streams, bays, inlets, or other inland and coastal waters" are, in our view, an inappropriate requirement. These two provisions are duplicative of, and in possible conflict with, the provisions of the Federal Water Pollution Control Act and its Amendments now pending before the Congress. Under that Act, water quality standards have been established for various surface waters. Those standards specifically address water to be used as drinking water supply. Multiple inconsistent standards directed to the same end are not only unnecessary, they would in all likelihood thwart both the solution to the drinking water as well as the pollution problem.

We also have difficulty with Section 302(j) of Amendment 410 which would establish a "National Water Hygiene Advisory Council". We would prefer not to have such a body created by statute and feel that it would limit the administrative flexibility so necessary to properly perform our responsibilities.

I will now be happy to answer any questions that you might have.

ALL-VOLUNTEER MILITARY FORCE

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. STEIGER) is recognized for 15 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, 6 months ago Congress made one of the most important commitments in its history—a commitment to provide our Nation with an all-volunteer military force.

That commitment was clearly evidenced in two ways. One, of course, was the pay boost voted for men and women in uniform. The increase—the largest ever voted by Congress— has raised military pay to a level on a par with the civilian sector.

But Congress second indicator was perhaps its most important one. Members of both Houses of Congress showed a clear reluctance to pass the draft extension bill. And when they did pass it, they made it plain that a majority did not intend to extend the draft again.

This fact was recognized—and clearly stated—only a few hours after passage of the draft extension bill last September 21 by Dr. Curtis W. Tarr, Director of the Selective Service System. Speaking at the Air Force Association's 25th Anniversary National Convention, Dr. Tarr said:

> My speculation on this is that . . . we are moving in the direction of an all-volunteer force and that it is not likely that Congress, two years from now—if they have the same feeling that they have now—will re-enact the draft. I have talked to many a man in the Senate who has said, "Look, I am going to vote for you this time, but this is the last time."

The mood of Congress which Dr. Tarr elucidated has not changed, in my view. The commitment is just as strong and growing. And the progress which has been made in our transition from an army of draftees to one of volunteers has justified that commitment.

The volunteer army concept was met with a good deal of skepticism last fall. There are still skeptics today, but their numbers are dwindling.

Headlines in military newspapers in recent months are indicative of the progress which has been made. "Recruits Make DOD Happy," said the March 1 Air Force Times. The same paper on February 16 headlined a story, "Reserve Forces Gain Despite Zero Draft Quotas." Similarly encouraging headlines have appeared as well in the Army and Navy Times.

High ranking officials in the Defense Department and within the services have also been quoted as saying that an all-volunteer army is near. All too often, though, they have spoken of it as merely a possibility, something which we might achieve if everything goes right.

Secretary of the Army Robert F. Froehlke, in testimony before the House Armed Services Committee on March 8, said this:

> Whether a volunteer army is desirable and attainable is open for debate. I answer both questions in the affirmative but recognize there is room for an honest disagreement. I believe there is not room for disagreement on the program we have developed to achieve a volunteer army. This program is a must whether or not the draft disappears.

I say this program is a must because the draft will disappear. We are going to have a volunteer army. It is going to happen, whether everything goes right or not. For this reason, it is imperative that we make every effort to insure that the transition is made as efficiently, as smoothly, as successfully as possible. If it is not, all of us will pay for the lack of preparation—both through increased defense budget demands and through a less effective defense force.

We cannot permit such a tragic thing to happen.

This is why I am taking this occasion to introduce legislation aimed at addressing areas of particular concern. I am pleased that the distinguished Congressmen SPARK MATSUNAGA, BOB WILSON, and CHARLES BENNETT have joined as sponsors.

Thus far, problems have been dealt with on a general basis—pay has been increased, efforts have been made to improve living and working standards within the military, some irritants have been removed.

But, what of specific problems? What can we do to encourage men to enlist or reenlist for special shortage skills? To convince health officials to join or stay in the military? To guarantee that our Reserves and National Guard will not be weakened in a nondraft environment?

The Honorable Roger T. Kelley, Assistant Secretary of Defense for Manpower and Reserve Affairs, told a Senate Armed Services Committee subcommittee that the use of incentives was being considered by the Defense Department.

Such incentives are the substance of the legislation which I am introducing. This bill, "The Uniformed Services Special Pay Act of 1972," addresses the areas which most need to be addressed.

Incentives included in the legislation are special enlistment pay, special Reserve Forces pay, special officer pay, and special reenlistment pay. These special pays have been grouped as a package because they represent the final new compensation programs which should be needed to attract young men and women into the military.

As I noted, general pay requirements have been met by the November 15 and January 1 pay increases. But we need special programs to insure that we are not faced with shortfalls in key areas during this transition period.

If we allow this to happen, it will not foredoom the volunteer army as a viable concept—rather, it will simply increase the cost of implementing it later. And money spent later to supply medical help, or lawyers or technicians, or Reserve Forces, is money taken away from programs such as housing or travel which can benefit all servicemen—careerists and Reserves alike.

The timeliness of this special pay package is unquestionable. These steps, if enacted soon, will provide sufficient time—more than a year until reliance on the draft is terminated—to replace the draftees and draft-motivated volunteers who are presently maintaining some specialized positions.

But, most importantly, the bill provides for accomplishing this in a cost-effective manner. Key features of this incentive system include: The ability to be turned on and off so as not to contain either a permanent cost or a wasteful period of termination costs; the ability to be applied directly at decision points, at enlistment and reenlistment; and the ability to be applied selectively to individuals and/or skills, without overpaying occupations for which needs are already being met.

The proposal is designed to apply to initial enlistment into the Active and Reserve Forces; initial entry into selective high-skill officer positions; and reenlistment into certain Active and Reserve occupations. This approach has the approval of the Secretary of Defense and the Office of Management and Budget. At our request, DOD staff members have assisted the intensive staff work that went into our preparation.

It is being introduced in the other body by Senators GORDON ALLOTT and ROBERT STAFFORD. The fiscal year 1973 budget for the Department of Defense has an allocation of $376.4 million designed to fill the President's commitment to Senator ALLOTT for military pay raises.

The Senator has recognized, though, that there is greater need for this package of incentives than there is for another across-the-board raise. I share his feeling that the approach taken in this bill is the only one which will accomplish what must be accomplished before July 1, 1973.

The program here is designed to achieve everything the pay raise would have and substantially more—for less money. That it represents a savings of some $177.7 million is an added dividend. Its projected cost is $198.7 million, compared with the budgeted $376.4 million. And the long-term savings are even greater. The pay increase would create self-perpetuating, ever-spiraling expenses. Our proposal not only saves money right now, but it will save countless additional millions which will be required if we do not make provisions for meeting these needs until they reach critical levels.

Many of the measures being implemented at the present time are designed with the same intent as this proposal—to spare us added expense later. Whatever the cost of improving barracks, hiring civilians for KP and other jobs, and upgrading the quality of food, the price must be considered cheap. For by making the military more attractive, we increase the likelihood of enlistment and reenlistment by thousands of young men and women. And with each reenlistment we save thousands of dollars that would otherwise be spent recruiting and training replacements for those who leave the military. This bill will provide incentives for men and women to enlist, but more importantly, it will provide incentives for them to stay in the military.

Already we are seeing dramatic indications that our transition to a volunteer military is scoring successes that even its most ardent supporters might not have expected. Lt. Gen. George Forsythe, Gen. William Westmoreland's special assistant for the modern volunteer army, told a Senate Armed Services Subcommittee that enlistments in December 1971 were 20 percent higher than the number in the same month a year earlier. But of greater significance is the fact that 88 percent of these men were high school graduates and that the quality of the enlistees was up 80 percent, based on intelligence ratings. The general also said that the number of black enlistees has held at the 10- to 11-percent level. These statistics refute the old argument that an all-volunteer army might be a black army or an army of high school dropouts.

Assistant Secretary Kelley reported to the subcommittee that enlistments for combat arms have risen from 250 per month in 1970 to more than 3,000 per month in 1971 and 1972. And these overwhelming increases have been made without relying on the combat arms enlistment incentive pay which Congress authorized last year. Use of incentive pays, coupled with enlistment options and concerted recruiting efforts, should cause those totals to have another dramatic rise.

We have, as General Forsythe has said, gone the first 12 or 13 miles of a 20-mile hike. We have hiked that distance in a remarkably short time. We still have miles to go to reach our goal—but we know that goal will be met. What our incentives proposal provides is a means of making those last few miles a little easier and a lot less costly. And without this legislation, we may have to walk beyond that 20 miles before we can rest.

The volunteer army will be a reality—to a large extent it is already. Let us do all we can to make it as good an army as we possibly can.

EMERGENCY STRIKE LEGISLATION

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. MATHIAS) is recognized for 5 minutes.

Mr. MATHIAS of California. Mr. Speaker, California is an export State. The value of farm products exported during fiscal year 1971 was well over half a billion dollars—$555.1 million.

Direct losses from the 1971 west coast dock strike approximated $23.8 million to California agriculture. The costs of storage, spoilage, increased transportation due to diversion of commodities to alternate ports, loss of foreign markets, failure to meet contract obligations, dumping of export-bound produce on the domestic market—thus depressing prices for farmers across the Nation—and placing agriculture in a disadvantageous position as far as renegotiating contracts overseas is concerned are only a few of the factors which have battered California and American agriculture.

The loss of export markets alone due to the longshoremen's strike—markets developed over the past 10 to 20 years—cannot be estimated, but it could amount to billions of dollars and take years to rebuild.

Our farmers and the entire Nation need legislation that will prevent crippling national transportation strikes in the future. We cannot afford another west coast dock strike.

The important thing to remember is that the losses that result from transportation strikes, like the dock strike, are not just figures to be looked at and then discarded. They represent the livelihood of people, more people by far than are responsible for the long, devastating work stoppages we have witnessed in recent years.

The refusal of the Transportation and Aeronautics Subcommittee of the House Interstate and Foreign Commerce Committee to report out an emergency strike bill was unfortunate. But we cannot let this temporary defeat halt our efforts to get responsible legislation enacted. We need a reasonable and orderly plan of action for settling these disputes and we cannot give up until we get it.

U.S. INTERESTS IN THE MIDDLE EAST

The SPEAKER. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 20 minutes.

Mr. HAMILTON. Mr. Speaker, in the Middle East, crises come and go, governments rule and fall, but the problems persist. Most Americans think only occasionally of the Middle East, and when they do, it is usually in connection with strife and turmoil. Yet, through it all, the Middle East, an area where three continents join, remains important to us.

World leaders like President Nixon continually approach Middle East issues with either cautious optimism or reluctant pessimism but invariably with a warning that the Middle East is a dangerous area, a "powder keg." That caveat refers to the two central problems of the Middle East, and North Africa for the United States—the intentions of the Soviet Union in the area and the Arab-Israeli conflict. Most Americans can be forgiven if they do not fully understand why this vast area of sand and sea, populated by 100 million people, is of so much concern. The observations that follow are simply an effort to explain what U.S. interests are in this area.

Unlike Southeast Asia where many Americans have had increasing difficulty defining precisely our interests and objectives for the present, much less the future, the Middle East is an area where the United States has definite long- and short-run interests. Even so, it is probably an overstatement to say that the United States has many vital interests in the Middle East. The two interests there that can be labeled vital to America really transcend the area: First, we have an important interest in seeing that local conflicts and rivalries do not develop into major wars, perhaps involving the great powers; second, it is definitely in our interest that no outside power dominate the region.

The United States major asset in this respect are the Middle East States themselves. Although some alarm is expressed here about the increased presence and involvement of the Soviet Union in the Arab world, the Arab countries are not about to give up their long-cherished and recently won independence.

While peace and stability are the overriding objectives of the United States in the Middle East, several nonvital, but nonetheless significant, interests combine to give the United States an important stake in what happens in this region between Europe, Asia, and Africa.

It is useful to consider these interests under four broad categories: strategic interests, economic interests, cultural interests, and the commitments derived from these interests. Although our cultural and economic interests in the area are significant, primary emphasis has been given to political and strategic considerations in the weighing of our policy alternatives in this region.

STRATEGIC INTERESTS

First. A primary strategic interest of the United States is to maintain the right of access to the area. The importance of our access to Middle East oil will be discussed below. The Middle East sits at the strategic crossroads of three continents with important links in those three continents, and the maintenance and development of lines of communication to and through the area is important. International waterways, air routes, and international communications networks crisscross the entire region and maintenance of access to these facilities is an important strategic interest of the United States. Without access, the United States would be a diminished power, unable to make itself felt in vast and critical areas of the globe.

Second. This strategic interest in maintaining access to the area requires a viable American military presence in case that access is threatened. Such a viability, however, does not automatically necessitate any permanent military presence. Our military missions in Saudi Arabia, Jordan, Turkey, and Iran, our communications stations in Iran and Ethiopia, the 6th Fleet, and the small naval presence on Bahrayn may come under increasing attack both here in the United States and in the Middle East, requiring the exploration of a variety of flexible, alternative means of maintaining military options in the area.

Third. The United States has a general interest in the political and social development of the entire area and all its peoples, and a particular interest in the preservation of friendly governments. The two only became incompatible when the governments we consider friendly are not committed to the emergence of a congenial and compatible world of free and interdependent nations or to political and social development. We ignore the 100 million people of the Middle East and North Africa at our own peril. Their development is in our interest and in the interest of peace throughout the region.

Fourth. A related American interest in the Middle East is to reduce Arab dependence on the Soviet Union and assure that no outside power dominates the area. While there is much disagreement over the means of carrying out this interest, there is no challenge to the validity of the objective.

It is important, however, to draw a distinction between the need for the United States and the Soviet Union to recognize each other's legitimate interests in the Middle East and the U.S. interest in denying the Soviet Union dominance in the area.

ECONOMIC INTERESTS

The United States also has significant economic interests in the Middle East today, and they will become even more important in the next decade. These interests—freedom of trade, access to Middle East oil, and freedom of oil transport—are prime economic considerations for the United States.

At present, American trade and investment in the Middle East and North Africa produce a net annual inflow of almost $2 billion into the United States—no small contribution at a time when the U.S. balance-of-payments deficit is greater than at any time since World War II. Oil is responsible for much of this and American oil companies have invested over $4 billion in Middle East and North African oil ventures.

While given less publicity, the U.S. trade surplus in the Middle East and North Africa is, nonetheless, significant. In 1970, for example, this trade surplus was about $1.4 billion. This figure becomes even more important when it is known that the worldwide U.S. trade surplus was $2.69 billion. American products, technology and machinery continue to be popular throughout this vast area.

Although the present economic importance of Middle East oil for the United States must be seen largely in terms of its contribution to our balance of payments since less than 5 percent of U.S. consumption needs came from the Middle East, this is not likely to remain the case for long.

Though our need for Middle East oil and natural gas will never equal Japan and Western Europe's dependence on it for over three-fourths of their fuel needs, estimates indicate that by 1980, the United States may have to obtain a substantial percentage of its projected oil needs from the Middle East. The figures are staggering. The non-Communist world currently consumes about 40 million barrels of oil a day; the United States consumes about 18 million barrels of that. In 1980, it is estimated that the non-Communist world will consume between 80 and 100 million barrels and the United States 24 of that figure. At the present rate, the United States can get only 12 million barrels from domestic sources, including Alaska. Of the remaining 12 million barrels needed, about nine will have to come from the Middle East, and that figure will then represent between 35 and 40 percent of total U.S. consumption needs.

Without doubt, the economic importance of the Middle East for the United States is going to increase sharply in the near future.

CULTURAL INTERESTS

The United States also has many cultural assets and interests throughout the Middle East. Some represent a legacy of American missionary and philanthropic enterprises which have played a crucial role for decades in the preparation of Middle East elites. Robert College in Turkey, founded in 1863, the American University of Beirut, founded in 1866 and the American University in Cairo, founded in 1919, are three such institutions. Several newer educational institutions in Israel and elsewhere have also served to strengthen the cultural assets of the United States in the Middle East.

In particular, the Hadassah Hospital and the Weizmann Institute have helped strengthen and foster the natural ties between many Americans and the State of Israel.

More generally, the Middle East is recognized throughout the world as the cradle of civilization, the birthplace of the Judeao-Christian heritage and the preserver of the Greco-Roman tradition long after the Greek and Roman civilizations had faded into dark ages. The Holy Land in particular and the heritage nurtured in that land evokes for millions of Americans a cultural and religious bond that transcends nation-states and their difficulties. For Jews and Christians of this country peace and open borders in the Middle East, especially in Palestine, mean access to the origins of their faith, and they cannot conceive that the land where that faith was nurtured should be in a state of war.

Finally, numerous educational and cultural organizations in this country promote and preserve our cultural ties in the near and far reaches of the vast Middle East and North Africa area. The intensity of feeling in the United States for Israel and other countries in the region is only one manifestation of the strength of our cultural interests there.

RESULTING COMMITMENTS

All these interests can be seen most prominently in terms of U.S. legal and political commitments. These commitments are both formal and informal, unilateral, bilateral and multilateral. They can be considered under six broad headings:

1. MULTILATERAL COMMITMENTS

Both NATO and CENTO play important roles in the Middle East, and reflect U.S. interests in the Middle East. These commitments also create obligations for the United States in this area.

Turkey and Greece have participated in NATO since the early 1950's and they play a crucial role in NATO's security in the Eastern Mediterranean. Farther east, Turkey, Iran, Pakistan, and England are joined together in CENTO, with the United States serving in a nonsignatory active role. This regional alliance promotes both defense coordination and economic cooperation in the span between the Bosphorus and the Hindu Kush.

2. BILATERAL COMMITMENTS AND OBLIGATIONS

We have few well-defined bilateral commitments in the Middle East. A vague obligation to Iran and other indigenous signatories of CENTO under a security agreement in 1959 can only be coupled with an even vaguer security agreement with Saudi Arabia.

We have an obligation to "consult" with the Iranian Government on appropriate measures, including the use of armed forces, if Iran is attacked. With Saudi Arabia, a 1951 Mutual Defense Assistance Agreement formed the basis for a relationship, involving mainly military assistance, which has since been buttressed by a series of letters, some by American Presidents, reassuring the Saudi Arabian Government of our interest in its territorial integrity. Precisely what these obligations mean for the 1970's remains obscure.

3. MORAL AND POLITICAL COMMITMENT

The United States has a moral and political commitment to the defense of Israel which is assumed by both the U.S. Government and the Government of Israel but not defined anywhere precisely in writing. Below the government level, this interest in and commitment to Israel's well-being and security has special cultural, political, and moral overtones for many Americans.

Since 1948, successive Presidents and other high U.S. officials have reiterated, if in less strong language, President Truman's statement of October 28, 1948, in which he stated:

> It is my responsibility to see that our policy in Israel fits in with our foreign policy throughout the world; it is my desire to help build in Palestine a strong, prosperous free and independent democratic state. It must be large enough, free enough and strong enough to make its people self-supporting and secure.

Most Presidential statements have been more general. President Johnson, for instance, quoted John Kennedy on August 2, 1966, stating—

> We support the security of both Israel and her neighbors . . . we strongly oppose the use of force or the threat of force in the Near East . . .

The security of friendly governments in the Middle East remains an important American interest in the Middle East today.

4. UNILATERAL POLICY STATEMENTS

Often, the United States has defined its commitments in special pronouncements. The Truman doctrine of March 1947, the Eisenhower doctrine of January 1957, and Johnson's five-point pronouncement in the Arab-Israeli conflict in June 1967 can be considered important declarations of U.S. intentions in this area.

Both the Truman doctrine and the Eisenhower doctrine pledged America's dedication to the principle that force shall not be used internationally for any aggressive purposes. Both also state that the integrity and independence of the states in the region should be preserved. On June 19, 1967, President Johnson delineated five principles of peace: Every nation's right to live in peace; justice for all refugees; respect of maritime rights; end of the arms race; and respect for the political independence and territorial integrity of all the states of the area. This unilateral policy statement has formed the basis for much of the United States peace efforts since 1967.

5. MULTILATERAL POLICY STATEMENTS

Two keys to U.S. policy in the Middle East since 1945 have had multinational backing. The 1950 tripartite declaration supporting the territorial status quo in the area and the U.N. Resolution 242 of

November 1967 are thought to be the most significant statements we have in the Middle East. From 1950 to 1967, the tripartite declaration was the most quoted statement by American Presidents on Middle East policy. Since 1967, the U.N. Resolution 242 has served the same purpose.

In the tripartite declaration, the United States, England, and France declared "their deep interest in and their desire to promote the establishment and maintenance of peace and stability in the area." They go on to state that if "any of these states was preparing to violate frontiers or armistice lines," they would "immediately take action, both within and outside the United Nations, to prevent such violation."

The U.N. Resolution 242, passed unanimously by the Security Council in November 1967, had much broader international support, including that of the Soviet Union, and it has served as the basis of a search for a just and lasting peace between the parties to the dispute. It is not a commitment or obligation to take action, rather it gives international support to a peace in the Middle East, based on the previsions of the resolution.

The main provisions of this resolution recommended: "withdrawal of Israeli Armed Forces from the territories occupied in the recent conflict;" "termination of all claims or states of belligerency;" "freedom of navigation through international waterways in the area;" "a just settlement of the refugee problem;" and "guaranteeing the territorial inviolability and political independence of every state in the area."

6. UNILATERAL PLEDGES

The United States has also made a few unilateral pledges to specific countries at particular times. Such a pledge was made to Jordan in 1957 and to Saudi Arabia in the early 1960's. Each pledged American support for the maintenance of the territorial integrity of the countries.

CONCLUSION

The overextension of the U.S. political, military, and economic commitments abroad is causing increasing anxiety here at home. It is also causing politicians and policymakers to reevaluate U.S. interests everywhere in the world. From this process of reexamination, there will hopefully emerge a set of commitments in the 1970's and 1980's commensurate with our interests. Vietnam has served as a dramatic and painful catalyst in the questioning of every foreign commitment, military alliance, and economic and political tie. This review should properly include those in the Middle East.

As this brief statement is intended to convey, the United States has many politico-strategic, economic, and cultural interests throughout the entire Middle East area. The preservation of these interests depend on a strong commitment of the United States to peace and stability in the area and to a Middle East free from external domination.

It is precisely because war and the present situation of neither war nor peace threaten our interests that we seek a peace settlement of the Arab-Israeli conflict. Peace and stability are the only way to assure our access to the Middle East, its peoples, and its economic and cultural resources. These interests must be uppermost in our minds as we shape policies for the years ahead.

PROJECT SANGUINE

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. Aspin) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, yesterday I publicly released a report prepared by the Army Corps of Engineers on Project Sanguine that raises serious questions about the adverse environmental damage Project Sanguine may cause.

In its report, the Army Corps of Engineers terms parts of the Navy's draft environmental impact statement inconclusive and notes that the impact statement contains omissions and, in one instance, very little information on environmental questions.

What amazes me is the fact that the Corps of Engineers, which has been extremely unsympathetic to environmental control, should raise such serious doubts about Project Sanguine.

Specifically, the Corps of Engineers document states that power generated by Project Sanguine could "be high enough to be dangerous to a person" who touched an insulated wire which is grounded at a long distance. If an individual touched a particular insulated wire that was grounded at a long distance and which had the same potential energy as the electromagnetic field being projected by Project Sanguine, he would receive a shock.

The Corps of Engineers also points out that studies on the corrosion of underground pipeline is "inconclusive." Furthermore, the Navy has not estimated the cost of mitigating such corrosion.

The corps notes quite correctly that in its draft environmental impact statement the Navy dealt at length with the mitigation of telephone interference. However, little information was included on electrical ground potential that will require numerous devices to prevent telephone interference. Even the Navy's draft impact statement last year revealed that the cost of eliminating telephone interference may be as high as $500 per customer—an unfair burden to be assumed by both Wisconsin's consumers and telephone companies.

Most of the tests on Project Sanguine have been conducted on cables above ground while Project Sanguine itself will consist of a series of buried underground cables. As a result the Corps of Engineers' predicts "some of the test results may be subject to question."

Unless all the serious environmental questions raised by the Corps of Engineers are satisfactorily answered in the Project Sanguine final impact statement scheduled for release April 7, that final statement will be inadequate.

The Corps of Engineers' report which I am releasing today is a comment on the Navy's draft environmental impact statement issued a year ago. The report is dated October 4, 1971.

As my colleagues know, the National Environmental Policy Act requires that all Federal agencies submit a draft and eventually a final environmental impact statement to the Council on Environmental Quality that assesses the impact of any major Federal project on the human environment.

The Navy has informed me that the final environmental impact statement for Project Sanguine will be issued on April 7 despite the fact that is is based on only interim results. The Navy has requested that an additional $450,000 in next year's budget for further environmental studies. If more funds are needed for environmental studies, how can the Navy possibly claim that its upcoming report is a final impact statement?

The Corps of Engineers in its reports says that all problems mentioned should be investigated and discussed in the final impact statement but the Corps assumes that eventually all the problems with Project Sanguine can be solved. I believe, Mr. Speaker, the Navy must study Project Sanguine until it is absolutely clear that the building of the project will not adversely affect the environment of Wisconsin.

I have serious doubts that the impact statement scheduled to be issued April 7 will truly be a final impact statement conforming to the National Environmental Policy Act.

The Corps of Engineers report follows:

October 4, 1971.

Commander W. K. Hartell,
Project Sanguine Office, Naval Electronic Systems Command Hdq., Washington, D.C.

Dear Commander Hartell: This letter responds to Admiral Crawford's request for comments of the Corps of Engineers on the draft environmental impact statement for Project Sanguine.

Recognizing that a final system design has not been developed and that final site selection has not as yet been made, the draft statement appears to contain adequate provision for further studies of environmental aspects of the proposed project.

There are no existing water resource projects of the Corps of Engineers located in the general area of Wisconsin and Michigan being considered as the site of project Sanguine, nor does it appear that there would be any conflicts with proposed or on-going Military Construction or Civil Works programs of the Corps.

Inclosed are technical comments concerning possible effects of the proposed low frequency ground currents on metal structures, communications relaying systems, hazardous electrical potentials and biological systems.

The opportunity afforded us to review your draft statement is appreciated, and it is hoped that those comments will be of assistance to you in perfecting the final environmental statement for project Sanguine.

Sincerely yours,

William L. Barnes,
Colonel, Corps of Engineers, Executive Director of Civil Works.

Technical Review Comments—Project Sanguine—Environmental Impact Statement

1. The study with respect to the effects of Project SANGUINE on corrosion of underground pipelines is inconclusive and the methods and cost of mitigation have been omitted. The effects of a-c ground currents on steel pipeline corrosion have been discussed but effects on lead sheaths for power and telephone lines or on buried aluminum culvert pipe were not included. Stray a-c currents have been shown to cause highly accelerated corrosion of lead and aluminum.

2. The antenna grounds will consist of buried bare copper ground mats probably made up of interconnecting cable and ground rods. The expected effects of galvanic corrosion between the copper grids and steel pipe, steel foundations, etc., in the grid area that have a low resistance connection to the grid should be discussed in the report. There have been many instances of rapid corrosion of underground piping and conduit systems located near buried copper ground mats if there are low resistance paths for current to flow between the copper and steel.

3. The effects of Project SANGUINE on telephone and power systems resulting from induced potentials have been discussed in considerable detail in the report but very little information has been included on the effects on these systems from the rise in ground potential from the flow of ground currents. On telephone circuits, in addition to neutralizing transformers for protection against induced voltages, insulating transformers, carbon block protectors, drain coils, protector tubes and similar devices may be required on some telephone circuits for protection from differences in ground potential. Differences in ground potential could also adversely affect power system ground fault protective relaying. An indication of current flow in grounded neutral connections is often used for ground fault detection. Neutral currents resulting from Project SANGUINE could require a reduction in relaying sensitivity.

4. The report indicates that step potentials will be very low; however, transferred potentials resulting from rise in ground potentials could be hazardous. The difference in potential between a point on the earth's surface near an antenna ground and some distant point could be high enough to be dangerous to a person standing at one location and touching a conductor grounded at the other location. Low conductivity (high resistivity) is desirable for transmission efficiency but undesirable from a potential gradient standpoint, as the potential gradients are proportional to earth resistivity.

5. The foregoing are considered to be possible problems and should be investigated and discussion, including proposed remedial action if required, included in the final report after completion of the detailed design. It is believed that all of the foregoing would be amenable to correction or mitigation.

6. It is noted that both the North Carolina and Wisconsin test facility antenna lines between the transmitter and antenna grounds were run overhead supported on utility poles. The report indicates, however, that these cables for Project SANGUINE will be insulated buried cables underground. For this reason some of the test results may be subject to question. In general, however, buried conductors would probably reduce interference effects. It is also unknown if burying these conductors would have any adverse biological effects, but it has been common practice in the past to use such cables for many years for power distribution systems without any noticeable biological effects.

HUCKLEBERRY FINN NATIONAL RECREATION AREA

The SPEAKER. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER), is recognized for 10 minutes.

Mr. ALEXANDER. Mr. Speaker, today I would like to call to the attention of my colleagues a bill which I recently introduced. This is H.R. 13831, which calls for the Department of the Interior to undertake a study of the desirability of establishing a Huckleberry Finn National Recreation Area on the Mississippi River. I propose that this recreation area begin at the mouth of the Missouri River at St. Louis and include all of the lower Mississippi to the Gulf of Mexico.

In the opening lines of his book, "Life on the Mississippi," Mark Twain wrote:

> The Mississippi is well worth reading about. It is not a common place river, but on the contrary is in all ways remarkable.

I am in complete agreement with Mr. Twain. But, I would go further and say that the Mississippi River country is in all ways remarkable and well worth protecting and making its wonders available to visitors.

Nearly a century after Mark Twain penned his manuscript, Hodding Carter, in another book, expressed some of the feeling modern day residents of Mid-Continent America have for the river. In the opening lines of "Man and the River," Mr. Carter wrote of the Mississippi:

> This river beside which I live is made up, think some of us, of the spirit and muscle of God; and, at times, of Satan's own sinews.
>
> For us who know and live and fear and profit from and delight in it, the Mississippi gives reason for great pride—not just that of the people of a rich and powerful mainstream and its valley, but the pride of a man who has become the persistent tamer. For certainly in the history of mankind there is special place for such conflict between these protagonists, between man and the river, and for old tales and new of courage and brain and brawn, of men who live beside and deal with the torrent that is in perpetual motion.

This magnificent Mississippi River and its environs have played an integral part in this Nation's historical, cultural, commercial and recreational development. It can truly be said that this river, which practically runs the length of the Nation, is the thread which unifies the East and West of the United States.

In proposing the establishment of the Huckleberry Finn National Recreation Area, I have taken these aspects of the river's role into account. It is my intention that the unique opportunities for recreational, historical, cultural, educational, and natural qualities of this region be utilized and developed in harmoney with wise commercial use of the inland waterways and streambanks.

My bill requires that in his study of the establishment of this recreation area, the Secretary of the Interior recognize that there are certain established private and public land uses which are compatible with the intent of my proposal. Among these would be, of course, hunting clubs, marinas, boat docks, fishing camps, camping and recreation areas, picnic grounds, wilderness areas bird sanctuaries, and game refuges.

The need for expanding the national park system is amply demonstrated, I believe, even in a brief look at the visitor pressures on the existing parks and acreage additions which have been made since 1950. Visitor pressures on the park system have grown tremendously. A major reason for that is the increased income many of the Nation's families have enjoyed and the rising amount of leisure time they have for exploring their homeland.

The number of visitors for all units of the national park system, except the National Capital Parks, rose from 33.25 million in 1950 to 72.28 million in 1960. Yet, only 30,000 acres were added to the system during that decade. The number of visitors more than doubled between 1960 and December 1971—reaching 200.5 million persons. But, between 1962 and 1972, the gross acreage in the park system grew by less than 9 percent.

The National Park Service predicted early in 1971 that the number of visitors to all the national park system units, except the National Capital Parks, would rise to 256.4 million by 1980.

There is evidence of growing concern among National Park Service personnel and private conservation and recreation groups that visitor pressures are reaching a point where new restrictions on park use must be established.

Some of the suggestions which have been made include:

Prohibiting private vehicles of visitors from traveling in the parks and resorting to the use of public transportation within the parks;

Limiting the number of private cars entering a park on a given day;

Expanding the advance reservation system for overnight stays in the parks; and

Limiting visitors to the parks during seasons of intensive use.

Already the Park Service is being forced by visitor pressures to experiment with limiting the number of visitors to back-country areas of four parks. On March 1, Secretary of the Interior Morton said on a national television program that this experiment would be operated this year in the Great Smoky Mountains National Park, the Sequoia National Park, King's Canyon National Park, and the Rocky Mountain National Park.

On the same day, the Secretary suggested that changes may be necessary to bring more control to the numbers of persons using campgrounds in the national parks. And, in a recent interview with the U.S. News & World Report, George Hartzog, Director of the National Park Service, indicated that expanded use of mass transportation, which was first experimented with in 1970, is being strongly considered. Limited service is already in operation in Yosemite and the Everglades National Parks.

In his 1971 environment message to the Congress, President Nixon supported the expansion of the Nation's recreation lands. Such an increase could help relieve the pressures on the national park system. That is another factor supporting the development of the Huckleberry National Recreation Area. In his message, the President said:

> Merely acquiring land for open space and recreation is not enough. We must bring parks to where the people are so that everyone has access to a nearby recreation area.

That is what my proposal for Huckleberry Finn is intended to do. Combined with the proposal of our colleague, Congressman JOHN KYL of Iowa, for the upper Mississippi, we have the opportunity to provide a national recreation area that stretches from Lake Itasca in Minnesota to the Gulf of Mexico. To do so, I believe would give this Nation one of its most valuable additions to the national park system since the program was established.

During his service in the House of Representatives, the Honorable Frank Smith became a leading force in the effort to bring this Nation to a recognition of its responsibilities in this area. In his book, "The Politics of Conservation," Mr. Smith wrote:

> The resource and conservation challenge for America during the final third of the Twentieth Century is not limited to water supply, recreation or pollution (of water, land or air). It involves new concepts of joint planning for urban growth, massive new transportation techniques, and total acceptance of the essentiality that all resource use and development is for the purpose of improving the environment and the life of the human resource. Is the American governmental machinery sufficiently flexible to respond to the challenge?

Through my bill, we, the Members of the Congress, have an opportunity to respond positively to the resource and conservation challenge. We must act now, before the National Park Service is forced into the position of posting a "no vacancy" sign before our parks—before we reach a "standing room only" situation which cheats park visitors out of the opportunity to freely enjoy the natural pageant which they have traveled many miles to enjoy—before visitor pressures on the recreation areas become so great that they spoil or destroy what we have meant to preserve while using.

For ourselves and future generations, we must act to insure the wise protection and maximum use of the historical, cultural, educational, recreational and natural qualities of the Mississippi River—this river which is so remarkable in all ways.

"CAMP FIRE GIRLS' WEEK" IN ALASKA

The SPEAKER. Under a previous order of the House, the gentleman from Alaska, Mr. BEGICH, is recognized for 10 minutes.

Mr. BEGICH. Mr. Speaker, in recognition of the valuable experience provided for America's young people by the Camp Fire Girls program, Gov. William A. Egan of Alaska has designated the week, March 19–25, 1972, as "Camp Fire Girls' Week" in the State of Alaska. This proclamation underscores for the Alaskan people the noteworthy achievement of this program and its continued relevance in a changing epoque. It is my hope that a similar regard for the Camp Fire Girls excellent program be forthcoming in all the States of the Nation. I am pleased now to present the statement issued by Governor Egan:

PROCLAMATION—CAMP FIRE GIRLS

> Camp Fire Girls commemorates its Founders Day on March 17, 1972, and celebrates its 62nd anniversary during Birthday Week, March 19–25, 1972.
>
> Camp Fire is a vital and exciting program for young people. Through its recreational, camping, conservation, crafts, service, and other activities, it stresses a spirit of adventure, a sense of curiosity, and enjoyment of life to its fullest.
>
> Camp Fire encourages each person to grow and learn in her or his individual way because it believes that each person is different and that these differences should be respected and enjoyed. Camp Fire emphasizes the need to give all people a chance to "do something" to influence decisions that affect their lives.
>
> We need young people who will become thoughtful and concerned citizens and who are not afraid to act on their own beliefs. Camp Fire encourages independent and responsible attitudes in its girl members, its adult members and leaders, and its male high school age member who have recently joined the organization.
>
> "Do something" is a fitting motto for Camp Fire's 62nd birthday. At a recent conference for high school age students, there was open discussion on issues like: conservation and ecology, drugs and escape, schools, prejudice, and political and social action.
>
> Camp Fire is to be congratulated for its spirited "do something" attitude of social involvement and for its creative work with young people.
>
> Therefore, I, William A. Egan, Governor of Alaska, do proclaim the week of March 19–25, 1972, to be Camp Fire Girls Week in Alaska.
>
> Dated this 6th day of March, 1972.
>
> WILLIAM A. EGAN, *Governor.*
>
> ——— ———,
>
> *Lieutenant Governor.*

BLACK LUNG STATISTICS

The SPEAKER. Under a previous order of the House, the gentleman from West Virginia, (Mr. KEE) is recognized for 15 minutes.

Mr. KEE. Mr. Speaker, recently I requested the Social Security Administration to report to me on the current status of black lung claims. These have been made available and reflect a remarkable implementation of the Black Lung Act.

I am extremely proud to have been the original sponsor of this great legislation which has eased the economic burden of thousands of stricken miners, miners' widows, and other dependents. I had occasion to strengthen that legislation when it became apparent that a mere X-ray could not be conclusive proof of the existence or nonexistence of the disease. More detailed examinations under my criteria have resulted in many miners receiving compensation who would not have been diagnosed as black lung victims under a cursory examination.

Since the passage of this bill I have received over 20,000 letters from my coal mining constituents asking for assistance in processing their claims. This I have and am gladly doing for I feel that I am rendering a public service to the good people in my district. I am happy to report that during the past 2 years my office has processed in one phase or another on the average of 65 letters daily with an average of three approvals a day.

Within the Fourth District of West Virginia, newly formed from the old fourth and fifth districts, more than 14,700 claims have been approved covering 28,700 human beings—or nearly 60 percent of all persons in the entire State of West Virginia receiving benefits. More than $61,440,000 have been paid these claimants between January 1970 and December 1971. Federal benefits have reached $3 million per month in the fourth district.

Much has been accomplished, but much, much more remains to be done. Hundreds of appeals are pending on behalf of denied claims. Each and everyone has, and will continue to receive my personal and energetic attention. At this point I would like to submit all the data made available to me by the Social Security Administration.

CHART 1—BLACK LUNG STATISTICS

As of December 31, 1971	Claims allowed	Monthly payments	Total cumulative amount
Cabell	152	$28,578	$527,489
Logan	2,362	483,579	10,410,224
McDowell	3,090	629,969	13,732,967
Mercer	1,575	319,894	6,184,294
Mingo	1,713	364,611	7,599,089
Raleigh	3,887	764,973	16,377,341
Wayne	136	28,262	524,545
Wyoming	1,771	355,716	6,083,637
Total	14,686	2,973,582	61,439,586

CHART 2—BLACK LUNG STATISTICS

As of Dec. 31, 1971	National	Percent[1]	Pennsylvania	Percent[1]	Kentucky	Percent[1]	West Virginia	Percent[1]	West Virginia new 4th district	Percent[1]
Total filings	348,000		113,000		38,000		66,000			
Total processed	323,000		104,000		35,000		62,000			
Total allowances[2]	160,000	50	70,000	67	11,000	31	28,000	45	14,700	53
Miners	88,000		38,000		6,000		17,000		10,000	
Widows	72,000		32,000		5,000		11,000		5,000	
Total current beneficiaries	240,000		95,000		20,000		49,000		28,700	
Miners	81,000		34,000		6,000		16,000		9,100	
Widows	69,000		31,000		5,000		11,000		5,600	
Dependents	90,000		30,000		9,000		22,000		14,000	
Total benefits paid, Jan. 1, 1970 to Dec. 31, 1971	$532,610,000		$228,401,000		$41,370,000		$103,895,000		$61,440,000	
Total monthly benefits being paid	28,182,000		11,793,000		2,289,000		5,450,000		3,000,000	

[1] Percentage of allowances for total processed.

[2] Includes reconsideration and hearing benefits and benefits subsequently terminated due to death.

Note: The foregoing figures are estimates as of Dec. 31, 1971, by Social Security Administration and are rounded off to the nearest zero.

CHART 3—BLACK LUNG STATISTICS

1. Total Filings and Total Processed for New Fourth Congressional District were not available as of 12/31/71.

2. 14,700 to 28,000 West Virginia Total Allowances were in District.

3. 28,700 of 49,000 West Virginia Current Beneficiaries were in District.

4. $61,440,000 of $103,895,000 of West Virginia Total Benefits Paid were in District.

5. $3,000,000 of $5,450,000 West Virginia Total Monthly Benefits Being Paid were in the District.

6. West Virginia and District Denial estimates included itemization which consisted of counties outside the new Fourth Congressional District. For example, the Huntington District Social Security Office reported figures including Cabell, Lincoln, Mason and Wayne Counties—(1,265 denials): Bluefield Office (includes Mercer—2,063 denials): Logan Office (includes Logan and Mingo—5,798 denials): and Welch Office (includes McDowell and Wyoming Counties—5,170 denials).

PRISONER OF WAR RELEASE ACT

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 10 minutes.

Mr. DRINAN. Mr. Speaker, I, joined by 30 Members of the House of Representatives, today introduced the Prisoner of War Release Act, which would bring an immediate end to the Indochina air war and within 30 days of enactment have all U.S. ground troops out of Indochina. An identical bill was introduced in the Senate today by Senators GRAVEL, Democrat of Alaska, and MONDALE, Democrat of Minnesota.

Last December 16, Air Force Secretary Robert C. Seamans, at a news conference, and in reference to the air war in Indochina, said:

> No matter how you look at the air activity of the U.S. over there, the trend is definitely downward. . .

His comment was based on the average monthly bombing of 50,000 tons per month in Indochina for the months of July through November of 1971.

Since that optimistic appraisal of Secretary Seamans, President Nixon has dramatically escalated the air war.

In late December, while the Congress was in recess, the President ordered massive air strikes against North Vietnam, a total of 1,000 sorties over a 5-day period. This was in direct violation of the declared policy of the Congress that all U.S. military operations in Indochina be terminated at the earliest practicable date, as set forth in section 601 of the Military Procurement Act of 1971, Public Law 92-156.

Subsequently, Department of Defense figures showed that, during February of 1972, 67,536 tons of bombs were dropped on all of Indochina, a 35-percent increase over the figures for the latter part of 1971 and higher than the monthly average for all of the last year.

Additionally, from January 1 through March 20 of 1972, there were 100 so-called protective reaction bombing raids against North Vietnam. This is five times the 20 strikes flown in the first 3 months of 1971 and will soon surpass the 108 strikes flown during all of 1971. It is also five times the total number of 20 bombing raids against North Vietnam in all of 1970.

Other facts that point up the escalation of the air war include these:

Forty-two additional B-52's were added to those operating out of Thailand and Guam in February of 1972, thus doubling the B-52 force in the Southeast Asian theater.

In February of 1972, for the first time since November of 1970, three aircraft carriers were operating off Vietnam, with reports of a fourth heading in that direction. Each aircraft carrier carries 75 attack planes.

In January, in conjunction with the Indochina Education Council here in Washington, we sponsored a "counter-briefing" on U.S. policy in Indochina. Prof. Arthur Westing of Windham College, Vt., and Prof. Egbert Pfeiffer of the University of Montana described to the assembled audience the devastating ecological effects U.S. weaponry has had on the environment in Indochina.

Slides shown by the professors illustrated the enormous damage caused by just one 500-pound bomb dropped by a B-52 bomber, and the processors estimated that the bombing had already created some 23 million craters in Southeast Asia, each of them perhaps 30 to 40 feet across and about 20 to 25 feet deep. With the present acceleration of the air war, it is mind boggling to conceive of the scope of the permanent damage the United States is continuing to inflict on the Indochina environment.

Recent Harris polls, released in the Washington Post of March 13 and March 16 show beyond a doubt that the Vietnam war still remains a "very live issue" among the American people and that no more than 23 percent of the public feels that it is "close to an end." Additionally, by better than 2 to 1, Americans say they are opposed to leaving behind American bombers and planes piloted by the U.S. Air Force and Navy. If the media were only to faithfully report at least the monthly Department of Defense bombing figures, this majority of Americans would be better equipped to persuade their Senators and Representatives that they vote to end both ground and air wars as quickly as possible.

Today we are introducing legislation—identical to that proposed by Senators GRAVEL and MONDALE and being introduced in the Senate today—to swiftly bring an end to the conflict. Our bill, in effect, would bring an immediate end to the air war and within 30 days of enactment have all ground troops out of Indochina.

With a special effort on the part of the media and the public, those of us in the Congress who long for peace in Indochina hope to be successful in 1972 in bringing about the enactment of this bill.

The text of the legislation follows:

H.R. 14056

A bill to provide for the cessation of bombing in Indochina and for the withdrawal of United States military personnel from the Republic of Vietnam, Cambodia, and Laos

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. That subject to the provisions of Section 3 of this Act, no funds heretofore or hereafter appropriated may be expended for longer than thirty days after the enactment of this Act to support the deployment of United States Armed Forces or any other military or paramilitary personnel under the control of the United States in or the conduct of military or paramilitary operations in or over the Republic of Vietnam, the Democratic Republic of Vietnam, Cambodia, or Laos.

SEC. 2. (a) That no funds heretofore or hereafter appropriated may be expended after the date of enactment of this Act to conduct off-shore naval bombardment of, or to bomb (including the use of napalm, other incendiary devices, or chemical agents), rocket, or otherwise attack by air, from any type aircraft, any target whatsoever within Laos, Cambodia, Thailand, or the Democratic Republic of Vietnam.

(b) No funds heretofore or hereafter appropriated may be expended after the date of enactment of this Act to conduct offshore naval bombardment of, or to bomb (including the use of napalm, other incendiary devices, or chemical agents), rocket, or otherwise attack by air, from any type aircraft, any target whatsoever within the Republic of Vietnam unless the President determines any such bombardment or air operation clearly to be necessary to provide for the immediate safety of United States Armed Forces during their withdrawal from the Republic of Vietnam, and submits to the President pro tempore of the Senate and the Speaker of the House for immediate transmission to the respective bodies of the Congress, within 48 hours of each such bombardment or operation (or if the Congress is not in session, as soon thereafter as it may return), a written report setting forth the time, place, nature, and reasons for conducting such bombardment or operation.

SEC. 3. (a) If, by twenty days after the date of enactment of this Act, the Democratic Republic of Vietnam and other adversary forces in Indochina holding American prisoners of war have not made arrangements for the release and repatriation, by the date in Section 1, of all such prisoners:

(1) the date in Section 1 shall be extended for thirty days, and

(2) the Congress may by joint resolution authorize such further action as is recommended by the President to secure the release and repatriation of American prisoners of war.

(b) Nothing in this section shall be construed to affect the authority of the President to arrange asylum or other means of protection for individuals who might be physically endangered by the withdrawal of United States military or paramilitary personnel from the Republic of Vietnam, Cambodia, or Laos, or to arrange for the return of United States equipment or stores from the Republic of Vietnam.

THE RUNAWAY YOUTH ACT

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. WILLIAM D. FORD) is recognized for 10 minutes.

Mr. WILLIAM D. FORD. Mr. Speaker, today I am joining with my colleague, the distinguished gentleman from Washington (Mr. MEEDS) in introducing the Runaway Youth Act. This bill provides for the establishment, maintenance and operation of temporary housing and counseling services for runaway youth to facilitate their return to their families. It also provides for strengthening interstate reporting and services for parents of runaway children and for the development of research on the size of the runaway youth population.

Similar legislation has been introduced in the other body by the Senator from Indiana (Mr. Bayh), the distinguished Chairman of the Senate Subcommittee to Investigate Juvenile Delinquency, and is presently pending before the full Senate Judiciary Committee.

The basic purpose of this bill is to prevent juvenile delinquency. Its premise is that it is more effective and less expensive to prevent criminal activity by rehabilitating young people with minor problems now rather than to deal with them in the future after they are convicted for committing a serious crime.

Most runaways have committed no crime except running away from home, which is actually against the law of most States. However, because these people are young, inexperienced and alone, they face the substantial danger of having to commit crime to live. A runaway under 18 usually has no money and is unemployable. Since most are from suburban homes and run to our major cities, they are totally unprepared for survival.

Many drift into petty larceny like shoplifting. Selling drugs to buy food is also common. Many young girls have turned to prostitution rather than go home. Often the runaway experience provides a young person with his first initiation into the life of a criminal.

While I have been aware that the problem of runaway children has existed for sometime, I have only recently learned of the extent of its seriousness. The Senate Subcommittee to investigate Juvenile Delinquency recently held hearings which highlighted in detail this national problem.

From these hearings we have learned that nearly 1 million children run away each year and we provde almost no help for them. The police can do no more than arrest the runaway and send him home. However, this does nothing to solve the problems that caused the child to run away in the first place. Moreover, many of those who are arrested by the police are detained in juvenile institutions or in adult jails. There they are forced to associate with tougher juvenile delinquents and even adult criminals, often with damaging consequences.

Aside from prison and detention facilities, there are presently only a few underfunded, understaffed, but highly effective private programs providing temporary shelter care for runaways in several of our large cities. These programs provide the young people with an alternative to staying on the street. They contact the child's parents and give counseling to the young person so that he may better understand some of the problems that caused him to run away. The counselors in these programs bridge the gap between parent and child in an effort to make the return home as untraumatic as possible. These are the institutions which this bill proposes to assist and expand.

Mr. Speaker, as a Congressman and as a father I am deeply concerned by the plight of young runaway children. The Runaway Youth Act provides an excellent means to provide the services which these troubled youths so desperately need. If we help these troubled young people now when they are runaways, we probably will never have to deal with most of them in the future—either as juvenile delinquents or as matured criminals.

Mr. Speaker, I hope my colleagues will give this proposal the prompt and favorable consideration which it merits. At this point I would like to insert the text of the Runaway Youth Act into the Record:

H.R. 14061

A bill to amend the Juvenile Delinquency Prevention and Control Act of 1968 to meet the needs of runaway youths and facilitate their return to their families without resort to the law enforcement structure

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Runaway Youth Act".

Sec. 2. The Juvenlie Delinquency Prevention and Control Act of 1968 is amended by redesignating title IV (and cross references thereto) as title V, by redesignating sections 401 through 411 (and cross references thereto) as sections 501 through 511, respectively, and by inserting after title III the following new title:

"TITLE IV—RUNAWAY YOUTHS

"FINDINGS AND DECLARATION OF POLICY

"Sec. 401. The Congress hereby finds that—

"(1) the number of juveniles who leave and remain away from home without parental permission has increased to alarming proportions, creating a substantial law enforcement problem for the communities inundated, and significantly endangering the young people who are without resources and live on the street;

"(2) that the exact nature of the problem is not well defined because national statistics on the size and profile of the runaway youth population are not tabulated;

"(3) that many of these young people, because of their age and situation, are urgently in need of temporary shelter and counseling services;

"(4) that the problem of locating, detaining, and returning runaway children should not be the responsibility of already overburdened police departments and juvenile justice authorities; and

"(5) that in view of the interstate nature of the problem, it is the responsibility of the Federal Government to develop accurate reporting of the problem nationally and to develop an effective system of temporary care outside the law enforcement structure.

"AUTHORIZATION OF GRANTS AND TECHNICAL ASSISTANCE

"Sec. 402. (a) The Secretary is authorized to make grants and to provide technical assistance to localities and nonprofit private agencies in accordance with the provisions of this section beginning July 1, 1972, and ending June 30, 1975. Grants under this section should be made for the purpose of developing local facilities to deal primarily with the immediate needs of runaways in a manner which is outside the law enforcement structure and juvenile justice system. The size of such grants should be determined by the number of runaway children in the community and the existing availability of services. Among applicants priority should be given to private organizations or institutions who have had past experience in dealing with runaways.

"(b) (1) To be eligible for assistance under this section, an applicant must propose to establish, strengthen, or fund an existing or proposed runaway house, a locally controlled facility providing temporary shelter, and counseling services to juveniles who have left home without the permission of their parents or guardians.

"(2) In order to qualify, an applicant must submit a plan to the Secretary meeting the following requirements and including the following information. Each house—

"(A) shall be located in an area which is demonstrably frequented by or easily reachable by runaway children;

"(B) shall have a maximum capacity of no more than twenty children, with a ratio of staff to children of sufficient proportion to insure adequate supervision and treatment;

"(C) shall develop an adequate plan for contacting the child's parents or relatives in accordance with the law of the State in which the runaway house is established and insuring his safe return according to the best interests of the child;

"(D) shall develop an adequate plan for insuring proper relations with law enforcement personnel, and the return of runaways from correctional institutions;

"(E) shall develop an adequate plan for aftercare counseling involving runaway children and their parents within the State in which the runaway house is located and assuring, as possible, that aftercare services will be provided to those children who are returned beyond the State in which the runaway house is located;

"(F) shall keep adequate statistical records profiling the children and parents which it serves;

"(G) shall submit annual reports to the Secretary detailing how the house has been able to meet the goals of its plans and reporting the statistical summaries required in subsection (b) (2) (F);

"(H) shall demonstrate its ability to operate under accounting procedures and fiscal control devices as required by the Secretary; and

"(I) shall supply such other information as the Secretary reasonably deems necessary.

"(c) An application by a State, locality, or nonprofit private agency for a grant under this section may be approved by the Secretary only if it is consistent with the applicable provisions of this section and meets the requirements set forth in subsection (b). Priority shall be given to grants smaller than $50,000.

"(d) Nothing in this section shall be construed to deny grants to nonprofit private agencies which are fully controlled by private boards or persons but which in other ways meet the requirements of this section and agree to be legally responsible for the operation of the runaway house. Nothing in this section shall give the Federal Government and its agencies control over the staffing and personnel decisions of facilities receiving Federal funds, except as the staffs of such facilities must meet the standards under this section.

"(e) The Secretary shall annually report to Congress on the status and accomplishments of the runaway houses which were funded with particular attention to—

"(1) their effectiveness in alleviating the problems of runaway youth;

"(2) their ability to reunite children with their families and in encouraging the resolution of intrafamily problems through counseling and other services;

"(3) their effectiveness in reducing drug abuse and undesirable conditions existing in areas which runaway youth frequent; and

"(4) their effectiveness in strengthening family relationships and encouraging stable living situations for children.

"(f) As used in this section, the term 'State' shall include Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

"(g) (1) The Federal share for the construction of new facilities under this section shall be no more than 50 per centum. The Federal share for the acquisition and renovation of existing structures, the provision of counseling services, staff training, and the general costs of operations of such facility's budget for any fiscal year shall be 90 per centum. The non-Federal share may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

"(2) The Secretary shall pay to each applicant which has an application approved 90 per centum of the cost of such applications.

"(3) Payments under this subsection may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"(4) There is authorized to be appropriated for each of the fiscal years 1973, 1974, and 1975 not to exceed $10,000,000 to carry out this section.

"INFORMATION AND STATISTICS

"SEC. 402. (a) The Secretary shall gather information and carry out a comprehensive statistical survey defining the major characteristics of the runaway youth population and determining the areas of the country most affected. Such survey shall include, but not be limited to, the age, sex, socioeconomic background of runaway children, the places from which and to which children run, and the relationship between running away and other illegal behavior. The Secretary shall report to Congress not later than June 30, 1973.

"(b) There is authorized to be appropriated a sum not to exceed $500,000 to carry out this section."

THE 54TH ANNIVERSARY OF THE INDEPENDENCE OF BYELORUSSIA

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. Hatten) is recognized for 5 minutes.

Mr. PATTEN. Mr. Speaker, today I ask my colleagues to join with me in observing the 54th anniversary of Byelorussian independence. On March 15, 1918, the Byelorussian National Republic was born, and in spite of all the brave and heroic sacrifices by the people, the young Byelorussian state was unable to maintain its independence against the onslaught of overwhelming Bolshevik forces.

These are indeed brave people. During the years before World War I, Byelorussians pursued the cause of giving a national identity to their land. They continued despite Russian attempts to counteract their distinctness.

The first all-Byelorussian Congress met in Minsk on December 5, 1917. This Congress was attended by 1,872 delegates who were democratically chosen. They represented all Byelorussian political parties and organizations. After meeting for 12 days the Congress adopted a resolution endorsing the right of every nation to self-determination. They called for, in addition, the formation of a democratic government to be known as the Byelorussian National Government.

These people continued their fight for independence and on March 25, 1918, the Byelorussian National Republic solemnly proclaimed the independence of Byelorussia and issued the following decree:

> A year ago, the peoples of Belorussia, together with all the peoples of Russia, threw off the yoke of Russian tsarism which, taking no advice from the people, had plunged our land into the blaze of war that ruined most of our cities and towns. Today we, the Rada of the Belorussian National Republic, cast off from our country the last chains of the political servitude that had been imposed by Russian tsarism upon our free and independent land. From now on, the Belorussian National Republic is to be a free and independent power. The peoples of Belorussia themselves, through their own Constituent Assembly, will decide upon the future relations of Belorussia with other states.

The dreams of these people are not fulfilled today. Their fine past has led to a tragic present. The Byelorussian Soviet Socialist Republic was created in place of the Byelorussian National Republic. It is merely an administrative arm of the Moscow government and does not represent the hopes of these people.

March 25 is celebrated by people of Byelorussian heritage throughout the free world as a symbol of their aspirations. I ask all of you to join with me in this observance and to work for the freedom of this land.

EQUITY DEMANDS EXPANDING HEALTH BENEFITS FOR FEDERAL EMPLOYEES

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, today, I am introducing a bill which would almost double immediately the Federal Government's share of health insurance payments for Federal employees and would provide for full coverage within the next 5 years.

Presently, the Federal Government pays 40 percent of the cost of health insurance for Federal employees. H.R. 12202, reported out of the House Post Office and Civil Service Committee, but not yet considered by the House, would increase the Federal share 35 percent over the next 5 years to a peak of 75 percent in 1976. This proposal, however, is far from adequate. I urge that the Congress increase the Federal share to 75 percent immediately and to 100 percent by 1976.

In the 91st Congress, we adopted a policy which promised that Federal employees would receive salary and benefits comparable to those enjoyed by their counterparts in private industry. An increasing number of firms in private enterprise pay the entire cost of employee health insurance. Fairness demands that the Federal Government do no less for its employees.

Furthermore, the cost of insurance for Federal employees has jumped in the past year. For example, last January, Blue Cross-Blue Shield premiums rose by almost 22 percent. Federal employees have been particularly hard hit by the skyrocketing costs of health insurance. The average civil servant with a salary of $10,000, enrolled in a plan designed to provide good coverage, finds he must pay almost $500 in annual premiums. At the same time, inflation has taken a serious toll on the scheduled pay increases for civil servants and the higher costs of education and providing for a family make it extremely difficult for the conscientious Federal employee to make ends meet. In light of existing economic hardship and the basic equity which Federal law requires, I believe the House should speedily approve this increase for our civil servants.

THE 54TH ANNIVERSARY OF BYELORUSSIAN INDEPENDENCE

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record.)

Mr. GERALD R. FORD. Mr. Speaker, March 25 marks the 54th anniversary of the day when the Byelorussian people proudly proclaimed their independence only to be overwhelmed by Bolshevik invaders.

In the year 1972 lovers of freedom among the Byelorussians just as proudly proclaim that the Byelorussian Soviet Socialist Republic established in place of independent Byelorussia is simply an administrative arm of the Soviet Union and does not truly represent the Byelorussian people.

I firmly and fervently believe in the right of national self-determination, Mr. Speaker. The only government worthy of the name is that which governs by consent of the governed. Let it be noted here and now that there has never been a free election in Byelorussia during the 54 years since it first was absorbed into the Union of Soviet Socialist Republics.

In their dedication to truth and freedom, Americans salute freedom-loving Byelorussians here and throughout the world on the 54th anniversary of their independence day. We share with them the hope that one day they will realize their national aspirations and retrieve the rights which are properly theirs.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Aspinall, to extend the time of his special order on Tuesday, March 28, from 30 minutes to 1 hour.

(The following Members (at the request of Mr. Heinz) to revise and extend their remarks and include extraneous material:)

Mr. Heinz, for 5 minutes, today.

Mr. Esch, for 30 minutes, today.

Mr. Hogan, for 25 minutes, today.

Mr. Robison of New York, for 10 minutes, today.

Mr. Steiger of Wisconsin, for 15 minutes, today.

Mr. Mathias of California, for 5 minutes, today.

(The following Members (at the request of Mr. Denholm) to revise and extend their remarks and include extraneous material:)

Mr. Gonzalez, for 10 minutes, today.

Mr. Hamilton, for 20 minutes, today.

Mr. Aspin, for 10 minutes, today.

Mr. Alexander, for 10 minutes, today.

Mr. Begich, for 10 minutes, today.
Mr. Kee, for 15 minutes, today.
Mr. Duncan, for 10 minutes, today.
Mr. Drinan, for 10 minutes, March 27.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Heinz) and to include extraneous material:)

Mr. Cleveland.
Mr. Bell.
Mr. Derwinski.
Mr. Keith.
Mr. Horton in three instances.
Mr. Wyman in two instances.
Mr. Edwards of Alabama.
Mr. Hosmer in two instances.
Mr. Goodling.
Mr. Zwach.
Mr. Hillis.
Mr. Grover.
Mr. Brown of Ohio.
Mr. Hunt.
Mr. Conable.
Mr. Chamberlain in two instances.
Mr. Robison of New York.
Mr. Gross in two instances.
Mr. Baker in two instances.
Mr. Terry.

(The following Members (at the request of Mr. Denholm) and to include extraneous material:)

Mrs. Hicks of Massachusetts.
Mr. Yates.
Mr. Annunzio in two instances.
Mr. Carney.
Mr. Gonzalez in two instances.
Mr. Hagan in three instances.
Mr. Rarick in three instances.
Mr. Rogers in five instances.
Mr. Hamilton.
Mr. Boggs.
Mr. Begich in three instances.
Mr. Rodino in two instances.
Mr. Burke of Massachusetts.
Mr. Hungate in three instances.
Mr. Leggett in three instances.
Mr. Roy.
Mr. Pepper.
Mr. Miller of California in five instances.
Mr. William D. Ford in two instances.
Mr. O'Neill in two instances.
Mr. Reid.
Mr. Waldie in six instances.
Mr. Aspin in five instances.
Mr. Pucinski in six instances.
Mrs. Grasso in 10 instances.
Mr. Galifianakis.
Mr. Edmondson in three instances.
Mr. Griffin in two instances.
Mr. Smith of Iowa.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1426. An act to establish the Van Buren Historic Site at Kinderhook, N.Y., and for other purposes; to the Committee on Interior and Insular Affairs.

S. 3129. An act to authorize the establishment of the Longfellow National Historic Site in Cambridge, Mass., and for other purposes; to the Committee on Interior and Insular Affairs.

S. 3166. An act to amend the Small Business Act; to the Committee on Banking and Currency.

ENROLLED JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 208. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 6 minutes p.m.), under its previous order, the House adjourned until Monday, March 27, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1770. A letter from the Chairman, Securities and Exchange Commission, transmitting a draft of proposed legislation to foster the development and implementation of an integrated system, to be privately owned and operated, for the prompt and accurate processing and settlement of securities transactions effected on national securities exchanges and in the over-the-counter markets, which will assist in assuring the proper functioning of the securities markets and which will be responsive on a nondiscriminatory basis to the needs of issuer companies, brokers, dealers, banks and other members of the securities industry and the public investors; to the Committee on Interstate and Foreign Commerce.

1771. A letter from the Secretary of Commerce, transmitting the annual report of the Foreign-Trade Zones Board and the reports of several of the foreign-trade zones for fiscal year 1971, pursuant to section 16 of the Foreign-Trade Zones Act of 1934, as amended; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. H.R. 13435. A bill to increase the authorization for appropriation for continuing work in the Upper Colorado River Basin by the Secretary of the Interior; with an amendment (Rept. No. 92–944). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Texas: House Resolution 913. A resolution providing for the consideration of H.R. 11896. A bill to amend the Federal Water Pollution Control Act (Rept. No. 92–945). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABBITT (for himself and Mr. Daniel of Virginia):

H.R. 14046. A bill to provide credit for depletion in reduction of the accumulated earning tax base; to the Committee on Ways and Means.

By Mr. BADILLO (for himself, Mrs. Abzug, Mr. Bingham, Mr. Burton, Mr. Collins of Illinois, Mr. Danielson, Mr. Donohue, Mr. Edwards of California, Mr. Helstoski, Mr. Koch, Mr. Mikva, Mr. Mitchell, Mr. Podell, Mr. Rangel, Mr. Rees, Mr. Rosenthal, Mr. Ryan, Mr. Scheuer, and Mr. Wolff):

H.R. 14047. A bill to assure opportunities for employment to unemployed and underemployed persons, to assist States and local communities in providing needed public services, to provide job training and guidance when necessary, and for other purposes; to the Committee on Education and Labor.

By Mr. BARING:

H.R. 14048. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. BIAGGI:

H.R. 14049. A bill authorizing the President to proclaim the weekend of September 15–17 as "God Day Weekend"; to the Committee on the Judiciary.

By Mr. BINGHAM:

H.R. 14050. A bill to provide Federal health insurance for Federal employees; to the Committee on Post Office and Civil Service.

By Mr. BROWN of Ohio:

H.R. 14051. A bill to amend the Communications Act of 1934 to permit noncommercial broadcast stations to deny, under certain circumstances, access to their facilities by candidates for Federal elective office; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Massachusetts (for himself, Mr. Runnels, and Mr. Vigorito):

H.R. 14052. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology, and production, and for other purposes; to the Committee on Ways and Means.

By Mr. DEL CLAWSON:

H.R. 14053. A bill to provide for the U.S. District Court for the Central District of California to hold court at Santa Ana, Calif.; to the Committee on the Judiciary.

By Mr. DEVINE (for himself, Mr. King, Mr. Dickinson, Mr. Goodling, Mr. Scherle, Mr. Del Clawson, and Mr. Gross):

H.R. 14054. A bill to repeal the Federal Election Campaign Act of 1971 and to revive and reenact the Federal Corrupt Practices Act, 1925; to the Committee on House Administration.

By Mr. DRINAN (for himself, Mr. Abourezk, Mrs. Abzug, Mr. Badillo, Mr. Burton, Mr. Conyers, Mr. Dellums, Mr. Dow, Mr. Edwards of California, Mr. Harrington, Mr. Helstoski, Mr. Kastenmeier, Mr. Koch, Mr. Mikva, Mr. Mitchell, Mr. Rangel, Mr. Rosenthal, and Mr. Ryan):

H.R. 14055. A bill to provide for the cessation of bombing in Indochina and for the withdrawal of U.S. military personnel from the Republic of Vietnam, Cambodia, and Laos; to the Committee on Foreign Affairs.

By Mr. DRINAN (for himself, Mr. Addabbo, Mr. Begich, Mr. Bingham, Mr. Burke of Massachusetts, Mr. Halpern, Mr. Hechler of West Virginia, Mr. McCloskey, Mr. Matsunaga, Mr. Nix, Mr. Podell, Mr. Rees, Mr. Riegle, Mr. Roybal, Mr. Sarbanes, Mr. Scheuer, Mr. Vanik, and Mr. Waldie):

H.R. 14056. A bill to provide for the cessation of bombing in Indochina and for the withdrawal of U.S. military personnel from the Republic of Vietnam, Cambodia, and Laos; to the Committee on Foreign Affairs.

By Mr. ESCH:

H.R. 14057. A bill to provide greater assurance of Federal fiscal responsibility; to the Committee on Government Operation.

By Mr. FISH:

H.R. 14058. A bill to amend the Rail Passenger Service Act of 1970 to require the National Railroad Passenger Corp. to provide free or reduced-rate transportation for certain railroad employees and their eligible dependents to the same extent such transportation was available to such employees and their dependents on the date of enactment of that act; to the Committee on Interstate and Foreign Commerce.

H.R. 14059. A bill to amend the Railroad Retirement Act of 1937 to provide for the purchase of certain securities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 14060. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise the eligibility conditions for annuities, to change the railroad retirement tax rates, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAM D. FORD (for himself and Mr. Meeds):

H.R. 14061. A bill to amend the Juvenile Delinquency Prevention and Control Act of 1968 to meet the needs of runaway youths and facilitate their return to their families without resort to the law enforcement structure; to the Committee on Education and Labor.

By Mr. GREEN of Pennsylvania:

H.R. 14062. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements in owner-occupied residential property and to eliminate the property depreciation allowance for certain non-owner-occupied rental property; to the Committee on Ways and Means.

By Mr. HEINZ:

H.R. 14063. A bill to protect the individual's right of privacy by prohibiting the sale or distribution of certain information; to the Committee on the Judiciary.

By Mr. HICKS of Massachusetts:

H.R. 14064. A bill to amend section 37 of the Internal Revenue Code of 1954 to increase the credit against tax for retirement income and to coordinate it with the maximum yearly social security retirement benefit; to the Committee on Ways and Means.

By Mr. HOLIFIELD (for himself, Mr. Hosmer, Mr. Price of Illinois, Mr. Anderson of Illinois, Mr. Edmondson, Mr. Aspinall, Mr. McCulloch, Mr. Young of Texas, and Mr. Hansen of Idaho):

H.R. 14065. A bill to amend the Atomic Energy Act of 1954, as amended, to authorize the Commission to issue temporary operating licenses for production and utilization facilities under certain circumstances, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. HUNGATE:

H.R. 14066. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. JARMAN:

H.R. 14067. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mr. LUJAN:

H.R. 14068. A bill to establish regional Federal medical malpractice boards to reduce the expense of bringing, and the awards granted in, medical malpractice suits in the United States; to the Committee on the Judiciary.

By Mr. McCULLOCH:

H.R. 14069. A bill to amend section 3401 of title 18, United States Code, to authorize U.S. magistrates to use the probation provision of the Youth Corrections Act, and for other purposes; to the Committee on the Judiciary.

By Mr. MILLER of California:

H.R. 14070. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; to the Committee on Science and Astronautics.

By Mr. MIZELL:

H.R. 14071. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. NIX:

H.R. 14072. A bill to amend title XVII of the Social Security Act to provide financial assistance to individuals suffering from chronic kidney disease who are unable to pay the cost of necessary treatment, and to authorize project grants to increase the availability and effectiveness of such treatment; to the Committee on Ways and Means.

By Mr. OBEY (for himself, Mr. Cederberg, Mr. Hillis, Mr. Riegle, Mr. Taylor, and Mr. Zwach):

H.R. 14073. A bill to amend the Agriculture Act of 1949, to provide for adjustments in the support price of milk during its marketing year; to the Committee on Agriculture.

By Mr. PATTEN:

H.R. 14074. A bill to amend title VII of the Housing and Urban Development Act of 1965; to the Committee on Banking and Currency.

By Mr. PEPPER:

H.R. 14075. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 of compensation paid to law enforcement officers shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. ROONEY of Pennsylvania (for himself, Mrs. Abzug, Mr. Biester, Mr. Boland, Mr. Brasco, Mr. Carey of New York, Mr. Clark, Mr. Conte, Mr. Dent, Mr. Eshleman, Mr. Flood, Mr. Gallagher, Mr. Garmatz, Mr. Halpern, Mr. Hastings, Mrs. Hicks of Massachusetts, Mr. Moorhead, Mr. Nix, Mr. Pike, Mr. Scheuer, Mr. Ware, and Mr. Byrne of Pennsylvania):

H.R. 14076. A bill to amend titles 18 and 39 of the United States Code, to permit the mailing of lottery tickets and related matter, the broadcasting or televising of lottery information, and the transportation and advertising of lottery tickets in interstate commerce, but only where the lottery is conducted by a State agency; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 14077. A bill to provide for the cessation of bombing in Indochina and for the withdrawal of U.S. military personnel from the Republic of Vietnam, Cambodia, and Laos; to the Committee on Foreign Affairs.

By Mr. SANDMAN:

H.R. 14078. A bill to eliminate racketeering in the sale and distribution of cigarettes and to assist State and local governments in the enforcement of cigarette taxes; to the Committee on the Judiciary.

By Mr. SISK:

H.R. 14079. A bill to amend the Immigration and Nationality Act to permit adoption of more than two children; to the Committee on the Judiciary.

By Mr. STEIGER of Wisconsin (for himself, Mr. Bennett, Mr. Bob Wilson, and Mr. Matsunaga):

H.R. 14080. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to members of the uniformed services, and for other purposes; to the Committee on Armed Services.

By Mr. STRATTON (for himself, Mr. Aspin, Mr. Biaggi, Mr. Bray, Mr. Brown of Michigan, Mr. Derwinski, Mr. Dow, Mr. Duncan, Mr. Flowers, Mr. Halpern, Mr. Harrington, Mr. Hathaway, Mr. Jacobs, Mr. Randall, Mr. Rees, Mr. Roncalio, Mr. Satterfield, Mr. Van Deerlin, and Mr. Whitehurst):

H.R. 14081. A bill relating to the expenditure of funds for repair or construction work on or about the U.S. Capitol; to the Committee on Public Works.

By Mr. STRATTON (for himself, Mr. Aspin, Mr. Bray, Mr. Dow, Mr. Duncan, Mr. Flowers, Mr. Halpern, Mr. Harrington, Mr. Hathaway, Mr. Jacobs, Mr. Randall, Mr. Rees, Mr. Roncalio, and Mr. Satterfield):

H.R. 14082. A bill to abolish the Commission for Extension of the United States Capitol, to repeal the authority for the extension of the west-central front of the U.S. Capitol, and for other purposes; to the Committee on Public Works.

By Mr. STRATTON (for himself, Mr. Alexander, Mr. Aspin, Mr. Biaggi, Mr. Bray, Mr. Brown of Michigan, Mr. Broyhill of North Carolina, Mr. Derwinski, Mr. Dow, Mr. Duncan, Mr. Flowers, Mr. Gross, Mr. Halpern, Mr. Harrington, Mr. Hathaway, Mr. Hechler of West Virginia, Mr. Jacobs, Mr. Latta, Mr. Mikva, Mr. Nedzi, Mr. Randall, Mr. Rees, Mr. Reuss, Mr. Roncalio, and Mr. Satterfield):

H.R. 14083. A bill relating to the expenditure of funds for the restoration or extension of the west-central front of the U.S. Capitol; to the Committee on Public Works.

By Mr. STRATTON (for himself, Mr. Scheuer, Mr. Van Deerlin, Mr. Whitehurst, and Mr. Winn):

H.R. 14084. A bill relating to the expenditure of funds for the restoration or extension of the west-central front of the U.S. Capitol; to the Committee on Public Works.

By Mr. TAYLOR:

H.R. 14085. A bill to provide a uniform date for the holding of all presidential primary elections; to the Committee on House Administration.

By Mr. TEAGUE of Texas:

H.R. 14086. A bill to amend title 38, United States Code, to eliminate the withholding of compensation and retirement pay for certain veterans being furnished hospital treatment or domiciliary care by the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mr. VANDER JAGT:

H.R. 14087. A bill to amend the Welfare and Pension Plans Disclosure Act; to the Committee on Education and Labor.

H.R. 14088. A bill to authorize a program to develop and demonstrate low-cost means of preventing shoreline erosion; to the Committee on Public Works.

H.R. 14089. A bill to amend the Internal Revenue Code of 1954, to promote additional protection for the rights of participants in private pension plans, to establish minimum standards for vesting, to establish an insurance corporation within the Department of the Treasury, and for other purposes; to the Committee on Ways and Means.

By Mr. WALDIE:

H.R. 14090. A bill to use mortgage refinancing to help preserve low- and moderate-income housing; to the Committee on Banking and Currency.

By Mr. CHARLES H. WILSON:

H.R. 14091. A bill to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. YOUNG of Florida (for himself and Mr. Halpern):

H.R. 14092. A bill to require the Secretary of Transportation to prescribe regulations requiring certain modes of public transportation in interstate commerce to reserve some seating capacity for passengers who do not smoke; to the Committee on Interstate and Foreign Commerce.

By Mr. BELL:

H.J. Res. 1127. Joint resolution authorizing the President to proclaim annually the day of May 21 as "National Women in Education Day"; to the Committee on the Judiciary.

By Mr. BURLISON of Missouri (for himself, Mr. Broomfield, Mr. Danielson, Mr. Fisher, Mr. Halpern, Mr. Hechler of West Virginia, Mr. Leggett, and Mr. Scott):

H.J. Res. 1128. Joint resolution proposing an amendment to the Constitution of the United States relating to the nomination of individuals for election to the offices of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. PATTEN:

H.J. Res. 1129. Joint resolution to express the sense of Congress that a White House Conference on the Handicapped be called by the President of the United States; to the Committee on Education and Labor.

MEMORIALS

Under clause 4 of rule XXII,

343. The Speaker presented a memorial of the House of Representatives of the State of Hawaii, relative to federalization of the State welfare systems, which was referred to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. HECKLER of Massachusetts:

H.R. 14093. A bill for the relief of Jose de Medeiros Moura and his wife, Maria Idalina Medeiros Moura; to the Committee on the Judiciary.

By Mr. PERKINS:

H.R. 14094. A bill for the relief of Appalachian Regional Hospitals, Inc., and the Methodist Hospital of Kentucky; to the Committee on the Judiciary.

SENATE—*Thursday, March 23, 1972*

The Senate met at 9:30 a.m. and was called to order by the Acting President pro tempore (Mr. Metcalf).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, we thank Thee for Thy mercies which are new every morning and for the promise that they who wait upon the Lord shall renew their strength. Use us this day and every day in bringing to fulfillment Thy holy purposes for this Nation and the world. Direct us in our efforts that they may be spent in high endeavor for an order of justice and peace. Equip us with the graces of charity, kindness, and firmness in the right as Thou dost help us to see the right. Lead us as the shepherd of our souls into green pastures of divine truth and to the cool waters of spiritual renewal. Bring us at last to that abode of peace and rest of those whose lives are in accord with Thee.

In Thy holy name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, March 22, 1972, be disposed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXPANSION OF THE GULF ISLAND NATIONAL SEASHORE IN THE STATES OF FLORIDA AND MISSISSIPPI

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 675, S. 3153.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (S. 3153) to amend the act of January 8, 1971 (Public Law 91–660; Stat. 1967), an act to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 2, line 3, after the word "thereof", strike out "'$17,774,000.'" and insert "'$17,774,000 (June 1970 prices).'"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of January 8, 1971 (Public Law 91–660; 84 Stat. 1967), is amended by deleting from the second sentence of section 2(a), "one hundred thirty-five," and inserting in lieu thereof "four hundred," and by deleting from section 11, "$3,120,000," and inserting in lieu thereof "$3,462,000," and by deleting "$14,779,000," and inserting in lieu thereof "$17,774,000 (June 1970 prices)."

Mr. EASTLAND. Mr. President, S. 3153 is a sound piece of legislation and I urge its approval.

I want to commend the distinguished Senator from Nevada for his usual fine performance in expediting consideration of this legislation. I also want to express my gratitude to the distinguished Senator from Washington for his efforts on this important measure. S. 3153 would equip the Gulf Islands National Seashore to serve our people properly in the present. This is an important and necessary objective. Additionally, it would provide a headquarters for the seashore which would satisfy the splendid potential present in this undertaking for the Gulf Crescent and, indeed, for the United States.

My State has participated generously in this undertaking by making Magnolia State Park in its entirety available to the seashore. Enactment of this bill will increase the headquarters area from 135 acres to 400 acres. This additional acreage will provide us with a much improved visitor installation. Duplication of facilities or services will be eliminated and visitor enjoyment of this attractive area would be much enhanced. Interpretive and visitor services will be made available, and school and youth groups can be properly accommodated on a year-round basis.

A right-of-way will be acquired and a 1-mile long access road will be constructed to U.S. Highway 90. Here we have a vital component for our headquarters—safe and easy access into and out of the park area for the countless thousands of Americans who will utilize and enjoy this national asset.

I submit that the very modest additional cost is fully justified by the advantages provided to the seashore, our people, and our country. I am pleased to note that the Department of the Interior has recommended enactment of S. 3153 and that the Office of Management and Budget has advised that it has no objection from the standpoint of the administration's program. In the interest of our citizens and in the furtherance of our mission to develop adequate park and recreational facilities, I urge the passage of S. 3153.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Alaska (Mr. Gravel) is recognized for not to exceed 15 minutes.

(The remarks Mr. Gravel made at this point on the introduction of S. 3409 and the remarks of Mr. Mondale are printed in the section of the Record devoted to the transaction of routine morning business under Statements on Introduced Bills and Joint Resolutions.)

RESCISSION OF ORDER RECOGNIZING SENATOR TUNNEY—TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order recognizing the distinguished Senator from California (Mr. TUNNEY) be vacated; that there now be a period for the transaction of routine morning business for not to exceed 30 minutes; and that at the conclusion of that period the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR STEVENSON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, at the conclusion of the remarks of the distinguished Senator from Connecticut (Mr. WEICKER), the distinguished Senator from Illinois (Mr. STEVENSON), now presiding over the Senate, be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the conclusion of the 15-minute orders tomorrow, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following letters, which were referred as indicated:

REPORT ON APPROVAL OF LOAN TO CENTRAL IOWA POWER COOPERATIVE

A letter from the Administrator, Rural Electrification Administration, Department of Agriculture, reporting, pursuant to law, on the approval of a loan to Central Iowa Power Cooperative of Marion, Iowa (with an accompanying paper); to the Committee on Appropriations.

REPORT ON DISPOSAL OF SURPLUS MILITARY SUPPLIES, EQUIPMENT, AND MATERIAL

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a report pertaining to the disposal of surplus military supplies, equipment, and materiel for the second quarter, fiscal year 1972 (with an accompanying report); to the Committee on Armed Services.

PROPOSED CONSTRUCTION AT MILITARY INSTALLATIONS

A letter from the Secretary of Defense, transmitting a draft of proposed legislation to authorize certain construction at military installations, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

PROPOSED UNIFORMED SERVICES SPECIAL PAY ACT OF 1972

A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to members of the uniformed services, and for other purposes (with accompanying papers); to the Committee on Armed Services.

PROPOSED SECURITIES TRANSACTION PROCESSING ACT OF 1972

A letter from the Chairman, Securities and Exchange Commission, transmitting a draft of proposed legislation entitled "Securities Transaction Processing Act of 1972" (with accompanying papers); to the Committee on Banking, Housing, and Urban Affairs.

REPORT OF FOREIGN-TRADE ZONES BOARD

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report of the Foreign-Trade Zones Board, for the fiscal year ended June 30, 1971 (with an accompanying report); to the Committee on Finance.

REPORT ON CAMBODIA OBLIGATIONS

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting, pursuant to law, a report on Cambodia obligations, for the first two quarters of the fiscal year 1971 (with an accompanying report); to the Committee on Foreign Relations.

PAPERS RELATING TO THE PRESIDENT'S DEPARTMENTAL REORGANIZATION PROGRAM

A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting, for the information of the Senate, a document entitled "Papers Relating to the President's Departmental Reorganization Program (with an accompanying document); to the Committee on Government Operations.

REPORT ON PROJECT PROPOSALS UNDER SMALL RECLAMATION PROJECTS ACT OF 1956

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on the receipt of an application from the Semitropic Water Storage District, on behalf of the Pond-Poso Improvement District of Wasco, Calif.; to the Committee on Interior and Insular Affairs.

PROPOSED AMENDMENT OF SECTION 3401, TITLE 18, UNITED STATES CODE

A letter from the Acting Attorney General, transmitting a draft of proposed legislation to amend section 3401 of title 18, United States Code, to authorize U.S. magistrates to use the probation provision of the Youth Corrections Act, and for other purposes (with an accompanying paper); to the Committee on the Judiciary.

PROPOSED AMENDMENT OF TITLE 38, UNITED STATES CODE

A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38 of the United States Code in order to authorize an agreement with the Republic of the Philippines providing for hospital care and medical services to be furnished Commonwealth Army Veterans and new Philippine Scouts for service-connected disabilities, and for other purposes (with accompanying papers); to the Committee on Veterans' Affairs.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. METCALF):

A resolution adopted by the city council of Alexandria, Va., praying for authorization of a tour of the Liberty Bell; to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BURDICK, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 8787. An act to provide that the unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a Delegate to the House of Representatives (Rept. No. 92–709).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with an amendment:

S. 1973. A bill to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes (Rept. No. 92–710).

By Mr. METCALF, from the Committee on Interior and Insular Affairs, with amendments:

S. 141. A bill to establish the Fossil Butte National Monument in the State of Wyoming, and for other purposes (Rept. No. 92–711).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Res. 276. A resolution authorizing the printing of additional copies of Senate hearings entitled "The Budget of the United States, Fiscal Year, 1973," (Rept. No. 92–712);

S. Res. 278. A resolution authorizing the printing of the report entitled "Progress in the Prevention and Control of Air Pollution" as a Senate document (Rept. No. 92–713);

S. Res. 279. A resolution authorizing the printing of the report entitled "The Economics of Clean Air" as a Senate document (Rept. No. 92–714):

S. Res. 283. A resolution authorizing the printing of additional copies of the 1972 Annual Report of the Joint Economic Committee (Rept. No. 92–715);

S. Res. 287. An original resolution relating to the printing and distribution of legislative proceedings with respect to the deaths of former Senators Hayden, Robertson, and Holland (Rept. No. 92–716);

S. Con. Res. 63. A concurrent resolution to establish a Joint Committee on Inaugural Ceremonies of 1973;

S. Con. Res. 70. A concurrent resolution authorizing the printing of additional copies of Senate hearings on the Consumer Product Safety Act of 1971 (Rept. No. 92–717); and

H. Con. Res. 557. A concurrent resolution authorizing the printing of additional copies of House Report 92–911 (Rept. No. 92–718).

A 1972 JOINT ECONOMIC REPORT—REPORT OF JOINT ECONOMIC COMMITTEE (S. REPT. NO. 92–708)

Mr. PROXMIRE. Mr. President, the Employment Act of 1946, section 5(b) (3), requires that the Joint Economic Committee, not later than March 1 of each year, shall file a report containing its findings and recommendations with respect to each of the main recommendations made by the President in the economic report. This year the date for filing the committee's report was extended to March 28 by Public Law 92–232, dated February 15.

I, therefore, submit, from the Joint Economic Committee, a report entitled "1972 Joint Economic Report," and ask unanimous consent that this report may be printed together with minority and other views.

The PRESIDING OFFICER (Mr. GAMBRELL). Without objection, it is so ordered.

PRINTING OF REVIEW OF REPORT ON METLAKATLA HARBOR, ALASKA (S. DOC. NO. 92-64)

Mr. RANDOLPH. Mr. President, I present a letter from the Acting Secretary of the Army, transmitting a report dated November 6, 1970, from the Chief of Engineers, Department of the Army, together with accompanying papers and an illustration, on a review of the report on Metlakatla Harbor at Metlakatla, Alaska, requested by a resolution of the Committee on Public Works of the U.S. Senate, adopted February 4, 1964. I ask unanimous consent that the report be printed as a Senate document, with an illustration, and referred to the Committee on Public Works.

The PRESIDING OFFICER (Mr. BYRD of Virginia). Without objection, it is so ordered.

ENROLLED BILLS SIGNED

The ACTING PRESIDENT pro tempore (Mr. METCALF) announced that on today, March 23, 1972, he signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 904. An act to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases; and

S. 3160. An act to provide for a modification in the par value of the dollar, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, March 23, 1972, he presented to the President of the United States the following enrolled bills:

S. 904. An act to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases; and

S. 3160. An act to provide for a modification in the par value of the dollar, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MANSFIELD (on behalf of Mr. MCGOVERN) (for himself and Mr. MUNDT):

S. 3408. A bill to provide for the distribution to Mdewakanton and Wahpakoota Tribes of Sioux Indians of their portion of the funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets Nos. 359 through 363, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. GRAVEL (for himself, Mr. CRANSTON, Mr. MONDALE, Mr. HUGHES, Mr. MCGOVERN, Mr. NELSON, Mr. PROXMIRE, Mr. TUNNEY, and Mr. STEVENSON):

S. 3409. A bill to provide for the cessation of bombing in Indochina and for the withdrawal of U.S. military personnel from the Republic of Vietnam, Cambodia, and Laos. Referred to the Committee on Foreign Relations.

By Mr. ALLOTT (for himself, Mr. STAFFORD, Mr. TOWER, and Mr. CRANSTON):

S. 3410. A bill to amend chapter 5, United States Code, to revise the special pay structure relating to members of the uniformed services, and for other purposes. Referred to the Committee on Armed Services.

By Mr. TOWER:

S. 3411. A bill to facilitate Federal Ship Mortgage Insurance for drydocks and drilling vessels. Referred to the Committee on Commerce.

By Mr. WILLIAMS (for himself, Mr. BENNETT, and Mr. TOWER) (by request):

S. 3412. A bill to foster the development and implementation of an integrated system, to be privately owned and operated, for the prompt and accurate processing and settlement of securities transactions effected on national securities exchanges and in the over-the-counter markets, which will assist in assuring the proper functioning of the securities markets and which will be responsive on a nondiscriminatory basis to the needs of issuer companies, brokers, dealers, banks, and other members of the securities industry and the public investors. Referred to the Committee on Banking, House, and Urban Affairs.

By Mr. WILLIAMS (for himself and Mr. CASE):

S. 3413. A bill to provide for the expansion of the Beverly National Cemetery in or near Beverly, Burlington County, N.J. Referred to the Committee on Veterans' Affairs.

By Mr. STEVENSON:

S. 3414. A bill for the relief of Alexandria Nicholson. Referred to the Committee on the Judiciary.

By Mr. HRUSKA (by request):

S. 3415. A bill to amend section 3401 of title 18, United States Code, to authorize U.S. magistrates to use the probation provision of the Youth Corrections Act, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. THURMOND:

S. 3416. A bill to amend titles 10 and 37, United States Code, to authorize members of the Armed Forces who are in a missing status to accumulate leave without limitation, and for other purposes. Referred to the Committee on Armed Services.

By Mr. MOSS:

S. 3417. A bill to amend title 5, United States Code, to regulate certain activities of Federal employees, and for other purposes. Referred to the Committee on Post Office and Civil Service.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAVEL (for himself, Mr. CRANSTON, Mr. MONDALE, Mr. HUGHES, Mr. MCGOVERN, Mr. NELSON, Mr. PROXMIRE, Mr. TUNNEY, and Mr. STEVENSON):

S. 3409. A bill to provide for the cessation of bombing in Indochina and for the withdrawal of U.S. military personnel from the Republic of Vietnam, Cambodia, and Laos. Referred to the Committee on Foreign Relations.

Mr. GRAVEL. Mr. President, I rise today to introduce legislation which I hope will carry with it the support that it deserves, and I say that because this legislation, if passed by the Senate and then subsequently by the House of Representatives and signed into law, could bring to a close the most tragic saga in American history, the war in Vietnam.

The bill that I send to the desk, cosponsored, along with myself, by Senators CRANSTON, MONDALE, HUGHES, MCGOVERN, NELSON, PROXMIRE, and TUNNEY, would end the war. It is not a long bill. It is presented on two pages, but it is long in its impact. It has three sections.

The first section is an "end the war" section. That is, very simply, after 30 days from the enactment of this legislation no further funds would be available to continue any type of military or paramilitary operation in Indochina.

The second section would stop the bombing.

This second section is broken down into two points—part (a), which is to stop the bombing in Cambodia, Thailand, Laos, and the Democratic People's Republic of Vietnam.

The part that concerns the bombing in South Vietnam is taken up in paragraph (b) of section (2), and states that the President of the United States can use bombing there, but only when it involves the immediate safety of the troops being withdrawn.

This, of course, is important because we all do have a concern with the loss of life of Americans, and we want to assure the people of this country, the mothers and fathers of the children who are in Vietnam as a part of American policy, that they will be given the maximum amount of safety as they are brought home. However, because of the irresponsible use of bombing by the Chief Executive today, I feel it is important to provide and it has been included in this section, that when and if the President chooses to use bombing in South Vietnam he report to the Congress why, and give the particulars concerning the use of bombing.

This, I want to underscore, I find very important. He should render an accounting to Congress, and thereby an accounting to the American people, because the Congress itself has been held in darkness concerning what is going on with respect to the bombing.

This is a ridiculous situation. I say ridiculous because that is the only word for it. It is quite obvious in this particular case that all a person in Indochina needs to do is walk out of the door of his house, and he can see and count the airplanes and count the number of bombing strikes. Of course, the American people cannot do that.

When it is asserted that secrecy is necessary because security is involved in the bombing, there is only one group of people that this secrecy is bound to affect, and that is the American people, not the Indochinese people, not the people that are being bombed.

The third section of this legislation deals with the prisoners of war. Here again I want to make a very strong statement, because I think a strong statement is in order. It is very simple—that this administration, with forethought, has developed a POW issue in this country with the intention of arousing the emotions of the American people so as to develop their resolve to maintain military presence in Indochina.

Well, that tactic has failed. It has failed not because of perspicuity by the Congress in acting as an adversary to the administration, but it has failed because the wives of the prisoners have found out what a gigantic hoax has taken place. The wives themselves felt that they were being used, and reacted accordingly.

That, of course, is the reason why we have two POW groups in this country, one representing the POW wives who are disenchanted with the activities of the present administration, and another group which innocently has been manipulated to effect a preconceived notion of what public opinion should be in this country.

History is replete with examples of the fact that when you are at war, your prisoners are not returned. To do so would not make any sense. In fact, I could be wrong, but the only case I know of in which prisoners were released during the course of a war in recent history was a situation that took place during the civil war in China in the 1940's. The forces of Mao Tse-tung released troops they had captured in large numbers back into the countryside, because of the effect on the people they hoped the release would have.

We have a section in this amendment which addresses the POW question, because we truly want to see them returned. But there is only one way the POW's will be returned, and that is to end the war. Any thought of continuing the war fails to provide any personal, humane, or emotional consideration for the men who are held prisoners. And the number of prisoners is increasing with every bombing raid, every time an American plane is shot down.

Mr. President, this is the intent of the bill introduced today. I know that my colleague, the Senator from Minnesota (Mr. MONDALE), who is in the Chamber, will add his voice in support of the bill which we introduce together. I wish a larger number of Senators had joined us, but this is an election year, and I do not think their resolve is as strong as it has been in the past. I hope that with the efforts of the peace community throughout the Nation, as a result of the introduction of this legislation, the people will come forward and press for its passage, and that we will develop a stronger resolve in Congress as a result of the pressure of the people.

But more importantly, I believe the introduction of this legislation will, in an election year, bring about an accountability, because we fully intend to bring this measure up for a vote through one parliamentary device or another. The membership of this body will have to vote on ending the war in 1972, the year we were promised that the war would be ended.

I think it is tragic that we have not seen through the ruse that was perpetrated. I think it was a ruse. It is a little strong to say that, but when we are talking about loss of lives, we have to go a step beyond the normal amenities. I say it was a ruse because Richard Nixon, in 1968, campaigned with the promise that he had in his pocket a secret plan to end the war. Now, 3½ years later, we find that there was no secret plan to end the war. There has developed a plan to wind down the war, but if anyone in 1968 had campaigned on the premise of winding down the war, he would never have been elected. Quite obviously this will be an issue in 1972, regardless of what statement is made by Mr. Nixon and his colleagues. It will be an issue because, very simply, the American people do not want to wind down the war, the American people want to end the war. I think we in Congress have the responsibility to shift from the rhetoric of winding down the war to the reality of ending the war.

The reasons for our continued participation in this war are varied. But it seems to me at this point that to continue the war, in the face of all these reasons to end it, boggles the imagination and stultifies the mind.

All of the reasoning in support of continuing the war is bankrupt. The first reason offered is that we will continue the war until we get our prisoners back. But logic tells us we will get our prisoners back the moment we tell those who hold them we want to end the war.

The second reason is that we are trying to give these people in South Vietnam the opportunity for self-determination. Well, the history of the last year is testimony that that is a hoax. I say—and I underscore the word three times—that it is a lie. Anyone who says that today is telling an outright lie, because that is not what is happening. Any normal, intelligent person need only read the newspapers to know that. You do not have to be privy to classified documents; just read the newspapers.

A year ago on Memorial Day I stood on this floor trying to bring to the attention of the American people the passage of an act in the assembly of South Vietnam that would restrict the participation in free elections for the Presidency there. That act was passed because its chief opponent in the assembly, a man of my own age, was incarcerated on a phony charge of assault with intent to kill, and was released with the proviso that the votes would be there for the passage of that act. That person thereafter attempted to file for office in October, and was physically stopped from entering the filing place. There were guards at the door. So he no longer sits in the assembly.

We saw a law passed, in what our Government euphemistically calls a democracy in South Vietnam, whereby the person who was the Vice President of South Vietnam could not even qualify to run for President.

Mr. MONDALE. Mr. President, I am proud to join the Senator from Alaska today in introducing legislation designed to bring about immediate withdrawal of all our forces from Indochina, a speedy return of our prisoners, and an end to the bombing.

Our bill is simple. It requires total withdrawal within 30 days in exchange for a release of our prisoners. It would prohibit all further bombing of Indochina except as the President determined necessary to protect our troops in South Vietnam as they withdraw.

Our purpose is simple. We want to end American involvement in the war and end it now. We think the American people should know clearly how the Senate will face that choice in 1972.

The time is long past for lengthy speeches on this war. The Senate may debate or alter the details of our amendment. But in the end, it will all come down to the basic question: Do we let this nightmare continue?

I am not sure any more that we can really grasp what we have done in the war—and what the war has done to us.

The Senator from Wisconsin (Mr. NELSON) stood on this floor a few weeks ago and told us that our bombs and herbicides had ravaged millions of acres of land in Indochina. If only we knew and understood, he said, we would stop it.

Last spring, the Vietnam Veterans Against the War came to Washington to tell us in voices choked with tears and anger how this war had ravaged a generation of young Americans as brutally as our bombs destroy the land and people of Indochina. If only we understood, they told us, we would stop it.

But the nightmare goes on.

It goes on for the more than 200 families in my State of Minnesota and thousands more around the Nation who have lost sons and husbands and fathers since 1969, since this administration promised peace. It goes on for the men who still remain in the firebases, in the aircraft over Laos or North Vietnam, and in the POW camps.

It goes on for the thousands of civilians we kill with each bombing raid over Indochina. It goes on for the hundreds of thousands who are refugees because of our bombing.

The administration tells us, of course, that the casualty lists are at an all-time low. And perhaps the President can feel that Vietnam is no longer a political issue. Perhaps there is, as I said here last December, some gruesome threshold of public outrage over the killing of American boys and the savagery of the war on other people. The horrible truth may be that neither the administration nor the Congress cares enough to stop this carnage so long as the weekly casualties are politically acceptable.

But then there are casualties that never show up in Pentagon figures or political polls. There are fearsome and often fatal wounds to the spirit of a nation that wantonly destroys and refuses to face the truth. By letting this war happen, we broke faith with our own generation. By failing to stop it even now, we are breaking faith with the future.

There is no more need here to argue the realities of the war policy—the folly and senselessness of our involvement in Southeast Asia have been documented beyond any doubt. The reasoning has been done. We are left, as always on the great issues, with our conscience.

No one can honestly question now how the vast majority of Americans would vote on our bill—the gold star families, the young men who may yet have to lay down their lives, the millions from our farms to our cities whose desperate needs are starved because of the waste of this war.

But we should remember yet another constituency, one that will not appear in our correspondence, speak to a pollster, or vote for a Senator or a President. Those are the more than 50,000 dead Americans from this tragedy. As the columnist Pete Hamill wrote so movingly:

> They are scattered all over this country, in lonely cemeteries, silent through still another winter, killed by Asia, killed by malignance, killed by ignorance, and killed by cowardice. A lot of those kids will be 21 forever . . . we will never know what they might have been; we do not know which of them might have written songs, scribbled novels, painted murals across the walls of New York; we don't know which of them might have cured cancer or played the outfield for the Yankees or run a great gas station in Oklahoma or rode horses at dusk through the steppes of Montana. They are all dead. We will never find out about their lives.

Those men too should be with us when we search our consciences and vote on this amendment.

So we will try once again to end the nightmare. And if we fail again, we will keep trying.

For we are doing more than voting on a foreign policy or the conduct of a war. We are recording for history our character as a nation.

Mr. President, I ask unanimous consent that the Gravel-Mondale bill be printed in full at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3409

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subject to the provisions of Section 3 of this Act, no funds heretofore or hereafter appropriated may be expended for longer than thirty days after the enactment of this Act to support the deployment of United States Armed Forces or any other military or paramilitary personnel under the control of the United States in or the conduct of military or paramilitary operations in or over the Republic of Vietnam, the Democratic Republic of Vietnam, Cambodia, or Laos.

Sec. 2. (a) That no funds heretofore or hereafter appropriated may be expended after the date of enactment of this Act to conduct offshore naval bombardment of, or to bomb (including the use of napalm, other incendiary devices, or chemical agents), rocket, or otherwise attack by air, from any type aircraft, any target whatsoever within Laos, Cambodia, Thailand, or the Democratic Republic of Vietnam.

(b) No funds heretofore or hereafter appropriated may be expended after the date of enactment of this Act to conduct offshore naval bombardment of, or to bomb (including the use of napalm, other incendiary devices, or chemical agents), rocket, or otherwise attack by air, from any type aircraft, any target whatsoever within the Republic of Vietnam unless the President determines any such bombardment or air operation clearly to be necessary to provide for the immediate safety of United States Armed Forces during their withdrawal from the Republic of Vietnam, and submits to the President pro tempore of the Senate and the Speaker of the House for immediate transmission to the respective bodies of the Congress, within 48 hours of each such bombardment or operation (or if the Congress is not in session, as soon thereafter as it may return), a written report setting forth the time, place, nature and reasons for conducting such bombardment or operation.

Sec. 3. (a) If, by twenty days after the date of enactment of this Act, the Democratic Republic of Vietnam and other adversary forces in Indochina holding American prisoners of war have not made arrangements for the release and repatriation, by the date in section 1, of all such prisoners—

(1) the date in section 1 shall be extended for thirty days, and

(2) the Congress may by joint resolution authorize such further action as is recommended by the President to secure the release and repatriation of American prisoners of war.

(b) Nothing in this section shall be construed to affect the authority of the President to arrange asylum or other means of protection for individuals who might be physically endangered by the withdrawal of United States military or paramilitary personnel from the Republic of Vietnam, Cambodia, or Laos, or to arrange for the return of United States equipment or stores from the Republic of Vietnam.

Mr. MONDALE. Mr. President, it is hard to recount fully the horror of our bombing policies in Vietnam.

A recent Cornell University study on the air war in Indochina tells us that civilian casualties in Laos have totaled 10,000 more in the period 1969 to 1971 than in the earlier period 1965 through 1968. That study estimated that throughout Indochina an average of 130,000 civilians have been killed, wounded, or refugeed each month since 1969. That compares to an estimated 98,000 each month during the period 1965–68.

According to Senator Kennedy's Subcommittee on Refugees, the number of refugees in Laos since 1969 has grown to twice the total number during the period from 1965 through 1968. Homeless victims of the war in Laos now number more than 10 percent of the population of that country. Senator Kennedy told us last April that our bombing in Laos is responsible for at least 75 percent of these refugees.

If one is a villager in Laos, Cambodia, or South Vietnam, the terror of this supposedly disappearing war is greater than ever before. According to our own official Department of Defense figures, the United States dropped 400,000 tons of bombs more in the period 1969 to the present than in the period 1965 to 1968. The tonnage totals for the period since 1969 are greater than those of all the bombs we dropped in World War II and the Korean war combined.

Let me read that again. The tonnage totals for the period since 1969—tonnage of bombs dropped on Southeast Asia—was greater than all the bombs we dropped in World War II and the Korean war combined.

Or, to put it another way, every month our bombs are falling on Indochina at the equivalent tonnage of twice the nuclear bomb we dropped on Hiroshima. And that is going on today, as we speak of a generation of peace.

We have dropped almost 3 pounds of explosive per person for every man, woman, and child on earth—8 billion pounds—and created 23 million craters on the land measuring 26 feet deep and 40 feet in diameter.

Land destruction in Indochina involves 80 percent of the timber forests and 10 percent of all the cultivated land in the region.

Let me repeat that. Every month, our bombs are falling on Indochina at the equivalent tonnage of twice the nuclear bomb we dropped on Hiroshima. We have dropped almost 3 pounds of explosives per person for every man, woman, and child on earth—8 billion pounds—and created 23 million craters on the land, measuring 26 feet deep and 40 feet in diameter.

Mr. President, the distinguished Senator from Wisconsin (Mr. Nelson), perhaps the Nation's greatest environmentalist, recently introduced what he called the Vietnam War Ecological Damage Assessment Act of 1972, in which he recounted in detail the ecological disaster we are visiting on Southeast Asia.

We talk about deaths; we talk about injuries; and those, of course, are unspeakable. But he gives the other part of the problem as well: What we are doing in creating the ecological nightmare in Southeast Asia. He points out the following:

> Suppose we took gigantic bulldozers and scraped the land bare of trees and bushes at the rate of 1,000 acres a day or 44-million square feet a day until we had flattened an area the size of the State of Rhode Island, 750,000 acres.
>
> Suppose we flew huge planes over the land and sprayed 100-million pounds of poisonous herbicides on the forests until we had destroyed an area of prime forests the size of the State of Massachusetts or 5½ million acres.
>
> Suppose we flew B–52 bombers over the land dropping 500-pound bombs until we had dropped almost 3 pounds per person for every man, woman, and child on earth—8 billion pounds—and created 23 million craters on the land measuring 26 feet deep and 40 feet in diameter.
>
> Suppose the major objective of the bombing is not enemy troops but rather a vague and unsuccessful policy of harassment and territorial denial called pattern or carpet bombing.
>
> Suppose the land destruction involves 80 percent of the timber forests and 10 percent of all the cultivated land in the Nation.
>
> We would consider such a result a monumental catastrophe. That is what we have done to our ally, South Vietnam.
>
> While under heavy pressure the military finally stopped the chemical defoliation war and has substituted another massive war against the land itself by a program of pattern or carpet bombing and massive land clearing with a huge machine called a Rome Plow.
>
> The huge areas destroyed pockmarked, scorched, and bulldozed resemble the moon and are no longer productive.
>
> This is the documented story from on-the-spot studies and pictures done by two distinguished scientists, Prof. E. W. Pfeiffer and Prof. Arthur H. Westing. These are the same two distinguished scientists who made the defoliation studies that alerted Congress and the country to the grave implications of our chemical warfare program in Vietnam, which has now been terminated.
>
> The story of devastation revealed by their movies, slides, and statistics is beyond the human mind to fully comprehend. We have senselessly blown up, bulldozed over, poisoned, and permanently damaged an area so vast that it literally boggles the mind.
>
> Quite frankly, Mr. President, I am unable adequately to describe the horror of what we have done there.
>
> There is nothing in the history of warfare to compare with it. A "scorched earth" policy has been a tactic of warfare throughout history, but never before has a land been so massively altered and mutilated that vast areas can never be used again or even inhabited by man or animal.
>
> This is impersonal, automated, and mech-

anistic warfare brought to its logical conclusion—utter, permanent, total destruction.

The tragedy of it all is that no one knows or understands what is happening there, or why, or to what end. We have simply unleashed a gigantic machine which goes about its impersonal business destroying whatever is there without plan or purpose. The finger of responsibility points everywhere but nowhere in particular. Who designed this policy of war against the land, and why? Nobody seems to know and nobody rationally can defend it.

Those grand strategists who draw the lines on the maps and order the B-52 strikes never see the face of that innocent peasant whose land has been turned into a pock-marked moon surface in 30 seconds of violence without killing a single enemy soldier because none were there. If they could see and understand the result, they would not draw the lines or send the bombers.

If Congress knew and understood, we would not appropriate the money.

If the President of the United States knew and understood, he would stop it in 30 minutes.

If the people of America knew and understood, they would remove from office those responsible for it, if they could ever find out who is responsible. But they will never know because nobody knows.

By any conceivable standard of measurement, the cost benefit ratio of our program of defoliation, carpet bombing with B-52's, and bulldozing is so negative that it simply spells bankruptcy. It did not protect our soldiers or defeat the enemy, and it has done far greater damage to our ally than to the enemy.

These programs should be halted immediately before further permanent damage is done to the landscape.

The cold, hard, and cruel irony of it all is that South Vietnam would have been better off losing to Hanoi than winning with us. Now she faces the worst of all possible worlds with much of her land destroyed and her chances of independent survival after we leave in grave doubt at best.

This has been a hard speech to give and harder to write because I did not know what to say or how to say it—and I still do not know. But I do know that when the Members of Congress finally understand what we are doing there, neither they nor the people of this Nation will sleep well that night.

For many reasons I did not want to make this speech but someone has to say it, somewhere, sometime.

Mr. President, the Senator from Wisconsin then asked for some tables to be printed in the Record which were provided by Dr. Arthur H. Westing, and I ask unanimous consent that they be printed in the Record at this point.

There being no objection, the tables were ordered to be printed in the Record, as follows:

MUNITIONS EXPENDITURES

[In millions of dollars]

Year	South Vietnam	North Vietnam	South Laos	North Laos	Cambodia	Total Indochina
1965	594	65	60	10	0	630
1966	1,778	255	135	20	0	2,188
1967	3,634	415	200	30	0	4,278
1968	5,185	330	310	40	0	5,866
1969	4,674	0	490	420	0	5,583
1970	3,333	0	655	240	115	4,344
Total	19,099	1,065	1,850	760	115	22,889

ECOLOGICAL IMPACT

Country	Number of craters (in millions)	Area with "shrapnel" (in million acres)	Area cratered (in thousand acres)	Earth displaced (in million cu. yds.)
South Vietnam	19.1	23.9	309.9	2,500
Military region I	(6.1)	(7.6)	(98.4)	(794)
Military region II	(3.8)	(4.8)	(62.0)	(500)
Military region III	(8.3)	(10.3)	(134.2)	(1,083)
Military region IV	(.9)	(1.2)	(15.3)	(124)
North Vietnam	1.1	1.3	17.3	139
Laos	2.6	3.3	42.4	342
Southern Laos	(1.8)	(2.3)	(30.0)	(242)
Northern Laos	(.8)	(1.0)	(12.3)	(99)
Cambodia	.1	.1	1.9	15
Total Indochina	22.9	28.6	371.4	2,996

ALL INDOCHINA

[In millions of pounds]

Year	Air munitions	Surface munitions	Total munitions
1965	630		630
1966	1,024	1,164	2,188
1967	1,866	2,413	4,278
1968	2,863	3,003	5,866
1969	2,774	2,808	5,583
1970	1,955	2,389	4,344
Total	11,112	11,777	22,889

IMPACT OF U.S. MUNITIONS

[In pounds]

Expenditure	South Vietnam	North Vietnam	Laos	Cambodia	Total Indochina
Per acre	446	26	45	3	125
Per person	1,091	58	992	18	513

B-52—ASSUMING AN AVERAGE OF 7 SORTIES PER MISSION

[In numbers of missions]

Year	Military region I	Military region II	Military region III	Military region IV	Total South Vietnam
1967	527	284	269	10	1,090
1968	1,137	644	1,143	148	3,072
1969	319	440	1,777	98	2,634
1970	624	274	366	150	1,414
Total	2,607	1,642	3,555	406	8,210

Note: Although breakdowns for 1965 and 1966 are not available, the totals approximate 138 and 550, respectively.

Mr. MONDALE. Mr. President, the bill which the Senator from Alaska and I and others are introducing today is designed to end that carnage, and end it now, and stop this totally inexcusable and inhumane devastation which our country is visiting on Southeast Asia. We can no longer tolerate its continuance. I believe that the bill, if adopted, will bring it to an end.

I yield the remainder of my time to the distinguished Senator from Alaska (Mr. Gravel).

Mr. GRAVEL. I thank my colleague from Minnesota for yielding me this time. I also want to thank him for the encouragement he has given me in bringing this bill to the floor of the Senate today. This is a matter which I have been deliberating for some months—what to do and how to do it—and it is due to his resolve and the strong feelings he has on this subject that we are now doing something today. I want to thank him not only as a colleague of mine in the Senate, but also as an American citizen.

Mr. President, I ask unanimous consent to have printed in the Record a statement of the distinguished Senator from Iowa (Mr. Hughes), who is one of the cosponsors of this bill.

There being no objection, the statement by Senator Hughes was ordered to be printed in the Record, as follows:

The Gravel-Mondale Bill

Mr. President, I am pleased to join my distinguished colleages in sponsoring this legislation which would bring an end, once and for all, to our military involvement in Indochina. Senators Gravel and Mondale have performed a particular service by drafting a measure which brings clearly into focus the problem of the continuing air war in that region of the world.

The American escalation of the war in Vietnam and in Laos began in the air, and it looks now as if we will continue massive aerial bombardment long after the number of U.S. ground forces drops to a level of military insignificance. Until we end all of our war-making in Indochina, we will not have ended the war. And until the war ends, we have no reason to expect the return of our men who are held prisoner.

Despite all the claims of progress in ending the war—the reduced casualties, fewer ground troops, lessened costs—the American people still know that the war is "pretty big," as a Harris poll revealed last week. By better than two-to-one, they also oppose the policy of bringing home ground combat troops but continuing the air war. Other surveys have also shown the widespread and even growing discontent over a war which does not end.

In a few weeks we will have more men stationed outside Vietnam yet involved in the air war than we have men in South Vietnam itself. The 30,000 Americans in Thailand and nearly equivalent number stationed offshore have the capability to bring continued devastation to the land and people of Indochina. If the bombing continues at the rate for December—the most recent figures available—it means more than 3 million pounds of explosives every day.

The statistics of this war are so staggering that many people try to blot them out of their minds. Yet all of the numbers have a human factor which no computer can ever calculate.

How can we put a value on the 55,000 American dead, not to mention the hundreds of thousands of Vietnamese dead?

How can we measure the true impact of the bombing, which is now more than double the total U.S. bombing in World War II and Korea?

How can we add up the long run social costs of a policy which has defoliated an area of prime forests the size of Massachusetts and has driven perhaps one-fourth of the people of Laos and Cambodia from their homes?

The numbers go into official reports, but the shrapnel still rips through human bodies and the warfare leaves permanent scars on the hearts and minds of the people we were supposed to protect.

In the past the American people saw the horror of war every day on their television sets. Now that the automated air war has become the prime U.S. activity, the war is harder to visualize or report. Even the bomber pilots admit not knowing precisely what damage they have caused, since that assessment is made by others. As one pilot told Life magazine: "All we can see are our losses and no fruits for our efforts."

The news reports in recent weeks make it clear that the war is changing, not ending, and that it may even be reescalating.

The United States has increased its carrier fleet off the Vietnamese coast and has doubled the number of B-52s assigned to fly in Indochina.

We have already lost as many multi-million-dollar fighters over Indochina this dry season as during the same period last year.

The number of so-called protective reaction strikes against North Vietnam is already almost equal to the total for all of 1971.

There have been more B-52 raids on targets in the South Vietnamese Central Highlands in the last 30 days than in the previous 18 months.

Despite all the bombing, men and material still get through in sufficient numbers to threaten a major offensive. For weeks we have been told that such an offensive is coming; now we hear that it is set for Saturday. Meanwhile, the Wall Street Journal's assessment remains accurate: "the only offensive so far this year has been in the air. . . ."

Most disturbing of all, there is really no end in sight to this war. The Washington correspondent of the *Philadelphia Inquirer*, James McCartney, reached this conclusion after several discussions with leading policymakers: "As officials sum it, prospects now are for continued bombing for an indefinite period, though perhaps at reduced levels; continued fighting in both Laos and Cambodia; at least some U.S. casualties; continuing high rate of South Vietnamese combat deaths and casualties, running to tens of thousands a year." Top Administration officials, McCartney says, say that "they do not know when the war may end, or how."

I believe that the Congress can find an answer to that question and can bring the end to this war which the American people so strongly desire. The legislation introduced today would end the killing within 30 days after enactment and would provide the needed incentive to obtain the release and repatriation of the Americans held prisoner.

Whether one views the history of peace negotiations as sincere or half-hearted, the fact remains that we have neither peace nor our POWs. The Gravel-Mondale bill offers hope for both.

Mr. GRAVEL. Mr. President, I send to the desk the bill introduced by the Senator from Minnesota (Mr. MONDALE), the Senator from Iowa (Mr. HUGHES), the Senator from South Dakota (Mr. McGOVERN), the Senator from Wisconsin (Mr. NELSON), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from California (Mr. TUNNEY), and myself.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, the bill will be received and appropriately referred.

Mr. GRAVEL. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by me of last October 5, 1971, entitled "Cessation of Bombing in Indochina."

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CESSATION OF BOMBING IN INDOCHINA

(Statement by Senator MIKE GRAVEL)

While we deliberate today in this chamber American planes will ease into the sky over Southeast Asia. They will drop tons of explosives, guided to the flesh of human beings by the most elaborate and impersonal technology.

Hovering over Laotian rice fields, the A-119 Stinger gunship can put a piece of shrapnel into every square foot of an area the size of a football field.

On the ground are three million Laotians, the heaviest bombed people in the history of warfare. They will huddle in their caves and field trenches, and some will die. Many will not see the sun for months, fear keeping them in their covered bunkers during daylight hours.

In the name of America the planes come. Over the past ten years 700,000 Laotians have been made refugees, tens of thousands have been killed or wounded, and hundreds of thousands forced to live much of the time in caves and trenches.

The bombing raids also come in the name of the United States Senate, until we legislate otherwise.

The war is not winding down for the peoples of Indochina. Since the much heralded bombing halt over North Vietnam, the planes have not come home. They've simply shifted their targets into Laos and Cambodia.

The bombing has continued at 100 tons an hour, 2,400 tons a day. The rate of civilian casualties and refugee generation, indicative of the overall level of violence, has if anything increased during the last two years.

Recent hearings before the Senate Subcommittee on Refugees reveal that since the invasion of Cambodia nearly one quarter of that country's population—1,500,000 people—have become refugees. In the last few months in South Vietnam more refugees have been created than at any time since the 1968 Tet offensive.

The bombing of North Vietnam has been resumed. As recently as September 21 an armada of 250 U.S. planes attacked targets in the North, and this raid was followed on successive days by two more so-called "protective reaction" strikes. At present the bombing of North Vietnam has reached an average rate of once every four days, and according to North Vietnamese reports 106 villages in addition to missile sites have been struck. The Meatgrinder in Vietnam, which has taken 325,000 civilian lives and wounded more than a million since 1965, is still whirling. As the South Vietnamese Minister of Information commented in 1968, South Vietnam has been devastated by an alien air force that seems at war with the very land of Vietnam.

The Amendment I offer is quite straight forward. Let us stop the bombing, not just partially over North Vietnam but in all Indochina—except for those strikes inside South Vietnam demonstrably related to the security of our withdrawing troops. Is it really the desire of the Senate to continue to send out those planes?

An Orwellian transformation is taking place in our military policy in Indochina. Due to public pressure American boys are slowly coming home, but they are leaving an automated war behind. There is every danger, as Noam Chomsky has warned, that we intend to turn the land of Vietnam into an automated murder Machine. Computer technology and a small number of troops manning aircraft and artillery are creating a U.S. destructive presence that may literally hover over Southeast Asia for years to come. In the midst of this the public is confused, pacified by the diminishing troop levels, yet vaguely troubled by continuing reports of devastation.

Eluding recognition, hidden in the techno-euphemisms of military speech, is the reality of our policy. "Selective Ordnance"—a rather dull and technical sounding term until one realizes it masks the use of napalm against human beings. "Harassment and interdiction"—a rather light-hearted term until one understands that it represents the random hurling of destruction into jungle areas.

These antiseptic words obfuscate hororfilled realities, and thereby circumvent public judgment. "Surgical air strike"—one pictures a diseased cancer benevolently removed from the countryside. But the cancer is the peasantry. In World War II the cancer was the Jews, and the operation was the "final solution". In the name of America, how many executions are taking place from the air in Indochina.

It is the enormity of our mistake that clouds it. If we were wrong, how wrong we were! Nothing will bring back those who have died, or the lost arms and legs, eyes and ears. But let us commit ourselves at least to stop the bombing of those who remain.

How the people of this country, a good people, industrious people and generous people, could have come to visit such destruction on another nation is difficult to comprehend. Orwell in his masterpiece 1984 depicts such carnage as the result of technology gone mad, removed from common experience, giving reality to surrealistic nightmares. We may have intervened in Indochina for commendable reasons—even that is questionable—but at some time the machine got out of control and we could not turn it off.

Picture the battlefield in Laos. Light spotter planes at 2,000 feet; A-1E, A-26 and T-28 prop bombers, AC-47 and AC-130 gunships, flare ships and rescue helicopters at 5,000 feet, F-4, F-105 and B-57 Jet fighters and Jet reconnaissance aircraft at 10,000 feet: KG 135 super-tankers at 20,000 feet; C-130's filled with electronic gear designed to coordinate the bombing at 25,000 feet: B-52 bombers at 30,000 feet; C-130's of Hillsboro control overseeing the entire operation at 35,000 feet and SR-71 reconnaissance aircraft at 70,000 feet.

And on the ground is the Laotian peasantry. Listen to their reactions and thoughts as recorded in refugee interviews.

"The planes came like birds and the bombs fell like rain." Another—"there wasn't any night when we thought we'd live until morning . . . never a morning we thought we'd survive until night."

And another—"I just stayed in my cave. I didn't see the sunlight for two years. What did I think about? Oh, I used to repeat, please don't let the planes come, please don't let the planes come, please . . ."

And another—"before the village was beautiful and filled with happiness and there was a large field of fruit trees. But when I left my village all I saw were the holes of the bombs and the burning houses and the people who had died so pitifully."

And another—"Our lives became like one of the animals who search to escape the butcher."

And this continues every hour—200,000 pounds of bombs, every 9 days the equivalent of one Hiroshima. From 1965 to 1969, 70 tons of bombs for every square mile of North and South Vietnam were dropped, 500 pounds for every man, woman and child. In just the first five months of 1971 there were 780 million pounds of bombs dropped over Southeast Asia.

PART II

The airwar is not even militarily effective. Secretary of Defense McNamara revealed in 1968 that it could at best reduce the flow of supplies along the Ho Chi Minh trail by only 10%-15%. At a cost of over $100,000 per truck destroyed. Former Under Secretary of Defense Townsend Hoopes has pointed out that in the history of bombing campaigns, only when the sources of production are attacked can the logistical flow of supplies be effectively impaired. In this case that would involve strikes against China and the Soviet Union. A study of the hamlet evaluation reports reveals that the number of villages under government control in South Vietnam varied independently of the level of the air campaign over the North.

On the ground the bombing raises enemy morale and alienates civilians. Pathet Lao defectors indicate that before the heavy bombing in Laos they managed only a 30% rate of voluntarism among their forces. However, after the massive attacks of late 1968 the figure jumped to almost 100%. Better to die fighting than in a trench was the feeling of one Pathet Lao recruit.

As I have indicated, the air war is not isolated in any one country in Indochina. The Vietnam war has indeed become the Indochina war. But information concerning the extent of U.S. bombing in Laos has been limited and concealed by the Executive Branch, so I would like to discuss in more detail the situation in those skies.

Since 1964 the United States has been engaged in an aerial campaign over Laos. The bombing was seriously escalated in late 1968 and early 1969 when restrictions against civilian targeting were significantly related. The air war has involved in Laos alone an estimated cost of 5–7 billion dollars, innumerable Laotian casualties, and over 400 pilots either dead, missing in action, or captured.

Even traces of these facts were kept officially from the public until March 1970. The same pattern of duplicity and deception which the Pentagon Papers have shown to characterize our entry into Vietnam has been repeated in Laos.

Currently a strict Gray-out is imposed on U.S. operations there, with little information besides official reports available to the press. Reporters are not permitted to accompany attack and spotter planes on their missions as they are in Vietnam. Most pilots are apparently under instructions not to talk with newsmen. The Air Attache in Vientienne is similarly inaccessible. Recent requests by Congressman McCloskey for photographs of previously existing Lao villages to confirm their continued well being have gone unmet by the Pentagon. Military officials have failed as well to provide Congressman McCloskey with a listing of all bombed civilian targets in Laos.

But there are some unofficial sources of information. These nearly unanimously tell one story—that of massive bombardment of civilians under Pathet Lao control. Congressmen McCloskey and Waldie found, in a U.S. information survey initially concealed from them by the Embassy, that 75% of the 190 respondents from 96 villages had had their homes bombed. In addition 97% had seen a bombing attack and 61% had seen a person killed. Congressmen McCloskey and Waldie also conducted their own interviews, and all 16 refugees queried, from 7 different villages, testified to the aerial destruction of every single dwelling in their hamlets.

A report by U.N. expert Georges Chapelier in December 1970 stated that in the Plaine des Jarres "by 1969 the intensity of the bombings was such that no organized life was possible in the villages . . . Jet planes came daily and destroyed all stationary structures. Nothing was left standing. The villagers lived in trenches and holes or in caves. They only farmed at night. All of the interlocutors without exception had their villages completely destroyed. In the last phase, bombings were aimed at the systematic destruction of the materials bases of the civilian society.

At one time there were more than 50,000 people living in the Plaine des Jarres. There is virtually no life there now.

One village chief indicated that in 21 hamlets not one home was left standing. In his own village 45 percent of the 2600 inhabitants never left their trenches.

A sample of 25 villages from the Plaine des Jarres revealed casualty rates of 5–10 percent from the bombing It is estimated that 50 civilians are killed for every Pathet-Lao casualty.

In 1968 Jacques Decornoy, the Southeast Asian desk editor for *Le Monde* traveled through Pathet Lao controlled areas. According to his interviews, 65 villages in the Sam Neua district alone had been destroyed by U.S. air power. Traveling through the devastated areas he depicts it as "a world without noise for the surrounding villages have disappeared. The inhabitants themselves living in the mountains."

Such testimony is of course contrary to our government's official position that "never before has such care been taken to spare civilians in bombing raids."

The picture burnt into one's imagination is that of hundreds of thousands of Laotians desperately huddling in caves and trenches as U.S. planes roar overhead. Again it is the enormity of the suffering endured by these poor people which blinds us to our own policy. I will rerun the picture, because we must break through the psychic numbness we have developed.

There are hundreds of thousands of poor peasants, noncombatants, living underground in fear of U.S. air power in Asia. There are entire areas of former civilization reduced to near cave man standards by the most advanced nation in the history of the earth. For what? no matter for what, it is indefensible.

At Nuremberg Teleford Taylor, chief U.S. Prosecutor, argued that where the military profits of any policy are dwarfed by the civilian casualties, such a policy is indefensible. The massive air war by the U.S. against the peoples of Indochina is indefensible. Every B–52 raid, every A–119 K stinger drop is criminal.

The situation in Laos is not appreciably different from what is currently occuring in Cambodia. As the Senate Subcommittee on Refugees noted, the same pattern of destruction is being repeated relentlessly throughout Indochina. It is up to the Congress to terminate it. The President has made it clear that he intends to continue the bombing, stating in February this year, "I will not place any limitations on the use of air power."

Secretary of Defense Laird has indicated that we intend to maintain a naval and air presence in Southeast Asia indefinitely after the last ground troops are withdrawn. The Pentagon, which seems to have statistics available for all categories and contingencies, lacks even an estimate of the likely civilian casualties this presence will cause. Such considerations do not seem to have a high priority in current American decision making. The so-called "gook rule" which haunted the Calley trial has far more profound implications for the air war.

On the afternoon that the U.S. helicopters and attack planes accompanied the South Vietnamese into Laos the President issued a statement on our environmental crisis. Within it he quoted from T. S. Eliot's "Murder in the Cathedral." "Clean the air, clean the sky, wash the wind . . ." It would have been revealing for the President to have quoted further: "The land is foul, the water is foul, our beasts and ourselves are defiled with blood.

A rain of blood has blinded my eyes . . . Can I look again at the day and its common things and see them all smeared with blood through a curtain of falling blood? We did not wish anything to happen."

Let us stop the bombing, withdraw our troops and begin to "take stone from stone and wash them."

Mr. GRAVEL. Mr. President, I also ask unanimous consent to have printed in the Record excerpts from remarks I made to the Fund for New Priorities dinner in New York City on January 14, 1972.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

The Continuing Air War

(Excerpts from remarks by Senator Mike Gravel)

The Nixon Administration's recent resumption of heavy bombing of North Vietnam once more raises a basic moral question: what right do our leaders have to kill and maim men, women, and children halfway across the globe who pose no threat to this Country?

As usual, the Administration is claiming that it is bombing only "military" targets. This may or may not be true. One remembers, after all, that the Johnson Administration claimed the same thing.

Even if the Administration *is* bombing only "military" targets this time, there can be no doubt that it also is causing serious civilian casualties. In a rural country like North Vietnam most so-called military targets such as bridges and factories are located in and around heavily populated civilian areas. Hanoi reports that in the most recent raids bombs fell on a hospital, and even military sources admit that American jets hit North Vietnamese army barracks as they went after nearby airfields.

The Cornell Air War Study quotes a memorandum by former Defense Secretary McNamara, in which he estimated that the bombing was causing 1,000 civilian casualties every *week* during the sustained raids of 1967. An equivalent casualty rate in the U.S. would be more than 600,000 per year.

Interviews with U.S. pilots indicate that most of the bombs we drop on North Vietnam are anti-personnel ordnance such as pineapple or guava bombs. These bombs contain hundreds of steel pellets.

One sortie of this type of bomb sends over half a million of these pellets spewing over an area half a mile long and an eighth of a mile wide.

During the Christmas raids alone it was announced that American planes flew over 1,000 sorties against North Vietnam. It is, therefore, not hard to believe the following Associated Press dispatch, dated December 29,: "Hanoi claimed that in Thanh Hoa Province on Sunday the U.S. planes killed 24 civilians and wounded 47. A broadcast said most of the casualties were caused by steel pellet anti-personnel bombs dropped on workers in the fields."

It's not a very pretty thing what our bombers are doing to these people.

But it's still going on right now. This month alone another 50,000 tons of anti-personnel bombs, napalm, and white phosphorous are raining down upon not only the people of North Vietnam, but Laos, Cambodia, and South Vietnam as well.

We won't be told of the victims, of course. To the extent we learn anything it will be of "protective reaction" strikes, "interdiction" missions, and the bombing of supply depots.

But there are human beings under those bombs, and they will continue being killed and maimed until we, the American people, demand an end to this bombing.

In just the eight months since President Nixon told the American people in his April address to the Nation that "Vietnamization has succeeded", there have been an additional 1,302 Americans killed in the Indochinese War, and 4,870 more wounded. Deaths among allied forces in that same period have risen 15,595, and the Pentagon estimate of the number of new deaths among those people it chooses to call the "enemy" is 56,030. That last figure is no doubt conservatively low.

These numbers tell of the *failure* of Vietnamization, not its success.

An Orwellian transformation is taking place in our military policy in Indochina. Due to public pressure American ground troops are slowly coming home, but they are leaving an automated war behind. Computer technology and a small number of troops manning aircraft and artillery are creating a U.S. destructive presence that may literally hover over Southeast Asia for years to come. In the midst of this the public is confused, pacified by the diminishing troops levels, yet vaguely troubled by continuing reports of devastation.

In his mid-December newsbriefing Secretary of the Air Force Seamans sought once again to play down the air war. The basic point Seamons tried to make was that the air war was not escalating, that in fact it had been wound down. As such, his remarks represent a relativistic apology for the continuing raids, a logic more appropriate for 1984 than 1972—the logic of permanent war.

It is an insult to the American people to portray the air war as fading away when in 1971 somewhere between 750,000 and 800,000 tons of bombs were dropped over Indochina. Though down from the peak years of 1968 and 1969, this figure represents:

a) nearly 40% of all the U.S. air ordnance expended during the Second World War,

b) nearly 80% of all the air ordnance expended during the three year Korean War,

c) the equivalent of 37 Hiroshimas, or roughly one every nine days.

Most importantly, the Nixon Administration has made it clear that the bombing is to continue indefinitely even after the last American ground troop comes home (if he ever does). Even if reduced by 50% the air war still would continue at an average level greater than that of the Korean War.

But there are many indications that the reductions in the bombing are bottoming out. Pentagon sources, for example, indicate that B–52 strikes, though currently down 60% from their peak in 1968, are to continue indefinitely at their present rate of 1,000 per month. And although tonnage figures registered a 30% decline from 1969 to 1970 they dropped only 23% from 1970 to 1971.

At a time when the Harris Poll indicates that 65% of the American people feel the war is "immoral", and oppose by a 57 to 29 margin continued American bombing in order to achieve political ends, it is indefensible to continue the strikes at any level.

In regard to Secretary Seamans' "wound down war", it is worth noting that the Senate Refugee Subcommittee found that, "In this year, 1971, more civilians are being killed and wounded in the three countries of Indochina, and more made refugees, than at any time in history. Most of the casualties are caused, and people made refugees, by American and allied military activity."

Secretary Seamans also underplayed the seriousness of the Administration's expansion of the air war into Cambodia (all of the 140,000 tons absorbed by Cambodia are Nixon tons) and the doubling of the strikes within Laos during these last three years. A recent General Accounting Office study of the war in Cambodia found that two million of that nation's seven million population had been made refugees since the May, 1970 invasion, largely as a result of the bombing. In Laos more than 700,000 have been refugeed out of a total population of less than three million. Senator Kennedy—Chairman of the Senate Refugee Committee—estimates that three-fourths of the Laotian refugees were produced by American bombing.

Secretary Seamans also took great pride in the growth of the South Vietnamese Air Force, now one of the largest in the world. It is questionable, however, whether the American people wish to continue to pay the massive cost of such a Vietnamese force. It is questionable whether the American people wish to fight a war by proxy which 65% of them believe to be morally wrong. It is questionable whether the American people are as anxious as the President to find a magic combination of mercenaries and machines that will allow permanent war in Indochina.

Though the number of sorties and tonnage figures have declined, there has been an escalation in the technology applied. Administration spokesmen are quick to point out the "provocative" escalations of the other side when SAMs or higher caliber anti-aircraft weapons are introduced, but they are boastful about our own deployment of a new generation of aerial weapons. In recent years our laser guided bombs, teleguided bombs, more sophisticated anti-personnel bombs, and the gradual refinement of automated battlefield and its sensor computer bombing have all raised the "ante" throughout Indochina.

In the name of America, how many executions are taking place from the air in Indochina?

It is the enormity of our mistake that clouds it. If we are wrong, how wrong we are! Nothing will bring back those who have died, or the lost arms and legs, eyes and ears.

The Christmas raids against North Vietnam represent a serious escalation of the war. But what we must realize is that they amount to only a drop in the bucket when compared to the total air war. The 1,000 sorties flown against North Vietnam accounted for less than 10% of the total tonnage expended over Indochina last month.

But the strikes do illustrate the logical extension of the Administration's escalations into Laos and Cambodia—namely, the renewal of the bombing against the North. In 1971 "protective reaction" strikes totalled over 100, as compared to 20 in all of 1970. And the rationale of the raids has been expanded beyond their original self-defense justification to the familiar purpose of strategic bombing to weaken the North's ability to fight the war in the South. Historically the failure of such bombing and its significant civilian casualties is well documented.

The President has made it clear that he intends to continue the bombing, stating, "I will not place any limitations on the use of air power."

Secretary of Defense Laird has indicated that the Administration intends to maintain a naval and air presence in Southeast Asia indefinitely after the last ground troops are withdrawn. The Pentagon, which seems to have statistics available for all categories and contingencies, lacks even an estimate of the likely civilian casualties this presence will cause. Such considerations do not seem to have a high priority in current American decision making. The so-called "gook rule" which haunted the Calley trial has far more profound implications for the air war.

At Nuremberg the United States argued that where the military profits of any policy are dwarfed by the civilian casualties, such a policy is indefensible. Clearly, the massive air war by the U.S. against the people of Indochina is indefensible.

Mr. GRAVEL. Mr. President, I also ask unanimous consent to have printed in the RECORD a handbook prepared by Project Air War and the Indochina Resource Center entitled "Air War—The Third Indochina War."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AIR WAR—THE THIRD INDOCHINA WAR

(A handbook prepared by Project Air War and the Indochina Resource Center, March 1972)

"In the defense report which I made to Congress this year, I tried to point out that we would be continuing air and sea power and the presence of air and sea power in Asia for a good time . . . This idea that somehow or other the Nixon Doctrine means that we will not have air or sea power in Asia is a great mistake . . ."

Secretary of Defense Melvin Laird on NBC's "Meet the Press," November 14, 1971.

Project Air War and the Indochina Resource Center are projects of the Indochina Education Council which was established by agencies of the United Church of Christ, the United Presbyterian Church in the U.S.A., and the United Methodist Church to help meet the crucial need for informing the American people about the ongoing war in Indochina.

PROJECT AIR WAR

Project Air War is one of the major information centers in the country studying and analyzing the ongoing war, a conflict which has escalated in the air even as U.S. foot-soldiers have been withdrawn. The Project provides both authoritative statistical data about today's automated war and a tragic picture of what life is like for hundreds of thousands of Indochinese peasants living under constant bombing.

Project material has already appeared in The New York Times, Washington Post, Time, Boston Globe, St. Louis Post-Dispatch, San Francisco Chronicle, Congressional Record, CBS and NBC national news, the Mutual Radio network, transcripts of Congressional hearings, and a wide variety of other publications.

Project staff members speak at community meetings, college campuses, and academic gatherings; are called upon frequently by congressional offices and media representatives for background information; and work closely with several national peace groups.

INDOCHINA RESOURCE CENTER

The Indochina Resource Center serves as an independent clearinghouse for information on contemporary Indochina. The Center incorporates nine general sponsors from the academic associates who provide a wide range of inputs.

The Center provides reliable, up-to-date information from specialists on the social, economic, cultural, political, and historical realities of Vietnam, Cambodia and Laos. This information, which is often otherwise unavailable, is made accessible to Congress, journalists, peace groups, and others concerned with Indochina through the twice-monthly newsletter, Indochina Chronicle, in books and articles, as well as by direct contact. The Center also provides direct answers to specific requests, sets up briefings and seminars, and is currently developing a series of audio-visual exhibits on Indochina for loan.

ESSAY BY A 29-YEAR-OLD LAO REFUGEE

"There was a pagoda on the hill right next to my village. The airplanes shot it and started a fire. Two monks were killed there together. On account of the war, the planes thought that there were soldiers in the pagoda so they shot it. But there weren't any. Only the monks died.

From *Voice from the Plain of Jars*, ed. by F. Branfman, Harper and Row, 1972. Original collection of essays and drawings by Laotian peasants.

ABBREVIATIONS

Publications and Wire Services:

AmRep, American Report.

AP, Associated Press.

Chronicle, Indochina Chronicle.

Cornell study, The Air War in Indochina, Institute for International Studies, Cornell University.

CR, Congressional Record.

DNSI, Dispatch News Service International.

Harvey, *Air War: Vietnam*, by Frank Harvey.

NewRep, The New Republic.

NYP, New York Post.

NYT, New York Times.

PNS, Pacific News Service.

Post, Washintgon Post.

Star, Washington Star.

UPI, United Press International

Organizations and other:

AFSC, American Friends Service Committee.

ARVN, Army of the Republic of Vietnam.

CCAS, Committee of Concerned Asian Scholars.

CamAF, Cambodian Air Force.

DoD, Department of Defense.

DRV, Democratic Republic of Vietnam.

FY, Fiscal Year (begins July 1, ends June 30).

GAO, Government Accounting Office.

GPO, Government Printing Office.

Ibid., Same source as quoted above.

IVS, International Voluntary Service.

NARMIC, National Action/Research on the Military Industrial Complex.

NEARMIC, New England Action/Research on the Military Industrial Complex.

NLF, National Liberation Front of South Vietnam.

PAW, Project Air War.

PRG, Provisional Revolutionary Government of South Vietnam.

RLAF, Royal Laotian Air Force.

SSAS, Subcommittee on U.S. Security Agreements and Commitments Abroad of the Committee on Foreign Relations, U.S. Senate.

SRS, Senate Subcommittee on Refugees.

USAF, United States Air Force.

VNAF, Vietnamese (South) Air Force.

INTRODUCTION

This handbook has been prepared by Project Air War and the Indochina Resource Center, two Washington-based research projects concerned with the air war. The material presented in this handbook is but a fraction of the information on file in our offices, and we welcome requests for further help.

This manual was conceived in the belief that this election year 1972 may well be the most crucial period in the Indochina War. The war is not ending. It is not even "winding down." The Nixon Administration is waging a massive and highly sophisticated air war which is even more destructive than the ground war of preceding years.

Ironically, domestic opposition to the war has been diminishing. Domestic dissent in the past has been largely due to high draft calls, numerous American casualties, and extensive press coverage. In today's air war, however, conscription and American deaths are down, and news is carefully managed. The air war has been removed from the front pages and TV screens. As a result, many Americans have been convinced that the war is ending.

This handbook has been designed to help U.S. newsmen, political figures and peace groups do what correspondents in Indochina can no longer do: reveal the facts about today's air war to the American pepole. The graphics and source material are intended especially for use in leaflets, speeches, articles, posters and brochures.

The manual is divided into three sections:

1. *Documented source material on the air war*—Material is broken down into 17 topics. A fact sheet has been prepared on each topic, consisting primarily of statistics and quotes from the Department of Defense, Congressional hearings, books, and newspaper and magazine articles.

2. *Graphics*—The middle section of the handbook contains camera-ready photographs, drawings by bombing victims, and charts, diagrams and cartoons on the air war.

3. *Resource Bibliography*—A list of readily available groups, articles, pamphlets, audio-visual and other materials for further action-oriented research on the air war is appended.

It is our belief that the use which is made of this handbook and similar information will play a crucial role in ending the Indochina War. Public pressure to end the war in this election year will depend to a large extent on public awareness of the full extent of today's air war.

The effects of the Third Indochina War will be felt far beyond Indochina. It is clear that the air war represents a new age in the history of military conflict, an era of automated war. One of the few limitations on our leaders to wage such war now and in the future is informed public opinion here at home.

Public awareness of the air war in this key election year may well affect the fate of millions throughout the Third World in the years to come.

OVERVIEW

A giant apparatus of destruction is today firmly installed in and around Indochina. Fifty thousand American airmen and 500 strike aircraft ranging from the huge B-52 to the killer gunship, located at a dozen mammoth airbases and aircraft carriers, are waging full-scale aerial warfare.

The Nixon Administration, while removing U.S. foot soldiers, remains fully committed to a 20-year-old goal of American leaders: keeping U.S.-supported regimes in power in Indochina.

For this reason the Administration has invaded Cambodia and southern Laos, doubled the bombing of Laos and introduced 10,000 new Thai soldiers there, renewed the bombing of North Vietnam, dropped over 3 million tons of bombs on Indochina and killed, wounded or made homeless over 3 million civilians (source: SRS). For the same reason the Administration's newest negotiating stance still insists that the U.S. government have a say in determining who will rule in Indochina, the very reason the war has been fought for over two decades.

Tactics have changed, but the goals have not. The Nixon Administration took office committed both to maintain pro-American Indochinese governments and to withdraw American ground troops from Vietnam. Under the Nixon Doctrine the Third Indochina War (1969-?) began, substituting American air power for American ground troops. The First Indochina War (1946-54) was primarily a French colonial war; the Second Indochina War (1961-68) was the Kennedy-Johnson commitment of American ground troops. The Second Indochina War proved too costly to maintain.

The Nixon Administration has thus turned to a new form of war, one in which machines do most of the killing and destruction, unknown to the American people; a war in which an American President can claim to be bringing peace even as he continues to wage a full-scale and bloody war from the air.

Militarily, this new war is a variation of former Gen. James Gavin's "enclave" strategy. A majority of the people of Indochina has been concentrated in and around the major towns and bases. Within these American-controlled zones, a wide variety of political, economic and cultural measures are undertaken to break the spirit and culture of resistance which has thus far proved the main obstacle to U.S. military success. The vast regions outside the American-controlled zones—including two-thirds of Laos, three-quarters of Cambodia, all of North Vietnam, and much of South Vietnam—are basically free-fire zones, subject to American bombing any time of the day or night. Well over two-thirds of Indochina has thus been turned into a virtual free-fire zone where the new warfare is being tested.

This new war is *automated* war, waged by machine with ground troops playing a secondary role; it is *total* war, making no distinction between military and civilian targets, destroying everything below; and it is *secret* war, carried out without the knowledge of the American people.

This new war is the air war, the Third Indochina War.

Automated war

Always in the past air power has been used to supplement a large expeditionary ground force sent abroad. Substantial bombing has, of course, been carried out before: during World War II, the Korean War, the Second Indochina War. But in the past such bombing has always been meant to support an expeditionary ground army which did the bulk of the fighting and dying. Between 1965 and 1968, for example, most American bombing was employed to aid the half million strong American ground force in South Vietnam by weakening NLF rear bases, supply lines, and strike teams.

What is new today is that bombing is the heart of American military policy; ground forces play a secondary, though still important, role. American air power today does more fighting, costs more, and involves more men than the dwindling force of U.S. foot soldiers still engaged in combat. Asian foot soldiers are used to support American bombers by: (1) "showing the flag" when going in after bombing has caused guerrilla retreat and taking out supplies and refugees; (2) providing static defense for the major towns and bases; and (3) serving as "live bait" to draw guerrilla fire so American pilots will have some idea where to bomb.

Total war

The air war, by its very nature, is destroying everything below: homes, schools, gardens, pagodas, rice fields, forests, animal life and, of course, any people caught in the open.

When American leaders chose to massively bomb the poor, rural lands of Indochina, they inevitably undertook war against the society as a whole. The only strictly "military" targets regularly locatable from the air were roads and bridges, with the exception of a few North Vietnamese factories destroyed early in 1965. Other "military" targets, such as soldiers, trucks, arms depots, or anti-aircraft batteries, are but sporadically found and are assumed to be inter-mixed with the civilian population. The Air Force and Navy have introduced hundreds of aircraft into the skies of Indochina, ordering that aircraft must be used as often as possible and cannot return to base without dropping their bombs. As a result, pilots inevitably wind up systematically destroying the civilian and social infrastructure.

One of the most striking examples of this total war from the air is the Plain of Jars in northeastern Laos. The Plain of Jars was a thriving, vibrant community of 50,000 when the Pathet Lao guerrilla movement occupied it in May, 1964. The United States then began bombing it, striking in ever-increasing intensity until September, 1969, when U.S.-supported Meo guerrillas took the survivors off the Plain. During these years, everything on the Plain was leveled. Today it is a deserted wasteland. There was almost no ground fighting on the Plain during these 5½ years. It is the first society in history to be erased from the map by total, automated war.

Secret war

Through blatant news management, the Nixon Administration has been able to wage a full-scale war while convincing most Americans that it is attempting to end the war. Secrecy is the means of keeping the war politically "acceptable."

The public was first informed of the Laos air strikes in March, 1970, six years and 350,000 sorties after they began. Sen. William Fulbright complained at that time that, "The President does not have the authority, nor has the Congress given authority to engage in combat operations in Laos, whether on the land or in the air." The Nixon Administration has unilaterally expanded the air war into Cambodia and recently reinitiated massive bombing of North Vietnam. With the air war's funding scattered in the general budgets of the services and the CIA, it eludes effective control by Congress.

The Nixon Administration has prohibited the press from observing most of the air war first-hand, by refusing to allow newsmen to go on bombing raids outside South Vietnam, keeping unsympathetic journalists off Thai airbases, and not allowing free access to American pilots in Udorn, Thailand. Since such censorship was not practiced in Vietnam (newsmen were always permitted to go out on bombing raids, and have free access to bases and pilots there), it is clearly not due to any need for military security. Rather, the goal seems to be to keep the truth from the American people.

Before 1969, 70 percent of the tonnage fell within South Vietnam (source: Cornell study) and most of the bombing was carried out from South Vietnamese airbases. Since 1969, two-thirds of the tonnage has fallen outside South Vietnam (*Ibid.*), mostly from Thai airbases. The Administration has refused to fly newsmen to scenes of battle in Laos and Cambodia, where most of the fighting has taken place. Newsmen are only infrequently taken in on short, packaged tours, and are invariably kept away from freshly bombed areas. Thus newsmen usually have been unable to observe newly bombed regions taken by American-supported troops. Once again, this was not the policy in South Vietnam, where first-hand reports of aerial devastation did much to create sentiment against the war in this country.

Administration officials have successfully created the illusion of a sterile, antiseptic air war waged only against "military" targets. They have done this by: (1) classifying all information about the air war besides overall tonnage and numbers of airmen out of public and congressional reach; (2) coining such euphemisms as "protective reaction" and "limited duration protective reaction" strikes to mask massive and sustained bombing raids; and (3) maintaining time and time again, in press conferences, speeches, and congressional hearings, that civilian targets are never bombed.

Reports are filtering back to the states that the U.S. has begun clandestine bombing in northern Thailand. The reports may or may not be true, but the point is that unless Congress and the press are permitted to investigate such claims, there can be no effective check on the President's power to bomb anywhere, at any time.

THE FUTURE

The Nixon Administration has made it clear on numerous occasions that it has no intention of ending this automated, total, and secret war.

Indeed, all prospects are for further intensification and escalation of the Third Indochina War. In February, 1972, for example, it was revealed that the number of B–52s and aircraft carriers in the Indochinese theatre would be doubled.

By November, 1972, the Third Indochina War will be the second longest in American history (surpassed only by Johnson's ground war). Unless Americans elect a President committed to total withdrawal, there is no end in sight.

The agony of Indochina may have only begun.

DIMENSIONS

The air war continues at a high level. During 1971, 763,000 tons—the equivalent of 35% of all American air ordnance expended during World War II—were dropped on Indochina (DoD). The potential for sudden escalation remains great, as exemplified by the 5-day Christmas raids against North Vietnam and the more than ten-fold increase in strikes within South Vietnam during February.

The Cornell study cites Pentagon plans to continue the air war at the current level. B–52 sorties, for example, down from a peak of 1,600 a month to 1,000 a month, are programmed to continue indefinitely at the current rate. In defending the bombing, Administration spokesmen invariably point to reductions from 1969 levels, thus laying the groundwork for permanent prosecution of an air war at "acceptable levels."

The operational heart of the bombing has shifted from South Vietnam to land bases in Thailand and aircraft carriers in the South China Sea. Already 45,000 of the 73,000 U.S. air personnel directly involved with the bombing are located outside of Indochina proper. May 1, 1972 will mark the first time that the number of American airmen and American ground troops in Indochina will be equal in the history of this war or perhaps any war.

Geographically, the brunt of the bombing has shifted from inside North and South Vietnam to Laos and Cambodia. Under Nixon the bombing of Laos has doubled, and all of the 150,000 tons over Cambodia have fallen since May 1970. Recently, for all practical purposes, the Johnson bombing halt over North Vietnam has ended.

During the last three years the technology of the automated battlefield has escalated and the size of the South Vietnamese Air Force has been increased until it now stands as the sixth largest air force in the world.

SORTIES AND TONNAGES

Sorties 1971

USAF	160, 000
VNAF	36, 000
(DoD)	

Tonnages 1971

[In tons]

Allied (DoD)	763, 000
South Vietnam*	270, 000
Laos*	445, 000
Cambodia*	90, 000

*Cornell study

Note: Totals for the breakdown tally slightly higher than the DoD figures for total "Allied." Tonnage and sortie figures for "protective reaction" strikes are not included.

Protective Reaction Strikes

1970 (DoD)	21
1971 (DoD)	108
1972 (first 35 days) (DoD)	35

The ¾ million tons of bombs dropped on Indochina in 1971 represent:

(a) The explosive equivalent of 38 Hiroshimas (one Hiroshima=20,000 tons);

(b) 80% of the air ordnance expended during the 3 year Korean War (966,000 tons);

(c) 5 times the tonnage dropped on Japan during World War II (154,000 tons);

(d) 23 times the total tonnage dropped by the British during their successful ten year counter-insurgency in Malaya (33,000 tons).

(Library of Congress Report to the Senate Foreign Relations Committee, *Impact of the Vietnam War*, 6/71, and the Cornell study).

The total of 6.3 million tons of bombs (DoD) dropped on Indochina from 1965–1971 represents:

(a) 250 pounds for every man, woman, and child in Indochina (population 49 million);

(b) 22 tons for every square mile of territory in Indochina (area 284,000 square miles or about the size of Texas);

(c) More than twice the 3.1 million tons of bombs dropped during World War II and the Korean War combined. (*Impact of the Vietnam War*)

The majority of the bombs dropped on Indochina have been dropped since President Nixon took office (3.2 million tons since 1969—DoD). The current bombing rate, 50,000 tons during November and 61,000 tons during December, represents:

(a) More than 2½ Hiroshima a month;

(b) More than 3 million pounds a day;

(c) More than 2,000 pounds or a ton a minute.

The Executive branch has made it clear on many occasions that it intends to wage a prolonged air war:

"I am not going to place any limitations upon the use of air power." (Pres. Nixon, 2/17/71)

"Under the [Nixon] Doctrine," Laird said, "the United States is prepared to provide material assistance and air and sea assistance to our allies and friends in Asia." (*Post*, 1/21/71)

"'U.S. ships and warplanes will remain on duty in Southeast Asia after the last American soldier leaves Vietnam,' Defense Secretary Laird indicated yesterday." (*Post*, 4/4/71)

If necessary, we will "not only continue our air strikes, we will have to step them up." (Pres. Nixon, 11/12/71)

"In the defense report which I made to Congress this year, I tried to point out that we would be continuing air and sea power and the presence of air and sea power in Asia . . . This idea that somehow or other the Nixon Doctrine means that we will not have air or sea power in Asia is a great mistake." (Sec. Laird, "Meet the Press," 11/-14/71)

"High level DoD officials say there are no current plans to cut any of these forces [400+ attack bombers in Southeast Asia] . . . The Administration now appears to be approaching the level [of airpower] which will be maintained indefinitely." (Michael Getler, *Post*, 1/14/72)

"Air sorties in southeast Asia will also be stepped up by 50%."

(From a privileged account of a National Security Council meeting; reported by Jack Anderson, *Post*, 1/20/72)

"The buildup reflects what informed officials say is a U.S. intention to use all air assets available."

(*Post*, 2/10/72 on the dispatch of an extra carrier to the Gulf of Tonkin and the readying of additional attack aircraft)

Men, bases, and aircraft

Until mid-February, two aircraft carriers were regularly on station in the South China Sea with 13,000 men and approximately 120–150 attack aircraft. The recent addition of the Kitty Hawk and Constellation has doubled the force, raising it to the peak levels realized in 1968. (CBS News, 2/9/72)

With the addition of the third and fourth carrier to the South China Sea and the activation of 40 additional B–52s, there are now nearly 600 attack aircraft in Southeast Asia. These additions have increased the American bombing force in Indochina by more than 40%.

South Vietnam

As of January 6, 1972 there were 28,000 U.S. airmen stationed within South Vietnam (DOD). Their numbers are scheduled to decline to 16,000 by May 1.

Danang remains a major strike base. Cam Ranh Bay, a majo support base, is where the 7½ ton "Commando Vault" bombs are flown from. Several other bases, including Tan Son Nhut, are used regularly by U.S. aircraft.

Thailand

This is the heart of the air war. There are currently (1/72) 32,000 U.S. military personnel in Thailand (DoD), and 215 attack bombers (Michael Getler, *Post*, 1/14/72) stationed at the following five bases:

(1) Udorn, control center for the air war;

(2) Utapao, home for approx. 45 B–52s;

(3) Ubon, source of most F–4 activity over Cambodia;

(4) Korat, base for the radar planes of the electronic war;

(5) Nakon Phanom (NKP), location of the automated war's computers. (CBS News, 12/71)

AIRCRAFT

The aircraft used in the Third Indochina War are organized in the following manner: aircraft in South Vietnam are under the command and logistical support of the 7th Air Force, headquartered at Tan Son Nhut

Air Base; aircraft stationed in Thailand (with the exception of B–52s) are under the command and logistical support of the joint 7th/13th Air Force, headquartered at Udorn Air Force Base; B–52s, stationed at Utapao Air Force Base, Thailand, are under the command of the 8th Air Force (Strategic Air Command); the aircraft carriers in the Gulf of Tonkin (Yankee Station) are under the control of the 7th Fleet representative in Saigon.

Bases that are under U.S. control, and conduct attack missions are: Tan Son Nhut, Cam Rahn Bay, and Danang in South Vietnam (only Danang flies missions outside of South Vietnam); Udorn, Ubon, Khorat, Nakhon Phanom, and Utapao in Thailand are engaged in the bombing of locations outside of South Vietnam (North Vietnam, Laos, and Cambodia). There are usually two aircraft carriers on Yankee Station at all times. In principle each base or carrier has a tenant Wing, with 75–100 aircraft. The wings are divided into Squadrons, with approximately 20–25 aircraft assigned to each squadron. When necessary, squadrons may be further broken down in Detachments of 5–10 aircraft. In addition to its tenant wing, each base or carrier may have a number of detachments from other wings to carry out specific mission assignments (crash rescue, reconnaissance, base defense, etc.)

A mission (or strike) is a flight by one or more aircraft. A sortie is a single flight by an aircraft.

There are over 300 land based combat aircraft (excluding B–52s) involved in the air war. The number of carrier based combat aircraft fluctuates with the number of ships on Yankee Station at any time.

The aircraft in use in Indochina can be divided into 8 categories:

Fighter-bombers (F–4, F–100, F–105, F–5, F–8), designed for world wide mobility with supersonic speeds. These aircraft are designed for either air-to-air combat or air-to-ground combat roles. These aircraft often fly "cover" for unarmed reconnaissance and cargo flights and B–52s.

Attack aircraft (A–1, A–4, A–6, A–7, A–37, A–3, T–28, and A–26) are generally subsonic aircraft designed specifically for air-to-ground combat. Attack aircraft have the ability to stay over their targets longer, carry more ordnance and deliver their ordnance with more accuracy than fighter-bombers.

Observation aircraft (O–1, O–2, OV–10) are used primarily by Forward Air Controllers (FACs) for spotting targets from the air and directing attacks on them. These aircraft carry white phosphorus rockets for marking targets, and may carry a 7.62 mm mini-gun for strafing.

Gunships (AC–47, AC–54, AC–119, AC–130, UH–1 Huey helicopter, AH–1G "Cobra" helicopter) are flying gun platforms. The primary weapons are the 7.62 mm "Gatling" gun and the 20 mm "Vulcan" cannon. Both types of weapons are capable of firing 6,000 rounds of ammunition per minute, from a single gun. These weapons are designed primarily for close air support or to stalk mobile targets.

Electronic warfare aircraft (EC–47, EC–119, EC–121, EB–57, EC–130, EB–66) act as airborne command centers and relay stations for ground sensors. They can also function as electronic commuter-measures aircraft, jamming radar and producing signals that will mislead detection and gunnery systems on the ground.

Reconnaissance aircraft (RF–4C, RA–5, EC–47, SR–71) utilize camera and radar systems to make photo images and electronic signals for both pre and post bombing analysis. Systems used on these aircraft include: infra-red cameras and radar capable of picking out life by the differences between body heat and jungle heat, side-looking radar capable of transmitting reports to a ground station and making a permanent photo-image simultaneously.

Bombers (B–52 and B–57) are used for both strategic and tactical bombing missions. The B–57 operates at low levels, at the same altitude as a regular fighter-bomber. The B–52 operates at altitudes of 30,000 feet, isolating the aircrew from any chance of seeing their targets or victims.

Support aircraft (C–47, C–54, C–7, C–130, U–3, T–39, etc.) comprise the rest of the almost 1,000 aircraft in the 7th Air Force. These aircraft are used for medical evacuation, cargo and troop transportation, and any other miscellaneous activities that do not require a combat aircraft.

The skies of Indochina are covered with an umbrella of aircraft at any time of the day or night; FACs and observation aircraft at 2,000 feet; attack and gunships at 5,000 feet; fighter-bombers at 7,000 feet; reconnaissance and electronic warfare aircraft at 10,000 feet; KC–135 tankers at 20,000 feet, B–52 bombers at 30,000 feet, and the SR–71 at 70,000 feet.

The brunt of the air war today is being carried out by F–4s, B–52s, and gunships.

"The 7th Air Force has 33,000 military personnel and nearly 1,000 aircraft." (*Air Force Magazine*, 5/71)

"The B–52s bomb these [Ho Chi Minh] trail entrances daily, each dropping as many as 150 bombs of 500 pounds." (Craig Whitney, *NYT*, 12/3/71)

"[AC–47s] can start their deadly circle quickly, and in three seconds cover the area of an entire football field with one bullet in every square foot." (Lt. Col. Thomas Rickelsmen, USAF, *St. Louis Post Dispatch*, 11/24/65)

"When they [gunships] fire their guns, it looks as if a stream of brilliant candy apples is streaking from the aircraft to the ground." (Sgt. Robert Lessels, USAF, *Air Force Magazine*, 11/71)

"The Americans unleashed the terrifying 'Puff the Magic Dragon' [AC–47] and I could visualize the scene below. Men, women, children, caught like rats in a flood . . . No place to hide, no way to plead their case of innocence to the machine in the sky, no time to prepare for death." (Quaker worker, Quang Nai hospital, South Vietnam, *Vietnam*, 1969)

"The Douglas AC–47 'Spooky', the Fairchild-Hiller AC–119 'Shadow' and the Lockheed AC–130 'Stinger' . . . are all fitted with side firing weapons—three 7.62 mm Miniguns in the AC–47, four in the AC–119, and four 7.62 [mm] guns and four 20mm cannons in the AC–130." (Air Force Magazine, 5/71)

"The A–7 makes ground movement after dark a nightmare . . . the devastating accuracy of this aircraft is being applied to an increasing number of night missions." (Vought Aeronautics advertisement, *Air Force* Magazine, 1/72)

"A fighter-pilot who was based at Danang told me, 'We are going four or five hundred knots, and we can't see much ourselves. I've never seen a body or a person yet, and I've been on over a hundred missions. It's virtually impossible to see any movement on the ground. The FAC is the expert. We're only experts in delivery." (Jonathan Schell, *The Military Half*)

". . . I flew with a FAC pilot from Texas . . . The standard FAC plane was a Cessna–1 Bird Dog. It seated two, one in front and one in back; had a single propeller; and was armed with four tubes containing phosphorus rockets, two tubes being mounted under each wing. It could fly as slowly as forty miles an hour, and could hold an extremely tight corkscrew turn when the pilot wanted to look at one small area of ground for a sustained period . . ." (*Ibid.*).

"The converted D models of the B–52 can carry a total of 108 500-lb. bombs . . . This compares with the 51 capacity for either the 500 or 750-lb. bomb of the F versions available here when the aircraft first began operations in the summer of 1965. Total capacity of the D with 750-lb. bombs on board is 66 . . .

"The 750 and 500-lb. bombs continue to be the primary ordnance loads for the B–52's, although a variety of other ordnance currently is being employed." (*In the Name of America*, 1968)

". . . A military spokesman said today that the paratroopers had swept through part of the area of two B52 raids in the Iron Triangle last Friday. He said that 750-pound bombs with instantaneous fuses made craters only about four feet deep but blew down the jungle 300 feet around the crater.

"Delayed-fuse bombs, which go off after penetrating into the ground, left craters fifty feet wide, blew down trees to a distance of 75 feet from the crater rim and collapsed some tunnels 100 yards away.

"One 'complex' of about 25 farm huts was reported '75 per cent' destroyed by the B52s." (*Ibid.*)

"Gen. Talbott: The backbone of our interdiction force has been tactical fighters—primarily F–4s. The F–4s are being used more at night . . . F–4 squadrons have been equipped with a very accurate (deleted) navigation system . . . These sensors are integrated through computers to deliver several types of weapons including laser guided bombs." (Electronic Battlefield Hearings, 11/70)

AIRCRAFT CARRIERS

More than any other weapon system, the attack carrier has been adapted to the kind of conflict with the Third World that has characterized U.S. military intervention since World War II. Once an arm of the fleet, designed to protect naval ships from air attack and to provide a long-range strike force against opposing naval forces, the attack carrier has become a mobile platform from which to launch an air attack against ground targets.

The attack aircraft carrier is today playing a major role in the air war and is likely to play an even more important one in the future as U.S. ground troops and land-based air power is gradually withdrawn from South Vietnam. In February, 1972, three attack carriers were put on station in the Gulf of Tonkin, the largest number since the height of the bombing in 1968, and a fourth was on its way to join them. Though the actual number of combat sorties flown from carrier decks is kept secret, it is known that carriers launched almost half of the combat sorties against North Vietnam between 1965 and 1968 at the rate of more than 4,500 sorties a month. The sortie rate for fiscal 1972 was reportedly budgeted at 3,000 sorties a month.

The role of the attack carrier in Indochina is not surprising. With more than 75 combat planes, a crew of 5,000, and a fully integrated operations system, each attack carrier can maintain full-scale combat operations off the coast of Vietnam for months at a time, free of reprisal from enemy forces and without fear of changes in the political situation in Indochina that might force the withdrawal of U.S. land-based forces. Over the last decade or so the weapons system of the attack carrier has been completely redesigned to fight conventional land wars. Its aircraft, which in World War II could carry at most several hundred pounds of bombs, are now capable of carrying 12–18,000 pounds of bombs, more than the heaviest bombers of World War II. Its radar systems were once designed for operation over water; they have now been redesigned for land operations, including navigation systems that automatically fly planes at ground level over mountainous terrain. Over the last decade the Navy has designed and employed over a dozen types of anti-personnel weapons, useless against ships but very effective for killing and maiming guerrilla forces and the peasant populations that support them.

As a result of these and other changes, the attack carrier has become a major weapon of counter-revolution. Its main role in the future will be much like its role in the past 25 years. Whether it will be Korea, China, Lebanon, Cuba, Thailand, Vietnam, Dominican Republic, Cambodia, or Laos again, or whether it will be some other country of the Third World in which an American government wishes to intervene, the attack carrier is likely to be the first U.S. force engaged and the last one withdrawn.

Adm. Elmo Zumwalt, chief of the U.S. Navy, said, "American naval operations would continue in the Gulf of Tonkin as long as necessary to protect U.S. troops in Vietnam and that there were no plans to withdraw U.S. aircraft carriers from the waters around Vietnam." (*Post*, 2/27/72)

"Aboard the USS *Enterprise*—Navy Pilots, flying off this huge floating airfield and other carriers in the Tonkin Gulf, are playing a bigger role than ever in the continuing American air war. . . . Virtually all the thousands of strikes (1,700 from the *Enterprise* alone in the last month) flown at the infiltration routes of the Ho Chi Minh Trail system in southern Laos are now launched either from the carriers or from air force bases in Thailand. (*Post*, 1/1/72)

"Officers aboard the 7th Fleet ships off the coast of Vietnam disclosed that Navy strength has been reinforced from an average of 10 ships to 16, including the aircraft carrier *Constellation* and support ships. The US Command made no mention of this or of the report that the manpower of the fleet was now 18,000 to 20,000 men instead of the 13,000 the Command had said. (*Boston Globe*, 2/15/72)

". . . the availability of a fourth carrier in the area will make it possible for the U.S. military command to keep at least three of the big ships on station at all times and available for strikes in the South, against the Ho Chi Minh Trail in Laos, or possibly in new reprisals against North Vietnam.

"Should things be going badly for the South Vietnamese, the United States could also forgo rotating one of the carriers into port for a rest and keep all four on the line." (*Post*, 2/10/72)

"Since we do not have a fortress America strategic concept, the position that our country takes with respect to the rest of the world definitely determines the number of carriers and, for that matter, the entire structure of the Armed Forces . . .

"This new carrier is not associated with particular force levels. It is needed to handle our modern aircraft, and it is needed to give the so-called long legs and mobility that is needed in this modern era. (Testimony before Senate Armed Services Subcommittee on the CVAN-70 Attack Carrier)

"The United States, of course, has a forward strategy. We are a maritime nation. We have operated our forces overseas because we prefer not to have to fight our wars within the United States. Therefore, we have designed our forces—air, Army and Navy—in such a way that they permit us to project power overseas. . . ." (Adm. Thomas H. Moorer, Former Chief of Naval Operations and Chairman of the Joint Chiefs of Staff, April, 1970)

What are the most probable warfare situations for carrier involvement in the future? . . .

"In the next 30 years, which is the lifespan of a carrier, most conflicts in which the United States will become involved will be below the threshold of general nuclear war. . . . Projecting the history of the past 20 years, if we become involved in a conflict it will most probably be a limited war similar to Korea or Vietnam. . . ." (Rear Adm. James L. Holloway, III, Former Chief of Strike Warfare Division, US Navy, April, 1970, CVAN-70 Attack Carrier Hearings)

"Yankee Station has had little or no publicity. Few people in the United States would know what you were talking about if you mentioned it. Yankee Station is not a siding in Back Bay, nor a rock 'n' roll radio station playing Colonial music. It's a position in the South China Sea about 100 miles northeast of Danang where American aircraft carriers cruise around in a methodical pattern and launch and recover fighter and bomber airplanes that are hitting North Vietnam . . ." (Harvey)

"The carrier on Yankee Station is a mobile, privileged sanctuary. It can be replenished from home with whatever it needs to fight. It can go anywhere in the world on short notice. It is immune from sneak missile attacks, since it is always moving. No capricious foreign government can order it closed (as can happen to a land base). The carrier can control its food, water, health and recreation very tightly. There are no mosquitoes to give you malaria. . . ." (*Ibid.*)

"Navy aircraft carriers have now proven their worth in this Vietnam war—and their potential for any wars of similar type that might erupt sometime in the foreseeable future. . . . The *Connie* (note: Constellation) is a sea-going airfield that can move around at 35 knots; houses more than 5,000 officers, men and tech reps; can hurl jets off her four steam cats like shooting beans; carries enough power to flatten targets just as flat as the Strategic Air Command's massive intercontinental bombers and missiles; can launch and recover day or night in very lousy weather; has a flight deck of 4½ acres; carries dozens of planes—fighters, bombers, photorecon, radar picket, onboard delivery and planeguard helicopters." (*Ibid.*)

"Now, for a moment, let's look at the big picture of operations on Yankee Station. The three big attack carriers often work as a team, and the planes from all three ships—more than 200 of them—go off in coordinated waves in strikes against a single target, sometimes going back time after time for days, until that particular target is simply battered to a pile of dust and rubble. . . Raids like this are undertaken, from time to time, when it is decided to eliminate a target for good and all. They are devastating. Their destruction would have to be seen to be believed. Dry-bones communiques detailing numbers of items hit and numbers of sorties flown simply do not tell the story at all." (*Ibid.*)

"Yankee Station happens to be one of the most important offensive bases of operations in this whole war, and nobody even knows the place exists, except for a few experts who follow these matters closely." (*Ibid.*)

"Aboard the 63,000-ton carrier *Coral Sea* . . . 28 fliers in the Sundowners Squadron heard the news that two more of their comrades faced indefinite imprisonment in North Vietnam. . . . The records say that Bob Pearl is 38 years old and that he has had four tours and 400 missions over Indochina since 1965. . . . Were the raids on the North worthwhile? 'All we can see are our losses and no fruits for our efforts. . . . I think people find it hard to agree with the party line about covering withdrawal. . . .' So, it seems that the attack carriers of the Seventh Fleet, doomed to act as floating mail-order houses for high explosives, will sail on and on, Flying-Dutchman-fashion, until—as the joke has it—they run aground on their own accumulated garbage." (John Saar, *Life* Magazine, 2/4/72)

"Before long, the pilots and the planes will be the last warriors and weapons the United States has left in Indochina.

"And barring a breakthrough in efforts to reach a settlement of the war or a reversal of American policy, the U.S. air armada flying from bases in Thailand and as many as three carriers in the Gulf of Tonkin, will remain indefinitely." (*Post* 3/2/72)

CIA AND MERCENARY AIR FORCES

CIA and local Asian air forces are playing a growing role in the air war as the Administration seeks to minimize overt American involvement. There is abundant documentation pointing to the participation of these air forces in opium smuggling as well as in combat. (See *Ramparts*, 4/71 for a fuller account.)

Local Asian air forces—supplied, maintained and directed by American "advisors"—are doing an increasing amount of the bombing. The size of the Vietnamese Air Force (VNAF) has increased dramatically, and the Royal Lao Air Force (RLAF), the Royal Thai Air Force (RTAF), and the Cambodian Air Force at slower rates. Although all the aircraft are piloted by Asians, Americans do everything else, from directing bomb loading to spotting for strikes.

Air America and Continental Airlines, privately owned, profit-making companies, operate under CIA direction and wage much of the supportive air war in Laos and Cambodia. The "charter" companies' planes perform troop transport and supply functions, spot for bombers, and engage in rescue operations for downed pilots. Air Force helicopters, helicopter gunships and giant C-130 cargo planes are "rented" to Air America for $1 a year in Laos.

Asian air forces

American aid to VNAF, FY 1970-72: $922 million.

American aid to RLAF, FY 1970-72: $128 million (DoD, *CR* 8/3/71).

"The Nixon Doctrine . . . was premised on the assumption . . . of increased U.S. military assistance." (Undersecy. of State U. Alexis Johnson, FY 1972 DoD Authorization Hearings.)

"An important factor in carrying out the Nixon Doctrine will be our military assistance program. We are requesting 48 million for development and 70.4 million for procurement of the International Fighter. In addition, we are requesting 10 million for initial spares. This aircraft is needed to provide an air defense capacity for [our] Asian allies." (Secy. of Air Force Robert C. Seamans, FY 1972 Senate DoD Appropriations Hearings.)

Sen. SYMINGTON. "Are we going to continue to put these billions into Southeast Asia? Is that the overall plan in the U.S. today?"

Secy. SEAMANS. "For the forseeable future we are going to continue to spend sizable dollars in Southeast Asia."

Vietnamese Air Force

"South Vietnamese military officers continue to deal in large quantities of heroin and to transport it around South Vietnam in military aircraft." (Rep. Robert H. Steele, House Subcommittee on Europe, 7/7/71.)

"The South Vietnamese Air Force is the sixth largest air force in the world." (Michael Getler, *Post*, 1/14/72.)

VNAF INVENTORY

Year	Fixed wing attack aircraft	Heli-copters	cargo, recon.
January 1969	[1] 100	[1] 125	[1] 575
January 1972	(2)	(2)	1,000+
January 1973 [3]	300-400	500-600	1,200

[1] Approximately.

[2] Total fixed wing and helicopter 750+.

[3] Projected (1969 and 1973 figures, Cornell study. 1972 figures, DOD).

VNAF PERSONNEL

1968 (slightly under)	20,000
1972 (January)	45,000
1973 [1]	50,000

[1] Projected (ibid.).

VNAF ATTACK SORTIES

Year	Indochina (per month)	Laos	Cambodia
1968	2,250	None	None
1970	3,150	None	820
1971 [1]	3,490	40	1,100

[1] As of July 1971 (Cornell study).

"Mr. Seamans acknowledged that the Vietnamese 'will never be able to build the capability to do all that the United States Air Force has been doing in Laos. The Vietnamese Air Force . . . does not possess either B–52s or F–4s, the jet planes that do most of the trail bombing, and there are no plans,' Mr. Seamans said, 'to give it any.' " (Craig Whitney, *NYT*, 12/6/71)

"VNAF is being geared to fight a war where it will continue to have complete air superiority." [This superiority will apparently be provided by U.S. aircraft operating from Thailand and carriers in the South China Sea.] (Brig. Gen. Kendall S. Young, chief Air Force officer for Vietnamization)

Gen. Ryan. "They will not be able to supplant the complete U.S. Air Force in South Vietnam."

Sen. Case. "At any time?"

Gen. Ryan. "That is correct." (Gen. John D. Ryan, Air Force Chief of Staff, Senate FY 1972 DoD Appropriations Hearings)

Asian Blood, American Money

"Lao T–28 bombers have attacked towns, Saravane being a well-known case in point . . . Laos Air Force pilots are . . . paid a bonus for each sortie so that there is an incentive not to adhere strictly to the rules of engagement [forbidding random bombing]." (Senate Foreign Relations Committee Staff Report on Laos, 4/71)

"There is a growing concern of the tendency of Laotian air force pilots from Luang Prabang and Long Cheng to dump their bomb loads on unauthorized targets, which is confirmed by U.S. military personnel. Only minutes after taking off the pilots reportedly hurry home to reload—and collect a dollar bonus for every sortie they fly. The indiscriminate bombing is causing loss of life on the ground and forcing villagers to flee their homes." (D. E. Ronk, *Far Eastern Economic Review*, 9/4/71)

"The VNAF bomb villages indiscriminately. They don't care where they bomb. A lot of times they'll wipe out a village because they or their commander has a grudge against it, maybe it wouldn't make the proper payoffs." (Ronald Ridenhour, former G.I. whose insistent prodding broke the My Lai story, in a PAW interview)

CIA air forces

"There is a large U.S. civilian (paramilitary) fleet operating in Laos run by Air America, Continental Air and Lao Air Transport . . . under contract with AID, although funds are provided by AID, the DoD, CIA, and the State Department. The funding arrangements are worked out in Washington." (Foreign Relations Committee Staff Report on Laos, 4/71)

"Air America is under the management of George Dole, a CIA employee. . . . He is looking to the future, carefully developing the airlift capabilities of other companies he runs for the CIA, such as Southern Air Transport. . . . The sole purpose for the existence of SAT is that the agency be ready for the contingency that some day it will have to ferry men and material to some Latin American country . . . without of course having to contend with the Congress or anybody else." (Victor Marchetti, highest ranking CIA official to "go public," a former participant in CIA daily staff meetings chaired by director Richard Helms.)

CIA-Directed air forces in Laos

Inventory

20 helicopters.
12 C–123s *.
7 C–7As *.
10 Porters.
7 C–46s.
1 Volpar.

Estimated cost

FY 1970: $23 million.
FY 1971: $26.2 million.

Personnel

Air America: 276–415.

(Senate Foreign Relations Committee Staff Report on Laos, 4/71).

"The CIA has changed its rules in an attempt to stop the use of its private airline, Air America, for transport of drugs [opium and heroin] in Laos. Although only two months ago CIA director Richard Helms adamantly denied there had been any agency involvement in this traffic, he is now said to have told a secret Congressional hearing that there was involvement but it has stopped." (Flora Lewis, *Post*, 7/23/71)

"The CIA has involved us in this covert operation, an opium war. The clandestine yet official operations of the U.S. government could be aiding and abetting heroin traffic here at home." (Sen. John Tunney in a campaign speech before the Los Angeles Chamber of Commerce)

"John E. Ingersoll, director of the Bureau of Narcotics and Dangerous Drugs, in testimony before the House Select Committee on Crime, said that middle-level government officials and military men throughout Southeast Asia were deeply involved in the traffic in opium, the product from which morphine and heroin is refined." (Felix Belair, *NYT*, 6/6/71)

AUTOMATED WARFARE

Mechanized war

A giant apparatus of mechanized war—consisting of aircraft, huge airbases and aircraft carriers—has become the centerpiece of American intervention in Indochina. When John Kennedy and Lyndon Johnson chose to escalate, they increased U.S. ground troops; when Richard Nixon escalates, as on the 11th of February 1972, he dispatches more B52s and aircraft carriers.

The goal of this mechanized war is to replace U.S. personnel with machines, so as to reduce dollar costs; reduce domestic dissent occasioned by American deaths; increase combat efficiency by removing American foot soldiers who will not fight; and remove the war from the political arena by making it secret and unsusceptible to congressional or public pressures.

"In Vietnam where artillery and tactical air forces inflict over two thirds of the enemy casualties, firepower is responsive as never before. It can rain destruction anywhere on the battlefield within minutes . . . whether friendly troops are present or not . . . On the battlefield of the future, enemy forces will be located, tracked, and targeted almost instantaneously through the use of data links, computer assisted intelligence evaluation, and automated fire control. With first round kill probabilities approaching certainty, and with surveillance devices that can continually track the enemy, the need for large forces to fix the opposition physically will be less important . . . Today, machines and technology are permitting economy of manpower on the battlefield, as indeed they are in the factory. But the future offers even more possibilities for economy. I am confident the American people expect this country to take full advantage of its technology—to welcome and applaud the developments that will replace wherever possible the man with the machine . . .

"I see battlefields or combat areas that are under 24 hour . . . surveillance of all types. I see battlefields on which we can destroy anything we locate, through instant communications and the almost instantaneous application of highly lethal firepower." (Gen. William Westmoreland, *CR*, 10/16/69)

"For America in the '70s to follow this tactic—to fight a war with this technology and with mercenaries . . . so that we don't see the person we kill—is reprehensible. We kill people with technology because we don't have the will to fight ourselves." (Rep. Paul McCloskey, *National Observer*, 1/8/72)

Although bombers now wage most of the war, Asian ground soldiers still play an important, if secondary, role. Bombers can kill and destroy, but they cannot hold territory; they cannot take refugees or search out enemy supplies; they often cannot locate their targets. These essential tasks are left to U.S.-supported Asian troops.

Vang Pao (CIA-supported Meo leader in northern Laos) would move out, identify the enemy, pull back, and the air power would come in." (Gen. Petit, SSAC, 12/15/71, p. 784)

"They're just using those kids as cannon fodder. The Americans send them out a few klicks so they can find out where the communists are. Then they call the bombers in. The Cambodians don't do anything and they're dying like flies. Sometimes they're even caught in the bombing raids themselves." (Richard Boyle quoted in "Cambodia: Nixon Doctrine Incarnate," *AmRep*, 12/24/71

"As the operations evolved . . . new tactics appeared, calling for the ARVN units to stay mobile . . . They reduced the heavily outnumbered ARVN battalions to the role of live bait. The troops spent their days and nights running and hiding while U.S. airpower struck at the pursuing North Vietnamese Army (NVA). Saigon spokesmen claimed the tactics were very successful, but some Vietnamese called them 'inhuman'." (John Saar, *Life*, 4/2/71)

General Williamson. "We are making unusual efforts to avoid having the American young man stand toe-to-toe, eyeball-to-eyeball, or even rifle-to-rifle against an enemy that may outnumber him on the battlefield. We are trying to fight the enemy with our bullets instead of the bodies of our young men—'firepower not manpower.' "

Senator Cannon. "In your judgment, will this type of equipment be effective in protecting our logistic and supply installations that will remain after we have substantially completed our Vietnamization program?"

General Williamson. "I am confident it will." (Electronic Battlefield Hearings, 11/70)

General Evans. "Besides supporting real-time employment of Commando Bolt F–4s and gunships, sensor intelligence is an input for establishing most of the targets in Laos . . . What is most important, gentlemen, is that we can gather this type of intelligence without exposing one American soldier to enemy action." (*Ibid.*)

The electronic battlefield

The air war in Indochina has served as a laboratory for the development of elaborate and expensive electronic devices as instrumentation for an "electronic battlefield." The goal is automated and computerized warfare, providing an all-weather, day-night capability.

Areas have been seeded with air-dropped devices that can detect vibrations or people; they can listen to sounds; they may be sensitive to metallic objects, to heat radiation, or to chemical emanations from human beings. The information is transmitted by radio to receivers on mountain tops or in continuously airborne manned and unmanned communications aircraft. The signals are then relayed to a central computer in Thailand where the responses of the various sensors are correlated and the decision to strike a certain region is finalized.

A new system recently introduced in Indochina called Pave Phantom is automated to the extent that the pilot need merely punch data on the desired target position in his computer's keyboard, together with information about his chosen weapon, and the computer will steer the aircraft over the target and release the weapon.

The chosen weapon is often another electronic wonder, a "smart bomb." One smart bomb is guided to its target by radar. Another, a laser bomb, homes in on a spot of light beamed from another plane flying at a safer level. The T.V. bomb has a television camera in its nose; "shown" a picture of the target, it homes in on the identical image on the ground.

Technology had made some conventional weapons, such as gunships, even more devastating. The new four-engined AC130E gunship, armed with rapid-firing 40 mm cannon, seeks its prey with infra-red vision devices, see-in-the-dark TV, and sensors that detect electrical noises of trucks' ignition systems. After being directed to the target area by ground computers, the aircraft is placed on the automatic system and the on-board computer takes over, flying the aircraft and aiming and shooting the cannon.

"The code name for the electronic operation is Igloo White. It was designated for fighting a war in hostile territory, offering the enemy absolute control of the surface territory while maintaining air superiority above. The system does not require U.S. ground troops to assure success. It meets restrictions placed on ground operations in Laos." (George Weiss, *Armed Forces Journal*, 2/15/71)

"I personally think it [electronic battlefield] has the possibility of being one of the greatest steps forward in warfare since gunpowder." (Sen. Barry Goldwater, Electronic Battlefield Hearings, 11/18/70)

"We got the Ho Chi Minh trail wired like a pin ball machine. Before, the enemy had two things going for him. The sun went down every night and he had trees to hide under. Now he has nothing." (Air Force officer quoted by George Weiss in "The Air Force's Secret Electronic War," *Military Aircraft*, 1971)

"An Orwellian transformation is taking place in our military policy in Indochina. Due to public pressure American boys are slowly coming home, but they are leaving an automated war behind . . . We intend to turn the land of Vietnam into an automated murder machine. Computer technology and a small number of troops manning aircraft and artillery are creating a U.S. destructive military presence that may literally hover over Southeast Asia for years to come." (Sen. Mike Gravel, *CR*, 10/5/71)

"All these devices and weapons share the same fault. They are indiscriminate. Like the people sniffer they draw no distinction between friend or foe, civilian or soldier, adult or child, and will impartially call down an automated death on all who cross their path." (CCAS, *The Indochina Story*, p. 96)

"Automated warfare has certain 'advantages.' Instruments do not defect. They are not known to take consciousness-expanding drugs. They have no ethical qualms about killing civilians. They do, more or less, what they are told. They represent a cheap mercenary army. In the end we will have the machines fighting the 'gooks' with no human beings involved on either side! We are manufacturing a slave army of mindless machines to police the world; the very existence of such advanced technology will bring strong pressures for its use to counter 'insurgency' all over the world. If unchecked, such a sequence of developments may prove to be the most ominous consequence of American military involvement in Southeast Asia." (Cornell study)

"If ground troops sometimes will not, and usually cannot, distinguish between enemy and innocent in a guerrilla war, we know that aerial bombardment never can. The sensor which detects body heat, the aircraft thousands of feet in the air, the computer complex many miles distant, are completely neutral and indiscriminate. Even the so-called "smart bombs" cannot tell the differences; they destroy everything in their target area." (Sen. George McGovern in a speech, 12/14/71).

Senator CANNON. What happens when you get into the more densely populated areas?

General DEANE. If you get into more densely populated areas you are not going to be able to tell friend from foe so these devices in themselves would not be particularly helpful to you. Now, you could tell that tanks as opposed to passenger cars were passing through the town, but in terms of people you would not know whether they were friendly people, merchants, or soldiers. (Electronic Battlefield Hearings, 11/70)

DEANE. A sensor-aided combat surveillance system consists basically of the following common components: detection devices, called sensors, which pick up the movement of vehicles or troops; a communications link (usual radio) from the sensor to a 'readout' device; the 'readout' device, which receives sensor transmissions and shows when each sensor is picking up a target; and display and processing equipment to assist in counting the targets and in determining their direction and rate of movement. Individual systems may also include special munitions, aircraft, etc., which I shall mention later.

Major ANDERSON. First, the road is cut at a point difficult to bypass, using highly accurate guided weapons. Laser-guided bombs have been performing most of this function. Next, antimateriel landmines are emplaced. . . . Third, antipersonnel landmines are emplaced over the antimateriel mines. . . . Fourth, sensors on both sides of the munitions package determine if truck traffic is getting through the package. Sensors in other locations are used to determine other routes taken by enemy. (*Ibid.*)

Mr. GILLEAS. How do we prevent sensors from killing innocent people versus enemy troops?

General DEANE. You say the sensors won't tell you. And the sensors might give you an indication if over an acoustic sensor you heard voices and determined from the conversation that they were enemy, that is the only way I would know you would be able to tell . . . You could have in Vietnam, for example, a group of woodcutters coming back down the trail that might look like a squad to them; you could make a mistake, I think." (*Ibid.*)

General EVANS. Our current family of sensors . . . was designed specifically for use in Southeast Asia. We believe the system has demonstrated significant potential for enhancing future tactical operations worldwide, and Tactical Air Command has in fact stated a requirement for integration of Igloo White technology into TAC's worldwide operational capacity. To provide this capability, improvements must be made to accommodate present sensor design to the much more severe environmental conditions to be found in many other areas of the world which are of military interest." (*Ibid.*)

Costs of the electronic battlefield

$3.25 billion through FY 1971, exclusive of munitions. (Sen. William Proxmire, CR, 3/23/71, pg. S3618).

Future costs could reach $20 billion in the next decade. (Sen. William Proxmire, *CR*, 7/13/70, pg. S11115).

The sensor program in Indochina with its air and ground weapons and munitions cost $1,680,600,000 through fiscal year 1971. (Electronic Battlefield Hearings, 11/70)

"The Pentagon is concealing essential facts regarding its expenditure of more than $3 billion on the electronic battlefield." (Sen. William Proxmire, *CR*, 3/23/71, pg. S3618)

INEFFECTIVENESS

The employment of massive technology by the U.S. has led to the deaths of many innocent civilians and animals, while its military value is subject to question. The sensors cannot distinguish between friend and foe, animal and human, and the decision to call in warplanes is made without this knowledge. The guerrillas have ingeniously confused the "people sniffers" by hanging pails of urine in the trees. The heat sensors are deceived by small fires and guerrilla signs that warn, "Avoid this area, there are devices that are listening for you" dot the landscape. Every advance in American technology brings new countermoves by the "backward" guerrillas. The organized and determined guerrillas can withstand, and thus defeat, the new technology, but many innocent peasants are caught by American firepower.

"On several occasions after heavy sensor activation the night before, morning patrols sent out in search of enemy bodies found dead water buffalo instead." (A former Army lieutenant, as reported by Sen. William Proxmire, *CR*, 3/23/71, pg. S3621)

"We must guard against mindless applications of new technologies just because it exists, applications which have little or no chance of success." (*Ibid.*)

ORDNANCE

The 2,000 tons of bombs dropped daily on Indochina constitute an unparalleled and sophisticated variety of weapons designed to maim and kill those below. These bombs can be divided into five distinct categories:

1. High explosives, ranging in weight from 250 pounds to the massive "Commando Vault" 15,000 pound bomb. (See also "Environmental Destruction")

2. Anti-personnel bombs are designed for use against unprotected human flesh. According to a paper delivered to the American Association for the Advancement of Science by Prof. E. W. Pfeiffer and Prof. Arthur Westing, at least 50 percent of all bombs dropped on Indochina are anti-personnel bombs:

A. 1,000 pineapple bomblets can be dropped by one aircraft in a single flight. When dropped, the pineapples send 250,000 steel pellets spewing in a horizontal pattern across the land.

B. The Guava can explode on impact, in the air, or with a time delay fuse, with each aircraft throwing 400–500,000 ball bearing pellets in a 360 degree pattern. The guava can inflict casualties on those who are hiding in holes, or in bunker or cave entrances because of this spraying pattern. The equivalent fire power in terms of conventional land war would make the 1,000 pineapples equal to 13,160 infantrymen each firing one clip from an M–16 rifle; the guavas are equivalent to twice that, or 26,320 infantrymen firing a standard clip from an M–16.

C. The Flechette, or "nail" bombs, contain several hundred 1 inch barbed nails in each 3 inch bomblet. The flechette is designed to enter the body, shredding muscles and body organs as it passes through the body, by the path of least resistance, i.e. the ricochet effect. Both pellets and flechettes are difficult to remove, sometimes necessitating exploratory surgery in order to insure removal.

"Often the nails [flechettes] will knife right through the target, although at certain angles they do have a tendency to tumble immediately on impact, and after piercing the skin a tumbling nail can cause a gaping wound."

(Dean Morton, CBS News, 3/29/71)

3. Incendiary bombs, designed to burn their victims, vary as to temperature, adhesiveness, and effective range. These include napalm, super napalm, napalm B, napalm paragel, thermite, magnesium, white phosphorus, and NPT.

A. Napalm variants are characterized by their large range of effectiveness—sheets of flame envelop everything for hundreds of yards.

B. White phosphorus is characterized by the fact that it burns on contact with oxygen. "Willie Peter," as pilots refer to it, cannot be extinguished, which means that it usually has to burn its way to the bone before it goes out, and has a more localized dispersal pattern than napalm.

C. NPT, napalm-phosphorus-thermite, dispersed over a wide area, burns at a high temperature, and is difficult to extinguish. It is a combination of the deadliest characteristics of other incendiary agents.

"In the civilian hospital at Can Tho, I

saw a man who had a piece of white phosphorus in his flesh. It was still burning." (Harvey)

4. Air to ground missiles have come into greater use in recent years. The most common are either laser guided or teleguided missiles, called "smart bombs." Conventional bombs with laser guidance systems are dropped from an aircraft, and then home in on a beam that guides the bomb to its target. Teleguided missiles include the "Walleye" and "Bullpup," which fall on the image projected on the pilot's screen. The latter are used particularly against caves or suspected underground complexes, and are accurate within 6 feet when dropped from 4 miles away.

5. Area denial mines are designed to make large areas of land uninhabitable for human life. These weapons include:

A. The Dragontooth and Gravel mines, which are camouflaged to blend in with the land, and are dropped by the thousands every month. The gravel and dragontooth are designed to blow the foot off the person who steps on it, or the hand off anyone who picks it up, but neither one will destroy a truck tire if rolled over.

B. The Spider mine or the WAAPM (Wide Area Anti-Personnel Mine) has eight fine wires that extend from it. When a wire is tripped, ball bearing-like pellets are thrown for a distance of 60 meters. Unlike other weapons, area denial weapons are not dropped on a specific target, but rather entire areas are flooded with them.

"It (the gravel mine) is purely antipersonnel. If a person steps on it, it will blow his foot off. If a truck rolls over it, it won't blow the tire."

(Maj. R. D. Anderson, USAF, Electronic Battlefield Hearings, 11/70).

EXAMPLES OF ORDNANCE USED IN INDOCHINA

BLU 24/26, Guava bomblets, each holding 260–300 pellets, and 50 grams of explosive. Different fuses determine if the bomblet will detonate on impact, in the air, or with time delay. 360 degree spray pattern when detonated.

BLU 31, 750 pound mine dropped from a plane, armed with a seismatic sensitive fuse. The mine buries itself on impact, and can be detonated by the vibrations from a single truck.

BLU 52, 270 pounds of CS II riot control agent. The chemical CS causes vomiting, nausea, tears, and muscle spasms. It can cause death to the elderly, infants, and the sick.

M–36, 800 pound casing containing 182 incendiary bomblets.

PAVE PAT II, 2,500 pound propane gas bomb, used as an incendiary device.

CBU 28, Dragontooth mine. Anti-personnel, area denial mine.

CBU 34/42, WAAPM, Wide Area Anti-Personnel Mine. WAAPM is an area denial weapon with a spraying pattern of 60 meters.

CBU 24/49, Anti-vehicular bombs. The CBU 24 detonates on impact; the 49 is dropped ahead of a convoy and uses a time delay fuse.

CBU 46, Flechette bomblets. Each bomblet has hundreds of 1 inch barbed "nails" that are designed to enlarge wounds and shred body organs. Hundreds of bomblets can be dropped in a single sortie.

XM–51E, Gravel mine. 3 inch cloth bag containing explosive powder and two plastic pellets. Operation is simillar to the dragontooth. An added feature is the use of plastic, which necessitates exploratory surgery.

(The above data was gathered from the hearings of the Electronic Battlefield Subcommittee of the Preparedness Subcommittee, of the Senate Committee on the Armed Forces, Nov., 1970.)

"Phosphorus has the particularity that inside the wound or burn, it burns slowly. On occasion this slow combustion lasts up to 15 days. At night can be seen the greenish light produced by the material that continues burning the flesh and bones. Besides this, accompanied by the wounds and the profound burns, the victims suffer a severe intoxication produced by the augmentation by three or more times the quantity of inorganic phosphorus in the body."

(Dr. Abraham Behar, [French physician visiting North Vietnam in 1967], quoted by J. B. Neilands, Asian Survey, 1970)

"That white phosphorus is used as an antipersonnel weapon was confirmed in a press report in 1969: 'We killed them one by one with grenades, direct hits with Willie Peter—white phosphorus artillery shells—or with napalm.' This is a statement attributed to a major serving as a commander in the Special Forces' Fifth Mobile Strike Force."

(J. B. Neilands et al., *Harvest of Death*, 1972)

"This is the BLU–52 chemical bomb. It is a standard firebomb case. It becomes a BLU–52 when filled with 270 pounds of CS–1 or CS–2 riot control agent. Its operation is quite simple. After the bomb is released, the thin-skinned bomb case breaks open an impact with the ground, spreading its contents over a wide area . . . CS–1 will last for 3 to 5 days and CS–2 will last for 30–45 days . . . Their effects are nausea, choking, and copious weeping. They have been employed to a very limited degree in South Vietnam on carefully selected targets. [Deleted]."

(Major Anderson, Senate Electronic Battlefield Hearings, 11/70)

COSTS

Conservative estimates place the annual costs of the air war at some $3 billion. Actual costs probably run much higher.

However, in terms of the cost of the air war to the Indochinese people and compared to pre-1970 war costs for the U.S., this is a relatively inexpensive war, intended to be a protracted and perhaps a "permament" war.

Costs have shifted from maintenance of a ground army to military aid and development of electronic counterinsurgency weaponry. "Smart bombs cost . . . $12,500 for the T.V. bomb kit. Conventional bombs cost anywhere from $224 for a 500 pounder to $1,864 for a 3,000 pounder" (AP dispatch in the *Philadelphia Bulletin*, 1/14/72). One Walleye missile costs $25,000. The Pentagon acknowledged that the cost of the sensor detection system alone had reached $1.6 billion by November 1970.

SOME FIGURES

1966–71, total air war costs, $27.5 billion, or approximately ¼ of the war's overall costs. (Cornell study).

1971, $2.79 billion, or approximately $60 per family of four.

Operating costs: $2.2 billion.

Aircraft attrition: $.6 billion (*Ibid.*).

Cost per day, 1971, $7.64 million.

Projected costs, $2 to 4 billion annually (Cornell study).

CHRISTMAS RAIDS AGAINST NORTH VIETNAM

Estimated cost of plane, losses Dec. 17–Jan. 1: $24 million (conservatively tallied at $2 million/plane, 12 planes lost, DoD).

Sortie costs: $8.5 million (based on DoD figure of 1,000 sorties).

PRODUCTION COSTS

1 B–52, $8 million (AP dispatch, 1/9/72).

1 F–4, $4 million (Sec. Seamans, 1972 Air Force Appropriations Hearings).

1 Huey Helicopter, $250,000 (*Ibid.*)

1 Shrike air-delivered missile, $35,000 (CBS News, 1/19/72).

1 aircraft carrier, $960 million (Sen. Allen Ellender, *CR*, 1/25/72).

ELECTRONIC BATTLEFIELD

Total costs, $3.25 billion (Sen. William Proxmire, *CR*, 3/23/71, based on Senate Electronic Battlefield Hearings).

Future costs, as high as $20 billion (Sen. William Proxmire, *CR*, 7/13/70).

DoD acknowledged cost of sensor program, FY 1967–71, $1.68 billion (Senate Electronic Battlefield Hearings, 11/70).

Operating cost of Thai based computers, $625 million (Orville Schell, *AmRep*, 9/24/71).

Developmental cost of Wide Area Antipersonnel Cluster Bomb (WAAPM), $86.3 million (*Ibid.*).

OPERATIONAL COSTS (AVERAGE COSTS)

1 fighter-bomber sortie, $8,500 (*Ibid.*).

1 truck destroyed on Ho Chi Minh Trail, over $100,000 (Sen. Mike Gravel, *CR*, 10/5/71).

COST OF AMERICAN AID TO INDOCHINESE AIR FORCES

FY 1970, VNAF, $245 million, RLAF, $46 million.

FY 1971, VNAF, $350 million, RLAF, $79 million.

FY 1972, VNAF, $337 million, RLAF, $83 million.

(DoD, *CR*, 8/3/71, p. 12938.)

SOME TRADE-OFFS

The cost of one month's 1,000 B–52 sorties would approximate the Administration's 1971 attempted $47 million cutback in the school lunch program, reducing the number of students assisted by nearly 600,000.
(PAW)

The cost of one fighter bomber sortie equals the annual salary of one teacher. One week of no fighter bombing would reserve enough funds (approx. $24 million) to reopen the Dayton public schools, and finance for one year the Independence, Missouri public schools, both closed last November for lack of money.
(SANE)

The $52.5 million cost of the helicopters lost in the Laos invasion in 1971 equals the cost of 17 local health centers, each treating 40,000 patients annually.
(*Ibid.*)

The air war's $350 million helicopter operating costs for 1971 (Cornell study) represent twice the estimated federal outlays in 1971 for the operation and support of the Federal Court System, assistance to state and local courts, and legal aid to low income citizens.
(The Urban Coalition)

The fuel for one jet for one hour equals 2½ months of food for a family of four.
(*Science for the People*, 11/71)

One aircraft carrier costs the same amount as public housing for 270,000 people.
(Sen. George McGovern, *NYT*, (12/6/71)

ON THE OTHER HAND

While the Administration spent nearly $3 billion on the air war in 1971, the President:

(1) Vetoed the $2.1 billion daycare-childcare bill;

(2) Vetoed the Public Works Bill due to its allocation of $2 billion for federally financed jobs in areas of high unemployment;

(3) Called for an OEO cutback of $545 million in its FY 1972 budget;

(4) Called for a cutback of $50 million in aid to elementary and secondary schools in its FY 1972 budget;

(5) Called for a cutback of $88 million for the school milk program in its FY 1972 budget;

(6) Called for a cutback of $28 million in aid to public health centers and clinics in its FY 1972 budget;

(7) Called for $132 million less than Congress had previously authorized for solid waste disposal programs in its FY 1972 budget;

(8) Called for $129 million less than Congress previously authorized for the fight against air pollution in its FY 1972 budget;

(9) Called for $92 million less than Congress previously authorized to combat alcoholism in its FY 1972 budget;

(10) Announced that it had spent only

$422 million of the $1.25 billion allocated by Congress in FY 1971 for the construction of solid waste treatment facilities;

(11) Called for expenditures of $900 million less than recommended by the Urban Coalition for federal assistance to urban areas in its FY 1972 budget.

The above figures are less timely now due to the Administration's recent release of its proposed FY 1973 budget. While this budget contains generally moderate increases for domestic programs, it still allocated only $430 million for the war on cancer. "[The] National Cancer Institute got far less than it felt it needed." (*Post* 1/25/72)

HUD's budget for 1973 was below its 1972 level, containing a $50 million cut in federal subsidies for private apartment rentals.

The FY 1973 budget contained no new money requests for water and sewer grants. Congress has appropriated $850 million since mid-1970, of which only $550 million has been spent by the Executive branch.

IMPLICATIONS—WAR ON THE CHEAP

"A continuing air war, largely conducted and entirely supported by the U.S., will inflict ever-widening costs on the peoples of Indochina while reducing U.S. costs to little more than a normal peacetime readiness level for 'permanent war.' When one takes into account the future technological possibilities for warfare-from-a-distance and when one considers the relative cheapness of this kind of mechanized war for the U.S., there emerge far-reaching implications for the possible future conduct of American foreign policy."

(Cornell study)

CORPORATE INVOLVEMENT

The air war is dependent on the readiness of manufacturing and research companies to seek contracts for the development and production of weapons systems. The war industry is a lucrative one; profits from weapons manufacture are substantially higher than profits from similar size nonmilitary manufacture. The continuing substitution of electronic weapons systems for manpower means, of course, that a higher percentage of war costs go directly to corporations rather than to soldiers, and that the future has become brighter for arms makers.

"The Vietnam build-up virtually assured American businessmen that no economic reverse would occur in the near future." (Pres. Johnson, "Economic Report of President Transmitted to Congress," GPO, 1/70)

"Electronic warfare is our business." (Headline from full-page ad by GTE Sylvania in *Electronic Warfare*, Convention Issue, 1971; see graphics section)

"Systems Specialist Electronic Warfare—A substantial increase in business activities requires experienced systems professionals to join our Applied Research Staff. . . . Areas of responsibility will include: Receivers, Transmitters, Computer Interface, Electro-Optical Devices, Lasers. . . . The Hallicrafters Company, A subsidiary of Northrop Corp. . . . An Equal Opportunity Employer" (Ad from the *Post*, 1/16/71)

"A General Accounting Office survey of 146 military contracts showed a 23.8 percent average profit on total capital investment and 56.1 percent on equity (capital supplied by stockholders). A private study showed defense contractors earning 17.5 percent profits on total investment, compared with 10.6 percent profit for civilian contractors of comparable size, between 1962 and 1965." (*A Rich Man's War and a Poor Man's Fight: A Handbook for Trade Unionists on the Vietnam War*, Washington Labor for Peace, 1971)

"Congress was first informed in November, 1970 of military expenditures for an automated battlefield—expenses that began with the creation of the Defense Communications Planning Group in 1966, and totalled at least $3.25 billion before Congress was informed." (Report of Senate Armed Services Committee on its Electronic Battlefield Hearings, 11/24/70)

"Honeywell's production of fragmentation weapons has greatly increased since Nixon took office and began 'winding down' the war. In 1968, the Army bought 41,987,278 fragmentation weapons. In 1970, it bought 101,001,700—more than twice as many. As measured by corporate production of killing machinery, the war is winding up, not down." (Honeywell Project, "Honeywell: Controllers of Power, Masters of War," 1971)

Contracts of Honeywell, Inc. to produce anti-personnel weapons for use in Indochina:

$50 million for Submarine Tactical Missile, to fire cluster bomb unit-laden missiles from offshore;

$55,000 for research and development on the Dart Bomb whose spinning darts "grind up human flesh;"

$6 million for a Fuel Air Explosive Munition, designed to cause a vast incendiary explosion of vaporized fuel;

Over $100 million for the Wide Area Anti-Personnel Mine.

(*Ibid.*)

"Raytheon Co., largest war manufacturer in Massachusetts, makes 80 percent of all U.S. aircraft borne missiles. Its contracts for the Sparrow and Sidewinder air-to-air missiles, both used in Indochina, have totaled $735 million between 1966 and 1972. The surface-to-air Hawk missile, produced for use in Indochina as well as for sale to Israel and Jordan, has accounted for $730 million in Raytheon contracts in the same period. A GAO study found a 30 percent inefficiency rate in Hawk production." (Richard Krushnic, "Raytheon Company: Heart of the Massachusetts Military Industry Complex," 1971. Contract values are quoted by Krushnic from W. E. Hutton & Co., "Field Report on Raytheon Company," 2/71, p. 16)

These were the leading military contractors for the Indochina War from 1965 to 1970, with total contract values in millions:

McDonnell-Douglas	$3, 388. 5
Lockheed	1, 455. 7
Textron	1, 210. 5
Olin	1, 141 .4
Ling-Temco-Vought	974. 5
Grumman	$950. 2
General Motors	780. 4
DuPont	681. 3
Boeing	646. 2
Honeywell	642. 4

(Washington Labor for Peace, *A Rich Man's War and a Poor Man's Fight*)

"General Electric supplies the rapid firing 20 mm Vulcan cannon and 7.62 mm mini-guns which together can fire over 24,000 rounds of ammunition a minute (from a single AC–130E 'Surprise Package' gunship). Such fire power capability in the air represents the military's answer to an 'enemy' who cannot be seen, and whose presumed territory of activity must be overwhelmed with gun fire.

[GE's other contracts to supply the Indochina War include manufacturing engines for F–4 Phantom jets, Igloo White computer equipment, television guidance systems for the Walleye "smart" bomb, radar jamming systems, the "laser target designator" for laser-guided bombs, and special television equipment designed for night-time bombing. The company's annual military contracts totalled over $1 billion in both 1970 and 1971. 1971 military sales are estimated to have earned $2.60 per share.] (NEARMIC, "General Electric Company," 2/72)

Some of United Aircraft's contracts for Indochina weapons manufacture:

Pratt and Whitney subsidiary: $100 million a year for Navy F–14 and Air Force F–15 jet engines; F–111 engines; $35 million a year for Navy A–4 and A–6 engines;

Hamilton Standard subsidiary: wingsweep actuators for the F–14;

Radar and cockpit display systems, and weapons delivery systems;

Sikorsky subsidiary: CH–53A/D helicopters, $50 million a year.

(Richard Krushnic and Susan Wolf, "More than any other State in the U.S., Conn. is the Warfare State," pamphlet, NEARMIC, 2/72)

"Air Force.—We were pleased to announce, in the May Scope, the winning of the 20 mm SAPHE projectile development project from Eglin. . . . This is one of a family of ammunition programs that we are trying to get under our belt. On the Air Force production side, the big item—the WAAPM air delivered mine—is enjoying a fine reputation in actual use; its performance is very good." (SCOPE, a Honeywell in-house publication, 6/69)

"Our Air Force business continues to grow, and this pattern will continue into 1970. The procurement 'mix,' however, is having some large excursions, creating serious impacts on our factory. In general, FY70 quantities appear to be emphasizing cluster bombs and minimizing unitary warhead bombs and fuzes. This is good for our CBU production at St. Louis Park, but it hurts our bomb fuze production at Hopkins." (*Ibid.*)

"Air Force F–15. Sperry's There! For this nation's newest air superiority fighter—being built by McDonnell-Douglas-Sperry is developing the attitude and heading reference system, the digital air data computer, the multifunction display, and the flux valve." (Sperry Rand Flight Systems ad, *Air Force Magazine*, 7/71)

"Safe. New Proximity Fuze can only be armed after leaving the plane. . . The new SAFE fuze is based on Motorola's experience in advanced and current GP bomb fuzing, dispenser fuzing, missile and rocket fuzing, guided ordnance fuzing, artillery and mortar fuzing, and small caliber projectile fuzing. For more information, write Motorola Government Electronics Division, 8210 E. McDowell Rd., Scottsdale, Arizona 85252." (Motorola ad, *Air Force Magazine*, 1/72)

"Electronics is big business, and getting bigger, both here and abroad. . . The big question is the defense market, now leveling off with the winddown of the war in Southeast Asia. There are indications, however, that new and complex weapon systems, based on advances in technology, will be needed to replace present systems. Such trends could increase defense purchases of electronic equipments and components and halt further decline in defense procurements. Smoothing the industry-government interface in this critical area is one of our main jobs at Electronic Industries Association (EIA)." (V. J. Adduci, EIA president, *Air Force Magazine*, 7/71)

"One thing is clear. . . The military services, and notably the Air Force, are going to depend more and more on electronics for both management and operational requirements. I know I speak for the electronics industry of the United States when I say we stand ready to do our part in satisfying the needs of national defense." (*Ibid.*)

"Goodyear Aerospace Associative Processors can provide significant benefits in other radar, electronic warfare, communications and data base management systems. . . Airborne and ground based electronic warfare and radar signal processing tasks are already under way. You can put this technology to work for you. Save money and improve your system performance. When we say it, we mean it. For further information call Wayne (Brubaker, our Digital Systems Marketing Manager) (216) 749–3631 or write Goodyear Aerospace Corporation, Department 911 VG, Akron, Ohio, 44315." (Goodyear ad, *Air Force Magazine*, 7/71)

POW'S—PAWNS OF WAR

An American has been shot out of the sky and captured or listed as missing in action once every three days since President Nixon took office. Hundreds more were prisoners when he began his administration. None will be freed as long as the air war continues.

There are those in this country who argue that the POWs must remain in prison, rather than be released through some "unglorious" total withdrawal, so that others will not have fought in vain. But this argument assumes that we can "win" some sort of victory that will make our sacrifices in Indochina justifiable.

What if we must at some time withdraw anyway? We will at such a point have subjected these men and others yet uncaptured to more unnecessary years of imprisonment.

It is clear that further air raids will only increase the numbers and prolong the imprisonment of American POWs. One thing is certain: As long as the air war continues, more men now free will be shot out of the sky, killed, wounded, or captured until the bombing ends.

Number of American POWs—January 20, 1972

In North Vietnam:	Totals
North Vietnamese	346
DOD	*385
In South Vietnam:	
NLF	18
DOD	90
In Laos: DOD	5

* Including 20 listed as dead by the North Vietnamese.

"Some wives and parents . . . believe that top-level U.S. policy makers are being deliberately misleading when they denounce the North Vietnamese as liars because the Hanoi officials say they can't produce an accounting of anything like 1,600 men [the total number of prisoners and missing claimed by DOD]. (North Vietnam has produced a list of 339 men [as of 9/30/71] it says have been captured.) These wives and parents suspect that Washington's demand for the accounting is just a throwaway bargaining ploy for the Vietnam negotiations in Paris . . .

" 'I think they're misleading us for their own purposes,' " one Missing in Action mother claims. (*Wall Street Journal*, 9/30/71)

Partisan nature of POW families situation

Congressman Les Aspin, on January 22, 1972, "released documents that showed that the Republican National Committee has become a dominating influence in the affairs of the avowed nonpartisan National League of American Families of Prisoners and Missing in Southeast Asia (the major organized group of relatives of detained and missing U.S. servicemen) . . . The documents disclosed that by April 1971 the GOP National Committee was giving financial advice and political support to the organization." (*Am Rep*. 2/18/72)

"POW/MIA Families for Immediate Release is angry at having to swallow the same story about the President's plan to help American POWs when every time a bill is offered and a door is opened to help us end this war and get out POWs, the administration maneuvers and pressures with scare tactics to their key supporters in the House to slam it.

"President Nixon has blatantly abandoned the prisoners and is creating two residual forces—one in Southeast Asia to continue the war, and one in this country consisting of POW/MIA families who are not going to remain quiet about these defenseless pawns." (Shirley Culbertson, POW sister, *Post*, 11/27/71)

"He talks about a bloodbath," said one ladylike wife, "but he's not kidding us. He's got to choose between President Thieu and my husband, and if he doesn't choose my husband, you can bet he's going to hear from me. We've been polite enough, and we know we've been had." (*Star*. 7/13/71)

North Vietnam's position on release of POWs

"The more Nixon wants to force his terms on the North Vietnamese people by increasing his air attacks, the longer will be the list of U.S. pilots captured in North Vietnam." (North Vietnamese Army newspaper *Quan Doi Nhan Dan* quoted in *NYT*, 12/29/71)

"It is not we who use the prisoners as pawns. It is Mr. Nixon who uses the prisoners as pawns in the political aims. But we should wonder why Mr. Nixon still uses the political problems for his aims. Why does he not make a statement: Now we stop any commitments to the Saigon administration . . . and we will no longer maintain this administration. And then the Vietnamese problems will be very rapidly settled—both military questions and political questions. And then all prisoners, all American servicemen, will go home." (Xuan Thuy, North Vietnamese delegate to the Paris peace talks, *NYT*, 2/7/72)

Treatment of POW's

An interview with a POW (Lt. Commander David Hoffman of San Diego) captured during the recent Christmas raids revealed the conditions of his confinement:

" 'How did they treat you, the people who captured you?' I asked.

" 'I was treated very well. I was taken to a village, their village, and was given dry clothing, food, and medical attention for my broken arm right away, and I was given a place to rest.'

"Lt. Commander Hoffman appeared to be in good health and was amazingly cheerful considering the fact that he was a prisoner. He went on:

" 'Since being brought to the detention camp here I have been treated very well. I was taken immediately to the hospital, the doctors examined my arm and started treatment so that it would heal properly. I have been well-fed and clothed and provided good shelter. My treatment has been very, very good.'

"Vietnamese in Hanoi had told me that captured American pilots are fed more than North Vietnamese soldiers simply because of the difference in their accustomed diets and body size. One senses from the Vietnamese that they recognize the political importance of the pilots and make considerable effort to provide for them within their means. Spokesmen at every level in Hanoi repeatedly stressed that they were committed to repatriating all U.S. pilots, but only after a reasonable settlement of the war, which they insist is contained in the PRG's Seven Point Peace Plan . . ." (Banning Garrett, PNS, 2/9/72)

" 'We are checking every possible lead' and 'run out' every indication that POWs might be released, Mr. Nixon said. But he cautioned against soaring hopes, charging that 'we are dealing with a savage enemy, one with no concern for humanitarian ideals." (*Post*, 9/29/71)

"If I was a prisoner of war, I would rather be captured by the Viet Cong than by the United States Marine Corps. The Viet Cong need prisoners for bargaining purposes and we don't. After beating our prisoners, and torturing them, and having a good time, we killed ours." (Scott Camil, former Marine sergeant with 20 months combat experience in Vietnam and nine medals, *AmRep*, 2/18/72)

"The $13,168,000* requested (FY 1972) for 'Missing in Action and Prisoners of War' covers the pay and allowances of the Air Force officers who are missing in action or prisoners of war . . ." (Gen. Kidd, FY 1972 DoD air Force Appropriations Hearings)

The large majority of POWs are pilots and crews of the air war in Indochina.

U.S. treatment of Vietnamese prisoners

The treatment of American POWs by the Vietnamese may be a legitimate question. It is highly debatable, however, whether any American has the right to raise it. American torture and murder of Vietnamese prisoners has been well-documented for years.

"The commander of the A team, had conjured up a system of electrical torture . . . the captain asked questions of a prisoner, who was stripped naked, and electrodes from these field telephones were attached to the back of his neck, to his armpits, to his genitals, and his feet . . . when the captain didn't like the answer, he gave some kind of signal to the sergeant who gave him an electrical charge and the fellow would jump and scream." (Steve Noetzel, testimony at first Winter Soldier hearings, *CR* 4/6/71)

"At another point, I had identified one of the members of the village committees for VC logistical supply, as I remember. In any case, he was picked up and brought in . . . as a detainee, not a POW, but a detainee. The fellow was put in the same hootch with the four cages . . . and he was forced to lay on the floor with his hands tied behind his back and they would insert . . . a woden peg, a dowel with a sharpened end, into the semicircular canal of the ear, which would be forced into the head little by little as he was interrogated. And eventually, did enter the brain and killed the subject, the detainee . . ." (Bart Osborne, Veteran, testimony before Dellums War Crimes Inquiry, *CR* 3/1/71)

SECRECY—EXECUTIVE DICTATORSHIP

The air war in Indochina is a Presidential war, initiated and directed from the White House. For a period of five years, from 1964 until 1969, U.S. aircraft bombed northern Laos without even the awareness of the Congress, much less its consent. The President has continued to execute the bombing campaigns without once seeking the advice and consent of the Congress.

Traditionally the ultimate power of the legislature has resided in its power of the purse. However, the air war's funding is nonspecific, buried in the general budget of the services and so eludes effective control.

The secrecy over the nature and the extent of the war is maintained by restricting newsmen's movements and access to information. Newsmen are not allowed to go out on bombing raids outside of Vietnam where, since 1969, ⅔ of the tonnage has fallen. All information about the air war except gross tonnages and sorties remains classified.

Although many of the real facts about the bombing have filtered out to a small segment of the public, the Administration's news management of the air war has proved largely successful. The devastation has been taken off the front pages and TV screens. This modus operandi of secrecy has ineffectualized Congress' role in foreign policy decisions, and muffled public dissent, while placing control over the conduct of the war into our nation's privy council.

"The Air Force says that only five men, three of them military officers, are in the regular operational chain of command that selects bombing targets in Indochina: Pres. Nixon; Defense Secretary Laird; Adm. Thomas H. Moorer, Chairman of the Joint Chiefs of Staff; Adm. John S. McCain, Commander of Pacific Forces; and Gen. Creighton Abrams, U.S. field commander in Vietnam." (*Post* 1/17/72.)

Symington: "Are you saying that the President of the United States . . . [by himself] has the right to put U.S. military troops in airplanes over a foreign country over a period and direct the bombing of that country . . ."

Ambassador William Sullivan: ". . . yes, sir." (SSAC 12/70.)

"The carrier is a particularly appropriate instrument of presidential power. Movement of a carrier requires no prior consent of Congress. It also costs very little, in extra money, so such a movement is virtually outside the congressional control over the purse strings." (*Star*, 12/21/71)

---

* Note: Total covers only Air Force personnel, not Navy or Marine airmen.

[Sen. J. W. Fulbright complains about Congress not being informed for 5 years about the U.S. bombing in Laos.] Ambassador William Sullivan: "But if there were any direct questions asked of me about U.S. air operations . . ." Sen. J. W. Fulbright: "You see, we did not know enough to ask those direct questions . . . we were not aware of these activities [the bombing] though we had had some hearings on it." (SSAC, 12/70)

"Since February, 1970, we have been using B–52s in northern Laos on a regular basis, a fact the Committee had not been told and that was not made public until . . . May 3, 1971." (James G. Lowenstein and Richard M. Moose, staff assistants, SSAC, 8/71)

". . . there is no real knowledge of what is going on in Laos. We do not know the cost of the bombing. We do not know about the people we maintain there. It is a secret war." (Sen. Stuart Symington, SSAC, 12/70)

". . . the United States is reluctant to place on the public record through the statements of officials precise definitions of what the U.S. involvement or operations in Laos have entailed." (*Ibid.*)

"We made a big thing . . . about stopping the North Vietnam air strikes. But at the same time, we were increasing in secret the air strikes against Laos." (*Ibid.*)

"There is an evident determination among us officials in Laos to prosecute the war with only gradually reduced secrecy . . ." (SSAC, 8/71)

"There is considerable doubt in my mind," Sen. Symington told his colleagues, "whether the Congress, if presented with a straightforward proposal to spend half a billion dollars to carry on such activities [within Laos] would have agreed to do so; but insofar as we can determine, no congressional committee, before this year, was ever given any comprehensive picture of our operations in Laos." (Sen. Stuart Symington, SSAC, 12/30)

"Because of the Vietnam experience, Congress is keeping a tight purse string on Cambodian aid. The Nixon administration has gone behind congressional backs, however, to sneak military supplies into Cambodia through South Vietnam and Indonesia." (*Post*, 1/11/72)

"The only figure the people of the United States know we are putting into Laos is some 50 million in economic aid, but when you add up the figures . . . it is over a billion and a half dollars annually that we are spending." (Sen. Stuart Symington, SSAC, 12/70)

"A strict gray-out is imposed on U.S. operations . . . with little information besides official reports available to the press. Reporters are not permitted to accompany attack and spotter planes as they are in Vietnam. Pilots are under instructions not to talk to newsmen. The Air Attache in Vientiane is similarly inaccessible . . ." (Sen. Mike Gravel, *CR*, 10/5/71)

"American reporters are not permitted to film air bases in Thailand primarily because the Administration does not want the vast installations publicized." (Phil Jones, CBS News, 12/21/71)

"Requests to go to other places were turned down . . . The U.S. still does not admit to all American casualties in Laos. It will give air casualties on U.S. missions originating in Laos, but not from the 7th Fleet, Vietnam or Thailand, and downed in Laos. U.S. air attaches here refuse to talk to the press. Saigon gives some of the U.S. air losses but no details of the sorties. U.S. forward air controllers and combat airmen continue to fly in unmarked aircraft on Laos missions. Skyraiders from Thailand with U.S. pilots, Lao air force TTT 28s sometimes flown by Americans, and Ravens, the forward air controllers, do not carry American markings . . ." (Tammy Arbuckle, *Star*, 2/6/72)

". . . Asked about this change in U.S. air policy, a U.S. Embassy spokesman here said he had 'no information and no comment' on the report . . . Guzowski's statement is the stock answer the U.S. Embassy gives here for any questions on the U.S. air war in northern Laos. U.S. Air Force attaches in the office here with over 90 Americans refuse to give press statements or see the American press . . . The aim of this press policy apparently is to cover up U.S. air involvement in close support actions with Lao, Thai and Meo troops in Laos." (Tammy Arbuckle, *Star*, 12/23/71)

"Military briefings give little or nothing in the way of details. No news reporters accompany the flights. And even the statistics on number of sorties and tonnage of bombs dropped are withheld or lumped together with the figures for Vietnam . . ." (Richard Dudman, *St. Louis Post Dispatch*)

". . . 76% of 96 small villages in northern Laos were destroyed by bombing in 1969. Cluster bombs and white phosphorus were used against the civilian population of a country against whom the United States is not at war. The bombing was done under the direction and control of the State Department, not the U.S. Air Force. Both the extent of the bombing and its impact on the civilian population of Laos have been deliberately concealed by the State Department for at least the past 9 months which have elapsed since the July 10 report." (Rep. Paul McCloskey, SRS 4/71)

"By 1967 the CIA had become a forceful advocate of bombing population centers in Pathet Lao territory. Unlike Vietnam, where its main function was intelligence-gathering, the CIA has been intimately involved in operations here. It directs the 30,000 man Armee Clandestine, which does the bulk of the fighting. And with its own team of photo interpretors, control of reconnaissance aircraft, and teams of local ground observers the CIA plays a key role in targeting sessions as well. As the Armee Clandestine began suffering reverses on the ground, the CIA held that heavy bombing of the Pathet Lao civilian infrastructure was necessary." (Fred Branfman, *Boston Globe*, "Air War: Laos," 12/70)

"The Pentagon is concealing essential facts regarding its expenditure of more than $3 billion on the electronic battlefield." (Sen. William Proxmire, CR, 5/23/71)

INEFFECTIVENESS

The bombing does not stop guerrilla advances on the ground or significantly impair the flow of supplies. It is militarily and politically counterproductive because of its tendency to alienate civilians and assist insurgent recruitment.

The guerrilla nature of the fighting neutralizes much of the traditional combat role of air power. American planes can rarely locate enemy forces who move in small groups by night under the cover of the forest. The number of stationary "military" targets in a guerrilla war are relatively few and strategically unimportant. Those that are struck are quickly repaired. DoD statistics indicate that less than 10 percent of all sorties are flown in close air support of embattled troops. The vast majority of the raids involve "harassment and interdiction" missions against an unidentifiable enemy and elusive logistical networks.

Efforts at interdiction have proven extremely costly and ineffective, undermined by the very low level of externally supplied materials necessary to fuel the insurgency and by the willingness of the Russians and the Chinese to provide the level of aid necessary to replace any losses. The DoD has estimated that the insurgency requires only 15–30 tons daily of imported material to maintain a moderate level of activity. This amount of supplies can be transported in 10–15 trucks or on 75–150 bicycles each fitted with an A-frame. As Dr. Marvin Golderberger, director of the 1966 DoD evaluation of the air war, has pointed out, it is impossible to prevent 150 bicycles from moving through the jungle.

General ineffectiveness

"Half of the bombs dropped miss their target areas for purely technical reasons." (Cornell study)

"These strikes provided the enemy with about 27,000 tons of dud bombs and shells, more than enough to make all the mines and booby traps which were thought to have killed over 1,000 U.S. soldiers that year [1966]." (*Ibid.*, p. 4–8)

"Just as the senseless brutality of the Battle of Britain, designed to break the British will, as psychologically counterproductive, so the use of air power in Indochina may have a similar consequence. Such a reverse effect, though difficult to determine with certainty, has been attributed to U.S. air power in Indochina by several studies.

As one civilian strategist put it, the best weapon for fighting a guerrilla is a knife, the worst a bomber." (*Ibid.*, p. 1–8)

"All bombing does is chain you deeper to the war. Bombing doesn't work. There is not a shred of evidence that it works." (Leslie Gelb, director of the DoD task force that prepared *The Pentagon Papers*, 2/4/72)

Hansen: "F–105s dropped 654 bombs and 32 Bullpup missiles in over 100 sorties against a bridge in North Vietnam [Thanh Bridge] . . . Five aircraft were lost and the bridge never did collapse."

Sen. Young: "With all those bombs they never got near the bridge?"

Hansen: "That is correct. The delivery accuracy was so poor that even though a large number of bombs were dropped and several planes were lost in the effort, there were not enough bombs that were put on the precise points that they had to be to blow out the bridge." (Asst. Secy. of the Air Force Grant Hansen, Senate DoD Appropriations Hearings, 4/27/71)

Gen. Tompkins: "Most H. & I. [harassment and interdiction] fire is utterly worthless. What you are doing is map-type fire at likely assembly areas, crossroads and trail, and you hope you will bong somebody. It is a great waste of ammunition."

Sen. Cannon: "Is there any way you could provide us with the cost effectiveness of H. & I. fire, or is that impossible?"

Gen. Tompkins: "Unless you are blessed with the luck of the devil, I would say it is zero return on H. & I." (Maj. Gen. R. McC. Tompkins, former commanding general, Third Marine Division, Vietnam; Electronic Battlefield Hearings, Senate, 11/19/70)

Ho Chi Minh Trail interdiction

"The air war is not even militarily effective. Secretary of Defense McNamara revealed in 1968 that it could at best reduce the flow of supplies along the Ho Chi Minh Trail by only 10–15 percent, at a cost over $100,000 per truck destroyed. Former Under Secretary of Defense Townsend Hoopes has pointed out that in the history of bombing campaigns, only when the sources of production are attacked can the logistical flow of supplies be effectively impaired. In this case that would involve strikes against China and the Soviet Union." (Sen. Mike Gravel, *CR*, 10/5/71)

"The North Vietnamese continue to be able to get the supplies to Cambodia and South Vietnam they require." (Senate Foreign Relations Committee Staff Report, 4/71)

"One reason why there is some skepticism about truck kills claimed by the Air Force is that the total figure for last year greatly exceeds the number of trucks believed by the Embassy to be in all of North Vietnam (*Ibid.*)

"I don't care how many trucks they [the Air Force] claim, they just aren't doing it. . . . We're getting about 10 percent, maybe 20 percent; we can't stop them. Never could.

This goes back a long way, too. You just cannot stop an army by air bombing." (An American military intelligence officer "with long experience monitoring supplies over the Ho Chi Minh Trail," in a dispatch from Vientiane, DNSI, 10/11/71)

Ineffectiveness in South Vietnam

"The U.S. bombing effort in both North and South Vietnam has been one of the most wasteful and expensive hoaxes ever put over on the American people." (Former Marine Commandant David Shoup, *The Atlantic*, 4/69)

The U.S. has dropped over 4 million tons of bombs on South Vietnam, two times the tonnage that was absorbed by Europe and the entire Pacific theater during World War II. Yet there is no evidence that the bombing has achieved any significant objectives. The most dramatic example of this was the 1968 Tet offensive in which massive bombing throughout the country failed to offer any barrier to free NLF movement around the country, including the American Embassy. While wholesale flattening of South Vietnamese cities and towns is considered a factor in American retrenchment after the offensive, the overall effect of the bombing was probably counter-productive to American ends by hastening disaffection in the cities. (PAW)

NLF Recruitment Rates

1961	35,000
1962	31,000
1963	30,000
1964	46,000
1965 (first year of intensive U.S. bombing)	120,000

(Roger Hilsman, *To Move a Nation*, 1969.)

Ineffectiveness in North Vietnam

"Thus in spite of an interdiction campaign costing at least $250 million per month at current levels, no significant impact on the war in South Vietnam is evident." (Secy. of Defense McNamara, *Pentagon Papers*, 11/17/66)

"I don't believe that any amount of bombing within practical limits would have substantially reduced . . . infiltration." (McNamara, *Quotations, Vietnam: 1945–1970*, ed. by William Effros, 1/67)

"Twenty-seven months of American bombing have had remarkably little effect." (CIA bombing study, 5/67, in *NYT* account of the *Pentagon Papers*, p. 535)

"We do not believe that renewed U.S. bombing of North Vietnam (short of unthinkable massive civilian attacks) will have any measurable effect on Hanoi's ability to mount and support military operations in the South at past or current levels." (Twelve spokesmen for the Federation of American Scientists, including Leslie Gelb, director of DOD task force that prepared the *Pentagon Papers;* Morton Halperin, former Deputy Asst. Secy. of Defense 1967–69; Townsend Hoopes, Deputy Asst. Secy. of Defense, 1966–67 and Undersecy. of the Air Force, 1967–69; Dr. Marvin Golderberger, Chairman JASON Division of the Institute for Defense Analyses and director of 1966 DOD review of the bombing; 2/4/72)

"The indirect effects of the bombing on the will of the North Vietnamese to continue fighting, and on their leaders' appraisal of prospective gains and costs of maintaining the present policy have not shown themselves in any tangible way. The bombing clearly strenghtened popular support of the regime by engendering patriotic and nationalistic enthusiasm to resist the attacks." (Institute for Defense Analyses study for DoD, 1966)

Laos and Cambodia

In Cambodia, guerrillas now control from 70–90 percent of the territory, despite a bombing campaign of some 150,000 tons since May, 1970. (PAW)

In Laos, the bombing campaign since May, 1964 has included over 500,000 sorties, 1.5 million tons of bombs, and installation of a $3–5 billion electronic targeting network in the south. Restrictions on bombing of civilians have been lax. Yet guerrilla forces control more territory than before the bombing began. (PAW)

"Despite the application of massive U.S. air power, the Pathet Lao now control more territory than ever before . . . We can only conclude that the widespread American bombing has on balance had a clearly counterproductive effect." (Cornell study, p. 11–5)

"As the bombing increased the Pathet Lao forces started getting more volunteers, whose attitude was 'better to die a soldier than to stay home waiting for the airplanes to kill you.'" (*Monitor*, 3/14/71)

"The bombing raises enemy morale and alienates civilians. Pathet Lao defectors indicate that before the heavy bombing of Laos the communists managed only a 30 percent rate of voluntarism among their forces. However, after the massive attacks of late '68 the figure jumped to almost 100 percent." (Sen. Mike Gravel, *CR*, 10/5/71)

"Life in the caves has its inconveniences for the peasants. It is even more serious for the political and administrative people who have to rule an immense mountainous country, stretching from China to Cambodia, where distances are counted less in kilometers than in days and nights of marching. Nevertheless, the people work on without any sign of giving in. 'Owls by day, foxes by night' goes the Laotian proverb. During the day the owl goes to earth in the shadow, but, at night, the fox comes out." (Jacques Decornoy, "Owls in the Grotto," *Le Monde*, 7/4/68)

Christmas raids

"What disturbed some pilots most about the decision to go back over North Vietnam was the feeling that political rather than tactical considerations governed the timing of the strikes. A solid cloud screen laid by the northeast monsoon blanketed North Vietnam. Phantoms without remote bombing systems were as reliant on planes with target-acquisiting radar as blind men are on Seeing Eye dogs. And the overcast, the pilots claimed, left them especially vulnerable to SAMS, a costly lesson learned five years ago at the price of many lives. Said an angry veteran, 'If you can see the ground you can pick them up easily at launch. When they come through cloud the booster is burned out and they're almost impossible to see. In 1967 we stopped bombing through overcast because there was no way of avoiding a fast-moving SAM. It's crazy to go through it all again.'" (John Saar, *Life* Magazine, 2/4/72)

Secret Jason study conclusions

"As of October 1967, the U.S. bombing of North Vietnam has had no measurable effect on Hanoi's ability to mount and support military operations in the South. North Vietnam supports operations in the South mainly by functioning as a logistic funnel and providing a source of manpower, from an economy in which manpower has been widely under-utilized. Most of the essential military supplies that the VC/NVA forces in the South require from external sources are provided by the U.S.S.R., Eastern Europe, and Communist China. Furthermore, the volume of such supplies is so low that only a small fraction of the capacity of North Vietnam's flexible transportation network is required to maintain that flow. . . .

"Despite heavy attacks on NVN's logistic system, manufacturing capabilities, and supply stores, its ability to sustain the war in the South has increased rather than decreased during the Rolling Thunder strikes. It has become increasingly less vulnerable to aerial interdiction aimed at reducing the flow of men and materiel from the North to the South because it has made its transportation system more redundant, reduced the size and increased the number of depots and eliminated choke points.

"The second objective of the bombing, to raise South Vietnamese morale, had been substantially achieved. There had been an appreciable improvement in South Vietnamese morale immediately after the bombing began and subsequent buoyancy always accompanied major new escalations of the air war. But the effect was always transient, fading as a particular pattern of attack became a part of the routine of the war. There was no indication that bombing could ever constitute a permanent support for South Vietnamese morale if the situation in the South itself was adverse.

"The bombing campaign against NVN has not discernibly weakened the determination of the North Vietnamese leaders to continue to direct and support the insurgency in the South. Shortages of food and clothing, travel restrictions, separations of families, lack of adequate medical and educational facilities, and heavy work loads have tended to affect adversely civilian morale. However, there are few if any reliable reports on a breakdown of the commitment of the people to support the war. Unlike the situation in the South, there are no reports of marked increases of absenteeism, draft dodging, black market operations or prostitution. There is no evidence that possible war weariness among the people has shaken the leadership's belief that they can continue to endure the bombing and outlast the U.S. and SVN in a protracted war of attrition."

(Pentagon Paper summary of 1967, Gravel edition, reprinted in F.A.S. newsletter, 2/72.)

IMPERSONALITY-WARFARE FROM A DISTANCE

The United States in Indochina is attempting a revolution in warfare, massively increasing firepower while placing the individual fighting man far from the consequences of his actions. The gun-toting foot soldier of yesterday is being replaced by the technician who monitors computer printouts of enemy troop movements hundreds of miles away and by the bomber pilot who programs strikes on an unseen "enemy" thousands of feet below. Killing becomes impersonal. The new soldier need not confront dying men and mangled corpses. Instead, he fills out damage assessment reports and computes "kill ratio" probabilities.

"Some pilots may have occasional qualms about dumping thousands of pounds of bombs, rocketry and napalm on an unseen enemy, but these doubts appear to be easier to overcome. . . . Aboard ship there is nothing that distinguishes the identity of the allies or the enemy. The maps would be different, but the carrier might as well be off the coast of Nicaragua or New Guinea." (Peter Osnos, *Post*, 3–2–72).

"When I was bombing the North, I knew there were houses down there. I could see buildings and houses and structures. You know there are people in those things. But at the same time I see them shooting at me and you see all this stuff coming up at you and it's a matter of survival." (Lt. Cdr. Bill Townsend, F–4 pilot on USS Constellation, fourth combat tour, quoted by Peter Osnos, *Ibid.*)

"Sometimes, when you're not flying you can sit down and think about the morality of the war, the morality of killing. But you've got to recognize one of the big differences between what we do and what your standard Joe Smeddley, a private in the Marine Corps does. "He's down there on the ground slogging around with these guys. He's sitting there with somebody maybe 15 feet away from him and they're both emptying their guns at each other. "He sees much more, as far as killing each other or being injured or whatever, than we ever see. It's an antiseptic situation in that airplane. You never get closer to the ground than maybe 5,000 feet." (Lt. J.G. Bart Flaherty, F–4 pilot on USS Constellation, to Peter Osnos, *Post*, 3–2–72)

"Several of us went to the roof about 3 a.m. The Americans unleashed the terrifying 'Puff the Magic Dragon,' a DC3 that spews forth 5000 machine gun bullets a minute. As I watched it circle overhead last night, silhouetted against the low clouds in the light of the flares, flinging indiscriminate bolts of death earthward, I could vividly visualize the scene below. Men, women, children and animals, caught like rats in a flood. No place to hide, no way to plead their case of innocence to the machine in the sky, no time to prepare for death. The beating the civilians are taking in this war is beyond adequate description. . . .

"The cold, mechanical, compassionless way that monster circled around and around and around, ruthlessly pursuing an unseen 'enemy,' stabbing viciously earthward again and again, probing, searching, killing and maiming all in its path. . . . Man's inhumanity to man has reached its climax in Vietnam."

(A Quaker worker in Quang Ngai, 2/69, in "Vietnam 1969," quoted in NARMIC, *Weapons for Counterinsurgency*, 1970)

[Note: The newest version of Puff the Magic Dragon, the A–130E "Surprise Package," fires 24,000 rounds per minute.]

"They seemed to fire whimsically and in passing even though they were not being shot at from the ground nor could they identify the people as NLF. They did it impulsively for fun, using the farmers for targets as if in a hunting mood. They are hunting Asians." (Description of helicopter gunship attack in Quang Ngai by *Asahi* correspondent Katsuichi Honda, quoted in CCAS, *The Indochina Story*, 1970, p. 99)

"He learns how it feels to drop bombs on human beings and watch huts go up in a boil of orange flame when his aluminum napalm tanks tumble into them. He gets hardened to pressing the firing button and cutting people down like little cloth dummies, as they spring frantically under him. He gets his sword bloodied for the rougher things to come." (Harvey)

"Decision makers in Washington remain isolated, both geographically and imaginatively, from the effects of their decisions. The culture and traditions of Indochina remain strange and remote, as does the historical and political background of the present conflict. The people themselves are pictured as pawns who count their own lives cheaply and respond like marionettes to manipulation from Peking or Moscow. . . .

"The U.S. nas never suffered aerial bombardment. Suppose the North Vietnamese had been in a position to carry out occasional air raids in retaliation for the bombing of their country, say against Seattle, who can doubt that the tenor of the bombing discussions would have changed radically? The decision to bomb or not to bomb would have quietly taken on an added dimension of reality." (Cornell study, p. 11–7)

"The technology of the war has changed dramatically. Our planes now kill, from 30,000 feet, the brothers and sisters of the same civilians Lieutenant Calley gunned down from thirty feet." (Harvey Cox *NYT*, 12/2/71)

"Gunship pilots were absolutely the most gung ho killers. 'You killed 24? Well, I got 28.' This sort of competition was rampant. They were gung ho to get as many as they could. They reminded me of the Nazi SS, the stories we heard in the sixth grade, homicidal maniacs . . . The services encourage them by not acting to stop them." (An American pilot to Fred Branfman)

"In those 61 missions in which I flew, all my targets were listed as 'suspected' troop concentrations, 'suspected' truck farms, 'suspected' bunker areas. Always 'suspected." I never saw any of my targets." (Capt. Ron Knappy, former B–52 crewmember)

"'This little beauty here will deliver 6,000 rounds per minute. What I do is I roll in there with guns blazing, hose down the place, jinking and rolling around, then I release the CBU's out the back, pull out of my dive. So I get them from the front with my guns and the back with my CBU's!" (Pilot of Detachment 2, 56th Special Operations Wing, Danang Air Force Base, to Fred Branfman, 11/70)

"I'll be frank. I'm trained to kill people. I don't like it particularly—but when the time comes I'm prepared to do it. It's just like your experts in the political or economic field are allowed to do their specialties. When it's in the military phase I feel I should be allowed to employ my expertise. I mean, I guess you could say I want to be allowed to employ my expertise just like Eichman or something." (F–4 pilot, Saigon, to Fred Branfman, 11/70)

"The overall mood is hard to gauge precisely since, whatever their personal feelings, most fliers feel obliged to obey commands from above with maximum efficiency and minimum discussion. In the presence of outsiders they button up tighter than a self-sealing fuel tank . . . Still . . . years of confusion, compromise and ambivalence over the Vietnam war have sapped the gung-ho spirit which flowed from the conviction of right and might. . . . The dangerous missions go on, but the motivation to defeat a detestable enemy is gone. The fliers find their satisfaction in the superlative execution of flying, which is both passion and profession for most of them, and perhaps the chance to test their skills against a MIG. Of anger or vengeance I found none." (John Saar, *Life* Magazine, 2/4/72)

"At breakfast a lone Phantom pilot is scaling a mound of grits with a fork. 'Going back and bombing the North? There are strong feelings for and against. I think it was dumb, but I'm not going to tell you what I really feel because I signed on. Either you do what they want,' stabbing the air with the fork, 'or you go turn in your wings.'" (*Ibid.*)

"The distance technology places between the killer and his act has resulted in a basic psychological change in the nature of warfare. . . . Navigators plot bombing raids on coordinates, not villages; pilots pull levers from 5,000 feet up, not triggers at human forms 100 yards away; photo interpreters see bomb craters and destroyed 'enemy structures,' not headless children or napalmed grandmothers; and to the extent the general public is informed, it is to read of 'tactical air support, against enemy fuel dumps, arms depots, and troop concentrations. . . .

"Men are freed from the hatred, doubts, greed or rationalization that killing usually entails. The issue of guilt becomes meaningless. Conscience and morality are irrelevant. One does not set out to kill and therefore, psychologically, one does not." (Fred Branfman, *Liberation*, 2/4/71)

"'No, I mean, you can't let it get to you, or you couldn't go on,' Major Billings objected. 'It gets completely impersonal. After you've done it for a while, you forget that there are people down there.' 'Yeah, everything looks so calm up where we are,' Major Nugett said. 'We can't even tell when we're getting shot at. We forget what's going on down on the ground . . .'

". . . Captain Reese sang rapidly; 'Strafe the town and kill the people, drop napalm in the square, get out early every Sunday and catch them at their morning prayer.' At dinner . . . that evening . . . the pilots began to make jokes in which they ridiculed the idea that the bombings they guided were unnecessarily brutal . . . The joke-tellers appeared to bring out their remarks with considerable unease and embarrassment . . . All the jokes seemed to deal, indirectly, with the conflicts of conscience that had arisen in the conversation . . ." (John Saar, *Life* Magazine, 2/4/72)

LIFE UNDER THE BOMBS

Right now tens of thousands of Indochinese peasants are huddling together in caves, holes and trenches, hiding from the 2,000 tons of bombs which continue to rain down upon Indochina daily.

Most of the air attacks are currently occurring in the guerrilla-controlled portions of Indochina, subjecting several million people to bombing at any time of the day or night. By American Embassy estimates, 800,000 people in Laos and 1.4 million people in Cambodia inhabit these zones. Project Air War estimates that over a million people from both Vietnams live under less intense attacks.

The bombing has been responsible for the complete disruption and breakdown of civilian life in many areas under bombardment.

"During 1967 and 1968 most moved into the forest in the vicinity of their villages. They constructed small bamboo shelters near caves, dug trenches into hills or camouflaged holes by sticks and leaves. . . . It took four people about a month to dig a trench or hole suitable for a family. . . . Older people and children form an unusually high percentage of the victims. This was because the children were the most likely to become afraid and fail to find shelter during a raid. Older people 'could not run fast enough' or did not react quickly due to the disabilities of age. . . . They worked on their fields mainly at night, with the aid of small kerosene lamps. . . . The danger of lighting fires is also often mentioned. Smoke by day or fire by night tended to attract the bombers. People were often afraid to cook, and found it difficult to bear the cold during the freezing dry season nights. . . . The refugees interviewed are in some ways relatively fortunate—they are out of the firing line." (Fred Branfman, *Far Eastern Economic Review*, 2/27/71)

(*We Promise One Another*, poems from an Asian war. Published by Indochina Mobile Ed. Proj.)

Fruit of War

Give me the pellet-bomb "fruit",
A militia woman says softly.
—Why is it you seem beautiful as
a sparrow
Yet kill people so terribly!

Her eyebrows wrinkle, frowning.
—It is like this, isn't it:
You are really ghouls,
Savoring the fine taste of death!

You've become so refined—
Guava bombs, then pineapple bombs.
Death: it's a profitable business,
It, too, needs a beautiful facade.

—*Huy Can.*

"The refugees commonly described the killing of their water buffalo, and the fact that they had to live in holes or caves, farming only at night when the bombing became so intensive in 1969." (Rep. Paul McCloskey, SRS, 4/71)

". . . During the bombing, her [Ban Na Ngu] life was difficult. She had to live in a small hut in the forest and did the cooking only one time a day in the early morning." (USIS Laotian interviews, SRS, 4/71)

"99% of the people [interviewed] said bombing made life difficult for them; two thirds holding that it made earning more than a bare subsistance living impossible in its intense periods." (SRS, 4/71)

"Due to the bombing, the PL [Pathet Lao] advised the woman . . . to move to a shelter in the bush . . . Cooking was a problem: she had to make a stove and no smoke from it could be allowed to be seen. Clothes had to be dried inconspicuously lest they become bomb targets." (SRS, 4/71)

[Tens of thousands of inhabitants from the Plain of Jars were forced by the bombing] . . . "to move out of their homes and into trenches, caves and bunkers, . . . by all accounts the situation has been somewhat similar for the estimated 192,000 people living in Sam Neua Province . . . One Western diplomat reported whole communities living underground." (Daniel Southerland, *Monitor*, 5/14/70)

"Refugees from the Pathet Lao zone all tell harrowing tales of entire villages living in caves and holes in the ground, farming their rice by night in order to escape the bombing." (Hugh Greenway, *Life*, 4/3/70)

"In talking to refugees we heard what days and nights under bombardment are like. Refugees tell of being forced to live in holes and caves, of having to farm at night, of the systematic destruction by U.S. war planes of the human basis for society." (James Malia, former IVS volunteer in Laos)

"On each side of the road there are heaps of scrap metal, pieces of aircraft, the containers of anti-personnel bombs, empty munitions casings, detonated anti-personnel mines . . . You sink up to your knees in an impalpable dust, the earth having become dust under the impact of bombs and incendiary weapons . . . nothing lives in this dust, not even crickets. Only men resist." (Jacques Decornoy, *Le Monde*, 3/13/71)

(Refugee stories collected by Fred Branfman, Project Air War. Graphic section contains sketches by the following five storytellers).

"The person in this picture was hit by a napalm bomb and burned. This was the first time I had seen such a bomb; at that time no one knew that there were firebombs. We hadn't been very careful. In all the years of my life, up to now, I only have seen bullets from the planes. But never burned like this. If someone is hit by napalm, you can't go to help him. If someone went to help, he also would catch on fire. I thought about this when I was in the hills. In our lives now we didn't know which day we would be troubled or which day we would die. Every day we just stayed in the holes in the forest without seeing the sunlight. It was like that until there weren't so many airplanes. Then I fled to live on the side of the government which helps us get food. But forgetting the village of my birth is impossible. All the time my thoughts go back to my home." (Male: 32 years old)

"One friend of mine went to the village to get rice for his mother and father to eat. He crossed the field to the hill and the airplanes saw him and shot and killed him so that you couldn't even see his body. It was scattered all over the field." (Boy: 12 years old)

"In the earlier time my village had a school which was built by the strength of the villagers. But it was really just an ordinary school. This school was built in a level field. There were students who would assemble there to study. I myself studied at this school many years ago. But then it came to the year 1967, and this school was struck by the airplanes until it was level. Nothing was left. Many planes had shot around it. It made us lack for a school in which to learn our lessons." (Author: 23 years old)

"In my life it was the first time I saw a person die. One time in the year 1967, as was her custom, my old aunt prepared things to sell in the market. That day she arose at six in the morning, put fruit in her basket, then walked out of the village on her way to the market. Just as she arrived at a place where there was a small stream, and she stopped to rest, an airplane saw her and shot a smoke bomb at her. She was afraid but before she could run away, her body was hit. Blood came out everywhere. She tried to return to the house but just as she arrived, she died. Before she could say any last words. Her children and her husband were most angry that they had lost her so. Everyone was disconsolate. After that day no one went to the market anymore.

But truly at that time there were many dangers. Like when the planes dropped bombs and napalm burned the village and people died. Some people ran into the holes and were hit. No one had courage enough to help the people who were hit by napalm. They just screamed until the end, and died. I am overcome with pity and my tears fall. I do not lose the thoughts of those people who lost their lives. That is when we had to flee from our villages." (Author: 20 years old)

"In my village there was one man who was 22 years old. He went to graze his buffalo in the forest. The airplanes dropped bombs and killed the buffalo. He ran away from that place, but not in time. He was hit in the waist—cut right in two. For two days you could see him like that." (Man: 22 years old)

Refugee comments collected by Fred Branfman, Project Air War

"The planes came like birds and the bombs fell like rain"

". . . just stayed in my cave. I used to repeat, please don't let the planes come, please don't let the planes come, please . . ."

"When I left my village all I saw were the holes of the bombs and the burning houses and the people who had died so pitifully."

"Our lives became like one of the animals who search to escape the butcher."

"We would try and find places where we thought the planes wouldn't bomb but in the end they bombed everywhere."

"I asked the Major how he distinguished members of the Vietcong from the rest of the population. 'If they run is one way,' he said. 'There are a lot of ways. Sometimes, when you see a field of people, it looks like just a bunch of farmers. Now you see, the Vietnamese people—they're not interested in the U.S. Air Force, and they don't look at the planes going over them. But down in that field you'll see *one* guy whose conical hat keeps bobbing up and down. He's looking, because he wants to know where you're going. So you make a couple of passes over the field, and then one of them makes a break for it—it's the guy that was lookin' up at you—and he's your V.C. So you look where he goes, and call in an air strike.'" (Jonathan Schell, *The Military Half*)

"Sometimes you see the V.C.s hiding by plastering themselves against the wall of one of those paddies. One trouble is, aside from these rockets, we don't have any weapons. But once I about ran a guy to death. I caught him out in the open, and I'd make a pass and he'd run for it, and then I'd make a pass in the other direction and he'd run the opposite way. Then he'd hide in some trees, and when I'd make a pass at him he'd make a break for it. I must have chased him for about an hour before I got some planes to put in a strike." (*Ibid.*)

"'Say, do you want those two churches down there?', Major Billings asked the ground commander. 'That's affirmative,' the ground commander replied. 'O.K., here goes,' said the Major . . . a bomb hit the back of one church directly—the church with the white flag on the pole in front . . . When the smoke cleared, the church was gone except for its facade, which stood by itself, with its cross on top. The white flag still flew from its pole . . . Several of the rockets from the next volley hit the other church, obliterating its back half and leaving two holes the size of doors in the roof of the front half . . . On my way back [days later] . . . I had an opportunity to talk for fifteen minutes or so with several members of a group of about a hundred civilians . . . I discovered that a group of people who had lived around the two bombed churches in Thanh Phuoc were present . . . I asked the group around me where they had gone when the bombing began, and I received a hail of answers. 'We went in our caves.' 'We didn't come out for three days. We ran out of food'. 'I want to go back to find my sister.' 'My house was bombed.' 'We don't have anything to eat here.' 'Three people were killed.' 'Can I have some rice?' 'We don't have any blankets here.' 'All the houses were bombed.' 'We hid in the caves and brought the children.' 'We couldn't bring any possessions.' I asked whether they had been able to reach the camp with their families intact. 'I am thankful to say that all my children are here.' 'I don't know where my daughter is.' 'My daughters are here, but my son is gone.' 'My husband isn't here.' 'We couldn't bring anything.' 'I want to go back and find my father.'" (*Ibid.*)

Q. In Sub-district Khat, how many villages are there?

A. . . . there are 21 villages total. . . .

Q. . . . among those 21 villages, are there still any houses left?

A. Now, among those 21 villages, there is not a single house left.

Q. Why is there not a single house left?

A. The airplanes bombed them. . . .

Q. Now, the airplanes came since 19 hundred and what?

A. The airplanes bombed from 1965 until 1967; they didn't bomb much. But from 1968 until 1969 the airplanes bombed heavily. . . .

Q. During the day they came?

A. Yes. During the day a lot came, at night a few came. And in 1969 during the day a lot came and during the night a lot came also. . . .

Q. Now, in 1968–9 were the villagers inside the village, or did they go outside?

A. During 1968 and 1969 the villagers went out to live in the forest in holes . . . 1969 the villagers were no longer in the villages, they all went out to live in the forest. . . .

Q. When they were out in the forest, were there also villagers who died?

A. While they were out in the forest, there were also villagers who died . . . the airplanes bombed and hit villagers. . . .

Q. When the airplanes came, how did you feel?

A. When the airplanes came the people felt that they were afraid the airplanes would see and bomb them; were afraid the airplanes would think they were soldiers of the North Vietnamese Army. For that reason, the people wanted to save their lives, so they entered into the trenches to hide in order to protect themselves.

Q. Now, when the airplanes came to bomb you what kind of bombs did they use?

A. They used 100 kilo bombs; 1000 kilo bombs; anti-personnel bombs; small bombs; and 250 kilo bombs.

Q. Only those bombs?

A. No. There were also napalm bombs, burning bombs, as well as destructive bombs.

Q. Which kind of bomb were there the most of?

A. The anti-personnel bombs were the most, together with the 500 kilo bombs. There were also many napalm bombs. . . .

Q. Did they ever drop napalm in villages?

A. They did drop napalm in villages. . . .

Q. Now, as you said, "villagers died": the majority were of what age? . . .

A. . . . The majority were old people and children.

Q. Why?

A. They moved too slowly. When the airplanes came, they couldn't run quickly, they couldn't make it. (Tape transcript of interview with refugee Subdistrict chief, from Sub-district Khat, on the Plain of Jars. SRS, 4/71)

CIVILIAN CASUALTIES

The air war causes a high degree of civilian casualties

The heavy civilian toll taken by the bombing in the past has been well-documented, though the Department of Defense said in April, 1971 that it had ever attempted to study the number of civilians wounded or killed by American bombing. Although there is no way of knowing actual numbers of killed and wounded at the present moment, we may assume that they are quite high. There are still several million civilians living in areas under bombardment, and still 50,000 tons of bombs falling monthly. The drop in monthly bombing tonnages which has taken place under Nixon does not reflect a decline in civilian casualties. His Administration has switched the focus of the bombing to Laos and Cambodia, where there are even fewer military targets than in Vietnam.

A recent Government Accounting Office report shows that the air war has been a major factor in producing nearly 2 million refugees in Cambodia, or one-third of the population. The Cornell study shows that the U.S. has dropped 140,000 tons on Cambodia, compared with over 1.5 million tons on Laos, where nearly a fourth of the population, or 700,000 have been refugeed.

The air war causes far more civilian than military casualties

U.S. bombers cannot locate guerrilla soldiers who sleep by day and move through the forest at night in small groups. Bombers usually wind up striking at the only signs of human life they can see from the air: fires, cultivated fields, footprints, cut or trampled grass, etc. These are located in and around villages. They are most often produced by civilians, who are tied down by their families and cannot live a life on the move. Those fixed targets designated as "military"—roads, ferry crossing, bridges—are precisely where the highest concentrations of civilians are. In rural lands such as Indochina, it is the roads, bridges and ferry crossings which attract civilian concentrations.

"The Defense Department maintains that air activities are conducted under a rigid policy of avoiding civilian targets. All the same there is ample visual evidence of the civilian toll—even though our own authorities don't include them in the body counts. And we know that one purpose of the bombing has been to accomplish economic and social destruction in areas deemed controlled by the enemy. But I fail to see how such debates are relevant to the victims. Their suffering is no less if we explain that they were hit by accident instead of design. Their injuries are no less painful if we tell them we tried to avoid them but could not, because our sophisticated weapons just are not that discerning. It makes little difference to the dead that they happened to be living in a militarily important part of their own country." (Press release from the office of Sen. George McGovern, 12/14/71)

"Our studies indicate that for every military casualty we get [from the bombing], we cause 50 civilian casualties." (Sen. Mike Gravel, *CR*, 10/5/71)

"Most Lao civilians learn very quickly that bombing necessarily follows the North Vietnamese." (Ambassador to Laos, William Sullivan, written reply to SRS question)

"The weight of air-drop munitions deployed by the U.S. in the years 1965–69 was more than 200 times the total weight of all types of munitions used by the insurgents during the same period." (Cornell study)

An American once intimately involved in U.S. bombing operations in Laos says an erosion of safe-guards against indiscriminate bombing there has taken place during the Nixon Administration. According to Mr. Jerome J. Brown, a reserve Air Force Captain and former Senior Air Force Photo Reconnaissance expert attached to the Vientiane Embassy, 1966–68, restrictions on American Air Force operations have been quietly relaxed while control over the air war by the American Ambassador in Vientiane has been reduced. (PAW)

"The rules of engagement were strictly adhered to from 1966 to 1968, but for all practical purposes after Ambassador William Sullivan left (in March, 1969) they appear to have been discarded and are only cited to placate congressmen in Washington," Brown said. (Michael Morrow, *Am Rep.* 12/3/71)

"There just aren't any villages in northern Laos anymore or in southern North Vietnam either, for that matter." (Aerial reconnaissance pilot in interview with Rep. Paul McCloskey, SRS, 4/71)

"A strategic target is any installation, network, or group of buildings, or the like, considered vital to a country's war making capacity, and singled out for air attacks." (USAF ROTC Manual)

In Laos, "Cluster bombs and white phosphorous were used against the civilian population of a country against whom the United States is not at war . . . both the extent of the bombing and its impact on the civilian population of Laos have been deliberately concealed by the State Department." (Rep. Paul McCloskey, SRS, 4/71)

"A hooch destroyed is a 'military structure'; a sampan is a 'waterborne logistic craft' . . . There are no spaces on bomb-damage forms for reporting civilian damage." (Cornell study)

"In Indochina the flow of refugees and the occurrence of civilian war casualties continues. In Vietnam nearly all indicators—including official reports to our government—document that the situation among the people continues to deteriorate. For them the war is not winding down. The monthly flow of refugees continues at a high level, some 100,000 by official count, during the first five months of this year. Civilian casualities are also on the increase . . . "(SRS 7/71)

"The technology of the war has changed dramatically. Our planes now kill, from 30,000 feet, the brothers and sisters of the same civilians Lieutenant Calley gunned down from thirty feet." (Harvey Cox *NYT*, 12/2/71)

"In this year, 1971, more civilians are being killed and wounded in the three countries of Indochina, and more made refugees, than at any time in history. Most of the casualties are caused, and people made refugees, by American and allied military activity." (SRS, *NYT* 4/3/71)

Laos

"The bombing contributes to at least 75% of the refugees, who number more than 700,000 of Laos' less than 3 million population." (Sen. Ted Kennedy, Chairman, SRS, 4/71)

"The intensity of the bombing was such that no organized life was possible in the villages . . . jet planes came daily and destroyed all stationary structures . . . the villagers lived in trenches, holes or in caves." (UN Advisor George Chapelier, from a paper on life in the Plain of Jars, SRS, 4/71, Appendix IIA)

"There used to be about 20,000 persons living in the town (Sam Neua) and adjacent villages. Today not a soul lives in the town. Not a single dwelling was spared by the American bombing. The destruction was more than any I had seen in N. Vietnam." (Richard Ward, UPI release, 8/2/71)

"The bombing is clearly the most compelling reason for moving. 95% of the respondents indicated their village had been bombed, 49% could not count the number of times, 61% had seen a person killed." (USIA survey of 200 refugees from nearly 100 villages in the Plain of Jars, cited SRS, 4/71)

"Until recently the area (Plain of Jars) provided a living for a population of more than 20,000. Now it is empty and ravaged, a striking example of what less than 3 years of intensive U.S. bombing can do." (T. D. Allman, *Newsday*, 1/17/72)

Cambodia

"The bombing is a 'very significant cause of refugees and civilian casualties.' More than 2 million of Cambodia's less than 7 million population have become refugees since the May '70 invasion and the beginning of U.S. and VNAF bombing." (U.S. GAO Study, *NYT*, 12/5/71)

"Inevitably the familiar pattern of Vietnam and Laos—in the destruction of the countryside, the generation of refugees, and the occurrence of civilian war casualties—is being repeated in Cambodia." (Staff report of SRS, 9/70)

"The town is destroyed. But you have to expect that." (Lon Non, younger brother of Lon Nol, commenting on the use of air power to retake a Cambodian town, *Star*, 12/12/71)

"Cambodia is the Nixon Doctrine in its purest form." (Pres. Nixon, 12/12/71)

South Vietnam

"Aerial bombardment . . . (has) contributed significantly to civilian casualties, mass movements of people and the destruction of forests and farmlands. For the period from 1965 to April, 1971, the estimate of civilian casualties in South Vietnam is 1,050,000, including 325,000 deaths, while over 6 million of the population is thought to have become refugees. These figures mean that there is hardly a family in South Vietnam that has not suffered a death, injury, or the anxiety of abandoning an ancient homestead." (Cornell study)

"South Vietnam has been devastated by an alien air force that seems at war with the very land of Vietnam." (A former South Vietnamese Minister of Information, from *At War With Asia* by Noam Chomsky)

"More than 90% of the air strikes within South Vietnam are classed as interdictory. Guerrillas cannot readily be interdicted without assaulting the civilian population at the same time." (Cornell study)

North Vietnam

"Despite elaborate civil defense measures taken by the North Vietnamese, the civilian impact of the bombing was very heavy. In 1966 there were more than 23,000 casualties, 80% of them civilian. In 1967 the civilian noncombatant casualty rate was quoted at 1,000 per week." (Cornell study, based on estimates by the CIA and DoD)

The bombing of North Vietnam is strategic bombing. "Targets in a strategic bombing campaign are situated near predominantly civilian areas." (Cornell study)

"A military target is any person, thing, idea, entity, or location selected for destruction, inactivation, or rendering nonusable with weapons which will reduce or destroy the will or ability of the enemy to resist." (USAF ROTC Manual, 5/61)

"The concept of pinpoint bombing is clearly a gross idealization . . . to offset bombing inaccuracy many more bombs are dropped than are in principle necessary to destroy the target . . . (best illustrated by the saturation bombing of the B–52s) . . . more than half of the ordnance delivered falls outside the intended target zones because of purely technical factors . . ." (Cornell study)

Before he resigned as Secretary of Defense in 1977, Robert S. McNamara warned Lyndon Johnson: "There may be a limit beyond which many Americans will not permit the U.S. to go. The picture of the world's greatest superpower killing or seriously injuring 1,000 noncombatants while trying to pound a tiny, backward nation into submission on an issue whose merits are hotly disputed, is not a pretty one." (Clayton Fritchey, *NYP*, 1/10/72)

"Our pilots have never cared about being accurate in Laos. No one has any scruples except for one guy. Every strike out of here drops, but only about 1 in 10 are on target.

"The thing is the pilots don't care what they bomb. For example, in Cambodia there was this civilian caught out in the open. One of our pilots was cruising overhead with 8 CBU 46 bombs; the CBU has about a mile range. The son of a bitch just went in and dropped all 8 of them to get this one guy, who was killed. When they later told him it was a civilian, he didn't give a ——. All he had to say was 'too bad he got in the way.' "

(From a confidential interview with a pilot, PAW)

"The FAC pilots . . . said that we could not destroy an area until we had cleared the action with the Province Chief . . . [later] I asked Colonel Tho [Note: the Province Chief] what his role had been in the planning of Operation Benton . . . I learned that his method of giving clearance in an American military operation was not to review the targets of individual air strikes or shellings but to give the American ground commander a blanket clearance before the operation was launched . . . he said, 'I got a report this morning that V.C.'s blew up two churches,' I said that I had seen American planes bomb the churches. The Province Chief laughed for several seconds, and said, 'Well, in the fighting you cannot always tell what is happening, and you cannot always tell the difference between just regular houses and church." (Jonathan Schell, *The Military Half*)

ENVIRONMENTAL DESTRUCTION

The air war not only continues to kill human beings, but is destroying the land and ecology of Indochina as well.

The bombing continues to add to the millions of craters that have ruined much of the land surface of Indochina, and produced a multitude of malaria-breeding ponds. Millions of unexploded bombs and mines add to the difficulties of the peasants in reclaiming the land for farming.

The aerial spraying of vast areas of Indochina's crops and forests has deprived hundreds of thousands of people of their livelihoods, in Laos and Cambodia, as well as in South Vietnam. Although the spraying program has been discontinued, its effects are still felt today by those whose land has been defoliated, and even more tragically, by those who have borne deformed babies due to ingestion of chemical substances.

Today, land-clearing is accomplished by the "Cheeseburger" bomb which flattens everything within an area the size of two football fields, and the "Rome Plow," a giant tractor, in what has been called "the most intense land-clearing program known to history."

The most recent material available on ecological damage in Indochina has been prepared by two U.S. scientists who have done considerable research there, Dr. E. W. Pfeiffer, zoologist from the University of Montana, and Dr. Arthur H. Westing, botanist from Windham College, Putney, Vermont. Their most recent trip took place in August, 1971.

EFFECTS OF BOMB EXPLOSIONS

A. Craters and Unexploded Ordnance.

Number of bomb craters in Indochina: 20 million, (*Post*, 12/28/71).

Number of bomb craters in South Vietnam: over 10 million, (Pfeiffer, *Environment*, 11/71).

Craters caused by the standard 500-pound bomb dropped by B–52s are 20 to 50 feet wide and 5 to 20 feet deep. "The [crater] holes alone would cover a combined area of about 325,000 acres." (*Ibid*)

"The water-filled craters breed mosquitos and other disease carriers. MACV [Military Assistance Command Vietnam] Information Pamphlet 6–70 stated: 'Malaria has been causing increasing concern in Vietnam . . . Up until recently it only affected regions of I and II Corps, but has now spread to other areas throughout the country' . . .

"We tentatively conclude that those cultivated areas hit heavily with conventional high explosives will be very difficult, if not impossible, to recultivate . . . The immediate problem of greatest concern is the vast number of unexploded mines, bombs, rockets, and so forth that must be removed if the land is to be resettled. Since the Department of Defense reports that approximately 1 to 2 percent of our air and ground munitions fail to explode, there are several hundred thousand of these randomly buried throughout Indochina." (*Ibid.*)

"Boun Than [11 year old Lao boy] stepped on a bomb while taking a bath . . . One or two country people are brought to Luang Prabang hospital almost every day with wounds of bombs that did not go off when they were supposed to . . . It is easy to understand the villagers' complaints that they can no longer tend their bananas, plant hill rice, or let their children out to play freely." (Michael Morrow, DNSI, in *AmRep*, 1/21/72)

B. Cheeseburger Bomb

The power of the BLU–82/B "cheeseburger" or "Daisy cutter" bomb 'is surpassed only by that of a nuclear bomb." It weighs 7.5 tons, has an 11-foot length, 4.5 foot diameter, and is dropped by parachute from the huge C–130 aircraft. It produces a mushroom cloud that rises 6,000 feet in the air. (Westing, *Environment*, 11/71)

"The Daisy Cutter is, in the words of one military officer we met in Vietnam, 'a super bomb with a super punch.' MACV has been using these bombs on a steady basis for more than a year and a half now, apparently with no mention of them in the official daily, weekly, or monthly war news summaries. One senior Seventh Air Force officer explained to us, 'They have such a devastating effect that we hate to give them much publicity.'" (*Ibid.*)

More than 150 cheeseburger bombs were dropped in 1971. (*Post*, 12/28/71).

LAND-CLEARING OPERATIONS

A. Bulldozers: Land-clearing is accomplished with herbicides and 20-ton Caterpillar tractors with 2.5 ton, 11-foot wide "Rome Plow" blades and 14 tons of armor. The tractors have levelled over 750,000 acres so far and continue at the rate of 1,000 acres a day. This is "the most intense land-clearing program known to history." (Westing, *Environment*, 11/71).

B. Herbicides: 100 million pounds of herbicides have been sprayed on Vietnam. (*Impact of the Vietnam War*)—20 percent of South Vietnam's forest area has been sprayed. (*Bioscience*, 9/1/71).

Over 5 million acres, 12% of South Vietnam have been sprayed with defoliating chemicals. A Japan Science Council report (1967) claimed that "anti-crops attacks have ruined 3,800,000 acres of arable land in South Vietnam." (Stanford Biology Group, "The Destruction of Indochina").

"The AAAS Herbicide Assessment Commission that visited South Vietnam last summer concluded that an estimated 6.5 billion board feet of lumber and other forest products have been destroyed at an estimated loss exceeding $500 million. Enough rice and other crops to feed 600,000 persons for a year were ruined in the 9 years of spraying, and soil nutrients lost after spraying will not be restored for at least 20 years." (Pfeiffer, *Science*, 2/19/71).

"Herbicides can cause genetic damage. Within the last two years, there have been numerous reports of increasing birth abnormalities throughout South Vietnam, and photographs of grotesquely deformed babies have begun to appear in Vietnamese newspapers." (*The Indochina Story*, p. 114).

C. Napalm: "Today, black is the dominant color of the northern and eastern reaches of the Plain [of Jars]. Naplam is dropped regularly to burn off the grass and undergrowth that covers the Plain and fills its many narrow ravines. The fires seem to burn constantly, creating rectangles of black. (T. D. Allam, "Plain Facts," *Far Eastern Economic Review*, 1/18/72, p. 16).

FOREST DESTRUCTION

35% of South Vietnam's 14 million dense forest acres have been sprayed.

6 million board feet of lumber have been destroyed, equivalent to:

30 years of Vietnam's lumber supply
$500 million in tax revenue

Half the mangrove forests in South Vietnam are "totally destroyed." (Cornell study)

"Land destruction involves 80% of the timber forests and 10% of all the cultivated land in the nation [South Vietnam]." (Sen. Gaylord Nelson, press release, 1/29/72)

"Before the war, more than 25 million acres of South Vietnam were covered by forest, representing about 60 percent of the country's total area of 43 million acres. So far, the war has claimed at the very least 3 million acres of the forest cover. The herbicide program has accounted for somewhat more than a third of this, the bulldozing somewhat less than a third, and the bomb, rocket and shell craters (plus damage from other munitions) the remainder." (Westing, *Environment*, 11/71)

"Only We Can Prevent Forests." (Sign above Operation Ranch Hand headquarters, Tan Son Nhut Airbase, Saigon).

". . . On certain days aggressor aircraft in three formations sprayed toxic chemicals over this road . . . The fire, consuming the dry leaves, burned endlessly for more than one month. The fire burned the branches and sometimes a fire-engulfed branch fell down . . . I felt [the area] was desolate, boundless and wide open . . . around the control point there was no longer a green leaf or an undamaged tree trunk . . . All hills and mountains look like immense brown shoals and everything is brown, from high mountain crests to the bottoms of valleys . . . Resin from bombs was spread over the roadway. The burned resin was as black as buffalo excrement and the unburned resin looked like dried frog saliva . . . a gust of wind blew. Dust flew like smoke over the hills . . . When we first arrived, mango trees blossomed in January and February and chestnut trees blossomed in the rainy season. How fragrant it was! Today nothing remains, nothing other than the strong odor of the overturned soil." (Khanh Van, from 15-part series in Nhan Dan, reprinted in "Life Along the Ho Chi Minh Trail," by Robert Keatley, *Wall Street Journal*, 12/1/72)

WAR CRIMES

The air war violates international law in several respects. Among the most extensively documented violations is the continued bombing of unprotected villages and hospitals, augmented by our illegal failure to aid civilian bombing victims. Similarly, there is no question about the increasing use of outlawed anti-personnel weapons specifically designed to maim their victims. Another example involves the Geneva Convention prohibition of "forcible transfers" of civilians. American bombing in free fire zones (now called "specified strike zones") offers peasants the grim choice between evacuation and life under the constant threat of death. When guerrilla forces command the support or tolerance of an area's populace, the Air Force's unpublicized policy is to treat civilians as military targets. The air war and the resulting exodus of refugees have virtually destroyed whole societies such as the Meos of Laos and the Montagnards of Vietnam in apparent violation of the international Genocide Convention.

"The attack or bombardment, by whatever means, of towns, villages, dwelling, or buildings which are undefended is prohibited," (Hague Convention, 1907, Article 25)

"A military target is any person, thing, idea, entity or location selected for destruction, inactivation, or rendering nonusable with weapons which will reduce or destroy the will of the enemy to resist."

USAF manual, *Fundamentals of Aerospace Weapons Systems*)

"95 percent of the respondents indicated their village had been bombed, 49 percent could not count the number of times; 68

percent had seen someone injured and 61 percent had seen a person killed."

(United States Information Service survey of 20 refugees from the Plain of Jars, 1970)

"The Army Field Manual says that it is illegal to attack hospitals. We routinely bombed and shelled them. The destruction of Vietcong and North Vietnamese Army Hospitals in the South Vietnamese countryside was announced at daily press briefings, the Five O'Clock Follies, by American military spokesmen in Saigon."

(Neil Sheehan, "Should We Have War Crime Trials?" *NYT Book Review*. 3/28/71)

"The bombers used 500 pound bombs, CBU anti-personnel bombs and napalm for the destruction of hooches. It was not unusual to destroy villages. To my knowledge no requests for approval of destruction of villages were ever denied by higher authority."

(Veteran of 20th Tactical Air Support Squadron, 504th Tactical Air Support Group of 7th Air Force, quoted by Joe Nicholson, Jr., DNSI, 1/3/72)

"Persons taking no active part in the hostilities shall in all circumstances be treated humanely . . .

"To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever . . .:

"(A) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture." (Geneva Convention, 1949, Article 3)

"In August, 1969, the jets bombed. Nang Pha Sii, my daughter-in-law, was in a trench. A bomb landed nearby, killing her father and wounding her mother and two other villagers. She was killed, shielding her year-old baby with her body. Soldiers? Oh, they didn't come near the villages. They knew they'd be bombed.

(Plain of Jars refugee quoted by Fred Branfman in "The Era of the Blue Machine," *Chronicle*, 10/15/71)

"Reports from South Vietnam suggest that indiscriminate firing on civilians from helicopters is not an uncommon practice. In a letter to the *New York Times* (June 3, 1971), William J. Simon, an adviser to the People's Self-Defense Forces in the Mekong Delta region during 1970, wrote: '. . . it cannot be denied that individual commanders of helicopter assault units either encouraged their subordinates or turned their heads at the practice of shooting at whatever moved in many areas. Responsible military officers and civilian officials at the highest level constantly registered complaints of indiscriminate rocket fire from Bird Dog observation planes and "joyrides" by helicopter pilots that turned into massacres of peasants.' Veterans have also testified to similar practices they call 'mad minutes' during which everything that moves is fired at." (Cornell study, p. 2–15)

"The wounded and sick shall be collected and cared after." (Geneva Convention, 1949, Article 3, Sec. 2)

"The new American aid program for Cambodia contains no funds specifically marked for civilian medical relief." (Neil Sheehan, "Should We Have War Crime Trials?" *NYT Book Review*, 3/28/71)

"The consignment of Vietnamese civilian war wounded to provincial hospitals that were little better than charnel houses has been a national scandal for the United States. The reports of the Kennedy Subcommittee [on refugees] describe the scenes of two wounded to a bed, no sheets or mattresses, no showers, filthy toilets, open sewers and swarms of flies spreading infection. In contrast the United States military hospitals are models of modern science. Given the wide publicity the deplorable conditions in these Vietnamese civilian hospitals have received over the years, would it be possible for the responsible leaders of the United States to contend that the neglect was not deliberate?" (*Ibid.*)

"It is specifically forbidden— . . .

"(E) to employ arms, projectiles, or material calculated to cause unnecessary suffering." (Hague Convention, 1907. No. IV, Annex, Art. 23)

"Most of the victims of anti-personnel bombs are not killed, rather they are maimed. The pellets from anti-personnel bombs are designed to cause irregular and hard-to-cure wounds. This sreves two functions. First, it means that instead of a single man dead and withdrawn from military production, six to ten people (as well as facilities and supplies) must care for him. Secondly, the sufferings of badly wounded victims tend to have greater demoralizing effect on the remaining population than the dead." (NARMIC, *Weapons for Counterinsurgency*, 1/15/70)

"A recent model of the fragmentation bomblet uses plastic pellets and casings, rather than steel. The reason for this is that these pellets are 'invisible' to x-rays, so doctors canot find them to remove." (Honeywell Project, "Honeywell: Controllers of Peace, Masters of War," 1971)

The dragontooth mine "is purely anti-personnel. If a person steps on it, it could blow his foot off. If a truck rolls over it, it won't blow the tire." (Maj. Raymond Anderson, Tactical Div., Air Force Directorate of Operations, before the Senate Electronic Battlefield Subcommittee, 11/19/70)

"Finally, there are the incendiary weapons, the most famous being napalm. Developments in this area include new delivery systems to involve more people, and new incendiary agents which will not wash out of the flesh but will keep burning long after the attack." (CCAS, *The Indochina Story*, 1970)

"Individual and mass forcible transfers . . . are prohibited, regardless of the motive." (Geneva Convention-Civilians, 1949, Art. 49)

"In Laos, the Plain of Jars, once the home of approximately 150,000 persons, has been almost completely evacuated in the course of the little-publicized war there. In January, 1970 about half of the 30,000 Laotians still remaining there were evacuated in a CIA-directed project." (CCAS, *The Indochina Story*)

Plans are reportedly underway to move up to 330,000 refugees to new camps hundreds of miles away from their homes. The move is called voluntary. South Vietnam's Minister of State, Dr. Phan Quan Dan, said, "When the refugees are moved out of their camps, the Government can turn much of the land into a free-fire zone. Then it will be much easier to fight the Communists." (John Isaacs, *NYT*, 1/28/72)

"The contracting parties confirm that Genocide, whether committed in time of peace or in the war, is a crime under international law which they undertake to prevent and to punish." (Genocide Convention, 1949, Article 1)

"In the present convention, Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

"(a) Killing members of the group;

"(b) Causing serious bodily of mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part." (Genocide Convention, 1949, Article 2)

"Bombings were aimed at the systematic destruction of the material basis of the civilian society." (U.N. advisor Georges Chapelier, Plain of Jars: Social Changes Under Five Years of the Pathet Lao Administration")

The Plain of Jars held the first society in history to be completely destroyed by total, automated war." (*Chronicle*, 10/15/71)

The Americans are formulating, without appearing to do so, a demand which the Vietnamese cannot satisfy. They do offer an alternative: Declare you are beaten or we will bomb you back to the stone age. But the fact remains that the second term of this alternative is genocide . . .

"The genocidal intent is implicit in the facts. It is necessarily premeditated. Perhaps in bygone times, in the midst of tribal wars, acts of genocide were perpetrated on the spur of the moment in fits of passion. But the anti-guerrilla genocide which our times have produced requires organization, military bases, a structure of accomplices, budget appropriations. Therefore, its authors must meditate and plan out their act." (Jean Paul Sarte, "On Genocide," *Crimes of War*, Falk *et al.*, ed.)

"I remember asking one of the most senior American generals in the late summer of 1966 if he was not worried by all the civilian casualties that the bombing and shelling were causing. 'Yes, it is a problem,' he said, 'but it does deprive the enemy of the population, doesn't it?'" (Neil Sheehan, *NYT Book Review*, 3/28/71)

"U.S. Chief of Staff General Westmoreland could be convicted and hanged if the standards established after World War II were applied to his conduct of the war in Vietnam . . . By the same logic, the top civilian leaders of the U.S. could be convicted of the same offense." (Brig. Gen. Telford Taylor (ret.), chief U.S. prosecutor at Nuremberg, in *Nuremberg and Vietnam: An American Tragedy*)

GENERAL

"Is there any significant difference between killing a babe-in-arms by a bomb dropped from a high-flying aircraft, or by an infantryman's point-blank gunfire? . . . The by now voluminous reportorial literature on the Vietnamese war leaves little doubt that air strikes are routinely directed against hamlets and even single habitations . . . in reliance on information of varying reliability. Obviously, these tactics are a response to the nature of guerrilla warfare, and the difficulty of sifting out the 'enemy' in a society where there are many shades of inimical activity, and friend and foe are not readily distinguishable. Making full allowance for these difficulties, however, it is clear that such reprisal attacks are a flagrant violation of the Geneva Convention on Civilian Protection, which prohibits 'collective penalties' and 'reprisals against protected persons,' and equally in violation of the Rules of Land Warfare." (Telford Taylor, Chief U.S. Prosecutor at Nuremberg, in *Nuremberg and Vietnam*)

"'In the mountains, just about anything that moves is considered to be V.C.,' an Air Force major told Jonathan Schell . . . And so, helicopters and small observation planes go 'squirrel-hunting' for individuals observed in the devastated areas, using machine-guns from the helicopters, and calling in air strikes—'sniping with bombs.' This is using the aircraft for the same purposes that the infantryman uses his gun, and the pilot ought to be held to the same standards of distinguishing combatants from non-combatants . . . this certainly is not the method of dealing with civilians suspected of hostile activity which is required by the laws of war, and is unlawful for the same reasons that the Son My killings were unlawful." (*Ibid.*)

"Other specific policies applied in South Vietnam are clearly open to question. These include the free-fire zones which would certainly have been roundly condemned by America if any other country has established them; these must be violations of the Geneva Convention.

"The use of bombing to produce refugees so as to create these free-fire zones seems an especially cruel 'deportation and other inhuman act' as referred to in the Nuremberg Principle.

"The widespread indiscriminate treatment of 'suspected' Viet Cong agents—a term applied to virtually everyone caught up in conflict—seems a thin effort to circumvent the Geneva Convention of 1949 ('Persons taking no active part in the hostilities . . . shall in all circumstances be treated humanely').

"There have been widespread reports of torture (or handing prisoners over to the South Vietnamese for torture) which would seem to violate the Nuremberg Principles and the Geneva Convention.

"The general bombing of villages and hamlets would seem to violate the Hague Convention, Articles 25 and 26 on bombardment of undefended towns and unannounced assaults. And the use of anti-personnel weapons and napalm might well violate Article 23—the use of arms calculated to cause unnecessary suffering.

"In Laos especially, the use of bombing to dry up the 'sea' of peasants in which the Pathet Lao 'swim' would be, if proved, especially criminal by all three standards." (Federation of American Scientist Newsletter, 2/72)

THE SPIRIT OF RESISTANCE

The main reason for the military failures of the air war is the spirit of resistance of the Indochinese peoples.

The Indochinese peoples struggling against the Americans have an astonishingly uniform and strong belief in their cause. They believe that they are fighting a just war for freedom and independence from foreign domination; that just wars will be won; and that people are more important than weapons. They see the United States as an invader who has come from far away to destroy and kill and try to stop a social revolution. They believe that it is their duty to throw out the western intruders and their collaborators.

The air war, far from stemming this spirit of resistance, has intensified it. At first, a large portion of the population was simply shocked and confused by surprise bombings which occurred while they were tilling their fields or walking to market. Why would such "iron monsters" wish to annihilate them? Their confusion soon turned to anger and even hatred. The massive and indiscriminate bombing branded the Americans clearly as aggressors—with no further proof needed. A peasant's only choice was fight or join the aggressors and their collaborators.

Blanket bombing has also forced the Indochinese to be more self-reliant, more imaginative at the local level. They have mobilized resistance from the village upward, sharing supplies, repairing roads, creating medical facilities, and dispersing children and old people to safer locations. Where the bombing is heaviest, the people overcome the threat by living and working underground in caves. In northern Laos, for example, it is common to find factories, schools, and clinics complete with electricity, underground. In all areas subject to U.S. bombing there is a strict and well-rehearsed discipline that promotes cooperation and minimizes casualties.

The Indochinese have even found ways to utilize the debris of U.S. bombing. Pots and pans are made from napalm cannisters; oil lamps from defused pineapple bombs; rings, bracelets, combs and surgical tools from the wreckage of U.S. planes.

The Indochinese do more than passively resist the air war. There is a well-planned strategy to shoot down the war planes. Peasants throughout North Vietnam and the liberated zones have small arms which have taken a heavy toll of aircraft. The small arms fire forces the attacking planes to a higher level where they are vulnerable to antiaircraft artillery and surface-to-air missiles. Although such air defenses are primitive and ineffective by American standards, more than 1,500 U.S. war planes have been downed and hundreds of pilots captured.

Confident that just wars can be won, and that people are ultimately more important than weaponry, millions of Indochinese have joined the struggle. Aircraft are to be feared, without question, but human ingenuity is a powerful antidote when there is adequate organization and the will to prevail. Constant movement at night, willingness to undergo severe privation, the ability to judge risks and potential, unending patience, and a near-mystical faith in indigenous traditions and culture—these are what have rendered the bombers militarily ineffective in the long run.

Out of the battlefronts of Indochina, the war today is only partially one of ideologies and national interests. For those under the bombs, it is most immediately an epic struggle of the human spirit against a barbarous and unfeeling technology. So far the human spirit is winning.

William S. Turley, Center for Vietnamese Studies, Southern Illinois University, in *Indochina in Conflict*, 1971: "Political participation in the Democratic Republic of Vietnam . . . is extended to virtually all citizens . . . the people take part in political activities that affect their lives, such as publicly criticizing local party cadres, electing village leaders, deciding when to move to a higher stage of collectivization, coordinating the use of collectively owned tools, deciding whether to introduce a new local industry or not and how to contribute to militia training and recruitment . . . repeated exercise of a degree of political participation never allowed in the pre-Resistance Vietnamese village is fairly convincing to the poor peasant that the regime is just and its rule good."

Konrad Kellen, Rand corporation, in *Indochina in Conflict*, 1971: "Few NVA soldiers seem to regard themselves as Communists. They see themselves as defenders of their country against yet another western intruder who can be made to desist."

Ibid: "Prisoner interrogations have revealed that, despite some problems between (insurgent) soldiers and the population as a result of the long war, the bond between them has remained close enough to provide physical and emotional support to the soldiers. The explanation seems to be that despite the rigors of the war, the soldiers continue to treat the local population with respect and otherwise attractive behavior."

Ibid: "The North Vietnamese government is perhaps one of the most genuinely popular in the world today. The 20 million North Vietnamese like it there, find the system just and their labor rewarding."

Ho Chi Minh, *Vietnam Courier*, April 28, 1966: "They are . . . mistaken in thinking their bombs and bullets can shake the determination of our people."

Ibid: "The war of resistance against U.S. aggression may drag on. Our people may have to face new sacrifices of life and property. Whatever happens, we must keep firm our resolves to fight the U.S. aggressors until total victory."

Taylor's Briefing of Key Officials on the Situation in November 1964, Document No. 87, *NYT* Version of Pentagon Papers: "The ability of the Viet Cong continuously to rebuild their units and to make good their losses is one of the mysteries of this guerrilla war. We are aware of the recruiting methods by which local boys are inducted or compelled to join the Viet Cong ranks and have some general appreciation of the amount of infiltration personnel from the outside. Yet taking both of these sources into account, we still find no plausible explanation of the continued strength of the Viet-Cong if our data on Viet-Cong losses are even approximately correct. Not only do the Viet-Cong units have the recuperative powers of the phoenix, but they have an amazing ability to maintain morale. Only in rare cases have we found evidence of bad morale among Viet Cong prisoners or recorded in captured Viet Cong documents."

Dr. Pham Ngoc Thach, Minister of Health, DRV, *North Vietnamese Medicine Facing the Trial of War*, 1967: "It is a moving, and at the same time comforting spectacle to see the children, on hearing an air raid warning, calmly slip into their shelters. Moving, because of the daily threats to their lives, and comforting, because it shows that even kiddies have learned how to defend themselves."

Dan Southerland, Monitor, 3/14/70: "As the bombing increased, the Pathet Lao forces in the district started getting more volunteers, whose attitude was 'better to die a soldier than to stay home waiting for the airplanes to kill you' . . . the bombing tended to heighten the fighting spirit of the Pathet Lao."

DRV, Vietnam #144: "A new wave of bombs caused heavy damage to a stretch of road. That night, an important convoy was to pass. The road ought to be mended before dusk. On hearing this, the ten girls of the fourth squad then working a long distance away offered to do the job . . . and the fourth squad kept its pledge. But at 17:20 hours, as soon as the road was repaired, the bombers came again and one of the blockbusters obliterated the shelter where the ten girls were taking refuge. All the girls died a heroine's death just as they had fulfilled their mission.

"In memory of those who had fallen, the girls of the brigade retained their names in their squads and they worked twice as much to do the job of the deceased. 'One more basket of pebble, one more rock in the name of our ten girls.' This slogan was written everywhere at the road repair site, even on the road."

Arthur Dommen, *Conflict in Laos*: "It is well, in this age of guided missiles and computerized war games, to recall once again what makes men fight in the Philippines, or in Indochina. What makes youth in their teens, with sharpened bamboo spears and homemade revolvers, pit themselves against French tanks? What makes a squad of guerrillas who have lived for a week on a handful of rice a day brave machine-gun fire to assault a fortified outpost?

"The State Department's characterization of Ho Chi Minh as 'the mortal enemy of native independence in Indochina' did not quite ring true with young men and women who at this moment were defending their villages against French flame-throwers and napalm bombs. It is not difficult to see why."

Robert Keatley, *Wall Street Journal*, 12/1/71: "Earlier this year a North Vietnamese journalist named Khanh Van presented a remarkable account of life along [the Ho Chi Minh Trail] many truck trails. The account appeared as a 15-part series in Nhan Dan, Hanoi's official newspaper, and was presumably designed to rouse patriotic fervor back home . . . But it also tells more. It makes clear that trail workers are human beings—not just abstract targets for high-flying U.S. jets—and that they too can hurt and bleed. It tells of suffering and pain, seemingly endless hard work and constant danger. It reminds an American that the war is grim on both sides of the battlefield. And it prompts wonderment at the tenacity of Hanoi's forces, and questions of why they believe this unrelentingly militant road to political power is still so necessary . . . . the account makes clear that the men on the trail are not only mortals but, specifically, Vietnamese mortals—with a culture quite different from that of the attackers above."

Ibid.: "Elsewhere Mr. Van meets a soldier who recalls that his ninth grade teacher, a Miss Kim Chi, told his class: 'If ever you become soldiers, no matter in what armed branch you may be, you must maintain an imposing appearance and a romantic quality. . . . For instance, a signal combatant shows his imposing appearance by braving bomb smoke in order to reconnect the wire, and he has a romantic quality when he installs the wire on trees so that birds can perch on it and sing.' It's difficult to imagine GIs getting similar guidance."

George Smith, *P.O.W.: Two Years with the Vietcong:* "The bombing got more and more intense. First they were coming a couple of times a week, then every morning, then twice a day, three times a day, sometimes all day long. . . . It really began to wear on me. Every day! Every day! I'd get up and try to eat my breakfast, and the first bomber would arrive before I'd finished. I became very nervous about the whole thing. . . . Every day was unnerving. Your adrenalin was constantly flowing. I could never figure out why they'd [Note: their NLF captors] construct a camp at ground zero of a bomb range, unless they felt that . . . nobody would ever suspect anybody of building a camp at the end of a dive path. On those terms I suppose it would be safe. It made me nervous as hell, but we never got hit . . .

"I talked with Little King. [Note: one of his NLF captors] He'd been with them about as long as I had. I asked him why he'd joined the NLF. He said that his family had been very poor, but that didn't prevent the Diem regime from coming and taking away every damned thing they had. He knew that his family was just one of many. . . . He felt that they were the people who should be in control of the country, that they were *his* people. He seemed very sincere. Nobody was forcing him to stay there. He was very pleased with the life he had taken up and was very definitely motivated to winning the war. . . . I regretted not knowing more about each of them. They'd never told us much about themselves, but then we'd never asked. We just lay on our beds feeling superior . . . Gradually I had changed. I had learned humility, I believe . . . I changed from my arrogance and nastiness to liking people, from my superiority to feeling that the Vietnamese were pretty good people. Some of the honest culture of an oppressed people must have worn off on me."

Fred Branfman, *Washington Monthly*, 7/71: "Interviews with Pathet Lao defectors indicate that far from breaking the enemy's will, the bombing strengthened it. 'Before, maybe only 20–30 percent of the young men would volunteer to join the Pathet Lao army," explains one defector. 'But by 1969, 90 percent and more wanted to join.' "

Former Pathet Lao soldier, interviewed at Sayaboury defector camp. Fred Branfman, *Liberation*, Spring, 1971: "I was once up on the Iron Mountain for four months . . . famous throughout Pathet Lao territory. . . . the mountain guarded the approach to the Plain of Jars. It was very important. We held it from 1964. The Americans did everything they could to get us off it. But they never could. We called it the Iron Mountain because the Americans bombed it so much. The whole top part had been leveled off. . . . It was really desolate up there. There were no civilians, no animals or livestock, just we soldiers sleeping in our bunkers. We even had to carry our food and water all the way up. Sometimes we would go for days without eating.

"Was I unhappy? Oh no. That was the happiest time of my life. You see, we knew we were protecting the people from the Americans.

"We were proud to be there.

"The planes came over all the time. We would crouch down low until they got close, then we would let loose. It was really a good feeling to be up there on the mountain, shooting at the airplanes.

"If they had only come to shoot me, I wouldn't have cared so much. After all, I was a soldier. Also, we had our methods for hiding and they rarely killed any of us.

"But they had been trying to kill all the villagers in our region for years. The villagers are just farmers, they just grow rice. They didn't do anything against those pilots. I am a Lao man. Those villagers are Lao, my people.

"I wasn't afraid of the planes at all . . . when they came low we would shoot them down. When they stayed up high, they could not do so very much damage because they didn't know where we were.

"The man who pilots the plane is a man just like me. He eats food just like me. He has a brain just like me. If he comes to shoot me, I will shoot back.

"I wasn't afraid.

"He is only another human being, just like me. . . ."

RESOURCES

Groups

Following is a list of groups from which materials can be obtained:

American Friends Service Committee (AFCS), 160 N. 15th St., Phila., Pa. 19102.

American Report Radio (ARB), 133 Mass. Ave. N.W., Rm 101, Washington, D.C. 20005.

Campaign to End the Air War, 339 Lafayette St., NYC 10012.

Center for the Study of Power and Peace (CSPP), 110 Maryland Ave., N.E., Washington, D.C.

Clergy and Laymen Concerned (CALC), 627 West 125th St., NYC 10007.

Community Video Center (CVC). 1411 K St., N.W., Washington, D.C.

Computer People for Peace (CPC), The Dolphin Center, 137 A West 14th St., NYC 10011.

Congressional Hearings (CH). Free upon request to appropriate committee. Also obtainable through local Congressman or Senator.

Congressional Record (CR). Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

Dispatch News Service International (DNSI), 1826 R St., N.W., Washington, D.C. 20009.

Earth Magazine (E), The Agricultural Building, Embarcadero at Mission, S.F., Ca. 94105.

Earthlight Video (EV), 354 Broadway, Cambridge, Mass. 02139.

Glad Day Press (GDP), 308 Stewart Ave., Ithaca, N.Y. 14850.

Honeywell Project (HP), 529 Cedar Ave. South, Minneapolis, Minn. 55401.

Indochina Resource Center (IRC), 1322 18th St., N.W., Washington, D.C. 20036.

Liberation (L) 339 Lafayette St., NYC 10012.

National Action Research on the Military Industrial Complex (NARMIC), 160 North 15th St., Phila., Pa 19102.

National Council of Churches, Office of Resource Studies (NCC), 475 Riverside Drive, NYC 10027.

New England Free Press (NEFP), 791 Tremount St., Boston, Mass. 02110.

New Hampshire Peace Action Coalition (NHPAC), 28 Profile Ave., Portsmouth, New Hampshire.

Non Violent Action (NVA), 2143 Market St., San Diego, Calif. 92102.

Pacific Studies Center (PSC), 1963 University Ave. East, Palo Alto, Calif. 94303.

Project Air War (PAW), 1322 18th St., Washington, D.C. 20036.

Ramparts (R), 2054 University Ave., Berkeley, Calif. 94704.

Raytheon Project-University Christian Movement (RP–UCM), 474 Center St., Newton, Mass., 02158.

St. Louis Project (SLP), 4372 Westminster Place, St. Louis, Mo. 63108.

Stanford Biology Study Group (SBSG), Box 3724, Stanford Calif. 94305.

Unsell (U), 637 West 125th St., NYC 10007.

War Resisters League (WRL), 339 Lafayette St., NYC 10012.

West Coast Video Project—Cosmic Productions (WCVP–CP), c/o Ed Rasen, 9 Sutter St., #300, S.F., CA 94704.

ARTICLES AND REPRINTS

Abbreviations below refer to resource groups listed on page 45.

Another Mother for Peace. "Automated Battlefield Producers and their Consumer Products". (NARMIC) 10 cents.

Branfman, Fred. "The Era of the Blue Machine". *Washington Monthly*, 7/71. Excellent overview of the air war. Pamphlet illustrated with drawings depicting the bombing by Laotian refugees. (PAW) 20 cents, 15 cents—10 or more, 10 cents bulk.

Branfman, Fred. "The New Totalitarianism". *Liberation*, Spring, 1971, 4 page glossy. Shorter, more general than "Blue Machine". (PAW) 15 cents, 5 cents bulk.

Branfman, Fred. "Life Under the Bombs". Collection of articles from *American Report* based on interviews with Lao refugees. Electrostencilled. (PAW) 15 cents, 5 cents bulk.

Branfman, Fred. "A Visit to a Refugee Camp". *Liberation*, Spring, 1971. Electrostencilled. (PAW) 5 cents, 3 cents bulk.

Branfman, Fred. "A Lake of Blood". *New York Times* Op Ed Page, 4/7/71. Electrostencilled. Air war in Laos and civilian casualties. (PAW) 5 cents, 2 cents in bulk.

Branfman, Fred. "Laos No Place to Hide". *Bulletin of Concerned Asian Scholars*, Fall, 1971. 30 page essay emphasizing air war in Laos. (PAW) 35 cents.

Branfman, Fred. "Air War Laos". *Boston Globe*, 1/26/70. Pamphlet emphasizing CIA role in targetting and air war policy decisions. (PAW) 20 cents, 10 cents in bulk.

Browning, Frank and Garrett, Banning. *Ramparts*, 5/71. "The New Opium War". The role of VANAF, RLAF, and the CIA's private airlines in transporting the opium harvest in Southeast Asia. (R) $1 back issue, 40 cents bulk.

Center for the Study of Power and Peace. "Air War in Indochina Fact Sheet". 12/71. 4 page glossy. (CSPP) 20 cents, bulk rates on request.

Clergy and Laymen Concerned. "Air War Fact Sheet". January, 1972. 4-page basic primer, including such items as definitions of "tactical air strike", "sortie", etc. (CALC).

Chomsky, Noam. "Destroying Laos". *N.Y. Review of Books*. Incisive presentation of the war in Laos and the role of air power. (GDP) 25 cents.

Committee of Responsibility. "They Survived: Sample Case Histories of Victims of American Bombing in Laos". Contains 16 case histories; photos. (PAW) 20 cents, 15 cents in bulk.

Computer People for Peace. "The Technological Warlords". Specifically IBM, Litton and Honeywell; their air war electronic battlefield contracts. (CPP).

Decornoy, Jacques. "Laos The Forgotten War". *Le Monde*, 7/68. One of the few Western eyewitness accounts of the destruction and ongoing life under the bombs within guerrilla controlled zones, by a Southeast Asia Desk Editor of *Le Monde*. (NEFP) 15 cents.

Dickson, Paul and Rothchild, John. "The Electronic Battlefield—Wiring Down the War". *Washington Monthly*, 5/71. (NARMIC) 10 cents.

Haseltine, William. "The Automated Air War". *New Republic*, 10/16/71. 4 page glossy. (NARMIC) 10 cents.

Honeywell Project, "A Practical Guide to the Honeywell Business World". Honeywell's air war production: anti-personnel weapons and general input into the electronic battlefield. Entire packet of materials also available. (HP)

Indochina Resource Center. *"Indochina Chronicle #6 and #7."* Booklet containing Branfman's "Blue Machine" and "The Air Force's Secret Electronic War" by George Weiss. The latter being a pro-war account from a military magazine. Also a 2 page fact sheet. (IRC).

Indochina Resource Center. "Summary of the Cornell Air War Study". Fall, 1971. An excellent 8 page overview and statistical summary. (IRC) 20 cents, 15 cents—10 or more, 10 cents bulk.

Morgan, Terry. "Bombing Aircraft of the U.S.". Arco Publishing Company, 1968.

McReynolds, Dave. "The Banality of Evil". *WRL News*, Jan–Feb 1972. 1 page. (WRL).

National Peace Literature Service. "War Crimes Bibliography and Comment". Includes Neil Sheehan's "Should We Have War Crimes Trials?" (AFSC).

NARMIC. "Ho Chi Minh Trail—Two Viewpoints". Contains 2 articles, one from a military journal and one distilled from North Vietnamese accounts of the Trail bombing. (NARMIC) 10 cents.

NARMIC. "Summary of NARMIC Background Report on the Automated Battlefield". 20 page glossy detailed overview of the automated war. No photographs. (NAR MIC).

NARMIC. "Corporate Complicity Packet". Includes such items as: "The Components and Manufacturers of the Electronic Battlefield," Aug., 1971, 10 cents; "Information on Researching Local War Industries," 10 cents; "The Pentagon's Top 100 Contractors, FY 1971"; "Movement Guide to Stockholder's Meetings," 50 cents; a list of local war contracts awarded in your community, county, and state, $3 per county.

NARMIC. "Weapons for Counterinsurgency". Excellent 100 page booklet, well illustrated, including listing of corporations involved in weapons production. Unfortunately, currently out of print.

NARMIC. "Domestic Electronic Battlefield". Includes "War Toys for Adults". Barkan. *New Republic.* and "Science Fiction—or Tomorrow's U.S.?" Pacific News Service. 5 cents ea.

Nicholson, Joseph. "Bombing of Lao Villages Revealed". 25 page well documented article. (DNSI) 50 cents, bulk rates available.

Raytheon Project-University Christian Movement. "Raytheon Company—Heart of the Massachusetts Military Industrial Complex". (RP–UCM).

Robinson, Chris. "Electronic Battlefield". List of manufacturers of the components of the electronic battlefield.

Scott, Peter Dale. 'Air America Flying the U.S. into Laos". *Ramparts*, 2/70. Expose on the CIA's private enterprise air force. (NEFP) 10 cents.

Schell, Orville. "Better Killing Through Electronics". *Earth Magazine*, April, 1972. Excellent. Entire magazine is useful. (EARTH) 75 cents.

Schell, Orville. "Electronic Weapons Replace U.S. Troops as Killing Continues". *American Report*, 9/27/71. One page with WSP ITT boycott information on back. (NARMIC).

Siegel, Lenny. "Vietnam's Electronic Battlefield". Good overview. (PSC).

Stanford Biology Study Group. "The Destruction of Indochina: A Legacy of Our Presence". 9/10/71. (SBSG) 24 cents, 20 cents—21 or more, 15 cents—100 or more.

Van Dyke, John. "Prisoners of War in Vietnam". (GDP). 25 cents.

Vietnam Veterans Against the War. Inc. "Winter Soldier Investigation". *Liberation*, Spring, 1971. Entire *Liberation* issue very useful. (L) 75 cents back issue price.

Watson, Will. "Attack Carrier: The Constellation Papers". (NVA).

Westing, Arthur and Pfeiffer, E. W. "Land War". *Environment*, March 1971. Excellent booklet on the ecological effects of the bombing, well illustrated. (IRC) 25 cents, 20 cents—10 or more, 15 cents bulk.

SUBCOMMITTEE REPORTS

A) Senate Subcommittee to Investigate Problems Connected with Refugees and Escapees:

May 7, 1970 Hearings;
September, 1970 Staff Report;
April, 1971 Hearings;
July, 1971 Hearings.

Very useful background material on the bombing's generation of refugees and responsibility for civilian casualties. Extremely valuable appendices ranging from dozens of selected press articles to official government documents. The material is surprisingly readable.

B) Senate Foreign Relations Committee:

Impact of the Vietnam War, June, 1971;
"Hearings on Chemical and Biological Warfare," 1969.

Excellent summary of war statistics including refugees, cost, etc. in *Impact of the Vietnam War.*

C) Senate Subcommittee on United States Security Agreements and Commitments Abroad of the Committee on Foreign Relations:

October, 1969 Hearings on Laos;
April, 1971 Staff Report on Laos.

Very useful material. Especially effective in revealing Congress' lack of involvement in the decision-making process surrounding the air war. Also useful for indexing the dimensions of the air war.

D) Preparedness Investigating Subcommittee of the Armed Services Committee:

Air War Hearings, 1967;
Tactical Air Hearings, 1968.

The 1967 hearings contain some useful documentation of the bombing's ineffectiveness. Best source for North Vietnam air war failure, though, is the Pentagon Papers.

E) Electronic Battlefield Subcommittee of the Preparedness Investigating Subcommittee of the Committee on Armed Services, U.S. Senate: November, 1970 Hearings.

Though highly censored, some useful information on the automated battlefield.

F) DoD Appropriation Committee, U.S. Senate: Hearings, FY 1972.

CONGRESSIONAL RECORD

October 5, 1971: Senate debate surrounding the Gravel amendment to limit the bombing in Indochina. (S15874–82, *CR*, 25 cents)

October 4, 1971: Senate debate surrounding military spending in Laos. (S15762–82, *CR*, 25 cents)

July 12, 1971 (H6540–63) and July 13, 1971 (H6672–78): Congressman McCloskey vs. Congressman Gubser. House debate over the nature of the American air war and specifically the degree of civilian casualties in Laos. Excellent posing of the issues. (*CR*, 25 cents)

BOOKS

Branfman, Fred (ed.). *Voices from the Plain of Jars*. Harper and Row, to be published Spring, 1972. A collection of drawings and essays by Lao refugees, describing life under years of American bombardment. Introductory essay by Branfman analyzes American bombing policy.

Broughton, Colonel Jack. *Thud Ridge.* Lippincott Company, 1969. A pro-war bomber pilot's account. Some insights into day-to-day operations and the minds of the men involved.

CCAS. *The Indochina Story*. Bantam, 1970. Excellent background. Explores war crimes, chemical and biological warfare, antipersonnel weapons, and political context.

Cornell University Center for International Studies. *The Air War in Indochina*. 200 pages. The most comprehensive and current analysis of the air war. First edition is completely exhausted. A second edition will go to press this spring. Contact the Indochina Resource Center.

Council on Economic Priorities. *Efficiency in Death: The Manufacturing of Anti-personnel Weapons*. Harper and Row, 1970. $1.50. Excellent.

Harvey, Frank. *Air War: Vietnam*. Bantam, 1967. 75 cents. Somewhat dated; readable, simple.

Klaire, Mike. *War Without End*. Random House, to be published Spring, 1972. Discusses the planning and technology of future American counterinsurgency efforts.

Luce, Don, *et al. We Promise One Another: Poems from an Asian War*. Approx. 100 poems. $2 or $1.20 in bulk. (IRC)

Neilands, J. B., *et al. Harvest of Death: Chemical Warfare in Vietnam and Cambodia.* Foreword by Gunnar Myrdal. The Free Press, 1972. The most comprehensive and objective study of American use of herbicides and toxic gases.

Schell, Jonathan. *The Military Half*. Vintage, 1968. $1.65. Somewhat dated but good background. A personal account of the destruction caused by the bombing.

Smith, George. *Two Years with the Vietcong*. Ramparts Press, 1971.

Taylor, Telford. *Nuremberg and Vietnam: An American Tragedy*. Quadrangle. An indictment by the Chief U.S. Prosecutor at Nuremberg.

OTHER

Slide shows

The NARMIC Slide Show on the Automated Air War. Excellent. 140 slides, with numbered script carefully footnoted. Running time 35 minutes. $50 plus $5 shipping and handling. Can be rented from the Indochina Resource Center at $15 for three days.

Air War Slide Show. From the New Hampshire Peace Action Coalition. 150 slides and tape soundtrack. Well done.

Films

"U.S. Technique in Genocide in Vietnam". Made in North Vietnam by the Commission on War Crimes. Depicts anti-personnel weapons and their effects. 20 minutes. B.W. $25 for a 3 day rental. $60 purchase. Add $5 for shipping and handling. (IRC)

"Chemical Warfare". Made in North Vietnam. Depicts the extent of use and effects of herbicides and CS gas. 30 minutes. B&W. $25 for a 3 day rental. $60 purchase. $5 shipping and handling, 1971. (IRC)

"The Big Bomb" DoD film. 5 minutes. Color, 16mm. Depicts the effects of the 7½ ton Cheeseburger bomb. $10 rental, $25 purchase. Add $5 for shipping and handling. (IRC)

Film depicting interviews with the workers laid off from McDonnel-Douglas—the contractors for the F–4. Includes footage of aerial destruction in Southeast Asia. 27 minutes. B&W. $30 rental, $200 purchase. (SLP)

Video tapes

Boston Winter Soldier Hearings. (EV) Overview—60 minutes. The Electronic Battlefield—60 minutes. The Air War—30 minutes Half-inch video tape in the Sony AV or CV format. $54 per hour, $30 per ½ hour, rentals somewhat less.

Fred Branfman Air War Talk. With pictures and other visual effects. 30 minutes. $30 purchase. Rentals possible for less. (CVC)

Honeywell War Crimes Hearings. (HP) 50 minutes. Rent approx. $20. $50 purchase. (flexible)

Indochinese War. Available Spring '72. Approx. 25 minutes. Possibly to be made into a film. (WCVPCP)

Radio spots

Approx. 10 short talks. Speakers include Fred Branfman—Journalist who interviewed over 1,000 refugees fleeing American bombing, Randy Floyd—former Marine bomber pilot who flew missions over North Vietnam, and air war humorist John Henry Falk. (ARR) Free

Anti-air war advertising

Unsell

Buttons and posters

Campaign to End the Air War

Military-industrial air force trade journals

Aviation Week and Space Technology (P.O. Box 503, Hightstown, N.J.)

Air Force Times (475 School Street, S.W., Washington D.C. 20024)

Air Force Magazine (Air Force Association, Suite 400, 1750 Penn. Avenue, Washington D.C. 20006)

Pentagon

The DoD can be called directly for certain informational requests such as the most recent tonnage statistics, etc. (202) 697-2873

CAPTIONS FROM BOOKLET

EC-121 are used throughout Indochina to relay the signals sent by the ground sensors. Other aircraft are used in this phase of the air war, including "drone" aircraft which require no pilot or air crew. These aircraft relay the signals to giant computer systems on the ground.

Thousands of sensors, such as those in this photograph, are planted throughout all of Indochina. The vibrations transmitted by the walking of a man or an animal are enough to cause the sensor to send a signal to an airborne relay station.

The IBM 360 computer system takes the information from the relay aircraft and the ground sensor, and integrates it with information stored in the memory bank. An image of the sensor net is displayed on a cathode tube [similar to television], and an Air Force officer monitors the sensor net. The computer prints a read out that is sent immediately to the command center.

Fighter-bombers, alerted by the command center, are dispatched to the area of the sensor signal. Guided by the computer read outs, the area is located without any effort on the part of the pilot, and the bomb load is dropped on the location designated by the computers.

Among the bombs used in Indochina are Cluster Bomb Units, large "mother bombs" loaded with hundreds of smaller bomblets. As the "mother bomb" casing breaks, the smaller bomblets tumble to the earth. Each of the "mother bombs" can carry as many as 500 smaller bomblets. Each of the smaller bomblets is loaded with hundreds of ball bearing shaped pellets.

As the bomblets fall through the air, the rotation causes the fuse inside the bomblet to arm. The guava bomblets [left] use three different types of fuses. One fuse will cause the bomblet to explode on contact with the ground. The second fuse has a time delay device in the fuse, allowing it to rest on the ground undetonated. The third fuse will explode the bomblet in the air, throwing ball bearing pellets in a 360° pattern for 60 meters. The 360° pattern makes anything above ground, or in holes and caves, a target.

The U.S. Air Force has defoliated an area of South Vietnam equal to the size of Massachusetts. The first regrowth is usually bamboo, which provides excellent cover for guerrilla actions; the program was recently terminated.

Laser and teleguided bombs, called "smart" bombs, can be directed to a target by the pilot that drops them. These bombs are accurate within six feet of a target when dropped from an altitude of four miles.

The pineapple [left] and the guava [right] both contain steel ball bearing like pellets that are useless against structures but can kill or wound a human being.

The majority of bombs dropped on Indochina have been dropped since President Nixon took office in 1969.

Other types of ordnance dropped on Indochina include incendiary bombs (napalm, thermite, white phosphorus and a combination of all three, NPT) and high explosive bombs (ranging in size from 250 pounds to the giant 15,000 pound "Commando Vault" or "Cheeseberger" bomb).

An A1-E attack aircraft drops a white phosphorus ("Willie Peter") bomb on a night mission. The pilot releases the bomb while traveling at a speed of several hundred miles per hour.

High explosive 750 pound bombs are dropped at altitudes of up to 35,000 feet [by B-52s] or as low as 3,000 feet [fighter-bombers].

The XM-41E "gravel mine" is used as an area denial weapon. The mine is dropped in the same fashion as other CBU bomblets, but it has no specific target. The mine rests on the ground until a person or animal steps on it or attempts to pick it up.

CBUs such as this BLU-66 contain flechettes instead of the ball bearing pellets. A flechette is a one-inch barbed nail, resembling a miniature arrow. When a flechette enters the body, its fins lacerate the muscle tissue and body organs. Flechettes usually lodge in a blood vessel.

The "dragontooth" (MK-36 system) is similar to the gravel mine in purpose and operation. It is dropped by the thousands over a target area and remains inactive until disturbed. Neither it nor the gravel mine has the power to destroy a truck tire, but will blow off a human foot if stepped on.

THE ONGOING CIVILIAN TOLL (AS OF AUGUST 1971)

	South Vietnam[1]	Laos[2]	Cambodia	Total
Killed	335,000	100,000	(3)	450,000
Wounded	740,000	250,000	(3)	1,000,000
Refugees	5,695,300	1,000,000	1,600,000	8,295,300
Total	6,770,300	1,350,000	1,600,000	9,755,300

[1] Kennedy Subcommittee on Refugees.

[2] Project Air War.

[3] Tens of thousands.

Note: Killed, wounded, and refugeed under Johnson (1964-68) 5,655,300; monthly civilian toll under Johnson (1964-68), 95,000; killed, wounded, and refugeed under Nixon (1969 to August 1971), 4,100,000+; monthly civilian toll under Nixon (1969 to August 1971), 130,000.

BUDGET DISTRIBUTION, BY SYSTEMS

[In millions of dollars]

	Fiscal years—					5-year total
	1967	1968	1969	1970	1971	
Conventional barrier system	15.6	16.9	2.3	.3	4.3	39.4
Air-supported system	137.4	182.4	175.6	92.4	181.8	706.6
Ground tactical system		12.1	174.2	81.1	128.8	396.2
Munitions[1]	177.0	212.6	59.6	39.2	50.0	538.4
Total	330.0	424.0	411.7	213.0	301.9	1,680.6

[1] Associated with air-supported system.

Source: Cost of sensor program from hearings before the Electronic Battlefield Subcommittee, U.S. Senate, November 1970.

I myself studied in this school many years ago. But then it came to the year 1967, and the school was struck by the airplanes until it was level. Nothing was left. Many planes had shot around it. It made us lack for a school in which to learn our lessons. Author: Lao man, age 23.

One friend of mine went to the village to get rice for his mother and father to eat. . . . He crossed the field to the hill and the airplanes saw him and shot and killed him so that you couldn't even find his body. It was scattered all over the field. Author: Lao child, age 12.

The person in this picture was hit by napalm and burned. . . . If someone is hit by napalm, you can't go to help him. If someone went to help, he also would catch on fire. I thought about this when I was in the hills: in our lives now we didn't know which day we would be troubled or which day we would die. Every day we just stayed in the holes in the forest without seeing sunlight. Author: Lao child, age 12.

In my village there was one man who was 22 years old. He went to graze his buffalo in the forest. The airplanes dropped bombs and killed the buffalo. He ran away from that place, but not in time. He was hit in the waist—cut right in two. For two days you could see him like that. Author: Lao man, age 22.

There was a wat on the hill right next to my village. The airplanes shot it and started a fire. Two monks were killed there together. On account of the war. The planes thought that there were soldiers in the wat, so they shot it. But there weren't any. Only the monks died. Author: Lao man, age 29.

Three jets came, dropping bombs. . . . We went to count the bombs and the holes of the bombs that had fallen on the wat and found that there were 28. Any many bullets which had also hit. The wat was lost completely. . . . After that, we didn't know if we should build another wat. If we built again, we were afraid it would be bombed again. Author: Lao man, age 69.

My village was hit often by bombs from airplanes and anti-personnel bombs. My house was hit and I lost everything. I knew the war and was very afraid. But I could not flee. Author: Lao school teacher, age 22.

But truly at that time there were many dangers. Like when the planes dropped bombs and napalm burned the village and people died. Some people ran into the holes and were hit. No one had the courage to help the people who were hit by napalm. They just screamed until the end, and died. I am overcome with pity and my tears fall. I do not lose the thoughts of those people who lost their lives. That is when we had to flee our villages. Author: unknown.

This was another occasion of lakes of blood from the war planes' coming. These people were going together into the cave, but at that moment a bomb came without any knowledge of its having been dropped. . . . Anyone who knows these things is filled with pity or empathy by the hundreds. Author: Lao artist, age 20.

Sao Toun's Mother: Sao Toun was one of my two daughters. She was 12 years old. One morning, about 10 a.m., in July 1969, a group of "T" planes came over our village. Sao Toun was hiding in a trench. But when she heard the noise of the plane she became afraid. She jumped out of the trench and began running. Then the planes dropped their bombs and she was killed. I only have one other daughter left. I . . . I . . . I . . .

(N.B. The interview could not be continued as Sao Toun's mother broke into tears.)

Nang Khammaa's Mother: Nang Khammaa was 20 years old. She was married and had two children. One day in June, 1968, about 5 p.m., Nang Khammaa went out to fetch our buffalo. Suddenly she heard the jets coming. She dropped to the ground and began trying to crawl back into a trench about 10 meters away. But before she could make it a bomb fell near her and she died from the explosion. The bombs were dropped by American jets. I don't know where the two children are now. Perhaps they are with their father on the other side.

Sao Doummaa's Mother: Sao Doummaa was my youngest daughter, the one I loved the most. She was 25, married, and had 2 children. One day in June, 1969 we were in our shelter when the planes came over. Sao Doummaa was nursing her 7-month-old. She jumped up to try to make it to a trench. But she was hit at the door by the bombs, and fell to the ground crushing her baby beneath her. . . . One other thing. This is a wedding photo of my daughter. She was 18. It's all I have to remember her by. I want to make a copy for her husband. Could you help me?

A Mother: I lost two daughters in a bombing raid in August, 1969. They were in a shelter a few hundred meters outside the village. The jets came overhead and dropped their bombs all around us, about 11 a.m. Some of the fragments from a bomb hit one of my daughters, aged 9, in the head. Other fragments hit another of my daughters, aged 4, in the side. They both died soon after.

Neighbors: This is a 13-year-old novice monk. He is from Ban Na O. He was playing around near his home about 5 p.m. one day in 1968. Suddenly planes came over and dropped napalm. He was burned.

Village Chief: This girl is 3 years old. In March, 1969, jets came over our village. This girl was being carried by her 9-year-old sister. It was about 9 a.m. The jets came over suddenly. The older sister began running for a trench carrying her little sister. But she didn't make it. A big bomb exploded and the little girl was hit by the fragments. She was wounded in her chest, stomach and abdomen.

Thao Siphan's Father: This is my son, Thao Siphan. He is six years old. He lost the fingers of his hand in a jet bombing raid on July 1, 1969. We were hiding in a shelter out in the forest. The jets, four of them, bombed about 11 a.m., dropping 24 bombs. Some of the bombs fell nearby and my son was hit, together with four others. Two of them were wounded. And two, a 56-year-old man, and a 7-year-old girl, were killed. My son is still terribly scared of Americans. He's afraid they'll hurt him again.

Mr. GRAVEL. Mr. President, I also ask unanimous consent to have printed in the Record an article published in today's Washington Post entitled "Five Saigon Defense Aides Fired After Probe of Soldiers' Fund"—which is on the point I made earlier.

There being no objection, the article was ordered to be printed in the Record, as follows:

Five Saigon Defense Aides Fired After Probe of Soldiers' Fund

(By Peter Osnos)

Saigon, March 23.—South Vietnam's Minister of Defense, Nguyen Van Vy, has submitted his resignation and five of his closest aides have been fired in a potential scandal involving the possible misuse of millions of dollars in a servicemen's fund.

The five officials—four colonels and a civilian—were the administrators of the Mutual Aid and Savings Fund for Soldiers, which draws 25 cent involuntary allotments from each soldier's paycheck.

The fund, established after the Tet offensive in 1968, has a total value approaching $10 million.

Vy himself has not been accused of any wrongdoing, but informed Vietnamese sources said he offered his resignation to President Nguyen Van Thieu at a meeting this morning after learning that his subordinates had been sacked.

It was not clear tonight whether the resignation will be accepted. Vy has been Defense Minister since Nov. 9, 1967.

No specific charges have been filed against the five Defense Ministry officials, but they have been subjected to bitter criticism recently in the local press, including an official army newspaper, for their handling of the fund.

The Mutual Aid and Savings Fund for Soldiers is intended to benefit the low-paid soldiers by putting their money to work in businesses and a bank controlled by the army as well as investing it in private business and financial institutions.

The fund has established a Bank of Industry and Commerce, which is to be housed in an impressive skyscraper under construction in downtown Saigon and has invested in, among other things, construction and canning companies.

Plans are for the returns to be used in social welfare programs for the families of the 1 million men in uniform and provide them with a sum of money if the soldiers are killed, disabled or discharged.

In addition, the investments are supposed to stimulate sluggish Vietnamese industry and eventually provide the jobs that will be necessary when the war ends and hundreds of thousands of men are demobilized.

"Basically it's a good idea," commented an official at the American embassy. "The Vietnamese are anxious to get the economy out of the hands of the local Chinese and remember, a lot of these officers would be in business if it weren't for the war."

Thus far, however, the soldiers complain they have not benefitted from the fund although some money—it is not known how much—has been distributed to orphans, widows and the severely disabled.

For the most part, the soldiers asserted through the press, their monthly contributions have been used to bring profits to a small number of people that manage the investments.

The soldiers also claim that they have no say in how their money is being used.

For example, they say they are not getting the best interest rate available from the banks. Last year interest for the soldiers was 10 per cent, compared to the 20 per cent offered depositors at commercial banks.

Even this money is not available to the soldiers until they are released from the army and so long as the fighting goes on few of them will be unless they are badly wounded.

"Soldiers are told they will share the profits," one Vietnamese journalist wrote tonight, "but up to now they have not done so."

The complaints have become so insistent that Vice President Tran Van Huong, who is conducting the Saigon government's latest anti-corruption drive, earlier this month ordered the mandatory contributions suspended pending the outcome of the investigation.

One suggestion made by American officials, who acknowledge they are not fully informed on the situation, in that the sacking of the defense ministry officials are related more to differences in policy than to direct evidence of graft.

"These fellows may just have been moving too slowly in getting the money turned around," one source said.

Beyond the question of how the fund is being handled is the issue of whether the military should be involved in business at all. Some critics have said that the army already plays too large a role in Vietnamese life without taking a growing part in the economy.

Mr. GRAVEL. Mr. President, it is clear that we do not have to be privy to Pentagon documents or secrets. Just read the daily newspapers, such as this article by Peter Osnos. The five Saigon defense aides were fired after a probe of a soldier's fund, which shows the corruption that exists within the Army of South Vietnam, corruption which is in a sense caused by the American taxpayers, because they pay this money.

Mr. President, let me close by mentioning that the bill which has just been introduced will also be introduced in the House today, concurrently with this one, by 30 or more Representatives who are joining us in this effort.

As a result of the rules of the Senate of this parliamentary body, 34 Senators could stop this war.

Mr. President, from the feasibility point of view, the war could be ended if 34 Members of this body chose to end the war.

As was so ably stated by my colleague from Minnesota, Mr. Mondale, what is going on is carnage, a carnage in a proportion that some of us find difficult to believe and difficult to see why it is not understood by the leadership of this country and something done about it. This body could do it. A minority of this body could do it. I hope that this piece of legislation introduced today will discipline, in this election year, all of those seeking office. So often, in the course of 2-year, 4-year, or 6-year term, actions take place and people vote on something, and there is no accountability because the election is far distant. This piece of legislation will be here to act as a tool of accountability.

I hope that those Americans throughout the country who are concerned about the immorality of the collective action of this Nation will attend political meetings wherever there is a politician or wherever there is a candidate, and ask them this very simple question, "Do you want to end the war?" Put aside the rhetoric of presidential power. Put aside the rhetoric of convenience. Put aside the rhetoric of ego and put aside the platitudes and pontifications. Ask them the very simple question, "Do you want to end the war?"

If we do want to end the war, then we have got a chance in this piece of legislation to do it.

Ask them, "How do you stand?" If the candidate does not stand for ending the war as provided by this simple and clear proposal, then I would hope that those Americans who do choose to end the war will not vote for those individuals, because they do not deserve to occupy a high position in the government of this country.

By Mr. ALLOTT (for himself, Mr. Stafford, Mr. Tower, and Mr. Cranston):

S. 3410. A bill to amend chapter 5, United States Code, to revise the special pay structure relating to members of the uniformed services, and for other purposes. Referred to the Committee on Armed Services.

UNIFORMED SERVICES SPECIAL PAY ACT OF 1972

Mr. ALLOTT. Mr. President, 9 months ago we were involved in a divisive debate about what was at that time an unpleasant necessity—the conscription of young American men into the armed services. One year from now we may be on the brink of another such divisive debate.

I hope that can be avoided. I think it can be, if we act sensibly now.

If we act now to anticipate and solve the problems of transition to an all-volunteer Armed Force, there is a good chance that we can end the draft when the current draft law expires June 30, 1973. For that reason today I am sending to the desk a bill, the Uniformed Services Special Pay Act of 1972.

This act has been drafted in close consultation with the Department of Defense. More than 2 months of staff work has gone into refining this act.

The Secretary of Defense, Mr. Laird, supports this act. In a letter to me he says:

> I consider the bill to be a sound approach for addressing the personnel supply needs of the Department of Defense as we move to an All-Volunteer Armed Force.

And he adds that—

> We wholeheartedly endorse it.

I ask unanimous consent to have Mr. Laird's letter of support printed in the RECORD at the conclusion of my remarks.

In addition, I have discussed this act with Mr. George Shultz, the Director of the Office of Management and Budget. I ask unanimous consent to have this letter of support for this act along with a copy of the bill printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

(See exhibits 1, 2, and 3.)

Mr. ALLOTT. Mr. President, the various measures incorporated in this act will cost $198.7 million in fiscal year 1973. Fortunately, the money is at hand, because the new budget contains $376.4 million to finance pay increases along the lines of last year's second Allott amendment.

I propose to use $198.7 million of that to finance the measures incorporated in this act, and to urge that the remaining $177.7 million be saved.

It is with great satisfaction that I report my conclusion, arrived at after much deliberation, that we can effect a substantial saving while making substantial progress toward ending the draft. To understand why this is so, one must understand where we are, and where problems remain.

THE AIM OF THE ACT

The Uniformed Services Special Pay Act of 1972 is the second and, we may hope, the final step in achieving a zero-draft environment.

Last year the Congress took a giant step toward creating conditions under which we can responsibly rely on volunteerism to meet our manpower needs. It did this by voting a $2.4 billion increase in military pay. This increase raised the previously underpaid ranks into a position of near parity with comparable civilian employees.

Senators will recall that last year both bodies voted pay increases in excess of $2.7 billion. There was some dispute about the wisdom of some of the cuts whereby the conference committee resolved the differences between the House and Senate pay plans. Some of us questioned the cuts because, at that time, the President had not decided to grant the January 1, 1972, cost-of-living increase to the military.

Fortunately, the President did grant that increase. As a result, compensation for all ranks now is very close to what would have been achieved last fall had the second Allott amendment—designed to restore the roughly $380 million cut by the conference—prevailed. As a result of the cost-of-living increase, compensation now is very close to the original Gates Commission recommendations, and the objectives sought by the Allott amendment as of last November 14 have been almost totally achieved. Only at the E–1 level—a position retained for less than 4 months generally—and the O–1 and O–2 levels is the pay now lower—and only slightly—than what the Allott amendment stipulated. Thus, it is now possible to change the focus of our efforts at encouraging volunteerism. Across-the-board pay increases, designed to increase the level of enlistments across the board—unselectively, are no longer crucial.

Last year's pay raise has been effective. The increase in the rate of enlistments, combined with the gratifying decrease in the total manpower needs of the Armed Forces, now leaves us with a different task. This new task, while much less expensive, is every bit as crucial. This is the task of providing cost-effective means of anticipating and preventing shortrun shortfalls in particular areas and regarding particular skills.

This task will be especially crucial during the vital transition period. Assuming that the draft ends June 30, 1973, we can expect this period to come during fiscal year 1974. At that time we can expect draft-motivated enlistees to leave the services at a high rate during the next year. Increased compensation and improved quality of service life will not have reached full effectiveness in attracting volunteers. For these and other reasons, we can expect the transition period to be one in which the services will need an effective means of adjusting to some short-falls. The four programs incorporated in this act are designed to provide this effective means.

In addition, these programs will be useful and necessary beyond the transition period. Even when the all-volunteer Armed Forces is firmly established, there will still be certain skills and professions which demand a premium because they are in short supply in both the military and civilian sectors. This is a dynamic problem. Over time, skills requiring a premium will change as well as the level of the premium necessary for a specific skill. In order to satisfy its requirements in competition with other claimants for the Nation's manpower, the DOD needs several kinds of incentive programs to attract and retain members with special qualifications and skills.

The incentives most suitable are special pay programs directed toward specific volunteers who give a service commitment for a stipulated number of years. Such special pay should be viewed as a prepaid wage differential based on the qualifications of the individual and the needs of the Armed Forces.

Such pay will be attractive to the individual. It will provide him a guaranteed amount, offered in a lump sum, of sizable amount. In addition, special pay best suits the DOD's needs because it is cost effective. It can be readily started, stopped or modified to meet changing needs of the Armed Forces for quantity, quality, and experience level of members in specific skills. Special pay programs are a traditional military compensation tool, and recent experience with variable pay administered in the manner envisioned for the future has proven very successful.

The following are the four special pay programs which the DOD will need to satisfy its manpower needs in a zero-draft environment:

First. Enlistment special pay: Expand the current legislative authority to include volunteers for skills other than the combat elements.

Second. Special pay for Selected Reserve Forces: Authorize payment for enlistment and reenlistment for members of the Reserve Forces.

Third. Special pay for officer retention: Authorize payment to officers in special skills or professions who are in critical supply. One payment authority is designed for members of the Medical Corps and a second and lower payment authority is designed for officers in other skills or professions.

Fourth. Selective reenlistment payment: Amend present legislaton to authorize a more cost-effective use of current enlisted retention incentive by offering special pay in selected skills only, increasing the ceiling on payment amounts, and permitting payments to be paid at other points in an enlisted career in addition to the first reenlistment.

COST ANALYSIS

The special pay principle offers the most cost effective means of meeting the anticipated selective manning requirement problems because of the inherent flexibility of its provisions. It may be varied in amount, skill, point of application. In addition it may be readily terminated. The following table provides a comparison of cost estimates for the special pay programs and the alternative basic pay package:

Cost comparisons of proposed payment package and alternative basic pay proposal, fiscal year 1973

[In millions of dollars]

Special pay program cost in addition to present program costs:	
Enlistment special pay	46.5
Reserve Forces special pay	82.2
Officer retention special pay for—	
Health professions	28.0
Lawyers, nuclear trained officers, new skill categories	27.0
Subtotal	55.0
Selective reenlistment special pay	15.0
Total	198.7
Alternative basic pay proposal	376.4
Difference	177.7

At this point it will be useful to examine in more detail the nature and cost of the four programs.

1. ENLISTMENT SPECIAL PAY

This will involve amending the relevant provisions of the recently passed draft act to expand entitlement to special pay to those additional volunteers who enlist for at least 3 years in skills other than combat elements. This amendment would remove the existing limitation which allows only those individuals in combat elements to receive a payment of up to $3,000.

Existing pay rates will attract most of the volunteers required to man most military skills. However, certain selected skills may require an additional incentive to attract the necessary volunteers. The skills requiring special pay, and the amount of pay required, will vary over time. Since it is not possible to predict the attraction incentive required, a cost effective program will involve varying the amounts of special pay, and the skill categories to which it attaches.

The cost will vary depending on the

critical shortages faced by the Armed Forces. It is estimated that for fiscal year 1973 an additional $46.5 million will be required to allow payment to selected critical skills other than combat elements.

2. SPECIAL PAY FOR RESERVE/GUARD FORCES

This will provide enlistment and reenlistment incentives for qualified volunteers in the Selected Reserve of the Guard and the Reserve. The enlistment or reenlistment payment ranges up to a maximum payment of $1,100 for a 6-year enlistment or reenlistment for individuals in non-critical skills. The enlistment or reenlistment incentive would be selectively offered to satisfy critical skill shortages, ranging up to a maximum payment of $2,200 for a 6-year enlistment or reenlistment. Payments would be graduated on a percentage of years of reenlistment contracted. The lifetime sum of payments per individual would be limited to $3,300. The incentive is directed at prior service personnel as well as completely new volunteers in this program.

Under the total force concept the Reserve and Guard will be the initial and primary sources for augmentation of the active forces in any future emergency. Consequently, full manning of the Selected Reserve units is critical to the national security, and termination of the draft will make this objective more difficult to attain. Early indications of shortfalls in the strength of selected reserve units are causing concern to the DOD, and the leading military authorities in the Congress. Therefore, these financial incentives are needed if the DOD is to achieve its manpawer goals.

It is estimated that the fiscal year 1973 cost of this proposal is $82.2 million, of which $59.2 million would be spent on the reenlistment bonus and $23 million on the enlistment special payment.

3. SPECIAL PAY FOR OFFICER RETENTION

This will provide special pay to an officer of the several services possessing a special skill designated vital and scarce by the Secretary.

It may be paid in addition to other pay and allowances to which that officer is entitled in an amount not to exceed $4,000 for each additional year beyond his initial service commitment that he agrees to remain on duty except in the case of a medical, dental or other health specialist who may be paid an amount not to exceed $17,000 for each additional year.

We need a more cost effective application of monetary retention incentives to meet the selective officer manning problems anticipated in the all-volunteer force environment. The zero-draft environment will require alert, precise responses to acute officer retention problems.

On occasion we have required officers desiring to depart from active duty to continue past their period of obligation to man our nuclear submarines and strategic aircraft. This is not an adequate solution to such problems. The 1971 Quadrennial Review of Military Compensation revealed that there is no question that improvement is necessary to meet our requirements in the medical field. In addition, prior to the review shortages in other officer categories had been identified by the DOD. This act would allow the Secretary of Defense to respond immediately to the retention problems at any career point in the medical, legal, nuclear-trained submarine officer, or other high-cost training investment skill. As a selective retention problem is alleviated the payment amount may be reduced or terminated immediately by the Secretary of Defense.

If the Secretary of Defense used the maximum payment in the medical field, the average annual cost would approach $110 million. However, it is estimated that offsetting costs through termination of the present continuation pay—$20 million annually—and strength reductions would result in a first-year incremental-cost increase of $28 million. Additional average annual cost of implementing the proposed payments for law specialists approaches $4 million.

There would be no additional cost for nuclear-trained submarine officers in fiscal year 1973 since they are presently receiving retention payments at an annual cost of about $3 million. Problems in other officer skill categories could potentially arise in the zero-draft environment resulting in cost modifications.

4. SELECTIVE REENLISTMENT PAYMENT

This will combine the regular reenlistment bonus and the variable reenlistment bonus—VRB—payments into a selective reenlistment payment. This payment will go to reenlistees in critically manned skills at the problem reenlistment point. The maximum payment will be $15,000.

The regular reenlistment bonus is paid to all reenlistees. Approximately 25 percent of this bonus is paid to reenlistees serving in skills manned in excess of 100 percent of requirements. This accounts for an annual waste of about $40 million. The variable reenlistment bonus, although paid only to individuals serving in undermanned skills, can be paid only for the first reenlistment. Since many reenlistment deficiencies occur beyond the first reenlistment, the VRB does not effectively solve the DOD's retention problems. By combining both these retention incentive programs into a selective reenlistment payment, the DOD can selectively place the proper incentive amount in critically manned skills and at the problem reenlistment point. This will allow for the maximum return on the retention dollar spent.

Additionally, the implementation of the selective reenlistment payment will allow for an attractive second reenlistment incentive to solve critical retention problems similar to those presently experienced by the Navy in the area of nuclear-trained petty officers.

The fiscal year 1973 retention program composed of the regular reenlistment bonus and the variable reenlistment bonus is budgeted for $419.7 million. By inaugurating the selective reenlistment payment, the regular reenlistment bonus program would be phased out. This phaseout would shift retention dollars from a less effective retention incentive to a more efficient program. This improved efficiency would satisfy the immediate DOD retention needs of an all-volunteer environment. Therefore the only costs involved in implementing the selective reenlistment payment would be approximately $15 million for transition costs.

CONCLUSION

Mr. President, this is the program which the Department of Defense wants, which the Office of Management and Budget endorses, and which the country needs. It is easy to understand why this is so.

The DOD is under the gun from two directions. It has a mandate to achieve the capability to meet its manpower needs without conscription. And its budget is under intense pressure. Thus the DOD, from the Secretary on down, has been happy to cooperate with us in arriving at a cost-effective program that will help it fulfill its mandate while easing budgetary pressures. We want to thank all those at the DOD who have been responsive to us while we were working on this bill.

The OMB is the world's foremost authority on all kinds of budgetary pressures. It is the storm center of the keen competition for our scarce resources. Naturally the OMB is pleased with any improvement in cost effectiveness. It is anxious to achieve the administration's goal of an all-volunteer armed force, which itself promises substantial long-run savings. In addition, the OMB is pleased to find an implicit savings of $177.7 million involved in submission of this act.

Finally, Mr. President, this is an act which the Nation needs. There is no subject on which there is more widespread agreement than the desirability of ending the draft. Young men, their parents and loved ones, in every section of this Nation, desire a return to the traditional American reliance on volunteerism.

I have said repeatedly that I do not know if we can achieve an all-volunteer armed force now. But I also have said repeatedly that we owe it to our young people—and to ourselves—to try.

Too often we find ourselves responding to events. This is our chance to master events. If we pass this now, we shall all have a more pleasant time in the spring and summer of 1973.

The Uniformed Services Special Pay Act of 1972 is the right measure, at the right time, for the right objective. I hope it will receive prompt attention, broad support, and swift passage.

EXHIBIT 1

THE SECRETARY OF DEFENSE,
Washington, D.C., March 22, 1972.

HON. GORDON ALLOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLOTT: I have reviewed your proposed bill, the "Uniformed Services Special Pay Act of 1972," which was drafted in close consultation with the Department of Defense.

I consider the bill to be a sound approach for addressing the personnel supply needs of the Department of Defense as we move to an all-volunteer Armed Force. It would provide the authority and flexibility needed to meet our principal manning problems, both in the active forces and in the Reserve components.

With the passage of P.L. 92-129 which amended the Military Selective Service Act of 1967, the Congress provided military pay rates reasonably competitive with pay in the civilian economy. By its action the Congress eliminated the serious inequities previously identified with Service pay, particularly for the first-term personnel.

Your bill would enable us to deal more effectively with the critical personnel shortages in the National Guard and Reserve Forces, which are 50,000 below the strength levels mandated by the Congress. There is no indication that these shortages can be overcome, or further supply shortages in the Reserve Forces avoided, without the special pay authority provided in your bill.

In addition, your bill reflects recognition of the fact that certain skills and professions may command a premium at any time because they are in short supply. The skills requiring such a premium will change over time, as will the level of the premium necessary to attract a sufficient supply of qualified candidates.

The incentive most suitable for Department of Defense needs is a flexible special pay authority paid to specific volunteers in return for a service commitment for a stipulated number of years. In this light the special pay may be viewed as a prepaid wage differential based on the qualifications of the individual and the needs of the Armed Forces.

As you know, there is under consideration a bill to provide a significant system of Sea Pay. Such a program is needed to compensate enlisted and officer members for long deployments at sea. Legislation in support of this program will be considered separately.

We appreciate the opportunity to comment on your proposed bill, and we wholeheartedly endorse it.

Sincerely,

MELVIN R. LAIRD.

EXHIBIT 2

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., March 23, 1972.

Hon. GORDON ALLOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLOTT: The Office of Management and Budget has reviewed the proposed Uniformed Services Special Pay Act of 1972 which you have prepared with the assistance of the Department of Defense.

We consider it to be a desirable approach to providing the legislative authorities required to fill the gaps we anticipate will occur in the manning of the Armed Forces as we move away from the draft toward an All-Volunteer Armed Force.

We believe that in the consideration of this bill by the Congress, special attention should be given to the officer retention bonus for the health professions. Although the all volunteer principle requires that compensation recognize the higher income enjoyed by health professionals in the private sector, it is nonetheless important in determining the amount and incidence of the bonus to consider its impact on the supply of health professionals to the rest of the Federal Government and on the health services component of the President's economic stabilization program.

Enactment of your bill would be in accord with the program of the President. The costs of this measure are well within the amounts planned in the FY 1973 budget for volunteer force legislative proposals.

Sincerely yours,

GEORGE P. SHULTZ,
Director.

EXHIBIT 3

S. 3410

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Uniformed Services Special Pay Act of 1972".

SEC. 2. Chapter 5 of title 37, United States Code, is amended as follows:

(1) Section 302 is amended to read as follows:

"§ 302. Special pay: physicians and dentists

"An officer of the Army or Navy in the Medical or Dental Corps, an officer of the Air Force who is designated as a medical officer or dental officer, or a medical or dental officer of the Public Health Service, who is on active duty for a period of more than 30 days is entitled, in addition to any other pay or allowances, to special pay at the following rates—

"(1) $100 a month for each month of active duty if he has not completed two years of active duty in a category named in this section; or

"(2) $350 a month for each month of active duty if he has completed at least two years of active duty in a category named in this section.

The amounts set forth in this section may not be included in computing the amount of an increase in pay authorized by any other provision of this title or in computing retired pay or severance pay."

(2) Section 308 is amended to read as follows and the analysis item for that section is amended to correspond with the revised catch-line:

"§ 308. Special pay: reenlishment

"(a) A member of a uniformed service who—

"(1) has completed at least 21 months of active duty (other than for training);

"(2) is designated as having a critical military skill; and

"(3) reenlists or voluntarily extends his enlistment in a regular component of the service concerned for a period of at least three years;

may be paid a sum of money, not to exceed six months of the basic pay to which he was entitled at the time of his discharge or release, multiplied by the number of years or the monthly fractions thereof, of additional obligated service, not to exceed six years, or $15,000, whichever is the lesser amount.

"(b) Payments authorized under this section may be made in either a lump sum or in installments.

"(c) For the purpose of computing the reenlistment payment in the case of an officer with prior enlisted service who may be entitled to a payment under subsection (a) of this section, the monthly basic pay of the grade in which he is enlisted, computed in accordance with his years of service computed under section 205 of this title, shall be used instead of the monthly basic pay to which he was entitled at the time of his release from active duty as an officer.

"(d) A member who voluntarily, or because of his misconduct, does not complete the term of enlistment for which a payment was made to him under this section shall refund that percentage of the payment that the unexpired part of his enlistment is of the total enlistment period for which the payment was made.

"(e) This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction, and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy."

(3) Section 308a is amended to read as follows and the analysis item for that section is amended to correspond with the revised catch-line:

"§ 308a. Special pay: enlistment

"(a) Notwithstanding section 514(a) of title 10 or any other provision of law, a person who enlists in an armed force for a period of at least three years, or who extends his initial period of active duty in that armed force to a total of at least three years, may, under regulations to be prescribed by the Secretary of Defense, or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, be paid an amount prescribed by the Secretary concerned, but not more than $3,000. The payment may be paid in a lump sum or in equal periodic installments, as determined by the Secretary.

"(b) Under regulations approved by the Secretary of Defense, or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a person who voluntarily, or because of his misconduct, does not complete the term of enlistment for which a payment was made to him under this section shall refund that percentage of the payment that the unexpired part of his enlistment is of the total enlistment period for which the payment was made."

(4) Section 311 is amended to read as follows and the analysis item for that section is amended to correspond with the revised catch-line:

"§ 311. Special pay: continuation pay for physicians and dentists of the Public Health Service who extend their service on active duty

"(a) Under regulations to be prescribed by the Secretary of Health, Education, and Welfare, a medical or dental officer of the Public Health Service who—

(1) is serving on active duty in a critical specialty designated by the Secretary;

(2) has completed his initial active duty obligation; and

(3) executes a written agreement to remain on active duty for at least one additional year;

may be paid not more than four months' basic pay at the rate applicable to him when he executes that agreement for each additional year that he agrees to remain on active duty. Pay under this section shall be paid in equal annual or semiannual installments as determined by the Secretary in each additional year covered by an agreement to remain on active duty. However, in meritorious cases, the pay may be paid in fewer installments if the Secretary determines it to be in the best interest of the officer.

"(b) An officer who does not serve on active duty for the entire period for which he was paid under this section shall refund that percentage of the payment that the unserved part of the period is of the total period for which the payment was made.

"(c) The Secretary shall submit a written report each year to the Committees on Armed Services of the Senate and House of Representatives regarding the operation of the special pay program authorized by subsection (a) of this section and, whenever such special pay program is to be continued in operation, such report shall include the justification for continuing such program. The report under this section shall be made on a calendar year basis and submitted not later than April 1 of the succeeding calendar year."

(5) The following new section is added after section 311 and a corresponding item is inserted in the analysis:

"§ 311a. Special pay: officers of armed forces in health professions who execute active-duty agreements

"(a) Under regulations prescribed by the Secretary of Defense, an officer of an armed force who—

"(1) is qualified in a critical health profession;

"(2) is determined by a board, composed of officers in his profession, under criteria prescribed by the Secretary of Defense, to be qualified to enter into an active duty agreement for a specified number of years; and

"(3) executes a written agreement to remain on continuous active duty for the numbers of years specified;

may, upon acceptance of the written agreement by the Secretary concerned or his designee, and in addition to any other pay or allowances to which he is entitled, be paid an amount not to exceed $17,000 for each year of the active duty agreement. Upon acceptance of the agreement by the Secretary concerned or his designee, and subject to subsection (b) of this section, the total amount payable becomes fixed and may be paid in annual, semiannual, or monthly installments, or in a lump sum after completion of the period of active duty specified in the agreement, as prescribed by the Secretary concerned.

"(b) Under regulations prescribed by the Secretary of Defense, the Secretary concerned, or his designee, may terminate, at any time, an officer's entitlement to the special pay authorized by this section. In that event, the officer is entitled to be paid only for the fractional part of the period of active duty that he served, and he may be required to refund any amount he received in excess of that entitlement.

"(c) Under regulations prescribed by the Secretary of Defense, an officer who has received payment under this section and who fails to complete his agreed period of active duty may be required to refund the amount received.

"(d) This section does not alter or modify any other service obligation of an officer. Completion of the agreed period of active duty, or other termination of an agreement, under this section does not entitle an officer to be separated from the service, if he has any other service obligation.

"(e) The Secretary of Defense shall submit a written report each year to the Committees on Armed Services of the Senate and House of Representatives regarding the operation of the special pay program authorized by this section. The report shall be on a fiscal year basis and shall contain—

"(1) a review of the program for the fiscal year in which the report is submitted; and

"(2) the plan for the program for the succeeding fiscal year.

The report shall be submitted not later than May 13 of each year, beginning in 1973."

(6) Section 312 is repealed and the corresponding item in the analysis is stricken.

(7) The following new sections are added after section 311a and corresponding items are inserted in the analysis:

"§ 313. Special pay: officers of armed forces who execute active-duty agreements

"(a) Under regulations to be prescribed by the Secretary of Defense, or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, an officer of an armed force who—

"(1) is entitled to basic pay;

"(2) has completed at least two, but not more than 11 years of active service;

"(3) is designated by the Secretary concerned as an officer possessing skills in a critical shortage specialty and whose retention on, or voluntary recall to, active duty would be of benefit to the United States;

"(4) is not receiving special pay under Section 302, 302a, 303, or 311a of this title; and

"(5) executes a written agreement to serve on continuous active duty as an officer in that specialty for a period of not less than one year, but not more than six years, in addition to any other period of active duty for which he is obligated;

may be paid, in addition to all other compensation to which he is entitled, a sum of money not to exceed $4,000 for each year of the active service agreement.

"(b) The total amount payable under subsection (a) of this section may be paid in either a lump sum or in installments over the life of the agreement. However, if an agreement is made before the expiration of the officer's initial period of obligated service, he may be paid at the beginning of—

"(1) the last year of that period; or

"(2) the fourth year of that period, if he has an obligated period of four or more years.

"(c) An officer who voluntarily, or because of his misconduct, does not serve on active duty for the entire period for which he was paid under this section shall refund that percentage of the payment that the unserved part of the total active-duty period for which the payment was made.

"(d) This section does not alter of modify any other service obligation of an officer. Completion of the agreed period of active duty, or other termination of an agreement, under this section does not entitle an officer to be separated from the service, if he has any other service obligation.

"§ 314. Special Pay: participation in the Selected Reserve of the Ready Reserve of an armed force

"(a) A person is entitled to special pay computed under subsection (b) of this section if—

"(1) he—

"(A) has not previously been a member of an armed force or a Reserve component thereof; or

"(B) has served in the armed forces—

"(i) on active duty (other than for training) for at least two years unless sooner released because of a reduction in force; or

"(ii) on active duty (for training or for other than training) for a period which, when added to his period of satisfactory participation in the Selected Reserve of an armed force, would qualify him for discharge or transfer from the Selected Reserve of that armed force; and

"(2) he is accepted for enlistment, reenlistment, or extension of enlistment in a unit of the Selected Reserve of an armed force, and if a former member of an armed force or a Reserve component thereof is in a pay grade above E–2; and

"(3) he agrees to remain a member of the Selected Reserve of an armed force for a period of not less than—

"(A) three years, if he has not previously been a member of an armed force, or a Reserve component thereof; or

"(B) one year, if he has previously served in the armed forces under any of the conditions specified in clause (1)(B) of this subsection.

"(b) The amount of special pay to which a person covered by subsection (a) is entitled is—

"(1) for those possessing critical military skills, as determined by the Secretary of Defense, or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy—

"(A) up to $2,200 for a six-year enlistment, reenlistment, or extension of enlistment period; or

"(B) for a lesser enlistment, reenlistment, or extension of enlistment period, 10 percent of the total for one year, 22 percent of the total for two years, 37 per cent of the total for three years, 54 percent of the total for four years, or 75 percent of the total for five years; or

"(2) for those not covered by clause (1) of this subsection—

"(A) up to $1,100 for a six-year enlistment, reenlistment, or extension of enlistment period; or

"(B) for a lesser enlistment, reenlistment, or extension of enlistment period, the same formula as that prescribed in clause (2)(B) of this subsection.

"(c) A person may not enlist or reenlist in the Selected Reserve of an armed force for the purpose of receiving special pay under this section for a period of more than six years at any one time.

"(d) Special pay authorized under this section—

"(1) may be paid in a lump sum or installments;

"(2) is in addition to any other pay or allowance to which the person is entitled;

"(3) is payable for any period of enlistment, reenlistment, or extension of enlistment in a unit of the Selected Reserve of an armed force which, when added to the person's initial period of military service as described in subsection (a)(1)(B)(i) and (ii) of this section, does not exceed a total period of 12 years of service computed under section 1332 of title 10; and

"(4) may not exceed a total of $3,300.

"(e) A member who voluntarily, or because of his misconduct, does not complete the period of service for which he received special pay under subsection (b) of this section shall refund that percentage of special pay that the unexpired part of his reserve enlistment or reenlistment is of the total period of service for which a payment was made.

"(f) This section shall be administered under regulations prescribed by the Secretary of Defense, and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy."

SEC. 3. Notwithstanding section 308 of title 37, United States Code as amended by this Act, a member of a uniformed service on active duty on the effective date of this Act, who would have been eligible, at the end of his current or subsequent enlistment, for the reenlistment bonus prescribed in section 308(a) or (d) of that title, as it existed on the day before the effective date of this Act, shall continue to be eligible for the reenlistment bonus under that section as it existed on the day before the effective date of this Act.

SEC. 4. Notwithstanding the repeal of section 312 of title 37, United States Code, by section 2(6) of this Act, an officer of the naval service who was entitled to special pay under that section on the day before the effective date of this Act, and who has received installment payment thereunder, shall continue to receive the remaining special pay installments due under that section, if he remains in active submarine service for the period stated in the agreement. An officer of the naval service who has executed a written agreement to remain in active submarine service, and who has not received payment under that section, may be paid under that section, or section 313 of that title, as added by section 2(7) of this Act.

SEC. 5. Section 207 of the Career Compensation Act of 1949, as amended (70 Stat. 338), is repealed.

SEC. 6. This Act becomes effective on July 1, 1972, except that section 314 of title 37, United States Code, as added by section 2(7) of this Act, becomes effective on the date prescribed by the Secretary of Defense, but not earlier than April 1, 1972.

Mr. STAFFORD. Mr. President. In 15 months and 8 days, the President's draft authority will expire and we will have an all-volunteer Armed Force. This Nation will have achieved a goal for which we have been working since 1967.

I say this, not in unrestrained optimism, but in near certainty. Both Congress and the administration have taken strong measures to end reliance on the draft. And while there may be slight difficulties recruiting special categories of men, I am convinced that this Congress and the administration will take whatever steps are necessary to insure the success of the volunteer Armed Force. The bill we are filing today is one of those steps.

In addition, I expect the President

and the Department of Defense to take those steps necessary at the operational level to insure that every effort is being made to meet our goals of attracting and retaining sufficient numbers of the highest quality manpower to meet the needs of national defense. With a fair effort there will be no need to extend the draft beyond June of 1973.

Mr. President, I would like to take a few moments to discuss some of the efforts made by this administration to end reliance on the draft, and some of the current operational difficulties we are facing. I will then put into perspective the need for the legislation we are filing today.

AN ENERGETIC GOVERNMENT

Led by the project volunteer task force in the office of the Assistant Secretary of Defense, the services have initiated a broad range of programs designed to improve service life and to attract true volunteers into the military.

Assistant Secretary of Defense for Manpower and Reserve Affairs, Roger Kelley recently noted several signs of progress. He indicated that:

Seven out of 10 enlistees were true volunteers in the last 6 months of calendar year 1971, compared to a ratio of 6 out of 10 a year ago, and 5 out of 10 2 years ago.

In the final 6 months of last year 25,000 more true volunteers enlisted than in the same period in 1970.

The mental abilities of enlistees as measured by the results of the Armed Forces qualifications tests, were better in 1971 than in 1970. Also, 12 percent more high school graduates enlisted than in 1970.

Combat arms enlistments in the Army increased from a monthly average of 250 in the last half of 1970 to 3,000 in the last half of 1971—an increase of 1,200 percent.

While it is still too early to measure the response to the pay raises passed by Congress last November, early indications are that true volunteer enlistments are up approximately 30 percent.

Some of the success shown by these figures must be attributed to the initiatives of the services—actions which cover a wide area. Education is a prominent one, for instance. We have known for some time that the opportunity for education and training has been the foremost attraction for a large proportion of true volunteers. And inservice training rebounds to the services in a more highly skilled technician and a better trained soldier.

The fiscal year 1973 budget provides funds for an increase in the Navy and Marine Corps associate degree program, Air Force's inservice tuition aid and counseling, and Air Force senior NCO professional military education. Funds in the past have been spent on expansion of offduty educational programs and increased use of educational counselors.

One of the most innovative actions taken to date has been the development of the "Community College of the Air Force" which will function to gain regional recognition and accreditation of the service's technical training courses by the associations of colleges and universities, thus giving the individual a head start upon his return to the civilian sector. When the other forces follow this initiative, the educational opportunities of the services will be even more attractive.

Contract hire of civilians for detail, custodial or KP activities has been an extremely successful initiative. Not only has it permitted additional training time, but removed what potential volunteers and actual recruits have shown in every survey to be the greatest irritant in military life.

In the Army alone, some 2,700 low-wage-rate or contract civilians have permitted some 3,300 soldiers to return to their primary military occupational duty. The savings in dollars is matched, I am sure by the increase in morale. The effects on retention of such a practice are yet unknown, but preliminary results show a substantially increased retention rate for the Army's first termers.

Modernizing the recruiting system is, of course, receiving special attention. The services, with the exception of the Navy, have done a commendable job.

The Army has just surpassed its fiscal year 1972 goal for number of recruiters in the field. The Marine Corps and Air Force are effectively at 100 percent already. The number of recruiting stations has increased substantially, including many colocations between the services where more effective use of space has produced a savings.

There has also been a long overdue improvement of living quarters, an increase in ROTC scholarships and subsistance funds for attracting the highest quality officers, and money in this year's budget for the Platoon Leaders Corps program in the Marines.

Noncost improvements have a prominent place in the move for an all-volunteer armed force. The most publicized have been those changes made by the Chief of Naval Operations Admiral Zumwalt.

They include among others some 168 "Standards of Service" published to improve service at commissaries, exchanges, and the like, action line telephones to permit anyone to suggest improvements in the Navy, establishment of 15 minutes as the maximum waiting time in lines, maximum of 2 weeks processing time for claims, permission for 30 days' leave with permanent change of station orders, and dozens of others.

The Army's initiatives stem in many instances from an energetic team working directly with General Westmoreland. SAMVA—for special assistant modern volunteer army—has been the initiator, promoter, and watchdog for much of the change within the Army.

Gen. George Forsythe and his deputy, Gen. Robert Montague are getting to be two of the best known in the Army for their activism and devotion to a three-part policy: First. Strengthening professionalism by building positive incentives to give superior service; second, improving Army life by reducing the negative aspects of service, the known sources of dissatisfaction; and third, upgrading the Army's recruiting system.

In a very real sense, the success of this team has meant the initial success of modernizing and professionalizing the Army. I personally will be watching their efforts and sincerely hope that General Westmoreland will continue to give them the support they deserve.

Within the three goals mentioned above, the Army has taken many steps. Basic training has been revised Army wide after a year long intensive experiment at Fort Ord, Calif. Now, a recruit who extends himself and has above average skills can qualify in up to three military skills, not just one.

A Leadership Board and a Dynamic Training Board have been created by General Westmoreland to concentrate on the specific tasks of making the learning experience of the recruit a truly professionalizing experience.

An additional example, from among many, is that working hours have been made more standard, providing normal hours of work and reducing weekend and evening duty where possible.

Noncost actions by the Air Force have included the development of a guaranteed job enlistment program, guaranteeing in advance the specific training and job the enlistee will receive. The Air Force has also authorized a 6-year enlistment term in 10 specialities that require extensive training and combined it with a promotion to E–3 upon completion of basic military training.

All Air Force commands have been directed to take specific actions to reduce inspections, permit time off for excess duty hours, reduce formations and meetings to a minimum, eliminate the requirement for carrying a liberty pass, and increase the time for settling the family during moves between stations.

The Marines have also taken steps in the noncost area toward making the Marines the tough, no nonsense professional force it should be. Included, among other things, are its pilot programs started to combine recruit and individual combat training in order to eliminate duplication in training and administrative processing; its human relations awareness program concerned with race relations; a program of major commands conducting symposia of junior officers and senior noncommissioned officers for increasing ideas on overcoming irritants and enhancing the attractiveness of the services; a liberalized liberty policy for special occasions; and generally a new emphasis given by the commandant to open responsive channels of communication.

The lists of new programs, initiatives, and ideas promoted in an attempt to attract and retain sufficient forces to end reliance on the draft goes on and on. The services are moving in the right direction, and I compliment them for their energy.

OPERATIONAL PROBLEMS

Despite these accomplishments, I must point out some signs for concern.

While I recognize that perfection is an unrealistic goal, I also recognize that the movement toward a zero draft situation is in one of its most significant periods.

If efforts at the operational level fail, the services will be severely jeopardizing their opportunities to make themselves the truly professional, highly skilled force

they should be. While carelessness on the operational level will probably not cripple the institution of an all-volunteer force, they will make the going tougher for the services, and more costly. It will be necessary to divert funds from long-overdue improvements in housing and educational benefits for the careerists, as well as other aspects of service life for all. It would be most unfortunate to slow down improvements in military life for the higher ranks, increase facilities for entertainment, recreation, athletic and moral activities, travel and other allowances for everyone, simply because of a lack of attention to the details during the upcoming transition period.

Let me be more specific about operational problems that can hurt the services. A recent report by the General Accounting Office indicated that $15.3 million was spent in recruiting, training, and discharging for reasons of unsuitability, about 22 percent—over 11,100—of male recruits who enlisted in the Marine Corps between December 1969 and September 1970.

This rate was more than five times greater than the rate experienced during the previous 12 years. It is clear that a decision was made to increase substantially the standards of those who were to graduate from basic training, and the Marine Corps chose to do so at the training level rather than at the recruiting station.

The need for this costly weeding out exercise was dubious at best; the manner in which it was undertaken was ill-conceived and costly—$15.3 million worth. The formal reply of the Department of the Navy recognized this problem when it stated:

> The findings of the subject report are correct. The recommendations provided are concurred with in principle and their intent can be accommodated by normal internal procedures.

A result of this carelessness, of course, was to increase needed accessions by some 5,000 to 10,000 during the crucial transition year ahead. Translated, the Marine Corps has made it more difficult and expensive for itself to attract and retain sufficient volunteers in the non-draft situation to begin July 1973. The attrition rate is now back to normal.

The Navy has had its failures as well, I am sorry to report. While the Army, Marine Corps, and Air Force have all achieved over 95 percent of their goals for increasing recruiter strength, the Navy, as of February 29, 1972, had achieved only 68 percent of its programed increase. Tied with that, of course, is the fact that the Navy for the last 6 months has missed its recruiting goal.

The Army over a year ago initiated a series of enlistment options, which aided it in achieving a substantial increase in the number of enlistees into the combat ranks. It was just this month, March 1972, that the Navy has evidenced its willingness to adopt strong measures to attract the needed men by creating two new enlistment options—to go into effect later this year. Such delay is surprising when it has been known for a long time that the Navy will face an extraordinarily high demand for accessions during fiscal year 1973—for only a 1-year period.

The Navy has, to be sure, bolstered its already personnel-oriented policies. But, retention is not the only element in maintaining a volunteer force. What is obviously missing, as the recruiting statistics show, is an energetic drive to obtain needed recruits—an effort which can be accomplished in tandem with improved manpower policies for retention. I think more can be expected of the Navy.

Assistant Secretary of the Army for Manpower and Reserve Affairs Hadlai Hull recently made the following statement:

> I am sure that to many outside the Army, some of the policies and actions we are taking this year appear at least to contradict other policies and actions, and often look insane. For example: we are releasing people six months early at the same time we are spending money on advertising and on expanded recruiter programs to attract people to join the Army; we are forcing people out of the Army—both officers and enlisted men—at the same time our goal is a zero draft Army; we have made it more difficult to get into the Army at the same time we are seeking more enlistments.

After nearly 12 years on the Armed Services Committee in the House, I can appreciate the complexity of the manpower questions facing the Army. But, I must go beyond Secretary Hull's statement and indicate that I believe that some of the policies the Army has adopted are in fact contradictory, not simply appearing contradictory.

In its efforts to increase the number of true volunteers in the forces, the Army is sacrificing the services of men already trained, even when only 6 months remains of their obligation, and they are expected to leave at that time. Some early-out policies have made the transition years more difficult, not less.

In its efforts to improve the quality of the serviceman, the Army has adopted the belief that this must be done overnight, rather than over a 2- or 3-year period. Sudden increases in standards will always be more difficult to absorb than a steady, programed increase.

Today's standards for enlistment into the Army are the highest they have ever been. And, while it is ineffective to have underqualified personnel in military positions, it is equally inefficient and costly to demand that an overqualified person maintain the same enthusiasm as someone more fitted to the job

In any event, the severe burden already on the recruiter is only magnified by such policies as giving no credit to the recruiter towards his quota for any non-high-school graduate in the lower mental groups—groups III and IV. The result is that recruiters do not look at any non-high-school graduates for fear of wasting their time even when the applicant may well be qualified for groups I or II—the highest mental groups.

It is impossible to judge the potential high-quality true volunteers who are denied entry into the services because of this carelessly adopted policy. If each Army recruiter were to miss just two men during the coming year, as a result of this policy, we will have 12,000 fewer volunteers than we should have. I find it hard to understand that with all of the testing and retesting that the services undertake, a more sophisticated direct approach cannot be adopted to weed out the undesirable, rather than a broad-brush, class approach.

Finally, in its efforts to reduce the size of the Army to congressionally mandated levels, the Army has gone the easy route and adopted a policy of limited entries now—and protection for as many of the senior men as possible. Chairman STENNIS himself has indicated that the force structure is currently a bit top-heavy. It is my understanding that we now have a higher proportion of high-ranking officers in the service than we did in World War II.

Trimming down forces is always a difficult task, but no one can deny that with a reduction in the Vietnam conflict, it was perfectly clear that a return to pre-Vietnam levels of forces was in store. The reduction cannot come as a surprise to many, although it may be inconvenient to some. Connected with its efforts to reduce the size of the force, is evidently the Army's policy to keep at a minimum the number of prior servicemen who are reenlisted into the service from the civilian sector.

Just last week, two more victims of such a policy—residents of Vermont—came to my attention. Both gentlemen had served satisfactorily in the military. Rather than reaccept these men at the E–4 or E–5 ranks, the Army had chosen to take two raw recruits—or in April, May, and June, two draftees—who will need full training and who offer no promise of making the service a career, which the two men above evidenced.

If, in fact, the military occupational specialties, which these men offer are ones which can be used by the services at the low level of E–4 or E–5—a rank achieved in almost no time by a raw recruit—then these men should have been reaccepted. All of the facts are not yet known in these cases, but they do point up a need for reexamination of a policy which, if it is as it appears, is making it more difficult and costly for the Army to acquire the men it needs under a no-draft situation.

I do not in any way infer that deliberate mismanagement is the cause for the problems I mention. What I do suggest is that extreme care must be taken during the next year to insure that a repetition of our experiences in 1947 and 1948 does not take place. We cannot afford carelessness in any areas, but certainly not in manpower accession and retention policies during this transition period. We cannot either increase the costs nor make more difficult our task as we move toward June of 1973 when the draft ends.

ROLE FOR CONGRESS FOR 1972

The Congress has certainly met much of its responsibility toward a volunteer armed force. I think the efforts taken by the chairmen of both the House and Senate Armed Services Committees has been exemplary.

Last year, we had weeks of hearings in open session on the desirability and feasibility of the volunteer armed force.

The committees recommended and the Congress accepted a full program to give the volunteer force concept a fair trial.

The Congress took a dramatic step in increasing the pay of first-term servicemen, bringing their compensation up to a level roughly comparable to civilian counterparts. That move toward equity was long overdue, as we all knew. And, by doing this, we removed the single greatest obstacle to enlistment—a serious financial sacrifice piggy-backed onto sacrifices of time, strenuous work, and separation from families, to name a few.

Other measures passed as well. Increased scholarships for officers, provision for out-of-pocket expenses for recruiters, special pay for optometrists and special pay for combat arms enlistment were designed to achieve certain specific goals for the attraction of volunteers to the services.

What the Congress has done, in my opinion, and I have looked at this issue in some detail, is to insure an all-volunteer armed force in normal conditions.

There remains, to be sure, what I would call technical adjustments needed to insure a smooth move to a volunteer force. Essentially, these adjustments fall into two categories: The need for a smooth transition in the next couple of years to a steady State volunteer system, and the guarantee of a highly skilled class of applicants for military occupations which require superior technical ability.

I would like to discuss each of these points in turn.

First of all, and most important, is the necessity for putting the transition period—essentially the next couple of years—into perspective. If there is one fact which must stay in the forefront of everyone's mind as we move to an all-volunteer armed force it is that the requirements for new recruits over the transition period will be higher than they will be in a steady state all-volunteer force. In other words, it is necessary that more men enter the military services during fiscal year 1973 and part of fiscal year 1974 than will be required after that time.

In fact, during the transition period, required accessions will exceed those of the fiscal year we are now in. The army, for instance, will need approximately 20 percent more men during fiscal 1973 than it did during fiscal 1972.

One way of looking at this problem is to examine the proportion of the qualified males reaching 19 who are required for military service. The number during fiscal year 1973 for instance is approximately 50 percent of those who are qualified—remembering the artificially high standards now in effect. For a steady State force, that percentage drops to approximately 30 percent with the same standards.

The reasons for the higher needs during a transition period are clear:

First. Draftees and draft-motivated enlistees who enter during the prevolunteer-Army period will be leaving at a steadily high rate;

Second. Increased pay and changed conditions of service life will not have fully reached their effectiveness in attracting enlistees;

Third. The effects of the increase in the recruiting establishment fully realized as recruiters will still be relatively new in their territories and relatively inexperienced;

Fourth. There will be fewer males turning 19 in the transition period than the period following as the population continues to grow, a higher percentage of 19-year-olds will be required now;

Fifth. The full effects of capital-labor tradeoffs—the substitution of machines or equipment for men—will not be reached during the transition period, thus requiring in the shortrun a larger total force level;

Sixth. Training will still be required for more men, necessitating a larger training establishment and its concomitant support service;

Seventh. Management policies during this last several months during the reduction-in-force squeeze has been less than optimum, as suggested earlier, thus requiring more men than would otherwise have been necessary;

Eighth. The falloff in draft-motivated personnel has been, as was expected, more rapid than the increase in the supply of volunteers.

What is needed to insure that sufficient men enlist during the transition period is a mechanism which can be turned on and off. A most effective means of attracting men, under the circumstances, would be another across-the-board pay raise, as Senator ALLOTT has already indicated. It would be necessary to raise pay a significant amount simply to attract a high number of men during the coming years. Not only is an across-the-board raise a continuing expense, we would be paying everyone a higher rate than necessary to attract certain select categories of men.

In economists' terms, we need a cost-effective program that will put the money where the need is, but will not create a continuing expense when the demands of the transition period are past.

That tool is essentially the program we have outlined today. A special pay system was created to accomplish in part the capability of being spent when needed—during the transition period ahead—but also capable of being stopped when no longer needed.

The second category of technical adjustment to assure the success of the volunteer armed force with the best use of the dollar is a mechanism to meet the requirements for certain highly skilled men. The essential element here is that while the pay raises we passed last year are generally sufficient, they may not be for certain categories of high-aptitude men.

On the one hand we have a civilian economy which competes for highly skilled personnel by offering higher wages; and on the other hand, we have the military pay system which is frozen at grade level and length of service.

There is no way that the military system adequately recognizes the fact that certain jobs are more demanding and require more technical skill than others.

The civilian sector works on a wage-differential system, paying the man for the job he does, not for the length of time he has worked during his livelihood. The military does not. But, if it is going to compete effectively with other industry, then it must at least have the ability to recognize that there are certain jobs which demand more than others. Our special pay package is designed, in conjunction with the transition needs just outlined, to accomplish that goal.

Let me give a more specific example.

The Air Force during fiscal years 1972–74 will require about 28 percent of their total accessions in the electronic area. The Navy will need about 16 percent of its new recruits for nuclear power and advanced electronics training. The Army and Marine Corps have slightly smaller requirements of high aptitude personnel.

Not all of these men, of course, would need a special pay incentive to enlist. Many enlist simply for the valuable training experience. But, some skills are so scarce in the civilian sector that the added requirements of military life prevent the services from competing adequately.

What is needed is a special pay system which will recognize the job differential and serve to be the catalyst for attracting sufficient numbers in these select occupations. The skills are liable to change over time as well, and any authority should be designed to minimize excess cost. In fact, cost-effectiveness can be achieved by a program which permits the application of the special pay offered at one time and later withdrawn if it is found that it is not needed.

The special pay should also be designed to insure that the individual receiving it is not under the impression that it is a continuing pay—it should be in exchange for a specific number of guaranteed years of service. The program in this legislation is designed to do just that.

The strengths of this specific legislation are many:

First. The legislation meets the goal of insuring that the transition period will be smooth. It is fully expected that sufficient personnel to meet our national security needs will be attracted without the need of the draft and that this legislation is in fact an insurance policy.

Second. The legislation meets the goal of providing a tool to the Department of Defense to attract individuals in certain highly skilled occupations where the supply is short both in the civilian and military sectors.

Third. The legislation is designed to focus on the decision process of the individual where it can have its greatest effect, or as the economists would call it, its highest elasticity. The special pay is offered and agreed upon at the time of the decision.

Fourth. The legislation meets the goal of being the most cost-effective tool because the lump sum or installment payments can be turned on and shut off so that it will apply only for that length of time or to those skills where it is needed. This is preferable to an across-the-board pay raise which is on the books forever.

Fifth. The legislation develops for the first time in a comprehensive way, a recognition of a job differential compensation—that system which is most effective in competing with the civilian sector and which is most cost-effective in terms of the national budget.

Sixth. The legislation entails no run-out costs, as do some current programs, and thus enhances its cost-effectiveness. Proficiency pay in today's service, for instance, provides for a reduction by 25 percent per year over the 4 years after a certain skill has been removed from the proficiency pay list. This is a costly system, but the only one which is fair to a serviceman who has been receiving the pro pay for several years in order to prevent a sudden drop in his standard of living. This is not the case with the special pay system in this legislation. Upon making the decision, the recruit knows how long he will have to serve in exchange for his special pay.

Seventh. Most important, the legislation is probably the final new piece of compensation legislation that will be needed, other than regular cost-of-living increases. Combined with the major across-the-board pay raises of last year, this legislation will provide the Department of Defense with every tool in the compensation area that it needs in order to attract and sustain a volunteer force, even during the difficult transition years. There will be no reason to extend the draft, nor will there be any reason to provide further compensation tools.

Eighth. Finally, the legislation is a full package. To be extravagant, it might be called synergistic, in that all of its parts relate to a more useful whole. The system of special pay is designed to cover the full scale of needs anticipated. It does not omit a single item from the full package concept.

The distinguished Senator from Colorado has discussed the various components of the program in some detail. I might add that a significant amount of careful staff work went into this legislation. The staff of the Assistant Secretary of Defense has been most helpful every time we turned to them for further information. The technical expertise they made available is most appreciated.

It is my hope that early consideration of this bill will be a possibility. The transition years are upon us very shortly, and it would be most desirable to have this legislation in effect by the time the summer recruiting months begin.

By Mr. TOWER:

S. 3411. A bill to facilitate Federal ship mortgage insurance for drydocks and drilling vessels. Referred to the Committee on Commerce.

Mr. TOWER. Mr. President, this bill would amend title XI of the Merchant Marine Act, 1936, so as to facilitate the construction, reconstruction, or reconditioning of floating drydocks and drilling vessels in U.S. shipyards by increasing the maximum percentage of "actual cost" of these vessels which may be insured by the Secretary of Commerce from 75 to 81½ percent.

The bill would not change present law as to the types of vessels eligible for insurance nor any other eligibility requirements. Its only effect would be to permit construction loan and mortgage insurance of up to 87½ percent rather than 75 percent for drydocks and drilling vessels so to facilitate their construction through private financing. This extension of the 87½ percent limit to these vessels will simply conform the provisions of title XI of the act to place all large nonsubsidized vessels on the same footing.

The availability of private capital for the financing of these vessels is now being impeded by the deficiency in the act to which this bill is directed. Its enactment would be most timely as one step in the effort to revive U.S. commercial shipbuilding to the degree necessary to meet the challenge of reduced dependence on Government subsidy. Only by taking all necessary legislative and administrative steps to assure an environment which will make construction and repair of U.S. yards attractive, will this goal be accomplished.

As the Commission on American Shipbuilding recently noted in a letter to the President on the environment in Japan which has made their current prominence in shipbuilding possible, their environment has been shaped by governmental encouragement, careful monitoring, and support, mostly in the form of financing, credit and tax devices designed to attract contracts. The Commission found that these devices have generated a continuity of workload in Japan which, in turn, has first, insured a stable level of shipyard operations, second, enabled an expansion of national capacity, and third, produced a favorable economic climate for shipbuilding.

Obviously, enactment of the bill will not of itself solve the problem of how to keep our shipbuilding and ship repair industry in a healthy condition. But as a step it is important.

From a shipbuilding point of view it should be noted that drilling vessel technology had its birth in the United States. It was not until early 1966 that the first major vessel of this category was delivered by a foreign shipyard—a $6 million vessel delivered by a Netherlands yard. The attached review recently issued by the Shipbuilders Council of America of the order book throughout the world for these vessels indicates that the United States no longer is alone in this field.

As for ship repair yards that would acquire the floating drydocks covered by the bill, the increased insurance coverage is of vital significance. The trend over the past decade is toward larger and larger ships in our merchant marine. Deadweight tonnages of over 200,000 tons make it impossible for maintenance and repair requirements to be handled by few presently available facilities. While it is true that there are a number of fixed facilities that can handle the repair and maintenance of these large vessels, they are for the most part allocated or potentially allocated to the construction of new naval and merchant ships.

It is known that a number of large drydocks are being contemplated for construction by U.S. shipyards at the present time. However, final decisions to go ahead are being withheld. Due to the very large fixed capital investment, it is imperative if floating drydocks are to be built that there be financing available at the lowest possible cost. Recent reductions in ship repair volume have accentuated the problems and pinpoint the need for enactment of the bill.

I ask unanimous consent that the table showing current orders for drilling rigs be printed at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

WORLD ORDERBOOK FOR DRILLING RIGS

Shipyard	Type	Number	Amount (approximately)
United States:			
Avondale, Bayou Black, La	Semisubmersible	5	$104,000,000
Bethlehem, Baltimore, Md	do	1	16,000,000
Bethlehem, Beaumont, Tex	do	4	78,000,000
Do	Jackup	1	11,000,000
LeTourneau, Brownsville, Tex	Semisubmersible	4	76,000,000
Do	Floating	1	25,000,000
LeTourneau, Vicksburg, Miss	Jackup	7	66,000,000
LeTourneau Mar., Corpus Christi, Tex	do	1	10,000,000
Levingston, Orange, Tex	Semisubmersible	4	86,000,000
Do	Floating	1	10,000,000
Do	Jackup	1	10,000,000
Sun Shipbuilding, Chester, Pa	Floating	1	40,000,000
U.S. total		31	532,000,000
Foreign:			
Halifax, Nova Scotia, Canada	Semisubmersible	2	$37,000,000
Anders, Finland	do	1	20,000,000
C.F.E.M., France	do	2	40,000,000
Castella, Italy	Floating	1	14,000,000
Mitsubishi, Japan	Semisubmersible	1	15,000,000
Do	Jackup	1	15,000,000
I.H.C., Netherlands	Floating	1	14,000,000
Akers, Norway	Semisubmersible	4	81,000,000
Nylands, Norway	do	1	12,000,000
LeTourneau, Singapore	Jackup	2	18,000,000
Bethlehem, Singapore	do	2	20,000,000
Barreras, Spain	Semisubmersible	2	32,000,000
Foreign total		20	318,000,000
World total		51	850,000,000

Note: Principal source is Ocean Oil Weekly Report.

Mr. TOWER. Mr. President, I have been concerned for some time about the state of the merchant marine and the American shipbuilding industry. In 1966, I introduced a bill calling for a complete study leading to the revitalization of this strategic part of America's industrial capacity. In 1968, working with then Candidate Nixon, I worked on formulating the program, first unveiled in Seattle, which led to the Merchant Marine Revitalization Act of 1970. This measure has become the cornerstone of this administration's pledge to give the American shipbuilding industry the necessary tools to revitalize itself. The industry, I might add, has so far responded quite well to the challenge.

In this bill, Mr. President, we are extending certain new incentives to the drydock and drilling vessel portions of the shipbuilding industry, which form an important part of this complex. I urge the Senate to give this matter its most careful consideration. It will not only help in our overall economic recovery at virtually no cost to the Government, but it will also help to create many new and lasting jobs in Texas and elsewhere in what should be a growing industry.

By Mr. WILLIAMS (for himself, Mr. BENNETT, and Mr. TOWER) (by request):

S. 3412. A bill to foster the development and implementation of an integrated system, to be privately owned and operated, for the prompt and accurate processing and settlement of securities transactions effected on national securities exchanges and in the over-the-counter markets, which will assist in assuring the proper functioning of the securities markets and which will be responsive on a nondiscriminatory basis to the needs of issuer companies, brokers, dealers, banks, and other members of the securities industry and the public investors. Referred to the Committee on Banking, Housing, and Urban Affairs.

SECURITIES TRANSACTION PROCESSING ACT OF 1972

Mr. WILLIAMS. Mr. President, at the request of the Securities and Exchange Commission, I am introducing today a bill designed to give the Commission additional authority over the handling, processing and settlement of securities transactions. In presenting this legislation, I am joined by my colleagues, Senators BENNETT and TOWER.

The purpose of the proposed Securities Transactions Processing Act of 1972 is to avoid a recurrence of the paperwork crisis which plagued the securities industry from 1968 to 1970. To the same end, I introduced S. 3297 on March 6, 1972, on behalf of myself and Senators BENNETT, PROXMIRE, STEVENSON, and TOWER.

Both of these two bills look to the private sector to provide the technical know-how to streamline the handling of securities transactions. Both bills seek to provide the statutory basis for the development of an efficient national system for clearance and settlement of securities transactions, a system which will be responsive on a nondiscriminatory basis to the needs of the investing public. In order to accomplish these goals each bill requires clearing agencies and depositories to register with the SEC, and each would authorize the Commission to supervise the activities and practices of such agencies.

While the two bills are similar in approach, there are some variances. The Commission's bill, for example, would extend its regulatory authority to cover corporate transfer agents and registrars and would empower the Commission to make rules concerning the form of certificates issued by publicly held corporations. The bill which I authored deals with State transfer taxes which have posed a problem in developing a national system for clearance and settlement and would instruct the Commission to begin working toward selective elimination of the stock certificate.

As stated in its recent report, the Subcommittee on Securities intends to give sympathetic consideration to this legislation and to the other legislative proposals arising out of the SEC's Study of Unsafe and Unsound Practices of Brokers and Dealers.

Accordingly, it is my intention to schedule hearings on these two bills together with S. 2551, introduced by Senator ROTH, at the earliest possible date. Hopefully our consideration of these bills will result in legislation providing the Securities and Exchange Commission with the statutory tools and the responsibility to assure that the investing public will not have to endure another paperwork crisis.

Mr. President, I ask unanimous consent that the full text of this proposed legislation together with the Commission's transmittal letter of March 22, 1972, and accompanying statement in support of the bill be printed in the RECORD.

There being no objection, the bill, letter, and statement were ordered to be printed in the RECORD, as follows:

S. 3412

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Securities Transaction Processing Act of 1972."

SEC. 2. Except as otherwise provided in this Act, the provisions of the Securities Exchange Act of 1934 (15 U.S.C., sec. 78a and fol.; hereinafter referred to as the "1934 Act") apply as if this Act constituted an amendment to, and was included as a section of, such Act.

SEC. 3. For the purposes of this Act—

(1) The term "clearing agency" means any person who engages in providing facilities or serves as a distribution point for brokers, dealers or others in accordance with a system (A) for comparison among participants of data respecting the terms of settlement of transactions in securities; (B) for netting of purchases and sales of securities among participants to reduce the number of settlements of transactions; or (C) for allocation of responsibilities for payment and delivery among itself and participants in connection with the settlement of securities transactions.

(2) The term "transfer agent" means any person who engages, on behalf of an issuer, or on behalf of itself as an issuer, of securities registered under section 12 of the 1934 Act or of securities which would be required to be so registered except for the exemption from registration provided by paragraphs (2) (B) or (G) of subsection 12(g) of the 1934 Act, in: (A) countersigning such securities upon issuance; (B) monitoring the issuance of such securities with a view to preventing unauthorized issuance, a function commonly performed by a person called a registrar; (C) registering the transfer of such securities; or (D) exchanging or converting such securities.

(3) The term "depository" means any person who acts as the custodian of securities in accordance with a system whereby: (A) securities so held may (i) be transferred among participants without physical delivery or (ii) be made the subject of a pledge or of a security interest by participants without physical delivery or (B) such custody otherwise plays an integral role in the settlement of securities transactions among participants.

(4) The term "participant" when used with respect to a clearing agency or depository means a person entitled to direct use of the services provided by such clearing agency or depository.

(5) The term "appropriate regulatory agency" means—

(i) the Comptroller of the Currency, in the case of a national bank or a bank operating under the Code of Law for the District of Columbia, or a subsidiary of any such bank, acting as a transfer agent;

(ii) the Board of Governors of the Federal Reserve System, in the case of a member bank of the Federal Reserve System (other than a bank referred to in subparagraph (i) above) or a subsidiary thereof, acting as a transfer agent;

(iii) the Federal Deposit Insurance Corporation, in the case of a bank insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System) or a subsidiary thereof, acting as a transfer agent; and

(iv) the Commission, in the case of all other transfer agents and all depositories and clearing agencies, required to be registered pursuant to this Act.

The terms "clearing agency" and "depository" shall not include (1) Federal Reserve Banks, Federal Home Loan Banks, Federal Land Banks or any person controlled or supervised by and acting as an instrumentality of the Government of the United States pursuant to authority granted by the Congress of the United States, and (2) banks, brokers, building and loan, savings and loan, and homestead associations and cooperative banks by reason of lending, fiduciary, correspondent or safekeeping functions commonly performed by them.

Section 4. (a) No person shall make use of the mails or of any means or instrumentality of interstate commerce, directly or indirectly, in order to perform the function of a depository or clearing agency with respect to any security (other than an exempted security) or the function of a transfer agent, unless such person is registered in accordance with this section 4.

(b) The Commission may by such rules and regulations or orders as it deems necessary or appropriate in the public interest or for the protection of investors, either unconditionally or upon specified terms and conditions or for stated periods, exempt from subsection 4(a) or from any rule or regulation under this section 4 any person, security or transaction or any class or classes of persons, securities or transactions.

(c) (1) Any depository or clearing agency may be registered for the purposes of this section by filing with the Commission a registration statement which shall contain the information and be accompanied by the documents, below specified:

(i) Such data as the Commission may by rules and regulations require as to performance capability, measures and personnel standards for safe handling and custody of securities and funds, operational compatibility of the depository or clearing agency with other persons involved in the securities handling process, and access to the services provided by such depository or clearing agency; and

(ii) Copies of its charter, bylaws or rules, and instruments corresponding thereto and manuals and forms relating to operations and custody of securities and funds.

Except as hereinafter provided, registration under this subsection (c)(1) shall become effective sixty days after receipt of the registration statement by the Commission or within such shorter period of time as the Commission may determine.

(c)(2) Any transfer agent may be registered for the purposes of this section 4 by filing with the appropriate regulatory agency a registration statement which shall state the address of its principal office or offices for transfer agent activities, the length of time it has been acting as a transfer agent, and the identity of the issuers and issues of securities for which it is then acting as transfer agent, and shall contain such other information in such detail as the appropriate regulatory agency may require as necessary or appropriate with regard to performance of transfer functions, measures and personnel standards for safe handling and custody of securities and funds, and operational compatibility of the transfer agent with other persons involved in the securities handling process. Any transfer agent required to register hereunder with a regulatory agency other than the Commission shall file with the Commission a notice which shall state its name, the address of its principal office or offices for transfer agent activity, the identity of the issuers and issues of securities for which it is then acting as transfer agent and the name of the appropriate regulatory agency with which it is filing a registration statement.

Except as hereinafter provided, a registration of a transfer agent filed under this subsection (c)(2) shall become effective thirty days after the receipt of the registration statement by the appropriate regulatory agency or within such shorter period of time as such agency may determine.

(d) The appropriate regulatory agency shall, after appropriate notice and opportunity for hearing, by order, deny registration to any depository, clearing agency or transfer agent seeking registration under subsection 4(c) if it finds that such denial is in the public interest and that such depository, clearing agency or transfer agent does not have procedures or the means to be able to comply with the provisions of this Act and the rules and regulations promulgated thereunder.

(e)(1) Pending final determination whether any registration of a depository, clearing agency or transfer agent under this section shall be denied, the appropriate regulatory agency may by order postpone the effective date of such registration for a period not to exceed ninety days, but if, after appropriate notice and opportunity for hearing (which may consist solely of affidavits and oral arguments), it shall appear to such agency to be necessary or appropriate in the public interest or for the protection of investors to postpone the effective date of such registration until final determination, such agency shall so order.

(e)(2) Any person registered under this section 4 may, upon such terms and conditions as the appropriate regulatory agency may deem necessary in the public interest or for the protection of investors, withdraw from registration by filing a written notice of withdrawal with such agency. If such agency finds that any such registrant or such other person for whom a registration statement is pending, is no longer in existence or has ceased to do business as a depository, clearing agency or transfer agent, as the case may be, it shall by order revoke, deny or cancel the registration.

SEC. 5. No depository or clearing agency shall make use of the mails or of any means or instrumentality of interstate commerce, directly or indirectly, to participate in the processing or settlement of any transaction in a security (other than an exempted security) in contravention of such rules and regulations as the Commission shall prescribe as necessary or appropriate with regard to minimum standards for the performance of functions, measures and personnel other persons involved in the securities standards for safe handling and custody of securities and funds, operational compatibility of the depository or clearing agency with handling process, and reasonable non-discriminal access to the services provided by such depository or clearing agency.

SEC. 6. No transfer agent shall make use of the mails or of any means or instrumentality of interstate commerce, directly or indirectly, to engage in any activity as transfer agent with respect to any security (other than an exempted security), in contravention of such rules and regulations as the Commission shall prescribe as necessary or appropriate with regard to minimum standards for the performance of transfer functions, measures and personnel standards for safe handling and custody of securities and funds, and operational compatibility of the transfer agent with other persons involved in the securities handling process.

SEC. 7. No broker or dealer shall make use of the mails or of any means or instrumentality of interstate commerce, directly or indirectly, to participate in the settlement of any transaction in a security (other than an exempted security) in contravention of such rules and regulations as the Commission shall prescribe as necessary or appropriate for the efficient and expeditious handling and settlement of securities transactions.

SEC. 8. It shall be unlawful for an issuer, any class of whose securities is registered under section 12 of the 1934 Act or which would be required to be so registered except for the exemption from registration provided by paragraphs (2)(B) or (G) of subsection 12(g) of the 1934 Act, by the use of any means or instrumentality of interstate commerce, or of the mails, to issue, either originally or upon transfer, such securities whose form of format contravenes such rules and regulations as the Commission may prescribe as necessary or appropriate for the prompt and accurate processing of transactions in such securities.

SEC. 9. (a) Every depository, clearing agency and transfer agent required to be registered pursuant to this Act shall file with the appropriate regulatory agency, in accordance with such rules or regulations as such agency may prescribe as necessary or appropriate for the fulfillment of the objectives of this Act and the rules and regulations thereunder, such information and documents as such agency shall require to keep reasonably current the information and documents required to be included in or filed with the registration statement pursuant to section 4 of this Act.

(b) Every depository, clearing agency and transfer agent required to register pursuant to this Act shall make, keep, and preserve such accounts, correspondence, memoranda, papers, books, records and other data for such periods and shall make such reports and file such information and documents with the appropriate regulatory agency, as such regulatory agency by rules or regulations may prescribe as necessary or appropriate for the fulfillment of the objectives of this Act and the rules and regulations thereunder. Such accounts, correspondence, memoranda, papers, books, records and other data shall be subject at any time or from time to time to such reasonable periodic, special or other examinations by examiners or other representatives of the appropriate regulatory agency as such regulatory agency may deem necessary or appropriate for the fulfillment of the objectives of this Act and the rules and regulations thereunder.

SEC. 10. (a) The appropriate regulatory agencies shall consult and cooperate with each other and, as may be appropriate, with State banking authorities having supervision over banks toward the end that the accounts, correspondence, memoranda, papers, books, records and other data required of banks acting as transfer agents, depositories or clearing agencies and the inspections thereof, be in accord with sound banking practices and fulfill mutual regulatory needs to the extent practicable.

(b) Compliance with the requirements imposed by this Act shall be enforced under section 8 of the Federal Deposit Insurance Act (12 U.S.C., sec. 1818) in the case of—

(i) national banks or banks operating under the Code of Law for the District of Columbia, or subsidiaries of any such banks, acting as transfer agents, by the Comptroller of the Currency;

(ii) member banks of the Federal Reserve System (other than banks referred to in subparagraph (i) above) or subsidiaries thereof, acting as transfer agents, by the Board of Governors of the Federal Reserve System; and

(iii) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) or subsidiaries thereof, acting as transfer agents, by the Federal Deposit Insurance Corporation. For the purpose of the exercise by any bank regulatory agency referred to in this subsection (b) of its powers under section 8 of the Federal Deposit Insurance Act, a violation of any requirement imposed under this Act upon banks registered as transfer agents shall be deemed to be a violation of the requirements imposed under the Federal Deposit Insurance Act. In addition to its power under section 8 of the Federal Deposit Insurance Act, each of such bank regulatory agencies may exercise, for the purpose of enforcing compliance with any requirement imposed under this Act, any other authority conferred on it by law.

(c) All of the functions and powers of the Commission under the 1934 Act are available to the Commission to enforce compliance by any person with the requirements imposed under this Act, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests in the 1934 Act. Except to the extent that enforcement of the requirements imposed under this Act is specifically committed to some bank regulatory agency under subsection 10(b), the Commission shall enforce such requirements.

(d)(1) The Commission may, after appropriate notice and opportunity for hearing, by order, censure or bar or suspend or place limitations upon any depository or clearing agency or any transfer agent, other than a transfer agent referred to in subsection 10 (b), or any officer, director or employee of any such depository, clearing agency or transfer agent, or revoke the registration of any depository or clearing agency or any transfer agent, other than a transfer agent referred to in subsection 10(b), if the Commission finds that such censure, barring, suspension, placing of limitations or revocation is in the public interest or for the protection of investors and that such depository, clearing agency or transfer agent or any officer, director or employee thereof has willfully violated or is unable to comply with any provision of this Act or any rule or regulation promulgated thereunder pertaining to such depository, clearing agency or transfer agent or any officer, director or employee thereof.

(d)(2) If a proceeding under subsection 10(d)(1) results in the suspension or revocation of the registration of a depository or clearing agency, the Commission shall, upon notice to such depository or clearing agency, apply to any court of competent jurisdiction specified in section 27 or 21(e) of the 1934 Act for the appointment of a trustee. In such event, the court may, to the extent it deems necessary or appropriate, take exclusive jurisdiction of the depository or clearing agency involved, and the books, records and assets thereof, wherever located; and the court shall appoint the Commission or its designated agent as the trustee who, with the approval of the court, shall have the power to take possession and to continue to operate or to terminate the facility in an orderly manner, for the protection of participants and public investors, subject to such terms and conditions as the court may prescribe.

(e) The authority of the Commission to promulgate rules and regulations under this Act does not impair the authority of any other appropriate regulatory agency to make rules respecting its own procedures in enforcing compliance with requirements imposed under this Act.

SEC. 11. (a) Nothing in the Act shall impair the authority of any State banking authority with regard to its exercise of regulatory or supervisory oversight over banks performing depository, clearing agency or transfer agent functions. The Commission and the Federal bank agencies referred to in section 10 hereof shall take into consideration, with regard to their compliance and enforcement activities, any program of inspection, examination and enforcement carried out by a State banking authority reasonably designed to insure compliance by banks with the provisions of this Act and the rules and regulations promulgated thereunder and shall seek as an objective the avoidance of duplicate regulatory oversight and undue burden upon such banks.

(b) At least fifteen days prior to the issuance for public comment of any proposed rule or regulation regarding transfer agents pursuant to sections 6, 9(b) or 13, and prior to the adoption of any such rule or regulation, the agency contemplating issuance or adoption of any such rule or regulation shall first consult with and obtain the views of each of the other Federal agencies designated in this Act as having responsibility for compliance by transfer agents with the provisions of the Act.

SEC. 12. The portion of a registration statement of a clearing agency or depository which may contain information regarding its constitution or charter, by-laws, rules, schedule of charges, and interpretative bulletins pertaining thereto, and the portion of a registration statement of a transfer agent which may contain information regarding its rules and procedures, and any proposed amendments to any of the aforesaid items, shall be available for public inspection. All other portions of any registration statement of a clearing agency, depository or transfer agent and all reports, information and documents required by the appropriate regulatory agency of clearing agencies, depositories and transfer agents and correspondence between such agency and clearing agencies, depositories, and transfer agents, insofar as such correspondence does not relate to proposed amendments to their charters, rules and similar matters, shall be exempt from the disclosure requirements of title 5, section 552 of the United States Code, but the appropriate regulatory agency may upon a finding that it is in the public interest make available to any person or to the public generally such of the exempt materials as it deems appropriate, and any such regulatory agency shall make available to any of the other regulatory agencies, upon request, such information or materials as may be required by such agencies for the purpose of enabling them to perform their duties under this Act.

SEC. 13. The provisions of this Act or of any rule or regulation thereunder shall not apply to any person acting as a transfer agent with respect to securities transactions which occur without the jurisdiction of the United States, unless he acts in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate to prevent the evasion of this Act.

SEC. 14. Determinations of the Commission, for purposes of making rules or regulations pursuant to section 5, 6, 7 or 8 shall be after appropriate notice and opportunity for a hearing, and for submission of views of interested persons, in accordance with the rulemaking procedures specified in section 553 of Title 5, United States Code, but the holding of a hearing shall not prevent adoption of any such rule or regulation upon expiration of the notice period specified in subsection (d) of such section and shall not be required to be on a record within the meaning of subchapter II of chapter 5 of such title.

SEC. 15. This Act shall become effective on August 1, 1972, except that sections 4(a), 5, 6, 7, 8 and 9 shall become effective on December 29, 1972.

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., March 22, 1972.

The PRESIDENT of the Senate,
The Speaker of the House of Representatives.

GENTLEMEN: I have the honor to transmit to the Congress a draft of a proposed bill to give the Securities and Exchange Commission additional authority over the handling, processing and settlement of securities transactions, particularly as those functions may be performed by securities depositories, clearing agencies, transfer agents, registrars, brokers and dealers. In addition, the proposed bill confers upon the Commission the power to determine the form and format of the stock certificate. The ultimate objective of the bill is to provide a basis for the development of an efficient national system for clearance and settlement of securities transactions, a system which will be responsive on a non-discriminatory basis to the needs of the investing public. The proposed bill is accompanied by a statement in support of the requested legislation and a section by section analysis of the bill itself.

In December 1970 the Congress passed the Securities Investor Protection Act of 1970 which established a program to protect customers' securities and cash in the hands of a broker-dealer to the extent of $50,000 per customer. Concerned then with the perilous financial condition of many broker-dealers and that customer losses of the magnitude of those of the 1968–70 period might happen again, the Congress called upon the Commission to undertake a study of the unsafe and unsound practices of broker-dealers and to recommend to Congress additional legislation needed to eliminate unsafe and unsound practices which might be revealed by the study. Following this directive the Commission submitted to the Congress in December 1971 its "Study of Unsafe and Unsound Practices of Brokers and Dealers" which contained a recommendation to the Congress that the Commission be given additional authority in the area of processing of securities transactions. This proposed bill is an embodiment of that recommendation.

It was concluded in our Study of Unsafe and Unsound Practices that the serious operational problems experienced by the securities industry during the period under study, especially the industry's inability to accurately and promptly process customer transactions, evidenced a need for greater scrutiny and control by the Federal government. For example, the transfer agent function, an activity which presently falls without the regulatory jurisdiction of the Commission, was handled efficiently by some transfer agents and issuer companies acting as their own transfer agent, and they automated their systems to the extent practicable given the lack of uniformity existing in the processing of securities. Yet many of the transfer agents, including some of the largest, turned out a substandard performance and were significant contributors to the paperwork crunch of the 1968–70 period. The brokerage community experienced serious communication problems with transfer agents in the past involving three important areas. Confirmation of open transfer items by brokers have been difficult to obtain from transfer agents. Transfer agents which normally act as disbursing agents have not revealed the certificate number on which they are paying a broker interest on dividends. The transfer of ownership process was during the paper crunch and continues to be a time consuming process, resulting in some cases in impairment of the financial condition of a broker. The foregoing demonstrates a need for regulation of transfer functions.

Responsibility for the back office problems must also be shared by the broker-dealers themselves. Broker-dealers were not sufficiently automated and did not have adequate personnel to cope with the volume of transactions and the cyclical nature of the brokerage business. Their procedures were not uniform, and their systems failed to interface with transfer agents, depositories and others involved in the processing of securities transactions. The proposed bill gives the Commission broad authority over the "back office" area of broker dealers.

Depositories and clearing agencies are becoming increasingly more important in the processing of securities transactions. In the past two or three years they have grown rapidly, and several self regulatory organizations are planning to or have already implemented new clearing systems. Because these depositories and clearing agencies are operated by self regulatory organizations they are subject to the administrative jurisdiction of the Commission. Depositories or clearing agencies could, however, be established by entities other than those regulated by the Commission, and there are plans to spin-off the largest existing securities depository into a New York State trust company. It is the Commission's view that these vehicles are inextricably a part of the securities industry and should continue to be subject to the Commission's regulatory oversight. In fact, our objective of a single unified nationwide system for processing securities transactions probably could not be fulfilled if depositories were permitted to escape the ambit of the Commission's responsibility.

The proposed bill contemplates that the Commission will set standards and procedures with regard to these entities in four principal areas: performance, particularly accuracy and prompt handling and settlement of securities transactions; operational compatibility; policies for reasonably non-discriminatory access to the facilities; and standards for safety of cash and securities in the custody of these entities.

The bill as drafted contemplates that the standards reflected in the rules and regulations to be promulgated by the Commission would apply uniformly to each entity, whether that entity be a bank, a non-bank transfer agent, a broker or any other person subject to the legislation. Inspection and compliance with the provisions of this proposed bill and with rules promulgated thereunder by the Commission, in the case of banks performing transfer agent functions, would be undertaken by Federal bank regulators. The Commission would have primary responsibility for inspection and compliance with regard to non-bank transfer agents and all other entities sought to be regulated.

It is clear that modern communications and computer technology have now advanced to the point where the transfer of stock ownership, the payment therefor and the documents controlling and recording the transfer of ownership and payment can be dramatically simplified and improved. From the individual and disparate attempts to improve the handling of certificates and the process of clearance and settlement there have evolved the basic ingredients for an integrated nationwide system of securities clearance, settlement and delivery. What is needed now is a public entity with the authority to direct and accelerate the evolution of these private efforts toward the objectives recited as the beginning of this proposed bill. Accordingly this additional legislative authority sought by the Commission is respectively requested.

The Office of Management and Budget has advised us that the enactment of this bill would be consistent with the objectives of the Administration.

By direction of the Commission.

WILLIAM J. CASEY, *Chairman.*

STATEMENT IN SUPPORT OF REQUEST FOR AUTHORITY TO REGULATE SECURITIES DEPOSITORIES, CLEARING AGENCIES AND TRANSFER AGENTS

A principal conclusion of the Study of Unsafe and Unsound Practices of Brokers and Dealers, conducted by the Commission as mandated by the Securities Investor Protection Act of 1970 and submitted to the Congress in December of last year, was a need for additional authorization on the part of the Commission in the area of processing of securities transactions. It was demonstrated in that Study that the improvement and modernization of the systems for clearing, settling, delivery and transfer of securities was required in order to reduce the possibility of loss to customers of the type caused by the operational breakdown and paperwork problem of the 1969–1970 period.

It is submitted that increased regulation by the Federal government of the transaction handling process is necessary to insure that standardization and automation within the limits of technological feasibility can be accomplished as rapidly as possible and to oversee the development of a nondiscriminatory nationwide approach to the processing of securities transactions which will serve the needs of industry participants and the investment public. Inasmuch as the processing of securities transactions is an integral part of the business of the securities industry the Commission is in the best position to determine standards and procedures for the entities sought to be regulated.

The Commission now has jurisdiction over the broker-dealer community, investment companies, stock exchanges, securities associations, issuer companies (in certain respects), and subsidiaries of exchanges and securities associations which perform clearance, settlement and depository tasks. However, certain tasks, such as the transfer and registration of transfer of certificates, are not directly within the Commission's regulatory jurisdiction and even the depository and clearance functions would appear to be subject to direct regulation by the Commission only if performed by entities which are registered with it. Therefore, in order to ensure that the transaction handling process can be made to function equitably and efficiently as a whole, the Commission recommends the enactment of the accompanying proposed legislation known as the "Securities Transaction Processing Act of 1972."

Three types of entities, directly involved in the processing of securities transactions, fall under the regulatory provisions of this Act. The first, securities depositories, are relatively new and a growing phenomena involving the deposits of securities in a central depository and transfer of title by bookkeeping entry. These are presently owned and operated by stock exchanges but there are plans to permit ownership by other financial entities. Those presently having access to securities depositories are brokers, dealers and a few large banks. It is expected that other financial institutions will soon have access to depositories. The second, clearing agencies, are presently owned and operated by the securities exchanges and by the National Association of Securities Dealers. Clearing agencies act for brokers and dealers by transmitting and processing information, certificates and funds after the execution of a trade. They seek to achieve an efficient settlement of securities transactions by reducing the burden and cost of the settlement process. The third type of entity, transfer agents and registrars, act as agents to issuer companies and are responsible for maintaining records of ownership of stock certificates and for monitoring the issuance of securities with a view to preventing unauthorized issuance. To the extent an issuer company performed its own transfer and registrar tasks it would be subject to regulation in respect of that function similar to a transfer agent or registrar.

The Act would give the Commission authority to establish, by rules or regulations, performance standards, business practices and rules of entities performing transfer, depository and clearing functions. In detail, the four areas in which the Commission seeks authority to set standards and procedures regarding depository, clearing agency and transfer agent functions are:

(i) Performance standards, particularly with regard to accuracy and prompt handling and settlement of transactions.

(ii) Operational compatibility, with the objective of a national approach to integrated systems where each participant in the securities process would to the extent practicable interface with other participants.

(iii) Reasonable non-discriminatory access to securities depositories and clearing agencies.

(iv) Standards as to safety of cash and securities in the custody of these entities.

Any person performing depository or clearance functions with respect to any security (other than exempt securities as defined in the Securities Exchange Act of 1934) and any person performing transfer agent functions with respect to any security of an issuer company registered under the Securities Exchange Act of 1934 or which would be required to register except for exemptions provided by sections 12(g)(2)(B) and (G) of that Act, would have to register with the appropriate regulatory agency as defined in this Act. The information contained in the registration statements of these entities coupled with the inspection and reporting powers conferred by this Act upon the agencies having responsibility for enforcement would form a basis for a compliance program and for establishment of standards of conduct and procedures for the processing of securities transactions.

To the extent transfer functions are performed by national banks, banks insured by the Federal Deposit Insurance Corporation or banks which are members of the Federal Reserve System, the appropriate regulatory agency for enforcement of compliance by such banks or subsidiaries of such banks with the provisions of this Act would be the Comptroller of the Currency, the Federal Deposit Insurance Corporation and the Board of Governors of the Federal Reserve System, respectively. The Commission would have responsibility for enforcement of compliance with regard to all other persons performing transfer functions and all persons performing depository and clearance functions.

Insofar as banks may be subject to this Act regarding their activities in the processing of securities transactions, the Act requires consultation and cooperation between the Federal banking agencies, the Commission and State banking authorities. Programs of inspection and enforcement carried out by State banking authorities which are reasonably designed to insure compliance by banks with the provisions of the Act would be given recognition in order to avoid duplicate regulatory oversight and undue burden upon banks.

The Act further confers upon the Commission authority to promulgate rules and regulations regarding the handling and settlement of securities transactions by broker-dealers and the form and format of certificates for securities. This authority is deemed necessary for the implementation of a total systems approach to the handling and settlement of securities transactions.

There follows a section by section analysis of this proposed legislation:

SECTION 1. SHORT TITLE

The short title of the legislation is "Securities Transaction Processing Act of 1972."

SECTION 2. APPLICATION OF SECURITIES EXCHANGE ACT OF 1934

Section 2 of the bill provides that the provisions of the Securities Exchange Act of 1934 shall apply as if the legislation constituted an amendment to, and was included as a section of, that Act.

SECTION 3. DEFINITIONS

Section 3 of the bill defines, for the purposes of this legislation, the terms: clearing agency; transfer agent; depository; participant; and appropriate regulatory agency.

SECTION 4(a). REGISTRATION REQUIREMENT

Section 4(a) prohibits any person from making use of the mails or any instrumentality of interstate commerce in order to perform any function of a depository or clearing agency with respect to any security (other than an exempted security, as defined in Section 3(a)(12) of the Exchange Act) or of a transfer agent, unless such person is registered as provided in this legislation.

SECTION 4(b). EXEMPTIVE PROVISION

Section 4(b) authorizes the Commission, conditionally or unconditionally, to exempt from the registration requirement of this legislation any person, security or transaction, or any class thereof.

SECTION 4(c). REGISTRATION PROCEDURES

Section 4(c) provides for the registration of depositories and clearing agencies with the Commission upon the filing of a registration statement and certain corporate documents. Registration of depositories and clearing agencies would become effective sixty days after receipt of the appropriate materials by the Commission. Section 4(c) also provides for the registration of transfer agents with the appropriate regulatory agency upon the filing of certain materials. Where a transfer agent registers with a regulatory agency other than the Commission, it must also file a notice as to certain matters with the Commission. Registration of transfer agents would become effective thirty days after receipt of the appropriate materials by the appropriate regulatory agency.

SECTION 4(d). DENIAL OF REGISTRATION

Section 4(d) requires the appropriate regulatory agency to deny registration, after appropriate notice and opportunity for a hearing, to any depository, clearing agency or transfer agent if it finds that such organization does not have the procedures or the means to be able to comply with this legislation and the rules thereunder, and that denial of registration is in the public interest.

SECTION 4(e). POSTPONEMENT, WITHDRAWAL AND CANCELLATION OF REGISTRATION

Section 4(e) provides that the appropriate regulatory agency may postpone the effective date of registration of a depository, clearing agency or transfer agent for a period not exceeding 90 days, except that, upon notice and opportunity for a hearing, it can further postpone registration until a final determination has been made as to whether registration should be denied. Section 4(e) also provides that a depository, clearing agency or transfer agent may withdraw its registration upon such terms and conditions as the appropriate regulatory agency specifies, and that the appropriate regulatory agency shall cancel registration of a person no longer in existence or which has ceased to do the business for which it was registered.

SECTION 5. REGULATION OF DEPOSITORIES AND CLEARING AGENCIES

Section 5 makes it unlawful for a depository or clearing agency to make use of an instrumentality of interstate commerce to participate in the processing or settlement of any transaction in a security (other than an exempted security) in contravention of rules prescribed by the Commission in the following areas: minimum standards for the performance of functions; measures and personnel standards for safe handling and custody of securities and funds; operational compatability of the depositories and clearing agencies with other facilities and participants in the securities handling process; and reasonable, non-discriminatory access to the services provided by depositories and clearing agencies.

SECTION 6. REGULATION OF TRANSFER AGENTS

Section 6 makes it unlawful for a transfer agent to make use of an instrumentality of interstate commerce to engage in any activity as a transfer agent with respect to a security (other than an exempted security) in contravention of rules prescribed by the Commission in the following areas: minimum standards for the performance of functions; measures and personnel for safe handling and custody of securities and funds; and operational compatibility of transfer agents with other facilities and participants in the securities handling process.

SECTION 7. REGULATION OF BROKERS AND DEALERS

Section 7 makes it unlawful for a broker or dealer to make use of an instrumentality of interstate commerce to participate in the settlement of any transaction in a security (other than an exempted security) in contravention of rules prescribed by the Commission for the efficient and expeditious handling and settlement of securities transactions.

SECTION 8. REGULATION OF THE FORM AND FORMAT OF SECURITIES

Section 8 makes it unlawful for an issuer to make use of an instrumentality of interstate commerce to issue, either originally or upon transfer, securities whose form or format contravenes rules prescribed by the Commission for the prompt and accurate processing of transactions, provided that any class of such issuer's securities are registered under Section 12 of the Exchange Act or would be required to be so registered except for the exemption from registration provided by paragraphs (2)(B) or (G) of subsection 12(g) of the Securities Exchange Act of 1934.

SECTION 9(a). UPDATING OF REGISTRATION STATEMENTS

Section 9(a) requires depositories, clearing agencies and transfer agents to file such information and documents with the appropriate regulatory agency as that agency may require to keep reasonably current their registration statements.

SECTION 9(b). BOOKS AND RECORDS

Section 9(b) requires depositories, clearing agencies and transfer agents to make, keep and preserve, such accounts, correspondence, memoranda, papers, books, records and other data, and to make such reports and file such information and documents, as the appropriate regulatory agency specifies by rule. Such records and information shall be subject at any time to reasonable examination by the appropriate regulatory agency.

SECTION 10(a). COOPERATION IN REGULATION

Section 10(a) provides that the appropriate regulatory agencies shall consult and cooperate with each other and with State banking authorities with respect to the books and records (and the inspections thereof) required of banks acting as transfer agents, depositories and clearing agencies.

SECTION 10(b). ENFORCEMENT BY BANK REGULATORY AGENCIES

Section 10(b) specifies the appropriate authorities to enforce compliance with the requirements of this legislation in the case of banks acting as transfer agents. The appropriate authority is: the Comptroller of the Currency with respect to national banks and banks operating under the Code of Law for the District of Columbia, and their subsidiaries; the Board of Governors of the Federal Reserve System with respect to member banks of the Federal Reserve System (not regulated by the Comptroller of the Currency), and their subsidiaries; and the Federal Deposit Insurance Corporation with respect to banks insured by said Corporation (not members of the Federal Reserve System), and their subsidiaries. Enforcement shall be effected under Section 8 of the Federal Deposit Insurance Act, and any violation of this legislation by a bank registered as a transfer agent shall be deemed a violation of the Federal Deposit Insurance Act.

SECTION 10(C). ENFORCEMENT BY THE COMMISSION

Section 10(c) provides that the Commission shall enforce compliance with the provisions of this legislation except insofar as enforcement is specifically committed to one of the bank regulatory authorities. Enforcement by the Commission is authorized whether or not a person is engaged in commerce or meets any of the other jurisdictional tests in the Exchange Act.

SECTION 10(d). DISCIPLINARY ACTION AND APPOINTMENT OF A TRUSTEE

Section 10(d) provides that the Commission may, after appropriate notice and opportunity for a hearing, by order, censure or bar or suspend or place limitations upon any depository or clearing agency, or upon any transfer agent (other than a bank transfer agent whose compliance with this legislation is enforced by a bank regulatory agency), or upon any officer, director or employee of any of such organizations, if the Commission finds that such action is in the public interest or for the protection of investors, and that such organization has willfully violated or is unable to comply with any provision of this Act or rule thereunder. Where a disciplinary proceeding results in the suspension or revocation of registration of a depository or clearing agency, the Commission shall apply to a court of competent jurisdiction (as specified in Section 27 or Section 21(e) of the Exchange Act) for the appointment of a trustee, which shall be the Commission or its designated agent. The trustee, in such a situation, shall have the power to continue to operate, or to terminate, the facility in an orderly manner, subject to terms and conditions prescribed by the court.

SECTION 10(e). AUTHORITY TO ADOPT ENFORCEMENT PROCEDURES

Section 10(e) provides that the authority of the Commission to promulgate rules under this Act does not impair the authority of the other designated regulatory agencies to make rules respecting their own procedures in enforcing compliance with the Act.

SECTION 11(a). AUTHORITY OF STATE BANK REGULATORY AUTHORITIES

Section 11(a) provides that nothing in the Act shall impair the authority of any State banking authority with regard to its exercise of regulatory or supervisory oversight over banks performing transfer agent, depository or clearing agency functions.

Section 11(a) also provides that the appropriate regulatory agencies take into consideration, with regard to their compliance and enforcement activities, any program of inspection, examination and enforcement carried out by a State banking authority which is reasonably designed to comply with the provisions of this Act.

SECTION 11(b). CONSULTATION IN THE REGULATION OF TRANSFER AGENTS

Section 11(b) provides that before a proposed rule regarding transfer agents is issued for public comment, or is adopted, by an appropriate regulatory agency, such agency shall consult with the other Federal regulatory agencies having jurisdiction over transfer agents.

SECTION 12. PUBLIC INSPECTION OF REPORTS

Section 12 provides that certain portions of the registration statement of a transfer agent, depository or clearing agency filed with the appropriate regulatory agency shall be available for public inspection. All other portions of such registration statement, and all reports, information and documents required of such organization, and correspondence between such organization and the appropriate regulatory agency (not relating to a matter subject to public inspection) shall be exempt from the disclosure requirements of the Freedom of Information Act. Under Section 12, however, the appropriate regulatory agency is authorized to make available to any person, or to the public generally, such exempt material as it deems appropriate in the public interest, and it shall make available to any of the other designated regulatory agencies such exempted materials as they may require for the performance of their duties under this Act.

SECTION 13. EXTRATERRITORIAL APPLICATION

Section 13 provides that neither this Act nor the rules thereunder shall apply to any person acting as a transfer agent with respect to securities transactions which occur without the jurisdiction of the United States, unless such person acts in contravention of rules prescribed by the Commission to prevent evasion of this Act.

SECTION 14. RULEMAKING PROCEDURES

Section 14 provides that determinations of the Commission for purposes of making rules under sections 5, 6, 7 and 8 of this Act shall be after appropriate notice and opportunity for hearing and submission of views of interested persons, as specified in the Administrative Procedures Act, provided, however, that the holding of a hearing shall not prevent the adoption of a rule upon expiration of the specified notice period and that such hearing shall not be required to be on a record.

SECTION 15. EFFECTIVE DATE

Section 15 provides that the registration requirements, the prohibitions, and the rulemaking powers of the appropriate regulatory bodies under the Act shall become effective on December 29, 1972, and that the other sections of the Act shall become effective on August 1, 1972.

By Mr. WILLIAMS (for himself and Mr. Case):

S. 3413. A bill to provide for the expansion of the Beverly National Cemetery in or near Beverly, Burlington County, N.J. Referred to the Committee on Veterans' Affairs.

Mr. WILLIAMS. Mr. President, on behalf of myself and Senator Case, I am sending to the desk for appropriate reference a bill which provides for the expansion of the Beverly National Cemetery in or near Beverly, Burlington County, N.J.

This cemetery was established in 1862 for members and honorably discharged members of the U.S. armed services, their spouses, and dependent children. For these 110 years, it has been the only Federal burial grounds for veterans in New Jersey.

There are nearly 1,100,000 veterans living in New Jersey, and I know that many of these men would cherish the honor of being buried in a national cemetery.

I understand, however, that Beverly National Cemetery has been closed to new burials since the end of 1965 and that the only burials which could be permitted involve Vietnam casualties in sites relinquished by wives of deceased veterans and the surviving spouse of a member already buried.

Furthermore, during this period, the hundreds of veterans who had sought plots in the Beverly National Cemetery for themselves and their families have been told that they could not be accommodated there but possibly they could be in Baltimore or on Long Island. Certainly this is an unrealistic alternative to burial near their home in New Jersey.

Since 1964, the New Jersey State Legislature has approved legislation to memorialize Congress to provide additional cemetery facilities in the vicinity of Beverly. In February 1967, a law was enacted which authorized the Government to provide for the acquisition of lands for national cemeteries. Under this law, cemeteries have been established in several States and in certain foreign countries. Unfortunately, this precedent set following the Civil War cannot be continued for lack of space. The bill I am introducing today authorizes the Secretary of the Army to expand the national cemetery in or near Beverly and to acquire by gift, purchase, condemnation, or otherwise, approximately 130 acres of land contiguous to or in the vicinity of the Beverly National Cemetery. The acquisition of this land should provide sufficient burial plots to accommodate interment needs of New Jersey's veterans through 1985.

It should be noted that there is land surrounding the Beverly National Cemetery which could be acquired to meet the provisions of the bill without having to tear down any buildings. Furthermore, there is an "in lieu tax" section in the bill which compensates the local communities for loss of tax revenues.

I have every hope that the Senate will take prompt action on this legislation to ease a serious problem for veterans in New Jersey.

I ask that the text of the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that—

(1) the privilege granted members and honorably discharged members of the United States armed services, their spouse, and dependent children to be allowed to rest in peace in a national cemetery was bestowed by a grateful nation through various Acts of Congress;

(2) provision for the acquisition of lands for national cemetery purposes was made in an Act of February 22, 1867, which has permitted our Government to establish burial grounds on United States soil for interment of these deceased Americans since shortly after the American Civil War, as well as permanent military cemeteries abroad for the interment of deceased military personnel of World War I and World War II;

(3) the Beverly National Cemetery located on a site presently comprising approximately sixty-four and fifty-five one hundredths acres in Beverly, Burlington County, New Jersey, was established beginning in 1862 for these said purposes, and is now filled to capacity;

(4) the wars that have since followed and the present Vietnam conflict present a mounting shortage of grave plots in our national cemeteries, thereby weighing heavily on the present administration's policy advocating the non-expansion of the national cemetery system;

(5) in testimony to the accelerated demand for grave plots in our national cemetery system, the Beverly National Cemetery during the last two years of its functional service burials had increased to approximately two thousand and seven hundred interments per year;

(6) throughout the past decade many nationally chartered veterans organizations have adopted formal resolutions expressing their concern with this long standing problem at Beverly National Cemetery, officially petitioning State and Federal officials to have the situation remedied by the Government's purchase of additional available and suitable land in the immediate vicinity of the present national cemetery at Beverly;

(7) the New Jersey State Legislature has memoralized the Congress for the past decade to purchase additional acreage surrounding the Beverly National Cemetery;

(8) it is estimated that at a reasonable rate of burials averaging two thousand five hundred per year approximately one hundred thirty acres of land will be necessary to sustain and keep open the Beverly National Cemetery for the next twenty years;

(9) the increasing demand and fierce competition for the use of land throughout our Nation will continually diminish the supply and tend to increase the cost of public acquisition of lands available and appropriate for national cemetery purposes;

(10) it is also recognized that the acquisition of additional land by the Federal Government for public use may cause an undue financial burden on the local tax structure and taxpayers of the area and that there is rich wisdom in softening any sharp and severe impact of an immediate loss of tax ratables to the local communities and citizens in the vicinity of the Beverly National Cemetery; and

(11) the Federal Government must act now to acquire lands as are now available and appropriate for the expansion of the Beverly National Cemetery so that they may be used and preserved for use for such purposes.

Sec. 2. That the Secretary of the Army is authorized and directed (1) to expand the national cemetery in or near Beverly, Burlington County, New Jersey, and (2) to acquire by gift, purchase, condemnation, or otherwise, approximately one hundred thirty acres of land contiguous to or in the vicinity of the Beverly National Cemetery to provide sufficient burial plots to accommodate interment needs of our veterans at the Beverly National Cemetery through the year 1985.

Sec. 3. (a) To the end that municipalities may not suffer loss of taxes by reason of the acquisition and ownership by the Federal Government of property under the provisions of this act, the Federal Government shall pay annually on October 1 to each municipality in which property is so acquired for a period of thirteen years following such acquisition the following amounts: In the first year a sum of money equal to that last paid as taxes upon such land and the improvements thereon for the taxable year immediately prior to the time of its acquisition, and thereafter the following percentages of the amount paid in the first year, to wit, second year 92 per centum; third year, 84 per centum; fourth year 76 per centum; fifth year 68 per centum; sixth year 60 per centum; seventh year 52 per centum; eighth year 44 per centum; ninth year 36 per centum; tenth year 28 per centum; eleventh year 20 per centum; twelfth year 12 per centum; thirteenth year 4 per centum.

(b) All sums of money received by the respective municipalities as compensation for loss of tax revenue pursuant to this section shall be applied to the same purposes as is the tax revenue from the assessment and collection of taxes on real property of the said municipalities, and to accomplish this end such sums shall be apportioned in the same manner as the general tax rate of the municipality for the tax year preceding the year of receipt.

Sec. 4. The Secretary of the Army is authorized and directed to provide for the care and maintenance of the lands acquired under the authority of this Act as a part of the national cemetery system.

Sec. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. STEVENSON:

S. 3414. A bill for the relief of Alexandria Nicholson. Referred to the Committee on the Judiciary.

Mr. STEVENSON. Mr. President, I am pleased to introduce today a bill for the relief of Alexandria Nicholson of Rockford, Ill. This 14-year-old girl, who has lived in this country since July 1957, is the AAU National Champion Trampolinist and under ordinary circumstances would be a leading contender for a key position on the U.S. 1972 Olympic team. She will not be allowed to compete for such a position, however, because her family has not yet obtained American citizenship.

The people of Rockford have long had the good fortune of being served by Alexandria's father, Dr. Merickston Nicholson, a native of Trinidad. They are proud of Alexandria's fine record and would like to see her represent this country in the Olympics at Munich this October.

The only factor which prohibits Alexandria from becoming naturalized before the preliminary competition in June is the fact that her family did not obtain official permanent residence status until 1971. Alexandria, who has been in this country from the age of 3 months, is an American by upbringing and will certainly be eligible for naturalization in the future. I have introduced this bill on her behalf, however, to accelerate this process and allow her to obtain citizenship in time to participate on behalf of the United States in 1972. I am hopeful that with the cooperation of the Immigration and Naturalization Service and the Senate Committee on the Judiciary, we will be able to give Alexandria the opportunity, for which she has worked hard, to enhance our country's Olympic record.

By Mr. HRUSKA (by request):

S. 3415. A bill to amend section 3401 of title 18, United States Code, to authorize U.S. magistrates to use the probation provision of the Youth Corrections Act, and for other purposes. Referred to the Committee on the Judiciary.

Mr. HRUSKA. Mr. President, I send to the desk for introduction a bill to authorize U.S. magistrates to use the probation provisions of the Youth Corrections Act. This introduction is made at the request of the Acting Attorney General on behalf of the Department of Justice.

I ask that the bill be appropriately referred. Further request is made that at the conclusioin of these remarks the text of the bill and the text of Mr. Kleindienst's transmittal letter be printed in the RECORD.

This proposal is a very simple technical change which would permit Federal magistrates to use the probation provisions of the Youth Corrections Act, 18 U.S.C. 5010(a)—relating to sentence—and 18 U.S.C. 5021(b)—relating to the issuance of a certificate setting aside the conviction. Use of these provisions is presently limited to Federal judges. The extension of this authority to magistrates would result in uniformity of treatment as well as speeding the work of Federal district courts. The complete terms of the bill are adequately explained in the transmittal letter.

It is my hope that the Judiciary Committee will have an early opportunity to consider the merits of this proposal.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 3415

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled That section 3401 of title 18, United States Code is amended by adding at the end thereof the following:

"(g) A United States Magistrate shall have the power to suspend the imposition or execution of sentence and place a youth offender on probation under the provisions of section 5010(a) of this title. The provisions of section 5021(b) of this title shall apply to probation granted under this subsection."

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., March 23, 1972.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: There is enclosed for your consideration and appropriate reference a legislative proposal to amend section 3401 of Title 18, United States Code, to authorize United States Magistrates to use the probation provisions of the Youth Corrections Act.

The Federal Magistrates Act, 18 U.S.C. 3401, authorizes magistrates to grant probation to persons they try and, when approved by a district judge, to use the probation service of the district court. However, magistrates are not authorized to grant probation to youthful offenders under the provisions of the Youth Corrections Act.

A youthful offender charged with a felony offense may be granted probation by the district court under the Youth Corrections Act; if he is unconditionally discharged prior to the expiration of the maximum period of probation his conviction is set aside. Fairness in the use of probation as a rehabilitative measure requires that the same opportunity to have a conviction set aside be given to the youthful offender who is convicted of a minor offense by a magistrate as is given one convicted of a felony in the district court and sentenced under the Youth Corrections Act.

This proposed legislation would authorize United States Magistrates to grant probation under the Youth Corrections Act to youthful offenders who are convicted of minor offenses. It would also provide that the conviction shall be set aside if the offender is unconditionally discharged from probation prior to the expiration of the maximum period of probation fixed by the magistrate.

We urge the early consideration and enactment of this measure which we believe will contribute to the successful rehabilitation of young offenders.

The Office of Management and Budget has advised that there is no objection to the submission of this proposal from the standpoint of the Administration's program.

Sincerely,

RICHARD G. KLEINDIENST,
Acting Attorney General.

By Mr. THURMOND:

S. 3416. A bill to amend titles 10 and 37, United States Code, to authorize members of the Armed Forces and who are in a missing status to accumulate leave without limitation, and for other purposes. Referred to the Committee on Armed Services.

Mr. THURMOND. Mr. President, one of the most distressing problems our country has ever faced is the prisoner-of-war and missing-in-action tragedy. In my judgment, our country must be relentless in resolving this problem.

Meanwhile, there are many actions our Nation can take to provide for their welfare when repatriation becomes a long sought reality. This is one small way a grateful nation can express its humble gratitude for their courageous sacrifice and the incredible anxiety being experienced by their loved ones.

Mr. President, I hope our Nation is well prepared to receive these brave men who have endured inhumane treatment. In this connection, there are measures our Congress can take in behalf of their welfare and the welfare of their families when these men return to America. Some legislative action has been taken, but there are other actions that must be taken by the Congress.

One of these measures is to insure that the transition from imprisonment, or missing in action, to civilian life or continued military service, reflects the deep feeling all Americans have for these men.

Mr. President, in this connection, I would like to introduce legislation which will guarantee a relaxation and rehabilitation period of transition. As the law and regulations now stand, many of our soldiers, sailors and airmen could be deprived of over 200 days of leave because of their imprisonment by the enemy, or missing in action. Today, I am introducing legislation to prevent this loss of leave which will be a practical method to help during the transition period.

Mr. President, the purpose of this bill is to allow a military member who is captured or missing in action to accumulate leave in excess of the maximum of 90 days now provided in law, and to authorize payment for this accumulated leave as soon as possible after the member's return. The bill, if enacted, would allow members officially carried by the Department of Defense in a status of missing, missing in action, interned in a foreign country, captured, beleaguered, besieged by a hostile force, or detained in a foreign country against his will to accumulate leave without limit while in this "missing status." In addition the bill would provide payment for all unused leave in final settlement of a deceased military member's accounts, without regard to the existing 90-day limitation, provided that the member dies while in a "missing status."

The proposed effective date of the bill is February 28, 1961. This date was selected in order that the benefits might be extended to all members who enter "missing status" incident to duty in Vietnam; however, the benefits of the bill are not restricted to any particular geographical location but cover all who are officially designated as "missing."

As my distinguished colleagues know, many of our prisoners of war have been missing for 6 years, some for a longer period. These men would have been permitted to take annual leave of 30 days for each year of their active duty service had they not been prisoners of war.

Mr. President, unless the authority contained in this bill is enacted, our country will not be able to compensate our prisoners of war for the loss of the leave to which they are entitled and would enjoy under normal circumstances. I urge early consideration and enactment of this bill to avoid compounding the hardships and inequities which these brave men and their families continue to suffer.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2013

At the request of Mr. THURMOND, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 2013, a bill to amend chapter 21, of title 38, United States Code, to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans.

S. 2467

At the request of Mr. HOLLINGS, the Senator from Arkansas (Mr. MCCLELLAN) was added as a cosponsor of S. 2467, a bill to amend the Natural Gas Act.

S. 2956

At the request of Mr. JAVITS, the Senator from New Jersey (Mr. CASE) and the Senator from California (Mr. CRANSTON) were added as cosponsors of S. 2956, the War Powers Act.

S. 3297

At the request of Mr. WILLIAMS, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of S. 3297, the Securities Industry Paperwork Modernization Act.

S. 3382

At the request of Mr. JAVITS, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 3382, the Gifted and Talented Children's Education Assistance Act.

S. 3394

At the request of Mr. DOMINICK, the Senator from New York (Mr. BUCKLEY) was added as a cosponsor of S. 3394, a bill to legalize the ownership of gold.

SENATE JOINT RESOLUTION 200

At the request of Mrs. SMITH, the Senator from Tennessee (Mr. BROCK), the Senator from Nevada (Mr. CANNON), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Oregon (Mr. PACKWOOD) were added as cosponsors of Senate Joint Resolution 200, proposing an amendment to the Constitution of the United States with respect to the attendance of Senators and Representatives at sessions of the Congress.

SENATE JOINT RESOLUTION 215

At the request of Mr. MANSFIELD, the Senator from Idaho (Mr. CHURCH) was added as a cosponsor of Senate Joint Resolution 215, proposing an amendment to the Constitution of the United States relating to the nomination of individuals for election to the offices of the President and Vice President of the United States.

SENATE JOINT RESOLUTION 216

At the request of Mr. WILLIAMS, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of Senate Joint Resolution 216, to establish a Commission on U.S. Participation in the United Nations.

SENATE RESOLUTION 286—ORIGINAL RESOLUTION REPORTED PROVIDING ADDITIONAL FUNDS FOR THE COMMITTEE ON THE JUDICIARY

(Referred to the Committee on Rules and Administration.)

Mr. EASTLAND, from the Committee on the Judiciary, reported the following resolution:

S. RES. 286

Resolved, That the Committee on the Judiciary is authorized to expend from the contingent fund of the Senate, during the Ninety-second Congress, $40,000 in addition to the amount, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act of 1946.

SENATE RESOLUTION 287—ORIGINAL RESOLUTION REPORTED RELATING TO THE PRINTING AND DISTRIBUTION OF LEGISLATIVE PROCEEDINGS EULOGIZING THE LATE SENATORS HAYDEN, ROBERTSON, AND HOLLAND

(Ordered to be placed on the calendar.)

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution:

S. RES. 287

Resolved, That the legislative proceedings in the United States Congress relating to the deaths of the former Senator from Arizona, Mr. Hayden, the former Senator from Virginia, Mr. Robertson, and the former Senator from Florida, Mr. Holland, ordered to be printed by the Senate on January 26, 1972, as separate Senate documents, be printed and distributed, except to the extent otherwise provided by the Joint Committee on Printing under chapter 1 of title 44, United States Code, in the same manner and under the same conditions as memorial addresses, on behalf of Members of Congress dying in office, are printed under sections 723 and 724 of such title.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 230

At the request of Mr. KENNEDY, the Senator from Utah (Mr. MOSS) was added as a cosponsor of Senate Resolution 230, a resolution relating to underground nuclear weapons testing.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 998

At the request of Mr. CHURCH, the Senator from New Hampshire (Mr. McINTYRE) was added as a cosponsor of amendment No. 998, intended to be proposed to the bill (H.R. 1), to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

AMENDMENT NO. 999

At the request of Mr. CHURCH, the Senator from South Dakota (Mr. McGOVERN), the Senator from Washington (Mr. JACKSON), the Senator from Indiana (Mr. BAYH), the Senator from Washington (Mr. MAGNUSON), the Senator from Utah (Mr. MOSS), the Senator from California (Mr. CRANSTON), the Senator from West Virginia (Mr. BYRD), and the Senator from New Hampshire (Mr. McINTYRE) were added as cosponsors of amendment No. 999, intended to be proposed to the bill (H.R. 1), supra.

NOTICE OF HEARINGS ON S. 3390

Mr. FULBRIGHT. Mr. President, I wish to announce that the Committee on Foreign Relations will hold hearings April 17–19 on S. 3390, the executive branch's proposal for authorization of foreign assistance for the 1973 fiscal year.

Secretary of State Rogers is scheduled to testify on April 17 and Secretary of Defense Laird on April 18. Public witnesses will be heard on April 19. The hearings will be held in room 4221 in the New Senate Office Building beginning at 10 a.m. each day. Persons wishing to submit statements should communicate with Arthur M. Kuhl, chief clerk of the committee, room S–116, the Capitol, telephone 225–4615.

I ask unanimous consent that certain tables which furnish information concerning the authorization request for military and related assistance be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

SECURITY ASSISTANCE—SUMMARY OF PROGRAMS FOR FISCAL YEARS 1971, 1972 AND 1973

[In millions of dollars]

	Total obligational authority (fiscal year)			Net adjustments (fiscal year)			New obligational authority (fiscal year)		
	1971	1972	1973	1971	1972	1973	1971	1972	1973
Frant military assistance	$788.0	$545.0	$819.7	−$98.0	−$45.0	−$39.7	$690.0	$500.0	$780.0
Goreign military credit sales	743.4	550.0	629.0	−44.1	−150.0	−102.0	699.3	400.0	527.0
Security supporting assistance	573.0	583.1	874.5	−3.4	−33.1	−30.5	569.6	550.0	844.0
Contingency fund [1]	26.2	29.1	30.3	−3.7	.9	−.3	22.5	30.0	30.0
Other [2]	4.4	4.5	4.8	−.3	−.3		4.1	4.2	4.8
Total	2,135.0	1,711.7	2,358.3	−149.5	−227.5	−172.5	1,985.5	1,484.2	2,185.8

[1] Used for disaster relief and other unforeseen economic assistance requirements as well as for security supporting assistance.

[2] Special State Department administrative expenses under sec. 637(b) of the Foreign Assistance Act. (See "nonregional" tab).

SECURITY ASSISTANCE—COMPARATIVE FISCAL YEAR SUMMARY BY REGION 1971–73

[In millions of dollars]

	Fiscal year—		
	1971	1972	1973
East Asia and Pacific	$1,088.9	$925.3	$1,423.6
Near East and South Asia	772.6	592.2	695.0
Africa	65.2	33.5	37.5
Latin America	69.3	78.1	95.3
Europe	26.1	12.4	23.6

	Fiscal year—		
	1971	1972	1973
Nonregional	$112.9	$70.2	$83.3
Total, obligational authority	2,135.0	1,711.7	2,358.3
Less: Net adjustments	−149.5	−227.5	−172.5
New obligational authority	1,985.5	1,484.2	2,185.8

SECURITY ASSISTANCE—AVAILABILITY ADJUSTMENT AND PROGRAMS FOR FISCAL YEARS 1972, AND 1973

[In millions of dollars; fiscal years]

	Total		Grant military assistance		Foreign military credit sales		Security supporting assistance		Contingency fund and other	
	1972	1973	1972	1973	1972	1973	1972	1973	1972	1973
Appropriation (NOA)	$1,484.2	$2,185.8	$500.0	$780.0	$400.0	$527.0	$550.0	$844.0	$34.2	$34.8
Transfers	−4.0	−1.2					−2.4	−1.2	−1.6	
Recoveries/recoupments	66.0	60.1	35.2	30.0			30.9	29.8	.5	.3
Reimbursements	5.9	6.6	4.0	4.7			1.9	1.9		
Reappropriations	5.8	5.0	5.8	5.0						
Net private credit	150.0	102.0			150.0	102.0				
Carryovers	3.2						2.7		.5	
Total, obligational authority	1,711.7	2.35	545.0	819.7	550.0	629.0	583.1	874.5	33.6	35.1

SECURITY ASSISTANCE AND SECURITY RELATED PROGRAMS

[In millions of dollars]

	Fiscal year 1966	Fiscal year 1967	Fiscal year 1968	Fiscal year 1969	Fiscal year 1970	Fiscal year 1971	Estimated fiscal year 1972	Estimated fiscal year 1973
Security assistance:								
Grant military assistance	$1,000.7	$742.3	$588.2	$453.1	$388.6	$788.0	$545.0	$819.7
Excess defense articles [1]	51.0	32.2	67.1	107.5	125.8	118.4	185.0	[2] 245.0
Foreign military credit sales	317.2	323.2	263.4	281.2	70.0	743.4	550.0	629.0
Security supporting assistance	717.7	727.2	601.9	471.1	525.0	573.0	626.6	874.0
Contingency fund transfers to security assistance	189.9	39.6	19.3	2.7	3.9	1.5	(3)	(3)
Total security assistance	2,276.5	1,864.5	1,539.9	1,315.6	1,113.3	2,224.3	1,906.6	2,567.7
Other security related programs:								
Military assistance service funded	838.5	1,496.0	1,591.7	2,130.4	2,093.4	2,325.9	2,339.4	2,055.0
Ship loans and leases [1]	5.3	8.9	20.3	2.5	7.8	15.4	30.0	[4] NA
Subtotal	843.8	1,504.9	1,612.0	2,132.9	2,101.2	2,341.3	2,369.0	[4] NA
Sales:								
FMS cash sales	1,467.7	805.1	849.7	1,438.5	863.2	1,329.4	2,280.0	2,220.0
Commercial cash sales	312.3	344.4	334.8	328.9	567.5	546.4	653.9	722.6
Subtotal	1,780.0	1,149.5	1,184.5	1,767.4	1,430.7	1,875.8	2,933.9	2,922.6
Public Law 480 funded—Common defense grant sec. 104(c)	135.8	105.0	150.3	92.8	108.0	191.7	101.4	112.3

[1] Legal value (½ acquisition value).

[2] Includes Vietnam.

[3] In fiscal year 1972, $30,000,000, and in fiscal year 1973 $30,000,000 are estimated overall for the President's Foreign Assistance Contingency Fund. An undetermined portion may be used for security-related items.

[4] Ship loans and leases data for fiscal year 1973 not available at time of publication.

ADDITIONAL STATEMENTS

PRESIDENT NIXON'S PROCLAMATION FOR NATIONAL WEEK OF CONCERN

Mr. HRUSKA. Mr. President, next week we begin the National Week of Concern for Prisoners of War/Missing in Action, as proclaimed by President Nixon according to the request of Congress. This Senator is proud to have been a cosponsor and active supporter of the Senate joint resolution which resulted in the designation of this very special week. Sunday, March 26, has also been proclaimed as a National Day of Prayer for the lives and safety of our prisoners of war and missing in action.

It is plain that our involvement in Southeast Asia is drawing to a close. At the same time, there has been no substantial easing of the lot of our men who are in the hands of the enemy. Our failure to make progress in this area is certainly not due to any lack of effort on the part of the Nixon administration. It is rather the result of dealing with a cold and inhumane enemy who has no regard for international obligations or the requirements of basic decency.

More than ever we must turn our thoughts and our efforts to the welfare of these men and their courageous families. The National Day of Prayer and the National Week of Concern provide an excellent focus for the minds and hearts of all Americans. On this occasion it is imperative that we show the enemy and the entire world that, regardless of other disagreements, our country stands united in protest and outrage against the refusal of North Vietnam and its allies to abide by the Geneva Prisoner of War Convention. We must make it plain by word and deed that America will not rest until every POW/MIA is either restored to his loved ones or fully accounted for to the satisfaction of this Nation.

President Nixon has spoken most eloquently on this situation in his proclamation commemorating this event. I therefore, ask unanimous consent that his Proclamation be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

AMERICANS WHO ARE PRISONERS OF WAR OR MISSING IN ACTION

(By the President of the United States of America)

A PROCLAMATION

1,623 American servicemen and some 50 U.S. civilians are now either missing in action or being held captive by North Vietnam and its allies. At the end of this month, the first men to be taken prisoner will begin their ninth year in captivity. This is the longest interment ever endured by American fighting men; it is also one of the most brutal.

The POW/MIA story of this long and difficult war is a tragic one:

The enemy continues adamant in his refusal even to identify all the Americans being held. He continues to flout the Geneva Prisoner of War Convention which establishes minimum humane standards for treatment of prisoners—a treaty to which North Vietnam is a signatory, just as are South Vietnam and the United States and 128 other nations. He continues to block impartial inspection of the prison camps. He continues to deny repatriation for seriously sick and wounded prisoners. He continues to ignore the prisoners' right to regular correspondence with their families.

And so those families suffer in spirit hardly less than their men suffer in the flesh. They live in a nightmare of unremitting anguish and gnawing concern. Many cannot even know whether their loved ones are still alive; those who do know this much, must live with their additional knowledge of the cruel conditions in which the prisoners exist.

Each new chapter in this outrage has stiffened the American people's determination to see justice done. We have stood and will continue to stand united as a nation in our concern and compassion for the prisoners and missing men. We mean to see this matter through.

Concern for the prisoners' plight, moreover, has spread to the people of goodwill around the world—and we may be confident that their humanitarian efforts, though so far rebuffed as callously as our own, will still continue as steadfastly as our own.

The United States has spared no effort—by diplomacy, by negotiation, by every other means—to secure fair treatment of our captive sons and brothers and to obtain their ultimate freedom.

As we set aside a special week of national concern for this continuing tragedy, and a special day of prayer for its resolution, we do so with a determination to persist in this effort—for principle, for peace, for the sake of these brave men and their parents and brothers and sisters and wives and the children some have never seen.

Now, therefore, I, Richard Nixon, President of the United States of America, as requested by the Congress in Senate Joint Resolution 189, do hereby designate the period of March 26 through April 1, 1972, as National Week of Concern for Prisoners of War/Missing in Action, and Sunday, March 26, 1972, as a National Day of Prayer for the lives and safety of these men.

I call upon all the people of the United States to observe this week with such appropriate ceremonies and activities as will stir and sustain widespread concern for the missing men and prisoners, nourish the patient courage of their loved ones, and—above all—hasten the day of their safe return to home and freedom.

In witness whereof, I have hereunto set my hand this tenth day of March, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

RICHARD NIXON.

THE COST OF CAPITOL RESTORATION

Mr. PROXMIRE. Mr. President, the controversy over whether to extend or restore the west front of the Capitol has been with us for years. We all desire to preserve this great and cherished architectural masterpiece from the ruin of time, but some confuse extension with preservation. The west front is the last remaining exterior wall of the original 19th century building, and the proposed plans for extension would nonchalantly destroy the very work we wish to preserve. Forever lost would be the architectural genius of William Thornton, Benjamin Latrobe, and Frederick Law Olmstead.

This thought is appalling, but what astounds me even more is the absurd money game which the Extension Commission is using to justify extension plans. When Congress authorized a restoration study in 1969, prior to initiating the extension project, we stipulated that five conditions be met. The catch clause was the requirement that the restoration project not exceed the arbitrary limit of $15 million. When the engineering consultant firm of Praeger, Kavanagh & Waterbury completed their comprehensive study in January of 1971, they stated that the five requirements for restoration could be met, and specificallly, the costs could be held below the $15 million ceiling; perhaps as low as $13.7 million.

Asserting an authority beyond the spirit of the law, the Extension Commission rejected the study. They maintained that the Praeger report was wrong and that restoration simply could not be completed at a cost under $15 million.

But let us face facts. The study was authorized in 1969. It was completed in January of 1971. With inflation and construction costs soaring every year, nothing priced a year ago will hold that price now. Construction costs alone are increasing by 11 percent per year for nonresidential projects, and the Capitol plans are not immune.

Indeed, if the Extension Commission were to wait another year or two or five, the cost of restoration would be considerably higher than present estimates. This is hardly a startling revelation. The crux of the matter is that these costs are relative and not absolute, and it is enigmatic that the Commission is determined to hold the $15 million ceiling on restoration while ignoring increased costs for extension.

When the restoration limit of $15 million was imposed in 1969, the estimated cost of extension was $45 million. In other words restoration was considered worthwhile if it could be accomplished for one-third the cost of extension. Although the $45 million estimate for extension took into consideration a 7-percent annual cost increase in construction, that figure has risen sharply from $45 million in 1969 to well above $60 million today. It is unreasonable to expect the $15 million estimate to remain static. But whatever increases have occurred, the costs for restoration are still well below one-third the extension price. That is the significant point.

Finally, it is well known that Capitol Hill construction has always been an expensive proposition. The Rayburn Building, completed at a cost around $100 million, was the most expensive office building in the world. However, even the early $45 million extension estimate was predicated on a building cost of $166.95 per square foot. This would be no less than five times the cost of the Rayburn Building.

Even if we accept the questionable assertion that restoration figures are a bit understated, they are not comparable to the costs of our extension boondoggle. The $15 million ceiling was set in relationship to the cost of extension. It is disturbing that the Commission continues to ignore restoration plans while estimates for extension soar beyond the realm of practicality. Before plans for extension become irreversible, a full hearing should be given this matter by Congress.

MARYLAND DAY

Mr. MATHIAS. Mr. President, Maryland Day annually commemorates the founding of the colony of Maryland on March 25, 1634. Each year it provides us with the opportunity to recall some of the courage of the past that has created the present and that challenges us to equal it in the future.

The beauty and serenity of the Chesapeake Bay, its great tributaries, and the shores that limit them, even after 338 years of human traffic, give us an idea of the breathtaking beauty of the scene that greeted the eyes of the passengers on the *Ark* and the *Dove* in 1634. We can imagine the ship-bound immigrants watching, as Father Andrew White described it:

> Birds diversely feathered . . . eagles, swans, hernes, geese, bitters, duckes, partridge reade, blew, partie coloured and the like, by which will appeare, the place abounds not alone with profit, but also with pleasure.

We are forced by the conditions that exist in the bay today to envy the purity of the Chesapeake's waters which Father White found to be "the most delightful water he ever saw, between two sweet landes" and there is a challenge in this description. It does not require the expertise of an environmental engineer to recognize the danger that now confronts the Chesapeake. The choice must be made now, and Maryland Day, 1972, would be a good day to make it, whether the Chesapeake will be once again the most delightful water ever seen or whether it will become America's dead sea.

Every Marylander has a stake in this decision and a part to play in executing it, either by positive action or by passive neglect. Since most Maryland rivers and streams ultimately empty into the Chesapeake, most Marylanders have a direct, consequential relationship with the bay and its tributaries No one can be indifferent without being irresponsible.

The goal for Marylanders on Maryland Day, 1972, should be to restore the waters of the Chesapeake to the standards of sweetness and purity that existed on March 25, 1634. This will be difficult, expensive, extended, and controversial. It will require some sacrifice and great dedication. But the alternative is hardly acceptable. There are too many arid, uninhabitable sites of once prosperous civilizations not to heed the warning. Unless the Marylanders of 1972 act soon, it may well be that in another 338 years there will be no observance of Maryland Day on the despoiled, depopulated shores of the Chesapeake Bay.

I pledge myself to do my part to save the bay, and I call on every Marylander to join in this great work of healing and rehabilitation.

I ask unanimous consent that the article written by Douglas Watson, published in today's Washington Post, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WORD FROM FATHER WHITE ON "ARK" AND "DOVE'S" GREETING

(By Douglas Watson)

Saturday is Maryland Day, when the state notes its 338th anniversary. On March 25, 1634, the first Maryland settlers landed in the Ark and the Dove at St. Clemente's Island in the Potomac River south of Washington.

The settlers were led by Gov. Leonard Calvert, representing his brother, Cecil, Lord Baltimore. Accompanying the expedition was Father Andrew White, S. J., a Catholic priest who sent the following report back to England.

Father White sailed in the Ark. The smaller Dove is the "pinnace" to which he refers. The adventurers stopped in the Caribbean islands of Barbados and St. Kitts before continuing on to Maryland, where one of their greatest concerns was the Virginians.

The settlers were greeted by Piscataway Indians, a tribe that has now vanished, but whose chief lived across the Potomac River from what became Mount Vernon. The Susquehannock Indians frequently raided the Piscataways, encouraging them to welcome the English settlers as allies.

Here are excerpts of Father White's "Brief Relation of the Voyage unto Maryland":

* * * * *

On St. Cecilia's Day, the 22d of November, 1633, with a gentle northerne gaile we set saile from the Cowes about 10 in the morninge. . . .

God would tende the matter, and sent that night soe strong a faire winde as forced a French barke from her ankor hold, driving her foule upon our pinnance, forced her to set saile with losse of an ankour, and take to sea, that being a dangerous place to floate in, whereby we were necessarily to follow, least we should part companie. . . .

Our master was a very sufficient seaman, and shipp as strong as could be made of oak and iron, 400 tunne, king-built, making faire weather in great storms. . . .

The winde grew still lowder and lowder, makeing a boysterous sea, and about midnight we espied our pinnance with her two lights . . . from which time till six weekes, we never saw her more, thinking shee had asuredly beene foundred and lost in those huge seas. . . .

From this time to our journey's end, about three months, we had not one howre of bad weather, but soe posperous a navigation, as our mariners never saw so sweet a passage.

When I say three months, I meane not we were so long at sea but reckon the time spent at Barbadoes and St. Christopher's, for were at sea onely seven weekes and two daies. which is held a speedy passage. . . .

As for Virginia, we expected little from them but blows, although we carried the kings letters to their governour . . . As for the savages, we expected to find them as our English ill wishes would make them . . .

On the 3d of March came into Chesapeake Bay, at the mouth of Patomecke. This baye is the most delightful water I ever saw, between two sweet landes, with a channell 4, 5, 6, 7, and 8 fathoms deepe, some 10 leagues broad, at times of yeare full of fish . . .

This is the sweetest and greatest river I have seene, so that the Thames is but a little finger to it. There are no marshes or swampes about it, but solid firme ground, with great variety of woode . . .

At our first coming we found (as we were told) all in armes; the king of Pascatoway had drawne together 500 bowmen, great fires were made by night over all the country, and the biggnesse of our ship made the natives reporte we came in a canow as bigg as an Iland, with so many men, as trees were in a wood, with great terrour unto them all . . .

Our governour was advised not to settle himselfe till he spoake with the emperour of Pascatoway, the seat of the emperour, where 500 bowmen came to meet them at the water side.

Here the emperour, lesse feareing them the rest came privately aboard, where he found kind usage and perceiving we came with good meaneing towards them. gave leave to us to sett downe where we pleased . . .

The Indians began to lose feare and come to our coart of guarde, and sometimes aboard our shipp, wondering where that tree should grow out of which so great a canow should be hewen, supposing it all of one peece, as their canows use to be. They trembled to heare our ordinance, thinking them fearefuller then any thunder they had ever heard.

The governour being returned from Pascatoway . . . we came some nine or ten leagues lower in the river Patomecke to a lesser river on the north side of it, as bigge as Thames, which we call St. George's.

This river makes two excellent bayes, wherein might harbour 300 saile of 1,000 tunne a peece with very great safetie, the one called St. George's Bay, the other, more inward, St. Mary's. On the one side of the bay lives the king of Yoacomaco, on the other, our plantation is seated, about halfe a mile from the water, and our towne we call St. Mary's.

To avoid all occasion of dislike, and colour of wrong, we bought the space of thirtie miles of ground of them for axes, hoes, cloth and hatchets, which we call Augusta Carolina. . .

They had warres with the Sasquasahannockes, who came sometimes upon them, and waste and spoile them and their country, for thus they hope by our meanes to be safe. . . Is not this miraculous, that a nation a few daies before in general armes against us and our enterprise should like lambes yeeld themselves, glad of our company, giveing us houses, land and liveings for a trifle . . .

The natives of person be very proper and tall men, by nature swarthy, but much more by art, painting themselves with colours in oile a darke read, especially about the head, which they doe to keep away the gnats. . . They have noe bearde till they be very old, but instead thereof sometimes draw long lines with colours from the sides of their mouth to their eares . . .

Their apparell is deere skins and other furrs, which they weare loose like mantles, under which all their women and those which are come to mans stature, weare . . . skins which keep them decently covered. All the rest are naked and sometimes the men of the younger sort weare nothing at all.

Their weapons are a bow and a bundle of arrowes, an ell long, feathered with turkies feathers and headed with points of deeres hornes, peeces of glasse or flints . . . I have seene them kill at 20 yards distance, little birds of the bignesse of sparrows . . .

Their housese are built in an halfe ovall forme 20 foot long, and nine or ten foot high with a place open in the top, halfe a yard square, where they admit the light, and let forth the smoke . . . In one of these houses we now doe celebrate (the mass) having it dressed a little better than by the Indians till we get a better, which shall be as shortly as may be.

The naturall wit of these men is good, conceiving a thing quick to. They excell in smell and taste and have farre sharper sight than we have. Their diett is poane, made of wheat, and hominie, of the same, with pease and beanes together, to which sometimes they add fish, foul and venison, especially at solemne feasts . . .

They hold it lawful to have many wives, but all keep the rigour of conjugall faith to their husbands. The very aspect of the women is modest and grave . . .

As for religion we neither have language yet to finde it out . . .

I will end therefore with the soyle, which is excellent so that we cannot set downe a foot, but tread on strawberries, raspires, fallen sulberrie vines, acchorns, walnutts, saxafras, etc. . . . All is woods except where the Indians have cleared for corne. It abounds with delicate springs which are our best drinke.

Birds diversely feathered there are infinite, as eagles, swans, hernes, geese, bitters, duckes, partridge reade, blew, partie coloured and the like, by which will appear, the place abounds not alone with profit, but also with pleasure.

PRESIDENT NIXON'S ATTEMPT TO CRIPPLE THE FARMWORKERS UNION

Mr. MONTOYA. Mr. President, for more than 100 long and bitter years, America's farmworkers have labored with little formal, tangible recognition of their dreary plight.

Periodically, efforts have been put forth by concerned elements among us, seeking to stir the conscience of our country into constructive action and reform on their behalf. Most such attempts have ended in sterility, frustration, and abject failure.

Agonizing to relate, many agricultural workers today work maximum hours for minimum pay in pesticide-saturated fields, deprived of even elementary amenities. Agribusiness dominates vast land holdings, envisioning a time when our food will be controlled from seed to checkout counter. All employ significant numbers of farmworkers, and smaller growers take their cue from them.

In recent years, a new stirring has been felt in the fields where America's bounty is grown and harvested. A new series of ideals and leaders have emerged, epitomized and personalized by Cesar Chavez. Inspired by his message of freedom, equality, patriotism, nonviolence, and Christianity, these poor men and women, the "descamisados" of today, have begun to reach out for rights which should have been granted them years ago. Their struggle has been arduous, as they have been confronted everywhere by entrenched vested interests determined not to yield an iota of profit for necessities these people seek.

Every legal and extralegal weapon has been employed against them by today's malefactors of great wealth, these landed corporate barons. Buffeted and villified, the farmworkers have scored an impressive series of organizing victories. And where they have secured contracts, children live better, death rates decline, educational attainment increases and hope rears its head among the previously hopeless. Cesar Chavez is an honest, good man, humbly seeking equality for his beloved people. No amount of false defamatory propaganda can change that. He marches with the flag, rather than against it.

The principal weapon employed by these people has been the boycott, legitimately utilized on a thousand different occasions throughout American labor's history. By traveling to cities where nonunion produce is consumed, and informing sympathetic Americans of their plight, they have been able to peacefully present and win their case. If an enemy is to destroy the Farmworkers' Union, it must attack their legitimate weapon of the boycott. Only an instrument of government itself could mount such an illegal assault with any chance of success.

This has indeed transpired, and it is a sad day in American history. President Nixon is no friend of labor. In fact, he looks negatively at the entire concept of labor unionism. His administration has been characterized by the waging of economic warfare on the average man and political warfare on his institutions, primarily labor unions.

Always, the shrewdly delivered political blow has come with a semblance of legitimacy. Always wrap the flag around your dagger before using it. Make sure you piously disclaim ignoble motives before stabbing Caesar. In this case, the National Labor Relations Board has been degraded by its use as a tool with which to destroy the Farmworkers' Union.

On March 9, 1972, attorneys for the National Labor Relations Board regional office in Los Angeles filed a petition in the Federal District Court in Fresno, Calif., requesting a nationwide injunction against the Farmworkers' Union which would prevent current boycott activities.

The NLRB's theory behind this legal action is that the farmworkers are a "labor organization" in the meaning of the Taft-Hartley Act. Therefore, runs the formal reasoning, they are prohibited from engaging in secondary boycotts in spite of the fact that farmworkers are not entitled to any benefits or protection from or under existing Federal labor laws.

I believe, and most expert legal opinion available concurs, that these people and their activities are not subject to NLRB jurisdiction. They are, I believe, free to ask consumers not to shop at retail outlets carrying disputed nonunion products.

Previous NLRB behavior has dovetailed with this opinion, until very recently. President Nixon, obviously seeking to appease far rightwing sentiment, appointed Peter Nash as general counsel of the NLRB. From that time, difficulties commence for rights of farmworkers.

Every NLRB region in which charges have been filed against farmworkers has dismissed them. The farmworkers have received two letters from the National Board in Washington, one as recently as March 15, 1971, confirming they are not a "labor organization" under Taft-Hartley and not covered by secondary boycott provisions in section 8(b)(4) of the act.

Fact has not changed. Political expediency has simply shouldered it aside. The farmworkers still include only noncovered agricultural employees in their union. But the administration's desire to appease vested agribusiness reactionary interests dovetailed with impending political needs. The result is plain to see.

Farmworkers have no rights under the National Labor Relations Act. Therefore, th Board's action is morally reprehensible. However, morality is not this administration's strong point, as recent headlines indicate rather strongly. What the NLRB says, clearly, is that even though such workers have no rights under the act, they will be inhibited by its restrictions anyway, and specifically denied use of their only effective nonviolent tool, the boycott. In truth, this is their only substitute for rights granted all other workers, but which today are still denied them. In effect, therefore, the NLRB action seeks to turn the clock back and return farmworkers to the worst of times, when they had merely a right to die, pay taxes, inhale DDT and work from dawn to dusk for a pittance. How's that for progress?

Legally, the NLRB's action defies farmworkers equal protection under the law heretofore guaranteed by our Constitution's fifth and 14th amendments. It is an illegal attempt to abuse its equitable powers to issue cease and desist orders against alleged Taft-Hartley violations. Further, the NLRB is violating its statutory mandate not to spend any public money on agricultural disputes.

The Free Marketing Council, whose entire purpose for being is to defeat farmworkers, organizing attempts, is the group on whose behalf the NLRB has acted. It is a blatantly rightwing extremist group headed by a professional enemy of organized labor. Has the NLRB arrived at such a low point in its existence that it is to be administratively prostituted in such a manner?

In effect, then, the Republican Party and the Nixon administration are utilizing a once-respected organ of Government to smash the organizing activities of our Nation's poorest, most exploited group. It is war by the administration against minorities, particularly Mexican Americans.

Civilized nations gaze at such antics with amazement, wondering why we seek to resurrect the dark ages of man's struggle to be free and enjoy elementary human rights.

I have been in the forefront of those admonishing such people to utilize nonviolence—to believe in principles of America—in the compassion and basic fairness of the American people. I retain that belief now, and it is stronger than ever.

All the more reason why this administrative atrocity must be withdrawn. If the only legitimate means of protest is withdrawn from and forbidden to these humble seekers after justice, what else remains to them? Bitterness, anger, and a sense of betrayal.

Is the almighty dollar so precious to the powerbrokers of agribusiness? Is the administration so desperate to court rightwing favor? Can we turn our backs so cavalierly upon this legitimate striving to rise just a little within our society? Shall we deprive these people of any chance to enter the economic, political, and social mainstream of our national life?

President Kennedy gave his life for those rights. So did Robert Kennedy, who knelt on California dirt beside Cesar Chavez to show his support and belief in their cause. Has the clock come full circle so far and fast?

These farmworkers are Mexican Americans, blacks, Puerto Ricans, and Filipinos, in the main—a spectrum of America's minorities. They retain a belief in justice and the American promise of equality.

In every true sense of the word, farmworkers of our land who do not enjoy such elementary rights are still slaves. They may not bear the formal title of slave, but in fact they are relegated to such status.

To preserve them in that position by use of our formal governmental apparatus is a continual degradation of our country and its ideals. We are each less because of such a policy. Our country is less because of such a condition on their part.

None of us here can depart this Chamber and feel free as long as farmworkers toil for our benefit and receive a pittance in return.

Abraham Lincoln once stated, in his second annual message to Congress on December 1, 1862, as follows:

> In giving freedom to the slave we assure freedom to the free,—honorable alike in what we give and what we preserve.

This Republican President would do well to reread the words of that Republican President.

THE VOTER RESIDENCY RULE DECISION

Mr. GOLDWATER. Mr. President, it comes as no great surprise to me that the Supreme Court has struck down State and local residency rules applied to voters who move, something I have tried to change since 1964. If reports are correct, the High Court decision will mean that at least 5 million additional citizens will be added to the voting rolls in all elections—Federal, State, and local.

Mr. President, I became much concerned about these voter barriers in 1964, when, as the Republican candidate for President, I learned at firsthand of the enormous difficulty many of our servicemen, as well as civilians, were having in getting to the polls. I was amazed to discover that millions of citizens were prevented from voting for no reason other than that they happened to be moving.

For this reason, Mr. President, I made a start at attacking this problem by offering an amendment to the Voting Rights Act of 1965, which would guarantee that all U.S. citizens would be entitled at least to choose the officers who will run the U.S. Government. My proposal, which was cosponsored by 29 other Senators, was enacted in June of 1970. It completely abolished durational residence rules for all citizens who wish to vote for President and Vice President. I believe then that if any case could be made for stripping away the barriers which isolate our citizens from the polls, it would be a law which would secure the right of each citizen to vote for these high national offices. Fortunately, my prediction held up and the Supreme Court sustained the statute in late 1970.

With the Nation having gone this far toward ending excessive residence rules, the recent Supreme Court decision appears a logical extension of the 1970 statute. In fact, I notice that the Supreme Court has borrowed the same standard we wrote into the 1970 law, which preserves to each State a right to close its registration books 30 days before an election. In this way, each State will retain a practical period of time in which to prepare itself for the mechanics of the election and to check against fraud. Actually, most States now follow this practice in the case of longtime residents, and I do not think it will pose any hardship on States now to extend the same privilege to new residents.

Also, I recognize that nothing in the Court decision will prevent local officials from determining who is or is not a bona fide resident. This matter remains a decision for the State alone to decide.

Frankly, Mr. President, I was not certain whether States could be ordered to remove regulations governing local elections, but now that the Supreme Court has spoken, I am hopeful that each of our State and local governments will do its utmost to live with the new ruling and to allow the greatest number of citizens to vote.

TEXAS FIRST IN NEW READING-TUTOR PROGRAM

Mr. TOWER. Mr. President, on March 10–11, Houston, Tex., opened a new page in the history of America's productive heritage of volunteer citizen action to solve social and economic problems.

As a former teacher, I am especially pleased that Texas is the first State to participate in the National Reading Center's tutor-trainer plan.

Over 100 volunteer tutor-trainers participated in the National Reading Center 2-day Houston workshop.

Each of these trained volunteers will now return to his or her home community to teach other volunteers how to help children improve reading skills.

Organizations sponsoring the workshop were the Houston, Spring Branch, Deer Park, Galena Park, and Pasadena Park chapters of the Association for Childhood Education International; the Houston Volunteers for Independent Schools; the Houston City Council of PTA; the Parent Teacher Organization; the League of Women Voters; Rice University; Harris County Department of Education; and 32 school districts in the Houston area.

The National Reading Center is taking its tutor-trainer plan to 20 States this year, and the Center intends to create a corps of trained volunteer reading tutors in every State in the Nation by the end of 1973.

The Center is the working staff of President Nixon's National Reading Council; Mrs. Richard M. Nixon is honorary chairman and a leader in the President's national right to read effort.

Dr. Donald G. Emery, executive director of the National Reading Center, has written an excellent editorial which appears in the March 1972, School Administrator, journal of the American Association of School Administrators, on how volunteers may be enlisted to combat the reading crisis of this country. It is titled: "National Reading Center—At Your Service."

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NATIONAL READING CENTER—AT YOUR SERVICE

(By Donald Emery)

One of seven American adults cannot read well enough to understand newspaper want ads or questions on standard application forms. Up to 40 percent of the pupils in some big-city school districts are well below expected reading performance levels. Up to one quarter of the school enrollment needs more help in reading. We do, in fact, have a substantial reading problem in this nation, and it is time we got together to solve it. Yet we still do not have a usable performance definition of reading proficiency. This is no time to berate the schools for failing to solve the problem. Nor do we need lengthy explanations of how things got this way. This is the time to get on with some fairly obvious and some more difficult corrective measures.

First, let us teach all teachers how to teach reading skills, preferably before they begin teaching, but on the job if necessary. Let us see that classrooms and libraries, public places and homes have generous supplies of reading materials so children and adults can enlarge their reading skills. If parents by intuitive motivation teach very young children our oral language code by leaning heavily on attention, repetition and personal instruction, we should be able to achieve universal success with the printed code, too.

Learning to read proceeds best with direct personal instruction. But we don't have the teacher time or salary dollars to provide the amount of contact time that every child needs and deserves. A really trained volunteer reading tutor working under the supervision of the teacher can create the needed additional time for each child. The same principle holds for adults learning to read.

But volunteerism, while a great American tradition, has a bad name in some schools. The disenchantment often results from gratification of the volunteer's ego, lack of teacher orientation in how to use volunteers, and especially lack of volunteer training, which leaves the teacher with another problem rather than more help. At this moment, the preparation and use of trained volunteers is one of the few areas in which rapid improvement is possible.

The National Reading Council (NRC) has charged the Center to aid states in generating pools of trained volunteer reading tutors to help in schools where they are wanted. The National Reading Center is now involved in developing tutor training programs to produce 10,000 trained tutors in each of 20 states. Next year a similar program will be conducted in the remaining states. The volunteers are trained to provide supplementary services to the school's reading program. A handbook has been prepared to guide teachers in the effective use of volunteers trained by the Reading Center. The Center's program and materials have been developed by professionals and have been tested on the state level in Iowa, Ohio and Washington, D.C. A cooperative effort among voluntary organizations, the Center, local communities and school districts can produce a new human resource to help change the current reading scene. All responsible volunteer tutor programs should be encouraged. Partly through the trained tutor technique the Right To Read can become a reality in this decade.

The reading needs of adults require a massive effort, too. The Center is overseeing the development of new tutor programs directed to helping the adult worker, the dropout, the migrant worker, the Spanish-speaking American, the prison inmate and others.

Superintendents will be asked to assist in local recruitment of volunteers and in planning for their productive utilization. The Center recommends that local planning committees include school administrators, the PTA and local voluntary service organizations. For further information about how a single district can become part of a state's program working with NRC, write to Volunteers, National Reading Center, 1776 Massachusetts Avenue, N.W., Washington, D.C. 20036.

The school administrator is the key person to stimulate his community to recognize and fulfill the right of every adult and child to learn to read. The measure of his leadership will be whether he imaginatively marshals community cooperation and resources—including trained volunteer reading tutors—to confront both the in-school and out-of-school facets of the problem.

ESTABLISHMENT OF THE LONGFELLOW NATIONAL HISTORIC SITE

Mr. KENNEDY. Mr. President, yesterday we considered an unusual site, the Longfellow Home in Cambridge, Mass., for authorization as a National Historic Site. The trustees of the Longfellow home are not only donating the house to the Department of the Interior, but have offered a $200,000 donation toward its maintenance, administration, and operation. The Department of Interior has recommended the home for establishment as an historic site and has indicated that there will be no land acquisition costs, since the 1.98 acres of land on which the house stands will also be donated.

The Longfellow home is not only an outstanding example of 18th century architecture, but it also has a special historical significance for us. During the Revolutionary War, it was used as a hospital for colonials wounded at Lexington, Concord, and Bunker Hill. During 1775 and 1776, George Washington made this home his headquarters for 10 months during the seige of Boston.

Henry Wadsworth Longfellow, one of the most loved of American poets, came to this home in 1837 when he rented a room after he began teaching at Harvard. It was during this period that Longfellow's literary career began with the publication of "Hyperion, Voices of the Night," and "Ballads and Other Poems."

In 1843 Longfellow was given the home as a wedding present from his father-in-law. As the Longfellow biographer Edward Wagenknect pointed out:

> As fame came, and with the house in his possession, he crammed it with objects d'art and thousands of books, creating a scholar's paradise, which has happily been preserved to delight the scholars of a later and more troubled day.

We have an unusual opportunity to acquire this historic home, the carriage house, the formal garden, the land, and a gift of $200,000 toward maintenance of this site.

In the past we have seen too often the acquisition of an historic site long after its architectural or historic qualities have been devastated through lack of care and maintenance. This is not the case with the Longfellow home. This home has been preserved and maintained at a high standard of excellence through the care and concern of the Longfellow home trustees.

It is fitting that this national historic resource be preserved in public ownership for the benefit and inspiration of all our citizens and for generations to come.

RESIGNATION OF LABOR BOSSES FROM PAY BOARD

Mr. PEARSON. Mr. President, the resignation of the labor bosses from the Pay Board is a case where they not only put their position above the national interest, but above the best interest of the union members. Inflation must be stopped despite the labor bosses' attempt to destroy wage and price controls.

I urge President Nixon to continue the Pay Board with members from organized labor who have a greater sense of the national interest or to reconstitute the Pay Board with members representing only the public and the public interest.

THE NEW JERSEY SILVERLINERS

Mr. WILLIAMS. Mr. President, there are many groups and individuals across the Nation who have been bringing hope to the handicapped for many years.

The New Jersey Silverliners, who are former Eastern Air Lines stewardesses, have been devoting their time and energy over the past 5 years to the severely mentally retarded of Woodbridge State School in New Jersey. They have raised thousands of dollars to improve the living environment at the school, organizing musical shows and other extracurricular activities, and sponsoring needed research at the school's hospital on the diagnosis of mental retardation.

They have demonstrated the potential which millions of handicapped individuals can realize. For too long the handicapped have been forced to the edges of society when they could be contributing members of it.

The New Jersey Silverliners have shown what one group of dedicated people can do. The country as a whole, working together, could do even more.

Mr. President, I ask unanimous consent that an article, describing the work of the New Jersey Silverliners and published in the Newark Star-Ledger, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RETARDED STUDENTS OFFER A LESSON IN POTENTIAL

(By Barbara Kukla)

A 14-year-old girl named Mabel stepped to the microphone on the auditorium stage and detailed a musical program, which would include songs by Burt Bacharach and Simon and Garfunkel.

The setting could have been any school in the state, but the program was both touching and unique, for the participants were residents of the Woodbridge State School, a state-operated facility for the severely mentally retarded.

More than that, the program was a lesson in human potential, for the children and adults, dressed in white choir robes with bright red bows, not only were having fun, but demonstrated keen musical ability.

It was Volunteer Day at the school and representatives from more than two dozen groups which support the school—merchants, high school students, women's organizations and civic clubs—applauded loudly for each selection. At the end, there was a standing ovation.

For the members of the New Jersey Silverliners, former Eastern Airline stewardesses who "adopted" the school five years ago and since have held two annual fund-raising events for it, the program provided additional proof that their efforts are worthwhile.

"Work for a school like this and the accomplishments of the residents should get tremendous publicity," said Mrs. Gene Schaffer of Cranford. "Schools like Willowbrook should be exposed but the hoopla surrounding it has been damning to the many good institutions and facilities such as Woodbridge."

As chairman of the Silverliners' annual inflight cocktail party and fashion show, Mrs. Schaffer has gotten singer Jimmy Roselli to serve as honorary chairman and main attraction.

The event is set for April 29, when 100 persons will board an Eastern jet, on loan to the organization, and fly along the East Coast during the party and show.

Eastern crews have volunteered their services for the champagne flight, which will feature fashions by Mason Edwards of Elizabeth. Annette Silverman will provide the commentary.

During the five years that the Silverliners have been helping the school, they have contributed $7,000 to the facility, purchasing trees, shrubs and flowers and a pony cart and saddle for the Children's Zoo at the school.

In 1970, the chapter undertook sponsorship of a newly established chromosome study of the school's 1,000-member population. The study is being conducted in the school's hospital.

The Silverliners, according to Mrs. Andrew Compton, president, supply all test kits for the program as well as materials for processing tests.

"With the support of WSS hospital sponsors, there has been a new beginning into the diagnosis of mental retardation," said Dr. Jacyntho Da Silva, medical director of the hospital.

In addition to the annual fashion show, the Silverliners also hold an annual Christmas school.

The organization cleared $1,600 last year with a one-day bazaar at the Menlo Park Shopping Center. Handmade articles by Girl Scouts, women's organization and other civic groups were donated for the event, which was coordinated by Mrs. William Murphy of Scotch Plains.

"The Silverliners," said Mrs. Joan Mills of the hospital staff, "have provided us with resources to do a number of things. Their interest and support has had a positive impact on the people who live and work at Woodbridge."

UNDERSEA LONG-RANGE MISSILE SYSTEM

Mr. TOWER. Mr. President, last July the organization known as Members of Congress for Peace Through Law issued a series of research papers on various aspects of our defense program. Most of these papers were extremely critical of the projects reviewed. Included among them was a scathing attack on the B–1 bomber program.

However, there was one notable exception. In the CONGRESSIONAL RECORD, volume 117, part 20, pages 26170–26173, the Senator from Wisconsin (Mr. PROXMIRE) inserted a study prepared by Representative CRAIG HOSMER which was highly laudatory of the Undersea Long-range missile system—ULMS—and concluded with this statement:

> We should therefore encourage full steam ahead on ULMS development by approving the full fiscal year 1972 request for $110 million for this purpose.

The Senator from Wisconsin, in his prefacing remarks, heartily endorsed the study commenting:

> Congressman Hosmer arrives at the same basic conclusion that a number of us have arrived at; namely that this system is of considerable importance . . . and that some considerable urgency should be given to evaluating the program because of its great potential.

Hardly 6 months later our colleague, in a statement issued for release on January 22, 1972, raised loud protest at the $900 million request in the fiscal year 1973 budget for telescoping research and development on this project and moving into the production stage.

One point of opposition is the failure to cut back on other programs. Surely this is a weak excuse for jeopardizing an admittedly valuable program. Indeed, most of the arguments hauled out at this time could have been made as relevantly last year when the program was being praised.

Describing the budget request as a "crash program" the Senator expresses amazement that we should want to move ahead with such recklessness.

And then he launches into the most interesting contradiction I have encountered in a long time. He says;

> I see no need for anything approaching this tight a schedule. There are no breakthroughs in anti-submarine warfare technology now on the horizon which threaten the survivability of our Polaris and Poseidon boats.

Only three paragraphs later, he says:

> There is one other thing to consider in deciding to move ahead with a new boat, a factor I have not yet mentioned but which might in the long run be more important than all the other considerations combined. We do not know yet what improvements in ASW technology the 1980's will produce. Under the circumstances, it is difficult to design a submarine optimized to counter those improvements. We do know, however, that the Navy's plans for ULMS call for a huge submarine—much bigger than the Polaris—and that many kinds of ASW techniques on which we and the Soviets are working could be much more effective against large rather than small targets for detection.

It seems to me that what the Senator is saying is this: The ULMS program really isn't urgent after all because we do not need it today and it may be outdated tomorrow.

What that kind of rhetoric overlooks is that, if we wait until the antisubmarine warfare breakthroughs come, it will be too late to develop an ULMS program that will cope with the breakthroughs which eliminate the effectiveness of Polaris and Poseidon.

In the meantime we are without the use of an admittedly more effective program at little or no increase in cost. For according to the Hosmer report—

> "ULMS" high survivability, availability and reliability coupled with an effective maintenance program and system design will contribute to a lower cost per effectively deployed missiles, thereby reducing total system cost. The estimated expense of the entire ULMS system, plus ten years of operation is about $5 billion—approximately the same amount expended over the same period on the Polaris/Poseidon fleet.

In short, for following the recommendation of the study issued last summer by Members of Congress for Peace Through Law, the administration has now incurred the wrath of one of the organization's leading spokesmen.

I find a contradiction here for which I believe the public has the right to expect an explanation. To urge "full steam ahead" in July but be "hardpressed to find justification for any acceleration of the ULMS program . . ." in January deserves some explanation. To favor research and development but oppose production is not an explanation.

I should be glad to have some enlightenment on this amazing contradiction.

OCEAN POLLUTION

Mr. HOLLINGS. Mr. President, more and more evidence is being reported in scientific journals and newspapers about what man is doing to destroy the oceans. The New York Times of Sunday, March 19, contains an article by Boyce Rensberger about countless pieces of plastic being found by researchers in the Sargasso Sea.

The world environment is vast, and so are the great oceans of the globe. But they are no longer vast enough to escape the poisons from our industrialized society. Man has lived on this planet for more than a million years and has had to struggle with the environment for survival. Today, our struggle is to save the environment from man himself.

The famed ocean explorer Jacques Cousteau testified last October before the Senate Commerce Subcommittee on Oceans and Atmosphere, which I chair, that unless man acts swiftly, perhaps in the next 30 to 50 years, the oceans will die. Many scientists share the belief that man's existence on this planet is entwined with life in the sea. The time for study and research has passed. What we need today is action—action to save our oceans. Every kind of pollution, no matter from what source, eventually winds up in the oceans. What is flushed into the harbor at Hong Kong eventually will wash ashore at Trinidad. DDT and PCB washed down the Mississippi River wind up in the food chain of the Polar Bear far above the arctic circle. The anthropologist Thor Heyerdahl says that when he crossed the Atlantic on Ra II, the crew sighted drifting oil clots on every day of the trip but three when the weather was too bad for observation—and this was across 2,407 nautical miles.

The New York Times article points out that the tiny bits of plastic found in the Sargasso Sea may be one source of the PCB found in certain marine organisms. Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Plastic Is Found in Sargasso Sea—Pieces of Apparent Refuse Cover Wide Atlantic Region

(By Boyce Reusberger)

Countless small bits of floating plastic, apparently the refuse of industrial society, have been found drifting over wide areas of a region of the Atlantic Ocean called the Sargasso Sea.

The finding was made by scientists from the Woods Hole Oceanographic Institution as they were towing nets through the Sargasso Sea in a routine sampling of marine life.

In their nets, amongst the strands of sargassum seaweed, from which the Sargasso Sea takes its name, the biologists found hundreds of small chunks of plastic. Some were recognizable as cigar holder, syringe needle shield, jewelry and button snap.

The report, which appeared in the current issue of Science magazine, was made by Dr. Edward J. Carpenter and Dr. K. L. Smith, Jr., both research biologists at Woods Hole.

The scientists calculated that the plastic bits were spread over a huge area, perhaps several thousand square miles, at a density of more than 9,000 per square mile.

The scientists suggest that because many of the fragments appeared brittle, they may have lost the plasticizing ingredients that normally keep them pliable.

They speculate that because many plastics contain PCB (polychlorinated biphenyl) as a plasticizer, such bits of plastic may be one source of the PCB that has already been found in certain marine organisms.

ENVIRONMENTAL HAZARD

PCB is chemically similar to DDT and, many authorities believe, adds to the environmental hazard of industrial chemicals.

In a telephone interview Dr. Carpenter said he had made no study of whether PCB might have seeped out of the plastic. "This is really just an incidental finding to our work," he said. "We're hoping our report will stimulate people who are more expert in this field to pick up on this."

Dr. Carpenter said he would guess that the plastics came from the dumping of solid wastes in the ocean and were carried into the Sargasso Sea by the surrounding currents.

The Sargasso Sea, a vast portion of the western half of the North Atlantic, lies in the middle of circular currents that create a low whirlpool effect, concentrating floating objects toward the center.

Dr. Carpenter said Woods Hole marine scientists had found plastic in a different form in the waters of Long Island Sound from Niantic Bay, near New London, Conn., to Buzzards Bay at Cape Cod.

In these waters the plastic is in perfect spheres ranging in size from one millimeter to three. Some are clear, some opaque white.

NOTICED IN JANUARY

"We've collected these in every tow made in these waters," Dr. Carpenter said. "We first started noticing them in January, but I'm sure we were picking them up before then."

Dr. Carpenter said the plastic spheres, some of which float and some of which drift submerged, appear to exist in the water in an average density of about one in every cubic yard of water. In some places, particularly Niantic Bay, however, the density reaches 20 per cubic yard.

Chemists at Woods Hole are conducting analyses of the spheres to determine their chemical nature and, they hope, to get clues to their origin.

Dr. Carpenter said that, aside from the PCB question, the only biological impact of the plastic in Long Island Sound and the Sargasso Sea appears to be that they provide a surface for the attachment of tiny marine organisms such as hydroids, diatoms and probably bacteria.

Thus, he said, presence of the fragments may tend to increase the local populations of such creatures with unknown consequences.

DOT HEADS IN RIGHT DIRECTION

Mr. MATHIAS. Mr. President, I commend the administration and the Department of Transportation for the new transportation policies recommended yesterday to Congress. These new policy departures which I have long been urging, promise to bring about a far-sighted, balanced transportation program for our Nation. They represent a victory for all Americans, and especially for harassed commuters and the residents of our crowded metropolitan areas.

Mr. President, for some time I have been calling for a new emphasis in our national transportation policy—a new direction that will assure that proper attention is given to all modes of transportation. America needs a balanced transportation policy. In the past, at different levels of technology, we have maintained turnpikes, canals, railroads, stagecoaches, riverways, and airways. Our goal is to move people and goods quickly inexpensively, and safely with little damage to our environment.

Today, we know that the highway alone cannot meet all our transportation needs. In the future we must find additional means of getting commuters from their homes to their jobs, of carrying shoppers to their stores, of carrying people from one part of a metropolitan area to another, as well as maintaining and expanding our superior roads and freeways. As one key way of achieving this needed diversification, I have recommended that the money in the Highway Trust Fund—which at present can be used only for highway related projects—be freed for use in various forms of mass transit, including commuter railroads, buses, subways, and regional mass transit systems such as that proposed for Baltimore.

This proposal, the Federal Aid Highway Act of 1972, S. 3037, which I introduced several weeks ago, along with the Senator from Connecticut (Mr. Weicker) and several other Senators, would amend the legislation governing the highway trust fund to permit approximately one-half of the trust fund to be used for mass transit. It would give State highway officials new flexibility in building transportation systems that can best serve the needs of the people of their States. This bill would improve transportation planning in America by requiring long-range coordinated planning for all transportation modes within and among States.

I am therefore delighted to learn that the administration and the Department of Transportation have now agreed with the basic thrust of my proposal. In recommendations sent to the Congress yesterday, the administration calls for the use of the money in the trust fund for support of urban and rural transportation systems other than highways.

While the proposals of the administration are not identical with those contained in my bill, the goal I believe is the same. And the result, if the Congress will agree to these new departures, will be a better transportation system for all Americans.

I ask unanimous consent that articles describing the new proposals of the administration, published in the Baltimore Sun and the Washington Post, be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Baltimore Sun, Mar. 15, 1972]

Volpe Backs Using Highway Fund for Urban Mass-Transit Projects

Washington.—John A. Volpe, the Secretary of Transportation, yesterday recommended that the Highway Trust Fund be used for urban public transportation or highways, at the option of state or local authorities.

The program would be achieved through creation of a Single Urban Fund authorized at $1 billion for the fiscal year starting July 1, 1973 and $1.85 billion for the following fiscal year.

The recommendation was contained in Mr. Volpe's report to Congress on highway needs, a document also calling for realignment of the federal-aid system for highways.

"This recommendation is as critical to the needs of the American public as any recommendation sent to Congress since I became Secretary of Transportation," Mr. Volpe said.

"If enacted by the Congress it will provide us with the means for meeting the pressing problem of urban transportation.

"It will give us the means to accomplish our mission of providing a balanced transportation system to create the facilities which will offer the people a choice, to plan for the increasing demands of the future and provide for the movement of people and goods in the most efficient, fastest and most convenient means possible."

CHANGING THE LAW

Mr. Volpe proposed amendment of the Highway Revenue Act of 1956 to authorize for the first time the use of trust funds for other than highway-related projects, starting July 1, 1973.

He said the specific legislation incorporating these and other proposals would be submitted to Congress shortly.

The funds available would be increased to $2.25 billion for the fiscal years from mid-1976 through mid-1979.

Under the proposal 40 per cent of the Single Urban Fund would be distributed to the nation's standard metropolitan statistical areas according to their share of the national population.

Forty per cent would be allocated to the states, on a population basis, and 20 per cent would be reserved for discretionary use by the secretary on urban transportation projects best suited to the needs of the cities.

All the funds would be allocated on a 70 per cent federal and 30 per cent state and local matching basis.

[From the Washington Post, Mar. 15, 1972]

Road Fund Eyed for Transport

(By Jack Eisen)

Secretary of Transportation John A. Volpe, responding to a long campaign by big-city officials and environmental groups, urged Congress yesterday to permit use of the federal Highway Trust Fund for spending on improving urban mass transport.

Saying that his plan has active backing from President Nixon, Volpe called for a sweeping reorganization of the nation's road and transit programs, with the choice of roads or rails to be made chiefly by local officials.

Volpe acknowledged at a press conference that the proposal would probably encounter stiff resistance, notably from trade groups that make up Washington's highway lobby.

"It is a bold move," Volpe said, "but I am ready to stand up and argue the case with anyone, whether he is a trucker or a highway contractor."

The plan was detailed in a 49-page "national highway needs report" sent by Volpe to Congress.

It provides for completion by 1980 of the 42,500-mile interstate highway system, which has stirred controversies by uprooting neighborhoods in many urban areas, including Washington. As of Dec. 31. the interstate system was 77 per cent completed.

Under the new proposal, there would be no new nationwide road network, as such, to expand the interstate system, which has revolutionized the nation's motoring habits and rearranged its economic geography since it was undertaken in 1956.

Instead, the money would be channeled into what Volpe called a "single urban fund" for roads and transit, and into two other funds for rural roads.

After a transitional year in Fiscal 1974, the entire annual outlays—$6.5 billion in Fiscal 1975 and $6.85 billion in Fiscal 1976 through 1979—would come from the Highway Trust Fund, supplied chiefly by revenue from the federal gasoline tax of 4 cents a gallon.

In the 1976–79 period, the interstate program would get $3 billion annually, the single urban fund $2.25 billion, the rural funds $1.2 billion and other programs, such as safety, total of $400 million.

The separate capital program for urban mass transportation, authorized by Congress in 1970 to spend $3.1 billion from the general fund over a five-year period, would be abolished.

That program is now the only federal source of funds for building rail transit systems (apart from Washington's specially financed Metro subway), and for the purchase of rail cars and buses.

The Highway Trust Fund is now used to a limited extent to finance such transit projects as special lanes for buses.

Volpe's new program would provide 70 per cent federal financing, with the 30 per cent balance to be raised by the states or localities. Interstate federal financing would continue until the system's completion at 90 per cent.

The program proposes a national distribution formula based on metropolitan and state populations, and would share control of spending between the states and local communities. However, the Secretary of Transportation would keep control over 20 per cent of the urban funds for projects "best suited to the needs of the cities."

All the money would go for capital outlay—roadways, tracks, transit equipment—but could not be spent to subsidize operating deficits. Congress is considering a separate program for that over Volpe's objections.

Most initial reaction was cautious, with highway trade groups delaying comment.

Sen. Harrison A. Williams Jr. (D-N.J.), chief sponsor of the existing mass transit law, voiced concern through an aide that the needs of transit might be subordinated to the much larger highway program. Volpe denied this to newsmen.

The affiliated National League of Cities and U.S. Conference of Mayors praised Volpe for submitting the plan but questioned whether the Highway Trust Fund would be ample to finance both roads and rails.

The Highway Action Coalition, an ecology-oriented group, praised the purposes of Volpe's plan, but voiced reservations chiefly over the completion of the interstate program and the lack of transit operating subsidies.

U.S. DISTRICT COURT JUDGE GEORGE S. REGISTER

Mr. BURDICK. Mr. President, I wish to take a moment of the Senate's time to pay proper respect and due tribute to a prominent jurist, Hon. George S. Register.

Judge Register retired from the Federal bench on December 22, 1971, after 16 years of distinguished service as chief judge of the North Dakota district. His death, on March 18, 1972, was unexpected because he had been in good health.

He was graduated from the University of Michigan School of Law in 1927 and practiced in Bismarck, N. Dak., until he was named to the Federal bench on July 27, 1955. During this period, he served as Burleigh County State's attorney for 24 years.

His judicial accomplishments were many. During his tenure, he served six times by assignment on the Eighth Circuit Court of Appeals and was appointed to a 15-judge team which tackled a backlog of cases in the Federal court in Brooklyn, N.Y. Seven times he served as a member of three-judge panels convened to rule on constitutional questions and, in each instance, he wrote the opinion for the court.

Despite his many professional accomplishments over a long and distinguished career, possibly the highest accolade that he received was the high regard and respect which was accorded him by both the bench and the bar.

Mr. President, I am deeply saddened by his death. Many citizens of North Dakota, including his former clients, his colleagues on the bench, and his fellow lawyers, will miss him. The Federal judicial system has lost the services of an able and experienced senior judge.

OCCUPATIONAL SAFETY AND HEALTH AMENDMENTS OF 1972

Mr. DOLE. Mr. President, the occupational safety and health legislation for which I voted in 1970 was enacted to deal with a difficult problem; it was intended to answer the need of assuring the health and safety of workers in every type of industry and business in the Nation. The objective of the act was laudable, but the variety of situations in which it was to be applied demanded legislation outlining a framework which would insure the development of reliable rules and a detailed explanation of the exact situations in which these rules would be applicable. During the course of debate on the act, considerable uncertainty developed as to which legislative approach should be taken.

RELIABLE MECHANISM NEEDED

After considering the various proposals, I came to feel that it would be desirable to include a more reliable mechanism for developing and enforcing reasonable health and safety standards. For those reasons, in the 1970 debate, I favored inclusion of provisions which emphasize cooperation among labor, Government, and management and shared responsibility for occupational safety and health among these sectors. The provision I favored would have set up a framework for the promulgation of strong but reasonable standards and would have established procedural safeguards to insure strong regulation and due process in their application. However, such provisions were not adopted by the Senate.

In the light of Congress failure to include these features, it is not surprising to me that confusion currently surrounds administration of the Occupational Safety and Health Act. I would suppose most of my colleagues in the Senate receive complaints daily as I do from small businessmen concerning the Occupational Safety and Health Act. I find that Kansas businessmen do not object to assuming the obligation of providing safe working conditions for their employees. In fact, most—the great majority—long ago accepted this responsibility by their wholehearted compliance with the strict and productive Kansas State occupation safety and health laws. But these Kansas businessmen do find it difficult to accept forced compliance with Federal regulations which have no meaningful application in their situation and which are often unknown and impossible for them to discover. I would also point out that the small businessmen are not alone in their opposition to the act. The communities in which these businessmen work and which their payrolls support also object to the occupational safety and health regulations which have forced many of the small businesses to close or at least seriously consider the possibility.

PROBLEMS IN RULE APPLICATION AND ADMINISTRATION

A wide range of difficulties, not all of which have been statutory, have come to light as businessmen have attempted to comply with occupational safety and health regulations. In a recent meeting, a Kansas constituent informed an occupational safety and health representative that the OSHA regulations, as he understood them, would impose such a financial burden on him that he would be forced to close his business. The OSHA representative's unconcerned response was that a closed business would be in compliance with the regulations. The constituent owns a series of small businesses and has an outstanding job safety and health record. As a result of this response from the OSHA representative, the businessman has canceled his business expansion plans and intends to reduce the present number of persons employed. Kansas and the Nation cannot afford to pay this price for compliance with a law of questionable value, nor can such an attitude be tolerated on the part of Federal officials charged with cooperative efforts to implement the law.

Another constituent has informed me that even with the governing standards in his possession, compliance is still impossible, because of the lack of the standards applicability to his particular situation. In addition, he fears that the regulations could become outdated at any time without his notice. For these reasons, he has decided that it will be less costly and more certain for him to incur a fine and through the violation learn of his shortcomings than to attempt compliance in advance. Such a state of affairs is hardly conducive to respect for existing law, nor does it develop the needed interest in accomplishing the law's basic purpose of creating meaningful occupational safety and health standards.

KANSAS LAWS ADEQUATE

The objections Kansans have voiced to the occupational Safety and Health Act of 1970 are legitimate. They are not an attempt to avoid responsibility; rather, they are a plea for a rational, logical, unified approach to the problem of providing occupational safety and health standards which will serve the interests of all parties. The Kansas Legislature has responded to the situation by passing State OSHA regulations specifically pointed at answering Kansas needs and concerns. This legislation, if signed into law and found to insure a standard equal to or above the Federal standard, would return control of the Kansas occupational safety and health to the State of Kansas. In view of the State's fine record in the past, I firmly support these efforts by the State of Kansas to assume job health and safety responsibilities, and do not feel that individual States with good, proven occupational safety and health programs should be forced to disrupt their successful efforts to comply with Federal laws not adaptable to the State's particular needs. Of course, if States have deficient programs, they should be strengthened by the impact of Federal legislation where necessary. But I strongly feel that States and businesses who are giving proper consideration to job safety and health should not be needlessly harassed by Federal impositions.

EXEMPT BUSINESSES WITH LESS THAN 25 EMPLOYEES

With these views in mind, I have sponsored the Occupational Safety and Health Amendments of 1972 which are needed to alleviate the problems, while maintaining the basic strength and integrity of the 1970 act. The objectives of the Occupational Safety and Health Amendments of 1972 are twofold. First, they seek to limit application of the standards to only those situations where some reasonable association can be established between the proposed standard and the desired safety and health protections which are to result. The amendment proposes to exempt from application of the OSHA laws employers of fewer than 25 individuals. This exemption does not reflect a belief that such employers should not be responsible for the safety and well-being of their employees. Instead, the exemption reflects the reality that small businesses have, by their nature, built-in factors which promote safety and health protections. The close association between the small business employer and his employees fosters an understanding of mutual needs and expectations. The employer becomes directly involved with his employees as human beings rather than as only statistics on payroll and time sheets. With in this setting, the common benefits of safety and health measures become apparent to both parties and a much more reasonable basis is established for the formulation and application of safety and health standards than when rules drawn by a bureaucracy are sought to be applied. A reliance on this close employer-employee association and upon Kansas OSHA laws has for years provided adequate and meaningful protection for Kansas workers in a framework conducive to the growth of small business. I feel that continued reliance on these proven measures to provide protection in the future to small business employees is entirely justified.

PROCEDURES FOR RULE APPLICATION AND EVALUATION

A second objective of the amendments is to propose procedures specifically pointed at making certain OSHA standards reasonably conducive to attaining their expressed goals of improved job health and safety. In this connection, the amendments would require the Secretary of Labor, prior to the adoption of any standard, to publish an estimate of the average maximum cost of compliance by the average employer and to determine the possibility of compliance. The Secretary of Labor would also be required to evaluate each standard to determine its applicability within each class of business. After such evaluation, the Secretary would outline the specific class or classes of employers to which that standard is applicable. This step is essential to developing a reasonable and meaningful set of occupational safety and health standards.

The amendments contain several measures which will relieve employers from unreasonable penalties which would be imposed under the existing act. Many so-called national consensus standards were absorbed by the present act without any administrative or legislative determination that they would improve job health and safety. Many of these consensus standards were objectionable for both practical and procedural reasons, and in some cases they were admittedly outdated when made a part of the act. To prevent undue credence from being given such admittedly imperfect regulations and to provide a guideline for proposals to be adopted in the future, the 1972 amendments include the following limitations on the application of the Occupational Safety and Health Act of 1970:

First. A bar to using an employer's failure to comply with occupational safety and health standards which have been adopted by methods other than the normal administrative rulemaking process as evidence of negligence or wrongdoing in a civil action.

Second. A proscription against an employer being held strictly liable for a violation of standards on his premises if he has exerted reasonable efforts to comply with the standard and if noncompliance is the result of factors beyond his control.

Third. Protection for an employer being charged with violation of a standard developed through other than normal administrative rulemaking procedures unless he had 30 days prior actual notice of the standards.

Fourth. Provisions that an employer cannot be found liable for violating a standard if compliance with the standard would not have effectively constituted an improvement of occupational safety and health conditions.

These provisions are intended to hold employers liable only for violating standards of which they are aware and which are meaningfully applicable to them. They would in no way exempt employers from liability for violations which in fact breach reasonable safety standards. These proposals are intended to remove unreasonable OSHA requirements, while retaining full and adequate measures to protect the job health and safety of employees.

TECHNICAL ASSISTANCE AVAILABLE

One of the biggest objections Kansans have voiced about the 1970 act concerns its emphasis on forced compliance and strict liability as opposed to a coordinated approach which recognizes the responsibilities of both employer and employee in developing meaningful OSHA standards and conditions. I feel a coordinated effort on the part of the Government, labor, and business is needed to satisfactorily deal with the job safety problem. It is with the hope of fostering this cooperative spirit that the amendments provide technical advice, assistance, and consultation for businesses with fewer than 100 employees to assist them during the preceding calendar year in complying with reasonable and effective standards. In conjunction with this assistance, and in the firm expectation that it would produce better and more effective assurance of on-the-job health and safety, the amendments would provide that the act's standards and sanctions would not be enforceable against employers of from 26 to 100 employees for a year following the enactment of these amendments.

I feel that the rectification of existing occupational safety and health regulations is of primary importance to both employers and employees in Kansas and across the country. The Occupational Safety and Health Amendments of 1972 propose the necessary measures to solve the inadequacies of the 1970 act and promote the goal of occupational safety and health protection for all workers.

RELIANCE ON EXECUTIVE PRIVILEGE BY PRESENT ADMINISTRATION

Mr. FULBRIGHT. Mr. President, Eric Sevareid of CBS is one of our most perceptive commentators, and one of his recent commentaries on the CBS Evening News is of particular significance.

On March 14, Mr. Sevareid spoke about the increasing reliance on "executive privilege" by the current administration, and the "very big growth in personnel and functions under immediate control of the White House."

Mr. Sevareid concluded:

> To a growing body of Congressmen this whole condition is intolerable. If the head of our most secret agency, Central Intelligence, can be summoned by Congress, they see no reason why White House staff people should be immune. Immunity, they think, should cover categories of specific information, not categories of jobs or titles.

Mr. President, because I believe Mr. Sevareid's commentary is deserving of widespread attention, I ask unanimous consent that it be printed in the Record.

There being no objection, the commentary was ordered to be printed in the Record, as follows:

CBS Television Network

> Sevareid. The Senate hearings on the business of ITT and the Republican convention have yet to hear from two potential star performers, the lady lobbyist, Dita Beard, and presidential assistant Peter Flanigan, chief link between the White House and the financial world. The White House has been resisting moves to have Flanigan testify, with the usual argument of executive privilege.
>
> Executive privilege is what is called an inherent right. At least half our presidents since Washington have successfully maintained their immunity, and the immunity of information they regard as confidential to the President, from summoning by the Congress. In Eisenhower's time, the then Attorney General Rogers asserted that this executive discretion could not be controlled at all.
>
> Congress also has an inherent right, the right to information necessary to the making of laws. It went recklessly far with this in the wild days of Senator Joseph McCarthy. Partly for that reason, Congress has been mild in its demands since, and administrations have been bolder in their refusals.
>
> Two rights are in collision here. The matter has never had a Supreme Court test on a clear cut basis, and some authorities think it should. Obviously the Congress must have information; obviously communications between any President and his immediate staff must be privileged. Beyond that point the matter gets complicated, but a case can be made for breaking the impasse.
>
> What has happened over the last years is a very big growth in personnel and functions under immediate control of the White House. A number of confidential presidential advisers are also administrators of agencies and committees; the lines on which they operate are external as well as internal, between themselves and the President. In various cases involving business firms, Flanigan has done more than advise the President; he has taken a direct hand in the settlement of these cases.
>
> Henry Kissinger is listed as Assistant to the President for National Security Affairs. Nobody now has the formal title of Executive Secretary of the National Security Council. Kissinger has the job and the power without the title. He also chairs six committees dealing with foreign and military affairs. He, too, is involved in far more than simply advising the President. But he is immune to formal questioning by committees of Congress. He will deal with the press, and sometimes the public directly, but not with the Congress as such.
>
> To a growing body of Congressmen this whole condition is intolerable. If the head of our most secret agency, Central Intelligence, can be summoned by Congress, they see no reason why White House staff people should be immune. Immunity, they think, should cover categories of specific information, not categories of jobs or titles.

ETHNIC GERMAN CITIZENS EXPELLED FROM HUNGARY, RUMANIA, AND YUGOSLAVIA

Mr. PERCY. Mr. President, following the Second World War, ethnic German citizens of Hungary, Rumania, and Yugoslavia were expelled from those countries even though most of their families had been residents and nationals of those countries for many generations. They were forced to leave their countries and thus lost their properties and most of their possessions.

For many years these ethnic Germans have appealed to the Federal Republic of Germany to compensate them for these losses. At the same time they have made many appeals to the Government of the United States to raise this issue with the West German authorities.

On February 12, 1969, the Federal Republic adopted the law governing indemnification for reparation, destruction, and restitution losses, and a handful of ethnic Germans now residing in the United States have made claims under that law. However, the law prescribes such narrow conditions for claims that it effectively precludes the payment of claims to the vast majority of ethnic Germans now in our country.

While it is not routine practice for the Government of the United States to act as an intermediary with another country on behalf of naturalized citizens who were not U.S. citizens at the time their losses were sustained, I believe it would be a magnanimous act if our Government would now make a representation on their behalf with the Federal Republic of Germany. I do not advocate a blatant intervention in this matter, but only the raising of the issue with the West German authorities to indicate our own concern for the welfare of these citizens.

In the first session of the 92d Congress, with Senators Baker and Humphrey, I submitted Senate Resolution 79, expressing the concern of the Senate for the plight of the ethnic Germans and calling upon the Secretary of State to explore the possibility of obtaining for them some measure of compensation for their losses.

As a nation dedicated to the protection of individual rights, the United States should have a sympathetic interest in this problem. For that reason, the desirability of proceeding with Senate Resolution 79, and I am asking the Committee on Foreign Relations to hold hearings on the resolution in this session.

GENOCIDE CONVENTION: LEGAL QUESTIONS

Mr. PROXMIRE. Mr. President, no one has raised serious objections to the purpose of the United Nations Convention outlawing genocide. The primary objections which have been raised during the 23 years since the convention was first submitted to the Senate have concerned constitutional and other legal points.

Over the years, however, these objections have gradually subsided as it became apparent that the Genocide Convention in no way challenges or violates the Constitution or any Federal laws. As Supreme Court Justice William Rehnquist said when he was Assistant Attorney General:

> Twenty years ago Solicitor General Perlman provided a detailed and scholarly statement to a subcommittee of the Foreign Relations Committee on the constitutional and other legal questions surrounding the Genocide Convention. In 1950 some of the questions concerning Federal jurisdiction and the treaty power were considered somewhat novel. However, developments in the intervening years—the extensive use of the treaty power and the growth of Federal criminal jurisdiction—have, it seems, illuminated both these areas to the point where I believe I can safely say that the questions before the Committee and the Senate are more matters of policy than questions of legal power.

It seems to me that the only matter of policy left is whether or not we want to oppose genocide as strongly and as officially as the United Nations Convention does. I can see many benefits in this in terms of enhanced prestige abroad and no drawbacks. Mr. President, I again call for the immediate ratification of this convention.

INTERNATIONAL TRADE—A TWO-WAY STREET

Mr. FANNIN. Mr. President, international trade is an important economic factor which has received increasing attention in recent years. This is as it should be, because international trade continues to gain in importance. It is the responsibility of Congress and the executive branch to insure that trade is a two-way street.

The President in his report to us dated February 9, 1972, pointed out that:

> The European Community and Japan are now centers of economic power and strong international competitors. The Community today is the largest trading area in the world. Japan has made rapid advances in productivity and has become a vigorous exporter. But discriminatory trading arrangements are assuming greater importance. Additional trade barriers have been erected. And past reductions in tariffs have exposed other barriers to trade, which have not been adequately addressed.

It is important for us to help the President to pursue his goal of removing trade barriers and seeing that our trading partners live up to their international agreements. The Honorable Peter G. Peterson, now Secretary of Commerce, released a report on December 27, 1971, when he was the Assistant to the President for International Economic Affairs, which is excellent. Section 3 of volume 1 deals specifically with a matter of great concern to the citrus-producing States of Arizona, California, Florida, and Texas. Mr. Peterson discusses as an issue for international action, the discriminatory preferences which continue to damage citrus growers in the United States. Mr. Peterson states:

> The United States has long supported the multilateral, non-discriminatory approach to the management of international economic relations, as opposed to bilateralism and discrimination. The United States has global economic interests: it thrives best in a world of nondiscrimination. The American interest is not solely economic, however. Nationalism is politically divisive, whether practiced militarily or economically. The United States has tried to encourage the development of an international system which would contain divisive economic nationalism and exclusive regionalism, so that political as well as economic relations might operate to the general benefit of all countries.
>
> Some countries have looked at their own interests differently. Working from a smaller economic base, and heavily reliant on trade with their close neighbors, these countries have at times preferred to work outside the framework of nondiscrimination and multilateral negotiation. Sometimes, for historic and cultural reasons, they have used preferential commercial relations as a basis for continuing political ties and promoting exports. The countries of the European Community have been most active in practicing this kind of economic diplomacy, providing, for example, preferential access to the Community for certain exports of a large number of African and Mediterranean countries, and in return requiring preferred access for European exports *into* the markets of these countries. These latter preferences are known as *reverse* preferences and while they are presumed to be of value to European manufacturers, they are of little value to the developing countries which are required to provide them. These special trading arrangements between the Community and certain developing countries are often tied to aid flows, so that a broad, bilateral economic relationship is maintained.

In volume 2, Mr. Peterson points out in his section on trade with the European Community that:

> The affects on these preferences on our citrus exports to the Community is a clear example of what, from our standpoint, is a discriminatory act, detrimental to both U.S. economic interests and the principle of a multilateral, open-trading world.

The Senate expressed its concern last year when it unanimously passed a resolution calling upon the President to insist that the EEC end illegal preferences granted to Tunisia, Morocco, Israel, and Spain. These preferences violate the most favored nation provision of the General Agreement on Tariffs and Trade. The most favored nation provision of GATT is its foundation, and has been the cornerstone of U.S. trade policy since the 1930's.

The EEC recently announced that it was reducing its 15-percent common external tariff on imports of fresh oranges for the months of June, July, August, and September to the tariff rate of 5 percent. What the EEC did not announce was that it was continuing its 80 percent preference in favor of Tunisia and Morocco which works on a 12-month basis and its 40 percent preference in favor of Spain and Israel which also works on a 12-month basis. Neither did the EEC announce that it is entering into negotiations with these four countries who currently are seeking to obtain improved preferences from the EEC. It is unbelievable that the European Community would openly discriminate against the U.S. citrus exports in complete disregard of its international obligation expressed in GATT in light of the proof that it is damaging the U.S. citrus industry. Adding to the insult and injury is the agreement to enter into negotiations with the four preferred countries to see if their preferences can be improved. The United States must not allow such a result to occur.

Mr. President, if the European Economic Community is serious in its claims that it wishes to establish better relations with the United States on trade matters, then let the EEC prove it by eliminating illegal trade preferences granted to other nations.

A duty reduction for one-quarter of the year does not eliminate the discrimination against U.S. citrus. The duty reduction does not fulfill the EEC's international obligations in this matter.

Mr. President, more trade talks between the United States and the EEC are to be held this year and in 1973.

Our negotiators should insist that the EEC stop providing trade preferences which discriminate against U.S. citrus. Free trade is a two-way street, or it is not free trade. It is essential that we eliminate barriers such as these.

LEAD POISONING

Mr. KENNEDY. Mr. President, I invite the attention of the Senate to an article that details the hazards of excessive amounts of lead in our environment. The Senate Health Subcommittee recently conducted hearings on legislation I introduced to continue the Federal assault on childhood lead based paint poisoning.

In addition to the tragedies of mental retardation and death caused by childhood lead poisoning there is increasing evidence of the hazards facing our society from the widespread use of lead in many other substances in common usage.

Automobile fuel and pottery are additional sources of lead that contribute to the potential danger of lead poisoning in our modern society. Dr. Stephen K. Hall, writing in "Environmental Science and Technology," the journal of the American Chemical Society, has clearly described the increasing danger to health caused by the polluting effects of lead in our environment. I believe that we must move against the dangers of excessive lead because we know how to prevent its damaging effects. For that reason, I ask unanimous consent to have printed in the Record the article entitled "Lead: Pollution and Poisoning," written by Dr. Stephen K. Hall, and published in Environmental Science and Technology.

There being no objection, the article was ordered to be printed in the Record, as follows:

Lead: Pollution and Poisoning

(By Stephen K. Hall)

Lead has been mined and used by man for many years. Widespread early applications of lead are readily understood in light of its many desirable properties—relatively easily refined from natural ores, ductility, high resistance to corrosion, and other properties.

In both Greek and Roman culture, lead was used for manufacturing cooking utensils of the wealthy and in the lead pipes for the extensive plumbing systems of their homes. Studies indicate that Roman civilization deteriorated largely as a result of extensive lead poisoning (high incidence of infant mortality, mental retardation, and sterility) in the ruling class. This theory is supported by data showing a high lead concentration in the bones of their remains.

Of the nonferrous metals, lead is one of the most widely used in industry and everyday life. The annual consumption in the U.S. alone is well above one million tons. The storage battery industry is the largest consumer, about 40%, and the petroleum industry consumes about 20%, producing lead alkyls as gasoline additives. These 300,000 tons of lead are, of course, added directly into the ambient air. By contrast, only about 45% of the total lead consumed is recovered from metal products and batteries.

Today lead is an ubiquitous element present in food, water, and air. Lead aerosol is a common air contaminant. Dated samples of snow in northern Greenland indicate that up to 1750, there about 20 μg of lead per ton of ice until the Industrial Revolution. By 1860, this had increased to 50 μg/ton. The proliferation of the automobile since World War II also resulted in sharp increases—in 1940, 80 μg, in 1950, 120 μg; and in 1965, 210 μg. In the past two decades, man's continuing use of lead has produced an environmental level far above that which would exist naturally, and this could have grave consequences on human health.

SOURCES OF LEAD

Lead is a natural constituent of soil, water, vegetation, animal life, and air. Significant sources of naturally occurring lead include dust from soils and particles from volcanoes. In contrast to certain other metals such as mercury, lead in its elemental form is not a major source of poisoning.

In medieval times, the practice of "sweeting" wine with lead or lead acetate became a serious toxicological problem. Even today, alcoholic beverages of illicit origin are occasionally incriminated as the source of lead poisoning. Old automobile radiators are often used as the condenser component in illicit stills and contain enough solder to cause dangerous contamination of the "moonshine." Lead encephalopathy (disease of the brain), nephritis (disease of the kidneys) with gout, and other lead-related conditions have been reported in moonshine consumers.

Until the 1950's, most interior paints contained lead pigments which were a major source of childhood lead poisoning. Since then, lead oxide has been replaced by titanium dioxide. However, some old houses were painted countless times with leaded paint, and thick chips of leaded paint fall off as the walls and ceilings peel. Putty also contains lead and is even more likely to be found in substandard dwellings. Since children between the ages of one and four or five ingest nonfood particles of all types, about 8% of children in ghetto areas suffer from some degree of lead poisoning.

Another major lead source is earthenware pottery improperly glazed with lead. Large amounts of lead may be leached out of the glaze into certain foods. Today, man continues to pollute his environment with lead from other sources such as manufacturing, use of pesticides, incineration of refuse, and combustion of coal and leaded gasoline. Available data indicate that combustion of leaded gasoline is the major source of atmospheric lead in urban areas.

ATMOSPHERIC LEAD

Antiknock agents of lead alkyls, in the form of tetraethyllead (TEL) or tetramethyllead (TML), have been added to most gasoline since 1923. Their use rapidly became a cause for concern because lead intoxication and even death occurred among those occupationally exposed. In 1925, the U.S. Surgeon General appointed a committee to investigate possible public health hazards in the manufacture, distribution, or use of leaded gasoline. In the following year, the committee proposed a set of regulations which were concerned only with precautions in manufacture and distribution. The proposed regulations were adopted voluntarily by the petroleum industry.

About 1930, an attack on the significance of lead as a hazard to the general public began, but for the following 30 years, there was little interest in the potential environmental pollution problem of lead. Then in 1958, the Ethyl Corp. sought and was granted an increase in the concentration of lead in gasoline by the Surgeon General. Today, the amount of TEL ranges from 2 to 4 g/gal of gasoline.

A survey in 1964 indicated only 88 cases of TEL poisoning reported in the U.S. and Canada, subsequent to adoption of the regulations in 1926, and only 16 fatalities. This record is not bad, considering that several million tons of TEL have been manufactured and distributed since 1926.

Lead exhausted by automobiles originates in the antiknock fluid in the gasoline. The fluid contains lead alkyls and organic scavengers, ethylene dichloride, and dibromide, whose function is to combine with the lead to form inorganic lead salts, chiefly bromochloride, that enters into the atmosphere as part of the exhaust gases. Since only negligible amounts of the lead alkyls in the gasoline are exhausted directly into the atmosphere, it is unlikely that the health of the general public would be affected.

The amount of lead discharged into the atmosphere in exhaust gases varies, depending on driving conditions from about 25% to 75% of the lead intake in the fuel. At low speeds, the lead tends to be retained in the exhaust system and is discharged at some later period when the engine is run at greater speeds. The level of atmospheric lead varies directly with the volume of traffic and the size of the community. Los Angeles, with a population of more than 2.5 million, has the highest lead concentration of the communities studied, with an approximate mean of 5 $\mu g/m^3$ of air. Other urban communities with a population greater than 2 million have values of about 2.5 μg. Communities smaller than a million have a mean atmospheric concentration of about 2 μg, and communities with a population of less than 100,000 have a mean value of about 1.7 μg. The mean today is rising by as much as 5% per year, and week-long averages 8 μg now occur in San Diego.

From the atmospheric precipitation samples collected by a nationwide network of 32 stations throughout the U.S., lead concentration is correlated with the amount of gasoline consumed in the area and the amount of lead in surface water supplies. Thus, any further rise in the dissemination of lead wastes into the environment can cause adverse effects on human health.

LEAD ABSORPTION

Two major routes by which lead enters the human body are the alimentary and respiratory tracts. Absorption of inorganic lead through the skin is insignificant. Trace amounts of lead are found in normal daily diets. The mean dietary intake of lead for adult Americans is approximately 300 μg/day. Approximately 6–7% of the metal ingested is actually absorbed, but the percent absorption does not appear to be materially influenced by the amount of intake.

In addition to the dietary intake, lead absorption by the respiratory tract has been studied. The amount of lead absorbed from a given air concentration varies according to the particle size. Particles of approximately 1 μ or smaller will probably be retained by the lung, with up to 50% retained in the body, and the remaining portion expired with air. Particles larger than 2 μ impinge on the mucous lining of the airways, are swallowed, and are handled as though ingested by mouth.

About 75% of particulate lead in vehicle exhaust is less than 0.9 μ in mean diameter, a size easily retained by the lung. For example, an urban adult, breathing air containing 3 μg of lead and respiring about 15m^3 of air per day, will absorb about 20–25 μg of lead from the respiratory tract. Roughly the same amount absorbed from a normal daily diet, this atmospheric lead contribution to the body approaches, and in some communities, even surpasses the contribution made by dietary intake.

LEAD METABOLISM AND EFFECTS

Under normal conditions, more than 90% of the lead retained in the body is in the skeleton. The amount of lead which is not retained in the body is excreted back into the gut in the bile and also excreted in the urine, sweat, hair, and nails. Long-term exposure at some daily level of lead is potentially hazardous because lead is a highly cumulative poison. Under conditions of abnormally high calcium metabolism, such as feverish illness or during cortisone therapy, lead may be mobilized and a toxic amount released from the skeleton. Only a small fraction of the total bone lead need be mobilized to add an appreciable increment to the small soft tissue pool.

With the passage of time, absorbed lead becomes progressively more deeply buried in the bone matrix. This develops a potentially dangerous pool of exchangeable lead which can persist for months or even years. Acute lead poisoning can occur long after exposure to abnormal amounts of lead has ceased.

Lead poisoning results from a very high levels of lead in the human body, particularly in the soft tissues. While in the soluble form, lead is both mobile and toxic, and most often affects the blood, kidneys, and nervous system.

The effect of excessive amounts of lead in the blood is anemia. The presence of stippled cells is characteristic of the blood of a patient with lead poisoning. Chronic nephritis, sometimes accompanied by gout, is a disease characterized by a scarring and shrinking of kidney tissues. In severe cases, it may lead to ultimate kidney failure.

The effects of lead on the central nervous system are seen in behavior problems characterized by convulsions or swelling of the brain. A single attack of acute encephalopathy can cause brain hemorrhage, mental retardation, and other permanent neurological injury. Similarly, repeated bouts of lead poisoning can also cause permanent brain damage ranging from subtle learning deficits to profound mental incompetence and epilepsy.

Chronic lead poisoning results from a slow buildup of lead over a period of years or the aftereffects of acute lead poisoning. Acute lead poisoning has easily recognizable symptoms, and if treatment is administered in time, permanent damage can be avoided. Chronic lead poisoning, however, without symptoms or with vague symptoms, is difficult to diagnose and may be recognized only after irreverisble damage has been done.

CHILDHOOD LEAD POISONING

Lead poisoning in children is primarily a metropolitan disease in preschool age children who live in deteriorated housing previously painted wtih thick layers of leaded paint. As they are converted into slum tenements, much of the leaded paint peels and crumbles and is readily available to a young child. A chip of paint about the size of an adult fingernail can contain between 50 and 100 mg of lead. A child swallowing a few small chips a day easily ingests beyond the tolerable adult lead intake.

Lead poisoning is more dangerous in children than adults. During the first few weeks of abnormal ingestion of lead, generally no symptoms appear. After about six weeks, minor symptoms such as decreased appetite, constipation, clumsiness, fatigue, irritability, lethargy, headache, abdominal pain, and sometimes vomiting occur. Repeated ingestion of lead can lead to intermittent drowsiness and stupor, more persistent and forceful vomiting, and convulsions. With more prolonged or intense ingestion, the disease can culminate in intractable convulsions and coma (the symptoms of encephalopathy) and sometimes sudden death.

The minimum blood concentration of lead below which it is most unlikely that poisoning will occur is 80 μg of lead per 100 ml of blood for adults. In children, however, the threshold should be much lower. Mild symptons of lead poisoning have been found in children at 60–80 μg. As the blood-lead concentration rises above 80 μg, the risk of severe symptoms increases sharply. As many as 50,000 children in the United States today suffer from lead poisoning. Even though physical recovery is possible, brain damage and mental retardation often ensue, for the ages of one to four or five are critical years in the growth and development of the brain.

LEAD POISONING CONTROL

The most frequently used lead poisoning treatment is to bind the soluble lead to chelating agents which remove lead ions from soft tissues and prevent deposition of lead on the surface of the red blood cells. With chelating agents, high lead levels in tissues can be rapidly reduced to levels approaching normal, and adverse metabolic effects can be promptly suppressed. However, if there is a large residue of lead in the stomach, chelates may encourage such rapid absorption of lead that death occurs. Chelates may also release lead already stored in the bones, causing further complications. Chelating agents frequently used to treat lead poisoning are calcium disodium ethylenediamine tetraacetate (EDTA), 2,3-dimercaptopropanol or British Anti-Lewisite (BAL), and *d*-penicillamine.

Before chelating agents were available to treat lead poisoning, about two thirds of all children with lead encephalopathy died. Now the mortality rate is less than 5%. Unfortunately, treatment has not substantially reduced brain damage and mental retardation in the survivors.

Among the various substances that man concentrates in his immediate environment, lead wastes have been accumulating rapidly during the last century. As far as is known, lead is not a trace metal essential to nutrition.

One must remember that lead absorbed in seemingly harmless trace quantities over a long period of time can accumulate to exceed the threshold level for potential poisoning and produce delayed toxic effects. Concentrations of lead in soft tissues as well as in bones continues to rise from birth through the fourth or fifth decade of life. Furthermore, concentrations are higher in the U.S. than in other parts of the world.

Normal concentrations of lead in adults are below 40 μg/100 ml of blood. The average concentration of lead in Americans is 27 μg. The question is whether this average is normal or whether it represents a serious increase beginning with adding TEL to gasoline and thereby reflecting documented increase in environmental lead. If this is so, then any further increase might well be dangerous. Unfortunately, there is no baseline with which to compare contemporary populations. Low level effects are yet to be recognized.

Since 50% of airborne lead can be absorbed from diet, hopefully, the amount of airborne lead will remain constant since automobile and oil companies have started to eliminate leaded gasoline. Some states have laws prohibiting leaded paints for interior painting. However, applying lead-free paint over old leaded paint does not solve the problems. When paint peels, the leaded paint again becomes available to the child. Old leaded paint must be removed from substandard housing. Where rehabilitation is impossible, urban redevelopment projects should replace substandard housing.

Present American industrial standards consider 200 $\mu g/m^3$ to be an acceptable level of occupational exposure. A known effect of chronic lead exposure among industrial workers is peripheral nerve disease, affecting primarily the motor nerves of the extremities, while symptoms of acute lead poisoning are strikingly absent. Federal and state governments are reponsible for instituting effective control measures in industry.

Whether or not lead concentrations measured are hazardous to human health, any further increase of lead in the environment will result in further concentration in some food chains, leading ultimately to toxic doses for man or for some other important organisms. Lead pollution, therefore, must be controlled.

ADDITIONAL READING

Danes, R. H., Motto, H., and Chilko, D. M., "Atmospheric Lead: Its Relationship to Traffic Volume and Proximity to Highways," ES&T, 4, 318 (1970).

Chow, T. J. and Earl, J. L., "Lead Aerosols in the Atmosphere: Increasing Concentrations," *Science*, 169, 577 (1970).

Lazrus, A. L., Lorange, E., and Lodge, J. P., Jr., "Lead and Other Metal Ions in United States Precipitation," ES&T, 4, 55 (1970).

Habibi, K., "Characterization of Particulate Lead in Vehicle Exhaust-Experimental Techniques," ES&T, 4, 239 (1970).

Kehoe, R. A., "Toxicological Appraisal of Lead in Relation to the Tolerable Concentration in the Ambient Air," *J. Air Pollut. Contr. Ass.*, 19, 690 (1969).

FUTURE HOMEMAKERS OF AMERICA

Mr. TOWER. Mr. President, in these troubled times, we have witnessed a rash of negativism. Countless organizations have come forth to oppose something. Perhaps the two characteristics such organizations have in common is their negative approach, and, as a consequence, their short life. The antithesis of these organizations is the Future Homemakers of America.

For over 25 years, the Future Homemakers of America have made positive, significant contributions to the development of American youth. During the week of March 19 to 25, we are paying tribute to this fine group. The theme of National Future Homemakers of America Week is "Profiles in Youth." The FHA is emphasizing the positive qualities of American youth, who are challenged to be "caring, working, learning, discovering, improving, and solving." In essence, the members of FHA are striving for a better family life.

The Future Homemakers of America was founded on June 11, 1945. It is an incorporated, nonprofit national organization for students who are taking courses in home economics and other related subjects. The FHA is supported by membership dues.

Today, there are over 550,000 members in 11,000 chapters located in all 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, and American schools overseas. The State of Texas has more than 70,000 members, making it the largest FHA State association.

In order to appreciate the goals and ideals of the FHA, I would like to state the eight purposes of the organization found as the constitution of the association of the State of Texas: First, to promote the joys and satisfaction of homemaking; second, to strengthen the function of the family as a basic unit of society; third, to encourage democracy through cooperative action in the home and community; fourth, to become aware of the multiple roles of men and women in today's society; fifth, to improve national and international relations; sixth, to provide opportunities for decisionmaking and for assuming responsibility; seventh, to involve youth with adults in individual and group activities; and, eighth, to develop interest in home economics, home economic careers, and related occupations.

As our society continues to change and evolve, the Future Homemakers of America will continue assisting our youth meet the challenges of tomorrow. "Toward new horizons" is the motto of the FHA, and it is a goal to which the entire Nation could aspire.

THE FEBRUARY CONSUMER PRICE INDEX

Mr. KENNEDY. Mr. President, the exorbitant and unconscionable rise in consumer prices for February announced today makes a mockery of the administration's irresponsible charges against the labor leaders who left the Pay Board yesterday. The essence of the protest by Mr. Meany, Mr. Abel, and Mr. Smith is that phase II is a failure in the fight against inflation. Surely, if the elaborate apparatus of the Price Commission cannot hold the line on rising prices to the promised level of 2 to 3 percent, there can be no logic or justice in the demand that labor hold the line at 5.5 percent for wage increases.

No one wants to see phase II fail. No one wants a situation in which labor representatives are unwilling to participate in the program. No one wants a program in which any single sector of the economy has to bear an excessive burden of the fight we all want to win to bring the economy back to health.

Perhaps this dramatic new one-two punch—the sudden labor walkout and the brutal February price increase—will wake up the administration and make it see the problem. Phase II is adrift on an aimless sea of bureaucracy. It must be made to function more effectively and more fairly for labor and business alike. Only then will it have the real confidence of all the American people.

INADEQUACY OF SBA LOAN CEILING

Mr. JAVITS. Mr. President, yesterday, the Senate passed S. 3166, a bill to amend the Small Business Act by increasing the amount which may be outstanding from SBA's business loan and investment revolving fund at any one time for purposes of particular SBA financial assistance programs.

I am gratified that the Committee on Banking, Housing and Urban Affairs reported, and the Senate passed, an amendment to the bill that Senator CRANSTON and I cosponsored, to increase from $25,000 to $50,000 the maximum loan that SBA is authorized to make, participate in, or guarantee to small business concerns located in urban or rural areas with high proportions of unemployed or low-income individuals, but I wish to express my concern over the fact that we approved the Banking Committee's cutback on SBA's lending authority for direct, immediate participation and guaranteed loans as well as other authorized loan commitments, from the $5.8 billion ceiling requested by the SBA to $4.1 billion.

We are all well aware that SBA exceeded its loan ceiling last year and that this caused unnecessary interference with the successful operation of SBA programs until Congress acted to establish an upward revision of the loan ceiling. Administrator Kleppe of the SBA in his testimony before the Subcommittee on Small Business on March 9 estimated that outstanding loans and commitments projected through fiscal year 1974 will total $5,626,000,000 and it was on this basis that SBA requested an increase in the ceiling to $5.8 billion. In addition, it should be noted that the Office of Management and Budget offered no objection to the SBA request for a $5.8 billion ceiling.

This is a critical period for small business. The need for successful delivery of SBA financial assistance to inner city, smaller urban, and displaced businessmen has never been greater. This definitely is not the time for false economy. I believe this matter should be given a thorough review when the bill goes to conference with the House and I urge the conference committee to restore the $5.8 billion ceiling requested by SBA.

Mr. President, I ask unanimous consent that Administrator Kleppe's statement of March 9 before the Committee on Banking regarding the ceiling legislation, as well as a statistical chart prepared by SBA showing ceiling levels and projections by program and overall, for fiscal year 1971 through 1974, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADMINISTRATOR THOMAS S. KLEPPE

Mr. Chairman, I appreciate the opportunity to appear before this Committee once again to discuss our current request for additional increase in the revolving fund ceilings stated in Section 4(c) of the Small Business Act. S. 3166, which you have introduced, Mr. Chairman, would provide for the necessary increases.

S. 3166 would effect four amendments to the provisions of Section 4(c)(4) of the Small Business Act governing the total amount of loans, guarantees, and other obligations and commitments which may be outstanding at any one time from our business loan and investment fund. The first of these amendments would increase from $3.1 billion to $5.8 billion the amount which may be outstanding from the fund at any one time for the purposes of (1) our regular business loan program under Section 7(a) of the Small Business Act; (2) the loan program we administer, pursuant to Section 7(b)(3) of that Act, known generally as the displaced business loan program; (3) the trade adjustment loan program authorized by Section 7(e) of the Act; (4) the section 8(a) prime contract assistance program; and (5) the economic Opportunity loan program authorized by Title IV of the Economic Opportunity Act of 1964.

Our current budget projects indicate that, as of the end of this current fiscal year—less than four months from now, Mr. Chairman—our outstanding loans and commitments to be measured against the current $3.1 billion ceiling will total $3,041,700,000. This wi'l leave virtually no reserve to carry us into Fiscal Year 1973. Although no decisions regarding our FY 1974 loan levels have been made, we estimate that our outstanding loans and commitments projected through FY 1974 will total $5,626,000,000.

It is on this basis that we have requested an increase in this ceiling to $5.8 billion, which would carry us through FY 1974 and permit an additional contingency reserve of $174 million.

Within the present $3.1 billion ceiling, there is a sub-ceiling governing the total amount which may be outstanding from the fund at any one time for economic opportunity loans made under Title IV of the Economic Opportunity Act. The current level of this sub-ceiling is $300 million. Our estimates for this program, projected through FY 1974, total $358.5 million. We have requested that this sub-ceiling for economic opportunity loans be increased to $450 million.

We are also requesting that the dollar ceiling governing the total amount which may be outstanding from the fund at any one time for purposes of the small business investment company (SBIC) program under Title III of the Small Business Investment Act of 1958, be increased from $450 million to $650 million. Our projections indicate that the present ceiling will not carry us through FY 1973. Although no decisions have been made regarding the SBIC program level for FY 1974, our projection is that outstanding loans and commitments through FY 1974 will total $565.4 million. Increasing the ceiling to $650 million, as we have requested, would allow an additional contingency reserve of $84.6 million.

Finally, Mr. Chairman, we are requesting that the ceiling governing amounts outstanding from the fund for purposes of the State and local development company loan programs under Title V of the Small Business Investment Act of 1958, be increased from $500 million to $700 million. Our projections here indicate that the total amount outstanding through the end of FY 1974 will equal $550 million. The requested $700 million ceiling would allow a very adequate contingency reserve for this vital program.

Except for the ceiling governing the State and local development company loan programs, our current projections indicate that none of the current ceiling figures will carry us through the next fiscal year. Most critical, of course, is the $3.1 billion ceiling which I first discussed. As I mentioned earlier, that figure will permit us to operate through the current fiscal year with very little room to spare. We ask the assistance of this Committee in recommending that the Senate promptly enact the provision of S. 3166 raising these ceiling figures to the levels necessary to carry SBA's programs through FY 1974.

This concludes my statement, Mr. Chairman.

SMALL BUSINESS ADMINISTRATION—BUSINESS LOAN AND PRIME CONTRACT LIMITATION REQUIREMENTS, ACTUAL FISCAL YEAR 1971, ESTIMATED FISCAL YEAR 1972–74

[Dollars in millions]

	Actual fiscal year 1971	Budget estimates		Projected fiscal year 1974
		Fiscal year 1972	Fiscal year 1973	
Outstanding loans and commitments, start of year	$1,737.8	$2,297.0	$3,041.7	$4,105.9
Plus—new loan approvals:				
7(a) business	772.5	1,099.0	1,635.0	2,250.0
Economic opportunity	90.7	86.0	90.0	105.0
Displaced business	39.3	39.0	50.0	81.0
Trade adjustment assistance	4.5			
8(a) prime contracts (net increase)	8.5	3.7		
Total	915.5	1,227.7	1,775.0	2,436.0
Minus—repayments and cancellations:				
7(a) business	314.2	436.8	653.2	845.3
Economic opportunity	32.0	36.0	45.3	50.5
Displaced business	10.1	10.2	12.3	18.2
Trade adjustment assistance				1.9
Total	356.3	483.0	710.8	915.9

	June 30, 1970	Actual fiscal year 1971	Budget estimates		Projected fiscal year 1974
			Fiscal year 1972	Fiscal year 1973	
Outstanding loans and commitments, end of year		$2,297.0	$3,041.7	$4,105.9	$5,626.0
Current limitation		3,100.0	3,100.0		
Plus—contingency reserve					174.0
Recommended limitation					5,800.0
MEMORANDUM					
Outstanding by program:					
7(a) business	$1,420.8	1,879.1	2,541.3	3,523.1	4,927.8
Economic opportunity	150.6	209.3	259.3	304.0	358.5
Displaced business	153.6	182.8	211.6	249.3	312.1
Trade adjustment assist		4.5	4.5	4.5	2.6
8(a) prime contracts	12.8	21.3	25.0	_5.0	25.0
Current EOL sublimitation		300.0	300.0		
Recommended EOL sublimitation					450 0

SMALL BUSINESS ADMINISTRATION—DEVELOPMENT COMPANY LOAN LIMITATION REQUIREMENTS, ACTUAL FISCAL YEAR 1971, ESTIMATED FISCAL YEAR 1972–74

[Dollars in millions]

	Actual fiscal year 1971	Budget estimates		Projected fiscal year 1974
		Fiscal year 1972	Fiscal year 1973	
Outstanding loans and commitments, start of year	$291.4	$322.2	$369.3	$434.0
Plus—new loan approvals	56.2	77.0	100.0	155.0
Minus=repayments and cancellations	25.4	29.9	35.3	39.0

	Actual fiscal year 1971	Budget estimates		Projected fiscal year 1974
		Fiscal year 1972	Fiscal year 1973	
Outstanding loans and commitments, end of year	$322.2	$369.3	$434.0	$550.0
Current limitation	500.0	500.0		
Plus—contingency reserve				150.0
Recommended limitation				700.0

SMALL BUSINESS ADMINISTRATION—INVESTMENT COMPANY LOAN LIMITATION REQUIREMENTS, ACTUAL FISCAL YEAR 1971, ESTIMATED FISCAL YEAR 1972–74

[Dollars in millions]

	Actual fiscal year 1971	Budget estimates		Projected fiscal year 1974
		Fiscal year 1972	Fiscal year 1973	
Outstanding loans and commitments, start of year	$284.3	$316.0	$388.9	$484.6
Plus—new loan approvals	47.7	78.0	100.0	84.1
Minus—repayments and cancellations	16.0	5.1	4.3	3.3

	Actual fiscal year 1971	Budget estimates		Projected fiscal year 1974
		Fiscal year 1972	Fiscal year 1973	
Outstanding loans and commitments, end of year	$316.0	$388.9	$484.6	$565.4
Current limitation	450.0	450.0		
Plus—contingency reserve				84.6
Recommended limitation				650.0

RULES OF THE SPECIAL COMMITTEE ON AGING

Mr. CHURCH. Mr. President, as required by section 133B of the Legislative Reorganization Act of 1970—Public Law 91–510—I ask unanimous consent that the rules of the Special Committee on Aging be printed in the RECORD.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

RULES OF THE SPECIAL COMMITTEE ON AGING

(As adopted June 12, 1963)

RULE 1

Convening of meetings.—Unless the Senate is in session and a different date within the month is ordered and notice given, the Committee shall meet regularly at 10 a.m. on the second Thursday of each month during the session. The Chairman may, upon proper notice, call such additional meetings as he may deem necessary. Regularly scheduled meetings of the Committee may be postponed or cancelled by the Chairman should there be insufficient business before the Committee to warrant such a meeting. Subcommittee Chairmen may call meetings of the Subcommittees at such time as they deem necessary except that no such meetings may be called at a time when the full Committee is scheduled to meet. Special meetings may be called by a majority of all Committee or Subcommittee members upon written notice to the Clerk of the Committee. The Clerk shall give at least 24 hours notice to every member of the meeting, time, and place.

RULE 2

Presiding officer.—The Chairman of the Committee (or Subcommittee) or if the Chairman is not present, the ranking Majority member present shall preside at all meetings.

RULE 3

Quorums.—A majority of the Committee or any Subcommittee shall constitute a quorum sufficient for the conduct of business at executive sessions. One member shall constitute a quorum for the receipt of evidence, the swearing of witnesses and the taking of testimony at hearings.

RULE 4

Subcommittees.—Matters referred to the Committee shall be considered initially by the full Committee or by such Subcommittees as the Chairman, with the approval of the Committee, shall designate. Subcommittees may be established and their size determined by vote of a majority of all members of the Committee. The Chairman of the full Committee shall be an ex officio member of all Subcommittees. Party membership of each Subcommittee shall be proportionate to Party membership on the full Committee. Each Subcommittee is subject to these rules and any limitations imposed by the full Committee and is authorized (a) to hold and report hearings; (b) to sit and act during meetings of the Senate and during recesses or adjournment of the Senate; and (c) to require by subpoena or otherwise the attendance of witnesses and the production of documentary evidence.

RULE 5

Agenda and voting at meetings.—The business to be considered at any meeting of the Committee or a Subcommittee shall be designated by its Chairman and any other measure, motion or matter substantive or procedural within the jurisdiction of the Committee or a Subcommittee shall be considered at such meeting and in such order as a majority of the members of such Committee indicate by their votes or by presentation of written notice filed with the Clerk. Voting by proxy shall be permitted in the full Committee and all Subcommittees.

RULE 6

Right to counsel.—Any witness subpoenaed to a public or executive hearing may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

RULE 7

Amendment of rules.—The rules of the Committee may be changed, modified, amended, or suspended at any time, provided, however, that not less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.

RULE 8

Reports.—Staff reports and Committee reports shall be printed only with the prior approval of a majority of the full Committee. The printing, as Committee documents, of materials not originating with the Committee or its staff shall also require prior approval of a majority of the full Committee. The printing of a Subcommittee report shall require prior approval of a majority of the Subcommittee concerned. With respect to the printing of Staff reports, the Chairman is authorized to conduct a poll of the Committee. In such cases, the Minority shall have the right to request reconsideration of the results of such poll at the next meeting of the Committee.

LIMITS ON THE RIGHT TO STRIKE

Mr. TOWER. Mr. President, on March 13, the Washington Star published an extremely perceptive article on one of the most important issues confronting the Nation—is there a constitutional right to go on strike? The article was written by Mr. Milton Viorst, a columnist whose opinions usually do not coincide with my own.

However, in this instance, Mr. Viorst has addressed himself to a number of questions which many public officials are reluctant to discuss. For instance, Mr. Viorst asks whether the labor movement should be allowed to destroy the effectiveness of the administration's economic stabilization program. In discussing this problem, Mr. Viorst asks whether there is a constitutional right to strike.

The author puts these issues in proper perspective by analyzing the current status of organized labor. It is ridiculous to suggest that the struggles facing organized labor today are the same that the movement faced earlier in the 20th century. Instead of fighting for the right to organize and represent workers on a regional and national basis, organized labor today is fighting for increased wages of an inflated nature and for the continuation of regressive work rules in industry that should have been reformed 20 years ago.

Organized labor today is engaged in a struggle to hold on to the status quo for the benefit of a few, at the expense of the remaining parts of our society, including those workers who are either unorganized by choice or command and those workers who belong to smaller unions without the political and financial influence enjoyed by big labor.

Mr. President, Congress has been reluctant to seriously consider the issue of labor law reform. However, it will soon become apparent to the majority of representatives that the American people will not stand for the continuation of the irresponsible public attitude that is held by the leaders of organized labor. It has become increasingly apparent to many Americans that economic threats, as exemplified by the attitude of the leadership of the dockworkers, cannot be tolerated if liberty and economic freedom are to be preserved.

Mr. Viorst's article adds to the education process that is needed if labor law reform is to gain the national attention that it deserves. I urge Senators to give this matter careful thought, and I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RIGHT TO STRIKE HAS ITS LIMITS

(By Milton Viorst)

The prospect of resumption of the West Coast dock strike—the consequence of the Pay Board's compromise finding on a labor-management wage settlement—raises important questions about the future of union power in American society.

First, it poses the problem of whether the labor movement is to be allowed to destroy the effectiveness of the administration's program of wage-price restraints, which on the whole has been working rather well.

Harry Bridges, president of the West Coast International Longshoremen's and Warehouseman's Union, had threatened to strike if "as much as one cent" was lopped off the settlement which the union negotiated independently with the shippers. George Meany, president of the AFL–CIO, has said he would support Bridges right down the picket line.

In fact, the Pay Board reduced the original settlement from 21 percent to 15 percent, which is a far cry from the 5.5 percent target it had established for wage raises. Obviously, the Pay Board was not indifferent to the longshoremen's threats, even if it did not capitulate completely.

Yet it is clear that if the longshoremen, by going on strike, force a larger settlement, then none of the Pay Board's decisions will be worth the press releases they're written on—and President Nixon's wage-price program will be shattered.

Because of the impact on overall economic policy at a critical time, then, the prospect of a walkout raises a second, even more fundamental question: Whether unions have an inherent right to strike whenever it might suit their fancy.

There certainly was a time when I would have answered with an unequivocal "yes." Those were the days when unions were fighting for their existence—against the hostility not only of employers, but usually of government and the courts. The left never doubted that the union was always right.

But the great labor struggles of the past—the Homestead strike, the United Auto Workers against Ford, John L. Lewis and the coal miners—represent a purer day of the union movement. As often as not these days, labor disputes are waged not so much against employers, but against the public and, often, against nonunion labor.

The current dock dispute is a good example. Both sides are going through a charade of who should benefit most from a reduction of some 30 percent—thanks to new technology—in the handling costs of cargo.

Obviously, it occurs to neither side to reduce prices.

Instead, the two sides make angry faces at each other and wind up with a sweetheart contract in which labor gets the wages it wants and management sets the prices it chooses. In such circumstances, it's hard to get emotional over labor's cause.

Yet Meany insists that labor has a constitutional right to go out on strike, notwithstanding economic policy and the Pay Board. It is curious how the Constitution becomes the last refuge of the economic royalists, no less so because the barons today are from labor as much as from management.

For myself, I have looked in vain through the Constitution for the right to strike. It seems clear that workers have the right to seek to coerce employers by a common refusal to work.

But I find nothing which says unions have the right to create economic paralysis or to deprive others of their living. In short, my own freedom reaches its limit when I hurt someone else. I have the right to free speech, but not to cry "fire" in a crowded theater.

And so the third question: Should the administration and Congress enact legislation requiring compulsory arbitration, for instance, when the well-being of society is involved?

Meany says such legislation would mean the destruction of free enterprise and would be the "antithesis of freedom." That's what the drugmakers said when told they had to make safe drugs, and what the steelmakers said when told they couldn't fix prices.

I say the right to strike has limits, like the right to threaten panic in a theater. Labor and management can fight their battles out to their hearts' content, but only so long as much or all of society isn't made to suffer for them.

THE PRESENT SITUATION IN ASIA

Mr. McGEE. Mr. President, in the 27 years since the cessation of hostilities marking the termination of World War II, we have experienced the good fortune of avoiding the outbreak of another widespread conflagration of much greater devastation.

The United States has played an instrumental role in preventing a third world war. We assumed the responsibility which fell on our shoulders in 1945 by virtue of the fact that we emerged from that conflict as the world's leading power.

The balance of power, without a doubt, has been responsible for the stabilization of Europe since World War II. That balance, and our willingness to participate in an alliance with the free North Atlantic States, was the major instrument in blocking Russian expansionism into Western Europe—an expansionism which has always been an historical trademark of Russia.

In today's Washington Evening Star, columnist C. L. Sulzberger presents a very excellent analysis of the present situation in Asia. Russia is now making a concerted thrust into Asia—a continuation of her expansionist tendencies.

As Mr. Sulzberger points out:

> Any future Asian stability depends on relationships between China, India and Japan that can be tolerated by Moscow and Washington.

He concludes that:

> Acting in tandem, Washington and Peking must now demonstrate such thrusts (Russian) are fruitless. Moscow may then see value in the vague new relationship developing to relax world tensions.

What this all means is that we have come a long way in the world. Yet we still have a way to go. Stability has been achieved in Europe and we must exercise the same resolve in striking that balance which will allow the new Asia to emerge without the hinderences of external forces which could be detrimental to this much desired development. We are at a critical stage in Asia, and the rest of the world has a great stake in the achievement of stability in this part of the globe.

I ask unanimous consent that Mr. Sulzberger's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BALANCING THE "VACUUM" IN ASIA

(By C. L. Sulzberger)

One outstanding conclusion after a long Asian trip is that the postwar strategic balance is dissolving. Since there never was a truly stable balance, this means that a state of flux has set in. In no other area has this new power relationship become more obvious.

The old empires are gone except for odd vestiges like Hong Kong and Macao and a coalescing West Europe has yet to produce a comprehensible policy in the East. Both CENTO and SEATO, the main multilateral alliances, are dead, even if they twitch posthumously. Russia now presses to move into areas they embraced.

This has encouraged an effort by America and China to re-examine the region and find where they have common interests. It has also spurred fresh nationalism in Japan, of an economic, not a military sort.

Any future Asian stability depends on relationships between China, India and Japan that can be tolerated by Moscow and Washington. Peking will probably reconcile itself to the changed Indian situation and, without abandoning Pakistani friendship, return to the type of understanding with New Delhi that existed when Nehru was prime minister. This will ultimately help India to disengage from overreliance on Russia.

As China and the United States recognize certain mutual interests that transcend ideology, they will find it useful to work together in counterbalancing Soviet interest in India. Mrs. Gandhi might quite willingly play along, to frustrate Moscow's efforts to gain any preponderant influence in Southeast Asia.

Peking is better served by peace than war in Vietnam. It can better afford to see the Indochina peninsula neutralized rather than risk Soviet political gains there. Consequently the Chinese are less likely now to encourage Hanoi's precondition to peace: Replacing Thieu's presidential regime in Saigon with a parliamentary regime designed to gradually disintegrate the anti-Communist government.

The flaming issue between China and the United States—Taiwan—has been considerably defused. If some form of autonomy were to be offered when Chiang Kai-shek dies, most Taiwanese might accept this. The big change since Nixon's journey is that no future Taiwan formula can be unilaterally written in Washington.

Japan is vital to the New Look in Asia. Nixon's Peking visit, widely televised among the Japanese, will have a very long-lasting effect among them. For the first time since 1945 Tokyo recognizes the need to formulate its own individual foreign policy and this is bound to develop along more nationalistic lines.

At the 1964 Japanese Olympic Games the nation regained its self-confidence; at Expo '70 it became intoxicated with its progress; and the 1972 Nixon shocks on the dollar and China have completed the regeneration. It is likely that Japan, during this decade, will demand extrusion of all U.S. bases while remaining under the American nuclear umbrella.

Washington, Peking and Moscow must arrange a vague accommodation that each will help its respective Asian clients only if each other's forces or proxy forces invade the territory of those clients. Were there such an invasion, it should be known the interested major power(s) would help; otherwise not. Thus each would look after its interests while avoiding purely local conflicts.

Within such a general outline, which may be the purpose of presidential flights to both Moscow and Peking, it is even possible to imagine moves toward reuniting partitioned countries: Taiwan on a semi-autonomous basis; Vietnam in terms of regional collaboration as suggested by Saigon; Korea along lines reflecting Chancellor Brandt's attempts in Germany. The South Koreans have sent experts to Bonn to study these.

With respect to such modest initiatives, the major capitals must agree on what they will not accept rather than on what they will tolerate. This is the political road to an uneasy new Asia.

"Balance" is not a precise word any more than "vacuum." Even patently weak countries don't necessarily suck other influences in. Neither outer space nor the Antarctic is a vacuum. The only forces whose entry is attracted by weakness are those already pushing to enter.

That was once the case for the United States and China and is now the case for Russia. Acting in tandem, Washington and Peking must now demonstrate such thrusts are fruitless. Moscow may then see value in the vague new relationship developing to relax world tensions.

GETTING ACTION ON PRISON REFORM

Mr. JAVITS. Mr. President, the present crisis in the Nation's prison system results from three extraordinarily complex problems: confusion as to purpose, conditions in the prisons themselves and totally inadequate budgetary support.

We are told that a basic purpose of the corrections system is to protect society, by incarcerating individuals who threaten the security, safety, and property of the law-abiding majority.

By what standards do we decide who goes to prison and for how long?

With a rate of recidivism sometimes rating as high as 70 percent—is society being adequately protected?

We are told that another basic purpose is to provide facilities and services for the comprehensive rehabilitation of inmates in order to enable them to live productive lives when they return to society.

There is little doubt that in the national inquiry that is now underway in the media, in the Congress and elsewhere, these basic purposes and other underlying assumptions about our corrections system must be thoroughly and thoughtfully examined.

In this regard, Mr. President, I am pleased to note that my former Senate colleague, Charles Goodell of New York, who frequently spoke with force and effectiveness on this subject during his years in the Senate, has continued that commitment in private life. He is now chairman of the Committee for the Study of Incarceration, a particularly diverse and highly impressive group of lawyers, historians, academicians, and social scientists who have undertaken a complete reexamination of our basic assumptions about incarceration.

The important work of the committee, which is being funded by grants from the Field Foundation and the New World Foundation will constitute an important contribution to the basic public policy decisions which must be made in this field.

The Washington Post on Wednesday published an article written by columnist William Raspberry commenting upon the work of the committee.

Mr. President, I ask unanimous consent that the article be printed in the Record at the conclusion of my remarks.

It is my own opinion that we have never adequately tried effective correctional rehabilitation in this country, that conditions within our prisons are sometimes inhuman, and that we will not succeed in reducing the level of violent crime in our society until we decide to put substantial new financial resources into the effort. We have placed upon the shoulders of the correctional system a good deal of public apathy concerning primitive prison conditions, and the problems of former offenders.

Three bills that I have introduced, S. 2962, S. 3049, and S. 3051, seek to establish national standards for the treatment of incarcerated offenders, a national corrections professions development program, and an innovative manpower training and job placement program for offenders.

It is my hope that the Senate will give its early attention to these and other bills on this critically important issue as soon as possible.

A front page article published in the New York Times of last Monday reported that the commissioner of corrections of New York City, Mr. Benjamin J. Malcolm, has adopted a new policy authorizing broader visitation rights for inmates. He also stated that inmate councils had been established within the city's corrections facilities to consider grievances and that more work release facilities were being established.

I ask unanimous consent that the article be printed in the Record at the conclusion of my remarks.

These reform measures can only serve to lessen tensions and promote effective rehabilitation. But a great deal more must be done.

On Tuesday, I again visited the Manhattan House of Detention—known as the Tombs—and the criminal court facilities. My distinguished colleague from New York (Mr. Buckley) and I examined the deplorable conditions which prevent our criminal justice system from working as fairly and effectively as it should.

The tour was arranged by Robert P. Patterson, Jr., chairman of the Committee on the Administration of Criminal Justice of the New York State Bar Association. Mr. Patterson and his committee have provided energetic leadership in the drive to enlist the business and professional sectors of New York in corrections and court reform.

Mr. President, the handwriting on the wall ought to be plain for all to see. Unless we begin to take the fact of correctional failure seriously, and act firmly upon that failure, the reality of crime in our society will continue to restrict our freedom and materially reduce the quality of life for us all.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Aims of Prison Reforms

(By William Raspberry)

Prison reform is a notion whose broad appeal grows even broader every time there is a prison revolt (as at Attica) or anything else that makes it clear to those on the outside just how horrible things on the inside can be.

And most of the talk about prison reform centers around various proposals for rehabilitating prisoners and making the prisons themselves less dehumanized and dehumanizing institutions: better educational programs, more psychological intervention, more comfortable facilities, better-trained guards, more individualized treatment—that sort of thing.

Don't put down the Committee for the Study of Incarceration as just another reform group. What the committee's 16 members have in common is a healthy skepticism of nearly all the conventional wisdom concerning prisons, including prison reform.

The committee, whose chairman and inspiration is ex-Sen. Charles Goodell, includes lawyers, historians, an economist, an anthropologist, a criminologist and one man chosen according to executive director Andrew von Hirsch, "because he was very bright and didn't know anything about prisons, and we thought we ought to have someone like that on the committee."

The first year's operation will be funded by a grant of $150,000 from the Field Foundation and $25,000 from the New World Foundation.

Even a cursory reading of its prospectus, working papers and staff memoranda suggests that the committee is likely to come up with some novel—and potentially very useful—conclusions. For instance:

"A major reason why we still maintain prisons, jails, asylums and reform schools, bad as these places are, is that we have no conception of how to replace them with anything better." Or:

"Repeated attempts have been made to 'reform' these institutions, but the abuses continue essentially unchanged. The system has shown an astonishing capacity to subvert reforms so as to reinforce existing practices." Or again:

Although the unspeakable conditions in institutions of confinement cry for action, there seems as yet to be little understanding of what kind of action would be appropriate.

"Continuation of reform efforts along traditional lines entails serious dangers of making conditions worse again. There must be a complete re-examination of what needs to be changed, and what the longrun objectives of change ought to be."

That last is crucial. For you cannot talk intelligently about long-run objectives until you ask the most basic question of all: Why do we have prisons in the first place?

It is clear that they don't reform the people we put in them. And while they do afford some protection from "dangerous" people, they do so only at the cost of incarcerating large numbers of people who would not be dangerous if unconfined.

Imprisonment of those who break the law doubtless has some inhibiting influence on the rest of us, but no one knows how long sentences must be to have that effect—30 days, 30 months or 30 years.

All of this is, of course, nonsense to "conservatives" who believe there already is too much mollycoddling of criminals. The committee knows this.

"Our main influence," says executive director von Hirsch, "probably will be on the liberals—the Ramsey Clarks who are still pushing for the same old reformist things: more psychiatrists, indeterminate sentences, individualized treatment.

"And every one of these 'reforms' only makes possible that much more arbitraryness.

"The No. 1 question we have to answer is, Why do we *have* these places?"

Von Hirsch has examined that question and his answers are worth another column

---

City to Let Children Visit Parents in Jail

(By Linda Charlton)

Within the next few days, children will be allowed to visit their mothers or fathers in the city's jails, according to Benjamin J. Malcolm, the Commissioner of Correction.

Mr. Malcolm announced this yesterday along with another change in visiting policy: Friends, as well as relatives, will be permitted to visit prisoners.

At present inmates, both in detention and sentence institutions, are allowed visits only from close relatives who are more than 16 years old.

ONE VISITOR AT A TIME

The visits—two 30-minute periods weekly for detention inmates and a single half hour on weekends for sentenced inmates—have been limited to one person. This, according to A. L. Castro, public relations spokesman for the department, is in large part because the booths in which the visits take place are small and because the prisons themselves are overcrowded.

State prisons, he said allow visits by inmates' children.

When, for the first time in the history of the city's prison system, children under 16 are allowed to visit their parents inside, they will have to be accompanied by an adult, Mr. Castro said. The policy will remain one person to a visiting period.

Mr. Castro said that the policy change would go into effect as soon as the orders had been written and the prisons had set up the procedures.

Mr. Malcolm said that during a recent conversation with an inmate at the Bronx House of Detention, the prisoner asked to see his children. The Commissioner said that he, in turn, asked the inmate whether the child might not be disturbed by seeing his father behind a pane of glass in the visiting booth.

"The inmate said," Commissioner Malcolm reported, "We poor blacks and Puerto Ricans are taught to accept these things. We live with it. We should make that determination. Not you." I was floored and I thought he was right.

Another change, the Commissioner said, will "allow the prisoner his choice" of visitors, not limiting him, as at present, to close adult relatives.

"Friends are sometimes closer to a person than a brother is," Mr. Malcolm said after the program.

The Commissioner made the changes in visiting policy known on the WNBC–TV program "Open Circuit," during which he answered questions telephoned in by viewers.

The restriction in visitors, the Commissioner said, was one of the grievances brought out by prisoners in his discussions with them, one of the "host of problems" he said would be considered by the new inmate councils being set up in the city's correction facilities.

He said that the council in the women's institution on Rikers Island had met twice "and so far it's doing extremely well."

Responding to a telephoned question, Mr. Malcolm said that a third work-release facility—there is now one in East Harlem and another in Brooklyn—"should be opening up within the next two months in the Bronx, on Southern Boulevard." If funds are available, he said, it is planned to open a fourth such facility "during the course of the year."

NEED FOR CHANGES IN THE GI BILL

Mr. CHURCH. Mr. President, today I presented testimony to the Senate Committee on Veterans' Affairs in support of legislation to improve veterans educational benefits.

I ask unanimous consent that my testimony, together with the supportive materials I provided the committee, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Testimony of Senator Frank Church, Before the Senate Veterans' Affairs Committee, March 23, 1972

Mr. Chairman, I am pleased to testify in favor of legislation to update and improve the nation's programs providing benefits for the education and training of veterans.

I am especially interested in S. 1776, a bill introduced last year by my colleague, Senator Jordan, and myself. S. 1776 is designed to correct an inequity which has arisen under the current law, due to the changing nature of vocational education in the United States. Under the current law, a vocational education student receiving aid under the GI Bill may lose benefits for not attending a class he cannot attend because the school itself is not in session. This is a result of provision in the law which limits to 30 days the number of excused absences which a vocational education student may claim during any twelve-month period—excluding weekends or legal holidays established by Federal or State law. For every day in excess of this 30-day maximum, the vocational education student loses benefits.

This formula does not take into account periods other than state and Federal holidays and weekends which a school may establish as a vacation period. It is thus possible for a vocational student to lose benefits for "missing" a class session when, in fact, there is no class session to miss.

During a time when our vocational and academic educational programs were carried on largely by separate educational institutions, this discrepancy did not cause a large degree of inequity; however, as the members of this committee are aware, there has been a movement to combine vocational and academic education pursuits in the same educational complex. This combination means that academic and vocational students attend school on the same schedule. It also means that a student pursuing a vocational education who takes two weeks vacation at Christmas, when the school he attends is closed, can be penalized for as much as ten days' benefits, while his academic counterpart suffers no such monetary sacrifice. This type of discrimination against the vocational education student makes no sense to me.

I think the law should be changed to cure the inequity.

I must say, Mr. Chairman, that I was amazed that the Nixon Administration, by way of the Veterans Administration and the Office of Management and Budget, opposed such a change. I have read closely the report submitted in opposition to the bill and, in my view, it tortures logic, fractures fairness and totally begs the question raised by the legislation. The report should be rejected by the Committee, and S. 1776, or similar curative legislation, enacted.

The VA report speaks about the ability of the student to be absent 11½ per cent of the time and says this is reasonable; thus, no more time should be allowed. But that does not answer the basic question raised—is it fair to reduce benefits for lack of attendance when there is no school to attend?

The VA, in what surely has to be one of the less logical statements I have ever read coming from a government agency, says "To increase the amount of absence with pay which this bill would do would dilute the training schedules of the vocational-type course for the individual veteran. In these courses, shop practice and theory are essential instructions. To miss more than minimal of either would be detrimental to the veteran in his effort to succeed in the program." What the VA seems totally unable to comprehend is that this time we are referring to is time when the school is not in session anyway. There is no instruction taking place for the veteran to miss. There is no training taking place to dilute. It is a vacation period. School is not in session. I think the Senate can see this distinction even if the Veterans Administration cannot.

I hasten to add, Mr. Chairman, that I am not wedded to the specific language of S. 1776. If this committee feels that a different verbal formula would be more appropriate to the purpose sought to be achieved by the bill, namely, the equal treatment of students receiving vocational and academic training, I would support those changes which the Committee felt appropriate to achieving that desired result. I do think, however, that it is clear that this change in the law should be made.

Mr. Chairman, since introducing this legislation, I have received many letters from Idaho veterans and educators who deal with this problem daily. I have not received one unfavorable comment. I ask that the text of the letters I have received in support of the bill appear at this point in the record of the hearing. I further request that a copy of the press release which Senator Jordan and I issued at the time of the introduction of this bill and an editorial which appeared in the Twin Falls *Times-News* dealing with this subject also appear in the hearing record.

I urge this committee to reject the ill-founded objections to this bill voiced by the Nixon Administration and pass this legislation to grant equal treatment to vocational and academic students.

Mr. Chairman, I realize that this committee is also considering at this time legislation of broader breadth which will have a great impact upon all veterans education programs. It is clear that updating and change is necessary. The American Legion Magazine of March 1972, in its "Veterans Newsletter," pointed out the shocking fact that ". . . something like 59% of Vietnam vets don't go to college or take technical training at all, chiefly, they say, because they can't afford it!"

The Legion went on to point out that, in a recent survey conducted by Louis Harris and Associates, Inc., for the VA, 53% of the group which did not apply said they would apply if benefits increased and an additional 30% said they might apply. Why is it, Mr. Chairman, that these veterans feel they cannot afford to attend school under current benefit levels?

The answer lies in the tremendous increases in costs associated with advanced education. With 1966–67 dollars as standard, the cost of higher education in public institutions nearly doubled from 1956 to 1972. An even larger increase was recorded for private schools. Increases in veterans benefits have simply not kept pace with the increased costs of obtaining an education. It is time they were brought closer together. Until legislation to update and improve the programs is enacted, the G.I. Bill will continue to fall short of the goals for which it was established.

I am sure that this committee will give every consideration to the sound proposals advanced by the American Legion to improve existing programs. Until the programs are improved, what the Legion said in its March "Veterans Newsletter" will continue to be true:

"How does the veteran survive in college today? He works—if he can find a part-time job . . . He borrows—if he can . . . his parents help . . . if they can . . . his wife works—if he is married and she can . . . he scrounges for a grant or a fellowship of some kind—if any are available . . . Sometimes he must use a combination of all of those means—if he's resourceful and knowledgeable enough."

Mr. Chairman, I urge early action on the proposals to improve and increase benefits under the G.I. Bill. I would also like to request at this time that letters I have received from interested Idaho veterans, their families and veterans organizations in Idaho, pertaining to the need for improvements in these programs be included at this point in the hearing record.

In addition, I ask that an article entitled "Legion Presses Campaign to Increase Benefits in Veterans Education and Training Programs," which appeared in the March 1972 American Legion Magazine, which I have quoted in my remarks, appear at this point in the hearing record.

Gooding, Idaho,
February 11, 1971.

Hon. Senator Frank Church,
Senator from Idaho, Senate Office Building,
Washington, D.C.

Dear Senator Church: An editorial appeared in the Jan. 19th issue of the Time-News of Twin Falls, Idaho in which was pointed out an existing inconsistency between veteran college students of academic classes and those of vocational-technical classes.

The editorial also pointed out that this matter had been brought to the attention of our Idaho Congressmen but that they were "dragging their feet" and nothing is being done to correct the matter.

The editorial was discussed at a meeting of the Ladies Auxiliary to the Veterans of Foreign Wars to Post No. 3078, Gooding, Idaho and the Secretary was instructed to make inquiry into the situation.

In answer to our inquiry, Mr. Gerald R. Meyerhoepher, Director of Admission at the College of Southern Idaho, Twin Falls, informs us that the editorial is factual. He further states that as the Veterans Administration law now stands, a vocational-technical students attendance is taken daily. He has an annual (12-month) limit of 27–30 days which he can be absent before he is penalized. However the VA counts all days except the federal holidays as absences. Therefor, a student who never misses a day of school, which is unrealistic, can through regular school vacations such as Thanksgiving, Christmas, Easter and Semester exceed the imposed limit. The inconsistency is that no such requirement is placed on the academic student. We feel the vocational-technical student should be treated in the same way.

I am sure that you will agree with us, that this is unfair to the vocational-technical students or in modern phraseology, it is pure discrimination. Surely, there is something which our elected representatives from Idaho can do to help correct this inconsistency. The Ladies Auxiliary to the Veterans of Foreign Wars to Post No. 3078 asks that you exert every effort to help the veterans who are furthering their education in the vocational-technical field to receive the same rights as those of the academic field.

Yours truly,

Blanche Loewen,
Secretary, Ladies Auxiliary to the VFW, No. 3078.

GOODING, IDAHO, *April 3, 1971.*

Senator FRANK CHURCH,
U.S. Senator from Idaho, Senate Office Building, Washington, D.C.

DEAR SENATOR CHURCH: On behalf of the VFW Auxiliary and myself, I wish to thank you for your interest and action relative to inconsistencies between veterans who are enrolled in academic courses and those taking vo-tech courses.

I assume that the differential which now exists between the veteran students taking academic courses and those taking vocational education cannot be corrected without further legislation. Members of our VFW Auxiliary No. 3078 and myself feel strongly that vo-tech students should not be penalized for failure to attend classes when circumstances make it impossible to meet the requirements of not more than 30 days annual absence. In a letter from Mr. Gerald R. Meyerhoeffer, Director of Admissions at the CSI in Twin Falls, he stated that a student (vo-tech) who never misses a day of school, which is unrealistic, can through regular school vacations such as Thanksgiving, Christmas, Easter and semester exceed the imposed limit.

I am pleased to know that you have consulted with the Chairman of the new Senate Committee on Veterans Affairs, Senator Vance Hartke on this matter. I wrote about this complaint to Senator Len Jordan at the same time I wrote to you. He has written that he too is considering further legislation to correct this equity. Maybe you have already consulted with him on the matter.

I am very much in favor of higher education and that it be made available to all who desire it. However, I also believe that in a balanced economy we need plumbers, auto mechanics, electricians etc. as well as scientists, attorneys, doctors, business executives etc. And I further believe that many students who are not qualified for the achievement of a college degree can become very useful citizens if given the opportunity of a vocational education. One class of students should not be penalized while the other receives the privilege.

I thank you for the expediency with which you have handled this matter. The Times News is certainly wrong in stating that our Congressmen were dragging their feet on this matter.

Yours truly,

BLANCHE LOEWEN.

EDEN, IDAHO, *February 26, 1971.*

Hon. FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHURCH: Thank you for your prompt attention and reply to my letter of January 25. I feel this is the first step in solving an absurd and unnecessary situation.

Mr. Kopan's letter does pinpoint several of the objections raised by the editorial, may I quote the letter?

"In enacting the veteran's education law, Congress gave consideration to the *differences* in the organization of colleges which offer courses leading to a standard college degree and of other types of schools and training programs."

This alleged difference puzzles me. In Idaho, post secondary vocational education is offered at North Idaho Junior College, Lewis Clark Normal School, Boise State College, College of Southern Idaho and Idaho State University. I have no statistics to support my belief, but I would guess at least 90% of the veterans enrolled in vocational training in Idaho are enrolled at one of these five institutions. Where is the difference in organization?

Mr. Kopan very neatly avoided the other objection raised by the editorial, that of the number of days of absences allowed. Mr. Kopan mentioned the allowed 30 days absence per year. However, he did not mention the regulation which requires that every school holiday which is not a federal holiday must be counted against the total of 30 days absence. I am sending you a copy of a 1967 letter which covers this matter (page 3).

I have recently been advised by telephone that this regulation is still in effect. So the editorial was correct—a veteran enrolled in a vocational course at the College of Southern Idaho actually has only 10 days of useable absences for an 11 month vocational course.

I am sending you a copy of the monthly certification blank. You will note that both the veteran and a school official must sign this card before a veteran will be paid. As the school official who signs this card, I am as liable for its correctness as is the veteran.

In closing, please allow me to state the objections of the veterans who are taking vocational training at the College of Southern Idaho, to this section of the G.I. Bill. First, they object to the implication that because a veteran chooses to enroll in a vocational course, he is either dishonest, or not smart enough to know when he should be in school. I realize this is not the intent of the bill, but this *is* the way the veteran reads it.

Second, they object to the uncertainty created by the monthly certification. Each month I talk to several veterans whose checks are from one to three weeks late in arriving. I am not knocking the Boise Veteran Administration office, I am sure they do the best job possible. Probably as many of the delays are caused by errors in my office as in the Veteran Administration office. No matter whose fault, writing a letter or obtaining a new card is a slow remedy when the veterans children are hungry.

The point is simply (I think) this: Why discriminate against 8% of the veterans being educated under the G.I. Bill? The object of the Bill is to help veterans gain education and employment. This discrimination certainly creates more problems than it solves, and I feel is in direct conflict with the intent of the Bill.

Sincerely,

NEIL V. CROSS.

THE RIGHT SIDE BY MIKE MCCURDY

A serious problem has arisen at the College of Southern Idaho's Vocational school, as well as at many other vocational schools. The Veterans Administration allows Vocational students attending school under the GI Bill of Education to miss only 28 days during their 11 month course of study for "excused absences" (personal illness, Official school business, death in the family, etc.). For any absence from the classroom not considered "excused", the student is "docked" on a per diem basis, from his monthly check for those absences.

Academic students have no attendance requirements to meet and receive their checks two to three weeks earlier than their vocational counterparts. This is due to an IBM attendance card that must be filled out by the vocational school administrative staff and turned in to the Veterans Administration. The VA must then process the cards and compute the amount of money due to each student. This processing is the cause for the long delay the vocational students experience each month in receiving their checks.

To make matters worse, the Veterans Administration has taken upon itself to pay the students for a full month of school, and then to add days to their excused absences for the days they were not in school.

School was dismissed on Thursday and the following Friday. They were not penalized for not being in school Thursday, since it was a legal holiday. However, Friday counted as an absence, even though school was not in session. During the Christmas vacation from Dec. 21 to Jan. 4, only Christmas Day and New Years Day were not counted as absences. The rest of the days were counted against the 28 allowable absences. Now the student has 10 days counted against him, when the school's doors were closed and there was no school to be absent from. If the VA continues this policy, Vo-Tech students will be penalized for three days absence during Spring Break in March and five days of absence during Teacher's Institute in June, over which the student has no control.

The student is being counted as absent when the school's doors were closed and he couldn't possibly attend school.

This now leaves the student only 10 days to be absent in 11 months of school. Any days over and above these 10 days are deducted from the student's check on a per diem basis, causing a financial burden on the student and his family. Vocational students spend a minimum of 30 hours per week in the classroom. This, coupled with homework, leave the student almost no chance to hold down even a parttime job. He is therefore, depending heavily on receiving a full check from the VA in order to meet his monthly budget.

Once his allowable 28 days are reached, he is docked for any absences over and above 28. This could easily cause a very severe hardship during the last months of school, quite possibly to the point that the student would have to quit school to support his family, since his "partial" VA check would not.

The Vocational school students wrote to Idaho's Congressmen in Washington concerning this problem. They received the reply that the attendance cards must be filled out for anyone at ending school under the GI Bill that is not working toward a normal college degree.

Is it not considered "normal" to earn a living as a draftsman, welder, auto mechanic, television repairman, or policeman? This in itself seems to be discriminatory against those whose interests are not in line with attending academic schools.

The IBM attendance card serves no useful purpose, except for keeping track of who was present or absent on a given day—and the instructors have this information as a part of their permanent records. The cards cause an unnecessary increase on the workload of both the school's administrative staff and the Veterans Administration.

The cards cost us, the taxpayers, thousands of dollars each month, to no good purpose.

The complete discontinuation of these IBM attendance cards would be in the best interests of everyone concerned. The time and money saved and the convenience to the vocational student.

VETERANS' ADMINISTRATION CENTER,
Boise, Idaho, February 8, 1971.

Hon. FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHURCH: This is in reply to your letter of February 2 in behalf of Mr. Neil V. Cross.

In enacting the veteran's education law, Congress gave consideration to the differences in the organization of colleges which offer courses leading to a standard college degree and of other types of schools and training programs.

Under the provisions of Section 1681 of Title 38, U.S. Code, the educational assistance allowance of an eligible veteran may be paid only for the period of his enrollment as approved by the Administrator. The allowance for a veteran enrolled in a course which leads to a standard college degree may be paid for any period when he is pursuing his course in accordance with the regularly established policies and regulations of the educational institution. Accordingly, allowances are paid to eligible veterans in such institutions upon receipt of evidence of enrollment and such payments continue until the end of the period of enrollment, or until notice is received that the veteran has discontinued his training or that his conduct and progress does not meet the standard or regulations of the school. He is required to submit a certificate of attendance near the end of the academic year.

With respect to veterans enrolled in a course which does not lead to a standard college degree, the allowance may not be paid for any day of absence in excess of thirty days in a twelve-month period. It is necessary, therefore, for a veteran enrolled in such courses to report their attendance each month. No reduction of the allowance is made for absences until such time as a veteran has exceeded the allowable number of absences.

The procedures for reporting monthly attendance have been made as simple and convenient as possible. A certification card is mailed with each monthly check. If the card is misplaced or damaged, a new card may easily be obtained upon request to the VA Regional Office.

Sincerely yours,

Loryn E. Kopan, *Director*.

College of Southern Idaho,
Twin Falls, Idaho, November 23, 1971.

Hon. Frank Church,
U.S. Senate,
Washington, D.C.

Dear Senator Church: I have recently had correspondence from Senator Jordan, indicating the passage of S. 1776 seems doubtful at this time. You may be interested in other activity which could have effect similar to S. 1776.

In addition to my letters to you, I have attempted to draw attention to the inequities in the G.I. Bill by working through the American Legion. I am sending you a copy of a resolution I drafted, which recently was passed by our national convention. I hope you will be able to support this resolution.

S. 1776 and A.L. 471 are very similar in intent—S. 1776 would eliminate one of the most serious objections to monthly certification, A.L. 471 would completely remove monthly certification.

One other objection to the monthly certification is demonstrated by a situation which now exists with many vocational students here at the College of Southern Idaho. Although they have been in school over two months, many of our students have not yet received a G.I. Bill check. This is not because of direct discrimination by the V.A., but rather is a result of the extra time required to set up the accounts that require monthly certification.

There are a number of other difficult situations which arise as a direct result of the monthly certification, but I do not feel it is necessary to list them. Suffice it to say, there is no educational situation which would justify different procedures for vocational students from academic students.

Sincerely,

Neil V. Cross.

No. 471 (Idaho)—Sponsor and Support Legislation To Amend Title 38 U.S.C. To Provide That Vocational Technical Students Not Be Required To Make Monthly Certification of Attendance

Whereas, since vocational technical education is classified as below college level training; and

Whereas, vocational technical colleges are directed under similar conditions as other institutions of higher learning; and

Whereas, vocational technical students have to be on campus for counselling and advising on the same basis as students in the academic programs; now, therefore, be it

Resolved, by The American Legion in National Convention assembled in Houston, Texas, August 31–September 1, 2, 1971, that The American Legion sponsor and support legislation to amend title 38, United States Code, to provide that a vocational technical student be required to make the same certification of school attendance as is required of a student enrolled in a course which leads to a standard college degree.

Idaho State University,
Pocatello, Idaho, June 16, 1971.

Hon. Frank Church,
U.S. Senate,
Boise, Idaho.

Dear Senator Church: We were very interested to learn that you have co-sponsored a bill to provide more equitable treatment for veterans enrolled in vocational education courses.

We live with this situation everyday in the School and we see the need for greater equality in the treatment of veterans on university colleges and campuses where vocational-technical programs are conducted. Many times here at the University, a veteran student enrolled in a vocational program is rooming with a student in an academic program. We think this situation is good and we are delighted that vocational-technical programs are an integral segment of the University. However, we do feel that certain VA policies regarding record keeping, attendance reporting and vacation pay, do discriminate against the vocational student, and it is very apparent to the vocational student that someone feels they are second class citizens.

We appreciate your interest in vocational-technical education and we support you in the very important work you are doing for the citizens of this state and nation.

Very truly yours,

Harold D. Garrett,
Assistant Director.

Dear Senator Church: I am a Viet Nam returnee currently enrolled in Vocational training at the College of Southern Idaho and feel I am being personally persecuted by the Veterans Administration.

I have discussed this problem with various concerned persons and officials of this school. Neil Cross, Assistant Director, has allowed me to read recent correspondence with you concerning this particular matter. Also I have persued several letters concerning the V.A.s outlook of this situation. So I understand *what* is happening to me . . . and I also want to know *why* I am being discriminated against.

On October 26, 1970 I enrolled in the welding course at C.S.I. and following are the days of recorded absences *required* by V.A.

October, '70—28
November, '70—4, 17, 27
December, '70—2, 7, 21*, 22*, 23*, 24*, 28*, 29*, 30*, 31*
January, '71—No absences
February, '71—2, 18, 25
March, '71—1, 2, 8, 10*, 11*, 12*, 16

Please acknowledge I have put a star above the dates which were school holidays when I *could not* be in school. If there is question on the above dates they may be confirmed by C.S.I. officials.

My last two checks from V.A. have been considerably short, I assume because I have used up the allotted days of absence.

My main question is as a student of a full accredited institution why should I be handled differently because of my educational objective? The officials at the College of Southern Idaho also feel this biased handling is not necessary.

Your assistance on this matter will be greatly appreciated.

With Sincerity,

Andrew J. Riksem.

Lewiston, Idaho, *May 10, 1971.*

Hon. Frank Church,
Senate Office Building,
Washington, D.C.

Dear Sir: Our Vocational Education Counsellor has informed me of a new bill proposed to change some of the policies governing the restrictions placed on the Vocational Ed. students concerning the veterans benefits.

I am presently enrolled in a Mid-Management course at the Lewis-Clark State College, Vocational-Technical Division. We are working just as hard for our education as students in any Academic College; however, we receive less veterans benefits, and a cut in pay for school vacations and absences. We also get a percentage cut if we work in a co-op job. Other students work and get payed the full veterns benefits, why can't we?

I would like a copy of this bill sent to me if it is possible, and if some of these changes can be made, you will have my vote of confidence at election time.

Sincerely yours,

Rocky R. Goffinet, *Student*.

Lewiston, Idaho, *May 10, 1971.*

Hon. Frank Church,
Senate Office Building,
Washington, D.C.

Dear Sir: Our Vocational Educational Counsellor has informed of a new bill proposed to change some of the policies governing the restrictions placed on the Vocational Education students.

I am presently enrolled in a Med-Management course at the Lewis-Clark State College, Vocational-Technical Division. We are working just as hard for our education as students in any Academic College, however, we receive less veterans benefits, and a cut in pay for school vacations and absences.

I would like a copy of this bill sent to me if it is possible, and if some of these changes can be made, you will have my vote of confidence at election time.

Sincerely yours,

Larry D. Crouch.

Senator Church:

May I please extend my sincere thanks for the outstanding work you have done for me and my fellow veterans.

Our gratitude is more than words can convey.

Again, our thanks for an outstanding job.

Sincerely Yours,

Don J. Stevens,
Vocational Veteran.

Harvard Club of Boston,
Boston, Mass., June 4, 1971.

Senator Frank Church,
Old Senate Office Building,
Washington, D.C.

Dear Senator Church: I am writing to express my reaction in favor of the bill you propose to amend the restrictions on allowances for veteran students in vocational schools as regards attendance on regular school vacation periods.

The regulation as it stands needs to be rectified in all justice to the veteran student.

Sincerely,

Francis J. Hickey.

College of Southern Idaho,
Twin Falls, Idaho, December 13, 1971.

Hon. Frank Church,
U.S. Senate, Washington, D.C.

Dear Senator Church: As the representative body of the Area Vocational Technical School of the College of Southern Idaho, we are writing in regard to resolutions submitted to the Congress by you and Senator Jordan. In specific we are interested in those which would be amendatory to the G.I. Bill and would justly initiate a closer relationship between the policies followed for the academic student as compared to the vocational student.

Writing in behalf of the entire student body enrolled in our vocational technical school, we would like to thank you and Senator Jordan for the actions you have taken to remedy what we feel to be a rather discriminatory and undesirable situation. It is our concern that you realize our undivided support and appreciation, as well we are sure as that of other vocational technical institutions throughout our country.

In gratitude,

Rocky L. Metts,
Vocational Student Council.

City of Pocatello,
Pocatello, Idaho, December 20, 1971.

Hon. Frank Church,
U.S. Senator, Office Building, Washington, D.C.

Dear Frank: We wish to recommend the enactment of Senate Bill #1776 which provides for more equal rights for Veterans enrolled in Vocational Technical Schools. We feel that those involved in this type of education are entitled to the same privileges and consideration as those enrolled in a standard college program.

This bill will provide vocational educational students allowances which are now permissible for those attending the same educational institution but receiving a standard college degree.

We will appreciate your favorable consideration of this bill.

Sincerely,

Luvern C. Johnson, *Mayor.*

Associated Students of
The University of Idaho,
Moscow, Idaho, January 5, 1971.

Senator Frank Church,
U.S. Senate, Washington, D.C.

Dear Senator Church: Just a note to tell you that the Students of Idaho appreciate your efforts in support of veterans in vocational education.

Thank you for your help!

Sincerely,

Miss Mary Ruth Mann,
ASUI President, President,, Idaho Student Government Association.

From the offices of:
Senator Frank Church,
Senator Len B. Jordan,

Washington, May.—A bill to provide more equitable treatment to veterans enrolled in vocational education courses was introduced this week by Senator Len B. Jordan and Senator Frank Church.

"It has been brought to our attention that veterans studying under the GI Bill are subject to being counted absent from their courses on some days when the school is not in session," Jordan said.

The present law provides that vocational students may have 30 days of excused absences during a twelve month period, not counting weekends and legal holidays established by Federal or state laws. If the student is absent in excess of thirty days, he does not receive compensation during any of such days.

"The difficulty is that most schools have vacation periods which do not consist solely of weekends or legal holidays. Hence, a veteran at an institution where a two week vacation period is allowed at Christmas time may be given unexcused absences for up to ten days during such a vacation," Jordan said.

"The bill which Senator Church and I are introducing is designed to correct this inequity. Veterans enrolled in vocational courses have served their country just as well as those enrolled in academic courses and should not be subjected to this unfair treatment as they pursue their educational goals."

Church said that he thinks it desirable that "many educational institutions today are providing both academic and vocational education under the same school administration." But to deny benefits to veterans enrolled in a vocational program "is clearly inequitable," Church said.

"The law should be changed to put both academic and vocational students on the same footing," Church concluded.

Both Senators said they hoped for earlv Congressional action on their bill.

May 7, 1971.

[From the Magic Valley's Home Newspaper, Jan. 19, 1970]

Change Needed

There is a situation existing at the College of Southern Idaho—involving veterans attending the Vo-Tech school—which should be investigated and which should be corrected at the earliest possible time.

We are told the situation involves the matter of certification of the veterans attending the Vo-Tech school, the fact they receive their checks to which they are entitled days after those received by veterans of the Academic section, and the fact they are penalized for absences which are not really absences.

The matter was brought to our attention by concerned Vo-Tech students.

The chief trouble maker, they claim, is an IBM attendance card, issued only to the Veterans attending the Vocational-Technical section of the college, not the Academic veterans.

It is a case, they say, of Vo-Tech veterans being charged with absences when there was no school to be absent from.

For instance, school was dismissed Thanksgiving Thursday and the Friday following. Yet only Thursday was excused and Friday was counted as an absence. Again during Christmas vacation from Dec. 21 to Jan. 4, the Vo-Tech students were excused only Christmas and New Years day by the Veterans Administration. Thus the absence records now have 10 absences when, in fact, the school was not even open. If this policy is continued they will be penalized three more days during the spring break in March and an additional five days during teacher institute in June. The total will then be 18 days.

The 47 Vo-Tech students at the school have 10 days to be absent for any excusable reason for the year. Their counterparts in the Academic section are, in effect, paid until they fail.

If this situation exists—and we have no reason to doubt that it doesn't exist—then it should be corrected. The military didn't give these veterans separate fox holes nor did the enemy label his bullets.

We have been informed members of the Idaho Congressional delegation have, in fact, been somewhat non-committal on this situation. We believe they should, instead, dig into the matter immediately.

The veteran has earned the right to educational finance under the law and it should be the same to all veterans. There should be no discrimination just because one wants to learn how to repair an automobile and another wants to teach English.

A veteran should not be charged with an absence when, in fact, there is no school open.

It looks to us like the IBM card could be discontinued and reports made in a regular manner which would assure both Vo-Tech and Academic veterans receiving the same financial treatment. The trouble seems to be the interpretation of the law by the Veterans Administration.

It should not be difficult to change if members of our Congressional delegation would get a move on.

Pocatello, Idaho,
July 7, 1971.

Dear Sir: I would like to take this opportunity to thank you for sponsoring legislation to increase the federal aid to Vietnam veterans to help them in school. I realize that this legislation might be hard to get through because of it's cost but I would like to thank you for working on it.

Sincerely,

Terry Kranning.

Cambridge, Idaho,
July 8, 1971.

Senator Frank Church,
U.S. Senate,
Senate Office Building,
Washington, D.C.

Dear Senator Church: It was with great pleasure that I noted in the July 1st edition of the Idaho Statesman that you were the cosponsor of legislation to increase educational benefits to Viet Nam vets by a thousand dollars a year. It would allow veterans like myself with large families to return to school without depriving their families of the basic needs of life. I retired from the Air Force on July 1st after 20 years of service, and have been unable to find employment in Idaho or the nation even though I am a College Graduate and have been trying since last fall.

Boise State College has accepted me as a candidate for another BA in either business or education but I doubt that I will be able to attend as rent for suitable housing in Boise runs from $180.00 to $220.00 a month.

I hope that your legislation is passed and that many veterans will be able to attend school and retrain into jobs necessary in civilian life and to survive this inflation and depression the country is suffering from.

Sincerely,

Donald L. Westfall.

Boise, Idaho,
January 6, 1972.

Hon. Frank Church,
Senate Office Building,
Washington, D.C.

Sir: The high cost of educational expense is making it very difficult, if not impossible for many young veterans to complete their educations. I believe our experience with the GI Bill after World War II has made it clear that the national investment in education was a highly profitable one, bringing a return in tax dollars as well as improving the lives of these men and their families and the quality of our society.

To make available to the veterans of the latest war the opportunities enjoyed in the past, I would favor legislation to pay three-fourths of their tuition, books and fees up to one thousand dollars per year. Your support of such a bill would be appreciated.

Very truly yours,

W. A. Hulet.

Resolution

The American Legion Post No. 7,
Twin Falls, Idaho, January 10, 1972.

Whereas, In recognition of their service and sacrifice in the various wars of this country to protect the freedoms of all men, it has been customary for a grateful nation to assist veterans in reconstructing their lives and furthering their opportunities; and

Whereas, Despite increases in educational assistance payments authorized by the Veterans Education and Training Amendments Act of 1970, effective February 1, 1971, education expenses alone often exceed the monthly payment, leaving little or none of the allowance to meet living expenses; now, therefore, be it

Resolved, by The American Legion Post No. 7, at Twin Falls, Idaho in a meeting assembled in our Legion Hall in Twin Falls, Idaho, 5 January, 1972, that Post No. 7, urges your support for Resolution No. 342, 53rd National Convention, The American Legion sponsor and support legislation to authorize tuition payments and to establish V.A. guaranteed and direct education loan program for Vietnam Era veterans.

Frank W. Mogensen,
Post Commander.

Lewis-Clark Post No. 13 Resolution

Whereas, In recognition of their service and sacrifice in the various wars of this country to protect the freedom of all men, it has been customary for a grateful nation to assist veterans in reconstructing their lives and furhering their opportunities; and

Whereas, Despite increases in educational assistance payments authorized by the Veterans Education and Training Amendments Act of 1970, effective February 1, 1970, education expenses alone often exceed the monthly payment, leaving little or none of the allowance to meet living expenses; now, therefore, be it

Resolved, by Lewis-Clark Post No. 13, at Lewiston, Idaho in meeting assembled in Lewiston, Idaho, 5 January 1972, that Post No. 13, urges your support for Resolution No. 342, 53rd National Convention The American Legion "sponsor and support legislation to authorize tuition payments and to establish V.A. guaranteed and direct education loan program for Vietnam Era veterans."

Robert Crocker,
Post Commander

Lewiston, Idaho.

Bonners Ferry, Idaho,
January 7, 1972.

Senator Frank Church,
Senate Office Building,
Washington, D.C.

Re: American Legion Resolution No. 342 (1971).

Dear Senator Church: I would like to take this opportunity to urge you to support the above resolution. This resolution is entitled "Sponsor and support legislation to authorize tuition payments and to establish V.A. guaranteed and direct education loans program for Vietnam Era veterans."

This particular generation of veterans, I believe, needs even more in an expression of "thank you" from its country than most. For one reason or another, the war became a most unpopular war, and therefore, these servicemen were faced with honoring or dishonoring a commitment they made at a time they were seeing a torn country at home. It is a tribute to them and to their family background that, notwithstanding the political turmoil, they honored an obligation they gave (albeit in many cases involuntarily).

Very truly yours,

Peter B. Wilson.

Russell Smith Post No. 42 Resolution, Weiser, Idaho

Whereas, in recognition of their service and sacrifice in the various wars of this country to protect the freedom of all men, it has been customary for a grateful nation to assist veterans in reconstructing their lives and furthering their opportunities; and

Whereas, despite increases in educational assistance payments authorized by the Veterans Education and Training Amendments Act of 1970, effective February 1, 1970, education expenses alone often exceed the monthly payment, leaving little or none of the allowance to meet living expenses; now, therefore, be it

Resolved, by Russell Smith Post No. 42, at Weiser, Idaho, in meeting assembled in Weiser, Idaho, 5 January 1972, that Post No. 42, urges your support for Resolution No. 342, 53rd National Convention, the American Legion "sponsor and support legislation to authorize tuition payments and direct education loan program for Vietnam Era veterans.

Theodore N. Bokides,
Post Commander.

Lawrence Dresser Post No. 49 Resolution, Emmett, Idaho

Whereas, in recognition of their service and sacrifice in the various wars of this country to protect the freedom of all men, it has been customary for a grateful nation to assist veterans in reconstructing their lives and furthering their opportunities; and

Whereas, despite increases in educational assistance payments authorized by the Veterans Education and Training Amendments Act of 1970, effetcive February 1, 1970, education expenses alone often exceed the monthly payment, leaving little or none of the allowance to meet living expneses; now, therefore, be it

Resolved, by Lawrence Dresser Post No. 49, at Emmett, Idaho, in meeting assembled in Emmett, Idaho, 13 January 1972, that Post No. 49, urges your support for Resolution No. 342, 53rd National Convention, the American Legion "sponsor and support legislation to authorize tuition payments and to establish V.A. guaranteed and direct education loan program for Vietnam Era veterans.

Andy Roberts,
Post Commander.

The American Legion,
Boise, Idaho, January 31, 1972.

Hon. Frank Church,
Senator from Idaho,
Washington, D.C.

Dear Senator Church: My concern today is "Resolution No. 342, 53rd National Convention, The American Legion—Sponsor and support legislation to authorize tuition payments and to establish V.A. guaranteed and direct education loans program for Vietnam Era Veterans".

I have had the opportunity to visit Idaho State University, Boise State College and the College of Southern Idaho as Idaho State Legion Commander during this past year, and it has been transmitted to me that many Vietnam veterans have had to drop out of school for financial reasons. I can personally think of no better way of showing our gratitude to these Veterans than that of providing them with funds with which to go to school on.

I strongly urge you to give your support to this very important legislation.

Thanking you, I remain,

Very truly,

Elton Ashton,
State Commander.

George Edmund Thiel Post No. 107 Resolutions

Whereas, In recognition of their service and sacrifice in the various wars of this country to protect the freedom of all men, it has been customary for a grateful nation to assist veterans in reconstructing their lives and furthering their opportunities; and

Whereas, Despite increases in educational assistance payments authorized by the Veterans Education and Training Amendments Act of 1970, effective February 1, 1970, education expenses alone often exceed the monthly payment, leaving little or none of the allowance to meet living expenses; now, therefore, be it

Resolved, by George Edmund Thiel Post No. 107, at New Plymouth, Idaho in meeting assembled in New Plymouth, Idaho, 1 February 1972, that Post No. 107, urges your support for Resolution 342, 53rd National Convention The American Legion "sponsor and support legislation to authorize tuition payments and to establish V.A. guaranteed and direct education loan program for Vietnam Era veterans.

Clarence S. Nesbith,
Post Commander.

New Plymouth, Idaho.

Cascade, Idaho,
February 3, 1972.

Senator Frank Church,
Senate Office Building,
Washington, D.C.

Dear Sir: Enclosed you will find, copies of Resolutions drawn up by Frank Spickelmire Post #60, Idaho Department of the American Legion.

We, of Post #60 request your aid in completing the intent of these Resolutions.

Thank you.

Sincerely,

Richard J. Holm,
Adjutant.

Cascade, Idaho,
November 20, 1971.

Mr. Dwight Pierce,
Ninth District Commander, Idaho Department of the American Legion, Weiser, Idaho.

Dear Sir: We, of Frank Spickelmire Post #60, being convened in regular monthly meeting of Post #60 November 18, 1971, hereby draw up these Resolutions to be presented at the Ninth District Mid-Winter Conference of 1972.

Resolution

Whereas: In recognition of their service and sacrifices in various wars of this Country to protect the Freedom Of All Men, it has been customary for a grateful nation to assist Veterans in rebuilding their lives and enhancing their opportunities; and

Whereas: Despite increases in educational payments authorized by the Veteran's Education and Training Amendments Act of 1970, effective February 1, 1970, education expenses alone often exceed the monthly payment, leaving little or none of the allowance to meet living expenses; Now, therefore, be it

Resolved, by Frank Spickelmire Post #60, at Cascade, Idaho in meeting assembled in Cascade, Idaho, 20th January 1972, that Post #60, urges your support for Resolution #342, 53rd National Convention the American Legion "Sponsor and support legislation to authorize tuition payments and to establish V.A. guaranteed and direct education loan program for Vietnam Era Veterans".

Thank you.

Sincerely,

Harvey H. DeHaas,
Commander.

Boise, Idaho,
February 12, 1972.

Senator Frank Church,
Senate Office Building,
Washington, D.C.

Dear Senator: My husband and I read in the Idaho Statesman that there is a bill coming up concerning increasing benefits payable under the G.I. Bill to college students.

My husband began going to Boise State College last month. He is a 29 year old father of two and as such qualifies for $243 a month under the present provision. He is carrying 15 hours and working two days a week. I am also working part time despite having two young daughters.

The only reason we are making a go of it financially, is that my husband has had a very successful insurance business for the past several years, and we have good savings and some stock.

With the small amount from the Veterans Administration at its present rate, if my husband can get his Ph.D. which is our goal, it will be necessary to use all our savings which we have had earmarked for our children's education.

Many students on the G.I. Bill find it necessary to work which puts a strain on their study time and as a result, many seem to fall by the wayside.

As very proud constituents of yours we would appreciate your favorable attention to this bill. And as always we appreciate your fine representation and are proud that such a great statesman hails from Idaho.

Sincerely,

Mr. and Mrs. Paul L. Ralston.

[From the Veterans Newsletter, March 1972]

Legion Presses Campaign To Increase Benefits in Veterans Education and Training Program

The Legion is continuing to press its campaign for legislation to provide tuition and subsistence benefits to veterans taking educational training under VA programs . . . Presently, subsistence payments range from $175 per month for single vets up to $230 per month for carried vets with two dependents.

A whole host of collegiate veterans organizations representing thousands of vets in school, various organizations of educators, guidance counselors, financial aid personnel, and college and trade school associations are backing the Legion's mandated position (1971 National Convention) . . . In the main, this calls for (1) payment directly to the educational institution of 75% of the tuition, books and other fees up to a maximum of $1,000 per year (2) a guaranteed and/or direct VA loan program for educational assistance and training (3) extension of maximum eligibility to 43 months.

As Veterans Newsletter went to press, a House Veterans Affairs Subcommittee on Education and Training is reported to have approved a 14% increase in subsistence payments to the present program and recommended adoption by the full Committee . . . The Senate Veterans Affairs Education Subcommittee was also readying bills on the same subject . . . But the House bill doesn't get to the heart of the problem—namely that many of today's veterans cannot go to school at all under available educational programs simply because they can't afford to . . . Among other things, they must eat, clothe themselves, travel to and from school, buy books and pay laboratory and other fees . . . It's well-nigh impossible in today's economy with the cost of everything rising despite efforts to keep the lid on, unless they have other resources.

Sometimes it helps to look backward in order to see ahead . . . In a 1968 report, the federal government's own Office of Education, Dep't of Health, Education and Welfare, stated that "the estimated average basic student charges (tuition, required fees, board and room) by publicly controlled institutions of higher education, in 1966–67 dollars, increased from $847 in 1956–57 to $1,034 in 1966–67. The charges are expected to reach $1,211 by 1976–77. The estimated average basic student charges by non-publicly controlled institutions of higher education were $1,486 in 1956–57, $2,125 in 1966–67 and are expected to reach $2,748 in 1976–77."

In actuality, the figures for 1976–77 are drastically underestimated . . . They've already been exceeded, mainly because of the thrust supplied by an inflationary economy. . . . A U.S. News & World Report article in February 1971 came a lot closer when it estimated the same items to average $1,417 in public colleges in 1971 and $1,492 in 1972; and then estimated the private college cost at $3,089 in 1971 and $3,281 in 1972 . . . Add the cost of clothing, books, transportation and necessary incidentals, and the picture gets worse . . . Using 1970–71–72 as a rough estimate a 10% increase per year in higher education costs when planning for the future.

The picture is slightly better at technical and vocational schools—but only because programs at those institutions generally average less than two years and thus tax the vet's finances for a shorter period of time.

How does the veteran survive in college today? . . . He works—if he can find a part-time job . . . He borrows—if he can . . . His parents help—if they can . . . His wife works—if he is married and she can . . . He scrounges for a grant or a fellowship of some kind—if any are available . . . Sometimes he must use a combination of all of those means—if he's resourceful and knowledgeable enough.

The essential point is this: Something like 59% of Vietnam vets don't go to college or take technical training at all, chiefly, they say, because they can't afford it!

Further, 53% of the group which did not apply for educational and training benefits said they certainly would apply if benefits were increased and another 30% said they possibly would apply. (These figures were taken from the recent research poll conducted for the VA by Louis Harris & Associates, Inc. . . . Focus of the research was the problems Vietnam era veterans face in readjusting to civilian life after their separation from the armed forces.)

Some may take advantage of low-cost government-backed educational loans that are available now to students if a bank in the area has funds to lend . . . But here the family's adjusted income is counted into the pot and this often creates an unnaturally high-seeming income level, thus effectively shutting out many deserving vets from the loans . . . The Legion is pushing to have family income discounted from such consideration . . . The Legion is also calling for direct and/or guaranteed loans to the student-veteran . . . Thus, if he can't get current money to pay for his education, he at least will have the option to borrow against his future and finance it at the lowest possible dollar cost.

By now it should not need to be said that the nation has an obligation to provide educational opportunities to all veterans whose careers were interrupted by military service so that they can reach the vocational and educational status they might have had if they had not served their nation . . . In a world that has increased its body of technical knowledge more in the years since WW2 than in all the years before that conflict, it is vital that students go beyond the secondary school level to get higher training . . . A technology that has produced computers, supersonic aircraft, laser beams, satellites and rockets to the moon and beyond, television, cathode ray tube writing, optical scanning devices, heart and organ transplants, and an array of other fantastic developments cannot function properly with human beings whose educational and training attainments stopped at or below the high school level . . . The nation must have people who can realize their full potential.

With unemployment for Vietnam era vetrans running above 8%, the nation should take all steps necessary to make it possible for these young people to get education and training . . . At the very least, this would take them off the job market for a period of time . . . Then they can leap-frog back into the nation's work force at a higher level with increased skills and knowledge.

Write your Senator or Congressman, and the Senate and/or House Veterans Affairs Committee in Washington, D.C. . . . Let them know you favor legislation to provide financial help with tuition, fees, books and loans for today's G.I.'s so they'll have a better chance to get an education that will enable them to become more productive citizens.

Bill Raising GI College Aid Clears House

Washington.—The House passed and sent to the Senate yesterday a bill that would increase monthly benefits to military veterans attending college to $200.

The vote was 358 to 0.

Estimated cost of the bill, which also would increase on-the-job training benefits nearly 50 per cent, is estimated at $1.2 billion over the next five years.

The bill would allow wives and widows of veterans to take correspondence courses and on-the-job training—and defines wives and widows as including husbands of female veterans.

The bill would increase benefits for the first six months of on-the-job training to $160 from the present $108. It would increase monthly checks for vocational education to $154 from the present $135.

The House Veterans Affairs Committee estimated that the number of people receiving benefits under the program will rise from the 1.1 million at the start of this year to 1.3 million in 1974 and then fall off to about one million in 1976 and 1977.

The increase in college benefits compares with current payments of $175 and a monthly allowance of $100 in 1966 when Congress passed the GI bill for Vietnam veterans.

The administration had asked an increase to $190 in the five-year extension bill.

COMPLEXITIES OF AN EFFECTIVE EDUCATION FOR CHILDREN

Mr. SCOTT. Mr. President, during his recent appearance on the CBS News program Comment, Daniel P. Moynihan discussed the complexities often overlooked in efforts to provide an effective education for our children. I ask unanimous consent that Mr. Moynihan's remarks, which were published in today's Philadelphia Inquirer, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Often Distorted—Schools Should Not Be Political Issue

(By Daniel P. Moynihan)

Like many of us, I have begun to get caught up with the Presidential campaign. It is scarcely two weeks old, in terms of the primary contests, and already, I am appalled at what we put our politicians through.

If it keeps up, we are going to carry the victorious candidate into the White House on a litter. It's no way for a grown-up democracy to behave.

It is not just our political candidates who get used up and distorted in this process. It happens to issues also. We are not at our best at campaign time. Good men and women, seeking votes, no doubt, sometimes find themselves saying things they don't really believe. But that is the least of it.

The worst is that they find themselves saying things they don't understand. Nobody is to blame for this. I have been involved in enough Presidential campaigns to believe that deliberate deception or misstatement is a rare thing. It really is.

But in campaigns, you have to keep things simple, while most issues are complex. The result, inevitably, is distortion. And the longer the campaign, the more the distortion.

Education is one such issue. It has suddenly become a central subject of the politics of 1972. I would imagine that this will be the first Presidential campaign in our history in which education has had such a role.

The problem is that we have begun to learn something about education, and we find that so many of the things we have taken for granted just aren't so. Or don't seem to be.

What makes for a good school or a good student turns out to be a very complicated question, and most of the answers don't seem to reside in the school itself. Schools turn out to be pretty much alike in the way they affect young people, even where there are large differences in expenditures, which often there are.

The amount of money spent doesn't seem to matter much, at least after a certain minimum is reached. Things like the teacher-pupil ratio don't seem to matter much. That at least is the conclusion we're being forced to in our research at Harvard.

A distinguished economist not long ago described education as a pathological sector of the economy, which is to say that putting more resources into education doesn't seem to produce more product. Certainly in recent years, we have greatly increased our expenditure on education without, it seems, getting more education for our money.

This is not to say we are getting all that we want from our schools. Even if our schools seem equal in many respects, we are not getting equal students out of them. Levels of education achievement vary greatly and this has real consequences.

The problem is that schools don't seem to be the source of these differences. Young people arrive in the first grade with different levels of educational achievement, and 12 years later they leave school with these differences still intact.

Schools don't seem to add or detract very much. Until recently, we were reluctant to accept this limit on our knowledge and ability. But if we are going to be honest with ourselves, we are going to have to live with this new knowledge. There are no secrets, no magic cures.

I would like to see much more social and racial mixing in our schools, but other than that, I am not sure but we are doing about as well as we know how.

The trouble is that political campaigns are not a particularly good time for facing up to such limitations. That is why I am unhappy that education is becoming such a political issue. It won't help the schools, and it won't help the children. It will only raise tempers and inflate promises.

Doing better will be the work of many years and hard research. Politics is an honorable calling, but it is not a process of scientific enquiry.

ADDRESS BY SENATOR CRANSTON BEFORE WESTERN STATES OPTOMETRIC CONFERENCE

Mr. WILLIAMS. Mr. President, in the national discussion currently under way on methods of resolving the deficiencies of the Nation's health care system, there is one issue on which everyone agrees. That issue is the need for this Nation to develop the necessary numbers and types of health professionals and then to utilize their skills to the fullest capacity and in the most efficient manner.

Congress has recently enacted the Comprehensive Health Manpower Training Act of 1971, which I was proud to cosponsor, which will provide the Nation with the means to train these needed professionals. Among the professionals who will be trained under the provisions of this legislation are the optometrists. Several other legislative measures are under consideration which will bear up on the Nation's need to utilize fully the skills of the optometrist.

The Senator from California (Mr. CRANSTON), on March 2, addressed the Western States Optometric Congress. In his address he cited the importance of the optometrist to the provision of comprehensive health care and the several legislative initiatives under consideration by Congress which would encourage their training, utilization, and full participation in the provision of health care.

I believe his statement offers a comprehensive summary of what this Congress has done and is doing in the areas of concern to the optometrist.

Mr. President, I ask unanimous consent that the text of his remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR ALAN CRANSTON BEFORE THE WESTERN STATES OPTOMETRIC CONGRESS

It is a pleasure to be here with such a fine group, representing the best of professional optometry.

When I was invited to address this gathering, it was suggested that I speak about the Nation's health care problems. As you know, this has recently been a very active and heated political issue, especially since the 92nd Congress convened and we witnessed the introduction of a number of bills dealing with National Health Insurance.

I hope to present a somewhat different viewpoint in my appearance here today. I believe you will be more interested in hearing what the Congress IS doing in response to the Nation's health needs than hearing a reiteration of facts and figures indicating that we in Congress are aware of the problems and the need to do more. Therefore, I will attempt to outline current legislative activities bearing on solutions to some of our national health care inadequacies. I will also focus on items which have particular pertinence to your profession.

I have a deep personal interest in health matters generally and particularly in the process for rendering health care. I am privileged to serve on several Senate committees and subcommittees which have great responsibilities for the future direction of health care systems in this country.

I am convinced that our medical care system in America is itself suffering from a hardening of the arteries. With each passing day, our inability to heal and, more particularly, to maintain health for all Americans becomes clearer and clearer. The Medicare program provides a good example of the kinds of problems confronting us. There are over 21 million individuals eligible for benefits today and the net number of eligibles increases by approximately 900 every day.

With our growing population, and with the increasing concensus, on the part of both the consumer and the provider, that health care is a right not a privilege, the need to find new methods to make more efficient and effective utilization of current resources becomes more urgent. Obviously, each elderly person and each newborn child requires health care. And so, at various times, do all those in the age groups between. Thus, it becomes a problem of providing enough health services; and to provide them in a manner efficient enough to provide adequate services for the needs of all and to provide them through some means that will be economically feasible for both provider and consumer.

I am convinced that efficient and effective health care in America can be provided only through carefully planned approaches to the education of sufficient numbers of health care professionals, and the training of appropriate paraprofessional workers who can help to make each professional's time more productive.

I was delighted that amendments I offered to the Comprehensive Health Manpower Training Act of 1971, which provide incentives to medical and other health profession schools to train new types of paraprofessionals, were included in the legislation which was signed into law by the President this past Fall. This approach must be stressed if our health system is to have any chance of meeting the growing demands made upon it. I stress, in addition, that we must at the same time take steps to ensure that services performed by paraprofessional personnel continue to meet the high quality standards the patient has every right to expect. The professional's assistant should work in close collaboration with his principal—the physician, the dentist, the optometrist—and be responsible for duties for which he has been specially trained and which his preceptor has assigned to him.

The Allied Health Manpower Training Act, first enacted in 1966, will be considered for revision and extension during this Session of Congress. I feel confident we will be able to write into the law proper procedures to assure that funds for training paraprofessionals and allied personnel will be used to prepare health workers to provide services consistent with the highest standards of care.

The distribution of health manpower is another matter of vital concern to members of the Congress. Within the past two years, we have taken various steps toward improvement of the health personnel distribution situation, but it is still a very bleak picture in many parts of the Nation. You practitioners in this room are members of the profession with probably the best overall distribution of manpower of any health care discipline, with over 20 thousand optometrist licenses in existence and an impressive list of nearly 5,500 cities and towns where at least one optometrist is located.

Even with this comparatively good availability of optometric services in our Nation, however, it is still imperative that more optometrists be trained to meet the visual needs of the population. It is estimated an additional 15,500 optometrists will be required to meet these needs by 1980. Congress, in extending the Health Manpower Educational Assistance Act last Fall, recognized this need. Unfortunately, the administration proposed a substantial reduction of federal support of optometric schools under some programs and would have entirely eliminated optometry schools from other programs. But, as a member of the Health Subcommittee, I can assure you Congress resisted such a proposal and took positive action instead to retain optometry schools as eligible institutions under all provisions of the Act.

I was delighted also that Congress restored the nearly one million dollars for Special Projects grants and financial distress funding for Schools of Optometry in the appropriations act for the current fiscal year. In addition, in line with testimony I presented to the Appropriations Committee, Congress increased the level of capitation support from the sixty percent requested by the administration to over 74 percent of the amount authorized. With the commitment of these schools to expanded enrollments and innovations in their programs in order to meet national needs, I believe that the Federal government has a clear obligation to continue to provide the support that is necessary for these schools to participate in achieving our national health care goals.

Along with this type of direct Federal support for health manpower, I believe we must establish methods of better utilization of existing physical facilities. An outstanding example of the way this can be done is legislation which would encourage and expand the use of Federally-operated health facilities, such as Veterans Administration hospitals, as clinical teaching facilities for various health specialties.

As Chairman of the Subcommittee on Health and Hospitals of the Veterans Affairs Committee, I have introduced and completed hearings on several bills I introduced to accomplish this purpose. S. 2219, the proposed "Veterans' Administration Health Manpower Training Act," would create such a system and I am delighted to report that the bill with amendments I proposed in Subcommittee was reported to the full Committee on February 16. Under provisions of this bill, students of optometry schools and colleges affiliated with Veterans Administration health care facilities could take a portion of their clinical training in VA facilities. The plan is to provide for maximum utilization of VA health installations for teaching purposes, to provide an excellent clinical teaching setting for fourth-year students; and to improve the availability of visual services to eligible individuals through the Veterans Administration health program.

Also included in this bill is a program for continuing education of professional and other health personnel on the staff of VA hospitals and on a veterans' reimbursable basis from the community.

With regard to another bill I introduced, S. 2354, the "proposed Health Care Expansion Act of 1972," I am delighted to announce to you that during the subcommittee's consideration of that bill on February 16, I offered an amendment to establish the position of Director of Optometry in the Veterans' Administration Department of Medicine and Surgery. And I am even more delighted to advise that the subcommittee unanimously voted to report favorably the bill, with this amendment, to the full committee. This new position of Director of Optometry would be at the same level as the VA head's of other professional disciplines. Establishment of this new position will provide needed coordination for existing VA arrangements with optometrists. The Director of Optometry will also provide leadership in the effective handling of cooperative clinical teaching programs authorized under my companion bill, S. 2219.

On other health care legislation, I see optometry as a profession playing an enlarging role. Many bills have been introduced dealing with Health Maintenance Organizations. I believe most of you would agree with me that HMO's are not necessarily the panacea for provision of health care. We should also preserve a role for individual practitioners, particularly in single-discipline and multiple-discipline group practice settings, so that patients who prefer may obtain their health care in the more traditional manner. However, the HMO concept does present another and potentially very useful option for providing health services with particular stress on preventive care and early diagnosis. HMO legislation holds the potential of serving as a means of making comprehensive health care available at reasonable cost and—with appropriate quality and utilization review required by law—of producing higher quality care.

Health Maintenance Organization programs cannot be successful, in my view, unless each such organization encourages the participation of all primary health care professions. Full participation of the individual practitioner should be possible with proper safeguards to assure appropriate participation of all professionals in the direction of the organization so as to make available to patients a full range of health services in the HMO setting.

I am sure you all will be glad to learn also that the Veterans Administration has just initiated an affiliation between the School of Optometry of the University of Alabama and the VA hospital in Birmingham to provide clinical training for optometrists and optometric technicians. This is the first such program in the VA system and could provide a model for similar affiliations between the twelve accedited schools of optometry and nearby VA teaching hospitals after S. 2219 and S. 2354 are enacted. Such training programs will help fill the need for the trained optometric manpower required to provide comprehensive care for the veteran as well as for the community.

I am hopeful we can secure enactment of my two VA medical bills this spring.

When such a program is adopted, I envision the Health Maintenance Organization system being converted or phased into the larger National Health Insurance program.

As to the possibility of a National Health Insurance plan being enacted during the 92nd Congress, a realistic prediction would be that passage of a comprehensive National Health Insurance bill will not occur before the next Congress. In addition to the problems of financing presented by such a plan, other thorny issues must also be resolved. These include significantly expanding our health personnel and facility capacity to meet the increased demand which necessarily will accompany the implementation of a national health program. We must also devise methods of integrating present programs into the new system with the least dislocation of services possible.

I am convinced that a National Health Insurance program eventually will be adopted. I believe it will have to follow most of the general outlines of the Health Security Act, S. 3, introduced by Senator Kennedy, of which I am a cosponsor. This proposal, I believe, offers the most comprehensive and far reaching solution to a massive problem. But, as I said, there remain a number of major problems to be resolved before we will be able to agree on a national plan.

Developing such dramatic, broad legislation requires considerable deliberation and the best thinking of all segments of society. You, as members of the professional community—as well as the consumers, facility directors and staff, health administrators, and third party insurers—must be fully consulted. We must avoid the massive management problems which have surfaced in the implementation of the Medicare and Medicaid programs. Your suggestions and comments will be heeded and welcomed. In this connection, I wish to express my thanks to your Washington office, which has been extremely helpful in keeping me aware of the issues in which you have an interest and in providing necessary data and facts whenever I have requested them.

I have also had the privilege of working on some other legislation of interest to optometry—Senator Randolph's amendments to the Randolph-Sheppard Act for the Blind and Senator Sparkman's amendments to the Federal Housing Act.

The proposed Randolph-Sheppard Act for the Blind Amendments Act (S. 2506), supported by your national association, would extend benefits of that program to more individuals and statutorily recognize optometrists as qualified to certify the visual condition of an individual who wishes to participate in Randolph-Sheppard programs. This would in many cases allow the visually handicapped person to enter the program earlier and provide the worker's family with assistance at the first possible moment. This bill will be considered in the near future by the Handicapped Subcommittee, on which I am the ranking majority member.

In the case of the FHA Title II program, S. 2269 is designed to reduce the number of practitioners required to qualify for Federally-guaranteed loans to build or remodel group practice facilities and properly equip them. This legislation could be of great help to residents of rural or inner city areas where it has been difficult to attract and retain health professionals. As a member of the Banking, Housing and Urban Affairs Committee, I voted for this bill, and believe it will aid many persons now deprived of convenient health services and help young practitioners seeking good opportunities to utilize their skills. The provisions of this bill will be considered on the Seante floor very shortly.

These legislative matters are but a few which will have both immediate and long-range impact on your profession and health care in America generally. Let me assure you that we in the Congress are today more health-conscious than any previous Congress. I fervently hope and believe we are turning to brighter days of being able to concentrate on domestic problems rather than undeclared wars. There is no doubt that the concept of health care as a primary right is one which has been laid down as a fundamental precept in these past few years. We must work now to ensure every American will share in the full fruits of the scientific and technological advances produced by members of all health and scientific disciplines.

As your great profession continues to broaden its horizons, the public will be better served, with optometrists an essential primary providers of a vital health service.

I'm pleased to be with a group of professionals who are so keenly aware of the goals of their own profession and how that profession can best serve the needs of the Nation. I urge you to continue and increase the interest you have demonstrated in good health legislation and your willingness to share your thoughts and recommendations with those of us who represent you in Congress.

RICHARD W. McLAREN AND THE ITT

Mr. HRUSKA. Mr. President, in 1969 President Nixon appointed one of the most distinguished members of the antitrust bar to be the new Assistant Attorney General in charge of the Antitrust Division of the Department of Justice. That man, Richard W. McLaren, has just completed 3 years of exemplary service to the Nation as the head of this important office. He recently resigned to become a U.S. district judge for the northern district of Illinois.

During his term of office, Mr. McLaren was hailed as the most vigorous enforcer of the Nation's antitrust laws in over a decade. Some scholars and businessmen did not agree with his interpretation of some antitrust statutes, particularly section 7 of the Clayton Act, but all conceded that he had brought new energy to the division and had acted in a decisive and forthright manner to curb anticompetitive elements in the economy. It was with regret tempered by the knowledge that he would make a splendid contribution to the Federal bench that we saw him leave the Department of Justice.

Recently, however, Judge McLaren has had occasion to return to Washington to discuss some of his actions as Assistant Attorney General. It was Judge McLaren who filed the three suits against ITT seeking the divestiture of Canteen Corp., Grinnell Corp., and Hartford Fire Insurance Co. It was also Judge McLaren who determined on the basis of the facts presented to him that a consent decree requiring the divestiture of numerous corporations and setting a 10-year restriction on the acquisition of additional companies while permitting ITT to retain Hartford was the best way to terminate these three cases from the viewpoint of all concerned.

Judge McLaren's testimony before the Judiciary Committee was most informative and straightforward. It set to rest any suggestion that pressure had caused him to terminate these cases by means of consent decrees rather than by completing the litigation. His statements also clearly demonstrated that there was no connection between the settlement of these cases and ITT's pledge to the San Diego Tourist and Convention Bureau as some have alleged.

Last Sunday Judge McLaren was the guest on the CBS-TV news program "Face the Nation." His remarks at that time add greater emphasis to his Judiciary Committee testimony.

Mr. President, I ask unanimous consent that the transcript of that CBS interview be printed in the Record.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

Face the Nation

(As broadcast over CBS, March 19, 1972)

Guest: Judge Richard W. McLaren.

Reporters: George Herman, CBS News; Morton Mintz, the Washington Post; Neil Strawser, CBS News.

George Herman. Judge McLaren, as Assistant Attorney General, you wrote Mr. Kleindienst that the ripple effect of making IT&T get rid of the Hartford Insurance Company would shake the stock market and the entire national economy. Isn't that exactly the kind of company that should be broken up for the health of the nation?

Judge McLaren. I think I said that it might—that there was a risk of an adverse effect on the economy, and I also said that if there was an alternative way of handling the thing, we should take that alternative, and we did devise an alternative that amounted to a billion dollar divestiture. And I don't think that that's ever really gotten across to the country, that this is the biggest divestiture in history.

Announcer. From CBS Washington, Face the Nation, a spontaneous and unrehearsed news interview with Federal Judge Richard McLaren, who was Chief of the Anti-Trust Division of the Justice Department during settlement negotiations with the International Telephone and Telegraph Company. Judge McLaren will be questioned by CBS News Correspondent Neil Strawser; Morton Mintz of the Washington Post, and CBS News Correspondent George Herman.

Herman. It may have been, as you say, Judge McLaren, the biggest divestiture in our history, but is it what you wanted? Did you not say afterwards that not getting the trial before the Supreme Court of your idea of anti-trust law, was your greatest disappointment in office?

Judge McLaren. Well, I think that it was a disappointment not to have the Supreme Court confirm our theories of conglomerate merger, what was and what wasn't a violation, but I don't feel that my own personal desires can really stand in the way of eliminating a very lengthy litigation, taking away the possibility of immediate settlement, a result right now in other words, just because I want a Supreme Court ruling. And when we were able to get this very good, and I might say tough settlement, that I think has acted as a deterrent in this field—I couldn't justify taking perhaps two or three or four more years to take the matter to the Supreme Court.

Mintz. Mr. McLaren, isn't the settlement that you accepted in mid-1971 almost identical to the settlement that ITT proposed in November of 1970 and that you turned down because you wanted to go to court?

Judge McLaren. No. No, I think that what they offered in the latter part of 1970 was to divest the Canteen Company, which was one of the three lawsuits, one of the three companies that we were after, and I think that they also indicated that they might be willing to divest part of Grinnell. This was in no sense the kind of a settlement that I felt we needed. You see, the big issue was should they be entitled to keep the Hartford Insurance Company. This is the number six insurance company in size, and it's a billion and a half dollar firm, we'll say, I think a billion dollars of income. Owing to the way in which ITT acquired Hartford, it would have been a tremendous loss to their shareholders and to the company itself. I think it would have weakened the company itself if it had had to divest Hartford. On the other hand, we could achieve the same anti-trust objectives by having them divest other insurance-related firms. And I don't think maybe you understand the size of these companies that are going to be divested.

There are four firms, Avis Rent A Car, number two in its business, Levitt, which is about number one in community housing; there's the Grinnell Fire Protection outfit which is number one in its field; and there's Canteen, which is number one or number two in the field of vending machines. Now, to give you an idea of the magnitude of those, three of them are going to be in Fortune's 500 largest industrials. Now that is a very large divestiture, and the fourth one is about number 600 on the Fortune scale.

Strawser. Judge McLaren, some observers are still wondering what was suddenly so convincing about the financial hardship argument offered by ITT Board member Felix Rohatyn, when most aspects of that argument were really two years old, and had been rejected.

Judge McLaren. No, I don't think that's a fair statement, Mr. Strawser, for this reason—repeatedly ITT had come in—in 1969 and 1970—and urged settlement, but they always urged it on the basis that I was wrong on our theories of law, that we were going to lose the case. Later on they came in and they said, well, you shouldn't want any more than this, this would serve anti-trust purposes and so on, and in every case I turned them down. It was not until Rohatyn came in to see Kleindienst—and why he went to see Kleindienst instead of coming to see me, I don't know—but then is the first time they ever made a hardship argument, and I felt that when you're talking about the—I think ITT was number six industrial firm in the United States, I had to think very seriously whether my objective of divestiture and restoration of competition was going to do more damage to the country as a whole than a alternative divestiture system, which is the one that we worked out. And I don't think that it's come across either in the reporting of this thing that that settlement program that we did devise, which, incidentally, stops ITT from further acquisitions, was worked out by my staff. Four of us worked on it and I think—I figured up the other day we have between us a hundred years of anti-trust experience.

Mintz. Well, Mr. McLaren, aren't you really proclaiming here, when you take into account the ripple effect, the effect on balance of payments and so on, a kind of doctrine of squatter's rights, that once a company gets big enough, the government can't force the anti-trust laws forcefully because what's good for ITT is good not only for the United States but for the whole western world?

Judge McLaren. Well, I think it's an interesting idea, squatter's rights, but what I did here is exactly what I understand Senator Muskie has now proposed as a statute. He wants to make it a requirement that if a company over $250 million of assets makes a significant acquisition, it has to spin off or split off an equivalent amount of assets. Well, that's substantially what I did here. And, incidentally, Mr. Mintz, I recall discussing this with you back in 1969, when I think the first time I did it was with the Atlantic-Richfield-Sinclair merger; we split off other properties and so on. We later did it in the Gould-Clevite merger, if you remember that one. And we did it in LTV. I don't think that there's anything strange about this, as a matter of fact, when we announced the settlement, the New York Times ran an article that said the day of the giant merger is over, and——

Mintz. Is it really over? Isn't it really true that by not going to the Supreme Court you could have let that Grinnell case be decided and then use that as a pattern for settling the ITT cases, and you would have had the greatest possible deterrent to holding back the conglomerate merger wave? What you have now is that when the stock market gets ripe, that merger wave can resume. I believe this is correct but of course I may be wrong.

Judge McLaren. I dare them to try it.

Herman. One thing that you said puzzles me a little bit, and perhaps I don't understand you fully. You said that one of the things that worried you was that divestiture that you were originally pressing would damage the stockholders of IT&T——

Judge McLaren. Right.

Herman. . . . and that this was one of the reasons why. Now if that is a sort of rule of thumb or a rule of philosophy of the Justice Department anti-trust suit about any merger, doesn't that mean there will be no more anti-trust suits? Doesn't every anti-trust suit depress the company's stock?

Judge McLaren. Oh, no, no, I don't think that that's a fair analysis—it's——

Herman. I'm not analyzing it, I'm trying to understand what you were saying.

Judge McLaren. It's a very unusual thing to take into account a hardship remedy. In fact, the Supreme Court said in the DuPont-General Motors case that—the legal argument was made that this would hurt the stockholdings and so on, and the Supreme Court said we can't take this into account, this is a matter where the basic thing is effect on competition. My point is if you can avoid a devastating effect on the stockholders of a company by an alternative remedy that does take care of all the anti-competitive consequences, I think you'd be derelict in your duty as a public servant not to take the alternative. There certainly is nothing punitive about one of these suits. We're not out to fine them a billion dollars, and when we found a way that we thought would eliminate all of the insurance-related aspects of this thing, through these other divestitures, well that's the route we took, and I still think it's a good settlement. I've challenged during the course of this thing various people to poll law professors, and I understand they have polled law professors, and out of seven, seven said it was a good settlement.

Herman. I've gotten somewhat the same results checking with some lawyers, and some friends. The thing that I'm interested in in the statement you just made is what seems to me the key word—all the competitive effects. Are you satisfied that the settlement that you made with IT&T-Hartford does solve all the competitive problems, all of them that you were worried about?

Judge McLaren. That's an awfully hard question to answer. I think it does, yes. In other words, there comes a time where you take away from the acquiring company, in this case ITT, various operations that it had at the time it made its big acquisition that you're challenging. If it didn't own Avis, if it didn't own Levitt at the time of the Hartford acquisition, we probably never would have sued them—you follow me?

Strawser. Judge McLaren, does it disturb you in this case to find that the outside financial consultant that you employed, Richard Ramsden, billed the government for only two days of work in a multibillion-dollar case—billed it for 242 dollars, I believe?

Judge McLaren. Well, I think it was three days; but nonetheless, I believe the Treasury people indicated they worked a week on it.

This isn't a terribly hard thing to analyze for an expert in his field, as I understand it, and I brought in an expert on it because I thought that a financial expert could do it more efficiently, and so on. I feel somewhat competent myself to analyze things like that. I spent four years, many years ago, in an—with a Wall Street firm, and did securities work and so on. I don't think I'm a complete ignoramus in the thing. And basically, I finally had to rely on my own feeling on what was best for the government in this case. And that was the basis of the settlement.

Strawser. Do you think you should've checked a little more closely on Ramsden's possible conflicts of interest, now that it turns out that he did not file a report with the government, apparently, on them?

Judge McLaren. Well, I—I really don't have too many facts on that. I understand that he had the necessary report or statement of his interests, and so on, on file at the Commerce Department. You see, the first time I used Ramsden was in the LTV case. We had a similar analysis problem there. At that time he was a White House fellow—he was working for the government. And as far as I knew, when we referred this matter to him, asked him to make a whole study on ITT, he was still with the government. So, in retrospect, and as a matter of fact since that time, we have taken on an additional man at the department, a man who's a professor in this more financial area, and I think I probably would've—if we'd had him then—I'd have used him too, for another cross view.

Mintz. Mr. McLaren, I'll preface this by saying that your claim that the—that the settlement was highly regarded has a lot of bipartisan support; if that hasn't come out, it is true. But let me get on to something else which I think is terribly important about the whole picture. Let's see if this is accurate. A corporation so big that it could be called a private government, so wealthy it can easily grant or deny large sums to politicians and political parties, is able to discuss and negotiate crucial antitrust matters in secrecy with an aide to the President, cabinet members and key figures on Capitol Hill. Between stints as the President's campaign manager, the Attorney General runs the Justice Department, where he controls the antitrust division. My question is, doesn't a setup like this create potential for abuse? Shouldn't antitrust be insulated from political pressures? And if you agree that it should, how would you do it?

Judge McLaren. I think that's a kind of a 64-dollar question, Mr. Mintz. I don't know the answer to it. My experience, as you know, was in private practice of law in the antitrust field up until 1969. When I came into the government, I had known of, oh, political rumors and some sensational things in the newspapers. And I talked to Mr. Mitchell about it before I ever accepted this appointment as Assistant Attorney General, and we had a firm understanding, which he lived up to, incidentally, and so did Kleindienst—that we were going to decide antitrust matters on the merits, and that there wasn't going to be any political consideration in the—in our decisions.

Now you say, how do you—how do you enforce that, and I'm at a loss to know how better you enforce it than in many other areas of government, and that is that you simply get good people and you rely on their honesty and integrity. Incidentally, I feel very, very badly about the way many of the newspapers and—and television reporters, and so on, are saying that we abandoned the prosecution in this case. One writer even went so far, in a sarcastic way, as to say that we quashed the indictments. I think that the public is getting a terribly misleading picture of what happened here, and I agree that this can destroy faith in government. But worse than that, it's going to destroy the ability of any administration to get good professional people to come down here and—and take these technical and professional jobs, if they're going to be pilloried in the press.

Herman. Aren't you getting into a little bit of a semantic quibble there? Didn't you ask for a delay and then not pursue it? Isn't that dropping it or abandoning it, or something of the sort? I just—

Judge McLaren. No, no—look——

Herman. I think you're—you're blaming semantics here, on—on reporters.

Judge McLaren. Oh, no, that isn't fair—it isn't a matter of semantics. This morning's paper, one of them, said that we halted the prosecution. Well, that's—as Dean Griswold said when he testified, that's like saying the prosecutor is guilty of halting prosecution when the defendant comes in and pleads guilty. We got decrees, judgments, in all three of these cases. We didn't halt the prosecution. They caved in, in effect. And I think that we got probably a remedy that's one of the best accomplishments of the antitrust division in the last ten years. It's—

Herman. What had they done—what had they offered—when you first asked for a delay before the Supreme Court?

Judge McLaren. Well, the delay really didn't have anything to do with it. We're talking about two different things, and I don't know whether I can explain it quickly. Mr. Walsh, who was an attorney for ITT, came in with a letter toward the end of our filing time in the Grinnell case. You see—

Herman. Is that the letter in which he said IT&T might well lose?

Judge McLaren. Right. Now we had lost the Grinnell case in the lower courts, and we had bad findings against us by the trial judge—finding of fact. We had also lost the Canteen case, incidentally, before we settled this thing, and I don't think that's generally known. We had also lost the Hartford case on preliminary injunction. I don't think that's generally known. So that was the—the status in which we were negotiating. But when Mr. Walsh came in with his letter requesting a delay, he named—or, I don't know—the Secretary of Commerce, Council of Economic Advisors, Secretary of the Treasury, and he indicated in his letter that they all had ideas different from mine on the overall conglomerate merger picture, and they wanted us to delay filing our brief to give those other agencies a chance to have a say in our brief.

Well, I wasn't averse to doing that. After all, I'm part of an administration, and if the administration has different views on this, I don't think I'm God. I'm perfectly willing to—to handle it on the basis of an administration matter. And all we did was to delay filing that brief, which didn't make any difference whatsoever in the taking up of the case, because it couldn't have been—oh, I think we filed—delayed from April till May. Well, the thing couldn't come up till October in any event—the next term of court.

Strawser. Judge McLaren, you testified repeatedly that you were not improperly influenced in this case. But do you perhaps feel you've been caught in the middle—with all that's gone on around you—the evidence of the paper-shredding in ITT's Washington office, the evidence of the intensive lobbying by ITT against the antitrust policy, the Dita Beard alleged memorandum and all that sort of thing?

Judge McLaren. Well, I hold no brief for ITT, and I think if—I don't like to second guess another lawyer, but I am confident that it would not have been my decision to shred those papers if I were consulted. But I don't know what their circumstances were, and I—I don't—I don't particularly want to comment on it. I think I indicated before, I don't see why ITT didn't come to me in the first place instead of sending Rohatyn to see Kleindienst. My door was always open when I was head of the antitrust division. I said it about twice a week in speeches, and we would give people advisory comments on proposed courses of action.

Herman. Since you've said what you would or would not do in another—you've opened a door, as the lawyers say, since you've said you might or might not do something. Had you been in Mr. Kleindienst's office, in his shoes so to speak, would you have held several meetings with Mr. Rohatyn without bothering to tell—as I think Mr. Kleindienst testified—without bothering to tell Mr. McLaren?

Judge McLaren. Well, I'm glad you raised that. I was very interested to read all the people that Geneen had gone to see in this administration; and you know, not one of those people ever said a word to me about that? I think that's quite a—a compliment to this administration that those people did not put pressure on me. Of course, there are people in the other party too. I noticed—

Herman. But Mr. Rohatyn had gone—

Judge McLaren. —that a lot of Democratic senators were on Geneen's list.

Herman. Mr. Rohatyn had gone to see Mr. Kleindienst to talk about the case which you were working on, and Mr. Kleindienst didn't bother to mention it to you as I believe he testified, for a couple of meetings before he finally did. Would you have operated in that—?

Judge McLaren. No, I think you're wrong. I think that what happened was, Rohatyn came in one day and said, here is the kind of a pitch we want to make to McLaren—will you see if you can get us a meeting with him? Why didn't he ask that, I don't know. But Kleindienst—it was a short meeting, according to what Kleindienst had said—and he did ask me, and I said sure, I'll hear them. And a week or ten days later, they brought in Professor Saulnier and other experts and so on. We had a big meeting in my office, and Kleindienst sat over to the side. It was my meeting, and I said what we were going to do after that, and Kleindienst really didn't have anything to do with it after that. I would like to say something also about this word secret meetings. You know—

Herman. And which—a word I did not use.

Judge McLaren. Well, it's all over the papers, and it's another thing that I kind of object to. Every time you see somebody privately, is that a secret meeting in the sense of a clandestine, improper thing? That's the thing that's getting across to the people, and I don't think it's fair.

Herman. I don't know, sir, I'm not prepared to try the newspapers here. Let me ask you one other—

Judge McLaren. I shouldn't either, and I apologize.

Herman. Let me ask you one other in-their-shoes question. Do you think it was right and proper and also wise for IT&T to make this large pledge to an organization connected with the Republican Party while it was engaged in this litigation or these negotiations?

Judge McLaren. I just have no way of commenting on that. I knew nothing about it. It never came to my attention, even where the convention was going to be, until long after our negotiations. I never met Mrs. Beard, I never had anything to do with that. According to their story, as I understand it, for the big hotels to make contributions, particularly on a big opening, as I understand that Sheraton's going to have out there, that's a pretty customary thing.

Herman. But by five times customary. They are the second largest chain, they gave five times as much, I understand, as the first largest chain.

Judge McLaren. Well, they've got three hotels—I don't—I can't argue that—I knew nothing about it at the time, and I guarantee you that that Republican convention site and ITT's contribution had absolutely 100 percent nothing to do with this settlement that I made.

STRAWSER. If, as Mrs. Beard claims, that memorandum that did link the two was a forgery all along, do you feel that it was unnecessary for you to sit through all those days of hearings in the Senate?

Judge McLAREN. I don't—I—Mr. Strawser, it's completely inexplicable to me. Based on my knowledge of the events, what I said before was that the memorandum is absolutely incredible. Now whether it's spurious, a forgery, or just name-dropping, I just don't have any idea.

STRAWSER. Does it seem a little late for this charge to come out?

Judge McLAREN. I don't know. I just don't have any comment at all. I don't understand it, it never had anything to do with me, and I wish, I assure you, it had never come up.

MINTZ. Mr. McLaren, I'd like to ask you a question about consent decrees which was the legal instrument used in the ITT case, which was used long before you took office, and in Democratic administrations as well as Republican. As a matter of fact, it's been used in about 80 per cent of all anti-trust settlements which are conducted, as you prefer, in private—

Judge McLAREN. Right.

MINTZ.—and they exclude the economists, they exclude the competitors, they exclude the stockholders. What I want to ask is I'll use a specific example—the Justice Department sued the auto industry for conspiring for many years to suppress the installation and development of pollution controls, for conspiring, to put it in plain language, to poison the air. The industry escaped criminal prosecution by signing a piece of paper promising to never do in the future what it denied having done in the past. Now, how can a human being, who could be accused of poisoning the air, the water, or a person, sign a piece of paper and get off, and how can that human being be led to understand that we have equal justice under law?

Judge McLAREN. You know that's a stop-beating-your-wife question. They didn't escape prosecution by signing a piece of paper. They were investigated by a grand jury under the prior administration.

When I came in there was pending a civil case against them. Now the only thing I can get out of that civil case is a consent—is a court order, which requires them to cease and desist from this conspiracy, which requires them to start competing with one another instead of being cozy about this business of eliminating pollution. Well, I negotiated with them, and in '69 in a matter of a few months I got that decree. Now that's all I could have gotten by trying the case for five years, and I got it right then—

MINTZ. I'm talking about process.

Judge McLAREN. Well, what more could you ask of the process than a decree that puts them under the requirements of contempt of court to compete on this?

MINTZ. A human being can suffer in a way that a corporation, which is a legal paper of figment, cannot. Now publicity is one of the things that a corporation can be made to feel that's done wrong. When you settled or when anybody settles—it's not personal—that is denied.

Judge McLAREN. Are you saying that publicity was more important than our getting that immediate remedy? You know—

HERMAN. We have about 20 seconds if you want to finish that thought.

Judge McLAREN. Well, I think that immediate relief where we would get to work fighting pollution was much more important than that publicity-punishment kind of thing because there were private suits brought against them anyway.

HERMAN. On that point I have to break you off. Thank you very much for being with us today on Face the Nation.

DEATH OF GEORGE P. DELANEY

Mr. WILLIAMS. Mr. President, last month the labor movement lost a very dedicated worker when Mr. George P. Delaney passed away.

Mr. Delaney was an active member of organized labor for more than 40 years and was a union official for more than 30 years. He served with the State and the Labor Departments for many years as an expert in the international labor field and had a very long association with the International Labor Organization both as a delegate and a member of its governing body.

Most recently Mr. Delaney was the Washington representative for the International Longshoremen's Association.

Mr. President, I ask unanimous consent to have printed in the RECORD an obituary from the AFL–CIO News of February 19 concerning Mr. Delaney.

There being no objection, the obituary was ordered to be printed in the RECORD, as follows:

GEORGE P. DELANEY DIES, ENVOY FOR U.S. LABOR

George P. Delaney, former international affairs representative for the AFL-CIO and retired State Dept. official, died Feb. 9 of a cardiac arrest shortly before his 63rd birthday.

Delaney, known to his friends as "Phil," had been with the State Dept. from 1963 until he retired last March as special assistant to the Secretary of State and Coordinator of International Labor Affairs. He served in the Labor Dept. 1959-63 in a similar capacity.

Born in Washington, D.C., Delaney became an apprentice molder at the U.S. Navy Yard in Washington in 1928. From 1938 to 1942 he was an international representative with the Molders.

After three years in the U.S. Navy during World War II, he joined the AFL as an international affairs representative and continued to serve in that post with the AFL-CIO following merger.

In a message of condolence to Delaney's widow and family, Federation Pres. George Meany and Sec.-Treas. Lane Kirkland called him a "devoted trade unionist who served his fellow workers with diligence in many crucial assignments . . . a warm friend, a true gentleman."

Delaney began a long association with the International Labor Organization in 1948 as a worker delegate and a member of the ILO Governing Body. He was influential in the adoption of ILO conventions on reduction of working hours and on the abolition of forced labor. He also was active in the formation of the International Confedration of Free Trade Unions.

Delaney left the AFL-CIO in 1958 to become the director of organization for the Operating Engineers. In 1959, he was named the special assistant for international labor affairs in the Labor Dept. and served on the U.S. government delegation to the ILO 1963-70.

Also, starting in 1964, he served as the first director of the Office of Labor Affairs in the Agency for International Development.

On his retirement from the State Dept. last year, Delaney was presented the department's Superior Honor Award and AID's Distinguished Honor Award.

Following retirement from the government, Delaney served as the Washington representative for the Longshoremen.

He is survived by his wife Margaret, four children and one grandchild.

POPULATION COMMISSION REPORT

Mr. PACKWOOD. Mr. President, the Commission on Population Growth and the American Future, on which I am honored to serve, has recently completed 2 years of intensive study and debate on issues related to this Nation's future. During our 2 years of work, we examined numerous aspects of population growth and distribution, and attempted to come up with recommendations which we feel would be of value in and of themselves, but which would also be significant in terms of restraining this Nation's population growth rate. Emphasis was and is on voluntarism. No form of compulsion was accepted, even by implication. Mr. President, these two points should be heavily underlined: First, that our recommendations are worthwhile in and of themselves. The demographic impact in many cases is marginal. And second, all recommendations support the voluntary approach to restraining our population growth rate. No compulsion is even implied.

Mr. President, the Commission is releasing its final report in three parts. Part 1 includes the Commission's findings. Parts 2 and 3 include recommendations. The first two parts have been released. Part 3 will be released in the next few days.

Although the text of the report is too long to be printed in its entirety in the RECORD, I commend it to my colleagues as "must" reading and urge their careful attention to the conclusions presented therein. Additionally, I ask unanimous consent that brief summaries of the first two parts be printed at this point in the RECORD, along with the statements of the Commission's Chairman, Mr. John D. Rockefeller III, upon releasing the report.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

STATEMENT OF JOHN D. ROCKEFELLER III, CHAIRMAN, COMMISSION ON POPULATION GROWTH AND THE AMERICAN FUTURE ON PART I OF THE FINAL REPORT

For the first time in the history of our country the President and the Congress have established a Commission to examine the growth of our population and its implications for the American future. The Commission was asked to assess the impact of population growth as well as distribution upon our Government, our economy, our natural resources and environment, and to make recommendations as to the means by which our Nation can achieve a population level suited to its needs.

In carrying out of this assignment we believe we have benefited greatly from the diversity of the Commission's membership. The range of occupations, ages, religious, races and experiences when focused on such diverse issues lends special strength to our final report.

Today we offer the first section of our report which constitutes the Commission's findings. In subsequent sections we will submit specific recommendations based upon these findings.

In my brief opening remarks I wish to point up several of our principal conclusions after two years of research and deliberation.

1. Population growth in this country should be regarded neither as a crisis nor with complacency. Alarm or indifference are both inappropriate responses. While our

birthrate has been declining recently, there is no assurance as to its future course. If, however, it should continue to decline to the replacement level—an average of two children per family—our population will still continue to grow for nearly seventy years and mean the addition of 50 to 80 million persons by the end of the century. It takes a long time to arrest the momentum of population growth.

2. Because of the pervasive impact of population growth on every major facet of our lives, the Commission believes that the time has come for the United States to adopt a deliberate population policy.

3. The Commission concludes that in the long run no substantial benefits will result from further growth of the nation's population. Rather, it is our view that population growth of the current magnitude has aggravated many of the nation's problems and made their solution more difficult. The Commission believes that the gradual stabilization of our population would contribute significantly to the nation's ability to solve its problems. It would also enable our society to shift its focus inceasingly from quantity to quality; to assign higher priorities to what gives human life special meaning and value. As a Commission, we view population policy not as an end in itself, but as a means to facilitate the achievement of social goals desirable in their own right.

4. The nation has nothing to fear from a gradual approach to population stabilization. We have looked for, and have not found, any convincing economic argument for continued national population growth. The health of our country does not depend on it nor does the vitality of business or the welfare of the average person. In fact, a reduction in the rate of population growth would bring important economic benefits to all citizens, especially if the nation develops policies to take advantage of the opportunities for social and economic improvement that slower population growth would provide.

5. The Commission believes that slowing the rate of population growth would ease the problems facing government in the years ahead. Demands for governmental services will be less than they would otherwise be, and resources available to finance governmental activities greater. However, it would be a serious error to read these conclusions as comforting and reassuring. Under the most optimistic assumptions, as I have previously indicated, at least 50 million more people will be added to the U.S. population before the end of the century, increasing the demands on governmental services and making more difficult achieving a participatory political process responsive to contemporary conditions.

6. We must face the fact that Americans have suddenly become a metropolitan people. In 1970 roughly two-thirds of our population was metropolitan—it will approach 85% by the year 2000. Migration is from low-income rural areas to great metropolises and from inner cities to suburbs. Nearly 40 million, or 1 in 5 Americans, change homes each year. Of these, roughly 1 in 15, or 13 million, move across county lines. What is happening now is largely haphazard. What is needed is coordinated planning and assistance on a scale large enough to be effective.

7. Population growth is one of the major factors affecting the demands for resources and the impact on the environment in this country. From the standpoint of both resources and environment, the Commission believes considerable benefits would result over the next 25 to 50 years by a prompt reduction in population growth. This conclusion emerges with particular clarity with regard to water, agricultural land, and outdoor recreation.

We offer this report in the hope that our findings and recommendations will stimulate serious consideration and response by all of our citizens to an issue of great consequence to present and future generations. In doing so we would stress that in all of our deliberations our guiding objective has been the enrichment of human life, not its restriction. In advocating a national population policy, we seek to assure greater opportunity for all our citizens so that each may attain his full potential with respect and dignity.

COMMISSION RELEASE PART 1 OF FINAL REPORT

WASHINGTON.—The Commission on Population Growth and the American Future reported today that the nation can, if it must, solve the problems that continued population growth creates, but "we will not like some of the solutions we will have to adopt."

In submitting the first of a three-part Final Report to President Nixon and the Congress, the 24-member panel said that continued growth will commit the nation to:

"More rapid depletion of domestic and international resources, greater pressures on the environment, greater dependence on continued rapid technological development . . . and a more contrived and regulated society."

Continued growth of the magnitude recently experienced also will further aggravate many domestic social problems, making them more difficult to solve, the panel added, while slowing growth and eventually stopping it will buy time to address them.

"There is hardly any social problem confronting this nation whose solution would be easier if our population were larger," the Commission said.

But, cautioning that population policy is no substitute for social, economic and environmental policy, the Commission added:

"Successfully addressing population requires that we also address our problems of poverty, of minority and sex discrimination, of careless exploitation of resources, of environmental deterioration, and of spreading suburbs, decaying cities, and wasted countrysides."

The Commission noted that, because of the tight connection between population and these concerns, "what ever success we have in resolving these problems will contribute to easing the complex system of pressure that impel population growth."

These conclusions emerged in the findings of the Commission report, which followed two years of research and deliberations. Two additional parts will offer specific recommendations based on these and other findings.

Part One of the report focused on the national impact of population growth and distribution upon government services, the economy, the environment and natural resources.

While making no immediate specific recommendations, the Commission urged that a small group be established to act as a "lobby for the future."

This agency, the panel said, should identify potential population, resource and environmental problems well ahead of crises, establish priorities, sponsor research aimed at resolving these problems and formulate and recommend appropriate policies.

The Commission, headed by John D. Rockefeller 3rd, was established by Congress in March, 1970, at the suggestion of President Nixon.

More than 100 leading scientists and experts on economic, environmental, governmental and social problems were enlisted to assist in the Commission's program of inquiry.

In addition, more than 100 witnesses submitted testimony at public hearings in Washington, D.C., Los Angeles, Chicago, Little Rock and New York.

Noting that practically every aspect of life in this Nation acts upon and reacts to population change, the Commission urged the development of a coherent national policy on the subject.

The Commission said that even though the United States generally has a low population density, considerable open space and a declining birth rate, this should not eliminate concerns about population.

There is always a "population problem," the report noted "in the sense of achieving a proper balance between size, growth, and distribution on the one hand, and, on the other, the quality of life to which every person in this country aspires."

The "population problem" is long-run and requires long-run responses," the Commission observed. "It is not a simple problem. It cannot be encompassed by the slogans of either of the prevalent extremes: the "more" or the "bigger the better" attitude on the one hand, or the emergency-crisis response on the other. Neither extreme is accurate nor even helpful."

The issue of population, the Commission said, raises important questions of what people want and need, and what they are for, as well as where this nation is going and how it plans to get there.

Eventually, the panel said, the world and this nation will be unable to accommodate more growth, and that a judgment must be about on when that point will be reached.

"Our answer is that now is the time to confront the question: 'Why more people?' " the Commission said. "The answer must be given, we believe, in qualitative, not quantitative terms."

"Each one of the impacts of population growth—on the economy, resources, the environment, government, or society at large—indicates the desirability, in the short run, for a slower rate of growth."

"And, when we consider these together, contemplate the ever-increasing problems involved in the long run, and recognize the long lead time required to arrest growth, we must conclude that continued population growth—beyond that to which we are already committed by the legacy of the baby boom—is definitely not in the interest of promoting the quality of life in the nation."

The report described the history of population growth in the United States, noting that, at the peak of the baby boom after World War II, Americans were averaging more than three children per family, while today there are averaging about two and a half.

An average of three children per family would lead to a population of 322 million in the year 2000, nearly a billion in 2070, and ever-increasing growth, the report said.

A two-child average would lead to 271 million by the year 2000 and 350 million in 2070. The 2-child rate with no immigration, would eventually result in a stabilized population.

By two- or three-child families, the Commission said it meant "averages which can be made up by many possible combinations of family sizes, ranging from childless couples to those with many children."

The Commission said that, even though the birth rate has been dropping recently, "the baby boom is not over. The babies have merely grown older. It has become a boom in the teens and twenties. In a few decades it will be turning into a retirement boom."

The Commission said that strenuous planning efforts are required to accommodate the population this nation is committed to because, "we may be through with the past, but the past is not done with us."

HIGHLIGHTS OF THE COMMISSION'S FINDINGS

Population Growth

Since 1900, the United States has undergone a demographic revolution. Population has increased from 76 million to almost 205 million in 1970, an addition of 129 million Americans the nation has been called upon to accommodate over the past 70 years.

The United States has had a long history of diminishing growth rates—from an annual rate of 3.3 percent early in the 19th

Century to about 0.7 percent during the 1930's; up to about 1.9 percent during the 1950's, then down to its present level of 1.1 percent.

However, our population is now so large that even our low current rate of growth translates into about 2¼ million people a year—more than a city the size of Philadelphia.

We cannot predict how fast our population will grow in the years ahead, but we can be sure that, barring some unforeseen catastrophe, substantial additions to our numbers lie ahead. Regardless of transitory shifts in the birthrate, our population has a potential for further growth greater than that of almost any other advanced country. Even if we averaged only two children per woman and zero international migration, the population would continue to grow for another 65 or 70 years, adding another 70 million persons.

This is because of a pattern of early and nearly universal marriage and childbearing, fertility levels above those required to replace the parental generation, and a preponderance of youth in the population. Those born during the baby boom are reaching adulthood today and beginning to do many of the things their parents and grandparents did before them—finishing school, seeking jobs, developing careers, getting married, and having children of their own.

Population distribution

Americans are a metropolitan people. Our transition from rural to metropolitan has been rapid. At the beginning of this century, 60 percent of the people lived on farms or in villages. In 1970, about 70 percent of our population was metropolitan; it is expected to be 85 percent by the year 2000.

Natural increase is the primary factor affecting the growth of metropolitan population as a whole. Research showed that, assuming a 2-child family average, the metropolitan population would grow by nearly 40 million people between 1970 and the year 2000 through natural increase alone.

The shape of urban development is expanding from the scale of metropolitan areas, across adjacent counties to broad regions covering many counties and extending across state lines. Transportation technology, particularly our extensive highway system, permits us to move great distances within a short period.

Some people commute daily between New York and Boston or Washington. A century ago, Central Park was the city park for New York. Now the "city" is the urban region along the Atlantic seaboard and its park is the Shenandoah National Park. The scale at which we live is expanding well beyond formal metropolitan boundaries.

Urban regions appear to be a prominent feature of the demographic future, and, if our population distributes itself according to projections, 54 percent of all Americans will be living in the two largest urban regions—one stretching along the Atlantic seaboard and westward past Chicago, containing 41 percent of our population; the other in California, between San Francisco and San Diego, containing 13 percent.

Economy

Major economic changes are on the horizon regardless of future changes in population growth rates. In the year 2000, the average person is expected to consume more than twice what he or she does today.

The Nation has nothing to fear from a gradual approach to population stabilization bringing births into balance with deaths. Neither the health of our economy nor the welfare of individual businesses depend on continued population growth.

Average incomes could be as much as 15 percent higher with a two-child than a three-child growth rate.

While a slower growth rate would probably favor certain types of industries over others, it does not appear for several reasons, that a lower population growth rate will cause serious problems for any industry or its employees.

A gradual approach to population stabilization would not reduce demand from current levels for any specific industry. This is because even under a two-child average, there is no year in which there would be fewer births than in the previous year.

From an economic point of view a reduction in the rate of population growth would bring important benefits, especially if the United States develops policies to take advantage of the opportunities for social and economic improvement that slower population growth would provide.

Resources and the environment

Population growth is one of the major factors affecting the demand for resources and the deterioration of the environment. The further we look into the future, the more important population becomes.

So long as population growth continues, resource and environmental problems will grow and will slowly, but irreversibly, force changes in our way of life.

Increasing numbers press us to adopt new technologies before we know what we are doing. The more of us there are, the greater is the temptation to introduce solutions before their side effects are known.

We in this country are tampering with the ecosystem in many ways, the consequences of which we do not begin to understand.

Population growth is not the sole culprit in ecological damage, and any belief that it is confuses how things are done with how many people are doing them. But the overall effect is a product of numbers times styles of life taken together. One multiplies the other to produce the total impact.

With slower population growth leading to a stabilized population, we gain time to devise solutions, resources to implement them, and greater freedom of choice in deciding how we want to live in the future.

We would be considerably better off over the next 30 to 50 years if there were a prompt reduction in our population growth rate. This is especially true with regard to problems of water, agricultural land, and outdoor recreation.

Continued growth would cause the area of water shortage to cover half the land area of the United States a half-century from now, even if we make maximum use of dams and other water storage facilities.

Continued growth, in combination with increasing affluence, will cause great pressure on outdoor recreation resources—so great that, rather than "getting away" to the outdoors, people will be applying for admission to it.

We can have a growing population *or* a sound environmental policy that restricts use of agricultural pesticides and fertilizers and thereby retards the growth of per/acre productivity. But, in the long term, we may be unable to have both without forcing farm food prices well above levels that would otherwise obtain.

The American future cannot be isolated from what is happening in the rest of the world. There are serious problems right now in the distribution of resources, income, and wealth among countries.

World population growth is going to make these problems worse before they get better. The United States needs to undertake much greater efforts to understand these problems and develop international policies to deal with them.

Government

Public service costs will be considerably higher under a three-child population than under a two-child population.

For example, education, which accounted for about 7.5 percent of GNP, or $74 billion, in 1970, would account for 13 percent of GNP in the year 2000 under the larger population projection.

However, only 9.7 percent of GNP would be required to provide the same quality of education to all in the year 2000 under the lower population figure.

The country will have to spend more in absolute terms for health, welfare, and other public services for a population growing at the 3-child rate than at the 2-child rate.

Population stabilization poses no threat to national security, and would ease the increasing rate of strain on our federal system.

Even if national population stabilized, there would still be changes in population size and composition in states and localities.

Among local jurisdictions, population change shows even wider variety than among states.

The imbalance between resources and demands for services is especially acute in the contrast between suburban communities and the central cities of our large metropolitan areas. The unequal effect on demand for local government services is illustrated in Louisville, Kentucky, where the central city encompasses less than half the population of the metropolitan area, but has more than 90 percent of the area's public assistance recipients.

In 1967, there were about 16,000 nonschool local governments in metropolitan areas. If recent trends continue, by the year 2000 there are likely to be over 32,000 such governmental units in metropolitan areas. The proliferation of specialized districts will account for half the increase.

Government represents not only a universally and vitally important segment of our national life that is affected by population change; it also constitutes the channel through which a national concern with population must act to affect the causes and cope with the consequences of population growth and change.

In a time of headlong technological change, economic growth, and continuously rising population, the ability of Americans to deal with environmental pollution, public safety, economic opportunity, racial and ethnic discrimination, and many other urgent issues is far from assured.

But it is precisely in this field—establishing effective and democratic governmental systems in metropolitan areas—that our existing governments have been most deficient. Archaic governmental boundaries, incongruity between the location of many problems and the location of the financial resources to deal with them, and inequities on the distribution of public services, tax burdens, and the judicial system have been cited as problems.

Social aspects

Our population problems cannot be resolved simply by inducing our "have-not" groups to limit the number of children they have. Family size is larger among minority groups, but any idea that our population growth is primarily fueled by the poor and minorities having lots of babies is a myth. Those minority people who have "made it" into the system have adopted the small-family pattern. The problem is that so few have made it. The task is to make the system work for them as it has for the majority.

Unless we address our major social problems in the short run—beginning with racism and poverty—we will not be able to resolve fully the question of population growth. And unless we can resolve the question of population growth, in the long run, it not only will further aggravate our current problems, but may eventually dwarf them.

Our population is unusual among industrialized nations because the proportion who ever marry has always been high and our average age at first marriage is the lowest of any advanced country in the world. The rising rate of marital dissolution does not mean, however, rejection of the married state. The evidence for this is that, increasingly, the divorced marry again.

While marriage is the common bond holding the family unit together, two developments are likely to have an impact on the family. One is the questioning of existing sex mores by young people, the other is the women's liberation movement which aims to improve the status of women and to change role relationships within the family.

None of these changes dictates the direction which reproduction within families will take or whether the responsibility for childbearing and child-rearing will be enhanced, or what will happen to the quality of family life.

Because of a history of relatively high birthrates, the United States has had a "young" population compared with that of many European nations. The median age in 1970 was 28. Future age structure will be affected by future rates of fertility. A 3-child level of fertility would lead to a median age of 27 in the year 2000. A 2-child level would lead to a median age of 37, leading some to be concerned that an older average population might be more resistant to change. However, we are led to the conclusion that the age structure of a population is unlikely to be decisive in the forms of social organization which emerge.

More and more Americans live in urbanized areas at densities far exceeding those in rural areas, but urban densities are not increasing. In fact, average density is actually declining because urban territory is expanding faster than urban population.

Other things being equal, we know that increases in density cause increases in air pollution and traffic and other forms of congestion. But in general, the research on the effects of population density on human behavior is sparse and the findings either inconclusive or negative.

It is just possible, however, that we may come to look at the decline in urban densities as a mixed blessing. If continued in the decades ahead, declining densities could produce a serious reduction of available open space where we can occasionally escape from the pace of urban life.

Population and public policy

In conducting the daily business of production and consumption, private market forces work well in general and over the short run to reduce costs, husband resources, increase productivity and provide a higher material standard of living.

But the market mechanism has been ineffective in allocating the social and environmental costs of production and consumption, primarily because public policies and programs have not provided the proper signals nor required that such costs be borne by those activities. Nor has the market mechanism been able to provide socially acceptable incomes for people poorly equipped to participate in the system for producing and distributing income.

Slower population growth opens up opportunities we would not otherwise have. But, even if a stabilized population is achieved, our economic, environmental, governmental and social problems will remain unless we develop policies to deal with the other sources of these problems.

Such policies have shown little conspicuous success in the past, not so much because of the impact of population on government, but because of the inadequacy of government's response to the challenge of population and the host of issues that surround it.

Long-term planning is necessary to deal with environmental and resource problems, but there are only beginning signs that government is motivated or organized to undertake it. A major commitment is required to bring minorities into the mainstream of American life, but the effort so far is inadequate. It is clear that the "real city" that comprises the metropolis requires a real government to manage its affairs; but the nation is still trying to manage the affairs of complex, interconnected metropolitan communities with fragmented institutional structures inherited from the 18th Century.

STATEMENT OF JOHN D. ROCKEFELLER 3D, CHAIRMAN, COMMISSION ON POPULATION GROWTH AND THE AMERICAN FUTURE, ON PART II OF THE FINAL REPORT

In this second section of the Commission's report we set forth our recommendations in regard to education, childbearing and childrearing. They represent two years of intensive deliberations by the Commission and its able staff, based on extensive research under contract to others.

1. From the beginning, the overriding goal of the Commission has been the enrichment of human life not its restriction. In advocating a national population policy we seek to assure greater opportunity for all Americans so that each may have a better chance of attaining his full potential with respect and dignity.

2. The Commission recognizes and would stress that many of its recommendations to achieve social goals desirable and important in their own right—for example, greater opportunities for women and children, and freedom of choice in reproduction. These recommendations, are, of course, also relevant to population growth.

3. There has been much talk and concern about controls and coercion in the population field. The whole thrust of the Commission's effort has been the attainment of social goals through voluntary action, to be determined by the individual in his own best interest.

4. We recognize that such voluntary action will only be meaningful if we have true freedom of choice. This will require changes in some of our attitudes, patterns of behavior, laws and governmental programs. Only in this way will all people have access to the full range of our society's opportunities and services—particularly we have in mind women, minorities and the young.

5. Underlying all its deliberations, the Commission has sought to strengthen the bonds of family life by enabling parents and prospective parents to plan their childbearing and child-rearing so that every new-born infant will be a wanted child, raised in an atmosphere of love, respect and responsibility, because his or her mother and father have chosen to become parents.

We of the Commission recognize that not everyone will agree with all of the statements and recommendations in our report. We ask you to think of the report as a whole and to remember the breadth and the importance of the subject with which we are dealing. We ask you to remember that the report represents the best thinking of 24 individuals from a cross section of our society in terms of race, religion, age, occupation, geography, and beliefs. More particularly we ask you to remember, as I have already indicated, that the overriding goal of the Commission is to raise the quality of life for all Americans.

FINAL REPORT: PART 2

WASHINGTON.—The Commission on Population Growth and the American Future today submitted to President Nixon and Congress Part Two of its Final Report, containing policy recommendations on education and childbearing and child-rearing.

The recommendations are designed to maximize understanding of human reproduction and its implications for the family, and to improve the setting in which children are raised, the panel said.

The 24-member Commission, headed by John D. Rockefeller 3rd, was established by Congress in March, 1970, at the suggestion of the President, to examine the impact of population change in the United States to the year 2000.

Part One of the Report, released last week, focused on the consequences of population growth and distribution for government services, the economy, the environment and natural resources.

The Commission will complete its two-year assignment with the submission next week of Part Three of the Report, which will include recommendations in such areas as immigration, distribution and research.

Principal recommendations in Part Two covered such subjects as childcare, contraceptive information and services, fertility control, fertility-related health services and research, status of women, and educational programs.

The Commission said that its aim was to develop recommendations "worthwhile in themselves, which at the same time, speak to population issues."

The panel said its recommendations are "consistent with American ethical values in that they aim to enhance individual freedom while simultaneously promoting the common good."

It listed four principal goals upon which the recommendations in Part Two were founded:

Maximize information and knowledge about human reproduction and its implications for the family;

Improve the quality of the setting in which children are raised;

Neutralize, so far as it is practicable and consistent with other values, those legal, social and institutional pressures that historically have been pronatalist;

Enable individuals to avoid unwanted childbearing, thereby enhancing their ability to realize their preferences.

The policies, the Commission added, are aimed at facilitating conditions which will "increase ethical responsibility and the opportunity for unbiased choice" in childbearing and child-rearing.

"At the same time, by enhancing the individual's opportunity to make a real choice between having few children and having many, between parenthood and childlessness, and between marriage and the single state, these policies together will undoubtedly slow our rate of population growth and accelerate the advent of population stabilization."

Highlights of the Commission's recommendations follow:

HIGHLIGHTS OF PART 2

Education

The amount and accuracy of information currently held by Americans on the subject of population leave much to be desired. Approximately six out of 10 questioned in our 1971 poll either did not know or could not guess the size of the world's population within one billion persons.

There is no evidence that anything approaching an adequate population education program now exists in our school system. The number of teachers trained is very low, and the number of teaching opportunities very small. Textual materials are scant and inadequate.

In view of the important role that education can play in developing an understanding of the causes and consequences of population growth and distribution, the Commission recommends enactment of a Population Education Act to assist school systems in establishing well-planned population education programs so that present and future generations will be better prepared to meet the challenges arising from population change.

To implement such a program, the Commission recommends that Federal funds be appropriated for teacher training, for curriculum development and materials preparation, for research and evaluation, for the support of model programs, and for assisting state departments of education to develop competence and leadership in population education.

Life in the future will depend significantly on the characteristics of our children. Our interests is not limited to the number of children in our population, but extends to a concern for the quality of their development. How adequately are we raising our children and how can we insure that parents and children are given the opportunity for self-fulfillment?

The decision to marry and the decision to bring a child into the world should not be made lightly. Both marriage and parenthood should imply a deep personal commitment and a continuing emotional investment. As a nation, we have a responsibility to provide better preparation for parenthood. Some school systems throughout the country have included family life courses in their curriculum. The Catholic Church has been in the forefront in family life education and is working to inform children and their parents on issues involved in family living. Programs in home economics similarly provide training for marriage and parenthood. Supplementary to these school programs are the efforts of community groups, such as the Red Cross, in training and guiding prospective parents.

In proportion to the number of individuals who are and will become parents, our educational effort is insufficient. Community agencies, especially the schools, should become more sensitive to the need for preparation for parenthood and include appropriate subject matter in their programs. There is information and expertise in the various aspects of family life scattered throughout the public and private sector. The Commission suggests that the Department of Health, Education and Welfare provide financial support to programs designed to examine and coordinate existing information activities and resources in this field.

In our society today, many young people appear to be rejecting traditional sexual codes and experimenting with new life styles and new moralities. But, although there are many manifestations of change, it may be that the fundamental change consists of a greater willingness to submit our sexual attitudes and behavior to public discussion.

As a nation, we are reaching a consensus on the need for sex education; and there is widespread support for these programs from the general public. A number of states have passed legislation in support of sex education in public schools. Many responsible organizations have indicated their support for sex education programs.

A major goal of sex education is to improve human relationships by helping individuals deal more openly and reasonably with their sexual concerns. In addition, sex education programs aim to increase the individual's knowledge and appreciation of human sexuality.

Programs in sex education have the responsibility to present, in an appropriate manner, factual information on the emotional, physical, and social aspects of sexuality. Another goal of sex education is to enhance communications between the generations regarding sexual attitudes and behavior. Most would agree that the home should be the source of sound sex education. In fact, informal education about sexuality is constantly provided in the home environment as children are influenced by parental attitudes and behavior. Unfortunately, large numbers of parents feel factually and emotionally ill-prepared to handle the topic with their own children. Most adults have had no formal sex education and the characteristic lack of communication about sexuality is a source of great frustration and anxiety for parents and children alike. The community can assist in this difficult task by providing sex education for citizens of all ages—sex is a vital aspect of life for people in every age group, and education in sexuality should be an ongoing process.

The Commission recognizes that there is no best way to define or conduct sex education programs, and that local communities and groups must create programs which coincide with their values, resources, and needs.

Despite an increasing openness and public presentation of sexual matters, there remains a well-organized and vocal minority actively opposing programs of sex education. Some of these groups go so far as to interpret sex education as a politically inspired plot to teach young people how to engage in sexual activity, thereby officially condoning "immorality" and "perversion." We regret that these groups have successfully forestalled sex education programs in 13 states. The issue was underscored by the observation of a high-school girl at one of the Commission's public hearings that "the refusal to provide education will not prevent sex, but it certainly will prevent responsible sex."

Ignorance does not serve to prevent sexual activity, but rather promotes the undesirable consequences of sexual behavior: unwanted pregnancy, unwanted maternity and venereal disease. These problems seem particularly acute for the adolescent segment of our population. Unfortunately, society has been slow to face the fact that, with or without formal sex education, there is a considerable amount of sexual activity among unmarried people. A recent national study of unmarried teenage girls revealed that 14 percent of 15-year-olds and up to 44 percent of 19-year-olds reported having had sexual relations. Only 20 percent of these girls used contraception regularly. Such a low incidence of contraceptive use is particularly significant when less than half of these girls knew when during the monthly cycle a girl can become pregnant. Rates of illegitimacy among young women ages 15 to 19 increased by two to threefold between 1940 and 1968.

Venereal disease in the United States is considered by health officials an epidemic of unusual extent and severity. They estimate that over 2.2 million cases of infectious venereal disease were treated in the United States last year. The incidence of reported venereal disease is highest among persons under 25.

The Commission suggests that funds be made available to the National Institute of Mental Health to support the development of a variety of model programs in human sexuality. These programs should include school- and community-based projects in a number of different communities.

Sex education ideally should be focused in the home and supplemented by schools and other community groups including religious, medical, and service organizations.

The Commission supports those community agencies and educational institutions training professional sex educators, and urges more schools to include such training in their programs. Moreover, we encourage institutions involved in training professionals in the health and welfare fields, such as doctors, clergy, and social workers, to add courses in human sexuality to their curriculum.

Recognizing the importance of human sexuality, the Commission recommends that sex education be available to all, presented in a responsible manner through community organizations, the media, and especially the schools.

The children

There is no paradox in welcoming the trend toward smaller families and simultaneously viewing children as our most valuable resource. In the past, we have not given children as high a place in our priorities as in our rhetoric. Our nation's infant mortality rate is higher than that of 12 other nations.

Since 1935, the federal government has supported programs to extend and improve health services for mothers and children, especially in rural areas.

Federal support of these programs is not increasing significantly; and they are unable, as presently constituted, to meet the needs of all low-income women who are not receiving private health care.

Our nation should set a high-priority goal of providing comprehensive health care to all mothers and children. The costs to the nation are not excessive; the savings, in terms of improved maternal and infant health, would be considerable.

In 1970, almost 25 million children under 18 had mothers who worked at least part time; over 5.8 million of these children were under age six. Large numbers of these working mothers were the sole support of their families or supplemented incomes near the poverty level. Many middle-class women are also entering the work force.

The child-care arrangements made by working mothers, especially those whose ability to pay is limited, are frequently inadequate. Many children are cared for in their own homes by adult relatives or babysitters, but many are cared for by sisters or brothers who are themselves children. Only a small percentage are enrolled in nursery schools or day-care centers, and many of these are of low quality. At least one million young Americans receive no supervision at all—the so-called "latch-key" children who wander about after school or remain at home alone when ill. These conditions are unacceptable.

Many families would benefit from versatile part-day as well as full-day child-care programs, or from programs that could provide day and night care in case of a family emergency. Some of the opposition to the creation of a child-care system in this country is based on the beliefs that (1) it may be destructive of the family; (2) we cannot afford to undertake something as expensive as good developmental child care; and (3) by reducing the tension between motherhood and other roles, child care will encourage the birth of more children.

Aside from the quality of care, parents must be able to make the decision whether or not to use child-care services and to what extent. Any form of compulsory child care is unacceptable, including the requirement that mothers place young children in these programs in order to comply with regulations that exact training and employment as a condition for benefiting from assistance programs.

We believe that the demand for child-care services will continue to grow. The challenge is to make certain that they enhance the well-being of the child.

The Commission therefore recommends that both public and private forces join together to assure that adequate child-care programs, including health, nutritional, and educational components, be available to families who wish to make use of them.

Because child-care programs represent a major innovation in child-rearing in this country, we recommend that continuing research and evaluation be undertaken to determine the benefits and costs to children, parents, and the public of alternative child-care arrangements.

Status of women

The limitations on the rights and roles of women abridge basic human liberties that should be guaranteed to all, regardless of the future course of population growth.

Here, as in the control of reproduction, our goal is to increase freedom of choice. Just as we oppose coercion in the control of fertility, we oppose any effort—explicitly or implicitly—to penalize childbearing and parenthood. We reject the notion that either motherhood or childlessness is or should be made to seem unfashionable. Instead, we seek a greater range of options. Women should be able to choose motherhood, some work, or other interests. Both men and women should be free to develop as individuals rather than to fit some sexual stereotype.

It would be desirable to end sex differentiation in school courses, to train guidance counselors to view students as individuals, to channel educational and vocational interests without regard to sex, and to revise school books to show men and women in attractive roles both outside and inside the home.

More and more women are entering the labor market; today 43 percent of all women are in the work force.

Women have experienced and continued to suffer discrimination in employment. Often, they are paid less than men for the same work, and are barred from certain job positions by protective laws. Generally, they have less chance for advancement even when they remain in the work force for extended periods of time. Minority women have suffered the greatest deprivation in the labor market. Black women are consistently the lowest paid of all workers and the most likely to live in poverty.

As we have learned in the struggle for equal rights for minorities, an end to legal discrimination does not guarantee equality. However, equal opportunity cannot begin until all legal barriers to equality have been abolished. Women in the United States occupy a separate and unequal status under the law. At common law women were afforded few rights. Our Constitution was drafted on the assumption that women did not exist as legal persons. The legal status of women has improved in the past century with the adoption of the Nineteenth Amendment, alteration of some common law rules, and passage of some positive legislation. But equal rights and responsibilities are still denied women in our legal system. We believe this should be remedied. The right to be free from governmental action that discriminates on the basis of race, color, or creed is written into our basic document of government. We believe the right to be free from discrimination based on sex should also be written into that document.

The Commission therefore recommends that the Congress and the state approve the proposed Equal Rights Amendment and the federal, state, and local governments undertake positive programs to ensure freedom from discrimination based on sex.

Tax policy and public expenditures

The costs to parents of bearing and raising children represent only a portion of the true costs of children. All citizens, regardless of whether or not they have children, pay for the public costs of children.

None of the tax policies or expenditure programs which benefit children was instituted with the expressed intention of encouraging childbearing.

Some programs have obviously benefited families with children, but there is no proof they have encouraged the birth of additional children. For instance, tax exemptions for children benefit parents; but the amount of the deduction is so small in contrast to the cost of child-rearing, that it is difficult to imagine that anyone would have additional children in order to secure additional exemptions.

Public assistance programs, especially aid to families with dependent children, are frequently cited as encouraging reproduction among the poor. This cannot be demonstrated except insofar as assistance payments make it possible for these families to be better fed and cared for, and thereby strengthen their reproductive capacities. For years, the argument has been that, because assistance payments are based upon the number of children in the family, welfare mothers have more children in order to increase their monthly payment. Welfare payments and standards vary widely. In November 1971, the average payment per family in New Jersey was $250; in Mississippi, it was $55. Neither is large enough to support a family of any size well. In addition, most state standards of need are set in such a manner that progressively less is paid for each child; and 20 states have set maximum payments for each family regardless of the number of children.

The welfare family is a half a child larger than the average United States family, despite the image of larger families. Between the year 1967 and 1969, when welfare payments were increasing, the average family size of welfare recipients was declining. In New York City where, according to the pronatalist view, steadily increasing payments and program utilization in the years 1959 to 1970 should have encouraged more births, the percentage of welfare mothers bearing children each year dropped from 18.9 percent in 1959, to 11.3 percent in 1970.

The type of program that offers direct financial rewards for limiting childbearing would almost certainly offer greater inducement to the poor.

Bonus payments would serve to discourage childbearing only among the relatively few who are poorest. Therefore, it would not affect our overall growth substantially, and would weigh unevenly upon decisions about childbearing in a manner we find unacceptable.

We cannot foresee any goal with a higher priority than insuring the welfare of future generations. We believe the public support of children, at least at the present level, is justifiable. In fact, some of the Commission's proposals would have the effect of increasing that support for reasons which we also believe are justifiable.

Human reproduction

Contemporary American couples are aiming to have an average of between two and three children. Given the fact of youthful marriage, far-from-perfect means of fertility control, and varying motivation, many of these couples will have children before they want them and a significant fraction will ultimately exceed the number they want.

Recent research has disclosed a substantial incidence of such unplanned pregnancies and unwanted births in the United States. According to estimates developed in the 1970 National Fertility Study conducted by the Office of Population Research at Princeton University, 44 percent of all births to currently married women during the five years between 1966 and 1970 were unplanned; 15 percent were reported by the parents as having never been wanted. In theory, this incidence of unwanted births implies that 2.65 million births occurring in that five-year period would never have occurred had the complete availability of perfect fertility control permitted couples to realize their preferences. And these estimates are all conservative.

Unwanted fertility is highest among those whose levels of education and income are lowest. For example, in 1970, women with no high-school education reported that 31 percent of their births in the preceding five years were unwanted at the time they were conceived; the figure for women college graduates was seven percent.

Not all unwanted births become unwanted children. Many, perhaps most, are eventually accepted and loved indistinguishably from earlier births that were deliberately planned. But many are not; and the costs to them, to their siblings and parents, and to society at large are considerable, though not easy to measure.

There are also health costs involved. As President Nixon observed:

> . . . involuntary childbearing often results in poor physical and emotional health for all members of the family. It is one of the factors which contributes to our distressingly high infant mortality, the unacceptable level of malnutrition . . .

There are many "costs" associated with unwanted fertility, not only financial, but health, social, psychological, and demographic costs as well.

The Commission believes that all Americans, regardless of age, marital status, or income should be able to avoid unwanted births. Major efforts should be made to enlarge and improve the opportunity for individuals to control their own fertility, aiming toward the development of a basic ethical principle that only wanted children are brought into the world.

Approximately 22 states prohibit the sale of all or some contraceptives, though allowing exceptions for doctors, pharmacists, or other licensed firms or individuals. Roughly 23 states prohibit commercial advertising of contraceptives, though most make exceptions for medical and pharmaceutical journals.

The same 23 states also condemn the display of contraceptives and of information about them, and at least 27 states, either expressly or inferentially prohibit the sale of contraceptives through vending machines.

One way or another, these laws inhibit family planning education, as well as family planning programs, and/or impinge on the ready availability of methods of contraception to the public. Whatever the original justification for these laws, their result is to prevent contraceptive information and supplies from being easily obtainable in general and, in some instances, to make them totally unobtainable.

Merely removing such laws will not automatically ensure freedom of access and choice. More is needed in the way of affirmative programs to distribute such information and supplies to all who may wish to use them. Nonetheless, it is desirable and important that laws not operate as impediments.

The Commission has recommended that: (1) states eliminate existing legal inhibitions and restrictions on access to contraceptive information, procedures, and supplies; and (2) states develop statutes affirming the desirability that all persons have ready and practicable access to contraceptive information, procedures, and supplies.

Fertility and health services

Prior to the second quarter of the 19th century, the law applicable to abortion in the American colonies, and in subsequently the expanding United States, was the Common Law of England. Under that law, women were free to have abortions before "quickening"—the first perception of fetal movement by the pregnant woman, which usually occurs between the 16th and 20th week.

In the second quarter of the 19th century, restrictive laws were enacted in 12 states. The only known contemporary authoritative texts explaining the reason for the enactment of these prohibitions of abortion before "quickening" relate to New York and New Jersey. Both point to the life and health of the pregnant woman as the sole objective in legislative view. Before the introduction of ether anesthesia (1846) and antisepsis (1867), any surgery was likely to cause death from shock or infection. Actually, at the time New York State adopted such restrictive laws in 1929, serious consideration was given to banning all surgical operations except when necessary for the preservation of life. Thus, in the drafting of such legislation, the concern of the lawmakers was medical rather than moral. It was in the latter half of the century that the sensationalism of Anthony Comstock inspired a moral fervor which resulted in moral considerations becoming the dominant element in highly stringent laws against abortion.

Currently, in 34 states, abortion is a crime except to preserve the life of the mother; 12 states have changed their abortion statutes consistent with the American Law Institute

Model Penal Code provision on abortion which prohibits abortion except in cases where the mother's life or her mental or physical health is in danger, or to prevent the birth of defective offspring, or in cases of rape or incest. In 1970, abortion laws in Alaska, Hawaii, and New York were liberalized by law and in the state of Washington by popular referendum.

At its 1972 meeting, the House of Delegates of the American Bar Association passed a Uniform Abortion Act, stating that abortion may be performed by a duly licensed physician upon request.

The Commission recognizes that abortion is a complex issue requiring a thoughtful balancing of moral, personal, and social values. As the Commission moves toward a population policy for the United States, our principal objective is the enrichment of life, not its restriction. We share with our fellow citizens an abiding concern for the sanctity of all human life. Thus, we appreciate the moral decisions involved in abortion, as well as the possible insensitivity to all human life implied in the practice of abortion. It is from this perspective that we have approached three moral issues concerning abortion which we believe to be of foremost importance.

The first issue relates to the fetus, both as to the termination of potential life and determining when that life actually begins. The second relates to bringing into the world an unwanted child, particularly when the child's prospects for a life of dignity and self-fulfillment are limited. Third, there is the question of the woman who in desperation seeks an abortion. Our society faces a difficult decision when the woman believes her well-being is threatened and she sees no other way out but an illegal abortion with all its attendant dangers.

The Commission believes that a wise and sound decision in regard to the abortion question requires a careful balancing of the moral problems relating to the woman and the child along with those concerning the fetus.

In the development of western culture, the tendency has been toward a greater protection of life. At the same time, there is a deep commitment in our moral tradition to individual freedom and social justice. The Commission believes that the various prohibitions against abortion throughout the United States stand as obstacles to the exercise of individual freedom: the freedom of women to make difficult moral choices based on their personal values, the freedom of women to control their own fertility, and finally, freedom from the burdens of unwanted childbearing. Restrictive statutes also violate social justice, for when abortion is prohibited, women resort to illegal abortions to prevent unwanted births. Thus, medically safe abortions have always been available to the wealthy, to those who could afford the high costs of physicians and trips abroad but the poor woman has been forced to risk her life and health with folk remedies and disreputable practitioners.

Abortion is not new; it has been an alternative to unwanted birth for large numbers of American women (estimates ranged from 200,000 to 1,200,000 illegal abortion per year in the United States). The Commission regards the issue of illegal abortion with great concern and supports measures to bring this medical procedure from the backrooms to the hospitals and clinics of this country. It is becoming increasingly clear that, where abortion is available on request, one result is a reduction in the number of illegal abortions. Deaths as a consequence of illegal abortion have dropped sharply in New York since the enactment of a liberal abortion statute.

The Commission affirms that contraception is the method of choice for preventing an unwanted birth. We believe that abortion should not be considered a substitute for birth control, but rather as one element in a comprehensive system of maternal and infant health care. For many, the very need for abortion is evidence of a social and personal failure in the provision and use of birth control.

The demographic context

In reviewing the abortion issue, one central concern has been an evaluation of the demographic impact of abortion. We appreciate the historic importance of placing recommendations on abortion in a demographic context.

At the present time, it is difficult to make accurate quantitative statements concerning the demographic impact of abortion. We are unable to estimate the effect on the birthrate of an unknown number of illegal abortions. There is little doubt, however, that legal and illegal abortions exert a downward influence on the United States birthrate. Support for this general conclusion is found in the preliminary data from New York and the experiences of some other nations with liberal abortion policies, notably Japan and the Eastern European countries.

However, caution must be exercised in generalizing from the experience of other countries to the impact of abortion on United States population growth. The United States differs from these other nations socially, politically, economically, and most importantly, in the level of contraceptive practice.

Only limited data on the demographic consequences of abortion are available from New York. Our best estimate of the probable impact if the entire country were to follow the New York law would be a decline of 1.5 per 1,000 in the birthrate in the first year after restrictions were removed.

Public opinion on abortion is changing, tending to grow more liberal. Some 15 to 20 percent more women in 1970 than in 1965 approve of abortion for various reasons. The public opinion survey conducted in 1971 for the Commission indicates that half of all Americans believe that abortion should be a matter decided solely between individuals and their physicians; an additional 41 percent would permit abortion under certain circumstances, and 6 percent flatly oppose abortions under any circumstances. Estimates of the current state of attitudes on abortion doubtless depend very much on the phrasing of the question and the interpretation of the respondent.

The abortion issue raises a great number of moral, legal, public health, and demographic concerns. Based on their personal views, individual members of the Commission have ranked these concerns differently.

A few members of the Commission are opposed to abortion, concluding that it should be prohibited except to save the life of the mother.

Some Commissioners approve of abortion only under the specific conditions set forth in the American Law Institute model abortion statute. Their concern is that abortion be available only on a limited basis and that it be considered as a last resort to protect life or health.

The majority of the Commission believes that women should be free to determine their own fertility, that the matter of abortion should be left to the conscience of the individual concerned, in consultation with her physician, and that states should be encouraged to enact affirmative statutes creating a clear and positive framework for the practice of abortion on request.

Therefore, with the admonition that abortion not be considered a primary means of fertility control, the Commission recommends that present state laws restricting abortion be liberalized along the lines of the New York State statute, such abortions to be performed on request by duly licensed physicians under conditions of medical safety.

In carrying out this policy, the Commission recommends:

That federal, state, and local governments make funds available to support abortion services in states with liberalized statutes.

That abortion be specifically included in comprehensive health insurance benefits, both public and private.

Although current knowledge, if applied systematically, could bring about considerable progress toward reducing unwanted fertility, the successful control of reproduction depends greatly on the availability of efficient methods for regulation of fertility.

The development of the pill and the intrauterine device represent major innovations in contraceptive technology, but they are far from perfect solutions to the problem of control of reproduction. We must have contraceptives and other methods of fertility control that are safe and free of adverse reactions.

Methods of fertility regulation remain limited because our knowledge of basic reproductive biology is inadequate. We do not fully understand what governs ovulation, how long an ovum can survive, what governs sperm production, how long sperm survive, what governs a menstrual cycle, or how long it lasts. Such knowledge is essential for the practice of "rhythm" as well as for effective chemical or mechanical contraception. Unwanted and accidental pregnancies are only one consequence of our ignorance. Many couples avoid pregnancy only through use of methods that are cumbersome and produce a great deal of anxiety. Others who desperately want children cannot conceive. A large number of married couples suffer from problems of infertility; the ability to help them is sorely limited by the same lack of information concerning basic reproductive processes that inhibit effective contraception.

This knowledge is also essential for improving the outcome of pregnancy. Today, many mothers suffer the risk of serious injury, ill health or even death in pregnancy and childbirth. And too many children are born with physical and mental handicaps. We spend billions in therapy, remedial treatment, custodial care, and repair of damage that might have been prevented by a more complete understanding of the factors governing reproduction.

The Commission recommends that this nation give the highest priority to research in reproductive biology and to the search for improved methods by which individuals can control their own fertility.

In order to carry out this research, the Commission recommends that the full $93 million authorized for this purpose in fiscal year 1973 be appropriated and allocated; that federal expenditures for these purposes rise to a minimum of $150 million by 1975; and that private organizations continue and expand their work in this field.

Most Americans secure their health services through private physicians. Yet studies show that most physicians do not perceive it to be their function to actively provide fertility control services.

Very few current private or public health financing mechanisms pay for such items as office visits, drugs, and laboratory tests—the principal elements of contraceptive services.

With our growing recognition of the vital importance of adequate prenatal and infant care, it is regrettable that only a fraction of the costs of these services are defrayed by health financing mechanisms. Future generations of Americans should be born wanted by their parents, brought into the world with the best skills that modern medicine can offer, and provided with the love and care necessary for a healthy and productive life.

The Commission recommends a national policy and voluntary program to reduce unwanted fertility, to improve the outcome of pregnancy, and to improve the health of children.

In order to carry out such a program, public and private health financing mechanisms should begin paying the full cost of all health services related to fertility, including prenatal, delivery, and postpartum services; pediatric care for the first year of life; voluntary sterilization; safe terminations of unwanted pregnancy; and medical treatment of infertility.

Estimates have been made of the costs to American society of such a program. At current fees and institutional charges, the entire gamut of services for all who would require them, regardless of age, marital status, or income, is estimated to cost from $6.7 to $8.1 billion annually in the next five years. More than 70 percent of this cost would cover maternity and pediatric care, while the balance constitutes the total cost of voluntary fertility control. Individuals, public and private third-party mechanisms, and public health programs already finance all but about $1 billion of this total cost. But many persons do not receive all or some of these critical fertility-related health services as a result of inadequate insurance coverage, lack of income, differential access to medical resources, and inadequate public and private programs.

Total United States health expenditures in fiscal year 1971 are estimated at $75 billion, and our gross national product at more than $1 trillion. The cost to our society of paying for all necessary modern medical care related to the bearing of healthy wanted children thus would constitute nine percent of our national health bill, and less than 0.7 percent of GNP. On a per capita basis, the total annual cost of such a comprehensive program would be $32 to $34. In fiscal year 1970, per capita health expenditures of all types totaled $358.

These estimates do not, in fact, represent a true "cost" to our society. The expenditure of these sums for adequate fertility-related medical care would, in all probability, be more than offset by the benefits to individuals and society of the delivery of healthy children and the prevention of unwanted pregnancies.

The achievement of such a financing concept would go a long way toward making services available. However, it would not, by itself, remedy the present inequities in the distribution of medical services. It would not create physicians in communities which presently have none or too few, nor build adequate health facilities to replace obsolete ones. It would not guarantee the availability of the necessary trained manpower, nor provide the means whereby individuals would receive the full range of information necessary for them to choose wisely the services which best fit their needs.

We therefore recommend:

Creation of programs to (1) train doctors, nurses, and paraprofessionals, including indigenous personnel, in the provision of all fertility-related health services; (2) develop new patterns for the utilization of professional and paraprofessional personnel; and (3) evaluate improved methods of organizing the delivery of these services.

Until the time that private and public health mechanisms have been altered to include adequate coverage and provision of fertility-related services, the present federal programs that provide family planning services and maternal and child care must be continued and expanded.

The five-year plan for family planning services projects the total fiscal requirements over the next five years at between $392 and $434 million. While state and local governments and private philanthropy can and should increase their commitment to this national effort, most experts agree that by 1975, not more than $50 million can be supplied from these sources. The bulk of family planning funds must come from the federal government.

Present specific statutory authorizations for family planning services are not sufficient to meet the level of funding required. Medicaid cannot be expected to provide much assistance.

The Commission therefore recommends:

(1) new legislation extending the current family planning project grant program for five years beyond fiscal year 1973 and providing additional authorizations to reach a federal funding level of $225 million in fiscal year 1973, $275 million in fiscal year 1974, $325 million in fiscal year 1975, and $400 million thereafter; (2) extension of the family planning agent authority of Title V of the Social Security Act beyond 1972, and maintenance of the current level of funding of approximately $30 million annually; and (3) maintenance of the Title II OEO program at current levels of authorization.

Services for Teenagers

As a society, we have been reluctant to acknowledge that there is a considerable amount of sexual activity among unmarried young people. A recent national study, conducted by Johns Hopkins University, disclosed that over 40 percent of unmarried girls 15–19 years old reported having had sexual relations. The study further reveals that girls have a considerable acquaintance with contraceptive methods; over 95 percent of all girls 15 to 19, for example, know about the pill. Contraceptive practice, however, contrasts sharply with this picture. Although many young women who have had intercourse have used a contraceptive at some time, this age group is characterized by a great deal of "chance taking." The majority of these young women have either never used or, at best, have sometimes used the birth control methods.

Adolescent pregnancy offers a generally bleak picture of serious physical, psychological, and social implications for the teenager and the child. Pregnancy is the number one cause for school drop-out among females in the United States. The psychological effects of adolescent pregnancy are indicated by the frequency of suicide attempts among teenage mothers. A recent study estimates that teenage mothers have a suicide attempt rate 10 times that of the general population.

The Commission is not addressing the moral questions involved in teenage sexual behavior. However, we are concerned with the complex issue of teenage pregnancy. Therefore, the Commission believes that young people must be given access to contraceptive information and services.

Toward the goal of reducing unwanted pregnancies and child-bearing among the young, the Commission recommends that birth control information and services be made available to teenagers in appropriate facilities sensitive to their needs and concerns.

The Commission recognizes that the availability of contraceptive services alone is insufficient. It has recently been reported that among teenagers, the single most important reason given for not using contraceptives was the belief that, for various reasons, they could not become pregnant. Our survey reveals that nearly two-thirds of citizens are in favor of high schools offering information on ways to avoid pregnancy.

The Commission therefore recommends the development and implementation of an adequately financed program to develop appropriate family planning materials, to conduct training courses for teachers and school administrators, and to assist states and local communities in integrating information about family planning into school courses such as hygiene and sex education.

THE EEOC BILL

Mr. JAVITS. Mr. President, the final approval of the conference report on the bill to give the Equal Employment Opportunity Commission power to enforce the equal employment guarantees of title VII of the Civil Rights Act of 1964 marks a significant gain for the cause of civil rights in the United States. Approval of the conference report climaxed one of the most grueling fights in the Senate in recent years. I think all of us who are interested in the enactment of this legislation owe the distinguished Senator from New Jersey (Mr. Williams), who serve as the chairman of the Committee on Labor and Public Welfare, and its Labor Subcommittee, of which I am ranking minority member, a debt of gratitude for the wisdom and stamina he displayed during the 5 weeks the EEOC bill was on the Senate floor.

Mr. President, an article published in the Newark, N.J., Sunday Star-Ledger of March 12, 1972, discusses Senator Williams' role in managing the EEOC bill to its successful conclusion. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Williams' Job Discrimination Measure Draws Praise

(By Joseph Carragher)

Washington.—Civil rights leaders and liberals are hailing congressional approval of a measure designed to end job bias for 15 million more Americans despite the last-minute adoption of court enforcement powers.

The battle for job equality was spearheaded by Sen. Harrison A. Williams Jr. (D–N.J.) and took five weary weeks of filibuster—by a record 38 roll call votes—before the Senate gave the Equal Employment Opportunity Commission the legal clout to end job discrimination.

The Southern filibuster was broken when Republicans, led by Sen. Peter Dominick (R–Colo.), supplied the necessary votes, providing that the court procedure be substituted for Williams' original "cease and desist" method.

This move was viewed as a victory for the Nixon Administration which vigorously opposed "cease and desist."

But, in the final analysis, Williams, chairman of the Labor and Public Welfare Committee said even with court enforcement it makes a "dramatic change."

"We've gone from no enforcement powers to enforcement powers for the first time," he said.

The new bill gives the EEOC the power to take an employer to court. It puts the resources of a potent government agency behind an individual.

Williams said he is convinced that court enforcement, while perhaps slower and more cumbersome than cease and desist, will produce the same results—equality.

The bonus from Williams' standpoint is the broadened EEOC coverage to smaller plants and unions and more importantly to state and local governments as well as to the nation's private and public educational system.

He estimated that 10 million state and local government employes would be covered as well as five million in smaller businesses and unions.

EEOC was created under the 1964 Civil Rights Act but was limited to working out findings of discrimination by negotiations.

"That process, in operation, failed to get the job done," said Williams.

"In less than half of the instances where the commission made a finding of discrimination were the negotiations to resolve the problem successful," said the senator.

Williams explained that the individual could file suit himself but most who are discriminated against are those least able to afford the financial burden of a private law suit.

While most people think almost solely in terms of blacks when discrimination is discussed, Williams said the bill will help all minority groups and will be of major importance in eradicating discrimination against women.

The legislation still has a few hurdles to clear but no problems are expected enroute to final passage and law.

Because the House and Senate passed different versions, the bill had to go to a joint conference committee.

The Senate last week approved the House-Senate Conference report, which kept the expanded coverage intact.

Once the House acts favorably, the measure will be sent to the White House.

Signing of the measure will be the end of the trial for the legislation, which involved many hearings and research, that established a number of historic firsts.

For the first time, a civil rights bill was reported unanimously out of the Labor and Public Welfare Committee and for the first time, cloture was invoked on behalf of a bill coming out of that committee.

Fifty-three senators signed the final, successful cloture petition—a record for a civil rights bill—and 73 senators voted in behalf of cloture—another civil rights record.

But that doesn't mean it was easy, according to Williams.

That filibuster meant that Williams had to spend five solid weeks fighting off attempts to weaken the bill on the floor.

He had to marshal the support necessary to beat off the weakening attempts as well as the support required for cloture.

Williams did have strong backing, particularly from Sen. Jacob K. Javits (R-N.Y.) a co-sponsor and the ranking Republican member of the Labor and Public Welfare Committee.

Some of the comments by his Senate colleagues after final passage may serve to give an indication of Williams' performance.

"The fruit of his (Williams) efforts is a piece of civil rights legislation which is critical to our total effort to end discrimination," said Sen. Alan Cranston (D-Calif.)

Said Javits:

"The senator from New Jersey has given every fiber of his being to work which was involved and I think the entire country will appreciate that as the days go by."

NUCLEAR FISSION POWERPLANTS

Mr. WILLIAMS. Mr. President, the dialog about nuclear fission as a power source is growing daily. Since New Jersey is a very populous State with a rapidly rising need for power, this dialog is of direct interest to New Jerseyans, and they are becoming increasingly concerned about the possible risks inherent in the use of fission power. Since their concern is shared by citizens throughout the United States, I should like to present the following view to all those who are interested in this issue.

Mr. President, I ask unanimous consent to have printed in the RECORD for the benefit of the many readers of the RECORD, an article entitled "Do Nuclear Plants Make Deadly Neighbors," written by Dr. Barry Commoner, which appeared in the February 1972 issue of Today's Health, published by the American Medical Association.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DO NUCLEAR PLANTS MAKE DEADLY NEIGHBORS?

(By Barry Commoner, Ph. D.)

The once-bright promise of unlimited power from nuclear energy has been dimmed by growing fears of environmental damage and radiation-caused disease. In an excerpt from his new book, The Closing Circle, Dr. Barry Commoner, renowned ecologist and educator at Washington University, St. Louis, warns that "our capability to intrude on the environment far outstrips our knowledge of the consequences."

A sudden cloudburst drenched the city of Troy, New York April 26, 1953. As the rain fell, physicists in nearby university laboratories noticed a sudden surge on their instruments which measured "background" radiation.

They soon discovered that the rain was highly radioactive and surmised that radioactive debris—fallout—from nuclear tests in Nevada had been carried by winds across the country and brought to earth by the heavy rain. Some of the physicists warned their wives to bring the children inside; but they made no public report, for they were anxious not to violate rules of secrecy concerning U.S. atomic tests.

However, scientists have a strong tendency to communicate among themselves, and soon physicists in laboratories throughout the United States were privately testing the radioactivity in rainfall and in dust wiped off their cars. It was everywhere: air, rain, soil, food and water were contaminated by the radioactivity from nuclear explosions. Despite official secrecy, atomic energy had made its environmental debut.

The Atomic Energy Commission (AEC) had been created in 1946 to take charge of a massive U.S. program to develop the military, scientific and industrial potential of atomic and nuclear energy. By 1951, the United States had exploded 16 test bombs and the Soviet Union, 13. The following year Great Britain joined in with its first test.

These explosions took place in remote, uninhabited areas of the world and their results were blanketed in military secrecy. The AEC normally issued only a terse announcement that a test had taken place, that a bomb's radiation had been confined to a local area, and in any case was "harmless" to the public. Public discussion of the nuclear arms race was muzzled by Cold War hysteria and McCarthyism. But nature broke through these barriers.

All atomic radiation is destructive to living things, and many biologists regarded fallout as a potential hazard to everything alive. But, as the AEC was quick to point out, the fallout radiation reaching a person from the air, dust, or soil was low—not much higher than the intensity of radiation naturally emanated in the external environment from radium in rocks and by cosmic rays from outer space. And much of it was incapable of penetrating very deeply into the body. The hazard of such radiation, from outside the body, was slight—or so it seemed.

Then a new fallout term turned up in private conversations among scientists—strontium 90. My own experience is probably typical of most nonphysicists who had no professional interest in environmental radioactivity. I recall several cryptic remarks by physicist friends that radioactive strontium—strontium 90—had been detected in fallout. More meaningful was the worried look that accompanied the information; for some reason, which was never stated, strontium 90 appeared to be a particularly dangerous form of radioactivity.

As it happens, strontium, a natural, harmless element, and its radioactive isotope, strontium 90, both move through the environment in concert with calcium, a chemically similar element. And calcium is avidly withdrawn from the soil by plants, becoming incorporated into food and then taken up in the human body. Once fallout appeared on the earth, inevitably strontium 90 would accompany calcium as it moved through the food chain, ultimately becoming concentrated, along with calcium, in vegetables, in milk, in the bones of people.

Radiation from strontium 90 cannot penetrate through more than a small fraction of an inch of living tissue. However, once it is incorporated into the body, the isotope becomes closely packed around the living cells of the bone. These cells then lie within easy reach of strontium 90 radiation, and the risk to them—for example, from cancer—becomes enormously more severe than the risk from the same amount of strontium 90 outside the body. Suddenly, many of us in the scientific community began to worry about the fallout, and by the end of 1953 this concern broke through the screen of secrecy, and the fallout problem became public. Then a serious accident during an AEC test in the Pacific Ocean in March 1954 helped to dramatize the fallout problem—the unexpected exposure to fallout of the crew of the Japanese fishing boat *The Lucky Dragon*. A number of sailors suffered serious radiation sickness; several later died of it.

No one had *intended* to poison the earth with radioactivity or to threaten the health of human beings. But now, for the first time in the history of man, children grew up with strontium 90 built into their bones and iodine 131 imbedded in their thyroid glands.

What linked the secret, supposedly isolated, nuclear explosions to the children was the environment. Winds carried fallout debris from the test site across the face of the globe; rain and snow brought it to earth; the growth of grass and food crops drew it from the soil; foods carried fallout radioactivity into children's bodies; natural biological processes in their bones and glands intensely concentrated the radioactive elements and amplified the risk to the children's health.

The nuclear tests revealed how little we knew about the environmental network. When the test program began, it was assumed that fallout driven into the stratosphere by the force of a nuclear explosion would remain there for years, allowing time for much of the initial radioactivity to decay harmlessly. Only later was it learned that there are currents in the stratosphere that carry fallout to the earth in a matter of months and which, rather than allowing it to spread evenly over the globe, dump most of it in the North Temperate Zone. About 80 percent of the world's people live there.

We also learned, from fallout, how little was known about the risks incurred by large populations exposed to radiation or toxic substances. Before the advent of nuclear energy, medical experience with the internal effects of radiation was very limited.

Standards of radiation exposure were set on the assumption that, at some minimal level, the body would experience no harm at all from radiation, and the AEC used these standards in order to support their claim that fallout was "harmless" to the population as a whole. Finally, experiments showed that *every* exposure to radiation, however small, carries with it *some* risk, in the form of genetic damage or cancer; that there is no absolutely "harmless" exposure to radiation. So that in the end, despite its complex scientific features, the problem of exposure to radiation becomes not a scientific matter, but one of public morality. For no one can say, on scientific grounds, how many children ought to risk thyroid cancer or genetic defects from fallout for the sake of developing a new nuclear weapon, which itself is only a step toward world catastrophe.

Fallout made its political debut in the 1956 U.S. presidential campaign of Adlai E. Stevenson. Mr. Stevenson lost the election, but his defeat convinced many scientists of the vital need to get the facts about nuclear weapons to the public.

In 1963, much to the surprise of political observers, the United States Senate overwhelmingly confirmed the United States-USSR Limited Nuclear Test Ban Treaty ending the testing of nuclear weapons in the atmosphere by the two great nuclear powers. This unexpected event was a tribute to the political effectiveness of the scientists' campaign to inform the public of the facts about fallout.

It was only a small victory, for U.S. and Soviet nuclear tests continue in underground vaults, and China and France, which are not bound by the treaty, continue atmospheric testing. But although the Nuclear Test Ban Treaty has failed to stop the nuclear arms race, it has had two important results. The first, and most important, result is that it has saved lives.

The human cost of fallout is not exactly known. What is known, and widely acknowledged, is that a number of serious hazards to human health—cancer, genetic defeats, general life-shortening—are instigated by radiation. A good part of the natural incidence of cancer and genetic defects, world-wide must be due to the "natural" (i.e., pre-fallout) level of radiation from radioactive rocks and cosmic rays. From a comparison of the natural rate of radiation-induced genetic defects with the rate of defects following the extra radiation due to fallout, it can be estimated that fallout had probably caused about 5,000 defective births in the U.S. population and about 86,000 in the world population up to 1963. The United Nations Scientific Committee on the Effects of Atomic Radiation has made a similar estimate: between 2,500 and 100,000 serious genetic defects, world-wide, due to tests up to 1958. On the other hand, Dr. Ernest Sternglass estimates that fallout may be responsible for 400,000 infant and fetal deaths in the United States alone. Dr. Arthur R. Tamplin of the AEC's Livermore (California) Laboratory believes that a better estimate of the number of such deaths due to fallout is 4,000. Obviously the exact estimate of the human cost of fallout radiation is a matter of dispute. But the crucial scientific fact, which none of the contending parties now denies, is that fallout has exacted *some* cost in human disease and death.

The second important result of the treaty is that it established that nuclear weaponry is a *scientific* failure. We now know that nuclear weapons are, in fact, incapable of defending the nation: regardless of the outcome of a nuclear war between the two major powers, neither society would survive the holocaust. It is now widely recognized that the failure of nuclear "defense" lies in the ecological disasters that it would surely set off.

In April 1964, Dr. Gerald W. Johnson, associate director of the Plowshare program (an AEC program to use nuclear explosions for peacetime purposes) was asked: "Has Project Plowshare ever done anything of practical benefit to us?"

His reply: "The answer is no."

Today the answer is still no. Plowshare has been a $138 million exercise in futility. It has foundered in the environment.

The only peacetime use of nuclear energy which is now *operational* is the generation of electric power. Like every other nuclear activity in the United States, this is under the aegis of the AEC. In its enabling legislation, the AEC is charged with promoting the domestic use of nuclear energy. It also sets the safety standards for the construction and operation of nuclear plants, grants the necessary licenses and checks for violations. With this unprecedented range of administrative powers concentrated in a single agency, along with the AEC's overriding importance in the national military program and its essentially unhindered access to funds, the nuclear power industry has grown rapidly from its inception.

The first full-scale nuclear power plant in the United States went into operation in 1957. By 1965 there were 11 operating plants. In 1970 14 plants were in operation, and 78 more were under construction or in preparation. By 1975 84 plants are expected to be in operation. Although nuclear plants now account for only one percent of the nation's total electric output, this figure is expected to rise to 37 percent by 1980 and to more than 50 percent by 2000.

In the light of these statistics, the nuclear power industry in the United States would appear to be a spectacular success story. However, in 1970 a new subject dominated the industry's annual meeting: ecology. For the first time, the industry had been forced publicly to face the environmental consequences of its operation. And the outlook was not very bright.

Unlike fossil-fuel power plants, nuclear power plants do not produce chemical pollutants such as sulfur dioxide or dust. However they do produce radioactive pollutants. The AEC claims that this is no cause for public concern because nuclear plants release radioactive materials into the environment in amounts which are well below AEC safety standards. Nevertheless, in recent years public concern has been sufficiently intense to delay, and in some cases block, the construction of several projected power plants.

In 1963—the year of the limited Nuclear Test Ban Treaty—the AEC decided to establish a research group to "plan and conduct studies of environmental contamination due to release of radioactivity from nuclear detonations for peaceful or military purposes." Dr. John W. Gofman, professor of medical physics at the University of California (which operates the Livermore Laboratory of the AEC), was chosen to direct the program. Since 1963 Dr. Gofman, in collaboration with Dr. Tamplin, has produced a long series of reports on radioactive contamination of the environment. A chief outcome of this work is their proposal that the AEC radiation standards be reduced to 1/10 their present level—a proposal which was then intensely opposed by the AEC and the nuclear power industry.

Some sense of the scope of this controversy can be gained from the following: Drs. Gofman and Tamplin concluded that if the radiation dosage "acceptable" under AEC standards were in fact received by the total United States population, the result would be 32,000 extra deaths each year from cancer and leukemia. In rebuttal, the late Dr. Theos J. Thompson, an AEC commissioner, asserted that radiation exposure to the general population due to the actual operation of the nuclear power industry is less than 1/17,000 of the exposure permitted by the AEC standard. On the other hand, Dr. K. Z. Morgan of the AEC's Oak Ridge National Laboratory has calculated that extra deaths annually due to all types of radiation-induced disease resulting from present nuclear industry operations are about one-half percent of the deaths expected from exposure at the acceptable standard. This would leave little room for complacency, for the expected expansion of the nuclear power industry might well take radiation exposures beyond even the present "acceptable" standard by the year 2000, which itself might be reduced as well.

In 1971, after strongly resisting proposals for more stringent reactor emission standards, the AEC gave in to a degree by proposing an appreciable reduction in permissible radioactive release. However, in taking this action, the AEC gave no explanation for its earlier opposition to more rigorous standards or for its continued opposition to the Gofman-Tamplin proposal. Until these discrepancies are cleared up, the controversy over the environmental effects of nuclear power plants will continue. Yet on the outcome of this controversy hangs the entire future of the nuclear power industry.

On one hand, the industry is pressed to construct new power plants as soon as possible; on the other, it faces the need to choose between nuclear generators and conventional ones. The hope that the bonanza of nuclear power would enable the nation to expand power generation without restraint has suddenly been shattered against the same barrier which nuclear technology has confronted—the environment.

Our experience with nuclear power warns us that our capability to intrude on the environment far outstrips our knowledge of the consequences. It tells us that every environmental incursion, whatever its benefits, has a cost—which may be survival.

Yet this same experience with the first 25 years of the nuclear age has a more hopeful message: seen in its true, environmental context, the power of nuclear technology is subject less to the control of the technologist than to the governance of the public will.

NORTHERN NEW ENGLAND AIR SERVICE—A CREDIBILITY GAP

Mr. COTTON. Mr. President, over the past several months the Civil Aeronautics Board has had under consideration two matters which will have a significant impact upon the level of air service to northern New England or, more appropriately, the lack of such air service. The first is the matter of the Delta Air Lines, Inc.-Northeast Airlines, Inc. merger—Docket No. 23315; the second, the New England Service Investigation—docket No. 22973.

Throughout the deliberations of these two matters before the CAB, I and other equally concerned Members of the Congress have repeatedly sought to obtain a firm commitment from Delta Air Lines, as the surviving carrier in the proposed merger, as to its intention concerning service to northern New England, most particularly the States of New Hampshire and Vermont. As a matter of fact, a third forum was provided for this purpose by hearings held at my request in Lebanon and Durham, N.H., by the Aviation Subcommittee of our Committee on Commerce in September of last year. I personally know of no occasion at which Delta Air Lines has come forward forthrightly and said what it would or would not do with respect to air service to our region. Rather, it has consistently taken such ambivalent and ambiguous positions as to "abide by whatever terms and conditions the Board may see fit to impose upon any certificate awarded to Delta." Quite frankly, I find a "credibility gap," if not a "credibility chasm," as far as Delta is concerned with respect to future air service to the northern New England area.

Nevertheless, Mr. President, the handwriting now is clearly upon the wall as a result of an article published in Commuter Airline World of January 1972, reporting on a luncheon at which Delta Air Lines was host to New England commuter air carriers, and a filing by Delta on March 14 for a new or amended certificate of public convenience and necessity. Delta is clearly out to "dump" certificated air carrier service from a number of points in northern New England. As a matter of fact, in a motion of March 21 filed with the CAB, Eastern alleges that Delta proposes "to abandon its postmerger responsibility to serve 18 of 26 New England area cities currently certificated to Northeast Airlines." In view of this, by letter of March 20 to Mr. Tom Beebe, chairman of the board and chief executive officer of Delta Air Lines, I have requested confirmation of such apparent intentions. At the same time, I have written to the Chairman of the CAB, the Honorable Secor Browne, requesting:

That action on the *Delta-Northeast Merger Case* (Docket No. 23315) be deferred pending clarification of Delta's intentions as the surviving carrier in the merger with respect to service for the northern New England area.

Mr. President, this is a most serious situation for States such as New Hampshire and Vermont. Except for trucks and buses, we have little reliable surface transportation. Adequate air service is our only remaining viable alternative for transportation necessary for the economic growth of our area. I, therefore, call upon all of those "bleeding hearts" at the Civil Aeronautics Board who for years have given us in northern New England lipservice and platitudes to act affirmatively for a change to insure that we are not once again "sold down the river" in the interest of expediency and economics. We need adequate air service to survive and to grow. We must have it, and I for one, on behalf of my constituency, am prepared to break out the "battle flag" to do everything in my power to see that we do get adequate air service.

Mr. President, I ask unanimous consent to have printed in the RECORD my letters of March 20 to Mr. Beebe and Chairman Browne, respectively, and a news release which I issued concerning this correspondence. I also ask unanimous consent that there be printed in the RECORD the March 14 motion filed by Delta Air Lines with the CAB; the motion filed by Eastern Air Lines in the pending merger case—docket No. 23315; and Delta's answer to that motion.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

MARCH 20, 1972.

Hon. SECOR D. BROWNE,
Chairman, Civil Aeronautics Board, Universal Building, Washington, D.C.

DEAR MR. CHAIRMAN: Enclosed is a copy of a letter which I have today sent to Mr. Tom Beebe, Chairman of the Board and Chief Executive Officer of Delta Air Lines, which I believe is self-explanatory.

I request that a copy of this letter be made available to each Member of the Civil Aeronautics Board and to all interested parties.

Thank you. With best wishes,

Sincerely,

NORRIS COTTON,
U.S. Senator.

MARCH 20, 1972.

Mr. TOM BEEBE,
Chairman of the Board and Chief Executive Officer, Delta Air Lines, Atlanta Airport, Atlanta, Ga.

DEAR MR. BEEBE: I recently had occasion to read an article appearing in *Commuter Airline World* of January 1972 reporting on a luncheon hosted by Delta Air Lines for New England commuter air carriers.

The article included a summary of what Delta told the New England commuter air carriers, noting in part the following:

(1) That Delta Air Lines favors certification for commuter air carriers;

(2) That "Delta is not interested in the Boston-La Guardia markets except as part of through service.";

(3) That "Delta is not eligible for subsidy in New England and will not inaugurate Allegheny Commuter-type arrangements in the area.";

(4) That "Delta does not intend to maintain the New England Northeast routes indefinitely and will conduct operations to provide the best return for its stockholders."; and

(5) That "Following the merger, Delta will eliminate F-227's as soon as possible and will require 6,000 foot runways for its DC-9's—the smallest aircraft it will operate."

If this report is accurate, then, when read in conjunction with your filing with the Civil Aeronautics Board of March 14th, my worst fears are about to be realized. I can only assume that if the merger between Delta Air Lines and Northeast Airlines is approved, it is the intention of Delta, as the surviving carrier, to sharply curtail service to such northern New England States as New Hampshire and Vermont. Accordingly, I would appreciate receiving from you at your earliest possible convenience a verification as to (1) whether the report as set forth in the publication, *Commuter Airline World*, noted above, is accurate, and (2) whether my interpretation of Delta's underlying intention in its March 14th filing with the Civil Aeronautics Board coupled with the report in *Commuter Airline World* does, in fact, portend a drastic curtailment of certificated air service to the northern New England area, especially with respect to north-south service to and from Boston and New York.

Your timely response to this inquiry will be greatly appreciated. Meanwhile, by copy of this letter to the Civil Aeronautics Board, I am requesting that action on the *Delta-Northeast Merger Case* (Docket No. 23315) be deferred pending clarification of Delta's intentions as the surviving carrier in the merger with respect to service for the northern New England area.

With best wishes.

Sincerely,

NORRIS COTTON,
U.S. Senator.

FROM THE OFFICE OF U.S. SENATOR NORRIS COTTON

WASHINGTON, D.C., March 20.—"My worst fears are about to be realized," said Senator Norris Cotton (R.-N.H.) today concerning the merger now pending before the Civil Aeronautics Board between Delta Air Lines and Northeast Airlines.

"Based upon a report on a luncheon in January hosted by Delta Air Lines for the New England commuter air carriers, and a March 14th filing by Delta with the CAB," said Cotton, "I can only assume that if the merger is approved, then it is the intention of Delta, as the surviving carrier, to sharply curtail service to such northern New England States as New Hampshire and Vermont."

"As a matter of fact," continued Cotton, "except for Manchester-Concord, New Hampshire and Burlington, Vermont, Delta's March 14th filing indicates an intention to provide no north-south service whatsoever in New Hampshire and Vermont."

"I can only speculate," said the ranking Republican of the Senate Commerce Committee, "that Delta is preparing to throw the last shovelful of dirt on the coffin of certificated air service to our northern New England area."

"For this reason," said the senior New Hampshire Senator, "I have today sent a letter to Mr. Tom Beebe, Chairman of the Board of Delta Air Lines seeking clarification of the intentions of Delta with respect to air service to our area and at the same time, I have requested the Civil Aeronautics Board to hold action on the merger in abeyance pending such clarification. We in northern New England have a right to know what Delta intends to do either for us or to us before this merger is approved, and Delta should be made to do so on the record without any more of its evasiveness!"

"Otherwise," concluded Cotton, "I fully intend to solicit the support of all equally-concerned Members of the Congress from northern New England to do everything in our power to prevent this merger until this is done. I do not think we in northern New England deserve to be sold another 'bill-of-goods'!"

[Before the Civil Aeronautics Board, Washington, D.C.]

APPLICATION OF DELTA AIR LINES, INC.

Application of Delta Air Lines, Inc., for a new or amended certificate of public convenience and necessity.

Comes now Delta Air Lines, Inc. ("Delta") and, on the assumption that Northeast Airlines, Inc. ("Northeast") will merge into Delta, files this Application for amendment of a certificate of public convenience and necessity now held by Northeast pursuant to Section 401 of the Federal Aviation Act of 1958, as amended, and the applicable rules and regulations of the Civil Aeronautics Board.

I

Delta is a corporation organized and existing under and pursuant to the laws of the State of Delaware. Delta's general offices are located at the Hartsfield Atlanta International Airport, Atlanta, Georgia 30320.

II

Delta is a citizen of the United States, as defined by Section 101(13) of the Federal Aviation Act. Delta has determined by reasonable investigation that its President, all of its directors, and all of its managing officers are citizens of the United States and that at least 75% of its voting interest is owned or controlled by persons who are citizens of the United States or one of its possessions. Delta is prepared to furnish at the hearing on this application such evidence, by affidavit or otherwise, as will satisfactorily prove the facts set forth above.

III

Delta holds permanent certificates of public convenience and necessity authorizing it to engage in scheduled air transportation of persons, property and mail on domestic Routes 8, 24 and 54 and international Route 114. Northeast presently holds similar certificates on domestic Route 27 and international Routes 27F, 154, 158, and 167, and presumably such certificates will be transferred to Delta upon consummation of the merger.

IV

Delta hereby makes application to amend and realign Route 27 so that Delta shall be permanently authorized to engage in scheduled air transportation of persons, property, and mail, over the following route:

1. Between the coterminal points Miami and Ft. Lauderdale, Fla., intermediate points Tampa, St. Petersburg-Clearwater and Jacksonville, Fla., Washington, D.C., Baltimore, Md., Philadelphia, Pa., New York, N.Y.-Newark, N.J., Hartford, Conn.-Springfield, Mass., Worcester and Boston, Mass., and Manchester-Concord, N.H., and (a) beyond Manchester-Concord, the intermediate points Portland and Bangor, Me., and the terminal point Presque Isle-Houlton, Me., and (b) beyond Manchester-Concord, the terminal point Burlington, Vt.;

2. Between the terminal point Presque Isle-Houlton, Me., the intermediate points Bangor and Portland, Me., Manchester-Concord, N.H., Lebanon, N.H.-White River Junction, Vt., Burlington, Vt., Cleveland, Ohio, Detroit, Mich., and the terminal point Chicago, Ill.;

3. Between the terminal point Miami-Ft. Lauderdale, Fla., and the terminal point Los Angeles-Ontario-Long Beach, Calif.

The service herein authorized is subject to the following terms, conditions, and limitations:

(1) The holder shall render service to and from each of the points named herein, except as temporary suspensions of service may be authorized by the Board; and may begin or terminate, or begin and terminate, trips at points short of terminal points.

(2) The holder may continue to serve regularly any point named herein through the airport last regularly used by the holder to serve such point prior to the effective date of this certificate, and may continue to maintain regularly scheduled nonstop service between any two points not consecutively named herein if nonstop service was regularly scheduled by the holder between such points prior to the effective date of this certificate. Upon compliance with such procedures relating thereto as may be prescribed by the Board, the holder may, in addition to the service herein above expressly prescribed, regularly serve a point named herein through any airport convenient thereto, and render scheduled nonstop service between any two points not consecutively named herein between which service is authorized hereby.

(3) The holder shall serve Hartford, Conn., and Springfield, Mass., only on flights originating or terminating at Manchester-Concord, or a point north thereof, or originating or terminating at Philadelphia, Pa., or a point south thereof.

(4) The holder shall not engage in air transportation with respect to persons and property between Ft. Lauderdale and Miami, Fla.

(5) Presque Isle-Houlton, Me., and Manchester-Concord, N.H., shall each be served through a single airport.

(6) All flights serving Cleveland, Ohio, or points west of Cleveland shall serve at least one of the following points: Presque Isle, Bangor, and Portland, Me., Manchester-Concord, N.H., Lebanon, N.H.-White River Junction, Vt., or Burlington, Vt.

(7) No single-plane service shall be operated between Boston, Mass., or Hartford, Conn.-Springfield, Mass., on the one hand, and Cleveland, Ohio or points west of Cleveland on the other hand.

(8) The holder shall not engage in single-plane air transportation between Hartford, Conn.-Springfield, Mass. and Worcester, Mass.

(9) Flights between Hartford, Conn.-Springfield, Mass. and Manchester-Concord, N.H., Presque Isle, Bangor, and Portland, Me., must serve Boston as an intermediate stop.

V

A map drawn approximately to scale, showing terminal and intermediate points which will be served, giving the approximate mileages between adjacent points and principal overall distances will be made a part of Delta's Exhibits submitted at the hearing upon this application.

VI

Delta has been engaged as an air carrier in scheduled air transportation for a period of approximately thirty years, and is fit and willing and able to perform the air transportation for which the application is made.

VII

The type of aircraft which Delta proposes to use in the service applied for hereunder will be such aircraft as may be deemed appropriate at the time service is inaugurated. Delta presently owns Convair-880's; both standard and so-called "stretched" DC-8 and DC-9 aircraft; Boeing-747 aircraft; and Lockheed's L-100 all-cargo aircraft. In addition, Delta has Lockheed L-1011 and DC-10 aircraft on order. Upon the consummation of the merger, Delta will acquire Northeast's aircraft, which include DC-9, Boeing 727, and FH-227 aircraft.

Wherefore, Delta prays that the Civil Aeronautics Board grant its application herein.

Respectfully submitted,

FRANK F. ROX,
JAMES W. CALLISON,
Attorneys for Delta Air Lines, Inc.

[Before the Civil Aeronautics Board, Washington, D.C.]

MOTION OF EASTERN AIR LINES, INC. TO REOPEN THE RECORD

In the matter of the Delta Air Lines, Inc.-Northeast Airlines, Inc. Merger.

Eastern Air Lines, Inc. (Eastern) respectfully moves that the record in this proceeding be reopened to permit further hearings upon the proposal of Delta Air Lines, Inc. (Delta), filed only one day in advance of the Prehearing Conference in the *New England Service Investigation* and long after oral argument in this case, *to abandon its post-merger certificate responsibility to serve 18*[1] *of the 26 New England area cities currently certificated to Northeast Airlines, Inc. (Northeast)*.[2] Since Delta would become the only air carrier with certificate authority at these New England points, if its merger with Northeast were approved herein, the issue of New England authority is critical to the Board's decision in this case. If the Board were to act on the record in this proceeding as that record now stands, it would be acting on a record which is fatally defective in that it nowhere reveals the true state of Delta's intentions with respect to New England service.

In support of this motion, Eastern states as follows:

I. THE STATE OF THE RECORD

Although Delta vigorously avoided throughout the proceeding below mentioning specifics of the New England authority it would operate if its merger with Northeast were approved, Delta repeatedly emphasized that it would effect substantial improvements in the service which financially ailing Northeast Airlines is currently providing. On brief to the Examiner the applicants deployed their argument more fully than they had been willing to do at hearing and said:

"The Surviving Corporation has . . . given concrete evidence in this case of its intention to improve service within New England. In this connection, Delta has a long history of *continuing* service to smaller cities. . . . Hence, Delta's basic service and developmental policies and philosophy should ensure the *utmost service possible for intra-New England markets* . . ." (Joint Brief of Delta Air Lines, Inc., Northeast Airlines, Inc. and Storer Broadcasting Co. to Examiner Arthur S. Present, Docket 23315, August 27, 1971, p. 35).

Further, Delta indicated that it had "tentatively" concluded that the surviving corporation should resume services at Keene, N.H. (JE-315, TR: 302) and that the surviving corporation would continue Northeast's truncated services in existence at the time exhibits were prepared (JE-315, JE-229, TR: 118, 125, 292, 688).[3] On the basis of these and other representations, the Examiner found—

"There is an extensive potential for improvements in single-carrier and single-plane services as traffic conditions justify and the opportunity to reinstitute and rearrange intra-New England services in the hands of a strong and very effective air carrier." (Recommended Decision of Examiner Arthur S. Present, Docket 23315, October 26, 1971, pp. 60-61).

Since Delta quoted this passage in its Brief to the Board in this proceeding, it clearly intended the Board to rely on the Examiner's finding that the Board could rearrange New England services *"in the hands of"* Delta. (See Brief of Delta Air Lines, Inc., Docket 23315, November 22, 1971, p. 5). Further, as Delta's counsel said in oral argument before the Board:

"If the merger is not approved, New England, Mr. Chairman, and Mr. Murphy, will lose the benefits of not only a strong and capable carrier, Delta, but a carrier with a long, successful history of service to smaller communities. Delta plans immediate improvements in some service in New England, and we will cooperate fully with the Board in a long-range program to solve New England's air service problems. While I am on this subject, I might point out that when this merger is approved, that Delta will acquire all of the certificate obligations of Northeast as well as the privileges. And this includes all of New England and the remainder of Northeast's system. We do not suggest in this case any amendment to Northeast's existing routes in this proceeding, and we impose no monetary limitations on our obligations to serve these communities pursuant to the certificates and in accordance with the Federal Aviation Act." (TR: 20, 21).

Unfortunately, this kind of puffery has already misled the Examiner and may also mislead the Board unless the true *facts* regarding potential New England authority are displayed on the record in *this* proceeding before the merger application herein is finally disposed of by the Board.

II. DELTA'S APPLICATION

In sharp contrast to Delta's statements now in this record are the changes proposed in Delta's application in Docket 24306. Delta not only seeks to rid itself of certificate obligations at all the points not now served by Northeast, but *also seeks to abandon six cities which even the allegedly-destitute Northeast has been capable of serving*. Delta seeks to "amend and realign" the Route 27 authority "on the assumption that Northeast Air-lines, Inc. . . . will merge into Delta" (Application, p. 1) to *delete* the 18 cities noted previously and to eliminate restrictions now present in the certificate but not at issue in the *New England Service Investigation*.[4]

For example:

Delta seeks to delete Keene, New Hampshire, from the surviving carrier's certificate despite its prior indications to the contrary.

It also seeks to eliminate the north-south authority at Lebanon-White River Junction thus depriving it of all service to New York and Boston.[5]

Delta also seeks to *totally* abandon four Massachusetts points which Northeast has been serving on a seasonal basis: New Bed-

---

Footnotes at end of article.

ford-Fall River, Martha's Vineyard, Nantucket, and Hyannis.

Since a prime rationale of a Northeast merger is the merged company's ability to provide better services to Northeast's certificated points, especially in New England where the poor quality of Northeast's services has long been blamed on its lack of adequate finances, it is particularly ironic that Northeast's wealthy suitor proposes to abandon service at these seasonal points which would have accounted for eight percent of the merged company's departures over the Northeast system in the forecast 1972 summer season.[6] Delta's decision to abandon Keene, Martha's Vineyard, Nantucket, New Bedford and Hyannis indicates the true nature of its commitment to New England. It is no wonder, in retrospect, that the firmest commitment Delta would actually make regarding New England service in this proceeding was that it would "abide by whatever terms and conditions the Board may see fit to impose upon any certificate awarded to Delta Air Lines in the *New England Service Investigation*" (TR: 300), and the omission of a general prayer for "such other, additional and/or different relief as the public convenience and necessity may require, including the award to Delta of authority to serve other points within the general area of the territory proposed to be served by Delta in this application . . ."[7] from its application may indicate an intention to fight, on legal grounds, the continuation of any certificate obligations not specifically applied for. Delta's waffling presents a vivid contrast with the proposal of Eastern and National herein to *retain* certificate responsibilities at points to be served by air taxis and to guarantee cross-subsidization of New England services up to $35 million over the next five years.

III. CONSIDERATION OF DELTA'S APPLICATION IN THE LIGHT OF THIS RECORD

Since Delta's application in Docket 24306 is predicated "on the assumption that Northeast Airlines, Inc. . . . will merge into Delta," the interrelationship between that application and this proceeding could not be clearer. The fact that Delta is seeking to enter markets awarded to Northeast for the primary purpose of supporting a better, superior New England service[8] requires that Delta's proposal for New England authority be considered in this case.

Further, Delta's Application in Docket 24306 and its Motion to Consolidate that application into the *New England Service Investigation* must be considered in this proceeding as the best evidence of Delta's intentions with regard to the authority it seeks in New England. By seeking significant changes in Route 27 certificate authority, Delta has at last provided *some* indication of what its plans for New England are. In addition, because Eastern did its best to secure some indication of Delta's plans for New England during the course of the hearing in this proceeding, it is also clear that Eastern cannot be faulted for failure to introduce evidence of this nature at an earlier stage of the proceedings.

Since Delta's application in Docket 24306 is subject to official notice pursuant to Rule 24(m)(1) of the Board's Rules of Practice, the Board cannot make any findings regarding the benefits to New England[9] from this merger without comparing, in open hearing, the proposals of Delta Northeast with alternatives to the merger.[10]

Since the timing of Delta's revelation of what cities it intends to serve in New England was solely within its control, Delta cannot complain that its delay in submission of that listing until the last possible moment should preclude a consideration of that listing as part of the merger case.[11] By refusing to reveal its plans for New England earlier in this proceeding Delta has been the sole cause of any delay which would be occasioned by consideration of potential New England authority at this time.[12] Only if the Board reopens the record in this proceeding can it evaluate the impact of approval or disapproval of this merger on New England. It is also important to note that the merger agreement between Delta and Northwest can be extended to June 30, 1972. It is quite possible that a reopening limited to the single issue raised by this motion, with expedited procedures, could reach the Board before that date.

Reopening the record in this proceeding would comport with Board precedents which allow reopening when significant material facts are revealed. In *Transpacific Route Case (International Phase)*, the Board found reopening required when "there is a substantial lack of specific details in the record essential to . . . proper disposition" of the case (34 CAB 106, 110 (1969)). The Board has reopened hearings on limited issues, such as those suggested herein, without reopening all the issues in the proceeding, (See *Pan American-Grace Airways, Inc., Mail Rates*, 11 CAB 535, 541, (1951)). Where a carrier has itself effected basic changes in its situation, the record has been reopened (See *Aerovias Interamericanos, Tocumen-Miami Service*, 18 CAB 510 (1954)), and such situations, wholly within the control of the applicant carrier, are clearly distinguished from the Board's denial of requests to reopen the record to include additional operating data relating to periods later than those utilized at hearing (See, *e.g., Great Lakes-Southeast Service Case*, 27 CAB 829, 852 (1958)). The relative merits of approval or disapproval of the merger proposed herein are so dependent upon the critical issue of service for New England that refusal to reopen this record would be an abuse of the Board's discretion. [13] Only if the Board compares evidence consistent with the Delta application and motion to alternatives to the merger can a meaningful and lawful evaluation of alternative plans for New England be made in formulating a decision in this proceeding.

Wherefore, Eastern Air Lines, Inc. respectively moves the Board to reopen the record and hearing in this proceeding to require Delta to submit evidence of its plans for New England consistent with its application in Docket 24306.

Respectfully submitted,
JAMES F. BELL,
R. BRUCE KEINER, Jr.,
Counsel for Eastern Air Lines, Inc.

FOOTNOTES

[1] Keene, Laconia, Whitefield, Berlin, and Portsmouth, New Hampshire; Brunswick, Lewiston-Auburn, Rockland, Augusta-Waterville, and Bar Harbor, Maine; New Bedford-Fall River, Martha's Vineyard, Nantucket, and Hyannis, Massachusetts; Montpelier-Barre and Newport, Vermont; Lebanon, New Hampshire-White River Junction, Vermont; and New London, Connecticut. Delta proposes to retain certificate obligations at Lebanon-White River Junction only with respect to the New England-Great Lakes route not in issue in the *New England Service Investigation.*

[2] On March 14, 1972 Delta simultaneously filed its "Application of Delta Air Lines, Inc. For a New or Amended Certificate of Public Convenience and Necessity" in Docket 24306 and a Motion to Consolidate that application into the *New England Service Investigation*, Docket 22973. Thus, whereas Delta would inherit the Northeast Route 27 certificate as it presently reads if its merger with Northeast were approved herein, the above-referenced Delta application in the *New England Service Investigation* seeks an amended certificate which would exclude the 18 points noted in footnote 1 and thus demonstrates conclusively Delta's future intentions with regard to New England service if the merger is approved.

[3] Since Mohawk has now terminated its substitute service arrangements with Northeast, the service *currently* provided by Northeast is greater than that which the surviving carrier projected during the hearing (See Exhibits JE–315, JE–229).

[4] Delta's desire to provide the intra-New England service under consideration in Docket 22973 must be tested against the fact that it seeks new Montreal-New York authority, increased Boston-Hartford/Springfield authority and retention of Miami-Los Angeles authority in its New England application, despite the fact that such issues are clearly outside the scope of that proceeding.

[5] Since the issue of the Route 27 east-west authority between Lebanon-White River Junction and the Great Lakes is not at issue in the *New England Service Investigation,* Delta was forced to leave segment 6 of the certificate intact. The likelihood of providing an economically viable east-west service at Lebanon-White River Junction without authority in its two largest markets is so slim that Delta may soon be seeking deletion of the point altogether.

[6] JE–229, p. 6.

[7] See, *e.g.,* Amendment No. 2 to Application of Delta Air Lines, Inc., Docket 20030, August 3, 1970, p. 4.

[8] See, *e.g., New York-Florida Case,* 24 C.A.B. 94, 100 (1956).

[9] This record is also defective in its failure to include the effect of Delta's proposal to amend the Route 27 certificate upon financial results, public benefits beyond New England, and the surviving carrier's employees.

[10] Eastern and National have proposed an alternative in Exhibit EA–100, which is the subject of Eastern's application in Docket 23900.

[11] Further, the resurgence of Northeast's traffic and recent profits negate any claim that expedition is required to continue Northeast's operations. Exhibit JE–400, p. 158, submitted by the joint applicants herein on March 6, 1972, shows Northeast had a February, 1972, profit of $261,000, compared to a $429,000 loss in February, 1971, and a revenue increase of 18.5%.

[12] Any delay caused by the reopening of this record would be less than the delay in the *Eastern-Caribbean-Atlantic Acquisition Case,* Docket 22690, which has been before the Board since June 30, 1971.

[13] *Cf. Atchison, Topeka and Santa Fe Ry. Co.* v. *United States,* 284 U.S. 248, 52 S. Ct. 146 (1932). Although this case has subsequently been limited to its facts, the courts have apparently not considered a situation in which an agency refused to reopen a hearing to consider critically relevant facts which an applicant carrier withheld until after the hearing was completed.

[Before the Civil Aeronautics Board,
Washington, D.C.]

ANSWER OF DELTA AIR LINES, INC. TO MOTION OF EASTERN AIR LINES, INC. TO REOPEN THE RECORD

Delta Air Lines, Inc.-Northeast Airlines, Inc. merger:

On March 21, 1972, Eastern Air Lines filed a month with the Civil Aeronautics Board asking that the record in the *Delta-Northeast Merger Case* be reopened to receive evidence with respect to an alleged variance between the position taken by Delta in that case and the tentative position indicated by Delta's filings in the Prehearing Conference in the *New England Service Investigation.*

This is a procedural "gimmick" by Eastern, no more and no less, sired by the unchanging goal of obfuscating the issues and delaying the decision in the *Merger Case,* and born of desperation.

Eastern's paper, while rather liberally quoting carefully extracted portions of the record in the *Merger Case,* avoided the direct response of counsel for Delta to the question of Delta's position with respect to service to New England, which was as follows:

"We suggest that you transfer to Delta the Northeast certificate as is, with the suspensions and with the substitutions of service as they now exist. Delta will continue the service which Northeast now operates as is. We will take the suspensions and the substitutions as they come up pending the New England Service Investigation just as Northeast would have to do. And that is where we stand.

"We stand in Northeast's shoes with respect to New England. And I might conclude by saying since you have been looking for a solution to the Northeast problem for a long time that we offer you the solution, the time is now, and Delta is ready when you are." [1]

There is no basic inconsistency between this position and that tentatively adopted by Delta in the *Service Investigation.*

The fact of the matter is that the *Delta-Northeast Merger Case* was set up to determine whether Northeast should be merged into Delta, and nothing more. The *Merger Case* is not the forum for determination of the long-range service problems of the New England area.

In contrast, the *New England Service Investigation* was established to determine the long-range air service needs of New England. If the merger is approved, Delta will participate fully in that proceeding, just as Northeast would do if there were no merger and if Northeast could survive as an operating entity without merger.

It is the Board's responsibility to determine immediately, with the approval of the President of the United States, whether Northeast should be merged into Delta and upon what terms and conditions. The Board and the President should proceed to immediate decision of those issues. Decision has already been long-delayed, and all concerned recognize that Northeast is now a "failing business" in both the legal and a practical sense of the word.

Indeed, it is no doubt Eastern's express recognition of the economic crisis faced by Northeast, one of Eastern's principal competitors, that has led Eastern to seek still further delay in decision of the merger application.

On the other hand, in the *New England Service Investigation* it is the Board's responsibility to determine what air services are needed for the indefinite future by the people of New England, and by whom those services should be provided.

Assuming approval of the pending merger proposal, obviously Delta must—and will—participate fully in the *Service Investigation,* spelling out in that record its position with respect to the long-range issues there presented to the Board. Again assuming approval of the merger, obviously Delta must—and will—do whatever the *Board* ultimately determines in the *Service Investigation* is required by the public interest in the New England area.

This Eastern Motion appears to be just one more delaying tactic intended to forestall implementation of a merger which has been approved by the stockholders of both companies, has been strongly supported by the staff of the CAB and representatives of other government agencies (including the Department of Transportation), was not opposed by the Department of Justice, has been supported by all interested civic parties and approval of which has been recommended by the CAB trial examiner. It is to be hoped that the CAB will not permit this last-minute and obviously self-serving filing by Eastern to delay approval and implementation of a merger so obviously in the public interest.

The Board should dismiss Eastern's Motion forthwith and expedite transmittal of its decision in the *Merger Case* for Presidential approval.

Respectfully submitted.

R. S. Maurer,
Frank F. Rox,
James W. Callison,
Attorneys for Delta Air Lines, Inc.

REHABILITATION OF PARAPLEGICS

Mr. WILLIAMS. Mr. President, approximately 125,000 people in this country are paraplegics, quadriplegics, amputees, or stroke victims. Five to ten thousand more individuals with significant spinal cord injuries are added each year.

Until a few years ago these people lived 2 years at the most after receiving their injuries; but the use of antibiotics, advanced surgical techniques, along with more skilled nursing care have now enabled them to survive a nearly average life span.

Yet today only a lucky few achieve a truly normal day to day life style. For most, the inability to move or to travel causes them to be restricted to beds or wheelchairs and dependent on others for the smallest tasks.

I have talked many times with Dr. Howard Rusk, director of New York University Institute of Rehabilitation Medicine, who is a leading authority in his field and who has dedicated his life to bringing hope to the handicapped. Dr. Rusk says that costs of rehabilitation are usually far less than costs of institutionalizing a patient. For example, the cost of rehabilitating a young quadriplegic, Dr. Rusk reports, is about $25,000. Institutionalizing such a 20-year-old patient with 50 years of life remaining can cost $750,000.

Responding to the need for more advanced mobility aids to help these patients, doctors in hospitals across the Nation have recently invented and experimented with a multitude of new mechanical and electrical devices.

At Rancho Los Amigos Hospital in Downey, Calif., quadriplegic patients are fitted in wheelchairs with a tongue-operated switch that provides finger, wrist, elbow, and shoulder motion, and powers the wheelchair, as well.

The new techniques required to develop devices such as this have sparked a new field of medicine called biomedical engineering which combines electronics, miniaturization and space-age materials to build the complicated aids for the handicapped.

One of the most promising methods of rehabilitative medicine stemming from this technological endeavor is the use of electricity to stimulate paralyzed nerves into action. Researchers have conducted experiments with implanted electrodes which the patients can trigger by other parts of his body and animals have been tested with implanted electrodes that are computer controlled. Another innovation is a wheelchair that uses eye movement to stimulate nerve action; although this particular device has received wide publicity it is still experimental and has serious drawbacks making it impractical as yet.

A major problem encountered with the advent of all of these new aids is the need to adapt almost every prosthetic or electrical aid to each patient who have varying kinds of disabilities requiring a variety of solutions. In addition, most hosptals do not have trained technicians or facilities equipped to repair most of the devices which have been invented.

Still, success stories are not uncommon among the people who are victims of paralysis or amputation. Some have achieved lives with a significant degree of self-reliance and self-respect which would not have been possible 10 or even 5 years ago.

In this area I have joined in sponsoring an amendment to H.R. 1, the Social Security Amendments of 1971, which would provide increased medicare and medicaid eligibility for the physically disabled. It would also include expanded outpatient services of physical and occupational therapy, testing, fitting and training in the use of prosthetic and orthotic devices as well as related rehabilitation counseling. I am hopeful that this measure will receive favorable action when H.R. 1 reaches the floor of the Senate.

Mr. President, I would like to have entered into the Record an article describing the new technology in rehabilitative medicine from Medical World News of March 10, 1972.

There being no objection, the article was ordered to be printed in the Record, as follows:

Making the Impossible Possible—New Technology Adds Surprising Dimensions To Rehabilitative Medicine

In a corridor of the Bronx (N.Y.) Veterans Administration Hospital, a man in his twenties sits strapped in a wheel chair, surrounded by other patients. He is flipping through the sports pages of the newspaper, using a tongue depressor held in his teeth. Suddenly, he calls their attention to two reporters versions of the same story, and a scoffer down the hall questions the veracity of a particular point. Anxious to confront the skeptic, the young patient butts a pressure-sensitive box with his chin and goes whizzing off down the hall in his motorized wheel chair.

The hallway scene is reminiscent of the easy camaraderie of young men relaxing together anywhere in the world, except everyone present is a quadriplegic. Their ambulation through a number of ingenious devices is one of the newest achievements of the increasing cooperation between rehabilitative medicine and engineering.

"Anyone can see that electronic wheel chairs have made the difference between life and no life for many of our quadriplegics," says Dr. Peter Hofstra, chief of the spinal cord injury service at the Bronx hospital. As recently as about a year ago, most quadriplegics were still generally regarded as being permanently bedridden.

The extent of the problem in paralysis alone was pointed up by Dr. E. Shannon Stauffer, chief of the spinal injuries service at Rancho Los Amigos Hospital in Downey, Calif., a part of the University of Southern California School of Medicine. He told last month's meeting of the American Academy of Orthopaedic Surgeons that from 5,000 to 10,000 spinal cord injuries with significant paralysis occur yearly in the U.S. Currently, the country has about 125,000 traumatic paraplegics and quadriplegics. Moreover, their numbers are a consequence of medical progress; decades ago, most would not have lived.

"These patients represent new problems and new challenges to this generation of physicians and surgeons," says Dr. Stauffer. Before the antibiotic era, most of these patients suffered an early, rapid, and septic death due to atelectasis and pneumonia, or they suffered a slow lingering death due to chronic urinary tract infection, pressure-sore ulceration of the skin, hypoproteinemia, and cachexia. Few patients survived more than two years.

---

[1] Oral Argument transcript, page 236.

But death soon after injury in these patients is now rare according to Dr. Stauffer. Physicians now promptly recognize early stages of various complications. More skilled nursing care is available, along with modern methods of medical resuscitation.

The result, says renowned rehabilitation authority Dr. Howard Rusk, is that most paralyzed patients can expect to live within a year or two of a normal life span, "if they follow the ground rules learned during their rehabilitation." The cost of rehabilitating a young quadriplegic, Dr. Rusk reports, is about $25,000. But, he told the January meeting of MWN's Editorial Board, "we can't afford not to spend it." He compared the $25,000 rehabilitation cost with the cost of institutionalizing a 20-year-old patient with 50 years of life remaining. "Put in a second-rate nursing home with a modicum of attendant care, $15,000 a year would be a bargain. Multiply $15,000 by 50 and that patient will cost $750,000."

The scene at Bronx VA is duplicated in other centers across the country, including USC's Rancho hospital. There, a medicine-engineering team has developed a number of innovative devices that enable patients to make functional use of residual nerve and muscle. One device, that the staff and patients have come to call "the golden arm," is an externally powered brace, controlled by a tongue-operated switch, that provides finger, wrist, elbow, and shoulder motion for quadriplegics. The multichannel switch can also control an electrically powered wheel chair, and Rancho patients have 200 acres in which to "roam" on their tongue-controlled, motorized chairs.

These examples are typical of how biomedical engineering is joining electronics, miniaturization, and space-age materials to a growing knowledge of the physiology, anatomy, and psychology of handicapped patients. This technologic enhancement of rehabilitation medicine is increasing the function and thereby the prospects of relative self-sufficiency for paraplegics, hemiplegics, quadriplegics, amputees, and stroke victims.

One physician-designer, Dr. Wladimir T. Liberson, associate professor of neurology and orthopedics at the University of Miami School of Medicine, thinks the era of electronic rehabilitation is here. Others apparently agree with him. A manual on upper-extremity prostheses, issued by the Veterans Administration in New York, reports that several electric elbows and hands are under development in this country. Furthermore, such electrically powered prostheses are already prescribed in Europe: In Germany, some 600 hands as well as other electric components have been furnished to patients; in Italy, more than 500 electric hands are in use; and in Canada, more than 300 electric hands have been prescribed.

The number prescribed in the U.S., so far, is only a tiny fraction of the European number, the report says, primarily because of the difference in the prosthesis distribution systems in Europe and the U.S. "In this country, the preponderant majority of prostheses are fabricated by private commercial shops in a decentralized system requiring each shop to become fully informed on the nature and best application of each device."

There may be another typically American reason for the limited use of electrical prostheses: Who's going to fix the gadget when it conks out? Unlike many other physicians, Miami's Dr. Liberson knows exactly what to do when a delicate piece of electrical equipment malfunctions. Since he designed it, he can also fix it.

Among his inventions is an electronically powered device that attaches to the impaired leg of a stroke patient. By stimulating the peroneal nerve, the device helps speed ambulation of stroke patients. Dr. Liberson reports that the stimulator has been used, with varying degrees of success, on 100 such patients. The device works best, he says on patients who are intelligent and highly motivated.

The Miami physician, who is also chief of the physical medicine and rehabilitation service at the VA hospital there, has designed a motorized brace for use by stroke patients in their first weeks of retraining.

But to Dr. Liberson, there are still more compelling reasons why electronic medicine will enhance the role of the physician rather than diminish it. "You simply cannot give a patient a new gadget and send him home with it," he cautions. "You have to be sure he really wants to use it. You have to listen to his complaints about it. You have to check to see what it does to his body. There is no such thing as electronic medicine. There are only electronic aids that can help a physician help his patients to live more fully."

Some of the new electronic aids on the horizon represent a complete departure from traditional thinking. For example: Why prop up wasted muscles with traditional crutches and braces? Why not use electrodes to stimulate nerves that control muscle movements? This idea already has clinical application with Dr. Liberson's peroneal nerve stimulator for which the electrodes are externally applied.

How about internal electrodes? Perhaps the most farout project exploring this idea at the moment is the animal study being conducted by Dr. Lawrence R. Pinneo of the Stanford Research Institute. Dr. Pinneo has implanted electrodes into the head of a rheus monkey that was paralyzed in its right arm after two operations removed part of the animal's cortex.

In spite of the paralysis, the monkey could reach for food when a computer fired the electrodes in his brain in the proper sequence. The monkey even learned to direct his own motions electronically. He figured out how to press computer buttons that helped him feed himself, scratch his back, and make a fist. Dr. Pinneo has published the results of the Stanford project in *Stroke*. Nevertheless, it will be some time before a computer and implanted electrodes stimulate the human brain to move muscles in paralyzed extremities.

Well, then, why not try to control muscles by applying electrical charges directly to the nerves? Implanted electrodes are already doing this for heart patients. Couldn't some version of this idea help impaired persons walk?

A biomedical engineering project at USC's Rancho hospital is exploring just such questions. The team takes its cue from one of the most successful electric protheses to date—the cardiac pacemaker. Says Dr. Jacquelin Perry, chief of the kinesiology service and head physician on the stroke service: "The principle of stimulating nerves of the leg is the same as for other parts of the body."

The hospital's "peripheral nerve stimulator" is a tiny radio receiver that is surgically implanted in the upper medial thigh. An electrode leads from the receiver down the thigh to the anterior crural region where it is anastomosed to the peroneal nerve. Stimulation is activated by a transmitter worn on the patient's belt and a heel switch installed in the shoe.

During the past three years, about 20 stroke patients have benefited in varying degrees from the nerve stimulator. But the results were not precisely quantifiable, says Dr. Perry, because equipment was being continually refined during the trial and the patients being tested did not have exactly comparable types of disability. She explains, "There is no such thing as a stroke patient. There are different types of stroke patients with varying levels of disability." Dr. Perry sees current knowledge of stroke on a par with knowledge of arthritis two decades ago, when "medicine classed arthritis as one entity. We now know that nearly 60 different conditions comprise the disease known as arthritis. Much of the same thing is true of stroke. We are finding that patients are left with various levels and patterns of disability following a stroke."

Dr. Perry is guardedly optimistic about the future of peripheral nerve stimulation. For one thing, the causes of paralysis have changed from the time when most stroke victims died and when polio was a major crippler. "Polio destroyed nerves," she points out, "so there wasn't much we could do for polio patients. But the stroke patient is left with the peripheral motor system intact, opening the possibility of electronic stimulation. Our next goal is to try stimulating the nerves that influence the muscles that extend the hip."

Right now, the Rancho team is beginning a study of 20 more stroke patients using the peripheral nerve stimulator. Equipment design has been standardized, says Dr. Perry, so patients will have comparable units. Moreover, patients with closely similar disabilities have been selected for the test.

Dr. Perry thinks there is a future in medicine for electronic stimulating of leg and hip nerves and muscles. "We're going to get more and more people walking in this fashion," she predicts. "We're probably even going to be able to help patients with some types of spinal cord injury. Right now, we have the equipment developed to a point where it may cost about $1,000, which is not inexpensive, but it is a realistic figure. We no longer talk in terms of highly expensive equipment costing thousands of dollars. This is a reasonable direction in which to go."

Still another team at Case Western Reserve University School of Medicine has published preliminary reports on its attempt to implant electromyographic sensors directly into neck and shoulder muscles of severly paralyzed patients with high-level spinal injuries.

According to an engineer connected with the project, the Ohio team currently finds it possible to control one muscle at a time. "But human movement is a highly complex interrelation between various groups of muscles" he points out, "so you can see we're still in a very early stage."

This caution is echoed again and again by clinicians and technicians at various rehabilitation centers. One researcher groaned when shown a newspaper photograph of Dr. Wernher von Braun, the National Aeronautics and Space Administration's rocketeer, reportedly demonstrating "a sight-switch-controlled wheel chair."

"I wish NASA would give us a couple of their engineers for our hospital, to work with patients," the researcher said. "Maybe those fellows could make some real contributions in a real hospital setting, working with real patients, instead of blue-skying this stuff out of think tanks or blowing it up out of lunar dust."

Yet progress has been significant. A case history of hope vs realism in one new electronic rehabilitation aid lies in the electronic device known as the sight switch that powered Dr. von Braun's wheel chair. According to a NASA booklet, "the sight switch, designed to be worn on standard eyeglass frames, actuates electrical control devices by sensing variations in reflected light. The light source is a low-intensity beam directed into the white of the eye. A photodetector mounted adjacent to the light source senses the intensity of light reflected from the white of the eye." When the eye moves, the darker iris intersects the beam, a sudden decrease in reflected light is sensed by the photodetector, and a signal is generated to initiate an action.

However, because of differences in iris pigmentation, reflectivity of the sclera, and other reflective differences of the area around the eyes, the sight switch must be calibrated for each operator. Once the sight switch is adjusted for the individual operator, says NASA, no further adjustments are required.

This is fine, in theory, but unfortunately further adjustments are constantly required, according to Anthony Staros, director of the VA Prosthetics Center in New York City. The center performs research, development, and evaluations of various prosthetics, orthotics, and orthopedic aids for 166 hospitals in the VA program. Engineer Staros reports that changes in the ambient light—the light that differs from room to room—can activate the sight switch so erratically that the quadriplegic may lose control of the wheel chair. VA tests also found that the chair does respond to inadvertent eye motion, again causing the patient to lose control of the chair. One of the quadriplegics who volunteered to test the chair, reportedly needed a couple of days of bed rest after his experience. Nevertheless, the VA has not abandoned the principles. A sight switch prosthesis is now in the hands of engineer Ron Lipskin, at the Manhattan center, who is currently testing the instrument and conferring with engineers in government and industry in an effort to make the sight switch work as well for paralyzed veterans as it does on NASA drawing boards.

What's more, Lipskin already has a variety of electronic successes to his credit. One concerns an intra-oral tongue-activated electronic device that controlled a powered wheel chair.

The quadriplegic who tested the device complained that the switches were too small and too close together, because the box had to be tiny enough to fit inside his mouth. The patient despaired of every learning to differentiate among the tiny, closely packed switches. He also found that the unit caused him to salivate more than usual and later he reported getting electrical shocks because saliva had somehow seeped into the mechanical appliance.

But those few days in the motorized wheel chair had also triggered the patient's desire to be up and about. He asked Lipskin to figure out some kind of electronic switch for him. Lipskin did. He converted the tiny compact to an external unit that could be activated by the patient's chin. The quadriplegic then joined the dozens of others whooshing through the Bronx VA corridors.

Lipskin, an earnest young man with degrees in biology, chemistry, and engineering, uses this case history to pinpoint the stage at which most electrical prostheses are at the moment in this country: Just about every powered prosthesis has to be custom-made for each patient, or at least it has to be custom-adapted. In addition, the service provided by some well-known wheel chair manufacturers can be compared to the service provided by some well-known automobile manufacturers—generally, far from ideal. "What can a patient do with an electrical device that malfunctions?" Lipskin asks rhetorically. "Malfunctions bug us, and we're set up for them. Most hospitals are not." The need right now, he says, is for American or European manufacturers to come up with an electrical wheel chair that can be repaired by a trained, semi-skilled worker.

"Or perhaps motor units might be made in a simple, take-out unit, something like a battery-pack that is put into a flashlight. The patient could buy two units: one to run the wheel chair, and one to use as a spare for the time when the other is sent to the factory for repairs."

For each of Lipskin's problems, there is an eventual success story: One quadriplegic, enthused with the success of learning to use a powered wheel chair, decided that he would spend much of his time exploring the streets of the Bronx around the VA hospital. To help him in traffic, Lipskin fitted him up with a chin-controlled back panel of flashing red lights. To help keep him supplied with the water that a quadriplegic's kidneys need, Lipskin ran a thin plastic tube, also electrically controlled, from a water dispenser on the back of the chair.

Meanwhile, Dr. Stauffer points out that most of these patients are in their late teens or early twenties when they are injured. "With medical knowledge now available, we can give them and their families a prognosis of looking forward to a relatively normal life span. With this possibility of longevity goes the responsibility of improving the quality of life. These patients deserve and require the skilled medical care necessary to prevent and correct medical complications. It is not justified merely to keep them living."

Medical priorities for such patients include maintaining a bacteria-free, automatically emptying urinary tract, Dr. Stauffer says. There is increasing evidence that surgical techniques like hypothermia and myelotomy may be effective in reversing some early stages of pathophysiology that can progress to spinal cord destruction. Steroids may also be effective.

But at the present time, says Dr. Stauffer, no clinical studies indicate that early surgical procedures produce more benefit than closed reduction and traction treatment of the fractured spine. At the present time, skeletal traction for reduction and healing is the preferred method of treating fracture dislocations of the spine.

In some instances, where prolonged recumbency enforced by traction therapy is not desirable, it is possible to stabilize the spine surgically, and allow the patient to be mobilized out of bed soon after his injury. This can eliminate the complications of long periods of bed rest: muscle atrophy, skin-pressure ulceration, and joint contractures. Meanwhile, the patient is rapidly taught to be as functionally independent as possible.

This type of concentrated, special care is most effectively accomplished in specialized centers with personnel skilled in aiding these patients, Dr. Stauffer points out. And even after they are discharged from these special centers, such patients must be examined at least once each year for complications. The patients must also be checked to make sure that they are getting the help they need to adjust to their new lives.

For the family physician, perhaps the greatest hazard is thinking that a patient has been "rehabilitated" because an operation has saved his life and a prosthesis has been successfully fitted. Much more needs to be done. The prosthesis may need readjustment, which may require a number of visits. The patient must be taught to use it with self-confidence, which may take months. Sometimes, the entire process has to be repeated several times, until the happy combination clicks into place—the right prosthesis and the right attitude on the part of the patient.

Despite all of the exciting electronic advances on the rehabilitation horizon, the most important part of the entire process is still being able to tap the patient's will to live, and then his will to overcome his handicap. Without this, even the most newfangled appliance will just gather dust.

One man whose working life has been dedicated to these principles is Dr. Rusk, the director of New York University's Institute of Rehabilitation Medicine. During a career that has made the Rusk institute renowned throughout the world, Dr. Rusk has seen dramatic changes in society's attitude toward the physically handicapped. "As late as the 1940s, it wasn't unusual for amputees—think of it, amputees!—to be resigned to spending their lives in some back bedroom, even in our own country. In Poland right after World War II, I saw kids who hadn't been out of the house for years. I'll never forget that."

Today, thanks to the efforts of Dr. Rusk and others, it is not unusual even for quadriplegics to explore ways of earning their own livings.

One of the institute's prize pupils is a 23-year-old woman, born with bilateral upper hemimelia, and one leg dislocated at the hip. But she finished high school and college at the top of her class, and now earns her living as an occupational therapy assistant at the institute.

She lives alone, in a midtown Manhattan apartment. Each morning, she dons her mechanical hands by herself, takes a shower, cooks breakfast, catches a bus, and works a full day. "She teaches by precept and by example," Dr. Rusk says. "She's a living symbol of what hope can do."

Hope is dispensed in large helpings at the institute. "It doesn't do anyone any harm to be praised," says Dr. Rusk. "Sometimes, we have to search for things to praise. Something like this: 'Six steps today. Great. Yesterday you did only four. Tomorrow, you'll do eight. You'll see. Just keep working. Just don't give up.'"

In the foreseeable future, Dr. Rusk does not see electronics completely replacing hope or the doctor-therapist-patient rehabilitative relationship. "Naturally, I'm pleased to see all these new electronic aids," says Dr. Rusk. "Some of them have great potential. But right now, you almost have to provide an engineer to go along with each of them. We have a great variety of new mechanical appliances already in use, doing a magnificent job."

Some of the most exciting new advances in mechanical appliances are in the field of braces. For the first time in more than a century, the design of conventional leg braces is undergoing radical changes. Some of these changes result from new lightweight metals and alloys and a variety of tough new plastics. But the major reasons for the new designs lie in some findings on the nature of human locomotion. For example, recent studies show that transverse rotation is an important component of human motion. This transverse rotation may be considerable, as much as 30 degrees of relative rotation between the pelvis and the foot. Thus, this basic fact should have an important bearing on brace designs.

Most conventional braces, however, still restrict motion only to one plane. But a new plastic spinal brace, designed at the institute, provides for controlled motions in all planes. By its ability to wind and unwind, this tough, flexible plastic brace adapts to transverse rotation, as well as to motions in the frontal and sagittal planes. It is indicated for patients who lack motor power in the ankle-foot complex. Some advantages of the brace are immediately obvious: It weighs 6½ oz. It is not permanently attached to any one shoe, so patients can wear it with different shoes.

Summing up his career to date, Dr. Rusk says good-humoredly: "I started out as an honest internist, and now I'm regarded as part family doctor, part Billy Graham, and part Lydia Pinkham." Whatever else all of these interesting characters may have in common with Dr. Rusk, one obvious similarity is their knowledge of human psychology. All of them know what makes people tick.

Invariably, the basic problem with any amputee, or with any person needing physical rehabilitation, is getting him to accept his disability: This point came up again and again at several workshops at last month's American Academy of Orthopaedic Surgeons meeting. Without this acceptance, no prosthesis, no matter how ingenious, is likely to be beneficial. But this acceptance can transform even the simplest acts into an exhilarating adventure. Witness the young quadriplegic in the Bronx, to whom the most exciting adventure in the world is being able to order his own hamburger in a modest little cafe on a neighborhood street in the Bronx. To the ambulatory, it's nothing much; to him, it's everything.

AMPUTEE, NOW M.D., TEACHES OTHERS TO SKI

The ways of reaching into a patient's psyche, and tapping hidden sources of strength and endurance that may lie there, are infinitely varied. One young surgeon who knows this from personal experience is Dr. Michael B. Mayor, clinical instructor in orthopedics at Dartmouth Medical School. Now 34, Dr. Mayor was just 17 when his right leg was amputated because of a recurring tumor.

A tall, intense young man, Dr. Mayor vividly recalls the psychological stresses and strains. The hardest problem for his father, a highly intelligent man, was to resist the temptation to seek out "medical miracles" and to accept his son's amputation. And for the son, the hardest problem was to accept the fact that his leg was gone. He had had some months to realize that the amputation was inevitable. Still, he never truly realized what the word amputation meant until after the actual operation.

But Dr. Mayor found the strength necessary to finish high school, college, and medical school, and he was aided by a mechanical artificial leg. Currently, he wears an above-knee, artificial limb with a Gracinger foot and ankle, and a Du Paco hydraulic swing-phase control unit.

In addition to his immediate family. Dr. Mayor found emotional support from an orthopedic surgeon who was a family friend. Consequently, Dr. Mayor functions today in spite of his handicap and, reminiscent of his family's physician and friend, he is anxious to help other amputees to find their way to a new life. Dr. Mayor is hoping to set up a course in the Dartmouth area to teach amputees to ski. Unlikely as it may sound, the young orthopedist taught himself to ski. And when he lived in Cleveland, prior to accepting the appointment in Hanover, N.H., he conducted such a course. Moreover, skiing holds numerous pleasant memories for Dr. Mayor. The exhilarating rush down the slope, the sense of participation and even competition. There is still another nice memory. He met the woman who is now his wife while returning home from a skiing trip.

IMPROVED LAW ENFORCEMENT IN THE TREASURY DEPARTMENT

Mr. HRUSKA. Mr. President, earlier this month Secretary of the Treasury Connally announced a reorganization of some significance in the Treasury Department. He indicated that, effective July 1, the Alcohol, Tobacco, and Firearms Division would be transferred from the Internal Revenue Service to a new bureau directly under the supervision of the Assistant Secretary of the Treasury for Enforcement—at present, Eugene T. Rossides.

Mr. President, this is another example of the continuing effort on the part of the Nixon administration to upgrade and improve the quality of Federal law enforcement. This transfer has been under consideration for some time, and a sufficient period has been allowed for its implementation so that there should be no personnel difficulties or administrative entanglements. It will place some highly significant law enforcement functions closer to the policymaking level, where they will be subject to better coordination and control. I look forward to the completion of this transfer and the benefits to the entire country which will no doubt result from its implementation.

A fact sheet has been prepared by the Treasury Department which describes in some detail the activities which will be involved in this reorganization. Mr. President, I ask unanimous consent that the fact sheet be printed in the Record.

There being no objection, the fact sheet was ordered to be printed in the Record, as follows:

Fact Sheet

TRANSFER OF THE ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES PROGRAMS WITHIN TREASURY DEPARTMENT

Secretary of the Treasury John B. Connally has directed that the Alcohol, Tobacco and Firearms Division and related support activities be separated from the Internal Revenue Service and established as a new bureau under the supervision of Eugene T. Rossides, Assistant Secretary (Enforcement, Tariff and Trade Affairs and Operations). This transfer is to be effective July 1, 1972.

The Alcohol, Tobacco and Firearms Division is responsible for the administration and enforcement of several statutes concerning alcohol, tobacco, firearms and explosives. For example, the Division:

Collects excise taxes on alcohol and tobacco products;

Regulates and supervises the alcohol and tobacco industries;

Administers consumer related and trade oriented controls on alcoholic beverages;

Investigates violations of alcohol related laws;

Interdicts illicit distilling and bootlegging;

Administers certain controls on the manufacture, import, trade and disposition of firearms and explosives;

Collects transfer, occupational and excise taxes on firearms; and

Investigates violation of the gun and explosives control regulations.

The Alcohol, Tobacco and Firearms Division now employs nearly 4,000 people distributed among the National Office, seven Regional Offices, 42 Branch Offices and 376 local posts of duty. About 1,500 of these employees are concerned with the regulatory and tax collection activities while the other 2,500 are responsible for the related enforcement work. Congress appropriated $72,277,000 for fiscal year 1972 operations of the AFTD. Revenue collections by the Division during 1969, 1970, and 1971 came to $6.7, 6.8, and 7.0 billion, respectively.

This transfer is being undertaken as result of a comprehensive study of the optimum organizational placement within Treasury of the functions of the ATF Division. Placing these functions under the supervision of the Assistant Secretary who also supervises other Treasury law enforcement programs is expected to result in improved coordination and control of enforcement activities, and greater flexibility and effectiveness in the use of enforcement resources, without disturbing the revenue collection and regulatory control activities.

SUNNY ARIZONA

Mr. FANNIN. Mr. President, a wise man once said:

> If a guy can't get himself into shape in Arizona, he doesn't deserve to be in the game.

In case you do not recognize the quotation, it came from Oakland baseball player Mike Epstein.

Mr. Epstein's astute observation was published in a very interesting article written by Washington Post staff writer Leonard Shapiro.

It is with some trepidation that I invite the attention of Senators who are in Washington on this cold and windy day to the article.

The temptation is great to fold up our operations here and head for sunny Arizona. I know, however, that Senators can resist this urge since we have so much important business before us in the coming weeks.

Mr. President, I ask unanimous consent that the article be printed in the Record:

There being no objection, the article was ordered to be printed in the Record, as follows:

Spring Training in Arizona Tempts the Unwary

(By Leonard Shapiro)

Phoenix, March 21.—When Willie McCovey finally pricked holes in the Great Acupuncture Adventure last week, San Francisco baseball writers were more than a bit embarrassed over their failure to go directly to the source for their information.

They had heard that the Japanese doctor accompanying the visiting Tokyo Lotte Orions had examined McCovey, who has been suffering from bone chips in his hip the last four years.

The next day, written reports appeared, saying that the Giants' slugger actually had undergone acupuncture treatment.

"But he was only considering it," said Cappy Harada, who scouts the Orient for the Giants and had undergone acupuncture himself last week. "Nobody ever asked Stretch McCovey if he had it."

Contacted last week the day after the story broke, McCovey denied he had ever been pierced, adding that no one had been able to tell him the treatment did not hurt.

McCovey was somewhat upset, the writers hastily printed retractions, and the good life here in the Valley of the Sun had claimed a few more complacent victims.

The temptation to shirk responsibilities, particularly when covering baseball spring training, is constant in this area of sun and heat.

One columnist, sipping a drink on the shaded patio overlooking the pool at the motel home of the Giants, boasted that he had been in town two weeks and still had not been to a baseball park.

"It's too easy to catch them (players and coaches) in the lobby or at the pool," he said. "Sooner or later everybody shows up anyway. It's the easist assignment you could ever want."

The Giants, Brewers and Oakland A's are quartered in two hotels directly across the street from each other. The Chicago Cubs stay a few miles down the road in Scottsdale, and the San Diego Padres and Cleveland Indians take two-hour bus rides from their respective spring sites in Yuma and Tucson to play exhibition games here.

The Angels fly in from Palm Springs, Calif., and stay, for a week at a time, in the same hotel as the Giants and Brewers. One day last week, when the Padres decided to remain over night, five teams were quartered in the two hotels.

Players thrive here. No rain has dampened Phoenix since Dec. 29. There has been no visible accumulation of clouds in the past 10 days, and wind is almost nonexistent.

"You couldn't ask for better conditions," said Oakland's Mike Epstein, who had spent the last four springs in Pompano Beach, Fla., with the Washington Senators. "In Florida, you never could tell about rain or the wind. Here you just know you'll be playing every day.

"If a guy can't get himself into shape in

Arizona, he doesn't deserve to be in the game."

Baseball has been coming west since the Giants and Cleveland moved to Arizona in 1947. The hot, dry climate, and more important, lower prices than in inflated Florida, were the main attractions.

Hotels and restaurants are plentiful, and rather reasonable. Accommodations are easily obtained, and the area offers a wide variety of extra-curricular activities—horse racing, dog tracks, theaters—that also have attracted many vacationing baseball fans.

The Giants have a huge San Francisco following, with many of their supporters vacationing here with the team in the spring. Even the Chicago Cubs "bleacher bums" manage to find time and money to head for the desert.

Phoenix seems to have something for everybody, including a malady known as Valley Fever, which should not be visited upon even one's worst enemy. A peculiar stench emanates from nearby stockyards but, fortunately, they do not operate during the day, and not many people go out at night.

Still, the players love it. The Latin Americans may choose from a great many Mexican and Spanish restaurants. Blacks, sometimes targets of subtle and not-so-subtle discrimination along Florida's Gold Coast, have few problems here. Even Jewish ball players have managed to discover a kosher delicatessen in nearby Scottsdale.

"Great lox and bagels," said Epstein, a frequent visitor. "Who could ask for anything more?"

PERSECUTION OF UKRAINIAN INTELLECTUALS BY THE SOVIET GOVERNMENT

Mr. WILLIAMS. Mr. President, in recent months the Soviet Union has relaxed somewhat its previously stringent policies on emigration—by allowing members of the Jewish minority to emigrate to Israel and other countries. The increase in the number of Jews granted emigration permits has been at least partly due to the role of world opinion. The uniform sense of outrage produced by reports of harassment and persecution of the Jewish community and of individual Jews in the Soviet Union led to a great outpouring of statements condemning Soviet policies and placed effective pressure on Moscow to adopt more humane policies.

We should not be deluded into thinking that a slight change in one aspect of the Soviets' treatment of their minorities implies a general liberalization in their attitude toward religious groups or toward what is called the nationalities question. Although official Soviet statements extoll the idyllic state of the "fraternal family of nations" which the U.S.S.R. claims to be, the validity of these pronouncements is belied by constantly increasing reports of persecution, particularly among the intellectuals of the various nationalities.

The dissident intellectuals of the Ukraine provide a typical and tragic example of the treatment meted out by the Soviet Government to those who dare to speak out in favor of human rights and national consciousness and against injustice and oppression of one culture by another. The list of prominent Ukrainian authors, poets, clergymen, students, professionals, and others who are known to have been sentenced to lengthy periods of incarceration and forced labor is a vast one and grows longer by the month. Let me briefly cite but a few of the most well known cases which have received attention, and see what principles their "crimes" have violated.

Archbishop Vasyl Velychkivsky was given a 3-year prison term in 1969 for allegedly committing "ideological sabotage under the cloak of religious functions, in favor of international imperialism." Clearly, his arrest was an example of religious persecution. Previously reported to have died in prison, he was released in poor health and arrived in Rome on February 24 of this year.

During the 1960's literary critic Ivan Dzyuba and journalist Vyacheslav Chornovil both wrote revealing books protesting the Soviet regime's policy of Russification in the Ukraine—through population transfers, neglect and distortion of Ukrainian culture and history, and the arrests and trials of the many intellectuals who opposed these policies. Chornovil, who smuggled out his accounts of the secret trials, was himself sentenced to hard labor for "anti-Soviet actions and slander" and was released in 1969.

Valentyn Moroz, a history lecturer, was sentenced in 1966 to a 4-year term at hard labor. After his release, he was once again put on trial in November 1970. In his writings, Moroz has denounced Russification of the Ukraine and the open violation of common justice in the Soviet Union generally.

In asking for the preservation of Ukrainian traditions and institutions, Moroz spoke in universal terms for the rights of oppressed nations not only within the Soviet Union but throughout the world. During the trial, Vyacheslav Chornovil was called upon to testify but refused to do so on the grounds that it was being held secretly, in violation of Soviet law. Moroz was sentenced to 9 years in prison and 5 years of exile.

In January of this year, Soviet secret police arrested 11 leading Ukrainian intellectuals including Vyacheslav Chornovil, on charges of dissemination of "deliberately false fabrications defaming the Soviet state." Conviction on this charge would carry a maximum sentence of 3 years. Prior to the arrests a series of house searches were carried out by the secret police, including a search of the house of Ivan Dzyuba. It is significant that all of the arrested intellectuals have been in the forefront of the Ukrainian nationalist movement, and it is significant that the arrests and searches tend to concentrate again and again on the same individuals.

What are the crimes that these people have committed? From a reading of their published underground works, it becomes obvious that in no way can they legitimately be accused of being anti-Communist, or even anti-Soviet. They are merely asserting their people's rights as outlined in the Universal Declaration of Human Rights, which was signed and ratified by the U.S.S.R., and in the Soviet Constitution. Article 18 of the declaration says that everyone has the right to freedom of thoughts, conscience and religion; clearly the treatment of Archbishop Velychkivsky was in violation of this most basic of humanitarian principles. Article 19 says that everyone has the right to freedom of opinion and expression, including freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

This article was conveniently overlooked in the Soviet Government's policies toward Chronovil, Dzuba, and Moroz. The Soviet Constitution guarantees its citizens freedom of speech, freedom of the press, and freedom of assembly. It is not necessary to point out the dispensability of these freedoms when a Soviet prosecutor chooses to focus on "intents to undermine or subvert" the Soviet regime.

In light of the inhumane policies of the Soviet Government toward these and countless other intellectuals of the Ukraine and of the other Soviet nationalities, I think it is most appropriate for concerned citizens of the United States and of other countries to become actively involved in the struggle to achieve the justice which they deserve and are being denied. If world public opinion were mobilized as it has been in prior instances of flagrant violations of human rights, then perhaps the day will come when the Soviet Union will be able to tolerate the idea of a "fraternal family of nations" coexisting on an equal basis.

INNUENDOES, DISTORTIONS, AND OUTRIGHT LIES

Mr. FANNIN. Mr. President, I must once again protest the continuing innuendoes, distortions, and outright lies which are spewing forth from a columnist named Jack Anderson.

This morning's Washington Post contains another Anderson column and another Anderson lie.

This column states that I delivered a speech prepared by the Republican National Committee in an attempt to discredit him.

Mr. President, the fact is that the speech which I delivered here 1 week ago was not written by the Republican National Committee.

The speech was written in my office, at my direction, under my close supervision, by a member of my staff. If anything, the speech understates the contempt I feel for this journalistic garbageman.

Mr. President, it is obvious that I cannot testify as to all the allegations in the latest Anderson column. I can tell you, however, that the reference to me is totally erroneous and, therefore, I must assume that the rest of the column also is a figment of Mr. Anderson's fertile imagination.

This is not the first time that Mr. Anderson has carried erroneous information about me in his column. I am talking about factual information, not opinions he may have. He is entitled to his opinions, as warped as they may be, but he does have an obligation to get the facts straight.

Mr. President, the Senate has been used as a circus arena for Mr. Anderson's antics. He has made charges and failed to prove them. The Senate Judiciary Committee has not been presented with any reliable information which should affect in the slightest the recommendation that we confirm the nomination of Richard Kleindienst as Attorney General of the United States.

Mr. President, there has been frequent talk recently about a return to the so-called McCarthy era.

I would suggest that what has happened in the past month or so is McCarthyism in spades.

Jack Anderson is a self-appointed inquisitor.

When he makes his charges, the victim of his allegations is guilty until proved innocent He pleads journalist privilege when it comes to meaningful documentation: he must protect his sources.

The most frightening aspect of this amazing episode is the fact that Members of this Congress are paying any attention to what Anderson writes.

If the charges he makes came from reputable reporters—and there are thousands in this city—then I too would be alarmed by the allegations.

Mr. President, I make this statement simply to correct the misstatement of fact in today's Post and in a attempt to urge that we regain our perspective in this entire matter. I also wish to make it clear that this statement was prepared in my office. This is my statement; these are my deeply felt sentiments. These are the facts as I know them to be.

GEORGE MEANY ON BUSING

Mr. KENNEDY. Mr. President, in a forthright and sadly accurate statement today, AFL–CIO President George Meany analyzed the blatant flaws in the President's message on busing.

Mr. Meany noted that contrary to the impression given to millions of viewers, the President was not recommending a single additional dollar of Federal funding beyond what is already programed in title I and in the emergency school aid bill now in conference.

The AFL–CIO leader also aptly characterized the administration's course as one "that, at the least, is at the margin of constitutionality."

I commend to the attention of my colleagues the comments of Mr. Meany which I ask unanimous consent to have printed in the Record.

There being no objection, the news release was ordered to be printed in the Record, as follows:

From the AFL–CIO

AFL–CIO President George Meany today made the following statement on President Nixon's busing message to the Congress:

The President's message on busing significantly omits any commitment on the part of his Administration to enforcing the law of the land—quality, integrated education for America's school children.

He does not commit his Administration to the expenditure of one penny in new money to improve the educational opportunities of disadvantaged children. The Elementary and Secondary Education Act—already on the books—authorizes in Title I far greater expenditures than the President is proposing. The Emergency School Aid Act—already passed by both the House and Senate—is the source of the rest of the money the President proposes spending. In fact, the $2.5 billion the President talks about is far short of the authorized spending level in ESEA for the improvement of disadvantaged schools.

Ever since his inauguration, the President has consistently opposed increasing the appropriation for the program designed to improve schools attended by the disadvantaged.

He twice vetoed congressional efforts to increase federal funding of the nation's schools—including tens of millions of dollars for aid to disadvantaged schools. One of these vetoes was carried out in front of a national television audience.

Now the President is back on national television trying to convince the American people that he has changed his opinion on improving the educational opportunities of disadvantaged children. This is political chicanery.

No new legislatiion is needed to improve educational opportunities for the disadvantaged. An excellent law is already on the books. What is needed and what has been lacking, however, is Presidential leadership to encourage the Congress to increase the appropriations to their full authorized level.

Further, the "busing moratorium" President Nixon proposes is a cynical attempt to reward those who said "never," and to undermine the moral leadership of those citizens who endeavored to comply with the Constitution and the Supreme Court's 1954 decision.

The Administration has chosen a course that, at the least, is at the margin of constitutionality. The real loser in this Nixon-inspired constitutional confrontation will be the integrity of our legal system.

The Administration, while invoking the slogan "law and order," has repeatedly struck at the courts, which, since the time of John Marshall, have been regarded as the ultimate line of defense for constitutional liberty. It now proposes, in the guise of regulating the courts' jurisdiction, to deprive them of the power to enforce the 14th Amendment by busing orders designed to eradicate the last vestiges of the segregated "dual school" system, even where that is the only method sufficient to secure true desegregation. If the 14th Amendment can be deprived of its vitality in this way then none of our constitutional rights is secure.

The harm to the constitution is no less severe because the proposed legislation is of limited duration—to expire five months after the presidential election. For the rights in question are those of individual school children and once lost for any school year cannot be recaptured.

The AFL–CIO remains firm in its commitment to quality, integrated education. We are, therefore, opposed to the President's current political maneuvers on this question.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. Stevenson). Is there further morning business? If not, morning business is concluded.

SENATE INTERVENTION IN SUPREME COURT PROCEEDINGS ON THE SPEECH AND DEBATE CLAUSE OF THE CONSTITUTION

The PRESIDING OFFICER (Mr. Stevenson). Under the previous order, the Chair now lays before the Senate Senate Resolution 280 which the clerk will state.

The assistant legislative clerk read as follows:

S. Res. 280, authorizing Senate intervention in the Supreme Court proceedings on the issue of the scope of Article I, section 6, the so-called speech and debate clause of the Constitution.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally charged against both sides on the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, it is anticipated that if and when we get through with the pending business, the Senate will then turn to the consideration of Calendar No. 653, S. 3178, a bill to relieve broadcasters of the equal time requirements with respect to candidates for President and Vice President. That very likely will take the rest of the day, and it will be followed on tomorrow by the naval vessel loans bill, the egg bill, and a few other matters of importance which are on the calendar and which are debatable.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Mr. Gambrell). Without objection, it is so ordered.

SENATE INTERVENTION IN SUPREME COURT PROCEEDINGS ON THE SPEECH AND DEBATE CLAUSE OF THE CONSTITUTION

The Senate continued with the consideration of the resolution (S. Res. 280) authorizing Senate intervention in the Supreme Court proceedings on the issue of the scope of article I, section 6, the so-called speech and debate clause of the Constitution.

Mr. ERVIN. Mr. President, I urge the Senate to adopt this resolution in order to protect the prerogatives of the Senate under article I, section 6, of the Constitution, which says that for anything said in a speech or debate, a Member of Congress shall not be questioned in any other place.

We have had some very illuminating opinions from the Supreme Court on this subject. The case which is now pending before the Supreme Court, and which involves the conduct of the Senator from Alaska (Mr. Gravel), presents a point which has not yet been elucidated by Supreme Court decisions.

We have had two leading cases heretofore decided in the Supreme Court, one of which was the case of Tenney against Brandhove, which the Supreme Court handed down on May 21, 1951, and which is reported in 341 U.S., page 367.

This case involved the question of immunity, under a similar constitutional provision of the State of California, of the action of a legislative committee.

Another case is the case of Dombrowski against Eastland. That decision was handed down on May 1, 1967, and is reported in 385 U.S., at page 82.

In both of those cases there were statements to the effect that the privilege given to a Senator by the speech and debate clause in the Constitution might not be sufficient to exonerate from responsibility and answer elsewhere an aide of the Senator.

I submit that the statements to that effect in those two opinions do not take note of the realities of the situation. All of us who are privileged to serve in the Congress of the United States know that it is absolutely impossible for a Senator or a Representative to do, in person, all the things which he undertakes to do in the execution of his office, and that it requires the assistance of others if he is to perfom even a small fraction of the obligations which devolve upon him.

When the Gravel case was heard in the circuit court of appeals for the first circuit, the court accepted this reality in its decision and held that under the circumstances of that case the immunity which excuse a Senator from answering elsewhere for acts committed by him in the execution of his office is shared by anyone who aids him in the execution of his office.

To my mind, it is highly important that the Senate should intervene in this case as amicus curiae and insist that the Supreme Court recognize this wise ruling made by the Court of Appeals of the First Circuit.

Manifestly, if this rule is not recognized and sustained by the Supreme Court in the appeal, the speech and debate clause of the Constitution will be of mighty little value to a Member of the Congress.

When the Gravel case originated in the District Court of the District of Massachusetts, the Government undertook to subpena and question Dr. Rodberg, who has been found by the Federal courts to have been an aide to Senator GRAVEL, concerning the activity of Senator GRAVEL and the activity of Dr. Rodberg in connection with the use by Senator GRAVEL of the so-called Pentagon papers, in a meeting of the subcommittee of which Senator GRAVEL was chairman.

Personally, I believe that the Senate should file an amicus curiae brief and claim the widest possible scope for this prerogative established by article I, section 6. I think an effort has been made and will be made on the part of the Government in this case to hold that the courts may inquire into the question of whether there was any irregularity in a committee meeting in which a Senator has expressed himself on a question of great public importance. I like to believe that the privilege was intended to grant immunity not only to the Senator, but also to any aide of the Senator in connection with anything which happens within the ambit of the Senate.

We have a very interesting case which was decided by the Court of Appeals for the District of Columbia on June 6, 1930, entitled Cochran against Couzens. This was a suit brought against then Senator Couzens for remarks made by him on the floor of the Senate. The plaintiff alleged in the suit that the Senator made a speech which had no relevance whatsoever to any matter then pending before the Senate, and that he made that speech on the floor of the Senate for the purpose of slandering the plaintiff, and that therefore Senator Couzens' conduct was not covered by the speech or debate clause.

The court of appeals in that case had this to say—and I think that this is something of the greatest significance:

> It is manifest that the framers of the Constitution were of the view that it would best serve the interests of all the people if Members of the House and Senate were permitted unlimited freedom in speeches or debates. The provision to that end is, therefore, grounded on public policy, and should be liberally construed. Presumably legislators will be restrained in the exercise of such a privilege by the responsibilities of their office. Moreover, in the event of their failure in that regard, they will be subject to discipline by their colleagues.

The court cited on that last point—that is, that Senators or Representatives who fail to restrain themselves as they should would be subject to discipline by their colleagues—article I, section 5 of the Constitution, which gives each House the power to discipline one of its Members for disorderly conduct.

I respectfully submit that the Senate has the power, under article I, section 5, to discipline a Senator for conduct which, in the eyes of the Senate, constitutes disorderly conduct. In other words, a Senator can be called upon by his colleagues to answer for his conduct and be questioned as to his conduct by his colleagues. But he cannot, I submit, under any possible interpretation of the speech or debate clause of the Constitution, be questioned elsewhere for his conduct in the execution of his office as Senator. To my mind, it is inconceivable that the speech or debate clause of the Constitution gives the executive branch of the Government or the judicial branch of the Government the power to make inquiry as to whether or not a meeting in which the Senator participated was regularly called in accordance with the rules of the Senate, or whether or not the Senator abused the rules of conduct which the Senate has the right to establish for its Members. If any such conclusion as that should be held, the speech or debate clause of article I, section 6 of the Constitution would be absolutely worthless.

Furthermore, I cannot conceive that the executive branch of the Government or the judicial branch of the Government can inquire as to whether or not the Senator's conduct was germane to some question then pending before the Senate, or germane or relevant to some question pending before a committee of the Senate. That is precisely the way I interpret the very vital opinion in the Couzens case, because here the allegation was that Senator Couzens was not acting in an official capacity, that his speech had no relevancy to any matter pending before the Senate, and that he made his speech for the purpose of slandering the plaintiff.

The court held that Senator Couzens was not liable, despite these allegations, because it said that the matter was governed by the averment of the complaint that the words which the plaintiff alleged to be slanderous were uttered in the course of a speech on the Senate floor.

This privilege is not confined to what happens on the Senate floor. We draw the necessity and some information about the scope of the privilege from the precedents of England. During the days of Queen Elizabeth, members of the House of Lords and members of the House of Commons were sometimes prosecuted by the Crown in the courts of England for seditious libel, based upon the allegation that the speeches they made in the House of Lords or in the House of Commons were punishable as seditious libels.

So this prerogative of Members of Congress secured to them by article I, section 6 of the Constitution, grew out of what transpired in respect of the Englishmen serving in the House of Lords or the House of Commons.

So in the Couzens case the court quotes with approval the opinion of Lord Denman in *Stockdale* v. *Hansard*, 9 Ad. and E. 1, as follows:

> The privilege of having their debates unquestioned, though denied when the members began to speak their minds freely in the time of Queen Elizabeth, and punished in its exercise both by that princess and her two successors, was soon clearly perceived to be indispensable and universally acknowledged. By consequence, whatever is done within the walls of either assembly must pass without question in any other place. . . .

I venture the assertion that the words "any other place" which appear in the Constitution were borrowed by the drafters of the Constitution from the Stockdale decision.

If the privilege created by article I, section 6, is to be of any value to a Senator, it must not only cover what he says on the floor of the Senate or what he does on the floor of the Senate but also must cover anything which he does within the ambit of the Senate—that is, within the walls of the Senate, within the walls of any committee meeting.

This is what I conceive to be the result of the opinion of the Supreme Court in the case of Tenney against Brandhove. This case expressly holds that it covers whatever is done in committee. It also says that they cannot inquire into the motives of this Senator. In that case, the opinion was written by Mr. Justice Frankfurter, who quoted with approval the statements of Chief Justice Parsons in the very famous case of *Coffin* against *Coffin* (4 Mass. 1, 27), which was decided in 1808, and which involved a provision of the constitution of the Commonwealth of Massachusetts similar to article I, section 6. I read from the Coffin opinion as it was quoted by Justice Frankfurter:

> These privileges are thus secured, not with the intention of protecting the members against prosecutions for their own benefit, but to support the rights of the people, by enabling their representatives to execute the functions of their office without fear of prosecutions, civil or criminal. I therefore think that the article ought not to be construed strictly, but liberally, that the full design of it may be answered. I will not confine it to delivering an opinion, uttering a speech, or haranguing in debate; but will extend it to the giving of a vote, to the making of a written report, and to every other act resulting from the nature, and in the execution of the office; and I would define the article as securing to every member exemption from prosecution, for every thing said or done by him, as a representative, in the exercise of the functions of that office, without inquiring whether the exercise was regular according to the rules of the house, or irregular and against their rules.

I think it would be wise for the Senate, as an institution, to intervene in the Gravel case and to assert that the privilege certainly extends as far as set forth by Chief Justice Parsons in Coffin against Coffin.

I should like to call attention to why this is necessary. In the Tenney case, Justice Frankfurter said:

> In times of political passion, dishonest or vindictive motives are readily attributed to legislative conduct and as readily believed. Courts are not the place for such controversies. Self-discipline and the voters must be the ultimate reliance for discouraging or correcting such abuses. The courts should not go beyond the narrow confines of determining that a committee's inquiry may fairly be deemed within its province.

I invite the attention of the Senate to this significant statement:

> To find that a committee's investigation has exceeded the bounds of legislative power it must be obvious that there was a usurpation of functions exclusively vested in the Judiciary or the Executive.

In concluding this opinion, Justice Frankfurter said:

> We conclude only that here the individual defendants and the legislative committee were acting in a field where legislators traditionally have power to act, and that the statute of 1871—

That is, the Civil Rights Act—

> Does not create civil liability for such conduct.

I contend that it would be wise for the Senate to join in the intervention in this case and assert that the Senator has this privilege, that the Senator has this privilege regardless of whether his conduct is regular or irregular according to the procedures of the Senate, and that this privilege also extends to any aide who assists the Senator in doing the things which the Senator honestly believes to be within the execution of his office.

Certainly, if anything has become a tradition in the Senate, or if we can cite recent things as traditions, it has been for Senators to stand on the floor of the Senate or to rise in the meetings of the Senate committees and express their views in respect to the war in Southeast Asia. Certainly, that is not a usurpation of any function which is given, in the form of government, to the executive or to the judicial departments.

Mr. BROCK. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. BROCK. Is the classification of material a function assigned to the legislative branch?

Mr. ERVIN. The Senator has asked a very interesting question.

I think that the executive branch of the Government—this is an expression of my individual opinion, and it is inferentially supported, I think, by the majority of the nine separate opinions which were handed down in the New York Times and the Washington Post cases—has a right to classify material where the classification of that material is necessary to the national security, or where the classification of that material is necessary to protect the Armed Forces of the United States when they are engaged in hostilities with an enemy, or when the classification of that material is necessary to protect from exposure the plans which are contemplated for the operation of the Armed Forces of the United States.

I agree with the validity of the executive privilege, insofar as executive privilege covers the right to withhold from the Congress or the public discussions between members of the executive branch in arriving at the matter of policy. I would seriously question whether there is any basis for any absolute privilege on the part of the executive to classify material or to go beyond the scope of the executive privilege.

Mr. BROCK. Has not Congress given to the executive, by law, the right to classify and declassify information? I would further ask: Is there any law, anywhere, which allows an individual Senator to declassify information?

Mr. ERVIN. Well, the Senator has asked a very broad question. There is a very eminent scholar in the field of free expression, Prof. Thomas Emerson, who says that it is the obligation of the executive branch of the Government to maintain the security of documents that it wishes to withhold, and that when those documents come into the possession of another person, by any means whatsoever, that other person has the right, under the first amendment, to publish it.

Mr. BROCK. I think the Senator misses the point. The Senator quoted a case where Justice Frankfurter said we can only find in this particular situation a condition of culpability when the individual has usurped the function of the executive or judicial branches. I do not think the Senator has addressed himself to the question of whether classification or declassification is a function of the legislative branch and, if it is not, whether or not the action undertaken by the Senator from Alaska was not, in fact, usurpation.

Mr. MATHIAS. Mr. President, if the Senator will yield, I should like to comment very briefly on that. I think he has raised an interesting question and one that really commands the attention of the whole Senate because it involves the responsibility of the whole Senate.

Mr. BROCK. That is correct.

Mr. MATHIAS. I do not think that here we are dealing with the question of whether, if the law is violated, the violator may be a Member of the National Legislature, but I think that what we are dealing with here is who shall call him to task, whether it shall be the legislature itself or whether it shall be, as the Constitution expresses, "at some other place."

Now, whenever the Senate is in session—and the same is true in the House—the desk is open and any Member of the Senate can file a resolution of censure or any other disciplinary action he feels is required under the circumstances. I think that the Senate bears a heavy responsibility for the upright behavior of its own Members. I do not think that we should condone, either by silence or otherwise, things with which we disagree. It is healthy to discuss them. The point here is, as I have expressed it, not that one is excused from the observance of the law by being a Member of the National Legislature, but to whom he shall be responsible for any violations or alleged violations.

Mr. BROCK. I fully agree with that. I think there is a second question, if the Senator from Maryland will permit me to pursue the matter, and that is the question of how far this immunity can extend. In the New York Times case he was given immunity under freedom of the press. The Senator from Alaska was given immunity under section 1, subsection 6 of the resolution. Then the immunity is extended to a purported member of his staff—to wit, Dr. Rodberg, and then, apparently, the request is made to extend immunity further to the printing operation.

I think at some point it is relevant for the Senate itself and perhaps for the Supreme Court to consider what the absolute limits of immunity are. I do not really think that matter has been adequately debated in this body. Do we have the right as Senators to anoint those on whom we want to confer immunity? Is this simply the principle as indicated by some?

Let me pose to the Senator from Maryland another question, if I may. What if a friend or member of a staff of a Congressman—House or Senate—went into another Member's office and stole private documents and, on the basis of those documents, he prepared a speech for that particular Congressman, a political speech, which could be used in a campaign against that person who was offended?

I assume that under the rules being proposed, both the Senator and his staff member would be fully exempted from the operation of the law, unless the Senate or the House took action against him personally. But what action could be levied against the staff member for theft?

Mr. MATHIAS. Let me first of all say that I am sure the Senator from Tennessee agrees fully on this, that we would hope, if such a hypothetical circumstance should actually occur——

The PRESIDING OFFICER (Mr.

GAMBRELL). The time of the Senator from North Carolina has expired. Who yields time?

Mr. BROCK. Mr. President, will the Senator from Ohio permit the Senator from Maryland to answer?

Mr. SAXBE. I yield 2 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 2 minutes.

Mr. MATHIAS. If this hypothetical fact situation should occur—and I would hope that the good sense of the people who elected us would in itself be a sufficient guarantee that that kind of thing would never happen—but if it did, I would expect that the Senate would rise up in righteous wrath and strike down any Member who would condone that kind of activity, on his own part, or on the part of anyone else who stood in a confidential relationship with him.

Mr. BROCK. So would I.

Mr. MATHIAS. And so face a disciplinary tribunal of the Senate itself.

Mr. BROCK. What if the man who did it was a friend of the Senator's and he did not tell him that the documents were, in fact, stolen, and the speech was delivered in all honor and good conscience? Who prosecutes the friend?

Mr. MATHIAS. The part on which Mr. Justice Rehnquist expounded to the Subcommittee on Separation of Powers, clearly indicates that it has to be someone who is within the realm of being an adviser, someone who stands in a confidential relationship. I do not think that some volunteer who goes out without instructions and does not stand in a confidential relationship with respect to this transaction, but goes out, as they say in law school, on a frolic of his own and commits a crime, is within the protection that we are talking about here.

Mr. BROCK. That is the concern I have. The point I make is that the Senator from North Carolina has asked the Senate to file a brief presenting the most liberal possible presentation of the Constitution in this matter. I am deeply disturbed with the kind of case I have mentioned which would extend the prerogatives and privileges of an individual who happens to be an occasional adviser and personal friend and who had, in fact, committed a crime.

I think that there must be a more severe limit upon the constitutional privilege, so important to the freedom of debate in this body. The rights of the people are terribly important, too. I do not think the Constitution itself was ever intended to extend to that degree.

I am very conscious about how this privilege is presented and with what it concerns. It is a matter of great personal concern to me.

Mr. GOLDWATER. I do not want the Gravel resolution to pass or fail to pass without making known my basic feelings about the whole matter. I do not think we are on the right track when we appeal to the Supreme Court relative to the freedom of debate. The real problem has been the abuse of classified material. I imagine that every Senator has been cleared by the FBI for secret and top secret matters, and I have always thought that every Senator understood the nature of these papers. We can question the validity of a particular classification but the fact remains that if it is classified, it should not be discussed with anyone unless that other person is also cleared for the same level of classification. This to me, is the root of the Senator GRAVEL problem, and I will say here I dislike bringing his name into it but he is a Senator who made public papers called "The Pentagon Papers" which carried high classification at that time. This is not only a problem that has been brought up by the Senator's action, but we have seen a man named Ellsberg do the same thing, and we see a columnist named Anderson engaged in this practice almost daily. The question then comes down to this: How long will the Government tolerate these abuses? How long will it be before someone is placed before a court to test the laws which prohibit the divulging of classified material? The major point to my mind in this resolution is that portion which calls for the payment of all court costs, printing, and so forth. I will have a difficult time explaining to Arizona taxpayers why the costs involved in a case brought on himself by a Senator from another State should be borne in part by Arizona taxpayers. The language of the resolution is practically limitless and having experienced court costs quite recently, I know we are talking about something in six figures and if it becomes known that the Government is going to pay these costs, it could well go higher. I sincerely hope this resolution is defeated and then if the Senate is truly concerned about preserving its right to debate, I would suggest that a wiser, more sensible approach be made to it. To me, this is a very high priced can of whitewash.

AMENDMENT NO. 1080

Mr. SAXBE. Mr. President, I call up my amendment No. 1080.

The PRESIDING OFFICER (Mr. GAMBRELL). The clerk will report the amendment.

The assistant legislative clerk read as follows:

> On page 2 strike lines numbered 6 through 12 and insert the following:
>
> *Resolved*, That any expenses incurred pursuant to these resolutions in the abovementioned litigation in the Supreme Court shall not be paid from the contingent fund of the Senate or any other public moneys.

Mr. SAXBE. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. SAXBE. Mr. President, I think that we have heard a very learned discussion here this morning about issues on which we generally agree, issues that have to do with the immunities of the Senate, traditional immunities that go back to the very birth of democracy when parliaments and legislative bodies first assumed authority.

I might say they assumed that authority after a great struggle, because the monarchs of the time were extremely reluctant to give up the power which they then exerted over the judicial as well as the legislative. This is why it is so jealously guarded.

Mr. President, I listened with interest to a whole string of cases which point out that this immunity had been fought over through the years. And we have a great precedent. However, I think that when we come down to the real nitty-gritty, what we are talking about this morning is dollars. And we are talking about assuming a cloak of responsibility in something that we do not want any part of. The minority are refusing to fund expenses that in any way can support the actions of the Senator from Alaska. They do not want to be included even by reference in these actions.

We feel that we can provide an adequate amicus brief to the Supreme Court of the United States. We have agreed to do so and are now preparing such a brief at no cost to the taxpayers.

What we are coming down to here and what the amendment I have offered would take care of is the nitty gritty of the matter: Who is going to pay the expenses of the Senator from Alaska in hiring lawyers to try to defend himself from an action which was wrong. We have discussed the fact that the Senate should adopt legislation, carefully washing its hands of what the Senator did, taking out any reference to his action, involving even his brief and record, over which we want no control.

We say as a minority that we will file a brief, and we will file a good brief. We will let the Supreme Court know what the precedents are. We will represent this situation. And what it is shaping up to be is that the Democratic majority, because they have in effect rallied to the support of a Senator who did something wrong, are attempting to bail him out. They will pay for the attorney's fees and pay the cost of prosecuting this action through the courts and the costs of hiring downtown lawyers who will prepare the brief.

We want this clearly delineated at this point. We, the minority, agree that a brief should be filed. But we think that the people who make the laws can defend those laws and can defend the action of the body of which we are a part.

We can do this without cost to the taxpayer and are willing to sacrifice our time, if necessary, to put together an adequate brief.

It was brought out in the discussion yesterday that laid the groundwork for this that there is no idea of what this fee will be. The fee can be set at any amount. There is no limit. There is no idea of what the total costs are going to be, whom they are going to hire, or how much they will pay. It is as open-ended as it can be. It is something that no legislative body, I believe, should adopt.

So what I foresee here today is that the Democrats with their votes, although very likely they may not like what he did, will nevertheless say: "He is one of ours. We will protect him. We will give him a color of responsibility in his disclosure of these secrets of our Government."

The Republicans say: "We do not want any part of it. We will vote against it. We will prepare our own brief. We will go our own way."

I think that the people of this country when they see that public funds have been expended and see the protection that is extended, will rise up and in no uncertain terms will let the people and will let the Members of this body know that they consider it to be beyond the scope of his activity.

That is our attitude, and that is why I think this amendment, on which the yeas and nays have been ordered, sets out the first ground that we have to establish, that we are not going to extend the credit of this body for a Member with whom we do not agree and who we think did a wrong thing. We believe that we can offer our own brief and offer a good one.

Mr. DOMINICK. Mr. President, will the Senator from Ohio yield?

Mr. SAXBE. I yield.

Mr. DOMINICK. Mr. President, I rise to support the amendment and support it with great conviction. For the life of me, I cannot understand why the Senate as a body should take the position that it is going to spend its money on legal fees and filing expenses in a case in which an individual Senator has voluntarily intervened in a case in which his own brief goes much further than I would think 90 percent of the Senators of this body would agree to. This case arises out of a blatant disregard for the classification of documents by the executive department and, in the process of doing this, not only disregards it but in fact violates the very laws which we have on the books to protect classified documents.

To ask the taxpayers of this country now to pay the costs of defending actions of this kind, seems to me to go far beyond anything that has ever been suggested in the Senate previously.

I gather that what the Senator's amendment does is to strike out not only the payment of the legal fees and expenses of the Senator from Alaska, but also says that we are not going to pay out of the contingent fund—namely public moneys—any of our own fees or expenses for any intervention by the Senate itself. Is that correct?

Mr. SAXBE. The Senator is correct.

Mr. DOMINICK. Mr. President, it is estimated, I would presume, that we have enough capable lawyers, such as the Senator from Ohio and the Senator from North Carolina, to file a brief which would be agreeable to the rest of the Senate and that the cost of filing of the brief and the printing fees would then be taken care of by voluntary subscription from Members of the Senate and other persons who might want to contribute funds for that purpose.

This gets away from using public tax funds for this purpose. It seems to me that this amendment goes to the heart of what we were discussing at some length last night and what has in fact been described this morning in connection with the colloquy between the Senator from Maryland and the Senator from Tennessee because this gives us some control over our own brief. It gives us some degree of control over how far we want to go in this brief, and it does not impose upon the overburdened taxpayers of this country an additional burden of taking on expenses which they, I am sure, do not want to take on either for the Senator from Alaska or for the protection of the Senate itself.

I want to say in the process of this debate that there are grave problems in the credibility of people in high office these days, be they in the Senate, in the House, or even in the executive branch of government. One finds this wherever he goes in this country. If the Senate should, as a result of our actions here, spend public tax funds on issues which the taxpayer himself feels should not be dealt with, we are further reducing the credibility of this body to be effective in a legislative way as well as in protecting the interests of the people of this country.

Mr. President, you know and I know that we are going to be accused of spending tax money for the purpose of protecting our own membership. Whether it is right or wrong makes no difference. This is going to be the attitude of almost anyone who is not a lawyer or a Member of the Senate. It is an attitude that I am sure will be taken in the public media. As I intended to point out last night, already there has been an editorial in the Scripps-Howard newspapers, in the Washington Daily News, at any rate, stating we should not take any action whatever in paying any fees or expenses of the Senator from Alaska. I certainly subscribe to that wholeheartedly, but I go further. I am not sure we should pay any of the expenses of the Senate in trying to preserve our own immunity in filing our brief before the Supreme Court. We have enough people in this body who are sufficiently concerned and who, I might add, are being paid out of public tax funds already at a fairly high level, that we could do something about the payment of necessary printing fees and court costs on our own without further burdening the taxpayers.

So I rise in wholehearted support of the amendment and I sincerely hope that it will be adopted. I wish that more Senators were in the Chamber so they might be influenced by this discussion. I know how busy everyone is but I think this is a matter of real principle. I wish we could get the membership here so they would be able to listen to the debate.

I thank the Senator from Ohio for yielding.

Mr. SAXBE. Mr. President, I yield 5 minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I am in complete agreement with the remarks of the Senator from Ohio and the Senator from Colorado. My only disagreement with the proposed amendment, which I will vote for, is that it does not go far enough.

Mr. President, I am not a lawyer; I can only speak as a layman interested in the processes of the Senate. I do not see this particular case as a trial over whether or not we have immunity in debate and statements on the floor of the Senate. I think it is a case of whether or not it is proper for a U.S. Senator to divulge classified material. This, I think, should have been determined by the Senate when the case first occurred. I so said on the floor of the Senate.

We are seeing in this country today the divulging of classified papers by a Dr. Ellsberg, by a columnist named Anderson, and the divulging of these papers by a U.S. Senator.

I think most of us are cleared for secret and top secret by the FBI and other agencies, and I think every Member of Congress understands it is against the law to divulge these classified materials.

I respect this so highly that I have adopted a policy of not keeping secret papers in my office safe any more. I am afraid of what might happen to them. Here at a time in our Nation's history when we are being attacked not only from without but more so from within, I think it is more important than ever that we maintain the classification prerogatives which have been granted to us by the executive branch of Government. We can argue whether or not these classifications are proper—I happen to think we are overclassifying—but nevertheless when a Member of this Congress sees a paper marked confidential, secret, top secret, or for your eyes only, I think it is highly improper and illegal for any Member to divulge this source in any way and at any time. I feel so strongly on this that I have been trying to find ways to bring suit against the newspaperman I have mentioned for his divulging of secret papers and for continuing to do that. Unfortunately, I find there is no way a civilian can do this; it has to be carried out by the U.S. Government; and I am urging the proper authorities to do this.

We are risking the future of our country, we are risking our defense plans, we are risking the future of our defense thinking, and we are risking the future of our foreign policy thinking when we allow anybody to see classified papers.

I would hope, although it is a late date, and with no disrespect to the Senator from Alaska, that we can look into this matter as the U.S. Senate, as suggested at that time and turned down by the leadership on both sides, to determine the propriety of the actions. I think this is what should be determined. I do not think there is any question about our right of freedom of discussion, but I do maintain there is a matter of propriety in the use of materials and papers that come to us in a highly classified way.

I agree wholeheartedly with the amendment. I do not think we should pay one dime, one cent of taxpayer money in the defense of any Senator at any time. I would be perfectly willing to paritcipate in a fund to provide printing costs. I understand they are relatively low. But I think we would be taking an action here that would be highly improper and distasteful.

The PRESIDING OFFICER (Mr. GRAVEL). The Senator's time has expired. Who yields time?

Mr. SAXBE. Mr. President, I suggest the absence of a quorum, the time to be equally divided.

Mr. ERVIN. Mr. President, I ask unanimous consent that the quorum call be had without the time being charged to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I send to the desk an amendment in the nature of a substitute for amendment 1080. Since I have written it out in my own handwriting, and my handwriting is extremely difficult to read——

The PRESIDING OFFICER. The Senator's amendment would not be in order until he has yielded back his time on the pending amendment.

Mr. ERVIN. I thank the Chair. I have some thoughts on the pending amendment.

I oppose the amendment offered by the distinguished Senator from Ohio. I personally think that the Senate should authorize at least the costs incurred in preparing and filing an amicus curiae brief. The amendment offered by the distinguished Senator from Ohio would preclude even the payment of this item of expense, because it would exclude the payment of any item of expense incurred or to be incurred by the Senator from Alaska as a party to the proceeding in the Supreme Court, and it would also preclude the payment of any cost of expense incurred by the subcommittee in the filing of an amicus curiae brief.

I think it is a proper part of a diligent defense for the Senate to pay the expenses incurred by a Senate committee. I just do not believe that private individuals should defray the costs of the filing of an amicus curiae brief for the Senate.

I agree with the distinguished Senator from Ohio that other Members of the Senate are capable of filing a brief in this case. I would number among those the distinguished Senator from Ohio, who has had a most distinguished career as attorney general of his own State.

Mr. SAXBE. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. SAXBE. I thank the Senator for the fine compliment.

To avoid getting into an involved parliamentary situation here, in an area where I think that we can present this issue rather rapidly, if we yield back our time on the pending amendment and then the Senator offers a substitute, it would mean, then, that if I wanted to strike that part of the Senator's amendment dealing with the filing fees and the printing fees, it would be in the third degree and would not be proper. I have here an unedited transcript of a discussion we had this morning in that regard.

Would it not be true that if I were to ask unanimous consent to withdraw my amendment without prejudice, and then the Senator offered his substitute, then I would be in the first degree were I to offer an amendment to strike?

Mr. ERVIN. That would simplify the procedure very much.

Mr. SAXBE. Mr. President, I ask unanimous consent that the amendment which is before the Senate, on which the yeas and nays have been ordered, be withdrawn without prejudice at this time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 2676) to provide for the control of sickle cell anemia, with amendments, in which it requested the concurrence of the Senate.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 208) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

The PRESIDENT pro tempore subsequently signed the enrolled joint resolution.

SENATE INTERVENTION IN SUPREME COURT PROCEEDINGS OF THE SPEECH AND DEBATE CLAUSE OF THE CONSTITUTION

The Senate continued with the consideration of the resolution (S. Res. 280) authorizing Senate intervention in the Supreme Court proceedings on the issue of the scope of article I, section 6, the so-called speech and debate clause of the Constitution.

Mr. ERVIN. Mr. President, I send to the desk a substitute resolution.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read the substitute resolution, with its preamble, as follows:

> Substitute resolution replacing S. Res. 280.
>
> Authorizing Senate intervention in the Supreme Court proceedings on the issue of the scope of article I, section 6, the so-called speech and debate clause of the Constitution.
>
> Whereas the Supreme Court of the United States on Tuesday, February 22, 1972, issued writs of certiorari in the case of Gravel against United States; and
>
> Whereas this case involves the activities of the junior Senator from Alaska, Mr. Gravel; and
>
> Whereas in deciding this case the Supreme Court will consider the scope and meaning of the protection provided to Members of Congress by article 1, section 6, of the United States Constitution, commonly referred to as the "Speech or Debate" clause, including the application of this provision to Senators, their aides, assistants, and associates, and the types of activity protected; and
>
> Whereas this case necessarily involves the right of the Senate to govern its own internal affairs and to determine the relevancy and propriety of activity and the scope of a Senator's duties under the rules of the Senate and the Constitution; and
>
> Whereas this case therefore concerns the constitutional separation of powers between legislative branch and executive and judicial branches of Government; and
>
> Whereas a decision in this case may impair the constitutional independence and prerogatives of every individual Senator, and of the Senate as a whole; and
>
> Whereas the United States Senate has a responsibility to insure that its interests are properly and completely represented before the Supreme Court: Now, therefore, be it
>
> *Resolved*, That the President pro tempore of the Senate is hereby authorized to appoint a bipartisan committee of Senators to seek permission to appear as amicus curiae before the Supreme Court and to file a brief on behalf of the United States Senate; and be it further
>
> *Resolved*, That the members of this bipartisan committee shall be charged with the responsibility to establish limited legal fees for services rendered by outside counsel to the committee, to be paid by the Senate pursuant to these resolutions; and be it further
>
> *Resolved*, That any expenses incurred by the Committee pursuant to these resolutions including the expense incurred by the Junior Senator from Alaska as a party in the above mentioned litigation in printing records and briefs for the Supreme Court shall be paid from the contingent fund of the Senate on vouchers authorized and signed by the President pro tempore of the Senate and approved by the Committee on Rules and Administration; be it further
>
> *Resolved*, That these resolutions do not express any judgment of the action that precipitated these proceedings; and be it further
>
> *Resolved*, That the Secretary of the Senate transmit a copy of these resolutions to the Supreme Court.

Mr. ERVIN. Mr. President, the Senator from North Carolina has been informed that under the rules of the Senate, a substitute changing the preamble to the resolution is not in order at this time. For that reason, I ask that the preamble as stated in the proposed substitute be withdrawn.

Mr. DOMINICK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. BYRD of West Virginia). The Senator will state it.

Mr. DOMINICK. It is my understanding that this is offered as a substitute for the resolution which was originally before us and as such would be considered as a whole.

The PRESIDING OFFICER. The Chair will state that this is a substitute for the whole resolution but that the amendment to the preamble would not be in order at this time.

Mr. DOMINICK. Is it the ruling of the Chair that all we were considering in this are resolving clauses, even though the entire amendment is before us?

The PRESIDING OFFICER. The Senator from North Carolina is offering a complete substitute for the resolving clauses of the resolution.

Mr. MATHIAS. Mr. President, reserving the right to object, I ask the Senator from North Carolina whether it is his intention, at a proper time in these proceedings, to offer the substitute for the preamble.

Mr. ERVIN. Yes.

In other words, as I understand the rules of the Senate, it would be improper at this time to attempt to change the preamble to the resolution, but if the resolution is adopted in its present form or in an amended form, then it would be entirely in order to amend the preamble itself; and the Senator from North Carolina will certainly offer an amendment to that effect at the proper time.

Mr. MATHIAS. I rest on the Senator's assurance.

(At this point Mr. GOLDWATER assumed the Chair.)

Mr. ERVIN. Mr. President, I think the crucial question presented by the original resolution and by the proposed substitute for the original resolution is whether the Senate, as an institution, should file an amicus curiae brief in its own behalf.

The Senator from North Carolina recognizes that the distinguished Senator from Alaska has incurred counsel fees in the U.S. district court, has incurred counsel fees in the U.S. Court of Appeals for the First Circuit, and has incurred various expenses in connection with the litigation in those two courts. While the Senator from North Carolina would be glad to support a resolution of the Senate to reimburse the distinguished Senator from Alaska for reasonable counsel fees and expenses incurred in this litigation, the Senator from North Carolina believes that that question should not be combined with the question of whether or not there should be reimbursement for past counsel fees or reimbursement for future counsel fees incurred by the Senator from Alaska. To my mind, that question, while of great importance to the Senator from Alaska, is of secondary importance to the Senate.

The changes in the original resolution which were made by the substitute can be stated to be three in number.

In the first place, the substitute strikes out the word "legislative" before the word "activities," in referring to the activities of the Senator from Alaska which gave rise to the case now pending in the Supreme Court. There is some objection by some Senators to the use of the word "legislative," on the ground that the event which gave rise to the litigation was not strictly legislative. I think that question is immaterial for present purposes, because what is material is the activities involved and whether or not they were within the scope of the speech and debate clause of the Constitution. So that is an amendment to which I think no one can reasonably object.

Second, there is a provision in the substitute which puts in a restriction which I think prudence requires to be placed in the resolution, authorizing the expenditure of money for any purpose under the resolution, and that is that those expenses shall be subject to the determination of the Senate or the rules of the Senate and not result in haggling between outside parties and the Members of the Senate or the Committee on Rules and Administration.

The most crucial change that is made by the substitute is this: The original resolution provided, in substance, that the expenses of the Senator from Alaska for counsel fees and other expenses in presenting his case to the court should be paid out of the contingent funds of the Senate. This provision has provoked a considerable difference of opinion in the Senate, and it poses a danger with respect to the crucial question—that is, whether the Senate, as an institution, shall intervene in the case in order to establish the prerogatives of Senators—and is combined with a matter which is alien to that.

So the Senator from North Carolina believes that the Senate should pay out of the contingent funds of the Senate the cost of printing the briefs and the cost of printing the records devolving upon the Senator from Alaska in order that the question might be presented by him. This expense would be comparatively small, and the substitute resolution would provide for the payment of that expense—merely the expense to be incurred or which has been incurred thus far by the Senator from Alaska solely in printing records and briefs for the Supreme Court.

That, in effect, is the sum total of the changes made by the substitute amendment.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. DOLE. I am wondering whether there is any precedent either for paying or for not paying such fees, whether they be printing fees or attorney's fees. Has another Senator been involved before in a similar situation?

Mr. ERVIN. Yes; there is precedent.

Some months ago, all the members of the Permanent Subcommittee on Investigations of the Senate Committee on Government Operations were sued in the U.S. district court by a man——

Mr. DOLE. I understand. As the Senator has said, two questions are involved—first, the Senate as an institution; second, a Senator as an individual and his conduct.

I understand that the attorneys' fees are paid in cases involving the Senate as an institution. But I do not see the point when considering individuals acting on their own behalf.

For example, did Senator Joseph McCarthy have legal fees that were picked up by the Senate?

Mr. ERVIN. Senator McCarthy refused. It was proposed at the time of the censure proceedings against Senator McCarthy that the Senate should pay fees for the counsel, who was Edward Bennett Williams, who appeared on behalf of Senator Joe McCarthy at the hearing before the Watkins committee of which I happened to be a member. Senator McCarthy said that he did not desire to have those fees paid by the Senate. Edward Bennett Williams, his counsel, said that he did not desire to have the fees paid by the Senate. That was done in that case. But the case I started to mention is the one where I was sued for $50,000, which I did not have, as well as other members of the Permanent Subcommittee on Investigations. The obtaining of counsel and the payment of counsel fees were authorized by the Senate notwithstanding the fact that the case has never yet come to trial, and I trust that it never will come to trial.

I think of the case where Senator JAMES EASTLAND of Mississippi, as chairman of the Internal Security Subcommittee of the Committee on the Judiciary, and Mr. Sourwine, chief counsel of the Subcommittee on Internal Security of the Committee on the Judiciary, were sued for actions taken by Mr. Sourwine, as the Senator's counsel. In that case, the Senate paid the fees of counsel for both parties.

Mr. DOLE. There, the suit was brought against a group of Senators, but here the Senator from Alaska voluntarily intervened. That may make no difference. I am not certain which is why I am asking the distinguished Senator from North Carolina. But, I do see some difference. The McCarthy case is the only one I recall which involved the issue of revelation of classified information by a Senator. There were probably others prior to that time. We must also keep in mind that the Public Works Committee, which is a part of the Senate and has certain jurisdiction, met and did not agree to pay any transcript costs. Thus, I wonder why the full Senate would agree to pay any other costs of an individual Senator.

Mr. ERVIN. Well, of course, that is a question for the full Senate. I can see why there might be differences of opinion on that point. The Senator from North Carolina believes, however, that this is a justifiable expense the Senate might well incur; and so the Senator from North Carolina offers this substitute with the provision that the Senate pay out of its contingent fund the cost of the printing of the records and the briefs, but no other costs incurred by the junior Senator from Alaska.

Mr. DOLE. I assume it will be, but recently it has been discussed in our conference, and perhaps individual Senators might want to intervene in this case. Will this cover those? Will it pay for preparing their records and briefs?

Mr. ERVIN. No; I doubt seriously whether the Supreme Court would entertain a petition for intervention of amicus curiae on behalf of an individual Senator. Usually, that is restricted to organizations. This would cover only two items. It would cover the items incurred for all purposes by the bipartisan committee in connection with the filing of an amicus curiae brief on behalf of the Senate as an institution, and it would cover, in addition to that, only expenses incurred by the Senator from Alaska in the printing of the records and the briefs in the Supreme Court.

Mr. DOLE. But any other Senator——

Mr. ERVIN. I might add, and it is right interesting in this connection, that this case has three sides to it: the Senate side, the side of the Senator from Alaska, and the side of the Government.

Certainly, printing the briefs and the records of the Senate should be paid for by the taxpayers. The printing of the records and the briefs of the Department of Justice will be paid for by the taxpayers; so that I think as a matter of equity, to make certain that the Senator from Alaska can present his case in printed form, the taxpayers should also pay for the cost of printing his records and briefs as incurred by him.

Mr. MANSFIELD. Mr. President, will the distinguished Senator from North Carolina yield?

Mr. ERVIN. I yield.

Mr. MANSFIELD. Mr. President, it appears to me that we are getting away from the main subject; namely, the integrity and the protection of the Senate, and that we are concentrating our fire erroneously on the merits of a case including an individual Senator, a Senator who happens to be a Member of this body in good standing. I might say that in my judgment this Senator had the right to do what he did when he did it, when he took the floor of the Senate on that night some months ago. This Senator also has incurred a great deal in the way of expense since that time. This Senator has, regardless of our personal feelings, been carrying on primarily not his fight but our fight.

No matter which individual Senators were involved, I would take the same position. I would, therefore, hope that we would not become so undignified in this body as to quibble over an amount which probably will not exceed $500 or $600. I think it is undignified for this institution to act in this manner. But even more importantly, I would hope we would recognize the larger issue—the only issue—that is here at stake.

If we want to find fault with a Senator—his name is hardly mentioned except that he is from Alaska—then the Senate should take what it considers the necessary action. But the Senate should do it on its own, apart from what the executive branch is trying to do—and I think that branch is entirely without the scope of its constitutional authority and responsibility—and what the judicial branch may do; and what those two branches of Government, together, may be able to accomplish unless challenged properly, amounts to a degradation of the Senate and constitutes waiver of our immunity.

As the distinguished Senator from North Carolina has said, this goes back to the days of the English kings. Mr. President, if you have not got immunity within these four walls, or in undertaking tasks in connection with these four walls, then you are losing the right to speak freely in this body.

That is the big issue.

If we want to "get" the Senator, then bring it out in the open and get him.

If we want to protect this institution, the Senate, I think we had better think twice and act together, because the Senator is not on trial. Basically, the Senate is on trial.

Mr. SAXBE. Mr. President——

The PRESIDING OFFICER. (Mr. BENTSEN). The Senator from North Carolina has the floor.

Mr. ERVIN. Mr. President, I want to say that I concur fully with what the distinguished majority leader has just said. I think that this question of classification in the case of the Pentagon Papers is largely beside the point. The Supreme Court has held that the New York Times and the Washington Post which acquired possession of the Pentagon Papers, in some way unknown to the Senator from North Carolina, could not have their rights under the first amendment to print the Pentagon Papers in the daily press restrained by the courts.

I think that is beside the point. There may be involved some argument on the question of law, as to the extent a Senator's counsel can go in the matter, but the important thing here is whether the Senate is sufficiently concerned about an attempt, not to exonerate a Senator, but an attempt to make a Senator answer, in some place other than the Senate, for his actions.

I take the position that if any individual Senator—I do not care much whether he disagrees with me, and I do not care how unpopular his views may be—cannot say what he wants to say at any time, then freedom in this Republic of ours is drawing to an end.

Certainly, on the question of classification or declassification, I can see a lot of controversy, as I have seen some of the most foolish things done in the name of classification that ever happened in this country.

It goes to the principle and the scope and the effect of the speech or debate clause and is of the greatest concern to the Senate. And I think it is justifiable to defray the mere cost of printing the brief and record which may be incurred by the Senator from Alaska in presenting this case to the Court and in making it possible—he and the Government making it possible—for the Senate to intervene.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BENTSEN). The Senator from Ohio is recognized.

Mr. SAXBE. Mr. President, first I want to commend the Senator from North Carolina for introducing a substitute which goes a long way to correct some of the things that we found wrong with the original resolution. He makes it a bipartisan committee. He makes it a committee that can determine and fix the fees for any counsel that this committee needs. This committee will represent the Senate. In other words, we are not turning it over to outside counsel. But they will be empowered to employ counsel.

I think the Senator has gone a long way in recognizing that there are areas here that are repugnant to a great many Members of this body.

Some of the things are still not acceptable. However, in reply to the statement of the Senator from Montana, I point out with reference to his statement that we are isolating a Senator and censoring him, that I can only recall that this incident happened last June and not one step has been taken in the Senate toward any censure. It seems to me that, if we have a case to come before the court and say to the court, "You keep out of our business. We will police our own house," it will be very evident that nothing has been done.

I think, too, that, when the Senator from Montana says that the Senator from Alaska was fighting our fight, the Senator from Alaska was then before a rump session of the Buildings and Grounds Subcommittee in a room at midnight and disclosing classified documents of the U.S. Department of Defense and he is not fighting my fight. Such an idea is repugnant to me.

The very fact that we find ourselves in this situation is in itself a sorry reflection on the behavior of this Member of the Senate.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SAXBE. I yield.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, what I am referring to in my remarks was the court actions which had been undertaken. Although I am not a lawyer, I think I am on good constitutional grounds when I state again that on the basis of the participation of the Senator from Alaska in these court fights he was upholding the interests of the Senate under the Constitution.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. SAXBE. Mr. President, I yield to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. DOMINICK. Mr. President, like the Senator from Ohio, I want to inject a couple of statements about the statement made by the Senator from Montana. I know how deeply he loves the Senate. I know how deeply we all love the Senate. We may disagree with other Senators back and forth on certain matters, but as Members of this body we cherish what has been going on here for nearly 200 years under the Constitution.

I do not think, as the Senator from Montana said, that we are quibbling over $500. We are not quibbling about that. We are quibbling about a matter of principle. The question raised is whether the Senate and the taxpayers should—because they provide the funds by way of taxes—pay for the brief of the Senator from Alaska who was trying to extend immunity and anoint everyone that he has been in contact with since he has held office. That is not my idea of what the taxpayers or what the Senate of the United States ought to be asked to do. Insofar as secret sessions are concerned, we have had them in this body. They have been held in executive session. The galleries have been cleared and the press galleries have been cleared any time that anyone wanted to reveal any secret or classified information for the benefit of the Senate.

This particular material that was printed in a subcommittee hearing record by the Senator from Alaska was for the express purpose of publicizing classified information. It is exactly the opposite of what we have done in every other case.

I cannot say that we can put this on a par with other cases. Going beyond that and doing my best to be levelheaded and doing no more than expressing my disagreement with what went on, I point out that this substitute is certainly much better than the original measure. However, it does include, as I have said, the very problem over which we started the debate: Is there an obligation on the part of the Senate to try to extend—I should say try to extend by paying the expenses of the Senator from Alaska—the immunity in the words that are within article I, section 6, not only to a Senator and his aide, but also to every associate with whom he has ever dealt?

That is what we will do if we pay for the printing costs and for the costs of the filing of the brief, which has been done by the Senator from Alaska, as I understand it.

It has been said on the floor that this needs to be done because otherwise we do not have a case on behalf of the Senate to get before the Supreme Court. That is not so. We have the Government brief, and we have the petition granted by the Supreme Court.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. DOMINICK. I am happy to yield, if that is all right with the Senator from Ohio.

Mr. SAXBE. That is perfectly satisfactory.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PASTORE. Mr. President, I would like to ask the Senator a question. I sympathize with him. There is a certain amount of rationality to his position. That is beyond dispute. However, I would like to ask him this question: Would we have felt differently if this were not what has been termed a "rump session"?

Mr. DOMINICK. If the Senator from Alaska had classified documents and had them written into the record and distributed them, I think I would have felt the same way.

Mr. PASTORE. Regardless of whether or not it were a legally called session?

Mr. DOMINICK. Yes; I think that does not involve the principle of privilege or the principle of law that the Senator from Alaska tried to establish.

Mr. PASTORE. The principle of law is senatorial immunity.

Mr. DOMINICK. No; that is the difficulty. If I may say so, senatorial immunity has been granted. And it has been granted to Rodberg by both lower courts. The Senator from Alaska is appealing the decision to say that the immunity should be extended to everybody he has dealt with, whether on his staff or not.

Mr. PASTORE. Provided there is that intimate confidentiality and contact whereby that person in question acts in a certain way to enlighten the Senator so that the Senator can talk for the benefit of the people he represents.

Mr. DOMINICK. Well, the Beacon Press and the Massachusetts Institute of Technology Press, are all considered to be under this blanket. Certainly they are not all intimate confidants of the Senator.

Mr. PASTORE. I think we should draw a line of demarcation here between the jurisdiction of the Senate in deciding the qualifications of its Members and the jurisdiction of the executive branch or the judicial branch to tell us what they tolerate.

The Constitution says merely that the Senate should be the judge of the qualifications of its own Members.

Mr. DOMINICK. The Senator is correct.

Mr. PASTORE. The point is: When we brought up this matter in the Policy Committee—and I mean no disrespect of the Senator from Alaska—the consensus was that we did not agree with what the Senator had done. All were unanimous however that he had a right to do it. As the Senator from North Carolina has said—and I think this is strong language and I hope the Senator does not take offense, because this is not personal but merely an hypothetical illustration—if a Senator wants to make a fool of himself, that is his responsibility. But if he violates the rules of the Senate or if he violates the decorum of this body, that is another matter. The Senator has mentioned censuring on the part of the Senate. But what we are talking about here is this:

If GRAVEL loses his case before the Supreme Court is it really GRAVEL who has lost or have some of us lost in the future when the question of immunity arises? Is it the Senate that has lost? That is the important question and it is what the Senator from Montana is talking about.

We had hoped we could have made this a bipartisan measure; we would have lifted this up from a judgment whether you agree with the Senator or not.

Frankly, I tell the Senator from Alaska while he is here I would not have done what he did. I do not agree with what he did. But in my heart I cannot say he did not have the right to do it. The very prerogatives and the very rights of the Senator are now in question and the big question is: Who passes upon that? Who determines that?

Do we determine it here in the Senate or do we let the court of the executive branch do it? It is as simple as that.

Mr. DOMINICK. Mr. President, I say to the Senator from Rhode Island that I commend the major portion of his speech but I think we have some very difficult questions, some of which were raised by the Senator from Tennessee earlier.

Suppose, for example, the Senator and I both, as we do, serve on the Joint Committee on Atomic Energy and in the process we get highly confidential information. Suppose one of the Senators or one of the House Members, whoever it might be, decides for himself that he is more sensible about these things than anybody who classified them and gets up and makes a speech on the floor. I would say he is not subject to question on this, despite the fact he might have been a fool and might have jeopardized the security of the information. Whatever body is then in charge, whether it be the House or the Senate should take action and do something about it, and do it promptly. That is one case.

But that is not the case facing us here and that is my point. What we are saying here has been decided already by the court. The Senator from Alaska is trying to extend that immunity not just to himself and his aides but all associates who were in any way connected with the publication of the documents which were classified as secret and sensitive when released.

I know the Senator from Rhode Island could not be here yesterday; but at that time, I said that if that is done we are taking on the right of the anointment of anybody in the country by telling them material which is classified and having them repeat what we told them and because we have told them they are immune also. I do not think we can go that far.

That is why I am unwilling to pay printing costs and legal fees for this position in the Supreme Court.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. PASTORE. Would the Senator from Colorado question the right of the President to exercise executive privilege in having one of his aids not answer a subpena of Congress?

Mr. DOMINICK. No, I would not.

Mr. PASTORE. Then, why does not that same privilege extend to one of my employees who is operating for my benefit in order that I can execute my job.

Mr. DOMINICK. I think it does, and I hope it does.

Mr. PASTORE. Is that not what this case is all about?

Mr. DOMINICK. No. The question is whether the Senator can anoint anyone not on his staff and make them immune. That is the issue.

Mr. PASTORE. We are trying to interpret the immunity of the Senate and how far it goes as to its Members, and the question here is: How far does it go? I think the Senate should decide that question and not the court.

Mr. DOMINICK. I say to the Senator that I think we are largely in agreement, but having studied this matter very carefully I think we are going far beyond that. I agree with the Senator that we should do whatever is necessary and take whatever disciplinary action is warranted and as the Senate we should do it ourselves.

Mr. SAXBE. Mr. President, I offer an amendment in the nature of a motion to strike.

The PRESIDING OFFICER. The amendment is not in order until time has expired on the amendment.

Mr. ERVIN. Mr. President, I think a most serious question is involved in the Gravel case, a question which concerns the Senate and whether it is going to function in an effective way as a legislative body or an investigating body.

As I construe the appeal of the Gov- the Government has appealed to the Supreme Court. A writ of certiorari has been issued, as the Senator from Colorado said, and that is what gives me pause; that is what makes me feel the Senate as an institution should intervene in the case.

As I interpret the record in this case, the Government challenges a decision of the court of appeals for the first circuit that the speech or debate clause extends to an aide of a Senator. I do not think this Senate could possibly function effectively in the present day, when the Federal Government is concerned and Congress is concerned with multitudinous affairs, if the immunity of the speech and debate clause of the Constitution did not extend to aides. This is so because a Senator could not possibly function for a single day without the assistance of his aides.

It is true, as the Senator from Colorado said, that the U.S. Court of Appeals for the First Circuit has held, and I think for the first time—it is the first holding of this kind I know of—that the immunity given to a Senator, under the speech or debate clause, not to have to be called on to answer for his actions in the execution of his office, extends to his aides. I think it is absolutely essential for the Senate to intervene in that case and assert that point.

We are not trying the Senator from Alaska. It is not a question of whether the Senator from Alaska acted wisely or foolishly when he convened the subcommittee and read part of the Pentagon records into the minutes of that committee.

We had a judge in my town one time who was elected superior court judge. He went out into a strange county and held court. There was an old lawyer there named Colonel McLean. Colonel McLean went in the courthouse and listened to the judge operating and he came out of the court and somebody stopped the colonel and said, "What do you think about the new judge?" The colonel said:

> The Constitution gives every man a right to make a damn fool of himself but I think the judge is abusing his constitutional right.

Now, the question of whether a man who is a Member of the Senate is making a damn fool of himself and the question of whether he is abusing his constitutional right to do so is a question which the Constitution reserves exclusively to the Senate and it is a power which the Constitution denies to the court and the executive branch of Government.

The question, as I see it, of whether the committee was regularly convened or irregularly convened is beside the point. I read to the Senate this morning from the opinion of Chief Judge Parsons of the Supreme Judicial Court of Massachusetts, as quoted by Justice Frankfurter in the case of Tenney versus Brandhove.

Chief Judge Parson's statement is quoted with approval by Justice Frankfurter as follows:

> I would define the article as securing to every member exemption from prosecution, for every thing said or done by him, as a representative, in the exercise of the functions of that office, without inquiring whether the exercise was regular according to the rules of the house, or irregular and against their rules.

That is beside the point.

The Constitution of the United States gives the Senate the exclusive power to judge the conduct of a Member of the Senate occurring within the Senate or within a committee or within the scope of his office. It provides, in article I, section 5, that each House may punish its Members for disorderly behavior. That is the provision of the Constitution under which the late Senator Joe McCarthy was censured by the Senate. That is the provision of the Constitution under which the late Senator Dodd was censured by the Senate.

The court of appeals, in the case against Senator Couzens, put its finger squarely on this proposition. We are not trying the Senator from Alaska for disorderly conduct. We are merely determining whether the Senate as an institution should intervene in this action in order to protect its prerogatives as a Senate and the prerogatives of each Senator.

The court said, in the Couzens case:

> Presumably legislators will be restrained in the exercise of such a privilege—

That is, the privilege of speaking and taking action—

> by the responsibilities of their office.

Then it says:

> Moreover, in the event of their failure in that regard, they will be subject to discipline by their colleagues.

As the distinguished Senator from Rhode Island has so well said, the question before us at the present time is not whether the Senator from Alaska acted wisely or foolishly, or whether we approve or disapprove of his conduct. The question before us is whether the constitutional provisions say we are the only ones who can judge a Senator on the basis of his conduct within the four walls of the Senate, or whether that power could be exercised by the executive or the judicial branches.

Mr. PASTORE. Mr. President, will the Senator yield?

We have a classic case right here at the moment which should be dramatized. We have both the Senator from Ohio and the Senator from Colorado conferring on the floor with their assistants.

Let us assume, by some stretch of the imagination, that the Attorney General was displeased with something suggested by the Senator from Ohio or the Senator from Colorado during the progress of this debate. Could he then justifiably bring before a grand jury the two aides who had been whispering in their ears? Is that not the question? Here they are, and they are sitting here, and they are consulting. It is part of their function as Senators to have advisory employees, and if the principal could not be reached, could the Attorney General, by subterfuge, reach the assistants, bring them before the grand jury, and ask, "What did he say to you and what did you say to him"?

Mr. ERVIN. That is my interpretation of the position of the Government. The Government contends that they could do exactly what the Senator from Rhode Island suggests—that they could subpena the aides to testify not only on what occurs on the floor of the Senate, but what occurs between them in a senatorial office or in a senatorial committee.

I think it is essential for us to sustain the ruling of the court of appeals on this point.

Mr. DOMINICK. Mr. President, will the Senator yield?

The PRESIDING OFFICER. All time of the Senator from North Carolina has expired.

Mr. DOMINICK. Will the Senator yield me 30 seconds or 1 minute?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator may have 1 minute.

The PRESIDING OFFICER. The Senator from Ohio has time, the Chair will point out.

Mr. SAXBE. Mr. President, I yield 1 minute to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I wanted to reply to the Senator from Rhode Island, because I think he brought up a very interesting point. I would say to my colleagues that there is no doubt whatsoever that aides should not be subject to subpena or cross-examined as to anything that happened on the floor. I am not so sure as to whether they might be summoned and questioned about their connections with other people other than their Senator-employer. It is on that point that I believe the Justice Department has taken issue with the court decision toward giving total immunity. Anyhow, it is not the aide situation in this case that the Senator from Alaska is contending for. It is not that. He is already immunized. He is seeking to extend the immunity to people who are not aides, who are so-called associates, who have been contacted outside the burden of any legislative duties.

Mr. SAXBE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has expired or been yielded back.

Mr. SAXBE. Mr. President, I send to the desk an amendment in the nature of a motion to strike.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read as follows:

> On page 3 in the third resolution, after the word "resolutions" strike the following: "including the expense incurred by the junior Senator from Alaska as a party in the above mentioned litigation in printing records and briefs for the Supreme Court shall" . . .

Mr. SAXBE. Mr. President, I ask for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. SAXBE. Mr. President, this amendment goes directly to the disagreement we have on the substitute. I think we can resolve the disagreement and we can accept the substitute as a reasonable compromise between both the minority and the majority in seeing that the Senate is adequately represented by a committee of the Senate, and that this committee would have the services of any attorneys they thought they were required to have to give them further advice.

We questioned whether we could not do all this on our own, but we do come to the conclusion that the part in the original amendment which has to do with the substitute, which has to do with paying the printing expenses of the Senator from Alaska, has been accepted. Therefore, this motion, which I deem is a simple motion, strikes that language, so that it will read that any expenses incurred by the committee pursuant to these resolutions be paid from the contingent fund of the Senate.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. SAXBE. I yield.

Mr. DOLE. Mr. President, I support the amendment of the Senator from Ohio, and wanted to comment on the statement made earlier by the Senator from Montana. I do not believe there has been any effort by anyone to embarrass the Senator from Alaska. I serve on the Public Works Committee and I see the chairman is here. I do not believe there has been any effort on the part of that committee to bring any embarrassment to anyone. This was a matter for the leadership to determine, but there is a matter of principle involved, whether we should be represented in the court.

I find it particularly interesting, as a minority member of this body, and with all the rights and privileges that we have, that there may be some precedent set on the basis of what the Senate does in this case, without any reference to the Senator from Alaska or any other person. Certainly, it is not the intention of the Senator from Kansas or any other Senator to embarrass anyone. But I do believe, even though there may be no direct relation between that and what the issue before us is, what we do here today may set precedents and guidelines on the conduct of Senators, and particularly, minority members. We may have certain rights, too, as minority members.

As said yesterday—and I was challenged for making it partisan—we should consider at some time, if not in this debate, at some executive session, some guidelines on the rights and privileges and just how far a Member of the Senate may go. Can a Senator conduct an unauthorized meeting? Can a Senator invite the press to that meeting and then read classified documents? Can a Senator investigate any matter that he may want to investigate? Can I call a meeting in my office and investigate, as I said yesterday, the I.T. & T. or the A.T. & T., or anything else that may come to mind?

Apparently so and apparently I can make a public record of it if we establish this precedent.

I believe the Public Works Committee answered the question the Senator from Ohio has raised. It is my recollection that the Public Works Committee took no action on the cost of the transcript, and since we did not pay for the transcript, I see no reason for the Senate to pay from its contingency fund any amount for the brief. But if we are going to pay the cost of the brief, the Senator from Alaska's attorney's fee should be paid also. Either it is all right or all wrong; not half right and half wrong.

There is no question about the amount of the money, as the Senator from Colorado has said, whether it be $2,500 or $25,000. I have no information as to whether there was any profit made from the Beacon Press on the publication of these matters. That may be relevant as to whether we should pay any amount at all. But I do believe that at a meeting of the Public Works Committee, without any staff or official reporter present, it was decided that we take no action. The committee neither condoned nor condemned, as I recall, the actions of the Senator from Alaska.

The Senator from West Virginia is here, and he can state whether or not that is correct, that we did not agree to pay for the transcript, and that payment was made by the Senator from Alaska and the Senator from Connecticut.

Mr. RANDOLPH. Mr. President, will the Senator yield at that point?

Mr. DOLE. I yield.

Mr. RANDOLPH. What the Senator has said is correct.

The PRESIDING OFFICER. Who yields time?

Mr. ERVIN. Mr. President, it is important to realize, as the Senator from Colorado has pointed out, that the Senator from Alaska applied for a writ of certiorari and the Department of Justice applied for a writ of certiorari. It is important to see what the Department of Justice is attempting to persuade the Supreme Court to rule on the appeal. I hold in my hand the petition of the Department of Justice on behalf of the United States for a writ of certiorari from the ruling of the U.S. Court of Appeals for the First Circuit. Let us see what the Department of Justice complains about, as a basis for procuring review of the decision of the Circuit Court of Appeals. I read from page 8 and the following pages of the petition. It complains of the following ruling by the Circuit Court of Appeals, and I think by the District Court:

> Dr. Leonard S. Rodberg may not be questioned about his own actions "in the broadest sense, including observations and communications, oral or written, by or to him, or coming to his attention" while being interviewed for, or after having been engaged as a member of Senator Gravel's personal staff to the extent that they were in the course of his employment.

This is the ruling of the Court of Appeals to which the Department of Justice excepts, and asks the Supreme Court to review it.

I read further from the Department of Justice petition:

> This case presents important issues under the Speech or Debate Clause of the Constitution. The court of appeals has interpreted the Clause more expansively than is justified by its language, by decisions of this Court or by the basic purpose of the Clause. It has also created a novel common law privilege that prevents questioning a legislative aide about matters not reached by the Speech or Debate Clause. The immediate impact of its rulings is effectively to bar inquiry by a grand jury into possible serious violations of the federal criminal laws. The decision also has the potential of impeding future grand jury investigations and precluding institution of otherwise legitimate criminal prosecutions. A decision of that significance warrants review by this Court.

This is the basic position of the Department of Justice, and the position it is going to press upon the Supreme Court in hearing the appeal.

The petition continues:

> The basic purpose of the Speech or Debate Clause is "to insure that legislators are not distracted from or hindered in the performance of their legislative tasks by being called into court to defend their action" (*Powell* v. *McCormack*, 395 U.S. 486, 505). Its goal is "to prevent intimidation by the executive and accountability before a possible hostile judiciary" (*United States* v. *Johnson*, 383 U.S. 169, 181). Although the primary intent of the Clause is to protect Congressmen from legal accountability, there is substantial justification for the court of appeals' conclusion that it also immunizes Senator Gravel from questioning "about" his legislative conduct by a grand jury, even though there is no possibility of his criminal prosecution.

The petition then goes on to the question of the aide, and whether the aide has or should have any immunity. The Department of Justice, and the position it is that point:

> No similar justification exists, however, for extending the Clause to immunize persons other than members of Congress from questioning by grand juries about Congressmen's legislative conduct. Conceivably the grand jury testimony of those persons touching on the performance of legislative acts might embarrass or impugn the motives of a legislator and conceivably that possibility might inhibit a Congressman in performing his legislative activities. But such inhibitions mght also result from the possibility of criticism of a legislator's speech or conduct by constituents, other members of Congress or the press; legislators are no less sensitive to criticism than other people.

I digress from the reading to observe that if the Senator from North Carolina reads that rightly, the Department of Justice takes the position that the right of a grand jury to summon the aide of a Senator to testify about the Senator's conduct is to be likened unto the right of a constituent to criticize the Senator, or the right of the press to comment on the Senator's action.

That is a strange argument to the Senator from North Carolina, in view of the restrictions in the speech or debate clause.

I read further from the petition for certiorari:

> This kind of hypothetical hindrance of legislative activity is of a different order from that which would occur if the legislator himself were required to answer to the Executive or Judiciary or appear before a grand jury. His own time is in no way being expended. Nor is he personally being distracted in the performance of his legislative duties. See *Powell* v. *McCormack, supra,* 395 U.S. at 505.
>
> Whatever minimal added protection against harassment the legislator would receive if third-party testimony were barred is substantially outweighed by the strong public interest in unimpeded grand jury investigation of crime. Testifying before a grand jury is a public duty of the highest importance. The interest of society "is best served by a thorough and extensive investigation * * *." *Wood* v. *Georgia*, 370 U.S. 375, 392. See also *United States* v. *Johnson*, 319 U.S. 503, 513; *Blair* v. *United States*, 250 U.S. 273; *United States* v. *Bryan*, 339 U.S. 323; *Brown* v. *Walker*, 161 U.S. 594; *Hannah* v. *Larche*, 363 U.S. 420, 499 (Mr. Justice Douglas, dissenting). The public interest requires that all witnesses having knowledge of relevant events give their testimony. The court of appeals has seriously restricted the ability of the grand jury properly to perform its function in a manner that is unnecessary to implement the protections of the Speech or Debate Clause.

I digress from the reading to say it is rather astounding to the Senator from North Carolina that the Department of Justice overlooks the fact that there are many provisions in the law, such as the self-incrimination clause and many other rules of law, that prevent testimony being given to grand juries, or even to petit juries; and to place a higher value on the function of a grand jury to make an inquiry than upon the duty of a legislator to legislate for the interests of 200 million people in the United States seems to me to be acting upon a basis which is not only contrary to the Constitution, but also to what we call, in North Carolina, good horsesense.

I read further:

> Neither the language of the Clause nor relevant judicial interpretation requires this result. The Clause covers only "Senators and Representatives." As this Court pointed out in *United States* v. *Johnson*, 383 U.S. 169, 177–178, the constitutional provision is based on the formulation contained in the English Bill of Rights of 1689, which refers to "Freedom of Speech, and Debates or Proceedings in Parliament."

I invite the attention of the Senate to the next sentence:

> Neither of these provisions even suggests that the privilege was intended to extend to other persons merely because they have working or business relationships with a legislator.

In other words, the objective of the Department of Justice in applying for a writ of certiorari is to have it held that the Federal grand juries can subpena an aide of a Senator to testify about his connection and his activities within the scope of his employment by a Senator.

If the Supreme Court should accept that kind of view of the speech or debate clause, the speech or debate clause, under modern conditions, would have no value whatever for a legislator.

So I say that shows how serious is the question of the intervention of the Senate as an institution; and that is the matter involved in this case, rather than the conduct of the individual Senator whose activities gave rise to this case.

Mr. DOMINICK. Mr. President, I yield myself 7 minutes.

I listened to the Senator from North Carolina with my usual great interest. He analyzes things very carefully and very well, and he gave his side of the case against this amendment in a rather clear-cut way.

What he is saying is that we ought to pay Senator GRAVEL's filing fees and costs for briefs so that the Senate can intervene and object to what the Department of Justice is urging. In effect, that is what he is saying. With all due respect, this means that we are asking the taxpayers of this country to finance both sides of the issue. They already have paid for the Department of Justice. Now they are being asked to pay for the Senator from Alaska.

I have no objection to our going forward and paying our own expenses as a senatorial body, to make sure that the integrity of the Senate is maintained. I will agree with that. But I will not agree to expending taxpayers' money for the purpose of financing both sides of a dispute which the Senator from Alaska, in effect, brought on himself—not necessarily just by what he did in the committee, but by his intervention in a case in which Dr. Rodberg, I presume, could have brought up the same issue if he had wanted to do so.

We have a hypothetical situation as to whether any wrong has been committed. We have a voluntary intervention by one Senator, an intervention brought about by his own actions in the Senate, in an unauthorized committee meeting, revealing classified information, and doing it for the purpose of publication. Now we are asking the taxpayers of the United States to finance at least a portion of both sides of the case. For the life of me, I cannot understand that.

All I can say is that perhaps the Department of Justice is construing things too narrowly. On the other hand, I could also say that—in my opinion, at least—the Senator from Alaska's appeal is construing the speech and debate clause far too broadly. He is trying to anoint everybody with whom he has ever dealt with his own immunity, and I certainly cannot subscribe to that.

What we need to do is to take care of our own business, as a body, as a group of 100 Senators, to say that this is the position of the Senate, not that this is the position of the Justice Department or that this is the position of the Senator from Alaska.

By virtue of that, this resolution should be restricted to the actions of the Senate in paying for what the very fine committee, which I hope will consist of the Senator from North Carolina and the Senator from Ohio, will plead as our case in the Supreme Court.

I could review all the arguments we have had. The amendment of the Senator from Ohio, which would strike out the references to paying the printing costs and the costs of briefs in the Supreme Court for the Senator from Alaska, really brings this down to the fundamental issue. It is an issue of principle. It is not one just of money. It is an issue of basic principle that is before the Senate: That is, should we not, if we are going to intervene in a case of this magnitude—and it is of this magnitude—take care of our own expenses, our own legal fees, and our own printing costs? Those who have brought the situation on themselves should take care of any other expenses.

I thought about this for quite a while before I made that statement, because it is quite possible that in totally different circumstances it may seem advisable for a Senator either to defend himself or to intervene in a case which he thinks may affect his rights. Then the question is, under different circumstances, would we want the Senate to pay the fees? My answer is "No." Even in any kind of case we have before the Federal courts today, the prevailing party is occasionally awarded attorney's fees if the judge thinks it is overwhelmingly obvious that he should. But it is in the discretion of the judge. We are taking away the discretion of the judge here. We are saying that we are going to be the judge, when the Supreme Court actually is the judge. We are saying that we are going to take care of the expenses of this case, no matter what the circumstances may be. I cannot go along with that principle.

Mr. ERVIN. Mr. President, I should like to make one or two observations in reply to my good friend, the Senator from Colorado.

The taxpayer is going to bear the costs incurred by the Department of Justice in presenting to the Supreme Court the question of whether the speech or debate clause applies to Senators only and does not apply to their aides. The taxpayers are going to pay for that. I hope the taxpayers pay for any brief which may be presented by the Senate as an institution in reply to that contention, which, if accepted by the court, would make it virtually impossible for a Senator to function in this day and age and would render the speech or debate clause of the Senate totally worthless.

The Senator from Alaska has exactly the same interests in that part of the case that the Senate has. Since the taxpayers should pay for the expenses of the Department of Justice and for the Senate's expenses, and since the Senator from Alaska is going to present the same viewpoint of that restricted question that the Senate is interested in, I do not see why the taxpayers should not pay the cost of printing his brief. Let the taxpayers pay the costs all around, so far as the briefs are concerned.

We are not concerned with the question of counsel fees, though we are concerned with the fundamental question as to whether the Department of Justice can subpena the aides of a Senator to go before grand juries and testify to what they know about a Senator's conduct on the basis of knowledge they obtained by assisting the Senator in the execution of the duties of his office.

Mr. LONG. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I yield.

Mr. LONG. Do I correctly understand the Senator's position to be that it is his view, and the view of those who would vote like him on this matter, that the Government should not have to proceed against the employee of a Senator who had discharged his duties in pursuance of what the Senator was doing, which is protected by the Constitution under the speech and debate clause?

Mr. ERVIN. That is the position of the Senator from North Carolina and also the adjudication of the U.S. Court of Appeals for the First Circuit.

Mr. LONG. So that if the position taken by the Senate in passing this resolution is correct, would not the burden of that argument suggest that the Government had to file that suit to begin with?

Mr. ERVIN. It should never have summoned the aide of the Senator from Alaska to testify before the grand jury concerning things that he saw and heard the Senator speak by reason of his relationship to him as an employee.

Mr. LONG. Then, in the view of the Senator, if the executive branch is wrong and the Senate is right, that the expenses of the executive branch would be borne by the taxpayers. As I understand it, his argument follows that, with equal force, if the legislative branch thinks the executive branch is wrong, the logic should apply to the benefit of Congress, just as it should apply to the benefit of the executive branch if the executive branch should be either right or wrong.

Mr. BROCK. Mr. President, if I may interject there, the Senator is taking it one step further, and that is, to apply it to an individual Senator and not to the Senate itself. That is the complaint we have on this matter, not that we purport or propose not to pay for the briefings of the Senate. We have every intention to support that action. But the question is not about that at all. The question is not whether the Senator is right but rather, concerns the personal privilege of a staff member of the Senator from Alaska. That is a very different matter. It has nothing to do with the operation of this body to defend itself.

Mr. ERVIN. I do not care to prolong this debate, but I would say to my good friend from Tennessee that the question is whether this Senate is going to be the judge of the conduct of the Senator from Alaska, rather than to allow the executive branch or the judicial branch to judge that conduct, when the Senator from Alaska is certainly acting within the traditional scope of what Senators do.

The only way that question will ever arise is when some individual Senator is alleged to have exceeded the bounds of prudence in the discharge of his duties. It is not conceivable that the entire Senate will ever do that. The entire Senate will never be all-wise or all-foolish. It is the actions of individual Senators that raise these questions.

Mr. MANSFIELD. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I yield.

Mr MANSFIELD. Who brought the case against the Senator from Alaska in the first place?

Mr. ERVIN. The executive branch. That is, it brought the case in which the rights of the Senator from Alaska under the speech or debate clause were involved.

Mr. BROCK. No case was brought against the Senator from Alaska. Let us correct the record on that.

Mr. MANSFIELD. Where was the case brought?

Mr. ERVIN. I believe they obtained a more favorable decision in the court of appeals. That is my recollection.

Mr. MANSFIELD. Then from the appellate court to the Supreme Court.

Mr. ERVIN. Both the Senator from Alaska and the Department of Justice.

Mr. SAXBE. Mr. President, let me make it plain that there was no action brought against the Senator from Alaska.

Mr. ERVIN. No. It was a case that was brought, in which an inquiry was being made with respect to the official conduct of a Senator and whether his aide was also willing to testify.

Mr. SAXBE. Mr. President, I now yield 2 minutes to the Senator from Colorado (Mr. ALLOTT).

The PRESIDING OFFICER (Mr. STAFFORD). The Senator from Colorado is recognized for 2 minutes.

Mr. ALLOTT. Mr. President, I should like to make one or two remarks about this matter. One of the difficulties about it is that the issues, from the time I have been on the Senate floor—and, unfortunately, I have been involved in committee meetings most of the time—the issues of the case as they appear before the Supreme Court are not exactly clear. At least they do not apply to the basic issues as this particular Senator sees them. The basic issues are that an irregular meeting was called, one not authorized by the Senate. It was called at a very unusual hour. It was called without notice to its members. It was called on a subject outside the scope of that committee and then, when a so-called aide of the Senator was sought to be questioned, the real trouble began.

I want to say now, for the sake of the RECORD, and for the sake of the Senate, that Mr. Rodberg, the supposed aide, was never, in fact, an official aide of the Senator from Alaska.

I have just inquired of the disbursing office of the Senate, Mr. Ridgeley's office, and this man was never and has never been on the payroll of the U.S. Senate. He has not filed what every other employee of the Senate has to file, including our own personal aides, his oath of office.

With this situation, the Senator from Colorado finds himself in a very deep dilemma. Yes, I would hate to see the Supreme Court decide this without our interests being protected. On the other hand, I cannot agree and I will not agree to any resolution which does not delete all reference to printing costs or attorneys' fees for the Senator from Alaska.

I cannot agree to any resolution which does not provide an equal number of both parties upon such a committee as would be endowed by this Senate, because I have to be sure in my own mind that I am not going to be coupled in any way in the newspapers, in the press, in the media, with any kind of inferential support of what occurred in the Senate at that time.

It is a little ridiculous, it seems to me, to put into a resolution this clause—

> Whereas this case necessarily involves the right of the Senate to govern its own internal affairs and to determine the relevancy and propriety of legislative activity and the scope of a Senator's duties under the rules of the Senate and the Constitution; . . .

When, the morning following this, and the day following it—1 or 2 days after, perhaps—the distinguished majority leader tells us that nothing wrong was done and, therefore, closes the door on the whole case. I must say, I think that we will be undertaking a terrible error. I would go along if there is no money and if there is an equal number of both sides of the aisle on that committee but, otherwise, I will have to oppose it entirely.

The PRESIDING OFFICER. The time of the Senator from Colorado has expired.

Who yields time?

Mr. SAXBE. I yield 3 minutes to the Senator from Tennessee (Mr. BROCK).

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 3 minutes.

Mr. BROCK. Mr. President, to continue the comments of the Senator from Colorado (Mr. ALLOTT), there is one other ingredient missing. That is the fact that the act undertaken would constitute an illegal act for any person not covered by immunity under the law.

Mr. ALLOTT. I thank the Senator from Tennessee for that explanation. I was pressed for time in my comments and I did not get to complete my case, but that is so.

Mr. BROCK. Mr. President, let me comment further on what the Senator from North Carolina said, for whom I have such enormous respect, but differ with him on this occasion. He says that the taxpayers are going to pay for the costs of the case presented by the Justice Department and, therefore, we should pay the cost of the defense of the individual involved.

If that is true, then why not expand that principle to the realm of this entire Nation, because the Justice Department prosecutes hundreds of thousands of people in America every year. So if the principle should apply to a Member of the U.S. Senate, that the taxpayers are to pay the cost of his defense, why should we deny that opportunity to every other citizen in America who is prosecuted by this Government. We would, in effect, say that the Government should pay both the prosecution and the defense of every individual in the courts of this land where the Federal Government is the prosecutor?

The argument has no merit. The real point of this question is whether the Senate by its action on this measure expresses in any way, by any inference, or by any innuendo support or the condoning of the actions of the Senator from Alaska. The question really is how the action of the Senate will be judged by the American people.

I would find it very difficult myself to go to the people of Tennessee and say, "You have been levied a new tax by the Senate of the United States to pay the costs of the defense of one individual in the Senate."

I can go to Tennessee in good conscience and say, however, "We must act to protect the integrity of the Senate as a body and as an institution to have the rights, privileges, and immunities to engage in free debate for the collective defense of freedom of all the people of this country." However, I cannot and I will not go to the people of my State and say that I, as an individual Member of this body, have levied a tax upon them as taxpayers to pay for the filing of a brief or even for the printing of a brief for one individual Member of the Senate. That is the basic question the Senator from Ohio presented to us. It is a question of whether we act in defense of the Senate or in defense of an individual Senator.

We have every right to act in defense of the Senate as an institution.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SAXBE. Mr. President, I yield back the remainder of my time.

Mr. ERVIN. Mr. President, I do the same.

Mr. COOPER. Mr. President, would the Senator please withhold?

Mr. SAXBE. I withhold that, and yield 3 minutes to the Senator from Kentucky.

Mr. COOPER. Mr. President, I simply want to ask the Senator from North Carolina what he will argue before the Supreme Court. Is it the view of the Senator from North Carolina that under article I, section 6, a Member of the Senate or a Member of the House cannot be called before any other body or grand jury, no matter what speech he makes or what action he takes, not in the Senate or House?

Mr. ERVIN. No. That is not my position. My position is that anything he does in the execution of his office as a Senator, he cannot be called upon to answer for.

Mr. COOPER. Mr. President, this is specifically what the case is about, or one aspect of it. Would the Senator argue that a Senator who makes a speech or takes some action not in the House, as the Constitution says, but outside of Congress, has immunity?

Mr. ERVIN. Only if he is acting within the House of which he is a Member, or only if he is acting in the execution of his office. I think if he goes out on a stump and makes a speech, he would be just as answerable as anyone else. However, if in that case he is discussing a public question, he cannot be held for defamation unless they can show that he was actuated by malice.

Mr. COOPER. Mr. President, I raise the point because I think it is basic to the issue before us in the whole matter. The Senator from Alaska will agree, I am sure, that whatever took place, if it took place, as the Constitution says, in the House—and that means in the body of which he is a Member, in a proper meeting in the Senate or House of Representatives or in one of its committees or subcommittees—would be covered by article I, section 6.

The Senator from North Carolina would argue then, if he is one of those appointed—and I am sure he will be, because he ought to be—before the Supreme Court that a Member only has immunity if the actions complained of are taken in the House, meaning the body of which he is a Member, as the words "in the House" are the words contained in the Constitution.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SAXBE. Mr. President, I yield 2 additional minutes to the Senator from Kentucky.

Mr. ERVIN. I would accept what Justice Frankfurter said in the case of Tenney against Brandhove, that is a legislator is immune when he is acting in the field where legislators traditionally have power to act. That would include acting in a meeting of the legislative body of which he is a member or acting in a committee.

As Justice Parsons of the Supreme Judicial Court of Massachusetts said in the case of Coffin against Coffin, which is a decision reported by Justice Frankfurter, it secures every member immunity for every statement by him made in the exercise of the function of that office without inquiring whether the exercise was regular and according to the rules of the office or irregular and against their rules.

In other words, my position is simply this: As long as a Senator is acting within the legislative field of a Senator, whether he does wrong or abuses his privilege, is something to be judged by the Senate and not by the executive or judicial branch of the Government.

Mr. COOPER. The Constitution says that at least the actions complained of must take place in the House. It does not mean, I am sure in this building, but also wherever he is acting as a Member of the Senate or House. Would the Senator be prepared to say to what extent his position could go? For example, if some unlawful act were committed, unlawful under the rules of the Senate and committed outside of the Senate or outside of a committee or a room and where no business was being transacted, and if two or three assistants were engaged in that same activity, would all be covered. If we are not careful, we could have unlimited immunity applied in almost every case.

I think the position of the Senate ought to be heard before the Supreme Court. It ought to be inquired into before the Supreme Court, in justice to us, and in justice to the Senator from Alaska, whether the meeting was one which falls within the protection of article I, section 6.

I feel that is very important. Would the Senator from North Carolina ask that the case be remanded to determine the facts.

Mr. ERVIN. No. I think the facts are already determined. I do not think there is any dispute on the facts.

Mr. COOPER. As I understand it, the ruling of the district court did not go into the facts as to whether or not the case actually fell within the protection of the Constitution.

Mr. ERVIN. The petition of the Department of Justice for their writ of certiorari implies to my mind that the facts were found. I do not think the facts are in dispute at all. I think it is a question of law.

Mr. SAXBE. I agree. The facts are not in dispute. They have been laid to rest.

Mr. ERVIN. Mr. President, I yield back the remainder of my time.

Mr. SAXBE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Ohio to the third resolving clause of the substitute offered by the Senator from North Carolina. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAVEL (when his name was called). Present.

Mr. BYRD of West Virginia. I announce that the Senator from Alabama (Mr. ALLEN), the Senator from Indiana (Mr. BAYH), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Maine (Mr. MUSKIE), and the Senator from Alabama (Mr. SPARKMAN), are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), and the Senator from Minnesota (Mr. HUMPHREY), would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Delaware (Mr. BOGGS) and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Delaware (Mr. BOGGS) and the Senator from Oregon (Mr. HATFIELD) would each vote "yea."

The result was announced—yeas 34, nays 47, as follows:

[No. 123 Leg.]

YEAS—34

Allott
Baker
Beall
Bellmon
Bennett
Brock
Buckley
Cotton
Curtis
Dole
Dominick
Fannin
Goldwater
Griffin
Gurney
Hansen
Hruska
Jordan, Idaho
Mathias
Miller
Packwood
Pearson
Percy
Roth
Saxbe
Schweiker
Scott
Smith
Stafford
Taft
Thurmond
Tower
Weicker
Young

NAYS—47

Aiken
Anderson
Bentsen
Bible
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cranston
Eagleton
Eastland
Ellender
Ervin
Fong
Fulbright
Gambrell
Hollings
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
Metcalf
Mondale
Montoya
Moss
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Spong
Stennis
Stevens
Stevenson
Symington
Talmadge
Tunney
Williams

ANSWERED "PRESENT"—1

Gravel

NOT VOTING—18

Allen
Bayh
Boggs
Harris
Hart
Hartke
Hatfield
Hughes
Humphrey
Inouye
Jackson
McClellan
McGee
McGovern
McIntyre
Mundt
Muskie
Sparkman

So Mr. SAXBE's amendment to the third resolving clause of the substitute resolution proposed by Senator ERVIN was rejected.

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from North Carolina in the nature of a substitute (putting the question).

The amendment in the nature of a substitute was agreed to.

The PRESIDING OFFICER. The question now occurs on the adoption of Senate Resolution 280, as amended.

Mr. DOMINICK. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DOMINICK. Mr. President, do we still have some time left on the resolution?

The PRESIDING OFFICER. Yes; there is time on the resolution.

Mr. DOMINICK. Mr. President, I seek recognition, then.

The PRESIDING OFFICER. The Senator from Colorado is recognized. There are 29 minutes remaining.

Mr. DOMINICK. Mr. President, I yield myself 5 minutes, and I probably will not take that long.

For the benefit of my colleagues, however, I thought it was worthwhile putting this issue into proper context.

There is not any doubt in my mind that, at least from the monetary point of view, and from some of the language changes that have been made, the resolution now before us is better than the one that we had submitted to us initially.

Mr. President, may I have some order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DOMINICK. But there is also no doubt that what we are doing in this matter is asking the taxpayers to pay for at least a portion of the cost of both sides of the argument. They will be paying it through the briefs that have been filed by the Justice Department, which, in the opinion of the Senator from North Carolina, are too narrow in their interpretation of immunity; and they will be paying it, under this resolution, on behalf of the Senator from Alaska, who, in my opinion and in the opinion of many of us, goes far too wide in his grant of immunity.

Mr. President, I still do not have any order. There is not a soul listening.

The PRESIDING OFFICER. The Senator will suspend. The Chair will endeavor to get order.

Senators will please take their seats and refrain from audible conversation.

It will expedite the business of the Senate if Senators will take their seats and refrain from conversation.

The Senator from Colorado.

Mr. DOMINICK. We are left, as I have said, in a very untenable position, whereby we are being asked as a body to vote taxpayers' funds for a brief which I hope will be between the two, but in the process also voting taxpayers' funds for both sides of the argument, in which we are not agreeing with either side.

I find it extremely difficult, as far as I am concerned, to justify this type of resolution of the problem. It is not even what has been said about the making of a camel; namely, that it is a horse created by a committee. We do not even have a committee on this one to create this kind of camel. What we have done is do it ourselves.

We have a very, very poor situation from the point of view of the facts, because what we are being asked to do is to pay for the printing costs and the filing fees of the Senator from Alaska, who, on his own, released classified information, in violation at least of the spirit of the Senate, and voluntarily intervened in a suit. There was not even a suit, for that matter; but merely a grand jury investigating a possible violation. The aide brought a suit to quash the subpena, and the Senator from Alaska intervened.

It was not a question of a Senator being sued; it is not a case where a Senator is being questioned. The two lower courts have already held in favor of the defendant, if in fact Dr. Rodberg is a defendant, and that apparently is not being questioned in the suit. He is asking for immunity to be extended to members of the Beacon Press and members of the Massachusetts Institute of Technology Press, and every other person involved, not just aides in his office, or employees, but everybody he has been in contact with.

If we extend immunity that far in this day and age, as I said last night, with the publicity we get and with the media coverage that there is, anybody who is in touch with a Member of the Senate would be granted immunity regardless of whether he had been guilty of a criminal act or not.

I do not see how we can possibly go that far, and yet, as I read the Senator's brief, that is exactly what he is alleging. And here we are in the Senate as a body, saying that this is what we ought to underwrite.

Mr. President, we ought to take a middle course. We should be taking a course in which we say we are going to defend the rights of the Senate in our own brief, and pay our own costs, but not to favor a side and say we are going to spend the taxpayers' money in favor of either side.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. DOMINICK. I yield myself 1 additional minute.

Without going into the facts once again, I presume that my colleague has brought up the point that Dr. Rodberg has never been on the Senate payroll; and as far as the records show, has never taken an oath of office as an employee of the Senate. He may be an aide; I do not know. But he is certainly not an aide within the definition as we usually assign it.

In view of the facts presented, I find myself unable to support even the modified resolution that is now before us, and wish to say that I intend to vote against it.

SENATE DEALINGS WITH CONFIDENTIAL INFORMATION

Mr. DOLE. Mr. President, I believe there is a need for the Senate to consider in some detail the statutes, rules and procedures pertaining to our use of classified information. The importance of this consideration arises because a measure of uncertainty currently exists in this area, and it is the belief of the junior Senator from Kansas that each Member of this body should be able to maintain some reasonable degree of confidence in the standards by which the propriety of his conduct will be judged in this and other areas. This uncertainty has been emphasized by several events:

The unauthorized partial publication of the top secret McNamara papers by several newspapers with resultant litigation and public concern;

The action taken by the President in furnishing the Senate and House of Representatives with complete sets of the highly classified studies; and

The subsequent action of one Member of this body in communicating and disseminating portions of this same top secret study to the general public.

These events have pointed up the need for a clear and authoritative understanding on the part of each Senator of his duties, rights, and responsibilities in dealing with sensitive, secret, or otherwise classified information. Apparently, such a generally shared, specific understanding does not exist, and I feel it would be valuable if we could attempt to come to some fundamental appreciation of the acceptable and proper standards in this area.

The Senator from Kansas feels it is appropriate that this opportunity be taken to call the Senate's attention to these matters and raise questions, express opinions and suggest interpretations of the pertinent law and rules.

TWO AREAS OF AUTHORITY

To my understanding, we, as Senators and citizens, are dealing with several criteria with respect to "official information which requires protection in the interests of national defense." First, there are the general statutory regulations and executive decrees which apply to all Americans. Second, there are the rules and precedents of the Senate which obtain to impose certain limitations on congressional conduct.

PROVISIONS OF THE PUBLIC LAW

Starting with the broadest and most generally applicable authority, we find two provisions of the law which define the system for safeguarding official information and which proscribe certain conduct relating to such information.

EXECUTIVE ORDER NO. 10501

Executive Order No. 10501 of November 9, 1953, as amended, sets forth the criteria and procedures for "classification" of national defense information within the Government. It establishes three categories of classification, "top secret," "secret," and "confidential," and it sets certain administrative guidelines for the operation of the classification procedure.

THE ESPIONAGE ACT

Because it is a purely administrative instrument, Executive Order No. 10501 prescribes no sanctions against violation of its provisions; however, it contains a citation to the other principal authority in this field, the Espionage Act, chapter 37 of title 18, United States Code, section 793 of which covers "gathering, transmitting, or losing defense information."

This statute deals in part with deliberate espionage activities and with individuals who are unauthorized to possess or have access to or control over classified information, but these provisions are not relevant to this discussion, for no one suggests questioning the motives of Senators in dealing with information brought to their attention, nor is there any question that Senators are fully authorized to have possession of, access to or control over classified information of all degrees.

One provision of section 793 does appear to be pertinent to a determination of our position in relation to classified material. Subsection (d) reads:

> Whoever, lawfully having possession of . . . any document . . . relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicates, delivers, transmits or causes to be communicated . . . the same to any person not entitled to receive it. . . .
>
> Shall be fined no more than $10,000 or imprisoned not more than ten years, or both.

The Senator from Kansas is unsure to what extent the congressional immunities conferred by article I, section 6, of the Constitution, restrict application of the Espionage Act to Senators, but it is well to be aware of the statute's language.

SENATE RULES AND PRECEDENTS

In addition to these provisions of statutory enactments and Executive orders, we, as Members of the Senate are bound by our own rules, regulations, and precedents.

Article I, section 5 of the Constitution states:

> Each House [of Congress] may determine the rules of its proceedings. . . .

And in pursuance of this authority the Houses of Congress have from time to time propounded rules and established precedents to govern their activities.

It appears to the Senator from Kansas that two authorities are in point as we consider obligations and duties of Senators in their capacity as Senators, when dealing with classified, confidential or secret matters.

RULE XXXVI

Standing rule XXXVI sets forth the procedures governing executive sessions, confidential communications of the President, and secret or confidential business or proceedings of the Senate. It reads in pertinent part:

> 3. All confidential communications made by the President of the United States to the Senate shall be by the Senators and the officers of the Senate kept secret; and all treaties which may be laid before the Senate, and all remarks, votes, and proceedings thereon shall also be kept secret, until the Senate shall, by their resolution, take off the injunction of secrecy, or unless the same shall be considered in open Executive session.
>
> 4. Any Senator or officer of the Senate who shall disclose the secret or confidential business or proceedings of the Senate shall be liable, if a Senator, to suffer expulsion from the body; and if an officer, to dismissal from the service of the Senate, and to punishment for contempt.
>
> 5. Whenever, by the request of the Senate or any committee thereof, any documents or papers shall be communicated to the Senate by the President or the head of any department relating to any matter pending in the Senate, the proceedings in regard to which are secret or confidential under the rules, said documents and papers shall be considered as confidential, and shall not be disclosed without leave of the Senate.

This rule is clear in its inclusive scope, but it is not so clear as to what exclusions it entails, and it would appear that this rule, raises a question involving the interpretation of "confidential communications made by the President of the United States to the Senate."

Of course any physical item adressed to the Senate by the President whether letter, message or notice is entitled to confidential status, when so designated. Also, any object, document, volume or compendium delivered to the Senate and specifically cloaked in the mantle of confidentiality by the President would also be accorded privileged status under rule XXXVI.

The question which arises from this analysis, however, is whether the literal contents, aside from the physical objects, of confidential presidential communications, should be considered by the Senate to have the status accorded by rule XXXVI.

In facing this question a valid distinction should be drawn along the lines of reason, commonsense, and customary principles of law. It would not be fair, nor would it be consistent with the intent of the Senate, to interpret this language of our rules in such a way as to impose burdens upon Senators which would be inconsistent with the burdens placed on other citizens in similar circumstances. Rather, we should strive to read these rules in such a spirit as would lead us to an interpretation similar to that expressed by Congress in public legislation dealing with the same subject matter.

It seems unfair that we should expect each Senator to be familiar with every confidential presidential communication to the Senate; much less could every Senator be expected to have knowledge of the entire contents of these communications. It would be far beyond the bounds of reason and common understanding to impose on any Member of this body the obligation of knowing whether a given item of information before him were per se contained in some confidential or secret communication from the President and, therefore, subject to the operation of rule XXXVI. We are, or at least should strive to be, reasonable men, and we should attempt to govern ourselves according to reasonable rules.

But if it would be unfair to hold Senators accountable under rule XXXVI for unreasonable requirements of knowledge, it might be appropriate to attach the operation of the rule to information which, borrowing from the language of the Espionage Act, a Senator were to have "reason to believe" was part of a "confidential communication made by the President of the United States to the Senate."

In each case the Senate has to take into account all relevant facts, circumstances, and conditions in judging whether its rules have been adhered to, and it would be unwise to attempt to establish a more definite structure for determining the application of this rule.

SENATE PRECEDENT

There is another source of authority and guidance for the Senate in its proceedings, and it lies in the precedents the Senate has established on previous occasions when it has dealt with similar or analagous situations. Of course no two situations are ever exactly alike, but to a large extent some fundamental similarities and distinctions have been identified by the Senate and found useful in gaging a present course in the light of past actions.

THE M'CARTHY PRECEDENT

As far as the Senator from Kansas is able to determine there has been only one occasion when the Senate was called upon to discuss the liabilities imposed on a member for making unauthorized use of classified information. The incident in question resulted in a determination that the Senator's conduct did not constitute grounds for action against him. But the incident is instructive, because the Senate did consider and discuss the lines which separate appropriate and inappropriate conduct involving classified information, thereby establishing a precedent. The precedent may not be more than the fact of discussion, but I believe it goes further and shows at least the outlines of acceptable conduct if not the exact boundaries to be observed.

The Senator whose actions came under scrutiny in the case to which I refer was the late Joseph R. McCarthy of Wisconsin. It is unnecessary to go into the full history of this Senator's controversial career, but suffice it to say that the Senate, upon introduction of a motion of censure, convened a select committee to study the charges made against him. The select committee held extensive hearings and issued a thorough report. One of the five categories of charges against the Senator involved the alleged unauthorized receipt and misuse of confidential or classified information.

The particular incident which gave rise to this charge was set forth in the findings of fact contained in the select committee's report:

> 1. During the hearings before the Permanent Subcommittee on Investigations of the Committee on Government Operations, Senator McCarthy, in the course of the development of his defense, offered to make public the contents of a document bearing the markings of the Federal Bureau of Investigation, "Personal and Confidential via Liaison," which contained classified information relating to the national defense. This offer was not accepted by the committee.
>
> 2. In offering to make the contents of the document public, Senator McCarthy acted in the bona fide belief that the document was a valid rather than a spurious instrument and offered it in evidence as such.

The report of the select committee contained an extensive treatment of the relevant authorities dealing with classified material including Executive Order No. 10501 and the Espionage Act. If determined these statutes and executive decrees showed:

> . . . a legislative intent to protect documents relating to national security, to prevent concealment of felonies; to forbid publications or disclosures not authorized by law by any officer or employee of the United States of information coming to him in the course of his employment or official duty.

Furthermore, the statutes were cited as:

> . . . affirmative evidence of congressional cooperation with the Executive, in a common effort to discourage unauthorized disclosures of confidential documents or information relating to the national defense, or obtained in the course of official duties; and to prevent interference with or impairment of the loyalty or discipline of the Armed Forces.

In considering Senator McCarthy's conduct the committee observed:

> . . . the established facts show that Senator McCarthy attempted to make public over nationwide television the contents of a . . . bore a classfied or confidential marking. This conduct on his part shows a disregard of the evident purpose to be served by such a document and overlooks the serious import which attaches to a document affecting the national defense, and the dangers flowing from causing such information to become public knowledge. This transgression is nonetheless grave even though the Senator personally may have been, as he contends, of the opinion that the document did not contain security information. This disposition on the part of Senator McCarthy to determine for himself what is or is not security information regardless of the evident classified marking on a document, confirmed by the opinion of a duly constituted agency authorized to make such a ruling, evidences a lack of regard for responsibility to the laws and regulations providing for orderly determination of such matters. This conduct on

> the part of Senator McCarthy is all the more serious when considered in the light of . . . [the Espionage Act] which provides that whoever having lawful or unauthorized possession of any document relating to national defense or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States, attempts to communicate the same to persons not entitled to receive it, is an offender against the criminal laws of the country.

The committee concluded that the letter in question was in fact a classified document, bearing what at that time was the highest classification of which the FBI was capable of conferring, and that it was entitled to statutory protection accorded such a document, but it went on to state a further view which I feel is essentially important to our attempt to define the limits of acceptable conduct.

The committee expressed the firm belief:

> That representatives of the legislative branch have a complete legal right to obtain access to such documents by using the methods available to them to get such information by formal request to the classifying agency or to the Attorney General or to the President himself. It is only when such orderly methods are rebuffed that an issue between two coequal branches of the Government can or should develop.
>
> It follows that any attempt to make public the contents or any portion of this 2¼-page document, affecting national security, would be a transgression upon authority. When Senator McCarthy offered to make public this document, which he knew involved information irregularly obtained and which on its face carried a classification of "confidential" by the FBI, it was an assumption of authority which itself is disruptive of orderly governmental processes, violative of accepted comity between the two great branches of our Government, the executive and legislative, and incompatible with the basic tenets of effective democracy.

The committee did not recommend that Senator McCarthy be censured on this category of charges. It did conclude that—

> In offering to make public the contents of this classified document Senator McCarthy committed grave error. He manifested a high degree of irresponsibility toward the purposes of the statutes and Executive directives prohibiting the disclosure to unauthorized persons of classified information or information relating to the national defense.

When the select committee reported its findings and recommendations, the censure charges were debated at length on the floor.

One of the most prominent figures in the debate of the censure resolution was Senator Francis Case of South Dakota. A member of the select committee convened to study the censure charges, Senator Case took the floor to address in detail each category of charges contained in the committee's report and gave careful attention to the charge dealing with Senator McCarthy's use of classified information.

Senator Case shared the opinion of the committee that Senator McCarthy ought not to be censured for the conduct considered in category III. But the Senator's reasoning went beyond the committee's chief grounds for opposing censure which were the extenuating personal circumstances surrounding Senator McCarthy dealings with the classified information.

Senator Case felt that Senator McCarthy's conduct was not censurable for the simple reason that it did not constitute any abuse, misuse, or unlawful dealings with that information.

In setting forth his reasoning he cited the fact that the Senator from Wisconsin had possessed the information for more than a year and in the course of that time had in fact not abused or misused it. As he said:

> Statutes may frown upon it now, under some interpretation, but the fact is that the junior Senator from Wisconsin in the more than a year during which he had the 2¼-page document in his possession did not make it public. He did not come to the floor of the Senate with it, where he might have claimed immunity.
>
> Clearly, then, he cannot be charged with a wanton or reckless will to make the information public or to broadcast it to the world.
>
> [T]he document, in my judgment, was properly classified and could only be declassified by the author of the original document, the FBI, when the purpose of classification had been served. But that is not the controlling point before the Senate, in my judgment.
>
> The fact is that the document was not made public. The chairman of the Army-McCarthy hearings, the senior Senator from South Dakota [Mr. MUNDT[, did not permit the document to be made public, and the chairman of the select committee, the Senator from Utah [Mr. WATKINS], has not permitted it to be made public. Senator McCARTHY did not insist that the document be made public. If he had had any wanton desire to make it public, he could have made copies of the document and could have issued it, or could yet bring it before the Senate. He has not done so. He submitted the document to the verdict of the chairmen of the committees in both hearings.
>
> In short, Senator McCARTHY clearly did not make or seek to make wanton misuse of the two-and-a-quarter page classified document, but offered it only when it seemed to be essential to the determination of issues before a duly constituted committee of the Senate, and he let that committee be the judge as to whether or not any publication of it could be made.

Senator Case's distinction between proper and improper conduct was clear and simple. It was the distinction between publishing classified material to unauthorized persons and not publishing it. It was the distinction between talking about making the document public and actually doing so. It was the distinction between yielding to a "wanton desire" to make the document public and not making it public. Essentially, it was a distinction between obeying the law and violating.

CONCLUSIONS SUGGESTED

The final censure resolution upon which the Senate voted conformed with the select committee's recommendation and did not include the charge of misuse of confidential information. Nonetheless, the debate and discussion are instructive and would seem to lead to several conclusions:

First, the mere possession of classified information and discussion of the fact of its possession on the floor of the Senate and in Senate committees is not inappropriate conduct either in terms of the laws relating to that information or the Senate's views of its Members' responsibilities to those laws. After all, Senators are entitled to have sensitive information in their hands, and they should not be restricted in their efforts to inform themselves on the many important subjects with which they are charged to deal.

It would appear, too, that conduct falling short of actual publication is not considered by the Senate to violate its own standards. Surely Senator McCarthy went nearly as far as is it possible to go, short of public dissemination of the classifed material in his possession. And the fact that he did not allow that material outside the confines of the Senate and its committee system was apparently recognized and appreciated by both select committee and the full Senate. Evidently a number of Senators felt that even the offer to make such information public was highly reprehensible, but not, without more, grounds for action.

The Senator from Kansas assumes from the record that the Senate's deliberations would have produced a substantially different result as to the category III charges if Senator McCarthy had taken the next step and actually made the 2¼-page document available to the public. Several points in the record lead to this conclusion:

The select committee condemned as "irresponsible" Senator McCarthy's offer to make the document public and castigated his action as a disruptive assumption of authority and violative of accepted comity between the legislative and executive branches. But it recognized the "stress and strain" under which Senator McCarthy was placed, the fact that the document was offered as part of his own defense, and that its contents were relevant to that defense. Therefore, both mitigation and justification were found for the Senator's conduct.

Senator Case relied on the facts of Senator McCarthy's conduct; that he did not make the document public, that he did not insist on its being made public, and that he remained within the orderly bounds of established committee procedure. As he said:

> If he had had any wanton desire to make it public, he could have made copies of the document and issued it. . . . He has not done so.

Senator McCarthy let the committee "be the judge as to whether or not any publication of it could be made."

The statute speaks of a person who "willfully communicates" such information to "any person not entitled to receive it," and Senator McCarthy did not communicate the information in his possession to anyone other than Senators who were, just as he, entitled to receive it.

Thus, the McCarthy case in respect to the category III charges might have yielded a diffrent result—if Senator McCarthy had actually made the document public.

If he had made his offers to make it public outside the context of his own defense; or

If he had been acting outside the formal institutional structures of the Senate.

CONCLUSION

Of course, it is impossible to say what the outcome might have been if the facts had been otherwise, but the record is there, and in the view of the Senator from Kansas it does suggest several plausible conclusions. The statutes and rules are also open for discussion and interpretation, and, although other Senators may not share the views expressed here today, I believe it is important that a discussion of these matters be undertaken.

Mr. President, I ask unanimous consent to have printed in the Record a memorandum on the scope and application of Federal statutes relating to classified information and a chronology of the development of Senate Rule XXXVI.

There being no objection, the material was ordered to be printed in the Record, as follows:

Memorandum: Federal Statutes Relating to the Handling of Classified Information

This memorandum describes the provisions of the United States Code which concern the handling of classified information.

Although several of the below-discussed statutes avoid the term "classified information", it should be note that the requirements for safeguarding such information have been established by Executive Order 10501 (50 U.S.C. § 401 note). Executive Order 10865 (50 U.S.C. § 401 note) concerns the safeguarding of classified information within industry. For the sake of brevity, the prohibitive act sections of the statutes described herein have been condensed to include only that necessary for discussion.

The foremost sanction against the mishandling of classified information is contained in section 793 of title 18. Under subsections (a), (b) and (c), the Government's burden of proof is not insignificant: "Whoever, for the purpose of obtaining information respecting the national defense with intent or reason to believe that the information is to be used to the injury of the United States, or to the advantage of any foreign nation . . .". Subsection (a) of section 793 prohibits entry into, flight over, or obtaining information concerning any government defense facility, access to which has been restricted by the President. The copying, taking, making, or obtaining any sketch, photograph, model, instrument, appliance, or document "of anything connected with the national defense" is proscribed by subsection (b). Subsection (c) applies to the receipt "from any person, or from any source whatever . . . any writing [or] photograph . . . of anything connected with the national defense" knowing that such information was obtained, or will be disposed of, contrary to law. Subsections (d) and (e) prohibit the communication or transmittal of national defense information by persons having authorized [(d)] or unauthorized [(e)] possession of such information. The loss of defense information through gross negligence or the failure to report the loss of such information is prohibited by subsection (f).

A violation of any of the subsections of section 793 could result in a fine of $10,000 and/or imprisonment for not more than ten years. See generally *Gorin* v. *United States*, 312 U.S. 19 (1941); *Coplon* v. *United States*, 89 U.S. App. D.C. 103, 191 F.2d 749, *cert. denied*, 342 U.S. 926 (1951).

The death penalty may be prescribed for a violation of 18 U.S.C. § 794(a) which prohibits the transmittal of "information relating to the national defense" to any agent of a foreign government with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation. The same penalty can be applied in time of war[1] to a person who collects or transmits "information relating to the public defense, which might be useful to the enemy" with the intent that such information shall be communicated to the enemy.* See generally *United States* v. *Sobell*, 314 F.2d 314 (2 Cir. 1963), *cert. denied*, 374 U.S. 857; *United States* v. *Rosenberg*, 195 F.2d 583 (2d Cir. 1952); *cert. denied*, 344 U.S. 838).

Sections 795, 796 and 797 prohibit the photographing of defense installations, the use of aircraft to photograph defense installations, and the publication and sale of photographs of defense installations.

Knowingly and willfully transmitting or using "in any manner prejudicial to the safety or interest of the United States or for the benefit of any foreign government to the detriment of the United States" of any classified information concerning the nation's cryptographic or cryptographic intelligence system, or the cryptographic intelligence system of any foreign government is prohibited by section 798.[2]

Special provisions concerning documents relating to the National Aeronautics and Space Administration and the Atomic Energy Commission are found in 18 U.S.C. § 799 and sections 141 through 146 of the Atomic Energy Act of 1954 (42 U.S.C. §§ 2161–2166) respectively.

Section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. § 783(b)) provides:

"It shall be unlawful for any officer or employee of the United States . . . or of any corporation the stock of which is owned in whole or in major part by the United States . . . to communicate . . . to any other person whom such officer or employee knows or has reason to believe to be an agent . . . of any foreign government or an officer or member of any Communist organization, . . . any [classified] information. . . ."

Subsection (c) prohibits the receipt of classified information by any foreign agent or member of a Communist organization. Violations may be punished by barring further government employment and a $10,000 fine and/or ten years imprisonment. See generally *Scarbeck* v. *United States*, 115 U.S. App. D.C. 135, 317 F.2d 546 (1962), *cert. denied*, 374 U.S. 856.

Of course the unlawful taking of classified documents may also come under the purview of 18 U.S.C. § 641 (theft of public money, property or records) and 18 U.S.C. § 2071 (concealment, removal, or mutilation of documents filed in a public office). It is questionable, however, whether §§ 641 or 2071 are applicable to persons who receive and use copies of classified documents.

Rule 36: A Chronology

1971—Jefferson records that "The President had no confidence in the Secrecy of the Senate."—Jefferson *Writings* I, 294–5; 305–9.

1792—House adopts Rule XXIX, Secret Session. "Whenever confidential communications are received from the President of the United States, or whenever the Speaker or any member shall inform the House that he has communications which he believes ought to be kept secret for the present, the House shall be cleared of all persons except the Members and officers thereof, and so continue during the reading of such communications, the debates and proceedings thereon, unless otherwise ordered by the House."—Rules of the House of Representatives, § 914.

1795—Jay's Treaty submitted to the Senate. Though President does not suggest secrecy, Senate orders that members be "under an injunction of secrecy on the communications this day received from the President . . . until the further order of the Senate." Thirty-three copies printed. Injunction of secrecy later rescinded, but Senators enjoined not to allow any copies of the President's communication. Senator Mason of Virginia sends his copy to the editor of the *Aurora*. No formal censure by the Senate.—George H. Haynes, *The Senate of the United States: Its History and Practice*, pp. 665–666 (New York, Russell & Russell, 1960).

1800—President Adams requests consideration of French Convention of 1800 in strict confidence. Senate adopts rule that "all confidential communications made by the President of the United States to the Senate, shall be, by the members thereof, kept inviolably secret, and that all treaties which may hereafter be laid before the Senate shall also be kept secret, until the Senate shall, by their resolution, take off the injunction of secrecy."—Senate Executive Journal, Dec. 22, 1800, p. 361.

1810—Senator Timothy Pickering of Massachusetts read on the floor of the Senate a letter from the French Minister for Foreign Affairs dated 21 December 1804 to the U.S. Minister in Paris. This was a confidential communication from the President. The Senate agreed to a Resolution offered by Senator Henry Clay by a vote of 20 to 7. As amended it read "Resolved, that the public perusal in the Senate of certain papers with open galleries by the gentleman from Massachusetts (Mr. Pickering) in his seat without a special order of the Senate removing the injunction of secrecy, which papers had been confidentially communicated to the Senate by the President of the United States, was a violation of the rules of this body."—S. Jour., 11th Cong., 3d sess., pp. 535, 536; Annals of Congress, 11th Cong., 1810–1811, pp. 66–83.

1831—In Senate debate Mr. Forsyth said: "It was soon found, as the government moved on, that if a desire was felt that any subject should be bruited about in every corner of the United States, should become a topic of universal conversation, nothing more was necessary than to close the doors of the Senate Chamber, and make it the object of secret, confidential deliberation."—Cong. Debates, VII, 294.

1844—In April Senator Benjamin Tappan of Ohio gave a confidential message from the President dealing with the Treaty of Annexation of Texas to the New York Evening Post, which published it. The Senate appointed a select committee of five Senators to determine the facts and "what proceedings it may be proper (for the Senate) to adopt in vindication of its privilege and authority." The committee was given subpoena power. The Committee reported "no color of excuse for the outrage." By a vote of 38 to 7 the Senate adopted this resolution: "*Resolved* That Benjamin Tappan, a Senator from the State of Ohio, in furnishing for publication in a newspaper documents directed by an order of the Senate to be printed in confidence for its use, has been guilty of a flagrant violation of the rules of the Senate and disregard of its authority." The Senate then added to its standing rules, to apply prospectively, this rule: "Any officer or member of the Senate convicted of disclosing for publication any written or printed matter directed by the Senate to be held in confidence, shall be liable, if an officer, to dismissal from the service of the Senate, and in the case of a member to suffer expulsion from the body."—28th Cong., 1st sess; J., pp. 439–443.

1848—A New York Herald reporter questioned before the Senate about publication of the pending Mexican Treaty refused to answer. The Senate passed a resolution declaring him in contempt and held him in custody for one month.—Sen. Exec. Journal, VII, 404.

---

* Section 794(b).

[1] Section 798 authorizes the provisions of § 794 to remain in effect "until six months after the termination of the national emergency proclaimed by the President on December 16, 1950."

[2] As enacted, title 18 contains two sections 798. See fn. 1.

1854—On February 24 the President of the Senate was directed to send a note on behalf of the Senate to each member asking information as to disclosures in regard to the Treaty with Mexico. Replies discussed in executive session a week later failed to reveal the Herald reporter's source (see 1848).—Sen. Exec. Journal, IX, 249, 272–3.

1867—Senate lifted injunction of secrecy on Alaska Treaty debates, and various speeches on the claims against Great Britain by Sumner were published.—George H. Haynes, *The Senate of the United States; Its History and Practice* (New York, Russell & Russell, 1960), p. 667.

1885—The Committee on Rules interpreted the injunction of secrecy in Rule 36 as extending "to each step in the consideration of treaties, including the fact of ratification . . . which may be of the utmost importance and ought not to be removed except by order of the Senate, or until it has been made public by proclamation of the President."—Sen. Exec. Journal, March 21, 1885.

1888—Bayard—Chamberlain Treaty was published in Canada during U.S. Senate debate on removing the injunction of secrecy from it.—Haynes, p. 667.

1890—On February 19 the New York Tribune published the details of a pending treaty with Great Britain. The Senate was unable to learn the source of the disclosures.—Sen. Exec. Journal, XXVII, 475–477.

1899—Senate removed the injunction of secrecy from the treaty with Spain, but debates in following weeks were held in executive session.—Haynes, 667–8.

1900—One hundred years after the adoption of Rule 36, the Senate in executive session formalized the procedure for removing the injunction of secrecy by adopting this resolution: "*Resolved*, That whenever the injunction of secrecy shall be removed from any part of the proceedings of the Senate in executive session, or secret legislative session, the order of the Senate removing the same shall be entered by the Secretary in the legislative journal as well as in the executive journal, and shall be published in the Record."—Journal of the Senate, 1900, 131.

1904—On March 31 the Senate, after receiving a unanimous report from the Committee on Rules adopted the rule now designated as Rule 36.5. Senator Hoar explained the reasons for the rule as follows: "I may perhaps make a statement in a single word. It has been the practice of the Executive Departments, when they are asked by the various committees of the Senate for the papers relating to any nomination, to send all sorts of confidential communications bearing on the character of the appointee. Very often they are communications from active politicians in various parts of the country about the effect of certain appointments on political parties, and some of them are written in a very free and easy manner.

"In President Cleveland's time the Judiciary Committee used to have a good many communications setting forth the demerits of various divisions of the Democratic party and the merits of others; and such papers come here under all Administrations. I suppose probably those papers are confidential under the rules now; but there has been some little doubt in the minds of some Senators whether they are or not, and it has been thought best to make it clear.

"This is a unanimous report from the Committee on Rules. It merely provides that when any communications are sent to committees of the Senate in regard to matters which are themselves confidential by the President or any Department, those communications shall be treated as confidential unless the Senate shall order otherwise."—Cong. Rec., March 31, 1904, p. S-4027.

1906—Senator Spooner discussed the question of what may be revealed in open session of debates in executive session. He concluded that the attitude of the Foreign Relations Committee, all amendments and all arguments for and against a negotiated treaty sent in confidence to the Senate could not be revealed and were "as if never uttered."—Haynes, 668.

1918—On June 9 an unofficial text of the Treaty of Versailles was printed in the Congressional Record before the President had submitted it.

During the debate on ratification of the Treaty, Senator Brandegee argued too much plain speech might give offense to foreign countries. Senator Borah replied "What are these delicate questions which may offend foreign powers? These delicate questions are too often questions of dubious righteousness." Walter Lippmann later wrote, "Only a man who has risen by appealing to audiences rather than by making executive decisions would, I think, have said that."—Haynes, p. 668; *Men of Destiny*, p. 144.

1970—Legislative Reorganization Act makes Senate committees judge of question whether confidential matter in hearings may be disclosed, as follows: "Sec. 112(b). Each hearing conducted by each standing, select, or special committee of the Senate (except the Committee on Appropriations) shall be open to the public except when the committee determines that the testimony to be taken at that hearing may relate to a matter of national security, may tend to reflect adversely on the character or reputation of the witness or any other individual, or may divulge matters deemed confidential under other provisions of law or Government regulation."

The PRESIDING OFFICER. Who yields time?

Mr. SAXBE. Mr. President, I yield back the remainder of my time.

Mr. ERVIN. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the resolution, as amended. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alabama (Mr. ALLEN), the Senator from Indiana (Mr. BAYH), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Maine (Mr. MUSKIE), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Minnesota (Mr. HUMPHREY) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Delaware (Mr. BOGGS) and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Delaware (Mr. BOGGS) and the Senator from Oregon (Mr. HATFIELD) would each vote "yea."

The result was announced—yeas 55, nays 27, as follows:

[No. 124 Leg.]

YEAS—55

Aiken
Anderson
Bentsen
Bible
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cooper
Cranston
Eagleton
Eastland
Ellender
Ervin
Fong
Fulbright
Gambrell
Gurney
Hollings
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
Metcalf
Miller
Mondale
Montoya
Moss
Nelson
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Scott
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Tunney
Williams

NAYS—27

Allott
Baker
Beall
Bellmon
Bennett
Brock
Buckley
Cook
Cotton
Curtis
Dole
Dominick
Fannin
Goldwater
Griffin
Hansen
Hruska
Jordan, Idaho
Packwood
Pearson
Schweiker
Smith
Taft
Thurmond
Tower
Weicker
Young

ANSWERED "PRESENT"—1

Gravel

NOT VOTING—17

Allen
Bayh
Boggs
Harris
Hart
Hartke
Hatfield
Hughes
Humphrey
Inouye
Jackson
McClellan
McGovern
McIntyre
Mundt
Muskie
Sparkman

So the resolution (S. Res. 280), as amended, was agreed to.

Mr. ERVIN. Mr. President, I send an amendment to the preamble to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. ERVIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

Whereas the Supreme Court of the United States on Tuesday, February 22, 1972, issued writs of certiorari in the case of Gravel against United States; and

Whereas this case involves the activities of the junior Senator from Alaska, Mr. Gravel; and

Whereas in deciding this case the Supreme Court will consider the scope and meaning of the protection provided to Members of Congress by article 1, section 6, of the United States Constitution, commonly referred to as the "Speech or Debate" clause, including the application of this provision to Senators, their aides, assistants, and associates, and the types of activity protected; and

Whereas this case necessarily involves the right of the Senate to govern its own internal affairs and to determine the relevancy and propriety of activity and the scope of a

Senator's duties under the rules of the Senate and the Constitution; and

Whereas this case therefore concerns the constitutional separation of powers between legislative branch and executive and judicial branches of Government; and

Whereas a decision in this case may impair the constitutional independence and prerogatives of every individual Senator, and of the Senate as a whole; and

Whereas the United States Senate has a responsibility to insure that its interests are properly and completely represented before the Supreme Court: Now, therefore, be it

Mr. ERVIN. Mr. President, this is a technical amendment to adjust the preamble. It was read to the Senate previously. All it does is to provide that the preamble read to the Senate shall be the preamble to the resolution as passed.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution as amended, with its amended preamble, reads as follows:

RESOLUTION

Authorizing Senate intervention in the Supreme Court proceedings on the issue of the scope of article I, section 6, the so-called speech and debate clause of the Constitution

Whereas the Supreme Court of the United States on Tuesday, February 22, 1972, issued writs of certiorari in the case of Gravel against United States; and

Whereas this case involves the activities of the junior Senator from Alaska, Mr. Gravel; and

Whereas in deciding this case the Supreme Court will consider the scope and meaning of the protection provided to Members of Congress by article 1, section 6, of the United States Constitution, commonly referred to as the "Speech or Debate" clause, including the application of this provision to Senators, their aides, assistants, and associates, and the types of activity protected; and

Whereas this case necessarily involves the right of the Senate to govern its own internal affairs and to determine the relevancy and propriety of activity and the scope of a Senator's duties under the rules of the Senate and the Constitution; and

Whereas this case therefore concerns the constitutional separation of powers between legislative branch and executive and judicial branches of Government; and

Whereas a decision in this case may impair the constitutional independence and prerogatives of every individual Senator, and of the Senate as a whole; and

Whereas the United States Senate has a responsibility to insure that its interests are properly and completely represented before the Supreme Court: Now, therefore, be it

Resolved, That the President pro tempore of the Senate is hereby authorized to appoint a bipartisan committee of Senators to seek permission to appear as amicus curiae before the Supreme Court and to file a brief on behalf of the United States Senate; and be it further

Resolved, That the members of this bipartisan committee shall be charged with the responsibility to establish limited legal fees for services rendered by outside counsel to the committee, to be paid by the Senate pursuant to these resolutions; be it further

Resolved, That any expenses incurred by the Committee pursuant to these resolutions including the expense incurred by the Junior Senator from Alaska as a party in the above mentioned litigation in printing records and briefs for the Supreme Court shall be paid from the contingent fund of the Senate on vouchers authorized and signed by the President pro tempore of the Senate and approved by the Committee on Rules and Administration; be it further

Resolved, That these resolutions do not express any judgment of the action that precipitated these proceedings; and be it further

Resolved, That the Secretary of the Senate transmit a copy of these resolutions to the Supreme Court.

Mr. MANSFIELD. Mr. President, there are some recommendations relative to the counsel to be appointed from the Democratic side and three associate counsel to assist the chief counsel. Would the Chair make those nominations at this time on behalf of the majority?

The PRESIDENT pro tempore. Under the resolution just agreed to, the Chair appoints the Senator from North Carolina (Mr. ERVIN) chief counsel, and the Senator from Mississippi (Mr. EASTLAND), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Georgia (Mr. TALMADGE) as associate counsel.

The PRESIDING OFFICER (Mr. STAFFORD) subsequently stated: The Chair, on behalf of the President pro tempore, under Senate Resolution 280, makes the following appointments to the committee established by that resolution: The Senator from New Hampshire (Mr. COTTON), the Senator from Colorado (Mr. DOMINICK), the Senator from Maryland (Mr. MATHIAS), and the Senator from Ohio (Mr. SAXBE).

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on March 22, 1972, the President had approved and signed the following acts:

S. 1163. An act to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal projects, nutrition training and education projects, opportunity for social contacts, and for other purposes; and

S. 2423. An act to amend the Federal Aviation Act of 1958 to provide for the suspension and rejection of rates and practices of air carriers and foreign air carriers in foreign air transportation, and for other purposes.

PROGRAMS FOR OLDER AMERICANS—MESSAGE FROM THE PRESIDENT (H. DOC. NO 92–262)

The PRESIDING OFFICER (Mr. STAFFORD) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

When I addressed the White House Conference on Aging last December, I pledged that I would do all I could to make 1972 a year of action on behalf of older Americans. This message to the Congress represents an important step in fulfilling that promise.

Many of the actions which are outlined in this message have grown out of concerns expressed at the White House Conference and at related meetings across the country. The message also discusses a number of steps that have already been taken or that were announced at an earlier date. All of these actions are part of our comprehensive strategy for helping older Americans.

The momentum which has been generated by all these steps—old and new—will move us toward the great national objectives which the White House Conference set forth. I pledge that this momentum will be sustained as we follow through on these initiatives and as we keep other recommendations of the White House Conference at the top of our agenda, under continuing review.

This message, then, does not represent the last word I will have to say on this important subject. It does, however, identify those administrative steps which we are taking immediately to help older Americans, along with a number of legislative initiatives which should be of highest priority on this year's Congressional agenda.

We often hear these days about the "impatience of youth." But if we stop to think about the matter, it is the elderly who have the best reason to be impatient. As so many older Americans have candidly told me, "We simply do not have time to wait while the Government procrastinates. For us, the future is now." I believe this same sense of urgency should characterize the Government's response to the concerns of the elderly. I hope and trust that the Congress will join me in moving forward in that spirit.

A COMPREHENSIVE STRATEGY FOR MEETING COMPLEX PROBLEMS

The role of older people in American life has changed dramatically in recent decades. For one thing, the number of Americans 65 and over is more than six times as great today as it was in 1900—compared to less than a 3-fold increase in the population under 65. In 1900, one out of every 25 Americans was 65 or over; today one in ten has reached his 65th birthday.

While the number of older Americans has been growing so rapidly, their traditional pattern of living has been severely disrupted. In an earlier era, the typical American family was multigenerational—grandparents and even great-grandparents lived in the same household with their children and grandchildren, or at least lived nearby. In recent years, however, the ties of family and of place have been loosened—with the result that more and more of our older citizens must live apart or alone. The rapid increase in mandatory retirement provisions has compounded this trend toward isolation. Under such conditions, other problems of older persons such as ill health and low income have become even more burdensome. And all of these difficulties are intensified, of course, for members of minority groups and for those who are blind or deaf or otherwise handicapped.

The sense of separation which has characterized the lives of many older Americans represents a great tragedy for our country. In the first place, it denies many older citizens the sense of fulfillment and satisfaction they deserve for the contributions they have made throughout their lifetimes. Secondly, it denies the country the full value of the skills and insights and moral force which the older generation is uniquely capable of offering.

The major challenge which confronts us, then, as we address the problems of older Americans is the new generation gap which has emerged in this country in recent decades between those who are over 65 and those who are younger. The way to bridge this gap, in my judgment, is to stop treating older Americans as a burden and to start treating them as a resource. We must fight the many forces which can cause older persons to feel dependent or isolated and provide instead continuing opportunities for them to be self-reliant and involved.

If we can accomplish this goal, our entire Nation will reap immense benefits. As I put it in my speech to the White House Conference on Aging, ". . . any action which enhances the dignity of older Americans enhances the dignity of all Americans, for unless the American dream comes true for our older generation, it cannot be complete for any generation."

From its very beginnings, this Administration has worked diligently to achieve this central objective. To assist me in this effort, I established a special task force on aging in 1969. In that same year, I elevated the Commissioner on Aging, John Martin, to the position of Special Assistant to the President on Aging, the first such position in history. Later, I created a new Cabinet-level Committee on Aging, under the leadership of the Secretary of Health, Education, and Welfare, to ensure that the concerns of the aging were regularly and thoroughly considered by this Administration and that our policies to help older persons were effectively carried out. To provide greater opportunity for older Americans to express their own concerns and to recommend new policies, I convened the White House Conference on Aging—which met last December and which was proceeded and followed by many other meetings at the grassroots level. I asked the Cabinet-level Committee on Aging to place the recommendations of the Conference at the top of its agenda. And I also asked the Chairman of the Conference, Arthur Flemming, to stay on as the first Special Consultant to the President on Aging, so that the voice of older Americans would continue to be heard at the very highest levels of the Government.

One dimension of our efforts over the last three years is evident when we look at the Federal budget. If our budget proposals are accepted, overall Federal spending for the elderly in fiscal year 1973 will be $50 billion, nearly 150 percent of what it was when this Administration took office. One particularly important example of increased concern for the elderly is the fact that overall Federal spending under the Older Americans Act alone has grown from $32 million in fiscal year 1969 to a proposed $257 million in fiscal year 1973—an eight-fold increase. This figure includes the $157 million I originally requested in my 1973 budget, plus an additional $100 million which I am requesting in this message for nutrition and related services.

How much money we spend on aging programs is only one part of the story, however. *How* we spend it is an equally important question. It is my conviction that the complex, interwoven problems of older Americans demand, above all else, a *comprehensive* response, one which attacks on a variety of fronts and meets a variety of problems.

This message outlines the comprehensive strategy which this Administration had developed for bridging the new generation gap and enhancing the dignity and independence of older Americans. That strategy has five major elements:

1. Protecting the income position of the elderly;

2. Upgrading the quality of nursing home care;

3. Helping older persons live dignified, independent lives in their own homes or residences—by expanding and reforming service programs;

4. Expanding opportunities for older people to continue their involvement in the life of the country; and

5. Reorganizing the Federal Government to better meet the changing needs of older Americans.

A SUMMARY OF MAJOR INITIATIVES

In addition to discussing important actions which have been taken in the past or are now underway, this message focuses attention on the following major items of new and pending business.

1. *To protect the income position of older Americans, the Congress should:*

—enact H.R. 1 as soon as possible, thus providing older Americans with $5½ billion of additional annual income. H.R. 1 would increase social security benefits by 5 percent, make social security inflation-proof, increase widow, widower and delayed retirement benefits, liberalize earnings tests, and establish a floor under the income of older Americans for the first time;

—repeal the requirement that participants in part B of Medicare must pay a monthly premium which is scheduled to reach $5.80 this July. This step would make available to older persons an additional $1.5 billion—the equivalent of roughly another 4 percent increase in social security benefits for persons 65 and over;

—strengthen the role played by private pension plans by providing tax deductions to encourage their expansion, requiring the vesting of pensions, and protecting the investments which have been made in these funds;

—enact revenue sharing proposals designed to provide the opportunity for significant property tax relief; and

—enact my proposed consumer protection legislation which deals with problems which are especially acute for older citizens.

The Administration will:

—continue its investigation of alternative methods for financing public education in such a manner as to relieve the present heavy reliance on property taxes;

—propose major improvements in the military retirement system, including a one-time recomputation of retired pay;

—continue the battle against price inflation, with special emphasis in the health care field;

—develop a program to foster greater awareness among older citizens of their legal rights under the Interstate Land Sales Full Disclosure Act; and

—develop a program designed to help each State create consumer education programs for older citizens.

2. *To upgrade the quality of nursing home care,*

The Congress should:

—make it possible for the Federal Government to assume the entire cost of State inspection of homes receiving payments under the Medicaid program; and

—approve my request for additional funds for training nursing home personnel.

The Administration will:

—continue to strengthen and expedite other portions of my 8-point program for upgrading nursing homes, including my commitment to withdraw Federal funds from those homes that refuse to meet standards and to make adequate alternative arrangements for those who are displaced from substandard homes; and

—develop proposals for protecting older persons in the purchase of nursing home services.

3. *To help older persons live dignified, independent lives in their own homes or residences,*

The Congress should:

—appropriate the $100 million I requested for the Administration on Aging in my 1973 budget;

—appropriate an additional $100 million for nutritional and related purposes;

—appropriate $57 million for other programs under the Older Americans Act, bringing total spending under this act to $257 million—an eight-fold increase over fiscal year 1969;

—renew and strengthen the Older Americans Act, which so many older persons rightly regard as landmark legislation in the field of aging—extending it for an indefinite period rather than for a specified period of years;

—create a new, coordinated system for service delivery under this act, so that the Administration on Aging can help develop goals for such services, while State and area agencies create specific plans for achieving these goals; and

—allow States and localities to use some of the funds now in the Highway Trust Fund to finance their mass transit programs; including special programs to help the elderly.

The Administration will:

—ensure that Departments and agencies involved in the field of aging identify the portion of their total resources that are available for older persons and ensure that use of these resources is effectively coordinated all across the Government;

—strengthen the role already played by local officials of the Social Security Administration and other agencies in providing information about Federal services to older persons and in receiving their complaints;

—launch this summer a new Project FIND—a program which will enlist the services of Government workers at the grassroots level in an outreach effort to locate older persons who are not involved in Federal nutrition programs and who should be;

—step up efforts to meet the special transportation needs of older Americans, giving priority to community requests for capital grants that aid the elderly from the Urban Mass Transportation Fund;

—provide more and better housing for older Americans by issuing new guidelines for two HUD programs to make them more readily applicable to the elderly, by extending the mortgage maturity for the FHA-insured nursing home program, by drawing upon research of the Law Enforcement Assistance Administration to reduce crime, by encouraging the provisions of more space for senior centers within housing projects for the elderly, and by developing training programs in the management of housing for older persons.

4. *To expand opportunities for older persons to continue their involvement in the life of our country,*

The Congress should:

—appropriate the funds I have requested for such action programs as Retired Senior Volunteers and Foster Grandparents;

—authorize the ACTION agency to expand person-to-person volunteer service programs, helping more older Americans to work both with children and with older persons who need their help; and

—broaden the Age Discrimination in Employment Act of 1967 to include State and local governments.

The Administration will:

—work with 130 national voluntary groups across the country in a special program to stimulate volunteer action; and

—develop a national program to expand employment opportunities for persons over 65, through programs such as Senior Aides and Green Thumb, by urging State and local governments to make job opportunities available under the Emergency Employment Act of 1971, by working through the public employment offices to open part-time job opportunities in both the public and private sector, and by reaffirming Federal policy against age discrimination in appointment to Federal jobs.

5. *To improve Federal organization for future efforts,*

The Administration will:

—strengthen the Secretary of Health, Education and Welfare Advisory Committee on Older Americans—providing it with permanent staff capability to support its increased responsibilities;

—arrange for the Commissioner of Aging, in his capacity as Chairman of the Advisory Committee on Aging, to report directly to the Secretary of Health, Education, and Welfare;

—create a Technical Advisory Committee on Aging Research in the Office of the Secretary of Health, Education, and Welfare to develop a comprehensive plan for economic, social, psychological, health and education research on aging.

PROTECTING THE INCOME POSITION OF OLDER AMERICANS

Perhaps the most striking change in the lives of most Americans when they turn 65 is the sudden loss of earned income which comes with retirement. The most important thing we can do to enhance the independence and self-reliance of older Americans is to help them protect their income position. I have long been convinced that the *best* way to help people in need is not by having Government provide them with a vast array of bureaucratic services but by giving them money so that they can secure needed services for themselves. This understanding is fundamental to my approach to the problems of the aging.

The success of this income-oriented strategy depends in turn on giving effective attention to two factors: first, where older Americans' money comes from and second, what it is used for.

WHERE THE MONEY COMES FROM: REFORMING AND EXPANDING GOVERNMENT INCOME PROGRAMS

The most important income source for most older Americans is social security. Accordingly, improvements in social security have been the centerpiece of this administration's efforts to assist the elderly. Today, approximately 85 percent of all Americans over 65 receive regular cash benefits from social security, while 93 percent of those now reaching age 65 are eligible to receive such benefits when they or their spouses retire.

Since 1969, social security cash benefits have been increased twice—a 15-percent increase in January of 1970 and another 10 percent increase 1 year later. These increases represent a $10 billion annual increase in cash income for social security beneficiaries. As I suggested, however, in my 1969 message to the Congress concerning social security reform, *bringing* benefit payments up to date alone is not enough. We must also make sure that benefit payments *stay* up to date and that all recipients are treated fairly.

My specific proposals for achieving these ends are presently contained in the bill known as H.R. 1—legislation which is of overwhelming importance for older Americans. This bill passed the House of Representatives in the first session of the 92nd Congress and is presently pending before the Senate Finance Committee. I continue to believe firmly that H.R. 1 is the single most significant piece of social legislation to come before the Congress in many decades.

Let us consider the several ways in which this legislation would help the elderly:

1. *An Additional Increase in Social Security.* Under H.R. 1, social security benefits would be increased by an additional 5 percent effective in June of 1972. This increase would provide $2.1 billion in additional income for older Americans during the first full year that it is effective. It would mean that social security benefits would be one-third higher after this June than they were just 2½ years ago. *This represents the most rapid rate of increase in the history of the social security program.*

2. *Making Social Security "Inflation Proof."* Under H.R. 1, social security payments would, for the first time, be automatically protected against inflation. Whenever the Consumer Price Index increased by 3 percent or more, benefits would be increased by an equal amount. Payments that keep pace with the cost of living would thus become a guaranteed right for older Americans—and not something for which they have to battle again and again, year after year.

3. *Increased Widows' Benefits.* About 58 percent of the population age 65 and over are women, most of whom depend primarily on social security benefits earned by their husbands. Under the present law, however, widows are eligible for only 82½ percent of the retirement benefits which would be paid to their late husbands if they were still alive. H.R. 1 would correct this situation by increasing widows' benefits to 100 percent of the benefits payable to their late husbands. It would similarly expand the eligibility of a widower for benefits payable to his late wife. Altogether, this provision would mean that about 3.4 million widows and widowers would receive increased benefits totaling almost three quarters of a billion dollars in the first full year.

4. *Increased Benefits for Delayed Retirement.* Under present law, those who choose *not* to retire at age 65 forfeit their social security benefits for the period between the time they are 65 and the time they finally retire. H.R. 1 would allow retirees to make up a portion of these lost benefits through higher payments after retirement. Benefits would increase by one percent for each year that a person had worked between the ages of 65 and 72.

5. *Liberalized Earnings Tests.* Like the increased benefit for delayed retirement, the liberalized earnings tests contained in H.R. 1 would encourage more of our older citizens to remain active in the economic life of our country. This is a step which I promised to take in the 1968 campaign and for which I have been working ever since.

It is high time this step was taken. Those who *can* work and *want* to work should *not* be discouraged from working—as they often are under the present law. By reducing the barriers to work, we can increase the sense of participation among older citizens and at the same time tap their energies and experience more effectively.

Under H.R. 1, the amount that a beneficiary could earn without losing any social security would be increased from $1,680 a year to $2,000 a year. That ceiling, in turn, would be automatically increased each time there was a cost of living benefit increase in social security. In addition, for those who earn in excess of $2,000, the potential reduction in social security payments would also be lessened. Under the present law, benefits are reduced by $1 for each $2 of extra earnings, but this rate applies only to the first $1,200 earned above the exempt amount. Additional earnings beyond that level now cause benefits to be reduced on a $1 for $1 basis. Under H.R. 1, benefits would be reduced on a $1 for $2 basis for all earnings above $2,000—no matter how much more a person earned.

6. *Adult Assistance Reform*. One of the most important elements of H.R. 1—and one of the most under-publicized—is its provision to place a national floor under the income of every older American. H.R. 1 would replace the present Old Age Assistance program with a single, federally-financed program which would provide a monthly income of $150 for an individual and $200 for a couple when fully effective.

This program would assist 4.5 million elderly persons instead of the 2.1 million currently reached. It would also eliminate the practice of placing liens on homes as a condition of eligibility. Eligibility for assistance would be determined on the basis of need without regard to the income or assets of relatives. Relative-responsibility rules would not be a part of this new program.

I believe this reform is particularly important since it channels massive resources—some $2.8 billion in additional annual benefits—to those whose needs are greatest.

7. *Special Minimum Benefits*. H.R. 1 would also provide special minimum benefits for people who have worked for 15 years or more under social security. The guaranteed minimum benefit would range from $75 a month for a person who had worked 15 years under social security to $150 a month for a person with 30 years of such work experience. At maturity, this provision would increase overall benefit payments to $600 million.

H.R. 1: THE NEED FOR PROMPT ACTION

In addition to all of these benefits for older people, H.R. 1 would have enormous benefits for many younger Americans as well. Clearly the passage of this bill is a matter of the very highest priority. I have made that statement repeatedly since I first proposed this far-reaching program in 1969. As I make that statement again today, I do so with the conviction that further delay is absolutely inexcusable. To delay these reforms by even one more year would mean a loss for older Americans alone of more than $5 billion.

It is my profound hope that the Senate will now carry forward the momentum which has been generated by the passage of H.R. 1 in the House of Representatives, thus seizing an historic opportunity—and meeting an historic obligation.

WHERE THE MONEY COMES FROM: MILITARY, VETERANS AND FEDERAL EMPLOYEE BENEFITS

We are laso making significant progress toward improving the retirement income of career military personnel, veterans and Federal employees.

1. *To improve military benefits*, I will soon submit legislation to the Congress for recomputing retirement pay on the basis of January 1, 1971 pay scales, thus liberalizing annuities for current retirees. I will also submit legislation to provide—for the first time—full annuities for retired reservists at an earlier age, and to revise benefit payments so that retirees receive their full annuities when they are most needed, at the conventional age of full retirement. I hope these proposals will receive favorable consideration.

In addition, I support legislation to provide military retirees with a less expensive survivor annuity plan—one which is similar to that now provided to retired civil servants.

2. *Benefits for veterans* are also improving. Our efforts to improve both the quality of care and the number of patients treated in Veterans Administration hospitals will have a major impact on older veterans, since more than one-fourth of all VA patients are over 65. The staff to patient ratio at VA hospitals will be increased to 1.5 to 1, an all-time high, if our budget proposals are accepted.

The fiscal year 1973 budget also provides for further increases in nursing home care with the result that the authorized number of VA-operated nursing beds will have doubled since 1969 and the number of community contract beds and State home beds built and operated with VA subsidies will have increased by one-third over the same period.

In addition, I have signed into law significant improvements in pensions for elderly veterans which relate benefits more closely to need and protect recipients from income loss because of increases in the cost of living. In January of 1971, pensions were increased by an average of 9.6 percent. One year later, they went up an additional 6.5 percent and a new formula was adopted relating benefits more closely to need for the first time.

3. *Federal Employee Benefits* are also up. Retirement benefits for Federal employees have been liberalized in several instances, and—under a more generous formula for determining cost of living increases—annuities have gone up nearly 16 percent in the last 2½ years. In addition, the Government's contribution to Federal health benefit premiums of current and retired employees has been substantially increased.

WHERE THE MONEY COMES FROM: REFORMING THE PRIVATE PENSION SYSTEM

Only 21 percent of couples now on our social security rolls and only 8 percent of non-married beneficiaries are also receiving private pensions. While this picture will improve somewhat as workers who are now younger reach retirement, nevertheless—despite the best efforts of labor and management—only half the work force is presently covered by private pension plans. As the White House Conference on Aging pointed out, the long-range answer to adequate income for the elderly does not lie in Government programs alone; it also requires expansion and reform of our private pension system.

Late last year, I submitted to the Congress a five-point program to achieve this goal. It includes the following items:

1. *Tax deductions to encourage independent savings toward retirement*. Individual contributions to group or individual pension plans should be made tax deductible up to the level of $1500 per year or 20 percent of earned income, whichever is less. Individuals should also be able to defer taxation of investment earnings on these contributions.

2. *More generous tax deductions for pension contributions by self-employed persons*. The annual limit for deductible contributions to pension plans by the self-employed—on their own behalf and for those who work for them—should be raised from $2,500 or 10 percent of earned income, whichever is less, to the lesser of $7,500 or 15 percent of earned income.

3. *Requiring the vesting of pensions*. Persons who have worked for an employer for a significant period should be able to retain their pension rights even if they leave or lose their jobs before retirement. Unfortunately, many workers do not now have this assurance—their pensions are not vested. To change this situation, I have proposed a new law under which all pensions would become vested as an employee's age and seniority increased. Under this law, the share of participants in private pension plans with vested pensions would rise from 31 percent to 47 percent and the overall number of employees with vested rights would increase by 3.6 million. Most importantly, among participants age 45 and older, the percentage with vested pensions would rise from 60 percent to 92 percent.

4. *The Employee Benefits Protection Act*. This legislation was first proposed to the Congress in March of 1970; it was strengthened and resubmitted in 1971. It would require that pension funds be administered under strict fiduciary standards and would provide certain Federal remedies when they are not. It would also require that plans provide full information to employees and beneficiaries concerning their rights and benefits.

5. *A study of pension plan terminations*. In my December message, I also directed the Departments of Labor and the Treasury to undertake a one-year study concerning the extent of benefit losses which result from the termination of private pension plans. This study will provide the information we need in order to make solid recommendations in this field, providing needed protection without reducing benefits because of increased costs.

WHERE THE MONEY GOES: THE BURDEN OF HEALTH COSTS

Growing old often means both declining income and declining health. And declining health, in turn, means rising expenditures for health care. Per capita health expenditures in fiscal year 1971 were $861 for persons 65 and older, but only $250 for persons under 65. In short, older Americans often find that they must pay their *highest* medical bills at the very time in their lives when they are *least* able to afford them.

Medicare, of course, is now providing significant assistance in meeting this problem for most older Americans. In fiscal year 1971, this program accounted for 62 percent of their expenditures for hospital and physicians services and 42 percent of their total health payments.

In addition, an estimated 40 percent of Medicaid expenditures go to support the health costs of the elderly, while other programs provide significant additional assistance.

But serious problems still remain. Accordingly, this Administration has been working in a number of ways to provide even more help for the elderly in the health-care field. One of our most important proposals is now pending before the Congress. I refer to the recommendation I made more than a year ago that the Congress combine part B of Medicare—the supplementary medical insurance program, with part A—the hospital insurance program, thus eliminating the special monthly premium which older persons must pay to participate in part B—a premium which will reach $5.80 per month by July. I have reaffirmed my commitment to this important initiative on other occasions and today I affirm it once again. Elimination of the premium payment alone would augment the annual income of the elderly by approximately $1.5 billion, the equivalent, on the average, of almost a 4 percent increase in social security for persons 65 and over. I hope the Congress will delay no longer in approving this important proposal.

Our concern with health costs for older Americans provides additional reasons for the prompt approval of H.R. 1. Under that bill:

—Provision is made for extending Medicare to many of the disabled (about 60 percent of whom are age 55 and over) who are drawing social security benefits and who have had to give up work before reaching regular retirement age;

—Medicare beneficiaries would have the opportunity to enroll in Health Maintenance Organizations—organizations which I strongly endorsed in my special message on health policy because of my conviction that they help to prevent serious illness and also help to make the delivery of health care more efficient;

—Provision is made for removing the uncertainties relative to coverage under Medicare when a person needs to use extended care facilities after hospitalization.

In my recent message to Congress on health policy, I indicated a number of other measures which will help reduce the cost of health care. I spoke, for example, of the special attention we have been giving under Phase II of our New Economic Policy to the problem of skyrocketing health costs, through the special Health Services Industry Committee of the Cost of Living Council. I indicated that a number of cost control features would be introduced into the Medicare and Medicaid reimbursement processes—with the overall effect of reducing health costs. I have also called for new research efforts in fields such as heart disease, cancer, and accident prevention—initiatives which also promise to reduce health problems—and health bills—for older persons.

WHERE THE MONEY GOES: INFLATION

Inadequate retirement incomes are strained even further when inflation forces older persons to stretch them to meet rising costs. Because older persons are uniquely dependent on relatively fixed incomes, they are uniquely victimized by the ravages of inflation. While my proposals for making social security benefits inflation-proof will provide significant help in defending the elderly against this menace, it is also important that we take on this enemy directly—that we curb inflationary pressures.

This goal has been a central one of this Administration. When I came to office this country was suffering from a massive wave of price inflation—one which had resulted in large measure from the methods chosen to finance the Vietnam War. The problem of reversing this wave by conventional methods was a more stubborn problem, frankly, than I expected it to be when I took office. By the summer of 1971, it became clear that additional tools were needed if inflation was to be quickly and responsibly controlled. Accordingly, I announced last August a New Economic Policy—one which has received the strong support of the Congress and the American people.

I have been especially gratified that older Americans—whose stake in the battle against inflation is so high—have rallied to support this new economic program. With their continued support—and that of all the American people—we can carry this battle forward and win a decisive victory.

One key element in that battle, of course, is to be sure that Government spending programs, including those which help the elderly, are responsibly financed. If they are not, then inflation will merely be reignited and Government policy will merely be robbing older Americans with one hand of the aid it gives them with the other.

WHERE THE MONEY GOES: PROPERTY TAXES

Two-thirds of all older citizens—and 78 percent of older married couples—own their own homes. For these Americans—and for many younger Americans as well—the heavy and growing burden of property taxes constitutes one of the most serious of all income-related problems. Even those who rent their homes often bear an unfair burden since property tax increases are frequently passed along in the form of higher rents. The reason these burdens are so onerous, of course, is that the income from which property taxes must be paid by the elderly is usually going *down* at the very time the taxes are going *up*.

Property taxes in the United States have more than doubled in the last ten years. The problems which this fact implies are felt by Americans of all ages. But elderly Americans have a special stake in their solution.

I am committed to doing all I can to relieve the crushing burden of property taxes. I have been proceeding toward this end in two ways. First, I am continuing to push for passage of our General and Special Revenue-Sharing proposals, legislation which would channel some $17 billion into State and local budgets and thus provide a significant opportunity for property tax relief. At the same time, as I indicated in my recent State of the Union Address, I am also moving to change the system through which we finance public education. In developing a new approach, I will draw on the recommendations of the President's Commission on School Finance, the Advisory Commission on Inter-governmental Relations, and other analyses such as those which are being performed under the direction of the Secretaries of the Treasury, and of Health, Education, and Welfare. The purpose of this intensive investigation is to develop ways of putting this Nation's educational system on a sounder financial footing while helping to relieve the enormous burden of school property taxes.

REDUCING INCOME TAX BURDENS

Recently approved and pending changes in the income tax laws also provide special help to older persons. Under these provisions, a single person age 65 or over would be able to receive up to $5,100 of income without paying any Federal income taxes, while a married couple with both husband and wife 65 or over would be able to receive up to $8,000 of such tax-free income.

WHERE THE MONEY GOES: PROTECTING ELDERLY CONSUMERS

The quality of life for older Americans depends to a large extent upon the responsiveness of the marketplace to their special needs. It is estimated that elderly persons now spend over $60 billion for goods and services every year—and they will be able to spend billions more if my proposals for increasing their income are enacted. Our economy should be responsive to the needs of older Americans; they have a high stake in advancing consumer protection.

Through organizational changes, administrative actions and legislative recommendations, this Administration has been working to provide needed protection for the American consumer in general—and for the older consumer in particular. The several pieces of consumer legislation which I have submitted to the Congress are designed to reduce dangers which are especially acute for older consumers—and I again urge their enactment.

In addition, I am asking my Special Assistant for Consumer Affairs, in cooperation with the Secretary of Housing and Urban Development, to develop a program for helping to enforce the Interstate Land Sales Full Disclosure Act by fostering greater awareness among older citizens of their legal rights under this legislation.

Recognizing that the complexity of today's marketplace demands great sophistication by the individual consumer, our primary and secondary schools have stepped up their programs for consumer education. Unfortunately, many older Americans have never had the opportunity to benefit from such programs. The Office of Consumer Affairs is therefore developing guidelines for adult consumer education programs with particular emphasis on the needs of the elderly. To carry out these guidelines, I am asking my Special Assistant for Consumer Affairs, working in cooperation with the Secretary of Health, Education, and

Welfare, to develop a program of technical assistance to help the States create consumer education programs specifically designed for older citizens.

A COMPREHENSIVE EFFORT FOR IMPROVING INCOME

The key characteristic of my strategy for protecting the income position of older Americans is its *comprehensiveness*. For it would help to augment and protect the income older persons derive from social security, adult assistance, Federal military, veterans and civilian benefits, and private pensions, while at the same time curbing the cruel drain on those incomes from rising health costs, inflation, taxes and unwise consumer spending. I hope now that the Congress will respond promptly and favorably to these proposals. If it does, then the purchasing power of the elderly can be enhanced by billions of dollars a year—an achievement which could do more than anything else to transform the quality of life for Americans over 65.

UPGRADING THE QUALITY OF NURSING HOME CARE

Income related measures can help more older Americans to help themselves; they build on the strong desire for independence and self-reliance which characterizes the older generation. We must recognize, however, that some older Americans—approximately five percent by recent estimates—cannot be primarily self-reliant. These older men and women require the assistance provided by skilled nursing homes and other long-term care facilities. For them, a dignified existence depends upon the care and concern which are afforded them in such settings.

In June of 1971, at a regional convention of the National Retired Teachers Association and the American Association of Retired Persons, I pledged to meet the challenge of upgrading nursing home care in America. I expressed my determination that nursing homes, for those who need them, should be shining symbols of comfort and concern. I noted that many such facilities provide high quality care, but that many others fall woefully short of this standard. I observed that those who must live in such facilities are virtual prisoners in an atmosphere of neglect and degradation.

Following that speech, I directed the development of an action plan to improve nursing home care and I announced that 8-point plan in August of 1971. I am pleased to be able to report that we have made significant progress in carrying out that plan. We have delivered on all of the eight promises implied in that program. Let us look at each of them:

1. *Training State Nursing Home Inspectors*—Through February of 1972, almost 450 surveyors had been trained in federally-sponsored programs at three universities. Contract negotiations are underway to continue ongoing programs and to establish new ones at two university training centers.

2. *Complete Federal Support of State Inspections Under Medicaid*—Legislation to raise the level of financial participation by the Federal Government in this activity to 100 percent was submitted to the Congress on October 7, 1971, as an amendment to H.R. 1. This proposal is awaiting Congressional action.

3. *Consolidation of Enforcement Activities*—A new Office of Nursing Home Affairs has been established in the Office of the Secretary of Health, Education, and Welfare. This unit is directly responsible for coordinating all efforts to meet our July 1, 1972, deadline for inspections of skilled nursing homes and for certification of these facilities in accordance with proper procedures.

4. *Strengthening Federal Enforcement*—142 new positions have been allocated to the Medical Services Administration to enforce Medicaid standards and regulations. Added emphasis is being placed on the audit process as a tool for enforcement; 34 additional positions are being added in HEW's Audit Agency to perform audits of nursing home operations.

5. *Short-term Training for Professional and Paraprofessional Nursing Home Personnel*—This program is currently funded at the $2.4 million level and is scheduled to train 20,000 persons. The fiscal year 1973 budget which I submitted to the Congress contains $3 million to train an additional 21,000 persons.

6. *Assistance for State Investigative Units*—A program to develop and test investigative-ombudsman units to respond to individual complaints and to other problems in the nursing home area has also been initiated. As an interim mechanism, nearly 900 social security district and branch offices have been designated as listening posts to receive and investigate complaints and suggestions about nursing home conditions.

7. *Comprehensive Review of Long-term Care*—The Office of Nursing Home Affairs is now carrying out a comprehensive analysis of issues related to long-term care.

8. *Cracking Down on Substandard Nursing Homes*—Progress is also being made on this important front. Last December I signed legislation which, among other things, authorizes Federal quality standards for intermediate care facilities, thus giving us additional authority to guarantee a decent environment for those who live in long-term care facilities.

Every State providing nursing home care under the Medicare and Medicaid programs has now installed systems for surveying and certifying nursing homes. In the area of fire-safety and other safety guidelines, a coordinated set of standards for homes providing care under these programs is being put into effect.

Medicaid compliance activities have also been stepped up. Onsite Federal reviews of State Medicaid certification procedures have been carried out. Deficiencies in those procedures were found in 39 States. These deficiencies were publicly announced by the Secretary of Health, Education, and Welfare on November 30, 1971, along with a timetable for correcting them. Since that time, 38 of the 39 States have made the necessary corrections. We have determined that every facility receiving Medicaid funds must have been inspected and correctly certified by July 1, 1972.

While we prefer to upgrade substandard homes rather than shut them down, we will not hesitate to cut off money when that is necessary. As of February 11, 1972, in fact, 13 extended care facilities had been decertified for participation in Medicare. In such cases, as I have often pledged before, we are firmly committed to seeing that adequate alternative arrangements are made for those who are displaced.

In fiscal year 1971, the Federal Government contributed $1.2 billion to the cost of nursing home care. We should also remember, however, that more than 40 percent of the annual expenditure for nursing homes is borne by private sources. In addition to seeing that Federal tax dollars are properly spent in this area, it is also important that private individuals are protected when they purchase nursing home services. I have asked the Secretary of Health, Education, and Welfare to develop proposals to deal with this dimension of the nursing home challenge.

SPECIAL SERVICES TO FOSTER INDEPENDENCE

Improving the income position of older Americans and upgrading nursing homes—these are two concerns which have been of highest priority for this Administration in the past and which will continue to be central in the future. As we work to develop a truly comprehensive strategy, however, other agenda items have also been emerging as areas of special emphasis, particularly those involving public and private services which can help older persons live dignified, independent lives in their own homes for as long as possible.

INCREASED RESOURCES FOR THE ADMINISTRATION ON AGING

Since the passage of the Older Americans Act in 1965, the Administration on Aging has had the lead Federal role in developing and coordinating such services. While that office has accomplished many significant things, the importance and urgency of its mission have outstripped its financial resources.

It was to help remedy this situation that I announced at the White House Conference on Aging last December that I would call for a fivefold increase in the budget of the Administration on Aging—from $21 million to $100 million. As I will discuss below in greater detail, I am now requesting an additional $100 million for nutritional and related purposes, money which would also be spent through the Administration on Aging.

With this substantial increase in funds, we would be able to step up significantly our efforts to develop and coordinate a wide range of social and nutritional services for older Americans. Our central aim in all of these activities will be to prevent unnecessary institutionalization—and to lessen the isolation of the elderly wherever possible.

EXTENDING THE OLDER AMERICANS ACT

Since its passage in 1965, the Older Americans Act has served as an important charter for Federal service programs for the elderly. Unless the act is promptly extended, however, the grant programs it authorizes will expire on June 30th. This must not happen. I therefore urge that this landmark legislation be extended—and that the extension be indefinite, rather than limited to a specific period of time.

STRENGTHENING THE PLANNING AND DELIVERY OF SERVICES

In addition, I am asking that the Older Americans Act be amended to strengthen our planning and delivery systems for services to the elderly. Too often in the past, these "systems" have really been "non-systems," badly fragmented, poorly planned and insufficiently coordinated. My proposed amendments are designed to remedy these deficiencies.

We should begin by helping to develop and strengthen the planning capacities of the State agencies on aging and of new area agencies on aging which would be established within each State. Up to 75 percent of the administrative costs of these new area planning agencies would be funded by the Administration on Aging, which would also establish general goals to which activities at the State and local levels would be directed. One of the major priorities would be to enhance and maintain the independence of older citizens.

The State and area planning agencies would plan for the mobilization and coordination of a wide range of resources—public and private—to meet such goals. The Administration on Aging would be authorized to fund up to 90 percent of the cost of social and nutritional services provided under plans developed by the area planning agencies. In fiscal year 1973, $160 million would be allocated in formula grants for nutritional and social services. An additional $40 million would be allocated in special project assistance to develop new and innovative approaches and to strengthen particularly promising area plans.

By establishing overall objectives and by providing both money and mechanisms for a stronger planning and coordination effort, we can ensure that resources and energies which are now widely scattered and fragmented can be pulled together in ways which will notably increase their impact.

COORDINATING FEDERAL EFFORTS

Even as we strengthen coordination at grassroots levels, so we must do a better job of coordinating Federal programs. As this message makes clear, efforts are being made all across our Government to help older citizens. But if there was one clear message at the White House Conference on Aging, it was that this wide range of Federal resources must be better coordinated. To help achieve this important objective, I have directed my Special Consultant on Aging to work with all these agencies in an intense new effort to develop coordinated services.

As the first step in this effort, I have directed those agencies whose programs have a major impact on the lives of older persons to provide the Cabinet-level Committee on Aging, within sixty days, with the amounts they identify as serving the needs of the elderly. In addition, I am directing that each agency identify, within the total amount it expects to spend for its aging programs, a sum that will be available to the States and localities for purposes related to the Older Americans Act. The Administration on Aging will then provide this information to the States so that it can be utilized in the State and local planning process. State aging agencies will also be able to transmit their views on proposed Federal programs, thereby furthering the interchange of information and strengthening overall coordination.

Under these procedures, we can ensure that all resources for helping the elderly are fully marshalled and coordinated, in a way which is responsive to the special needs of every State and locality in our land.

ESTABLISHING INFORMATION AND COMPLAINT CENTERS

We must also work to improve communications between the Federal Government and older Americans and to alert the Government to areas of special need. Because older persons often have some difficulty moving about conveniently, and because services are often fragmented and channeled through complex bureaucratic mechanisms, it is especially important that the elderly have one place to turn where they can obtain needed information and let their views be heard.

As I have already noted, we have been moving in this direction under my program to upgrade the quality of nursing home care. Following the directive which I announced at the White House Conference on Aging, Social Security offices have also been expanding their information and referral services for the elderly. District and branch offices are now handling more than 200,000 such inquiries each month—and that number is expected to increase. A task force is now at work within the Social Security Administration to examine ways of improving this service.

As another step in this direction, I have directed the Cabinet-level Committee on Aging to examine ways in which we can use other Government offices—such as the General Services Administration's Federal Information Centers and the Agricultural Extension Service's local offices—in further expanding and improving our information and complaint services.

FIGHTING HUNGER AND MALNUTRITION

In addition to our overall funding and coordination proposals concerning Federal services, we are also moving ahead in a variety of specific service areas. One of the most important is the fight against hunger and malnutrition among the elderly.

The thought that any older citizens—after a lifetime of service to their communities and country—may suffer from hunger or malnutrition is intolerable. Happily, since I submitted my message on hunger and nutrition to the Congress in May of 1969, we have made significant strides toward eliminating this problem among all age groups in America. Our efforts to increase incomes have been central to this endeavor, of course. But our special food assistance programs have also been substantially augmented.

If my budget proposals for fiscal year 1973 are accepted, overall spending for food stamps will have increased nine-fold since 1969. In the coming fiscal year, an estimated 2 million elderly participants in the Food Stamp Program will receive benefits of $343.5 million, compared with only $45.8 million in fiscal year 1969. Virtually every county in the Nation now offers either the Food Stamp or the Food Distribution Program; in early 1969, nearly 500 counties offered neither. In all, 2.5 million older Americans benefit from at least one of these programs.

Food assistance is important to the elderly. They benefit not only from nutritious food but also from the activity of preparing meals and sharing mealtimes with others. To maximize these benefits, the Department of Agriculture in January revised its regulations to improve the nutrition program and expand participation.

But more needs to be done. Many older persons who are entitled to food stamps or to surplus commodities are still not receiving them. Why is this the case? In many instances, older Americans do not realize they are eligible for participation. The agencies which provide assistance are often unaware of older persons who need their services. Some older persons choose not to participate—out of pride or out of fear that accepting food assistance may subject them to the arbitrary treatment they associate with the present welfare system. In some cases, older persons want to participate but find that necessary transportation is unavailable.

To overcome the barriers which keep older Americans from full participation in food assistance programs, we are launching this year a major outreach campaign called Project FIND. This campaign will be conducted through a senior citizen awareness network made up of federally operated or funded field offices and outreach workers. It is my hope that Federally-supported personnel will be augmented in this effort by volunteers from State local government offices and from the private sector. For ninety days, all these workers will go out across our country to find those who should be participating in nutrition programs but who are not yet involved.

Last night, I signed into law S. 1163, a new national nutrition program for the elderly. This program will provide prepared meals in a group setting and delivered meals for those who are confined to their homes. I welcome this effort. Because of my strong feeling that this area should be one of priority action, I will submit to the Congress—as I suggested above—an amendment to my 1973 budget to provide an additional $100 million for nutritional and related services. My proposed amendments to the Older Americans Act would further strengthen this effort by ensuring that the Food Stamp Program is planned as part of a more comprehensive service effort.

Other steps will also be taken in this area. In some areas, for example, space at federally-assisted housing projects will be utilized for feeding older persons. The support of State and local governments, of civic and religious organizations and of the food services industry will also be solicited. Maximum use will be made of existing technical resources, including skilled personnel who have worked with the school lunch program and other special programs of the Department of Agriculture. The time has come for marshalling all of our resources in a comprehensive campaign to meet the nutrition needs of older Americans.

PROVIDING BETTER TRANSPORTATION FOR THE ELDERLY

For many older Americans, lack of mobility means poor access to friends and relatives, to government services and to meaningful participation in the community. Unless we meet the challenge of providing better transportation for older persons, our efforts in other fields will not be as effective as they should be. This is why I told the delegates to the White House Conference on Aging that I would, by administrative action, require that Federal grants which provide services for older persons also ensure that the transportation needed to take advantage of these services is available.

In addition, the Department of Transportation is significantly increasing its program for developing new ways to meet the public transportation needs of older persons. The approaches which are being tested include special new transportation services to take elderly citizens from housing projects and other residential areas to hospitals, senior citizen centers, social service agencies, employment opportunities and the like; and demand-responsive services whereby the elderly are picked up at their doorsteps and taken to specific desired destinations.

Once new ways have been developed for meeting the transportation needs of the elderly, we must also make them generally available. One proposal which could help significantly in this effort is the recommendation recently submitted to the Congress by the Secretary of Transportation under which some of the funds now in the Highway Trust Fund could be used by States and localities to augment resources in the mass transportation area.

I hope the Congress will give prompt approval to this important plan. The flexibility it provides would allow State and local officials—who know best the transportation needs of the elderly within their own jurisdictions—to give special consideration to meeting those needs. I am asking the Secretary of Transportation to develop specific suggestions for assisting the States and localities in these undertakings.

In addition, the Department of Transportation is ready to give priority attention to community requests for helping older Americans through capital grants from the Urban Mass Transportation Fund and is willing to commit significant resources to this end. I urge the States and localities to move immediately to take advantage of these resources.

MEETING THE HOUSING NEEDS OF OLDER CITIZENS

This Administration has also worked hard to respond to the very special housing needs of older Americans. It is expected, for example, that an all-time record in producing subsidized and insured housing and nursing homes for the elderly will be achieved this year by the Department of Housing and Urban Development. In the current fiscal year, nearly 66,000 units of subsidized housing for the elderly will be funded under HUD's housing assistance programs—a figure which should rise to over 82,000 in fiscal year 1973. In addition, accommodations for over 14,000 people, mostly elderly, will be provided this fiscal year under HUD's nursing and intermediate care facility programs—and nearly 18,000 such accommodations will be provided next year. Finally, a large number of elderly citizens will benefit from other housing funded by this year's record number of nearly 600,000 subsidized housing unit reservations. Clearly, we are making substantial progress in this important area.

A number of other administrative steps have also been taken to ensure that this new housing is responsive to the special needs of the elderly. For example, Secretary Romney recently announced new guidelines for the Section 236 subsidized rental program for lower income elderly tenants. These guidelines will help ensure greater variety in building types, including highrise structures, and more flexibility in their locations. As a result of these guidelines, older persons will find such housing arrangements even better suited to their particular needs.

The Department of Housing and Urban Development has also issued initial guidelines for the new Section 106(a) program which will provide technical assistance to nonprofit sponsors of low and moderate income housing—including housing which is specially designed for the elderly.

In addition, the Department will extend the mortgage maturity for its Federal Housing Administration insured nursing home program up to a maximum of 40 years. This decision will not only reduce monthly occupancy charges to patients, but it will also enable sponsors of residential housing to "package" residential and nursing home complexes more easily. The proximity of these facilities will permit elderly persons temporarily to vacate their residential units for short term nursing care—and at the same time remain close to family, friends, and the environment to which they are accustomed.

I have also directed the Secretary of Housing and Urban Development to work with the Administration on Aging in developing training programs dealing with the management of housing for the elderly.

The Law Enforcement Assistance Administration has undertaken an intensive research effort to determine factors which encourage or inhibit crime in residential settings and to develop total security systems to reduce crime in housing projects. The Department of Housing and Urban Development plans to use the results of this effort in its housing programs. I have also made grant funds available through the Law Enforcement Assistance Administration for reducing crime in areas housing older persons. Already, in two cities, funds have been granted specifically for this purpose.

Crime is an especially serious problem for our older citizens. Through these and other measures, we will continue our strong effort to meet this challenge.

Two years ago my task force on aging observed that "older persons would make greater use of many of the services society intends them to receive if these services were made more accessible to them. One reason that the number of senior centers has increased so fast is because centers facilitate the packaging, marketing, and delivery of services." The task force also noted that, "although the number of senior centers has rapidly grown in recent years, centers are still too limited in number to reach more than a fraction of the older population." In my judgment, a natural location for a senior center is a housing facility occupied primarily by older persons.

The Department of Housing and Urban Development administers two housing programs under which such facilities can be made available to older persons living in the project and in the surrounding neighborhood: the Section 236 Program and the Public Housing Program. Both of these programs provide specially designed housing for lower income older persons. The law under which these programs are administered contains language which allows the financing of facilities designed primarily for use by older persons including "cafeteria or dining halls, community rooms, workshops, infirmaries, . . . and other essential service facilities."

To increase the supply of well located senior centers, I have instructed the Department of Housing and Urban Development to encourage greater provision of community space for senior centers within subsidized housing projects for the elderly. The Department will consider the community's overall need for these centers in determining the appropriate scale of centers within such housing projects.

On other fronts, the Farmers Home Administration in the Department of Agriculture is taking steps to meet the housing needs of elderly persons who live in rural areas. Under the Section 502 program, for example, thousands of elderly families have received millions of dollars in loans for home ownership and repair. The Section 515 program, which provides favorable interest loans with repayment periods of up to 50 years to stimulate the development of rental housing in rural areas has also moved forward. Rental units financed under this program have tripled from 1969 to 1973.

EXPANDING OPPORTUNITIES FOR INVOLVEMENT

It is important that we give sufficient attention to the things our Nation should be doing for older Americans. But it is just as important that we remember how much older Americans can do for their Nation. For above all else, what our older citizens want from their country is a chance to be a part of it, a chance to be involved, a chance to contribute.

I am determined that they will have that chance. For as I told the White House Conference, "we cannot be at our best if we keep our most experienced players on the bench." This Administration is deeply committed to involving older citizens as actively as possible in the life of our Nation—by enhancing their opportunities both for voluntary service and for regular employment.

IMPROVING VOLUNTARY SERVICE PROGRAMS

Voluntary social action has long been recognized as one of the great distinguishing characteristics of America, a force which has helped to unite and focus our diverse people in the pursuit of common goals. And even as the voluntary spirit has helped our country move forward more effectively, it has also provided those who have volunteered for service with a greater sense of fulfillment.

The voluntary spirit is particularly relevant to the lives of older Americans. The White House Conference on Aging, for example, called attention to "ways in which older Americans could fulfill themselves by giving service to one another and to their communities." Delegates to the Conference called for "a national policy . . . to encourage older adults to volunteer," and urged "that existing national older adult voluntary programs should be expanded and funded at adequate levels in order to serve extensive numbers of volunteers." They urged a mobilization of public and private organizations to strengthen the volunteer movement.

I agree completely with these judgments. That is why, at the time of the White House Conference, I pledged to move successful voluntary programs from demonstration status to full operation on the national level, an expansion effort that is rapidly moving forward.

I requested, for example, that the Foster Grandparent program be doubled to $25 million, providing for 11,500 foster grandparents to serve 23,000 children each day—50,000 children in all each year—in some 450 child care institutions throughout the country. I also asked that ACTION's Retired Senior Volunteer Program (RSVP) be tripled to $15 million so that as many as 75,000 senior volunteers could be involved in community services.

When the RSVP program has developed to the full extent permitted by the new appropriations, as many as 11,000 volunteers will be serving older persons in nursing homes and other extended care facilities, bringing companionship and personal assistance to some 45,000 residents who might otherwise be lonely and isolated. At the same time, as many as 13,000 part-time RSVP volunteers will be serving as homemaker and health aides, enabling thousands of older persons to continue to live in their own homes. By using senior volunteers in a variety of programs, we can foster that human contact which brightens the lives both of those who are served and those who volunteer.

But other new steps are also needed in this area.

As one such step, the Congress should enact legislation which would enable the ACTION agency to expand person-to-person volunteer service programs for older Americans. These efforts would build on the successful experience of the Foster Grandparent program. One important characteristic of such programs is that so much good can be accomplished, so many people helped, for a relatively small dollar investment. It would indeed be tragic if we did not capitalize on this opportunity.

Measures are also needed to improve coordination among the many Federal and non-Federal volunteer activities which affect the aging. As one important step in this direction, the Administration on Aging and the National Center for Voluntary Action have enlisted the cooperation of 130 national voluntary organizations in a program to help older men and women in 300 communities live dignified lives in the familiar settings of their own homes. Too often, older Americans are displaced from such settings simply because small problems such as simple home repairs, shopping and trips to obtain health care have become too difficult. And yet, with only minimal assistance from volunteers, these problems could easily be met.

I have directed the ACTION agency to work in every possible way to help provide such assistance. Already the RSVP program is moving forward in this area. I am confident that other ACTION program volunteers can also make a major impact in this field. It is my hope, too, that communities will consider the elderly residents of federally assisted housing projects as a source of volunteer manpower for serving other older persons.

As we move ahead with this entire program, we should take encouragement from successes of the past. One which is particularly noteworthy is the program in Mount Vernon and Edmunds, Washington, where local citizens have designed a unique bridge across the generation gap called STEP—Service to Elderly Persons. Under this program, volunteers from the local high schools have undertaken, on a regular basis, to assist elderly persons in performing small tasks, while at the same time providing them with companionship and renewed hope. Everyone gains from a program of this sort. If leaders at every level are alert to such possibilities, our progress can be enormous.

Often in quiet ways, the people of the United States have been responding to the challenges of our society with compassion and resourcefulness. Now it is for those of us who have the responsibility for national leadership to provide the Federal assistance which can help such voluntary efforts go even further and accomplish even more.

EMPLOYMENT OPPORTUNITIES FOR OLDER CITIZENS

Discrimination based on age—what some people call "age-ism"—can be as great an evil in our society as discrimination based on race or religion or any other characteristic which ignores a person's unique status as an individual and treats him or her as a member of some arbitrarily-defined group. Especially in the employment field, discrimination based on age is cruel and self-defeating; it destroys the spirit of those who want to work and it denies the Nation the contribution they could make if they were working.

We are responding to this problem in a number of ways. The Department of Labor, for example, has filed over 80 suits under the Age Discrimination in Employment Act of 1967—30 of which have been successfully concluded. I will soon propose to the Congress that this act be broadened to include what is perhaps the fastest growing area of employment in our economy—the State and local governments. I will also send a directive to the heads of all Federal departments and agencies reaffirming and emphasizing our policy that age shall be no bar to a Federal job which an individual is otherwise qualified to perform.

The Age Discrimination in Employment Act relates to persons between the ages of 45 and 65. I recognize that persons falling within this age group are confronted with special problems in the employment area and that we should do everything we can to resolve these problems. It is also important, however that we help open employment opportunities for persons over 65. To this end, I have requested the Secretary of Labor to urge the States and local communities to include older persons in the opportunities provided by the Emergency Employment Act of 1971, and to work with our public employment offices so that they will be in a position to help open job opportunities for the over 65 group, including opportunities for part-time employment in both the public and private sectors.

I also asked last fall that funds be doubled for special Operation Mainstream projects for low-income older workers—such as Green Thumb and Senior Aides. This measure can mean that as many as 10,000 older persons will be employed in activities that provide useful community service.

ORGANIZING FOR FUTURE ACTION

One of the important concerns of the White House Conference on Aging was the way in which the Government is organized to deal with the problems of older Americans. It was because I share this concern that I established my original task force on aging, appointed the first Special Assistant to the President on Aging and the first Special Consultant to the President on Aging, set up a new Cabinet-level Committee on Aging and called the White House Conference.

In a similar manner, the Secretary of Health, Education, and Welfare has taken steps to ensure that the voice of older Americans speaks loud and clear within that Department. He has informed me that he will strengthen the Department's Advisory Committee on Older Americans and provide it with staff capability to support its increased responsibilities. The Commissioner of Aging, in his capacity as Chairman of the Advisory Committee, will report directly to the Secretary.

Another important organizational concern involves Government research activities which concern the process and problems of aging. It is important that the same scientific resources which have helped more people live longer lives now be applied to the challenge of making those lives full and rewarding for more Americans. Only through a wise investment in research now, can we be sure that our medical triumphs of the past will not lead to social tragedies in the future.

What we need is a comprehensive, coordinated research program, one which includes disciplines ranging from biomedical research to transportation systems analysis, from psychology and sociology to management science and economics. To coordinate the development of such a program, a new Technical Advisory Committee for Aging Research will be created in the office of the Secretary of Health, Education, and Welfare.

A GENERATION NO LONGER FORGOTTEN

We all grow old; the younger generation today will be the older generation tomorrow. As we address the needs of older Americans, therefore, we are truly acting in the best interest of all Americans. The actions and proposals which have been outlined in this message are designed to address those needs and meet those interests.

When I spoke about the problems of the elderly back in 1968, I described our older citizens as "an entire generation of forgotten Americans." But since that time, as this message clearly demonstrates, that situation has sharply changed. Today, it can truly be said that at all levels of Government and in all parts of the country, "the aging have come of age." Much work still remains, to be sure, but we can conclude with assurance that the aging are forgotten no longer.

Just before the First World War, one of the brilliant young writers of that day penned a line which has since become a hallmark of the period: "It is the glory of the present age," he wrote, "that in it one can be young."

Since that time, the generation of which he wrote has come through a troubled and challenging time—through two World Wars and a Great Depression, through the difficult experiences of Korea and Vietnam. The members of that same generation have led this country through a time of social and economic change unparalleled in world history. And they have come through all of these challenges "with colors flying." Because of their success, we now have the opportunity to complete their quest for peace and justice at home and around the world.

At such a moment, one obligation should be very high on our list of priorities: our obligation to this older generation. Let us work to make ours a time of which it can be said, "the glory of the present age is that in it men and women can grow *old*"—and can do so with grace and pride and dignity, honored and useful citizens of the land they did so much to build.

Richard Nixon.

The White House, *March 23, 1972.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. Stafford) laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the Committee on Commerce.

(The nominations received today are printed at the end of Senate proceedings.)

COMMUNICATIONS ACT OF 1934

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 653, S. 3178.

The PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 3178) to amend the Communications Act of 1934 to relieve broadcasters of the equal time requirement of section 315 with respect to candidates for President and Vice President.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, after discussing the matter with the joint leadership, the distinguished Senator from Tennessee (Mr. Baker), the manager of the bill, the distinguished Senator from Rhode Island, I ask unanimous consent that on the pending business there be a time limitation of 1 hour on each amendment—I understand there will be only one amendment—and 1 hour on the bill.

The PRESIDENT pro tempore. Is there objection?

Mr. BAKER. Mr. President, reserving the right to object—and I shall not object—so far as I know, there will be only one amendment. I do not want to preclude the possibility that there might be others. But the time limitation is entirely agreeable.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill.

Mr. Pastore obtained the floor.

SENATE INTERVENTION IN SUPREME COURT PROCEEDINGS ON THE SPEECH AND DEBATE CLAUSE OF THE CONSTITUTION

Mr. GRAVEL. Mr. President, will the Senator from Rhode Island yield to me?

Mr. PASTORE. Mr. President, I yield to the Senator from Alaska.

Mr. GRAVEL. I thank the Senator from Rhode Island.

Mr. President, I want to make a few observations and comments on the action which has just been taken.

First, I should like to state that it was with some difficulty that I sat here constrained not to make any comments at all during the debate. I think it can be appreciated how difficult that was for me, but I want to underscore more importantly than that, that for the comments and the actions taken by the leadership, particularly the distinguished majority leader in his personal defense and the statements he made, I will be eternally grateful. The Senate itself should be grateful.

I want to note as well the esteem I have for Senator Ervin. Of course, this gentleman needs no praise in this regard, because he has a reputation that goes far beyond this Chamber as a constitutional specialist. But the fact that the distinguished Senator from North Carolina (Mr. Ervin) from the very beginning recognized the fundamental constitutional issues involved and came forward, long before today, on this issue, gives me cause not only to be proud to be a Senator but also to be proud to be associated with a man who can sense the problem and rise to the defense of the problem.

The issue here today was not my issue.

The issues here today concerned the prerogatives of the Senate. Those prerogatives could not have been more ably defended than they were by the distinguished Senator from North Carolina (Mr. Ervin) and the distinguished majority leader.

I also appreciate the comments of the distinguished Senator from Rhode Island (Mr. Pastore), and the Members on the minority side who voted on my behalf—since I sense the pressures they may have been subjected to.

However, Mr. President, I think that we have only settled one thing today and that was the constitutional question.

If I could get the attention of the distinguished Senator from Ohio (Mr. Saxbe), I should like again to make the simple point that only one issue was settled here today and that was the constitutional issue, as to whether the Senate itself would go to the Supreme Court and fight for its own rights.

Mr. President, I should like to see other issues discussed. One issue that was talked about at great length was the issue of a Senator's giving out secrets, and the question of whether the rules were violated.

I should like to have the propriety, the spirit, the entire spectrum of my actions come before this body in debate. In that spirit and if, as a result of that debate, action should be brought against me by this body, then I am sure there would be some gentlemen who would choose to do that.

Thus, I should like, formally, to challenge the Senator from Ohio (Mr. Saxbe), the Senator from Colorado (Mr. Dominick)—they are not present in the Chamber at this moment but I will communicate this information in letters to them—the Senator from Arizona (Mr. Goldwater), the Senator from Kansas (Mr. Dole), the Senator from Tennessee (Mr. Brock) and any other Senator that would want to debate the wisdom and efficacy of my actions on last June 29, and to state that I will take the floor under personal privilege—as I understand, under the rules, I can do—so that if these gentlemen will accommodate me, to be on time, be it tomorrow morning, be it next Tuesday, or any other time that they would choose, I will be happy to come forward and debate the issues involved and have a complete airing of the subject, because I think it will be salubrious not only to the Senate, but also to the people of this country, since the issue of secrecy and its misuses is so vital in a democracy.

Mr. SAXBE. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. Well, now, Mr. President, of course the Senator will be talking on my time.

Mr. SAXBE. Well, I think——

Mr. PASTORE. I am not trying to prevent the Senator from speaking.

Mr. SAXBE. I would just like 1 minute.

Mr. PASTORE. I will be glad to yield 5 minutes to the Senator.

Mr. BAKER. Mr. President, I will yield 5 minutes to the Senator.

The PRESIDING OFFICER (Mr. STAFFORD). The Senator from Ohio is recognized.

Mr. SAXBE. Mr. President, I did not hear all of the statement that the Senator from Alaska made, but I did hear enough of his statement to understand that he feels he is being greatly wronged by this body which has seen fit to come to his defense of an action which no one should be talking about——

Mr. GRAVEL. If I could correct the Senator there——

Mr. SAXBE. The Senator from Alaska has been championed by the distinguished Senator from North Carolina (Mr. ERVIN) who completely disassociated himself from the Senator from Alaska's actions, and felt called upon to refer to people acting as "damn fools," or people who were not quite all together when they were doing things. Well, he should. Because the actions of the Senator from Alaska indicated at the time a complete disdain for this body. He seemingly felt he was asked by a "higher cause" to disclose the secrets of this country and that he was the judge of that.

Now he wants to debate us all on the floor of the Senate. He has lost the focus of the people of the United States, which he tried to seize by a late night meeting, and he wants us to help get him back onto the front pages by now talking over a period of weeks in this body.

Mr. President, I want no part of that. I have said what I have to say. I am doing nothing to advance the cause of the Senator from Alaska or to try to elevate him to the herodom that he presumes to.

I think what he did was of questionable judgment. I think that what he did in disclosing the secrets, and the way he did it—the unusual way he went around at night and tried to get them printed and to hurry up and do it before the court ruled, is something that is only eligible for the disdain of this body.

Mr. President, I yield the floor.

Mr. GRAVEL. Mr. President, I thank the Senator from Rhode Island for yielding me this time. I only want to say now that, under personal privilege, I shall take to the floor, either tomorrow or next week, and suggest that anyone that wishes to join me in debating the matter be here at that time.

I thank the Chair for its indulgence.

COMMUNICATIONS ACT OF 1934

The Senate continued with the consideration of the bill (S. 3178) to amend the Communications Act of 1934 to relieve broadcasters of the equal time requirement of section 315 with respect to candidates for President and Vice President.

Mr. PASTORE. Mr. President, I yield myself such time as I may need and should like at this time to propound a parliamentary inquiry.

The PRESIDING OFFICER (Mr. STAFFORD). The Senator from Rhode Island will state it.

Mr. PASTORE. What is the pending business?

The PRESIDING OFFICER. The Chair will advise the Senator from Rhode Island that the pending business is S. 3178.

Mr. PASTORE. Mr. President, this measure was ordered favorably reported by the Committee on Commerce with only one dissenting vote. Similar legislation has passed this body on a number of occasions—but with the exception of the 1960 suspension—none has ever been enacted into law.

Mr. President, enactment of S. 3178 will further reduce the high cost of campaigning for the highest office in the land, and, as we know from the salutary experience of 1960, greatly contribute to a more widely and better informed electorate. Every Member of this body, I am certain, is fully in accord with both of these objectives.

During the committee's hearings on Federal election campaign legislation in this Congress, Mr. Julian Goodman, president of NBC, testified that if the equal time provision were repealed for presidential candidates his network will set aside four prime-time half hours for appearances by the presidential and vice presidential candidates of the two parties to use as they choose and without charge. And that is not confined to the two parties, may it please the Presiding Officer.

Dr. Frank Stanton indicated that CBS is prepared to offer this year between Labor Day and election day 8 hours of free time on the CBS television and radio networks for the major party candidates for President and Vice President to present their views. That offer is contingent upon repeal of section 315 as it applies to these particular offices.

The committee has also been assured by the networks that in addition to the time made available to major party candidates, free time will also be made available on a fair basis to the candidate of any significant third party, such as the American Independent Party as it was in 1968.

The price of network television time being what it is, I believe we would all agree that these offers of free time will further reduce campaign costs substantially.

When the network made their offers, it was made abundantly clear they were not conditioned upon a predetermined format. In plain words, the President or any of his opponents will not be required to debate in order to receive the free time the networks are offering.

There should be no misunderstanding on this point. Freedom for a candidate to choose his own format was the condition precedent to the committee's favorable report of S. 3178, and must be a condition precedent to its enactment.

Mr. President, no medium can contribute more to informing the electorate and thereby serving the democratic process than the broadcasting industry.

Insofar as presidential and vice presidential candidates are concerned, the proposed legislation will afford the licensee and candidates complete freedom to exercise their common judgment in developing times and programs for the candidates' appearances in the general election campaign.

Sufficient flexibility is being afforded the broadcaster to put to test his ingenuity. He cannot, in the event of difficulties encountered later, state that he has been restricted or limited by legislation. He has asked for this opportunity to develop a voluntary plan and it is being granted.

Mr. President, I want to say, so that there be no misunderstanding about this matter, that the very genesis of this idea, as I recall it, came from the mind of Adlai Stevenson, who was a candidate for the office of President against President Eisenhower. A bill was introduced. I believe, if my recollection serves me correctly, it was introduced by the former Senator from Oklahoma (Mr. Monroney) and by the Senator from Washington (Mr. MAGNUSON) to compel the various networks to give free time to the presidential and vice presidential candidates.

We had a prolonged hearing. At the time I wrote a letter to all former Presidents, and I wrote a letter to all the then candidates, including John Kennedy. I invited them to come before the committee and express their views. Naturally, of course, because they were parties in interest, most of them did not come. However, many witnesses did. And we received a great deal of correspondence. Among that correspondence was correspondence from former President Hoover. I also distinctly remember correspondence from Tom Dewey.

They took the position that inasmuch as this is a system of free enterprise, Congress should not mandate any industry to give anything away against its will. So, the networks came before our committee and objected to any compulsory provision in the law, and I think for good reason.

So, I called them in and we had some conversations. Finally, they agreed that if we would grant them an exemption under the law insofar as it applied to the office of President and Vice President, they would make free time available. And they on their own gave free time to the candidates of the major parties as well as significant candidates of third parties. That resolution was reported from the committee by me. And it was enacted into law and led to the so-called Kennedy-Nixon debates.

Since then the question has arisen whether a President of the United States should be embarrassed in any way or be compelled to debate against his own will or whether this would be used as an instrumentality by an opponent against the incumbent to embarrass the incumbent.

Frankly, I have always been conscious of the difficulties that were involved. And

I thought there was substance to that suspicion and to that apprehension. So, at that time the networks came before our committee, I was more than careful to make sure that if we did grant this exemption under the law, the only reason it was being done was not to serve one party against another party, but for the benefit of the American people so that there would be proper exposure of the issues and so that the candidates themselves would have a reasonable opportunity to go before the American people because the cost for a national hookup is absolutely astronomical.

As a result of our discussion, it was agreed with the presidents of these networks that if we understood to do this, they would leave the choosing of the format to the candidates themselves. I am one of those who feel that I do not care who the President is, whether he is Republican or Democrat, I do not think he ought to be compelled to debate. I do not think that anyone ought to tell the President of the United States how he is going to present the issues to the people of the country. I do not care how dramatic or exciting a program might be. It is a matter of what he tells the American people and how he wants to tell them. And I think that the President of the United States is in a better position to make that decision than the president of a network.

So we made it absolutely clear that the format was to be of the choosing of the candidate. Naturally, of course, when the question came up, it was pointed out that there has always been an inherent advantage on the part of the incumbent. I can understand that.

I do not think that President Johnson ever wanted when he was President to debate a matter. After all, when one is President, he has a tremendous advantage. All he has to do is to buy a poppy from a 5-year-old girl and he is on the front page. The President can make his own decisions. He can call a news conference every week if he wants to. Who is to question the President of the United States? No one should.

If a candidate is not flush with money—and we have had times when candidates were poor, and I think that most candidates running now are not wealthy people—the question arises whether the campaign is going to be lopsided and whether the networks should not make a contribution to the public interest.

That is all this amounts to. In order to mollify those in opposition, the suggestion was made, "If you are going to exempt the President, why not exempt the Members of Congress." I do not have any serious objection to that really. The only trouble with that is that we did that the last time on the campaign expenditures bill and the House killed it. And if we put that in here, if we include the Members of Congress in here, they will kill this measure, too.

So, the best way to shut the door is to make it all-encompassing. We have already gone that way. We went to conference, and we tried hard. The result was that they killed it. So, we are trying to confine it now to the office of President and Vice President.

There is a further thing that can be said when we talk about the Members of Congress as against the office of President and Vice President. It is like talking about apples as against oranges because a Member of Congress only runs in a congressional district and a Member of the Senate only runs in a State.

Usually this does not involve the networks. It involves the local broadcasting stations, and there I do not think that we have experienced too much trouble.

Time and time again when I have run for public office, time has been afforded to me and to my opponent. Sometimes we have taken advantage of it, and sometimes we have not. But the point I make now is that there is a distinction between the office of President and the office of Senator insofar as the legislation we are considering today for the simple reason that we are talking about a nationwide program that is very expensive.

In many, many instances unless some free time is given many of these candidates would not have the money in order to buy the television time to fairly and completely present their side of the issues to the electorate. That is what this is all about.

The measure was reported from the committee with only one dissenting vote. This is not a partisan measure; if it were I would not be standing here. I am not trying to be self-righteous, but I think someday maybe some poor Republican who is not in office will be running for the Presidency, and I hope that man is HOWARD BAKER of Tennessee, and I want him to have all the emoluments and benefits of this splendid legislation.

Mr. BAKER. I yield 5 minutes to the distinguished Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. COTTON. Mr. President, the bill, S. 3178, would repeal the "equal time" provision of section 315(a) of the Communications Act of 1934, as amended, for the candidates for the office of President and Vice President of the United States during the general election.

It does not present a new issue for this body. We faced it in 1960 when the provision was repealed for the presidential elections of that year. We faced it in 1964 when the then pending conference report on the joint resolution was tabled by a majority on the other side of the aisle. We considered it in legislation of the 91st Congress and again in the first session of this, the 92d Congress, in what has since become the Federal Election Campaign Act of 1971. On the last occasion, as the bill passed the Senate, the provision was repealed for all candidates for all Federal elective offices, not just the office of President and Vice President. The other body, however, passed no such provision and the proposed repeal which passed the Senate did not survive the committee of conference between the Senate and the House.

Once again, we face the issue of a limited repeal of the so-called equal time provision of section 315 applicable only to the two highest offices of the land, that of President and Vice President. Always, the issue remains the same. The difference is only one of whose ox is being gored since the incumbent political party is never prone to favor such a repeal. Thus, in 1964, a majority of those on the other side of the aisle successfully defeated such a proposal which would have allowed televised debate between President Johnson and our distinguished colleague on this side of the aisle, the Senator from Arizona (Mr. GOLDWATER). Today, the shoe is on the other foot and many of those who so vigorously opposed those of us favoring repeal of the provision in 1964, will today be equally vigorous to champion its repeal for the benefit of their candidate who will oppose President Nixon.

Mr. President, I supported and voted for repeal of the equal-time provision in 1960 and again in 1964. Thus, today with my President in the White House, I stand in much the same position as my distinguished colleague, the senior Senator from Rhode Island (Mr. PASTORE), did in 1964. Like him, I cannot now oppose this legislation—much as I would like to—and still be consistent and reconcile my votes in favor of such a measure in 1960 and in 1964. Accordingly, I shall support S. 3178, for what is "sauce for the goose is sauce for the gander." To do otherwise, in my opinion, would be pure hypocrisy on my part and represents an action which regrettably I cannot take in good conscience.

Mr. President, in view of the similarity between my position now and that of the distinguished chairman of our Communications Subcommittee (Mr. PASTORE) in 1964 when the conference report on a similar repeal of section 315 was tabled on a motion by the distinguished majority leader (Mr. MANSFIELD), I believe it appropriate to conclude my remarks by paraphrasing those of the distinguished senior Senator from Rhode Island (Mr. PASTORE) in that 1964 debate.

> "I have nothing further to say than that the Senator from [New Hampshire] will remain consistent and constant on this legislation. I repeat—I have some qualms as to whether a President should have a confrontation with a candidate. There are two schools of thought on that particular subject. Be that as it may, I think the proposed legislation is in the public interest. The format is left up to the candidates themselves. They can arrange the format as they please and if they please.
>
> It is unfortunate that this [issue] has been tied up for so long, whatever the reason. The problem is, who is going to debate whom, and who is going to embarrass whom by not wanting to debate? In spite of that, I move the adoption of the [bill].

Mr. President, on that occasion in 1964, I thanked the Senator from Rhode Island (Mr. PASTORE) for what I characterized as a rather lukewarm endorsement. Today I am compelled to reciprocate and give him my lukewarm endorsement.

Mr. PASTORE. Mr. President, may I say to my friend, the Senator from New Hampshire, that he could not be frigid if he wanted to. [Laughter.]

Mr. BAKER. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. BAKER. Mr. President, I must say that in his typical open, diplomatic, and suave way the distinguished Senator from Rhode Island has come close to entirely disarming any argument I may have in opposition to this bill. Never in my fondest, wildest, most extreme dreams of fantasies did I think an argument would occur to the Senator from Rhode Island to the effect that the Senator from Tennessee would ever consider availing himself of these opportunities. My only remark would be that the Republic could not stand it.

I must say this is a unique situation as far as I am concerned. I have a boundless respect for the chairman of the committee, the Senator from Rhode Island (Mr. PASTORE), and a similar and equal respect for the distinguished ranking minority member of the committee, the Senator from New Hampshire (Mr. COTTON). I also find myself in the position of being the only member of the Committee on Commerce who voted against reporting the bill, but I also find it something of a paradox that the amendment I am about to offer to the Senate was agreed to by a vote of 71 to 21 when this matter was last before us just a few short months ago.

So you see, Mr. President, it is not as one-sided as it would seem—this 15-to-1 vote that occurred in the Commerce Committee—when I stood alone in opposition to my chairman and the distinguished ranking Republican member of the committee.

I shall have more to say on the general subject matter involved, but in order to expedite the proceedings of the Senate, I now send to the desk an amendment and ask that it be reported.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read the amendment, as follows:

> Strike all after the enacting clause and insert in lieu thereof the following:
>
> "That section 315 (a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended by inserting immediately after 'public office' in the first sentence thereof ', other than Federal elective office,'.
>
> "Sec. 2. Section 315 (a) of the Communications Act of 1934 (47 U.S.C. 315 (a)) is further amended by inserting after the first sentence the following: 'When a licensee permits a legally qualified candidate for Federal elective office to use his broadcasting station in connection with such candidate's campaign for election to such office, the licensee shall afford such candidate maximum flexibility in choosing his program format.' "

Mr. BAKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. Is the pending question now the amendment just submitted to the desk and reported by the clerk?

The PRESIDING OFFICER. That is the pending question, and, by unanimous consent, there is a time limitation of 1 hour on the amendment, to be equally divided between the Senator from Tennessee and the Senator from Rhode Island.

Who yields time?

Mr. BAKER. I thank the Chair. I yield myself such time as I may utilize.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. BAKER. Mr. President, the purpose of this amendment is to build upon and improve S. 3178 in two specific areas.

The amendment repeals the equal time requirements of section 315 of the Federal Communications Act of 1934 for all candidates for Federal office and further provides that the candidate rather than the broadcaster determines the program format. The provisions are identical to an amendment to S. 382 adopted by this body last August, by a vote of 71 to 21. As one of the conferees on S. 382 last December, I shared with my Senate colleagues the conviction that in the rush for adjournment, we should not jeopardize the prompt enactment of the Federal Election Campaign Act of 1971 by having a protracted confrontation with the conferees of the other body over the repeal of the equal time requirements. Therefore, in order to insure prompt action in the area of campaign reform, we receded on that part of the Senate bill repealing the equal time requirements. However, when this body accepted our conference report it was made clear that prompt consideration of the equal time requirements during this session was essential in order to permit broadcasters to provide free time for the 1972 campaign.

As you know, Mr. President, all of the television networks, the National Association of Broadcasters, and individual broadcasters themselves, have urged that we repeal the equal time requirements. Quite frankly, broadcasters find themselves on the horns of a dilemma. If they provide free time to serious political candidates, they are by law required to give the same amount of time to fringe candidates who sometimes seek publicity for publicity sake alone.

But, Mr. President, while it is my view that section 315 has inhibited broadcasters from offering free time and coverage to candidates, the bill presently before the Senate, S. 3178, violates the principle of any sound logician. By endeavoring to limit the repeal of section 315 to the particular offices of the President and Vice President, we are in effect saying that the same inhibitions do not exist with respect to candidates for other Federal elective offices. I am, therefore, of the opinion, and the Senate concurred last year that, as the distinguished Senator from New Hampshire indicated and as the distinguished Senator from Rhode Island did as well, "what is good for the goose is good for the gander." In other words, if section 315 has produced the wrong result, then its inhibiting effect is not limited solely to presidential campaigns. In the interest of increasing the electorate's accessibility to candidates and issues, section 315 should not apply to any candidate for Federal office.

Mr. President, my amendment contains a second section that is of major importance not only to the President whoever he is, but to all Senators and Members of the House of Representatives as well. After the temporary repeal of section 315 for President and Vice President in 1960, it has become a tradition in contested elections for challenges, and in fact, demands, that debates take place before televised audiences. Traditionally, incumbent Presidents have declined to support repeal of section 315 for that reason. In 1960 debates were possible, because neither candidate was an incumbent but in 1964 that was not the case and President Johnson refused to debate Senator BARRY GOLDWATER. The reasons for an incumbent President's position on this question were clearly stated during hearings on campaign reform legislation last year in a colloquy between the Communications Subcommittee chairman, Senator PASTORE, and Senator HARTKE during the testimony of Dr. Frank Stanton, president of Columbia Broadcasting System:

> Senator HARTKE. I think that Senator Pastore is making the point no matter how hard you try in the middle of a political campaign you could never really separate the candidate for President as the incumbent President and the President in his position as President of the United States. That is the point you are making, isn't it?
>
> Senator PASTORE. Especially when the red telephone is right next to him anyway.
>
> Senator HARTKE. I understand exactly what Senator Pastore is concerned about. It is the fact that you put a President in the position where it appears he ducks an issue which the American people think he ought to have answered but which for reasons he feels are in the national interest he doesn't. Then he is in a position where no matter what he does, he is wrong. If he violates his trust, should he violate his trust to the American people as President, in order to put himself in a position which he feels would give him the best chance of making a positive approach on a campaign? I think this is the problem with which we are constantly faced here. (Commerce Hearing, Serial 92–6, pages 384–385)

One does not have to go beyond the President's trip to China and scheduled visit to the Soviet Union for an example of areas in which the President would be susceptible to potentially embarrassing questions affecting our national security.

In fact, our experience with debates raises a serious question as to the effectiveness of this means of providing information to the electorate. Despite the continued fascination with the role that debates played in the 1960 presidential election, there is a difference of opinion as to whether they in fact substantially contributed to President Nixon's defeat. Most recently, a New York Times columnist described the debate between the five Democratic candidates for President in New Hampshire as being about as exciting as "watching grass grow." He continued that "no new issues were developed, no new ground covered," and an aide to one of the participants was said to have called it "a travesty—democracy dying a slow death." On March 7, 1972, a New York Times editorial shared the hope of a Muskie staff man that this might be "the end of the debates."

Today, I ask the Members of the Senate to consider very seriously whether they would be willing to subject themselves to the embarrassment, if not needless waste, of time involved in televised debates during a reelection campaign. If not, why would you put the President of the United States, whoever he is and whatever his party affiliation, in that position. I repeat, Mr. President, "what is sauce for the goose, is sauce for the gander" and to fail to recognize this fact would be to do a tremendous injustice to the President of the United States, whatever point in the history of the Republic.

Mr. President, I listened with great interest to the frank and candid and very direct and lucid presentation of the distinguished Senator from Rhode Island when he pointed out that he, too, has expressed concern from time to time on the question of compelling the chief magistrate to subject himself to televised debate.

I respect the Senator from Rhode Island for making that allusion a part of his remarks at this juncture, because it does not clearly support the measure that he is pressing for the adoption of now; but it is characteristic of the Senator that he makes his present statement consistent with the statements he has made previously, such as those he alluded to and those alluded to by the Senator from New Hampshire.

I hope all of us might agree—I really believe that the overwhelming majority of the Members of the U.S. Senate would agree—that there is something so unique in the institution of the Presidency, wholly aside from the occupant of that office, his party affiliation, or his popularity or lack of it; a uniqueness that exists, because it is the unitary embodiment of one of the tripartite branches of Government, that it poses a considerable dilemma to require the President by statute, actually or practically, to appear in a televised debate.

I reiterate, I believe most of us would agree that is indeed a problem, as I have pointed out now and as was previously pointed out by the Senator from Rhode Island (Mr. PASTORE).

I wonder if we might go beyond that, Mr. President, and seek a consideration and agreement by a majority of Members of the Senate on another point that I believe was intimated in the remarks by the Senator from Rhode Island. As I understood him to say, he was not pressing for debates as such, but for an opportunity for the President or presidential candidates to minimize the cost of televised campaigning. I wonder if we might not go further, Mr. President, and try to tailor our formula in some sort of statutory language that would make it entirely clear that that was the purpose of our efforts here: For instance, that there would be no condition precedent to a joint appearance or to a debate, or any other condition to the waiver of equal time through some enactment of this Congress.

Mr. PASTORE. Mr. President, if the Senator will yield, of course, it is quite customary today, without this exemption, for the opponent usually to challenge the incumbent to a debate, and whether or not we pass this measure, no matter who is the Democratic candidate, he could always challenge Mr. Nixon, if he is a candidate for reelection, to a debate. And, of course, Nixon in all probability would say what Eisenhower said in 1956 to Adlai Stevenson. He said, "I don't care to debate," and that was the end of it. I mean no one paid much attention to it.

Whether we pass this measure or not, we are always up against the proposition that the underdog or the man on the outside is usually going to challenge someone else to a debate. That happens to the Senator and it happens to me, and we do not have free time.

What we are trying to avoid here is the fact that if free time is given, it be conditioned upon anything. We have made that abundantly clear; it is right in the report. And if the networks violate the understanding that I have, I will be first to come back here next time and ask that it be repealed.

But I would expect the candidates to say, "I do not want your free time if you are not going to let me decide how I am going to use it." That is what I would expect the retort to be, and I would not blame the candidate for taking that position.

I think, myself, that regardless of whether we have free time or not, the element of challenging to a debate is always there, because that depends upon the individual himself, whether or not he is going to get free time.

But every time we talk about this exemption, we talk about debates, and I bet the Senator dollars to doughnuts that if we pass this measure this afternoon, the headline tomorrow morning will be "Senate Permits Debates by the Candidates."

That is not true at all, because we have an understanding, and we wrote right into the report, as a matter of fact, the language that the Senator has adopted, more or less. We have a clear understanding that the format has got to be at the choosing of the candidate. I would not have it any other way.

The PRESIDING OFFICER. Will the Senator suspend to receive a message from the House, and for the Chair to make some appointments?

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed a bill (H.R. 13955) making appropriations for the legislative branch for the fiscal year ending June 30, 1973, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 13955) making appropriations for the legislative branch for the fiscal year ending June 30, 1973, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. STAFFORD). The Chair, on behalf of the Vice President, appoints the following Senators to the General Assembly of the Organization of American States, Washington, D.C., April 11–21, 1972: The Senator from Idaho (Mr. CHURCH) and the Senator from New York (Mr. JAVITS).

The Chair, on behalf of the Vice President, under the provisions of Public Law 301 of the 78th Congress, appoints the Senator from Florida (Mr. CHILES) to the Board of Visitors to the U.S. Merchant Marine Academy.

The Chair, on behalf of the Vice President, under the provisions of Public Law 207 of the 81st Congress, appoints the Senator from Georgia (Mr. GAMBRELL) to the Board of Visitors to the Coast Guard Academy.

COMMUNICATIONS ACT OF 1934

The Senate continued with the consideration of the bill (S. 3178) to amend the Communications Act of 1934 to relieve broadcasters of the equal time requirement of section 315 with respect to candidates for President and Vice President.

Mr. BAKER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 16 minutes remaining on his amendment.

Mr. BAKER. Mr. President, I once again find myself in the position of agreeing with virtually everything my distinguished subcommittee chairman has said.

I do not doubt for 1 second, and I hope whatever part of this colloquy is looked upon as legislative history will reflect as much, that the Senator from Rhode Island does not think, the Senator from Tennessee does not think, and I hope no Member of this body thinks that the passage of this measure would mean there is going to have to be televised debate. But report language and legislative history are not the great comfort to me that statutory language would be, and at this point, I serve notice that at some point in this proceeding I intend to offer for the consideration of Senators a further amendment that would attempt to clarify our position.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. PASTORE. I hope the Senator will not do that, because beyond the time they have agreed to give, there may be a possibility of further time that could be accepted or rejected. I am a little bit concerned in that regard.

I think the networks should make a bigger contribution in the future than they have in the past, and they have been shackled from doing it, there is no question about it. This is the only way to remove those shackles.

I think the history is clear enough. I know what the Senator would like to do, and I join him in what he would like to do, but I am afraid that if we encumber this, we might defeat the whole thing. I am rather weary of that, and I hope the Senator will not go quite that far. I told the Senator before that I would move to lay his amendment on the table for only one reason, not because I want to shut off anything, but because I, myself, would have qualms of conscience in voting against the merits of what he is trying to do. I do not want to be placed in that position, and I hope he will avoid placing other Members of the Senate in that position. So I would like to take the position that I am doing it only as a parliamentary maneuver, in order to avoid having a conflict with the House of Representatives again and defeating the whole thing. That is why I am doing it.

Mr. BAKER. I fully understand the point made by the Senator from Rhode Island.

Mr. PASTORE. I do not want to vote against the merits of it.

Mr. BAKER. I am grateful that the Senator reiterates the point that I have made, so that it will be clear in the legislative history that repeal of section 315 does not mean debate or any other format of appearance is required.

Mr. PASTORE. Let me put it more categorically: If any network insists upon a debate format against the will of any candidate, it will be violating the spirit of this amendment.

Mr. BAKER. I thank the distinguished subcommittee chairman.

Mr. President, I would like at this point, on this issue, to read to the Senate for the RECORD a brief portion of the committee report on S. 3178, that portion of it which reflects my individual views. I am reading from page 9, and I shall not take very long. Mr. President, this is the language in my individual views:

> So while the argument is made by proponents of the bill that there will be no pressure on the President to debate, it is my belief that the opportunity for challenges and in fact demands for the President to debate his opponent will inevitably arise. In fact, if time is made available to the two major party candidates, the position of the networks on the question of format is not clear to me. During testimony before our subcommittee, Dr. Stanton expressed support for the concept of debates or "joint appearances." In Dr. Stanton's words (Commerce hearings, serial 92-6, p. 383):
>
> "Frankly, we believe, with some justification in terms of the research that has been done over the years, that we can best serve the American people and the candidates by not doing it in terms of a prepared delivered statement but by having an exchange, a question-and-answer approach, not necessarily in the format of a 'Face the Nation' or 'Meet the Press,' if you will, but where two serious minded candidates sit down perhaps with one or more journalists and talk about the primary—the high-priority issues before the people."
>
> Later Dr. Stanton sought to clarify his position in a letter to Senator Pastore but he again referred to the desirability of "joint appearances." Most recently, it was reported in the National Journal that Julian Goodman, President of the National Broadcasting Co., has taken the position that "repeal of the requirement would allow the networks to improve their campaign coverage by presenting debates between major candidates without having to include minor party aspirants."
>
> I can appreciate the networks desire to broadcast debates. By its very nature, broadcasting seeks to create suspense and drama. Debates between candidates do that. Unfortunately, they also create an atmosphere that has little relationship to the understanding of issues which should be of paramount importance in a presidential campaign.

That is the excerpt from my individual views in the committee report accompanying this bill.

Mr. President, I think this is a fairly unique parliamentary situation, because the Senator from Rhode Island and I agree on the basic and fundamental issue involved. That is, we are not paving the way for televised debates; but I am afraid the statutory language is subject to more than one interpretation, and these statements by the network officials give me great cause for concern.

So I hope that this colloquy, regardless of the outcome of the Senate's consideration of my amendment or amendments, will put to rest in the minds of network officials, in the minds of the public, in the minds of the FCC, in the minds of licensees, and in the minds of the courts any remaining belief that we are authorizing debates—we are not—and that in fact we are giving the maximum flexibility, as the report language says, to the candidates to choose their own format.

Mr. PASTORE. Insofar as the free time is concerned that they want to give, it was spelled out in my opening statement.

Mr. BAKER. I thank the Senator.

Mr. PASTORE. They might want to go beyond that. I refer the Senator to page 5 of the report. If they want to go beyond this offer of free time as they have specified, then the report reads:

> Rather, complete freedom is given to the broadcaster and the candidates to develop specific program formula for the appearance of candidates.

But it would have to be with the consent of the candidates themselves. That is above and beyond the time they have spelled out. I agree.

I repeat that insofar as the offer of time is concerned, it is my understanding that the candidate to whom the free time is offered will have the exclusive authority to choose his format. If that is not the case, then they will be violating the spirit of this law, and I will be the first to ask for its repeal.

Mr. BAKER. Mr. President, I might say further on this point that my subcommittee chairman will recall—and my colleagues in the Senate may recall—that I was one of a handful of Senators who opposed the provision of the campaign reform bill which in effect gave candidates for public office a discounted rate on television advertising.

Mr. PASTORE. That is correct.

Mr. BAKER. In that situation, we created a statutory obligation on the part of broadcast licensees to charge us no more than the lowest unit rate they charged to anyone else.

Mr. PASTORE. That is correct.

Mr. BAKER. I have just come from a meeting of my unofficial campaign staff in Tennessee and found, to my great surprise, the product of our handiwork in that respect. I am leading up to something else, not a primary observation about that section. I found out that I can buy spot announcements in Tennessee 12 percent cheaper than can Alka Seltzer, which is one of the heaviest advertisers in Tennessee. I never dreamed that I had done that for myself, but I did—at least, Congress did. Now we have a very substantial break in the cost of TV advertising.

I believe that the fair and equitable thrust of the bill by the Senator from Rhode Island is to extend the reform of the campaign reform bill, and I believe the Senator from Rhode Island said that in his remarks—that the purpose of this provision is to further extend the campaign reform embodied in our previous enactment, by allowing the networks to make free time available on an equitable basis.

Mr. PASTORE. Let me ask the Senator a question. Is he buying the time cheaper than anyone else who gets the cheapest rate?

Mr. BAKER. No.

Mr. PASTORE. That is the point. Perhaps Alka-Seltzer is in a different category.

Mr. BAKER. It is only because Tennessee has so few headaches.

[Laughter.]

Mr. PASTORE. I thought the Senator would come in with that drill.

Mr. BAKER. No. This one is, "I can't believe I ate the whole thing."

[Laughter.]

Mr. President, the point of my amendment and the pending business before the Senate, as I have said in my remarks—and I intend to close at this point—is that I recognize the laudable efforts of the Senator from Rhode Island to further extend the reform characterization of the previous campaign reform bill we passed. I disagree with certain portions of it. In any event, I believe that it is consistent with the purposes of the Senator from Rhode Island to apply this repeal of section 315, if we apply it at all, not just to the President and Vice President but also to election for every Federal office.

I reserve the remainder of my time.

Mr. PASTORE. May I say to the Senator from Tennessee, he knows the respect and admiration and affection I have for him—that he attended the conference with me, and he remembers quite well what our problem was. We were told very emphatically and categorically that because the Senate had included all Federal offices, the House would not accept it.

I tell the Senator very frankly that if this amendment is adopted, I think the Senator will agree with me that it will be flagged down in conference, and the House will just do nothing about it, and they will not act upon it, nor will they pass it.

In view of the colloquy we have had—I know how the Senator feels about this generally, and I am not trying to be facetious in this—I would appreciate it if the Senator would withdraw his amendment and let us have a vote on it up or down. Let us take our chances on what happens in the House. If they take it, they take it.

Frankly, this is the last time I am going to try it. I certainly will not pursue this any further. This means nothing to me personally. I think something needs to be done. We are merely completing everything we started to do when we passed the campaign expenditures bill. The Senator's form of the amendment was in that bill. It was rejected by the House in no uncertain terms. I tried hard. I even tried hard at that moment to get them to agree just to the office of President and Vice President; and they told me, as they told the Senator from Tennessee at the time, that because we had done this, the House was in a bad mood.

Let us pass it the way we did previously, with just the President and the Vice President. Let it go over there. I tell the Senator frankly that if they do nothing about it, this is the last he will hear from me on this.

Mr. BAKER. Mr. President, I respect the position of the Senator from Rhode Island. I must respectfully decline to accept his gracious offer. I base that and what hopes I have in this respect on one fact: This amendment was adopted by the Senate, by a vote of 71 to 21, just a few months ago. This amendment was deleted in conference. I have no doubt that the House is in a different mood now than it was at the end of the session and that there is a realistic chance that they will consider this proposal.

I have no desire to detain the Senate with further lengthy debate. I am perfectly willing to have a vote on the amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Chair is informed by the Parliamentarian that the Senator does not have enough time on his amendment to suggest the absence of a quorum.

Mr. PASTORE. I will give the Senator time.

The PRESIDING OFFICER. If time is yielded back by both sides, there will be time for a quorum call.

Mr. BAKER. Whatever is appropriate. I just want to get a sufficient number of Senators in the Chamber to ask for the yeas and nays.

Mr. PASTORE. Mr. President, I suggest the absence of a quorum, on my time.

The PRESIDING OFFICER. The Senator has enough time.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Stafford). Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. PASTORE. Now, Mr. President, before I yield back my time, will the Senator from Tennessee feel offended in any way if I move to lay on the table his amendment, or does he want to vote on the merits?

Mr. BAKER. No indeed, I would not be offended.

Mr. PASTORE. Mr. President, I yield back my time.

Mr. BAKER. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment is now yielded back.

Mr. PASTORE. Mr. President, I move to lay the amendment of the Senator from Tennessee (Mr. Baker) on the table.

Mr. BAKER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Tennessee (Mr. Baker).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alabama (Mr. Allen), the Senator from Indiana (Mr. Bayh), the Senator from Oklahoma (Mr. Harris), the Senator from Indiana (Mr. Hartke), the Senator from South Carolina (Mr. Hollings), the Senator from Minnesota (Mr. Humphrey), the Senator from Hawaii (Mr. Inouye), the Senator from Washington (Mr. Jackson), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Maine (Mr. Muskie), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. Jackson) and the Senator from Minnesota (Mr. Humphrey) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Delaware (Mr. Boggs), the Senator from New York (Mr. Buckley), the Senator from Arizona (Mr. Goldwater), and the Senator from Oregon (Mr. Hatfield) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Ohio (Mr. Taft) is detained on official business.

If present and voting, the Senator from Delaware (Mr. Boggs) and the Senator from Oregon (Mr. Hatfield) would each vote "nay."

The result was announced—yeas 41, nays 39, as follows:

[No. 125 Leg.]

YEAS—41

Anderson
Bentsen
Bible
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Church
Cranston
Eagleton
Eastland
Ellender
Ervin
Fulbright
Gambrell
Gravel
Hart
Hughes
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
McGee
Mondale
Montoya
Moss
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Spong
Stennis
Stevenson
Symington
Talmadge
Tunney
Williams

NAYS—39

Aiken
Allott
Baker
Beall
Bellmon
Bennett
Brock
Brooke
Case
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Fannin
Fong
Griffin
Gurney
Hansen
Hruska
Javits
Jordan, Idaho
Mathias
Miller
Packwood
Pearson
Percy
Roth
Saxbe
Schweiker
Scott
Smith
Stafford
Stevens
Thurmond
Tower
Weicker
Young

NOT VOTING—20

Allen
Bayh
Boggs
Buckley
Goldwater
Harris
Hartke
Hatfield
Hollings
Humphrey
Inouye
Jackson
McClellan
McGovern
McIntyre
Metcalf
Mundt
Muskie
Sparkman
Taft

So the motion to table the amendment of the Senator from Tennessee (Mr. Baker) was agreed to.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I send to the desk an amendment and ask that it be reported.

Mr. PASTORE. Mr. President, will the Senator yield? For the benefit of the Members of the Senate, will the Senator ask for the yeas and nays on his amendment?

Mr. BAKER. Yes. I will ask for the yeas and nays. I expect that the explanation, which I have already given in large measure, will not take more than a few minutes.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The Chair is advised that it will take unanimous consent to secure the yeas and nays until after the amendment has been read by the clerk.

Mr. BAKER. Mr. President, I ask the clerk to report the amendment.

The second assistant legislative clerk proceeded to state the amendment.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. PASTORE. Mr. President, I must object because I am going to make an offer to the Senator from Tennessee and show him why the language he is using now is quite different than that which he used before. If he takes the language he used before, I am willing to accept it. That is a fair offer. So I would like to have the amendment read.

The PRESIDING OFFICER. Objection is heard. The clerk will report the amendment.

The amendment was read as follows:

On page 1, immediately after line 9, insert the following:

"Sec. 2. Section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is further amended by inserting after the first sentence the following: 'When a licensee permits a legally qualified candidate for the office of President or Vice President to use his broadcasting station in connection with such candidate's campaign for election to such office, the licensee shall afford such candidate maximum flexibility in choosing his program format, and no such candidate shall be required to engage or to participate in a debate or joint appearance as a condition to use of any broadcasting station in connection with such campaign for election.' "

Mr. BAKER. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the amendment offered by the Senator from Tennessee on which there is 1 hour, equally divided between the Senator from Tennessee and the Senator from Rhode Island.

Who yields time?

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. BAKER. I am happy to yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I want the Senator from Tennessee to understand that he and I have had quite a dialog on the floor with reference to the fact that whatever free time is given by the networks, the choosing of the format shall be the election of the candidate.

Mr. COTTON. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. PASTORE. We made that abundantly clear in the hearings and it was discussed here on the floor of the Senate. I think that time and time again the Senator from Tennessee said that he and I were in accord on that.

The only trouble with the language is that the Senator adds four other lines that he did not have in his previous amendment. If he is willing to confine it to "maximum flexibility in choosing his program format," and leave the rest out I am perfectly willing to accept it.

I think that carries out the idea and the spirit of the report and the spirit of those who testified before our committee. I said time and time again I did not want the President of the United States to be placed in the embarrassing position of having to refuse an offer to debate, although I think that offer can be made now, even if you have to buy the time. I am not out to embarrass anyone.

Originally the Senator did stop with "format." Now, the Senator has added four more lines. If he wants a codification of what is in the report I will accept his previous language and we can reach an understanding.

Mr. COTTON. Mr. President, will the Senator tell us the four lines again?

Mr. PASTORE. Well, he goes on to say in the second revision:

> And no such candidate shall be required to engage or to participate in a debate or joint appearance as a condition to use any broadcasting station in connection with such campaign or election.

It is redundant, confusing, sloppy writing, and the intention is carried out by the first part in which we have the language which states:

> When a licensee permits a legally qualified candidate for the Office of President or Vice President to use his broadcasting station in connection with such candidate's campaign for election to such office, the licensee shall afford such candidate maximum flexibility in choosing his program format.

It leaves it up to the candidate. Perhaps the candidates do want to debate. How do I know? But if a candidate said that he wants to do it, they would not have to give the time and they would not have to take it.

Mr. BAKER. I am going to suggest the absence of a quorum for a few minutes to consult further with the distinguished chairman of the subcommittee. First, I would like to make a few points which may be significant with respect to what the Senator from Rhode Island has suggested.

I believe that he and I agree on what this amendment means, and I think we agree nothing in the bill, nothing in my previous amendment, and nothing in this amendment would require a debate or joint appearance. We have said that repeatedly. The question is whether or not the language is subject to any other interpretation. That, of course, is the purpose for the language I have in this amendment.

The Senator from Rhode Island has posed a question which deserves mature consideration.

At this time I would like to have a brief quorum call so that we can consult further on the matter.

Mr. President, on my time I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. Have the yeas and nays been ordered on the pending amendment?

The PRESIDING OFFICER. The Chair is informed that they have been.

Mr. BAKER. Is the Senator from Tennessee correct that to change or modify the pending amendment would require unanimous consent?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Mr. President, I ask unanimous consent that the pending amendment be amended in the following respect, and I ask the clerk to read the modification.

The PRESIDING OFFICER. The Clerk will read the modification.

The second assistant legislative clerk read the modification, as follows:

> "SEC. 2. Section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is further amended by inserting after the first sentence the following: 'When a licensee permits a legally qualified candidate for the office of President or Vice President to use his broadcasting station in connection with such candidate's campaign for election to such office, the licensee shall afford such candidate, without dictation, maximum flexibility in choosing his program format.

Mr. PASTORE. Mr. President, if the Senator will yield, I am perfectly willing to accept this proposal, and we can expedite it by going to final passage.

Mr. BAKER. Mr. President, I ask unanimous consent that my amendment may be modified as read.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. Mr. President, I am delighted with the statement by the Senator from Rhode Island. I am perfectly willing to vote on the amendment as modified.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the yeas and nays be withdrawn.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAKER. Mr. President, I yield back the remainder of my time.

Mr. PASTORE. I yield back my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on the amendment of the Senator from Tennessee, as modified (putting the question).

The amendment, as modified, was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was adopted.

Mr. PASTORE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill is open to further amendment.

If there be no further amendment, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

PERSONAL EXPLANATION

Mr. TAFT. Mr. President, I shall abstain from voting on S. 3178, the repeal of section 315 of the Communications Act of 1934 for presidential and vice presidential candidates in the general election campaign, because of a possible conflict of interest. Past connections with the broadcasting industry as a director, officer, and attorney, as well as personal and family holdings of interests in that industry, convince me that I should follow such a course on this and other legislation affecting broadcasting.

Mr. PASTORE. Mr. President, I ask for the yeas and nays on passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Mr. President, I yield back my time.

Mr. GRIFFIN. Mr. President, I yield back time on this side.

The PRESIDING OFFICER. All time having been yielded back, the question is on passage of the bill. The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alabama (Mr. ALLEN), the Senator from Indiana (Mr. BAYH), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARK-

MAN), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that, if present and voting, the Senator from South Dakota (Mr. MCGOVERN), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Washington (Mr. JACKSON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Delaware (Mr. BOGGS), the Senator from New York (Mr. BUCKLEY), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. TAFT) is detained on official business.

If present and voting, the Senator from Delaware (Mr. BOGGS) and the Senator from Oregon (Mr. HATFIELD) would each vote "yea."

The result was announced—yeas 67, nays 13, as follows:

[No. 126 Leg.]

YEAS—67

Aiken
Allott
Anderson
Baker
Beall
Bennett
Bentsen
Bible
Brock
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cotton
Cranston
Dominick
Eagleton
Eastland
Ellender
Ervin
Fong
Fulbright
Gambrell
Gravel
Gurney
Hart
Hughes
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
Metcalf
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Smith
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tunney
Weicker
Williams

NAYS—13

Bellmon
Cooper
Curtis
Dole
Fannin
Griffin
Hansen
Hruska
Miller
Saxbe
Scott
Tower
Young

NOT VOTING—20

Allen
Bayh
Boggs
Buckley
Goldwater
Harris
Hartke
Hatfield
Hollings
Humphrey
Inouye
Jackson
McClellan
McGovern
McIntyre
Mundt
Muskie
Pell
Sparkman
Taft

So the bill (S. 3178) was passed, as follows:

S. 3178

An act to amend the Communications Act of 1934 to relieve broadcasters of the equal time requirement of section 315 with respect to candidates for President and Vice President

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended by inserting after "public office" in the first sentence thereof a comma and the following: "other than the office of President or Vice President,".

(b) The amendment made by this Act shall take effect as of January 1, 1972.

SEC. 2. Section 315(a) of the Communications Act of 1934 (47 U.S.C. S15(a)) is further amended by inserting after the first sentence the following: "When a licensee permits a legally qualified candidate for the office of President or Vice President to use his broadcasting station in connection with such candidate's campaign for election of such office, the licensee shall afford such candidate, without dictation, maximum flexibility in choosing his program format."

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, once again, the distinguished senior Senator from Rhode Island has shown his great skill and understanding of the Senate in having disposed of, within a very short period of time, a most difficult but a most important bill.

When JOHN PASTORE takes over the managership of a bill, the leadership and the Senate have little in the way of worry, because he knows his subject, he talks to the point, and he is able to convince doubters on occasion, as he did today. I want the RECORD to show that I think his skill, his management ability, his integrity, and his persuasion have once again—not for the first time this session—brought to a successful conclusion a bill very much needed and very much appreciated. I extend my personal thanks to the senior Senator from Rhode Island.

EGG INDUSTRY ADJUSTMENT ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 657, S. 2895.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 2895) to enable producers of commercial eggs to consistently provide an adequate but not excessive supply of eggs to meet the needs of consumers for eggs and to stabilize, maintain, and develop orderly marketing conditions for eggs at prices reasonable to the consumers and producers.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry with amendments on page 4, line 7, after the word "of", where it appears the first time, insert "(i) ten"; in line 9, after the word "provided", insert a comma and "and (ii) five representatives of consumers selected and appointed by the Secretary"; in line 11, after the word "members", where it appears the second time, strike out "selected and appointed" and insert "who are required to be producers or representatives of producers"; on page 5, line 4, after the word "years,", strike out "and," and insert "and"; on page 7, line 8, after the word "thereto," strike out "and all the terms and provision thereto"; in line 10, after the word "Act", insert "and is approved or favored:"; after line 10, insert:

(i) by at least two-thirds of the producers who, during a representative period determined by the Secretary, have been engaged in the care or ownership of flocks of one thousand or more fowl, or

(ii) by producers who during such representative period have cared for or owned at least two-thirds of the number of fowl in flocks of one thousand or more fowl, computed on the basis of the highest number of fowl in each such flock during such representative period.

For the purpose of ascertaining whether the program or amendment is approved or favored by such producers as required by this subsection, the Secretary may conduct a referendum among such producers and except in the case of an amendment shall do so. The requirements of approval or favor shall be held to be complied with if, of the total number of producers, or the total number of fowl, as the case may be, represented in such referendum, the percentage approving or favoring is equal to or in excess of the percentage required under this subsection. The terms and conditions of the proposed program or amendment shall be described by the Secretary in the ballot used in the conduct of the referendum. The nature, content, or extent of such description shall not be a basis for attacking the legality of the program or amendment or any action relating thereto. In instances of contract production, the owner of the laying flock shall be entitled to vote one-half the number of fowl covered by the contract and the producer who cares for the flock shall be entitled to vote the other half of such number of fowl.

On page 9, line 7, after the word "judicial";, strike out "reviews" and insert "review."; in the same line, after the amendment just above stated, insert "In determining the average cost of production, the Secretary shall include a reasonable allowance for the cost of management by persons who work on the farm, and exclude any cost of management by other persons. The Secretary shall publish the average prices and costs determined by him under this subsection, together with an itemization of the major elements of cost considered and a description of the method used."; in line 17, after the word "following", insert "and no others"; after line 17, strike out:

(A) Require, or provide a method for requiring, the slaughter of such portion of each producer's total flock of egg-producing fowl as may be required to reduce such flock to a specified percentage thereof.

And, in lieu thereof, insert:

(A) Require, or provide a method for requiring, the slaughter from time to time of a uniform percentage of that portion of the total number of egg-producing fowl owned by each producer in excess of the exempt number; and fix, or provide a method for fixing from time to time, the percentage to be slaughtered. The exempt number shall be fifteen thousand fowl, except that in the case of any producer to whom any of the following apply, the exempt number shall be reduced by:

(1) the number of fowl owned by another in trust or otherwise for the benefit of such producer,

(2) that part of the number of fowl owned by any corporation in which such producer owns as much as 10 per centum of the stock which bears the same relationship to the total number of fowl owned by such corporation as the stock in such corporation held by such producer bears to the total stock of such corporation,

(3) that part of the number of fowl owned by any partnership in which such producer is a partner which is proportionate to such producer's interest in the partnership.

(4) the number of any fowl owned by any member of such producer's household other than for the benefit of such producer which were acquired from such producer or with

such producer's funds and without the payment of adequate consideration to such producer therefor,

(5) such additional number of fowl as the Secretary may deem fair and equitable and by regulation prescribe in order to prevent any person, firm, partnership, corporation, or other entity from—

(i) participating in the benefit of any exemption in excess of fifteen thousand fowl, or

(ii) increasing the exemption accruing to his benefit through formation or dissolution of partnerships, corporations, or other entities, or by other means, including, but not limited to, any arrangement whereby a producer makes available the ownership of fowl to (i) a producer who normally engages in caring for fowl for the account of others, or (ii) any other person, while retaining control of the marketing eggs produced by such fowl.

The Secretary may prescribe such exemptions from the foregoing sentence as may be necessary to prevent hardship or inequity. For six months following any slaughter required by this subsection, no producer shall, except to the extent provided by regulation issued by the Secretary, increase his flock of fowl above (i) the number therein at the time such slaughter was required, less the number required to be slaughtered or (ii) the exempt number, whichever is higher. The number of fowl owned by any producer and required to be slaughtered pursuant to this subsection shall be apportioned among the flocks cared for by such owning producer and by other producers pursuant to contract with such owning producer so that each such flock is reduced by the same percentage. Any slaughter required pursuant to this subsection shall be required to be made at such times and manner as will not unduly interfere with the orderly marketing of slaughtered fowl.

On page 12, line 11, after the word "fowl", strike out "has" and insert "have"; on page 13, after line 4, strike out:

(F) Exempt from specific provisions or from all provisions of the program an aggregate of ten thousand fowl owned or controlled by any one person.

At the beginning of line 8, strike out "(G)"; on page 14, line 9, after the word "district", strike out "courts" and insert "court"; on page 18, line 18, after the word "issue", strike out "to any" and insert "to, any"; on page 19, line 14, after the word "partnership,", strike out "coporation" and insert "corporation"; in line 19, after the word "term", strike out "egg"; in line 21, after the word "eggs", insert a comma and "or supplying housing or other facilities for the care of such fowl and caring for such fowl pursuant to a contract with the owner"; and, on page 20, after line 3, strike out:

(G) The term "owned or controlled" as used in section 7(F) shall mean any flock in which a person has a direct or indirect financial interest (except as a lienholder) or over which a person has either, directly or indirectly, actual or legal control.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. That this Act be known as the "Egg Industry Adjustment Act".

LEGISLATIVE FINDINGS

SEC. 2. It is declared that movement of excessive egg-producing fowl and eggs in interstate commerce impairs the purchasing power of farmers and destroys the value of agricultural assets which support the national credit structure, and burdens and obstructs the normal channels of interstate commerce. Eggs constitute one of the basic, natural foods of the diet. They are produced by numerous individual egg producers in every area of the United States. They move in large part in the channels of interstate commerce and such eggs which do not move in such channels directly burden or affect interstate commerce in eggs. All egg-producing fowl and eggs produced in the United States are in the current of interstate or foreign commerce or directly burden, obstruct, or affect interstate or foreign commerce in such commodities and products thereof. The supply of eggs for commerce necessarily is dependent upon the supply of egg-producing fowl. The only feasible way to regulate the supply of eggs in interstate commerce is by regulating the size of flocks of egg-producing fowl. Prices of commercial eggs, both at the consumer and producer levels, fluctuate according to supply and demand. Owing to causes beyond their control, producers of commercial eggs have, from time to time, been unable to anticipate the quantity of eggs reasonably required to meet the ultimate needs of consumers with the result that cycles of excess supply have often reduced market prices below actual cost of production and cycles of deficient supply have often caused relatively high consumer prices. Such fluctuations in supply and demand have from time to time repeatedly created unstable and chaotic conditions adversely affecting interstate commerce for both producers and consumers.

DECLARATION OF POLICY

SEC. 3. It is declared to be the policy of Congress—

(A) Through the exercise of the powers conferred upon the Secretary of Agriculture under this Act to establish and maintain such orderly market conditions for egg-producing fowl and eggs as will tend to provide to the producers of eggs prices which are reasonable in view of the prices of feeds, the available supplies of feeds, economic conditions affecting egg production, and other economic conditions which affect market supply and demand for eggs.

(B) To protect the interest of the consumer by (1) approaching the level of prices which it is declared to be the policy of Congress to establish in subsection (A) of this section by gradual correction of the current level at as rapid a rate as the Secretary of Agriculture deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (2) authorizing no action under this Act which has for its purpose the maintenance of prices to producers above the level which it is declared to be the policy of Congress to establish in subsection (A) of this section.

(C) The production of broilers and broiler breeder fowl is an industry separate and apart from the production of commercial eggs and is not in any way covered by this Act.

EGG INDUSTRY ADJUSTMENT BOARD

SEC. 4. (A) The Secrtary is authorized and directed to establish a fifteen-man Egg Industry Adjustment Board (hereinafter referred to as the "Board"), which shall be composed of (i) ten producers of commercial eggs, or representatives of such producers, selected and appointed by the Secretary as hereinafter provided, and (ii) five representatives of consumers selected and appointed by the Secretary.

(B) The Board members and alternate members who are required to be producers or representatives of producers shall be geographically and proportionately representative of commercial egg production areas of the Nation, as determined by the Secretary. Appointment shall be made by the Secretary from nominations submitted by commercial egg industry producer organizations. If the Secretary of Agriculture determines that a substantial number of commercial egg producers are not members of, or their interests are not represented by, any such commercial egg industry producer organization, the Secretary may select Board members from nominations submitted by such producers in a manner prescribed by the Secretary, so that representation on the Board will reflect, to the extent practicable, the proportion which those producers' commercial eggs bear to the total marketing of commercial eggs in the United States.

(C) Appointments to the Board shall be for a period not to exceed two years, and Board members and alternates shall serve at the pleasure of the Secretary. The Secretary may also appoint ex officio (nonvoting) members of the Board whose functions shall be advisory. Such members shall not exceed four in number and shall serve at the pleasure of the Secretary.

(D) The Board shall meet semiannually, or more often at the call of the Secretary, or upon petition of one-third of its members.

(E) The Board shall be terminated whenever the Board by a two-thirds vote of the members thereof requests such termination or if the Secretary determines that the continuation of the Board no longer tends to effectuate the declared policy of the Act. Such termination of the Board shall not preclude the Secretary from later reestablishing a new Board if he determines that such reestablishment will tend to effectuate the declared policy of the Act in the light of changed conditions.

(F) Members of the Board and their alternates shall serve without compensation, but shall be reimbursed by the Secretary for necessary expenses to the extent and in the manner prescribed by the Secretary.

DUTIES AND POWERS OF THE BOARD

SEC. 5. (A) The Board shall recommend to the Secretary a regulatory program for adjusting the supply of commercial eggs, including amendments thereto, containing provisions authorized by section 7 of this Act. The Secretary shall furnish the Board with such statistics, data, and other information as may be available to him from reports and records obtained under this Act, or otherwise, as may be required by the Board to reach an informed recommendation; but no such information shall reveal the individual operations of any person, except with the written consent of that person.

(B) The Board may advise the Secretary, if requested, in connection with the drafting of rules and regulations needed to effectuate the terms and provisions of this Act.

(C) The Board shall have such additional duties and responsibilities in connection with the administration of this Act as the Secretary may confer on it.

(D) The Board may, with the approval of the Secretary, accept any services, use of any facilities, or use of any personnel of any college, university, research organization, poultry trade association, farm cooperative association, or other qualified persons deemed necessary for the Board to meet its duties and responsibilities under this Act.

EGG INDUSTRY ADJUSTMENT PROGRAM

SEC. 6. (A) The Secretary of Agriculture may, upon recommendation of the Board and subject to the provisions of this Act, make effective and from time to time amend a regulatory program to adjust the supply of commercial eggs applicable to (1) egg producers and (2) persons engaged in the purchasing or acquisition of fowl for slaughter, if he finds that the program, or amendment thereto, will tend to effectuate the declared policy of this Act and is approved or favored:

(1) by at least two-thirds of the producers.

who, during a representative period determined by the Secretary, have been engaged in the care or ownership of flocks of one thousand or more fowl, or

(ii) by producers who during such representative period have cared for or owned at least two-thirds of the number of fowl in flocks of one thousand or more fowl, computed on the basis of the highest number of fowl in each such flock during such representative period.

For the purpose of ascertaining whether the program or amendment is approved or favored by such producers as required by this subsection, the Secretary may conduct a referendum among such producers and except in the case of an amendment shall do so. The requirements of approval or favor shall be held to be complied with if, of the total number of producers, or the total number of fowl, as the case may be, represented in such referendum, the percentage approving or favoring is equal to or in excess of the percentage required under this subsection. The terms and conditions of the proposed program or amendment shall be described by the Secretary in the ballot used in the conduct of the referendum. The nature, content, or extent of such description shall not be a basis for attacking the legality of the program or amendment or any action relating thereto. In instances of contract production, the owner of the laying flock shall be entitled to vote one-half the number of fowl covered by the contract and the producer who cares for the flock shall be entitled to vote the other half of such number of fowl.

(B) The Secretary may reject any program the Board may recommend, or any provisions thereof, and shall point out his objections thereto to the Board together with his recommendations, if any, so that the Board may modify its recommendations so that they will be acceptable to the Secretary.

(C) Any program or amendment thereto may be made effective by the Secretary as soon as practicable following a determination by him that the seasonally adjusted average farm price received for eggs by a representative sample (as determined by him) of egg producers is less than the average cost of production of such producers for a period of at least three consecutive thirty-day periods, and no such program may be continued by the Secretary following his determination that such seasonally adjusted average farm price has exceeded such standard for at least there consecutive thirty-day periods: *Provided*, That any determination made by the Secretary under this subsection shall be final and not subject to review including judicial review. In determining the average cost of production, the Secretary shall include a reasonable allowance for the cost of management by persons who work on the farm, and exclude any cost of management by other persons. The Secretary shall publish the average prices and costs determined by him under this subsection, together with an itemization of the major elements of cost considered and a description of the method used.

TERMS AND CONDITIONS OF PROGRAM

SEC. 7. Any program made effective under this Act may contain one or more of the following and no others:

(A) Require, or provide a method for requiring, the slaughter from time to time of a uniform percentage of that portion of the total number of egg-producing fowl owned by each producer in excess of the exempt number; and fix, or provide a method for fixing from time to time, the percentage to be slaughtered. The exempt number shall be fifteen thousand fowl, except that in the case of any producer to whom any of the following apply, the exempt number shall be reduced by:

(1) the number of fowl owned by another in trust or otherwise for the benefit of such producer,

(2) that part of the number of fowl owned by any corporation in which such producer owns as much as 10 per centum of the stock which bears the same relationship to the total number of fowl owned by such corporation as the stock in such corporation held by such producer bears to the total stock of such corporation,

(3) that part of the number of fowl owned by any partnership in which such producer is a partner which is proportionate to such producer's interest in the partnership,

(4) the number of any fowl owned by any member of such producer's household other than for the benefit of such producer which were acquired from such producer or with such producer's funds and without the payment of adequate consideration to such producer therefor,

(5) such additional number of fowl as the Secretary may deem fair and equitable and by regulation prescribe in order to prevent any person, firm, partnership, corporation, or other entity from—

(i) participating in the benefit of any exemption in excess of fifteen thousand fowl, or

(ii) increasing the exemption accruing to his benefit through formation or dissolution of partnerships, corporations, or other entities, or by other means, including, but not limited to, any arrangement whereby a producer makes available the ownership of fowl to (i) a producer who normally engages in caring for fowl for the account of others, or (ii) any other person, while retaining control of the marketing of eggs produced by such fowl.

The Secretary may prescribe such exemptions from the foregoing sentence as may be necessary to prevent hardship or inequity. For six months following any slaughter required by this subsection, no producer shall, except to the extent provided by regulation issued by the Secretary, increase his flock of fowl above (i) the number therein at the time such slaughter was required, less the number required to be slaughtered or (ii) the exempt number, whichever is higher. The number of fowl owned by any producer and required to be slaughtered pursuant to this subsection shall be apportioned among the flocks cared for by such owning producer and by other producers pursuant to contract with such owning producer so that each such flock is reduced by the same percentage. Any slaughter required pursuant to this subsection shall be required to be made at such times and manner as will not unduly interfere with the orderly marketing of slaughtered fowl.

(B) Provide for adjustments and exceptions as may be necessary to provide equity and relieve hardship of persons whose production is substantially unrepresentative of their normal operations.

(C) Require all persons who purchase or otherwise acquire egg-producing fowl for slaughter, to provide a certification to the producer that such fowl have been slaughtered, and to require such persons to make such reports to the Secretary and maintain and make available such books and records as may reasonably be required by the program.

(D) Provide for administration of the program by the Secretary through such facilities and personnel of the Department of Agriculture (including local, county, and State committees established under section 8 of the Soil Conservation and Domestic Allotment Act, as amended), as the Secretary may designate, and for the collection, compilation, and analysis of reports and other information obtained under the program.

(E) Recognizing differences in production factors in the production of commercial brown and white eggs, the Secretary may upon recommendation of the Board adopt and make effective different programs and apply different percentages and other provisions with respect to brown and white egg production if the Secretary determines such differences are warranted.

(F) Terms and conditions incidental to and not inconsistent with the foregoing provisions as may be necessary to effectuate the program.

SUSPENSION OR TERMINATION

SEC. 8. The Secretary shall, whenever he finds that any program issued under this Act, or any provision thereof, obstructs or does not tend to effectuate the declared policy of this Act, or is not in the public interest, terminate or suspend the operation of such program or any provision thereof.

PROVISIONS APPLICABLE TO AMENDMENTS

SEC. 9. The provisions of this Act applicable to any program under this Act shall be applicable to amendments to such program.

PETITION AND REVIEW

SEC. 10. (A) Any person subject to a program, or to any regulation issued pursuant to this Act, may file a written petition with the Secretary, stating that any such program or regulation or any provision thereof or any obligations imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the Secretary. After such hearing, the Secretary shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

(B) The district court of the United States in any district in which such person is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling, provided a complaint for that purpose is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the Secretary by delivering to him a copy of the complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to subsection (A) of this section shall not impede, hinder, or delay the United States or the Secretary from obtaining relief pursuant to section 11(A) of this Act.

ENFORCEMENT AND PENALTIES

SEC. 11. (A) The several district courts of the United States are vested with jurisdiction specifically to enforce and to prevent and restrain any person from violating this Act or any program or regulation effective pursuant to this Act. Any civil action deemed necessary to be brought under this Act shall be referred to the Attorney General for appropriate action.

(B) Any person who willfully violates any provision of any program or regulation issued by the Secretary under this Act, or who willfully fails or refuses to comply with said program or regulations, shall be liable to a penalty of not more than $5,000 for each offense which shall accrue to the United States and may be recovered in a civil suit brought by the United States and each day in which such offense continues shall be deemed a separate offense.

(C) Provisions of this section shall be in addition to and not exclusive of the remedies provided now or hereafter existing at law or in equity.

REGISTRATION, REPORTING, AND RECORDKEEPING

SEC. 12. The Secretary may, by regulation, require the following, whether or not a program is currently in operation:

(A) Require egg producers to register with the Secretary.

(B) Require egg producers to report to the Secretary, as specified by the Secretary, with respect to their production of eggs, the size and age of their flocks of egg-producing fowl, the prices received by them for eggs, the costs of producing eggs, and such other information as may be required by the Secretary in the administration of the Act or the program.

(C) Provide that egg producers shall keep such books and records as may be required by the Secretary. Such books and records shall be open for inspection at all times during normal business hours by authorized representatives of the Secretary. The Secretary is authorized to examine such books, papers, records, copies of income tax reports, accounts, correspondence, contracts, documents, or memorandums as he deems relevant and which are within the control of such person, or any party having, either directly or indirectly, actual or legal control of or over such person or of any subsidiary of any such person.

(D) The Secretary may conduct such other investigation and require such other reports and records as he may determine to be reasonably necessary in the administration of the Act, or any program under the Act.

CONFIDENTIAL DATA

SEC. 13. All information furnished to or acquired by the Secretary of Agriculture in the administration of this Act shall be kept confidential by all officers and employees of the Department of Agriculture and of the Board and only such information so furnished or acquired as the Secretary deems necessary to the enforcement or defense of the program or any obligation imposed thereunder, shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary of Agriculture, or to which he or any officer of the United States is a party, and involving the program with reference to which the information so to be disclosed was furnished or acquired. Nothing in this section shall be deemed to prohibit (i) the issuance of general statements based upon reports of a number of persons subject to a program, which statements do not identify the information furnished by any person, or (ii) the publication, by direction of the Secretary, of the name of any person violating the program together with a statement of the particular provisions of the program violated by such person. Any such officer or employee violating the provisions of this section shall, upon conviction, be subject to a fine of not more than $1,000, or to imprisonment for not more than one year, or to both, and shall be removed from office.

REGULATIONS

SEC. 14. The Secretary is authorized to make such rules and regulations with the force and effect of law, as may be necessary to carry out the provisions of this Act and powers vested in him by this Act.

INVESTIGATIONS

SEC. 15. The Secretary may make such investigations as he deems necessary for the effective carrying out of his responsibilities under this Act or to determine whether any person has engaged or is about to engage in any acts, or practices which constitute or will constitute a violation of any provisions of this Act, or of any person or regulations issued pursuant to this Act. For the purpose of such investigation, the Secretary is empowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpena issued to, any person, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Secretary, there to produce records. If so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found.

DEFINITIONS

SEC. 16. As used in this Act:

(A) "Secretary" means the Secretary of Agriculture or any other officer or employee of the Department of Agriculture to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

(B) The term "person" means any individual, group of individuals, partnership, corporation, association, cooperative, or other entity.

(C) The term "commercial eggs" or "eggs" means eggs from domesticated chickens which are sold for human consumption either in shell egg form or for further processing.

(D) The term "producer" means the person owning laying fowl engaged in the production of commercial eggs, or supplying housing or other facilities for the care of such fowl and caring for such fowl pursuant to a contract with the owner.

(E) The term "fowl" means commercial egg-laying chickens over twenty weeks of age.

(F) The term "United States" means the forty-eight contiguous States of the United States of America, and the District of Columbia.

SEPARABILITY

SEC. 17. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

AUTHORIZATION

SEC. 18. There is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated such funds as are necessary to carry out the provisions of this Act.

EFFECTIVE DATE

SEC. 19. This Act shall take effect upon enactment and expire two years after enactment.

Mr. MANSFIELD. Mr. President, I have talked to the interested parties and to the distinguished minority leader, and I ask unanimous consent that on the pending measure, if amendments are offered, they be limited to 20 minutes, the time to be equally divided between the sponsor of the amendment and the manager of the bill—incidentally, I know of no amendments—and that there be a limitation of 40 minutes on the bill, the time to be equally divided between the distinguished manager of the bill, the senior Senator from Georgia (Mr. TALMADGE), and the distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT), or whomever he may designate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I ask unanimous consent that I may proceed for 3 minutes, and that the time not be charged against either side on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I designate the distinguished Senator from Iowa as the manager in charge of the bill on this side.

THE PAY BOARD

Mr. SCOTT. Mr. President, I agree entirely with the position taken by the distinguished majority leader this morning in regard to the walkout of the labor members of the Pay Board. I agree that it will take participation of big labor to help stop inflation, and I am certain that labor is as much interested in price controls and employment and the general economic situation as any one else.

I am very much afraid that if this walkout continues, it may increase the demands for legislation leading to compulsory arbitration in more than one field.

Real spendable weekly wages after taxes have risen 5.4 percent in the last 6 months, compared to a 1.3 percent increase in the previous 6 months. In the last 6 months, seasonally adjusted employment rose 1,123,000, while unemployment climbed by 234,000.

With respect to the Pay Board decisions, in a great majority of these cases labor has prevailed and has agreed, and in only a relatively small percentage of the cases has the decision been unsatisfactory to some or all of the labor members. So their views have not been ignored.

In his message today, the President states:

> We cannot and will not allow any single group—business or labor—to be the exclusive judge of fairness in its own case. The public interest must come before any special interest.
>
> * * * * *
>
> Although a few labor leaders have chosen to reject their public responsibility and have sought to justify their action with standard political rhetoric, this Administration will not accept an "anti-labor" label. On the contrary—there can be no more "pro-labor," "pro-workingman" stand than a firm decision to protect the buying power of the wage earner's dollar.

The President has directed the Pay Board to continue with its business representation reduced proportionately to equal the two remaining members on the labor side. The board will now proceed as a public board and will proceed on course, and the fight against inflation will go on until the American consumer and the American worker win the fight.

I hope that those leaders who have staged this walkout will reconsider, in their interest, in the interest of the American people, and particularly in the interest of the consumer.

Mr. President, I ask unanimous consent to have the full message of the President printed at this point in the RECORD.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
March 23, 1972.

STATEMENT BY THE PRESIDENT

The spirit of voluntary cooperation is the key to victory in the battle against inflation. I emphasized this point when I first announced my new economic policy last August and repeated it last October outlining the price stabilization program. I described at that time some of the sacrifices which millions of Americans were making in the fight against rising prices. And I indicated that our success in this struggle would ultimately depend on the willingness of all our people to "put the public interest ahead of the special interest"—and thus to continue that good fight.

That is why the decision of three of the five representatives of organized labor to resign from the Pay Board is a disservice to the American people.

Since it was established last October—at the specific urging of organized labor—this tripartite Board has been a central part of the Phase Two program.

There has been much strong evidence that this program is succeeding. In the six months from August, 1971 to February, 1972, the rise in the Consumer Price Index was cut to an annual rate of 3.3 percent, down from a 4.1 percent increase in the previous six months. Real, spendable weekly wages after taxes rose 5.4 percent in the last six months, compared to a 1.3 percent increase in the previous six months. In the last six months, seasonally adjusted employment rose 1,123,000, while unemployment declined by 234,000.

Any program of controls in a free economy will have its ups and downs. But what is important is that we are moving in the right direction. The Wage and Price control system is working. But continued cooperation of all Americans is needed if we are to win the battle against inflation.

In these circumstances, the decision of three of the labor representatives to walk off the job of fighting inflation is totally selfish and irresponsible.

The West Coast longshoremen's settlement was the only specific case referred to in yesterday's statement by the Executive Council of the AFL–CIO, a statement which severely criticized the general pattern of Pay Board decisions. The Pay Board disallowed a 20.6 percent compensation increase which Mr. Meany and his colleagues supported but approved a 14.9 percent increase, even though it was more than double the general limit which the Board had set.

The Pay Board was right and Mr. Meany was wrong on this issue.

The general pattern of decisions of the Pay Board is one with which the labor representatives have largely agreed. Of the 54 Pay Board decisions to date, labor has agreed in 36 of the votes—two thirds of the total. It has disagreed with only 13 decisions—or 25 percent. In one instance labor's representatives were split and in four instances they abstained. Over half of the Pay Board's decisions have been unanimous and, of the eight major wage cases voted on by the full Board which have been the most controversial, labor has agreed with the outcome in five. When the labor representatives say that this general pattern is one of "flagrant favoritism," they must recognize that the pattern is one to which they have generally agreed.

It is true, of course, that labor's representatives have not prevailed in every instance—and that they did not succeed in their effort to uphold the full 20.6 percent longshoremen's increase. In a free society no one is right all the time and no one can have his way all the time. All participants must be ready to accept a reasonable amount of give and take.

Organized labor's views have not been ignored by the Pay Board. In fact, they have usually been accepted. But we cannot and will not allow any single group—business or labor—to be the exclusive judge of fairness in its own case. The public interest must come before any special interest.

Our economic policies will continue to require certain sacrifices of the American people. But I am convinced that these policies are also in the best interests of all the American people. I am especially confident that they serve the best interests of our working men and women. For wage earners know that wage increases which are inflated are illusionary wage increases—they are inevitably cancelled out by rising prices.

Although a few labor leaders have chosen to reject their public responsibility and have sought to justify their action with standard political rhetoric, this Administration will not accept an "anti-labor" label. On the contrary—there can be no more "pro-labor," pro-workingman stand than a firm decision to protect the buying power of the wage earner's dollar.

Inflation is a dangerous and difficult enemy. We have set the course in the battle against that enemy—and our decisions have won the overwhelming approval of the Congress and the American public. I am determined to stay that course; I shall not be deterred by the disaffection of a few union leaders who represent only 17% of America's 80,000,000 wage earners.

My obligation is to serve the public interest—and the public interest will be served.

I have directed the Pay Board to continue, but as a single public unit, with those labor leaders who wisely wish to remain balanced by a reduced number of business leaders. All will be public members with the special perspectives of labor and business represented in their deliberations.

I have directed the Price Commission to proceed on course, working alongside the Pay Board to cut inflation in half by the end of this year.

All rules and regulations remain in full force.

The fight against inflation will go on until the American consumer and the American worker win the fight.

EGG INDUSTRY ADJUSTMENT ACT

The Senate continued with the consideration of the bill (S. 2895) to enable producers of commercial eggs to consistently provide an adequate but not excessive supply of eggs to meet the needs of consumers for eggs and to stabilize, maintain, and develop orderly marketing conditions for eggs at prices reasonable to the consumers and producers.

The PRESIDING OFFICER (Mr. BYRD of Virginia). Who yields time?

Mr. TALMADGE. I yield myself whatever time I may take.

Mr. President, this is a very simple bill. Eggs are selling at the lowest price in some 40 years. They have been selling below the cost of production for some 2 years.

I am informed by the egg producers associations that the net worth of egg producers now is a minus. In other words, if they sold all their assets, they could not pay all their debts. They are in a desperate condition and are going broke day by day throughout the United States simply because the supply of eggs is greater than the demand, and prices are below the cost of production.

One of the reasons for that, Mr. President, is that a vaccine has been developed which eliminates Marek's disease. Heretofore, that disease would kill off about 20 percent of laying flocks, but now virtually all laying flocks survive. In addition, the birds are healthier and they lay more eggs while the number of birds is not much higher than it has been in previous years.

Mr. President, the production of eggs is considerably higher. In order to do something about it, the egg associations throughout the United States, working together and working with the Department of Agriculture, tried to come up with a plan that would cost the Government virtually nothing. It would maintain, so far as practicable, the elements of free enterprise and, at the same time, try to bring the production of eggs in line with demand. They came up with a plan to create an egg board within the Department of Agriculture. This board would be composed of 15 members of which 5 members would be representative of consumers. This egg board would act in an advisory capacity to the Secretary of Agriculture.

Now if the Secretary of Agriculture, acting on the advice of the advisory board, approved the plan, it would be mandatory to have a referendum of the egg producers—and an egg producer is defined as anyone with a flock of 1,000 birds or more—and before the plan would become effective it would have to be approved by an affirmative vote of two-thirds of the producers or an affirmative vote of the producers owning or tending two-thirds of the number of birds. So the plan would not go into effect without the affirmative declaration of the producers of eggs themselves.

The plan could go into effect also only if the price of eggs sold for three consecutive 30-day periods is below the cost of production. Then, after a referendum of the producers, the Secretary of Agriculture could inaugurate an early elimination of the laying hens in the flocks.

I would point out that all laying hens ultimately are eliminated from the flocks. They are sold largely to canners. They go into canned soups. They are usually sold only at the expiration of the time of their laying efficiency. But in order to bring supply in line with demand, if this program goes into effect, the Secretary of Agriculture can authorize the elimination of a certain number of birds within each laying flock.

I would point out further, Mr. President, that all laying flocks of 15,000 birds are automatically exempt, so that the reduction in the number of birds would be in that part of the laying flocks in excess of 15,000 birds.

That, Mr. President, would protect the small producers and would affect only the large producers.

The pending bill is temporary in scope. It lasts only for 2 years. But the operation of the bill itself would be much more limited than the 2-year period.

First, it cannot go into effect unless eggs are selling at below the cost of production for 90 days and on an affirmative vote of the egg producers by a two-thirds majority in number or volume.

Second, if it stays in effect, it would automatically go out of operation as soon as the price of eggs equals or exceeds the cost of production for a 90-day period.

That, Mr. President, is the simple

arithmetic of the bill. Some 44 egg associations in the United States vigorously support the bill. There are about 10 egg associations combined, as a rule, between poultry associations and egg producers, that oppose it. The overwhelming majority support it.

It cannot go into effect without the overwhelming support of producers. It will not cost the Government anything except the cost of administration.

On the last page of the committee report, Senators will find a letter from Under Secretary of Agriculture Campbell. The last paragraph on page 11 reads:

> S. 2895 would cost approximately $2.5 million for the first six months of operation and about $4 million each year thereafter.

That is a summary analysis of the bill.

Mr. President, the committee voted 10 to 2 to report the bill to the Senate and I hope that it will sustain the action of the committee.

Mr. President, I ask unanimous consent that my full statement and a complete analysis of the bill appear in the RECORD at this point.

There being no objection, the statement and analysis was ordered to be printed in the RECORD, as follows:

FLOOR STATEMENT ON S. 2895, THE EGG INDUSTRY ADJUSTMENT ACT

(By Senator HERMAN E. TALMADGE)

Mr. President, the Egg Industry Adjustment Act is a very simple bill. As reported by the Committee, it would provide for a 15 man Egg Industry Adjustment Board composed of 10 producer representatives, appointed by the Secretary of Agriculture from industry nominations, and five consumer representatives also appointed by the Secretary. Upon the recommendation of the Board, the Secretary would be authorized, if the seasonally adjusted average farm price was below the average cost of production for the preceding three consecutive thirty-day periods, to issue a regulation to adjust the supply of commercial eggs. The program could, among other things, require the slaughter of a uniform percentage of that portion of each producer's flock in excess of 15,000 birds. Flocks below this number would be totally exempted. This reduction would then have to be maintained for a six-month period except to the extent otherwise prescribed by the Secretary.

Brown eggs and white eggs could be handled under separate programs.

Producer approval of the program would be required by a two-thirds majority in volume of birds or number of producers. All producers owning or tending flocks of 1,000 or more birds would be eligible to vote.

The bill would become effective upon enactment and would expire two years thereafter.

Mr. President, the egg producers in this country are in a desperate situation. Egg prices have been the lowest since the early 1940's and egg production costs, like all other farm costs, are high.

The current depression in the egg producing industry followed a two-year period of reasonable prices that began in mid-1968 and culminated in late 1969 and the early 1970's. During that period the wholesale price of 10 per cent, AA, large eggs, in New York City peaked at 65 cents per dozen and averaged 62 cents per dozen in January, 1970. Two years later the value of eggs of the same quality in the same market averaged only about 30 cents per dozen, a decline of more than 50 per cent.

Since mid-1970 the egg industry has been in a severe cost-price squeeze. During 1971 prices received by egg producers averaged 18 per cent below the 1970 level, despite increased production costs. The situation in 1972 is even worse. During January and February of this year the New York wholesale price averaged about 30 cents per dozen compared with 36 cents during the comparable period a year ago and over 57 cents per dozen in 1970.

At these wholesale price levels, farmers are receiving an average of less than 20 cents per dozen for eggs they produce since the margin between the farm price and wholesale price generally runs about 10 to 12 cents per dozen.

These disastrously low prices have weakened the financial position of many producers to the point where unless relief is provided they will be forced out of the business.

The industry has made every possible effort to voluntarily cut back production to the point where reasonable returns could be expected. Thus far they have failed. One of the reasons for failure this time, whereas on other similar occasions they have succeeded, is a breakthrough in the control of Marek's disease.

Due to the tremendous efficiencies brought about by the use of a new vaccine to control this costly disease, a cut back in the size of the laying flock that normally takes place when extremely low prices prevail for a long period of time has not been sufficient to reduce the number of eggs available for marketing. Marek's vaccine has reduced the mortality of the replacement flock, reduced the mortality of the laying flock, and has increased the rate of lay.

The present over supply of eggs is not the result of increases in the laying flock. Department of Agriculture statistics show that the average number of layers for 1971 remained at about 322 million birds, the same level as in 1970, while production increased by 1.5 billion eggs from 70.2 billion in 1970 to 71.7 billion in 1971, an increase of five eggs per layer. During the first two months of 1972, the number of birds were slightly under this same period last year but one per cent more eggs were produced. This one per cent increase in egg production has resulted in a price decline from 36 cents per dozen for January and February of 1971 to only 30 cents per dozen for January and February of 1972, a 17 per cent decrease in price.

In order to prevent further disaster to egg producers, an additional slight reduction in the size of the laying flock is required. But farmers cannot make this necessary adjustment without help. They are only asking that after the price of eggs is below the cost of production for three consecutive months their government be allowed to determine, upon the advice of a Board representing both producers and consumers, the number of birds that need to be removed from the nation's laying flock in order to restore prices to a proper level and that the government as a disinterested third party referee this action so that everyone not exempted removes his fair share.

This industry, which has long been a strong advocate of the free enterprise system with a mimimum of government regulations, is not asking for price support or other financial assistance on their products or even relief from the temporary loss that would occur with the early marketing of productive layers. They simply want the Secretary of Agriculture to help them adjust the size of their laying flock.

Many people may think it unreasonable or harsh to send these productive layers to market for slaughter. But let us look at the facts. There are well over 300 million layers in the flock today. All of these birds will eventually be slaughtered and sold either as stewing chickens or be used in processed foods, such as soup, or will be included in the statistics on flock mortality. An average of about five per cent of the flock is removed either by mortality or by marketing for slaughter each month. But this is not enough. A small additional percentage needs to be removed now. All the producers of eggs are really talking about is the requiring of early slaughter of birds that otherwise would be slaughtered any way.

There have been charges that this early removal of laying hens will drastically raise the price of eggs to consumers now and forever more. But this is not so. The bill specifies that when the price of eggs exceeds the cost of production for three consecutive 30-day periods, the program must be terminated.

This legislation is designed only to provide the machinery to stabilize prices and prevent the traumatic peaks and valleys caused by extremely low and high prices. It is not designed to guarantee profit or prevent losses to producers.

During consideration of the bill by the Committee a number of changes were made some of these would:

(1) Require producer approval of a program. In approving the bill the Committee felt it was responding to the overwhelming feeling of egg producers that some form of immediate action was necessary to correct an intolerable situation. However, the Committee also felt that producers should have an opportunity to express themselves on the proposal before implementation. Therefore a referendum requirement was added.

(2) Provide that five of the fifteen Egg Industry Adjustment Board Members would be consumer representatives;

(3) Restrict the management cost factor in computation of average production cost to a reasonable allowance for on-farm management personnel;

(4) Make it clear that the percentage slaughter requirement would be applied after deducting the exemption from the total flock;

(5) Increase the exemption to 15,000 fowl. The exemption originally provided in the bill was 10,000 birds.

However, the Committee felt that a 15,000 exemption was preferable since this larger number would offer additional protection to the small family farmers.

(6) Provide for reducing any producer's exemption as necessary to prevent him from sharing in two exemptions or increasing his exemption;

(7) Prohibit any producer for six months after a slaughter requirement from increasing his flock above the reduced size or the exemption, whichever is greater, except to the extent provided by regulation;

(8) Require contractors to apportion any reduction equally among their contract producers;

(9) Require slaughter at such times and manner as not to interfere unduly with the orderly marketing of slaughtered fowl.

Mr. President, this is a bill desperately needed to prevent bankruptcy of egg producers.

This is a bill which will not go into effect unless approved in a referendum by egg producers.

This is a bill which provides for a real expression of consumer interests.

This is a bill which provides special protection for the small family farm.

And finally, this is a bill which will permit egg producers to regulate their own operations without an outlay of government money in the form of subsidies or price supports.

Mr. President, I sincerely hope that the Senate will approve this measure.

Mr. President, I ask unanimous consent to have printed in the Record a section-by-section explanation of the bill.

SECTION-BY-SECTION EXPLANATION

Section 1. Short title.—This section gives the act the short title, "Egg Industry Adjustment Act."

Section 2. Legislative findings.—This section sets out the facts that make the act necessary for the regulation of interstate commerce in eggs and egg-producing fowl.

Section 3. Declaration of policy.—This section declares it to be the policy of Congress to maintain orderly market conditions in order to provide producers and consumers with reasonable prices for eggs. This section also makes it clear that the broiler and broiler breeder fowl industry is in no way covered by this act.

Section 4. Egg Industry Adjustment Board.—This section requires the Secretary of Agriculture to appoint a 15 man Egg Industry Adjustment Board consisting of 10 producer representatives and five consumer representatives. The committee discussed the possibility of providing specifically for the inclusion of persons associated with egg marketing cooperatives and general farm organizations on the Board; but decided that the act clearly permits their inclusion on the Board and felt that no further provision was necessary. It seemed quite likely to the committee that such persons might be nominated by egg producers or producer organizations.

The board members who are representatives of producers are required to be (1) geographically and proportionately representative of commercial egg production areas of the Nation; and (2) appointed from nominations submitted by commercial egg industry producer organizations, except that the Secretary may select such Board members from nominations submitted by commercial egg producers whose interests are not represented by such producer organizations to the extent necessary to give those producers proportionate representation on the Board.

Board members would serve at the pleasure of the Secretary but not more than 2 years. The Secretary could also appoint up to four ex officio (nonvoting) members.

The Board would meet semiannually, or more often at the call of the Secretary, or upon petition of one-third of its members.

The Board would be terminated upon either a two-thirds vote of its members or a determination by the Secretary that its continuation no longer tends to effectuate the declared policy of the act. Termination would not preclude the Secretary from later reestablishing a new Board if such reestablishment would tend to effectuate the declared policy of the act in the light of changed conditions.

Members of the Board would serve without compensation, but be reimbursed for necessary expenses.

Section 5. Duties and powers of the Board.—This section requires the Board to recommend a regulatory program for adjusting the supply of commercial eggs. The Board would also advise the Secretary, if requested, on rules and regulations needed to effectuate the act, and have such additional duties and responsibilities as the Secretary may prescribe.

The Board could, with the approval of the Secretary, accept any services, use of any facilities, or use of any personnel of any college, university, research organization, poultry trade association, farm cooperative association, or other qualified persons.

Section 6. Egg industry adjustment program.—This section authorizes the Secretary to make the program recommended by the Board effective if he finds that (1) the seasonally adjusted average farm price received for eggs by a representative sample of egg producers is less than the average cost of production of such producers for a period of at least three consecutive 30-day periods, and (2) the program will effectuate the policy of the act and is approved or favored:

(i) By at least two-thirds of the producers who, during a representative period, have been engaged in the care or ownership of flocks of 1,000 or more fowl, or

(ii) By producers who during such representative period have cared for or owned at least two-thirds of the number of fowl in flocks of 1,000 or more fowl, computed on the basis of the highest number of fowl in each such flock during such representative period.

For the purpose of ascertaining such approval, the Secretary shall conduct a referendum among such producers. In the case of an amendment to the program he may, but need not, conduct a referendum. In instances of contract production, the owner of the laying flock shall be entitled to vote one-half the number of fowl covered by the contract and the producer who cares for the flock shall be entitled to vote the other half of such number of fowl.

If a program provides a method for slaughter or for specifying slaughter percentages, and is approved by producers, the subsequent application of the method to fix specific percentages or to impose regulation pursuant to the method, as needed, would not require producer approval by referendum or otherwise.

Determinations by the Secretary as to approval or disapproval of a program by producers would be final and conclusive.

No program may be continued after the seasonally adjusted average farm price described in (1) above has exceeded the cost standard described in (1) above for at least three consective 30-day periods. Any determination by the Secretary of such price and cost would be final and not subject to review. In determining the average cost of production, the Secretary would include a reasonable allowance for the cost of management by persons who work on the farm, and exclude any cost of management by other persons. The Secretary would publish the average prices and costs determined by him, together with an itemization of the major elements of cost considered and a description of the method used.

Section 7. Terms and conditions of program.—This section requires any program under the act to contain one or more of the following provisions and no others:

(A) A provision for the slaughter from time to time of a uniform percentage of that portion of the total number of egg-producing fowl owned by each producer in excess of the exempt number. The exempt number would be 15,000. To prevent evasion of the act the exempt number for any producer would be reduced by:

(1) The number of fowl owned by another for the benefit of such producer;

(2) That part of the number of fowl owned by any corporation in which such producer owns as much as 10 per centum of the stock which bears the same relationship to the total number of fowl owned by such corporation as the stock in such corporation held by such producer bears to the total stock of such corporation;

(3) That part of the number of fowl owned by any partnership in which such producer is a partner which is proportionate to such producer's interest in the partnership;

(4) The number of any fowl owned by any member of such producer's household other than for the benefit of such producer which were acquired from such producer or with such producer's funds and without the payment of adequate consideration to such producer therefor; or

(5) Such additional number of fowl as the Secretary may deem fair and equitable and by regulation prescribe in order to prevent any person, firm, partnership, corporation, or other entity from—

(i) Participating in the benefit of any exemption in excess of 15,000 fowl, or

(ii) Increasing the exemption accruing to his benefit through formation or dissolution of partnerships, corporations, or other entities, or by other means, including, but not limited to, any arrangement whereby a producer makes available the ownership of fowl to (i) a producer who normally engages in caring for fowl for the account of others, or (ii) any other person, while retaining control of the marketing of eggs produced by such fowl.

The Secretary could prescribe exemptions from the foregoing exemption reductions as necessary to prevent hardship or inequity. For 6 months after being required to slaughter any of his flock, no producer could increase his flock except to the extent prescribed by the Secretary. Any slaughter by a contractor would be required to be apportioned pro rata among the flocks cared for by him and by other producers pursuant to contract with him. Slaughter would be required to be made at such times and manner as would not unduly interfere with the orderly marketing of slaughtered fowl.

(B) A provision for adjustments and exceptions as necessary to provide equity and relieve hardship of persons whose production is substantially unrepresentative of their normal operations.

(C) A provision requiring persons who acquire egg-producing fowl for slaughter, to certify that such fowl have been slaughtered, make reports to the Secretary, and maintain books and records.

(D) A provision for administration of the program by the Secretary through such facilities and personnel of the Department of Agriculture (including local, county, and State committees established under section 8 of the Soil Conservation and Domestic Allotment Act, as amended), as the Secretary may designate, and for the collection, compilation, and analysis of reports and other information obtained under the program.

(E) A provision for different programs for brown and white egg production.

(F) Terms and conditions incidental to and not inconsistent with the foregoing provisions as necessary to effectuate the program.

Section 8. Suspension or termination.—This section provides for termination or suspension of the program or any provision thereof whenever it obstructs or does not tend to effectuate the act, or is not in the public interest.

Section 9. Provisions applicable to amendments.—This section makes the provisions of the act applicable to amendments to the program.

Section 10. Petition and review.—Any person subject to the program or any regulation under the act, may file a written petition with the Secretary, stating that such program or regulation is not in accordance with law and praying for a modification thereof or to be exempted therefrom. After a hearing, the Secretary's ruling upon such petition would be final, if in accordance with law.

Subsection (B) vests jurisdiction in the district court of the United States for the district in which such person is an inhabitant, or has his principal place of business, to review such a ruling if a complaint is filed within 20 days from the date of the ruling. If the court determines that the ruling is not in accordance with law, it shall remand to the Secretary with directions (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires.

Section 11. Enforcement and penalties.—The several district courts of the United States are vested with jurisdiction specifically to enforce, and restrain violation of, the act. Violators of the act are also liable to a penalty of not more than $5,000 for each offense, which may be recovered in a civil suit, and each day an offense continues shall be deemed a separate offense. These provisions are in addition to any remedies now or hereafter existing at law or in equity.

Section 12. Registration, reporting, and recordkeeping.—This section authorizes the Secretary, whether or not a program is currently in operation, to—

(A) Require egg producers to register;

(B) Require egg producers to report with respect to their production of eggs, the size and age of their flocks of egg-producing fowl, the prices received by them for eggs, the costs of producing eggs, and such other information as he may require;

(C) Require egg producers to keep such books and records as he may require. Such books and records would be open for inspection at all times during normal business hours by authorized representatives of the Secretary; and the Secretary would be authorized to examine such books, papers, records, copies of income tax reports, accounts, correspondence, contracts, documents, or memorandums as he deems relevant and which are within the control of such person, or any party having, either directly or indirectly, actual or legal control of or over such person or of any subsidiary of any such person;

(D) Conduct such other investigation and require such other reports and records as he may determine to be reasonably necessary in the administration of the act.

Section 13. Confidential data.—This section requires that all information furnished to or acquired by the Secretary in the administration of the act is to be kept confidential. Only information necessary to the enforcement or defense of the program is to be disclosed, and then only in a suit or administrative hearing initiated by the Secretary, or to which he or any officer of the United States is a party, and involving the program with reference to which the information to be disclosed was acquired. Nothing in this section would prohibit (i) the issuance of general statements based upon reports of a number of persons subject to a program, which do not identify the information furnished by any person, or (ii) the publication, by direction of the Secretary, of the name of any person violating the program together with a statement of the particular provisions of the program violated by such person. Violations of this section would subject the offender to a fine of up to $1,000, imprisonment for up to 1 year, and removal from office.

Section 14. Regulations.—This section authorizes the Secretary to make such rules and regulations as may be necessary to carry out the provisions of the act.

Section 15. Investigations.—This section authorizes the Secretary to—

(A) Make investigations necessary to carry out the act;

(B) Administer oaths, subpena witnesses, compel their attendance, take evidence, and require the production of books and documents; and

(C) Invoke the aid of the appropriate court of the United States in requiring the attendance and testimony of witnesses and the production of books and documents.

Section 16. Definitions.—This section defines the terms "Secretary", "person", "eggs", "producer", "fowl", and "United States", as those terms are used in the act. Eggs and fowl are defined so as to make it clear that the act deals with chicken eggs sold for human consumption and egg-laying chickens over 20 weeks old. Produce is refined to make it clear that both the owner and the person tending the flock under contract are considered to be producers. United States is defined so as to make it clear that the act is confined to the 48 contiguous States and the District of Columbia.

Section 17. Separability.—This section provides that if any provision of the act is held invalid, the validity of the remainder shall not be affected thereby.

Section 18. Authorization.—This section authorizes the appropriation of such funds as are necessary to carry out the act.

Section 19. Effective Date and Expiration.—This section makes the act take effect upon enactment and expire 2 years after enactment.

Mr. MILLER. Mr. President, I regret that I cannot vote for the pending bill.

There is a serious problem of overproduction in the egg industry—everyone knows that. Moreover, I am persuaded that Federal legislation could be helpful in relieving the problem. However, this bill is not the way to do it.

On the basis of letters and telephone calls, I have conculded that the producers in my State are very evenly divided for and against.

Our committee received testimony against this bill from successful producers who asked to be left alone by their Government, stating that in their area or in their particular operation they were getting along reasonably well and felt they should not be forced to bear some of the cost of a problem which they did not cause. Many of the producers in my State have taken the same position.

The only way to accommodate these people—to avoid forcing them to cut their flocks because of a nationwide problem which does not apply to their locale, and which they had nothing to do with, would be to establish a voluntary program, with an adequate incentive to obtain sufficient flock reduction compliance to meet the problem. I offered an amendment in committee which would have done this—providing for Government price support in the amount of the cost of production. This was rejected by a very substantial majority of the committee.

And so we are left here with a compulsory program, subject, of course, to a referendum. However, the referendum allows producers having flocks as small as 1,000 layers to vote. Since producers having flocks of 15,000 or fewer birds are exempted from any forced reduction, they really would have nothing to lose and everything to gain by voting for the program in a referendum. This does not seem fair to those who want to be left alone and would vote against the program.

I believe that those who are inclined to favor this bill should realize that they could be ordered to reduce their flocks by as much as 20 percent in order to achieve the 8 percent total national reduction estimated to be needed to bring about stability in the egg markets. Some of them might be willing to do so. But in the case of those who want to be left alone and do not have a problem in their operation, this would be a severe blow to be forced upon them by their Government.

Mr. President, I reserve the balance of my time.

Mr. BURDICK. Mr. President, will the Senator from Iowa yield me some time?

Mr. MILLER. I yield 3 minutes to the Senator from North Dakota.

The PRESIDING OFFICER (Mr. BYRD of Virginia). The Senator from North Dakota is recognized for 3 minutes.

Mr. BURDICK. Mr. President, I wish to express my opposition to S. 2895, the Egg Industry Adjustment Act.

In the past few weeks I have met with egg producers in North Dakota to discuss this proposal and, after the bill was favorably reported by the Senate Committee on Agriculture and Forestry. I contacted a number of these producers by telephone to discuss with them the provisions of the bill as amended.

They see no need for this legislation and have so informed me in forceful language in a telegram dated March 17 from Francis Schol, president of the North Dakota Egg Producers Association.

I ask unanimous consent that the text of the telegram be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

Northwood, N. Dak., March 17, 1972.

Senator QUENTIN BURDICK,
Senate Office Building,
Washington, D.C.

Request your strongest opposition to S. 2895 Egg Industry Adjustment Act. The proposed legislation is completely unenforceable and serves only to establish a foot in the door to total government control of egg industry. The bill only seeks to bail out those who have expanded beyond sound business judgment while working a severe hardship on the producers who respond to the market. Giving authority to some—the one thousand to twenty thousand bird producers—to visit restrictions and curtailment on others—the over twenty thousand producers—is undeniably inequitable. The board of directors of the North Dakota Egg Producers Assn. unanimously oppose S. 2895.

FRANCIS SCHOL,
President, North Dakota Egg Producers Assn., Northwood.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and that the text as amended be considered as original text for purposes of further amendment.

The PRESIDING OFFICER. Is there objection? Without objection, the committee amendments are considered and agreed to en bloc and the text as amended will be considered as original text for purposes of further amendment.

The bill is open to further amendment.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I yield 2 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 2 minutes.

Mr. CURTIS. Mr. President, the pending legislation is not without a problem. It is a new department. Some concern has been expressed about certain matters concerning the administration of the act because, unlike acres that are farmed, there are no specific statistics on individual flocks of chickens. It is a type of industry that can fluctuate very rapidly.

Questions have been raised as to how effective the cutback would be of laying hens. Notwithstanding that, there are a number of egg producers who feel that the act ought to be tried.

I would be less than candid if I did not say also that there are a number of those who are very much opposed. I believe the RECORD should show these two facts, however.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TALMADGE. Mr President, I yield 3 additional minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 3 additional minutes.

Mr. CURTIS. Mr. President, no action can be taken under this proposal, should it become law, without a referendum. If a referendum is held, all producers who have flocks of 1,000 or more birds will be entitled to vote. And no order for a cutback in the volume of birds or in the number of producers can become effective unless the producers approve the proposed program by a two-thirds majority vote.

In other words, no program of reduction of laying flocks will become effective unless two-thirds of the producers approve it.

The second point I would like to mention and one that is entitled to consideration in this matter is that it does not involve a Government subsidy. In the past some efforts have been undertaken to increase the price of eggs and poultry, and particularly eggs, and they have run into a great deal of difficulty. There is no Government subsidy planned in this proposal.

It also should be pointed out that in a sense this is somewhat of a trial. If it is concurred in by the House and if the measure is signed by the President and becomes law, it is to be for a period of 2 years.

This is a new departure in many sections and we do not know the answer, but I felt it important to place in the RECORD the fact of the referendum, that there is not a Government subsidy involved, and that this is a program to be tried for 2 years.

Mr. President, I yield the floor.

Mr. DOLE. Mr. President, I intend to vote against S. 2895, for I fear that this legislation would establish a precedent on production control that none of us would care to see created. This legislation authorizes the Secretary of Agriculture to order the reduction in flocks of laying hens in sufficient quantities to stimulate the price of eggs.

FIRST HENS—THEN SOWS AND COWS

Somehow there is a principle in this authorization that I cannot accept—for I can foresee the day when this body would consider passage of similar legislation that would authorize the similar killing of sows to stimulate pork prices—or to kill cows to raise beef prices.

I am eager to improve net farm income for all farmers, including the egg producing segment, however, control over the number of laying hens a farmer owns should be left to his own determination.

REFERENDUM NOT EQUITABLE

A producer referendum is, of course, now included in the legislation. Since this referendum will enable all producers with 1,000 layers or more to vote, this adds some justification for support of the measure, however, those producers who have not expanded their flocks recently to contribute to the excess production and who were in the minority in such a referendum will also be required to reduce their flock size. Such action, to me, represents an unconscionable taking of property without due process of law.

HATCH CONTROL BETTER SOLUTION

Also, I would concur with the recommendation of the Department of Agriculture that a better approach might well be the regulation of hatches and placement of started pullets.

Finally, the value of the information gained and service rendered in the taxpayer's behalf makes it difficult to justify the $4 million annual cost.

PROVIDES FOR FUTURE "KILLS"

Mr. President, I urge my colleagues to join me in opposing this bill. I do not deny that an emergency situation exists in the egg industry today with farmers receiving less for their eggs than it costs to produce them. That has been well documented. Such a critical situation should be met with legislation that will provide the desired correction now, but more important, that would prevent a recurrence of the overproducion. This legislation only provides future "kill" mandates to correct future overproduction.

VOLUNTARY REGULATION

It would seem to me that far less than $4 million could accomplish a program of voluntary hatch regulation by providing the egg producers with information on the number of layers on a regular reporting basis.

An emergency measure should eliminate the emergency and prevent its recurrence—not provide for that emergency's recurrence—at a cost of $4 million per year.

Mr. CHILES. Mr. President, I believe I am fully aware of the serious difficulties many egg producers are faced with today. But I do not feel S. 2895 as written will be able to accomplish its intended purpose, and may materially harm the small and medium-sized producer.

One of the provisions I especially object to is the fact that the act provides that any producer who has 1,000 fowl or more would be eligible to vote in the referendum. However, the legislation, in addition, provides an exemption of 15,000 fowl in connection with any mandatory fowl slaughter program approved in such referendum. This, in effect, means that a producer who has from 1,000 fowl to 14,999 fowl has the right to vote in a referendum but is exempt from any of the terms and conditions of the fowl slaughter program. This does not make sense to me.

After studying the bill and talking with egg producers I have concluded that this bill will not serve to accomplish its stated purpose, will almost surely add chaos to an already intolerable situation, and could do serious harm and irreparable damage to many of the family farm and moderate-sized independent producers. I voted against reporting the bill out of the Agriculture Committee and I do not favor its passage on the Senate floor today.

Mr. AIKEN. Mr. President, although this bill will not be the salvation of the egg industry, it will be of help to the smaller egg producers of the country, especially those who have less than 15,000 laying hens. Production of the large producers, some of whom have laying hens numbering into the millions, has really mushroomed, and the little fellow cannot stand the result. So Vermont, New York, and New England producers, I think for the most part, are in favor of this bill because they are the small producers. As I say, although any relief would be temporary, it would be helpful to the small producers.

Therefore, Mr. President, I support the bill.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent, and I think I speak with the approval of the ranking Republican member of the committee and the chairman of the committee, that the vote on the pending measure, which I approve of because I think it is an important and needed step in the right direction, occur at the hour of 10:45 tomorrow morning.

The PRESIDING OFFICER. Does the Senator wish to waive rule XII?

Mr. MANSFIELD. Yes, I ask that rule XII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I ask for the yeas and nays on the pending bill.

The yeas and nays were ordered.

CONFERENCE REPORT ON RADIO FREE EUROPE AND RADIO LIBERTY TO BE VOTED ON AT 11 A.M. FRIDAY, MARCH 24, 1972

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays on the conference report on Radio Free Europe and Radio Liberty at 11 o'clock tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the conference report covering Radio Free Europe and Radio Liberty occur at 11 o'clock tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. On that measure I ask for the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MANSFIELD. Mr. President, we come in at 9 o'clock tomorrow. We have orders for four 15-minute speeches.

I ask unanimous consent that at the hour of 10 a.m. tomorrow, Calendar 611, H.R. 9526, an act to authorize certain naval vessel loans and for other purposes, be laid before the Senate and made the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, the way it looks now we might be able to complete our business around 12 o'clock noon tomorrow, and then the Senate will go over until 10 a.m. or 11 a.m. on Tuesday next. In other words, there will be no session this coming Monday. I think the Senate has earned a respite because its record in recent weeks has been magnificent.

EGG INDUSTRY ADJUSTMENT ACT

The Senate continued with the consideration of the bill (S. 2895) to enable producers of commercial eggs to consistently provide an adequate but not excessive supply of eggs to meet the needs of consumers for eggs and to stabilize, maintain, and develop orderly marketing conditions for eggs at prices reasonable to the consumers and producers.

Mr. MILLER. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. MILLER. I would like to ask a question of the Senator from Georgia so that this may be a matter of legislative history on this legislation.

Mr. TALMADGE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MILLER. Mr. President, this has to do with the referendum which is called for in the bill. My recollection is that there is nothing said in the bill itself or in the committee report on this point, but would it not be the intention of the manager of the bill, one which I would share, that in implementing the referendum the Secretary of Agriculture would make a timely announcement well ahead of the referendum of the terms and conditions of the referendum so that the press and the news media would carry this information and would inform the general public about the referendum.

Mr. TALMADGE. I think that is an absolute necessity.

Mr. MILLER. I thank my colleague. I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. PERCY. Mr. President, I have asked for a record vote on this bill because of the principle involved. This bill is basically aimed at increasing the price of eggs by requiring the slaughter of a certain proportion of the chickens in this country and thereby reducing the number of eggs. I think it would be another example of Government interference in the marketplace. I speak in opposition to this bill on behalf of a great many of the farmers in my State who would like to see us gradually move away from Government interference in the marketplace and work toward a freer market to the greatest extent we can.

Mr. TALMADGE. Mr. President, will the Senator yield at that point?

Mr. PERCY. I yield.

Mr. TALMADGE. Is the Senator from Illinois aware of the fact that the Illinois Poultry Council and also the Illinois Poultry and Hatchery Federation are on record supporting this bill?

Mr. PERCY. I am aware of that.

Mr. TALMADGE. I thank the Senator.

Mr. PERCY. Mr. President, I believe the principle involved here is an important one. I can well imagine that if this is a situation that holds true for chickens and eggs and that the price is depressed, as it has been, and I recognize that it has been since sometime in 1970, this same condition exists in other areas. We had very low hog prices a year ago and farmers certainly complained about $17 hogs. But they did not come in and ask for the Government to slaughter hogs. That might have brought back recollections of three decades ago when we had hungry people in this country and we were slaughtering hogs to try to control prices. In the case of hogs, the producers themselves voluntarily reduced the size of their output. They did this without Government intervention, interference, and control over costs, and hog prices are back up this year. Prices are back up for hogs to $27 and $28 now. That is a much healthier condition than if the price had been brought up by Government intervention, because once the Government moves into an area it is exceedingly difficult to move it out.

As I understand the bill it would set up a 15-man Egg Industry Adjustment Board composed of 10 producer representatives appointed by the Secretary of Agriculture from industry nominations and five consumer representatives also appointed by the Secretary.

If they so recommended, the Secretary of Agriculture could issue a regulation to adjust the supply of commercial eggs by requiring the slaughter of a uniform percentage of each producer's total flock of chickens in excess of 15,000 birds.

To set up the program, a referendum would be held and two-thirds of all producers with 1,000 birds or more would have to approve.

It would require all egg producers to register; require them to report on their production of eggs, the size and age of their flocks, the prices received for eggs, the cost of producing eggs, and other information. They would have to keep books and records open to inspection at all times. The Secretary would be authorized to examine the producer's books, papers, records, income tax returns, accounts, correspondence, contracts, and so forth.

If a producer did not kill the right number of chickens, he could be fined up to $5,000 a day.

The program would cost $4 million a year in administrative expenses.

I recognize, and certainly egg producers in my own State have pointed out, that they are in a boom-and-bust situation on occasion, as certain other agricultural products are. They are in a cost-price squeeze, as farmers have been for many years. For the egg producers, since mid-1970, this has been more difficult than before that time.

At present there is an oversupply of eggs due to decreased mortality of chickens and control of disease. Chickens are simply laying more eggs this year than last year.

The bill is represented to be the most feasible way to meet the problem—and I certainly respect the Committee on Agriculture and Forestry's attempt to solve this problem—but I simply do not feel that the only way to adjust prices is through forced slaughter of chickens.

I earnestly and deeply believe in the over-all ability of letting market conditions prevail. This certainly was true in the case of hogs within the past year.

Furthermore this bill for the first time would allow an official of the Federal Government to go onto a farm and order a producer to slaughter and sell a certain amount of his production. This would be a very dangerous precedent for future crops and animals. This would put further Government regulation into agriculture and move farther away from market forces.

We also are at a time of a budget squeeze. This bill adds another $4 million to the Federal budget, which, while it is not exactly a lot when we consider the over-all economy and budget, will nevertheless result in increased expenditures. We will also have a new Federal agency which will hire people and require another office to take care of this kind of work.

Such new offices are very difficult to get rid of. We have the whole structure of government as an example of how we keep adding things to the responsibilities of the Federal Government.

Taking the sentiment of my own farmers and trying to speak in their behalf, I would say that weighing in the balance all the various alternatives, they would prefer that we move in the direction of letting the market prevail.

For that reason, I have asked for a record vote and for that reason I will vote against the bill tomorrow.

I thank the Senator for yielding to me.

Mr. MILLER. Mr. President, if my colleague is of the same mind, I am ready to yield back the remainder of my time.

Mr. TALMADGE. Mr. President, I am ready to yield back the remainder of my time.

The PRESIDING OFFICER. What is the pleasure of the Senate?

ORDER FOR ADJOURNMENT UNTIL 9 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS ROTH AND BYRD OF VIRGINIA TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that after the two leaders have been recognized tomorrow morning under the standing order, the distinguished Senator from Delaware (Mr. ROTH) be recognized for not to exceed 15 minutes, and that he be followed by the distinguished Senator from Virginia (Mr. BYRD) for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, before moving to adjourn, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL TUESDAY, MARCH 28, 1972, AT 10 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in adjournment until 10 o'clock a.m. on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will meet at 9 o'clock a.m. After the two leaders have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, and in the order stated: Senator ROTH, Senator BYRD of Virginia, Senator WEICKER, and Senator STEVENSON.

At the conclusion of the unanimous-consent orders just referred to, the Chair will lay before the Senate—and under the order previously obtained by the majority leader, the time will be 10 o'clock—H.R. 9526, the naval vessel loan bill. Debate will proceed on that bill, and rollcalls on any amendment or passage of the bill could occur prior to 10:45 a.m., of course.

Under the order, at 10:45 a.m. a rollcall vote will occur on passage of S. 2895, a bill dealing with egg prices.

That will be immediately followed, at 11 a.m., by a rollcall vote on the conference report on Radio Free Europe. Senators are reminded, therefore, that there will be at least two rollcall votes tomorrow, and there may be more.

It is anticipated that the Senate will complete action on the various measures reasonably early tomorrow, so that all rollcall votes should be completed by 1 o'clock p.m. or thereabouts, if not earlier.

ADJOURNMENT UNTIL 9 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 o'clock tomorrow morning.

The motion was agreed to; and at 5:40 p.m. the Senate adjourned until tomorrow, Friday, March 24, 1972, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate March 23, 1972:

INTERSTATE COMMERCE COMMISSION

Rupert L. Murphy, of Georgia, to be an Interstate Commerce Commissioner for the term of 7 years expiring December 31, 1978, reappointment.

Alfred Towson MacFarland, of Tennessee, to be an Interstate Commerce Commissioner for the term of 7 years expiring December 31, 1978, vice John W. Bush, term expired.

EXTENSIONS OF REMARKS

FOOTWEAR PRICES TO RISE NEXT FALL

HON. WILBUR D. MILLS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. MILLS of Arkansas. Mr. Speaker, I am including with my remarks a most interesting article written by Mr. Leonard Sloane in the March 21, 1972, issue of the New York Times entitled "Footwear Prices to Rise Next Fall."

The article clearly shows the justification for licensing and limiting exports of hides from the United States. The Department of Commerce should act now on such a request that is and has been pending.

The article follows:

[From the New York Times, Mar. 21, 1972]

FOOTWEAR PRICES TO RISE NEXT FALL

(By Leonard Sloane)

Footwear prices will rise between $1 and $6 a pair next fall as a result of abnormally large buying of American hides by foreign countries, according to domestic manufacturers, retailers and tanners. Speaking at a news conference yesterday at the National Shoe Fair, leaders of the four principal trade associations in the footwear industry said that prices would advance still higher unless temporary hide export quotas were imposed immediately.

"In 1966, the Government did impose an embargo for much less urgent reasons than there are today," Harold Gessner, president of the American Footwear Industries Association, said. "Even if the Administration imposes embargoes on shipments out of the country, it will take three to four months to put this situation in balance."

INCREASES CITED

The industry executives at the conference, in the Statler-Hilton Hotel, attributed the forthcoming footwear increases to the recent price rises in hides and leather.

Irving R. Glass, president of the Tanners' Council of America, asserted that the average price of cattle hides jumped from 12 cents a pound on Aug. 15, 1971, when President Nixon's New Economic Policy was announced, to 26 cents a pound last Friday. During the same period, he added, the average price of leather rose from 56 cents a foot to 68 to 74 cents.

The prices of hides and leather are not controlled under the Administration's economic stabilization program because they are agricultural products. Large shoe manufacturers can apply to the Price Commission for increases based on their higher costs, while retailers are permitted to maintain their normal markups.

DEVALUATION A FACTOR

In tracing the background of the short hide supply in the United States that was said to be responsible for rising prices, Mr. Glass pointed to the decline in cattle slaughter in Argentina as the origin of this crisis. The United States and Argentina normally supply 80 per cent of the world's hide supply, but last year's Argentina supply was reduced by 3.5 million head of cattle.

When the Argentine Government imposed quota restrictions on hide exports last May, foreign demand converged on the United States. The currency devaluation on Dec. 8, 1971, gave many of these foreign buyers from Western Europe and Japan a 10 to 18 per cent price advantage in purchasing American hides, the American shoe men said.

In calling for immediate action by the President under the authority granted to him by the Export Control Act, the shoe men emphasized their belief that farmers are not the beneficiaries of the higher hide prices, since hides are a byproduct of cattle. "The packers are profiteering at the expense of the consumers," said Mark E. Richardson, president of the footwear industries association.

Edward Atkins, executive vice president of the Volume Footwear Retailers of America, observed that "this could be the break of the dike for stabilization" if footwear prices were not brought under control.

"Temporary restraints on export of United States shoe supplies in 1966 within a few months stabilized a similar situation," he said. "Every day of inaction fuels inflation."

OTHER ACTIONS

In other actions, the Olin Corporation said that its Ecusta Paper division will increase prices of six types of lightweight printing papers by $1 per hundredweight, effective April 1.

The Pennwalt Corporation announced that it was advancing the price of 50 per cent liquid caustic soda shipped from its Lemont, Ill., terminal to $77.50 a ton, from $71.50 a ton, effective April 1.

THE FEDERAL BUDGET FOR 1973

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. MAHON. Mr. Speaker, as has been our practice for a number of years and as now required under the Legislative Reorganization Act of 1970, the Committee on Appropriations in late January held an overall hearing on the President's budget for the forthcoming fiscal year 1973. Those hearings have just been printed and released. A copy was sent to each Member with the following letter:

COMMITTEE ON APPROPRIATIONS,
Washington, D.C., March 21, 1972.

DEAR COLLEAGUE: I enclose a copy of the overall hearings held by the Committee in late January on the FY 1973 budget, which I trust you will find helpful especially in connection with consideration of fiscal measures during the session. The hearings focused on the main features of the budget, its overall policy recommendations and economic and legislative assumptions. A number of subjects were covered.

There was considerable discussion of the so-called *full employment concept* under which spending is geared to *theoretical revenues* that would be received *if* the economy were operating at so-called full employment. Of course, the actual *Federal funds budget is projected heavily in the red*—$36.2 billion for FY 1973 on top of a reestimated $44.7 billion Federal funds deficit in the current FY 1972 budget—$80,898,000,000 for the 2 years, which is on top of a $29,866,000,000 Federal funds deficit last year (in other words, $110,764,000,000 now estimated for the 3 years). The Federal funds deficit closely approximates the increase in the Federal debt.

As you are aware, the budget projects *spending* (budget *outlays*) at $246.3 billion in FY 1973, nearly $10 billion above this year. Congress does *not*, however, act on the spending estimates, but rather on *new budget (obligational) authority* which totals $270,898,000,000 for 1973 in the President's budget (some $20 billion above the 1972 total).

Of this $270.9 billion new budget authority, *about $185.3 billion is subject to Congressional action at this session*—mostly in the appropriation bills. Appropriations for debt interest, for social security and other so-called permanent appropriations do not require annual Congressional action. And the $185.3 billion new authority requested for 1973 in turn involves actual spending (outlays), in 1973, of only about $126.8 billion; the remainder, if granted, would be paid out in future years.

As you know, actual spending (outlays) projected for any given year involves a heavy mix of (1) spending from new budget authority requested, (2) spending from large carryover balances of funds voted in previous years, and (3) spending from the so-called permanent appropriations that do not require annual appropriation action.

Furthermore, of the $185.3 billion new budget authority subject to action in this session, about $47.5 billion is for ongoing programs which first require authorization bill actions prior to taking them up in the appropriation bills. Another $10 billion involves new legislative proposals such as general revenue sharing.

I trust that you and your staff will find this material helpful and that you will feel free to call us for any further explanation you may wish.

Sincerely,

GEORGE MAHON,
Chairman.

Copies were, of course, also made available to the press and others. Copies are available—as long as the supply lasts—in the committee offices, room H-218 in the Capitol.

The budget is such an important document—touching as it does the lives and welfare of every American in one way or another—that I thought I should call attention to these hearings. The printed hearings contain much helpful information.

LABOR EDITOR DISCUSSES MINIMUM WAGE, BURKE-HARTKE BILL

HON. FLOYD V. HICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. HICKS of Washington. Mr. Speaker, in an editorial in the Tacoma Labor Advocate, Editor Darlow I. Goertzen has made some interesting comments on minimum wage and the Burke-Hartke trade bill. I believe this editorial is worth reading and commend it to my colleagues:

[From the Tacoma Labor Advocate, Mar. 16, 1972]

DIGGING AROUND

When I see the constant, often undercurrent competition between capital, labor, and management, it reminds me of Uncle Sam and his three legged milking stool as told to me by my Uncle Martin.

As I recall in high school, I was studying American Government and the assignment was to tell which is the most important, management, labor or capital. I went to my Uncle Martin with the problem. He was a smart man, a philosopher in overalls. He was in the midst of milking his cow, Bessie. I said: "Uncle Martin, what's the most important—capital, labor or management?"

He looked up at me from his milking and said: "son take a look at the three-legged milking stool I'm sitting on. If you can tell me which of the three legs is the most important, I'll tell you which is most important—labor, capital or management." He was telling me in his own way that they're all of equal importance.

All we Americans, personified in Uncle Sam, are sitting on a three legged milking stool—one leg, labor—one, capital—the other management.

We're all drawing from our natural resources, represented by Bessie the cow.

Say one leg or two legs are thinned or attacked by termites. The stool becomes weak, imbalanced and "the body politic" or Uncle Sam has a heck of a time milking a cow.

If one would listen to the voice of capital, one would think that its importance warrants it to be one very thick leg on Uncle Sam's milking stool while labor's leg is riddled with "termites."

Because of a "new economic policy" unions have lost wage bargaining power and the President signed a compulsory arbitration bill aimed at West Coast Dock Workers—after the dockers had ratified a new contract and returned to work. "He signed it while in Peking, 'as a symbolic gesture,' according to Labor Secretary James D. Hodgson."

How can a nation survive without profit? It can't. And capital is honorable.

Labor asks for what it needs in minimum wages in many cases and higher wages in others to compete with the inflated cost of living today. Why shouldn't labor have it. Isn't labor as honorable as capital?

Huge management lay-offs, especially in the aero-space industries, are touted as being the result of "workforce reduction" and a natural event in a computerization age. But subcontracts and contracts made abroad by multinational firms lends itself to their lay-off. Shouldn't those who have been laid off in management survive? Aren't they honorable too?

Personally, I feel that a "smoke-screen" of wrongs have been thrown at Americana; but the real culprit is an out-and-out short sighted foreign trade policy.

In the AFL-CIO American Federationist, February 1972, Andrew J. Biemiller, Director of the AFL-CIO Department of Legislation states: "It is ridiculous for the United States to pursue any further a foreign trade policy that has cost her more than 700,000 jobs in the past 10 years."

Unless the three, labor, capital, and management, forgets about greed and works together—the three-legged stool is going to topple, Uncle Sam is going to have a spill and the cow will probably kick the bucket.

The question we must all ask ourself is: "what is to happen now to (the unemployed) the surplus "living?" Think about this when you vote this year. In the meantime, write to your congressmen and ask what are they doing about this "Burke-Hartke Trade Bill—a rational, 20th Century approach to correcting America's trade problems."

SPECIAL ANALYSIS OF OPERATIONS OF THE FREEDOM OF INFORMATION ACT, PREPARED BY THE CONGRESSIONAL RESEARCH SERVICE, LIBRARY OF CONGRESS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. MOORHEAD. Mr. Speaker, the Foreign Operations and Government Information Subcommittee is presently holding a series of hearings on the administration and effectiveness of the Freedom of Information Act (5 U.S.C. 552) as part of its overall investigation of U.S. Government Information Policies and Practices.

In preparation for these hearings, the subcommittee queried executive departments and agencies last year on their experience under the act. Responses to our questionnaire have been tabulated and analyzed by Dr. Harold Relyea and Sharon S. Gressle, analysts in American National Government and public administration in the Government and General Research Division of the Congressional Research Service, Library of Congress. The subcommittee is grateful for the special research assistance provided by CRS in assisting in this and other projects connected with our hearings. The results of the special analysis follow my remarks.

Mr. Speaker, in 1966 the Congress took the first step toward guaranteeing the people's right to know what their government is planning and doing. The Freedom of Information Act was by no means a failure, nor was it an all-out success, but its shortcomings are due more to resistance on the part of the huge bureaucracy than to compromises which are inherent in the legislative process which created the law.

This is apparent from the analysis of the first 4 years of operation under the Freedom of Information Act. For every

17 times citizens used the law to try to get public records, they were denied the information one time.

On the surface, this looks like the Government is leaning over backward—at the rate of 17 to 1—to honor the Freedom of Information Act. But the executive agencies granted the public access to public information only because they were pushed over backward—only because the Congress passed a law to require the executive branch to honor the people's right to know. This is obvious when the figures show that, in spite of the law, nearly 2,200 requests for access to public records were denied, completely or in part.

Many Government agencies seem to be doing everything possible to ignore the Freedom of Information Act. Some agencies—and the Air Force is the worst offender—try to make their information operations look good by claiming that thousands of requests for routine Government documents are actually demands for access under the Freedom of Information Act. Other agencies—for example, the Civil Service Commission—keep no records and apparently have no interest in implementing the law.

Mr. Speaker, another indication of the attitude that government business is none of the public's business is the long time it takes an agency to act on a request for information. The major Government agencies took an average of 33 days to even respond to a request for public records under the Freedom of Information Act. And when the initial decision to withhold information was appealed by someone seeking the facts, the agencies took an average of 50 days to respond.

I am not surprised by the fact that corporations and lawyers representing private interests appear to be making the most use of the Freedom of Information Act. Those who can afford the expensive and time-consuming process of fighting for their right to know, will do so. I hope that the Congress can find a means to help the average citizen win his battles against the information bureaucracy.

I am surprised, however, that the reporters, editors, and broadcasters whose job it is to inform the American people have made so little use of the Freedom of Information Act. They were the major supporters of those in Congress who created the law. The free and responsible press is the keystone of an informed, democratic society and it should be the major user of the law designed to guarantee the people's right to know.

Mr. Speaker, the full text of the Freedom of Information analysis as prepared by the Congressional Research Service, Library of Congress follows:

THE ADMINISTRATION OF THE FREEDOM OF INFORMATION ACT

On July Fourth, 1966, the Federal Government's first Freedom of Information Act was signed into law. It became effective one year later, giving the departments and agencies of the Executive branch time to adopt rules explaining the procedures to be followed by any person requesting access to public records.

The Freedom of Information Act became section 552 of title 5 of the United States Code. It was the result of 11 years of investigation by the Foreign Operations and Government Information Subcommittee of the House Committee on Government Operations (formerly the Special Subcommittee on Government Information). It was also based on studies and investigation during most of the 11 years by Subcommittees of the Senate Judiciary Committee.

The new act repealed the so-called Public Information Section of the Administrative Procedure Act (Section 3) which had permitted Executive branch agencies to withhold government records "for good cause found" and "in the public interest." If no good cause could be found for withholding information, Section 3 permitted the government to release information selectively to persons "legitimately and properly concerned."

To explain the proper procedures for granting access to public records under the new Freedom of Information Act, the Department of Justice prepared a 47 page memorandum for all agencies of the Executive branch. The Attorney General's Memorandum issued in June, 1967 said that the key concerns of the law are—

that disclosure be the general rule, not the exception;

that all individuals have equal rights of access;

that the burden be on the Government to justify the withholding of a document, not on the person who requests it;

that individuals improperly denied access to documents have a right to seek injunctive relief in the courts;

that there be a change in Government policy and attitude.

After the Freedom of Information Act had been in operation four years, the Foreign Operations and Government Information Subcommittee began a series of studies and investigations to find out whether the new law was living up to the hopes of those who had worked for its creation and enactment for 11 years—and whether the Executive branch was administering the law in the spirit in which it was enacted, a spirit highlighted by the Attorney General's comments on the key concerns for the people's right to know the facts of government. The Subcommittee was mainly interested in the following sections of the Freedom of Information Law (5 U.S.C. 552) which spell out the right of access to public records.

"(3) Except with respect to the records made available under paragraphs (1) and (2) of this subsection, each agency, on request for identifiable records made in accordance with published rules stating the time, place, fees to the extent authorized by statute, and procedure to be followed, shall make the records promptly available to any person. On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant. In such a case the court shall determine the matter de novo and the burden is on the agency to sustain its action. In the event of noncompliance with the order of the court, the district court may punish for contempt the responsible employee, and in the case of a uniformed service, the responsible member. Except as to causes the court considers of greater importance, proceedings before the district court, as authorized by this paragraph, take precedence on the docket over all other causes and shall be assigned for hearing and trial at the earliest practicable date and expedited in every way.

"(b) This section does not apply to matters that are—

"(1) specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

"(2) related solely to the internal personnel rules and practices of an agency;

"(3) specifically exempted from disclosure by statute;

"(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

"(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

"(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

"(7) investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency;

"(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

"(9) geological and geophysical information and data, including maps, concerning wells.

"(c) This section does not authorize withholding of information or limit the availability of records to the public, except as specifically stated in this section. This section is not authority to withhold information from Congress."

One step in the study and investigation was a series of questionnaires sent to all agencies of the Executive branch of the Federal Government by Congressman William S. Moorhead, chairman of the Foreign Operations and Government Information Subcommittee. The Freedom of Information Act, by its terms, does not apply to the Legislative or Judicial branches. The basic questionnaire covered the first four years of the Act's operations, from July 4, 1967 through July 4, 1971. The following are the questions:

1. How many formal requests for access to records under 5 U.S.C. 552 has your agency received between July 4, 1967, and July 4, 1971?

a. In how many cases was access granted?

b. In how many cases was access refused?

c. In how many cases was access granted in part and refused in part?

d. How many cases are pending?

2. For each of the cases in which access was *refused*, please provide the following information:

a. The name and address of the individual or organization presenting the request for access and the date upon which it was presented;

b. The date upon which access was initially refused;

c. The section of 5 U.S.C. 552(b) (1) through (9) which was the basis for the refusal;

d. Whether an administrative appeal was filed against the initial refusal and, if so, the date of the appeal;

e. The date of the agency action upon the appeal and the title of the individual who took the action;

f. Whether, before the final refusal, the agency consulted the Department of Justice as requested by the Department's memorandum of December 8, 1969, to General Counsels of all agencies.

3. For each of the requests for access to records which has resulted in court action under 5 U.S.C. 552, please provide the following information:

a. The case citation and the date court action was initiated;

b. A *brief* description of the agency records requested;

c. A citation of the section of 5 U.S.C. 552 upon which the agency relied to refuse access;

d. A *brief* explanation of the current status of the court action.

4. What legend is used by your agency to identify records which are *not* classifiable under Executive Order 10501 but which are not to be made available outside the government?

Please list each term and explain its appli cation.

5. How many officials of your agency are authorized to classify material Top Secret under the terms of Executive Order 10501?

Please identify, by name and title, each individual so authorized.

6. How many officials of your agency are authorized to classify material Secret under the terms of Executive Order 10501?

7. How many officials of your agency are authorized to classify material confidential under the terms of Executive Order 10501?

Before the questionnaire was sent formally to all departments and agencies of the Executive branch of the Federal Government, it was pre-tested by discussing possible questions with a number of government officials who would have the eventual responsibility of answering the final questionnaire. Included were some who had participated in hearings while the law was being considered by Congress and others who had participated in drafting the Attorney General's Memorandum.

To analyze the questionnaire answers and assist in the research work necessary to help prepare the Foreign Operations and Government Information Subcommittee members for a series of hearings on United States Government information policies and practices, a special task force was set up by the Congressional Research Service of the Library of Congress. It included legal experts from the American Law Division and government experts from the Government and General Research Division, with the activities coordinated by Samuel J. Archibald of the University of Missouri Freedom of Information Center, serving as a consultant to the Congressional Research Service.

The analysis of the questionnaire answers was conducted by Dr. Harold Relyea and Sharon S. Gressle, analysts in America national government and public administration in the Government and General Research Division.

DATA ANALYSIS

Nature of the data

The nature of the data obtained by means of the Subcommittee's questionnaire must be qualified as to its validity. While the aggregate data provided by the Executive agencies on the number of information requests and their action upon the requests suffers no quality limitation, the sample of individual-requestor cases listed in answers to the questionnaire was biased. Agencies were asked to identify only those requestors who had been denied, either in whole or in part, the material they had sought. The usual characterization of a valid measurement is one which "measures what it purports to measure" or obtains the information being sought. The identification of those denied information under the provisions of the Freedom of Information Act (5 U.S.C. 552), was a major purpose of the questionnaire. On the level of measurement or accomplishment, the questionnaire and the data obtained are valid. Yet data consisting only of denial cases may have a bias. This bias becomes important when certain sociological generalizations are made within the analysis, such as the proportion of one type of requestor vis-a-vis another or averages of time lapses in acting upon requests. It is not, therefore, valid to generalize from the sample analyzed to the total number of requestors seeking information under the Freedom of Information Act. Those denied requests constitute approximately one percent of the total number of requestors. While this figure is skewed by the large number of requests reported by the Department of the Air Force, the total number of denials reaches only five percent of the total number of requestors when the Air Force figures are removed from the computations.

While the percentage of denials appears to be relatively small such statistics mask the fact that (minus Department of Air Force totals) for approximately every seventeen requests for information under the provisions of the Freedom of Information Act, one request is denied. And even this consideration ignores the quality of information requested, the public interest which might have been served by granting the request, and the basis upon which the public record was denied. Further, certain agencies have higher ratios of refusal than others—some, as will be indicated, denying more requests than they grant. In brief, such statistics demonstrate problems in the administration of an act which was designed to make disclosure the general rule and not the exception and to promote equal rights of access for all requestors.

Nature of the analysis

The focus of the analysis was chiefly upon agencies of the Federal Government which generally affect the public welfare or which, in the preliminary examination of returned questionnaires, indicated areas of special interest. While the overall survey covered some ninety executive departments and agencies, this analysis considers selected respondents.

Certain statistical findings in this analysis utilized available data rather than a total or randomized sample. Averages of lapsed time for action on initial requests or appeals were occasionally computed on less than the total number of reported cases due to incomplete details on each case. It should, therefore, be noted that certain totals of individual or category items listed in the major analytical chart do not coincide with the appropriate number of reported cases.

Quality of data

Responses to the Subcommittee's questionnaire were generally complete and detailed for most agencies, but in certain cases the agencies seemed to misunderstand the questions or they provided otherwise unusable information. The Department of Defense for example, acknowledged incomplete records to answer some questions. The Civil Aeronautics Board supplied aggregate information for fiscal year 1968 only. The Federal Highway Administration and the Federal Railroad Administration reported they kept no records on Freedom of Information Act requests.

In a number of instances details were omitted from agency responses. The number of requests for public records was not provided, for example, by the Department of the Army, the Department of Health, Education and Welfare, the Coast Guard, the Federal Maritime Administration, and the Civil Service Commission, though those agencies did provide information on individual denials. Often no initial request dates were supplied for individual cases or no dates on appeals were given, thus making the computation of time intervals impossible or limited to a few cases. In many responses the titles and citations of relevant court cases were garbled or missing. The Department of the Army, the Department of the Navy, the Department of State, and the Securities and Exchange Commission failed to cite appropriate sections of the Freedom of Information Act as a basis for refusing information.

Frequently, the responding agencies cited court cases which resulted from their refusals to provide materials but they failed to provide details on the administrative procedure which preceded judicial action. While the Air Force was way out of line in claiming to grant 202,714 requests for information under the Freedom of Information Act and to deny only 118 requests, some other agencies also appeared to inflate the figures on requests for information. The Agriculture Department claimed it granted 10,769 requests for information while denying only 137 requests; the Department of Transportation claimed 13,295 grants and 445 denials and the Civil Aeronautics Board claimed that 18,261 requests for information were received and only 33 requests were denied. The grant/denial record of other agencies seemed to be in line with their size and activity.

Those agencies which were out of line might have overstated the number of requests which were granted—counting a request for a routine government publication, for instance, as a demand for public records under the Freedom of Information Act—or the variations in numbers of requests cited may be one more indication that the Freedom of Information Act is held in minimum high regard by the agencies responsible for protecting the people's right to know in a democratic society.

The possibility was considered that agencies might cite many sections of the Freedom of Information Act as authority to refuse requests for information initially, but cite fewer and more defensible sections if challenged in court. The analysis indicates only nine instances where initial citations of authority for refusal differed from citations in court. Nor was the trend within these cases unidirectional; in some instances more sections of the Act were cited at the court stage than at the initial refusal stage.

Computations were made for the average number of days required for each agency to respond to initial requests for information and for the average number of days to respond to appeals of the initial denials. These time spans ranged from an average of 8 days (Small Business Administration) to 69 days (Federal Trade Commission) for responses to initial requests and from 13 days (Department of the Air Force) to 127 days (Department of Labor) for responses to appeals. For those agencies listed in the analytical chart, the average number of days taken to respond to initial requests was 33 (for 27 agencies); the average number of days to respond to appeals was 50 (for 20 agencies). In terms of the average time lapse on initial requests for agencies listed in the analytical chart, 11 agencies exceeded this average; 9 agencies exceeded this average for time on acting on appeals. The Departments of Health, Education, and Welfare, Interior, Justice and the Renegotiation Board exceeded the total average for both stages of the administrative process. Statistically, four agencies seem to be in no hurry to expedite requests for information under the Freedom of Information Act.

Only two agencies reported that they denied more requests than they granted. These are the Department of Justice and the Federal Power Commission, but in the latter case the outcome resulted from a total of only 8 requests. Other agencies indicated high refusal rates in their responses. These refusals are usually not overturned to any general extent when appealed within the agencies or when pressed in court. Of 296 requests which were appealed, 37 were granted and 196 were denied. Those remaining were granted in part, were pending, or results were unknown. Of 99 court cases which were initiated to obtain information denied by the executive agencies, 16 resulted in grants of the material sought and the remaining cases were either denied or appealed to higher courts.

FREEDOM OF INFORMATION ANALYTICAL CHART [FOR PERIOD: JULY 4, 1967–JULY 4, 1971,

																Types of requestors [5]									Bases for refusal [6] [Title 5 U.S.C.]								
Agency [1]	Formal requests	Access granted [2]	Access refused	Access granted in part [2]	Pending initial decision [2]	Refusals administratively appealed	Refusals sustained by administrative appeal	Refusals reversed by administrative appeal	Refusals reversed in part through appeal	Court action initiated [3]	Refusal sustained in court action	Refusal reversed in court action	Refusal reversed in part in court action	Average time for action on initial request [4] (in days)	Average time for action on appeal [4] (in days)	Corporation	Private law firm	Public interest group	Researcher	Non-Federal Government Agency	Labor union	Media	Congress	Other	552(b)(1)	552(b)(2)	552(b)(3)	552(b)(4)	552(b)(5)	552(b)(6)	552(b)(7)	552(b)(8)	552(b)(9)
Atomic Energy Commission	392	376	8	6	2	0				0				28		4	2		1					1		1		1	5	2			
Percent		(96)	(2)	(1.5)	(.5)									(4)																			
Civil Aeronautics Board [7]	18,261	(8)	33	3	0	5	1	2	2	2	0	2	0	[9] 10	[9] 30	16	10	1		4		1		4			2	25	5	1	9		
Percent														(31)	(5)																		
Civil Service Commission [10]	(8)	(8)	(8)	(8)	(8)	1	1			0				26	7			2	2		1	1	2	15		2			8	5			
Percent														(23)	(1)																		
Department of Agriculture [11]	11,093	10,769	137	79	9	17	11	1	5	2			2	20	52	40	18	22	7	9		15	12	21		2	13	71	17	14	37		9
Percent		(97)	(1.2)	(.7)	(.08)									(124)	(17)																		
Department of Commerce [12]	182	109	50	9	4	11	11			[12] 8	1	1		18	64	13	18	1			1	6		10			8	37	21	10	1		
Percent		(60)	(27)	(5)	(2)									48)	(11)																		
Department of Defense [13] (Other than Air Force, Army and Navy)	2,732	2,638	64	29	1	4	3		1	[13] 2				15	23	21	7		6	1		1	1	9	8	16	14	23	27	1	2		
Percent		(96.5)	(2.3)	(1)	(.03)									(44)	(4)																		
Department of Air Force	202,957	202,714	118	30	95	[13] 28	8	11	2	[13] 5		2	2	43	13	54	9	3	3	4	2	1	1	72	8	19	4	40	62	17	12	2	
Percent		(99.8)	(.05)	(.01)	(.04)									(134)	(25)																		
Department of Army	(8)	(8)	(8)	(8)	(8)	14	8	4	2	[13] 1	1			(8)	(8, 18)	3	1		2		1	1	2	4	4			2	5	2	1		
Department of Navy	(8)	(8)	(8)	(8)	(8)	[9] 9				[13] 9	3		3	28	88	2	12		1	1			1	4			1	2	3	1	1		
Percent														(6)	(8)																		
Department of Health, Education, and Welfare	368	258	77	16	17	[14] 8	5			[17] 5	1	2	1	54	71	6	10	6	4			9	1	22		1	8	10	15	7			
Percent		(70)	(21)	(4)	(5)									(55)	(5)																		
Department of Housing and Urban Development	736	660	48	23	5	[15] 7	3	1	2	3		3		21	36	5	25	14		5		12	1	9		1	22	38	22	1	13		
Percent		(90)	(6.5)	(3.1)	(.6)									(71)	(5)																		
Department of the Interior [16]	15	6	5	1	3	5	5			[16] 1				36	76	1	1	3						1			1		2				
Percent		(40)	(33)	(7)	(20)									(2)	(4)																		
Department of Justice	535	215	311	9	0	[17] 14	6	(17)	(17)	[17] 9	6			60	65	106	15	5	1	2	1	8	2	169	1	1	4	3	28	244	38		
Percent		(40)	(58)	(2)										(50)	(10)																		
Department of Labor [18]	(8)	(8)	33	(8)	(8)	7	2	4	1	1		1		28	127		18	1		1				13				9	8		29		
Percent														(31)	(6)																		
Department of State [19]	195	171	12	9	3	(19)				[19] 2	1			48	(19)	2	3		2			3	1	13	(19)								
Percent		(87.6)	(6.1)	(4.6)	(1.5)									(24)																			
Department of Transportation [20]	13,764	13,295	445	13	11	[20] 55	44	5	3	[20] 8	4	1	2	27	40	29	9	3				3		54	1	5	37	15	28	7	23		
Percent		(96.5)	(3.2)	(.09)	(.08)									(77)	(48)																		
Department of the Treasury [21]	1,625	1,175	338	79	33	46	45	0	1	[21] 8	3			41	43	20	59	7	1	21	1	11	6	74	4	49	56	59	52	21	33	3	1
Percent		(72)	(21)	(5)	(2)									(196)	(47)																		
Environmental Protection Agency	1	1	0	0	0																												
Percent		(100)																															
Federal Communications Commission	98	63	26	7	2	[22] 5	4			[22] 1				27	30	13		6		1		6	3	6				18	10		7		
Percent		(64)	(27)	(7)	(2)									(35)	(7)																		
Federal Power Commission	8	2	6	0	0	3	3			[23] 2				31	27	6													5				
Percent		(25)	(75)											(6)	(3)																		
Federal Trade Commission	432	388	36	7	1	0				[24] 7		2	2	69		11	7	3	3	1		3		14			3	20	13	1	23	1	1
Percent		(89.8)	(8.3)	(1.6)	(.23)									(46)																			
General Services Administration	37	21	13	2	1	0				[25] 5			1	48		5	2				1			8	2	1		1	3	3	4		
Percent		(57)	(35)	(5)	(3)									(3)																			
National Aeronautics and Space Administration.	1,019	984	5	10	20	0				1	1			41		6	4			1	2	1		1				7	6	2			
Percent		(96.5)	(.49)	(.98)	(1.9)									(10)																			
Office of Economic Opportunity [26]	1	1								[26] 1							1																
Percent		(100)																															
Office of Emergency Preparedness	3	3																															
Percent		(100)																															

Footnotes at end of table.

FREEDOM of INFORMATION ANALYTICAL CHART [FOR PERIOD: JULY 4, 1971]—Continued

Agency [1]	Formal requests	Access granted [2]	Access refused [2]	Access granted in part [2]	Pending initial decision [2]	Refusals administratively appealed	Refusals sustained by administrative appeal	Refusals reversed by administrative appeal	Refusals reversed in part through appeal	Court action initiated [3]	Refusal sustained in court action	Refusal reversed in court action	Refusal reversed in part in court action	Average time for action on initial request [4] (in days)	Average time for action on appeal [4] (in days)	Types of requestors [5]									Bases for refusal [6] [Title 5 U.S.C.]								
																Corporation	Private law firm	Public interest group	Researcher	Non-Federal Government Agency	Labor union	Media	Congress	Other	552(b)(1)	552(b)(2)	552(b)(3)	552(b)(4)	552(b)(5)	552(b)(6)	552(b)(7)	552(b)(8)	552(b)(9)
Office of Management and Budget	60	52	5	3	0	0				0				25		1	1		3	1				2	1				7				
Percent		(87)	(8)	(5)										(8)																			
Renegotiation Board	40	11	10	15	4	13	11		2	[27]9	1		3	52	53	20	3	1	1					1		2	20	20	21		9		
Percent		(27.5)	(25)	(37.5)	(10)									(26)	(13)																		
Securities and Exchange Commission [28]	(8)	(8)	26	14	(8)	[28]40	14	9	15	[28]3	1			(8)	55	2	15	2	4			5	12										
Percent															(33)																		
Selective Service System	20	13	5	2	0	0				[29]0				29		1		1						3			4			1			
Percent		(65)	(25)	(10)										(5)																			
Small-Business Administration	10	4	1	5	0	[30]1				[30]1				8	(8)			1		1		2	1	2			6	3	2		1	1	
Percent		(40)	(10)	(50)										(4)																			
U.S. Information Agency	7	5	1	1	0	0				0				(8)		1									1								
Percent		(71)	(14)	(14)																													
Veterans Administration	46	35	9	1	1	3	3			[31]3		2		36	44	2		3			2	1		3			3	1		4	1		
Percent		(76)	(20)	(2)	(2)									(9)	(3)																		
Totals [32]	254,637	233,969	1,822	373	212	296	196	37	42	99	23	16	16			390	250	85	41	53	13	90	34	547	30	100	206	403	375	344	244	7	11
Percent																																	

---

[1] The chart is noti nclusive of all agencies responding to the questionnaire. The agencies listed were chosen because they generally affect the public welfare or because, in the preliminary examination of returned questionnaires, they indicated areas of special interest for analysis.

[2] Figures in parentheses are percentages of the total number of formal requests to the agency. Due to rounding the percentages may not equal 100 percent.

[3] Incidences of court action do not necessarily reflect the number of appeals lost and brought to court. Many agencies cited court cases and provided no previous administrative action data.

[4] The figures shown in parentheses are the number of cases on which the average is based.

[5] Identity of requestor (in cases of refusal only) was provided by the agencies. Judgments were made in instances where types were not explicitly stated. Therefore the categories may not be fully illustrative.

[6] Sections cited are the exemptions written into the Freedom of Information Act. The number of exemptions will not always justify with the number of denials due to multiple citations or lack of citation altogether.

[7] CAB provided total number of requests for fiscal 1968 only. Kept no records of requests granted. Those refused cover the 4-year period.

[8] Unknown.

[9] CAB. Of the 31 cases (initial refusal) computed, 22 received action within 24 hours. On appeal, 3 cases received action in less than 15 days.

[10] CSC has not made it a practice to keep centralized records of requests; therefore no figures were provided. Were able to identify 23 denials through reference to the General Counsel's office. It is possible that other formal requests have been denied.

[11] Department of Agriculture response was decentralized. Each constituent agency replied independently. The replies indicated no unified recordkeeping policy.

[12] Department of Commerce cited 10 cases, action on which do not fall into chart categories: 7 were withdrawn before acted upon; 1 was for records at another agency; 1 was for nonexistent records; and 1 is unrecorded as to action taken. Of 8 court cases, only 3 were cited as requested. 2 were pending July 4, 1971; the other found for the agency. Of the remaining cases, 1 ordered release of documents (411 F. 2d 696) and 4 were reported as "Suit dropped. Resolved by access." Citations to the Code of Federal Regulations accompanied 5 U.S.C. 552(b) as basis for refusal.

[13] Department of Defense was decentralized in its replies. The constituent agencies, except Army, Navy, and Air Force, have been combined on the chart. Some question arises as to method of recordkeeping; i.e., Air Force reports over 200,000 formal requests for information; Army could give no statistics other than appeals (and no dates for appeal initiation); and Navy estimating that the number of cases would total millions, provided both initial denial and appeal information where possible. Navy provided an estimate for Marine Corps Headquarters: granted 16,804 access requests; denied 960 access requests; and granted in part 50 requests. No departmentwide statistics were charted due to the imbalance created by Air Force figures. Court action: The 2 DOD (combined) cases are pending as are 3 from Navy and 1 from Air Force. Administrative appeal action: Air Force, no record for 7; Navy reported 1 appeal pending

[14] Department of HEW: Of 8 appeals, action was unknown on 2 and 1 is pending. Of 5 court cases, 1 is pending. HEW was irregular in its reporting of basis of refusal. In some instances it referred to only 5 U.S.C. 552(b), not citing specific exemptions and in some instances it relied solely on HEW public information regulations or combined those with code citations.

[15] Department of HUD: Of 7 appeals, 1 is pending.

[16] Department of the Interior interpreted formal requests to be those which were appealed or otherwise considered by the Solicitor. The sole court case was not a result of refusal for information, but rather a refusal to gather, from all field offices, the information together in Washington for plaintiff's perusal. No final action was reported.

[17] Department of Justice: Of 9 court cases, 3 are pending. Appeal action: 6 modified (granted whole or in part): 1 pending and 1 record nonexistent.

[18] Department of Labor keeps no record of requests granted; when requests are initially denied copies of relevant correspondence are filed. The Code of Federal Regulations was also cited as a basis for refusal.

[19] Department of State has no formal appeals process. Of 2 court cases, 1 is pending. 5 U.S.C. 552(b) was general basis of refusal with no specific exemptions cited.

[20] Department of Transportation estimated the number of requests received as being over 14,000. Figures shown are those aggregated from the constituent agencies providing data. Of 55 appeals, 1 is pending and 2 have no record of action.

[21] Department of Treasury: Internal Revenue Service reported denial of access (whole or partial) in 306 instances; information was provided for 130 of those, the remainder being unidentifiable or granted on appeal. Of 8 court cases, 5 are pending.

[22] FCC reported 1 court case for which an appeal is pending. Action is unknown on 1 appeal.

[23] FPC reported 2 court cases, both of which are pending.

[24] FTC reported 7 court cases, 3 of which are pending.

[25] GSA: Of 5 court cases, 4 are pending.

[26] OEO reported 1 request which was not refused per se. The Director responded within 4 days stating that the document would be studied for possible release. Suit was filed the day the letter was dated. Before hearing the document was released.

[27] Renegotiation Board reported 9 court cases, 5 of which are pending

[28] SEC provided information only on Commission action which constitutes appeal action. No initial refusal or basis for refusal data was provided. Time for appeal was computed from time of initial request. Of 40 appeals, 2 had no action recorded. Of 3 court cases, 2 are pending

[29] Selective Service System reported 7 instances in which requests for information resulted in court action: refusal was sustained in 6 and reversed in 1. No previous administrative data was provided for these cases.

[30] SBA reported 1 appeal with action unknown and 1 court case which was declared moot.

[31] VA: Of 3 court cases, 1 is pending.

[32] Individual units may not equal apparent totals due to variations among agencies.

WALLACE MARTIN ON RESPONSIBILITY TO FREEDOM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. RARICK. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conduct a Voice of Democracy contest. This year nearly 500,000 secondary school students participated in the contest competing for the five national scholarships which were awarded as the top prizes. The contest theme was "My Responsibility to Freedom."

The winning contestant from each State was brought to Washington, D.C., for the final judging as guest of the Veterans of Foreign Wars.

I am honored and pleased that the winning speech from Louisiana was delivered by a resident of my district, Wallace T. Martin, 210 LSU Avenue, Baton Rouge, La. Wallace is the son of the Honorable Wade O. Martin, Jr., long time secretary of State of Louisiana.

I insert the text of the winning speech, as follows:

MY RESPONSIBILITY TO FREEDOM

(By Wallace Martin)

"Do Your Thing!" Haven't you heard this statement before? You see this slogan on pins, shirts, pants, flags, banners, bathroom walls, posters, and you hear it on records. The reason this slogan has become so popular today is because it refers to a person's individual freedom. However, this phrase is frequently misused and hypocritical; it is a deluder, too often promoting conformity instead of individuality. Perhaps a more honest slogan should read, "Do the Same Thing," or "Down With Individuality and Up With Conformity." Individuality is the most important and outstanding characteristic a person may possess. Individuality and freedom are synonymous. If a person is to be free, he must have the capacity to express himself in an individualistic manner.

In its true sense, "Do Your Thing" can exemplify America by reminding us that we are free to express our freedoms and our opportunities more than the people of any other country in the history of our world. The only word of caution here is that doing your own thing should be tempered with common sense and a sense of responsibility.

The differentiating factor between a democratic and a communistic form of government is freedom. Freedom allows a person many individual rights. It gives a person the right to assemble, to worship as he pleases, to secure private property, and to make his personal views public. These freedoms not only affect the country as a whole, but me as an individual. Without the freedom of speech, open public criticism would be an impossibility without fear of arrest, and even the mere idea of a peaceful protest would result in total failure due to governmental intervention. Without the freedom to secure private property, we could not own a car, a plot of land, or even a house in which to live. Since these freedoms affect me as an individual, it is my duty to take a personal interest in their preservation. The young generation of today will be the established generation of tomorrow, and if we do not exert an unending effort toward the continuation of freedom, tomorrow's generation will fall miserably.

In the past few years the younger generation has taken great steps toward student involvement in government and national problems, such as the war in Viet Nam, poverty, etc. This great interest was recognized recently by the nation, and a decision was made to allow eighteen year olds the right to vote. This new law now gives me the freedom to express my feelings in such a way that they will directly affect the nation. As a young voter, I must accept the responsibility to carefully select the candidates and to wholeheartedly support them. By exercising my voting right in a mature manner, I am fulfilling a small part of my responsibility to freedom. Also by becoming involved in these issues, I am setting a good example for others to follow. Involvement is the key to understanding and by becoming involved one gains experience which is the key to learning.

Since the importance of freedom is finally being recognized to such a great degree today, many new groups have been organized to protest the "establishment" and thereby promote freedom. These groups often greatly abuse their rights to freedom by considering these rights to be more of a license than a responsibility. They feel that this license gives them the right to continually protest, to allow their hair to grow until their appearance greatly resembles that of prehistoric man, the right to dress as if they had not the money to support a family of rats, the right to speak harshly and cruelly against all forms of establishment and the right to desecrate our parks with rebellious protest marches and sit-ins. This is not freedom; it is the lazy way out for people who did not try hard enough to have their ideas executed, their principles understood and their mores accepted. Now it is too late to ask for respect. They have been given the freedoms which are justly due them, but they have misused them and acted irresponsibly. Therefore, as long as they continued to abuse their rights and freedoms, they shall not be deserving of the public's admiration, trust or respect.

The United States of America has given me many freedoms; however, it is my duty as a citizen to prove myself worthy of them. As a youth, I can prove myself worthy by going to the polls on election day and voting as an individual, only influenced by my own conscience. I can become involved in today's issues and thus increase my understandings of life, and I can act as an individual—one who stands up and fights for what he believes is right and one who stands behind his ideas all the way, no matter how different they may be from others. I am a free individual, and I am extremely proud to be one. Won't you join me!

MY RESPONSIBILITY TO FREEDOM BY MARY ELLEN CARPENTER

HON. RICHARD W. MALLARY

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. MALLARY. Mr. Speaker, I want to share with you and include in the RECORD the essay written by the Vermont State winner of the Voice of Democracy Contest. A half-million young men and women competed this year for five national scholarships. All students submitted essays entitled "My Responsibility to Freedom" to the Veterans of Foreign Wars and VFW auxiliary who sponsor the contest.

Mary Ellen Carpenter is the Vermont State winner for 1972 and is the daughter of Russell and Mary-Elaine Carpenter of Bennington who are fine examples of our best American traditions. Mary Ellen is a senior at Mount Anthony Union High School in Bennington where she has not only been an excellent student, but has found time for a wide variety of outside activities. She has been editor of her high school yearbook, member of Model Congress for the past 3 years, high school band, Model U.N., Steering Committee, student representative to the Bennington Park and Recreation Commission, member of the National Honor Society, French Club, and was channel 8–TV program director. Mary Ellen has received many awards for her studies in Latin. She is presently the Vermont State Secretary for the Children of the American Revolution. Mary Ellen plans to pursue a career in law.

I am pleased to present the excellent winning essay by Mary Ellen who is worthy of this honor and in her essay she has displayed her dedication to the betterment of life for her fellow man:

MY RESPONSIBILITY TO FREEDOM

"Only free people can hold their purpose and their honor steady to a common end, and prefer the interests of mankind to any interests of their own." Woodrow Wilson made this statement in an address to Congress in 1917. I feel that these principles still hold true today. This is the result of the hard work and labor of many Americans from the birth of our country to present day to keep our nation and people free. The youth of America from Revolutionary times have shouldered a responsibility to this ideal of freedom.

I look to the past for ideas and ways that I can help preserve the high ideals put forth in the Constitution.

During the Revolutionary War the youth of our country played a quiet, but none the less important, role in our fight for independence. They carried many messages, helped feed and clothe our soldiers, cared for the wounded and, in some cases, even fought on the battlefields. They carried on the spirit of the Revolution with vigor.

Young people continued to be an influencing factor in the Civil War. Our country was torn apart by strife and dissension. The young citizens stood up for their beliefs in the War-Between-the States. The Northern youths smuggled slaves to freedom, and fought for the ideal of freedom for all. The Southern youths should not be overlooked. They spoke up bravely for what they felt was right and this is one of our greatest freedoms. Northerners may not have agreed with them, but the Southerners were allowed to say what they felt without fear of imprisonment.

World Wars I and II found our world in a state of turmoil. The youth of America kept up the morale of our men in uniform by their support and concern over the men. The young people also supported the policies of Presidents Wilson and Roosevelt to the extent that many were willing to risk their lives defending the freedoms that we enjoy.

During the fifties we were again involved in a conflict. Our troops were sent to a far area of the world to again act as the guardians of freedom. Many Americans lost their lives in the belief that they were helping the people of Korea.

The sixties found our country going through a great deal of internal strife. The poor were demanding more welfare money and blacks and women felt the pressure of job discrimination. Riots tore our cities apart. Three national figures were assassinated. Many citizens spoke out in open opposition tothe Vietnam War. Yet throughout this our country has endured. I feel it is because of our many freedoms granted by the Constitution and all the people that care about preserving these freedoms.

I believe that there are many lessons to be learned from my study of the past. My responsibilities to the freedom of this country are many and complex. I feel that as an American one of my greatest responsibilities is voting. Now that the 18 year old vote is a reality I must consider all of the qualifications of each candidate and make an intelligent choice. Involvement in politics on the local, state and, national level is also important. Letters to our representatives in Washington is one of the best ways to inform them how their constituency feels on vital issues.

Obeying the laws of our country is important to me. The laws were made for the majority of citizens and I do not believe that one individual has the right to interfere with the welfare of others.

Protecting the freedoms set forth by the Constitution is perhaps my greatest responsibility to freedom. Looking back on our country's history this is the one point I most often recognize as being important. In utilizing these freedoms I must not deny anyone the same freedoms. Each of us, as Americans, are entitled to the same rights regardless of age, race, sex, national origin or creed.

STATEMENT BY PARALYZED VETERANS OF AMERICA BEFORE COMMITTEE ON VETERANS' AFFAIRS

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 21, 1972

Mr. THURMOND. Mr. President, Mr. Carlos Rodriguez, the president of the Paralyzed Veterans of America, addressed the Veterans' Affairs Committee of the U.S. Senate on Tuesday, March 14, 1972.

Mr. Rodriguez presented a six-point medical care program and 22-point veterans benefits program endorsed by the Paralyzed Veterans of America as their legislative goal for 1972. In addition, he outlined the various activities and services fostered by his organization to alleviate problems faced by our paralyzed veterans.

These veterans are the ones who have borne the direct burden of armed conflict—physical disabilities such as crippled spines and other paralyzing deformities. Their burdens are living examples of the terrible suffering and price that must be paid if our Nation is to remain inviolate and free.

Mr. President, I feel that the proposals of the Paralyzed Veterans of America contain many worthwhile ideas which I would like to bring to the attention of my colleagues in the Senate.

Mr. President, I ask unanimous consent that the statement be printed in the Extensions of Remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF CARLOS RODRIGUEZ

Mr. Chairman and Distinguished Members of the Committee: On behalf of the nearly 8,000 members, 26 chapters, and members of the Board of Directors of the Paralyzed Veterans of America, I wish to thank you for the opportunity of appearing here today to present our legislative recommendations. It is our first opportunity to address this Committee since its formation and, coincidentally, our first annual presentation since the granting of a Federal Charter to the PVA during the last session of this Congress.

Accompanying me today are members of the National Office Staff—our Executive Director, Mr. Michael W. Burns, and the National Service Director, Mr. Alan S. Langer—who will be happy to answer any questions you might have regarding our suggested programs. I would like to add that the PVA is proud of the fact that these two top administrative positions are filled by Vietnam combat veterans deeply committed to the needs of our organization's members of all ages and from all wars. Also present are our National Vice President, Mr. James E. Smith of California, and Mr. Harry A. Schweikert, who is the Administrative Assistant to the Executive Director.

The recommendations we wish to make are, we feel, constructive goals for consideration by Congress in the areas of health care, compensation, pension, survivor benefits and spinal cord research. Because of their number and complexity, I respectfully request that we be allowed to submit them for the record and this afternoon I will only speak to the major principles and philosophy contained in them.

I would like to congratulate the Committee for its action in the first session of this Congress which enabled passage of a number of measures which we have long favored. Mortgage Protection Life Insurance, the reestablishment of the Direct Home Loan Program, the increase in the Dependency and Indemnity Compensation (DIC), and the timely passage of the Pension increase are but a few of the achievements worth noting. Continued exploration of the health care needs by this Committee's Subcommittee on Health and Hospitals is another accomplishment which must be noted and applauded.

We are well aware that the Congress, like any deliberative body, never can fully complete the work placed before it. We know you are aware that much is left to be done if we are to provide excellent medical care and suitable benefits for our nation's deserving veterans. We truly hope the dynamic initiative of the past can continue at an increased level in the future. Only thus will we all successfully discharge our collective responsibility to veterans everywhere.

Throughout its 25 year history, the PVA has always concerned itself with the medical care received by all veterans, while giving our special attention to those with spinal cord injury and disease. We continue in our belief that nothing will ever replace a dynamic program of rehabilitation for these veterans. This is absolutely necessary if we are to expect these severely disabled veterans to become once again productive taxpaying members of society. Such a program requires skilled professionals of all medical, paramedical and psycho-socio disciplines. It requires that these professionals be highly motivated and dedicated to this effort. Within the Veterans Administration today there are such people, but there are not enough of them. There must be more if these men are to be returned to society, accepted by society, and if they are to be prepared, medically and psychologically, to face the largely hostile and indifferent attitude they will meet when they leave the hospital.

Assistance in vocational and avocational guidance and counseling are also imperative. The need for increased education and training assistance for all veterans has never been greater. PVA supports H.R. 12828, recently reported by the Veterans Affairs Committee of the other body, as being a very large step in the right direction and we support it fully. We hope the Senate will see fit to accept the basic elements of this bill and speed its passage.

The advances made in the immediate medical aid to the combat casualty have presented America with a paradox. Fewer deaths, thankfully, have resulted; but more men have survived incredible wounds, only to face long arduous periods of rehabilitation which, while teaching them to live with their handicaps, will never erase them. Some of these handicaps are so disabling that work in the usual sense of the word becomes impossible. These men must rely heavily on compensation payments. These payments need to be raised, now, in order to provide them with an adequate income to meet rising living costs. We understand that the Subcommittee on Compensations and Pensions of this Committee will soon consider a raise in service-connected compensation. We ask that at that time they also consider the removal of the distinction between "wartime" and "peacetime" rates. We have never supported this distinction. The Veterans Administration has, for a number of years, favorably endorsed its removal, viewing it as discriminatory. Indeed, the date of the Tonkin Gulf incident is used to compute the so-called "Vietnam Era" for veterans' benefits purposes. Yet the Tonkin Gulf Resolution has been repealed by Congress, so we question what significance this date now has. The most recent Selected Service Law contains language in one section to indicate "hostile fire" was occurring in 1957. We ask for enabling legislation which would remove these arbitrary dates and consider "hostile fire" a possibility and, thus, "peacetime" an impossibility, since February 1, 1955.

The non service-connected veteran has always been presented with unique problems, but the spinal cord injured veteran of this type faces near disaster. He must live in the same world that we all live in, yet at an income expectancy far below his service-connected brothers. We have maintained for many years that the present pension system is not the appropriate answer for the severely physically disabled. More than ever before this type of veteran is not an older man in need of constant hospitalization, he is a veteran of this very long war, very often not yet 21 years old, who served honorably only to suffer disability after discharge. Is it fair to confine the hopes of a young and vital mind, capable of wondrous things even with his limited physical mobility, to a nursing home or to a poverty level income? We think not, and hope we may be allowed to work with you to develop a suitable pension system for these men. Even under the present system there are many measures which could be taken which would help to ease their burden. We have outlined them for you in our submitted document.

The Veterans Administration has accomplished a number of milestones in the field of medical research. Its research has had much to do with the development of pacemakers and other lifesaving procedures. We would deem it appropriate if that agency, which pioneered the care of paraplegia, would be the one which discovered the cure for spinal trauma and its resultant paralysis. But to do it, the Veterans Administration needs money and an ongoing program of cure/research. A minimum of $1 million annually should be allocated for this purpose. Hope of doing something about paraplegia should never be lost. Future generations should be free from it. We ask that a start be made so that someday groups such as ours may not even need to exist. A cure for the paralysis resultant from spinal trauma will insure our own obsolescence and if it could be made possible, we would be the first to applaud.

This has been but an overview of our recommendations, Mr. Chairman. Our submitted statement covers our proposals much more specifically and in greater detail. Our representatives will be more than happy to answer any questions you have now, and of course are available to work with you and your respective staffs, whenever they may be of assistance.

We hope this will be the first of many times we will be privileged to appear before this distinguished committee to submit our recommendations. We also hope the objectives we propose show originality and initiative and will become part of your legislative program.

Thank you, Mr. Chairman.

LEGISLATIVE RECOMMENDATIONS FOR 1972

MEDICAL CARE AND REHABILITATION

1. We fully support the provisions of S. 2354 and H.R. 10880 which provide more outpatient care for eligible veterans without the necsssity of previous hospitalization; provide shift differential for nurses in Veterans Administration Hospitals and other recruitment and retention measures in the Department of Medicine and Surgery.

2. We fully support S. 1988 which would authorize medical care in private facilities for veterans with service-connected disabilities in cases other than emergencies.

3. Extension of VA Medical Benefits to wives and widows, and minor children of service-connected veterans in receipt of Aid and Attendance, with such services being provided at other than VA facilities.

4. Appropriation of not less than one million dollars annually as a line item in the Veterans Administartion budget, to insure an ongoing cure/research program and provide the critically necessary medical maintenance research in renal dysfunction in paraplegics.

5. Enactment of enabling legislation to provide uniform mandatory driver training programs at all VA Spinal Cord Injury Centers and other hospitals where necessary for all severely disabled deemed capable of benefitting from such training.

6. We fully support the provisions of S. 2077 which would provide a Court of Veterans Appeals so that veterans would have proper legal recourse beyond the Veterans Administration in claim adjudication for compensation and pension cases.

VETERANS BENEFITS

1. We fully support the recently reported bill, S. 2013, which would increase the P.L. 702 Housing Grant to certain severely disabled veterans from $12,500 to $20,000.

2. Discontinuance of the discriminatory differential in the rates of compensation between "peacetime" and "wartime" service-connected veterans who are totally disabled as a result of their military service.

3. Discontinuance of the discriminatory language of Title 38 requiring Vietnam Era veterans to meet direct performance of duty criteria in order to qualify for certain benefits.

4. Provide a 20 percent raise in the compensation rate now payable to totally disabled service-connected veterans.

5. Provide that the death of any spinal cord injured veteran injured while in service be considered of service-connected origin due to the complexity of physical impairments caused by that type of injury or disease.

6. Provide for immediate amendment of P.L. 91–666, the Auto Grant Law, to provide that further power accessories necessary for the safe operation and comfort be specifically provided for. Also substitute the less restrictive line of duty requirements imposed upon the same category of veterans in the Vietnam Era as in World War II and the Korean Conflict.

7. The repeal of the Tonkin Gulf Resolution no longer lends any "legal" basis for using August 4, 1964 as the date for computation of wartime rates of compensation and because of the presence of "hostile fire" throughout the present "peacetime" period, the date for these benefits should be set at February 1, 1955.

8. Due to the inequity of benefits available service-connected veterans who were medically "discharged" and those medically "retired," we request making the Career Compensation Act of 1947 retroactive to December 7, 1941, to provide equal benefits for each group of disabled veterans.

9. We support H.R. 8042 which would provide that duty in the WAAC would be considered service in the Armed Forces for compensation and pension purposes.

10. The PVA strongly recommends the adoption of a separate pension program for the total *physically* disabled veteran, and that this program be extended to "peacetime" veterans in need of regular Aid and Attendance.

11. An increase in Aid and Attendance allowances for both service-connected and non service-connected veterans, so that the amount received by either group would not be less than $336.00 per month.

12. Amendment of Title 38, Section 3012 (b)(1) to allow that eligible veteran's compensation continue until the last day of the month of his death.

13. Medical services should be on a "fee pay" basis for service-connected veterans while they are residing in a foreign country.

14. We urge amendment of the appropriate sections of Title 38 to allow medical supplies to be made available to non service-connected veterans who would otherwise be eligible except for their present employment.

15. Exclude social security disability benefits, or other retirement income in lieu of same, from computation of annual income for pension purposes.

16. We urge extension of the Veterans Administration Pension Program to those veterans disabled after honorable discharge who would otherwise be eligible except that it occurred during a so-called "peacetime" period.

17. Use of Veterans Administration medical facilities should be restricted to veterans only.

18. We urge that any retiree (retired for other than disability) from the Armed Forces, who has become totally and permanently disabled, be awarded from his branch of service the P.L. 702 Housing Grant and the benefits of P.L. 91–666 on the same basis as those retired or discharged for disability.

19. That the widow of a totally disabled veteran who was in receipt of Aid and Attendance, be awarded 50 percent of his compensation as a DIC benefit. This payment would be made to those married to such veterans for at least one year and would be stopped upon remarriage of the widow.

20. That an additional individual tax exemption be given to totally disabled, as is now the practice for the blind, who are paying income tax on wages earned or pensions received.

21. That a totally disabled veteran without dependents, shall continue to receive full pension benefits until the seventh month following admission to a Veterans Administration Hospital, and that any reduction that is made shall be limited to that portion received for Aid and Attendance.

22. To amend Section 351 of Title 38 to provide those veterans receiving compensation for disability due to VA treatment the additional benefits of the War Orphans and Widows Education Act, and, if totally and permanently disabled, the P.L. 702 Housing Grant and P.L. 91–666 Auto Grant should be awarded.

CROATIAN FRATERNAL UNION LODGE NO. 185 OF CAMPBELL, OHIO, HOLDS TESTIMONIAL DINNER HONORING 50-YEAR MEMBERS

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. CARNEY. Mr. Speaker, on Sunday, March 19, 1972, I had the pleasure of addressing a testimonial dinner honoring the 50-year members of the Croatian Fraternal Union Lodge No. 185 in Campbell, Ohio. The Croatian people are certainly among the outstanding members of our society, and the Croatian Fraternal Union is the organization which unites Croatian-Americans in the United States.

In the beginning of this century, there were four Croatian organizations serving Croatian people in the United States of America. They were: Croatian League of Illinois; St. Joseph Society of Kansas City; Young Croatian Society of Whiting, Ind., and National Croatian Society. These organizations were small and more or less local, in character. Membership of these organizations realized that in order to grow numerically and financially they needed to merge together. They knew that in unity there is strength and "united we stand, divided we fall." A special convention in the fall of 1923 in Pittsburgh, Pa., approved the merger of these four Societies and the name chosen for consolidated organization was Croatian Fraternal Union of America. Today the Croatian Fraternal Union membership numbers over 100,000 with national officers located in Pittsburgh, Pa.

About 1928, a lodge of Croatian National Society and a lodge of Croatian League of Illinois, both located in Campbell, merged into one lodge, under the name of "Knights of Croatia" and official number given by home office was 185. In 1946, Ladies Lodge "Gorska Vila" also merged with Lodge 185, to be followed in later years by two English speaking lodges of Campbell—Campbell Croatians—and Struthers. At present, there are 390 members of Lodge 185 and there are 150 junior members.

The 50-year members honored at the dinner were: Maria Butina, Maria Colaric, Jelika Plante, Stephanie Sambolec, Mary Stanfar, Katrina Zugcic, Agne Vilk, Paul Vilk, Paul Hrosh, Eli Karapandy, Dom Kucic, Tomo Kukec, Matt Mihelcic, Dom Mlacovic, John Roper, Rok Sabol, Ivan Stanchin, George Stankich, Nick Urichich, and Mile Tomich.

The program for the evening was as follows:

National Anthem, Happy Hearts Tamburitzans—American and Croatian.

Angeline Zadravec, director.

Invocation, Rev. George Georgevich, St. Michael's Church, New Castle, Pa.

Dinner music, Happy Hearts Tamburitzans.

Welcome, William E. Borak, Chairman.

Toastmaster, Judge Joseph M. Kolmacic, Campbell Municipal Court.

Remarks, Judge John J. Leskovyansky.

Guest speaker, Hon. Charles J. Carney, U.S. Congressman.

Presentation of awards, Edwards J. Tomich, President.

George Tablack, special award.

Benediction, Rev. Charles Georgevich.

Dance, Libby and her all girl tamburitzans.

The members of the dinner committee were: Judge Joseph M. Kolmacic, William E. Borak, chairman; Edward J. Tomich, Marian Urichich, Maria Tekal, Kaye Rabousky, Maria Blazo, Mickey Stankich, Helen Chapella, Kaye Fraino, and Helen Urichich.

In my address I discussed the Croatians' historic struggle for freedom and the Croatian contribution to America. Mr. Speaker, I would like to insert my address in the RECORD at this time.

The address follows:

THE CONTRIBUTIONS OF CROATIANS TO THE AMERICAN HERITAGE

It is a great pleasure to address you on this occasion, and to have the chance of expressing my admiration for the spirit of Croatia in America, and the grand accomplishments of Croatian-Americans in every walk of our national life.

The most basic American freedoms, beyond question, are freedom of political expression and freedom of religion. And to Croatian people throughout the world these freedoms have a special historical significance.

CROATIAN STRUGGLE FOR FREEDOM

Following the experience of centuries of toil and drudgery without political power of any kind, the people of the Balkans began to organize, politically, toward the close of the Sixteenth Century. Feudal masters were taxing their hard-earned wealth to the point of rendering every man a pauper and regulating everything they did, in the spirit of oppression. The people protested, quietly at first, then angrily. In 1573, a spontaneous peasant uprising rocked all of Croatia, and in that moment the Croatian political conscience was born. Repressive governmental measures stamped out the peasant uprising, but could not stifle the burning desire for political reform.

The struggle for religious freedom was no less drastic and no less painful and disturbing. When the reformation movement attracted the attention of the Croatian people in the 1590's, it was savagely suppressed by the Arch Duke Ferdinand, and many Croatians fled the country in fear of their lives—a large number settling in Prussia. As time passed, however, the Prussian government became itself oppressive, and many Croatians decided on a second exodus, in search of liberty and religious independence. Their goal became the far-off American hinterlands, where it was said that freedom was a reality.

CAME TO AMERICA WITH COLUMBUS?

It has been written that Croatians were employed as members of the initial Columbus expedition, and there is no doubt that early traders visiting America included the Croatian brothers Konkendjevic, who landed here in 1520. Many Croatian and American writers have discussed the possibility that the Croatan Indians, who settled for the most part in North Carolina, were of Croatian origin.

EARLY CROATIAN-AMERICAN SETTLEMENTS

One of the initial Croatian groups of record to come to America accompanied an expedition to the colony of Georgia, in 1715, settling on the Ebenezer River, there to introduce to the new world the silkworm industry. They found that here indeed was freedom of religion and, comparatively speaking, freedom of political expression. They wrote home of this phenomenon, and in short time other Croatians were on the way.

A port-of-call for most Croatians sailing to the new world was New Orleans. Until the middle of the ninteenth century this was the chief Croatian settlement in the country. There they engaged in the oyster industry, controlling it for many years. Not all of them were fishermen, however. With the discovery of large iron and coal deposits, to the northeast, shortly preceding the American revolution, many Croatians traveled up to Pennsylvania and Ohio and other places where the mining industry was coming into being. Many became gold miners during the California gold rush of 1849. As time passed more Croatians flocked to the mines, and as the mining industries grew, so grew the Croatian communities in the mining areas. Centuries of hard physical labor had fitted the Croatian people to the task, and many hundreds of them took advantage of the fact.

Development of the locomotive and the establishment of the Baldwin locomotive works in 1831 gave steel a tremendous new outlet in Eastern Pennsylvania, and in a short time Western Pennsylvania was equally active. Johnstown became a major steel and coal center, and from the start the Croatian people had much to do with its creative capacity.

As a religious people, the Croatians have contributed heavily to the spiritual life of every American community in which they thrive. Pennsylvania today has the greatest number of Coatian parishes, the majority located near Pittsburgh. Although thousands of prosperous Croatians and their descendants founded only one Croatian parish in California, Croatians of lesser means have done considerably better in the east and middle west. Ohio has many also—among them the distinguished Sts. Peter and Paul Parish at Youngstown, founded by a large group of Croatian immigrants, July 4, 1911.

MAJOR CROATIAN CONTRIBUTIONS

Major Croatian contributors to the American heritage are numerous in almost every field of endeavor. In science there was Nikola Tesla, the great inventor in the field of electricity; in education there was Dr. Henry Suzzalo, past president of the Carnegie Foundation and author of many books on education; in business there was Captain Anthony Lucas, a pioneer in finding and producing petroleum in America; in art there was the great sculptor, Ivan Mestrovic.

Among the greatest singers of the current era, none surpasses the abilities of the extraordinary mezzosoprano Irene Kramerich of Youngstown, who made her debut in New York in 1955. Since then, she has appeared in almost every major opera house in the country and has also sung abroad. The New Orleans music critic, S. Meyers has proclaimed her one of the greatest of her time. In the sports world, Croatians of high ability include football coaches Joe Kuharich of Notre Dame and the Philadelphia Eagles, Nick Skorich of the Cleveland Browns; basketball stars George Mikan, known as "Mr. Basketball", and Leo Mogus of Youngstown; baseball stars Mickey Lolich and Johnny Pesky, and many others too numerous to mention.

The impact of Croatian tradition on America grows stronger, apparently, with every passing year, as the Croatian-American population continues to expand. Ohio has a group of over 70 thousand American Croatians of whom some 10 thousand immigrated after 1945. Cleveland's Croatians number more than 20 thousand. They have some 50 organizations and are one of the best known nationality groups in Cleveland. They have two parishes, one school, two national homes, two radio programs, and other establishments of their own. Moreover, Cleveland has the largest group of Croatian post World War II immigrants whose number is steadily increasing. Besides Cleveland and here in Youngstown, Croatian parishes also can be found in Akron and Lorain, where Croatian settlements are considerable. Other Ohio cities with Croatian settlements are Struthers, Canton, Dayton, Yorkville, Brewster, Warren, Mcdonald, Massillon, Dilles Bottom, Newton Falls, Powhatan Point, Willard, Girard, Toronto, Aliance, Toledo, Mansfield, and Columbia. All these places have lodges of Croatian fraternal organizations, and their own national homes.

According to the works of Croatian writers, the total number of Croatian immigrants to America is estimated at between 500 thousand and 800 thousand. On that basis, there are probably now—after three generations—over a million Croatians in the land. If these figures are correct, America today is the home of one-fifth of all Croatians on the face of the earth.

CROATIAN WORKINGMEN CREATE CROATIAN UNION

As the Croatian population began to grow in Pennsylvania, the need for organization became apparent to everybody. At the urging of the youthful journalists Zdravko Muzina and Peter Pavlinac, Croatian workingmen declared their mutual allegiance in January 1894, beneath the banner of "Harvatsko Radnicko Popupirajuce Drustvo Starcevic", a beneficial society honoring the name of the Croatian patriot Ante Starcevic. Muzina became the first president of the society. What he and his friends envisaged was a fraternal organization—a union of all Croatian societies, to aid sick workers and attend to funeral expenses. Soon, other Croatians were organizing for similar purposes, and in September, 1894, Muzina was chairman of a Croatian convention, out of which emerged the Croatian fraternal union of the United States.

The Croatian fraternal union is the best example of the spirit and vitality of the Croatian first, second, and third generations. By recent count the C.F.U. had about 117 thousand members, with some 1,069 lodges and junior nests in operation. During its seventy-six year existence, the C.F.U. has disbursed millions of dollars for fraternal and humanitarian purposes. The great strides, natural and spiritual, made by the Croatian people in this century must be attributed, at least in part, to the work of the Croatian fraternal union, which has demonstrated a civic concern worthy of the highest praise. Without such leadership, the tremendous gains of the last generation would have been impossible.

It is a great pleasure to have been with you on this occasion, and I wish you well, in the knowledge that you will ever persevere in the manner that has rendered the Croatian people among the outstanding members of American society.

HON. WATKINS M. ABBITT

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. DANIEL of Virginia. Mr. Speaker, while this action may be considered premature, as he will not retire until January, I cannot resist the temptation of informing the House of the high esteem in which our colleague, WATKINS M. ABBITT, is held by the press both in and out of the congressional district which he has represented so long and so well.

Here are some examples:

[From the Appomattox (Va.) Times-Virginia, Mar. 16, 1972]

ABBITT'S RETIREMENT

(By Calvin H. Robinson)

It seems but yesterday when friends and admirers here in Appomattox rallied to the news that our young Commonwealth's Attorney would seek to represent our District in the Congress of The United States. The veteran Patrick H. Drewry, of Petersburg had passed to his reward, and a respected State Senator, Hon. Morton Goode had announced as a candidate to succeed him. Appomattox was at the far western end of the District and only lately redistricted from the old Tenth District, long and ably represented by the late Harry St. George Tucker and A. Willis Robertson and more briefly by the late Judge Joel Flood. Population advantages favored the eastern end of the Fourth District. Yes, it seems but yesterday, as we recall what a great campaign effort followed, ending in victory for Mr. Abbitt. Many of our citizens remember election night that year as hundreds of supporters assembled at the court house to await the returns. It was a glorious victory for one of the finest men in our long and honorable history.

During the campaign, The Times-Virginian went all-out to support Mr. Abbitt. We wrote that he was the sort of public servant who could be elected and re-elected to build up all important seniority and who would faithfully represent his constituents. How right we were! Mr. Abbitt gained appointment to the Committee on Agriculture and soon became one of the experts in farm matters handling legislation so vital to our economy. Furthermore, Mr. Abbitt became a champion of the Conservative approach to public policy. He gained the respect of fellow Congressmen and went about his duties with skill and a natural gift for public affairs.

It is a testimony to his career that Mr. Abbitt rarely faced opposition for re-election. Many have said that Watt Abbitt knew, on a first-name basis, more people in his district than any other man in public life in Virginia. More than that, for he became the State Chairman for his party and was in constant demand for public appearances. The selection of an outstanding office staff enabled him to travel his District without neglecting his duties and the spread-out geography of his district, kept him in constant travel. Yet he found time to keep his home ties in Appomattox, with his church and civic groups and law practice. "A Man for All Seasons."

Somehow it is hard to realize that he has announced his retirement as of the end of his present term. We can only yield to his judgment. A new redistricting brought up a situation upon which he has decided that he can now safely "come home to Appomattox." Many of his friends think Watt Abbitt should make himself available for Governor. That would be a fitting climax to his great career.

As a Conservative, Mr. Abbitt was not always on the winning side in Congressional voting, but we are convinced that his convictions were sound and will eventually prevail.

The Times-Virginian congratulates Mr. Abbitt upon his outstanding career and feels that his usefulness will be called upon for future assignments.

When they call the roll in Washington, Abbitt is first on the alphabetical list. It is also first on our list.

(From the Danville (Va.) Register, Mar. 5, 1972)

AS REPRESENTATIVE WATKINS ABBITT STEPS DOWN

The decision of Representative Watkins M. Abbitt to retire from Congress at the end of his present term, a decision he said was reached some time ago but was announced only Friday after court action calling for a reapportionment of the State's congressional seats, is another step in the shifting of the political power center in Virginia.

Whether it is a long or modest step will depend upon what follows in the mapping of the congressional layout and who is elected in November to the Fourth District seat.

Watt Abbitt has served Virginia well in the House of Representatives for 24 years. Before his congressional service, he was Commonwealth's Attorney for Appomattox County for 12 years during which he developed into a political organizer of first rank among the younger leaders of the Democratic Organization headed by U.S. Senator Harry F. Byrd, It was widespread recognition of his ability and his service that enabled Abbitt to win election as successor to the late Rep. Patrick Henry Drewry of Petersburg on February 17, 1948.

Young Congressman Abbitt went to Washington and found a Republican majority in Congress and a crusty Harry S. Truman who was to campaign all that year against a "Do Nothing 80th Congress". Truman won reelection and so did Abbitt. And Abbitt kept on winning.

Virginians know Rep. Abbitt best for two things: As a powerful member of the House Committee on Agriculture, where he is fourth on the majority side; and as a member of the inner-circle of the conservative Democratic leadership of Virginia over the past quarter century, during half of which he was party state chairman.

Rep. Abbitt appeared on the verge of retiring from Congress two years ago but decided to stay on for another term when there were challenges to his continued tenure. He won handily. Now he can retire as an undisputed champion vote-getter in the Fourth and as a man who has a right to feel that he can take things easier because of his long and able service to the people of his district and to the nation.

By his retirement, Rep. Abbitt makes easier the task of the General Assembly in redrawing the lines of the congressional district with only numbers to be considered. When the present district lines were drawn, Democrats in the General Assembly were extending themselves to avoid putting Abbitt's home county into the Fifth District, so that he would not butt heads with Rep. W. C. "Dan" Daniel, also a Democrat.

Last month, when many Democratic leaders gathered in Richmond for a dinner, U.S. Senator Harry F. Byrd, Jr., remarked that the principal speaker, former Governor Mills E. Godwin, Jr., had a distinguished record of service but that there are Virginians who believe that he also has a future of distinction. It was assumed that Byrd meant Godwin would be available to run again for the governorship. It could be, in the light of the Abbitt decision, that former Governor Godwin might follow the precedent of former Governors Montague and Tuck and serve his district in the House of Representatives. He resides near the center of population of the Fourth District and would be a strong candidate, should it suit his inclinations to go to Washington.

[From the Petersburg (Va.) Progress-Index, Mar. 6, 1972]

CONGRESSMAN ABBITT'S DECISION

To thousands of his constituents it is a source of regret that Representative Watkins M. Abbitt of the Fourth Congressional District has decided not to seek re-election. The decision is not surprising since he was known prior to his most recent election to be seriously considering retiring from office. Instead he offered and went on to win a handsome victory against stiff opposition.

With almost a quarter of a century of service to his credit, Representative Abbitt is dean of the Virginia delegation in Congress. He has been repeatedly recognized and cited for his advocacy of constitutional government and for his support of sound fiscal principles.

Some attention centers upon expectation that his decision will simplify the redistricting task which the General Assembly faces, but the detail is overshadowed by the fact a long and distinguished legislative career will be coming to an end. He has served his party, his responsibilities as a legislator, and the interests of his constituents in a fine manner.

Political writers sometimes attached to him the description of the old-style Virginia congressman who was elected time after time without opposition. That never was quite accurate, and in recent years he demonstrated how to win handily over regular and write-in opponents, Republicans and independents. The election results attested to his skill at the same time they demonstrated that the majority of his constituents very much liked the quality of the representation they were getting.

Judging from the Democrats who in the past have considered seeking the nomination and the Republicans and independents who have sought the seat, the choosing of his successor could be quite a contest. With no one towering political figure—except former Governor Godwin, whose name raises interesting thoughts—in what the news likes to call the sprawling Fourth Congressional District, it might be a free-for-all.

[From the Lynchburg (Va.) News, Mar. 10, 1972]

"WAT" ABBITT'S VICTORY

For 24 years Watkins M. Abbitt has represented Virginia's Fourth District in the U.S. House of Representatives as well as any district has been represented in the Congress. He paid close attention to the problems of his constituents and he voted in the best, traditional interests of Virginia and the Republic.

Had there been more like him in the Congress, it is doubtful that there would have been a Korean or a Vietnam war, for the Communists would have known that the United States would have none of a no-win conflict, but would carry out its treaty obligations swiftly and surely.

The Federal budget would have been balanced and the national debt would have been reduced.

There would have been social legislation which would have opened areas of communication between the races, instead of "civil rights" which has restricted the rights of all citizens.

There would have been less, instead of more, government and governmental bureaucracy.

There would have been welfare only for those who cannot work.

The United States would have maintained its superiority in nuclear weapons, instead of falling behind its worst enemies.

Federal taxes would have been reduced, instead of increased to the point of confiscation.

The rights of the states would have been upheld, thereby strengthening the Federal system.

The courts would not have seized control of the nation's public school system in the name of "integration" and the Federal Government would not be controlling mass education in the country.

The unions would have been held as responsible for their conduct as management is.

Crime would have been curbed because court permissiveness would not have been tolerated, and rehabilitation and prison reform would have been strengthened.

The nation would have remained at peace, domestically, and with other countries. There would have been no spasms of violent upheaval on campuses or in the streets, and Communists would not have been coddled.

That's the way it would have been because that's the way he voted.

This is only a partial resume of what would have happened had we had more "Wat" Abbitts in the Congress. The nation would have been a hell of a lot better off. He tried. He voted his convictions of what constituted the best interests of all the people. He failed to stem the leftist tide, because there were not enough like him, and too many "progressives" without foresight and integrity. His failure, therefore, is the failure of the country. And what we have instead is the victory of his opponents. It isn't a pretty picture. We are a disunited, resentful, frustrated people, cut adrift from our traditional moorings, weakened at home and abroad, without goals or purposes which serve the cause of individual freedom.

Now that he is retiring, the best we can claim is that he, and those like him, succeeded in keeping the leftward march from becoming a headlong plunge into totalitarian chaos. In so doing, he and his compatriots have given the American people a little, last chance to come to their senses. That in itself, considering the odds against him, was a mighty victory for humanity, per se.

[From the Farmville (Va.) Herald, Mar. 10, 1972]

FACE TO THE RISING SUN

Virginia, especially rural Virginia, is the poorer for the decision of Watkins M. Abbitt not to offer his candidacy for reelection to Congress from the Fourth District. His announcement came as a surprise to a large number of constituents he has represented in the House of Representatives for the past 24 years. As a long-time member of the Agriculture Committee, chairman of the Tobacco Subcommittee and a member of the Peanut, Livestock and Grains Subcommittees, he has been in a position to contribute considerable influence in federal legislation protecting and marketing the farm crops in the far-flung, agriculturally oriented Fourth District.

He is a strict constructionist, one who knows the tenets of the Constitution, and the fearless courage to stand for the basic principles which have made this nation great. Attesting his devotion to high principles, he is a member of the Administrations Committee, and the committee on Standards of Office Conduct, popularly known as the "Ethics Committee," one of the most important committees in the House.

He stands four-square on solution of problems and legislation for the best interest of his constituents and ever alert in support of those institutions for the betterment of Virginia. While his most outstanding record in the Congress has been in the field of agriculture—support of farm prices, development of markets, support of rural electrification, soil conservation, forestry, crop insurance, and others—he has also advocated development of highways, education, transportation and Virginia's port facilities.

"Watt," as he is affectionately known throughout Virginia and in national circles, served as chairman of the Virginia Democratic Central Committee from 1964 until he resigned in 1970. He is well known and held in high regard throughout the State.

Recognized in Washington among his peers as one of the leading congressmen in serving his constituents, nothing deters him in looking after their best interests. Wherever two or three are gathered together. Watt is among them, yet his record for attending roll calls and other duties in Washington has not suffered.

In his home town of Appomattox, he has taken an active part in the religious and civic life, as a Deacon and Treasurer of Liberty Baptist Church, member of the Board of the Baptist Home at Culpeper. He is also an active member of the Elks Club, Moose Club, Lions Club and Woodmen of the World, and director of the Farmers National Bank at Appomattox. He is a man of "many hats" and gets under them because he is in almost perpetual motion.

His recent decision not to stand for reelection is an example of his dedication to his people and to the Commonwealth, as it made the court-ordered redistricting much more simple for the State Legislature.

His loss as a congressman is to be regretted, but it should lead to a larger service to his State. We know of no man in public life more dedicated to the interests of Virginia, and no Virginian with a wider experience, or more capable to carry the standards of Virginia forward in 1974 than Hon. Watkins M. Abbitt, as Virginia's next governor. It would be a fitting recognition of his years of service, and his administration in the office would redound to the benefit of the State. He has the know-how; he is conversant with the needs; he can attract the support and cooperation of the largest group of dedicated people in public life, and consolidate the political efforts of the Commonwealth into a solid working organization as can no other man.

We suggest Watt Abbitt for the next governor of Virginia.

ECOLOGICAL COMMITMENT

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mrs. GRASSO. Mr. Speaker, the responsibility for the preservation of our environment, including the wildlife on our planet, is shared by all of us—not merely for a single designated day or week, but for each day of our entire life. It is appropriate, however, that at this time we pay particular attention to the needs and demands of our ecological commitment. Both Earth Day and the National Wildlife Week give us the opportunity to renew our vigor in this important area.

To be sure, the destruction of our planet has gone much too far. The blatant disregard for natural resources and careless disposal of poisonous chemicals and debris have placed in serious jeopardy our plant and wildlife. Man has polluted the air and the lakes, rivers and streams which serve us and beautify our surroundings.

Earth Week and National Wildlife Week should indeed remind us all of our commitment to the preservation of our environment. A positive attitude, a firm commitment and a high measure of citizen-government cooperation will undoubtedly contribute to an improved ecology for the benefit of us all.

The grave problem of extinction for animal species confronts us again. In the past, disaster has been narrowly averted by measures to preserve the buffalo, the whooping cranes, and the trumpeter swans which were all on the brink of extinction. However, the preservation of wild eagles is still in grave doubt. What a tragedy it would be if these majestic birds no longer graced our skies.

It is a great pleasure for me to pay tribute to the many fine organizations, church groups, and neighborhood associations which are dedicated to the goal of making the earth a better place to live—a showcase for the splendor of God's creation.

EASTERN STATE COLLEGE, OKLA., COACH WINS NEW TITLE

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. ALBERT. Mr. Speaker, Mr. Don Brown of Eastern State College at Wilburton, Okla., in my district has just been named "coach of the year" by Oklahoma-Arkansas Junior College coaches in region II of the National Junior College Athletic Association. In his seven seasons at Eastern State, Coach Brown's basketball teams have won 136 and lost 62 games and his baseball teams have been equally successful.

I am pleased to insert in the RECORD a copy of an article which appeared in the Statesman, All-American student newspaper at Eastern State, for Tuesday, March 7, which tells of this latest honor to come to Coach Brown:

BROWN NABS COACHING AWARD

Being recognized as an outstanding coach by his fellow coaches is just another honor for Eastern State's Don Brown who has been named Region II "Coach of the Year."

Coach Brown easily won the selection with near-unanimous results which is quite a tribute in an area full of successful junior college coaches throughout Oklahoma and Arkansas which constitute Region II of the National Junior College Athletic Association.

And this isn't the first time Brown has received an honor as "Coach of the Year," but the first from Region II.

While coaching high school ball at U.S. Grant High School in Oklahoma City, Brown was named Oklahoma City "Coach of the Year" in 1960 and 1962 for basketball and received the same honor for baseball coaching in 1962. Eastern State's student newspaper, The Statesman, named Brown "Oklahoma Juco Coach of the Year" in 1970.

Earlier this year he was named to the Century club, an honor roll of veteran coaches whose teams have won 100-or-more games in one sport.

The former Geary high school athlete joined the faculty at Eastern State in 1965 and has coached both basketball and baseball since that time. He played college basketball and baseball at Central State and later earned the masters degree at the University of Oklahoma.

"Busy, busy, busy" describes Brown's activities at Eastern where he not only devotes his time to coaching two varsity sports with the built-in time required for recruiting, scheduling and assisting graduates get located, but he serves as one of Eastern's three physical education instructors.

Brown coached nine years at U.S. Grant following one year at Midwest City and also served as athletic director his last three years at Grant.

His Grant teams won two conference championships in basketball in 1960 and 1962, one regional championship in basketball in 1960, and a conference championship in baseball in 1962.

Brown is in his seventh year at Eastern and has enjoyed much success during this period. In his first year, his basketball team compiled an 18–7 record and finished second in the conference. His next three teams were co-champions (14–9), third (10–15) and tied for second (22–8).

In 1969–70, Eastern climbed to 14th in the national poll with a 24–5 record and won the Oklahoma Junior Collegiate Conference undefeated. In 1970–71 Eastern came back strong to post a 25–8 record while repeating as conference champion.

This year Eastern finished second in the conference and posted a 22–10 season record going into the Region II Tournament Feb. 29–March 4 at Tulsa. Brown's basketball teams have a 136–63 record.

As an Eastern State baseball coach, Brown has coached his last three teams to conference titles. The 1971 team, ranked No. 1 in the nation based on the best win-loss percentage, won the conference and established a 25–4 record. Eastern swept the sub-district playoffs by taking four straight and advanced to the national-qualifying tournament in Kansas but couldn't advance.

The "Coach of the Year" recipient isn't limited to experience in high school and college coaching but has spent 11 summers coaching at the Chandler Baseball Camp and last summer volunteered to head the Wilburton Summer League Baseball programs.

In comparing his various coaching experiences, Brown said, "There's no big difference in coaching, whether at the high school or junior college level since the emphasis is on fundamentals—the real secret of coaching young folks."

"Biggest difference in junior college coaching is that the players have more desire to play because many of our basketball and baseball players at Eastern want to play senior college, university and, in some cases, professional ball," he said.

"In recruiting for junior college athletics, we have to find players who can play now and we can't afford the luxury of signing athletes who have definite potential to develop perhaps as a junior or senior," he added.

Brown chuckles when he tells the story about how he almost landed the great Bobby Murcer at U.S. Grant some years back. The big league scout, who signed both Mickey Mantle and later Murcer, asked Brown his opinion of Murcer's future in the pros.

"I'd watched Murcer play ball in high school and in Legion ball and I told the scout that I didn't think Murcer would make it as an infielder in professional baseball.

"And you know, I was right about his not making it as an infielder, but, boy, did he ever make it big as a superstar in the outfield," the grinning coach said.

The successful junior college coach reacted to a question about his future plans by explaining, "I'm not currently after a bigger coaching job but any coach wants to get to the top and likes to think about how he'd do in a higher level of coaching."

"In coaching, whether you're talking about high school, college or pro ball, a coach has got to keep pushing and not become complacent about his job and he'll find how quickly it spreads to the players," Brown said.

Agreeing that junior college athletics are really growing and that competition has become much tougher in his seven years here, Brown advocates the establishment of a state organization to set standards for all schools in lieu of the present two conferences and independents.

"Probably what is needed the most after we get the organization to establish standards is the creation of the position of Commissioner for Junior College Athletics to supervise and coordinate all athletics on the junior college level in Oklahoma," Brown said.

Admitting that being named "Coach of the Year" by his opposing coaches is a distinct honor, Brown can't enjoy sitting back and reflecting on the honor since the busy coach has just concluded the Region II basketball tournament and faces a 30-game baseball schedule beginning in March.

DINOSAURS ON U.S. ROADS

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. HANNA. Mr. Speaker, there has been substantial concern voiced by many in our country for the manner in which the Government is dealing with the problems created by the automobile, generally in terms of its noncoordinated, often apparently misbalanced approach. It is, therefore, refreshing to note an occasional suggestion which copes immediately with all aspects of the Government's efforts—and such a suggestion is put forth eloquently in the article I am including today in the Record.

Mr. Stanley I. Hart, a civil engineer with an extensive background in road development, presents in his article the suggestion that the size of the automobile ought more appropriately be the subject of regulation and control. I would commend this item to my colleagues' attention as I feel Mr. Hart's eloquent and comprehensive defense of his arguments bears careful consideration by all of those working to balance the automotive needs of our society with the obvious public health and welfare implications of a continuation of past trends of development and use of the automobile.

The article follows:

[From The Los Angeles Times, Mar. 12, 1972]

Dinosaurs on U.S. Roads

(By Stanley I. Hart)

Does the large size of American automobiles cause accidents?

One of my friends recently lost his mother-in-law. She suffered a heart attack at the wheel of her Cadillac and the car plunged through a freeway divider fence at 70 m.p.h. In the collision that followed, five people were killed.

One of the significant factors which contributed to those unnecessary deaths was her choice of a large prestige automobile.

If she had been driving a lighter and smaller car, it might not have plowed through the fence because, as Newton's Second Law of Motion states, force is the product of the mass of an object and its acceleration. Thus, the heavier the car, the greater the force it will exert in a collision.

Moreover, even if the lighter car had broken through the fence, its remaining energy would have been far less, greatly reducing the chance of serious injury or death. Being smaller, it might have missed the other car entirely.

While I was driving on the freeway not long ago, my Ford was struck on the left rear fender by a Lincoln that had wandered into my lane. The dent was half an inch deep and 12 inches in diameter. It cost $71 to repair

If one of our two cars had been one inch narrower, everything else having been precisely equal, there would have been no collision, no dent; I would have been on time for my appointment; all of the insured drivers as a group would have been richer by $71; and the owner of the Lincoln would not have had an embarrassing explanation to make to his insurance company.

The present design of the automobile (particularly its size) has an enormous and unfortunate impact on the public interest. This impact is shown in the increasing death and injury toll on the highways, in the increasingly rapid depletion of our resources of petroleum, in the pollution of our environment, in urban sprawl and in the congestion and inconvenience of our cities.

We could save tens of thousands of lives and hundreds of thousands of maimed and injured each year on American highways. We could save ourselves more than $50 billion in wasteful expenditures annually; we could free American highways and parking spaces of unnecessary congestion and we could reduce air pollution.

We could accomplish these things by creating and enforcing standards for the automobile industry that would establish optimum vehicle size, weight and power. These standards would also regulate the engine system, the suspension, the braking system, the body and chassis. The goal of these standards would be to prevent further abuse of the public interest and to obtain for it the greatest possible benefits.

Utopian? Perhaps. But let's examine the idea carefully.

Why do large cars have more accidents?

Your next accident, like almost all accidents, will be a random happening. Your automobile, out of control, will hurtle toward another car or toward a tree or a bridge abutment. The hurtling automobile is like a projectile, the bridge abutment its target.

The probability that your automobile will hit its target depends very much on the dimensions of your automobile and on the dimensions of its target. Smaller cars, narrower and shorter, are smaller projectiles, smaller targets. When a projectile is smaller, it is less likely to strike its target. When the target is also smaller, the probability of a "successful" hit is even less.

It is possible to show this "projectile-target" effect mathematically. Within limitations, we can calculate the probability of occurrence of a collision. For certain given and equal conditions, for instance, the probability of collision is reduced 27% when Volkswagen-sized automobiles are substituted for standard-sized automobiles.

Secondly, standard cars are not only larger, they are also much heavier. Their suspensions are notably less firm. The huge mass and the "Detroit mattress" suspensions have become part of our automobiles in response to our marketplace criteria. The American public, in its innocence, identifies the soft ride with "elegance," "prestige" and "comfort."

These elephantine automobiles on their tender springs are capable of high speeds. And because many drivers are not aware of the limitations of their cars in an emergency, they may find themselves trying to maneuver one of these monsters through a tight spot—with predictably unhappy results.

Another factor which contributes to the

accident rate of large cars is, simply, scale. There is an upper limit to the size of machines which man can control with ease. Human beings also have dimension. Men can handle huge trucks, enormous ships and great airplanes if their crews are qualified by proper training and experience. But our automobile drivers are not properly trained.

The fourth factor may be the marked early depreciation of the larger automobiles. There is little prestige in a 10-year-old veteran of highways. A 10-year-old Cadillac, provided it is in excellent condition, might be worth just as much as a 10-year-old Volkswagen. However, it is far less expensive to buy new tires and parts for a smaller car than for a larger car. It is likely, therefore, that old large automobiles will be in a poorer state of repair than old small ones.

The New Jersey Highway Authority, in late 1969, conducted a study of accidents on its Garden State Parkway. And that small cars won the safety test.

Among the results of the study was the observation that, although the small cars were 36% of the total mix of small and large cars using the parkway, the small cars were involved in only 24% of the accidents. The large cars, 64% of the mix, were involved in 76% of the accidents.

The Garden State Parkway study shows that the large automobile is almost twice as likely to be involved in an accident as is the small car.

The California Highway Patrol says exactly the same thing. It studied statewide accidents (almost 100,000) for the year 1961. This is how it stated the results:

"The small cars in the California vehicle population show a lower rate of accident involvement than do conventional passenger cars."

The California report is similar to the New Jersey report in its proportionate breakdown of accident involvement by automobile size class. The smaller cars, 16.5% of the total mix of cars in California in 1961, had an accident involvement of only 11.5%. The larger cars, 83.4% of the mix, were involved to an extent of 88.6%.

This immunity to accident involvement on the part of small cars was unfortunately overlooked in the main thrust of these reports. The reports emphasized that the small cars, when they were involved in an accident, more frequently suffered serious injury to their occupants and damage to the machine.

Considering both the New Jersey and the California mixes of automobiles, which were one-third or less small cars, it is clear the small car usually had its collision with a large car. The deceleration of the smaller car in such a collision will certainly be several times that of the larger car. It is equally clear that the occupants of the smaller car, subjected to a comparative rapid deceleration, will be more seriously injured than the occupants of the larger car.

But the principal cause of the more serious threat to the occupants of the smaller car is the *difference* in the sizes of the two cars—not the *smallness* of the small car.

There are three other pieces of evidence: First, Allstate Insurance Co. gives a preferred premium rate to small cars—which seems to be witness to the fact that small cars have a better claim record.

Second, it was recently announced that the national accident rate for the first nine months of 1971 had inexplicably leveled out. This had occurred once or twice before in the past 25 years but had apparently been explained on one basis or another. In this case there appears to be no convenient explanation. It is suggested that the great increase in 1971 of smaller automobiles on the streets and highways of America is responsible for the decrease in accidents.

Third, the California Highway Patrol has announced that the traffic death toll on Los Angeles freeways for 1971 has declined, inexplicably, by 25%. During the years 1962 to 1969 our domestic cars increased their dimensions 10%. In 1969 their dimensions stabilized. The accident statistics did the same.

Since 1968 the sale of imported subcompacts has skyrocketed. After 1969 the domestic subcompacts entered the market with some success. The proportion of subcompacts on Southern California highways is now approaching 50%. Result: the accident rate is declining!

Is it utopian to hope that the automobile industry can be required by law to use reasonable criteria in the engineering and in the design of its products?

Some safety and air pollution standards are being slowly adopted by the federal agencies, but these are vigorously opposed by the industry on the ground that its freedom to manufacture and sell dangerous, wasteful and frivolous vehicles is somehow akin to those civil freedoms protected by the Constitution.

Advances are slow and the measures which have been adopted, such as the collapsible steering column and improved braking, are important, but they seem almost superficial compared to those measures which are technically possible. Vehicle size is not even in the question stage at the present time—presumably because it is sacred to the marketplace.

There is nothing new or unusual about such standards. The building industry has long operated under building codes which, despite some inefficiencies and occasional stupidities, have long protected the public interest from the abuses of the marketplace.

The aircraft industry is protected from marketplace pressures by FAA regulation. The American aircraft industry owes its success to the fact that its design standards are not allowed to deteriorate. The FAA airworthiness certificate has established and protected safety and efficiency in air travel throughout the free world.

The automobile industry has taken the firm position in the past that nothing can be done about traffic accidents—that the automobile accident toll is caused by foolish drivers. There is a half-truth in this. Certainly the foolish driver (and who among us has not been foolish on occasion) is often responsible for beginning the chain of events which leads to an accident. However, far too often the oversized and poorly designed automobile contributes critically to the unfortunate end of the chain.

Foolishness is not recognized as a capital offense in our law. Why then should we allow our fools (and the innocents they meet on our highways) to be sentenced to death or disfigurement by an automobile stylist?

At the present rate, one person in 50 will die in traffic accidents; one in five will be seriously injured. Half of these casualties will be unnecessary.

We must insist that the automobile be purged of marketplace gimmicks—the excess size and power, the fake, the frivolous and the waste—and that it be remade into an honest and efficient mode of transportation once again.

CHICKASHA, OKLA., ALL AMERICA CITY

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. STEED. Mr. Speaker, at noon on February 28, 1972, a special flag-raising ceremony was held in front of the city hall of a small, rurally oriented Oklahoma community. The occasion marked the unfurling of the official banner proclaiming Chickasha, Okla., an All America City for 1972.

Nine cities across the Nation were selected for the honor from among more than 100 entries in an annual contest sponsored by the National Municipal League and the Saturday Evening Post. The citizens of Chickasha have worked diligently and tirelessly for the past 4 years to revitalize their community, and in my opinion, have earned this citation as well as our congratulations and praise.

The following background information describing the hard work and devotion of the people of Chickasha will show just how it distinguished itself as an All-America City.

Chickasha's climb to recognition began in 1968 when civic leaders realized the rural-urban migration was hurting the southwestern Oklahoma community. Farm homes had been left empty. Thirty-eight downtown businesses had called it quits. The per capita income was down to less than $2,500, and the unemployment rate was above 6 percent.

The underlying problem was one of a deterioration of the socioeconomic condition. Chickasha needed two shots in the arm. The first necessity was for new industry and expansion of that which was already there. The second was to expand its present social programs so as to involve the new workers.

In order to overcome these problems, the community leaders called meeting after meeting of concerned citizens. Literally thousands of people attended called meetings in 1 year. The residents raised $250,000 to attract new industry, created an industrial development authority and approved industrial development bonds. A $1.4 million industrial park was established and roads and services necessary for firms were provided. It worked.

One corporation began a $9 million plant to employ 562 persons. A local firm expanded into the industrial area. Other firms came in and, altogether, the new park has accounted for more than 800 jobs.

At the same time another movement was taking place. An unbelievable enthusiasm had developed to solve and strengthen the social conscience of the city. Child care facilities were provided for 70 children through the combined efforts of the League of Women Voters and the chamber of commerce. Because of these efforts, Chickasha has been named as the pilot city for a five-State region of the Office of Child Development.

Volunteer workers joined to help start new programs in city schools. Workshops and training centers were established for the mentally and physically handicapped, and the Jane Brooks School for the Deaf was reinstated.

According to former Pennsylvania Gov. William Scranton, president of the National Municipal League—

> The reason for the All-America City competition is to foster and recognize the efforts of people working and reasoning together in the endless struggle for constructive change—creating out of present divisiveness

a strong, responsive and more humane nation.

The community action of Chickasha has certainly proved that it has accomplished its efforts toward this goal. I take my hat off to its leaders and to each individual who took part in the challenge of making Chickasha the All-America City it is today.

AN INTERVIEW WITH DR. DAN P. VAN GORDER ON FOOD PRICES AND AMERICAN AGRICULTURE—RARICK REPORTS TO HIS PEOPLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. RARICK. Mr. Speaker, I recently reported to my people in an interview with the noted agricultural expert, Dr. Dan P. Van Gorder, on increasing food prices and American agriculture. I insert the report at this point:

RARICK REPORTS TO HIS PEOPLE IN AN INTERVIEW WITH DR. DAN P. VAN GORDER ON FOOD PRICES AND AMERICAN AGRICULTURE

Mr. RARICK. I have recently received numerous letters from constituents, mainly housewives, complaining of the increasing cost of food, especially meat products, and inquiring as to what can be done to halt the price spiral. The increase in meat prices seems to be nationwide. For example, during the past four months, a pound of bacon in Atlanta increased 22% from 59¢ to 75¢; and here in Washington, D.C., a pound of ground beef went up 18% from 59¢ to 69¢.

So, I thought today we'd talk about the high prices of food and meat products in the supermarkets—the causes and solutions to the problem.

To discuss this problem with me, we have as our guest Dr. Dan P. Van Gorder. Dr. Van Gorder is a long-time journalist and authority on agriculture whose farming column, "Things of the Soil," was nationally syndicated for 25 years. A Special Committee of Congress has referred to his files of farm statistics as the most complete and well-rounded in existence. Dr. Van Gorder is author of a startling book, *Ill Fares the Land,* which predicts a possible famine for this country if our agricultural policies are not changed. Welcome, Dr. Van Gorder, into the living rooms of our TV viewers.

What do you see, Dr. Van Gorder, as the causes for the recent price spiral of food products, particularly for beef?

VAN GORDER. First, of course, it is important in analyzing food price trends to recognize that prices are regulated either by the law of supply and demand or by regimenting, centralized control. The law of supply and demand was nullified in 1933 when the federal government clamped rigid production and marketing regulations on our formerly free farming industry. It is helpful, however, to observe that we of the temperate zone are a meat-eating people and our entire food economy is built around our once-prosperous livestock industry.

RARICK. You would say that meat today to the American people is like a status symbol—a sign of moving from lower or middle income levels to higher living standards—like the Joneses.

VAN GORDER. Yes, it is an interesting phase of our economy that general prosperity is so intimately interrelated with beef. For example, when the factory worker's wife goes to the supermarket and her husband is working only part time or is entirely unemployed, she probably buys a scrawny chicken. But if he is working steadily, wages going up and everything is prosperous, she buys a huge beef roast. Beef is actually a barometer—a chart indicating the wellbeing of urban workers.

RARICK. Well, Dr. Van Gorder, a few days ago President Nixon issued a proclamation authorizing imported meat quotas from foreign countries to be increased 7% over those of last year. Do you think this action by the President will be in the interest of the United States and our domestic livestock industry?

VAN GORDER. Definitely not. For example, in 1970 we imported $592,000,000 worth of footwear. This meant closed shoe factory doors and idled shoeworkers. When we increased beef and pork imports we are likewise hitting American farmers a lethal blow. And at the same time consumers, all consumers, are injured. We tend to overlook the truth that the farmer and the consumer are in the same boat—the wellbeing of one is inseparable from the wellbeing of the other. It is doubtful that our so-called farm problem will be solved until all consumers realize their dependence on a prosperous agriculture.

Apparently politicians in and out of government are blind to this simple truth and assume that the fewer than 3% of our total population remaining on the land are not worth considering—that is at the voting booth. I hope urban consumers will soon wake up to the fact that they are paying the bill for a major portion of the farm control tragedy.

RARICK. Dr. Van Gorder, what effect, if any, do you think the 7% allowable increase in foreign meat imports will have on the price of meat in the supermarkets of this country?

VAN GORDER. Little if any. For the five years, 1966 to 1970, inclusive, we imported over *four million tons* of beef. Thus, to increase or diminish this total by 7% or even 10% would make scarcely a dent in the retail supply or price. The greater importance lies in President Nixon's tacit admission that the United States, with its vast farming domain and varied climates and soils, with the most efficient farmers in the world, is supinely dependent on foreign farms for any meat at all. This is something the American people should be genuinely ashamed of. And I am certain they would be ashamed of it if their government officials would inform them of the sordid truth.

RARICK. In other words, we are importing foreign beef while paying our farmers not to produce by subsidizing them. Then we wonder why we have unemployment. Do you feel there is any relationship between the importation of meats and other foods from foreign countries and unemployment in this country?

VAN GORDER. The unemployment situation in this country is, I think, attributable directly to a general governmental policy that originated in the late 1920s and developed in the early 1930s—that we can have prosperity and at the same time pursue an appeasement course by importing ever-mounting quantities of manufactured goods and farm products from foreign countries. Too much emphasis cannot be placed on the fact that an American mill or factory worker, steadily employed, is the best customer the farmer has or can have. It is doubtful, despite State Department propaganda to the contrary, that exports of farm commodities have ever been a profitable phase of American farming, not only because we do not always collect the bills, but more importantly because foreign trade trends are subject to the uncertain vicissitudes of that game known as diplomacy. And as Bismarck once said, *"Nobody can imagine . . . . the emptiness and quackery that passes for diplomacy."* Unemployment in this country, and this means the entire welfare travesty, bears the unmistakable trademark of Made in Washington.

RARICK. Well, you do feel then that this new increase in foreign imports will lower meat prices?

VAN GORDER. No, I doubt it will have but little effect on the price of beef for this reason: This is our general election year, a quadrennial season when abnormal factors are at work. I predict that we are going to have skyrocketing beef prices—not because imports are increased or decreased but because the apparent dilemma will be politically profitable. Secretary of Agriculture Butz recently announced that beef rationing is in the offing. It will probably occur by late July. Then, after beef prices soar, the government, like the knight in shining armor, rushes in and rescues the beautiful maiden. But we cannot expect anything constructive from a policy based solely on error and deception. We must always remember that when meat control was adopted in 1933 as part of the entire farm regimentation scheme, we had been on an import basis for the previous ten years. Yet between 6 million and 7 million cows and heifers were sacrificed in 1933 and 1934—*cows and heifers*—an early demonstration of birth control or family planning.

RARICK. Present action is more or less like an extension of wage and price freeze into the food market. In other words, everyone will benefit theoretically for a short time except the farmer.

VAN GORDER. That's right.

RARICK. Now Secretary Butz also said that if he went to rationing or put a ceiling on the prices of meat that the consumer could expect to go to the meat market and find the meat shelves bare. If we ration meat do you still see that we will have any abundance of meat available?

VAN GORDER. I doubt that we'll ever have an abundance of meat on the meat counters of this nation until we get completely rid of government interference in the market place.

RARICK. Dr. Van Gorder, two years ago before the Agriculture Committee of which I'm a member we had as a witness, a farmer from North Dakota, Mr. John Scott. He made an unusual statement to us here in government. He said, "We who remain on the farms and ranches of this nation are fighting for survival. We simply cannot endure a continuation of the restrictions, regulations, and meddling that have beset us these forty years. We earnestly beg relief. We desperately need an end to federal farm programs." As a solution to the problem, what do you think should be done in the best interests of the United States citizens, the American farmers and meat processors?

VAN GORDER. I personally have known John Scott for several years. He's not only an intelligent, patriotic American and a good farmer but he has his fingers on the pulse of the farm situation particularly throughout the Middle West. In answer to your question, I think that there's but one course we can take and that is to get the government out of agriculture and get agriculture out of the government. I don't think there's any other solution. There is no halfway point because price control and the annulment of the law of supply and demand can't stop at halfway measures. You've got to go all the way. We must bow to complete control or demand and obtain complete freedom.

RARICK. In other words, do you have any suspicions in your mind that perhaps the problems we face today . . . couldn't have been more crucial if planned that way?

VAN GORDER. Well, personally I don't think many things happen by accident in government. I think it was planned that way. And there are too many coincidences and too many inter-related factors operating to think that it just happened. I think farm control is planned as I mentioned in my book to bring about complete rationing in this nation. Obviously that was the original and remains the present purpose of farm control.

RARICK. We have unemployment while many persons leave the farm and continue to crowd into urban life with welfare rolls increasing. Have you compiled any statistics regarding the correlation between the number of people who have fled the land and the number on relief?

VAN GORDER. Yes, I am glad you mentioned that matter because there is something that supports my theory that the entire farm control and urban welfare program are integral parts of a pre-planned strategem. Note this: Since 1933 the net loss of farm population in this country ranges between 16 and 17 million. The number of persons on relief today is between 16 and 17 million.

RARICK. Just by coincidence?

VAN GORDER. I do not think there is even a remote phase of coincidence in this. Rather it is a demonstration, probably a fatal demonstration, of cause and effect in operation, destroying the world's greatest industry (American farming) and bringing an end to constitutional government via bankruptcy, perhaps famine and incipient anarchy.

RARICK. What do you think was and is the overall goal?

VAN GORDER. Complete dissolution of the American way of life and the melding of this nation into a One-World government.

RARICK. On what do you base that opinion?

VAN GORDER. That question brings us back to our livestock industry again. In 1912 we suffered the first import balance of beef. The next year (October 1913) most meats were put on a free import basis. Only World War I saved our livestock industry from ruin, a ruin trend that resumed in the mid-1920s. Again World War II resuscitated this branch of our agriculture. But what of the present? In 1921 we imported $18,800,000 worth of edible animals and meat; in 1970 over $1,163,000,000 worth—an increase of more than 6,000%. Every statistical fact points the direction—*down and out.*

RARICK. Thank you very much Dr. Van Gorder. We've had as our guest today the noted author and expert on agriculture, Dr. Dan P. Van Gorder. We're happy to have had you on our "You've a right to know program" and wish we had more time.

VAN GORDER. Well I've enjoyed it anyway.

THE NATIONAL URBAN LEAGUE ON BUSING

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. HAWKINS. Mr. Speaker, on March 5, I had the pleasure of watching "Comment," an NBC television program, on which Mr. Vernon E. Jordan, Jr., appeared. Mr. Jordan, executive director of the National Urban League, presented his views on the busing issue.

Mr. Jordan, a native of Atlanta, Ga., is a graduate of De Pauw University of Indiana, and the Howard University Law School. In 1961, Mr. Jordan personally forced a path through an angry white mob so that a black coed could enter the grounds of the University of Georgia under court order. A year later, he became field secretary for the Georgia branch of the NAACP and led a successful boycott against stores in Atlanta that refused to hire blacks.

In assuming the leadership of the National Urban League, Mr. Jordan heads an organization that attacks economic and other institutional barriers to equal opportunity.

I am pleased to introduce into the RECORD the remarks of this brilliant and articulate leader of one of America's most important institutions:

STATEMENT BY VERNON E. JORDAN, JR., EXECUTIVE DIRECTOR, NATIONAL URBAN LEAGUE

The long-simmering controversy about busing to desegregate the public schools has flared into a full-scale debate that is being used as a political football to divide and polarize the nation. Constitutional amendments have been proposed which would re-create a system of dual schools, separate and inherently unequal. By appointing a top-level group to study ways to circumvent recent court decisions ordering integration and busing as one of the means to achieve it, the President has lent the weight of his office and the dignity of his position to those who have been defying the law of the land. And he has completely undermined his own statement of two years ago, when he said: "Quality is what education is all about; desegregation is vital to that quality."

It is clear to me that the attempts to inflame public opinion against busing, which is but one tool to desegregate the schools, represent a cease-fire in the moral and social revolution this nation has been struggling to achieve. By politicizing the issue, parents and children are being used as pawns in an effort to roll back and nullify the historic 1954 Supreme Court decision that held dual school systems unconstitutional and inherently unequal. But almost twenty years later half of the black children in Chicago, for example, go to all-black schools. To the extent that desegregation has been achieved, it has been in the South under court-ordered plans that frequently include busing.

The courts have spoken loud and clear on this issue. In last year's Charlotte-Mecklenburg decision, Chief Justice Warren Burger affirmed that "desegregation plans cannot be limited to the walk-in school," and the Court unanimously approved busing to achieve desegregation. In January, a Federal Court ruled in Richmond, Virginia, that political boundary lines cannot be used to prevent desegregation. Its order that the districts merge will probably mean slightly more busing and substantially more integration.

Busing is now controversial because it is a racial issue. America's school systems have always bused children; about forty percent of all students are bused to school for reasons that have nothing at all to do with desegregation. Black people need only think back a few years to recall how they were bused far from home, past nearby predominately white schools, to attend all-black ones. And many white parents today put their children on school buses that drive past integrated public schools and stop at all-white, segregrated private schools. Anyone who proposes that the current opposition to busing is not based on racial grounds is deceiving himself. I say if we could use busing as a means to implement segregation and defy the law, we can use it now to implement desegregation and obey the law of the land and the higher law of morality as well.

The hysteria over busing obscures the fact that what is at the end of the bus ride is what matters. White children in an all-white school environment are deprived of the diversity that reflects the world in which they will have to live. Many studies including one by the Civil Rights Commission, conclude that integration is a significant factor in giving black children and poor children a fairer chance at a better education.

Busing is a tool to achieve quality, integrated education. So long as the nation creates and maintains pockets of racial and economic isolation, it cannot afford to dispense with any mechanism that will implement and strengthen the role of its public schools in providing a democratic environment that prepares our children to live in a world that is three-fourths non-white. To have busing become prey to the kind of hysterical and irrational debate that can only polarize the nation further is tragic; to have busing eliminated would be disastrous.

It is highly possible that the proposed Constitutional amendments are but a smokescreen to obscure pending legislative action that would nullify the historic 1954 Supreme Court decision and return the nation to the institutionalized racial separation from which it is struggling to escape. It is entirely possible that liberal legislators will declare themselves against the amendments, only to pass legislation that accomplishes the same ends but will be buried in better-sounding phrases and less easily-understood complexities.

But we cannot escape the dilemma posed by the busing issue by taking cover in political expediency and verbal maneuvers. Busing is a phony issue. The real issue is whether this nation has the moral backbone to create a pluralistic, open society in which equality is not bargained away. Short-term expedience cannot substitute for moral leadership and rational action. In this issue, as in the great civil rights issues of the 1960's, the very soul of the nation is at stake.

THE MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962, AS AMENDED—A DOCUMENTARY HISTORY—PART II—THE 88TH CONGRESS

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. PERKINS. Mr. Speaker, under unanimous consent I insert in the RECORD the second installment of the documentary history of the Manpower Training and Development Act of 1962, as amended. Today's materials cover the development of an expanded and improved MDTA by the 88th Congress.

The material follows:

[88th Cong., 1st Sess., S. Rept. No. 458]

AMENDING THE MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962

August 23, 1963.—Ordered to be printed.

Mr. RANDOLPH (for Mr. CLARK), from the Committee on Labor and Public Welfare, submitted the following Report together with Minority Views [To accompany S. 1716].

The Committee on Labor and Public Welfare, to whom was referred the bill (S. 1716) to amend the Manpower Development and Training Act of 1962, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

PURPOSE AND EXPLANATION OF THE BILL

S. 1716 was proposed in a message to the Congress by the President on June 19, 1963. Its purpose is to postpone the effective date of the State matching requirements under the Manpower Development and Training Act of 1962 from June 30, 1964, to June 30, 1965, in order to provide the State legislatures with sufficient time to appropriate matching funds. This means that the Federal Government must assume full responsibility for financing for an additional year in order to maintain the training levels contemplated by the act at the time of its enactment. Accordingly, the bill also proposes to increase the third year authorization for training programs under the act from the present $161 million to $322 million.

NEED FOR THE BILL

A. Postponement of effective date of matching requirements

The Manpower Development and Training Act (hereinafter referred to as MDTA) provides for 100 percent Federal financing of occupational training programs during the first 2 fiscal years following its effective date and for 50 percent State matching of funds during the third fiscal year, beginning July 1, 1964. Accordingly, the establishment or the continuance of any training program in any State after June 30, 1964, will depend on whether the State assumes 50 percent of the training costs.

Twenty-nine of the State legislatures meet biennially in the odd-numbered years. For that reason it was necessary for them to authorize matching funds during their recent 1963 sessions if they were to meet the June 30, 1964, deadline.

Only four[1] of these States enacted the necessary authorization. The 25[2] legislatures which took no action will not reconvene until January 1965, well after the matching requirements go into effect. The failure of these States to act will necessarily require a rapid deceleration of their existing and projected training programs during fiscal 1964. Indeed, their programs will terminate at the end of the 1964 fiscal year unless Congress is willing, through S. 1716, to extend full Federal financing for an additional year. Eleven of the States in this group (Idaho, Indiana, Maine, Minnesota, Nebraska, New Mexico, Oregon, Utah, Vermont, Wisconsin, and Wyoming) have for this reason addressed letters and telegrams to the committee urging favorable action on the bill.

In its hearings on this bill, the committee was satisfied that the deadline set by the statute has failed to provide the State legislatures with sufficient time to assess the value and worth of the MDTA program. MDTA presented an entirely new approach to the critical problem of retraining the unemployed. The budgets for the States were developed in late 1962 at a time when the MDTA program was still in its early stages and was largely untried and not well understood. In 10 of the 29 States with biennial legislative sessions in 1963, no MDTA training of any kind was underway in the late fall when State legislative programs were being formulated. In the remaining 19 States only 63 MDTA projects involving less than 2,400 trainees had begun by late autumn.

The program began to gather momentum during the early months of 1963, but even now, within any one State, the total impact of the program is just beginning to be realized. It appears in retrospect that unless the State legislatures are afforded sufficient time to see the results which can be gained through a retraining program of this kind, the likelihood that they will appropriate funds from severely strained State treasuries is slight.

In an exchange with one of the witnesses during the hearings on the bill, Senator Len B. Jordan, of Idaho, a member of the subcommittee, speaking as a former Governor and State legislator, gave strong emphasis to this point. He expressed the judgment that the States needed more time than was given to them by MDTA to determine whether there was sufficient warrant for legislative action, referring to such factors as the high turnover among the members of the State legislatures, the inexperience of both the old and the new members with the MDTA program, and the shortness of the sessions. He noted that "the mills grind very slowly at the State level" and that in view of the consideration which he had emphasized, it was "expecting a good deal for these States to have come out wholeheartedly in support of this program" in their 1963 sessions.

Most of the States are extremely hard pressed financially. It should be remembered that the debt of our State and local governments has increased by 600 percent since World War II, while Federal debt increased by only 10 percent. No evidence was offered at the hearings indicating that the caution of the State legislatures is based upon any lack of interest or diminution in the widespread support for the MDTA program exhibited at the time of its enactment in 1962. To the contrary, Secretary Wirtz testified that the Department of Labor had received "positive, affirmative reactions" from almost all States with respect to the urgent need for the continuance of the training courses.

B. Increase in third-year authorization

The original goal set by MDTA provided for the training of approximately 400,000 of the unemployed during the 3 years authorized for the program. MDTA goals contemplated the training of approximately 200,000 trainees during its third year. The authorized appropriation of $161 million for this period required to reach this goal necessarily implied State matching in like amount since the condition of third-year training is that the State will assume 50 percent of training costs. If matching is to be postponed for 1 year as proposed by the bill, provision must be made for the assumption of the States share for the third year in order to maintain existing training goals. Thus the bill provides for a doubling of the Federal authorization for the fiscal year ending June 30, 1965, to $322 million.

MDTA has achieved its goal of 60,000 trainees in training set for it during its first fiscal year of operation. As of today training is proceeding at the rate of 108,000 trainees per year. Training capacity has now been developed to a point which will make it possible to meet the 3-year goal to train 400,000 unemployed provided, of course, that the necessary appropriation levels are maintained and that S. 1716 is enacted so that the life of the program may continue to the expiration of the original authorization.

CONCLUSION

The committee is satisfied that the MDTA program has maintained the pace necessary for it to realize the goals set for it by Congress when the program was enacted. It is noteworthy that 70 percent of the trainees completing training courses so far have been placed in jobs related to their training.

Extension of the requirement for State matching for 1 year as proposed by the pending bill should provide the Federal Government and each of the States with a full opportunity to give this important attack on the roots of unemployment a fair tryout so that the legislatures, both Federal and State, may determine whether the program should be continued.

The recommendation by the committee should not be construed by the States as in any way indicating that the committee does not expect them to assume their full share of the cost of the program once MDTA has demonstrated its effectiveness. A number of the members of the committee pointed out that within 9 months following the effective date of the Federal-State matching program under the Kerr-Mills medical assistance for the aged program, eight States had programs in effect; three States had submitted plans to the Department of Health, Education, and Welfare for approval; and seven additional States had enacted legislation but had not as of that time submitted their plans. Two years later 28 States had Kerr-Mills programs in operation, and 8 additional States had enacted enabling legislation which would become operative either at a fixed future date or upon approval of the plan by HEW. Within the comparable 9-month period under MDTA, only four States had enacted matching authorizations. Although the committee recognizes that the factors underlying matching in the Kerr-Mills program are distinguishable from those bearing on MDTA, it expects that State matching authorization under MDTA will proceed at an increased pace during the next 18 months.

If this bill is enacted, the committee will continue to maintain a careful review of the effectiveness of this program and of the States participation in it during the extended year of Federal support. Both factors will have a bearing upon any recommendations which the committee may make with respect to future legislation.

The committee has concluded, however, that the 12-month record developed thus far is totally inadequate as a basis for judging the worth of this important program dealing with the urgent domestic problems of unemployment. Enactment of the bill will make it possible for the fair testing of MDTA over the full term of 3 years as specified in the statute itself.

SECTIONAL ANALYSIS

Section 1(a) of the bill, as reported by the committee, amends section 203(d) of the Manpower Development and Training Act of 1962 by striking the year "1964" and substituting in lieu thereof "1965" with the result that State matching will begin on June 30, 1965, rather than on the earlier date.

Section 1(b) of the bill amends section 231 of the act by striking the year "1964" and substituting in lieu thereof the year "1965" with the same result as above.

Section 2 amends section 304(b) of the act by striking the words "a like amount" referring to an authorized appropriation of $161 million and substituting therefor the sum of "$322 million" as the authorization for the fiscal year ending June 30, 1965, for the purpose of carrying out title II.

DEPARTMENT REPORT

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., August 5, 1963.

Hon. LISTER HILL,
Chairman, Committee on Labor and Public Welfare, U.S. Senate, Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request for comments on S. 1831, a bill to amend the Manpower Development and Training Act of 1962, and similar bills, S. 1716, S. 1691, and S. 1725.

S. 1831 would amend the training provisions of the Manpower Development and Training Act in the following respects: (1) training for functional literacy and basic work skills would be authorized under the act, and persons receiving such training would be eligible for up to an additional 52 weeks of training; (2) the minimum age limit for training allowances for youths would be lowered from 19 to 16; (3) the proportion of total training allowances for youths under 22 years of age would be increased from 5 to 15 percent; and (4) to assure that youths are not encouraged to drop out of school to benefit from the above provisions, no allowances would be paid to youths until 3 months after dropping out of school.

S. 1716 provides for two amendments to the Manpower Development and Training

---

[1] Connecticut, Kansas, Montana, and Tennessee.

[2] Alabama, Arkansas, Florida, Idaho, Illinois, Indiana, Iowa, Maine, Minnesota, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, Utah, Vermont, Wisconsin, and Wyoming.

Act. First, it eliminates the State matching provision in the act. Secondly, it increases the maximum authorization for title II in fiscal 1965 from $161 to $322 million to finance the elimination of matching.

S. 1691 provides for improved provisions for training allowances to youths similar to those embodied in S. 1831 except that: (1) the maximum proportion of total training allowances which could be spent on youths would be increased to 20 percent rather than 15 percent in 1965 and the maximum number of youths to receive such training in 1964 would be 45,000; (2) a 6 months' waiting period after leaving school would apply rather than 3 months; and (3) the authorization would be increased by $45 million in fiscal 1964 to finance such provision. As in S. 1831, this bill would also lower the minimum eligible age for training allowances to 16.

S. 1725 would also amend provisions of the act respecting training allowances for youths. The minimum age limit would be lowered to 18 rather than to 16 as in S. 1831, and the maximum proportion of such allowances to be used for training of youths would be increased to 20 percent, as in S. 1691, rather than to 15 percent, as in S. 1831.

Neither S. 1691 nor S. 1725 provide for literacy training as embodied in S. 1831.

As indicated in the President's message on civil rights to the Congress on June 19, 1963, improvements and expansion of the training provisions of the Manpower Development and Training Act is fully supported by this administration. This position was reiterated in the Secretary of Labor's testimony on S. 1831 and S. 1716 before your committee on July 16, 1963, when he fully endorsed enactment of these two bills. The Bureau of the Budget concurs fully with the Secretary's testimony. S. 1831, however, as introduced, does not include the increased authorization which had been requested for these purposes. We recommend that the committee amend the bill to provide these funds.

While the general nature of the amendments proposed in S. 1691 and S. 1725 are also along the lines supported by this administration, the specific changes proposed in each differ materially from those in S. 1831 or S. 1716. The latter two bills more accurately reflect the President's proposals in this area as outlined in his message to the Congress on Civil Rights, and therefore this administration would favor their enactment.

I am authorized to inform you that enactment of S. 1831 and S. 1716 would be in accord with the program of the President.

Sincerely yours,

Phillip S. Hughes,
Assistant Director for Legislative Reference.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Manpower Development and Training Act of 1962

(An act relating to manpower requirements, resources, development, and utilization, and for other purposes)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * *

TITLE II—TRAINING AND SKILL DEVELOPMENT PROGRAM

Part A—Duties of the Secretary of Labor

* * * * *

TRAINING ALLOWANCES

Sec. 203. * * *

(d) After June 30, [1964], *1965,* any amount paid to a State for training allowances under this section, or as reimbursement for unemployment compensation under subsection (h), shall be paid on condition that such State shall bear 50 per centum of the amount of such payments.

* * * * *

Part B—Duties of the Secretary of Health, Education, and Welfare

GENERAL RESPONSIBILITY

Sec. 231. * * *

The State agency shall be paid 50 per centum of the cost to the State of carrying out the agreement, except that for the period ending June 30, [1964], *1965,* the State agency shall be paid 100 per centum of the cost to the State of carrying out the agreement with respect to unemployed persons.

* * * * *

TITLE III—MISCELLANEOUS

* * * * *

APPROPRIATIONS AUTHORIZED

Sec. 304. * * *

(b) There are hereby authorized to be appropriated $97,000,000 for the fiscal year ending June 30, 1963, $161,000,000 for the fiscal year ending June 30, 1964, and [a like amount] $322,000,000 for the fiscal year ending June 30, 1965, for the purpose of carrying out title II.

* * * * *

Minority Report on S. 1716 of Senator Barry Goldwater and Senator John G. Tower

We are opposed to the enactment of S. 1716.

The purpose of this bill, if enacted, would be to eliminate the provision contained in the Manpower Development and Training Act of 1962, requiring State matching for the fiscal year beginning July 1, 1964. Since the States would be relieved of their financial responsibilities under this program, the Federal Government would be required to finance 100 percent, the cost of the MDTA for fiscal 1965, at a cost of $322 million.

Since the enactment of MDTA in March 1962, only three States, Connecticut, Montana, and Tennessee, have enacted enabling legislation and completed action appropriating funds in order to receive Federal matching grants under this program. The legislatures of the remaining 47 States have either taken only preliminary action or no action at all. Because of this overwhelming lack of response to the MDTA by the State legislatures, the administration now urgently requests the Congress to waive the requirement for State matching and allow the Federal Government to foot the entire bill.

The Manpower Development and Training Act was enacted in March 1962. Since that time every State legislature has met either in 1962 or 1963 and most legislatures again will meet during 1964. Thus there has been ample opportunity for every State legislature in the country, if they so desire, to authorize the necessary matching funds. To date, however, only three States (Connecticut, $200,000; Montana, $20,000; Tennessee, $500,000) have authorized appropriated funds which represents approximately one-half of 1 percent of the total authorization of $161 million contained in the act.

The net effect of the proposed legislation is to relieve the States of the burden of assuming their responsibility under this program and transferring it to the back of the already overburdened and deficit-ridden Federal Treasury. And this is sought to be accomplished in full knowledge of the fact that 47 State legislatures have refused to enact matching legislation.

Secretary of Labor, W. Willard Wirtz, in his testimony before the Senate Labor and Public Welfare Committee commented:

"Lack of action by the States does not mean lack of interest. Instead, we have had urgent messages from many State employment service directors expressing their deep concern and earnest hope that these programs can be continued and accelerated."[1]

It is significant that while Secretary Wirtz may have received many messages from State employment service directors urging continuing of MDTA he apparently did not receive a single communication from a State legislature pleading for the passage of this bill. Since it is the legislature of the State and not the State employment service director which has the authority to appropriate State moneys, we believe that it is advisable for the Senate to give heed to what 47 State legislatures have refused to do, for whatever reasons, and therefore we urge the Senate to reject this legislation.

The administration's pressing entreaties for the passage of this proposal in the light of large-scale State inactivity stands in sharp contrast to its footdragging and general apathy to the implementation of the medical assistance for the aged program, the so-called Kerr-Mills Act, which too requires State matching.

It is common knowledge that the present administration, in its attempts to couple a medical assistance program for the aged to the Social Security System, has thrown up every roadblock at its command to hobble and shackle the Kerr-Mills Act. So far these attempts to scuttle that act have been unsuccessful as the record will indicate.

As of July 25, 1963, 32 States and territories have programs in effect for receipt of funds under Kerr-Mills; 12 have plans submitted, drafted, or in some other stage of implementation; and only 10 States need legislation. Compared to the nationwide disinterest exhibited by the States to MDTA, the Kerr-Mills program can be viewed as a rousing success.

It is our belief that any program, such as MDTA, which has the unqualified and enthusiastic endorsement of the administration, should stand or fall on its own merits without extraordinary inducements being offered in its behalf in order to keep it functioning.

Barry Goldwater.
John G. Tower.

Appended below is the progress report on the medical assistance to the aged program (Kerr-Mills) as of July 25, 1963.

Report as of July 25, 1963—Activities of the 54 Jurisdictions To Put Into Effect the Program of Medical Assistance for the Aged

A. Programs in effect, 32 States:

Alabama, Arkansas, California, Connecticut, District of Columbia, Florida,[1] Guam, Hawaii, Idaho, Illinois, and Kentucky.

Louisiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey,[2] New York, North Dakota, Oklahoma, and Oregon.

Pennsylvania, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virgin Islands, Washington, West Virginia, and Wyoming.[2]

B. Plan submitted; not in effect, 1 State:

South Dakota.[3]

C. Plan being drafted, 1 State:

Iowa (appropriation available after July 4, 1963).

D. Legislation enacted; plan not yet submitted, 5 States:

Kansas (effective January 1, 1964).
Minnesota (effective July 1, 1964).
Nebraska.
North Carolina (effective July 1, 1963).
Virginia (1962 session; effective January 1, 1964).

---

[1] Hearings before the Subcommittee on Employment and Manpower, Committee on Labor and Public Welfare, U.S. Senate, July 16 and 18, 1963.

[2] Plan submitted, not yet approved; program in operation as of July 1, 1963.

[3] To become effective upon approval of State's plan.

E. Legislation in process to give basis for program or to provide appropriation, 2 States:

Passed both houses: Missouri.[4]

Legislation pending: Wisconsin.

F. Need legislation, 10 States:

Alaska
Arizona[5]
Colorado[5]
Delaware
Indiana[6]
Mississippi
Montana[5]
Ohio[5]
Rhode Island[5]
Texas[7]

G. Have authority for MAA; implementation indefinite, 3 States:

Georgia: Enacted 1961; no funds available.

New Mexico: Has legal authority; 1963 appropriation request denied.

Nevada: Enacted 1963; tax funds for program not voted.

[Senate, Sept. 4, 1963]

AMENDMENT OF THE MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962

Mr. CLARK. Mr. President, I turn to the pending business, S. 1716. It is a little bill on a big issue. The bill itself is only 11 lines long. It continues for a third year, or through fiscal 1965, which is June 30 of that year, the provisions of the Manpower Development and Training Act of 1962, which imposes the entire cost of the program on the Federal Government. In other words, it waives the provisions in the original bill, for 1 more year, which would require 50-percent matching on the part of the several States.

In determining whether to pass the bill, the Senate is really deciding—I hope today—to continue the Manpower Training and Development Act. However, if the extension is not passed, I think I can safely say, having heard all the testimony and having been chairman of the subcommittee of the Committee on Labor and Public Welfare which reported the bill, that the training program will die. It will die through apathy, just as it is getting off the ground; just as it is beginning to retrain in employable skills at the rate of 108,000 Americans per annum, retraining them in ways in which they will get jobs. Experience to date shows that 70 percent of those who have completed retraining courses will get those jobs.

The program is at present operating in all 50 States and in Puerto Rico and Guam.

Mr. CLARK. The program is just getting off the ground. There are good reasons why that is the case. The act was passed in 1962, but it was for an authorization only. The appropriation was not made until toward the end of the legislative session last year.

As is customarily the case with new programs of the Federal Government, a number of months were required to organize the program, to place it in operation, and to provide the necessary coordination betwen the employment offices in the 52 jurisdictions, the local school boards in the areas where such boards were responsible for the training programs, and the Department of Health, Education, and Welfare in Washington, where machinery was set up to enable that Department adequately to screen the training programs in the interest of preventing boondoggling and eliminating waste. Therefore, it was not until the spring of 1963 that the program really got underway.

During that period, there was nothing to show for the program in the several States. During that period, some 29 legislatures met. From everything we have learned from the testimony and our contacts with the State employment agencies, the States were not alerted and were not aware that if they did not provide money for meeting the Federal program with matching grants, the Federal program would grind to a halt on June 1 of next year. Twenty-nine State legislatures will not meet in 1964, for they meet only on a biennial basis. Accordingly, those States will have no opportunity, unless special sessions of their legislatures are called, to provide the matching grants necessary to continue the program after June 30 of next year.

Accordingly, at the request of the administration, the Committee on Labor and Public Welfare held hearings to determine whether the proposal requiring State-matching grants should be postponed for 1 year. The conclusion was reached, unanimously in the subcommittee, and by a vote of 13 to 2 in the full committee, that it was the better part of wisdom not to kill the program just as it was getting off the ground. Whether or not proposed civil rights legislation were to be brought before Congress, I would strongly urge the passage of this manpower development and retraining bill. There is every reason why the program should be continued for another year, in order that its full benefits and the impact of the reemployment which it generates might be brought home to the general public.

Nevertheless, I feel compelled to note that this particular bill was recommended in the President's message on civil rights, which he sent to Congress on June 19, 1963. I quote from page 9 of that message:

Specifically, I now propose:

(A) That additional funds be provided to broaden the manpower development and training program, and that the act be amended, not only to increase the authorization ceiling and to postpone the effective date of State-matching requirements, but also (in keeping with the recommendations of the President's Committee on Youth Employment) to lower the age for training allowances from 19 to 16, to allocate funds for literacy training, and to permit the payment of a higher proportion of the program's training allowances to out-of-school youths, with provisions to assure that no one drops out of school to take advantage of this program.

The first part of the Presidential recommendation, namely, an amendment to the act to increase the authorization ceiling and to postpone the effective date of State-matching requirements, is contained in the pending bill, S. 1716.

A few minutes ago, I sent to the desk S. 1831, a bill which would enact the other recommendations of the President's program. That bill is in the form of a report submitted by the Committee on Labor and Public Welfare. That bill also cleared the committee by a vote of 13 to 2; but it is only the relatively narrow amendment to the act, dealing with waiving State payment for 1 more fiscal year and, accordingly, increasing the authorization for expenditures under the program, to take up the slack at the Federal level, which will now not become available at the State level, that we are dealing with today.

Mr. CLARK. I believe the RECORD should show—and I should have so stated in my opening remarks—that the Senator from West Virginia is the principal sponsor of the bill. He reported the bill to the Senate from the committee. On several occasions he was kind enough to preside over hearings when it was impossible for me to be present. He has followed the bill with great zeal, and is probably the leading expert on the subject in the Senate today. I commend him and thank him for the speech he is making in support of the proposed legislation.

Mr. RANDOLPH. The Senator from Pennsylvania is very gracious. I assure him that it is my responsibility to join Senators who have sponsored the bill, those on the Committee on Labor and Public Welfare and other Senators on both sides of the aisle, in moving to successful passage this vital and urgent measure. I think the Senate will respond affirmatively to the proposal.

It was evident during the hearing on S. 1716, and, of course, on other amendments to the Manpower Development and Training Act—that the Congress, in enacting the original measure, admittedly did not allow adequate time for the development of the program and its assessment by the States before the deadline, when the States would be called upon to authorize matching funds.

So in proposing this amendment of S. 1716, we have come to the Congress in an effort to repair that impediment.

We are not considering a problem which is going to emerge 5 years from now. As the Senator from Tennessee [Mr. GORE] has said, it is at this moment a problem of national scope. It is a serious problem in the Appalachian States and in certain other States. It is here now. Whereas there has been automation in manufacturing and in mining, automation—by whatever word one wishes to characterize it—is now moving into the field of goods and services, marketing, and the activities of the Government itself, in the various agencies. For example, the Census Bureau has 50 statisticians today doing what it took 4,100 persons to do 10 years ago. In the Internal Revenue Service, in processing data on returns, 80 persons are today doing tasks which were carried on by more than 4,000 persons only a few years ago.

The ragged edge of a rail strike of a few days ago, with all its implications for a shutdown of a major portion of the freight carrying facilities of the country, had its basic cause in the loss of jobs. There are 40 percent fewer railroad workers handling the freight cargo of the United States, which is not much less than it was a few years ago. The problem daily becomes more acute. That is the reason why we faced a possible strike.

Two hundred thousand fewer persons a year are living on our farms. This attrition goes on every 12 months. People do not desire to go into the cities from our rural sections merely to make a move; it is because mechanization of the farm is a reality, as a mechanization of our transportation facilities, processes of mining and manufacturing.

So when the Senator from Tennessee speaks, as he did, so eloquently, although in brief remarks, about this problem being a national one, his statement is abundantly true.

Whereas the problem came with tragic impact a few years ago in West Virginia with the mechanization of our mines, and it is already moving into practically all other sections of our country.

I have faith that, regardless of party, Members of the Congress will respond to the urgency of continuing the program, because to return this measure to the committee would be to kill it. To propose loans would strike at the very core of the effort which is now emerging into a workable program.

We come forth today indicating that there was not sufficient time for the States to assess the program prior to their authorizing matching funds; we are attempting by this amendment to repair the deficiency.

The question of maintaining the present rate of progress in our manpower training program is of the utmost immediacy and urgency. To refer again to the testimony of Secretary Wirtz before our committee, the Secretary stated that:

"We have just finished the first year of the administration of this program. We finished * * * with considerable pride in the accomplishment. The thing has just been moved into high gear. And * * * it will slow down from here on out unless this matching problem is met, and met immediately."

---

[4] Awaiting action by Governor.

[5] Considered by 1963 legislature; not enacted.

[6] Vetoed by Governor. Was not reconsidered in subsequent special session.

[7] Passed resolution for constitutional amendment, which, if ratified by popular vote, may be followed by enabling legislation.

The Congress must not allow this program to be placed in jeopardy because of the calendar of the State legislatures. The manpower development and training program is now in full stride, having passed its target enrollment of 60,000 for fiscal 1963, and is now maintaining an enrollment level of 108,000. Of those who have completed their training, an astonishing 70 percent have been placed in jobs for which they were trained under the Manpower Development and Training Act.

Yet, if S. 1716 is not enacted in this session, the entire—and I emphasize the word "entire"—manpower development and training program will be crippled. The original goal established by the Manpower Development and Training Act provided for the training of approximately 400,000 of the unemployed during the 3 years authorized for the program. This is hardly an extravagant program, in view of the continued rate of unemployment which hovers near 6 percent, with more than 4 million workers in a state of enforced idleness.

The original Manpower Development and Training Act program envisaged the training of approximately 200,000 persons during its third year. With this goal in view, the Congress authorized the appropriation of $161 million for this period, with the expectation that the States would match this with an equal amount. As has already been pointed out, however, at the time the budgets of the States were being drawn for fiscal 1963, the program had not been in operation long enough or on a sufficiently wide scale to elicit cooperative action from the State legislatures which convened in 1963. Twenty-five of those States—those which did not act this year—will not again have the opportunity until January 1965, 6 months after the deadline in the original Manpower Development and Training Act.

There are, therefore, only two alternatives before the Congress: to reject the remedial action proposed in S. 1716, and thereby cripple the manpower training program in all of the States; or enact S. 1716 to authorize the additional $161 million, and thereby help move the American economy forward by maintaining the thrust of the original intent of the Congress as expressed in the enactment of the Manpower Development and Training Act in 1962.

Today or tomorrow, when the vote is finally taken—and I trust it will be within a few hours—there will be an opportunity to accept the proposed amendment to the Manpower Training Act.

Mr. President, I cannot overemphasize the urgency of the need for S. 1716. As I have previously stated in the Senate, the Subcommittee on Manpower and Employment has for many months been conducting hearings on the entire range of manpower and employment problems. From every source of testimony we have received evidence of the drastic toll on our human resources being taken by unemployment.

Especially is this so among our young people. As Secretary of Labor Wirtz pointed out in testimony before our committee, although employment rose last year by some 800,000, unemployment also rose by 400,000 as a result of the continued growth of our labor force. The main impact of the increase of the jobless fell upon our most youthful group of workers. There were, in fact, 300,000 less jobs in June 1963, for young people under 20 than there were in June of the year preceding.

The administration has embarked upon a broad program to ameliorate the problems of our disadvantaged youth. The Manpower Development and Training Act is an essential part of that program. By deferring for 1 year the date at which the States must provide matching funds, the Congress will enable the Manpower Development and Training Act program to proceed with the task of making our young people more employable and providing them with a broader foundation in work skills. This program must not be placed in hazard by the calendar of our State legislative sessions nor by the contingencies of economic expansion and contraction. The need for maintaining a consistent level of activity in this program should be equally apparent to those who administer it in such matters as the approval of training programs under the act and the application of the test of a reasonable expectation of employment.

Though I would offer this precautionary advice to those who administer our manpower program, my primary responsibility is to bring to the attention of the Senate the preeminent importance of the need to enact S. 1716 and provide the additional authorization to keep the manpower program going at full strength. I therefore join the senior Senator from Pennsylvania [Mr. CLARK], who has provided such active leadership in the Manpower and Employment Subcommittee, in urging the Senate to approve the amendment under consideration. I have been joined in proposing S. 1716 by Senators CLARK, MCNAMARA, PELL, KENNEDY, MCINTYRE, and RIBICOFF. It is our belief that this measure is needed to insure the training of workers without cutting the very heart of the manpower program.

I recently returned from 5 days in my own State of West Virginia, where I found that the compelling need for the passage of the pending bill, to continue the Training Act unimpaired, is understood by our people. I believe Congress, if it carries this program forward, will do much not only to alleviate unemployment in our Nation, but also to enable us to meet the problems generated by the technological revolution of American industry. I therefore recommend approval of the pending measure.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments en bloc.

The committee amendments were agreed to en bloc.

Mr. GOLDWATER. Mr. President, I have listened attentatively to the very able presentation made by the distinguished Senator from Pennsylvania (Mr. CLARK) and the equally able presentation made by the Senator from West Virginia (Mr. RANDOLPH). It is difficult to stand on the floor of the Senate and be opposed to retraining in general. It is like being opposed to mother love and wide roads.

However, some questions existed in the minds of the minority members of the Committee on Labor and Public Welfare; and I feel it is incumbent upon me to speak about them.

Senators who oppose the enactment of the proposed legislation are not opposed to retraining. I believe most Senators have committed themselves to further expenditures in this field in the President's civil rights package. They feel that training is constantly needed. However, we do not feel that the Federal Government should be the sole judge of where and how the training should be conducted.

We do not deny that there is something wrong, something that has been wrong for some time, something that crosses the paths of two administrations.

We must admit that there is something wrong, because there is continued unemployment at a rate which I do not believe anyone can find acceptable.

In July, according to the Economic Indicators, our unadjusted rate of unemployment ran at 5.7, which, while it is considerably better than it was in January, is a little worse than it was a year ago.

Retraining is a necessary thing. I believe basic training is urgently needed. That is one of the reasons why many Senators on this side of the aisle have supported vocational training and junior college proposals, and talked about and supported interest in industrial-type high schools or manual training high schools, aimed at young people who are not going through high school and never had any intention of going through high school. These problems could in large measure be solved. I remind Senators that the dropout rate when I was in high school was higher than the one we are experiencing today. In those days, however, a young boy who knew he was not going to finish high school could go to an industrial high school or a manual training high school, whatever the case might be, and there acquire some skill.

I agree with the proponents of the bill that today there is little or no demand for unskilled labor. The idea that if one cannot do something with his hands, he can always get a job using a pick and shovel, is a fallacy. Those days have passed. Automation has moved into the fields of the pick and shovel to the point that such jobs do not exist. It is to that group that the proposed legislation is directed.

Another factor I wish to touch on, other than the drop-out situation and the need for employment at higher skilled levels, is one that I mentioned earlier, which at least crosses over the administration's proposals, and probably more than that.

The only way in which jobs can be created is to have more capital investment. Capital investment is the lifeblood of any free enterprise economy. This has always been true. During or immediately following the years of high capital investment, unemployment has been reduced. As I look at Economic Indicators for August, I note that in 1957, capital investment, under the heading "Expenditures for new plant and equipment," was $36.96 billion. It dropped the next year, and then started to rise slowly. But the rate this year, 6 years after 1957, if the Indicators prove to be true, will be $39.24 billion, an increase in 6 years of $2.28 billion; or, to put it another way, an increase of about 5 percent over the 6 years.

We can retrain to perfection every unemployed person in the country; but if there are not jobs for them to step into, the retraining is wasted. Particularly is it wasted upon a man who wants to work. He does not want to be on relief. He wants to work with his hands and brain. He wants to be productive.

So before I proceed with my basic argument against the proposal, I call the attention of Senators to what I consider to be the real problem in the employment picture in America today. Our tax structure is so lopsided, difficult, and unfair that investment is not encouraged. More money is available for investment today than at any other time in the history of the country. If my memory serves me correctly, the amount is in the neighborhood of $400 billion in savings by the American people. This money is not being invested in new capital equipment, new factories, or new buildings at the rate I feel it should be invested, in order to relieve the basic unemployment problem. What should the rate be? I do not know. As a onetime businessman, I should judge that possibly a rate increase of 4 to 5 percent a year would produce the desired results. If that were true, instead of the figure running slightly more than $39 billion this year, compared with $36.96 billion in 1957, we could possibly expect it to be in the nature of $79.90 billion being spent for new equipment and factories in this year.

We can talk indefinitely about unemployment and education, and about what we intend to do for area redevelopment; but until this Congress or some subsequent Congress attacks the basic problem, which is wrapped up in taxation and is depriving the American wage earner and investor of initiative and ambition, and particularly the desire to have his money work for him, there will be a continuation of the unemployment problem throughout the country.

There must be some reason for the failure of the States to exhibit more interest than they have. I have read the hearings carefully. I have read the report carefully. I cannot find the answers that I think we should have, although possibly we cannot get them. I read from page 61 of the manpower retraining hearings before the Sucommittee on Unemployment and Manpower of the Committee on Labor and Public Welfare in the first session of this Congress. This report was submitted by Dr. M. D. Mobley, executive secretary of the American Vocational Association. The title of the report is: "Summary of Replies from State Directors of Vocational Education Regarding Matching Funds for the Manpower Development and Training Act for 1965."

At the outset, I invite the attention of Senators to the fact that the replies are from State directors of vocational education; they are not from the State legislatures or the Governors. Perhaps there would have been a much better understanding of what direction should be taken legislatively had we heard from the people charged with the responsibility of accepting the matching fund programs. The report contains a series of questions that Dr. Mobly answered. I shall read the questions and the answers:

1. If MDT matching funds for vocational education were requested from your 1963 legislature, indicate amounts requested.

Thirty-six States replied "none." Other States replied with amounts ranging from $83,000 to $3,150,000.

2. If MDT matching funds for vocational education were appropriated by your 1963 legislature, indicate amount appropriated.

Three States indicated that funds had been appropriated. One of these three States received one-half of the amount requested and no funds were earmarked for training or allowances.

3. If MDT matching funds for training allowances were requested from your 1963 legislature, indicate amount requested.

Thirty-nine States replied "none." Other States replied with amounts ranging from $100,000 to $3,150,000.

4. If MDT matching funds for training allowances were requested from your 1963 legislature, indicate amount appropriated.

None of the States had any funds appropriated.

5. If MDT funds for vocational education are to be requested from your 1964 legislature, estimate amount to be requested.

Forty States indicated "none." Other States replied with amounts ranging from $50,000 to $2 million.

6. If MDT funds for training allowances are to be requested from your 1964 legislature, estimate amount to be required.

Forty-six States replied "none." Other States replied with amounts ranging from $50,000 to $2,500,000.

7. Will your State be able to participate in the Manpower Development and Training Act program when matching is required?

Thirty-four States indicatd "no." Six States answered "yes." Other States replied "doubtful," "probably," "questionable," "depends," "only to a limited extent," "very unlikely," and "yes."

I note that the report is dated July 3, 1963. As was stated in the minority views, the purpose of the bill, if enacted, would be to eliminate the provision contained in the Manpower Development and Training Act of 1962, requiring State matching for the fiscal year beginning July 1, 1964. Since the States would be relieved of their financial responsibilities under this program, the Federal Government would be required to finance 100 percent of the cost of the Manpower Development and Training Act for fiscal 1965, at a cost of $322 million.

The reason why I read the report submitted by Dr. Mobley was to set forth the questions that arise in the minds of Senators who oppose the enactment of the bill.

Why have so many States refused to participate in the program? I am sure I have no pat answer for all the States. I cannot even give an answer as to why my State of Arizona has not participated, unless it be that under our vocational training program the State director or Governor or legislature may feel that the program is not needed. This question has not been answered. I would appreciate answers to it, because I think they would have some effect on the final disposition of the program.

Since the enactment of the Manpower Development and Training Act in March 1962, only three States, namely, Connecticut, Montana, and Tennessee, have enacted enabling legislation and completed action appropriating funds in order to receive Federal matching grants under this program. The legislatures of the remaining 47 States have either taken only preliminary action or no action at all.

Because of the overwhelming lack of response to the Manpower Development and Training Act by the State legislatures, the administration now urgently requests the Congress to waive the requirement for State matching and to allow the Federal Government to foot the entire bill.

Again, Mr. President, if we had had from the States some understandable answers as to why they were not interested in it, when all of the funds are Federal Government money, we might better be able to understand why the administration is urging the action it is urging today.

I may say that this act was passed in March 1962, and since that time every State legislature has met either in 1962 or in 1963. Most of the legislatures will meet again during 1964.

Thus, there has been ample opportunity for all the State legislatures in the country, if they so desire, to authorize the necessary matching funds. To date, however, only three States—Connecticut, $200,000; Montana, $20,000; Tennessee, $500,000—have authorized appropriated funds which represent approximately one-half of 1 percent of the total authorization of $161 million contained in the act.

The net effect of the proposed legislation is to relieve the States of the burden of assuming their responsibility under this program and transferring it to the back of the already overburdened and deficit-ridden Federal Treasury. And this is sought to be accomplished in full knowledge of the fact that 47 State legislatures have refused to enact matching legislation.

Secretary of Labor W. Willard Wirtz, in his testimony before the Senate Labor and Public Welfare Committee commented:

"Lack of action by the States does not mean lack of interest. Instead, we have had urgent messages from many State employment service directors expressing their deep concern and earnest hope that these programs can be continued and accelerated."

Again I invite the attention of the Senator from Pennsylvania to the fact that other requests, in this expression of urgency, have come from those from whom we would expect them to come—namely, the State employment service director.

It is significant that while Secretary Wirtz may have received many messages from State employment service directors urging continuing of the Manpower Development and Training Act, he apparently did not receive a single communication from a State legislature pleading for the passage of this bill.

I do not mean that it did not come or that it does not exist. It was not indicated that it did. If it did, I am not aware of it.

Mr. CLARK. Mr. President, will the Senator from Arizona yield?

Mr. GOLDWATER. I am glad to yield.

Mr. CLARK. I believe the Senator from Arizona is quite correct when he says there have been no urgings from the State legislators. I believe one can almost conclude that the State legislatures are rather disinterested in this program. For that, there could be two reasons: First, because the program did not really get underway until this spring; and therefore, the impact within the States is relatively small. In the State of Arizona only three projects, with a relatively small number of trainees, are underway. However, I call the attention of the Senator from Arizona to page 186 of the hearings, where there appears a letter addressed to me by J. R. Cullison, director, vocational education, Phoenix, Ariz. My staff tells me that he is the State director of vocational education. In the letter he says:

"It appears that no State funds will be available to match Manpower Development and Training Act beginning July 1, 1964. The approval of S. 1716 is urgent."

It is probably true that a State director of vocational education has a certain vested interest in a program of this sort; so perhaps we should take his letter with a grain of salt, before giving his urgent recommendation our 100-percent backing. But I do think it is an indication that the man who is responsible at the administrative level for the vocational educational program in the State of Arizona believes the enactment of this bill is urgent. To me, that is fairly good evidence that we have, on the one hand, a program—which is just getting off the ground—with which he is familiar; furthermore, the fact that it has not gotten very far off the ground is one reason why members of the State legislatures are not particularly interested in it.

As I said earlier, in colloquy with the distinguished Senator from Georgia [Mr. RUSSELL], all of us know, I believe, the very heavy financial obligations of the States and their limited tax resources. I think those considerations, when taken together, explain why there has not been a great upsurging of support from either the State legislatures or the Governors. One may conclude from that—as my good friend the Senator from Arizona does—that we should drop the program because there is not any real urging behind it. But I would draw a different conclusion. I should say that there is an enormous amount to be gained by continuing the program, now running at the rate of 108,000 trainees a year, inasmuch as we have had the successful experience with the first 60,000 of the trainees of placing 70 percent of them in jobs because we have given them employable skills.

This decision must necessarily be a matter of judgment; but I respectfully disagree with the conclusions which the distinguished Senator from Arizona has drawn from the fact he has stated—which is correct—namely, that there has been no great urging from either the State legislatures or Governors for this proposed legislation.

Mr. GOLDWATER. I may say to the distinguished Senator from Pennsylvania, who has so well presented his arguments, that we always receive such notes of urgency from the State directors of programs financed in whole or in part by the Federal Government. Each year, I am urged by my good friend in Arizona, the head of the vocational training program, in which I have much faith and confidence, to build and build and build. But I do think it is unusual that at some point in the testimony there was not submitted an argument which presented the position of a State legislature or of a Governor. I would not take this position, except for the fact that 47 States have failed to act. If only a few States had failed to act—as in connection with the Kerr-Mills Act, which 32 States have taken advantage of—one would be justified in concluding that, for various reasons, the other States had felt it wise to take advantage of the program.

Mr. Cullison, the Arizona State director, is a very capable man. With my limited knowledge of the field, I dare say probably he is one of the most capable fieldmen in the entire program. I think he probably would be influenced—as he should be for other purposes—by the map contained in the hearings; and I speak now only for my own State of Arizona and also from a rather intimate knowledge of the States directly to the east, to the west, and to the north. When I consider the rate of functional illiteracy, I find that 30 percent or more is entirely in the Navaho and the Apache Indian Reservations, where I doubt that an understanding of the English language is possessed by more than 10 to 15 percent of the people. They are very fine workers when they learn English and move off the reservations to places where they can employ their skills. When I consider the 20 percent or more in my State—represented, in large part, by those on the Navaho and the Apache Reservations; in fact, I may say that all of the shaded areas on the map are either very thinly populated or are populated by Indian tribes, most of whom—with the exception of those who live around the major cities—have not yet learned to speak English—I realize that that would constitute a convincing argument, if I considered only the map. But from my knowledge of New Mexico, I am sure that State also has—with one or two minor exceptions—the same problem, which fundamentally is an educational problem, which I may say we are dealing with.

After too many years of inattention in these fields, the Federal Government now has a highly commendable program of education on the large reservations which contain large populations. The rate of illiteracy will disappear almost entirely within the next 10 to 15 years. But when we discuss functional illiteracy I comment as I have done because it might appear that my State was in bad shape, when the truth is that the map reflects areas in which we could not expect to find any functional illiteracy.

Mr. Clark. Mr. President, will the Senator yield?

Mr. Goldwater. I yield.

Mr. Clark. I agree with what the Senator from Arizona has said about his own State. He knows far more about it than I could ever hope to know. I point out that the question of functional illiteracy is not involved in the pending measure. It has to do with matters that will be discussed when the bill S. 1831, comes to the Senate for action.

Mr. Goldwater. I thank the Senator from Pennsylvania for calling attention to that point. I thought I had the report on the other bill. But it is interesting anyway.

Mr. Randolph. Mr. President, will the Senator yield?

Mr. Goldwater. I yield.

Mr. Randolph. The Senator from Arizona appropriately asked the attitude of the Governor of States in which no action had been taken. This afternoon I talked with the Governors of States in which no action had been He authorized me to say to the Senate that the program in West Virginia is important, and that men and women who are unemployed are now being trained under the program. The skills of those people will be channeled into productive work in the State of West Virginia, and, in some instances, West Virginians will work in other States.

I have the conviction that if Senators were able to talk with their Governors, 90 percent, or even more, of the Governors of the 50 States would enthusiastically endorse the program as it is now moving forward, and would ask that no curtailment or impairment of the program come from the Senate.

Mr. Goldwater. I thank the Senator from West Virginia for those remarks. I recognize that the problem which exists in his State is probably one of the most pressing and vital in the entire Nation. Many times I have said that in a State like West Virginia training and education is the only answer. While I believe more coal is being mined in West Virginia than was ever mined before, it is being done with about 30 percent of the people who were formerly employed in the occupation of mining. That situation gets to the very heart of the problem.

I wish that the committee had thought of those things before the report was written. I wish that Senators had consulted Governors and legislators to find out what their feeling is. When a program has been in progress and only three States have participated in it, some of those not participating being very conspicuous by their absence, I say that we are confronted with quite a mystery.

To continue briefly, since it is the legislature of the State and not the State employment service director which has the authority to appropriate State moneys, we believe that it is advisable for the Senate to give heed to what 47 State legislatures have refused to do, for whatever reasons, and therefore we urge the Senate to reject this legislation.

The administration's pressing entreaties for the passage of this proposal in the light of large-scale State inactivity stands in sharp contrast to its foot-dragging and general apathy to the implementation of the medical assistance for the aged program, the so-called Kerr-Mills Act, which too requires State matching.

It is common knowledge that the present administration, in its attempts to couple a medical assistance program for the aged to the social security system, has thrown up every roadblock at its command to hobble and shackle the Kerr-Mills Act. So far these attempts to scuttle the act have been unsuccessful as the record will indicate.

As of July 25, 1963, 32 States and territories have programs in effect for receipt of funds under Kerr-Mills; 12 have plans submitted, drafted, or in some other stage of implementation; and only 10 States need legislation. Compared to the nationwide disinterest exhibited by the States to the Manpower Development Training Act, the Kerr-Mills program can be viewed as a rousing success.

It is our belief that any program, such as the Manpower Development Training Act, which has the unqualified and enthusiastic endorsement of the administration, should stand or fall on its own merits without extraordinary inducements being offered in its behalf in order to keep it functioning.

In closing, I come to one of the chief fears of those who oppose the measure; namely, that it is not merely an extension of the program for 1 year with full participation by the Federal Government. If the Senate passes the bill, as sure as we are gathered here this Wednesday afternoon, the program will become another permanent program of the Federal Government. It will be another effort by the Federal Government to convince the States that the Federal Government can do these things better than the States can. As the proponents of the bill well know, the opponents of the bill do not lend themselves to Federal action unless it becomes absolutely necessary. Since 47 State legislatures have shown that they do not feel such Federal action is necessary, we who oppose the measure feel that the States can best do the job, or at least they should be given the opportunity to do it.

Mr. Carlson. Mr. President, will the Senator yield?

Mr. Goldwater. I yield.

Mr. Carlson. Kansas is one of the States of the Union in which the legislature acted last January. Funds were made available as of January 1, 1964.

I should like to refer to the last statement by the Senator from Arizona. Looking to the future, there is grave danger that we will not require matching funds by States.

I believe I can speak rather frankly on the question, because our State has already made plans to match funds. But I am concerned that if the Senate passes the proposed legislation today, all that will be done will be to add 1 more year to the program. Next year we shall come back and attempt to do the same thing. I agree with the Senator from Arizona that that is the danger in the program. It is not the fact that there is a program with State matching funds. Our State has now voted matching funds, so I can speak frankly about the program. It is a good program. I have talked with people in my State about it. They are not complaining about the program. But I dislike voting for a program with the feeling that all we are doing is building a new Federal training program which I think should be taken care of through other programs, including vocational training and others.

I thank the Senator from Arizona.

Mr. Goldwater. I thank the Senator from Kansas.

Mr. Prouty. Mr. President, I move that the bill, S. 1716, be recommitted to the Committee on Labor and Public Welfare with instructions to that committee to report the bill to the Senate not later than 1 week after the filing of a conference report on H.R. 5888, the Health, Education, and Labor Appropriations bill for fiscal 1964; or not later than 1 week after the Senate Committee on Labor and Public Welfare has reported to the Senate a Vocational Education bill, whichever shall last occur.

Mr. President, on the motion, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. Prouty. Mr. President, I shall be very brief. At the outset, let me say that I have no intention of sabotaging the manpower retraining development program. However, I feel that we should look at this subject in a little deeper perspective than that in which it has been viewed up to now. The Committee on Labor and Public Welfare, through its subcommittee, held two committee meetings. Five witnesses appeared before the subcommittee. Three of them were administration witnesses, and the other two witnesses were persons who generally are sympathetic to this program.

Very few Senators, perhaps, realize the amount of money that is involved in the program. But I believe we should remember, too, that there are other bills before the Committee on Labor and Public Welfare dealing with this subject. That committee has voted to report another bill, which would add $100 million to this program for the current fiscal year, and $100 million for fiscal 1965.

The Senate has already approved an appropriation of $110 million. With the appropriation and authorizations which are being sought during the next 2-year period, that is, fiscal 1964 and 1965, $632 million will be available for the manpower program.

I have seen no evidence which suggests that this amount of money can be justified. As I have said, the subcommittee has spent very little time on the various bills which will be before it. In addition to requests for the manpower program, $100 million has been approved by the Senate for the Youth Employment Act, which is now in the House. The Senate has a bill before it at the present time for vocational education, starting with $108 million for fiscal 1964, and running up to $243 million in 1967.

I make my motion to recommit in the hope that the committee will combine the various vocational and educational training and manpower bills in order that we can determine how much money can judiciously be spent. Under the requests for the manpower development and retraining program, and appropriations already made, and the authorizations requested, we can spend up to $632 million during the next 2 years.

At the present time only 22,142 persons have enrolled in the program. If my motion is defeated, it will be my purpose to offer a substitute amendment which will combine two bills, the one which the Senate is now considering, S. 1716, and S. 1831, which the Committee on Labor and Public Welfare has voted to report to the Senate.

In effect, I would reduce the funds, but certainly would not cripple the program in any way. I feel that the proper approach at this time is to return the bill to committee, in order that the committee may consider all bills of a similar nature and make as certain as it can that there is no duplication of effort, which I am sure will be the case if the various bills which are before us, some of which have been approved and some of which have not been approved, become effective, in the interest of sound fiscal policy and with a sincere desire to make certain that an education and retraining program will be put into effect and will be effective, and also will be as reasonable in cost as can possibly be anticipated. That is the only reason I have submitted my proposal at this time to recommit the bill to the Committee on Labor and Public Welfare.

It will be noted that my proposal does not suggest that the committee should reduce the bill in any way. My purpose is to have all the bills brought before the committee, so that it can take sufficient time to study them and understand what they provide, and what is needed, and to invite experts from the agencies to tell us what the facts are. We have not had them; we could not possibly have obtained them during the two very brief hearings that were held.

In the interest of sound fiscal policy, and because I sincerely believe that a workable program can be effectuated for much less money than is proposed at this time, I hope the Senate will feel it proper to sustain the motion to recommit.

Mr. CLARK. Mr. President, first, the hearings, a copy of which is on the desk of every Senator, occupy 214 pages, most of them in small print. The hearings on this particular bill are a part of comprehensive hearings on the entire subject of manpower and employment, which has been before the subcommittee ever since the early days of the year. Much of the other testimony has a bearing on the pending bill in an overall, general sense.

The background and need for the bill have been as fully explored in the subcommittee as has any other piece of legislation with which I have had anything to do since coming to the Senate. The fact that only 5 witnesses testified with respect to this small bill of 11 lines is no indication that the very voluminous statements and the other testimony which have been adduced with respect to other phases of the whole unemployment subject have not been carefully considered by the committee. The two key witnesses were the Secretary of Labor and the Commissioner of Education, who should be well advised on the need for the proposed legislation.

Second, the subcommittee, of which the distinguished Senator from Vermont is a member, unanimously reported the bill to the full committee. To be sure, the Senator from Vermont reserved his right to submit amendments, and also reserved all his rights on the floor of the Senate.

I say without qualification that, as chairman of the subcommittee, during our hearings on the whole unemployment question, from the early days of this year forward, we have investigated the possibility of overlapping or duplication in various Federal-State programs. I think it is fair to say that there is no such duplication. In my opinion, the programs are inadequate in size. All of them are needed. I hope this one will be a part of the overall package.

The Committee on Labor and Public Welfare reported the bill to the Senate by a vote of 13 to 2. It is a part of the President's civil rights program—the first part to come before the Senate for action.

I believe the necessity for the proposed legislation has been established on the floor of the Senate this afternoon. I hope the motion to recommit will be rejected.

Mr. RANDOLPH. Mr. President, we must not operate under the misconception that there was a failure adequately to consider this proposal in the subcommittee. More than 40 persons either testified directly or filed statements with the subcommittee. I should like to have that statement clearly understood. I am sure the distinguished Senator from Vermont would not disagree with it.

Mr. PROUTY. I agree with the Senator. The statements were filed; but they are in small print, which is very difficult for anyone to read.

I am sure the Senator from West Virginia will agree that the subcommittee held only 2 days of hearings on the bill, and that only five witnesses appeared before the subcommittee. Am I not correct?

Mr. RANDOLPH. The Senator is correct. I said that some 35 statements were filed; and five witnesses appeared in person, making 40 or more witnesses, as I have indicated.

Mr. PROUTY. In addition to reporting the Senator's bill, the committee also voted to report another bill, one which involves $200 million for the present fiscal year and fiscal year 1965.

Mr. RANDOLPH. That is correct.

Mr. PROUTY. The Senate is not acting on that bill today; but it is a part of the package of the entire program.

Mr. COOPER. Mr. President, I shall vote against the motion to recommit, and I should like to express my reasons for so doing.

I believe it is rather unusual that, with the exception of four States, the State legislatures which met in session in 1963 did not take any action on the program, and did not provide matching funds. Also, I would have been glad to have heard more testimony and received more information about the effectiveness of the program, including the number of projects which have been started in the States and the placing of trainees at work.

My reasons for voting against the motion to recommit can be quickly stated. Perhaps a few of the States do not have the necessary funds, though that is doubtful. My judgment is that legislatures of the various States did not appropriate funds because they consider the problem of unemployment a national problem. I believe it is, too.

The reason that people are more fully employed in one State may result from special conditions. For example, the great defense industries in some States of the Union provide the people of those States full employment. But those industries are supported by the taxpayers of the United States through massive defense expenditures.

Similarly, unemployment exists in other States for reasons which are beyond the control of those States. These reasons include the great technological improvements which have closed industry and reduced employment. Perhaps the failure of the Congress to enact tax programs has also had its effect upon employment. I will admit to my leader that there is merit in what he has said about the fiscal program of the administration which has failed to move the economy. Continued deficits do have an adverse effect upon investment and unemployment.

Unemployment is not purely a local or a State problem. It is affected by great national movements and by circumstances which are beyond the control of State governments. I believe that the question of unemployment and its future impact is the most serious of the domestic problems which affect our country today.

It is argued in the Senate and by some who write to me that private enterprise can handle unemployment. But private enterprise is not handling this problem in the main, and the fact is that people are still out of work. The training program is probably the most sensible program we have to fit young and even older people for some productive employment.

I really do not see what would be accomplished by recommitting the bill. It will be reported to the Senate again, and we shall vote on the issue again, unless in some way it becomes involved in the question of civil rights. Then it might not be voted upon at all.

Because I believe the problem of unemployment is the greatest domestic problem that will be facing our country, and because it is a national problem and not a State problem, I think that we must provide for this training program to continue even if the Federal Government is to pay for it.

The program is underway. Funds needed have not been provided. It will not be possible to provide them the third year unless the Congress looks ahead and faces this problem.

For these reasons, I intend to vote against the motion to recommit.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. PROUTY. I think perhaps the Senator is not aware that my motion to recommit is not merely a straight recommittal motion. The committee would be directed to report after the conferees on the appropriation bill for the Department of Health, Education, and Welfare, relating to this program, made their report, or after the Committee on Labor and Public Welfare reported the vocational education bill.

The purpose of this procedure is to mesh all the various bills for vocational education, for retraining, and so forth into a package, if possible, so that Senators may know what they are voting for, and can provide adequate money, and not a nickel more.

If the motion should lose, I shall offer a substitute which would provide about $432 million for the training program during the present fiscal year and fiscal year 1965.

This motion is not directed as a blow against the retraining program, in which I believe. We have been asked to provide much more money than can possibly be spent efficiently or effectively. I think no Senator can justify throwing money away when it cannot be efficiently or effectively used. That is my interest in the proposal at the present time.

The PRESIDING OFFICER. The question is on agreeing to the motion by the Senator from Vermont [Mr. PROUTY] to recommit the bill to the Committee on Labor and Public Welfare, with instructions.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

[No. 150 Leg.]

NAYS—44

Allott, Boggs, Carlson, Curtis, Dirksen, Dominick, Ellender, Goldwater, Hruska, Lausche, Morton, Pearson, Prouty, Robertson, Russell, Smith, Stennis, Thurmond, and Williams, Del.

YEAS—19

Bayh, Bartlett, Beall, Bible, Brewster, Byrd, W. Va., Cannon, Case, Church, Clark, Cooper, Dodd, Douglas, Gore, and Gruening.

Hart, Hill, Holland, Humphrey, Inouye, Javits, Johnston, Keating, Kennedy, Magnuson, Mansfield, McCarthy, McGovern, McIntyre, and Metcalf.

Monroney, Morse, Muskie, Nelson, Pastore, Pell, Proxmire, Randolph, Symington, Talmadge, Waters, Williams, N.J., Yarborough, and Young, Ohio.

NOT VOTING—37

Aiken, Anderson, Bennett, Burdick, Byrd, Va., Cotton, Eastland, Edmondson, Engle, Ervin, Fong, Fulbright, and Hartke.

Hayden, Hickenlooper, Jackson, Jordan, N.C., Jordan, Idaho, Kuchel, Long, Mo., Long, La., McClellan, McGee, McNamara, Mechem, and Miller.

Moss, Mundt, Neuberger, Ribicoff, Saltonstall, Scott, Simpson, Smathers, Sparkman, Tower, and Young, N. Dak.

So Mr. PROUTY's motion to recommit with instructions was rejected.

Mr. HART. Mr. President, it seems to me entirely appropriate that the Federal Government should extend for another year its 100-percent underwriting of the manpower development and training program.

The matching requirement was originally delayed for 2 years in order that the program might be gotten underway and its usefulness demonstrated to the States.

This has taken longer than anticipated. In many instances vocational education programs were not geared to undertake this kind of retraining program. Often the machinery had to be built from the ground up.

Also, these retraining programs have had to be initiated against the statutory requirement that there be an expectation of jobs for the trainees on their completion of a retraining course.

This has meant that the retraining program has not only been running a race again the abolition of semiskilled and unskilled jobs by automation, but it has also been faced with the fact of continuing unemployment among skilled persons. Happily this latter situation has improved over the last 2 years.

We in Michigan are ironing the bugs out of this program. The fact that 80 percent of those who have completed retraining courses have been employed is evidence that this program can prove of real value in Michigan if given a chance.

But it is clear that we do need additional time. Until the effectiveness of this program can be proven without a doubt in Michigan and across the country, we cannot ask the individual States, most of which have continuing fiscal problems and are burdened with the increasing costs of existing education programs, to appropriate funds for manpower retraining.

I believe it is equally clear that we cannot afford to let manpower retraining be stillborn because of the premature withdrawal of full Federal support.

Just as the fact of unemployment is a national problem, so too are the roots of unemployment national problems.

Because of the high mobility of Americans, the lack of educational and training opportunities in one State may well become the unemployment problem of another State. Michigan knows that unemployment in Detroit is the product not only of automation and the decentralization of the auto industry, but equally of the limited educational opportunities of many of our citizens who have moved to Michigan from other States in the last 25 years.

It is significant that the bill before us today is the result of a recommendation by the President in his civil rights message of June 19. It is significant because it means recognition of the vicious and perpetuating circle formed by discrimination, lack of education and training, unemployment, and economic deprivation.

Certainly manpower retraining is only a partial answer—but we cannot let even partial answers go unfulfilled.

Therefore, Mr. President, I believe it is imperative that we approve the bill before us and give the manpower development and training program this extra impetus to become the effective weapon against unemployment which I believe it can become.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 1716) was passed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 203(d) of the Manpower Development and Training Act of 1962, as amended, is amended by striking out "1964" and inserting in lieu thereof "1965".

(b) The third sentence of section 231 of such Act is amended by striking out "1964" and inserting in lieu thereof "1965".

SEC. 2. Subsection (b) of section 304 of such Act is amended by striking out the words "a like amount" and inserting in lieu thereof "$322,000,000".

[88th Cong., 1st sess., S. Rept. No. 480]

AMENDING THE MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962

September 4, 1963.—Ordered to be printed.

Mr. CLARK, from the Committee on Labor and Public Welfare, submitted the following report together with minority views.

[To accompany S. 1831]

The Committee on Labor and Public Welfare, to whom was referred the bill (S. 1831) to amend the Manpower Development and Training Act of 1962, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

PURPOSE OF THE BILL

In his message to the Congress on June 19, President Kennedy made certain recommendations "designed to improve the training skills, and economic opportunities of the economically distressed and discontented, white and Negro alike." Included in these recommendations were amendments to the Manpower Development and Training Act "not only to increase the authorization ceiling and to postpone the effective date of State matching requirements, but also (in keeping with the recommendations of the President's Committee on Youth Employment) to lower the age for training allowances from 19 to 16, to allocate funds for literacy training, and to permit the payment of a higher proportion of the program's training allowances to out-of-school youths, with provisions to assure that no one drops out of school to take advantage of this program."

S. 1831 incorporates each of these proposals:[1] (1) It provides for training in reading, writing, and arithmetic, as well as manual training in the use of tools, for those of the unemployed who are unable to take occupational training courses because they lack these skills; (2) it provides for the expansion of the youth training program by lowering the age limit for youth training allowances from 19 to 16; and (3) it would increase the percentage of funds available for the youth training program from 5 percent of the estimated total training allowances to 15 percent.

EXPLANATION OF THE BILL

A. Pertaining basic education course

Section I of the bill provides for the establishment of training courses in functional literacy and basic work skills for the benefit of those persons who would otherwise be unable to take part in an occupational training program under the act. The term "functional illiteracy" means inability to read or to understand elementary written materials, instructions, or messages (such as help wanted ads), or inability to do elementary grade problems in arithmetic, or inability to write. In standard technical usage, the term "functional literacy" refers to educational attainments equivalent to less than 5 years of schooling. The term: "basic work skills" includes knowledge and familiarity with handtools and techniques which are common to a whole range of occupations.

Training under this provision of the bill will be provided by appropriate State education agencies and will include whatever instruction in the basic subjects of reading, writing, and arithmetic may be necessary to prepare an unemployed illiterate or semiliterate to qualify for direct occupational training available under the act. In addition to these elementary verbal and mathematical studies, the basic pretaining course contemplated by the bill can include manual training. This covers instruction in the use and application of handtools in such trades as woodworking, metalworking, and welding. The basic work skill courses can be joined with those in elementary verbal and arithmetical skills to make it possible for the trainees to continue training in a suitable occupational course.

These basic literacy and work skills are essential even to man a gas pump. A service station attendant must be able to fill out a credit card receipt and add up the charges.

It is expected that most of the candidates for the pretraining courses offered under the bill will be selected from among persons who have been rejected from the Manpower Development and Training Act program because of inadequate educational attainment. These persons, by and large, constitute the immovable hard core of the unemployed who, but for their inability to "read, write, or figure" might otherwise be eligible for training programs which would prepare them for useful employment. Rejections under the Manpower Development and Training Act are presently running as high as 8 to 1, with only a small percentage of the illiterate unemployed making the attempt to qualify for the Manpower Development and Training Act training. Candidates may also be drawn directly from the ranks of the illiterate or semiliterate in search of work if they demonstrate the required aptitude for regular training. Under normal circumstances, however, candidates who have completed more than eight grades of schooling would not ordinarily be eligible for enrollment in the pretraining courses with the possible exception of those special cases in which the comprehension level is well below what might be expected of the individual on the basis of his having completed eight grades of school.

The bill authorizes the payment of training allowances to trainees in these special courses on the same terms as now provided by the act to regular trainees. These payments are limited to unemployed persons who have had not less than 3 years experience in gainful employment and who are either heads of families or heads of households as provided in section 203(c) of the act. The bill authorizes a maximum period not to exceed 52 weeks for literacy training. This would be in addition to the regular 52-week period available under the present Manpower Development and Training Act occupational training program.

B. Lower age limit and increase in proportion of training allowances in youth training program

Section 2 of the bill provides for an urgently needed expansion of the Manpower Development and Training Act training provisions for out-of-school and out-of-work youngsters. It does this by dropping the age limit on youth training allowances from 19 to 16 and by tripling the proportion of these allowances from 5 to 15 percent of the total funds available for allowance purposes. The bill contains provisions to dissuade youngsters from dropping out of school in order to enroll in the program. It provides that no training allowance shall be paid to any young person under 19 years of age who has not been graduated from high school unless the Secretary of Labor has satisfied himself that he has been out of school for at least 3 months during the regular school session and that all efforts to induce him to resume have failed. This screening process will include careful testing and counseling as well as close cooperation with the appropriate school or other local authorities to redirect the youngster in the most effective way possible.

---

[1] Other than the proposal to postpone the effective date of State matching requirements which was incorporated in S. 1716, reported to the Senate on Aug. 23, 1963 (Rept. No. 458).

The bill authorizes the appropriation of $100 million to be divided equally between the basic literacy and the expanded youth training programs for the current fiscal year and a like amount for the fiscal year ending June 30, 1965.

It is estimated that the 46,000 additional youths can be training during the current year under the provisions of the bill. It is also estimated that 50,000 of the severely disadvantaged adults can be given basic literacy and work-skill training during the same period.

NEED FOR THE BILL

Despite the success of the Manpower Development and Training Act program during its first 12 months of operation, it has become increasingly apparent that there are two glaring deficiencies in the program: (1) The failure to include the illiterate and the semiliterate, (2) the exclusion of the out-of-school and out-of-work youngster within the 16- to 18-year age bracket.

The first group represents the hard core of the unemployed of today. The second represents the hard-core unemployed of tomorrow. Together they constitute the forgotten one-quarter of the unemployed, numbering more than 1 million of present and future public charges. Under the Manpower Development and Training Act program as presently constituted, the men and the women in these groups cannot be trained for useful employment either because they cannot read or write adequately, if at all, or because, as a practical matter, they fall just below the age group reached by the Manpower Development and Training Act. Without occupational training they cannot find work.

The bulk of these people have the capacity to be helped and to help themselves onto the track of useful employment. The President's proposals, which have been incorporated into the bill, provide the means by which this can be done.

A. Basic literacy and basic work skills

There are 3 million in the labor force today who are severely handicapped by their inability to read and to write. These are the illiterate and the semiliterate, and few if any are equipped to find jobs in our rapidly changing economy.

More than 800,000 of them are counted among the unemployed. Of these a disproportionately high percentage are nonwhite. Most cannot be trained either because they cannot read or write at all or because their command of the three "R's" is so limited that they cannot follow instructions in the simplest occupations. Some have tried to enroll in the Manpower Development and Training Act training courses, but inevitably they have been screened out for failure to reach this threshold of educational attainment. Others, recognizing the hopelessness of their condition at this time, have not even made the attempt.

In the service-oriented economy of today, even the unskilled jobs require some ability to read, write, and compute. The jobs in the factories, stockyards, goods-producing industries, mines, and farms for which the illiterate and semiliterate in past years could qualify are no longer available. The great shift which has taken place toward the service industries has dispossessed this group and has left them stranded without the means or the capacity to adjust to the requirements of midcentury employment which might otherwise be available to them were it not for their literacy handicap.

They cannot qualify for training even in basic unskilled categories. Their lack of an acceptable comprehension level bars them from consideration as cooks, waiters, gas station attendants, chambermaids, hospital orderlies or practical nurses, to name but a few. One must know how to read, write, compute, and measure to take instruction in any of these occupations. This simple fact explains the plight of hundreds of thousands of severely disadvantaged unemployed today. This is why they have come to be known as the hard core unemployed.

The Manpower Development and Training Act cannot begin to chip away at this core and to rehabilitate this huge segment of the unemployed unless provision is made to bring these men and women to at least the minimal literacy level required for occupational training and employment in today's market. For them literacy training is truly vocational training. Without it they remain helpless.

The desperate conditions of the illiterate and semiliterate jobseeker is development by the Manpower Development and Training Act record. Twenty percent of all of the unemployed have less than 8 years of schooling. Yet less than 3 percent of the first 19,000 of the Manpower Development and Training Act trainees were in this group. Of Negro trainees in the manpower program, only 5 percent had completed no more than the eighth grade of school, although 44 percent of the Negro unemployed have not progressed past the eighth grade.

Of course, grade school attainment is not an accurate measure of the literacy capacity of a member of the unemployed. A study of welfare recipients in a Negro section in the south side of Chicago demonstrated that while 6½ percent of those on public assistance lacked 5 years of education, more than one-half of the group were functioning at comprehension levels below the sixth grade, the cutoff point which itself is below the minimum for participation in the complex economy of today. Thus, it is generally recognized that grade school attainment is at best only a rough and inexact measure of the literacy level needed for occupational training.

The manpower program, as it is now written, is geared to the selection of candidates who are most likely to succeed, and conversely is calculated to exclude from training those who most desperately need it. The aptitudes among the thousands of illiterates and semiliterates who have been excluded may be as high or higher than those of the more fortunate literate selectee. Those in the excluded group can be taught the three "R's" within 1 year (perhaps in as little as 4 to 6 months time according to the Commissioner of Education, Francis Keppel) and once taught, they can be trained and employed in occupations for which the Manpower Development and Training Act prepares them. The cost of salvaging the disadvantaged in the labor force is estimated at $2,000 per individual, one-half of which would be used for the literacy pretraining programs provided for in S. 1831 and the remaining half for occupational training under the Manpower Development and Training Act. Without this opportunity these people are doomed to jobless lives dependent upon public assistance, condemned to a life of poverty and social uselessness. Compared to the social costs of public assistance, the committee feels that the cost for redirecting this group into socially useful occupations is an investment we cannot afford not to make.

This point was emphasized by Raymond M. Hilliard, director of the Cook County Department of Public Aid in Illinois, in his description of a recent graduation ceremony marking the completion of the Cook County literacy course by 211 adults. In his statement to the committee he said:

"I wish that you could have been with me to see 25 men go off relief in a body at a graduation exercise of a class where they had learned to become Yellow Taxi drivers; 266 former recipients have now received this training, and 215 are currently employed. Many of these men were able to qualify because they had been taught to read and to write in our basic literacy classes, and, as a result, they could make out trip sheets, write receipts and reports, and read street signs."

The $50 million appropriation which the bill proposes for the basic literacy program would provide for 50,000 in this group.

B. Expansion of youth training provisions

The proposal to include the 16- to 18-year-old group under the youth training provisions of the Manpower Act has already been considered and approved by the Senate. In August 1961 it passed S. 1991 which eventually became the Manpower Development and Training Act of 1962. S. 1991 authorized the Secretary of Labor to pay training allowances to youths over 16 but under 22 whenever he found that such allowances were "necessary to provide occupational training." In the conference on the House and Senate bills in March of the following year, however, it was agreed to eliminate the 16–18 group from the youth training allowance program, thereby restricting the program, as a practical matter, to young men and women within the 19–21 age range.

The President's Committee on Youth Employment concluded in its report of April 1963 that the exclusion of these out-of-school and out-of-work youngsters from the Manpower Development and Training Act was a serious mistake and urged congressional reconsideration of this decision. The President, in his message of June 1963, followed these recommendations and proposed lowering the age limit for training allowances to 16, as provided for in this bill.

The experience during the first year under the Manpower Development and Training Act has demonstrated that these unemployed youngsters cannot be ignored. During the first 6 months of 1963, there was an average of 720,000 within this age group out of school and out of work, who were steadily moving in the direction of crime, delinquency, and hard-core unemployment. This figure climbed to 1,156,000 in May of this year, representing the biggest figure ever recorded since the Bureau of Labor Statistics began recording this data in 1949. One out of five of these youngsters is nonwhite.

There are additional tens of thousands of youngsters who, although out of school and out of work, are not seekng employment and are, for one reason or another, excluded from the official unemployment statistics.

Dropouts leave school for many reasons not necessarily related to their intellectual capacity or potential. Their reasons are rooted in the poverty, discrimination, and social chaos in which they have been reared. Their motivation has been corroded by a hostile society. Sometimes, their leaving school may reflect inadequacies of the educational system, directed too much toward teaching college and other aptitudes which have little direct relationship to the lives they themselves will lead.

Thirty-six million youngsters will enter the work force in the 1960's. Among these will be 7½ million dropouts, at least one-half of whom will be 16. Between now and the end of 1965 there will be 5½ million new entrants into the working force, and of these 2 million will be dropouts.

In the past year, there were 1,200,000 new entrants into the work force competing for only 800,000 new jobs.

Under the Manpower Act these youngsters may enroll in youth training courses, but they are not eligible to receive training allowances. These allowances are fixed at one-half of the unemployment compensation in the State in which the program is given (averaging approximately $17 per week). Exclusion of the 16–18-year-old group from the training allowance program has had the practical effect of removing them from the training program. Of the first 19,000 trainees enrolled under the act, only 4 percent were under 19 years of age, yet nearly 16 percent of all of the unemployed are in the 16–18 bracket, and most are dropouts.

These youngsters are generally severely disadvantaged with inadequate housing and minimal financial resources. Under these circumstances they have little comprehension of the need to continue their education.

Without the youth training allowances these youngsters lack both the means and the motivation to participate in a youth training program. In most cases their families cannot supply even the minimum sum which would be essential for clothing, carfare, and food. The small training allowances which the bill would make available to them should be sufficient to provide them with a reasonable opportunity to equip themselves for a useful adult life through the Manpower Development and Training Act training.

The same facts have demonstrated the urgent need for increasing the overall size of the youth training program from its present level of 5 percent to a more reasonable level of 15 percent of the total funds available for allowances generally. The alarming trends both with respect to the rate and the size of youth unemployment have been described above. Expansion of the size of the youth training program as proposed by the bill is required not only to provide training for the newly covered young men and women within the 16–18 group but also to provide a realistic training opportunity for the youngsters already covered. The reduction of the age limit to 16 and the increase in the proportion of funds available for training will make it possible to reach the tens of thousands of additional youngsters each year who desperately need guidance and training.

The bill recognizes the necessity for developing safeguards to insure that no 16- or 17-year-old youngsters will attempt to drop out of school to enroll in one of these programs.

It has been said that it would be penny wise and pound foolish to train thousands of older workers under the Manpower Development and Training Act and at the same time to allow thousands of young dropouts to become the unemployed and untrained of tomorrow. Unless the programs proposed by the bill are adopted, the future of these youngsters will be bleak and barren. The bill provides the means by which they can be returned to a training progam designed to fit their special situation.

The bill provides for an authorization of $50 million for the expanded youth training program which will make it possible to train an additional 46,000 youngsters for the fiscal year ending June 1964 and a similar amount for the year ending June 1965.

SECTIONAL ANALYSIS

Section 1 of the bill, as reported by the committee, would add a new subsection (h) of section 202 of the Manpower Development and Training Act of 1962, providing for the establishment of functional literacy and basic work skill training programs for eligible persons who thereby will be able to pursue courses of occupational training. Referrals under the new subsection (h) would be considered referrals for training within the meaning of the Manpower Development and Training Act with the following two exceptions: (1) The condition that there must be "a reasonable expectation of employment in the occupation for which the person is to be trained" specified in subsection 202(d) would not apply, and (2) trainees will be eligible for 52 weeks of basic literacy training allowances in addition to the 52 weeks which would be available to them under the present Manpower Development and Training Act occupational training program.

Section 2 of the bill would amend subsection (c) of section 203 of the Manpower Development and Training Act by striking out the word "nineteen" and inserting in lieu thereof the word "sixteen", thereby lowering the age limit for youth training allowances from its present level of 19 to 16. It would strike out the words "5 percent" in the same subsection and would insert in lieu thereof the words "15 percent", thereby raising the ceiling on youth training allowances from its present level of 5 percent of the total funds available for allowances to 15 percent. It also provides that no training allowance shall be paid to any individual under the age of 19 who has not been graduated from high school unless the Secretary of Labor is satisfied that the individual has been out of school for a period of not less than 3 months during the regular school session and that all procedures to induce the individual to return to school have failed.

Section 3 would expand the Secretary of Health, Education, and Welfare's authority under section 231 in order to enable him to enter into arrangements with appropriate education agencies to provide basic literacy and basic work skill training.

Section 4 would strike the word "vocational" from section 302 of the act and section 5 would make the same change in section 305(b) of the act in order to conform these provisions with the new section 202(h) providing for basic literacy training.

Section 6 would add a new subsection (e) to section 304, authorizing an appropriation of $100 million for the fiscal year ending June 30, 1964, and a like sum for the year ending June 30, 1965, for the purpose of carrying out title II of the Manpower Development and Training Act of 1962, of which the programs proposed by the bill are a part.

DEPARTMENTAL REPORT

EXECUTIVE OFFICE
OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., August 5, 1963.

Hon. LISTER HILL,
Chairman, Committee on Labor and Public Welfare, U.S. Senate, Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request for comments on S. 1831, a bill to amend the Manpower Development and Training Act of 1962, and similar bills, S. 1716, S. 1691, and S. 1725.

S. 1831 would amend the training provisions of the Manpower Development and Training Act in the following respects: (1) Training for functional literacy and basic work skills would be authorized under the act, and persons receiving such training would be eligible for up to an additional 52 weeks of training; (2) the minimum age limit for training allowances for youths would be lowered from 19 to 16; (3) the proportion of total training allowances for youths under 22 years of age would be increased from 5 to 15 percent; and (4) to assure that youths are not encouraged to drop out of school to benefit from the above provisions, no allowances would be paid to youths until 3 months after dropping out of school.

S. 1716 provides for two amendments to the Manpower Development and Training Act. First, it eliminates the State matching provision in the act. Secondly, it increases the maximum authorization for title II in fiscal 1965 from $161 to $322 million to finance the elimination of matching.

S. 1691 provides for improved provisions for training allowances to youths similar to those embodied in S. 1831 except that: (1) The maximum proportion of total training allowances which could be spent on youths would be increased to 20 percent rather than 15 percent in 1965 and the maximum number of youths to receive such training in 1964 would be 45,000; (2) a 6-month waiting period after leaving school would apply rather than 3 months; and (3) the authorization would be increased by $45 million in fiscal 1964 to finance such provision. As in S. 1831, this bill would also lower the minimum eligible age for training allowances to 16.

S. 1725 would also amend provisions of the act respecting training allowances for youths. The minimum age limit would be lowered to 18 rather than to 16 as in S. 1831, and the maximum proportion of such allowances to be used for training of youths would be increased to 20 percent, as in S. 1691, rather than to 15 percent, as in S. 1831.

Neither S. 1691 nor S. 1725 provide for literacy training as embodied in S. 1831.

As indicated in the President's message on civil rights to the Congress on June 19, 1963, improvements and expansion of the training provisions of the Manpower Development and Training Act is fully supported by this administration. This position was reiterated in the Secretary of Labor's testimony on S. 1831 and S. 1716 before your committee on July 16, 1963, when he fully endorsed enactment of these two bills. The Bureau of the Budget concurs fully with the Secretary's testimony. S. 1831, however, as introduced, does not include the increased authorization which had been requested for these purposes. We recommend that the committee amend the bill to provide these funds.

While the general nature of the amendments proposed in S. 1691 and S. 1725 are also along the lines supported by this administration, the specific changes proposed in each differ materially from those in S. 1831 or S. 1716. The latter two bills more accurately reflect the President's proposals in this area as outlined in his message to the Congress on civil rights, and, therefore, this administration would favor their enactment.

I am authorized to inform you that enactment of S. 1831 and S. 1716 would be in accord with the program of the President.

Sincerely yours,
PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted as enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962

(An act relating to manpower requirements, resources, development, and utilization, and for other purposes)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * *

TITLE II—TRAINING AND SKILL DEVELOPMENT PROGRAMS

PART A—DUTIES OF THE SECRETARY OF LABOR

* * * * *

SELECTION OF TRAINEES

SEC. 202. * * *

(h) Whenever appropriate, the Secretary of Labor may also refer for the development of functional literacy and basic work skills those eligible persons who will thereby be able to pursue courses of occupational training, and such referrals shall be considered a referral for training within the meaning of this Act, except that the provisions of subsection (d) of this section shall not apply to the selection of persons under this subsection, and such persons shall be eligible for an additional fifty-two weeks of training allowances.

TRAINING ALLOWANCES

SEC. 203. * * *

(c) The Secretary of Labor shall pay training allowances only to unemployed persons who have had not less than three years of experience in gainful employment and are either heads of families, or heads of households as defined in the Internal Revenue Code of 1954, except that he may pay training allowances at a rate not exceeding $20 a week to youths over [nineteen] *sixteen* but under twenty-two years of age where such allowances are necessary to provide them occupational training, but not more than [5 per centum] *15 per centum* of the estimated total training allowances paid annually under this section may be paid to such youths[,]*: Provided, That no training allowance shall be paid to any individual who is under 19 years of age and has not been graduated from high school unless the Secretary shall have satisfied himself that such individual has continuously failed to attend school classes for a period of not less than 3 months during the regular school session, and that all appropriate procedures (including guidance and counseling by appropriate local authorities) to induce such individual to resume school attendance have failed.*

* * * * *

PART B—DUTIES OF THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

GENERAL RESPONSIBILITY

SEC. 231. The Secretary of Health, Education, and Welfare shall, pursuant to the provisions of this title, enter into agreements with States under which the appropriate State vocational education agencies will undertake to provide training needed to equip persons referred to the Secretary of Health, Education, and Welfare by the Secretary of Labor pursuant to section 202, for the occupations specified in the referrals, *except that with respect to referrals under subsection (h) of section 202 the Secretary of Health, Education, and Welfare may make arrangements for the provision of the training to be provided under such subsection (h) through other appropriate education agencies.* * * *

* * * * *

TITLE III—MISCELLANEOUS

* * * * *

MAINTENANCE OF STATE EFFORT

SEC. 302. No training program which is financed in whole or in part by the Federal Government under this Act shall be approved unless the Secretary of Labor, if the program is authorized under part A of title II, or the Secretary of Health, Education, and Welfare, if the program is authorized under part B of title II, satisfies himself that neither the State nor the locality in which the training is carried out has reduced or is reducing its own level of expenditures for [vocational] education and training, including program operation under provisions of the Smith-Hughes Vocational Education Act and titles I, II, and III of the Vocational Education Act of 1946, except for reductions unrelated to the provisions or purposes of this Act.

* * * * *

APPROPRIATIONS AUTHORIZED

SEC. 304. * * *

(b) There are hereby authorized to be appropriated $97,000,000 for the fiscal year ending June 30, 1963, $161,000,000 for the fiscal year ending June 30, 1964, and a like amount for the fiscal year ending June 30, 1965, for the purpose of carrying out title II.

* * * * *

(e) In addition to the amounts authorized by subsection (b), there are hereby authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1964, and a like amount for the fiscal year ending June 30, 1965, for the purpose of carrying out title II.

LIMITATIONS ON USE OF APPROPRIATED FUNDS

SEC. 305. * * *

(b) Any equipment and teaching aids purchased by a State or local [vocational] education agency with funds appropriated to carry out the provisions of part B shall become the property of the State.

* * * * *

MINORITY REPORT ON S. 1831

We are opposed to the passage of this legislation.

Briefly, S. 1831, would amend the Manpower Development and Training Act in the following manner: (1) Authorizing the Secretary of Labor to refer persons for courses in the development of functional literacy and basic work skills and to provide such persons with training allowances for an additional 52 weeks; (2) lower the minimum age limit for training allowances from 19 to 16 provided that the youth has failed to attend school classes for a period of not less than 3 months during the regular school session; (3) increase the amount that can be used to pay training allowances to youths from 5 to 15-percent; (4) authorize an additional appropriation of $100 million to carry out the above new programs.

The Manpower Development and Training Act (MDTA) came into being in order to assist men and women, who became unemployed due to automation, technological change, and relocation of industry, to receive training in skills needed to secure new employment. In the report submitted to the Senate by the Committee on Labor and Public Welfare in support of the Manpower Development and Training Act, the basic objectives of this program were outlined as follows:

"It (the bill) seeks to deal with one major aspect of the problem of unemployment in the United States by enabling workers whose skills, have become obsolete to receive training which will qualify them to obtain and hold jobs. Its provisions will also contribute to the the upgrading of many employed persons, so that they can make a greater contribution to the national economy.[1]"

Now, less than 2 years after enactment of the Manpower Development and Training Act, the worthy objections of this act are proposed to be diluted by attaching to it a functional literacy and basic work skills program. Like tail fins on an automobile, such a program can add nothing of value to the Manpower Development and Training Act and can only detract from its effectiveness.

The Secretary of Labor would be given the authority to refer persons for training, not in a skill or craft, but in a program of functional literacy; in other words to teach a person how to read, write, and do simple arithmetic.

This proposed new program would not be limited solely to unemployed men with a wife and children who have lost their jobs and must overcome their lack of a basic education before they can hope to rejoin the ranks of the employed. It is also contemplated to permit children as young as 16 years old who have quit school to be referred for functional literacy training and to be paid as much as $20 a week as a training allowance while learning the alphabet and the multiplication tables. Such a proposal would be ludicrous if it were not such a tragic and wasteful expenditure of the money gathered from the pockets of the American taxpayers.

The Senate is now being asked to put up another $100 million, part of which will be used to give children $20 a week just to go to school. This program raised some very interesting questions, the most important of which is: Since training allowances will be paid to children aged 16 and older, provided they are referred for training in functional literacy, what have these children been learning in school for the past 10 years? If a child has not been able to conquer such rudimentary subject matter as reading, writing, and simple arithmetic over a 10-year period, then what reason do we have to believe that the same child can master his functional illiteracy within the space of 1 year?

This legislation presupposes that there are no programs in operation today providing basic education courses and, therefore, it is necessary to provide such courses by way of the Manpower Development and Training Act. Obviously such is not the case. In addition to our public school systems throughout the country almost every community in the Nation offers adult education courses open to all who desire to obtain a basic education or improve and upgrade their education.

We firmly believe that the program set forth in this legislation has no place in a manpower training program. Further, we believe that the payment of training allowances up to $20 a week to children who have quit school will merely serve as an inducement for more children to drop out of school at a time when every effort should be made by parents, teachers, and other responsible elements of society to encourage and assist our young people to continue their education.

We urge the Senate to vote down this unwise and costly proposal.

BARRY GOLDWATER.
JOHN G. TOWER.

[Senate, Sept. 6, 1963]

Mr. CLARK. Mr. President, I yield myself such time as I may need on the bill.

S. 1831 is a companion measure to S. 1716, which was passed by the Senate on Wednesday of this week. Both bills incorporate amendments to the Manpower Development and Training Act of 1962, recommended by the President to the Congress. Both bills are of some assistance in the upgrading of the labor skills of minority groups.

In his message of June 19 President Kennedy made certain recommendations "Designed to improve the training, skills, and economic opportunities of the economically distressed and discontented, white and Negro alike."

He further recommended amendments to the Manpower Development and Training Act "not only to increase the authorization ceiling and to postpone the effective date of State matching requirements, but also—in keeping with the recommendations of the President's Committee on Youth Employment—to lower the age for training allowances from 19 to 16, to allocate funds for literacy training and to permit the payment of a higher proportion of the program's training allowances to out-of-school youths, with provisions to assure that no one drops out of school to take advantage of this program."

S. 1831 incorporates each of these proposals.

First, it provides for training in reading, writing, and arithmetic, as well as manual training in the use of tools, for those of the unemployed who are unable to take occupational training courses because they lack these skills.

Second, it provides for expansion of the youth training program by lowering the age limit for youth training allowances from 19 to 16.

Third, it increases the percentage of funds available for the youth training program from 5 percent of the estimated total training allowances to 15 percent.

The bill authorizes additional annual appropriations of $100 million for the fiscal year ending June 30, 1964, and a like amount for the fiscal year ending June 30, 1965, in order to meet the cost of the expanded program.

---

[1] 87th Cong., 1st sess., S. Rept. No. 651.

The need for this bill arises from the fact that there are 3 million workers in our labor force today who can neither read nor write. Eight hundred thousand, or more than one-quarter of them, are unemployed. Perhaps as many as 25 percent of unemployed illiterates are Negroes.

In the first year of the Manpower Development and Training Act program eight applicants were rejected for every trainee accepted in the program. Many of them were rejected because they could neither read nor write, or had no knowledge of elementary mathematics, principally arithmetic.

In other words, they did not even have knowledge of the three R's, and yet, in order to be a gas station attendant today, one has to be able to handle a charge account; he has to be able to write out a bill; he has to be able to add and subtract; he also has to be able to do a little simple multiplication. A taxi driver has to be able to read road signs and his meter. He has to be able to make change. But 300,000 of our unemployed are unable to perform these elementary acts; and these are the hard core of the unemployed.

In addition to teaching the three R's under this bill, there would be training in how to use basic tools common to many occupations.

An interesting bit of testimony was that of Secretary of Labor Wirtz, who told the committee of an instance in which 500 women were interviewed recently in one public employment office before 30 were found to fill a class in practical nursing. In order to line up 20 trainees for hotel and restaurant cooks, 287 persons had to be interviewed. Many of those rejected were rejected because they could not read the simple instructions needed to carry on the occupation; others because they could not do the simple exercises in writing necessary to fulfill their jobs; still others because, as I have said, they could not add, subtract, or divide.

Under normal circumstances, those who will receive literacy training under the bill would have been applicants for ordinary occupational training in a manpower development and training course, but were rejected, because they could not read, write, or figure.

It is important that the intent of the literacy training program should not be confused with the normal instruction we expect of our educational system. We are speaking, by and large, of teaching older heads of households who must have some source of income while they learn the basic educational skills essential to obtain employment. We are talking for the most part about the 45-year-old unemployed coal miner and those who share his lot. The statistics on illiteracy among our unemployed reflect this: In March 1962, about only 4 out of 10 of workers 45 to 64 years of age had completed high school, compared to 6 out of 10 of those 35 to 44, and almost 7 out of 10 of those 18 to 44.

While the bill, for the sake of flexibility, permits literacy courses to run for as long as 52 weeks, Commissioner Keppel advised the subcommittee that the normal instruction period will last from 4 to 6 months. Of the $100 million which would be authorized additionally under the bill, it is expected that $50 million will be allocated to the functional illiteracy program provided by the bill, and that 50,000 literacy-deficient unemployed can be trained at that cost.

I turn now briefly to the parts of the bill dealing with youth. The bill would lower from 19 to 16 the age limit for training under the Manpower Development and Training Act, and it would increase the share of the training cost which may be allocated to youth.

Between January and June of this year a net increase of 400,000 unemployed between 14 and 19 entered the labor force. Only 100,000 of them got jobs. The remaining 300,000 were added to the unemployed. The unemployment rate for teenagers was 18 percent for boys and 19.3 percent for girls, compared to the national average of 5.6 percent.

It is important to note that these are young people looking for work they cannot get; and that of all the unemployed in 1962, 15.6 percent were under 19 years. Yet under the first year of the Manpower Development and Training Act, only 4.3 percent of the first 22,500 workers were under 19.

In making this change, the Senate is not being asked to do anything new. The age limit was brought down to 16 when the Manpower Development and Training Act was passed in 1962. The House raised the age limit, and in conference we accepted the House figure. In passing the pending bill, which I hope the Senate will do, it will be merely going back to the provision of the bill which the Senate passed last year.

Some concern was expressed that the training courses for young people might encourage them to drop out of school in order to receive training with pay. This matter was fully explored by the subcommittee with Dr. Keppel, the Commissioner of Education. We feel that we have eliminated the possibility of young people moving into training courses in order to receive pay for training while completing their education, by providing that before they can qualify they must have been out of school for 3 months of the school year, consecutively. In other words, they cannot quit school during vacation time, for a full 3 months, and then go back to school. They must really have dropped out of school and be bona fide seekers of jobs in the labor force, or they will not qualify under the act.

There was a good deal of discussion as to whether the period should be increased to 6 months in order to further discourage people from dropping out of school in order to take these courses.

It was the consensus of opinion of the large majority of the subcommittee members, based on Dr. Keppel's recommendations, that 3 months was about the right figure. No one can be sure, of course, but that was our view after looking into the subject quite carefully.

The other $50 million authorized under the program would go for the adult training to which I have referred earlier. Therefore, between the adult training for literacy and the expanded youth program, the appropriation requested would be split 50–50. I should point out that when we increase the percentage of the number of youth who can be trained under the bill from the 5 percent presently incorporated in the law to 15 percent, as called for by S. 1831, we are doing more than tripling the number of young people who can be trained. This is because the training allowance for young people under the act cannot exceed $20 a week, and is presently averaging at $17 a week, because it is fixed at one-half of the unemployment compensation payment made in the particular State.

When we triple the percentage of the youths who can be trained, we more than increase the actual number, because the money involved is less for the young people than it is for the older people.

I believe that adequately explains the purpose of the bill. I reserve the remainder of my time.

Mr. GORE. In the report I notice the reference to the purpose of the bill—namely, to protect against the possibility of purposeful dropouts from regular school in order to receive the stipends for training proposed under the pending bill. The committee report does not seem to me to spell out in satisfactory detail these safeguards. Will the Senator from Pennsylvania point them out?

Mr. CLARK. On page 2 of the bill is a proviso which stiffens to a certain extent the original proposal of the administration.

It reads as follows:

"*Provided,* That no training allowance shall be paid to any individual who is under nineteen years of age and has not been graduated from high school unless the Secretary shall have satisfied himself that such individual has continuously failed to attend school classes for a period of not less than three months during the regular school session, and that all appropriate procedures (including guidance and counseling by appropriate local authorities) to induce such individual to resume school attendance have failed."

In addition, the program will train only 50,000 young people a year. The fact is that 36 million youngsters will enter the work force in the 1960's. Among those will be 7½ million school dropouts, at least one-half of whom will be 16 or over. So that between now and the end of 1965 there will be 5½ million new entrants into the working force. Of these 2 million will be school dropouts. With those safeguards in the bill it seemed to the committee, based on the opinions given by Dr. Keppel, Commissioner of Education, and Secretary of Labor Wirtz, that with the 3 months' waiting period and the additional requirements of the Secretary being satisfied, there was very little prospect that a youngster would drop out of school in order to get this money for training allowance, or that the program would be abused.

Mr. GORE. What is the stipend?

Mr. CLARK. It is one-half of the weekly unemployment compensation payment for the State in which the trainee resides.

Mr. GORE. Which on a national average is what?

Mr. CLARK. It is about $17 a week. One could not get rich on that.

Mr. GORE. I thank the Senator.

Mr. PROUTY. Mr. President, I offer an amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER (Mr. BREWSTER in the chair). The amendment of the Senator from Vermont will be stated.

The LEGISLATIVE CLERK. On the first page, line 8, it is proposed to insert "who are over 35 years of age or who have neither completed the eighth grade of school nor otherwise acquired the educational equivalent of the eighth grade of school and" after "persons".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont.

Mr. PROUTY. Mr. President, I believe that the amendment is agreeable to the senior Senator from Pennsylvania. I can explain it very briefly. Originally it was my purpose to prevent anyone who had completed or had the equivalent of an eighth-grade education from being eligible for any activity under the so-called literacy program envisaged by the bill. The Senator from Pennsylvania suggested that there were probably some people in the country who had had the equivalent of an eighth-grade education but were 35 years of age or over, and therefore perhaps have been unable to keep up on their reading and writing. It seems to me that those people would be very few in number. So with that change in the amendment, I am sure the Senator from Pennsylvania would be willing to accept it.

Mr. CLARK. Mr. President, I yield myself 2 minutes. The amendment offered by the Senator from Vermont would eliminate from the program, if I correctly understand—and I ask the Senator if I do—anyone under 35 years of age who had been through 8 years of school. Is that correct?

Mr. PROUTY. Or had the equivalent of 8 years of school.

Mr. CLARK. The amendment of the Senator from Vermont would not apply to older workers—those 35 years of age or over—regardless of how much schooling they had had.

Mr. Prouty. The Senator is correct.

Mr. Clark. Mr. President, I see no serious objection to the amendment. I have polled most of the members of the subcommittee. Therefore, on behalf of the committee, I am prepared to accept the amendment.

The Presiding Officer. Does the Senator from Vermont yield back the remainder of his time?

Mr. Prouty. Mr. President, I yield back the remainder of my time.

Mr. Clark. Mr. President, I yield back the remainder of my time.

The Presiding Officer. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Vermont.

The amendment was agreed to.

Mr. Prouty. Mr. President, I offer a second amendment, which I send to the desk and ask to have stated.

The Presiding Officer. The amendment of the Senator from Vermont will be stated.

The Legislative Clerk. On the first page, line 7, it is proposed to strike out the words "functional literacy" and insert in lieu thereof the words "elementary reading, writing and arithmetic".

The Presiding Officer. The question is on agreeing to the amendment of the Senator from Vermont.

Mr. Prouty. Mr. President, I believe that this amendment is also agreeable to the chairman of the subcommittee.

Mr. Clark. Mr. President, will the Senator yield?

Mr. Prouty. I yield.

Mr. Clark. I do not like the word "elementary." I understood that the amendment would merely refer to "reading, writing, and arithmetic." I would be prepared to accept an amendment to that effect, but when the word "elementary" is added, confusion might result. I hope that the Senator will be willing to withdraw the word "elementary" and make the language read "reading, writing, and arithmetic," in which case I would be happy to accept the amendment.

Terms such as "functional illiteracy" seem like gobbledygook. I like the simpler wording.

Mr. Prouty. Mr. President, I modify my amendment by striking out the word "elementary" in the amendment.

The Presiding Officer. The Senator has the right to modify his amendment.

Mr. Clark. Mr. President, on behalf of the commitee, I accept the modified amendment.

I yield back the remainder of my time.

Mr. Prouty. I yield back the remainder of my time.

The Presiding Officer. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Vermont, as modified.

The amendment was agreed to.

Mr. Prouty. Mr. President, I offer another amendment, which I send to the desk and ask to have stated.

The Presiding Officer. The amendment of the Senator from Vermont will be stated.

The Legislative Clerk. On page 2, line 18, it is proposed to strike out "3" and insert in lieu thereof "6".

The Presiding Officer. The question is on agreeing to the amendment of the Senator from Vermont.

Mr. Prouty. Mr. President, the amendment would require that in order for a school dropout to be eligible to participate in the training program under the act, he must have been out of school for 6 months continuously during the regular school term. The bill would require a 3-month period for school dropouts. The longer period of 6 months would lessen any incentive which a potential school dropout might have to leave school in order to enter the program.

It seems to me that the last thing we would wish to do under the program would be to encourage any boy or girl to drop out of high school by reason of the fact that he or she would be entitled to an amount up to $20 per week under the allowance program. It is extremely doubtful that a 3-month period would be sufficient to discourage many boys and girls who might have a tendency to or be thinking of leaving school. I think that would be most unfortunate. Dr. Keppel, the Commissioner of Education, expressed some concern about that particular question. He said "We do not know what will happen. If too many drop out, we can change the law."

But I think perhaps the time to do that is now. In its present form, the bill is superior to the act, which does not require any time limitation whatsoever. But I believe that a 6-month period is far more realistic than a 3-month period. I hope the Senator from Pennsylvania will see fit to accept the amendment.

Mr. Clark. Mr. President, I yield myself 2 minutes.

Mr. Prouty Mr. President, I reserve the remainder of my time.

Mr. Clark. Let the Record show that the best judgment of the Commissioner of Education and the best judgment of the Secretary of Labor is that 3 months is a long-enough time to keep school dropouts out of these training courses. No one knows what the right period is. There is no experience. But the professional educators are of the view that it would be wiser to allow a youngster to start retraining if during the school year he had been out of school for 3 continuous months.

Vacation periods are not included. However, this must be in the realm of judgment and of speculation. After having conferred with the members of the subcommittee who are present in the Chamber, I am prepared to take the amendment to conference. Therefore, I will accept the amendment offered by the Senator from Vermont.

Mr. President, I yield back the remainder of my time.

Mr. Prouty. Mr. President, I am grateful to the distinguished chairman of the subcommittee for accepting the amendment. I yield back the remainder of my time.

The Presiding Officer. The question is on agreeing to the amendment offered by the Senator from Vermont [Mr. Prouty.]

The amendment was agreed to.

The Presiding Officer. The bill is open to further amendment.

Mr. Prouty. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The Presiding Officer. The amendment will be stated for the information of the Senate.

The Legislative Clerk. After line 17 on page 3, it is proposed to add the following new subsection:

(h) Notwithstanding any other provision of this Act, not more than 30 per centum of the funds appropriated pursuant to the authorizations in this section shall be used for training costs, exclusive of training allowances, of projects under title II of this Act.

Mr. Prouty. Mr. President, the amendment would limit the funds which could be spent for training costs of the projects under title II of the Manpower Development and Training Act. The amendment would place the limitation at 30 percent of the funds appropriated.

The Department, up to the present time, has been operating at this percentage, or relatively close to it. Considering the large authorization which was passed by the Senate on Wednesday, September 4, of this year, the amendment would insure that training costs would not increase merely because there was more money to be spent.

I have a list of obligations by activity, which shows that with respect to the $140 million appropriated by the House for this program the training cost allowance is about 33 percent. I would reduce the percentage to 30, because it seems to me that perhaps administrative expenses and other costs, while the program was getting underway, were somewhat higher than is necessary now.

I think the money should be made available to the trainees, rather than be used to build up a huge administrative staff which is perhaps not necessary.

I point out that this would not be a limitation of dollars, but would be a limitation of a percentage of the appropriations made.

I hope the Senator from Pennsylvania will accept the amendment.

Mr. President, I reserve the remainder of my time.

Mr. Clark. Mr. President, I yield myself such time as I may require.

I regret that I must oppose the amendment. The amendment would to some extent put into a legislative straitjacket what ought to be the administrative discretion of the people who operate the program.

The Senator from Vermont has figures which appear to satisfy him that the administrative costs have been running about 33 percent. The figures the staff has made available to me indicate that these costs have been running as high as 40 percent. The Senator proposes to limit those costs to 30 percent.

I point out that it is a misnomer to call these costs administrative costs. We are paying some 40 percent of the money available to the local school districts to create and staff the courses necessary to do the retraining. This purpose of the program is not merely to pay training allowances to the people who are unemployed. In my opinion, that should be incidental. The purpose of the program is to finance, at the local school district level and through on-the-job training, an educational process for these people. To me it would be a grave mistake to put into the act definite cost percentages divided between training allowances and the necessary expenses for teacher's salaries, for the rent of classrooms, and for the buying of textbooks and tools with which training can be given. That is the purpose of the program.

I hope the Senate will not put the administrators into a legislative straitjacket. So far as the record shows, the administrators are doing a first-class job under the terms of the law, during the first year.

The committee will take a careful look at the program, as it has in the past. There will be a report from the Secretary month by month and year by year as to how the costs are divided.

I hope the Senate will exercise a bit of restraint as to writing legislative requirements into the act, and accordingly I ask for the defeat of the pending amendment.

Mr. Prouty. Mr. President, I have seen the figures prepared by the staff or by someone downtown—I am not sure where they originate—which tend to justify the Senator's point of view. I have tried without success to determine how those figures were arrived at.

I have figures issued by the Department which indicate the obligations by activity. The estimate for 1964 shows that the training costs will amount to 33 percent. With respect to the appropriation of $140 million passed by the House a short time ago, the estimate indicates that the same figure will be applicable. The revised estimate for 1963 indicates that the costs for training will be 26 percent.

When we consider the $110 million appropriation approved by the Senate, we find that the training costs were 66 percent of the actual allowance payments. That seems rather high. I believe that the figure of 30 percent is adequate. If I can be persuaded later that it is not, I shall be the first to suggest a higher figure.

In view of the facts I have, which I think have not been rebutted to any successful degree, the figure of 30 percent is accurate, realistic, and one which we should require.

Mr. Miller. Mr. President, will the Senator yield for a question?

Mr. Prouty. I yield.

Mr. Miller. Do I correctly understand the Senator's position to be that up to now the Department has actually been operating within a 30-percent limitation?

Mr. Prouty. About 33 percent.

Mr. Miller. About 33 percent. So it would appear that the Senator's amendment would not curtail or impede the operations of the Department?

Mr. Prouty. It is not intended to. I am sure it would not.

Mr. Miller. Why should the Department need to have more flexibility, to go over 30 percent? The Department should be trying to cut down, rather than to increase, the costs.

Mr. Prouty. As the program expands, they will find it quite possible, if they so desire, to reduce the administrative figure. That includes administration as well as equipment, instruction, and things of that nature. The 30 percent figure is a generous, fair and realistic one. I hope the Senate will see fit to go along with my proposal.

Mr. Miller. Mr. President, I thank my colleague for his response. I am inclined to support the amendment, and there should be a yea-and-nay vote on it, so I ask for the yeas and nays.

The yeas and nays were ordered.

The result was announced—yeas 18, nays 49, as follows:

[No. 152 Leg.]

Yeas—18

Aiken, Allott, Beall, Byrd, Va., Carlson, Curtis, Dominick, Goldwater, Hruska, Jordan, Idaho, Lausche, McClellan, Miller, Pearson, Prouty, Smith, Thurmond, and Williams, Del.

Nays—49

Bartlett, Bible, Brewster, Byrd, W. Va., Cannon, Case, Church, Clark, Cooper, Douglas, Eastland, Edmondson, Ellender, Ervin, Fong, Gore, and Hart.

Hayden, Hill, Holland, Inouye, Javits, Johnston, Jordan, N.C., Keating, Kennedy, Long, Mo., Magnuson, Mansfield, McCarthy, McGee, Metcalf, Monroney, and Moss.

Muskie, Nelson, Pastore, Pell, Proxmire, Randolph, Ribicoff, Robertson, Russell, Smathers, Stennis, Talmadge, Walters, Williams, N.J., and Young, Ohio.

Not Voting—33

Anderson, Bayh, Bennett, Boggs, Burdick, Cotton, Dirksen, Dodd, Engle, Fulbright, and Gruening.

Hartke, Hickenlooper, Humphrey, Jackson, Kuchel, Long, La., McGovern, McIntyre, McNamara, Mechem, and Morse.

Morton, Mundt, Neuberger, Saltonstall, Scott, Simpson, Sparkman, Symington, Tower, Yarborough, and Young, N. Dak.

So Mr. Prouty's amendment was rejected.

Mr. Prouty. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The Presiding Officer. The amendment will be stated.

The Legislative Clerk. On page 3, beginning with "In" on line 13, it is proposed to strike out all down to and including the period on line 17, and insert in lieu thereof the following:

In addition to the amounts authorized by subsection (b), there are hereby authorized to be appropriated $60,000,000 for the fiscal year ending June 30, 1964.

Mr. Prouty. Mr. President, on this amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. Prouty. Mr. President, as I said on the floor of the Senate on Wednesday, the Senate should consider all programs related to the one being considered today; that is, programs involving vocational and educational programs of one kind or another.

I should like to read into the Record—and I feel certain I have missed some items—the amount of money which has been either appropriated or authorized or for which requests for authorization have been made in the field of education, manpower retraining, and development.

The Senate has already appropriated $110 million for the manpower development and training program for fiscal 1964. The bill before the Senate, S. 1831, authorizes $100 million for fiscal 1964.

S. 1761, which the Senate passed on Wednesday of this week, authorizes $322 million for fiscal 1965.

S. 1831, the bill the Senate is now considering, authorizes $100 million for fiscal 1965.

That is a total of $632 million under the Manpower Development and Training Act for fiscal 1964 and fiscal 1965.

In addition to this amount, $100 million has been appropriated by the Senate for the Youth Employment Act. The vocational education bill, which is before the Senate at the present time, will appropriate for this year $108 million, and for fiscal 1965, $153 million.

Under the Area Redevelopment Act, there is a program involving $4,500,000 for retraining and vocational education.

There is also an additional appropriation or authorization for $15 million for the vocational education; another authorization of $50 million for vocational education.

These items total $1,072,500,000 for the next 2 fiscal years.

Perhaps I should say that I have added $30 million to that figure to conform with the House appropriations for the Manpower Development and Training Act.

Mr. Lausche. Mr. President, will the Senator from Vermont yield?

Mr. Prouty. I yield.

Mr. Lausche. Do I correctly understand that in the next 2 years the Government will be spending $1,072 million under what is known as the Manpower Development and Training Act?

Mr. Prouty. No; it is $632 million under the Manpower Development and Training Act. I say it will be spent; that is not completely accurate. That will depend on the amount appropriated. These are amounts which have been authorized or for which authorization is now being sought.

Mr. Lausche. It will be $632 million under the Manpower Development and Training Act?

Mr. Prouty. That is correct.

Mr. Lausche. In addition, $440 million could potentially be spent under other authorizations?

Mr. Prouty. That is correct.

Mr. Lausche. So the total amount, from all sources, for retraining would be $1,072 million in the next 2 years?

Mr. Prouty. Mr. President, I do not wish to impose on the time of Senators who already have general knowledge of the outcome of the vote on this amendment.

The information I have, based on this $632 million figure, is that during the fiscal year 1964, 204,000 individuals can come under 1 of the 3 programs envisaged by the Manpower Development and Training Act as the bill proposes to amend it and during the fiscal year 1965, 385,000 will be eligible. That total can be broken down in different ways, but that is the maximum number of those who can be included under the program and under the funds which have been either appropriated or authorized, or for which authorization is sought.

It seems to me it is humanly impossible for the Department to administer a program of this magnitude, inasmuch as it is just barely getting off the ground at the present time. If double the money could be profitably used for this manpower development and training program, I would be willing and happy to vote for it; but all this money is unnecessary. We authorized $322 million last Wednesday. Two days later we are asked to authorize an additional $200 million, which would make a total of $522 million.

None of that money needs to be spent for an illiteracy program. None of it needs to be spent for a youth program. None of it needs to be spent for an adult program. There is no need to spend it for all or for one or two of these programs. So what is proposed today is simply that we add a $200 million authorization to the $322 million authorization we approved last Wednesday. I believe there is no justification for doing this.

I believe my record shows that I am and have been a friend of legislation of this type. I believe we are faced with very serious problems affecting our young people, and our unemployed; and I want to do everything humanly possible to help them. But simply to authorize and, later to appropriate money is not enough. The program must be administered in an effective way. I believe Senators have approached this problem on the basis of faith, hope, and charity. All these are admirable virtues; but we must apply a little analytical judgment, as well.

I am not opposed to the program, but I object very strenuously to authorizing or appropriating about twice as much money as can possibly be spent.

Mr. President, that is about all I have to say. I favor the program; but I am opposed to throwing money away or appropriating more than can possibly be used in an effective manner. In my opinion, the issue before us is as simple as that.

Mr. President, I reserve the balance of the time under my control.

Mr. Clark. Mr. President, I yield myself 5 minutes.

The Presiding Officer. The Senator from Pennsylvania is recognized for 5 minutes.

Mr. Clark. Mr. President, if this amendment is agreed to, the number of individuals who can be trained under this program and under the new program provided for in Senate bill 1831 will be cut from 100,000 to 60,000. In other words, if the amendment is adopted, 40,000 of those who now have no employable skills will continue to be unemployed.

The cost of the program is running about $1,000 a trainee. The Senator from Vermont proposes to cut $40 million from the program. Relatively few Americans are functional illiterates; most Americans can do elementary mathematics in their heads. So it is clear that if the authorization is reduced from $100,000,000 to $60,000,000, 40,000 people will be deprived of the benefits of the program. The issue before us is that simple.

Mr. President, I hope the amendment will be defeated.

I yield back the remainder of my time.

Mr. Prouty. Mr. President, it should be pointed out that last Wednesday we added $161 million to the program authorization, thus increasing it to $322 million. Now it is proposed that we add $200 million to all that. Certainly the two should have been combined, so that at that time Senators could have known the total which would confront them.

The pending amendment would strike out of the proposed authorization $140 million which is absolutely unnecessary.

The remaining $60 million authorization would be somewhat larger than I think necessary; but I am willing to have that amount authorized, in order to make my amendment more palatable to Senators who otherwise might oppose it.

Mr. President, I yield back the remainder of my time.

The result was announced—yeas 29, nays 38, as follows:

[No. 153 Leg.]

YEAS—29

Aiken, Allott, Beall, Byrd, Va., Carlson, Cooper, Curtis, Dominick, Eastland, Ellender, Goldwater, Hill, Holland, Hruska, Johnston, Jordan, N.C., Jordan, Idaho, Lausche, McClellan, Miller, Pearson, Prouty, Robertson, Russell, Smith, Stennis, Talmadge, Thurmond, and Williams, Del.

NAYS—38

Bartlett, Bible, Brewster, Byrd, W. Va., Cannon, Case, Church, Clark, Edmondson, Ervin, Fong, Gore, and Hart.

Hayden, Humphrey, Inouye, Javits, Keating, Kennedy, Long, Mo., Magnuson, McCarthy, McGee, Metcalf, Monroney, and Morse.

Moss, Muskie, Nelson, Pastore, Pell, Proxmire, Randolph, Ribicoff, Smathers, Walters, Williams, N.J., and Young, Ohio.

NOT VOTING—33

Anderson, Bayh, Bennett, Boggs, Burdick, Cotton, Dirksen, Dodd, Douglas, Engle, and Fulbright.

Gruening, Hartke, Hickenlooper, Jackson, Kuchel, Long, La., Mansfield, McGovern, McIntyre, McNamara, and Mechem.

Morton, Mundt, Neuberger, Saltonstall, Scott, Simpson, Sparkman, Symington, Tower, Yarborough, and Young, N. Dak.

So Mr. PROUTY's amendment was rejected.

Mr. GORE. Mr. President, on the question of passage of the bill, I ask for the yeas and nays.

The yeas and nays were ordered.

The result was announced—yeas 41, nays 26, as follows:

[No. 155 Leg.]

YEAS—41

Aiken, Bartlett, Beall, Bible, Brewster, Byrd, W. Va., Cannon, Case, Church, Clark, Cooper, Edmondson, Fong, and Gore.

Hart, Hayden, Humphrey, Inouye, Javits, Keating, Kennedy, Long, Mo., Magnuson, McCarthy, McGee, Metcalf, Monroney, and Morse.

Moss, Muskie, Nelson, Pastore, Pell, Prouty, Proxmire, Randolph, Ribicoff, Scott, Walters, Williams, N.J., and Young, Ohio.

NAYS—26

Allott, Byrd, Va., Curtis, Dominick, Eastland, Ellender, Ervin, Goldwater, Hill, Holland, Hruska, Johnston, Jordan, N.C., Jordan, Idaho, Lausche, McClellan, Miller, Pearson, Robertson, Russell, Smathers, Smith, Stennis, Talmadge, Thurmond, and Williams, Del.

NOT VOTING—33

Anderson, Bayh, Bennett, Boggs, Burdick, Carlson, Cotton, Dirksen, Dodd, Douglas, and Engle.

Fulbright, Gruening, Hartke, Hickenlooper, Jackson, Kuchel, Long, La., Mansfield, McGovern, McIntyre, and McNamara.

Mechem, Morton, Mundt, Neuberger, Saltonstall, Simpson, Sparkman, Symington, Tower, Yarborough, and Young, N. Dak.

So the bill (S. 1831) was passed, as follows:

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Manpower Development and Training Act of 1962 is amended by adding at the end of section 202 the following new subsection:

"(h) Whenever appropriate, the Secretary of Labor may also refer for the development of reading, writing and arithmetic and basic work skills those eligible persons who are over thirty-five years of age or who have neither completed the eighth grade of school nor otherwise acquired the educational equivalent of the eighth grade of school and who will thereby be able to pursue courses of occupational training, and such referrals shall be considered a referral for training within the meaning of this Act, except that the provisions of subsection (d) of this section shall not apply to the selection of persons under this subsection, and such persons shall be eligible for an additional 52 weeks of training allowances."

SEC. 2. Subsection (c) of section 203 of such Act is amended by striking out the word "nineteen" and inserting the word "sixteen" in lieu thereof, by striking out "5 per centum" and inserting in lieu thereof "15 per centum", and by striking out the period at the end thereof, inserting a comma in lieu thereof, and adding the following: "*Provided,* That no training allowance shall be paid to any individual who is under nineteen years of age and has not been graduated from high school unless the Secretary shall have satisfied himself that such individual has continuously failed to attend school classes for a period of not less than 6 months during the regular school session, and that all appropriate procedures (including guidance and counselling by appropriate local authorities) to induce such individual to resume school attendance have failed."

SEC. 3. Section 231 of such Act is amended by striking out the period at the end of the first sentence, inserting a comma in lieu thereof, and adding the following: "except that with respect to referrals under subsection (h) of section 202 the Secretary of Health, Education, and Welfare may make arrangements for the provision of the training to be provided under such subsection (h) through other appropriate education agencies".

SEC. 4. Section 302 of such Act is amended by striking out the word "vocational" before the words "education and training".

SEC. 5. Subsection (b) of section 305 is amended by striking out the word "vocational".

SEC. 6. Section 304 of such Act is amended by adding at the end thereof the following new subsection:

"(e) In addition to the amounts authorized by subsection (b), there are hereby authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1964, and a like amount for the fiscal year ending June 30, 1965, for the purpose of carrying out title II."

[88th Cong., 1st sess., House of Representatives, Rept. No. 861]

AMENDMENTS OF MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962

October 18, 1963.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. Powell, from the Committee on Education and Labor, submitted the following report.

[To accompany H.R. 8720]

The Committee on Education and Labor, to whom was referred the bill (H.R. 8720) to amend the Manpower Development and Training Act of 1962, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE AND SUMMARY OF THE BILL

In his message to the Congress on June 19, 1963, President Kennedy suggested several amendments to the Manpower Development and Training Act of 1962, hereinafter referred to as MDTA. These were to—

"Increase the authorization ceiling and to postpone the effective date of State matching requirements * * * to lower the age for training allowances from 19 to 16, to allocate funds for literacy training, and to permit the payment of a higher proportion of the program's training allowances to out-of-school youth, with provisions to assure that no one drops out of school to take advantage of this program."

H.R. 8720 incorporates each of these proposals in modified form: (1) the State matching requirement for fiscal 1965 is waived and the act is extended for 2 additional years with the requirement that States match one-third and one-half, respectively, in fiscal years 1966 and 1967; (2) it authorizes training in education at the basic level for those unable to qualify for occupational training provided evidence exists of intention to undertake such training and for this group an additional 20 weeks of training allowances are authorized; (3) it provides for the expansion of the youth training program by lowering the age limit for youth training allowances from 19 to 17, subject to a restriction of a 1-year waiting period for school dropouts, by increasing the proportion of youth receiving training allowances to 25 percent of those receiving allowances and restricts the youth training allowances to those in special youth training projects; and (4) for these changes one-half of the President's request for new funds, $50 million, is authorized for fiscal 1964 and the full request, $100 million is authorized for fiscal 1965.

H.R. 8720 also incorporates in modified form many of the proposals developed by the Select Subcommittee on Labor under the chairmanship of Congressman Elmer J. Holland after extensive hearings and recommended in its bill, H.R. 8419. Thus (1) it provides for a minor widening of the eligibility requirements for those who can receive training allowances by reducing the work experience requirement from 3 years to 2 years and by permitting payment of an allowance to any one member of a family in training if the head of the family is unemployed; (2) it shifts from the National Advisory Committee to the Secretary of Labor the authority to require, where appropriate, the establishment of local and State advisory committees; (3) it provides for a training incentive of up to $10 a week and permits trainees to engage in part-time work up to 20 hours a week without a reduction in the training allowance; and (4) it authorizes a pilot program for labor mobility demonstration projects limited to a maximum expenditure of $4 million and with authority for this to expire June 30, 1965. Finally, the full committee provided in H.R. 8720 for additional utilization of private training institutions in those cases where the quality is comparable and the cost to the Federal Government is lower.

NEED FOR THE BILL

The record for the first 12 months of operation of MDTA is an unqualified success. It is now clear that the target set by Congress for the 3-year program of approximately 400,000 unemployed workers retrained and placed in productive employment will be achieved.

This success comes at a time when the need for retraining may be growing far beyond the level originally expected. One of the leading makers of automation equipment, John L. Snyder, chairman and president of U.S. Industries, Ltd., testified to the Senate Subcommittee on Employment and Manpower on October 3 as follows:

"Last week, before a Senate labor subcommittee, a top productivity expert for the Bureau of Labor Statistics stated that the Department felt that rising productivity—another way of describing automation—would eliminate 200,000 jobs a year, or 4,000 jobs a week.

"Personally, I think this is a gross underestimate of the real situation and that automation is a major factor in eliminating jobs in the United States at the rate of more than 40,000 a week, as previous estimates have put it."

Experience under the act so far demonstrates that three important changes are necessary at this time. First, to sustain the program over a period long enough to permit a fair appraisal, the present State matching requirement has to be postponed for 1 year. Second, the plight of the undereducated unemployed needs more attention and special provision is now made for them. Third, the present provisions for unemployed youth have likewise been improved.

The inadequately trained youth represents the hard-core unemployed of today. The uneducated represents the hard-core unemployed of tomorrow. Without help they have no other prospect than as public charges, currently and in the future. Yet the bulk of these unemployed have the capacity to be helped and can be put on the road to productive employment.

The changes provided in the bill will enable the training of approximately 93,000 additional persons divided equally between youth and adults on an annual basis. For this an increased authorization of $100 million annually is provided. Only half of this amount can be used in the remainder of this fiscal year and for that reason the increase in authorization for fiscal 1964 is $50 million.

Other changes provided by the bill reflect the experience so far with MDTA. With one exception they do not add significantly to the costs of the program. The exception, an improvement in the training allowance, can be absorbed within the existing authorization.

BACKGROUND

This bill fully reflects the findings made after 2 months of public hearings during July and August by the Select Subcommittee on Labor, Congressman Elmer J. Holland, chairman. Full opportunity was provided for all interested persons to be heard and a total of 39 witnesses appeared. Additional statements and material were furnished for the record. These witnesses reflected a wide range of experience with MDTA and most were qualified to appraise the achievements and deficiencies of the program. All levels of government, Federal, State, and local were represented. Others came from advisory committees established under the act, business firms familiar with the program, business organizations, and labor unions.

There was a remarkable consensus, considering the diversity of these spokesmen, to the effect that the program had been launched successfully during its first year despite great obstacles. Moreover, it appears that the goals set by Congress for the 3-year program will be met. Yet witnesses, with one exception, agreed that the full potential of the retraining effort could not be achieved without expansion and modification of the act. They provided supporting evidence of the need for the changes incorporated in the bills before the subcommittee, H.R. 6991, H.R. 7000, and H.R. 7377. They also proposed many additional changes to the subcommittee.

From among these many proposals by those in the best position to judge their validity and need, the committee selected only those having the highest priority in terms of the operation of the current program. Many worthwhile changes accordingly were rejected. This simply reflects a conviction that more experience, or in a word, know-how, is required before these and more novel proposals can be considered.

There was reflected also in the committee choices, general agreement with the philosophy expressed by Dr. George P. Shultz, dean of the Graduate School of Business, University of Chicago, in a speech to the annual meeting of the U.S. Chamber of Commerce which was furnished for the record. Dr. Shultz commented as follows:

"In looking to the future, then, we must recognize that a great many employers find it in their interest to provide training for their employees and we can infer that such training will help those in the median age ranges and with higher educational attainments to acquire specific skills. Many more employees will receive job training this way than through any governmental program, however grandly conceived. Yet the role of the Government program is a vital one. It should help those who fall outside the natural scope of private efforts. In so doing the Government takes on the toughest problems—but these are just the problems that would otherwise be neglected. The Government program, then, should be conceived not as massive and general, but as directed to special objectives derived from inadequate formal education and the residue of displacement left from a changing economy. The unskilled and the unschooled are most in need of help and least likely to get it from the present array of Government training programs."

The committee is aware some question may be raised as to the relationship of MDTA to the Vocational Educational Act of 1963. That there may be an overlap is apparent only under superficial examination. Historically, vocational education has been available throughout the country for many years. But it had little impact upon training of the displaced unemployed for the simple reason that no adequate means were available to maintain the financial support needed by a breadwinner for his family during the period needed to complete his training. The act passed by the Congress last year was primarily to plug this void. Some 60 percent of its appropriations is spent for training allowances alone. It covers training costs, but normally these are costs of special courses set up for full-time training outside the normal operations of vocational education. Moreover, new or expanded vocational training facilities cannot be provided under MDTA. Therefore, sums spent on vocational education are complementary to the program here under consideration, since additional facilities provide more opportunity for meeting effectively the training needs of the unemployed under MDTA.

MAJOR PROVISIONS OF THE BILL

EXPLANATION AND NEED

A. Postponement of effective date of State matching requirement and extension of the act

MDTA provides for 100-percent Federal financing during the first 2 fiscal years and for 50-percent State matching of funds during the third fiscal year, beginning July 1, 1964. Continuation of any training program in any State after June 30, 1964, therefore depends on whether the State assumes 50 percent of the training costs.

Twenty-nine of the State legislatures meet biennially in the odd-numbered years. For that reason it was necessary for them to authorize matching funds during their recent 1963 sessions if they were to meet the June 30, 1964, deadline.

Only four[1] of these States enacted the necessary authorization. The 25[2] legislatures which took no action probably will not reconvene until January 1965. Even those meeting in January 1964 will not be able to act in time to prevent a serious decline in the program. On this issue Secretary of Labor Willard Wirtz testified as follows on July 8:

"Beginning right now, however, any training program of 52 weeks will run into the next fiscal year and right up again to the matching requirement. Each succeeding week that goes by from now on cuts another week from the length of the training programs that can be approved without running into the matching requirement period.

"Because of the long leadtime involved in developing and approving training projects, as well as the length of many of the important courses, I must point out that the entire training program will begin to taper off early in this fiscal year in the absence of assured continuity of Federal financing.

"To be forced deliberately to slow down a program which has gotten off to a flying start would be a tragic waste—and more important, a tragic elimination of a new hope and a new opportunity for thousands of jobless workers."

These facts are incontestable, and events since July have validated Secretary Wirtz' dire forecast. The reasons for State inaction likewise seem understandable. Nothing in the record developed by the subcommittee would indicate that the States lack interest in the program, have doubts as to its value, or consider the costs to be too high. Instead, consider these facts: because of delays in the granting of appropriations the program did not begin until September 1962. By then the budgets to be presented to legislatures, meeting in January 1963 were in their final stages of preparation. In 10 of the 29 States with biennial legislative sessions in 1963, no MDTA training of any kind was underway in the late fall. In the remaining 19 States only 63 MDTA projects involving less than 2,400 trainees had begun by late autumn. Obviously, experience permitting a valid assessment of the worth of the program, was entirely lacking. Further it should be noted that the average training program extends for 22 weeks. Thus it was nearly mid-1963 before the early results were in. The increasing momentum of the program was not achieved until near the end of the second quarter of 1963. Full appraisal of the results in all areas of the country will not be possible until the end of 1963.

Consequently the committee has become convinced that full Federal financing for 1 more year is most urgently required. To do otherwise means the certain elimination of the program precisely at the time when graduates are beginning to emerge from training courses in sufficient numbers to provide the opportunity for a fair appraisal of the program. Having invested so much time, energy, and money so far, without being willing to continue long enough for a fair test, would be a high tragedy.

Approximately 60,000 unemployed entered training during the first fiscal year. Currently, training is proceeding at the rate of 108,000 trainees per year. Training capacity and accompanying knowledge is sufficient to provide confidence in our ability to train over 200,000 during the third year of the program. Thus the original goal set by Congress of approximately 400,000 unemployed retrained within the 3-year period now appears to be realistically in sight.

For this purpose a total authorization of $161 million for title II for the third year was provided. But to achieve this training goal State matching for an equal amount was contemplated. Therefore, if State matching is postponed, as proposed by this bill, provision must be made for the assumption of the States share during the third year. This is provided by the bill.

However, in the opinion of the committee Congress should at this time clearly preserve and reinforce the principle of State matching in MDTA. Therefore, simple waiver of the third year matching by States is not accepted. There is no disagreement with the fundamental soundness of the concept of shared financial responsibilities. Manpower development and training involves both national and local responsibilities. The unemployed reside in the localities. This is where job opportunities in the main are to be found. Only local agencies are in a position to determine these opportunities and provide, through training, for the matching of the worker and the job. Witness after witness when questioned confirmed the necessity for State financial support. Few were prepared to argue for full Federal responsibility. To most, State support seemed essential if the program is to be both effective and efficient. The committee, therefore, reaffirms its continued adherence to the principle of State matching.

The present bill is designed to make this possible. By extending the act for 2 additional years and providing for State matching of one-third and one-half, respectively, in fiscal 1966 and fiscal 1967 the committee believes a realistic proposal is provided. Waiving the State matching requirement for fiscal 1965 will provide sufficient experience with the program so that the Federal and

---

[1] Connecticut, Kansas, Montana, and Tennessee.

[2] Alabama, Arkansas, Florida, Idaho, Illinois, Indiana, Iowa, Maine, Minnesota, Missouri, Nebraska, Nevada, New Hamsphire, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, Utah, Vermont, Wisconsin, and Wyoming.

State Governments can evaluate the results. If these prove to be favorable, the States will have sufficient time to act to provide for the continuation of the program. Moreover, the pressure on the financial position of the States is lessened since the stepup to the original level of 50 percent contemplated is spread over 2 years.

In making this proposal the committee is aware that its intentions can be misinterpreted. It should be understood that at no time during the deliberations of the subcommittee and full committee was there any consideration given to the possibility of full Federal financing. Instead of the commitment to State matching was accepted without question. There remained only the problem of devising a realistic means of achieving this goal. This, the committee believes, is provided by the bill. Therefore, it should be explicitly understood by all concerned that the committee has given full consideration to possible contingencies and cannot foresee any circumstances arising that would require further modifications in the State matching requirements.

B. The youth training program

The bill proposes changes designed to strengthen and broaden the youth training program. The enthusiastic response to the youth training program and its demonstrated potential in meeting the serious youth unemployment problem have convinced the committee that the program should be expanded.

From May 1962–63, the number of workers in the labor force increased by 1.2 million but only 900,000 new jobs were available. There was a resultant increase in unemployment of 300,000. Nearly the entire impact of this rise in joblessness was felt by the 16 to 19 year old youth in the labor market. Their unemployment rate rose to over 20 percent, approximately four times the rate of the adult labor force.

The record of youth unemployment for recent years during the month of October is presented in the following table:

TABLE 1.—UNEMPLOYMENT OF PERSONS 16 TO 21 YEARS OLD, NOT ENROLLED IN SCHOOL, BY AGE AND SEX, OCTOBER 1959–62[1]

Age and sex	Number unemployed (in thousands)				Unemployment rate[2]			
	1962	1961	1960	1959	1962	1961	1960	1959
Both sexes, total, 16 to 21 years	601	708	652	607	11.4	13.5	12.7	12.9
16 and 17 years	84	118	117	121	16.8	20.9	18.6	21.4
18 and 19 years	277	340	315	279	12.6	14.9	14.8	14.2
20 and 21 years	240	250	220	207	9.4	10.5	9.3	9.5

[1] "Special Labor Force Rept. No. 34," U.S. Department of Labor, Bureau of Labor Statistics.

[2] Percent of civilian labor force who were unemployed.

This record for the month of October is most relevant as it does not include youths seeking work during the summer vacation period. For October 1962, these youths, 16 to 21 years old and out of school, comprised only 7 percent of the labor force. Those who were jobless, however, accounted for 18 percent of the unemployed. It should be noted that these facts understate the true magnitude of the problem. Among boys 16 to 17 years old who have left school, only three out of four were working or seeking work. Hence there are tens of thousands of youths who are excluded from the official unemployment statistics presented above who are out of work and not in school.

This situation is certain to grow worse in the near future. The postwar baby crop is now beginning to reach working age. One million more young people will have become 16 in 1963 than reached that age in 1962. Although a steadily increasing proportion of young people have graduated from high school in the last 30 years at the same time changing technology is eliminating, at a faster pace, the unskilled jobs which traditionally provided work opportunity to those not completing their education. More than 5½ million new young workers will be seeking work between now and the end of 1965. Among these will be approximately 2 million school dropouts.

Three-fourths of all school dropouts in 1962 were 16 to 17 years old. Age 16 is the most common age for leaving school. Among nonwhites the rate is disproportionately high. In 1962, 57 percent of the nonwhite youth, 20 to 24 years of age, were dropouts. Yet, the corresponding rate for white youths of 28 percent is also too high. It is alarmingly true, as Secretary Wirtz has observed, that the dropout in our present society is committing economic suicide. The committee hopes that other programs will in time reduce the dropout rate to manageable proportions. In the meantime the Nation faces a current problem of crisis proportions. Dr. Conant has aptly characterized the present situation as social dynamite.

The Chief Executive in his message of June 19, 1963, followed the recommendation of the President's Committee on Youth Employment in its report of April 1963 and proposed lowering the age limit for training allowances to 16, subject to reasonable precautions to avoid the allowances becoming an incentive for those in school to dropout.

The record demonstrates that training allowances are essential to certain disadvantaged youths if they are to enter training programs. Those who have dropped out of school did so for reasons not necessarily related to their intellectual potential. Frequently, they come from a severely impoverished environment which has corroded their motivation. For this limited group the training allowance becomes essential to an effective training program. Lacking financial resources, these youths do not have access to the minimum sums required for carfare, food, and clothing and other expenses incurred during the training period. Moreover, the training allowance provides a favorable stimulus that can develop and sustain the interest required for successful training.

In the current program, Congress restricted training allowances to youth ages 19 to 22, and further restricted the proportion of the funds that could be used for such purposes to 5 percent of the total. Based on experience thus far this 5-percent limitation can be usefully raised.

Given these facts and in the light of the experiences so far encountered, the bill provides for urgently needed expansion of training provisions for out-of-school and out-of-work youth. It does this by reducing the age limit for use of the youth training allowance from 19 to 17. In proposing this change, the committee has recognized the necessity for developing safeguards to prevent any encouragement to youths to drop out of school so as to enroll in the training program, as follows:

First, at least 1 year must elapse before the school dropout becomes eligible for the training allowance, Second, the bill requires that local authorities are to use all appropriate procedures to secure a return of the youth to school and only after these have failed will the youth be eligible.

The committee is well aware of the fact that nearly every witness in the hearings supported the reduction of the age limitation to 16 and a waiting period for the dropout of from 3 to 6 months. It should be emphasized, however, that there is no waiting period for training itself. The waiting period applies only to eligibility for training allowances. The committee further recognizes the concern expressed by those currently working on youth projects over the possibility that a longer waiting period may contribute to the development of juvenile delinquency, thereby making more difficult subsequent training of the youth. Offsetting these possible dangers, in the committee's view, are the advantages that may be gained with a longer waiting period in terms of demonstrating to the youth the need for additional training if he is to qualify for meaningful job opportunities. Since most dropouts occur at age 16, the provision of a 1-year waiting period will make them eligible for training allowances at the new minimum age limit of 17.

The bill further provides for a change in the present ceiling of 5 percent of total funds for youth training allowances to a figure of 25 percent of the total trainees receiving allowances. The shift from a percentage of funds to the number of trainees provides for a simpler method of allocation. The 25-percent figure will permit approximately the same number of trainees as that contemplated by the President's proposal for a figure of 15 percent of total training allowance funds.

The President further proposed that $50 million additional funds be authorized annually so as to provide for the expansion in the youth training program. This additional money, which the committee recommends, would support an increase in the number of youth trainees from the approximate 10,000 at present to a rate of nearly 60,000 for the end of the current fiscal year. It is a point of outstanding significance, however, that this substantial increase will provide training for about 10 percent of the out-of-school and out-of-work youth.

Further, it should be noted the use of training allowances is restricted to those youth "who require such training allowance in order to undertake training," and "who are referred for training in accordance with section 202(b)." Section 2(b) of the bill contains the language of new section 202(b) of the act referred to above. This merely clarifies the authority already given to the Secretary to provide a special program for the testing, counseling and selection of youths by addition of the word "referral" and by specifying that the youths for whom this special program shall be provided are those "who because of inadequate educational background and work preparation are unable to qualify for and obtain employment without such training and schooling."

Recognition is thereby given to the broad differences existing among the unemployed youth. Those most seriously impoverished require special treatment if the training effort is to succeed. For them counseling must be enriched and made more extensive. Deficiencies must be analyzed and then corrected. Other developmental work in the area of basic work skills may be necessary prior to specific occupational training. These youth simply are not ready for, nor could they adjust successfully to, the more standardized occupational training programs. For them special tailormade programs are essential if the objective of successful employment is to be achieved. Since their needs are diverse and no single pattern will fit them all, maximum flexibility in approach, as authorized in this bill, is essential.

Other youth, less severely disadvantaged, can and do enroll in regular occupational training programs established under MDTA. Administrative convenience may at times produce separate classes of youth and adults preparing for a particular occupation. Yet no fundamental changes in content or approach are thereby required. In these cases, the committee is convinced that provision for a training allowance to the youth is not required. Their position in this respect is similar to that of the unrelated and unemployed adults for whom training opportunities only are provided.

The training allowance, in other words, is not automatically available to every trainee. The committee continues to support the original philosophy of the act which was reflected in the provision of a training allowance for those whose need was greatest. One example is adults with family responsibilities. Similarly the committee recognizes the need for the use of a training allowance in those cases where training might not otherwise be feasible such as the undereducated and disadvantaged youths.

It should be noted that the distinctions outlined above conform to the general practice of the Secretary of Labor under the act. Training allowances are already restricted to those youth for whom special programs are necessary. Hence no major shift in policy is required. It is expected, however, that effort may have to be directed to the question of providing in practice for meaningful and careful distinction of the special and regular programs required by this bill.

C. Basic education provision

Certainly one of the principal expectations of Congress at the time MDTA was passed, was that hard-core unemployed could be salvaged and returned to productive employment. Yet, when available job opportunities are discovered and the necessary training program devised, the vast majority of the unemployed cannot pass entrance examinations. In fact, large numbers cannot even be tested since they are unable to read or write. The original act was written carefully to insure that only those with a reasonable expectation of success would be accepted for training. Nationally, only one in eight of the unemployed have qualified. The chairman of the Indiana Manpower Advisory Committee, Mr. Franklin D. Schurz, provided testimony regarding a survey in South Bend, Ind., which revealed that 60 percent of the unemployed in that area could not qualify for projected training courses because of inadequate educational attainment.

The problem is illustrated very clearly by the figures given to the committee on the educational attainment of the unemployed. Twenty percent, or 800,000, have not completed the eighth grade in school. Another 16 percent, 640,000, have only an eighth grade education.

Three percent of MDTA trainees so far have come from among those with less than an eighth grade education. In the opinion of the committee the success of the retraining program at higher levels has demonstrated that we can now focus effectively on the even harder "hard core" of unemployed. These are the least educated and least usable workers in today's world. Without opportunity this group is predictably doomed to a lifetime of joblessness and dependence upon public assistance.

Mr. Raymond M. Hilliard, the director of Cook County Department of Public Aid in Illinois, has calculated the probable cost to society of such continued dependency to be in the neighborhood of $30,000 for a single individual. If they can be salvaged at a moderate cost of $1,200 to $1,500 the financial saving to society alone can be significant.

The central question is whether this group is potentially employable. On this question the evidence is overwhelmingly yes, provided we are willing to eliminate the educational deficiencies preventing their training. Cook County, under Mr. Hilliard's direction, has pioneered in this effort. By the end of the year, according to his testimony, they expect to have a 20,000 able-bodied and potentially employable welfare recipients in basic education training. That this program is working was amply demonstrated in the evidence Mr. Hilliard presented to the subcommittee. A brief excerpt provides some examples:

"In carrying out this program, I have witnessed some deeply moving scenes. I think of a boy who brought his father for the first night and who helps him with his homework and also of the 50-year-old man writing his name for the first time and then writing it over and over again. Or there is the father of 13 who dropped out of school 38 years ago in the third grade and who entered our literacy program, and in the space of 5 months raised himself or was lifted to a point where he passed an eighth grade examination and was awarded his elementary school diploma. On his graduation night, he remarked, "No kid of mine will ever drop out of school." He now has a good job and is also attending high school where in night classes he hopes to get a diploma in 2 years.

"This new program has, for the first time, brought hope to these people and this new hope is education itself. In Chicago, we have seen the new light of hope radiate from the faces of our welfare recipients. I wish that members of this committee had been with me to attend a recent graduation of 211 adults from the eighth grade and had seen the face of each, beaming with pride, illuminated with hope, as he or she received an elementary school certificate. I wish that you could have been with me to see 25 men go off relief in a body at a graduation exercise of a class where they had learned to become Yellow Taxi drivers; 266 former recipients have now received this training and 215 are currently employed. Many of these men were able to qualify because they had been taught to read and to write in our basic literacy classes and, as a result, they could make out trip sheets, write receipts and reports and read street signs."

Similar findings have emerged from special or demonstration projects which were designed to test the feasibility of training for illiterate and semi-illiterate adults. One of the most important of these experiments is underway at Virginia State College. Ninety men past the age of 25, including among them 50 who had exhausted their unemployment compensation and who could not have qualified for normal training, were placed in a special MDTA program. Because of inadequate education it was found that they would need a full year's training. A combined program was provided enabling these men to improve their educational skills while they were learning the job skills required to become electronic technicians, brick masons, automobile mechanics, sheet metal workers, and building maintenance men. Within 6 months those of the group, 40 percent, who had less than 7 years of schooling had averaged a gain of almost 2 school years in reading ability.

ELIGIBILITY FOR BASIC EDUCATION TRAINING

The bill proposes to provide greater opportunity for those now excluded from training by extending the period for which training allowances can be provided for another 20 weeks. Only those who cannot enter any occupational training because of inadequate education will be eligible for this additional training. The purpose of the provision is to make possible the development of the basic education skills which are required if a person is to qualify and benefit from any occupational training. It is expected that in the usual case this will involve special training in the general area of reading, writing, language skills, and arithmetic. The committee believes additional restrictions are unnecessary since the term "basic" can in the context of a training program be readily distinguished from advanced work to the extent the latter is found necessary, it qualifies more appropriately within the present provisions for occupational training. Those to whom the proposed provision applies face the quite different problem of developing their educational pretraining skills to the level required for entry into any occupational training. With this objective of the amendment establishing the distinction between the purpose and nature of basic education skills and those which are part of occupational training, the committee believes there will be little difficulty in practice in determining the precise content of the basic educational program which may need to be provided for a particular group of trainees.

Moreover, the proposal provides for necessary flexibility so that a wide range of possible combinations can be utilized. Committee members were impressed during the hearings with the success that has been achieved at Virginia State College in a program providing for simultaneous education and skill training. But there may be other situations where more success could be achieved by having the education training precede occupational training. No attempt was made by the committee to prejudge this question since it is possible either approach may work in some situation but not in others. Where the education training precedes occupational training, however, the bill provides that those referred must indicate their intention to subsequently enter occupational training. In these cases, too, it is provided that precise determination of occupational objective need not be made before the educational training begins, provided the Secretary has reasonable assurance that the level of educational training achieved will permit the trainee to enter occupational training of a type for which reasonable expectations of employment exist. The same test applied to other trainees remains, therefore, but unnecessary rigidities are avoided.

For the same reasons that flexible combinations of training are permitted, the bill also permits flexible use of the time permitted for training. The extended period of training permitted for this group simply recognizes that more time is required if they are to be made employable through basic education added to occupational training. How it is to be used can only be determined by those who are most familiar with the needs of the group to be trained and the requirements of the ultimate job situation. For some a few weeks of basic education training, followed by 15 to 20 weeks of occupational training may be sufficient. Others may require 7 or 8 months of basic education before a similar period of occupational training.

For this expanded program the President recommended an appropriation of $50 million on an annual basis and this is recommended by the committee. It is estimated that these funds will permit the training of 47,000 annually.

D. Training allowance

Section 3 of the bill provides for some needed adjustments in the training allowance provisions of MDTA. The necessity for these was amply demonstrated by witnesses during the hearings. The present level discourages many unemployed from undergoing training and is not sufficient to retain those who enter training if the opportunity for even a casual job arises while in training. Most trainees have family responsibilities. Normally having experienced a period of unemployment before entering training they cannot be expected to have sufficient resources available to support themselves and their families while in training. Moreover, the training itself imposes additional costs that would not otherwise be encountered in the form of transportation, food away from home, clothing, and incidentals. Those with sufficient motivation to undergo the burdens of training ought not to be impeded or penalized by being placed in a worse position, as a result of such extra costs, than if they had remained on unemployment compensation. Therefore, to provide in part for those costs which are a practical necessity and thus reinforce the incentive to enter training, the Secretary is authorized to pay a training bonus of up to $10 a week over the current average level of unemployment compensation for the State. It should be emphasized that it is the committee's intent that up to $10 in excess of the average unemployment benefit is to be paid only where the training allowance is so low that it is jeopardizing the ability of the individual to maintain training.

In addition trainees are permitted by the bill to engage in nominal part-time work up to 20 hours a week without a reduction in the training allowance. Beyond that amount the hourly earnings for the excess hours will be deducted from the training allowance. The purpose of this provision is to provide a flexible offset rather than a penalty for initiative. As a by-product this will reduce some of the pressure on trainees to drop out whenever part-time work becomes available. The resultant saving to themselves and to the government should be signficant.

E. Advisory committees

Section 5 of the bill provides for changes in the present provisions of the bill. Presently the National Advisory Committee is given the authority to encourage and assist in the organization of these committees. Yet, this body which meets twice a year is hardly in a position to exercise this authority. As a result, only limited development has occurred. Wherever such committees are established, as demonstrated by testimony from the members of such bodies to the subcommittee, their contributions to the scope and success of the program has been impressive. Knowledgeable individuals representative of various sectors of the economy, serving in a volunteer capacity, are the best guarantee of both a wise and efficient utilization of the funds provided for MDTA. Therefore, the committee has become convinced that such bodies should be established at the local and State or regional level wherever appropriate and their advice sought before projects are approved. Authority for this is, therefore, transferred to the Secretary of Labor since this fits in with and is necessary to the discharge of his other operating responsibilities. While the Secretary is directed to establish such advisory committees it is recognized there might be situations such as rural areas and small towns where establishing such a committee would be difficult and serve no useful purpose. Therefore, such committees are not required if in the Secretary's opinion they are not appropriate. Even here, however, it is expected that at some higher level an appropriate and representative advisory committee would be established and could thereby be called upon for advice on the projects being developed.

F. Labor mobility demonstration projects

Section 5 of the bill provides authority for a pilot program of limited experimental work with relocation allowances and loans for the period ending June 30, 1965. For this purpose 2 percent of the appropriated funds of $4 million, whichever is less, is provided.

At the time of the original formulation of MDTA, proposals for relocation allowances received strong support before the committee. Without experience to provide guides, the committee ultimately concluded it would be premature to provide this authority. In the recent hearings on amendments to MDTA support for this authority in one form or another was overwhelming. Only one witness was opposed. As is well known, several European countries have found the provision for relocation allowances to be a vital element in overall manpower programs. And academic experts seem to agree that similar provisions are adaptable to the American environment and would be of great value. Given this virtual unanimity of opinion and informed judgment, the committee believes limited authority to conduct experimental work should be provided. From this experience it can then be determined whether this assistance should be provided on a wider basis. If it should be decided to provide such authority, the experience permitted by this will provide the guidelines this committee will require in developing its legislative recommendations.

OTHER PROVISIONS OF THE BILL

A. The preamble

Section 1 of the bill provides for the insertion in the preamble after the words "sought out and trained" the words "as quickly as is reasonably possible" and the insertion after "afforded to these people" the words "with the least delay." Though the committee was satisfied with the achievements of those administering the program it was also impressed by the evidence presented by some witnesses regarding delays, obstructions, and confusion. Perfectly valid explanations may be provided and the instances may well be the isolated cases to be expected in a new program. Nevertheless, the change will serve as a reminder of the intention of Congress that this program be given a high priority. Therefore, it is to be expected that the respective Secretaries will maintain strict overall control of the direction, guidance, and policy of the program in order to insure as rapid progress as can be provided. Finally it is the committee's strong desire that a greater need for urgency be impressed upon all personnel connected with the program.

B. Reduction in eligibility requirements

Section 3, subsection (b), provides for some modest changes in the eligibility requirements. First, the present requirement for 3 years' work experience is reduced to 2. Relatively few individuals will be affected. Second, the head of household provision is modified to the extent of permitting a member of the family, where the head is unemployed, to receive a training allowance. Only one person in the family group will be permitted to receive an allowance at any one time. Again, relatively few individuals will be affected.

C. Reports

Section 9 of the bill provides for a change in the due date of the reports to Congress by the Secretary of Labor and the Secretary of Health, Education, and Welfare. The additional reports result from the extension of the MDTA provided by the bill. The committee believes they are essential to its continuing responsibility for appraising the results of a major new program such as this. The purpose of the change in the due date, by 1 month, is to prevent repetition of the experience wherein there is conflict in date between the preparation of the required report to the President and subsequent report of the President to Congress and the entirely different reports required of the Secretaries.

D. Private training institutions

Section 6(b) of the bill liberalizes the provision relating to the use of private training institutions. It should be noted that there are many private institutions with excellent reputations that have stood the test of time. With facilities in being and trained personnel on hand most are in a position to provide immediate training of the type required by the program. Yet, despite congressional expectations, they have not been used widely. Two factors produced this result. The present language read literally appears to exclude their use except in the extremity of absence or inadequacy of public facilities. Hence, many private institutions have not offered the use of their facilities. Second, many States have reinforced this literal impression of the language thereby further discouraging the use of private institutions.

To remedy this situation the bill substitutes for the present language criteria to govern the use of private institutions. Specifically, States are authorized to contract with private institutions whenever "such institutions can provide substantially equivalent training with reduced Federal expenditures."

The Secretary of Health, Education, and Welfare retains overall supervisorial responsibilities and can be expected to prevent any abuses in the exercise of this added authority. Thus the present MDTA provides in section 231 among other things for "continuous supervision of the training programs conducted under the agreement (with the State) to insure the quality of an adequacy of the training provided, protect the United States against loss, and assure that the functions and duties to be carried out by such State agency are performed in such fashion as will carry out the purposes of this title." Under this authority the Secretary can develop further the principle of cost competitiveness between public and private institutions provided by the bill and develop the controls required to insure compliance with the criterion of comparable quality.

COSTS

Section 7, subsection (b), provides for increased authorizations for fiscal years 1964 and 1965 and new authorization for the extension of the MDTA through fiscal year 1967. To expand the program along the lines suggested by the President and to provide thereby for the training of an additional 93,000 youths and adults, additional annual authorizations of $100 million is provided. Since full utilization of this new authority cannot be reached in the current fiscal year only one-half of this amount or $50 million is authorized.

The increase in the training allowance, in the event the full program contemplated by the MDTA is reached, is estimated to involve costs of from $35 to $40 million. The committee does not believe it is necessary to increase the authorization to provide for these costs and expects that this amount can be absorbed within the existing authorization. Moreover, other additional changes provided by the bill will either involve no costs or be so modest as to be readily absorbed within the existing authorization.

For fiscal year 1965, as previously noted, an increase in the authorization of $161 million is required as a consequence of the postponement for State matching for 1 year. Therefore, the total authorization for fiscal year 1965 will be increased to $422 million. In the 2-year extension it is expected the program will be maintained at the level achieved in fiscal year 1965. With the new State matching provisions, however, the Federal authorization is reduced to $281 million in fiscal year 1966 and to $211 million in fiscal year 1967.

Only changes in the authorization for title II as noted above are provided. Existing annual authorizations for title I and title III are continued unchanged.

OTHER COMMITTEE FINDINGS

Various other problems were brought to the attention of the subcommittee by witnesses. None of these appeared sufficiently widespread or so severe as to require amendments to MDTA at this time in the opinion of the committee. Rather they reflected misinterpretations of MDTA or presented problems for which administrative solutions are readily available. Though legislative action is not required, in fairness to these witnesses some explanation on the following points is deemed desirable.

A. Reasonable expectations of employment

The present MDTA requires (sec. 202(d)) that this test be met before a person is selected for training in an occupation. The principle is obviously sound as the objective of training is employment, not training. In practice, however, some problems have been encountered. Representatives of the Pittsburgh Chamber of Commerce, for example, contended local authorities were requiring employment commitments from local employers before approving a training project. To the Pittsburgh Chamber of Commerce this practice appears so rigid as to be self-defeating and rightly so. Here is but one instance of the effort by Congress to provide for maximum flexibility in MDTA. The term "reasonable" is nowhere defined. Yet, common usage and the deliberate choice of the word would suggest that Congress had in mind emphasizing the need for securing relevant information and the exercise of careful judgment. By no means can the word be stretched entirely from its normal meaning to imply certainty.

In addition the nature of a training program requiring leadtime and plans made months in advance must proceed at a steady pace. The valleys of the business cycle, which inevitably contract employment opportunities, must not impose short-run restrictions on training activities necessarily related to long-term considerations.

"Reasonable" must also be interpreted differently depending on the circumstances. Thus to make this determination initially for a particular occupation may require an employer survey. For subsequent projects, experience may be a sufficient guide. In other instances, a general skill survey will suffice. In still others, evidence developed from national sources or even comparable localities may be sufficient. Moreover, with developing experience, it should be possible for the Secretary to determine the kind of skill development for which training is to be provided. This will permit a partial reversal of the process, as some witnesses urged, so that the unemployed can be tested and counseled in order to determine their potential. With this information in hand those training courses best suited to their abilities and interests, but for which there is a reasonable expectation of employment, can be provided. In all cases, the wide knowledge of the informed individuals brought together on an advisory committee (otherwise provided for by H.R. 8720) can be tapped to determine information needs and to appraise the results.

Finally, we must reemphasize the role of judgment in the process. To rely on judgment, even expert judgment, requires candid recognition of possible errors. This risk can be reduced through experience but not entirely avoided. On the other hand endeavoring to reduce or eliminate the need for judgment in an effort to avoid error can only have the result of raising costs prohibitively through more and more information gathering. The resultant slowdown in the pace of the program may make it ineffectual. Obviously a balance between these risks is required and securing such a balance returns us full circle to the concept of "reasonable" once more. There can be no other test if the challenge is to be met with imagination and dispatch.

B. Occupational training

Some difficulties concerning the meaning of occupational training have been brought to the attention of the committee. Very rigid and narrow interpretations were applied in many areas during the early stages of the program. Most of these issues have now been resolved by the recent policy statement of the Under Secretary of Health, Education, and Welfare. It should now be clear that the training program need not be limited to the traditional curriculum developed for a particular occupational training program. Since the objective of the program is to enable the unemployed to acquire the skills and knowledge needed for available jobs, success in this effort requires a careful appraisal of their full training needs. Therefore, if some accompanying "academic" work is required as part of the skill needed to qualify for a job, then inclusion of such work in the training program is entirely in order. For the unemployed, occupational training cannot and must not be defined in such a way as to exclude such related instruction. With sufficient administrative flexibility these needs, if they cannot be met by a particular training institution, can be provided by contracts with related educational institutions.

Individual needs of trainees in a particular program may well vary. The standard program normally requires 30 hours of training a week. This can be tailor made to fit the common needs of the trainees and the occupation. With ingenuity additional individual needs may be met by utilization of existing educational programs through referral of the trainee.

While we believe "occupational training" embraces necessary related "academic" instruction, we also believe there are some limits that should be observed. Thus to take an extreme example we are convinced "occupational" does not embrace "professional" or a "pre-professional" training. Normally professional training requires college and postgraduate education. Certainly we could expect to find some valid cases of the need for and the potential of retraining at this level. Yet such needs, if they exist, lie outside the confines of the present act.

Finally it should be noted that the administration proposed to permit training programs imparting "basic work skills." These were described by Secretary Wirtz as "skills or techniques which by themselves do not qualify a person for a specific occupation but constitute integral parts of the knowledge necessary to proper performance." These were further described as "those skills that are common and necessary parts of a whole range of occupations but do not themselves constitute a specific occupation." The committee accepts and indeed urges the necessity of such training. However, in the committee's view no change in the present language is required. Within the context of the act, occupational training as noted earlier, necessarily is "tailormade" training. Specific training for a particular occupation is the central ingredient. But any additional knowledge required to make this training effective, so that employable graduates are produced, is to be encouraged. In connection with the special youth programs this broader interpretation is especially relevant.

C. Local and State priority in training

The present act (sec. 202(b)) requires that priority for training be extended to persons to be trained for skills needed, first, with the labor market area in which they reside, and second, with the State of their residence. Many witnesses contended this provision should be deleted in its entirety. It was argued this had prevented the training of persons in skills that are in short supply nationally but for which no local need could be demonstrated. Some asserted this had prevented the training of persons in an area bordering on a neighboring State for jobs available in that State.

Little of consequence would attend such a change. In practice these priorities could be expected to be observed since local agencies and advisory committees would have these preferences. More important the change is not necessary. The present language speaks only of two priorities. Other training possibilities are not thereby excluded. Thus, it is possible for a local area, unable to find job opportunities for its unemployed locally or within the State to train persons for jobs elsewhere. The only restriction would be the requirement in section 202(d) that the trainee evidence a willingness to move outside his area of residence in order to accept employment.

D. Apprenticeship needs

Some witnesses, noting the declining numbers of apprentices and the fact that a minimal amount, probably 10 percent, of our skill needs in the apprenticeable occupations are being met, urged greater attention to this area. Some promising experimental work with preapprenticeship training courses is already underway. These projects may increase the number of apprentices.

What seems to be required, however, if we are to make progress, is careful study over an extended period by all groups concerned with this area. In the opinion of the committee it would be appropriate for the National Advisory Committee to establish a representative study panel. This panel could be given the responsibility for preparing recommendations to the National Advisory Committee. This is in line with evolving practice since the National Advisory Committee has begun to establish panels with similarly assigned responsibilities for defined problem areas. The work of these study panels provides the basis for the proper exercise of the responsibility of the National Advisory Committee to "make recommendations to the Secretary relative to the carrying out of his duties under this act."

E. On-the-job training

This phase of training received considerable attention during the hearings. In part this interest reflected the original expectations when the act was adopted envisioning mended that a subsequent manpower report a sizable role for this type of training. These hopes have not materialized. For this situation a number of explanations might be offered. Most compelling, however, is the fact that this program was delayed. The operating procedures had been announced shortly lative appraisal would not be fruitful at this before the hearings began. Without more experience to go on, it was concluded that legistime. In view of the continuing interest of so many witnesses in this subject, it is recomof the President include a thorough review of this area. Once the problems and accomplishments have been documented legislative appraisal may be in order.

F. Local and State planning needs

Universally those connected with the local operating agencies expressed concern over the present system of allocating money only after a program is approved. Exploratory investigation and other developmental work is not reimbursed unless success in the form of project approval is achieved. Knowing this, local authorities hesitate to venture too far from proven paths. Hence an unknown amount of opportunities remain untapped. The committee has been reassured that these complaints are partially groundless and that in any event budget planning has been revised so as to provide solutions. To the extent this proves to be true it will be welcome to all concerned. Nevertheless the existence of such complaints suggest that continuing attention to these matters is required if the imagination and spirit of experimentation so essential to success is not to be inhibited.

G. Administrative relationships

The complex nature of the training task required an equally complex set of administrative arrangements. Separate but interrelated responsibilities were assigned to the Secretary of Labor and the Secretary of Health, Education, and Welfare. Operating responsibilities in turn are assigned to local and State agencies in the employment and education fields. Admittedly the task of insuring efficient and fruitful working relationships is a difficult one. Indeed it is remarkable that so few problems have arisen. Those witnesses most familiar with the actual operations were most complimentary regarding the fine working relationships that have been developed. Therefore the committee is satisfied that the complex set of governmental relationships provided in the act is a workable one. And the committee is convinced that the approach followed by Congress in providing for maximum flexibility to these agencies in the operation of the program remains a sound one.

Section 303 of the act sets forth in positive terms the requirements for full use of available services or facilities of other agencies so as to avoid unnecessary expense and duplication of functions. The language of this section makes these obligations clear. Despite this, some examples have been brought to the attention of the committee suggesting the requirements are honored in the breach. This reminder, that the intent of Congress, as set forth in this section, cannot be avoided, may be sufficient.

However, the severity of complaints regarding the counseling and selection functions requires some additional comment. Counseling of the unemployed and prospective trainee is assigned to the Secretary of Labor. This activity in the field is usually carried by the Employment Service. Yet there are many instances where this counseling might be provided, with improved results and at a lower cost, by utilization of available counselors within the educational system. In such instances cooperative use is to be encouraged, in keeping with the general instructions of Congress, rather than obstructed. Since these problems were brought to the attention of the committee we urge that the Secretary of Labor and the Secretary of Health, Education, and Welfare investigate this further so that abuses, if any, can be promptly eliminated.

In this connection it should be noted there is wide recognition of deficiencies in the present performance of the counseling and guidance functions. Some witnesses have brought these to the attention of the committee. The National Advisory Committee was already aware of the need for improvement and responded quickly by establishing an expert panel to review and make recommendations concerning counseling, guidance, and testing activities. The committee shares this concern. We recognize the prospects for success of the entire training effort can be affected critically by the quality of the counseling provided the unemployed worker. We are confident administrators will be alert to the possibilities for administrative implementation of the suggestions of the study panel. To some extent, however, further legislation may be needed and the committe expects to undertake a full review following the completion of the work of the study panel.

II. The role of special or demonstration projects

The most encouraging findings of the committee relate to the unique and critically important contributions being made to the program by these projects. These pioneering programs embrace both youth and adults. Through them research is undertaken and new techniques developed. Results of this research may open up promising new avenues of approach to the training problems of the disadvantaged groups in the work force. Since the Department of Health, Education, and Welfare carries the responsibility for training it should develop more fully, than it has, its participation in this research.

Among the most promising efforts have been those that provide training components to programs utilizing a wide variety of public and private groups in a combined attack on a group of related problems. That these have been successful was abundantly demonstrated during the hearings. In fact evidence from these projects provided the most convincing proof of the need for and the feasibility of making the changes provided in H.R. 8720. Throughout, the committee was impressed with the inventiveness, the scope, and the promise evident in these projects. Since increased knowledge and experience is our most critical need at this juncture in the development of a major new program, the committee urges that the present role assigned to these special projects be continued, and if possible, expanded.

I. Toward a positive labor market policy

The urgent need for the development of what is becoming known as a "positive labor market policy" is now becoming widely recognized. Much more is required if this concept is to become a reality. To this achievement the MDTA program makes important contributions. The training program is an important element. On this E. Wright Bakke in his recent book "A Positive Labor Market Policy" included in his summary the following:

"4. The bringing into the foreground of public, particularly legislative, consciousness of a positive approach to unemployed manpower resources more conducive to economic health and growth than the relief approach. For example, the transformation of underutilized to fully utilized manpower, the transformation of idle to active labor reserves, the transformation of redundant to available workers."

Also in title I of MDTA Congress specifically assigned a broader responsibility by describing the purpose of the act as requiring the "Federal Government to appraise the manpower requirements and resources of the Nation." To implement this and other objectives the Secretary of Labor is given broad authority to undertake studies, appraise our manpower development efforts, and to make reports and recommendations to the President. Similarly, the annual report of the President to Congress is expected to embrace the full range of manpower requirements, resources, utilization, and training. The opportunity and responsibility provided by this title is such that we can expect among other things to see emerging the outlines of an active and positive labor market policy.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, H.R. 8720, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962, AS AMENDED (PUBLIC LAWS 87-415 AND 87-729)

(An act relating to manpower requirements, resources, development, and utilization, and for other purposes)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Manpower Development and Training Act of 1962".

TITLE I—MANPOWER REQUIREMENTS, DEVELOPMENT, AND UTILIZATION

STATEMENT OF FINDINGS AND PURPOSE

SEC. 101. The Congress find that there is critical need for more and better trained personnel in many vital occupational categories, including professional, scientific, technical, and apprenticeable categories; that even in periods of high unemployment, many employment opportunities remain unfilled because of the shortages of qualified personnel; and that it is in the national interest that current and prospective manpower shortages be identified and that persons who can be qualified for these positions through education and training be sought out and trained *as quickly as is reasonably possible,* in order that the Nation may meet the staffing requirements of the struggle for freedom. The Congress further finds that the skills of many persons have been rendered obsolete by dislocations in the economy arising from automation or other technological development, foreign competition, relocation of industry, shifts in market demands, and other changes in the structure of the economy; that Government leadership is necessary to insure that the benefits of automation do not become burdens of widespread unemployment; that the problem of assuring sufficient employment opportunities will be compounded by the extraordinarily rapid growth of the labor force in the next decade, particularly by the entrance of young people into the labor force, that improved planning and expanded efforts will be required to assure that men, women, and young people will be trained and available to meet shifting employment needs; that many persons now unemployed or underemployed, in order to become qualified for reemployment or full employment must be assisted in providing themselves with skills which are or will be in demand in the labor market; that the skills of many persons now employed are inadequate to enable them to make their maximum contribution to the Nation's economy; and that it is in the national interest that the opportunity to acquire new skills be afforded to these people *with the least delay* in order to alleviate the hardships of unemployment, reduce the costs of unemployment compensation and public assistance, and to increase the Nation's productivity and its capacity to meet the requirements of the space age. It is therefore the purpose of this Act to require the Federal Government to appraise the manpower requirements and resources of the Nation, and to develop and apply the information and methods needed to deal with the problems of unemployment resulting from automation and technological changes and other types of persistent unemployment.

EVALUATION, INFORMATION, AND RESEARCH

SEC. 102. To assist the Nation in accomplishing the objectives of technological progress while avoiding or minimizing individual hardship and widespread unemployment, the Secretary of Labor shall—

(1) evaluate the impact of, and benefits and problems created by automation, technological progress, and other changes in the structure of production and demand on the use of the Nation's human resources; establish techniques and methods for detecting in advance the potential impact of such developments; develop solutions to these problems, and publish findings pertaining thereto;

(2) establish a program of factual studies of practices of employers and unions which tend to impede the mobility of workers or which facilitate mobility, including but not limited to early retirement and vesting provisions and practices under private compensation plans; the extension of health, welfare, and insurance benefits to laid-off workers; the operation of severance pay plans; and the use of extended leave plans for education and training purposes. A report on these studies shall be included as a part of the Secretary's report required under section 104.

(3) appraise the adequacy of the Nation's manpower development efforts to meet foreseeable manpower needs and recommend needed adjustments, including methods for promoting the most effective occupational utilization of and providing useful work experience and training opportunities for untrained and inexperienced youth;

(4) promote, encourage, or directly engage in programs of information and communication concerning manpower requirements, development, and utilization, including prevention and amelioration of undesirable manpower effects from automation and other technological developments and improvement of the mobility of workers; and

(5) arrange for the conduct of such research and investigations as give promise of furthering the objectives of this Act.

SKILL AND TRAINING REQUIREMENTS

SEC. 103. The Secretary of Labor shall develop, compile, and make available, in such manner as he deems appropriate, information regarding skill requirements, occupational outlook, job opportunities, labor supply in various skills, and employment trends on a National, State, area, or other appropriate basis which shall be used in the educational, training, counseling, and placement activities performed under this Act.

MANPOWER REPORT

Sec. 104. The Secretary of Labor shall make such reports and recommendations to the President as he deems appropriate pertaining to manpower requirements, resources, use, and training; and the President shall transmit to the Congress within sixty days after the beginning of each regular session (commencing with the year 1963) a report pertaining to manpower requirements, resources, utilization, and training.

TITLE II—TRAINING AND SKILL DEVELOPMENT PROGRAMS

Part A—Duties of the Secretary of Labor

GENERAL RESPONSIBILITY

Sec. 201. In carrying out the purposes of this Act, the Secretary of Labor shall determine the skill requirements of the economy, develop policies for the adequate occupational development and maximum utilization of the skills of the Nation's workers, promote and encourage the development of broad and diversified training programs, including on-the-job training, designed to qualify for employment the many persons who cannot reasonably be expected to secure full-time employment without such training, and to equip the Nation's workers with the new and improved skills that are or will be required.

SELECTION OF TRAINEES

Sec. 202. (a) The Secretary of Labor shall provide a program for testing, counseling, and selecting for occupational training under this Act those unemployed or underemployed persons who cannot reasonably be expected to secure appropriate full-time employment without training. [Whenever appropriate the Secretary shall provide a special program for the testing, counseling, and selection of youths, sixteen years of age or older, for occupational training and further schooling.] Workers in farm families with less than $1,200 annual net family income shall be considered unemployed for the purpose of this Act.

(b) Whenever appropriate the Secretary shall provide a special program for the testing, counseling, selection, and referral of youths, sixteen years of age or older, for occupational training and further schooling, who because of inadequate educational background and work preparation are unable to qualify for and obtain employment without such training and schooling.

[(b)] *(c)* Although priority in referral for training shall be extended to unemployed persons, the Secretary of Labor shall, to the maximum extent possible, also refer other persons qualified for training programs which will enable them to acquire needed skills. Priority in referral for training shall also be extended to persons to be trained for skills needed within, first, the labor market area in which they reside and, second, within the State of their residence.

[(c)] *(d)* The Secretary of Labor shall determine the occupational training needs of referred persons, provide for their orderly selection and referral for training under this Act, and provide counseling and placement services to persons who have completed their training, as well as follow-up studies to determine whether the programs provided meet the occupational training needs of the persons referred.

[(d)] *(e)* Before selecting a person for training (*other than for training under subsection* (*i*)), the Secretary shall determine that there is a reasonable expectation of employment in the occupation for which the person is to be trained. If such employment is not available in the area in which the person resides, the Secretary shall obtain reasonable assurance of such person's willingness to accept employment outside his area of residence.

[(e)] *(f)* The Secretary shall not refer persons for training in an occupation which requires less than two weeks training, unless there are immediate employment opportunities in such occupation.

[(f)] *(g)* The duration of any training program to which a person is referred shall be reasonable and consistent with the occupation for which the person is being trained.

[(g)] *(h)* Upon certification by the responsible training agency that a person who has been referred for training does not have a satisfactory attendance record or is not making satisfactory progress in such training absent good cause, the Secretary shall forthwith terminate his training and subsistence allowances, and his transportation allowances except such as may be necessary to enable him to return to his regular place of residence after termination of training, and withdraw his referral. Such person shall not be eligible for such allowances for one year thereafter.

(i) Whenever appropriate, the Secretary of Labor may also refer for the attainment of basic education skills those eligible persons who indicate their intention to, and will thereby be able to, pursue courses of occupational training of a type for which there appears to be reasonable expectation of employment. Such referrals shall be considered a referral for training within the meaning of this Act, and such persons shall be eligible for training allowances for not to exceed an additional twenty weeks.

TRAINING ALLOWANCES

Sec. 203. (a) The Secretary of Labor may, on behalf of the United States enter into agreements with States under which the Secretary of Labor shall make payments to such States either in advance or by way of reimbursement for the purpose of enabling such States, as agents for the United States, to make payment of weekly training allowances to unemployed persons selected for training pursuant to the provisions of section 202 and undergoing such training in a program operated pursuant to the provisions of this Act. Such payments shall be made for a period not exceeding fifty-two weeks (*except where authorized for individuals referred for training under section 202*(*i*)), and the amounts of any such payment in any week for persons undergoing training, including uncompensated employer-provided training, shall not exceed *$10 more than* the amount of the average weekly unemployment compensation payment (including allowances for dependents) for a week of total unemployment in the State making such payments during the most recent quarter for which such data are available: *Provided, however*, That in any week an individual who, but for his training, would be entitled to unemployment compensation in excess of such allowance, shall receive an allowance increased by the amount of such excess. With respect to Guam and the Virgin Islands the Secretary shall by regulation determine the amount of the training allowance to be paid any eligible person taking training under this Act.

With respect to any week for which a person receives unemployment compensation under title XV of the Social Security Act or any other Federal or State unemployment compensation law which is less than *$10 more than* the average weekly unemployment compensation payment (including allowances for dependents) for a week of total unemployment in the State making such payment during the most recent quarter for which such data are available, a supplemental training allowance may be paid to a person eligible for a training allowance under this Act. This supplemental training allowance shall not exceed the difference between his unemployment compensation *$10 more than* the average weekly unemployment compensation payment referred to above.

For persons undergoing on-the-job training, the amount of any payment which would otherwise be made by the Secretary of Labor under this section shall be reduced by an amount which bears the same ratio to that payment as the number of compensated hours per week bears to forty hours.

The training allowance of a person engaged in full-time training under section 231 shall not be reduced on account of his part-time employment which does not exceed twenty hours per week, but shall be reduced in an amount equal to his full earnings for hours worked in excess of twenty hours per week.

(b) The Secretary of Labor is authorized to pay to any person engaged in training under this title, including compensated full-time on-the-job training, such sums as he may determine to be necessary to defray transportation and subsistence expenses for separate maintenance of such persons when such training is provided in facilities which are not within commuting distance of their regular place of residence: *Provided*, That the Secretary in defraying such subsistence expenses shall not afford any individual an allowance exceeding $35 per week, at the rate of $5 per day; nor shall the Secretary authorize any transportation expenditure exceeding the rate of 10 cents per mile.

(c) [The Secretary of Labor shall pay training allowances only to unemployed persons who have had not less than three years of experience in gainful employment and are either heads of families, or heads of households as defined in the Internal Revenue Code of 1954, except that he may pay training allowances at a rate not exceeding $20 a week to youths over nineteen but under twenty-two years of age where such allowances are necessary to provide them occupational training, but not more than 5 per centum of the estimated total training allowances paid annually under this section may be paid to such youths.] The Secretary of Labor shall pay training allowances only to unemployed persons who have had not less than two years of experience in gainful employment and who are either heads of families or heads of households as defined in the Internal Revenue Code of 1954, or who are members of a household in which the head of the household or the head of the family is unemployed: *Provided*, That not more than one person in any one household may be receiving training allowances under this Act at any particular time. Notwithstanding the preceding sentence, the Secretary may pay training allowances at a rate not in excess of $20 a week to youths seventeen years of age or older who require such training allowance in order to undertake training, who are referred for training in accordance with section 202(b), and who are not entitled to allowances under the preceding sentence, except that no such training allowance shall be paid to any such youth who has not graduated from high school, unless the Secretary has satisfied himself that such youth has continuously failed to attend school for a period of not less than one year and that the local authorities after pursuing all appropriate procedures, including guidance and counseling, have concluded that further school attendance by such youth is no longer practicable under the circumstances. Not more than 25 per centum of the persons who are receiving training allowances (or who would be entitled thereto but for receipt of unemployment compensation) may be youths under the age of twenty-two.

(d) [After June 30, 1964, any amount paid to a State for training allowances under this section, or as reimbursement for unemployment compensation under subsection (h), shall be paid on condition that such State shall bear 50 per centum of the amount of such payments.] *For the fiscal year ending June 30, 1966, any amount paid to a State for training allowances under this section,* *or as reimbursement for unemployment compensation under subsection (h), shall be paid on condition that such State shall bear 33⅓ per centum of the amount of such payments, and for each fiscal year thereafter such amounts shall be paid on condition that such State shall bear 50 per centum of the amount of such payments.*

(e) No training allowance shall be made to any person otherwise eligible who, with respect to the week for which such payment would be made, has received or is seeking unemployment compensation under title XV of the Social Security Act or any other Federal or State unemployment compensation law, but if the appropriate State or Federal agency finally determines that a person denied training allowances for any week because of this subsection was not entitled to unemployment compensation under title XV of the Social Security Act or such Federal or State law with respect to such week, this subsection shall not apply with respect to such week.

(f) A person who refuses, without good cause, to accept training under this Act shall not, for one year thereafter, be entitled to training allowances.

(g) Any agreement under this section may contain such provisions (including, as far as may be appropriate, provisions authorized or made applicable with respect to agreements concluded by the Secretary of Labor pursuant to title XV of the Social Security Act) as will promote effective administration, protect the United States against loss and insure the proper application of payments made to the State under such agreement. Except as may be provided in such agreements, or in regulations hereinafter authorized, determinations by any duly designated officer or agency as to the eligibility of persons for weekly training allowances under this section shall be final and conclusive for any purposes and not subject to review by any court or any other officer.

(h)((1) If State unemployment compensation payments are paid to a person taking training under this Act and eligible for a training allowance, the State making such payments shall be reimbursed from funds herein appropriated. The amount of such reimbursement shall be determined by the Secretary of Labor on the basis of reports furnished to him by the States and such amount shall then be placed in the State's unemployment trust fund account.

(2) If unemployment benefits under the Railroad Unemployment Insurance Act are paid to a person taking training under this Act and eligible for a training allowance, the railroad unemployment insurance account in the unemployment trust fund shall be reimbursed, from funds herein appropriated, for all of such benefits paid prior to [July 1, 1964, and for 50 per centum of the amount of such benefits paid on or after that date] *July 1, 1965, for 66⅔ per centum of the amount of such benefits paid during the fiscal year ending June 30, 1966, and 50 per centum of the amount of such benefits paid thereafter.* The amount of such reimbursement shall be determined by the Secretary of Labor on the basis of reports furnished to him by the Railroad Retirement Board and such amount shall be placed in the railroad unemployment insurance account.

(i) A person who, in connection, with an occupational training program, has received a training allowance or whose unemployment compensation payments were reimbursed under the provisions of this Act or any other Federal Act shall not be entitled to training allowances under this Act for one year after the completion or other termination (for other than good cause) of the training with respect to which such allowance or payment was made.

(j) No training allowance shall be paid to any person who is receiving training for an occupation which requires a training period of less than six days.

ON-THE JOB TRAINING

SEC. 204. (a) The Secretary of Labor shall encourage, develop, and secure the adoption of programs for on-the-job training needed to equip persons selected for training with the appropriate skills. The Secretary shall, to the maximum extent possible secure, the adoption by the States and by private and public agencies, employers, trade associations, labor organizations and other industrial and community groups which he determines are qualified to conduct effective training programs under this title of such programs as he approves, and for this purpose he is authorized to enter into appropriate agreements with them.

(b) In adopting or approving any training program under this part, and as a condition to the expenditure of funds for any such program, the Secretary shall make such arrangements as he deems necessary to insure adherence to appropriate training standards, including assurances—

(1) that the training content of the program is adequate, involves reasonable progression, and will result in the qualification of trainees for suitable employment;

(2) that the training period is reasonable and consistent with periods customarily required for comparable training;

(3) that adequate and safe facilities, and adequate personnel and records of attendance and progress are provided; and

(4) that the trainees are compensated by the employer at such rates, including periodic increases, as may be deemed reasonable under regulations hereinafter authorized, considering such factors as industry, geographical region, and trainee proficiency.

(c) Where on-the-job training programs under this part require supplementary classroom instruction, appropriate arrangements for such instruction shall be agreed to by the Secretary of Health, Education, and Welfare and the Secretary of Labor.

[NATIONAL ADVISORY COMMITTEE] ADVISORY COMMITTEE

SEC. 205. (a) The Secretary shall appoint a National Advisory Committee which consist of ten members and shall be composed of representatives of labor, management, agriculture, education, and training, and the public in general. From the members appointed to such Committee the Secretary shall designate a Chairman. Such Committee, or any duly established subcommittee thereof, shall from time to time make recommendations to the Secretary relative to the carrying out of his duties under this Act. Such Committee shall hold not less than two meetings during each calendar year.

(b) [The National Advisory Committee shall encourage and assist in the organization on a plant, community, regional, or industry basis of labor-management-public committees and similar groups designed to further the purposes of this Act and may provide assistance to such groups, as well as existing groups organized for similar purposes, in effectuating such purposes.] *For the purpose of making expert assistance available to persons formulating and carrying on programs under this title, the Secretary shall, where appropriate, require the organization on a community, State, and/or regional basis of labor-management-public advisory committees.*

(c) The National Advisory Committee may accept gifts or bequests, either for carrying out specific programs or for its general activities or for its responsibilities under subsection (b) of this section.

(d) Appointed members of the *National Advisory Committee* shall be paid compensation at the rate of $50 per diem when engaged in the work of the *National Advisory Committee,* including travel time, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 73b 2) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

(c)(1) Any member of the *National Advisory Committee* is hereby exempted, with respect to such appointment, from the operation of sections 281, 283, and 1914 of title 18 of the United States Code, and section 190 of the Revised Statutes (5 U.S.C. 99), except as otherwise specified in paragraph (2) of this subsection.

(2) The exemption granted by paragraph (1) of this subsection shall not extend.

(A) to the receipt or payment of salary in connection with the appointee's Government service from any source other than the private employer of the appointee at the time of his appointment, or

(B) during the period of such appointment, to the prosecution or participation in the prosecution, by any person so appointed, of any claim against the Government involving any matter with which such person, during such period, is or was directly connected by reason of such appointment.

STATE AGREEMENTS

SEC. 206. (a) The Secretary of Labor is authorized to enter into an agreement with each State, or with the appropriate agency of each State, pursuant to which the Secretary of Labor may, for the purpose of carrying out his functions and duties under this title, utilize the services of the appropriate State agency and, notwithstanding any other provision of law, may make payments to such State or appropriate agency for expenses incurred for such purposes.

(b) Any agreement under this section may contain such provisions as will promote effective administration, protect the United States against loss and insure that the functions and duties to be carried out by the appropriate State agency are performed in a manner satisfactory to the Secretary.

RULES AND REGULATIONS

SEC. 207. The Secretary of Labor shall prescribe such rules and regulations as he may deem necessary and appropriate to carry out the provisions of this part.

LABOR MOBILITY DEMONSTRATION PROJECTS

SEC. *208. During the period ending June 30, 1965, the Secretary of Labor shall develop and carry out, in a limited number of geographical areas; pilot projects designed to assess or demonstrate the effectiveness in reducing unemployment of programs to increase the mobility of unemployed workers by providing assistance to meet their relocation expenses. In carrying out such projects the Secretary may provide such assistance, in the form of grants or loans, or both, only to involuntarily unemployed individuals who cannot reasonably be expected to secure full-time employment in the community in which they reside, having bona fide offers of employment (other than temporary or seasonal employment), and are deemed qualified to perform the work for which they are being employed. Where such assistance is provided in the form of grants, such grants may not exceed 50 per centum of the expenses incurred reasonably necessary to the transportation of the person who is relocating, and his family, and their household effects. Where such assistance is provided in the form of loans, or a combination of loans and grants, the total amount thereof may not exceed 100 per centum of such expenses and shall be made subject to such terms and conditions as the Secretary may prescribe. Of the funds appropriated for a fiscal year to carry out this title, not more than 2 per centum thereof, or $4,000,000, which is the lesser, may be used for the purposes of this section.*

PART B—DUTIES OF THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

GENERAL RESPONSIBILITY

SEC. 231. The Secretary of Health, Education, and Welfare shall, pursuant to the provisions of this title, enter into agreements with States under which the appropriate State vocational education agencies will undertake to provide training needed to equip persons referred to the Secretary of Health, Education, and Welfare by the Secretary of Labor pursuant to section 202, for the occupations specified in the referrals, *except that with respect to education to be provided pursuant to referrals under subsection (b) or (i) of section 202, the Secretary of Health, Education, and Welfare may make arrangements for the provision of the education to be provided under such subsection through other appropriate education agencies*. Such State agencies shall provide for such training through public education agencies or institutions [, if facilities or services of such agencies or institutions are not adequate for the purpose,] through arrangements with private educational or training institutions *where such institutions can provide substantially equivalent training with reduced Federal expenditures*. The State agency shall be paid 50 per centum of the cost to the State of carrying out the agreement, except that for the period ending June 30, [1964] *1965*, The State agency shall be paid 100 per centum of the cost to the State of carrying out the agreement with respect to unemployed persons, *and for the fiscal year ending June 30, 1966, the State agency shall be paid 66⅔ per centum of such cost*. Such agreements shall contain such other provisions as will promote effective administration (including provision (1) for reports on the attendance and performance of trainees, (2) for immediate certification to the Secretary of Labor by the responsible training agency with respect to each person referred for training who does not have a satisfactory attendance record or is not making satisfactory progress in such training absent good cause, and (3) for continuous supervision of the training programs conducted under the agreement to insure the quality and adequacy of the training provided), protect the United States against loss, and assure that the functions and duties to be carried out by such State agency are performed in such fashion as will carry out the purposes of this title. In the case of any State which does not enter into an agreement under this section, and in the case of any training which the State agency does not provide under such an agreement, the Secretary of Health, Education, and Welfare may provide the needed training by agreement or contract with public or private educational or training institutions.

RULES AND REGULATIONS

SEC. 232. The Secretary of Health, Education, and Welfare may prescribe such rules and regulations as he may deem necessary and appropriate to carry out the provisions of this part.

TITLE III—MISCELLANEOUS

APPORTIONMENT OF BENEFITS

SEC. 301. For the purpose of effecting an equitable apportionment of Federal expenditures among the States in carrying out the programs authorized under title II of this Act, the Secretary of Labor and the Secretary of Health, Education, and Welfare shall make such apportionment in accordance with uniform standards and in arriving at such standards shall consider only the following factors: (1) the proportion which the labor force of a State bears to the total labor force of the United States, (2) the proportion which the unemployed in a State during the preceding calendar year bears to the total number of unemployed in the United States in the preceding calendar year, (3) the lack of appropriate full-time employment in the State, (4) the proportion which the insured unemployed within a State bears to the total number of insured employed within such State, and (5) the average weekly unemployment compensation benefits paid by the State. The Secretary of Labor and the Secretary of Health, Education, and Welfare are authorized to make reapportionments from time to time where the total amounts apportioned under this section have not been fully obligated in a particular State, or where the State or appropriate agencies in the State have not entered into the necessary agreements, and the Secretaries find that any other State is in need of additional funds to carry out the programs authorized by this Act.

MAINTENANCE OF STATE EFFORT

SEC. 203. No training program which is financed in whole or in part by the Federal Government under this Act shall be approved unless the Secretary of Labor, if the program is authorized under part A of title II, or the Secretary of Health, Education, and Welfare, if the program is authorized under part B of title II, satisfies himself that neither the State nor the locality in which the training is carried out has reduced or is reducing its own level of expenditures for vocational education and training, including program operation under provisions of the Smith-Hughes Vocational Education Act and titles I, II, and III of the Vocational Education Act of 1946, except for reductions unrelated to the provisions or purposes of this Act.

OTHER AGENCIES AND DEPARTMENTS

SEC. 303. (a) In the performance of their functions under this Act, the Secretary of Labor and the Secretary of Health, Education, and Welfare, in order to avoid unnecessary expense and duplication of functions among Government agencies, shall use the available services or facilities of other agencies and instrumentalities of the Federal Government, under conditions specified in section 306(a). Each department, agency, or establishment of the United States, is authorized and directed to cooperate with the Secretary of Labor and the Secretary of Health, Education, and Welfare and, to the extent permitted by law, to provide such services and facilities as either may request for his assistance in the performance of his functions under this Act.

(b) The Secretary of Labor and the Secretary of Health, Education, and Welfare shall carry out their responsibilities under this Act through the maximum utilization of all possible resources for skill development available in industry, labor, public and private educational and training institutions, State, Federal, and local agencies, and other appropriate public and private organizations and facilities.

APPROPRIATIONS AUTHORIZED

SEC. 304. (a) There are hereby authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1963, $3,000,000 for the fiscal year ending June 30, 1964, [and a like amount for the fiscal year ending June 30, 1965] *and each of the three succeeding fiscal years*, for the purpose of carrying out title I.

(b) There are hereby authorized to be appropriated $97,000,000 for the fiscal year ending June 30, 1963, [$161,000,000 for the fiscal year ending June 30, 1964, and a like amount for the fiscal year ending June 30, 1965.] *$211,000,000 for fiscal year ending June 30, 1964, $422,000,000 for the fiscal year ending June 30, 1965, $281,333,333 for the fiscal year ending June 30, 1966, and $211,000,000 for the fiscal year ending June 30, 1967*, for the purpose of carrying out title II.

(c) There are hereby authorized to be appropriated $1,000,000 for the fiscal year ending June 30, 1963, $1,000,000 for the fiscal year ending June 30, 1964, [and a like amount for the fiscal year ending June 30, 1965] *and each of the three succeeding fiscal years*, for the purpose of carrying out title III.

(d) There are hereby authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1962, for planning and starting programs under this Act.

LIMITATIONS ON USE OF APPROPRIATED FUNDS

SEC. 305. (a) Funds appropriated under the authorization of this Act may be transferred, with the approval of the Director of the Bureau of the Budget, between departments and agencies of the Government, if such funds are used for the purposes for which they are specifically authorized and appropriated.

(b) Any equipment and teaching aids purchased by a State or local [vocational] education agency with funds appropriated to carry out the provisions of part B shall become the property of the State.

(c) No portion of the funds to be used under part B of this Act shall be appropriated directly or indirectly to the purchase, erection, or repair of any building except for minor remodeling of a public building necessary to make it suitable for use in training under part B

(d) Funds appropriated under this Act shall remain available for one fiscal year beyond that in which appropriated.

AUTHORITY TO CONTRACT

SEC. 306. (a) The Secretary of Labor and the Secretary of Health, Education, and Welfare may make such contracts or agreements, establish such procedures, and make such payments, either in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, as they deem necessary to carry out the provisions of this Act.

(b) The Secretary of Labor and the Secretary of Health, Education, and Welfare shall not use any authority conferred by this Act to assist in relocating establishment from one area to another. Such limitation shall not prohibit assistance to a business entity in the establishment of a new branch, affiliate, or subsidiary of such entity if the Secretary of Labor finds that assistance will not result in an increase in unemployment in the area of original location or in any other area where such entity conducts business operations, unless he has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

SELECTION AND REFERRAL

SEC. 307. The selection of persons for training under this Act and for placement of such persons shall not be contingent upon such person's membership or nonmembership in a labor organization.

DEFINITION

SEC. 308. For the purposes of this Act, the term "State" includes the District of Columbia, Puerto Rico, the Virgin Islands, and Guam.

SECRETARIES' REPORTS

SEC. 309. (a) Prior to March 1, 1963, and again prior to [March 1, 1964] *April 1, 1964, April 1, 1965, and April 1, 1966*, the Secretary of Labor shall make a report to Congress. Such report shall contain an evaluation of the programs under title I and part A of title II, including the number of persons trained and the number and types of training activities under this Act, the number of unemployed or underemployed persons who have secured full-time employment as a result of such training, and the nature of such employment, the need for continuing such programs, and recommendations for improvement.

(b) Prior to March 1, 1963, and again prior to [March 1, 1964] *April 1, 1964, April 1, 1965, and April 1, 1966*, the Secretary of Health, Education, and Welfare shall also make a report to Congress. Such report shall contain an evaluation of the programs under part B of title II, the need for continuing such programs, and recommendations for improvement. The first such report shall also contain the results of the vocational training survey which is presently being conducted under the supervision of the Secretary.

TERMINATION OF AUTHORITY

SEC. 310. (a) All authority conferred under title II of this Act shall terminate at the close of June 30, [1965] *1967*.

(b) Notwithstanding the foregoing, the termination of title II shall not affect the disbursement of funds under, or the carrying out of, any contract, commitment or other obligation entered into prior to the date of such termination: *Provided*, That no disbursement of funds shall be made pursuant to the authority conferred under title II of this Act after December 30, [1965] *1967*.

SUPPLEMENTAL VIEWS

When the basic legislation which became the Manpower Development and Training Act was originally considered by the Congress, a number of the undersigned Republican members of this committee participated in the complete rewriting of the proposal. We gave our full endorsement and support to the program's objectives. In fact, Republicans proposed retraining before President Kennedy did. We believe that on the basis of the highly encouraging results achieved during the limited experience of the program that our original approval of this undertaking has been more than justified.

As a result of experience gained from the administration of the act, we are convinced that the amendments proposed in the pending legislation are sound and will lead to a more effective realization of the aims of the basic program—the return of unemployed workers to the productive mainstream of our economy.

While we may not have accorded identical treatment and emphasis to every part of this bill had we been free to write it as we saw fit, the fact remains that most legislation is a product of compromise. In the development of this bill by the full committee, a number of proposals of no mean significance—the reintroduction of and insistence upon the State matching requirements, the upward adjustment of training allowances, the careful delineation of what is encompassed by "basic education training" and the absorption of the cost of certain new undertakings within present authorizations—were advanced by us and incorporated into this legislation.

If we could put forth one word of caution it would be this: While the new programs introduced by this legislation are in every respect worth while, experience has shown that the laying out and gearing up of new administrative projects requires a considerable time, and it may well be that all of the funds authorized in this bill will not in fact be needed. Indeed, if the established programs and the newly created programs are directed with administrative prudence, we question whether the full authorizations carried in this bill can be wisely expended.

Accordingly, in endorsing this legislation, we wish to make it clear that as the program unfolds, we shall look to the administrators to fully justify the funds requested under it.

PETER H. B. FRELINGHUYSEN.
WILLIAM H. AYRES.
ROBERT P. GRIFFIN.
ALBERT H. QUIE.
CHARLES E. GOODELL.
ALPHONZO BELL.
ROBERT TAFT, JR.

SUPPLEMENTAL VIEWS OF ROBERT TAFT, JR.

While the committee views as prepared express generally my feelings relating to the desirability of the changes proposed by H.R. 8720, a failure to substantiate the cost figures during the hearings and since the hearings makes necessary the expression of supplemental views.

The current level of expenditures and the appropriation approved by this Congress for the manpower development and training program would not substantiate the authorizations requested in section 7 of this bill. The Appropriation Act for the year 1963 provides a total of $110 million for this program, or $51 million less than the authorization already in the law. Therefore, even taking the figure of $50 million for the additional cost estimate for the fiscal year 1964, the current authorization is sufficient to incorporate the changes which would be authorized by this bill. The current level of expenditures and those estimated for the balance of this fiscal year reflect the difficulties in initiating programs of this type without considerable lag and considerable waste. With this in mind, it would seem that for the fiscal year 1965 there will be similar delays and lags in the program, and the current authorized expenditures level of $322 million will in all probability be sufficient to continue the orderly expansion of the program and to incorporate in the program the changes that would be authorized by this bill.

It is interesting to note that in the hearings witnesses were unable to substantiate the basis of the $100 million figure proposed by the President, and inquiries into the Department of Labor since that time have produced no breakdown showing the number of additional trainees expected to be put into training during the current year or the next fiscal year. In spite of directions given by the committee, concerned with the preparation of the committee report, there has been no detailed information available or provided to substantiate the additional cost of program changes and extensions that would be authorized by this bill. In the absence of any such information, increasing the current authorizations would not be justified and should be opposed.

ROBERT TAFT, Jr.,
Ohio Member at Large.

MINORITY VIEWS

We, the undersigned, are strongly opposed to the enactment of this legislation. When this program was first put before Congress, a number of us urged that it be rejected. In view of the inauspicious experience under the program since its inception, we are even more firmly persuaded that the Congress should have heeded our original advice. But far from following a course of care and prudence in this regard, the committee has now brought forth a bill designed to further expand this dubious program in a number of doubtful areas, all at a tremendous increase in costs to the American taxpayer.

STATE MATCHING

The original legislation carried a provision that beginning July 1, 1964, the States would be required to match on a 50–50 basis any Federal funds appropriated to carry out this program. So "enthusiastic" was the response of the States that of the 29 State legislatures which convened last year, only 4 of them saw fit to take the action necessary to permit them to participate further in this program. This signal lack of response on the part of the States is being met in this proposed legislation by the simple expedient of deferring the condition of State matching and requiring the Federal Government to pick up the entire tab for yet another year. State matching is then belatedly brought back into the picture on a graduated basis. And in order to permit this graduation to occur, the life of the program is being extended for an additional 2 years to June 30, 1967, instead of being brought to a halt on June 30, 1965, as Congress originally decreed. This deferral of State matching is being bought at much too great a price. This factor, together with the extended life and expanded nature of the program will cost the American taxpayer in the neighborhood of $900 million, an expenditure absolutely unjustified in light of the precarious fiscal situation presently attending the National Government.

LITERACY TRAINING

While this legislation has for its announced purpose the training of citizens in occupational fields, one of the principal amendments now being offered will authorize training in basic literacy courses. The justification for this academic importation into an occupational program is difficult to follow. If there is a need for literacy training, certainly the facilities already available in our present public school programs, night and day, full time, and part time, are sufficient to cope with the problem. This proposed program of basic educational training is but another example of compounding error and waste by authorizing new programs and new expenditures without any provision being made for the proper use and coordination of existing programs and facilities.

EXPANDED YOUTH TRAINING

The pending bill authorizes a tremendous expansion in the so-called training of youth. This proposal, too, is marked by both extravagance and danger. Under this proposal, training allowances of $20 per week will be paid to eligible young people, 17 years of age and over, who participate in this program. At a time when almost every area of the Nation is deeply concerned with the problem of school dropouts, this legislation extends to the youth of our country an engraved invitation to drop out of school and to receive Federal payments of $20 a week for up to 70 weeks for so doing. Here again is an example of a broad new Federal program being introduced without proper regard for the objective to be achieved and without any reasonable effort being made to coordinate existing programs and facilities. While it is true that the proposed legislation attempts to incorporate some standards with respect to the type and class of youth which may qualify for these training allowances, the fact is that these standards are so general as to be virtually without meaning. And it is worthy of note that up to 25 percent of those entitled to receive training allowances under this bill may be selected from among the youth of the Nation.

INCREASED TRAINING ALLOWANCES

Another disturbing feature of the pending legislation is a provision which increases by $10 per week the training allowance which may be paid to eligible persons under this act. Under the original program, this training allowance was geared to the average weekly unemployment compensation of the State concerned. This amount is now being increased by a further outright Federal grant of $10 per week for each eligible participant. It is estimated that the cost of this single additional item will cost the Federal Government in excess of $30 million a year. This is a wasteful and unnecessary frill. And it menaces the independence and integrity of the State systems of unemployment compensation.

RELOCATION OF CHRONICALLY UNEMPLOYED

The proposed bill carries an authorization of up to $4 million for the purpose of carrying on a socioeconomic experiment in the relocation of the chronically unemployed. This program, which is bound by no meaningful legislative standards, represents a new departure in social experimentation on the part of the Federal Government. This precedent-shattering experiment may very well be seized upon by the social planners to move us even closer to the all-encompassing systems of social and economic regimentation which menace the free world on every side. This type of project, if it be approved by Congress at all, should be approved only after the most detailed consideration and studied reflection. This disturbing and ill-conceived recommendation has not had that type of measured consideration which it should command before being brought to the floor of the House.

GENERAL MATTERS

In addition to the foregoing major objections, the pending legislation contains a number of other proposed amendments designed to relax the existing program and render it more costly. In the first place the eligibility requirements have been relaxed and expanded, making many more persons eligible to receive Federal training allowances. In addition, all trainees will be permitted to work up to half time on the outside without suffering any diminution in their individual Federal payment. These changes are but symptomatic of the general tenor of the whole bill.

CONCLUSION

In view of the foregoing shortcomings and deficiencies, it is our considered opinion that Congress should not adopt the pending proposal. It is loaded with new and untried programs of unpredictable purpose and result, some involving a degree of social and economic experimentation far more radical than anything yet undertaken in this country. These new and untried endeavors are being embarked upon at an unreasonable and unjustified cost to the American taxpayer. We firmly believe that Congress would be well advised to reject the pending proposal and thus permit the curtain to be rung down on this whole unfortunate undertaking in the year 1965, as Congress originally stipulated.

DONALD C. BRUCE.
JOHN M. ASHBROOK.
DAVE MARTIN.
M. G. SNYDER.
PAUL FINDLEY.

[House, Dec. 12, 1963]

Mr. POWELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8720) to amend the Manpower Development and Training Act of 1962.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8720, with Mr. Price in the chair.

IN THE COMMITTEE OF THE WHOLE

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. POWELL. Mr. Chairman, I yield myself such time as I may desire.

Mr. Chairman, this legislation before us, as has been indicated, has been tested and found extremely worth while. It was the first answer of this Congress to the challenge of automation. It was the brainchild of the distinguished Member from Pennsylvania [Mr. Holland], the chairman of the subcommittee and the author of the bill. The gentleman from Pennsylvania [Mr. HOLLAND] and I began working on this legislation the day after the elections 3 years ago. We worked here in Washington during November and December, even prior to the committee being organized. I cannot pay too much tribute to the gentleman from Pennsylvania [Mr. HOLLAND] and to his work in this field.

Also I would like to say that this comes from the Committee on Education and Labor with almost complete bipartisan support. I should like to commend my colleagues on the other side of the aisle who served with me on this committee for the way in which they have cooperated.

Mr. HOLLAND. Mr. Chairman, again I come before the House asking for the passage of this legislation.

Today we have H.R. 8720—amendments to the Manpower Development and Training Act—for discussion and passage.

This program has been in effect since July 1962, but in operation only since September 1962. Although there was an unavoidable delay, in initiating this program the year has seen the development of programs for approximately 100,000 unemployed workers.

Some have already completed their training, and 80 percent of those are now working. The remainder are still—or will be—attending classes.

There are, now, many more applications for training courses awaiting final approval by the Department of Labor. These will help thousands of other unemployed, but approval cannot be granted until we here in Congress pass these amendments.

This problem exists because of the delayed start of the program.

Our States were unable to estimate the amount of money they should appropriate to cover their share of the cost of future programs. Hence, partial action was taken by only four States.

This means that in 46 States any program which extends beyond next June cannot be approved by the Department of Labor.

We must remember that the procedures and methods for operating the Manpower Development and Training Act program had to be established. This was an entirely new approach to our nagging unemployment problem.

This was the first time that Congress had required two separate departments of the National Government to cooperate in the administration of a Federal program. We also required the cooperation of two departments in State government—and we carried this requirement to local government level also.

These organization problems have been solved and all the various levels of government are now in accord and operating with apparent efficiency.

The Manpower Development and Training Act program has gotten off the ground and the preliminary results are most encouraging.

Forty-nine of our States now want the Federal Government to underwrite the cost of this program for 1 more year. The Governors of those States made this request. This will give them time to prepare necessary legislation upon which their legislatures can act.

Because of this request, we are recommending the extension of Federal coverage for fiscal year 1965, the lowering of State's responsibility for fiscal year 1966 to one-third the cost, but reestablishing for fiscal 1967 the original State share of one-half the cost.

In H.R. 8720 we also recommend the training of more of our unemployed youth, the teaching of basic education for those who, without it, cannot qualify for occupational training you have provided, permitting trainees to work part time to augment their subsistence allowances, the granting of incentive payments, permitting additional use of private technical schools under certain conditions, the formation of advisory committees at State and local levels, the creation of a pilot program for the mobility of workers, and some minor word changes. Other Members will discuss these more fully.

Last year in this House I stated this program would not be the final solution to the unemployment problem. Rather, it would be the first of many steps we must take.

During 1963 we have seen an increase in the gross national product, an increase in sales and profits, an increase in productivity and output, but unemployment has not decreased. In fact, it is almost 6 percent today. Testimony has been given that we can expect thousands of jobs to evaporate.

In the past 10 days we heard that Studebaker auto division is closing. Five thousand jobs are eliminated. The Defense Department is cutting 25,000 jobs. Steel is laying off additional workers. Office jobs are being eliminated by the closing of district offices of United States Steel. Railroad workers write me that maintenance shops are being closed. In fact, official reports show that unemployment increased by 500,000 in November. What will December's figures show?

The New York Times said the first week of December should be known as computer week, for IBM, Minneapolis-Honeywell, General Telephone & Electronics, and General Electric all announced "newer, faster, smaller, and more versatile data systems are going on the market."

We can guess the results.

This is not the time to let the manpower training slow down—let alone stop.

We know we cannot help everyone who is unemployed, but we must help those we can.

We expect that from 1962 to 1967 over a million unemployed can be helped through the Manpower Development and Training Act. However, that leaves quite a few more million for local, State, and private groups to assist.

The Manpower Development and Training Act program will act as an example for these groups to supplement. The magnitude of this problem requires the cooperation of all America, for no one separate group can do this alone.

Do you realize that for 1962 over $4 billion was spent by public and private funds just to pay the direct costs of unemployment? We have no record of the indirect costs. Nor do we have a record of the public assistance money used for those unemployed, whose benefits expired and they were forced on relief. The States handle this with no report to the Federal Government.

Briefly, here are the known costs: Unemployment compensation, $3 billion; aid to dependent children whose parents are unemployed, $100 million; extension of surplus food program, $140 million; State employment offices, in handling claims, over $400 million; railroad insurance for unemployment, $100 million; State unemployment benefit payments in certain industries, over $100 million; social security pensions for those who cannot secure work, $880 million.

Shall we continue to waste money—both public and private—just to feed, house, and clothe our people? Or are you willing to invest less than 10 percent of that $4.7 billion and educate and train our unemployed workers?

Do we want to see our relief rolls increase or do we want our people to become self-sustaining?

I feel—and I am sure you agree—that the future of this Nation depends upon the intelligence and capability of its citizens. Our manpower is our most precious natural resource.

Therefore I ask you to help our people, our economy, and our Nation by supporting this bill.

The majority of the Members—on both sides of this House—supported this program last year.

This was a bipartisan effort to solve a bipartisan problem.

Machines and computers are not interested in whether the worker is Democrat or Republican. Our unemployed want us—who represent them now—to help them help themselves now.

Machines move in, the workers move out.

Let us think of the Nation today, not party politics.

Let us conquer unemployment together.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield myself such time as I may desire.

Mr. Chairman, as the ranking minority member of the Education and Labor Committee, I wish to make clear at the outset my general approval of, and support for, the pending bill.

When the original proposals authorizing a manpower training program were submitted to the previous Congress, the minority members of the Education and Labor Committee worked diligently to bring to fruition a sound and workable program. Actually Republicans advocated the principle and importance of retraining before President Kennedy did. The bill as finally approved had strong bipartisan support.

Experience has demonstrated the basic soundness of this approach in identifying and coping with a number of the more difficult facets of our continuing unemployment problem. Notwithstanding the basic soundness and effectiveness of the original act, experience has brought to light a number of areas in which that act left something to be desired. We recognize now a number of areas in which minor adjustments can bring about improved results.

The bill before the House is, of course, fully explained in the report which has been submitted by our committee. I shall, therefore, confine my remarks to those areas of the bill which I deem to be the most significant and the most necessary.

BASIC EDUCATION TRAINING

Very early in the retraining program, it became apparent that great numbers of our chronically unemployed citizens did not possess even that modicum of literacy necessary to permit them to acquire and hold a routine job in our modern economy. Due to the changing times and the upgrading of the economy generally, almost all gainful employment today requires at least some mastery of the common skills of reading, writing, and arithmetic. The old-type jobs that require only physical endurance are fast fading from the scene. As the machine continues to move to a position of greater and greater prominence in almost every area of endeavor, it goes without saying that those who undertake to work in this new environment must be equipped to function effectively within it.

Unfortunately, Mr. Chairman, whether we like to admit it or not, hundreds of thousands of our people, young and old, do not possess the basic learning necessary to permit them to survive and go forward in this new and ever-changing economy. If they are ever to be retrained, if they are ever to be returned to the productive work force, they must be given supporting or concomitant training in basic literacy—in the three R's, if you will.

This bill seeks to meet that problem to the extent it can be met in this type of program. It authorizes basic education training when it is needed, and extends the period during which training allowances may be paid to trainees in order to encourage and facilitate such training. In my opinion this provision of the bill is absolutely essential if we are effectively to meet and overcome persistent hardcore unemployment.

EXPANDED YOUTH TRAINING

Another important and worthwhile feature of this bill is that which provides for a substantially increased training program for the youth of our Nation. One of the most tenacious, and at the same time appalling, aspects of the American unemployment problem is that it engulfs and stifles such great numbers of our young people. Above all else, we as a nation must find an effective method to deal with this problem at this level. We simply cannot let it be said that we are unable to create an opportunity for this generation of youth to move forward and play a full, effective, and self-sustaining role in our society. Yet the facts are alarming: While youth between the ages of 16 and 21—out of school—comprise only 7 percent of the available labor force, this same group accounts for upward of 20 percent of the unemployed. And the projected trend for future years serves only to indicate that the employment outlook for this age group will become even less inviting in the years immediately ahead.

Mr. Chairman, I am confident that we in this Chamber feel, and feel strongly, that every boy and girl in America should complete at least a high school education. We cannot, however, ignore the fact that, notwithstanding the best efforts of all concerned, millions of our young people have abandoned formal educational pursuits without completing high school, and that millions more are destined to do so.

Those who drop out of school are for the most part the least employable, and the most in need of training. This legislation faces up to this problem. While making every reasonable provision to see to it that these young people do not needlessly drop out of school, this legislation nevertheless undertakes to provide training for these young people, in order to equip them for employment and for a productive economic life. This effort simply must be made, if the Nation is to be spared a veritable generation born in poverty, reared on charity, and sustained on welfare. We have no choice but to make this investment in the future of America.

STATE MATCHING

I shall conclude my comments by discussing the principle of the State matching of funds which is carried in this proposal. At the time the original act was adopted, it contained a provision that, beginning with the fiscal year 1965, the funds to sustain this program were to be provided equally by the States and the Federal Government. However, due to the delays in appropriations and the inevitable administrative delays in getting the program underway, most States had little or no opportunity to appraise the program nor could they make the legislative and budgetary preparations necessary to meet the 1965 matching requirements.

In recognition of this fact, the pending bill does not require the States to put forth any funds for fiscal 1965. This fact, however, should not be taken to indicate any abandonment by this committee of the State matching principle. Indeed, the bill specifically requires that the States must provide one-third of the funds for this program in the 1966 fiscal year and one-half the funds in each fiscal year thereafter.

Mr. Chairman, my colleagues and I are strongly of the opinion that State matching is a sine qua non of this program. Every State and every community has an undeniable interest in, and an unavoidable responsibility for, meeting and resolving the grave problems at which this legislation is directed. Each and every State must contribute its utmost in these endeavors. The entire responsibility cannot and should not be left to the Federal Government alone. I am confident that the States will respond to this legislation. I know they will meet their responsibilities in full measure, for upon that response the fate of this entire program will undoubtedly depend.

CONCLUSION

As I have indicated, much worthwhile progress has been realized under this program. I should like to recount only a few of the facts and figures. They indicate not only what this program has done, but the great promise which this program holds for the future.

In the brief 15-month period since this operation began, training programs for more than 100,000 persons have been established, and another 30,000 persons have been approved for training. Training is now being offered in more than 300 different occupations, at least half of which are in white-collar and so-called skilled jobs. More than one-half of those engaged in these training programs have been drawn from the hard-core, long-term unemployed—the area in which continuing and effective work must be done if the problem of unemployment is to be successfully overcome.

Mr. Chairman, I support this legislation. Its purposes are worthwhile; its objectives mandatory. During the course of this discussion, however, a number of amendments will be offered, particularly in the area of the authorization of funds.

I should like to say that the chairman of the Committee on Rules, the gentleman from Virginia [Mr. SMITH] has expressed the belief that any effort to stop Federal expenditures is what he describes as an exercise in futility. I agree strongly that we must use restraint. However, in this retraining area I think it essential that we do not stop spending money, because I think it is money well spent. Of course, however, we should be wise in how rapidly we expand. We should hold down these proposed expenditures as much as seems consistent with what we are trying to attain.

Such amendments should be considered on their merits. We should support amendments which will protect the interests of the public while at the same time assuring the proper administration of the essential programs which this legislation embodies.

Mr. POWELL. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky [Mr. PERKINS].

Mr. PERKINS. Mr. Chairman, I cannot overemphasize my interest in the Manpower Act. The single most significant, concerted, and broad step taken to combat unemployment has been taken under this act. In little more than 1 short year of operation, training projects involving almost 90,000 trainees have been approved. Many thousands have already completed training and have been placed in training-related jobs. They have been able to complete training by having the assurance of a steady but modest income. For thousands of people it has meant renewed hope, renewed opportunity, and renewed dignity; and our Nation is that much richer in its human values.

In my own State of Kentucky this act has been significant. The amendments are essential if we will give to the program the provision necessary for it to reach the "hard core" of our unemployment. We in Kentucky have suffered from economic blight and the suffering brought in its wake. Large areas have been chronically depressed because of the automation and changed economic circumstances in the coal industry. These communities have unemployment rates far in excess of the national average, ranging as high as 20 to 30 and even at times 50 percent. Thousands of these citizens must be given an opportunity to return to productive work, and our youth must be given greater opportunities for training. Many of our people have been set adrift without skills to seek jobs in a labor market which increasingly requires high skill levels and technical know-how.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. TAFT].

Mr. TAFT. Mr. Chairman, I rise to support H.R. 8720, the amendments to the Manpower Development and Training Act of 1962. May I say at the outset I would like to commend the chairman of the subcommittee and the members of the subcommittee for the careful study and attention to, and the very thorough hearings that were held upon, this bill. It is designed to deal with what is certainly one of the most important single problems upon the domestic scene in the United States today. Its importance, I am sure, from the point of view of economic problems, is exceeded, if by any other problem, only by the problem of restoring fiscal responsibility, about which the distinguished gentleman from Virginia talked to the House some little time ago. Yet I feel that while I am certainly concerned with the area of fiscal responsibility and our spending and deficit levels and the amount of our national debt, I feel that this measure certainly does not run in any way in conflict with those feelings if we can keep the authorizations down to realistic figures and continue to make the very solid progress that has been made in the program in the past without a waste of Federal funds in any way. I feel it is a problem of Federal concern as well as of State concern, because unemployment is certainly a nationwide problem to a very considerable extent.

While the cost is high, running somewhere, on the basis of the present experience, between $1,200 and $1,400 per trainee, although it is aimed ultimately at getting down to somewhere around $800 and $1,000 per trainee, I think all of us should realize that the cost we have here may well be recouped, and fairly quickly be recouped, if the program is successful, not only in the reduction in unemployment compensation payments, not only in the reduction in welfare payments and in the elimination of welfare payments by making those on the welfare rolls in some instances at least gainful producers again, but also in the increased taxes that will be brought in, particularly the social security taxes, and in the general additional production that would be created by rehabilitating and putting more men to work who cannot otherwise find jobs and will not be able to find jobs.

I think we should recognize that this is a serious problem. It is a problem which is not getting any better daily. From May 1962 to May 1963 the total number of persons coming into our labor force was 1.2 million. The total number of jobs increase in that period was only 900,000, leaving a red deficit figure of 300,000 jobs. We hear varying figures on account of automation and other causes, as to the large number of jobs that we are continually losing, which is a matter that I think should be of great concern to all of us. Yet at the same time that we have over 4 million unemployed in this country today it is not certain—there are no reliable figures on which we can draw for the specific proof, but it is pretty conclusive today just from looking at the want ads around the country—that there exist somewhere between 1.5 million and 2 million job possibilities, in this country, for which there are no persons trained to fill the bill.

I think that this measure takes the right approach toward this problem. It takes the approach of pinpointing a rightful attack on the problem of the unemployed. It is not a welfare program. It was never designed to be a welfare program. Its limitation in general is to heads of families. There are other limitations on availability of the program that indicate this.

As to the specific amendments let me comment briefly upon some of them. You have heard some comments already upon them, but I think perhaps something a little more can be said with regard to them. As to the matching principle which is continued by this bill, I might say that it is not continued by the Senate bill; and perhaps before we start on these amendments we ought to call the attention of the House to the fact that the two Senate measures, S. 1716 and S. 1831, are far more limited in principle than this one. They do only four things. They extend the program for training for youth down to the age of 16. They increase the amount of the appropriation at a rate of approximately $100 million a year. They provide another year without any matching. Also they provide that the basic education courses which may be had under that authorization and also under the authorization of this bill would be limited to reading, writing, and arithmetic.

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

Mr. TAFT. I yield to the gentleman from New York.

Mr. GOODELL. On the question of basic education I think it should be emphasized as a matter of legislative history that we discussed the types of basic education that would conform to the standards of this bill. It is our feeling—and I think the gentleman from Ohio would agree—that reading, writing and arithmetic provided the general description. That is, basic education would be limited to the most elementary levels.

There were people who indicated that they might try to define the term basic education in a rather broad way. I think it is the disposition on both sides of the aisle to have that term narrowly confined; would not the gentleman agree?

Mr. TAFT. I certainly do agree with the gentleman. That was the understanding in the subcommittee and in the committee discussions. There was no intention that the authority to provide basic education under these circumstances would extend, for instance, into the formal professional life, or enable people to finish the last year of high school so that they might qualify for some professional requirements.

Mr. GOODELL. Mr. Chairman, will the gentleman yield further?

Mr. TAFT. I yield to the gentleman.

Mr. GOODELL. The gentleman has referred to the matching principle. I would like for the record, and for the legislative history, to re-emphasize the importance of this matching principle. It is, perhaps, the most important reason why we have to enact this bill. It is because the States cannot be expected to match in the coming year.

I quote from the committee report on page 6:

"However, in the opinion of the committee, Congress should at this time clearly preserve and reinforce the principle of State matching in Manpower Development and Training Act. Therefore, simple waiver of the third year matching by States is not accepted."

"Witness after witness when questioned confirmed the necessity for State financial support. Few were prepared to argue for full Federal responsibility. To most, State support seemed essential if the program is to be both effective and efficient. The committee, therefore, reaffirms its continued adherence to the principle of State matching."

I think this sums up very emphatically the feeling of our subcommittee and our committee and the Congress, that matching is a key element in this program.

I, personally, could not support the program if matching, as a principle, were abandoned. I believe this is the feeling of the subcommittee.

Mr. GOODELL. Mr. Chairman, I would like to take this opportunity particularly to commend the gentleman from Ohio [Mr. Taft].

As the gentleman knows, last year in the last Congress I had the privilege of serving on this Manpower Subcommittee. I have missed it a great deal this year.

The gentleman from Ohio has done an indefatigable job. He has been conscientious and thorough in the consideration of these amendments. I think the gentleman has preserved, with the Democrats on that subcommittee, a completely bipartisan approach to this legislation.

Its conception was bipartisan in the Congress and I am happy to say that that atmosphere has been preserved. A great deal of credit belongs to the gentleman from Ohio for doing that at this session.

Mr. TAFT. I thank the gentleman for his remarks.

I would like to go on in my discussion to talk about one of the other amendments.

Mr. Chairman, there is an amendment under which the Secretary of Labor is authorized in his discretion to add to the training allowances, by the amount of $10 per week. The present training allowance paid under the basic program relates to the unemployment compensation levels of the particular States involved. They are at the level of the average unemployment compensation level payments.

Mr. Chairman, we had testimony before our subcommittee as to some of the differences which are presently in existence, which indicated that there were persons who were dropping out, trainees dropping out of these programs, because they found under the level of training allowances they simply could not swing it and were not able to adequately sustain themselves and continue this training.

We felt this was uneconomical, unwise, and that something should be done about it. Therefore, we gave the discretion to the Secretary of Labor in cases where he found that the level was such that this problem existed to add to the basic training allowances by the sum of $10 a week.

Mr. Chairman, now moving to one or two of the other amendments I would like to discuss, I would like to point out that there is a private-school provision in here.

The present practices which have been in existence since the program started in operation back in 1962, have for one reason or another practically eliminated all private schools in providing this training.

It was our feeling—and there has been incorporated into this act a provision to the effect that where there will be a savings, actually, of funds by the use of private facilities already in existence to provide this training.

Mr. Chairman, I would like to move on now to talk for a minute about the record of performance to date under this program.

I would like to point out to the House that the program has started somewhat more slowly than originally planned. I do not think any of us are critical of this fact. We have added the word "urgency," at the request of the gentleman from Illinois [Mr. PUCINSKI], in the preamble of the bill, in an attempt to indicate our concern for immediate action. At the same time, the practicalities of properly setting up these courses and getting them going on the basis they will be productive and do the job have to be started.

For fiscal year 1963 we find that the authorizations were $97 million, the actual appropriations were only $60 million. For the current year 1964 we find that the authorizations were $161 million, the appropriations, to date anyway, are at a level of only $110 million. I thought the House would be interested in learning the most recent figures as to the number of persons in training at the present time. So I made inquiry of the departments involved and came up with some figures I would like to call your attention to.

These are figures as of December 2, 1963. As of that date the number approved, for instructional programs actually approved, was 96,000. The number enrolled was actually 61,000. The number who had completed the courses was 28,500. As of June 30, 1963, the number that had been approved was only 60,000, and the actual number enrolled was 35,000. The number who completed their course was 7,500. There has been some lag here, and I think there is going to continue to be a lag in the original directed plans involved. So I expect to offer in this connection a reduction in the authorization which I do not believe in any way will cut into the program. This reduction in authorization will have the effect of maintaining the present total level of expenditures, the original target amount of expenditures of approximately $322 million per year in the program when it gets going in its full impact. It would continue to provide additional funds necessary to substitute for the State matching that were planned for in the year 1965, which has become impractical. I believe it is impractical. I had the privilege of serving on a finance committee in a State legislature for some 3 years, and I can assure you there has to be considerably more experience than you have had here, and considerably more understanding and ability to provide ahead the matching funds than we had under the practical operation period of this bill. It is impossible to get any legislative body to act favorably on such recommendations.

Mr. DENT. Mr. Chairman, I was just going to discuss the same features that the gentleman from Ohio talked about when he touched upon the extension of the right to educators and the commissions of education in the various States to use the existing facilities of private training schools when there are not adequate public facilities available and where the private schools can be used at an equal or lesser cost to the taxpayers. By doing so, we believe we are making it possible to extend the benefits of this legislation to a greater number of students who otherwise would not be able to take the training.

One small, but very important item in the proposed amendments to the Manpower Development and Training Act would clarify the role of private training institutions in the broad training program. To date, private schools have been little used because of wording in the act which suggests that they are a sort of last resort—to be used only if public institutions are "not adequate for the purpose." The amendment which I urge you to endorse would make it clear that training by private schools—many of which have long and distinguished histories as part of the training capacity of the Nation—should take its rightful place beside the herculean effort already put forth by public educational agencies in bringing about the goals of the manpower training program. The new language would encourage development of Manpower Development and Training Act courses in private institutions when equivalent schooling can be offered at a lesser cost to the taxpayer.

Accomplishments under the act are encouraging. Training opportunities have been approved, now, for over 100,000 unemployed and underemployed Americans, but we need not be satisfied with growth of the program to date when we can encourage expansion of the program into a wide range of training facilities which have been left largely untapped.

Public vocational education is not a new thing in America. Since 1917 the Federal Government has encouraged and assisted development of vocational training programs and facilities through the Smith-Hughes Act and subsequent laws. The existent public vocational facilities have proven their mettle over and over again—and most recently as they have shouldered the additional burden of the training courses which have lifted the manpower retraining program off the ground. Inevitably, though, facilities are crowded, and topflight instructional personnel is more in demand than in supply. Recognized training needs—in some areas—must await availability of schools, equipment, and instructors before program plans can be brought to completion. In other cases, approved courses have been held in abeyance while instructions were being sought. While time passes, selected trainees lose interest, and potential employers turn elsewhere for trained manpower.

If we are to meet the manpower challenge, we must mobilize all of our educational reserves, and among the readiest reserves are established private vocational and technical schools. These schools—the good ones—have space, equipment and expertise which is sorely needed in our fight against occupational obsolescence. The schools we want to work with are preeminent in their fields. Many have records of excellence which are widely recognized and appreciated by the men and women who hire skilled workers. The schools we want to work with maintain close ties with industry and commerce, and know from day to day the changing requirements of industry—the precise skills which applicants must have to compete for jobs.

Unfortunately, not every private vocational school offers the kind of service we can use. Some do not meet our standards. And I believe the amendment, as reported, assures us that we will work only with the ones that give us what we need. To participate, under the revised wording of the law, a school must offer training which compares favorably in every respect to that offered by public facilities and they must do it cheaper.

Quality of instruction would continue to be the responsibility of the Secretary of Health, Education, and Welfare, and the State and Federal educational experts will continue to keep an eye on the curriculum and how it is presented. All in all, the standards for participation in the manpower training program will be high, and I have confidence in them.

In summary, I submit that we would be two ways richer if we amend the Manpower Development and Training Act of 1962 to clearly authorize training in private facilities where quality standards are maintained and when costs are lower. First, we would open wide the door to expanded use of a valuable source of training expertise and second, we would get more training for our program dollar. I urge you to concur.

Mr. PUCINSKI. Mr. Chairman, I rise in support of this legislation.

Mr. Chairman, there are 4,070,000 people unemployed in America today. This is 5.6 percent of our total labor force. Of these 4 million unemployed, 1,119,000, or 27.9 percent, have been unemployed for 15 weeks or more; 580,000, or 14.6 percent, have been unemployed 27 weeks or more.

Mr. Chairman, let me show the members of the Committee what these chronically unemployed figures mean in dollars and cents to the taxpayers.

Last month the State of Illinois was able to reduce its public welfare payroll by 2,000 people through various efforts to get them a job. The savings on this has been apparent to the taxpayers of Illinois, which was $450,000 per month, or almost $6 million a year. Thus, you can see why it is important to get these people off the relief rolls and back to work.

Mr. Chairman, using this same formula and citing the figures which the gentleman from California used a moment ago, the figures of Mr. ROOSEVELT, it would appear that the State of California has saved the taxpayers more than $2 million a month, or $24 million a year by finding employment for 9,460 people that he mentioned under this program.

At the appropriate time I shall obtain permission to include a table at the conclusion of my remarks which shows what has been happening to chronic unemployment in recent years.

In 1953, 211,000 people, or 11.3 percent of the unemployed, were unemployed 15 weeks or more. In 1962 the figure rose to 1,119,000, or 27.9 percent.

In 1953, there were 79,000 people, or 4.2 percent of the unemployed, who were unemployed 27 weeks or more. In 1962 this figure jumped to 585,000, or 14.6 percent. These are people who are unfortunate and chronically unemployed, and it has cost the taxpayers of the various States of America in excess of $1.5 billion in various forms of public assistance for these chronically unemployed.

When we talk about cutting the bill, reducing the expenditures, you see what the alternative is if we do not enact this legislation.

This is a problem that is not only peculiar to the urban sections of the country, but to all of it, and I hope my colleagues from rural areas will consider these facts: While the total employment in the United States increased from 63.8 million in 1953 to 71.8 million in 1962, or an increase of 8 million people, the agricultural workers' opportunities decreased by 1.4 million in the same period.

This chronic unemployment involves a major change in manufacturing methods, a change in product demand, and a movement of industry location. Chronically depressed areas include the coal-mining communities and the older industrial centers of the East and Midwest. It was to these urban areas that marginal workers flocked after World War II, and are now not trained to take on the needs of new technological demands.

Intense competition, both foreign and domestic, insured an acceleration of that trend. Employment created by the manufacture of automated equipment and controls went largely to new manufacturing areas free of the disabilities of the older industrial centers. The latter areas received the unemployment resulting from the substitution of machines for men, and the improved methods further cut into manpower utilization, as did the competitive impact of new plants, both domestic and foreign.

Add to this the announcement today that 75,000 additional jobs will be wiped out by the budget cuts in the defense budget.

I have the privilege of serving on the subcommittee headed by the gentleman from Pennsylvania [Mr. HOLLAND] author of today's bill. We are now holding hearings on legislation to reduce the workweek from 40 to 35 hours. During these hearings it is becoming abundantly clear that a vast number of those now unemployed in America, just are not prepared to accept a position in our modern stream of technology.

This fact was repeated not only at our current hearings, but during the hearings on the manpower development amendments.

We have in this country today an estimated 11 million adults who have less than a sixth-grade education and cannot read or write.

These people constitute the largest segment of our chronically unemployed Americans. These are the people the legislation, to a great extent, hopes to reach. That is why we had to include in this bill a provision for basic literacy training under very rigid limitations.

This legislation also hopes to reach that growing army of Americans who have been displaced from skilled jobs in the advanced years of their life through automation. These middle-aged Americans have nothing but the relief lines to look forward to unless they can obtain new skills under this act.

You will notice this bill serves unequivocal notice on the States that they must begin assuming their responsibility in this entire field of retraining. Although the committee well realizes the financial crises which confront most of our States, it also directs the labor department to reduce bureaucratic delays to a minimum and incorporates a spirit of urgency into this act.

Mr. Chairman, this is a good bill. You will note that the senior members of our committee strongly support this bill in their minority report on page 38. This bill represents a sincere bipartisan effort by our committee to help the tragic victims of chronic unemployment in America. I hope it will be overwhelmingly approved.

Mr. GOODELL. Mr. Chairman, may I first emphasize my strong support for the Manpower Retraining Act and for the basic changes that we are making in that act in H.R. 8720. I think the experience under the manpower bill and its actual operation for just a little over a year now has been a resounding success. There have been many criticisms that have appeared in the press of late that we were not reaching the very hard, hard core. I think those criticisms ignore the problems and the requirements in getting a program of this nature underway. We have to crawl before we walk and walk before we run. I do not mean to say that we intentionally want to avoid the hard, hard core but it does take some special program and some special approach to get to these people who may have a language difficulty or who are lacking in a basic education requirement so that they cannot even undertake a job training course in the normal course of events.

Mr. Chairman, this legislation has been marked from the beginning by bipartisanship and I am very happy that it is continuing on that basis. About half of the trainees thus far have been those in the long-term unemployed group. I emphasize that because these are very serious problems. Many of these individuals are trying to support families and find themselves forced to resort to welfare payments or unemployment insurance. Therefore, in that respect they are a drain on the resources of society. The training program has been concentrated in that area and about half of the trainees fall in the category of long-term unemployed. The program tries to get them back to work and back to earning and back to paying taxes, and in that way and many other ways to get back into the general flow of our economy. We think this is the essence of the manpower retraining program and it has demonstrated its merit thus far.

Reference has been made to the fact that only four States chose to match the funds that are put up for training allowances and for the rest of the program by the Federal Government. Let us emphasize that this act was passed in March of 1962. We did not get the funds until September of 1962. These legislative bodies in the States that we are talking about went into session in January, 4 months after the funds were first made available to start the training program. When the legislatures met in these 29 States, in many instances there were no trainees whatsoever graduated and at work as yet, and in a good share of the other States they had no training programs even started as yet. Under those circumstances, we certainly could not expect the States to set up their programs for matching without any history at all to go on. We do feel now on a completely bipartisan basis there will be a sufficient history of experience at the State level so that those legislative bodies can now meet and they will either have to put up the matching funds starting in the fiscal year 1966 with one-third of the amount, and in fiscal year 1967 on a dollar-per-dollar matching basis or the program will just grind to a halt in their State.

I would emphasize that we wrote the committee report with great care. We chose the words very carefully as a legislative history for guidance to the department in the administration of this act.

I would like to ask the chairman of the subcommittee, the gentleman from Pennsylvania [Mr. HOLLAND] with whom I worked so closely last year and with whom I have enjoyed working outside the subcommittee this year, if he does not agree with the legislative history that we have made here in the report and on the floor today, particularly with reference to matching and the basic education provision.

Mr. HOLLAND. I must admit that my colleague, the gentleman from New York [Mr. GOODELL] and others of our colleagues on his side of the aisle have done a wonderful job in cooperating with us to see that everything is made as clear as possible. We have cleared up a lot of problems that arose as the result of the failure of the administration to carry out our intent in the other bill and I am glad to have this opportunity to express my appreciation to the gentleman and to others of our colleagues who have cooperated with us and worked so hard to make this legislation as effective and as clear as possible.

Mr. GOODELL. Mr. Chairman, I would like to say here that the gentleman has been very generous in his credit to the minority side for their contributions in the past, and I appreciate very much the way he proceeded as a subcommittee chairman in a bipartisan fashion, but the gentleman does agree, I take it, with the legislative history that we have here today.

Mr. HOLLAND. Absolutely.

Mr. GOODELL. I appreciate that, and ask the gentleman from Michigan, who is also one of the most active Members on this particular manpower bill, if he does not agree with this legislative history.

Mr. O'HARA of Michigan. I would say, if the gentleman will yield, that the committee report has been very carefully drafted to express our exact intention in the amendments before the House today.

Mr. GOODELL. I appreciate the gentleman agreeing.

Mr. Chairman, I would emphasize here that we have in some respects made this program more conservative. We have done this with eyes wide open. The original act, for instance, provided for $20 a week training allowances to some youngsters in the 19- to 22-year-old group. We have lowered that age to 17 and required that they be out of school 1 year. We have also written very careful requirements in the act for qualification for that $20 a week payment by the students. It must go only to those who are in special youth training programs. It is defined in this bill as those who, because of inadequate educational background and work preparation, are unable to qualify for and obtain employment without special training and schooling.

Mr. Chairman, I would also emphasize the limitations we place specifically in this bill with reference to those who qualify for the basic education programs. It is limited to those who indicate an intention to, and will thereby be able to, pursue courses of occupational training of a type for which there appears to be reasonable expectation of employment. I would emphasize the words "reasonable expectation of employment." Obviously, when a person is undertaking a basic education which is necessary to qualify him to go into some sort of job or skill training, it is not possible always to have a specific job or a specific opening available at the end of the line with an offer from an employer that he will take this individual when he finishes. It is our desire and our intention that the individual with problems in his basic educational skills will qualify for the type of training in which there are openings generally in the community and in the area where he is taking that basic education and that skill.

Mr. Chairman, finally I would state that the gentleman from Ohio [Mr. TAFT] will offer an amendment to cut the funds that are provided here. As one who believes very deeply in the manpower bill, I think there is more money provided in the authorization than is necessary. I think we can cut that authorization without damaging the program. I would hope that if the cut that the gentleman from Ohio [Mr. TAFT] has proposed is too deep and turns out to be too deep and the Secretary comes forward with figures that demonstrate this—and he has not done that, in my opinion, thus far in our hearings and deliberations—that we can on a bipartisan basis restore what funds are necessary to keep this program operating and at full level, efficiently and effectively, to help our unemployed. Thank you.

Mr. O'HARA of Michigan. Mr. Chairman, I am impressed, as I am sure other Members of the House are, by the broad agreement that has been expressed by both Democratic and Republican Members of the House both on the performance of this act since its enactment, about a year and a half ago, and upon the advisability of the amendments that we are now proposing to this act.

There seem really to be only two areas of some disagreement. The first would be whether or not there is some duplication or overlapping between the Manpower Development and Training Act youth training program and that provided under the Vocational Education Act. The gentleman from Kentucky [Mr. SNYDER], mentioned that there are some 13 Federal education and training programs already. He then proceeded to deny he was certain about that figure. I do not know how many there are, either, Mr. Chairman; but I do know what kind of programs they are. They are not programs which meet the need this program was designed to meet.

Among existing programs are vocational rehabilitation; the World War II GI bill; the Korean GI bill; the War Orphans' Educational Assistance Act. In other words, none of these programs to which the gentleman has referred are designed to meet the problems of the unemployed, and particularly those hard-core unemployed who need training and skill development before they can find productive employment.

It is not our intention in this manpower development program, in its youth provisions, or any other part of it, to overlap or duplicate that which is being done under any other program. Neither is it our intention to overlap or duplicate that which is being done by any private industry on its own. The gentleman from Missouri [Mr. CURTIS] mentioned that he believes a large amount of training is already being done by private industry. Mr. Chairman, I wish to assure you that to the extent private training is being done by industry we do not wish to take over any part of that training and begin to support such training with Federal funds without advancing the training of any additional workmen. If, indeed, private industry is doing it, then it adds nothing to the total effort if we take over the cost of that effort.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Michigan. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I would like to ask the gentleman if one of the chief reasons why the manpower program has not moved faster is because of lack of adequate vocational facilities throughout the country?

Mr. O'HARA of Michigan. The gentleman is correct. That has been one of the problems under the program. We do not want to set up a duplicate set of vocational training institutions to train manpower trainees. This bill operates through the State vocational education agencies and through the State employment offices. It uses the facilities and personnel and services of those two State agencies.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Michigan. I yield to the gentleman from Missouri.

Mr. CURTIS. Mr. Chairman, I just want to be sure that I have been clear on this subject. I said in context let us remember that probably for every dollar spent here $10 was spent in the private section. I did not want to imply that I did not feel that this was being carefully done in the Federal sector. Indeed, I think it has been, and I think it is a part which the Federal Government can play in it.

Mr. O'HARA of Michigan. I thank the gentleman. I did not mean to imply that he had said so. I just want to call attention to the fact that there is an intention in this program only to supply a need that is not presently being met.

If it is being met by private training or, indeed, if it is in an area which requires such a minor skill that heretofore employees have not thought prior training to be a requisite to employment, we do not want to undertake training programs. We want to provide training only in those areas where it can be of real assistance to the manpower development program.

In some situations, such as the apparel industry, skill and training are not and never have been a precondition of employment because of the nature of its labor requirements and its hiring and training practices. When training assistance is granted to such industries in any area of the country, particularly if the industries are as mobile and highly competitive as the apparel industry, it has the effect of adding to unemployment elsewhere in the country. I am advised, for example, that the existing labor supply in the apparel industry is more than ample to meet the Nation's needs.

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Michigan. I shall be glad to yield to the gentleman from New York.

Mr. GOODELL. In talking about the distinction between vocational education and the manpower bill, the gentleman will recall that it was our intention and desire in writing the original act that, to the extent possible, the manpower setups that we have around the country that are handled primarily by the State and local authorities.

I think this has been done and is being done today.

I would like to commend the Secretary of Labor, Mr. Wirtz, in his administration of this act. I think he has been very wise and very restrained in the way he has approached this act and has been very assiduous in trying to adhere to our intention in the original act. I have great confidence that he will continue to apply himself and to see that his department employees will apply themselves to following the legislative history and the intentions which we have.

Mr. O'HARA of Michigan. I thank the gentleman for his contribution.

Mr. Chairman, I would like to make one further point: There has been some question about whether or not the authorizations contained in this act are needed. It has been pointed out that the authorizations in the last fiscal year and in the current fiscal year were not met by the amount which was appropriated, and that this is some evidence of the fact that we do not need additional authorizations.

Mr. Chairman, as has been pointed out here repeatedly in the debate this afternoon, the program was undertaken by the Department of Labor and by the Department of Health, Education, and Welfare in a very cautious way. They did not want to move ahead into a large-scale program before they knew what they were doing.

Mr. Chairman, we have this program underway and we are now ready to expand it. The State agencies have told the Department of Labor that they are ready now to proceed this year, if they can secure the funds, with the training of 134,000 trainees.

In addition, Mr. Chairman, we were very cautious about the on-the-job training program which we wrote into this bill a year and a half ago. The Department wanted to move cautiously in this area. In the first year of this program there were no on-the-job trainees because the Department was setting up its procedures and regulations.

However, we believe we are now ready to move in this area as well.

We would hope that we can have somewhere in the neigborhood of 35,000 on-the-job trainees in the next fiscal year, if we get the money.

Finally, Mr. Chairman, I would like to point out that under the beefed-up youth program provided by these amendments and under the various other provisions of this bill before us, we would hope, if the funds were available, to train in the neighborhood of 93,000 additional trainees per year.

So, Mr. Chairman, we are going to need some money to do that. I very much fear the cuts in the authorizations which have been suggested and the manner in which they may take effect would very much hamper the program, and I am sure we do not want to hamper the program.

Mr. Chairman, in conclusion, I would like to urge that the Members of this House consider this bill as our committee considered it; that is, with an eye not toward partisanship but with an eye toward what we can do in a constructive way for the unemployed of this country.

Mr. BRADEMAS. Mr. Chairman, the announcement this week by officials of the Studebaker Corp. of the termination of production of automobiles and trucks at the Studebaker plant in South Bend, Ind., means immediate unemployment for thousands of workers.

The unemployment situation at the Studebaker plant is further evidence of the importance of favorable action on the legislation we are today considering, amendments to the Manpower Development and Training Act. I say this because the programs of training and retraining which have been and will be established under this act represents one, and only one, but an important one, of the several weapons we must have in our arsenal of attack on unemployment.

I am pleased to say that we have already undertaken training programs under the Manpower Act in South Bend, Ind., and that our community, with wide support from leaders of business, labor, education, and local government, is ready to make further use of Manpower Act programs in an effort to help meet some of the extremely serious problems caused by this unhappy development at the Studebaker plant.

Let me speak for a moment in support of one particular amendment to the Manpower Act which is of special interest to us in South Bend. I refer to the amendment which will enable eligible trainees who need literacy training in order to qualify for occupation training to receive such training.

South Bend was one of the first cities in the United States to start a training program under the Manpower Development and Training Act. Mr. Schurz testified on August 15, 1963, before Congressman Holland's Select Subcommittee on Labor and described some of the problems which had been encountered in South Bend in carrying out an effective program.

In particular, Mr. Schurz pointed to the importance of broadening the act to, in his words, "permit more prevocational or academic training in such subjects as reading, writing, and arithmetic."

Again, to quote Mr. Schurz's testimony:

"Unfortunately, most of the hard-core unemployed do not have a sufficient educational background to succeed in vocational training for higher skilled work. Their great need is for academic training."

Mr. Schurz also urged that—

"To provide adequately for both academic and vocational training, the allowable training period should be extended up to an additional 52 weeks."

It is, therefore, from the experience of my own home community that I rise in support of this amendment to permit eligible trainees who require literacy courses to receive them if they are going to be able to qualify for vocational training.

Mr. HOLLAND. Mr. Chairman, I want to reassure the Members of this body that the observations of Mr. O'Hara regarding the intent of the program are correct. We recognized from the beginning that existing public and private training efforts should be maintained. In fact, special attention is given to this principle in the act.

Therefore, Mr. O'Hara is correct when he states there are some situations such as the apparel and garment industries where it would not be appropriate to use the manpower development program. In these instances it has been traditional for the employer to provide training on the job and prejob training has never been a precondition of employment. Moreover firms in these industries are highly mobile and compete vigorously with one another in a nationwide market. Training assistance to new firms, for example, in such an industry can have the effect of disrupting competitive relationships and end by forcing other firms to seek similar assistance. If assistance is not extended then unemployment may be created in one area offsetting employment being created elsewhere. And if training assistance is extended then the result can only be a shift in the training function from the industry to the Government. Certainly we want to avoid these possibilities since either would be contrary to the purposes of the act. This is an important matter and I am delighted that Mr. O'Hara has brought this to our attention. I think he should be complimented for the admirable clarification he has provided.

Mr. TAFT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

"Amendment offered by Mr. Taft: Section 7(b) is amended as follows:

"Strike the figure '$211,000,000' in lines 20–21 and insert in lieu thereof, '$161,000,000'.

"Strike the figure '$442,000,000' in lines 21–22 and insert in lieu thereof, '$322,000,000'.

"Strike the figure '$281,333,333' in line 22 and insert in lieu thereof, '$214,666,667'.

"Strike the figure '$211,000,000' in line 23 and insert in lieu thereof, '$161,000,000'."

Mr. TAFT. Mr. Chairman, as explained during the discussion on this bill, I offer this amendment because it is my feeling that the level of authorizations included in the bill is excessive. The original plan involved in this measure when enacted in 1962 called for an expenditure in the first year of around $97 million. Then it moved up to $161 million in the next year and went finally with State matching coming in in the year 1965 to a level of $322 million.

Mr. HOLLAND. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the subject of the cost of this program has been brought into this discussion. This is perfectly normal and as it should be.

However, in our debate the question has been raised whether or not the Government can afford to administer such a program. I think we should also consider whether or not the Government can afford not to undertake this task.

With unemployment in the Nation again on the climb, are we going to stand here and tell those displaced workers, "All we can do for you is let the State in which you live place you on the relief rolls"?

If we do, then we are breaking a law that this Congress passed in 1946, the Full Employment Act, as it states "The Government," that is, Congress, "is responsible to promote and insure maximum employment, production, and purchasing power."

We know every Member in this House is concerned about the plight of the unemployed. We have heard speech after speech on the need for action to secure the solution to their problem. Yet when the opportunity presents itself to help some of them we hear the cry, "The Nation cannot afford to do this."

We are aware that these amendments will incur additional expenditures. However, we are also aware that this is the wisest investment this Nation could make.

We have faith in our unemployed and we feel that, if given the chance, they will have the ability to pull themselves out of the rut of despair and the Nation will benefit from the returns it receives from this additional "investment."

In all the testimony we heard, during our hearings on this legislation this summer, representatives of industry, management, labor, education, and all levels of government testified that "Basic education is necessary if we are to get our unemployed into occupational training," and "More of our unemployed youth must be trained if we do not want to develop tomorrow's hard-core unemployed group." And all the witnesses knew more money would be required to do this.

The majority of Congressmen agree with the need for the amendments. However, some are reluctant to pay for them.

Mr. Chairman, if the need is there, and it is, then we must buy it. We cannot have one without the other.

Mr. O'HARA of Michigan. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, if you were to project the program as the gentleman from Ohio [Mr. Taft] has done on the scale on which it has been operated during its first and experimental year, you would reach the same conclusion he has reached. But as has been pointed out repeatedly, two changes have taken place. First, this program, a new and experimental program, has made such progress that the department is ready to move ahead with it at the rate which the Congress had originally contemplated.

Second, the amendments made by this bill before us today, with respect to a stepped up youth program and, further with respect to taking on additional trainees who would go into combined basic education and skill courses, envisions an additional 93,000 trainees per year in those courses.

Finally, the on-the-job training program, one of those provisions of the bill in which the Members of the House who voted for this bill a year and a half ago put the most hope, did not cost a nickel for training in the last fiscal year. Very wisely the Department was moving slowly in setting up the procedures under which such a program would operate, and they are now ready to go. So we expect an expansion of this program. We would naturally and normally expect an expansion of this program. If we did not have one, we would be disappointed in the outcome of the legislation we enacted.

Very frankly, Mr. Chairman, if I had thought a year and one-half ago, that this program would never get any further off the ground than it did in its opening phases, I would never have come down here to vote for its enactment.

The point is, Mr. Chairman, we are ready to move at an accelerated rate. There are unemployed who qualify for training; who can take such training; and who can enter jobs. We want to help them and we are not going to be able to do so unless we have the money to do it.

Mr. Chairman, I am very much opposed to the amendment offered by the gentleman from Ohio although I agree with his analysis of the rest of the bill. I am sorry we have to disagree on this, but I am particularly opposed to his amendment as it affects not the current fiscal year but the next 2 fiscal years following this current fiscal year when we could expect some expansion and improvement in the program. So I would ask the House to vote down the amendment offered by the gentleman from Ohio.

Mr. Taft. Mr. Chairman, will the gentleman yield?

Mr. O'Hara of Michigan. I yield to the gentleman.

Mr. Taft. I would like to ask the gentleman then if he does not agree that for this fiscal year at any rate, there is no need for any additional authorization? Do I understand the gentleman correctly to say that; and is it not true that the Department of Labor for all practical purposes has so stated?

Mr. O'Hara of Michigan. I would say to the gentleman, there is some room for a difference of opinion as to what is needed. I have not thought that the Department needed perhaps as much as it asked for the current fiscal year. But I think it could use some money in this current fiscal year. The Department probably will not need as much as we provided when we wrote the amount in the bill for the current fiscal year. But so far as the 2 subsequent fiscal years are concerned, I am really very much concerned.

Mr. Gibbons. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

Page 8, strike out lines 17 through 24, and insert the following:

"(b) Subsection (b) of such section is amended by striking out '$161,000,000 for the fiscal year ending June 30, 1964, and a like amount for the fiscal year ending June 30, 1965' and inserting in lieu thereof the following: '$161,000,000 for the fiscal year ending June 30, 1964, $407,000,000 for the fiscal year ending June 30, 1965, and $281,000,000 for the fiscal year ending June 30, 1966'."

Mr. Gibbons. Mr. Chairman, the substitute amendment that I have offered for Mr. Taft's amendment simply does this: It provides for a different redistribution of the funds authorized by this bill. In actual dollars and cents it amounts to a $9.5 million, or a little more than that, savings on Mr. Taft's amendment. It is $276 million under the committee bill, and it would shorten the program. This is a brand new program and is certainly needed. I know it is needed in my community.

Last year because of a national policy change placing an embargo on Cuban tobacco the cigar industry in my district was greatly curtailed, and where that industry had at one time employed 10,000 people, it is now employing about 2,000 people. We have a vast retraining problem there.

This is a new and very rapidly expanding program. I think that the Congress should reserve to itself the right to come back and reexamine the program, see how the administration is carrying it out. I believe that the redistribution of funds, as I have proposed in my amendment, is a more equitable distribution than that proposed by the gentleman from Ohio [Mr. Taft]. I think it would allow the orderly expansion of the program under the administration and also allow Congress to rework the program in the light of the experience that we have had. Let us realize that this is a new program and one that Congress should exercise its responsibility on, to reexamine and rework it as we learn from experience.

Mr. Powell. Mr. Chairman, will the gentleman yield?

Mr. Gibbons. I yield to the gentleman.

Mr. Powell. Mr. Chairman, I would like to compliment the gentleman on his substitute. Although it does end up $9 million less than the Taft amendment it does give us an opportunity at an earlier date to review this program again. I would like to support the substitute.

Mr. Gibbons. This amendment saves money. It will quicken the congressional review of the problem and it will certainly provide that there be no lag in this very well needed program.

Mr. Taft. Mr. Chairman, I rise in opposition to the substitute.

Mr. Chairman, let us not be deluded by this amendment as an amendment which cuts back the total authorization by more than $9 million over the cut that I suggested in the authorization. It does that by the very simple expedient of cutting out the last year, the fiscal year 1967, from the program entirely and picking up the $161 million which my amendment had for that fiscal year. The bill actually had $211 million for the 1967 authorization and spread that back over the other 3 years.

The Chairman. The question is on the substitute amendment offered by the gentleman from Florida [Mr. Gibbons].

The question was taken; and on a division (demanded by Mr. Gibbons) there were—ayes 102, noes 105.

Mr. Gibbons. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Gibbons and Mr. Taft.

The Committee again divided, and the tellers reported that there were—ayes 137, noes 121.

So the substitute amendment was agreed to.

Mr. Landrum. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Landrum: Page 4, beginning in line 24, strike out "have concluded that further school attendance by such youth is no longer practicable under the circumstances" and insert in lieu thereof the following: "have concluded, after considering any assistance available (under section 13 of the Vocational Education Act of 1963), that further school atendance by such youth in any regular academic or vocational program is no longer practicable under the circumstances."

Mr. Landrum. Mr. Chairman, considerable discussion has been had here today about the possibility of conflict between this program, as it relates to the training of youths between the ages of 17 and 22, and the program contemplated in the Vocational Education Act of 1963. While it is true that various members of the committee have stated there is no intention on the part of the sponsors of this legislation, and certainly I believe there is no intention on the part of the agency of Government which will be charged with its administration to interfere with the vocational education program as contemplated in the Vocational Education Act of 1963, I believe that in order to allay these fears and to remove any question about whether the two programs may come into conflict that this amendment is necessary.

I do not see that it does any violence or harm whatever to the overall program contemplated in this legislation, and I do believe it clarifies the question of whether we will have under section 13 of the Vocational Education Act the work-study program, an opportunity for a conflict to develop and actual competition to arise between the Department of Labor and the Department of Health, Education, and Welfare.

Mr. O'Hara of Michigan. Mr. Chairman, will the gentleman yield?

Mr. Landrum. I yield to the gentleman.

Mr. O'Hara of Michigan. I just want to say it was our intention all along to avoid such conflict and the gentleman's amendment would clarify that point. I think the amendment the gentleman has offered is a good amendment.

Mr. Powell. Mr. Chairman, will the gentleman yield?

Mr. Landrum. I yield to the gentleman.

Mr. Powell. I think the gentleman from Georgia has made a very worthwhile contribution to this bill, and I would like to accept the amendment.

Mr. Landrum. I thank the gentleman.

The Chairman. The question is on the amendment offered by the gentleman from Georgia [Mr. Landrum].

The amendment was agreed to.

Mr. Powell. Mr. Chairman, I ask unanimous consent that all debate on the bill, and all amendments thereto, close at 5 o'clock.

The Chairman. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT OFFERED BY MR. GIBBONS

Mr. Gibbons. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Gibbons:

Page 8, line 16, strike out "three" and insert "two".

Page 9, line 3, strike out "three" and insert "two".

Page 9, line 12, strike out "1967" and insert in lieu thereof "1966".

The Chairman. The question is on the amendment.

The amendment was agreed to.

Mr. Powell. I yield to the gentleman from Florida.

Mr. Gibbons. Mr. Chairman, so that the Members will understand exactly what is in this bill, if they will just take the bill and look at page 5, line 12, and read it, they will find it is still in there. Lines 12, 13, and 14 are still in there and lines 20 and 21 are still in there. I admit there is no authorization for the money for those years, but the 50-percent matching provision is still in here. It has not been stricken.

Mr. Chairman, I have stated on the floor that it is my intention to preserve the 50-percent matching formula, if I ever get to it.

Mr. Goodell. Mr. Chairman, will the gentleman yield?

Mr. Gibbons. I yield to the gentleman from New York.

Mr. Goodell. I agree with the gentleman, but I do not believe we are establishing firmly a 50-percent ratio, unless we authorize funds for the year in question. The gentleman's amendment stops the program at the end of the fourth year. So, anything we say about the fifth year is merely an expression of our desire and we cannot bind a future Congress.

Mr. Gibbons. That is the way I understand it anyway. You cannot bind a future Congress anyway. We are just expressing our opinion here.

The Chairman. If there are no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Price, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 8720) to amend the Manpower Development and Training Act of 1962, pursuant to House Resolution 583, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The Speaker. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The Speaker. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

[For text, see P.L. 88-214, below.]

[Senate, Dec. 13, 1963]

Mr. Mansfield. Mr. President, I ask unanimous consent that the Chair lay before the Senate H.R. 8720, so that the Senator from Pennsylvania [Mr. Clark] may explain the situation.

The Presiding Officer (Mr. McGovern in the chair) laid before the Senate the bill (H.R. 8720) to amend the Manpower Development and Training Act of 1962, which was read twice by its title.

Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. Clark. Mr. President, the bill is the House version of an amendment to increase authorizations for the Manpower Development and Training Act. Senators may recall that earlier this session the Senate passed S. 1716 and S. 1831, bills which deal in general with the training of school dropouts and the percentage of the total training allowance which could be used for youth training and the matching requirements which were imposed on the States under the original act, and which the Senate decided to waive until June 30, 1965.

The Senate bills also added 52 weeks of literacy training.

Instead of acting on the Senate bill, the House passed its own bill. I now ask the Senate to accept the House bill. This request is made at the suggestion of the Secretary of Labor, Mr. Wirtz. The bill has been cleared with the majority leader, with the minority leader, and with the chairman and all the other members, Republican as well as Democratic, of the Committee on Labor and Public Welfare.

I pay particular tribute to the Senator from Vermont [Mr. Prouty], who has been a source of great strength to the committee and to the Subcommittee on Employment and Manpower throughout the passage of the Senate bills, and who is quite content to have the Senate act now on the substitute, the House bill.

Mr. Dirksen. Mr. President, will the Senator from Pennsylvania yield?

Mr. Clark. I am happy to yield to the distinguished Senator from Illinois.

Mr. Dirksen. I concur in the accolade bestowed by the distinguished Senator from Pennsylvania upon my compatriot the distinguished Senator from Vermont [Mr. Prouty]. He has done yeoman work in this field. He introduced substitute legislation in connection with the Youth Conservation Corps and other matters, some of which has found its way into an improved manpower training bill. So I salute him for the great work which he has done.

Mr. Clark. I concur in the statement just made by the minority leader.

The differences between the House bill and the Senate bill are relatively minor. The House bill is a little more extensive than the Senate bill.

Mr. President, I ask unanimous consent to have printed at this point in the Record, a compilation showing the differences between the House and Senate versions.

There being no objection, the compilation was ordered to be printed in the Record, as follows:

HOUSE VERSION

1. Lowers the age of youths eligible for training allowances from 19, as in existing act, to 17. The 17-year-olds would have to have been out of school at least a year.

2. Permits up to 25 percent of the persons receiving training allowances to be youths under 22 years of age. (Present law limits youth training allowances to 5 percent of the total training allowances.)

3. Postpones all matching until July 1, 1965. (Present law requires such matching begin July 1, 1964.) The amendment would require one-third matching in fiscal year 1966.

4. Adds 20 weeks of basic education in reading and writing to training allowance period for those trainees receiving training.

5. Permits increases in the weekly training allowance to $10 above the State unemployment compensation payment. This provision is designed as an incentive to get unemployed workers to seek training rather than draw unemployment pay.

6. Permits trainees to work up to 20 hours part time without any loss in training allowances.

7. Reduces to 2 years the prior work experience required for trainees to be eligible. (Present law requires 3 years.)

8. Permits a member of the family, where the head is unemployed, to receive a training allowance. Only one person in the family group is eligible at any one time. (Present law limits training to heads of household.)

9. Provides, through demonstration projects, grants and/or loans to unemployed workers to help finance their relocation expenses.

10. Title II: Authorizes $161 million for fiscal year 1964, $407 million for fiscal year 1965, and $281 million for fiscal year 1966 for the training programs. (Present law authorizes $161 million for each of fiscal years 1964 and 1965.)

SENATE VERSION

1. Lowers the age to 16. Youth would have to have been out of school 6 months. (S. 1831.)

2. Permits up to 15 percent of the total training allowances to be used for youth training allowances. (S. 1831.)

3. Eliminates 50-50 match requirement for the duration of the program—that is, June 30, 1965 (S. 1716.)

4. Adds 52 weeks of literacy training. (S. 1831.)

Mr. Clark. Mr. President, I ask unanimous consent to have printed at this point in the Record a table showing the differences in the authorizations in the two bills.

There being no objection, the table was ordered to be printed in the Record, as follows:

AUTHORIZATION FOR APPROPRIATIONS UNDER TITLE II, COMBINING S. 1716 AND S. 1831 FOR COMPARISON WITH H.R. 8720

Senate bill

Fiscal year June 30, 1964:	
New programs	$100,000,000
Old programs	161,000,000
Total	261,000,000
Fiscal year June 30, 1965:	
New programs	100,000,000
Old programs	161,000,000
Pick up State tab	161,000,000
Total	422,000,000
Fiscal year June 30, 1966	0

House bill

Fiscal year June 30, 1964:	
New programs	0
Old programs	161,000,000
Fiscal year June 30, 1965:	
New programs	85,000,000
Old programs	161,000,000
Pick up State tab	161,000,000
Total	407,000,000

Fiscal year June 30, 1966: $281 million, which with State matching of one-third ($140 million) brings program level to $422 million.

The bill (H.R. 8720) was ordered to a third reading, read the third time, and passed.

PUBLIC LAW 88-214

An Act to amend the Manpower Development and Training Act of 1962

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101 of the Manpower Development and Training Act of 1962 (hereinafter referred to as "the Act") is amended by inserting after "sought out and trained" the following: "as quickly as is reasonably possible", and by inserting after "afforded to these people" the following: "with the least delay".

Sec. 2. (a) Subsection (a) of section 202 of the Act is amended by striking out the second sentence thereof.

(b) Section 202 of the Act is amended by redesignating subsections (b) through (g) as subsections (c) through (h), respectively, and by inserting immediately after subsection (a) the following new subsection:

"(b) Whenever appropriate the Secretary shall provide a special program for the testing, counseling, selection, and referral of youths, sixteen years of age or older, for occupational training and further schooling, who because of inadequate educational background and work preparation are unable to qualify for and obtain employment without such training and schooling."

(c) Subsection (d) of such section (as so designated prior to the redesignation provided for in subsection (b) is amended by inserting after "training" in the first sentence thereof the following: "(other than for training under subsection (i))".

(d) Such section is further amended by adding at the end thereof the following new subsection:

"(i) Whenever appropriate, the Secretary of Labor may also refer for the attainment of basic education skills those eligible persons who indicate their intention to, and will thereby be able to, pursue courses of occupational training of a type for which there appears to be reasonable expectation of employment. Such referrals shall be considered a referral for training within the meaning of this Act, and such persons shall be eligible for training allowances for not to exceed an additional twenty weeks."

SEC. 3. (a) Subsection (a) of section 203 of the Act is amended—

(1) by inserting in the second sentence of the first paragraph after "fifty-two weeks" the following: "(except where authorized for individuals referred for training under section 202(1)",

(2) by inserting in such sentence after "not exceed" the following: "$10 or more than",

(3) by inserting in the first sentence of the second paragraph after "less than" the following: "$10 more than",

(4) by inserting in the second sentence of the second paragraph after "compensation and" the following: "$10 more than", and

(5) by adding at the end of such subsection the following new paragraph:

"The training allowance of a person engaged in full-time training under section 231 shall not be reduced on account of his part-time employment which does not exceed twenty hours per week, but shall be reduced in an amount equal to his full earnings for hours worked in excess of twenty hours per week."

(b) Subsection (c) of such section is amended to read as follows:

"(c) The Secretary of Labor shall pay training allowances only to unemployed persons who have had not less than two years of experience in gainful employment and who are either heads of families or heads of households as defined in the Internal Revenue Code of 1954, or who are members of a household in which the head of the household or the head of the family is unemployed: *Provided*, That not more than one person in any one household may be receiving training allowances under this Act at any particular time. Notwithstanding the preceding sentence, the Secretary may pay training allowances at a rate not in excess of $20 a week to youths seventeen years of age or older who require such training allowance in order to undertake training, who are referred for training in accordance with section 202(b), and who are not entitled to allowances under the preceding sentence, except that no such training allowance shall be paid to any such youth who has not graduated from high school, unless the Secretary has satisfied himself that such youth has continuously failed to attend school for a period of not less than one year and that the local authorities after pursuing all appropriate procedures, including guidance and counseling, have concluded, after considering any assistance available under section 13 of the Vocational Education Act of 1963, that further school attendance by such youth in any regular academic or vocational program is no longer practicable under the circumstances. Not more than 25 percentum of the persons who are receiving training allowances (or who would be entitled thereto but for receipt of unemployment compensation) may be youths under the age of twenty-two."

(c) Subsection (d) of such section is amended to read as follows:

"(d) For the fiscal year ending June 30, 1966, any amount paid to a State for training allowances under this section, or as reimbursement for unemployment compensation under subsection (h), shall be paid on condition that such State shall bear 33⅓ per centum of the amount of such payments, and for each fiscal year thereafter such amounts shall be paid on condition that such State shall bear 50 per centum of the amount of such payments."

(d) Paragraph (2) of subsection (h) of such section is amended by striking out "July 1, 1964, and for 50 per centum of the amount of such benefits paid on or after that date" and inserting in lieu thereof the following: "July 1, 1965, for 66⅔ per centum of the amount of such benefits paid during the fiscal year ending June 30, 1966, and 50 per centum of the amount of such benefits paid thereafter".

SEC. 4. (a) The center heading of section 205 of the Act is amended to read as follows: "ADVISORY COMMITTEES".

(b) Subsection (b) of such section is amended to read as follows:

"(b) For the purpose of making expert assistance available to persons formulating and carrying on programs under this title, the Secretary shall, where appropriate, require the organization on a community, State, and/or regional basis of labor-management-public advisory committees."

(c) Subsections (d) and (e) of such section are amended by inserting "National Advisory" immediately before "Committee" each place it appears.

SEC. 5. Part A of title II of the Act is amended by adding at the end thereof the following new section:

"LABOR MOBILITY DEMONSTRATION PROJECTS"

"SEC. 208. During the period ending June 30, 1965, the Secretary of Labor shall develop and carry out, in a limited number of geographical areas, pilot projects designed to assess or demonstrate the effectiveness in reducing unemployment of programs to increase the mobility of unemployed workers by providing assistance to meet their relocation expenses. In carrying out such projects the Secretary may provide such assistance, in the form of grants or loans, or both, only to involuntarily unemployed individuals who cannot reasonably be expected to secure full-time employment in the community in which they reside, have bona fide offers of employment (other than temporary or seasonal employment), and are deemed qualified to perform the work for which they are being employed. Where such assistance is provided in the form of grants, such grants may not exceed 50 per centum of the expenses incurred reasonably necessary to the transportation of the person who is relocating, and his family, and their household effects. Where such assistance is provided in the form of loans, or a combination of loans and grants, the total amount thereof may not exceed 100 per centum of such expenses and shall be made subject to such terms and conditions as the Secretary may prescribe. Of the funds appropriated for a fiscal year to carry out this title, not more than 2 per centum thereof, or $4,000,000, whichever is the lesser, may be used for the purposes of this section."

SEC. 6. (a) The first sentence of section 231 of the Act is amended by inserting before the period at the end thereof the following: ", except that with respect to education to be provided pursuant to referrals under subsection (b) or (1) of section 202, the Secretary of Health, Education, and Welfare may make arrangements for the provision of the education to be provided under such subsection through other appropriate education agencies".

(b) The second sentence of section 231 of such Act is amended by striking out ", if facilities or services of such agencies or institutions are not adequate for the purpose," and by inserting before the period at the end of such sentence the following: "where such institutions can provide substantially equivalent training with reduced Federal expenditures".

(c) The third sentence of section 231 of such Act is amended to read as follows: "The State agency shall be paid 50 per centum of the cost to the State of carrying out the agreement, except that for the period ending June 30, 1965, the State agency shall be paid 100 per centum of the cost to the State of carrying out the agreement with respect to unemployed persons, and for the fiscal year ending June 30, 1966, the State agency shall be paid 66⅔ per centum of such cost."

SEC. 7. (a) Subsection (a) of section 304 of the Act is amended by striking out "and a like amount for the fiscal year ending June 30, 1965" and inserting in lieu thereof the following: "and each of the two succeeding fiscal years".

(b) Subsection (b) of such section is amended by striking out "$161,000,000 for the fiscal year ending June 30, 1964, and a like amount for the fiscal year ending June 30, 1965" and inserting in lieu thereof the following: "$161,000,000 for the fiscal year ending June 30, 1964, $407,000,000 for the fiscal year ending June 30, 1965, and $281,000,000 for the fiscal year ending June 30, 1966".

(c) Subsection (c) of such section is amended by striking out "and a like amount for the fiscal year ending June 30, 1965" and inserting in lieu thereof the following: "and each of the two succeeding fiscal years".

SEC. 8. Section 305 of the Act is amended by striking out "vocational".

SEC. 9. Subsections (a) and (b) of section 309 of the Act are each amended by striking out "March 1, 1964" and inserting in lieu thereof "April 1, 1964, April 1, 1965, and April 1, 1966".

SEC. 10. Section 310 of the Act is amended by striking out "1965" both times it appears and inserting in lieu thereof "1966".

Approved December 19, 1963.

LEGISLATIVE HISTORY

House Report No. 861 (Comm. on Education & Labor).

Senate Reports: No. 458 accompanying S. 1716 and No. 480 accompanying S. 1831 (Comm. on Labor & Public Welfare).

Congressional Record, Vol. 109 (1963):

Dec. 12: Considered and passed House.

Dec. 12: Considered and passed Senate.

RED CHINA AND NARCOTICS

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. ROONEY of New York. Mr. Speaker, recently I had brought to my attention a very interesting and really startling radio broadcast on the program entitled "Spectrum" delivered on the CBS radio network on February 23, 1972, by Jeffrey St. John:

SPECTRUM: VARYING SHADES OF PERSONAL OPINION ON CURRENT ISSUES

I'm Jeffrey St. John with my personal viewpoint.

George Washington observed in his famous Farewell Address that, "History and experience prove that foreign influence is one of the most baneful foes of republican government."

This Washington observation has special significance, as we stated in an earlier commentary, in view of President Nixon's Peking journey. First because of the growth of Red Chinese espionage activities in this country, and, second, Peking's use of hard drugs as a source of revenue to support such subversive activities.

The use of narcotics for ideological ends by the Chinese is not some political pipedream thought up by those disgruntled at the President's new diplomatic overtures. Ever since the establishment of the Reds on the China mainland they have been actively involved in drugs. However, it has only been in recent years that narcotics have served a specific ideological end, coinciding with the mushrooming of the drug problem in Western nations like the United States.

A confirmation of this fact is found in the political biography of the late Egyptian President, Nasser. In a 1965 meeting with

Nasser in Cairo, China's Chou En-lai is reported to have told Nasser that one of Peking's goals was the demoralization of GIs in Vietnam by drugs. "Some are trying opium," Chou stated. "We are helping them. We are planting the best kind of opium, and we are going to fight them with their own weapons . . . we want to demoralize them."

Everyone knows by now the impact drugs have had on GIs in Vietnam. Dr. Robert Baird, a New York drug expert with 24 years in the field of drug addiction, contends that the Chinese are now preparing to use drugs to demoralize the American populace, especially young people, and for ideological purposes. Dr. Baird contends, moreover, that our nation is being misled that Turkey is the major source of hard narcotics. Dr. Baird estimates Red China produces 55 to 60 percent of the world's hard drugs. He contends that because of the Administration's new China policy this harsh fact is being played down.

Dr. Baird in the past has been right while the government experts and officials have been dead wrong. And Washington was right: "History and experience prove that foreign influence is one of the most baneful foes of republican government."

I'm Jeffrey St. John for Spectrum.

ETHNIC SYMPOSIUM IN NEW YORK

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. BADILLO. Mr. Speaker, at a time when tensions are great between groups within our society it is encouraging to see a group of men and women, leaders and representatives of a broad range of ethnic groups in New York City, get together for a frank and candid dicusssion of the issues between them and possible means for reconciling differences.

I have long believed that the very survival of New York as a great city lay in the ability of its leaders to form coalition of the diverse elements which make up New York—coalitions based on the very and vital goals they hold in common and which must take precedence over the differences.

A week ago, 300 ethnic leaders came together at the Statler Hilton Hotel. Mention of but a few of those 300 serves to illustrate the diversity represented at the symposium: Bayard Rustin, the black civil rights leader; Msgr. Geno Baroni, a Roman Catholic priest who serves as the director of the National Center for Urban Ethnic Affairs; Jule M. Sugarman, the city's Human Resources Administrator; Luis Quero Chiesa, chairman of the board of higher education: Albert Shanker, president of the United Federation of Teachers.

Last week's symposium will, I sincerely hope, lead to an even broader dialog aimed at reconciling the tensions which threaten our city and our Nation. Because I believe what happened in New York has important implications for every area of our Nation, I present for inclusion in the RECORD the New York Times report on the symposium and commend it to the attention of my colleagues:

[From the New York Times, Mar. 16, 1972]

ETHNIC LEADERS DISCUSS THE ASSETS OF DIVERSITY

(By Peter Kihss)

Ciao is Italian for "Hi!" and CIAO is the short name for the five-year-old Congress of Italian-American Organizations.

Yesterday CIAO brought together more than 300 ethnic leaders—Italians, blacks, Puerto Ricans, Jews, and others—in a symposium at the Statler Hilton Hotel.

They heard Bayard Rustin, the Negro civil rights leader, propose a "consultative council for exploring creative ways out of problems which pose inter-ethnic conflicts."

A Roman Catholic priest, Msgr. Geno Baroni, director of the National Center for Urban Ethnic Affairs, delivered a keynote appeal for a "new American dream—the urban ethnic pluralistic society"—to enable "diversity to become an asset instead of a liability."

"There never was a melting pot," Mr. Rustin declared. "There never will be a melting pot. If there ever were, it would be such a tasteless soup that we would have to go and start all over."

Later, Ralph J. Perrotta, director of the New York Project of the National Urban Coalition, said a New York Center for Ethnic Affairs was being put together.

He forecast a start in the next few weeks with support from CIAO, the American Italian Coalition, the Hellenic American Council, the American Jewish Committee, black and Puerto Rican groups, the city administration and others.

In the wide-ranging discussion yesterday, Jule M. Sugarman, the city's Human Resources Administrator, said his chief desire would be "a job for everybody—then other problems would disappear."

Started by Mrs. Mary Sansone, now full-time executive director, to help the Italian-American poor, CIAO now has city funds to start three day-care centers and to establish services for the elderly.

In a discussion of ethnic groups' common problems, Mr. Rustin said:

"I urge Italians not to make the mistake many black people have made—that soul food, long hair, black poetry, black music and black drama are the way out for the masses of black people who do not have the things they need."

"The most serious problem facing America today is the economic situation," Mr. Rustin said.

"Everywhere in the world," he went on," people are substituting ethnicity for the solution of problems." Mr. Rustin called instead for rallying together for political power.

AGENDA FOR THE SEVENTIES

Monsignor Baroni declared that "just as blacks and browns" had led causes in the last decade, "white, middle-America ethnics will set the agenda for the nineteen-seventies." Such whites, he said, are "economically, culturally, socially and politically alienated" and disillusioned.

The question, he said, is: "Can we develop a political majority—whites, ethnics, browns, blacks—to reorder the priorities?" He added "We don't need a shuttle to the moon."

Calling for new leadership "for real equality and justice" and "a quality life," Monsignor Baroni said his mother used to offer a proverb, "life is like two loaves of bread—one to eat for the body, one to sell and buy flowers with."

During the discussions, Hulbert James, director of the National Council of Churches' antihunger program, charged that the city's school system was failing for blacks and that preschool Head Start programs were defined in white middle-class terms. He favored community control.

A Puerto Rican leader, Luis Quero Chiesa, chairman of the Board of Higher Education, said communities should organize to get ethnic study programs—"the more a migrant knows about himself, the clearer he will see his contribution to America."

One panelist was Mrs. Sansone's son, Ralph, a senior at Bishop Ford High School in Brooklyn. Mr. Sansone appealed for time for students to learn about their schools so that they could be involved in changes, and he favored ethnic studies that would go out into the community.

"I know Michelangelo was a great guy," he said, "but I find it hard to relate to him. If I can go into the community, I can relate to a lawyer or a garbage man."

COMMUNITY INVOLVEMENT

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. SCHWENGEL. Mr. Speaker, many of our smaller American communities are facing constant crises relating to necessary community services. While the Federal and State governments offer assistance in many areas, communities are often left to their own resources and devices to provide essential services.

The town of Vinton, in Benton County, Iowa, provides an excellent example of local concern and initiative. When ambulance service was brought to a halt 2 years ago, the residents responded by forming the North Benton Ambulance Service. A fund-raising drive produced $25,000, $5,000 above its goal. Volunteers were recruited to drive the ambulances.

The ambulance service, now in its third year, has become a profitmaking enterprise. David M. Edgar, director of the ambulance service, said that—

> The people showed their dedication, interest and community pride, and that really made the difference.

At a time when adequate medical care is a unique problem in our rural areas, it is encouraging to find such programs. Recently, Picture Magazine of the Des Moines Register noted the outstanding achievement of Vinton and her citizens. I would like to share this story with you.

The article follows:

DO-IT-YOURSELF AMBULANCE PROJECT—VINTON VOLUNTEERS MEET EMERGENCIES

(By Nick Lamberto)

Two years ago Vinton, the Benton County seat, a city of 4,845 residents, responded to a crisis by forming the North Benton Ambulance Service after two funeral homes decided to quit such operations because of rising costs. Dozens of volunteers participated in the do-it-yourself project, principally in the opening fund drive in which the goal of $20,000 was exceeded by $5,000. It was a great example of a community picking itself up by its own bootstraps.

"It shows what citizens can do when they get together on something," says Bill Monroe, editor of the Cedar Valley Times.

"And it was done without help from the federal government."

The donated $25,000 was used to buy a new ambulance for $15,000 and a second-hand one for $3,000. The city furnished a two-stall heated garage next to City Hall, where a fire station once was housed.

IN ITS SECOND YEAR, SERVICE SHOWS PROFIT

The first year (1970) the city subsidized the program with $5,000 in funds; the county, through the board of supervisors, furnished $4,000. In 1971, the city added $2,500, which was put aside toward eventual purchase of a new ambulance.

Nine volunteers drive the ambulances. They are scheduled so all time periods are covered. All are trained in first aid. Their only pay is on a per call basis.

But the most gratifying news about the home-cooked project is that in its second year of operation (1971) it not only was self-supporting, but showed a profit.

David M. Edgar, 29, the ambulance service director and its only full-time employee, says a net profit of $1,407.99 was realized in 1971. Total income was $14,009.89; costs, $12,601.90. Assets, including some of the originally-donated money, include $7,500 in interest-bearing time certificates, $2,552.93 in savings, $2,453.78 in the operating account and $890 in accounts outstanding.

Edgar took over as manager in 1971. At the time, outstanding unpaid accounts totaled about $3,000. "I worked at this part of it," Edgar says. "I sent bills out every month and also made personal calls. I tried not to let them slide by. People in the county realize if the ambulance bills aren't paid tax money will probably have to be used, so they pay up."

The service charges $25 for any call made in Vinton, $35 for any in the county that brings the patient to the city's Virginia Gay Hospital. Transfers to Cedar Rapids, Waterloo or Independence cost $55, trips to Iowa City $75.

The nine ambulance operators are paid by the call—$5 for trips to Virginia Gay Hospital, $7 for runs to Cedar Rapids, Waterloo or Independence and $10 for trips to Iowa City.

"BASICALLY, WE COVER AREA OF 20-MILE RADIUS

"We serve anywhere we're called," Edgar says. "But basically we cover a 20-mile radius from Vinton, including Brandon, Dysart, south of La Porte City, Newhall and Urbana.

"We averaged about 30 calls a month last year, or a total of 360, with only 11 in December, an all-time low. The first year (1970) we had about 250 calls. There have been several instances where I think our presence has been the difference between life and death—in accidents and heart cases, in particular. Last year, people knew about us more and we got more calls."

Edgar became director last year after serving 10 months as night manager. "It was an ideal situation for me because I've always been involved in emergency work and it gave me time to continue my schooling," he says.

Edgar, born and reared in Ottumwa and a 1960 high school graduate there, was an air policeman for four years, serving the Air Force in Idaho, Alaska, Korea and Newfoundland. He was married in 1964 to the former Marilyn Jo Carroll of Ottumwa. They have a son, David, jr., 3, and a daughter, Christina Lynn, 7.

After attending William Penn College at Oskaloosa for a year, Edgar served as an Iowa highway patrolman for 3½ years before resigning to join the ambulance service at Vinton and to continue his schooling at the University of Northern Iowa, Cedar Falls.

Now in his senior year in college, Edgar drives a 90-mile round-trip on Mondays, Wednesdays and Fridays to attend classes and conduct practice teaching sessions. He's majoring in safety education and minoring in speech.

For his job as ambulance service director, Edgar receives $400 a month. He also earned about $2,200 in 1971 by serving as a justice of peace.

"Before an ambulance driver can turn a wheel he must take a standard first-aid course," Edgar says. "Then the drivers continue training by taking advanced first-aid courses."

The ambulance drivers include a banker, two service station operators, an assistant publisher, the owner of an advertising circular, a car salesman, a plumber, a postoffice employe and a barber. All are in their 30s or early 40s.

The drivers include David Henkel, Vernon Geiger, Rolland Dudden, Darrell Kenney, Dick Hogan, Ron Clemens, Jerry Michaels, Gene Reif and Dale Druschel. Four men being trained as drivers are Jim Henkle, Doug Conyers, David Edwards and Howard Edgar, 55, school custodian and father of David Edgar.

"We're constantly up-grading our equipment," says Director Edgar.

Is this the answer to the ambulance problem many cities face when funeral directors stop the service because the operation is not economical?

"It sure worked for us," Edgar says. "But to make it, you have to start out in the black so you don't have to struggle to make ends meet at first, and you need the personnel and the equipment. The people showed their dedication, interest and community pride and that really made the difference."

Dick Hogan, 37, assistant publisher of The Cedar Valley Times, serves as ambulance driver three or four days a month. "It's a rewarding experience," he says.

The list of those responsible for the success of the ambulance service probably would stretch beyond the horizon but in the tough early going back in late 1969, the Kiwanis Club committee and its chairman Galen Grote, the city council, county board of supervisors, hospital officials and Gary Thudium were mentioned in news stories about the crisis.

Says Editor Bill Monroe:

"It sure was the answer here. Our community is proud of the service and the way it was organized and originally funded. In a time when so many communities are faced with an ambulance service shortage, Vinton has established one that not only works, but works economically.

And that's what community pride and interest can do for cities such as Vinton when they won't take "no" for an answer.

NATIONAL FUTURE HOMEMAKERS OF AMERICA

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. SPRINGER. Mr. Speaker, it is always encouraging to note the progress that the vast majority of our young people are making in preparing themselves for positions of responsibility and leadership.

We have a special opportunity this week to recognize the achievements of a large segment of our youth—more than a half million girls and boys in all parts of the country—who are students of home economics and related courses in junior and senior high schools.

The week of March 19–25 has been designated National Future Homemakers of America Week to honor these students who are members of 11,000 FHA and Hero-FHA chapters throughout the United States.

Most of us are familiar with the constructive work of this organization. For those who are not, let me say that the Future Homemakers of America is a vocational youth organization whose purpose is to help individuals improve personal, family, and community living, with the emphasis on career education. It was founded in 1945 and is sponsored by the U.S. Office of Education and the American Home Economics Association.

There are two types of chapters. FHA chapters are for students in consumer education, homemaking and family life education courses while Hero-FHA chapters are for students in home economics related occupations courses.

The 441 FHA and Hero-FHA chapters in Illinois have a total of 19,000 members and I am proud of the fact that their state president is a resident of the new 21st Congressional District, Miss Lee Ann Rust of Heyworth.

"Profiles of Youth" is the theme of National Future Homemakers Week. The young people are putting on programs and carrying out special activities to focus attention on their constructive efforts toward the goal of building a better life for themselves and for society.

They deserve our congratulations and our support.

BRAVE FIREFIGHTERS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. BIAGGI. Mr. Speaker, I would like to call the attention of my colleagues to a most enlightening summary of what is takes to be a fireman, which appeared in the Bronx Press Review.

In recognition of these brave firefighters, I have introduced legislation which would provide a $50,000 death benefit to the families of firemen, policemen, and correction officers killed in the line of duty. It also would provide a benefit to those permanently disabled in the line of duty.

We call upon our policemen and firemen to put their lives on the line every day; the least we can do is see that their families are provided for should they be killed or disabled.

I believe that this article will provide a better understanding of what kind of man becomes a fireman.

The article follows:

WHAT IS A FIREMAN?

He's the guy next door.

He's a man with the sharp memory of a little boy who never got over the excitement of engines and sirens and smoke and danger.

He's a guy like you and me, with warts and worries and unfilled dreams.

Yet he stands taller than most of us all.

He's a Fireman.

He puts it all on the line when the bell rings. A Fireman is at once the most fortunate and the least fortunate of men.

He's a man who savors life because he has seen too much death.

He's a gentle man because he has seen too much of the awesome power of violent forces out of control.

He's a man responsive to a child's laughter because his arms have held too many small bodies that will never laugh again.

He's a man who appreciates the simple pleasures of life . . . hot coffee held in numbed, unbending fingers . . . the flush of fresh air pumping through smoke and fire convulsed lungs . . . a warm bed for bone and muscle compelled beyond feeling . . . the comradeship of selfless service and a job well done in the name of all men.

He doesn't wear buttons or wave flags or shout obscenities and when he marches, it is to honor a fallen comrade.

He doesn't preach the brotherhood of man. He lives it.

NEWSPAPERS COMMENT ON PRESIDENT'S SPEECH

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. WHALEN. Mr. Speaker, millions of citizens saw and heard the President's speech to the Nation last Thursday evening. The following editorials from the two major newspapers in my district, each of which identifies itself with a different political party, comment on the President's remarks. I believe my colleagues will find these observations of interest.

The comments follow:

[From the Dayton Daily News, Mar. 19, 1972]

NIXON REVIVES DOCTRINE OF "SEPARATE BUT EQUAL"

President Nixon has asked Congress to adopt the discredited separate-but-equal doctrine and to elevate it from a regional eccentricity to national policy. In the process, he is urging Congress to join him in a dangerous confrontation among the executive, legislative and judicial branches, potentially the most serious constitutional crisis this nation has suffered in modern times and one it certainly doesn't need.

Mr. Nixon's proposals are morally craven and scientifically perverse.

While swearing he remains committed to school integration, the President wants Congress to legislate against additional busing. Mr. Nixon and the antibusing hysterics to whom he is pandering know that busing is the only practical means to school integration currently. Mr. Nixon did not offer an alternative—and, in fact, has opposed programs to encourage residential integration, the only real (and even then far off) method.

If Congress accepts the President's proposals, as it seems likely to, it will march up to a battle with the judiciary. Mere legislation can't relieve the courts of their higher duty to the Constitution. Jurists who consider segregation unconstitutional must continue to rule so.

The crunch then will come to Mr. Nixon. Having proclaimed and even worked to legislate against busing, will the President enforce court rulings that countermand his policy? Or will he, as President Andrew Jackson did when the Supreme Court proved contrary, abuse the Constitution by refusing to act?

That apparent irresolution is typical of the contortions that were the sole constant in the President's antibusing message.

The President—well, say he misstated the facts when he held that busing has proved to be "a very bad" way to school integration. On the contrary, while most of us have heard overwhelmingly of the few places where busing has been traumatic, busing has worked well most places. It is a "very bad way" to the degrees that Mr. Nixon and others in power permit incomprehension and overaction to make it untenable.

Mr. Nixon's proffered sop—to blacks in cash, to whites as a balm for their consciences—is to waste some $2.5 billion in schools attended by the children of poor families in order to achieve "quality" education for all.

That has been proved not to work. Many communities have tried it.

The results have been uniformly disappointing. The plain fact is this: the mere change to school integration has improved the educational performances of more pupils, and improved them more substantially and lastingly, than have the much more costly attempts at compensatory education.

Mr. Nixon has declined the role of leadership in the nation's complex, urgent challenge of achieving racial justice. He has accepted the role of chief follower and has predicated it on a misappreciation of "democracy."

His basic point is that busing is wrong because most Americans think it is wrong, but the option of majority rule in this country always has stopped short of majority tyranny, short of the lynch-mob psychology in which, too, the majority claims its privilege.

Mr. Nixon is saying that the basic rights of blacks exist at the convenience of whites, because whites outnumber blacks. Imagine the reaction if he were to say, as by the same logic he could, that the basic religious freedom of Catholics is subject to the majority rule of Protestants!

The President is moving us—or more accurately, helping us move ourselves—into precisely the entrenched, segregated society that the Kerner commission feared and warned against as the most serious internal peril facing the United States.

[From the Journal Herald, Mar. 18, 1972]

MR. NIXON'S PLAN—THE POLITICAL DIMENSIONS OF ANTIBUSING

President Nixon's attack Thursday night on court-ordered busing of public school pupils for racial integration was a disheartening reminder of the enormous impact this issue will have on the national election this year. He commandeered the television time as our President; he spoke to us as a political candidate. A President assumes the sworn obligation to defend the Constitution. Mere candidates have no such duty.

The President could have saved time by saying forthrightly that all the polls—and more recently the Florida primary—show that a large majority of both blacks and whites want good schools without busing, and that a President with Mr. Nixon's tenuous and shifting majority dare not fly in the face that sentiment. That, coupled with his reminder that he has "spoken out against busing scores and scores of times over many years" are both realities.

But the rather tortuous exposition he gave of his views, sprinkled with hints of personal discovery of absolute truth and the expounding of ex cathedra dogma as to what the courts can and should do and what they have no right doing, gave him the image of a Wall Street George Wallace rather than a moderating national leader operating within the framework of separation of powers.

The President's approach was multi-faceted. He intimated that he liked the certainty of a constitutional amendment and that the busing issue warranted such action, but he sidestepped a firm position by saying the amendment process would take too long. The fact that he declined to deal with the many perils in the constitutional amendment approach was to us a disquieting evasion of a basic issue and almost invites ill-considered action if someone other than the President wants to initiate it.

The President's promise that the Justice Dept. would "intervene in selected cases where the lower courts have gone beyond the Supreme Court's requirements in ordering busing" creates the misleading impression that the Justice Dept. can pre-empt the role of the judiciary in determining the law of the land. That procedure may work in corporate law with something like the ITT case, but matters of civil rights aren't that facilely disposed of by the executive branch. The Justice Dept. can enter cases as a prosecutor or advocate but no more, and the President leaves himself open to charges of demagoguery by hinting at a more decisive role for the department in cases already in litigation.

Nor is it appropriate for a President to set himself up as judge and jury before the courts have acted. Mr. Nixon has done this repeatedly—in the Manson case, in the My Lai court martials and now in the busing issue. But he grossly exceeds both his power and propriety in so doing. The Supreme Court, in fact, has yet to establish requirements on busing, as Mr. Nixon surely must know, and his public judgments—or prejudgments—make him a ringleader in undermining respect for the court if the justices should not comply with Mr. Nixon's findings.

As an "action" remedy, the President proposes, first, legislation that would "call an immediate halt to all new busing orders by the federal courts, a moratorium on new busing." In other words, since it takes too long to amend the Constitution, we had better pass un-constitutional legislation. The legislation is of such doubtful constitutionality that it could well be tied up in the courts for years, but that eventuality might not be clear to most persons until after the presidential election in November, and we suspect therein lies its efficacy.

The second aspect of the President's program is to launch a massive program of federal aid to upgrade schools in minority areas. This is an attractive theory, one this newspaper advocated for many years, but it has proved both politically and educationally unworkable. Right here in Dayton attempts to channel additional monies into ghetto schools have brought cries from other areas of the city that this was discrimination in reverse, and that cry has had a substantial role in bringing down several tax levies. And without the substantial infusion of money needed for compensatory education it becomes an educational flop. And such a judgment does not get into the statistical data that reflect other difficulties growing out of isolating the lower economic classes, particularly blacks. To be sure, the compensatory programs have not been as thoroughly or systematically researched and evaluated as have the integrated programs, but that leaves their workability in doubt, not discredited, as the President would have us believe.

Finally, the prospect of federal aid to help communities upgrade their lagging schools seems to us a Trojan horse. The current scale of aid gives the federal government considerable leverage in determining local school policy. Hardly any school system is in a position to renounce federal aid. While the bait of additional substantial aid to head off busing may be attractive to many at first glance, citizens would do well to remember that as they dilute their equity in their own schools they also dilute control. We do not oppose federal aid where needed to achieve minimum standards in districts which lack the resources themselves, but districts that can support themselves are better off to do so than to be conned into accepting increased federal encroachment under the cloak of a popular political issue.

Moreover, there is no assurance that added federal aid for minority school areas will not increase resistance to increasing local support for schools and render the passage of levies even more difficult than in the past. We trust this federal bribery will be closely scrutinized by all voters, regardless of their views on busing.

For one of the few times in his tenure, Mr. Nixon has in a major address failed to confront an issue candidly. We have disagreed with his conclusions on some previous policy statements, but his presentations have always been thorough and methodical, whatever might have been one's reaction to some of his rhetoric. We feel the President has not measured up in this presentation, and the nation is the poorer for it.

GREEK INDEPENDENCE DAY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. KEMP. Mr. Speaker, in recognition of Greek Independence Day, Saturday, March 25, it is appropriate that we reflect upon the priceless contributions Americans of Greek extraction and the country from which they came have made upon the American system and way of life.

The word democracy is derived from the Greek words, demos, meaning the people, and kratos, authority.

Even as the ancient Greeks held that authority should come from the people, the Greeks who have emigrated to the United States have demonstrated to their fellow Americans that they hold this concept dear.

As we approach our bicentennial celebration of the American Revolution, I am reminded of the carving on the Archives Building here in the Capital which says "What Is Past Is Prologue."

When we consider America's heritage of individual liberties and freedom, we would do well to remember the origins of ideals and ideals embodied in our system of government.

Inevitably, we trace these origins to the birthplace of logic, the city-States of Hellene.

There, men became concerned with causes and effects, with abstract ideals of justice and with practical concepts of equitable government with human dignity.

Our Founding Fathers were thoroughly familiar with such philosophers as Plato and Aristotle. They avidly read the works of such historians as Thucydides and Herodotus. They knew the writings of Homer and Plutarch.

Our founders emulated the oratory of Demosthenes and the statesmanship of Pericles. Thus, ideas and goals upon which America was founded came, in large part, from Hellenistic culture as did the words which describe them.

I find it interesting that a contingent of soldiers from Zante, Greece, sailed to the new world to assist colonists during our War of Independence. Among these was Maj. Michael Vourtzis who served as an aide to General Lafayette in the Continental Army.

Now making his home in New York is Brig. Gen. Pericles Count Voultsos Vourtzis who is Prince Grand Master of the Sovereign Greek Order of St. Dennis of Zante, one of the more ancient, if not the most ancient chivalric group in world history.

Homer tells us that descendants of the first grand master, Laertes of 1200 B.C., aided Ulysses in the Trojan War. The order fought in the first crusade. In the 19th century, Knights of the Order proclaimed love of fellow man, battling want, alleviating misery, and mitigating need as formal teachings.

Among American leaders decorated with the order are President Nixon, Vice President AGNEW, and former President Truman. Others honored were Presidents Hoover, Roosevelt, Eisenhower, and Kennedy along with many Senators, Congressmen, Governors, generals, and admirals.

Mr. Speaker, this ancient order; the American Hellenic Educational Progressive Association which has 415 local chapters, including chapter 91 in Buffalo, and many other Greek organizations with thousands upon thousands of members are contributing to the enrichment of our communities, our States, and our country, even as their forebears did in antiquity.

As these Greek-Americans observe Greece's liberation from the Ottoman Turks, as they offer thanks for Greek independence in Buffalo's Annunciation Hellenic Orthodox Church and other places of worship throughout our Nation, it is fitting that we—who owe so much to the ancient Greeks and their ancestors who carry the torch of enlightenment and freedom—salute them on this historic occasion.

NATIONAL FUTURE HOMEMAKERS' WEEK

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. PRICE of Texas. Mr. Speaker, the National Future Homemakers of America is an organization founded almost 27 years ago to help young people improve their personal, family, and community ways of life.

This year's National Future Homemakers' Week, March 19 through 25, has as its theme "Profiles of Youth." As the leaders of the National FHA have emphasized:

> This week gives us an opportunity to make the Future Homemakers' organization a familiar profile of leadership among our schools, community, and nation.

The young men and women who make up the FHA, interested as they are in planning and carrying out the numerous roles involved in being a homemaker and a wage earner, are active in individual and group activities designed to teach leadership, build character, and encourage community participation.

There are some 65,000 members of the Future Homemakers of America, organized into 1,600 chapters in Texas alone. To me this represents a most inspiring figure, for these young men and women will be parents and breadwinners in the not-too-distant future. That future cannot help but be a bright one when consideration is given to the efforts of these young people who have taken to heart the lessons taught in their home economics classes. But they have not let their education stop at the classroom door. These young FHA members are out actively working to improve the environment, with continuing efforts at cleaning up and preserving our natural surroundings.

I extend congratulations to all the chapters of the National Future Homemakers of America in the State of Texas, as well as to other chapters of the FHA throughout the country, as they strive to attain their vitally important objectives.

POLLUTION CONTROL: THE MISSING DATA

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. DORN. Mr. Speaker, Gov. Nelson Rockefeller testified before our House Public Works Committee that zero discharge would cost $2 to $3 trillion, and still not get the job done. Faced with these uncertainties as to cost and feasibility our committee has recommended a 2-year study by the institution with the highest possible professional expertise and integrity, the Natinoal Academy of Sciences. I commend to my colleagues and my fellow Americans the following splendid address by Mr. Willard F. Rockwell, Jr., chairman of the board and chief executive officer of North American Rockwell Corp., superbly pointing out the cost of zero discharge:

POLLUTION CONTROL: THE MISSING DATA

(By Willard F. Rockwell. Jr.)

Gentlemen, possibly you're familiar with that saying of Georges Clemenceau, "War is much too important to be left to the generals."

Sometimes in the midst of all this uproar over pollution control, I feel the need for a reverse twist to that saying: "Pollution control is much too important to be left to the dreamers."

Just two months ago the United States Senate passed a water pollution control bill whose ultimate cost, according to the National Industrial Pollution Control Council, could be $317 billion.

That's enough to shake the economic foundations of this country.

And that's what I want to talk about tonight—the economic challenge to this nation that exists because those with the power to impose such bills chose to ignore fundamental principles of science and engineering.

No one denies the existence of pollution.

I think we all agree: Mother Nature is in poor environmental health.

All of us have shared in some ways in creating this condition. And when I say all, I mean all—

from the industrialist who's years late eliminating pollutants from plant discharge;

to the municipalities who dump their sewage problems in the nation's rivers;

to the individual who throws the beer can along the highway or the empty cigarette pack on the sidewalk.

I believe it's to the credit of all Americans that we do recognize our shortcomings; that we do recognize our responsibilities; and that individually and collectively we are doing a great deal about pollution control.

This nation is embarked on what may be the greatest research and development program in the history of the world. We're making the first tentative steps toward a national goal—the remaking of our total environment.

The cost of the task will be enormous.

The Apollo moon landing program, from the moment President Kennedy announced the objective until Neil Armstrong set foot on the moon, cost $24 billion.

In contrast, the cost of pollution control may be four, ten, even thirteen times as much.

In August 1970 the magazine *U.S. News and World Report* estimated the national pollution control price tag would be $71 billion.

The Wall Street Journal has forecast that $85 to $95 billion will be needed in the next five years to deal with pollution problems.

Just recently, William Ruckelshaus, head of the Environmental Protection Agency, spelled out his projection—a phenomenal $105 billion over a five-year period, with $25 billion of that sum coming from private sector investment.

We were just beginning to assimilate that figure when the Senate passed, 86 to 0, Bill 2770, the so-called Zero Discharge Bill. House Resolutions 11895 and 11896 deal with the same basic issues.

Zero discharge, the elimination of all pollutants, no matter what the discharge outlet, is a commendable concept.

The aims of the bill are good—but the lack of realism is appalling. Straining for absolutely pure water for universal usage adds astronomically to the cost.

The first 85–90 percent of water pollutants can be removed at a twenty-year cost, nationally, of just over $60 billion.

To remove approximately 9 percent more would cost a total of $119 billion!

To raise the removal level to 100 percent would cost a total of $317 billion!

Or put it this way: the first 85–90 percent involve outlays of $0.7 billion per percentage point of removal.

To eliminate approximately 7 additional points requires outlays of $6 billion per point

But to raise the level from there to 100 percent requires outlays of something like $66 billion per remaining point of removal!

Let me emphasize that this is just an estimate. It's difficult to be specific about cost because of the lack of data. But it's estimated that achieving the goal of pure discharge water from the 14 trillion gallons of industrial water alone could range anywhere from $7 billion per year to $7 trillion per year. The wide spread depends on the acceptable level of parts per million of total dissolved solids.

If we could put money considerations aside—and frankly, that's impossible, for it's going to have an economic impact on every man, woman, and child in this country—how would we, as engineers, approach this situation?

We may as well get used to this type of contemplation, because eventually the job is going to fall on engineers and scientists. Folk singers aren't going to be much help when it comes down to the nitty gritty. Pollution may bring about a whole new generation of folk songs, but even those people must realize that technology, and only technology, is going to bring about the pure air, the pure water all of us want so desperately.

And, legislators, as much as we will need their unflagging support, of necessity must fall back when the nitty gets gritty. Money is no substitute for technical skill. You engineers are the ones who'll be called upon to solve the problems connected with reshaping the world's environment.

When that job is handed to you—how are you going to go about it? What are the parameters of the problem?

Most of you have been involved, at some time in your careers, with major research and development programs.

You know that first you must have firm guidelines and a clear picture of the ultimate goal. Then you sketch on paper your ideas as to how that goal can be reached. Afterward you build a pilot plant, or a model, and you test your theories under every conceivable condition.

You furnish to the customer paying the bill a full report not only on the operation and efficiency of the proposed project, but every possible side effect.

There are hundreds, even thousands of questions that must be answered before any responsible engineer or scientist will move from R and D into the operating phase.

In seeking an example, my thoughts turn naturally to aerospace.

Many of you are familiar with the big research wind tunnels and know how they operate in development testing.

As a rule there's an area where tremendous amounts of compressed air are stored. A one-second valve swings open and the air rushes past the suspended aircraft model.

Very detailed instrumentation, including Schlieren optical systems, gives the engineers excellent readings on the exact behavior of the model—all the way from touchdown speeds to trisonic.

Frankly, no manufacturer would dare build an advanced aircraft without thousands of hours of these tunnel tests. The B–1 aircraft we're building, for example, involves 22,000 hours of testing in the tunnel.

And it's that kind of preparation we must have in pollution control.

We must place the national goal of clean air and clean water in a hypothetical research tunnel.

We haven't compiled the necessary data. A lot of serious research *has* been done in this area, but we haven't determined the total impacts of the program on our national economic plans.

And gentlemen, there will be total impacts. If Senate bill 2770 stands as written, the economic lives of 200,000,000 Americans may never again be exactly the same.

Paul McCracken, former chairman of the President's Economic Advisers, said just last month, "An overly ambitious pollution control program could paradoxically contribute to enlarged structural unemployment. Its adverse impacts would probably turn out to be disproportionately heavy on industries and products that are important to our foreign trades."

Harold Scott, the newly appointed Assistant Secretary of Commerce, is even more blunt in his appraisal. "You begin to cost our environmental solutions," Scott said recently in a *Forbes Magazine* interview, "and you find that theoretically many of our industries are going to be priced out of world markets."

Technology gets transferred in a hurry these days, and I don't think for one minute that our foreign competitors are going through the same multi-billion dollar development cycle we'll be facing here at home.

And yet some equalizing measures must be adopted, otherwise we must be prepared for foreign competitors to literally steal away some of our industries rendered non-competitive by pollution control costs.

It's a very real threat, one that has been recognized by the White House, where a special task force is studying industries whose world market position is weakened by U.S. pollution control regulations.

The National Industrial Pollution Control Council has set up a special International Environment Advisory Committee which is making a world-wide survey of possible cooperative efforts.

We're working jointly with Canada, for example, to restore the quality of the Great Lakes. We're developing bilateral relations in environmental matters with Mexico, Spain, Poland, Yugoslavia, and Rumania.

Even if we had no worries about our friends abroad, we have ample worries about the economic impact at home.

I'm convinced that this country has the technical capability to achieve success in this environmental clean-up.

I believe these essential technical aspects, the total and indispensable involvement of science and engineering, are being recognized by the people. Just the other day, the nation was told of a space satellite that will be used, starting this year, to monitor secondary pollution from strip mining operations in eastern Ohio.

And David Templeton, dean of Chemistry at the University of California in Berkeley, revealed how elemental is the need for technical awareness. Commenting on the heightened student interest in science this semester he said: "If you want to do something about pollution then you immediately get involved in chemistry."

Of course, that's what we've been saying, in a different manner, for years.

Chemistry, for example, is the key discipline in a major air study North American Rockwell's Science Center will perform for the California Air Resources Board.

That study involves scientists from Cal Tech, the University of Minnesota, and the University of California, who'll sample the air in the Los Angeles Basin, the San Francisco Bay area, and the San Joaquin Valley. They'll develop techniques and test instruments to measure and monitor the polluting aerosols.

Chemistry, too, will play a major role in eliminating sulphur dioxide from electricity-generating facilities. That'll be a billion dollar effort alone. And that cost will be on top of another billion dollars needed each year to remove fly ash from the same stacks.

However, it's not the technical problems that worry me. This country can solve them, just as we overcame those facing us when we set out for the moon.

It's the economic aspects that give me concern.

There are limits to how far and fast pollution abatement controls can be implemented without jeopardizing a national economic performance.

Just what does a $300,000,000,000 expenditure in a non-productive area mean to this country?

For one think it could mean a slowing in the vitally needed annual increase in our gross national product, an increase that hopefully takes care of the million and more people who come on the payrolls for the first time each year.

It was less than two decades ago that someone laughed at a presidential candidate when he predicted that some day 60 million Americans would need jobs.

Today there are 80 million Americans at work.

So if I say 100 million Americans will be at work within the next twenty years—I don't think I'll be laughed out of the hall—especially if it's your sons and daughters who will be numbered among those filling the new jobs.

Against that certainty, I find this interesting:

Andrew F. Brimmer, member of the Board of Governors of the Federal Reserve System, said, "There is a fundamental conflict between our efforts to maximize the growth of our gross national product as traditionally defined, and our efforts to devote a substantial share of our real resources to pollution control."

If I may take the liberty of paraphrasing Mr. Brimmer he's saying we can't have our cake and eat it, too.

The growth of real output in the United States depends heavily on the pace of investment in plant and equipment to expand productive capacity. Mark those words, *To expand productive capacity.*

The $20 million Bethlehem Steel spent last year on pollution abatement facilities didn't contribute to productivity, according to the chairman of the board, Stewart Cort.

Productivity is an essential ingredient of growth, and growth means jobs.

The American economy can't stand still. It can't idle its engines overlong, or pull over to the side of the road for a year-long nap. Were we to do this, the resulting national retrogression would profoundly affect not only our daily lives but our destiny as a nation.

We can't tolerate anything that will slow the increase of our gross national product.

And here I part company with William Ruckelshaus, head of the Environmental Protection Agency, Ruckelshaus, in a TV interview, questioned the need for the growth of the GP and he introduced a new term, I believe it was net national product, NNP.

Whatever the term, I believe the concept must stand two tests: What does it do to the economic health of the country? Does it create new jobs?

And jobs *are* at stake.

Plants are being shut down.

The *Christian Science Monitor* recently reported, "Businesses falling victim to tough new state and federal standards number in the hundreds, according to a count being kept by the federal Environmental Protection Agency."

"Everybody," according to Ted Rajda, director of review and coordination in EPA's office of enforcement, "is being hit—both municipalities and industry."

That's happening, and yet we're lacking important data, not only on plants that have already been shut down, but on the fate of those being debated daily as industries weigh the impact of these new costs and lost jobs.

President Nixon recognizes the challenge to jobs. A few months ago he said, "We have to realize that when the Congress, or the Administration carrying out the will of the Congress, sets certain standards to clean up the air or clean up the water, we must weigh against that how many jobs it's going to cost. If it's going to cost a disproportionate number we must reevaluate the decision.

So I don t think we're about to do as one of the environmentalists suggested offhandedly. He said: "We simple set up a Federal subsidy program for those whose jobs are lost."

I believe this country has learned some bitter lessons about swapping subsidies for jobs—and we're not about to go that route again.

However, as I mentioned, data on potential job loss is another vital input which we must have for our research and development in the environmental program.

Mr. Brimmer points out that from 1971 through 1975 it's going ot take about 10 percent of the cumulative increase of the gross national product to finance the capital investment to check pollution.

That may seem a bit remote, a bit difficult to grasp. Let's bring it down to something easier to visualize, corporate profits. Let's talk about steel.

Ed Gott, Chairman of the Board of U.S. Steel, reecntly said that more than $350 million have been authorized by the steel industry for pollution control facilities scheduled to go into operation this year. Total spending by the steel industry is approaching the $2 billion mark.

And that, according to Gott, is just the beginning. Future capital costs of air and water pollution controls in the steel industry are projected at $4.5 billion—a sum that is greater than the total profits of the American steel industry during the past five years!

Zero growth and zero profits may delight some of the environmentalists, but I don't believe our productive, intelligent citizens are going to allow this nation to commit financial suicide.

American industry will, of necessity, shoulder a great portion of the cost.

In the year just completed, investment in pollution control activities by American companies increased 46 percent over that of the previous year to a total of $3.6 billion.

That's 4.4 percent of their total capital investment.

This year it's estimated to rise to 7.6 percent, and within a year or two, 10 percent of all capital investment will be for pollution control equipment.

Various other industries are confronted by demands that will be a tremendous strain on their economic resources.

The electric utilities are going to be faced with a $3.2 billion cleanup bill. Six other basic industries will spend more than a billion dollars apiece.

James McSwiney, president of the Mead Corporation, has given us the impact on the paper industry of the so-called Zero Discharge bill.

Under present conditions, the American paper industry is spending $1 billion, 116 million to meet primary and secondary treatment standards for its present capacity of 170,000 tons per day by 1974–1975.

At that rate, according to Mead, the annual operating costs for pollution control equal 17 percent of the capital investment.

Now, to meet the proposed zero discharge requirement, the percentage of capital investment devoted to water pollution in the paper industry will increase drastically, jumping to 30 and even to 40 percent of capital investment.

The annual operating costs, which now range from two to four percent of manufacturing costs, will fluctuate in a wide range from 20 to 60 percent.

And selling price of paper will have to increase anywhere from 25 to 65 percent just to maintain the present unsatisfactory low return on invested assets in the paper industry.

This is the kind of data we need for *all* industries, for *all* affected companies, for *all* affected states, counties and municipalities. Because in a different form, we're going to experience this rippling effect of pollution-control costs nationwide.

Let me be precise about that impact.

The 1969 municipal per capita expenditures for welfare were $18.

For police they were $22.

For waste treatment they were about $22 per person served.

For education they were $34.

Zero discharge will take that last $22 figure and balloon it to $52.

Let me cite as a geographical and demographic example the proposed total water clean-up of the lower Delaware River. The activity and the costs will involve 3 states. 11 counties, and 377 municipalities. No one is going to escape that cost-net.

And perhaps no one want to escape. But let's insist on precise, detailed data before we get deeper into this gigantic program.

Only then can we make the critical judgments and hard choices which seek a reasonable balance between our national hopes and our national capabilities.

It may be that we will be forced to leave some things undone.

It may be that some goals must remain beyond our grasp—at least for the time being.

We *can* achieve our national pollution control goals.

But first, let's read all the data.

And if something is missing, if something is out of line, let's have the courage to call a halt, to demand more information before a commitment is made.

FORTY-THREE DAYS, AND STILL NO WORD FROM PRESIDENT NIXON ON TAX REFORM

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. DRINAN. Mr. Speaker, 43 days have elapsed since House Ways and Means Committee Chairman Wilbur Mills wrote to President Nixon requesting the tax reform proposals the President promised in September 1971. In his letter, Chairman Mills stated that such proposals should be submitted by March 15 in order for Congress to have time to act on them this year. It is now March 22, and the President's silence on the subject of tax reform continues to be deafening.

There is much evidence that the Members of this House are eager to abolish the notorious abuses of the tax system. Last week, the House Democratic Caucus resolved by an overwhelming vote that passage of legislation further increasing the Federal debt ceiling "will be jeopardized" unless the President supports substantial revenue-raising tax reform proposals. More than 100 Members of Congress have sponsored legislation recently proposed by Congressmen Jim Corman and Henry Reuss to reform the tax laws. Many other Members eagerly await the opportunity to cast their votes on the side of a progressive, equitable tax system.

The current tax laws are so riddled with loop-holes that almost any wealthy individual can, if he works at it, avoid paying thousands of dollars in Federal taxes. Many deductions—including, for example, those which involve interest on State and municipal bonds, investment in railroad cars, and residential rental housing—are, as a practical matter available only to the rich.

Other special tax advantages worth millions and even billions of dollars to their beneficiaries are alleged to have a rational basis when in fact they are merely handouts to those who have more influence in the Congress and in the White House than the poor and middle-class citizens of our country.

The people are fed up with a Government which gives special advantages to huge corporations but which is insensitive to the problems of poverty, unemployment, inferior education, inadequate housing, unavailable medical care, and outrageously high taxes.

In 1970, the 19 largest oil companies in the country had net income before taxes of $8,857,753,000 but paid Federal taxes at the deplorably low average rate of only 8.7 percent. In 1970, Standard Oil of California had net income before taxes of $589.6 million but paid Federal income tax at the astonishingly low rate of 5 percent.

If President Nixon continues to refuse to support tax reform, I would like him to justify to my constituents why Standard Oil of California is entitled to pay Federal taxes at the rate of 5 percent when they are required to pay taxes at much higher rates.

I would like the President to explain to the people of this country the basis upon which 19 enormous corporations with an aggregate net income before taxes of $8.857 billion paid Federal taxes at the rate of 8.7 percent at a time when the Nixon administration has incurred a cumulative deficit in excess of $90 billion.

If the President believes that the present tax system is equitable, I would like him to explain to the citizens of this country why, in the 1970 taxable year, 2,817 individuals who earned between $20,000 and $25,000 paid not one penny in Federal taxes. I would like him to attempt to defend a tax system whereby 1,766 individuals who earned between $25,000 and $30,000 paid no Federal taxes. I would be grateful for his explanation of why 1,976 individuals who earned between $30,000 and $50,000 escaped paying even $1 in Federal taxes. I would also be grateful for his explanation of why 1,338 individuals who earned more than $50,000 in 1970 paid no Federal taxes whatever.

Tax reform is an idea whose time has come.

COMMENDATION OF AMBASSADORS RUSH, WATSON, AND INGERSOLL

HON. CHARLES H. PERCY

OF ILLINOIS

IN THE SENATE OF THE UNITED STATES

Wednesday, March 22, 1972

Mr. PERCY. Mr. President, much has been said about political appointees in ambassadorial positions abroad. They have frequently been criticized. They have sometimes been praised. It is my own belief that, with proper selection, noncareer diplomats drawn from leadership positions in other phases of American life can infuse new blood and thinking into the Foreign Service. The selection process is all-important, however, just as it is the most important consideration, more important certainly than seniority, in selecting outstanding men and women from the Foreign Service to serve as ambassadors abroad.

I was pleased to note in the Washington Post of March 19, 1972, an excellent article about Ambassador Kenneth Rush, former chief executive officer of Union Carbide, a man whom I have enjoyed knowing in his business and diplomatic roles and whom I have greatly admired in both.

The Washington Post article to which I refer was written by John M. Goshko from Bonn. As Ambassador Rush was leaving to take his new job as Deputy Secretary of Defense, Goshko reports that:

> Mr. Rush had earned a prominent niche in the galaxy of high-powered diplomatic talent that Washington has had here during the post-war period.

Goshko believes "the landmark of his—Rush's—tenure was the four-power Berlin agreement." He states that:

> Rush was the principal ball-carrier for the Western allies during the 17 months of arduous negotiation leading to the agreement.

According to Goshko, French Ambassador Jean Sauvagnargues, one of the other Berlin negotiators, summed up Rush's performance by remarking:

> He's a big-league talent.

Another diplomat said:

> The Berlin agreement is Rush's monument. More than anyone else, he's the man who did it.

I also was pleased to note a substantive article in the Washington Post of March 17, 1972, by a very knowledgeable reporter, Jonathan C. Randal, about the outstanding work that Ambassador Arthur K. Watson, former president of IBM World Trade Corp., has done as Ambassador to France on one of the most difficult and challenging problems, the problem of drug abuse, which has disrupted family and ruined innumerable lives in our country. It also is an aspect of American life heavily responsible for crime, termed "America's No. 1 domestic problem" by the President earlier this week.

Randal reported that:

> Ever since Arthur K. Watson took over as ambassador 2 years ago, he has "made it his No. 1 priority to lunch regularly with the French customs and police inspectors assigned to smash the traffic which has made Marseilles the major way station for drugs smuggled into the U.S.

Randal said that:

> When Watson made his maiden speech to a French group—and concentrated on drugs—the reaction was frankly one of horror. American ambassadors were expected to allude to the Lafayette connection in Franco-American relations, not the drug connection.

The Post report said that:

> Thanks to Watson's interest, the French government and public have stopped thinking that heroin is a peculiarly American problem and recognized its terrifying, if still limited, inroads on French society.

According to Randal:

> Such concentration on drugs—and on Marseilles' key role in harboring clandestine laboratories which refine heroin—is typical of Watson's results-oriented outlook.

Randal notes that:

> Seizures of heroin and morphine base in France have more than doubled from 1,015 pounds in 1970 to 2,950 pounds in 1971. Current seizures so far this year are for the first time running at an annual rate roughly equal to estimated heroin consumption in the U.S.

I have had the opportunity over a period, two decades to observe first hand Author Watson's great contribution to American industry, and since his appointment as Ambassador to France, his great contribution to this and other aspects of American diplomacy.

Another noncareer diplomat who deserves mention as this time is Robert Ingersoll, former chairman of the board of Borg-Warner Corp., who is about to leave to take up his duties as Ambassador to Japan. Japanese press reaction to Mr. Ingersoll's appointment has been very favorable and augurs well for him in a challenging assignment which can have important results on the level of economic activity and employment in this country for many years to come.

John M. Lee, reporting from Tokyo in the New York Times of February 6, 1972, said:

> All Tokyo newspapers have published detailed biographies of Mr. Ingersoll, and the Japan Broadcasting Corporation has televised an interview with him . . . The affiliations of Borg-Warner Corporation with leading Japanese companies . . . have been favorably commented on . . . Japanese businessmen who met him have welcomed the appointment of a business colleague.

Mainichi Shimbun of January 29, 1972, commented on the "warm, charming personality of Mr. Ingersoll" and the "careful and prudent way he answers reporters' questions." A headline in Sekai Shuho—economic weekly—on February 22, 1972, reads "Newly Appointed U.S. Ambassador to Japan a Businessman Full of International Sense." Zakai—economic magazine—in its March 1972 issue, says:

> Mr. Ingersoll is well versed in Japan's economic affairs just like Dr. Edwin O. Reischauer, former ambassador to Tokyo, was an authority on things Japanese.

As Mr. Ingersoll leaves for Japan, I know we all wish him well. I have every confidence that vast experience in domestic and international business and his knowledge of the Japanese economy will be very helpful in working on the Japanese-American trade relationship. He will carry on the tradition of another distinguished Chicago businessman, R. Douglas Stuart, who was one of our Nation's most successful and effective envoys when he served as Ambassador to Canada.

The accomplishment of Ambassador Watson in seeking curbs on the illegal drug traffic, the achievement of Ambassador Rush in negotiating the Berlin agreement, and the promise of Ambassador Ingersoll on the eve of his departure for Japan, give me a great deal of satisfaction, which I know is shared by many Members of the Senate.

MY RESPONSIBILITY TO FREEDOM—PATRICIA WALSH

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. RHODES. Mr. Speaker, Miss Patricia Walsh, a very charming young lady and one of my constituents from Scottsdale, Ariz., was the winner of the Arizona Voice of Democracy Contest, sponsored each year by the Veterans of Foreign Wars of the United States and its ladies auxiliary. This year the contest theme was "My Responsibility to Freedom."

When you read Pat's speech, you will readily understand why this honor came to her—it speaks for itself with words that need no additions or explanations.

I hope my colleagues will take a few minutes to give themselves the pleasure of reading her delightful and excellent presentation.

The speech follows:

MY RESPONSIBLITY TO FREEDOM

(By Patricia Walsh)

My responsibility to freedom is something that I am not the first to encounter. On the contrary, this facet of life has been around since the first parents and the first politics. It is rather a confusing concept, since the two main words actually contradict each other. To me, responsibility means rolling up your shirt sleeves to do some work; holding yourself to promises; generally doing what you should when you're supposed to. Now, freedom on the other hand, is laying face up on a bed of green grass, watching big white clouds sail by on an eternal blue sea of sky. Quite two different pictures wouldn't you say? But perhaps I should refer back to a previous statement of mine concerning "parents and politics".

In this country, politics is a fairly confusing game, and to be truthful, I don't understand too much of it, but I would like to relate a little story to you concerning myself and our government. I will confess that for the past 15 years I have said the pledge of allegiance with little more ferverence than I would have recited a nursery rhyme. But that changed, I was at a footgall game, and as I stood watching the flag raising, something hit me and I knew; I understood. If it wasn't for this country, how could I have the plans I have (and they are rather scrambled). But even if I don't succeed, I'm being given the opportunity and isn't that in itself a fantastic advantage? I can love my own God and preach his teachings without fear. I can develop myself into the individual I want to be. I can be me, and that is the best gift you can offer anyone. My country has offered me this. Should I not offer to it the me it has helped to build? Responsibility, in return for freedom.

Now, to the more personal side of this topic—parents. My parents trust me—a fact I'm proud of, and because of this, they don't begrudge me my freedom; freedom for extracurriculum activities, freedom of opinion, freedom of speech and so on. But there are two categories of freedom, foolish and reasonable. Foolish freedom is that which basks in its own existence. In other words, going to extremes when given the chance and then regretting it later. The best kind of freedom is the type in which responsibility is employed. Now that statement sounds stuffy and the first thought to enter many a mind is "What kind of freedom is that?" And yet, if you've ever experienced it, you know, and, what it's really like. It's going out on a date, having a good time, but not doing anything unlawful, immoral, or against your own principles. It's feeling completely happy without any momentary tinges of guilt. And so, the responsibility of freedom: the responsibility to yourself; to live a full satisfying life. And here the connection with politics is obvious. If in your personal life, you feel and exercise the responsibility of your freedom, it will carry over in your view of the government, leaving you with a well rounded life and a light, peaceful heart.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

SUPPORT FOR COMPREHENSIVE CHILD CARE SERVICES

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. BADILLO. Mr. Speaker, since coming to Congress I have repeatedly expressed my strong concern for making available, to all who wish to use them, comprehensive and developmental child care services. When both bodies last year agreed on what I thought was an excellent program, I hoped that perhaps we could at last offer meaningful progress in this area to our Nation's children. The President's veto shattered that hope, of course. Since then, both the House and the Senate have been working hard to establish meaningful services for the children of our Nation in the face of continued administration opposition to such programs.

I am pleased, of course, with the increased Headstart provisions of H.R. 12350, the economic opportunity amendments recently passed by the House. However, I do believe that we must go beyond them in our commitment to the many youngsters who need comprehensive, developmental services. For this reason, I introduced on March 6 H.R. 13602 here in the House. I am pleased that 22 of my colleagues have joined me in cosponsoring this measure. For the information of my colleagues, I insert here their names in the RECORD:

LIST OF COSPONSORS

CALIFORNIA

James C. Corman.
Ronald V. Dellums.
Don Edwards.

ILLINOIS

George W. Collins.
Abner J. Mikva.

MAINE

William D. Hathaway.

MASSACHUSETTS

Michael Harrington.
Louise Day Hicks.

MICHIGAN

John Conyers, Jr.

MISSOURI

James W. Symington.

NEW YORK

Joseph P. Addabbo.
Jonathan B. Bingham.
John G. Dow.
Seymour Halpern.
Edward I. Koch.
Charles B. Rangel.
Benjamin S. Rosenthal.
William F. Ryan.

OHIO

John F. Seiberling.
Louis Stokes.

PENNSYLVANIA

William S. Moorhead.

WISCONSIN

Robert W. Kastenmeier.

TELEPHONE PRIVACY—VI

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. ASPIN. Mr. Speaker, I am presently circulating for cosponsorship the Telephone Privacy Act, H.R. 1326, which would allow individuals to place a "no solicitors" sign on their telephones.

This bill would give to individuals the right to indicate to the telephone company if they do not wish to be commercially solicited over the telephone. Commercial firms wanting to solicit business over the phone would then be required to obtain from the phone company a list of customers who opted for the commercial prohibition. The FCC would also be given the option to require the phone company, instead of supplying a list, to put an asterisk by the names of those individuals in the phonebook who have chosen to invoke the commercial solicitation ban.

Those not covered by the legislation would be charities and other nonprofit groups, political candidates and organizations and opinion poll takers. Also not covered would be debt collection agencies or any other individuals or companies with whom the individual has an existing contract or debt.

As I noted in a statement on March 9, I have received an enormous amount of correspondence on this legislation from all over the country. Today, I am placing a fifth sampling of these letters into the RECORD, since they describe far more vividly than I possibly could the need for this legislation.

These letters follow—the names have been omitted:

GRAND PRAIRIE, TEX.,
March 9, 1972.

RIGHT—ON

Only no exceptions, please.

CHARLES F. LEAR.

ORMOND BEACH, FLA.,
March 1, 1972.

Hon. LESTER ASPIN,
House of Representatives,
Washington, D.C.

DEAR MR. ASPIN: Congratulations for introducing legislation to end telephone sales solicitations! Telephone subscribers should not be subjected to this type of annoyance by an ever-increasing number of business organizations, over an instrument for which we pay a high price for service. The worst offenders are Arthur Murray Studios, photographers, and home repair or remodeling companies, with a few poll-takers who ask impertinent questions.

If you succeed in putting an end to this nuisance, you will have the gratitude of thousands of people all over the country.

Sincerely yours,

—— ——.

KANSAS CITY, MO.,
February 29, 1972.

Re Telephone Privacy Act.
Representative LES ASPIN,
U.S. House of Representatives,
Washington, D.C.

DEAR SIR: I was happy to see that you had introduced the above legislation. There was a short item in the Kansas City Star concerning this.

Because of my profession, it is necessary that I have a published telephone number and that I be available to answer my telephone during evening hours and on holidays.

Telephone solicitors are extremely disturbing to me, and our area has a large number of these. In fact, our only newspaper, the Kansas City Star, has recently called my home twice in the evening hours to ask whether or not I subscribe. This seems to be a flagrant invasion of my privacy in view of the fact that their records or those of their distributors reveal the information that I am a subscriber. We have recently had a number of magazine sales solicitations which have extended to telephoning business numbers during business hours to solicit subscriptions.

We will be interested in the outcome of your legislation.

Yours truly,

——— ———.

SHARON, WIS.
February 29, 1972.

Representative LES ASPIN,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE ASPIN: You are doing the public a great service with the Telephone Privacy Act. We have long considered phone calls soliciting sales an invasion of privacy but felt that the telephone company, like other large companies, would effectively bar any restrictions that might limit their business in any way.

For years family, friends, relatives and I have complained about nuisance calls from salespeople selling magazines, roofing, siding and you-name-it. They always call when a person is in the middle of something involved, when someone is ill or taking a nap, and worst of all, when those who work third shift are sleeping.

The only way people have been able to get away from these pestering calls has been to obtain an unlisted or unpublished number which caused much trouble when those outside the realm of family and friends needed the phone number urgently. It seems strange that the public should only have a choice of two evils as part of the telephone company's "service".

We're behind you all the way in the enactment of this legislation.

Sincerely yours,

——— ———.

THE SPIRIT OF FREEDOM LIVES IN BYELORUSSIA

HON. CHARLES H. PERCY

OF ILLINOIS

IN THE SENATE OF THE UNITED STATES

Wednesday, March 22, 1972

Mr. PERCY. Mr. President, on March 25, 1918, the people of Byelorussia proclaimed their national independence and their determination to govern themselves in a democratic manner. However, their national independence was short lived—Soviet troops conquered the free state of Byelorussia within a year.

Nevertheless, through the long night of Soviet domination the people of Byelorussia have maintained their culture and identity. They have continued to express their firm determination to live in freedom and to govern themselves.

Accordingly we too express our belief in the sanctity of their cause and affirm our hope that the people of Byelorussia will again know freedom.

On this day we are united in spirit with those who desire freedom in Byelorussia. We can take heart from the fact that the spirit of freedom lives in Byelorussia, and we pray for the ultimate victory of freedom everywhere in the world.

THE ISSUE IS NOT BUSING—THE ISSUE IS INTEGRATION

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. SCHEUER. Mr. Speaker, the President's most recent recommendations on how and when to integrate schools have thrown this Congress once again back into the thorny thicket of schoolbusing. Last fall after extensive debate the House of Representatives dealt with the busing issue, at least temporarily, in a series of amendments to the Higher Education Act amendments bill. Understanding what we have already done may help throw some light on what we are about to do. To that end, I commend to the attention of my colleagues the thoughtful and intelligent interpretation of those busing amendments by my good friend Albert Shanker, president of the United Federation of Teachers, in his column in the March 19, 1972 New York Times:

WHERE WE STAND

(By Albert Shanker)

THE ISSUE IS NOT BUSING . . .

[NOTE.—This statement by Mr. Shanker on the busing issue was written before President Nixon's address to the nation on Thursday night, March 16.]

There can be no question that the so-called busing issue will continue to be a major one in the months—and perhaps years—to come. The Florida referendum may well set off similar balloting in other states. President Nixon is about to issue his own proposals, while members of Congress seek to resolve the issue through legislation and/or constitutional amendments. Various black groups are on opposite sides of the issue, their position depending upon whether their philosophy is "integrationist" or "separatist."

As the debate continues, it becomes increasingly clear that the issue actually *is not* busing. Millions of children are now bussed. The issue hinges on the difference between *desegration* and *integration*, between government action to eliminate *de jure* segregation and action to eliminate *de facto* segregation. The 1954 Supreme Court decision—and many others following it—declared that government agencies may not use the law to enforce segregation. (Such laws prevented white and black children from attending the same neighborhood school.) Recent court decisions, however, have gone far beyond the initial ruling in stating that the mere elimination of racial barriers is not enough; that government has a duty to bring together white and black children, in certain proportions, in all schools within a given geographic area.

All indications are that there is, at the present time, widespread opposition among whites and blacks to the recent decisions. But there is also overwhelming evidence of preponderant acceptance of the earlier decisions. The same Florida electorate which rejected "busing" by a 71% vote also rejected any return to dual segregated school systems and supported quality education for all children by a 79% vote. Tragically, the strong sentiment against "busing" is being cleverly manipulated to effect the undoing of nearly twenty years of desegregation efforts.

On March 8, the House of Representatives instructed the House conferees to demand that the Houes anti-busing amendments be included in the Higher Education and Emergency School Aid Bill. The three House amendments sponsored by Congressmen Ashbrook and Broomfield and Congresswoman Green go far beyond busing. In essence, they constitute the greatest threat to school desegregation in all the years since the 1954 Supreme Court prohibition against "separate but equal" schools.

The Ashbrook amendment provides that federal funds administered by the U.S. Commissioner of Education may not be used for the transportation of teachers or pupils or for the purchase of transportation equipment to overcome racial imbalance *or to carry out a plan of racial desegregation.*

The Green amendment provides that federal officials may not order or encourage state and local officials to use state and local funds for purposes for which federal funds could not be used under the Ashbrook amendment.

. . . THE ISSUE IS SEGREGATION

The intent of these amendments is clear. What sounds like a prohibition against busing is in fact a death blow to any plan to desegregate schools whether or not busing is involved. The language of the Ashbrook amendment is plain enough. "Or to carry out a plan of racial desegregation" would prohibit the use of federal funds for desegregation and would also prevent the federal government from requiring that federal funds given to school districts be used in a non-discriminatory manner.

The Broomfield amendment allows an automatic stay on any court order requiring desegregation, *whether or not that order requires busing,* until the order is appealed to the Supreme Court. Furthermore, the amendment is retroactive and would allow even those districts practising *de jure* segregation, even if such efforts have been under way for years and require no busing. Southern districts now integrated without busing could restore segregation, institute busing to keep white and black children separate, and shop around for a friendly judge before whom to begin the appeals process. With hearings and rehearings, it might take years before students could return to their integrated neighborhood schools.

If there was any doubt about this interpretation of the Broomfield amendment, it was dispelled by its author, in a colloquy on the floor of the House with minority leader Gerald R. Ford during the debate on the amendment:

"Mr. GERALD R. FORD. I would like to ask the gentleman several questions. First, is the Broomfield amendment retroactive?

Mr. BROOMFIELD. Yes, it is.

Mr. GERALD R. FORD. Is it retroactive in its entirety?

Mr. BROOMFIELD. In its entirety.

Mr. GERALD R. FORD. The second question is this: Your amendment states that the effectiveness of 'any order' to achieve a racial balance of students 'shall be postponed.' Now, does that mean that it would affect orders which have already been put into effect or put into partial effect? In other words, all would be suspended pending final appeal?

Mr. BROOMFIELD. That is correct . . .

Mr. GERALD R. FORD . . . is it the intent of the author of the amendment that this stay of any order during an appeal shall be equally applicable not only to orders involving forced busing but to desegregation cases generally?

Mr. BROOMFIELD. Yes, it would be, in both cases."

The conclusion to be drawn from this exchange in the House is inescapable. Whether or not busing is favored to promote school integration, these amendments, aimed at ending all federal enforcement of desegregation, even those without busing, must not become law.

JOSEPH S. EGER—MAN OF THE YEAR

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. GAYDOS. Mr. Speaker, the Junior Chamber of Commerce in the city of McKeesport, Pa., has made it a practice each year to single out for public recognition an individual who "most typifies" the high standards of civic service established by this fine organization.

This year I was pleased to learn the recipient of the "1972 Man of the Year Award" was a man I have known for many years; one who has given unselfishly of himself in order to better the lives of his fellow citizens—Mr. Joseph S. Eger.

Mr. Eger has been a leader in the struggle to help McKeesport, an industrial center, overcome the many problems which today face our Nation's urban communities. He has played leading roles in numerous community and civic projects and programs, the latest and most notable of which is to serve as chairman for a $2 million fund raising campaign for the expansion of McKeesport Hospital. This campaign is extremely vital, for the hospital serves not only the citizens of McKeesport but those of the entire Mon-Yough Valley area as well.

Mr. Speaker, I commend the McKeesport Jaycees upon their selection of this year's award winner and I join with Mr. Eger's many, many friends in applauding the recognition of an outstanding citizen. It is with great pleasure, therefore, that I insert into the Record an article from the Daily News of McKeesport, which describes the award dinner and Mr. Eger's service to his community:

Joseph S. Eger Cited As '72 "Man of Year"

City businessman and civic leader Joseph S. Eger last night was honored as the 1972 Man of the Year by the McKeesport Jaycees.

More than 200 persons attended the Jaycees' 11th annual dinner at the Youghiogheny Country Club where Mr. Eger received a plaque and accepted a $500 initial contribution to the McKeesport Hospital Expansion Fund, which he heads.

In making the award Jaycees' President John Ryan praised Mr. Eger as "a man who most typifies the Jaycee creed as a fine example to the community."

Guest speaker at the event was John M. Wunderley, a member of the McKeesport Hospital Board of Trustees, chairman of the hospital's building committee, and a longtime friend of Mr. Eger.

Tracing Mr. Eger's rise from a part-time employee in his family's food market to his present post as chairman of the board of the Eger Motors Inc., Mr. Wunderley cited the award winner's community spirit.

He recalled Mr. Eger's participation in various community and civic projects and said this activity made him an obvious choice not only for the Jaycee award but also for the chairmanship of the $2 million McKeesport Hospital Expansion Fund.

"Joe Eger has always had a place in his heart for McKeesport. That's one of the big reasons he's being honored here tonight by the Jaycees," Mr. Wunderley concluded.

Responding, Mr. Eger said, "I have looked forward to receiving this fine honor. . . . I credit my success to the people.

"We must begin to generate enthusiasm to put McKeesport back on top. . . . This is a unique area, a center for a lot of communities and a vibrant shopping center.

"It gives me extreme pleasure to be a part of this, a part of something great."

Master of ceremonies for the dinner was Donald Henninger, manager of Bell Telephone Co.'s operations in McKeesport.

Previous winners of the Man of the Year award include J. Charles Peterson, M. A. Cancelliere, C. E. Palmer, John L. Laughlin, Robert M. Cox, William Hatcher, the late Cornelius (Neenie) P. Campbell, the late Dr. J. C. Kelly, the late Thomas A. Wilson and the late James S. Mack.

ILLEGAL ALIENS

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. BADILLO. Mr. Speaker, I was concerned to learn yesterday that the distinguished chairman of the House Immigration Subcommittee intends to hold additional hearings into the question of illegal aliens. As I have already mentioned to my good friend, Mr. Rodino, I do not believe enough substantive facts as to the nature and extent of an illegal alien situation are available on which to proceed with hearings. I feel it would have been more suitable to have either the staff of Judiciary Subcommittee No. 1 and/or some outside organization or agency conduct an exhaustive, independent investigation into any real or imagined problem of illegal aliens. If the findings of such a study warranted full-scale hearings, they could then be held.

The whole issue of illegal aliens has generated a great deal of controversy, particularly among Spanish-speaking persons in this country. Regardless of statements to the contrary, the term "illegal alien" has become a code word for Mexican Americans in the Southwest and Spanish-speaking persons from Latin American nations and the Caribbean on the east coast. Many of the charges which have been made about illegal aliens are irresponsible and, in many instances, are unproven and unfounded. Although I do not know what purposes they aim to serve, some individuals have presented distorted claims and figures on the number of persons living and working in the United States illegally.

In considering the issue of illegal aliens the Congress must realize that it shares the blame for any problem which may exist by having created the highly discriminatory annual limitation on the number of persons permitted to emigrate to the United States from Latin America. Not only our own Spanish-speaking citizens but our Western Hemisphere neighbors to the south deeply resent this ill-conceived artificial barrier. Also, they are interpreting the whole inquiry into the illegal alien question as an attempt to further restrict the entry of their families and friends into this country.

One of my greatest concerns about these hearings is that, irrespective of the fair and open manner in which they are conducted, I am fearful that the unfounded charges made at them will simply serve to fan the flames of prejudice and misunderstanding and that the inquiry will unnecessarily exacerbate tensions which already exist within the community. Spanish-speaking persons are bearing the brunt of this campaign and, as a result of half-truths and innuendos, they are being defamed and degraded. We have only to recall the humiliation heaped upon Mrs. Romana Bañuelos—a distinguished Mexican American from southern California—last year.

Earlier this month, on March 10 and 11, the Immigration Subcommittee conducted hearings in New York City. One of the witnesses was Mr. Rene Anselmo, executive vice president of Spanish International Network and a person intimately familiar with the Spanish-speaking community, not only in New York but throughout the country. Mr. Anselmo's testimony was very forceful and described many of the abuses and problems suffered by the Spanish-speaking alien. I must say that I do not subscribe to all of Mr. Anselmo's views and particularly do not believe the problem of employers recruiting Spanish-speaking workers from overseas is a realistic one, especially in light of the large number of Puerto Ricans anxious and able to fill the jobs for which they are brought to this country. Nevertheless, I do feel that Mr. Anselmo's comments warrant our colleagues' full and careful consideration and I am pleased to present his statement herewith for inclusion in the Record:

Statement of Rene Anselmo, Executive Vice President, Spanish International Network

My name is Rene Anselmo. I am an Executive Vice President of Spanish International Network, a group of Spanish language television stations: KMEX-TV, Los Angeles; KWEX-TV, San Antonio; WLTV, Miami and WXTV, New York.

Since whatever this Subcommittee does is going to effect the Spanish-speaking community, perhaps more than any other group in the country, we are grateful for this opportunity to speak out on their behalf.

We find ourselves at this point of time seeking to avert passage of legislation supported by organized labor which would make it a criminal offense for an employer to knowingly hire an illegal alien.

Since the term "illegal alien" is a code word for Mexicans in the Southwest and Spanish-speaking people from the Caribbean and South America in this part of the country, the bills pending before Congress to control their entry are all basically an attempt to further restrict the entry of Spanish-speaking people into the United States.

The effects of this legislation, if passed, will not only have a profound affect on our relations and national image in Mexico and Latin America; it will create a group permanent Second Class citizens in this country, who because they are brown or black or look foreign, will forever have to walk around with internal passports to prove that even though they don't look "American," they were indeed born here or are citizens.

Some of the people who have testified before this Subcommittee in other cities find nothing wrong with this. We do, and the community we serve does.

The current illegal alien problem was created in great part by the very forces who are here today seeking passage of this obnoxious legislation.

We think there are simpler solutions to control the influx of illegal aliens. Not new solutions, but simpler and certainly less burdensome, not only for the Spanish-speaking, but for society at large.

It is unfortunate that the issues involved in these hearings have been clouded by a well-planned campaign to create nation-wide hysteria being conducted by the American Federal Government Employees Union, in conjunction with vigilantes of yellow journalism.

You will recall the now famous "Tortilla Factory" Raids which were designed to gain nation-wide publicity for the union's cause by impugning the character of Mrs. Romana Banuelos, then a nominee for Treasurer of the United States.

Coincidentally members of the New York Local obliged the reporters of the Daily News and other newspapers with invitations to staged raids at factories around New York, at West Point and at the Maritime Academy.

We are told of how many illegal aliens were rounded up by these posses . . . we are not told of how many American citizens of Latin extraction who look just like an illegal alien, were subjected to the embarrassment and indignity of being rounded up and forced to prove their right to be here.

Indeed, some proponents of this legislation, such as State Senator Dickson Arnett, of California, cannot comprehend the protest and outrage of the Mexican-American community when subjected to Gestapo-like raids conducted by Immigration and Police officers who pull people out of their beds at 4:00 A.M., and haul them off to the station. He cannot comprehend why a citizen of Mexican-American descent should be so outraged, when the Officers are only performing their duty.

The American Federal Government Employees Unions have been seeking two objectives:

First, an increase in money and personnel for the Immigration and Naturalization Service, so it can step up the raids, which are already terrorizing Spanish communities.

The second, is to give support for more restrictive legislation, such as that being proposed here today, which given time, could turn this country into a nightmare police state.

Throughout all of this, both the unions and some of the press have used incredible, unsubstantiated charges to color and smear the illegal alien problem.

We called Mr. Richard Cull the Information Officer of the Immigration and Naturalization Service, and asked him if the numbers and accusations Mr. Ed Kavazanjian had fed the Daily News were correct.

Mr. Cull replied that the Department had no information that backed up the characterization of aliens made by the Daily News.

Mr. Sol Marks, New York District Director, said he was not at all sure about the accuracy of those articles.

Yet, the Immigration Employees Union and certain members of the press continue characterizing this entire class of people as being dope pushers, welfare racketeers, Communists, carriers of disease, criminals and the cause of our high rate of unemployment.

This campaign and its reporting is blatantly racist. We have not read about forays of Immigration Officers rounding up British Secretaries along Madison Avenue. We have yet to see in any newspaper headline the alleged sins of the Canadian, or German, or French illegal alien population, characterized by the press, as they have headlined those of the Spanish and Chinese here in New York.

Two things stand out when it comes to aliens, legal or illegal. First, the subject of immigration and all legislation affecting it has been based on fear, bigotry and the preservation of vested interests. Second, that in all these hearings and discussions over the years, the roles remain the same—only the actors change. Every argument you have heard and will hear from the Restrictionists regarding today's illegal alien problem has been used by their predecessors who labored so long to stem the flow of immigrants into this country and were responsible for the first restrictive immigration act of 1924 and its revision in 1965. Then, as now, these forces have fought the entry of foreigners into this country on the pretext that they:

(1) Take jobs away from American citizens.

(2) Lower the standard of living and depress wages.

(3) Carry communicable diseases.

(4) Drink alcoholic beverages (today they are accused of trafficking in drugs).

(5) Swell our welfare rolls.

(6) Constitute a burden on our public schools and services.

(7) They are subversives or anarchists (today they are communists).

(8) That we must protect these unfortunate people from the abuses of unscrupulous employers.

All these charges have been part and parcel of the verbal arsenal of restrictionists and racial purists for the past hundred years. It is ironic that the parents and grandparents of some of the people making these charges today were characterized in this same fashion. We have an illegal alien problem today because the proponents of the legislation before you were successful in establishing, for the first time in 1965, a quota system on legal immigration from the Western Hemisphere nations. They were successful in closing down the Bracero program in the Southwest and severely limiting the importation of temporary workers into other parts of the country. They have turned, and here I quote Mr. Delfino Varela who testified before this committee in Los Angeles, "They have turned the labor certification procedures into a farce."

These recent restrictions may have created a tighter labor market, and it may have protected the country from some of the undesirable traits foreign workers bring in with them, but it hasn't done much for our society at large, and it certainly didn't irradicate the work that had to be done nor the jobs that were available.

So, instead of a sensibly administered program to handle legal immigration on the basis of what is good for *all* of the people of this country and not just some of the people in this country . . . instead of a sensible and non-discriminatory system to administer the importation of temporary workers to perform the tasks most American citizens no longer want to perform . . . we are on the verge of creating a society where none but the Super Rich will be able to enjoy even the most modest amenities of life. We must endure poor service, ill treatment, shoddy workmanship, dirty streets, higher prices and tasteless, chemically grown and mechanically harvested foods.

We are forcing small farmers and small businessmen off the land and out of business by the millions. Our high-priced products can not compete in world markets, and we force our industry overseas to find the labor supply no longer available in this country.

At the same time, we oblige hundreds of thousands of decent human beings who need, and are willing to perform this work, to enter the country like criminals or vermin, or to be smuggled in like cheap cargo.

The Restrictionists will tell you here today that we must keep foreigners out because of our high unemployment rate and our swelling welfare rolls. There no longer seems, however, to be very much of a correlation between unemployment, welfare, and work that is available.

There is, on the other hand, high unemployment amongst skilled and highly trained workers—the very class of immigrant our laws encourage to enter legally here, while we perversely keep out seed immigrants who are so badly needed.

You have heard testimony around the country that the majority of these illegal aliens, strangers to the land, people who cannot speak English, are able to find work within 24 to 48 hours after entering this country. Not only that, they pay hundreds and sometimes thousands of dollars to buy forged papers or to be smuggled in to perform the jobs we are told do not exist, or are no longer needed in our economy.

Further, as you know from testimony before this subcommittee, most of these illegal aliens are working in jobs that pay minimum wage scales or far better.

We are asked by the Restrictionists to keep out foreigners so they will not be exploited by greedy employers. They gloss over the fact that a greedy employer is a greedy employer, whether he deals with a citizen or an alien and that we have the laws and the machinery to enforce or to establish wage scales and working conditions where they do not exist. We do not need to turn the country into a police state to remedy that situation.

The unions who are backing this legislation, despite their previous record in this area, would have us believe they only fought to protect the minority worker by demanding this action against illegal aliens. How can they protect minority workers when they engage in a publicity campaign which raises prejudice against all Spanish, Blacks from the Caribbean, Chinese and other groups whether they be citizens or non-citizens? How can they avoid these charges of racism when they seem to have little objection to white Canadians working here?

In 1970 the Immigration & Naturalization Service certified 26,862 Canadians as temporary workers in the United States. It admitted only 1,625 Mexicans. Yet, the Canadians with their superior education and knowledge of English, undoubtedly are better qualified to occupy the kind of jobs that Americans would want. There are currently 4,000 Canadians who have construction jobs in the United States. How is it that they have these jobs when our black and Puerto Rican citizens are pleading to be admitted to the construction unions. I am not by any means making a statement against Canadians, I am only pointing out that the call for criminal penalties and police state legislation is not necessarily directed against all aliens, it is skewed more heavily in the direction of certain nationalities. Certainly American labor should be protected from unfair competition. As I have already said, these illegal aliens rarely constitute "unfair competition" since they are doing jobs that no one else wants to perform.

We understand that this subcommittee feels a responsibility to make certain that Americans know their rights are being protected. It appears that the present threat from aliens to American workers, at this point, stems more from their being here in an illegal status. We feel that justice would prevail for all concerned if the use of alien labor were legalized—thus ending its blackmail status.

Industrialized nations of northern Europe who compete so successfully with us in overseas markets employ some six million aliens from their Southern neighbours. Such a program, properly organized as it seems to be, has enabled European manufacturers to lower their costs considerably and free their own citizens for more interesting and rewarding jobs. It has had the further benefit of spreading prosperity and raising these countries' standard of living. Therefore, we propose that aliens be legally admitted into the United States as temporary workers to perform the jobs and services American citizens no longer want to perform. Perhaps what we are talking about is an administrative setup patterned on the procedures currently being employed by European nations, a system which granted temporary work permits on the basis of our country's needs and not on any national or racial basis, a first come, first served most qualified basis. This program would be outside the quota restrictions for permanent residence and would not include any citizenship rights. Foreign workers could receive a work certificate for a stated period of time, six months, a year, two years, whatever. The Department of Labor would publish job lists as it does now. The temporary alien worker would be required to pay an admittance tax to handle the cost of processing his papers, he would post a bond to insure that he would leave or be required to deposit a return trip airline ticket. If his job were unionized, he would join the union. He would pay taxes while he is here. Most important, he would not be entitled to unemployment or welfare benefits.

We know from past experience that the majority of alien workers, if assured that they will be able to come back again, prefer to return home to their families. There has always been a direct correlation between restrictiveness of our visa policies and apprehension of illegal aliens in this country. Nowadays, since we have practically cut off the legal flow of temporary works, many don't dare return for fear they won't find the means of getting in again. Further, we believe the government should offer an amnesty to the illegal aliens and allow them to get their papers and residence normalized, provided they are people of good character and are residing and working in this country today.

Lastly, and we cast no aspersions on any member of this Committee, it might not be a bad idea for a member of Congress of Spanish descent, be named to the House Committee of Immigration and Naturalization Service.

LEGISLATION TO EXTEND CHILDREN AND YOUTH AND MATERNAL AND INFANT CARE PROJECT UNDER TITLE V OF THE SOCIAL SECURITY ACT

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. KOCH. Mr. Speaker, I have introduced legislation to extend the Federal funding for the Children and Youth and Maternal and Infant Care projects for an additional 5 years as these special project grants under title V of the Social Security Act are scheduled to terminate on July 30, 1972, under current law.

This bill is cosponsored by 86 Members of the House and has been introduced in the Senate by Senators GAYLORD NELSON and EDWARD KENNEDY with 15 other sponsors. This week, the Senate Finance Committee has added an amendment to House Resolution 1 providing for a 2-year extension of these project grants.

These projects render quality medical care at low cost to mothers and children in low-income families within medically deprived communities. One such project specifically for teenagers was recently discussed in the American Medical News. I am appending a copy of that article for the interest of our colleagues.

The article follows:

PROGRAMS MEET SPECIAL NEEDS OF ADOLESCENTS

Thirteen-year-old Donald is subject to epileptic seizures. His parents are divorced and he lives with an over-protective mother who worries about him being away from home and tries to restrict his participation in sports and other school activities.

Donald's classmates occasionally make fun of him when he tells them about his "handicap." He becomes angry and a fight usually results.

Recently, Donald visited a special clinic for teenagers at Columbus (Ohio) Children's Hospital. He had been there before and received medication and advice on how to handle his situation.

On this occasion, Donald met for an hour with Thomas E. Shaffer, MD, the clinic's director. Dr. Shaffer had a frank discussion with Donald, told him a stronger medication might be necessary, and indicated that he would speak again with Donald's mother in an effort to provide him with more liberties away from home. Dr. Shaffer advised Donald to tell inquiring friends that he has a "special problem" instead of a "handicap" and make a greater effort to control his temper.

Another visitor to the Columbus teenage clinic was 12-year-old Becky, who doesn't want to be treated like a child, but is fearful of what becoming a teenager may mean. Her parents separated about a year ago and since then she has been resentful of her mother and younger brothers and sisters.

Becky believes most people are against her. In an effort to remain home from school, she complains of imaginary ailments. Recently she was hospitalized for emotional problems.

Alice Dawson, a social worker at the clinic, spoke separately with Becky and her mother, who accompanied Becky on this visit. Miss Dawson tried to make both Becky and her mother more understanding of each other.

Becky said she likes to see Miss Dawson because she is "good" as opposed to her mother who is "bad." The social worker tried to impress on Becky that no one is either "all good" or "all bad."

Donald and Becky are typical of the more than 100 inner-city teenagers who visit the outpatient clinic at Columbus Children's hospital each week. They are also typical of those who visit the more than 60 other adolescent outpatient clinics or wards at other hospitals and medical centers throughout the country.

Like Donald and Becky, most teenagers seen in these clinics have emotional, social, and behavioral problems in addition to medical problems.

Irene M. Josselyn, MD, author of *Adolescence*, wrote, "Adolescents are not reworking past problems, they are living through new and strange ones, and they need all the support they can get."

In recent years, pediatricians, family practitioners, and other health professionals have been paying more attention to the special problems of teenagers who find themselves at an awkward age. The problem, according to health officials, is that adolescents are at the far end of the pediatricians' field of interest and have not really been picked up by the internists and family physicians.

Now that the special needs of teenagers are beginning to be realized, there emerges a new problem: How can those needs be most successfully handled?

The American Medical Association, for one, has seen the need for improved health care for all children and young adults. Major emphasis will be given to this group during the AMA's National Congress on the Quality of Life, March 22–25, in Chicago.

Many health leaders have attributed the growing awareness of adolescent problems to J. Roswell Gallagher, MD, who is often referred to as the "father of adolescent medicine." Dr. Gallagher established the first special clinic devoted to teenage health in 1951 at Boston Children's Hospital. Just 10 years ago, there were still only a handful of these clinics, but the number has been growing rapidly since then.

Many of these outpatient clinics are university-based and part of teaching hospitals, like the one at Columbus Children's Hospital which is used by Ohio State U. as one of its teaching facilities.

The teenage clinic in Columbus opened in 1958 and operated for a half day twice a week in a portion of the hopsital's regular outpatient clinics. Now, it operates from 8:30 a.m. to 4:30 p.m. Monday through Friday in a separate clinic area some distance from the general outpatient clinics where younger children are seen.

Those needing care on evenings or weekends are seen either in the hospital's emergency room or in an evening clinic set up to handle trauma and other acute problems.

Although the age of patients is in the 12–19 range, the average age is about 15 or 16. Most are members of families that are on some type of welfare program. Approximately half of the teenagers originally came to the hospital's emergency room for primary care and then began to be seen in the clinic. The other half were referred by schools, other physicians, public health nurses and departments, and other agencies in the city.

Nearly 60% of the patients at Dr. Shaffer's clinic are girls, because of the heavy pediatrician, obstetrician-gynecologist influence among the staff and the emphasis on such programs as venereal disease, pregnancy prevention, and menstrual problems. The clinic operates primarily by appointments, of which 50–60% are kept. This is a good percentage, according to the staff, because teenagers make their own appointments and generally come alone after their first visit.

Dr. Shaffer said that 10 years ago his clinic in Columbus was relatively unknown. "Now people know about it wherever you go."

He defines the clinic as "a facility for providing comprehensive health services for youth." Included in comprehensive care, he lists the clinic's preventive, social, psychological, diagnostic, treatment, educational, and rehabilitative services.

"Teenagers are the last group whose problems have come to the surface," said Dr. Shaffer. "Many thought they had no real needs of their own."

According to Dr. Shaffer, nearly all the teenagers visiting the clinic are experiencing a crisis. "It may not be a crisis that threatens life. It may have resulted from family discord or a death in the family.

"We must look at this crisis and ask these young people how they look at themselves. We don't just take care of their shots and vitamins. We ask such questions as how are things at home or school, and if they are going steady. Teenagers must be with people they trust, and we try to get them to bring their problems out into the open," said Dr. Shaffer, who is vice president of the Society for Adolescent Medicine.

John Stephenson, MD, another pediatrician on the clinic staff, said that an attempt is made to reach out to all teenagers "whether their problem is a broken arm or a broken heart."

He added, "We're also trying to teach them how to use a physician in the future and such things as what a good physician does."

Dr. Stephenson said a major goal of the teenage clinic is its attempt to teach the concept of adolescence to medical students and house staff at Children's Hospital.

"The problems of teenagers could be emotional or organic and it is a real challenge to get this point across to others who will be giving care across the country."

At various times each month, Dr. Shaffer and other members of his clinic staff conduct sessions with other disciplines throughout the hospital, including those who serve inpatients. Drs. Shaffer, Stephenson, and others at the teenage clinic are available as consultants to other youth-oriented programs in Columbus and also help staff a satellite clinic in another section of the city that is part of the hospital's children and youth programs.

Because the hospital is affiliated with Ohio State U. (Dr. Shaffer is also a professor in the department of pediatrics at OSU), all first-year residents spend one month in training at the teenage clinic and others further serve the clinic by taking an elective in adolescent medicine.

In addition to Drs. Shaffer and Stephenson, the permanent clinic staff includes another pediatrician who is on a fellowship in the department of pediatrics at OSU, the one rotating resident per month, three social workers, a registered nurse, a practical nurse, a receptionist, and a secretary.

A consulting psychiatrist and a consulting psychologist also serve the clinic. In addition, a gynecologist and dermatologist hold weekly clinics and an endocrinologist visits once a month.

Audrey Kalafatich, RN, is a volunteer nursing consultant to the clinic. She is in charge of the masters program in child health care at OSU.

"I try to help the kids get together with the medical treatment," Miss Kalafatich said. Last summer she conducted an eight-week group session on obesity for girls 13–16. This is a common problem among those seen at the clinic.

Mrs. Nancy Bruce, another social worker, believes the work the clinic does in prevention and early intervention is among its greatest values.

"We see problems from the very beginning and have a chance to do something before there is a major breakdown," Mrs. Bruce said. "We see a child, for example, who has a physical complaint and is missing school. This could be related to family problems."

A big problem in Columbus, she said, is that there are no social workers in the school system where many teenage problems could be spotted.

Mrs. Bruce indicated a big need for the teenage clinic is to develop more comprehensive services for unwed mothers and for adolescent mothers after delivery.

Some 80 pregnant teenagers come through the clinic each year. They are referred to the hospital's social services department. The role of the teenage clinic is to examine their problems and see that they are referred to prenatal clinics and receive followup services.

An extensive pregnancy prevention program is also conducted in the teenage clinic.

The clinic handles virtually all teenage problems. It doesn't deal with severe psychiatric problems but does have a consulting psychiatrist in Gene Arnold, MD. "Probably one-third of those who come to the teenage clinic could use some type of consulting or psychotherapy help," he said.

Basic drug detoxification programs are conducted in the stimulant and depressant areas, but the clinic doesn't get involved with hard drug users.

Like many other hospital-based outpatient clinics for teenagers, the Columbus clinic has financial problems. It has been receiving about $100,000 annually in state and federal funds as part of the federal special projects grant for children and youth and maternal and infant care given to the hospital five years ago.

Extension of authorizing legislation currently is needed so that these projects may continue without direct federal support after June 30. There has been considerable speculation on whether the programs will be extended.

In addition to visiting the Columbus, Ohio, clinic, *American Medical News* also spoke with other physicians concerned with adolescent medicine to learn more of the problems and needs of teenagers.

There was consensus that pediatricians, family practitioners, and other health professionals should get more involved in examining the behavioral, emotional, and social problems of teenagers in addition to treating their medical needs. Teenagers, it was pointed out, cause some unique problems for physicians and many physicians do not have the expertise or willingness to deal with these special problems.

Others indicated that teenagers may be reluctant to reach out to these hospital-based, "establishment-type" clinics. Instead, they may choose to go to a free clinic where more confidentiality and simplification of services may exist (AMN, Feb. 21, 1972).

Sprague Hazard, MD, chairman of the American Academy of Pediatrics committee on youth, said major emphasis of his committee is being given to examining alternative arrangements like the free clinics and trying to determine if the pediatric community should take a position on alternative arrangements.

His committee, Dr. Hazard said, also supports legislation on uniform consent for minors to allow teenagers to receive health care in a private and confidential as adults do.

Dr. Hazard, who is director of health services at Brandeis U., Waltham, Mass., said the committee also is concerned with health care of youths who are in detention. "We will take a strong position on this and plan to mount a national conference in this regard," he said.

He added, "Young people are human beings. They require dignified, compassionate, and nonjudgmental care. Moralizing over some of the unattractive behavioral patterns of the young is not the way to care for them. They must be treated as individuals."

V. Robert Allen, MD, a member of the AAP's committee on youth, said that "the teenager is not so much forgotten as he is ignored. We haven't concentrated specifically on their problems. Now that we're doing more of this, we must find out how to treat them more effectively."

Dr. Allen, director of student health services and assistant clinical professor of pediatrics at the U. of California at San Diego, said that in dealing with a teenager, a physician must realize what that teenager may consider to be his rights.

These rights, he said, include where to go for his needs, such as the hospital or free clinics; the right to confidentiality in discussing problems with physicians; and the right to have a voice in his own government.

"The young need as much legal and legislative help as they do medical help," Dr. Allen said, "and physicians must recognize this."

"Is all this concern over the young necessary? Yes it is. The survival of the human species may depend on it."

Although there needs to be greater awareness that teenagers have special problems, Dr. Allen said, "We don't need to create another group of specialists to care for them."

Robert Deisher, MD, is chairman of the recently-established committee on adolescence of the American Public Health Assn.

The committee, he said, will look into the need for more preventive services. He added that little concern or involvement in the problems of adolescents has been shown to date by local and state public health departments.

He called the minimal amount of financing for adolescent medicine a "national scandal."

Natalia Tanner, MD, a Detroit pediatrician, describes herself as a "crib-to-college doctor" since most of the teenagers she serves have been seeing her since infancy. This is not the case with some pediatricians who lose many of their patients when they reach their early teens.

Dr. Tanner, a former chairman of the pediatric section of the National Medical Assn. and member of several committees of the American Academy of Pediatrics, said that 75% of her office time is spent talking with teenagers about problems not directly related to their health needs. She discusses such subjects as their academic achievements, community activities, and employment needs.

"The key to success is relating to these patients and hearing what the kids have to say," Dr. Tanner said.

Finally, there is Felix Heald, MD, president of the Society for Adolescent Medicine, who believes that more innovative programs are needed for teenagers. Dr. Heald is also director of the division of adolescent medicine at the U. of Maryland Hospital and professor of pediatrics at the university's school of medicine. He suggested that comprehensive youth health centers are one model that could be established to provide medicine, mental health, and vocational and rehabilitative programs under one roof.

"Practicing pediatricians are unique because they have been sensitive to the social and medical needs of youth and have been very responsive in meeting these needs," said Dr. Heald.

Although there is disagreement on how adolescents should be treated, it is generally agreed by physicians that teenagers have unique problems and needs and should be managed differently from younger children and adults.

J. Roswell Gallagher, MD, once suggested, "If you don't like adolescents, don't treat 'em." But he added, "You don't have to be for sin or against parents, and you don't always have to agree with adolescents—but you should be on their side."

MORE FREE ENTERPRISE, LESS SOCIAL PLANNING NEEDED FOR TRUE PROGRESS IN AMERICA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. RARICK. Mr. Speaker, I have been somewhat dismayed on hearing on several different occasions recently the opinion expressed that the increasing population necessitates more Government control and regulation of our lives or that the increasing complexity of life requires that we give up some of our individual freedoms.

It appears to me, to the contrary, that as the population and the complexity of problems increase, the solutions to the problems call for more individual responsibility and free enterprise. The social planners and the social engineers are simply unqualified and unable to cope with the situation.

In an informative and thought provoking article entitled "Social Planners Have Stifled True Progress in America," Editor Ned Touchstone of the Councilor contends that energies of this great Nation are being wasted on social agitation and upon protection of entrenched international interests while inventive minds are being kept from technological progress which could benefit mankind.

I insert Mr. Touchstone's excellent article in the RECORD at this point and recommend it to our colleagues as containing ideas which if developed and implemented would lead to true progress in America:

[From the Shreveport (La.) Councilor,
Feb. 22, 1972]

SOCIAL PLANNERS HAVE STIFLED TRUE PROGRESS IN AMERICA

(By Ned Touchstone)

America in 1972 has momentarily turned its back on great riches and prosperity to search diligently for a dime's worth of nightmare.

Think with me for a moment of what we could be doing with America's manpower instead of wasting it upon the futility of social revolution.

(1) Automobiles are badly needed which can be operated by electricity, by solar power or other forms of energy easily attainable by the genius of great men in our midst. There is a limit to our known petroleum reserves but there is virtually no limit to other forms of power which would already be in use if we were not busy with social revolution.

Meanwhile the same powerful forces in America who are involved in oil deals with the Red Chinese are working to PREVENT the development of new fuel sources. When an inventor such as Gene Irwin produces a simple device to cut the gas consumption in a car he is either bought out or persecuted. He mysteriously becomes the target of every conceivable federal agency and pressure group in the country if he refuses to sell out. Lurking in the background are people who claim to be "progressive" but who are actually anti-progress.

(2) Thousands of college students are needed to be the technological leaders of the next generation. Brains are the nation's scarcest commodity.

Meanwhile on campus confused professors are telling youngsters to "get involved" in two silly social experiments long ago discredited by history: Race-mixing and Socialism. Race-mixing has brought the downfall of every nation that ever tried it. Socialism has been tried since the dawn of history and has always failed.

(3) Rapid trains are badly needed in America to whisk travelers across the nation at 300 to 500 mph speeds. We know how to build such trains but private enterprise is paying such high taxes to support a space program that there isn't enough venture capital for needed earthbound systems! There will be plenty of time to develop the moon and far-off Mars long after passenger trains start to roll again.

(4) For prosperity, America will desperately need more people in the next generation, not fewer people. We especially need more of the kind of people who made America great.

Meanwhile the so-called "progressives" and disciples of doom have convinced the white people of America that they should reduce their birth rate. These propagandists haven't done a very good job of convincing colored people to slow down in this category. Result: A time-bomb has been set to destroy the nation and it can only be defused in the bedrooms of suburbia.

(5) The moaners and groaners about the non-existent "population explosion" say that there simply will not be enough food to feed the world in the next generation.

The truth: If the last two people on Earth were lazy or morons they might have trouble finding food. At any time when morons and loafers outnumber geniuses and workers by a 10 to 1 ratio there will be a food shortage, whether there are 10 people on Earth or 10 billion.

The seas of the earth contain food treasures beyond the imagination of those who spread their genocide messages on TV and in the sick, slick magazines. Not just fish, but other substances which can be converted to food.

If America can tear itself away from Social Revolution and get down to business again, we will see giant food industries along our coastlines and on the islands of the seas.

(6) We hear the "progressives" whining about a future shortage of electrical energy. But their wails prove only that they don't have brains enough to find the front door in a slow fire drill. If falling water can turn turbines and generate electricity, why not harness the waves of the sea?

The "progressives" talk about going to the moon to find answers to some of Man's problems on Earth. But the truth is that God so arranged his universe that He sent power of the Moon to the Earth and gave us brains to use it if we will. The moon pulls at the sea day after day causing great waves to crash upon the shore. It doesn't take a great amount of intelligence to realize that here is a source of energy—virtually unlimited—just waiting for the Social Revolution to end.

(7) I heard a University professor tell his audience that the world's supplies of silver, copper and magnesium are fast being exhausted. I suspect that the gentleman is a professor because he is too stupid to learn how to plow.

There has never been a geological survey of the mineral deposits of the Earth. In fact there has been a large scale search for only one mineral: petroleum. And probably petroleum is the only mineral which is in any real danger of depletion in the centuries ahead.

But even if there were no more deposits of silver, copper and magnesium to be found near the surface of the Earth, there remain three other great sources available to men of genius:

(a) Recovery of waste or unused minerals.

(b) Extraction from the sea.

(c) Possible deposits beneath the outer crust of the Earth, too deep to be recovered by methods now known to mankind.

(8) The self-styled "progressives" have tried to cure America's economic woes with a trick device they call Paper Gold, if it's paper, it ain't gold. Not even yellow paper.

Certainly the future may produce an economic system which doesn't depend upon gold, but not in the next 10 or 20 years or maybe the next 100 years. Nations might someday trade in certificates backed up by surplus foodstuffs frozen in the polar icecap and transported there by methods yet to be devised.

But for the moment, we need gold. Instead of Uncle Sam standing on the corner selling pencils, he needs to entrust this matter to citizens with vision and ability—not the social planners who got us into this mess.

Instead of throwing up our hands in despair we should use our brains to devise more been mined out. Our excuse: This gold costs too much to mine.

Instead of throwing up our hands in despair we should use our brains to devise more economical methods to mine such gold. If some of the work needs to be done with hands instead of brains we could impress some of these able bodied men who draw welfare checks year after year.

(9) Our "progressives" are still planning giant airports with huge runways. Only a few of our more intelligent people seem to realize that the day is coming when aircraft will land and take off vertically. If we could harness a few more brains to the problem, the day would be just around the corner.

(10) Self-styled "progressives" have been busy trying to find new ways to build houses that will not last until the mortgage is paid off. About 1935, bricklayers quit laying bricks with a Flemish bond. Too much trouble. Next they switched from brick to brick veneer. Building materials get shoddier every year and 2x4 studs get smaller and smaller. If the trend is not reversed we will soon be living in plastic bags and paper sacks hung on a broom handle frame.

Isn't it about time that we used our brains to build houses that will stand 100 to 300 years instead of 10 to 30 years? We claim to have great builders but they have been too busy erecting 235 houses to try to unlock the stone masonry secrets of the Peruvians who built houses which lasted thousands of years. Let's forget socialism for a few years and provide free enterprise incentive for men who will use their heads.

(11) Mankind has made miserable misuse of radio for a half century. Perhaps this is because men like Sarnoff and his ilk dominated the field and they were more interested in propaganda and selling toothpaste for Lever Brothers than they were in developing radio. Despite this feet dragging, we already have the technology for using radio 10 times more effectively than it is now being used to transmit information.

Information about ever conceivable subject, from stamp-collecting to vocational training, from flower-arranging to equipment sales, can be transmitted by radio in a usable form, through 24-hour rapid transmission for recorder reception.

A radio receiver can be easily built which will record a special program or programs equipped with a pre-set timing device. For instance: Contractors could get information upon new projects on a special broadcast from 1:10 a.m. until 1:18 a.m. each day. They would merely set a timer on their receiving set to trigger a tape-recorder to operate at that time. The sending station could transmit 40 minutes of transmission in eight minutes by transmitting from a tape played at five times regular speed. The receiving set would also record on a tape operated at five times regular speed, but played back at normal speed.

One transmitting station could transmit as much information as contained in a set of encyclopediae in little more than a day's time, but the receiver would record only that information that he desired.

Why aren't things like this being done in 1972? Simply because we are too busy with our ill-fated Social Revolution to concern ourselves with progress. The entire program could be put in operation for a tiny portion of what we are now spending to subsidize "Sesame Street" to brain-wash innocent little children.

THE FINAL ENVIRONMENTAL IMPACT STATEMENT ON THE PROPOSED TRANS-ALASKA PIPELINE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. ASPIN. Mr. Speaker, as you know, Monday the Interior Department issued its final environmental impact statement on the proposed Trans-Alaska pipeline, as required by the National Environmental Policy Act of 1969. The interior study is composed of six volumes on the environmental aspects of this proposed project and the alternatives to it and three volumes on its economic aspects.

Because of the study's volume I would not want to give a definitive reaction to it at this time. However, I have looked with some depth into the study's environmental and economic comparison of the trans-Canadian pipeline alternative. The environmental analysis of the Canadian pipeline appears considerably more comprehensive, honest and accurate than the analysis contained in the draft impact statement. The economic analysis and comparison of the Canadian pipeline, which concludes that the trans-Canadian and the trans-Alaskan pipelines are "equally efficient," is inadequate and less than candid. In short, the economic analysis is a snow job. More will be said on this at a later date.

I would like to include in the RECORD today the transcript with Secretary of the Interior Rogers C. B. Morton aired on the "Today Show" Tuesday morning. Many of Mr. Morton's statements contain misinformation; some of his statements are actually contradicted by his own Department's impact statement. I am sure that those of my colleagues interested in this important project will find Secretary Morton's interview quite interesting. It follows:

AN INTERVIEW WITH SECRETARY ROGERS C. B. MORTON

FRANK MCGEE. The Interior Department put out a master study yesterday on what the proposed Alaska oil pipeline might do to the environment. The report concluded that the pipeline will be the cheapest way to get the oil out, but it would have damaging effects.

We've asked the Secretary of the Interior, Rogers Morton, to talk with us about that this morning and other ecological matters, as well. And Morton's in our Washington studio with "Today" Washington editor, Bill Monroe.

BILL MONROE. Good morning, Frank.

Secretary Morton, there's been some speculation that you might not make a decision on whether to accept the application to build this Alaska pipeline until after the election. Are you going to decide before that?

Secretary ROGERS C. B. MORTON. Well, I think it would only be fair to decide before that. I would like to leave the report sort of soak for about forty-five days or so so that people will have a chance to look at it and comment on it. But I think shortly thereafter, a decision should be made one way or the other.

MONROE. Is it possible you might come out with a decision between two and three months?

Secretary MORTON. Yes, quite possible. Of course, the only thing we're able to do is to inform the court, if we decide affirmatively, that we're going to decide affirmatively, because we're under an injunction not to proceed.

MONROE. A good deal of the material in your report indicates that the Canadian route—and there's no application right now for a Canadian route—but a Canadian route would be less damaging to the environment in several ways. There would be no tankers involved, so no oil spills at sea. Since it's expected that a gas pipeline would be built through Canada, if you built an oil pipeline, the two could go in the same corridor, so you wouldn't have two different corridors. And it would also be less earthquake prone through Canada. And yet, there's an assumption that the Interior Department and you will decide in favor of the Alaskan pipe.

Secretary MORTON. Well, as you said at the beginning, Bill, there is no application before us for a pipeline other than the one through Alaska.

I think, perhaps, you should give a little closer analysis to the report, because I believe the seismic risks are just about even both ways. Of course, the tanker problem cuts two ways also. Because if the pipeline went through Canada and if it ended up in the middle of the country, you would then have to bring oil into the West Coast by tanker. So the same amount of oil would be arriving by tanker. And these tankers would be foreign flag tankers; they would be tankers over which we have no control, whereas the Valdez to West Coast tankers will be Jones Act tankers; they will be American ships; they will be of the highest standard.

So we could be—and the environmental balance could be thrown really against us, if we went through Canada. This would have to be analyzed. But the fact is that the Canadians, or any Canadian interest or Canadian oil companies, have not—or American oil companies, for that matter, have not chosen to go that route. The oil is needed in Region V, which is the West Coast. And I guess we'll have to make a decision on what we have before us.

MONROE. You concede, apparently, from what you've said, that it would be an advantage to go through Canada in the sense of having a single corridor for both gas and oil.

Secretary MORTON. Well, yes, from a single corridor point of view. But the American part of that corridor would be very small. And in the Alaskan land withdrawal, in the public interest withdrawal that we made the other day, we did set aside a corridor that would go underneath the Arctic wildlife range, just south of it, into Canada. There would be a great deal more land environment disturbed by a Canadian pipeline, a great deal more. And the cost of it would be probably over twice as much as the Alaskan concept.

And I believe that the technology for handling oil on the water—new ships, new techniques, new safety devices—will mean that we can handle oil that way probably, environmentally, more compatible than we can any other way. Because there's been a great movement, as you know, in this direction.

MCGEE. Mr. Secretary, this is Frank McGee in New York. At least three major environmental groups, I understand, are asking for further public hearings on this matter before a decision is taken by you and your department. Would you favor such hearings?

Secretary MORTON. Well, I'm going to leave the report open for comment from everybody for forty-five days. And we've circulated the report to libraries all across the country. And we're making it available at the lowest possible price to anybody who wants it. And I would like to hear from everybody who has something to say about it.

If you have a public hearing and give somebody an hour, an hour and a half, or something like that, to discuss it, it's so complicated and it's so big that I don't think we would learn anything new. I think the opportunity to get comments on which there could really be some valid evidence as to the adequacy of our report is better served by allowing, say, forty-five days. And if it takes more than that, and the public wants more time than that, I'm perfectly willing to give them more time than that to tell us what they think.

But to stand up for giving every witness an hour, say, and say there were a thousand witnesses that wanted to testify, I don't think we would learn anything, and we'd get a lot of material that we couldn't analyze and use. Whereas if the scholars will let us know what they think and these environmental groups will let us know what they think, we will incorporate these comments into the decision-making process.

MONROE. Frank or Roger.

ROGER CARAS. Mr. Secretary, is there any claim, or any truth to the claim, that the oil coming from Alaska is destined for a market in Japan and not for use in the United States?

Secretary MORTON. Well, it would seem very unlikely. In the first place, you couldn't get as much for it in Japan as you could in the United States. And the other point is that we're short of oil. And by 1980, for example, when this pipeline's just getting fully matured, I think that we'll be importing probably twenty-five to thirty percent of our oil requirement. The only possible avenue that I can see for a Japanese trade in this oil would be where we sent some oil from Valdez to Japan in exchange for oil that they had purchased, say, in Africa or in the Middle East and save some shipping thereby.

But there'd be no reason, economic reason whatsoever, to export this oil to any country.

MONROE. Mr. Secretary, do you look on the possible damage to the ocean from a pollution point of view, from the use of tankers between Alaska and the West Coast as the worst possible threat from this pipeline? The report says that accidents to tankers may cause spillage of as much as a hundred and forty thousand barrels a year. And it talks about chronic pollution in Valdez, Alaska area and the possible damage to salmon fish of about four hundred thousand dollars a year.

Secretary MORTON. Well, we think that by the kind of controls that we can install at Valdez in the terminal, in the maritime facility that such pollution could be avoided. But shipping, general shipping accounts for about—and the tankers—accounts for about sixty percent of the ocean oil pollution. About forty percent is accounted for by drainage from crankcases—from cars and buses and trucks.

MONROE. Coming into the ocean from the rivers?

Secretary MORTON. Yes, from the waterways. And there's no way you can cut it. If you bring this oil into the middle of the country, you're going to have to service the West Coast from oil that bought offshore. And then you have no control over the tankers. You'll have all kinds of convenience flags, foreign tankers, rust buckets, and everything else bringing that oil in. So you're probably going to get a lot less oil pollution in the ocean by controlling it with American ships and using this route.

That doesn't mean that I've come to the conclusion that this is what we ought to do. This is just one of the tools in the decision-making process.

CARAS. Bill, can I come in again?

MONROE. Yes.

CARAS. Mr. Secretary, this is Roger Caras again. Sir, history would seem to demonstrate that a seismic disturbance along the route of this pipeline is not a likelihood, but eventually, at least, would be a certainty. What can be done to keep the pipeline from rupturing in the event of a major seismic disturbance?

Secretary MORTON. Stipulations have been put into the design of the pipeline and agreed to by the applicants that will put the necessary loops in the pipeline to make it strong enough to withstand earthquakes. And we have learned a good deal about this over the last years, dating all the way back to the great San Francisco Earthquake. And I think combatting the seismic forces is an engineering practicality, and they can do it.

MONROE. The report indicates there might be some problems to caribou migration in terms of this pipeline presenting a barrier. Does that seem very serious to you?

Secretary MORTON. Well, this is one of the things I want to look at. I want to look at all the research that's been done. A lot of research has been done in this area. And test pipelines have been constructed in the Arctic, and the caribou so far have been willing to go over them, been willing to go under them. And if they're short enough, they go around them.

MONROE. Thank you very much, Secretary of the Interior, Rogers Morton.

TEXAS OIL GATES THROWN WIDE OPEN

HON. GRAHAM PURCELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. PURCELL. Mr. Speaker, a drastic and extremely dangerous slowdown in American oilfield exploration is an indisputable fact. In 1952 there were almost 9,000 crew months of geophysical activity in this country. According to the Library of Congress, by last year this figure had declined to just over 2,500 crew months. During this time the number of active drilling rigs plummeted to a level only 37 percent of a 1952 figure of 2,641 rigs.

This downward trend has been imposed by Federal law and policy. The imposition came at a time when we should have been spending more and more time and energy in finding and developing viable energy reserves. The easy-to-find reservoirs, using known technology, have already been found. The percentage of successful discoveries has grown steadily worse. In 1958, 19.82 percent of all starts were successful; in 1968 only 14.56 percent produced anything. Of equal importance is the fact that the average depth of the successful starts has increased from 4,900 to 5,800 feet during this period, making the search more expensive for each attempt that is made.

Last week the Texas Railroad Commission ordered a 100 percent market demand factor for April. For the first time in almost a quarter century, our exploration levels are such that a decision of this kind finally became necessary. Mr. Speaker, this is the result of: First, a continuing insistence upon more and more oil import quota relaxations; and second, it is the result of a congressional decision to cut the oil depletion allowance by 20 percent, a move which was included in the Tax Reform Act of 1969.

Mr. Speaker, to those Members who voted for this 20 percent slash in the depletion allowance, I fervently hope the article which I am enclosing in the RECORD at this point will signal more strongly the desperate need for all possible incentives for the further development of our country's energy resources. In my opinion, the day this Congress allowed that cut to be included in a tax reform package was a very unfortunate one. If something is not done to reverse its damage, we could well be left in the lurch without our traditional energy reserves.

The recent step taken in Texas is the last step that can be made. It is an unfortunate one. But that makes it no less unavoidable. I am inserting an article from the Amarillo Daily News which describes the Texas decision. I commend it to the personal attention of every Member:

[From the Amarillo Daily News, Mar. 17, 1972]

TEXAS OIL GATES THROWN WIDE OPEN

(By Jim Walker)

EL PASO.—The Texas Railroad Commission Thursday ordered a 100 per cent market demand factor for April, the first time the gates have been totally opened for Texas oil since 1948.

Terming the El Paso meeting "historic and a rather sad one" Byron Tunnell, commission chairman, announced the 100 per cent factor after a parade of oil company executives gave their outlook on the state of the industry for the coming year.

The shortage of crude was the dominant theme of the executives. Nominations for April were up more than 157,754 barrels daily over March.

The announcement by Tunnell was made in the dramatic setting of a packed room atop the Holiday Inn Downtown in El Paso. Tunnell said he would like to be in Washington today "when the bottom doesn't drop out of the price of oil."

Tunnell's preference was obviously aimed at critics who have said market demand proration is simply a device to maintain the price of oil.

Tunnell said he was saddened because the rest of the world has always looked to Texas in the past "as that fine old warrior" who could fill in the oil needs in time of emergency. He said the "old warrior can't rise to the occasion" any longer.

Tunnell said the commission would keep a close watch on reservoir pressures and order a reduced level of production if evidence of damage to producing zones because of excessive production rates is reported.

He assailed federal policy saying, "At the very time incentives needed to be increased they were removing incentives." He alluded to a cut in the depletion rate and other tax changes which adversely affected the petroleum industry.

Tunnell said, "I'm firmly convinced the only way the industry can develop absolutely needed new reserves is to get a higher price."

He called on the federal government to "provide a profitable and stable investment climate to reverse downward trend of oil reserves."

Tunnell more than once said Alaskan North Slope oil must be brought to market "caribou notwithstanding."

Jim Langdon, commission member, questioned several executives on the possibility of synthetic crude filling some of the shortage.

W. A. Roberts, executive vice president of Phillips Petroleum Co., said synthetic fuel from shale oil will be a factor someday but noted the capital cost of development will be tremendous and predicted environmental problems for the process.

Avery Rush Jr., president of Diamond Shamrock Oil and Gas Co. of Amarillo, making his company's presentation before the commission, said the petroleum industry seems to have had some success in telling its story on the shortage of natural gas to the public. He said the industry has not had the same success in explaining the shortage of oil "and there is a crude shortage now."

He said, "The increasing import level for foreign crude oil is one of the major factors which continue to exert the wrong kind of pressure on our domestic exploration." He called for bringing in as many domestic sources as soon as possible including the Alaskan North Slope, Gulf of Alaska, Offshore Texas and Louisiana and synthetics.

He thanked the commission for "continuing to help lead the nation and our industry to a sensible balance between the demand for environmental perfection and the demand for hydrocarbons."

John K. McKinley, president of Texaco Inc., called on the commission to open the flow of Texas oil. He said, "In the present situation, in order to minimize the mounting shortages, we believe the domestic petroleum industry should produce its properties at the maximum capacity consistent with good conservation practice. Restriction of domestic production rates to lower levels does not appear justified since even at the highest anticipated production increased imports will be needed in the near future to supply the nation's energy requirements."

Wayne E. Glenn, president of Western Hemisphere Petroleum Division of Continental Oil Company, said, "Normal growth in product demand will soon absorb any surplus product stocks which may be on hand. Demand for all petroleum should increase approximately 5 per cent this year. If this estimate is accurate, then our domestic supply, in combination with import quotas already allocated, will not be adequate to meet the demand. We anticipate additional offshore and Canadian quotas will be issued this year to fill the gap."

NEW DIMENSIONS AT SBA

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. ARCHER. Mr. Speaker, our former colleague, Thomas Kleppe, the administrator of the Small Business Administration, recently completed a cross-country trip to promote the benefits of SBA loans among the Nation's bankers. During his visit to Houston, he was interviewed by Preston K. Kirk for the Houston Business Journal.

The article resulting from the interview demonstrates the new spirit which my good friend, Tom Kleppe, has brought to the operation of SBA. For the benefit of my colleagues, I am inserting the following article from the February 28, 1972 edition of the Houston Business Journal.

The article follows:

SBA'S KLEPPE: FARMBOY, DROPOUT, BEATEN CANDIDATE

(By Preston F. Kirk)

So what does a former North Dakota farmboy, college dropout and unsuccessful senatorial candidate know about business? Plenty, if he happens to be Thomas S. Kleppe, 52, a self-made millionaire, two-term congressman and administrator of the U.S. Small Business Administration.

Plenty more when you consider his agency made 24,000 loans totaling $1.3 billion in working capital to small firms in 1971 and lined up government procurement contracts going to small businesses to the tune of $11.5 billion.

Kleppe, armed with missionary zeal, was in Houston Feb. 24 to review operations of the local SBA office during his cross-country campaign of convincing the nation's 30,000 banks that they can benefit themselves and their communities by making SBA loans.

Small businesses are generally not prime candidates for bank loans, he reminds. "That's where we come in. We don't make the loan, but we guarantee 90% of it," up to $350,000.

So why the longstanding reluctance by bankers, especially since the SBA has been guaranteeing loans for 20 years now?

"Bureaucracy. Red tape," answers Kleppe (the name rhymes with peppy). "The negative attitude was it was not worth the time and trouble to go through the red tape provided by the federal government on a ½% or ¼% interest rate."

As a result the SBA, in the area of loans, has cut the number of government forms from 37 to 11, he stated. And along with this effort goes Kleppe's 13-month-old information campaign.

"We believe the banking community should use us as a catalyst in building the small business community," he emphasized. "After all, 95% of the nation's businesses are classified as small businesses, and these five million small businessmen, who account for about 37% of the Gross National Product, should have the same opportunity to strike it rich," Kleppe believes.

Apparently, somebody's getting the message.

"I'm very pleased with the progress coming from the banking community. Ten thousand banks have signed up in our agreements and it is growing. The desks of our loan officers are bulging."

The welcome side effect of creating new business is creating new jobs, and the SBA has the tools and resources to help Houston reach its goal of 160,000 job openings expected to be created during the next five years, Kleppe contends.

Of the Houston Chamber of Commerce projection, he said it is estimated 90.000 new jobs will be created and the remaining 70,000 will be replacements or attrition.

"SBA, obviously, can't do the job alone, but it has the resources and the expertise to help Houston reach that goal — particularly through its economic development program," he emphasized.

Since its inception, the federal agency's local development company program has helped create or save more than 6,000 jobs in Texas, with a total investment of over $25.5 million in federal and private capital, he reported.

"We believe it is important for each community to set up job goals, to publicize those goals and then institute community planning to reach them," Kleppe said.

Nationally, the administrator said the 3,532 facilities financed through SBA's local development company program have created, since the program's inception, some 119,000 jobs and saved or maintained over 50,000 more—for a total of 169,000 employment opportunities.

Estimating that 100 jobs bring about $750,000 of spendable income to a community each year, "these 169,000 jobs are providing over $1 billion in spendable income in over 3,000 communities," Kleppe said.

"Right here in Houston during the past fiscal year," Kleppe said, SBA increased its loan activity dollarwise by 90%—from $16.3 million to $31 million. "This means this great small business community of ours is alive and virile," he said.

"We are not in competition with the banks," he reminded. "SBA tries to fill that niche which is not bankable without a guarantee. We take risks that banks won't touch, and that's our job."

Tall and balding, the former president of the Gold Seal Co., a bleach and wax manufacturer, would probably admit the SBA can never hope to have the $14 billion the Federal Reserve estimates as the capital requirements of small business.

But it's not impossible. After all, Kleppe has bowled a perfect (300) game, survived the rodeo circuit, made a hole-in-one, and turned down a baseball offer by the St. Louis Cardinals!

"I will be asking for $5.8 billion next week," from Congress and the Office of Management and Budget, "and I feel we will get it. We've had tremendous support from the President and the administration," he said, denying that Nixon is partial to big business.

"The facts refute that Nixon favors big business. When our guaranteed authority of $2.2 billion was almost exhausted after seven months, I ran up to the (Capitol) Hill and asked for an increase to $3.1 billion, and we got it," he said.

If Kleppe wears on his sleeve his confidence in his former colleagues, then along beside it are his disappointments in the SBA performance.

Although 19% of the SBA-backed loans went to minorities, which compares favorably with the 16% minority population in the nation and outdistances the 3.5% minority-run businesses, many small businesses need management assistance more than they need capital.

"Management assistance is an important part of the small business' success or failure. We do not have enough manpower and I doubt we ever will have enough for a one-on-one basis," he lamented.

Kleppe said some management consultants had been hired and members of the Service Corps of Retired Executives (SCORE) had been utilized to "fill the gap, but pure volume has got us licked at this point, and we haven't got dollar power. We just haven't been given enough resources," he stressed.

Hopefully, funds going into the Commerce Dept.'s Office of Minority Business Enterprise (OMBE) will be used to address itself to management, giving the SBA some relief, Kleppe noted.

"We are not proud of our performance in the area of disaster loans," he added. The SBA made $300 million on 58,000 disaster loans in the last fiscal year, and "We're already over $300 million and only seven months into this fiscal year."

He said there have been five presidentially declared disasters and six declared by the SBA. "It is difficult because we can't project the need," he said.

Expanding on that subject, he said it is "penny wise and pound foolish" to try to collect small amounts above the built-in $2.500 forgiveness in disaster loans which victims are not required to repay. He said he is going to seek changes in that area with the intent of decreasing his agency's bookwork and required manpower to service the loans.

The other red badge of discouragement is the total cumulative loan loss, 4%, but "you can take either side of that debate," he said, "We keep working to reduce it." (The Houston region loss is about 3.5%, less than the national average.) "The highest rate of failures is in the service businesses.

"The important job is the judgment on the front end. If the judgment is bad, everybody loses: The small businessman whose pride is shattered, the SBA, the banker and the taxpayer.

Kleppe also made it clear the SBA has no prior restrictions on who it approves loans for—expect the news media, and loans handled by other agencies such as residential by FHA and farm loans by the Agriculture Dept.

Asked about SBA's position on franchised businesses, he admitted, "We've had some sad experiences."

The SBA came out this month in support of a proposed Federal Trade Commission regulation on disclosure requirements and prohibitions concerning franchising. Estimated annual sales of more than 400,000 franchise establishments now exceed $131 billion.

"We are interested in the franchisee getting what he is promised, and if it takes legislation, we'll be there!"

The SBA, variously described as a "sleeping giant" and a "resting place for jobless politicians," apparently has taken on new dimensions with Kleppe at the helm.

And he appears determined to stop the revolving door that has seen SBA administrators come and go every 14 months. He enters his 14th month in March.

EXPERIMENTAL R. & D. INCENTIVE AND ASSESSMENT PROGRAMS

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. BELL. Mr. Speaker, there exists throughout this Nation a condition of unemployment that has heretofore reached epidemic proportions only among the culturally deprived, educationally deficient, and elderly. Today, however, we are witnessing a tragic expansion of unemployment into the ranks of the highly skilled and educated. No one group of individuals has felt the impact of this Nation's economic paucity more than those members of the scientific community previously engaged in aerospace technology. As a consequence, there is available a great abundance of talent and skill that is either being under utilized or totally ignored. When viewed in light of this country's deteriorating balance of trade and its serious domestic problems this unemployment situation becomes even more catastrophic.

Dr. Raymond L. Bisplinghoff, Deputy Director of the National Science Foundation, in testifying before the Subcommittee on Science, Research, and Development, evidenced a recognition of the need for Federal initiatives to encourage non-Federal investment in the area of research and development. It is Dr. Bisplinghoff's intention, by proposing such a program, to restore this country to its proper position as the leading exporter of technology as well as to establish the means of satisfying the pressing needs of the country. These can be accomplished, as Dr. Bisplinghoff suggests, by a more complete implementation of our existing scientific manpower.

The significance of Dr. Bisplinghoff's statement cannot be over emphasized. It is because of the importance of his statement that I include portions herein for consideration by my colleagues:

TESTIMONY OF RAYMOND L. BISPLINGHOFF

Mr. Chairman and Members of the Committee. It is a pleasure to appear before you today and to have this opportunity to present two new initiatives proposed by the National Science Foundation for FY 1973—the Experimental R&D Incentives Program and the R&D Assessment Program.

Before reviewing the details of these related programs, however, I believe it is important to consider the broad context that motivated our planning within the Foundation. These considerations, which are well known to the Members of this Committee, show clearly the need for a pattern of activity that is essential to the future well-being of the Nation but which, as a coordinated effort, has been lacking.

We are all aware of the economic difficulties that have beset this Nation, and indeed much of the world, in recent years. We are faced with unacceptable levels of unemployment, inflation with a concomitant lack of adequate increases in productivity. the gradually eroding position of the United States in international technological competition and our related deteriorating trade balance, and the multitude of unsolved problems that permeate all sectors and institutions of our society. As a people, however, we are less aware of the essential role that the national R&D enterprise has and potentially must have in ameliorating these conditions. It is to this enterprise and its role that I should like to address my remarks.

The broader process through which R&D contributes to the economy is often called innovation. As was demonstrated in Traces—the recent NSF-sponsored study of the dynamics of innovation—this process is composed of several components, each of which is coupled to the others in a symbiotic manner. These components range from basic research at one end, through the activities of applied research and development, through design, engineering and production, to the diffusion and marketing of products and services at the other end. In this total process, R&D is usually a necessary but not a sufficient condition for innovation.

Whatever categories are used, there are clearly several pieces in the innovation process, each dependent on the other. *Of fundamental importance is the recognition of the overall unity that prevails throughout the total process.* If one piece were taken away, or even minimized below an appropriate threshold, the others would ultimately suffer. I say "ultimately" for the process rarely moves in an orderly time sequence from research to development to utilization by society. Experience has shown that the process is iterative, with strong feedbacks.

The innovation process today is itself a recent "innovation." Economic progress and industrial growth have historically resulted from the search for raw materials, the empirical development of new materials and devices, maximum use of available labor, and the availability of investment capital. In recent decades, however, a new factor has been added: the disciplined use of our intellectual powers in understanding nature and finding new ways to exploit it. This new factor has two unique attributes—it is never depleted and it is available for all to use.

In a recent study of important innovations in a large number of fields, it was shown that 60% to 80% resulted from the pull of practical demands, needs, conflicts, and problems. The remainder resulted from the push of new scientific or technological advances or opportunities. There is evidently much wisdom in the old adage, "Necessity is the mother of invention."

But there is also some truth in the reverse, for invention is frequently the "mother" of necessity. We can all identify the innumerable trappings of our lives, things we would not wish to do without and which we consider to be important parts of the quality of life. These have resulted in large measure from the market and product planning activities of successful, major businesses.

I do not wish to imply that industry, both large and small, is not now making a significant and continuing effort in R&D and in the dissemination of its results in the marketplace. Indeed, industry today is the major source of funding of R&D in the private sector, even surpassing the Federal Government with its defense and space programs. There is ample evidence of a direct and positive correlation between the Nation's support of R&D, its general economic growth, productivity increases, and the creation of new products and services. Such innovations as automatic transmissions, vinyl materials, computers, semi-conductor devices, nylon, and penicillin were all made possible through organized R&D efforts, both with and without the assistance of previous or associated Federal programs. The central problem we face is one of developing recognition and capability by industry in general of the full spectrum of opportunity for the exploitation of R&D throughout the civilian economy in meeting societal needs. This lack of recognition and capability is demonstrated by the concentration of a significant fraction of industrial R&D in relatively few companies. It will be desirable to find the means to extend the advantages of modern science and technology to small and medium industries and to all others that so far have been unable to afford it.

EXPERIMENTAL R. & D. INCENTIVES PROGRAM

Although it has become increasingly clear that the Federal Government has an appropriate role in the stimulation of innovation in the civilian sector, it is less clear how this role should be implemented. We have had many years of experience in conducting R&D in areas related to high-technology goods and services required for Federal programs. In 1971, 79% of Federal R&D funds were obligated for defense and space programs. Some of this R&D has produced a useful fallout in domestic areas. There are many ways in which the Federal Government can increase its involvement in the civilian R&D arena, but it is not clear which will be the most effective. That is one of the principal reasons for the experimental programs of the National Science Foundation and the National Bureau of Standards, both of which are proposed as new starts in the FY 1973 budget.

The goal of the National Science Foundation Experimental R&D Incentives Program is to experiment with incentives for increasing non-Federal investments in R&D and for increasing the efficiency and speed of conversion of R&D to new or improved products, processes, and services which contribute to improvements in the quality of life, employment opportunities, economic growth, productivity, and foreign trade. To achieve this goal, an experimental program is being developed which will draw on the resources of universities, trade associations, non-profit research institutes, private industry, government laboratories and State and local governments. The program will test and evaluate different incentives using selected combinations of these institutions.

The National Science Foundation and the National Bureau of Standards programs have different approaches to the same goals, yet they are complementary to each other. The National Science Foundation will rely heavily on the participation of universities working with and through industries. The National Bureau of Standards will rely heavily on the participation of industries. Past experience has shown that university faculty and students can make significant contributions to the solutions of problems if they are given a first-hand opportunity to work on them. The histories of World War II and the space, atomic energy, agriculture and health programs are full of examples of direct contributions by universities to the solution of national problems. In the TRACES study cited earlier, NSF examined the origins of five important U.S. innovations: magnetic ferrites, video tape-recorders, the oral contraceptive pill, the electron microscope, and matrix isolation. Of the key research and development events judged to be important in these innovations, nearly one-half were credited to university research.

Furthermore, the students graduated by universities involved in these problem-oriented activities have been educated in the new theoretical concepts and new technologies which industry requires for future progress. The identification of new and useful technologies for the future also requires the education of people who can practice them.

The experimental plan for the National Science Foundation program involves three considerations:

First, the problem areas within which the experiments will be performed will involve the potential for both social and private benefits. They will include the public service, private service, and manufacturing sectors.

Second, each experiment will identify one or more blockages in the innovation process and will test Federal incentives for overcoming them.

Third, each experiment will require careful evaluation to determine the degree to which the incentive mechanisms succeed. It is expected that the evaluation process will be continuous. That is, it will be carried out not only at the conclusion but also as the experiment progresses. Although valuable lessons will be learned early in many experiments, some will need to be carried on for periods of five or more years before useful and convincing results will be obtained.

Management plan—experiment R. & D. incentives program

Before describing the Experimental R&D Incentives Program in more detail, I should like to outline the management plan that we propose to follow. An awareness of this plan will be helpful in understanding the program design discussed later.

A program office reporting to the Deputy Director of the National Science Foundation will provide overall direction. Detailed project management will be carried out by the staffs of the several NSF Directorates.

An important element of the management plan will be an advisory board made up typically of representatives from universities, industry, State and local governments, labor unions, and industrial associations. This board will play a key role in assisting the Foundation in its task. We believe that advice from the performers and users of R&D, as well as those who are working in and familiar with the economics of the marketplace, should be brought to bear wherever possible in setting guidelines and selecting experiments. The staff will also work closely with the National Science Board, the NSF-Commerce Coordination Committee, and the Executive Office in designing and implementing the program.

The program will be started by the issuance of an NSF Important Notice describing it, supplying guidelines for experiments, and inviting proposals. Proposals for experiments will be evaluated by the NSF staff working with the advisory board. The board will meet as a review panel at least quarterly after the program commences. A review of proposed program elements will be conducted also by the NSF-Commerce Coordinating Committee prior to final decision. This Committee will be co-chaired by the Assistant Secretary of Commerce for Science and Technology and the NSF Deputy Director. Since several NSF Directorates will be involved, internal coordination will be assured by the Experimental R&D Incentives Program staff and by an NSF-wide committee chaired by the Deputy Director.

Guidelines for experiments—experimental R. & D. incentives program

It was mentioned earlier under the discussion of the management plan that the program will be started by the issuance of an NSF Important Notice describing guidelines for experiments and inviting proposals. Although it is our plan to ask the advisory board to aid us in formulating the final guidelines, we have prepared the following tentative list:

Each experiment should identify the product, process, service, or other end sought.

Each experiment should have a high potential for testing a clearly stated and important hypothesis related to blockages in the innovation process together with Federal incentives for overcoming them.

Each experiment will contain a significant commitment of non-Federal resources.

Each experiment should specify the degree of private and public investment over the life of the experiment.

Participating institutions must agree to make data available to NSF for purposes of evaluation.

Experiments and results will be public, subject to protection of rights to the use of patentable inventions in appropriate instances.

Each applicant must demonstrate that:

The experiment is in the public interest.

There is a clear need for public investment.

Each experiment will generally involve more than one class of institution (e.g., industry—non-profit research institutes—university—government) and in each experiment, at least one of the participating partners should:

Have a demonstrated research capacity.

Represent the potential institutional users of the product, process, or service.

Each experiment must have a specific evaluation component built in at the beginning: some degree of success or failure of the incentive mechanism must be determinable at the close of the experiment.

Evaluation of experiments—experimental R. & D. incentives program

In designing experiments of the kind proposed in the Experimental R. & D. Incentives Program, it is of crucial importance to include an evaluation plan. The evaluation plan will be designed to test the degree of effectiveness of a particular incentive for increasing the efficiency and speed of the conversion of R. & D. and for increasing the non-Federal investment in R. & D. Two evaluations will be made of each experiment. The first will be made by the performers of the experiment according to the plan built into the original proposal. The second will be made by an NSF group, that will include members of the R. & D. Assessment Program staff, who will provide an independent evaluation.

Although the criteria may vary, it is expected that the following questions will be common to most evaluations:

What specific blockages in the innovation process were identified by the experiment?

What incentives were identified and how effective were they in overcoming the blockages?

How is the efficacy of the incentives affected by type, size, and geographic location of the institutions?

Did any new or improved products, processes, patent disclosures, or services result from the experiment and what benefits were realized as a result?

Did any new companies, institutions, or institutional arrangements result from the experiment?

Were the institutional relations formed strong enough to have a high potential for permanency?

What specific Federal policies and programs are recommended to overcome the blockages that were identified?

Program design—experimental R. & D. incentives program

Underlying the design of the Experimental R&D Incentives Program is a set of assumptions which are best stated at the outset. It is assumed that:

1. There exists the potential for spawning new innovations in the civilian sector by coupling more effectively R&D resources to needs of the private and public sectors and industrial resources to the needs of the consumer.

2. Many such potential developments are in the best interests of the Nation and the participants, and some fraction of this potential is presently going untapped.

3. The Federal Government can provide incentives which will catalyze the realization of some of this potential in a manner which is cost-effective and socially beneficial from the national viewpoint.

While the first two assumptions are probably axiomatic, quantification of the number and type of untapped potential developments is necessary in order to test the third. That is, before the costs and benefits to the Nation of Federal programs can be evaluated, it is necessary to understand the extent and nature of the untapped potential and the cost-effectiveness and social benefits of a variety of Federal incentives which can be used to realize this potential. The Experimental R&D Incentives Program is directed at establishing a data base for future policy decisions from the results of a relatively small number of highly structured experiments.

The flow of innovations may be described simply in terms of three sectors of society:

(1) The R&D centers, consisting of universities, research institutes, governmental and industrial laboratories, and R&D companies. Within the R&D centers, we can identify three resources: dormant technology, new innovations, and human resources.

(2) The industrial and service sectors, consisting of private manufacturing, private services, and public services. These sectors are characterized by the products, processes and services they offer, the degree of concentration or fragmentation of the industry, and the degree to which technology is employed.

(3) The markets, domestic and foreign, consisting of consumers, government, and industry. The markets may be well-defined, diffuse, or nonexistent.

The flow of new innovations may be thought to proceed from the R&D centers to the industrial and service sectors, provided that technical feasibility is established, and then to commercial exploitation, provided marketing is successful. To achieve maximum effectiveness, the efforts of the R&D centers should be closely coupled to the needs of the manufacturing and services sectors, which will translate these innovations into commercially viable products, processes, and services. Similarly, the industrial and service sectors must be closely coupled to the needs and requirements of the markets.

There are a number of blockages which are associated with weak or non-existent coupling of the various sectors. Our problem, then, is to identify these blockages and determine how Federal incentives can be used to alleviate them in a cost-effective and socially beneficial manner. To this end, the Experimental R&D Incentives Program has been subdivided into three classes of experiments:

(1) Cooperative Research Initiatives, which will probe potential blockages in all sectors.

(2) R&D in the Service Sector, which will focus specifically on public and private services to ensure adequate coverage of this crucial area.

(3) Human Resources for Technology Innovation, which will emphasize the human resource aspects of the innovation process.

In discussing each of these classes, I will provide examples of blockages with suggested research projects to test Federal incentives for overcoming them. It is important to emphasize that the actual research projects, within a broad experimental design, will be solicited from the Nation's universities, government laboratories, research institutes, and industry, and will be performed by selected teams of these organizations.

Cooperative Research Initiatives

In the Cooperative Research Initiatives Program, experiments will be invited which may extend over a wide range of problem areas. The following examples, while not intended to be a complete list, are stated to illustrate the general characteristics.

A. Informational Blockages

This set of experiments is aimed at establishing a basis for the need for Federal financial incentives to couple more closely the R&D centers with the manufacturing and service sectors. Many elements of these sectors have not been closely coupled in the past. In some cases, there does not exist a formal mechanism by which industry can identify appropriate R&D resources and, conversely, the R&D community can identify industrial needs. It is conceivable that there are many cases in which the blockage is informational in character, rather than financial.

The informational blockage points may be in areas which industry and R&D centers would be willing to develop jointly and without Federal financial aid, but are not doing so because they are not cognizant of each other's needs and resources. There may be dormant technology, resulting from previous research efforts, which can be applied to an industrial need, but the potential user is not aware of its existence or applicability. Alternatively, the needs and problems of a fragmented or low-technology industry may not be apparent to R&D centers. In some cases, once the potential coupling is appreciated, industry may be willing to support the development without financial incentives.

A number of experiments can be conducted in which the Federal role will be limited to stimulating a comprehensive exchange of information. For example, university-industry teams may survey all companies in an industry to identify needs, potential economic and social benefits, and potential markets. The R&D community can be surveyed to identify applicable existing technologies, the R&D costs and risks, and the reasons why these new applications are not being pursued.

Technical blockages

It is likely that many potential cooperative developments will not be undertaken by industry without Federal financial incentives to remove blockages. For example, an industry may require a directed basic and applied research effort to stimulate a continuing flow of new innovations. In many fragmented industries, the risks may be too high or the magnitude of effort too large for any one company to undertake. The risks associated with establishing the technical feasibility of new concepts and embryonic innovations may be too high for individual companies or even entire industries. Yet in many instances, it may be in the national interest for U.S. industries to foster such innovations.

There are high risks associated with incubating new innovations and establishing their technical feasibility. These risks can be reduced to a level acceptable to industry by applying Federal incentives. The question to be tested is whether such incentives are cost-effective and socially beneficial from the national viewpoint. A variety of experiments can be conducted for innovations at various levels of development: from new concepts which require basic research to establish the foundations, to laboratory processes which require piloting to establish technical feasibility.

Marketing blockages

Many new innovations prove to be technically feasible and economically sound, yet they do not reach the commercial exploitation stage due to blockages in the marketing process. Where markets are highly fragmented, the marketing risks can be too severe for a company or an entire industry to undertake. In other cases, the marketing risks may be excessive because the market is not an established one or is not well-defined. Still other cases appear to exist in which a consumer market is well-defined although no U.S. company appears willing or able to meet the public demand. In spite of these difficulties, there may be a number of products and processes which, if marketed successfully, would be in the national interest. The question is what Federal incentives are required to reduce the marketing risks to acceptable levels and are such incentives cost-effective and socially sound.

A variety of experiments can be aimed at identifying and alleviating various potential marketing blockages. In highly fragmented markets, programs may involve working with consumers of a product or process to define common problems and needs and to formulate them in terms of requirements or performance standards. Other experiments may be aimed at assisting small companies or fragmented industries to develop more efficient approaches to the market.

R. & D. in the service sector

Although many of its features are similar to and may overlap with experiments in the Cooperative R&D Incentive Program, the R&D in the Service Sector Program is designed to ensure that this critical area receives adequate attention. As in the previous section, the following examples are intended to be illustrative and not all-inclusive of those that eventually will be supported.

A. Blockages in the Public Service Sector

Bringing forth technological innovations which can increase productivity or improve the quality of public services encompasses all of the problems described in the previous section, namely, information blockages and high risk blockages for establishing technical feasibility and markets. However, in the public service sector, these problems are sometimes aggravated by a lack of understanding—on the part of the user of new technology—of the technological concepts and the potential benefits to be derived. Even in areas where new technological advances have been demonstrated to be effective, many local and State agencies do not have adequately trained manpower to evaluate and apply the potential benefits.

A number of experiments can be conducted in efforts to couple more closely the R&D centers, the industries supplying devices and systems to the public service sector, and the State and local agencies which will employ the new developments. In service areas where high technology already exists but is only applied by a few, the Federal role may be limited to improving information transfer. In other cases. Federal aid may be required to aid State and local governments in hiring key personnel capable of assimilating the new technological innovations. Efforts would be directed at demonstrating to State and local governments the benefits to be gained from such in-house expertise.

For the service areas in which State and local governments presently maintain sufficient expertise to evaluate the potential of new innovations, there still remain problems of fragmented markets and insufficient support of R&D to foster new innovations.

As described in the previous section, a number of experiments can be sponsored to reduce the risks of researching and developing new devices and systems and of marketing those which are technically feasible.

B. Blockages in the Private Service Sector

Many of the problems associated with increasing the productivity of the private service sector are complex. There are social, economic and political factors, in addition to technological considerations. For example, while increased productivity in the private service sector may be in the best interests of the consumer, it may be counter to the best interests of the private service sector itself. Weighing these interests and formulating policy for resolving such blockages is the responsibility of our elected representatives. The R&D in the Service Sector Program will attempt to identify those technological alternatives which may result in alleviating blockages and, in this manner, provide an information base to aid future policy decisions.

A number of experiments can be conducted to identify dormant technologies and new concepts which may be applicable to the private service sector. For example, repair and maintenance of consumer durables is a large component of the total private service sector. It may be possible to reduce the total cost of purchase, repair, maintenance, and disposal of consumer durables by either modifying the original design or using more sophisticated technology in the servicing. University and industry or trade association teams can be formed under Federal sponsorship to evaluate the potential economic and social benefits by examining a selected number of consumer durable products.

Human resources for technology innovation

The objective of this portion of the program is to identify blockages and seek Federal incentives that will encourage personnel education, development, and exchange in ways that will facilitate the flow of concepts and ideas from laboratory to consumer, as well as enhance productivity. The examples that follow are illustrative of those that will be supported in this portion of the program.

Blockages in professional education and exchange

Although it is difficult to distinguish cause and effect, our incomplete knowledge of the innovation process is related to the small number of university staff and courses which focus on this total process. There is a need to provide broader opportunities for development of multi-disciplinary education in the total innovation process, including an understanding of entrepreneurship. Incentives to universities in the form of seed grants can be provided by the Federal Government to build up continuing faculty experience and student interest in this area.

It has long been recognized that the innovation process and the productivity of the various sectors of our economy depend critically on the timely interchange of people as well as their motivation and training. However, there remain many blockages in our institutional arrangements that prevent exchange of personnel. A variety of Federal incentives can be tested to alleviate this blockage. For example, they may include industry fellowships for graduate students or new graduates, exchange fellowships for university and industry employees, partial Federal support for visiting professors from institutions other than universities, and partial Federal support of faculty sabbaticals in industry and State and local governments.

Blockages to enhanced job satisfaction

The matching of human resources and job opportunities is a two-sided coin. In the past, the job market has usually been viewed in terms of adapting the labor force to the work styles required for maximum economic efficiency. However, rapidly rising educational levels of the population are creating pressures for job opportunities which are psychologically as well as financially rewarding. There is a growing unwillingness of youth to accept the character of the occupations offered by society on their present terms. In spite of the fact that the conditions of work are far better than they ever were, expectations have advanced much faster than the reality.

To the extent that greater personal fulfillment in work entails a loss of economic efficiency in a narrow sense, the collective goals of society and the personal goals of the individual may be in direct conflict in the near term. To achieve long-term harmony, more attention must be given to the conscious design of the work experience within the context of the technology of production. Thus, experiments can be conducted to explore the trade-offs between worker satisfaction and productive efficiency, and to seek new means, including technological innovations, of matching work styles to psychological needs.

NATIONAL R. & D. ASSESSMENT PROGRAM

The National Science Foundation also proposes the creation of a National R&D Assessment Program. *The goal of this proposed new program is to achieve a fuller understanding of the R&D and innovation systems and how they may better contribute to national goals and objectives, including improvements in the quality of life, employment opportunities, economic growth, productivity, and foreign trade.* It will provide a national R&D assessment capability consonant with the expressed needs of the Executive Branch and the Congress. These needs have been highlighted particularly in this Committee's hearings and symposia on science policy and on science, technology and the economy.

Although as a Nation we invested nearly $27 billion in R&D in 1971—and our economic growth and welfare depend on these investments—we have very little understanding of the details and dynamics of the process in the domestic sector. This is in contrast to a large body of information and skills in R&D systems and R&D management expertise in military and space activities. It is becoming increasingly clear that R&D is an important contributor to economic growth and productivity; but it is also clear that we understand only in the sketchiest way what its social rates of return are and how it is related to such factors as efficient use of resources, employment opportunities, and foreign trade.

THE MAN WHO BEAT ROOSEVELT

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. SPRINGER. Mr. Speaker, 100 years is a long time. Not many of us are privileged to live that long. One of those who was lucky enough to make it into his 100th year is Godfrey Sperling, who is the father of Godfrey Sperling, Jr., the national political correspondent of the Christian Science Monitor.

When I first started in politics, Godfrey Sperling, Sr. was one of those who was active in politics in an indirect way. He had definite opinions and he always let people know where he stood. It was difficult to have a conversation with him without some of this independent political thought coming to the surface. But it was always a stimulating experience and to me it was especially so because I was in my twenties and he was in his seventies. Godfrey Sperling, Jr., at that time, was a reporter for one of the local newspapers in Champaign-Urbana—and a good one. In fact, he was so good, he is now the national correspondent for the Christian Science Monitor. In some ways, Godfrey, Jr. is a 1972 version of his dad at the same age. You might even use the old adage, "He's a chip off the old block." Especially, it seems to me, that Godfrey, Jr. has mellowed as time has passed and as he has covered important events in Washington. His dad is one of the old Reconstruction kind who would have loved to argue politics with my father who would also have been 100 years old on October 7, 1972.

From all I can see, Godfrey, Sr. is not slowing down any. He is just picking up speed for the second century. Not only do his friends wish him another good 100 years, but I would say that if anything happened to him, there would be a lot of disappointed and unhappy people in Champaign County, Ill.

Good luck, old timer.

I include the following article:

[From the Christian Science Monitor, Mar. 18, 1972]

THE MAN WHO BEAT ROOSEVELT

(By Godfrey Sperling Jr.)

CHAMPAIGN-URBANA, ILL.—The old-timer had become a living artifact. He was now being viewed—and relied upon—by state and university historians as a human-geological rarity, one who could provide them with authentic insights into how the West looked before the turn of the century and how this part of the Midwest looked in the 1870's.

Upon graduating from college in the mid-1890's, the old-timer had gone to Idaho, Oregon, and Wyoming as an engineer-explorer. His job was to establish state boundaries. Now his notes and memories of what he observed as he made these primary surveys are being fed into oral-history tapes.

This, of itself, seems worth noting. But there was something more. The old-timer was entering his 100th year. Furthermore—and I say this with the pride for which a son may be pardoned—he is my father.

What do you say about your father As a boy I used to hear his stories of his "close calls" in the wilds.

Of how he and his surveying party were lost in a dense thicket of forest deadfall that tore off their clothes and left them battered before they finally made their way back to camp some 12 hours later.

Of how a rancher, infuriated because of a survey that lopped off some of his land, had drawn a gun and nearly killed Dad.

Dad never told tall tales. But there was one I found hard to believe: how he and a friend of his had come out of months in the mountains in 1915—"in great physical condition"—and, decided to try their hand at bowling in an alley in Boise. And how in this, his first try at the game, my Dad picked out a small ball (he was a wiry, 5 foot 2 inches, 125 pounds, at the time) and bowled a near-perfect 300 score.

Fifteen years ago he came to visit us in Winnetka, Ill. My boy, who was a pretty fair bowler, himself, had heard about Gramps' accomplishment and wanted to see what the elderly gentleman could do at the game. My Dad was willing. He took off his suit coat, untied his tie, removed his shoes.

Then in his stocking feet and with everyone at the community center alleys watching, this little old man let fly with a ball that rolled slowly, slowly, down the boards. Almost dying before it got to the pins, it finally hit. Strike! Then, once again, Dad took careful aim and blew the pins down with a ball that almost quit, but not quite. My boy was beaming, as was our whole family. Gramps had done it. He then said he had had enough. He never bowled again.

Dad was city engineer of Boise at the turn of the century. He and Sen. William Borah had been friends when Borah was just getting a start as a young attorney. Borah was the big man in my Dad's life. Like many Westerners Dad liked Borah's support of "free silver." To both of them the gold standard meant the hated Eastern establishment.

My Dad's own idea of politics was debating the issues. He was a rugged individualist, somewhat unpredictable in his party preferences. He voted for Wilson, disliked Roosevelt—FDR, that is. He liked Teddy.

For some 30 years my Dad was county surveyor of Champaign County, Ill., right around here. He was on the ballot and had to stand for office along with all the other county officers, together with the governor and the president, every four years.

In the 1932 landslide victory of Roosevelt, this "normally" Republican county went Democratic for the first time in the memory of man. It went Democratic, that is, except for Dad. He bucked the Roosevelt tide and won by 14 votes.

In a political year my Dad would tour the county, sharing the platform in township after township with other office seekers, including those who were after seats in the state Legislature.

Those were the days when "silver-tongued oratory" was still the fashion. In those days politics was largely a show. People came out for the "speaking," not the substance.

And then my little Dad would come out and, very quietly, tell the people that he would bring accuracy and integrity to whatever surveying services he would perform for them. And then he would sit down. I was always a little disappointed.

Four years ago the old-timer was visiting Washington and, among other people he was seeing, he was calling on Vice-President Humphrey. The two men "hit it off" well right from the start. "May I call you Dad?" asked Mr. Humphrey. "Can I call you Herbert?" Dad responded. And then, agreed on this familiarity, the Vice-President showed his new friend all around his spacious Capitol office, filled with pictures and memorabilia of famous Americans.

Before long the office was packed with workers from nearby offices, attracted to this scene of a particularly keen, little old man who was swapping stories and historical references with a Vice-President who quite obviously was enjoying himself hugely.

At one point Dad said: "Why would you waste your time with an old man like me?" "Don't give me that," said the Vice-President, smiling broadly. "I see those bright little eyes of yours—you are putting me on." Then they both laughed.

At the end, we paused at the door and Mr. Humphrey talked about his own father and how he "would give my right arm" to have him alive and with him today. "You know," he said, "I grew up debating the national issues with my Dad." "That's what we did, too," Dad said, pointing to me.

Then, as we turned to leave the office, the Vice-President raised his voice and said, "Well, Dad, go charging into your second century."

"I'll be back in five years," Dad said, as he walked out the door. And you can be sure that he will.

FTC URGED TO WITHHOLD ACTION AGAINST CEREAL MANUFACTURERS

HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. BROWN of Michigan. Mr. Speaker, in December of last year the Federal Trade Commission announced the issuance of a proposed complaint and proposed order charging that four ready-to-eat cereal firms, the Kellogg Co. of Battle Creek, Mich.; General Mills, Inc., of Minneapolis, Minn.; General Foods Corp. of White Plains, N.Y.; and the Quaker Oats Co. of Chicago, Ill., had established and maintained a noncompetitive market structure and shared monopoly power for over 30 years through proliferation of brands and trademark promotion; through artificial differentiation of products; through unfair methods of advertising and promotion; through restrictive retail shelf space control programs; and through acquisitions of competitors.

In its proposed order, the Commission signified that it might order such relief as was supported by an adjudicative record and which was necessary and appropriate, including:

First. Divestiture of assets, including plants and other facilities, for the formation of new corporate entities to engage in the manufacture, distribution, and sale;

Second. Licensing of existing brands or trademarks and future brands or trademarks on a royalty-free basis for a specified period of time;

Third. Prohibition of acquisitions of stock or assets of firms engaged in the business of manufacturing or selling RTE cereals for a specified period of time;

Fourth. Prohibition of any practices found to be anticompetitive, including but not limited to shelf space services or use of particular methods of selling or advertising, and other provisions appropriate to correct or remedy the effects of such anticompetitive practices;

Fifth. Periodic review of the provisions of any order that may be entered.

Public attention was focused upon this action by the FTC when certain members of the media reported about the existence of a staff report indicating quite accurately the nature of the proposed complaint and the proposed relief which was ultimately incorporated into the proposed order. This information about the staff report apparently had been leaked to the media even in advance of any consideration of such staff report by the members of the Federal Trade Commission.

I was quite disturbed by the fact that this information had been leaked to the media since the public reaction to same as it was reflected to me indicated that the public felt the firms to be cited had engaged in conduct of a degree of culpability which I felt I would not be established when all of the facts were in.

My subsequent review of the proposed complaint and proposed order confirmed my suspicions and when my contacts with members of the staff of the Federal Trade Commission failed to produce the kind of results I felt were required under the circumstances, I decided direct communication with the members of the Federal Trade Commission was my only appropriate course of action. Therefore, on March 1, 1972, I wrote to each member of the Federal Trade Commission explaining my position on the matter and requesting that the Commission members reexamine their thinking before proceeding to formalize the proposed complaint and proposed order.

Since this matter has ramifications far beyond the immediate firms involved and since I feel the media has inadvertently emphasized only the FTC's side of the argument, I wanted to apprise my colleagues of my activity in this matter and, hopefully, prompt some interest in assuring fair and objective treatment of the firms involved by the FTC, my especial interest, of course, being the Kellogg Co., a constituent firm. All of the foregoing is better set forth in a press release issued at the time I wrote to the Commissioners, which press release incorporates a copy of such letters. The press release reads as follows:

FTC Urged To Withhold Formal Action Against Kellogg and Other Ready-to-Eat Cereal Manufacturers

Washington, D.C.—Congressman Garry Brown (R-Mich.) today announced he has written to each member of the Federal Trade Commission [FTC] requesting that the Commission not proceed to formal complaint against a constituent firm, the Kellogg Company of Battle Creek, Michigan, in accordance with the proposed complaint and proposed order which was issued by the FTC on January 24, 1972.

The previously issued proposed complaint alleged certain unfair and improper practices which have resulted in maintenance of a highly concentrated and noncompetitive market structure in the production and sale of ready-to-eat cereals, and the proposed order, among other things, called for a breakup of the Kellogg Company, divestiture of assets, and licensing of brands or trademarks on a royalty-free basis. It is expected formal Commission action is imminent.

In his letter to the FTC, Brown pointed out that his objection to the FTC action was not that the FTC was investigating and considering remedial proceedings against the Kellogg Company and other ready-to-eat cereal manufacturers, if such proceedings can be justified but rather, that the proposed complaint and proposed order made allegations and intended corporate structure action which was not justified by the facts and circumstances applicable to Kellogg and the industry.

In announcing his contacting of the Commission, Brown said:

"Although I have still been denied access to the staff report upon which the Commission's proposed action is based, the information which I have been able to develop regarding this matter confirms the fears I expressed back in December of last year when I first learned of the 'staff report' through leaks to the media about its existence."

At that time, I said:

"Frankly, I am very disturbed that information about the staff report was leaked to the media before it was even formally considered by the FTC. A leak of this nature prompts disproportionate and improper suspicion about such a report and prejudices a fair and objective consideration of the matter by the Commission . . . I will find it extremely disturbing if it develops that this staff report was prepared by an over-zealous staffer, or staffers, who felt leakage of the matter to the media would prompt attention and imply a degree of culpability unjustified and unwarranted by the facts, and in this way make affirmative action by the Commissioners, from a public relations standpoint, almost mandatory."

In his letter to the Commission members, Brown contended that the staff of the FTC appeared to be ambivalent with respect to the origin and underlying rationale of the proceedings being taken by the FTC against Kellogg and other ready-to-eat cereal manufacturers and that this ambivalence had promoted him to contact the Commissioners directly rather than pursue the matter further at a staff level.

Contending that the proposed complaint and proposed order went far beyond that which the facts and circumstances justified or the situation required, Brown said:

"Even any reasonable extrapolation of the substantive allegations in the complaint provides no foundation for the structural and licensing remedies incorporated in the proposed order since all of the allegations in the complaint can be remedied and corrected, if the facts justify, through exercise by the Commission of its authority to correct 'behavioral' misconduct by the offending companies."

In his letter, Brown argued that the several allegations of the proposed complaint really constituted only one basic allegation, that being, that the Kellogg Company and the other ready-to-eat cereal manufacturers have been engaging in unfair and deceptive advertising.

"Somewhat simplified, the proposed complaint makes substantive allegations of proliferation of brands and trademark promotion; artificial differentiation of products; unfair methods of competition in advertising and product promotion; and, restrictive retail shelf-space control programs.

"I submit that the complaint itself is a masterpiece of 'artificial differentiation' of allegations.

"However one views the practices or results upon which each allegation is based, it becomes apparent that each such practice or result has as its only basis for success of efficacy a behavioral matter: advertising!

"There can be no effective proliferation of brands and trademark promotion; there can be no successful artificial differentiation of products; and, there can be no unfair methods of competition and product promotion in advertising—unless there is advertising! As I understand the law, it is totally within the authority of the Federal Trade Commission, and heretofore has been more properly its role, to control, regulate, even prohibit, through cease and desist orders, those practices found to be unfair or deceptive. Resort to an unwarranted and very possibly unauthorized, action such as the structural and licensing remedies contemplated by the proposed order is unnecessary at best," Brown said.

In his letter, Brown suggested that two of the Commissioners may very well have shared his doubts about the justification for the proposed complaint and proposed order when they failed to concur in the issuance of the complaint and order. The Commission was split 3–2 regarding such action.

Brown further questioned the authority of the Commission to proceed in the manner it intends as such action has been defined in the proposed complaint and proposed order, saying:

"Congress never intended the use of formal complaint and order proceedings against anything other than identifiable and provable behavior or misbehavior. I don't think it was an accident that the statute, granting but necessarily limiting the Commission's authority, uses the words 'methods', 'acts', and 'practices'. As pointed out above, if there is anything in the conduct of their business by the cereal companies which calls for correction under the law, I would fully support your action against them as the facts may warrant. But, I am unable to understand the posture of the Commission as it is reflected in the complaint and proposed order which assumes a basis in law and Congressional intent to reorganize corporate structures through divestiture and royalty-free licensing of the cereal industry or any other industry simply on the basis of the allegations contained in the proposed complaint."

In his letter to the Commission, Brown concluded:

". . . I urge you to reject proceeding formally on the complaint as *presently proposed*, particularly as it relates to the industry structure and royalty-free licensing provisions of the proposed order. If there is to be formalization of this proceeding, there should be stricken these references in both the complaint and the proposed order."

In announcing his intercession on behalf of the Kellogg Company with the Federal Trade Commission, Brown reiterated his belief that the consumer public has a right to know about the products it purchases and to be protected against any anticompetitive conditions which may exist and which may permit some to prosper unreasonably at the consumer's expense, but that the business community should not be required to be subjected to unwarranted and unjustified harrassment by government and the regulatory authorities, especially when that harrassment seems to have as its basis only the success of the business itself.

Brown's letter to the Commissioners follows:

FEBRUARY 29, 1972.

DEAR MR. COMMISSIONER: I am writing to you and each of the other members of the Federal Trade Commission since the proposed complaint against the Kellogg Company of Battle Creek, Michigan, a constituent firm, has had an extremely disturbing effect upon not only the Company, but its employees and the community itself; and, my contacts with staff members of the Commission have failed to satisfy my interest, concern, and desire for greater edification regarding the pending proceeding.

My dissatisfaction with my contacts and discussion of this matter with staff personnel stems not from any apparent lack of desire on their part to be reasonably cooperative, but rather from what appears to me to be an unyielding commitment to a conclusion reached when the rationale therefor as expressed by various staff personnel appears to be ambivalent. Let me provide an example.

When this matter first came to my attention due to the "leak" of the existence of the staff report, I sought explanation thereof from Mr. Alan Ward, Director, Bureau of Competition, who in turn referred me to your General Counsel, Mr. Ronald M. Dietrich, with whom I had a rather extensive discussion. In this discussion, I requested that I be provided with a background paper on the origin of the study of the ready-to-eat cereal industry as well as a resume of any similar actions heretofore undertaken by the Federal Trade Commission in which only a segment of an industry had been singled out for Commission investigation and action.

Pursuant to this request, I have been provided with a memo entitled, "Background of Breakfast Cereal Case" which, among other things, states that following a preliminary study performed by the Commission's Bureau of Economics, the staff was ordered by the Commission to undertake a more detailed investigation and the basis for such investigation was discussed in the Commission's proposed budget for Fiscal 1972. A portion of this discussion was incorporated in the material submitted to me relative to the origin of the study and in it appears the following:

"The breakfast cereal study provided a better understanding of the sources of high profits in a concentrated industry and the manner in which barriers to entry can be maintained through advertising. As a *pilot project* it provided experience which will be useful for study of major concentrated industries of a more complex nature, such as automobiles and steel." (Emphasis added.)

Despite this specific reference to the unique nature of the investigation and action as expressly stated by the Commission memo, an article in the *Wall Street Journal* of February 18, 1972 headlined, "FTC Aid Denies Move Against Cereal Makers Means More Attacks" reported that Mr. Lawrence G. Mayer, FTC Director of Policy Planning and Evaluation, had:

"... denied that the agency's proposed antitrust action against the Nation's four largest breakfast cereal makers is the 'door opener' for an attack against all concentrated industries."

This statement, viewed in the context of the staff's memo, leads me to only one conclusion, that being, that there is substantial lack of agreement at a staff level at least with respect to the underlying thrust of the present proceedings. This ambivalence is substantiated by discussions I have had with staff members and was reflected at the press conference held at the time of the issuance of the proposed complaint.

Without placing any great significance upon this ambivalence except to explain my writing to each member of the Commission rather than continue my pursuit of the matter at a staff level, let me proceed to further identify my concern about and objections to the pending action.

Although I have been away from the practice of law for some time now and never considered myself an expert, or even much of a practitioner, before administrative tribunals, examination of the complaint and the substance set forth therein as a basis for the structural and licensing remedies advocated in the proposed order leaves me cold. Even any reasonable extrapolation of the substantive allegations in the complaint provides no foundation for the structural and licensing remedies incorporated in the proposed order since all of the allegations in the complaint can be remedied and corrected, if the facts justify, through exercise by the Commission of its authority to correct "behavioral" misconduct by the offending companies.

Somewhat simplified, the proposed complaint makes substantive allegations of proliferation of brands and trademark promotion; artificial differentiation of products; unfair methods of competition in advertising and product promotion; and, restrictive retail shelf-space control programs.

I submit that complaint itself is a masterpiece of "artificial differentiation" of allegations.

However one views the practices or results upon which each allegation is based, it becomes apparent that each such practice or result has as its only basis for success or efficacy a behavioral matter: advertising.

There can be no effective proliferation of brands and trademark promotion; there can be no successful artificial differentiation of products; and, there can be no unfair methods of competition and product promotion in advertising—unless there is advertising. As I understand the law, it is totally within the authority of the Federal Trade Commission, and heretofore has been more properly its role, to control, regulate, even prohibit, through cease and desist orders, those practices found to be unfair or deceptive. Resort to an unwarranted, and very possibly unauthorized, action such as the structural and licensing remedies contemplated by the proposed order is unnecessary at best.

Even the concern of the Commission, as that concern is expressed in the proposed complaint, relative to "restrictive" retail shelf-space control programs comes under and is equally subject to the above critique. If your staff has done an objective study of the allocation of shelf space in retail establishments, it has reported to you that shelf space is allocated according to sales volume; there is no specific allocation precedent to stocking of products except as is justified on this basis of sales. It is my understanding that whenever assistance is provided by, for instance the Kellogg Company to a retailer in computing the allocation of shelf space, it is done on the basis of sales volume information supplied by the retailer. Whether or not the retailer accepts the shelf-space allocation program recommended to him is within the retailer's total discretion, and he may make modifications before installing the program. Since such allocations are made on the basis of sales volume, it is putting the cart before the horse to claim that depending upon shelf space allocated, sales will result in proportion thereto. Rather, again, advertising may create the interest in products which results in sales, and the extent of the volume of sales determines the extent of the allocation of shelf space.

Not only does the "cart before the horse" cliche apply to the shelf-space question, but I respectfully suggest that it applies to the whole argument set forth in the complaint and the proposed order insofar as they relate to structural and licensing remedial action. It would appear to me that by some mental acrobatics, advertising, the energy and motivating force—the horse—has somehow become the cart to an animated, energetic, powerful force—company structure! I can't believe the members of the Federal Trade Commission are ready to engage in such gymnastics.

I suggest Commissioner MacIntyre and Commissioner Dennison may have shared this doubt when they failed to concur in the issuance of the proposed complaint. Possibly a "concentrated industries" case may be made out wherein corporate or organizational structure plays a sufficient role to justify a structural attack, but I again respectfully submit it is not in the ready-to-eat cereal industry or in the Kellogg Company.

Before concluding, I would like to raise a further question which remains unanswered in my mind. It seems apparent to me that however broad a view one might take of the Commission's mission and authority, Congress never intended the use of formal complaint and order proceedings against anything other than identifiable and provable behavior or misbehavior. I don't think it was an accident that the stature, granting but necessarily limiting the Commission's authority, uses the words "methods", "acts", and "practices." As pointed out above if there is anything in the conduct of their business by the cereal companies which calls for correction under the law, I would fully support your action against them as the facts may warrant. But, I am unable to understand the posture of the Commission as it is reflected in the complaint and proposed order which assumes a basis in law and Congressional intent to reorganize corporate structures through divestiture and royalty-free licensing of the cereal industry or any other industry simply on the basis of the allegations contained in the proposed complaint.

I do not believe that such action by the Commission was intended by the Congress in its establishment of the agency or has ever been contemplated by the Congress in its continuing review of appropriations for the agency. The fact that little support has been found in the Congress for a bill which has been introduced calling for nondiscriminatory action against "concentrated industries," seems to tell me, and I hope you, that there is little Congressional support for that which the Commission is attempting, not in even a nondiscriminatory way, but in a selective, even possibly an arbitrary and capricious, way.

In conclusion, I am told that under your rules the release by the Commission of a proposed complaint does not necessarily mean that each of you, or even a majority, has decided to formally proceed on the basis of the complaint released. It has been suggested that this may be particularly true where the Commission does not appear to have reached any agreement on what relief might be appropriate even if all the allegations of the complaint were sustained. Trusting this is true, I urge you to reject proceeding formally on the complaint as *presently proposed*, particularly as it relates to the industrial structure and royalty-free licensing provisions of the proposed order. If there is to be formalization of this proceeding, there should be stricken these references in both the complaint and the proposed order.

I apologize for the length and argumentativeness of this letter but knew of no other way to bring to your personal attention the sincere and serious concern I feel. I would much appreciate an opportunity to meet with you so that we might discuss firsthand any misunderstanding or misconception I may be laboring under relative to this matter. Pending the granting of an opportunity for such a discussion, I would greatly appreciate your sincere and careful consideration of the matter I have set forth herein.

With best regards,
Respectfully,

GARRY BROWN.

P.S. Although "the law does not require one to do a useless thing," I would again suggest that my access to a copy of the "staff report" might improve my understanding of at least the staff's view of the basis for the action . . . receipt would be appreciated.

Mr. Speaker, in addition to the concern I have expressed about the action of the FTC in the ready-to-eat cereal industry matter, others have voiced similar concern. One of the more in-depth, probing discussions I have seen touching upon this broad area is a speech given in Detroit in February of this year by Yale Brozen, professor of business economics at the Graduate School of Business, University of Chicago. Although his speech is more directed at the FTC's attack on advertising, it is relevant since it provides a good factual representation and critique of the FTC's charges about advertising in the ready-to-eat cereal industry. I think there are many of my colleagues who would be interested in what he has had to say and so I have excerpted those of his remarks which have direct relevance to the FTC-cereal industry controversy; they follow:

DETROIT SPEECH BY PROF. YALE BROZEN

The FTC is now calling on advertisers, industry by industry, to file with it documentary proof of all claims. Perhaps the FTC should be forced to substantiate its claims before issuing press releases which greatly mislead consumers. I have already told you about the misleading claims it made about Zerex advertising. It has also made misleading claims about its own virtues in asking for appropriations from Congress.

When the FTC made appropriation requests to Congress for fiscal 1971 and for fiscal 1972 it released a barrage of publicity about how it could reduce the price of ready-to-eat cereals by 25% by its efforts if it obtained the appropriations it requested. It told the news media that advertising by the industry cost 20% of retail sales (see memorandum of Rufus E. Wilson, dated May 15, 1969). In its budget justification material sent to Congress, it was a bit more discreet, claiming that "advertising expenditures as a percent of sales increased from 4.6% in 1954 to 18.3% in 1966." (Hearings, pt. 6 at 134, 1971). If the Federal Trade Commission staff had bothered to check the data instead of guessing, they would have found that advertising expenditures for cereals had declined from 11.3% in 1954 to 10.9% in 1970. They would have found that they never exceeded 15.1% in the entire period from 1954 to 1970 much less rising to a high of 18.3% or 20% as claimed. The Federal Trade Commission would be hard put to it to substantiate the claims it has made to Congress and to the public.

Further, their statement that the retail price of cereals would be or could be 25% less without advertising cannot be substantiated. One member of the Federal Trade Commission staff told the UPI that "if the cereal business became more competitive, say like the produce section of grocery stores, the consumer might save 25% or at least 15%." (Detroit Free Press, June 21, 1971). According to this FTC staff member, retail markups on cereal are high because manufacturers, with all their advertising clout, suggest retail prices to grocers giving the grocer a markup of 20%.

All I can say is that this is a remarkable display of ignorance which no one could possibly substantiate—not even the FTC. The facts are that the average retail margin on cereals is 14.1% (Chain Store Age, July, 1971, p. 62), not 20%. Second, if the cereals carried the kind of markups that prevail in the produce section of groceries, the price would have to go up. The average margin on produce is twice that on cereals—31.0% on produce versus 14.1% on cereals.

Third, if cereals were not advertised, they would be more costly to produce and would carry higher mark-ups—not lower margins at retail—contrary to the FTC's contentions. Ready-to-eat cereals had marked seasonal swings in their consumption prior to the advent of television advertising. December-January consumption rates were little more than half June–July consumption (12.7% of annual consumption in December–January, 21.0% in June–July 1940). With the advent of television advertising, December–January consumption is now only 16% below June–July consumption instead of 40% below. The saving in costs resulting from the smoothing of the consumption pattern by advertising has contributed to keeping the price of cereals low.

Fourth, if cereals were not advertised, the distribution and selling costs to manufacturers would be much higher. Cookie and cracker companies averaged only 2.2% of sales spent on advertising in 1964 in contrast to 14.9% spent by cereal companies. (National Commission on Food Marketing, p. 147). Did this reduce the wholesale cost of cookies and crackers as compared to cereals? The National Commission on Food Marketing found that it did not. In the absence of advertising, cookie companies were forced to spend 19.7% of sales on other selling and physical distribution costs while cereal companies spent only 7.7% of sales on these costs.

Cookie companies provide door-to-door delivery service, check shelves for out-of-stock items, and help stock store shelves. Cereal companies have found that the increased consumer demand resulting from advertising has caused retailers to carry fuller lines and to correct their "out-of-stocks" themselves. This made it possible for cereal companies to eliminate personal selling and panel truck service to store door, which had been common to the industry prior to 1950, with a considerable saving in cost. Advertising in the cereal industry has been a means enabling the cereal companies to economize on other costs—not simply an addition to cost which was passed on to the buyer.

Selling, other marketing, and distribution costs for cereals prior to 1940 average 35% of sales. With the rise of advertising in the cereal industry, marketing, delivery, and other distribution costs dropped to 25% of sales in the 1960's. The FTC should be praising the cereal industry for its successful use of advertising to cut costs instead of condemning it for its use of advertising.

The FTC also charges the cereal companies with using advertising to bar would-be competitors from the market and thereby monopolize the market. The FTC says that advertising is a barrier to entry by firms new to the market and by new products. This could hardly be more completely at variance with the truth. This claim cannot be substantiated. What can be substantiated is the opposite of this claim.

Advertising is a means of entry—not a barrier to entry. Advertising is a means of competing—not a method of monopolizing. Monopolists don't advertise. Competitors advertise. Where, for example, a single company is granted the franchise to supply both gas and electricity to a town, promotion and advertising expenditures are less than half the level they are when two different companies hold the franchise to supply gas and electricity (Paul S. Brandon, "The Electric Side of Combination Gas-Electric Utilities," The Bell Journal of Economics and Management Science, 1971) and compete with each other. If there were truly monopoly (or oligopoly) in the cereal industry, advertising expenditures would be much lower than they are. If there were "shared monopoly" as the FTC claims, one of the first things the monopolists would do would be to cut costs and increase profits by agreement to reduce advertising. That is what American Tobacco did in the nineteenth century after merging 95% of the capacity in the industry. The level of advertising in cereals indicates vigorous competition. Comes the FTC claiming, with its twisted "logic" and no substantiation, that the level of advertising is evidence of monopoly.

If advertising were a barrier to entry, we would expect low product turnover in industries with high levels of advertising. What we find is exactly opposite (Lester Telser, "Advertising and Competition," Journal of Political Economy, 1964). The more intense the level of advertising, the higher the rate of product turnover.

Advertising is used as a means of informing potential customers of the appearance of a new product. It is used as a means for entering a market—not as a means for barring entry, the FTC to the contrary notwithstanding. It is new products which are heavily advertised, not old products The *cereal industry has heavy advertising outlays* because it has been introducing new products. If it were not an innovative industry, its advertising outlays would be less. But the FTC says the cereal industry is not innovative. I would like to see their substantiation of that claim. . . ."

Mr. Speaker, as I indicated in my initial statement on this matter, there is a need for governmental assistance in the area of consumer protection, but our efforts in this regard will be counter-productive if we let our regulatory enthusiasm prejudice the potential for consumer choice, which is so essential to the welfare of the consumer.

INTRODUCTION OF BILLS TO AID MIA FAMILIES

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. ROY. Mr. Speaker, yesterday I introduced two bills to aid the families of servicemen who are missing in action. There are approximately 60 servicemen who were missing before the special insurance policy for Vietnam, the servicemen's group life insurance, was approved and went into effect on September 29, 1965. Even though the monthly insurance premium continues to be deducted from the servicemen's regular pay, the families will not be eligible for the benefits should the GI be determined to have died during the period the insurance program was not in effect.

One of these bills, H.R. 13990, would extend the life insurance program to members of the Armed Forces in missing status. Any serviceman who was officially declared missing before September 29, 1965, and after February 28, 1961, and is declared dead prior to September 29, 1965, shall be considered for insurance purposes to have died on September 30, 1965.

The second bill, H.R. 13988, would authorize the payment of a death gratuity to the survivors of members of the Armed Forces who have been in a missing-in-action status and subsequently determined to have died during a period when no Government life insurance program was in effect.

The families of the POW's/MIA's live under a difficult emotional strain without this added legal burden. I hope that Congress will act soon to solve one of the problems of these families.

RHODESIAN CHROME ORE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. FRASER. Mr. Speaker, section 503 of the Defense Procurement Act of 1972, enables U.S. importers to break the United Nations-imposed sanctions against the oppressive Smith regime in Rhodesia. The supporters of that section contended that its adoption was in our "national interest." However many of us felt the amendment was designed to permit privately owned U.S. companies to protect their investment in Rhodesian chrome. There is no strategic need for Rhodesia chrome.

An excellent piece of investigative reporting appeared Sunday, March 19, 1972, in the Washington Post. Mr. Bruce Oudes traces the development of section 503 and identifies those who played a role in its promotion. Although the Department of State opposed the amendment, Mr. Oudes points out that the White House did nothing to prevent its passage. He indicates that certain members of the administration were in favor of breaking the sanctions and cooperated with the companies involved to accomplish that end.

Mr. Speaker, these are serious charges. To break an international treaty for national security purposes is a grave move. To do so is the interest of a handful of private companies is inexcusable.

The Subcommittee on International Organizations and Movements, which I chair, will reopen its hearings on the subject of sanctions in the near future.

The material follows:

RHODESIA ORE: HERE'S TO THEE, OH "CLUB 503"

(By Bruce Oudes)

"We love the people we are with, And raise a glass for Ian Smith . . ."

The words of the song rang out time and again through the holiday season and into the new year, not in Southern Rhodesia where Ian Smith is the prime minister of the white minority government, but here in Washington. Representatives of American industry and Rhodesian diplomats emptied their glasses to mark victory in a 6-year campaign to get the United States to violate the so-called "mandatory" economic sanctions against Rhodesia.

Those sanctions are being violated this week with the arrival in the United States of the first shipload of Rhodesian chrome ore. This makes this country the third U.N. member officially to sidestep the ban; South Africa and Portugal are the other two.

The alliance of Foote Mineral Co. of Exton, Pa., and Union Carbide with Rhodesia's white government extends well beyond the minimum necessary to protect their long-standing investment in that chrome-rich country. The two firms openly acknowledge they have been opposed to the U.N. sanctions from the start. Union Carbide actively worked to undermine it as early as 1966.

The Rhodesia-U.S. corporate clique informally is known as the "503 Club" commemorating the relevant section of the Military Procurement Act of 1971 allowing U.S. firms to import Rhodesian chrome, copper, asbestos, manganese, nickel, and dozens of other commodities, seemingly because of an overriding "national security" requirement.

However, as a knowledgeable Union Carbide source privately concedes, the "strategic" label was simply camouflage to get Congress to authorize U.S. firms to break the U.N. regulations.

An excellent description of the alliance linking white Rhodesia, conservative congressmen, Union Carbide and Foote Mineral is in their victory song, "The Absolutely Tentatively Provisional Official Marching Song of 'The 503 Club.' " To the tune of "O Tannenbaum," the song roasts liberal Democrats and the State Department, but not the White House, which has remained silent on the sanctions question.

"MANY FINGERS IN THE PIE"

According to Margaret Cox-Sullivan, a Union Carbide consultant who is "blow(n) a kiss" in the lyrics, "a lot of people got their fingers in the pie" writing it. The song project was a topic of conversation at a party marking the sixth anniversary of Rhodesia's unilateral declaration of independence at the International Club given by the Rhodesia Information Service, the Smith government's unofficial embassy here, on Nov. 11.

The ditty made its official debut at a Christmas party given by the RIS at its offices at 2852 McGill Terrace, NW, and since has been aired at numerous private affairs.

The song cites L. G. "Tony" Bliss, Foote's chairman of the board; John Donahey, Foote's public relations specialist; E. F. "Andy" Andrews of Allegheny Ludlum Industries, another warm supporter of "503"; Margaret Cox-Sullivan ("Margaret S."); commentator Fulton Lewis III, who has just visited Rhodesia a second time; and Kenneth Towsey ("Kenneth T."), RIS director, and his associate, John Hooper, among others. Bliss, Donahey and Union Carbide's Washington representative, Jerry Kenney, were among those present for the debut, Mrs. Cox-Sullivan said.

Sen. Howard Cannon (D-Nev.) is "a hit" in the song, presumably because of his support for "503" as well as his blocking a routine administration bill that would have released excess chrome from the national stockpile. David Newsom, assistant secretary of state for African affairs, is named among the clique's foes.

The complicated story culminating in the deft use of corporate muscle in Washington started almost half a century ago, Rhodesia, then a British territory, was discovered to have high-grade chrome ore. As American investment flowed in, it turned out that except possibly for the Soviet Union, Rhodesia had the world's largest known reserves of the premium ore.

This, however, had little meaning in political terms until Rhodesia's white-minority government declared its independence of British constitutional harassment in November, 1965, a move designed to stifle the black majority's demands for political power. Rhodesia's 5 million blacks outnumber whites in an ever widening 20-to-1 ratio. Britain's Labor government, fearful that its troops might mutiny if ordered to quell a rebellion by Rhodesia's "kith and kin" government, announced six months before the event that it would not use force to bring down and eventual white Rhodesian "uprising."

A COMPROMISE

Instead, Prime Minister Harold Wilson—under the pressure of world opinion—chose a compromise strategy of asking the United Nations to impose economic sanctions against Rhodesia. The last time a world organization attempted such a step was in 1936, when the League of Nations tried to quarantine Italy for invading Ethiopia. Thus far, the U.N.'s Rhodesia sanctions have been about as sieve-like as the League's.

The Johnson administration, rejecting suggestions that it urge Britain to use force to bring down the Smith regime, went along with Wilson. But when it became apparent that the majority of the world's industrial nations were secretly going to continue trading with Rhodesia, the United States decided that it would not vigorously protest, either publicly or privately, the violations.

According to a knowledgeable State Department official, Union Carbide began to undermine the sanctions in 1966 while the sanctions screws were not yet fully tightened. It hastily transferred dollars to its Rhodesian subsidiary to "pay" for 150,000 tons of chrome ore that had not yet left the quarantined country. This later became the basis for its claim that it should be granted an exception to permit import of the 150,000 tons. The Johnson administration, well aware of the ploy, rejected the claim, but the Nixon administration granted it in September, 1970, after extensive Union Carbide lobbying.

POWERFUL ARGUMENT

Meanwhile, Foote, which had not been that astute in 1966, began to think in terms of a permanent, legislated exemption from the sanctions. Rep. James Collins (D-Tex.) and Sen. Harry Byrd Jr. (Ind-Va.) introduced legislation a year ago which said that the President could not ban the importation of a strategic commodity from a "free world" country so long as it was being imported from a Communist country. In 1965, the United States imported about a third of its high-grade chrome from the Soviet Union. Since the sanctions, the Soviets have furnished more than half of U.S. high-grade chrome imports. Given the size of the U.S. stockpile and the relatively modest chrome needed for defense purposes, experts scoff at the thought that the Soviets could bring the United States to its knees by stopping chrome exports. But this was a powerful argument.

Union Carbide quickly associated itself with Foote's effort, and both testified before House Foreign Affairs and Senate Foreign Relations subcommittee hearings last summer in favor of the bill. Although they complained strenuously about sanctions violations by other nations, nowhere in the two firms' testimony did they suggest the United States begin blowing the whistle on violators—a step that would have made life rougher for the white-minority government but more equitable for the world's chrome users in sharing the burden of the loss of Rhodesian ore.

Instead they were foursquare against sanctions. Foote chairman Bliss told the Senate committee July 8: "The position of the Foote Mineral Company, and, I think the rest of the producers in the United States, is this: That it would be total chaos if indeed the sanctions or the embargo would be effective against Rhodesia, because that would eliminate their input into world markets and throw us all into the marketplace in Russia and Turkey, and I am exceedingly doubtful, as the statistics disclose, that those source materials would be adequate to take care of world demand." A Union Carbide spokesman said that accurately reflects his company's position.

Andrews of Allegheny Ludlum, who testified in favor of the legislation as chairman of the critical materials committee of the Iron and Steel Institute, took the same position in a telephone interview. "I opposed the embargo the day it went on for business reasons," he said. "The social and political aspects (of sanctions) have been overemphasized to the detriment of the economic aspects." Andrews said he visited Rhodesia in early 1970 and attended the Nov. 11 Rhodesian victory party. But he denied knowledge of the song, in which he is hailed as being "true blue."

BYRD AMENDMENT

When the Foreign Relations and Foreign Affairs committees blocked the legislation, by now known as the "Byrd Amendment," Sen. Byrd took it to the sympathetic Senate Armed Services Committee, which reported it as section 503 of the Military Procurement Act. When it reached the Senate floor in a series of roll calls Sept. 23, 30 and Oct. 6 the White House remained silent—as it had before and has since.

A White House aide maintains that it was preoccupied with other elements of the President's legislative program. But other sources suggest that corporate influence had carried the day in a fluid situation in which Henry Kissinger, the national security adviser, preferred not to focus on something as remote as Rhodesia.

One former White House staff member says that of the President's aides, speech writer Pat Buchanan was particularly receptive to Union Carbide's plight. Last week Buchanan said, "I was sort of involved two or three years ago, but I haven't been involved since."

A former Senate committee staff member said that now-Deputy Defense Secretary Kenneth Rush supported Union Carbide's case in private conversation in 1970 while in Bonn as U.S. ambassador. Rush, a Duke professor when the President was a student there, left the presidency of Union Carbide to join the administration.

In the Senate, Byrd stressed that the measure would effect only chrome. However, the administration more recently has allowed the import of some 72 products from Rhodesia, excluding tobacco, a major Rhodesian export but not a "strategic" one. That dividing line serves the interest of Virginia tobacco growers, who have prospered through the elimination of Rhodesian competition.

The Byrd amendment passed its last Senate test Oct. 6 with the assistance of key switches by Sens. William Roth (R.-Del.) and Lee Metcalf (D.-Mont.). Metcalf's office said later his switch was due to pressure from unspecified "Montana chrome-mining interests." The measure sailed through the House, 251 to 100, on Nov. 10.

While the corporations involved, the Rhodesians, and apparently the White House seem to share an unusual private coziness that has influenced U.S. Rhodesia policy during the present administration, it is only rarely that a candid remark seeps into the public record.

One such comment was made by John Moxon, who since then had retired as president of Carpenter Technology Corp. of Reading, Pa., before the House subcommittee last June. Moxon followed Andrews to the witness stand to testify as a consumer of chrome. The only thing he said he wanted to add to his carefully worded written statement was, "We also have in the back of our minds the apprehension that the same people that are upset about Rhodesia will become equally upset about South Africa and then we are in a mess . . ." He quickly added that he is "not in sympathy with an apartheid or any of these things." He called U.S. participation in the U.N. sanctions "a short-sighted decision."

One U.S. official who closely follows the influence of Foote and Union Carbide in American Rhodesia policy is philosophical. He notes that their mining subsidiaries in Rhodesia are still producing chrome which in turn is earning vital foreign exchange for the Smith government. "They've got a lot in common," he said thinking of Foote, Carbide, and Rhodesia. "You just don't work that closely together without getting involved."

MOVING FORWARD

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. GRIFFIN. Mr. Speaker, 11 years ago the people of Vicksburg and the State of Mississippi dedicated the beginning of a great industrial park and port facility that had long been a dream to return that city to a position of importance as a river port. This past week an addition was dedicated to this facility adding greatly to its importance.

And today we have a harbor industrial park and port at Vicksburg that serves not only as an important contribution to the economy of the city and State but also serves as a vital link for Mississippi products to the rest of the world.

In the past year alone the port of Vicksburg showed the largest percentage increase in tonnage of any port on the Mississippi River. With the addition to this new facility, the cargo capacity will be doubled.

I would like to include here in my remarks an editorial from the Vicksburg Evening Post noting the rapid development of this fine facility, and to commend those whose efforts helped bring about this development.

The editorial follows:

[From the Vicksburg Evening Post, Mar. 2 1972]

MOVING FORWARD

Back in the 1940s, a Chamber of Commerce committee was appointed to investigate the means to be taken to bring Vicksburg, once more, to a position of prominence as a river port. Known as the Vicksburg-Yazoo Project, this work was pursued by subsequent committees, until it began to bear fruit and an appropriation was made by the Congress through which the Corps of Engineers transformed waste and marsh land north of the city into a most attractive industrial park. The feat was accomplished by dredging the Yazoo and making the fill above flood stage.

With a fine industrial park of almost 250 acres, another part of the project was the erection of a terminal, and this resulted in one of the most modern terminals on the river.

On a cold day in February, 1961, the new facility was formally dedicated, with the hopes for steady progress expressed by all who had any part in the ceremonies.

Even the most optimistic could not have foreseen the rapid development of the park, and its growing importance to Vicksburg. Eleven years after dedication, the land is practically all occupied, and a study is now under way on expansion of the park.

Even more dramatic has been the tremendous increase in river commerce. Vicksburg is now and has been for the past several years, the number one river port in Mississippi. Today products of Vicksburg manufacture are shipped to overseas destinations and received there in the original barges and containers used for loading here. Today, after having strained the facilities of the terminal, we are ready for the dedication of a huge addition to them, which is but an indication of the real importance of our port.

Tomorrow, at 3 o'clock, this new addition to the Port of Vicksburg will be formally dedicated, and tomorrow night, at Memorial Auditorium, a dinner will be held honoring Senator John Stennis, who, down through all of the years, has been the guiding light in making possible the appropriations which made Vicksburg's great Harbor Industrial Park and Port not only an important part of our expanding economy, but a link with the rest of the world, as we now are taking full advantage of our big river.

Many, many people have had a part in the development of our Harbor Industrial Park and the Port of Vicksburg Terminal, but, during the last fifteen years the major share of the credit for the implementation of the plans which became reality, must go to the Warren County Board of Supervisors and to the magnificent administration of the facilities by the Warren County Port Commission.

Tomorrow's dedication will be but a forerunner of other progressive moves. We await, with deep interest, the designation of Vicksburg as a port of entry, and with equal interest, the results of the study of the possibility of expanded land facilities.

Vicksburg and Warren County are moving forward, and our port is making a major contribution to that progress.

GEORGE B. SHAMON

HON. JOHN H. TERRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. TERRY. Mr. Speaker, in the 12th chapter of Luke, it is written that:

> For unto whomsoever much is given, of him shall be much required.

On Monday, March 20, the city of Auburn in my congressional district, lost a man whose entire life was dedicated to this principle. Mr. George B. Shamon, attorney, and former city clerk and corporation counsel of Auburn, unexpectedly passed away.

George Shamon, a life resident of Auburn, left a mark on his community which few could hope to equal, much less surpass. He was active in a multitude of civic activities including the YMCA, the School for Retarded Children, and the American Cancer Society.

I first met George at a "meet the student" forum for entering freshmen to Notre Dame. George graduated from that university in 1932 and played an active role in promoting it throughout the central New York area. Since that first opportunity to talk with him in 1941, I have respected this very able man for his dedication and concern for others. He was blessed with boundless energy and aptitude and he used those qualities to benefit the residents of his much beloved city of Auburn.

The Auburn Citizen Advertiser eulogized George Shamon on its editorial page. I include those comments as a most appropriate comment on the life of George B. Shamon:

[From the Auburn Citizen Advertiser, Mar. 21, 1972]

GEORGE B. SHAMON

George B. Shamon's heart has stopped. And it has left many individuals and organizations without a stimulating and important throb.

A native of Auburn, George Shamon was one of these individuals who put as much, if not more, back into his community as he took out. Whether it was the library, Mercy Hospital, the baseball team, Mt. Carmel High School, city government, or his church, he provided a spark and drive.

A competitor on the handball courts of the YMCA, before the bench in court, on the Democratic campaign trail or anywhere a bull session was going on, he had a zest and a strength of belief which were his trademarks. He loved to read and had a particular interest in history.

But to most, George Shamon was a warm and happy man whose size and sometimes booming voice hid a gentleness. He was most generous of his time, talents and money—in short, he was a soft touch. And as such, he lent himself to such organizations as the School for Retarded Children, the Cancer Fund and the YMCA–WEIU reaped the network.

Even a man-made Pacemaker couldn't keep George Shamon's heart going; we like to think that the reason was that it had gotten so big helping others.

AMCHITKA

HON. VERNON W. THOMSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. THOMSON of Wisconsin. Mr. Speaker, I would like to remind my colleagues of the unwise hysteria that occasionally develops in the discussion of environmental matters. As the House is about to consider the Water Pollution Control Act of 1972, I think the advice of Francis and Bruce Harper of the Prescott Journal in Prescott, Wis., is most timely.

Messrs. Harpers' March 16 editorial reminds us that in the 4 months since the underground nuclear test on Amchitka Island, despite "expert" opinion that the blast would trigger earthquakes and tidal waves with massive destructive force, there have been no noticeable aftereffects.

The Amchitka test offered to some an opportunity to indulge in irresponsible and emotional oratory. As a steady defender of our environment, I would urge my colleagues to take a hard look at questions on this emotion-laden subject. Ask the hard questions, sift through the emotion for the hard facts. The threat to our environment is real enough without jeopardizing the credibility of our effort by indulging in harmful demagoguery.

I include in the RECORD Mr. Harper's thoughtful remarks for your careful consideration:

AMCHITKA

In November, 1971, catastrophe was supposed to have followed the Amchitka underground nuclear test that took place far out in the Aleutian Islands. Opponents of the test, either inspired by fear that ecology would be harmed or in pursuit of more sinister motives such as obstructing America's defense effort, predicted calamitous earthquakes and tidal waves. The blast was detonated on schedule and nothing of the sort took place. An AP dispatch reports that the blast ". . . apparently opened the way to making the Spartan antiballistics missile fully operational." On the scientific side, ". . . seismologists expect to extract significant new information on the causal mechanisms of (earthquake) after shocks, and hope to be able to apply that knowledge to an improved understanding of natural earthquake source-mechanisms . . ."

The Amchitka nuclear test, since it failed to produce catastrophe as some expected, has been quickly forgotten by all but those concerned with the defense of the nation and the researchers and scientists who devote their lives to probing the unknown.

POLICE AND RISING CRIME IN THE SCHOOLS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. BINGHAM. Mr. Speaker, in response to growing concern over crime in the public schools, I introduced the Safe Schools Act (H.R. 10641), which would establish a new category of Federal grants to better enable schools to provide security. These Federal funds would be used to carry out locally approved school security plans to reduce crime against children, staff and property.

An article in the March 19, 1972, New York Times, reports some interesting changes in the type of crime and violence occurring in the schools, and discouraging increases in the incidence of crime. Also, an informative and thoughtful article by Phyllis Meyers analyzing the complex legal and emotional issues involved in the use of police in the schools appeared in the January–February issue of City, a magazine of urban life and environment published by the National Urban Coalition. In view of the considerable interest in this aspect of the current crisis in our educational systems, I wish to submit the New York Times article by Leonard Buder, and the article from City, entitled "Police in the Schools: Two Troubled Institutions Meet," for the Record.

The articles follow:

[From the New York Times, Mar. 19, 1972]

Crime and Violence Rise in City Schools

(By Leonard Buder)

The number of reported acts of crime and violence in and around city schools increased from 333 in 1970 to 580 last year, according to Board of Education figures.

These incidents involved assaults on teachers and students, including rapes, attempted rapes and molestations; robberies and purse snatchings; the setting off of smoke and fire bombs; and telephoned and written threats against school staff members.

Among the "untoward" incidents reported to board headquarters during the 1971 calendar year were 285 assaults on teachers and other school personnel—two fewer than in 1970 but well above the figures for previous years.

Last January and February there were a total of 170 such incidents reported, including 88 assaults on school personnel. If this rate continues, headquarters officials said, the 1972 totals will far exceed those for last year.

A TOTAL OF 197 ARRESTS IN 1971

The headquarters records show a total of 197 reported arrests of youngsters and adults last year in connection with school incidents, compared with 102 in 1970. However, officials point out that arrests are sometimes made days and weeks after the incident and are often not reported to headquarters.

Although the board's figures are generally regarded as an imprecise barometer—many school incidents are never reported to headquarters—such groups as the United Federation of Teachers, the High School Principals Association and the Council of Supervisors and Administrators have asserted that school violence was increasing.

Supervisors, teachers and headquarters officials who were interviewed recently also said that while school violence and unrest have been a persistent problem in this city as well as elsewhere for many years, there was a difficult character to the problem today.

Dr. George Patterson, an assistant superintendent at headquarters, who handles school security matters, said: "A few years ago, there were more group confrontations. Now we largely have pretty vicious individual assaults."

Similarly, George Altomare, the United Federation of Teachers' vice president for academic high schools, said:

"The schools are not the focal point of violence aimed at change. School issues are not involved, as they were some years ago, when students organized protests, peaceful and violent, to bring about change. Now it is student against student."

Although there was sometimes a racial or ethnic element—one Manhattan high school has been torn by conflict between blacks and Dominicans—in many schools, Mr. Altomare said, the problem was "essentially nonracial."

Edward Muir, the U.F.T.'s representative on the school stability team set up last year by the School Chancellor, Harvey B. Scribner, noted that there has been a re-emergence of "fighting gangs" in such areas as the south Bronx and northern Manhattan. These gangs conflicts, he said, frequently spill over into the schools.

HANDGUNS PROLIFERATE

"The tragic element that distinguishes this from earlier gang activity is the proliferation of handguns among teen-agers," Mr. Muir said. "The 'Saturday night special' [a cheap, small-caliber gun] has hit the high schools."

He added that he had heard of four shootings in and around schools in recent months.

Dr. Patterson also said he had heard that an increasing number of students were carrying guns.

"Some carry guns out of bravado, some for business—a stickup—and some for self-defense," he said.

PARENTS COMPLAIN

Parent and student complaints about violence in the schools and attacks on youngsters going to and from school have become a recurring theme at recent public-agenda meetings of the Board of Education. At these sessions unlike the regular calendar meetings, speakers can bring up any subject they wish.

At last Tuesday night's board meeting, a group of parents and elected officials from the northeast Bronx said that about 350 students had been kept home from Adlai E. Stevenson High School since last September out of fear for their safety. A parent spokesman said that students were being "mugged, robbed, intimidated, harassed and stabbed" by other students, who were members of south Bronx gangs.

SCRIBNER VOICES CONCERN

Chancellor Scribner, who in the past has emphasized that violence in the schools was, to a degree, a reflection of the violence in society, said yesterday that he was very concerned about the problem.

"Every student and teacher has the right to go to school in safety and without fear for his safety," he said.

Dr. Scribner said that he was planning to implement new measures to enable the high schools to cope more effectively with problem youngsters, including those who persistently refused to attend classes but congregated in school buildings and, in some instances, endangered the safety of others, He said these measures would be disclosed soon.

"UNTOWARD ACCIDENTS" LISTED

The record of school incidents is compiled by a unit of the Office of Educational Information Services at central headquarters. Each school day the office gives Dr. Scribner and other top officials a "Log of Untoward Incidents" reported by the schools. Among the incidents reported recently were the following:

An English teacher at a Brooklyn junior high school was assaulted by two intruders he had encountered in the hall. They hit him on the head with a hammer and knocked him down a flight of steps. The teacher was taken semiconscious to a hospital.

Students from a Bronx high school were attacked by a group of youths while waiting for buses. Several students were injured.

Two students sitting in the lunchroom of a Manhattan high school were attacked by four unidentified assailants. Both youngsters suffered stab wounds of the back and other injuries.

An 8-year-old boy, on his way back to class from the lavatory, was "accosted by a male intruder who dragged him to the fourth-floor landing leading to the roof and sexually assaulted him."

A Queens principal was robbed at gunpoint in his office by a young man, shortly after the end of the school day.

Occasionally the reports contain assertions from parents that teachers have assaulted their children.

PUPILS EXPRESS FEAR

Many school officials who were interviewed recently said that the daily reports gave only a fragmentary picture of the situation.

One board of Education official, who did not want to be identified, said that in many schools pupils were afraid to go to the toilet for fear that they would be accosted by other youngsters, who will demand or take their money, or be "molested" by "outsiders."

The official said that pupils and teachers also shunned deserted corridors and stairways during the school day and that principals often advised teachers not to remain alone in their classrooms during free periods or after school.

Deputy chancellor Irving Anker recently issued a directive to principals that women secretaries should not be asked to remain in the school office alone after school hours. The directive, issued in response to complaints from secretaries, said that when secretaries were asked to work after school, adequate protection must be provided for them.

An analysis of school incidents made a year ago by George Lent, who kept the headquarters log until he went on leave last fall, found that 70 per cent of the assaults on school personnel were committed by students, 10 per cent by parents of students and 20 per cent by intruders.

School officials generally report that intruders are a steadily growing problem. Some of the outsiders are adults, often drug addicts seeking something to steal.

But a number of them, Dr. Patterson said, are truants from other schools who prey upon younger pupils or are out to settle an old score. High school students, he noted, sometimes invade junior high schools and junior high school pupils may go to nearby elementary schools.

Mr. Lent also estimated that 30 to 60 per cent of all school incidents are not reported to headquarters.

Albert Shanker, president of the teachers' union, said that many teachers, parents and students do not report incidents to local school officials because they "have no confidence in the school system's procedures for dealing with violence" and fear that a complaint could possibly lead to another assault.

He said that "the question of safety and working without fear" would be a major item in the union's forthcoming contract negotiations with the Board of Education.

Not included in the board's tally of untoward incidents, although mentioned in the log, were bomb threats received by schools—a headquarters aide said that these had become "almost too numerous to count"—and acts of vandalism, fires and thefts occurring during non-school hours.

During one week earlier this month, 13 city schools were targets of bomb threats, including one Brooklyn elementary school that received five threats in a 55-minute period.

Some schools have also been plagued by fires of suspicious origin. At one Bronx high school recently, there were four false fire alarms one day. The next morning a fire was discovered in a classroom closet, forcing the evacuation of the building. An hour after classes resumed, another fire was discovered, this time in a lavatory, and again the building had to be evacuated.

SCHOOL VIOLENCE

The following table lists the number of violent incidents reported to the Board of Education in 1970 and 1971 and the number of arrests made. Some of the incidents were resolved without being reported to the police and some arrests were not linked to incidents referred to police.

Schools	Incidents		Arrests	
	1970	1971	1970	1971
Elementary	97	209	19	33
Intermediate-junior high	164	230	51	102
Academic	59	124	25	55
Vocational high	13	17	6	7
Total	333	580	101	197

Source: Board of Education Office of Education Information Service.

POLICE IN THE SCHOOLS: TWO TROUBLED INSTITUTIONS MEET

(By Phyllis Myers)

Men in blue are an increasingly common sight in the corridors of urban schools, but there is little agreement on their role.

Several weeks ago, I witnessed a scene that shook me into examining one of the dark corners of public school governance in our troubled cities: the increasing use of police power.

As I waited for a counselor in the corridors of my son's junior high school in Washington, D.C., a group of three young boys, all black, came sauntering by the counselor's office. One was repeating, "Hey man, hey man" rhythmically, at the top of his voice. The counselor asked them to leave. Two did, but the boy who was saying "Hey man" in that strange, loud unregulated way pushed past her and opened a nearby door. Suddenly, an arm thrust out of the room, grabbed the boy, tossed him up and down, and said roughly, "Who're you saying 'Hey man' to"? As the door shut, I caught a flash of a policeman's uniform and then heard sounds of scuffling and shouting.

Somewhat shaken, I asked the counselor what was happening. "Don't ask me," she said firmly, "I'm not saying anything. I just don't like what's going on around here." When I reported the incident to the principal of the school, he told me he had nothing to do with what the police officer did, and that the officer was under command of the local police district, where I should make my complaint. I hadn't expected this answer, although I have lived in Washington for eight years and have always sent my children to its public schools. I pressed forward with a few questions that came immediately into my mind. Didn't the officer keep in touch with the principal about his activities in the school? No. Did he file a weekly, daily, or monthly report to the school? No, only at police headquarters. Were there any guidelines about what the officer did in the school, and his relationship to the principal? No, except what was worked out on the spot between the personalities involved. Was he armed? Yes. Who chose the officer? He was assigned by the local police headquarters. Did he have any special training? No.

The principal told me he didn't believe the police were needed in the school at all. As for the incident I saw, he confirmed what I had quickly sensed: The boy was very disturbed and didn't belong in a regular public school. Washington, however, had no special facilities for him. The principal concluded by saying that the officer involved, who also was black, was better than most, and that on the whole the relationship worked out "not too badly." (The officer had told the principal that the boy had attacked him first.)

The incident kept popping up in my mind and, as I talked about it with others in my community, they too seemed surprised about the same things I had been. I didn't want to blow up the incident out of proportion. It would take someone far more militant than I to call it brutality. But there it was. A hostile boy, an emotional and educational problem, had been mistreated. The uniformed policeman had reacted to his words as a simple case of "lip." The officer had acted wrongly both by the standards of the institution that was legally responsible for the boy and by the standards of the police department for which he worked. Yet, it was unlikely that anyone other than I would ever complain.

At about the same time, I became aware of a furor at a nearby high school. It seemed police were picking up large numbers of "truants"—over 100 a day, some said—riding them in squad cars to local police headquarters, filing charges, and only then bringing them back to school authorities and notifying parents. The police insisted that no new drive against truancy was under way, but that they were simply extending their successful pilot program tested in another part of the city last year as a result of studies linking truancy with neighborhood shoplifting. All sorts of questions came up. Was a student who was five minutes late en route to school a "truant"? Was a student over 16 a truant? Was a class-cutter a truant? Since the truancy law makes parents the offenders, was it legal for police to pick up students? If it was legal, was it wise to take them to police headquarters?

Three black students got into a fracas when one refused to give her name to a police officer. After some heated discussion, all were held incommunicado at police headquarters for a time variously estimated from one to four hours. Only after student protests escalated into a threatened mass walkout did parents, principal, and police get together. Students believe some of the ground rules have changed: Truants are now taken back to school, rather than to police headquarters; students over 16 are left alone. A policeman has been detailed to the school full time, both to quiet the school and as an Officer Friendly to hear student complaints. Asked whether it would not have been preferable to explain the stricter enforcement policy in advance to students, deputy chief of police Owen W. Davis replied: "Oh, that's not necessary. The students learn about it fast enough via the grapevine."

Spurred by these two incidents, I began to do some more thinking and talking with people about the role of police in public schools, both here in the District of Columbia and across the country. I tried to find out how often and when and under what conditions police were called in, who made the decision, if the impact of their presence were assessed, and what other kinds of options were considered. I was not at all sure that the rights of students and young people were either clearly defined or protected, nor that, in a situation where fear or hysteria had taken over, the best protection systems to deal with the problems had been worked out. I found it was not a subject anyone wanted to talk about very much. Crime in the schools turned out to be even less susceptible to rational discussion than crime in the streets.

I encountered an unexpected amount of hostility, as it merely to raise these questions were either to condone rampant criminal behavior in the schools or to infer that policemen were pigs. Whatever else it means, the calling in of police to schools symbolizes a terrible failure, reaching beyond the institutions out into the community, and while most people seem to agree that there is a new kind of problem, no one—including police and school officials—knows what to do about it.

While it was difficult to get to the facts, the situation seems to look this way:

The involvement of police in public schools has been on the rise in cities across the nation. Such involvement ranges, in increasing order of controversy, from image-building, Officer-Friendly type programs, to police-liaison programs that combine regular assignments of officers with a broader community relations and educational role in the schools, to regular beat-type assignments in the schools, to the use of police cadets as nonuniformed undercover agents.

The International City Management Association queried police departments in over 2,000 cities in June, 1970, and reported that 91 percent of police departments conduct special educational programs in schools; police departments in 94 cities (7 percent of the total, but one-third of the larger cities) said there was "continuous full-time police coverage of selected or all public schools."

However, the issue of whether police belong in the schools is less strident today than it was in 1968 and 1969 when racially and politically motivated student protests were at their peak and expanded the use of police in secondary schools as well as on college campuses. Some of the lessened concern today is related to a toning down of these crises; part of it, however, is related to an acceptance of the police presence as "a fact of life" in schools, as elsewhere in our cities.

While protests grab fewer headlines, the increase in juvenile crime continues to rise, at a rate most people consider alarming. According to the FBI uniform crime reports, juvenile arrests have jumped three times as fast as all arrests in the past decade; young people under 18 account for more than half of all arrests for auto thefts, larcency, burglary, and arson. Numbers like these lead easily to speculations about extensive crime spillover in schools, but statistics—to the extent they are available—are closely guarded, by police and education officials alike. The only known national survey, taken in 1970 by the Senate subcommittee on juvenile delinquency of a sample of 110 big-city school districts, concluded that "violence in our public schools has increased dramatically" but warned that its statistics were too sketchy to express more than a "trend."

The increasing use of police in city schools raises many new complex political, administrative, legal, and educational issues: Should police come in on their own volition, or only when invited? Should they take part in educational programs or restrict their activities to criminal wrongdoing? Should they be uniformed, carry arms, have an office? What kind of special training, if any, do they need? Who pays for the police? Do they have access to school records? What are young people's rights with respect to questioning, search, arrest? What are parents' rights? What are the school's responsibilities? The ICMA survey of police departments reported that half have written policies dealing with young people on school property, and among these there was a great variation of policies (let alone practices). I was able to locate only a handful of cities and states where written guidelines between the schools and police had been published.

In an increasing number of cities, students, sometimes aided by local civil liberties lawyers, have begun publishing their own rights handbooks, attempting to spell out the legalities of dealing with both police and school officials. Their effort exposes a worrisome vagueness about the law as it applies to young people. "It is a no-man's-land. Animals in our society have more rights than children," commented Mrs. Ruby Yaryan, a juvenile delinquency expert with the federal Law Enforcement Assistance Administration. It was only in 1970 that the Supreme Court affirmed that the Bill of Rights did not stop at the schoolhouse door.

A year ago, ICMA observed that despite the importance of the subject of police relationships with schools, "little research has been conducted on (its) nature and extent." This is just as true today. Roy C. McLaren, director of the field operations division of the International Association of Chiefs of Police, points out that any compilation of crime statistics or police practices is an extremely complex job—and in order to do so, someone has to want to know and pay for the effort. So far, there has not been enough public concern in this area says McLaren.

There are signs that pressure may be building up for change, however, as school systems reverse their traditional stance and call on the police for help.

"Historically, there has been a lack of cooperation between the schools and the police," says IACP's Richard Kobetz. "School authorities often wait too long to call in police. They are reluctant to think of these things. Yet, their first job is to protect life and limb." Until recently, admits Charles Baltimore of the Association of Secondary School Principals, school officials considered it a failure to call in the police. Now this has changed, says Baltimore—nevertheless proudly pointing out that in his years as principal of a racially changing school in the inner city, he never called for the police. Baltimore is concerned about the erosion of the principal's authority when police come in, that they might make the school "a military state." Kobetz is exasperated by this reluctance to use police officers. He says: "The role of policemen is very complex because Americans have made it so. First they give him a job, then they dare him to do it."

At the heart of the confusion is a clash between differing philosophies of how conflicts are controlled in a democratic society—by authority and fear, or by self-control and self-responsibility, repression or rapport—and uncertainty about what police are supposed to be doing. Is their primary function to keep order and apprehend criminals, with all other activities largely peripheral, or should a major portion of their time be devoted to prevention of crime? At the school level, these differing strains of thought break down into two basic approaches to handling disorder, violence, and criminal activity: one, to restrict police functions to emergencies and, if necessary, build a capability within the school system to handle most situations without calling in the police; and the other, to expand the role of police officers in schools by involving them more broadly in counseling and educational community programs, thereby breaking down barriers between young citizens and police officers.

The first approach is that advocated by McLaren, emphasizing that he is speaking as an individual and not for IACP: "If the calling in of police is a short-term temporary assignment to deal with emergency situations, then the use of police is entirely appropriate. But if the situation is going to be long-standing, then some security system ought to be worked out, paid for by the school system and accountable to it and the principals." He believes this would lead to a more effective use of manpower, since it "takes a higher level of police competence to investigate crimes than to stop fights."

In 1969, Education U.S.A., a publication of a National Education Association affiliate, reported that school systems in cities all over the country were adding substantial numbers of security personnel to their staffs. Often these are off-duty or retired policemen. Policies vary from city to city about duties, uniforms, and the gut issues of police powers—the right to arrest and to bear arms. Security officers in Detroit, hired "reluctantly" by former superintendent Norman Drachler as a result of fears he felt were "exaggerated," did not wear uniforms. In New York City, however, students protested the lack of identifying clothes, and guards were given special blazers. In Kansas City, security personnel felt unsafe without arms and were given Mace and handcuffs. In Oakland, Calif., "peace officers" are armed and have the power to detain suspects.

Out of the need to exchange ideas and practices about school-directed security programs, a new group, the International Association of School Security Officers, has sprung up in Fort Lauderdale. The organization is supporting a "safe schools" bill introduced by Rep. Jonathan Bingham (Dem-N.Y.) and cosponsored by the unlikely combination of Rep. Shirley Chisholm (Dem-N.Y.) and Louise Day Hicks (Dem-Mass.) which would give federal funds, through HEW, to schools to finance their own security systems. Such funds could not be used to support the introduction of "firearms, weapons, or chemical agents," but otherwise schools and communities would have broad latitude to work out what measures they preferred. According to Roger Majak, Bingham's assistant, it is the lack of funds that causes many school systems to turn to police departments. Sending funds to the schools would be a counterweight to the support now funneled by LEAA to police departments—estimated at $6 million—for programs to combat school crime.

While many see school-operated security forces as a more palatable approach to protection, some are fearful that such groups pose a new danger in themselves. Mark Furstenberg of the Police Foundation says he sees "no reason to have other police systems. All the experiments I have seen point against it." Where there is a need, he would rather see the police called in. "They are trained in the legal use of force, how to arrest and use weapons, and are, in most cities, accountable to the political forces. This is the nature of a police function in a democratic society." Emphasized Furstenberg: "The police attitude is, We prefer not to come into schools, but if we're needed, then we're coming in and going to use our own judgment."

If police are going to be in schools on a continuing basis, however, Furstenberg believes they should increase their positive role in the schools. This approach is exemplified by a series of model programs that began in Atlanta almost 40 years ago, but is more usually traced to Flint, Mich., in 1958 and Tucson, Ariz., in 1963. Although details vary, the police officers—still under command of police headquarters but called something like police-liaison officers, school resource officers, or monitors—are assigned to schools full time as part of a concerted attack on prevention and early detection of proneness to delinquency. Sometimes they take off their uniform, but they are always armed. In addition to normal police duties, the police may work with counselors and teach special law enforcement courses and refer young people with problems to service agencies in the community. Both Flint and Tucson report that such low-key involvement of the police has cut down the number of student arrests, rather than increasing them, as some feared.

While such programs have spread to about two dozen cities, their further proliferation has been limited by two major problems. One, cited by hard-pressed police departments, is manpower. In ICMA's survey of police departments, the main concern expressed about further assignment of police to schools seemed to be "lack of personnel." "Should a trained police officer be giving lectures to students?" asks a police official. Says Furstenberg, "I don't worry much about efficiency. We must remember this is our only opportunity for positive police contacts among students." But such contacts are not necessarily positive—as my own experience proved. Like so many other such programs, if the effort is not carried out carefully and sensitively, the impact can be marginal, or even negative. However, IACP's Bjorn Pedersen, who is assisting several model cities in developing police-school liaison programs, believes that many cities are now attracting sufficient "exceptional policemen" for such programs.

A second limitation has to do with the desirability of constant exposure to the police. The southern Arizona chapter of the American Civil Liberties Union unsuccessfully attacked Tucson's program as an "unnecessary extension of police authority." Mark Keane, city manager of Tucson when it adopted its police liaison program and now ICMA's executive director, says such criticism prodded the development of "precise guidelines" that "reduced fear of police abuse." The controversy still simmers, however, according to a recent article in School Management magazine, which quoted a Tucson psychologist's succinct summation of a deep strain in American views about police: "The basic thought (about) a policeman is that he is out on the street. If you need him, you go out and get him. If you have been bad, he comes after you. But he doesn't live with you."

Such ideas are hard to hold onto in these difficult days. As a thoughtful member of the parent board of my son's junior high school said when I told her of the incident concerning the boy and the police officer: "I know how you feel, but it is very hard to say. You can have one feeling in your living room—but if it is your child who is jumped on by a gang in the school yard, or if it is your child's new coat that is stolen, then your feelings change, and you want not one, but two policemen around."

I found no easy answers. Police and schools are interacting increasingly, but all too often, in a no-man's-land where effective relationships have not been thought through. As these two powerful and heavily strained institutions come together in new ways, they must work out public policies that ensure staff and pupil security in an atmosphere that teaches—by example—the rules, procedures, and laws underpinning our society.

Police in the Schools: Politics in Philadelphia

(By Lenora Berson)

On November 17, 1967, several thousand black public school students from all parts of the city of Philadelphia converged on the school administration building. Their purpose was to petition the authorities for black studies, more black teachers, and the right to wear Afro garb. The demonstration had been openly planned for weeks. Board of education members and superintendent of schools Mark Shedd had developed a plan to handle the student protest. They decided to meet with the black student leaders, to formally accept their petition, and publicly promise to consider it.

While the black students were inside the white limestone school complex, the crowd of 4,000 teenagers became restive. A few jumped on top of cars to lead songs. Police commissioner Frank L. Rizzo, who had been warily circling the demonstration, took this as a signal for action and shouted, "Get their asses!"

Several hundred policemen who had been stationed in ammunition-loaded buses on the edge of the crowd charged. A small riot ensued. The wounded were black students, a black school administrator, and a dozen white pedestrians several blocks away who had been hit in misplaced retaliation by the angry young blacks.

School board president Richardson Dilworth, a former mayor and a leading figure in legal as well as social circles, denounced the police action and Rizzo, now Philadelphia's mayor. School superintendent Shedd joined in this denunciation.

In retaliation against the criticism, Rizzo demanded the right to station officers *at his own discretion* within the schools.

Richardson Dilworth, on a CBS-TV documentary aired on December 23, 1971, recalled the circumstances under which the demand was made: "Toward the end of the (school board) meeting, the commissioner very ostentatiously threw a number of files on the table and said, 'I've got enough on every one of you,' pointing to us, 'to run you out of the city.' "

Mark Shedd supported Dilworth's charge. "Rizzo made it clear he was keeping a close surveillance on the board and the (school) administration and that he had sufficient information on every one of the board members and members of the administration, on our personal lives, that could be incriminating."

Shedd went on to quote Rizzo as saying: "Everybody in the room ought to be very glad they had a police commissioner who was a person who wouldn't use such information for his personal advantage, that Philadelphia had a police commissioner who is a responsible kind of person. He indicated that if everybody behaved themselves the information wouldn't be used."

Despite the threat, which Rizzo now denies making, the board rejected the commissioner's demand for complete autonomy over police in the schools.

MY RESPONSIBILITY TO FREEDOM

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. KEITH. Mr. Speaker, this year's winner from the State of Massachusetts in the Veterans of Foreign Wars Voice of Democracy Contest was Miss Betsy Jean Bouchard of Kingston in my congressional district.

Built around the national contest theme, "My Responsibility to Freedom," Betsy's speech has an important and refreshing message for us all. I recommend its reading to my colleagues:

My Responsibility to Freedom

"My country 'tis of thee, Sweet land of liberty, Of thee I sing; Land where my fathers died, Land of the pilgrims' pride, From ev'ry mountain side Let Freedom ring."

I saluted my country as a child in grade school; proud to be able to sing those words. That was my introduction to the use of the word "freedom." What did freedom mean to me at that age? It was just another word, another pretty song. As I grew older and my interests broadened, so did my concept of freedom.

Television and other media continue to graphically point out that what is freedom to men in one country at a particular time in history may not necessarily mean freedom to men in a different setting.

Like most citizens of the United States, I am able to take freedom from want, hunger, and fear for granted. As an American, I consider freedom of speech, press, religion, assembly, and all the other freedoms contained in the Bill of Rights, to be of the highest priority. However, I am also very much aware of the fact that to over half the people in the world today, freedom from hunger, want, and fear is of far greater relevance.

Even in our own country, black people have never known the freedoms enjoyed by their white neighbors. I can understand the frustration of struggling to obtain the freedoms which have been guaranteed but not extended to the black. In a speech delivered at Gettysburg during the centennial celebration of Lincoln's immortal address, Vice-President Lyndon Johnson touched upon this subject.

He said:

"To ask patience from the Negro is to ask him to give more of what he has already given enough. But to fail to ask of him, and of all Americans, perseverance within the process of a free and responsible society, would be to fail to ask what the national interest requires of all its citizens."

Recently, I have become aware of the passing of one of my freedoms—the freedom of childhood. At this time next year, the freedoms which I enjoy and which other people have been safeguarding for me will become part of my responsibility, too. It will be my duty to be an informed voter, an involved citizen of my community, and an industrious member of our society. These are basics of good citizenship which will be both necessary and rewarding to me.

Beyond this, however, I would hope that I could contribute to improving the quality of our freedoms for future generations. For too long, Americans have been satisfied with the blight of mediocrity and impoverished imaginations. We have confused status with standards.

Commercialism invades every facet of our lives, often in degrading and demoralizing ways. Our educational system has been allowed to drift too far into an intellectual abyss. Rather than sharing the best of our world with the least fortunate, we have allowed the best of our culture to become diluted, thus lowering the expectations of everyone.

Maybe by doing my best within the context of my life, by working to achieve harmony and understanding with other people, and by promoting the quality of excellence in our national life, I can be a positive force toward a better America.

As each generation comes of age, the cause of freedom has a special need.

In the words of John Gardner, author of "The Recovery of Confidence,"

"If we want a society built around the creative possibilities of the self-directing individual, then we have tasks to perform. Each of us has tasks to perform. Each of us is that self-directing individual. This free society begins with us. It mustn't end with us."

SHELVING CAPITAL PUNISHMENT

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. EDMONDSON. Mr. Speaker, I would like to share with you an editorial appearing in the March 12, 1972, edition of the Sunday Oklahoman regarding the abolishment of capital punishment. I believe this editorial contains some very interesting and challenging observations, particularly since the problem of violent crime is a harsh reality in our lives today.

I call your attention to the contention in this editorial that the public has not rejected capital punishment in view of the fact juries continue to prescribe it in spite of legal obstacles placed in the way of its implementation. Further, that crimes of premeditated violence continue widespread throughout the Nation, and undoubtedly repeaters, who are responsible for a great percentage of our crimes, have not failed to note the complete absence of legal executions anywhere in the country for more than 4½ years.

Another valid point is the grim situation facing prison personnel who must work daily with lifers" with no hope of parole. Can these men fail to wonder what they have to lose by committing further violence if the threat of capital punishment is removed?

Mr. Speaker, at a time when we need great wisdom in finding ways to bring about law and order in our Nation, I think we should consider the alternatives if capital punishment is eliminated as part of our judicial system.

I hope everyone who receives the CONGRESSIONAL RECORD will give careful consideration to the following editorial:

Shelving Capital Punishment

Interminable legal challenges and procedural nitpicking by the courts have brought capital punishment to a standstill throughout the nation.

It has fallen into disuse simply because the courts have made it impossible to carry out, and not because the people have rejected it. Public support of it is apparent in the fact that juries continue to prescribe it even as waiting lists of the condemned lengthen.

No convicted killer has gone to an electric chair, gas chamber or gallows anywhere in the country for four and a half years, but about 100 defendants still are being sentenced to death every year. The number awaiting execution now is about 680, including 15 in Oklahoma's death row at McAlster.

If the death penalty has become "unacceptable to society," as its opponents like to contend, its presumed rejection certainly isn't reflected in the findings of juries in capital cases.

Having placed insurmountable legal technicalities in the way of swift and certain capital punishment, its opponents then argue that it is "cruel" because of the lengthening wait between sentencing and execution. In ruling it in conflict with the California constitution's ban against "cruel or unusual punishment," the California Supreme Court said a death sentence was in fact the "lingering death" that most courts had agreed would be unconstitutional.

The California court said among other things that the state could not prove the deterrent effect of capital punishment. Proof of deterrence is difficult, particularly in unpremeditated killings—the spur-of-the-moment so-called crimes of passion. But a strong presumption of lost deterrence must be drawn from the proliferating crimes of premeditated violence now sweeping the nation.

The death penalty can't deter if the courts won't permit it to be carried out. The total absence of legal executions for more than four years hasn't escaped the notice of the criminal "repeaters" who are responsible for most of the nation's crimes.

To a convict serving a life sentence without hope of parole, the action of the California Supreme Court amounts to a license to kill penitentiary guards and other custodial employees. Such a convict would have nothing to lose. The grim implications won't be lost on prison personnel everywhere. If the ruling stands, its predictable effect will be to complicate enormously the staffing problems of California penal institutions.

Similar prison staffing problems will occur nationwide if the U.S. Supreme Court follows the California example and determines that the death penalty is in conflict with the federal Eighth Amendment's ban on "cruel and unusual punishments."

Another nationwide effect visible already in California will be the release on bond of persons charged with but not yet convicted of murder, since non-capital offenses ordinarily are bailable.

Even if the U.S. Supreme court decides the death penalty is not "cruel and unusual," its execution still will be tied up by an earlier ruling that it isn't proper in a murder case for the prosecution to challenge prospective jurors having conscientious or religious scruples against its infliction.

The death penalty isn't being carried out any longer, not because it has become "unacceptable to society" but because an incessant and organized campaign of litigation has kept the opposition to it always before the courts.

POVERTY BACKGROUND FOR OEO HEAD

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. SHRIVER. Mr. Speaker, those of us who have had the opportunity of working with Phillip V. Sanchez, Director of the Office of Economic Opportunity, have been highly impressed by his deep commitment to making a success of OEO and really doing something for people.

I have found him to be an effective administrator who is concerned about cutting the redtape of bureaucracy as much as possible in order to get a job done.

The Kansas City Star recently published a feature on the job Mr. Sanchez is doing which is worthy of the attention of Members of Congress. Under the leave to extend my remarks in the RECORD, I include the article, which was written by Nick Thimmesch of Newsday, Inc.:

POVERTY BACKGROUND FOR OEO HEAD

(By Nick Thimmesch)

WASHINGTON.—My, oh my, the Office of Economic Opportunity, from which federal antipoverty efforts spring, is finally being run by a man with authentically poor origins. Sargent Shriver, Donald Rumsfeld and Frank Carlucci—former OEO directors—never knew hunger, want or discrimination, but Phillip Victor Sanchez, 41, the recently installed new boss of the "poorhouse" did.

As a scrawny 6-year-old, Sanchez joined his Mexican migrant family in California's Salinas Valley, picking fruit and cotton. In those depression days, his English was poor, and the opportunities limited. He soon acquired another handicap when his father abandoned his wife and the family of six children.

Sanchez didn't go on to make a million, American style. He chose a civic and government career, a hero to the Jaycees. At age 32 (1962) he was named Fresno County administrator, thus California's youngest county executive. He proved his stuff over the years, and the Nixon administration recruited him in 1971, making him director last fall. Now Sanchez, whose appearance is distinctly Mexican, finds himself where every OEO director before him has been—in controversy.

OEO directors have always heard charges that: The agency is underfunded and administered to oblivion; the poor aren't properly represented; and the legal aid program interferes with the rights of local government. Now the new directions of OEO, initiated by the Nixon administration, bring new charges that the agency is reckless and is systematically being dismembered.

"We've quit the nickel-and-dime approach," Sanchez says. "We're using research and development to get to the root causes of poverty in jobs, education, housing and income. We conducted a project to find out if performance contracting with schools would improve children's math and reading skills. We learned they don't, and maybe we saved school districts all over the country millions. We're trying education voucher experiments, and higher education programs for prison inmates.

"We did another with income maintenance and learned that families getting this assistance showed no decline in earnings. We would also like to blend children of working-class families with poor children into child development programs, charging the near-poor small fees."

The 984 Community Action agencies (down from 1,200 in the L.B.J. years) now hear "sophisticated advocacy" instead of "burn, baby, burn rhetoric," Sanchez says. "I wish the bureaucracy and members of Congress, who formed their impression of these agencies on the turmoil of a few years ago, would get off their duffs and visit us now. They'd learn the approach is more productive."

Sanchez talks warmly of a demonstration project in Jackson, Miss., where white architects and local bankers helped establish an OEO medical service center for poor blacks in a local school; and of a strawberry farm co-operative in Watsonville, Calif., established with a $500,000 OEO assistance grant and run by "migrant farmers with many kiddies."

He's also happy that for the first time a majority of OEO's 10 regional directors are minority people (three blacks and three Spanish-speaking).

The Nixon administration has spun off several major OEO programs, including Head Start, VISTA, manpower development and training and health services, to other government departments. But the administration's 1973 OEO budget request of $758 million is up $54 million from the 1972 appropriation by Congress of $704 million. The President also asked for an extra $34 million for HEW to pick up OEO's health programs.

OEO's funding level has not been significantly changed by the Nixon administration but it has shifted money to research and development. It also wants to make the legal services program a separate, independent corporation like Public Service Broadcast.

Sanchez says he's in accord with all of these. A lifelong Democrat, he converted to Republicanism in 1969, he says, because "Democrats took people with my kind of name for granted, and I've seen this administration do more for my people than what was done before."

"What brought me here," he says smilingly, "was not my distinguished record of writing campaign contribution checks or waving political banners. I burned my bridges to come here, and gave up a good job and a pleasant life in Fresno. I didn't come to Washington to be the pallbearer for OEO's funeral as some charge."

TRAVEL GROUP CHARTER PROPOSALS

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. MILLER of California. Mr. Speaker, I am very much concerned with the future and continued service of nonscheduled airlines, because of their great importance to this country's air transportation. I believe that eventually the nonscheduled airlines will be called upon to carry a larger volume of cargo and passengers.

In support of this belief, I include in the RECORD a press release issued by the National Air Carrier Association, Inc., in connection with the statement by their president, Edward J. Driscoll, in response to comments filed by the scheduled carriers in opposition to the Civil Aeronautics Board's travel group charter proposals:

"UNREASONED FEAR OF COMPETITION" BEHIND ATTACK ON CAB PROPOSAL—JUSTICE AND TRANSPORTATION DEPARTMENTS BACK LIBERALIZED CHARTER RULES

WASHINGTON, D.C.—March 15.—Scheduled airlines' objections to liberalized charter rules are based on an "unreasoned fear of competition," the nation's leading supplemental (charter) airlines told the Civil Aeronautics Board today.

National Air Carrier Association president Edward J. Driscoll made the statement in a reply to comments filed by the scheduled carriers in opposition to the CAB's Travel Group Charter proposals.

Claims that the new rules will bring about the eventual demise of scheduled air transport, reflect, said Driscoll "an unreasoned fear of competition and of any change in the status quo."

"They reveal an undue readiness to blame others—in this instance, the supplementals and the Board—for economic problems substantially of their own making.

"And they imply an obligation on the part of the Board—which simply does not exist—to make scheduled services profitable at whatever capacity or frequency levels the carriers choose to operate, without regard to the needs of the public for low cost bulk air transportation."

Mr. Driscoll pointed out that the Departments of Justice and Transportation had both commented favorably on the Board's proposal and had, in fact, suggested further liberalization—particularly in regard to the proposed six-month advance purchase requirement.

The Department of Justice statement said "there is in fact no persuasive evidence that expanding the availability of charters would substantially impair the operations of either the scheduled or supplemental air carriers."

Similarly, Mr. Driscoll said, more than 40 consumer groups, student organizations, colleges, unions, cooperatives, senior citizens and farmers' organizations have filed comments "supporting the travel group charter proposal, and in many cases urging the relaxation of restrictions."

Mr. Driscoll said that the scheduled carriers' claims of diversion "ignore the fact that the growth of scheduled passenger traffic in the transatlantic market—the only market in which charter services are a significant factor—has been sizable and consistent during the entire period of development of large-scale charter traffic."

During the past decade, he said, U.S. flag carriers have experienced a 17 percent annual growth rate—compared with 14 percent for IATA carriers as a group.

They also ignored the role played by their own "managerial misjudgments," he said. "In recent periods, both the U.S. transatlantic carriers and the IATA carriers as a group have increased available seats in transatlantic scheduled services more rapidly than the growth in traffic warranted."

NEEDS OF THE MENTALLY ILL CHILD IN THE DISTRICT OF COLUMBIA

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. McKINNEY. Mr. Speaker, on March 14, members of the District of Columbia Mental Health Association appeared before the House District Committee to discuss the needs and accomplishments of the association. Mrs. Sandra Bergman, a member of the Ad Hoc Committee on Childhood Mental Illness, presented an excellent statement which I am submitting at this time for the benefit of my colleagues who were not able to hear Mrs. Bergman.

The needs of the people of the District of Columbia are no different than the needs of people in every city and town in the Nation. More services and more money must be appropriated soon if we are to save the hundreds of thousands of citizens who are suffering from some form of mental illness. As Mrs. Bergman so ably points out, any expenditures we now make will save us many times that amount in future expenditures.

The testimony follows:

[Testimony before the Committee on the District of Columbia, March 14, 1972]

NEEDS OF THE MENTALLY ILL CHILD IN THE DISTRICT OF COLUMBIA

(By Sandra Bergman)

The D. C. Mental Health Association would like you, Mr. Chairman, and the members of your Committee, to know how deeply appreciative we are that you have given us this opportunity to talk to you about the plight of the mentally ill child in the District of Columbia.

Although we, as a chapter of the National Association for Mental Health, speak for all the mentally ill, not only children, we feel it is imperative that we give priority to the problems of children and adolescents in the District of Columbia, because that is where the need is the most acute; that is where the hope for change is the greatest.

In 1970 the National Association for Mental Health and its forty-seven Divisions throughout the nation with a membership of hundreds of thousands, focused on "Children in Crisis"—the problems of the mentally ill child in America. Our mental health association, fulfilling its commitment as the voice of the consumer-citizen, as the advocate for those persons who are already seriously ill and those who might be prevented from becoming seriously ill with preventative measures, has pursued the critical needs of children in this city, with few results.

At this point, I want to make it very clear that we do not speak for the Mental Health Administration or for any other part of the District government. Though our members sit on advisory task forces in a consultant capacity to the Mental Health Administration, we are in no way beholden to the city government. We speak only for the citizens of the District; especially for those in need of mental health help.

More specifically we speak for some four thousand members, and a 40-member Board of Directors that represents the entire metropolitan area. Our Board represents all ethnic groups, the socio-economic spectrum, the laymen and the professional. We have businessmen, inner city parents, doctors, social workers, teachers, and lawyers on our Board. We also have a Professional Advisory Board made up of the most outstanding members of the mental health profession in the city.

Yet we have been able to accomplish little in the way of meeting the needs of our children.

We have given benefit balls, appeared on television program after television program, held public forums, testified before the City Council and the Board of Education. I am sorry to tell you that most of our energy and good intentions have basically come to naught. Without your help we can have more benefits, more TV appearances, more workshops, seminars and lectures, and still not have the money or access to reach or help a fraction of the children needing help.

THE NEED

Thirty thousand children who need help from mental health workers live here in D. C.—and this is said to be an extremely conservative estimate by demographers at the National Institute of Mental Health and by the D. C. Mental Health Administration.[1]

How do we know that there are 30,000 children emotionally ill? We don't! We don't have their names and addresses. Nobody has really cared enough to find out. We have bits and scraps of information upon which we base these estimates.

The Mental Health Administration has come up with the figure of 30,000 by applying to the District of Columbia national percentages from the Joint Commission Report on the Mental Health of Children, published in 1969. This Report was commissioned by an Act of Congress. I refer you to Appendix A for a breakdown of the 30,000 figure.

Another way used by the Mental Health Administration to estimate the number of children seriously emotionally disturbed is to calculate the number of children receiving services from the Social Rehabilitation Administration. As of June 1971, the Children Services Division reported that 3,500 children were under care and supervision, and an additional 1,309 were at the Children's Center at Laurel. (These are court adjudicated children, those delinquent and declared beyond parental control.) This total of 4,809 does not include the children who are at Forest Haven, the institution for the mentally retarded children.

The Family Service Division caseload on June, 1971 included 52,911 children. Our Association was told that "one out of every four children (an estimate, again) is disturbed or maladjusted." So if we just total the number of children under the care of the Social Rehabilitation Administration we get an estimate of 13 to 14 thousand children with serious emotional problems. This does not include the thousands of children who have no connection with the Social Rehabilitation Administration.

DEFINITION OF EMOTIONALLY DISTURBED CHILD

In the interest of clarity I would like to differentiate between a child who is mentally retarded and a child who is emotionally disturbed. Mental retardation refers to subaverage general intellectual functioning which originates during the developmental period and is associated with impairment in adaptive behavior. Mental retardation does not preclude the development of normal personality and emotional functioning. The majority of children in our institutions for the retarded, excluding those with overwhelming retardation, are requiring such special care because of personality and adjustment disturbances which make it difficult for them to function in the community. Appropriate treatment and training would enable many of the children in our institutions such as Forest Haven to return to the much less costly established community programs.

Though we feel great compassion for mentally retarded children, our concern today is for the emotionally disturbed child.

An emotionally disturbed child is one who cannot cope with his life; his personality development has been interfered with or stopped by factors in his environment. He seems immature for his age and intellectual endowment, which is frequently quite high. He cannot interact in an acceptable way with his peers. Some have temper tantrums and crying fits; perhaps he bangs his head against the wall unceasingly; or he walks on all fours and barks like a dog; or he can only relate to a tree, not to his mother or teacher; or he withdraws inside himself and refuses to communicate with human beings; he cannot control his impulses, he cannot learn. And those who are most severely depressed, try to kill themselves. I will never forget a committee meeting early last spring at our office—a member of the Department of Education, took her seat wearily, and said: "I hate to see spring come, we have so many suicide attempts in the schools each spring."

When we speak of mentally ill children, there is a vast range of severity in describing their condition and their needs. One thing is certain: when a child begins to develop problems, if that child is not helped then, he will only get worse. The sooner a child in trouble can be diagnosed and helped, the greater the chance that his illness will not become severe.

I would like to tell you about the calls for help we receive in our office, calls which leave us depressed and frustrated because the appropriate facilities and services simply do not exist in D.C.

The wife of a United States Congressman, an Urban Service Corps public school volunteer, called asking us to recommend a residential facility for a seriously disturbed 14 year old girl who talks and talks, walks around the streets looking for her mother who deserted her, or shuts herself up in closets. She will not stay in a classroom. She has no money.

A private psychiatrist tells us she is keeping four disturbed children in her home along with her own children rather than let them go to an inappropriate institution or back to their own homes which have been the primary cause of their illness.

The Social Worker at the Hospital for Sick Children reports that a 12 year old boy with an I.Q. of 130 was sent to their institution from Junior Village in a catatonic state after 13 previous moves around different foster homes. He was an asthmatic, so the hospital, which is not a psychiatric facility, could take him in. He made a phenomenal adjustment and was placed in another foster home from which he was rejected in two days. When he was returned to the hospital, he threatened suicide. He was finally sent back to Junior Village and kept under lock and key.

At this same hospital they have a boy who is a cyclical vomiter. He saw his father burn his mother to death.

We had a school counsellor call asking for help. She had a bright but uncontrollable 6th grade girl who brings a pocket knife to school and threatens the other children. Did we know of any residential facility this girl could be placed in?

---

[1] By applying to the District of Columbia national percentages from the Joint Commission Report on the Mental Health of Children, we can estimate that 1,770 D. C. children are probably psychotic; 5,900 to 8,850 children are severely disturbed, and between 23,600 and 30,000 are in need of help with some emotional problem.

Two of our Board Members witnessed a 13 year old girl screaming and banging the walls of the detention room at Juvenile Court for 45 minutes. At five p.m. when the Judge returned from hearing cases they asked him what was wrong with the girl. He replied that she was "obviously psychotic." They asked him what would happen to her that night. He said she would be returned to the Receiving Home and, if there was anyone there to do so, someone would give her a tranquilizer.

We hear of hundreds of cases like these each year. And there is nothing we can recommend because there is no place for these children in Washington.

At the conclusion of this statement, Mr. Chairman, I would like to introduce to you for an informal conversation, three citizens who will tell you about their frustrations in trying to help emotionally ill children in this city: the mother of a disturbed child, a child psychiatrist in private practice, and the Director of the Information Center for Handicapped Children.

WHAT IS AVAILABLE FOR THESE CHILDREN?

I would now like to turn your attention to the facilities and services the Mental Health Administration and the private sector provide for these 30,000 children.

Our Association conducted a survey in 1970 to determine what was available both in the public and private sector to help these children. A copy is attached.

There are no public residential treatment centers for seriously ill children. There are less than 60 beds in the entire public sector for children, which includes St. Elizabeths. There are seven private facilities—among the finest in the country—capable of treating three hundred children at a cost of from $11,000 to $26,000 per child, per year. These seven private institutions, in addition to being beyond the means of all but the affluent families, have long waiting lists.

The Mental Health Administration has two day care centers caring for 44 children and two therapeutic nurseries caring for 17 children. Yet we have thousands of small children—under six—who are seriously emotionally disturbed, and require special care.

What does all this add up to—in terms of the vast numbers of children needing help? Not very much at all, as you can see.

In fact, we send 505 children at a cost of $1,300,000 per year on tuition grants to residential treatment centers—some as far away as Texas—because there are not enough appropriate facilities here. There is a waiting list of 398 children for these tuition grants.

It is the opinion of our Association that the highest priority need for children is the creation of a system of four comprehensive care centers, located in the four health areas of the city, A, B, C, D. Each of these centers would care for 100 patients on a daily basis, with residential facilities for twenty out of the 100 children.

"Residential treatment" is essentially a therapeutic mileu designed to provide corrective life experiences to counteract the damaging and painful experiences which led to the child's emotional disturbance. Residential treatment provides a variety of programs that include various forms of therapy (individual and group), education, nursing care, and the other kinds of adult supervision required for 24-hour living. The basic elements in treatment are "people, things and cultural patterns" within a consistent, planned and controlled environment.

This requires a staff of skilled personnel, trained and experienced in working with children, and able to collaborate in a complex and highly varied program. Such a program also requires close collaboration with people in the child's natural environment, such as parents, other family members and teachers. It should often include supportive therapy with the family. It also requires out-patient facilities for use as the child moves toward community living.

These residential facilities are necessary for youngsters with severe emotional disorders and mental illness. The severity of their disorders presents extremely complex problems: those of deep emotional hunger, extreme over-activity, withdrawal from the outer world, extremely high levels of aggression, violent uncontrolled behavior, bizarre and incomprehensible reaction patterns. A wide range of services are essential for the full care of such children. These children need more than individual treatment; they need an all-embracing care which is therapeutic in nature and which includes attention to their total development. For instance, they need individualized, highly skilled attention to their educational and recreational needs; and their daily routine needs to be handled with psychological skill.

Obviously, such treatment is expensive. In our local private institutions the cost ranges from $11,000 to $26,000 per child; in the state of Massachusetts where by law all children have been deinstitutionalized (those in correctional facilities, institutions for mentally retarded, etc.) and placed in small residential treatment facilities, the cost per child is estimated at $7,000 per year. The cost of providing residential treatment services at the Episcopal Church Home for Children in York, South Carolina is $9,115.50 per child, per year. The Executive Director of the Episcopal Church Home for Children, Mr. H. S. Howie, Jr. has stated that "without residential treatment services these children would have to spend their adult lives in state institutions." South Carolina's state Senator Waddell has estimated the cost of keeping a child in a state institution for his life expectancy at $1 million dollars for six children. To the cost of keeping a child institutionalized, we must add the other side of the picture . . . the 40 year work expectancy as a productive human being, the loss in state and federal income tax dollars.

But even more important than all of this . . . how can we measure the cost of the salvaging of a human personality?

Publications from the National Institute of Mental Health state that the average cost, nationwide in 1969 for residential treatment was $9,855 per child.

The D.C. Mental Health Association urgently requests that this Committee act favorably on legislation creating a system of "comprehensive care residential treatment centers." These centers, one for each geographic area of the city, should be kept small and as homelike as possible.

The Congress has already provided funds for constructing two such centers and $600,000 for operating costs, insufficient to run even one of them based on the program budget and staffing plan designed by Dr. Essex Noel, Director of the Mental Health Administration.

What we are requesting you to do today is to authorize the creation and operation of four centers or two more than are currently contemplated. The additional capital cost we estimate at 1.5 million dollars, the yearly operating cost would be approximately 4 million.

These figures are high, the benefits incredibly higher. We would all agree that it is impossible to place a price tag on the saving of a human life. But we also are aware that Congress understandably wants to know what they are buying with every public dollar. Accordingly, if we assume—and this is conservative—that these centers will treat 400 children each every year and that perhaps half of them will, because of the treatment, not have to undergo institutionalization, then, applying Senator Waddell's figures for the life-long lock-up, we will be saving $135 million for this annual expenditure of 4 million on the four centers. Would any of you hesitate to invest your money, let alone the public's in such a proposition?

SPECIAL EDUCATION

As you can see the creation of a system of residential treatment facilities is costly, yet so urgent for the severely ill child. It makes sense, it seems to us, to develop programs that will prevent thousands of children from ever needing residential care. The best way to do this is to improve the Department of Special Education of the D.C. Public Schools.

When we address ourselves to the problems within the Department of Special Education we become the advocate of all children, not just the mentally ill. Children who suffer from any physical handicap—bad vision, bad hearing, dyslexia, slight mental retardation—are particularly vulnerable to becoming emotionally disturbed. So we have a two pronged interest in the Department of Special Education. We are interested in seeing that the child who suffers from serious emotional disturbance is not denied his right to a free public education. Secondly, we are concerned with helping these already "exceptional" children (the ones who are blind, deaf, retarded, suffering from muscular or neuromuscular handicaps) from becoming emotionally disturbed.

The history of special education in D.C. has been one of late development, uneven growth, and constant pressure to do more with limited resources. Thus, quality of programming has suffered. Children now in special education programs are inadequately served because sufficient funds have not been made available.

When the regular classroom teacher believes that the child is not functioning well in the classroom, she refers the child for testing to the Department of Pupil Personnel. After a long wait, the child is finally tested. Then begins the really long wait. Some parents have reported to us that they have waited as long as three years after the child was tested and diagnosed as needing special education, before the child was finally placed in a special education class. In the meantime, the child was disrupting the classroom, making it impossible for the other children to learn. He was not learning at his potential level himself, due to his handicap. Chances are very good that at times his frustration level was overwhelmed and he acted in an aggressive and threatening manner toward his classmates and teacher. If his behavior was bad enough, he was dismissed from the school, and probably roamed the streets until his parents realized he was out of school. In fact, recommendations for special education placement either in the District program or through tuition grants far exceed the present program capacity.

As of the week of September 27, 1971, 1,501 children who require special education services were on "the waiting list" and are not now receiving those services. Most are attending regular elementary school programs.

The Department of Education has no data available on the adolescents or for those children and youth who are not now enrolled in a D.C. public school. The above figure of 1,501 on the waiting list represents only those children attending elementary schools who have actually been identified and diagnosed as needing special education classes. To service these children, a special allocation of $3.5 million dollars is needed immediately.

But that would be just the beginning.

According to the U.S. Office of Education, the Bureau for Education of the Handicapped there are an estimated 18,296 children currently living in D.C. who require special education services. We can only identify 6,264 of them by name; the others are still waiting to be noticed and tested.

To provide special education classes for the children in Washington who need these services would cost $41,566,280 per year. The FY 1972 Budget Request is for $6.995 million. To provide for minimal needs for only those children already identified would cost $10.563 million.

We believe that it is the right of every child in America to receive a free public education that meets his needs. Thousands of children in Washington are being denied this basic right. And their classmates are suffering also, because with so much disruption in the classroom, everyone loses.

For these reasons we believe it is mandatory at this time that Congress enact legislation to assure that funds are appropriated to meet the needs of emotionally disturbed children, and all children who are "exceptional," including the gifted children in our midst. The legislation should be both comprehensive and specifically enforceable. The Statutes of the District now merely provide that specialized instruction for the mentally disturbed child shall be furnished "if such instruction is available." There are no provisions for identification and placement of the child, financing or enforcement.

There is ample precedent for comprehensive legislation. The statutes of all of the states provide for special education of the disturbed child. They vary dramatically in scope and approach—thus approximately one-half of the states require mandatory special education while the other half adopt a voluntary approach. At their best, the state statutes represent an enforceable commitment to the emotionally disturbed child; at their worst, as in the District of Columbia, they are so vague as to be illusory.

We recognize that laws, of themselves, do not effect an instant cure. Thus 30 states during the 1968–1969 school year were serving less than 11% of their emotionally disturbed children. However, legislation evidences a written public policy to recognize, confront and deal with a social ill. Therefore, we support, and hope that your Committee will support when presented to it, legislation for the District of Columbia which:

Requires mandatory education for the exceptional child.

Establishes procedure for identification and placement of the child, and ensures due process for the child and family.

Designates the agency responsible for supervising the program and identifies the program facilities.

Establishes standards for teacher qualification and administrative staff.

Sets forth specific requirements for matters such as continuing evaluation, transportation of children, teacher-child ratios.

Provides for funding and enforcement mechanisms, to guarantee that these funds may only be used for special education and not merged into or diverted to other needs.

I would like to point out, Mr. Chairman, that your own state of South Carolina has enacted legislation creating residential treatment facilities for children; your state also has a statute calling for special education for handicapped children.

Again our cost analysis more than justifies our request. For $3.5 million we can handle an additional 1,500 children. If even 25% of them would otherwise be forced out of the school system into institutions, we will save $64 million over their lifetime, a return of close to 20 to 1.

CHILDREN IN FOSTER HOMES

The third and last recommendation we wish to make today concerns small children placed in foster homes in Washington. There are all kinds of reasons why children must be placed in foster homes, and all the reasons are unhappy. Perhaps their parents are separated, mentally ill, in jail, or have recently died. Sometimes simple poverty is the reason why children must be removed temporarily from their natural parents. There are over 500 children between birth and five years of age currently living in foster homes in the Washington area. Some of these homes are terrific. Some are gloomy and dreary.

Even while the search for better foster homes and more skilled and compassionate foster parents goes on, it is imperative that the D.C. government take measures supportive of foster parenthood, and these very high risk children. I say "High-risk" advisedly. A very large percentage of children who have lived in foster homes during the early years of their lives become mentally ill. It is incumbent on us to take preventive measures to protect these children.

The D. C. Mental Health Association embarked on a project five years ago to establish a model of a therapeutic nursery school for children in foster homes. After much careful planning by our most skilled professionals, we opened the "Child Learning Center" at Catholic University of America, in September, 1971. The pilot project, unique in the United States, was funded entirely by money we raised with our annual Bal du Futur.

The Center includes substantive learning of the Head Start type. But more importantly, it's purpose is preventive and therapeutic. The foster mothers assist the teachers, just as mothers in the neighborhood nursery schools do. But here the purpose is for the foster mother to learn specific child rearing techniques. Also, if problems develop, the teachers and social workers are trained to recognize them immediately and intercede to help the child. Weekly parents meetings are held so parents can explore their problems and discuss ways in which they might be more helpful to their children. This nursery school situation works to build the child's self esteem, strengthen the foster mother's understanding of what is going on inside the child, and give her an outlet for problems with her child.

We have built into this Child Learning Center some minimal evaluation techniques, and we hope to assess how this approach has benefited each child this coming June. Our research results will be general and individual.

It is our firm belief that an early childhood education system, perhaps based on the model we have developed, must be designed to meet the needs of children in foster homes, and be made available as soon as possible to these five hundred children in D.C.

Placing these children in foster homes, rather than a large institution, is both healthier for the children and less expensive to the city. We believe that the money saved by placing them in foster homes should be used to provide supportive services to these high-risk children; we believe this early childhood education system is a must for these children.

At Catholic University we are spending $2,000 per child per year. We believe it could be done less expensively by including more children in each nursery school. (We have only ten children in our Center because the physical facility is very small.) We would estimate that this type of model could be duplicated by the city at a cost of approximately $1,500 to $1,800 per child per year.

Our third request, Mr. Chairman, is that your committee act favorably on legislation creating an early childhood education system specifically geared to the needs of children in foster homes.

We are modestly seeking coverage of only 500 children at the outset, Mr. Chairman. Were one-fourth of them to have to go to St. Elizabeth's or jail, society would have to spend $20 million on them, not three-quarters of a million.

SUMMARY

In summary then, the three requests we make of this Committee today are that it act favorably upon legislation affecting these 30,000 or more children.

We ask you to authorize

I. The creation of a system of four "comprehensive care residential centers" for children and adolescents, to be placed in the four health sections of the city.

II. Enact a mandatory special education law.

III. Create a system of early childhood education facilities, including children in foster homes.

If we go home today, having failed to move this committee to action, then we or some other citizen group will come back in a year or two to repeat this request. Meanwhile, the cost of providing services for those needing special attention will easily be twice the substantiated figures or guesstimates we have unfolded to you today.

The cost to society will be horrendous: wasted lives, wasted human potential. There will be more children on drugs, committing crimes, dropping out of school. Continued neglect of these children can only mean continuation of crime, violence, disrupted classrooms, and innumerable unfulfilled and unproductive lives.

We think alternatives are clear: residential treatment services and more drop-outs, more robberies, more assaults, more Lortons, more St. E's, more wasted lives.

I know this kind of testimony is depressing, but so is reading our daily newspapers. We are past the urgent stage. We must provide treatment for these children who are, by anyone's definition, mentally ill. If we are ever to make a dent in the adult mentally ill population, we must begin by treating the problems of our children. We cannot continue to allow children to be sent to correctional institutions, when what they really need is psychiatric treatment.

I know that you recognize that the children of today represent our nation's future, our most precious national resource. In Washington, this morning, many children are out of school because they are emotionally ill and yet they go untreated. Hundreds more are finding their way to detention facilities at Laurel, or to Juvenile Court—something which could have been prevented if services had been readily available a few years ago.

The need is obvious. Our child-care professionals know how to help these troubled children; we know how to rehabilitate them. What we need from this committee is the committee to fill the glaring gaps in service which spell disaster for so many of our children.

COST ANALYSIS

Our request	Additional cost annually	Number of children served	Projected savings over institutionalization (millions)
I. 4 residential treatment centers.	$4,000,000	1,600	$135
II. Special Education...	3,500,000	1,500	64
III. Early childhood intervention......	750,000	500	20
Total costs........	8,250,000	3,600	219

BYELORUSSIAN INDEPENDENCE DAY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. ADDABBO. Mr. Speaker, as Members of the House of Representatives join in commemorating Byelorussian Independence Day this year, we should keep in mind the significance of these tributes at a time when our President is preparing for his forthcoming trip to the Soviet Union. The oppression of the people in captive nations and the colonized nations under Soviet control has not ceased with the passing of time, nor have the hopes of those people for freedom ceased to exist.

I want to join with my colleagues in remembering the proclamation of national independence by the Byelorussian people 54 years ago on March 25, 1918. The invasion by the Soviet troops shortly after that independence proclamation has not wiped cut the memory of freedom for the people not governed by the Byelorussian Soviet Socialist Republic. The story of the courageous people of that nation has been told in this Chamber before and each year it is retold during the ceremonies marking the Independence Day.

As the President prepares his agenda for the Soviet Union trip, I wish him success in efforts to lessen world tensions and I urge him to keep in mind the people who have not known the fruits of true freedom or liberty, because of the policies of the Soviet Government. The thoughts of the Byelorussian people and their history will protect us in negotiating the agreements which will alter the future course of world history.

HELP FOR WILDLIFE

HON. KENNETH J. GRAY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. GRAY. Mr. Speaker, at a time when threats to our wildlife are said to be increasing, the protection and development of good wildlife areas through sound soil and water conservation measures is vital. Among those working to improve wildlife habitat areas, the farmer is a major figure.

In my own State of Illinois, where more than 90 percent of the land is privately owned, wild creatures are dependent almost entirely upon rural landowners to provide them with food, cover, and nesting areas. Farmers furnish animals and birds with much of their food through grain left in the fields, through special plants in areas set aside for wildlife and through cultural practices such as stripcropping, which provide a more favorable habitat for wild creatures. Illinois farmers, who build about 1,200 small pounds each year, and who plant many miles of trees, shrubs, and hedge rows, also provide wildlife with shelter and more abundant water supplies.

An excellent example of this assistance is the Pilgram Wildlife Area, covering some 13,000 acres in Perry County, Ill. It was developed by 35 local landowners or operators, who were aided by the Soil Conservation Service, the Perry County Soil and Water Conservation District, and the Illinois Department of Conservation.

To improve their land for wildlife, these 35 farmers planted 15 miles of multiflora rose hedgerows, which serve as corridors to and from nearby croplands and provide protection from weather and predators. About 600 more acres are planted to native grasses, legumes and other food for wildlife, such as buckwheat, lespedezas, and millet. Farm ponds in the Pilgram Wildlife Areas provide about 50 acres of bass, bluegill, and catfish farming, as well as water and nesting places for wild animals and birds.

Many Illinois farmers are deeply involved in providing better habitat for wildlife. They should be commended by all of us who benefit from their work.

NEW YORK CITY PROGRAM AGAINST DRUGS IN HIGH SCHOOLS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. WOLFF. Mr. Speaker, we are all aware of the destruction and tragedy caused by drugs in our society. It is particularly distressing to see drugs fall into the hands of the youth of our Nation and to know that many of our high schools have become breeding grounds for drug addiction. The incidence of drug-related deaths among teenagers has risen sharply over the years and many of our high schools are gripped in fear over the infiltration of drug-pushers among the students. The need for a massive preventive and educational effort to combat the spread of drug abuse in our high schools is imperative. Schools can and are more than willing to initiate and take the major responsibility for this drive to keep drugs out of the hands of the young; and many schools have already demonstrated the effectiveness of the drug programs they have instituted. Yet in spite of this and the compelling need for these kinds of programs, the State of New York has announced that they are going to cut off funds now being used by many New York school officials trying to set up drug abuse programs. In an attempt to trim their budget, the State of New York would sacrifice the well-being of their young; this seems to me a ruefully misguided effort.

One very important New York City program, in fact the Nation's largest antidrug program geared toward students, which will effectively be killed by a cutoff of funds, is SPARK—school prevention of addiction through rehabilitation and knowledge. SPARK has nine-member intervention and prevention teams in 12 New York City high schools: Evander Childs, Monroe, and Taft in the Bronx; Boys, Eastern District, and Wingate in Brooklyn; Julia Richman and Seward Park, Manhattan; Flushing, Francis Lewis, and Jackson, Queens; and Susan E. Wagner on Staten Island. SPARK employs professional counselers and former addicts in an intensive effort to keep students away from drugs before drugs can reach them.

In less than a year they counseled more than 133,000 students and achieved amazing results in preventing the spread of drugs and in helping those whom they could not reach in time. SPARK's program director, Mr. Arthur Jaffe, has announced that if the New York State legislature upholds the narcotics addiction control commission's decision not to refund education and preventive efforts, they will toll the death bell for SPARK and many similar programs throughout New York; and, unfortunately, the real victims will be the young people of New York.

Rather than cutting off funds for SPARK and its counterparts, the State should be expanding these efforts and giving these programs every possible means of encouragement. Mr. Speaker, I join with those who are urging the State to reconsider denying funds for preventive and educational programs as greatly needed as SPARK.

THE RAVAGED AND UNPROTECTED CONSUMER

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. BRASCO. Mr. Speaker, the average American operates under a basic delusion; that somewhere, somehow, the Federal Government is protecting him and his family from impure food, untested drugs, and hazardous products of many kinds. Nothing could be further from the truth.

Consider the following facts. Four and one-half years after the Flammable Fabrics Act was passed, children are still dying of accidental burnings because their clothing is not made of fireproofed materials. Yet the act in question requires such flameproof fabrics to be on the market for such items. The Commerce Department, as is its wont, sputters feebly whenever anyone inquires of the progress of the measure's enforcement. We must content ourselves with the knowledge that in the eyes of this agency, consumer—particularly child—safety, comes second to the wishes of industry, which simply does not want to spend the money for enforcement. Also, it does not want to allow a precedent to be set of enforcement of a good law, for fear that a plethora of other evils it is hiding will surface and be subject to Government interest, legislation, and enforcement.

The moving industry is a raging scandal, victimizing one of every five Americans who move annually. Rates are fixed. Estimates are deliberately set low. Scheduling exists only in the expectations of the average family hoping that a mover they have contracted with will show up. Yet the Interstate Commerce Commission, charged with policing this noncompetitive industry, acts as if consumers are inconveniencing it when they seek redress for innumerable outrages against them.

Observe the American frankfurter, or hot dog, in the year 1972. Fifteen billion are sold annually. Yet it now offers less nutrition and more added fat and water than its predecessor did 35 years ago in the days of the Depression. In 1937, U.S. Department of Agriculture tests showed franks to average 19 percent fat and 19.6 percent protein. Today, percentages average out at 28 percent fat and 11.7 percent protein. A permissive USDA looks the other way while processors add 10 percent water, at a minimum.

USDA does not require full labeling of ingredients. It does allow franks to be touted as "all meat" or "all beef," which is a palpable fraud on its face. In this way, portions of beef cattle that could not be sold any other way is peddled to unsuspecting consumers. All edible offal, and just use your imagination, is allowed into such trashdogs and so-called sausage meats. Recently, Consumers Union conducted tests revealing that franks are commonly contaminated. Forty percent of widely available brands contained bacteria counts exceeding 10 million per gram. Putrefaction sets in at the 10 million per gram level.

Nitrite is commonly used as a cosmetic in many meat products. A question of cancer causation has been raised in regard to the effect of consuming nitrites. Consumers have petitioned USDA to ban all cosmetic uses of sodium nitrate and sodium nitrite. A suit has been filed in Federal Court to have USDA ban use of the growth-promoting hormone, stilbestrol, in cattle and sheep. Twenty nations have already banned this cancer-causing hormone. Not the good old USA. Why? Because this administration could care less about the health of consumers. Because the industry in question has far more clout with USDA and FDA than the American public.

There is another Federal agency that is a 14-carat disaster among agencies; that noted scandal of scandals; that collector's items among industry-controlled Government operations; the Food and Drug Administration.

From the same people who brought us Thalidomide and MER 29, we have a mammoth collection of cataclysmic decisions that have harmed uncounted thousands of innocent Americans.

There is the Safe Toy Act, enacted several years ago, which is by and large unenforced by FDA. A Boston lawyer had to come to Washington and show us stark evidence of the toys that maim and kill, before FDA would take even minimal action.

There is the Poison Prevention Packaging Act, designed to place childproof safety closures on the thousands of hazardous products that maim, injure, and kill 600,000 American youngsters under age 5 annually. It has been on the books almost 15 full months and still no product in the Nation is actually being sold with effective childproof safety closures as a direct result of FDA action and enforcement. Hurrah for FDA.

Has your child swallowed any lye in the form of a liquid-lye bowl cleaner recently? You can go out and replace what he or she drank by buying such horrible substances over the counter at your corner store. FDA has only published preliminary childproof safety standards on these and a few other products. Nothing is being done to really hold manufacturers' feet to the fire of enforcement in this area. Only aspirin and oil-based furniture polishes have had final compliance orders published in the Federal Register. And it will be months, at least, before safety tops are actually emplaced on these products.

I could continue these horror stories indefinitely, for it is important that Americans discover the disgusting but true facts about the Government operations they pay massive quantities of taxes for, but which do not give them even a modicum of protection in return.

It points out that the American consumer is not being granted any kind of real security by his Government.

The regulatory agency structure is a fourth level of Government, and is charged with a number of utterly vital functions in the area of consumer protection. Almost without exception, these agencies have become the captives of those they are supposed to regulate. This is especially pronounced under this administration.

Ordinarily, one could simply laugh it off and expect that eventually matters would improve. Such is not the case. Situationwise, this state of affairs is growing worse daily.

What is called for is a major reform on behalf of the consumer. A series of consumer protection functions should be stripped from agencies presently possessing them, commencing with FDA. This agency is so incredibly bad that to term it merely incompetent is to compliment its functionaries. Stronger words could easily be employed, but this is not the time or place for them. Such enforcement and consumer protection powers should be vested in a new agency entirely, set up solely for the purpose of protecting the consumer. That agency should have significant power, complete with subpena authority. Once such an operation is functioning, it should look into the reform not only of the specific evils I have just pinpointed, but into other areas as well. I speak of guarantees and warrantees made by companies that are not lived up to when consumers seek redress.

Life insurance is another area requiring a careful investigation. Trading stamps and phony promotion games utilized by oil companies to defraud the public are high on the list of reform. The entire area of drug pricing and ingredient labeling is literally shrieking for exposure, and deserves it immediately.

One could exhaust time and encroach upon eternity in listing the evils that are emptying consumer wallets, harming consumers themselves, and undermining cumulative public confidence in the marketplace as a whole.

Suffice it to say that people are dying, being crippled, being injured, and defrauded daily because Government will not protect them against shoddy goods, services, and practices. The very approach of Government is from a false philosophical premise: that it is more important not to harm industry than it is vital to protect human beings from harm.

Anyone for hot dogs?

CHURCHMEN REPORT ON U.S. BUSINESSES IN SOUTHERN AFRICA

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. DIGGS. Mr. Speaker, in November 1971 an ecumenical church team of 14 persons visited South Africa to research and report on the involvement of U.S. corporations in that society. The participants were representatives of the Episcopal Church, the United Presbyterian Church, the American Baptist Convention, and the United Church of Christ. They visited the Chrysler Corp., the First National City Bank of New York, the Ford Motor Co. of South Africa, the General Motors Corp., International Business Machines Corp., Mobil Oil Corp., Frank & Hirsch—distributors for Polaroid—Caltex—Standard Oil of California and Texaco—Standard Bank—partially owned by Chase Manhattan—and Goodyear Rubber Co. Their premise is that U.S. investment in Southern Africa is a focus for church concern and action. Mr. Speaker, I commend their report and insert it in the RECORD for the thoughtful attention of my colleagues.

The report follows:

U.S. INVESTMENT IN SOUTHERN AFRICA—A FOCUS FOR CHURCH CONCERN AND ACTION

(A report by an ecumenical Church team who visited South Africa in November, 1971 to research and report on the involvement of U.S. corporations in that land)

Southern Africa has become an area of major world concern. Throughout the subcontinent the majority of the people are denied participation in the governments which rule them, nor is such participation an accepted goal of the white minority regimes there.

The basic facts are that in South Africa, Namibia (South West Africa), Rhodesia (Zimbabwe), and the Portuguese territories of Angola and Mozambique, 36 million Africans, Asians, and Coloreds (mixed blood) are living under governments controlled by 5 million whites, governments which, by their laws and policies deny "non-whites"* effective representation or participation.

In Mozambique whites represent 1 per cent of the population; in Angola 4 per cent; in Rhodesia 4.6 per cent; in Namibia 14 per cent; and in South Africa 19 per cent. Opposition to minority rule is particularly evident in the Portuguese colonies. In Guinea Bissau, Mozambique and Angola, the African Movements for independence have been fighting the Portuguese for the last ten years in a war that is largely unreported in the American press.

REPUBLIC OF SOUTH AFRICA

Under the banner of white supremacy the Nationalist Party came to power in 1948. At this stage the Nationalists's schemes of apartheid were crude white supremacist policies, and it was not until the advent to power of Dr. Verwoerd that a previously unschematic historic process was refined into a systematized program.

White fear of black domination has been an abiding factor in South African history. It was indeed "the South African way of life" that whites should rule and blacks should be their servants, but the Nationalists brought a religious fervor to this way of life, sincerely believing that they had supplanted the Jews as God's chosen people.

Dr. Verwoerd, then editor of the *Afrikaans* newspaper, Die Transvaler, said of the 1948 victory: "That which seemed humanly impossible was possible to God who has always watched over Afrikanerdom. It behooves each and all of us who contributed to the victory to thank Him in prayer for what He has brought to pass." [1]

Population of South Africa at the 1970 census was 15 million Africans, 4 million whites, 2 million Coloreds, and half a million Asians.

The basic pieces of legislation under which apartheid is maintained and extended are the Population Registration Act of 1950 and the Group Areas Act of 1950.

The first Act classified people into racial categories based on skin color, descent, general acceptance and repute. The second imposed compulsory residential segregation on whites, Coloreds, Malays, Asians and Africans. The Population Registration Act also provided for the issuance of identify papers to people of all races, except African men who were already forced to carry "pass books". These "pass books" are an essential component of police and government control over Africans.

To blacks the pass book is a symbol of servile status, characterized by mass raids, arrests and imprisonment. Between 1951 and 1962 an average of 339,255 people [2] were convicted under pass law offenses each year. By 1968–69 the figure had risen to 632,077 [3] people who were sent for trial for infringing the pass laws.

Based on the racial categories set down in 1950, and utilizing a vast body of previous racist legislation, the apartheid system is aimed at depriving "non-whites" of all social, political, and in fact, all basic human rights. Inter-racial marriage is, of course, forbidden, as are sexual relations between members of different races. All public social activities, public services, education, housing, transport, and sports are rigidly segregated.

Africans ("Natives" or "Bantu" in the pejorative language of South African legislation) do not have the right to vote, and South Africa's array of security laws prohibits them from participating in any meaningful political activity aimed at changing apartheid.

LAWS

The provisions of the security laws include the following laws:

The Suppression of Communism Act, which has been strengthened and broadened by 80 amendments since 1950, is so loose in its definitions that almost any form of difference with the South African government's policies may be and has been labelled Communism. One key clause in this law declares that any person deemed a Communist by the head of State is subject to punishment under the Act.[4]

The government has repeatedly used this power to silence opponents. South African law frequently is drafted so that it can be used as a political weapon; e.g., one clause of the Terrorism Act defines terrorism as "embarrassing the state in the administration of its affairs." Such phrases can be applied to any political activity, enabling the government to harass, intimidate, and destroy any opposition. The burden of proof under both the Suppression of Communism and the Terrorism Acts rests with the defendant, who is thus guilty until proven innocent.

The government has banned all organizations that effectively represent black opinion, and their leaders have been imprisoned or banned. (Many people have died while being interrogated by the Security Police.) The government maintains an extensive spy network to root out any political opposition.

Finally, the Minister of Police and Justice has the power to place anyone in solitary confinement for indefinite detention. He does not have to lay any charges, nor show any violation of the law. There is no appeal to the courts.

"BANTUSTANS"

The main focus of the government's policy of territorial apartheid is to force Africans out of the cities and on to rural reservations or "Bantustans". It has been estimated that under various pieces of legislation more than 1.1 million South Africans have been forced to move. Of these, more than 900,000 were Africans and only 2,624 were whites.[5]

The Bantu Authorities Act of 1951 ostensibly allows Africans to govern themselves in their "homelands", but in reality it concedes little more than local government functions. More importantly, the central government exercises close supervision. controls most significant fiscal functions and maintains an ultimate veto over actions of local councils, including selection of the candidates for a majority of the members. This Act was designed to separate the Bantustans from the political life of the nation—in that it has largely succeeded. All the urban areas are, of course, classified as "white areas", where Africans are considered temporary migrant laborers.

The reserves established by this and other legislation, in which the Africans had no effective voice, consist of 260 separate land areas, occupying a total of 6,500 square miles. Yet the reserves, encompassing less than 14 per cent of the country are supposed to contain and support 70 per cent of the population,[6] an impossible task.

Land on the reserves is desperately overworked; it cannot possibly provide the food and cash crops to maintain the present population, let along the large numbers of people that the stepped-up government enforcement of the resettlement laws brings in each year. Rather than bases for "separate development", the reserves are, in fact, "vast slums whose chief export is their manpower." [7]

BORDER INDUSTRIES PROGRAM

As part of a program to remove blacks from the cities, the government's Border Industries Program, aiming for decentralization of industry, provides incentives ranging from tax rebates to direct participation in capital costs to encourage corporations to build new facilities adjacent to the reserves. Thus, in addition to the substantial Government incentives, they get an abundant supply of cheap labor from among those who have been forced to resettle on the reserves. As a rule, wages in the border areas are one-half as much as those in the cities from which the African workers have been ejected. Any company building a new factory in a border area is a direct accomplice in the government's racist policy of removing blacks to the reserves.

INFLUX CONTROL

Although millions of Africans are still allowed to work in the cities,[8] there is an elaborate system of control over their movements, based on the checking and stamping of pass books. With minor exceptions, *all* Africans working in the cities are treated as temporary migrant laborers, "visitors who will never be entitled to any political rights." [9] For example:

No African residing in a town by virtue of a work permit issued to him is entitled to have his wife and children living with him unless he renounces all rights to live any place other than where the government sends him. (This creates a tremendous break up of African family life and creates thousands of married "bachelors" in the cities.)

No friend is entitled to visit him for more than 72 hours.

If he loses his job and cannot find another, he must go back to the reserve set aside for his tribute, even though he may never have been there and may have no relatives there.[10]

ECONOMICS AND APARTHEID

Economically, apartheid affects the kinds of jobs, wages, living conditions and fringe benefits that whites and "non-whites" may achieve.

The economic effect of apartheid, designed to ensure that the white minority retains control of and the major share of the national wealth, has the following results. Whites, constituting some 19.2 per cent of the population, receive an estimated 73.3 per cent of all cash income. In 1969, per capita income for Africans was $117 per year, compared with $1,591 for whites. In fact, whites in South Africa enjoy a standard of living that is in general higher than in Europe and taxes on income are lower than in most European countries.[11] Part of the reason for the relative affluence of the white South African is, of course, imbedded in the apartheid system. Servants are cheap and readily available, many locally-manufactured products are priced well below comparable items elsewhere due to the low labor costs in South Africa, and so on. It is fair to say that white South Africa's affluence is based solidly on the exploitation of the country's African, Asian and Colored inhabitants.

EMPLOYMENT

By law and custom, no "non-white" can ever hold a supervisory position over a white. All skilled or otherwise desirable jobs are reserved for whites.

"Job reservation", initiated as part of the Industrial Conciliation Act of 1956, protects whites from competition in certain types of skilled employment.[12] Under this system, applied to several major industries, only a white may replace a white in a certain job, only a white or a Colored may replace a Colored, down to the African who may be replaced by anyone. An employer may request an exception to this law in order to fill essential jobs for which there is a shortage of trained personnel of proper race, but the government retains exclusive discretion over the granting of these concessions.

Unions are another example of the disenfranchisement of the "non-white". As early as 1942 some strikes by Africans were outlawed. Under the Native Labour (Settlement of Disputes) Act, African workers continued to be denied the right to be considered an "employee." It follows that a non-person cannot negotiate labor agreements, so that the existence of African labor unions, which have no legal status, becomes meaningless. Africans are forbidden to strike. All negotiations on behalf of African workers are carried on by the Bantu Labour Board, composed of officials of the same government that denied them the right to negotiate for themselves. Colored unions do exist, but their powers are severely limited, so that, in effect, the ony meaningful negotiations are those between the white management and its white employees. The "non-white" majority is, once again, powerless.

EDUCATION

Whereas education is in most nations a catalyst for economic advancement, in South Africa it is a dead end street dedicated to keeping Africans as "hewers of wood and drawers of water". Education is compulsory for white, but not for black South Africans. The government spends approximately $20 a year per "non-white" child for education, $320 a year—or 16 times as much—per white child. Schoolbooks are free for whites but Africans must pay for them. In addition students are initially taught in their "native" tongue.

Since the laws in South Africa are made by an all-white group, they inevitably work to strengthen white prosperity, privilege and control. This then is the milieu within which U.S. investors must do business.

WHY WE WENT

American churches have long exhibited an interest in the peoples of Africa, and have

---

Footnote at end of article.

been involved in mission work on that continent for more than 150 years.

In recent years American churches have emphasized in their mission undertakings that mission must be carried out *with* persons, not *to* them, and with a concern for the totality of the person.

A new understanding of mission and of stewardship that is emerging concerns the responsible use of the churches' investments.

Churches in the United States traditionally have used their investment portfolios to earn revenue for the support of religious work. The *source* of this revenue, however, is now becoming of increasing concern.

As churches receive the dividends from corporations, they also have a moral responsibility for the manner in which these profits are made.

Fifty years ago, most major Protestant denominations decided to refrain from investing in companies involved in the production or sale of alcoholic beverages or tobacco. In the mid-1960's, several denominations elected to use their stockholder rights to express their concern about the racial policies of Kodak, at the annual meeting, when the issue was the employment of black workers in Rochester, New York. In the late sixties, churches joined with other groups, including the United Nations, in expressing concern over a $40 million line of credit granted to the Republic of South Africa by ten major banks in the United States. The line of credit has since been cancelled.

In 1971 the Episcopal Church filed a stockholder motion for consideration by General Motors stockholders, urging the company to wind up all operations in South Africa. The United Presbyterian Church, the United Church of Christ, and others carried on conversations in 1970 and 1971 with the management of Gulf Oil Corporation concerning that company's business in Angola. The Southern Africa Task Force of the United Presbyterian Church filed a motion proposing, among other things, that Gulf withdraw from the Portuguese colony of Angola because its investment substantially strengthens Portuguese colonial control.

Each of these involvements has been an effort by churches to be responsible in the use of their investments, by coordinating those investments with their ethical and mission concerns. Thus the role of American industry in South Africa is a growing concern within churches as well as other institutional and individual stockholders.

American Christians and the churches of which they are members are forced to consider the following questions:

1. What is my responsibility if I am an investor in a company operating in southern Africa?

2. Can I as a Christian derive, without question, profits from a company which, in southern Africa, operates with immoral codes, laws, and practices?

3. Can I as a United States citizen justify passive participation in a company whose operations in southern Africa defy our national principles and policies for human rights?

4. How do I use my stockholder rights and responsibilities to bring pressure to bear on these corporations to affect their operations in southern Africa?

Recently the highest policy-making bodies of several major American Protestant churches have adopted guidelines for investments as a means of putting their concerns into practice. Further, they have authorized cooperative efforts with other denominations to strentghen the impact of these policies.

Based on such policies, and concerned with the basic injustice in southern Africa, six denominations recently sent 15 representatives to visit South Africa in order to examine the involvement of United States corporations in that country, particularly those in which the churches hold stock. It was the hope and plan of the team to visit the Gulf Oil facilities at Cabinda, Angola, as well, but after weeks of delay and without explanation, the Portuguese government rejected the team members' applications for visas—two days before their scheduled arrival in Angola.)

The Consultation, therefore, went to South Africa with the purpose of gathering facts from employers and employees, and other interested parties, regarding the role of American corporations in which many of our denominations are shareholders, as well as to gain a better understanding of the general situation in southern Africa.

A SENSE OF URGENCY—WHY WE MUST BE CONCERNED

The problems of justice in South Africa are not those of that nation alone, they affect all of us around the world.

Let it be clear that South Africa is not the only nation with problems of racial justice. Nonetheless, it is a nation in which an official policy of white supremacy is in operation—designed and enforced by a white minority government.

Control of government and the lives of the black majority in Rhodesia, Mozambique and Angola also rests in the hands of a white minority. The concern of American Christians for the situation in southern Africa is based on a number of factors:

1. There is no moral defense for a philosophy and policy of racism and colonialism.

2. The racial policies of South Africa are contrary to the policies of the world community as expressed by the United Nations, and to the principles of the United States.

3. The policies of South Africa, Rhodesia, and the Portuguese colonies are a potential source of racial war internally as well as between the white-ruled nations and black Africa.

4. Such massive investments in southern Africa by American corporations creates a vested interest in the preservation of the status quo, which is a strong influence on the formation and conduct of United States foreign policy.

UNITED STATES CORPORATIONS IN SOUTH AFRICA

South African government figures show that more than three hundred United States corporations operate in South Africa, with a total investment in 1969 of $834 million—an increase of 80 per cent over 1964. American investments represent 15 per cent of all foreign investment in South Africa. In 1969 it provided an average annual return of 16.8 percent ($127 million) of book value as compared with a world average of 11.3 per cent—the richest return on American capital invested abroad except for foreign oil fields.

American investment in South Africa constituted only 1 per cent of all U.S. foreign investment in 1969 but produced 1.6 per cent of all foreign earnings. About 50 per cent of U.S. investment in South Africa is in manufacturing—automobile manufacture and assembly, drugs, cosmetics, industrial equipment and machinery, tire and rubber manufacture, and tractor and farm equipment and distribution. Other substantial U.S. investments are in petroleum, mining and smelting.

However, U.S. investment in South Africa is much more significant to that country than the dollar amounts would indicate. American investment figures prominently in the key sectors of the economy that in turn stimulate the economy as a whole.

For instance, U.S. companies control at least 50 per cent of the auto market. This becomes of vastly greater significance when one considers the allied industrial growth stimulated by the auto manufacturing industry in tire and components manufacturing, road, highway and bridge construction, oil refining, and service station construction.

In addition the inflow of American technological knowhow and personnel cannot be discounted.

The Consultation realizes that when American corporations operate in foreign countries, they assume a number of obligations. There is the obligation to fulfill the expectations of the government of the host country which gives them the legal right to engage in business. They must, therefore, further the general political and economic goals set by the government of that country.

Corporations must also help to create a climate of public opinion or public acceptance of their product and/or presence, which will enable them to operate profitably in that country. However, recent history has shown that acceptance and approval by a few leaders of the government, industry and commerce is different from the acceptance and approval which comes when the majority of the people in a country recognize the corporation as operating with *their* interests also in mind.

Nevertheless, these corporations also represent the United States: American knowhow, openness to change, and creativity, as well as American ideals of liberty and justice for all. Indeed, the total American system symbolically participates in the lives of various countries through the involvement of American industry and commerce.

ENGAGEMENT AND DISENGAGEMENT

One question confronting a group analyzing the role of U.S. business in South Africa is what is popularly known as the "engagement versus disengagement" dispute. There are arguments to the effect that the presence of U.S. firms in South Africa benefits rather than harms "non-whites". Others argue that the investment of one billion American dollars strengthens the white minority government in its control over the majority. A summary of some of the arguments used by both sides follows.

Proponents of engagement or continued U.S. investment feel that this creates jobs and money for all races, aiding the growth of a black middle class with increasing job and social mobility, and increased economic power. Education and economic growth, they argue, are a key to social change; withdrawal would only hurt the "non-white" South African. Moreover, they point out, strict apartheid and economic growth are incompatible, with the economy's need for "non-white" skilled labor conflicting with ideological imperatives.

Critics point to the ever widening economic gap between white "haves" and the African, Asian, and Colored "have nots", and that over the last decade an expanding economy has in fact seen an increase in repression and a loss rather than a gain in political and human rights for the "have nots".

While a few blacks might make it to a sort of middle class the vast majority would still under systematic racism, they argue. And, while withdrawal would economically inconvenience Africans, Asians and Coloreds as well as whites, it is clear that many black people would support disengagement if this would challenge the white government to alter its policies.

Recent events in Rhodesia would tend to support this point of view. In spite of all protestations to the contrary by the Smith government, the Rhodesian economy has been hard hit by sanctions, adversely affecting Africans who were unable to find jobs on a contracting labor market. But this most economically disadvantaged sector of the economy have shown their strong disapproval of Britain's proposed settlement which would set the economy moving again, but also legitimitize minority rule there. This indicates that they are prepared to bear the burden of economic hardship if this would further their claims to basic human rights. The desire for freedom outweighs narrow economic considerations.

The action of the Ovambo people of Namibia taking part in a mass strike in defiance of South African laws is another illustration of this. The strikers demanded repatriation to Ovambo (Ovamboland) where they were at all stages faced with the possibility of starvation if their actions were unsuccessful, or with brutal repression by the South African authorities in attempts to break their strike The strikers still chose this more difficult course.

Other arguments by advocates of engagement point directly at United States self-interest. They say that the United States needs South Africa because it is a major source of strategic materials, it is a stable, pro-American anti-Communist state, and controls the strategically important Cape sea route. Also, corporations can expect an average annual profit of 17 per cent which could possibly reach 30 per cent.

Opponents point out that this is the sort of logic which leads American into Vietnam-type situations. What happens to America's international image and her image at home if we oppose Communism at the cost of allying ourselves with a racial dictatorship? In fact, they contend, if revolution comes to South Africa the new government may well be anti-American since we had so little regard for black needs. It is true to say, also, that much of the legislation which has been used to suppress genuine black political aspirations in recent years was passed with the alleged purpose of "combatting Communism". Finally, high corporate profits made at the cost of exploiting cheap black labor should not necessarily be seen as a credit to America.

U.S. companies often explain that they cannot be involved in politics but are merely in South Africa doing business as usual. Besides, they are quick to add, if U.S. companies withdrew other companies would swiftly come in to replace them.

But critics state that investors in South Africa are inevitably involved in politics in a country where laws and custom are dominated by questions of race. The sale of a computer, the establishment of a new plant, assistance given to a government sponsored oil search, the decision to upgrade a black worker or sell supplies to the military, all have political overtones. One cannot escape from politics in South Africa.

In South Africa economics are dominated by political considerations and, therefore, any investor automatically is involved in furthering the political and economic goals of the white minority government. This is simply a fact of life in South Africa.

In addition, this massive infusion of much-needed foreign capital has clear political implications. As for other foreign companies taking their place if a U.S. firm withdrew, it is strange to argue that because others would do wrong if we did not, we should, therefore, continue. Furthermore, South Africa economic state is uncertain because of inflation and there are many indications that foreign business would not move in to replace U.S. firms if they withdrew. This might be the very time that a withdrawal by U.S. companies would tell white South Africa that apartheid is no longer acceptable to the world.

Advocates of disengagement or withdrawal of U.S. business contend that U.S. firms strengthen the unjust status quo in South Africa in many ways and we should in no way assist that system of discrimination and minority rule. They insist that American firms comfortably follow discriminatory laws which ensure that white South Africans are always given first preference and continued privilege on the basis of skin color.

Further, they reason, U.S. investment has helped strengthen and diversify the South African economy. This has advanced government plans to make South Africa impervious to outside influences so that white supremacy can continue unchallenged. They argue that American investment contributes to a healthy economy, reducing the possibility of dissension within white ranks as the government can silence opposition by pointing to increasing white prosperity. In fact it was only in 1970, when white bank balances were, for the first time, being affected by the country's economic ills, that voters reversed the trend of continually increasing support for the Nationalist Party, and the government lost seats in an election for the first time since 1948.

Finally, those supporting disengagement query U.S. contributions to South Africa's military potential which strengthens her ability to suppress possible internal protest by the majority. They conclude that U.S. firms bolster rather than weaken apartheid or minority rule and that companies should withdraw and cease any form of support for a system we abhor.

SOME SPECIFIC COMMENTS AND OBSERVATIONS ON U.S. COMPANIES IN SOUTH AFRICA

1. While every American company visited stated that they felt themselves to be "good" and "progressive" employers, we found that American companies as a general rule are not more enlightened in their employment practices nor in their sensitivity to the South African situation than are other companies in South Africa.

It must be made plain here that American corporations in South Africa reflect the customs and practices of that country rather than those of the United States. They are not notably "better" or "more humane" than the average South African or foreign corporation. The black workers with whom we talked by no means believed that American firms are more enlightened than other firms.

Local managements of the companies visited were consistent in their declarations that their presence does not mean their companies approve of the policies of apartheid. Many agreed that their past behavior has been too unquestioning of the customs of South Africa; they agreed that more could be done within the law to treat black employees more justly; and they acknowledged the value and necessity of outside pressure to bring about change.

2. Management in the U.S. does not necessarily get clear reporting of their "non financial" South Africa operations.

At General Motors we were told that South African management had reported to their Detroit headquarters that they had 30 employees in a minorty training program. According to a report given us by black employees, there are only 8 trainees in fact.

Although all companies indicated that they report regularly to their parent companies, in no case was there an indication of clear guidelines in terms of race relations on what these reports should contain.

Again at GM, management reported there were 60 "nonwhites" receiving technical training at a technical school. In actuality, GM workers reported they were getting very little technical training. Rather, they were being taught elementary drawing, arithmetic, and communications skills, even though many of the people have had this instruction already. There are no blacks in this program; only Coloreds.

At Ford, we were told that black and white employees receive the same food even though in separate dining rooms. Our own observation was that they received distinctly different menus. The white workers received meat and the black workers received rice and eggs.

We conclude that reporting by management in South Africa to their U.S. management and others is often not accurate, and therefore management in the U.S. paints a positive picture of their South African operations without sufficient data.

In addition it is often painfully clear to us from conversations with management both here in the United States and in South Africa that there is often a general ignorance of the real conditions which African, Asian and Colored South Africans face in their daily lives. This of course affects the company's labor policies in South Africa and adds to misinformation in the United States about South Africa.

Few, if any, managers in South Africa have any meaningful contact with "non-whites" outside of normal working relations. One member of an auto company's management team in South Africa admitted that he had never been in a "township", which is the segregated residential area for Africans. He, therefore, had no first hand experience of the terrible slums Africans are forced to live in.

3. Most companies do not pay "equal pay for equal work" despite their assertions that they do. It was our observation that many workers doing the same or comparable work were not receiving comparable pay. In addition the question of equal pay for equal work must be seen in the light of whether or not there are the same jobs open for black and white employees.

Many U.S. firms engage in "fragmentation" or breaking down of a job so that a task done by one white would be performed by two or three "non-whites", so that the equal pay concept did not apply.

Chrysler clearly said they do not pay equal pay for equal work, because the law of supply and demand and the pressure and privileges of white unions forces them to pay more to whites.

Goodyear management in South Africa said clearly they gave equal pay for equal work, then noted a differential between the starting pay of black and white workers, and finally clarified that those employed as tire builders are paid an equal piecework rate. Outside of tire building, our understanding of Goodyear policies do not indicate equal pay for equal work.

All this is in the light of the fact that provisions of the law do not prohibit equal pay for equal work, even though this has not been the custom.

More important than the question of equal pay for equal work is whether U.S. firms pay living wages to workers. Most U.S. firms follow the wage pattern in South Africa which pays "starvation" level wages to thousands of African, Asian and Colored employees. (Africans fare the worst.) It is indefensible that a U.S. company should be paying an employee doing an honest day's work a wage which is inadequate for his family to live on.

The Poverty Datum Line or "breadline" is estimated to be $100 a month for an average African family by the white Johannesburg City Council. But the "minimum effective income" level at which an average African family can live decently is estimated to be $140 a month by the white Johannesburg Chamber of Commerce. The South African Institute of Race Relations, among others, has urged that companies pay all employees wages at least equal to minimum effective income level instead of the poverty level.

All U.S. firms we interviewed paid most "non-white" employees well below that minimum effective level. In 1970 Chrysler's Pretoria plant paid an average monthly wage of $85 to African workers. Ford management told us in South Africa in 1971 that African workers in their Port Elizabeth factory averaged $123 a month (obviously starting workers make much less.)

Mobil management contended that they did not keep records of their wage levels but further research showed that Mobil paid a monthly starting wage of between $52 and $76 to "non-white" employees.

Needless to say white South African workers in these plants make excellent salaries.

The cause of this broad diversity in wage scales between whites and blacks is based not on a free labor market, but on the basis that blacks are not allowed by law to organize themselves or use traditional powers of withdrawal of their services, i.e. strikes. Therefore, any correctional steps are in the hands of corporate management. It is unconscionable that American firms pay wages below the "minimum effective level" for Africans, Asians and Coloreds.

4. The problem of justifying certain hiring practices on the basis of job reservation laws versus the role of "ancient custom".

Many companies argue that they are not able to train and advance black workers into more meaningful job categories because of restrictions by South African law. In fact, this appears to be more an example of following the norms and customs of South Africa rather than any particular law. The Job Reservation Act only applies to a very small percentage of businesses, therefore, most companies would be free under the law to advance their non-white employees and train them for better jobs at a much faster rate than they are doing.

It was clear in testimony from companies such as Mobil, re their office force and computer technicians, and all the oil companies interviewed in terms of their sales representatives, that job reservation does not apply by law to them. Below 3 per cent of all the jobs in South Africa are covered by specific reference in the Job Reservation Act, however, practically every manager with whom we talked expressed a fear that the government would impose additional limitations if they made any visible or aggressive steps in the training or advancement on "non-white" employees.

In contrast however, Polaroid reported to us in South Africa and subsequently in their statement of December 30, 1971, that the government has not intervened in nor attempted to interrupt their efforts towards non-white advancement.

The general excuse of U.S. firms is exemplified by a statement of Ford management that their company "is not discriminating on the basis of race or color, except insofar as legislation compels us".

5. Corporate planning by American industry in South Africa does not lead to programs which bring even minimal change within South Africa. For example, company grants made to universities are made overwhelmingly to white institutions. This tends to perpetuate the status quo.

Grants are made by U.S. companies to the South Africa Foundation, whose primary function is to lobby internationally for support of South Africa. Among the companies which have contributed to this Foundation are John Deere, Caterpillar, Mobil Oil, Caltex, International Harvester, Union Carbide, Chrysler, General Motors, and Barlow-Weyerhauser.

American companies belong to Industrial Councils which set wage levels in given industries. Company interests are represented at such meetings as are white workers, but the interests of African, Asian and Colored workers, the majority of the work force, are minimally represented at best.

In the absence of any right of African employees to organize, bargain collectively, or strike, Industrial Council meetings allow the companies to set minimum wages for their employees at the lowest possible level.

EMPLOYMENT PRACTICES

At a minimum, American firms doing business in South Africa can be expected to require at least the following:

1. Recognition in good faith of bargaining representatives for "non-whites".

2. A minimum wage which takes into account the poverty datum line and minimum effective living level for an average family for all "non-white" workers.

3. Fair job classifications and upward mobility for "non-whites."

4. Comparable pay for comparable work (i.e., "equal pay for equal work").

5. Employment of "non-whites" in personnel departments and management.

6. Recognition of human equality in manner of address, treatment, and respect.

EMPLOYMENT BENEFITS

7. Equal benefits for "non-whites" in matters of health, disability, retirement, and death benefits, on a non-contributory basis. This should include sick leave and pay.

8. The general lack of medical and dental services for "non-whites" requires that free medical and dental service be provided for "non-white" employees and their families.

9. The general lack of educational opportunity for "non-whites" requires that free vocational and educational assistance be offered to "non-white" employees as well as to their children (including libraries.)

10. The lack of minimally adequate and safe housing and transportation facilities require that company housing and transportation facilities be made available for "non-white" employees.

11. American firms should also provide free family counseling services and credit unions.

12. Profit-sharing plans, including ownership of company stock, should also be developed for "non-white" employees.

13. The harassment of "non-whites" by the police and courts requires that companies should provide free legal assistance to their "non-white" employees and their families.

GENERAL

14. Exemplary life-style by management—e.g. servants' wages, memberships, residences, personal relationships and behavior.

15. Utilization of "non-white" suppliers.

16. No further donations to organizations inside South Africa which support the status quo. Creative grants to groups working for social change.

17. Use of influence with the South African government to press for changes in restrictive laws and regulations.

18. Challenge of restrictive laws in the courts.

19. Reinvestment of all South African profits in the above programs until social change is evident.

20. No further investment from the United States unless earmarked for one or more of the above programs.

21. Quarterly review by U.S. management of South African activities of their company and reports in detail to shareholders.

Polaroid Corporation has been involved in a program called the "Polaroid Experiment" which includes several of the suggestions on this list. A November 1971 special report done on the Polaroid Experiment by the Institute of Race Relations concluded that as far as its impact on black wage levels in the country was concerned (1) "if it was intended to significantly improve the wages and working conditions of black South Africans in general it must be regarded as a failure" and (2) "if the intention was to create greater social concern among businessmen, it appears to have been moderately successful".

Even beyond this, Polaroid's contention that their program if adopted by other companies helps bring about social change is open to serious question. We do not propose this list to American companies under the illusory belief that following such a program would bring about the systemic change needed in South Africa. Rather we see it as a list of actions which would bring U.S. firms towards the status of a fair employer after decades of dependence on unfair labor practices to produce high profits.

THE OVERALL CONTRIBUTION OF U.S. INVESTMENT TO SOUTH AFRICA

The question of employment and labor relations in operation in South Africa is a real one. However, our concern for the plight of Black, Asian and Colored workers must also be seen in the light of the contribution a company may make to a strategic sector of the economy, economically strengthening South Africa to the extent that the white control and military power is bolstered.

A meaningful evaluation of the role of a company in South Africa must go beyond labor practices to examine the contribution of a firm to white minority government. For instance, what products does a company make that are used by the white police and military? Does a company's investment follow the long range political and economic plan of the government? Does this involvement bolster the confidence of the white electorate?

Even though, for example, IBM labor practices may be commendable, their leasing of a 360/50 computer for government use in the Population Registration Act directly assists the police state in suppressing dissent and controlling the activities of the Asian and Colored population.

For example, GM, Chrysler and Ford by following the government's local content program (which demands that cars must be built with a certain percentage of local products) have assisted the government in substantially strengthening and diversifying the South African economy and making it impervious to outside pressures. Products from these companies are also available to the military.

U.S. petroleum companies are actively engaged in a South African government program to search for and refine oil. According to the South African Financial Mail, a business magazine, "it was a political move that probably got South African oil prospecting off the ground; a United Nations resolution towards the end of 1963 urging member states to stop supplying oil to South Africa . . . But the lesson was not lost on Pretoria: South Africa would be in real trouble if its oil imports were ever cut off". Mobil and Caltex (jointly owned by Standard Oil of California and Texaco) control approximately 44 per cent of the market for all petroleum products in South Africa and several other U.S. firms are active in exploring.

Thus, our concern is not merely for the labor practices of U.S. companies in the Republic of South Africa but for the ways U.S. companies may strengthen the whole system of minority rule.

OUR CONCLUSION

Apartheid is wrong.

It imposes inferior status on some of God's people solely on the basis of their race. It promotes the domination of a large number of these people by a much smaller number of white people. It is dehumanizing and it is undemocratic.

Based on our understanding of the Scriptures and our first-hand knowledge of the situation in South Africa, we are convinced that any cooperation with or strengthening of apartheid is contrary to the fundamentals of Christianity.

Some of the participants in this Consultation believe that if American corporations adopted vigorous new policies they might, over a period of many years, make a contribution to improving the lot of the "non-white" worker.

Most of us believe that American corporations should totally disengage from southern Africa; that the presence of American corporations in which we are shareholders undergirds the system of racism colonialism and apartheid which prevails in southern Africa.

And we are unanimous in our conviction that American companies in southern Africa are not doing that which they are able to do and ought to be doing with regard to their "non-white" employees. But even progressive employment policies on the part of American companies will not bring the basic changes in society that we support because of our Christian commitment to freedom, justice and self-determination.

We acknowledge that the church of Jesus Christ has failed in its own responsibilities—in the U.S., South Africa and around the world—to help bring about that change in systemic racism to which the Gospel commits us.

OUR RESPONSIBILITIES

What can concerned Christians do, individually or together, in the light of the situation? The following are some suggestions. They do not represent all that can be done, but point to a number of possibilities.

1. Be informed yourself. Read and discuss all sides of these issues.

2. Inform others: write letters to editors of publications (especially newspapers), use radio and television, including forum-type programs.

3. Encourage study by local church groups and others on Church investment policies and southern Africa.

4. Investigate the investment policies, practices and portfolios of your local church and those of your regional church bodies as well as those of your pension fund, colleges, labor unions, stock clubs, and other groups. What are their holdings in companies with investments in southern Africa?

5. Visit or correspond with companies investing in southern Africa. Ask them about their policies.

6. Exercise your stockholder rights. Take part in stockholder meetings or send a representative. Initiate or support stockholder actions regarding southern Africa.

7. Speak up. Inform your government officials—local, state, and national—of your views. Seek their support and encourage them to speak out.

8. Consider what products, services and investments you buy on the basis of companies' policies, and inform those with whom you do business of your decisions.

9. Get further information from the appropriate agency of your denomination, or other groups concerned with aiding justice through investment practices. Many denominations will be involved in challenges to corporations investing in southern Africa and can be written for resource materials.

APPENDIX I—VISITATIONS

The consultation visited the following companies:

Chrysler Corporation
First National City Bank of New York
Ford Motor Company of South Africa
General Motors Corporation
International Business Machines Corporation
Mobil Oil Corporation
Frank & Hirsch (distributors for Polaroid)
Caltex (Standard Oil of California and Texaco)
Standard Bank (partially owned by Chase Manhattan)
Goodyear Rubber Company

APPENDIX II—CONSULTATION ON AMERICAN CORPORATE INVOLVEMENT IN SOUTHERN AFRICA, OCT. 29–NOV. 18, 1971

Participants

Episcopal Church

Mr. Robert Potter, Chairman, Committee on Social Criteria for Investments, New York, New York.

Mrs. J. W. Wilson, Member, Committee on Social Criteria for Investments, Detroit, Michigan.

Dr. Karl D. Gregory, Member, Committee on Social Criteria for Investments, Detroit, Michigan.

Rev. Everett Francis, Public Affairs Officer, Executive Council, New York, New York.

Rt. Rev. Archie B. Crowley, Suffragen Bishop of Michigan, Detroit, Michigan.

United Presbyterian Church in the U.S.A.

Rev. Shelton Waters, Chairman, Southern Africa Task Force, Camp Hill, Pennsylvania.

Mrs. Joseph Young, Member, Southern Africa Task Force, Scranton, Pennsylvania.

Rev. Wilbur K Cox, Jr., Associate Chairman for Operations, Division of Church and Race, New York, New York.

Mr. Josiah Beeman, Staff Director, Southern Africa Task Force, Washington, D.C.

American Baptist Convention

Mr. Richard E. Ice, Deputy Executive Secretary, American Baptist Home Mission Societies, Valley Forge, Pennsylvania.

Mr. William T. McKee, Associate Executive Director, Ministers and Missionaries Benefit Board, New York, New York.

United Church of Christ

Rev. Harry Applewhite, Director of International Relations, Council for Christian Social Action, Washington, D.C.

Dr. William W. Plummer, Member, Council for Christian Social Action, Grand Rapids, Michigan.

United Methodist Church

Rev. Isaac Bivens, Associate General Secretary for Africa, Board of Missions, New York, New York.

Disciples of Christ

Mrs. Carl (Dorothy) France, Vice-President, Church Women United, Pulaski, Virginia.

FOOTNOTES

*"Non-white" is a dubious South African term which includes Africans, Asians, and Coloreds.

[1] Transvaler: 5/28/48

[2] Oxford History of South Africa: Vol. II, p. 200

[3] Annual Report, 1968–69, Commissioner of Police

[4] The Black Paper: An alternative policy for Canada towards Southern Africa. Toronto, Canada, 1970, p. 66.

[5] Rand Daily Mail: "A decade of repressive legislation in S.A." December 22, 1969.

[6] Peoples and Policies of South Africa, L. Masquard: London 1969, pp. 32, 33.

[7] Ibid.

[8] Cities and the rest of the country set aside for whites.—comprise 87% of the country's land surface, yet contain seven-twelfths of the total African population. Oxford History of South Africa: Vol. II, p. 416

[9] Sauer Report: Nationalist Party: 1948

[10] Economic Priorities Report: V1 No. 5-p. 7

[11] South Africa: An economic review; Barclays Bank, Johannesburg: Sept. 1969, p. 96

[13] Oxford History, Vol. II, P. 411

CASE HISTORY OF A POWER CRISIS

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. McCLURE. Mr. Speaker, electric power blackouts during the approaching summer and winter months are threatening large segments of our society. Meeting with Dr. Edward E. David, Jr., Director of the President's Office of Science and Technology, the House Republican Task Force on Energy and Resources was advised that nuclear powerplant delays are making serious power shortages likely in the Midwest and Southeast regions during this summer, and could create critical power conditions in the New England and Colorado regions during the winter.

The Federal Power Commission has urged all electric utilities, that have not done so, to develop contingency operating plans for emergency or short-supply situations. A suggested sequence of steps for utilities to follow, compiled by the FPC's engineering staff, have been sent to each utility, and illustrate possible actions to be expected during power supply shortages:

VOLUNTARY LOAD CURTAILMENT

1. reduce electricity use by the affected power system for unessential loads (warehouse lighting, office air conditioning, advertising displays, etc.)

2. interrupt service to industrial customers as provided by contract

3. ask large commercial and industrial customers to reduce unessential load

4. reduce voltage only if its effectiveness as a load relief technique is known and after consideration of the impact on customers' equipment

5. ask all customers to reduce unessential load (by public appeal through news media)

6. reduce voltage an additional amount if adverse impact on customer equipment can be avoided.

INVOLUNTARY LOAD CURTAILMENT

1. interrupt service to industrial customers after considering their load and system conditions

2. interrupt service to selected distribution feeders for short periods of time, alternating among circuits. Every effort should be made to provide continuous service to essential public facilities such as police, fire stations, hospitals, etc.

3. maintain records so that during subsequent power shortages care is taken to rotate interruptions throughout the service area in an equitable manner.

Contingency plans have been received by the FPC from most utilities and the Task Force on Energy and Resources will meet with Commission representatives soon for a detailed evaluation. It is important that the American people know what to expect if their electric utility cannot meet their power needs.

Britain has recently experienced a national crisis, resulting from a lack of electric power, which can serve as an indication of the importance of electricity for our daily lives. Their crisis demonstrated both the importance of coal as an energy source and the effects of a wide-scale electric power shortage on an industrialized modern society. A description of British life during the shortage is contained in a recent article by Electrical World magazine. As the article states:

> A black market in candles developed with ordinary white-wax candles changing hands for 50¢ each. Butane gas stoves and lamps and standby electric generators disappeared from the market. Water supplies were cut in some areas, and milk was often rationed. Train services were out. Highway accidents and even crime increased. A London businessman who regularly visits New York was astonished at being mugged in his own London office.

The impact on workers and industry is dramatically illustrated by the numbers of men and women who were laid off, and is simply summarized in the article by, "All industries were affected."

On a more individual level, there is a photograph accompanying the article, labeled "People power when pumps don't work," showing a man drawing water into a pail from a crudely constructed wagon. This form of water supply is not right even in a small, isolated community, but it certainly is impractical for any major urban center. It serves, however, as one more example of the critical need for guaranteeing an adequate supply of reliable energy in the coming years. What may begin this summer in the nited States as minor inconveniences—or worse—could grow into major crises in future winters. The Congress should begin now, in a cooperative effort, to prepare a national energy program for the United States, to insure that we will have the necessary energy to meet our needs.

Mr. Speaker, I commend my distinguished colleagues, Representative ASPINALL and Senator HANSON, for having already brought to the attention of the Congress some of the possible consequences of electrical power shortages, and I am inserting the article from Electrical World in the RECORD at this point:

CASE HISTORY OF A POWER CRISIS

Last Jan. 9, British Prime Minister Edward Heath had plans to lead a strong, buoyant, thriving Britain into the Common Market. Exports were humming, easily outstripping imports. Inflationary wage claims were being resisted, opening the way to what would be an export-led boom that would soak up a million English unemployed. Ominously, that was also the day 280,000 British coal miners began a nationwide strike.

Five weeks and four days later, Heath's Conservative government was close to falling, most of Britain's power plants had run out of coal, miners had thrown up picket lines at two oil refineries, and even oil-fired power plants were running short of fuel. Millions of workers had been idled, and there was talk of calling out troops. Three days earlier, on Feb. 14, drastic rationing of power had begun. Some 20,000 firms with demand of over 100 kw were told to cut work to three days a week. Major electrical consumers such as the steel industry had power supply cut in half. British Ford laid off up to 30,000 of its 52,000 workers, and its daily auto production was halved. Ford's plants shut down on alternating schedules because component supplies had been disrupted.

British Steel Corp reported laying off 20,000 workers. The British textile giant, Courtaulds Ltd, closed one in three of its Lancashire spinning mills. Distillers Co Ltd was reported stopping Scotch whisky production altogether. Britain's uranium-enrichment plant was closed. British Aluminum Co Ltd, with power supplies for its 100,000-long-ton/yr smelter at Invergordon, Scotland, cut in half, worried about molten metal solidifying. All industries were affected.

And so too was normal, everyday life. The use of electricity for heating offices, stores, and entertainment halls was banned. Over half of Britain's street lights were switched off. Unemployment levels went up to over 11%.

When the strike began, CEGB had a record coal stockpile of 12.5-million long tons, and its normal winter rate of consumption was 1.5-million long tons a week. Though it had an eight-week supply, CEGB ran into trouble sooner because the coal was unevenly distributed. The strikers were quickly to set up picket lines, and other workers would not cross the picket lines.

Only three weeks after the strike began, with a demand of 12,000 Mw, CEGB was forced to drop voltage. Cuts of 3% to 6% were ordered throughout England and Wales. Pickets eventually succeeded in shutting down a 200-Mw oil-fired station at Kirkstall near Leeds, a plant that got oil only by rail, and where railroad workers refused to cross picket lines. Another station, closed for three weeks for lack of hydrogen coolant, went back on line when hydrogen was flown in by helicopter.

After initial voltage drops on Jan. 30, the operation was repeated Jan. 31. Voltage drops of 6% were forced Feb. 1 and 2. Demands were met during warm weather from Feb. 3–7.

A state of emergency was declared Feb. 9 because a "significant number of power plants are operating at reduced output and a number are closed," said CEGB. Electricity for advertising and display was banned immediately. Load shedding began Feb. 10—5% in some parts of the country and as much as 10% in other parts. A system of rotational power cuts began Feb. 11, beginning at 6 a.m. and continuing until midnight each day. Disconnects were originally 10%, then 15%. On high-risk days, some users were without power for up to nine hours, broken down into three three-hour cuts. In some areas of northern England, cuts lasted up to 12 hours.

The press and television warned consumers on when cuts were likely. In London, consumers were warned by momentary breaks a few minutes before the cuts began. Two days were called high-risk days, two were medium-risk days, and two were low-risk. Sundays were not classified.

A black market in candles developed, with ordinary white-wax candles changing hands for 50¢ each. Butane gas stoves and lamps and standby electric generators disappeared from the market. Water supplies were cut in some areas, and milk was often rationed. Train services were out. Highway accidents and even crime increased. A London businessman who regularly visits New York was astonished at being mugged in his own London office.

Cable communications to the US were out. St. Valentine's Day became "misery Monday" across the nation. The stock market plummeted, and the value of the pound dropped. The opposition Labor Party threatened to censure the government in the House of Commons, and the government warned of a total shutdown if the strike did not end in two weeks. Jaguar halted all production in its Coventry plant. Triumph Motors laid off 2,500 workers, and Rover halted all auto production, noting that all 14,000 employees would be affected by the end of the week.

In other words, Britain, once the mightiest nation on earth, a nation that withstood the full blast of a strong Nazi war machine, was brought to its knees by the lack of electric power.

Britain's coal strike ended Feb. 25, when the miners voted overwhelmingly to go back to work. Relaxation of load-shedding procedures began Feb. 28. The government lifted most of the remaining restrictions on industrial use of power, except for rotational power cuts and a continuing restriction of major power users to 85% of normal use.

A utility official acknowledged this "could be a risky operation." But it was a risk utilities were prepared to take to get other industries working again. Said Sir John Eden, Minister for Industry: "Against the background of heavy unemployment and with the full cooperation of the public, the government thinks this risk should be accepted."

Coal is expected to be in short supply for another week or so, since net weekly deliveries are 500,000 long tons, compared with consumption of 800,000 to 900,000 long tons weekly. So, as the strike ended and recovery began, England was ending each week with less coal than when the week started.

As soon as a pay deal was agreed to by union chiefs on Feb. 19, pickets were removed from Central Electricity Generating Board plants, and CEGB was able to shift coal from national stockpiles and from a stockpile of 500,000 tons held in Holland. Coal was also moved from stations with large stockpiles to stations with short stockpiles.

If CEGB had run out of coal, it would have been forced into a position where it would have had to depend entirely on oil-fired and nuclear stations, which account for only 26.7% of Great Britain's nominal capacity of about 52,000 Mw. In theory, this would have been enough to keep essential services going. But "there would be electricity for neither industry nor the home," said John Davies, Secretary of State for Trade & Industry. Furthermore, he said, CEGB had no experience operating at such low levels. "The certainty of being able to provide for essential services would have to be regarded as pretty precarious," he noted.

On Feb. 17, on the floor of the US House of Representatives, Rep. Wayne N. Aspinall (D-Colo.) said: "Great Britain today faces what may be the greatest threat to its security since World War II. The threat is not enemy bombers, but peacetime chaos caused by widespread power shortages.

"Britain's plight illustrates what can happen to any industrialized nation when there is a break in the fuel and energy supply lines. It also illustrates what could happen to the US if we fail to understand the severity of the energy crisis in our own country."

And in the Senate, Clifford P. Hanson (R-Wyo.) said: "No modern nation can survive if its lifeline of energy is severed. Without fuel there is no energy—no power to light or heat our homes, to cook our food—no power to run the multitude of machines needed to keep our factories in operation. Any serious disruption of vital fuel supplies simply means disaster."

VFW VOICE OF DEMOCRACY CONTEST WINNER

HON. ROBERT G. STEPHENS, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. STEPHENS. Mr. Speaker, it is with a great deal of pleasure that I insert in the CONGRESSIONAL RECORD the Voice of Democracy Contest winning speech from Georgia, which was written by Miss Mary Beth Powers.

Although Mary Beth lives in Belvedere, S.C., she attends Aquinas High School in my district in Augusta, Ga. I am proud that this is the fourth consecutive year that a student attending school in my district has won this honor.

The theme of Mary Beth's speech is that "Freedom and Responsibility Are Inseparable." Her remarks are extremely thoughtful and pertinent, and I am glad to be able to share her speech with my colleagues:

MY RESPONSIBILITY TO FREEDOM

You are Number 301. The State provides for all your physical needs, and in return, you perform the tasks assigned to you. Life holds neither excitement nor difficulty, for you shoulder no real responsibility as long as you play by the rules. The only price is your freedom.

Now, picture a reverse situation. Chaos reigns in the lawless society. All may do as they please, yet they accomplish nothing. The "free" people of this society are not free to develop their talents or their humanity, for they must always be on guard against their "free" neighbors. Mutual mistrust smothers any sign of friendship, for "friends" may cheat, rob, or slander without fear of punishment.

In the first case, responsibility is tamely transferred to the State, while in the second it appears non-existent. Absent from both is true freedom. Conclusion: freedom and responsibility are inseparable.

The simplicity of this common phrase belies its tremendous significance. For me, it has come to mean that while freedom brings fulfillment and human dignity, it also makes life a great deal harder. If I expect to achieve my purpose in life, I cannot allow myself the luxury of permitting others to

control my life for me. To do so would mean lowering myself to the level of a pampered puppy. As Benjamin Franklin said: "Those who would give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety."

I must be willing to earn my freedom, to be satisfied with nothing less than complete freedom, and to accept the limitations which it entails.

Once having attained this, I am charged with two duties: The first is to preserve my liberty. Freedom resembles a garden. As long as I water it, fertilize it, and pull the weeds which threaten the plants, the garden flourishes. When I carelessly take it for granted, the lovely garden fails. Likewise, if I become apathetic, or lack the courage to speak out against injustice, to exercise my vote, or to develop my intelligence, my freedom will most certainly flounder. The preservation of liberty also demands that I guard against selfish abuse, for this leads to licentiousness. Therefore, all my important decisions must be carefully considered in the light of the questions, "Am I too docile?" or "Am I rebelling for the sake of rebellion?"

The second, even more important responsibility calls for me to join with others so that, together, we may use our freedom to aid the poor, the uneducated, the crippled, and the despised to overcome their handicaps so that they may take their place in this great country, and in the entire world community itself. Unfortunately, this cannot be done in one grand gesture. A great deal of effort must be expended on a person-to-person basis in order to set the stage for broader efforts.

In short, I must make freedom more than just a word. I must cherish it, nurture it, fight for it, share it. Just as my predecessors passed freedom down to me, so must I pass it on to my children. God help me if I fail. God help us all.

JUDGE JOE R. GREENHILL—A GREAT TEXAN

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. PICKLE. Mr. Speaker, Austin and the State of Texas are blessed with many outstanding citizens and favorite sons. One of our most outstanding and well loved is the Honorable Joe R. Greenhill. Justice Greenhill has devoted his life to seeking justice for the citizens of Texas and the people of the United States. He is not in his 15th year on the Texas Supreme Court. Appointed to the court by Governor Price Daniel in 1957, he was reelected for 6-year terms without opposition in 1960 and 1966. He will next January be the chief justice of the Supreme Court of Texas.

A native of Houston and a graduate of the Houston public schools, Judge Greenhill attended the University of Texas where he received three degrees, B.A., B.B.A., and LL.B. He was elected to Phil Beta Kappa and other honorary societies, and was an editor of the Cactus, and the Texas Law Review. He is a director of the American Judicature Society, was chairman of the judicial section of the State Bar of Texas, 1969–70, and is also a former chairman of the mineral law section.

Recently during the Freedom Foundations' 23d annual awards ceremony at Valley Forge, Pa., Justice Greenhill was awarded the George Washington Honor Medal for his magazine article "Disaster Lobby Versus the Good of America," The article originally was an address by Justice Greenhill to the Biennial Scottish Rite appreciation dinner in Austin, March 23, 1971.

I am proud to honor this great Texan and my lifelong personal friend by sharing with you this award-winning article as printed in the Austin American. The article is as follows:

DISASTER LOBBY VERSUS THE GOOD OF AMERICA

(By Justice Joe R. Greenhill)

A large percentage of the guests of the Scottish Rite Bodies here tonight is made of the leaders of executive and legislative branches of our State government. You are conscious of lobbyists of various sorts, both good and bad. You know how to deal with them; and on balance, they perform a helpful and useful service.

But there has been another lobby which, of late, has exercised great influence. This particular group is not subject to the controls imposed on other lobbies; but it is powerful, and bears within itself a danger to our American way of life.

I'm talking about our "Disaster Lobby;" the people who preach that our State and national government is in a state of decay; is on the verge of catastrophe; that everything is wrong in government; that our industries which gave us the highest standard of living in the world are, because of pollution and profits, really enemies; and that unless, by stringent regulation, we virtually take over all utilities, transportation, and other industry, we will all perish in pollution; and that millions will be reduced to abject poverty.

Some of us heard Mr. Justice William O. Douglas speak at the Driskill Hotel last Saturday night. He suggests, as recounted in the front page story of Sunday's Austin paper that "Revolutionary steps are needed;" that people need to confront what he called the Goliaths of modern times "who assume that they have a God-given right to exploit the country, pollute the skies and the rivers, despoil estuaries, and convert every blessed tree into a dollar."

The publisher of Look Magazine, Mr. Thomas Shepard, recently addressed himself to the Disaster Lobby. In a speech in New York, he challenged many of the assertions of the Disaster Lobby, which he characterized as the most dangerous men and women in America.

Take the one about the world's running out of oxygen, and that eventually we will all suffocate. The National Science Foundation recently collected air samples at 78 sites around the world and compared them with samples taken 61 years ago. Result? Today there is precisely the same amount of oxygen in the air as in 1910, about 29.5 per cent.

Take the one that the air pollution of our cities is getting worse all the time. True, we need to work on this, and we have been working on it. But the air in New York City has less pollutants than it had in 1965; and its air is immeasurably cleaner than it was 100 years ago when people burned soft coal for heat.

Our waterways are not as pretty as they used to be, but they are not as deadly either. Our lakes and streams have been cleansed of cholera and typhoid; and the water we drink is the safest in the world.

And that scare about mercury in the tuna fish: The Disaster Lobby, fanned by a national magazine, said it had to be caused by industry. A fraction of it may have been, and all agree that it should be curtailed. But research showed that the mercury in the oceans came from deposits from nature; and that ALL the mercury dumped into the world's oceans in a year would amount to less than 40 carloads. This, Mr. Shepard says, would be like saying that a boy with a water pistol caused the Johnstown flood. Further proof? Fish caught 44 years ago and just analyzed contained twice as much mercury as fish processed this year.

The Disaster Lobby urges a return to "The Good Old Days." Well, 150 years ago, our life expectancy was only 38 years; the work week was 72 hours. The housewife worked and scrubbed away without a dishwasher, clothes washer, or vacuum cleaner. You chopped wood and froze in the winter, and sweltered in the summer.

Some of our radical friends would have their type of people take over the regulation of business enterprise and would socialize it, or communize it all together. I do not need to remind you that an iron curtain is necessary in Berlin to hide the fact that our free enterprise system, run, financed, and managed by free people, far outstrips the productivity and quality of Russia and all the other communist countries combined.

I'm sure you noticed last week that in Cuba, where Castro and the state have taken over farming, that new national laws went into effect requiring forced labor camps. And I'm also sure you remember that the first thing Castro did in taking over power was to get rid of all the judges. He replaced them with his political people; and individual liberty was, and still is, a dead duck.

The armed forces have been dealt a serious blow by the Disaster Lobby. In a recent address, General W. C. Westmoreland stated that, and I quote, "Never in our history, while fighting a war, have we concentrated so intensely on controlling our fire power to avoid civilian casualties and damage to civilian property; and in helping people in a foreign land. We have brought care to thousands who had never seen a doctor; we've built hundreds of schools; and our soldiers have devoted much of their own time to assist the Vietnamese in their search for a better life. "Unfortunately," Westmoreland concludes, "these events are not news."

Instead, the Disaster Lobby now concentrates the world's attention on the acts of a handful of people at My Lai. Our national TV and national magazines make sure that we, and all the world, including the communists, are furnished, even saturated, with ghastly pictures. And Mr. Justice Douglas, in running down our country, told us last Saturday night, again as quoted in the Austin paper, "We extol law, but shun it when we come to major international crises . . . How long can the consciences of men tolerate killing not only the man with a gun but all of his kinfolk and neighbors, whose demands never exceed a bowl of rice a day and education for their children?"

The result, whether designed or not, is that we get a feeling of national guilt. We are in danger of losing confidence in ourselves.

Well, as for me, I am sick up to here of the Disaster Lobby whose function is to spread distrust, discontent, and even rebellion.

I would like to join those who would emphasize what's right with America. William Lindholm, President of the Chesapeake Telephone Company, recently discussed the psychological warfare which we have waged on ourselves without knowing it.

Psychological warfare was originally designed to reduce the enemy's belief in his own cause, to make him distrust his leaders and colleagues, to raise serious doubts as to the justice of his system, and to make him lose faith in the stated objective of his society. Here is the Disaster Lobby. It sows the seeds of distrust and doubt against our own country and our own leaders.

The antidote is an offensive to close ranks behind one's own cause, to reaffirm one's own ideals and purposes, and to bring moral courage and dedication to things one genuinely holds to be essential to his way of life.

We have had an overdose of the Disaster Lobby's psychological warfare. Its effects can be as deadly as a broadside from a cannon. We're taking an awful lot of this now. But if we lose our faith in ourselves and in one another, we become weak, however heavily armed we may be.

So let's think and act more on the positive side. Let's realize what's good in America and in Texas; let's renew our courage and dedication to things we know to be right.

It would be presumptuous of me to tell this group of dedicated people that our state and our nation today are the very finest ever known to man.

We enjoy more personal freedom than any people on earth. We are all free to worship as we please, without fear of governmental interference. We are one nation, under God. In spite of the cynicism and the "God is Dead" stuff, the Gallup polls show that 70 per cent of the American people think that religion is important; and that 97 per cent of Americans believe that there is a God, and that He is alive.

We are educating more of our population and to a higher degree than any nation on earth. Your problem is not whether to provide education for all, without regard for race or color, but how to do it, and where to get all the money it takes.

Our Texas highways are the very finest.

The per capita disposable income in America is about $3,000—45 per cent more than in Canada and in England; and 70 per cent more than in France. Minimum wages are higher, and workers are protected more than our founding fathers ever dreamed of. The purchaser and consumer are protected and warned at every turn. We take care of our sick, our disabled, and our aged by both public and private charity to the point that our financial resources are seriously strained.

We are told by the Disaster Lobby that we are unfeeling, cold, and insensitive to the needs of others. Answer? Last year, we Americans contributed more than 14 billions of dollars to charitable causes. Some say that this is just the work of foundations and big business. They surely helped.

But three-fourths of that 14 billion dollars came from people like you and me digging down in our pockets. The marvelous work of the Scottish Rite Bodies in assisting crippled children and others is an excellent example.

Yes, there is an abundance of what's good in America and in Texas. Instead of women working in sweatshops, instead of people working as share croppers on the farms, instead of the illiteracy and disease, there is an absence of misery in millions of men who will retire healthy, and with compensation, at age 65.

As Eric Hoffer has pointed out, all these good things have happened in the "only nation founded by the ordinary people, the masses." The best thing about America is her people. We are part of the people. But if we lose faith in ourselves, we will become what our critics, and the Disaster Lobby, say we are.

In order for us to appreciate the greatness of our country and government, and the fact that our form of government is really working at both the national and local level, we sometimes need to see ourselves as others see us;—not from the eyes of those who come here looking for trouble and to bolster the Disaster Lobby, but from the eyes of people who have come in search of freedom and peace.

In the current Reader's Digest, there is an article by Janita Atkins who, with her husband, fled virtually penniless from Poland. After having been here a few years, she was dismayed at what we here tonight call the Disaster Lobby.

She writes:

"Among some of our American-born friends it is not fashionable to be enthusiastic about America. There is Vietnam; there are drugs, urban and racial conflicts, poverty, pollution. Undoubtedly, this country faces urgent and serious problems. But what we, the newcomers, see are not only the problems, but also solutions being sought and applied.

"I love America because people accept me for what I am. They do not question my ancestry, my faith, my political beliefs.

"I love this country because when I want to move from one place to another, I do not have to ask permission. Because when I need a needle, I go to the nearest store and get it.

"I love it because I do not have to stand in line for hours to buy a piece of tough, fat meat.

"I love it because, even with inflation, I do not have to pay a day's earnings for a small chicken.

"I love America because America trusts me. When I go into a shop to buy a pair of shoes, I am not asked to produce my identity card.

"I love it because my mail is not censored, my phone is not tapped, my conversation with friends is not reported to the secret police."

There is more, but that is enough to convey her message.

We do have our problems, but we, and you are working very hard to solve them. We have a nation and a state of which we can be proud. Let's renew our faith in our country, our government, and in ourselves. And if we remember and follow the guiding principles of Free Masonry, and the will of the Supreme Architect of the Universe, we cannot help but succeed.

Let us ask the guidance of the Supreme Being, and do our best to follow His will, and not be distracted or dismayed by the Disaster Lobby.

I feel sure that I am authorized to say that Scottish Rite Masonry is proud of you, and has faith in all of us. I know that I have.

COMMONSENSE ON THE HOME PORTING ISSUE

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. HOSMER. Mr. Speaker, over the years our colleague from New Jersey (Mr. FRELINGHUYSEN) has earned a splendid reputation for good judgment on issues and also as to the proprieties to be observed in the legislative process. Proof of this is to be found in the Washington letter to his constituents, which Mr. Frelinghuysen issued last week:

ON THIN ICE

Any student of Congress knows—and even a casual observer soon realizes—that the proper functioning of the legislative process hinges on the committees of the House and Senate. It is their evaluation, and modification, of the thousands of bills introduced each session which determines the flow and character of legislation. It is their failure to act, or to reach agreement, which keeps bills from reaching the President's desk.

Hearings by congressional committees may be primarily educational rather than legislative in intent. Such may have been the purpose of two days of hearings sponsored jointly last week by the House Foreign Affairs Committee. We were given the opportunity to examine the administration's recent decision to seek "home port" facilities in Greece.

The "home port" concept has been developed to maximize the utilization of our Navy—in this case the U.S. 6th Fleet stationed in the Mediterranean. Adm. Elmo Zumwalt, Chief of Naval Operations, and two spokesmen for the Defense and State Departments made a detailed presentation of the reasons for seeking to make "a home port" in Piraeus, the port of Athens. If agreement is reached with the Greek Government some 1,200 families of the crews of a carrier task force may be allowed to reside in Greece. The main consideration for the move, it was pointed out, was to improve the morale of our sailors, at a time when reenlistment is important.

Our committee began to tread on thin ice the second day when critics of home porting charged that the choice of a Greek port, rather than one of the 15 others under consideration, was unwise, as it constitutes "an embrace" of an unrepresentative regime. Here I felt we were departing from our role as a deliberative body. The hearings, though ostensibly to discuss "home porting," were being used for quite a different purpose.

It is true that Greece has been without a constitutionally elected government since 1967. It is also the case that the military regime which controls the Government has been the object of widespread criticism for its failure to reinstitute elected civilian rule. Yet hearings on a procedural matter such as "home porting" facilities are not an appropriate place for the investigation of internal policies of an ally.

What particularly disturbed me was an afternoon appearance, as critics of home porting, of two former members of the Greek Parliament, both of whom strongly oppose the present military government of their country. Their testimony was reminiscent of the hearings on Northern Ireland of the previous week. Like those hearings, this testimony presented only a partial picture. It allowed foreigners, very much interested in their own domestic political situation, a public forum to condemn not only their own government but the policy of the United States.

The fact is that the President feels—and many in Congress agree with him—that Greece is of considerable military importance to us, and also to the NATO alliance. While we naturally would like to see the Greek people actively involved in the political process, it is hardly likely that Congressional hearings can make a useful contribution to that end. Indeed, by airing our dissatisfaction with the unrepresentative character of the Greek regime, and allowing Greek citizens to attack its legality and to question American policy, our committee does tread on thin ice. The United States did not install the present Greek regime and has no power to bring it down. In my opinion, public agitation regarding an internal situation of a long-time friend and ally does not serve a useful purpose.

CHARLES REED BISHOP

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mrs. MINK. Mr. Speaker, one of the outstanding men in Hawaii's history is

Charles Reed Bishop who contributed significantly to the growth and development of the islands. This year Hawaii celebrated the 150th anniversary of his birth. An essay contest was held as part of the celebration.

I would like to insert in the RECORD, the winning essays written by three young girls from Hawaii, which accurately and sincerely describe the generosity and dedication of Charles Reed Bishop. The essay contest was sponsored by the Committee for the Sesquicentennial of the Birth of Charles Reed Bishop.

Miss Heidi Petersen is a fourth-grader at Hilo Union School, Miss Susan Murakami is a ninth-grader at Paauilo Intermediate School, and Miss Natalie Francisco is a junior at Laupahoehoe High School. All three students are from the island of Hawaii and each was judged winner in her respective division. The contest was conducted in the schools in Hawaii.

It is with great pride in these three winners that I offer their essays:

ESSAY ON CHARLES REED BISHOP

(By Heidi E. Petersen, Hilo Union School, Fourth grade, Hilo, Hawaii)

Charles Reed Bishop was a man loved by all Hawaii. He helped even her kings make decisions of great importance between Hawaii and the United States and foreign countries. One of the many things he helped with was the Hawaiian schools. He was president of the trustees for the Kamehameha Schools. He was a trustee and chairman of the finance committee of the Punahou School. He supported boarding schools throughout the Hawaiian Islands; such as Kawaiahao Seminary, East Maui Seminary, Kohala Girls School, Hilo Boys School and many others.

I feel that he was a very devoted man. I think he loved the Hawaiian children very much, because he did not have any children of his own. I know also that his devotion to his wife, Bernich Pauhi Paki Bishop was very strong. He loved her so much that when he died he wanted his ashes to go to Hawaii and to be put in a tomb beside hers.

He was so close to the Hawaiian people and loved them so much that before he went to San Francisco he gave all of the land his wife had inherited from her ancestors back to them in what is now known of as the Bishop Estate. She was of the alii. Other white men who came to Hawaii, cheated, or bought, or inherited land from their wives, but they did not give the land back to the Hawaiians instead they gave the land to their children. But Mr. Bishop gave the land back. So I think that he was a very honest and devoted man.

CHARLES REED BISHOP: FRIEND OF YOUTH

(By Susan Murakami, Ninth grade, Paauilo Intermediate School, Honokaa, Hawaii)

Charles Reed Bishop was a friend of Hawaii's youth. Because of his concern and affection for children, Hawaii benefited.

One of Bishop's most cherished objects of support was the Honolulu Library and Reading Room Association, which he helped to organize. On display were the Bishops' paintings from Europe and Mrs. Bishop's Hawaiian antiquities. For several years he was so engrossed with problems of his wife's estate that he gave little attention to the library. But in 1888, Bishop donated the 300-volume collection of the Fornander Library. Soon he became a trustee, and was a major benefactor. Through Bishop's generosity the library was able to purchase a vacant lot, buy books, and enlarge the building.

In 1889, Bishop started the Bishop Museum. It was a small, modest building of lava rock. Bishop donated ancient Hawaiian collections and manuscripts. Today the museum has grown into a large complex, which is acclaimed as one of the world's leading scientific and historical institutions. The museum has the world's largest collection of Hawaiian and Pacific research specimens and public exhibits. Just by visiting the museum, students can get a vivid picture of what life in Hawaii was like.

Concerned for the health and welfare of children, Bishop gave time and effort as well as money to help build health facilities. He was a trustee, treasurer, and Vice President of Queen's Hospital for thirty-five years and a benefactor of Kapiolani, Children's and Leahi Hospitals.

Bishop was a great supporter of education. This was expressed in one of his letters: "The principal of making a fair return so far as possible for value received, and gratitude for favors and opportunities provided, are essential parts in a sound education. Neither minors nor adults should expect to get anything worth having gratis."

His contributions to the Kamehameha Schools also reflect his interest in education. Bishop gave the Preparatory Department its facilities and money. He wanted the boys to learn "good morals and gentle manners, cleanliness of persons and clothing and . . . neatness in care of rooms and furniture." He also was the trustee and finance committee chairman of Punahou School. Bishop contributed his services, scholarships, buildings, and operating funds. He also supported the Kawaiahao Seminary, Kohala Girls School, East Maui Seminary and other boarding schools.

Bishop believed that educating the children was the surest way to promote wealth and prosperity. Under him public education became non-sectarian and tax supported.

Bishop's concern for the education, health, and welfare of the children showed him to be a sincere friend of youth.

THE MAN IN THE MYTH

(By Natalie Kapewa Francisco, Laupahoehoe High, 11th grade, Hawaii Island, Hawaii)

As quoted in a surfing magazine: "In the 19th century, mankind's myths, excerpts and success have been discredited, reduced to history . . . to lines and footnotes in books and magazines."

Mankind needs its myths of an honored benefactor. Lives, such as Charles Reed Bishop's, represent all that we universally aspire. When one of our kind reaches such a peak in his lifetime he transcends his own time, and he belongs to all ages.

Now what remains? Portraying the deep identity of a very rare man, Charles Reed Bishop's face gazes memorably out of a series of time-softened, ambertinted photographs.

The rare characteristics which originate from this rare identity are the sources of energy which generated the desire to seek an education. Education; the structure of learning and achieving knowledge, is the desire of many. Charles Reed Bishop, Man of Hawaii, stands alone in his achievement of education.

The numerous quoted excerpts from his letters convey the highest ideals and advice profitable to Hawaii's education. He gave intense interest to schools. Most of his interest was devoted to educating students toward industry. A characteristic of Charles Reed Bishop, quoted by Benjamin O. Wist reveals him "As a man imbued with ideals of service, possessed of faith in Hawaii and in public education as a means of promoting its social and economic welfare." This quotation supports his strongest belief that industrial education is a necessity of his concept of a successful program of studies.

To fully interpret his contribution to education and his educational philosophy, one must think and feel the words used in his excerpts. One must be capable of understanding this feeling in order to personally credit Charles Reed Bishop for his contributions to education.

As a young lad, Charles Bishop gained labor experience through employment in farming, accounting, bookkeeping and store clergying. At the youthful age of 24, his skillful ability in accounting was employed by the United States Consul. Preceding his appointment to the United States Consul, he married a glamorous 18 year old princess, Bernice Pauahi Paki. Following their marriage they lived during periods of great changes in the life of Hawaii.

A memorial to Princess Pauahi was the completion of the Bernice Pauahi Bishop Museum. This prominent landmark of Hawaiian history was the creation of Charles Reed Bishop. It became an example of the preservation of the rich heritage which the Hawaiians and many others admired and cherished. It was the summit of their achievements. Together Charles and Bernice apreciated the deep values of the past, but looked forward to the future.

Charles Bishop was outstanding for his contribution in other fields, such as religion, government, Hawaiian affairs, the establishment of hospitals and community activities. He contributed an abundant amount of services and interest to preserve Hawaii's rich heritage.

This was the life of Charles Reed Bishop which spoke for Hawaii's education and success. His ability and knowledge acted as a guiding light that will outlive our time. He was honored, respected and greatly loved.

Charles Reed Bishop was the subject of the myth. Myths and men such as Charles Reed Bishop live beyond their time; they live for all ages. We have not lost Charles Reed Bishop.

THE TABLES DOWN AT MORY'S

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. MONAGAN. Mr. Speaker, E. Robert Stevenson, an Old Blue from way back, has written a most interesting article, "The Gods Were With Us Yesterday," which appeared in the January issue of the magazine "Yankee."

Mr. Stevenson, who is the retired editor in chief of the Waterbury, Conn., Republican-American newspapers, not only sets the facts straight on Mory's famous restaurant but provides a nostalgic glow in recounting the story of that famous student pub. I append Mr. Stevenson's article herewith for the enlightenment and pleasure of my colleagues:

"THE GODS WERE WITH US YESTERDAY"

(NO GODDESSES ALLOWED, THANK YOU!)

(By E. Robert Stevenson, Yale '07)

If you are not a Yale man—or woman—you may not know that there really are "tables down at Mory's" on the walls and "the place where Louis dwells" is still going strong on York Street in New Haven—though Louis Linder has long since gone "from here to eternity." But now trouble's a-brewing!

Is even Mory's, "the good old Temple Bar we love so well," to succumb to the attack of women students, a few faculty members, and even some male students in this the second year of coeducation at Yale? Old-time graduates who remember the atmosphere of Yale and Mory's in their happy college days receive the news of this attack with keen resentment.

For generations Mory's has not been under the jurisdiction of the Yale corporation or faculty. Students who enjoyed its mugs of beer, its songs, and general good spirit of gathering there made the rules and ran the good old Temple Bar. Freshmen were excluded until their sophomore year when it was thought they had become seasoned enough for the good old tap house. It was not a saloon nor a bar for ordinary lunch snacks. Moriarty, the founder, had come from Fleet Street, London, where he had run or was familiar with English pubs and the character of what he set up at Yale was that of a pub. As the years rolled, Yale boys put its own special character into it.

From the earliest days Mory's had a sort of semi-membership. Boys who did not understand its character or know how to conduct themselves while there, were excluded. Its whole atmosphere made it a place for men. Never until Yale became coeducational had it occurred to men that girls would even want to go there. Yale had accepted women but Temple Bar boys could not throw tradition aside and open the door to girls, who began to press for entrance. Hence the irritation of the girls and their supporters. They have succeeded in having its license for selling alcoholic drinks suspended because it has excluded women. What will come of all this remains to be seen.

Mory's belongs with the years. It was boys of the Yale class of 1863 who brought Frank Moriarty and his wife to Yale. The pair had established a tap room in what has been described as a "dingy old building" on Wooster Street in New Haven, down toward the waterfront. In those days and for many years afterward, the Yale boathouse, where crew members kept their rowing shells and general boating paraphernalia, was on the east side of the Quinnipiac River at the end of the causeway just beyond Bell Dock.

Going to or from the boathouse, crew men walked along Wooster Street, where they discovered the pub. They liked it so much that they persuaded the Moriartys to move up near the university. The best place they could find at the time was on Court Street. There they warmly welcomed students to what came to be called "The Quiet House." There was plenty of song-singing but no record of disturbing noise. Perhaps the Moriartys successfully urged quietness and so it came to be called "The Quiet House."

For about ten years Frank presided there, gaining great popularity with the students. Seated about round tables, they drank beer, Fishhouse punch, or St. Croix rum. "The Mrs." Moriarty also won their hearts with her specially prepared Golden Bucks, Grilled Sardines, and Welsh Rarebit. From time to time both Mr. and Mrs. would sit at the tables with the boys and entrance them with tales of Scotland, Ireland, and England.

When her huband died in the early 1870s, "The Widow," as she then came to be called, bought an old house on Temple Street one block off Chapel Street, more convenient to the university. This became known as "Temple Bar." To aid her, "The Widow" hired one Louis Linder, who grew in popularity as is evident in the line of "The Whiffenpoof Song". . . "At the place where Louis dwells." When "The Widow" died, Louis stayed with Temple Bar for many years. It was there that the Whiffenpoofs came into being and from there they went out to travel and sing in concerts all around the nation. They protected their song for years for their own use, allowing no professional singing of it. Finally, Rudy Vallee was given permission and this popular singer used it again and again, giving it wide and popular acceptance.

Change came again. *The Journal-Courier*, a New Haven newspaper, bought for its own use the land on which Temple Bar stood. The Moriartys were gone, Louis was gone, but Yale men were not going to let the Temple Bar disappear. They bought another old house very much like the one on Temple Street. On York Street, it was still nearer to the heart of the university. It was remade, better to fit the uses of the old pub, and it still stands there in use today.

Not only were the round tables at which the boys sat removed to the remodeled structure but so were the tables that had long hung on the walls. For countless time it had been the custom to have each new table carved at the center with a large letter "Y". Then all around it each boy as he came would laboriously carve his own initials and his class numerals. As a table eventually filled with initials and numerals, it was hung for permanent keeping on a wall. Old graduates revisiting would be seen standing on chairs to try and find their own initials thus carved so long ago.

Preserved were the fancy glass wall notices designating the various food delicacies "The Widow" was in days past ready to prepare. The old pewter glass-bottomed beer mugs came, and the photos of outstanding football and baseball players, some seated upon the cherished campus wooden fence, the old London directory, the copy of *Punch*, and other treasures of that character that the Morys had brought with them from England for the delectation of youths who in those days did not so easily travel as they do today.

There preserved is a group picture fronted by Carrie Nation, famous saloon smasher of Kansas. The group with her in 1903 induced her to come to Yale by fraudulently representing themselves as a Temperance Society engaged in trying to reform Yale boys. She came and had her picture taken with the Temperance Society. Without her knowledge, as she stood in front, they held up whiskey bottles to enhance the picture.

My own recollections go back to a special group between 1903 and 1907 that met weekly at Mory's for a genial time. Sinclair Lewis, of *Main Street* fame, was one of us. It was his delight to imitate well-known characters. Our lecturing professor, William Graham Sumner, a distinguished sociologist, was one of them. Alleging that Sumner was speaking, one of Lewis's quirks ran: "Folkways—it's a rare word used by only the brightest minds in the country. In fact I might say it is used only by myself."

William Rose Benét, brother of Stephen Vincent Benét, was one of us. The younger brother, Stephen, not yet in college, visited on occasions to be warmly welcomed. Bill in later years, became an editor on the staff of *The Saturday Review*.

Two who had graduated shortly before us came back to work at Yale. When they found the fun we were having, they joined us. Clarence Day came to edit what was then *The Alumni Weekly*. Through his father's financing, he finally acquired the publication and turned it over to ownership by the university, which then made it a monthly publication.

Clarence, like Thurber, used to like to do funny little drawings as we sat around the table. On one occasion he drew the picture of a monkey hanging on the limb of a tree under which he wrote:

> Dear fellows, do not be annoyed
> Because I call it anthropoid
> It means resembling man 'tis true
> But still that man may not be you.

Brian Hooker had gone forth to work on the staff of *The New York Sun*, write lyrics for musicals, and lecture at Columbia University. He returned to teach English at Yale and so joined us. Hooker wrote a poem to the Temple Bar, most fitting at this time. It was entitled "The Gods Were With Us Yesterday" and in part ran:

> Look, and remember well, Time was
>   When many a charmed and chosen few
> Made these bare chambers glorious
>   For Bacchus and his retinue,
> When youth and song and mystic brew
>   Could sublimate the mellowing clay
> 'Till lights Olympian glimmered through
>   The gods were with us yesterday.
> Good night, Old Temple. Even thus
>   Thine elders faded out of view,
> Old Sacraments turn blasphemous,
>   Old Nymphs allure, where non pursue
> Prophet and warrior, Prince and Jew
>   Gather to brush our dreams away,
> The sciences are with us, too—
>   The gods were with us yesterday.

Finally, as envoy to the poem Hooker gave a warning that the people who try to break up Temple Bar may well give attention to:

> Princes of change, when all ye do
>   Fares better than ye plan or pray,
> Some one—perhaps—will say of you,
>   "The gods were with us yesterday."

MEASURING THE SOCIAL AND ENVIRONMENTAL STATUS AND PROGRESS OF COMMUNITIES

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. FRENZEL. Mr. Speaker, the business community has refined its ability to measure with precision the economic climate of a community, the profit or loss of its business concerns and the market penetration of its products.

But, despite the social awakening of the business community, no procedures have been developed to measure the social and environmental status and progress of communities. The First National Bank of Minneapolis, in its 1971 annual report, has attempted to establish a format for an annual social-environmental audit.

First Minneapolis, after further refinement, will be attempting to record the social and environmental progress of the Twin Cities community. Hopefully, the audit will indicate directions in which the community may want to direct its resources in ways which will improve the local quality of life.

The following is the text of the social-environmental portion of the First Minneapolis report. The proposed components and standards are, of course, tentative, but I commend this report to my colleagues and to the business institutions in their districts:

THE ANNUAL SOCIAL-ENVIRONMENTAL AUDIT . . . A PROBLEM AND A PROPOSAL

Over the past year, there has been much discussion and concern among leading businessmen about business' commitment to social-environmental improvement—whether that commitment is producing worthwhile results and by what criteria we can judge its effectiveness.

How can a company know that it is engaged in really necessary social-environmental activity? Who determines the value system and the criteria? If a business uses up a part of the natural environment or if its products adversely affect the environment, does our present accounting system reflect that company's true cost of business? What accounting system would properly reflect this cost, or measure a company's real contribution towards solution of major problems in our urban society?

Answers to these questions are difficult, in part because there is no common agreement about the definition of a "good quality of urban life" or about what standards might properly be used to measure it.

Every business has standards of performance for profit, investment return, reward to employees and stockholders, and the quality and production costs of its products or services. These standards are reflected in a general accounting system that is accepted by most elements of society and especially by the business community. This accounting system is constructed to report a business' actual economic performance over a time period and to make it possible for the performance of one business to be compared with another.

Similarly, in its social-environmental commitments a business must have performance standards which have general recognition and acceptance, and an accounting system to measure them. Otherwise a business cannot know if it is satisfactorily meeting its social-environmental objectives.

To begin, there must be consensus about what constitutes a "good quality of urban life." Perhaps a way to do this to divide the "good quality of urban life" into its components. Some components generally approved in our urban areas are: aesthetically appealing communities, decent housing, safe streets, a clean and pleasant environment, effective health care, efficient transportation and good cultural, educational and job opportunities.

Within each of these components, achievement standards can be developed to fulfill the definition of a good quality of urban life. These standards would change from time to time as society's priorities change.

After achieving acceptable components and standards, a second step would be to develop a reporting mechanism, an accounting system whereby a company can determine what investment it made toward improvement of those quality of life components and standards to which it had addressed its effort. With this system a company can judge whether or not that investment really helped the community, i.e., whether there was a social profit or loss. Clearly, because so many variables affect the attainment of a community's quality of life goals, and because of the magnitude of the problems involved, precise measurement in some cases will be difficult. For these reasons, a company should focus its accounting on specific urban regions since it is there that the impact of business' actions will be most apparent.

Also while each component will be measured by its standards of performance, the social accounting system ultimately must permit the setting of relative values and priorities among components and the measuring of net profit or loss toward the ultimate total of a "good quality of urban life."

An example of possible components and standards for an annual social-environmental audit for the Twin Cities seven-county metropolitan area follows:

Under this concept a given company, because of its know-how or interest in certain fields of activity, may work for improvement of one or two components. A real estate development business, for instance, would probably have a greater interest in housing and in a transportation system than in other components.

Clearly, the business community alone does not control all the components in the quality of urban life. Government's responsibilities have a major impact on both the components and the standards. All segments of society must focus on the same goals because they all affect the outcome in some way. Increased dialogue between business and government will inevitably result in a better coordination of efforts to attain these quality of life goals.

By comparing the results from year to year, the business community will be able to measure trends and progress in its locality, and concentrate on those components most needing improvement. Whether there has been a profit or loss in a particular activity will enable the company and the community to decide which components require the most attention and improvement in the year ahead. For example, if the community decides to concentrate on an adequate transportation system, such a system can be measured by many standards. In measuring the adequacy of its transportation system, the community may discover that if it is to continue its present automobile-oriented system it will, among other things, be dedicating an unacceptable portion of its land and central business district to highway needs and parking.

There are several alternatives which a given company can follow in responding to this problem. It could work with other companies and with governmental agencies to develop a more effective and modern public transportation system. Or, it could initiate a program of incentives to encourage its employees to use public transit or organize car pools. Or, several firms might join together in sponsoring such programs. Whichever action is adopted, this accounting system will allow the company at the end of the accounting period to determine from agreed standards the effectiveness of its efforts, in terms of results for the company and for the community as a whole.

This proposal is a theoretical framework. It needs critical analysis and further refinement. To this end, First Minneapolis in 1972, through its Urban Development Department, will actively seek the assistance of and consensus among all interested civic, business and governmental groups in the Twin Cities metropolitan area.

Because this report is proposing quality of life components and standards for the first time, First Minneapolis has not attempted to make a precise accounting for the Twin Cities community. First Minneapolis believes that our Twin Cities urban area in 1971 is comparatively healthy in social and economic terms. During 1972, however, we hope to be able to measure the state of its social-environmental health by means of guidelines which are compatible with established business accounting principles.

PROPOSED COMPONENTS AND STANDARDS FOR ANNUAL SOCIAL-ENVIRONMENTAL AUDIT

Components (accounts) and standards

1. Job Opportunities: Percent of persons unemployed. Percent of persons who have changed jobs in the last five years. Percent of population employed. Percent of skilled jobs without people to fill them.

2. Pleasing and Healthy Physical Environment: Amount of pollution in the air measured against established standards. Amount of pollution in the water measured against established standards. Visual appearance of the area as judged by an urban environment committee on the basis of their own criteria. Percent of land dedicated to highway use. Percent of land preserved for parks and open space use.

3. Suitable Housing: Percent of substandard dwelling units. Number of communities with zoning ordinances permitting low and moderate income housing. Number of new housing starts in past year. Average number of persons per dwelling unit.

4. Good Health: Percent of infant mortalities. Life expectancy. Per capita incidence of heart disease. Venereal disease rate.

5. Adequate Income Levels: Percent of households earning less than $5,000 a year. Percent of households earning less than $10,000 a year. Number of people on various forms of public assistance, and annual net gains or losses for public assistance case loads.

6. Quality Education: Percent of high school graduates. Percent of high school dropouts. Percent of high school graduates going to college. Percent of high school students taking national comparative tests who score better than national averages.

7. A Safe Society: Number of violent crimes per 10,000. Number of misdemeanors per 10,000. Number of felonies per 10,000. Percent of core city and suburban persons who feel safe walking the streets at night in their neighborhood.

8. A High Level of Citizen Participation: Percent of eligible persons voting in city elections. Number of persons in city-wide civic groups or numbers of persons in neighborhood associations. Percent of persons over 21 donating to the United Fund.

9. Widespread Cultural Activity: Number of persons visiting: (a) Guthrie Theatre, (b) Walker Art Center, (c) Minneapolis Institute of Arts, (d) Minnesota Orchestra, (e) St. Paul Arts and Sciences Center, (f) Civic and semi-professional theatres. Number of community art exhibitions and concerts.

10. Adequate Transportation: Number of automobiles registered in metropolitan area. Percent of persons using public buses for daily transportation to work. Percent of one-passenger cars driving into downtown area in rush hours.

The Twin Cities area has attained national fame for its cultural activity. In 1971 the new Walker Art Center, adjoining the Guthrie Theatre, opened its modern and spacious galleries. The Walker, among many cultural institutions, receives substantial support from private enterprise.

GOALS OF POISON PREVENTION WEEK DESERVE SUPPORT

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. SHRIVER. Mr. Speaker, in 1961 the Congress of the United States approved a joint resolution requesting that the President annually set aside the third week in March as Poison Prevention Week. This year, the 11th such week has been proclaimed by President Nixon, for the week beginning March 19.

Rarely have I witnessed a problem that so affects our entire society receive so little sustained public attention as poison prevention. Each year there are more than 1 million cases of poisonings in the United States, including those from gases and vapors. There are approximately 3,000 poisoning deaths each year. About half of these deaths are accidental. But, most tragically, fully one-third occur in children under 5 years of age in the quiet confines of the home.

A leading physician, Dr. Jay M. Arena, president of the American Academy of Pediatrics and a member of the medical advisory board of the Council on Family Health, tells us that poisoning is now the most common medical emergency that exists in modern pediatrics. Dr. Arena, who has had a long career as a pediatrician and who now heads the Duke

University Hospital poison control unit, says that children's deaths from poisoning exceed the total of those from polio, measles, scarlet fever, and diphtheria combined.

Each year some 70,000 children under age 5 are involved in accidental poisonings. And at least two children in the age group die of poisoning every 3 days. Most often, these accidents occur between ages 1 and 3, when the child is just beginning to explore his environment and needs close supervision.

In my district alone, for the city of Wichita, Kans., and surrounding areas, 1,604 cases of accidental poisonings were recorded in 1971. These figures indicate the cases taken to hospitals in the area and do not reflect ingestions treated privately by physicians or resolved by parents at home.

Safety experts agree that the basic answer lies in the degree of concern for safety exercised by parents in their own homes. The less the concern the greater the threat of accidents. Seen in this light, the problem of poisonings becomes one of educating parents to understand the importance of using and storing household products safely and wisely. To be effective, even safety closures must be properly sealed. Otherwise their special caps will do nothing to prevent a youngster from reaching the container's contents. Labels provide no protection unless consumers read the warning message and instructions for proper use. Responsibility for the prevention of accidents must always rest in large part with parents at home.

National Poison Prevention Week is one positive national program which attempts to promote greater awareness of the dangers of carelessness. Unfortunately, it only occurs once each year. For the past 6 years, the manufacturers of proprietary medicines have sponsored the Council on Family Health to promote the safe use of medicines and all household substances throughout the year.

The council is the only private, nonprofit organization in the country concerned chiefly with the problem of accidental poisonings among children. It is supported solely through the voluntary contributions of member drug companies. The council's program is designed to reach millions of families through materials distributed to newspapers and magazines, radio and television, community organizations and consumers themselves.

Programs such as that of the Council on Family Health appear to be making significant contributions to the cause of family safety. The council, of course, supports Poison Prevention Week and seeks to carry out its plea for a safer America.

Aspirin products, because of their wide use in homes throughout America, are involved in a high percentage of poisoning cases among children under age 5. The National Clearinghouse for Poison Control Centers recently reported:

> The 1970 aspirin ingestion percentage of all reports showed a dramatic drop for children under five years of age and were 30 percent lower than the year 1969. . . . During the first six months of 1971, reports of aspirin ingestion are down another seven percent from the 1969 figures.

Industry has helped by voluntarily limiting the amount of aspirin in each bottle. Nevertheless, I am convinced that there is no substitute for a strong parental role in preventing these childhood poisonings.

For that reason, I believe all Americans should support the goals of Poison Prevention Week. The problem of poisoning is often a family-sized tragedy that does not make page one of the papers or the TV screen, but the heartbreak is no less real. It is a daily problem of national magnitude.

I commend the voluntary actions by groups such as the Council on Family Health, and those by the manufacturers of drugs and medicines, to reduce these deaths and injuries. But I also urge all citizens to help do their part to save this Nation's most important resource, our children.

FORD AMENDMENT TO PRESERVE STATES' "NO DISCHARGE" WATER POLLUTION LAWS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. WILLIAM D. FORD. Mr. Speaker, next week the House will begin consideration of H.R. 11896, the Federal Water Pollution Control Act amendments. This bill contains a number of very fine provisions relating to the construction of municipal waste treatment systems and the conduct of antipollution research and other related programs. The Public Works Committee has worked long hours in formulating this legislation, and I would like to commend them for their efforts.

However, there is one provision of this bill which many of us feel can be substantially improved. I refer to section 312 of title III, relating to marine sanitation devices. For this reason I intend to offer an amendment to this section which would preserve the right of States to prohibit the discharge of sewage from vessels operating on their lakes and rivers.

I am joined in offering this amendment by my distinguished colleague, the gentleman from Minnesota (Mr. Fraser) and a bipartisan coalition consisting of the following Members:

List of Cosponsors of the Ford Amendment

Hon. Bella S. Abzug (N.Y.).
Hon. Paul Findley (Ill.)
Hon. Les Aspin (Wis.).
Hon. John Brademas (Ind.).
Hon. James J. Delaney (N.Y.).
Hon. John D. Dingell (Mich.).
Hon. John G. Dow (N.Y.).
Hon. Marvin L. Esch (Mich.).
Hon. Hamilton Fish, Jr. (N.Y.)
Hon. Seymour Halpern (N.Y.).
Hon. John Kyl (Iowa).
Hon. Alvin E. O'Konski (Wis.)
Hon. Abner J. Mikva (Ill.).
Hon. William E. Minshall (Ohio).
Hon. William S. Moorhead (Pa.).
Hon. Henry S. Reuss (Wis.).
Hon. Philip E. Ruppe (Mich.).
Hon. John P. Saylor (Pa.).
Hon. James H. Scheuer (N.Y.).
Hon. Charles A. Vanik (Ohio).

We are announcing our intention to offer this amendment at this time to afford our colleagues the opportunity to become familiar with some of the reasons why the adoption of this measure is s vital to the preservation of clean waters in our lakes and rivers and to the health of the residents of several States who might otherwise be the victims of overpolluted waters.

At this point I would like to insert into the Record the text of our amendment:

> Amendment to Title III of H.R. 11896
>
> To preserve the right of States to prohibit discharge of sewage from vessels (sec. 312(f)).
>
> On page 338, amend lines 4 through 25 to read as follows:
>
> "(f) After the effective date of the initial standards and regulations promulgated under this section, if any State determines that the protection and enhancement of the quality of some or all of the waters within such state require greater environmental protection, such State may completely prohibit the discharge from a vessel of any sewage, whether treated or not, into such waters."

At the outset I would like to emphasize that our amendment would not require the Federal Government to do anything more than it is presently doing. It would cost the Federal Government nothing, and it would take no power away from the Federal Government. Our proposal would simply permit individual State governments to require greater environmental protection with respect to marine sanitation than the minimum Federal standards require if a State determines that such protection of the quality of some or all of its waters is necessary.

Many States have experienced serious problems resulting from the discharge of waste and sewage from vessels operating on their waters and now have laws and regulations which in effect prohibit the discharge of wastes and require vessels to be equipped with holding tanks or self-contained marine toilets. These devices are designed to retain all sewage produced on the vessel for subsequent disposal at a dockside or onshore waste collection and treatment facility.

As presently worded, the committee version of this bill would allow Federal standards and regulation to preempt existing State statutes and regulations. Under Federal standards, which incidentally, would not become effective until 5 years after they are promulgated, the dumping of wastes from vessels into our waters could be permitted after receiving treatment that may not even be as good as the secondary treatment now provided at most municipal sewage treatment plants.

In other words, the committee bill, if passed in its present form, could effectively cripple many very excellent State statutes and regulations now on the books which have stringent "no-discharge" standards probibiting the dumping of waste and sewage into its waters. This could only be construed as a terrible step backwards for the many hardworking citizens and elected officials in States throughout our Nation who have put forth a great deal of effort to enact these highly effective standards into law.

It is my understanding that there are approximately 20 States which now have "no-discharge" regulations in effect in one form or another. These include many of the Great Lakes States, such as Minnesota, Wisconsin, Indiana, Ohio, New York, and my own State of Michigan.

I am especially concerned, as are my colleagues from Michigan from both sides of the aisle, over the prospect of having Michigan's very fine law wiped out by the passage of the committee version of this bill.

Michigan's Water Pollution Control Act of 1970 was passed during the 1969–70 legislative session with strong bipartisan support from farsighted legislators in both chambers and from our Gov. William Milliken. It provides in part that "all toilet-equipped watercraft moored or operated on the waters of the State of Michigan are required to be equipped with holding tanks, self-contained marine toilets, or incinerating devices which will effectively prevent the overboard discharge of all sewage wastes produced on the vessel."

Mr. Speaker, it would be a shame for us to pass this very fine bill to combat water pollution with a provision that will effectively undercut some of the efforts which individual States such as Michigan have made in this same area with respect to improving marine sanitation standards. For these reasons we urge our colleagues to consider the merits of our amendment carefully. We are convinced that when the implications of this amendment are fully understood, a majority from both sides of the aisle can support this measure enthusiastically.

At this point I would like to submit for the RECORD a list of the most distinguished environmental, conservation, civic, and labor organizations in the Nation which are supporting this amendment:

LIST OF SUPPORTERS

Amalgamated Clothing Workers of America.
Bass Anglers Sportsman Society.
Clean Air, Clean Water, Unlimited.
Common Cause.
Environmental Action.
Environmental Policy Center.
Friends of the Earth.
Izaak Walton League of America.
League of Women Voters of the United States.
Michigan Student Environmental Confederation, Inc.
Minnesota Conservation Foundation.
Minnesota Environmental Control Citizens Association.
Minnesota Public Interest Research Group.
National Consumers League.
National Farmers Union.
National Wildlife Federation.
Northern Environmental Council.
Oil, Chemical, and Atomic Workers International Union.
Save Lake Superior Association.
Sierra Club.
Sport Fishing Institute.
Trout Unlimited.
United Automobile Workers.

SWISS BANKING SYSTEM

HON. RICHARD T. HANNA

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 22, 1972

Mr. HANNA. Mr. Speaker, there has been an unusual interest in the present banking system in Switzerland since its origination in the early 1930's. So often, discussion of this system has been based on lack of knowledge and a misunderstanding of how the system works. Actually, it is very similar to our own banking practices.

The United States maintains close ties with Switzerland and its responsible financial community, and in relation to these links, our Government is endeavoring to extend and improve the availability of certain information in the areas of tax evasion cases involving American citizens with financial accounts in Switzerland. Our major effort in this regard has been the passage of the Foreign Secret Bank Accounts Act, now law, in 1971. In criminal areas, however, cooperation has come more readily and I feel it is very important that my colleagues in the Congress be aware of the true situation that exists in Swiss banking circles in such circumstances.

A recent, well-publicized case of alleged fraud and other questionable activities provides an example of the cooperation that Swiss banks offer in criminal matters involving U.S. citizens. Once the Swiss Government and banking officials realized that a criminal charge was imminent in this recent case, they acted quickly to provide all pertinent information in relation to the banking accounts held by the principals. The same procedure has been followed many times in the past when criminal activity was apparent. I think this attests to the fine liaison that exists between our two Governments.

In other types of cases, the reasons for the confidential nature of some banking accounts in Switzerland are founded largely in the lessons of recent European history. In times of military or political upheavals in other European countries, Switzerland provided a haven for those seeking protection from oppression and infringement on personal liberty. Years before Switzerland filled this role, prominent or political refugees often were located, captured, and returned to their country through detections of their banking accounts. Among other reasons, the liberty laws, which included the Bank Secrecy Act of Switzerland, were enacted to help safeguard the lives and well-being of these refugees.

In many respects the Bank Secrecy Act of Switzerland is comparable to our fifth amendment, since it extends and maintains the right to personal liberty and freedom for the sake of individual justice, regardless of national origin or citizenship.

In this light, these features of the banking system in Switzerland are dedicated to the service of mankind in the international arena, and I would like to commend those who help offer this safeguard of personal liberties. Three recent articles help describe the Swiss banking system in a more detailed fashion, and I insert them in the CONGRESSIONAL RECORD for the informational benefit of my colleagues:

[From the Canton (Ohio) Repository, Jan. 28, 1972]

SECRECY MISUNDERSTOOD

(By Henry J. Taylor)

The Howard Hughes autobiography mystery with its potential $650,000 fraud puts Swiss banks in the headlines again. And the reputable banks over there, like the Swiss Credit Bank now involved, bitterly and correctly resent this—and for good reasons.

Their justifiable fury centers on misconceptions about the Swiss Bank Secrecy Act. U.S.A. crooks, beware!

Switzerland's Wall Street is Zurich's Bahnhofstrasse, with Geneva now competing hard. It is commonly said that there are more banks in the nation than dentists. This is true. There are about 4,200 banking outlets, one for every 1,500 people. And many have functioned as shelters through Europe's Thirty Years' War, the Napoleonic conquests (including Napoleon's conquest of Switzerland), the Huguenot persecutions, the 1848 revolutions and Europe's last three major wars.

About one-fifth of the $22 billion bank deposits are from foreigners, mostly because of the worldwide confidence in the stability of the Swiss franc. It is completely backed by gold and instantly exchangeable for gold in Switzerland.

The Bank Secrecy Act, however, is merely a section of the nation's broad, salutary and humanitarian Liberty Laws. This legislation is dedicated to protecting the individual, the Swiss and foreigners alike, from the invasion of privacy and from harassment.

Hitler literally created them. The Liberty Laws were Switzerland's counterattack to the Nazi intrusions against German refugees in Switzerland and were codified in the early '30s.

Largely forgotten, the Nazis enacted a death penalty for any German found to have a foreign bank account. Hitler's Gestapo used every conceivable ruse to detect these. Switzerland's Bank Secrecy Act resulted within the Liberty Laws.

Today the law likewise protects refugees from Communist countries that, like the Nazis, constantly try to entrap them through bank deposits.

For example, the Swiss were incensed by the brutal Soviet reconquest of Hungary. To a man they said: "Es gefallt mir nicht!"—"I don't like it!" More than 200,000 Hungarians fled to Switzerland. Opening her doors Switzerland absorbed all 200,000—the largest per capita acceptance in the world. And the Swiss Ambassador to Vienna told me that in the first year after the Soviet reconquest of Czechoslovakia he issued Swiss entrance visas to Czechs at the year-long rate of 200 a day, with a 700 peak on some days. Switzerland granted political asylum to them all.

The Swiss defend the Bank Secrecy Act much as we do the Fifth Amendment in our Constitution, knowing it is abused for purposes not intended but that, in principle, the protection is immensely proper.

If a banker breaks the law, the maximum penalty is $4,000 and six months in jail. It would immediately kill any man's career in Swiss banking or Swiss business anywhere and no case has ever come to a Swiss federal court.

But here's where U.S. crooks, tax dodgers and others make their great mistake:

First the Bank Secrecy Act states that it does not apply when the bank has reason to believe, as in the Hughes case, that a swindle or other criminal activity may be involved. On such suspicion, all reputable Swiss banks cooperate vigorously and completely with the famous Nachrichtendienst, Switzerland's crack counterintelligence police, probably the best in the world.

Current treaties now being worked on by very able and effective American Ambassador to Switzerland Shelby Cullom Davis may result in the inclusion of U.S. tax evasion as well.

Second, the Bank Secrecy Act is entirely voluntary. There is not one word in the Swiss law that requires it.

Swiss banks, like ours, number each account for operational purposes. That's merely routine. The Bank Secrecy Act is entirely voluntary. You yourself must invoke it. You must notify the bank in writing that you demand secrecy. Invoking this is utterly and completely your responsibility.

Thus the question immediately and properly arises in the U.S. Internal Revenue Service: What is this citizen hiding?

The IRS can, and does, ask the U.S. citizen to notify the bank to withdraw the secrecy and the bank will immediately do so. But if the U.S. citizen refuses, the IRS correctly presumes that the citizen is dealing in fraud, and his fat is in the fire.

Don't—don't—open a so-called numbered account in Switzerland. When you invoke the secrecy your troubles may begin as of that instant.

[From U.S. News & World Report, Feb. 21, 1972]

In the Hughes Book Mystery—New Focus on How Swiss Banks Work

Zurich.—Controversy over an unpublished book is now laying bare some of the supposed secrets of a financial system that has long been a mystery to most Americans—the Swiss banking complex.

The view is widespread in the United States and elsewhere that Switzerland's bank accounts, operating behind a barrier of legal protection, are ideal hiding places for ill-gotten funds.

Main reason for this reputation: the well-known "numbered" accounts, where the actual name of a depositor is concealed and only a few top officials of the bank know his identity—which, under Swiss law, they must not reveal except in certain instances.

CASE OF THE "HUGHES" BOOK

Focusing a spotlight on this financial situation is the mystery surrounding an alleged autobiography of industrialist Howard Hughes, turned over by author Clifford Irving to McGraw-Hill, Inc., and "Life" magazine for publication.

It was Mr. Irving, Zurich authorities claim, who used Swiss banks to clear checks of hundreds of thousands of dollars made out by McGraw-Hill to "H. R. Hughes."

Just how do Swiss banks operate?

For one thing, big money movements are less likely to be questioned than in many other countries. The Swiss bank-secrecy law of 1934 keeps most of these transactions concealed even from Government authorities.

Almost anyone can open a bank account in Switzerland without too much formality. This can be done at the counter or by mail. If an account is opened by correspondence, the banks generally ask the new client to make a personal call as soon as feasible.

In order to open an account, the client must fill in a special form with name, address, date of birth, nationality, profession—and possibly also the names of any other persons who are authorized to act on his behalf. Foreigners are generally requested to show their passports. A signature card is made out in duplicate, giving the name or names of persons entitled to sign—and a sample of their signatures.

FOR GREATER SECRECY

The famous "numbered" accounts are used to increase discretion within the bank. They carry only a number and, often, a code word added. If a person wants to open a numbered account, he is directed to a private conference room to meet with a senior bank officer. Foreigners are sometimes asked for a letter of introduction from a well-known bank. Some banks ask for minimum deposits of $25,000 or more, and there are extra charges since numbered accounts cause additional work.

The existence of supposedly "super-discreet" numbered accounts has undoubtedly attracted large amounts of money from wealthy people around the world, even some dubious funds. Swiss bankers say that "dubious" clients often present excellent credentials from first-class banking addresses in the U.S. and elsewhere abroad. Yet, the numbered accounts make up only about 3 to 4 per cent of all Swiss accounts, and the sums deposited there are less than 10 per cent of total deposits, according to one estimate.

The main advantage of a numbered account is the extra security it offers against indiscreet talk by banking personnel. Only two or three very senior officials know the identity of the account holder. Movie stars, politicians, other well-known persons have long preferred to hold numbered accounts in Swiss banks.

"DUMMY" ACCOUNTS

The name of a numbered-account holder, however, is always known to the bank, Zurich sources insist. They are not anonymous accounts. It is possible that people who want to remain truly anonymous will deposit funds through "dummies," either local lawyers or other persons.

Switzerland's famous banking secrecy applies to regular and numbered accounts in exactly the same fashion. Secrecy is protected by law—the Bank Act of 1934—whose violation is subject to legal penalties. A bank official who breaks the secrecy provision is liable to a fine of up to $5,200 or to a prison term of up to six months, or both. In case of negligence by the bank, the penalty is a fine of up to $2,600.

WHEN CRIME IS CHARGED

Swiss banking secrecy, however, is not absolute—as shown in the Hughes-book controversy. The Swiss, it is true, refuse to cooperate with foreign governments in cases of political, military, foreign-exchange or tax-evasion offenses.

On the other hand, the banking-secrecy provisions do not protect anyone who is accused of ordinary criminal activity. In cases punishable under Swiss law, banks are required to release information.

Thus banking secrecy was lifted in the case of the Irving-Hughes controversy once Swiss officials made charges of fraud and forgery against Mr. and Mrs. Irving.

The Swiss, indeed, point out that in this case they have been able to move more quickly than authorities in the United States.

Zurich bankers also generally urge American clients not to violate U.S. regulations. Swiss banks will not buy or hold gold bullion for the account of U.S. citizens or residents, and point out that U.S. margin requirements must be observed by American customers using credit for security purchases.

TAX DODGERS

Tax evasion is not regarded as a criminal offense in Switzerland, and the Swiss refuse to co-operate with foreign authorities seeking to track down tax dodgers who hold their money in Swiss banks. This has been a source of irritation to U.S. and other officials.

But the Swiss Government is increasingly willing to help the U.S. in its fight against organized crime, when Swiss bank accounts are involved. However, there is no shift in the Swiss tradition that the rules of taxation and banking secrecy will not be changed just to please foreign governments.

[From the New York Times, Mar. 19, 1972]

Swiss Banks and Secrecy

IRVING HOAX HELPS DISPEL MYSTERY OF ACCOUNTS

(By Victor Lusinchi)

Zurich, Switzerland.—Edith Irving is not all villianous to the Swiss bankers she hoodwinked when playing out her accomplice role in the Howard Hughes "autobiography" hoax engineered by her husband, Clifford Irving.

The bankers are not prepared to assign Mrs. Irving, a fellow Swiss, a niche alongside the apple-splitting William Tell in Switzerland's gallery of national heroes. But they do say that she at least did them one big favor when, with great impartiality, she enmeshed all of the "Big Three" Swiss banks in the hoax.

"Americans should now know the Swiss secrecy is not a dodge for protecting crooks and that no crook is safe because he put his money into a Swiss bank."

This is the way officials and legal experts of the Swiss Credit Bank, the Swiss Bank Corporation and the Union Bank of Switzerland put their reasons for showing some gratitude toward Mrs. Irving.

Her activities, they say, with a mixture of conviction and hope, have served to dispel much of the misunderstanding over Swiss banking secrecy by driving home that Swiss law, does not prevent the banks from cooperating fully in the unmasking of criminals.

But even though the Credit Bank described the episode as a "publicity bargain for the Swiss banks," all the banks involved in the hoax wish they had never seen Mrs. Irving.

"We first learned from the papers that a Swiss bank was concerned," an official of the Swiss Bank Corporation said. "We were glad that it was over there" he commented with a rueful smile while pointing across the street to the Credit Bank facing Zurich's Paradeplatz.

The smile was rueful because it was not long before the Bank Corporation was dismayed to learn that Mrs. Irving, having posed at Credit Bank as Helga H. Hughes in order to collect $650,000 in checks made out by the McGraw-Hill Publishing Company to H.R. Hughes, had subsequently crossed the street to transfer most of this money to an account she had opened with it under the usurped identity of Hanna Rosenkranz.

While the two banks were both taken in by Mrs. Irving, they believe that their procedures and practices cannot be faulted. This view is fully supported at the Swiss Bankers Association in Basel, where an official said that nothing in dealings with Mrs. Irving pointed to a need for any changes in Swiss bank practices.

At Credit Bank, the association official said, there was no reason for the member of the customer relations staff who handled the opening of the "Helga R. Hughes" account to suspect that the Swiss passport presented as identification had been doctored.

"After all," he commented, "our bank employes are used to being shown a Swiss passport and they cannot be expected to detect a forgery that only an expert would catch."

This is precisely the argument advanced at the Credit Bank. But here it is also said that the "H. R. Hughes" checks were not credited to the phony Helga Hughes account before approval was received from the issuing bank in New York and McGraw-Hill had been debited for them without raising any questions.

Subsequently, when the fraud was suspected, officials said the woman teller at Credit Bank who dealt with Mrs. Irving, and had correctly recorded her passport, was able to remember the author's wife and describe what she wore.

"For all these reasons," the officials commented, "this is a textbook case that we could use as an example for our trainees."

Similar reasons are invoked at Swiss Bank Corporation to explain why no cause is seen for changing any of its practices in the light of Mrs. Irving's misdoings. There are no grounds, the officials say, to suspect that the bearer of the West German identification document was anyone but the Hanna Rosenkranz it named.

This is why Paul-Dieter Klingenberg, the bank's legal expert, is vociferously indignant because an indictment in the proceedings against the Irvings in New York alleges that Bank Corporation, on learning that the Hanna Rosenkranz identity had been usurped, wanted to help cover up the fraud by transferring the account under this name to another branch in Zurich at the end of December.

Mr. Klingenberg angrily denied the charge, as did with equal indignation a few hours later Zurich's public prosecutor, Peter Veleff. It was not until Jan. 21, Mr. Klingenberg said, that the bank was to learn that the Hanna Rosenkranz it knew was someone else than she purported to be.

At the Union Bank, in a branch of which at Winterthur, about 20 miles north of Zurich, Mrs. Irving deposited $31,000, officials also see the Irving case as having no repercussions on Swiss banking practices. Here, too, the prevailing opinion is that these were not at fault and there is little more the banks can do to forestall criminals from taking chances.

The bankers all seem satisfied that the cooperation they have been giving Mr. Veleff in bringing to light Mrs. Irving's dealings with Swiss banks is not damaging their reputation for assuring maximum secrecy to their clients.

Individual bankers questioned in their offices lining Zurich's Bahnhofstrasse and Paradeplatz say that they have no reason to think that they are losing any business because the Irving affair has shown that there are limits to Swiss banking secrecy. The bankers' association assures that it has heard none of its members mention any disaffection of clients.

If the golden rule of Swiss banking secrecy has become a little tarnished, it can be only in the eyes of the dishonest, the bankers assert. "This would be all to the better," one official of a "Big Three" bank said, "because we are not in business to deal with criminals."

The lifting of the secrecy veil in the case of Mrs. Irving's dealings and the freezing of the funds she had on deposit presented no problem for the Swiss banks, since they acted in response to a criminal complaint filed in Switzerland for crimes committed in Switzerland with a Swiss citizen as the suspect.

If no crime has been committed in Switzerland, the trans-Atlantic cooperation that permitted the rapid tracing of the movement through Swiss bank accounts of the illegally gotten McGraw-Hill funds would not have been as easily established in the absence of a legal assistance treaty between the United States and Switzerland.

Initiated by the United States in the hope of getting an accord that would help trap American tax evaders and Mafia types who might be using secret Swiss bank accounts as hiding places for their funds, negotiations for a legal assistance treaty with Switzerland have been dragging on for more than two years.

Some diplomatic sources in Bern, the Swiss capital, believe that, on balance, the Irving affair should help the negotiations by having pointed up the advantages of cooperation. But there are bankers in Zurich who are skeptical.

These bankers say that the way the Irvings have been able to stay out of jail despite their confessions and Switzerland's request for Mrs. Irving's extradiction has opened the eyes of many Swiss to the great differences in the legal systems of the two countries. This has served, according to these bankers, to harden opinion against making any concessions that might serve only to "displace from the United States onto Switzerland the burden of catching American criminals."

HON. JAMES W. TRIMBLE

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1972

Mr. EDMONDSON. Mr. Speaker, it was with profound sorrow that I learned of the death of a dear friend and beloved colleague, the Honorable James W. Trimble.

Jim Trimble represented the district in Arkansas which borders Oklahoma's Second District for many years, and he represented that district with honor, and ability and fidelity. He was a down-to-earth, sensible legislator with a great heart, who contributed in many ways to the advancement of the best interests of Arkansas and the entire Arkansas River Valley. He played a key role in the development of navigation on the Arkansas River, which is contributing so greatly to the economic development of both my district and the one he represented.

Jim Trimble leaves a host of friends who will remember him as one of the finest men ever to serve in the Congress. My family joins me in expressing our deepest sympathy to the Trimble family.

THE 197TH ANNIVERSARY OF PATRICK HENRY'S IMMORTAL SPEECH

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. RARICK. Mr. Speaker, on this date 197 years ago in St. John's Church of Richmond, Va., the Second Revolutionary Convention of Virginia met to make plans to defend their liberties. It was before this gathering that Patrick Henry made his famous speech the closing lines of which are so often quoted:

> Gentleman may cry, peace, peace—but there is no peace. The war is actually begun. . . . Our brethren are already in the field! Why stand we here idle? What is it that gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty or give me death!

Today as in the 1770's the freedoms of Americans are under attack by tyrannical forces. At the earlier time when our forefathers pledged to each other their lives, fortunes, and sacred honor, and placed their lives on the line so that future generations might have freedom, the oppression was imposed by England. Today the freedoms won for us through the blood of our forefathers are being whittled away by international satanic forces centralized by the United Nations Organization whose charter usurps our U.S. Constitution and whose assemblies have turned into propaganda halls making a mockery of its own charter and insulting the deliberative bodies of responsible governments.

The lamp of experience and the history of the past are just as valid and essential in guiding our steps today as they were in guiding the feet of our forefathers in the 1770's. And judging from the past, I desire to know what there has been in the conduct and operations of the United Nations Organization during the past 27 years to justify any hope that it will bring peace. How can an organization which rejects the Prince of Peace bring true peace? On the contrary, it has fostered and continues to promote the Communist style "peace"—a condition which exists when no opposition remains to Communist goals.

If we are to ever have genuine peace in our times, we must obey God's commandments and return to our proven theory of government under the U.S. Constitution. To help restore our Constitution, I have filed discharge petition No. 10 at the Clerk's desk where it awaits signatures of 218 Congressmen to bring up an immediate vote on H.R. 2632 to rescind and revoke membership of the United States in the United Nations.

There can be no peace without freedom. Our forefathers who passed on to us stewardship of constitutional liberties demonstrated that they preferred death to life under tyranny.

One of my constituents, an extremely patriotic lady and a direct descendant of Patrick Henry, has written to me on the significance of Patrick Henry today and of the dire need for brave men of the caliber of that great American patriot who will stand up for America and freedom today as Patrick Henry did in 1775. And there were those who regarded Patrick Henry as an extremist.

I include the letter of Mrs. V. E. Minhinnette along with the stirring speech of her forebear in the RECORD at this point:

> MARCH 16, 1972.
>
> DEAR CONGRESSMAN RARICK: The true Spirit of '76 was released one hundred and ninety-seven years ago when Patrick Henry rose and announced to his countrymen that he preferred death on his feet as a free man to life on his knees as a slave. His cry to arms was epitomized in the immortal sentence, "Give me liberty or give me death."
>
> With those words, Patrick Henry announced that he was willing, yes, eager, to risk his life, his fortune, and his sacred honor and, of course, that of his family for the noble, just, and Godly cause of freedom. He knew what he risked when he delivered his famous address, but he knew for a certainty what his fate and that of his countrymen would be should they fail to take decisive action against the tyrannical government under which they were forced to exist.
>
> Today, those leaders of our country who bray about the Spirit of '76 have betrayed that spirit; they have bottled it and placed a cap upon it. The spirit to which they allude is that of 84—1984. Those Judases who are selling our birthright of freedom, won by men like Patrick Henry, for an eternity of slavery betray the American people.
>
> The cry of our leaders today is Peace, Peace at any price. Peace at the price of righteousness, peace at the price of honor, peace at the price of respect, dignity, and Christian principles. Peace without freedom is slavery and, if achieved, hell on earth will be the lot of our people.
>
> In the 1770's, the tyranny against our forefathers was directed from England; today it is directed toward our people from Washington, D.C. The guardians of our heritage of freedom have become its destroyers. The actions of our leaders amount to spitting upon the grave of every American who, through the annals of our history, pledged his all for our country. The internationalists who seek to yoke us together with the chains of world government are traitors to our Constitution and our people.
>
> We are being ruled and manipulated by power hungry tyrants who are morally bankrupt and lack the integrity, courage, and honor of our past leaders. Where are the Patrick Henrys of today? Unless we have men, brave men, who will stand as a bulwark for freedom and who will stand for the rights and interests of the American people, instead

of prattling about the rights of the so-called World Community, then our country is surely doomed.

I would appreciate your inserting into the Congressional Record the famous address of Patrick Henry as a call to arms to those desiring to re-light the torch of freedom and once again release the Spirit of '76. As a statesman of another era said, "God, guts, and gun powder maintain liberty." We've got God, and we've still got gun-powder. We simply lack guts.

Sincerely and respectfully,

BABS MINHINNETTE.

PATRICK HENRY'S "WE MUST FIGHT" SPEECH' MARCH 23, 1775

Mr. HENRY. No man thinks more highly than I do of the patriotism, as well as abilities, of the very worthy gentlemen who have just addressed the house. But different men often see the same subject in different lights; and, therefore, I hope it will not be thought disrespectful to those gentlemen, if entertaining, as I do, opinions of a character very opposite to theirs, I shall speak forth *my* sentiments freely, and without reserve. This is no time for ceremony. The question before the house is one of awful moment to this country. For my own part, I consider it as nothing less than a question of freedom or slavery. And in proportion to the magnitude of the subject, ought to be the freedom of debate. It is only in this way that we can hope to arrive at truth and fulfill the great responsibility which we hold to God and our country. Should I keep back my opinions at such a time through fear of giving offense I should consider myself guilty of treason toward my country and of an act of disloyalty toward the majesty of Heaven which I revere above all earthly kings.

Mr. President, it is natural for man to indulge in the illusions of hope. We are apt to shut our eyes against a painful truth—and listen to the song of the siren till she transforms us into beasts. Is this the part of wise men engaged in a great and arduous struggle for liberty? Are we disposed to be of the number of those who, having eyes, see not, and, having ears, hear not, the things which so nearly concern their temporal salvation? For my part, whatever anguish of spirit it might cost, *I* am willing to know the whole truth; to know the worst and provide for it.

I have but one lamp by which my feet are guided; and that is the lamp of experience. I know of no way of judging the future but by the past. And judging by the past, I wish to know what there has been in the conduct of the British ministry for the last ten years to justify those hopes with which gentlemen have been pleased to solace themselves and the house? Is it that insidious smile with which our petition has been lately received? Trust it not, sir; it will prove a snare to your feet. Suffer not yourselves to be betrayed with a kiss. Ask yourselves how this gracious reception of our petition comports with those warlike preparations which cover our waters and darken our land. Are fleets and armies necessary to a work of love and reconciliation? Have we shown ourselves so unwilling to be reconciled that force must be called in to win back our love? Let us not deceive ourselves, sir. These are the implements of war and subjugation—the last arguments to which kings resort. I ask gentlemen, sir, what means this martial array if its purpose be not to force us to submission? Can gentlemen assign any other possible motive for it? Has Great Britain any enemy in this quarter of the world to call for all this accumulation of navies and armies? No, sir, she has none. They are meant for us: they can be meant for no other. They are sent over to bind and rivet upon us those chains which the British Ministry have been so long forging. And what have we to oppose them? Shall we try argument? Sir, we have been trying that for the last ten years. Have we anything new to offer upon the subject? Nothing. We have held the subject up in every light of which it is capable; but it has been all in vain. Shall we resort to entreaty and humble supplication? What terms shall we find which have not been already exhausted? Let us not, I beseech you, sir, deceive ourselves longer.

Sir, we have done everything that could be done to avert the storm which is now coming on. We have petitioned—we have remonstrated—we have supplicated—we have prostrated ourselves before the throne, and have implored its interposition to arrest the tyrannical hands of the ministry and Parliament. Our petitions have been slighted; our remonstrances have produced additional violence and insult; our supplications have been disregarded; and we have been spurned, with contempt, from the foot of the throne. In vain, after these things, may we indulge the fond hope of peace and reconciliation. *There is no longer any room for hope.* If we wish to be free—if we mean to be free—if we mean to preserve inviolate those inestimable privileges for which we have been so long contending—if we mean not basely to abandon the noble struggle in which we have been so long engaged, and which we have pledged ourselves never to abandon until the glorious object of our contest shall be obtained—we must fight! I repeat it, sir, we must fight!! An appeal to arms and to the God of Hosts is all that is left us!

They tell us, sir, that we are weak—unable to cope with so formidable an adversary. But when shall we be stronger? Will it be the next week, or the next year? Will it be when we are totally disarmed, and when a British guard shall be stationed in every house? Shall we gather strength by irresolution and inaction? Shall we acquire the means of effectual resistance by lying supinely on our backs, and hugging the delusive phantom of Hope, until our enemies shall have bound us hand and foot? Sir, we are not weak, if we make a proper use of those means which the God of nature hath placed in our power. Three millions of people, armed in the holy cause of liberty, and in such a country as that which we possess, are invincible by any force which our enemy can send against us. Besides, sir, we shall not fight our battles alone. There is a just God who presides over the destinies of nations, and who will raise up friends to fight our battles for us. The battle, sir, is not to the strong alone; it is to the vigilant, the active, the brave. Besides, sir, we have no election. If we were base enough to desire it, it is now too late to retire from the contest. There is no retreat, but in submission and slavery! Our chains are forged, their clanking may be heard on the plains of Boston! The war is inevitable—and let it come!! I repeat it, sir, let it come!!!

It is in vain, sir, to extenuate the matter. Gentleman may cry, peace, peace—but there is no peace. The war is actually begun. The next gale that sweeps from the North will bring to our ears the clash of resounding arms. Our brethren are already in the field! Why stand we here idle? What is it that gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it. Almighty God! I know not what course others may take; but as for me, give me liberty or give me death!

THE AMISH VERSUS WISCONSIN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. DERWINSKI. Mr. Speaker, from time to time, Government officials at various levels have created unnecessary complications for the Amish people.

Some years ago, it was the State of Iowa; at the moment, State officials in Wisconsin are the culprits. This point was effectively made in an editorial of WBBM Radio, Chicago, Ill., on March 16, 1972.

The editorial follows:

THE AMISH VERSUS WISCONSIN

Do children belong to parents or to the State? That's the question before the United States Supreme Court in the case of an Amish family and its battle with the State of Wisconsin.

The Amish . . . a frugal, rural closed society . . . are threatened because they refuse to bend to the will of state law. The Amish people have their own ideas on education, and apparently they're not good enough for Wisconsin taste.

Two years ago the Wisconsin Supreme Court ruled that the Amish had a constitutional right to keep their children, who do not usually attend school after the eighth grade, out of public high school despite the state's compulsory education law. Still the Wisconsin Superintendent of Public Instruction is determined to press the issue, and is now appealing the case before the United States Supreme Court.

Perhaps it's not just the Amish educational system that rankles the Wisconsin authorities. Maybe it's the unconventional, anti-technological Amish lifestyle . . . and most important, perhaps it's the fact that it works. Educators say Amish children score well in achievement tests and are free from emotional stress. Too bad you can't say that about Chicago's public school children.

The Amish should be left alone. In fact, maybe we can learn something from them.

LAWRENCE C. ELLIOTT, NASHUA CITIZEN OF THE YEAR

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. CLEVELAND. Mr. Speaker, Lawrence C. Elliott, the father of 10 and an outstanding example of the finest qualities of good citizenship, was recently honored by the Greater Nashua Chamber of Commerce of Nashua, N.H., as their "Citizen of the Year." A more deserving individual would be difficult to find.

Larry Elliott has distinguished himself over the years as a hard worker, both in his business, as president of the Nashua Beef Co., and in community affairs where he has been most active in youth-oriented programs.

His contributions of time and money for the benefit of the youth of the community have demonstrated his dedication and unselfishness. He has faith in the younger generation, and that generation has in him an excellent example of good citizenship. Perhaps this example of dedicated public service, leadership, hard work, and concern for others is his most valuable contribution to Nashua and its youth.

The following is an excellent editorial, which recently appeared in the Nashua, N.H., Telegraph, lauding the accomplishments of this outstanding man:

CITIZEN OF THE YEAR

A Nashua father of 10 who has devoted much time and effort, and also money on behalf of youth, was honored Wednesday night when he received the coveted Citizen of the Year award.

He is Lawrence C. (Larry) Elliott, a very popular choice with the more than 800 who gathered at the 46th annual dinner of the Greater Nashua Chamber of Commerce.

Of modest means in his youth but a hard worker, Larry is president of the Nashua Beef Company. He goes to work early and he labors until late if the occasion demands it. His diligence of effort is spread widely into other endeavors, largely to improve the welfare and conditions for Nashua's youngsters. He has done all these things—without fanfare.

He has said that if a youth is given half-a-chance, he will prove himself beyond expectations.

Larry has been a major booster for Bishop Guertin High School programs. It was through his leadership and generosity that an athletic field was developed, aptly named Elliott Field.

His concern for youths extends beyond Bishop Guertin High. He and his company sponsor a Little League baseball team and a Pop Warner football team, and a Junior Hockey team. He is active in the Junior Police program, a director of the Nashua Fresh Air Camp, and a member of the Advisory Board of St. Patrick's Community Center.

He is a director of River College here, and Nathaniel Hawthorne College in Antrim, and serves on the Advisory Board of Mount St. Mary Seminary and the N.H. Vocational-Technical College.

His public service, leadership and participation on behalf of youth through the years emphasize his dedication to helping improve the community.

It was a well-deserved recognition for the Chamber's selection. He and his wife (the former Shirley Canton) are the parents of 10 children.

NATIONAL FUTURE HOMEMAKERS OF AMERICA WEEK

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. PICKLE. Mr. Speaker, the week of March 19 through 25, 1972, has been designated at National Future Homemakers of America Week. This is an excellent time to give these outstanding young people the recognition and praise they so rightfully deserve.

The Future Homemakers of America, first founded, in 1945, now has a membership of 550,000 in the United States with Texas claiming the largest membership with 70,000. This organization, sponsored by the U.S. Office of Education, American Home Economics Association, and the National and American Vocational Associations, has the overall goal to help individuals improve personal, family, and community living.

This goal is to be achieved by living up to the purposes set forth in the Constitution of the FHA: To promote the joys and satisfactions of homemaking; to strengthen the function of the family as a basic unit of society; to encourage democracy through cooperative action in the home and community; to become aware of the multiple roles of men and women in today's society; to improve national and international relations; to provide opportunities for decisionmaking and for assuming responsibility; to involve youth with adults in individual and group activities; and to develop interest in home economics, home economics careers, and related occupations.

This is an organization of fine young people. They are leaders today and will certainly be leaders of tomorrow. It is with pleasure that we should honor them this week.

Mr. Speaker, I have a personal commitment to the FHA, and that commitment came home this week as I received a letter from Jennifer Dujka, State president of the FHA, who attends East Bernard High School in my district.

I know this young lady to have strength of character and courage of conviction. Plus, she has a delightful singing voice.

In her letter to me, Jennifer looks back on this last year while she served as State president. Believe me, she has no regrets. Let me quote from her letter:

> I am seriously disturbed by some of today's publicity given to the minority revolutionary young people seeking their kind of peace through drugs and total rejection to "the society." During my year as State FHA president, I have become even more convinced that most of the youth in America are capable, responsible and concerned citizens.

Mr. Speaker, I vote aye for the FHA—and for all the dedicated young people like Jennifer.

MAN'S FUTURE IN SPACE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. TEAGUE of Texas. Mr. Speaker, last week, in London, England, at Westminster School, Dr. Thomas O. Paine, former Administrator of the National Aeronautics and Space Administration and presently vice president and group executive of the General Electric Corp., delivered the following address for the 1972 Tizard Memorial Lecture, entitled "Man's Future in Space":

MAN'S FUTURE IN SPACE

(By Thomas O. Paine)

INTRODUCTION

To be asked to present the 1972 Tizard Memorial Lecture is an honor and an opportunity for which I am most grateful. My topic, "Man's Future in Space", would, I believe, have intrigued Sir Henry Tizard. Although there are major differences between his development in the 1930's of the highly effective RAF fighter-director radar system of World War II, and our Apollo expeditions to the moon in the 1960's, he would recognize a number of common characteristics. He would understand the difficulties facing NASA in securing national decisions at the highest level involving complex technologies, major risks, and the allocation of large resources. He would appreciate, too, the problem of organizing dynamic government-university-industry teams capable of envisioning and constructing unprecedented systems and developing new operational techniques, while key components were still being designed and laboratory tested. He would be delighted with the technical achievements, particularly those involving the microwave technology he fostered, from radar mapping of the surfaces of Mars and Venus to color television of lunar exploration flashed around the world by communication satellites. Tizard would surely favor more cooperation in space among the western nations. I suspect he would also be interested in the varying perceptions of, and reactions to, the challenges and opportunities of space by scientists and engineers in the United States, the Soviet Union, Europe and Japan, and the characteristically different national aspirations expressed by their political leaders.

We would welcome today Tizard's superb technical judgment of the future value, pace, and goals of space technology, for he had a rare genius for selecting new frontiers of science and engineering capable of rapid advance with significant impact on world affairs. Although we can only speculate, I like to think that he would foresee continuing swift progress and an increasing importance in human affairs of space exploration and utilization. This I believe myself, and this is the thesis of my remarks today.

YEAR 1972 IN SPACE

Let's start our consideration of man's future in space with a quick out-of-this-world status report. As we meet here this afternoon the Soviet Spacecraft Mars 2 and 3 and the American Spacecraft Mariner 9 are in orbit above the dusty Red Planet transmitting their final scientific data to us across a hundred million miles. Other spacecraft beyond the sun are monitoring solar activity unobservable from earth to evaluate radiation hazards for next month's Apollo 16 expedition. Pioneer 10 is outward bound on a six hundred day passage through the Asteroid belt to a rendezvous with Jupiter in December, 1973. It will then be flung outward by Jupiter's gravity to become man's first spacecraft to leave the solar system forever, with a residual velocity at infinity of 23,500 miles per hour. (Incidentally, Pioneer 10 was launched twelve days ago with the record initial velocity of 31,413 miles per hour, which thrust it beyond lunar orbit in eleven hours, putting to shame our leisurely three-day Apollo lunar flights with their archaic 24,500 miles per hour translunar injection velocities). In orbit above the moon this afternoon are the Soviet Spacecraft Luna 19, launched five months ago on a photographic and gravimetric mission, and the Apollo 15 subsatellite ejected last August by the Spacecraft "Endeavor." On the lunar surface passive Laser-Ranging Retro-Reflectors are in place at Tranquillity Base, Fra Mauro Station and Hadley Station, by which terrestrial observatories are measuring the quarter million mile earth-moon distance to within less than one foot. Three nuclear-powered science stations are routinely transmitting lunar seismic, magnetic, electrical, and atmospheric data to earth from a triangulation network that extends from Surveyor Crater Station in the Sea of Storms to Fra Mauro and Hadley Stations. In earth orbit this afternoon dozens of satellites are engaged in a wide variety of space missions, including gravitational surveys, atmospheric and oceanographic research, propagation studies, magnetosphere and radiation belt charting, military surveillance, equipment testing, geodetic mapping, navigation, weather observation, global communication and Solar and Stellar Astronomy in wave lengths from infra red through gamma rays. The most recent of these is the European Space Research Organization's satellite TD-LA, launched two days ago on a high energy astronomy mission.

These examples just hit the highlights of this afternoon's out-of-this-world activities. Let's conclude our brief status report with a few census data from space. At the start of this year, the United States and the Soviet Union had launched between them a total of 1,425 space missions: 764 by the U.S. and

661 by the U.S.S.R.. Last year, the U.S. launched 53 spacecraft and the U.S.S.R. 109. Thus the two nations combined are now sending forth about three spacecraft per week, ranging in mission from pure science to commercial telecommunications, in payload from less than a hundred pounds to 150 tons, and in destination from earth orbit to the moon, Mars and Venus—and now across 420 million miles to Jupiter, and on out into the vast reaches of galactic space. Every part of our eight billion mile diameter solar system is now accessible to man's far-ranging spacecraft.

This represents remarkably rapid progress when you reflect that all of today's activities in space have been developed since Sputnick beeped its message of a new age less than fifteen years ago. Many then scoffed at the possibility of human space flight, but within four years Yuri Gagarin had become the first man to orbit our home planet, and eight years after that Neil Armstrong, Buzz Aldrin and Mike Collins initiated human extra-terrestrial exploration on the lunar Sea of Tranquility. Today, seven Apollo expeditions have carried twenty astronauts around the moon, and eight have walked upon its ancient surface.

Will this rapid rate of technical advance continue? Where will it carry man in the next fifteen years? I hope you will pardon me if I speak to these questions in terms of the American post-Apollo program, of which I have some personal knowledge, and discuss probable Soviet and European space progress in relation to it.

THE 1970'S IN SPACE

In his first month in office, President Nixon called together the Vice President, the Secretary of Defense, his Science Advisor, and me as Administrator of NASA to meet as a task group. Our assignment was to develop for the new Administration a definitive recommendation and plan for America's future in space. Two months after the first moon landing we reviewed the completed Space Task Group Report at a meeting with the President. Entitled "The Post-Apollo Space Program: Directions for the Future," it provided him with the basis for a definitive statement setting forth the elements of a balanced new space program as a continuing part of American life. The report has also furnished the basis for subsequent NASA budgets and congressional reviews, and for specific proposals to other nations to encourage broader international participation in the forefront of space development and utilization to the benefit of all.

The President approved NASA's plans for increasing international cooperation in space in an informal meeting with Secretary of State Rogers, Dr. Henry Kissinger and me aboard Air Force One as we flew over the Pacific to the splashdown of Apollo 11.

To initiate discussions I transmitted the U.S. post-Apollo plans to Academician M. V. Keldysh, the distinguished President of the Soviet Academy of Sciences, and suggested we explore potential U.S.-U.S.S.R. cooperative programs and joint missions. He responded favorably, and this exploration has made steady progress since. I also invited the western space nations to review U.S. plans for the 1970's and consider greatly expanding their already extensive cooperative programs with NASA. This involved a series of personal discussions and briefings with governmental and industrial leaders in the space capitals of the Western World, including London, Paris, Bonn, Madrid, Brussels, the Hague, Ottawa, Canberra, and Tokyo. Encouraging progress has also been made here. As a result I am optimistic that by 1975 American Astronauts and Soviet Cosmonauts may be flying together in space, and by the end of the 1970's it is quite possible that they will be joined in orbit by men and women from many nations, including Great Britain. To see how these predictions might be realized, let's review NASA's proposed post-Apollo program.

THE POST-APOLLO PROGRAM

1. The space shuttle and space tug

The basic foundation for all future space activities is the reliable, economical space shuttle launch vehicle. This reusable, vertical-take-off rocket ship will resemble in size and shape a DC-9 jet aircraft. It will be 120 feet long, with a 75 foot delta wing for horizontal landing on conventional airstrips, and will receive augmented thrust from a booster stage during launch and initial climb. It should weigh about 2,400 tons fully fueled with liquid hydrogen and oxygen, (about 80 of the weights of a Saturn V rocket).

The space shuttle will be able to carry into orbit, and return to earth, about 25 tons of cargo in a hold 15 feet in diameter by 60 feet long. It will be able to carry a dozen passengers, making space accessible to all phycially fit men and women without astronaut training.

The reusable Space Shuttle's principal advanatge, which will have a major impact on man's future in space, is a large reduction in the complexity and cost of space transportation. At the dawn of the space age it cost more than $100,000 to put a pound of payload into orbit. A Saturn V rocket does the job today for less than $1,000—a hundredfold reduction in ten years. By the end of the 1970's the Space Shuttle should achieve an additional tenfold improvement to attain about $100 per pound of orbital payload, exclusive of development costs. Beyond this NASA engineers foresee the possibility of another tenfold reduction in the 1980's, which could cut the cost of a round-trip to orbit to about $10 per pound of payload, approaching the price of today's long-distance jet fares.

Space Shuttle rocket planes should initiate routine airline-like roundtrips into orbit within ten years, carrying equipment, supplies, construction materials, experiment modules, fuel, spacecraft, and scientists and engineers from participating nations on a wide variety of missions. Shuttle flights will render obsolete all other launch vehicles for earth orbit, and bring about a new generation of low-cost space equipment designed to be repaired and resupplied. The shuttle is the first leg of a new cislunar space transportation system that will become operational in the 1980's. The other two elements are permanent space stations in earth and lunar orbits, and manned and automated space tugs for moving men and supplies between low earth orbit and other orbits in the earth-moon system. An advanced space tug modified for landing will shuttle between lunar orbit and lunar surface bases; eventually it will use propellant oxygen recovered from lunar rocks by a process now under development at Houston. One reason why future Apollo missions will be searching carefully for water on the moon is to provide a convenient lunar source of hydrogen and oxygen for space refueling. This would enormously simplify lunar transportation—you can imagine how much by considering the difficulty of transatlantic jet flights if the aircraft had to carry enough fuel for round trips.

In evaluating man's future in space, one must certainly consider the impact of these onrushing technical advances upon the reliability, economy and utility of space flight. Both the United States and the Soviet Union will build space shuttle systems, with common docking arrangements. This will increase space flight safety by providing effective fast rescue capability. NASA has invited the western space nations to participate in the development and use of the Space Shuttle, space tug, and space station systems of the future. In response, ELDO, the European Launcher Development Organization, and ESRO, the European Space Research Organization, have been exploring the possibility of Europe undertaking to develop the Space Tug by 1980. ELDO has already funded several one million dollar studies of space tug configurations by competing European industrial teams. The NASA proposal is expected to receive serious consideration in the next few months by the European Space Conference ministers who must make the final policy evaluation and budget decisions.

If they decide to accept the U.S. offer, scientists and engineers from all the Western space nations will be sharing in the most challenging space developments of the 1970's. In the 1980's they will be using the space shuttles, space tugs, and space stations of the new cislunar space transportation system to carry out advanced missions in the forefront of science and technology.

President Nixon's new budget contains $5,500 million for shuttle development, so the European response is expected by July as the NASA shuttle program picks up momentum. I cannot predict the outcome because there are many political complexities, but I personally hope very much that the European ministers will select the bold and forward looking course and accept NASA's invitation.

I have mentioned space stations, and would like to say a few words now about the pace of progress to be expected in this field following the Apollo program.

2. Skylabs and space stations

If all goes well, Astronauts John Young, Charlie Duke and Ken Mattingly will lift off from Cape Kennedy on April 16th aboard Apollo 16, bound for the apparently volcanic region of the moon near Descartes. The last Apollo mission will then be flown on December 6th by Astronauts Gene Cernan, Dr. Jack Schmitt and Ron Evans aboard Apollo 17. They will explore the rugged highland ridges and lowland valleys in the moon's Taurus-Littrow area, and emplace there the final Apollo Lunar Science Station. This includes an exciting new physical experiment being rushed to completion in time for transport to the moon aboard the last Apollo flight: a tidal gravimeter that will use earth-moon interactions to detect gravity waves in space.

After Apollo 17 the large Saturn V rocket's capabilities will be redirected to launch on April 30, 1973, Skylab 1, a 150 ton earth orbiting space station experiment. The next day a smaller Saturn 1B rocket will launch the Skylab 2 mission, consisting of an Apollo Command Service module with a three-man crew, who will rendezvous with the orbiting station and activate it for an initial 28-day weightless mission. They will be followed by Skylab 3 on July 30th bearing a fresh three-man crew to live and work for 56 weightless days aboard the orbiting Skylab, carrying out a variety of tasks from solar astronomy to multispectral earth resource studies. The final Skylab 4 mission Astronauts will reactivate the station on October 28th for another 56-day sojourn, which could be extended if no medical problems develop, and the oxygen, food and coffee hold out. If Skylab proceeds on schedule, men will be at work in space more than half the time during the last eight months of 1973; by the 1980's I expect that there will always be men living and working somewhere in space.

The 1973 Skylab Program should establish man's ability to live and work effectively under prolonged weightlessness. This will tell us whether artificial gravity is essential for future space stations and other lengthy missions. The Skylab Astronauts will have ample opportunity to swim about weightlessly inside their 10,000 cubic foot laboratory, and outside in space suits tending the cameras of their large solar telescopes.

Skylab's 235 nautical mile orbit will be inclined 55° to the equator, making possible scientific observations of our entire planet between 55° North and 55° South Latitudes. This includes North America south of Hudson Bay, Europe south of the Baltic Sea, and all of the continents in the Southern Hemisphere except Antarctica. From this mission should come valuable new knowledge in solar astronomy, astrophysics, weightless materials processing, earth resources, meteorology, oceanography, air and water pollution, geology, environmental sciences, medicine, and many other fields. In addition the Skylab mission will establish the design parameters, human factors, and operational requirements for the larger, permanently manned space stations of the future. These will be assembled in earth and lunar orbits from specialized modules carried aloft by space shuttles, and moved into designated position by space tugs.

The U.S. post-Apollo program does not now schedule a bigger and more permanent space station for the 1970's. The Soviet space program, which is estimated to be larger now than the U.S. program at its 1966 peak, or about twice the present NASA level, probably includes plans for a more advanced space station in the mid-1970's substantially larger and more permanent than the U.S. Skylab. This will be launched, assembled in orbit, and supported by large conventional rockets until the Soviet space shuttle becomes operational.

Although no timetable for the Soviet space station has been announced, the way will be prepared by the long duration Salyut/Soyuz missions expected soon. In addition Russian and American space experts have met in Houston and Moscow to study the feasibility of a joint U.S.-U.S.S.R. orbital flight in June, 1975. If approved by both nations, the mission would include rendezvous, docking, crew exchange, and joint flight of a Soviet Salyut/Soyuz Spacecraft and an American Apollo Command Service Module carrying a special docking adapter in place of the Lunar Module. The three cosmonauts and three astronauts would work together for several days, with one man at the controls of each spacecraft, leaving the other four free to move from one spacecraft to the other to conduct joint experiments. Although this program has not received final review and approval, the United States now has the surplus spacecraft and launch vehicles to carry out several such missions, and the Soviet Union also has the necessary equipment. The carrying out by astronauts and cosmonauts of such a mission would raise all of our hopes that the new frontier of space can be explored in peace by all mankind. In Antarctica Soviet scientists work at the American base and American scientists at the Soviet base; similar exchanges are in effect in our high energy physics laboratories. This open policy should also be pursued in the scientific space bases of the future.

The U.S. Skylab Program, the Soviet Salyut/Soyuz Program, the Soviet Space Station Program, and the proposed U.S.-U.S.S.R. joint space mission for 1975 will open orbital space for permanent occupation by man in the 1980's. This will involve the construction and operation of larger and more permanent workships, research stations, observatories and operational bases. Reliable and inexpensive roundtrip transportation between earth and orbit by space shuttle rocket planes will greatly accelerate the scale and utility of these permanent orbital installations. The motivations will range from scientific research to economic applications, and I would like to consider briefly now some of the potential scientific and economic returns.

SCIENTIFIC AND ECONOMIC RETURNS

Our initial observations from space have already greatly extended the breadth and depth of our understanding of man's total environment. Even America's first satellite, the small Explorer 2 launched in 1958, immediately relayed back surprising data on the radiation fields around the earth, leading to the discovery and mapping of the Van Allen radiation belts and the Earth's magnetosphere. Since then, many new scientific observations have been made from space of the earth, moon, planets, sun, stars, other astrophysical objects, and the fields and particles of interplanetary space. We are now routinely examining the universe around us from space platforms that record wave lengths of radiation which have never penetrated the earth's atmosphere to ground based observatories. Our direct exploration of the moon has opened to view new chapters of the early history of the formation and evolution of our solar system three to five thousand million years ago. We have mapped most of the Moon and Mars in detail, inspected the Martian moons, and Soviet landers have reached the surfaces of Venus and Mars. The X-ray, Ultra-Violet and Infra-Red sky has been charted, and a new insight gained into solar processes at these wavelengths. The new 1,038 pound ESRO TD-LA satellite should further extend these observations, including measurements in the gamma ray spectrum of the sun, stars and galaxies.

International cooperation has made other significant contributions to scientific returns from space. In December 1970, the Italian-American cooperative program launched the first Small Astronomy Satellite from the Italian launch platform off the coast of Kenya. Named "Uhuru" (the Swahili word for "freedom"), it has mapped more than a hundred X-ray sources, including a number of apparent extragalactic sources. About half of the X-ray sources show rapidly changing frequencies and intensities, like the Pulsars discovered by British Radio Astronomers in 1968, although they emit no pulsed radio waves. Several of these unusual new pulsing sources appear to involve binary systems. These may provide our best opportunity to observe the elusive "black holes" in space—superdense objects with gravity fields so high that no radiation can escape. The Small Astronomy Satellite's new chart of X-ray sources suggests a new distribution of matter in the Universe, differing from that derived from terrestial telescope studies. Some of the new X-ray sources have been correlated with quasars, Seyfert galaxies, and dense galaxy clusters. The enormous energy released by these remarkable objects is as little understood today as nuclear energy was fifty years ago; elucidation of these processes could have equally significant impact.

While new scientific results from Orbiting Solar and Astronomical Observatories are increasing our wonder and understanding of the universe around us, space observations of our neighboring planets and the moon are changing our concepts of our home planet, earth.

MARS

It is too early to review and interpret for you this afternoon all of the exciting information Mariner 9 is sending back from Mars. The notion of Mars as a dead planet on the basis of the moon-like photos sent back in 1969 by Mariners 6 and 7 has been replaced in recent weeks with a recognition that Mars has been recently active internally. The planet's active crust includes the largest volcano yet discovered in the solar system: Nix Olympica, twice the size of Mauna Loa, in Hawaii, the earth's largest. Features have been mapped with a close resemblance to terrestial water erosion, including tributary streams and alluvial fans. This is baffling on a planet with a present atmospheric pressure so low that water sublimes directly from the solid to the gaseous state without liquifying. It has been hypothesized that Mars may pass through a 50,000 years cycle due to precession of the equinox in which the changing tilt of the poles might release sufficient glacial polar water to permit liquid water. A puzzling white area in the bottom of an equatorial crater might represent a salt layer left by evaporating water. The recent planet-wide dust storm and the presence of silica sand also indicate an active planet. It is simply too early to do more than speculate about the possible meaning of the many unexpected features revealed in the superb photographs that Mariner 9 is returning from Mars. Additional mapping information will be added by data from the Soviet Mars 2 and 3 spacecraft, which have transmitted images together with temperature, moisture and surface brightness readings, (including temperatures as high as 0°F). All we can say this afternoon is that Mars is far more interesting than had been supposed, and that our latest observations have increased the prospects for finding some form of life there.

The first unmanned U.S. spacecraft to land on Mars and search for life will be the Viking, scheduled to touch down on the Fourth of July, 1976. The Soviet Mars 3 descent module which landed last December 2nd may have been damaged upon landing by the severe dust storm then raging. Its data transmissions ceased after several minutes, with only 20 tantalizing seconds of television transmission, which was insufficient to form a picture. The Viking lander will be larger than Mars 3 and land with only 13 g impact rather than 500 g. It will carry sensitive instruments for television, meteorology, atmosphere and surface analysis, seismic sensing, magnetic measurements and life detection by several means. The optimum landing site for the search for life will be carefully selected from the detailed maps provided by Mariner 9 and Mars 2 and 3. The Soviets may dispatch additional landers in the 1974 and 1976 opportunities.

THE MOON

Although we now have far more information on the moon as a result of Apollo expeditions and Soviet Luna missions, as many questions have been raised as answers found, and the moon remains nearly as puzzling as Mars. The moon is relatively cold and inactive now, but it has had an active history, including melting, differentiation, lava flows, stratification down to 65 kilometers, impact cratering, and erosion. The heat flux from the interior of the moon measured at Hadley Station is unexpectedly high, as is the concentration of radioactive elements detected from orbit in Mare Imbrium. Strong evidence for an early internal magnetic field is puzzling, and so are the discharged "Mascon" gravity anomalies underlying the smaller Maria.

The evidence does suggest that the moon was probably not captured by, or fissioned from earth. It appears to have been formed by accretion of planetisimals and space debris orbiting the early earth about 4.6 thousand million years ago, about the time the solar system itself was formed. There is evidence for melting on the moon about 500 million years after it formed, and lava flows into the Maria 500 to 1000 million years after that. For the past 3 to 3.5 thousand million years, however, except for impact craters, the moon appears to have preserved intact for our study the ancient history of our earth and solar system.

Seismic observations on the moon are revealing unexpected features, including the fact that 80% of the moonquakes are occurring in one place 800 kilometers below the surface. Their periodicity suggests tidal stresses from earth as the triggering mechanism. Our expeditions have revealed a wealth of new information, but we have just barely scratched the lunar surface.

OTHER PLANETS

Although American and Russian spacecraft have flown to Venus, and a Soviet capsule has landed on its surface, little is yet known about this cloud-covered planet. Surface conditions are hardly hospitable, with a temperature in the range of molten lead, and a carbon dioxide atmosphere surface pressure equal to that at a depth of several thousand feet in the ocean. Next year another Mariner will fly by Venus, then continue on into Mercury to give us our first view of that small planet's scorched surface. At the end of 1973 we will receive Pioneer's report on mammoth Jupiter and its satellites, if the spacecraft survives its two-years passage through the asteroid belt. As we learn more about the moon and the planets, their origin, history, present status, and active processes, we are deepening our understanding of our own earth; this is awakening a new interest on the part of many people in terrestrial processes.

THE EARTH'S BIOSPHERE

Some commentators on current trends trace the present wave of increased ecological concern to the remarkable new perspective of our tiny planet transmitted to us by moon-bound Apollo Astronauts. Inspired by this new view of earth, the poet Archibald MacLeish wrote:

"To see the earth as it truly is, small, and blue, and beautiful, in that eternal silence where it floats . . ."

This struck a responsive note in many minds. The forbidding barrenness reported by our first probes to other worlds reinforced our concern for preserving the earth's thin biosphere, wherein all life that we know of exists.

The Earth Resources Technology Satellite Program will soon make available powerful new scientific and economic tools for studying the earth's biosphere and its vital processes. Nearly completed are two 1800 pound satellites planned for polar orbit 575 miles above the earth. These will transmit television and radiometric observations in four spectral regions covering the entire planet. The specific wave lengths have been selected from multi-spectral photographic studies made by aircraft and Apollo flights over "ground truth" test areas. The observations are not only able to discriminate between different agricultural crops, but can detect plant diseases, insect infestation, drought damage, poor fertilization, and similar problems. Successful examples range from corn mold in America to coffee tree blight in Brazil and Palm tree disease in India. Throughout the annual growing seasons in the northern and southern hemispheres Earth Resources Satellites will be able to monitor man's food supply and the natural phenomena which affect it.

Together Weather Satellites and Earth Resources Satellites will track the total fresh water resources of the planet. The water will be followed as it evaporates from the oceans, condenses into clouds, falls as rain, ice or snow, runs down the valleys, passes through hydroelectric plants and out onto irrigated plains or into the rivers and seas. Estimates of the savings that can be realized from more efficient operation of hydro projects suggest that this alone could pay for the entire Earth Resources Satellite Program. Global resource models in large computerized information systems will receive satellite data from space tracking networks, store and process the information, and provide displays and printouts of planetary resources, their status and trends. For the first time, the fields, the forests, the fisheries and the mineral resources of earth will be comprehensible on a planetary scale, and global information made available for the more enlightened use and protection of our biosphere by man.

Important technical contributions will be made to this program by the Skylab Astronauts, who will use their five months in orbit next year to select and calibrate remote sensing equipment, extend multispectral observations into thirteen spectral bands, and operate active micro-wave sensors with larger power outputs and antenna sizes than automated satellites can yet carry. Phenomena to be studied from Skylab include ocean wave conditions, sea and lake ice, snow cover, clouds, rainfall, flooding. urban heat and pollution, seasonal vegetation changes, geological formations, and soil moisture, types and textures.

Specific goals of the Earth Resources Program include a detailed land use map of the United States, classification and charting of U.S. geological and soil features, a current agricultural map of the U.S., and the development of advanced computerized image storage, processing, pattern recognition, and display networks. These will analyze and make available to specialists in many fields the vast quantity of valuable new information collected by this program.

Questions may arise over the ownership, distribution and use of global space observations. These extremely promising technological advances should encourage world leaders to face these questions and make appropriate institutional advances so that all men can derive maximum advantage from these powerful new tools of the space age. Perhaps it is optimistic to suggest that technical advances can transform politicians into statesmen, but there are few precedents. We have reached effective international agreements whereby all nations now have access to continuous meterological information from Weather Satellites. Every destructive typhoon and hurricane in our planet's atmosphere is now tracked with precision from space, with resultant great savings in life and property. Moscow and Washington are linked by the "Cold Line" which routinely exchanges global weather satellite data from U.S. and U.S.S.R. spacecraft. Similar institutional progress has been made among nations for the use of Communication Satellites. Effective national, regional and international organizations have been formed to create and operate compatible comsat networks. These are now providing reliable and low-cost voice, data and television communication all around the world. Navigation and air traffic control satellite systems should follow similar lines (allowing, of course, for some inevitable initial confusion).

The great economic and social value of earth orbiting application satellites are already apparent, although their full potential is not yet appreciated. Men on every continent regularly use these services today; shares can be bought in the enterprises that provide them. We must not, however, overlook the equal value of the new information about the earth's origin, history, environment, and destiny that our more basic lunar and planetary scientific programs are providing. Already studies of radiative energy transport in the atmosphere of Mars have contributed to terrestrial meteorology; lunar geological surveys have provided new clues to the early formation and structure of earth. The line between science and application in this rapidly advancing area is continually shifting and new scientific understanding of such questions as the origin of the Ice Ages might be of incalculable human importance.

CONCLUSION

My remarks today have ranged widely across the solar system, and beyond. We have reviewed some highlights of man's first fifteen years in space, and considered his impressive achievements to date. We have looked ahead to assess his potential future in light of the great opportunities we can foresee for a continuing swift pace of technological advance. A few of the valuable returns already realized and potential future values have been mentioned.

I have offered you some optimistic predictions of the rate of progress we should expect upon space missions and programs already underway or scheduled, and expressed my strong personal hope that the 1970's in space will be characterized by more widespread international cooperation and participation. There are grounds for optimism here. I have no doubt that the Soviet Union's rapid thrust forward in space will continue and even accelerate with the growth of the Russian economy. The United States program will not move forward so purposefully and massively, but within the normal give and take of the democratic budget process I expect NASA to continue to carry out an excellent program at the annual $3 to $3.5 thousand million dollar level to which I cut back after the moon landing. I thought this was a supportable budget level in 1969, and I still think so. I believe that the NASA budget will increase steadily later in the decade. The U.S. and U.S.S.R. space budgets are modest in relation to their gross national products; including military space programs the percentages are about half percent for the U.S. and two percent for the U.S.S.R. The returns from space are justifying these expenditures in many ways, from new science and technology to economic services to greater international stability. We are awaiting a decision on future European direction and pace. In addition to the values I have listed, there are other considerations, involving more basic human values, that I believe will continue to spur us on.

The opening of vast new areas for human exploration is a rare event; it occurred last in the fifteenth century on the Atlantic coast of Europe with the bold oceanic voyages of Portuguese, Spanish, Dutch, French and English seamen. Their adventurous trips beyond their traditional horizons eliminated "terra incognita" from the globe, and brought to Europe a broad world view which has vitalized western civilization ever since. Not all nations participated then, nor will they now. I believe we are in the initial stages of a new movement which will carry mankind beyond its present world view to a broader three-dimensional perspective embracing all of the space within the earth-moon system and beyond.

I am certain that by the end of this century men and women will be living and working in extraterrestrial space stations and in small colonies on the moon. The first few will have reached Mars. By then the first children will have been born outside the earth's biosphere and terrestrial life will be adapting itself to new worlds. A new sociology of extraterrestrial societies will evolve to suit growing communities of scientists, engineers and spacemen striving to create new human habitats in novel environments beyond earth. Perhaps history will repeat itself and once again the advanced social structures and governmental compacts evolved in new worlds will demonstrate new social possibilities to the old.

I use the analogy of the European settlement of new continents advisedly. The orbital space a few hundred miles above the continents of earth is in a real sense another continent, vast in extent, free of atmosphere, gravity, and national boundaries, overlooking all of earth below. Permanent structures will be built there in which work of great social, scientific and economic value will be carried out. Already three cargoes per week are being exported up to this new continent, and to maintain a balance of payments, we are importing back to earth valuable services of many kinds: meteorological, communication, geodetic, navigation, defense, and exciting new scientific research. Within a few years these services will be greatly expanded and significant new services added in earth resources, air traffic control, direct continental television broadcast and other areas. If some of the advances I have predicted do not occur on the timetable I projected, they will come later. They are inevitable.

Beyond earth orbital space, but increasingly within our reach, lie other new worlds to be explored and occupied: on the moon, and eventually on Mars. The power to modern technology will make life in these areas far safer and more comfortable than it was for our ancestors wresting a marginal living from the hostile wilderness of America or Australia. The tall new ships to sail the three dimensional seas of space are under construction; the dangers are reasonably well charted; the wind and tide are fair for our voyage; new terrae incognitae call. Let me conclude this memorial to Sir Henry Tizard then, with these lines from Tennyson:

"Come, my friends,
'Tis not too late to seek a newer world.
Push off, and sitting well in order smite
The sounding furrows, for my purpose holds
To sail beyond the sunset, and the baths
Of all the Western stars, until I die."

MASS TRANSIT AND THE HIGHWAY TRUST FUND

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mrs. ABZUG. Mr. Speaker, this morning, I had the privilege of presenting my views on mass transportation funding to the Subcommittee on Roads of the Committee of Public Works. In particular, I addressed myself to the need to make a portion of the Highway Trust Fund available for such funding.

Our policy of considering the various modes of transportation as separate and distinct entities is extremely shortsighted and, as I point out in my testimony, ends up injuring the favored modes as well as the disfavored.

Mr. Speaker, I include my testimony at the conclusion of my remarks:

The Highway Trust Fund

Mrs. Abzug. Chairman Kluczynski, my colleagues on the Public Works Committee, it is indeed a pleasure to come before you today to present my views on the crying need to expand the uses to which the Highway Trust Fund is put.

According to the 1970 census, 73.5 percent of Americans—about 150 million people—live in urban areas; in addition, a substantial number of the remaining 26.5 percent commute to urban areas to earn their living. These people must be moved around—from office to office as well as between home and office—and they must move either in privately owned automobiles or in some form of public or semi-public mass transportation.

To far too great an extent, our national transportation policies have ignored the need to move *people* in favor of the need to move *goods*, and have ignored the need to move people and goods *within* urban areas in favor of the need to move people and goods *between* urban areas. The transportation situation in our urban areas is at a crisis level, and we must take giant steps to deal with it as soon as is humanly possible.

Existing mass transit facilities are, for the most part, unable to keep up with the demands made upon them. The facilities are old and subject to frequent breakdowns; the systems are uncoordinated and do not cover adequately either the central cities or the suburbs.

Our urban mass transit systems are not only unable to engage in needed construction and maintenance activities, but also unable to meet their day-to-day operating costs. As a result, fares are going up and up; in New York City, for example, mass transit fares have gone from 15 cents to 35 cents over the last 13 years, and they show every likelihood of climbing still further in the near future. This money is being taken from those who can least afford it—working men and women. Our failure to give adequate financial aid to mass transit, which is as much of an essential service for working people as is police protection, takes food out of their mouths and clothing from their backs. To add insult to injury, they must endure inhuman conditions just to get to and from work each day.

As if this were not bad enough, our failure to make mass transit attractive to potential riders who *can* afford cars leaves them willing to suffer through the noise, smoke and frustration of rush hour traffic, not to mention the agony of finding parking space at a reasonable price once they get where they are going. If people are willing to travel on the Long Island Expressway during the evening rush hour on a hot summer day—and tens of thousands are—then we have failed to meet our responsibilities with regard to mass transportation.

For transportation in and around crowded urban areas, autos are extremely inefficient. Per person carried, they take up far more space, use more of our dwindling supply of gasoline, create far more air and noise pollution, and create more congestion than mass transit facilities. Unfortunately—and largely as a result of the transportation policies of the federal government—state and local governments have been doing far more building of highways than of mass transit facilities.

Purely and simply, the reason for this is *money*. The Highway Trust Fund, created by the Highway Revenue Act of 1956, receives most revenues from federal excise taxes on motor fuels motor vehicles, and related products. Since its creation, the trust fund has received over $50 billion in such funds and has expended about $46 billion solely on highways. In the last ten years, expenditures from the fund have averaged about $4 billion annually. For highways in the interstate system, the federal share is 90 percent; for most other federally-aided highways, the federal share is 70 percent.

Mass transit, on the other hand, has been a poor step-child when it comes to federal help. Under the Urban Mass Transit Act, the total amount of funding authorized for both construction grants *and* loans is less than $3½ billion; for Fiscal Year 1972, only $900 million was appropriated and, believe it or not, the Administration has impounded $300 million of even that paltry sum.

The message of this comparison cannot be lost on anyone, and is certainly clear to state and local officials; build more highways, especially superhighways, and we in Washington will pay almost the entire bill; build mass transit facilities, and you are on your own.

It has been apparent for some time that this sort of policy, if allowed to continue, will strangle our central cities and, in the process, strangle the rest of our nation as well. As Secretary Volpe noted in his presentation last week, in speaking of his home state, Massachusetts:

"New highways across the State allow trucks to get from the New York border to within 10 miles of Boston in 2½ hours instead of 7 hours. When they get near Boston, however, it takes them an hour or more to go that additional distance because of the congestion."

My own home area, New York City, is much more crowded than Boston, and it faces a correspondingly more acute situation. The policy of encouraging long-distance highways over urban roads and/or mass transit facilities has hurt urban and suburban dwellers for many years; now, it has reached the point where it is severely injuring the long-haul truckers for whom the interstate system was designed. Thus, use of money from the Highway Trust Fund is entirely appropriated for the construction and operation of urban mass transit systems, for unless vast sums of money are spent on such systems, the traffic congestion in and around the urban centers of commerce will render the entire interstate system useless for business purposes.

There are those who say that the money which comes from highway use taxes should go back to the highways and no other place. By the same token, of course, we could argue that the revenue from liquor taxes should be used to build distilleries, bars and liquor stores. Furthermore, though there was some disagreement on the point, Secretary Volpe indicated that there was more than enough money in the Trust Fund and due to come into the Trust Fund to cover the cost of completing the interstate system, even if a substantial proportion of it were to be applied to mass transit programs.

A number of proposals for putting some of the money in the Highway Trust Fund into mass transportation have been advanced. Some, including the Administration, have suggested creating a single fund for both highway and mass transit programs; some have suggested earmarking a portion of the Highway fund for mass transit without changing its basic designation and purpose; some have suggested a form of revenue sharing under which funds for "transportation" are given to localities and states who then decide for themselves how the money should be spent. I am not going to suggest any one of these plans as the answer at this time: what I am trying to say is that we must stop looking upon the Highway Trust Fund as a sacred cow and start being realistic as to our transportation needs.

MAYOR CARTER

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. RODINO. Mr. Speaker, Mayor Matthew G. Carter is an individual whose beliefs and hopes for the betterment of our society, whose concern for the needs of all individuals from all walks of life, and whose insight into the problems confronting our suburban communities today have been respected and appreciated by a large number of New Jersey's citizens. He has served, specifically, as a positive source of leadership, direction, and confidence to the people of Montclair.

The enclosed editorial from the Montclair Times best expresses this man's deep devotion to the people whom he has so honorably served:

Mayor Served Montclair Well

Mayor Matthew G. Carter in 8 years as a member of the Town Commission has served the community well. His departure in May from the governing board will be regretted. His decision not to seek a third term as announced last week is understandable.

The people of Montclair have shown upon at least 3 occasions how they feel about Matthew G. Carter.

In 1964 he received the greatest number of votes among candidates seeking election to the Town Commission.

After serving as Vice Mayor and Director of Public Works, he received in 1968 for the second time the greatest number of votes among Commission candidates. This total, which had exceeded his previous tally by 1,003 votes, can be considered a personal tribute to the first black member of a Montclair governing board.

The 1968 election results brought him additional honor as the first black mayor of a large New Jersey community.

Three and a half years later Montclair residents in concert with those in the rest of Essex County received still another opportunity of registering opinions of Matthew G. Carter.

He sought a seat as a member of the New Jersey Senate. Though unsuccessful throughout the county, Mayor Carter received even more votes here than in Commission elections.

Mayor Carter can point with pride to many tangible accomplishments during his 8 years in office.

Among these are: activities designed to assure adequate water supplies; pioneer application for funds for a federally assisted code enforcement program; advancement of the Lackawanna Plaza Urban Renewal Project, and continuing efforts to improve housing, education, economic development, minority opportunities, fair housing and self-help programs.

Mayor Carter should derive even greater satisfaction from the influences he exerted toward the development of amicable solutions of potentially explosive problems.

These influences resulted from his background as a Christian minister and as a professional with the National Board of the Young Men's Christian Association.

When the town was confronted with issues that threatened to polarize opinion, everyone in the community, whether black or white, could turn for rationally-developed, calm and logical thought to a man who earned universal respect because of his deep and abiding understanding and liking for his fellow men.

Those seeking election to the governing board in May and all interested in furthering Montclair as a community would do well to adopt Mayor Matthew G. Carter's personal philosophy insofar as the goals of local government are concerned:

"The aim is to give leadership to all the people, on the one hand urging intelligent rather than emotional weighing of items, while spearheading the fight for human rights on the other. The community, as a whole, has a right to expect peace and protection of the law."

MARINE MAMMALS PROTECTION ACT

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. PEYSER. Mr. Speaker, on March 9 of this year, the House passed, by a vote of 362 to 10, much needed legislation to protect our ocean mammals from the slaughter which has threatened their very continued existence.

The worldwide population of marine mammals has been thinning at an alarming rate, plummeting by the hundreds of thousands within the past decade alone. Some animals—a few species of whale most notably—have been all but decimated. Many stretches of open sea and coastal waters once teeming with mammalian life are now barren of it.

I was pleased by the House action of March 9, in passing a strengthened version of the once rejected Marine Mammals Protection Act, and I only regret that official congressional business back in my district kept me from voting for this bill which I have so long advocated.

MY RESPONSIBILITY TO FREEDOM

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. HUNGATE. Mr. Speaker, as you know, each year the Veterans of Foreign Wars of the United States and its ladies auxiliary conduct a "Voice of Democracy" contest. The contest theme this year was "My Responsibility to Freedom." The following is the winning speech from Missouri, as delivered by Lynette Richarz of St. Charles, Mo.:

MY RESPONSIBILITY TO FREEDOM

How many times do you take for granted the things in your everyday life? How often do you take cokes or hamburgers or sight or hearing for granted? We're like this, aren't we? We can't seem to realize how vitally important something is until it's no longer there.

Imagine how frightening it would be to be engulfed in the total darkness of the blind person. Imagine never being able to see the beauties of nature, like the red, yellow, and brown leaves of an oak tree preparing itself for winter, or the soft pastels of a rainbow as it tells of the end of a rainstorm. Imagine never being able to glimpse a loved one's face, to see the look of love in his eyes. Imagine never being able to run or dance or skip or jump, or even to take a single unsupported step.

Just like you, I too rarely think of the many things I have to be thankful for. Only when it's no longer there is something truly valued for its worth. Will it be that way with freedom?

Freedom is a privilege, you know. It's a gift like sight and hearing and tasting. Isn't it strange that after all the wars fought to preserve it that so many people can nonchalantly accept freedom as their right and at the same time try to deprive others of their right to freedom? This is how it is, though.

Some young draft dodgers expect all the rights of freedom, but they refuse to protect freedom for others. The college radical burns down the campus ROTC building in a protest against war and violence. At the same time, he limits the freedom of the majority of the students who choose ROTC.

As a citizen of the world—though a young one—it's my responsibility to cultivate a genuine understanding and appreciation of the true worth of freedom. As a young American I believe that I can fulfill my personal responsibility to freedom right now. Tomorrow may be too late.

I can do this by respecting the basic human freedom of others as well as my own right to freedom. If John or Carol wants to express views on a controversial issue, who am I to close my mind to them simply because their ideas happen to differ from mine? If I want others to respect my right to freedom, so also must I respect theirs. For freedom has to be a two-way street, or there is no freedom. So also is it with a person of another race, creed, or religion. Any discrimination I might have against another human being merely because he may look different or believe in different ideals is in direct violation of that person's freedom.

Clearly then, until the vital role that freedom plays in human existence is fully understood and appreciated, many people will continue to exploit it. As one individual, I can't expect to change the whole world's thinking, but I can shoulder my part of the responsibility. Until I can say to each and every person I meet, "I respect you as a human being with the same unalienable rights to freedom that I have," I will not have fulfilled my responsibility. But I want to start right now to fulfill that responsibility and so I say to you as I will say to everyone I meet, "I respect you. I respect the freedom you have as a fellow human being."

R. E. OLDS

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. CHAMBERLAIN. Mr. Speaker, this past Monday, March 20, I expressed in the House my hope that Ransom Eli Olds, one of our great automotive pioneers, might be honored by the issuance of a commemorative stamp.

The city of Lansing, Mich., is particularly proud of Mr. Olds' many accomplishments for it was there that he was born and educated, started his experiments with steam and internal combustion engines, and established his most successful business ventures. It is, therefore, understandable that Lansing is anxious that Mr. Olds' achievements in automobile production which literally put the world on wheels be recognized, and I am pleased to include in the RECORD the resolution recently adopted unanimously by the Lansing City Council urging that the Postmaster General issue a commemorative stamp in behalf of R. E. Olds:

RESOLUTION

Resolved by the City Council of the City of Lansing:

Whereas, August marks the 75th Anniversary of gasoline automobile production in America . . . and the world, and

Whereas Ransom Eli Olds of Lansing, Michigan emerged as the first automotive production genius whose early feats astounded the world and inspired the effort to put the world on wheels, and

Whereas Ransom E. Olds was the Father of the Automobile as the following facts proved:

In 1886 he built the first "horseless carriage."

In 1894 he brought out his first automobile with gasoline engine power.

In 1897 he organized the Olds Motor Vehicle Company, the first ever organized for the purpose of manufacturing an automobile.

He was the first man to produce automobiles in quantities.

The first automobile builder to produce a car sturdy and dependable enough to make cross-country run.

He was the first to advertise an automobile nationally (Saturday Evening Post 1902).

And he was the first to build a side entrance car.

Therefore be it resolved that in connection with the 75th Anniversary of gasoline automobile production in America, that the Lansing City Council go on record urging the Postmaster General to issue a commemorative stamp honoring Ransom Eli Olds in recognition of his contribution to the automotive industry.

And be it further resolved that a copy of this Resolution be sent to Postmaster General Klassen, Congressman Charles E. Chamberlain, and Senator Philip Hart, Senator Robert Griffin and the latter then be urged to contact the Postmaster General, urge his consideration of the request.

SOUND TRADE POLICIES

HON. ARTHUR A. LINK

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. LINK. Mr. Speaker, I would like to take this opportunity to commend the distinguished gentleman from Florida (Mr. GIBBONS) for his efforts in pointing out the advantages that accrue from sound trade policies. If we are to understand and move toward resolving present domestic economic problems, we must be aware of the consequences of our actions on the interrelated world economy. Congressman GIBBONS has provided us with a view of at least part of that interrelated picture in this series of special orders on trade.

I will briefly sketch the important role of American agricultural exports and then point out some elements that are essential to the maintenance and improvement of our present healthy export situation.

American farmers supply about one-fifth of the world's agricultural exports. This makes us the world's largest exporter of farm products. These exports are a significant portion of the total value of U.S. production: Almost 17 percent of total fruit production; 33 percent of the value of cotton and corn; 42 percent of tobacco; and more than 60 percent of wheat and soybean production are exported. Overall, exports provide about one-seventh of U.S. farm income. The above figures point out the important contribution our agricultural exports make toward our trade balance and thus our balance of payments. To cite an example, in 1970 we exported $7.8 billion in agricultural products.

Although our food imports reduced the net figure somewhat, it is important to note that our agricultural trade balance was slightly over half of our overall trade balance. This is because, unlike some sectors of our economy, U.S. food and fiber producers are technologically progressive and competitive; there has been no pattern of American investment in competitive foreign farm ventures.

The importance of agricultural exports to both farm income and as a key element in our trade balance point to the need to work toward resolving difficulties that at present serve to curtail trade.

Last November, as a representative of the House Agriculture Committee, I attended a Conference on Agriculture Trade and Market Development in London. We talked a good deal about the European Economic Community, the trade problems created by its common agricultural policy, and about the implications of the expansion of the community in 1973. At present, while Japan is our largest overseas customer, nearly 20 percent of our agricultural trade is with EEC countries. We cannot hope to negotiate more favorable terms for our exports to the ECC if we adopt more restrictive trade policies. Indeed, agricultural exports would suffer more than any other category of exports as a result of retaliation should the United States adopt more restrictive trade policies. If, on the other hand, we move toward fairer access terms in the community, we will see expanded agricultural exports.

Our exports to Japan are also a concern to me. At present, the Japanese are moving toward fairer trade policies. On April 1, for example, the Japanese Government will remove its tariff on soybeans and establish a duty-free quota on feeder cattle. These actions will contribute to increased agricultural exports which cannot continue in the event of restrictive moves on the part of the United States.

In summary, American agricultural exports contribute much toward a favorable balance of trade and have a substantial impact on farm income. In view of this, it is clearly in our interest to move toward expanding trade, and not fall into shortsighted efforts that curtail trade.

NEXT STEPS IN LIMITING STRATEGIC ARMS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. FRASER. Mr. Speaker, Herbert Scoville, Jr., chairman of the Strategic Weapons Committee of the Federation of American Scientists, has written two more informative articles concerning strategic nuclear weaponry. One appeared in the March 1972 Bulletin of the Atomic Scientists and suggests that we:

> First . . . wrap up the best possible ABM limitation at an early date . . . Second . . . have the U.S. and the Soviet Union authorities reach an understanding to stop for a short time all further strategic offensive weapons programs . . .

Scoville discusses the practical difficulties that this across-the-board moratorium might cause. But he is convinced that these can be surmounted. Given his experience in and knowledge of these matters we must give Scoville's proposal our close attention. The article follows:

[From the Bulletin of the Atomic Scientists, Mar. 1972]

NEXT STEPS IN LIMITING STRATEGIC ARMS

(Herbert Scoville, Jr.)

For more than two years, we have been trying to reach an agreement on specific limitations of individuals systems by using the pressure and bargaining chips of escalating weapons programs. Success, however, has eluded us. Why not try a new approach? Herbert Scoville, Jr., is chairman of the Strategic Weapons Committee of the Federation of American Scientists.

Formal SALT negotiations began more than two years ago, and preliminary discussions several years before that. Yet, to date, no specific limitations on strategic armaments have resulted; in fact, arms buildups on both sides have accelerated. In May of 1971, in a joint U.S.-USSR statement, President Nixon announced that the two nations had "agreed to concentrate this year on working out an agreement for the limitation of the deployment of antiballistic missile systems (ABMs)" and that "together with concluding an agreement to limit ABMs, they will agree on certain measures with respect to the limitation of offensive strategic weapons." With this high-level support, the negotiators returned to Helsinki in July, but no agreement was reached, and the talks were resumed in Vienna on Nov. 15 and recessed on Feb. 4, to be continued in Helsinki at the end of March. Meanwhile, President Nixon will be going to Moscow in May 1972 to enhance "the prospects for world peace." While retaining the goal of an early agreement, he stated on October 14, 1971, that if it were not achieved, strategic arms limitations would certainly be a topic for discussion in Moscow. Thus, despite hopes for a limitation last year, it appears quite possible that nothing will be firmly concluded until May—or maybe even later.

Since July 1969, when the present Administration agreed to proceed with SALT, there have been major increases in the strategic force levels of both the USSR and the United States (see table). The Soviets are reported to have increased the size of their ICBM (intercontinental ballistic missile) force from about 1,000 to more than 1,500, and the number of their SLBMs (submarine-launched ballistic missiles) from about 60 to nearly 400, and more are under construction. The United States in turn has completed the testing of MIRV systems (multiple independently targeted re-entry vehicle) for both Poseidon and Minuteman III, and begun their deployment so that already the total number of strategic warheads has been increased approximately 50 per cent, from about 2,500 to 3,800. This number will reach 7,000 in a few years. If these programs continue at the current rates for the next six months, the Soviets could lay down the keels for an additional five submarines with 80 missiles and begin deployment of 50 to 100 more ICBMs. They could at any time start testing their first MIRVs which could threaten Minuteman. The United States, in turn, might have begun conversions for the deployment of an additional 100 to 200 ICBM and 400 to 640 SLBM warheads. Simultaneously, the Russians have resumed construction on their ABM around Moscow, and the United States is deploying its Safeguard system. This continued offensive and defensive weapons race, while the SALT talks proceed, adds to the security of neither side. Furthermore, since it is unlikely that either nation will, in the initial argument, be willing to destroy already deployed weapons, it only serves to raise the level of any limit which might be finally agreed to.

Unfortunately, despite President Nixon's November 12 report of "significant progress in the discussion on limitation of defensive weapons," there still seem to be problems in realizing a firm agreement, even on ABMs. The United States is reported to be seeking a ceiling of 300 interceptors if they are in defense of missile sites, and of 100 if they are in defense of urban areas. Since the United States is deploying the former type of system and the Soviets the latter, this would leave an imbalance between the two countries which may be very difficult for the Soviets to accept. A willingness to compromise by one or, perhaps, both sides is necessary. This could be a serious stumbling block in the negotiation. The best solution would be to keep ABMs at the lowest possible level, although if both sides were allowed to have 300, it would still be a very useful agreement.

There are also likely to be problems in defining limits of ABM radars, the most critical item in this area. It is important that neither nation be allowed to deploy a net of radars which can provide coverage of a large fraction of the country. Such deployment might be foreclosed by restricting the locations at which ABM radars would be deployed, and perhaps also by limiting the number of radars which each side could have. Although it may be rather difficult to work out all these details, there should be no insuperable problems in reaching an agreement by May on ABMs.

In the offensive weapons area the problems to be overcome are significantly greater. The United States would very much like to bring the Soviet ICBM, particularly the SS–9, and the SLBM programs to a halt. The Russians, in turn, would like to have the Americans cease the Poseidon and Minuteman III conversion programs. They probably are also reluctant to limit significantly any of their offensive deployments without placing any restrictions on our FBS (forward-based systems) which have a capability of nuclear attack on the Soviet Union.

All of these areas involve complicated negotiations which may require protracted time. More than two years have already passed at SALT, but, from President Nixon's statement that "we are beginning now [November 12, 1971] to move into discussion of offensive weapons," it appears that we have only scraped the surface. Meanwhile, new weapons programs continue apace and, as the negotiations proceed, force levels continue to rise, making an eventual agreement more difficult to reach. It is probably already politically unacceptable to the Soviets to halt their MIRV program with the United States so far in the lead. At some point, the number of Soviet ICBMs will so far exceed the Americans' that it may be politically difficult to agree on a ceiling on launchers, even though the United States might have several times as many warheads. Already there are many outcries from the uninformed about American inferiority.

For more than two years, we have been trying to reach an agreement on specific limitations of individual systems by using the pressure and bargaining chips of escalating weapons programs. Success, however, has eluded us. Why not try a new approach?

First, let's wrap up the best possible ABM limitation at an early date. According to President Nixon's statement, this can be done.

Second, as a parallel step, let's have the U.S. and Soviet authorities reach an understanding to stop for a short fixed time all further strategic offensive weapons programs right where they are now.

Then, as a follow-on to this first phase of SALT, the delegations from both countries could sit down in this atmosphere of temporary restraint and negotiate which programs on each side would be allowed to resume.

STRATEGIC MISSILE FORCES

	United States					U.S.S.R. (Missiles and warheads [2])	
	Missiles		Warheads [1]				
	July 1969	January 1972	July 1969	January 1972		July 1969	January 1972
ICBM's:					ICBM's:		
Titans	54	54	54	54	SS-9's	180	280
Minutemen	1,000	1,000	1,000	1,400	SS-11's, 13's	630	1,050
					SS-7's, 8's	220	220
SLBM's:					SLBM's:		
Poseidon		80		960	Y class	32	384
Polaris	656	576	1,552	1,424	Old	30	30
					(3 SLBM/sub.)		
Totals	1,710	1,710	2,606	3,838		1,092	1,964

[1] When the Minuteman III and Polaris-Poseidon conversion programs are completed (about 1976), the U.S. will have more than 7,000 MIRV warheads.

[2] No tests of the Soviet MIRV's which could threaten Minuteman have yet been reported. They have tested missiles with 3 multiple warheads and these could be now in process of deployment.

Note: The Soviets had under construction, in 1971, 30 new large silos which could hold the SS–9 size missiles, and 60 smaller silos which could hold the SS–11. They also have under construction about 16 more Y-class submarines capable of launching 256 SLBM's. They have also tested a longer range SLBM (the present range is similar to the first generation Polaris), but this may require modification of the present Y-class submarines.

This would satisfy President Nixon's desire to restrict offensive as well as defensive weapons. It would be the same procedure that he has used with strong public support in his fight on inflation. He instituted a complete wage and price freeze for a 90-day period (Phase I), during which procedures were developed for allowing, during Phase II, limited increases that would not produce inflationary pressures. This approach was finally adopted when the standard piecemeal labor-industry bargaining procedures had failed to halt a runaway rise in the cost of living. Why not try this same approach with SALT, which has not only failed to stop the offensive weapons buildup but has also been used to justify new programs?

If all ongoing programs of both the United States and the USSR were halted now, our two countries would be frozen in a posture of mutual strategic deterrence. The security on both sides would clearly be greater than if each side were allowed to proceed unilaterally with the many new developments which are in process or possible. Starting from this stable position, it might then be feasible to negotiate what programs or actions might be carried forth to futher strengthen this position.

Such actions could, in some cases, involve proceeding with deployments which are now under way or research and development on certain new systems. On the other hand, in some areas it might be possible to agree on reductions in existing forces. For example, the United States could proceed with development and testing of a single warhead for the Poseidon missile as a potential replacement for the current MIRVs. When available, we could actually deploy it in submarines modified to handle Poseidon missiles. Since the single warhead in Poseidon could be replaced by MIRVs in a short time, this would provide added confidence that American security could not be threatend by a sudden ABM deployment. At the same time it would not arouse Soviet fears of a U.S. first strike as would be the case if MIRVs were actually deployed. The Soviets, in turn, might be allowed to complete their present SLBM program, thereby strengthening this key element in a secure deterrent force. Both sides might agree to phase out and reduce the numbers of land-based ICBMs which in time could become vulnerable and obsolete and create an incentive toward a first strike.

Hopefully, many presently ongoing programs would not be resumed at all. In such a climate, there would be little excuse for the Russians to continue building additional ICBM sites, although to harden existing ones without increasing the total number might be justifiable. Similarly, the United States could cease deploying additional MIRVed missiles since Soviet ABMs would be limited and future threats to our Minuteman silos reduced. Many new development programs could be restricted to the early laboratory phases since, in a situation of frozen stable deterrence, they would not be needed. Many decisions in the direction of restraint that would be very difficult or impossible in a dynamic situation would be greatly simplified in a static one.

PRACTICAL DIFFICULTIES

The institution of such an across-the-board freeze does, however, present a number of practical difficulties which must be faced. First, it is extremely difficult to stop, on short notice, construction programs and, perhaps to a lesser extent, testing programs which are in progress, particularly if such a halt may be only temporary. This could considerably increase the cost and create many management and labor problems when, and if, the programs are to be resumed. It might be necessary to allow construction already under way to proceed during the Phase I period of the freeze. Provided that this phase were kept short—let us say 90 days—the increase in force levels would not be very significant. It would be essential, however, that during this period both nations halt all new starts. A similar type of arrangement might be worked out for testing; for example, nations would be allowed to continue work with previously tested models, but would not be permitted to start new test programs.

Such a freeze would bring the Soviet SS-9, or similar large missile programs, to a halt and leave them with between 280 and 310 launchers, depending on how one deals with the problem of sites under construction. In submarines, the Russians would be restricted to somewhere between 23 and 42 of the Polaris type Y-class vessels. They would be left without having a tested MIRV system which could threaten Minuteman. The United States on the other hand, would be restricted to the conversion of 100-300 Minuteman missiles to Minuteman III, and of 5–16 Polaris submarines to Poseidon. We would have available two tested MIRV systems, but the accuracies of these are not considered sufficiently good to permit their use as first-strike weapons. No new intercontinental bombers could be built, and the U.S. B–1 program would be put into abeyance until the negotiators had decided whether this should be allowed to proceed.

While all the details of a complete freeze could not be verified, we could be confident that the Soviets could not secretly carry out, even during a much longer period than a 90-day Phase I, any programs that could significantly affect our deterrent. New deployments of both land- and sea-based missiles can be adequately monitored by U.S. unilateral capabilities. Long-range tests of missiles can likewise be observed, and major changes in the type of missile launched would be apparent. If ongoing construction were frozen during Phase I, some work could be carried out which might escape notice, but this could not have any significant effect during a three-month period. During Phase I, one of the first tasks of the negotiators would be to examine those actions which might be difficult to verify and which, if continued unilaterally for long periods in a secret program, could have an important effect on security.

Some procedures would have to be instituted to ensure that stalling on the Phase II negotiations was not allowed to place either nation in an unfavorable position. Since the freeze would be mutual, it would put both countries under obligation to abide by its terms, and any failure to do so would automatically allow the other nation to act unilaterally. An action in response to a violation could be much stronger than one taken in the absence of any understanding. In the static situation of a freeze, where both sides have a secure deterrent, it would probably be easier to control the desire for new weapons programs than in the dynamic situation where both sides are continuously developing and deploying new weapons.

BARGAINING CHIP

Once an understanding had been reached on which programs would be removed from the freeze and allowed to resume, the negotiators could put in firm treaty language those limitations which are still in effect. These should be easier to define in a situation where nothing was changing than one which was in a constant state of flux. The bargaining chip would be the threat of a breakdown in the fixed, secure, stable position, a much more satisfactory chip than new and unnecessary weapons programs.

Arms control negotiations could then move on relatively easily to areas beyond SALT. With many ideas for new technological developments in delivery systems restrained to the laboratory or to the minds of the scientists, a comprhensive nuclear test ban would be a logical move as a next step. Without the stimuli of continuing new systems developments, it would be hard to justify continued nuclear weapons testing in either the United States or the USSR. Both sides might see the advantage of placing a lid once and for all on continuing advances when they already have designs for an entire spectrum of nuclear weapons available.

A start might also be made toward placing restrictions on antisubmarine warfare, which, once ABMs are limited, would be the only potential long-term threat to the submarine-based deterrent. Limitations on forward-based nuclear delivery systems in support of our allies and on Soviet intermediate-range and medium-range ballistic missiles could be sought as key ingredients in reducing the risk of a nuclear holocaust in Europe. In time, we might move toward reducing the numbers of our land-based ICBMs, which could be perceived as vulnerable, and thus an incentive towards a first strike.

President Nixon might consummate this dramatic new approach of a complete freeze on offensive strategic weapons on his trip to Moscow in May. This could be done simultaneously with the announcement of an agreement limiting ABMs. The groundwork for such action could, of course, be prepared by the SALT delegation between now and then. The Senate indicated concurrence with this type of action when, a year ago, it passed, by a vote of 72 to 6, a resolution (S-211) proposing a moratorium on new weapons deployments pending the negotiation of a SALT agreement. A freeze of this nature would represent the most significant step toward controlling the nuclear arms race in our times.

The second article appeared in the March 25 issue of the New Republic. Scoville's analysis of the relative strengths of the U.S. and Soviet strategic arsenals is one of the best I have seen. It follows:

LAIRD'S LATEST ALARMS

(By Herbert Scoville, Jr.)

"The Soviet Union is continuing to create strategic capabilities beyond a level which, by any reasonable standards, already seems sufficient." So said President Nixon in his State of the World message on February 9. The point can be conceded. The Soviets have strategic forces well beyond those needed to deter a US attack, even if our strategic arsenals continue to increase at a high rate.

But what President Nixon's message did not say is that the US is also building forces greater than needed to deter a Soviet attack and prevent us or our allies from being coerced. The administration policy of "sufficiency" is only superiority in another cloak.

We are now placing MIRVs (multiple warheads which can be aimed at individual targets) on a large fraction of our land- and seabased ballistic missiles. Secretary Laird reports that during the past year we added warheads to our missile force at the rate of almost three a day. MIRV deployment as an alternative to building more missile launchers has long had strong support by the Joint Chiefs of Staff, and most of those who are now leading the hue and cry about Russian superiority in missile launchers are ignoring this warhead expansion. Our total offensive force loadings will, according to Secretary Laird, increase between mid-1971 and mid-1972 from 4700 to 5700 weapons while, during the same period, the Russians will only add 400 new weapons to their stockpile of 2100. At this rate, it will be a long time before they catch up.

All elements of our strategic forces are being improved far beyond the requirements of "sufficiency." We are deploying a new generation of missiles in both our land- and sea-based launchers when no current threat requires them. We are planning to build still more advanced missile submarines (ULMS) before there is any conceivable danger to the existing ones. We are building a new bomber, the B-1, years before the B-52s will become obsolete. We are deploying an ABM defense of Minuteman missiles which is not needed to preserve our deterrent, and is, moreover, inadequate and poorly designed to protect these missiles if the Soviets do develop a MIRVed ICBM force.

Over and over again, Secretary Laird and other Defense officials have stressed the *momentum* of the Soviet strategic build-up as justification for these additional weapons on the part of the US. On January 25, Laird prefaced his request for supplemental appropriations in this fiscal year with the statement: "These funds will be used for programs that we need to start now to meet defense requirements as a result of the Soviet weapons momentum."

What is this "momentum"? In his Annual Report of February 15, Laird described the Soviet strategic weapons developments which presumably worry him the most. The following item by item analysis of all of these leaves some doubt as to whether his concern is warranted.

CONTINUED DEPLOYMENT OF ICBMS

The increase in Soviet landbased ICBMs has in the past always been cited as the dominating element in the threat. The Russians now have 1520 ICBM launchers as compared to 1054 US launchers. Though some 100 new Soviet silos have been identified for new or modified ICBM systems, the build-up has been slowing down. Indeed, Mr. Nixon in his State of the World message noted that the USSR added only 80 ICBMs last year, compared to 256 the previous year. Secretary Laird now projects an increase of only 30 between November 1, 1971 and mid-1972, and points out that the SS-9, SS-11 and SS-13 programs may be over. So the "momentum" in total numbers of Soviet ICBM launchers seems to be petering out.

What about the large ICBMs—the SS-9s which were most feared as potential first strike threats to our Minuteman deterrent? Here, the pace has slowed even more dramatically. In August, 1969, the Soviets were reported to have more than 275 SS-9s operational or under construction, and Secretary Laird predicted an increase of 50 or more per year in then justifying the need for the Safeguard ABM. Now, two-and-a-half years later, he reports that there are only about 300 of these large type ICBMs operational or under construction—hardly a cause for new alarm this year or requiring major increases in funds for new US strategic weapon systems. Included in this Soviet total are the same 30 new large launchers that were first reported under construction a year ago. No new Soviet missile has been tested for these launchers even a year later, and even if a new missile were to be deployed in them, it would not signify any increase in previously estimated threats we've always assumed. The SS-9 is capable of launching any MIRV system the Soviets chose to develop. If they need a different missile to have a MIRV to threaten Minuteman, then our previous worries were greatly exaggerated. It is rumored that the Russians may accept a ceiling on large missiles at SALT (Strategic Arms Limitations Talks). If so, that would publicly commit them to *halt a program they have almost stopped unilaterally.*

Secretary Laird also refers to extensive testing since 1965 of a modification of the SS-9 which would permit it to be fired on a depressed trajectory or used as a fractional orbit bombardment system (FOBS). This was mentioned years ago by Secretary McNamara and is not provocation for increased concern today. Such a system would be less effective than the basic SS-9 in destroying our Minuteman missiles.

MIRVS

The Russian MIRV program is *now* behind where it was said to be in 1969 by the administration. At that time, Mr. Nixon and defense officials reported that the Soviets had been testing a multiple reentry vehicle system which had a "footprint" that appeared to threaten our Minuteman silos. Now Secretary Laird states that, "while the Soviets probably have not tested MIRV missiles thus far, they have conducted many tests of the SS-9 with multiple reentry vehicles (MRVs) since flight testing began in August 1968. The last MRV tests were in late 1970." What kind of "momentum" is this? The testing of a MRV on the small SS-11 ICBM, or even the deployment of MRVs as recently reported by Laird, subsequent to his report to Congress, calls for no panic. All authorities have conceded that MRVs, whether on the SS-9s or SS-11s, do not endanger our Minuteman. Cries of alarm for three years cannot alter the fact that there is no present evidence that the Soviets have started a MIRV program.

The President correctly states that the Russians have the basic technological ability to develop MIRVs, and this can be the only explanation for Secretary Laird's prediction that the "Soviet MIRV capability could be achieved next year." But there is no factual evidence to support such an estimate since testing has not begun. It would appear that Laird's prediction is even less valid and even more misleading than those made in 1969. For although the Soviets *could* being testing at any time, it would almost certainly be more than three years before they could deploy any system that could even marginally threaten Minuteman. With the limited number of large missiles that will be available to the Soviets in the near future, such a MIRV system would have to disperse accurately six or more warheads per missile. This *is* within the payload capability of the SS-9, but a very long time would be required before it could be developed, tested, and deployed in significant quantities.

SUBMARINE MISSILES

The Soviets have during the last three years been building up their submarine ballistic missile force. They have 25 operational Y-class submarines, each with 16 missiles; they are turning out additional submarines at the rate of 9 to 10 a year as compared with the eight a year estimated earlier. When all those now under construction are completed, however, they will only have achieved approximate numerical parity with the US. They will still be below the total Western forces, since the French and the British also have small missile submarine fleets. More important, President Nixon recently said that "our missiles have longer range and are being equipped with multiple independently targetable warheads. Moreover, our submarines are now superior in quality." This year, as last year, authorities have referred to a new long-range Soviet submarine missile, but it has been reported that this missile could not be fired from the Y-class submarines unless these are modified.

Since missile submarines are primarily deterrent weapons and cannot be used to attack either the Minuteman or Polaris portions of the US deterrent, it is hard to see how this Russian build-up would justify adding to US strategic forces. Our submarine strategic forces are "highly survivable," says Mr. Laird, and while there are indications that the Soviets are attempting to establish an area surveillance system and associated ASW (anti-submarine warfare) strike forces, they do not as yet have this capability. Other officials have testified that they have not been able to identify any developments that indicate a Soviet threat to our seabased missile deterrent.

None of the reported Soviet weapons programs require the construction on a crash basis of a new submarine missile system (ULMS), which may cost tens of billions of dollars and may be designed to cope with the wrong threat. This is not security; it is insanity.

STRATEGIC BOMBERS

Both the President and Secretary Laird have warned of a new Soviet supersonic bomber. What they have in mind is a medium-range aircraft, probably primarily designed for use in Eurasian situations and of little direct threat to the continental US. Laird reports "a probability that it has a capability for inflight refueling. With refueling it could reach virtually all US targets." He does not say whether these bombers could ever get back to Russia, if they were used against such targets. Again, the development of this type of Soviet bomber, about which we have known for several years, does not require expanded US programs in response. We now have an overwhelming quantitative and qualitative lead in strategic bombers.

ABMS

Laird also reports that "construction of the Moscow ABM system has resumed and testing of an improved ABM missile continues." He referred to this resumption last year and to the testing back in 1969. Nevertheless, Admiral Moorer, Chairman of the Joint Chiefs of Staff, has just said that the Moscow system, even with improved radars and more and better interceptors, could still be saturated by a very small part of our total missile force. It does not, therefore, endanger our deterrent. The U.S. has apparently been seeking at SALT, ABM limitations at levels *greater* than the present Moscow system, so it is hard to believe that the administration is really worried about the Moscow ABMs. Furthermore, the Soviets have been eager for an agreement to limit ABMs, and President Nixon has expressed optimism that this can be achieved at an early date, so the long-term danger from ABMs may never develop. If the SALT negotiations break down, the Soviet ABM program still does not warrant increases in U.S. strategic force levels for many years. We have ample lead time to put into effect any necessary countermeasures.

The deployment of a widespread space tracking system that would enable the Russians to predict the position of near-earth orbit satellites is described by Secretary Laird as a Soviet research and development effort worth mention. Presumably this system is composed of the same surveillance radars that a year ago he sought to associate with a Soviet ABM system. Apparently, the association is no longer considered quite so valid, and the fears generated in some quarters in past years are no longer as great. A space tracking system is not a major security threat; the U.S. has had one for more than 10 years.

In sum, in its current round of budget requests the administration has been crying wolf: it has not come forth with a single new development in the last year that in any way demonstrates a new threat to our strategic deterrent. The Soviet ICBM program is winding down and its MIRV program is many years behind original predictions. Only in the area of submarine missile deterrent systems has the Soviet program continued to roll forward, and here the U.S. is more than one generation ahead. The Russian strategic weapons programs are continuing, but their momentum is faltering.

In contrast, we have been moving forward with increasing speed on all fronts. We are deploying MIRVs rapidly so as to increase our force loadings at the rate of 1000 warheads per year. We are developing new guidance systems for these MIRVs. We are deploying a new model ICBM, Minuteman III, and modifying our submarines to fire the new Poseidon missile with a payload four times as large as the Polaris. We are not building any additional missile launchers, but no one has seriously adovcated our increasing these for many years. We have a far more extensive anti-submarine warfare program both in terms of deployment and in terms of research and development than the Soviet Union. We are proposing to commit large sums to a new missile submarine (ULMS), though our present system is far superior to the Soviet Union's. We are building a new intercontinental bomber. We are proceeding with an expanded ABM deployment and carrying out extensive research and development on next generation systems. Restraint in U.S. weapons programs is hard to find. The administration ought to drop the double standard by which it evaluates U.S. and Soviet strategic weapons.

CHARLES RENTZ—AN INSPIRATION TO ALL

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. FLOWERS. Mr. Speaker, the March 9 issue of the Democrat-Reporter of Linden, Ala., featured an article about Charles Rentz, a valued friend and constituent of mine. There is justified concern in this Nation for the welfare and condition of handicapped persons, and I would commend the following article and the inspiration of Charles Rentz to my colleagues and others:

Charles Rentz ". . . An Inspiration to All of Us" Will Receive Award From Alabama Governor's Committee

Charles Rentz, Marengo County Circuit Court Clerk and Register, has been chosen to receive the 1972 Handicapped Alabamian award from the Alabama's Governor's Committee on Employment of the Handicapped.

In a letter from W. Gene Kerlin executive secretary of the committee, Kerlin stated, "We are very impressed with your accomplishments and we want to honor you in our highest fashion. You are an inspiration to all of us and we are very proud of you."

The award will be presented to Rentz Friday, June 9 at a luncheon meeting of the Alabama Association of Circuit Court Clerks and Registers. The meeting will be in Florence.

Each county in the state nominates an individual for the award and the committee makes the final selection.

John Neel, editor of Ala-West magazine, captured the philosophy of Charles Rentz on paper. Here are some impressions the Sumter County editor had of the man and politician, Charles Rentz:

If you doubt that the human spirit, guided and strengthened by God, is capable of magnificient accomplishments, consider Charles E. Rentz of Linden.

It is no overstatement to describe what this man has done and what he is as magnificient.

You notice immediately that physically Rentz lacks much of what most of us take for granted. Both his arms end in stubs at about the elbow, and he doesn't have any legs much below the knees. His right leg terminates at about knee level in a small malformed foot. The left leg, shorter than the right, has only a small appendage that would have been a foot had prenatal development proceeded as it should.

Thus handicapped, Charles Rentz came into the world in 1902 at Myrtlewood. The neighbors, seeing the pathetic looking little fellow, probably shook their heads and concluded that he didn't have a chance to make his way in a tough, competitive world.

It was an obvious conclusion, but it turned out to be wrong, for the boy's physical shortcomings were counterbalanced by some powerful plus factors.

One plus—and a tremendous one—was the truly remarkable wisdom and courage of his parents, Mr. and Mrs. Sandy Rentz. Another was the willingness of his three brothers and one sister (he was next to the youngest), friends and teachers to accept him on more or less equal terms. Still another was his good fortune (a wise choice) in his wife and friends.

The key factor, of course, has been the burning spirit and determination of Rentz himself, his everlasting positive approach to all situations.

Through it all has been woven the fabric of God's love and concern—and His very real, practical help.

Today Rentz is the Clerk of the Circuit Court of Marengo County. He was first elected to the office in 1946 after running and being defeated in 1934 and 1938. He has since been reelected five consecutive times.

More importantly, Rentz has a wife and three daughters, a lovely home, a host of friends, and many other things that have enriched his life.

Remarkably, he can capably perform almost any physical maneuver that he needs for his day-to-day life. He drives his own car, which he himself modified with special controls. He moves confidently on his crutches, even up and down stairs, and rolls efficiently around his office on an ordinary office chair. He can dial a telephone, type, use an adding machine, play chords on a piano. His no-hands dexterity even makes it possible for him to dress himself, down to almost the final detail, being stopped only by the topmost button on his shirt. He can even put on his tie.

He keeps the family's huge lawn mowed with his riding mower. And if it or any other machine around the house or office breaks down, he is generally able to make the needed repairs himself, manipulating wrenches and other tools by holding them between his two shortened arms.

The quality of his no-hands handwriting is superb. Seldom does anyone around Linden need any fancy writing done that they don't bring it to Charles Rentz. He places pen or pencil between the padded ends of his arms and moves from the shoulders. Not as fast as the ordinary way, but the result is beautiful.

In short, Rentz has conquered his physical limitations. Refusing to be bound by them, he has soared above and beyond.

That physical overcoming is amazing enough to shame the ordinary griper and rationalizer into humble silence and renewed dedication. And to inspire those who struggle with their own handicaps, of whatever nature and whatever degree.

The thing about this man that impresses even more than his prodigious practical achievements, however, is the spirit which enables him to do the things that he does. The spirit which keeps him looking up in gratitude to God rather than down in bitterness to where his hands and feet should be.

"He is the happiest person I have ever seen in my life," Charles' wife Wittie says simply. "I have never seen him really blue. I have seen him quiet, when something was on his mind. But it is usually something wrong at the office or some misunderstanding with someone."

Rentz's refusal to feel sorry for himself, to even give bitterness the time of day, is built upon something his mother taught him.

"One of the reasons I never allowed myself to question why?" he said, "was that if anyone ever had a religious mother, I did. She always taught me that the 'why's' of the Lord's work are never to be questioned."

He loves Paul's statement in the fourth chapter of Phillipians: "for I have learned, in whatsover state I am, therewith to be content," and, two verses down: "I can do all things through Christ, which strengtheneth me."

"My entire life is built upon my faith in my Creator, who has endowed me with so many blessings," says Rentz.

His faith is not just lip service, either. Growing up, he took part in family prayers each night, and he and Wittie (and their daughters before they grew up and married) read the Bible and pray together at breakfast each morning. Charles has been tithing since he began earning a living (before becoming Circuit Clerk he worked as a gravel checker, service station man, automobile salesman, insurance salesman, bookkeeper and during World War II, chief clerk of the Marengo Wage Price and Rationing Board of the office of Price Administration.

For more than 35 years, he has taught a Sunday School class at the Linden Methodist Church, and he has been doing lay speaking for more than 25 years.

"I don't think I would be stretching it to say that I have sung at 500 funerals," Rentz said. "All over the county and outside."

Rentz has a fine singing voice, sang with a quartet for some six years. He met his wife at an all-day singing in Choctaw County. One of his few regrets about the course of his life is that he did not take voice lessons from a school teacher who lived in Myrtlewood and boarded with the family.

"I thought it was sissy, and I wouldn't do it," he said, "and I am sorry that I didn't".

Rentz is active in professional and civic affairs as well as church work. He has served as president of the State Circuit Clerks and Registers' Association in 1958–59 and served on the organization's Legislative Committee. He was president of the Linden Lions Club in 1966–67 and is a member of the Nanafalia Lodge No. 35. His talks to church and civic groups often take him away from home. He has several out-of-state talks scheduled this fall. He makes as many of these inspirational talks as he is able, for he feels it is his duty to share his faith with others.

Charles Rentz has done so much, when he might have done so little. Who could have blamed him if he had spent his life in a wheelchair, allowing others to support him?

Well, Rentz would say that God wouldn't have liked him to be that way, nor would his parents. He himself, of course, would never allow himself to give up in such a manner.

But had his early years been shaped differently, perhaps he would not have been the kind of person who as he said, was taught that "can't" was not in the dictionary.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

OKLAHOMA VFW WINNER MAKES ELOQUENT PLEA

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. EDMONDSON. Mr. Speaker, we frequently hear criticism of today's youth, and doubtless some of the harsh words about certain actions are deserved. But we all too often fail to praise the millions of young people who are already fine citizens and who will be capable and effective leaders in the future of our country.

One outstanding young man is Kerry Holton, of Muskogee, Okla. Kerry delivered the winning speech in the Oklahoma Veteran's of Foreign Wars Voice of Democracy Contest, and I feel his words vividly and accurately represent the sense of heritage and responsibility felt by the vast majority of our Nation's young people.

It is a privilege to represent such constituents and a pleasure to share with you Kerry Holton's speech, "My Responsibility to Freedom":

MY RESPONSIBILITY TO FREEDOM

Freedom. A prized possession. So valuable to the human race, that men have sacrificed their very lives for that one thing—that one abstract feeling of freedom. But in America, freedom is not just an abstract feeling, it is the concrete foundation of our existence. The chance to live and rule one's own life. The opportunity to live to the utmost—a free man, that's what it's all about. To Americans, however, freedom carries something more than just a privilege. Responsibility is always coupled with privileges.

As I look around me, and really catch a true picture of America, I can't help but remind myself of our fight for independence and my direct responsibility to it. If you get right down to it, I am living here today because of certain years in American History 1776 . . . 1865. If it were not for Mr. Washington, Mr. Franklin, Mr. Jefferson, Mr. Lincoln, and so many other founding fathers of this nation, I would not be living in freedom today. Where would I be today if thousands of men had not fought for the preservation of this country, on countless battlefields, war after war. Just stop and think—great men have preserved America for almost 200 years, just for me, just because I'm an American. Many have died to keep this nation alive for their posterity—and we are the ones they died for. We definitely have the obligation to preserve American Freedom for future generations. We must keep alive those privileges which only we as citizens have.

I believe one of the most important responsibilities I have to freedom is simply to use those freedoms. Do we buy a new pair of shoes just to leave them locked up in the closet? Do we buy food just to let it rot and spoil? No, of course not. We didn't receive freedom just to store in the attic.

We received freedom to use. Because we are Americans, we have several opportunities directly resulting from our American freedoms.

American freedom has come to us because of the determination of men throughout our nation's history. Because of the hard-fought freedom, which we enjoy today, we have many precious opportunities.

Have you ever realized what the last four letters in the word American spell? I can. I can—in America and it is only made possible through my American Freedom. We ought to be proud, that we live in America, and we ought to get the most we can out of its opportunities.

We need to ask ourselves:

Would I be a responsible American . . .

If I did not care about its future?

If I made no attempt to preserve this great nation for those yet unborn?

Would I be a responsible American . . .

If I did not use my freedoms?

If I turned my back on the golden opportunities which only can be found in America?

We cannot escape our responsibilities. America will only be as good as we make it and as we preserve it. We must keep America great, as it was given us. Now, the responsibility is ours . . . to keep America just that way!

MILK PRICES

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. OBEY. Mr. Speaker, Secretary of Agriculture Butz recently announced that the support price for manufacturing milk will be continued at $4.93 a hundredweight for the marketing year beginning April 1, 1972. At the same time he announced that the purchase prices paid by the Commodity Credit Corporation—CCC—for cheese, butter, and nonfat dry milk to carry out the support program will also remain unchanged.

It should be noted that with these purchase prices the average price received by farmers for manufacturing milk during the present marketing year will be about $4.88 a hundredweight, 5 cents below the announced support price. In fact, as shown on the following table, dairy farmers received less than the announced supoprt price in 8 of the first 11 months of the present marketing year:

MANUFACTURING MILK

[Dollars per hundredweight]

	Support price	Average price received by farmers[1]	Deviation from support price
April 1971	$4.93	$4.84	−0.09
May 1971	4.93	4.81	−.12
June 1971	4.93	4.81	−.12
July 1971	4.93	4.81	−.12
August 1971	4.93	4.80	−.13
September 1971	4.93	4.82	−.11
October 1971	4.93	4.85	−.08
November 1971	4.93	4.89	−.04
December 1971	4.93	4.97	+.04
January 1972	4.93	5.01	+.08
February 1972	4.93	5.01	+.08

[1] Adjusted to annual average milk fat test of 3.67 percent.

The increased price during the last 3 months is largely a seasonal condition, reflecting the fact that milk production is at its lowest level during this period. With no change in CCC purchase prices, it is anticipated that the price received by farmers for milk during the coming marketing year will actually average several cents less than the announced support price.

If the Secretary of Agriculture is not willing to increase the support level for the coming marketing year, and I have indicated on more than one occasion that I think he should—at the very least he ought to increase the CCC purchase price for cheese, butter, and nonfat dry milk enough to guarantee our dairy farmers a price for their milk at least equal to the announced support price.

Mr. Speaker, what many of us are concerned about when we ask for increased price supports and an increase in the CCC purchase price of dairy products is the fact that farmers are the victims of inflation just as much as anyone else. Their problem is that without action from the Secretary of Agriculture, they have almost no way to hurdle these inflationary pressures.

During the current marketing year, inflationary cost increases absorbed by dairy farmers have caused the $4.93 a hundredweight price support level for milk to decline from 85 percent of parity on April 1971 to 79 percent of parity at the present time. For that reason I introduced legislation along with 27 cosponsors to require the Secretary of Agriculture to adjust the support price quarterly to reflect any increases in the parity price of milk. If this legislation had been in effect during the past year, for example, the support price for milk would have increased three times to maintain the support level at 85 percent of parity—with increases to $5.04 a hundredweight on July 1, to $5.08 on October 1, and to $5.11 on January 1.

The events of the last year, and particularly the last few weeks make abundantly clear the need for the enactment of my bill which would allow our dairy farmers to at least meet their increased costs of production during the year.

LET US FREEZE GOVERNMENT, TOO

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. GOLDWATER. Mr. Speaker, recently a constituent, Mr. J. L. Feeney of Northridge, Calif., sent me a copy of an advertisement sponsored by the National Association of Life Underwriters. It is short and to the point, and I would like to share its important message with my colleagues:

LET US FREEZE GOVERNMENT, TOO

A MESSAGE ADDRESSED TO THE PRESIDENT AND MEMBERS OF THE CONGRESS

Under the current program of controls and freezes, you are:

Asking working men and women to make sacrifices in holding down prices.

Asking businessmen to make sacrifices in holding down prices.

What sacrifices will government make? Government surely doesn't want to ask others to make sacrifices it isn't prepared to make itself. If your program to control inflation is to succeed, government must do two things:

1. Cut federal spending.
2. Restrain the creation of money through the Federal Reserve System.

It is unfair to control the economic decisions of people—while letting federal spending run rampant. Government must do its part—it, too, must show self-discipline.

To halt inflation, federal government spending must be frozen—better yet—CUT, and the money supply restrained. Economic controls deal with the results of inflation. Frozen or reduced spending is one sure way to reduce inflationary pressures. As wage and price increases are deferred, so too should spending for new federal programs be deferred.

It is also time for Congress and all agencies of government to evaluate existing programs by their measurable results and get rid of the deadwood programs that have a proven record of ineffectiveness. Congress too seldom reviews the need for legislation previously enacted.

Will you, Mr. President and members of Congress, face up to these needs?

Only you have the authority to investigate, hold hearings, ask questions and sit in judgment of these spending questions.

If you don't know where and how to stop spending, then you should set up the proper mechanism to find the answers.

If the citizens of the United States must struggle under economic controls then government should, in all equity, restrain its own actions, with emphasis on reduced spending and a restrained money supply.

It is time for government to cooperate with the American taxpayer in this fight against inflation.

Mr. President and members of Congress, the responsibility is yours.

THE AGRICULTURAL LABOR RELATIONS ACT OF 1972

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. LEGGETT. Mr. Speaker, yesterday a number of us introduced a bill we call the Agricultural Labor Relations Act.

The purpose of this bill is to recognize, protect, and regulate the right of farm employees to bargain collectively. I believe we do it in a way that constitutes a reasonable compromise between the interests of the farmers and the workers.

Taking into account the 6-month backlog of the National Labor Relations Board, we decided to establish an independent Agricultural Relations Board of three members serving 5-year terms, appointed by the President and confirmed by the Senate.

Very briefly, the bill requires 20-day written notice of intent to strike. The employer can then invoke a 40-day mediation period during which the Federal Mediation Service shall attempt to resolve the dispute. If the dispute is not resolved within the first 20 days, the Mediation Service shall submit a list of five names from which both parties shall agree on one to serve as a special referee. The referee shall recommend a settlement not less than 5 days before the 40-day period expires. If the union accepts the referee's recommendations, they are binding on the employer. If not, the union may strike.

A similar procedure, with the positions of the union and the employer reversed, applies to a threatened lockout.

The bill provides for fair employee elections to choose a union. It authorizes the negotiation of a 7-day union shop and requires nonpreferential hiring. It prohibits secondary boycotts, but permits informational picketing.

This is the best arrangement we have been able to develop, but I do not claim it is the ultimate answer, or even that it is the best possible answer for 1972. We will certainly be open to suggestions and to constructive amendments.

BUSING

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. MIZELL. Mr. Speaker, President Nixon has made two proposals designed to halt temporarily, and. ultimately, to eliminate completely, the ordering by Federal courts of massive busing of schoolchildren to achieve racial balance in public schools.

With his announcement of last Thursday night, and with the two legislative measures he sent to the Congress on Friday, President Nixon became the first Chief Executive to make any proposal to stop busing, and I salute him for his initiative.

His first proposal is for a moratorium on any new court orders requiring massive busing for racial balance. This moratorium extends to July 1, 1973.

The second, and more comprehensive proposal, is the Equal Educational Opportunities Act, which provides for an increase in funds to provide truly equal education in all of our Nation's schools and lays the groundwork for establishment of a nationwide neighborhood schools policy.

This second measure also provides a means of relief for school districts already suffering under the burden of massive busing, by providing a clause permitting the reopening of proceedings in courts to eliminate currently required cross-busing plans and fashion alternate desegregation plans complying with the neighborhood school provisions of this act.

While I applaud the President's initiative in this issue, I see a danger in extending the moratorium beyond the conclusion of this Congress and through another school year.

I believe the net effect of so long a moratorium would be to lessen the urgency of passing the companion equal opportunities legislation, and thus leave school districts already under court order to bus with no relief for another full school term.

I believe we would do better to extend the moratorium only to August 1, 1972. This would give the Congress ample time to consider and act on the President's Equal Education Opportunity Act, and it would give local school districts sufficient time to prepare desegregation plans for the coming school year along the more reasonable lines set forth in the President's legislation.

It has been speculated that these bills may not stand the test of constitutionality in the courts, and this is all the more reason for immediate action on these proposals. For if the courts rule these measures unconstitutional, then we will see beyond doubt the need for passage of a constitutional amendment such as the one that I have proposed, to prohibit cross-busing.

REVENUE SHARING

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. BOLAND. Mr. Speaker, the Ways and Means Committee has reached agreement on a new revenue-sharing plan—a plan that promises to break free from the Federal Treasury $5.3 billion for distribution to State and local governments this year. It is a cheering sign for the country's Governors and mayors. Beset with financial problems unparalleled in recent memory, the States and cities these men govern need assistance desperately. State taxes, even though they have climbed to levels undreamed of even a few years ago, still cannot raise enough revenue. And local property taxes are so burdensome that homeowners everywhere are on the verge of revolt. Sources of revenue for many States and cities—indeed, for most of them—are withering away.

The rationale behind the Ways and Means Committee's revenue-sharing plan, like the rationale behind the rival plans that the committee has already dismissed, is quite simple: first, giving the States and cities a welcome new source of income, and second, giving them a chance to decide how to spend at least some of the Federal tax money their citizens pay. Governments must now grope through an almost impenetrable thicket of rules, regulations, guidelines, standards ad nauseam before receiving Federal grants—even the most routine grants, let alone the major ones. Applications are sometimes ensnarled in redtape for years.

Any unit of government, however big or however small, would be eligible for assistance under the committee's plan. Massachusetts, my home State, stands to receive $179.4 million—$75 million for the State itself; $104.4 million for its local communities.

I urge the promptest possible action on this legislation.

It should be among the very highest priorities of this Congress.

The New York Times today published an article on the revenue-sharing plan, and I commend the article to my colleagues.

[From the New York Times, Mar. 23, 1972]

HOUSE COMMITTEE AGREES ON REVENUE-SHARING BILL

WASHINGTON, March 22.—The House Ways and Means Committee reached agreement today on a revenue-sharing bill. This new system of Federal financial aid to state and local governments, termed revolutionary by the Nixon Administration, thus cleared its first and possibly highest Congressional hurdle.

The committee's bill would give much less money to the states than the Administration's original proposal, but much more to local governments, particularly large cities.

The bill differs in many other ways from the Administration's proposal, but the Administration said it was happy with the bill because it embodied the fundamental idea of handing over to state and local governments, for use with relatively few restrictions, money that had been raised through Federal tax collections.

SUM OF $5.3 BILLION PROVIDED

In all, the committee's bill provides $5.3-billion for this year. Of this, the states would receive $1.8-billion, compared with the $2.8-billion they would have received under the Administration's proposal.

It was considered likely that the bill would reach the House floor for debate and probable approval by the end of April.

There was little basis for guessing the fate of the bill in the Senate. But the pressure for approval from the nation's Governors, Mayors and county officials, many of whom are already budgeting on the assumption that the money will be forthcoming, was certain to be great.

The basic idea behind revenue sharing is not only to give financial help to state and local governments but also to remove from the Federal Government's hands the responsibility and power for setting detailed standards and requirements for the spending of Federal aid funds by these governments.

The Ways and Means Committee bill concerns only one portion, though the most important one, of the broad program of revenue sharing proposed by the Administration.

This portion is what was originally known as general revenue sharing because the Administration wanted the money turned over to the lower levels of government with no restrictions on the public purposes for which it could be used.

FUNDS ALREADY BUDGETED

The other portions of the Administration's original plan were called special revenue sharing because the money could be spent only for specified purposes, such as manpower training or urban development. Congress has taken almost no action on special revenue sharing.

The money for special revenue sharing was to have come essentially from funds already budgeted by the Federal Government for use in specific aid programs to the states or localities.

The general revenue sharing money was to have been new money, not previously budgeted or earmarked for any purpose.

That is why general revenue sharing is regarded as the most important part of the program.

Technically, the committee did not actually approve the bill today. It reached agreement in principle and asked its staff to draft a complete new bill for the committee to vote on right after the Congressional Easter recess.

Ways and Means traditionally operates this way, and major changes in the agreed-on language are rare.

Among the committee's decisions today was one to give at least some money to every local governmental unit, however small, so long as it was a unit organized for general purposes and not for a single purpose. An example of a single-purpose district would be a school district or a sewer district.

Originally, the committee planned to cut off aid to local governments serving populations of less than 2,500.

The committee's bill contains no restrictions on the uses a state government may make of the revenue-sharing money.

For local governments, the bill contains a list of authorized purposes for which the money may be used. The list is shorter than the one contained in the alternative revenue-sharing bill sponsored by the committee's chairman, Wilbur D. Mills of Arkansas.

In the committee's bill, there are actually two lists of authorized purposes, one covering capital outlays and the other covering spending for maintenance and operation.

Capital outlays would be permitted for sewage collection and treatment facilities, refuse disposal systems and public transit systems. Regularly recurring capital expenditures, such as routine replacement of buses, would not be a permissible capital expenditure.

As for maintenance and operation, revenue-sharing money could be used for public safety programs, including police and fire protection and building inspections; for environmental improvement, including sewage and garbage collection and disposal, and for public transportation.

Mr. Mills' bill had included youth, recreation and health programs and financial administration among the permissible maintenance and operation outlays. Capital expenditures for urban renewal and for the acquisition of open space would also have been permitted.

The main issue that the committee had to decide today was the formula for splitting up the shared revenues among the local governments with each state.

It decided on a complex set of alternatives that would give governors and state legislatures some leeway but by no means complete discretion.

DETAILS OF COMMITTEE BILL

Other important details include the following:

The bill contains prohibitions against use of any of the money for programs that discriminate on the basis of race, color, national origin or sex.

No Congressional action on appropriations would be required, either this year or subsequently, under the bill. The bill, once passed, would constitute what amounts to a permanent appropriation, for each of the five years the revenue-sharing program would be in effect.

A formula is included that is designed to make sure that state governments cannot reduce the financial aid they give to localities out of funds other than the revenue-sharing money.

A separate formula is designed to keep localities from transferring their own tax money out of the programs for which revenue-sharing funds are available and into other programs for which it is not.

The committee approved a system under which the Federal Government would collect state income taxes for the states, if desired. The system would include payroll withholding.

COMMENTS ON H.R. 11896

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. GROVER. Mr. Speaker, sometime next week we will be taking up H.R. 11896, the Federal Water Pollution Control Act Amendments of 1972.

This bill breaks new ground in a number of important areas, and I think it is safe to say that the bill represents a major breakthrough in the water pollution field.

Much debate will undoubtedly be had on the advisability of a "national goal" versus a "national policy" approach—as in S. 2770—to the effluent, no discharge deadline of 1985. In my own view, however, the most important provision in the bill is the part that deals with the nuts and bolts of eliminating pollution; namely, sewage treatment works construction. Title II of H.R. 11896 provides for a 60–75 percent Federal share of the cost of the treatment works. Treatment works is defined so as to cover all aspects of the treatment system, including sewage collection systems, which have not hitherto been included in treatment works grants.

The importance of this inclusion cannot be ignored because experience has shown that the collector sewers are often the single most expensive part of the treatment system. In that respect the Muskie bill (S. 2770) is a crushing blow to the heavily burdened taxpayers of Long Island, and for that matter, the country as a whole, because it fails to include collector sewers in the waste treatment grants.

Eighteen billion dollars is authorized for construction of these projects over the next 3 fiscal years. In addition, $2,750 million is authorized for reimbursement to State and local governments for projects whose Federal share was prefinanced by them because sufficient Federal money was not available.

It is such construction which will enable us to reach "no discharge" of pollutants. I urge your support.

WHO GETS THE CONSUMER BEEF DOLLAR?

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. ZWACH. Mr. Speaker, there is a continuing controversy between consumer and producer advocates over the price of beef.

In an effort to explain why there should be such a difference in the price of beef to the producer and the over-the-counter price, Don Kendall, Associated Press farm writer, tells what happens to the beef dollar.

Mr. Speaker, I think this is information from which we can all profit. I insert it into the Congressional Record at this point:

Who gets the consumer beef dollar?

Allen Baker, a marketing specialist for the department's Economic Research Service, provided a breakdown of beef costs using figures for the fourth quarter of 1971, which included part but not all of the recent uptrend in cattle and beef prices.

A 1,000-lb. choice-grade live steer is sold by a farmer or feedlot operator for $327.79, or about 33 cents per pound, not including transportation or any marketing charges involved.

The packing company, which bought the animal, slaughters the steer and converts it into so-called carcass weight. By this time the steer has been divested of hide, internal organs and other byproducts which are not classified as red meat.

At this point, the packing company has a beef carcass weighing only 620 pounds. The carcass is sold on the wholesale market for $340.10, or about 55 cents per pound for the net remaining weight.

Meantime, the meat packer has sold the byproducts, including the hide, tongue, tripe and liver, weighing a total of 193 pounds, for $20.65. That amount is deducted by economists from the $327.79 paid the farmer to arrive at an adjusted "farm value" for the red meat of $307.14.

The carcass sold by the wholesaler for $340.10 to a supermarket chain, a large hotel or perhaps a small independent grocery store now must be transported, cut up, packaged and, in the case of hamburger, ground up for consumers.

During this process, the retailer trims the 620-pound carcass of excess bone, fat and other waste material. That leaves 463 pounds of beef cuts from the original carcass.

But, on the average, there is a 5-per-cent reduction in the retail cuts from spoilage and theft. That leaves 439 pounds of beef available for retail sale to consumers.

The prices of the cuts vary widely, from about 69 cents a pound for hamburger nationally last December, according to the Bureau of Labor Statistics, to more than $2 a pound for the more prized steaks.

All told, the original 1,000-lb. steer was reduced to 439 pounds of meat selling for $468.40 total or about $1.07 per pound. That's more than three times the original on-the-hoof cost per pound of the live steer.

According to the breakdown, and allowing for the $20.65 received by the meat packer for byproducts, there was a markup of $161.26 from the time the steer left the feedlot until it ended up in shopping carts as red meat.

NATIONAL WOMEN IN EDUCATION DAY

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. BELL. Mr. Speaker, I have introduced a resolution calling upon the President to designate May 21 as "National Women in Education Day." In a time of vigorous public debate over issues of widespread importance, the great majority of our Nation's women are pursuing educational and community service goals which will better enable them to exercise their franchise and the leadership which they have gained through responsible use of their vote.

In an effort to encourage women to continue their educational pursuits, Aware International—Association for Women's Active Return to Education—has offered scholarships for both part-time and full-time study to women beyond the usual college age. This year, Aware International is celebrating its seventh year of distinguished service and activity.

It is a privilege to commend this effect to my colleagues by offering a resolution calling for observance of "National Women in Education Day."

H.J. Res. 1127

Authorizing the President to proclaim annually the day of May 21 as "National Women in Education Day."

Whereas, it is recognized that a complex, technological society such as the United States requires expanded knowledge, acquired both formally and through experience, by all its citizens;

Whereas, the genius and skill of our Nation's youth is dependent in great measure upon the wisdom and technical knowledge of the Nation's women during the critical formative years;

Whereas, historically women have had less opportunity than men to participate to their own full educational potential;

Whereas, the women of the Nation have continually and persistently, at a cost of great personal sacrifice in many instances, expended energy, money, and time in acquiring advanced education from the Nation's great institutions of learning;

Whereas, further achievements by women will be encouraged by recognition of the contributions of the educated women of this Nation; Now, therfore, be it

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That the President is hereby authorized and requested to issue annually a proclamation designating May 21 of each year "National Women in Education Day" and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

WHATEVER HAPPENED TO THE HOUSE JUDICIARY COMMITTEE?

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. GROSS. Mr. Speaker, I have called attention several times in the past 4 years to the deplorable conduct of Federal Judge Robert E. Tehan.

This information has been brought to the attention of the House Judiciary Committee but I have no information that anything has been done by way of checking into the situation.

I have today received a copy of a letter sent to Chairman Emanuel Celler of the House Judiciary Committee which makes additional allegations of misconduct in the Seventh Federal Judicial Circuit.

In addition, I have written to Chairman Celler with a request to know what has been done in this area, as well as what has happened to his committee's investigation into the grand jury charges against Judge Otto Kerner, an investigation the chairman said he ordered more than 3 months ago.

I include the copy of the letter to the chairman of the Judiciary Committee which I received today and which I am inserting in the Record at this point:

Crumpacker, Abrahamson & Reed,
Hammond, Ind., March 23, 1972.

Emanuel Celler, Esq.,
Chairman, Committee on the Judiciary, U.S. House of Representatives, Washington, D.C.

Dear Congressman Celler: I am writing to you as the Chairman of the House Judiciary Committee as well as to the other members of the Committee to bring to your attention the most sordid chronicle of misfeasance in contemporary federal judicial history. Would you please refer to my letter to the Attorney General under date of September 8, 1970, with memorandum attached (Congressional Record, volume 116, part 23, pages 31084–31086), and to the Woodmar Realty Company's correspondence and "Petition for investigation into and impeachment of Milwaukee Federal Judge Robert E. Tehan" (CONGRESSIONAL RECORD, volume 117, part 12, pages 15409–15414).

Each member of the Committee and the Committee's staff were furnished with copies of these documents. These documents contain serious, accurate, unrefuted allegations of judicial corruption in the administration of a federal court trust, i.e., the 29-year Woodmar Realty Company reorganization in the Hammond, Indiana, federal district court. As of the present date, a much-needed bill of impeachment has not been drafted or approved by the Committee. To my knowledge, the staff has not conducted its preliminary investigation of these charges, as petitioned. Nor has it acted on Senator John J. Williams' call in April, 1970, on the floor of the Senate, for Judge Tehan's resignation or removal from the bench for his failure to file or pay either state or federal income taxes for nine years before being appointed.

The purpose of this letter is to bring to your attention more recently discovered patterns of judicial misconduct in the Seventh Federal Judicial Circuit (Indiana, Illinois, and Wisconsin) involving the Woodmar Realty Company case and other cases. Last December, another Seventh Circuit Federal Judge, Otto Kerner, was indicted for alleged tax evasion, bribery, perjury, mail fraud, and conspiracy. Judge Tehan's tax evasions and corrupt misconduct on the bench are far more flagrant than Judge Kerner's. It is now apparent that Judge Tehan and the present Chief Judge of the Seventh Circuit Court of Appeals, Luther M. Swygert, have been engaged in a unique exchange of intra-circuit jurisdictions. Neither judge had been handling out-of-state trial assignments, but in a handful of cases either embarrassing to or directly challenging their integrity, they in effect swapped cases. They presided over each other's "problems," helped keep the lids on each other's scandals, and saw that there were "favorable" decisions for each other's cronies. These cases are tracked throughout with footprints of judicial vindictiveness and dereliction, cronyism, and other serious irregularities.

The Woodmar Realty Company, which I represent, was stripped of all its valuable assets ($25,000,000 according to present tax assessor's records) during the time we were in Federal Court. Milwaukee Federal Judge Robert E. Tehan was first assigned to the Woodmar case in Hammond in *December of 1957* by his political henchman and Chief Judge of the Seventh Circuit Court of Appeals, F. Ryan Duffy. Thereafter, and from year to year, and over the protest of Woodmar's counsel, Judge Duffy's successor, Seventh Circuit Judge John S. Hastings, now retired, "temporarily" reassigned Judge Tehan to Hammond. Judge Tehan's last entry, *after 12 years,* was made on May 19, 1969.

Judge Tehan had come to Hammond, Indiana from Milwaukee, in December of 1957, and took possession of our company's $500,000 bank account and business affairs. We had courteously urged his colleague, Chief Judge F. Ryan Duffy, officiating with Judge Tehan in Milwaukee, to reassign a different Indiana Judge to our case. Our pleas and protests fell on deaf ears.

Judge Tehan had not ventured outside of Wisconsin on any other trial assignment. He was, thereafter, "reassigned," annually, to our case, over our protests, for the next ensuing twelve (12) years.

A former Lake County, Indiana Federal Judge (Luther M. Swygert) *who, likewise, had never been assigned to a trial outside of Indiana,* was simultaneously sent to Milwaukee by Chief Judge F. Ryan Duffy. Coincidentally, the Lake County, Indiana, Judge who then took over substantial court work of Judge Tehan's in the Eastern District of Wisconsin in Milwaukee was the same judge who had previously sat in our case for thirteen (13) years.

The circumstances under which the jurisdictions of the two Seventh Circuit Judges were switched by Judge F. Ryan Duffy and his successor, Judge John Hastings, on the appeals level, are *in part* as follows:

Judge Tehan, former chairman of a major Milwaukee County political party, reportedly had "overreacted" while on the bench, in favor of the United Auto Workers in the Kohler strike litigation. Again, in 1960, tax cases involving friends and political allies of Judge Tehan were in the offing and threatened to blow up in his face, along with the fact that Attorney Robert E. Tehan Jr.'s small law firm maintained a successful practice in his father's court and was being fed a number of lucrative bankruptcy cases by the court. If the Committee will also investigate the background and dispositions of the *Hayes, Margoles,* and *Cain* trials which were handled by Judge Swygert in Milwaukee in 1960–1961, as well as other 1960 tax cases in the Milwaukee Federal Court involving, for example, Judge Tehan's crony, Harry Kaminsky, and Edward Mesheski (Tehan's successor as head of the county party), it will be introduced to some of the other hanky-panky in the swapping of cases and related misfeasance in the federal court.

Hammond Federal Judge, Luther M. Swygert, also a former chairman of a major Lake County, Indiana, political party, had received a great deal of publicity in the local press when the Woodmar Realty Company's court-appointed fiduciaries' $287,000 fee claims came on for hearing in 1951. (They sought ⅗ of our net estate.)

On September 21, 1956, after suffering two nervous breakdowns and after consultations with Judge Duffy, the Hammond, Indiana, Federal Judge, Luther M. Swygert, had disqualified himself. He decided that, because he had been co-counsel with Donald C. Gardner (attorney for the Barrett Bondholders Protective Committee in the Woodmar reorganization in eleven (11) Barrett Bond foreclosure cases against Woodmar's real estate, prior to his getting on the bench in October of 1943, he could no longer, in *conscience,* sit in our case. *During the 13 years before he disqualified himself, much of our valuable real estate,* now worth over $25,000,000, was sold to insiders, including Donald C. Gardner, the Judge's former associate in the foreclosure cases against us. Neither Gardner nor Judge Swygert had made an accounting to their Barrett Bond owner-clients. Instead, they had them file lien claims against Woodmar's assets *for the entire face value of the bonds and coupons.*

The Indiana Federal Judge (Swygert) who thus disqualified himself *after 13 years,* was, at the time, a candidate for promotion to the Seventh Circuit Court of Appeals in Chicago—where Judge Kerner now sits. Five years after his disqualifying himself, his promotion was confirmed by the Senate (September, 1961).

The record discloses that the Lake County, Indiana, Federal Judge (Luther M. Swygert) who was sent up to Wisconsin in 1958 did not permit a hearing on a Barrett Bond lien claim during the thirteen (13) years that he had sat in our case. Later, the Federal Court of Appeals in Chicago, Judge Duffy dissenting, said that we could settle or try the 35-year-old outlawed municipal bond lien claims against what was left of our assets. (284 F. 2d 815). By that time the Court-appointed fiduciaries, including Donald C. Gardner, had scalped a substantial number of the defaulted City of Hammond Improvement Bonds (Barrett Bonds) for a few cents on the dollar and were getting ready to enjoy another windfall out of what was left of our assets in the Court's hands.

Notwithstanding the opinion and mandate of the Court of Appeals (284 F.2d 815), Milwaukee Federal Judge Robert E. Tehan, as Judge Swygert before him, didn't permit either a single settlement to be consumated or a single trial to be had on a lien claim. He struck all interrogatories and quashed all subpoenaes prepared by Woodmar for discovery purposes. Requests for hearings were ignored and denied.

Judge Tehan, ultimately, liberally rewarded one fiduciary (Davis) appointed by Judge Swygert with $123,000.00 of Woodmar's money for helping prevent Woodmar from either getting a hearing on, or effecting a settlement of, a lien claim. The attorneys who represented Judge Swygert's co-counsel, Donald C. Gardner, (*in state court criminal cases*) got $65,000.00 worth of checks signed by Judge Tehan on the Woodmar Realty Company's trust account in the Gary National Bank. Donald C. Gardner, Judge Swygert's co-counsel in the eleven (11) "class" Barrett Bond cases against our assets, resigned from the Indiana Bar in lieu of disbarment.

Judge Tehan also signed a $48,000.00 check payable to the Federal Registry at South Bend, in May of 1969, closing out our bank account. This was a malicious act, intended to impoverish Woodmar and thus prevent our being able to make any complaint. (The Court of Appeals, before Judge Swygert's promotion to that bench, had said that the residuary funds were ours. (284 F.2d 815).

Judge Cordell C. Pinkerton, who, as Hammond City Attorney, appeared before Judge Tehan in Hammond, is quoted on the front page of the July 25, 1971, Des Moines Sunday Register:

"Judge Cordell Pinkerton of the Lake Superior Court has been a witness to *what he believes is an example of legal robbery.*

"It involves, he says, *judges,* lawyers and the business and social establishment of the community and requires, he believes, varying degrees of naivete, apathy, lack of scruples *and outright crookedness."*

The growing evidence of federal judicial misfeasance by Judges Tehan and Swygert in the aforementioned and other cases—the consequences of which continue to wreak serious hardships upon some of their victims—demands that an investigation by your Committee of these wrongdoings can no longer be pigeonholed if the Seventh Federal Judicial Circuit is to be free of taint and corruption. Accordingly, I ask you and the other members of the House Judiciary Committee to direct your staff to now undertake a full, formal investigation of such official misconduct in all of its ramifications.

Necessarily, I am in a position to furnish all documents, papers, pleadings, correspondence, etc. which have accumulated over the 29-year-period that the so-called "reorganization" was officially pending.

Very truly yours,

OWEN W. CRUMPACKER.

VOICE OF DEMOCRACY CONTEST

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. BRADEMAS. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conducts a Voice of Democracy contest in which nearly 500,000 secondary school students participate.

I am very happy to report that this year the winning contestant for the State of Indiana was Mr. David Diamond of South Bend, Ind., a resident of my district.

Mr. Diamond's statement on behalf of the democracy is a very interesting one, and particularly pertinent in this election year when the people shall make their voice heard in the series of elections that are the characteristic feature of our democracy.

I would like to insert Mr. Diamond's speech in the RECORD at this point for the information and attention of my colleagues.

MY RESPONSIBILITY TO FREEDOM

(By David Diamond)

In 1816, Thomas Jefferson said, "Enlighten the people generally, and tyranny and oppressions of body and mind will vanish like evil spirits at the dawn of day."

Today, my responsibility to freedom can only be fulfilled if I remember Jefferson's words, and try my hardest to uphold them, every day of my life.

I look around, and everywhere I see newspapers, magazines, books, and pamphlets crying out to be read, and they are read, by a great number of people. But that number is small compared to the number of people who say, "I'll read it tomorrow," or "I'm not interested in that stuff," or "Leave that to people who understand it."

I look around, and I see important social, political, and economic issues waiting to be analyzed, discussed, and decided upon; and they are analyzed, discussed, and decided upon by a great number of people. But that number is small compared to the number of people who say, "I'll decide tomorrow," or "I'm not interested" or "Leave that to people who understand it."

You see, what people who say this sort of thing don't seem to realize is that freedom is not having things decided for you; freedom is not ignoring important issues; freedom is not putting off actions which perpetuate your awareness of current events. Freedom can only be lost, never gained when a person falls into rut of apathy, unenlightenment, and just plain ignorance.

It's not a hard rut to sidestep, but it calls for constant attention. It calls for interest: for wanting to know what's going on. It calls for enlightenment: and that means reading those books and magazines, and listening and forming opinions about current issues. Finally, it calls for knowledge, because it doesn't do much good to be interested; it doesn't do much good to read and discuss, if you don't understand.

In a democracy, the people choose leaders, decide policy, and run the government. It's done that way because of a love for a thing called freedom. But people can retain that freedom only as long as they choose good leaders, decide on sound policy, and run the government efficiently. And they can only do these things when they are interested, enlightened, and knowledgeable.

My responsibility to freedom is to enlighten myself and others, so that, as Jefferson said ". . . tyranny and oppressions of body and mind will vanish like evil spirits at the dawn of day."

ANOTHER HUGE CORN CROP?

HON. NEAL SMITH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. SMITH of Iowa. Mr. Speaker, failure to implement a food reserve policy in this country causes unneeded loss of income to farmers and unnecessary variations in the supply of basic foods. When the administration opposed a feed grain reserve policy last fall, following the production of a huge surplus of grain, they set the stage for dislocations in both the grain and meat markets. With so much corn in surplus, livestock is being held back to be fed more grain and temporarily there is less meat than consumers would buy, but this will be followed by a big increase in the amount of excess fats to be carried on livestock marketed later this year. The grain producers lost, the consumers will not gain anything and it represents a failure of the Government to do what is needed which individuals cannot do for themselves.

An excellent editorial touching on these matters was printed in the Des Moines Register of Monday, March 20, 1972. It speaks for itself and is as follows:

ANOTHER HUGE CORN CROP?

The U.S. Department of Agriculture's planting intentions report is bad news for farmers and for Agriculture Secretary Earl Butz. The survey, taken Mar. 1, indicates that farmers will reduce corn acreage by only 8 per cent this year as compared with 1971.

With average weather conditions this would result in another huge corn crop this year, probably well above 5 billion bushels. (Last year's record crop was 5.5 million bushels.) This would depress prices of feed grains and encourage further expansion in livestock output. It would reduce commercial farmers' net incomes.

(Because the demand for food is so inelastic in America, an increase in supply of food products causes prices received by farmers to decline more than enough to offset the larger volume of sales. A smaller national supply of grain and livestock nearly always brings in more money for the farmer than a large supply.)

In January a preliminary planting intentions report indicated that farmers were planning to cut corn acreage only about 4 per cent. After that news, Butz came out with more incentives for farmers to take part in the feed grain program. But these evidently have had little effect.

Butz has been making speeches right and left about how hard he is working to help the farmer. He says he will "raise Cain" in the farmer's interest and will "fight like a wounded steer" to help farmers get more income. He has said several times that he was going to spend a lot of government money to raise farm income—he said he was spending money "like a drunken sailor" to help agriculture.

A sensible feed grain supply management program would do more to help farmers than all this big political talk by Butz and all the government spending. Butz has the authority to set a corn and feed grain acreage allotment this year. He could accomplish more reduction in production by doing that than he will by the "set aside" plan.

Many farmers can set aside all the required acres and get all the payments without actually cutting corn production.

Secretary Butz also could help farmers by supporting the grain reserve bill, a piece of legislation which would give him more power to manage the supply of grains. This would permit the accumulation of a reserve to be used to stabilize market supply from year to year.

Considerable grain could be put in storage from the 1971 crop. If the 1972 crop should be another big one, more grain could be put in reserve. Then a sharp cutback in output in 1973 could be safely planned for.

A well-managed grain supply stabilization program could help maintain commercial farm income at a high level, without Butz spending money like a drunken sailor. It would be a program to help farmers gain income through the market.

ACCIDENTAL POISONINGS—ARE WE DOING ENOUGH?

HON. JOHN H. TERRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. TERRY. Mr. Speaker, despite their continued presence in our society, some social problems draw relatively little public attention. The problem of accidental poisonings is a prime example. Although we know thousands of innocent children are needlessly injured each year, most poisonings occur quietly within the confines of the home.

Since March 19–25 marks the Nation's 11th annual observance of National Poison Prevention Week, I would like to take this opportunity to highlight some encouraging new developments in the area of poison prevention and also to suggest how we can continue working to protect our most precious resource, our children.

The Congress, in December 1970, gave final approval to the Poison Prevention Packaging Act. The intent of the law is the protection of children from accidental ingestion of the most potentially toxic household substances through the use of special safety packaging. In effect, the package must be so designed that most children under 5 will be unable to open the container. The package must still permit normal access to adults.

Although the packaging industry is still working on the perfection of a variety of containers which will, at the same time, be safe, effective, and practical for mass manufacturing and distribution, the Food and Drug Administration already has announced that safety closures will be used on all aspirin products by this coming fall. Special packaging, under the law, will hopefully also become standard for such other product categories as furniture polishes, controlled prescription drugs and linaments, by yearend.

We all known intuitively that safety containers are not going to solve the accidental poisoning problem. Children, with their natural ingenuity, will find a way to open almost anything—given the time. The Packaging Act, written with this in mind, specifies that safety packaging must simply make it difficult for children under age 5 to open the container in a reasonable time. The regulations for aspirin, for instance, require that 85 percent of children tested be unable to open the container. Therefore, of a hypothetical 1,000 children, 150 may still open an aspirin container with possibly dangerous consequences.

How serious is this poisoning problem? The Poison Control Center for the city of Syracuse, N.Y., in my home district, received 1,080 phone calls for poison emergencies involving children under 5 during 1970. For the same year, 302 children under 5 were either treated or admitted to hospitals in Syracuse for poisoning symptoms. And seven deaths occurred during 1970 in the Syracuse area as a result of poisoning. An eighth death occurred in the neighborhood city of Auburn, N.Y.

Nationally, the Poison Control Centers received over 70,000 reports of accidental ingestions involving children under 5, with over 200 deaths registered. The Food and Drug Administration points out, in addition, that these are minimum figures, not reflecting cases treated privately by physicians or resolved by parents at home.

The problem is not new, nor has it been ignored, fortunately. The manufacturers of proprietary medicines—the household remedies used to treat minor ailments or symptoms—sought to perfect the development of an effective safety closures as early as 1950. In 1955, representatives of the industry met with the Food and Drug Administration and voluntarily agreed to limit the number of tablets in children's aspirin containers to a maximum of fifty 1¼-gram tablets. Also at that time, the warning, "Keep out of reach of children," was added to the package. By 1968, the industry reduced the contents of children's aspirin containers further, to 36 tablets, and an effective safety closure became a standard feature of children's aspiring packaging.

It is estimated that there are over 250,000 different types of products commonly used in homes throughout America. Of necessity, many of these are toxic in quantity, if accidentally ingested. They range from after shave lotion and bubble bath soaps to lighter fluid and fish bowl additives. The question is, why do children in some homes suffer accidental ingestions while children in other homes do not?

Safety experts agree that the basic answer lies in the degree of concern for safety exercised by parents in their homes. The less the concern, the greater the threat of accidents. Seen in this light, the problem of poisonings becomes one of educating parents to understand the importance of using and storing household products safely and wisely. To be effective, even safety closures must be properly sealed. Otherwise their special caps will do nothing to prevent a youngster from reaching the container's contents. Labels provide no protection unless consumers read the warning message and instructions for proper use. Responsibility for the prevention of accidents must always rest in large part with parents at home.

National Poison Prevention Week is one positive national program which attempts to promote greater awareness of the dangers of carelessness. Unfortunately, it only occurs once each year. For the past 6 years, the manufacturers of proprietary medicines have sponsored the Council on Family Health to promote the safe use of medicines and all household substances throughout the year.

The council is the only private, nonprofit organization in the country concerned chiefly with the problem of accidental poisonings among children. It is supported solely through the voluntary contributions of member drug companies. The council's program is designed to reach millions of families through materials distributed to newspapers and magazines, radio and television, community organizations and consumers themselves.

As part of the council's activities in connection with Poison Prevention Week, I understand that a public service film on the safe use of medicines was produced and distributed over the past 2 weeks to 300 television stations across the country. The color film, "Before You Take Medicines," was produced and distributed by the council in cooperation with the Federal Bureau of Product Safety.

The council's basic messages for consumers are: For safety's sake, devote a degree of care and concern to the use of products in the home, especially medicines. When using medicines and other products, always carefully read their labels. Store all potentially dangerous substances well out of sight and reach of children. And, finally, attempt to instill in children a respect for the proper use of medicines—something which may help alleviate the country's current drug abuse problem.

Programs such as that of the Council on Family Health appear to be making a significant contribution to the cause of family safety. Aspirin products, because of their wide use in homes throughout America, are involved in a high percentage of poisoning cases among children under age 5. The National Clearinghouse for Poison Control Centers recently reported:

> The 1970 aspirin ingestion percentage of all reports showed a dramatic drop for children under five years of age and were 30 percent lower than the year 1969 . . . During the first six months of 1971, reports of aspirin ingestion are down another seven percent from the 1969 figures.

The Clearinghouse explains:

> The reason, and thus the credit, for this successful reduction of aspirin ingestions in children cannot be identified exactly but clearly can be shared between the voluntary industry limitation of 36-1¼ gr. aspirin to a bottle, the intensive campaigns of governmental and private organizations to make the public aware of the situation and some voluntary safety packaging during 1970.

However, we cannot afford to stop our efforts. Among children under the age of 14, accidents are still the largest single cause of death—15,200 deaths in 1970. One out of every three children who die in the United States, die of an accident. And accidents kill more children than the five leading fatal diseases combined.

As Dr. Jay M. Arena, president of the American Academy of Pediatrics and member of the Council on Family Health's Medical Advisory Board, has said:

> About 90 percent of the medicine practiced in this country is practiced by mothers of families. Yet we do precious little to train mothers to carry out the job which they are going to do anyhow, with or without training.

The problem of poisoning lacks the drama of automobile accidents or the excitement of home fires. Yet it exists throughout the year. Poison Prevention Week is an effective way of drawing major national attention to the poisoning problem. And the efforts of private organizations such as the Council on Family Health are invaluable in helping to eliminate carelessness, the root cause of most accidents.

I hope that the Government, private industry and all sectors of society can join together to finish the job of accident prevention, and to make the homes of America safer for our children.

WEST GERMANY BULLIED BY MOSCOW THREATS OF CONFRONTATION

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. HUNT. Mr. Speaker, we hear a lot about "detente" these days and in the current euphoric atmosphere we are tempted to accept the proposition that Soviet Communist leaders are a different breed from those of the 1950's and we need no longer be concerned that they will try to bully the world. We are admonished to negotiate—to open up dialog—to find bases for "mutually advantageous cooperation." To this end the President will visit Moscow in May.

It seems to me, however, that an article in the March 21 Washington Post betrays Leonid Brezhnev as the archetypical political bully and demonstrates that any effort at finesse on the part of the Soviets is purely for show or strategic gain.

In a major review of Soviet foreign policy, Brezhnev is quoted in the article by Robert G. Kaiser as saying:

> "We approach the forthcoming Soviet-American talks from businesslike, realistic positions," Brezhnev said. "We are fully aware of the importance of the state of Soviet-American relations for the life of the people of both countries, as well as for the entire international situation, for its further development in the direction of lasting peace or in the direction of growing military danger.
>
> That is why we consider it our duty to find such fields in the relations between the Soviet Union and the United States that would make it possible, without retreating from the principles of our policy, to establish a certain degree of mutually advantageous cooperation in the interests of the peoples of both countries and the strengthening of universal peace.

Yet the same article, referring to the same speech, reports on Brezhnev's comment regarding the Moscow and Warsaw treaties pending before the West German Bundestag as follows:

> As for opponents of the Treaties in Bonn, Brezhnev said they should realize that they could either accept the drafts before them or face the consequences—there could be no renegotiation of any part of them. The Christian Democratic opposition has proposed renegotiation clauses referring to the permanence of German borders, because they fear the current wording assures the permanent division of Germany.

This is clearly a threat aimed at German opposition to the treaties. Brezhnev has said, in effect:

You must take what we give you or you get nothing.

He is known to have said the consequences will be renewal of "cold war" confrontations. And he has indicated a closed mind regarding any efforts at renegotiation.

If his talk of "lasting peace" and "strengthening universal peace" in reference to United States-Soviet relations had any sincerity behind it, he could not couple it with this kind of bullying threats against his neighbors to have his own way or else; and he would not be mixing so blatantly in internal German politics.

On the subject of negotiating with such people, a word to the wise should be sufficient—do not.

VETERANS OF FOREIGN WARS

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. DORN. Mr. Speaker, the Nation is fortunate to have the outstanding leadership of Comdr. Joseph L. Vicites during these critical times. Mr. Speaker, the Veterans of Foreign Wars of the United States have very effectively presented to the Congress a reasonable and responsible program. National Commander in Chief Vicites, his fellow national officers, the outstanding State officers, and the splendid VFW Washington office work constantly for a strong America and in behalf of all our veterans. The VFW is especially active and effective in advocating adequate medical care for our veterans and in protecting our superb VA hospital system.

Mr. Speaker, I commend to the attention of my colleagues and to the American people, the following splendid address presented before our House Veterans Committee on March 7, 1972, by Hon. Joseph L. Vicites, commander in chief of the Veterans of Foreign Wars of the United States.

The address follows:

STATEMENT OF JOSEPH L. VICITES, COMMANDER IN CHIEF, VETERANS OF FOREIGN WARS OF THE UNITED STATES, BEFORE THE COMMITTEE ON VETERANS' AFFAIRS, U.S. HOUSE OF REPRESENTATIVES

Mr. Chairman and members of the Committee:

It is a great privilege for me and my comrades to appear before this distinguished Committee to present the current legislative program of the Veterans of Foreign Wars of the United States.

Each of us is aware, Mr. Chairman, that you and the members of your Committee honor not only our organization, but all American veterans by permitting us to come here year after year.

We are deeply grateful for your understanding of our problems; the generosity you demonstrate; the intelligent and enlightened programs you initiate; and the support and assistance you invariably provide to veterans and their dependents.

In our opinion no other Congressional Committee is so completely dedicated to nonpartisan service and the purpose for which it functions.

As most of you know, the Veterans of Foreign Wars of the United States had its de facto origin in 1899. Veterans of the Spanish-American War met almost simultaneously in Pittsburgh, Pennsylvania, Columbus, Ohio, and Denver, Colorado, to discuss the plight of their comrades. They subsequently joined forces at a meeting in Denver, where Post No. One, of our organization still prospers, and carries on the work of its founders.

From that humble beginning, the Veterans of Foreign Wars has grown steadily—until today, we have one million, seven hundred thousand members.

This is the twentieth consecutive year in which we will have realized a substantial increase in our membership. In August, we expect to go to our National Convention in Minneapolis with one million, eight hundred thousand men; and a half million ladies in our Auxiliary.

Our many programs of service to the veteran and his dependents; to our communities; and to the nation, are principally responsible for this continued growth. These programs, however, do not function or produce results by themselves. Hard work and effective leadership, on every level, are essential to their success.

Many of the men who are responsible for this success are with me here this morning. They are the Department Commanders, their Staff officers, National Committee members, and Post and District Officers, who have come from all over this great nation, and from several foreign countries, to attend our annual Washington Conference. Many of them will be visiting with the members of your Committee throughout the day, as well as tonight at the Sheraton-Park Hotel.

Neither time nor the purpose of my appearance here will permit me to review the varied programs of the Veterans of Foreign Wars. There is one, however, which both tradition and pride compel me to call to your attention. I refer to our annual Voice of Democracy Program.

This is a script-writing contest, annually participated in by high school students throughout our fifty states, the District of Columbia, the Pacific Areas, and the Panama Canal. The theme this year is: "My Responsibility to Freedom."

Five college scholarships, totaling $22,500, will be awarded to the winners of that competition at our banquet tonight. The first-place winner will deliver his or her speech, and receive the first prize of $10,000, to be used to further his or her education at the college or university of his or her choice.

Mr. Chairman, may I present the state and territorial winners to you and your Committee at this time. They are seated directly behind me, just a few rows back. Thank you.

Mr. Chairman and Members of the Committee, the legislative program of the Veterans of Foreign Wars is the product of resolutions officially adopted at our annual National Convention. Approximately three hundred such resolutions were approved at our most recent Convention, which was held in Dallas, Texas, August 13 to 20, 1971.

Immediately following that Convention, our National Legislative and National Security and Foreign Affairs Committees met here in Washington to review those resolutions. As a result of that meeting, a representative list of organizational mandates was selected, recommended, and approved by the various Committees, and by me as Commander-in-Chief, to make up our "Priority Legislative Program" for the current year. That program has been printed in an attractive brochure, and a copy has been furnished to each member of Congress, as well as other persons who have a responsibility to implement and carry out veterans programs.

It would be deeply appreciated, Mr. Chairman, if a copy of the Digest of our National Convention Resolutions, adopted in Dallas, and a copy of the brochure containing our V.F.W. Priority Goals for the current year might be made a part of my remarks and incorporated in my statement.

Mr. Chairman, and Members of the Committee, I think there can be no doubt that the most pressing concern of my organization is the future of VA hospitals.

On the one hand, the Office of Management and Budget has been pursuing a policy of reduction for many years, with the design of cutting veterans' medical care to an average daily patient load of 60,000 by 1975. On the other, are the efforts of your Committee and organizations such as mine to frustrate this soulless indifference to the medical needs of those who fight our nation's wars.

As you know, this fiscal year, the Congress found it necessary to halt an attempt by the Office of Management and Budget to cut veterans medical care in VA hospitals from 86,000 to 79,000.

The Veterans of Foreign Wars deeply appreciates the tremendous effort made by this Committee to provide and maintain adequate funds and personnel for VA hospitals, in spite of the dollar signs which apparently run through the blood streams of the Office of Management and Budget, in so far as veterans are concerned.

Your Subcommittee on Hospitals, headed by Chairman David Satterfield, produced undeniable evidence that the VA medical care system needed more, instead of less, personnel and services.

The House Appropriations Committee agreed, and added over two hundred million dollars to this year's VA budget to prevent such a cut.

Even more important, the House Appropriations Committee wrote into the bill a prohibition against reduction, and that is now a part of the law. I quote from Public Law 92-78:

". . . the foregoing appropriation shall not be apportioned to provide for less than an average of 97,500 operating beds in Veterans Administration hospitals or furnishing inpatient care and treatment to an average daily patient load of less than 85,500 beneficiaries during the fiscal year 1972."

In spite of this clear and legal Congressional mandate, I am advised that the Veterans Administration is taking care of only 83,000 patients, and cannot possibly care for the authorized number of 85,500 average daily patient load during this fiscal year. Obviously, the Office of Management and Budget has found a way to circumvent the will of Congress.

Yet there are waiting lists at many VA hospitals; and the rejection rate in some of them is excessive—running as high as sixty percent. The Veterans of Foreign Wars is deeply disturbed at this condition. And you may be sure, Mr. Chairman, and Members of the Committee, that we will expend every effort in support of your Committee and the Congress to see that this Congressional mandate is carried out.

We all know that the VA hospital system was created by the legislative acts of many Congresses, and the expenditure of many billions of dollars. It has been a vast and comprehensive undertaking by the official representatives of the people of this nation.

If I may summarize, for the record, the Veterans Administration is presently operating 166 hospitals; 202 outpatient clinics; 16 domiciliaries for elderly veterans; 76 nursing homes; 6 restoration centers; 3 blind rehabilitation centers; and 32 drug units.

This VA medical system, with its annual budget of approximately two billion dollars, took care of seven million of the nation's twenty-eight million veterans last year.

It is staffed by approximately 150,000 physicians, dentists, nurses, and paramedical health employees, on a full time basis. In addition there are about 83,000 private physicians who take care of veterans on a fee-for-service arrangement in their local communities.

The Veterans Administration is also a major source of medical education, training, and research. For example, the VA system provides training for one-half of the third and fourth year medical students in the nation. During the past year alone it provided training for 53,000 individuals in 60 different categories of health sciences.

VA hospitals and clinics are affiliated with 81 medical schools; 51 dental schools; 287 nursing schools; and some 400 universities, colleges, and junior colleges which provide training for both professional and technical health workers.

In addition, the Veterans Administration has led the way in the field of medical research. It developed the cardiac pacemaker, and drugs for treating TB. Both veterans and non-veterans are reaping the benefits of this giant of the health care business.

My organization is gravely concerned for the Veterans Administration's future role should a national health care system be established. We are concerned because the Office of Management and Budget has indicated in correspondence with members of Congress that the future of the VA hospital system is connected with national health insurance proposals now under active consideration by the House Ways and Means Committee.

The Veterans of Foreign Wars is greatly encouraged by an article prepared by the Chairman of the Ways and Means Committee, the Honorable Wilbur D. Mills, entitled "No, to Takeover of VA" which appeared in the February, 1972 issue of our V.F.W. Magazine.

Congressman Mills stated, in the next to last paragraph: "I am convinced we should not recommend federal health care legislation until the Administration provides firm information as to plans for the future of the VA program."

It will be deeply appreciated, Mr. Chairman, if a copy of the article by Congressman Mills, as it appeared in the February Issue of the V.F.W. Magazine may be made a part of my remarks at this point. Thank you. It is our fervent hope that the Congress will agree with him.

My organization is also deeply concerned over the status and the condition of our Vietnam Veterans. And, I am proud to report to you, Mr. Chairman, and to the members of this Committee, that the Veterans of Foreign Wars boasts approximately 450 thousand members who are veterans of that war.

Our boasting ceases, however, when we consider the fact that the unemployment rate among these young men remains excessively high, in spite of every effort to reduce it.

One of the most successful programs ever established by the Congress is the GI Bill. All veterans are grateful for it. The nation as a whole has profited by it.

Your Committee has developed and recommended a bill which carries out in greater part a priority goal of the V.F.W. for increased assistance to veterans taking education and training under the GI Bill. Your bill, as reported by this Committee, and approved by the House, will increase the rates for tuition, books, and fees by 14 percent.

It is noted too, that another provision in the bill proposes a 48 percent increase in on-the-job and apprenticeship training rates for jobless veterans under the GI Bill.

With no disrespect intended, Mr. Chairman, I note also that the distinguished ladies on your Committee appear to have struck a blow for "Women's Lib." A provision in H.R. 12828 accords women veterans the same status as male veterans, in so far as the veteran's spouse is concerned, under Veterans' Administration laws. We in the V.F.W. support this provision.

The Veterans of Foreign Wars strongly supports the legislation pending in this Committee which would transfer the jurisdiction over national cemeteries to the Veterans' Administration. Our national cemetery system should be continued and expanded. Burial in a national cemetery is a perpetual honor. It should be every veteran's right.

Certainly it should be distinguished from a plot allowance, or other subsidy, which is nothing more than an economic benefit to the veteran's survivors.

We in the V.F.W. have long campaigned for at least one national cemetery in each state, so that every veteran who so desires may be laid to rest in a national cemetery reasonably near his home. We urge the enactment of legislation which will carry out this recommendation.

Another matter of great importance to our membership is that of keeping the Veterans' Administration intact. Every year there are attempts being made to transfer VA programs to other agencies. This year there seems to have been a movement in the Congress to diminish the Veterans' Administration's jurisdiction over veterans programs. The most conspicuous example is legislation establishing a Special Action Office for Drug Abuse Prevention. This legislation creates a Drug Czar who will have the power of life and death over the VA regarding the treatment of veterans suffering from drug addiction.

We applaud your efforts, Mr. Chairman, to exempt the VA from this legislation. We also applaud Congressman Satterfield who, as a member of the Commerce Committee, had language put in the bill which tells this Drug Czar, in effect, to leave the Veterans' Administration alone. Your Committee, Mr. Chairman, has already developed and reported a veterans drug bill, now pending in the Senate, which is the traditional and proper way to handle this problem in so far as veterans are concerned. I refer to H.R. 9265, which was endorsed by our Dallas Convention. This is the bill that the V.F.W. will be pressing the Senate to approve.

Our organization will be working closely with your Committee for cost of living increases in the compensation rates for the more than two million service connected disabled veterans.

The Veterans of Foreign Wars is as anxious to see the end of the Vietnam War as anyone, but we want that end to be an honorable one. For that reason we stand firmly behind the President on his eight-point proposal for peace in Indo-China to bring American POW's home.

We strongly oppose bills now pending in Congress which would grant amnesty to draft dodgers who have fled to foreign countries in order to avoid military duty in our armed forces. If these draft dodgers wish to return to this country now that the war is practically over, they should be prepared to suffer the consequences for their crimes. They should never be permitted to return as heroes.

In conclusion, Mr. Chairman, may I again express my sincere gratitude for this opportunity to appear before this distinguished Committee.

It is our hope that each of you will be with us tonight at our annual Congressional Banquet at the Sheraton-Park Hotel, where we will be honoring one of your distinguished colleagues—the Chairman of the Foreign Affairs Committee, the Honorable Thomas E. Morgan of Pennsylvania. He will be the ninth recipient of our V.F.W. Congressional Award for outstanding service to the nation.

The dinner will begin promptly at 7:00 P.M., with a reception beginning at 6:00 P.M.

Thank you for your attention.

MEASURING OUR DEFENSES

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. BROWN of Ohio. Mr. Speaker, there appeared in the March issue of the Armed Forces Journal an editorial written by a Mr. James D. Hessman. The editorial made known a suggestion made several months ago by my colleague, the Honorable WALTER E. POWELL, of Ohio, for the Congress to conduct hearings open to television coverage on the current state of the defense capabilities of the United States. I am pleased to share this information with you:

STRANGE BEDFELLOWS

Too little attention has been paid, we think, to the eminently sensible suggestion made a few months back by Representative Walter E. Powell (R-Ohio) that Congress conduct nationally televised hearings on the deteriorating state of U.S. defense capabilities.

The time is now, we think, to hold such hearings. As Jack Anderson, CBS, the Washingtou Post, Daniel Ellsberg, and other friends of the military are fond of saying, the American people have a right to know what is going on. We might add that the Democratic and Republican national conventions also have a right to know what is going on, and well in advance of the time they choose their candidates.

And what is going on is this: over the past seven years, while the United States has been sitting fat, dumb, and happy contemplating its Gross National Product, the Soviet Union has been moving steadily and inexorably forward, increasing its military power in every measurable category.

The USSR is and has been building ships, missiles, and aircraft at rates far, far in excess of what is needed for purely defensive purposes. Why? According to SecDef posture statements the Soviet Union in 1965 had 224 intercontinental ballistic missiles and 107 submarine-launched ballistic missiles. By mid-1972 the numbers will be 1,550 and 580, respectively. While this buildup was going on, the U.S. has been "reallocating priorities"—but not enough, according to several of those who would be Commander-in-Chief.

Other statistics are available: according to Defense Secretary Melvin R. Laird, by mid-1972 the USSR will have 10,000 surface-to-air missile launchers, and the U.S. will have 839; the USSR will have 3,100 fighter-interceptors and the U.S. will have 593; the USSR will have 64 ABM launchers and the U.S. will have none.

What have we done, by the way, to improve our defenses? Well, we decided, by one vote in a divided Senate, to build a limited ABM. Remember just prior to WWII when the draft was extended—also by a one-vote margin?

Let's look at the Navy: according to the authoritative International Institute for Strategic Studies (IISS), the Soviet Union has 295 submarines, the U.S. only 99. Except for carriers (the USSR has none and the U.S. has 16—average age 18), surface combatant fleets are about equal. Or would be, were it not for the fact that some 60 Soviet submarines and about 130 surface ships and patrol boats are armed with ship-busting cruise missiles.

And the merchant marine: in 1958, according to the Maritime Administration, the U.S. fleet numbered 3,061 ships, compared to 774 ships in the Soviet fleet. By 1975, however, according to MarAd projections, there will be only 270 ships in the rapidly aging U.S.-flag fleet, but by 1980 the Soviet-flag fleet will count an estimated 4,300 major vessels, aggregating 27-million deadweight tons.

And personnel: the USSR, says IISS, has 3,375,000 men in service. By mid-1973 U.S. active-duty strength will be 2,358,037—a gap of over 1-million men.

And geography: in recent years the USSR has entrenched itself in Egypt and other nations on the northern littoral of Africa, has cozied up to India, has established domain in the Eastern Mediterranean, and has clarified the neo-independent thinking of Czechoslovakia—has done everything expected of a Big Brother, in short, except come to the aid of Northern Ireland. American diplomatic ventures during the same time frame consisted of getting bounced out of Wheelus AFB in Libya (the USSR moved into the vacuum), sending troops to Southeast Asia and bringing them back again, and keeping the Washington Monument from being burned to the ground by student demonstrators.

You say we overstate the case? Well, perhaps. There's a lot of good things the U.S. has done, and a number of ways the USSR has bungled. And our military strength has improved—over the strenuous objections of some of our most esteemed legislators. We're MIRVing our missiles, modernizing our reduced forces, and getting more firepower per man.

But this begs the question. The Soviet Union is also MIRVing and modernizing, and doesn't seem worried that its military buildup has been financed at the expense of consumer programs.

The point is: by almost every quantifiable index of military strength the U.S. has been going down, down, down, and the Soviet Union has been going up, up, up.

This is something to worry about. We're also concerned about the so-called "domestic priorities," but survival, we say, must come first. Always.

Maybe Secretary Laird and Admiral Moorer and all the others are lying to us. We don't think so, but just to make sure we would like to see the case taken to the American people. We would like to see a select body, headed by Senate Armed Services Committee Chairman John C. Stennis and House Armed Services Committee Chairman F. Edward Hebert, conduct open, nationally televised hearings on the nature of the Soviet threat and what the U.S. is doing about it. (We realize there could be some problems with classification, but we're also told by people who should know that this need present "no real difficulty.")

We think such astute critics of the Pentagon as Senator William Proxmire (who sometimes seems politically motivated, but at least usually knows what he's talking about) should be invited to participate. Proxmire and a very few knowledgeable others (underrated and underpublicized Representative Otis Pike, for example) do their homework well and would make the Joint Chiefs and other DoD spokesmen put up or shut up. Which is as it should be.

Other people we would like to see testify are Senator George McGovern (who advocates cutting the defense budget to $50-billion) and various spokesmen for MCPL (Members of Congress for Peace through Law), who say they also want a strong national defense, but who advocate scrapping virtually every new weapons program which comes along. These anti-military people may be right, though. They should be given a chance to prove their case—Prove it, not merely assert it, which is what they have been doing for years.

We think, in other words, they also should be made to put up or shut up.

It's presumptuous, maybe, to think that Congress actually would hold such hearings as we propose in this grandiose scheme, even if they do make sense. But why not? The Army-McCarthy hearings, closest thing we can think of as a precedent, also made sense, and they changed the mood of America for the better in an earlier and much less dangerous age.

The strangest bedfellows you could think of, in the wake of "The Selling of the Pentagon," are the Columbia Broadcasting System and Chairman Hebert. But who knows? CBS could make a star out of Bourbon Street's favorite son, and the two of them working together could end up putting this nation back on top where it belongs.

ECOLOGY—A "WILD" IDEA?

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. BAKER. Mr. Speaker, this week, March 19–26, has been proclaimed "National Wildlife Week" by President Nixon. This marks the 35th annual observation of wildlife week, sponsored by the National Wildlife Federation and its 50-State affiliates.

The theme of National Wildlife Week 1972, "Ecology: A Wild Idea," is thought-provoking. As this year's national chairman, film star—ecologist, Robert Redford, put it:

> It may be a "wild" idea to believe we can reverse environmental destruction to . . . create a quality life for man, but this country was founded on the "wild" idea of independence, and not so long ago a "wild" idea took us to the moon. Ecology is another "wild" idea that will work.

As our forefathers met the challenge of taming the wilderness to found a new society, we today must meet the challenge of preserving a portion of this wilderness for generations yet unborn.

Posters publicizing this week's observance depict the American bald eagle, proud emblem of the United States, now threatened by extinction. Choice of this species, one of 101 listed by the Department of the Interior as "endangered," is particularly significant.

The bald eagle, symbolizing America on dollar bills and postage stamps, also stands for national strength, freedom, and quality of life.

Due largely to efforts of the National Wildlife Federation and other conservation-minded citizens, this great and noble bird, like the once-threatened whooping crane and American buffalo, is still extant.

It is appropriate this week that we pause to commend the National Wildlife Federation, its State affiliates, and nearly 3 million individual members working toward solutions to problems confronting man, wildlife, and the environment. It is also a meaningful time to contemplate our responsibilities to be wise stewards of the earth's resources. Recognizing that wildlife and human life are inseparable, that man and wildlife are dependent for survival upon common essentials, we can go forward together for the dual causes of resource conservation and environmental protection.

Activities of the Tennessee Conservation League, State affiliate of the National Wildlife Federation, and its members in conjunction with this year's observance are particularly praiseworthy. This year, the league distributed 1,400 kits containing environmental information to students in 147 school systems of the State. Such material should increase awareness among young Tennesseans of their tremendous natural heritage in the Volunteer State.

With continued able leadership of professional conservationists and a determination on the part of each of us to preserve and protect our natural resources, we can insure environmental quality, like other "wild" American ideas, will be achieved.

LESTER COWLE, 70, RETIRES

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. O'NEILL. Mr. Speaker, for many years, Lester Cowle has been a friend and servant to his fellowman. After 21 years of service at the Middlesex County Hospital in Waltham, he is retiring, but not quiting. Instead he will continue to assist the people of the hospital, both patient and staff, in a volunteer capacity. Lester Cowle's dedication to the care of others of all ages, is exemplary to the compassion which lies within us all. I respectfully request that all members read this fine case of charity and good will:

JACK OF ALL TRADES, LESTER COWLE, 70, RETIRES AT HOSPITAL

After 21 years, Lester Cowle has become more than an employee at Middlesex County Hospital in Waltham—more like an institution. Therefore, it seems only natural to him and his associates that when he retires this month, he will continue appearing regularly as a volunteer.

This is no "early retirement" for Cowle either—he just celebrated his 70th birthday.

Cowles likes people and finds his greatest pleasures in helping others. For the last several years his official title has been mailman at the hospital, but he expands his service to aide patients and staff whenever and however he can.

He will appear at 4 a.m. with a cup of coffee for a nurse on the night shift. He enjoys delivering newspapers to individual patients because it gives him a chance to get to know them. Recently he wrote a tobacco company all on his own and obtained free cigarettes for patients.

He figures that if he doesn't show up early for work, the other staff would worry about him—and he's probably right. Once he cut his leg quite badly, but he didn't want to have to stop long enough to have it looked after—he didn't want to be late for being early to work.

Besides his job, Cowle enjoys working "quietly" in political campaigns and has done so for many years on the local and county levels, for governor and U.S. Senator. "I like politics. It gets in your blood," he commented and then reminisced about the many friends he had made while campaigning. His past career includes serving for 32 years as chairman of the Maynard Democratic Council.

For many years Cowle was active in town affairs in Maynard where he worked for the Aspen Mills. He served as chairman of the town's Board of Health for 30 years. In that capacity, he brought patients to Middlesex

Council Hospital to be admitted. This is how his interest in the hospital developed.

Also while living in Maynard, Cowle headed up the National Youth Association during the time of President Roosevelt. This program paid young people for doing various jobs. But Cowle's position was strictly a public service—no salary. For 24 years he was active in the Fraternal Order of Eagles there.

Cowle's favorite job at the hospital was running a store for the patients. One could buy stamps, ice cream, cigarettes, candy, writing materials and other items. From the small profits, Cowle would buy candy for the children patients who looked on him as a cross between grandpa and Santa Claus. But the store was closed a number of years ago—replaced by vending machines which perhaps are efficient but lack the personal warmth Cowle radiates.

SCHOOLBUSING

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. BADILLO. Mr. Speaker, although I was unable to participate in yesterday's discussion of schoolbusing under the special order of my good friend and colleague from Ohio (Mr. STOKES) I want to associate myself with the thrust of the remarks made by him and by my other colleagues who were able to obtain time to speak.

Although grave issues involving war and peace, economic stability, job opportunity and the future of our cities remain unresolved before Congress and the administration, none poses a greater threat to our basic institutions and to the hope for brotherhood among all Americans than the schoolbusing issue.

As this issue is developing, with impetus from the White House and Capitol Hill, it threatens to divide our society to a greater extent than we have seen in a century, and it threatens the basic principles of American democracy.

Let there be no doubt about what President Nixon has done with his proposal for a moratorium on schoolbusing, a limitation on the jurisdiction of the courts and a cynical attempt to return to the "separate but equal" docrine under the guise of a new cliche—"quality education."

Senator HUMPHREY, perhaps unintentionally in light of his recent about-face, described Mr. Nixon's maneuver aptly when he remarked last week that—

> The President has been able to get his finger up in the air and sense what's going on.

No doubt, the President determined that to take a strong antibusing stand would gain him political credit. But if sniffing the political winds and responding to fear and emotion as Mr. Nixon has done is to be the hallmark of national leadership in the United States, then the future of our Nation is in grave jeopardy.

If Congress aids and abets Mr. Nixon, it will be taking a giant stride toward fulfilling the Kerner Commission's dire prophecy of separate and unequal societies in this Nation. It will be helping to launch an unlawful and unwarranted invasion of the jurisdiction of our Federal courts and an insidious attack on the doctrine of separation of powers.

The record clearly shows that the courts have not ordered massive busing to achieve racial balance. As a matter of fact, Mr. Nixon's own appointee, Chief Justice Burger, laid down some very reasonable guidelines for busing in the Swann decision of April 20, 1971. The Chief Justice declared:

> Busing will not be allowed to significantly impinge on the educational process.

He went on to warn that—

> When the time or distance or travel is so great as to risk either the health of the children or significantly impinge on the educational process it would be considered unreasonable.

So how has the Court jeopardized the rights of anyone or threatened the quality of education?

What the President is clearly attempting to do is to erode the jurisdiction of the courts and the authority of the Constitution. If he succeeds, we will be seeing just a first step in the dismantling of the Bill of Rights.

The President's proposal to spend $2.5 billion for so-called quality education in disadvantaged areas is perhaps not as dangerous but equally fraudulent, for it really proposes nothing new in the way of funding for education program but relies primarily on funds already budgeted under title I of the Elementary and Secondary Education Act—and far below the authorized levels—plus funds under the school desegregation legislation.

If quality education meant something to this Administration other than a special code word, we would be dealing with budget requests for full funding of title I and all the other major education programs. Instead, the President's budget priorities continue to emphasize arms over education and subsidies for the rich over sustenance for the poor and hungry.

I think it vital for the forces of decency and fairness in Congress not to just react defensively to the President's proposals, but to move ahead by offering counter-proposals aimed at achieving comprehensive school integration, eliminating inequities in the quality of education within the States and from State to State, upgrading all levels of education with funding of education programs in line with real needs, and by enacting legislation to break down the housing patterns that perpetuate school segregation.

I have already introduced legislation in some of these areas and I will be offering additional bills in the next few weeks. I hope they will not only serve to continue the constructive dialog begun with Congressman STOKES' special order, but will help us establish a legislative program aimed at strengthening our society and its basic institutions, not destroying them as Richard Nixon and his associates would do.

SENATE—*Friday, March 24, 1972*

The Senate met at 9 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Make us ready, O Lord, for the welcome of Him who is King of Kings and Lord of Lords. May we receive the royal presence with open hearts, with palm branches of devotion and garlands of love. May we work as in the regal presence of the Creator and Ruler of all realms. Keep ever before us the kingdom of justice and peace on earth and the king who rules in might and splendor above all worlds.

For Thine is the kingdom and the power and the glory. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, March 23, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered

BEEF PRICES

Mr. MANSFIELD. Mr. President, there has been a good deal of talk, statements in the press, advertisements and what not, urging people not to buy beef because the price is too high.

I think the record should be made clear that, so far as the price of beef on the hoof is concerned, the price now, which averages somewhere around 35 or 36 cents is not out of line and certainly is not responsible for the prices which the consumers have to pay today.

The cost of manufacture, processing, and distribution—not the meat as such as it is sold over the counter—has made the difference in meat prices today as compared to 20 years ago.

In comparison with take-home pay, the price of meat has become consistently smaller as average family income has moved upward. In terms of dollars and cents, the average retail price of meat has advanced about 35 percent in the past 20 years, while personal disposable income of U.S. consumers has increased, on the average, by more than 100 percent in the same period.

Those who are complaining about the price of beef should compare the price of beef today with what it was, on the hoof, 20 years ago, and they will find that the price per hundredweight is actually lower today. What they should do is compare retail prices of beef cuts today with those for the same cuts 20 years ago, and they will find that they range from 40 to 70 percent higher to the consumer.

I wonder why they do not tell the consuming public who is getting the 40- to 70-percent markup, and why it is not explained graphically just how the housewife's dollar spent for beef is being distributed, and to whom?

I wonder why they do not attempt to deal factually and intelligently with the wage spiral over the past 20 years as being a major factor in the increased cost of meat to the consumer, not to the producer, and its effect on meat prices by the packer, the processor, and by the retailer.

Twenty years ago, beef prices paid to the producer—that is, beef on the hoof—by the packers was 140 percent of parity. Today it is 88 percent of parity, or less.

Last week, Omaha prices for Prime live steers was $35.75 a hundred pounds, down $1 a hundred for the week, and down to $2.40 a hundred from the 20-year high in January.

Mr. President, I am in receipt of a number of letters from my State which, of course, is interested in the production of cattle, and I would like to read a portion of one letter from an old friend, Henry L. Esp, a rancher who lives in Hardin, Mont.

He writes:

> In the last 20 years personal income has increased 254% while livestock prices have increased 4%. Twenty years ago the housewife spent 23% of her income for food, today it is 16%, with a smaller percentage being spent for beef than at any time in the past.

Mr. President, what this administration is now doing—and I think doing wrongly—is increasing frozen beef, veal, and other meat imports by approximately 8 percent.

May I point out as an illustration that the farmer has, all too often, been the pigeon for the press in trying to place the blame for an increase in food prices at the wrong source.

Over the past quarter of a century, generally speaking, wheat has sold around $2 a bushel, all things considered. But during that period, bread has increased in price from 13 cents and 14 cents a loaf to around 40 cents, 41 cents, or 42 cents a loaf.

Is the wheat producer making money at that rate? Is he making money when his costs have increased four times?

The same reasoning applies to the beef producer, who is trying to get by on his own as much as he can, whose price has remained fairly stable—sometimes very low during that period.

Now that he is able to make a dollar or two, he gets the blame. Advertisements are taken out against the cattleman, supposedly on behalf of consumers, but nothing is said about the processing, the slicing, the packaging, and all the other factors which should be taken into consideration once the cattle have left the ranch and have been sent to market.

(At this point Mr. BYRD of West Virginia assumed the chair as Presiding Officer.)

Mr. MANSFIELD. So, I hope that the record will be made straight and that the truth, insofar as the wheat rancher and the beef producer are concerned, will be understood by the American people, and the blame will be placed, not on them where it does not belong, but on all the steps which take place once the wheat and the beef leave the ranch and the farm and go through the many procedures before it reaches the Safeway, the Giant, the A. & P. stores, and, finally, neatly wrapped up, neatly packaged and cellophaned is sold at an extraordinarily high price to the consumer.

I yield now to my colleague from Montana.

Mr. METCALF. My colleague, the distinguished majority leader, has performed a distinct service this morning in clarifying just where the increase in the price of food comes from.

I have just returned from Montana where I have been talking to the wheat farmers and to the livestock growers.

In my State we find universally that even though they have larger and larger capital investments than they have had at any time in their lives, even though they are operating on more and more land than anytime before, their net income and their purchasing power is declining year after year. This year Montana had one of the most severe winters in its history, and the livestock operators suffered badly. Yet the price of beef, as far as the general purchasing power is concerned, came down.

The Secretary of Agriculture has authorized increased quotas, as the majority leader has indicated, on chilled beef and goats and lamb. Certainly after this past winter we do not need any more chilled beef in Montana.

The wheat farmer today is getting less real return per bushel of wheat than he got in the depth of the depression; $1.20 and $1.30 a bushel on wheat is less real return in terms of today's inflated prices than $0.30 wheat back in the depression when we thought $1 wheat would be a good purchasing power.

It should be $4 wheat if the farmer has to buy machinery at today's prices, if he has to buy clothes at today's price, if he has to buy automobiles at today's prices, and if he has to buy tires and gasoline at today's prices. All of those things are inflated four or five times from the time of the depression.

The livestock operator is in exactly the same situation, and he is the real person who is being charged for this growing and spiraling increase in the price of meat that comes from the farmers of the Midwest, the Far West, and from our State of Montana.

It is the processor who, time after time, adds on a little bit more cost and adds a lot of profit on top of any cost. At 40 or 45 cents for a loaf of bread on $1.20 a bushel for wheat, it is outrageous as far as the return of the farmer is concerned.

The other day when the distinguished majority leader and I had legislation before the Committee on Agriculture and Forestry seeking to increase the price of feed grains 25 percent, some of the leaders of labor organizations and other organizations recognized that an increase in the price of wheat to the farmer would be infinitesimal as far as the consumer's cost is concerned. Others have supported our legislation for an increase in the price of feed grains and in the price of wheat.

Something has to be done to raise the net income of the farmers of America or the small towns where churches, schools, and post offices dot the landscape in those towns in the Middle West and Far West will be gone, and we will have left nothing but huge livestock operations and huge wheat farmers without anyone to go to the bank.

The local people there are concerned with the real vital growth of the people of America.

Mr. MANSFIELD. Mr. President, I thank my distinguished colleague and point out that in my reference to $2 wheat, I was bringing in the certificate plan which would still represent, I think, an approximate $2 average over the last quarter of a century and would hold up pretty well.

The Senator is right. We have small towns disappearing. The small towns have been the background of this country from the beginning. We have small towns disappearing. The price and the resulting increases in cost to maintain a farm is much greater.

We have a shifting away from the family-sized farm to the commercial-type farm as far as beef and wheat is concerned.

I think it bodes ill for the country to allow such procedures to be continued.

I emphasize again, along with my distinguished colleague from Montana, that the farmer, whether he produces wheat or beef, is not to blame for the high prices the consumers pay today.

I do hope that that truth, because that is what it is, would sink home.

The PRESIDING OFFICER. Under the previous order, the Senator from Delaware (Mr. ROTH) is recognized for 15 minutes. The Chair thanks the Senator from Delaware for his usual courtesy.

Mr. MANSFIELD. Mr. President, if the Senator would yield for a moment, may I say to the distinguished Senator from Delaware who now has the floor, that having been born in Montana and having lived in Montana and having some of his family still in Montana, undoubtedly has an awareness of the situation as it affects the topics which the two Senators from Montana have discussed today.

Mr. ROTH. Mr. President, I would like to say that I share the concern of the majority leader so far as the agricultural sector of our Nation is concerned. As a matter of fact, not only do we have an agricultural background in my native State, but also in the State of Delaware a large industry, if one wants to call it that, is that of agribusiness. Yet, one of the real problems facing this Nation is that problem facing the small family farmer who, as the majority leader has said, has been the backbone of this country.

I think it is important that we do what we can to maintain his strength.

AGREEMENT ON THE NEUTRALIZATION OF SOUTHEAST ASIA

Mr. ROTH. Mr. President, before the President's departure for China, he described his trip as "not an end in itself but the launching of a process." The generally friendly atmosphere of the trip itself, the joint communique issued at its conclusion, and the initiation of regular bilateral discussions at a new site—Paris—indicate that this process has indeed been launched. The first question—whether to have direct communications with China and how to initiate them—has been settled. Now we are engaged in the consideration of a second question—how these channels are to be used and for what purpose. One purpose, one which has already been much discussed, is to improve the climate of bilateral relations between ourselves and the Chinese by eliminating insofar as possible potential areas of misunderstanding and miscalculation. A second purpose, one which is much more speculative in these opening stages of the dialog, is to use the new links to promote cooperation on general issues affecting the peace and stability of the world and especially Asia. I intend to explore in more detail one such area of possible cooperation—agreement on the neutralization of Southeast Asia. First, however, let me indicate why I believe that efforts in this direction are important to consider now.

We have been reminded often that the Sino-American dialog is one between the world's most powerful and the world's most populous countries. It is not surprising, therefore, that the nature of relations between these two countries should have important international implications far beyond its strictly bilateral aspects. Countries all over the world have followed the progress of the President's visit with the closest attention and examined the joint communique for its every nuance of meaning. Most expressed their hopes that the new detente would enhance the prospects for global peace. Some, however, mostly Asian countries, expressed their concern that the two large countries would come to an understanding that would be detrimental to the interests of their respective allies.

On our side, it was the statement in the joint communique on the eventual withdrawal of American troops from Taiwan that caused the greatest concern among our Asian allies, who are understandably worried that the United States is unilaterally dismantling the structure of security it has provided in East Asia for more than two decades. It is true that in the joint communique the United States acknowledges the position of Chinese leaders both on Taiwan and on the mainland that Taiwan is a part of China. The communique also supports the principle of noninterference in the internal affairs of other countries and advocates the normalization of relations with the Peking government, a position that would appear to weaken the basis of our defense treaty with the Nationalist Government. On the other hand, we have also reaffirmed our commitment to the Nationalists not to alter the defense treaty with Taiwan and the language of the joint communique links American withdrawals to diminished tensions in the area.

I believe that any general and genuine relaxation of tensions must be based upon some measure of confidence by the smaller Asian countries that the new diplomatic relationships do not undermine their freedom from interference and legitimate security interests. The United States must now make as one of its highest diplomatic priorities the reassuring of our allies—especially Japan and the countries of Southeast Asia. In the short run this can best be accomplished through the kinds of efforts our Assistant Secretary of State, Marshall Green, undertook in visiting and verbally reassuring our allies at the conclusion of the China trip. In the long run, however, this can best be accomplished by using the new channels of communication with China to promote alternative security arrangements that would be compatible with our own interests and those of the other large powers, and of primary importance, which would safeguard the interests and integrity of the smaller countries of the region. There can be no guarantee in advance that such arrangements could be worked out to the satisfaction of all parties, or that even if arrangements could be agreed upon, they would be honored. But it is useful to try to identify areas where possibilities exist so that we lose no chance to promote the cause of peace.

Possibilities can exist only where the countries indigenous to the area agree among themselves to live in harmony. More than a year ago, my respected senior colleague, Senator AIKEN, emphasized the importance of Asian initiative in any proposal for a conference dealing with the security problems of that region. Since the Senator spoke, there has been a significant but little noted Southeast Asian initiative, a ministerial conference of the countries of ASEAN, the Association of Southeast Asian Nations, which have proposed that Southeast Asia should be a zone of peace, freedom, and neutrality, free from outside interference.

To an American, the striking aspect of this neutralization proposal is its compatibility with our foreign policy aims for this part of the world. Neutrality and freedom from outside interference would guarantee the sovereignty and territorial integrity of Southeast Asian countries from aggression from outside the region. Just as importantly, neutralization should be compatible as well with the legitimate interests of the other large powers. It would be tantamount to removing non-Asian military presence from the area adjacent to China's southern frontier and should eliminate Southeast Asia as a potential bone of conflict between China and the Soviet Union, Japan, or ourselves.

The practical implementation of this proposal involved many difficulties. As a beginning, however, the United States could give sound endorsement to the Kuala Lumpur declaration of the ASEAN foreign ministers. This endorsement should make it clear that this country would welcome further initiatives by the ASEAN countries and would participate in a conference of larger powers called to express their common regard for the principles of neutrality. Such an initiative would challenge the Soviet Union and China to give concrete evidence of their adherence to the Bandung Principles, including those of nonaggression and noninterference in the internal affairs of other countries.

I do not believe that a single conference, no matter how well organized and prepared for, would be able to work out all the arrangements required to make neutralization of Southeast Asia a reality. But it could make a beginning. Initially, the great powers and the ASEAN countries might agree to the establishment in these Southeast Asian countries of a zone free of nuclear weapons. Such an agreement would help to provide the psychological atmosphere within which further accords might be achieved.

Unfortunately, I believe that such a conference would probably have to deal strictly with the ASEAN countries—Indonesia, Malaysia, the Philippines, Singapore, and Thailand—which have made this proposal—and that it could not initially include the Indochina countries. The proposals that have emerged from both sides in Vietnam indicate that the central dilemma in that country is what it has always been—the shape of future political arrangements in South Vietnam. These arrangements are fundamentally a Vietnamese problem and cannot be resolved in the absence of accord among the various Vietnamese parties. On the bilateral level the United States and China can seek a better understanding of each other's positions and intentions, and these exchanges might help us to pursue our disengagement program with greater confidence. It is very unlikely, however, that the termination of either our military involvement in South Vietnam or Communist aid to the North would end a war that began before outside involvement and is only incidentally related to that involvement. It is just as unlikely that arrangements for the related countries of Cambodia and Laos could be concluded in advance of a Vietnam accord. I can only hope that the Vietnamese can come to an agreement that will respect the wishes of their own peoples and that at some future time Vietnam, Cambodia, and Laos can enter into the zone of peace, freedom, and neutrality that has been proposed by the ASEAN countries.

Effective international collaboration on Southeast Asia requires an expansion of the present dialog to include at least Japan and the Soviet Union both of which are Asian powers. Tensions would be increased rather than diminished if either country or large domestic groups within those countries believe that the Sino-American detente is somehow directed at them. The importance of close ties between Japan and the United States cannot be overemphasized. Japan is the second most productive country in the non-Communist world and has, by far, the largest economy indigenous to Asia. An American relationship with China that tended to alienate us from Japan could have adverse effects not only upon our own interests, but on those of China as well. Elements within Japan that advocate the acquisition of nuclear weapons could be strengthened. Other Japanese might urge a countervailing Japanese-Soviet alliance, greatly increasing tensions in Northeast Asia.

Mr. President, I will soon be visiting Japan under the auspices of the United States-Japan Parliament exchange program of the School of International Affairs of Columbia University. While there, I will explore the opinions of Japanese Government leaders and Diet members on recent diplomatic developments in Asia and on the concept of neutralization of Southeast Asia and share them with you on my return.

The United States would be ill-advised to try to exploit Sino-Soviet differences, just as China would be unwise to attempt to split the United States and Japan. The President has been very explicit on this point. The Soviet Union remains the most important foreign power with which we deal because militarily and technologically it is the only country with approximate parity to the United States. Here are the largest possibilities for damage to international stability just as there are some of the greatest opportunities for cooperation in such areas as space exploration and arms control. If we were to become associated with China's vendetta against its former ally it could only be harmful to our long-range interests by jeopardizing those limited agreements that have been so arduously negotiated with the Soviet Union over the past decade. It would be most foolish to believe that war between China and the Soviet Union could ultimately work to our advantage. The experience of this century has demonstrated that it is very difficult to remain aloof from wars involving the major countries because they eventually impinge upon our vital interests.

I believe that it would also be desirable that India be brought into any forthcoming discussions on the future of Southeast Asia. As the result of recent developments in the subcontinent and the consolidation of Mrs. Gandhi's internal position, India may take a more active role in international affairs in general and Southeast Asia in particular. Like China, India, with its population of 600 million, is a massive country adjacent to the region of Southeast Asia. For this reason, India's participation in the shaping of future arrangements should strengthen these arrangements and give India a positive stake in their preservation.

I would conclude on a note of caution. I have outlined a possibility for multilateral diplomacy in Southeast Asia, but even the initiation of intergovernmental discussions on the concept of neutralization, not to speak of the realization of the concept, is contingent upon many incalculable factors and upon the adjustment of the interests of both small and large countries involved in the region. A breakdown of collaboration among the ASEAN countries themselves or a failure of great power diplomacy to continue higher level contacts could close the opportunity that now seems open. The Sino-American link, for example, is only very tenuous. The joint communique makes it very evident that our positions and those of the Chinese differ decidedly on many international issues. Though we have both agreed to some general principles of international conduct, there are even difficult and highly controversial problems still to be solved in the future.

It is important that the administration, the Members of Congress, and the public remain sensitive to the differences of outlook and policy that underlie these broad principles because the greatest damage we could do to the developing dialog would be to delude ourselves into believing that harmony already exists and then suffer disappointment. Like the relationship itself, any broader proposals, such as that for the neutralization of Southeast Asia, must be approached cautiously and with an eye toward the interests of all the countries concerned. If we assess wishfully the interests of other countries or if we gloss over our own interests for the sake of a quick conclusion to a fine-sounding agreement, it would eventually reemerge to upset the accord. I hope, however, that with careful planning, pragmatic policy analysis, and astute diplomacy, we may find ways to adjust and conciliate interests that will diminish tensions and lead to a greater measure of international stability in the area of East and Southeast Asia.

Mr. President, I ask unanimous consent that a copy of the text of the Kuala Lumpur declaration be included in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

KUALA LUMPUR DECLARATION—NOVEMBER 29, 1971

We the Foreign Ministers of Indonesia, Malaysia, the Philippines, Singapore and the Special Envoy of the National Executive Council of Thailand.

Firmly believing in the merits of regional cooperation which has drawn our countries to cooperate together in the economic, social and cultural fields in the Association of South East Asian Nations.

Desirous of bringing about a relaxation of international tension and of achieving a lasting peace in South East Asia.

Inspired by the worthy aims and objectives of the United Nations, in particular by the principles of respect for the sovereignty and territorial integrity of all States, abstention from the threat or use of force, peaceful settlement of international disputes, equal rights and self-determination and non-interference in the internal affairs of States.

Believing in the continuing validity of the 'Declaration on the Promotion of World peace and cooperation" of the Bandung Conference of 1955, which, among others, enunciates the principles by which States may coexist peacefully.

Recognizing the right of every State, large or small, to lead its national existence free from outside interference in its internal affairs as this interference will adversely affect its freedom, independence and integrity.

Dedicated to the maintenance of peace, freedom and independence unimpaired.

Believing in the need to meet present challenges and new developments by cooperating with all peace and freedom loving nations, both within and outside the region, in the furtherance of world peace, stability and harmony.

Cognizant of the significant trend towards establishing nuclear-free zones, as in the "Treaty of the Prohibition of nuclear weapons in Latin America" and the Lusaka Declaration proclaiming Africa a nuclear-free zone, for the purpose of promoting world peace and security by reducing the areas of international conflicts and tensions.

Reiterating our commitment, to the principle in the Bangkok Declaration which established ASEAN in 1967, "that the countries of South East Asia share a primary responsibility for strengthening the economic and social stability of the region and ensuring their peaceful and progressive national development, and that they are determined to ensure their stability and security from external interference in any form or manifestation in order to preserve their national identities in accordance with the ideals and aspirations of their people."

Agreeing that the neutralization of South East Asia is a desirable objective and that we should explore ways and means of bringing about its realization, and

Convinced that the time is propitious for joint action to give effective expression to the deeply felt desire of the peoples of South East Asia to ensure the continution of peace and stability indispensable to their independence and their economic and social well-being:

Do hereby state:

"1. that Indonesia, Malaysia, the Philippines, Singapore and Thailand are determined to exert initially necessary efforts to secure the recognition of, and respect for, South East Asia as a zone of peace, freedom and neutrality, free from any form or manner of interference by outside powers,

2. that South East Asian countries should make concerted efforts to broaden the areas of cooperation which would contribute to their strength, solidarity and closer relationship".

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Virginia (Mr. BYRD) is recognized for not to exceed 15 minutes.

MISUSE OF HOUSING FUNDS IN NEW YORK

Mr. BYRD of Virginia. Mr. President, yesterday the New York Times reported that millions of dollars in housing funds reportedly are being misused in New York City. The Times reports that—

> Scores of Federal and local indictments are imminent in Manhattan and Brooklyn for the alleged misuse of hundreds of millions of dollars appropriated to help solve the housing problem of the city's poor.
>
> Persons close to investigations by Federal, state and city officials have disclosed in a series of interviews that vast sums, most of which came from the Federal Government, have been diverted from their intended purpose into the pockets of real estate speculators through schemes in which banks, lawyers, brokers, credit-rating organizations, contractors and city and Federal employes have cooperated.
>
> Fraud and corruption in other programs designed to improve the lot of those living in the slums of the city are said to be even

more widespread and will also produce indictments, according to those investigating.

I think it is vitally important that the agencies of Government charged with the responsibility of administering tax funds take firm steps to see that those funds are properly handled.

Congress has developed and approved 168 different antipoverty programs. It has appropriated $31 billion to try to help the poor of our Nation.

It is important that those funds be handled in such a way as to carry out the objective of Congress; namely, to help the poor; but it is becoming increasingly evident that graft and corruption have got into many of the programs. So it is vitally important, as I see it, that the responsible executives and administrators take every necessary step to safeguard these public funds.

As best I can determine from the news accounts, at least three agencies are involved in the New York programs which are under investigation: the Housing and Urban Development Administration, the Department of Health, Education, and Welfare, and the Federal Housing Administration.

All of those agencies and departments have adequate personnel. There should be a closer policing of the vast sums of money which Congress is appropriating to try to help the needy and the poor.

When these funds are mishandled, misused, or misappropriated, two important groups of people suffer: One group is the poor for whom the funds are intended; the second group are the taxpayers of the Nation who furnish the funds.

When we speak of taxpayers, we are speaking of the working people. They are the ones from whom the funds come. The funds come out of the pockets of the wage earners. I submit that we who are in Government have a deep obligation to see to it that those funds are safeguarded and handled as a public trust.

I note, too, that under one of the programs, called the relocation program:

> "Finder's fees" of up to $750 are paid to landlords who provide apartments for families on welfare, or families in urgent need of housing because of eviction from a development site, fire, or other emergency.
>
> Investigators have found that unscrupulous landlords collect the finder's fee repeatedly for the same apartments by getting rid of welfare tenants a few weeks after they have moved in, at a cost of thousands of dollars to the taxpayers and infinite misery of the poor.

Mr. President, there is an area where the Department of Health, Education, and Welfare should move in, and move in fast. The Department should be seeking to protect the tax funds of the citizens of the Nation.

The Department of Health, Education, and Welfare now has 114,000 employees. They are able to involve themselves in all sorts of matters which are purely of a local nature, but they seem to be unable to involve themselves in the welfare area where the public and the poor people simultaneously are being taken advantage of by unscrupulous landlords, manipulators, and speculators.

So I would hope that those who have the responsibility for administering programs which Congress enacts, those who have the responsibility for the disbursement of public funds, would crack down, and crack down hard, on those who are misappropriating or misusing public funds.

I say again that there is only one place from which tax funds come, and that is from the pockets of the hard-working men and women of our Nation.

Mr. President, I ask unanimous consent to have printed in the RECORD the article entitled "Millions in Housing Funds Reportedly Misused Here," written by Edith Evans Asbury, and published in the New York Times of yesterday, Thursday, March 23, 1972.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MILLIONS IN HOUSING FUNDS REPORTEDLY MISUSED HERE

(By Edith Evans Asbury)

Scores of Federal and local indictments are imminent in Manhattan and Brooklyn for the alleged misuse of hundreds of millions of dollars appropriated to help solve the housing problem of the city's poor.

Persons close to investigations by Federal, state and city officials have disclosed in a series of interviews that vast sums, most of which came from the Federal Government, have been diverted from their intended purpose into the pockets of real estate speculators through schemes in which banks, lawyers, brokers, credit-rating organizations, contractors and city and Federal employes have cooperated.

As a result of some of those schemes, whole neighborhoods—especially in Brooklyn and the Bronx—have been emptied of residents and ruined.

The misuse of city funds meant to rehabilitate slum housing and provide emergency repairs has already been exposed in several inquiries, including those by the City Council and Manhattan District Attorney Frank S. Hogan. As a result, several landlords, lawyers and city officials have been indicted, and more indictments are expected.

Fraud and corruption in other programs designed to improve the lot of those living in the slums of the city are said to be even more widespread and will also produce indictments, according to those investigating.

The relocation and "miniloan" programs of the City's Housing and Development Administration, both of which use Federal funds, are under investigation. So are the special loan programs of the Federal Housing Administration for the purchase of homes by low-income families.

Under the relocation program, "finder's fees" of up to $750 are paid to landlords who provide apartments for families on welfare, or families in urgent need of housing because of eviction from a development site, fire, or other emergency.

Investigators have found that unscrupulous landlords collect the finder's fee repeatedly for the same apartments by getting rid of welfare tenants a few weeks after they have moved in, at a cost of thousands of dollars to the taxpayers and infinite misery of the poor.

Speculators engaged in "block-busting" in several areas of Brooklyn have found the finder's fees an extra source of income as well as useful in their activities, according to sources close to the investigation.

SALES AND RESALES

"Block-busting" is the name given to a method whereby a speculator scares white families into moving out of a neighborhood into which a black or Puerto Rican family has moved, buys the house at a depressed price and resells to minority families at a higher price.

Current investigations show that here, as in other cities across the United States, block-busting speculators have been very successful in getting F.H.A.-insured mortgages large enough to cover most of the inflated price at which the house is sold to the minority family.

The purchaser, the investigators have found, is often persuaded to buy despite the fact that he cannot afford the house. When it turns out that he indeed cannot afford to keep the house, there is a foreclosure. The F.H.A. is responsible for the large mortgage balance. The same or another speculator then buys the house cheap and sells it again at an inflated price, again with an F.H.A. mortgage, to still another low-income victim who also gets foreclosed.

At each turnover of the house, the purchaser loses his down-payment and probably any faith he had in the white Establishment, says Patrick Cea, associate counsel in the office of Secretary of State John P. Lomenzo.

Mr. Cea has held numerous hearings at which details of the aforementioned cycle were described, and victims testified that the speculator supplied fraudulent credit ratings, employment records income verifications and other records to obtain F.H.A approval of the mortgages.

In one case, Mr. Cea said, the speculator supplied a "wife to sign the deed after the bona fide wife refused to."

As the result of the hearings, state-issued real estate licenses have been revoked.

"But that's the limit of our authority," Mr. Cea said. "On the way out of my office they can start selling all over again—as individuals."

Because Federal funds are involved, Secretary of State Lomenzo has referred his cases most of which occurred in Brooklyn, to United States Attorney Robert A. Morse, whose Eastern District includes Brooklyn.

United States Attorney Whitney North Seymour Jr. of the Southern District, is investigating alleged misuse of Federal housing funds in Manhattan.

WHOLE SECTIONS RUINED

Whole sections of Brooklyn and the Bronx—part of the East New York and Brownsville neighborhoods of Brooklyn and of the South Bronx, for example, have been devastated as the result of these F.H.A.-financed activities.

When the houses reach the point of no resale, they remain in the hands of F.H.A., which cannot resell them unless it uses government money to rehabilitate the houses.

In some cases, the F.H.A. has done this and sold the houses to the City Public Housing Authority. In most cases, however, the crumling houses—or the lots on which they stood, are marks of blight.

In areas which have been designated for urban renewal or intensive code-enforcement programs, yet another Federal program designed to help low-income families solve their housing problems is under investigation.

This is the so-called 312 program provided Federal loans at 3 per cent interest for up to 20 years with a $17,000 a house limit for rehabilitation of owner-occupied one-to-four-family houses.

The city H.D.A. acts as a conduit for these loans, some of which are handled by the same department that administered the scandal-ridden Municipal Loan Program. District Attorney Hogan, who obtained several indictments in connection with the Municipal Loan Program, is also investigating the local handling of loans under the 312 program.

One hundred and fifty-four such loans, totaling approximately $3.3-million have been approved in the city since the 312 program began in 1964.

To be really successful, the misuse of

Federal funds earmarked for programs to help families of low income requires the collaboration of government employes. Investigators have found evidence of such help among employes of both the city and Federal governments, and are presenting it to grand juries.

Senator Philip A. Hart, Democrat of Michigan, who has held hearings on similar patterns of housing fraud and corruption in other cities will hold two hearings on the subject here in May, with more hearings set for later in Washington.

"Although New York doesn't yet show up on the charts as having a serious foreclosure problem, evidence indicates that it soon will—and may rank well above the national average," Senator Hart said, when he announced the New York hearings.

Senator Hart is chairman of the Antitrust and Monopoly Subcommittee of the Senate Judiciary Committee.

"The subcommittee began the New York investigation about five months ago," the Senator said, "after requests from city and state officials that we do so." He declined to identify the sources of the requests.

He said the requests followed hearings in Boston that established that "an apparently noble idea—to provide housing for about 1,800 families with F.H.A.-insured mortgages resulted in an extension of the ghetto and great unrest in the communities."

The Senator said that "As an antitrust subcommittee, we are interested in what competitive forces work in the money market which induce mortgage companies to make bad loans."

Initially, Senator Hart said, the subcommittee will examine problems associated with the sale of one- to four-family homes in Bronx, Brooklyn and Queens underwritten by F.H.A. or guaranteed by the Veterans Administration. Later he said, attention will turn to multi-family dwellings financed with conventional loans, and to conversion of apartments to cooperatives.

The subcommittee's investigation has shown that "dramatic" racial changes in Brooklyn have resulted from "the great number of sales" underwritten by F.H.A. or guaranteed by V.A.

"Between 1960 and 1970, Brooklyn lost 740,000 whites, and gained 285,000 blacks and 220 Puerto Ricans" who seem to be "the victims of a plan which was designed originally to improve their lot in life," Senator Hart said.

IMPORTATION OF CHROME ORE FROM RHODESIA

Mr. BYRD of Virginia. Mr. President, how much time have I remaining?

The ACTING PRESIDENT pro tempore. The Senator from Virginia has 8 minutes remaining.

Mr. BYRD of Virginia. Mr. President, on Monday, March 20, dockworkers at Burnside, La., unloaded 25,000 tons of Rhodesian chrome ore. That is the first time since 1966—almost 6 years ago—that the United States has been permitted to trade with Rhodesia.

In 1966, the United Nations, and subsequently President Johnson by unilateral action, placed an embargo on trade with Rhodesia. As a result of that embargo, the United States became dependent on Communist Russia for 60 percent of its chrome requirements.

The bulk of the world's chrome comes from Rhodesia, and when that source was cut off to the United States, the United States then had to go elsewhere. As I mentioned, we then became dependent on the Soviet Union for this strategic material.

Chrome is a vital and essential ingredient in many national defense items. It is necessary for use in all stainless steel products. It is necessary to use chrome in the production of jet aircraft, submarines, and many other defense elements.

Last November, Congress passed legislation which provided that so long as the United States imported strategic material from a Communist country, the importation of the same material from non-Communist countries could not be prohibited by Executive order of the President.

That legislation passed the Senate, it was approved by the House of Representatives by a vote of 251 to 100, and it was signed into law by the President of the United States.

I think that is a very important, necessary, and desirable piece of legislation, because it has ended U.S. dependence on Communist Russia for a vital defense material.

When I presented the legislation, Mr. President, I did so because it seemed to me that it is very illogical for the United States to be appropriating $80 billion for defense requirements and at the same time to be dependent upon Communist Russia for a vital defense material. Congress concurred in that view, and the legislation was enacted.

Of course, there are those in opposition who say that this supersedes and sets aside a mandate of the United Nation, it does. Yes, it does. But as U.S. Ambassador Christopher H. Phillips stated, even while the United States was complying fully with the sanctions against trade with Rhodesia, Rhodesia, according to Mr. Phillips, had been able to increase its exports of strategic commodities, such exports being as high or higher than in 1965.

"Somebody bought those goods," Phillips said. "Somebody has been buying them each year since the sanctions went into effect." Of course they have. Ambassador Phillips is the second ranking member of the American delegation, and he says at least nine nations with delegations on the Security Council, including most of the permanent members, had been accused of violating the sanctions.

Mr. President, many of the members of the United Nations were violating the sanctions, as Ambassador Phillips pointed out.

But whether they were or whether they were not, the United States, in my judgment, took the right action.

Congress took the right action in saying that so far as this strategic material is concerned, the United States will no longer be dependent on Communist Russia, but we will purchase that material from Rhodesia even though it is in contradiction to the sanctions put on by the Security Council.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Connecticut (Mr. WEICKER) is recognized for not to exceed 15 minutes.

JUDICIAL FREEDOM AND MEANINGFUL NATIONAL COMMITMENT

Mr. WEICKER. Mr. President, the President of the United States has requested of the Congress certain legislation that is intended to:

First, give direction to the courts of this Nation on the matter of busing; and

Second, provide a program of educational funding that would assure equal educational opportunity for all our children.

In sending such programs to the Congress, the President has left an impression with the American people that busing can be halted by simply saying so to the courts, and that equal educational opportunity can be attained at minimal national inconvenience and out of pocket expense.

To all of which I respond, "In no way."

First, let me state now, as I have in the past, my personal disbelief in busing as a means of achieving equality of educational opportunity.

Second, I am as proud of the solid overall achievements in minority rights under Richard Nixon as I am angry with the political exercise of March 16, sometimes called the President's program on busing.

Our areas of disagreement are twofold:

First, constitutional;

Second, achieving equality of educational opportunity for $2.5 billion.

On October 21, 1971, the President addressed the Nation over television. That address announced his nominations of Lewis Powell and William Rehnquist to the Supreme Court. In the course of that speech, President Nixon stated:

> Let me add a final word tonight with regard to a subject that is very close to my heart because of my legal background, and because of years of study of the American system of government. I have noted with great distress a growing tendency in the country to criticize the Supreme Court as an institution. Now, let us all recognize that every individual has a right to disagree with decisions of a court. But after those decisions are handed down, it is our obligation to obey the law, whether we like it or not and it is our duty as citizens to respect the institution of the Supreme Court of the United States.
>
> We have had many historic, and even sometimes violent debates throughout our history about the role of the Supreme Court in our Government. But let us never forget that respect for the Court, as the final interpreter of the law, is indispensable if America is to remain a free society.

Those words accurately describe my feelings as to the role of the Judiciary in our Government. To be true to those words means rejecting the judicial interference advocated in the Student Transportation Moratorium Act of 1972 and the Equal Educational Opportunities Act of 1972. Why?

Because when our Founding Fathers set up the rules for building a nation they gave each branch of Government one swing at each pitch.

Referring again to the Powell-Rehnquist speech of October 21, the President stated:

> You will recall, I am sure, that during my campaign for the Presidency, I pledged to nominate to the Supreme Court individuals who shared my judicial philosophy, which is basically a conservative philosophy.

This the President has had unprecedented opportunity to do during his first term in office. Not only at the level of the Supreme Court but throughout the Federal judicial system. Since January of 1969 he has appointed four new Justices to the Supreme Court and 161 justices to the lower Federal courts. These figures represent an almost one-third turnover in the space of 3 years.

Certainly then, the ingredient of conservatism has been added to the Federal court system—a conservatism that most would agree was long overdue. But that was and is the President's swing at the pitch.

Referring again to the speech of October 21, which so magnificently set forth the philosophy of the founders of this country, the President said:

> By "judicial philosophy" I do not mean agreeing with the President on every issue. It would be a total repudiation of our constitutional system if Judges on the Supreme Court, or any other Federal court, for that matter, were like puppets on a string pulled by the President who appointed them.
>
> When I appointed Chief Justice Burger, I told him that from the day he was confirmed by the Senate, he could expect that I would never talk to him about a case that was before the Court.

May I suggest that because the talks to the judiciary are over television, as in the cases of Lieutenant Calley and busing, they are no less demeaning or suspect than if they were held one on one behind closed doors.

The function of Congress should not be to collaborate in such talks but to see to the business of legislative rather than judicial or executive solutions of America's problems. The courts, except as to number, type, and the character of the men who sit on them, are not our business. America is.

The time has come for each American to believe that the Federal courts exist for him as much as for the other fellow. Certainly each of us, at one time or the other, has felt left out because of a particular court decision. But the fact remains that the judiciary has played an important role in making this the Nation it was dreamt to be.

I think history shows that majorities have prospered in this country. But, it is what America has done for its minorities that gives meaning to the word "greatest," as in "the greatest Nation on earth."

"Majority and minority" does not mean white or black. It means the workingman; it means the diseased; it means the elderly; it means the uneducated. All of these were—and some still are—minorities in a rights or compassion sense. And since politicians, Presidents and Senators, are elected by majorities, logically the judiciary has drawn down the duty of being a voice for minorities.

Majority or minority aside, one thing I do know is that when the day comes that it is my ox that is being gored, I hope to God there is a court system in this land whose concern is me and principle rather than the President and the tempers of the times.

One comment in passing as to the constitutional amendment route. The reason I reject that as a way of handling the busing question has nothing to do with how long it would take, but has a great deal to do with its cheapening of the Constitution. The Constitution of the United States is a document for all generations, not just for the class of 1972. The last time we used it as a vehicle for handling a national craze, we invoked prohibition on January 16, 1920, only to repeal it on December 5, 1933. Such in and out legislating eventually would render the Constitution worthless.

In closing my arguments against what I believe to be the unconstitutional aspects of the two acts, I would like to address a few comments to my own State of Connecticut.

I would like each parent who has a child that is being bused in Connecticut under a Federal court order to stand up. The fact is that no such situations exist in our State. Whatever busing exists is strictly on a local, voluntary basis. The present status of litigation is two law suits. One is in the city of Waterbury relative to segregation, which law suit has been brought by the Justice Department. The Justice Department is not the Supreme Court, it is the Nixon administration.

The second is in the city of Hartford, again relative to segregation practices, by private individuals. There has been no trial at the lowest level, much less a court order.

Might I suggest to the people of Connecticut that instead of giving gratuitous encouragement to efforts intended to slow down the breaking up of de jure segregation—that is separate but equal—we utilize the time to take care of any de facto situations in our State, so that neither Congress nor the courts will legislate a solution for a problem that, if handled imaginatively now, can be handled voluntarily without busing.

In conclusion, certainly insofar as a Connecticut resident is concerned, he is getting nothing for giving up some of his constitutional rights. Our history is that we sold wooden nutmegs, we did not buy them.

With respect to the question of the Equal Educational Opportunities Act of 1972, my disagreement here lies not with the principle but with the substance of what has been proposed.

The impression has been left with the people of my State that this is a new program with new funding to build new schools. In fact, what has been proposed is already an ongoing program. No new money has been recommended. And no new concepts such as linking schools and home together have been proposed. It is like having your Christmas gifts given back to you as birthday presents.

I think it important to point to this shifting around of existing funds because many people have written me giving as their reason for support of the President's program their belief that the stated $2.5 billion makes them quits of what they recognize to be a valid national obligation of supplying quality education for all children. Unfortunately, catchup equality does not come that cheap. If the right and proper thing were to be done for America's disadvantaged, it would cost us not $2.5 billion in old funds but $12 billion per year in new funds. I base this figure on an estimated per pupil cost of $1,200 per year for a quality education. At the present time we are spending slightly over $900 per pupil. As there are 46 million children of elementary and secondary school age, this would mean the spending of an additional $300 per pupil or the spending of the aforementioned $12 billion.

Many persons believe, this Senator included, that fully an equal amount of money would have to be spent on housing in conjunction with education in order to achieve practical equality of opportunity. But so as not to drive away the remainder of those who came expecting a free show, I will stick to the $12 billion tab.

What it all adds up to in this area is that honesty nowadays seems to be the worst political policy. As clearly set forth in the Newsweek poll of February 25, 1972, Americans indicated their being equally opposed to busing and to segregated schools. It then follows, if busing is going to be rejected, that we have the job as the President has indicated of providing equality of educational opportunity for all Americans. I just think the American people have a right to know what that providing is going to cost and to be assured that it is going to do the job as advertised.

Having disagreed, I would like to state my alternatives to the President's proposals. I have a deep belief in the sanctity of our courts. Under no circumstance would I see that sanctity violated even in the smallest way for the shortest period of time.

In years past, many availed themselves of the right of unlimited debate on the Senate floor to slow the process of desegregation in this Nation. Should the occasion arise, I would hope my colleagues would avail themselves of the same right to slow the reintroduction of the separate but equal philosophy into the enactments of this body. What I am saying is that for those who think we are going to get the hot busing issue over the election year hump by a little moratorium on the courts, I suspect they are going to see the Senator from Connecticut and others still arguing the propriety of such a method right up to election day. And during that period of time the courts of the United States will continue to operate without Presidential or congressional back-seat driving.

As to assuring that we do have equality of educational opportunity, shortly after the Easter recess I will introduce legislation calling for an immediate and temporary 10-percent surcharge on all personal and corporate income taxes. The income thus generated would amount to approximately $12 billion a year and would be earmarked specifically for educational and housing programs aimed at the creation of equality of life opportunity.

That is it. Judicial freedom and meaningful national commitment. A judicial spur in the legislative and Presidential hide cannot hurt this country. The more we really want equality of opportunity the less the possibility of busing or any other contrived solution.

What we cannot have is liberty and justice for all with our prejudices and wallets intact.

To say otherwise is a commitment to mediocrity. I think that Connecticut and America still enjoy the harder challenge of excellence.

Mr. RIBICOFF. Mr. President, I wish to commend my colleague, the junior Senator from Connecticut, for his courageous speech this morning, which I have read with care and interest.

These are difficult times in this Nation, and I am pleased to see him stand up against the rush toward panic on the question of school integration.

Unfortunately, rather than exercising leadership to bring this country together, too many politicians of both parties are at the head of the parade leading back toward separate and ultimately unequal schools for minorities.

This is an issue that transcends party lines, and I am proud to stand here this morning with my colleague from Connecticut, Senator WEICKER, who is trying to bring some sense to this entire discussion.

Mr. WEICKER. I thank my distinguished colleague very much for his gracious comments.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Illinois (Mr. STEVENSON) is recognized for not to exceed 15 minutes.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. STEVENSON. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the agreement that the Senate begin debate on the naval vessel loan at 10 a.m. be negated temporarily, so that the distinguished Senator may have his full 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE JUSTICE DEPARTMENT

Mr. STEVENSON. Mr. President, during my brief tenure in the Senate, some of my hardest decisions have required a balancing of the President's right to choose men for high office and the Senate's responsibility to advise and consent. I have recognized the presidential prerogative to choose those of his own persuasion if they be persons of intellect and integrity. On occasion, the process of decision has been long and arduous. The basis of decision has been obscured by the emotions of conflict. The nomination of Justice Rehnquist was such an occasion.

I consented to that appointment. I had no doubt about the character, the intellect, the integrity and professional ability of Mr. Rehnquist. I have such doubts about Mr. Kleindienst, the President's nominee for Attorney General. The Attorney General is the chief law enforcement officer of the United States. In the pledge of allegiance, schoolchildren, and all of us, reaffirm our dedication to justice in this Nation. And in large measure the responsibility for justice reposes in the Attorney General.

Justice has been symbolized as blind dispassion. That has not been the public's understanding of the Justice Department in recent years. We have had, an Attorney General between tours of duty as a campaign manager, and unable to forget either his past or future political responsibilities. We have had the image of a Justice Department functioning as an arm of a political presidency. Mr. Kleindienst, as Deputy Attorney General, has been an enthusiastic participant in that concept of justice.

I do not know the whole truth about the ITT settlement.

I do know that angry charges and countercharges of lying are an inauspicious beginning as the chief law enforcement officer of the Nation.

I do know as well that this administration has lost sight of the only acceptable standard against which to measure any public official, let alone the Nation's chief law enforcement officer.

The appearance of misconduct can erode public confidence as effectively as misconduct itself. I do not believe it is too much to demand that our public officials be free of even the appearance of impropriety. It is a harsh standard. At times it will work unfairly—but we accept any lower standard at the risk of undermining the very foundation of our self-governing society.

The Judiciary Committee's inquiry into the fitness of Mr. Kleindienst to be our attorney general—or, more precisely, its inquiry into the tangled dealings between various Republican figures and the executives of ITT—has placed the Justice Department under a cloud of suspicion and mistrust.

Why did ITT promise to help finance the Republican National Convention? Was the promise simply a disinterested, public-spirited gesture? Or did ITT hope to gain something from it—specifically, a favorable settlement in antitrust proceedings?

Did the Republican administration in Washington know what was going on—and did it, in fact, cooperate in the deal?

These are serious questions.

Because the hearings are unfinished, it would be premature to make a judgment on these questions now.

But there are some things that need to be said now. This episode in Washington is one that concerns not only the integrity of Mr. Kleindienst and Mr. Mitchell and Mr. Nixon, but the faith of every American in the system under which we live.

There is as yet no conclusive proof that ITT and the administration conspired to obstruct enforcement of the law. But if the word "impropriety" has any meaning, an impropriety has been committed.

No one has denied that ITT—whose case was under consideration by the Justice Department—made a substantial contribution to underwrite the Republication National Convention.

Spokesmen for the administration have given no sign that they find anything questionable about such a transaction.

But it is questionable. One newspaper put it this way:

> There is the larger question * * * of how one of the world's greatest corporations could think it proper or publicly acceptable, while its fate was in the hands of a Republican administration's antitrust department, for it to be secretly arranging to underwrite a large part of the Republican party convention. There is the other side of that question, which is how a responsible government, or political party, could find no impropriety * * *

It may be that there was no cynical deal between high officials of the Justice Department and those of ITT; certainly it is not likely that such a deal can be conclusively proved. The administration may be guilty of no more than insensitivity to the question of propriety.

Can anyone believe that ITT made its contribution without some hope of gain? Why else did its Washington lobbyist go to California to help arrange ITT's gift to the convention committee?

And why did the administration—at whatever time it learned of this questionable gesture—not see that it was questionable? Why? Because our highest leaders are insensitive to the moral issue and unaware of the high standard which must govern the conduct and the appointment of public officials. This is only one more depressing piece of evidence of that insensitivity.

It is not the first involving ITT. Three years ago Mr. McLaren, Chief of the Antitrust Division, sought to block ITT's acquisition of the Canteen Corp. Mr. Mitchell disqualified himself because his and Mr. Nixon's former law firm had represented an ITT subsidiary. Mr. Kleindienst took over. Mr. McLaren recommended that the Justice Department seek to enjoin the merger, but Mr. Kleindienst delayed action on Mr. McLaren's recommendation until it was too late to seek the injunction.

Other large companies with connections in the administration have fared equally well—or better. Elmer Bobst is a confidante, contributor, and crony of Mr. Nixon. He is also honorary chairman of Warner-Lambert which, like the ITT subsidiary, retains the former law firm of Mr. Nixon and Mr. Mitchell. As in the ITT-Canteen case, Mr. McLaren sought again to enjoin a merger—this time a merger between Warner-Lambert and Parke-Davis. Again Mr. Mitchell disqualified himself. Again Mr. Kleindienst took over. He talked to attorneys and representatives of Parke-Davis and Warner-Lambert. He says a Parke-Davis representative told him:

> That if this merger did not come about, Parke-Davis was going to get out of the research business.

Parke-Davis denies it told him any such thing. Mr. Bobst admits that he lobbied the White House. As in the ITT-Canteen case, Mr. McLaren's original recommendation was rejected. No injunction was sought, and the merger went through.

It seems at this point that corporations with known financial connections to Mr. Nixon and Mr. Mitchell manage to resolve their antitrust difficulties out of court and in the shadows.

Mr. McLaren is a man of undoubted integrity and ability. He undoubtedly did his best to enforce the law—and that may explain his hasty departure from the Justice Department.

His nomination to the Federal district court was received unexpectedly in the

Senate on December 2. On that same day my consent to the nomination was obtained. The Senate Judiciary Committee gave it favorable consideration and the Senate confirmed—all within less than 24 hours.

I was told at the time that the district court in Chicago faced a backlog of cases—and that Judge Hoffman was requesting immediate senior—or part-time—status. The Congress, I was told would soon recess for Christmas, and so immediate action on the nomination was necessary. I now find there there was no backlog of cases and that Judge Hoffman did not want immediate senior status. I still do not know the real reason for Mr. McLaren's hasty departure from the Justice Department.

It is not only the antitrust division which is under suspicion. The chief of the criminal division departed in some haste, too—but for different reasons. His connections with the financial machinations of Texas politicians and others was revealed.

And powerful corporations are not alone in finding favor at the Justice Department.

The current issue of Life magazine charges that another Nixon benefactor and crony, C. Arnholt Smith, has enjoyed immunity from the law. Investigations of unlawful contributions to Mr. Nixon by or through companies controlled by Mr. Smith were reportedly squelched by the U.S. attorney in San Diego. That U.S. attorney, Mr. Harry Steward, was recommended by Mr. Smith for appointment and subsequently was exonerated for his role in this case by Mr. Kleindienst. It is said that Mr. Smith's companies channeled money illegally to Mr. Nixon's 1968 campaign through an advertising agency. This was done, it is charged, with impunity—and with some thanks to Mr. Kleindienst.

The benefactors of Republican politicians in Illinois have been recipients of similar favors from the Justice Department. We have a case involving an advertising agency with close ties to prominent Republican officials, which described its scheme in a letter dated February 10, 1964, as follows:

> If you have any contributors who would prefer to be billed by our firm in order to write it off as a business expense, please let me know and we will take care of the matter. We will send a duplicate of the invoice to you, and credit the—blank—campaign with that amount when it is paid.

In 1968 the Internal Revenue Service launched a tax fraud investigation of the advertising agency.

The case was referred to the U.S. Justice Department for prosecution of at least two offenders in June, 1969. It was still sitting in the Justice Department in March, 1970, when the Internal Revenue Service in Chicago sent an 11-page letter to the assistant attorney general in charge of the tax division asking for authorization of a grand jury investigation in Chicago.

There was no reply to the IRS letter of March 1970, until June 1970, shortly after the resignation of Thomas A. Foran, a Democrat, who was U.S. Attorney in Chicago at the time. The reply directed the IRS to drop the case.

Mr. Foran is a man of the highest integrity, but under the Federal Code of Regulations the former U.S. Attorney cannot testify regarding the facts in this matter unless permitted or authorized to do so by the Attorney General of the United States.

Details of this case were reported in an article in the Chicago Sun-Times on November 3, 1970, and I ask unanimous consent that the article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENSON. Mr. President, I would urge the Judiciary Committee to investigate this case.

One might ask at this point—are all of these charges unfair, based only upon rumor? The answer is that conclusive proof so far is lacking. But the evidence to date indicates to me that only the tip of the iceberg is showing. However you look at it, the appearance of gross impropriety in the Justice Department is there. And it eats like acid at our faith in the impartiality of our judicial process. What is left to protect us? Who prosecutes the prosecutor? How can we "revere" the law, as Lincoln exhorted us—when the law is there, or so it seems, to be enforced against the many, but not the few? Who, the people must ask, is this Government of, for and by—Republican campaign contributors?

After the 1968 elections, Mr. Kleindienst held a conversation with a Mr. Carson, who had helped raise funds and campaigned for Mr. Nixon. Mr. Carson said he had a friend of substantial means who was under indictment and would like to make a campaign contribution to Mr. Nixon of between $50,000 and $100,000. That was after the campaign was over. Mr. Kleindienst said to Mr. Carson he could do nothing for the indicted friend. But he did not report the offer until after he learned the FBI was investigating. He was unable—or unwilling then—and apparently still is—to perceive that offer for what it was—a bribe. And now the man who cannot tell a bribe when offered is proposed for chief law enforcement officer of the United States.

What are we to think?

At a neighborhood party, an official of ITT finds it easy to arrange a meeting between Mr. Kleindienst and a spokesman for the giant corporation.

What about the others in our society—the people who literally and figuratively are not invited to the party?

The executives and lobbyists of ITT encountered no obstacles when they sought access in the corridors of power. Mr. Peter Flanigan, one of the President's assistants, has become known as an "ambassador to big business." But who speaks for the people? If such a man exists, he is not yet so famous, perhaps because his achievements are less apparent.

I believe the Justice Department should be free of partisanship and speak for all the people. I fear it is becoming a fund-raising branch of Republican campaign headquarters.

Even before the election of 1968, Mr. Nixon had made the Justice Department a partisan political issue. After his election he installed his chief political operatives as the chief officials of the Justice Department. I do not claim the Democrats in the past have been free of all guilt. But I do believe that the past is no excuse for the present. And I cannot remember such a politicized Justice Department. These men do not deny their political role. They speak at partisan gatherings. They advise the President on partisan matters. Their statements on the nonpartisan issue of crime and violence are partisan. Even the FBI crime statistics are interpreted for partisan purposes.

With such a background, it is little wonder that many citizens are now inclined to believe allegations of money changing in the temple of justice. Perhaps if Mr. Mitchell and Mr. Kleindienst had been less aggressively partisan in the past, their denials would not be so widely doubted. But the matter goes deeper. If the Department of Justice is deeply tainted with the stain of partisan politics, the faith of the people in the processes of justice will be deeply shaken. And when the people do not believe in the legitimacy of their institutions, they will not accept the authority of those instiutions. What is at issue is not a matter of partisan advantage in one administration or another. The issue is whether, ultimately, our leaders will be able to lead, and our Government able to govern; whether the people believe those whom they elect.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period of not to exceed 10 minutes for the conduct of morning business with a 3-minute limitation thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I yield my 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for an additional 3 minutes.

THE JUSTICE DEPARTMENT

Mr. STEVENSON. Mr. President, last week one of the President's appointees to the Justice Department, Mr. Robert Mardian, an assistant attorney general, was reported to have complained about radicals and dissenters in government. The Wall Street Journal published this account of Mr. Mardian's complaint:

> Not only are "revolutionary terrorists" finding it easier to infiltrate the bureaucracy . . . but "we're getting more people in government who feel they should be ruled by a sense of conscience" rather than what the bureaucracy expects of them.

For my own part, I would prefer, and I believe the American people would prefer, that our public servants be guided by conscience. It would be best if conscience and obedience to bureaucratic expectations could coincide. It has been possible in the past—it could be again.

These are difficult days for men of

conscience. These are days of fat political contributions and careless ethics. But before we carve Mr. Mardian's complaint above the portals of the Department of Justice, we should remember another quotation:

> When a man assumes a public trust, he should consider himself a public property.

That was Thomas Jefferson. What he said was true then and is today.

With the records of the Washington office of ITT shredded, and activities at the Justice Department and the White House shrouded in secrecy, it will be difficult to ascertain the whole truth in the matters now under investigation. But suspicion will persist and the erosion of public confidence in our public institutions will continue unless the doubts that now exist are dispelled.

The President can spare further embarrassment—not only to his administration, but to all of our institutions of self-government—by withdrawing the nomination of Mr. Kleindienst. I urge him to do so.

Failing that, I urge the Judiciary Committee to broaden its inquiry into these matters. If the President declines to withdraw the nomination of Mr. Kleindienst, I would hope that he will permit Mr. Flanigan to testify before the committee, and that Mr. Steward and Mr. Foran be permitted to answer questions that have been raised concerning the Justice Department's alleged role in blocking the prosecution of cases in California and Illinois.

No citizen who cares deeply about his country and the integrity of its institutions can really hope that these charges are true. But we do not know the truth. The charges and suspicions cannot be swept under the rug by the administration or by the Senate without substantiating public fears that the concept of equal justice has been corrupted by the Justice Department's willingness to recognize that some men and some corporations are more equal than others. I do not believe that we of the Senate can perform our constitutional duty to grant or withhold our "consent" to the nomination of Mr. Kleindienst until we do know the truth. And I for one will not vote to confirm his nomination until the doubts about his character and fitness are dispelled. They can only be dispelled—or substantiated—by a thoroughgoing investigation. I urge the Judiciary Committee to conduct such an investigation, if Mr. Nixon refuses to withdraw the nomination of Richard Kleindienst for Attorney General.

EXHIBIT 1

[From the Chicago Sun-Times, Nov. 3, 1970]

GOP AD AGENCY PROBE SOUGHT BY IRS

(By Ray Brennan and Max Sonderby)

An Internal Revenue Service attorney recommended last March that a federal grand jury investigate the income tax affairs of a Chicago advertising agency that has handled campaign work for Republican political candidates, the Sun-Times learned Monday.

The agency is James & Thomas Inc., 233 E. Erie, of which Thomas J. Drennan, political strategist for Gov. Ogilvie, was a partner, vice president and director until last March 30. In the IRS recommendation, no reference was made to Drennan except as a 50 per cent owner of the agency.

The request for a grand jury inquiry was made March 17 in an 11-page letter over the signature of Chicago IRS regional counsel Frank Conley to Johnnie M. Walters, an assistant attorney general in Washington, in charge of the tax division.

The letter raised the possibility of criminal indictment in connection with purported contributions to Republican campaigns by two Chicago area firms through the James & Thomas agency.

On June 30, about 3½ months after mailing of the 11-page letter, Vincent Russo, a veteran assistant attorney general in Washington, turned down the grand jury recommendation.

Russo said he did not believe a successful prosecution could be managed on the evidence outlined in the recommendation, and pointed out that the amounts of money involved were not large. Russo gave his decision in a letter to the IRS in Chicago.

Two federal officials in Chicago confirmed to the Sun-Times that the March 17 letter was sent to Walters, that it proposed a grand jury inquiry and that this newspaper's information as to the contents was correct.

They also confirmed that the turn-down letter was sent to the Chicago-IRS by Russo.

The recommendation letter to Walters stated that certain witnesses had refused to answer questions asked by IRS agents in Chicago and that they might be persuaded to testify if placed under oath before a grand jury.

One of the reluctant witnesses was named in the letter as F. Thomas Bertsche, president of James & Thomas, which until recently was located at 200 E. Ohio.

The letter suggested that a grand jury investigation might produce evidence that could lead to prosecution of Bertsche, although the evidence was lacking at that time. The letter continued:

"It is suggested that the indictment (of Bertsche) be returned before April 25, 1971, six years after the first false invoice was supplied by James & Thomas. . . ."

COMPANIES NAMED IN LETTER

The two Chicago area business firms named in the letter are the Flick-Reedy Corp., a major manufacturing concern in northwest suburban Bensenville and Schiller & Frank, architects at 23 E. Jackson.

The IRS investigation in Chicago involved an income tax practice long employed in handling campaign contributions from business firms to political candidates in Chicago, Cook County and Illinois. Such contributions are not tax-deductible under IRS regulations and political contributions by corporations are in general illegal.

Using the technique—frowned on by IRS as illegal—Mr. A, an advertising man, goes to Mr. B, a businessman, and suggests that he make a contribution to Mr. C, a candidate. As an incentive, Mr. A tells Mr. B in effect:

"I will send your firm an invoice (billing) for advertising. You pay the amount of the bill and I will send the amount to Mr. C for his campaign. You can then charge off the amount on your firm's tax return as a business expense."

"BUSINESS EXPENSE" CONTRIBUTIONS

In referring to possible prosecution, the March 17 letter stated:

"The apparent fraud on the revenue (income taxes) was accomplished by F. Thomas Bertsche's acts as the sole executive officer of James & Thomas of tendering false invoices which disguised political contributions as business expenses. . . ."

The purportedly false invoices were rendered, according to the letter, "in order to facilitate tax deductions of $2,000 by Schiller & Frank on its partnership returns for 1965 and $2,600 by Flick-Reedy Corp. on its income tax returns for the fiscal year ended June 30, 1965."

Conley wrote in the letter that documentary evidence was lacking to show that the two business firms did, in fact, deduct the payments on their taxes. The letter added:

"However, with respect to each return, oral admissions were made by the officers of the respective entities (firms) that the payments were deducted."

Officials of Schiller & Frank refused to submit their books and records to IRS agents for examination, the March 17 letter stated, adding:

"Similarly, the books and records of Flick-Reedy Corp. were not examined because, although it was a corporation, both Frank Flick and Arthur Conrad refused to testify (answer questions of IRS agents)."

Conley went on to quote Donald Schiller of Schiller & Frank as stating that he signed a $2,000 check made payable to James & Thomas, Conley added:

"Schiller has stated that he believes the $2,000 was entered on the partnership records as a promotion expense . . . His explanation of this payment to the development of a brochure is demonstrably false.

VIEWS EVIDENCE AS SUFFICIENT

"Lastly, Schiller signed the partnership (income tax) return for 1965."

Conley, then wrote that the present evidence was sufficient to support an indictment on a prima facie case against Schiller for violation of the U.S. Code 26–7206 (signing of a false income tax return).

In recommending possible prosecution, the March 17 letter further stated that the evidence also supported a conspiracy count against Schiller in conjunction with Bertsche and James & Thomas Inc.

As for a grand jury investigation, Conley pointed out to Walters in the letter:

"Primarily, through the records of James & Thomas Inc., the evidence will show that the payments made to it by Schiller & Frank and by a Flick-Reedy Corp. were indirect political campaign contributions. . . .

"In our view (the view of Chicago IRS agents), the facts involved in the instant (James & Thomas) case depict an aggravated situation which warrants the institution of recommended (grand jury) proceedings."

OFFER TO FUNDRAISERS

Conley went on to quote a letter dated Feb. 10, 1964 by Bertsche to an Illinois campaign fund-raising organization:

"If you have any contributors who would prefer to be billed by our firm in order to write it off as a business expense, please let me know and we will take care of the matter.

"We will send a duplicate of the invoice to you and credit the . . . campaign with that amount when it is paid."

When asked for comment Monday night, Bertsche referred all questions to a law firm of Schippers, Betar, Lamendella & O'Brien.

David S. Schippers, a former assistant U.S. attorney in Chicago and a member of the law firm, confirmed that he had conferred with Russo in Washington and that Russo had turned down the grand jury recommendation by Conley.

Schippers said that the recommendation has been resubmitted since Russo's original refusal. Conley proposed in the March 17 letter that Bertsche and certain other persons be prosecuted for conspiracy.

CONCEDES IRS QUESTIONING

Donald Schiller, 2730 Ridge, Highland Park, partner in Schiller & Frank, conceded to the Sun-Times that he was questioned by IRS agents about the advertising agency matter. As for statements in the Conley letter, Schiller said: "They (the IRS agents) are entitled to their belief."

Frank Flick, 1815 Merry, Oak Brook, president of Flick-Reedy, could not be reached for comment.

Drennan, when reached at his home, said he had no comment. However, he pointed out a number of times previously that he never had a part in management of James & Thomas and that he now has no connection with the agency.

Conley's recommendation in no way concerned Drennan's publicity firm, Chicago Public Relations Associates, 77 W. Washington, thus giving the firm a clean bill of health in the matter.

SUMMATION BY CONLEY

The Sun-Times disclosed on June 15, 1969 that James & Thomas was under income tax investigation concerning campaign contribution matters. The IRS inquiry began in 1968 and went back to 1963 political contributions.

In summing up the case Conley wrote that the scheme detailed in the letter of Feb. 10 (Bertsche's letter) was actually implemented.

He said that the Chicago IRS was satisfied that the documentary evidence established the political purpose of the payment to James & Thomas Inc. by Schiller & Frank and Flick-Reedy Corp.

He said that the officers of the contributors had steadfastly maintained that the disbursements were not political, but rather for services rendered to them by James & Thomas Inc.

However, Conley reported, the company officers refused to make statements to that effect under oath.

CITES INFORMATION FROM AGENCY

As documentary evidence in the case, Conley's letter cited information obtained from the James & Thomas books and records, which were obtained and examined by the Chicago IRS on a U.S. District Court order.

Conley wrote of the agency's records:

"These clearly show that the payments were made following the issuance of false invoices and the checks were credited to outstanding and long overdue accounts of campaign committees.

"Further, the job cost records of James & Thomas Inc. reflect the fact that it (the agency) incurred no cost whatsoever nor did it perform any services for the payors in question. We are talking about Flick-Reedy and about Schiller & Frank.

"Lastly, the job numbers assigned to the contributors were the same numbers previously given to the political accounts in question."

Conley referred to the $2,000 paid to the agency by Schiller & Frank, stating that the agency job number was 1,211 and that the billing was for "design and development of four-page, four-color brochure."

The same job number previously has been assigned to work done for a political campaign and represented payment for rental of billboard space, Conley noted. Conley added:

"As for the Flick-Reedy transaction, documentary evidence again points rather clearly to an indirect political contribution having been made and deducted (for income tax purposes) by the corporation."

Mr. GURNEY. Mr. President, I regret I did not come into the Chamber earlier to be able to hear all of the statement of the distinguished junior Senator from Illinois. I did come in and listen to the last minute or two. I gather that the import of the statement, at least that portion I heard, was that there was some doubt in the Senator's mind that the investigation was not being fairly and thoroughly conducted.

The senior Senator from Florida is a member of the Committee on the Judiciary and I have attended every day of hearings we have had so far in the renewed hearings on the confirmation of Mr. Kleindienst. I have not been there every hour of the hearings. One of the reasons I have not been there for every hour of the hearings is that the Democratic members on the committee are stalling and prolonging the hearings by asking questions over and over and over again that have been covered not once, not twice, not 10 times, not 25 times, but nearer 50 or 100 times. There is a great deal of politics going on in these hearings.

I know of no attempt by anybody on the committee, or for that matter, the administration, to hush up anything. We have had 3 weeks of hearings so far and there will be more on Sunday, Monday, and Tuesday, in Denver, Colo. This Senator is a part of the subcommittee that is going there.

I cannot remember in the 9 years I have been in Congress any confirmation of any public official that has been more thoroughly aired than this one has; and so far, I might say, listening to what has been going on, I have not found a shred of evidence, not a single shred of evidence, and I have either listened to all of it or read all of it, that ties Mr. Kleindienst in any respect to the contribution ITT made to the city of San Diego for the Republican Convention to be held there this summer, nor have I found any shred of evidence that indicates there was any impropriety at all on the part of the Justice Department in the settlement of this ITT antitrust suit.

As a matter of fact, if some of the objective writings are read about this—the Wall Street Journal in the past week or so had a couple articles—anybody with any sense at all would realize that this was the biggest antitrust settlement in the history of this Government and it was a harsh one so far as ITT was concerned.

Mr. President, the settlement caused the divestment from ITT of companies totally $1 billion in assets. I think it is very interesting that right after the settlement was announced the stock of ITT took a sharp drop on the market and many investors, so-called insiders, sold a great number of their shares of stock. Whether that was the right thing to do or not I do not know. But that is not a part of our hearings; it is a matter for the SEC to determine. But it indicates from what happened in the market and from what insiders did that this was not a sweetheart settlement so far as ITT was concerned.

One thing that troubles me at this juncture of the proceedings is that any Member of this body who is a lawyer should have second thoughts about prejudging what is going on in the Committee on the Judiciary in these hearings and what the final result will be until this matter is fully aired, until we have the evidence upon the table, until the Committee on the Judiciary comes to termination on these renewed hearings, and until this matter is thoroughly aired on this floor, as it will be.

It seems to me that all of us, as responsible Members of the Senate, should take this course of action instead of perhaps following some of the irresponsible writings and expressions I have seen on this matter day after day reported by the media in some newspapers and heard also on television, that give but a very small capsule picture of what has been going on in the proceedings in the Committee on the Judiciary. A great deal of the reporting of the testimony that actually has shown what has taken place has not reached the eyes of the public at all.

I can assure the Senator from Illinois that before the Committee on the Judiciary winds up I think we will have all the evidence that the Senate will need in order to make a judgment on whether we should confirm Mr. Kleindienst as Attorney General or not.

Mr. President, I yield back the remainder of my time.

EXTENSION OF TIME FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. The time allotted for the transaction of routine morning business has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time may be extended for 5 minutes under the same conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

OUR NATIONAL FORESTS

Mr. CHURCH. Mr. President, the young boy or girl sitting in class in Omaha or Oshkosh, in Chicago or Cincinnati, in Austin or Albany, is unlikely to know what clearcutting is all about. But those representing the lumber companies and Mr. John Whittaker at the White House know only too well the harm done to our national forests, when this method of harvesting timber is misapplied.

Well, it is time for all of us to learn more about clearcutting; to know when it can be used sensibly and when it should not be used at all; to know what sort of pressures are exerted for its use on marginal lands, and to know what can be done to prevent wrongful and wasteful clearcutting. After all, the national forests belong to all Americans.

During the last several years, Congress has heard mounting criticism of clearcutting as practiced in the management of our national forests. The misapplication of clearcutting—the knocking down of every tree in a designated area in the process of cutting marketable timber—is said to have occurred in such places, among others, as the Bitterroot National Forest in Montana, the Monongahela National Forest in West Virginia, and the Boise National Forest in Idaho.

In response to the growing concern about the misuse of clearcutting, the Subcommittee on Public Lands, which I chair, convened a series of hearings on forest management on the public lands. These hearings, beginning in the Spring of 1971, and extending into this year, provided an opportunity to review clearcutting practices. Forestry specialists from the universities, lumber industry spokesmen, witnesses representing conservation and environmental organizations, outdoor enthusiasts, sportsmen and private citizens, all testified. The committee also heard from the Forest Service and the Bureau of Land Management.

Following these public hearings, the subcommittee met to consider various courses of action. Recognizing that there is no single harvesting technique that will meet the needs of all forests in different parts of the country or the needs of all parts of a single forest, the subcommittee has drafted a series of recommended guidelines for the Forest Service and the Bureau of Land Management to apply to clearcutting in the future. These recommendations have been discussed with the Federal agencies which would administer them to make certain that they are technically sound. The subcommittee expects to issue its report, containing these guidelines, within the coming week.

I was dismayed to learn that the White House has decided to say nothing about clearcutting. An Executive order to restrict clearcutting has apparently been retracted under pressure from lumber and housing interests.

Mr. President, I do not know all the aspects of the process that led up to the White House's retreat on the clearcutting Executive order. I have, however, read two accounts of the process that are most revealing.

I ask unanimous consent that an editorial by Mr. Clare Conley, appearing in Field and Stream on this subject be printed in the Record. I also ask that an article by Mr. Lloyd Tupling in the February issue of the Sierra Club Bulletin be printed in the Record for the information of my colleagues. They shed a considerable light on the question of who is really in charge of our national forests.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From Field and Stream, April 1972]

EDITORIAL

(By Clare Conley)

Before getting into this editorial I want to define what clearcuttig a forest amounts to. It is a method of harvesting trees which causes complete devastation. It is more harmful than a forest fire. The land is churned up over vast areas by big machinery. *Every* tree is cut down and most of the surface plants are killed. Until grasses and shrubs can get started again, the land is wide open to extreme erosion. Timber companies prefer this method of harvest because it is cheaper than cutting selected mature trees and leaving the remainder unharmed and because having once destroyed a mixture of kinds of trees on a certain tract they can then plant one type of tree which they prefer. These trees are planted in neat little rows for fast growth, all standing the same height and all reaching maturity at the same time for another cutting. But it is no longer a forest any more than an orchard is a forest. There are no open grassy glens, no bushes, no aspen or alders. Everything is crowded and shaded out by the trees, and for the major part of the growth years of the trees there is little food for animals or birds. It is a sterile sort of forest designed by a computer. This is what has been happening to our National Forests by those who cut trees for profit. But remember, the cutters do not own the forests—everyone does. Do you think this kind of mismanagement is good for you and your forests?

January 7, 1972—the final draft of an Executive Order to be announced by President Nixon was typed up and sent in secret to the U.S. Forest Service, the Council of Environmental Quality, and to the Bureau of Land Management. It put strict limits on the use of clearcutting—"Except for limited experimental and research purposes not associated with commercial timber sale," the order said. Recreation and scenic values were to be protected. Harm to wildlife was to be kept to a minimum and the beauty of the area was to be protected. Waters associated with a clear-cut were not to be laden with eroded soil.

Furthermore, the order required future timber sales to have specifications for the operations of the timber companies. The maximum use of merchantable timber was to be made and the amount destroyed as slash was to be reduced. Cutting, skidding, or yarding was to be controlled near lakes and streams and a strip of forest was to be left along lakes and streams. Furthermore, the order stated, "Timber sale planning procedures will make adequate provision for obtaining and taking into account the views of citizens." Such an order would effectively put clearcutting back to the use for which it is logical—research and protection—not harvest. It would force the use of selective tree cutting, a method that has been socially and economically acceptable for decades.

January 8, 1972—National Forest Products Assn. Chairman L. L. Stewart (president, Bohemia Lumber Company, Eugene, Ore.) and NFPA president H. E. Sanders (president, Sanders Lumber Company, Meridian, Miss.) plus Industrial Forestry Assn. directors Paul F. Ehinger (vice-president, Hines Lumber Company, Chicago) and C. W. Bingham (vice-president Weyerhaeuser, Tacoma, Wash.) and president of Western Wood Products Assn. John Hampton (Willamina Lumber Company, Portland, Ore.) met with Secretary of Agriculture Butz, U.S. Forest Service Chief Cliff, Assistant Secretary of the Interior Loesch, and Bureau of Land Management official Storms. As reported in the *Industrial Forestry Assn. Facts* of January 11, 1972, "We *all* agreed on the undesirability of such an order. . . ."

January 10, 1972—A meeting set up by Butz with John Whittaker of the White House staff took place attended by Butz, Whittaker, Interior Assistant Secretaries Larson and Loesch, White House Staffer Fairbanks, Council of Environmental Quality Chairman Russell Train, Forest Service Chief Cliff, and eight forest industry spokesmen.

January 13, 1972—An official announcement released this day to the press stated that no Executive Order pertaining to clear-cutting would be issued by President Nixon. In referring to the affair, Sen. Fred Harris of Oklahoma said that it once again proved an old political axiom that public interests win in public; and private interests win in private.

[From Sierra Club Bulletin, February 1972]

WASHINGTON REPORT

(By W. Lloyd Tupling)

Who would have thought that the Paul Bunyan crowd would themselves escalate clear-cutting of timber on Federal forest land as an environmental issue of national significance?

Always a controversial forest management practice, clear-cutting has been the target of conservationists for many years. But it took timber industry pressure on the Nixon Administration in recent weeks to thrust it full bloom into the political arena. Numerous newspaper articles which followed the shelving of a proposed presidential order restraining clear-cutting attest to this fact.

The scenario began late last spring when the Council on Environmental Quality, concerned about the criticism of clear-cutting approved by the Forest Service, launched a study of the practice, which requires the cutting of all trees on a tract selected for commercial timber production. Aside from the esthetic impact of denuding large sections of forest land, the study showed indications of soil erosion, stream pollution, wildlife habitat destruction and other adverse effects.

As a result, a proposed executive order was prepared for President Nixon's signature. The first section of the draft stated that as a matter of policy, "the Federal Government shall provide leadership in the development and application of environmentally sound forest management practices." (Why should anyone oppose that?) But, it went on to other sections, including one entitled, "Limitations on the use of clear-cutting." One of these limitations was that "there will be no clear-cutting in areas of outstanding scenic beauty . . ." As later developments revealed, this was the limitation which evoked the most violent response from timber industry opponents.

On January 11, a story appeared in the New York Times with the headline "President plans to limit clear-cutting in national forests; timber men are disturbed".

Disturbed. Indeed, they were frantic. Sources in the Department of Agriculture had alerted the National Forest Products Association around January 1 that the Council on Environmental Quality was pressing for early presidential action. A nationwide industry counterattack was immediately launched. The January 7 management report of the American Plywood Association declared "Threat of clear-cut curb demands urgent action!" and said the Association "joins with all other industry associations in urging every company in the industry to communicate at once with Secretary of Agriculture Earl L. Butz and Interior Secretary Rogers C. B. Morton, as well as with congressmen, documenting the drastic economic effects should an executive order be issued restricting clear-cutting of timber."

An industry spokesman denounced the regulation aimed at protection of scenic areas as the "dangerous one . . . an open invitation to litigation, protests and related activities which would handcuff the Forest Service."

On January 10, at the behest of officials of the National Forest Products Association, the newly-named Agriculture Secretary Earl Butz convened a meeting in his office which included John Whitaker, the President's special assistant; Harrison Loesch, Assistant Secretary of Interior; Chairman Russell Train of CEQ, Ed Cliff, Chief of the Forest Service, and his deputy, John McGuire. On January 12, a CEQ official announced that Train, Butz and Morton had jointly decided against pushing the presidential order. Ordinarily the existence or scuttling of an executive order draws scant attention in the national capitol. But this time the atmosphere was different. Headlines declared: "Butz leads fight against Nixon order," "See surrender to timber industry," "Limit on cutting timber dropped," "Nixon's aides switch after opposition by industry."

This press attention was enough to set off political fireworks from various directions. In Powell, Wyoming, Sen. Gale McGee, author of legislation for a two-year moratorium on clear-cutting, charged that "large timber interests continue to call the shots for the Nixon Administration on national forest management policies.

"The Administration's first really solid attempt to face up to the complexity of the clear-cutting issue has been thwarted by industry pressure," said McGee.

Sen. Fred R. Harris of Oklahoma was less charitable. "We ought to know more about this seemingly incestuous relationship between the timber lobby and the government," Harris declared. "We ought to know why Secretary Butz consulted the timber interests and no one lese. We ought to know the financial advantage to the industry of the decision not to restrict clear-cutting."

The demise of the Nixon clear-cutting order is only one of the number of recent developments spotlighting the need for full congressional review of national timber management practices. Experts at the Forest Service Forest and Range Management Station have prepared a report indicating that the amount of forest land suitable and available for timber production in western national forests may have been over-estimated by "as much as 22 percent." At the same time, timber-harvesting on Bureau of Land Management areas in western Oregon is headed for a cumulative overcut of about 20 percent.

Obviously, if the amount of commercial timberland has been over-estimated and the allowable cut accelerates at the same time, Congress needs to take a hard look at Federal management practice.

TREATIES BETWEEN BONN AND POLAND AND SOVIET UNION

Mr. MANSFIELD. Mr. President, there is a segment of news, largely below the horizon, which I think is of transcendent importance to the future of Western Europe, and indirectly to this country.

There is a real danger that the West German Parliament will vote against ratification of the treaties negotiated last year between Bonn and the Governments of Poland and the Soviet Union. It is a chilling thought.

The nonaggression pacts involve, among other things, abandonment of West German claims to territories lost as a result of the Nazi defeat in World War II. The present borders with Poland and East Germany would be recognized as permanent.

In return, Bonn was given to understand that the Russians would cease their propaganda war against West Germany, cooperating in establishing greater freedom of movement to and from West Berlin, and otherwise help to normalize relations in the heart of Europe.

The Russians have indicated they will not sign the final protocol for the Berlin accord unless Bonn approves the Moscow and Warsaw Treaties. The United States and other Western Powers, for that part, indicate that if Moscow does not sign the Berlin protocol, they will not sit down for the European security conference the Russians have been so energetically seeking.

I ask unanimous consent that a very pertinent column by one of the country's best known and most trustworthy commentators, Mr. Marquis Childs, published in the Washington Post of today, Friday, March 24, and also an editorial from the Los Angeles Times under date of March 23, 1972, be printed in the RECORD.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

GERMANY TESTS ITS DEMOCRACY

Democracy is the worst possible form of government except all the others, Winston Churchill once said.

In Germany, where democracy is a new and rather tender plant, a test is just ahead so momentous that the importance of the consequences can hardly be exaggerated.

The treaties with the East, designed to ease tensions with Moscow and Warsaw, will be before the Parliament for ratification next month. Long and painstaking negotiation by Chancellor Willy Brandt and the able younger men around him was aimed at breaking the stalemate out of the Cold War. It was a recognition that the prewar past and the territories lost when the Nazi armies were defeated could never be restored.

Today there is a real threat that the treaties will be rejected as the slender majority of the coalition of Social-Democrats and Free Democrats is chipped away. Linked to ratification is the agreement between East and West Germany giving Berliners a status they have never had before. The whole structure put together with so much patient persistence could come crashing down.

One casualty in the general ruin might be the strategic arms limitation agreement on which the Nixon administration has put such a high stake. The present masters of the Kremlin, Leonid Brezhnev and Alexei Kosygin, are identified with the treaties and the thaw between East and West. It is a safe assumption that they have hard-line opponents who, if their policy should fail, would be ready to move in.

The reaction in the United States would be sharp. While the demand for cutting back the 250,000 American troops in Germany has subsided, with the hope of mutual agreed reduction by the two sides, it would be given a new force with proof that the Germans were bent on keeping alive the old hatreds and the old drive to restore the past.

Americans simply will not underwrite a new Cold War to gratify German ambitions. It is little more than 25 years since the smoke stopped rising from the gas ovens at Auschwitz and Belsen. The memory of that prolonged horror has not been wiped out.

This is something the Christian Democrats, bent on bringing down the Brandt government in a good old lustful power struggle, apparently fail to realize. Cutting back American troop strength as one way to relieve the pressure on the dollar would look very attractive.

The process of ratification is complicated. In the first instance the lower house, the Bundestag, can ratify with a simple majority. But then if the upper house, the Bundesrat, voted in the negative, the treaties must receive in the Bundestag an outright majority of 249.

That would mean for the Brandt government squeaking by with a one-vote margin. As the chipping process continues and something like panic seizes the Free Democrat partners in the coalition, this is teetering on the abyss.

Brandt's position is complicated by the rise in inflation and the threat of unemployment. Voters complain that many of the promises he made in the election campaign in 1969 for internal reforms have not been carried out. This has been due to circumstances largely beyond the chancellor's control.

Should the treaties be rejected, Brandt would dissolve the Parliament on a vote of no confidence and elections would be held in 60 days. The Social-Democrats might get a majority, according to present indicators. The damage, however, would have been done, with all those hopeful of restoring the past happy to see the door slammed.

For the whole world the signal would be loud and clear. The Germans were on the march again, as so often before with such terrible consequences for humanity.

UNITED STATES HAS STAKE IN BONN'S EASTERN PACTS

There is a real danger that the West German parliament will vote against ratification of the treaties negotiated last year between Bonn and the governments of Poland and the Soviet Union. It is a chilling thought.

The "nonaggression" pacts involve, among other things, abandonment of West German claims to territories lost as a result of the Nazi defeat in World War II. The present borders with Poland and East Germany would be recognized as permanent.

In return, Bonn was given to understand that the Russians would cease their propaganda war against West Germany, cooperate in establishing greater freedom of movement to and from West Berlin, and otherwise help to normalize relations in the heart of Europe.

Despite a certain vagueness in the Soviet commitments, a majority of Germans seemed to approve of the treaties at the time they were negotiated. Bonn's Western allies, too, generally applauded them—and still do—as a promising step toward detente.

The opposition Christian Democratic Party, however, has mounted a surprisingly effective drive to defeat the treaties. Already the pacts have been initially voted down by the Bundesrat. And there is a strong possibility that Chancellor Willy Brandt's government will lose in the Bundestag, the other house in the West German parliament, when the treaties come up for a vote in early May.

The consequences of such development might be unfortunate, indeed—not just for West Germany but for the whole mosaic of East-West relationships, including President Nixon's visit to Moscow in late May.

The Russians have indicated they won't sign the final protocol for the Berlin accord unless Bonn approves the Moscow and Warsaw treaties. The United States and other Western powers, for their part, indicate that if Moscow doesn't sign the Berlin protocol, they will not sit down for the European security conference the Russians have been so energetically seeking.

Soviet diplomats, alarmed by the possibility that the treaties won't be approved, have warned darkly that there won't be a second chance, that if the pacts are voted down the West Germans may as well get set for a renewal of the cold war.

This may be empty bluff, of course. But on the other hand it may not.

It should not be overlooked that the current Kremlin leadership has staked a great deal of prestige on the negotiations with Bonn. If the treaties are rejected, a leadership crisis might be precipitated. And that, in turn, would introduce a disturbing new element of uncertainty in the whole range of relations between Washington and Moscow—including the vitally important area of arms control.

The opposition Christian Democrats are not alone, of course, in questioning the sincerity of the Russian interest in European detente. They should ask themselves, though, if they really want to take responsibility—before history as well as the German voters—of voting down the Eastern treaties before Soviet motives can be decently tested at the conference table.

PREPARATION BY THE SECRETARY OF THE SENATE TO MEET OBLIGATIONS UNDER THE FEDERAL ELECTION CAMPAIGN ACT OF 1971

Mr. MANSFIELD. Mr. President, if I may have 1 additional minute so I may make an announcement in behalf of the distinguished minority leader and myself, I am happy to be able to report that the Office of the Secretary of the Senate is today completing preparation to meet obligations which the Congress has assigned to the Secretary under the Federal Election Campaign Act of 1971.

This act, which I introduced in its original form along with Senators CANNON, PASTORE, and PELL, and which passed the Senate by a vote of 88 to 2 last August 5, places comprehensive reporting and disclosure requirements and explicit limitations on media expenditures on all candidates for the Senate.

It is a complex act, covering a complex subject, and it has placed a heavy administrative burden on the Office of the Secretary of the Senate, who is one of the three supervisory officers along with the Clerk of the House and the Comptroller General. These three officers have engaged in a collaborative effort to keep the forms and regulations as similar as possible.

For its part, the Senate can be satisfied that every effort has been made by the Secretary's office to get this new law off on the right foot and to make compliance with this act as straightforward and uncomplicated as possible. I urge all

Members and their staffs to familiarize themselves with the forms and regulations which have been prepared and to take all necessary steps to comply. With this in mind, I ask unanimous consent to have printed at this point in the RECORD, the text of the Manual of Law, Regulations, and Accounting Instructions of the Secretary of the Senate, along with sample forms for the registration of political committees and for disclosure of receipts and expenditures by candidates, committees, and other persons required to report.

I also ask unanimous consent that the statement of the Secretary of the Senate before the Appropriations Committee, which pertains largely to the plans for administering the new law be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MANUAL OF LAW, REGULATION AND ACCOUNTING INSTRUCTIONS RELATING TO DISCLOSURE OF CAMPAIGN FUNDS FOR CANDIDATES FOR THE U.S. SENATE AND FOR POLITICAL COMMITTEES SUPPORTING SUCH CANDIDATES

PART I—THE LAW

The following is the full text of title III of Public Law 92-225, the Federal Election Campaign Act of 1971, which requires disclosure of receipts and expenditures made for the purpose of influencing nominations or election of candidates for the United States Senate.

Title III—Disclosure of Federal campaign funds

Definitions

SEC. 301. When used in this title—

(a) "election" means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(b) "candidate" means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, to Federal office, or, (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

(c) "Federal office" means the office of President or Vice President of the United States; or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

(d) "political committee" means any committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding $1,000;

(e) "contribution" means—

(1) a gift, subscription, loan, advance, or deposit of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office or as a presidential or vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement, whether or not legally enforceable, to make a contribution for any such purpose;

(3) a transfer of funds between political committees;

(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or committee without charge for any such purpose; and

(5) notwithstanding the foregoing meanings of "contribution", the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee;

(f) "expenditure" means—

(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office, or as a presidential or vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure, and

(3) a transfer of funds between political committees;

(g) "supervisory officer" means the Secretary of the Senate with respect to candidates for Senator; the Clerk of the House of Representatives with respect to candidates for Representative in, or Delegate or Resident Commissioner to, the Congress of the United States; and the Comptroller General of the United States in any other case;

(h) "person" means an individual, partnership, committee, association, corporation, labor organization, and any other organization or group of persons; and

(i) "State" means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

Organization of Political Committees

SEC. 302. (a) Every political committee shall have a chairman and a treasurer. No contribution and no expenditure shall be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of chairman or treasurer thereof. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their designated agents.

(b) Every person who receives a contribution in excess of $10 for a political committee shall, on demand of the treasurer, and in any event within five days after receipt of such contribution, render to the treasurer a detailed account thereof, including the amount, the name and address (occupation and the principal place of business, if any) of the person making such contribution, and the date on which received. All funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of such committee.

(c) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

(1) all contributions made to or for such committee;

(2) the full name and mailing address (occupation and the principal place of business, if any) of every person making a contribution in excess of $10, and the date and amount thereof;

(3) all expenditures made by or on behalf of such committee; and

(4) the full name and mailing address (occupation and the principal place of business, if any) of every person to whom any expenditure is made, the date and amount thereof and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made.

(d) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of $100 in amount, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds $100. The treasurer shall preserve all receipted bills and accounts required to be kept by this section in periods of time to be determined by the supervisory officer.

(e) Any political committee which solicits or receives contributions or makes expenditures on behalf of any candidate that is not authorized in writing by such candidate to do so shall include a notice on the face or front page of all literature and advertisements published in connection with such candidate's campaign by such committee or on its behalf stating that the committee is not authorized by such candidate and that such candidate is not responsible for the activities of such committee.

(f) (1) Any political committee shall include on the face or front page of all literature and advertisements soliciting funds the following notice:

"A copy of our report filed with the appropriate supervisory officer is (or will be) available for purchase from the Superintendent of Documents, United States Government Printing Office, Washington, D.C., 20402".

(2) (A) The supervisory officer shall compile and furnish to the Public Printer, not later than the last day of March of each year, an annual report for each political committee which has filed a report with him under this title during the period from March 10 of the preceding calendar year through January 31 of the year in which such annual report is made available to the Public Printer. Each such annual report shall contain—

(i) a copy of the statement of organization of the political committee required under section 303, together with any amendments thereto; and

(ii) a copy of each report filed by such committee under section 304 from March 10 of the preceding year through January 31 of the year in which the annual report is so furnished to the Public Printer.

(B) The Public Printer shall make copies of such annual reports available for sale to the public by the Superintendent of Documents as soon as practicable after they are received from the supervisory officer.

REGISTRATION OF POLITICAL COMMITTEES; STATEMENTS

SEC. 303. (a) Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1,000 shall file with the supervisory officer a statement of organization, within ten days after its organization or, if later, ten days after the date on which it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of $1,000. Each such committee in existence at the date of enactment of this Act shall file a statement of organization with the supervisory officer at such time as he prescribes.

(b) The statement of organization shall include—

(1) the name and address of the committee;

(2) the names, addresses, and relationships of affiliated or connected organizations;

(3) the area, scope, or jurisdiction of the committee;

(4) the name, address, and position of the custodian of books and accounts;

(5) the name, address, and position of other principal officers, including officers and members of the finance committee, if any;

(6) the name, address, office sought, and party affiliation of (A) each candidate whom the committee is supporting, and (B) any other individual, if any, whom the committee is supporting for nomination for election, or election, to any public office whatever; or, if the committee is supporting the entire ticket of any party, the name of the party;

(7) a statement whether the committee is a continuing one;

(8) the disposition of residual funds which will be made in the event of dissolution;

(9) a listing of all banks, safety deposit boxes, or other repositories used;

(10) a statement of the reports required to be filed by the committee with State or local officers, and, if so, the names, addresses, and positions of such persons; and

(11) such other information as shall be required by the supervisory officer.

(c) Any change in information previously submitted in a statement of organization shall be reported to the supervisory officer within a ten-day period following the change.

(d) Any committee which, after having filed one or more statements of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding $1,000 shall so notify the supervisory officer.

Reports by Political Committees and Candidates

SEC. 304. (a) Each treasurer of a political committee supporting a candidate or candidates for election to Federal office, and each candidate for election to such office, shall file with the appropriate supervisory officer reports of receipts and expenditures on forms to be prescribed or approved by him. Such reports shall be filed on the tenth day of March, June, and September, in each year, and in the fifteenth and fifth days next preceding the date on which an election is held, and also by the thirty-first day of January. Such reports shall be complete as of such date as the supervisory officer may prescribe, which shall not be less than five days before the date of filing, except that any contribution of $5,000 or more received after the last report is filed prior to the election shall be reported within forty-eight hours after its receipt.

(b) Each report under this section shall disclose—

(1) the amount of cash on hand at the beginning of the reporting period;

(2) the full name and mailing address (occupation and the principal place of business, if any) of each person who has made one or more contributions to or for such committee or candidate (including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events) within the calendar year in an aggregate amount or value in excess of $100, together with the amount and date of such contributions;

(3) the total sum of individual contributions made to or for such committees or candidate during the reporting period and not reported under paragraph (2);

(4) the name and address of each political committee or candidate from which the reporting committee or the candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts and dates of all transfers;

(5) each loan to or from any person within the calendar year in an aggregate amount or value in excess of $100, together with the full names and mailing addresses (occupations and the principal places of business, if any) of the lender and endorsers, if any, and the date and amount of such loans;

(6) the total amount of proceeds from (A) the sale of tickets to each dinner, luncheon, rally, and other fundraising event; (B) mass collections made at such events; and (C) sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;

(7) each contribution, rebate, refund, or other receipt in excess of $100 not otherwise listed under paragraphs (2) through (6);

(8) the total sum of all receipts by or for such committee or candidate during the reporting period;

(9) the full name and mailing address (occupation and the principal place of business, if any) of each person to whom expenditures have been made by such committee or on behalf of such committee or candidate within the calendar year in an aggregate amount or value in excess of $100, the amount, date, and purpose of each such expenditure and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made;

(10) the full name and mailing address (occupation and the principal place of business, if any) of each person to whom an expenditures for personal services, salaries, and reimbursed expenses in excess of $100 has been made, and which is not otherwise reported, including the amount, date, and purpose of such expenditure;

(11) the total sum of expenditures made by such committee or candidate during the calendar year;

(12) the amount and nature of debts and obligations owed by or to the committee, in such form as the supervisory officer may prescribe and a continuous reporting of their debts and obligations after the election at such periods as the supervisory officer may require until such debts and obligations are extinguished; and

(13) such other information as shall be required by the supervisory officer.

(c) The reports required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward. If no contributions or expenditures have been accepted or expended during a calendar year, the treasurer of the political committee or candidate shall file a statement to that effect.

Reports by others than political committees

SEC. 305. Every person (other than a political committee or candidate) who makes contributions or expenditures, other than by contribution to a political committee or candidate, in an aggregate amount in excess of $100 within a calendar year shall file with the supervisory officer a statement containing the information required by section 304. Statements required by this section shall be filed on the dates on which reports by political committees are filed, but need not be cumulative.

Formal requirements respecting reports and statements

SEC. 306. (a) A report or statement required by this title to be filed by a treasurer of a political committee, a candidate, or by any other person, shall be verified by the oath or affirmation of the person filing such report or statement, taken before any officer authorized to administer oaths.

(b) A copy of a report or statement shall be preserved by the person filing it for a period of time to be designated by the supervisory officer in a published regulation.

(c) The supervisory officer may, by published regulation of general applicability, relieve any category of political committees of the obligation to comply with section 304 if such committee (1) primarily supports persons seeking State or local office, and does not substantially support candidates, and (2) does not operate in more than one State or on a statewide basis.

(d) The supervisory officer shall, by published regulations of general applicability, prescribe the manner in which contributions and expenditures in the nature of debts and other contracts, agreements, and promises to make contributions or expenditures shall be reported. Such regulations shall provide that they be reported in separate schedules. In determining aggregate amounts of contributions and expenditures, amount reported as provided in such regulations shall not be considered until actual payment is made.

Reports on Convention Financing

SEC. 307. Each convention or other organization which—

(1) represents a State, or a political subdivision thereof, or any group of persons, in dealing with officials of a national political party with respect to matters involving a convention held in such State or political subdivision to nominate a candidate for the office of President or Vice President, or

(2) represents a national political party in making arrangements for the convention of such party held to nominate a candidate for the office of President or Vice President,

shall, within sixty days following the end of the convention (but not later than twenty days prior to the date on which presidential and vice-presidential electors are chosen), file with the Comptroller General of the United States a full and complete financial statement, in such form and detail as he may prescribe, of the sources from which it derived its funds, and the purposes for which such funds were expended.

Duties of the Supervisory Officer

SEC. 308. (a) It shall be the duty of the supervisory officer—

(1) to develop and furnish to the person required by the provisions of this Act prescribed forms for the making of the reports and statements required to be filed with him under this title;

(2) to prepare, publish, and furnish to the person required to file such reports and statements a manual setting forth recommended uniform methods of bookkeeping and reporting;

(3) to develop a filing, coding, and cross-indexing system consonant with the purposes of this title;

(4) to make the reports and statements filed with him available for public inspection and copying, commercing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person: *Provided*, That any information copied from such reports and statements shall not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose;

(5) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(6) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate;

(7) to prepare and publish an annual report including compilations of (A) total reported contributions and expenditures for all candidates, political committees, and other persons during the year; (B) total amounts expended according to such categories as he shall determine and broken down into candidate, party, and nonparty expenditures on the national, State, and local levels; (C) total amounts expended for influencing nominations and elections stated separate-

ly; (D) total amounts contributed according to such categories of amounts as he shall determine and broken down into contributions on the national, State, and local levels for candidates and political committees; and (E) aggregate amounts contributed by any contributor shown to have contributed in excess of $100;

(8) to prepare and publish from time to time special reports comparing the various totals and categories of contributions and expenditures made with respect to preceding elections;

(9) to prepare and publish such other reports as he may deem appropriate;

(10) to assure wide dissemination of statistics, summaries, and reports prepared under this title;

(11) to make from time to time audits and field investigations with respect to reports and statements filed under the provisions of this title, and with respect to alleged failures to file any report or statement required under the provisions of this title;

(12) to report apparent violations of law to the appropriate law enforcement authorities; and

(13) to prescribe suitable rules and regulations to carry out the provisions of this title.

(b) The supervisory officer shall encourage, and cooperate with, the election officials in the several States to develop procedures which will eliminate the necessity of multiple filings by permitting the filing of copies of Federal reports to satisfy the State requirements.

(c) It shall be the duty of the Comptroller General to serve as a national clearinghouse for information in respect to the administration of elections. In carrying out his duties under this subsection, the Comptroller General shall enter into contracts for the purpose of conducting independent studies of the administration of elections. Such studies shall include, but shall not be limited to, studies of—

(1) the method of selection of, and the type of duties assigned to, officials and personnel working on boards of elections;

(2) practices relating to the registration of voters; and

(3) voting and counting methods.

Studies made under this subsection shall be published by the Comptroller General and copies thereof shall be made available to the general public upon the payment of the cost thereof. Nothing in this subsection shall be construed to authorize the Comptroller General to require the inclusion of any comment or recommendation of the Comptroller General in any such study.

(d) (1) Any person who believes a violation of this title has occurred may file a complaint with the supervisory officer. If the supervisory officer determines there is substantial reason to believe such a violation has occurred, he shall expeditiously make an investigation, which shall also include an investigation of reports and statements filed by the complainant if he is a candidate, of the matter complained of. Whenever in the judgment of the supervisory officer, after affording due notice and an opportunity for a hearing, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this title or any regulation or order issued thereunder, the Attorney General on behalf of the United States shall institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which the person is found, resides, or transacts business. Upon a proper showing that such person has engaged or is about to engage in such acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by such court.

(2) In any action brought under paragraph (1) of this subsection, subpenas for witnesses who are required to attend a United States district court may run into any other district.

(3) Any party aggrieved by an order granted under paragraph (1) of this subsection may, at any time within sixty days after the date of entry thereof, file a petition with the United States court of appeals for the circuit in which such person is found, resides, or transacts business, for judicial review of such order.

(4) The judgment of the court of appeals affirming or setting aside, in whole or in part, any such order of the district court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(5) Any action brought under this subsection shall be advanced on the docket of the court in which filed, and put ahead of all other actions (other than other actions brought under this subsection).

Statements filed with state officers

Sec. 309. (a) A copy of each statement required to be filed with a supervisory officer by this title shall be filed with the Secretary of State (or, if there is no office of Secretary of State, the equivalent State officer) of the appropriate State. For purposes of this subsection, the term "appropriate State" means—

(1) for reports relating to expenditures and contributions in connection with the campaign for nomination for election, or election, of a candidate to the office of President or Vice President of the United States, each State in which an expenditure is made by him or on his behalf, and

(2) for reports relating to expenditures and contributions in connection with the campaign for nomination for election, or election, of a candidate to the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, the State in which he seeks election.

(b) It shall be the duty of the Secretary of State, or the equivalent State officer, under subsection (a)—

(1) to receive and maintain in an orderly manner all reports and statements required by this title to be filed with him;

(2) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(3) to make the reports and statements filed with him available for public inspection and copying during regular office hours, commencing as soon as practicable but not later than the end of the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, requested by any person, at the expense of such person; and

(4) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate.

Prohibition of Contributions in Name of Another

Sec. 310. No person shall make a contribution in the name of another person, and no person shall knowingly accept a contribution made by one person in the name of another person.

Penalty for Violations

Sec. 311. (a) Any person who violates any of the provisions of this title shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(b) In case of any conviction under this title, where the punishment inflicted does not include imprisonment, such conviction shall be deemed a misdemeanor conviction only.

PART II—REGULATIONS AND INSTRUCTIONS

The following regulations and instructions are issued by the Secretary of the Senate under authority of section 308 of the Federal Election Campaign Act, and supplement the provisions of the act.

A. Prescribed forms

All statements and reports required to be filed to disclose receipts and expenditures made for the purpose of influencing nominations or elections to the U.S. Senate shall be filed on forms prescribed by the Secretary of the Senate. If statements or reports are required to be filed in connection with election to other Federal offices, they shall be filed with each appropriate supervisory officer on the forms prescribed by that supervisory officer. Such statements and reports and any changes or corrections thereto shall be typewritten or printed legibly in ink. Use only black, blue or blue-black ribbon or ink.

Registration and Statement of Organization (Committees Only)

Each political committee which anticipates receiving contributions or making expenditures during a calendar year in an aggregate amount exceeding $1,000, any portion of which will be expended for the purposes of influencing the nomination or election of any candidate or candidates for the U.S. Senate, shall file a statement of organization with the Secretary of the Senate within 10 days after the effective date of the Act, or within 10 days after the organization of the committee, or within 10 days after the committee has information which causes it to anticipate receiving such contributions or making such expenditures exceeding $1,000. No political committee which is included within the scope of the act shall be exempted from filing a statement of organization with the Secretary of the Senate by reason of being required to file also with another supervisory officer.

Reports of Receipt and Expenditures (Candidates, Committees, and Other Persons)

Reports of receipts and expenditures required by the act shall be filed with the Secretary of the Senate by all candidates for the U.S. Senate and by those political committees which are required to file a statement of organization with the Secretary and have not been granted a waiver of such reporting requirement.

Persons who make contributions or expenditures in support of a candidate for the U.S. Senate, *other than* by contribution to a political committee or candidate, in an aggregate amount in excess of $100 during a calendar year, shall report such contributions in the same manner as do committees, as provided by section 305 of the act. Persons complying with this regulation may use the prescribed reporting forms which have been issued for committees, substituting the person's name wherever the identification of a committee is required by the form. Reports filed by such persons need not be cumulative. They shall be due on the same dates as are reports from candidates and committees except that persons complying with section 305 of the act need file reports only for those reporting periods within which such direct contributions or expenditures have been made.

B. Definitions

(See section 301 of the act for definitions of "election," "candidate," "Federal office," "political committee," "contribution," "expenditures," "supervisory officer," "person" and "State." See also section 102 of the act for additional definitions under title I.)

"Affiliated or Connected Organization" includes but is not limited to (a) an organization which organized the reporting committee primarily for the purpose of influencing the nomination or election of candidates for Federal office; or (b) an organization whose primary purpose is to support the reporting committee; or (c) an organization whose membership is generally similar to that of the reporting committee.

"Calendar Year" for 1972, the first year during which the act will be effective, means

the period from April 7, 1972, to and including December 31, 1972. No report is required to show any expenditures or contribution which occurred before April 7, 1972, the effective date of the act, except that any expenditure for communications media (as defined in title I of the Federal Election Campaign Act) *used* on or after April 7, 1972, shall be charged against the candidate's expenditure limitation applicable to the election for which it is used, regardless of when the use is paid for or contracted for. For further information concerning communications media spending, refer to the Comptroller General's Regulations on title I of the act.

"File," "Filed," and "Filing" means delivery to the Office of the Secretary of the Senate, Washington, D.C., by midnight of the prescribed filing date, or deposit as certified air mail, in an established U.S. Post Office, postage prepaid, no later than midnight of the second day next preceding the filing date. Certified mail receipts shall be retained as evidence of filing. Documents deposited within 500 miles of Washington, D.C., need not be sent by air mail, but shall be certified. *In the event the mailing deadline falls on a day in which no mail is certified, the next preceding day on which mail is certified shall be deemed the mailing date.* All reports may be deposited in preprinted return envelopes supplied by the Secretary of the Senate, bearing a declaration of contents and requesting priority handling. In the event a report is too large to be inserted in the preprinted envelope, it should be packaged separately but the whole face of the preprinted envelope may be used as a mailing label. (See separate requirement for filing under "Complaints of Violation.")

"Full Name" and "Name" mean the identification of the person usually given for business purposes.

"Mailing Address" and "Address" mean building number, street number and ZIP code.

"Occupation and Principal Place of Business, if any" means, if self-employed, type of work or profession and city where self-employed; or, if employed, type of work or title, name of employer or employing organization and city of employment.

"Periodic Reports" means those reports of receipts and expenditures which shall be filed on the 10th day of March, June, and September and no later than the 31st day of January.

"Preelection Reports" means those reports of receipts and expenditures which shall be filed on the 15th and fifth days next preceding an election.

C. Special instructions regarding statements and reports

Personal responsibility

Any person required to file a statement, report, or other document with the Secretary of the Senate under the act shall be personally responsible for the timely filing of a complete and accurate report, statement, or document.

Committee officers

Every political committee shall have a chairman and a treasurer, who shall be separate individuals. No contribution and no expenditure shall be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of chairman or treasurer thereof. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their designated agents.

Special Reports After Closing of Last Preelection Report

Any contribution of $5,000 or more (including a transfer of funds from a candidate or committee) which is received after the prescribed closing date for books for the last report prior to an election shall be separately reported within 48 hours after its receipt. Such contribution shall be reported to the Secretary of the Senate by telegraph or by hand-delivered letter giving the date and amount of the contribution and the full name and mailing address (occupation and principal place of business, if any) of the contributor. *All such contributions shall also be declared in the next periodic or preelection report due under the Act.*

Waiver of Filings

If a periodic report is due on or within 10 days of the filing date for a preelection report, the filing of the preelection report shall fulfill both requirements and shall be so indicated on the report form.

Waiver of reporting requirements

Any political committee required to file reports with the Secretary of the Senate may be relieved of the duty to comply with such requirement if all of the following conditions are satisfied—

(1) the committee is a local, city, or county committee and does not conduct its activities throughout the State or in any other State; and

(2) the committee primarily supports persons seeking State or local office; and

(3) the committee does not make contributions or expenditures in support of a candidate for election to the U.S. Senate in an aggregate amount exceeding $1,000 in a calendar year.

Upon receipt of such statement of organization from a committee that meets all of the above three requirements, the Secretary of the Senate will grant a waiver and so advise the reporting committee. Such waiver shall continue only for such time as all of the three above conditions are satisfied.

Identification Number for Committees

Upon receipt of a statement of organization, the Secretary of the Senate shall acknowledge receipt thereof, assign an identification number to the registering committee, and notify the committee of the number assigned. This identification number shall be entered by the political committee on all subsequent reports or statements filed with the Secretary under the act, as well as on all communications concerning such reports or statements.

Changes and Corrections

Any changes in information previously submitted in a statement of organization, and any corrections to a statement or report shall be reported to the Secretary within 10 days following the date of the event prompting such change or correction. The change or correction shall be reported by letter in the same manner as was the information previously submitted, shall identify the form and the paragraph or schedule containing the information to be changed or corrected, and shall be verified by oath or affirmation by the person required by law to submit such information at the time the change or correction is reported.

Notification of Suspension, Dissolution or Termination

Any committee which, after having filed one or more statements of organization with the Secretary of the Senate, disbands or determines that it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding $1,000, shall so notify the Secretary. Such notification shall include a termination report and a statement as to the disposition of residual funds if the committee is disbanding and shall be verified by oath or affirmation and filed in the same manner as the statement of organization. Candidate for the U.S. Senate shall continue to file reports of receipts and expenditures for as long as they (1) continue to be a candidate or (2) continue to receive contributions or make expenditures in connection with an election. When they cease to be a candidate or when they cease to receive contributions or make expenditures in connection with an election, they shall file a termination report that covers the period from the closing date of the last previous report filed through the date of termination.

D. Accounting instructions

Dates for Closing Books

Reports of receipts and expenditures due on the 15th day next preceeding an election shall be complete as of midnight of the 22d day next preceding such election. Reports of receipts and expenditures due on the 10th day of the months of March, June and September and by the 31st day of January shall be complete as of midnight of the last day of the preceding month. All such reports shall be cumulative and shall cover the period from the closing date of the last previous report filed.

Canceled Check as Receipt

A canceled check showing payment of a bill, together with the bill or invoice stating the purpose of the expenditure, shall be deemed to be a receipted bill.

Cash on Hand

Cash includes but is not limited to money, balances on deposit in banks and savings and loan institutions, checks, negotiable money orders and other paper commonly accepted by a bank in a deposit of cash, and cash funds in other repositories.

Contributed Services

Services which a person is paid to perform or which are performed in lieu of regular duties for such person's employer, are deemed not to be voluntary services and should be reported and identified as a contribution in kind.

Disclosure of Receipt and Consumption of Contributions in Kind

Each contribution in kind shall be declared at fair market value and reported on the appropriate schedule of receipts, identified as to its nature and listed as "contribution in kind." The total amount of goods and services contributed in kind shall be deemed to have been consumed in the reporting period in which received. Each such contribution shall be declared as an expenditure at the fair market value and reported on the appropriate expenditure schedule, identified as "contribution in kind." (For exceptions concerning broadcast time donated to a candidate, see the Guidelines of the Federal Communications Commission pertaining to title I of the Federal Election Campaign Act of 1971.)

Uniform Identity of Contributors

In determining the aggregate of a person's contributions, the treasurer or candidate shall list contributions from the same donor under the same name. In each instance when a contribution received from a person in a reporting period is added to previously reported unitemized contribution from the same contributor and the aggregate exceeds $100 within the calendar year, the name, address, occupation, principal place of business, if any, of that contributor shall then be listed on the prescribed reporting forms. In addition, any subsequent contribution(s) received from a contributor who has previously been reported within the calendar year shall be listed on the prescribed reporting forms using the same name as previously reported.

Allocation of expenditures between candidates

A political committee making an expenditure for or on behalf of more than one candidate for Federal, State or local office shall allocate the expenditures among such candidates on a reasonable basis and report this allocation for each Federal candidate on the prescribed form to each appropriate supervisory officer. The treasurer shall retain for audit any documents supporting the allocation.

Allocations of expenditures for the use of communications media shall comply with the provisions of the Comptroller General's Regulations on title I of the act.

Manner of reporting debts and contracts, agreements and promises to make contributions or expenditures

Every contribution and expenditure in the nature of a debt incurred, or a contract, agreement, or promise to make contributions or expenditures entered into after April 7, 1972, which is in writing and exceeds the amount of $100, shall be reported in separate schedules on the reporting forms prescribed by the Secretary of the Senate until such debts, contracts, agreements, or promises are paid, liquidated, canceled, forgiven or otherwise extinguished. Such debts, contracts, agreements, and promises shall not be considered as part of the totals of receipts or expenditures until actual payment is made.

Records of proceeds of events

The treasurer of each political committee and each candidate shall keep full and complete records of proceeds from the *sale of tickets and mass collections* at each dinner, luncheon, rally, and other fund-raising event, and such records shall include the date, amount of proceeds, location, nature of each event and an itemized list of individuals who purchased tickets within the calendar year in an aggregate amount in excess of $100. They shall also keep full and complete records of the proceeds from the *sale of items* such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials.

Retained copies and records

Each treasurer of a political committee, candidate, or other person filing a report or statement with the Secretary of the Senate under the Act shall preserve a copy thereof for a period of not less than 6 years from the date of filing.

Each such person required to file any report or statement with the Secretary shall maintain records on the matters required to be reported, including vouchers, cancelled checks, bills, invoices, worksheets, and receipts, which will provide in sufficient detail the necessary information and data from which the filed reports and statements may be verified, explained, clarified and checked for accuracy and completeness, and he shall keep such records available for audit, inspection, or examination by the Secretary, or his authorized representatives, for a period of not less than 6 years from the date of filing of the reports or statements or of changes or corrections thereto.

Audits

Audits and field investigations may be made as directed by the Secretary of the Senate. All candidates, political committees and other persons required to file reports under these regulations shall keep adequate books and records. Such books and records shall be maintained on a current basis and shall be made available for inspection and audit by the Secretary of the Senate or his authorized representatives.

E. Public inspection and copying of reports

Reports and statements filed with the Secretary of the Senate under the act will be made available for inspection and copying in Room ST-2 of the U.S. Capitol by any person, commencing as soon as practicable after receipt but, in any case, not later than the end of the second day following the day of receipt.

A list of general rules with respect to the inspection and copying of documents, and a schedule of charges for copies as authorized by the act shall be posted in the Office of the Secretary of the Senate.

Any information copied or obtained from reports and statements shall not be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose. For purposes of this regulation, "any commercial purpose" means any sale, trade, or barter of any list of names or addresses taken from such reports and statements and any use of any such lists for any surveys or sales promotion activity. For purposes of this regulation, "soliciting contributions" means requesting gifts or donations of money, or anything of value for any cause or organization—political, social, charitable, religious, or otherwise. Violations of this subsection are subject to the criminal penalties provided in section 311 of the act.

F. Complaints of violations

Any person who believes a violation of title III of the act of these regulations has occurred which is within the jurisdiction of the Secretary of the Senate, may file a written complaint in person or by registered or certified mail with the Secretary. When a complaint is received, it shall be stamped to show the date and time of receipt, and acknowledged by registered or certified mail.

There is no prescribed form for a complaint, but all complaints shall be typewritten or handwritten legibly in ink. The name and address of the persons making the complaint shall be typewritten or hand printed on the complaint, and it shall be signed by such person and verified by the oath or affirmation of such person, taken before any officer authorized to administer oaths. A complaint shall name the alleged violator, describe in detail the alleged violation and shall be submitted together with any evidentiary material. Complaints will not be available for public inspection or copying.

No investigation shall be required if a complaint is frivolous on its face, illegible, too indefinite, does not identify any violator, is unsigned or is not notarized.

PART III—OTHER TITLES

A. Title I—Campaign communications

The Law

Short title

SEC. 101. This title may be cited as the "Campaign Communications Reform Act".

Definitions

means broadcasting stations, newspapers,

SEC. 102. For purposes of this title:

(1) The term "communications media" magazines, outdoor advertising facilities, and telephones; but, with respect to telephones, spending or an expenditure shall be deemed to be spending or an expenditure for the use of communications media only if such spending or expenditure is for the costs of telephones, paid telephonists, and automatic telephone equipment, used by a candidate for Federal elective office to communicate with potential voters (excluding any costs of telephones incurred by a volunteer for use of telephones by him).

(2) The term "broadcasting station" has "the same meaning as such term has under section 315(f) of the Communications Act of 1934.

(3) The term "Federal elective office" means the office of President of the United States, or of Senator or Representatives, or Resident Commissioner or Delegate to, the Congress of the United States (and for other purposes of section 103(b) such term includes the office of Vice President).

(4) The term "legally qualified candidate" means any person who (A) meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate, and (B) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors.

(5) The term "voting age population" means resident population, eighteen years of age and older.

(6) The term "State" includes the District of Columbia and the Commonwealth of Puerto Rico.

Media rate and related requirements

SEC. 103. (a) (1) Section 315(b) of the Communications Act of 1934 is amended to read as follows:

"(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office in connection with his campaign for nomination for election, or election, to such office shall not exceed—

"(1) during the forty-five days preceding the date of a primary or primary runoff election and during the sixty days preceding the date of a general or special election in which such person is a candidate, the lowest unit charge of the station for the same class and amount of time for the same period; and

"(2) at any time, the charges made for comparable use of such station by other users thereof."

(2) (A) Section 312(a) of such Act is amended by striking "or" at the end of clause (5), striking the period at the end of clause (6) and inserting in lieu thereof a semicolon and "or", and adding at the end of such section 312(a) the following new paragraph:

"(7) for willful or repeated failure to allow reasonable access to or to permit purchase of reasonable amounts of time for the use of a broadcasting station by a legally qualified candidate for Federal elective office on behalf of his candidacy.".

(B) The second sentence of section 315(a) of such Act is amended by inserting "under this subsection" after "No obligation is imposed".

(b) To the extent that any person sells space in any newspaper or magazine to a legally qualified candidate for Federal elective office, or nomination thereto, in connection with such candidate's campaign for nomination for, or election to, such office, the charges made for the use of such space in connection with his campaign shall not exceed the charges made for comparable use of such space for other purposes.

Limitations of expenditures for use of communications media

SEC. 104. (a) (1) Subject to paragraph (4), no legally qualified candidate in an election (other than a primary or primary runoff election) for a Federal elective office may—

(A) spend for the use of communications media on behalf of his candidacy in such election a total amount in excess of the greater of—

(i) 10 cents multiplied by the voting population (as certified under paragraph (5)) of the geographical area in which the election for such office is held, or

(ii) $50,000, or

(B) spend for the use of broadcast stations on behalf of his candidacy in such election a total amount in excess of 60 per centum of the amount determined under subparagraph (A) with respect to such election.

(2) No legally qualified candidate in a primary election for nomination to a Federal elective office, other than President, may spend—

(A) for the use of communications media, or

(B) for the use of broadcast stations,

on behalf of his candidacy in such election a total amount in excess of the amounts determined under paragraph (1) (A) or (B), respectively, with respect to the general election for such office. For purposes of this subsection a primary runoff election shall be treated as a separate primary election.

(3(A) No person who is a candidate for presidential nomination may spend—

(i) for the use in a State of communications media, or

(ii) for the use in a State broadcast stations,

on behalf of his candidacy for presidential nomination a total amount in excess of the amounts which would have been determined under paragraph (1) (A) or (B), respectively, had he been a candidate for election for the office of Senator from such State (or for the office of Delegate or Resident Commissioner in the case of the District of Columbia or the Commonwealth of Puerto Rico).

(B) For purposes of this paragraph (3), a person is a candidate for presidential nomination if he makes (or any other person makes on his behalf) an expenditure for the use of any communications medium on behalf of his candidacy for any political party's nomination for election to the office of President. He shall be considered to be such a candidate during the period—

(i) beginning on the date on which he (or such other person) first makes such an expenditure (or, if later, January 1 of the year in which the election for the office of President is held), and

(ii) ending on the date on which such political party nominates a candidate for the office of President.

For purposes of this title and of section 315 of the Communications Act of 1934, a candidate for presidential nomination shall be considered a legally qualified candidate for public office.

(C) The Comptroller General shall prescribe regulations under which any expenditure by a candidate for presidential nomination for the use in two or more States of a communications medium shall be attributed to such candidate's expenditure limitation in each such State, based on the number of persons in such State who can reasonably be expected to be reached by such communications medium.

(4) (A) For purposes of subparagraph (B):

(i) The term "price index" means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

(ii) The term "base period" means the calendar year 1970.

(B) At the beginning of each calendar year (commencing in 1972), as there becomes available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Comptroller General and publish in the Federal Register the per centum difference between the price index for the 12 months preceding the beginning of such calendar year and the price index for the base period. Each amount determined under paragraph (1) (A) (i) and (ii) shall be increased by such per centum difference. Each amount so increased shall be the amount in effect for such calendar year.

(5) Within 60 days after the date of enactment of this Act, and during the first week of January in 1973 and every subsequent year, the Secretary of Commerce shall certify to the Comptroller General and publish in the Federal Register an estimate of the voting age population of each State and congressional district for the last calendar year ending before the date of certification.

(6) Amounts spent for the use of communications media on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) shall, for the purposes of this subsection, be deemed to have been spent by such candidate. Amounts spent for the use of communications media by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this section, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

(7) For purposes of this section and section 315(c) of the Communications Act of 1934—

(A) spending and charges for the use of communications media include not only the direct charges of the media but also agents' commissions allowed the agent by the media, and

(B) any expenditure for the use of any communications medium by or on behalf of the candidacy of a candidate for Federal elective office (or nomination thereto) shall be charged against the expenditure limitation under this subsection applicable to the election in which such medium is used.

(b) No person may make any charge for the use by or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) of any newspaper, magazine, or outdoor advertising facility, unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies in writing to the person making such charge that the payment of such charge will not violate paragraph (1), (2), or (3) of subsection (a), whichever is applicable.

(c) Section 315 of the Communications Act of 1934 is amended by redesignating subsection (c) as subsection (g) and by inserting after subsection (b) the following new subsections:

"(c) No station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such licensee in writing that the payment of such charge will not violate any limitation specified in paragraph (1), (2), or (3) of section 104(a) of the Campaign Communications Reform Act, whichever paragraph is applicable.

"(d) If a State by law and expressly—

"(1) has provided that a primary or other election for any office of such State or of a political subdivision thereof is subject to this subsection,

"(2) has specified a limitation upon total expenditures for the use of broadcasting stations on behalf of the candidacy of each legally qualified candidate in such election,

"(3) has provided in any such law an unequivocal expression of intent to be bound by the provisions of this subsection, and

(4) has stipulated that the amount of such limitation shall not exceed the amount which would be determined for such election under section 104(a) (1) (B) or 104(a) (2) (B) (whichever is applicable) of the Campaign Communications Reform Act had such election been an election for a Federal elective office or nomination thereto;

then no station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate in such election unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such licensee in writing that the payment of such charge will not violate such State limitation.

"(e) Whoever willfully and knowingly violates the provisions of subsection (c) or (d) of this section shall be punished by a fine not to exceed $5,000 or imprisonment for a period not to exceed five years, or both. The provisions of sections 501 through 503 of this Act shall not apply to violations of either such subsection.

"(f) (1) For the purposes of this section:

"(A) The term 'broadcasting station' includes a community antenna television system.

"(B) The terms 'licensee' and 'station liccensee' when used with respect to a community antenna television system, means the operator of such system.

"(C) The term 'Federal elective office' means the office of President of the United States, or of Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States.

"(2) for purposes of subsections (c) and (d), the term 'legally qualified candidate' means any person who (A) meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate and (B) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors."

Regulations

SEC. 105. The Comptroller General shall prescribe such regulations as may be necessary or appropriate to carry out sections 102, 103(b), 104(a), and 104(b) of this Act.

Penalties

SEC. 106. Whoever willfully and knowingly violates any provision of section 103(b), 104(a), or 104(b) or any regulation under section 105 shall be punished by a fine of not more than $5,000 or by imprisonment of not more than five years, or both.

(See also regulations of the Comptroller General and Guidelines of the Federal Communications Commission pertaining to this title.)

B. Title II—Criminal Code Amendments

The Law

SEC. 201. Section 5991 of title 18, United States Code, is amended to read as follows:

§ 591. Definitions

"When used in sections 597, 599, 600, 602, 608, 610, and 611 of this title—

"(a) 'election' means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(b) 'candidate' means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, to Federal office, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office:

"(c) 'Federal office' means the office of President or Vice President of the United States, or Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

"(d) 'political committee' means any individual, committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding $1,000;

"(e) 'contribution' means—

"(1) a gift, subscription, loan, advance, or deposit of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the results of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for such purposes;

"(3) a transfer of funds between political committees;

"(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or political committee without charge for any such purpose; and

"(5) notwithstanding the foregoing meanings of 'contribution', the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee;

"(f) 'expenditure' means—

"(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure; and

"(3) a transfer of funds between political committees;

"(g) 'person' and 'whoever' mean an individual, partnership, committee, association, corporation, or any other organization or group of persons; and

"(h) 'State' means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.".

Sec. 202. Section 600 of title 18, United States Code, is amended to read as follows:

"§ 600. Promise of employment or other benefit for political activity

"Whoever, directly or indirectly, promises any employment, position, compensation, contract, appointment, or other benefit, provided for or made possible in whole or in part by any Act of Congress, or any special consideration in obtaining any such benefit, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in connection with any general or special election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, shall be fined not more than $1,000 or imprisoned not more than one year, or both.".

Sec. 203. Section 608 of title 18, United States Code, is amended to read as follows:

"§ 608. Limitations on contributions and expenditures

"(a) (1) No candidate may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for nomination for election, or election, to Federal office in excess of—

"(A) $50,000, in the case of a candidate for the office of President or Vice President;

"(B) $35,000, in the case of a candidate for the office of Senator; or

"(C) $25,000, in the case of a candidate for the office of Representative, or Delegate or Resident Commissioner to the Congress.

"(2) For purposes of this subsection, 'immediate family' means a candidate's spouse, and any child, parent, grandparent, brother, or sister of the candidate, and the spouses of such persons.

"(b) No candidate or political committee shall knowingly accept any contribution or authorized any expenditure in violation of the provisions of this section.

"(c) Violation of the provisions of this section is punishable by a fine not to exceed $1,000, imprisonment for not to exceed one year, or both.".

Sec. 204. Section 609 of title 18, United States Code, is repealed.

Sec. 205. Section 610 of title 18, United States Code, relating to contributions or expenditures by national banks, corporations, or labor organizations, is amended by adding at the end thereof the following paragraph:

"As used in this section, the phrase 'contribution or expenditure' shall include any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business) to any candidate, campaign, committee, or political party or organization, in connection with any election to any of the offices referred to in this section; but shall not include communications by a corporation to its stockholders and their families or by a labor organization to its members and their families on any subject; nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families, or by a labor organization aimed at its members and their families; the establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation or labor organization: *Provided*, That it shall be unlawful for such a fund to make a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of force, job discrimination, or financial reprisal; or by dues, fees, or other monies required as a condition of membership in a labor organization or as a condition of employment, or by monies obtained in any commercial transactions.".

Sec. 206. Section 611 of title 18, United States Code, is amended to read as follows:

"§ 611. Contributions by Government Contractors

"Whoever—

"(a) entering into any contract with the United States or any department or agency thereof either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof or for selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, at any time between the commencement of negotiations for and the later of (1) the completion of performance under, or (2) the termination of negotiations for, such contract or furnishing of material, supplies, equipment, land or buildings, directly or indirectly makes any contribution of money or other thing of value, or promises expressly or impliedly to make any such contribution, to any political party, committee, or candidate for public office or to any person for any political purpose or use; or

"(b) knowingly solicits any such contribution from any such person for any such purpose during any such period;

shall be fined not more than $5,000 or imprisoned not more than five years, or both.".

Sec. 207. The table of sections for chapter 29 of title 18, United States Code, is amended by—

(1) striking out the item relating to section 608 and inserting in lieu thereof the following:

"608. Limitations on contributions and expenditures.";

(2) striking out the item relating to section 609 and inserting in lieu thereof the following:

"609. Repealed.";

(3) striking out the item relating to section 611 and inserting in lieu thereof the following:

"611 Contributions by Government contractors.".

C. Title IV—General provisions

The Law

Extension of credit by regulated industries

Sec. 401. The Civil Aeronautics Board, the Federal Communications Commission, and the Interstate Commerce Commission shall each promulgate, within ninety days after the date of enactment of this Act, its own regulations with respect to the extension of credit, without security, by any person regulated by such Board or Commission to any candidate for Federal office (as such term is defined in section 301(c) of the Federal Election Campaign Act of 1971), or to any person on behalf of such a candidate, for goods furnished or services rendered in connection with the campaign of such candidate for nomination for election, or election, to such office.

Prohibition against use of certain Federal funds for election activities

Sec. 402. No part of any funds appropriated to carry out the Economic Opportunity Act of 1964 shall be used to finance, directly or indirectly, any activity designed to influence the outcome of any election to Federal office, or any voter registration activity, or to pay the salary of any officer or employee of the Office of Economic Opportunity who, in his official capacity as such an officer or employee, engages in any such activity. As used in this section, the term "election" has the same meaning given such term by section 301(a) of the Federal Election Campaign Act of 1971, and the term "Federal office" has the same meaning given such term by section 301(c) of such Act.

Effect on State Law

Sec. 403. (a) Nothing in this Act shall be deemed to invalidate or make inapplicable any provision of any State law, except where compliance with such provision of law would result in a violation of a provision of this Act.

(b) Notwithstanding subsection (a), no provision of State law shall be construed to prohibit any person from taking any action authorized by this Act or from making any expenditure (as such term is defined in section 301(f) of this Act) which he could lawfully make under this Act.

Partial Invalidity

Sec. 404. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

Repealing Clause

Sec. 405. The Federal Corrupt Practices Act, 1925 (2 U.S.C. 241–256), is repealed.

Effective Date

Sec. 406. Except as provided for in section 401 of this Act, the provisions of this Act shall become effective on December 31, 1971, or sixty days after the date of enactment of this Act, whichever is later.

Approved February 7, 1972.

Legislative history: House Reports: No. 92–564 accompanying H.R. 11060 (Committee on House Administration) and No. 92–752 (Committee of Conference).

Senate Reports: No. 92–96 (Committee on Commerce), No. 92–229 (Committee on Rules and Administration) and No. 92–580 (Committee of Conference).

Congressional Records: Vol. 117 (1971):

July 21, 23, Aug. 2–5, considered and passed Senate.

Nov. 18, 29, 30, considered and passed House, amended, in lieu of H.R. 11060.

Dec. 14, Senate agreed to conference report.

Vol. 118 (1972):

Jan. 19, House agreed to conference report.

Weekly compilation of Presidential documents, Vol. 8, No. 7:

Feb. 7, Presidential statement.

Mr. MANSFIELD. Mr. President, in connection with the Federal Election Campaign Act of 1971, which goes into effect on April 7, I ask unanimous consent to have printed in the RECORD at this point for the information of the Senate various forms which have been developed by the Secretary of the Senate for use in reporting receipts and expenditures of candidates and political committees and in registering political committees.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE

Office of the Secretary of the Senate
Washington, D.C. 20510

REGISTRATION FORM AND STATEMENT OF ORGANIZATION FOR POLITICAL COMMITTEES

SUPPORTING CANDIDATES FOR U.S. SENATE AND ANTICIPATING CONTRIBUTIONS OR EXPENDITURES IN EXCESS OF $1,000 IN ANY CALENDAR YEAR

REQUIREMENTS FOR REGISTRATION OF POLITICAL COMMITTEES
(In accordance with the provisions of the Federal Elections Campaign Act of 1971)

A. This registration form will be filed with the Secretary of the Senate by the Treasurer of each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1,000, any portion of which is for the purpose of influencing the nomination or election of candidates for the U.S. Senate. It will be filed within 10 days after organization of the committee, or 10 days after the date on which the committee has information which causes it to anticipate contributions or expenditures in excess of $1,000, any portion of which is for the purpose of influencing the nomination or election of candidates for the U.S. Senate. Each such committee in existence on April 7, 1972, shall file a statement of organization with the Secretary of the Senate on or before April 17, 1972.

B. If the committee also supports candidates for the U.S. House of Representatives or for President of the United States, similar statements must be filed with the Clerk of the House of Representatives or the Comptroller General of the United States, respectively. A copy of each such statement of organization must also be filed with the Secretary of State of the appropriate State(s).

C. A copy of this registration and statement of organization shall be preserved by the treasurer of the political committee for a period of 6 years.

D. Any change or correction of information previously submitted in a statement of organization shall be reported to the Secretary of the Senate within 10 days following the change or correction. Amendment to a statement shall contain the date, identity of the committee, and the changed or corrected information, appropriately identified. Such amendment shall be verified by oath or affirmation.

E. Any committee which, after having filed one or more statements of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding $1,000 shall so notify the Secretary of the Senate. Such notification shall be verified by oath or affirmation and shall include a statement as to the disposition of residual funds if the committee is disbanded.

(See Manual of the Secretary of the Senate for Detailed Regulations and Instructions)

1. Full name of committee: ______________________________

Address: ______________________________

____

Date of this registration: ______________

Identification Number Assigned by Secretary

2. Affiliated or connected organizations: (See Definition on page 4)

Name of affiliated or connected organization	Mailing address and ZIP code	Relationship
*		

3. Area, Scope and Jurisdiction of the Committee:

(a) Will this committee operate in more than one State? ________

(b) Will it operate on a statewide basis in one State? ________

(c) Will it primarily support candidates at the State and local level? ________

(d) Will it support a candidate for the U.S. Senate in an aggregate amount in excess of $1,000 during the calendar year? ________

*Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate box above if the information is continued on a separate sheet.

SENATE ELECTION FORM 1

Name of Committee ____________________

4. (a) If committee is supporting individual candidates for the U.S. Senate, list each candidate by name, address, and party affiliation:

Full names of candidates	Mailing address and ZIP code	State	Party
*			

(b) List by name, address, office sought, and party affiliation, any candidate for other Federal office that this committee is supporting:

Full names of candidates	Mailing address and ZIP code	Office sought	Party
*			

(c) List by name, address, office sought, and party affiliation, any candidate for any other public office that this committee is supporting:

Full names of candidates	Mailing address and ZIP code	Office sought	Party
*			

5. If this committee is supporting the entire ticket of a party, give name of party: ____________

6. Identify by name, address and position, the committee's custodian of books and accounts:

Full name	Mailing address and ZIP code	Committee title or position
*		

7. List by name, address and position, other principal officers of the committee, including officers and members of the finance committee, if any:

Full name	Mailing address and ZIP code	Committee title or position
*		

***Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate box above if the information is continued on a separate sheet.**

8. Does this committee plan to stay in existence beyond the current calendar year? .... If so, how long? ....

9. In the event of dissolution, what disposition will be made of residual funds? ....

..

10. List all banks or other repositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of bank, repository, etc.	Mailing address and ZIP code
*	

11. List all reports required to be filed by this committee with States and local jurisdictions, together with the names, addresses, and positions of the recipients of the reports.

Report title	Dates required to be filed	Name and position of recipient	Mailing address and ZIP code
*			

***Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate box above if the information is continued on a separate sheet.**

State of ____________________

ss.

County of ____________________

I, ____, being duly sworn, depose (affirm) and say that the
(Full Name of Treasurer of Political Committee)

information in this Registration Form and Statement of Organization is complete, true, and correct.

____
(Signature of Treasurer of Political Committee)

Subscribed and sworn to (affirmed) before me this ________ day of ________________, A.D. 19____.

____
(Notary Public)

[SEAL] My commission expires ______________, 19____

RETURN COMPLETED REPORT AND ATTACHMENTS TO:
Hon. Francis R. Valeo, Secretary of the Senate, U.S. Capitol, Washington, D.C. 20510

UNITED STATES SENATE

Office of the Secretary of the Senate

RECEIPTS AND EXPENDITURES REPORT

OF A

CANDIDATE

FOR NOMINATION OR FOR ELECTION TO THE UNITED STATES SENATE

Name of Candidate ....

Address ....

....

REPORT IDENTITY

(See Paragraph A under "General Information" on the back of this page.)

(a) Periodic report due: March 10 ____ September 10 ____
(Check one) June 10 ____ January 31 ____

(b) 1st Preelection report due 15 days before the

(c) 2d Preelection report due 5 days before the

(Check)		*(Date)*	*(Check)*		*(Date)*
________	General Election on........	________	________	General Election on........	________
________	Special Election on........	________	________	Special Election on........	________
________	Primary Election on........	________	________	Primary Election on........	________
________	Runoff Election on........	________	________	Runoff Election on........	________
________	Caucus or Convention on....	________	________	Caucus or Convention on....	________

(d) This is also a: First report ____ Termination report ____
(Check only when applicable)

VERIFICATION BY OATH OR AFFIRMATION

State of ________________
County of ________________ ss.

I, ________________________________, being duly sworn, depose (affirm) and say
(Full Name of Candidate)
that this Receipts and Expenditures Report is complete, true, and correct.

____
(Signature of Candidate)

Subscribed and sworn to (affirmed) before me this ______ day of ______________, A.D., 19____.

____
(Notary Public)

My Commission Expires ______________, 19____.

[SEAL]

RETURN COMPLETED REPORT AND ATTACHMENTS TO:
Hon. Francis R. Valeo, Secretary of the Senate, U.S. Capitol, Washington, D.C. 20510

SENATE ELECTION FORM 2

Name of Candidate ______________________________

SUMMARY REPORT COVERING PERIOD FROM ______________ **THRU** ______________

		Column A—This period	*Column B—Calendar year to date*
SECTION A—RECEIPTS:			
Part 1.	**Individual contributions:**		
	a. Itemized (use schedule A*)	$	
	b. Unitemized	$	
	Total individual contributions	$	$
Part 2.	**Sales and collections:**		
	Itemized (use schedule B*)	$	$
Part 3.	**Loans received:**		
	a. Itemized (use schedule A*)	$	
	b. Unitemized	$	
	Total loans received	$	$
Part 4.	**Other receipts (refunds, rebates, interest, etc.):**		
	a. Itemized (use schedule A*)	$	
	b. Unitemized	$	
	Total other receipts	$	$
Part 5.	**Transfers in:**		
	Itemize all (use schedule A*)	$	$
	TOTAL RECEIPTS	$	$
SECTION B—EXPENDITURES:			
Part 6.	**Communications media expenditures:**		
	Itemize all (use schedule C*)	$	$
Part 7.	**Expenditures for personal services, salaries, and reimbursed expenses:**		
	a. Itemized (use schedule D*)	$	
	b. Unitemized	$	
	Total expenditures for personal services, salaries, and reimbursed expenses	$	$
Part 8.	**Loans made:**		
	a. Itemized (use schedule D*)	$	
	b. Unitemized	$	
	Total loans made	$	$
Part 9.	**Other expenditures:**		
	a. Itemized (use schedule C*)	$	
	b. Unitemized	$	
	Total other expenditures	$	$
Part 10.	**Transfers out:**		
	Itemize all (use schedule D*)	$	$
	TOTAL EXPENDITURES	$	$
SECTION C—CASH BALANCES:			
	Cash on hand at beginning of reporting period	$	
	Add total receipts (section A above)	$	
	Subtotal	$	
	Subtract total expenditures (section B above)	$	
	Cash on hand at close of reporting period	$	

***Schedules are to be used only when itemization is required. (See each Schedule for instructions.) When itemization is unnecessary for a given Part, the total of any amounts for that Part is to be entered as a lump sum on the "*Unitemized*" line of the appropriate Part of the Summary Report. The word "None" should be entered on any line of the Summary Report when no amount is being reported.**

GENERAL INFORMATION

(In accordance with the provisions of the Federal Election Campaign Act of 1971, P.L. 92-225)

SEE MANUAL OF THE SECRETARY OF THE SENATE FOR DETAILED REGULATIONS AND INSTRUCTIONS

A. Each candidate for election to the U.S. Senate shall file with the Secretary of the Senate periodic reports of receipts and expenditures on the tenth day of March, June and September and by the thirty-first day of January in each year, and shall file preelection reports on the fifteenth and fifth days next preceding the date on which an election is held. All of the periodic reports shall be complete as of the close of the next preceding month and the preelection reports shall be complete as of midnight of the seventh day next preceding the filing date. Any contribution of $5,000 or more (including a transfer of funds from a candidate or committee) which is received after the closing date prescribed for books for the last report prior to an election shall be separately reported within 48 hours after its receipt. Such contribution shall be reported to the Secretary by telegraph or hand delivered letter and shall be declared in the next report due under the Act. (Sec. 304.)

B. The Reports of Receipts and Expenditures shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward. If no contributions for expenditures have been accepted or expended during a calendar year, the candidate shall file a statement to that effect. (Sec. 304.)

C. A copy of the Report of Receipts and Expenditures shall be preserved by the candidate filing under the Act for a period of six (6) years.

D. Any correction of information previously submitted in a Report of Receipts and Expenditures shall be reported to the Secretary of the Senate within ten (10) days following discovery of the error. Such amendment to the Report of Receipts and Expenditures shall contain the date, identity of the candidate, and the corrections appropriately identified, and shall be verified by the oath or affirmation of the person filing such information, taken before any officer authorized to administer oaths.

UNITED STATES SENATE

Office of the Secretary of the Senate

RECEIPTS AND EXPENDITURES REPORT OF COMMITTEES

SUPPORTING CANDIDATE(S) FOR NOMINATION OR FOR ELECTION
AS UNITED STATES SENATOR

Name of Committee ....
Address ....
....
....

Identification Number ☐

REPORT IDENTITY

(See Paragraph A under "General Information" on the back of this page.)

(a) Periodic report due: (Check one)
March 10 ____ September 10 ____
June 10 ____ January 31 ____

(b) 1st Preelection report due 15 days before the

(Check)		*(Date)*
____	General Election on	....
____	Special Election on	....
____	Primary Election on	....
____	Runoff Election on	....
____	Caucus or Convention on	....

(c) 2d Preelection report due 5 days before the

(Check)		*(Date)*
____	General Election on	....
____	Special Election on	....
____	Primary Election on	....
____	Runoff Election on	....
____	Caucus or Convention on	....

(d) This is also a: First report ____ Termination report ____
(Check only when applicable)

VERIFICATION BY OATH OR AFFIRMATION

State of ________________
County of ________________ ss.

I, ________________________, being duly sworn, depose (affirm) and say
(Full Name of Treasurer of Committee)

that this Receipts and Expenditures Report is complete, true, and correct.

____
(Signature of Treasurer of Committee)

Subscribed and sworn to (affirmed) before me this ______ day of ______________, A.D., 19____.

____
(Notary Public)

My Commission Expires ______________, 19____.

[SEAL]

RETURN COMPLETED REPORT AND ATTACHMENTS TO:
Hon. Francis R. Valeo, Secretary of the Senate, U.S. Capitol, Washington, D.C. 20510

SENATE ELECTION FORM 3

Name of Committee ____________________

SUMMARY REPORT COVERING PERIOD FROM ____________ THRU ____________.

	Column A—This period	*Column B—Calendar year to date*
SECTION A—RECEIPTS:		
Part 1. Individual contributions:		
a. Itemized (use schedule A*)	$	
b. Unitemized	$	
Total individual contributions	$	$
Part 2. Sales and collections:		
Itemized (use schedule B*)	$	$
Part 3. Loans received:		
a. Itemized (use schedule A*)	$	
b. Unitemized	$	
Total loans received	$	$
Part 4. Other receipts (refunds, rebates, interest, etc.):		
a. Itemized (use schedule A*)	$	
b. Unitemized	$	
Total other receipts	$	$
Part 5. Transfers in:		
Itemize all (use schedule A*)	$	$
TOTAL RECEIPTS	$	$
SECTION B—EXPENDITURES:		
Part 6. Communications media expenditures:		
Itemize all (use schedule C*)	$	$
Part 7. Expenditures for personal services, salaries, and reimbursed expenses:		
a. Itemized (use schedule D*)	$	
b. Unitemized	$	
Total expenditures for personal services, salaries, and reimbursed expenses	$	$
Part 8. Loans made:		
a. Itemized (use schedule D*)	$	
b. Unitemized	$	
Total loans made	$	$
Part 9. Other expenditures:		
a. Itemized (use schedule C*)	$	
b. Unitemized	$	
Total other expenditures	$	$
Part 10. Transfers out:		
Itemize all (use schedule D*)	$	$
TOTAL EXPENDITURES	$	$
SECTION C—CASH BALANCES:		
Cash on hand at beginning of reporting period	$	
Add total receipts (section A above)	$	
Subtotal	$	
Subtract total expenditures (section B above)	$	
Cash on hand at close of reporting period	$	
SECTION D—DEBTS AND OBLIGATIONS:		
Part 11. Debts and obligations owed *to* the committee (use schedule E*)	$	
Part 12. Debts and obligations owed *by* the committee (use schedule E*)	$	

---

*Schedules are to be used only when itemization is required. (See each Schedule for instructions.) When itemization is unnecessary for a given Part, the total of any amounts for that Part is to be entered as a lump sum on the "*Unitemized*" line of the appropriate Part of the Summary Report. The word "None" should be entered on any line of the Summary Report when no amount is being reported.

GENERAL INFORMATION

(In accordance with the provisions of the Federal Elections Campaign Act of 1971, P.L. 92-225)

SEE MANUAL OF THE SECRETARY OF THE SENATE FOR DETAILED REGULATIONS AND INSTRUCTIONS

A. Each treasurer of a political committee supporting a candidate or candidates for election to the U.S. Senate shall file with the Secretary of the Senate periodic reports of receipts and expenditures on the tenth day of March, June and September and by the thirty-first day of January in each year, and shall file preelection reports on the fifteenth and fifth days next preceding the date on which the election is held. All of the periodic reports shall be complete as of the close of the next preceding month and the preelection reports shall be complete as of midnight of the seventh day next preceding the filing date. Any contribution of $5,000 or more (including a transfer of funds from a candidate or committee) which is received after the closing date prescribed for books for the last report prior to an election shall be separately reported within 48 hours after its receipt. Such contribution shall be reported to the Secretary by telegraph or hand delivered letter and shall be declared in the next report due under the Act. (Sec. 304.)

B. The Reports of Receipts and Expenditures shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward. If no contributions or expenditures have been accepted or expended during a calendar year, the treasurer of the political committee shall file a statement to that effect. (Sec. 304.)

C. A copy of the Report of Receipts and Expenditures shall be preserved by the treasurer of the political committee or other person filing under section 305 of the Act for a period of six (6) years..

D. Any correction of information previously submitted in a Report of Receipts and Expenditures shall be reported to the Secretary of the Senate within ten (10) days following discovery of the error. Such amendment to the Report of Receipts and Expenditures shall contain the date, identity of the committee, and the corrections appropriately identified, and shall be verified by the oath or affirmation of the person filing such information, taken before any officer authorized to administer oaths.

E. Every person who makes contributions or expenditures in support of a candidate for the U.S. Senate, other than by contribution to a political committee or candidate, in an aggregate amount in excess of $100 within a calendar year shall file with the Secretary of the Senate a report containing the information required by section 304 of the Federal Elections Campaign Act of 1971. This form may be used for such purpose. Reports required by this section shall be made only for those periods in which such expenditures have been made. They shall be filed on the dates on which reports by political committees are filed, but need not be cumulative. (Sec. 305.)

SCHEDULE A

ITEMIZED RECEIPTS—CONTRIBUTIONS, TICKET PURCHASES, LOANS, AND TRANSFERS

(Full Name of Candidate or Committee) ______

Part No. ______
(Use for itemizing Part 1, 2, 3, 4, or 5)

SEE REVERSE SIDE FOR INSTRUCTIONS

(Use separate page(s) for each numbered Part)

Date (month, day, year)	Full Name, Mailing Address, and ZIP Code (occupation and principal place of business, if any)	Aggregate Year-to-date (complete if applicable)	Amount of Receipt This Period
		Aggregate Year-to-date $	
		Aggregate Year-to-date $	
		Aggregate Year-to-date $	
		Aggregate Year-to-date $	
		Aggregate Year-to-date $	
		Aggregate Year-to-date $	
		Aggregate Year-to-date $	
		Aggregate Year-to-date $	
		Aggregate Year-to-date $	

TOTAL THIS PERIOD ______
(Last page of this Part only)

Page ____

INSTRUCTIONS FOR PREPARING SCHEDULE A

(See Appropriate Supervisory Officer's Manual for Additional Regulations and Instructions)

Use this form to itemize Receipts for Part 1, 3, 4, or 5 and in conjunction with Schedule B for Part 2. Do not itemize more than one Part on a page. This form may be duplicated or the information may be itemized on computer printouts or any 8½ x 11" paper providing only the information required in the same format.

This Schedule is to be used to ITEMIZE ONLY THE RECEIPTS AS SPECIFIED BELOW FOR EACH PART. The "Total This Period" amount for each itemized Part is to be carried forward to the corresponding Part of the Summary Report. When applicable, the total of all other receipts NOT REQUIRED TO BE ITEMIZED UNDER A GIVEN PART is to be entered as a lump sum on the "UNITEMIZED" line of the appropriate Part of the Summary Report.

Part 1(a). ITEMIZED CONTRIBUTIONS.—This is an itemized account giving the date, full name and mailing address (occupation and principal place of business, if any) of each person who has made one or more contributions to or for the reporting committee or candidate during the reporting period in an amount in excess of $100 or whose total contributions to date (aggregate) during the calendar year are in excess of $100. *Exclude from this part the purchase of tickets for events such as dinners, luncheons, rallies and similar fundraising events which are reported in Part 2.* The actual amount of the contribution (s) received during this reporting period will be entered in the "Amount of Receipt This Period" column.

When the sum of a person's contribution(s) in this calendar year exceeds $100, that total shall be entered in the "Aggregate Year-to-Date" box. When a subsequent contribution(s) is received in the calendar year from the same contributor, each such subsequent contribution shall be itemized as above and included in the total reported in the "Aggregate Year-to-Date" box. [Section 304(b) (2).]

Part 2. ITEMIZED TICKET PURCHASES FOR EVENTS SUCH AS DINNERS, LUNCHEONS, RALLIES AND SIMILAR FUNDRAISING EVENTS.—This is an itemized account giving the date, full name and mailing address (occupation and principal place of business, if any) of each person who has purchased one or more tickets for events such as dinners, luncheons, rallies and similar fundraising events during this reporting period in an amount in excess of $100 or whose total ticket purchases to date (aggregate) are in excess of $100. The actual amount of the ticket purchases during this period will be entered in the "Amount of Receipt This Period" column.

When the sum of a person's ticket purchase(s) in this calendar year exceeds $100, that total shall be entered in the "Aggregate Year-to-Date" box. When a subsequent ticket purchase(s) is received in the calendar year from the same contributor, each such subsequent ticket purchase shall be itemized as above and included in the total reported in the "Aggregate Year-to-Date" box. [Section 304(b) (2).]

This is an itemization only to support Schedule B. The "Total This Period" amount should not be carried forward to Schedule B or the Summary Report. Attach Part No. 2 of this Schedule to Schedule B.

Part 3(a). ITEMIZED LOANS RECEIVED.—This is an itemized account giving the date, full name and mailing address (occupation and principal place of business, if any) of each lender and endorser of a loan(s) which has been received this reporting period in excess of $100 or whose total loans to date (aggregate) are in excess of $100. The actual amount of the loan(s) received during this reporting period will be entered in the "Amount of Receipt This Period" column.

When the sum of a person's loan(s) in this calendar year exceeds $100, that total shall be entered in the "Aggregate Year-to-Date" box. When a subsequent loan(s) is received in the calendar year from the same contributor, each such subsequent loan shall be itemized as above and included in the total reported in the "Aggregate Year-to-Date" box. [Section 304(b) (5).]

Part 4(a). ITEMIZED OTHER RECEIPTS.—This is an account of receipts in the form of a refund, return, rebate, interest, investment or other miscellaneous receipt **not otherwise reported in Part 1, 2, 3, or 5.** Give the date, full name and mailing address (occupation and principal place of business, if any) of each person from whom one or more such receipts have been received in this reporting period in an amount in excess of $100. The actual amount of the receipt(s) during this reporting period will be entered in the "Amount of Receipt This Period" column. Do not use the "Aggregate Year-to-Date" box. [Section 304(b) (7).]

Part 5. ITEMIZED TRANSFERS IN FROM POLITICAL COMMITTEES AND CANDIDATES.—This is an itemized account giving the date, full name and mailing address of each political committee or candidate from whom any transfer of funds has been received within this reporting period in any amount. The actual amount of the transfer(s) during this reporting period will be entered in the "Amount of Receipt This Period" column. Do not use the "Aggregate Year-to-Date" box. [Section 304(b) (4).]

SCHEDULE B

ITEMIZED RECEIPTS—SALES AND COLLECTIONS

Use for Part No. 2 only

____
(Full Name of Candidate or Committee)

SEE REVERSE SIDE FOR INSTRUCTIONS

Total Sum of Proceeds during the reporting period from:

1. Sale of tickets (List by event below)* .... $________
2. Mass collections (List by event below) .... $________
3. Sale of Items .... $________

Total (Carry forward to Part 2 of Summary) $________

List of Sales and Collections by Event

Date of Event (month, day, year)	Type of Event	Amount From Sale of Tickets This Period*	Amount From Mass Collections This Period
	TOTALS THIS PERIOD (Last page of this Schedule only)		

*After completion of the above list by event, use a separate Schedule A to list the date, full name and mailing address (occupation and principal place of business, if any) of each person who has purchased one or more tickets for events such as dinners, luncheons, rallies, and similar fundraising events during this reporting period in an amount in excess of $100 or whose total ticket purchases to date for the calendar year (aggregate) are in excess of $100. Attach the separate Schedule A to this Schedule.

Page ____

INSTRUCTIONS FOR PREPARING SCHEDULE B

(See Appropriate Supervisory Officer's Manual for Additional Regulations and Instructions)

Use this form to itemize Sales and Collections. This form may be duplicated or the information may be itemized on computer printouts or any 8½ x 11" paper providing only the information required in the same format.

Part 2. FUNDS RECEIVED FROM SALES AND COLLECTIONS.—This is an account of proceeds during this reporting period from (1) the sale of tickets to each dinner, luncheon, rally, or other fund-raising event; and (2) mass collections made at each such event. The sale of items (3) such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature and similar materials during the reporting period shall be reported in the total amount. Ticket sales and mass collections must be listed by each event, giving the date and type of event and the amount of proceeds collected. Ticket sales to any individual in an amount *in excess of $100* during this reporting period or in an aggregate amount within the calendar year must be itemized using a separate Schedule A form which must be attached to support this Schedule B. (See Schedule A for instructions.) [Section 304(b)(6).]

SCHEDULE C

ITEMIZED EXPENDITURE—COMMUNICATIONS AND NON-COMMUNICATIONS MEDIA

______________________________ (Full Name of Candidate or Committee)

Part No. ____ (Use for itemizing Part 6 or 9)

SEE REVERSE SIDE FOR INSTRUCTIONS
(Use separate page(s) for each numbered Part)

DATE OF PAY-MENT (month, day, year)	PAYEE (Recipient of Payment) Full Name, Mailing Address, (occupation and principal place of business, if any)	PURPOSE OF EXPENDITURE (For communications media expenditures, also specify date(s) of use)	CHECK (✓) EXPENDI-TURE BY ELECTION					AMOUNT OF EXPENDITURE THIS PERIOD	ALLOCATE EXPENDITURES BY CANDIDATE (To be completed only by Committees supporting more than one candidate)	
			Primary	General	Special	Runoff	Caucus or Convention		Full Name, Congressional District (if applicable), State, and Party	Amount of Expendi-ture This Period

TOTAL THIS PERIOD____________
(Last page of this Part only)

Page ____

INSTRUCTIONS FOR PREPARING SCHEDULE C

(See Appropriate Supervisory Officer's Manual for Additional Regulations and Instructions)

Use this form to itemize Expenditures for Part 6 or 9. This form may be duplicated or the information may be itemized on computer printouts or any 8½ x 11" paper providing only the information required in the same format.

This Schedule is to be used to ITEMIZE ONLY THE EXPENDITURES AS SPECIFIED BELOW FOR EACH PART. The "Total This Period" amount for each itemized Part is to be carried forward to the corresponding Part of the Summary Report. When applicable, the total of all other expenditures NOT REQUIRED TO BE ITEMIZED UNDER A GIVEN PART is to be entered as a lump sum on the "UNITEMIZED" line of the appropriate Part of the Summary Report.

Part 6. COMMUNICATIONS MEDIA EXPENDITURES.—This is an account of expenditures in any amount during this reporting period in the communications media, which are defined as television, radio, CATV, newspaper or magazine advertising, outdoor advertising, or expenditures for the costs of telephones, paid telephonists, and automatic telephone equipment used to communicate with potential voters. Itemize as to amount and date of expenditure and other data as indicated in the column headings. Expenditures include not only the direct charges of the media but also agents' commissions which should be separately stated if so billed. Date or dates of use or period of intended use are also required. If an expenditure is for two or more purposes, specify the amount of expenditure allocable to each.

If an expenditure was made before April 7, 1972, for use of communications media after that date, the use and amount must be reported and charged against the candidate's limitation applicable to the election in which used. Report the date or dates of use as well as the amount paid, the payee and other required information on a separate Schedule C appropriately labeled. Do not include the amounts paid in the total expenditures amount for the reporting period.

Only multicandidate committees (*i.e.,* those supporting financially more than one candidate) need allocate each expenditure on behalf of a candidate or candidates in the appropriate space. *Committees supporting a single candidate need state only once that all expenditures are on behalf of that candidate.*

Part 6 includes telephone canvass expenditures which are chargeable to the statutory limitation as communications media expenses, namely, for the costs of telephones, paid telephonists, and automatic telephone equipment obtained for the specific purpose of communicating with potential voters. It does not include normal telephone costs of a candidate, his staff and his authorized committees for campaign purposes, which are reported separately with other expenditures under Part 9. Nor does it include costs incurred by an individual volunteer for use of a telephone by him. [Section 304(b) (9).]

Part 9. NON-COMMUNICATIONS MEDIA EXPENDITURES.—This is an account of all other expenditures over $100 made during this reporting period and not included in Parts 7, 8, or 10, itemized as to amount and date of expenditure and other data as indicated in the column headings. If an expenditure is for two or more purposes, specify the amount of expenditure allocable to each.

In Part 9, the only other expenditures that need be allocated in the appropriate space are those of multicandidate committees (*i.e.,* those supporting financially more than one candidate) which are transfers of funds to a candidate or candidates or are specifically identifiable expenditures to or on behalf of a candidate or candidates. *Committees supporting a single candidate need state so only once.*

The schedule includes normal telephone costs of a candidate, his staff and his authorized committees for general campaign purposes; it does not include telephone canvass expenditures which are chargeable to limitation as communications media expenses, as described in the above instructions to Part 6. [Section 304(b)(9).]

SCHEDULE D

ITEMIZED EXPENDITURES—PERSONAL SERVICES, LOANS, AND TRANSFERS

______________________________ (Full Name of Candidate or Committee)

Part No. ______ (Use for itemizing Part 7, 8, or 10)

SEE REVERSE SIDE FOR INSTRUCTIONS
(Use separate page(s) for each numbered Part)

Date (month, day, year)	Full Name, Mailing Address, and ZIP Code (occupation and principal place of business, if any)	Amount of Expenditure This Period

TOTAL THIS PERIOD ______
(Last page of this Part only)

Page ____

INSTRUCTIONS FOR PREPARING SCHEDULE D

(See Appropriate Supervisory Officer's Manual for Additional Regulations and Instructions)

Use this form to itemize Expenditures for Part 7, 8 or 10. Do not itemize more than one Part on a page. This form may be duplicated or the information may be itemized on computer printouts or any 8½ x 11" paper providing only the information required in the same format.

This Schedule is to be used to ITEMIZE ONLY THE EXPENDITURES AS SPECIFIED BELOW FOR EACH PART. The "Total This Period" amount for each itemized Part is to be carried forward to the corresponding Part of the Summary Report. When applicable, the total of all other expenditures NOT REQUIRED TO BE ITEMIZED UNDER A GIVEN PART is to be entered as a lump sum on the "UNITEMIZED" line of the appropriate Part of the Summary Report.

Part 7. ITEMIZED EXPENDITURES FOR PERSONAL SERVICES, SALARIES, AND REIMBURSED EXPENSES.—This is an account of expenditures by the committee or candidate for personal services, salaries and reimbursed expenses over $100 during the reporting period. Give the date, full name and mailing address (occupation and the principal place of business, if any) of the recipient, and purpose of each such expenditure. List the amount of the expenditure in the "Amount of Expenditure This Period" column. [Section 304(b)(11).]

Part 8. ITEMIZED LOANS MADE.—This is an account of loans made by the committee or candidate during this reporting period in excess of $100. Give the date, full name and mailing address (occupation and principal place of business, if any) of each person or committee to whom a loan was made. List the amount of the loan in the "Amount of Expenditure This Period" column. [Section 304(b)(5).]

Part 10. ITEMIZED TRANSFERS OUT TO POLITICAL COMMITTEES AND CANDIDATES.—This is an itemized account giving the date, full name and mailing address of each political committee or candidate to whom any transfer of funds was made within this reporting period in any amount. List the amount of the transfer in the "Amount of Expenditure This Period" column. [Section 304(b)(4).]

SCHEDULE E

DEBTS AND OBLIGATIONS

________________________ (Full Name of Committee)

Part No. ______ (Use for itemizing Part 11 or 12)

SEE REVERSE SIDE FOR INSTRUCTIONS

(Use separate page(s) for each numbered Part)

Date Incurred (month, day, year)	Full Name, Mailing Address, and ZIP Code (occupation and principal place and business, if any)	Amount of Original Debt, Contract, Agreement, or Promise	Cumulative Payment To Date	Outstanding Balance at Close of This Period
	TOTALS THIS PERIOD (Last page of this Part only)			*

Page ______

*Carry outstanding balance only to appropriate part of summary.

INSTRUCTIONS FOR PREPARING SCHEDULE E

(See Appropriate Supervisory Officer's Manual for Additional Regulations and Instructions)

Use this form to itemize Debts and Obligations Owed by or to the Committee for Part 11 or 12. Do not itemize more than one Part on a page. This form may be duplicated or the information may be itemized on computer printouts or any 8½ x 11" paper providing only the information required in the same format. Obligations as used in these instructions mean contracts, agreements, and promises.

Part 11. DEBTS AND OBLIGATIONS OWED *TO* THE COMMITTEE.—This is an itemized account of debts and obligations owed to the reporting committee at the close of the reporting period. Give the full name and mailing address (occupation and the principal place of business, if any) of each *debtor*, together with the amount, date, nature of each transaction, cumulative payment(s) received to date, and the outstanding balance at the close of the reporting period. These debts and obligations shall continue to be reported on each subsequent report until extinguished. [Section 304(b) (12).]

Part 12. DEBTS AND OBLIGATIONS OWED *BY* THE COMMITTEE.—This is an itemized account of debts and obligations owed by the reporting committee at the close of the reported period. Give the full name and mailing address (occupation and the principal place of business, if any) of each *creditor*, together with the amount, date, nature of each such transaction, cumulative payment(s) made to date, and the outstanding balance at the close of the reporting period. These debts and obligations shall continue to be reported on each subsequent report until extinguished. [Section 304(b) (12).]

[Extract from Senate Appropriations Committee hearings on legislative branch appropriations 1973—Secretary of the Senate]

STATEMENT OF FRANCIS R. VALEO, SECRETARY OF THE SENATE

ELIMINATION OF CASH PAYROLL DISBURSEMENTS AND PAYMENTS BY CHECKS

Senator HOLLINGS. You may proceed, Mr. Valeo.

Mr. VALEO. Mr. Chairman and Senator Cotton: I appreciate this opportunity to come before the subcommittee to discuss the operations of the Offices of the Secretary of the Senate.

Since we last met, the major changes that have taken place under the jurisdiction of the Secretary's office have been in the Disbursing Office operations. Through the dedicated perseverance of Mr. William Ridgely, cash payroll disbursements have been eliminated and all payments to all Senators and employees are now made by check.

This removes the substantial security problem which, as you know from my previous appearances, had become, in my judgment, a most serious threat to the Senate and its personnel in recent years.

AUTOMATING OF PERSONNEL AND DISBURSING RECORDS

I can also report to you that substantial progress is being made in automating the personnel and disbursing records of the Disbursing Office. These are steps toward modernization of procedures which will enable the Senate to meet the growing complexity of its fiscal operations.

I repeat that they could not have been brought to fruition without Mr. Ridgely's determined efforts, and the able technical guidance of the computer staff which was assigned to this problem at my request by the Chairman of the Rules Committee and the cooperation of the Sergeant at Arms.

RESTORATION OF OLD SUPREME COURT CHAMBER

On another project which is of concern to me as Secretary of the Senate, I want to thank the committee for its persistent interest and support of the proposed restoration of the Old Supreme Court Chamber. I hope that, with the new proposal to divide the job in two parts, you will maintain your interest in this matter and that the traditional and unanimous Senate position will prevail in bringing an end to the long neglect of one of the great treasures of the Capitol.

FIXING OF SALARIES ON NOT-TO-EXCEED BASIS

Turning to the overall fiscal position of my office, I want to recapitulate our present position before I outline future needs. You will recall that for the past 2 years you have authorized me to fix salaries on a not-to-exceed basis. I can report to you today that we are finding this useful and helpful in the reorganization of the offices and also in achieving a considerable savings of public funds. As of February 29, a total of $52,316 was not being expended, out of the Secretary's aggregate appropriation excluding the Disbursing Office payroll and the Administrative Fund, for the present year.

PROPOSED PAYROLL ADMINISTRATIVE FLEXIBILITY

In recent appearances before this committee, I have requested a greater degree of administrative flexibility for the entire Secretary's payroll. I repeat that request today, although there is not time to go into it in greater detail. I would observe, however, that if I had that authority, with regard to all of the Secretary's offices, as I do with regard to expenditures of the Disbursing Office and my administrative payroll, I would not have to ask for the additional appropriations for new positions, which are now necessitated by the new circumstances in the Secretary's office.

FEDERAL ELECTION CAMPAIGN ACT IMPLEMENTATION

My principal purpose in coming before you today is to seek your approval of several budget items which arise from the new Federal Elections Campaign Act of 1971.

As you know, the Secretary of the Senate is designated as one of three supervisory officers who are held responsible for carrying out this new law.

SECTION 308: DUTIES OF THE SUPERVISORY OFFICERS

The act becomes effective on April 7, 1972. Several members of my staff have been working since December to assure that we will be able to meet the responsibilities of the act. The scope of these responsibilities is outlined clearly by section 308 of the act, entitled, "Duties of the Supervisory Officers", which I submit for the record at this point.

(Sec. 308 follows:)

"DUTIES OF THE SUPERVISORY OFFICER

"SEC. 308. (a) It shall be the duty of the supervisory officer—

"(1) to develop and furnish to the person required by the provisions of this Act prescribed forms for the making of the reports and statements required to be filed with him under this title;

"(2) to prepare, publish, and furnish to the person required to file such reports and statements a manual setting forth recommended uniform methods of bookkeeping and reporting;

"(3) to develop a filing, coding, and cross-indexing system consonant with the purposes of this title;

"(4) to make the reports and statements filed with him available for public inspection and copying, commencing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person: *Provided*, That any information copied from such reports and statements shall not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose;

"(5) to preserve such reports and statement for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

"(6) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate;

"(7) to prepare and publish an annual report including compilations of (A) total reported contributions and expenditures for all candidates, political committees, and other persons during the year; (B) total amounts expended according to such categories as he shall determine and broken down into candidate, party, and nonparty expenditures on the National, State, and local levels; (C) total amounts expended for influencing nominations and elections stated separately; (D) total amounts contributed according to such categories of amounts as he shall determine and broken down into contributions on the national, State, and local levels for candidates and political committees; and (E) aggregate amounts contributed by any contributor shown to have contributed in excess of $100;

"(8) to prepare and publish from time to time special reports comparing the various totals and categories of contributions and expenditures made with respect to preceding elections;

"(9) to prepare and publish such other reports as he may deem appropriate;

"(10) to assure wide dissemination of statistics, summaries, and reports prepared under this title;

"(11) to make from time to time audits and field investigations with respect to reports and statements filed under the provisions of this title, and with respect to alleged failures to file any report or statement required under the provisions of this title;

"(12) to report apparent violations of law to the appropriate law enforcement authorities; and

"(13) to prescribe suitable rules and regulations to carry out the provisions of this title.

"(b) The supervisory officer shall encourage, and cooperate with, the election officials in the several States to develop procedures which will eliminate the necessity of multiple filings by permitting the filing of copies of Federal reports to satisfy the State requirements."

FLEXIBLE ADMINISTRATIVE ARRANGEMENTS

In circumstances which are now only partially predictable I am trying to make flexible administrative arrangements. In that way, I believe we will be able to keep costs at a minimum.

WORK VOLUME

Let me describe the problem which confronts us with regard to determining the volume of work. The Federal Elections Campaign Act requires each candidate and each committee supporting candidates for the Senate to render regular quarterly reports and also special reports 15 and 5 days before each election; this includes primary and runoff elections as well as the general election. It is reasonable to predict that we may receive in excess of 4,000 reports in the course of an election year. At this point, however, we have no way of predicting how voluminous each of these reports will be; some may run only three or four pages; others will run to several hundred pages per report. If the average report is 50 pages in length we will have a total volume of some 200,000 pages to file, display, copy, index, store, and retrieve over a year's time. The estimate is probably conservative.

Because of the cyclical nature of the report requirements, moreover, we know that the workload for receiving, processing, and displaying these documents is going to be highly variable. There will be high peaks of activity around the quarterly filing dates in March, June, September, and January, especially during Senate election years. There will be another intense peak of activity in the month preceding the general election in November.

STATE PRIMARIES: MEMORANDUM PUBLISHED BY OFFICE OF THE SECRETARY

In addition, there will be a continuing volume of reporting activity in connection with various State primaries between now and October. I submit for the record a memorandum which has just been published by my office, listing filing dates and the senatorial elections with which we will be concerned this year.

(The memorandum follows:)

["Office of the Secretary of the Senate]

"ADVISORY MEMORANDUM ON DISCLOSURE PROVISIONS OF THE FEDERAL ELECTION CAMPAIGN ACT OF 1971

"SCOPE

"The Act repeals the Federal Corrupt Practices Act of 1925 and substitutes a broader set of requirements, including:

"Political committees

"Registration of all political committees, defined as organizations which have contributions or expenditures above $1,000 a year, any portion of which is for the purpose of influencing the nomination or election of Senators.

"Four quarterly reports of receipts and expenditures of all registered *committees* and also special reports 15 and 5 days before primary and general elections.

"Candidates

"Quarterly reports of receipts and expenditures of all *candidates* in both primary and general elections; also special reports 15 and 5 days before such elections.

"Individual supporters

"Statements by all *individual contributors* who expend in excess of $100 in a calendar year for the election of a candidate, if they do so *other than through contributions to committees or to candidates.*

"SCHEDULE OF REPORTING

"The Act becomes effective April 7, 1972, and, in general, reporting applies only to transactions on or after that date. The reporting schedule for 1972 is as follows:

"April 17.—Registration deadline for all political committees in existence on the date of enactment (February 7, 1972).

"June 10.—Quarterly reports of receipts and expenditures due from candidates *and* committees.

"Fifteen days preceding a primary or runoff election.—The first pre-primary reports of receipts and expenditures due from candidates *and* committees. (See following schedule for primary dates in individual States).

"Five days preceding a primary or runoff election.—The second pre-primary reports of receipts and expenditures due from candidates *and* committees. (See following schedule for primary dates in individual States).

"September 10.—Quarterly reports of receipts and expenditures due from candidates *and* committees.

"October 23.—First pre-general election reports of receipts and expenditures due from all candidates *and* committees. (15 days preceding the general election on November 7).

"November 2.—Second pre-election reports and receipts and expenditures due from all candidates *and* committees. (5 days preceding the general election on November 7).

"January 31, 1973.—Final reports on receipts and expenditures for the year 1972 due from all candidates and committees.

"March 10, 1973.—First quarterly reports of 1973 due from candidates *and* committees.

"PROCEDURES AND OPERATIONS

"The Act establishes the Secretary of the Senate as the supervisory officer for all elections pertaining to the United States Senate. With respect to these elections, the Secretary is required to:

"Develop and supply prescribed forms for all of the above reports and statements.

"Publish a manual of administrative regulations and reporting procedures.

"Make reports and statements available promptly for public inspection and copying by duplicating machine at cost.

"Keep all records for ten years.

"Maintain indexes and cross references, including a current list of the statements and reports pertaining to each candidate.

"Publish annually the accumulated reports and organizational statements (registration) of each political committee.

"Cooperate with States to assure maximum use of same reporting forms for Federal and State registry and reports.

"Investigate complaints of violations, by hearing procedures if required, with referral to the Department of Justice in the event of statutory violation.

Tabulate data reported by candidate and committees and publish annual summaries which contain the following breakdowns:

"Annual totals of the reports of candidates, committees and individuals.

"Total expenditures broken down as to candidate and party.

"Total expenditures for influencing nominations and for influencing general elections.

"Total contributions broken down as to candidates and committees.

"Total contributions by individuals in excess of $100."

ADMINISTRATIVE PAYROLL ADJUSTMENTS

To cope with the dual problem of unpredictable volume and variable intensity of activity, we propose an administrative plan which provides for a variable response. To put this plan into operation, adjustment will have to be made in the Secretary's administrative payroll, as follows:

FUNDING INCREASE

1. Increase the overall present total of the administrative payroll by $14,000 in the coming year.

TRANSFER OF TWO EMPLOYEES TO STATUTORY PAYROLL

2. Transfer two Senate employees presently on that payroll to the statutory payroll, since their duties are now, clearly continuing. The two positions are that of third assistant parliamentarian, presently No. 402 on the payroll and carrying a position gross-pay rate of $19,684, and the assistant messenger position presently No. 403. The position gross for this messenger's position is $8,547. I would propose to increase it to not exceed $9,583 on the statutory payroll since I plan to assign this position to the new campaign reports office with increased responsibilities. The effect of these two transfers will be to increase the aggregate statutory payroll of the office of the Secretary by $29,267, from the present level of $2,114,992 to $2,144,259, excluding $85,988 for the administrative fund.

These two steps, namely increasing the administrative payroll by $14,000 and transferring the two positions just cited to the statutory payroll, will make available a total of $42,200 in the administrative roll.

NECESSARY HIRING AND CONTINGENCIES

To this should be added $9,000 presently unobligated on the administrative roll, for a total of $51,200 available for hiring as deemed necessary to meet the needs of the new situation as well as any unforeseen contingencies which may arise elsewhere in the Secretary's offices.

It is my intention to use less than $30,000 of this total at the outset to employ two new secretarial-clerical assistants in connection with the new law. It is possible that experience may reveal the need to hire others, either in the clerical field or as qualified legal assistants. These needs simply cannot be predicted at this point.

OFFICE OF THE SECRETARY OF THE SENATE

SCHEDULE OF SENATORIAL PRIMARY AND RUNOFF ELECTION DATES, BY STATE, TOGETHER WITH CONCOMMITANT REPORTING DATES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT OF 1971 (REVISED AS OF MAR. 1, 1972)

1972—State	Primary election			Primary runoff election		
	Date	1st pre-primary report	2d pre-primary report	Date	1st pre-primary report	2d pre-primary report
Alabama[1]	May 2	Apr. 17	Apr. 27	May 30	May 15	May 25
Alaska[1]	Aug. 22	Aug. 7	Aug. 17	None		
Arizona	Sept. 12	Aug. 28	Sept. 7	None		
Arkansas[1]	May 30	May 15	May 25	June 13	May 29	June 8
California	June 6	May 22	June 1	None		
Colorado[1]	Sept. 12	Aug. 28	Sept. 7			
Connecticut:						
Democrat	Aug. 9	July 25	Aug. 4	None		
Republican	Aug. 16	Aug. 1	Aug. 11	None		
Delaware:[1]						
Democrat	(2)					
Republican	July 17	July 2	July 12			
District of Columbia	May 2	Apr. 17	Apr. 27	May 23	May 8	May 18
Florida	Sept. 12	Aug. 28	Sept. 7	Oct. 3	Sept. 18	Sept. 28
Georgia[1]	Aug. 8	July 24	Aug. 3	Aug. 22	Aug. 7	Aug. 17
Hawaii	Oct. 7	Sept. 23	Oct. 2			
Idaho[1]	Aug. 8	July 24	Aug. 3			
Illinois[1]	Mar. 21	Mar. 6	Mar. 16			
Indiana	May 2	Apr. 17	Apr. 27	None		
Iowa[1]	June 6	May 22	June 1	None		
Kansas[1]	Aug. 1	July 17	July 27	None		
Kentucky[1]	May 23	May 8	May 18	None		
Louisiana[1]	Aug. 19	Aug. 4	Aug. 14	Sept. 30	Sept. 15	Sept. 25
Maine[1]	June 19	June 4	June 14	None		
Maryland	May 16	May 1	May 11	None		
Massachusetts[1]	Sept. 19	Sept. 4	Sept. 14			
Michigan[1]	Aug. 8	July 24	Aug. 3	None		
Minnesota[1]	Sept. 12	Aug. 28	Sept. 7			
Mississippi[1]	June 6	May 22	June 1	June 27	June 12	June 22
Missouri	Aug. 8	July 24	Aug. 3	None		
Montana[1]	June 6	May 22	June 1	None		
Nebraska[1]	May 9	Apr. 24	May 4	None		
Nevada	Sept. 5	Aug. 21	Aug. 31	None		
New Hampshire[1]	Sept. 12	Aug. 28	Sept. 7	None		
New Jersey[1]	June 6	May 22	June 1	None		
New Mexico[1]	June 6	May 22	June 1	None		
New York	June 20	June 5	June 15			
North Carolina[1]	May 6	Apr. 21	May 1	June 3	May 19	May 29
North Dakota	Sept. 5	Aug. 21	Aug. 31	None		
Ohio	May 2	Apr. 17	Apr. 27	None		
Oklahoma[1]	Aug. 22	Aug. 7	Aug. 17	Sept. 19	Sept. 4	Sept. 14
Oregon[1]	May 23	May 8	May 18			
Pennsylvania	Apr. 25	Apr. 10	Apr. 20	None		
Rhode Island[1]	Sept. 12	Aug. 28	Sept. 7	None		
South Carolina[1]	June 13	May 29	June 8	June 27	June 12	June 22
South Dakota[1]	June 6	May 22	June 1			
Tennessee[1]	Aug. 3	July 19	July 29	None		
Texas[1]	May 6	Apr. 21	May 1	June 3	May 19	May 29
Utah	Sept. 12	Aug. 28	Sept. 7	None		
Vermont	Sept. 12	Aug. 28	Sept. 7			
Virginia[1]	June 13	May 29	June 8			
Washington	Sept. 19	Sept. 4	Sept. 14	None		
West Virginia[1]	May 9	Apr. 24	May 4	None		
Wisconsin	Sept. 12	Aug. 28	Sept. 7			
Wyoming[1]	Aug. 22	Aug. 7	Aug. 17	None		

[1] States in which senatorial elections occur in 1972.

[2] Convention undecided.

CONTRACTS WITH PRIVATE DATA PROCESSING FIRMS

It is proposed that other variable personnel needs be met by contract with private data processing firms and by the engagement of temporary professional or legal help, as necessary. This approach is taken in lieu of increasing the permanent personnel costs of the Senate. To understand what these costs may involve, I refer you to the following paragraphs of section 308(a) of the act which you have before you:

Paragraph 4, which requires the Secretary to make all reports filed available for public inspection within 48 hours and to permit machine copying on a reimbursable basis.

Paragraph 5, which requires the preservation of all reports and documents filed for a period of 10 years.

Paragraphs 3 and 6, which require maintenance of up-to-date cross indexes and lists of reports received.

TECHNICAL ADVICE OF COMPUTER SERVICES SUBCOMMITTEE OF THE COMMITTEE ON RULES AND ADMINISTRATION

Because of the great volume of documents involved in the complexity of meeting the time requirements, it has been apparent from the beginning that the required processing could not be accomplished by the usual manual means, so I have turned to the Computer Services Subcommittee of the Committee on Rules and Administration for technical advice as to how best the law can be complied with at the lowest cost to the Senate. If I may digress for a moment, I wish to note for the record the superb support and assistance which I have received to date from the Rules Committee and its distinguished Chairman, Senator B. Everett Jordan. He is doing everything possible to assist us in putting this law into effect.

RECOMMENDED MICROFILM SYSTEM: TECHNICAL PERSONNEL CONTRACT REQUISITE

The Computer Services Subcommittee has recommended that we meet the display, copying, and storage requirements of the act, in large part, by a microfilm system. The system involves contracting for technical personnel in varying numbers to meet fluctuating need and to process the microfilm on an overnight basis. The system also involves the leasing of various types of equipment, also on a flexible basis appropriate to varying need.

The technical personnel whose services are required are microfilm camera operators and key tape terminal operators. We are allowing for six persons in this category for an estimated 100 work days in the year. I am advised that there are firms which can supply such personnel on a variable basis.

Calculating from prevailing wage rates for this type of service, estimates are that total contract costs for such personnel could run to $43,200. I respectfully request authority to contract for these expenditures from the Senate's contingent fund with the approval of the Committee on Rules and Admnistration.

CONTRACT FOR DESIGN OF COMPUTER PROGRAMING SYSTEM

I request similar contracting authority for microfilm processing in the amount of $16,800, and to cover a nonrecurring contract cost of $40,000 for the design of a computer programing system for the daily cross indexes and lists which are required by paragraphs 3 and 6 of section 308 of the law.

TOTAL CONTRACT AUTHORITY

The total contract authority which is requested, then, for technical services is $100,000. I stress that it is a maximum figure and I want to assure this committee that every effort will be made to hold these costs to a minimum. Indeed, I am hopeful that a considerable portion of this total will not be expended. In the circumstances it seems to me that the use of contract authority in this regard appears to offer a far less costly means of complying with the act than would straight appropriations for employment of in-house permanent staff and services.

LEASING OF EQUIPMENT

In a related vein I want to outline for you the costs of leasing various items of equipment which are necessary to the processes which I have just outlined. It is my understanding that such leases would be entered into for the Office of the Secretary by the Sergeant at Arms. I am, therefore, not requesting this authority for myself but, with your concurrence, will ask that the Sergeant at Arms rent various items of equipment.

The item and the annual rental charges are:

Micro-film cameras (3)	$15,500
Micro-film reader-printers (3)	13,000
High-speed Xerox copier	10,800
Computer key tape terminals	5,500
Total	44,800

INDETERMINATE COSTS: ECONOMICAL PROCEDURE

These also are allowances based on uncertain estimates. We do not know, for example, what public demand will be made for copies of the contribution reports. It is possible that more units may be needed in peak periods. Conversely, we may find that some of the units may be removed, especially during nonelection years, thus reducing the rental charges considerably.

Hence, I believe the contract-rental route promises, again, greater economies than outright acquisition of this expensive and ever-charging equipment by the Senate. I should note, too, that a reasonable per-page charge will be made for all copies provided and these receipts should offset a part of the annual rental charges.

SECTION 308(A), PARAGRAPH 11: TRAVEL EXPENSES, LEGAL AND OTHER ASSISTANCE AND LOAN OF AGENCY PERSONNEL

Section 308(a) paragraph 11 requires the Secretary of the Senate to make audits and field investigations and section 308(b) directs the Secretary to cooperate with the officials of the several States to simplify the administration of the act. This will entail travel expenses and, very likely, the procurement of temporary or intermittent legal and other professional assistance, and coopted personnel from other agencies.

AUTHORITY PURSUANT TO SENATE RESOLUTION 267

I would like to note in this regard, and also with respect to my request for the other contracting authority, that Senate Resolution 267 which is now in force has provided the Secretary with temporary broad authority: (1) to make expenditures from the contingent fund of the Senate, (2) with the prior consent of the Government department or any agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of such department or agency, (3) to procure the temporary or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions to the extent applicable as a standing committee of the Senate may procure such services under section 202(1) of the Legislative Reorganization Act of 1946, and (4) to incur official travel expenses.

REPORT ACCOMPANYING RESOLUTION

The report which accompanied that resolution expressed the hope that the legislative branch appropriation for 1973 would provide a general continuation of that authority and I respectfully request that you will see fit to do so at the same levels of expenditure.

FUNDING AUTHORIZATION

Senate Resolution 267 made such a provision for $38,000. I also would ask this sum be authorized in a breakdown of $30,000 yearly for the reimbursable services of agency personnel and to hire fee-consultants, and $8,000 for official travel expenses.

GENERAL HOUSEKEEPING REQUESTS

There are two general housekeeping requests which I must bring to your attention in connection with the Federal Elections Campaign Act. The first deals with stationery supplies necessary to support the operations I have outlined above. The Rules Committee has already assigned two additional rooms in the Capitol to house these operations. They need to be outfitted. Total requirements for this purpose cannot be predicted precisely but to make adequate provision I request that the stationery allowance of the Office of the Secretary be increased from $3,900 to $5,900 I also request that the postage allowance for the Office of the Secretary be increased from $410 to $610 to cover such air mail and special delivery costs as may be incurred in making a timely distribution of official forms, regulations and other communications.

TOTAL COSTS

To recapitulate, my estimate of the total costs involved in carrying out the Federal Elections Campaign Act for Senate elections can be summarized as follows:

Increase in the Secretary's administrative payroll	$14,000
Increase in the Secretary's statutory aggregate (which releases equivalent funds in the administrative roll for new obligation)	29,267
Contract authority for expenditures from the contingency fund for technical services:	
Personal services	43,200
Film processing	16,800
Computer programing system (one-shot expenditure)	40,000
Engagement of temporary, intermittent or reimbursable personnel (legal and other professional)	30,000
Travel	8,000
Stationery supplies	2,000
Postage	200
Equipment rental, Sergeant at Arms	44,912
Total cost	228,379

BASIC CAPABILITY TO COMPLY WITH STATUTE AND SUPPLEMENTAL REQUEST FOR ANNUAL STATISTICS RECAPITULATIONS

The amount involved is substantial, considering that it covers only the estimated costs of the Senate elections, but the requirements of the new act are also substantial and formidable. In my judgment, the funds requested will provide a basic capability of complying fully with the Senate's share of the new law, with the sole exception of certain annual statistical recapitulations which the act also requires, and which we have not yet had a chance to go into fully. These will have to be the subject of a supplemental request. It is possible that we have overestimated on some items and underestimated on others. We simply cannot tell for sure until we have the benefit of at least a year's experience, so I ask the committee to give us what we believe is necessary for carrying out the congressional intent with my assurances that we will do whatever we can to minimize the expenditures.

Operations of secretary's office: option of making later requests

Because of the immediacy of the problems, I have addressed my testimony this morning almost entirely to the Federal Election Campaign Act. I would like the option of suggesting to this subcommittee, within the week and by letter, if I may, any further matters regarding the operations of the Secretary's offices which should have the attention of your members. I do not know that I will have such suggestions, but I would appreciate the opportunity of being able to give them.

Senator Hollings. You certainly will have that opportunity, Mr. Valeo.

Page volume of reports: uniformity of procedure by Senate, House, and GAO

You state that you cannot tell how many pages may be involved, and there might be as many as 200,000 pages to file, display, copy, store, and retrieve. Has there been a coordination of the uniformity as between yourself, GAO, and the House side? Can you get one form? You might have one campaign committee giving to Senator Cotton and one to Senator Hollings and one to President Nixon. One committee like that would be the committee for intelligent and farsighted Government.

Mr. Valeo. Yes, sir. We have been meeting very regularly. We are designing our forms in concert with the GAO and the Clerk of the House. We have achieved agreement on practically all aspects of the basic form for each of the submissions that are required under the law.

Senator Hollings. Will that form average a report of 50 pages?

Mr. Valeo. We figure an average of 50 but we cannot be sure because some will run several hundred. If you have to list every contributor of over $100, you can imagine in some instances this will be quite formidable.

Senator Hollings. That would be listing names but there wouldn't be all that explanation.

Mr. Valeo. They would be listed as part of a committee report, perhaps, a campaign committee report.

Contracts

Senator Hollings. The other thing is we don't want the tail wagging the dog about moving you out. I think it is good to hire and contract out this personnel.

Space for display of documents

You noted there are two rooms in the Capitol being assigned. This really ought to be set off some place outside the Capitol in a more accessible building so that anybody wanting to look at the files and examine the records wouldn't be trooping through the Capitol and bolixing up further the traffic in the passageways and what have you just to be checking on each fellow and who contributed.

I don't know who contemplated putting this in the Capitol of the United States.

Mr. Valeo. The rooms are actually on the terrace level of the Capitol. They are relatively small rooms. We had a third room there already assigned to the Secretary for other purposes. The three in conjunction with one another have been designed so that they can handle it. It is not in the middle of the Capitol. It is in one of the least crowded parts of the Capitol. But it is certainly available to the public. Since the press itself will be one of the principal consumers of this, and since they are in the Capitol themselves, it does seem to make sense to have it there. Also, for supervisory purposes in this first year, the operation should be near my office. However, in due course, the thing to do may be to move it somewhere else. There is no absolute necessity for it to be in the Capitol. I will put it that way.

Senator Hollings. I thought it might expand and get bigger and more used. There are a lot of other places, of course, that are available to the press. We would not be taking it away from the press. The press is over all these buildings. It would be better in the New Senate Office Building where we are right now, where the press is also, than right over in the Capitol.

Mr. Valeo. I will be prepared to make recommendations of that kind on the basis of a year's experience. I can't foresee all of the contingencies at this time.

Senator Hollings. Senator Cotton?

Senator Cotton. I think the chairman has covered the points. It was a very excellent statement.

Charges for use of Xerox machine

Senator Hollings. We want to be brief, but let me ask you this: What happens to the funds you will collect for the use of your Xerox machines?

Mr. Valeo. We expect that to go back perhaps into a miscellaneous receipts fund of some sort. Actually, we haven't set up the actual bookkeeping arrangements. They will go into some sort of a miscellaneous receipts fund. I would be very appreciative of the guidance of your staff on that point as to the best way to proceed.

Senator Hollings. We will coordinate with you.

Administrative fund increase: Official reporters

How about the addition in the administrative fund, the Official Reporters office. You had an additional clerical position last year.

Mr. Valeo. We have a situation with a very long-time employee of the Senate who has been ill and, possibly close to retirement. We have had to meet that situation by keeping a prospective replacement on the administrative payroll.

Date of statutory implementation: Alabama primary

Senator Hollings. You will be ready to go on April 7?

Mr. Valeo. We hope to be. We expect to have these forms out. Our first situation arises with the Alabama primary.

Senator Hollings. When is that?

Mr. Valeo. May 2.

Senator Hollings. When would the reports be in to you for the May 2 Alabama primary?

Mr. Valeo. There would be one, 15 days prior to it and the second one, 5 days prior to it.

Senator Hollings. That would be the middle of April.

Mr. Valeo. That is right. We expect to get the forms out for that primary by mid-March, along with a general distribution of the registration forms because committees, political committees, which are now in existence and were in existence at the date of enactment of the law, will have to begin to register on the 17th, actually, of April.

Introduction of associates

Senator Hollings. Do your associates wish to add anything at this point?

Mr. Valeo. I wish to point them out. This is Mr. Orlando Potter and Mr. William Ridgely. Mr. Potter has been handling a good deal of the detail work on designing this system. Mr. Ridgely, of course, is responsible for what is happening in the Disbursing Office. Mr. St. Claire is in overall charge of the project for me.

Senator Hollings. For Federal elections?

Mr. Valeo. Among other things, yes. He is Assistant Secretary.

Senator Hollings. We appreciate very much your appearance. We will look forward to anything else you may have in the next week. Just submit any further testimony by letter and we will cover it in our official record of the hearings.

Mr. VALEO. Thank you, Mr. Chairman.

Conclusion of hearings

Senator HOLLING. Thank you very much.

That will conclude the hearings of the subcommittee.

(Whereupon, at 12:18 p.m., Thursday, March 2, the hearings were concluded and the subcommittee was recessed, to reconvene at the call of the Chair.)

Mr. SCOTT. Mr. President, I wish to acknowledge the statement made by the distinguished majority leader, and the testimony of Mr. Valeo is of interest to all Senators. I commend it to their attention, particularly the effective date of April 7, 1972.

The first primary to be covered under the provisions of the Campaign Act itself would be the Alabama primary. Mr. Valeo has testified there will be ample time to have forms put out in time for compliance from that primary on.

As most of us know, the General Accounting Office has been preparing guidelines which will be useful. I understand the first guidelines are some 40 pages long. They are now trying to get down to some 14 pages. I would hope they could give us a careful summary or an index so w ecould make ready reference to what the requirements are, because this act is difficult to comply with, in view of its complexity and the wide provisions for reporting, for which I am in part responsible, as I offered a similar bill at one time.

Also, it should be called to the attention of the Senate that various regulatory agencies, such as the Federal Communications Commission and others, are preparing their own guidelines for the extension of credit or conditions under which credit cannot be extended to candidates or committees. I would hope that these provisions can be faithfully complied with. No candidate ought to be permitted to conduct his campaign on the cuff or at the expense of Government-regulated agencies.

So we are here plowing new ground. We are trying to implement an act which is desirable. Some flaws may develop as time goes along, but it seems to be better than the previous act. It is an act, however, which could be violated unintentionally, so that we are all on notice to do our very best to see that full and genuine compliance is observed, because the eyes of the country are on the Federal legislators in this regard.

I thank the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I want to state that, along with the distinguished minority leader, we thought it best that all this information be placed in the RECORD at this time. I want to commend the distinguished Secretary of the Senate, Mr. Francis Valeo, for the painstaking effort and outstanding job he has done, and done in such a short time, comparatively speaking. So, for all Senators, and for all candidates for the Senate, the information available under the new law will be contained in the CONGRESSIONAL RECORD for their study and their consideration.

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent, in view of the shortness of time before the first vote occurs, that the time for the conduct of morning business be extended to 10:45 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NAVAL VESSEL LOAN BILL—PRIVILEGE OF THE FLOOR

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that Mr. LaBre Garcia and Mr. Forrest Rettgers be given the privilege of the floor during the consideration of H.R. 9526.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHANGE OF MINIMUM AGE QUALIFICATION FOR SERVING AS A JUROR IN FEDERAL COURTS

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1975.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1975) to change the minimum age qualification for serving as a juror in Federal courts from twenty-one years of age to eighteen years of age, which were, on page 1, line 3, strike out "(a)".

On page 1, strike out all after line 5, over through and including line 2 on page 2.

On page 2, strike out lines 6 through 13, inclusive, and insert:

> SEC. 3. (a) Each judicial district and each division or combination of divisions within a judicial district, for which a separate plan for random selection of jurors, has been adopted pursuant to section 1863 of title 28, United States Code other than the District of Columbia and the districts of Puerto Rico and the Canal Zone, shall not later than September 1, 1973, refill its master jury wheel with names obtained from the voter registration lists, for, or the lists of actual voters, in, the 1972 general election.
>
> (b) The District of Columbia and the judicial districts of Puerto Rico and the Canal Zone shall not later than September 1, 1973, refill their master jury wheels from sources which include the names of persons eighteen years of age or older.
>
> (c) The qualified jury wheel in each judicial district, and in each division or combination of divisions in a judicial dstrict for which a separate plan for random selection of jurors has been adopted, shall be refilled from the master jury wheel not later than October 1, 1973.
>
> SEC. 4. (a) Nothing in this Act shall affect the composition of any master jury wheel or qualified jury wheel prior to the date on which it is first refilled in compliance with the terms of section 3.
>
> (b) Nothing in this Act shall affect the composition or preclude the service of any jury empaneled on or before the date on which the qualified jury wheel from which the jurors' names were drawn is refilled in compliance with the provisions of section 3.

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendments of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Nos. 676, 677, and then over to 680 and down through and including 687.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the measures in the order requested, and the clerk will state the first measure by title.

"THE ELECTORAL COMMISSION OF 1877" PAINTING

The Senate proceeded to consider the concurrent resolution (S. Con. Res. 59) to authorize the loan of the Cornelia Fasset painting, "The Electoral Commission of 1877," to the National Portrait Gallery of the Smithsonian Institution, which had been reported from the Committee on Rules and Administration with an amendment on page 1, line 9, after the word "than", strike out "April 14, 1972" and insert "May 2, 1972"; so as to make the concurrent resolution read:

> *Resolved by the Senate (the House of Representatives concurring)*. That the Architect of the Capitol shall, on behalf of the Congress, lend the Cornelia Fasset painting, "The Electoral Commission of 1877", located in the Capitol, to the Smithsonian Institution for the National Portrait Gallery exhibit of political memorabilia relating to elections from 1796 to 1968. Such loan shall be made so that the portrait shall be available for display by the National Portrait Gallery not later than May 2, 1972, and under procedures that will assure its proper preservation, display, and return to the Capitol as soon as practicable after September 5, 1972.

The amendment was agreed to.

The concurrent resolution, as amended, was agreed to.

JOHN D. ROCKEFELLER, JR., MEMORIAL PARKWAY

The Senate proceeded to consider the bill (S. 3159) to authorize the Secretary of the Interior to establish the John D. Rockefeller, Jr., Memorial Parkway, and for other purposes which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 3, line 22, after the word "this" strike out "Act." and insert "Act, not to exceed, however, $3,092,000 (August 1971 prices) for development of the area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein."; so as to make the bill read:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* (a) That for the purpose of commemorating the many significant contributions to the cause of conservation in the United States, which have been made by John D. Rockefeller, Jr., and

to provide both a symbolic and desirable physical connection between the world's first national park, Yellowstone, and the Grand Teton National Park, which was made possible through the efforts and generosity of this distinguished citizen, the Secretary of the Interior (hereinafter referred to as the Secretary) is authorized to establish the John D. Rockefeller, Junior, Memorial Parkway (hereinafter referred to as the "parkway") to consist of those lands and interests in lands, in Teton County, Wyoming, as generally depicted on a drawing entitled "Boundary Map, John D. Rockefeller, Junior, Memorial Parkway, Wyoming", numbered PKY–JDRM–20,000, and dated August 1971, a copy of which shall be on file and available for inspection in the offices of the National Park Service, Department of the Interior. The Secretary shall establish the parkway by publication of a notice to that effect in the Federal Register, at such time as he deems advisable. The Secretary may make minor revisions in the boundary of the parkway from time to time, with the concurrence of the Secretary of Agriculture where national forest lands are involved, by publication of a revised drawing or other boundary description in the Federal Register.

(b) The Secretary shall also take such action as he may deem necessary and appropriate to designate and identify as "Rockefeller Parkway" the existing and future connecting roadways within the parkway, and between West Thumb in Yellowstone National Park, and the South Entrance of Grand Teton National Park: *Provided*, That notwithstanding such designation, such roads within the Yellowstone and Grand Teton National Parks shall continue to be managed in accordance with the statutes and policies applicable to these parks.

SEC. 2. Within the boundaries of the parkway, the Secretary may acquire lands and interests in lands by donation, purchase with donated or appropriated funds, exchange, or transfer from another Federal agency. Lands and interests in lands owned by the State of Wyoming or a political subdivision thereof may be acquired only by donation. Lands under the jurisdiction of another Federal agency shall, upon request of the Secretary, be transferred without consideration to the jurisdiction of the Secretary for the purposes of the parkway.

SEC. 3. (a) The Secretary shall administer the parkway as a unit of the National Park System in accordance with the authority contained in the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented.

(b) The lands within the parkway, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws.

SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, not to exceed, however, $3,092,000 (August 1971 prices) for development of the area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FOSSIL BUTTE NATIONAL MONUMENT

The Senate proceeded to consider the bill (S. 141) to establish the Fossil Butte National Monument in the State of Wyoming, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, line 17, after the word "owner.", strike out "When acquiring land by exchange the Secretary may convey to the grantor federally owned land under his jurisdiction which he classifies as suitable for exchange or other disposal. The properties so exchanged shall be approximately equal in fair market value, but in order to equalize values the Secretary may accept cash from, or pay cash to, the grantor."; and, on page 3, line 20, strike out "Act." and insert "Act, not to exceed, however, $4,469,000 (June 1971 prices) for development of the area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve for the benefit and enjoyment of present and future generations outstanding paleontological sites and related geological phenomena, and to provide for the display and interpretation of scientific specimens, the Fossil Butte National Monument (hereinafter referred to as the "monument") is hereby established, to consist of lands, waters, and interests therein within the boundaries as generally depicted on the drawing entitled "A proposed Fossil Butte National Monument, Wyoming," numbered FBNM–7200, dated April 1963, revised July 1964, and totaling approximately eight thousand one hundred and eighty acres. The Secretary of the Interior (hereinafter referred to as the "Secretary") may revise the boundaries of the monument from time to time by publication of a notice to that effect in the Federal Register, except that at no time shall the boundaries encompass more than eight thousand two hundred acres.

SEC. 2. The Secretary shall administer the monument pursuant to the Act approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented.

SEC. 3. Within the boundaries of the monument the Secretary may acquire lands and interests in lands by donation, purchase with donated or appropriated funds, or exchange, except that lands or interests therein owned by the State of Wyoming or a political subdivision thereof may be acquired only with the concurrence of the owner.

SEC. 4. (a) The Secretary shall permit the use of lands and waters within the monument for grazing and stock watering at such periods and places where such uses will not conflict with public use, interpretation, or administration of the monument for a period of thirty years from the effective date of this Act: *Provided, however*, That the Secretary shall have the power to extend the use of the lands for grazing and stock watering for as long after the thirty-year period as it is determined by the Secretary that such use does not conflict with the public use, interpretation, or administration of the monument: *And, provided, further*, That the use of lands within the monument for stock driveways shall continue in perpetuity at such places where this use will not conflict with administration of the monument.

(b) Upon termination of the uses set forth in subsection (a) of this section, the Secretary of the Interior is authorized to provide for the disposition and use of water surplus to the needs of the monument, to a point or points outside the boundaries of the monument.

SEC. 5. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this *Act, not to exceed, however, $4,469,000 (June 1971 prices) for development of the area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.*

Mr. McGEE. Mr. President, I am pleased that the Senate is about to pass S. 141, to establish the Fossil Butte National Monument near Kemmerer, Wyo.

For many years the people of Wyoming have shared a great concern and a desire to conserve this most unique area for scientific, educational, recreational, and artistic purposes for future generations.

The proposed area for the Fossil Butte National Monument is located a short distance west of Kemmerer, Wyo., on U.S. Highway 30 North, a main artery of Interstate Highway 80, 30 miles to the south.

Mr. President, Wyoming is a vacation wonderland. Millions of tourists from all parts of the Nation visit western Wyoming every year. Fossil Butte is located on crossroads between Grand Teton National Park and Yellowstone National Park to the north, and Flaming Gorge National Recreation Area, which is located only 135 miles to the south.

Excellent highways and other modes of transportation make this area readily accessible from all directions. The investment which we propose to make in this area will therefore be repaid many times by providing the general public with an added attraction and recreational facilities, not to mention the preservation of a unique scientific and educational treasure.

Mr. President, it is difficult in words to describe the beauty of this area and the geological formations which have evolved from a metamorphosis of the earth's surface over a period of 500 million years. No other site in America has a more abundant supply of fossil fish deposits. As only one example of the fossilized marine life, Eocene fish fossils at Fossil Butte are believed to be the best and most significant in the United States and probably in the world. It is truly a paleontologist's paradise and has attracted the attention of the academic community and laymen alike for many years.

Since Senator HANSEN and I introduced the bill 5 years ago. I have received letters and expressions of support from as far away as Slippery Rock State College, in Pennsylvania, and as nearby as the University of Wyoming. There is understandably broad support for the conservation of the natural, historical, and recreational heritage which the Fossil Butte area contains. On the other hand, there is evidence of willful destruction and serious depletion of the public treasures to be found there. It is, therefore, imperative, I believe, that Congress act now to establish the Fossil Butte National Monument and preserve in perpetuity this national asset.

The proposed boundary of the Fossil Butte National Monument encompasses an area of 8,180 acres. The bill authorizes the Secretary of the Interior to adjust the boundary from time to time should that become necessary and advisable. The total acreage, however, is limited by the terms of the bill to no more than 8,200 acres. Ninety-six percent of this land is already in Federal ownership; 380 acres are privately owned; and the remainder is owned by the State of Wyoming. The Secretary is authorized to acquire the State lands by donation or exchange and to purchase, exchange, or receive by donation the private lands and interests therein.

Mr. President, the Federal lands within the monument area currently provide grazing for cattle and sheep, and there are in effect and applicable to these lands approximately 20 grazing permits renewable annually. When this legislation was initially proposed, we encountered substantial opposition from those ranchers who held the grazing permits. They feared the loss of these important grazing privileges. Consequently, the many people who share a common interest in the Fossil Butte National Monument area, including members of the Kemmerer Booster Club, the western Wyoming resource conservation and development project, individual ranchers, and civic leaders, worked diligently to resolve this problem. As a result of these efforts, and with the unanimous approval of the entire Wyoming congressional delegation, section 4(a) of the bill was amended to provide for a 30-year period after the enactment of this bill during which the Secretary of the Interior shall permit grazing and stock watering within the monument area. Furthermore, this use may be continued after the 30-year period in instances where grazing and stock watering will not be in conflict with public use and administration of the area. The provisions of section 4(a) represent a reasonable compromise of divergent points of view and have my complete support. Typically, in the past, legislation has limited to 10 years the period during which the Secretary of the Interior could exercise control of grazing and stock watering in conjunction with his administration and management of areas set aside as national monuments or national parks. I believe, however, that this area is not typical in this respect and the uniqueness of the area justifies the 30-year provision contained in section 4(a). In fact, the public interest and the attractions of the area will be enhanced by cattle and sheep grazing in the area under proper management and control by the Secretary. Therefore, I sincerely urge the committee to adopt the provisions contained in section 4(a). Such action will certainly improve the chances of early congressional approval.

This proposal to establish the Fossil Butte National Monument has been endorsed by the Advisory Board on National Parks, Historic Sites, Buildings and Monuments, on three different occasions since 1961. The National Park Service has made a thorough study of the proposal and the land area to be included, and, as a result of this study, the Secretary of the Interior has approved our proposal. Most importantly, it has broad and virtually unanimous endorsement among the people of southwest Wyoming and the State government.

Mr. President, I express my appreciation to the chairman and members of the Committee on Interior and Insular Affairs for the consideration which they have given this legislation. I hope it will receive final congressional approval in the near future.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AUTHORIZATION FOR PRINTING ADDITIONAL COPIES OF "THE BUDGET OF THE UNITED STATES, FISCAL YEAR 1973"

The resolution (S. Res. 276) authorizing the printing of additional copies of Senate hearings entitled "The Budget of the United States, Fiscal Year 1973" was considered and agreed to, as follows:

Resolved, That there be printed for the use of the Committee on Appropriations five hundred and fifty additional copies of its hearings entitled "The Budget of the United States, Fiscal Year 1973".

AUTHORIZATION FOR PRINTING "PROGRESS IN THE PREVENTION AND CONTROLS OF AIR POLLUTION AS A SENATE DOCUMENT

The resolution (S. Res. 278) authorizing the printing of the report entitled "Progress in the Prevention and Control of Air Pollution" as a Senate document was considered and agreed to, as follows:

Resolved, That the annual report of the Administrator of the Environmental Protection Agency to the Congress of the United States (in compliance with section 313, Public Law 91-604, the Clean Air Act Amendments of 1970) entitled "Progress in the Prevention and Control of Air Pollution" be printed as a Senate Document.

SEC. 2. There shall be printed two thousand five hundred additional copies of such document for the use of the Committee on Public Works.

AUTHORIZATION FOR PRINTING "THE ECONOMICS OF CLEAN AIR" AS A SENATE DOCUMENT

The resolution (S. Res. 279) authorizing the printing of the report entitled "The Economics of Clean Air" as a Senate document was considered and agreed to, as follows:

Resolved, That the annual report of the Administrator of the Environmental Protection Agency, to the Congress of the United States (in compliance with section 312(a), Public Law 91-604, The Clean Air Amendments of 1970), entitled "The Economics of Clean Air", be printed with illustrations as a Senate document.

SEC. 2. There shall be printed two thousand five hundred additional copies of such document for the use of the Committee on Public Works.

AUTHORIZATION FOR PRINTING ADDITIONAL COPIES OF THE 1972 ANNUAL REPORT OF THE JOINT ECONOMIC COMMITTEE

The resolution (S. Res. 283) authorizing the printing of additional copies of the 1972 annual report of the Joint Economic Committee was considered and agreed to, as follows:

Resolved, That there be printed for the use of the Joint Economic Committee three thousand additional copies of its report on the January 1972 Economic Report of the President.

DISTRIBUTION AND PRINTING OF TRIBUTES TO FORMER SENATORS HAYDEN, ROBERTSON, AND HOLLAND

The resolution (S. Res. 287) relating to the printing and distribution of legislative proceedings with respect to the deaths of former Senators Hayden, Robertson, and Holland was considered and agreed to, as follows:

Resolved, That the legislative proceedings in the United States Congress relating to the deaths of the former Senator from Arizona, Mr. Hayden, the former Senator from Virginia, Mr. Robertson, and the former Senator from Florida, Mr. Holland, ordered to be printed by the Senate on January 26, 1972, as separate Senate documents, be printed and distributed, except to the extent otherwise provided by the Joint Committee on Printing under chapter 1 of title 44, United States Code, in the same manner and under the same conditions as memorial addresses, on behalf of Members of Congress dying in office, are printed under sections 723 and 724 of such title.

ESTABLISHMENT OF A JOINT COMMITTEE ON INAUGURAL CEREMONIES OF 1973

The concurrent resolution (S. Con. Res. 63) to establish a Joint Committee on Inaugural Ceremonies of 1973 was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That a joint committee consisting of three Senators, and three Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguaration of the President-elect and Vice President-elect of the United States on the 20th day of January 1973.

AUTHORIZATION FOR PRINTING ADDITIONAL COPIES OF THE CONSUMER PRODUCT SAFETY ACT OF 1971

The concurrent resolution (S. Con. Res. 70) authorizing the printing of additional copies of Senate hearings on the Consumer Product Safety Act of 1971 was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Commerce two thousand additional copies each of parts 1 and 2 of its hearings during the first session, Ninety-second Congress, on the Consumer Product Safety Act of 1971.

RESIGNATIONS FROM THE FEDERAL PAY BOARD

Mr. GRIFFIN. Mr. President, I deeply regret that four leaders of some of the Nation's largest unions have abandoned the fight against inflation.

I can only characterize the walkout—led by George Meany—as a callous display of contempt for the public interest.

While other workers in the country are supposed to go along with 5½-percent raises, George Meany is mad because longshoremen, who average nearly $7 an hour, are being held to a 15-percent increase—nearly three times what the guidelines provide.

The cost of living is now going up at the rate of about 3 percent a year—with wage and price controls in effect. Union members are consumers, too; and they must wonder like the rest of us what would happen to prices if Mr. Meany really got his way.

The battle against inflation will be more difficult without the cooperation of Mr. Meany and those who followed him. But the fight will go on, and President Nixon will win it.

QUORUM CALL

The PRESIDING OFFICER. Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. MAGNUSON, from the Committee on Commerce:

S. 3419. An original bill to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes.

UNANIMOUS-CONSENT AGREEMENT TO FILE WRITTEN REPORT AND JOINT REFERRAL OF BILL

Mr. MAGNUSON. Mr. President, I report an original bill from the Committee on Commerce. I ask unanimous consent that I have until April 10, 1972, to file the written report on the bill. Furthermore, I ask unanimous consent that the bill as reported from the Committee on Commerce be simultaneously referred to the Committees on Government Operations and Labor and Public Welfare for consideration of those aspects in titles I and II of the bill which fall within their respective jurisdictions; that the Committee on Labor and Public Welfare report the bill no later than May 23, 1972; that the Committee on Government Operations report the bill no later than May 25, 1972; and that on May 25, 1972 both the Committee on Government Operations and the Committee on Labor and Public Welfare, if they have not reported the bill by the respective dates, shall be considered to have been discharged from further consideration of the bill and that it be placed on the Senate Calendar.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, every effort is being made to cooperate in this endeavor. I have instructed my staff to furnish the two committees with tentative drafts of the report by early next week. I look forward to continuing cooperation in this important legislative undertaking.

I have cleared this matter with the chairman of the Committee on Government Operations, the Senator from Arkansas (Mr. MCCLELLAN); the distinguished Senator from Connecticut (Mr. RIBICOFF), who will be handling the bill, and with the distinguished Senator from Illinois (Mr. PERCY), who is the ranking minority member of that committee. I have also cleared it with the distinguished Senator from New Jersey (Mr. WILLIAMS), the chairman of the Committee on Labor and Public Welfare, and with the distinguished Senator from New York (Mr. JAVITS), who is the ranking minority member of that committee. I have also cleared it with one other Member.

For the record, Mr. President, this is a bill to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes. It is a long, complicated bill that has been in the making for almost 5 years.

The Commerce Committee appointed a separate, independent commission to make a study of product safety. They worked for 2 years and made a report. The Commerce Committee has had numerous hearings on this matter and many executive sessions. Finally, we ironed out a bill that we think is acceptable.

For the record, the bill provides for the setting up of an independent agency for product safety, rather than the proposal to keep it in HEW. The Committee on Labor and Public Welfare wants to consider the matter because it does transfer the responsibility for foods and drugs into this independent agency. These two committees want to look at factors within their jurisdiction. The remainder of the bill has been ironed out by the Commerce Committee.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BOGGS:

S. 3418. A bill for the relief of Kimiko Bethard. Referred to the Committee on the Judiciary.

By Mr. MAGNUSON, from the Committee on Commerce:

S. 3419. An original bill to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes. Referred, by unanimous consent, to the Committees on Labor and Public Welfare and Government Operations, with instructions to report on May 23 and May 25, 1972, respectively.

By Mr. KENNEDY:

S. 3420. A bill to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Assistance Administration to carry out a program of financial assistance to encourage and assist the States in registering voters. Referred to the Committee on Post Office and Civil Service.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY:

S. 3420. A bill to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Assistance Administration to carry out a program of financial assistance to encourage and assist the States in registering voters. Referred to the Committee on Post Office and Civil Service.

VOTER REGISTRATION ASSISTANCE ACT OF 1972

Mr. KENNEDY. Mr. President, I send to the desk of the Senate for appropriate reference the Voter Registration Assistance Act of 1972. The purpose of this bill is to establish a comprehensive program of Federal financial assistance to aid State and local governments in carrying out their existing voter registration programs. The bill also contains specific financial incentives to encourage State and local governments to modernize their registration procedures, and it offers additional financial incentives keyed to the success of registration programs in the enrollment of previously unregistered voters.

Two weeks ago on the Senate floor, by the narrow margin of 46–42, the Senate killed perhaps the most promising Federal voter registration legislation ever proposed. S. 2574, the National Voter Registration Act sponsored by Senator GALE MCGEE of Wyoming, would have accomplished two highly significant reforms in the area of voting—it would have allowed citizens to register by post card, and it would have reduced State and local residence requirements for voting to 30 days.

Thanks to the far-reaching decision of the Supreme Court in Dunn against Blumfield earlier this week, the problem of burdensome residence restrictions on voting has largely been resolved. In effect, a major portion of S. 2574, although killed by the Senate, has now been passed by the Supreme Court.

By the overwhelming margin of 6–1, with two Justices not participating in the decision, the Court held that Tennessee's durational residence requirements for voting—1 year's residence in the State and 3 months' residence in the district—was an unconstitutional infringement on the right of vote and the right to travel. As a result of the Court's decision, it is estimated that some 5 to 8 million mobile citizens will be eligible to vote in elections across the country this year. Equally important, the decision went far beyond the provisions of S. 2574, since it applies not only to Federal elections, but to State and local elections as well.

The only substantial objection raised against the Court's decision was the fear, expressed by a number of election officials, that State and local registrars would be under a heavy burden to comply with the tide of new applications for registration expected to flow from the decision. In part, the fear is strengthened by the strong implication in the Court's decision that registration may not be closed earlier than 30 days before an election.

Thus, the Court's ruling, in effect, is an invitation to Congress to provide assistance to the States in meeting their new constitutional obligations, and that is the purpose of the legislation I am introducing today.

The bill contains six principal provisions:

First, it offers to make "basic" grants to States and local governments in amounts up to 30 percent of the cost of carrying out their existing voter registration programs. Through this provision, the bill offers direct and immediate financial assistance to local registrars hard pressed to carry out their current duties.

Second, the bill offers a series of financial incentives to States and local governments to increase the percentage of eligible voters who are registered. The amount of such "incentive" grants may be up to 10 percent of the overall cost of the registration program for each increase of 5 percent in the percentage of voters actually registered. The amounts available under this provision will be in addition to the 30-percent basic grants for which States would be eligible under the first provision described above. Thus, a State that increases its percentage of registered voters from 70 to 75 percent not only would be eligible for its "basic" grant of 30 percent of the cost of the registration program, but also would be eligible for an 'incentive" grant of an additional 10 percent.

Third, the bill offers planning grants to States and local governments to modernize their voter registration procedures. South Carolina has taken the lead in using electronic data processing techniques for voters registration. The present bill would enable a grant to be made to pay the full costs of planning such computer or similar programs, with limits for the grants based on the number of eligible voters in the jurisdiction receiving the grant.

Fourth, the bill offers to pay the full cost of a post card registration program adopted by my State or local governments. The amounts available would, however, be limited to direct costs of preparing and processing the cards. In effect, this provision of the bill seeks to establish through voluntary means what S. 2574 would have made mandatory.

Fifth, the bill offers technical assistance to States and local governments to improve their registration procedures, including assistance in developing programs for the prevention and control of fraud. By this provision, innovative approaches to registration disclosed in any part of the Nation will be made available to all jurisdictions, and nationwide improvements will be facilitated.

Sixth, to carry out the financial assistance program proposed by the bill, a new agency—a bipartisan Voter Registration Assistance Administration—would be established in the Census Bureau. The Bureau already has extensive expertise in developing election data and in related voting programs. By building on the foundation now available, it should be possible to launch the proposed new program in time to make significant assistance available for the 1972 elections.

To me, voter registration is the key to voter turnout. In America today, the real obstacles in the path to the ballot box are the barriers imposed by the archaic and unreasonable voter registration procedures now used in virtually every State.

We know that Americans who are registered are Americans who vote. Across the Nation, the momentum is building to reform our obsolete registration procedures. S. 2574 was a near miss. I believe that, pending the enactment of the more comprehensive sort of a program envisaged by S. 2574, we have an obligation to assist the States in whatever way we can to meet the burden imposed by the Supreme Court's decision in the Dunn case, and to offer as much help as we can to encourage the voters of America to register. The cost is small, and the rewards to our democratic system will be enormous.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3420

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Voter Registration Assistance Act of 1972."

SEC. 2. (a) Title 13, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 11—VOTER REGISTRATION ASSISTANCE ADMINISTRATION

"Sec.
"401. Definitions.
"402. Establishment.
"403. Duties and powers.
"404. Programs of assistance.
"405. Grants to carry out and increase voter registration.
"406. Grants to modernize voter registration.
"407. Grants for post card registration.
"408. Technical assistance and fraud prevention.
"409. Applications for assistance.
"410. Regulations.

"§ 401. Definitions.

"As used in this chapter—

"(1) 'Administration' means the Voter Registration Assistance Administration;

"(2) 'State' means each State of the United States, the political subdivisions of each State, and the District of Columbia;

"(3) 'election' means any primary, special, general, or other election held for the purpose of nominating or electing candidates for any public office, including any election held for the purpose of expressing a preference for the nomination of individuals for election to the office of President or Vice President and any election held for the purpose of selecting delegates to a national political party nominating convention or to a caucus held for the purpose of selecting delegates to such a convention; and

"(4) 'grant' means grant, contract, or other appropriate financial arrangement.

"§ 402. Establishment of Voter Registration Assistance Administration.

"(a) There is established within the Bureau of the Census, Department of Commerce, the Voter Registration Assistance Administration.

"(b) The President shall appoint, by and with the advice and consent of the Senate, an Administrator and two Associate Administrators for terms of four years each, who may continue in office until a successor is qualified. An individual appointed to fill a vacancy shall serve the remainder of the term to which his predecessor was appointed. The Associate Administrators shall not be adherents of the same political party.

"§ 403. Duties and powers.

"The Administration shall—

"(1) provide assistance by grant to States and political subdivisions thereof in carrying out and improving their voter registration procedures;

"(2) collect, analyze, and arrange for the publication and sale by the Government Printing Office of information concerning elections in the United States;

"(3) provide assistance, upon their request, to officials of States and political subdivisions thereof concerning voter registration and election problems generally;

"(4) obtain facilities and supplies, and appoint and fix the pay of officers and employees, as may be necessary to permit the Administration to carry out its duties and powers under this chapter, and such officers and employees shall be in the competitive service under title 5, United States Code;

"(5) appoint and fix the pay of officers and employees for temporary services as authorized under subchapter II of chapter 1 of this title for temporary employees of the Bureau of the Census;

"(6) prepare and submit annually to the President and the Congress a report on its activities, and on voter registration and elections generally in the United States; and

"(7) take such other actions as it deems necessary and proper to carry out its duties and powers under this chapter.

"§ 404. Programs of assistance.

"In accord with sections 405, 406, 407, and 408, the Administration is authorized to provide assistance by grant, contract, or other arrangement to States and political subdivisions thereof in improving their voter registration procedures and increasing voter participation in elections.

"§ 405. Grants to carry out and increase voter registration.

"(a) The Administration authorized to make grants to any State or political subdivision thereof for the purpose of carrying out existing voter registration procedures. A grant made under this subsection shall not be in excess of thirty percent of the direct costs of carrying out the voter registration procedures of the jurisdiction receiving the grant.

"(b) In order to encourage and assist States and political subdivisions thereof to increase and expand their voter registration programs, the Administration is authorized to make grants to any State or political subdivision thereof which increases the percentage of eligible voters who are registered. The amount of such grant shall be ten percent of the direct costs of carrying out the voter registration procedures, for each five percent increase in the percentage of eligible voters registered above the percentage of eligible voters registered at the time of the most recent general election held in such jurisdiction.

"(c) The total amount of grants made available to a State or political subdivision thereof under this section shall not exceed the total direct cost of the voter registration procedures of such jurisdiction.

"§ 406. Grants to modernize voter registration.

"In order to encourage and assist States and political subdivisions thereof to modernize their voter registration procedures, the Administration is authorized to make grants to any State or political subdivision thereof for planning and evaluating a system of voter registration utilizing electronic data processing or other similar appropriate procedures. A grant made under this subsection shall not be in excess of a total of one-half cent for each potential voter in the jurisdiction receiving the grant, or $15,000, whichever is greater;

"§ 407. Grants for post card registration.

"The Administration is authorized to make grants to any State or political subdivision thereof to carry out programs of voter registration by postal card. The amount of such grant shall not be in excess of the full direct cost of preparing and processing such postal cards.

"§ 408. Technical assistance and fraud prevention.

"The Administration is authorized to provide technical assistance, including assistance in developing programs for the prevention and control of fraud, to any State or political subdivision thereof for improving voter registration and voter participation. Such assistance shall be made avilable at the request of States and political subdivisions thereof, to the extent practicable and consistent with the provisions of this chapter.

"§ 409. Applications for assistance.

"A grant authorized by section 405, 406, or 407 of this chapter may be made only upon application to the Administration at such time or times and containing such information as the Administration may prescribe. No application shall be approved unless it—

"(a) sets forth the authority for the grant under this chapter;

"(b) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this chapter, and provides for making available to the Administration, for purposes of audit and examination, books, documents, papers, and records related to any funds received under this chapter; and

"(c) provides for making such reports, in such form and containing such information, as the Administration may reasonably require to carry out its functions under this chapter, for keeping such records, and for affording such access thereto as the Administration may find necessary to assure the correctness and verification of such reports.

"§ 410. Regulations

"The Administration is authorized to issue rules and regulations for the administration of this chapter."

(b) The table of chapters of title 13, United States Code, is amended by adding at the end thereof the following:

"11. Voter Registration Assistance Administration .... 401"

SEC. 3. Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(131) Administrator and Associate Administrators (2), Voter Registration Assistance Administration, Bureau of the Census."

SEC. 4. There are authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

THE WAR POWERS ACT—AMENDMENTS

AMENDMENTS NOS. 1084 AND 1085

(Ordered to be printed and to lie on the table.)

Mr. FULBRIGHT submitted two amendments intended to be proposed by him to the bill (S. 2956) to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress.

STUDENT TRANSPORTATION MORATORIUM ACT OF 1972—AMENDMENT

AMENDMENT NO. 1086

(Ordered to be printed and referred to the Committee on the Judiciary.)

Mr. GURNEY. Mr. President, I am today introducing an amendment to the "Student Transportation Moratorium Act of 1972" that was introduced March 21. This moratorium bill, as it stands, only stops future busing; it does not stop present busing. My amendment would equalize the situation by applying the moratorium to existing busing in the South as well as to proposed busing plans anywhere else in the Nation.

Specifically, my amendment provides that any busing order entered prior to passage of the moratorium bill will, upon application to the court, be reopened for consideration and its implementation stayed.

The language of this amendment closely parallels that found in section 406 of the proposed "Equal Education Opportunities Act of 1972" that is to come before us shortly. But, in addition, it provides an effective means of implementing a moratorium that would treat all our citizens in all parts of the country the same way—something the "Student Transportation Moratorium Act of 1972" presently fails to do. So, while this amendment does not represent a permanent solution, at least it will help bridge the gap until Congress chooses to act on this business of forced busing.

What is really involved here is a question of fairness. If we are going to have a moratorium on forced busing, it should apply to all sections of the country, not just some. Providing that the moratorium will not apply to the South is discriminatory in that it penalizes one section of the country for complying with the law while, at the same time, grants immunity to the rest. It would seem only logical that school systems which have already had busing forced upon them need this moratorium more, rather than less, than those that have not. A moratorium that applies to some school districts should certainly apply to those who are suffering the most; standards of fair play demand no less.

Those who might argue that this would mean a return to a dual school system in the South would do well to keep some figures in mind. In the recent Florida primary, 79 percent of the voters indicated they were opposed to any return to a dual school system. Also, recent studies show that southern schools are better integrated than those elsewhere; almost 44 percent of southern black pupils attend majority white schools, while only 28 percent of the blacks in the North and 30 percent of the blacks in the border States could make the same claims. Linking these two together, it is quite apparent that a return to segregated schools is neither the intention nor the issue; if it were, how does one explain the fact that three out of four southerners polled in 1970 expressed support for integrated schools. In short, most people in the South do not oppose desegregation; they just want what everyone else wants—fair treatment and the right to send their children to a neighborhood school.

There is no reason—particularly in view of the facts and figures just cited—that the South, simply by virtue of the fact that bucing is already a fact of life there, should be denied these rights at the same time Congress is making it a policy to protect them elsewhere. If forced busing is wrong or undesirable, it is wrong and undesirable everywhere and to say anything else would be both unfair and inconsistent.

Forced busing affects everybody—young, old, rich, poor, parents, and those without school-age children. We all have to pay for it and we all have to live with it. Therefore, it seems essential that, if we are going to legislate in this area, we develop a uniform national policy that will apply to all people in all sections of the country without favoring one section over another.

Every indicator shows that a great majority of Americans—back and white—oppose forced busing. Whether it be in a referendum in Florida or at a political convention in Gary, Ind., the people have made their position quite clear. And that position is—do something to stop forced busing.

This moratorium, if passed in such a form so as to apply to everybody, will cool off the passions and give us the time to find the best way to deal with the problem. But, if the moratorium is to work and if it is to have the confidence of the American people, it must be fair and that means it must apply to existing busing as well as proposed busing.

My amendment would enable it to do just that. Therefore, I urge its adoption.

ADDITIONAL STATEMENTS

PAUL DOUGLAS' 80TH BIRTHDAY

Mr. PROXMIRE. Mr. President, Sunday, the 26th of March, is the 80th birthday of our friend and former colleague, Paul H. Douglas of Illinois. In the Senate we knew him as a fighting liberal who took on unpopular causes and fought them through to success. Civil rights, one man-one vote, depressed areas, improvements in social security, tax loopholes, consumer bills, the Indiana Dunes, the disclosure of union-management pension and welfare funds, the 1955 minimum wage bill, and a host of others.

A NUMBER OF DISTINGUISHED CAREERS

But Paul Douglas was more than a Senator. He had half a dozen other careers as well—fighting marine, Chicago alderman, university professor, arbitrator in the printing industry, and public citizen.

As chairman of the Joint Economic Committee, I should like to dwell today on Paul Douglas' academic career as an economist, in which he made a number of original contributions to knowledge.

PAUL DOUGLAS AS AN ECONOMIST

The education of Paul H. Douglas at Bowdoin College, Columbia and Harvard Universities laid the foundation for one of the most distinguished and productive careers in the profession of economics in this century. His doctorate was awarded by Columbia University in 1921 when he was already serving as assistant professor at the University of Chicago following teaching at the University of Illinois, Reid College, and the University of Washington. During World War I he served the Emergency Fleet Corp. During his career as an economist he was elevated to associate professor at Chicago in 1923 and full professor in 1925, holding that rank until he was sworn in as the Senator from Illinois in January 1949. He also served as a visiting professor in economics at Amherst College from 1924 to 1927 and at Oberlin College from 1930 to 1931.

During his career he had an active interest and worked extensively at economic theory, labor problems, taxation, money and banking, international trade, and social security. The areas in which he worked that produced the greatest contribution to the profession were in the fields of wages and social security. He became interested in wage theory and the related subject of the theory of production at an early stage in his career. A manuscript he produced entitled "The Theory of Wages" won first prize in an international contest in 1927. Considerably elaborated, it was published in book form in 1934. He also published "Real Wages in the United States: 1890–1926," the classic study on this subject at the time. His related interest in social security resulted in his book entitled "Social Security in the United States."

THE COBB-DOUGLAS FUNCTION

It was while he was visiting professor at Amherst that he began his work on the theory of production which led to perhaps his most enduring fame in the profession. In the spring of 1927 while working on the manuscripts that later became "The Theory of Wages" and "Real Wages in the United States" Douglas began studying time series for employment, fixed capital, and output in manufacturing in the United States since 1899. His interest sprang, by his own account, from the attempt to find a more secure basis for the theory of wages in terms of marginal productivity of labor and capital. He himself has reported that he went to his friend on the Amherst faculty who was a mathematician, Charles W. Cobb, who helped Douglas select the mathematical function relating production to capital and labor employed. The simple function they devised was already well known in mathematics and had been suggested over 30 years earlier by an English economist. Douglas, however, was not satisfied with mere theorizing about production. He and Cobb attempted to actually fit the function to statistical data comprising measurements of output, capital stock, and labor employed. He examined the consistency of his results with the available studies on income from the National Bureau of Economic Research to see whether the shares of labor and capital in value added corresponded to those derived from the fitted production function.

CRITICISM AND DERISION

Their researches were reported in December 1927, in a joint paper before the annual meeting of the American Economic Association. Thus was borne into the literature what has since been famed as the Cobb-Douglas production function. Initially the study was greeted with criticism and derision. Today it has become a classic in the field. Douglas and Cobb have been vindicated. One economist said recently that the reason the Lord rested on the 7th day, was that on the 8th day he created the Cobb-Douglas function.

VINDICATION

What followed was a long series of similar studies. The empirical results of the long series of studies pursued for some 20 years were broadly consistent and remain today broadly consistent with later research. For his distinctive contributions Douglas was widely honored by his profession. He was elected a fellow of the Econometrics Society, and in 1947 he was honored with the presidency of the American Economic Association.

By tradition, the president of the association presents the principal address at the annual meeting in December of the year he serves. Professor Douglas' presidential address in December 1947 was entitled "Are There Laws of Production," and in this paper he summed up 22 years of labor. But even as he prepared to deliver this summary of a life's work of contributions to his profession he was about to say farewell to the scholar's life. While he and his wife were preparing to go down to the ballroom where he was to read his paper to the AEA, the telephone rang in his suite, and he was told that he had been nominated by his party to be the candidate for the U.S. Senate from Illinois. A year later he was elected and sworn in as the Senator from Illinois and started another stage in the outstanding career of this remarkable man.

Paul Douglas, your friends and admirers salute you on your 80th birthday.

UNIVERSITY OF MARYLAND TERRAPINS

Mr. MATHIAS. Mr. President, the State of Maryland is known for the success of its professional athletic teams. Now the Baltimore Orioles, Colts, and Bullets will have to make room for a new championship-caliber cousin from the other end of the Baltimore-Washington Parkway. The University of Maryland Terrapins, under the direction of Coach Lefty Driesell, moved into the final round of the National Invitational Tournament last night defeating Jacksonville University, 91 to 77. The victory moved Maryland's seasonal record to 26 and 5, one of the best won-lost records in the Nation.

I congratulate the University of Maryland team and its coaches on their fine season. Like all Marylanders, I am eagerly awaiting Saturday's final round game with Niagara and anticipating the return of the Terrapins as NIT champions. This year the NIT, next year the NCAA.

I ask unanimous consent that two articles about the Maryland team, published in this morning's Baltimore Sun, be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

The Morning After

(By Bob Maisel)

For a team which critics have said is poorly coached, has little speed, less poise and is completely devoid of the killer instinct, Maryland continues to do all right for itself up there in Fun City.

The Terps are now 26–5 on the season, have advanced to the final round of the NIT in Madison Square Garden tomorrow afternoon, and it might even be that they discovered their missing killer instinct last night, blowing highly touted Jacksonville off the court, 91–77.

The first half was ragged, but in the second Maryland put everything together to play as well as I've seen them play all season. They scored 53 points in that second half, with everybody contributing behind the lead of Tom McMillen and Len Elmore.

For the game, McMullen had 25 points, Elmore 23, and between them they dominated the boards.

DOING IT THE HARD WAY

For much of the season, Maryland has done things the hard way, a mark of inexperience. But, even though they seldom won laughing, they nevertheless found some way to be on top at the end.

Last night, there was indication that more of the same was coming. On top by 11 and on the foul line near the end of the first half, the Terps missed the fouls, Jacksonville answered with two straight baskets and cut it to 38–31 at the buzzer.

Early in the second half, Maryland built its lead to 10, and seemingly in seconds Jacksonville had cut it to 3 at 50–47. Same old Maryland? Not this time. McMillen scored 8 of the next 10 points. Elmore got hot with him, the rest of the Terps got into the swing of it, and it was never again close.

Jacksonville is reputed to be a team with a strong running game, but the more you see of Maryland the more you realize that they play their best against the running teams. The teams which slow it down and stall have given them the most trouble.

The Terps are maturing, learning how to adjust.

WHICH WOULD BE YOUR CHOICE?

Quick . . . would you rather have. Wes Unseld or Fred Carter? Unseld or Bill Bradley? Walt Bellamy? Bob Lanier Paul Silas? Jerry Lucas?

One of the thankless jobs in sports is voting in various polls. If you come up with the right man at the end, that's the way it should be. You get no credit. If you pick one who is questionable, you hear about your incompetence from all sides.

Players especially are quick to put the rap on sports writers for doing a poor job of voting. So, yesterday for the first time I saw the complete tabulation of the vote for the Podoloff Trophy, which goes to the Most Valuable Player of the Year in the NBA.

The NBA players did the voting themselves and there certainly can be no quarrel with their selection of Kareem Abdul-Jabbar as the runaway winner. Or with Jerry West finishing second, Wilt Chamberlain third, and maybe John Havlicek fourth and Spencer Haywood fifth.

Even before then I started looking for Unseld, but without question I expected to see him somewhere in the top ten. The farther down the list I went, the more amazed I was.

Would you believe that altogether 27 players received votes, down to one each for Bellamy, Bradley and Carter, and that Wes Unseld did not even get a call?

Unbelievable . . . absolutely unbelievable. Bob Lanier finished ninth with two first-place votes, three seconds and two thirds for a total of 21 points.

You can't vote for players on your own team, so that lets the Bullets off the hook. But, it makes you wonder what the other players are doing while they are running around out there in their underwear, or sitting on the bench. They obviously aren't paying attention.

If Unseld isn't one of the 27 Most Valuable Players in the NBA you could fool every fan and every sports writer who has seen a game since the first day Wes stepped on a pro court out of Louisville.

Don't tell the players, though. They haven't found out about it yet.

So, any time a player gives us some guff about how we voted in one poll or another, just haul out your copy of the Podoloff Trophy results, stick it under his nose, and you'll have no more trouble from him.

Unseld isn't just valuable, he's the franchise.

SEATTLE HAS GRIPE

Then, there is the controversy over Gene Shue resting his regulars, going with the subs and losing the 2 games played since the Bullets clinched their division.

This is one of the dangers when you have so many divisions and have second place teams fighting for playoff spots. You can't blame Shue for trying to bring his team into the playoffs in the best possible shape. That's where the money and prestige are, and his spot is clinched.

You also can't blame them for griping in Seattle, though. They still had a chance to catch the Warriors until the Bullets decided to go with their reserves. Maybe the Warriors would have won the game anyway, but I doubt if Seattle is convinced.

Remember when the Colts lost their final game of the season, and actually appeared to benefit? If they had won, they would have played Kansas City in the first playoff game. When they lost they played Cleveland, a team that didn't figure to be as tough.

Systems like these open the door for suspicion and trouble.

Even though you can understand Shue's logic, there is still something about the whole thing that doesn't seem quite right. Maybe if he had told the fans of his plans a couple of days before, it wouldn't have been quite as objectionable.

They talk about not drawing the way they should, yet it doesn't do much to convince a man he should come back, when he pays his way in and doesn't see the regulars with the game and a playoff spot still in question.

TERPS GAIN NIT FINAL IN ROMP; NIAGARA WINS

(By Ed Winsten)

NEW YORK.—After all those weeks of tedious slowdowns, Maryland finally found a basketball team that wanted to run.

It turned out to be a delightful experience for the Terps, who manhandled Jacksonville University, 91 to 77, last night to gain the championship game of the 35th National Invitation Tournament at Madison Square Garden.

In the semi-final nightcap, Niagara defeated St. John's 69–67, on two free throws by Al Williams with five seconds remaining. St. John's had trailed by as many as 12 points before catching up with seven minutes remaining and keeping close the rest of the way.

In winning their 26th game of the marathon season, the Terps ran up the most points they have scored since December 29, when they crushed Western Kentucky, 103–67, in their Holiday Tournament. The next night they scored 90 in beating St. Johns'.

Chief reasons for the scoring binge were sophomore Tom McMillen and Len Elmore, who came up with 48 points between them. McMillen was 10 for 17 from the field and moved to within 6 points of Gene Shue's school record for a season.

Elmore also became the school's leading one-season rebounder with his 14 recoveries.

TERPS PARRY THRUST

McMillen and Elmore crushed Jacksonville's lone bid in the second half. After Harold Fox made it 52–49, Elmore hit a 16-footer, McMillen connected on two 20-footers and converted two free throws as the Terps ran off to a 60–49 lead with 10:15 to go.

"We were in a zone trap trying to catch up when McMillen hit those shots," said Jacksonville coach Tom Wasdin. "We were double teaming and gambling that he wouldn't hit them."

"I was concentrating on the outside shots because it was more effective," added McMillen. "I thought I should have done better inside, but I'll do anything to win."

Elmore was somewhat of a surprise, hitting 8 of 13 from the field, several from 15–17 feet.

"I do that all the time . . . in practice," said a laughing Elmore. "I don't usually take those shots but they left me open."

Elmore missed a few minutes near the beginning of the second half and getting bonked on the left eye. He passed it off as "somebody's head, or something." It hadn't swelled noticeably after the game.

COME OUT HOT

The Terps came out like gangbusters, swarming over the court early, in contrast to some of their slow starts.

"Now is not the time for a slow start," said Bob Bodell. "We had some team meetings about that this week. It's a matter of getting out there and running and hustling, that's all."

Bodell was called for an unusual foul while guarding Fox in the second half. Fox made a long jumper, then hit a free throw to make it, 50–47.

"I asked him (the official) about that," Bodell said, "and he said he called me for 'spearing.' I asked what that was, and he said he didn't want me to spear him (Fox) in the eye. I've never heard of spearing before.

"Fox, he's pretty quick," he added. "He ran by me a couple of times."

Fox, the Northwestern (Md.) High grad who had been looking forward to this game, finished with 26 points, mostly from long range.

"The points don't mean anything," he said. "We lost. Our defense wasn't as strong as usual, that was the main point of the game.

"Overall, they played a hellova game; I expect them to win the tournament. Their guards are deceptive," he added. "They look slow, but they're pretty quick. That Howard (White) is quick. And McMillen, he's a nice ball player."

Fox added that Maryland presented them with more problems than most teams, chiefly because of the mobility of McMillen and Elmore outside.

"We're used to playing teams with big guys who stay under the basket," he explained.

Niagara's victory saved the NIT of having to stage a rematch of Maryland's December Invitation Tournament in which the Terps defeated the Redmen.

St. John's, in this tournament for the 21st time, was without its star rebounder, Mel Davis, who tore a tendon in his knee Tuesday, and it hurt the Redmen underneath.

But even getting beaten off the boards, St. John's steadily whittled away and went up, 59–58, with 6.55 to go. Thirty seconds later, Marshall Wingate put Niagara back on top, 60–59.

Later, forward Bill Schaeffer made two free throws to knot the score at 67 with 46 seconds left, and Niagara ran off 40 seconds before Williams was fouled on a drive. The team's best free throw shooter, Williams put in both. Schaeffer's shot at the buzzer rolled off the rim.

THE 80TH BIRTHDAY ANNIVERSARY OF FORMER SENATOR PAUL DOUGLAS OF ILLINOIS

Mr. STEVENSON. Mr. President, March 26 will mark the opening of a new decade for an esteemed former colleague of many present in this Chamber and a friend of two generations of Stevensons—Paul H. Douglas, of Illinois, will be 80.

During the time I have served in the Senate, I have noted with pride the many times that Senator Douglas' colleagues have drawn attention to issues which he championed by drawing the name and spirit of Paul Douglas into the battle for the public good. His record in the Senate—established over 18 years—continues to serve as the impetus for much legislation important to America's people: Conservation of our natural resources, truth-in-lending, the development of underdeveloped communities, civil rights, medicare. It is an endless litany of endless fights for the common man. Senator Douglas, in retirement, is not resting on his laurels, his career completed. His work is still done in this Chamber and in the committee rooms of the Senate when the people win victories for justice, good sense, and decency in politics.

Paul Douglas is remembered and revered for his concern for his fellow man. It was relentless and uncompromising. The people of Illinois continue to reap the benefits of his fights to save the Indiana Dunes, to promote rural electrification and bring industry to areas of chronic unemployment. To Paul Douglas' gallery of Illinois heroes—John Peter Altgeld, Abraham Lincoln, and Jane Addams—the people of Illinois have added with their affection, respect, and gratitude this towering public servant.

The people of the United States continue to reap the benefits of his service. That service was moral leadership always granted in a spirit of trust, honesty, and kindness. Paul Douglas is a man with a loving and generous heart coupled with intellectual integrity and brilliance. His service goes back over long years as a teacher, a scholar, and author, a marine in combat, as alderman and Senator always in the service of his country. In no way can the Nation express its thanks to this gracious and wise man better than by recommitting itself to what Paul Douglas stood for.

NOMINATION OF ALFRED T. MACFARLAND AS A COMMISSIONER OF THE INTERSTATE COMMERCE COMMISSION

Mr. GRIFFIN. Mr. President, on behalf of the distinguished Senator from Tennessee (Mr. BROCK), who is necessarily absent, I ask unanimous consent to have printed in the RECORD a statement by him relating to the nomination of Mr. Alfred T. MacFarland, of Tennessee, as a Commissioner of the Interstate Commerce Commission.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BROCK

I was extremely pleased to learn of President Nixon's nomination of Mr. Alfred T. MacFarland as a commissioner of the Interstate Commerce Commission.

Although my association with Mr. MacFarland has been relatively brief, we have become the best of friends. His accomplishments for Tennessee have long been a matter of the greatest pride to the citizens of my State.

A life-long Democrat, Alf MacFarland has a truly distinguished record of public service and his credentials are numerous. He has served as both a representative and senator in the Tennessee State legislature. He was general counsel to the Tennessee Public Service Commission and later became the State Commissioner of Revenue. From 1959 to 1961, Mr. MacFarland assisted the Governor as a member of his Cabinet and has participated as a board member on a host of State committees.

In addition to his tremendous efforts in behalf of Tennessee, he has maintained his own law office since his admittance to the bar in 1942.

I have the greatest respect for Alf MacFarland. He is one of the most erudite and accomplished individuals I know. I am delighted by his nomination and commend him for confirmation by the Senate.

SHIPBUILDING CLAIMS BY LOCKHEED CORP.

Mr. PROXMIRE. Mr. President, a year ago, I asked the General Accounting Office to look into the settlement of five consolidated shipbuilding claims filed against the Navy by the Lockheed Corp.

The Navy eventually paid $18 million to Lockheed in settlement of those claims.

Based on the General Accounting Office's investigation and my own understanding of the case, I have concluded that the settlement was wrong and unsupported by the facts.

The original claim was padded and puffed up to such a gross extent as to suggest intentional misrepresentation on the part of Lockheed.

The way this claim was handled by the Navy and its contractor has stretched claims procedures close to the point of corruption.

A Navy audit showed, according to a study done at my request by the General Accounting Office, that a significant part of Lockheed's claim included erroneous cost data and lacked adequate supporting documents.

Lockheed claimed that late delivery by the Navy of boilers for two destroyer escorts caused a 14-month delay on one ship and a 7½-month delay on the other. An audit revealed only a 48-day delay occurred in the first ship and that there was no delay at all in the construction of the second.

Lockheed's cost accounting system and other records were so inadequate that the additional costs claimed could not be related to specific Government actions.

Because of the lack of concrete evidence demonstrating the extent of the Government's responsibility, the GAO concluded that it was "not in a position to express an opinion of the reasonableness of the settlement."

It also appears that the claim, although treated in a consolidated fashion by the Navy for most purposes, was subdivided into five parts in order to avoid bringing it before the civilian Claims Control and Surveillance Group, formerly headed by Gordon W. Rule.

The Rule group had authority to review all claims in excess of $5 million. Although the Lockheed claim was settled for more than triple that amount, dividing it into five portions kept the claim out of its hands.

I ask unanimous consent to have printed in the RECORD the General Accounting Office report on this subject.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., March 15, 1972.

Hon. WILLIAM PROXMIRE,
Chairman, Joint Economic Committee, Congress of the United States.

DEAR MR. CHAIRMAN: Pursuant to our letter to you of June 16, 1971, and in continuation of our evaluation of the disposition of shipbuilders' claims for price increases on contracts awarded by the Department of the Navy, we have examined into the circumstances surrounding the initiation, evaluation, and settlement of five consolidated claims made by the Lockheed Shipbuilding and Construction Company. The claims amounted to $40.9 million as of August 22, 1969, and this amount was evaluated by Navy technical personnel. Subsequent to August 22, 1969, Lockheed informally revised the claims, which increased the total to $46.3 million. In May 1970 the Navy negotiated a settlement in the amount of $17.9 million.

The enclosure to this letter contains information on five Lockheed contracts, including the types of vessels involved, contract prices, delivery dates, and claim settlement amounts. The contracts were awarded on a fixed-price basis in the total amount of $83.5 million. The final amount paid, however, including additional amounts for escalation clauses, change orders, and claim settlements, was about $121 million.

LOCKHEED'S DEVELOPMENT OF CONSOLIDATED CLAIMS

A company official advised us that Lockheed, upon realizing that it was getting into a serious loss position on its Navy contracts, decided in 1966 to develop claims and to submit them to the Navy for the recovery of additional costs. Lockheed believed that the losses had been caused by actions for which the Government was at fault. During 1967 Lockheed established a team to develop claims for reimbursement of costs above those normally resulting from formal change orders or other written directions from the Navy.

The claims were based on a number of underlying causes, such as late and defective Government-financed material, defective or impossible Government specifications, late and defective lead-yard plans (working plans and other design data prepared by the contractor that had constructed the first ship of a new design class), increased inspection requirements, work in excess of specifications requirements, delays and disruptions caused by change orders, and various constructive changes (directions by the Government for changed or additional work not covered by formal change orders).

The contracts required Lockheed to accumulate and maintain data on a total-cost basis. Also Lockheed's cost accounting system did not provide for linking additional actual costs incurred to individual events or changes. Amounts claimed by Lockheed were established by estimating the amounts of additional labor and overhead which might have been expended because of Government actions plus the actual or estimated cost of additional materials used.

The Navy established a special task force for evaluating the claims and negotiating an equitable settlement with Lockheed. The task force consisted of a contracting officer in charge, a negotiator, a counsel, an engineer, an auditor, and a separate three-member technical evaluation team for each of the claims. Each three-member technical evaluation team consisted of an engineer, a counsel, and a technical analyst. The task force was able to get assistance as needed.

The Navy's task force spent approximately 1 year in evaluating Lockheed's claims. The task force auditor was provided by the Defense Contract Audit Agency and was responsible for determining the financial accuracy of the claims. The audits included such tests as verifying to the accounting records the labor and overhead rates and the material prices used by Lockheed to establish the amounts claimed. The audits showed that a significant part of Lockheed's claims included erroneous cost data and lacked adequate supporting documentation. The advisory audit reports recommended disallowance of about $8.9 million of Lockheed's claims, including $2.2 million of additional labor costs which exceeded actual recorded labor costs.

The technical evaluation teams were responsible for determining the reasonableness of the labor-hours and material items claimed. We found that generally they had evaluated each claimed item by (1) reviewing pertinent Navy and Lockheed records, such as letters and memorandums, to determine whether the event actually had happened as claimed, (2) reviewing Lockheed's claim-support records, such as cost-estimate schedules and ship-compartment diagrams, and (3) using their own experience and professional judgment to make an estimate of the number of man-hours and the amount of material that they considered reasonable. The following two examples illustrate the reviews made by teachnical teams:

1. Lockheed claimed 243,334 additional production man-hours attributable to late delivery of Government-furnished boilers for the construction of two destroyer escorts. Lockheed contended that delivery of the boilers for one of the ships had been delayed 14 months, or 424 days, and for the other ship had been delayed 7½ months, or 226 days.

To arrive at these figures, Lockheed evaluated the effects of the late deliveries on its ship construction plan by (1) developing from its records the total actual expanded man-hours by month for each ship and (2) having a team of Lockheed employees who had been directly involved in the work on the two ships estimate the amount of additional production man-hours attributable to the late delivery of the Government-furnished boilers. In a technical advisory report, the Navy stated that it (1) had divided man-hours claimed by Lockheed between the two ships by using a ratio developed from Lockheed's claim of the number of days' delay on each ship, (2) had investigated the ship's compartments whose construction Lockheed claimed had been disrupted by the late delivery of the boilers, and (3) had compared the actual boiler-installation dates with the scheduled boiler-installation dates for each ship.

The Navy found that the installation of boilers in one ship had been delayed 48 working days and that the installation of boilers in the second ship had not been delayed. In evaluating the hours claimed by Lockheed for the ship for which delivery of the boiler had been delayed, the Navy found that Lockheed's claim was based on the use of 65 men each day. By applying the 65-man figure to the 48 working days' delay on the ship, the Navy determined that 24,960 man-hours of delay had been caused by the late delivery of Government-furnished boilers compared with 157,167 man-days determined by the Navy to be the part of Lockheed's claim applicable to the late delivery. The Navy evaluator recommended disallowance of the excessive man-hours claimed, including all the 86,167 man-hours of labor determined by the Navy to be the hours claimed by Lockheed as applying to the second ship, for which the installation of boilers had not been delayed.

2. Lockheed claimed that 8,796 additional production man-hours were attributable to work not required by contract specifications to correct an overwheight condition of the hydrofoil. Lockheed contended that the contract provided that the shipbuilder fabricate the hull and structure in accordance with certain specifications furnished by the Government and that, because of a defect in the Government specifications which caused the ship to be overweight, Lockheed had had to conduct a comprehensive, far-reaching research and engineering development effort to reduce the weight of the ship. Lockheed calculated the additional production man-hours required to correct this defect by (1) estimating the production man-hours expended to fabricate the hull and structure

and (2) subtracting from this number the production man-hours estimated to have been originally bid for the hull and structure fabrication. In the technical advisory report, the Navy evaluators accepted Lockheed's contentions and concluded that, due to the extra effort involved, the 8,796 additional production man-hours claimed by Lockheed were reasonable.

CONCLUSIONS

Lockheed's cost accounting system and other records did not relate its additional costs to Government actions; therefore, the extent to which the Government was responsible for these costs was difficult to establish. In the absence of such accounting records, Lockheed based its claims largely on engineering estimates.

Because of the significant number of engineering and technical judgments that entered into the settlement and because of the lack of available documentation against which to verify the extent of the Government's responsibility, we are not in a position to express an opinion on the reasonableness of the settlement. We believe, however, that, under the circumstances, the Navy made a commendable effort to effect a reasonable settlement, and we did not find any basis for questioning the reasonableness of the settlement made.

We believe also that the Navy should require contractors to maintain records in support of claims. We have discussed the issue of adequate recordkeeping with the Navy. Navy officials advised us that they were exploring with an industry group problems that might be anticipated in requiring contractors to segregate direct costs for contract changes under the "Change Order Accounting" clause. The Navy also presented for the group's review a proposed "Estimating System Criteria Specification." In addition, the Navy stated that business review offices had been established at three supervisor-of-shipbuilding locations to study estimating and pricing techniques of major private shipbuilders constructing Navy ships.

In a report issued in February 1972 entitled "Causes of Shipbuilders' Claims for Price Increases" (B-133170), we reviewed other Navy actions designed to minimize the number and dollar value of shipbuilding claims and concluded that the Navy's actions held considerable promise for achieving their objectives. The Navy's actions include programs to improve ship specifications, to minimize delays and defects in Government-furnished equipment and information, and to promote a common understanding of quality assurance requirements.

We did not obtain agency or contractor comments on the matters included in this report.

We plan to make no further distribution of this report unless copies are specifically requested, and then we shall make distribution only after your agreement has been obtained or public announcement has been made by you concerning the contents of the report.

If we can further assist you in this matter, please let us know.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

DESCRIPTION OF 5 LOCKHEED CONTRACTS

	NObs 4516	NObs 4619	NObs 4645	NObs 4680	NObs 4758	Total
Type of contract	Fixed price	Fixed price	Fixed price	Fixed price	Fixed price	
Award date	January 1962	March 1963	March 1963	July 1963	March 1964	
Type of work	Construction	Modernization, renovation, and conversion.	Construction	Construction	Conversion and repair	
Number of ships	3	2	2	1	2	10
Type of ship	Guided missile destroyer escorts.	Fleet oilers	Destroyer escorts	Hydrofoil	Ammunition	
Original delivery dates	February 1965, June 1965, October 1965.	June 1964, September 1964.	March 1966, July 1966	November 1965	July 1965, January 1966	
Actual delivery dates	March 1966, May 1967, May 1968.	December 1964, February 1965.	March 1968, October 1968.	March 1969	June 1966, November 1968.	
Original contract price	$28,453,995	$14,949,563	$19,721,200	$11,795,000	$8,545,515	$83,465,373
Causes of price increases:						
Change orders	3,182,855	5,112,776	547,421	182,458	8,606,934	17,631,444
Escalation	1,585,400		403,693			1,989,094
Claim settlement	4,247,000	1,727,000	3,811,000	4,000,000	4,115,000	17,900,000
Final contract price	37,469,250	21,789,339	24,483,314	15,977,458	21,267,549	120,986,910
Consolidated claim:						
Original	9,590,353	6,413,343	9,359,031	4,649,851	6,066,752	36,079,330
Revised Aug. 22, 1969	10,464,258	6,238,187	10,231,615	6,782,536	7,214,661	40,931,257

MARYLAND DAY, 1972

Mr. MATHIAS. Mr. President, it was 338 years ago tomorrow—March 25, 1634, that two small ships from England sailed up Chesapeake Bay and landed at what is now St. Mary's City in southern Maryland. These two shiploads of settlers had crossed the stormy Atlantic in winter seeking an opportunity to live in religious freedom on the then-wild shores of North America. They sought to escape the sectarian strife then wracking England and much of the rest of Europe.

It was in this settlement 15 years later that the famous Maryland Act of Toleration—one of the landmark documents in the attainment of civil liberties—was adopted. And it was from this settlement that the expansion of the State of Maryland developed.

The road to lasting religious freedom was a bumpy one; subsequent governments even in colonial Maryland were not as tolerant as that group of original settlers had been.

And the road to expansion has also been bumpy, from a few hundred Englishmen landing in lightly populated Indian country to the more than 4 million people who populate our State today.

It is appropriate on this occasion, symbolic of the origin of one of the first amendment rights which we hold so dear, to call attention to an article, "The Old Maryland Idea," which appears in the current issue of Liberty magazine.

Th author of this article pays well-deserved tribute to the few individuals, such as Lord Baltimore, the leader of the Maryland settlement, who were prepared to exert moral leadership against popular opinion of the 17th century on this issue.

I would also take this occasion to call attention to an article, "Maryland On the Half Shell," which appeared in the February issue of National Geographic magazine. In flowing text and glorious pictures, the Geographic has depicted the breathtaking beauty of Maryland's countryside and the dynamism of her cities—attributes which all Marylanders should pause and reflect upon on this date.

But the beauty of Maryland—as of our other States—is endangered by the neglect of modern civilization. I am taking this occasion to call attention to the need for urgent action to reclaim the beauty of Chesapeake Bay and its tributaries which existed 338 years ago.

Mr. President, I ask unanimous consent to include in the RECORD the two articles to which I have referred and a statement I am issuing on this occasion.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR CHARLES McC. MATHIAS, JR., BEING ISSUED IN BALTIMORE ON MARYLAND DAY 1972

Maryland Day annually commemorates the founding of the colony of Maryland on March 25, 1634. Each year it provides us with the opportunity to recall some of the courage of the past that has created the present and that challenges us to equal it in the future.

The beauty and serenity of the Chesapeake Bay, its great tributaries and the shores that limit them, even after 338 years of human traffic, give us an idea of the breathtaking beauty of the scene that greeted the eyes of the passengers on the Ark and the Dove in 1634. We can imagine the ship-bound immigrants watching, as Father Andrew White described it, "Birds diversely feathered—eagles, swans, hernes, geese, bitters, ducks, partridge read, blew, partie coloured and the like, by which will appeare, the place abounds not alone with profit, but also with pleasure."

We are forced by the conditions that exist in the bay today to envy the purity of the Chesapeake's waters which Father White found to be "the most delightful water I ever saw, between two sweet landes—" And there is a challenge in this description. It does not require the expertise of an environmental engineer to recognize the danger that now confronts the Chesapeake. The choice must be made now, and Maryland Day 1972 would be a good day to make it, whether the Chesapeake will be once again the most delightful water ever seen or whether it will become America's Dead Sea.

Every Marylander has a stake in this decision and a part to play in executing it, either by positive action or by passive neglect. Since most Maryland rivers and streams ultimately empty into the Chesapeake, most Marylanders have a direct, consequential relationship with the Bay and its tributaries. No one can be indifferent without being irresponsible!

The goal for Marylanders on Maryland Day 1972 should be to restore the waters of the Chesapeake to the standard of sweetness and purity that existed on March 25, 1634. This will be difficult, expensive, extended and controversial. It will require some sacrifice and great dedication. But the alternative is hardly acceptable. There are too many arid, uninhabitable sites of once prosperous civilizations not to heed the warning. Unless the Marylanders of 1972 act soon, it may well be that in another 338 years there will be no observance of Maryland Day on the despoiled, depopulated shores of the Chesapeake Bay.

I pledge myself to do my part to save the Bay, and I call on every Marylander to join in this great work of healing and rehabilitation.

[From the National Geographic, Feb. 1972]

MARYLAND ON THE HALF SHELL

(By Stuart E. Jones)

Sailing across Chesapeake Bay, we were overtaken and passed by a trim yawl *Despot's Heel* lettered on her stern. Later, berthed in a marina at sundown, I met the owner and mentioned his boat's unusual name.

"You aren't going to ask what it means?" he said. "You must be a native Marylander."

For the benefit of non-Marylanders, the line "The despot's heel is on thy shore" appears in the state anthem, "Maryland, My Maryland." The yawl's owner, I learned, was noted for running his boat aground; it was frequently on somebody's shore.

"It's a bit subtle," he admitted.

Maryland, like the name *Despot's Heel*, deserves the adjective "subtle," meaning "delicate, elusive, obscure, hard to distinguish or describe." That's the Free State—crammed with charms as delicate and elusive as the iodine scent of tidewater marshes, obscure as Baltimore's reasons for covering honest red brick with imitation stone, indescribable as a Blue Ridge sunset.

I know it fairly well, having been born and raised there, having gone away and returned several times. Recently I again became a resident—this time permanently, I hope, beside a quiet, lovely creek on the Eastern Shore.

Before settling there, I took a long look at Maryland in all its incredible variety, from thundering Atlantic surf in the east to forested mountains in the west, and southward from the Pennsylvania border to the Potomac River mouth, where southern Maryland ends and Virginia begins (map, pages 188–9).

But first I talked with Governor Marvin Mandel, a Baltimorean who succeeded a man whose name has become a household word—Vice President Spiro T. Agnew.

"I hardly think you can come up with a descriptive phrase any better than the one written by your late editor some years ago," said the Governor.

In a desk drawer he found a well-thumbed copy of NATIONAL GEOGRAPHIC for February 1927. He turned to "A Maryland Pilgrimage," in which Dr. Gilbert H. Grosvenor had described the state as "a delightful geographic miniature of America."

And so it is. Citizens like to boast that Maryland's 10,577 square miles include samplings of almost every physical feature of the United States.

I found that much had changed, especially in my native Baltimore. Not so long ago, that name might have evoked a response something like: "Oh, yes, that's the place you have to drive through to get from Washington to New York. Terrible traffic! And those monotonous white-marble steps!"

As if to oblige these critics, Baltimore had built a beltway-tunnel system that shunts traffic around its narrow streets and under its harbor. And the city, now 243 years old, had begun the formidable task of bringing itself up to date.

As I gazed down from high windows of One Charles Center, architect Mies van der Rohe's magnificent office building, the immediate surroundings seemed much like the business sections of Houston, or Atlanta or Boston. But beyond lay the familiar port, the Nation's third largest in foreign commerce, thrusting into the city's heart (pages 198–9) and reaching southeastward toward the Chesapeake. In the far distance a battery of belching chimneys marked Sparrows Point, where the Bethlehem Steel Corporation lights up the night sky with its vast furnaces and builds giant tankers and other vessels.

On a hilltop to the northeast I picked out the Johns Hopkins Hospital's 83-year-old administration building, its Victorian brick mass and copper-ribbed dome dwarfed by several newer structures housing clinics, laboratories, and departments of the famous teaching and healing institution (page 195).

To the west, the smaller, older, and equally distinguished University of Maryland Hospital and the university's schools of medicine, dentistry, pharmacy, and nursing were in the throes of expansion. As I watched, a Maryland State Police helicopter landed an emergency patient beside a waiting ambulance atop a campus parking garage.

Later, as I revisited neighborhoods I once knew well, it became clear that Baltimore was experiencing a profound social, political, and economic upheaval. In what I had remembered as an unusually class-conscious community, many of the city's staid old clubs had eased their membership restrictions. The newest, the elegant Center Club, announced at birth a policy of ignoring race, religion, and nationality of prospective members.

More and more, the city's large and immensely varied ethnic groups—especially a black population now pushing toward 50 percent of the 900,000 total—were making their voices heard. In 1970, for the first time in its history, Baltimore elected a black Congressman—Parren J. Mitchell, former professor of sociology at Morgan State College and veteran fighter for civil rights.

Another Baltimore congressional district containing both silk-stocking neighborhoods and inner-city slums, elected Paul S. Sarbanes, son of Greek immigrants, Rhodes scholar as Oxford, and brilliant lawyer.

Amid all the change, I found many Baltimoreans clinging to time-honored customs—like speaking their own "language."

Baltimorese reaches its finest flower in East Baltimore, in blue-collar neighborhoods like Highlandtown and Canton, where rows of narrow flat-front brick houses with white-marble steps stretch for miles (preceding pages). These tidy, stable settlements are home to the machinists, carpenters, welders, shipwrights, tugboat crewmen, and others who do a busy seaport's hard work.

"Well, I guess I'll *washa dishes*," a typical East Baltimore housewife might say after serving breakfast and getting her man off to work. After performing that chore in the kitchen *zinc*, she will go outside to sweep the *payment*, or sidewalk.

In her lexicon smoke comes out of chimbleys. Ice does not melt; it *milks*. If you have a lawn, you mow it with a *paramour*.

After trips to the zoo *Droodle* (Druid Hill) Park, East Baltimoreans tell of seeing *larns*, *taggers*, and *zeebers*. In their neighborhood bars they talk endlessly about their baseball, football, and basketball teams and rejoice that they live in *Bawlmer, Merlan*, city of champions.

On my strolls I noted, too, that many rowhouse dwellers still find privacy behind colorfully painted window screens, an art form for which the city is noted. The passerby can't see through the charming picture, but the window sitter in his darkened parlor enjoys a clear view of happenings in the street.

Pictorial screens were introduced to Baltimore more than fifty years ago by the late William Oktavec, an immigrant from Czechoslovakia. In a small art-restoration and framing shop, I found Richard, one of his four sons, painting the "cozy-cottage" number" on a screen. It portrayed a red-roofed bungalow, with trees, ducks in a pond, and a curving lane (preceding page).

"This has always been the most popular subject," said Mr. Oktavec. "Next come a Swiss mountain scene and a mill with a waterwheel. Some customers send pictures of their own to be reproduced on screens."

In East Baltimore I heard of a schoolteacher who was surprised, and somewhat disturbed, to learn from her pupils that many parents knew little about the big city outside the painted screens. Deciding to remedy the lack, the teacher organized bus tours, and her invitations were accepted eagerly.

After several sight-seeing jaunts, she addressed a busload of parents one day:

"How many have seen Fort McHenry?"

All hands were raised. Similiar responses came when she asked about the Star-Spangled Banner Flag House, the Baltimore and Ohio Transportation Museum, the U.S. Frigate *Constellation*, and other standard attractions.

Then she asked, "How many have been to Charles Center?" Three hands went up.

Thus it happened that these Baltimoreans traveled the few miles from their homes to enjoy a closeup view of downtown Charles Center, one of the Nation's most spectacular urban-renewal achievements. In awed disbelief they trudged through the city's heart, where scores of shabby buildings had given way to a business-residential-entertainment complex that speaks of tomorrow rather than of the 19th century (following pages).

My own first brief view of Charles Center overwhelmed me. Driving into the city a few years ago after a long absence, I headed north on Charles Street and, as always, looked for the Sunpapers building where I once worked. It wasn't there. In its place, nearing completion, was the ultramodern Morris A. Mechanic Theatre, named for the show-business leader who endowed it. Nearby yawned great holes where familiar landmarks once stood. They would be replaced by office buildings, shops, high-rise apartments, shaded plazas, pedestrian malls on several levels, and underground parking garages.

By 1971 I found the mid-city project virtually complete and swarms of hard-hatted demolition and construction crews busy on the second phase—a drastic face-lifting that will turn the seedy Inner Harbor area into another modern complex. It will include a slender, pentagonal World Trade Center designed by I. M. Pei.

At 4:30 on a July morning I found myself about as far as one can get—in spirit if not in miles—from the Nation's seventh largest city. In pitch darkness I was standing on a rickety Eastern Shore pier, waiting to go crabbing with Raymond Eason.

Mr. Eason is a waterman. That means he is one of about 16,000 Marylanders who make their basic living from fruitful Chesapeake Bay and its myriad rivers, creeks, and coves.[*] It is a hard life, with modest financial rewards, but it offers independence—and that, say watermen, is a precious thing to have.

Watermen harvest crabs in summer, oysters in winter, soft-shell claims and many varieties of fish almost the year round. Some also farm a bit. Their wives keep house, tend truck gardens, work in seafood packinghouses, and drive school buses. Sons often follow their fathers' trade, and daughters become watermen's wives; so the cycle has gone since the 17th century, when the watermen's English forebears first settled along the shores of the bay.

---

[*] See "Chesapeake Country," by Nathaniel T. Kenney, NATIONAL GEOGRAPHIC, September 1964.

Before dawn Mr. Eason arrived in a pickup truck with his grandsons John, 11, and Martin, 8. While Mr. Eason assembled his gear, I asked the boys if they expected to become watermen like their grandfather.

"No, sir," said John. "I'm going to be a backhoe driver."

"Me, too," said Martin.

Mr. Eason rumpled John's hair and chuckled. "They'll be watermen," he said.

We clambered aboard Mr. Eason's long, narrow workboat. He glanced at the sky, beginning to brighten in the east.

"Some people say crabbing's best when there's a full moon," he said. "No moon at all now, but we'll do all right. Been working these waters 26 years and never saw so many crabs."

Commercial crabbers use two basic techniques: potting and trotlining. The first employs baited pots, or traps, ingenious affairs of chicken wire and lath. Weights hold them on the bottom, and buoys mark their locations. Maryland law restricts commercial potting to the deeper waters of the bay and its major estuaries. Mr. Eason prefers trotlining, the legal method in shallow waterways.

As he steered out of Haskins Cove into Irish Creek, Mr. Eason throttled down to a two-knot crawl and began laying out his first trotline. Anchored and buoyed at each end, it stretched about half a mile. Other crabbers passed us, headed toward the broad Choptank River. By unwritten law each had established rights to his own crabbing grounds.

Chunks of fragrant salted eel were tied to the trotline at four-foot intervals. The Chesapeake blue crab (*Callinectes sapidus*) will eat almost anything. But, said Mr. Eason, "Eel's the best bait. It's tough—a crab can't chew it off and swim away before you catch him."

When two trotlines were in place, Mr. Eason began the harvest. He slipped the end of the first line over a roller projecting from the starboard gunwale. The boat's slow forward movement pulled the line out of the water.

Almost every bait had a crab attached, hanging on with its two powerful claws and greedily chewing eel. With a long-handled net Mr. Eason deftly plucked them off the line and tossed them into bushel baskets. Many he rejected, letting them hit the roller and drop back into the water.

"See what I mean?" he said. "There's a powerful lot of crabs in this creek, but too many of them are under the legal five inches."

Still, after three or four hours we had four bushels of jumbos, measuring six inches or more between the points of the shell. They would fetch top prices from restaurants that steam them with spices to provide one of the bay country's finest feasts.

Old-timers like Raymond Eason marvel at the new waves of settlers, mostly former city-dwellers like myself, who are advancing upon the Eastern Shore today. They come seeking quiet havens within shopping distance of such centers as Chestertown, Easton, St. Michaels, Cambridge, and Salisbury.

One real-estate broker told me of a New Yorker who called him not long ago. "About that Eastern Shore property you're advertising in today's *Times*," he said. "I'll take it, sight unseen."

"They come here looking for rural solitude," a neighbor of mine growled. "Well, if many more of 'em keep coming, there won't be much of that solitude left."

On summer weekends the migration from Baltimore, Washington, and other places to the Eastern Shore takes on lemming-like proportions. Near Annapolis, cars back up for miles as they wait to squeeze onto the two-lane Bay Bridge, which spans four and a half miles from shore to shore.

Sunday evening the tired, sunburned throngs head homeward and swelter through massive pileups of traffic at the bridge approach. While they wait, motorists climb out of cars and throw Frisbees. Some set up charcoal grills on the median strip. Children cry, dogs bark, radiators boil over, fathers snarl "Shut up!" A parallel three-lane bridge, expected to relieve all this, is scheduled to open in 1973.

Most weekend travelers head for Ocean City, Maryland, and other seashore resorts stretching northward along a broad, excellent beach into Delaware. Ocean City, a wind-swept, boarded-up town of about 1,500 half of the year, sees its population balloon to 200,000 in summer (pages 206–207). To the south, Assateague Island National Seashore, where wild ponies roam among the dunes (pages 228–9), draws capacity crowds of campers, picnickers, and fishermen.

For all its activity, the Eastern Shore remains a highly agreeable place, fully deserving of the compliment bestowed on the bay country by advertisements of a Baltimore brewery: "The Land of Pleasant Living." I like it best in autumn, when Canada geese and whistling swans fill the air with their wild clamor, fat oysters may be had for the gathering a few yards off the shore of my isolated creek, and nothing seems to have changed much since Capt. John Smith came this way in 1608.

From this watery, table-flat land a few hours by car can take you to a vastly different world of rounded, timeworn mountains, rocky gorges, and swift, sparkling streams.

To me, western Maryland shows its most beguiling face in the green, rolling dairy-farm country around the tidy whitewashed-stone town of Thurmont, in Frederick County. Here, on a Blue Ridge spur, I found one of our smallest and most unusual national parks.

Catoctin Mountain Park spearheads a program to get children out of urban areas and introduce them to woods and fields. Buses bring groups from Washington, D.C., and nearby Maryland counties to spend a week living together in lodges. In classrooms and on nature trails they learn about the environment, how early settlers made use of it, and what its preservation means to them and to future generations.

Most of the 5,769 acres in Catoctin Park, with their dense hardwood forests, hiking trails, campgrounds, and trout streams, are open to the public the year round. But in their center lies a heavily guarded, stoutly fenced enclave seldom entered by anyone except the President of the United States, his family, and his guests.

Camp David has been the secluded mountain retreat of Presidents since Franklin Delano Roosevelt, who christened it Shangri-La. Thus, campers and hikers at Catoctin Mountain Park can congratulate themselves on enjoying the same air and scenery that refresh their leaders.

A national park may seem an unlikely place for a moonshine still, but I found one at Catoctin. What's more, it was producing whiskey. I learned about it from Park Superintendent Frank Mentzer as we set out on an automobile tour.

At the crest of a hill we paused to enjoy the view. We looked down upon a lush green valley, clean and placid beyond belief. In a grove of trees at its center stood a trim white farmhouse surrounded by red barns. Fat cattle grazed in fields divided by weathered stake-and-rider fences.

"Harbaugh Valley," said Frank. "This is the view that always lifts my spirits. You won't find it named on many maps. It's just a small valley where the Harbaugh family has lived for generations. This, to me, is a piece of what's left of the America that Thoreau and Whitman were talking about."

"How about that moonshine still?" I asked.

"The Blue Blazes? OK, let's go see it."

Near the park's visitor center we turned off on a narrow trail that ran beside a purling brook. Soon we arrived at the still, a Rube Goldberg arrangement of copper cylinders, pipes, and coils atop a circular stone fireplace. Nearby stood seven barrels of quietly bubbling mash—fermenting corn and water—which the still would convert into clear, colorless, and highly potent white lightning.

"This isn't the real Blue Blazes still," Frank explained. "The original was one of dozens that operated in these hills. Prohibition agents destroyed it in 1929. People hereabouts still talk about the raid—a deputy sheriff was killed and several moonshiners were wounded. A few years ago we located the Blue Blazes site and decided to reproduce the operation, to show visitors to the park how moonshining, even though illegal, was once an important factor in the mountain economy. The still you see was brought from Cades Cove in Tennessee.

"We make whiskey only on summer weekends," Frank said. "Sorry I can't offer you a sample. We add a bitter chemical to make sure its undrinkable."

From Catoctin I drove southward over a couple of ridges and emerged in the Monocacy River Valley. Here, as noted by John Greenleaf Whittier in "Barbara Frietchie":

The clustered spires of Frederick stand
Green-walled by the hills of Maryland.

The clustered spires were in view as I made a wrong turn onto a road that seemed to lead nowhere. But the farms were green and beautiful in the sunlight (pages 212–13). At one, judging by the number of broodmares with foals in the pastures, the breeding season had been exceptionally productive.

Then a sign at the entrance, Yankeeland, rang a bell in my mind. I remembered having read that Charlie Keller, formerly of the New York Yankees, was raising harness-racing horses in Frederick County, where he had grown up on a dairy farm.

Minutes later, parked beside a trim brick house, I waited for the owner of Yankeeland to appear. When he walked toward me from a barn, I recognized immediately the stocky figure, the powerful arms and shoulders, that won Charlie Keller the nickname "King Kong" as he guarded the Yankee outfield with Joe DiMaggio and Tommy Henrich.

Obviously, at 55, he was not pining away in nostalgia for sweaty locker rooms and cries of "Ya bum!" from the bleachers. Like other ballplayers I had met, Charlie was cordial but taciturn. He did admit, however, that Keller-bred trotters were winning purses all over the country. Then, in a rare burst of eloquence, he said, "Nice thing about horses—you don't have to milk 'em at 4 a.m."

In Frederick, you can stay at the Barbara Fritchie Motel, lunch at the Barbara Fritchie Candy Stick Restaurant, and munch on Barbara Fritchie chocolates. And in the old houses facing Court House Square, on the Hood College campus, or anywhere else in town, you can start an argument by mentioning Barbara's last name—or how to spell it.

Generations of Americans have learned from the New England poet Whittier that Mrs. Fritchie was a nonagenarian widow who defiantly flew a Union flag from her attic window as Confederate troops marched through Frederick on September 10, 1862, on their way to the carnage at Antietam Creek.

As Whittier described it in thirty couplets, Gen. Thomas Jonathan (Stonewall) Jackson halted his "famished rebel hordes" and barked "Fire!" Dame Barbara then seized the banner from its broken staff and waved it:

"Shoot, if you must, this old gray head,
But spare your country's flag," she said.

So much for Whittier. Nobody knows what really happened, but even scoffers agree that if the melodrama did not occur, it should have.

Doubts about the story began surfacing soon after the poem was published in 1863. Most scholars believe Whittier exercised literary license after learning of a flag-waving incident in a letter from Mrs. E. D. E. N. Southworth, a novelist friend. The letter and other memorabilia are displayed in the Barbara Fritchie Home and Museum, built in 1926 to replace the long-vanished original.

Curator Margaret Clary told me of two very special visitors who came to the small museum during World War II.

"A long black car pulled up in front," she said, "and out popped Winston Churchill. President Roosevelt remained in the back seat while Mr. Churchill, holding a large cigar, saluted the flag, then recited from memory all sixty lines of 'Barbara Fritchie' President and Prime Minister then resumed their trip from Washington to Shangri-La."

Long after Barbara Fritchie and the peace of Appomattox, Frederick found itself concerned with another echo of the Civil War. Shimmering on the horizon like a golden vision was the prospect of a princely deposit in the municipal treasury. Under a bill proposed by Senators Charles McC. Mathias, Jr., and J. Glenn Beall, Jr., the Federal Government would hand the city as much as $6,000,000 for its contribution to the Union cause.

In July 1864, the South's Lt. Gen. Jubal A. Early and 20,000 gray-clad troops quietly occupied Frederick, an important Union supply center. Early, threatening to burn the city, ordered Frederick to produce $200,000 in cash or surrender the supplies.

City officials took a full day to raise the cash from local banks and present it to Early in bushel baskets. The general packed the swag in his luggage and rode off to the southeast, bent on seizing the Capital.

At the Monocacy River, a few miles from Frederick, Early encountered Gen. Lew Wallace's small Union force, which fought a delaying action. When the Confederates reached the outskirts of Washington, one day behind schedule, they met unexpectedly strong resistance and withdrew.

Not until 1951 did Frederick complete retirement of the loan through a series of bond issues. Now, say Senators Mathias and Beall, it is time to recognize that the ransom saved Union supplies and the delay in raising it may have helped save Washington.

I asked Mayor E. Paul Magaha how his city of 24,000 would use the money.

"Frederick will have no trouble putting that money to the best possible use," he said. "Schools, streets, sewers, parks, playgrounds—name it and we need it."

On the other side of historic South Mountain, Hagerstown was coping with another familiar problem. This city of skilled craftsmen had an unemployment rate of about twice the national average. Still, I found no hint of despair, and businessmen saw signs of an economic upturn.

Hagerstown's largest employer, Mack Trucks, Inc., had rehired hundreds laid off earlier and was operating at almost full capacity. Another leading Hagerstown firm, Fairchild Industries, Inc., had been dealt a heavy blow in March 1971, when Congress killed the supersonic-transport program. Fairchild, largest subcontractor for airframe parts in the SST prototype, saw $34,500,000 worth of business go down the drain.

A broad diversification program, including advanced communications satellites, helped Fairchild cushion the shock. Its Hagerstown plant, where 200 had been laid off, was rebuilding its payroll back to the normal 1,200.

Browsing at a Hagerstown newsstand, I spotted a publication I had not seen in ages: J. Gruber's *Hagers-Town Town and Country Almanack*, a respected compendium and oracle in homes throughout the land for 175 years. I sought out the Gruber Almanack Company's office, expecting to find something resembling a Norman Rockwell illustration, with rolltop desks and employees wearing sleeve garters.

Instead, the *Almanack* command post was the uncluttered glass-topped desk of John R. Hershey, Jr., brisk young regional vice president for a Washington-based brokerage firm. Mr. Hershey said he published the annual, as a sort of hobby, for heirs of J. Gruber, who launched it in 1797.

"You are looking at one-fourth of the staff," Mr. Hershey said. "My partner, Frank Leiter, and I handle the business end. Weather forecasts, astronomical tables, phases of the moon, and the like are taken care of by William E. O'Toole III, a mathematics instructor at Mount St. Mary's College in Emmitsburg. The editor, Mrs. C. W. Fisher of Wynnewood, Pennsylvania, does the rest. In August she ships everything to the printer."

A month later, about 225,000 copies of the *Almanack*, complete with woodcut illustrations, advertisements for wallpaper remover and burial insurance, recipes for rhubarb crisp and sweet-potato soufflé, go out to newsstands in 35 states.

From Hagerstown I drove to Cumberland, starting point for the first federally funded highway in the United States. Begun in 1811, this National Road across the Alleghenies later became U.S. Route 40, stretching all the way from Atlantic City to San Francisco.

In this northwestern corner I felt that I had left Maryland behind. Signs everywhere proclaimed the businesses they advertised as the "Tri-State" this or the "Tri-State" that.

Residents of Cumberland, Oakland, and points in between look upon Pittsburgh as their metropolis. Cumberland gets its water from Pennsylvania, and its municipal airport is in West Virginia.

A friend of mine, a transplanted native of Cumberland, went back there recently for a weekend visit. "The place looks pretty much as it did forty years ago," he reported.

When I went there, Mayor Thomas F. Conlon told me that the city's population had declined from about 40,000 at the end of World War II to less than 30,000. "Many people," said the mayor, "have moved across the river to new developments in West Virginia, where they get a break on real-estate taxes. Still, because Cumberland depends on basic industries, employment is stable."

Railroading remains the foundation of industrial Cumberland, as it has been since the pioneering Baltimore and Ohio sent the first train into the city in 1842. Metallic clangs sound round the clock from vast B & O shops, and long freights rumble ceaselessly through this important division point. In a huge classification yard, trains are broken up and sorted out. Then they head for midwestern or eastern terminals of the B & O and its parent company, the Chesapeake and Ohio.

In my motel I found a folder proclaiming the 75th anniversary of the Kelly-Springfield Tire Company. I wondered how that could be, since, there were few automobiles to use tires until around the turn of the century.

The answer was simple: Kelly-Springfield began making tires for carriages. The firm was born when Arthur W. Grant, a Springfield, Ohio, blacksmith, invented an improved solid-rubber tire and went into partnership with financier Edwin S. Kelly. The company has been in Cumberland since the 1920's.

When you get to Oakland, in Garrett County, you have gone about as far west in Maryland as you can go. Enroute there, I visited Wisp, a handsome ski resort overlooking Deep Creek Lake, and walked trails in Swallow Falls and Savage River State Forests.

North of Oakland, I stopped to watch workmen quarrying limestone at Roman Nose Mountain. A foreman said, "A lot of it is hollow, you know. We've been digging stone out of it for years," and invited me to look.

Despite deafening jackhammers and clouds of limestone dust, I found it a strangely enchanting place of long, shadowy corridors and huge chambers, with tall pillars left standing to support the roof. When the quarrymen ended a day's work, I felt sure, trolls, gnomes, and perhaps a giant or two emerged from hiding places for nightly revels.

The foreman said civil-defense officials had estimated that the man-made cavern could shelter 60,000 persons, nearly three times the population of Garrett County.

In Oakland people were still talking about two strangers who turned up there recently. They identified themselves only as "Mr. Ed" and "Mr. Bob" and said they were scouting locations for an industrial plant, but refused to say whom they represented.

They were attracted to Oakland, said Mr. Ed and Bob, by the availability of labor in this part of Appalachia. Their company's product was very small and was shipped in large quantities, they revealed, and the factory site must be within four hours' trucking distance of major airports. Oakland qualified, being within four hours of Pittsburgh, Washington, and Baltimore.

There matters rested while Mr. Ed and Mr. Bob investigated highway, school, and sewer facilities and the quality of Garrett County life in general. Then the scouts suddenly left town. Some shrewd detective work revealed they had gone to Rochester, N.Y.

With this clue, suspicion immediately fastened upon Eastman Kodak. Wasn't Eastman a large Rochester firm, and didn't it make small products, like cameras and rolls of film? The mystery was not solved until weeks later, with the announcement of Garrett County's new industry. It wasn't Eastman Kodak. The small product turned out to be Bausch & Lomb eyeglass lenses.

For a final abrupt change in environment, I jumped to the state's oldest and perhaps most picturesque region, southern Maryland—five counties embraced by the bay on the east and the Potomac on the southwest, with the Patuxent River curving down the middle.

Almost immediately today's realities swept away my fanciful visions of tobacco-rich cavaliers and their ladies stepping through minutes in gilded 18th-century ballrooms.

First I discovered "Pax River." That is what servicemen call the U.S. Naval Air Test Center, which sprawls over 6,800 acres at the mouth of the Patuxent. With its 5,000 Navy and 2,400 civilian personnel, Pax River provides about a third of the employment in St. Marys County.

On a section of runway marked off to simulate a carrier deck, I watched planes rocket aloft from a steam catapult whose machinery extended three stories underground.

Nearby, a big twin-engine jet, with odd protuberances under its belly, landed and taxied to a hangar. Out of it climbed tall, 27-year-old Lt. John Michael Luecke, test pilot.

"That," said Lieutenant Luecke, pointing to the jet, "is a Grumman EA–6B Intruder, an aircraft built solely for tactical electronics warfare. It can carry about 15,000 pounds of gear designed to deceive or jam hostile radar or disrupt missile-guidance systems. We're about ready to give it the Pax River seal of approval."

Luecke said he returned from Viet Nam and entered the Naval Test Pilot School here, hoping to qualify as an astronaut. But NASA said no; six feet, four inches of Mike Luecke was too much to fit into a spacecraft.

Test pilots, he said, spend more time with slide rules and computers than in the air.

"While airborne, we tape-record personal observations. Beyond that, it's black boxes all the way. Sensors monitor the aircraft's equipment, and up to 200 telemetry channels transmit readings to a ground computer center. Doesn't sound like a movie test pilot with a white silk scarf, does it?"

With that, the lieutenant drove off to his wife and three children in Lexington Park, the lively community of 9,000 that has sprung into being on former farmland since the base was established during World War II.

A few miles north of Pax River, southern Maryland comes face-to-face with both future and past at Calvert Cliffs, long known for extensive fossil deposits. In these bluffs, whose bright layers of sediment can be seen for miles up, down, and across the bay, lie the remains of whales, sharks, and other creatures dating back to the Miocene Epoch of about 20 million years ago. There I found swarms of yellow-helmeted workmen well along with construction of Maryland's first nuclear power plant.

As I sat in a trailer with the Baltimore Gas and Electric Company's Ray Brokamp, a typical Chesapeake squall hit the area, cutting off power and halting all work. After a few minutes of fierce winds and driving rain, we heard a voice booming from a battery-powered loud-hailer: "Is there an electrician in the house?

Almost from the beginning the plant, expected to cost nearly $400,000,000, has been under attack by conservationists who fear damage to the environment through accident, disposal of radioactive waste, or thermal pollution. A recent court decision resulted in new, more stringent regulations affecting not only Calvert Cliffs and a proposed plant near Aberdeen but, in fact, every nuclear power plant in the Nation.

When Calvert Cliffs' two reactors are "on line" in 1974, fueled by millions of tiny uranium dioxide pellets, the plant will feed about 1,700 megawatts into the company's system.

Near Piney Point on the Potomac, not far from St. Marys City, where English colonists established Maryland's first capital in 1634, a small forest of masts symbolized the region's seafaring tradition. The masts rose above the Harry Lundeberg School, run by the Seafarers International Union and the shipping companies with which it has contracts. Administrator Ken Conklin explained the school's mission: 'To guide and encourage those seeking careers at sea, and to help those already in the profession to gain greater skills."

Each year, Mr. Conklin said, more than 1,000 young men graduate from Lundeberg. To train its students, the school has assembled an impressive fleet of vessels. Largest is the 258-foot steam yacht *Dauntless*, the former *Delphine*, commissioned by automobile maker Horace Dodge, who died without ever seeing it. At the Lundeberg piers I also saw the yawl *Manitou*, often sailed by President John F. Kennedy, and many other craft, some fitted out as floating schoolhouses.

With all its 1970's bustle, southern Maryland remains a placid and somewhat drowsy region. Elegance survives in many a lovingly tended manor house, some occupied by descendants of the builders, others by newcomers who have bought, remodeled, restored. It matters not that a newcomer arrived decades ago; he may be accepted socially, but his lack of cavalier ancestry never will be forgotten.

To the cavalier, tobacco was gold; at one time the leaf actually served as currency. It is still a hard-cash crop today (pages 218–19). Some decrease in acreage has been recorded recently, but planters told me this had been offset by new techniques producing higher yields per acre.

In a vast, aromatic warehouse at Lothian, I watched and listened for two hours as manager Bernie Doepkens and auctioneer Bob Cage sold about 100,000 pounds of Maryland's air-cured "Type 32," known for its low nicotine content.

Dry brown "hands" of tobacco were stacked in 150-pound "burdens." Followed by two tally clerks to record sales, Bernie and Bob moved between rows of burdens. Opposite them trooped seven or eight buyers, some of them representing Swiss and West German cigarette manufacturers.

Bernie drew a hand from each stack, appraised it quickly, and announced the opening price. At one he said, "Eighty," seeking bids beginning at $80 per hundredweight.

Taking the cue, the auctioneer went into his rapid singsong: "Eighty, eighty, eighty, seventy-eight . . . seventy-nine . . . now eighty-one, a one, a one, how about two, two it is, now three, three, three, how about four, four, a four, now five, five, five . . . all done? Sold!"

Bidding was silent, signaled by a nod, a lifted finger, a raised eyebrow.

I asked Bernie why, when setting an opening price, he pulled a sample hand from the middle of the burden rather than from the top.

"That's to protect the buyers," he said. "Ever buy a box of strawberries and find choice ones only on top? Same principle."

Annapolis, too, belongs to southern Maryland, and this venerable state capital ranks high among my favorite cities (pages 222–3). I liked it even before the dedicated preservationists of Historic Annapolis, Inc., inspired the "Incredible Change," when Annapolis was a rather shabby little city, notable chiefly as the seat of Maryland government and the site of the United States Naval Academy.

True, there was much of historic and architectural interest, such as the State House, built in 1772. It houses the Old Senate Chamber, where the Continental Congress, on December 23, 1783, received George Washington's resignation as commander in chief and less than a month later ratified the Treaty of Paris, bringing the Revolutionary War to an official end.

Best of all, there was the view from Church Circle down the gentle slope of Main Street to a harbor crowded with yachts, fishing vessels, and oyster-dredging skipjacks, last of our country's working sailboats.*

Beside the harbor, on Dock Street, I liked to inspect the displays of crab pots, tonging gear, bilge pumps, anchors, cordage, and other marine equipment, and perhaps buy a peppery crab cake from an elderly black lady who sold them from a basket.

All these attractions remain today—but with a difference, as I discovered on a stroll around the waterfront with Mrs. Barham R. Gary, president of Historic Annapolis, Inc.

"What you see in Annapolis," said Mrs. Gary as we left her office in Shiplap House, "is one of the few cities where the trend toward urban blight has been reversed. A good example of the many restorations here is our own headquarters. Shiplap House was built as a tavern about 1720. When Historic Annapolis bought it in 1955, it was a condemned slum tenement, falling apart, with 27 people living in its five apartments. We have restored the exterior to its original appearance, and we're gradually doing the interior."

We left the waterfront, walked up Prince George Street, and halted before a tall brick facade covered with scaffolding.

"This is our most ambitious restoration," Mrs. Gary said, "William Paca's house. When we are finished, it will be used as a reception and conference center."

Paca was one of Maryland's four signers of the Declaration of Independence and the state's third governor. He built his 35-room mansion in 1765. Two centuries later the house was threatened with demolition. Historic Annapolis led a campaign to save the house, and the State of Maryland is now restoring Paca's magnificent garden.

"One of these days," said Mrs. Gary as I left her at her own Ireland House (built about 1800), "you will see a completely restored downtown area, a community with compatible buildings representing 300 years of architecture all in appropriate present-day use."

Although Colonial charm draws thousands to Annapolis, the city's prime tourist attraction remains the United States Naval Academy. Joining a crowd in front of Bancroft Hall to watch the noon mess formation, I noticed that almost all these tourists were middle-aged or older.

I wondered how the antimilitary, anti-Establishment attitudes of today's youth affect a service school like the Naval Academy. I put the question to Vice Adm. James Calvert, a tall, distinguished submariner who has been the academy's superintendent since 1968.

"I might answer that," said the superintendent, "by telling you that the 7,300 candidates for the Annapolis class of 1975 were not only the most we've ever had, but the most for any service academy."

Under Admiral Calvert, striking curricula changes have created broad academic opportunities for the young men who come to Annapolis to be trained as officers.

"When I came aboard," the admiral said, "it was obvious that improvements had to continue and accelerate. Of particular concern was a rise in voluntary resignations.

"So what to do? Standards could not be relaxed. Our program had to remain tough—there is no easy path. Yet the curriculum had to be up-to-date and realistic to make sense to today's youth."

Ten years ago all midshipmen took the same 40 courses. That old "lockstep" curriculum was dropped, and mishipmen were given the choice of more than 24 majors. Annapolis now offers nearly 600 courses, including several in black studies.

"Sure," he continued, "we hear about youthful antipathy toward the military. However, a lot of young men are clearheaded enough to recognize the value in the kind of quality education and professional training offered at Annapolis.

"Expenses at a civilian college these days can run very high. At the Academy, of course, there's no tuition. And a midshipman has been paid nearly $10,000 in salary by the time he has graduated. And he has a job.

"Something that worries me," he said as I was leaving, "is that there are not enough black midshipmen. We now have about 85, out of a total of roughly 4,200. These 85 are a fine group, making good records. But there should be more. The Navy is a place where young black men can really move swiftly."

I left Annapolis with the feeling that both the colonial city and its Naval Academy were in good hands. Driving across the Bay Bridge, I watched a bright-blue helicopter delivering a load of concrete for a pier of the new parallel bridge's high central span.

A few miles farther on, at Kent Island Narrows, skipjacks were drying their sails after a hard October rain. Against the sky to the east I saw great ragged V's of Canada geese, back on the Eastern Shore after summering in the Far North.

It felt good to be a Marylander.

[From Liberty magazine, March-April, 1972]

THE OLD MARYLAND IDEA

(By C. Mervyn Maxwell)

That's what one Catholic historian has called American religious liberty. Is he right? Just what did happen in Old Maryland?

Who should get the credit for religious freedom in America? Protestants? Or Catholics?

Many persons in both camps would like to prove their own religious tradition responsible for the great American principles of religious freedom and separation of church and state. Protestants generally claim the honor through Roger Williams, who established religious liberty in Rhode Island. They conveniently forget that he did so only after the Puritans of Massachusetts had driven him out in the dead of winter—a flagrant case of Protestant persecution. Catholics, on the other hand, claim that the Lords of Baltimore, the founders of Maryland, typified the normal Catholic attitude toward religious freedom and dismiss evidence that interferes with this happy assumption.

---

*See "The Sailing Oystermen of Chesapeake Bay," by Luis Marden, GEOGRAPHIC, December 1967.

Now, if Catholics are indeed to get credit for America's religious freedom, it will have to be based on what they did in Maryland, the one colony founded by Catholics.

Three questions need to be answered: When Catholics controlled colonial Maryland, did they practice religious freedom?

When Protestants gained the upper hand in Maryland, did they allow for liberty of conscience?

Last, what do the answers to these questions prove?

1. *So long as they were in control of Maryland, Catholics did give freedom of worship to Protestants.*

The colony of Maryland was founded by Cecilius Calvert, the second Lord Baltimore, in 1634, fourteen years after the Pilgrim Fathers had landed at Plymouth Rock.

Cecilius Calvert's father, the first Lord Baltimore, was converted to Catholicism in the midst of a brilliant career in English politics. His change of religion cost him his government post but did not deprive him of his friendship with the crown. King Charles I, a Protestant who leaned toward Catholic points of view, granted him the right to found a colony, giving him the "powers of the Bishop of Durham." Lord Baltimore died before he could get the colony started, but his son, Cecilius, the second Lord Baltimore, lost no time in getting it under way.

By November 13, 1633, two shiploads of settlers were ready to embark for the New World. Many of these adventurers were Catholic, but, according to a report by Jesuit Father Henry Moore, who was in the group, "by far the greater part were heretics." Catholics, of course, were in all positions of leadership under Cecilius Calvert's younger brother, Leonard Calvert, first governor of Maryland. The governor carried with him Lord Baltimore's famous "Instructions":

"His Lordship requires his said governor and commissioners that in their voyage to Maryland they be very careful . . . that they suffer no scandal nor offence to be given to any of the Protestants, . . . and that . . . all acts of Roman Catholic religion be done as privately as may be."

Catholics were to be discreetly silent on all religious discussions, and these rules were not to be observed merely during the voyage but also "at land as well as at sea."

Lord Baltimore's instructions were followed. From the first fifteen years, during most of which time Catholics dominated the colony, there is no record that any Protestant was persecuted. On the contrary, individual Catholics who dared to disturb Protestants were punished severely.

In July, 1638, William Lewis, a Catholic servant of Father Copley, a priest, entered the home of two other servants of the same priest, men who were Protestants. The two, who were reading a bitterly anti-Catholic book, constrained Lewis to listen. Lewis, quite naturally, soon became angry and berated the Protestants. They thereupon got up a petition against Lewis, who was brought to trial—in a Catholic court, of course—convicted, and heavily fined.

In 1643 Baltimore issued an invitation to Puritans to move into his colony. A number of Virginia Puritans, persecuted by the Anglican government of that colony, migrated to what is now Annapolis, Maryland. Unquestionably these Puritans found greater liberty in Catholic Maryland than they had in Protestant Virginia.

In 1648 Lord Baltimore ordered his new governor (Leonard Calvert having died) to take the following oath:

"I will not . . . trouble, molest, or discountenance any person professing to believe in Jesus Christ, for or in respect to religion: I will make no difference of persons in conferring offices, favors, or rewards, for or in respect of religion . . . : my aim shall be public unity."

In the following year, 1649, the colonial legislature passed the justly famous Act of Toleration:

"No person or persons whatsoever within this province . . . professing to believe in Jesus Christ, shall from henceforth be any ways troubled, molested or discountenanced for or in respect of his or her religion nor in the free exercise thereof."

In 1650 some sixty leading Protestants signed a document attesting that "we [Protestants] do here enjoy all fitting and convenient freedom and liberty in the exercise of religion under his lordship's government; and that none of us are in any ways troubled or molested" on account of religion.

When the Protestant-dominated colonial legislature routinely submitted its annual list of grievances to the Catholic governor in 1688 it made no mention of any religious oppression.

The answer to our first question is that Maryland did enjoy religious freedom while the colony was controlled by Catholics.

2. *But what was the situation when Protestants gained the upper hand?*

Sometime between 1644 and 1646, during the early period of Catholic supremacy, Capt. Richard Ingle staged a rebellion, during which the great seal was stolen and the rebels ruled the colony for a time and plundered everywhere. Nominally Protestant, Captain Ingle sent the Jesuit leader, Father White, to England in chains.

Protestants gained control for a second time between 1652 and 1658. This was during the period that Oliver Cromwell was Lord Protector of England after the success of the Puritan revolution there and the execution of King Charles I in 1649. Lord Baltimore was deprived of his political rights in his colony, and Parliament sent out a group of commissioners who replaced the resident governor and took over.

Confusion followed and a brief "civil war" ensued. The Protestant side finally won in 1654, sent the Jesuit priests packing, and called a meeting of the legislature that denied Catholics political rights.

Ironically, the Protestants who dominated this assembly were largely those Virginia Puritans who had come to Catholic Maryland for refuge.

Another example of Protestant toleration!

Early in 1689, after the English had forced their king, James II, to abdicate because he was a Catholic, Protestants in Maryland staged a revolt of their own.

Rumors were spread that Catholics were inciting Indians to massacre Protestants. It made no difference that Councilmen Darnall (a Catholic) and Digges (the leading Protestant) galloped about the province proving every rumor false. Even though sixteen leading Protestants said that they had examined all rumors and found them without foundation, the revolutionary party would have its way. Under the leadership of John Coode, an exminister turned soldier, the Catholic governor, William Joseph, was ousted. A printing press issued the very first Maryland publication, an incendiary catalog of charges against "Papists." Petitions were collected urging William and Mary, the new Protestant royalty in England, to relieve the colonials from the onus of living under a Catholic proprietary.

After two years the English crown found a legal way to deprive Lord Baltimore of his political rights over the province though not of his rents and revenues. In 1691 Maryland was made a royal province and a Protestant governor, Sir Lionel Copley, sworn in.

There were almost forty thousand people in Maryland, of whom only three thousand were Catholics.

Almost the first act of the new assembly was to establish the Church of England and to tax everyone forty pounds of tobacco to support the Anglican clergy, who at this time were only three in number. (Because of English interference, this law did not go into effect until 1702.)

In 1699 a Test Oath put all Catholics out of civic office.

In 1704 a fine of twenty shillings was imposed for every Irish servant a person might import. (Irish servants were usually Catholics.)

In 1715 a law stated that if a Protestant died leaving a Catholic widow, the children should be taken away from their Catholic mother and raised as Protestants.

In 1718 Catholics were forbidden to vote.

In 1746 Governor Bladin ordered that if any priest made a convert, both the priest and his convert should be imprisoned.

In 1756 a double tax was imposed on Catholics for support of the militia.

There is no doubt about the answer to our second question: Maryland Catholics treated Protestants with leniency; Protestants however, severely limited Catholics whenever they controlled colonial Maryland.

3. But now for the third question, *What do these facts mean?* Do they prove that Catholics are the real source of American religious freedom?

Theodore Maynard, a Catholic historian, is sure that they do. On page 154 of his famous *Story of American Catholicism* he sums up America's religious liberty in a single simple phrase—"the old Maryland idea."

There is something to this. Let Protestants not deny it. Let them take their hats off to the Catholics for it.

We have not, however, examined all the evidence on this controversial subject.

We have noted that Protestants twice banished Jesuits from the province, but we have not said anything about Lord Baltimore's own quarrel with members of the Society of Jesus, carried on during the early years of the colony.

The Jesuits bought up land from the Indians without asking Baltimore's permission, even though all the land was legally his own. Tension mounted until the Jesuits became seditious—in Baltimore's words, an independent "body politics."[1]

When it was proposed that non-Jesuit missionaries be sent to Maryland—Catholic missionaries, but not Jesuit missionaries—further tensions arose within the Catholic camp. The Jesuits complained that "the spark of faith will be quenched" among the Indians.[2]

Protestants, then, had no monopoly on mistrust of Jesuits. In fact, the order was suppressed and exiled by Catholic Portugal in 1759, Catholic France in 1764, and Catholic Spain in 1767. The pope himself abolished the order in 1773.

Fierce controversy has raged over the religious complexion of the assembly of 1649, the colonial legislature that passed the Act of Toleration. Which side should get the credit? The state of the records is such that we cannot be sure whether Catholics or Protestants were in the majority.[3] But perhaps it is just as well. The document leaves much to be desired.

---

[1] Alfred Pierce Dennis, "Lord Baltimore's Struggle With the Jesuits," *American Historical Association Annual Report*, Vol. 1 (1900), pp. 105–125.

[2] Thomas Hues, S.J., *History of the Society of Jesus in North America* (London, 1907), Vol. 1, p. 333; cited in Russell, *Maryland, the Land of Sanctuary* (Baltimore: Furst Co., 1907), p. 153, footnote.

[3] H. S. Smith, R. T. Handy, L. A. Loetscher, *American Christianity* (New York: Charles Scribner's Sons, 1960), Vol. 1, p. 36; Dennis, *loc. cit.*

The first few lines authorize the death penalty for anyone who speaks reproachfully of the Trinity! And this provision is followed by the threat of public whipping for anyone who talks unkindly about the virgin Mary! Similar penalties apply to Sabbathbreakers and anyone who addresses someone else in a reproachful manner as "Heretic, Presbyterian, Popish priest," et cetera.

The law does, of course, state that no one should be molested or in any way troubled in the free exercise of his religion, and this is its great feature. It has been suggested that this provision is Lord Baltimore's own contribution—perhaps the only surviving portion of his original draft of the act before Catholic and Protestant representatives rewrote the rest of it—and this may be true. At present no one can prove the matter either way. Cecilius Calvert, the second Lord Baltimore and the founder of Maryland, may indeed have believed in religious freedom on principle. Just before the first settlers sailed away in 1633 he wrote:

"Conversion in matters of religion, if it be forced, should give little satisfaction to a wise State of the fidelity of such convert, for those who for worldly respect will break their faith with God doubtless will do it, upon a fit occasion much sooner with men." [4]

Set the Act of Toleration against the provisions adopted by the General Assembly of Rhode Island in 1647, however, and it hardly comes through as the pacesetter for American religious liberty. The Rhode Island code culminates in the declaration that "all men may walk as their consciences persuade them, everyone in the name of his God . . . without molestation." It is not an Act of Toleration, as in Maryland, by which liberty of conscience was granted *only* to those professing the Christian religion, accepting orthodox views of the Trinity, et cetera, nor does it limit religious freedom to those who believed in God as Creator, as in Pennsylvania. It is a charter of liberty of conscience as of natural right, to believers and nonbelievers alike.

When all due credit is given to the Lords of Baltimore for their breadth of spirit, it must be admitted—as even Theodore Maynard admits—that they had no other choice. Catholics did not migrate freely from England during the seventeenth century, and if Maryland was to flourish, Protestants had to be encouraged to settle there. Even so, the population did not reach forty thousand for the first seventy-five years of its existence, and 92 per cent of this number were Protestants. (Some 20,000 Puritans migrated to Massachusetts in the first ten years of that colony.) If the colony had been reserved for Catholics only it would have floundered. Cecilius Calvert, who invested £40,000 in the enterprise during its early years, could not have afforded this.

It is sad but necessary to point to direct evidence that where Catholics were not in the minority, as they were in Maryland from the start, they persecuted Protestants even in North America.

In 1795 Louisiana, which was still in Spanish hands, enacted a law against Protestants migrating there from the newly founded United States. It specified that "if nine persons were found worshipping together, except according to the forms of the Roman Catholic Church, they should suffer imprisonment." [5]

Further, the celebrated oath that Baltimore required of his governor in 1648 was required of a Protestant, Governor William Stone, and not of a Catholic. That Baltimore felt it necessary to require a Protestant to swear never to discriminate does not say much for Protestants, but it does help to put the oath into perspective. For a Catholic lord to require a Protestant governor to be kind to Roman Catholics probably did not require unusual magnanimity.

The Catholic commitment to freedom was suspect for other reasons. Both the Puritan Revolution and the Glorious Revolution which chalked up impressive gains for human freedoms found Catholics on the side of defeated royalty. Temporary Governor Green showed his sympathies with the wrong side by means of an official proclamation in 1649. Other Catholic demonstrations in 1688 and 1716 included the discharge of cannon.

Then, too, Pope Pius V's bull, *Regnans in excelsis*, which released all English Catholics from their loyalty to Queen Elizabeth in 1570, was not the ancient history that it is now.

And Guy Fawkes's attempt to blow up King James I and his Parliament had occurred within the century.

It is highly significant that when Protestants took over in Maryland, they required Catholics to take a loyalty oath against inviting into the colony any hostile foreign power. Catholics would have enjoyed greater freedom under Protestant rule had they refrained from political activity.

But perhaps this was asking too much in that age. The idea of separating church and state was still in its infancy. Almost all churches attempted to further their ends by political activity.

It was a remarkable thing in the seventeenth century for the Lords Baltimore to attempt to separate church and state. They were men ahead of their time.

Whatever their motives, they gave the world a fine example of religious toleration, an example that deserves our gratitude and respect.

But our conclusion must be that they did it as individuals, rather than as Catholics, just as Roger Williams acted as an individual rather than as a typical Protestant of his era. Neither Protestants nor Catholics as a whole were ready to grant religious freedom. We should honor the memory of the few who were.

NATIONAL WEEK OF CONCERN FOR PRISONERS OF WAR AND MISSING IN ACTION

Mr. ALLEN. Mr. President, the distinguished senior Senator from Arkansas (Mr. McCLELLAN) is unavoidably absent from the Senate today. I ask unanimous consent that remarks prepared by him in praise and support of the National Week of Concern for Prisoners of War and Missing in Action be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MCCLELLAN

One of the greatest tragedies of the Vietnam War has been the suffering of our men being held as prisoners of war in Southeast Asia and those reported as missing in action. They and their families are truly undergoing a long, dark night of the soul.

The Department of Defense reports that, as of March 11, there were 489 Americans being held captive and another 1,129 reported as missing in action. Some of these men have been prisoners since early 1964—almost eight years. Parents, wives and children have suffered long years of anguish and anxiety without knowing the fate of their loved ones.

Despite repeated requests to the Government of North Vietnam for compliance with the Geneva Convention regarding the treatment of prisoners of war made by the United States, the United Nations, the International Red Cross and many other groups, Hanoi has refused to accede to them.

The North Vietnamese remain steadfast in their refusal to permit the free flow of mail to and from the prisoners, to repatriate the sick and wounded, to permit impartial observers to inspect prison facilities and to allow the repatriation or internment in a neutral country of men who have endured an extended period of captivity.

It is the earnest and heartfelt hope of us all that the martyrdom of these unfortunate men will soon be over.

Mr. President, as Abraham Lincoln said during the midst of another tragic conflict, history will little note nor long remember what we say here. But it will not forget these men and their families.

Such observances as the National Day of Prayer for these brave Americans to be held on Sunday and the National Week of Concern that follows allow people of good will throughout the nation to assure them that they are uppermost in our thoughts—and will not be forgotten.

BYELORUSSIAN INDEPENDENCE DAY

Mr. PROXMIRE. Mr. President, the 25th of March is the 54th anniversary of Byelorussian independence, and it is my privilege to help to commemorate that day. The shortlived freedom of the Byelorussian Democratic Republic was a valiant struggle for democracy and human dignity.

For centuries these courageous people suffered under the oppression of conquering armies. Wars with the Teutonic knights, Napoleon's march on Moscow, and German occupation during World War II all left their scars. Now, despite their continuous resistance, the people of Byelorussia suffer a fate similar to their neighbors in the sister states on the Baltic. For decades these brave Slavic people have been ruled by the Soviet Union. As a part of the Soviet Republic they are granted token autonomy, while in reality they are controlled by the Kremlin.

The likelihood of a restoration of freedom for the Byelorussians seems slight, but their determination and commitment to the highest principles of liberty and justice persists undiminished by time. All citizens of the free world should recognize the efforts of Byelorussians who are living under Russian rule or in exile throughout the world. As they celebrate their day of independence, all Americans should rededicate themselves to the cause of peace and democracy throughout the world.

DAIRY SUPPORT PRICE REMAINS AT 1971 LEVEL

Mr. SYMINGTON. Mr. President, Missouri dairy producers are fighting to meet increased production costs for equipment, wages, interest, and taxes. At the same time, they are told the support price for manufactured milk will remain the same as last year.

Retail food prices have increased 43 percent in 20 years but prices received on the farm have increased only 6 percent.

---

[4] Quoted in T. O. Hanley, "Church and State in the Maryland Ordinance of 1639," *Church History*, Vol. XXVI (March, 1957), p. 332.

[5] Cited in W. W. Sweet, *Religion on the American Frontier*: *The Baptists, 1783–1830* (N.Y.: Henry Holt and Company, 1931), p. 35.

During this same period, the share of the consumers' food dollar going to the farmer declined from 49 cents to 38 cents.

As prices react to supply and demand, the competitive market for farm products creates frequent fluctuations with prices to farmers showing but a slight total increase.

As but one example, this time last year corn and other feed grain prices were high because of a shortage created by the corn blight in 1970. This year feed grain prices are low as a result of the record production in 1971 in response to Department of Agriculture policies.

Farm productivity per man-hour of labor has more than tripled in the last 20 years, yet farmers still receive an average of only three-fourths the yearly net income of their urban counterparts.

I have received many letters from Missouri dairy farmers emphasizing the need for a higher support price to assure a better opportunity for the milk producer to earn a fair return for his work and investment. Such a return would prevent a future shortage of milk which in turn would inflate consumer prices.

One dairy farmer reports that:

> Every year more of my neighbors quit farming because they don't get enough for their milk.

Another writes:

> We need an increase in the support level if we are to continue to produce milk.

A third says that:

> With the increased cost of the necessary operating expenses there is not enough left to give the dairyman and his family a fair share for living.

In recent years low selling prices and ever higher production costs already have led to a significant reduction in the number of dairy producers. A further loss in the number of dairy farms could adversely affect the production of an adequate milk supply, can harm the consumers, and will speed out-migration from rural areas.

I recently wrote the Secretary of Agriculture urging that price supports for milk be set at 90 percent of parity beginning April 1, 1972. Because of increase in costs, the $4.93 per hundredweight set last year for manufactured milk has dropped from 85 percent to less than 80 percent of parity.

Nevertheless, the Secretary announced that price support levels would be maintained at $4.93 per hundredweight.

With the continued escalation of prices on almost everything the farmer buys, that unreasonably low price support could be down to 75 percent or less by this time next year.

I ask unanimous consent that 45 letters from Missouri dairy producers also urging this action be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

BRAYMER, MO.,
MARCH 15, 1972.

DEAR SENATOR SYMINGTON: If farmers are going to keep on with their job they are going to have to get more for their products. We as dairy farmers feel milk should be raised to 85% of Parity as all other wages and products we have to buy has risen 5% in the last year. More farmers are being eliminated each year because they just can't keep going with farm prices the way they are.

As ever,

GLENN NULL.

MID-AMERICA DAIRYMEN, INC.,
Princeton, Mo., March 14, 1972.

Hon. STUART SYMINGTON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR SYMINGTON: With the action to leave dairy price supports at $4.93, it appears that Secretary of Agriculture Butz expects dairy farmers to live at the poverty level in 1972. We are now at only 79% of parity. By the end of this year, with continued inflation, dairymen will be at a price level far below their cost of production. All we asked for was 85% of parity, or far less than others in the economy are getting. Since feeding the people of this nation is so important, I feel asking for only 85% of what others are getting is a reasonable request.

To insure the stability of the dairy industry that will guarantee an adequate supply of wholesome milk to the consumers, please help us get legislation that would require the Secretary of Agriculture to support dairy prices at no less than 85% of parity.

Yours very truly,

WM. A. POWELL,
President.

PALMYRA, MO.

Hon. STUART E. SYMINGTON,
Old Senate Office Building,
Washington, D.C.,

DEAR SIR: I am writing to tell you why I think dairy farmers need a higher price for milk.

It is true that feed costs are lower but most dairymen raise about 60% of their feed. The cost of seed, fertilizer, chemicals, repairs, medical supplies for stock, feed additives to produce our product have all gone up. Taxes and cost of living are as high as the workers who get a pay raise when living costs increase. Dairymen have a large investment, most of the workers do not. I milk fewer cows that produce more milk per cow. I try to buy supplies and feed at the lowest price I can and get quality products. All dairymen have become more efficient but our increasing costs cancel out our best efforts.

I hope you will understand what I am trying to say, efficiency is great but will not erase a low price for the product we sell.

Thank you,

EARL R. ENSMINGER.

WILLARD, MO.,
March 15, 1972.

Hon. STUART SYMINGTON,
Old Senate Office Building,
Washington, D.C.

DEAR SIR: Real incomes of dairy farmers are way below incomes of other groups. The support level of 85 percent that was announced last year has slid to about 80 percent because of increasing costs to dairy farmers. We would appreciate your support for an increase.

Yours sincerely,

GLEN HALL.

GERALD, MO.,
March 17, 1972.

DEAR SIR: The prices we dairy farmers receive for our milk are not buying as many goods and services as they did a year ago because of increases in prices we have to pay. We ask you to raise the price support level to 90 percent of parity. If this is impossible, please raise it to the same level as a year ago—namely 85 percent of parity.

Sincerely,

LE ROY VOGT.

WASHBURN, MO.,
March 12, 1972.

Hon. STUART SYMINGTON,
United States Senate,
Washington, D.C.

DEAR SIR: I was glad to receive a copy of letter that you and Thomas F. Eagleton sent to Secretary Earl Butz in regard to 90 percent of parity for milk in 1972. I think you are 100% correct in your statement about Production Cost going up.

The consumers are going to have to get used to milk and food items going up.

Labor adds a lot to the cost of food after it leaves the farm and reaches the consumer.

An elder man told me the other day back in the 1930's a farm laborer worked 10 hours a day on farm for $1.00 and a new pair of overalls then cost $98 cents.

Labor now can buy a lot of clothing and food for a day's work.

So we farmers need a little increase in our product. We sell the same as labor and everything else.

Thanks for your support.

Sincerely,

WILMER D. WESTON,
Director of Mid-America Dairy.

DEAR SENATOR: We dairy farmers are caught in a cost-price squeeze. Our real incomes are not keeping up with those in other industries. With the cost we pay for the goods and services we need, we are unable to pay, with the price we get for our milk now. We would appreciate your help in getting an increase in the milk price support level.

Please don't force us to leave the dairy industry.

Sincerely yours,

DONALD E. HOWELL.

DEAR SIR: Every year more of my neighbors quit farming because they don't get enough for their milk. Government surpluses are at a low level and the government has been buying less and less. We need an increase in the support level if we are to continue to produce milk.

Yours very truly,

HOWARD MADDUP.

DEAR SENATOR: The purchasing power of the farmer is steadily decreasing. Most of us are finding it impossible to keep our heads above water due to our ever increasing costs. Therefore, we ask your help in aiding the dairy industry by supporting an increase in the price support level.

ORAL BIGLU,
Dairyman.

PALMYRA, MO.,
March 13, 1972.

Senator STUART SYMINGTON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I am writing to you in regard to the support price of milk, which I think should be 90% of parity, which last year was set at 85% of parity. But with all of the rising costs is now down to 80% again.

I just noticed in today's paper where railroads were granted an 18 to 20% increase in freight rates on agricultural products such as feeds, soybean oil and meal, fertilizer and fertilizer ingredients, anhydrous ammonia, lime, etc. It seems industry is able to obtain big wage increases. Most everything that a farmer has to buy has went up. The dairy farmer has been and is trying to help themselves all they can. We advertise our products, so that we can help move them. It must be working as I understand Government stocks of our product are very low. Which is the way we want it. But we can't have rising prices on one hand, and falling prices on the other and stay in business. That is why I say we need 90% of parity. Thanking you for your consideration of this matter.

Respectfully,

WILLIAM C. KADEN.

MORRISON, MO.,
March 14, 1972.

Hon. Senator SYMINGTON,
Washington, D.C.

DEAR SIR: We, as dairy farmers, would appreciate it if you would support the milk price.

Thank you for precious support.

Sincerely,

Mr. and Mrs. RAYMOND PAUCK.

PALMYRA, MO.,
March 15, 1972.

Hon. STUART SYMINGTON,
Old Senate Office Building,
Washington, D.C.

DEAR MR. SENATOR: I would like to ask your support to help raise the parity support price to 90 percent.

The finished products such as protein feeds and machinery have raised a lot in prices so therefore we need a raise in our milk to stay in line and still produce high quality milk.

Thank you in advance.

I remain,

EDGAR L. TULEY.

HANNIBAL, MO.,
March 17, 1972.

Senator STUART E. SYMINGTON,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR SYMINGTON: We would appreciate your sincere and definite consideration on the matter of increasing the milk support price for the dairy farmers. We are caught in the price squeeze. Our income is out of proportion to the cost of maintenance overhead, and operating expenses: there is not enough left for the long continuous hours of time and labor spent.

It is required of us to keep our barn and equipment under a rigid health and sanitation inspection program. If this is essential to the nation's health and welfare, which we all agree it certainly should provide sufficient returns for the time and expense it requires.

Many dairymen are becoming discouraged and are quitting. Our equipment has become outdated, and needs replacement and modernizing in order to produce quality milk. In order to do this, we will need to borrow from a minimum of $20,000 to a maximum of $60,000. At the present price of milk one could not pay a debt of that kind off with interest. If something isn't done the dairy industry will diminish. There are not enough young men interested in what is involved at the present price of milk. It isn't comparable to other wages. We have a son who would carry on our dairy when we quit, if the price of milk is increased. He has experienced along with us, how the milk income goes for maintenance and operating expenses.

We need good young men who are willing to continue the dairy industry when the middle-aged dairymen quit. It requires a person who is not looking for an hour to start and stop. It requires much more than an eight hour day or forty hour week, and there is no overtime pay.

It should be appreciated that the farmers have been the quiet, contented citizens of our country. They haven't involved themselves in riots, strikes or other disturbances and have tried to cope with conditions. It seems deserving that the price of milk should rise as well as other commodities. In fact, it is very essential if the industry is to continue. It has been established that farming is the backbone of the nation. The dairy farmer is part of that backbone; please raise his price so it can be stronger. We thank you for your consideration.

Respectfully,

PEARL FORNEY
EDWIN G. FORNEY

WASHINGTON, MO.,
March 17, 1972.

Hon. STUART SYMINGTON,
Old Senate Office Building,
Washington, D.C.

DEAR SIR: This letter is being sent your way by a dairy farmer, earnestly asking that you support our request of having a dairy price set at not less than 85% of parity.

As any person can tell you who has been in dairy business, there is a lot of hard work involved, lasting long hours a day, seven days a week. When most other people are able to take time out to enjoy leisure moments doing things they please, the dairy farmer is still tied down to all the chores that require continuous attention. Most folks don't seem to realize the long hours of hard labor required to make available for them all the wonderful fresh dairy products they enjoy every day.

We *honestly* feel we are entitled to *at least* the 85% of parity.

Again, *please* support the request we are making.

Thank you.

Your truly,

Mr. and Mrs. RAY SCHROEDER.

HANNIBAL, MO.,
March 18, 1972.

Senator STUART E. SYMINGTON,
Old Senate Office Building,
Washington, D.C.

DEAR MR. SYMINGTON: In view of the rising cost of *labor, machinery, equipment, supplies* and other items required to operate and maintain a Grade A dairy business, it is imperative the price of milk be given top priority. We feel the price of milk should be according to expenses and on level with other big industries accordingly.

We feel this is necessary to maintain the *family size dairy farms* which are still the backbone of the dairy industry and of this great country of ours.

Your prompt action and dedicated concern for a raise in equal prices will be greatly appreciated.

Respectfully yours,

ERNEST C. BRINKMEIER.

WEATHERBY, MO.,
March 10, 1972.

SENATOR STUART SYMINGTON: We operate a small dairy farm in North West Mo. and are writing in regard to the parity price of milk. We think it should be kept up to 85% of parity in order for small farmers to stay in business. We would not be able to operate at a profit if parity goes any lower. Other people get 5.5% more. We should also.

Respectfully yours,

W. H. PETERS.

MARYVILLE, MO.,
March 11, 1972.

Senator STEWART SYMINGTON.

DEAR SIR: I think you should introduce legislation to increase dairy supports from 75% to 85% of parity. It is hard to keep up with the increase in expenses without an increase in income.

I also think they shouldn't let Sec. Butz increase beef import quotas. The imported meat should meet or beat the standards of what we produce.

I hope this helps you in your thinking and voting.

Sincerely,

RICHARD C. NEAL.

WEATHERBY, MO.,
March 11, 1972.

SENATOR STUART SYMINGTON: I'm writing in regard to the price support of milk which was set at 85% of parity last year and is below 80% parity now. I feel it should be at least 85% of parity due to rising prices of all other commodities and labor. I feel we need 85% of parity to stay in dairy business.

Yours truly,

JOHN PARKHURST.

CAMERON, MO.,
March 10, 1972.

SENATOR STUART SYMINGTON: With the increased cost of the necessary operating expenses there is not enough left to give the dairyman and his family a fair share for living.

I believe the parity price of milk should be raised to allow us a better return for our labor.

Sincerely,

GLEN E. CASTLE.

GALLATIN, MO.,
March 11, 1972.

SENATOR STUART SYMINGTON: It is imperative that the price of milk supports be raised again to 85% of parity. Dairy farmers and other farmers cannot continue in business while getting so much less of the national financial pot than other segments of the national economy. Some of our expenses have tripled, while some of our income is at World War One prices. There is one-third less farmers now than there was ten years ago. The average age of farmers is (52) fifty-two and the average age of dairy farmers is more than that. There will be hungry people in this country before too many years unless the picture changes. The big corporation farmers cannot supply all the food needs of the country as cheaply as it is being supplied now because people will not take the same interest in the care of other peoples' animals than they do of their own. The labor bill for food produced will be much higher and that will be reflected in higher food costs.

As a member of a Grade A dairy and general farming enterprise. I urge you to use your influence to see that the support price of milk is raised to at least 90% of parity.

Yours truly,

MRS. ROBERT L. MACY, Jr.,
Member of Carpentar and Macy.

HAVENTON FARMS,
New Haven, Mo., March 18, 1972.

DEAR SIR: It is with deepest regret that Secretary of Agriculture Earl Butz has not seen fit to increase the support price of milk to at least 85% of parity.

I would like to take this opportunity to urge you to support and work for a bill to get legislation passed requiring the Secretary to set dairy price supports at not less than 85% of parity.

Thank you very much.

Yours truly,

WILLARD LUECKER,

CAMERON, MO.,
March 15, 1972.

DEAR SENATOR SYMINGTON: With sincere concern, please consider setting the milk support level at 85 percent of parity. Operating costs have increased to the point it is almost impossible to maintain a high dairy operation under present conditions.

Yours truly,

JOHN DONOVAN, Jr.,

WILLARD, MO.,
March 15, 1972.

HON. STUART SYMINGTON,
Senate Office Building,
Washington, D.C.

DEAR SIR: I understand that the Government has virtually no stocks of nonfat dry milk & several other dairy products, and that purchases have been lower in recent months. With the erosion of the price support level announced last year. We desperately need an increase in the price support level to 90 percent of parity. Certainly it should be no less than that set last year and the year before—85 percent of parity.

Yours Sincerely,

LILA HALL.

FORDLAND, MO.

HON. STUART SYMINGTON.

DEAR SENATOR: I am writing this letter to let you know my feelings on the support price of milk. I feel that due to the increased cost of production it is essential that the price support be raised. I know you have been a voice for the family farm and we appreciate it. Anything you can do to help will be appreciated.

Sincerely yours,

RAYMOND ATKINSON.

ROGERSVILLE, MO.,
March 16, 1972.

HON. STUART SYMINGTON.

DEAR SIR: The prices we dairy farmers receive for our milk are not buying as many goods and services as they did one year ago because of increases in prices we have to pay. Dairy farms need a support price of at least 85 per cent of parity. I urge that you vote favorably on any legislation to achieve this support price for dairymen.

Respectfully yours,

GILBERT CRIGER.

WEATHERBY, MO.,
March 15, 1972.

SENATER STUART SYMINGTON: The wife and I would appreciate your support of an increase in milk support prices to at least 85% of parity.

We feel this consideration would be a great boost to agricultural well being of farmers.

Yours,

RAYMOND SWEIGER and FAMILY.

MARCH 6, 1972.

Senator STUART SYMINGTON,
Old Senate Office Building, Washington, D.C.

SENATOR SYMINGTON: Mid-America Dairymen, Inc., members in southern Missouri are concerned that the dairy price supports set by the U.S.D.A. last April at 85 percent of parity now represents only 80 percent, since our costs have increased and our returns for labor are low. We solicit your help in support of a new level of supports of at least 85 percent to Secretary Butz and President Nixon.

Thanks.

WM. H. JOHNSON,
Executive Vice President, Southern Division, Mid-America Dairymen, Inc.

CHAMOIS, MO.,
March 15, 1972.

HON. STUART SYMINGTON,
U.S. Senate,
Washington, D.C.

DEAR SIR: Last year dairy farmers were granted a price support level of 85% of parity. However almost a year later this represents less than 80% of parity. In order for us to maintain our production costs we have got to have an increase in our milk price support level. The consumer needs our milk and we would appreciate your help in achieving this goal. We have been in the dairy business for 38 years we realize we are small but it is a way of life for us.

Yours truly,

FRED and MAPLE HOWARD.

WASHINGTON, MO.,
March 15, 1972.

HON. STUART SYMINGTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SYMINGTON: As a dairy farmer trying to make a fair living, I'm asking you to kindly support and do all you can to maintain the 85% of parity level set in April 1971. As you know it has dropped by 6% this past year. Please do all you can to maintain the 85% of parity level. Rise in cost of machinery and crop failures make it important for us to ask you to do this.

Thank you very kindly.

Sincerely,

Mr. and Mrs. JULIUS WATERMANN.

HANNIBAL, MO.,
March 13, 1972.

DEAR SENATOR SYMINGTON: We, the dairy farmers would like to ask your help to increase the milk price level. Our costs have been steadily increasing and our returns have never been lower. Machinery and feed costs are very expensive. The price support level that was set last April 9 was 85% of parity now represents 80% of parity. I hope you will consider our needs and ask your support to increase the milk price level.

Sincerely,

ROBERT C. FRANKENBACH.

URBANA, MO.,
March 13, 1972.

DEAR SENATOR: I would like to ask you to raise the price of support level for our milk.

The price I am getting for my milk is about the same as a year ago. But my costs have risen considerably.

We dairy farmers need an increase in the support level if we are to continue producing the same quality.

I would appreciate your support for an increase in the milk price support level.

RALPH COOMS,
Dairyman.

BEAUFORT, MO.,
March 16, 1972.

HON. STUART SYMINGTON: We are dairy farmers producing Grade A milk in the St. Louis area.

I would like to sincerely ask you to raise the price support level for our milk. The price I am getting for my milk is about the same as a year ago, but my costs have risen considerably. We dairy farmers need an increase in the price support levels if we are to continue producing the same quality, if at all. I would appreciate your support for an increase in the milk price support level to 85% of parity.

Please excuse the extra marks on the letter. They are the places where I went to sleep trying to write this letter. We work such long hours, but we'll need sleep.

Thank you,

HENRY DIANKOLFER.

CAMERON, MO.,
March 15, 1972.

HON. STUART SYMINGTON,
U.S. Senator from Missouri.

We would like to ask for your support of a bill to raise milk support prices to 85 percent of parity. We are fairly new in the business of dairying, but would like to continue with this way of making a living, even though the hours are long—with plenty of hard work. We find that with the cost of labor, equipment and feed rising so rapidly each year, it is difficult, to say the least, for the dairymen to continue in his chosen work. Your help with this bill will be appreciated by all of us.

Sincerely,

Mr. and Mrs. FLOYD SPIDLE.

TRENTON, MO.,
March 14, 1972.

To: Senator STUART SYMINGTON:

I am a dairy farmer and I am writing this letter to ask your support in getting the support price of milk set at 85% of parity. The 85% of parity we started last year with, has now slipped to about 79%. Why should the dairy farmer get 79% of parity for his work while almost everyone else gets 100% or more for theirs?

Dr. Campbell Moses, medical director of the American heart association last October recommended two (2) glasses of milk a day for good health, and they were the last holdouts on the milk (Diet and Heart Disease) kick. As soon as the American people start eating as they should there will be a shortage of milk—not a surplus.

It would be nice if Mr. Ralph Nader would spend his time trying to get dock strikes settled or telling people what a good buy food is in this country, the cheapest and best in the world, which would help everyone in the United States, rather than trying to save a cent or two for one group at the expense of another, in this case—the Dairy Farmer.

Sincerely,

CARL F. PARKER.

GERALD, MO.,
March 16, 1972.

Sen. STUART SYMINGTON,
Old Senate Office Building,
Washington, D.C.

DEAR SEN. SYMINGTON: I am a dairy farmer and I am asking you to support the price of milk at 85% of parity.

Due to increased cost of operation I feel the dairy farmer is deserving of at least the 85% parity price for milk.

Sincerely,

GEORGE J. KAMPSCHROEDER.

HANNIBAL, MO.,
March 16, 1972.

Sen. STUART SYMINGTON,
Old Senate Office Building,
Washington, D.C.

DEAR SIR: On March 9th the Secretary of Agriculture announced the support level for milk to be continued at $4.93. I am writing to you personally to ask you to do whatever you can to help us dairy farmers. We will definitely be taking a setback if this continues. Unless this problem for us is not corrected, increased production costs incurred by dairy farmers, will reduce price to an even lower percent of parity. The increased costs have now reduced the $4.93 to 80% of parity. This is not good and I am hoping you will do whatever you can for us. We would like 90% of parity, but at least get it back up to 85% of parity.

Sincerely,

MARVIN C. FRANKENBACK.

WEATHERBY, MO.,
March 15, 1972.

STUART SYMINGTON,
Senator from Mo.:

I would like to have your help in raising milk support prices to at least 85 percent of parity.

I feel the cost of supplies and Equipment merit this increase. Your influence in favor of this would be appreciated.

Sincerely,

CHARLES SEVEIGER.

MAYSVILLE, MO.
March 14, 1972.

SENATOR SYMINGTON: Please help us get our milk prices raised to 85% of parity.

Yours truly,
WENDELL F. BERRY.

PATTONSBURG, MO.,
March 14, 1972.

SENATOR SYMINGTON: Due to increased cost of production, I think fluid milk prices should be raised to at least 85% of parity. The farmer should not be forced to take less for his product according to cost of production, than any other group in the economy.

Yours,
STANLEY E. BERRY.

BEAUFORT, MO.,
March 17, 1972.

Sen. STUART SYMINGTON,

DEAR SIR: I bought a tractor in 1951 cost 1,100.00 today the same horse Power Tractor cost 6,000.00; we still do not get to much more for our milk 79% Parity try and Pay your Bills on that Price would you be kind enough to try to help us get 85% Parity. We will be thankful for your work.

Yours,
CHARLES C. RICHARDSON.

EUREKA, MO.,
March 16, 1972.

Senator STUART SYMINGTON,
Old Senate Office Building
Washington, D.C.

HONORABLE SIR: We understand that no increase in milk price supports for the marketing year beginning April 1, 1972 is contemplated.

The support level of $4.93 per cwt as of March in 1971 when this was 85% of parity will remain the same. The $4.93 price is now less than 80% of parity. If the parity level is installed to 85% it would mean an increase of 37 cents to per cwt or approximately the same price as received for milk in the Truman Administration years.

That other segment of the economy is receiving today for their products or services what was received some 25 years ago. Certainly what we purchase as equipment and supplies hasn't remained static.

May we prevail upon your office to allow our industry the same consideration as is given other industries and organized unions in relation to prices and wages?

Yours truly,
PLEGGE BROS. DAIRY FARM.

HANNIBAL, MO.,
March 16, 1972.

Hon. STUART E. SYMINGTON,
Old Senate Office Building,
Washington, D.C.

DEAR SIR: I am writing to you in regard to the price we are receiving for Grade A milk.

Farmers appear to be the forgotten people, we like you after all are human. Last year the support price was 85% of parity, but slid to 80%, we would like the support price to be 90%.

Each year it becomes more difficult to meet expenses, as our costs have been steadily increasing and our returns for labor are very low.

Hoping that you will give this matter serious thought, I remain,

Yours Very Truly,
JAMES E. GOTTMAN.

ALBU DAIRY FARM,
Shelbina, Mo., March 18, 1972.

Hon. THOS A. EAGLETON,
Old Senate Office Building,
Washington, D.C.

DEAR SIR: It seems every industry is able to obtain big wage increases—except Dairy Farmers. It has been like this for Dairy Farmers for many years. And, the proof of this is, the number of farmers that have left the industry.

If, the rest of us are to survive our costs and stay in the industry, we will need your help. We ask your support in increasing the milk price support level.

Respectfully,
BUCKMAN BROS.
RAYMOND BUCKMAN.

HUNZE FARM,
Cape Girardeau, Mo.,
March 16, 1972.

Hon. STUART SYMINGTON,
U.S. Senate,
Washington, D.C.

DEAR SIR: My brother and I have a moderate size dairy farm at Cape Girardeau, Missouri operated on a tenant share basis. We are very much disturbed with the reduction in milk parity from 85% to 79% when our costs have advanced about 6%. To us this will mean a total reduction of about 12% in effective income and result in greater farm losses. We, therefore, want to go on record for holding parity to at least the 85% level and hope you will give this your full support. I thank you in advance for supporting higher milk parity.

Sincerely,
RAYMOND B. HUNZE.

HILLSBORO, MO.
March 15, 1972.

Hon. STUART SYMINGTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SYMINGTON: I am urging you to please raise the parity on milk to 85% of parity. With the rising cost of farm machinery, feed and other needed farm supplies needed in the farming operation; we certainly need more money for our milk.

From 1960 to 1971 prices paid by dairy farmers for production items increased 36.7 percent. While in the same years wage earners in the United States had an increase of 85.3 percent.

Keep these figures in mind, and see if you can possibly help the dairy farmers to a better parity price for their milk.

Sincerely yours,
CALVIN LINDWEDEL.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that an editorial published in the Kansas City Times of March 11, 1972, presenting the fact that farm prices, food production, and food costs are closely related, also be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD. as follows:

FARM PRICES AND FOOD COSTS ARE TWIN POLITICAL PROBLEMS

Announcements on consecutive days indicate pressure is being applied on the brake pedal of U.S. agriculture. Perhaps it was inevitable in a year of national elections—a year in which there are fewer than 10.4 million farmers and their families in a nation of 208 million, mostly urban residents and voters.

The administration, which had been wooing the farm bloc, apparently now is more worried over the election impact of consumer complaints about food prices. So it increased the tonnage of meat that can be imported into the nation this year by 7 per cent. Next, Earl L. Butz, secretary of agriculture, announced that government milk support prices will remain at the 1971 level for the new marketing year beginning April 1.

A LOT OF CORN

Earlier, one of Butz' first moves, when he was named secretary, was to order—with fanfare—government buying of part of the corn surplus resulting from last year's record harvest of 5.5 billion bushels.

That project was dropped after the government purchased 13 million bushels, or two-tenths of 1 per cent of the crop. Butz' explanation was that the psychological impact of the government's token move was enough to give the farmer a price with which he could live.

In the meat import move, processors now can import up to 1.24 billion pounds of meat this year to add to the U.S.-produced supplies of beef, pork and lamb. Most of that will be low-quality beef used in hamburger and canned products.

Many authorities, however, question whether the full new quota actually can be imported. They explain that rising living standards in the developed nations have created a demand for beef that is almost as strong as the U.S. market. Moreover, the beef appetite also has been whetted in emerging nations. But even if the foreign supply cannot be found, the Nixon administration now can go to the consumers and say, "We tried to help you."

The support setback to dairymen is a little different. A year ago, the USDA, on direct orders from the White House, boosted the basic support level to $4.93 a hundredweight on manufacturing grade milk. That was 85 per cent of parity—then. Officials of the Missouri-based Mid-America Dairymen, Inc., one of the nation's leading co-operatives, said that rising costs in the last 12 months will have caused the support figure to slip to 79 per cent of parity by April 1.

Mid-America wanted the 85 per cent figure restored, while other influential dairy groups sought a 90 per cent figure. Even so, the supply-demand factor has boosted the average price to operators to around $5 a hundredweight. So in that case, too, a realistic view that the Butz denial was a window-dressing move.

SLOWING DOWN TOO SOON?

In his first months in office, Butz has been a highly visible spokesman for agriculture. His efforts have helped, both in stimulating depressed farm prices and in the education of the consuming public.

However, Butz clearly is now slowing the modest acceleration in the cattle and dairy industries. Each fared better last year than their agricultural cousins, but neither was in a runaway race.

Because of the importance of agriculture, including the cattle and dairy industries, to the economic welfare of the farming regions, it is hoped the foot on the farm brake pedal doesn't become any heavier.

Mr. SYMINGTON. In summary, Mr. President, farmers are well aware that there is a growing protest among consumers about the cost of food in the supermarkets of America.

Farm owners also know that they have more than tripled productivity per man-hour in the last 20 years, over twice the increase in manufacturing.

Those of us interested in a fair return for the farmer, as well as reasonable prices for the consumer, congratulate Secretary Butz, therefore, on his statements that "high productivity of farmers, and low farm prices, have kept consumers from paying higher food prices over the last 20 years."

I again urge, therefore, that the Secretary exercise the authority Congress has given him and increase the support to a more realistic level.

AMERICAN SUPPORT FOR PRISONERS OF WAR IN ASIA

Mr. PROXMIRE. Mr. President, each year citizens of the United States pause to pay tribute to the courageous and loyal Americans who have fought for their country. In 1971 the President signed a congressional resolution calling for a "Week of Concern" for the brave soldiers who are now either prisoners of war or missing in action somewhere in Southeast Asia.

Each year my distinguished colleagues in both the Senate and the House of Representatives have taken the floor to denounce the inhumane treatment of our soldiers held captive in North Vietnamese camps, and to urge the exchange of all prisoners. Each year all Americans hope that this will be the last "Week of Concern." I regret deeply that this has not yet come to pass.

Therefore I mark this week once again with anger and sadness. The welfare of more than 1,500 valiant American prisoners should be of paramount concern to all who value liberty. For these men have lost their own freedom in defense of others. It is tragic that, although the Peoples' Republic of North Vietnam endorsed the Geneva Accords regarding the treatment of prisoners of war in 1957, they refuse to abide by those simple humanitarian agreements.

The North Vietnamese and Vietcong refuse to identify all prisoners of war or soldiers missing in action. They have refused to exchange seriously ill prisoners or permit proper medical treatment for those in need. Red Cross intervention has been consistently refused and prisoners have been denied the right to correspond freely with their families. No international organization has been allowed to inspect these prisoner-of-war camps, as agreed to in the Geneva Convention, and no check can be exercised on the inhumane treatment received by our captured servicemen.

But this injustice has a particularly profound effect on the lives of the wives, children, and parents of every man held in the jungles of the North. The suffering and hardship of these brave families can never be underestimated. They have persevered with courage and dignity.

Yet these families neither want nor need our eloquent words of sympathy and compassion. What they and all Americans desperately desire is an end to the fighting and the return of all servicemen to their homes and loved ones. This National Week of Concern should not become an annual event, but rather a painful moment in history. The memorials and tributes have never been more deserved than by these missing or imprisoned American servicemen, but our pressing task is to bring them home.

In this, hopefully, last National Week of Concern, let us rededicate our efforts to bring international pressure on the North Vietnamese, either through the United Nations or a neutral power, for the release of prisoners. Let us move swiftly for a cessation of the war and the initiation of an acceptable and peaceful truce throughout Southeast Asia. And finally as national attention is focused on American withdrawal from the quagmire of Vietnam, let us never forget our obligation and debt to those whose days are wasted in captivity. They have done their duty with courage. Now let us do ours.

CONCLUSION OF MORNING BUSINESS

The **PRESIDING OFFICER** (Mr. ALLEN). Time for the transaction of routine morning business having expired, morning business is closed.

RADIO FREE EUROPE AND RADIO LIBERTY

Mr. FULBRIGHT. Mr. President, the conference report on Senate bill 18 represents a legislative effort of more than 1 year and it brings to a close the clandestine funding arrangements which have served to sustain the radios since their inception in the early 1950's. Throughout this period, some $481 million of the taxpayers' money has gone to support Radio Free Europe and Radio Liberty and their various and sundry programs, the details of which, in many cases, are still locked away, hidden from congressional scrutiny or public review.

But a beginning toward effective legislative oversight has begun, thanks in large part to the initiative taken early last year by our distinguished colleague from New Jersey, Senator CASE. The legislative approach which he offered in January of last year was approved, first, by the Committee on Foreign Relations, then by the Senate as a whole and now by a joint House-Senate conference committee.

Accordingly, the conference report now before the Senate establishes a cautious, moderate approach to continuing the Radio Free Europe and Radio Liberty programs. It amends the U.S. Information and Educational Exchange Act of 1948 to authorize for this fiscal year only an appropriation of $36 million to the State Department for grants to the two Radios on terms and conditions considered appropriate by the Secretary of State. As a general safeguard, the conference report stipulates that, following enactment of this legislation, no other appropriated funds may be used in support of either Radio Free Europe or Radio Liberty.

Mr. President, in making these brief comments, I do not mean to gloss over the controversy and disagreement that came to the forefront during the House-Senate conference on this legislation. But, in this regard, I believe, the conference report speaks for itself and justly treats the serious differences of opinion on this issue.

These differences are real and they promise to be lasting ones so long as Congress is confronted with this issue. Therefore, if and when the administration submits legislation to fund the Radios beyond the current fiscal year, I hope that it will give very serious consideration to the following points. First, that any future funding arrangements for the Radios require our European allies to bear much of the financial burden for them. Second, that because of the foreign policy significance of these programs, they be considered in conjunction with the authorizing legislation for the Department of State and the U.S. Information Agency. And third, that before consideration is given to fiscal 1973 funding, the administration turn over to the Congress whatever studies it has available on the effectiveness of the Radios' operations.

Finally, Mr. President, although I believe the House-Senate conference agreement is far superior to the legislation adopted by the House, I must repeat my own opposition to the Radios, and I shall vote against the conference report.

Mr. AIKEN. Mr. President, I urge the Senate to accept the report of the conferees on S. 18 which authorizes appropriation of funds to operate Radio Free Europe and Radio Liberty for the remainder of this fiscal year.

The amount authorized is $36 million, $1 million more than was authorized in the bill which the Senate passed. In all other respects, however, the conferees have accepted the version of the legislation which the Senate passed last August on a voice vote.

There has been a great deal of misunderstanding arising out of differences between the House and the Senate conferees. I do not propose to elaborate on these differences. The report of the managers speaks for itself.

I believe, however, the record should show that the Senate conferees have, from the beginning of our conferences, taken the position that the Radios should be continued for the balance of this fiscal year.

So far as next year is concerned, however, the Senate conferees felt that the Congress should take the subject up anew.

Some of the Senate conferees felt that the programs should be terminated as of the end of this fiscal year, providing funds only for the orderly liquidation of the Radios.

Others felt that the program should be continued only if they are supported by other partners in the North Atlantic Community.

My position has been that we should proceed one step at a time. That means that we should authorize the programs for this year.

It also means that if the administration, after careful consideration, believes that the programs should be continued next year and submits proposals to that effect, I will do my utmost to see that such proposals are the subject of public hearings.

As a matter of fact, I know of no significant administration proposal which has been referred to the Committee on Foreign Relations in recent years which has not been given consideration, including public hearings if those were requested.

As noted in the statement of managers, some Senate conferees believe that any proposals relating to continuation or termination of the activities of the Radios should be considered within the framework of periodic authorizations of funding for our principal foreign operations activities; namely, the Department of State or the U.S. Information Agency.

So far as I am concerned, whether

future proposals relating to the Radios are part of State Department or USIA authorization bills, or are treated as separate legislative items, does not make a great deal of difference. If it is the will of the Congress that these Radios should be funded through the Department of State or the U.S. Information Agency, that can be accomplished as well in a separate piece of legislation as it can be done as part of the authorization bills relating to those agencies.

On the other hand, if it is the will of the Congress that these Radios should be funded through some other means, that can be accomplished as easily by a separate bill as by amendments to other legislation before the Congress.

In any event, I stress now that acceptance of this conference report will enable the Radios to continue operations for the next 4 months. They will still be in operation when the President visits Moscow next May. And during this period, the administration can explore fully and in depth the questions which have been raised during recent debates over the continuation of their activities.

EGG INDUSTRY ADJUSTMENT ACT

The PRESIDING OFFICER. The hour of 10:45 a.m. having arrived, the Chair, in accordance with the previous order, lays before the Senate S. 2895, the Egg Industry Adjustment Act, which the clerk will state.

The assistant legislative clerk read as follows:

> A bill (S. 2895) to enable producers of commercial eggs to consistently provide an adequate but not excessive supply of eggs to meet the needs of consumers for eggs and to stabilize, maintain, and develop orderly marketing conditions for eggs at prices reasonable to the consumers and producers.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER (Mr. ALLEN). The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. JORDAN) would vote "yea."

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Maryland (Mr. BEALL), the Senator from Oklahoma (Mr. BELLMON), the Senator from New York (Mr. BUCKLEY), the Senator from Arizona (Mr. GOLDWATER), the Senator from Wyoming (Mr. HANSEN), the Senator from Oregon (Mr. HATFIELD), the Senator from Ohio (Mr. TAFT), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Kentucky (Mr. COOK) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New Jersey (Mr. CASE) is detained on official business, and if present and voting, would vote "yea."

On this vote, the Senator from Kentucky (Mr. COOK) is paired with the Senator from Oregon (Mr. HATFIELD). If present and voting, the Senator from Kentucky would vote "yea" and the Senator from Oregon would vote "nay."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Ohio (Mr. TAFT). If present and voting, the Senator from Texas would vote "yea" and the Senator from Ohio would vote "nay."

The result was announced—yeas 23, nays 48, as follows:

[No. 127 Leg.]

YEAS—23

Aiken
Allen
Bible
Cooper
Cotton
Cranston
Dominick
Eastland
Ellender
Ervin
Gambrell
Gravel
Long
Magnuson
Mansfield
McGee
Mondale
Smith
Stafford
Stennis
Symington
Talmadge
Thurmond

NAYS—48

Bennett
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Church
Curtis
Dole
Eagleton
Fannin
Fong
Fulbright
Griffin
Gurney
Hart
Hartke
Hruska
Hughes
Javits
Jordan, Idaho
Kennedy
Mathias
Metcalf
Miller
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Spong
Stevens
Stevenson
Weicker
Williams
Young

NOT VOTING—29

Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bentsen
Brock
Buckley
Case
Cook
Goldwater
Hansen
Harris
Hatfield
Hollings
Humphrey
Inouye
Jackson
Jordan, N.C.
McClellan
McGovern
McIntyre
Mundt
Muskie
Sparkman
Taft
Tower
Tunney

So the bill (S. 2895) was not passed.

Mr. MILLER. Mr. President, I move that the vote by which the bill was not passed be reconsidered.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

GRANTS TO RADIO FREE EUROPE AND RADIO LIBERTY—CONFERENCE REPORT

The PRESIDING OFFICER (Mr. ALLEN). Under the previous order, the Chair lays before the Senate a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 18) to amend the U.S. Information and Educational Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of March 14, 1972, at pp. 8196–8197.)

The PRESIDING OFFICER (Mr. GAMBRELL). Under the previous order, at 11 a.m. today a yea-and-nay vote is to occur on this conference report, S. 18.

The question is on the adoption of the conference report.

On this questions, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Indiana (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mr. TUNNEY), the Senator from Washington (Mr. JACKSON), and the Senator from Minnesota (Mr. HUMPHREY) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Maryland (Mr. BEALL), the Senator from Oklahoma (Mr. BELLMON), the Senator from New York (Mr. BUCKLEY), the Senator from Arizona (Mr. GOLDWATER), the Senator from Wyoming (Mr. HANSEN), the Senator from Oregon (Mr. HATFIELD), the Senator from Ohio (Mr. TAFT), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Kentucky (Mr. COOK) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New Jersey (Mr. CASE) is detained on official business and, if present and voting, would vote "yea."

If present and voting, the Senator from

Maryland (Mr. BEALL), the Senator from Kentucky (Mr. COOK), the Senator from Ohio (Mr. TAFT), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 65, nays 6, as follows:

[No. 128 Leg.]

YEAS—65

Aiken
Allen
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Church
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Gambrell
Gravel
Griffin
Gurney
Hart
Hartke
Hruska
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
McGee
Metcalf
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Stevens
Stevenson
Talmadge
Thurmond
Weicker
Williams
Young

NAYS—6

Ellender
Fulbright
Hughes
Mansfield
Proxmire
Symington

NOT VOTING—29

Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bentsen
Brock
Buckley
Case
Cook
Goldwater
Hansen
Harris
Hatfield
Hollings
Humphrey
Inouye
Jackson
Jordan, N.C.
McClellan
McGovern
McIntyre
Mundt
Muskie
Sparkman
Taft
Tower
Tunney

So the conference report was agreed to.

AUTHORIZATION FOR CERTAIN NAVAL VESSEL LOANS

The **PRESIDING OFFICER** (Mr. GAMBRELL). Under the previous order, the Chair lays before the Senate H.R. 9526, which the clerk will report.

The legislative clerk read as follows:

Calendar No. 611, H.R. 9526, a bill to authorize certain naval vessel loans, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Armed Services with an amendment on page 2, line 12, after the word "exceeding", strike out "four" and insert "five".

WAIVER OF RULE OF GERMANENESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Pastore rule of germaneness be waived for the rest of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SCOTT. Mr. President, I would like to ask the distinguished majority leader if he would advise us of the program for next week.

Mr. MANSFIELD. I would be delighted to. The calendar is in excellent shape.

When we get through with the pending legislation, the Senate will proceed to consider Calendar No. 490, S. 1821, which will be the pending business when we come back on Tuesday. We will not meet on Monday. S. 1821 has to do with an amendment to the Federal Aviation Act, as amended, with respect to the transportation of Government traffic by civil air carriers of the United States.

That measure will be followed by Senate Joint Resolution 218, a joint resolution to extend the authority conferred by the Export Administration Act of 1969.

That in turn will be followed, hopefully, by the legislative appropriations bill on Tuesday. And if that is disposed of, the next order of business will be Calendar No. 577, S. 2956, a bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress, the so-called War Powers Act.

That measure, in my opinion, will not be finished by the time the 2-day Easter recess arises.

We will, of course, take up from time to time any other unobjected-to items on the calendar.

All in all, may I say that the Senate is to be commended for doing an excellent job in keeping the calendar fairly clean.

Mr. SCOTT. It is my understanding that the last session before the Easter recess will be held on Thursday of next week.

Mr. MANSFIELD. The Senator is correct. We will go out at the conclusion of business and come back the following Tuesday.

Mr. SCOTT. There will be votes on Thursday under the projected schedule?

Mr. MANSFIELD. That is correct.

AUTHORIZATION FOR CERTAIN NAVAL VESSEL LOANS

The Senate continued with the consideration of the bill (H.R. 9526) to authorize certain naval vessel loans, and for other purposes.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. STENNIS. Mr. President, will the Senator from Virginia yield to me for a brief statement?

Mr. BYRD of Virginia. I yield.

Mr. STENNIS. Mr. President, first I thank the Senator from Virginia for the special attention he has given to the bill. He conducted the hearings and he supervised preparation of the report and presented it to the full Committee on Armed Services. I want to thank him publicly for his interest and for the fine job he has done. I am certainly supporting the bill. I may be called from the Chamber from time to time and not be able to hear all of the discussion and the debate, but I hope the Senate approves the bill.

I thank the Senator very much.

Mr. BYRD of Virginia. Mr. President, I appreciate the remarks of the distinguished Senator from Mississippi. For the information of the Senate I have an opening statement of about 10 minutes. I understand that the distinguished senior Senator from Idaho has an amendment which he will present following my remarks and with whatever additional discussion there will be I assume the vote will come at an early time.

Mr. President, H.R. 9526 seeks authorization for the loan of certain naval vessels to five foreign nations. The legal authorization for this legislation is title 10, section 7307, United States Code.

The bill was passed by the House in early December and seeks authority to loan five destroyers and two submarines to Spain; one destroyer and two submarines to Turkey; two destroyers to Greece; two destroyers to Korea; and two submarines to Italy.

I think it important, Mr. President, that I address certain provisions in the bill as proposed by the administration and the House amendments which followed. The House amendments would change the existing law in the following respects:

First, the term of the loan is reduced from 5 to 4 years.

Second, the option to extend the loan for an additional 5 years is deleted.

Third, it would be mandatory that the ships be returned to the U.S. Navy at the end of the loan term.

Fourth, it would be mandatory that the loan be terminated if the President determines that the loans no longer contribute to the defense needs of the United States.

The proposed bill now under consideration contains one amendment which was also acted on by our committee. The Armed Services Committee recommends reinstatement of the 5-year term of these loans should be from a period of 5 years because it does provide a more realistic objective for a friendly state to base its national security plans.

The difference between the House figure and the Senate committee figure is that one change. The House recommends that the loan be for 4 years and the Senate committee recommends that the existing 5 years be retained.

The refurbishment of these ships involve large expenditures of funds by some of these friendly states which they might be reluctant to undertake for loans of less than 5 year. I might also add that the 5-year term has become customary in the loan of U.S. vessels to foreign countries.

With respect to the proposed loans to Spain, I might add that when the extension to the U.S. Base Rights Agreement was concluded in 1970, the ships in this bill earmarked for Spain represent a part of the consideration for our continued use of air and sea bases in Spain. It was the view of the Senate Armed Services Committee that there was no violation of congressional authorization processes in that the loan to Spain contained a specific provision that the loans would be made subject to obtaining authorizing legislation.

Mr. President, I might add at that point that I think it would have been much better had this agreement with Spain, for United States use of bases there in return for certain commitments on the part of the United States, been submitted to the Senate as a treaty rather than put into effect as an executive agreement. Nevertheless it was put into effect as an executive agreement and the testimony submitted to the Committee on Armed Services indicated that negotiators relied on the present 5-year term for loans of these naval vessels. That was one point to which the committee gave consideration in recommending that the loans be for 5 years instead of the 4 years approved by the House.

The Senate Armed Services Committee strongly recommends that the other House-passed amendments be retained in the bill with a view to insuring that congressional control is properly maintained. First, the option to extend the loan for an additional 5 years is deleted from the administration proposal and thus making it mandatory that any loan extension must have specific authorization by the Congress; second, the bill now under consideration makes it mandatory that the ships be returned to the U.S. Navy at the end of the loan term; and finally, this bill makes it mandatory that the loan be terminated if the President determines that the loan no longer contributes to the defense needs of the United States.

I think these features are desirable ones. I commend the House for putting them into the bill. I think it is an improvement over existing legislation. It is a step in the direction of Congress reasserting its responsibilities in these matters.

I might also address the fiscal aspects of the bill under consideration. In the case of the proposed loans for Spain and Italy, there will be no military assistance funds involved. The funding for any overhauling or associate training programs will come from the national resources of those countries.

In the case of Greece, there may be a small sum for training of the crews that will operate these ships, but there are no funds planned or programed for the overhauling of the ships for Greece.

In the case of Turkey and Korea, it is anticipated that overhauling costs and training will be funded under the Military Assistance program. In the case of Korea, the amount could be approximately $7.5 million for the destroyers. In the case of Turkey, it could be as high as $12.5 million for two submarines and one destroyer.

I would like to emphasize these are estimates only, because until this legislation is enacted, the specific ships to be loaned will not be identified. Following enactment, the ships will be identified and inspected by the recipient countries. Then the determination will be made by them as to the extent of the overhauling and the modernization they may desire to undertake.

I think it most important, Mr. President, that I point out one vital fact. Of the 16 ships contained in this bill, 14 will be performing sea duty in the Mediterranean. I need not remind my colleagues of the increasing Soviet naval presence from the Black Sea to Gibraltar. In effect, these 14 vessels shall prove to be an important augmentation to the U.S. 6th Fleet.

Mr. President, at this point I want to read several paragraphs of the testimony by Admiral Zumwalt, Chief of Naval Operations. I, as chairman of the committee, was querying Admiral Zumwalt and asking him for comments. I will now read one of Admiral Zumwalt's replies:

> Admiral ZUMWALT. Very respectfully, Mr. Chairman, I would just come back one final time to the fact that we lack the military strength to stand up to the Soviet Union in a crisis without the assistance of our allies. Mr. Laird has outlined the concept of a total force approach to the threat, consisting of our Active Forces, our Reserve Forces and our allies.
>
> Senator BYRD. I am in thorough agreement with you and with the Secretary. That is not the basic problem. The basic problem is whether 4 years or 5 years from now, the administration will have the right to do something on its own or whether it will have to come and submit recommendations to the Congress.
>
> There is no disagreement on my part as to your position on defense and Secretary Laird's position. I think we have to have a strong national defense and I am going to do what little I can along that line. But this is just a question of procedure, whether you proceed through the Chief Executive or whether you proceed through the Congress for that extension.

Mr. President, there are two aspects of that colloquy that I want to emphasize. One is the strong belief of our military leaders that, in the event of difficulties, the United States needs allies. As Admiral Zumwalt expressed it, we lack the military strength to stand up to the Soviet Union in a crisis without the assistance of our allies; and these ship loans are for the purpose of helping our allies.

The other aspect of the colloquy just quoted that I want to mention, and a point of controversy between the Navy and the Armed Services Committee, is whether the administration or the executive branch of Government shall have the authority to continue these loans for an additional 5 years without coming back to the Congress for approval. That is the existing law now, but the committee recommends that the existing law be changed and that the loans be made for 5 years. But if the executive branch deems it important that the loans be extended beyond that 5-year period, then the executive branch, under this legislation, would be required to come back to the Congress for authority for such extension.

So it is a fundamental change in the existing law. I want to emphasize that because I do not want to mislead any of my colleagues in that regard. It is a fundamental change in the existing law which the committee recommends.

I want to be frank to the Senate and state that this fundamental change was opposed by the representatives of the executive branch, specifically the Chief of Naval Operations. I think it is important that those facts be made available to the Senate before it concludes what should be done in this regard.

Mr. CHURCH. Mr. President, I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment would not be in order until the Senate had acted on the committee amendment.

Mr. CHURCH. I withhold the amendment, then, for that purpose.

The PRESIDING OFFICER. The clerk will read the committee amendment.

The legislative clerk read the committee amendment, as follows:

> On page 2, line 2, after the word "exceeding", strike out "four" and insert "five".

Mr. BYRD of Virginia. Mr. President, before acting on that amendment, I might say that is the only committee change which it recommends vis-a-vis the House-passed legislation. It changes one word, the word "four" to "five" years, making loans for a 5-year period rather than a 4-year period.

I ask for the adoption of the amendment.

The PRESIDING OFFICER. The question is on the adoption of the committee amendment. Without objection, the amendment is agreed to.

Mr. CHURCH. Mr. President, I ask that my amendment now be read.

The PRESIDING OFFICER. The amendment offered by the Senate from Idaho will be read.

The legislative clerk read the amendment, as follows:

> At the end of the bill, add the following new section:
>
> SEC. 5. Any loan made to a country under this Act shall not be construed as a commitment by the United States to the defense of that country.

Mr. CHURCH. Mr. President, I support this bill and commend the committee for the change that it is proposing to make in our ship loan program.

It is entirely proper that Congress should have an opportunity to pass upon all loans once the 5-year time period has expired.

There is one aspect of the loan program, however, that is worrisome. In connection with any kind of aid extended by the United States to a foreign country, there is often implied an obligation or a commitment of a much more serious nature stemming from the aid given.

I recall, early in the debate over the Vietnam war, Secretary Rusk stated that our aid to Vietnam was to be regarded as factoring a commitment by the United States to defend the Saigon government. In connection with the Spanish case, the administration has chosen not to come to Congress to confirm our military base arrangement with Spain, or the extension of that arrangement, but has chosen, instead, to go the executive agreement route, thus contravening the normal constitutional process. And even in the testimony given by Admiral Zumwalt on behalf of the pending bill, I note language creeping in that suggests an implied commitment on the part of the United States toward Spain. The admiral testified that:

> From the political standpoint, the loan ships represent our commitment to mutual objectives.

At another point, he said:

> These loans are visible reminders of friendly alignments.

Mr. President, Congress should make it absolutely clear that no ship loan, as such, implies a commitment on the part of the United States to the government to which the ship is loaned; that no such loan is to be construed as a defense commitment, or anything beyond lending it a ship.

I believe that the distinguished Senator from Virginia so construes the bill, and would have no objection to making it clear that any ship loan to a country shall not be construed as a commitment by the United States to the defense of that country. That is what is introduced by this amendment, and I hope the distinguished Senator will find it acceptable.

Mr. BYRD of Virginia. Mr. President, if the distinguished Senator from Idaho will yield, I feel that the amendment which has just been presented is a good one. Certainly that is the clear intent of the legislation. It was certainly the intent of the majority of the members of the Committee on Armed Services. I think it is a desirable amendment, and I am very glad to associate myself with the Senator from Idaho in regard to that amendment and, so far as I am concerned, I am pleased to support it.

Mr. CHURCH. I thank the Senator very much. I hope the amendment will be agreed to.

Mr. BYRD of Virginia. Mr. President, I move the adoption of the amendment offered by the distinguished Senator from Idaho.

The PRESIDING OFFICER (Mr. Gambrell). The question is on agreeing to the amendment of the Senator from Idaho.

The amendment was agreed to.

Mr. BYRD of Virginia. I might say, Mr. President, that if this legislation or any other legislation, for that matter, in any way indirectly committed this country to the defense of another country, I would not be advocating such legislation, because I think if we are going to the defense of another country, it should be clearly specified by treaty, and every Member of the Senate should know just what the ramifications are.

Mr. President, before asking for a vote on this legislation, I ask unanimous consent that the following portions of the record of the committee hearings be printed in the Record.

Beginning on page 20, the next to the last paragraph beginning with the words "Senator Byrd," and ending on page 22 at the end of the statement by Assistant Secretary of Defense Nutter.

Beginning on page 23, at the beginning of the first full paragraph, beginning with the words "Senator Byrd," to the words "The committee will take it under advisement" on page 36.

There being no objection, the excerpts from the record of the committee hearings were ordered to be printed in the Record, as follows:

Naval Vessel Loans

(Excerpts from hearing before a subcommittee of the Senate Committee on Armed Services, Feb. 17, 1972)

Senator Byrd. There is a vote on the floor, but let me ask you this question, and then with Senator Saxbe's approval, I will recess the committee so that we can answer a rollcall and come back immediately thereafter. But what is really involved, is it not, is that the House proposal differs to a considerable extent from the executive agreement with Spain?

Admiral Zumwalt. Well, sir, that is a significant factor with regard to the Spanish; the executive agreement did say that subject to congressional authorization, the United States would undertake to get a loan for the five destroyers and the two submarines, and clearly, the Spanish assumed that that would be under the normal terms that had been approved in previous ship loans, such terms would have closely paralleled those in the executive agreement for use of the Spanish bases. These called for a 5-year agreement and then a 5-year extension subject to agreement on both sides.

So it is clear that the Spanish feel that as part of the deal, they could have counted on a 5-and-5 arrangement and it's also clear that the executive agreement specified that this was subject to congressional approval. My personal hope is that we will get the congressional approval.

Senator Byrd. The agreement must specify the terms. Does not the agreement specify that?

Admiral Zumwalt. No, sir; the agreement does not. The agreement merely says that the United States will, subject to congressional approval, undertake to arrange for a loan of five destroyers and two submarines. However, it is clear that at the time, both our side and the Spanish Government assumed that there was a strong probability of getting the same kind of authorization that has been achievable in the past 5 years with an automatic renewal of 5 more years.

Again, from a military standpoint, it is a cheaper thing for us to do than to decommission these ships and mothball them. They would not deteriorate as fast.

Senator Byrd. Speaking just as one member of the committee, I am inclined to favor the ship loans. But the real point at issue, as I see it, is whether what the House of Representatives did should prevail or whether the administration's proposal should prevail.

Admiral Zumwalt. Yes, sir. It would be my strong recommendation on military grounds that the original proposal of the executive department be endorsed by the Senate.

Senator Byrd. Outline if you will just where they differ.

Admiral Zumwalt. Yes, sir. The bill before you requires that the loans be only for a period of 4 years.

Senator Byrd. Where you want 5 years?

Admiral Zumwalt. Yes, sir; and that there must be a mandatory return of the ships at the end of the 4 years. Whereas past loans and the original administration proposal have provided for an automatic 5-year extension if both sides agree to it.

Senator Byrd. That would be done by the President, by executive action?

Senator Zumwalt. Yes, sir; the executive heads of both governments.

Senator Byrd. In other words, the Congress does not come into it, the extension?

Admiral Zumwalt. That is correct, sir. And it gives the recipient navy and government, then, the rather strong possibility of being able to count on it for a 10-year period, if relations remain amicable, rather than the 4 years.

Senator Byrd. What is to prevent the exective branch coming back to the Congress at the end of 3½ or 3 years and saying, we would like to extend these loans for 4 more years?

Admiral Zumwalt. This certainly is a feasible proposition. From the standpoint of both our Navy and the recipient navy, I believe that it is much less favorable an arrangement than would be the 5-and-5, sir.

With regard to the policy issue, Dr. Nutter can answer that.

Senator Byrd. I would certainly agree it is a lot more convenient if the Defense Department and the President can make the decision on their own. That is what it provides for when you say that the President can extend for another 5 years. But you are getting a good bit away from the legislative process. I cannot quite see what the objection is. You are coming to the Congress in the original instance. What is the objection to coming back to the Congress for the extension?

Mr. Nutter. If I might speak to this, Mr. Chairman, in the context of our international security assistance program as a whole, I feel it is very important that these countries we are trying to help defend themselves be able to plan sufficiently far ahead so that they can build a meaningful military force that will fit in with our own force plans. Our force plans have to be designed for as far as 10 or 15 years ahead. To offer them something for such a short period of time, would therefore not be advantageous to the international security assistance program as a whole.

Senator Byrd. If the Congress approves this legislation, does it not add 16 ships to the 73 already on loan over which the Congress no longer has any control?

Admiral Zumwalt. Sir, I believe that under the provisions of the bill as the administration would recommend it, Congress would have control at the end of the 5-year period and the optional 5-year extension. It would again take legislation in order for the ships legitimately to remain under the control of the recipient nations beyond that period of time.

Senator Byrd. Beyond the 5-year period?

Admiral Zumwalt. Beyond the 5-year plus the 5-year extension if both sides agree to that, sir.

Senator Byrd. In other words, beyond the 10-year period?

Admiral Zumwalt. Yes, sir.

Senator Byrd. Let's go back to what seems to me is the key point. The question at issue is between your proposal and the House proposal. Did the Defense Department and the State Department present these same views to the House Committee?

Admiral Zumwalt. I was not called up before the House committee.

Admiral Dick, can you answer that question?

Admiral Dick. We did not discuss this in detail, no, sir. The amendment came at the conclusion of our statements and the follow-on testimony. An amendment was offered by one of the members of the committee and there was no discussion, as I recall, even among the committee before it was voted on.

Mr. Pickering. That is right. Admiral Dick and I were both there and this occurred in the other body after the testimony of witnesses on our side. Obviously, our views were all expressed in terms of the administration's bill, in full support of the administration's bill.

Senator Byrd. To get back to the Spanish bases—and I want to say first I have been to each of those bases in Spain and I think they are of importance to the United States. But it seems to me that what you are really concerned about, in wanting to use the administration's version of the bill rather than the House version, is the conflict with the agreement with Spain.

Admiral Zumwalt. Sir, if I may speak from a military point of view—I am concerned about a broader question that is relevant not only to this agreement, but also to the problems that the other prospective recipients face. From a military standpoint, I have been told by the President and the Secretary of Defense that as a planning precept, we must seek to maintain military superiority over the Soviet Union through increased allied contribution. Therefore, to me, it is absolutely vital that the allies have significant strength in their navies.

Senator Byrd. Let me interrupt you there.

Spain is not a member of NATO. Do you advocate Spain becoming a member of NATO?

Admiral Zumwalt. From a military point of view, I would favor it, yes, sir. From a political point of view, I would defer to Mr. Nutter and Mr. Pickering.

Senator Byrd. Let me ask the political adviser. Do you favor it?

Mr. Pickering. Yes, we favor the admission of Spain to NATO. Obviously, this involves questions of the other NATO partners and their views. I do not think it would be helpful for me to go into all of that here. I can simply say our position has been made clear on this.

Senator Byrd. But the State Department favors Spain becoming a member of NATO?

Mr. Pickering. That is right.

Senator Byrd. And the Defense Department favors Spain becoming a member of NATO?

Mr. Nutter. Yes, sir, we have made that position clear to our partners in NATO.

Senator Byrd. Have any steps been taken to implement that?

Mr. Nutter. We have said to our allies in NATO, Mr. Chairman, that, for the good of the defense of the Atlantic community, we should work toward Spain's becoming a member of that alliance.

We have also had informal discussions with the Spanish on some of the concerns of NATO, but they have been purely informal discussions. They have not involved anything other than informing on the activities of NATO. We have hoped to bring Spain and NATO closer together in various ways over time. We have recognized that this is a problem of time and that there is a history involved, but our position has firmly been that, because of the strategic importance of Spain and because of its commitment to the West and to the Atlantic area, it should be a member of NATO.

Senator Byrd. And it could probably permit a reduction of U.S. troops if Spain were a member of NATO?

Mr. Nutter. Yes, sir. There are serious problems connected with the entrance of Spain into NATO, as you must be aware, in terms of the attitudes of our allies. We think, though, that with time Spain and NATO will come closer and closer together.

Senator Byrd. One of the key questions, it seems to me, is this: When did the executive branch inform Congress that the Spanish agreement calls for loans for 5 years with a 5-year renewal option?

Admiral Zumwalt. Sir, the agreement does not call for the 5-and-5.

Senator Byrd. The written agreement technically does not, but the 5 years must have been involved in the discussions.

Admiral Zumwalt. I do not believe that has been the case.

Mr. Pickering. No, I think to try to clarify this, it is my understanding of the negotiations that the negotiations were carried on against the backdrop of the fact that, first, all loans in the past had been made on the basis of 5 years with a 5-year renewal clause; secondly, as Admiral Zumwalt pointed out earlier, the agreement itself, I think, involved, on the basis of coincidence rather than anything else, a similar period of effect. I do not think from my knowledge of the negotiations that there was any explicit discussion of the 5——

Senator Byrd. You mean General Burchinal did not explicitly state a 5-year——

Mr. Pickering. General Burchinal did not conduct the negotiations.

Senator Byrd. Who did conduct them?

Mr. Pickering. They were conducted in the State Department here in Washington.

Senator Byrd. And there was no explicit offer of 5 years with a 5-year extension option?

Mr. Pickering. That was my understanding, that the discussion of the ships subject to congressional legislation was in the context of the existing bills for ship loans, which provided for the initial 5-year period together with 5-year renewal option.

Senator Byrd. But the U.S. Government, then, did not explicitly offer in regard to this agreement to make loans for 5 years with a 5-year renewal.

Mr. Pickering. The U.S. Government could not do that, Senator Byrd, because that was subject really to congressional action which had not taken place. So the whole tenor of the agreement, in fact, the explicit statement in the agreement, is that the Government of the United States intends to loan to the Government of Spain the following vessels subject, where necessary, to obtaining authorizing legislation. That is the statement that the agreement contains, the explicit statement on this subject.

Senator Byrd. I understood Admiral Zumwalt to say earlier—and I am not sure of the exact phraseology but the Admiral can correct me—but it was along the line that the Spanish negotiators had a right or had reason to feel that we would follow the same procedures as we followed in the past.

Admiral Zumwalt. Mr. Chairman, my belief is that they assumed during the negotiations that a commitment to seek ship loan legislation would give them an arrangement similar to that which had been passed by the Congress in the past. But I do not believe that there was ever any specific discussion of the time length, because the Spanish always assumed it would be for 5-and-5.

Senator Byrd. Was anyone in the Congress informed that that is what the Spanish assumed, that it be 5-and-5? Was the chairman of either of the Armed Services Committees informed, or the chairman of the Foreign Relations Committee or the Foreign Affairs Committee?

Mr. Pickering. The question never became one of any issue. The Congress was consulted on the agreements on at least six separate occasions before the agreements were reached.

Senator Byrd. Let's pursue that a moment. You say the Congress was consulted. How was the Congress consulted?

Mr. Pickering. In the main, these consultations involved on the one hand discussions with members of and the Senate Foreign Relations Committee, and on the other hand, it involved letters which respond to congressional inquiries on the agreement. To my knowledge, neither the inquiries nor the discussions ever addressed this specific point. It had not become a point of issue since the House had not yet taken the action which it now has taken on the bill. I think the point at which this became a question at issue, if I may call it that, is the point at which the House took the action and amended the bill that the administration had submitted.

Senator Byrd. Then, is not the basic difference between the House action and your requested action that the House action gives Congress control at the end of 4 years to determine whether or not to renew, while what you want is an automatic renewal at the end of 5 years?

Admiral Zumwalt. I believe your formulation of the issue is accurate, sir. From a military point of view, I strongly urge the 5-and-5, because I just do not think that we are making a reasonable offer to good friends and allies on a 4-year basis for ships which they then will only be really able to use for less than three.

Senator Byrd. Does the extension require congressional approval?

Admiral Zumwalt. No, sir, the normal form of the extension has been subject to the agreement on an executive basis between two Governments.

Senator Byrd. Except for a 1-year differential, 4 years compared to 5, how does it give any greater degree of certainty to a particular government that they will get a 5-year renewal?

Admiral Zumwalt. Well, sir, they know that it is subject only to a single veto instead of a double veto, and they have the precedent in the past of the fact that relations continuing friendly, the Executive has, on the part of the United States, gone along with a 5-year extension.

Senator Byrd. Some of us in the Congress, though, are concerned, and I am not speaking of any particular administration, that the Congress has given to the administration or the executive branch too much authority in the past and that the Congress should reassert its own responsibility in some of these fields. That is what I visualize what the House was trying to do; it was along that line, to reassert congressional authority in a field which it seems to me is clearly a field for congressional authority.

Mr. Nutter. Yes, sir. May I speak to that a moment, Mr. Chairman?

I fully appreciate your concern and I think it is a legitimate one. No department of the Government would be quicker to affirm that the legislative and executive branches are coequal than the Department of Defense, since our Secretary served so long in Congress. He has emphasized the coequal status on many occasions.

Senator Byrd. An excellent Congressman and an excellent Secretary, both.

Mr. Nutter. We appreciate this point and understand your concern. What we would ask you to consider is whether you would want to exercise control over the length of time for which we grant the use of a vessel in support of our own defense plans.

In other words, we are saying that this situation is the same as our international security assistance program, in which the Congress in its wisdom makes many decisions on the granting of equipment, and the extending of loans for the purchase of equipment, that resides in the hands of other countries for prolonged periods of time. We say that this is the same kind of case recognizing that Congress should very carefully scrutinize the transfer of any military resources from this country to any other country. We would plead as a necessity for sound military planning that the time period would have to be longer than 4 years.

Senator Byrd. Mr. Secretary, does not the Congress fund the military assistance annually?

Mr. Nutter. Yes, sir.

Senator Byrd. It does not say we will appropriate x dollars for 5 years.

Mr. Nutter. No, sir; and we fully agree with the principle that the appropriation should be annual. But the appropriation is then used in large part to transfer equipment that has a long life, that goes to another country in the form of tanks or ships or whatever it might be and remains in the possession of that country for as long as it is not misused. In the case of ship loans, we conceive of the same kind of decision on the part of Congress, a decision that is made at a point in time but that affects some period in the future.

We fully agree that such decisions reside here in Congress, but we would ask that the Congress think in terms of a longer timespan, just as it does in the annual appropriations for our own defense budget and for the international security assistance program.

Senator Byrd. As a matter of curiosity, how was the 5-year figure arrived at originally? Does anyone know?

Admiral Zumwalt. I do not think we have anything in the files to prove this, Mr. Chairman; but my very strong belief would be that it was because the 5-year period is almost the bare minimum in which one can make any real intelligent plan with regard to a naval ship which has to be completely refurbished, into which personnel have to be phased, trained, and worked up, and then out of which they would have to be moved in time to return the ship at the end of the period.

Senator Byrd. I might say that I am basically sympathetic with the loan program. I can see that it has a great deal of merit to it. But the problem that has arisen now, as I see it, is how much authority the Congress wants to give away or give to the executive branch. The House feels that at the end of 4 years, the appropriate thing to do would be to come back to Congress and let the Congress extend the loan if that is the desire of the Defense Department and Congress concurs, or the other proposal would be just to give the President the right automatically to renew.

Admiral Zumwalt. My plea, sir, would be that the subcommittee would give consideration to the fact that we have reduced our own naval strength by a third. We need strength in our allies and our friends if we are to handle the threat. And we need loan terms which permit our allies and friends to make plans and commit resources in an orderly manner. The 5-year interval is about the minimum for programing. It is the interval which has been adopted by our own Defense Department.

Senator Byrd. You have used the word "allies" several times. That applies to Spain?

Admiral Zumwalt. Of course, sir; we have differing degrees of association with each of these nations. As you know we are linked by the very tight NATO alliance to all but two. We have a bilateral relationship with the Republic of Korea. With regard to Spain, our association is not that of an alliance but we have clearly mutual interests with regard to our position in the free world.

Senator Byrd. So in essence, leaving out maybe the very technical aspect, Spain would be an ally?

Admiral Zumwalt. Well, sir, I suppose I really should ask the State representative or Mr. Nutter to answer this.

Mr. Pickering. No, sir, I do not think we can distinguish between degrees here. We have traditionally used the word "ally" to describe those countries with which we have a particular type of treaty arrangement. We do not have that type of treaty arrangement with Spain. We have used the phrase "friends and allies" to describe the countries that are recipients, prospective recipients of this ship loan legislation. I think we would prefer to use that sort of relationship to make the distinction here. Spain, as we have said, is not a member of NATO, therefore does not qualify under the NATO agreement, which is that kind of treaty.

Senator Byrd. We have no treaty arrangements with Spain?

Mr. Pickering. That is right, sir.

Senator Byrd. But you in effect have made a treaty with Spain but you have done it by executive agreement?

Mr. Pickering. We have made an agreement which extended certain relationships in force which we call an Agreement of Friendship and Cooperation, which covers a broad range of fields in which we have mutual interests with Spain.

Senator Byrd. You are extending it—we have to begin it. You began it in 1954. And that was done by executive agreement.

Mr. Pickering. That was after consultation with Congress at that particular time. It was decided between the two branches after consultation that the proper form to follow was an executive agreement at that particular time and that proper form was continued on. But there was extensive consultation with Congress in the period leading up to this latest agreement with Spain.

Senator Byrd. I am still not clear on what you mean by consultation with Congress. That is the point that I do not understand.

Mr. Pickering. Maybe I could just outline what has gone on in general terms.

Senator Byrd. Let me ask you this question first: Why did you not submit it as a treaty instead of an executive agreement?

Mr. Pickering. This is a question which I would like to take an initial effort at making an answer. I have brought one of the Assistant Legal Advisers from the State Department. If we get into that realm, I would want to disqualify myself as a witness.

But we have continued in effect executive arrangements because they did not involve a commitment on the part of the United States to Spain of the kind that normally is incorporated in advice and consent treaties. This in my understanding is the essential reason why we chose the executive agreement form to cover the agreement of friendship and cooperation with Spain.

If I might answer the first part of your question on consultation, if you would like me to go on to that—

Senator Byrd. Yes, please.

Mr. Pickering. There were, as I said earlier, a number of consultations, particularly with the Foreign Relations Committee, before the agreement was signed. In accordance with the record that I have, there were at least six separate occasions when the negotiations with Spain were discussed or on which the administration addressed letters to Senators, including the chairman of the Senate Foreign Relations Committee, before the actual signature of the executive agreement took place.

There were, I think to my knowledge, at least five or six major points made by the Congress to us which were incorporated in the negotiating process or in the agreements themselves. One of these was the insistence of the Congress that there be congressional approval for the military assistance arrangements as part of the Agreement on Friendship and Cooperation.

Then following the signature, as you know, there were lengthy discussions as well concerning the agreement with the Department of State and the Congress, and the Department sent again a number of letters explaining the agreement and responding to questions of Members of the Congress.

Senator Byrd. Let me ask you this: Section E of article 40 of the United States-Spain agreement indicates that the Government of the United States is prepared to relinquish to Spain the Rota-Zaragoza pipeline. Can that be done without congressional approval?

Mr. Pickering. Section E of article 40?

Senator Byrd. Yes. My point basically is can the executive branch relinquish to Spain the Rota-Zaragosa pipeline without congressional approval? That is part of the agreement, I would assume. So I assume that you could do that.

Mr. Pickering. I think that is part of the letters of intent which follow the agreement. I would, prior to answering that question, like to ask the Assistant Legal Adviser of the State Department for Treaty Affairs whether this is within the competence of the executive branch. I think this goes beyond my competence to answer it. Perhaps Dr. Nutter has an answer.

Senator Byrd. You may just supply that for the record, if you will?

Mr. Pickering. We will if that is agreeable to you.

(The information requested follows:)

February 23, 1972.

Memorandum of Law

Subject: Authority for Relinquishment to the Government of Spain of the Rota-Zaragoza Pipeline.

The Senate Foreign Relations Committee has requested a memorandum setting forth the legal basis for the transfer to the Government of Spain of the operational control of the Rota-Zaragoza pipeline in connection with the Agreement of Friendship and Cooperation of August 6, 1970.

The Rota-Zaragoza POL Pipeline was constructed pursuant to the Defense Agreement between the United States and Spain of September 26, 1953 (TIAS 2850). That agreement provided (Article IV):

"*The Government of Spain* will acquire, free of all charge and servitude, the land which may be necessary for all military purposes and *shall retain the ownership of the ground and of the permanent structures which may be constructed thereon.* The United States Government reserves the right to remove all other constructions and facilities established at its own expense when it is deemed convenient by the Government of the United States or upon the termination of this Agreement; in both cases the Spanish Government may acquire them, after previous assessment, whenever they are not installations of a classified nature.

"The Spanish state will be responsible for all claims made against the United States Government by a third party, in all cases referring to the ownership and utilization of the above-mentioned land." (Emphasis added).

The Technical Agreement concluded the same day, implementing various provisions of the Defense Agreement, further provided that, upon termination of the Agreement, the two Governments would determine by agreement the residual value of the facilities installed by the United States, and that Spain would pay such residual value to the United States.

With respect to "permanent structures" (including the pipeline), the Technical Agreement was arguably inconsistent with Article IV of the Defense Agreement since the Defense Agreement clearly provided that such permanent structures become the property of the Government of Spain. The government of Spain consistently argued that the residual value provisions of the Technical Agreement applied only to non-permanent construction; the United States never acquiesced in this interpretation.

Accordingly, in the course of negotiation of the 1970 Agreement of Friendship and Cooperation, it was agreed to resolve this controversy by specifically providing in the Exchange of Notes relating to military assistance (TIAS 6924, page 38, item f) that the United States relinquished its claims for the residual value of permanent structures. While the Government of Spain did not thereby recognize the validity of the United States claim under the Technical Agreement, the United States, by waiving the claim, succeeded in resolving the issue and considered such waiver an important quid pro quo for the bases under the Agreement. Since the claim for residual value of permanent structures, to the extent it was a valid one under the Technical Agreement, was created by an executive agreement, it was legally proper for the executive to waive it by a similar agreement.

It should be noted in this connection that the United States never acquired title to the pipeline facility, since under Article IV of the 1953 Defense Agreement the facility was clearly the property of the Government of Spain. The special provision of the Exchange of Notes relating to military assistance (item 3) relinquishing the pipeline to Spain subject to the terms of a procedural annex relates solely to the operation and management of the pipeline (including the right to receive revenue from commercial use of the pipeline), which prior to 1970 had been operated by the United States Air Force. Under the terms of Procedural Annex XI to the Agreement in Implementation of Chapter VIII of the Agreement of Friendship and Cooperation (TIAS 6977, page 98) management of the pipeline was transferred in three phases to CAMPSA, the Spanish state petroleum monopoly. Agreements relating to the operation of defense-related facilities in foreign countries are made by the President pursuant to his power as Commander-in-Chief.

Senator Byrd. Now, let me ask you this: Do you think that matters of this type—I am speaking of the agreement with Spain—do you think that should be submitted to the Senate as a treaty, or do you think you should continue the executive agreement line?

Mr. Pickering. I think that on the particular matter that is covered by the agreement of friendship and cooperation with Spain, the administration view is very clear, that it should continue to have the right to carry out negotiations and conclude executive agreements on that basis.

Senator Byrd. Carry out negotiations. You are the only one who can carry out negotiations. Congress can't do anything about negotiations.

Mr. Pickering. And conclude executive agreements of that sort.

Senator Byrd. I was speaking of when the final product should be submitted to the Congress.

Mr. Pickering. I would be glad to submit for the record a legal memorandum of the Department of State which points up the process through which we go in order to establish whether a particular set of negotiations should lead to an executive agreement or to a treaty. It points out the criteria we use to judge whether a particular agreement ought to be an executive agreement or a treaty. I think the memorandum would set forth in more detail certainly than I could, with more competence than I can, the whole process and the nature of the material that is used in making the decision, what the criteria actually are, whether we continue a commitment or establish a new commitment, that sort of thing.

(Information requested follows:)

Memorandum of Law Regarding Conclusion of Treaties and Other International Agreements

This memorandum describes the general practice of the Department of State in determining whether an agreement should be a treaty or an executive agreement and the standards which we apply in making such determinations.

Both treaties and executive agreements have long been recognized as necessary and proper in the conduct of the foreign relations of the United States. The Department of State has a procedure, known as the Circular 175 procedure, which requires that the authorization of the Secretary of State be obtained before an international agreement may be negotiated or concluded. One of the purposes of the Circular 175 procedure is to make a determination as to the proper form of the agreement-treaty or executive agreement.

The regulations of the Department of State provide that an executive agreement may be entered into only if it falls within one or more of the following categories:

1. Agreements which are made pursuant to or in accordance with existing legislation or a treaty in force with respect to the United States;
2. Agreements which are made subject to Congressional approval or implementation;
3. Agreements which are made under and in accordance with the President's Constitutional powers.

The Legal Adviser's office is required to review all requests to the Secretary of State for authorization to negotiate or to sign any international agreement. The Legal Adviser's office examines the proposed agreement and the legal and constitutional authority for entering into it and specifically is required to show:

I—IN THE CASE OF A TREATY

(a) Whether or not the subject matter is within traditional limits;

(b) Whether or not the treaty will be self-executing, in whole or in part;

(c) If not self-executing, the part or parts which may require legislation and the plans contemplated with respect to formulation and presentation of proposed legislation;

(d) The extent, if any, to which the treaty is intended to prevail over existing Federal or State law and information as to groups in opposition to or in support of the contemplated change.

II—IN THE CASE OF AN EXECUTIVE AGREEMENT

(a) An extract copy of the pertinent legislative or treaty provisions, if any, constituting authority for the making of an Executive Agreement on the subject.

(b) If no antecedent legislative or treaty authority exists whether or not the agreement is to be made subject to legislation by the Congress.

(c) The Constitutional powers of the President relied upon.

The Department has other detailed standards which are followed in determining whether an international agreement should be concluded as a treaty. Under these standards, the treaty form is used:

a. When the subject matter and treatment thereof is traditionally handled by a treaty. This is not necessarily controlling in all instances but requires careful consideration before any departure therefrom.

b. When the subject matter and treatment thereof is not wholly within the delegated powers of the Congress and is not solely within the Constitutional authority of the President.

c. When the agreement itself is to have the force of law without legislative action by the Congress, and the action contemplated is not solely within the President's constitutional authority.

d. When the agreement involves important commitments affecting the nation as a whole.

e. When it is desired to give the utmost formality to the commitment with a view to requiring similar formality on the part of the other government concerned, in the interest of long continued respect for its terms.

Of course, it is not always possible to determine ahead of time the exact extent of the commitments that may be reached and it is sometimes necessary to await the outcome of the negotiations before making the final determination whether the new arrangement shall be a treaty to be submitted for the advice and consent of the Senate or an executive agreement for which there exists an adequate legal basis or for which legislative approval should be sought.

Senator Byrd. Let's get down to this. How much harm would be done if the Senate were to take the House bill?

Admiral Zumwalt. From a military standpoint, sir, I believe it would be quite a setback both to our own and the recipient nations military preparedness. I believe that they would feel constrained to spend very modest amounts of money, if indeed they decided they could take the ships.

Senator Byrd. Well, let's put it this way. Suppose the House bill were changed to make it 5 years instead of 4 years?

Admiral Zumwalt. Well, sir, any lengthening of the process would certainly be most helpful.

Senator Byrd. In other words, if we make it 5 years instead of the 4 years that the House added, then that gives them the certainty for 5 years, the same certainty that they have under your proposal.

Now, is it just a question of degree as to the certainty or lack of certainty between the two proposals for the second 5 years? Congress is just as likely to extend for 5 years, probably, as the executive branch would be to extend for 5 years. Maybe if certain candidates were elected President, Congress would be more likely to extend for 5 years.

Admiral Zumwalt. Yes, sir. The fundamental difference, Mr. Chairman, would be the fact that the mandatory return provision means that they would have to start planning for that. It would be a constraint on their operations, they would have to start moving people off and that sort of thing, whereas under the administration's proposal, they can continue to hold on to the ship while the renewal negotiations proceed. It is the mandatory return as well as the 4-year limit that I think causes appreciably greater problems for the recipient nations.

Mr. Nutter. If I might suggest, Mr. Chairman, it would be very difficult for us to provide substitute language at the table that on careful reflection would be satisfactory from the point of view of the bill. Perhaps we could supply this to you, a statement as to what we might consider to be a satisfactory alternative.

I would underline the fact that one of the concerns about a specific 4-year period—the 4 years in and of itself, as Admiral Zumwalt has suggested—is that it might simply bring an end to the ship loan program. We might find that no countries would wish to participate, so that we would be confronted with putting these ships into mothballs rather than into use elsewhere.

Senator Byrd. When they are getting something for virtually nothing, I doubt if they are going to refuse it.

Mr. Nutter. Well, it is a very big expense on their part, Mr. Chairman, to refurbish these ships.

Senator Byrd. But some of these are not paying for it. The United States is paying for two of them.

Mr. Nutter. Some of them are not. There are two cases in the present bill.

Senator Byrd. One is $7.5 million and the other is $12.5 million.

Mr. Nutter. In the case of those that receive military assistance in the form of grant aid, ship loans would remain part of the military assistance program. I doubt that other countries would request ship loans.

Mr. Pickering. I would like, if I may, just to second what Dr. Nutter said. I think it would be very helpful if we could provide you with administration language on what we thought would be acceptable on our side in terms of the military effectiveness for ship loans, maximizing if we can to the degree that we can, your specific concern, the one we share, about maintaining the congressional interest and control in legislation I am not sure but hope that there are things we could come back to you with that might provide that.

Senator Byrd. I think that is fine.

Mr. Pickering. Maybe we are trying to square the circle. I do not know.

(The information requested follows:)

It is considered that an amendment providing that no extension of these loans could be made until after Congress has been notified and a period of time has elapsed without passage of an adverse resolution, would provide a proper degree of congressional control. Set forth below is a recommended amendment which would provide for such notification and restore the five year period for the original loan.

PROPOSED AMENDMENT TO H.R. 9526

On page 2, beginning on line 11, strike out the first sentence of Section 2 and insert in place thereof the following:

"Loans executed under this Act shall be for periods not exceeding five years, but the President may in his discretion extend such loans for an additional period of not more than five years; Provided, That, no extension may be made unless—

"(1) notice of the proposed extension is sent to Congress;

"(2) a period of thirty days has elapsed while Congress is in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days); and

"(3) during that 30-day period Congress does not pass a concurrent resolution stating in substance that it does not favor the proposed extension."

[H.R. 9526, 92d Cong., 1st sess.]

(An Act To authorize certain naval vessel loans, and for other purposes)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 7307 of title 10, United States Code, or any other provision of law, the President may lend five destroyers and two submarines to the Government of Spain; one destroyer and two submarines to the Government of Turkey; two destroyers to the Government of Greece; two destroyers to the Republic of Korea; and two submarines to the Government of Italy in addition to any ships previously authorized to be loaned to these nations, with or without reimbursement and on such terms and under such conditions as the President may deem appropriate. All expenses involved in the activation, rehabilitation, and outfitting (including repairs, alterations, and logistic support) of ships transferred under this Act shall be charged to funds programed for the recipient government as grant military assistance under the provisions of the Foreign Assistance Act of 1961, as amended, or successor legislation, or to funds provided by the recipient government. The authority of the President to lend naval vessels under this section shall terminate on December 31, 1974.

SEC. 2. Loans executed under this Act shall be for periods not exceeding four years, at the end of which, each ship shall be returned to the United States Navy at a location to be designated by the Secretary of Defense. Loans executed under this Act shall be made subject to the condition that the loan may be terminated by the President if he finds that the armed forces of the borrowing country have engaged at any time after the date of such loan, in acts of warfare against any country which is a party to a mutual defense treaty ratified by the United States. Loans shall be made on the condition that they shall be terminated at an earlier date if the President determines they no longer contribute to the defense requirements of the United States.

SEC. 3. No loan may be made under this Act unless the Secretary of Defense, after consultation with the Joint Chiefs of Staff, determines that such loan is in the best interest of the United States. The Secretary of Defense shall keep the Congress currently advised of all loans made or extended under this Act.

SEC. 4. The President may promulgate such rules and regulations as he deems necessary to carry out the provisions of this Act.

Passed the House of Representatives December 6, 1971.

W. PAT JENNINGS,
Clerk.

Senator BYRD. When you say you share the desire for congressional control, I would say that you are probably in a minority among yor colleagues in that view. I do not know.

Admiral ZUMWALT. Well, from a military point of view, Mr. Chairman, as an example, if the 5-year period and the right for a 5-year extension could be subject to consultation with the chairmen of the cognizant committees, that would, I think, be a perfectly reasonable planning basis for the two navies to proceed on.

Senator BYRD. Why not just let the chairmen make all the decisions, and make this basic decision right here as to whether or not we can loan them in the first place. I do not think much of that. Maybe if I were chairman, I would think differently, but I do not think much of that.

Admiral ZUMWALT. I apologize for getting into the committee's business, Mr. Chairman.

Senator BYRD. I do not think I would be very much inclined toward that proposal. I think either the Congress should approve it or not approve it. If we want to give away our authority to the President, we have a right to do it, but I am not much inclined to give it away. I think we have given away too much, and I am not speaking of President Nixon, as all of you know; I am not speaking of any individual. I am speaking of the principle.

I am thoroughly sympathetic with the ship loan program, I think it has a lot of logic to it. But I am somewhat inclined toward the House position in having the Department come back to the Congress for renewal—I am not wedded to 4 years or 5 years, whatever it might be. But just to say that we are going to give you this program for 5 years and then, if you want to, you can just go ahead and continue it for another 5 years without getting congressional approval, I must say I am not too keen on that approach. But I am in favor of the program. We will try to work something out that will be helpful to everybody. But the Congress is a little bit more inclined now—I do not know how much more, not enough, to my way of thinking—but a little bit more inclined to assert what I regard as its own responsibilities. I gather that is what the House was doing in this particular case.

Are there any additional comments?

Admiral ZUMWALT. Very respectfully, Mr. Chairman, I would just come back one final time to the fact that we lack the military strength to stand up to the Soviet Union in a crisis without the assistance of our allies. Mr. Laird has outlined the concept of a total force approach to the threat, consisting of our Active Forces, our Reserve Forces and our allies.

Senator BYRD. I am in thorough agreement with you and with the Secretary. That is not the basic problem. The basic problem is whether 4 years or 5 years from now, the administration will have the right to do something on its own or whether it will have to come and submit recommendations to the Congress.

There is no disagreement on my part as to your position on defense and Secretary Laird's position. I think we have to have a strong national defense and I am going to do what little I can along that line. But this is just a question of procedure, whether you proceed through the Chief Executive or whether you proceed through the Congress for that extension.

Well, is there anything additional?

Mr. NUTTER. I hesitate to get into the realm of treaties and agreements and all that, Mr. Chairman, but I would like to comment on one concern shared by the Defense Department, the State Department, and the entire executive branch in connection with the Spanish agreement. We are all concerned that there be no indication that anything more is there than is really there. In particular, it must be clear that there is no defense commitment involved. Putting that particular agreement in the form of a treaty would carry the implication that it did involve such a commitment. While avoiding this implication, the executive agreement still reserves the authority of Congress. Throughout the agreement there is reserved the right—the necessity, in fact—for Congress to implement the agreement through the process that we are now addressing.

Senator BYRD. Yes; that makes that clear through the authorization process. Our discussion today does clear up one point which concerned me as to whether I could vote against the bill submitted by the administration. As I understand it, no commitments have been made through that agreement for 5 years, for a 5-year period.

Mr. NUTTER. That is entirely correct.

Senator BYRD. So if there are no commitments in that agreement, then we have no obligation to take a 5-year period, have we?

Admiral ZUMWALT. It is my belief, Mr. Chairman, that retroactively, we have learned that the Spanish assumed that the ship loan bill would be in the form that it had always been in the previous enactments.

Senator BYRD. Well, Admiral, it is just utterly inconceivable to me that whoever negotiated this, the negotiators, never mentioned the term 5 years. That just seems to me inconceivable.

Admiral ZUMWALT. Well, sir, I was not there.

Senator BYRD. I realize none of you negotiated it.

Mr. PICKERING. That is my understanding of the negotiation. But I would say here there is no obligation of a legal character. The only thing was that the negotiations went forward in a certain context. If there is anything, I suppose there is a moral commitment in terms of the context in which they went forward, but to my knowledge, there was no explicit understanding.

Senator BYRD. Was the Congress ever informed of the moral context?

Mr. PICKERING. I do not believe that it was, there was just an assumption, perhaps a mistaken assumption if you like, on the part of the executive branch that we would go forward with that kind of legislation. We have come forward with that legislation.

Admiral ZUMWALT. We had 20 years of precedent for the 5-and-5. I think the honest circumstance is that no one thought of the possibility that it would change. Also the terms of the base rights portion if the agreement provided for a 5-year lease with an option to renew.

Senator BYRD. Just assumed it; yes. I can see that.

But you do state that there is no legal obligation.

Admiral ZUMWALT. That is right.

Mr. PICKERING. That is right, sir.

Senator BYRD. And there is nothing in the agreement which commits the United States to 5 years?

Mr. NUTTER. No, sir.

I think we do run the risk, Mr. Chairman, that, whereas the basic agreement is in effect, our relations with the Spanish would be very difficult and continuation of any agreement in the future would be jeopardized if the customary term for ship loans were changed. But from the legal point of view, there is no requirement to maintain that term.

Senator BYRD. The agreement with Spain, as I see it, is beneficial to both parties. I think it is beneficial to the United States. I have been to each of those bases and I think they are important bases, but it is also beneficial to Spain. Spain is getting a great deal out of this.

As a matter of fact, I think the Spanish economy has been helped tremendously by this, as well as their military. So I think it is a two-way street and I think each of us is getting our money's worth, so to speak.

Mr. BYRD of Virginia. Mr. President, in that connection, I think the RECORD should show that the individuals mentioned who took part in the colloquies, who were identified only by their last names in the testimony, are G. Warren Nutter, Assistant Secretary of Defense for International Security Affairs, Thomas R. Pickering, Deputy Director, Bureau of Politico-Military Affairs, Department of State, and Admiral Elmo R. Zumwalt, Jr., U.S. Navy, Chief of Naval Operations.

Mr. President, I move the adoption of the pending legislation.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill (H.R. 9526) was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall it pass?

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Shall the bill pass? (Putting the question.)

The bill (H.R. 9526) was passed.

Mr. HUGHES. Mr. President, let the RECORD show that the Senator from Iowa voted "no."

TRANSPORTATION OF GOVERNMENT TRAFFIC BY CIVIL AIR CARRIERS

Mr. BYRD of West Virginia. Mr. President, for the purpose of making it the pending business, with the understanding that there will be no action thereon today, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 490, S. 1821.

The PRESIDING OFFICER (Mr. ALLEN). The bill will be stated by title.

The legislative clerk read as follows:

The bill (S. 1821) to amend the Federal Aviation Act, as amended, with respect to the transportation of Government traffic by civil air carriers of the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was reported from the Committee on Commerce with amendments on page 1, line 7, at the beginning of line 7, change the section number from "1112" to "1113"; on page 2, after line 13, insert:

"(2) Whenever any executive department, agency, or instrumentality of the United States shall procure, contract for, or otherwise obtain for its own account or in furtherance of the purposes or pursuant to the terms of any contract, agreement, or other arrangement made or entered into under which payment is made by the United States or payment is made from funds appropriated, owned, controlled, granted, or utilized by the United States, or shall furnish to or for the account of any foreign nation without provisions for reimbursement, any transportation of persons (and their baggage) by air between a place in the United States and a place outside thereof or between two places both of which are outside the United States, the appropriate agency or agencies shall take such steps as may be necessary to assure that such transportation is provided, to the fullest extent practicable, by air carriers holding certificates under section 401 of the Act to the extent allowed by such certificates or by regulations or exemption of the Civil Aeronautics Board and to the extent such carriers are available at rates established under this Act."

On page 3, line 24, after the word "least", strike out "50" and insert "40"; on page 4, line 2, after the word "places", insert "(except property that must move in military aircraft because of special military considerations which by their nature preclude the use of civil aircraft, or because of security, or because of limiting physical characteristics such as size or dangerous properties)"; and after line 15, strike out:

"(d) Every department or agency having responsibility under this section shall administer its program with respect to this section under regulations issued by the Comptroller General of the United States. The Comptroller General of the United States shall review such administration and shall annually report to the Congress with respect thereto."

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Aviation Act of 1958 as amended, is amended by adding at the end of title XI thereof the following new section:

"TRANSPORTATION OF GOVERNMENT TRAFFIC

"SEC. 1113. (a)(1) Whenever the United States shall procure, contract for, or otherwise obtain for its own account, or shall furnish to or for the account of any foreign nation without provisions for reimbursement, any property, within or without the United States, or shall advance funds or credits or guarantee the convertibility of foreign currencies in connection with the furnishing of such property, the appropriate agency or agencies shall take such steps as may be necessary to assure that such property, whenever tranported by air between a place in the United States and a place outside thereof or between two places both of which are outside the United States, shall to the fullest extent practicable be transported by air carriers holding certificates under section 401 of this Act to the extent allowed by such certificates or by regulation or exemption of the Civil Aeronautics Board and to the extent such carriers are available at rates established under this Act.

"(2) Whenever any executive department, agency, or instrumentality of the United States shall procure, contract for, or otherwise obtain for its own account or in furtherance of the purposes or pursuant to the terms of any contract, agreement, or other arrangement made or entered into under which payment is made by the United States or payment is made from funds appropriated, owned, controlled, granted, or utilized by the United States, or shall furnish to or for the account of any foreign nation without provisions for reimbursement, any transportation of persons (and their baggage) by air between a place in the United States and a place outside thereof or between two places both of which are outside the United States, the appropriate agency or agencies shall take such steps as may be necessary to assure that such transportation is provided, to the fullest extent practicable, by air carriers holding certificates under section 401 of the Act to the extent allowed by such certificates or by regulations or exemption of the Civil Aeronautics Board and to the extent such carriers are available at rates established under this Act."

"(b) Whenever the Department of Defense moves persons or property by air between a place in the United States and a place outside thereof or between two places both of which are outside the United States:

"(1) To the fullest extent practicable such persons and property (except persons and property that must move in military aircraft because of special military considerations which by their nature preclude the use of civil aircraft, or because of security, or in the case of property because of limiting physical characteristics such as size or dangerous properties) shall be transported by air carriers participating in the civil reserve air fleet program and holding certificates under section 401 of this Act to the extent allowed by such certificates or by regulation or exemption of the Civil Aeronautics Board and to the extent such carriers are available at rates established under this Act.

"(2) As a minimum, at least 40 per centum of the annual gross tonnage (measured in ton-miles) of all property moved by the Department of Defense by air between such places (except property that must move in military aircraft because of special military considerations which by their nature preclude the use of civil aircraft, or because of security, or because of limiting physical characteristics such as size or dangerous properties) shall be transported by air carriers participating in such program and holding such certificates to the extent such carriers are available at such rates.

"(c) The provisions of this section may be waived whenever the Congress by concurrent resolution or otherwise, or the President of the United States or the Secretary of Defense, declares that an emergency exists justifying a temporary waiver of the provisions of this section and so notifies the appropriate agencies and certificated air carriers.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time on this bill, under the agreement, not begin running until such time as the Senate proceeds to its considration on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I thank the Chair.

The unanimous-consent agreement reads as follows:

Ordered, That, effective on Tuesday, March 28, 1972 at the conclusion of routine morning business, during the further consideration of the bill S. 1821, a bill to amend the Federal Aviation Act, as amended, with respect to the transportation of Government traffic by civil air carriers of the United States, debate on any amendment (except an amendment by the Senator from Louisiana (Mr. Ellender) which shall be limited to one hour) motion, or appeal, except a motion to lay on the table, shall be limited to ½ hour, to be equally divided and controlled by the mover of any such amendment or motion and the majority leader: *Provided*, That in the event the majority leader is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him:

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 4 hours, to be equally divided and controlled, respectively, by the majority and minority leaders: *Provided*, That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

Mr. STENNIS. Mr. President, S. 1821 has in it a proposed provision of permanent law which would require that a minimum of 40 percent of all property moved by the Department of Defense by air must be transported by commercial air carriers. I address myself to the bill today as I am expecting to be away from the session on Tuesday next.

Mr. President, I oppose this provision because I am determined to protect the military dollar and the taxpayers' dollar too. I have always supported the set-aside process which has worked satisfactorily over the years. This bill, however, would impose a mandatory freeze at a high percentage as a matter of law on a matter which should be left to the discretion of the committee and departmental officials on an annual basis.

I plan to place in the RECORD at a later point in my remarks a letter sent to me last month by Secretary of the Air Force Seamans that has the full endorsement of the administration in expressing their opposition to this bill.

In fiscal year 1973, $42 million would have to be added to the Department of Defense budget because of this bill. This is an unnecessary additional cost to the taxpayer. At the same time, it would contribute to the already uneconomic underuse of our expensive military airlift aircraft.

In short, it proposes a gross misuse of defense dollars. Mr. President, in this time of large deficits and high defense outlays, I do not believe that it is a proper exercise of the responsiilities of this Congress to load such unnecessary costs on the American taxpayer.

OPPOSITION OF PENTAGON

Former Deputy Secretary of Defense David Packard, before he left office, advised me of his strong opposition to this proposal. In a letter to Senator MAGNUSON, contained in the committee report on similar legislation last year, Mr. Packard pointed out the proposal's serious implications on cost and on effective utilization of our airlift aircraft. Mr. Packard also pointed out that the net profit to the airlines would be far less than the added cost because substantial additional operating cost would have to be incurred by the airlines to take care of this additional business.

In effect, Mr. President, this bill would further subsidize the air carriers. I might point out that the March 6, 1972 issue of U.S. News and World Report reports that total profits for U.S. airlines could reach as high as $230 million for the year just ended. This is a significant improvement over the immediate preceding period, when the airline business was at a low ebb, and surely no cause for more Federal subsidy.

Mr. President, I note in the report that Assistant Secretary of the Air Force Whittaker has voiced strong opposition to this bill. Secretary Whittaker's position is based on the increased cost to the taxpayer as well as on the need to continue the training program of the Military Airlift Command. The Secretary concludes that the Department of Defense believes enactment of S. 1821 "would not be consistent" with national defense airlift objectives.

The Comptroller General of the United States, in commenting on the merits of this bill, stated that:

> An arbitrary, ongoing, allocation by statute to the commercial airlines of a fixed percentage of military cargo may not represent the best solution to the problem because it might generate too much revenue in some years and not enough in others.

This opposition to S. 1821 is solidly based on facts and on dollar and cents consideration for the American taxpayer. Let me review some of the facts about the past defense programs for allocating commercial airlift requirements and outline what is planned for the fiscal year 1973 budget without enactment of this bill.

Mr. President, let me make clear that in years past I have favored and shall continue to favor some cargo business be given the civilian airlines by the Department of Defense. The amount so allotted should be fixed by the Appropriations Committees of the House and Senate each as far as the circumstances and facts may warrant. The amount or percentage would not be fixed by firm laws.

SEVEN BILLION DOLLARS PAID IN PAST

Since 1960 the Government has paid over $7 billion to commercial aircraft carriers to finance the supplemental transportation requirements of the Defense Department. The annual enactment of a set-aside provision requiring the Department of Defense to earmark $100 million each year for procurement of commercial carriers transportation capabilities has met with no problems. The actual amount paid against this provision has been as high as $737 million per year depending on actual requirements. In recent years commercial allocations have been declining due primarily to the reduction in Vietnam requirements.

The 1973 Department of Defense budget that we have before us, however, still includes an estimated $560.8 million that is expected to be paid to commercial carriers for supplemental Defense Department transportation requirement. This is a formidable sum of money far in excess of the $100 million set-aside requirement which has been annually enacted. More important, I have been advised that it represents some 63 percent of the Pentagon's total air transportation budget which includes all transportation requirements for passenger, mail, and cargo.

Of this large sum, for commercial carriers, to pay for mail, passengers, and cargo, $92.9 million is to finance supplemental commercial procurement of cargo airfreight. This represents 26 percent of the total military channel cargo requirements. If this percentage allocation to commercial carriers is increased, as this bill proposes, to 40 percent of military channel cargo, the Defense Department estimates that an additional $41.9 million will be required. This amount is not included in the fiscal year 1973 defense budget.

As Mr. Packard pointed out, the net economic benefit to the airlines would be considerably less, however. This $42 million would be spread over many competing carriers, and simple arithmetic shows that only a small profit can be obtained by many carriers from a $42 million operating expenditure. It is estimated in the committee report that if the proposed legislation had been effective this fiscal year, the additional cost would have been approximately $100 million. Spreading this amount over 200 available civil air reserve fleet aircraft would have represented only about one-half million dollars in gross revenue per aircraft—with a net profit of about 12½ percent beyond operating costs. This does not appear to me to be an effective incentive to the airlines to continue with the procurement of additional cargo capable aircraft which I understand is one of the ostensible objectives of this bill.

USE OF AIRLIFT

Another objectionable feature of this bill, Mr. President—beyond the cost aspect—is its effect on the economic utilization of our very expensive military cargo aircraft. In recent years, the Defense Department has invested some $6.8 billion in C–5A and C–141 aircraft for military airlift capability. This represents a sizable investment in taxpayer's funds and in my judgment the lift must be used in an economical and practical manner. I do not think that we can afford to have this equipment sit on the ground or be underutilized while we are paying out additional funds to buy other cargo capabilities.

The C–5A alone represents a significant investment and will provide a greatly increased capability when all aircraft are delivered and properly used. The current rate of utilization of these aircraft is far below normal peacetime levels, mainly due in part to technical problems.

It is readily apparent, therefore, that, when the technical problems with the C–5A are finally resolved, there will be a further underutilization.

At the present time, the Defense Department has estimated that the military airlift is only utilizing about 60 percent of its available cargo capability. If this bill is enacted and further reduces the cargo available for transportation on military airlift aircraft, the utilization rate would be reduced to only 48 percent. If these military aircraft were to be used about 8 hours per day, similar to the commercial airlines, the practical economic utilization to the aircraft would be reduced to about 42 percent with the currently forecasted cargo requirement.

It is plain to see, Mr. President, that we are already faced with a marginal utilization of our expensive military airlift capability. To further reduce this utilization is folly and in my opinion not in the best interest of the Government or the taxpayer.

Further, the Defense Department must continue to train and orient its airlift crews and pilots to provide a readiness for mobilization. If S. 1821 is enacted, limiting the flexibility of the military to carry cargo, then it is obvious that the aircraft will be less active and that training will suffer. I do not believe that we can approve these programs on the one hand and take away the military prerogative to properly conduct them on the other.

NEW AIR FORCE VIEWS

Mr. President, I have here a February 22 letter to me from the Secretary of the Air Force, Dr. Seamans, expressing his "strong objections" to this bill. I have also a follow-on letter expressing the full endorsement of the administration in opposition to this bill. I request unanimous consent to place these letters in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STENNIS. Secretary Seamans states four main objections to the bill. He says the 40-percent provision would:

> Increase annual cost to the taxpayer. In FY 1973 this could be as much as $42 million.
>
> Force Military Airlift Command (MAC) to fly empty or with inefficient loads in order to give commercial carriers more cargo.
>
> Force DOD to buy commercial airlift which would not otherwise be needed. This would increase the ton mile cost of airlift to the DOD user.
>
> Inhibit adequate training of the MAC for its wartime mission.

It has been pointed out before, Mr. President, that the estimated cost of transport with the C–5A is about 2.3 cents per ton-mile as compared to an estimated 8.5 cents per ton-mile for commercial cargo service.

Mr. President, in my judgment, we must protect the defense dollar and the taxpayers' dollars, too. I strongly urge the Senate to reject S. 1821 as a waste of taxpayers' money.

EXHIBIT 1

DEPARTMENT OF THE AIR FORCE,
Washington, D.C., February 22, 1972.

Hon. JOHN C. STENNIS,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Yesterday I wrote you expressing the opposition of the Department of Defense and the Air Force to the enactment of S. 1821. The Office of Management and Budget has reviewed my letter and advises that the opposition views expressed therein are consistent with the views of the Administration on this bill.

Sincerely,

ROBERT C. SEAMANS, Jr.

DEPARTMENT OF THE AIR FORCE,
Washington, D.C., February 22, 1972.

Hon. JOHN C. STENNIS,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: You will recall that I wrote to you on November 3, 1971, expressing my strong objections to the enactment of S. 1821, which had been favorably reported by the Senate Committee on Commerce, with certain amendments. As the Executive Agent of the Department of Defense for airlift I must reiterate the opposition of the Department of Defense and the Air Force to the enactment of this legislation.

As reported, the bill would establish a fixed rule that at least 40% of DOD's international air cargo which is physically suitable for civil aircraft be transported in civil aircraft without regard to other considerations. This would have the following effects:

Increase annual cost to the taxpayer. In FY 1973 this could be as much as $42 million.

Force Military Airlift Command (MAC) to fly empty or with inefficient loads in order to give commercial carriers more cargo.

Force DOD to buy commercial airlift which would not otherwise be needed. This would increase the ton mile cost of airlift to the DOD user.

Inhibit adequate training of the MAC for its wartime mission.

The Air Force has consistently recognized the importance of the commercial airline industry to national defense. This is attested by the fact that in the past ten years the DOD support of the industry has exceeded $7 billion.

In FY 1973 the total estimated DOD expenditure for military and commercial airlift will amount to approximately $900 million. Of this amount, $560 million, more than 62% of the total expenditure, will go to the civil air carrier industry.

In addition to the airlift of passengers, mail, and domestic cargo which is virtually all carried solely by the commercial air carriers, we are presently transporting between 25 and 30% of DOD's international air cargo on commercial aircraft. On the basis of present estimates, this will amount to about $120 million in FY 1972 and over $92 million in FY 1973. We feel that these amounts are reasonable and equitable when viewed in the context of the total airlift dollars.

If the bill is enacted in its present form, it will not only distort what we feel is a proper balance between the military and civil workload but would in effect force MAC to fly empty or with inefficient loads. It would seem inexcusable if MAC were required to fly empty or partially loaded aircraft to maintain a constant state of readiness while at the same time funds are expended to procure commercial airlift.

A collateral ramification of forcing DOD to buy unneeded commercial airlift is that it will raise the ton mile cost to the DOD user significantly. Commercial airlift procured by MAC is purchased at set rates. Since MAC airlift capability is a by-product of readiness training, the cost is considerably less than that procured from the commercial carriers. DOD is trying to encourage the military departments to make more use of airlift in order to reduce total logistics costs. However, an increase in airlift costs may work in opposition to both this goal and the intent of the bill if the departments make less cargo available for airlift.

In summary, there appears to be no basis for a judgment that substantial benefits would accrue to the taxpayer upon the enactment of S. 1821. Nor would national security interests be furthered because the airlines would not necessarily buy any new modern cargo airlift but could handle the additional cargo afforded by this bill with their present fleet. To the contrary, significant added costs to the taxpayer, clearly unnecessary, appear inevitable should the proposed legislation be adopted. Accordingly, I solicit your assistance to prevent enactment of S. 1821.

Sincerely,

RICHARD C. SEAMANS, JR.

AUTHORIZATION FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE HOUSE OF REPRESENTATIVES DURING ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the adjournment of the Senate over until 10 a.m. on Tuesday next, the Secretary of the Senate be authorized to receive messages from the House of Representatives.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, AND THE ACTING PRESIDENT PRO TEMPORE TO SIGN DULY ENROLLED BILLS AND JOINT RESOLUTIONS DURING ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the adjournment of the Senate over until Tuesday next, at 10 a.m., the Vice President, the President pro tempore, and the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WHY TOTS FALL OFF TRICYCLES

Mr. BYRD of Virigina. Mr. President, the Gazette Virginian, a fine weekly newspaper published in South Boston, Va., contained an interesting story the other day and an interesting comment thereto.

The Gazette Virginian called attention to an Associated Press news story saying that the U.S. Department of Health, Education, and Welfare is carrying on a $23,000 study to find out why tots fall off tricycles.

The Gazette Virginian editor adds:

> No kidding. That's what it said.

The editor is a very able newspaperman, Lynn Shelton, a close friend of mine. Then he adds, "That should develop a lot of ire right here at income tax paying time"; $23,000 of the taxpayers' funds to find out why tots fall off tricycles.

Mr. President, income tax time is just around the corner. Two more weeks and the income tax deadline will be here. Such wasteful expenditure of tax funds as spending $23,000 on a survey to find out why tots fall off tricycles seems to me should raise the ire of the taxpayers of this country.

I want to say that I agree with Editor Shelton in his view of this matter, and I am glad that he called attention to this item in the budget.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLEN). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON TUESDAY, MARCH 28, 1972, AND LAYING BEFORE THE SENATE THE UNFINISHED BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Tuesday next, after the two leaders have been recognized under the standing order, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes; at the conclusion of which the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the Senate will reconvene on Tuesday, March 28, 1972, at 10 a.m.

After the two leaders have been recognized under the standing order, there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes; at the conclusion of which the Chair will lay before the Senate S. 1821, the bill dealing with civil air carriers. There is a time agreement on that bill. As I recall, the agreement calls for 4 hours of general debate on the bill and ½ hour on any amendment, debatable motion, or appeal, with the exception of an amendment to be offered by the distinguished Senator from Louisiana (Mr. ELLENDER), on which there is a 1-hour limitation.

Mr. President, also on Tuesday next, the Senate will consider the legislative appropriations bill. In accordance with past experience, one may quite appropriately, I think, expect a rollcall vote on passage of that appropriation bill.

The distinguished majority leader indicated earlier today that the Senate may also take up on Tuesday next Senate Joint Resolution 218, to extend the authority conferred by the Export Administration Act of 1969.

There will be, I should think, at least one rollcall vote on Tuesday next, and that would come on the appropriations bill. If there are to be rollcall votes on the pending legislation, S. 1821, on civil air carriers, I understand that those votes would quite likely, if unanimous consent is granted, be put over until the following day, Wednesday.

ADJOURNMENT UNTIL TUESDAY, MARCH 28, 1972, AT 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. on Tuesday, March 28, 1972.

The motion was agreed to and, at 12:05 p.m., the Senate adjourned until Tuesday, March 28, 1972, at 10 a.m.

EXTENSIONS OF REMARKS

DEDICATION OF DR. MORRIS L. PARKER PARK IN CHICAGO

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. YATES. Mr. Speaker, the Dr. Morris L. Parker Park was dedicated on September 26, 1971. The park, which is located on the southwest corner of 29th Street and Ellis Avenue, was donated by Dr. Morris L. Parker, a Michael Reese Hospital surgeon. Shortly after the dedication, an article about Dr. Parker appeared in the Alumni Newsletter of the Michael Reese Hospital and Medical Center. The article highlights the career of this remarkable human being who has selflessly devoted himself to the care of others.

Dr. Parker is well known, loved, and respected in Chicago, and I wish to share with you a little of his story:

DR. MORRIS LOUIS PARKER

Outstanding physicians acquire reputations in various ways—some as diligent, intrepid researchers; others as committed, lucid, eloquent teachers and speakers. This issue wishes to salute a senior physician whose special hallmark has always been an intense commitment to the well being of his patients and whose main focus has always been on that elusive quality called patient care.

Morris Louis Parker has always been a person to reckon with at Michael Reese since January 1924 when, after his internship at Cook County Hospital, he joined the staff as an associate of Dr. Alfred Strauss—a major plum for a bright young aspiring surgeon. His credentials were impressive—a scholarship student at Northwestern, number one in his class in medical school and number one in the prestigious competition for a County Hospital internship. It was a time when appointment to the Reese staff carried a certain social cachet—such appointments were generally the prerogative of affluent German-Jewish physicians (who took Sunday walks with their wives down Hyde Park Boulevard, dressed in frock coats) and not of poor boys who came to Reese by way of Kiev and Seattle. Dr. Parker and the late Dr. Leon Block—a most eminent internist—were the first to breach what seemed at that time an imposing social barrier.

Dr. Parker spent 10 years in association with Dr. Strauss—actually nine, because in 1931 Dr. Strauss and Professor Dr. Enderlin, the Hochsurgeon of the University of Heidelberg, exchanged associates for a year. Dr. Parker speaks often and fondly of that year in Germany. It is not unusual to hear him say, "I had to go to Heidelberg to learn that," as he incises peritoneum over the base of a diseased gall bladder preparing for its removal. Several other legends of the Parker mystique date back to that year.

The Strauss-Parker association ended in 1933 with Dr. Parker opening his own office on the 17th floor at 30 N. Michigan—the only office he's ever had. The "Chief" is fond of recollecting that a substantial blizzard had hit the city at the end of January 1933 and there wasn't much traffic downtown on February 1 as he crossed Monroe and Michigan. Just he and a lone traffic patrolman—and no patients at all. But the weather improved and the practice grew and flourished and flourished—tended by a physician who cared. The stories are legend—about doing every night ward emergency for many years—about prowling the halls at midnight one last time to see the sick ones—about no time for vacations—about a real commitment to his patients' well being.

For a long time Dr. Parker was Mr. Michael Reese to a large segment of the Chicago Jewish community—especially to the Hyde Park sector. "There was a time when every child on Ingleside Avenue between 53rd and 55th—on both sides of the street had had his appendix out by me."

The man not only had a major concern for his practice, but also for his hospital. To this day he still knows the names and identities of more maids, orderlies and elevator operators than any one else around. The hospital as a whole has been a major recipient of his benefactions—most recently the little park on 29th and Ellis was created as his gift to the community. Other philanthropies, some public, many private have centered on several local universities and medical schools (in the form of prizes for research and teaching excellence as well as scholarships for poor students) and on various Jewish projects both domestic and Israeli. His several years of service on the board of the Jewish Federation of Chicago have been a special source of pride.

A vast experience especially in surgery of the GI and biliary tracts, in thyroid, breast, hernia surgery—results in strong convictions about the management of various problems—convictions often at variance with current sugical establishment views. A major regret over the years has been the lack of time and facility to collate and publish much of the experience and to detail the convictions. A major pleasure occurs when the pendulum of surgical opinion swings toward agreement with views, which when espoused initially seemed to be heretical—a phenomenon mostly recently noted as the world surgical community ruminates about the management of breast cancer.

As he looks ahead to finishing his first 50 years as an active practitioner of the "Queen of the Arts," the "Chief" would probably agree that his main gift to this community has been the nurturing of a tradition of conservative concerned surgical care as exemplified not only in his own work but in that of the many physicians who have been associated with and trained by him and who remember fondly the fabled Parker maxims such as "Resolve the problem into its component parts—and solve them one by one" and "Cut well, sew well—get well."

BYELORUSSIAN INDEPENDENCE

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. PEYSER. Mr. Speaker, March 25 is a significant date for all men who prize freedom. On this day 54 years ago, in 1918, the people of Byelorussia culminated a six century struggle by declaring their independence as a free nation. This struggle was originally against Czarist Russia, but once this foe had been repulsed the enemy became imperial Germany. When finally free, these people demonstrated their natural feelings of freedom by structuring their state on the basic precepts of liberty: Freedom of speech, freedom of assembly, and free elections. Unfortunately, these hard-won aspects of liberty were again snatched from them by the tyranny of Bolshevik Russia.

Even under the oppression of Russia,

the people of Byelorussia have progressed to the 15th most industrialized country in the world.

Though the industrial progress of this country has been great it has not been permitted to reap the benefits of its progress because of Soviet domination. In the words of their great leader, Kastus Kalinowski, uttered on his way to a Russian gallows in 1863:

> Then and only then will you gain freedom and happiness, when Moscovite rules you no more.

It is important that those of us who have taken the gifts of freedom for granted to remember and salute people who have and are continuing to struggle so valiantly for them. I ask that all Americans and free men everywhere join me in acknowledging this day of independence for the Byelorussian people, and express our hope that once again these people will be able to take their place among the great free nations of the world.

FLIGHT OF PIONEER 10

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. RHODES. Mr. Speaker, in the day of marvels in which we live, none is greater than the flight of the planetary space craft Pioneer 10 which was launched on March 1 from Cape Kennedy on an approximately 2-year investigative trip of the planet Jupiter. The mission of Pioneer 10 will take it farther into space than has ever been attempted on any previous mission; the craft will fly by Jupiter, and at its closest approach will still be about 87,000 miles from the planet. As Pioneer 10 flies by, it will make its investigation of Jupiter through the use of many complex and highly sophisticated instruments aboard. One of these, and of particular interest to Arizonans, is the "imaging photopolarimeter" which will produce highly pictorial data and which will be directed by Prof. Tom Gehrels and six of his colleagues of the University of Arizona's Lunar and Planetary Laboratory. The imaging photopolarimeter is second to the heaviest of the instruments carried by Pioneer 10. It will, according to information compiled by NASA and sent me by Professor Gehrles:

> Measure intensities and polarization of visible light. Its measurements of reflected light (zodiacal light) will be used to calculate the amount, distribution, and origin (from asteroids and comets) of interplanetary dust. At Jupiter, experimenters will use the data to attempt to find the structure and composition of the Jovian clouds and atmosphere, data on the planet's thermal balance, and to retrieve close-up pictures. The instrument also will attempt to collect data on Jupiter's little-known moons.

I congratulate the men who developed, are directing, and will translate the findings of the imaging photopolarimeter—and wish for them and Pioneer 10 the greatest success in this marvelous mission into space.

LOOK OUT—THE POSTAL SERVICE IS COMING

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. PICKLE. Mr. Speaker, recently Steve Young, reporter for the Columbia Broadcasting System, reported on the controversy over the abandoning of the local postmark by the Postal Service. Mr. Young's report is at once both humorous and to the point giving a good insight into the situation. I insert here excerpts from that report:

> Texas Congressman J. J. Pickle has sounded a warning to Snook, Pflugerville, Dime Box and the rest of the country that the Postal Service is coming. Congressman Pickle says such picturesque places as Dime Box, Pflugerville and Snook, Texas soon will lose their postmarks. This, because the Postal Service has been instituting Area Mail Processing for the past two years.
>
> There are about 32,000 post offices throughout the country. Hundreds already come under the Area Mail Processing Plan. The goal is speed up mail and keep costs down. This is done by putting expensive equipment to work for many communities—none of which alone could afford the gear. Instead of the regular postmark, letters from associate offices, processed by a sectional office, carry a two-letter abbreviation of the state, plus three digits pinpointing the place. But the postmaster in each community is supposed to have one box designated "Drop Mail Here for Local Postmark" for people so inclined.
>
> That's a problem for the postmaster of Snook—Charles Sevesta, Sr. There's no room for another box. And a promised big new building may not be ready before Area Processing goes into effect.
>
> The Postal Service says few people take advantage of the local postmark option anyway. And if true, it's a pity. A letter postmarked "U.S. Postal Service, TX 778" doesn't have quite the same snap as Snook. And under the Area System, a letter dropped in any but the specially designated Dime Box mailbox also will be postmarked TX 778.
>
> TX 778 may be meaningful to computers. But it doesn't readily reveal that in 1910 a man used to ride horseback through the area, picking up letters left for delivery. People put them in a makeshift mailbox, along with the fee of one dime. (Hence the name "Dime Box," yes that name has identity, color, history and hometown pride in it.)
>
> And sad to say, the people of Snook already seem to have forgotten how Snook got its name.
>
> The Postal Service says a place name in a postmark is unnecessary and irrelevant. The point of a postmark, it says, is to cancel the stamp, not to identify the origin of the letter. (I do not agree, at least, why not have both?)
>
> Recently, a reporter tried to obtain the phone number of someone in Snook. Long ago, the telephone company switched to area information operators. The voice known as 713–5551212 said of Snook: I never heard of it. What is it near? How are you spelling it? The efficient reply probably is TX 778.

THE MEDICAL CRISIS—FREE ENTERPRISE VERSUS SOCIALIZED MEDICINE—IS IN WASHINGTON

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. RARICK. Mr. Speaker, pending before the Congress at the present time are several health care proposals which if enacted can only lead to disaster—the complete socialization of medicine. To condition the American people to accept such legislation, the propaganda mills continue to put out half-truths and distorted information:

> One of the charges made is that health care expenditures have been the fastest rising item in the Consumer Price Index. This is misleading. Physicians' services have increased at a lower rate than other services. By lumping them with other health care expenditures, it helps create the climate of "government should control doctors." Who wants a government doctor?
>
> Another false charge based on statistics of the World Health Organization is that the U.S. lags behind other Western nations in indices of health such as infant mortality. This should please abortionists and population control people, but the statistics are misleading. World Health Organization statistics are used without any comment of their validity or source. In many nations, Sweden for example, a neonatal death need not be recorded and may never be recorded.
>
> Still another criticism of private medical care is that examinations reveal poor planning of hospitals and other health facilities. Government planning, as we know from experience, wastes colossal sums of dollars to save pennies that might be wasted through a private non-political system.
>
> A national program of health care is said to be needed since emphasis can and should be put on preventing illness and disability.
>
> Americans are being urged to destroy a free choice, private, individual responsibility system in order to improve the situation. Why? When in fact the statistics show foreign countries with government dictated and controlled medical systems have a much inferior prevention record than has the U.S. A comparison of the record of such preventable diseases as tuberculosis shows even socialist Sweden far behind the U.S.
>
> Presently there are major plans for nationwide guarantees of medical care either awaiting Congressional action or early introduction. Next the socialists will seek to guarantee the right to live forever. And they will when the people will buy it and if it would produce votes.
>
> Through an organized propaganda campaign of misleading and even false charges and information as to the nature and scope of the problem of the nation's health, the American people have been led to believe that a national health program is mandatory. We are told we must change even if for the worst—just to change from our present system.
>
> The experience of other nations with socialized medicine should serve as a stark warning to the U.S. to beware on embarking on such a course for political promises to get the votes of the poor and disgruntled.
>
> The enactment into law of a national health plan would necessitate payrolling a whole new layer of bureaucrats to administer the program—to draft guidelines and to spy on doctors. The administrative cost

of Medicare and Medicaid is estimated to be greater than the doctor cost, whereas the administrative cost of private insurance programs is only about 30% of the premium. So the current propaganda about the high cost of medicine as an argument for nationalizing health services simply doesn't hold water. Under socialized medicine the costs would go up and the quality of service would go down.

A minor factor never mentioned by the leadership of either of the two major political parties is that any national health care program is clearly unconstitutional. The sovereign states did not delegate the power of providing health care to the federal government. This power belongs therefore to the States and the people thereof in accordance with the 9th and 10th amendments—that is if the States and the people think they can improve medical treatment by hurting doctors and providing inferior treatment at higher cost.

In Louisiana health services are provided by doctors in a free enterprise system. The doctors themselves, as well as patients, families, relatives, friends, some churches, and other charitable groups, help the less fortunate. In addition, our state of Louisiana has for many years operated charity hospitals to provide medical aid to the indigent. Our system may not be perfect, but it's superior and far ahead of any example suggested.

If the Nixon Administration really wants to return power to the people, why not allow the States and local governments to retain a certain percentage of the income taxes their citizens pay to Washington, say about 20% or 30% or even more. The State and local governments could then provide more and better services, including health care if their people prefer it that way.

When you want a doctor, you want one. You want him to be your doctor and not working for the Washington crowd. You know the man who pays the bills is always the one who is sought to be satisfied. And when it comes to you and your family and your doctor, you don't want Uncle Sam, federal judges, H.E.W., the Justice Department the U.N., or even the President looking over his shoulder.

I insert in the Record at this point for the consideration of our colleagues pertinent quotes from Lester Karotkin, M.D., entitled "Where Does American Medicine Stand?—Socialized Medicine Versus Quality Medical Care":

[From the Houston Tribune, Jan. 13, 1972]

Where Does American Medicine Stand?—Socialized Medicine Versus Quality Medical Care

"Let me define the key term—medicine. When I say American medicine I do not refer to the medical profession, but rather to Medical Care—that is, to medical services as provided to you, the patients. Where does American medicine stand? In my opinion, it is on the brink of disaster."

"The brinkmen are your legislators in Washington and the disaster would be the adoption of any of the so-called health proposals now pending in Congress. So intense is the drive for a system of federally subsidized medical care by Congress that even President Nixon has seen the political wisdom of offering a proposal of his own."

"I have a little good news, too. I rather feel like the Russian commissar who gathered together his little colony of peasants, isolated in the far reaches of Siberia, to report to them that he had some bad news and some good news. The bad news, he said, is that we are completely out of food and there is nothing to eat but snow. The good news is that there is enough for everyone. A few days later he gathered them for another bad and good report. Tell us the good news first, they shouted. Very well, he said, the good news is that we have figured out how to convert textiles into food; and the bad news is that the only textiles we have are the ones you are now wearing."

"Because the government (i.e. The Taxpayer) must regulate that which it subsidizes. Allow me a loose metaphor; If uncle is going to pay the dinner check: then uncle will not only order the meal; he will write the menu. In order to assure the necessary regulation and conrtol, legislation has been introduced in Congress under the treacherously innocent-sounding designation of peer review. Designed to accompany or to supplement the various national health insurance bills, these machiavellian masterpieces provide for committees of physicians, under the direction of the department of H.E.W., empowered to veto your doctor's decision to hospitalize you, to impose limitations on the length of your hospital stay, and to pry into your medical records in order to police your personal physician. The planners feel that such policing mechanisms are essential to prevent overutilization of available resources. In other words, manuals of government rules and regulations, rather than your doctors judgment, will dictate how much and what kind of medical service you will receive."

"There appears to be a strong probability that you may even lose the services of your own doctor altogether. When the regimentation gets too oppressive, many practicing physicians will retire from practice much earlier than normally. Youngsters choosing a career will be less apt to enter a profession so demanding in personal sacrifice, now shorn of its freedom of action and reduced virtually to the status of a civil servant. But then, I guess there will always be doctors. The government is, indeed, already actively subsidizing medical schools and its students: not without certain stipulations, of course. Government demands that many students be selected from the deprived segments of society even though they displace applicants with much higher scholastic qualifications. And just in case the shortage of doctors really gets critical as the screws tighten, a new breed of sub-physicians is being spawned. Scattered around the country, a number of medical schools have established a new curriculum to train a corps of physicians' assistants. These programs aim to teach youngsters with a high school diploma how to diagnose and treat the sick and injured after two years or less of training. It is suggested that these mass-produced replicas of the real thing will screen patients coming to doctors offices and hospitals, handle the "routine problems" and only call upon the real doctor if there is something serious. There is already a training program for physicians assistants in full operation in Houston. Recently a group of my colleagues and I met with the professor in charge of this program accompanied by two graduate physician assistants. We learned that these young men were being allowed to do medical histories and physical examinations, liver biopsies, bone marrow biopsies, minor surgery and other procedures traditionally reserved for fully trained physicians. This is like delegating to an apprentice carpenter the task of drafting full architectural plans for a thirty story office building.

"So you see, it is you the patient—the celebrated consumer—for whose suppose benefit these programs are being proposed that is going to get the worst of it. If you think you have a right to privacy, for example, forget it. Under government subsidized medical care, your medical records can become public information. After all, the bureaucrat who has to validate your claim for medical services has to review the record. It is happening now, under the medicare program for the aged. Insurance intermediaries for medicare have been demanding complete hospital charts of claimant patients, whereas they actually need only a few items of information for claim settlement. Some doctors have told me of government agents appearing at their offices demanding to review the charts of their patients. Medical information on medical patients is being analyzed by computers and from the data obtained, the insuring agents of the government are portraying caricatured profiles of doctors' practices and sending the doctors letters of warning if the services they rendered exceed the government-defined norm.

"Now, about this alleged crisis in medical care. The crisis, my friends, is in government. Inflation spawned by government fiscal policies has caused medical costs to skyrocket. Minimum wage legislation has helped to raise hospital costs disproportionately since 70% of the patient's bill represents the services of labor. Government subsidization of research in medical schools with astronomical grants has diverted emphasis away from teaching and clinical practice, thus reducing the effective pool of practicing physicians. Increasing government employment of physicians to serve in planning, administrative and other non-clinical capacities has further reduced the ranks of those who treat the sick. Government for many years now has been announcing one crisis after another in order to establish the psychological climate in which further encroachment on free-enterprise can be engineered."—quotes from Lester Karotkin, M.D.

H.R. 13989 INTRODUCED

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. ROY. Mr. Speaker, I recently introduced a bill, H.R. 13989, which would seat two school board members on the Advisory Commission on Intergovernmental Relations. ACIR is the only Federal commission dealing with intergovernmental relations, yet it excludes any representation from the governing bodies of school districts, which account for expenditures and employ personnel substantially equal to those employed by all other agencies of local government combined.

School districts in Kansas are fiscally independent, as are most school districts in the United States, and the legal responsibility for education rests with school boards and not with the Governors or the mayors.

Since President Nixon has delegated to the ACIR the responsibility for developing the new Federal role in education, it is particularly important that school board members are involved now in ACIR. Including input directly from boards of education should help to focus greater attention upon public school problems, as they relate to other units of government.

President Nixon, in his state of the Union address, was loudly applauded for saying that education should remain in local control. If the Congress really believes this, then school boards should have representation on a national policy commission which is directly charged with the single most important question of school finance in our entire history.

"DEMOCRACY" IN SOUTH VIETNAM

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mrs. ABZUG. Mr. Speaker, this morning's New York Times carried a sad reminder of the kind of democracy that so many thousands of young Americans have died to protect in the Vietnam war.

Madame Ngo Ba Thanh, an articulate lawyer and critic of the Thieu government, is on trial for allegedly engaging in "activities harmful to national security," organizing an "illegal organization," and distributing printed materials that "undermine the anti-Communist potential of the people." In the United States, we have code words, but in South Vietnam, they have code charges. What this particular series means is that Madame Thanh has had the temerity to express opposition to the militaristic and antilibertarian policies of the puppet dictatorship which runs South Vietnam.

Despite a severe asthmatic condition, Madame Thanh has been imprisoned for 6 months awaiting trial and has not been admitted to bail. Yesterday morning, she was carried to the beginning of her trial on a stretcher; during the proceedings, she suffered an attack which included a brief loss of respiration and heartbeat. The court decided to postpone the trial indefinitely, but ordered that Madame Thanh be returned to prison in the meantime.

Some democracy.

The article follows:

[From the New York Times, Mar. 23, 1972]

TRIAL OF AILING CRITIC OF SAIGON REGIME IS POSTPONED

SAIGON, SOUTH VIETNAM, March 22.—Mrs. Ngo Ba Thanh, a leading critic of the Saigon Government and the war, who has been in prison and has been suffering asthmatic attacks for six months, was carried to military court in downtown Saigon on a stretcher today to face charges of having engaged in activities harmful to national security.

But the trial was postponed indefinitely after a doctor testified before the filled court that Mrs. Thanh was in critical condition and in need of immediate medical attention. Mrs. Thanh, a 40-year-old lawyer, suffered what appeared to be an asthmatic attack as she lay on the stretcher at the courthouse entrance waiting for the trial to begin.

LAWYER SEEKS RELEASE

Mrs. Thanh was arrested Sept. 18 after participating in an anti-Government demonstration led by a former lower house deputy, Ngo Cong Duc. Mr. Duc was not arrested then but was later convicted in absentia of having left the country illegally. The demonstration was called to protest the uncontested presidential election held on Oct. 3, in which President Nguyen Van Thieu was re-elected.

Nguyen Long, Mrs. Thanh's lawyer, has been calling on the authorities for Mrs. Thanh's release because of her poor health which, he asserts, is directly related to prison conditions.

Mrs. Thanh is a key figure in several peace groups here. The small, energetic woman, who holds a degree from Columbia University in New York, has met many visiting United States Congressmen in the last several years to tell them of the position of President Thieu's opponents.

According to her lawyers, Mrs. Thanh has been charged with three offenses—having engaged in "activities harmful to the national security," having organized an "illegal organization," and having distributed printed matters that "undermine the anti-Communist potential of the people."

Mrs. Thanh heads a group of Vietnamese women called the Vietnamese Women's Movement for the Right to Live. Her lawyers, however, vigorously deny that she is guilty of any crime.

"She came to a demonstration and was arrested while others were not," one of her three lawyers, said. Another added that all charges against her were ungrounded and that they were "only excuses for her arrest and detention."

Shortly after arriving on a stretcher before the regional area military field court, Mrs. Thanh appeared to suffer an asthmatic attack. With sweat dripping from her pallid face, she choked and coughed, and her breathing grew rapid.

A doctor arrived minutes later and injected Mrs. Thanh with tranquilizers and a heart stimulant after it appeared, briefly, that her respiration and heart had stopped.

The doctor pleaded with the five judges, military officers, for the woman's immediate release for treatment at a nearby civilian hospital. "Mrs. Thanh is in very serious condition," he said. "Her heartbeat is up and down. She can die at any moment."

The judges recessed for 30 minutes before announcing that the woman's trial would be postponed indefinitely to allow her appropriate medical treatment. However, they added that she must be returned to prison.

BYELORUSSIA'S INDEPENDENCE DAY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. DERWINSKI. Mr. Speaker, although it is still 4 years off, plans are already underway for the proper celebration of the bicentennial of the independence of the United States. When compared to many Old World nations, our country may properly be described as young. On the other hand, when we compare it to the many countries that have appeared on the scene during the last quarter of a century, America is an old member of the family of nations.

Old or young, be their independence something that they have jealously maintained for centuries or something to which they have hardly become accustomed, they have one thing in common. All have good reason for celebration.

On Saturday next, an ancient nation of Europe will observe its independence day. It will not celebrate, for its freedom was of little more than ephemeral duration. It will not rejoice, for its people have for over half a century been part of the vast Soviet Empire.

On March 25, 1917, Byelorussia, which had been part of the Russian Empire, declared its independence. In 1919 it was conquered by the Communists who, in November 1917, had wrested power from the regime which had replaced that of the Romanoffs.

Mr. Speaker, let us hope and pray that some day in the not too far distant future the people of Byelorussia will be able to celebrate instead of merely observe their independence day.

AUTOMATIC FUND TRANSFER—A HEAVY BURDEN FOR OUR FINANCIAL INSTITUTIONS

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. HANNA. Mr. Speaker, as our financial institutions play a more and more important role in American life and as the burdens of playing such a role become apparent, the responsive members of that community begin seeking ways to more effectively meet their responsibilities. A major aspect of this burden—automatic fund transfers—has, as was expected, become a center of significant controversy.

In light of the recently exploding reliance of consumers on the personal check and the projected geometric increase in the use of such instruments as pointed out in the following article, it is clear that banks must find some answer to the paperwork pressures which threaten to place banks in an embarrassingly parallel position to the recent stock exchange paperwork crisis.

The article follows:

BACKGROUND INFORMATION ON THE PAPERLESS ENTRIES PROJECT IN CALIFORNIA

When not using cash, most people pay their bills with the ordinary paper check. And despite reports of an impending "cashless or checkless society," the check will continue to serve as a basic component of the payments system for a long time.

Californians each month write 150 million checks and the figure is growing eight per cent annually. Because of this growth rate and because of operational problems in other industries, there has been anxiety recently about the banking industry's ability to process more and more paper checks.

To obtain accurate information on projected check volume and on the facilities needed to handle it, the American Bankers Association commissioned the A. D. Little Company to study the check payment system and its probable growth during the 1970's.

The results of the study indicated that, assuming the continued use of present technology, and continuing effective bank management, the nation's check payments system can be maintained in an operationally sound condition through 1980. Consequently, there is sufficient time for the banking industry to proceed with orderly, well-planned improvements.

On the other hand, there is no time for complacency and some new payment method needs to be developed. The industry has now selected and developed a supplement to the check payments system. It is called preauthorized paperless entries. It is a voluntary system in which customers at banks can replace certain paper check transactions with automatic electronic transfers of funds. Preauthorized paperless entries represent the logical first step in improving the current payments system.

The concept is not new. Many California banks have employed both pre-authorized credits and debits for several years. For example, bank employees have had their pay deposited directly to their bank accounts for many years, and many types of payments have been automatically deducted from bank customer's accounts: Life insurance premiums, United Fund pledges, Christmas Club transfers—just to name a few.

Federal civil service employees and military personnel can authorize their pay to be deposited directly into their bank accounts.

For several years, some banks in the state have offered services such as automatic payroll deposits and direct billing. These services are called "paperless" because the bank's accounting work is done on magnetic tape or punch cards.

But until now, each of these pre-authorized paperless entry services has been limited to transactions within a single bank.

Although these single bank services can be effectively used for certain types of payments, experience indicates that such services have extremely limited potential for two particularly important reasons:

1. Employers are unwilling to direct the banking business of their employees to any single bank, which is essential to the individual bank system of paperless payroll deposits.

2. And in the case of direct billing, no single bank in the state possesses a sufficient number of the same customers as the billing organization to make this service economically attractive.

It became clear that the principal missing element was an arrangement for the exchange of pre-authorized paperless entries—both deposits and billings—between banks.

To do this required an industry-wide effort. So, in April, 1968, the San Francisco and Los Angeles Clearing House Associations created a special committee to study and recommend arrangements for exchanging paperless credit and debits among banks.

Thus, the SCOPE Committee—the Special Committee on Paperless Entries—came into existence.

The SCOPE Committee includes representatives from ten commercial banks and observers from the Federal Reserve Bank of San Francisco, the California State Banking Department and the Regional Administrator of National Banks.

And although it is a project of the San Francisco and Los Angeles Clearing House Associations, it was agreed at the outset that the system must be designed to permit participation of all California Banks, regardless of size, or the type of processing system used internally.

Since all 144 California banks were to be included, it was soon realized that direct exchange arrangements between individual banks would simply not be practical.

Central clearing facilities for pre-authorized paperless entries were needed with automated clearing houses (ACH) in both San Francisco and Los Angeles.

In response to a request from the SCOPE Committee, the Federal Reserve Bank in San Francisco which already had the important computer installations, courier arrangements and settlement mechanisms—agreed to operate the automated clearing houses on a pilot basis.

By August 1970, the SCOPE Committee had defined the essential inter-bank exchange arrangements and procedures, and had drafted the legal agreements required to support the new services.

The development of the automated clearing house began shortly thereafter. The project is currently on schedule, and it should become operational in 1972. The ACH systems have been successfully tested in both cities.

In the system, there are five participants whose roles must be defined:

1. *The individual customer or employee.* This is the party that must pre-authorize the automatic deductions (in the bill-paying service) and the automatic payroll deposits. The services are optional for every customer and employee.

2. *The company or employer.* The company receives the payments made by customers of the direct billing service; and the employer generates the automatic payroll deposits.

3. *The originating bank.* The company's banks, because the paperless entries originate through his bank.

4. *The receiving bank.* The individual customer's or employee's bank so termed because the "paperless" entries are received by this bank.

Either to receive or originate paperless entries, a bank must join the automated clearing house, signing an indemnification agreement with the Federal Reserve Bank and agreeing to comply with the regulations of the ACH.

Companies wishing to offer paperless entries to either employees or customers must sign a separate indemnification agreement with their bank—the originating bank—permitting them to submit the entries through their banks.

And most importantly each individual customer or employee of the company that wants to participate must complete an authorization agreement permitting the company to initiate entries and authorizing his bank—the receiving bank—to accept them.

Here is an example of an automatic payroll deposit transaction:

After the employer has made arrangements with his originating bank to accept paperless entries, he distributes individual authorization forms to his employees. The employee who is interested authorizes the company to enter automatic deposits in his checking account—at the bank of his choice (which can be any bank in California)—at the same time, authorizing his receiving bank to accept the paperless deposits.

Every payday the employer will deliver a tape containing employee identification or account number information and net salary payments to the originating bank.

The originating bank enters deposits for employees who bank with the same bank as the company, and then forwards a tape containing information about deposits to all other banks to the Automated Clearing House.

The ACH then balances, sorts, and distributes paperless entries to the various receiving banks and handles the inter-bank settlements.

Finally, of course, the receiving banks then credit the employees' account in accordance with the authorization.

The typical pre-authorized billing transaction is similar. An example is a monthly payment to the electric company.

After the electric company has made arrangements with its originating bank, individual authorization forms are sent to its customers. The customer that prefers automatic debits to writing a monthly check authorizes the electric company to initiate billing entries to his checking account. And he authorizes his bank to pay the amount of the entry.

Since these billed amounts vary somewhat from month to month, the company will send a memo bill to customers who have pre-authorized their payments. This memo will be mailed about a week preceding the initiation of the paperless entry. If the amount due is in error, the customer can then stop payment as he can on a paper check.

The company then generates a magnetic tape containing customer account numbers and billing amount information. This tape is delivered to the originating bank, which processes entries regarding its own accounts, and forwards interbank entries to the automated clearing house.

The ACH makes the interbank settlements and the receiving banks post the pre-authorized paperless debits to the depositors' accounts in accordance with the authorization.

The originating and receiving banks will have completed each transaction the same day as it was initiated.

There are four major benefits to the employee choosing to receive the direct deposits on payday:

First, this service guards against loss, theft and forgery of the employee's check.

Second, the service helps the employee avoid those time-consuming trips to the bank on payday, and waiting in line when he gets there.

Next, it enables him to receive his pay immediately, even if he is on vacation, out of town on business or at home ill.

And finally, automatic payroll deposits eliminate the postage costs involved in banking by mail. There is, of course, no charge to the customer for this service.

There are also a number of benefits to customers who pay some or all of their recurring bills by this automatic service:

The customer saves the time spent writing checks to creditors each month.

The service also saves the cost of postage used to mail in payments.

Automatic bill-paying will also prevent the customer from overlooking those recurring bills, and at the same time, it ends worries about penalties for late or delinquent payments.

Charge, if any, for this service will vary from bank to bank.

Nor do the automatic services cost the customer any of the financial independence he has now with his checking account. He retains his account to handle such varying items as department store purchases and other one-payment items. And he can stop payment on paperless entry payments as he can on his personal checks.

The target that the SCOPE Committee has set is modest. For payrolls, the committee would like to convert 35 per cent of all payroll checks in the state to the new system during the next five years.

And if 15 per cent of the reasonably predictable recurring payments are switched to the pre-authorized paperless billings system during the same period, that phase of the project would also be considered successful.

But even with such modest projections of 35 and 15 per cent, many thousands of checks will be eliminated each year in California.

Of the 150 million checks per month which are written in the state, more than 45 million are suitable for a paperless entries payments system. The majority of these are payroll checks, which make up the largest part of the SCOPE target.

And if the goals of 35 and 15 per cent are met, more than 12 million checks will be eliminated each month in California.

Similar pre-authorized payment systems are being examined in many other states. California will likely be the first to become operational, but if it proves effective and workable here, it will be installed elsewhere, and someday will become a nation-wide service.

We have in this country other types of financial institutions, and an equal need for flexibility in the adaptation to modern trends in the savings and loan industry exists. The discovery and developing of such new areas will inevitably come into some conflict. The area of automation is one example of an already emerging conflict—as is clearly illustrated in the attached documents.

Both the banks and savings and loans have a legitimate concern and are desirous of developing a constructive approach to that end. Both present factual materials which argue well for flexibility necessary for these institutions to meet adequately present and future circumstances. I firmly believe both should be carefully reviewed, and I commend them to the attention of my colleagues:

ANALYSIS OF THE ECONOMIC IMPACT OF SCOPE

There have been previous discussions and the furnishing of information with respect to the Transmatic Program and the resistance of the commercial banks, on an apparently coordinated basis, to the use of Transmatic.

Transmatic is essentially a system whereby a borrower from a savings and loan association preauthorizes the savings and loan association to instruct the commercial bank holding his checking account to pay out of the customer's checking account the monthly amount due on the customer's home loan from the association. The degree of commercial bank resistance is undoubtedly due in large part to the fact that the same preauthorized system would lend itself equally to the preauthorized transfer from bank checking accounts to savings deposits in savings and loans. The Program has been frustrated by the refusal of certain banks to honor the preauthorized demands and, in some instances, by such devices as the systematic mutilation of the customer authorizations before their return, not honored, to the savings institution.

At the same time, the entire financial system is moving toward electronic transfers ("checkless society") dominated by the same commercial banks. The banks have jointly created SCOPE. This impact of this development cannot be overestimated.

Up to this point, commercial banks have had a statutory monopoly of demand (checking) accounts. The same statutes prohibit the payment of any compensation by banks for the money which they receive in this form of account, although there is a substantial movement among commercial banks toward lobbying a modification of these statutes.

Since checking accounts are a necessity for any business organization and for most families, the checking account monopoly not only gives the commercial banks the huge advantage of massive amounts of free or cheap money with no inter-system competition, but also the competitive advantage that, whatever other services are offered by competing types of financial institutions on however desirable bases, every business and 80% of all of the families of the country must nevertheless go to commercial banks for this essential service and, in this respect at least, be customers of commercial banks.

The transition from checks to electronic impulses as the basic means of transfer of funds in the entire economy poses both imminent and long range opportunities and threats so far as the benefits of this monopoly to the commercial banks are concerned. The opportunities exist in that domination and control of the system of transfers by electronic impulse will be far more important and all-encompassing than even the checking account monopoly.

Accordingly, with such domination and control, commercial banks could make even more difficult the utilization by the public of the financial service offered by savings and loans. Threats flow from the fact that if savings and loan associations were permitted to participate in the system of transfer of funds by electronic impulse the demand account monopoly of the commercial banks might have less significance than the present, and competition against the dominant commercial banks could be seriously strengthened.

These factors are frankly discussed at commercial bank meetings to develop the plans for transfers by electronic impulse. An example is the automation conference in May 1971, of the American Banking Association. At this meeting, the desirability from the viewpoint of commercial banks of their total control of the funds transfer system by electronic impulses to reduce savings and loan competition both for deposits and for loans was freely discussed, as was the use of the vast information in these EDP networks by the banks for their business development purposes.

The reportedly imminent SCOPE program in California gives both specificity and perspective to what is about to happen in deposit institutional competition. SCOPE is an achronym for special committee on paperless entries. This committee has a representative from every major California bank. The same banks that are refusing to cooperate in the Transmatic Program have been conducting a concerted campaign to persuade savings and loans to use the SCOPE program. The difference, of course, is that SCOPE will be controlled by the major commercial banks in California; Transmatic would not be so controlled.

It is reported that in at least one city, a pilot program testing the most advanced stage of SCOPE is in effect. Under this program, for example, a consumer in a supermarket merely furnishes his SCOPE account number and his bank checking account is automatically debited without either cash or a check passing through his or the retailer's hands. The long term competitive implications of this are, of course, enormous. Retailers who for financial reasons cannot, or who are not permitted to, participate in such a program will be at a gross competitive disadvantage in competing for customers.

The barriers to entry to smaller banks will be substantially increased because of the enormous amount of technology and investment which may be required to join in such a setup. The inter-relationship between "competitive" banks will be all the more pervasive.

In its final projected phase, SCOPE will have an enormous effect upon the overall nature of competition in this country. It seems apparent that that effect will be anticompetitive and proconcentration. The stakes to the commercial banking establishment are enormous and it can only be assumed that no stone will be left unturned in order to accomplish the ultimate SCOPE goals.

SCOPE is the beginning in California of the checkless society. The nation is at the critical decision point of whether the commercial bank monopoly of the transfer of funds will be extended to the degree that effective deposit and lending competition by other deposit instrumentalities will be rendered even more difficult. The commercial banks in California are effectively planning on this premise to make the decision for the country.

Thus, every employer of size, even those now rated as moderately small employers, will, through its own EDP system or through that to which it is tied, deliver to a commercial bank in California for each payroll the drum with the electronic impulses which will make possible the electronic impulse transfer of the periodic payroll amount by that bank to the account of each employee in any branch of any bank. No other financial instrumentality under this plan would be permitted to receive the drum for the purpose of causing the initial transfers to be made. But the SCOPE program by the banks contemplates expanding their present monopoly one critical step further. The transfers by the first bank will be made only to commercial banking accounts, and not at all to deposit accounts in savings and loan associations. At the present time, of course, payroll checks can be and often are deposited directly into the savings and loan account.

To summarize, as of now only commercial banks are permitted to have demand deposits. This monopoly, combined with the legislative prescription that the banks receive the use of money in demand accounts free, gives to the banks an enormous competitive advantage. This advantage will be augmented by projected legislation permitting controlled interest payments on demand accounts, in effect creating a combination time-demand account to be a commercial bank monopoly by statute. Nevertheless, there is nothing to prevent any checks being deposited with a savings and loan association at this time.

Thus, as is often the case, particularly where there are two or more wage earners in a family, an entire payroll check may be deposited in a savings and loan deposit account, with or without coincidental withdrawals and transfers. This will become impossible under the SCOPE program. After SCOPE is in effect; the initial transfer of funds from the first bank will be made only to other banks. There is, of course, no functional reason why such transfers could not be made to savings and loan deposits as well as to commercial bank accounts. There is no reason that the transfer by electronic impulse from the original bank cannot be made to a savings deposit account in a savings and loan association, rather than only to a commercial bank account, except the banks' joint plan to extend their monopoly.

SCOPE is demonstrably designed to cement the banks' present monopoly and expand it further. If the program starts imminently as now projected by the banks acting in concert, the commercial banks' control of the economy, to an even greater extent than presently exists, may be substantially irreversible for a generation.

SAFETY OF U.S. AIR TRANSPORTATION SYSTEM

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. GOLDWATER. Mr. Speaker, an unfortunate and misleading impression regarding the safety and reliability of the Nation's air transportation system could very well be created, if amplified and repeated, as a result of self-serving demagoguery in some quarters of the aviation community. I am therefore compelled to set the record straight and, in this way, restore public confidence in the airplane as a safe and efficient mover of people and goods.

Comments, among others, to the effect that there is a "decreasing margin of safety" at the Nation's airports are not only irresponsible and inflammatory but, more importantly they are false. Such statements are adequately denied certainly by the U.S. air carrier safety record during the year John Shaffer has been Administrator of the Federal Aviation Administration. In this time frame, 1969 through 1971, the average annual fatalities for all carrier operations, has been 169, as compared with the yearly average of 312 during the period 1960–68.

A great deal of credit for this outstanding safety record, of course, must rightfully go to the skilled and dedicated professionals who make up the airline flight crews. But I suggest the record also indicates that those in the FAA are performing their tasks with equal dedication and skill as well—not to mention the very significant contributions of airline management or the magnificent machines they have purchased from American manufacturers.

Contrary to the impression which a few of the aviation community have been trying to create for purposes of personal aggrandizement, the FAA is not dragging its feet regarding the development and modernization of the national airports and airways system. The fact of the matter is that FAA has greatly accelerated its efforts in this area, thanks to passage of the Airport/Airway Development Act of 1970, which was sent to the Congress by President Nixon with the highest possible legislative priority.

As a result of this legislation, FAA's annual funding for facilities and equipment has increased more than three times while funds for airport development have quadrupled. FAA's fiscal year 1972 budget, for example, includes a total of $302 million for facilities and equipment as compared with an average of about $90 million per year in the decade preceding enactment of the Airport/Airway Development Act of 1970. And authorization for airport planning and development, on the other hand, is $295 million in fiscal year 1972 in comparison with an average of about $70 million annually before the legislation.

Many of the system improvements programed over the past 3 years already have been realized or are in the process of realization. Space does not permit a listing of all of these advances here, but they include the installation of new automation equipment, airport radars, control towers, instrument landing systems, and a variety of other navigation and communications equipment.

I would like to single out for special mention, however, the very great strides made in the automation program in 1971, especially in the terminal area. During the year, FAA took delivery of the first 25 automated radar terminal systems—ARTS III—which provides controllers with alphanumeric data and automatic tracking of beacon-equipped targets. Fifteen of these installations already have achieved an initial operational capability and two—Chicago O'Hare and Denver—are fully operational. In addition, FAA last May ordered 29 more ARTS III systems bringing the total number purchased to 64. All of these units are scheduled to be installed and operational by the middle of 1973 providing a safer and more efficient airport environment and considerably easing the workload on both controllers and pilots.

Some elaboration also appears in order with regard to the timetable of FAA's installation program for instrument landing systems—ILS—since this has been the subject of much negative criticism. Again, contrary to the impression which has been created, the FAA program for ILS installation is moving ahead at "flank speed." The FAA presently operates 322 ILS's at 271 airports. An additional 156 units are now coming off manufacturer production lines and delivery of this equipment is proceeding at a rate of 4 to 18 a month. Our schedule calls for all of these ILS's to be installed and operational in early 1973. Another 175 ILS's, including 87 Category II and IIIA systems, are programed through fiscal year 1978, making a total of 653 at some 520 airports. Of these, 428 will be on primary instrument runways of air carrier airports, 140 on secondary runways of air carrier airports, and 85 at general aviation airports.

On the subject of ILS's I should mention also that Mr. Shaffer has informed me the agency will let the first contracts early this year for the initial phase of the microwave ILS–MLS development program. This MLS should be ready for production by 1976, and he envisions a procurement of some 643 MLS systems in the 1976–82 time period.

There are those concerned in specialized areas of responsibility of aviation who feel that the FAA does not accord single needs sufficient attention and priority. This is a short-sighted attitude for, the FAA too, desires to move forward with all speed in the implementation not only of its ILS program but all its other hardware programs as well. In doing so, however, the FAA must squarely face the twin realities of time and resources. The aviation trust fund is a repository for moneys collected under the "user tax" schedule. It is not, as some conceive it, an open account on which the FAA can write unlimited checks, although the funds are being used as fast as they can be. Further, FAA's facilities and equipment program is continually subject to review and approval by both executive and legislative branches as a part of its overall budget request.

Moreover, as the Government agency responsible for all civil aviation, FAA horizons must of necessity be considerably broader than those of single segments of the aviation community. Where those in the private sector are free to press for special improvements, the FAA must equitably weigh the needs of all aviation interests. That agency must not only provide for the 2,600 aircraft operated by the scheduled air carriers but also for the 132,000-plus aircraft that make up the general aviation fleet. They, too, have a legitimate claim on FAA available resources.

Arbitrary and capricious statements and half-truths regarding the adequacies of the Nation's airport system may have achieved a doubtful publicity for the perpetrators. But failure to perceive, perhaps deliberately to ignore, the factors of implementation for the good of the whole, has resulted only in an unnecessary "black eye" for the entire U.S. air transportation system.

To those few dissidents, I would say only that we must never forget how very dependent aviation is upon the support of Congress and the public and the effect which needless controversy has on that support. Aviation community action, therefore, should be directed at reinforcing public confidence in the airplane as the safest and most efficient mode of transportation so that FAA Administrator John Shaffer might proceed as expeditiously as possible with the building of a national aviation system which the traveling public and U.S. commerce both deserve and must have.

As in all things, the overall picture should be carefully considered, and credit given where credit is due.

HON. ARTHUR J. GOLDBERG DECLARES CONGRESS HAS A "NEED TO KNOW"

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. MOORHEAD. Mr. Speaker, the House Foreign Operations and Government Information Subcommittee was privileged to receive testimony at our hearings this morning from the Honorable Arthur J. Goldberg, former Associate Justice of the U.S. Supreme Court, former Secretary of Labor, and former U.S. Ambassador to the United Nations.

Mr. Goldberg's testimony was part of the subcommittee's continuing review of the administration and effectiveness of the Freedom of Information Act—5 U.S.C. 552—and related subjects, such as the functions of the Federal Government's security classification system, and the extent of Executive withholding of information from the Congress.

Mr. Speaker, seldom has any congressional committee received such an eloquent and well-reasoned statement of the right of the legislative branch to have full access to information from the Executive to enable us to fulfill our constitutional responsibilities.

Mr. Goldberg said:

> I commence with the premise that there is no Constitutional justification for denying to Congress the information necessary to the performance of its duties. Under Article 2, Section 3 of the Constitution, the President is required to "give to the Congress information of the State of the Union" and both by practice and tradition this is not confined to the annual "State of the Union" message.
>
> If the people have a right to know, their representatives have a need to know. Without adequate information from the Executive Branch of government, Congress cannot appropriately perform functions entrusted to it under the Constitution. Moreover, nothing can contribute more to the weakening of Congress and to an undue concentration of power in the Executive than the Executive's recalcitrance in appropriate sharing of information with Congress.

Mr. Speaker, I am increasingly concerned over the growing reluctance of the Executive to provide essential information to the Congress that is vital in carrying out our duties. Just last week, I reported to the House—Record 8694, March 16, 1972—the circumstances leading to the invocation of so-called executive privilege by the President against our subcommittee's request for the country field submissions for Cambodia for fiscal years 1972 and 1973—similar to documents which had routinely been made available to us for many years by the Agency for International Development and as recently as last fall. Other committees of the House and Senate are also being refused documents on a fairly regular basis by administration officials, despite the written agreement of April 7, 1969, between President Nixon and our subcommitee in which he pledged "the free flow of information to the Congress and the news media" and asserted that he would follow similar agreements made by the subcommittee with his predecessors—Presidents Kennedy and Johnson—that only he, personally, would invoke executive privilege if it became necessary.

As Mr. Goldberg told the subcommittee this morning:

> It is an understatement to say that we are witnessing an increasing confrontation between the Executive and the Legislative Branches in this area. We must promptly take all necessary steps to prevent this confrontation from becoming a constitutional crisis.

Mr. Speaker, I commend Mr. Goldberg's statement to all members and include it at this point:

TESTIMONY OF ARTHUR J. GOLDBERG

My name is Arthur J. Goldberg. I consider it a privilege to respond to the invitation of Chairman Moorhead and the members of this subcommittee to testify on this matter of overriding national concern.

Having previously testified before this subcommittee on June 23, 1971, on the broad question of the problem of withholding information from the press and public generally, I would like today to confine my testimony to the question of the Executive withholding information from Congress.

I commence with the premise that there is no Constitutional justification for denying to Congress the information necessary to the performance of its duties. Under Article 2, Section 3 of the Constitution, the President is required to "give to the Congress information of the State of the Union" and both by practice and tradition this is not confined to the annual "State of the Union" message.

If the people have a *right* to know, their representatives have a *need* to know. Without adequate information from the Executive Branch of government, Congress cannot appropriately perform functions entrusted to it under the Constitution. Moreover, nothing can contribute more to the weakening of Congress and to an undue concentration of power in the Executive than the Executive's recalcitrance in appropriate sharing of information with Congress.

That vital information necessary to Congress in the performance of its duties has been and is being withheld by the Executive, no one can really challenge. Indeed, it can be argued that very often Congress receives the information it requires through "backgrounders" or "leaks" by the Executive Branch to the press rather than through an orderly and considered transmittal of information by the Executive to Congress.

This is a matter which rightly concerns this Committee which is primarily responsible for the enactment of the Freedom of Information Act. (5 U.S.C. 552.)

The Freedom of Information Act in Section 1 specifically provides that the authority of the Executive to withhold information regarding matters that are "specifically required by Executive Order to be kept secret in the interests of national defense or foreign policy . . . is not authority to withhold information from Congress."

This reservation was obviously inserted in the law to protect the right of Congress to be adequately advised, even in cases where the Executive was of the view that national defense or foreign policy necessitated secrecy insofar as the general public was concerned.

The Congressional sense of frustration in this area demonstrates the widely held view that Congress is being denied information by the Executive and, at the same time, is being asked to enact legislation and make appropriations relating to the national defense and foreign policy.

It is an understatement to say that we are witnessing an increasing confrontation between the Executive and the Legislative Branches in this area. We must promptly take all necessary steps to prevent this confrontation from becoming a constitutional crisis.

It is important, in this connection, to note that the recent Executive Order of the President, effective June 1, 1972, dealing with the classification and declassification of national security information and materials, formation to Congress and, consequently, nowhere specifically enhances the flow of information to Congress and, consequently, does not materially ameliorate the situation as it now exists.

The Executive Order itself, however, represents a step forward in protecting the public against overclassification and ensuring earlier de-classification of national security information and material, although, by my lights, it still is overly restrictive in both areas. Perhaps in this limited sense it does ensure more information to Congress as part of the public.

However, the Executive Order, which, by its terms, deals with the general right of the public to know, does not satisfy the need of Congress to have necessary information promptly available for legislative purposes. The restrictive and sweeping provisions for classification and the long time limits for declassification do not eliminate present obstacles to the furnishing of information for timely legislative consideration and action. Furthermore, vagueness of the words "grave danger to the national security" acts as an impediment rather than an inducement and authorization to the Executive to furnish appropriate information to the peoples' representatives in the Legislature as well as to the people at large.

It is my ultimate conclusion that the present system, whereby the Executive Branch itself determines the rules for disclosure of its own documents, is inherently inadequate to keep Congress informed.

It would be in order to serve this purpose for Congress to draw upon the various proposals of its members and others and lay down specific guidelines in carefully considered and well drafted legislation. I have no doubt that Congress is authorized to enact such legislation under the "Necessary and Proper" Clause of the Constitution.

It is true that Article 2, vesting the Executive power of the United States in the President, necessarily implies that certain activities he conducts, either directly or through his staff and the Executive Departments, are privileged. By the same reasoning, under Article 1, certain activities of Congress, either directly or through its staff, are also privileged.

I find it rather ironic that the Executive Branch, which strongly insists upon the President's privilege in his dealings with his own staff, should be challenging in the courts the privilege of Congress in relation to Congressional staffs. What's sauce for the goose must also be sauce for the gander.

The time is overdue for Congress to act in this area with due sensitivity for national security and for the protection of the legitimate privileges of the Executive as well as Congress' rights and responsibilities.

Our nation is a nation of laws and not men. In the public information area, except for Constitutional safeguards and the laws which this Committee, by and large, has sponsored, we have been very much a government of men and not laws. It is this reason which prompts me to urge that this Committee now address itself to the formulation of a comprehensive statute dealing with the duty and limitations of the Executive's responsibility to inform the Congress and the rights, limitations and safeguards of Congress to be informed.

I would hope that in drafting such a law, the Executive Branch and the Legislative Branch would cooperate in the interests of both and in the ultimate interest of the public both serve.

CONCERN FOR AMERICAN PRISONERS OF WAR AND MISSING IN ACTION

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. GALIFIANAKIS. Mr. Speaker, this is the week—March 21 to 27—that Presidential proclamation has designated as "A Week of Concern for Americans Who Are Prisoners of War and Missing in Action."

It was in March of 1964 that the first American was taken prisoner, and today, 8 years later we as a people still share the anguish of not knowing the fate of many of our brave men; 8 years later we still share the frustration of being unable to directly affect the conditions in which our valiant servicemen must live as prisoners in an enemy land.

I cannot be coolly logical or political on this subject, for it wrenches at my heart, angers me, and tortures my conscience as it does all of us. But our sorrow, our anger, and our guilt are worthless emotions unless they are channelled into positive action. If we harness the power of our collective feelings about these men and pull together, I have faith, I must have faith, that that power will be felt around the world, all the way to Hanoi. We have seen that adverse world opinion does affect the actions and attitudes of governments, even North Vietnam. It is a power not to be underestimated.

And yet, a week of concern must appear an inadequate gesture to many in the face of so many years of mistreatment of our men and anxiety of their families. But it says clearly, officially, unequivocably, "We care." Not just political leaders or the families directly involved, but all of us as Americans who believe that all men are God's creation, human beings with souls. What right, then, to turn these creations into objects of ridicule, to treat their lives as meaningless chips in the game of war? No right.

There must be adherence to basic human laws. These prisoners must be treated in accordance with the provisions of the Geneva Convention. We must know the names and physical condition of our men held prisoner. Our sick and wounded must be released. There must be inspections of those prisoners. We demand this at the very least.

I can think of no other single issue of more overriding importance to the people in our Nation than the lives and well-being of their husbands, brothers, fathers, sons, and fellow Americans. These are our people and they must be returned to us.

I was a strong supporter of the POW/

MIA resolution which was passed unanimously recently in the House of Representatives. It calls for placing prisoner exchange in top priority position.

That is Government language. Let me put it in the words of a child:

> Mr. Congressman, I miss my daddy. I love him more than they love him over there, so I hope you can tell them to send him home. My little brother doesn't know him yet, and I know he will like him a lot when he meets him. Can you help us?

We must never lose sight, regardless of what else we face today, of our obligation and our love for these men, and for their families.

CONGRESSIONAL INTERNS

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. PEPPER. Mr. Speaker, now that the time for congressional interns is here again, I thought my colleagues and others who read the Congressional Record would be interested in the experiences an intern had in my office last summer. The article by Diana Seutter, a senior high school student at the Oak Knoll School for Girls, Summit, N.J., and a niece of a legislative aide in my office, Mrs. Amelia Lasser, appeared in the school newspaper, Undercurrents, for March 1, 1972. The article follows:

Intern in Congress

(By Diane Suetter)

Last summer I spent several weeks as a Congressional intern in Washington, D.C. What does an intern do? I spent a lot of time typing, running errands, answering the phone, filing letters, and I loved every minute of it. I was there during the hectic days of the early wage and price controls so I know all the inside story on what was up. I saw my first news room and it really astounded me! It was a huge mass of people and papers and phones—and Noise! I even got a chance to help work on some crime legislation—even if it was only finding the sources of sixty footnotes.

Of course, it wasn't all exciting. Working hard from eight in the morning to six p.m. or later usually isn't; and of course I saw more of the typewriter and the xerox machine than anything else. What makes it exciting is that you really do feel you are contributing and plus you have the opportunity to really see how our government works.

One thing which really surprised me was the unbelievable amount of mail from the constituents. They write about things like their problems with money, or send the Congressman an article they thought would interest them, or express their views on some issue, or ask about job possibilities, even ask advice on some personal problems. It surprised me because I always thought that people never wrote to their congressman enough; but now I know they do!

Some of the interesting things interns can do are visiting embassies and attending receptions and even taking part in lectures and seminars given by eminent public figures. And, of course, you can sit in on house sessions.

Most of the interns are of college age, although some are in high school; and most of them work as interns for the entire summer. This is what I hope to do one summer during college.

As far as any money and lodging are concerned, I was a volunteer and I lived with relatives. However if you are interested in being an intern you can be put on the payroll (but it's not very much). Often the interns live together and there are parties and social activities. It's so easy to meet people because there are so many interesting people around, and yes girls, there are many college boys who will pick you up given the chance.

All in all I had a great time and I would recommend interning to anyone interested in seeing how our government works and really runs from day to day; and one who is not afraid of hard work as well as fun. You can write to your congressman and send him information about yourself, telling him why you want to become an intern and then ask for an interview. The best time to apply is now, so hurry!

LET'S GET TOUGH WITH ALLENDE

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. GROSS. Mr. Speaker, the Communist government of Chile lost little time after it came into power in embarking on a course of massive grand larceny, literally stealing the assets of American interests in that country, notably copper companies.

An excellent editorial in the current issue of Barron's magazine points up the fact that Chile's marxist dictator, Salvador Allende, like Communists everywhere, best understands the hard line, the abrupt no-nonsense attitude—especially when it is displayed by those with whom he must deal.

Chile is today bankrupt for all intents and purposes and, as the editorial says, now is the time for those bankers and governments with whom Allende must do business to get tough with him.

I include the editorial for insertion in the Record at this point:

Chile in Default: Creditors Abroad Should Take a Hard Line

(By David A. Loehwing)

For U.S. copper companies, it has been a long time since anything but bad news came out of Chile. Hence it was with a certain clenched-teeth satisfaction that officials of Kennecott Copper three weeks ago received tidings from Santiago of a decree, signed by President Salvador Allende, ordering payment of a $5.8 million installment on Chile's debt to the company. Kennecott had lent $92.9 million to help finance expansion of El Teniente, a big copper mine in which, until last year's seizure of all U.S. copper interests, it owned a 49% stake.

In signing the decree, President Allende also promised that all but $8.3 million of the balance eventually will be repaid; he plans to hold out that amount on the ground that it was "unprofitably invested," a state of affairs which means, under a new Chilean law, that it need not be repaid. The $5.8 million might have fallen into the same bottomless pit but for the timely intervention of a U.S. District Court, to which Kennecott prayed for relief after Chile defaulted on the payment December 20. The court slapped an attachment on Chilean assets in this country, including bank accounts of a half-dozen government-owned concerns, as well as that of the Chilean central bank.

Anything the copper firms manage to salvage from their once-huge investments in Chile should be considered gravy. For the Santiago regime, financially speaking at any rate, is up against the wall. It has asked foreign creditors for a stretch-out of repayments on $1.3 billion of its indebtedness, including $20 million which is overdue the Export-Import Bank. In December, a mission headed by the Chilean Ambassador to Washington held informal talks with representatives of 44 U.S. banks which hold over $200 million of the nation's debt.

At the bankers' behest, the Chileans then submitted their rescheduling plans to the Paris Club, a 16-nation group of central bankers, whch, in turn, called in the International Monetary Fund; a group of IMF experts now is in Santiago for an on-the-scene study. Another meeting of the Paris Club is set for March 30 to hear the IMF report. Meanwhile, Dr. Allende won't admit publicly that Chile can't pay its debts. Although it has the highest per-capita debt of any country in the world, the President insists that his country remains credit-worthy.

Like the escudo, which has suffered debasement perhaps a hundred times in the past decade, Dr. Allende's statements can scarcely be taken at face value. An ardent Communist, he is fond of deriding the low estate to which the dollar has been brought by U.S. "imperialism," i.e., its penchant for giving away money to countries like Chile (which got $1.3 billion in the decade of the 'Sixties). Yet the economic and social deterioration of Chile in the 16 months since Dr. Allende's left-wing coalition took office has been even more rapid than that of Cuba under Fidel Castro. Inflation is rampant, industrial production is sagging along with farm output, and consumer goods—including food—are in critically short supply.

The country is being sustained by imports, but reserves of foreign exchange are nearly exhausted; unless new credits are extended, that flow must soon stop. Traditionally gentle and law-abiding, Chileans are starting to take up arms against each other, and the army soon may be compelled to step in and restore order. In the circumstances, to help out the Allende regime would be tantamount to throwing good money after bad. In their own interests as well as those of the hapless people of Chile and the whole non-Communist world, the bankers ought to take a hard line.

All the more so in view of the record. Over the past year, the Allende regime has expropriated nearly $850 million of Yankee assets, including the huge copper mining properties of Anaconda. Kennecott and Cerro Corp. At first a facade of legality was maintained, as when Bethlehem Steel was "persuaded" to sell its iron mines for $20 million. However, when Ralston Purina's plant and that of Nibco Inc., a small valve manufacturer, were seized (Barron's, April 19, 1971), there was scant pretense that compensation would be forthcoming. In quick succession, properties of ITT, First National City Bank, Bank of America, Ford Motor and duPont were swallowed up.

Last May, the Chilean Congress adopted a Constitutional Reform giving Sr. Allende the right to take over the copper mines. Cerro lost its 70% interest in the Andina mine, worth $18.3 million, but was promised compensation. However, nothing is to be paid Kennecott for its 49% equity in El Teniente, valued at $150 million, or to Anaconda for its various properties. Dr. Allende insists that their investments have been cancelled out of $774 million in "excess profits" earned by the companies in Chile over the years. The $92.9 million debt to Kennecott, on which it filed suits in Federal Court, was acknowledged, but Dr. Allende says Anaconda's claim for $171.4 million in loans to a previous administration has been denied under terms of the Reform Act. In its 1971 annual report, Anaconda took a $302.5 million write-off on its Chilean holdings.

Like its words, Chile's bonds—or other

obligations—scarcely inspire confidence. On the contrary, as Kennecott's example suggests, the Allende regime respects nothing but legal force. The bankers should crack down, seize the Chilean government's assets abroad, and attach every pound of copper landed within their national jurisdiction. To be sure, after Anaconda got a court order freezing the bank accounts of two Chilean government-owned corporations, Santiago halted a shipment scheduled for Anaconda's refinery in Perth Amboy, N.J. Nevertheless, Chile has little choice other than to sell its copper on Free World markets. The Soviet Union has been buying Cuban sugar through barter deals; it isn't likely to pay cash for over half-billion dollars worth of unneeded copper each year in order to subsidize. Dr. Allende's experiment in democratic Communism.

In any case, the state of affairs in Chile is bound to go from bad to worse. In the classic Marxist pattern, Dr. Allende's government long since has ceased to publish economic data, as called for by its obligations to the IMF. What statistics are furnished are rigged, as when Santiago claims the rate of inflation has been cut to 18%; the figure is based on government-fixed prices for goods which can only be had on the black market.

However, before the curtain of censorship descended last August, the Central Bank's reserve assets had dropped to less than $280 million from nearly $500 million a year earlier. Authoritative sources say that recent losses have run at nearly twice last summer's pace, which would put current reserves in the neighborhood of $60 million—barely enough for two months. Foreign debts contrariwise, exceed $3 billion; the $1.3 billion which Chile seeks to reschedule are only the most pressing. Chile, in short, is bankrupt.

Not merely in dollars-and-cents, but also in political and social terms. On this score, the effects of Dr. Allende's policies have been graphically described by British reporters for The Financial Times and The Economist. Travelers arriving at the Santiago airport are besieged by black market operators seeking to buy dollars at 70 or 80 escudos each (vs the official rate of 28 to $1). The crowded night train from Santiago to Rancagua has only five or six light bulbs burning; most passengers sit in darkness. In industry, labor discipline has collapsed; many workers put in only a three-day week.

Yugoslav technicians are being imported to replace Chileans who have quit job and country. In the provinces of Cautin and Linaries, small landholders have formed vigilante bands, called the Guardia Blanca, to fight Mirista (revolutionary left) guerrillas who have been taking over farms at gunpoint. Recently about 60 Guardia Blanca men, wielding tommy guns, recaptured a farm in Cautin after a brief skirmish. The Economist calls it the opening battle in the Chilean civil war and predicts that, if it spreads, the army will be forced to take a hand. In any case, Chileans already have indicated at the polls their growing disenchantment with the Allende regime. In two recent Congressional by-elections, opposition candidates won handily. The vote was a major setback for the regime, although the Interior Ministry called it only "a strong tremor, Grade 4, but short of an earthquake."

As things are going in Chile, the tremor may soon turn into a full-scale political upheaval. Already, Dr. Allende is sweeping "democratic Communism" under the rug and resorting to more traditional and repressive methods; the leader of the opposition National Party has been indicted for "subversion and sedition." A year ago, Barron's said, "Chile is plunging hell-bent down the road to poverty and serfdom." The poverty is here and now.

SHIFTING ECONOMIC AND POLITICAL PATTERNS IN THE UNITED STATES

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. LENT. Mr. Speaker, on March 15, 1972, Herbert P. Patterson, president of the Chase Manhattan Bank, addressed the International Financial Forum in Tokyo on the shifting economic and political patterns in the United States. So that my colleagues may have the benefit of Mr. Patterson's remarks, I am enclosing them in the RECORD at this point:

THE SHIFTING ECONOMIC AND POLITICAL PATTERNS IN THE UNITED STATES

(By Herbert P. Patterson)

Good morning and welcome to Chase Manhattan's International Financial Forum.

Although this is the first time we have presented our Forum in Tokyo, Chase Manhattan is certainly no stranger to Japan. Our Chase branch bank in Tokyo is celebrating its twenty-fifth anniversary this year, and we maintain another branch in Osaka. Additionally, we share with your Mitsubishi Bank the sponsorship of the first joint-venture leasing firm to be established in Japan, Diamond Lease Co.

One of your distinguished Japanese business leaders—Chujiro Fujino—serves on our International Advisory Committee. His predecessor on the Committee was the respected Taizo Ishizaka. In fact, two years ago, the full Committee met here in Japan and it was a memorable occasion—both from the standpoint of the stimulating business discussions and of the sightseeing attractions of your lively "Expo 70."

Understandably, our bank has been following with keen interest Japan's role in recent developments on the international monetary front. Revaluation of the yen represented a substantial sacrifice for your country in the interests of worldwide cooperation.

In the recently concluded bilateral negotiations, Japan made concessions that our Treasury Secretary, John Connally, indicates may help our trade situation to the extent of $600 million a year. Both actions by your country set an outstanding example of the kind of maturity and collaborative spirit which I think is essential to the future expansion of international trade and investment that all of us seek.

We shall be talking about some of these developments today under the Forum's broad theme of "The Emerging Shape of the Seventies." Our theme was chosen deliberately because the first two years of the decade have differed sharply in some respects from the advance forecasts, and a "second look" seems appropriate. In the course of today's discussion, we plan to cover such topics as the world financial structure, the new technology, the outlook for U.S. equity markets, and the prospects for the U.S. economy generally.

I must tell you that my colleagues and I have had some concern about our presentations since reading that one of your Japanese banks has compiled a "Happiness Index," based on several factors including income, crime, paved roads and parks. This Index purports to show that the United States is a 2.53 times happier place than Japan. If our Forum presentations are to be completely candid, I'm not altogether sure we can live up to our "Happiness Index" reputation.

Some of our observations may strike you as singularly unhappy commentaries on the past or doleful forecasts of the future. This is particularly true in my own case because my assignment is to try to set the stage for subsequent presentations by assessing the shifting economic and political patterns in the United States. A difficult assignment at any time, it is especially so at the start of a presidential election year. The political oratory often tends to obscure issues rather than clarify them, and this process is already underway. So let me try, at the outset to suggest some factors that seem to me basic to any realistic assessment of the American scene.

1. Even allowing for the exaggerations of political oratory, the fact is that the public mood in the U.S. is undergoing profound changes.

2. One of these changes has been a turning inward in the U.S., as elsewhere, toward domestic problems that daily assume more and more awesome proportions.

3. Another change has been a growing recognition that even the United States, with its vast resources, cannot do everything it might like to do, all around the world, at the same time.

4. There is reason to believe that, in the 1970's, the Western industrial nations and Japan must develop a new community of interests, based on urgent domestic concerns, to replace the foreign policy concerns that bound them together in the 1950's and 1960's.

Now let me back up a bit and elaborate on each of these points.

I would suggest that there are several developments which have tended to make your country as well as my own more inward-looking. One of these is that, over the past twenty years, all our societies, in varying degree, have become more responsive to the popular will. The fact is that the man in the street is rarely interested in international affairs in the traditional sense.

Rather, he is interested in his own economic and social well-being—and he is all the more interested in these things as he gets a greater taste of them. Someone has perceptively remarked that the revolution of rising expectations might equally well be called the revolution of rising frustrations. In nearly all countries today, the decibel level of dissatisfaction with prevailing conditions is steadily mounting. The precise causes of this dissatisfaction vary, but to me the similarities of our domestic concerns are far more striking than the differences between them.

To cite the most obvious example, we in the United States have in recent years become increasingly concerned with the pollution of our air and water. More and more Americans, in fact, have come to hold that the preservation and restoration of the environment should be a primary national objective. Now the same theme is being sounded in Japan. And without extraordinarily farsighted management, I suspect that it is only a matter of time before pollution becomes a key topic in other swiftly industrializing areas of Asia.

Another complex of problems, which many of us already have in common, involves the unhappy by-products of rapid urbanization. The challenge of providing adequate housing for low-income families bedevils Singapore and Hong Kong as well as New York. The proliferation of automobiles puzzles the city fathers of Tokyo and Bangkok as well as those of Los Angeles.

Beyond all this there is the youth explosion. How do we physically accommodate these millions of youngsters who feel entitled to more education than their parents had? Having educated them, how do we find them a role in society which makes them feel like something more than interchangeable parts?

I will not prolong this list of common problems though I could easily do so. The point is that they all spur us to devote less attention to affairs outside our national boundaries.

This, as I see it, raises a crucial question. In the 1950's and 1960's, our various nations developed a strong community of interests founded on common international problems. Can we, in the 1970's, find the basis for a similar community of interests in our mutual preoccupation with domestic problems?

I don't suppose that anyone can answer that question with absolute assurance. But, clearly, the answer that ultimately emerges will do much to shape the nature of relations between your country and mine in the decade ahead. Equally clearly, it seems to me, those relations will be different from what they were in the decade behind us.

It is currently fashionable to debate whether America is lapsing into isolationism—or rather slipping into a strange new state of mind known as neo isolationism. The significant point is that almost everyone agrees that the public mood in the U.S. has altered radically—and in clearly definable ways—in recent years.

Perhaps the single most important thing to bear in mind about the U.S. is that it is a nation which over the past twenty years has suffered a series of unsettling experiences. To begin with, we have had the drive for equality for blacks—the civil rights revolution—which some say has gone too far and others not far enough. Along with this we have experienced our nation's entry into the post-industrial age, and for the first time, more Americans are now engaged in providing services than in producing goods. This fact, together with technologies that grow more complex by the day, has changed the conditions of employment in America to the point where unskilled labor may soon become obsolete. Partly because of the new demands of the labor market, more and more young Americans are staying in school longer than they used to—a factor that was one of the causes of the widespread unrest that until lately rocked American campuses.

By themselves, the developments I have outlined would be enough to shake any society. But on top of all these, we have had the Vietnam War. Whatever its merits or demerits in terms of foreign policy, the war has undeniably had a heavy impact on the domestic mood in America.

Our experience in Vietnam has raised—in the minds of many Americans—grave questions about whether the U.S. should provide manpower in the future to support those who may be unwilling or unable to support themselves. It has also raised questions about the way U.S. foreign policy has been conducted. Congress is beginning to assert its claim to a major voice in the making of foreign policy. In so doing, it is not acting simply out of pique or a lust for power. Rather, it is serving as a barometer of the national mood which is one of its proper functions.

The phrase "national mood," of course, is a vague one and the concept which it embodies is hard to describe with precision. What can be defined with some accuracy, however, are the major political forces now working upon the Congress. In the matter of foreign policy, there are several strong currents running in the U.S.—currents which although essentially different in nature, have combined in a curious and potent alliance.

On one side, we have open skepticism or outright hostility of an increasing number of intellectuals toward U.S. political and economic involvement abroad. This attitude is shared, primarily as a result of the Vietnam experience, by many of our politically active young people. This year no politician, who feels he must have a progressive image, can ignore the strong sentiments which the intellectuals and the young feel about U.S. involvement overseas. The burden of those sentiments has been summed up by Senator William Fulbright who says the U.S. must stop playing policeman to the world.

But the young and the intellectuals are not the only Americans who have become disillusioned with the U.S. role in world affairs. For considerably different reasons, many blue-collar workers and a significant segment of the business community have abandoned their onetime commitment to an activist foreign policy—or have felt encouraged to reassert their long-standing hostility to such a policy. Convinced that the rest of the world has been taking advantage of the U.S. economically, these groups have sparked both a resurgence of protectionism and a mounting outcry against the principle of foreign aid.

I do not want to overstate the case. A great many Americans are still persuaded that the U.S. should continue to play a very active role in world affairs. A great many more are capable of being so persuaded under proper conditions. But it is undeniable that the combined weight of the dissenters is already exerting a visable and powerful influence on my country's international posture.

This influence was very much in evidence during our recently concluded debate on the foreign aid appropriation. At one point, the Senate moved to kill the entire program. A Senator told me later that he might have voted in favor of the bill if he had known how badly it would be defeated. In the end, Congress agreed to an outlay of a little over $3 billion which is a billion less than President Nixon had requested.

In the matter of trade policy, the prospects seem somewhat less clear and a little more disturbing. Barring extraordinarily bad management by all our governments, I do not foresee any general return to protectionism in the U.S. But in an election year, even those Congressmen who have in the past fought staunchly for the liberalization of trade are under particular pressure from constituents who argue that their livelihoods are threatened by foreign competition. Inevitably, some of them will surrender to such pressures and support restrictive measures on products of particular interest to them. It would be less than realistic to think that the Administration itself will not be sensitive to the protectionist mood of certain segments of U.S. society. My hope is that the damage will be confined to a few very limited areas.

Given all this, what course can those who care about U.S.-Asian relations intelligently pursue during the year ahead? What longer-range course would seem to be indicated for the decade of the Seventies as a whole?

As far as political matters are concerned, much has been made in the world press of the reduction of the U.S. military presence in Asia. It is less often noted, unfortunately, that the main U.S. objective is to help defuse Asia's potential flash points, to ease tensions, and to bring about a stability that will make U.S. troops unnecessary in the Far East. Far from abdicating its international responsibilities, the United States is trying to exercise them in new and perhaps ultimately more fruitful ways that are consistent with the emerging political realities. The recent Nixon trip to Peking was an effort in this direction to build a new pattern of accommodation and coexistence.

Clearly, however, economic rather than political issues will most dramatically affect relations between the U.S. and Asia over the next year, and here some rather more specific prescriptions suggest themselves. Those of us in the U.S. who believe in a free world trading system must do all we can to preserve and strengthen the U.S. commitment to that system. But politically, as I have indicated, we will be to some extent on the defensive. For this reason, the more the nations of Asia open their markets to American products, the better off we will be in making the case for freer trade.

From the perspective of the entire decade, there is another vital factor to consider. Virtually every knowledgeable observer of American politics agrees that in the years ahead, the total amount of U.S. foreign aid—both military and economic—will diminish significantly.

For the developing countries, this will mean that if they hope to employ U.S. capital in the development of their economies, they will have to rely far more than they have in the past upon U.S. private investment. In my judgment, it would be wrong to regard this as an adverse development. My experience has been that, in many fields, private foreign investment is more beneficial to a developing country than government aid. That is why I have been especially distressed to see the self-defeating treatment accorded foreign investors in places such as Chile, Peru and Zambia which so urgently need outside investment.

Great possibilities for progress through private foreign investment exist in Asia. Singapore with its imaginative programs to attract foreign capital, has already demonstrated that. So has Hong Kong. And Indonesia, in my estimation, is now in the process of demonstrating it again. But as these experiences underscore, such progress cannot occur if foreign trade and investment are unduly restricted or if foreign investors have reason to be uneasy about the security of their investments.

Not long ago on the streets of New York, I was exposed to a thought-provoking sight—a Toyota Corona whose rear window bore an American flag decal. As you may know, decorating one's car with the American flag has a particular symbolism in the U.S., reflecting a belief that we should start paying more attention to our own interests and stop using our resources overseas. Yet, while he presumably held all these sentiments, the owner of that Toyota clearly felt that his personal interest was best served by buying a Japanese-made automobile.

As I watched the Toyota disappear down the street, it struck me that this was a fascinating vignette of the problem we face. Americans, by and large, subscribe to the principles of free trade—provided everybody plays by the same groundrules. But they dislike being taken advantage of. In the past, for example, they have been generally sympathetic to the argument that "infant industries" abroad need time and protection to develop their competitive strengths. However, fifteen or twenty years later, when they see the same infants still calling for a special formula, they tend to react with resentment and to feel that their self-interest is in jeopardy. Much as I would hate to see it happen, I'm afraid that unless a good many Americans sense that other nations are cooperating in the solution to economic problems, we may reach a point where the fellow I mentioned will remove his decal from the Toyota and attach it to an American compact instead.

None of us want this to happen, so we in the United States and you in Asia must search for a community of interest based on our domestic preoccupations. Virtually all of those preoccupations are in some sense economic. I am profoundly convinced that in many areas, private investment is the most effective instrument there is for meeting economic needs. Thus, in the development of a new matrix of mutual interests between the U.S. and Asia, I believe that decisions which are essentially economic and which relate directly to the nature of the international economy we hope to construct, will be of crucial importance. And those decisions rest as much in Asian hands as in American hands.

A TRIBUTE TO A DEDICATED MAN

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. KEITH. Mr. Speaker, it is with a great deal of reverence that I mention the name Bruce Kempton Jerauld. Bruce Jerauld has recently retired as the treasurer for Barnstable County—Cape Cod, after serving for over 40 years in a capacity that has seen the area go from a rural community to one of the most rapidly growing counties in the country.

I cannot begin to describe Bruce Jerauld's dedication to his job; how he began with his wife serving as a part-time clerk; how he worked weekends and holidays and of his undying interest in the progress of Barnstable County. His honesty—beyond question—is such that we should all strive for.

I am proud that I can call Bruce Jerauld a good friend. We have worked together both professionally and on a personal level, and I have learned a great deal from him. He has helped his constituency faithfully and those of us in the area owe him a debt of gratitude. An indication, perhaps, of how much this man is admired, was the attendance at a recent testimonial dinner for him. Hundreds of people from southern Massachusetts attended.

Mr. Speaker, I could talk about Bruce Jerauld at some length, however, an article about him written by an old and dear friend of mine, Francis I. Broadhurst—an interloper who has become a Cape Codder—is most descriptive and would be good reading for my colleagues.

The article follows:

BRUCE KEMPTON JERAULD

Had anyone told Cap'n Ensign Curtis Jerauld at the turn of the century that his children would devote more than 100 years to service in Barnstable County Government, the skipper of the Barnstable trap fishermen might have considered the thought amusing.

But it has happened on Cape Cod in which the year 1972 brings to a close a half century the name "Jerauld" figured prominently in county affairs.

Bruce K. Jerauld has submitted his resignation as treasurer of Barnstable County to the county commissioners, effective Feb. 29. Though he has offered to stay on longer, if necessary, to break in his replacement, his resignation marks the end of a 42-year career for Mr. Jerauld who will be 82 July 7.

His sister, Myra Jerauld, retired several years ago as assistant register of probate for Barnstable County after 51 years with the county; and she was succeeded by their youngest sister, Annabel Jerauld Trayser, who retired last year after serving the county for 26 years.

Together, the three Jeraulds—Bruce, Myra, and Annabel—piled up 119 years of dedicated service to the people of Cape Cod. It is quite a record.

A story on the whole family would make fascinating reading; but this one will be limited to Bruce, the county treasurer. I have known Mr. Jerauld since I first came here and was assigned to cover the courthouse for the Cape Cod daily. When the county commissioners asked me if I would write a story on his retirement, I felt honored because Mr. Jerauld, to me, epitomizes the ideal public servant.

Where does one begin writing a story about a man like Bruce Kempton Jerauld? With his schooling? Barnstable High School, 1908; Pratt Institute, Brooklyn, N.Y. 1910. He studied to be an engineer. He came back to Cape Cod in 1917 to work at the once prosperous (now defunct) Keith Car Works in Sagamore.

"Oh I had no particular title," is his modest recollection. "I worked for and with the manager of the works. I was his "handyman" just doing whatever he wanted me to do; just one of the assistants."

He admits reluctantly that all of the paperwork for the freight car manufacturing firm had to cross his desk first, but he shrugs that off reminding one that "It didn't mean that I had any authority. I didn't." And Mr. Jerauld is so much the courtly, quiet mannered gentleman that one does not dispute him.

We could also start the story of Bruce Jerauld by telling of his marriage on Oct. 28, 1914—a wonderful marriage that spanned 51 years—to Jennie Lucile Thayer, Milwaukee born, but with familialties to Cape Cod. Her grandfather was John Otis Thayer.

Bruce's beloved Lucile died in 1965, but she left him four sons: Bruce Kempton Jr., who works for the sheriff's department; Frederick Thayer, a Manomet businessman; Gordon Otis of North Palm Beach, Fla., an engineer; and Commander Philip Eldredge Jerauld, chaplain, U.S. Navy. Cmdr. Jerauld was the Episcopal minister whose prayer, offered on the deck of the aircraft carrier Iwo Jima welcoming our astronauts back to earth from their moon landing, went around the globe on television.

It was an occasion of quiet pride for his father. "You know," he said, "Philip has had requests for that prayer from all over the world."

Another approach to the kind of man Bruce Jerauld is, would be to tell about his civic involvement—treasurer of Barnstable Unitarian Church for 25 years; two terms as temporary treasurer of Barnstable Fire District; member of Barnstable Comedy Club since 1927, president four years, treasurer for ten, still an active member in the Cape's oldest amateur theatrical club.

But this is all part of the personal, the private side of Bruce Jerauld. His most outstanding contribution has been as a public man, quietly and effectively administering to the complex fiscal affairs of Barnstable County.

He was first appointed to the county treasurer's post on April 23, 1930, to fill the unexpired term of Alexander Stewart of Hyannis. He was appointed by County Commissioners Benjamin Bourne of Bourne, Milton Leonard of Osterville and Joshua Nickerson of Chatham.

Mr. Jerauld stood for election the following November after being nominated by the Republican Party the preceding July. He had no opposition for election. That phenomena was to occur for the rest of his career. No candidate ever opposed Bruce Jerauld in either a primary or a general election. He did his job too well.

When he began his public career in the Village of Barnstable, (where he lives to this day in a modest, cedar-shingled Cape half-house) Cape Cod was a rustic, albeit historic, outpost.

"I've lived and seen this town develop from horse-and-buggy days to the space-age. I can recall when Main Street was nothing but a sand road which turned into a sea of muck when the frost came out of the ground each spring. There was no water, no electric lights. The telephone was just coming in. There was no radio, no automobile, no snowplows, men shoveled out the street by hand in winter."

Mr. Jerauld saw the beginning of the tourist industry and the decline of farming, fishing, and manufacturing as the base of Cape Cod's economy.

His annual salary when he assumed the county treasurer's post was $936 and his staff consisted of his wife, Lucile, as a part-time clerk. Her salary was $95 for the first year she worked. ("She stayed on 'til 1933 when they gave me a full-time clerk.")

The total county budget was $366,748 in 1930. There were only a handful of county employees then and the county facilities were limited. In Barnstable Village there was the one granite courthouse building housing superior, probate and first district courts, the registry of deeds and most of the county offices.

There was a small jail and house of correction on the site which also housed the State Police contingent. Barnstable County Hospital in Pocasset, today a million dollar operation with a child guidance clinic and an alcoholism clinic in addition to the regular 82-bed hospital facility, was a small TB sanatorium in those days with an operating budget of $50,000.

Second District Court was only a part-time court when Mr. Jerauld took office, and it operated out of rented quarters.

Today, Mr. Jerauld has a staff of eight, including an assistant treasurer. The county, with 326 full and part-time employees, has become one of Cape Cod's major employers; and it had an operating budget in 1971 of just under four-and-a-half million dollars.

During his tenure of almost 42 years, Mr. Jerauld has seen the county's physical plant more than triple; its budget increase 12 times the size it was in 1930.

By virtue of being county treasurer, Mr. Jerauld is treasurer of the Barnstable County Retirement System which covers all municipal employees on Cape Cod and the Island of Nantucket. Only the town of Falmouth is not included. Mr. Jerauld regards this system with a great deal of professional pride.

"When I took office," he said, "the assets of the County Retirement System were only a few hundred dollars in a savings bank. Today they are approximately $6 million. And this is a very important part of my job."

In his handling of the county's finances, Mr. Jerauld has exhibited an uncanny ability for ferreting out the lowest possible interest rates when it comes time to borrow money; but when he has to invest county money, he invariably gets the best return.

When you ask him about it, he shrugs it off and comments that the law spells out that he must limit his investments to government bonds, certain banks and certain cooperative stocks. But those who have watched him work over the years will tell you that Bruce Jerauld has developed the art of finding the best investments without fail.

"I will do a little boasting," he told me. "Since we started our latest building program, we have taken in approximately $350,000 in investments. When we borrow money for building construction, we don't have to spend it all at once. We can take part of it that isn't committed and invest it. That's by statute."

And this is a refrain which you will often hear from Bruce Jerauld: "That's by statute". The law has been the Bible for this public servant for 42 years and he has made a practice of never bending it, twisting it or stretching it.

"When it comes to disbursing the public's money," he said, "you can have no friends. There is only the law, the statutes. A treasurer's duties are to collect the money due the county and to disburse it according to the statute. There is a multitude of work in that short sentence; but that's it, pure and simple."

Bruce Jerauld's successor, who will be appointed to fill out his term by vote to the county commissioners will come into office at the same salary Mr. Jerauld receives today—$14,782 annually.

To this successor Mr. Jerauld imparts this

> bit of advice: "He or she should never be afraid to work on holidays, Saturdays or Sundays. Whoever gets this job has a full-time job on his hands. It is going to require all the time a man can give."
>
> This has been Bruce K. Jerauld's credo for 42 years and he has given his time unsparingly. It is the credo of a man for whom public service has not been a way to make a living, but a dedicated way of life.

URBAN REHABILITATION ACT

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. WALDIE. Mr. Speaker, 6 million substandard housing units are currently in use—700,000 of these in California alone—and the rate of abandonment in New York City exceeds the rate of housing production.

When we consider the present housing shortages for low- and middle-income families across our Nation, and the realistic expectations for housing production—it appears very clear that unsafe, dilapidated inner-city dwellings will remain the only homes for millions of Americans for sometime to come.

To date national housing efforts have focused primarily on the production of new housing, while neglecting thousands of soundly constructed buildings which are abandoned annually because of bad plumbing, wiring, heating, or rats.

I am introducing a bill which is designed to improve the living conditions of people now occupying substandard deteriorated buildings.

Essentially, this bill permits landlords and owner-occupants of single and multifamily units to refinance their mortgages over longer term periods at lower rates for the purpose of securing additional funds for basic housing repairs and improvements.

This bill would provide the means to make needed repairs and improvements, without increasing the monthly debt service payments—which is the major economic factor in housing deterioration in the inner city—the residents cannot afford to spend money on their property because all elements of housing costs—financing, maintenance, operation, and property taxes—have been rising at an alarming rate over the past decade.

The key to this housing program is the provision of FHA guarantees to assure the availability of building improvement loans in low- and moderate-income areas. The guarantee will both assure availability of such loans and reduce the interest rate charge for such loans.

In addition, the combination of FHA guarantee and Federal administrative assistance to assure buildings are properly maintained, will enable lenders to charge lower interest rates.

It is essential to the future of our cities—in order to combat housing abandonment and neighborhood decay—that we provide means for stabilizing existing housing units at a modest cost while continuing present housing production efforts.

I believe this bill can enable us to accomplish our goal—providing and enhancing housing for many low- and middle-income Americans.

SUFFER, LITTLE CHILDREN

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. BRAY. Mr. Speaker, the welfare demonstration scheduled for this coming Saturday in Washington has overtones of the Pied Piper of Hamelin legend. There are some variations, however. This time, the rats will be leading the children.

It was truly shocking to read the following, which appeared in the Wednesday, March 22, Washington, D.C. Post:

> A cartoon of President Nixon appearing with hungry children and captioned 'Nixon Dosen't (sic) Care,' is being distributed by teachers this week in all Washington elementary schools as part of organizing efforts for a demonstration here Saturday against administration welfare policies.

Newspaper stories make it quite clear this is done with full knowledge and approval of the District of Columbia school board. The District of Columbia Superintendent of Schools has instructed principals and teachers to distribute literature prepared by the organizers of the event. I must add, however that one Board member has said the literature is propaganda, and said:

> It is sinful to use children, especially in the elementary schools, for political exploitation.

Around 20,000 leaflets have been distributed through the Washington school mail service. One of them begins with the declaration:

> Youth and children suffer. Voiceless, unorganized, and legally subhuman, they have suffered quietly.

There has been a tremendous amount of totally irresponsible demagoguery connected with the pending welfare measure. It has turned into a cynical bidding match. The measure as it now stands provides a guaranteed income of $2,400 for a family of four; but the marchers will be demanding an increase to $6,500.

The beginning to the leaflet that I quoted above, and the cynical and callous attempt to utilize District of Columbia schoolchildren—down to and including kindergarten level—for this demonstration may give some the impression that the District of Columbia is a special stepchild of the American Republic. The usual story and complaint is that the District and all its inhabitants are condemned to a poverty-stricken, hand-to-mouth existence, because a greedy and stingy Congress will not provide the money needed. Nothing could be further from the truth.

The truth is that the District of Columbia is at or near the top of all U.S. cities of comparable size—500,000 to 1 million—in almost every financial category a person could name. As pointed out last November in a report from the House Committee on the District of Columbia on the District of Columbia Revenue Act of 1971, Washington stands No. 1 in the following categories: Total city budget; general city expenditures; total expenditures for common functions; per capita common functions expenditures; police, sewage, parks, and recreation; number of police per 1,000 population; per capita costs for police; per capita tax spending; operating costs per pupil in public schools; percent of population employed by local government; total number of city government employees; personal income per capita, $5,519.

But on taxes, for estimated tax burden for major taxes, for a family of four, in the Nation's 25 largest cities in 1970—and this means income, real estate, and sales taxes—Washington's rank is: No. 19 on $5,000 income; No. 18 on $7,500 income; No. 15 on $10,000 income; No. 14 on $15,000 income; No. 13 on $20,000 income; No. 12 on $25,000 income.

The report also quotes testimony from one member who, it points out, has supported the District almost 100 percent in its revenue requests:

> Officials may "poor mouth" at budget times but they have obtained Federal funds for many new programs and have vastly expanded parks and pools programs, three low-tuition institutes for higher education where there was recently only one, and the cooperation of the expanded Capitol police, and the newly created executive police. City residents also enjoy the federally supported Howard University, the Federal extension service, land grant status for the Federal City College, free programs and concerts and other entertainments and direct access to museums and other attractions that others travel many miles to see. I know of no major District program that has ever been cut back from one year to the next. Nor do I know of any time when District officials have seen fit to drop an old and marginally productive program in order to have the funds for something new that it is seeking.

No—Congress has not played Scrooge with the District, in spite of attempts by demagogs to make it look that way.

AMOUNT OF INCOME DISCLOSED

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. HUNGATE. Mr. Speaker, in accord with my regular practice since coming to Congress, I again disclose my income as shown by my most recent income tax return for the year 1971, due and filed in the year 1972.

My joint personal income tax return, form 1040, line 12, shows my congressional salary of $42,500. Lines 14 and 15 list other income of $2,073 for a total income on line 16 of $44,573. Less line 17, adjustment for allowed congressional living expenses attending Congress in Washington, D.C., $3,000, adjust gross income, line 18, is $41,573.

Itemized deductions, form 1040, part IV, line 47, are $5,452, consisting primarily of State and local taxes, real estate and personal property taxes of $2,466.69, interest payments of $1,587.08, and charitable contributions of $781.50.

The total income tax and surtax, form 1040, line 21, is $9,450, plus a self-employment tax of $76 from line 22, form 1040. The total tax, form 1040, line 23, is $9,616. The total Federal income tax withheld, line 24, form 1040, is $8,885.71, plus 1971 estimated tax payments, line 25, $502.16.

Total payments are $9,388 as indicated on line 27, form 1040. This leaves a balance paid with the return of $228.

The principal sources of income, aside from congressional salary, were interest on savings and loan deposits, U.S. Treasury note, executor commission, and lecturer fees in excess of expenses incurred in connection therewith.

Neither my wife nor I own any stocks or bonds.

Campaign funds raised for me are handled by committees and held in trust so that I have no direct control over such funds.

INNOVATIVE EDUCATIONAL PROGRAMS IN ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. BEGICH. Mr. Speaker, there is a great deal of talk about the quality of education being provided our young people today. Unfortunately, however, there are many more complaints than suggestions by those outside the educational system, and more promises than action by those responsible for the level of educational opportunity available in this country.

For the benefit of all to see, I would like to include in the RECORD at this time, information on two projects ongoing in Alaska that speak well for educational administrators and communities alike, who are seeking alternatives to improve the quality of education for the students of our State.

Stanley L. Bippus, superintendent of the Craig City School District feels that schools cannot be immune from their responsibility to both students and their parents. Mr. Bippus also believes that graduating high school students are often unprepared to meet even the simplest demands of adult life. The following article which appeared in the Department of Education Alaska Newsletter tells of this innovative program.

Dan Turner, superintendent of Alaska's Dillingham City Schools, made it possible for high school students to participate in a foreign studies project to encourage students to continue their education after graduation. Forty-seven high school students from various parts of Alaska are now in Japan on such a program. A recent article in the Anchorage Daily Times gives us a closer look at this project.

The articles follow:

INNOVATIVE EDUCATION

Of all the currently talked about innovations in secondary education, few have been seriously attempted in Alaska, although we have one of the least restrictive administrative manuals of any state.

Conversations with principals and visits to various schools have revealed a few Alaskan high school classes, teachers and programs which vary from the old monotonous six-period, two-semester, teacher lecture approach. Among the examples we might mention are: the Phase Elective English programs; the Dimond on-the-job intern plan, Seldovia's study packages; Dillingham's aviation and Japan study programs; and Juneau's Community College Project Career's individualized program. For this article I would like to explain more about the exciting happenings which are going on at the Prince of Wales High School in Craig, under the imaginative guidance of Superintendent Stan Bippus who is, incidently also the town mayor.

Let us look at the key programs which Craig is offering (and planning to offer). They include 3-week mini-courses for grades 9–12 and student travel and exchange programs with Texas, Colorado, California; independent study by contract; and schoolwide, one-week projects. In the planning stages are graduation by approved programs and accountability contracting.

Most mini-courses meet for one hour per day for fifteen days. Some last all day, such as vocational and travel programs. One-hour mini-courses are worth 1/12 credit when completed. Additional credit is given for the more intensive courses.

Extensive use is made of community resource persons and interested staff members, as well as students, to teach these courses. Example of successful courses taught in this manner this year include water skiing and scuba diving, halibut hook carving, macrame, welding, archery, piano, sex education and a host of other subjects. A course will be offered on any topic which four or more students request. To facilitate using community teachers, courses may be offered at night or on Saturdays.

There are four 18-week courses: algebra, geometry, bookkeeping and aviation ground school; hopefully the math programs can eventually be broken down into smaller "bites."

Grades are not given, but pass, fail and honors are used. This is similar to the method at Marion High in Everett, Washington, to which Craig has sent a teacher-observer to study their system of continuous progress. Scheduling is still on a trial basis and some criteria are being developed for the future. For example, a social studies mini-course will be mandatory every other session, and for junior high students, one language arts course each session. The Craig plan borrows some of the NASSP Model Schools ideas, modifies them to be mini-courses and the local situation.

Teachers and staff are not overly concerned about students having free and independent study time, but there is some community feeling that the time should be fully controlled by the school. Students may not enroll in or drop courses without parental approval. Students who drop classes must sign an acknowledgment that their graduation may be delayed.

The travel programs can be related to work-experience and job study, or can encompass enrollment in another, more traditional, school district program. Travel can be planned with parental travel and vacation, with or without credit. By timing these with mini-sessions, no one has anything to "make up" when they return in 3 to 6 weeks.

The one-week schoolwide projects which have been carried out so far include an environmental study with course work, house painting, clean-up projects, etc., and a landscaping project for the school grounds. Extensive support from the U.S. Forest Service and the community was used.

One of the factors to be kept in mind concerning the Craig program, with its upgraded elementary basic programs approach, its mini-sessions, its community involvement and its other innovations, is that it is done within the normal school financial support program. Craig administrators are not saying, "If we just had the money to . . ." They have gone ahead, planned and implemented their program. The Craig City School District is to be highly congratulated for its progress, initiative and leadership.

ALASKAN STUDENTS PREPARE FOR DEPARTURE TO JAPAN

Forty-seven high school students from various parts of the state are in Anchorage today preparing to leave Friday for a semester of study in Japan.

The students, including 11 from the state boarding home program, 13 from state-operated schools and 23 from the Dillingham city schools, have spent the last two months in Dillingham taking basic University of Alaska subjects—and a Japanese language course—in preparation for the trip.

They arrived in Anchorage yesterday, and will depart for Tokyo Friday via Fairbanks.

While in Japan they will spend about a week in Tokyo and Nagoya in orientation sessions.

The group will then divide into three parts, with each group rotating between Nagoya, Kyoto and Hiroshima for two weeks at a time.

On May 1, the entire delegation will congregate in Tokyo for a week before returning to Fairbanks May 5.

The students participating in the trip were chosen by fellow students and teachers on the basis of scholarship and citizenship.

All of them were eligible for graduation at the end of the first semester. They will emerge from the foreign studies project with from nine to 12 hours of college credit from the University of Alaska.

Eight boarding home students who attended Anchorage schools last semester are among the travelers.

They are Ruthie Ramoth of Selawick and Lena Oksoktaruk of White Mountain, both East students; Joe Stats of Chevak and Edith Oktollik of Point Hope, both Dimond students; Percy Douglas of Shungnak and Bessie Philips of Kongiganak, Service Students, and Lou Williams of Mekoryuk and Anna Hanson of Alakanuk, West students.

The foreign studies project was begun last year by Dan Turner, superintendent of Dillingham city schools, as an experiment to encourage students to continue studying following high school graduation.

Last year 27 Dillingham students made the trip, and all of them are continuing their studies, two in foreign schools and 17 at the University of Alaska.

Robert Hall of Anchorage and Dillingham is directing the tour.

Hall said the Dillingham School District, the State Operated School System, the Boarding Home program, and the Bureau of Indian Affairs are all helping to pay for the venture.

The state already pays room, board and tuition for a number of the students, and gives grants to the school district to pay for others.

The cost is "not a great deal different than if we all stayed home," Hall said.

Six University of Alaska students, four of whom made the trip last year, are joining the tour as counselors and group leaders. Seven other adults will also make the trip, Hall said.

WHAT IS AN AMERICAN—AN EDITORIAL

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. GOODLING. Mr. Speaker, just recently I had the privilege of attending a ceremony at the Pentagon at which Col. John E. Bex, USAFR, a constituent of mine from Mechanicsburg, Pa., was named a winner of a Valley Forge Patriots Award.

The award was presented on the basis of an editorial entitled "What Is an American," and Bex was selected for the award by the 1971 national awards jury of Freedom Foundation.

Colonel Bex currently is serving as Federal civil defense director for region II, operating out of the Office of Civil Defense in Olney, Md. Gov. John E. Davis, of North Dakota, National Director of Civil Defense, Department of the Army, made the award to Bex in his office at the Pentagon on behalf of the Freedom Foundation.

I am, indeed, proud that a constituent of mine was honored with such an award. Because Colonel Bex's editorial was extremely well written and pointed out that there are many unique qualities associated with an American, I insert his editorial into the CONGRESSIONAL RECORD and commend it to the attention of my colleagues:

WHAT IS AN AMERICAN

(By Col. John E. Bex, USAFR)

When America was just beginning, the people of the entire civilized world already began to ask, What is an American? The resounding answer soon came in the form of men like Benjamin Franklin and George Washington. An American was bold, inventive, pioneering, resolute, freedom-loving. It was he who raised the banner of freedom for the whole world to follow. His form of government, founded on a constitution combining the maximum amount of freedom with responsibility, justice with restraint, human dignity with human obligations, set the world standard for creative and enterprising democracy.

In the 19th century, the answer was further enriched when America began to produce artists and scientists of world stature; men like Whitman and Mark Twain, Edison and Wolcott Gibbs. An American was, at the same time, a true humanitarian, a man moved above all by a high moral purpose, who could give his life for a sacred cause. He was a man like Abraham Lincoln.

The answer has grown richer and more complex down through the years.

Yes, an American is materialistic, in the very best sense of the word, in wanting and being willing to work hard for the best and most beautiful things for himself and his family and to lend a helping hand to people in the rest of the world who are willing to help themselves to get these things too. Yet no one has been more steadily devoted to spiritual values, since he sees material goods as a sound foundation for things of the spirit.

He is the sort of man who built the greatest, most creative industrial power on earth, and, at the same time, has so loved the beauties of nature that he created the largest system of national and state parks in the world.

He has the pioneering spirit in his blood. He believes it is possible to combine the best of the old fashioned virtues of honesty, diligence, earnestness, and enthusiasm with the best modern ideas and skills.

He is a person who won for himself some of the finest and most beautiful land anywhere on the surface of the globe and then welcomed millions of newcomers to share this heritage with him.

No one is fundamentally more peace-loving than he and yet more willing to fight the good fight to defend his highest ideas. People everywhere know that, depending on whether they are for or against the cause of freedom, the American will be a loyal friend or a determined enemy.

But in the last analysis, "what is an American?" cannot be fully defined, since he hasn't yet found any inherent limitations. As Anne Morrow Lindbergh put it: "America, which has the most glorious present still existing in the world today, hardly stops to enjoy it, in her insatiable appetite for the future."

Americans are perhaps the first people in human history to have real faith in progress without limitation and to live and work in that faith. What's past is prologue.

DECREASE IN CRIME IN MOBILE, ALA.

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. EDWARDS of Alabama. Mr. Speaker, I have learned that the Mobile, Ala., Police Department has experienced a sharp decline in overall crime categories for the past 3 consecutive months, December, January, and February. The Mobile Police Department and Mayor-Police Commissioner Robert B. Doyle, Jr., deserve the commendation of this body for the fine work which has brought about this result.

Figures compiled by the planning division of the Mobile Police Department show that for the first 2 months of the year, as compared with figures for the first 2 months of 1971, major crime categories were down 20.8 percent, minor crime categories were down 23.1 percent and overall crime in the city was down 21.3 percent.

For January of this year compared to January of last year, major crime was down 26.9 percent, minor crime was down 18.5 percent and overall crime was down 25.1 percent.

For the entire 12-month period of 1971 compared to that same period for 1970, major crime was down 3.6 perecnt, minor crime was down 8.1 percent, and overall crime was down 4.6 percent.

The figures were compiled by the planning division of the Mobile Police Department.

I should also note the fine work of Mobile District Attorney Charles R. "Randy" Butler and his staff, whose aggressive prosecution of criminals is no doubt related to these figures. And I also recognize the innovative Turn In a Pusher—TIP—program, which I understand is producing good results in the area of drug abuse prevention.

I am proud of all this effort against crime in my hometown, Mobile, Ala.

FALSE SECURITY—PENSION REFORM

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. HILLIS. Mr. Speaker, pension reform is an area of prime legislative concern to me and the residents of Indiana's Fifth Congressional District. Every week I learn of another constituent who will not be able to collect his pension for one reason or another, and this has prompted me to become active in this area.

Recently the Wall Street Journal ran a very informative article on pension funds, citing reasons for enacting protective legislation in this area. I am submitting this article for the study of my colleagues, in the hopes this Congress will be able to enact pension reform legislation before adjourning this year.

The article follows:

FALSE SECURITY: UNION MEN, WORKERS WORRY ABOUT SAFETY OF THEIR PENSION FUNDS—CRITICS ASSERT SOME FIRMS RISK EMPLOYEE'S BENEFITS FOR THEIR CORPORATE USE—PROPOSALS FROM SENATOR JAVITS

(By Michael K. Drafkin)

Item: A financially ailing company tries to borrow $1.25 million from a subsidiary's pension pool for use as operating capital.

Item: Another company has a policy of investing more than half its pension fund's assets in the company's own common stock and in the real estate of a company subsidiary.

Item: Yet another firm routinely dips into its pension funds for cash to make acquisitions.

Item: A retailer uses its profit-sharing fund as a "bank" to make mortgage loans to companies in which the retailer's top officers hold interests.

Does *your* company put its own interests ahead of the interests of its pension-fund beneficiaries, sometimes at considerable risk to these beneficiaries? Probably not. Observers say many, if not most, corporate pension funds are carefully managed and conservatively invested. Nevertheless, the question of pension safety is currently nagging numerous union officials, congressional investigators and government experts.

"It's not a question of illegal acts," says Gilbert Feldman, an attorney for the United Steelworkers in Chicago, Mr. Feldman, who has recently been involved in one tangled pension case, adds: "It's a question of the sly manipulation of trust money by those who have the investment authority."

Such alleged manipulations, critics contend, points up the lack of real controls over the investment of pension-fund money. Certainly, a sizable amount of money is involved: The nation's private pension plans currently control an estimated $130 billion of assets, and it's estimated that this total will swell to $214 billion by 1980.

MINIMUM STANDARDS

In order to institute further controls over the investment of pension-fund money, Sen. Jacob Javits (R., N.Y.) has introduced a bill to set certain minimum standards for the funding of pensions and the vesting of benefits. The Javits bill, which would require that a sufficient amount of money be set aside to cover promised benefits, would also set up a federal program to insure pensions; it would further establish machinery to provide workers with "portable" pensions that couldn't be negated in the case of a job switch.

The portability of pensions under the Javits bill would depend on whether enough employers voluntarily agreed to such a program. On a nonvoluntary basis, however, the bill would set rules of conduct pertaining to "fiduciary responsibility" for those officials who administer the funds. Such rules would sharply restrict pension trustees' freedom to involve fund money in transactions related to the parent company.

Sen. Javits' proposed legislation is pending in the Senate Labor Subcommittee, and its fate is uncertain. The Senator, meanwhile, argues that the absence of pension controls permits money meant for retirement benefits to find its way into sometimes-risky situations or into uses that primarily further corporate aims.

PROBLEM OF UNDERFUNDING

Besides risky investments, a major problem of pension-fund administration is underfunding. Many companies have huge unfunded pension liabilities—millions of dollars worth of pension credits accrued by employes for which little or no money has been set aside.

Among such concerns is Western Union Telegraph Co. (principal subsidiary of Western Union Corp.), which has $365 million in unfunded liabilities covered by only $50 million in fund assets. The company however, says this disparity would present a problem only in the event of termination of the pension plan, such as might occur if Western Union went out of business.

According to Gerald P. Kent, Western Union Telegraph's vice president-employe relations, the gradual covering of the company's unfunded liabilities over a 40-year period (as has been suggested to Sen. Javits by the accounting profession) would cost Western Union $3.8 million a year. Mr. Kent adds that the company's current practice is to set aside a sufficient amount of money to cover annual pension costs and to pay into the fund an amount of interest equal to the amount the unfunded liabilities would have earned. Western Union management, Mr. Kent says, can better use $3.8 million annually to "strengthen the company"—and thereby to prevent its termination—rather than to lighten its liability load.

TEMPTING POOLS OF MONEY

Fully funded or not, pension funds can be strapped for cash. A recent case in point involved the $15-million pension fund of Kokomo, Ind.'s Continental Steel Corp., which came under the control of Penn-Dixie Cement Corp. in early 1969.

About a year after it acquired control of Continental Steel, Penn-Dixie came under severe financial pressure. Earnings in 1970 had plunged 89% from a year earlier, and a half-million-dollar loss loomed in the 1971 first quarter. Cash dividends had been suspended for nearly a year. More than $7 million in short-term bank debt was coming due in September.

In January 1971, Continental Steel asked Continental Illinois National Bank & Trust Co., the trustee of Continental Steel's pension fund, to consider a short-term working capital loan, amounting to $1.25 million, to Penn-Dixie from the fund. The request was denied. Less than a month later, the Continental Steel Investment Council, whose members were Jerome Castle, chairman and president of Penn-Dixie, and two associates, directed the bank to make the loan. The bank refused.

But Penn-Dixie was persistent. It then proposed to amend the trust agreement between the steel company and the bank to provide that three individuals could be named fund trustees—thereby abrogating the requirement that only a bank or trust-company employe could be appointed. The proposed amendment, which required Continental Bank approval, further stated that trustees "are authorized from time to time to invest and reinvest the fund in any property of any kind without regard for any law prescribing or limiting the investment powers of fiduciaries."

Continental Bank balked. And two months later, the bank was notified by Continental Steel of its removal as trustee. Meanwhile, the United Steelworkers union got wind of the steel company's proposals and filed suit in a Cook County's circuit court to block the switch and the loan.

Officials of both Penn-Dixie and Continental refuse to discuss their various negotiations. However, testimony last year at a court hearing on the union's suit showed that Penn-Dixie needed the fund's money. At the time of the loan request, Penn-Dixie was in technical default on some of its loans, and bank officials doubted that the company could internally generate sufficient cash to meet its debt-service requirements. John L. Finnerty, the bank's trust officer, said he sought a guarantee from Penn-Dixie's Mr. Castle (who is also chairman of Continental Steel) that Penn-Dixie would seek outside financing before the bank would consider a loan to the fund. According to Mr. Finnerty's testimony, Mr. Castle couldn't give such a guarantee.

"He (Mr. Castle) said that certainly, or words to that effect, that if he could not obtain the money from outside sources, that he could use various pension funds as a source for that money," Mr. Finnerty testified.

Matters still aren't completely settled. On Sept. 1, the Steelworkers union at Continental Steel began a strike that was largely the result of the pension dispute. The walkout, which lasted 44 days, ended with an agreement that the trustee of the pension had to be a bank or savings institution with assets of more than $300 million and that no investment transactions involving the fund could be made with any company in which Mr. Castle or Penn-Dixie held an interest. Amalgamated Savings & Trust Co. of Chicago currently holds the funds. (Penn-Dixie paid off its bank debts by extensively mortgaging much of its property and by selling one of its plants; the working capital loan that had been requested from the Continental Fund was obtained from Allis-Chalmers Corp., and Penn-Dixie said this loan has been repaid in full.)

AN SEC SUIT

In another suit involving the use of pension funds, the Securities and Exchange Commission has charged three related companies and certain of their officials with violations of the Securities Exchange Act of 1934. The defendants are Sharon Steel Corp.; NVF Corp., which took over Sharon in 1969; Victor Posner, chairman of both companies; Bernard Krakow, an associate of Mr. Posner; and Wilbur T. Blair, a former Sharon official.

According to th SEC suit, the exchange act was violated in that the defendants used money from two Sharon pension funds to buy securities in other ventures in which Mr. Posner had an interest and that the fund money was used to meet corporate obligations of companies in which Mr. Posner held an interest (specifically the takeover of Sharon Steel by NVF). The SEC further said that its regulations were violated in that the defendants failed to report in a proper manner their use of the funds.

The defendants deny any impropriety. Mr. Krakower, for example, says every move was aboveboard. Although the SEC has charged that Mr. Posner in April 1969 removed the Sharon Steel pension funds from the trusteeship of Union National Bank of Pittsburgh because that bank declined to take investment directions to buy NVF and DWG securities, Mr. Krakower says the bank was dropped because Sharon was dissatisfied with its performance as trustee. Furthermore, he adds, that investments from Sharon's funds in the "affiliated companies" amounted to "probably under 10% of all fund transactions" and earned about 9.6% on an annual basis.

The SEC suit involving the Sharon fund is still pending, but discussions are currently under way toward a settlement in which Mr. Posner and his associates would relinquish control of the Sharon pension money. No criminal charges are involved.

The vulnerability of fund money is, of course, a major concern of Sen. Javits and those backing his bill. Of particular concern is the fact that pension funds are often invested by a company in the company itself or in its subsidiaries—thereby directly tying the fund to the fortunes of the corporation.

A case in point involves Genesco Inc., the Nashville-based shoe and clothing concern. Of Genesco's $80 million in retirement-fund assets, $15 million is invested in Genesco common stock, and another $32 million is invested in the real estate of a Genesco subsidiary.

As far as retirement benefits are concerned, Sen. Javits says, pension-fund investments such as those of Genesco "put the employe at the hazard of the solvency or insolvency of the employer." Genesco, however, defends its investments—particularly a 1964 investment in the real estate of H. R. Kress & Co., then a Genesco subsidiary. The Kress investment was "as fine an asset as anyone could get his hands on," says J. G. De Lacey, vice president and secretary of Genesco. Genesco's pension fund, Mr. De Lacey adds, profited handsomely on the transaction.

SUBSTANTIAL PROFITS

Even critics of current pension systems don't argue that funds can't earn substantial profits from intracorporate investments. They do contend, however, that the principal efforts of fund trustees should be directed entirely toward protecting the future welfare of intended beneficiaries—rather than the current enrichment of a corporation or its officers.

Such critics are particularly concerned by a recent situation involving an employes' profit-sharing fund administered by Winn-Dixie Inc., a Jacksonville, Fla., retail food chain. Winn-Dixie operates the fund in lieu of a fixed-benefit retirement system; under its system, the amount of employer contributions is determined by company profits. But Senate investigators say the company was involved in a conflict of interests when it allowed the fund to provide mortgage financing to real estate companies that were owned wholly or in part by four of Winn-Dixie's top executives.

"All of it was quite legal and quite proper," says a staff lawyer for the Labor Subcommittee. "But the fund can be said to have benefited others than for whom it was primarily intended."

The Winn-Dixie situation began in the early 1960s and involved the leasing to the company of retail stores bearing the Winn-Dixie name but owned by separate real estate companies. At the time the mortgage loans were made, a half-dozen Winn-Dixie executives or directors were the sole owners or part owners of the real estate concerns. The real estate companies built stores; they then obtained mortgage financing from the profit-sharing fund, which earns interest on the money it lent.

The mortgages wil be paid off by rentals from Winn-Dixie to the real estate companies. However, the committee maintains that the major beneficiaries are the real estate companies, since, at the end of the mortgage period, these companies—rather than the profit-sharing funds—will own the stores and can sell them for a capital gain.

Winn-Dixie defends its actions. James Cameron, fund vice chairman, says such financing is a valid means of obtaining "a balanced portfolio" of its total investments. (About $960,000, or 1.4% of the fund's assets, are in the real estate mortgages.) "We can't see any conflict of interest," Mr. Cameron says, adding that the mortgages were "commercially acceptable" and would have been taken on by any lending institution.

Senate staffers don't dispute the fact that the fund profited by the investments, but an attorney on the Labor Subcommittee staff argues that such use of fund money "violates the general concept of trust" and points up the "weakness of legislation" regulating fund investments. He adds: "Just because corporate people know about (the availability) of pension funds doesn't mean they should be able to use them to their advantage—even though the fund benefits—when a suitable investment opportunity arises."

HON. JAMES A. BURKE SPEAKS AT THE ANNUAL CHIEF MARSHAL'S BANQUET

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mrs. HICKS of Massachusetts. Mr. Speaker, Congressman JAMES A. BURKE, my Massachusetts colleague, was principal guest speaker at the annual Allied War Veterans banquet in South Boston, at which I had the honor to be present. As my colleagues know, Mr. BURKE is an inspiring speaker and this occasion was no exception. I would like to share his remarks with my colleagues:

REMARKS OF CONGRESSMAN JAMES A. BURKE

Members of the Allied War Veterans Council and friends: It is a great honor to participate in this hallowed tradition of your organization which each year sponsors a March 17th banquet.

We in Boston have always, it seems, had the best of at least two worlds, being able to celebrate two great occasions on March 17, Evacuation Day and St. Patrick's Day. The day, as a result, has always been for Boston children and Boston families a day rich in American and Irish history and I have never noticed any great conflict as a result. Quite the contrary, there is, it seems a great deal of pride which can be had from both observances. They are both joyous celebrations. This is something worth noting, insofar as what is being commemorated are two departures: Evacuation Day commemorating Washington's driving the British Fleet from Boston from a hill not too far from here, Dorchester Heights; and St. Patrick's Day commemorating as it does the death of St. Patrick. With one, of course, the departure of the British forces, we have one of the turning points in the American War of Independence. Ultimately the British were to flee the whole country and leave behind a nation dedicated to liberty, justice and equality for all men. St. Patrick was to leave behind a nation of saints and scholars which later on would send missionaries of its own to spread the same faith and message to other lands in every corner of the globe. Both events, in other words, are symbols of a new beginning and a source of tremendous national pride.

I could not speak tonight without mentioning to my fellow Bostonians that I am struck by the irony of the occasion this year. For tonight, nearly 200 years after an earlier generation of Bostonians gave the order to the British to depart from our shores, our friends and brothers, in spirit if not in blood, in Ireland are still struggling to get that same message to the British troops. I refer, of course, to the situation which continues to trouble the citizens of Northern Ireland. That land is still torn apart by the legacy of its history of uninterrupted domination and interference by British authority. Today, the fiction that is Northern Ireland, the cruel hoax that is the Stormont, the bitter reality that are the internment camps, the continuous reminder of subjugation that are the British troops are all combining to produce an intolerable situation. Problems that should have been solved years ago by Irishmen of different faiths living and working together, as they are to the south in Ireland, are still alive. It is not surprising, when you stop to think that they have been deliberately encouraged as a matter of Government policy for the past 50 years. The myth of Northern Ireland as a viable independent autonomous region of Ireland or the equally absurd myth of six Irish counties being a part of metropolitan England are just that and nothing more, myths. These myths deny reality, deny national feelings and the national identity which is Ireland.

The outrage over the intolerable situation affecting hundreds and thousands of human beings in civilized Europe, where even the most fundamental civil liberties and rights are being denied, is something which cannot be a matter of concern only to Irishmen or those living in Ireland. It must, of necessity, be a cause of concern to men of good will the world over. Just as the conscience of the world had to be revulsed by what was perpetrated in the name of power and brute force in Nazi Germany in the mid-thirties, in the middle east in the forties and fifties, in Bangla Desh as recently as a few months ago, that same troubled conscience must if need be, be given vent for its genuine concern with what is taking place in Ireland.

The trouble is, too many men who should know better, too many establishment publications, too many agencies of our own Government have grown so accustomed to the injustice in Ireland over the years that they have become resigned and calloused and indifferent to the suffering of that land and even now, when the situation threatens to explode, they refrain from using what moral influence and suasion this country has with the British Government to bring pressure to bear for reconciliation and the beginning of genuine negotiations. However, there are just too many in this cradle of liberty that is Boston who have the closest of ties with Ireland to accept this as a just or satisfactory state of affairs. I know I speak for hundreds and thousands of people in this State and in this country when I say that it is time the authorities in Westminster and Belfast listen to world opinion, abandon the pretense, that is, the present government in Ireland. Tonight, therefore, close-by Dorchester Heights let the word go forth that Bostonians once again demand the end of colonial rule and domination by outside powers in Ireland and that a serious beginning be made toward a truly democratic government which will respect the views of all its citizens. I am not so foolish as to think that it can be done overnight or tomorrow. Just as the American War of Independence was not won in one battle, at Dorchester Heights or even with the surrender at Yorktown. It took years before our Nation was truly born and we were a government of law and justice, not just men. But a beginning must be made and tonight is as good an historic occasion as any to face reality and to join forces in urging, not more violence and bloodshed in that troubled land, across the sea, but a genuine revolution in understanding and learning to live together. Otherwise, March 17 will become increasingly a day of sadness and unhappiness instead of the day of celebration and joy that it should be in Boston and Dublin and, yes, Belfast, too.

U.S. PARTICIPATION IN THE INTERNATIONAL LABOR ORGANIZATION

HON. WILLIAM E. MINSHALL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. MINSHALL. Mr. Speaker, an extremely important address was recently given to the New York Chapter of the Industrial Relations Research Association by my very distinguished friend Charles H. Smith, Jr., chairman of the board of SIFCO Industries, Cleveland, as well as chairman of the ILO Council and chairman of the Labor Relations Committee of the U.S. Chamber of Commerce.

In his remarks he traces the evolution of the International Labor Organization, its often stormy and controversial history, and concludes with 10 reasoned and reasonable recommendations regarding U.S. participation in the International Labor Organization.

This is a major statement by Charles Smith and one that I hope will receive the most serious reading and consideration by all Members of Congress.

The statement follows:

ADDRESS: UNITED STATES PARTICIPATION IN THE ILO, BY CHARLES H. SMITH, JR., CHAIRMAN OF THE BOARD, SIFCO INDUSTRIES, INC., CLEVELAND, OHIO; CHAIRMAN, ILO COUNCIL; CHAIRMAN, LABOR RELATIONS COMMITTEE, CHAMBER OF COMMERCE OF THE UNITED STATES, BEFORE NEW YORK CHAPTER, INDUSTRIAL RELATIONS RESEARCH ASSOCIATION, COLUMBIA UNIVERSITY CLUB, MARCH 16, 1972

The United States and, more particularly, the people of the United States, are involved today in great international economic policy debate—a substantial rethinking of long established and rather commonly accepted concepts that have been the foundation of our international trade and commerce for many decades.

The International Labor Organization, a specialized agency of the United Nations, may seem distant and remote from the controversy in the committee rooms of our Senate and House of Representatives; and yet participation in the ILO has been one element of our foreign policy since 1934, and the scope of ILO activities clearly makes it a factor, recognized or not, in many of the equations which govern our commerce with the rest of the world.

I would like to set the stage for our discussion of the International Labor Organization by briefly touching on the major elements of this international economic policy debate, because our long range future participation in the ILO should be closely related to the decisions we reach on overall international economic policy.

I think we have to begin this analysis by going back in our minds to the conditions that faced the world at the end of World War II. The industrial nations of the world with only two exceptions lay in virtual ruin. The two exceptions were of course the two North American countries of Canada and the United States, and the industrial strength of Canada was a tiny sliver of capacity compared to the United States. The farms and factories of North America were deluged with demands for their products from all over the world to meet the urgent requirements of a war-torn populace. It soon became evident that the then existing facilities of international commerce were inadequate to meet the requirements of such a tremendous program. The vast array of exports flowing out of the United States could not be matched by anything like an equivalent amount of imports. The resulting imbalance of trade created huge trade surpluses for the United States with almost every country. Our foreign exchange reserves grew by leaps and bounds; and it did not seem possible to enlarge the vast vaults of Fort Knox fast enough to keep up with the flow of gold that was moving to the United States to offset the negative balance of trade that most countries had with the United States.

As a natural outcome of the conditions that prevailed in the late 1940's and most of the decade of the 1950's, our nation's policy was directed toward a determined effort to assist the rest of the world to regain a self-supporting economy. International monetary agreements were designed to protect non-dollar currencies. A vast system of credits and outright grants were offered by the United States. Productivity teams from Europe and Japan roamed back and forth across our country to study our industrial techniques and take home the most constructive ideas. Our great universities sent nuclei of professors abroad to assist in transmitting American teaching methods and to help start new universities and colleges in many parts of the world. We encouraged the establishment of regional marketing agreements in order to, among other things, make possible the same advantages of mass consumption and production that had long been a benefit to the United States.

All in all, we dreamed of a peaceful world where international cooperation would move all of the nations steadily toward a better standard of living for their people, and toward the elimination of war as a device to settle international controversies.

The result of these efforts bore fruit well beyond our wildest expectations. Today Western Europe is united economically, if not politically and the expanded Common Market represents a potential of production and consumption that is greater than that in the United States. Japan has built its economy to where it now ranks third in the world trailing only our own country and the USSR. The economies of many of the less industrialized nations have also shown marked improvements to the point that manufactured products from Brazil, Mexico, Portugal, Spain, Italy and a number of other countries are finding ready markets in significant proportions in the United States.

The economic world has changed dramatically in the last decade. Our staggering balance of trade surpluses of the late 40's and early 50's have disappeared, and 1971 brought us the first balance of trade deficit since 1893. Our balance of payments situation has steadily deteriorated capped by an almost catastrophic deficit of about 30 billion dollars in 1971. As it became apparent that many manufacturing costs were lower outside our borders, foreign manufactured goods of high quality have come pouring into the United States. Our gold supply has dropped from its peak in the late 1950's of $25 billion to less than $10 billion. Meanwhile, our short-term liabilities to foreigners have increased to well over 50 billion dollars. In the simplest terms, if the United States was a corporation or an individual, it would be bankrupt. As in the case of some financially embarrassed corporations, disaster is avoided because our creditors cannot afford to foreclose.

As the realities of our international economic situation gradually began to become apparent to responsible officials in our government and to many segments of our population, two different forms of reaction began to develop.

One form of reaction is to propose a new resurgence of isolationism. These proposals call for import quotas and high tariffs on goods manufactured abroad, restrictions on American investments overseas, double taxation on earnings of existing overseas subsidiaries of United States Corporations, restrictions on the use or licensing of American patents and know-how outside our borders. In short, the proponents of this position seek to cure our international economic problems by withdrawing behind our own borders and building a formidable wall around our country—a wall high enough to eliminate the competition in our markets from products manufactured in other countries. I guess you could say these proposals represent a return to the "Fortress America" concept of earlier years, even though the concept envisions an economic fortress rather than a military bastion. Perhaps the most comprehensive piece of legislation originating from this school of thought is the Hartke-Burke Bill which is receiving the enthusiastic support of organized labor.

The other form of reaction revolves around proposals aimed at restoring our economic health by taking the necessary steps to regain our competitive position in the world market place. These proposals include dampening of our high rate of inflation as a necessary first step, the realignment of currency exchange rates to reflect the realities of the current situation, the more equitable sharing of the burdens for free world defense and aid to the developing areas of the world, increased efforts to modernize our production facilities so as to be more efficient, and increased effort in the area of research and development to speed the entry of new U.S. products into the world market.

What has all of this to do with the International Labor Organization? Very simply, our nation has reached a fork in the road. If we go one way (let us say to the left since it is the course being widely advocated by many liberals) we will move toward isolationism, toward lesser reliance on international cooperation and international organizations, towards lesser willingness to share our knowledge and resources with the less fortunate. Such a path will lead us away from the basic objectives of the International Labor Organization, certainly reducing our influence in that organization and in all probability reducing our interest in the ILO as well.

The alternate path (let us call it the right path; not because it is conservative, but because I believe it to be the correct direction) leads to continued deep involvement in international trade and commerce, continued vigorous competition with the other industrial nations of the world for our rightful share of world markets, continued efforts to work together with other nations to find the right solutions to the economic problems that bedevil us, continued opportunities to focus our own particular expertise and ability on the vital effort of raising living standards in the developing countries. Should United States policy take us down this path our interest in and concern for the matters that fall within the responsibilities of the ILO will heighten.

So far, I've been talking about some very broad but significant policy questions that involve not just the ILO but our nation's entire international economic posture. I'd now like to turn my attention to specific ILO matters that occasionally have attracted public attention over the past two years and some that I predict will be of real concern to us all in the future.

First, the matter of the United States contribution to the ILO. As of now, our nation is $11.6 million in arrears for our 1970 and 1971 contributions to the ILO, and our 1972 dues come to $8.7 million. In short, we currently owe the ILO a total of $20.3 million.

Appropriations for U.S. contributions to support these activities have been virtually automatic—that is, until July 31, 1970.

At that time a Subcommittee of the House Appropriations Committee took action which resulted in withholding the U.S. contribution.

Both the National Chamber and the AFL-CIO participated in this action. Ed Neilan, the U.S. Employer Delegate to the ILO, and George Meany, President of the AFL-CIO, testified before the Appropriations Subcommittee headed by Congressman John Rooney of New York.

At that hearing, neither Mr. Neilan nor Mr. Meany made specific recommendations for the amount of funds that might be withheld. And they did not recommend a period of time during which contributions might be delayed. But, they agreed they "would ask our Congress to put some strings on the money that would go to ILO and get some attention (for) the principles of private enterprise and free trade unions . . ."

The circumstances which brought about this view—that the U.S. should register a protest—involved an accumulation of grievances. For example, Mr. Meany said that his office had counted 167 attacks on the U.S. over a period of eight years by Communist delegates.

Another example: A monthly ILO publication, which is given world-wide distribution, contained an article depicting Lenin as a great friend of the working man. However, the article failed to give information on the historic record of Lenin's oppression of the people of the Soviet Union and his actions to destroy the Russian trade union movement.

The chief concern was with the constant polemics of the Soviet bloc—references to the Vietnam War, a political subject in a forum intended to discuss social policy; references to the U.S. as an "aggressor nation;" U.S. business labeled as "evil capitalists," "exploiters of labor," "economic royalists," "promoters of dollar imperialism," and others.

Another concern was the double standard, favoring the Communist member states, which was practiced in the ILO. While ILO procedures for publicizing the violation of treaty obligations assumed by states under the ILO Constitution were vigorously applied to non-Communist state members of the ILO, the Communist states enjoyed an immunity from those procedures, and their known and documented violations were not even discussed.

A further major concern was the erosion, under Communist pressure in the ILO, of the autonomous authority of the two non-government groups (the employers and workers) to determine the representation of their interests on tripartite bodies of the ILO.

Finally, to this aggregation of grievances the newly elected Director-General added one more—the appointment of a Soviet national as one of the five assistant directors-general without prior consultation with the U.S.

Mr. Neilan and Mr. Meany pointed out that the U.S. was paying 25 percent (about $8 million) of the ILO budget, plus 34 percent of the United Nations Development Program funds of which $23.4 million was contracted to ILO; and then was being insulted in ILO forums by some of the nations which benefit from U.S. funds.

By comparison, the entire Soviet bloc pays about 13 percent of the ILO budget, and only three percent of the UNDP budget.

Messrs. Neilan and Meany expressed the view that the Director-General, as executive head of the ILO, could effect some improvements.

The action to withhold funds was both to protest and to provide an incentive to accomplish some favorable changes.

And we asked Mr. Jenks for some very simple commitments: that ILO publications not be used for Communist propaganda; that the ILO staff exercise maximum guidance in ILO forums to minimize the introduction of political statements.

About the appointment of Mr. Pavel Astapenko, the Soviet national named as one of the assistant directors-general, we made no request.

The action recommended by both the National Chamber and the AFL–CIO was a protest—intended as a short-term action to draw attention to inequitable treatment.

It was not intended to initiate U.S. withdrawal from the ILO.

It was not a refusal to pay.

We still owe the money; we are committed to pay this obligation no matter how long the contributions are withheld.

But, now our protest action has, in effect, become punitive action.

Moreover, after being in arrears two years, the U.S. will lose its voting rights in the ILO. This will occur in January, 1973, which would actually involve withholding contributions for two and a half years because of the time frame used by ILO to calculate the loss of voting rights.

But a more immediate test will be faced at the June, 1972 Conference. At that time, both the U.S. worker delegate and the U.S. employer delegate will stand for re-election, by their separate groups, to the Governing Body for another three-year term.

If the employers' group or the workers' group strongly feel that future U.S. participation is in doubt, one or both representatives may not be re-elected.

So, a protest, which now seems to have been carried far too long and which was originally intended to improve the climate for U.S. participation in the ILO, may result in the deterioration of the climate for U.S. participation and eventually complete elimination of further U.S. participation in the ILO.

The National Chamber testified in support of payment of the obligation—nearly a year ago.

Although the AFL–CIO did not submit testimony in the 1971 hearings, on May 11, 1971, Mr. Meany, in a press conference, said we owe the money and we ought to pay it.

But the man with the decisive power is House Appropriations Subcommittee Chairman John Rooney.

While he has stated that he doesn't want the U.S. to withdraw from the ILO, he appears to have provided all the circumstances needed to force the Administration to initiate withdrawal procedures.

Now, just one last thought about this matter: A valid cause for proposing withdrawal from ILO would be a determination by the majority of the tripartite participants, or by the Congress, that ILO was not a sufficiently effective mechanism for accomplishing its mission.

This issue—the net effectiveness of ILO—has not been debated in the Congress. We should not back into a decision by defaulting on our contractual obligations.

Now, let me swing over to an examination of the effectiveness of ILO as a mechanism to accomplish its original purpose: which was to promote improved conditions of life and work for workers.

First, although it is called the International Labor Organization, it is not an organization in the sense that it has a common purpose supported by the membership.

It has become a congress—a parliament, a general assembly, a legislature—in which representatives of various constituencies are divided along partisan lines and engaged in political skirmishes and ideological battles.

This is not an organization like the Chamber of Commerce of the United States, a local chamber of commerce, or a trade or professional association, in which there is benefit from establishing problem-solving programs and then pulling together to get things done. In such an organization, attacks by one segment of the membership on another segment would be considered as signs of immaturity or weak argument.

But, in a congress or parliament, although certain rules of restraint are followed, the partisan differences are clearly visible.

In terms of its mechanism for getting things done—its meetings—ILO has some of the characteristics of an organizational dinosaur.

One measure of organizational obsolescence is the length of some of the meetings. For example, the Conference is in session for three weeks. Most American participants agree that the subjects could be adequately discussed in half that time. But some of the procedures are derived from customs and practices of the 19th Century. They are highly formalized—like the tails and striped pants diplomacy of the old League of Nations which was contemporary with the origin of the ILO. And they apparently have changed very little in the succeeding period of more than 50 years.

The Conference practice provides for unrestricted debate. And the incentives to demonstrate active participation in the committees and plenary sessions prompt dozens and dozens of representatives to rehash the same ideas many times. The objective, which is very obvious in many instances, is to put statements in the record which make good copy for newspapers in about 120 home countries.

But it slows decisions and excessively consumes time.

The Director-General publishes and distributes, before each annual Conference convenes, a report which analyzes one or more of the problems of the world relating to social policy and outlines ILO-proposed solutions.

The Conference plenary sessions are used for about two weeks to discuss the D-G's Report. The delegates agree with it, disagree with it, and use the occasion to excessively report on conditions in their own countries. Again, the statements are designed more to serve as reports to home country superiors and news media than to enlighten the conferees. This makes for dull listening and dull reading and it contributes little, in proportion to the time used, to getting on with the main job of the ILO which is to do something constructive to improve the standard of living of workers. More important, however, this "debate" has been used as the platform for irrelevant political polemics by Communist speakers attacking the U.S. in particular, and free institutions in general.

Now, how about the ILO's programs—all those activities intended to implement the policies which have taken the form of "conventions" or the less formalized "recommendations" for legislative or other action by member nations.

The ILO's programs being with a sizable budget of about $28 million, plus the U.N.D.P. funds which are spent by ILO—over $23 million. Then they trickle down to specific projects around the world guided by about 1,100 field staff members.

The effectiveness of these programs is difficult to measure. There are reports on the field activities such as manpower training, vocational training, youth training, maritime training, and management development programs, but most of the measuring efforts are conducted with the participation of the ILO staff. So, of course, the persons who judge ILO programs may be expected to find satisfactory results.

This leaves us with no adequate present measure of impact . . . no good reading of the extent to which ILO field programs may help solve the worker-related problems of developing countries.

Up to this time, the ILO has passed at its Annual Conference a series of 136 Conventions and 144 Recommendations. These are frequently vague in content and limited to broad general principles. After all, they are meant to give guidance to nations with economies as vastly different as that of the U.S.A. at one extreme and Chad or Mauritius on the other—with countries occupying land masses as great as the U.S.S.R. or as small as Cypress or Singapore—with populations as large as India or as small as Southern Yeman or Nepal.

Not infrequently, however, ILO Conventions became enmeshed in a mass of details that make it impossible to really apply them in practice in the majority of member nations. This fact is often obscured by the vastly different meaning of the ratification process from country to country. As you know, the ratification of a treaty is a serious business in this country. A ratified treaty or Convention becomes law and can be enforced in our courts. It even takes precedent over all existing laws in our country.

In some other countries, however, the ratification of a Convention has no significance beyond expressing general accord with the concepts of the Convention and a hope that someday the country will be able to implement those concepts. For example, in the proceedings of the 1971 Committee on Application of Conventions (a Conference Committee which annually reviews the reports from Member States giving details as to the manner in which ratified Conventions have been implemented) there is reference to one South American nation that had not yet found it possible to implement even one of six Conventions that had been ratified by that nation in 1933, 38 years earlier. Examples such as this one make a mockery of the Convention process, and prompt the suggestion that a thorough study of the effectiveness of this cumbersome procedure is long overdue in order to devise a more effective manner to use the limited resources of the ILO to really raise living standards in practice rather than to be complacently satisfied by the adoption of scores of well intentioned but often impractical documents.

For years, American employers, and for that matter American labor and government, have complained about the actions and even the presence of Communist delegations to the ILO. The ILO Constitution calls for tripartite delegations; and when the U.S.S.R. and its satellites applied for membership in the ILO, they pledged to accept the provisions of the Constitution.

Of course, we believe they are not quite "tripartite."

We are reasonably sure that they do not have private enterprise employers in their delegations . . . the equivalents of U.S. employers. They have managers of government-owned businesses, of course, but not businesses operated independently from their government.

And the union leaders of most Western countries seem convinced that the Soviets don't have free trade unions. Soviet bloc countries have organizations of workers, but they are under the control of their government.

But if we are to be realists we must recognize that Communists are there, and they have given every indication that they intend to stay. Beyond that, they have demonstrated their persistent determination to change both the program and the structure of this organization to accommodate their form of government and their type of economic system. As long as the Communist countries continue their memberships in the United Nations, and so long as the ILO maintains its status as a specialized agency of the U.N., the Communist countries have a legal basis for retaining their membership in the ILO. This, however, is no reason why the ILO should change its structure or its program in order to accommodate the Communist system. It is no reason why the ILO should set up a dual set of standards for measuring the implementation of ILO Conventions and Recommendations—one standard to be applied where there are free market conditions, and a second set of standards for countries that establish their market conditions for both labor and products by government fiat. And yet that is exactly what the ILO has been doing for many years.

The Soviet bloc has long recognized the importance of using the ILO as a mechanism to encourage the so-called "third world," the developing nations of Asia, Africa, the Middle East, and to some extent Central and South America, to move toward the Communist political and economic system.

More recently, they have recognized the advantages that become possible by using the "third world" to move the ILO in directions that are favorable toward the Communist system. By assiduously courting many of these nations both in and out of the ILO, the U.S.S.R. has put together a voting bloc that far exceeds the dozen Communist countries in the ILO.

In the ILO, and even more important in the U.N., the developing countries can put together a voting bloc that is substantially larger than all the votes that can be marshalled by the so-called "Western Bloc." Since I attended my first ILO meeting in 1953 the meeting has just about doubled—from about 60 member states to over 120. Most of this increased membership comes from newly independent countries in Africa and, to a lesser degree, Asia. These new or relatively new members have completely changed the voting balance in both the ILO and U.N. far beyond the degree that is generally recognized by the American public.

As an example, the six countries making the largest contributions are assessed for 59 percent of the budget, and they have less than five percent of the voting strength. Over 51 percent of the voting strength is available to the 62 countries that provide just about five percent of the financial resources that keep the ILO programs in existence.

I know of no organization that has successfully coped with a concept of divorcing the responsibility for funding its programs from the authority to determine how the funds shall be applied; and the ILO is no exception. Fortunately it is not quite as irresponsible as it sounds, inasmuch as the Governing Body of the ILO has the initial authority for the organization's budget. The 10 states of chief industrial importance are automatically allotted 10 of the 24 government seats on the Governing Body by the Constitution, but the Communist bloc has been trying desperately to change this provision since only the U.S.S.R. ranks among the top 10 nations in industrial importance.

I began this discussion by referring to the international economic policy debate that is already underway in the United States the outcome of which will determine whether we as a nation move toward protectionism and gradual isolation from the rest of the world, or continue to espouse the cause of fair but free trade between nations. The ILO has entered the debate in a meaningful manner by appointing (as a result of a resolution passed at the 1971 Conference) a Committee of Experts to explore possible fields of action that the ILO might wish to take regarding the relationship between multinational corporations and social policy.

It is too early to form any opinion as to the eventual outcome of the ILO's scheduled study of Multinational Corporations, but when we examine the list of supporters and sponsors of this proposal and the resolution that brought it to life, it is easy to reach the conclusion that the intent of the sponsors is certainly not to be helpful to the so-called "multinational corporations." The principal advocates of this study are the American labor unions which have been vigorously attacking multinationals for the last several years. Joining with them are a collection of ultra-nationalists from some of the developing countries which have been attacking the concept of foreign investment in their own countries; and, of course, the Communists, who delight in supporting any attack on capitalism and free enterprise whether their support is desired or not. I personally can think of no way in which the ILO could more quickly sabotage its own efforts to improve the conditions of life and work for workers, particularly in the developing countries, than by supporting an attack on "multinational corporations."

I cannot conclude this discussion without trying to summarize some definite recommendations that have been referred to or hinted at earlier. They are as follows:

1. That each of us make every effort to alert our fellow Americans, and more particularly our representatives in the Congress, to the dangerous consequences of a return to protectionism and isolationism. "Fortress America" could quickly become a lonesome outpost under siege by the rest of the world.

2. That each of us vigorously support the vital effort to restore our nation's competitive ability and makes our position known to the Congress.

3. That the Congress promptly arrange to provide the funds that our nation owes under treaty obligations to the ILO.

4. That the United States Government initiate vigorous and determined efforts to bring about a substantial reduction in the percentage of the total ILO budget paid by the United States with the ultimate objective of reducing our commitment to no more than 15 percent within 10 years.

5. That the Congress of the United States institute a comprehensive investigation to determine the effectiveness of ILO in making a real contribution toward improved conditions of life and work.

6. That the Governing Body of the ILO initiate an intensive study of ways to modernize, streamline and make more effective the programs and procedures of the ILO.

7. That the Director-General of the ILO initiate an effort to find a more effective and less biased judgment of the effectiveness of ILO programs.

8. That the Governing Body of the ILO initiate a study to identify procedures to make the Convention and Recommendation machinery more meaningful, including perhaps some form of automatic de-ratification process after failure of a country to implement a ratified Convention within a given time span, say seven years.

9. That the United States delegation to the ILO continue to encourage the other "free world" delegations to seek ways of working with the Communist bloc within the framework of the existing ILO structure with vigorous opposition toward the modification of the structure and program to accommodate the monolithic system that is inherent in Communist countries.

10. That the United States increase its efforts to understand and work with the developing countries of the world.

Our nation has been a member of the ILO since 1934. Throughout the intervening years this organization has been treated in the United States with varying degrees of benign neglect, casual disregard, outright hostility, and on rather rare occasions, warm affection.

Never before has the need for fulfilling the Constitutional objectives of the ILO been more essential.

Never before has the attainment of these objectives seemed more difficult.

Never again are we apt to have such a good opportunity to bring about the real reforms that can give the ILO a valid chance to attain its Constitutional objectives.

NUTLEY, N.J., CITED AS ONE OF THE NATION'S SAFEST COMMUNITIES

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. RODINO. Mr. Speaker, it is with much pride that I am inserting the enclosed article into today's RECORD. As the representative of the citizens of the Nutley community, the findings of David and Holly Franke in their recently published book, "Safe Places," hold special meaning for me. Phil White of the Nutley Sun writes with warmth and enthusiasm on his community's newly recognized status:

NUTLEY IS NAMED ONE OF AMERICA'S 47 SAFEST PLACES IN WHICH TO LIVE

Tomorrow, Nutley will become famous all over again! This time, not because of Annie Oakley's sharp-shooting or a new "clever" advertising campaign to poke fun at our town's name.

Tomorrow, Nutley officially becomes "a peaceful paradise . . . where the living is easy . . . and safe!" And if you're somewhat skeptical about how Nutley's rating ended up among the nicest 47 communities (paradises if you will) in America, you're not alone. There have been those who were unbelievers to such an extent they had to come here themselves to be convinced—people like James G. Driscoll of Dow-Jones "National Observer" who flew into town about a month ago "stubbornly resisting the idea that any northeastern New Jersey area is liveable, let alone safe."

But by the time Jim Driscoll had ended his one-day visit to Nutley, he too was suggesting this community just might be an exception to his preconceived notion that New Jersey is "the most dismal living area in the nation. You might even want to consider moving to Nutley" was Jim Driscoll's departing thought in his February 5 National Observer article.

He had come to Nutley as a skeptic, seemingly out to overturn the cards on David and Holly Franke who four years ago began what ended up being a detailed project analysis of thousands of American communities. They finally narrowed down their list by applying FBI crime statistics, then armed with a road map, set out on a 20,000 cross-country jaunt to visit those "Safe Places where the American dream hasn't turned into a nightmare."

"Safe Places" is the name of the 932-page book in which Mr. and Mrs. Franke report their findings. "Safe Places" official publication date is tomorrow—the day presumably when all of America will learn to their great disbelief that there is, in fact, "a town only 15 minutes from Broadway with a lower crime rate than most rural areas. . . ."

Much of the advance publicity given "Safe Places" so far—and that which is to follow on national media during the coming few weeks—shares the same skepticism which Jim Driscoll brought with him a month ago and which was also evident this past Tuesday when WNEW-TV's Bob O'Brian stopped by to film a channel 5 report.

"Safe Places," however, documents its selection of the 47 communities by heavily relying upon crime statistics. But the book is more than a mathematical survey. "Safe Places" is interesting reading for anyone interested in Americana; moreover, the commentary reflects research which amazingly is able to capture the flavor and community personality of each of the 47 towns singled out as the cream on the top.

To be selected a "Safe Place," communities had to pass the Franke's first prerequisite of having an unusually low crime rate. From there on, the considerations were many and varied. Emphasis was given to the quality of cultural life, the school systems and the availability of jobs. To be one of the 47 "American paradises," towns also had to reflect good transportation, stable municipal government, and a low tax rate. (Nutley's tax rate, homeowners, is second lowest in Essex.)

The Frankes open the chapter on Nutley by admitting that "Considering the theme of this book, it is with some degree of fear and trepidation that we recommend community in the New York-New Jersey metropolitan area." But then they go on to say that after visiting our community several times, "we are actually very enthusiastic" about Nutley.

"Nutley is indeed unique, and in more than nomenclature," the Frankes say as they justify the community's selection for their more conservative readers by comparing crime statistics—"New York's rate of robberies is 80 times as great as Nutley's and Newark's is 109 times as great; New York has 60 times as much aggravated assault as Nutley, and Newark's rate is 93 times as high. And while the rest of the metropolitan area seems to be constantly on the move, Nutley's population is amazingly stable, so much so that nearly half of its high school graduates first entered the Nutley school system in kindergarten. Once you move to Nutley, you apparently don't want to leave."

The chapter on Nutley is illustrated with several maps and photographs, and there are scores of local personalities who not only are mentioned, but extensively quoted. Judge Edwin J. C. Joerg talks about his reputation as a "tough" judge, about his attitudes toward youth with long hair; NHS Principal David H. Broffman discusses "the drug problem"; and Assemblyman Carl Orechio, in his capacity as a real estate agent, talks about the town's willingness (or lack of it) in welcoming newcomers.

Here in Nutley—and keeping in mind that special pride that all Nutleyites have, according to the book—"Safe Places" undoubtedly will be a source of renewed community pride for many years to come. Scores of places, events and personalities associated with Nutley past and present are reported by the authors.

Particularly rewarding is the book's ability to capture in a relatively few pages the spirit of Nutley.

"What makes Nutley tick—what makes it so different from the rest of the metropolitan area?" the authors ask. The answer David and Holly Franke found was "pride" and their efforts are then channeled to illustrate how that pride is, in fact, the common denominator which holds this community together—whether it be manifested in the dozens of clubs and organizations, the support townspeople give the Maroon Raiders on the football field each fall, the competitive nature of the men's service clubs, or the "volunteer spirit" which characterizes so many groups like the First Aid Squad, the fire companies, and FISH, the group of dedicated citizens dedicated to helping others in times of emergency.

NATIONAL WEEK OF CONCERN

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. GRIFFIN. Mr. Speaker, on March 26, 1972, a U.S. serviceman will begin his ninth year of captivity in Southeast Asia. And, during the week of March 26, we begin a week of concern for our prisoners of war and those missing in action in Southeast Asia.

As our troops return home, American involvement decreases, and public attention of the war fades, we must not allow ourselves to forget the dedicated Americans who remain, forced to waste away the productive years of their life in a prison camp.

Our prayers go out that our servicemen will soon have a speedy and safe return to us and that their families will soon be reunited with their loved ones. We would pray that a breakthrough will soon be realized on the diplomatic front that will seek relief and release of our prisoners and that as long as they are forced to remain, the government of North Vietnam will afford these men the proper care and rights due them under the Geneva Convention.

A program of events has been established by the National League of Families of Prisoners of War and Those Missing in Action in Southeast Asia, that calls on all Americans to observe this week, beginning with a National Day of Prayer on Sunday, March 26, 1972, and that everyone fly their flags and drive with their car headlights on as a symbolic vigil to these gallant servicemen. I join with them in this call to all Americans and especially to my fellow Mississippians and the people of my district in not forgetting these men who have given so much and suffered so long serving their country.

We must continue to use our every resource of this great country to see that these men are returned to our shores and their homes as quickly as possible.

HYDE PARK WINS BOSTON CITY BASKETBALL CHAMPIONSHIP

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. BURKE of Massachusetts. Mr. Speaker, I invite my colleagues to join me in congratulating Hyde Park High School's basketball team on the winning of the Boston City Championship of the 1971–72 season. As one of the top basketball teams in Boston in the past decade Hyde Park High School continued its tradition of good sportsmanship and enthusiasm, and these exemplary young people, the team, the cheerleaders, and the students, are indeed a credit to this Nation. I also want to give special recognition to the Boston School Department's director of physical education, George Ryan, and Associate Director Tom Moran for conducting such a successful tournament. My only regret is that in order to win in the finals, Hyde Park had to beat Dorchester High, which is another great team which just happens to be in my district. I know the whole 11th Congressional District can be very proud of these teams.

ROSTER—HYDE PARK HIGH SCHOOL BASKETBALL TEAM—CITY CHAMPIONS 1971–72

Team

Edward Creed, Michael Fernandes, Ernie Hartfield, John Hollis, Albert Jackson, Larry James, Quentin Miles, Mike Mitchell, Mitchell Morris, Donald Ward, Tom Weaver, Bradley Winbush, Mike Thompson, Manager.

Cheerleaders

Mary Lee Bosak, Nadine Range, Pat Sloane, Zandra Jackson, Sharon Butler, Terry Savory, Mary Denehy.

Coach: Charles Gallavin.

Assistant Coach: James Walsh.

Headmaster: John F. Best.

EXIT LEFT—GEORGE MEANY AND COMPANY

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. ROBISON of New York. Mr. Speaker, there is always the national interest—and there is the self-interest. One has to seriously wonder which one George Meany, of the AFL-CIO, I. W. Abel, of the Steelworkers, and Floyd Smith, of the Machinists, have served by their not totally unexpected action yesterday, in walking off the Pay Board.

Mr. Meany explained his action by saying the Pay Board offered labor "no hope for fairness, equity, or justice." In response to which, I think it deserves to be asked, what hope does this action by three of the Nation's top labor chieftains offer either their unions' members or other millions of U.S. citizens that the absolutely essential battle against inflation can be won.

The answer is probably an obvious one. The responsibilities assigned to the Pay Board will continue to be carried forward, though under what sort of rearrangement of membership or voting procedures is yet far from clear. However, the cooperation of organized labor in this connection has been an essential element of the Pay Board's eventual success—and the road ahead will, accordingly, be even more difficult than it has been in the past several months.

The Pay Board's record to date has, admittedly, been a spotty one, as well as one which has not pleased everyone concerned in its decisions. And, yet, there have been signs of late that the Pay Board was, finally, getting its feet under it, so to speak, and was showing promise of becoming a truly effective tool in the fight against inflation.

Insofar as labor's interests have been concerned, it is hard for any objective observer to see where the Pay Board, to date, has been unfair to the labor movement—if anything, in its decisions it has bent over backward to accommodate labor and Mr. Meany and his cohorts. Perhaps the straw that broke the facade of labor's cooperation was the Pay Board's recent decision in the west coast longshore settlement, as it is referred to I have studied that decision, complex as the issues involved were, and I cannot find real fault with the Board's rationale—though the labor members on the Board called the day of that decision—

> A tragic day for collective bargaining, a tragic day for longshoremen and a tragic day for freedom in America.

Mr. Speaker, the action, now, on the part of three of the Pay Board's members may, likewise, turn out to be a tragic day for all the rest of we Americans—as, unhappily, it appears that the national interest may have had to give way, in the minds of those three members, to self-interest.

In support of that possibility—which I nevertheless hope will still be averted—I now include three clippings from recent newspapers, the first today's lead editorial in the New York Times entitled "Pull Out on Controls," the second, a similar lead editorial in today's Washington Post entitled "Mr. Meany Walks Out," and the last, liberal columnist Milton Viorst's recent comment on the west coast dock strike and settlement problem entitled "Right To Strike Has Its Limits":

PULL-OUT ON CONTROLS

The decision of the A.F.L.-C.I.O. to withdraw its three members from the Pay Board is a destructive act—as harmful to labor as it is all other citizens. It cannot be allowed to wreck the joint effort of the Administration and Congress to check the ruinous wage-price spiral.

The specific ruling that sparked the walkout—the scaling down by the board's public and industry members last week of the fat West Coast dock strike settlement—was open to criticism only on possible ground of overgenerosity. Approval of the full increases, running to four times the basis anti-inflation guidepost, would have made a mockery of the entire stabilization effort.

The giant International Brotherhood of Teamsters, a union rarely distinguished for responsibility, has wisely refused to join the federation in its strike against controls. If the United Auto Workers, second only to the truck union in size, decides to line up alongside it inside the Pay Board, a way may yet be found to continue the tripartite structure on which labor was originally so insistent.

But if the obstructionism of George Meany and his associates in the A.F.L.-C.I.O. executive council makes it impossible for President Nixon to maintain balanced representation of labor, industry and the public in the Pay Board, he will have to reconstitute it as an all public panel on the same model as the Price Commission.

There can be no question that the vast majority of Americans, including most members of organized labor, are determined to see inflation stopped. Neither a boycott decreed by a handful of top unionists nor a coercive strike by longshoremen—even one paralyzing all coasts—will frustrate that effort.

Labor has every right to complain about shortcomings in holding the price line, but there have been welcome signs in recent weeks of heightened Administration resolve to crack down on violators of price ceilings and even to plug the gaping holes that now put much of the consumer's budget outside any protection.

Unions make no contribution to more effective controls by smashing the machinery for keeping a lid on either prices or wages. The present showdown could work out constructively if it results in tighter enforcement on both sides of the anti-inflation net.

MR. MEANY WALKS OUT

After months of threats and fulmination, George Meany and the AFL-CIO have now stamped out of the Pay Board. The immediate issue is the Board's insistence on cutting the West Coast longshoremen's new wage increase from 21 per cent to 15 per cent. But behind it lie a broad range of grievances over the administration's whole price stabilization program. The basic weakness in the AFL-CIO's position is that nobody, least of all the unions, has any real alternative to the stabilization program. Enforcement can doubtless be improved, and there are a lot of suggestions for improvements in its structure. But it is generally agreed that if inflation is unhealthy, that the government has a responsibility to control prices, and that controlling prices requires controlling wages as well. The only real question is whether the unions are going to take a direct part in the controls.

President Nixon has, of course, done his level best over the past six months to create an atmosphere of hostility and suspicion between the White House and labor. The AFL-CIO withdrawal now is essentially a defensive reaction, in preparation for an election campaign that the big unions think is going to be aimed heavily at them. But by walking out now, the unions are likely to help Mr. Nixon more than themselves. The price-stabilization effort has not been hugely successful so far. Prices are still on their way up, more steadily and rapidly than anyone had expected. Mr. Nixon needs an explanation. Now it becomes easier for him to blame the Unions.

The case of the longshoremen's wages shows exactly how the trouble is being generated. On the wharves, labor and management have had a general agreement for years that very high wage increases would be the price of modernization and increased productivity. There has been a great deal of tension in working out the precise scale of the increases, as the long strike demonstrated this fall and winter, but it has been traditionally an argument within a small group of labor leaders and company negotiators.

Now, suddenly, a third interest, the general public's, is being forcefully asserted by the Pay Board. Labor unions are very set in their ways, and they do not like having long standing traditions disrupted. But what is the standard of fairness in determining longshoremen's wage increases? Solely the effects of containerization on the demand for manpower on the docks? Or should the controllers also weigh the effects on the national economy in general, and the comparison with the raises allowed to other working people who are being held to the general rule of 5.5 per cent?

The big labor unions have, unfortunately, failed to give any real representation to most of the 85 million working Americans. The five labor seats on the Pay Board were created to protect all working people. But those five seats are held by the AFL-CIO, the United Auto Workers and the Teamsters. Those unions' leaders have devoted themselves almost entirely to the narrowest interests of their own immediate constituencies, the members of their unions, who constitute fewer than one-fourth of the national labor force.

Judge Bolt, the chairman of the Pay Board, said yesterday that he intends to continue to operate without the departed union men unless the White House orders otherwise. For the time being, that is precisely what he ought to do. If, in time, it becomes clear that the unions will not change their minds, then the Pay Board ought to drop the whole concept of labor and management representation. The Price Commission works well with only public members. The Pay Board was established on the tripartite pattern only because Mr. Meany insisted on it. If the labor and management seats were abolished, that would leave the five public members to do a job that, walkout or not, remains essential.

RIGHT TO STRIKE HAS ITS LIMITS

The prospect of resumption of the West Coast dock strike—the consequence of the Pay Board's compromise finding on a labor-management wage settlement—raises important questions about the future of union power in American society.

First, it poses the problem of whether the labor movement is to be allowed to destroy the effectiveness of the administration's program of wage-price restraints, which on the whole has been working rather well.

Harry Bridges, president of the West Coast International Longshoremen's and Warehouseman's Union, had threatened to strike if "as much as one cent" was lopped off the settlement which the union negotiated independently with the shippers. George Meany, president of the AFL-CIO, has said he would support Bridges right down the picket line.

In fact, the Pay Board reduced the original settlement from 21 percent to 15 percent, which is a far cry from the 5.5 percent target it had established for wage raises. Obviously, the Pay Board was not indifferent to the longshoremen's threats, even if it did not capitulate completely.

Yet it is clear that if the longshoremen, by going on strike, force a larger settlement, then none of the Pay Board's decisions will be worth the press releases they're written on—and President Nixon's wage-price program will be shattered.

Because of the impact on overall economic policy at a critical time, then, the prospect of a walkout raises a second, even more fundamental question: Whether unions have an inherent right to strike whenever it might suit their fancy.

There certainly was a time when I would have answered with an unequivocal "yes." Those were the days when unions were fighting for their existence—against the hostility not only of employers, but usually of government and the courts. The left never doubted that the union was always right.

But the great labor struggles of the past—the Homestead strike, the United Auto Workers against Ford, John L. Lewis and the coal miners—represent a purer day of the union movement. As often as not these days, labor disputes are waged not so much against employers, but against the public, and, often, against nonunion labor.

The current dock dispute is a good example. Both sides are going through a charade of who should benefit most from a reduction of some 30 percent—thanks to new technology—in the handling costs of cargo.

Obviously, it occurs to neither side to reduce prices.

Instead, the two sides make angry faces at each other and wind up with a sweetheart contract in which labor gets the wages it wants and management sets the prices it chooses. In such circumstances, it's hard to get emotional over labor's cause.

Yet Meany insists that labor has a constitutional right to go out on strike, notwithstanding economic policy and the Pay Board. It is curious how the Constitution becomes the last refuge the economic royalists, no less so because the barons today are from labor as much as from management.

For myself, I have looked in vain through the Constitution for the right to strike. It seems clear that workers have the right to seek to coerce employers by a common refusal to work.

But I find nothing which says unions have the right to create economic paralysis or to deprive others of their living. In short, my own freedom reaches its limit when I hurt someone else. I have the right to free speech, but not to cry "fire" in a crowded theater.

And so the third question: Should the administration and Congress enact legislation requiring compulsory arbitration, for instance, when the well-being of society is involved?

Meany says such legislation would mean the destruction of free enterprise and would be the "antithesis of freedom." That's what the drugmakers said when told they had to make safe drugs, and what the steelmakers said when told they couldn't fix prices.

I say the right to strike has limits, like the right to threaten panic in a theater. Labor and management can fight their battles out to their hearts' content, but only so long as much or all of society isn't made to suffer for them.

THE QUEST TO REGULATE CHARTER FLIGHTS

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. MILLER of California. Mr. Speaker, the Washington Post of March 12, 1972, included a story by Staff Writer Robert Samuelson entitled "The Quest To Regulate Charter Flights."

This provocative article deals with the controversy that exists between the supplemental and regulated air carriers and I commend its reading to my colleagues:

THE QUEST TO REGULATE CHARTER FLIGHTS

(By Robert Samuelson)

The date is Aug. 10, 1970. The place is a House hearing room, where Secor D. Browne, chairman of the Civil Aeronautics Board, is delivering a public confessional about his agency's frustrations in regulating charter flights. His message is full of gloom.

"The existing regulations are unclear, cumbersome and restrictive," Browne tells the Congressmen. "The overall situation is chaotic."

But, he adds on a more hopeful note, the CAB is considering new regulations that will be both fairer and clearer. "We must act promptly because the 1971 charter seasons will be upon us."

More than 13 months later, there are no new regulations. The CAB's staff is still trying to enforce the rules that Browne decried as "unclear, cumbersome, and restrictive." And even if the agency issues new guidelines within the next few months, they may be only slight improvements on the old.

Seldom has the CAB spent so much time doing so much wrong as it has in its quest to regulate charter flights. And seldom has an issue it faced been more important: Charter flights represent the only clearly identifiable way to lower air fares in the foreseeable future.

There is no magic to charter economics. The planes fly full, and, therefore, they can afford to carry passengers at substantial discounts from the fares of regularly scheduled airlines, which last year had an average of 51 per cent of their seats empty. On a round-trip New York-to-London flight, the typical charter price remains below $200—a fare which scheduled airlines match only with special promotional rates available only during dull traveling periods.

CHARTER TRAFFIC TRIPLES

Blessed with this staggering price advantage, charter traffic between the United States and Europe has exploded. Between 1966 and 1970, it more than tripled, increasing from 600,000 passengers to 2 million. In Europe, the growth rate has been an equally spectacular 25 to 30 per cent.

Yet, there are disquieting and disturbing aspects to the charter boom.

More than most airline activities, charter flights have proved an increasingly fertile source of consumer suspicions and complaints. In fiscal 1970, 36 per cent of the complaints received by the CAB concerned charter flights. Thousands of students were stranded abroad last year by aborted charters; in 1972, Theodore Harris, a specialist in student travel, estimates that the number of stranded passengers could rise to 25,000.

Against this background, the government's role in charter regulation would seem clear. Encourage the availability of the low-cost flights, but eliminate the fraud.

It hasn't worked that way. Perversely, the government has done just about the opposite. It has tried to restrict charter flights by its inscrutable rules. And, in the process, it has shrouded charter travel in a cloud of legal uncertainty that has encouraged the deceit, evasion and fraud that everyone at the CAB condemns.

The breakdown of regulation demonstrates what happens when an agency allows itself to become immobilized by a bitterly divided industry.

For nearly a decade, the scheduled airlines and the charter carriers have been waging a financial, legal and lobbying war of growing ferocity. The scheduled airlines seem to regard the charter's low fares as a form of airborne sulphuric acid, that will slowly, but surely inevitably destroy the TWAs, Pan Ams, and BOAC's of the world. The charter airlines are nearly schizophrenic, thinking that they have been marked for extinction by the much bigger scheduled carriers.

Behind the viciousness lies a struggle to control the fastest-growing segment of air travel: vacation—as opposed to business—flying. On the trans-Atlantic, scheduled airlines already estimate that 70 to 80 per cent of their traffic are vacationers. Within the United States, pleasure travel is now reckoned to be more than 50 per cent of the total, though much of this is short-range and short-term travel that wouldn't be susceptible to charter flying.

AGE OF MASS TRAVEL

Like it or not, this is an age of mass travel, jammed airports, and carbon-copy vacation plans. It is axiomatic that most vacation travelers are "price sensitive"—they go where they can find the lowest fares, and the lower the fares, the more people are likely to fly.

Not that the arrival of charter airlines (which must meet the same safety standards as scheduled carriers) means the end of scheduled service entirely. More than three-quarters of the trans-Atlantic traffic still is on scheduled flights, and charter carriers could probably never make any serious inroads on shorter domestic routes, where regularity and frequency of service is the overpowering need. But when low-charter fares exist, scheduled airlines have been forced to lower their own prices and they don't like it.

Anyone who follows airline propaganda knows that the scheduled airlines like to boast that air fares have generally declined over the last 15 years, so that, even with recent price increases, average fares are really no higher today than they were in 1960.

True. But, unfortunately, the credit for this good fortune belongs less to the acumen of airline management than to the arrival of bigger, faster planes, whose much lower operating costs permitted—in fact, virtually demanded, lower fares.

That pleasant era now appears to have run its course. The jumbo jets offer some additional economies, but these are fast being consumed by rising labor costs. U.S. domestic fares may be about the same today as they were in 1960, but they are higher than they were in 1965. If there is any other possible way of achieving spectacular fare reductions besides filling planes to their full capacity, the scheduled airlines have yet to find it.

The CAB has chosen to see this issue primarily as a game to keep both charter and scheduled airlines happy. "Let us get to the heart of the problem before us—the dichotomy of interest that exists between the various classes of carriers, both foreign and domestic, and their competitive search for the business of air travelers," Browne told that House committee in August, 1970.

"That is, in my opinion, the real subject: How can the delicate balance between the scheduled services and the charter services be maintained to the benefit of both," and only then did he add, "While at the same time protecting the interest of the traveling public and providing the maximum benefit to the passengers?"

"AFFINITY" STIPULATION

Generally, the CAB's charter rules make charter flights available only to bona fide "affinity groups"—those with a legitimate purpose aside from gaining travel discounts, such as a union, fraternal organization, alumni group, or church.

Sadly for the CAB, experience here and abroad has proved that the "affinity" requirement is a cinch to circumvent; tour organizers simply invent fictitious groups—the names, such as "Friends for Instant Environmental Growth Action," attest to their ingenuity—and enroll prospective passengers.

The CAB (and most foreign government agencies) haven't been able to police these regulations. The expense is too high, and, even if it weren't, a massive crackdown would present the embarrasing spectacle of a federal agency preventing people from trying to beat inflation by flying more cheaply. And sometimes, no one wants to enforce the rules anyway, even when the flights are known to be technically illegal.

"Anything (a charter flight) coming from Europe we just wink at three times," says one government official, "because we're so anxious for the tourism." Presumably, many of the European enforcement officials often feel the same way.

The violations are likely to increase. "As people get more and more educated about getting cheaper charters to Europe, they're going to abuse the regulations," says Juan O'Callahan, an economic consultant for many charter carriers. "After all, is there anything immoral about someone wanting to fly cheaply?"

Most of the charter irregularities are basically harmless—passengers get the tickets and the flights that they otherwise would have been denied—but the massive violations has also screened truly dishonest travel organizers from detection. Confronted with dozens of technically illegal operators, the CAB has been unable to separate the fraudulent schemes—which may simply run away with prospective clients' money—from the rest of the field.

For proof that this state of anarchy is hardly preordained, one need take only a casual look at the European experience with charter flights between the Continent's chilly northern countries—primarily Britain, Scandinavia, and Germany—and its sunny Mediterranean resorts. In 1972, an estimated 8.5 million Europeans will fly on inexpensive charters to the Mediterranean, about four times as many as 1965.

This astonishing growth is built on a highly competitive travel industry, which, using charter flights, has been able to achieve large savings for vacationers. In Britain, major tour operators offer two weeks in Ibiza (the Spanish home of Clifford Irving) for less than $100, including air fares and hotel. Two weeks in Majorca come for less than $90 in the low season, again air fare and hotel.

These prices reflect more than Europe's lower cost-of-living, and there is no secret how the reductions are accomplished. The tour organizers often have their own planes, sometimes have helped build hotels in resort spots (making them comfortable, but skimping on the luxuries), and organize their tour schedules and pricing to minimize the single greatest problem of both airlines and hotel operators—empty seats or beds in a nominally "off" season.

It would be wrong to blame the Civil Aeronautics Board entirely for the absence of these inexpensive holiday "packages" in the United States. The scheduled domestic airlines here have more assiduously cultivated the vacation traveler than the scheduled European carriers; scheduled air fares are about half the level in Europe, and U.S. airlines offer more frequent service to more places than scheduled European airlines.

Even so, given freedom by the CAB, charter airlines could probably develop a flourishing traffic between the North and many existing resort spots—and possibly many, in Mexico or along the Gulf of Mexico, that haven't been developed yet. Fares might be cut by as much as 50 percent, a fact that even the scheduled airlines concede.

By government fiat, however, the European-type holiday packages simply can't be offered in the United States. In Europe, the charter operators can offer so-called "inclusive tour charters" (known as ITCs), including both air fare and hotel accomodations, between any two points.

In the United States, the Civil Aeronautics Board says that any ITC package must include at least three stops, 50-miles from each other. As a practical matter, this requirement squanders the potential savings of charters and makes it all but impossible to organize simple, short, ITC charters in the United States.

AN UNCHARITABLE IMAGE

Anyone who has survived the journey through this labyrinth of twisting charter rules has probably formed an uncharitable image of the five members of the Civil Aeronautics Board as a bunch of mean, unlikeable characters, who conspire day in and day out to prop up airline profits while depriving the public of low fares.

The reality is much less sinister. Time and time again, the CAB has stood up to the airlines—which, despite all the cant about "consumerism," are really the only consistently interested observers in what happens at the CAB—and forced changes that the industry has found distasteful, including occasional fare reductions. Moreover, the agency is slowing readjusting its thinking about charters. It now admits, for example, that the "affinity" rules make little sense by themselves.

The CAB has proposed new rules, but through the scheduled airlines see ruin in the tentative regulations, many charter experts don't think that they will work at all. Basically, the new rules would allow any group of 50 or more to charter a plane six months in advance, as long as their names are filed with the CAB, and the prospective passengers advance a 25 percent nonrefundable deposit.

In practice, groups do not form spontaneously; they have to be solicited by tour organizers, who, say the charter experts, will have to begin their selling campaigns seven or eight months before the planned departure date to meet the CAB's six month deadline. Who, they ask, will commit themselves for a vacation seven months ahead of time, with the possibility of losing the 25 per cent deposit?

The CAB's tortoise-like pace illustrates vividly how government agencies yield ground only grudgingly to anything that disrupts the well-conceived pattern of regulation they think they have constructed.

The scheduled airlines are outraged at any suggestion that charter rules might be liberalized. Only last month, Trans World Airlines predicted that any relaxation of the rules would spell financial ruin for the scheduled airlines, requiring $100 to $200 million in government subsidies on trans-Atlantic routes or the end of many flights. Aligned with the scheduled carriers are many foreign governments which own their airlines and frequently try to restrict inward bound charter flights.

SPECTER OF DISASTER

It is the specter of financial disaster that has consistently intimidated the CAB, for almost everything the CAB has done since its creation in 1938 has involved scheduled airline service.

At stake, say the scheduled carriers, is one of the CAB's guiding principles—the idea that the airlines can make enough profits on lucrative, long-distance routes to support an elaborate network of regularly scheduled service linking many secondary cities. Relatively high fares during peak travel seasons along popular routes are needed, by this theory, to support continued service during slack periods and along more lightly traveled routes.

Says TWA's chairman, Charles W. Tillinghast. "Skimming the cream by (charters)—that is, the ability to fly where and when it is convenient and to set prices without regulation—destroys this balance and will prevent economic survival of dependable, regular air services on a subsidy-free basis."

And that prospect must chill members of the CAB, who are thoroughly familiar with two immutable laws of regulatory politics—first, agencies whose regulated industries get into serious financial trouble are subjected to a public flogging (the Interstate Commerce Commission learned this lesson when the Penn Central Railroad went bankrupt); and second, Congressmen, Senators, mayors, and chambers of commerce never believe their own cities have enough scheduled air service—and they scream ceaselessly at any suggestion that service should be curtailed or eliminated.

Confronted with these conflicting pressures, almost every level of government has waffled about charter flights. From the Department of Transportation come ambiguous, contradictory policy statements; Congress carefully shies away from revising a Federal Aviation Act that does not have very much to say about charter flights. And the CAB is left to take the heat.

Just how real a prospect is Tillinghast's vision of the future? No one can really tell, but—even if events vindicate him—it is now clear that many government officials have tired of the scheduled airlines' forecasts of doom. Among the reasons:

Air travel, for both scheduled and charter airlines, has grown at a rapid rate. Although trans-Atlantic charter traffic more than trippled between 1966 and 1970, scheduled traffic nearly doubled—and the absolute growth was bigger (2.8 million passengers against 1.3 million), because scheduled traffic started from a larger base. In the United States, air travel grew at nearly a 15 per cent rate in the sixties.

Despite the airlines complaints, charter competition contributed only slightly to the airlines' financial problems of the last three years. For domestic U.S. carriers, charters couldn't be blamed at all—because charter competition was virtually non-existent. And for overseas carriers, many analysts believe the airlines simply ordered to many 747s too soon. Even so, TWA, for one, has consistently made a marginal operating profit on the Atlantic; for the 12 months ending in September, it was $29 million.

A growing number of officials think that the scheduled airlines are simply trying to protect themselves from their own excesses. For example, in January, there were 86 roundtrip flights between New York and London; it is a month when carriers typically fly with more than 60 per cent of their seats empty. Using 1968 as a base year, the Department of Transportation believes that Pan Am and TWA were flying nearly twice as many flights to Europe as could be legitimately defended in the "public interest."

While scheduled airlines harp on the idea that profits on long-distance routes are needed to maintain service on shorter routes, they neglect to state the converse—that the higher fares discourage people from flying on the longer routes. And if some fares need to be raised sharply on the shorter routes, why shouldn't they be? It is these routes, after all, that are most heavily used by business travelers, and just why they should be spared from paying full costs is unclear. Moreover, scheduled airlines aren't prohibited from competing for charter business, and, many airline experts believe that the large scheduled carriers will have no trouble at all winning a large and profitable part of charter business.

"In the United States," says one government official, "we normally start with the idea that if someone wants to buy something and someone wants to sell it, you've got to have a pretty good reason to stop them."

The CAB has yet to settle upon that simple notion, but it is learning one lesson slowly and painfully: The trend toward charter flights can be resisted, but it cannot be reversed.

A THREE-PRONGED ATTACK ON DRUG ABUSE IN THE UNITED STATES

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. BIAGGI. Mr. Speaker, by this time all of us recognize that drug abuse in the United States has reached epidemic proportions. Recently, Congress established the Special Action Office for Drug Abuse to act as a central coordinating body in our fight against illegal sale and use of narcotics and dangerous drugs. At the same time, the President announced an all-out effort to cut off the flow of illegal drugs and narcotics into this country and to educate people against the use of such products.

Our national efforts must take a three-pronged approach to drug abuse. The first is cutting off the supply. After heavy pressure from Congress, the President negotiated an arrangement with Turkey to stop all growth of the opium poppy after the current crop year. That country has been the chief source of opium that flows into this country. However, additional steps must be taken with other countries in the world, particularly those in Southeast Asia, which undoubtedly will soon become prime sources of heroin.

Just recently, I and several other Members of the House introduced a resolution calling for a cutoff of all aid to Thailand. This country already acts as a funnel to the United States for the opium grown in Burma, Laos, and Cambodia. While they allege that little opium is grown in their lands there is considerable trafficking in the product. This must be stopped.

Just after this congressional initiative was announced, the Thai Government denied it was doing nothing and said they had just confiscated and burned 26 tons of opium worth $47 million on U.S. streets. The fact is, if this is what they get in only one haul, the extent of the trafficking is far greater than anyone imagines.

Similarly, greater diplomatic as well as congressional pressure must be placed on countries such as France and Mexico that are staging areas for the shipment of heroin into the United States. It is no secret that Marseilles is the leading narcotics processing city in the world. Yet the French officials have taken little action against these influential and well-placed purveyors of the poison of our youth. Only the economic threat of a cut off of U.S. foreign economic and military aid will move the officialdom of these nations to action. I have proposed such a program for the last 2 years now and have introduced several floor amendments to do just that. Our efforts have caused the administration to move on the diplomatic front much more forcefully than before.

In the United States, a second aspect of the supply problem is the overproduction of amphetamines and barbituates. It has been shown that only about 25 percent of all such production is needed for legitimate medical purposes. Weak controls over transportation and sale of these drugs has diverted most of the output into illegal channels. The drug manufacturers know this, but are reluctant to cut off the return flow of dollars into the corporate treasuries. New Federal drug laws passed by Congress in 1970 provide for more stringent controls; and now, at last, the administration is moving to restrict production substantially and more closely regulate the supply and distribution of dangerous drugs.

A further step in eliminating the supply of illegal drugs in this country is to attack the distribution system. This must be accomplished on several levels. First the pusher must be put out of business. This can be done with strict punishment of the illegal seller of narcotics, particularly on the second and third offenses. Such authority was granted by Congress in a recently enacted law, but the courts have not moved to invoke the full range of penalties available.

Second, efforts must be made to lock up the directors of the big drug distribution operations. These are the men who may never handle the product themselves, but are responsible for the movement and sale of millions of dollars of illegal narcotics and dangerous drugs. The Justice Department and the Internal Revenue Service have been cooperating on this effort to obtain tax evasion convictions against these criminals. This is the same sort of successful tactic used against the gangsters of the thirties.

Third, those addicts who come into the criminal justice system must be treated for their abuse and rehabilitated before being returned to society. Rather than being treated as criminals, they should be treated as sick or diseased persons who must be cured before they can resume a normal life in a society.

The second prong of our national effort against drug abuse must be directed at educating those who are not presently using drugs and narcotics about the dangers involved and at providing alternatives to such use. Our drug education programs have been largely ineffective because they lack credibility. False scare tactics have led our children and youths to ignore the cry of "wolf."

School officials and parents must first educate themselves in the causes and prevention of drug abuse and then be prepared to educate young children in the dangers of using narcotics or dangerous drugs. Doctors, too, must gain the confidence of their young patients and show them the effects of illegal drug use on their physical well-being.

Another aspect of drug abuse prevention is the need to provide alternatives to the use of drugs. In many cases drug abuse arises as an escape from emotional or psychological problems. In the last 20 years we have seen a decline in the availability of various categories of adult professionals who would counsel the young on their psychological problems, the family doctor, or some other adult at one time would provide a stabilizing psychological influence in the life of a child or adolescent. However, today these institutions are fighting for their own survival and have little time to worry about the emotional and psychological problems of the young.

Churches and schools are faced with growing financial problems and a feeling by the young that these institutions are no longer relevant. Whatever the causes for the decline in influence over youths from these sources, the fact is the basis for trust and guidance is seriously eroded and our young have no place to turn to.

There is a growing need to place greater emphasis on the education and training of psychologists and psychiatrists to treat problems and illnesses of the mind. Twentieth-century man is vastly more dependent on his mind than his body. No longer is his body the primary source of his livelihood. We have entered the paper society and scientists predict that the future will see man earning his income by mentally manipulating a computer in his home. Our care and treatment of the individual, then, must be adapted to this new order and the resultant new series of problems it presents.

A third aspect of drug abuse prevention is the possible use of narcotics antagonists to inoculate a person against drug abuse. This family of drugs has been the subject of only minimal research by a handful of doctors in the country. Two years ago, I revealed the research of Drs. Friedman and Fink of New York's Medical College to an unbelieving congressional committee.

Following my comments the House Select Committee on Crime took up an extensive investigation of drug antagonists and the potential role they could play in preventing and treating drug abuse. The result of those investigations is a national research program to combat the heroin addiction crisis.

The committee report, published last fall, is the first comprehensive treatment of narcotics antagonists by the U.S. Congress. Legislation was introduced in January by myself and others to put this program into effect. It would provide $50 million to cover up to 90 percent of the research costs for the development and use of narcotics antagonists. This bill is now pending before the House Interstate and Foreign Commerce Committee.

The most promising aspect of the antagonists which include such futuristic drugs as M-5050, cyclazocine and naloxone, is that they are not narcotics. The problem with methadone treatment is that a synthetic narcotic is being used to fight narcotics abuse. The antagonists block the effects of narcotics in much the same way polio vaccine prevents polio. Thus with sufficient research, it may be possible to use these drugs to inoculate individuals or groups who have a high susceptibility to narcotics abuse.

The third prong in our fight against drug abuse is the treatment and rehabilitation of present addicts. Methadone is currently our No. 1 tool in the treatment of drug addicts. It permits an addict to live with his narcotics dependency and to maintain a more normalized existence. They can hold jobs and move in society as normal individuals. Gradually, over time, it is possible to reduce the use of methadone and permanently cure the addict.

Other treatment programs involve the Synanon-type method where an addict lives with other addicts and through group therapy methods, he learns to live without drugs. Narcotics antagonists, in addition to being a preventive tool, also offer the possibility of a methadone-like treatment with the added benefit that you are not treating narcotics dependency with a synthetic narcotic.

Nevertheless, methadone today is our primary treatment tool. It offers the hope of greatly reducing the number of addicts on our streets and involved in crime. Methadone has been administered largely through clinics, which are expensive to staff properly.

In most cases, sufficient staff is not available to provide the full range of testing and counseling services to aid the addict in adjusting to his new life style. Many clinics have only minimal testing and control programs and act as little more than methadone dispensing stations. Long waiting lists to get into our clinic programs demonstrate the need for a more extensive program to treat addicts and one that does not require expensive facilities.

Early last year, I proposed a comprehensive program for the treatment with methadone of drug addicts by doctors in private, office-based practices. There are 16,000 such doctors in New York City and if each doctor treated up to 10 patients, 160,000 addicts could be brought under the program—the total estimated addict population in the city.

Subsequently, after conversations with many doctors in the area, I have modified my program to remove the actual administering of methadone from the doctors' offices. Many of the doctors expressed a fear of having a large amount of methadone in their offices. The fear is based on the fact that a large supply of methadone could invite a possible robbery attempt by criminal elements or the addicts themselves.

Therefore, I am now proposing that doctors work in conjunction with a local clinic to provide the comprehensive treatment of addicts with methadone. The program can be coordinated through the county medical societies.

What would happen is this. An addict would be referred to a local doctor or his own doctor, who would have primary responsibility for the addict's treatment program. The doctor would conduct the testing, keep the records on the addict's progress, and determine the dosage of methadone.

The doctor would then write a prescription or fill in a coupon booklet that entitled the addict to receive so much methadone for so many days from the local clinic. It would be a simple matter for the addict to go to the clinic, receive his methadone, which would be dispensed orally, and leave. This would remove the distasteful aspect in many addicts' minds of the lengthy time spent to obtain clinical treatment. It would also provide a greater degree of control over the addict's program since the individual doctor would only be concerned with a maximum of 10 addicts. It would be a simple matter for the clinics to provide the dispensing services.

In terms of prevention of abuse of methadone the program lends itself to a series of safeguards. To obtain methadone, the addict must have a doctor's prescription redeemable only at a particular clinic. The prescription could be for a week's or 2 week's supply. He could turn the prescription in for a coupon book that would have safeguards similar to those used for travelers checks.

The costs of the program would be born partly by the State, partly by the doctors, and partly by the individual. The cost of the methadone and coupon booklets would be paid for out of State funds and provided free. The doctors' services would be provided to the patient on a cost or less-than-cost basis.

I am convinced that this program is a viable solution to the drug addiction problem. It provides the control and comprehensive treatment necessary to bring a large number of addicts under a rehabilitation program. Once operational, the next step would be to tie in psychiatrists and psychologists operating through clinics or through their private offices to treat the root causes of the individual's drug abuse problem and help return him to a normal way of life. It would emphasize the primarily medical nature of the drug abuse problem by putting primary responsibility for patient care in the hands of a medical doctor.

Eliminating drug abuse is not just a problem for the Government or for the doctors. It is everyone's problem. Whether an individual is touched by drug abuse himself or in his family or not at all, he should be concerned about ending this curse on our society. It drains millions every year in treatment programs. It is responsible for billions of dollars in theft and property damage and loss of life. But most devastatingly, it is infecting large segments of the youth of the country, those to whom we must turn to carry out the reins of government in later years.

All Americans have a stake in ridding this country of the problem of drug abuse. The sooner each of us recognizes that obligation and makes our own commitment to the battle, the sooner an end to addiction will be in sight.

WEST VIRGINIA UNIVERSITY SCHOOL OF MINES ATTRACTS STUDENTS TO CONTEMPORARY STUDIES

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, March 24, 1972

Mr. RANDOLPH. Mr. President, questions relating to the environment and to our Nation's fuel and energy requirements have concerned me greatly in recent years. The two are obviously interrelated. We are committed to protecting the environment from unwarranted abuse but at the same time, we must find clean and efficient ways to meet the increasing demands for energy.

Coal, which is a major industry in my State, now produces a substantial amount of the energy used in our country. Consequently, coal mining activities of all types has expanded greatly in recent years. With this expansion has come the need for more highly trained personnel to produce coal and to produce it in the manner compatible with our environmental aims.

Mr. President, I am gratified that the School of Mines at West Virginia University is securing important results with its new approach to the training of mining engineers. Under the leadership of Dean J. H. Kelley, there has been developed a vigorous recruiting program for students by relating the profession of mining engineering to contemporary issues. At the same time, the school has strengthened its instructional program to keep it responsive to these issues.

Five years ago, this school had between 50 and 60 students; this year the enrollment has grown to approximately 150, including graduate students. Dean Kelley anticipates that more than 200 students will be enrolled in the school of mines next year.

Typical of Dean Kelly's new approach to mining engineering, is an attractive, full-color brochure which is widely distributed. In straightforward language, this publication sets forth both the challenges and the opportunities offered to mining engineers. Entitled "What Are You Doing With the Rest of Your Life?" the brochure lays out this question and offers some possible answers. In part, the text reads:

> *What kind of engineering?*—Mining and petroleum engineering. The men and women—yes, women, too—in these fields are responsible for the extraction of minerals from the earth. Things like coal, gas, copper, gold and diamonds.
>
> They work almost anywhere in the United States and some pretty exotic places overseas, too. Mining and petroleum engineers are in great demand. Because of the demand, financial rewards rank among the highest for all industries.
>
> *Are you serious about ecology?*—We're serious, too. All pollution comes from the earth in either the form of fuel or crops. Today's mining and petroleum engineers can feel highly relevant to the ecology revolution. Their challenge is with nature. They're highly concerned with the way the earth is used. And, in the future, their recommendations will be law. It's a great way to get involved and actually see your work do some good.
>
> *Why the West Virginia University School of Mines?*—For one thing the West Virginia School of Mines is located in the center of one of the United States' great mineral producing areas. Nearby are some of the largest and most modern coal mines. Close, too, are natural gas and petroleum-producing areas. You'll get a first-hand look at a broad range of mineral industries.
>
> The School of Mines houses the Coal Research Bureau where daily experiments probe new uses for coal and better ways to end pollution.
>
> Our School is housed in the Mineral Industries Building which was especially built and designed to accommodate teaching and research in the mineral areas.
>
> We've got modern equipment, too. Like our own computer to help students with their studies.
>
> Our faculty is one of the most distinguished in the country. That's another advantage of being located in a great mineral area. They come here because they're able to participate in research, industrial consultation, and professional mineral engineering societies. That's a benefit for you. Because they're here, you'll receive instruction in the most modern techniques used in the mineral fields today.

BYELORUSSIAN INDEPENDENCE DAY

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. GALLAGHER. Mr. Speaker, on March 25, we commemorate that one brief moment in 1918 when the Byelorussian National Council declared independence. The Byelorussian people were at long last to determine their own and separate destiny. For the few remaining months of 1918 these brave people were able to live under the sovereignty of their own choice.

Then, as fate decreed for many of her sister nations, Byelorussia was ruthlessly crushed by the first of the Red army. Sporadic rebellion continued for years, showing an immense bravery in the face of overwhelming armed might. The Soviet Government met this opposition with increased force and the attempt to wipe the memory of freedom from the minds of the people of Byelorussia was intensified.

We may take justifiable pride in the fact that American Presidents have always vigorously advocated the cause of self-determination. I am particularly proud that President Wilson, a fellow New Jerseyite, is remembered as a leading expounder of the freedom of choice.

I think today we should reaffirm our basic commitment to the protection of any nation threatened with an abrogation of right to self-determination. Today in Byelorussia we can see the result of this denial. Self-determination is a right which all civilized nations should recognize. Yet, some still refuse.

I join my colleagues today in reminding the Soviet leaders of this fact, and in expressing the hope that the time when the Byelorussian people shall be able to express and exercise this right will and must be assured to them.

I, along with my colleagues, look forward to the day when Byelorussia and all nations once again become independent and able to exercise the sovereignty which all American Presidents have so ably defended.

REPRESENTATIVE VANDER JAGT OFFERS ANTIWATER POLLUTION AMENDMENTS TO H.R. 11896.

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. REUSS. Mr. Speaker, my colleague, Congressman GUY VANDER JAGT, of Michigan, the able and distinguished ranking minority member on the Subcommittee on Conservation and Natural Resources of the House Committee on Government Operations will next week offer amendments to title II of H.R. 11896, as reported—the Federal Water Pollution Control Act Amendments of 1972. His amendments are intended to strengthen that bill.

At this point in the RECORD I insert Mr. VANDER JAGT's comments on the proposed amendments, and the amendments he will offer:

THE RESOURCE MANAGEMENT AMENDMENTS TO BE OFFERED BY HON. GUY VANDER JAGT

Mr. Speaker, on November 30, 1971, I placed in the *Record* a comprehensive statement discussing the water pollution legislation passed by the Senate, S2770. Today I would like to add to that statement the benefits of accumulated knowledge and events which have taken place since that date, relating directly to H.R. 11896, the legislation which will be taken up by the House next week.

Members of the House Public Works Committee under the chairmanship of Con. John Blatnik and significant leadership of Con. Robert Jones and Cong. William Harsha have created a truly creditable piece of legislation for House consideration. Time and efforts have been spent in prodigious amounts to produce this excellent vehicle for returning America's lakes and streams to conditions of purity. The Committee deserves great thanks from the Nation for its work

Inasmuch as I have had an opportunity to assist in the evolution of this legislation, particularly in the area related to the spray-irrigation land treatment method of sewage management, I would like to provide at this time certain new research information potentially valuable to the House in its final deliberations on the bill.

As discussed in my statement last year, the U.S. Army Corps of Engineers under the guidance of Dr. John R. Sheaffer had last summer completed the initial phase of alternative sewage treatment studies for the Merrimac River Basin in New England, Cleveland-Akron, Detroit-Southeast Michigan, Chicago-south end of Lake Michigan and San Francisco. Because these initial studies indicated higher costs for land treatment systems compared with "advanced" waste treatment (AWT) or "physical-chemical" systems, Environmental Protection Agency Administrator William Ruckelshaus last fall called for the termination of these studies.

My own experience with initial cost estimates in the development of the Muskegon land treatment system in my District led me to carefully consider these estimates. I became deeply disturbed that the figures easily could be misinterpreted, creating an erroneous impression of the economics and benefits of land treatment systems. For example, the land treatment costs for Chicago included both municipal and industrial wastes, while the estimates for AWT included only municipal wastes. In addition, the alternatives' results were not comparable; AWT at Detroit would not improve Lake Erie, but only slow its eutrophication, while land treatment would return Lake Erie to a desirable character. Recognition of these factors led me and other Members of Congress to call for a continuation of these studies. An Administration decision then allowed them to continue.

During January of this year it became apparent, however, that unless greatly accelerated efforts were put forth to bring about intensive review of the initial Corps studies, any basic direction suggested by the studies would be lost in terms of affecting Congressional deliberations on water pollution legislation this year. The Administration could not change its position in this regard without further evidence and the House could not be expected to give greater emphasis to the land treatment approach than already described in good but perhaps inadequate language in the Senate legislation. Substantial language was added to the R&D section of H.R. 11896 providing for the possible development of a major land treatment system to demonstrate the potential for such a system in the clean-up of Lake Erie, but otherwise the House bill was somewhat weaker than S. 2770 in this regard.

During this same period additional information came to my attention, further supporting an already substantial but growing conviction that land treatment was the basic direction the Nation must take in the management of its sewage.

Progress continued in the construction of the Muskegon System. Considerations of a nuclear power plant sited to utilize water in the storage lagoons of the system for cooling purposes progressed to intensive review by Consumers Power Company. Other power companies both private and public expressed interest in the possibilities. A system of charges at quite substantial levels for such use of the water began to appear feasible in view of much higher cost construction and operating costs for alternative evaporation tower cooling systems. Private interest appeared for the development of a regional industrial waste treatment center discharging its treated wastes into the system. Plans evolved further for the establishment of a solid waste disposal facility which would have the capacity to manage such wastes for all of Western Michigan for a period of 100 years through sanitary land fill and recycling of recoverable materials using acreage available between spray-irrigation circles on the agriculture land. All of the aforementioned are potential revenue producing activities in addition to agricultural output of the basic system.

Detailed reports of the Melbourne, Australia, sewage management system in operation since 1893 became available. The irrigation farm at that location currently manages 114 million gallons per day of sewage. Beef cattle and sheep are raised on the farm with 3,500 head of cattle and 35,000 sheep sold from agriculture operations in 1971 alone. Twenty-seven thousand acres of land with more than 10,000 acres irrigated for pasture are included in the system.

The efficacy of the land treatment concept was further confirmed by a University of Washington study just completed indicating basic components of sewage are reduced by the following amounts in the lagoon—spray irrigation approach: BOD—99%, suspended solids—99+%, nitrogen—80–90%, phosphorous—99%, heavy metals—99%, organic compounds—99%, viruses—99+%, bacteria—99%. All of these reductions are substantially greater than produced by "advanced" waste treatment techniques and "physical-chemical" systems currently advocated by EPA and state water pollution control agencies.

The question of costs of lagoon-spray irrigation systems is being answered by experience beyond Muskegon contract evidence where capital costs including land amount to about 80¢ per gallon of treatment capacity. No AWT or "physical-chemical" system recently bid or constructed to my knowledge can approach this low cost, and operating costs for land treatment are estimated at half the costs of alternatives.

A question of availability of land continues for the very substantial acreage required in land treatment. But the Corps' studies found sufficient land within reasonable distance of five major urban areas presently under consideration. There will be substantial dislocations of firm families if we do not develop lease arrangements or other means to insure the use of land for spray-irrigation by other than outright government ownership. However, there is also evidence that substantial dislocations will occur with the siting of alternative systems since such systems tend to be located at urban shorelines which are generally occupied and prime lands.

Evidence of the intense interest in the Congress in Corps review of waste management alternatives appears in the Administration's 1973 budget, where additional studies have been requested including Duluth, Seattle, Spokane, Boise, the Colorado River and tributaries in Texas, Omaha, St. Louis, Kansas City and Denver. In addition, resolutions have just been filed for New Orleans, Atlanta and the Washington, D.C., metropolitan area.

A substantial discussion of the entire subject is included in an article prepared for the National Association of Counties by Dr. John R. Sheaffer, currently Scientific Advisor to the Secretary of the Army, on leave from the Center For Urban Studies at the University of Chicago. Dr. Sheaffer's article dated February, 1972, is titled "The Ecological Revolution Is There a Role For County Government?" and is quoted as follows:

> The desire to improve the environmental quality has emerged as a common cause which has helped to unify our pluralistic society. Historic differences between rural and urban areas and city and county governments are melded into a unified environmental effort. In part, this effort has addressed the question of water quality deterioration and actions necessary to restore and enhance the quality of our lakes and streams. In particular, there has been disenchantment with the in-stream water quality standards approach which dominates current Federal efforts. Since 1956, more than $7 billion has been spent for the construction of sewage treatment facilities, but very few water bodies have been rehabilitated and restored to a desired quality.
>
> The apparent ineffectiveness of the current standards approach has stimulated environmentalists to search for other means to cope with the water quality problem. What is emerging from this effort is a new resource management approach that emphasizes the recycling and reclaiming of pollutants.
>
> #### A RESOURCE MANAGEMENT APPROACH
>
> The resource management approach which is emerging today may be referred to as an ecological revolution. The term "revolution" is particularly appropriate because of the basic changes encompassed in the new approach.
>
> Foremost, there is a change from a "disposal strategy" involving partial treatment and discharge to a "management strategy" that focuses on the recycling and containment of pollutants and the reclamation of water. The disposal strategy is typified by a

secondary treatment program. The management strategy is illustrated by the land treatment system contained in the Muskegon County, Michigan, Wastewater Management Plan.

Implicit in the shift from a disposal to a management strategy is a shift from single purpose wastewater planning that seeks to develop sewage treatment facilities to multipurpose planning which formulates plans for total waste management centers. Such centers will provide tertiary treatment of effluents, disposal of removed solids or sludges and municipal and industrial solid wastes, dissipation and beneficial use of waste heat, production of agricultural crops, and provision of open space. These several purposes must, in turn, be integrated in a total waste management plan which is a subsystem of a larger and more complex urban system. Thus, the total waste management plan must be consistent with overall development goals and objectives of the region it serves.

Several of the purposes that will be incorporated into a management strategy are potential revenue producers, e.g., dumping fees for solid waste disposal, cooling charges, and the sale of crops. Thus, there is an opportunity to shift from a program of Federal subsidy to stimulate the construction of treatment facilities to a program of Federal investments which not only provide for the management of wastewater but also have the potential to stimulate a flow of revenue to the local units of government—a dynamic illustration of revenue sharing.

PLANNING FOR MANAGEMENT

The ability to implement the ecological revolution is related directly to the ability to formulate and analyze alternative plans for managing wastewater. The Corps of Engineers has launched such a planning effort for five major metropolitan areas—Merrimack Basin-Boston, Cleveland-Akron, Detroit-Southeast Michigan, Chicago-Northwest Indiana, and San Francisco Bay-Delta—which constitute 12 to 15 percent of the urbanized population in the United States. This planning effort is guided by the three basic environmental principles that undergird all ecologically sound planning. First, the environment is an interrelated system with air, land and water interacting and affecting and being affected by urban development. Second, the environmental system for planning purposes is closed, nothing can be thrown away. Third, pollutants are potential resources out of place and if relocated in the environmental system can take on renewal value. For example, the nutrients in wastewater which accelerate eutrophication when discharged to a waterbody would be beneficial fertilizer if applied to cropland.

The Muskegon County land treatment system involving spray irrigation is illustrative of one alternative that is being prepared in the Corps of Engineering planning effort. Because from a National perspective land treatment has not been fully developed as a viable alternative for metropolitan areas and urbanized counties, much interest has focused on this "new approach" to wastewater management.

In simple terms, the Muskegon County system involves the following steps:

(1) collection of the wastewater and its transport away from the urban area,

(2) "secondary" treatment of the wastes to avoid odors,

(3) storage and disinfection of the wastewater,

(4) irrigation of the treated wastewater on agricultural or silvicultural land,

(5) "tertiary" treatment through the aerobic soil zone (the "living filter"), and

(6) retrieval of the reclaimed water (now pure enough to meet Public Health Service drinking water standards) through a drainage system; this water is then available for reuse in a manner best suited to regional needs.

As the Muskegon plan is being implemented, it has become quite clear to its sponsors that other facilities might be usefully integrated into its 10,000-acre waste treatment center. To date, the planning involves the following:

(1) the tertiary treatment of the wastewater by recycling the nutrients and confining and containing those pollutants including industrial wastes which cannot be recycled or reclaimed;

(2) the ultimate disposal of sludge or solids removed in the treatment process through the application of the solids to the land as a soil conditioner and fertilizer;

(3) the disposal of municipal and industrial solid wastes through the creation of hills (sculptured landscape) and the recycling of paper, glass and metals;

(4) the exploration of the location of power generation facilities and the beneficial dissipation of the heat in the wastewater; and

(5) the creation of functional greenbelts which help control urban sprawl and which can also serve as a recreational open space during the winter non-irrigation season—small game hunting and snowmobiling areas.

The implementation of such a plan offers the potential to convert a waste management facility into a revenue producing enterprise. In Muskegon County, the following annual returns are expected:

$360,000 agricultural profits (1 acre inch of treated effluent has the fertilizer equivalent of 25 lbs. of 10–10–12 commercial fertilizer).

$300,000 solid waste disposal fees (based on a disposal charge of $2.00 per ton).

$2,500,000 cooling charges and location fees from industry.

This amounts to an annual revenue in excess of $3,000,000 from the related or synergistic effects of the system, more than enough to cover the local share of the debt retirement ($16,000,000 bond issue) and the total operation and maintenance costs which are estimated to be about $2,650,000 annually. In addition, the County achieves clean water with all of its attendant benefits and will realize the standard charges for providing that service.

A perusal of the Muskegon County system shows that it serves as an example of the ecological revolution. The system focuses on management rather than disposal and treats pollutants as resources out of place. The land involved in the system provides a number of services in an integrated and coordinated manner—a multipurpose total waste management approach. By expanding the system beyond sewage treatment and sludge disposal—traditionally viewed as costs which must be borne by the general public and users—to include revenue producing activities such as commercial agriculture, solid waste disposal, and heat dissipation, the system become a public investment analogous to a multiple-purpose water resources project. As a public investment, the system has the potential to yield average annual benefits. When one views this range of opportunities provided by investments in water quality management systems, it becomes quite evident that such systems are not ends in themselves but means to an end and that they offer great opportunities for stimulating economic growth and development.

REACTIONS TO WASTEWATER MANAGEMENT

The Muskegon County wastewater management plan has prompted a number of reactions. The environmentalists strongly supported the land treatment-spray irrigation approach. On 13 September, 1971, David R. Zwick, Project Director, Nader Task Force on Water Pollution, appeared before the House Public Works Committee and stated:

The most promising provision in the Senate draft (of the water pollution bill) is its strong endorsement of the concept of total waste recycling—purifying sewage by spraying it on the land as fertilizer as exemplified by the Muskegon County, Michigan sewage treatment project. This Committee has, I recognize, been interested for some time in diverting the Federal water pollution bureaucracy from its myopic preoccupation with secondary treatment, which is inadequate for many of our Nation's waters. This Committee has shown interest in the progress of the Muskegon Project and the planning activities of the Corps of Engineers over whom you exercise major responsibilities involving similar projects. You have a chance this year in the water pollution bill you write to turn this interest into a practical reality.

It would be well to note that the pollution control profession, including Government officials at every level, has a stake in perpetuating the old technology which the Muskegon Project is designed to replace. This is the only technology many of these officials and private engineering consultants know. For a builder of sewage treatment plants, the spectre of a massive spread of Muskegon type projects produces great discomfort because it promises a permanent solution. It could put an end to our spiralling need to build more and bigger sewage treatment plants. Whatever eventually happens in the Senate, I would urge this Committee to hold the line for truly clean water by stressing the natural waste recycling alternative as the first priority choice when municipal grant funds are handed out.

Obviously, there were opposite reactions. In essence, opponents of the land treatment-spray irrigation system have questioned the workability of the approach, its costs, and the land use implications. Before land treatment can be viewed as a viable alternative for metropolitan areas and urban counties these issues must be resolved.

The questioning of the effectiveness and the effects of land treatment methodologies has prompted a number of research efforts. Such efforts have been undertaken at Pennsylvania State University, Michigan State University, University of California, University of Washington (Seattle) and at several Federal facilities—Flushing Meadows, Arizona, Kerr Water Research Center, Ada, Oklahoma, and the Cold Regions Research and Engineering Laboratory, Hanover, New Hampshire.

EFFECTIVENESS OF LAND TREATMENT

Based on the systematic consideration of treatment mechanisms and their projected significance and following an evaluation of available experience, the estimated effectiveness of a properly designed land treatment system to reclaim secondary effluent is as follows:

ESTIMATED EFFECTIVENESS OF LAND TREATMENT TECHNIQUES

	Spray irrigation	Overland runoff	Rapid infiltration
BOD	99	80	99
SS	99+	80	99
N	80–90	80	80
P	99	80	90
Heavy metals	99	10–30	95
Organic composition	99	50	90
Viruses	99+	90	99+
Bacteria	99	90	99+
Total dissolved solids [1]			
Cations	0–75	0–50	0–75
Anions	0–50	0–10	0–50

[1] While most cations and anions will be retained/treated at the higher indicated values, a few (e.g. Na and Cl) will be relatively unresponsive to treatment.

Source: Summary assessment of University of Washington consultants, February 1972.

This strong endorsement of on-the-land waste treatment is consistent with views presented by the Environmental Protection Agency in Volume II of its 1971 report on the Cost of Clean Water. The Agency observed:

> The (land treatment procedures) have the great virtue of recycling the materials so disposed, both by replenishing water tables and by converting and utilizing organic and inorganic waste matter in natural life processes of decay and growth. Their secondary merit is more germane to this discussion. Water reaching watercourses after passage through the filtering and decomposition processes afforded by soil is far purer—provided that soil loading rates are not exceeded—than any waste treatment process short of distillation could make them.

This emerging consensus regarding the effectiveness of land treatment establishes confidence in the workability of such a system. The experience at the Board of Works Farm, Melbourne, Australia, which has been growing grasses with waste water and feeding cattle and sheep on the same site since the turn of the century attests to the relative permanence of land treatment systems. With respect to the steers marketed from the Farm, the Board reported in July, 1969:

> There is a good demand for them and many of Melbourne's top butchers, who appreciate the succulence and quality of the Farm-raised beef, are regular buyers.

COSTS WILL BE EXCESSIVE

The controversy over the cost of constructing alternative systems can only be resolved through the bidding process. Further insight can be derived by comparing bids for alternative systems on a capital cost per gallon basis. The Muskegon system can treat a design flow of 43.4 million gallons a day and a peak flow of 90 million gallons a day at a direct construction cost of $34,000,000 (includes $3,000,000 for land). The capital investment amounts to $0.78 per gallon of installed capacity. This compares very favorably with more conventional advanced waste treatment systems. For example, the Salt Creek water reclamation plant in Cook County, Illinois, is designed to treat 30 million gallons a day and peak flows of 50 million gallons a day at a direct construction cost of $43,259,000 (land site not included) or a capital investment of $1.44 per gallon—nearly twice that of the Muskegon system. In addition, the Muskegon system has lower operating costs because it uses fewer chemicals and less power per million gallons of wastewater. The high-yield crop production from the irrigated and fertilized land as well as the other revenue producing features are further benefits.

A further comparison with a recently bid secondary treatment plan with provisions for 80 per cent phosphate removal produces interesting results. At Grand Haven, Michigan, a 5 million gallon a day plant received a low bid of $6,000,000 or $1.20 per gallon of installed capacity. This bid was rejected and the plant will be readvertised.

Based on the above comparisons, it appears that land treatment alternatives are competitive with other technologies, even in terms of capital costs. This does not imply that land treatment will always be less costly, but it does suggest that it is an alternative that should be formulated and analyzed for all metropolitan areas and urban counties to be certain that the cost effective alternative is implemented.

For projection of financing needs for the nation, the capital costs per gallon capacity bid at Muskegon can be used. The 1990 national wastewater flow is estimated to range from 30 to 70 billion gallons per day. At a cost of 80 cents per gallon, a capital investment of from $24 billion to $56 billion to treat 1990 waste flows would be required for the nation, cetrainly consistent with current estimates of Federal funding.

LAND USE IMPLICATIONS

The land use implications of land treatment systems have recently been called into question. In essence, this last remaining unresolved issue has two dimensions. The first dimension relates to the availability of suitable land for the waste flows from large metropolitan areas. The second dimension is concerned with the dislocation of rural residents from the land treatment centers.

With respect to the availability of land, the identification of suitable land ought not be a problem. (Sufficient land was identified for each of the metropolitan areas in the Corps of Engineers Pilot Wastewater Management Program). In Muskegon County, for example, the land requirements are 230 acres per million gallons per day of wastewater while at Penn State University only 130 acres per million gallons of wastewater per day were used. The difference reflects the length of the irrigation season and the amount of storage contained in the system. The Muskegon system is designed for a 7 month irrigation season and 5 months of storage. The Penn State system calls for year round irrigation with no storage. In the light of these two extremes, an average of the two systems can be used for planning purposes—180 acres per million gallons of wastewater per day. Applying this figure nationally, land requirements would range from 5,400,000 acres (30 billion gallons per day) up to 12,600,000 (70 billion gallons per day) with a figure of 7,700,000 commonly cited as the need. This estimate is of manageable proportions when it is compared to the estimated 7,000,000 acres of land needed for power transmission by 1990. Also, it is approximately one per cent of the cropland harvested in the United States.

With respect to relocation and disruption, land treatment in sparsely settled rural areas will affect fewer people than urban renewal and highway construction in the urban areas. In fact, an interesting comparison can be made between a land treatment and a secondary treatment system. The Muskegon land treatment system will dislocate 166 occupance units or 3.82 units per million gallons of capacity (166 units/43.4 mgd). The site selected for the Grand Haven, Michigan, secondary treatment plant with 80 per cent phosphate removal required that 23 occupance units be relocated for a 5 million gallon a day plant or 4.60 units per million gallon capacity. This finding is opposite of what is commonly believed and illustrates the complexity of the issue. But it is not unreasonable when one realizes that the shoreline or land-water interface is prime land and generally occupied in urban areas. Therefore, the traditional urban sewage treatment plant must compete with and dislocate other urban land uses. On the other hand, land treatment facilities, if located beyond the commuting zone, will compete with low cost agriculture, forest, or waste lands.

Another factor to be considered is that the other facilities that might be integrated into a waste treatment center would require significant amounts of land if they were undertaken singularly. For example, Illinois Power Company announced in the February 14, 1972, *Wall Street Journal* that the development of the Clinton, Illinois, nuclear power plant site (eventual capacity of 4,000 megawatts) will require a 17,000 acre site that includes a cooling lake with a 5,000 acre surface area. If this site area is to be considered typical and one is to accept the estimated need for 300 new nuclear power plants by 1990, 5,100,000 acres would be required for this single purpose activity or 66 per cent of the estimated 7,700,000 acres required for total waste management centers which could *incidentally* include the nuclear power plants and which would make beneficial use of the waste heat.

The Uniform Relocation Act provisions assure that persons moved are relocated into sound housing with the cost of upgrading and moving being borne by the public. This Act will assure that persons dislocated by any treatment system will be treated fairly and will be relocated in sound housing without incurring additional financial burdens.

PROSPECTS FOR A RESEARCH MANAGEMENT APPROACH

The resource management approach to wastewater treatment is analogous to the issue of non-returnable bottles. As ecologist Barry Commoner stated before the Illinois Pollution Control Board:

> I'm just proposing a very simple thing: lend the nitrogen to the city folks—but get it back. I think that's clear.

Simply stated, the beneficial use and recycling of wastewater pollutants are the wave of the future. Many such as Commoner have advocated it but felt that "we would have to clear economic hurdles to do this." Muskegon County has shown that the economic hurdles can be cleared. The Corps of Engineers pilot wastewater management program is seeking to determine if there are any dramatic diseconomies of scale which would preclude the use of the resource management approach for major metropolitan areas. The completion of the Corps of Engineers' survey scope reports will answer that question.

THE ROLE FOR COUNTY GOVERNMENT

In Muskegon County, after efforts to use political consolidation (one city) and a special district government (a water and sewer authority) as the means to achieve regional resource management had failed, the general purpose County government became the vehicle to achieve functional consolidation. One reason for the County's success was its offer of a total waste management approach which was viewed by local governments and industries as a solution.

In essence, the County provided the vision around which the local governments and industrial interests organized. In so doing, the County injected new dimensions—regionalism and resource management—into the decision making process rather than competing with the local governments by attempting to do the same thing each of them could do by themselves—construct conventional sewage treatment plants. Urbanized counties have the opportunity to play such a leadership role and fill the planning vacuum that exists in many areas.

Rural counties must also play a role in a total waste management program. The farm products or nutrients shipped to the urban areas for consumption and use must be considered as returnable nutrients. Thus, it is necessary for rural counties to plan systematically for the recycling and reclamation of urban pollutants which are, in essence, resources out of place.

These roles of both urban and rural counties relate to providing opportunities for developing resource management approaches to waste-water problems. County governments can assure that our nation can follow the admonition of Daniel Burnham to "make no little plans, for they have no power to stir men's souls." Total waste management requires planning on a scale larger than generally undertaken. Through the involvement of urban and rural counties, it can be made to succeed.

Because of a recent article in the Washington Post reporting on virus perils discovered in drinking water at two Massachusetts cities, it is worthwhile to give special attention to the fact that these cities draw this water from the badly polluted Merrimack and Concord Rivers. Those viruses come from sewage plant discharges into the rivers. Muskegon will no longer be threatened with such a potential problem. Land treatment of sewage removes and destroys virtually 100% of viruses. Those viruses are held by soil particles and then attacked by bacteria which break them down to harmless protein in the land treatment process.

The first amendment encourages the development of revenue-producing waste management centers capable of handling sewage, solid wastes and managing thermal pollution problems. The second amendment provides additional Federal funds for such systems. The third amendment leads industry to encourage the development of such systems and in turn assists industry during this period of transition. I strongly urge Members to give careful consideration to these amendments.

Mr. Speaker, relative to H.R. 11896, I plan to offer three amendments to Title II of the legislation. These amendments are based on the preceding information only recently available in detail. The amendments follow:

AMENDMENTS TO H.R. 11896, AS REPORTED

(Proposed by Hon. GUY VANDER JAGT)

Page 241, between lines 23 and 24 insert the following:

"(d) The Administrator shall encourage waste treatment management which results in the construction of revenue producing facilities providing for—

"(1) the recycling of potential sewage pollutants through the production of agriculture, silviculture or aquaculture products, or any combination thereof;

"(2) the confined and contained disposal of pollutants not recycled;

"(3) the reclamation of wastewater; and

"(4) the ultimate disposal of sludge in a manner that will not result in environmental hazards.

"(e) The Administrator shall encourage waste treatment management which results in integrating facilities for sewage treatment and recycling with facilities to treat, dispose of or utilize other industrial and municipal wastes, including but not limited to solid waste and waste heat and thermal discharges. Such integrated facilities shall be designed and operated to produce revenues in excess of capital and operation and maintenance costs and such revenues shall be used by the designated regional management agency to aid in financing other environmental improvement programs.

"(f) The Administrator shall encourage waste treatment management which combines 'open space' and recreational considerations with such management.

Page 241, line 24, strike "(d)" and insert "(g)".

Page 243, line 17, after the word "increased" insert "(1)" and on line 20 change the period to a comma, and add the following:

(2) to 65 per centum of such costs, if the system of waste treatment management is developed in accordance with the provisions of section 201(d) of this Act, except that such 65 per centum grant shall be increased to 85 per centum of such costs, if the State agrees to pay 10 per centum of the cost of all such systems for which Federal grants are to be made from funds allocated to such State for such fiscal year.

Page 248, line 11, change the semi-colon to a comma and add the following:

except in any case of a waste treatment management system developed pursuant to section 201(d) of this title, for which a grant is made under this title within five years after the date of enactment of this title, such payment shall not be required;

GREEK INDEPENDENCE DAY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. DERWINSKI. Mr. Speaker, next Saturday the people of Greece and their friends in other parts of the world will observe Independence Day. March 25, 1821, was the day the Greeks began their revolt against the Ottoman Empire. Eight years were to elapse before their connection to Turkey was finally ended and independence became a reality.

The Greeks were aided during their war of liberation by Great Britain, France, and Russia, while the Turks received substantial assistance from Egypt. The war was long and bitter, the climax being reached when the British, French, and Russian ships destroyed the Turkish-Egyptian fleet at the Battle of Navarino.

It has not always been easy for Greece to maintain its freedom. During World War II it was invaded by the Fascists and National Socialists. These enemies had hardly been driven out when Greece became involved in a civil war with the Communists. The Greeks eventually triumphed over their later foes.

Mr. Speaker, the friendship of the people of the United States and the people of Greece has endured through the years. Many Greeks have come to America and become valued citizens of their adopted country. Saturday will indeed be a happy occasion, when Americans, especially those of Hellenic descent, join the people of Greece in celebrating the independence of that great nation.

WHAT DID THE PRESIDENT SAY ON BUSING?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. RARICK. Mr. Speaker, the President's public statement on forced busing, which is quite different from his message on busing to Congress, is exceeded in its political expediency only by the partisan analysis and interpretation of what he said and what he intended.

Almost everyone has seen the TV address or read the news accounts and the country seems to be fully informed as to the public face of the Nixon plan on busing.

Few have seen, let alone read or studied the President's 17-page report to Congress, yet everyone seems to have concluded that the President is going to stop busing, thus removing it as a political issue.

The President's busing statement is reminiscent of the politician who finds he has to move to keep from being run over by the people. Control politics must never be equated to leadership. When the people get out of hand and challenge the politicians, the political plan is never to meet the stampede head on, but to act like meeting the issue, diverting the thrust to take the steam out of the popular uprising. How can it be said we live in a democracy when the leaders refuse to listen to the majority?

President Nixon's main concern was in hiding his power to stop the whole busing mess, which is already against the law of the land. He did this by again refusing to accept his role of leadership and by throwing the public attention back on Congress, which has repeatedly outlawed busing and which has over 150 signatures on an antibusing amendment—which could have been adopted and ratified had the President done anything but played politics with it. The President's message to Congress—never read to the people—is so long, ambiguous, and without direction that few Members can decide what the President proposed, let alone enact his vacillation as legislation. Perhaps this is the President's goal—to confuse and delay until after the November elections, when he can forget busing, by blaming Congress for doing nothing.

Contrary to reports that President Nixon proposes stopping busing, his statement says, "further new busing orders," which does not change old busing orders. So the old dual systems of laws—one for the North and a separate one for the South—is to be retained. Nor is all new busing to be stopped, for the President said:

> Specifically, I propose that the Congress enact two measures which together would shift the focus from more transportation to better education, and would curb busing while expanding educational opportunity.

While seeking to criticize some Federal judges—not his hand-picked strict constructionist Chief Justice who was the author of the Swann decision—the President said:

> At the same time, these measures would not roll back the Constitution, or undo the great advances that have been made in ending school segregation, or undermine the continuing drive for equal rights.
>
> Most importantly, however, these proposals undertake to address the problem that really lies at the heart of the issue at this time: the inherent inability of the courts, acting alone, to deal effectively and acceptably with the new magnitude of educational and social problems generated by the desegregation process.

Somehow overlooked was that portion of Swann where Chief Justice Burger admitted that the Court was on illegal grounds but acted nevertheless in equity—the Court's conscience. It is as if Thurgood Marshall, counsel in the Brown against Topeka, Kansas Board of Education case had gone into court with clean hands.

The President calls the first part of his proposed legislation the Equal Education Opportunities Act of 1972.

The EEOA provides for desegregation with busing to be required only as a last resort and then only under limitations.

The second presidential proposal is the Student Transportation Moratorium Act which would stop all new busing until July 1, 1973, or—8 months following the November presidential election—until Congress passes appropriate legislation—whatever that means—whichever occurs first. In the meantime, Congress is to come up with new methods to accomplish the same goals so that busing to achieve racial balance is unnecessary.

As to busing by court order, the President said:

> Busing for the purpose of desegregation was begun—mostly on a modest scale—as one of a mix of remedies to meet the require-

> ments laid down by various lower Federal courts for achieving the difficult transition from the old dual school system to a new, unitary system.
>
> If some of the Federal courts have lately tended toward extreme remedies in school desegregation cases—and some have—this has been in considerable part because the work has largely gone forward in the courts, case-by-case, and because the courts have carried a heavy share of the burden while having to operate within a limited framework of reference and remedies. The efforts have therefore frequently been disconnected, and the result has been not only great progress but also the creation of problems severe enough to threaten the immense achievement of these 18 difficult years.

The President, admitting the courts acted without law, would now ask Congress to give them a legal footing for achieving the same de facto goals.

As to discharge petition No. 9, now needing only 72 additional signatures to bring an antibusing constitutional amendment for a vote, the President said:

> It would have no impact this year—a constitutional amendment fails to meet this immediate need.

Surely the President is aware that the 18-year-old vote amendment passed Congress on March 23, 1971, and was ratified 90 days later. The President must understand that public opinion is as strong for antibusing as it was for the 18-year-old vote. Had he given Presidential prestige and support to discharge petition No. 9, the people would have the Constitution amended before the November election and busing would be removed as a political issue once and for all.

The President examined some of the reasons various people want busing stopped. Some meet his test of morality; others do not. But at least this was more consideration than the people got from Earl Warren before his ruling on the Brown case which originated in Kansas.

What do the following statements from the President's report to Congress on busing have to do with busing or education?

> This administration means what it says about dismantling racial barriers, about opening up jobs and housing and schools and opportunity to all Americans.
>
> It is not merely rhetoric, but our record, that demonstrated our determination.
>
> We have achieved more school desegregation in the last 3 years than was achieved in the previous 15.
>
> We have taken the lead in opening up high-paying jobs to minority workers.
>
> We have taken unprecedented measures to spur business ownership by members of minorities.
>
> We have brought more members of minorities into the middle and upper levels of the Federal service than ever before.
>
> We have provided more support to black colleges than ever before.
>
> We have put more money and muscle into enforcement of the equal opportunity laws than ever before.
>
> These efforts will all go forward—with vigor and with conviction. Making up for the years of past discrimination is not simply something that white Americans owe to black Americans—it is something the entire Nation owes to itself.

Most Americans may have thought freedom was what the Nation owed itself, but the President's reference to freedom only shows the political intent and direction which he has taken on the busing issue.

The voluminous barrage of words which can be used by either the busers or antibusers confirms that public education to preserve and perpetuate individual culture and institutions is dead.

The President's message to Congress calls for a course of deliberation, to avoid confrontation, for all but the assimilated majority.

It is evident that the President's message was based on fear—fear of busing, and he has only dealt with it fleetingly, as a subterfuge to calm the American people until after the election—while the majority of Americans continue to flee the inner cities, rebuilding in the suburbs.

It remains to be seen if the American people will be taken in by this political maneuver on the part of the President to divert the people's attention from the paramount domestic issue of the day—forced busing to achieve racial balance.

CLEAR EVIDENCE OF THE ACCELERATING BUSINESS RECOVERY

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. CONABLE. Mr. Speaker, there is a strong tendency by the news media to concentrate on bad news whatever the issue. This is particularly difficult to understand in economic matters at this time in view of the vigorous economic expansion we are currently experiencing. The press seems to emphasize the few economic statistics that may appear weak at a given moment. Of course, only a broader view can tell us how well the economy is actually doing.

A recent issue of the U.S. News & World Report puts the economy in its proper perspective. In an article, "Business Recovery Speeds Up," the magazine reports that many business analysts both in and out of government believe the economy is picking up speed. Early 1972 statistics back them up. Data on new auto sales, business investment, steel production, home building, profits and stock prices all evidence a strong, healthy economic advance this year.

I am sure my colleagues will be interested in this survey of our economic prospects. Therefore, I ask unanimous consent to include the article from the March 20 edition of U.S. News & World Report at this point.

The article follows:

BUSINESS RECOVERY SPEEDS UP

Unemployment is down. Factories are humming. The housing boom continues. Profits are perking up. Good news on the economic front is coming thick and fast these days. Result: more confidence among analysts for the rest of '72.

The economic recovery is definitely picking up speed now, in the opinion of many leading business analysts.

Early 1972 statistics back them up. Nearly all figures show the economy making solid improvements—though it's still far short of being in a boom.

Some examples—

Factory orders grew 6.2 per cent in January to 63.1 billion dollars. It was the sharpest rise in a single month since August, 1956. This, like all other monthly reports that follow, has been adjusted for seasonal variations.

The jobless rate fell in February from January's 5.9 per cent to 5.7 per cent, the lowest rate in 17 months. New claims for unemployment insurance also have been declining.

Personal income rose 7 billion dollars in January to a record yearly rate of 891 billion dollars. A further rise to about 900 billion is estimated for February.

Consumers, with all-time-high holdings of liquid assets, are starting to spend a bit more freely.

Sales of new autos in February were the highest on record for that month. Truck sales also appear headed for another top year.

Construction continues to set new marks, month after month. Housing starts are exceeding last year's record pace and should lead to more spending for durable goods to go in the new homes.

Stock prices—with some fluctuations—keep going up. Many Wall Streeters are now predicting that before midyear the Dow Jones average will crack 1,000 for the first time in history.

Already, on March 6, Standard & Poor's 50-stock price index exceeded the previous all-time high set in late 1968.

Corporations have boosted their spending plans for plant modernization to 89.8 billion dollars this year, a Commerce Department survey shows. That would be an increase of 10.5 per cent, compared with a rise of only 1.9 per cent last year. It would be the largest increase since 1969.

Almost all major categories of industry are now expected to step up capital spending, which was among the weakest links in 1971's economy.

The demand for steel continues to grow amid rosy reports on plant and equipment spending.

Users have run off their inventories; foreign competition has been limited somewhat by trade agreements; auto markets are brisk.

Sales of merchant wholesalers were estimated at 24.2 billion dollars in January. This was up 5 per cent from December and 13 per cent above the figure for January, 1971.

Lumber and other construction-material sales rocketed 50 per cent over December.

Output per man-hour is up, with unit labor costs steadying. That shows more efficient use is being made of plants.

Unfilled durable-goods orders rose in January for the third consecutive month, even though shipments leaped 4 per cent above December's level.

Inventories relative to sales dipped in January to 1.64, the lowest ratio since June 1968. This suggests an even bigger pickup in manufacturing lies ahead.

The average workweek lengthened in February, possibly indicating that more jobs are about to open up. And workers' average earnings in February kept well ahead of the rise in living costs.

Corporate-profits outlook is good. A survey of the largest U.S. firms by the Federal Reserve Bank of Philadelphia shows them estimating, on average, a 16 per cent rise in profits after taxes this year. This would be the sharpest annual rise since 1965.

With so many factors looking better, it is not surprising that the Government's composite index of leading economic indicators continues to point upward.

The index jumped 2.3 per cent in January, the largest monthly improvement since

October, 1968. It has climbed for five consecutive months and is now 13.6 per cent above a year ago.

Signs thus point to a smart increase in total output during the first three months of 1972. The Economic Unit of "U.S. News & World Report" projects that real growth—allowing for price increases—will be at an annual rate of 8.5 per cent in the first quarter. That's up from a 5.8 per cent rate in the fourth quarter of 1971.

Raymond J. Saulnier, who headed President Eisenhower's Council of Economic Advisers, recently spent two days in Washington with a group of 30 economists for large industrial and financial companies. Their optimism convinced Dr. Saulnier that he will have to raise his original estimate of 1,140 trillion dollars for national output this year.

SIGNS OF A SWIFTER RISE IN THE ECONOMY

Business investment in plant and equipment will increase 10.5 per cent this year, companies now indicate. Their plans late in 1971 called for a rise of only 9 per cent.

New-auto sales in February were highest on record for that month. Recent sales pace is close to the industry's goal of 9 million U.S. cars this year.

Factory backlogs—work waiting to be done—are growing. Latest report showed the biggest one-month jump in new orders since 1956.

Several underlying factors are buoying the confidence of analysts that the recovery will continue to quicken through the year. Big increases are proposed for federal spending in the coming fiscal year. State and local governments, encouraged by federal programs and easier credit, are increasing their outlays, too.

The year is expected to be relatively free of labor strikes. Only big danger is the possibility of renewed dock walkouts if the Pay Board balks at the gains won recently by the longshoremen.

Corporations are now in good financial position to expand, and banks have plenty of money to lend. There also is some evidence that people are once again becoming more inflation-minded. If so, this could stimulate businessmen still more to invest or add to inventories.

Greatest optimism—as in the past—comes from Administration officials.

"I'm becoming increasingly bullish on the domestic economy," beamed Treasury Under Secretary Charles E. Walker at a Washington luncheon.

Dr. Harold C. Passer, Assistant Commerce Secretary for Economic Affairs, was jubilant over his capital-spending survey.

Dr. Passer said it means the economy will speed up even more, with employment and productivity both gaining.

From Edgar R. Fiedler, Assistant Secretary of the Treasury for Economic Policy:

"On the whole, the evidence available to us now adds up to a healthy advance—not a rampant boom, but a rise in economic activity during 1972 sufficient to put a meaningful dent in the unemployment rate."

And according to a White House statement, recent economic developments give "cause to believe that the goals the Administration has made for the economy at the end of this year will be reached."

Many business economists outside of Government agree—with only slightly less enthusiasm.

"The economy is not about to take off," says Walter Hoadley, chief economist of the Bank of America in San Francisco. "What we're experiencing is more of a relentless, steady kind of progress."

Mr. Hoadley, who has just returned from a business trip to Europe, is convinced the American economy is still the world's strongest, but he feels that there must be a "restitution of confidence in the dollar."

This confidence, Mr. Hoadley says, can best be restored through some evidence that the Government's budget is not out of control and that the nation's monetary policy is stabilized.

Steel production is increasing. The mills forecast a big gain in March, have raised their estimate of steel shipments to a record 96 million tons this year.

Home building continues to break records. Contracts for all types of construction increased strongly in January, latest month reported.

Business profits are improving. A new survey finds large companies predicting a 16 per cent increase in 1972 over 1971.

Stocks have been moving into high ground, a sign that the investing public is also gaining confidence. Stock-market gains tend eventually to be reflected in retail sales.

Some tightening of monetary policy is expected by George R. Green, executive director of short-term forecasting for the Wharton School of Finance, University of Pennsylvania.

Dr. Green says this tightening will result partly from the continued rally of business and partly from fears of renewed inflation.

In Atlanta a leading economist attributes the quickening economic pace mainly to "pretty strong Government spending, strong housing." He sees only one serious "pocket of rigidity"—retail sales.

Since hitting a peak in November, retail sales have leveled off. In physical volume, January sales were 5 per cent above a year earlier with durables up 13 per cent, nondurables 2 per cent.

Statistical quirks, however, hide the true strength of retail sales, contends George W. Cloos, vice president and senior economist at the Federal Reserve Bank of Chicago.

"Shipments to furniture and appliance stores have been fantastic," he says. "There are big backlogs. I ordered a color TV and it took me a month to get it—just from Fort Wayne, Ind."

Mr. Cloos says the spirit of corporate analysts has improved greatly. He attributes much of the previous sluggishness in the recovery to a "shock effect" from the recession.

"There were many young people in decision-making positions who never had experienced anything but growth," Mr. Cloos explains. "The recession rattled their confidence. It made them afraid to move again."

In Texas, Douglas B. Lang, staff economist for El Paso Natural Gas Company, agrees that the economy is picking up. This is especially true, he adds, in the Southwest, where construction is booming. Mr. Lang credits much of the national improvement to the generous supply of money.

The velocity, or turnover, of money has been increasing steadily since January 19, except for one week.

Angelo J. Lombardo, economist for Roosevelt & Son, New York investment-banking firm, says inflationary expectations on Wall Street are declining and there is a "higher level of positive psychology" among consumers.

Albert H. Cox, Jr., executive vice president and chief economist for Lionel D. Edie & Co., Inc., states:

"Accomplishments have been real, and time is now strongly on the side of further advance and at a quickening pace.

"We expect the resultant reabsorption of some of the country's present idle facilities and manpower to escalate confidence and increase the orderly flow of business."

Latest business-outlook report of usually somber Townsend-Greenspan & Company, Inc., concludes:

"Over all, the quality of the economic statistics that have been coming out in recent weeks is finally beginning to have a shade better tone."

William C. Freund, vice president and chief economist of the New York Stock Exchange, Inc., even foresees a good chance that during the second half of this year, many people will be talking again about the dangers of a booming economy and a too-rapid expansion of business activity.

Mr. Freund adds:

"In the annals of our economic history, there have been few times when the ground seemed to be quite so ripe for a broad-based and vigorous cyclical expansion as now."

DECLARATION OF JUDICIAL INDEPENDENCE

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. STOKES. Mr. Speaker, on January 17, 1972, the U.S. Supreme Court heard arguments for the abolishment of capital punishment on the grounds that it constitutes "cruel and unusual punishment."

In the meantime, on February 18, while the high court was still making up its collective mind, the California State Supreme Court, one of the best courts in the land, came down with a ruling that capital punishment is not in accord with the California constitution. The court's decision was based primarily on the section of that document prohibiting "cruel or unusual punishments."

The difference between an "or" and an "and" was more than verbal; it involved the lives of 104 persons who had been sitting on California's death row, some of them for as many as 8 years. Further, in the minds of the judges, the use of the word "or" carried with it the dignity of the entire society.

The use of the word "or" permitted the California court to consider the questions of cruelty and usualness separately, which had not been done before. In considering the cruelty of the death penalty, the court dismissed as irrelevant the idea that the fear of death row is enough to deter a would-be criminal.

Indeed, statistics reveal the irrelevancy of the argument. In 1970, the State with the highest incidence of murder and nonnegligent manslaughter was South Carolina. In that year, for every 100,000 persons, 14.6 murders were committed. South Carolina's maximum punishment is death by electrocution. In the same year, North Dakota was the State with the lowest incidence of these offenses. That State's maximum penalty is life imprisonment, and yet, for every 100,000 people, only 0.5 murders were committed.

The same pattern is reflected in the total number of total "Crime Index" offenses. The Crime Index is compiled by the FBI to measure the degree of lawlessness in a community. Crimes of violence and crimes against property are included.

In 1970, California had the greatest number of Crime Index offenses, 4,307 for every 100,000 persons. California, prior to the recent decision, punished maximum offenders with lethal gas. North Dakota, by comparison, had only 846.1 Crime Index offenses for every 100,000 persons. And, as noted above, the death penalty is outlawed in that State.

The figures do not say that States which have life imprisonment as the maximum punishment have automatically fewer criminals. But they also do not bear up the contention that capital punishment is an effective deterrent against crime.

The California Supreme Court justices, in the case of People against Anderson, applied the traditional test of "whether the punishment affronts contemporary standards of decency" and found that it does. They noted that in 1935, 199 people were executed for crimes. In 1967, that number had dropped to two. They quoted these figures as a clear indication that the death penalty has become increasingly repugnant to those who must deal with it directly, the people who administer justice in this country.

Indeed, after the decision was handed down, the former warden of San Quentin said that, through his own experience, he knew that capital punishment is "very cruel, very unusual, and very gruesome."

In assessing the cruelty of capital punishment, the court noted that—

> Were the standards of another age the constitutional measure of "cruelty" today, whipping, branding, pillorying, severing or nailing ears, and boring of the tongue, all of which were once practiced as forms of punishment in this country, might escape constitutional proscription, but none today would argue that they are not "cruel" punishments.

After assessing the matters of cruelty and usualness separately, the court concluded that capital punishment is, in fact, both cruel and unusual. Cruel by contemporary standards of decency and unusual in that it has been only rarely applied in recent years.

In the closing statement, the judges touched the heart of the question when they wrote:

> Our conclusion that the death penalty may no longer be exacted in California consistently with article I, section 6 of our Constitution is not grounded in sympathy for those who would commit crimes of violence, but in concern for the society that diminishes itself whenever it takes the life of one of its members.

We live in an age of violence. It reverberates throughout our daily lives. We see violence on our television screens, in our newspapers, on the streets, in certain public officials' words. No one likes it, but it seems to get worse. However, I believe that this situation is within our power to correct. The California State Supreme Court has just taken a giant step toward the elimination of violence.

So long as officialdom condones violence, we cannot expect the populace to go in the direction of nonviolence. But when the courts take the lead, as the one did in California, a promise is offered that the age of violence may be coming to a close. That is an important development.

Also, to the credit of the California Supreme Court, the inviolability of all courts was given new credence. The judges demonstrated to us that at least one court will resist incursions on the part of the legislative and executive branches of Government. As is well known, it has recently become popular to attempt to overturn Supreme Court decisions by use of constitutional amendments. This is a singularly dangerous development which the California court noted in its decision, when it delineated the different roles of the judiciary and the legislature. The justices wrote:

> The Legislature . . . is accorded the broadest discretion possible in enacting penal statutes and in specifying punishment for a crime, but the final judgment as to whether the punishment it decrees exceeds constitutional limits is a judicial function.

The California decision was important for its reaffirmation of the value of human life and for its declaration of judicial independence.

I am hopeful that the U.S. Supreme Court, which is still deliberating the question of capital punishment, will take note of these two segments of the California judgment.

It is incumbent upon the Supreme Court to show us that it is still alive and well and that human life is still worth something in this country, by declaring capital punishment a violation of the U.S. Constitution.

HISTORY OF A CHEESE FACTORY

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. MILLER of California. Mr. Speaker, the city of Pleasanton in Alameda County, Calif., is extremely proud of a unique institution called the Cheese Factory. Now celebrating its 50th anniversary. I would like to insert in the CONGRESSIONAL RECORD a history of the Cheese Factory for the edification of my colleagues.

The Cheese Factory was founded in 1920 when a Greek immigrant, Deimitrios Voultsides settled in Pleasanton. Equipped only with his trade as a master cheesemaker, Jimmy, as he became affectionately known, was determined to show the New World the delectable cheese varieties held captive by the Old World for so many years.

Pleasanton was a center for quality milk production then and the milk used for cheesemaking came to the plant in 10 gallon cans twice a day as the herds were milked. The milk was tempered in the cheese vats by burning wood beneath them and pasteurization was accomplished by heating the milk to 145° Fehrenheit and holding it in a vat for 30 minutes.

Unbelievable as it may seem to us today, cheese of superior quality was produced at the Cheese Factory and Jimmy slowly established himself as a maker of fine cheese and his business began to prosper. The turning point was the creation of American Teleme which Jimmy produced by improvising on an old European recipe. The result was a cheese of delicate flavor with a smooth, creamy consistency ideally suited for use with any meal or occasion. The first store to sell American Teleme was Egidio Panelli's Delicatessen on Grand Avenue in San Francisco, and the man responsible for the introduction of this cheese to the trade was Nick K. Georgatos. Nick, himself a Greek immigrant, met Jimmy in 1920 and a friendship immediately developed between the two. Through this friendship grew a business association that continues today between the Cheese Factory and Demostic Cheese of San Francisco.

American Teleme was a difficult product to market because its soft, creamy consistency made it difficult to package. The cheese was so creamy that it had to be placed in wooden trays lined with paper to keep it from spreading. Realizing the unusual and distinct characteristics of this cheese, Nick embarked on an innovative marketing approach that featured "in-store" sampling by customers. Through this technique, Nick was able to create consumer acceptance and made American Teleme the success it is today.

Jimmy is gone now, having passed away in 1967, but his memory lingers on through the rich tradition and pride that he instilled in his nephew, George A. Spiliotopoulos. George runs the cheese factory now with the help of Jimmy's wife, Calliope. At the Cheese Factory they process 4,000 gallons of milk daily and in addition to American Teleme they manufacture Old Fashioned Monterey Jack, Romano Dolce, Ricotta, Dry Monterey Jack, Caraway, Greek Feta, and many other delicious varieties. The most recent addition was formulated by George who combined Old Fashioned Monterey Jack and Gallo Italian Salame to form a product appropriately named Salame-Cheese. This cheese is great for party snacks, sandwiches, and just plain eating.

THE LATE HONORABLE GEORGE W. ANDREWS

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mrs. HICKS of Massachusetts. Mr. Speaker, I join with the other Members of the House in mourning the passing of a great American, Congressman George Andrews.

As a freshman Member of the Congress, I shall always remember his courtesies and kindnesses to me. He was quiet and unassuming, but most effective. In his quiet way, he applied the experience of his many years of service to solving the problems of our country and representing the people of his State.

It was indeed a privilege to have known him. I shall always remember with deep affection when he told me I could sit with his delegation in the House because I came from South Boston.

My deepest sympathy to his wife and family whom he cherished and to the people of his district whom he served.

U.S. DEFENSE POSTURE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. HOGAN. Mr. Speaker, in a speech recently reprinted in Electronic Warfare, Gen. Mark Bradley outlines the present U.S. defense posture and compares it with the situation immediately prior to Pearl Harbor.

General Bradley's speech includes food for sober thought and I now insert it into the RECORD:

KIMMEL, SHORT WERE NOT BAD GUYS

(By Gen. Mark E. Bradley, USAF, retired)

There are two reasons for my acceptance of this assignment. First, due to a long time abroad, I know something about our preparedness prior to Pearl Harbor, and I know quite a bit about Pearl Harbor itself. Secondly, I think I know quite a bit about the trend this country's power is taking due to the attitude of a big part of our Congress and some of our people, and I don't like it.

In 1946 I was an instructor at the Armed Forces Staff College. One of my assignments was to study the records of the hearings after Pearl Harbor and deliver several talks on the subject. I don't pretend to be a Pearl Harbor expert but I did learn enough to know that it wasn't General Short and Admiral Kimmel who erred; it was the entire United States Government, including most of its people both in and out of uniform.

Now let's look back at the situation prior to World War II. 1930 would be a good time. When I became a second lieutenant there were less than 1400 pilots in the Army Air Corps. The entire Corps was less than 30,000 men. This small and inadequate force had come from nothing after the German collapse in 1918. After that war, the big deal was peace from here on. How familiar that sounds! They called it the War to End Wars. President Wilson was instrumental in the organization of the League of Nations, an organization whose worldwide job was to keep the peace. It proved to be a dismal failure as was its successor the United Nations.

In about 1932 I was a member of a fighter squadron which was sent to Milwaukee to put on a flying demonstration at an American Legion Convention. There were about twenty of us in our flight caps and leather jackets, the uniform of the period in the Air Corps. We were soundly "booed" while walking down the street of Milwaukee. The military image was at a low ebb in 1932. A few weeks ago I heard Governor Reagan on a TV interview tell of the present downgrading of our military people. He said that he knew of an Air Force Base where the officers and their wives fear for their safety if they appear in public places with the officers in uniform. To wear the uniform is considered a hazard!! Can you imagine that?! Obviously, we have a great propensity for repeating our mistakes, and the military image has again reached a low ebb.

In 1930 our Air Corps was spread over the United States on about 12 or 15 bases: Selfridge, Langley, March, Barksdale, Wright-Patterson, Mather, Kelly, Randolph, to name a few. The tactical bases had from one to six squadrons. About this time the entire Air Force collected on a maneuver and it amounted to only about 700 airplanes. The procurement program was about 100 airplanes a year or less—average cost $30,000 each. (I noticed the headlines the other day where in their 1973 procurement program the Air Force plans to buy less than 100 airplanes!) This is an example of the low level of preparedness our forces had fallen to after WW1. Perhaps it is slightly unfair since the Air Force was really still a stepchild of the Army. I have a little personal experience which shows how much of a stepchild. I was a fighter pilot and lieutenant in Hawaii in 1935 and a number of us were detailed with the Army at Schofield Barracks for a week or two to learn how the Army works. The commander of the Hawaiian Division called us to his office for a welcome and a few words. He welcomed us saying he hoped we would learn how the army really was and he then gave us his appraisal of air power. He said that he felt we would be of considerable use to him during the first few days of fighting, should war come, as observation flyers for the Army, but that after the first few days and the combat began in earnest we would be either down and gone, or in any event of little or no use! How ironical! That war came a few years later to Schofield and the Air Force was the sole defender—what little defense there was. The army troops and those 16-inch coastal guns just sat there and took it, destined never to fire a shot in anger.

We hear of the SALT Talks today, how we hope to stop the arms race by agreement with the USSR. I agree that such agreements would be most desirable if they could be depended upon. These SALT Talks were announced in 1968. They began in 1969. In the four years since the announcement the Soviet ICBM strength has been increased by 266 per cent, or by a number equivalent to our entire Minute Man force then and today. They have increased their submarine launch missile force from practically zero in 1968 to an estimated 25 today capable of launching 400 SLM's. Secretary Laird now estimates they will have a total of 41, the equal of our Polaris. Poseidon force by mid-1973. Unfortunately, it is my opinion that they will agree to nothing which will limit their capability, but will agree to anything that will contribute to our vulnerability.

This, too, is not new. In the 1920's we agreed to disarm. We sank a number of our battleships. I don't think anyone else did, and as far as I know, all that accomplished was to prove to the world that airplanes could sink battleships—a lesson the Japanese demonstrated rather conclusively about 12 years later at Pearl Harbor.

Our threadbare condition continued right on through the start of the war in Europe in 1939. It continued even in the face of some of the soundest advice a country ever received. Our first rated aviator of his time, Charles Lindbergh, was not asleep. Lindbergh went to Germany. He saw their Luftwaffe and their modern Air Force. He recognized the danger and made his fears known. But what happened? It was almost as though he had made his pleas to General Short and Admiral Kimmel. The Congress and Government were just as deaf and Charles Lindbergh was soundly condemned by our peacenicks of the late 30's who refused to believe our danger. I take my hat off to Charles Lindbergh; one of the finest and farsighted and intelligent aviators this country has ever produced. I have not heard or read what Lindbergh thinks of the present situation but I'll wager that he is greatly alarmed. 1939 and the start of fighting in Europe awakened us a little. The British and the French did most, however, by the large procurement programs they started for fighters, bombers, and transports in this country. Had they not done this, our readiness in 1941 would have been even more pitiful.

Now let's talk about the Pearl Harbor attack itself. The Pearl Harbor attack literally came out of the blue. It came out of the blue for you and me. It came out of the blue for President Roosevelt and the Government. It came out of the blue for the Army, Navy and Air Force, and it certainly came out of the blue both physically and literally for General Short, Admiral Kimmel and General Martin. Some of you may know Bob Martin. Well, his dad, General Martin, was in charge of the Air Force units in Hawaii. Not too many people know this today. The other two, however, shared the over-all responsibility. They were in charge.

When the Pearl Harbor attack came on Dec. 7, 1941, the United States was totally unprepared. It was unprepared in defensive power. It was unprepared in offensive power. It was unprepared psychologically. It was unprepared in intelligence. We had little to fight with, suspected nothing like what happened, and had little capability to find out about it. A personal experience proves this point. I was a junior member on the board in 1939 with Eaker, Spaatz, Kenny and several others. I was sent to the Army Intelligence Office to see what I could find about Japanese fighter aircraft and their capabilities. All I could find was some pictures of some biplanes which resembled the 1927 Curtiss Hawk, and a small news item which stated that the Japanese were reputed to have a plane called a Zero, which was reported to be able to climb vertically—that's all! In 1941 we learned a lot more.

General Short and Admiral Kimmel were no more guilty of dereliction of duty than every other general, admiral or member of the Government in Washington. Sure there were a few around the President who knew of some intercepted messages that sounded as though the Japs were up to something, even to the time and day, but one and all, they were so sure no attack by air would come against any U.S. land or possession that they sent the following warning to the Hawaiian commanders on Dec. 6. It has been thirty years since I saw the exact words but it was something like "Relations with Japanese have become very critical. You should alert your command at once and be especially watchful against sabotage." This message meant a great deal. When added to the fact that General Marshall was out riding in Virginia and could not be located until noon, indicating his degree of alert, and the Government in Washington, except for a few intelligence centers, was flat on its Sunday morning ass; it meant that no one expected an air attack any place. It meant they did think the Japs might break relations or even declare war, and that with the Declaration of War the native Japanese of Hawaii might sabotage our installations and destroy our aircraft on the ground. They were all wrong. They did attack by air and knocked the living hell out of our fleet and installations in Hawaii. The native Japanese of Hawaii were not disloyal, and later proved to be some of our most loyal citizens and soldiers.

General Martin received this word secondhand, "be on guard against sabotage." General Martin did what he should have done in view of it—gathered his few aircraft (P-40's and P-26's) into tight groups so his weak ground guard could protect them. Most were there ready for the Japs to destroy with one or two strafing passes the next day. This they did with great efficiency.

There are a lot of other interesting things that happened that day to show that General Short and Admiral Kimmel were not so stupid. The Air Corps had a radar station, one of our first, and the operators saw a great swarm of targets coming out of the sea from the north. It was Sunday morning, Dec. 7 about 7:00 am. They reported the fact to the duty officer at Headquarters, and what he did with the information is not known today. For my part, I can see a few people scurrying around, following the old policy—"When in trouble or in doubt, run in circles, scream and shout"—but thinking it could be anything from geese or ducks to B-17's arriving from the United States, and not knowing whom to call anyway. About this time all hell broke loose! Incidentally, a flight of B-17's headed for the Philippines was landing during the attack. So I can conclude that the admiral and general were not so dumb. In fact, they were just as smart as everyone above them and around them. America was weak. America was over confident. America was naive. America was asleep.

Fortunately, we did have time to build up our power after the surprise attack. We built it up and our country got behind it and we licked hell out of the enemy; all of the enemy. We beat 'em so bad we later felt we had to pour billions of our dollars into their economies to save them—both friends and former enemies. This we did, again for peace and the world's future. Now, after rebuilding friends and enemies alike, and fighting two anti-communist wars—wars which we not only have not won but rather have chosen to call a stalemate, we are, I fear, headed down the 1930 road again.

We backed the United Nations. It seems to be just as effective this time as the League of Nations was in the 20's. Our military have fallen into national disrepute. Whereas the rare draft dodger of World War II used devious ways to dodge but never admitted to even being a dodger, the present draft dodger is proud of it. I saw the other day that a former U.S. Cabinet Officer announced that he has supported his son's defection to Canada to dodge the draft for years and is proud of it! We went through the McNamara Era when we spent millions on studies and plans but produced damn little hardware. The hardware we did produce, being so costly and so over supervised by the criticism of Congress, and inflation that nothing has been very successful. Today the popular cries are ecology, social uplift, civil rights—to hell with defense. Yet today we face a Soviet threat unparalleled in our history.

As you know, present day military capability is usually measured by two types of forces; strategic and general purpose. The strategic are generally the nuclear armed ones, while general forces are geared to fight conventional, or should we say old-fashioned wars. According to recent intelligence figures, the USSR now has about twice the nuclear megatonnage that the U.S. has. The estimates credit the USSR with 6,000 to 8,000 nuclear weapons, deliverable by 1500 ICBM's, 900 bombers and 1000 seaborne missiles on subs and surface ships. The U.S. has 4,200 nuclear weapons deliverable by 1050 ICBM's, 550 bombers and 656 seaborne-nuclear missiles on subs.

The only place they trail is in submarine seaborne missiles, and as I have told you, they are rapidly closing that gap. In addition, they have an operational net of ABM's around Moscow and Leningrad, and other vital points. They have been installing and perfecting this system to my firsthand knowledge since 1961—and yet today they are exerting all kinds of pressure and possibly even offering some sort of vague promises in an effort to get us to agree to stop the building of the two ABM sites now under construction to protect some of our Minutemen. Why would they want us to stop building our defensive system? There can be only one answer, "the better to eat you, my dear!"

In general purpose forces, the USSR is even further out front with 90 well-equipped first line divisions to our 13. Their divisions are smaller than ours but not enough to make up the difference by far. Their army strength is over 2,000,000; ours will be under 1,000,000 this year.

In Europe it is even worse—NATO 40 divisions; eastern satellites—170. The eastern bloc has about 10,000 general purpose aircraft—NATO 7000. Their airplanes are modern and of excellent performance. Ours grow more obsolete by the hour. Last year on May Day they flew more new fighter prototypes on the one day than we have flown in 10 years. They have four modern, new, high performance supersonic fighters flying. We have the F-14 flying—the F-15 a year away. They have been testing a new modern, variable swept-wing supersonic bomber for over a year. Our only new bomber, the B-1, is a long, long five years away from production.

In space for military purposes, they are also out front. Their FOBS (Fractional Orbital Bombing System) has been tested in 10 flights—watched from afar by us. They have tested and proven their satellite destroyer. They have completed a sizeable space station program. Our MOL was cancelled. In a couple of years, NASA will be ready for our first space station tests.

On the seas our plight is even worse. They have 350 submarines to our 10. If their launching rate continues, they will have 425 to our 170 in five years. On the surface they are rapidly moving up. They now have 270 surface ships to our 380. At the present launch rate by 1975 they will have 350 to our 380. Worse still, more than 50 per cent of their fleet is less than ten years old; 80 per cent of ours is over 20 years old. I am not going to need to remind you of the serious threat to our aerospace industry—a threat of loss of our greatest war making and defense weapons arsenal.

On top of all these disturbing figures sits the disarmament talks. While little has been agreed to as yet, it is obvious that the USSR's chief aims will be to limit or reduce our offensive strength and defenses with little or no degradation of their own. In my opinion, we will be very foolhardy to agree to any arms limits in SALT. In fact, I would love to see the talks called off prior to any agreement because an agreement can only be to our hurt and their advantage.

If we keep our present course and allow the USSR's superiority to become as bad as it could at the present rate, we'll be setting the stage for another Pearl Harbor. This time who will be the General Short and Admiral Kimmel? This time the big difference will be the degree of injury. This time there won't be two years to build up our forces. This time it could be final on the first go.

No, truthfully, General Short and Admiral Kimmel were not negligent. They were simply unprepared and asleep as was the rest of our country. Let us hope and pray that the signs we see of our rapidly decreasing military capability and national resolve do not mean we are setting the stage for some new Admiral Kimmels and General Shorts in the Seventies or Eighties!

FORCED BUSING

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. MIZELL. Mr. Speaker, at this time I would like to insert in the RECORD the testimony of two of my constituents which they recently submitted to the House Committee on the Judiciary as part of that committee's hearings on busing legislation.

I believe the testimony of these gentlemen. Mr. D. W. Routh, president of the Forsyth Citizens Against Forced Busing, and Mr. John A. Redding, president of the Lewisvill-Clemmons branch of that same organization, will prove to be very informative and very interesting to my colleagues, and I invite their careful consideration of the facts presented here:

STATEMENT BY MR. D. W. ROUTH

I am the president of the Forsyth Citizens Against Busing. My group was formed in Winston-Salem, Forsyth County, North Carolina in 1971 to peacefully protest forced busing of school students. This forced busing was brought about by a minority suit, judiciary interpretation of the constitution, and board of education implementation.

The Forsyth Citizens Against Busing has 400 active members and 16,000 participants. It is the fourth group of its kind to emerge in our city-county school system. The first group was the Silent Majority which sought legal means of halting forced teacher assignment in 1969. The No Busing Our Children group followed in 1970 with more public exhibitions protesting the cluster system of crossbusing six schools in Winston-Salem. The Committee Against Busing and the Forsyth Citizens Against Busing came into being when sixty-five schools were crossbused in 1971. Both of these groups took the stance of peaceful but not necessarily legal protest. For example, we held a one day countywide boycott of students with approximately eight thousand students participating. Each group has become progressively more hostile and we cannot guarantee that the next group that forms will be peaceful.

The main feeling of the people that I represent is not one of separated racism. Most have seen that there have been injustices and accepted the local mixing of opposite races. We resent, however the usurpation of majority rule and protest its application to our children. Everyone seems to be able to give advice. As long as you personally are not affected you can be very objective about what is fair and equal for the other fellow. It disturbs us that a man such as Judge Merhige of Richmond can make a decision for the masses that by nature of his own position and election will not affect his own child. Therefore, we feel that it is not democratic for members of the congress or judiciary to act upon a matter such as a constitutional amendment concerning public education unless they have children or grandchildren in public school. Only those that qualify in this way should be allowed to vote.

One of the necessities in our county to reach a 70 white-30 brown ratio of students in each school was a change from the 6-3-3 to the 4-2-2-2-2 grade structure. This eliminated two previously senior high schools altogether. One former student, T.M. feels that a grave injustice was done the alumni of the schools by destroying the institution, pride and heritage they had worked to build.

A mother of African descent, I.H. feels the frustration of wanting to do more for her children through PTA and visitation to the schools, but has children in five different schools and is thus unable to go after the ones at distant schools even if they are sick.

Even with 365 buses for 21,000 of a total of 48,000 students, we have to use multiple loading and staging which requires 2½ hours. Because of this we have had school canceled one day this year on a weather forecast. It did snow. Again students reached home 3½ hours after the snow began to fall and the order went out to close schools because of the snow storm February 18th.

The quality of education is suffering by a reduction in the school day to allow for transportation time. Some primary schools have students changing classes in order to group learning levels for more efficient use of time. This brings about an early awareness of an intellectual class system which I don't think is healthy for the child emotionally.

Uprooted teachers and students feel the tensions of a forced situation that detracts from learning and provides fertile ground for riots. North Forsyth Senior High School had a winter season of violence last year. Drug traffic is encouraged by cross travel and distribution is more convenient. B. H. of the Winston-Salem Police Department reports an overwhelming increase in drug traffic this year in the schools.

One of our protest marches pointed dramatically to the safety problem of busing children on high-speed highways. It was a mother's march behind an old school bus followed by a hearse. The wording on the bus read "Don't take my child to school in this" and on the hearse "And bring him home in this". You see we bus regularly on Interstate 40 which is the busiest highway in the state.

M. B., a senior high school teacher states that busing is more physical than actual for its desired intent of a thoroughly mixed social education. She reports that with housing patterns as they are buses are usually loaded with one race. Students in class tend to segregate themselves to one part of the room.

How can we justify the safety hazard, the air pollution with carbon monoxide, and the irreplaceable depletion of our natural resources that 73,744,646,900 passenger miles of school bus travel requires in one nine month period in one county in America? The simple fact is that it cannot be justified nor can it be financed without serious detriment to the education of our young people and the economy of the nation.

ADDENDUM STATEMENT BY MR. D. W. ROUTH

The March first report by Theodore Hesburgh, Chairman of the U.S. Commission on Civil Rights and President of Notre Dame University, is not factual, is incomplete, and is biased.

The report by Charles Oslin which appeared in the Winston-Salem Journal March 2, quotes Hesburgh as saying, "Desegregation in the Winston-Salem-Forsyth County school system has improved the quality of formerly all black schools and the education of black students without causing any major problems." This statement is unfounded from three standpoints. First, if he is speaking of teachers, teachers have been assigned on a 70–30 ratio, racially, for the past two years. Secondly, last year we saw one of the biggest disruptions our system has ever seen at North Forsyth High School where there was open rioting and the school had to be put under police control. Third, if quality education is gauged by money spent and equipment in use in schools, the previously all black schools have enjoyed a material advantage because of such Federal programs as Titles and Model Cities. Teachers who were assgned to predominately black schools from predominately white schools were amazed at:

(1) The relative newness of the schools, and

(2) The amount of money being spent to equip these schools.

Rev. Hesburgh's report states that classroom facilities are being better used this year and that mobile units have been reduced from 113 to 34. Our information shows that 78 mobile units are still being used this year.

Rev. Hesburgh states that while parents oppose the plan, students seem to be accepting desegregation without significant difficulties. This point is moot, because young people normally accept most changes more readily than older people do. Young people accept the use of drugs more readily than older people do.

Of the five cities on which this commission reported Winston-Salem, Charlotte, Tampa, Pasadena, and Pontiac, they state they had personal interviews in four cities but based their Winston-Salem report on statistical data and documents provided by the school board, and telephone interviews. I would like to ask your indulgence to subpena this statistical data and documents by the school board so the public may know the source of this information or if Rev. Hesburgh's report is actually based on any statistics or documents.

I think Rev. Hesburgh's figure of 500–600 students leaving public school to go to private school is a very conservative one. School enrollment is 48,000 as compared to a projected 52,000 for the 1971–72 school year.

In short, Mr. Celler, Rev. Hesburgh's statement is indicative of the basis of this entire problem. That is, we have someone in South Bend, Indiana, telling the Congress of the United States what is good for Winston-Salem, North Carolina.

First cross-busing is a dangerous and time consuming operation that is being used in the name of education. It is a costly operation, which if curtailed, could finance a lot of curriculum improvements. I cannot see where there is anything educational about children having to get on a cold school bus at 6:50 A.M., which is before daylight, and riding around for approximately one hour and sometimes an hour and ten minutes to get to school to start the days educational process.

I will try to enumerate some things I feel I can substantiate in regards to cross-busing.

(1) Children have ridden buses in 10 degree weather recently without a heater on the bus.

(2) One child's hair was set on fire by another child, which could be from a lack of discipline or from boredom due to the long bus rides.

(3) Another child was burned on the hand with a cigar due to the same cause.

(4) Busing has been very demoralizing to all students that I have had contact with.

(5) There has been a lot of minor accidents and eventually it could lead to fatalities in a major accident.

It is my feeling that a lot of your fellow Congressmen are unaware of our predominately rural structure here in Forsyth County and are therefore unaware of the long distances required to achieve a superficial numerical ratio of blacks and whites in our schools.

I am enclosing two recent articles from our local paper which may be of interest and value to you.

One article is about two little girls that were struck by an auto while going to catch a school bus, true the accident was unavoidable but yet so unnecessary.

The other is an enlightening article about one of North Carolina's largest transportation systems. You will note that we are transporting 32,000 of our approximately 48,000 students and a greater portion are being cross-bused, not just being transported to school.

It is my hope that this will help you and other good men like you to come to the right decision regarding cross-busing of our greatest natural resource and that is our children.

I want to thank you for all your help in regards to this and other problems of our area and if it can be arranged I would consider it a privilege to come to Washington to testify as outlined in your letter.

With kindest personal regards, I am

Sincerely,

JOHN A. REDDING.

CAR HITS TWO GIRLS ON WAY TO BUS

Two girls who attend Bolton Elementary School were injured yesterday morning when they were struck by a car in Atwood Acres.

Robin Leipert, 9, of 2875 Mann Court was admitted to Forsyth Memorial Hospital. Her condition was listed as fair last night by a hospital spokesman.

Debra Horlick, whose age and address were not immediately available, was treated at the hospital and released.

The accident happened shortly after 7:30 a.m. on private property on Mann Court.

School officials said they were told the girls were hit by a car driven by a woman who was blinded by sunlight. The girls were going to meet a school bus, an official said.

The accident was investigated by State Highway Patrolman R. D. Woods, but his report was not available late last night.

TRANSPORTATION FOR 32,000 PASSENGERS A DAY

(By Stephen Hoar)

What is Forsyth County's largest mass transit operation?

Safe Bus Co., Inc.? Greyhound? Or perhaps Piedmont Airlines?

The answer is none of these. It is the city-county school system, which gives about 32,000 youngsters a ride to school five mornings a week and gets them home in the afternoon.

During the last two years, students living inside city limits became eligible for bus rides and federal courts required extensive cross-county busing for racial balance in public schools. As a result, the busing operation has mushroomed—from 216 buses traveling about 7,000 miles a day in 1969–70 to 365 buses traveling 18,000 miles a day this year.

The man in charge is lanky, soft-spoken P. Morris Hastings, who has been the director of transportation ever since city and county schools consolidated in 1963. His mission control center is the school bus garage on Carver Road. There by telephone and two-way radio, he directs what is really two sets of county wide busing operations.

One of these is basically the old neighborhood system that was used until two years ago. About 150 student drivers pick up students along routes that average about 20 miles in length (one way) and take them to schools in the neighborhood. They start about 7 a.m. and are scheduled to reach their schools by 8.

The other operation is the cross-county system, which takes busloads of students from outlying areas to schools in town and brings city students back to outlying areas. These routes start at six "staging areas" around the county, where the buses are parked at night.

The route of John Withers is typical. He picks up his bus about 6:15 a.m. at a staging area on Lansing Drive northeast of town and drives to Clemmons in the southwest corner of the county. There, around 7 a.m., he begins picking up students in fifth and sixth and ninth and tenth grades.

By 8 he delivers the busload—about 55 youngsters—to Brown Intermediate and Kennedy Junior High in central Winston-Salem. He then picks up elementary students from that neighborhood and takes them to school in Clemmons, arriving by 9 o'clock. He returns his bus to the staging area, and that afternoon he makes his rounds in reverse order.

Withers, like about 150 drivers of cross-county routes, is an adult. Because these routes run as long as 130 miles (round trip) and include at least two busloads of youngsters, student drivers cannot handle them without missing part of the school day. However, about 50 student drivers are doing that this year.

It is these cross-county routes that take buses onto Interstate 40 and other four-lane highways, where speed limits range from 45 to 65 miles per hour. Under state law, school buses can go only 35.

Hastings says it is debatable whether the four-lane highways are more dangerous for the buses than two-lane roads, since divided highways have fewer intersections. So far this year there have been no major accidents, and the safety record is significantly better than last year's.

At any rate, says the transportation director, "We had no choice about using the interstates. On some routes it would have taken an additional hour to use back streets."

With present routes, the average length of a bus trip is about 40 minutes, one way. The longest trips sometimes take more than an hour.

At the school bus garage, Hastings and his assistant, Jim Wheeler, coordinate all of the following:

Substitute drivers;

Four radio-equipped buses to pick up students stranded by bus breakdowns;

Four mechanics to make on-the-spot repairs;

A wrecker; and

Service and maintenance operations.

Two-way radio links the garage on Carver Road with the six staging areas, and drivers report absences and breakdowns by telephone.

On a typical day six to eight drivers will need substitutes (although during the recent wave of flu as many as 16 were out at once). To fill their slots, Hastings and Wheeler consult a huge roster on the wall.

Every day there are several breakdowns, five or so, to which they must dispatch mechanics, spare buses and, sometimes, the wrecker. One recent afternoon, for example, Bus 134 called the garage at 1:31 from Northwest Junior High School. Its gears were locked.

A mechanic was there within 10 minutes, but he couldn't get the bus going. The students shifted to a spare bus parked at Northwest.

At 3:31, Bus 316 reported from Philo Junior High that its battery was dead. Ten minutes later a service truck arrived and got it started.

About the same time, Bus 363 phoned from Jefferson Junior High . . . transmission trouble. Another bus picked up those students 12 minutes later.

Minor bus repairs can often be made at the scene of a breakdown or in one of the staging areas. Big jobs, like replacing a clutch or even overhauling an engine, are done at the school garage, where as many as six buses are under repair at once. Last night the city-county school board approved construction contracts for five more repair stalls that should be finished by June 1.

Hastings has 13 full-time mechanics, nine other maintenance employes (every bus needs gas and an inspection every school day), three safety supervisors, three bookkeepers and a dispatcher. The garage on Carver Road operates from 6 a.m. to 6 p.m.

But on days when bad weather threatens Hastings and other transportation personnel all over the county are on the roads by 4 a.m. testing the driving conditions. They may travel a total of 300 miles before deciding whether to close the schools. If bad driving weather starts developing during a school day, they use Civil Defense radio to alert all schools and get bus students home early.

On rainy days several buses usually get stuck, often in the driveways of their schools. And when early morning temperatures drop as low as five degrees, the older buses are balky about starting.

Although the school system ordered 47 new buses this year (for about $7,000 apiece), it still uses more than 80 "retired" buses borrowed from the State of North Carolina. They are 12 to 15 years old, having been taken out of service in other school systems about age 11.

"Most of the kids who ride these buses weren't even born when the buses started hauling," says Jim Wheeler.

But aged equipment is not as big a problem as the high turnover among adult drivers. Since the beginning of the school year, about 60 per cent have been replaced.

Adult drivers are paid $1.88 per hour for 20 to 30 hours per week, plus $4 a day for auto transportation to the areas where their buses are parked. Ideally, says Hastings, the school system should set up full-time jobs in which bus-driving was combined with school maintenance and other duties.

The Charlotte schools hire such full-time personnel. But here, because the long-term need for cross-county busing is uncertain, bus driving must remain a part-time job, at least for the present.

Another problem is finding substitutes for the adult drivers, who are more likely to miss work than student drivers. Hastings has only 10 adult substitutes.

He adds, though, that some of the adults have good reasons for being absent. More than half the adult drivers are women, many with families.

Adult drivers seem to have more discipline problems on their buses than student drivers. Perhaps they are just quicker to complain to the transportation director, less likely to work such problems out through school principals.

Hastings admits that, but he has another theory, too. "A student driver has lived in a loud world," he says, "and noises don't bother him the way they would an adult."

Then why can't student drivers replace them? Hastings explains that adult drivers, unlike students, can pick up two busloads each morning. Without adult drivers (or student drivers with shortened class schedules), 20 more buses would be needed.

What about behavior in general on school buses this year? "I think discipline problems have been greater," says Wheeler, "but it's just because we're busing more students, and busing them farther."

Hastings agrees. "I'm not aware of any racial problems," he says.

Could cross-county busing be gradually curtailed by redesigning bus routes? Hastings and Wheeler doubt it.

True, the present routes were planned in just five weeks, after the new pupil assignment plan was ordered into effect in midsummer. The two men worked 16 to 20 hours a day, seven days a week, to plot more than 700 routes with about 10,000 stops.

Throughout the school year, though, they have kept refining the routes. They think little further reduction in the time or distance of bus rides will be possible without a new pupil assignment plan.

The bill for busing came to $26.32 per child last year in the city-county system. This year it will go higher. The state of North Carolina will pay about $850,000 to operate and maintain the system's buses, and the school system will replace some of the 81 buses it owes the state.

The scope of school busing operations has more than doubled since Hastings became transportation director eight years ago. During 1963–64 about 150 buses carried some 14,000 students a total of 5,000 miles away.

But these days the sprawling transportation system still delivers its 32,000 passengers on time—or almost on time. On the average, about five buses are late to school for mechanical reasons and about 10 buses because of driver's problems.

Hastings, reflecting on a hectic year, sums it up with a wry grin. "A lot of things have to go right," he says, "for everybody to get to school on time."

THE FEDERAL BUDGET AND THE CITIES

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. CONYERS. Mr. Speaker, our Federal Government has a compelling responsibility in the area of urban finances which it has not yet met. Our municipal governments face fiscal crises; our innercities are overrun with rats and filth; our people live in deteriorating housing; waste removal and disposal systems are inefficient and ineffective; there is not enough cheap, rapid transit to meet the needs of city dwellers. The list is endless.

While most of our cities do have a capability for management and planning, they still need the resources to respond to their particular needs. A careful look at the Federal budget for 1973, such as the one prepared by the National League of Cities/U.S. Conference of Mayors, reveals how far the Federal Government has yet to go to give urban development top priority.

The budget follows:

THE FEDERAL BUDGET AND THE CITIES: A REVIEW OF THE PRESIDENT'S 1973 BUDGET IN LIGHT OF URBAN NEEDS AND NATIONAL PRIORITIES

(By National League of Cities, U.S. Conference of Mayors, Washington, D.C., February 1972)

AN OVERVIEW OF THE PRESIDENT'S BUDGET

National priorities

The federal budget is the President's annual statement of national priorities. As such, it gives the nation's cities an opportunity to assess how the federal government responds to their needs compared to the other claims on federal revenues and program thrusts.

The dominant elements of the Fiscal Year 1973 budget include:

A projected cash outlay of $246.3 billion.

A projected cash deficit of $25.5 billion.

An up-dated estimate of the actual FY '72 deficit at $38.8 billion, more than three times the amount the Administration initially projected a year ago.

A continuing commitment to a full employment budget, which predicates revenue sufficient to balance the budget on a lowered unemployment rate.

A renewed commitment to General Revenue Sharing with state and local governments.

A renewed commitment to welfare reform, with $350 million set aside in FY '73 for administrative planning, but actual payments to beneficiaries under a new plan not to start until FY '74.

As for urban categorical aid programs, the key features of the budget are:

A $1.3 billion *cut* below FY '72 Congressional appropriations for critical programs managed by the Department of Housing and Urban Development (HUD).

Increases in proposed categorical funding for urban transportation, law enforcement assistance, manpower, and public schools—but not enough of an increase to offset the loss in funding for HUD, social services, and some other social programs.

A hold-the-line attitude toward outlays for environmental protection, health facilities, and some other urban impact aid programs.

The President's renewed initiative for $5.3 billion in General Revenue Sharing is the most significant recognition of city needs in this year's budget. Its approval by Congress will be critical to maintaining the current level of federal commitment to urban needs.

A second initiative, welfare reform, if approved by the Congress, would also have great and beneficial impact on urban families' income. Congressional approval of a sound social welfare system is urgently needed if levels of living are to be raised and improved in our cities.

The cities' needs

From the perspective of the cities, the setting for evaluating this year's federal priorities list is one of continuing fiscal crisis for municipal governments. City costs have been rising in recent years at a rate in excess of $3 billion a year. Necessarily, tax increases have mounted accordingly to keep pace with the employee pay increases, expanded sanitation and public safety services, increased prices for supplies and equipment, and the other items that are the necessities of urban life. The bonded indebtedness of municipal governments has tripled since 1955 with almost a third of it representing obligations of our 25 largest cities.

The revenue gap has currently reached the point where an increasing number of cities have exhausted their capacity to tax real property and therefore have no choice other than to cut back services, lay off employees, increase user charges, and announce other gloomy news. Meanwhile the President's budget documents inform taxpayers that Federal taxes have been cut by $22 billion since 1969. It does not mention the three other major tax cuts made since 1962.

Because of its size and scope, the federal budget has become an increasingly important force in shaping the quality of urban life. Though state and federal aid is not allocated evenly from city to city, or even according to actual local need, it is now almost a quarter of municipal revenues.

Having noted this and the two renewed initiatives in this year's budget, we must point out that careful scrutiny of the overall figures reveals that the federal contribution to the needs of city government and the solution of urban problems remains a lesser national priority. Indeed, as already noted, funds being requested this year for HUD's housing and community development programs are $1.3 billion less than the Congress appropriated for FY '72. Several other major urban impact aid programs are being continued at FY '72 levels.

The gap between real dollars and future promises

Moreover, this year's budget continues a trend and a situation that has been of grave concern to municipal officials: Namely, the negative, drag-down effect of the disparity between appropriations and authorizations. Most urban and urban impact programs have consistently received either lower budget requests or lower appropriations (or both) than the amounts authorized by Congress. This has not been true to the same extent for the military, space, foreign aid, farm and inter-state highway programs, for example. Indeed, the interstate highway program has regularly been funded at 100 percent of Congressional authorizations, while appropriations for NASA and the Department of Defense have dropped below 91 percent of authorizations only once in the past decade. In contrast, appropriations for urban renewal have been running around 71 to 83 percent in the past few years, the Elementary and Secondary Education Act aid to schools with impoverished children (Title I) has averaged 62 percent since the program was enacted in 1964, and most other urban impact programs have fared little better in recent years.

Priorities from another perspective

Another way of looking at the priorities picture is to compare what the Administration is seeking in new authorizations for urban impact programs with new authorizations for other kinds of activities. This analysis takes account of the fact that 71 percent of the budget is a function of prior mandates and commitments not readily subject to change—the so-called "uncontrollable" aspect of the budget.

As Chairman Allen J. Ellender of the Senate Appropriations Committee noted in the January 27, 1972 *Congressional Record*, additional Congressional authorization is required for $45.5 billion of the FY '73 budget. Of that sum, the Administration seeks $13.7 billion—almost a third—for military procurement and Navy shipbuilding, and another $8.5 billion for military research, development, testing and evaluation.

By comparison, new authorizations sought for all agencies and programs that have any degree of urban impact come to no more than $7.5 billion, less than a sixth of the $45.5 billion figure. Even if we add in the $3.5 billion of General Revenue Sharing which the President would allocate to general purpose local governments, we find that total new authorizations that could possibly benefit our hard-pressed cities are well below the budget for new military procurement alone.

We now find the cities with an improved capability for management and planning, thanks in part to federal aid for urban renewal, Model Cities, manpower, and related programs. Given the capacity, the cities now need the *resources* to meet the urgent needs of their citizens.

BUDGET HIGHLIGHTS

Revenue sharing: The President asks Congress for General Revenue Sharing in the amount of $5.3 billion for FY '73 plus $2.5 billion for FY '72 retroactive to January 1, 1972. The President's request for Special Revenue Sharing boils down to consolidating $4.668 billion in *existing* grants for certain on-going programs and adding $714 million in *new* funds for FY '73.

Housing and community development: HUD seeks $1.3 billion less for its critical programs next year than Congress appropriated for this year. Major shortfalls are in Urban Renewal ($465 million), Water and Sewer ($700 million), Section 236 housing outlays ($50 million), Rent Supplements ($7 million), and Rehabilitation Loans ($90 million). Model Cities, for which the President voiced explicit support, would remain at the same level as FY '72, $620 million.

Law enforcement assistance: Law Enforcement Assistance Administration asks for $850 million, up $151 million from FY '72.

Transportation: For urban mass transit, DOT wants $1 billion in reservations (up almost $400 million from FY '72) and $651 million in obligations (more than double the FY '72 sum). The budget calls for the same amount for airport grants as in FY '72 and a $20 million increase in urban highway programs.

Environmental quality: Environmental Protection Agency seeks $171.5 million in obligational authority for clean air programs in FY '73, up $28 million, although it once told Congress it would need $320 million next year. The President asks $2 billion in obligational authority for water treatment plant construction, the same as last year. Requested obligational authority for solid waste activities has been cut by $11.3 million—almost a third below FY '72, leaving the private sector to carry much of the initiative in developing recycling and other waste management hardware. For coping with noise, the Administration hopes Congress will listen to a request for $1.2 million, up $34,000 from FY '72.

Manpower: The Administration asks that overall manpower obligations rise almost $400 million from the FY '72 estimated level of $5 billion. Most of the increase is reflected in the $247 million mandated by Congress for Emergency Employment Assistance in response to high unemployment rates.

OEO: Though the Administration is narrowing its scope, the Office of Economic Opportunity would gain about $55 milion over FY '72, for a net of $758 million in FY '73. Bulk of the increase would go to community action agencies and research, development and evaluation.

Health: Reflecting a new federal health strategy, the budget cuts $72 million from the Hill-Burton hospital construction program, which will be phased out, and allots $79 million more to delivery of health services than in FY '72.

Education: Overall, the education budget seeks $276.5 million more next fiscal year than this year, with elementary and secondary education showing a $500 million gain, and higher education a $384 million loss.

Social services: Through "active management controls" the Administration intends to curtail expenditures for social services, after failing for two years to get Congressional approval for a ceiling on these costs. HEW estimates a cutback of more than $120 million.

REVENUE SHARING

The Administration's FY '73 budget includes a $5.3 billion authorization request for General Revenue Sharing based on legislation the President sent to Congress last year.

The budget also sets aside $2.5 billion in the current FY '72 budget for General Revenue Sharing, retroactive to January 1, 1972.

The Administration proposes to share 1.3 percent of the federal personal income tax base with states and general purpose local governments. The budget projects that the natural growth in the tax base will yield $10 billion in shared revenue by 1980.

State and local governments would be able to spend these funds for their own priorities, rather than for those mandated by the federal government. Local governments would be guaranteed a portion of the sums allocated to each state.

Under the heading "Improving Government", the President's Budget Message describes Revenue Sharing as "an important element of the strategy—to provide fiscal relief and to strengthen State and local governments. . . . In total, these revenue sharing proposals would provide $17½ billion to State and local government in their first full year of operation."

TABLE REVENUE SHARING I.—PROPOSAL FOR FIRST FULL YEAR

Description:	*Billions*
General revenue sharing	$5.3
Special revenue sharing:	
Urban community development	2.3
Rural community development	1.1
Education	3.2
Manpower training	2.0
Law enforcement	.9
Transportation	2.8
Total	17.6

It is important to keep in mind that only a portion of the $17½ billion could constitute fiscal relief: as noted above, $5.3 billion is proposed for General Revenue Sharing for FY '73, Congress willing. But the remaining $12.3 billion is for categorical programs that are already in progress. This funding plan, called "Special Revenue Sharing," is better understood as "grant consolidation".

What the Administration proposes is to combine groups of existing categorical programs under six headings and to allow state and local government greater discretion in the use of these consolidated grant funds. The cities long have supported this objective. But it must also be borne in mind that very little new money would be added to the existing levels of funding. By some interpretations, the existing levels are being held down to a point where the so-called new money can be considered—as with urban renewal (down approximately $500 million)—inadequate even to maintain the level of program operations currently in progress.

It is also important to keep in mind that the President plans to phase in his grant consolidation program over *two* fiscal years (FY '73, '74). Thus the total new federal funds to be available in FY '73—provided Congress passes the pending legislation *and* appropriates the funds that would then be requested by the Administration—would be $714 million ($490 million urban and $224 million education). The ongoing programs that would be put into grant consolidation at their current operating level would convert $1.655 billion in existing programs for urban community development programs (urban renewal, open space, neighborhood facilities, rehabilitation loans and Model Cities) and $3.013 for child development, aid to school districts, etc. This makes a total of $4.668 billion in *existing* program funds compared to $714 million in *new* funds for FY '73.

In other words, the Administration's proposed *Special* Revenue Sharing is mostly a continuation of the current level of funding for categorical programs under a new name. Their emphasis in "Special Revenue Sharing" is on grant consolidation—not fiscal relief.

TABLE REVENUE SHARING II.—HOW THE ADMINISTRATION PROPOSES TO PHASE IN SPECIAL REVENUE SHARING

[In millions of dollars]

Special revenue sharing and the categorical programs converted	Estimated budget authority	
	Fiscal year 1973	Fiscal year 1974
Urban community development:		
Converted programs	2,145	2,300
New authority	−1,655	−1,800
Total	490	500
Rural community development:		
Converted programs	(1)	1,072
New authority	(1)	−919
Total	(1)	153
Education:		
Converted programs	3,237	3,237
New authority	−3,013	−3,013
Total	224	224
Manpower:		
Converted programs	(1)	2,000
New authority	(1)	−1,633
Total	(1)	367
Law enforcement:		
Converted programs	(1)	876
New authority	(1)	−850
Total	(1)	26
Transportation:		
Converted programs	(1)	2,800
New authority	(1)	−1,220
Total	(1)	1,580

[1] Conversion projected for 1974.

Source: The Budget of The U.S. Government, 1973, table 16, p. 540.

HOUSING AND COMMUNITY DEVELOPMENT

The proposed 1973 fiscal year budget for the major programs administered by the Department of Housing and Urban Development shows that, like a year ago, the Administration again is calling for funding levels that are not only far below those authorized for the various programs but that are even below the *actual* funding levels approved by Congress for the current fiscal year. Major, short-falls come in the Urban Renewal, Water and Sewer, Open Space, Public Housing, and Section 236 Rental Assistance Programs. In addition, the much criticized practice of impoundment of previously appropriated funds will apparently be continued in FY '73.

The clearest way in which to view HUD's FY '73 budget is to divide the primary programs into three sections: (1) those programs proposed for consolidation into a community development bloc grant program; (2) the remaining community development, planning, and research programs; and (3) the housing programs.

Programs to be consolidated into a community development bloc grant (Table HUD–I): The Administration now proposes five HUD programs for consolidation into a single bloc grant. Three of these—Urban Renewal, Model Cities, and Rehabilitation Loans—were proposed for consolidation one year ago when the original legislation was put forth by the President. The remaining two programs—Open Space Land and Neighborhood Facilities—have been added since the preparation of the FY '72 budget. One program—Basic Water and Sewer Facilities—has been withdrawn by the Administration from its original consolidation proposal.

In its FY '73 budget, the Administration has recommended that each of these five programs be funded separately in the normal fashion for a full twelve months. Then, when the pending bloc grant legislation has been approved by Congress, each of these five programs would automatically be combined into the single new program. The budget makers, while envisioning the new program to begin July 1, 1972, seem to recognize that such rapid approval may not actually occur. As soon as the bloc grant legislation is approved, therefore, the Administration would then request an additional amount of money for the new program by way of a supplemental appropriation. Apparently these additional funds will not be sought if the legislation fails.

While the Administration sets forth full, twelve-month budgets for each of these vital programs, the funding levels proposed constitute a marked drop from the levels approved by Congress for the current fiscal year. The actual appropriation available for these five programs for FY '72 is $2.42 billion while the Administration's proposed level for FY '73 is only $1.655 billion. After subtracting $105 million in model cities carry-over, this results in a *$660 million reduction* in effort. Even the Administration's additional proposal for a supplementary appropriation of $490 million (*if* the new bloc grant legislation is adopted—would) not be enough to offset this drop in funding.

Urban Renewal: The current FY '72 program level for Urban Renewal is $1.465 billion. This figure consists of $1.25 billion in newly appropriated dollars plus $215 million in impounded funds from FY '71. For FY '73, the Budget calls for a $465 million decrease in the Urban Renewal program level to $1 billion. This proposed reduction comes in the midst of a continually rising demand for renewal funds from cities across the country.

The Budget argues that $500 million of the FY '72 program level will be used entirely to cover the increased relocation costs that have resulted from the passage last year of the Uniform Relocation Assistance and Real Property Acquisition Act. The Budget describes these extra costs as "non-recurring" and therefore suggests that the $500 million be dropped from the FY '73 funding level.

This analysis by the Administration does not hold up to closer scrutiny, however. First, the $1.465 billion in Urban Renewal funds were approved by Congress without any legislative mention than a certain portion of the funds should be utilized for relocation costs. Urban Renewal has been paying relocation costs since Congress authorized them in 1956. The fact that a larger than usual proportion of the annual appropriation for renewal will go to relocation costs this year is no reason to call for a reduction in the program for the following year. Second, it is not correct to refer to the relocation costs that are being paid out of this $500 million amount as being "non-recurring". Under the law, HUD must reimburse cities for 100 percent of all relocation costs arising out of conventional renewal projects begun prior to January 2, 1971. While use of much of the $500 million may bring the Department up to date on its obligations to these conventional projects, additional relocation costs are expected to rise under some of these continuing projects in the future. In addition, the present law requires that HUD must pay for relocation costs generated by NDP projects on the same federal-local cost sharing basis as for nonrelocation costs.

TABLE HUD–I.—COMMUNITY DEVELOPMENT

[In millions of dollars]

	Fiscal year 1972 appropriations (actual)	Fiscal year 1972 estimated obligations	Fiscal year 1972 carryover appropriations	Fiscal year 1973 appropriations request	Fiscal year 1973 estimated obligations	Fiscal year 1973 carryover appropriations
Model Cities	[1] 725	620	105	515	620	
Open space [2]	[3] 100	100		100	100	
Neighborhood facilities [2]	[3] 40	40		40	40	
Rehabilitation loans	90	50	40		[4] 50	
Urban renewal	[5] 1,465	[6] 1,465		1,000	1,000	
Subtotals	2,420	2,275	NA	1,655	1,810	NA
Urban community development special revenue sharing				[7] 490	490	

[1] $575,000,000 in unutilized fiscal year 1971 funds plus $150,000,000 in new fiscal year 1972 appropriations.

[2] Original fiscal year 1972 administration proposal for urban community development special revenue sharing did not include the open space land program or the neighborhood facilities program.

[3] Original fiscal year 1972 appropriation request was for $200,000,000; $100,000,000 of that request has now been withdrawn.

[4] $40,000,000 in carryover appropriations plus $10,000,000 in loan repayments.

[5] $215,000,000 in carryover plus $1,250,000,000 in new appropriations.

[6] Administration chose to take $500,000,000 from urban renewal funds to pay increased relocation benefits required by Uniform Relocation Act of 1971.

[7] Administration would request these additional funds in a supplemental appropriation request after pending block grant legislation is enacted.

TABLE HUD-II.—COMMUNITY DEVELOPMENT

[In millions of dollars]

	Fiscal year 1972			Fiscal year 1973		
	Appropriation (actual)	Estimated obligations	Carryover appropriations	Appropriation requested	Estimated obligations	Carryover appropriation
Water and sewer[1]	700	200	500		200	300
New community assistance grants	10	5	5	5	10	
Research and technology	45	45		60	60	
701 planning	[2] 100	100		100	100	
Community development training and urban fellowships	3.5	3.5		3.5	3.5	

[1] Original administration proposal for fiscal year 1972 was for inclusion of basic water and sewer facilities program within urban community development special revenue sharing program. That proposal has been amended to exclude water and sewer.

[2] $60,000,000 has already been appropriated. Remaining $40,000,000 has been requested in a pending supplemental appropriation bill.

TABLE HUD-III.—HOUSING ASSISTANCE

[In millions of dollars]

	Fiscal year 1972			Fiscal year 1973		
	Contract authority available	Estimated obligations	Carryover authorization	Contract authority requested	Estimated obligations	Carryover authorization
Rent supplement	55	55		48	48	
235 housing	170	170		170	170	
236 housing	200	200		150	150	
Public housing	390	[1] 260	130	150	[2] 183	97

[1] $163,000,000 being utilized for new production, which will put 103,000 units under contract. $77,000,000 used to amend annual contribution contracts to cover deficits in operating subsidies arising from the Brooke amendment.

[2] $178,000,000 to be utilized for new production, which will put 110,000 units under contract.

Finally, the evidence available at the moment suggests strongly that HUD will not be able to actually obligate the entire $500 million during the current fiscal year 1972. Instead, it appears that a substantial amount—at least $100 million and probably more—will be carried over into FY '73. While this action is technically not an impoundment, it has the same effect upon the actual level of obligations during FY '72. If HUD were to make immediate use of these probable carry-over funds for normal renewal purposes and thereby put forward to the FY '73 budget the completion of these increased relocation costs, the Department (to use its own reasoning) would then be able to request an increased appropriation over the presently proposed level of $1 billion.

Model cities: The Budget sets forth an FY '73 program level of $620 million—which is the absolute minimum necessary to enable the Department to fully fund the contracts with all participating cities and, in addition, to support the new Planned Variation activity.

Rehabilitation loans: Last year, in response to the extensive local interest in the program. Congress more than doubled the size of the Rehabilitation Loan Program Program (Section 312) from $35 million to $90 million. The Administration has chosen to impound all but $40 million for FY '72. The balance of $50 million would be carried over and utilized in FY '73.

Open space land program: In its FY '72 Budget, the Administration called for an expansion of the Open Space Land Program from its FY '71 level of $75 million to a new level of $200 million. In conjunction with this increase, HUD requested letters of intent from all interested cities stating the need for Open Space grants during FY '72. Also, during FY '72, the Department was able to raise the federal-local match from 50–50 to 75–75 under certain conditions.

As a result of this vastly expanded new commitment by the Administration to the Open Space Land Program, letters of intent totaling over $500 million have been collected at HUD. Congress appropriated $100 million in August of 1971 and was expected to provide the remaining $100 million in a supplemental appropriation bill this spring However, HUD has yet to obligate the first $100 million Moreover, the FY '73 Budget indicates that the Administration has withdrawn its request for the additional $100 million.

The Budget now shows that Open Space is included in the President's version of community development bloc grants.

Remaining community development, planning and research program (Table II.) Two items of significance can be seen from Table HUD.

Basic Water and Sewer Facilities Program: If the size of the backlog in unfunded applications is any indication of the support for a program, then HUD's Water and Sewer grants are by far the most popular among the Department's various categoricals. At last count, the backlog in requests had passed the $4 billion level. Congress, in direct response to this mounting demand, appropriated $500 million for FY '72 which, together with a carried forward impoundment of $200 million, but the total available funds for the curent year at $700 million.

The Administration, however, continues to hold down the level of this program to $200 million annually. Thus, there will be a $500 million impoundment carried over to FY '73 and a planned $300 million withholding taken forward to FY '74. No new funds will be sought from Congress.

Research and technology: The proposed one-third increase in the size of HUD's broad-based Research and Technology will hopefully have important long range impact on future HUD program efforts. The Department is continuing and modestly expanding funding of the Municipal Information System Program and the Urban Observatory Program. The Budget shows Operation Breakthrough as phasing out during FY '73.

Housing programs (Table HUD–III). The FY '73 Budget for the four primary federally assisted housing programs shows more cuts than increases.

Rent supplements: The Rent Supplement program would be cut back by the Administration from the current level of $55 million to $48 million.

Section 235 nomeownership assistance: The Administration would maintain the Section 235 Homeownership program at its current level of $170 million.

Section 236 rental assistance: The FY '73 budget calls for a $50 million (25%) reduction in the 236 program.

Public housing: Of the $293 million in new production funds available for FY '72 for Public Housing, the Administration has chosen to impound and carry forward $130 million. thereby holding the level of new construction starts below 100,000 units. During FY '73, while the number of units placed under annual contributions contract will increase slightly, the number of construction starts will actually decrease by 5,000 to a total of 90,000 units.

With the rapidly increasing use of the "turnkey" method of producing public housing units and the strong emphasis upon scattered site construction, the public housing program continues to fit less and less into the stigmatized conception which the program earned some years ago. While the program is always undergoing change, it continues to be the only existing federally assisted mechanism for providing housing to the lowest of the eligible low-income families of this nation. At the level proposed by the Administration, the Public Housing program will once again fall 50% short of the annual housing goal set by the Congress in the Housing Act of 1968.

Impoundment: As has been already mentioned and as can be seen from the three tables in this section, the Administration has expanded its policy of impounding Congressionally approved funds that exceed original budgetary requests. Table HUD–IV compares the list of withheld funds for FY '71 and FY '72 along with the impoundments announced so far for FY '73.

TABLE HUD-IV.—IMPOUNDMENTS

	Fiscal year 1971	Fiscal year 1972	Fiscal year 1973
Public housing	$165	$130	$97
Urban renewal	215		
Water and sewer	200	500	300
Rehabilitation loans		50	
Total	580	680	[1] 397

[1] May increase following completion of congressional appropriation process.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

The Fiscal 1973 Budget proposal for LEAA Programs to aid state and local governments in reducing crime and improving their criminal justice system is $850 million. This represents an increase of $151.3 million over FY '72. The components of this increase are shown in the table below (Table LEAA I).

TABLE I.—LEAA BUDGET

[In thousands of dollars]

LEAA	Appropriation, fiscal year 1972	Authority requested, fiscal year 1973	Increase
Planning grants to State and local governments	35,000	50,000	15,000
Block action grants to State and ▶ local governments	413,695	480,250	66,555
Discretionary grants	73,005	84,750	11,745
Special correctional improvements programs	97,500	113,000	15,500
Technical assistance	6,000	10,000	4,000
Institute activities, research, technology transfer	21,000	31,000	10,000
Manpower development (includes ▶ LEEP)	31,000	45,000	14,000
Data and statistics	9,700	21,200	11,500
LEAA administration	11,823	14,800	2,977
Total	698,723	850,000	151,277

The increase of $151 million will keep the relatively new LEAA program moving, but its growth is smaller than in previous years. Table LEAA 2 below shows that both the percentage and the absolute dollar increases have dropped when compared to FY '71 and '72.

TABLE II.—LEAA APPROPRIATIONS GROWTH RATE DECLINES

[In millions of dollars]

Fiscal year	Appropriation	Dollar increase	Percentage increase (approximate)
1969	63		
1970	268	205	325
1971	532	264	100
1972	698	166	31
1973	850	152	22

While holding down increases in LEAA Administrative costs, the Budget requests a much needed increase of $15 million in planning grants for cities and states.

The overall appropriation level of $850 million is considerably below the Congressional authorization of $1,750 million. Evidence that cities are ready to make use of a higher level of appropriation can be seen in LEAA's recently initiated "high impact" program. Eight cities have been selected to receive $20 million each over 2½ years for concentrated crime control programs. With higher levels of appropriation, more cities could make use of the high impact approach.

TRANSPORTATION

Substantial increases in obligations for urban mass transit, slight increases in the urban highway programs, and no change in airport aid highlight the President's 1973 Transportation Budget as it affects cities.

Urban Mass Transportation: A 65 per cent increase in administration reservations available for capital grants for 1973 is significant. While the proposed $841 million in capital projects approvals is substantial, the picture dims when compared with the $4 billion in pending projects and $1.1 billion in remaining contract authority.

Capital grants for FY 1973 are expected to assist in the purchase of 5,000 new buses, 65 commuter cars and about 300 rail rapid transit cars. Although this constitutes a sizable new commitment, it represents a small fraction of the equipment requirements. Currently, some 50,000 buses and 9,000 subway and elevated railway cars, many of them outdated, are in use in the U. S.

A substantial increase was made in the request for the Research, Development, and Demonstration Program from $62 million in 1972 to $115 million in 1973. An important part of these 1973 funds will be aimed at demonstrating new technology for access and circulation in downtown areas and other major activity centers. These funds could support several demonstrations of high-capacity-small-vehicle transit systems in urban areas.

A one-third increase in transit planning funds also is proposed.

TABLE DOT-I.—URBAN MASS TRANSPORTATION, FISCAL YEARS 1971–73

[In millions of dollars]

	Fiscal year 1971 (actual)		Fiscal year 1972 (estimate)		Fiscal year 1973 (estimate)	
	Reservations [1]	Obligations [2]	Reservations	Obligations	Reservations	Obligations
Capital facilities	284	85	510	264	841	529
Technical studies	14	5	25	13	33	23
R.D. & D	39	24	62	33	115	93
University research and training	3	2	3	2	3	2
Other	1		6	3	8	4
Total	341	116	606	315	1,000	651

[1] Administrative reservations.

[2] Costs and obligations.

Source: Appendix to the Budget for Fiscal Year 1973, p. 735

Highway programs: An increase in obligations for Urban Systems from $50 million in 1972 to $140 million in 1973, when measured against the decrease in obligations in urban extensions of the primary system from $325 million in 1972 to $240 million in 1973, means that funds for urban highways will remain about the same. The use of funds for urban systems, however, is more flexible than that of funds for urban extension of primary roads.

TABLE DOT-II.—FEDERAL-AID HIGHWAYS TRUST FUND FISCAL YEARS 1971–73

[Program costs in millions of dollars]

	Fiscal year 1971 (actual)	Fiscal year 1972 (estimate)	Fiscal year 1973 (estimate)
Interstate system	3,308	3,200	2,800
Urban extensions	254	325	240
Urban systems		50	140
TOPICS	11	250	265

Source. Appendix to the Budget for fiscal year 1973, p. 720

TOPICS funds will be increased slightly from $250 million in 1972 to $265 million in 1973. The total FY '73 funds available for urban systems, however, are small when compared with the $2.8 billion commitment to the Interstate System. The revised total cost estimate for the Interstate System upon its completion is $68.3 billion, up $5.8 billion from the previous estimate. The 1970 Highway Act extended the termination date of the Highway Trust Fund to September 1977.

Airports: Estimated obligations for FY 1972 and 1973 airport grants match the annual total of $295 million provided by the Airport and Airway Development Act of 1970. The grants to public agencies are for planning, not to exceed more than $15 million annually, and for development and improvement of public airports of which $280 million in obligational authority is available annually. From FY 1971 through FY 1975, expenditures for the program will be financed partially by user charge revenues, with the deficit being made up by annual appropriations from general revenues. After FY 1975, user charge revenues are expected to meet or exceed expenditures.

TABLE III.—DEPARTMENT OF TRANSPORTATION, AIRPORT GRANTS

[In millions of dollars]

	Fiscal year—		
	1971 actual	1972 estimate	1973 estimate
Grants for planning	$3	$15	$15
Grants for construction	170	280	280
Total obligations	173	295	295

Source: Appendix to the budget for fiscal year 1973, p. 710

ENVIRONMENTAL QUALITY

The proposed 1973 budget for the Environmental Protection Agency totals $439.3 million, an increase of $44.3 million over the current fiscal year. Here is a breakdown by functional area:

Air: The Administration is requesting new obligational authority of $171.5 million for the EPA clean air programs, a $28 million increase. EPA had previously told the Congress that $320 million was needed in FY '73 to implement the Clean Air Act, as amended. Congress responded by approving a $300 million authorization. The President's Budget request is only half of that original evaluation of need.

EPA will also institute a parctice of charging for the training programs authorized under the Clean Air Act, as amended, for increasing and upgrading the manpower essential to air pollution control programs. Such user charges are not authorized by the Act.

Water pollution: The President is requesting the same amount of obligational authority ($2 billion) to finance the construction of water treatment plants for FY '73 as that requested and appropriated in FY '72. This is consistent with the Administration's legislative program. However, the Senate has passed a sweeping new proposal to change the nation's clean water efforts. This bill would authorize $3 billion for FY '73, and ultimately call for a four-year, $14 billion program for full secondary treatment of effluent and would also make stormwater overflow facilities eligible for federal grant money. The House Public Works Committee has approved a $20 billion bill, with $5 billion authorized for FY '73, also making stormwater overflows eligible, as well as collector systems.

Solid Waste: The new budget announces that EPA "is reorienting its solid waste activities to focus upon economic and institutional constraints, with less attention to areas where the private sector is focusing its efforts—the development of hardware for recycling and other waste management activities." The obligational authority for FY '73 therefore has been decreased by $11.3 million to $23.3 million.

Only four demonstration grants under Section 208 of the Resource Recovery Act of 1970 will be funded in FY '72 and FY '73. Only $15 million was obligated in FY '72; no new obligational authority is requested for FY '73. The authorization for Section 208 demonstration grants for FY '72 is $80 million; the authorization for FY '73 is $140 million.

Noise: The Administration wants to pursue noise abatement efforts. EPA estimates it will obligate $1,181,000, an increase of $34,000 over FY '72. Noise control is also dealt with by NASA and DOT on a cooperative basis. Obligations for general transportation research and development will increase from $456 million to $666 million. Noise research will have to compete for funds with studies of other vehicle problems, such as speed, safety, and economy.

Parks and recreation: The President's Legacy of Parks Program was designed to bring parks to the people by developing new parks in and near cities. The Administration has proposed to fund the Land and Water Conservation Fund at $300 million, which falls below FY '72 by $61.5 million. Grants from this Fund to state and local governments for park acquisition and development will be at $197 million, below the $255 million appropriated for FY '72. There remains some $38 million carried over from FY '72 to FY '73 which the Administration does not plan to obligate.

In addition, budget authority for financial aid to state and local governments for city recreation (all Federally assisted or direct Federal projects or activities—including historic preservation—which are located within incorporated places of 250,000 or more population) will decrease from $151 million in FY '72 to $133 million in FY '73. However, direct federal activities for city recreation will increase from $35 million in FY '72 to $40 million in FY '73.

New programs: The budget also seeks $35 million in obligational authority for new environmental programs dealing with noise pollution, ocean dumping, toxic substances, pesticides, water quality, power plant siting and protection of mining areas. The budget also includes $20 million for the Administration's proposed National Land Use Policy Act.

MAJOR URBAN ENVIRONMENT QUALITY PROGRAMS, BY MEDIA

[In thousands of dollars]

Operation, research and facilities	Fiscal year 1971			Fiscal year 1972 estimate			Fiscal year 1973 estimate		
	Appropriation	Obligations	Outlays	Appropriation	Obligations	Outlays	Budget authority	Obligations	Outlays
Air	109, 287	101, 666	88, 055	148, 828	158, 320	133, 138	171, 541	173, 661	145, 058
Water	119, 439	125, 237	94, 198	153, 482	149, 772	152, 921	156, 158	159, 855	164, 874
Solid waste	16, 250	14, 564	4, 565	35, 798	32, 704	23, 897	23, 321	31, 411	26, 036
Noise[1]	285	[2] 316	267	1, 225	1, 341	700	1, 181	1, 216	1, 300

[1] Additional noise-control resource available through NASA-DOT cooperative program.

[2] Transfer between media allowed at administration discretion in 1971. In 1972, transfers were imited to 10 percent. Carryover mainly in water and air.

Note: Operation, research, and facilities: Abatement and control; manpower development; research, development, and demonstration facilities.

SEWAGE PLANT CONSTRUCTION GRANTS (EPA)

[In millions of dollars]

	1971				1972 (Estimated)				1973 (Estimated)			
	Appropriation	Obligations	Outlays	Carryover	Appropriation	Obligations	Outlays	Carryover	Budget request	Obligations	Outlays	Carryover
Sewage plant construction grants (EPA)	1, 000	1, 228	478	440	2, 000	2, 080	908	132	2, 000	2, 000	1, 100	132

MANPOWER

The overall Manpower budget for FY '73 provides an increase in obligations of $396 million. Most of the increased monies will be distributed this way: $247 million for Emergency Employment Assistance; $62 million more for Vocational rehabilitation and $58 million more for Work Incentive Program and social services day care in the Department of Health, Education, & Welfare; an additional $48 million for on-the-job training for veterans for the Veterans Administration and a $31 million increase for the Employment Service through the Department of Labor. Programs of skill training and support projected to be incorporated into Manpower revenue sharing are being reduced in obligation by $60 million.

Overall, the Department of Labor will increase its obligations by $161 million, Health, Education, and Welfare will increase its by $137 million, the Veterans Administration by $66 million, the Defense Department by $9 million, the Office of Economic Opportunity by $6 million, and the Department of Housing and Urban Development will remain the same.

The Administration's "full employment" budget reflects a commitment to expanding job opportunities. The largest job creation component of the budget is the Emergency Employment Act. Its level of funding is mandated by Congress and is related to the unemployment rate. Nevertheless, the budget raises the question whether Manpower funds—even though they are on the rise—are equal to the Administration's "full employment" commitment. Further, the Administration has assured the cities that they would have the major role in management of employment programs. Yet, the programmatic increases for the Department of Labor and other agencies (such as WIN, Vocational rehabilitation, and on-the-job training for veterans) will administratively be handled through federal and state agencies, thus bypassing local planning, priority determination, and control. The Administration has asked for a local manpower leadership role on the part of the Mayors, but continues to channel and increase vast sums of money to agencies with little accountability to local elected officials. With the $60 million reduction contemplated in the Manpower special revenue sharing program, local officials can look forward to a diminished input in overall manpower planning and direct services into their communities. As such, the impact of the services provided to city residents as well as the best program mix, linkages, and coordination for maximum resource utilization must remain questionable.

From a city perspective, provisions and funding for youth programming in the proposed 1973 budget are static. The single most necessary source of youth employment during the summer months, the Neighborhood Youth Corps (NYC), remains at $270.7 million; the same budget level as 1971 and 1972. Past years have proven this insufficient and cities have been forced to rely upon uncertain emergency supplemental funding from the Congress in June or July for programs terminating in August, just to meet basic employment requirements.

MANPOWER FUNDS BY AGENCY

The following table shows manpower obligations and outlays by administering agency and program. Two agencies—the Departments of Labor, and Health, Education, and Welfare will account for 87% of all manpower outlays in 1973, about the same as in past years.

TABLE J-12.—FEDERAL FUNDS FOR MANPOWER PROGRAMS BY ADMINISTERING AGENCY

[In millions of dollars]

Agency and program	Obligations				Outlays			
	1970 actual	1971 actual	1972 estimate	1973 estimate	1970 actual	1971 actual	1972 estimate	1973 estimate
Office of Economic Opportunity: OEO manpower	32	35	33	39	30	33	35	37
Department of Defense: Project transition	14	15	16	27	14	15	16	27
Department of Health, Education, and Welfare:								
Social services training	51	45	57	60	50	42	55	57
WIN and social services day care	112	185	338	396	112	185	311	393
Vocational rehabilitation	482	558	649	711	441	523	551	620
Upward mobility			6	20			6	20
Foster grandparents	8	10			8	9		
Vocational work study	4	6	6	6	2	4	5	5
Subtotal, HEW	657	803	1, 056	1, 193	613	763	928	1, 095
Department of Housing and Urban Development:								
Model cities manpower	24	39	45	45	6	24	33	41
Model cities child care	9	15	19	19	2	9	14	17
Community development training		1	2	2		1	2	2
Subtotal, HUD	33	55	65	65	8	34	49	60
Department of the Interior:								
On-the-job training for Indians	3	3	3	3	2	1	3	3
Institutional training for Indians	29	29	31	32	26	26	31	32
Indian placement assistance	5	6	6	6	5	5	6	6
Subtotal, the Interior	38	37	40	41	33	33	40	41

TABLE J-12.—FEDERAL FUNDS FOR MANPOWER PROGRAMS BY ADMINISTERING AGENCY—Continued

[In millions of dollars]

Agency and program	Obligations 1970 actual	Obligations 1971 actual	Obligations 1972 estimate	Obligations 1973 estimate	Outlays 1970 actual	Outlays 1971 actual	Outlays 1972 estimate	Outlays 1973 estimate
Department of Justice:								
Training of offenders	3	4	5	5	3	4	5	5
Department of Labor:								
Manpower revenue sharing	1,344	1,535	1,598	1,538	1,056	1,342	1,454	1,477
Emergency employment assistance			991	1,238			653	1,088
Work incentive training	80	64	177	112	67	97	140	180
Employment service	325	349	374	405	325	347	374	405
Computerized job placement	12	23	36	40	6	23	27	31
ES labor market information	27	24	28	27	23	20	22	24
BLS labor market information	9	10	11	14	9	10	11	14
OFCC and age discrimination	1	3	4	4	1	3	4	4
Program administration and other	113	132	178	180	105	122	163	172
Subtotal, Labor	1,911	2,140	3,397	3,558	1,592	1,963	2,848	3,394
Veterans Administration:								
On-the-job training for veterans	87	171	161	209	87	117	161	209
Veterans vocational rehabilitation	53	77	91	108	53	77	91	108
Veterans assistance centers	1	1	2	2	1	1	2	2
Subtotal, VA	141	196	254	320	141	196	254	320
Action: Foster grandparents			22	20			12	23
Equal Employment Opportunity Commission:								
Equal employment opportunity	13	16	23	31	12	16	22	30
All Federal agencies:								
Disadvantaged youth programs	67	74	78	78	67	74	78	78
Federal contract compliance	7	15	24	32	6	15	23	31
Total	2,916	3,390	5,013	5,409	2,519	3,145	4,310	5,141

OFFICE OF ECONOMIC OPPORTUNITY

The $758.2 million Budget Request for OEO reflects a continuation of the Administration's policy of limiting OEO's operational responsibilities, restricting it to poverty research without substantially increasing research funds, and emphasizing its role as advocate of the poor within the Executive Branch. This represents a $55 million increase over FY '72 appropriations and is $84 million less than FY '71 appropriations for programs that will remain under OEO in 1971.

During this fiscal year OEO has been spinning off several programs to other agencies. These include Head Start, Follow Through, Alcoholic Counseling and several other health programs transferred to HEW and appearing in HEW's FY '72 and '73 budget. In addition, VISTA was transferred on July 1, 1971, to ACTION, the new volunteer agency. In FY '73, additional OEO programs for comprehensive health, family planning, and drug rehabilitation (totaling about $34 million) are to be spun off to HEW and appear in HEW's FY '73 budget request.

Although OEO's two-year authorization, which established a Legal Service Corporation, was vetoed by the President, it is still expected that Legal Services will become an independent corporation this year. All Research, Development, and Evaluation (RD&E) and Technical Assistance funds for Legal Services have been put into the Legal Services budget request in FY '73 in anticipation of its becoming independent.

It is also anticipated that the Community Action Program will be incorporated into urban and rural special revenue sharing. In preparation for this transfer, OEO says it is undertaking a new community action strategy designed "to accelerate the movement of CAA's toward becoming independent, local institutions . . . able to continue and expand their antipoverty leadership, drawing on a variety of local, state, federal, and private resources."

Plans announced last year to phase out the Emergency Food and Medical Program during FY '72 and FY '73 are being carried out, despite an apparent desire by Congress to retain it. OEO's two-year authorization bill, vetoed by the President in December 1971, authorized $62.5 million in FY '72 for the Emergency Food and Medical Program. When the President vetoed the bill, Congress hurriedly passed a lump sum appropriation, which is now serving as OEO's authorization and does not earmark funds for specific programs. As a result, OEO intends to obligate only $3.5 million of the FY '72 appropriation for a small Emergency Food Program for Indians and is requesting the same amount in FY '73. The Administration's rationale for phasing out most of OEO's food program is that the Food Stamp and Commodities Program in the Department of Agriculture will adequately meet the need.

The programs for which OEO is still responsible include RD&E, Community Action, Health and Nutrition, Special Impact, Migrants and Seasonable Farmworkers, and, at least temporarily, Legal Services.

The FY '72 appropriation for OEO is $741.4 million (or $703.9 million if VISTA is excluded). This amount is $40 million less than OEO requested and about $140 million less than the FY '71 appropriation. As a result, estimated FY '72 obligations for several programs for which OEO is still responsible are below the FY '71 obligation. The most substantial reductions occur in RD&E, which is about $30 million below the FY '71 obligation and about $20 million below that which OEO had planned to spend, and in Community Action, which is about $56.9 million less than the FY '71 obligations. Most of the cut in Community Action occurs in Local Initiative Programs, which drops from $356 million in FY '71 to $300 million in FY '72. Obligations for Health and Nutrition also drop, but because OEO's spending for the Alcoholic Counseling and Emergency Food and Medical Programs is cut substantially, OEO is able to spend more for Comprehensive Health, Family Planning, and Drug Rehabilitation than in FY '71. FY '72 obligations for the Special Impact Program dropped slightly, while Migrants and Legal Services remained at about the same level.

The FY '73 budget request of $758.2 million represents an increase of about $55 million over the FY '72 appropriation but is about $84 million less than FY '71 obligations. The major increases over FY '72 obligations occur in RD&E and Community Action. However, the budget request for RD&E is about equal to the FY '71 obligation, and Community Action is about $27 million less than the FY '71 obligation. About $23 million less than the FY '71 obligation is being asked for Local Initiative Program. The remaining programs increase slightly over FY '71 and FY '72 or remain at about the same level.

OFFICE OF ECONOMIC OPPORTUNITY

[In millions of dollars]

	Fiscal year— 1971 Authorization	1971 Appropriation	1971 Actual obligations	1972 Authorization	1972 Appropriation	1972 Estimated obligations	1973 Budget request
Title II:							
Research, development, and evaluation	(1)	114.6	84.1			50.3	[2] 77.8
Community action		388.6	410.2			353.3	383.6
Local initiative (including indicated)	[3] 328.9		355.9			300.0	333.0
Training and technical assistance	(1)		17.3			12.6	[4] 12.0
SEOO's	(1)		8.0			13.0	12.0
Senior opportunities	12.0		12.3			8.0	8.0
Program administration	(1)		16.7			19.7	18.6
Health and nutrition		195.3	194.8			159.0	140.0
Comprehensive health	160.0		98.7			108.3	[5] 95.0
Drug rehabilitation	15.0		13.3			18.0	[6] 23.0
Family planning	30.0		18.8			24.0	[7] 15.0
Alcohol counseling	15.0		12.0			[8] 2.0	
Emergency food and medical	175.0		48.6			3.5	[9] 3.5
Program administration			3.4			3.2	3.5

See footnotes at end of table.

	Fiscal year—						
	1971			1972			1973
	Authorization	Appropriation	Actual obligations	Authorization	Appropriation	Estimated obligations	Budget request
Title 10: Special impact	60.0	37.1	37.1			25.8	30.7
Title III: Migrants and seasonal farmworkers	49.0	35.5	36.1			36.0	36.0
Title II: Legal services	90.0	61.4	61.2			61.1	71.5
Title VI: General support	16.0	16.0	18.4			18.4	18.3
Title II: Funds, unearmarked	69.0						
Day care	50.0						
Subtotal	1,069.9	848.5	841.9			703.9	757.9
Programs transferred to other agencies or phased out:							
Title VIII: VISTA	37.0	36.5	37.8				
Title III: Rural loans	12.0	9.4	6.0				
Other			3.0				
Subtotal	1,118.9	894,4	888.7	741.4	741.4		
Title II:							
Child dev lopment	668.0	429.0	428.4	436.9	436.9		
Headstart	578.0	360.0	360.0	376.3	276.3		
Followthrough	90.0	69.0	68.4	60.6	60.6		
Subtotal	178.69	1,323.4	1,317.1	1,178.3	1,178.3		
Title I: Work and training:[10] private sector VJI, public sector OJT, in-school work support, postschool work support, Job Corps, program support	945.0						
Subtotal	2,731.9						
Unearmarked funds	100.0						
Unobligated balance lapsing			2.6				
Transferred to other accounts			3.7			[11] 37.5	.3
Total	2,831.9	1,323.4	1,323.4	1,178.3	1,178.3	741.4	758.2

[1] No funds earmarked.

[2] This figure excludes research and development for legal services which appears in the request for legal services. Comparable figures for fiscal year 1971 and 1972 are $78,600,000 and $42,800,000 respectively.

[3] Not less than.

[4] This figure excludes technical assistance for legal services which appears in request for legal services. Comparable figure for fiscal year 1972 is $11,100,000.

[5] Assumes $21,000,000 is transferred to HEW's budget.

[6] Assumes $3,000 000 is transferred to HEW's budget.

[7] Assumes $10,000,000 is transferred to HEW's budget.

[8] Assumes transfer of $10,000,000 to HEW.

[9] This figure is for Indians only.

[10] Transferred to the Department of Labor.

[11] This figure reflects the transfer of VISTA to ACTION.

Note: OEO's appropriation was a lump sum, but the authorization required earmarking funds as indicated by the fiscal year 1971 authorization. Since the appropriation is less than the authorization, the appropriation is prorated to determine the allocation for each category. In addition OEO has some flexibility to shift funds from one category to another. OEO's authorization expired June 30, 1971. The new authorization bill was vetoed by the President in December 1971. Congress then passed an appropriation for fiscal year 1972 which is also its authorization.

HEW BUDGET BY OPERATING AGENCY

[In millions of dollars]

	1972		1973	
	Budget authority	Outlays	Budget authority	Outlays
Food and Drug Administration	111	110	188	179
Health Services and Mental Health Administration	2,292	1,840	2,220	2,098
National Institutes of Health	2,176	1,757	2,183	2,054
Subtotal	4,579	3,707	4,591	4,331
Education	5,868	4,869	6,144	5,265
Social and Rehabilitation Service	13,500	14,157	13,882	12,835
Welfare Reform			450	350
Social Security Administration	52,093	48,878	61,354	55,714
Special Institutions	100	81	77	100
Office of Child Development	391	216	409	379
Office of the Secretary	60	59	76	65
Adjustment for proprietary receipts	−55	−55	−87	−87
Total, DHEW	76,536	71,911	86,887	78,953

HEALTH

The 1973 health budget as it relates to cities is affected by major revisions in accounts to conform to the reorganization of the Health Services and Mental Health Administration and significant carry over of 1972 obligation authority to 1973. For HSMHA, the primary source of support for state and local activities, outlays for 1973 are projected slightly higher than 1972 but appropriations will be slightly lower. The two major program areas affected are a major shift in the Hill-Burton program heading toward a phasing out and a $79 million increase in overall funds for health services delivery.

Continuing the effort to shift health facility construction support from grants to loans and interest subsidies and continuing the emphasis on ambulatory care, grant authority requested for the Hill-Burton program has been reduced to $85 million, the amount authorized for ambulatory care facilities. Carry overs increase the obligation authority available in 1973 and interest subsidies appropriated in 1972 will also be available. A 1972 supplemental request of $50 million to capitalize a loan guarantee fund is being carried forward to overcome the apparent reluctance of financing institutions to make loans.

The Mental Health request is virtually the same as last year's. No funds are requested for community mental health center construction, but $10 million of past years' authority remains available. Support for state and community programs in narcotic addiction and drug abuse will increase $15 million from $92 to $107 million. State formula grants for alcoholism remain at $30 million and while project grants will increase from $38 million to $48 million, the increase represents transfer of projects previously funded by OEO.

Comprehensive health planning funds will increase from $27 million to $43 million. The bulk of the increase will support the expansion of existing areawide health planning programs and the funding of more than 100 new areawide health planning agencies.

For the delivery of health services the budget requests $90 million, the same as 1972 for formula grants to states for public health and mental health services under the comprehensive health planning and public health services program. Project grant totals are changed significantly by a shift of approximately $50 million to disease prevention activities. Funds appropriated for comprehensive health services projects as such will increase from $104 million to $117 million, but the increase will support at least 10 projects to be transferred from OEO.

Maternal and child health services will receive slight increases, $4 million in formula grants to states for maternal and child health and crippled children's services and $9 million for maternal and infant care and children and youth projects. Family planning services will receive a major increase of $49 million over its 1972 appropriation of $90 million.

Preventive health services budget accounts are increased primarily through shifts in funding authorities. Nevertheless, a $10 million increase in appropriations is requested for preventive activities. Rodent control programs are continued at $15 million. A $2 million increase is committed to laboratory improvement, $2.5 million for venereal disease and approximately $2 million for screening children for lead-based paint poisoning.

The National Health Service Corps carries over obligations from 1972 with a new obligation authority request significantly reduced to $8 million in anticipation of local and patient reimbursements to the Federal government for its physicians' services.

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

[Budget authority in millions of dollars]

	1972	1973	Change
Mental health:			
Community mental health centers:			
Construction	15		−15
(Obligations)	(5)	(10)	(+5)
Staffing	135	135	
Narcotic addiction and drug abuse	92	107	+15
Alcoholism	68	78	+10
Mental health of children	10	10	
Subtotal	315	330	+15

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION—Continued

[Budget authority in millions of dollars]

	1972	1973	Change
Health services planning and development:			
Comprehensive health planning	27	43	+16
Medical facilities construction:			
Grants, loans, and subsidies	308	91	−217
Loan guarantee fund	50		−50
Subtotal	385	134	−251
Health services delivery:			
Comprehensive health services:			
Formula grants	90	90	
Project grants	104	117	+13
Migrant health	18	24	+6
Direct operations	12	14	+2
Maternal and child health	239	252	+13
Family planning services	90	139	+49
National Health Service Corps	13	8	−5
(Obligations)	(14)	(15)	(+1)
Program direction	11	12	+1
Subtotal	677	656	+79
Preventive health services:			
Disease control	88	93	+5
Community environmental management	26	29	+3
Occupational health	25	28	+3
Program direction	4	4	
Subtotal	143	154	+11
Other programs	60	86	+26
Total, HSMHA	2,021	1,925	−96

EDUCATION

The $6.1 billion FY '73 education budget proposes an overall increase of $276.5 million from FY '72.

Within this budget, funds from Elementary and Secondary Education will increase $499.3 million from $3,712.8 million in FY '72.

Higher Education will drop $384.3 million to $1,227.9 million in FY '73.

Most of the FY '73 increase in Elementary and Secondary Education is accounted for by the Administration's request of about $500 million in additional funds for the Emergency School Assistance program, which is intended to help school systems establish and maintain quality integrated schools. Although the President's request for $1.5 billion in emergency assistance was not enacted in the 1971 session of Congress, the Administration plans to obligate $500 million in FY '72 and $1 billion in FY '73, Congress willing at its 1972 session.

New obligational authority for most of the major education programs, including Title I (Educationally Deprived Children), II (Library Resources), III (Supplementary Services), and VIII (School Dropout Program) of the Elementary and Secondary Education Act (ESEA), state grants for Vocational Education, and the School Lunch Program (Department of Agriculture) is held at approximately the same level as FY '72 obligations. The Equipment and Remodeling program of the National Defense Education Act (NDEA) will be terminated. Cuts of $177 million in the Federal Impact Aid program, $22 million in the Vocational Research, and $700,000 in Adult Education are proposed. Slight increases are requested for ESEA Titles V (Strengthening State Education Agencies) and VII (Bilingual Education) and Education for Handicapped Children.

Most of the increases in educational funding are for major national initiatives in the Office of Education. These include:

1. *Educational Renewal:* This effort will concentrate discretionary grants for elementary and secondary education on a limited number of the most needy school districts to help meet locally determined educational needs and disseminate educational innovations. An increase of $49 million is proposed to carry out this strategy.

2. *Career Education:* This initiative is meant to make all levels of the educational system relevant to the world of work and to open up additional post-secondary education training opportunities. An additional $55 million is requested for this program.

3. *Developing Institutions and Minority Education:* An increase of $48 million is proposed to aid blacks and other minorities at the post-secondary level.

4. *National Institute of Education:* Congress will consider an Administration plan to establish an institute to engage in educational research and experimentation, focusing on schooling of the disadvantaged, quality of education, and use of educational resources. The Administration seeks $125 million for the institute in FY '73.

5. *National Foundation for Higher Education:* $100 million is requested to create this Foundation to promote change and innovative programs in post-secondary institutions.

The Administration also is again proposing its Educational Revenue Sharing program, which Congress did not act on last year. This special revenue sharing program would consolidate categorical programs totaling $3 billion in FY '73. Some of the included programs (notably Equipment and Minor Remodeling under NDEA and about $177 million in impact aid) are to be phased out as such or cut in FY '73. Therefore, the Administration seeks an additional $224 million in FY '73 to insure that no state will receive less than its FY '72 allocation.

EDUCATION

[Budget authority in millions of dollars]

	1972	1973	Change
Elementary and secondary education	3,713	4,212	+499
Higher education	1,612	1,227	−385
Library services	71	47	−24
Educational renewal	314	363	+49
National institute of education	90	125	+35
National foundation for higher education	3	100	+97
Other education	66	71	+5
Total	5,868	6,144	+276

ELEMENTARY AND SECONDARY EDUCATION

[Budget authority in millions of dollars]

	1972	1973	Change
Emergency school assistance	520	1,000	+480
Education revenue sharing	3,237	3,237	
Less: school lunch (Department of Agriculture)	−224	−224	
Education of handicapped children	73	94	+21
Other elementary and secondary programs	108	106	−2
Total	3,713	4,212	+499

EDUCATION REVENUE SHARING

[Budget authority in millions of dollars]

	1972	1973	Change
Existing education grant programs:			
Educationally deprived children	1,598	1,598	
Supplementary services	126	126	
Equipment and minor remodeling	50		−50
Strengthening State departments of education	31	41	+10
School assistance in federally affected areas	547	370	−177
Education for the handicapped	38	38	
Vocational and adult education	526	526	
Existing education grant programs—Cont.			
School library resources	90	90	
Education professions development	7		−7
School lunch program (Department of Agriculture)	224	224	
Hold harmless provision		224	+224
Total	3,237	3,237	

EDUCATIONAL RENEWAL

[Budget authority in millions of dollars]

	1972	1973	Change
Site personnel development:			
Renewal sites	2	30	+28
Career opportunities and urban-rural programs	37	40	+3
Categorical projects	39	7	−32
Bilingual education	35	41	+6
Dropout prevention	10	10	
Personnel development:			
Teacher Corps	37	37	
Career education personnel	7	10	+3
Other personnel development	8	4	−4
National priority programs	109	143	+34
Data systems and services	10	15	+5
Product identification and dissemination	8	16	+8
Planning and evaluation	11	10	−1
Total	314	363	+49

SOCIAL SERVICES

Social services expenditures have increased rapidly in recent years largely in response to the need for child care services and services for the elderly. For the past two years the Administration has asked Congress to place a ceiling on these costs. Congress has refused to do so. The budget shows that in FY '73 the Administration through "active management controls" intends to curtail expenditure for social services. HEW estimates a cutback of more than $120 million.

Our analysis suggests that the real impact of the Administration's proposed actions may be in excess of a half billion dollar cut in social services which would otherwise be made available to predominantly urban, low-income groups.

Under present law, Congress is authorized to appropriate as much money as needed to match state expenditures for a variety of social services provided under the public assistance titles of the Social Security Act. Many urban child care programs and services for the needy aged, especially under CDA and CAA auspices are funded through this source. (Title IV-A and Titles I and XVI of the Social Security Act).

In 1971 the Federal share of the social services costs came to $692 million. The 1972 estimate is nearly double that of the preceding year, $1,296 million. This substantial increase stemmed from a combination of factors including, (1) expansion in the variety and quantity of services being offered, (2) increase in number of public assistance recipients and in other non-welfare low-income groups eligible to receive social services, and (3) inflation.

For the past two years the Administration has tried without success to have Congress impose a ceiling on expenditures for social service. Last year the Administration sought to impose a 10 per cent growth limit on outlays for such services. This attempt was rejected by both the House and Senate. This year through "intensified fiscal management efforts" and by a "regulation mandating separation of services from payments . . . to provide methods and controls that will in-aging. This represents an increase of $55 sure a more efficient and effective program"[1] expenditures will be pared to an estimated $1,266 million—a decrease of $30 million from the 1972 amount. *Note:* HEW's budget analysis reflects an even larger cutback. HEW's *Budget in Brief* lists FY '72 social services estimate at $1.363 billion; FY '73 at $1.241 billion, a decrease of $122 million.)

The significance of the proposed effort to accomplish administratively what could not be achieved legislatively, cannot be too strongly emphasized. Although the Administration's own figures indicate reductions ranging from $30 million to $122 million dollars, it is likely that the real impact will be at least three times as great. As the accompanying chart shows, the increased rate of spending for social services, in the absence of administrative restraint, is likely to be much higher than HEW's target of $1.241 billion. These increases (which, as we have indicated, Congress has refused to curtail) reflect in large measure expenditures for day care services in urban areas. In the face of the President's recent veto of child care legislation, we anticipate that more vigorous use would be made of the only remaining avenue (Title IV-A of the Social Security Act) open for substantial funding of such services. The full impact of HEW's budget projection is therefore better appreciated by a comparison *not with the estimated 1972 expenditures but with the anticipated 1973 demand*. Viewed in this light, the cutback is closer to the $500 million to $800 million dollar range than to the $30 million to $122 million dollar reduction suggested in the budget.

WELFARE REFORM

The Administration has requested $450 million budget authority for FY '73 to launch the administrative transition required under its pending welfare reform proposed. They propose to spend $350 million for this purpose in FY '73. Full actual costs of assistance payments under the new welfare program would not begin until FY '74.

WELFARE PROGRAMS
[Budget authority in millions of dollars]

	1972	1973	Change
Welfare reform		450	+450
Social and Rehabilitation Service:			
Public assistance	12,215	13,370	+296
H.R. 1		−859	
Social and rehabilitation services	831	939	+108
WIN	259	205	−54
Assistance to refugees	144	160	+16
Research activities overseas	8	10	+2
Salaries and expenses	44	58	+14
Total, SRS	13,500	13,882	+382
Office of Child Development	391	409	+18
Headstart	(369)	(386)	(+17)

PUBLIC ASSISTANCE
[Budget authority in millions of dollars]

	1972	1973	Change
Maintenance assistance:			
November State estimates	6,708	7,606	+687
Administrative actions		−52	
H.R. 1		−159	
Medical assistance:			
November State estimates	4,052	4,617	−274
Administrative actions		−139	
H.R. 1		−700	
Social services:			
November State estimates	1,363	1,450	−122
Administrative actions		−209	
State and local training:			
November State estimates	46	51	+5
Child welfare services	46	46	
Total, public assistance	12,215	12,511	+296

SOCIAL AND REHABILITATION SERVICES
[Budget authority in millions of dollars]

	1972	1973	Change
Rehabilitation services	618	676	+58
State grants	(560)	(610)	(+50)
Developmental disabilities	50	44	−6
Administration on aging	45	100	+55
Youth development and delinquency prevention	10	10	
Research and training	109	109	
Total	831	939	+108

OFFICE OF CHILD DEVELOPMENT (HEADSTART)

The 1973 budget request for the Office of Child Development (OCD) is almost $409 million. This represents an increase of nearly $18 million over the $391 million appropriated for 1972, or slightly under 5 per cent above last year's figure.

Most of OCD's money is used for the Head Start program. In FY '72 $369 million of the $391 million appropriated was for Head Start; in FY '73, $386 million of the requested $409 million is slated for Head Start. The increase in requested Head Start money is also just under 5 per cent.

The negligible increase requested in OCD-Head Start funds takes on added significance when viewed in conjunction with the President's veto of child care legislation and HEW's proposed administrative lid on social services expenditures (see discussion supra).

YOUTH DEVELOPMENT AND DELINQUENCY PREVENTION

The Juvenile Delinquency Act, which was slated to expire on June 30, 1971, was extended by Congress for one year. In FY 1971 HEW spent nearly $15 million on the program; FY 1972 estimate is $10 million. With the Act slated to expire at the end of 1972, legislation "fundamentally recasting" the program will be proposed. Recommended budget authority under the new legislation is $10 million; estimated outlays for FY '73 (present programs and proposed legislation) total $6 million.

MAINTENANCE ASSISTANCE

The cash assistance component of "welfare" is slated for complete overhaul under H.R. 1, the pending "Workfare" proposal. This legislation would not, however, take effect until 1974. Current estimated Federal expenditures for FY '72 total $6.26 billion compared to the actual 1971 total of $5.19 billion. In addition, the budget calls for $450 million to finance start-up costs for implementation of welfare reform.

SPECIAL PROGRAMS FOR THE AGING

Following commitments made by the President at the 1971 White House Conference on the Aging, the 1973 budget calls for $100 million for the Administration's programs on accounting system that will support program and financial audits as a basis for Federal financial participation. million in budget authority from the 1972 level of $45 million. The increase in funding is designed to provide additional home health aides, homemaker and nutrition services, home delivered meals, and transportation assistance to enable elderly persons to continue to live in their own homes.

SOCIAL SECURITY ADMINISTRATION

The budget calls for legislative action to increase social security benefits by 5 percent effective July 1, 1972; to provide automatic adjustments for increases in the cost of living; to allow recipients to retain a larger portion of their earnings without loss of benefits; and to increase widows' benefits to the level their deceased husbands would have received. Assuming enactment of the proposed legislation, outlays for cash benefit payments are expected to increase from $38.5 billion in 1972 to $43.8 billion in 1973. Of this $5.3 billion increase, $3.4 billion would result from the proposed legislation. Costs are financed out of trust funds rather than from general revenues. The employee contribution (tax base) was increased from the first $7800 of income to a maximum of $9000 on January 1, 1972.

ALLIED SERVICES ACT OF 1972

Although the Budget contains few details, a proposed major legislative initiative is the Allied Services Act of 1972. The legislation is designed to facilitate and reward integrated delivery of human services. States and localities would be encouraged to set up common intake and eligibility determination procedures, create comprehensive human service information systems, and engage in joint planning and budgeting. Certain waivers of present cumbersome Federal requirements would be allowed and fund transfers between various federally aided programs would be permitted. Strengthened administrative involvement of local elected officials in determining budget priorities and administrative arrangements where cities are affected is also envisioned.

SOCIAL SECURITY ADMINISTRATION
[In millions of dollars]

	1972	1973	Change
Trust fund outlays:			
Old-age survivors and disability insurance	40,040	42,014	+1,974
H.R. 1	13	3,500	+3,487
Medicare	8,972	9,916	+944
H.R. 1	2	520	+518
Administration	(1,164)	(1,279)	(+115)
Federal fund budget authority: Special benefits for disabled coalminers	592	557	−35

OUTLAYS VERSUS NEW OBLIGATIONAL AUTHORITY

An underlying cause of political and semantic tension between the federal and the local governments is the different point of view on what dimension of the budget is most important.

From the Administration's point of view, *outlays* are the thing. The budget is outlay-oriented because the Administration is concerned, above all, with spending and deficits in any given fiscal year.

From the point of view of Mayors and other local officials, *new obligational authority* is the thing, because it sets the limits on new projects that can be started in any given time period.

The glossary on the next page defines these and other terms used in the federal budget.

GLOSSARY

Fiscal Year—Year running from July 1 to June 30 and designated by the calendar year in which it *ends*.

Authorization—Basic substantive legislation which sets up a Federal program or agency. Such legislation sometimes sets limits on the amount that can subsequently be appropriated, but does not usually provide budget authority.

---

[1] A further clue to the administrative devices contemplated is found at page 451 of the Appendix: (5) Active management controls over the social services programs by establishing precise definitions of services and recipient populations for which Federal financial participation will be available . . . requiring a program budget backed by an

Budget Authority (BA)—Authority provided by the Congress—mainly in the form of appropriations—which allows Federal agencies to incur obligations to spend or lend money. While most authority is voted each year, some becomes available automatically under permanent laws—for example, interest on the public debt. Budget authority is composed of:

New Obligational Authority (NOA), which is authority to incur obligations for programs in the expenditure account; plus

Loan Authority (LA), which is authority to incur obligations for loans made under programs classified in the loan account.

Obligations—Commitments made by Federal agencies to pay out money for products, services, loans, or other purposes—as distinct from the actual payments. Obligations incurred may not be larger than the budget authority.

Outlays—Checks issued, interest accrued on the public debt, or other payments made, net of refunds and reimbursements.

Budget Surplus or Deficit—The difference between budget receipts and outlays, representing the expenditure account surplus or deficit plus net lending.

Federal Funds—Funds collected and used by the Federal Government, as owner. The major federally owned fund is the general fund, which is derived from general taxes and borrowing and is used for the general purposes of the Government. Federal funds also include certain earmarked receipts, such as those generated by and used for the operations of Government-owned enterprises.

Trust Funds—Funds collected and used by the Federal Government, as trustee, for specified purposes, such as social security and highway construction. Receipts held in trust are not available for the general purposes of the Government. Surplus trust fund receipts are invested in Government securities and earn interest.

THE "NEW" ECONOMIC PROGRAM REVISITED

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mrs. ABZUG. Mr. Speaker, President Nixon is trying to suggest that the resignation of four of the labor members of the Pay Board is going to hamper the fight against inflation. As usual, Mr. Nixon is putting the cart before the horse, for the fact is that he has already failed, and failed miserably, in what he claimed was an attempt to ease the inflationary spiral.

Since the wage-price freeze was instituted last August, we have seen much evidence of the fact that working people are being asked to bear the lion's share of the program; prices and profits go up and up without any real regulation, while wages are pretty much held to 5 percent or less.

This morning's New York Times carried stories on several areas in which the President's program has been a total failure: during the month of February, the Consumer Price Index rose by five-tenths of 1 percent, an annual rate of 6 percent; consumer prices in the New York area rose almost a full 1 percent during the month, for an annual rate of nearly 11 percent; over the past 3 months wholesale prices have been rising at an annual rate of over 10 percent; finally, the unemployment rate in the State of New York has just reached its highest point in 9 years, with 545,000 workers, or 6.7 percent of the State's labor force, out of work. These are the hard, cold facts that prove the bankruptcy of a program which is supposed to reduce inflation to between 2 and 3 percent by the end of 1972 and bring the unemployment rate down to the neighborhood of 4 percent.

Let us face it. The Nixon administration and its big business friends have been taking the working people of this Nation for a ride. In point of fact, I suspect that the resignees realized this some time ago, but stuck it out until now in the hope that conditions would improved. Instead, the situation has worsened and shows every indication of deteriorating still further in the future.

All of Mr. Nixon's public relations razzle-dazzle and pious rhetoric pales beside the facts. I predicted back in September that the "NEP" would fail, because it is an attack on symptoms rather than upon the disease. As I said in my testimony before the Committee on Ways and Means on September 16:

> The most positive steps the President could take to strengthen our economy would be to end immediately and completely American involvement in the war in Indochina, cut back military spending on dollar-draining military bases in Europe and elsewhere, and instead of letting the so-called peace dividend be consumed by the Pentagon, use the funds for such purposes as to provide jobs, repair our decaying cities, build low and middle income housing, make mass transit facilities available, deal effectively with drug and pollution problems, and assure our 25.5 million poor people of a guaranteed annual income.
>
> But instead of ending the war once and for all and reducing military expenditures, the President and some of his advisers are busily developing the myth that our economic problems are the result of the winding down of the war, rather than the war itself. George Romney, for example, said recently that if we have peace, we're going to have unemployment. Another Presidential myth is that of the lazy or greedy worker. I find it unseemly for the President to lecture the American people on the "hard work" ethic when millions have had to "moonlight" to make ends meet, when more than five million are looking for jobs and cannot find them, when more millions of women would work if there were jobs available for them and day care centers provided for their chidlren, and when working people who empty bed pans in hospitals or wash dishes in high-priced restaurants or run elevators in luxury hotels frequently require supplementary welfare benefits to maintain their families because they earn such low wages.
>
> The implication in the 90-day wage-price freeze is that rising wages and prices are responsible for inflation. I agree that prices have been rising at an unacceptable rate, but wage increases have certainly not kept pace with them. In a speech last spring (March 7), economist Leon Keyserling commented: "The wage earner continues to be pilloried as a main factor in the raging inflation, when in fact the real take-home pay of workers in manufacturing has declined during the past two years."
>
> Mr. Keyserling suggested that a more likely factor in inflation was the Nixon administration's pre-NEP policy of raising interest rates. He pointed out that the Nixon budget projects about $20 billion to pay interest on the national debt. "This is more than $8 billion above what the interest payments would have been on a debt of the same size," he said, "if interest rates had stayed where they ought to be."
>
> The President's unprecedented wage-price freeze, unencumbered by restraints on interest rates, profits or dividends, amounts, in effect, to a wage rollback since the cost of living as well as productivity is continuing to rise. Pay increases affected by the freeze are lost forever. They are not placed in escrow or deferred like corporate dividends or profits. The freeze is grossly discriminatory against teachers, against government workers, who have been singled out for a six-month penalty, and against women workers who, my office has been informed, will be barred from claiming back pay for unequal pay received during this period. Since it has been estimated that American business saves $22 billion a year by paying women lower wages than men for doing essentially the same work, this 90-day freeze represents a tremendous loss for women who file back pay suits and, of course, another windfall for business.

Mr. Speaker, it is high time that we in the Congress stepped in, took charge, and began to straighten out this mess. If we are to have any sort of controls—and I suspect that we would be better off without any—then we must see to it that prices and profits are controlled, too.

I include at the conclusion of my remarks the statement of the AFL–CIO executive council on the resignation of the three AFL–CIO members, a news article on the resignation of Leonard Woodcock of the UAW, several other relevant articles and editorials, and my September 16, 1971, testimony before the Ways and Means Committee:

STATEMENT BY THE AFL–CIO EXECUTIVE COUNCIL

Seven months of the Administration's so-called new economic policy—including four months of Phase II controls—have demonstrated that it is nothing more than a device to make the average worker and consumer both the victim and the goat, while the banks and big business pile up increasing profits.

In the guise of an anti-inflation policy, the American people are being gouged at the supermarket and squeezed in the paycheck. The heaviest burden of this lopsided program is placed on the backs of those at the bottom of the economic ladder, who are least able to protect themselves. Meanwhile, millions of American workers remain unemployed, their wages frozen at zero, with no real prospect of relief.

The continuing, rapid rise of prices—such as February's 8.4% yearly rate of increase in wholesale prices—reveals the emptiness of the price control program.

Retail food prices have gone through the roof and are continuing up—eroding the buying power of American families.

While the Administration permits this rising tide of price increases, its Pay Board persists in holding down workers' wages. Yet profits are free to rise, without even the pretense of controls. Instead of a tax on excess profits, in a period of wage controls, the Administration has provided business with additional billions of dollars of tax bonanzas reducing Federal revenues and further inflating the deficit at the expense of the nation's most pressing needs.

Even the President's Council of Economic Advisers reports that 21% of the Consumer Price Index is not subject to any controls at all. Further exceptions are announced almost weekly and the Price Commission approves price boosts on a wholesale basis.

Interest rates were never controlled. Neither were fresh foods, which are part of the essential expenses of every family.

There are no controls on life insurance premiums, mortgage interest payments and the prices of land and homes. Neither are there controls on used cars, used furniture and other used goods which are bought primarily by the poor. Controls have been lifted from three-quarters of all retail stores and nearly half of all rental units.

Moreover, there is no effective machinery to enforce whatever price and rent controls remain on the books.

In the face of this record on the price-front, the Administration has flouted the intent of the Congress to exempt the working poor and low-wage workers from wage controls. The Administration's Cost of Living Council exempted only wages below $1.90 an hour—less than the amount needed to meet the government-defined poverty-line for an urban family of four.

Wage increases for workers in even the smallest establishments require approval if they exceed the Pay Board's 5.5% guideline, although their employers are not required to file any notification about price or rent increases and may be completely exempt from such controls.

So the worker's wages are regulated and controlled, even when his employer is exempt from controls, while prices continue to "bulge."

As a result, profits have begun to skyrocket, despite the disappointing levels of sales and production, and continued heavy unemployment. In the second half of 1971, the after-tax profits of all corporations were up 19% from the same period of 1970—nearly three times faster than the 6.6% increase of total wage and salary payments to all of the nation's employees.

The lion's share of the gain in profits is going to the big corporations and conglomerate giants. Reports indicate that the nation's 100 largest corporations scored a sensational 76% rise in profits last year.

The Bureau of Labor Statistics reported on March 3 that the average hourly earnings of some 47 million production and non-supervisory workers in the private economy remained unchanged between January and February, at $3.54, and were merely 3 cents above December. While prices are going up and profits are soaring, workers' wages have been held down.

The record of flagrant favoritism speaks for itself. The Administration's so-called new economic policy is heavily loaded against the worker and consumer, in favor of the profits of big business and the banks, and is dominated by the view that economic progress begins and ends in the stock market and the corporate financial report.

Slick rhetoric and double-talk cannot hide these self-evident facts from the American people. There is no fairness, no equity, no justice in the Administration's economic program.

THE PAY BOARD

The trade union movement's direct relationship with the Administration's control program has been with the Pay Board.

It is our duty to report, after four months' experience with this Board, that it is merely a direct instrument of the Administration's economic policies, motivated by the Administration's political considerations and the interests of big business.

We joined the Pay Board in good faith, desiring—despite our misgivings—to give it a fair chance, and with the hope that we could bring the voice of workers into the decision-making process of an autonomous and genuinely tripartite wage stabilization effort.

A few weeks after the Pay Board was created, we reported to the Ninth Constitutional Convention of the AFL-CIO on November 18: "The trade union movement joined the Pay Board on the basis of a commitment from the President that it would be tripartite and independent and that the public members would be citizens of high repute, knowledgeability and neutrality. That commitment has not been kept."

The so-called public members are neither neutral nor independent. They are tools of the Administration, and imbued with its viewpoint that all of the nation's economic ills are caused by high wages.

As a result, the Pay Board has been completely dominated and run, from the very start, by a coalition of the business and so-called public members. All major Board decisions have been concocted by this coalition, with its mechanical majority of the votes. The trade union movement's representatives on the Board have been treated as outsiders—merely as a facade to maintian the pretense of tripartite body.

The Board's business and so-called public member majority has continuously revealed a contempt for free collective bargaining and freely negotiated labor-management agreements. They have shown an utter lack of understanding or sympathy for workers and the realities of industrial life.

In a supposedly free country, in time of peace, with no national emergency defined or like sacrifices required of the affluent elements of society, it is not tolerable to subject free American workers to control at such hands.

The system of wage controls, under the Administration and business-dominated Pay Board, has extended a web of confusion and chaos, in labor-management relations across the country. It has been a device to undermine and wreck free collective bargaining.

It is building up inequities, distortions and pressures that can only be suppressed by more and more controls and acts of repression.

Complex and sometimes contradictory regulations and reporting requirements have added confusion. Smaller unions and newly organized groups of workers, in particular, have been vulnerable to the stalling, the mix-ups and confusions.

Responsible collective bargaining agreements have been rejected and the Pay Board majority has been imposing the terms of settlements on the parties.

Equities have been ignored and workers have been denied basic rights.

Whatever small degree of justice has been achieved in the stabilization control program—such as the granting of deferred increases that were due, during the 90-day freeze, under previously negotiated agreements—has been the work of Congressional legislation, imposed on the Pay Board.

Although Administration spokesmen engage in public lectures on the urgent importance of increasing productivity, and provision for the recognition and reward of greater productivity is expressly incorporated in the enabling law, the Pay Board has given this issue short shrift so as to leave the major benefits of productivity gains in the pockets of employers. The rejection of the West Coast longshore agreement, for example, will mean an average loss of about $1,150 for each of the 15,000 workers on the docks in the 18 months of the contract and a $17 million windfall profit for the employers.

The Pay Board is an integral part of the Administrations' effort to place the burden of its failures on the backs of workers, while providing favors and financial gains to those who already have too much.

On November 18, we reported to the AFL-CIO Convention: "There is little hope that economic justice can be achieved by this Board, the majority of whom are guided by the dictates of the Administration or the interests of big business."

We have reviewed the events of the past four months. We have carefully examined the record.

It is our duty to report, now, to the membership of the trade union movement and the American public that we have no hope for fairness, equity or justice in the Pay Board.

The Board is not tripartite. It is not independent and autonomous.

The Pay Board represents government control. It represents political and business interests.

If the wage stabilization program is to be government-controlled, let it be so, openly and clearly. Let the people who are exercising the power take the full responsibility for their decisions—without the facade of labor representation and the pretense of tripartitism.

The AFL-CIO members, therefore, are immediately resigning from the Pay Board.

We will not be a part of the window-dressing for this system of unfair and inequitable government control of wages, for the benefit of business profits.

It is now very clear that the Administration's "new" economic policy is nothing more nor less than a means of shifting to the average working man and his family the burden and the blame for the dismal failure of its former economic policy. It is an effort, at the expense of personal and institutional freedom in this country, to avoid the measures, resisted by big business and other selfish interests—such as constructive tax reform—most needed to correct the consequences of that failure. Having as we do a deep disbelief in and distrust of the aims and purposes of this Administration's economic and social policies, we intend at the least to free representatives of the AFL-CIO from any grounds for the inference of complicity in the formulation or execution of those policies.

[From the New York Times, Mar. 24, 1972]

WOODCOCK ASSAILS CURBS AS UNFAIR

(By Jerry M. Flint)

DETROIT, March 23.—The president of the United Auto Workers, Leonard Woodcock, quit the Pay Board today, joining three leaders in the American Federation of Labor and Congress of International Organizations yesterday.

This leaves only one union man, Frank Fitzsimmons, president of the International Brotherhood of Teamsters, on the panel, and he is staying.

"As long as I thought there was any chance that controls might become even-handed or that inflation might really be held in check, we were willing to go along," Mr. Woodcock said. "If the Administration had stepped up to its responsibility to check food price rises, to control interest, profits and dividends—to keep down the cost of living—I would have been willing to serve."

The auto workers president, following the lead of George Meany, president of the A.F.L.-C.I.O., presented a long list of complaints at a news conference here. But he emphasized that he was not quitting the Pay Board just because some decisions had gone against labor.

CRITICIZES PRICE RISES

Instead he complained about the continued price increases and said, "The Nixon game plan is to take worker money and place it in the pockets of employers through both action and inaction."

And he called the administration of Pay Board a "shambles." Thousands of cases have piled up and "literally dozens of cases have been lost or mislaid," he said. "Collective bargaining is paralyzed," and the Internal Revenue Service, which is to operate the wage control system, is inept, he charged, and "offers contradictory and confusing advice to workers and employers."

"The administration of the Economic Stabilization Act, as amended, has been so scandalous and unfair that the U.A.W. called upon Congress for a prompt and full investigation," he said.

The A.F.L.–C.I.O. had told Mr. Woodcock that it was likely to pull out. "It had been coming for a long time," Mr. Woodcock said. "I share their feeling of being fed up with it."

As did the A.F.L.–C.I.O., Mr. Woodcock complained that the board was not independent, as President Nixon had pledged, but that "the Administration has leaned on the Pay Board with a heavy hand." The industry and "so-called public members have prejudged cases before the board began consideration of them," and the "so-called public members of the Pay Board are in fact almost entirely representatives of big business and the Nixon Administration," he said.

He called Judge George H. Boldt, the Pay Board chairman, "a sweet lovable man who knows nothing about collective bargaining" and said that the judge had learned little in his "on-the-job training."

"We leave because the whole Nixon control system is an abomination, and the U.A.W. cannot in good conscience maintain any connection whatsoever with the system," Mr. Woodcock declared.

The U.A.W. and the teamsters are not members of the A.F.L.–C.I.O.; the auto workers quit and the teamsters were expelled from the federation. The auto workers and the federation have moved closer together the last two years, but the antagonism between the federation and the teamsters, the nation's largest union, still exists, and the teamsters are less likely to follow the lead of Mr. Meany and the federation.

The teamsters' major contracts also call for regular pay rises that push to the limits of the Pay Board's guidelines and so far the board has approved these raises.

[From The New York Times, Mar. 24, 1972]

State Jobless Rate Highest in 9 Years

ALBANY, March 23.—The state's unemployment rate reached a nine-year high in February, with 545,000 workers, or 6.7 per cent of the work force, without jobs, the State Labor Department reported today.

The Industrial Commission, Louis L. Levine, head of the Labor Department, said total employment statewide in February was 7,590,000, compared with 7,705,000 in February, 1971.

The unemployment figure for New York City was 240,500 for February, compared with 208,200 a year ago. The city figures meant 5.9 per cent of its work force was unemployed, compared with 5 per cent in February, 1971.

The statewide unemployment figure of 545,000 jobless was 55,000 more than in the same period last year.

As grave as the situation was, the state continued to fare better than its neighbors, Connecticut, and New Jersey.

In New Jersey, 7.3 per cent of the work force was jobless in February, with the highest percentage, 17.6 per cent, in Cape May County, primarily a resort area.

49,000 JOBS UNFILLED

In Connecticut, 9.4 per cent of the work force was idle in February, with the highest percentage, 20.6 per cent, found in the Bristol manufacturing area.

None of the figures released by the Labor Department were adjusted for normal seasonal fluctuation.

In New York State, the Utica area had the highest unemployment rate for the second successive month. A total of 13,600 persons, or 10.3 per cent of the work force, were jobless last month, compared with a January figure of 12,800 or 9.8 per cent.

Commissioner Levine said that the Labor Department was making "every effort to help unemployed persons find jobs or train for new occupations." He said that at the end of February the department's employment service had listed 49,000 unfilled job openings.

These included, he said, 4,100 professional, technical and managerial occupations, some 9,000 clerical jobs, 3,000 sales posts, 10,000 domsetics jobs and 2,200 machine-trades openings.

Following are unemployment totals and rates for the state's major industrial areas:

Albany—17,600 jobless or 5.6 per cent of the area's work force, compared with 14,800 or 4.6 per cent a year ago.

Buffalo—51,100 out of work or 9.1 per cent, compared with 41,400 or 7.3 per cent a year ago.

Binghamton—7,600 or 6.4 per cent compared with 8,900 or 7.3 per cent a year ago.

Rochester—13,200 or 4.0 per cent, compared with 15,800 or 4.7 per cent a year ago.

Syracuse—15,600 or 5.9 per cent, compared with 16,200 or 6.2 per cent a year ago.

NEW YORK AREA BREAKDOWN

The statistics for the New York metropolitan area are as follows:

New York City—240,500 jobless or 5.9 per cent, compared with 208,200 or 5.0 per cent a year ago.

Nassau County—35,000 jobless or 6.5 per cent, compared with 31,900 or 5.9 per cent a year ago.

Suffolk County—34,000 out of work or 9.1 per cent, compared with 28,200 or 7.8 per cent a year ago.

Westchester County—22,200 or 5.9 per cent, compared with 19,700 or 5.3 per cent a year ago.

Rockland County, 4,600 or 6.0 per cent, compared with 3,500 or 4.7 per cent a year ago.

Local Labor Leaders Generally Support Decision To Leave the Pay Board

(By Damon Stetson)

Labor officials at the local level here and in other parts of the country generally supported yesterday the decision of four labor members of the Pay Board to resign.

Some of these local leaders, complaining of continuing price rises while wage increases were being held down, also warned of possible strikes in the months ahead if the reconstituted Pay Board sought to enforce what they considered to be inequitable controls.

"The board was not a board of equity," Leon Davis, president of Local 1199 of the Drug and Hospital Union here, said "It was designed to keep wages down and boost up profits. The resignations of the labor people takes the facade off the board. Hopefully, their action will put labor in a position to fight it out in collective bargaining—with strikes if it becomes necessary."

The disillusionment of working men and women with an anti-inflation program that they contend is not working was a frequent refrain in comments of labor leaders in many cities.

COMPLAINTS IN LAUNDRY

In San Francisco, Henry Romiguere of the Laundry Workers Union said that members of his group were at first optimistic about the potential effect of government controls in curbing inflation.

"But they found since it started that they are losing more hours work, there is more unemployment, small cleaners are going out of business," he said. "They have been held back in their wages, but everything else keeps going up."

A member of the International Brotherhood of Electrical Workers in Cleveland said that it seemed to be only labor that was suffering while prices went up and business was still making good profits.

Referring to the resignations of the labor members, he said, "Maybe these guys can do more on the outside. Everything I read showed they were outvoted anyhow. Nobody seemed to listen to their arguments."

Not all of the labor union people interviewed agreed, however, that the withdrawal of four of the five labor members from the Pay Board was wise or likely to be effective.

George Meany, president of the American Federation of Labor and Congress of Industrial Organizations, quit the board Wednesday along with I. W. Abel, president of the United Steelworkers of America, and Floyd Smith, president of the International Association of Machinists. Leonard Woodcock, president of the independent United Automobile Workers, quit yesterday.

LOST CONTACT SEEN

William F. Martin, president and business manager of Local 150 of the Operating Engineers Union, with 12,500 members operating heavy construction equipment in northern Illinois and Indiana, expressed the view in Chicago that labor needed representation on the Pay Board.

He said that he thought the leaders of the A.F.L.-C.I.O. had lost contact not only with the rank-and-file members but also with the leadership of local unions throughout the country. He favored younger people on the Pay Board, he said—people directly involved in contract negotiations.

"The effect of the walkout," he continued, "is to reduce the voice of labor in the control programs. But otherwise it will mean nothing because President Nixon is going to continue with the economic programs whether labor participates or not."

In Detroit, Edward Osinski, financial secretary of U.A.W. Local 205, was critical of the walkout of Mr. Meany and the others.

"How's he going to straighten it out by walking out?" he asked. "I had the feeling it [the Pay Board] wasn't perfect, there was no adequate control, you have a freeze on wages but none on prices. But, then, inflation has to be stopped."

Luke Pinyan of Carpenters Local 225 in Atlanta was another who was concerned about labor being hurt as a result of its reduced representation on the Pay Board.

"I think maybe Mr. Meany thought he had probably done all he could for labor and that's why he left," Mr. Pinyan said. "But from here on in, it doesnt' look like we'll have much of a voice on the board."

EARLY ERROR SUGGESTED

In Boston Edward T. Sullivan, business agent for Local 254 of the Service Employes International Union, suggested that the labor members never should have taken seats on the Pay Board.

Moreover, he said, labor should have walked off when its representatives learned that wage increases were going to be limited to a percentage figure without any thought being given to higher percentage increases for low wage workers.

Frank Brown, director of organization for District 65 of the National Council of Distributive Workers, expressed concern also about the impact of Pay Board rulings on lower-paid workers.

He said that the board had lost any semblance of being independent after the Cost of Living Council, overruling the board, specified that only hourly earnings below $1.90 an hour were exempt from controls although a majority of the Pay Board had decided the $1.90 limitation was too low.

Morris Iushewitz, secretary-treasurer of the New York City Central Labor Council, said that labor had sought to cooperate in the anti-inflation effort but that its cooperation had brought nothing.

"Wages were strictly controlled but prices were not," he said. "Workers have been asking their wives as Nixon told them to do at the A.F.L.-C.I.O. convention. But there's no indication inflation has been stopped."

Albert J. Fitzgerald, president of the United Electrical, Radio and Machine Workers of America, an independent union, said that he fully supported the labor member withdrawals. He had said earlier that Phase Two of President Nixon's stabilization program did nothing but "continue the Nixon policy of putting the blame and burden of inflation on the working people of America."

Food Costs Raise Prices 0.5 Percent in United States, 0.9 Percent Here

(By Edwin L. Dale, Jr.)

Washington, March 23.—The Government confirmed today what housewives already knew—that soaring food costs, led by meat, raised over-all consumer prices sharply in February.

However, nonfood prices, both goods and services, rose only slightly on the average. These are the prices subject to the Government's program of controls.

The Consumer Price Index for February rose by five-tenths of 1 per cent, the largest increase since last June, before the wage-price freeze and the subsequent controls program. The increase was the same both before and after adjustment of the data to reflect normal seasonal changes in some prices.

Three-quarters of the rise was accounted for by food prices, which are essentially free to rise because there are no controls on the prices farmers charge.

As usual, there was a flood of commentary on the figures.

C. Jackson Grayson Jr., chairman of the Price Commission, announced that public hearings would be held on the cost of food "because of the level of concern across the nation." According to the announcement, however, "Mr. Grayson emphasized that the action should not be construed as an indication of expanded restraints in that area of the economy." He called the hearings a "fact-finding mission."

Herbert Stein, chairman of President Nixon's Council of Economic Advisers, said that the February statistics "provide encouragement about the success of the stabilization program." He stressed that farmers' cattle and hog prices are now dropping from their peaks and that "the average retail price of nonfood commodities declined one-tenth of 1 per cent on a seasonally adjusted basis."

Noting that farm and food prices have always been volatile, Mr. Stein told a news conference that "I am more optimistic than before" about achieving the Government's target, which is a reduction in the rate of inflation to from 2 to 3 per cent by the end of the year. Taken by itself, the February rate of increase on an annual basis was 6 per cent.

O'BRIEN SEES FAILURE

Lawrence F. O'Brien, the Democratic National Chairman, called the over-all price increase "a national tragedy that reaches into every household in America." He said that the February index "exposes Mr. Nixon's economic program, with its unfair and arbitrary features, as an utter failure."

George Meany, president of the American Federation of Labor and Congress of Industrial Organizations, repeated the view he expressed yesterday when he and two other labor members resigned from the pay board.

"The price control program is a sham," he said. "While prices are going up, workers' wages are being held down."

The consumer Price Index for February was 123.8, with prices in 1967 taken as 100. The increase in the month for food prices, seasonally adjusted, was 1.7 per cent, the largest for any month since 1958. Seasonal adjustment is a statistical device to eliminate the effects of purely seasonal factors from the figures and make the underlying trend clearer.

SERVICE RISE EASES

However, the price of services, long the most steeply rising sector of consumer prices on a month-after-month basis, rose only two-tenths of 1 per cent. Mr. Stein noted that service prices in February were 4.1 per cent above a year earlier, "the lowest annual rate of increase since 1965."

This category includes a wide variety of consumer expenses, such as medical care and mortgage interest rates, automobile repairs and insurance, haircuts, and local transit fares.

One service category that continued to go up sharply in February, the report said, was residential telephone and electric service.

Apart from services and food, there were a number of offsetting increases and decreases in prices. Reported as lower were gasoline, new cars and used cars. Higher were women's apparel, cigarettes, textile home-furnishings, toilet goods and reading materials.

Of about 100,000 month-to-month prices checked by the Bureau of Labor Statistics to help assess the controls program, 70 per cent were unchanged in February, 22 per cent increased and 8 per cent declined. The report said that "the widespread increase in food prices" accounted for the larger proportion of price increases than in previous months since the controls program began.

Clothing, Rent, and Taxes Add to Local Increase

(By Grace Lichtenstein)

Consumer prices in the metropolitan area spurted sharply last month, the Bureau of Labor Statistics reported.

The Consumer Price Index was up nine-tenths of 1 per cent or seven-tenths of 1 per cent after seasonal influences were taken into account. This was the largest advance since last May and was considerably greater than the five-tenths of 1 per cent increase—both in the index and after seasonal adjustment—recorded for the nation as a whole in February.

Herbert L. Bienstock, regional director of the bureau, attributed the increase here in large part to unusually high prices for women's and girls' clothing, higher meat prices, increased state sales taxes for gasoline, liquor and cigarettes, and higher rents.

A 4 per cent jump in meat prices in February accounted for one-third of the over-all increase in the Consumer Price Index, as did the 6 per cent increase in women's and girls' clothing.

Mr. Bienstock said the meat price increases (a pound of pork chops that cost $1.29 in January jumped to $1.43 in February) reflected cutbacks at the start of the year in pork production, as well as a demand for beef and pork that outpaced the supply.

He said the rise in clothing prices was more difficult to explain. "Frankly, I can only conjecture," he said, "but maybe this being New York, the spring lines are coming in earlier than in the rest of the country."

The rising cost of liquor, cigarettes and gasoline, brought on by the higher state taxes, accounted for one-fifth of the over-all index increase. Also pushing the index upward were higher rents, reflecting in part rent control increases effective in January but not measured by bureau price checkers until February.

Mr. Bienstock warned that the increase in the rent index, which was 1 and one-tenth per cent in February, might turn out to be even higher when increases on additional rent-controlled apartments are instituted retroactive to the first of the year. If that is the case, the February index would be revised.

SMALL RISE IN EXEMPT ITEMS

Mr. Bienstock noted that the February jump was "the first really sharp increase in the index since the end of the price freeze" last November. In January, the increase was five-tenths of 1 per cent, on an adjusted basis.

Within the nine-tenths of 1 per cent over-all increase, only two-tenths of 1 per cent could be attributed to items exempt from price controls, such as raw agricultural products and state taxes. The other seven-tenths of 1 per cent of the rise occurred even though the items in question were covered by the stabilization program.

For the first three full months of Phase Two—December, January and February—the total increase in the index here was 1 and four-tenths per cent. That was twice the increase recorded for the September-through-November period during the freeze.

Since February, 1971, consumer prices in the area have risen 4 and nine-tenths per cent, compared with the 6 and four-tenths per cent 12-month increase reported for the previous year.

INDEX OF CONSUMER PRICES

UNITED STATES

	Index for Feb., 1972	Percentage change from Jan., 1972	Percentage change from Feb., 1972	Point change from Jan., 1972
All items	123.8	+0.5	+3.7	+0.6
Food[1]	122.2	+1.6	+5.4	+1.9
Housing[2]	127.6	+.2	+4.1	+6.3
Apparel and upkeep[3]	120.7	+.4	+2.2	+.5
Transportation	118.3	−.6	+.7	−.7
Health and recreation	124.7	+.3	+3.7	+.4
Medical care	131.0	+.4	+4.1	+.5
Personal care	118.4	+.3	+2.6	+.3
Reading and recreation	121.5	+.1	+3.4	+.1
Other goods, services	124.3	+.6	+4.4	+.8

NEW YORK AREA

	Index for Feb., 1972	Percentage change from Jan., 1972	Percentage change from Feb., 1972	Point change from Jan., 1972
All items	129.5	+.9	+4.9	+1.1
Food[1]	126.9	+1.4	+5.7	+1.7
Housing[2]	133.7	+.5	+6.4	+.6
Apparel and upkeep[3]	122.1	+2.3	+2.3	+2.8
Transportation	132.1	−.2	+2.9	−.2
Health and recreation	128.9	+.5	+4.1	+.7
Medical care	138.6	0	+4.1	0
Personal care	116.9	(4)	+3.5	(4)
Reading and recreation	124.9	−.5	+2.6	−.6
Other goods, services	128.7	+2.3	+5.9	+2.9

[1] Includes restaurant meals.

[2] Includes hotel and motel rates, home purchases and other home-owner costs not shown separately.

[3] Includes infants' wear, sewing materials, jewelry and apparel upkeep not shown separately.

[4] Not available.

Source: U.S. Department of Labor, Bureau of Labor Statistics 1967=100.

Price Skyrocket . . .

Misguided as is the walkout of four top unionists from the Pay Board, their action does sharply raise the question of whether the Administration's anti-inflation program is fairly balanced with respect to both wages and prices. That question is made sharper still by the official report yesterday that the consumer price index climbed one-half of 1 per cent last month—the largest increase since before President Nixon's New Economic Policy was launched last summer.

Even this sizable jump in living costs—6 percent at an annual rate and 8.4 percent in New York—will seem like an understatement to many housewives. Grocery prices, perhaps the most sensitive element in families' budgets, jumped 1.9 percent last month—more than 20 percent at an annual rate—the biggest single monthly rise in fourteen years.

Although Government economists keep saying they fully expected this price bulge after the freeze ended last November, there are reasons to worry that the bulge may widen rather than diminish in the months ahead. Wholesale prices have been climbing at an annual rate of more than 10 percent for the past three months.

Farm prices, which are largely exempt from controls, accounted for much of this increase. But industrial commodities, the focus of the control effort, climbed at a 5 percent annual rate in both January and February. The pass-through of cost increases by manufacturers threatens to keep the heat on the consumer.

The Administration's basic mistake has been to combine its program to stimulate recovery by boosting spending, cutting taxes, and running big deficits with a soft price-control program. This poor combination now threatens to let inflation get out of hand; it may also slow the recovery and prolong unemployment.

Mr. Nixon is now faced with the choice of watching his anti-inflation program disintegrate or taking the necessary steps to strengthen it and save his over-all economic program, both domestically and internationally. This necessitates a tough decision to check climbing food prices, in the face of political opposition from the farm bloc. The public hearings on rising food costs to be held by the Price Commission early next month ought to be a starting point for decisive action, not more fumbling evasion.

There is also need for tougher enforcement standards against companies that have ignored the Price Commission's general rules intended to keep profit margins from going up as a result of higher prices or controlled wages. A hint that the commission does intend to crack down on profiteers came with its decision this week to freeze all prices for companies whose quarterly reports indicated that their profit margins had climbed.

It is time also for the commission to begin applying the President's mandate early in the control program to require companies enjoying large productivity gains to share windfall profits with the public in the form of lower prices. An essential element in the effort to hold the economywide rate of price increase this year to 2.5 per cent is that some prices come down and not all go up.

Testimony of Congresswoman Bella S. Abzug Before the House Ways and Means Committee, September 16, 1971

Chairman Mills, members of the Committee, I welcome this opportunity to appear before you today to testify on President Nixon's New Economic Program, even though I am not an economist. That may not necessarily be a handicap when one considers that most economists are only wise after the fact and rarely agree with each other, or even with their own past analyzes.

I speak rather as a member of Congress who is concerned with the social orientation and effect of our economic policies and as a representative of a district whose festering needs have been largely ignored by this Administration. These needs, I might add, will continue to be slighted by the new White House policies.

The President's proposals, which I shall discuss in more detail shortly, reinforce his position as the superchief of corporate America. Although many Americans have been stunned by the reversal of the President's economic policies, from hands off to sweeping interventionism, there is a consistency that ties these policies together, in that big business remains the favorite and working people and small business are still the victims.

When the President set out originally to "cool" the economy and succeeded in presenting us with inflation and recession at the same time, it was working people and small businessmen who were most severely affected by government-manipulated unemployment. Now, too, it is working people and small business who bear the burden of the wage-price freeze while big business is pampered with tax incentives and accelerated depreciation.

One of the most remarkable aspects of the national discussion about NEP is the extent to which it has managed to ignore the central fact of American life and a major cause of our economic problems. I refer, of course, to the inflationary pressures created by our military spending which now amounts to $76 billion a year and which Defense Secretary Laird proposes to increase by another $3 billion next year.

The most positive steps the President could take to strengthen our economy would be to end immediately and completely American involvement in the war in Indochina, cut back military spending on dollar-draining military bases in Europe and elsewhere, and instead of letting the so-called peace dividend be consumed by the Pentagon, use the funds for such purposes as to provide jobs, repair our decaying cities, build low and middle income housing, make mass transit facilities available, deal effectively with drug and pollution problems, and assure our 25.5 million poor people of a guaranteed annual income.

But instead of ending the war once and for all and reducing military expenditures, the President and some of his advisers are busily developing the myth that our economic problems are the result of the winding down of the war, rather than the war itself. George Romney, for example, said recently that if we have peace, we're going to have unemployment. Another Presidential myth is that of the lazy or greedy worker. I find it unseemly for the President to lecture the American people on the "hard work" ethic when millions have had to "moonlight" to make ends meet, when more than five million are looking for jobs and cannot find them, when more millions of women would work if there were jobs available for them and day care centers provided for their children, and when working people who empty bed pans in hospitals or wash dishes in high-priced restaurants or run elevators in luxury hotels frequently require supplementary welfare benefits to maintain their families because they earn such low wages.

The implication in the 90-day wage-price freeze is that rising wages and prices are responsible for inflation. I agree that prices have been rising at an unacceptable rate, but wage increases have certainly not kept pace with them. In a speech, last spring, (March 7), economist Leon Keyserling commented: "The wage earner continues to be pilloried as a main factor in the raging inflation, when in fact, the real take-home pay of workers in manufacturing has declined during the past two years."

Mr. Keyserling suggested that a more likely factor in inflation was the Nixon administration's pre-NEP policy of raising interest rates. He pointed out that the Nixon budget projects about $20 billion to pay interest on the national debt. "This is more than $8 billion above what the interest payments would have been on a debt of the same size," he said, "if interest rate had stayed where they ought to be."

The President's unprecedented wage-price freeze, unencumbered by restraints on interest rates, profits or dividends, amounts, in effect, to a wage rollback since the cost of living as well as productivity is continuing to rise. Pay increases affected by the freeze are lost forever. They are not placed in escrow or deferred like corporate dividends or profits. The freeze is grossly discriminatory against teachers, against government workers, who have been singled out for a six-month penalty, and against women workers who, my office has been informed, will be barred from claiming back pay for unequal pay received during this period. Since it has been estimated that American business saves $22 billion a year by paying women lower wages than men for doing essentially the same work, this 90-day freeze represents a tremendous loss for women who file back pay suits and, of course, another windfall for business.

For the worker, the freeze is grossly inequitable but for management it means, at least, a ceiling on an important part of total operating costs. Where price increases have been made in anticipation of wage increases (as on important steel products), the wage freeze provides a widening of profit margins. Roughly half of these unexpected profits will go to the U.S. as taxes; the other half will stay in corporate coffers. Thus, unions in some cases find themselves in the strange position of having negotiated higher earnings for the owners rather than higher wages for their members.

It should also be noted that the freeze on salaries affects only part of executive compensation or income. Many executives have been granted options to purchase the stock of their employing companies; many already own such stock or stock in other companies. There is no freeze on the gains they may make in trading these securities, and no doubt they profited greatly from the $40 billion stock market boom which greeted the President's August 15th announcement.

While the freeze on wages is painfully real, no enforcement machinery exists to supervise the price freeze. In any case, the Bureau of Labor Statistics has said that the cost of living is not frozen because some 10% of the items included in the cost of living index are exempted from the freeze. Thus, those on fixed incomes—which now include all wage earners, pensioners, and welfare recipients—will continue to suffer erosion of real income.

With his single-minded concern for the interests of big business, President Nixon has enunciated a policy under which corporations can continue to increase their profits and the rich can continue to use methods of enhancing wealth not available to the large majority of America. The Administration has rejected the concept of an excess profits tax. With rare candor, Secretary Connally said recently, "There are no excess profits." According to the Secretary, in an interview August 16, "the profits of American business have not been that big."

On the contrary, the August newsletter of the First National City Bank of New York reported that corporate earnings in the second quarter of this year were up 11% over the year before, and that the index of after-tax earnings in manufacturing in the second quarter of this year was 18% higher than in 1967, or almost at the all-time high reached in the fourth quarter of 1968. And these increases were accomplished during a period when output was about 73% of capacity.

Increases in bank profits have also continued high, as a result of favored treatment by the Nixon administration. The Bank of America, with the largest deposits of any U.S. Bank, showed a 17.7% boost in net income per share.

A sample of other bank gains during the past year reveals the following: J. P. Morgan & Co., 21.9%; Chase Manhattan, 25.6%; First Chicago Corp., 14.3%; First National Bank in Dallas, 19.2%; Bankers Trust, 36.1% (Source, UAW Washington Report, September 6, 1971).

I would like the members of this committee to contrast the advnatageous position of the corporations and banks with that of a wage earner in the New York area. In 1970, the real spendable earnings of a worker with three dependents was $117 a week. I challenge any of you to try to live on that income and at the same time find yourself assailed by the President as an inciter of inflation. In fact, the BLS maintains that a moderate standard of living in the New York area requires $205 a week. As we have seen, the average wage earner is nowhere within sight of that income and by Presidential decree he has now been frozen into his substandard style of living

What will happen when the 90-day freeze ends, or ends for all but government employees who have been singled out for an unfair six-month freeze? As must be evident by now, I do not favor a continuation of the freeze, nor do I favor compulsory, although more flexible wage-price controls. Representatives of organized labor have indicated they would accept a voluntary program of controls on wages, prices and profits, supervised by a tripartite labor-management-public board. It has been suggested that under such a policy pay increases would be tied to increase in productivity and the cost of living. This would mean that the wage earner would relinquish his claim to any real improvement in his standard of living, which I was raised to believe was as much a part of the American ethic as hard work.

During World War II, American workers voluntarily accepted a no-strike pledge and wage controls, even though prices continued to go up. They did so as part of a national commitment to win the war and to defeat Nazi Germany, Fascist Italy and Imperial Japan. No such common purpose unites our nation now as to require unilateral sacrifices by working people and small businessmen. On the contrary, the American people have overwhelmingly rejected the war in Indochina, which they would like to see ended now and which the Nixon Administration still refuses to do.

If voluntary controls on wages, prices, profits, interest rates and dividends were instituted as part of a great national effort to redirect our priorities away from military spending and toward the real needs of our people; if this Congress addressed itself to the question of curbing monopoly or so-called managed pricing, which Senator Philip Hart has indicated costs American consumers over $45 billion a year; if an effort were made to correct the maldistribution of income in our economy, which now sees the top 20% of all U.S. families cornering 41% of the income while rising numbers of Americans are forced on to the jobless or welfare rolls, then, of course, I would support controls. I will, however, oppose any effort to perpetuate gross inequities.

I believe that the Administration's tax proposal reflects its misplaced priorities and must be rejected in favor of individual tax relief for low and moderate income individuals and federal subsidies in job creative, socially useful endeavors.

The 10 percent investment tax credit has as its underlying assumption the belief that our economic problems are caused by an inability to produce sufficient goods. In actuality, there is presently some $70 billion in unused productivity in our economy. Some 27 percent of our industrial capacity stands idle. There is a sluggishness in the consumer end of the economic equation: inflation, high interest, unemployment and lack of consumer confidence have combined to retard consumer demand.

In his new program, the President pledges to reduce taxes, proposes an equivalent, and highly selective, cut in federal expenditures. The decline in government spending and the reduction in the government work force will more than offset the projected expansionary effect of the tax cut.

But in any case, under the Administration plan, the individual taxpayer is given virtually no relief. While the President would advance tax cuts from 1973 to 1972, providing a family of four with a $10,000 annual income with what is estimated at a $57–$95 savings, this would be more than absorbed by the social security tax rise set to go into effect on Jan. 1, 1972. As a minimum, this increase must be postponed to permit the individual taxpayer any relief at all under the Nixon plan.

The Administration calls the investment tax credit a "job development" credit, but aside from pious recitation of an arbitrary figure by Administration officials, there is no evidence that any significant number of jobs would be created by instituting the 10 percent investment tax giveaway. There are other reasons for rejecting the investment tax credit: it provides tax incentives for things a prudent businessman would do in any event, such as modernizing equipment; and it encourages economically marginal ventures which would not have otherwise been undertaken. There is no assurance that subsidized economically marginal activities would be otherwise socially redeeming.

Rather than seeking to achieve laudable social aims through the backhanded device of investment credits, which provide no opportunity for appropriate controls or accounting, I propose that the 10 percent investment tax credit and the accelerated depreciation range (ADR) approved illegally by the Treasury Department earlier this year without Congressional sanction be rejected in favor of federal subsidies for housing, child care centers, mass transit, manpower training and other job creating activities and individual tax relief.

In place of the $9 billion business boondoggle, I propose also that the low income tax allowance which is presently set to rise to $1,000 be raised to $2,000, thus directly benefiting the working poor and moderate income taxpayer. The total cost of such a program would be $4.5 billion.

In an immediate economic sense, the increase in the low income allowance would have maximum consumer impact since low income people ordinarily spend their money for consumer goods rather than invest it, as do higher income individuals. Even more important, we would be taking a small step toward a more equitable distribution of the tax burden, which is long overdue.

In addition to individual tax relief for low and moderate income taxpayers, immediate attention must be given to the development of a comprehensive federal construction program for urban areas concentrating initially in depressed economic areas. Such a program could combine effective manpower training and improvement of the urban environment, which would consequently create more jobs and help retard the present rate of urban decay.

This is one way that Congress and the Administration can begin to fulfill the promise of the National Full Employment Act of 1946, which committed the government to providing "useful employment opportunities, including self-employment, for those able, willing, and seeking to work, and to promote maximum employment, production, and purchasing power.

With unemployment exceeding five million, and most statisticians consider that grossly underestimated, it is urgent for the government to provide constructive employment, particularly for women, for young people, for Blacks and Puerto Ricans, for returning Vietnam Vets, all groups that have been most seriously affected by the recession.

As for the proposed abolition of the seven percent automobile excise tax, the Administration says this will save taxpayers $2.1 billion a year. This may be true if they actually buy the X number of cars projected in the estimate. But are people who can afford a new car the ones who most need $2.1 billion of federal help?

The tax rebate is primarily a profit-generator for the auto industry, which will be able, in effect, to reduce car prices by that $2.1 billion and reap the benefits of the broadened market. More cars will be produced. But does traffic-choked, polluted America need more cars, rather than a stimulant for mass transit or the construction of low cost housing? Here again we see the absurdity of the Administration's priorities.

We see, too, the need for adoption of an economic reconversion bill, such as that introduced by Senator McGovern which would not only reorient the industries involved but liberate aerospace workers, missile workers and others from the indignity of depending on anti-social products for their livelihood.

The Administration's international trade decisions—the "floating" of the dollar and the imposition of a 10 percent surcharge on imports—should be discussed in the context of American foreign policy and the extraordinary flight of American capital abroad over recent years.

As economists Peter Passell and Leonard Ross pointed out in the current New York Review of Books (Sept. 23 issue), the dollar's pre-devaluation privileged position in world finance made it easier to fuel the war in Vietnam. But, they continued, "stringent adherence to the orthodox rules would have limited our power to achieve all of our objectives, including the most deplorable ones. But it is not military adventures that the Nixon administration intends to jettison. What Nixon has mainly accomplished by his devaluation of the dollar is a transfer of wealth from American consumers to citizens in foreign countries and to high-priced American manufacturers."

As we have seen, the Administration has opposed vigorously Senator Mansfield's proposal for a reduction of our troops in Europe under NATO, which would certainly have reduced the out-flow of dollars.

Furthermore, in many cases, we are today competing not with foreign companies, but with foreign-based divisions of American corporation, particularly in Germany, France, Great Britain and Canada.

At the end of World War I there were about 250 foreign subsidiaries of U.S. corporations. In 1970 alone, more than 8,000 American investments in overseas companies came to some $70 billion. It has been suggested that if the amount of foreign capital controlled by these American enterprises is added, the total for 1970 is more like $100 billion in overseas investments.

The adverse results of this development have been felt most severely by small business and by working people who see their jobs disappear under the floodtide of cheap imports.

Before we take steps to impose quotas or tariffs on foreign imports, we should revise our laws that are structured to encourage the development of these multinational, American corporations. We should try doing away with some of the incentives that lead domestic companies to go overseas to use cheap labor to produce the goods which are then sold here.

Special low tariff rates are given to foreign-assembled goods which use parts or raw goods shipped to assembly points from the United States. Taxes are deferred—often forever—for foreign subsidiaries of American corporations. Foreign production uses technology developed at the expense of American taxpayers.

As I have said in a speech on the floor of the House (August 5), clear legislative direction is necessary to give the Administration authority—and the will—to regulate, supervise and curb the outflows of American capital.

Criteria to guide the President in his exercise of such authority should include considerations of the kinds of investment proposed to be made abroad, the products involved, the countries in which the investments would be made, the linkage of the investments to the flow of trade and the effect of the investments upon our domestic economy and employment.

I realize, of course, that these proposals and some of the others I have made here today are outside the immediate purview of this committee, but they are essential to the larger view of our economic problems which will undoubtedly guide your actions.

The 10 percent import surtax, which is one of the few features of the Nixon plan that has the approval of unions, which are understandably concerned with foreign competition, was evidently designed to give relief to three big, and highly concentrated, U.S. industries: Steel, auto and chemical. Insofar as it is successful in cutting down imports of cheaper Japanese and German steel and autos and cheaper synthetic fibers, cameras, and TV sets, it will be a relief to Americans working in those industries, but it will also increase the costs to American consumers and drive up the cost of living for pay-frozen Americans.

The President's economic proposals, regrettably, invite the charge of favoritism on several fronts. The investment tax credit, for example, rewards midwestern industrial centers that are "capital intensive" with high factory equipment costs, while the import surcharge penalizes port enterprises in cities on the eastern and western seaboards.

New York is such a city, and 40 percent of the men and women who work there hold jobs either directly or indirectly related to maritime commerce. The protectionist surtax may prove to injure this vital component of New York's economy.

Even the apparel industry, in theory our local beneficiary of this policy, is concerned about reprisals in the international marketplace. I object to New York's having to bear the burden of momentary adjustment while Detroit, Cincinnati and other cities in the midwestern region reap a whirlwind of profits during this period.

For all too long, the federal government has paid lip service to the small businessman while pacifying him with fragmentary financial assistance. In light of the present incursions on New York's retail and import communities, if the surtax is continued, and I am still not convinced that this is the wisest course, then the monies collected from the 10 percent import charge at New York harbor should be placed in a fund to promote export development and international travel. Both these industries are deeply entwined in the fabric of New York's economy and in need of rejuvenation. This is a proposal to which I hope further attention will be given.

Another possible avenue of relief for New York would be to multiply the amount of financial aid available from the federal Small Business Administration by a factor corresponding to the impact visited on New York's retail and manufacturing activity by the import surcharge. Depressing port business must eventually injure other facets of our economy. From the street level, that could mean fewer people working or smaller paychecks.

In conclusion, I urge the rejection of President Nixon's New Economic Program, which is outrageously designed to aid big business at the continued expense of the middle-class, small businessmen, working people and the poor.

Congress must assume the responsibility of fashioning an economic program aimed at human, not corporate, values. I have outlined steps which I think Congress can take to provide genuine well-being for all our people, but I would remind you again that the essential first step is to withdraw totally from Vietnam and to curb the military budget.

RESTORATION OF THE CAPITOL IS BEST PLAN

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. FAUNTROY. Mr. Speaker, I am distressed to learn that the Architect of the Capitol has concurred in recommending extension of the west front of the building that has symbolized the strength and the greatness of our Nation through democratic representation of the whole people. Our Capitol is more than the meeting place of the Legislature; it is the embodiment of the hopes and aspirations of people throughout this land and the world. As such, it is a functional historical monument whose only alterations should be those which are necessary to and consistent with the architectural and historical integrity that surrounds it.

The editorial in the Washington Post of March 13, 1972, very cogently articulates the rationale and need for restoration. For those members who may have missed it, I am attaching it:

OBSTINATE VANDALISM ON CAPITOL HILL

Obstinate vandalism has once again triumphed on Capitol Hill. We cannot conceive that it will ultimately prevail.

In an arrogant maneuver of dubious legality and in the face of clear opposition on the part of the nation's architects and architectural historians, not to speak of a contrary recommendation by its own expert consultants, the ruling congressional establishment has decided to proceed with its old plan to extend the west front of the United States Capitol. Seven men—House Speaker Carl Albert, Vice President Spiro T. Agnew, House majority and minority leaders Hale Boggs and Gerald R. Ford, Senate majority and minority leaders. Mike Mansfield and Hugh Scott and the Architect of the Capitol, George M. White, who are ex officio members of a commission created for the purpose in 1955—would rebuild the most prominent part of the Nation's First Building in the image of (declining) Roman imperialism so that it would be physically and spiritually akin to that pompous disaster, the Sam Rayburn House Office Building. It makes not a shred of sense in terms of history, function, finance or aesthetics.

Historically, or rather anti-historically, what the extenders would do, is to bury the last remaining external vestiges of the Capitol as it was originally designed and built. William Thornton's softly elegant sandstone facade is the only visible link to the Capitol's beginnings in the early years of the Republic. It is the last remnant of an architecture that was at once inspired by and expressive of the Jeffersonian concept civilization, a concept that believed in gentle manners, the virtues of classical beauty and the pursuit of happiness. This part of our history would be irretrievably obscured behind a glossy, new marble facade, some 70 feet further out, which, far from expressing our own time, fakes classic architecture in a clumsy way. To make matters worse, the extension of the building into a massive box will ruin the commodious terraces designed by Frederick Law Olmsted, America's greatest landscape architect, reducing them to a narrow strip. It would puncture Olmsted's blank terrace walls with windows, destroy his landscaping with a service road and spoil the present sight of the dome by setting it much too far back on the building, much as a brazen drunk pushes back his hat.

All this, ironically, could well turn the Capitol into a messy construction site during the summer of 1976, just when millions of Americans will flock to Washington to celebrate the 200th anniversary of the nation and pay their respects to our historic traditions.

Functionally, the extension folly was to be justified by the need to rebuild the "crumbling" west front walls. The alleged crumbling, which so frightened the last Architect of the Capitol, George Stewart, has been proven a myth in an extensive study by Praeger-Kavanagh-Waterbury, a reputable architectural engineering firm, selected under Mr. Stewart's regime and retained by Congress under Public Law 91-145 of 1971. The present Capitol Architect, George M. White, called it "a careful and diligent open-minded study." It concluded, in sum, that there was nothing wrong with the west front that careful restoration could not fix under all five conditions set down by Congress two years ago. The conditions were, in sum, that restoration could, without undue hazard, make the building safe, sound, durable and beautiful for the foreseeable future and that restoration would be no more disrupting than extension and wouldn't take any more time.

Now the argument is made, that Congress needs more space *within the Capitol* and that is only a little less spurious. Under the Stewart plan most of the 4½ acres of expanded space was to be used for tourist cafeterias, "a giant Howard Johnson," as one Congressman put it. The new architect has thought better of duplicating the tourist services which the proposed Visitors' Center in the remodeled Union Station will provide a few hundred yards away. Mr. White talks of 285 offices and conference rooms. But he does not give any reason why these offices must be built *inside* the Capitol.

Nor does Mr. White say anything about a recent report by a task force of the American Institute of Architects which found the present space within the Capitol "crowded, misused and underused" all at the same time. It noted that many functions now located within the building have no reason for being there. And it urged a rational space utilization and development plan outside the old building since the proposed extension "will not begin to meet present, least of all projected, space needs."

Financially, the extension plan is as illogical as it is shocking. The extenders imply that they are not bound by Public Law 91-145 because restoration would cost more than $15 million. What with the rise in building costs and the contingencies of all careful restoration work, it probably will. But is that any reason to spend an estimated $60 million on the extension? A few years ago the extension was to cost only $45 million—no less than $166.95 a square foot which was five times more than the Rayburn Building, at the time the most expensive office building in the world (since eclipsed by the Federal Bureau of Investigation building). Why should we believe that the cost will not go up by another $15 million or more in another few years?

But apparently nothing can be done to stop this fiat until Mr. White has drawn up the $2 million worth of extension plans for which Congress appropriated the funds in 1969. This will assure him a place in history as the Architect of the Great Capitol Boondoggle. But when he comes back to Congress with this folly and an appropriation request for $60 or $75 or $100 million to carry it out, Congress will, we are sure, refuse him. For Congress is responsive to the people. And the American people, after far too many years of destructive "progress" which bulldozed away some of our more cherished landmarks, are gaining a new and wholesome respect for our historic heritage. They like the Capitol as it stands.

IN SUPPORT OF ISRAEL

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. STOKES. Mr. Speaker, on March 21, 1972, the Congressional Black Caucus, which I chair, issued a resolution in strong support of the nation of Israel.

We pledged our continuing support to the concept that Israel has the right to exist in peace as a nation. We cited the friendship that exists between the land of Israel and her young African neighbors, which is mirrored in the long-term friendship between American Jews and black Americans.

On May 18, 1970, I had the opportunity to visit Israel. During my weeklong visit, I met with Israeli officials and discussed with them, in depth, the subjects of education, housing, and the military. I learned that Israel has been able to solve many of the problems with which our country is still grappling; they have, for example, made significant inroads upon the overwhelming problem of poverty. I witnessed for myself the close relationship that exists between Israel and her African neighbors.

I urge my colleagues and my fellow citizens to join me during the Passover week in remembering Israel and wishing her eternal success and strength as an independent nation.

The Congressional Black Caucus statement follows:

CONGRESSIONAL BLACK CAUCUS REAFFIRMS ITS POSITION ON THE STATE OF ISRAEL

WASHINGTON, D.C., March 21, 1972.—The Congressional Black Caucus today reaffirms its friendship with the State of Israel with the following statement:

STATEMENT

As the Black elected representatives to the U.S. Congress, we reaffirm our position that we fully respect the right of the Jewish people to have their own state in their historic National Homeland. We vigorously oppose the efforts of any group that would seek to weaken or undermine Israel's right to existence.

The American people, including Black Americans, have cherished the friendship of both the peoples of Israel and the Arab states. Our Government, reflecting that friendship, has sought to promote an Arab-Israel peace and has provided both Israel and the Arab states with economic assistance to raise the living standards of their people. Our Government has also contributed more than one-half billion dollars for the relief and rehabilitation of the Palestinian Arab refugees.

Moreover, we think it appropriate to call special attention to the cordial relationships Israel has maintained with the developing Black nations in Africa and the third world nations in Asia.

Indeed, it was the establishment of the State of Israel in 1948—a revolutionary development in the Middle East—which helped stimulate the national aspirations of many Black people who were then under colonial rule in Africa.

As these new states were established, many were impressed and helped by Israel's example. Israel sent her teachers, technicians, and experts to many countries. Thirty Black African nations, from Burundi to Zambia, have benefitted from Israel's financial and technical assistance. Hundreds of Africans come to Israel each year for specialized instructions within her universities and training centers for short-term, intensive courses in social work, vocational education, scientific farming and urban development.

In the last decade more than 7,000 Black Africans have received training in every phase of nation-building: road building, publishing, child care, higher education, and citriculture aid.

In times of crises—epidemic, wars, famines—Israel has sent tons of relief supplies and medical aid to her African neighbors.

Indeed, the example set by the Jewish people in their long struggle to overcome oppression and to win freedom, from the time of Moses to the establishment of the State of Israel, has helped inspire Black people in this country to strive for self-respect and dignity and to revive their own cultural heritage.

We pledge our continued support to the concept that Israel has the right to exist in peace as a nation.

NATIONAL WILDLIFE WEEK

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. BIAGGI. Mr. Speaker, wildlife constitutes a vital factor in the world's ecological system, as well as an integral part of its environment. Our various species of animals are a natural resource as precious as any other, and, perhaps, more precious than most. Thus, the problems of species survival and preservation deserves that same attention, recognition and, most importantly, that same concern which we have given in recent years to other environmental problems such as air and water pollution. It is with this in mind that I join in this week's celebration of National Wildlife Week.

Since entering Congress, I have recognized conservation as a major natural concern, particularly in the sphere of protecting our wildlife. There were two areas which I deemed to be of the greatest significance: The protection of species of animals which were in danger of extinction, and the prevention of cruel and barbaric treatment of wildlife.

In the first area, I am an original sponsor of the Endangered Species Conservation Act amendments which will broaden the number of species designated as endangered. This will protect certain subgroups of animals which without such legislation would be hunted into extinction. I also am a cosponsor of another amendment to the same act which will double the monetary authorization for implementing the law. This will put more muscle in the enforcement of the Endangered Species Act. The effects of this enforcement are already apparent. Several notable actions have taken place recently. Whales and the eight species of spotted cats are placed on the endangered species list. At the same time poachers of alligators and killers of polar bears are being prosecuted in separate cases.

Additionally, the Committee on Merchant Marine and Fisheries, of which I am a member, has completed or is completing work on numerous bills to protect our wildlife resources. We have just begun hearings on the protection of predator birds such as the hawks and owls which are threatened by unscrupulous hunters.

I am a cosponsor as well of legislation in the committee that would permit the transfer of surplus Liberty ships to the States for use as offshore reefs to serve as fish habitats. These habitats in turn provide not only good fishing, but multiply the food sources available for ocean mammals and sea-oriented birds.

The committee has completed action, and the House has passed bills, to establish the San Francisco Bay National Wildlife Refuge and to protect the Atlantic salmon. The latter bill was signed into law by the President recently.

With respect to the second area, that of the prevention of cruel treatment of our wildlife, I was an early sponsor of the Harris-Pryor ocean mammals protection bill. This bill would have prevented the senseless killing of ocean mammals which in many cases may soon face extinction. The bill that emerged from committee was not as strong as the original legislation so I and others introduced several floor amendments to strengthen the bill. Unfortunately we were not completely successful.

However, in other legislative efforts, I and others were successful in obtaining passage and final signature into law of legislation to prohibit the shooting of wildlife from aircraft. Also, the House has approved the bald eagle protection bill which was developed in my committee.

These legislative efforts are but a few of the steps being taken today to protect our Nation's wildlife resources. In recent years Congress and the American people have recognized the need to make a stronger commitment to preserving our wildlife resources. Not since Teddy Roosevelt saw fit to set aside Rock Creek Park in the city of Washington so that the people could enjoy nature has the Government responded adequately to the need of our Nation's animal resources.

Mr. Speaker, as we celebrate National Wildlife Week, let us be cognizant of the important role wildlife plays both in our ecosystem and our environment; and let us treat these creatures with whom we share this thin crust of the earth with the same care and concern as we do our other precious natural resources.

BYELORUSSIAN INDEPENDENCE DAY

HON. CARLETON J. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. KING. Mr. Speaker, on March 25, our fellow citizens of Byelorussian origin will celebrate the anniversary of the independence of the land of their fathers.

The free Republic established in Byelorussia in 1918 was based on respect for the dignity of the individual and equality opportunity for all.

Unfortunately, this Republic did not last long and became one of the captive nations suffering under the yoke of communism. We are glad that many from that rich and fertile country came to the United States where they and their descendants are enjoying dignity and freedom.

It is fitting for all Americans to show our sympathy to their hopes for the restoration of liberty in Byelorussia.

HOUSE OF REPRESENTATIVES—*Monday, March 27, 1972*

The House met at 12 o'clock noon.

The Chaplain, the Reverend Edward G. Latch, D.D., offered the following prayer:

The Lord is my strength and my song, He is my God, my father's God, and I will exalt Him.—Exodus 15: 2.

Gratefully, O God, do we lift our spirits unto Thee giving Thee the thanksgiving of our hearts for Thy never-ending goodness to us and to Thy children. We remember that Thou didst lead the children of Israel from bondage to freedom, from darkness to light and from despair to hope. In grateful memory of this wonderful deliverance is celebrated this week the joyful festival of the Passover.

We thank Thee for Thy providence which keeps the spirit of truth and justice and peace alive in the hearts of men. May all persecution cease, all bondage disappear, and all oppression be erased from human life everywhere. Let Thy blessing rest upon the house of Israel and upon every one of us. Together may we unite in singing the songs of freedom as we journey to the promised land of liberty and justice for all. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 1975. An act to change the minimum age qualification for serving as a juror in Federal courts from 21 years of age to 18 years of age.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 18) entitled "An act to amend the U.S. Information and Educational Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 9526. An act to authorize certain naval vessel loans, and for other purposes.

The message also announced that the Senate had passed bills and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 141. An act to establish the Fossil Butte National Monument in the State of Wyoming, and for other purposes;

S. 3153. An act to amend the act of January 8, 1971 (Public Law 91–660; 84 Stat. 1967), an act to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes;

S. 3159. An act to authorize the Secretary of the Interior to establish the John D. Rockefeller, Jr., Memorial Parkway, and for other purposes;

S. 3178. An act to amend the Communications Act of 1934 to relieve broadcasters of the equal time requirement of section 315 with respect to candidates for President and Vice President;

S. Con. Res. 59. Concurrent resolution to authorize the loan of the Cornelia Fasset painting, "The Electoral Commission of 1877," to the National Portrait Gallery of the Smithsonian Institution;

S. Con. Res. 63. Concurrent resolution to establish a Joint Committee on Inaugural Ceremonies of 1973; and

S. Con. Res. 70. Concurrent resolution authorizing the printing of additional copies of Senate hearings on the Consumer Product Safety Act of 1971.

The message also announced that the Vice President, pursuant to Public Law 207, 81st Congress, appointed Mr. GAMBRELL as a member of the Board of Visitors to the U.S. Coast Guard Academy.

The message also announced that the Vice President, pursuant to Public Law 301, 78th Congress, appointed Mr. CHILES as a member of the Board of Visitors to the U.S. Merchant Marine Academy.

CALL OF THE HOUSE

Mr. MYERS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 90]

Abbitt
Abernethy
Abourezk
Alexander
Anderson, Calif.
Anderson, Tenn.
Badillo
Baring
Bell
Bevill
Biaggi
Bingham
Blackburn
Blanton
Bow
Celler
Chappell
Chisholm
Clark
Clawson, Del
Clay
Collins, Ill.
Conyers
Culver
Davis, S.C.
de la Garza
Delaney
Dickinson
Dowdy
Dulski
du Pont
Dwyer
Edmondson
Edwards, La.
Esch
Eshleman
Fish
Flowers
Ford, William D.
Fraser
Frelinghuysen
Galifianakis
Gallagher
Gaydos
Gettys
Giaimo
Goldwater
Hagan
Halpern
Harrington
Helstoski
Hillis
Hull
Jones, Tenn.
Kemp
Landgrebe
Leggett
Lent
McCloskey
McKinney
Mann
Moorhead
Murphy, N.Y.
Nix
Patman
Pepper
Pike
Podell
Preyer, N.C.
Pryor, Ark.
Rarick
Reid
Reuss
Rostenkowski
Rousselot
Roy
St Germain
Sarbanes
Satterfield
Scherle
Scheuer
Sikes
Smith, N.Y.
Springer
Steiger, Ariz.
Stokes
Stuckey
Teague, Calif.
Terry
Thompson, Ga.
Tiernan
Van Deerlin
Vander Jagt
Whalley
Yates

The SPEAKER. On this rollcall 336 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

RESIGNATION FROM COMMITTEES

The SPEAKER laid before the House the following resignation from committees:

WASHINGTON, D.C.,
March 23, 1972.

Hon. CARL ALBERT,
House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Having changed my registration yesterday from Republican to Democrat, I hereby resign from the Committee on Education and Labor and the Committee on Government Operations, as a Republican member.

With warm regard,
Sincerely yours,
OGDEN R. REID.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

AUTHORIZING CERTAIN NAVAL VESSEL LOANS

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9526) to authorize certain naval vessel loans, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Page 2, line 12, strike out "four" and insert "five".

Page 3, after line 7, insert:

"SEC. 5. Any loan made to a country under this Act shall not be construed as a commitment by the United States to the defense of that country."

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. GROSS. Mr. Speaker, reserving the right to object, I do think the House ought to have a few words of explanation as to what the Senate amendments contain.

Mr. HÉBERT. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Louisiana.

Mr. HÉBERT. I agree with the gentleman from Iowa that the House should have an explanation of the Senate amendments.

The bill which we sent to the Senate side provided for a 4-year limitation. Prior to the passage of this legislation it was a 5-year period on the loan and an option to extend for another 5 years. The Senate merely changed it to make it 5 years with no option to extend.

Also, at the time the bill was passed, as the gentleman recalls, I made the commitment to the effect that the Armed Services Committee would have a special subcommittee go into this entire matter of ship loans, particularly with reference to South American countries and their activities with reference to our fishing fleets.

Mr. GROSS. Is this to be a joint subcommittee or a House subcommittee?

Mr. HÉBERT. No; this will be a subcommittee of the House Committee on Armed Services. We feel we can do our own job and obtain results more expeditiously.

Mr. GROSS. I can understand that in view of the presidential candidates and campaign situation in the Senate.

I thank the gentleman from Louisiana for his explanation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

ADDITIONAL LEGISLATIVE PROGRAM AND SPECIAL BRIEFINGS

(Mr. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker, I take this time to announce that on tomorrow the chairman of the Committee on Ways and Means will seek to call up by unanimous consent the bill (H.R. 13334), the establishment of positions in the Treasury Department.

Also, on Wednesday the six money resolutions will be called up from the Committee on House Administration.

NEW CAMPAIGN REPORTING LAW

Further, Mr. Speaker, I would like to announce for the benefit of all the Members of the House that briefing sessions by the Comptroller General and the Clerk's office for all Members and administrative assistants are being held in the Ways and Means Committee room today, tomorrow and Wednesday on the new campaign expenditures bill.

The morning sessions start at 9:30 a.m. and the afternoon sessions start at 2:30 p.m.

ARRANGEMENTS FOR INAUGURATION OF THE PRESIDENT-ELECT AND VICE-PRESIDENT-ELECT OF THE UNITED STATES ON JANUARY 20, 1973

Mr. BOGGS. Mr. Speaker, I call up the Senate concurrent resolution (S. Con. Res. 63) and ask for its immediate consideration.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 63

Resolved by the Senate (the House of Representatives concurring), That a joint committee consisting of three Senators and three Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President-elect and Vice-President-elect of the United States on the 20th day of January 1973.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBERS OF JOINT COMMITTEE TO MAKE ARRANGEMENTS FOR INAUGURATION OF THE PRESIDENT-ELECT AND THE VICE-PRESIDENT-ELECT

The SPEAKER. Pursuant to the provisions of Senate Concurrent Resolution 63, 92d Congress, the Chair appoints as members of the joint committee to make the necessary arrangements for the inauguration of the President-elect and the Vice-President-elect of the United States on the 20th day of January 1973 the following members on the part of the House: Mr. ALBERT, Mr. BOGGS, and Mr. GERALD R. FORD.

PROPOSED AMENDMENT TO WATER POLLUTION CONTROL BILL

(Mr. MAHON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MAHON. Mr. Speaker, H.R. 11896, the water pollution control bill reported out of the House Committee on Public Works is in my judgment a vast improvement over the bill passed by the other body, and I propose to support it.

I will have a procedural amendment which would substitute advance appropriation funding for the contract authority procedure now in the bill. Otherwise, for all practical purposes the Congress would be out of the picture for the 3 fiscal years covered by the provision, as I see it.

As I say, my amendment is procedural. I hope the proposal will not be too controversial a matter. The purpose is a matter of keeping Congress in the picture year by year, rather than surrendering and abdicating to the executive department for a 3-year period.

This proposed legislation is the beginning of a very accelerated, long-range and expensive program, and it seems to me that the Congress should not to any degree write itself out of the picture on a question as momentous as this one is.

I trust that as the consideration of this measure progresses it will be possible for Members to give consideration to the amendment which I shall offer. It will be printed in the RECORD of the proceedings of today.

PERMISSION FOR COMMITTEE ON HOUSE ADMINISTRATION TO FILE REPORTS ON SEVERAL PRIVILEGED RESOLUTIONS

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that the Committee on House Administration may have until midnight tonight to file reports on several privileged resolutions.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

VOTER REGISTRATION ASSISTANCE ACT OF 1972

(Mr. RYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN. Mr. Speaker, I am today introducing legislation to establish a comprehensive program of Federal financial assistance to aid States and local governments in carrying out, modernizing, and expanding voter registration programs.

This legislation, introduced in the other body as S. 3420 by Senator KENNEDY, would establish a bipartisan Voter Registration Assistance Administration within the Bureau of Census. This agency would be authorized to conduct far-reaching programs of financial assistance.

First, the administration is authorized to provide direct and immediate financial assistance to States and local governments by making grants in amounts up to 30 percent of the costs of carrying out existing voter registration programs.

Second, it is authorized to pay the full cost of a postal card registration program adopted by any State or local government.

Third, it provides finanical incentives to States and local governments to increase the percentage of eligible voters who are registered.

Fourth, it is authorized to provide planning grants to enable States and local governments to modernize their voter registration procedures.

And fifth, the administration is authorized to provide technical assistance to States and local governments to improve their registration procedures, including assistance in developing programs for the prevention and control of fraud.

If our Government is to be responsive to the true needs of its people, it is essential that every step be taken to bring the average citizen into the political process. Voter registration is a key to that involvement. I believe the Voter Registration Assistance Act of 1972, which I am today introducing, will be a significant step in expanding voter registration programs.

PERSONAL EXPLANATION

(Mr. WHITE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WHITE. Mr. Speaker, due to a death in my family, I did not attend the session on Monday, March 6, Tuesday, March 7, Wednesday, March 8, and Thursday, March 9, thereby missing several votes. Had I been present, I would have voted as follows:

"Yea" on rollcall vote 62, the juror qualification forms; "yea" on rollcall vote 63, the veterans' education and training amendments; "nay" on rollcall vote 65, on a motion to table the motion to instruct the conferees to insist on the House amendments to the Higher Education Act; "yea" on rollcall vote 66, on a motion to instruct the conferees to insist on the House antibusing amendments to S. 659, the Higher Education Act; "yea" on rollcall vote 67, the conference report on H.R. 1746 the Equal Employment Opportunities Act of 1972; "yea" on rollcall vote 68, the appropriation authorization for Transpo '72; and "yea" on rollcall vote 70, the Marine Mammal Protection Act.

TRAGEDY IN ROCKLAND COUNTY

(Mr. PEYSER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker and Members of the House, this past Friday in my district in Rockland County, N.Y., there was a schoolbus tragedy that in my opinion never should have happened. A train of the Penn Central struck a schoolbus with 49 children in it. Three of the children were killed immediately, seven are in critical condition. All are in the hospital.

I was present at the scene of this accident within 1 hour after it had occurred, and then visited the hospital.

This week I am going to introduce legislation that makes it impossible for schoolbuses to use railroad crossings where there are no warning signals, no lights, and no gates.

To me, this an inexcusable thing, that in this day and age we still have schoolbuses using unguarded crossings of this nature. I think we have to make the change. It is too late to help in this tragedy, but we certainly can avoid others from happening.

EDUCATIONAL FILMS ON "CAPTAIN KANGAROO" PROGRAM

(Mr. HANSEN of Idaho asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HANSEN of Idaho. Mr. Speaker, on April 3, the "Captain Kangaroo" television program on CBS will begin showing a 10-week series of films on health, nutrition and growing up. These 50 films, each 3½ minutes long, were prepared for the U.S. Office of Child Development, HEW by Sutherland Learning Associates, on a nonprofit basis.

According to Dr. Edward Ziegler, Director of Office of Child Development, this is the first time that a Federal agency, a national commercial network and a producer of multimedia learning systems have cooperated on a joint venture. "Sesame Street," which was also substantially funded by the Federal Government, has been aired primarily through public broadcasting. Since "Captain Kangaroo" is viewed by some 5 to 6 million children each day, it will offer an excellent means of making these materials available to young children.

Subjects of the films include "The Five Senses," "Taste," "Rhythm," "Snacks," "Waking Up," "How To Get Information," "Experiment, Try New Things," "What Is a Friend?" and "If You Do Something Nice." The overall aim of the films is to develop in the child viewer a feeling of self-assurance and appreciation of his physical well-being, so that in later years he will be less likely to be attracted to drugs and other activities harmful to good health.

The films will be repeated again next fall. It is also expected that they will be shown in Headstart programs, day-care centers and school systems throughout the country.

The House Republican Task Force on Education and Training, on which I serve as Chairman, has devoted considerable attention to educational television. Through CBS, we have arranged for a showing of a few of these films segments next Tuesday, March 28 at 4:30 p.m. in room 2261, Rayburn House Office Building. This session will be open to anyone who would like to see these unique children's programs.

THE PRESIDENT AND THE CONGRESS ARE NOT INDIFFERENT TO NEEDS OF THE POOR

(Mr. COLLIER asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. COLLIER. Mr. Speaker, in light of the demonstrations here in Washington on Saturday, I think it is in order to correct the misimpressions which frequently are created by ill-conceived slogans and certain other actions of uninformed people. To suggest that the President and the Congress are indifferent to the needs of the poor is either a result of a lack of knowledge or an abandonment of any pretense of responsibility.

A perusal of the budget submitted to the Congress by President Nixon early this year reveals that a total of $3,020,135,000 will be provided during fiscal 1973 for the food programs administered by the Department of Agriculture. This amount will be somewhat more than the $2,805,551,000 provided for the current fiscal year and a substantial increase over the $2,218,369,000 for fiscal 1971.

Data that I will insert in the appendix of the RECORD today indicate that well over 30,000,000 children and adults will receive food paid for by the Federal taxpayers during the coming fiscal year, which will begin 3 months hence. A total of 27,500,000 pupils will participate in the school lunch program, while 10,539,159 adults and children will benefit from the food stamp program.

Mr. Speaker, let us have a moratorium on demagoguery when we talk about hunger. The American people are compassionate and generous and will never let anyone go hungry if they are aware of their plight. They will see to it that the hungry are fed by one means or another through individual attention, through religious and charitable organizations, and through governmental programs at all levels.

THE CATTLEMEN HAVE A BEEF COMING

(Mr. TALCOTT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TALCOTT. Mr. Speaker, there has been much breast beating over the cost of beef. This has been particularly true in the Washington area where two supermarket chains have been trying to translate beef prices into a self-serving advertising campaign.

I believe a recitation of facts is in order so that the consumers will be able to judge for themselves who is the real culprit responsible for the high retail price of beef.

In 1960 live beef sold for $25.92 per 100 pounds. Leaving the packing plant it sold for $44.50 per 100 pounds. At the supermarket counters it was $69.70 per 100 pounds.

In 1971 the price of live beef was $32.35 per 100 pounds and at the packing plant it was $63.64 per 100 pounds, but it rose to $104.32 at the supermarket level. Thus, the increase in 100 pounds of live beef was only $6.43. At the supermarket level, the increase over the same period was $34.62 per 100 pounds. More recent figures more accurately pinpoint where the price increase is taking place. Three weeks ago live beef retailed at $38.00 per 100 pounds. Today live beef is $34.50 per 100 pounds. This is a drop of $3.50 without any corresponding drop at the retail level.

The consumer should also consider what part of his total food budget is used for beef.

In 1960 the homemaker spent 20 percent of the family income on food.

In 1971 the homemaker is spending only 16.2 percent on food. During the same period, 1960–1971, the per capita consumption of beef rose from 85 pounds to 113.3 pounds per capita per year.

We can look at the price of beef in still another light.

In 1951 an hour of labor bought 1.7 pounds of beef.

In 1971, 1 hour of labor bought 3.3 pounds of beef. In other words, the same hour of labor now purchases twice as much beef.

Viewed in terms of investment, to-days producers of beef earn about 3 percent return on their investment. Compare this with the average return on investments for industry which is 12 percent. No one can accuse the cattlemen of being in the most lucrative business.

A careful analysis of these statistics prompts one to ask, "What is the underlying motive of the supermarket advertising campaign?" Could it be that they want to force the cattlemen out of business and assimilate their operations into their corporate structure and thus give birth to a new form of conglomerate? Only time will tell. I suggest we have enough conglomerates.

INFLATION BEING PUSHED IN THE RIGHT DIRECTION—DOWNWARD

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, serious inaccuracies are being directed to the public by persons seeking to discredit the administration's economic stabilization program. I believe these tactics are a disservice to everyone genuinely desirous of having our economy advance amid conditions of stability. A prominent labor leader rejects the stabilization program as unfair and not working; a leading presidential candidate tells his audience the cost of living has risen 5 percent since the program was initiated; another critic writes that the inflation rate has jumped even more than that.

If this kind of criticism results from misinformation, let me hasten to place on the record here what the official statistics of the U.S. Department of Labor reveal about the cost of living since August 15. Since last August the consumer price index has gone from 122.1 to 123.8, a rise of 1.7 on the index, and a percentage rise of 1.4 percent in 6 months. That is not 5 percent or more, but 1.4 percent.

As a result of the restraint on prices which has occurred during this period, the increase in the consumer price index was held to 3.4 percent for all of 1971. That compares with a 5.5-percent rise in 1970 and 6.1 percent in 1969. On the basis of these facts, I would say the rate of inflation is being pushed in the right direction—downward.

Mr. Speaker, everyone concerned with the economy, whether in business, labor, or government, has important decisions to make affecting the economy. I believe it is important that these decisions be made on the basis of the best information available and not on misrepresentations issued for whatever purpose.

HIGHER PRICES ONLY A BAD DREAM

(Mr. JACOBS asked and was given permission to address the House for 1 minute.)

Mr. JACOBS. Mr. Speaker, I was interested to hear the remarks of the minority leader a few moments ago which, I think, should be encouraging to the entire country. He has put the housewives of this Nation on notice now that the high prices, and the constant increases in food prices that they thought they were paying are all just a bad dream.

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 913 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 913

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11896) to amend the Federal Water Pollution Control Act. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Public Works now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and all points of order against sections 2, 8, and 12 of said substitute for failure to comply with the provisions of clause 4, rule XXI are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 11896, the Committee on Public Works shall be discharged from the further consideration of the bill S. 2770, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 11896 as passed by the House.

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. SMITH), pending which I yield myself such time as I may require.

Mr. Speaker, House Resolution 913 provides an open rule with 4 hours of general debate for consideration of H.R. 1896, Federal Water Pollution Control Act Amendments of 1972. It shall be in order to consider the committee substitute as an original bill for the purpose of amendment and all points of order against sections 2, 8, and 12 of the substitute are waived for failure to comply with the provisions of clause 4, rule XXI—appropriations in a legislative bill. After passage of H.R. 11896, the Committee on Public Works shall be discharged from further consideration of S. 2770 and it shall be in order to move to strike all after the enacting clause of the Senate bill and amend it with the House-passed language.

H.R. 11896 is a very comprehensive and complex bill, the purpose of which is to provide clean waters.

Its goals are to eliminate the discharge of pollutants into waters by 1985 and to achieve water quality by 1981 which would provide for protection and propagation of fish and wildlife and for recreation.

Discharge of toxic pollutants would be prohibited; financial assistance would be provided to communities to construct publicly owned waste treatment facilities; research and development would be increased; regional and basin planning and management programs would be expanded; redtape would be eliminated in the administration of the programs.

The total authorization in the bill is \$24.623 billion—\$356 million for fiscal year 1972, \$9.872 billion for fiscal year 1973, \$7.045 billion for fiscal year 1974, and \$7.350 billion for fiscal year 1975.

The Committee on Public Works considered the legislation over a 7-month period. They held 38 days of hearings, heard 294 witnesses, and received 135 additional statements for the record before reporting the legislation.

Mr. Speaker, I urge the adoption of the rule in order that H.R. 11896 may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I concur in the statements made by the distinguished gentleman from Texas in explanation of House Resolution 913.

The points of order have to be waived in relation to the three sections because of appropriations or a transfer of funds, which this committee cannot do. It is in violation of clause 4 of rule XXI.

This is a far-reaching, complex, comprehensive program. It may be one of the largest undertakings we will be starting on or have been starting on for some period of time. All of us what to do everything we can to clean up the water situation.

The purpose of H.R. 11896 is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters.

The bill sets as national goals; first, the elimination of the discharge of pollutants into the waters of the U.S. by 1985; second, the achievement by 1981 of the interim goal of water quality safe for marine life and recreation.

It is the stated policy of the bill to prohibit the discharge of toxic pollutants in toxic amounts, to provide financial assistance to communities to construct publicly owned waste treatment facilities, to increase research and development, to expand regional planning programs, and to have the President act to insure to the fullest extent possible that all foreign countries act to control water pollution.

In order to carry out these objectives, the bill authorizes $24,623,000,000 for the period between the enactment of the legislation and the end of the fiscal year 1975. Of this amount $18,350,000,000 is for the construction of waste treatment facilities. We all know it will probably cost more money than this. I do not think anybody can guess the amount of money or anticipate precisely when this big program will be finished, but the legislation does call for a study.

Mr. Speaker, the bill establishes the maximum Federal share of construction grants to 75 percent.

To attain the 1981 and 1985 goals, the bill requires that the National Academy of Sciences complete within 2 years of the enactment of the bill, a study of the costs and benefits. The 1981 and 1985 goals would not be implemented until Congress has an opportunity to evaluate the report and take further action.

The bill declares to be unlawful the discharge of any pollutant by any person, except as specifically authorized in the bill. Permits would be issued by a Federal-State permit program. The administrator of EPA shall promulgate guidelines which spell out the details of a State program, which would be capable of managing the permit programs. Those States which in the administration's judgment have programs which meet these guidelines would assume the responsibility of managing the permit program in those States. In States which fail to meet the guidelines, the administrator will carry the program.

Mr. Speaker, the report of the Public Works Committee includes a letter from EPA which supports the goals of this bill, but notes that costs must be considered in relation to benefits. Among the numerous changes proposed by EPA, the following are two of the most notable:

EPA opposes increasing the Federal share to a maximum of 75 percent of the cost of construction.

EPA proposes a $6 billion construction grant program, whereas this bill would authorize more than three times that amount. The committee report also contains a letter from the Office of the Management and Budget, which concurs in the EPA position.

When this bill was originally reported out by the Committee on Public Works, the Governor of the State of California, Mr. Ronald Reagan, sent a telegram, dated March 11, 1972, to me, and I presume to other Republican Members, and I quote:

SACRAMENTO, CALIF.,
March 11, 1972.

The Honorable H. ALLEN SMITH,
Member of Congress,
Rayburn House Office Building,
Washington, D.C.:

Understand bill being reported from House Public Works Committee today as major revision of Federal Water Pollution Control Act.

This is such a major piece of legislation that it is vital that time be given for the States to study the bill before it goes to the House floor for action. I strongly urge that the House Rules Committee defer scheduling this bill for floor action until the States have had at least 30 days to analyse it.

RONALD REAGAN,
Governor, State of California.

I contacted an official of the Water Resources Control Board, and told him it would not be possible to delay for 30 days. This is an important bill. I suggested they should study it over the weekend, as I was prepared to do, and report back. They cooperated and did that. Under date of March 22, they submitted a letter to me setting forth some of the objections they had to the bill.

Subsequent to that time, Mr. Speaker, during the hearings before the Rules Committee, one of the problems was brought up. That problem has to do with the difference between the bill as passed by the other body, which bases its formula, I believe, on population and the House bill, which is based on a needs test. The question which arose was that the needs test was taken on the 1970 figures, and some of the States thought that those figures were not fair to them from the standpoint of the share they would receive.

As I further understand it, there are additional figures based on the 1972 needs test which is available some place, or will be available by the time this bill reaches the conference between the House and the Senate. I made this suggestion to the distinguished gentleman from Alabama (Mr. JONES) the chairman of the subcommittee and to the distinguished ranking minority member of the subcommittee, the gentleman from Ohio (Mr. HARSHA) and they stated those figures would be considered by the conferees at the time of the conference, that the figures were not available when this bill was reported. Accordingly I am relying upon their judgment, and so reported to California.

Accordingly, the following telegram was received by all Members of the California delegation from the Governor of California, Ronald Reagan, dated March 23, 1972:

STATE OF CALIFORNIA,
Sacramento, Calif., March 23, 1972.

To all Members of the California Congressional Delegation via California State Office, Washington, D.C.

"H.R. 11896, the Water Pollution Control Act amendments of 1972, which will come to the floor of the House on Monday, is significantly superior to the Senate bill S. 2770 because it would allow California to continue an effective water pollution control program. I urge you to support the bill together with three amendments to be introduced by the House Public Works Committee—one covering reimbursement, one covering irrigation flow and one on wildlife—and to cooperate with the managers of the bill in their effort to pass the bill without any other floor amendments. The leadership of the House Public Works Committee has given assurance that a major problem area to California in the bill, i.e. the use of the outdated 1970 needs study as the basis for allocation of funds, will be given careful study by the conference committee with an eye to substituting the most recent needs study, 1972, in the final product."

RONALD REAGAN, *Governor.*

Before concluding, if either the distinguished gentleman from Alabama (Mr. JONES) or the distinguished gentleman from Ohio (Mr. HARSHA) wishes me to yield, in case I have made any statement that is not correct, I shall be glad to do so. I want to be certain that I have stated the situation correctly so far as the conference is concerned.

Otherwise, Mr. Speaker, I urge the adoption of the rule and reserve the remainder of my time.

Mr. YOUNG of Texas. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Indiana, the ranking majority member of the Rules Committee.

Mr. MADDEN. Mr. Speaker, last Thursday the Rules Committee heard testimony from the Public Works Committee on H.R. 11896, the Water Pollution Control Act now being considered by the House under an open rule for debate. This legislation, along with its kindred companion, air pollution control, are two of the most important problems concerning the future of Americans, especially pertaining to the Nation's health and the environment generally, that Congress will have to solve in the next 10 years. Our Government has been criminally negligent during the last 20-odd years in not making an all-out effort to curb water pollution and preserve the lakes, rivers, and all water resources of our country.

We admit that one must consider today that almost 75 percent of our population live in urban areas where drinking water during the last 12 years has become stagnated and infested with germs and pollutants caused by municipalities, industries, and all segments of our economy dumping refuse, waste, and pollutants into our lakes and streams. Beaches are being closed, rivers, both large and small, are becoming stenchholes, and over 30 percent of the Nation's drinking water contains hazardous amounts of chemicals and pollutants.

This bill calls for an all-out drive by the Federal Government to eliminate the discharge of pollutants into our lakes, rivers, and navigable waters by 1985. In the meantime the legislation strives to purify our lakes and streams so that they would all be suitable for swimming and fishing by 1981.

The bill would authorize $60 million toward research, organization, and preparation for 1973; and $75 million for 1974 for grants to States and intrastate planning agencies to develop and carry out water quality control and abatement programs.

My congressional district, known as the Callumet region of Indiana, is a center for three major steel mills, oil, and gas refineries, and several hundred other industries and corporations, both large and small. We are adjacent to 5 to 6 million people living in the Chicago land area and both localities are on the border of Lake Michigan. Water pollution is rampant in adjoining Lake Michigan. This legislation authorized the pollution administration to cooperate with State and local agencies to demonstrate new techniques and control pollution of the Great Lakes. This bill authorizes $20 million for this purpose, but requires that State and local agencies pay 25 percent of the project cost. This bill also directs the Corps of Army Engineers to develop a demonstration waste water program for the rehabilitation of Lake Michigan and Lake Erie, the most polluted of the Great Lakes.

This legislation also provides financial assistance for the development and construction of waste treatment facilities. It awards grants to State and local agencies to discover and expand the best practicable waste treatment techniques. The bill also provides grants for the rehabilitation and improvement of existing municipal sewer systems and all the necessary provisions on an approximately 10-year program to preserve American's drinking water, lakes, rivers, and all navigable streams from complete deterioration and annihilation from sewage disposal plants and industrial waste, etc.

The emphatic provision of this legislation is that the Federal enforcement power will be enacted to prosecute violators of this legislation and compel complete compliance, without exception, to any polluters, whether large or small.

Any person, corporation or municipality who violates any provisions of the act will be subject to a maximum civil penalty of $10,000 per day. Of course in minor violations the fine can be reduced according to the opinion of the courts and enforcing authorities. In the case of willful or negligent violation the offender can be subject to a criminal penalty consisting of larger fine with the possibility of imprisonment, not to exceed 1 year. This legislation allows citizens to bring civil suits against polluters alleged to be violating required standards and in failing to carry out the requirements of this act. The bill also retains the authority of the States to enact water quality standards and effluent limitations more stringent than Federal standards.

The House bill sets up an Environmental Financing Authority in the Treasury Department to help those local communities unable to borrow funds to pay their share of waste treatment construction grants. This Financing Authority, with an initial authorization of $100 million, would lend funds to those communities at reasonable interest rates.

We have 225 miles of Lake Michigan shoreline, hundreds of miles of trout streams and hundreds of inland lakes and exploding recreational facilities demands that stimulates my constituents to want action to provide clean water. We are all faced with similar expectations. This is the environmental decade and we are expected to produce solid progress in the matter of clearing up the mess we have made for ourselves over the years. I want to commend this committee for its leadership in establishing Federal programs to help provide clean water.

Last Thursday the Rules Committee included an open rule where amendments can be offered. I understand several Members of Congress in the coming 2-day debate will be offering amendments to expand or curtail some of the provisions of this bill and I do hope all Members of the House can see fit to be present on the floor today and tomorrow and learn all the provisions set out in the various amendments so we can vote the same "up or down" with the thought in mind that America's great problem of water pollution must get under through the help of Federal legislation which will give all our citizens and environmental organizations an opportunity to succeed in eliminating pollution of our lakes, rivers, and navigable waters for all time to come.

In considering this water pollution bill we have reached a milestone in our environment which has been too long delayed.

Mr. YOUNG of Texas. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Speaker, it is not my policy or intent ever to unduly intrude into the activities of legislative committees. The clean water bill, H.R. 11896, which will be before us today is so vital to every Member of Congress and the Congress itself that I feel a few remarks are in order.

I am today writing each Member of the House a letter in regard to the amendment which I propose to offer to the clean water bill to which this rule relates. I shall include it with these remarks.

Congress and the Nation are on the threshold of an all-out effort to do something in a big way about water pollution. We have been working with the problems for some years but an accelerated approach is required. It seems obvious that the proposed 3-year period in the legislation which is to be discussed today, relating to grants for waste treatment construction, is only the beginning of a much longer and much more extensive program to follow.

It has been suggested that Congress has in the past been woefully remiss in not doing more about water pollution. Whose fault is it? It is, of course—if it is anybody's fault—the fault of the Congress itself. What I am saying is that if we want the Federal Government to do more about water pollution, we can work our will and, in my opinion, we must do something about pollution.

I am pleased to see this bill before the House today. But my immediate concern is with the 3-year contract authority provision. I covered the matter in my letter of today, as follows:

CONGRESS OF THE UNITED STATES,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., March 27, 1972.

DEAR COLLEAGUE: Let me make two points very clear about the pending Water Pollution Control Bill, H.R. 11896:

1. I have not had the remotest thought of offering any amendment to alter the dollar figures for waste treatment construction grants or any other program involved in the bill. It is within the province of the Committee on Public Works to recommend whatever levels of authorization it deems appropriate.

2. My concern arises over the *multi-year contract authority* provision. I have now decided to offer an amendment to substitute *one-year advance appropriation* funding for the three year contract provision. With multi-year contract authority we downgrade Congress—abrogate our annual authority—more or less write the next two congressional sessions out of the act. To me it makes no sense for us to abdicate our power.

One-year advance funding of the waste treatment grant program with direct appropriations would assure that State and local interests would have adequate notice for their planning purposes. Congress would act every year and be solidly in the picture from the standpoint of our people. Why detract from the power and prestige of the Legislative Branch by vesting authority for a 3-year period in the Executive Branch? Why surrender the right and—as I see it—the duty of annual action on this momentous issue?

Just prior to World War II, 18% of the spending budget was classified as relatively uncontrollable. The current budget classifies 71% of spending as relatively uncontrollable under present law! Contract authorizations for waste treatment would continue to move us toward almost complete abdication to the Executive Branch. This is unnecessary. Let's not do it!

Please give this problem your best attention and let's work out an approach which will be acceptable to the House and retain the power and dignity of Congress.

Sincerely,

/s/ GEORGE MAHON.

Mr. Speaker, the amendment which I propose to offer is as follows:

AMENDMENT OFFERED BY MR. MAHON

On page 245, in line 13, strike out all after the word "submitted"; strike out all of lines 14 and 15, and all of line 16 down to the period, and,

On page 250, strike out all of line 18 after the word "shall"; strike out all of line 19; and strike out the words "for obligation" in line 20, and,

On page 251, strike out the words "for obligation" in line 12, and,

On page 254, add the following at the end of line 18:

To the end of affording eligible recipients of grants for costs of construction adequate notice of available Federal financial assistance therefor, appropriations pursuant to this section with respect to the fiscal years ending June 30, 1974 and June 30, 1975, respectively, are authorized to be included in the applicable appropriation Act for the fiscal year next preceding the fiscal year 1974 or 1975, as the case may be. Appropriations made pursuant to this section are authorized to be made available without fiscal year limitation.

Mr. Speaker, my proposed amendment is procedural in nature. It is not at all substantive. It would merely retain in the hands of the Congress an annual participation in what we do.

After that, Congress would have a piece of the action every year.

I trust that in the circumstances we can all agree on this procedural matter.

The SPEAKER. The time of the gentleman has expired.

Mr. GROSS. Mr. Speaker, will the gentleman yield the gentleman 1 additional minute so I can ask him a question?

Mr. SMITH of California. I will be glad to yield the gentleman from Iowa 1 minute.

Mr. GROSS. I must disagree with the first premise of the gentleman's statement, that Congress is responsible with respect to the water pollution situation. Through the years the States and the local subdivisions of government, including the municipalities, failed to enforce laws and ordinances in the matter of pollution and especially the polluting of streams. This is where the breakdown really came about. Now they come to the Congress for billions upon billions of dollars. I do not agree with the gentleman that Congress is the culprit in this first instance. We are called upon now to pick up the pieces.

I do agree with the gentleman that his amendment ought to be adopted and that Congress ought to have real authority over the appropriation of this huge amount of money and some oversight as to how it is spent.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. BLATNIK. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11896) to amend the Federal Water Pollution Control Act.

The SPEAKER. The question is on the motion offered by the gentleman from Minnesota.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11896, with Mr. SMITH of Iowa in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Minnesota (Mr. BLATNIK) will be recognized for 2 hours, and the gentleman from Ohio (Mr. HARSHA) will be recognized for 2 hours.

The Chair recognizes the gentleman from Minnesota (Mr. BLATNIK).

Mr. BLATNIK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today, the House has before it a long-overdue legislative enactment that embodies the environmental principles to which I and many others have devoted much of our careers in Congress—a far-reaching bill to restore and preserve for future generations the integrity of America's waters.

Those of us on the Public Works Committee who have worked long and hard to bring this comprehensive and enormously complex bill into being are proud of our handiwork. We consider it a landmark in the field of environmental legislation, a nonpartisan act to which the entire committee has given many, many months of thoughtful consideration, bearing always in mind the consequences of our actions on the whole economic and social structure of the Nation.

In this measure, we are totally restructuring the water pollution control program and making a far-reaching national commitment to clean water, much as our space program was restructured a decade ago when the late President Kennedy committed America to a landing on the moon before the end of the 1960's.

The legislation we are considering is of immeasurable significance to the Nation. In many ways, it is far more difficult undertaking than the 42,500-mile highway program which the Public Works Committee initiated in 1956 and which, when completed, will have cost $75 billion or more. That program has been hailed as the greatest public works undertaking in all history. The water pollution control program we are initiating in this body will, in my judgment, be an even more monumental task.

But whatever the difficulties, we must commit ourselves to the task; our waters can be cleaned, they must be cleaned, and they will be cleaned.

At this moment in time, no one can make more than a half-educated guess as to the ultimate cost of restoring and preserving our water resources. That is why the committee bill calls for a 2-year, $15 million study by the National Academies of Sciences and Engineering to give us some actual information on the economic, social, environmental, and technological consequences that will result if we go all the way to our goal of "no discharge" by 1985.

I would remind the Members that this study does not mean an interruption of the water pollution control program, it will not interfere without progress toward the interim 1976 goal of this legislation, at which time all municipalities obtaining Federal aid for municipal waste treatment plants must go to secondary treatment and industries discharging into our navigable waters must use the best practicable technology.

In the course of our hearings on this legislation, which began almost a year ago and were completed only last December, the committee listened carefully to some 300 witnesses of all shades of opinion—Members of Congress, Federal, State, and local government officials, environmentalists, industry, and labor spokesmen, economists, and concerned private citizens who wanted to contribute their views to this legislation.

During those hearings, we recorded more than 4,000 pages of testimony, more than all the previous testimony taken by our committee in the entire history of the pollution control program. And in quality as well as quantity, the testimony we heard, particularly from the scores of youthful witnesses who appeared, far surpassed anything presented to us in the past.

The committee made a searching review and appraisal of all that had been done in the past to clean up our waters so that we might apply the lessons of that experience to this new legislation.

The Committee on Public Works first confronted the problem of environmental degradation away back in 1948, when the first Water Pollution Control Act was enacted into law. That was a modest permissive beginning that scarcely scratched the surface of the problem, because water pollution in those days was regarded by most people as a local health matter.

In successive Congresses, the committee continually updated, existing legislation and developed new programs, always laboring under the handicaps of inadequate funding and widespread indifference to the spoiling and soiling of our waters.

It was not until 1956 that we won our first major breakthrough with the passage of the Water Quality Act which, for the first time, committed the resources of the Nation to the task of restoring our waters and protecting them for the future.

It has long been evident to those of us who have been close to this problem that a new and comprehensive approach was urgently needed, but it was not until the opening of this 92d Congress that the public support that such a program requires finally made it possible for us to move forward.

I believe sincerely that the legislation we have brought to the floor of the House today is the most effective, workable pollution control bill that has ever been devised.

In saying that, I offer no criticism of the pollution control legislation passed last November by the other body. Certainly there are differences between our bills, but they are differences in approach, not in objectives. The proponents of the other body's bill, including many sincere, dedicated environmentalists, have as their goal the restoration of our waters. That is our goal, too; we believe that the financing, planning, programing, and enforcement provisions of the committee bill will move us effectively toward that goal.

This bill truly serves the national interest, truly responds to the national outcry for the restoration and preservation of our water resources. Every provision of this bill has been most carefully shaped to enable us to achieve clean water without shattering the economic and social structure of our society. This legislation will make it possible for us to restore the integrity of America's waters without emptying the public treasury, without widespread unemployment, and industrial shutdowns. This bill safeguards our waters and our socio-economic structure. I am confident that my colleagues in the House will give it the full benefit of their wisdom and experience.

I have said, Mr. Chairman, that this is a nonpartisan bill, and I must pay tribute to all the members of the Public Works Committee, on both sides of the aisle, who have given so ungrudgingly of their talents and energies to make this legislation possible. I would be remiss if I did not offer a special word of commendation to the distinguished gentleman from Ohio (Mr. HARSHA) and the distinguished gentleman from Alabama (Mr. JONES) for their invaluable contributions to this bill. And it would be equally remiss to overlook the dedicated efforts of the professional committee staff, on both the majority and the minority sides, who gave so much to the making of this legislation, most notably Chief Committee Counsel Richard J. Sullivan, Lester Edelman, Clifton M. Enfield, Carl H. Schwartz, Gordon Wood, James L. Oberstar, and Joseph Brennan, all of whom proved themselves unmatched in the difficult art of legislative writing. In particular, may I commend and compliment the finest legislative draftsman I have ever worked with—Robert L. Mowson.

With the permission of the Chair, I will ask the distinguished gentleman from Alabama (Mr. JONES) to speak for the bill.

Mr. HARSHA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, while the full Committee on Public Works has been writing this most important piece of legislation during the last several months and last year, our beloved chairman was inconvenienced with some health problems. But throughout all of those executive sessions we were under his continual stewardship, and he continued to give us the benefit of his good, sound advice and leadership in this all-important field of water pollution and control, an area in which he has pioneered for years and years.

In Mr. Blatnik's absence we had the benefit of the leadership of the distinguished gentleman from Alabama. Mr. Jones was a most effective, impartial, and dedicated leader in this respect. He worked tirelessly on this legislation, and his workmanship as a knowledgeable forceful leader in the field of water pollution control is evidenced by this outstanding legislation.

Mr. Chairman, we have before the House today a major bill which will affect every citizen of our country in numerous ways. H.R. 11896, the Federal Water Pollution Control Act Amendments of 1972, is a bill which recognizes the fact that we must have a more effective approach to water quality control and that our water quality control program must be consistent without competing national priorities. Throughout the development of this most important legislation, the committee could not forget the broad potential effects and these competing priorities. We, as Members of Congress, in considering this environmental control bill on the floor of the House must remember that environmental control is one of a number of competing national priorities. These other national priorities include full employment, price stabilization, rural development, social development, economic development, energy supply, a wider sharing of an improved standard of living, retention of our foreign trade capabilities, and protection of our natural resources. I believe the Committee on Public Works has properly considered each of these priorities while developing H.R. 11896.

The committee, while obviously stressing the environmental control aspects of this legislation, because this is what this bill is, an environmental control bill, had to balance the economic, social, and environmental needs. I believe we have done this and done it effectively.

The Committee on Public Works has been working on this bill for a year. The committee members and staff have met with representatives of environmental groups, our schools and colleges, State and local governments, the Federal Government, labor, agricultural organizations, heavy and light industries, the transportation industry, and public utilities. It has been estimated that our staff has spent almost 10,000 man-hours, that is 250 man-weeks, developing and drafting this legislation. We sought and obtained expert help on all facets of our water quality needs and on this legislation, Mr. Chairman. The expertise that was available was utilized to the fullest extent. I believe that this bill reflects this expertise. It will result in the water quality that we all seek.

We have heard from those who sincerely believe that the most stringent control must be imposed now if we are to save our waters and the associated aquatic life for future generations. On the other hand, we have heard from those who have pointed out to the committee that the precipitate imposition of water quality control schemes would cause a parade of horribles, that it would destroy American industry, create unemployment, stop our progress toward a higher standard of living to be shared by all of our citizens, cause inflation, disrupt our deteriorating position and competitiveness in foreign trade, and worst of all, possibly create other environmental problems. We weighed the pros and cons of both sides and tried to balance this legislation to obtain the goals of both sides while minimizing the possible undesirable side effects.

There still has been criticism of H.R. 11896 from both sides of the environmental fence. Sincere and competent individuals who advocate both more stringent and less stringent controls are dissatisfied with parts of the bill. To the Members, who have worked so hard on this legislation, this could be distressing. However, rather than being distressed, I find it encouraging because I believe that this is an indication that we have achieved the balance we sought for this legislation.

I have an admonition for my colleagues who will be debating the many provisions of this bill. I urge you to heed the fact that our professional staff has spent hundreds of man weeks on this bill. I urge you to heed the fact that we have sought and obtained the advice of experts in all aspects of this legislation. I emphasize to you that there are those who feel that we have gone too far, and there are those who feel that we have not gone far enough. However, in recognizing that certain aspects of this bill have created high levels of emotion, we, as Members of Congress, must recognize that the committee has worked hard, and, I believe, has done its work well. We must not allow pleas from either side of the environmental argument to disrupt the balanced approach which the committee has achieved.

Amendments which might be offered today could disrupt this balance and lead to significant undesirable side effects, or could disrupt the standards and enforcement procedures and lead to a further deterioration of water quality. I urge you, recognize the complexity of the legislation and reject amendments which, on the surface, and here on the floor of the House, might sound attractive, but which could, in the long run, be most undesirable.

I also have an answer for those who, because they feel that S. 2770 imposes more stringent controls, would advocate that we adopt S. 2770, as passed by the other body. Read section 303. Read section 301(b) (1) (C). These sections require point sources of the discharge of pollutants to install the "best practicable control technology currently available" by January 1, 1976. This is consistent with the other body. However, what if such control technology is inadequate to meet water quality standards as required by the Water Quality Act of 1965?

H.R. 11896 requires that if the application of "best practicable control technology currently available" is not sufficient to meet water quality standards, further and more stringent controls must be imposed. This is more restrictive than the requirement of the other body, and it should be recognized as such. The requirements of H.R. 11896, will assure that water quality standards are met, and that even if such "best practicable control technology currently available" is not sufficient to meet water quality standards, each point source will still be required to be so equipped to further enhance the quality of our waters. In other words we require the upgrading of our waters to a much greater degree than does S. 2770.

Mr. Disraeli, a Prime Minister of Great Britain, once said:

> Never leave anything to chance which can be achieved by calculation.

We have tried to follow Mr. Disraeli's warning. Unfortunately, we found that there were certain aspects of S. 2770 from the other body that were leaving too many things to chance. While the committee recognizes that the elimination of industrial and municipal discharges into our Nation's waterways would ultimately solve part of our water quality problems, we could not impose such a requirement for 1981 or a national policy for 1985, because this simply would leave too much to chance, and there was too much which could not be determined by calculation at this time. Even if all municipal and industrial discharges were eliminated we would still have the exceedingly heavy pollution from agriculture and nonpoint sources of discharge. What would a no-discharge requirement in 1981 or 1985 cost?

Even more important, what would be the impact of such requirements on other environmental problems? Would we create solid waste disposal problems? Would we create air pollution problems? Are there deleterious effects of large scale land disposal? Ask yourself: Do you know the economic costs? The other environmental impacts?

I must admit I do not; the committee does not. I would like to read from the Congressional Record of November 2, 1971, which reports the debate on S. 2770, the companion bill in the other body. A Senator from Kansas asked the following question of the chairman of the Air and Water Pollution Subcommittee in the other body and I read from the Record:

> The other question I wish to ask the Senator is whether some estimate or judgment has been made as to the cost of achieving zero discharge by 1985, both as to capital cost and operative cost.

The answer from the chairman of the Air and Water Pollution Subcommittee was:

> There are no estimates of that kind that, in my judgment, have any validity.

Well, I say to my colleagues that I would not want today to have to stand before you and state that we have recommended a no-discharge requirement without knowing the cost to this nation and its taxpayers of such legislation. Therefore, your committee has recommended that the requirements for 1981, to eliminate the discharge of pollutants. be imposed if your committee and the

Congress, in 1974, after receiving and studying a report on the economic, social, and environmental costs, and the economic, social, and environmental benefits, decide at that time that this is the approach to take. Thus, we have the provision in section 315 for a study which will provide the required answers. They will be prepared by a respected, competent, multidisciplined and unbiased team from the National Academy of Sciences and the National Academy of Engineering. I believe that this report will enable the Congress to make a decision on implementation of the 1981 requirements with the facts at hand rather than with guess and conjecture as a basis. An imformed judgment rather than a speculative one.

The committee considered, but did not adopt, an alternative approach, to wit, that the January 1, 1981, requirements stand unless the Congress takes action at a future date to delay or revise the requirements. This was not adopted because the magnitude of effects of this requirement could require an immediate major national program with immediate and major effects on all aspects of the life of the Nation without the assurances that this potential major disruption to the life of our Nation will ultimately be required and can be afforded.

If the National Academy report demonstrates that the January 1, 1981, goal is environmentally, technically, and economically feasible for either 1981 or some other early date, and the total cost of environmental control bears a reasonable relationship to the benefits to be received, I believe the committee would immediately recommend that the House pass the required legislation. It just is not responsible for us to impose such a requirement at this time without the required knowledge, information, and facts.

I again ask the question of my colleagues: Do you know the effect of this legislation on our competing national priorities?

The requirement for 1976 will tax our capabilities over the next few years. Let us be cautious and prudent. Let us not require the 1981 standards until we can act in an informed manner. H.R. 11896 will not delay the water quality improvement program, instead, it will provide the time necessary to determine what we should do. We are talking of 2 of 9 years.

I remind you that the technology for "no discharge," at least that which is economically, technically, and environmentally feasible does not now exist. Therefore, the next few days will not be lost toward the goal of no discharge. Rather the time utilized by the National Academy Study will be utilized for research, development and demonstration. The 1981 and 1985 goals will serve as a focal point for the research and development. Again, I say, read our bill. Look at section 101(a)(6). Look at sections 104(a)(1), 104(b)(7), 104(d)(1), 104(9)(2), 105(b), 105(c), 105(d)(1) and (2). The direction from the Congress is there. Increase the level of research. Initiate demonstration programs. Eliminate chance. Provide the basis for calculation. Proceed in an informed and responsible manner.

An effective water pollution control program must have significant participation at the regional and local level. Your committee believes that the majority of the program must be handled at that level of government which is sufficiently close to the problems to recognize them and to determine what is best for the waterway and area concerned. Obviously, these local and regional efforts must be within the framework and goals set out by Congress. However, let us not kid ourselves that the Federal establishment operating by itself can implement an effective water quality program. Unless we have meaningful local and State participation and not a Federal dictatorship, the program will founder on the rocks of the generally inflexible, Washington dictated approach. Local and State initiative will disappear. Those with the most incentive to work for local, State, and regional water quality will be stifled by Federal rigidity. We must not let this happen. We must preserve this local and State initiative.

H.R. 11896 sets a framework and the guidelines for State water quality programs. It then provides for State implementation, or, if the States do not do the job, Federal takeover. Also, and I emphasize this, let there be no question in your minds, this bill requires that State and regional programs follow stringent Federal guidelines. It will not allow the industrial equivalent of forum shopping. Each State's program will preclude this because they must be consistent with the guidelines.

H.R. 11896 provides for State and local participation, let us give them the chance to do the job. This bill will provide the resources and direction they have not had in the past. Let us not waste our money and talents on a ridiculous duplication of the State and regional tasks by the Environmental Protection Agency. The job to be done is huge. We can little afford to have EPA duplicate and doublecheck each State action. The overall gains by having local and State initiative are too valuable to discourage such initiative from the very start by providing for duplication by EPA. I urge you to support State and local initiative and participation as is set out in H.R. 11896.

Mr. Chairman, I would like to address one more point before I complete my remarks. I ask you to recognize that this bill is complex and that each section of the bill interrelates with a number of other sections. This is particularly the case with section 502, which sets out the definitions. The total utility of the bill is reflected in the definitions of the terms pollutant, pollution, point source, discharge, and toxic pollutant. To revise any of these definitions is to upset the common threat of the bill. If there is a part of this bill that can be labeled "most important," it is these definitions. To revise them in a way to limit their coverage is to severely detract from the effectiveness of the bill. So I ask you to reject any such amendments, if offered.

Accept the work product of the Committee on Public Works. Reject amendments not supported by the committee and support H.R. 11896. It is a very progressive, forward-looking effective water pollution bill that will get the job done. It reflects the balanced approach to water quality that our Nation needs. It, with full appropriation of the authorized expenditures, will improve our Nation's waters. It will allow us to meet the objective of the bill—to restore and maintain the chemical, physical and biological integrity of the Nation's waters.

Mr. JONES of Alabama. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the distinguished chairman of the Public Works Committee, the gentleman from Minnesota (Mr. BLATNIK), has said that the water pollution control bill which comes to you in the House today is a landmark in the field of environmental legislation. I concur in that judgment and I honor him for the sacrifice he has made and the unselfish service that he has rendered in this field throughout his career and since he has been a Member of Congress. I share the great expectation for the future of America's waters. I share, too, his concern that our expectations be tempered with the realities of America's vast and yet limited resources. It is in that spirit of high hopes, tempered with stern realism, that the members of the Public Works Committee have joined in bringing this nonpartisan bill to the floor of the House today.

I think it is good to note that every member of the Public Works Committee is the author of the bill that you have under consideration.

Mr. Chairman, this is an enormously complex bill, and necessarily so, because our water environment has become enormously complicated because of the urbanization and industrialization of our society. Our legislation must take into account the myriad of the water needs issue. Then, Mr. Chairman, we must note that the demographic studies are very compelling to understand the future needs and requirements and capabilities of this legislation. It depends upon our earnest efforts to see that they are possessed of good direction.

The overall objective of this legislation is to restore and maintain the chemical, physical and biological integrity of our Nation's waters. To achieve that end the bill sets as a national goal the elimination of all pollutant discharges into our navigable streams and it sets as an interim goal to be reached by 1981 water quality that will permit recreation in and on the water and provide for protection and propagation of fish, shellfish, and wildlife.

This bill further sets as national policies a total ban on the discharge of toxic pollutants in toxic amounts, and provides Federal assistance to help municipalities cleanup their water, because this legislation, most certainly, will affect the lives and fortunes of all Americans for many years ahead.

I believe a full and frank exposition of its provisions is in order. In my opinion my colleagues and I will do our utmost to provide you with the best understanding that we are capable of making.

In my judgment there are three or four major provisions of this legislation which are most likely to stimulate considerable thought; I hope, not controversy, and I should like to address myself principally to those points. I would remind you that my committee colleagues will elaborate upon all of them during the course of this debate.

The first deals with the amount of Federal funding we consider necessary to carry out the plans for the programing of this bill. The total Federal spending and contract obligation authority requested is $24.6 billion—possibly the largest nondefense authorization in the history of the Congress. These calculations are made for a program extending to 1975, and were arrived at after a long and very careful and conservative study of all the data, all the cost estimates submitted to the committee by the Federal, State and local governmental authorities, by individual experts, and highest opinions by environmentalists of long experience, and other persons who have proven their economic expertise.

Admittedly, that is an enormous sum of money, particularly to those of us who recall that a few short years ago there were highly placed members of the executive branch who regarded water pollution as a local problem worthy of no more than token Government spending.

But the size of the authorization we seek must be measured against the enormity of the problem that confronts us, against the desperate conditions into which our waters have fallen after years of neglect, and sometimes seemingly to the public indifference.

There are sound reasons for asking the Congress to approve this authorization. For one thing, this bill would raise the maximum Federal share of municipal water treatment plant construction costs from 55 percent to 75 percent. We believe that this increase is necessary because all too many of our towns and cities are in sore financial straits, and must be encouraged and helped if they are going to construct these necessary plants.

This legislation also contemplates a sharp increase in spending for research into new technologies in the field of waste disposal, for area-wide treatment management, and for comprehensive river basin planning. All of these are essential tools in our pollution control program, and they must have adequate funding if this program is to succeed and flourish.

Furthermore, the Federal Government owes a great debt of honor to those municipalities throughout the country which are among the first to recognize the gravity of our environmental crisis, and who went forward with water pollution control projects without waiting for the enactment of this legislation. Those communities acted on legal commitments of aid from the Federal Government and now are entitled to reimbursement in the amounts that they would have received if funds had been available at the time.

This bill would authorize the appropriation of $2.75 billion for such reimbursements.

The legislation before the House today would also add $800 million to the disaster fund of the Small Business Administration to provide loans and loan guarantees to small business firms which need help to finance equipment or extra facilities required by the new pollution control regulations.

The largest share of the proposed authorization, of course, would be earmarked for Federal grants for construction of municipal waste treatment plants, including, for the first time, direct assistance for the building of sewer collection systems in existing communities. For this, the bill proposes an authorization of $18.35 billion—$350 million for the balance of the 1972 fiscal year, $5 billion for fiscal year 1973, $6 billion for fiscal 1974, and $7 billion for fiscal year 1975.

I call your attention to the fact that we do not propose to burden the overstrained Federal budget with immediate appropriations of this magnitude. The only direct appropriation entailed would be the $350 million for the present fiscal year. The remaining $18 million would be in the form of contract obligation authority—contract obligation authority and would not have a substantial impact on the budget until fiscal 1975 and 1976.

This obligational authority is of the utmost importance if we are to have the degree of continuity, and the assurance of continued Federal funding, that this long-term program requires.

Another area of critical importance in this legislation concerns the roles of the Federal and State governments and the administration of the water pollution control program.

All the weight of the evidence submitted to the committee during our extensive hearings confirmed our belief that an effective Federal-State partnership is absolutely indispensible to the success of this program.

I would like to point out that the Committee on Public Works has had a vast experience in dealing with the State governments.

We started out principally in 1960 in the Federal Highway Act which was a noteworthy Federal public works program. That established a principle the Federal Government and the States would work in concert. But the reliability and the dependability of that program and the administration of that program was vested with the State government.

So from that experience that we had when we wrote the Flood Control and Rivers and Harbors Act, we have written this act. The commissions we have established subsequent to that, even Appalachia, we have employed that in utilizing all of the genius and the requirements of the local people to participate with their imagination and their arts and their skill and their capabilities in local and government control.

So there is an enthusiasm at the local level that we continue this program and that we do not disrupt it. They think it is not necessary to have all of the judgments and all of the decrees and all of the commitments and thoughts here in Washington.

So I am saying that this program that has been thoroughly organized by personnel with long experience in the complex problems of State governments in dealing with our environmental problems.

In our judgment, it would be a disastrous mistake to dismantle these organizations and consign their experience and expertise to the scrap heap. That is precisely what would happen if the program were turned over in its entirety to the total Federal Washington bureaucracy.

Accordingly, this legislation places the primary responsibility for administering the water pollution control program within the separate States, with the firm stipulation that each State must comply with the overriding Federal guidelines set by the Environmental Protection Agency. If any State fails to live up to its responsibility, EPA is empowered to take over the program.

In other words, we are working as hard and as earnestly as we know how to employ all the tools of Government and with the support of the people who have raised the national priorities of water quality that it excites the Congress of the United States to make a disposition of the funds coming into their hands to eradicate and to arrest as well the stains and pains that we are placing in our water resources.

To argue that State administration of State programs somehow weakens the legislation is to argue that the people in our State capitals, in our towns and cities across the country are not entitled to a voice in the conduct of their own affairs.

I for one cannot accept the argument, particularly in the light of safeguard built into this measure, to protect against any letdown in the administration or enforcement of State authorities.

We now come to what on our part is a key provision of the committee bill: the requirement for a 2-year study by the National Academies of Scientists and Engineering into the consequences that might result if we go full tilt for clean, safe, swimmable water by 1981 and no discharge of any pollutants into our waters by 1985.

Following completion of that study, in 1974, the Congress will have a far clearer understanding of the commitment involved than anyone in America has today. And all of us will be in far better position at that time to determine, to evaluate, and to make the reassessment of the cost of "no discharge" which is within the ability of the American people to accomplish.

That, I submit, is the course of responsible legislation. It is the course this bill proposes and has followed since its inception.

This measure constitutes a complete rewriting of all our water environment legislation; it contains many, many more provisions which my committee colleagues have been ready and willing to discuss with Members. I will summarize them in the attached statement, Mr. Chairman, which I will insert in the RECORD.

Mr. Chairman, I wish to compliment every member of the Public Works Committee who, during the course of consideration of the measure, the hearings and executive sessions, concentrated their attention on the bill. I have never been on a committee whose members devoted their time, their energies, and their effort more closely to a bill and as evidence of the fact, this very complex bill bears the name of every member of our committee. As I stated earlier, this will be a landmark to every member of our committee, and it will be a very rewarding bill for every Member of this House to support. I would add at this point the highlights of the bill:

HIGHLIGHTS OF THE BILL

The objective of the bill is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters.

It is declared to be national goals to eliminate the discharge of pollutants into the waters of the United States by 1985 and to achieve water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water to be achieved by 1981.

It is stated policy of the bill to prohibit the discharge of toxic pollutants in toxic amounts, to provide financial assistance to communities to construct waste treatment facilities, to increase research and development, to expand the regional and basin planning and management programs, and eliminate red tape in the administration of water pollution control programs. It is stated to be the policy of the Congress to encourage Federal-state efforts in the water pollution control policy.

It is also declared to be the policy that the President shall take action to insure that to the fullest extent possible all foreign countries shall take meaningful action for the prevention, control, and abatement of water pollution in their waters and international waters and to achieve and for the achievement of goals to at least the same extent as the United States does.

In order to achieve these policies and goals, the following provisions are included in the program:

(1) Authorizes appropriations of over $800,000,000 for basic and advanced research, development, and training.

(2) This program recognizes the need for an expanded and improved State participation in the water pollution control program. The grants for the funding for State programs has been increased from $30 million for the previous three years to $165 million for the next three years.

(3) The program would encourage alternative systems including advanced technologies and land disposal systems including the Muskegon system.

(4) It is required in the implementation of this bill that the agencies consider all potential impacts relating to water, land, and air to insure that in enhancing the water quality, other significant environmental problems are not created.

(5) Authorizes $20 billion for construction of waste treatment works for fiscal years 1972–1975. This includes construction of treatment facilities and collector sewer systems, including systems for treatment of storm sewer run-off.

(6) Establishes the basic Federal share of construction grants at 60 percent. If a State pays 15 percent of the cost, the Federal grant is increased to 75 percent.

(7) Provides for contract authority for construction grants.

(8) Establishes allocation of grant funds to the States on the basis of need for waste treatment works.

(9) Provides that projects initiated after 1956 which meet the requirements of the previous Acts would be eligible for retroactive grants. $2,750,000,000 is authorized for this purpose.

(10) Provides for user charges to assure that recipients of waste treatment services will pay their share of the cost of constructing, operating, and maintaining waste treatment facilities. The portion of the Federal grants for construction which is applicable to industrial user wastes will be retained by the local waste treatment works management agency to provide for its needs.

(11) Emphasizes the necessity for areawide waste treatment management and makes provisions for areawide management agencies. $450,000,000 is authorized to the Environmental Protection Agency and the Corps of Engineers to assist in carrying out this areawide waste treatment management. The Water Resources Council is directed to complete comprehensive river basin plans by January 31, 1980, and $200,000,000 is authorized to be appropriated to carry out these plans.

(12) Retains the process in existing law for establishing water quality standards for interstate waters. The bill further requires that water quality standards be established for all navigable waters.

(13) Requires point sources other than publicly owned treatment works to utilize the best practicable control technology currently available or a higher level of treatment if required to meet water quality standards.

(14) Requires those publicly owned treatment works for which grants are approved as of June 30, 1974, or which are in existence on January 1, 1976, to have effluent limitations based on secondary treatment.

(15) Because of concern about the economic and social impacts of the desirable objective of attaining the 1981 and 1985 goals, the bill requires that the National Academy of Sciences complete within two years of the enactment of this bill, a comprehensive study of the economic, social and environmental costs, impacts, and benefits. The 1981 and 1985 goals would not be implemented until the Congress has an opportunity to evaluate the report and take further action.

(16) Requires that new sources of water pollution be constructed to meet a standard that reflects the greatest degree of effluent reductions that can be achieved by the use of the best available, demonstrated control technology. If practicable, the standard would permit no discharge of pollutants. Each new plant or modification of an existing plant will be required to follow such standards unless it can be demonstrated that the economic and social and environmental costs of achieving this standard exceed the economic and social and environmental benefits.

(17) Requires the Administrator to publish a list of toxic pollutants. Six months thereafter the Administrator must publish proposed effluent limitations for the listed pollutants. This limitation when justified could prohibit any discharge of toxic material.

(18) Requires pretreatment of those effluents from industrial facilities which are discharged into publicly owned treatment works and which would interfere with the operation of the treatment process or which would not be susceptible to treatment by such works.

(19) Repeals existing enforcement procedures, including conferences and 180-day actions for violation of the water quality standards. The bill substitutes a system of enforcement based upon discharge permits and effluent limitations. Violations under the provisions of this bill could result in penalties of up to $50,000 and two years in jail.

(20) Modifies existing provisions of law dealing with oil pollution to add liability for the cleaning up of any hazardous material discharged into navigable waters. Under the bill, EPA is required to designate materials and quantities of such materials that are hazardous. To be judged hazardous, a substance must present an element of substantial danger to the public health and welfare, including danger to fish, shellfish, and beaches. The negligent discharge of any hazardous substance which cannot be cleaned up is liable to a penalty not to exceed $50,000. There is no limitation of liability for willful discharges.

(21) Requires Federal facilities to meet the same effluent limitations and water quality standards as private sources of pollution unless the facility is specifically exempted by the President. The President cannot exempt any source from new source performance standards or toxic and pretreatment standards.

(22) Requires all States to identify and classify their lakes according to eutrophic conditions and to establish procedures and to carry out methods to control and restore polluted lakes. $300,000,000 is authorized for this program.

(23) Adds new provisions for thermal discharges. The bill provides for continuing comprehensive studies of the effects and methods of control of thermal discharges which shall consider costs, benefits, environmental impacts, and methods to minimize adverse effects and maximize the beneficial effects of thermal discharges. The results of these studies shall be reported within one year. The Administrator is required to issue proposed regulations for control of thermal discharges within one year after enactment of the Act. Permits for thermal discharges are required as a part of the national discharge permit program.

(24) Declares to be unlawful the discharge of any pollutant by any person except as specifically authorized in the bill. The bill establishes a Federal-State discharge permit program. All permits issued under this program shall be consistent with the specific requirements of the bill, including effluent limitations, national standards of performance, toxic and pretreatment standards, and ocean discharge.

(25) Provides that upon enactment of this bill, no new permits will be issued under the 1899 Refuse Act. Permits previously issued under that Act will be considered to be permits under this new program. Pending applications under the Refuse Act program would be transferred from the Corps of Engineers who are administering the 1899 Refuse Act to the Environmental Protection Agency who would be initially responsible for the administration of the new program.

(26) The Administrator shall promulgate guidelines which spell out the details of a state program which would be capable of managing the permit program. Those States which in the Administrator's judgment have programs which meet these guidelines would assume the responsibility of managing the permit program in those States. In States which fail to meet the guidelines, the Administrator will carry on the program. In the interim, while the guidelines are being promulgated, the Administrator may grant authority to those States that have an adequate program to issue permits, except that in these cases all permits proposed to be issued would be subject to the review and approval of the Administrator.

(27) The permit program includes the regulation of discharge into the navigable waters, territorial sea, the waters of the contiguous zones, and the oceans.

(28) Establishes provisions for citizen participation in enforcement of control requirements and regulations created by this bill. Anyone who has standing may initiate a civil suit against any person who is alleged to be in violation of a Federal or State effluent standard or limitation or an order with re-

spect to such a standard or limitation and may initiate a civil suit against the Administrator for failure to perform a nondiscretionary act. The bill grants standing to citizens of the area where the direct interests are affected and to groups who have been actively engaged in the administrative process and have thereby shown an interest in the area in controversy.

(29) The bill precludes the Federal government from patronizing or subsidizing polluters through its procurement practices and policies.

(30) Directs the Secretary of Commerce to make an investigation and study of the effect that the costs of undertaking abatement control programs would have on the competitive position of the United States manufacturers as compared with foreign industrial nations not having the same degree of pollution control. This study would include alternative means of equalizing any competitive cost advantage that foreign nations may have and encouraging them to implement pollution and abatement programs. $1,000,000 is authorized for the study and an initial report is due within six months from the date of the enactment of this section.

(31) Amends the Small Business Act and makes available $800 million to make loans to assist small concerns likely to suffer substantial economic injury in meeting the water pollution requirements established under the Federal Water Pollution Control Act. These loans would be for the purpose of making additions or alterations in the equipment, facilities, including the construction of treatment facilities and interceptor sewers, or methods of operation.

(32) Requires the President to investigate and report to the Congress within six months the feasibility of establishing a separate court or court system to deal with environmental matters.

(33) Requires the President to make an investigation and to report the results to the Congress within two years of all national policies and goals heretofore established by law with the purpose of determining the relationship between these possibly competing policies and goals. This evaluation should take into account the available resources of the Nation. $5,000,000 is authorized for this study.

(34) Authorizes the establishment of an Environmental Financing Authority (EFA) under the supervision of the Secretary of the Treasury for the purpose of facilitating the efforts of State and local governments to obtain funds to finance their share of the construction costs of waste treatment facilities that receive grants from the Federal government.

The bill, as reported, authorizes $24.6 billion for water pollution control.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. JONES of Alabama. I yield to the gentleman from New York for a question.

Mr. WOLFF. May I ask the distinguished gentleman if I am correct in interpreting section 312(f)(3) to mean that the "no discharge" rule is limited to "specified waters" and that the State may thus apply to the Administrator for such a rule only for a certain designated water area?

Mr. JONES of Alabama. Yes.

Mr. WOLFF. I take it, then, that this section does not intend that all of the waters of a State be subject to the "no discharge" rule but only "specified waters".

Mr. JONES of Alabama. Yes.

Mr. WOLFF. I thank the gentleman.

Mr. KLUCZYNSKI. Mr. Chairman, will the gentleman yield?

Mr. JONES of Alabama. I yield to the gentleman from Illinois, a distinguished member of the committee.

Mr. KLUCZYNSKI. I want to thank the gentleman from Alabama for yielding to me.

Mr. Chairman, I wholeheartedly support this bill, H.R. 11896.

I support this bill because it is absolutely sound in concept. It assigns the responsibilities where they can best be handled and abandons the outmoded idea that all wisdom and resolution in confronting national problems is found within a 25-mile radius of the Capitol dome.

The States must play a prominent part in making the water pollution law work. Why should we believe their conviction is any less than ours? It is at the State and local levels where all the elements included in this bill come together, and where the job of cleaning up the water must be merged with economic and social realities.

The bill calls for the orderly transfer of permit authority from the Environmental Protection Agency to the States, but only after the State program has met Federal guidelines. Even then, the EPA retains control of the permit function as it relates to effluent discharges that may affect a downstream State. It also retains the power to reclaim the entire permit authority from a State if that State wantonly fails to enforce other provisions of this law.

The bill provides construction grants that recognize the hard-pressed condition of local taxing authorities by upping the minimum Federal share from 30 to 60 percent.

It retains in the law goals for no discharge of pollutants, for the achievement of water purity sufficient to sustain fish and wildlife and permit recreation, and the application of best demonstrated technology for industry. But at the same time, it provides for the Congress to take another look and reassert or modify those goals sometime after 1974.

The bill has some innovative new features that show the tremendous depth to which the Committee on Public Works has explored this subject.

What good is a public sewage treatment facility if there is not available money to provide the collector network that carries untreated sewage to the plant? This bill provides money for collector sewers.

What relationship should a plant or factory have to a public treatment facility? The obvious answer is a compatible, efficient one that distributes costs fairly and equitably. This bill does that, by requiring industry to pay user charges when it dumps into a public facility, and by requiring pretreatment of all refuse where necessary.

There is heavy emphasis in this bill on improving the overall body of knowledge about sewage treatment, disposal of sludge, and systematically attacking some of our major, most obvious problems. The States are required to explore alternative systems and to put their dollars where the end objective of no pollution is best served.

This is a fine bill, a credit to the committee that created it, to the House of Representatives, and to the great goal of cleaning up our rivers and lakes and keeping them that way.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. JONES of Alabama. I yield to the gentleman from New Jersey, a member of the Public Works Committee.

Mr. HOWARD. I thank the gentleman for yielding. I wish to commend him for his remarks and commend him for the leadership which he has shown in the creation of this legislation.

Mr. Chairman, the Committee on Public Works is to be commended for the leadership it has demonstrated in bringing this bill before the House of Representatives. It is a truly monumental piece of legislation, providing an orderly and systematic way of dealing with the insidious problem of water pollution.

There is a great deal of concern about the quality of our natural environment. Newspapers and periodicals are full of details about serious health problems related to air and water pollution. Books examining the fragile makeup of our ecosystem make the best seller list.

Hitherto obscure organizations such as the Club of Rome leap into front-page prominence as they question the ability of man to survive in the world he has created.

The United States plans a conference on the human environment for Stockholm this summer, and the Soviet Union announced a billion-dollar program to clean up the waters of that vast nation.

The net result of all this publicity is often dismay and disillusionment. The citizen is bewildered and confused, for the task seems so momentous, the many variables so uncontrollable. What can we do? How do we start?

The basic need is for leadership—aggressive, enlightened leadership—that focuses public opinion on the problem and directs the way our resources are to be applied to effect orderly progress and, ultimately, solutions.

We have here a bill that represents that kind of leadership. It charts a course and calls upon us all—the States, the Federal Government, industry—to do our share. It commits Federal funds at a level that is consistent with the cleanup problem as best we now see it. It represents a bold stroke of leadership and commitment and wisdom at a time when these qualities are vitally needed.

This is not a time for Cassandra-like debate and delay; it is a time for action This bill is vehicle for action.

Mr. Chairman, as we begin today to consider H.R. 11896, the omnibus Water Pollution Control Act Amendments of 1972, I would like to make a few observations on how much this legislation will mean to the people of my home State of New Jersey.

We on the Public Works Committee have held hundreds of hours of meetings over many months in a sincere effort to report out the best possible legislation to meet the needs of our Nation for clean waters in the coming years. I believe the result of our efforts shows the value of these many hours of meetings.

The most important difference, I believe, between this bill and the Senate version of the water pollution bill, is that this one provides grant authority based on actual need, rather than on a simple matter of population. As a result of this survey on actual needs, my home State of New Jersey will be eligible for more than $1 billion in new Federal grants, as well as additional money to reimburse communities which have moved ahead with water quality projects, despite the fact that they had to pay for all of it themselves. The House bill recognizes that the Federal Government has a responsibility to those cities and towns across the country which went ahead with costly pollution projects without waiting for the enactment of this legislation.

All this is in sharp contrast to the water pollution control bill which has already passed the Senate and allows but $243 million for New Jersey in the area of new Federal grants.

Water pollution is a critical problem throughout the United States, but we at the New Jersey shore area are more acutely aware of the problem because we are such a natural vacation and recreation area.

Because of recent shifts in population, cities and towns in New Jersey are literally desperate for assistance in their efforts to preserve the quality of their water, and to repair the damage which has already been done.

I am confident that the House will recognize the value of this bill and will pass this legislation.

Mr. HARSHA. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. GROVER).

Mr. GROVER. Mr. Chairman, I want to extend my congratulations and good wishes to the great chairman, Mr. BLATNIK, and to our ranking member, Mr. HARSHA, for the leadership they provided this committee in probaby one of the toughest legislative jobs I have seen in the 10 years I have been in the Congress. And the reference to the work of our outstanding staff's 10,000 man-hours should be "superman" hours.

I would like to address my remarks specifically to title II of this bill. Title II has seven or eight major points and very constructive changes from existing law.

First. Members will note we increase the Federal portion of the cost of waste treatment municipal facilities.

Second. We have authorized what may result in a controversy from a reading of the bill, a new concept in funding with contract authority.

Third. We have set certain conditions for grants which I think Members will find quite reasonable.

Fourth. Then we have substituted for a population or per capita grant test a needs test for the municipal grants.

Fifth. We have incorporated into this legislation, at the urging of many Members and the urging of the New York delegation, reimbursement provisions for the first time.

Sixth. We find also a large rise in the needed funding levels for the construction of these waste treatment plants.

Seventh. We have provided for the establishment of areawide waste treatment agencies.

Eighth. We are continuing the regional and river basin water quality plans through the Water Resources Council.

Section 207 of the bill before us authorizes approximately $18 billion for fiscal years 1973 through 1975. This level of funding was deemed appropriate in view of the magnitude of the problem we are tackling.

It is true that the administration originally proposed a $6 million construction grant program. After careful scrutiny, the Committee on Public Works determined that this amount was inadequate. We found this to be the case for the following reasons:

First. By our reckoning, the administration and Senate estimates of the job which had to be done were pegged at an unduly low figure, one which did not take into account inflation which had already taken place and which was likely to take place over the period covered by the program.

Second. The administration recommendations were based upon the present cost-sharing arrangements for waste treatment works under which the Federal Government would contribute a maximum of 55 percent to the cost of completing a project, rather than 75 percent as is provided in the House bill. In other words, H.R. 11896 raises the cost-sharing percentage to a base figure of 60 percent, and, if the States participate fully, adds an additional 15-percent bonus.

Third. Neither the administration nor the Senate bill addressed itself to the problem of lateral sewer systems, which, I am informed, could amount to a substantial part of the total program up to 55 percent of the cost. In other words, the water pollution program that we are considering was originally conceived to upgrade treatment facilities only. There was no provision for putting pipes in the ground—a very expensive undertaking.

What the foregoing means is this: If the approach of this bill is enacted into law, we will be committing ourselves to a vast increase in funding over what was contemplated by either the administration or the other body in its deliberations. Consequently, a substantial increase in funding is clearly justified. The authorization provided in H.R. 11896 is one carefully calculated to meet the needs of the problems we seek to address. Personally, I deplore the fact that the bill before us speaks in terms of abating pollution and the technicalities involved in achieving it. We do not talk about the burden—the very substantial burden—we are imposing on American taxpayers. If we force a program on the people which is inadequately funded, we will not be doing right by those who will be forced to shoulder the burden of this program.

I know in my own district there are retired homeowners on retirement income who are looking forward to a $500 plumbing bill to hook up and perhaps a $200 to a $300 bill in annual user fees, perhaps $5 a week to replace a system costing $20 in 10 years. That amount will be taken out of the income which is to provide bread on the table. If we were to use the Senate bill without the laterals in the State, the burden on the homeowners would be intolerable. I think it is in their interest if we will look forward, and if we are looking forward, we had better be prepared to fund the bill.

To be sure, there will be an inflationary impact on the construction industry if we authorize the program under consideration. It will no doubt have to expand rapidly to do the job demanded of it. In the process, construction costs will likely rise. But the choice is between extending out the program so that the industry can expand at a more modest rate, or increasing funding so that new contractors, capable of performing the tasks required of them, can be attracted to the pollution abatement business.

The $18 billion provided in this bill is a realistic figure of the funding that will be needed to get the job done. If the Congress provides less, we will be deluding ourselves and the American people.

CONTRACT AUTHORITY, SECTION 203

One of the problems which is frequently encountered in administering any large Federal program of long duration, such as the one we are discussing here today, is the problem of generating and maintaining momentum. Where each project takes years to complete, and especially where, as in the water pollution program, each element in the construction process is considered as a separate project the normal appropriations process can be a hindrance, rather than a help. Funding interruptions and delays can unduly stretch out projects, causing vast increases in costs.

I am thoroughly sympathetic with the safeguards provided by the budgetary appropriations process. But I do not see how we can possibly carry out the mandate of this act in a timely manner unless we authorize States and municipalities to formulate their treatment works programs with the understanding that once plans, specifications, and estimates have been approved by the Administrator of the Environmental Protection Agency, that construction will then proceed from start to finish in an orderly and continuing fashion.

I am talking about a real and present danger. In 1972, for example, we had what I would describe as a hyphenated period between the authorization and appropriations for continuing the water quality control program. The net result was that jurisdictions held back. In New York, for example, moratoriums were placed on most major projects. If we are serious about this program, we cannot afford repetitions of such starts and stops.

We, on the Committee on Public Works, are familiar with what can happen when the appropriation process does not keep pace with authorizations. We have recently considered and approved a bill, H.R. 10488, which would authorize the lease-purchase construction of 63 much needed Government buildings. All of these projects were previously authorized by the committee, but, because funds were not available, they were not built. The result has been twofold. On the one hand, there has been a pressing lack of space to house governmental employees and functions, and, on the other, due to delays in construction, inflation has taken a heavy toll, vastly increasing construction costs on these much needed projects.

Consider the Interstate Highway System. The contract authority approach is an integral part of that program. Through its use, we have been able, in less than a quarter of a century, to build the finest system of superroads in the history of the world. It may well be that contract authority is the only way that vast governmental programs can be expeditiously carried through to completion.

In the field of water pollution, contract authority will enable the Administrator of EPA to commit the Government to a continuing pollution abatement program. It will enable us to maintain the momentum of this high priority program through completion.

If we are really serious about cleaning up the Nation's waters in a timely fashion at the least possible cost, contract authority is an absolute "must," in my estimation.

I should like to say something about user charges, section 204(b).

User charges are an integral part of a self-sustaining water pollution program. Accordingly, H.R. 11896 provides for a system of user charges under which each recipient of waste treatment services will be required to pay a reasonable share of the cost of operation, maintenance, and expansion of the treatment facility which processes their wastes. Section 204 (b)(1) makes clear that user charges includes replacement costs for the facility.

Naturally, it is essential that any charges assessed on any category of user be fair and equitable. Setting them will be no easy task. Although the Administrator will promulgate general criteria, local conditions may justify variations of approach and charge. Again, I would like to stress the aim in making user charges is to enable each local system to achieve self-sufficiency. If we can do that, this will be a one-shot program with future needs being taken care of by revenues generated by user charge revenues received.

One last comment on reimbursement.

Reimbursement in section 206 is a key feature of title II. Under its terms, those jurisdictions and agencies, which undertook construction of publicly owned treatment works, where the full Federal contribution under prior laws was available, are entitled to receive such funds. In other words, the eligibility for reimbursement will be available only for those States and localities which committed their own funds to prefinance portions of the Federal share of eligible costs for the construction of waste treatment facilities. My own State of New York is probably the leading jurisdiction where the reimbursement provisions apply. But no jurisdiction should be penalized for its efforts to do what Federal law requires even though adequate funds to pay the Federal share are not available.

Under section 206, projects initiated between 1956 and 1966 will be eligible for reimbursement where construction was initiated on an eligible project approved by a State Water Pollution Control Agency meeting the requirements of the Federal Water Pollution Control Act then in effect. Payments for such projects shall amount to 30 percent of the cost, less any amounts in Federal assistance already received under section 8 of the old law. Seven hundred and fifty million dollars is provided for this purpose—a sum which is adequate to meet the demands.

Projects initiated after June 30, 1966, but before June 30, 1971, are eligible for retroactive assistance if they were projects approved by the State Water Pollution Control Agency, and the application for Federal assistance was made prior to initiation of construction. Two billion dollars is provided for payment of reimbursements of this category.

Again, I stress that equity demands and common sense requires that the Federal Government meet its obligations under the prior law. Inclusion of section 206 in this bill will assure that the Federal Government does.

That concludes my comments, Mr. Chairman.

Mr. MIZELL. Will the gentleman yield?

Mr. GROVER. I am glad to yield to the gentleman.

Mr. MIZELL. I thank the gentleman for yielding and compliment him on his very excellent statement.

Mr. Chairman, I rise at this time to offer my enthusiastic endorsement of the water pollution control bill now under consideration.

I am pleased to serve as a sponsor of this legislation, the most comprehensive and far-reaching water pollution bill we have ever drafted, and yet the most responsible and the fairest we could devise.

The Committee on Public Works, of which I am a member, held exhaustive hearings over a period of several months to determine the most intelligent and most urgently needed goals for water pollution abatement in this country, and also to determine the best methods of reaching those goals.

One of the major provisions of this bill is the declaration of a national goal that the discharge of pollutants into the waters of the United States shall be eliminated by 1985.

The bill also calls for the achievement by 1981 of water quality at a standard which provides for the protection of fish and wildlife and provides for safe human recreation on the water.

In addition, the bill:

Establishes a national policy of prohibiting the discharge of toxic pollutants in dangerous amounts, with enforcement provided through strong effluent limitation standards and permit programs;

Provides an $18 billion, 3-year authorization for construction of municipal waste treatment facilities, and provides for certain retroactive payments to communities which undertook similar projects in the past with little or no Federal assistance;

Increases research and development efforts, providing $135 million for such programs, to be conducted with the participation of the Environmental Protection Agency;

Authorizes $800 million for assistance to small businesses to help them meet pollution abatement requirements of this act;

Establishes strict and severe penalties for violators, including a maximum civil penalty of $10,000 per day, and, in the case of willful or negligent violations, a criminal penalty of $2,500 to $25,000 per day and/or 1 year imprisonment;

Eliminates a great deal of redtape in the administration of water pollution control programs, a major improvement.

Two other provisions merit special attention. One is the prominent role to be played in water pollution control efforts by the States, and the other is a section of the bill related to regulation and limitation of "low-flow augmentation" or "pollution dilution," a matter of great concern to the people of my district.

Under this act, individual States have the responsibility of developing their own comprehensive water pollution control plans and then implementing those plans.

The bill also specifies that States may establish more stringent emission standards than those required by Federal law, and provides that interstate water quality standards established by a State and not inconsistent with pre-existing Federal standards shall remain in effect.

These provisions for extensive participation by State governments in water pollution control programs are good ones, and it is important that we have them. For obvious reasons, State governments are much more familiar with their own waterways than the Federal Government can be, and the States can thus be expected to formulate the most sensible and effective guidelines for their own jurisdictions.

Beyond this, Washington cannot provide all the manpower, or all the answers, or all the funds required to see our ambitious goals achieved, and the Federal Government should not be called upon to do so.

Fighting pollution is everyone's concern and everyone's business. The great financial burdens this effort entails reflect only one reason why this is so, but beyond mere funding capability, this effort must have a true national commitment to success before it can even get off the ground.

Ths commitment involves not just the Federal Government, but the States, local governments, private industry, and millions of individual citizens. Planning in advance to share that commitment on a broad base is a necessary measure and a valuable asset to this legislation.

The second provision of special note is an amendment I introduced to set limitations on the amount of water storage to be used in "flushing" pollution, rather than treating it at the source.

This theory of "pollution dilution" is of particular concern to the people of North Carolina's Fifth Congressional District, which I represent, since many thousands of acres in that district now stand in danger of flooding for just this purpose.

As most of my colleagues know, this

is one of the major points of controversy in the Blue Ridge power project case, which I have been working on for some months.

It was with this case in mind that I first introduced this amendment, and the Public Works Committee included it in this comprehensive bill some time ago.

My amendment also provides that the Administrator of the Environmental Protection Agency must specifically call for such water storage for pollution abatement before such a plan can be implemented. Under existing law, that responsibility rests with the Federal Power Commission, with the EPA in only an advisory role.

I believe the amendment I introduced may well change the complexion of the Blue Ridge project as it is currently proposed.

In much the same way, the entire bill we are considering today can change the complexion of this Nation's waterways, making them safer, more attractive, and thus contributing greatly to an improvement in the overall quality of life we all shall enjoy.

I look forward to the final passage of this legislation, and I urge my colleagues to join me in seeking that passage today.

Mr. JONES of Alabama. Mr. Chairman, I now yield such time as she may consume to the gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. Thank you, Mr. JONES.

Mr. Chairman, I am pleased to have the opportunity to speak on behalf of the Committee on Public Works on two of the most important provisions of H.R. 11896, the Water Pollution Control Act Amendments of 1972. These provisions, which were referred to by Mr. GROVER, my colleague on the committee from the State of New York, relate to user charges and to reimbursement to States and localities for projects instituted prior to July 1, 1971.

I want to compliment the chairman of my committee (Mr. BLATNIK) and the acting chairman (Mr. JONES) for their great efforts made in creating the bill which is now before us.

I have some divergent views on the bill which I will be discussing later on, and I hope that out of this will come a major effort to clean up the waters of this Nation to which we can all subscribe.

Section 204 of the bill sets forth the limitations and conditions which must be observed by State and municipal authorities receiving construction grants. Some of these are continued from existing law; one major new condition that the committee has recommended relates to the establishment of user charges.

Subsection (b) of section 204 provides that the Administrator shall not after June 30, 1973, approve any grant for publicly owned treatment works unless the applicant adopted or will adopt a system of user charges to assure that each recipient of waste treatment services within the applicant's jurisdiction will pay its proportionate share of the cost of operation, maintenance—including replacement—and expansion costs.

Your committee believes that successful operation of treatment works which are publicly owned requires that a system of user charges be established. Differing circumstances in specific local areas may, in a few cases, call for especially designed systems; accordingly, the committee has proposed that the Environmental Protection Agency promulgate general criteria allowing for variations to meet special local conditions. The bill makes clear that foremost among the standards which are to guide EPA in establishing these criteria is the objective that each local system be financially self-sufficient.

The bill also provides that industrial users of facilities constructed with Federal grants pay charges sufficient to cover their proportionate share of capital construction costs provided from Federal sources. The committee feels that it is inappropriate to subsidize industrial users from funds provided by the taxpayers at large.

Under the bill, industrial dischargers will be encouraged to discharge into publicly owned facilities, rather than constructing their own treatment plants. In the calculation of user charges covering capital construction costs, the cost of interest on the construction money is not included. This has the effect of reducing substantially the total cost to be recovered. Each municipality will have a discharge permit for its own plant; industrial dischargers using such plants will thus be spared the necessity of seeking their own permits, as all that they will have to do is to comply with pretreatment requirements. Finally, the economies of scale will tend to make it far more economical for industries to use publicly owned plants wherever possible.

There is also a substantial advantage to municipalities in the use of their plants by industries. Under the bill, revenues resulting from industrial user charges would remain with the local system, where they would be used "solely for the operation, maintenance, expansion, and construction" of treatment works.

The committee believes most strongly that there should be no rebates or other special treatment for industries paying user charges. The user charge revenues should be used for: First, construction, maintenance, operation, repair, and replacement of sewage systems and payment of interest on indebtedness; second, monitoring programs relating to effluents coming into and going out of the treatment facility; third, water pollution control and abatement planning, including development of the interrelated control programs relating to water, gaseous and solid wastes; fourth, establishment, operation and maintenance of central storage facilities; fifth, provision of multi-use community facilities within waste treatment facilities; and sixth, agency personnel training programs. Two examples of items which the committee feels should not be financed by such revenues are: First, facilities for the pretreatment and monitoring of industrial waste in order to meet the agency's reserve system requirements; and second, reductions in user charges for specific categories of users.

The system of user charges provided for in this bill is a fair and equitable one to both industry and the public, and it should be a strong backbone of the local financing process with regard to treatment facilities.

Mr. GROVER mentioned the reimbursement provisions in his discussion of title II. There are 28 States, including my own State of New York, that have in recent years proceeded vigorously on water pollution abatement programs for which Federal assistance was authorized by law, but for which adequate funds were never appropriated. In part, these progressive jurisdictions have acted in this commendable manner because they had a reasonable expectation that the Federal Government would eventually come up with its proper share of the funding.

Section 206 of the bill before you provides the authority and establishes the conditions for reimbursing States and localities for funds used or committed for construction of any publicly owned treatment works for which the full Federal contribution has not been received.

By virtue of the commitments made by these States and localities, the cleanup of our Nation's precious waters has been expedited, and it is a matter of equity that the Federal Government provide sufficient and timely reimbursement to them.

Projects initiated between 1956 and 1966 which were eligible for Federal aid when constructed, approved in advance by State antipollution authorities, and in compliance with existing Federal law will be eligible to receive reimbursement for up to 30 percent of their cost. An authorization of $750 million is provided to meet these costs. Projects initiated between June 30, 1966 and June 30, 1971, will be eligible for Federal assistance covering funds used or committed for them prior to July 1, 1974, if they meet the conditions noted above and their sponsors make timely application to EPA for Federal aid. The authorization for this portion of the reimbursement provision is $2 billion.

The committee wishes to note that the word "construction," as it appears in section 206, is defined in subsection 1 of section 212, as—

> * * * any one or more of the following: preliminary planning to determine the feasibility of treatment works, engineering, architectural, legal, fiscal, or economic investigations or studies, surveys, designs, plans, working drawings, specifications, procedures, or other necessary actions, erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works, or the inspection or supervision of any of the foregoing items.

Under this rather broad definition, projects on which prefinancing commitments were made prior to June 30, 1971—and such projects exist in over 30 States—will be eligible for reimbursement under section 206, notwithstanding the fact that the letting of contracts for construction may have occurred after the June 30, 1971, date.

The committee wishes to point this out because there appears to have been some confusion on the part of EPA as to the meaning of the word "construction" as it was defined under the Clean Water Restoration Act of 1966.

Subsection (d) of section 206 provides that public agencies may proceed with projects during a fiscal year after a State's allotment has been fully obligated, if the cost of such projects is expected to be covered by the State's allotment for subsequent fiscal years.

Section 206, which relates to reimbursement and prefinancing, must be read in tandem with section 202, which contains the basic provisions relating to construction grants. These sections are somewhat complex, and I wish to take a moment to illustrate by example just how they work:

Treatment works "A" was put into construction prior to July 1, 1971. It meets the requirements of the Act as it then existed. Prior to construction, an application for Federal assistance was made. Under section 206(a), State and local funds used or committed prior to July 1, 1973 qualify for Federal reimbursement solely out of the 206(c) authorization up to the maximum extent allowable for such project under the Act as it then existed.

Treatment works "B" was put into construction prior to July 1, 1971. It meets the requirements of the Act as they will be after the enactment of this legislation. No Federal approval had been sought prior to the enactment of this legislation. Under section 202, this project is eligible for Federal grants of up to 75% of the costs of completing the project incurred after July 1, 1971. Had approval been sought, the project would also be eligible for reimbursement under 206(a).

Treatment works "C" was put into construction prior to July 1, 1971. It meets the requirements of the Act as it then existed. Prior to construction, the Administrator approved the project in the same manner as other treatment works projects. Under section 206(d), a State allotment may be used to recover up to 75% of the project cost.

Treatment works "D" was put into construction prior to July 1, 1971. Prior to the enactment of this legislation, a 5 percent Federal grant was approved. The project meets the requirements of the Act as it then existed. Fiscal year 1972 funds allotted to the state other than for reimbursement were used or committed to the project. Under section 202, the federal grant will, on request of the applicant, automatically be increased to either the 60 percent or 75 percent federal share, whichever is applicable.

Treatment works "E" was put into construction prior to July 1, 1971. The project was approved by the Administrator prior to the enactment of this legislation, and it meets the requirements of the Act as it then read. The project is entitled to grants of either 60 percent or 75 percent for contracts awarded on or after July 1, 1971, out of funds authorized for fiscal year 1972 and later, and it need not requalify under the new standards.

Treatment works "F" was put into construction after July 1, 1971, but before the effective date of this act. It meets the requirements of the Act as it then read. It does not qualify for reimbursement under section 206(a). Had the project been approved by the Administrator in the same manner as other treatment works projects, it would be eligible for up to 75 percent reimbursement under section 206(d). If, pursuant to a Federal grant, fiscal year 1972 funds are used for or committed to the project other than for reimbursement, the federal grant will be brought up to the applicable 60 percent or 75 percent Federal share on the request of the applicant. The project is entitled to the applicable 60 percent or 75 percent grant out of funds for fiscal years 1972 and later without the need to requalify under the new standards.

Treatment works "G" was approved prior to the effective date of this legislation but will not be put into construction until after the effective date. It is eligible for up to 75 percent reimbursement under section 206(d). It is entitled to the applicable 60 percent or 75 percent grant out of funds for fiscal years 1972 and later without the need to requalify under the new standards.

The provisions of section 206 are a matter of simple justice and will constitute, when the funds for them are appropriated, the fulfillment of a strong commitment by the Federal Government. In addition, they will serve notice that progressive administration on the part of State and local governments will not go unrewarded.

Mr. HARSHA. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Chairman and members of the committee, at the outset I would like to join others in paying my compliments to the members of the committee for the extraordinary effort that they have made over the last 7 to 8 months of deliberations in order to bring this bill before the committee in, what I think is the most comprehensive and undoubtedly the most complex legislative proposal in the field of water quality control that I have observed in the 10 years that I have seved in the Congress.

In particular I want to single out the gentleman from Alabama (Mr. JONES) and the gentleman from Ohio (Mr. HARSHA) who have carried the brunt of the effort on behalf of the committee.

I also point out the fact that there was a bipartisan effort to bring some sort of sanity out of the legislative proposals that were advanced through the other body I believe without the required amount of hearings to determine exactly what the cost would be if that particular piece of legislation was enacted into law. Because of this it became the duty of the committee to develop a record of the costs to implement that particular version, and then to come forth with program recommendations that the committee believed were more realistic and obtainable.

Mr. Chairman, I want to take this opportunity to detail again my longstanding support for strong, comprehensive, and realistic programs to enhance the quality of the Nation's rivers, lakes, and coastal waters.

Further, I yield to no one in my deep-seated commitment to a restoration and maintenance of the highest water quality in order to improve recreational, esthetic, fish and wildlife, and other water-related values.

I have served in the Congress and on the Public Works Committee since 1963. We are not "Johnny-come-latelys" to the question of water pollution control. During the past 10 years we have gained the experience and the expertise in this field to develop the kind of legislation that will deal effectively and efficiently with water quality problems.

The stated goal of H.R. 11896 is to establish a national goal of no discharge of pollutants into the Nation's waters by 1985. By approving the measure reported by the House Public Works Committee we will be making a congressional commitment to all Americans that we will back up the fight for clean water by providing the necessary financial, enforcement, and technological assistance that will be required to achieve our goal.

The complexity of water pollution problems is such that any attempt to solve it is bound to have substantial and far-reaching repercussions.

To avoid harmful effects in other areas, it is vital that the water pollution control effort be a comprehensive program based upon a clear understanding of all ramifications.

Our committee, recognizing this, attempted to answer some of the many questions that have been raised but there is very little data available. The bill we approved, then, is based on the twin goals of cleaning up our Nation's water resources and gaining the requisite knowledge to improve water quality in a way that will be most beneficial to our society.

Let me raise some of the issues that we must face before giving our approval to any program for water quality enhancement.

I would like to point out as succinctly and as directly as I can that no one now knows whether or not we can meet the 1985 goal of no discharge. No one knows whether or not we can obtain the tremendous financial resources that will be required. No one knows if our scientists will be able to develop the very advanced technology that will be required.

The second point that must be made is that no one yet knows whether or not we should establish the 1985 goal of no discharge. There is a social dimension to this point in that we must be concerned with issues such as loss of jobs or too rapid redistribution of jobs, and we have no information on this issue.

Some Members of this body heard the testimony of some of the members of a local union from Holyoke, Mass. This gentleman, speaking extemporaneously and from the heart, expressed genuine concern over the impact of the Senate version and what would happen to their jobs. What would they do? And, what would it do to the unemployment compensation requirements in that area?

There is an economic dimension to this point as well in that, as Dr. Paul McCracken expressed it during our hearings,

> If you spend your money for this, you will not have it for that.

This was stated by the gentleman from Ohio (Mr. HARSHA) when he noted the comparison between what we establish in the way of new priorities, and where do we take it from in some other program?

Let us examine some of the questions that arise with regard to the establishment of a national goal of zero discharge.

First, the inescapable question is cost. During our hearings, Governor Rockefeller of New York testified that—

> For New York State the cost of eliminating all discharges into any navigable waters would be $230 billion.

I repeat, $239 billion for one State alone.

I might state, parenthetically, that Governor Rockefeller, I believe, is recognized by most of the people in the country as having been among the leading Governors to advance water quality control legislation in his State.

Mr. GROVER. Mr. Chairman, will the gentleman yield?

Mr. DON H. CLAUSEN. I am happy to yield to the gentleman.

Mr. GROVER. He did try to fix a dollar figure, as the gentleman stated, but he also stated that the solid waste disposal area required for what would be left, the dry waste, would be an area, if the gentleman from New Jersey will excuse my repeating it, about the size of the three northern counties of New Jersey.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. DON H. CLAUSEN. I yield to the gentleman from New Jersey.

Mr. ROE. In the spirit of the greatest cooperation on this side of the aisle, the great sovereign State of New Jersey will assure Mr. Rockefeller that its solid waste will not be deposited in the State of New Jersey.

Mr. GROVER. In addition to that, the gentleman will recall it was also stated that if the Muskie bill, the Senate version of this bill, were adopted, it would require a retaining area of liquid waste about the size of Long Island Sound, which is 15 miles across and roughly 100 miles long.

Mr. DON H. CLAUSEN. This, of course, is what we made reference to with regard to the total impact of the Senate version.

Governor Rockefeller projected his figures out to the national scene where he said the cost of a strict interpretation of this bill—and he was then referring to Senate bill, S. 2770—would be between $2 and $3 trillion.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. DON H. CLAUSEN. I yield to the gentleman from Ohio.

Mr. HARSHA. Does that cost include only the cost for the construction of publicly owned facilities or does it also include industrial treatment facilities?

Mr. DON H. CLAUSEN. It is my understanding that it is only the municipal facilities, and I am not sure that it would actually include, for instance, some of the storm sewers, as well as the lateral and collector requirements in a system.

Governor Rockefeller gave his testimony last December and to date no one has come up with any fact that would dispute his conclusion.

The second question, obviously, is who is going to pay for achieving the zero discharge goal. The solution I hear frequently is, "Let the polluters pay." Well, one of the worst polluters happens to be municipal sewer systems. Our cities are in difficult financial situations right now. Either they will have to substantially raise their tax rates or the Federal Government will have to raise its rates in order to return a portion to the cities. In any event, it is the taxpayers who must pay—and this is middle-income taxpayer—if I know the history of the past.

There are others who say that industry creates most of our pollution problems and should be required to pay the cleanup costs. Industry, of course, will have to pay a substantial portion of the costs but, in order to stay in business, any firm is going to have to pass its costs on to the consumer—and again that will be Mr. and Mrs. Middle America who will be paying the price.

Since we know that the taxpayer and the consumer is the same person, we know who will have to pay the costs of water pollution cleanup, although there are many who forget this key point.

The third question that arises is the question of appropriate enforcement and administrative practices. In establishing a sliding scale of increasingly stringent goals that are only defined in the most abstract sense, what effect will we have on those trying to comply with the law?

Mrs. Donald E. Clusen, the knowledgeable and articulate chairman of environmental program for the League of Women Voters has said:

> While we support effluent limitations and the "goal of no discharge," the interpretation of "best practicable" and "best available" control technology raises some difficult questions.

For example, suppose that in 1981 a company installs the best available pollution control technology on its plant. Suppose further that in 1982 a new system is developed. Does the plant have to scrap its brandnew control system for the even newer one? What about the question of the amortization of these installations, if there is no predictability as to the length of time they may be utilized?

A further important question that arises in the consideration of water pollution control legislation is the matter of shared jurisdiction in the effort to clean up our water.

It is interesting to note that the comments of both the gentleman from Alabama (Mr. JONES) and the gentleman from Ohio (Mr. HARSHA) tend to coincide with that taken by the League of Women Voters as expressed by Mrs. Clusen in her continuing and helpful testimony before the Public Works Committee in past years.

I refer specifically to our expansion of the involvement of State and local governmental officials in the field of water quality improvement. It is a role that must be retained and upgraded if we are to expect to implement a successful water quality program throughout the entire federal system.

Mrs. Clusen made the following statement to our committee:

> The League believes that both the federal and state governments should be given strong powers to set and enforce water pollution control requirements. To have a successful program, each must be able to bridge the gap when the other falls down on the job. As a general principle, we think that state governments are in the best position to establish requirements for meeting pollution abatement goals since they know the local conditions. However, we know from past experience that states do not always live up to their responsibility for firm control. When states are confronted by competition for industrial locations, water quality so often is the real loser. Many Leagues have been involved in establishing state discharge permit systems. Some are good while others lack for forcefulness necessary to abate pollution. In these latter cases, the federal government must have authority to impose stricter requirements.
>
> On the other hand, there are occasions when federal standards do not meet local desires for water quality. League members oppose federal pre-emption of responsibilities. Our members are agreed that local and state governments should be able to set and force higher environmental standards where they so desire. We ask this Committee to make sure that your final bill in no way diminishes the right of states and localities to adopt stricter requirements than called for by federal legislation.

We believe that sec. 510 is directed toward this objective.

A final, and vitally important question, is the matter of whether an inordinate amount of attention to the problem of water quality might not result in severe pollution of air or land resources.

During our hearings on this measure, Russell Train, Chairman of the Council on Environmental Quality, pointed out that:

> Since wastes will not simply disappear and must be disposed of or recycled in some way, a no-discharge requirement presupposes that it is uniformly preferable to dispose of all waterborne wastes on the soil or in the air rather than in the water except where some type of reuse is possible.

He continued:

> I am aware of no evidence that land can be regarded as the best or even a viable solution for all or most waste disposal requirements. There are practical limits on land availability; there is the potential for contamination of soil and ground waters by heavy metals and other materials.

Mr. Chairman, Mr. HARSHA, the ranking minority member of the Committee on Public Works has given an excellent statement where he reviewed the achievements of the committee in obtaining the desired balance on this legislation. It would be difficult for me or anyone to improve upon his most excellent statement. Therefore, I shall take but a few minutes discussing some of the policies and standards aspects of H.R. 11896.

This bill would create national goals for 1981 and 1985. The interim goal in 1981, wherever attainable, is to provide for the protection and propagation of fish, shellfish, and wildlife, as well as recreation, including swimming. It is a national goal that the discharge of pollutants into the navigable waters be eliminated by 1985. Mr. HARSHA most ably expressed the fact that these were national goals and not policies.

The committee attempted to clearly define not only our intent but the intent of the other body as expressed by the legislative history. As the chairman of the Air and Water Pollution Subcommittee of the other body said in the floor debate, it would be for Congress to decide whether achieving no discharges by 1985 is within the ability of the American people to absorb the cost. This is also the intent of our bill.

H.R. 11896 makes it a national policy that the discharge of toxic pollutants in toxic amounts be prohibited, that Federal financial assistance be provided to construct publicly owned treatment works, that areawide waste treatment management be developed and implemented and that a major research and demonstration effort be made to develop technology necessary to eliminate the discharge of pollutants.

In carrying out these goals and policies, H.R. 11896 would recognize the necessity for establishing a primary responsibility and right of the States to prevent and abate pollution.

Title III which contains the provisions for effluent limitations and standards start off with the clear statement that any discharge of a pollutant not in compliance with effluent limitations, water quality standards, new source performance standards, toxic effluent standards, or a discharge permit shall be unlawful. Thus, we start off with the basic premise that a discharge of pollutants without a permit is unlawful and that discharges not in compliance with the limitations and conditions for a permit are unlawful.

Section 301(b) requires that no later than January 1, 1976, all point sources other than publicly owned treatment works must achieve effluent limitations which require the application of the "best practicable control technology currently available." In the case of a discharge into a publicly owned treatment works, pretreatment and other requirements under section 307 must be met.

Publicly owned treatment works in existence on January 1, 1976, or those approved for grants before June 30, 1974, must have effluent limitations based upon secondary treatment. This provides a technological basis for the setting of effluent limitations. By this I mean that the effluent limitations will be based upon technological capabilities and the plant and other local factors.

The term "best practicable" means that all those factors set forth in sections 304(b)(1)(B) which include age of equipment and facilities involved, the process employed—including whether batch or continuous—the engineering aspects of the application of various types of demonstrated control techniques, process changes, the cost and the economic, social, and environmental impact of achieving such effluent reductions, foreign competition, and such other factors as the Administrator deems appropriate must be considered in setting effluent limitations.

Now, and I emphasize this, such "best practicable control technology" will be required even if the quality of the receiving waters do not require the imposition of effluent limitations consistent with best practicable control technology. This is a technological standard. This is a standard that would be applied to all plants of a similar nature, regardless of location, if the applicable factors that I just enumerated were the same in each plant.

Now, I again call to your attention the fact that, as Mr. HARSHA so ably pointed out, any point source will be required to have effluent limitations which are consistent with the water quality standards and concomitant load limits for the receiving waters. Thus, if the best practicable control technology is inadequate to meet the water quality standards and load limits, a more stringent requirement would be imposed upon the given point source. The provision would be applicable to both intrastate and interstate waters. I emphasize that this is more stringent than the requirements of S. 2770 as passed by the other body.

We should note that the discharge of toxic pollutants in toxic amounts, as determined by the Administrator, would be prohibited. Thus, no permit whether issued by the State or the Administrator would be valid if it were not consistent with the requirements for toxic pollutants.

Mr. Chairman, the next section I would like to call to the attention of my colleagues is section 306. Section 306 requires that new point sources of the discharged pollutants must have effluent limitations consistent with new source performance standards. Thus, any new source or any modification of an existing source that would alter the nature or increase the amount of the discharge of pollutants, other than modifications to the water pollution control facilities themselves, would be required to have the best available demonstrated control technology, processes, operating methods, or other alternatives, which are consistent with the new source standards. This essentially is the "best available standard," and it would be a national standard applicable to all the States.

I have heard it said that H.R. 11896 would allow the industrial equivalent of legal forum shopping. This is ridiculous. If, for example, a factory in the State of Washington decided because of stringent water quality requirements in the State of Washington to move their factory to some other State, this would place the new factory under the requirements of section 306 for new sources. Thus, not only would the plant in the new location be required to meet local water quality standards but it would also have to meet new source performance standards which would be consistent with "best available demonstrated technology." You might say this would be like moving from the frying pan into the fire.

Mr. Chairman, the requirements for 1981 and 1985 and the National Academy of Sciences' study have been explained in considerable detail and I will not repeat what has been said except to urge my colleagues in the House to not forget that the requirements for the National Academy's study and the interrelationships between the policies, standards, enforcements and definitions sections of H.R. 11896, are the work product of the considerable expenditures of time by committee members, a competent and dedicated staff, and many, many experts and witnesses that have provided information to the committee.

At this time I would like to address myself to some of the comments that were made by my colleague, the gentleman from California (Mr. SMITH) who is the ranking minority member of the Committee on Rules, as it relates to the formula for the allocation of treatment works construction grant funds on the basis of actual need. I believe we should develop the legislative history on this point.

It is common knowledge that S. 2770 from the other body utilized a population formula for allotment of funds. H.R. 11896 on the other hand includes a needs formula that would severely and unfairly penalize California. It is based upon obsolete data. Because of this, there is a great deal of concern on the part of the Members from California and some of the other States as to the effect of the obsolete needs formula in H.R. 11896.

I do want to state that based upon the information I have, the reason the committee did not include an up-to-date needs formula, based upon 1972 estimates, is simply the fact that the information was not available at the time of the mark up.

However, I understand during the Rules Committee hearings a question by Mr. SMITH was directed to Mr. JONES who was presenting the bill to the Rules Committee, and he (Mr. JONES) indicated that his position and the position of the chairman of the House Public Works Committee (Mr. BLATNIK) would be to support the 1972 needs formula when we go into conference. Therefore, the Members of the California delegation should be made aware of this information.

It is my understanding that the report of a new needs study will be available to the Congress in a matter of a few days. When the study is available, it is my intent to place the new data in the RECORD. Then I intend to bring these new tables to the attention of the conferees. When this information is published it will be obvious why we had this concern.

To the best of my knowledge, the Governors' Conference has taken a position in support of the House version.

I urge your support of H.R. 11896 as reported and urge that noncommittee amendments be rejected. Because of the complexity of this bill, a well-meaning amendments can have unexpected and undesirable effects on other sections of the bill.

Mr. Chairman, I would like to conclude, by stating I am hopeful the House will stay, essentially with the House version, with a minimum amount of amendments other than those accepted by the committee.

A key element is the 2-year study and further congressional action based upon the best available information that science and scientists and technology can provide at that time. The emphasis of the future is on research and development, directed toward cleaning up the waters of America at the earliest practicable date.

Mr. Chairman, I hope Members will support the House committee.

Mr. Chairman, I yield 10 minutes or such time as he may consume to the gentleman from Texas (Mr. ROBERTS).

Mr. ROBERTS. Mr. Chairman, I rise in support of this comprehensive piece of legislation.

This is a tough piece of legislation which assigns the duty of cleaning up our waters to the Administrator of EPA, and gives him authority to do so.

He establishes guidelines to be enforced by the States and requires them to enforce those guidelines or he can assume complete control.

Mr. Chairman, I wish to compliment every member of the committee, particularly the chairman, acting chairman, and ranking member.

Mr. Chairman, title I is generally a restatement of existing law, beginning with section 102:

SEC. 102. (a) The Administrator shall, after consultation, prepare or develop comprehensive programs for cleaning up polluted water and ground water. To carry out this function, the Administrator may make joint studies on any aspect.

(b)(1) Control of flow cannot be used as a substitute for controlling waste.

(2) Need and value of storage must be determined and must be reported.

(3) Value of storage is a part of overall economic value. All project purposes must share equitably in the benefits of a multipurpose project.

(4) Costs of water quality control features incorporated in any Federal reservoir or other impoundment under the provisions of this Act shall be determined and the beneficiaries identified and if the benefits are widespread or national in scope, the costs of such features shall be nonreimbursable.

(5) FPC licensed projects shall not include storage for regulation of quality unless specifically recommended and such capacity shall not exceed such proportion of the total storage required for the water quality control plan as the drainage area of such reservoir bears to the drainage area of the river basin or basins involved in such water quality control plan.

(c)(1) Grant of 50 percent of administrative expenses of planning agency—not to exceed three years—if the agency provides for representation by all effected parties.

(2) Each agency receiving a grant shall develop a comprehensive plan which—

(A) is consistent with water quality standards;

(B) recommends such treatment works as will provide most effective and economical means of collection, storage, treatment, and elimination—use of such works should be encouraged;

(C) recommends maintenance and improvement of quality standards and adequate methods of financing;

(D) as appropriate, is developed in cooperation with, and is consistent with any comprehensive plan prepared by the WPC any areawide waste management plans developed pursuant to section 208 of this Act, and any State plan developed pursuant to section 303(e) of this Act.

(3) The term "basin" includes at minimum rivers and their tributaries, streams, coastal waters, sounds, estuaries, etc.

SEC. 103. (a) Administrator shall encourage cooperative activities between States and uniform State laws.

(b) Congress gives States authority to enter into compacts (that don't violate U.S. laws or treaties)—compacts must be approved by Congress.

SEC. 104. (a) Administrator shall establish national programs for the prevention and abatement of pollution and as part of such program shall—

(1) in cooperation with Federal, State and local agencies conduct research, surveys, et cetera, about cause and extent

(2) render technical aid to interested parties

(3) conduct public investigations and make reports

(4) establish advisory committees

(5) run water quality surveillance systems

(6) conduct research to develop tools and techniques for measuring social and economic costs and benefits

(b) To carry out the provisions of the above—(a)—Administrator can—

(1) publish results of studies and recommendations

(2) cooperate with other interested parties in the conduct of research

(3) make grants to interested parties

(4) contract with public or private agencies, institutions, organizations, and individuals without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5)

(5) establish research fellowships

(6) make available basic data on chemical, physical, and biological effects of varying water quality and other information about pollution

(7) develop devices for prevention

(c) According to subsection (a) Administrator shall research harmful effects on people caused by pollution

(d) Administrator shall develop and demonstrate

(1) Means of treating municipal sewage and waterborne wastes to remove maximum pollutants

(2) Methods to identify and measure effects of pollutants, including new ones

(3) Evaluations of augmented streamflows where other means are not available

(e) Field laboratory and research facilities are to be set up in various specified areas

(f) Administrator shall conduct research on the Great Lakes, with respect to present and future quality under various types of treatment

(g)(1) For purposes of trained personnel and increased efficiency, Administrator shall finance pilot programs.

(2) Administrator can make agreements with proper parties for forecasting the supply of, and demand for, various professional specialties.

(3) In furtherance of the purposes of this Act, Administrator is authorized to—

(A) *make grants to public or private agencies and institutions and to individuals for training projects, and provide for the conduct of training by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;*

(B) establish fellowships in EPA

(C) provide, in addition to (g)(i), training in technical matters relating to the causes, prevention and control of pollution for personnel of public agencies and others

(4) The Administrator shall submit a report to Congress by December 31, 1973, summarizing the actions taken under this subsection and the effectiveness of such actions, and setting forth records of past action and recommendations for the future—

(h) Administrator shall make contracts with, or grants to, public or private agencies and organizations and individuals for (A) the purpose of developing and demonstrating new or improved methods for the prevention, removal, and abatement of pollution in lakes including the undesirable effects of nutrients and vegetation, and (B) the construction of publicly owned research facilities for such purpose.

(i) Administrator, in cooperation with Secretary of the Department in which the Coast Guard is operating, shall—

(1) engage in research on oil removal

(2) publish results

(3) publish in Federal Register specification and technical information on chemical compounds used in controlling oil spills.

To carry out these provisions Administrator may make contracts and grants.

(j) Secretary of Department—for Coast Guard—shall engage in research concerning the equipment relative to sewage disposal on vessels, especially small recreational vessels. The results shall be reported. Contracts and grants may be made for this purpose.

(k) Administrator may acquire land for experiments and field laboratories.

(l)(1) Administrator shall—by October 3, 1972—develop and issue to the States for the purpose of carrying out this Act the latest scientific knowledge available about the effect of pesticides in water on human health and welfare.

(2) President shall conduct studies of methods to control the release of pesticides into the environment—how long do pesticides stay in the environment?

(m)(1) Administrator shall—to keep waste oil out of the environment—conduct a study of—(A) the generation of used engine, machine, cooling, and similar waste oil including quantities generated, the nature and quantity of such oil, present collecting methods and disposal practices, and alternative uses of such oil; (B) the long-term, chronic biological effects of the disposal of such waste oil; and (C) the potential market for such oils, including the economic and legal factors relating to the sale of products made from such oils, the level of subsidy, if any, needed to encourage the purchase by public and private nonprofit agencies of products of such oil, and the practicability of Federal procurement, on a priority basis, of products made from such oil. In conducting such study, the Administrator shall consult with affected industries and other persons.

(2) Results shall be reported within 18 months of the date of enactment of the FWPCA Amendments of 1972.

(n)(1) Administrator shall carry on—with cooperation—continuing comprehensive studies on the effects of pollution—including sedimentation—on fish and wildlife, water supply and water power, and on other beneficial purposes. Studies shall also consider the effect of demographic trends, the exploitation of mineral resources and fossil fuels, land and industrial development, navigation, flood and erosion control, and other uses of estuaries and estuarine zones upon the pollution of the waters therein.

(2) In conducting such studies shall do what is necessary to *complete* a full study of estuaries and estuarine zones.

(3) Administrator shall submit reports to Congress at least every three years—

(4) *"estuarine zones" means—as used here—on environmental system consisting of an estauary and those transitional areas which are consistently influenced or affected by water from an estuary such as, but not limited to, salt marshes, coastal and intertidal areas, bays, harbors, lagoons, inshore waters, and channels, and the term "estuary" means all or part of the mouth of a river or stream or other body of water having unimpaired natural connection with open sea and within which the sea water is measurably diluted with fresh water derived from land drainage.*

(o)(1) Administrator shall conduct research and investigations on devices, systems, incentives, pricing policy, and other methods of reducing the total flow of sewage.

(2) Administrator shall report preliminary results within one year after the date of enactment.

(p) Per subsection (a) of this section Administrator shall research the prevention of agricultural pollution, including the legal, economic, and other implications of the use of such methods.

(q)(1) Administrator shall conduct research and pilot project implementation into new and improved methods of eliminating pollution from sewage in rural and other areas where collection of sewage in conventional community-wide sewage collection systems is impractical, uneconomical, or otherwise infeasible, or where soil conditions or other factors preclude the use of septic tank and drainage field systems.

(2) Administrator shall research and run a pilot project to implement new and improved methods for collection and treatment of sewage and other liquid wastes combined

with the treatment and disposal of solid wastes.

(r) Administrator can make grants to colleges to conduct basic research into the structure and function of fresh water aquatic ecosystems, and to improve understanding of the ecological characteristics necessary to the maintenance of the chemical, physical, and biological integrity of fresh water aquatic ecosystems.

(s) Administrator is authorized to make grants to one or more institutions of higher education for the purpose of conducting and reporting on interdisciplinary studies on the nature of river systems, including hydrology, biology, ecology, economics, the relationship between river uses and land uses, and the effects of development within river basins on river systems and on the value of water resources and water development activities. No such grant in any fiscal year shall exceed $1,000,000.

(t) Administrator shall conduct continuing comprehensive studies of the effects and methods of control of thermal discharges—in determining alternative methods of control, Administrator shall consider: (1) relative engineering and technical feasibility, (2) relative social and economic costs and benefits, and (3) their relative impact on the environment, considering not only water quality but also air quality, land use and effective utilization and conservation of natural resources. Such studies shall consider methods of minimizing adverse effects and maximizing beneficial effects of thermal discharges. The results of these studies shall be reported by the Administrator within one year and utilized by the Administrator in proposing regulations with respect to thermal discharges under section 316 of this Act.

(u) Authorizations for appropriations:

(1) $100,000,000 per fiscal year for the fiscal year ending June 30, 1973, and the fiscal year ending June 30, 1974, for carrying out the provisions of this section other than subsections (q), (p) and (r);

(2) not to exceed $7,500,000 for fiscal year 1973 for carrying out the provisions of subsection (q) (1);

(3) not to exceed $2,500,000 for fiscal year 1973 for carrying out the provisions of subsection (q) (2);

(4) not to exceed $10,000,000 for each of the fiscal years ending June 30, 1973 and June 30, 1974, for carrying out the provisions of subsection (p), and not to exceed $15,000,000 per fiscal year for the fiscal years ending June 30, 1973, and June 30, 1974, for carrying out subsection (r).

SEC. 105. (a) Aministrator is authorized to conduct in the Environmental Protection Agency, and to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of assisting in the development of—

(1) Any project which will demonstrate a new or improved method of preventing and abating the discharge into any waters of pollutants from sewers which carry storm water or both storm water and pollutants; or

(2) Any project which will demonstrate advanced waste treatment and water purification—and to include in such grants such amounts as are necessary for the purpose of reports, plans, et cetera.

(b) The Administrator is authorized to make grants in river basins to demonstrate advanced pollution treatment and environmental enhancement techniques—*includes nonpoint sources*

(c) Administrator is authorized to conduct in the EPA, to make grants to, and to enter into contracts with, persons for research and demonstration projects for prevention of pollution by industry—only for new or improved methods.

(d) Per provisions of this section, Administrator shall conduct an accelerated effort to develop, refine, or achieve practical application of—

(1) waste management methods applicable to point and nonpoint sources of pollutants to eliminate the discharge of pollutants, including, but not limited to, elimination of runoff of pollutants and the effects of pollutants from inplace or accumulated sources;

(2) advanced waste treatment methods applicable to point and nonpoint sources, including inplace or accumulated sources of pollutants, and methods for reclaiming and recycling water and confining and containing pollutants so they will not migrate to cause water or other environmental pollution, and

(3) improved methods and procedures to identify and measure the effects of pollutants on the chemical, physical, and biological integrity of water, including those pollutants created by new technological developments.

(e) (1) Administrator is authorized to (A) make grants to persons for research and demonstration projects with respect to new and improved methods of preventing and abating pollution from agriculture, and (B) disseminate such information obtained under this subsection, section 104(p), and section 304 as will encourage and enable the adoption of new and improved methods developed pursuant to this subsection.

(f) Federal grants under subsection (a) of this section shall be subject to the following limitations:

(1) No grant shall be made for any project unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Administrator;

(2) No grant shall be made for any project in an amount exceeding 75 per centum of the cost thereof as determined by the Administrator;

(3) No grant shall be made for any project unless the Administrator determines that such project will serve as a useful demonstration for the purpose set forth in clause (1) or (2) of subsection (a).

(g) Federal grants under subsections (c) and (d) of this section shall not exceed 75 per centum of the cost of the project.

(h) Authorized for appropriation—$70,000,000 per fiscal year ending June 30, 1973 and June 30, 1974, and from such appropriations at least 10 per centum of funds actually appropriated in each fiscal year shall be available only for subsection (e).

SEC. 106. (a) Authorization for appropriation to remain available until expended—

(1) $60,000,000 for fiscal year ending June 30, 1973, and

(2) $75,000,000 for fiscal year ending June 30, 1974.

for grants to States and interstate agencies.

(b) From sums appropriated in any fiscal year Administrator shall make allotments to the several States and interstate agencies per regulations promulgated by him on need.

(c) Administrator is authorized to pay each fiscal year either—

(1) the allotment of such State or agency for such fiscal year under subsection (b), or

(2) the reasonable costs as determined by the Administrator of developing and carrying out a pollution program during such fiscal year, whichever amount is lesser.

(d) No grant shall be given to a State or agency which cuts back on spending its own funds below the level it was spending on June 30, 1971.

(e) Conditions for grants in this section:

(1) Must file within one hundred twenty days—

(A) summary report of current status and priority criteria, and

(B) other information as Administrator shall require.

(2) No federally assumed enforcement as defined in section 309(a)(2) is in effect with respect to such State or agency.

(3) Such State or agency submits within one hundred twenty days after the date of enactment and before July 1, of each year thereafter for Administrator's approval its programs for the prevention and abatement of pollution in accordance with purposes and provisions of this Act in such form and content as the Administrator may prescribe.

(f) Any sums allotted under subsection (b) in any fiscal year which are not paid shall be reallotted by the Administrator in accordance with regulation promulgated by him.

Mr. HARSHA. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from New York (Mr. KING).

Mr. KING. Mr. Chairman, the primary objective of the bill we are considering today is to restore and maintain the chemical, physical, and biological integrity of the Nation's water. Consistent with the provisions of this act, and in order to achieve the national goal of pollution control and clean water, the act provides that a major research and demonstration effort be made to develop technology necessary to eliminate the discharge of pollutants in the navigable waters and to restore the quality of water in the fresh water lakes throughout the United States.

The state of our environment is of major concern to people everywhere in contrast to even a decade ago. Critical situations in the availability of fresh water for its many widespread uses have appeared in certain locations throughout the Nation. Unlike the marine environment, clean, fresh waters are economical sources sustaining vast national needs. Numerous lakes and streams have become so fouled with domestic and industrial wastes that they are virtually useless as sources of pure or recreational water. As the population of this country continues to rise, the need for water supplies is becoming increasingly evident. There has been no major change in the availability of this resource, nor is there expected to be. In fact, the amount of clean fresh water continues to decline. It has become ever more obvious that the pollution of our waterways has reached an increasingly acute stage.

It is to this end that I wish to call my colleagues' attention to the activities of the Rensselaer Fresh Water Institute at Lake George, N.Y. An extensive study of the numerous factors involved with environmental systems in and around fresh water lakes has been initiated at this institute in Washington County, N.Y. This program was instituted in 1967 as a means to investigate and control the increased biological, chemical, and social problems associated with overfertilization of water routes via man's waste discharges. A coordinated interdisciplinary effort by a group of research engineers and scientists from the Rensselaer Polytechnic Institute, under the direction and management of Dr. Nicholas L. Clesceri, Mr. John S. Heywood and Dr. James J. Ferris, has been inaugurated at the center to examine comprehensively the complex interactions occurring in an aquatic environment. The facility is in existence now and is functioning with the help of approximately 45 research scientists and engineers. The new president of Rensselaer Polytechnic Institute, Dr. Richard J. Grosh and the scientists who are undertaking the activities of the fresh water institute, are to be commended for their foresight and tireless efforts in preserving man's fresh water resources.

Because of the widespread interest expressed by many national environmental, labor, and consumer organizations concerning the legislation we are considering today, I would like to call my colleagues' attention to the following statement outlining the programs and objectives of the Rensselaer Fresh Water Institute at Lake George.

In my opinion, H.R. 11896 represents a substantial commitment to the protection and enhancement of our surroundings; its new and far-reaching programs will make possible giant strides in the campaign to strengthen, expand and accelerate the Nation's water pollution efforts.

The statement follows:

The Rensselaer Fresh Water Institute at Lake George—Programs/Objectives

The availability of potable fresh water in the United States has progressed from a stage of abundance to one of critical insufficiency. Man has caused this situation through the introduction of excessive quantities of wastes into water sources, resulting in a national water supply which is increasingly over-fertilized and polluted. This process is illustrated by the many water sources currently useless for economical, industrial or recreational purposes.

Water despoliation is not a unique ecological malady; this pattern is evident today in connection with virtually all resources. The contrast of a growing population with a fixed amount of these natural resources dictates that a thorough understanding of pollution processes is needed in order to preserve these assets for future economic, industrial or recreational use. Such knowledge can maintain and subsequently improve man's response to this critical situation and thereby the overall quality of life.

Early in this century, environmentalists, conservationists and some dedicated citizens were primarily concerned with preserving wildlife and selected natural areas. By the 1950's Federal air and water pollution laws were passed which prompted the rate of environmental legislation to increase during the 1960's. This legislation has currently broadened itself to include the total environment, and emphasizes ecology, population, pollution and urban environments.

In addition to many scientists and technologists, the public now senses the magnitude of environmental complexities and the interrelationships of nature. The Santa Barbara oil spill, phosphates in detergents, DDT persistence in terrestrial and aquatic environments, recreational restrictions from polluted beaches, severe deterioration of the Great Lakes, and the inadequacy of wastewater treatment plants, have all alerted and accelerated the response of many Americans to the need for corrective activity. Citizens are ready to learn about the alternative or available measures to rectify the conditions existing in the environment. There is increasing awareness that the abatement of pollution will decrease the danger of disease, produce better potable water; attract new and environmentally responsible industries to communities; increase property values; provide more recreation in the form of fishing, boating, hunting and swimming, and enhance supplies of known and potential food products. The interdependencies occuring within the environment affect everything—including man.

Rensselaer Polytechnic Institute has kept pace with the rapid rates of change that occur within the complex world of society. Due to these changes, a newly defined role has evolved for technology and its application in solving environmental problems. For example, the Rensselaer School of Engineering was reorganized in 1963, establishing the Professional School of Engineering. The primary features of this reorganization are a five year educational program and a divisional administrative structure responsible for long range planning and research.

Another example was the establishment of the Rensselaer Fresh Water Institute at Lake George (FWI) in 1967 on the northeastern shore of this lake. It is located in the Adirondack Mountains of New York State. Rensselaer has been directly involved in finding solutions for environmental problems since 1957. The FWI research program has expanded from an activity supported by the School of Engineering to a program-budgeted independent university activity.

As an independent activity, the FWI is a research endeavor which is totally responsible for its financial viability and its Director reports to the Provost of the university, enhancing efficiency and flexibility. This administrative arrangement provides a strong basis for action-orientation in order that the basic research vitally necessary for the solution of today's pollution problems can be compressed into the shortest possible time-frame.

This action-orientation will facilitate attainment of the following objectives. It will further catalyze the development of a research team with expertise to analyze fresh water problems. It will provide for the training of new personnel who will have the advantage of multidisciplinary exposure. It will foster the development of new ecological theory to aid in abating the degradation of the quality of fresh water resources. Lastly, FWI facilities will afford a site attractive to the scientific community as a place where researchers can work together with their peers in an atmosphere conducive to the exchange of ideas. The studies already completed at Lake George provide a firm foundation upon which to build. Additional manpower and major resources will be committed to insure the FWI's continued and accelerated contribution to solving the problems of fresh water pollution.

The basic purpose of FWI is the in-depth study of biological, chemical, physical and social interactions in and around fresh waters via a multidisciplinary program. The data generated by these field and laboratory studies are stored, analyzed and mathematically modeled. Computer technology is used to assist the researchers in the analysis and assessment of their data and also affords them the opportunity to evaluate future environmental conditions which would result from increased human activities in the environment. This approach provides methods for preventing subsequent environmental degradation and allows for its maintenance at a pre-determined level of quality. FWI has as its objective the realization of research endeavors adequately describing environmental systems in order that they can be more intelligently managed for the benefit of mankind.

Since its inception FWI has experienced growth in several areas of research and physical development. The research program now encompasses many avenues of environmental investigation. Comprehensive descriptions of completed, ongoing and projected studies are available upon request from the Institute.

The number of active participants associated with FWI has increased from ten to more than forty faculty and staff representing nine curricular areas. These include Environmental Engineering, Biology, Chemistry, Economics, Geology, Mechanical Engineering, Operations Research and Statistics and Systems Engineering. The participants have both living and laboratory facilities available to them at the research site including more than 2,500 sq. ft. of laboratory space. Specialized instrumentation at the site provides analytical capability in atomic absorption spectrophotometry, infrared spectrophotometry, liquid scintillation counting, gas chromatography, carbon analyses and UV-visible spectrophotometry in addition to other specialized apparatus for conducting analyses of this nature.

The potential impact which the studies at FWI will have toward preserving man's fresh-water resources parallels those investigations regarding marine research. Because of the equipment, experience and expertise gathered over five years and the substantial personnel commitment involved, it is believed that FWI is in a unique position to function in a regional capacity. If such a status is realized, even more can be done to implement the research endeavors described previously to solve the pollution problems of our nation's fresh waters.

As has been suggested throughout this report, the need for scientific and technical data and their analyses has arisen in environmental disciplines in order that the technological objectives of this research endeavor continue to be met. The employment of additional expert personnel and the construction of more refined and even better equipped on-site laboratory and field facilities will further catalyze the development of FWI and allow a more rapid expression of new ecological theories to aid in preserving water resources as well as other natural resources. The consequences of anything less than a total solution to the scientific, technical, social and political problems are self-evident. In the final analysis the treatment of these problems with their many facets may determine whether this land will be habitable for future generations.

Mr. HARSHA. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from New York (Mr. Terry), a member of the committee.

Mr. TERRY. Mr. Chairman, I am going to direct my initial remarks today to the permit and enforcement aspects of the bill now before the House—H.R. 11896.

Before I do that I would like to extend, along with other members of the committee, our compliments to our acting chairman (Mr. Jones) and to the ranking minority member (Mr. Harsha) for their enormous input and industry.

In the brief time that I have been a Member of this House, testimony on water pollution consumed approximately the same number of pages as in the 15 years preceding as attested to by the documents presented by the chairman of the committee, Mr. Blatnik. This bill is brought forth after diligent study. Moreover, the staff effort was extraordinary.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. TERRY. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. I am not sure that there has been enough attention given to the extraordinary amount of time and effort and energy expended by the staff on both sides and the hundreds of man-hours that they have spent on this subject in cooperating with the Members and in following the policy guidelines established by the membership. It is my opinion that this vast amount of work and effort should be a matter of record during the discussion of this historic antipollution and water quality control measure.

Mr. TERRY. I certainly second those remarks. The ranking member of the committee indicated that 250 man-weeks have been expended on this measure, and we all join in congratulating the staff.

As you indicated in your remarks, Mr. CLAUSEN, discharge from point sources would be unlawful unless they were in accord with permits issued by the State or the Environmental Protection Agency.

The committee, in H.R. 11896 has recognized the necessity of coordinating the Federal and State activities in the granting of permits, first, in order to have the uniformity that the Federal permit system would provide and second, in order to have the local input and initiative that a State permit would provide.

The committee has recognized that some States have the capability at this time of handling all of the needs in the development of their own capabilities. Having recognized this, the committee has designed a permit program which will allow those States with the demonstrated abilities to assume control of the permit program at the earliest possible dates, essentially immediately upon enactment via an interim program, while those States that have been dilatory will be required to demonstrate capabilities before the EPA Administrator could approve a State permit program. During this interim period, the Administrator would maintain the right to veto, which is essential to have a coordinated program.

The Administrator within 90 days of enactment must prepare and promulgate guidelines for a State-operated permit program. When these guidelines are promulgated, any State may present to the Administrator the plans for a State permit program. Within 90 days of the presentation by the State, the Administrator must decide whether or not the State program meets his guidelines. If so, and I emphasize that the guidelines will be comprehensive, the Administrator would approve the program and the States would be authorized to issue and enforce discharge permits. This is the basis for the program.

The committee expects prompt action by the Administrator and any State program submitted to the Administrator must, under section 402(c), be approved or rejected with notice of needed revisions or modifications within 90 days of submittal.

In addition to the basic permit authorization I just described, there is in H.R. 11896 an authorization for an interim permit program.

Immediately upon enactment of the 1972 amendments, the Administrator may for a period which may start on the day of enactment and which would end either on the 90th day after the Administrator promulgates his guidelines for State permit programs or upon the date of approval of a State program pursuant to the guidelines, whichever is the earlier. Thus, those States with adequate programs at this time would, under this interim provision be immediately authorized to issue section 402 permits. It is expected that the Administrator will encourage such interim programs. This has been discussed with the administration and they concurred that an interim program should be placed in effect. During this interim period, the Administrator would maintain the right to veto any State permit.

If the State has a fully approved program, which meets his guidelines, the Administrator would still have a veto capability in those cases where a downstream State objected to the issuance of a permit by another State where there is a navigable body flowing through several States. In the case of such an objection, the downstream State would have the right of receiving from the permitting State a notice in writing of the permitting State's failure to recognize the objections and accept any recommendations from the downstream State and thus they would have the right to appear before the Administrator to present their objection to the issuers of the permit.

And the Administrator, if he found their objections to be warranted, may veto the issuance of the permit in question. Thus, for a large number of our waters, the Administrator, upon objection by the downstream State, would have the veto power.

This is important in those States involved in river basins, and other areas where several States are involved.

In addition to the veto power for the interim period, and the veto power in the event of the downstream State objections, the Administrator, upon a showing that the permit program is not being carried out—and I emphasize is not being carried out—then in accordance with section 402 the Administrator can at that point withdraw the approval of the State permit program.

Without reviewing the details of the Federal-State enforcement procedures as required by the bill now before us, I do emphasize the fact that the Administrator in his discretion or the State involved may take enforcement action in the event of any violation of any condition or limitation of a State-issued discharge permit.

Thus even though the committee intends that the Administrator use this power sparingly, and that he rely to the maximum extent possible on the State enforcement actions, and the actions by the States, the Administrator may step in on an individual basis to enforce the individual permits.

With these provisions for interim veto power, downstream State objections, and the associated veto power, the capability of the Administrator of EPA to withdraw approval of a State permit program, and the Federal enforcement provisions, the committee feels it is totally unnecessary to have a permit-by-permit veto. The duplication of effort that would result from this and the magnitude of the paperwork that would be forthcoming is just too costly, and wasteful of experienced manpower and, quite frankly, simply unnecessary.

Mr. Chairman, we have before us a fair, effective and enforceable control program. State and local initiative, as well as the national uniformity, will be maintained. I urge my colleagues to support H.R. 11896, and particularly those provisions that I have just talked about of the permit program, and the standards of enforcement.

It is my further desire to call attention to section 206(a) which authorizes $2 billion for reimbursements for fiscal years 1967 through 1971.

This authorization includes payment of retroactive grants to States that did not prefinance up to 50 percent or 55 percent of the Federal share during this period. EPA has estimated that $456 million will be required to pay for retroactive grants, and we have recently learned that "conventional" reimbursables and retroactive grants total $2.246 billion. The authorization of $2 billion obviously is inadequate to meet the need. All but two or three of the 54 States and territories will be eligible for their proportionate share of whatever Federal funds are appropriated. The amount appropriated will be the responsibility of the appropriations committees in Congress.

But, whatever is appropriated, no State would receive more than its appropriate ratio, regardless of how small its claim, or how large.

It has recently come to my attention that there are unknown eligible reimbursables, and I am sure that the eligibility for retroactive grants is an equally unknown factor.

The reason such information is not yet available is that the cost of a project cannot be realistically determined until after the bids on a project are opened. Because bids have been higher than the engineers' estimates, and because Federal funds have not been available to finance the Federal share of these increased costs, many States such as New York have found it necessary to commit themselves to further prefinancing commitments in order to keep their projects moving along.

Without such additional prefinancing commitments and without adequate Federal funds, the projects could not have progressed beyond the bid-opening stage.

Mr. Chairman, this is not a problem that is peculiar to New York alone; indeed, all 50 States are involved in one way or another in the dilemma of how to finance increased costs. Soon, hopefully, by the end of this year, the bids will be in on the majority of the projects approved by EPA in the closing days of fiscal year 1971. Not until then will a figure be available that will more realistically reflect the amount of outstanding reimbursables and retroactive grants the States will be eligible to receive.

New York State has attempted to estimate the amount that will be required nationwide to meet the Federal commitments; we have estimated that nearly $2.5 billlion will be required for conventional reimbursables, and over $500 million for retroactive grants, for a total of $3 billion.

In this connection, Commissioner Henry L. Diamond of New York's Department of Environmental Conservation, recently wrote to Mr. Ruckelshaus, the Administrator of the Environmental Protection Agency, to point out that the totals the EPA has been providing to

Congress are seriously underestimated, and that New York and its municipalities have committed over $1.3 billion to prefinance the Federal share. Without such commitments by New York, EPA could not, under the law, approve the projects involved.

Mr. Chairman, I will request permission to insert Mr. Diamond's letter in the RECORD, along with a detailed statement, project by project, of State and municipal prefinancing committed on behalf of the Federal Government when the committee rises.

Although the amount authorized in section 206(a) of H.R. 11896 is too small to meet the ultimate need, there will be an opportunity in future legislation to correct this inequity.

I pledge to do all I can toward this end, so that all projects in the Nation will be funded to the maximum of their Federal entitlement.

Mr. Chairman, I include at this point the following material which I believe will be helpful to the Members:

DIVISION OF MUNICIPAL WASTE WATER PROGRAMS EVALUATION AND RESOURCE CONTROL BRANCH

Additional WQO grant funds required to raise the grant amount to the 50% level should legislation be enacted permitting all projects proceeding with construction after June 30, 1966 to be eligible for the higher level grant.*

As of June 30, 1971

Alabama	$22.0
Alaska	0
Arizona	5.0
Arkansas	6.0
California	35.3
Colorado	7.2
Connecticut	1.3
Delaware	1.8
District of Columbia	0
Florida	6.1
Georgia	29.3
Hawaii	1.9
Idaho	1.3
Illinois	29.0
Indiana	2.6
Iowa	6.0
Kansas	10.7
Kentucky	21.1
Louisiana	5.6
Maine	.9
Maryland	4.1
Massachusetts	.7
Michigan	12.9
Minnesota	10.7
Mississippi	4.6
Missouri	26.6
Montana	1.5
Nebraska	2.9
Nevada	3.0
New Hampshire	.6
New Jersey	11.3
New Mexico	2.4
New York	4.1
North Carolina	28.2
North Dakota	1.4
Ohio	6.3
Oklahoma	16.7
Oregon	9.0
Pennsylvania	26.9
Rhode Island	.2
South Carolina	16.5
South Dakota	1.6
Tennessee	3.3
Texas	24.2
Utah	2.4
Vermont	.5
Virginia	11.7
Washington	19.7
West Virginia	7.2
Wisconsin	.5
Wyoming	.5
Guam	0
Puerto Rico	.5
Virgin Islands	0
Totals	455.8

---

*Excludes amount already accounted for in reimbursable reports.

STATE OF NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION,
Albany, February 28, 1972.

Hon. WILLIAM D. RUCKELHAUS,
Administrator, U.S. Environmental Protection Agency, Washington, D.C.

DEAR BILL: I am greatly concerned that the costs of the sewage treatment projects for New York State on your books are substantially underestimated.

The Congress is relying on these figures in authorizing reimbursement for the federal share which New York State and its municipalities have pre-financed. The underestimated totals could be a serious burden to taxpayers of our State if not corrected.

Enclosed is a list of all projects which have received Federal construction grant offers since the inception of New York State's Pure Waters Program on May 12, 1965. All are expected to qualify for a construction grant under the State Program which will expire on March 31, 1972.

The State Program provides for a 30% basic grant and pre-financing up to 30% of the Federal share. The municipality's share is usually 40% of which 20% or 25% is also pre-financing of the Federal share. In this connection, New York State officials on several occasions have indicated that the State and its municipalities have committed about $1.3 billion to pre-finance the Federal share of already approved projects. The purpose of this report is to identify the specific projects to which such pre-financing has been committed.

Estimated project costs shown are the Department of Environmental Conservation's estimates of costs based upon *bid experience*. Our records, particularly over the past year, prove that the Department's estimates more realistically reflect the actual bid prices for construction work than those originally furnished by the municipalities in their applications for aid.

As of December 31, 1971 there are 67 projects for which $611,564,201 in State pre-financing has been committed and 255 projects for which $678,566,789 in local pre-financing has been committed. These commitments were made under the Clean Water Restoration Act of 1966 and include only pre-financing that is eligible for reimbursement under that Act. They do not include any increases in Federal grants that are proposed in pending Federal legislation for projects approved prior to the 1966 Act. These amounts will change as bids are received on construction work not yet awarded. The final totals will be known after all construction contracts have been awarded.

The amounts of reimbursable owned by the Federal government is substantially more than those represented in the municipality's original grant applications or modifications thereof. These total only 877,437,221. The latter amount is that currently recognized by the United States Environmental Protection Agency and unfortunately, the amount being acknowledged by the Congress in pending legislation.

I urge you to take the necessary action to furnish this data to the Congress so that proper recognition of the funds owed taxpayers of New York State is reflected accurately in pending legislation.

Sincerely,

HENRY L. DIAMOND,
Commissioner.

REIMBURSABLES OWED NEW YORK STATE AND ITS MUNICIPALITIES FOR PREFINANCING THE FEDERAL SHARE OF CONSTRUCTION OF SEWAGE TREATMENT WORKS AS OF DEC. 31, 1971

Cong. Dist.	Project number C-35-	Applicant	Eligible project cost	State prefinancing	Local prefinancing
		CENTRAL SECTION			
33	228	Endicott (V), Broome	$1,693,867	[1] $109,085	
33	223	Johnson City (V), Broome	2,280,469		
33	226	Kirkwood S.D. No. 1, Broome	10,675		
33	242	Vestal (T) S.D. No. 1, Broome	62,432		
33	295	Vestal (T), Broome	118,043		$13,317
34	271	Auburn (C), Cayuga	274,154		
34	263	Port Byron (V), Cayuga	349,643		
34	285	Weedsport (V), Cayuga	600,695		
35	113	Norwich (C), Chenango	3,820		
31	181	Watertown (C), Jefferson	1,790,140		
35	254	Canastota (V), Madison	1,015,280		
35	259	Chittenango (V), Madison	477,937		
35	360	Hamilton (V), Madison	553,824		61,133
32	303	Camden (V), Oneida	58,585		6,894
35	308	Onondaga (Co.) DPW, Manlius S.D., Onondaga	87,625		2,504
35	296	Onondaga (Co.) Jail, Onondaga	95,300		21,817
35	251	Salina (T), Onondaga	467,000		
31	225	Centra. Square (V), Oswego	280,526		
31	132	Fulton (C), Oswego	1,423,201	[1] 154,660	
31	283	Canton (V), St. Lawrence	77,500		
31	196	Ogdensburg (C), St. Lawrence	23,767		
33	239	Owego (V), Tioga (6)	605,127		
33	278	Dryden (V), Tompkins	744,405		
33	224	Ithaca (C), Tompkins	13,867	[1] 138	
33	267	Ithaca (C), Tompkins	302,537		

Cong. Dist.	Project number C-35-	Applicant	Eligible project cost	State prefinancing	Local prefinancing
		EASTERN SECTION			
29	298	Altamont (V), Albany	$162,500		
28	258	Hudson (C), Columbia	1,033,870		
30	180	Port Henry (V), Essex	69,398		
28	108	Canajoharie (V), Montgomery	58,490	[1] $140	
28	338	Cooperstown (V), Otsego	941,689		
34	234	Onondaga (Co.), Camillus (T), Onondaga	684,925	[1] 40,168	[1] $20,548
34	482	Onondaga (Co.), Geddes (T), Onondaga	1,492,663		196,695
35	358	Onondaga (Co.), Ley Creek modification to S.T.P., Onondaga	3,361,400		384,429
35	313	Onondaga(Co.), Morgan Rd., Onondaga	3,187,829		389,937
35	266	Onondaga (Co.), Onondaga	3,873,000	[1] 32,146	[1] 154,954
35	454	Tully (V), Onondaga	938,000		98,200
35	474	Central Square (V), Oswego	129,547		16,820
35	462	Fulton (C), Oswego	1,163,294		164,121
35	386	Oswego (C), Oswego	6,100,000		890,600
35	336	Environmental Facilities Corp., Pulaski (V), Oswego.	1,074,500		183,395
31	369	Canton (V), St. Lawrence	2,635,600		293,120
31	520	Colton (T), St. Lawrence	363,416		36,056
31	486	DeKalb (T), St. Lawrence	198,200		33,440
31	316	Edwards (V), St. Lawrence	181,000		16,100
31	444	Fine (T), St. Lawrence	103,400		10,940
31	468	Heuvelton (V), St. Lawrence	629,000		56,000
31	464	Norwood (V), St. Lawrence	892,500		99,200

Cong. Dist.	Project number C-35-	Applicant	Eligible project cost	State prefinancing	Local prefinancing
31	320	Potsdam (V), St. Lawrence	$3,110,500		$488,650
31	501	Stockholm (T), St. Lawrence	190,624		21,231
31	435	Waddington (V), St. Lawrence	397,250		79,445
33	552	Owego (T), Tioga	3,570,000		574,000
33	412	Dryden (T), Varna S.D., Tompkins	152,600		18,670
29	562	Altamont (V), Albany	$40,623		$4,374
29	387	Coeymans (T), Albany	1,738,700		245,315
29	317	Colonie (T), Albany	1,093,700		133,315
29	377	Colonie (T), Dry River Area, Albany	556,000		121,500
29	571	Colonie (V), Albany	560,400		140,100
29	591	Colonie (T), Newtonville S.D., Albany	770,000		101,000
29	523	Guilderland (T), Albany	588,574		109,185
29	524	Monands (V), Albany	215,835		43,167
31	353	Keeseville (V), Clinton	1,231,500		169,002
31	521	Plattsburgh (C), Clinton	11,570,515		2,374,324
28	256	Sidney (V), Delaware	1,950,000		419,400
30	522	Env Facilities Corp., Westport (V), Essex	525,053		60,297
32	471	Gloversville (C), Johnstown (C), Fulton	8,780,900		1,244,180
28	503	Athens (V), Greene	926,280		114,650
28	514	Catskill (V), Greene	2,934,600		414,020
32	473	Indian Lake (T), Hamilton	379,000		77,780
29	516	Env Facilities Corp., Amsterdam (C), Montgomery	11,466,600	$671,280	2,866,650
28	607	Oneonta (C), Otsego	4,945,600	989,120	989,120
30	255	Hoosick Falls (V), Rensselaer	1,592,200		201,090
30	569	Saratoga County Homestead Infirmary at Providence, Saratoga	112,600		18,440
29	441	Niskayuna (T), Schenectady	979,000		244,750
29	625	Niskayuna (T), SD No. 6 Ext., Schenectady	135,000		590
28	580	Schoharie (V), Schoharie	341,102		59,946
28	543	Richmondville (V), Schoharie	253,000		35,660
30	466	Granville (V), Washington	916,000		138,000
33	306	Dickinson (T) S.D. No. 3, Broome	112,000		13,740
33	533	Port Dickinson (V) Broome	443,815		49,368
33	304	Union (T) Broome	1,506,000		157,700
33	528	Vestal (T) S.D. No. 4 Broome	829,000		108,780
34	535	Aurora (V) Cayuga	1,210,700		194,655
34	601	Fleming (T) Cayuga	388,000		79,660
34	349	Moravia (V) (EFC) Cayuga	914,505		137,998
34	477	Env Facilities Corp, Port Byron (V) Cayuga	223,400		33,750
34	647	Sennett (T) Cayuga	97,000		12,100
35	277	Bainbridge (V) Chenango	660,700		64,815
35	300	Greene (V) Chenango	667,900		42,541
35	549	Sherburne (V) (EFC) Chenango	1,178,494		230,471
32	572	Dolgeville (V) Herkimer	1,376,900		268,925
32	461	Herkimer (V) Herkimer	1,741,800		219,900
32	479	Little Falls (C) Herkimer	5,340,850		1,122,278
31	556	Brownville (V), Jefferson	818,615		180,098
31	478	Cape Vincent (V), Jefferson	422,200		37,540
31	547	Evans Mills (V), Jefferson	238,000		45,460
31	465	Philadelphia (V), Jefferson	270,600		29,540
31	292	Watertown (C), Jefferson	1,338,552		
32	301	Castorland (V) (EFC), Lewis	210,900		42,180
32	491	Env Facilities Corp., Martinsburg (T), Glenfield S.D., Lewis	153,400		22,380
32	606	Lowville (V), Lewis	441,200		35,540
32	302	Kirkland (T), Oneida	293,000		35,860
32	371	Oneida Co. S.D., Oneida	28,060,200	783,810	7,015,050
32	470	Waterville (V), Oneida	880,880		107,694
34	319	Camillus (V), Onondaga	64,700		6,334
35	452	Manlius (T), Fremont S.D., Onondaga.	253,928		12,660
35	467	Marcellus (V), Onondaga	381,000		46,620
35	633	Minoa (V), Onondaga	661,500		165,375
35	450	Onondaga (Co.), Cicero S.D., Onondaga.	1,725,556		211,016
26	67	Port Chester (V), Westchester	77,879	[1]9,057	

WESTERN SECTION

Cong. Dist.	Project number C-35-	Applicant	Eligible project cost	State prefinancing	Local prefinancing
38	182	Cuba (V), Allegany	42,221		
38	215	Jamestown (C), Chautauqua	44,407		
38	193	Erie County S.D. No. 2, Erie	3,802		
39	238	Erie County S.D. No. 3, Erie	1,894,569		
37	370	Erie County, Erie County Home and Penitentiary, Erie	322,232		39,411
40	324	Tonawanda (T), Erie	1,284,489		141,105
37	199	Batavia (C), Genesee	367,989		
34	260	Lima (V), Livingston	401,991		
36	281	Brighton (T), Monroe	750,328		
37	240	Brockport (V), Monroe	882,321		
36	147	East Rochester (V), Monroe	8,023	[1]38	
37	315	Gates-Chili-Ogden S.D., Monroe	638,059		
36	202	Henrietta (T) S.D. No. 1, Monroe	16,185		
36	231	Henrietta (T) S.D. No. 1, Monroe	491,839		
37	246	Hilton (V), Monroe	235,021		
36	264	Irondequoit (T), Monroe	623,400		
36	288	Irondequoit (T), Monroe	$233,686		
36	233	Penfield S.D. No. 3, Monroe	197,644	[1]$691	
36	287	Penfield (T), Monroe	86,377		
36	270	Perinton (T), Monroe	229,627		
36	243	Pittsford (T), Monroe	185,200		
36	192	Rochester (C), Monroe	42,018		
36	249	Webster (V), Monroe	701,619		
40	350	Youngstown (V), Niagara	42,964		$4,658
34	157	Phelps (V), Ontario	19,769		
34	273	Victor (V), Ontario	582,065		
37	217	Medina (V), Orleans	77,333		
35	252	Newark (V), Wayne	152,260		
34	145	Penn Yan (V), Yates	18,623	[1]49	

CENTRAL SECTION

Cong. Dist.	Project number C-35-	Applicant	Eligible project cost	State prefinancing	Local prefinancing
33	544	Binghamton (C), Broome	9,906,100		1,837,245
29	203	Niskayuna (T), Schenectady	885,718		
29	291	Schenectady (C) Schenectady	133,000		14,799
28	195	Sharon Springs (V) Schoharie	6,189		
30	194	Lake George (V) Warren	62,855		
30	284	Lake George (T) Warren	590,300		

SOUTHEASTERN SECTION

Cong. Dist.	Project number C-35-	Applicant	Eligible project cost	State prefinancing	Local prefinancing
4	318	Cedarhurst (V) Nassau	907,932		
3	236	Glen Cove (C) Nassau	47,748	[1]4,632	
4	250	Lawrence (V) Nassau	1,650,516		
3	190	North Hempstead (T) Nassau	86,812	[1]310	
7	109	Jamaica New York City	148,936	[1]42,641	
26	229	Hillcrest Center Westchester	211,172		
27	265	Cornwall (T) Orange	153,208		
27	208	Montgomery (V) Orange	5,695		
25	176	Orangetown (T) Rockland	27,307	[1]251	
25	275	Orangetown (T) Rockland	242,200		
28	232	Ellenville (V) Ulster	145,427		
27	619	Beacon (C), Dutchess	5,693,765		1,224,520
27	378	Poughkeepsie (T), Arlington SD Dutchess	3,871,400		473,510
27	511	Poughkeepsie (T), Ireland Estates Dutchess	79,844		9,785
28	519	Milbrook (V), Dutchess	353,400		59,730
28	469	LaGrange (T), Titusville SD Dutchess	179,010		21,335
27	340	Wappinger (T), Dutchess	159,800		34,180
3	341	Great Neck (V), Nassau	433,503		64,897
3	289	Great Neck SD, Nassau	1,174,759		
5	305	Long Beach (C), Nassau	260,000		57,200
5	361	Nassau Co SD #3, Nassau	151,416,000	13,122,630	48,877,076
3	351	Port Washington SD, Nassau	637,030		70,815
3	342	Roslyn (V), Nassau	131,200		17,113
14	86	Newtown Creek, New York City	64,488,733	[1]19,249,888	
15	357	Owls Head, New York City	106,900		10,102
16	346	Port Richmond, New York City	3,030,492		370,710
21	406	Bowery Bay, New York City	975,340		119,287
23	214	Wards Island, New York City	1,405,147		
18	363	Wards Island, New York City	1,083,775		132,527
11	345	Coney Island, New York City	4,559,005		665,583
8	166	Tallmans Island, New York City	237,636	[1]58,274	
7	321	Jamaica, New York City	718,951		21,569
27	368	Cornwall (T), Orange	1,135,923		143,419
27	475	County of Orange, Orange Farm, Orange	171,665		20,956
27	352	Goshen (V), Orange	691,000		95,960
27	508	Maybrook (V), Oragne	348,000		43,960
27	480	Middletown (C), Orange	66,300		7,287
27	53	Newburgh (C), Orange	8,013,170		1,090,793
27	364	New Windsor (T), Orange	2,348,202		289,060
27	456	New Windsor (T), S.D. No. 9; Orange	1,110,126		178,540
27	362	Walden (V), Orange	323,900		41,965
27	507	Wallkill (T), Orange	1,287,118		305,014
27	492	Joint Regional Sewerage Board, Haverstraw (T) and W. Haverstraw (V), Rockland	4,344,663		634,362
25	290	Orangetown (T), Rockland	3,533,000		
25	712	Orangetown (T), Rockland	663,400		145,950
25	9	Peirmont (V), Rockland	357,900		
25, 27	274	Rockland Co S.D. No. 1, Rockland	28,538,800		
25	268	Stony Point (T), Rockland	1,720,100		
2	343	Huntington (T), Huntington S.D., Suffolk	195,000		23,900
2	237	Northport (V), Suffolk	55,800		
1	536	Riverhead S.D., Suffolk	225,000		97,200
28	253	Liberty (V), Sullivan	321,735		
28	322	Rockland (T), Livingston Manor S.D., Sullivan	344,650		52,955
28	365	Fallsburgh (T), South Fallsburgh S.D., Sullivan	1,781,439		260,131
28	498	New Paltz (V), Ulster	1,390,810		196,185
25	247	Buchanan (V), Westchester	146,514		
25	88	Peekskill (C), Westchester	185,811		

---

[1] Projects prefinanced not eligible for reimbursement. Not included in totals.

REIMBURSABLES OWED NEW YORK STATE AND ITS MUNICIPALITIES FOR PREFINANCING THE FEDERAL SHARE OF CONSTRUCTION OF SEWAGE TREATMENT WORKS AS OF DEC. 31, 1971—Continued

Cong. Dist.	Project number C–35–	Applicant	Estimated project cost	State prefinancing	Local prefinancinng
		WESTERN SECTION			
38	420	Alfred (C), Allegany	$900, 752		$189, 253
38	311	Belmont (V), Allegany	537, 500		
38	356	Caneadea (T), Allegany	869, 200		91, 130
38	354	Friendship (V), Allegany	533, 310		11, 215
38	279	Salamanca (C), Cattaraugus	2, 814, 100		421, 648
38	245	Silver Creek (V), Chautauqua	1, 408, 385		42, 252
33	325	Chemung Co SD #1, Chemung	1, 748, 700		213, 915
33	632	Chemung Co SD #1, Ext D Chemung	193, 310		42, 630
33	297	Elmira (C), Chemung	433, 600		51, 159
39	197	Cheektowaga (T), Erie	158, 304		
39	385	Erie Co, Erie County SD #3, Erie	229, 130		30, 411
41	257	Lackawanna (C), Erie	1, 440, 600		15, 567
37	407	Elba (V), Genesee	448, 237		56, 630
34	314	Avon (V), Livingston	1, 313, 420		160, 661
34	561	Geneseo (V), Livingston	1, 026, 040		225, 742
36	327	Brighton (T), SD #2, Monroe	4, 905, 000		618, 975
36, 37	414	Gates-Chili-Ogden SD, Monroe	2, 772, 600		338, 890
37	329	Greece (T), Monroe	227, 800		38, 372
37	310	Greece (T), Monroe	277, 701		35, 285
36	423	Henrietta (T), Monroe	368, 400		31, 500
35	476	Henrietta (T), Monroe	1, 698, 780		299, 649
35	425	Honeoye Falls (V), Monroe	1, 195, 000		150, 900
36	424	Irondequoit (T), Monroe	127, 000		10, 512
36	261	Pittsford (V), Monroe	144, 500		
36	489	Pittsford (T), Monroe	143, 000		21, 560
37	293	Scottsville (V), Monroe	$1, 079, 389		$136, 264
37	383	Spencerport (V), Monroe	634, 300		77, 545
36	299	Webster (T), Monroe	4, 019, 200		861, 288
36	419	Webster (V), Monroe	496, 000		62, 620
40	359	Lockport (C) (EFC), Niagara	8, 468, 680	$1, 967, 314	2, 117, 170
40	487	Lockport (T) SD #3 Niagara	255, 100		42, 830
40	382	Middleport (V) Niagara	1, 046, 400		128, 010
34	272	Farmington (T), Ontario	813, 500		177, 100
34	560	Geneva (C), Ontario	6, 213, 500	1, 298, 110	1, 553, 375
34	330	Ontario County Ontario	171, 334		14, 877
37	539	Holley (V), Orleans	1, 316, 300		289, 585
34	372	Seneca Falls (V), Seneca	2, 700, 720		330, 366
34	416	Waterloo (V), Seneca	1, 109, 300		140, 055
38	530	Env Facilities Corp., Addison (V), Steuben	1, 004, 200		220, 930
38	421	Bath (V), Steuben	2, 208, 500		344, 275
38	579	Canisteo (V), Steuben	1, 093, 700		240, 615
38	331	Corning (C), Steuben	1, 759, 000		
38	373	Erwin (T), Steuben	1, 188, 000		145, 360
38	280	Hornell (C), Steuben	2, 991, 200		
38	576	North Hornell (V), Steuben	290, 000		22, 970
36	415	Clyde (V), Wayne	1, 552, 400		220, 918
36	422	Lyons (V), Wayne	1, 082, 475		184, 741
36	484	Macedon (V), Wayne	1, 185, 695		149, 753
36	367	Newark (V), Wayne	1, 550, 000		189, 600
36	380	Sodus (V) (EFC), Wayne	811, 915		130, 533
36	490	Env Facilities Corp., Wolcott (V), Wayne	672, 353		84, 935
37	417	Perry (V), Wyoming	1, 568, 598		392, 150
34	312	Dundee (V), Yates	486, 680		101, 502
34	332	Jerusalem (T), Keuka Park S.D., Yates	558, 270		68, 320

Cong. Dist.	Project number C–36–	Applicant	Eligible project cost	State prefinancing	Local prefinancing
		CENTRAL SECTION			
33	693	Dickinson (T) S.D., No. 5, Broome.	$199, 800		$41, 330
33	545	Endicott (V), Broome	3, 807, 900	$238, 170	951, 975
34	483	Auburn (C), Cayuga	7, 326, 600	2, 146, 170	1, 831, 650
32	602	Thruway Authority, Schuyler Service Area, Herkimer.			
31	502	Env Facilities Corp., Carthage (V); W. Carthage (V), Jefferson.	5, 680, 000	954, 000	1, 420, 000
32	515	Boonville (V) (EFC), Oneida	1, 016, 856		203, 388
35	447	Onondaga (Co.), Meadowbrook-Limestone S.D., Onondaga.	9, 025, 000		2, 088, 790
33	605	Cayuga Heights (V), Tompkins.	2, 910, 000	133, 770	727, 500
		EASTERN SECTION			
29, 30	388	Albany County S.D., Albany	72, 000, 000	14, 100, 000	8, 000, 000
29, 30	570	Albany (C), Albany	6, 133, 369	832, 710	791, 592
31	697	Plattsburgh (T), Route 3 S.D. Clinton	396, 000		99, 000
31	442	Lake Placid (V), Essex	2, 547, 575		574, 016
29	590	Bethlehem (T), Albany	8, 549, 660	2, 953, 738	2, 137, 415
31	443	Saranac Lake (V), Franklin-Essex	2, 190, 000		510, 150
32	620	Speculator (V), Hamilton	870, 000		192, 260
29	598	Thruway Authority, Pattersonville Service Area, Montgomery			
29	599	Thruway Authority, Mohawk Service Area, Montgomery			
30	555	Department of Correction, Great Meadows Correctional Institution, Washington			
		SOUTHEASTERN SECTION			
28	493	Tivoli (V), Dutchess	239, 000		47, 800
3	432	Glen Cover (C), Nassau	1, 035, 000	136, 680	258, 750
2, 3, 4, 5	628	Nassau Co. S.D. No. 3, Phase II, Nassau	93, 945, 000	27, 722, 970	789, 000
3	130	Oyster Bay (T), S.D. No. 1, Nassau	136, 000		
20	178	North River, New York City	770, 285, 000	224, 061, 600	192, 571, 170
16	593	Port Richmond, New York City	189, 140, 000	38, 866, 150	47, 285, 000
21	398	Bowery Bay, New York City	86, 502, 000	24, 018, 050	21, 625, 500
18	395	Wards Island, New York City	68, 000, 000	19, 266, 720	17, 000, 000
11	405	26th Ward, New York City	47, 805, 000	13, 927, 760	11, 951, 250
7	400	Jamaica, New York City	37, 322, 000	3, 420, 650	9, 330, 500
22	397	Hunts Point, New York City	65, 936, 000	18, 785, 226	16, 484, 000
11	347	Spring Creek, New York City	18, 590, 978	734, 000	4, 647, 745

Cong. Dist.	Project number C–36–	Applicant	Estimated project cost	State prefinancing	Local prefinancing
27	294	Washingtonville (V), Orange	$733, 000		$161, 260
27	282	Carmel (T), Putnam	1, 068, 000		
27	244	Env Facilities Corp., Cold Spring (V), Putnam	1, 879, 000		404, 220
2	577	Northport (V), Suffolk	820, 000		180, 400
1	355	Suffolk County, Suffolk Co. Community College, Suffolk			
28	608	Ulster (T), Ulster	2, 177, 000		478, 940
24	568	Westchester (Co), Yonkers (C), Westchester	58, 000, 000	$9, 154, 600	14, 500, 000
26	634	Yorktown (T), Yorktown Heights S.D., Westchester	3, 000, 000		750, 000
		WESTERN SECTION			
38	409	Olean (C) (EFC), Cattaraugus	6, 350, 000	1, 813, 440	1, 587, 500
38	379	Dunkirk (C), Chautauqua	15, 100, 000	3, 844, 220	3, 775, 000
38	410	Jamestown (C), Chautauqua	333, 300	16, 470	83, 325
38	583	Springville (V), Erie	631, 800		138, 996
34	623	Conesus Lake County S.D., Livingston	5, 575, 200	836, 280	1, 393, 800
34	426	Mount Morris (V), Livingston		1, 298, 650	285, 703
37	626	Churchville (V), Monroe	1, 189, 500	30, 750	297, 375
36, 37	581	Gates-Chili-Ogden S.D., Monroe	1, 338, 400		208, 650
36	500	Irondequoit Bay PWD, Monroe	120, 338, 040	30, 722, 962	30, 084, 510
37	496	Northwest Quadrant, PWD No. 1, Monroe	40, 193, 000	4, 362, 800	10, 048, 250
36	375	Rochester (C), Monroe	79, 040, 000	18, 792, 500	19, 760, 000
37	603	Thruway Authority, Scottsville Service Area, Monroe			
34	459	Env. Facilities Corp., Clifton Springs (V), Ontario	1, 069, 000		235, 180
34	617	Holcomb (V), Ontario	606, 000		133, 320
36	582	Palmyra (V), Wayne	696, 000		173, 470
37	537	Arcade (V), Wyoming	1, 092, 000	90, 330	273, 000
		CENTRAL SECTION			
31	701	Norfolk (T) S.D. No. 1, St. Lawrence Co	585, 000	40, 530	117, 000
35	551	Homer (V), Cortland	1, 680, 000	27, 300	420, 000
31	653	Alexandria Bay (V) (EFC) Jefferson	2, 200, 000	69, 960	550, 000
31	513	Dexter (V), Jefferson	196, 000	12, 300	49, 000
31	595	Orleans (T), Thousand Island Park S.D., Jefferson	830, 000	47, 310	207, 500
32	636	Camden (V), Oneida	1, 420, 000		355, 000
32	449	Env Facilities Corp., Vernon (V), Oneida	1, 300	44, 260	325, 000
35	448	Onondaga (Co.), Lakeshore S.D., Onondaga	18, 700, 000	5, 520, 130	
31	584	Potsdam (T) S.D. No. 1, St. Lawrence	192, 000	13, 140	38, 400

Cong. Dist.	Project number C-36-	Applicant	Estimated project cost	State prefinancing	Local prefinancing
		EASTERN SECTION			
29	604	Cohoes (C), Albany	$4,741,000	$538,560	$1,185,250
31	630	Plattsburgh (T), Cumberland Corners S.D., Clinton	381,000	17,480	95,250
28	366	Stamford (V) (EFC), Delaware	2,108,000	302,080	421,600
28	614	Env Facilities Corp., Delhi (V), Delaware	1,650,000		270,884
28	612	Coxsackie (V), Greene	1,997,000	105,720	499,250
29	721	Fonda (V), Fultonville (V), Montgomery	2,560,000	116,910	640,000
28	589	St. Johnsville (V), Montgomery	2,180,000		545,000
29	613	Hagaman (V), Montgomery	410,000	28,030	102,500
28	463	Richfield Springs (V), Otsego	648,000	51,540	129,600
30	594	Corinth (V), Saratoga	772,000		154,400
29	645	Schenectady (C), Schenectady	22,000,000	5,362,894	5,500,000
30	686	Lake George (V), Warren	58,000	2,620	14,500
		SOUTHEASTERN SECTION			
3	629	Great Neck S.D., Nassau	6,500,000	440,000	1,625,000
3	609	N Hempstead (T), Belgrave S.D., Nassau	730,500	85,860	182,625
4	559	West Long Beach S.D., Nassau	110,000		21,500
7	403	Rockaway, New York City	56,910,000	16,654,150	14,227,500
8	404	Tallmans Island, New York City	43,863,000	12,798,210	10,965,750
27	600	Env Facilities Corp., Florida (V), Orange	$1,000,000	$74,150	$250,000
27	668	Warwick (V), Orange	972,380	61,704	243,095
27	527	Suffern (V), Rockland	325,000	15,000	81,750
2	669	Huntington (T), Centerport S.D., Suffolk	6,460	150,000	37,500
1, 2	624	Suffolk (Co.), Southwest S.D., Suffolk	280,000,000	74,000,000	56,000,000
27	563	Monticello (V), Sullivan	250,000		50,000
28	497	Kingston (C), Ulster	2,900,000	53,750	725,000
25	671	Westchester (Co.), Tarrytown Ext., Westchester	5,000,000	1,462,020	1,250,000
		WESTERN SECTION			
38	610	Ellicottville (V), Cattaraugus	795,700	28,970	198,925
38	635	Randolph (V), Cattaraugus	793,000		158,600
39	616	Buffalo Sewer Authority, Buffalo (C), Erie	99,775,000	4,605,000	24,943,750
37	622	Batavia (T) S.D. No. 1, Genesee	256,100		
37	627	Corfu (V), Genesee	701,740	65,592	175,435
37	578	Gates-Chili-Ogden S.D., Monroe	26,637,000	7,871,480	6,659,250
34	538	Montour Falls (V), Schuyler	287,925		57,585
30	437	Env Facilities Corp., Schroon (T), Schroon Lake S.D. No. 1 Ext., Essex	1,239,570	45,411	247,914
		Total	2,997,983,282	611,564,201	678,566,789

Mr. WRIGHT. Mr. Chairman, I yield 10 minutes, or such portion of that as the gentleman may consume, to the gentleman from West Virginia (Mr. KEE).

Mr. KEE. Mr. Chairman and members of the Committee of the Whole, I would like to start out by saying that the House Committee on Public Works is known throughout our land as "the builder of America." There is not a single, solitary congressional district in the United States over which the Committee on Public Works does not have direct jurisdiction in one form or another.

Mr. Chairman, I am going to be as brief as I can, but at this point I would like to ask unanimous consent that I may be permitted to file my statement in the RECORD following my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. KEE. The members of the Committee on Public Works have put in in excess of 4½ months in very diligently conducted hearings. Why did we do that? We did that for the future benefit of Americans, actually of generations yet to come. I cannot too strongly urge the adoption, without one single solitary amendment, to the Water Pollution Control Act amendments, as reported, by the House Committee on Public Works in the bill H.R. 11896.

Mr. Chairman, I have been assigned sections 107, 108, 109, 110, 111, 112, 113, and 114. I have all of these, with the exception of two—these proposals which have been written so diligently are basically existing law where we want to improve and feel that we have an obligation to improve.

I have the page numbers in the House Report 92-911 and I want this to appear in the RECORD for each section and I am hopeful before we come in tomorrow, as I understand it, to the amendment—that Members of the House will make it a point to read this because these are all absolutely and positively definite facts.

Now on section 108 I certainly commend the leadership of the Committee on Public Works and I think it is only proper and fair for me to point out that under section 108(A) which appears on pages 11 and 12 in the House report that we all owe a debt of gratitude to the ranking minority member of our committee, the gentleman from Ohio (Mr. HARSHA), for what he has done. He was right and he convinced us and this is with reference to Lake Erie. He is certainly to be highly commended for his dedication.

As I have said, all of these proposals are a part of the water pollution control bill that we already have.

I am going to take some time with reference to section 113(A).

Basically, this comes under the economic development administration which was initiated and reported out by the House committee and passed the House overwhelmingly, and it is that we add $1 million, which makes it $2 million, to the $1 million. That has been added for our great State of Alaska.

Mr. WALDIE. Mr. Chairman, will the gentleman yield?

Mr. KEE. I am delighted to yield to my colleague.

Mr. WALDIE. Mr. Chairman, I gather the gentleman was congratulating the efforts made in the bill and commending the protection given to Lake Erie.

Mr. KEE. Absolutely.

Mr. WALDIE. May I ask the gentleman what happened to the protections that were given to Lake Tahoe which were in the Senate bill and which no longer seem to be in this bill?

Mr. KEE. I yield to the gentleman from California (Mr. JOHNSON).

Mr. JOHNSON of California. I thank the gentleman for yielding. If my colleague from California will yield, I will try to state an explanation.

Mr. WALDIE. Yes, I yield.

Mr. JOHNSON of California. As the committee considered the overall bill, we went into every detail that was included in the national needs for a water pollution bill, and in looking over all the testimony that we received from our State and from those of us who represent California on the committee, it was thought that the final draft of the bill that is before us today covers pretty nearly everything we could think of as far as taking care of the needs of California.

Lake Tahoe lies partly in California and partly in the State of Nevada. Under the construction moneys that are made available in the bill, we feel there is ample money that can be made available under the allotment formula to take care of our needs in cleaning up water pollution at Lake Tahoe. I have worked very hard for the past 24 years in dealing with problems at Lake Tahoe, both in the State Senate and here in the Congress of the United States. We have had the Public Works Committee out with us twice dealing with pollution problems at Lake Tahoe, and in every instance they came through with additional consideration and moneys that helped us to take care of the immediate needs under the existing legislation at that time.

I would say as a Representative from California that I am satisfied that the bill as it is now written and the positions that are in it give us needed funds for construction, planning, and studies. I know of no immediate problems there dealing with water pollution that is not covered by the bill at the present time.

Mr. WALDIE. I thank the gentleman. Just in response, I want to suggest that the amendments to which I have referred were specifically directed at Lake Tahoe as indicative of the belief on the part of the Senate that Lake Tahoe was, in fact, a unique problem that would not be served adequately by the general provisions of the bill. The amendment was supported by both U.S. Senators from Nevada, as well as California, and it was adopted unanimously by the Senate. I will offer that amendment during the amending process tomorrow. I thank the gentleman.

Mr. KEE. I thank the gentleman for his remarks.

In concluding my remarks, Mr. Chairman, I should like to say that it gives us a feeling of satisfaction when the measure is not a political issue. Members on both sides of the political aisle have worked hard. Our staffing on both sides has endeavored to bring forth the best possible legislation which will—and I will repeat again—make a better America for tomorrow. Thank you very much.

Mr. Chairman, the material I previously referred to follows:

H.R. 11896

SEC. 107 (a) Administrator and Federal interests can enter into agreements to carry out demonstration projects for control of mine water pollution. Engineering, economic feasibility and practicality shall be taken into account.

(b) Administrator, in making selections, shall (1) require such feasibility studies as he deems appropriate, (2) give preference to areas suitable for public use, (3) be satisfied that the project area will not be affected adversely by the influx of acid or other mine water pollution from nearby sources.

(c) Federal participation in such projects shall be subject to the conditions—

(1) that the State or agency shall pay not less than 25% of the actual project costs.

(2) that the State or agency shall provide legal and practical protection to the project area to insure against any activities which will cause future acid or other mine water pollution.

(d) Authorization of appropriation of $15,000,000, which sum shall be available until expended. No more than 25% of the total funds available in any one year shall be granted to one State.

Sec. 108(a) Administrator can—with other agencies—enter into demonstration projects to clean up the Great Lakes. Engineering, economic feasibility, and practicality shall be considered.

(b) Federal participation is limited by agreement of State or agency to pay at least 25%.

(c) $20,000,000 shall be available until expended.

(d) (1) Lake Erie is set aside for special consideration. A study of needs shall be made which shall be submitted to Congress for approval.

(2) Program to be developed in cooperation with EPA, and others. Alternatives for regional waste management shall be set forth—Program should include measures to control point sources of pollution, area sources of pollution and sources of in place pollutants.

(e) $5,000,000 shall be appropriated for subsection (d) which shall be available until expended.

Sec. 109. Administrator can make grants or contracts with educational institutions to assist in planning, developing, strengthening, improving, or carrying out programs or projects for the preparation of undergraduate students to enter an occupation which involves the design, operation, and maintenance of treatment works, and other facilities whose purpose is water quality control. Such grants or contracts may include payment of all or part of the cost of programs or projects such as

(A) planning for the development or expansion of programs or projects for training persons in the operation and maintenance of treatment works

(B) training and retraining of faculty members

(C) conduct of short-term or regular session institutes for study by persons engaged in, or preparing to engage in, the preparation of students preparing to enter an occupation involving the operation and maintenance of treatment works

(D) carrying out innovative and experimental programs of cooperative education involving alternate periods of full-time or part-time academic study at the institution and periods of full-time or part-time employment involving the operation and maintenance of treatment works

(E) research into, and development of, methods of training students or faculty, including the preparation of teaching materials and the planning of curriculum.

Sec. 110(1). A grant or contract authorized by section 109 may be made only upon application to the Administrator at such time or times and containing such information as he may prescribe, except that no such application shall be approved unless it

(A) sets forth programs, activities, research, or development for which a grant is authorized under section 109 and describes the relation to any program set forth by the applicant in an application, if any, submitted pursuant to section 111;

(B) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

(C) provides for making such reports, in such form and containing such information, as the Administrator may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Administrator may find necessary to assure the correctness and verification of such reports.

(2) Administrator shall allocate grants or contracts under section 109 in such manner as will most nearly provide an equitable distribution of the grants or contracts throughout the United States among institutions of higher education which show promise of being able to use funds effectively for the purpose of this section.

(3) (A) Payment under this section may be used in accordance with regulations of the Administrator, and subject to the terms and conditions set forth in an application approved under subsection (a), to pay part of the compensation of students employed in connection with the operation and maintenance of treatment works, other than as an employee in connection with the operation and maintenance of treatment works or as an employee in any branch of the Government of the United States, as part of a program for which a grant has been approved pursuant to this section.

(B) Departments and agencies of the U.S. are encouraged, to the extent consistent with efficient administration to enter into arrangements with institutions of higher education for the full-time, part-time, or temporary employment, whether in the competitive or excepted service, of students enrolled in programs set forth in applications approved under subsection (a).

Sec. 111(1) Administrator can award scholarships in accordance with the provisions of this section for undergraduate study by persons who plan to enter an occupation involving the operation and maintenance of treatment works. Such scholarships shall be awarded for such periods as the Administrator may determine but not to exceed four academic years.

(2) Administrator shall allocate scholarships under this section among institutions of higher education with programs approved under the provisions of this section for the use of individuals accepted into such programs, in such manner and according to such plan as will insofar as practicable

(A) provide an equitable distribution of such scholarships throughout the United States; and

(B) attract recent graduates of secondary schools to enter an occupation involving the operation and maintenance of treatment works.

(3) Administrator shall approve a program of any institution of higher education for the purposes of this section only upon application by the institution and only upon his findings

(A) that such program has as a principal objective the education and training of persons in the operation and maintenance of treatment works

(B) that such program is in effect and of high quality, or can be readily put into effect and may reasonably be expected to be of high quality

(C) that the application describes the relation of such program to any program, activity, research, or development set forth by the applicant in an application, if any, submitted pursuant to section 110 of this Act; and

(D) that the application contains satisfactory assurances that (i) the institution will recommend to the Administrator for the award of scholarships under this section, for study in such program, only persons who have demonstrated to the satisfaction of the institution a serious intent, upon completing the program, to enter an occupation involving the operation and maintenance of treatment works, and (ii) the institution will make reasonable continuing efforts to encourage recipients of scholarships under this section, enrolled in such program, to enter occupations involving the operation and maintenance of treatment works upon completing the program.

(4) (A) Administrator shall pay to persons awarded scholarships under this section such stipends as he may determine to be consistent with prevailing practices under comparable federally supported programs.

Sec. 111(4) (B) Administrator shall—in addition to subsection (a)—pay to the institution of higher education at which such person is pursuing his course of study such amount as he may determine to be consistent with prevailing practices under comparable federally supported programs.

(5) A person awarded a scholarship under the provisions of this section shall continue to receive the payments provided in this section only during such periods as the Administrator finds that he is maintaining satisfactory proficiency and devoting full time to study or research in the field in which such scholarship was awarded in an institution of higher education, and is not engaging in gainful employment other than employment approved by the Administrator by or pursuant to regulation.

(6) Administrator shall by regulation provide that any person awarded a scholarship under this section shall agree in writing to enter and remain in an occupation involving the design, operation, or maintenance of treatment works for such period after completion of his course of studies as the Administrator determines appropriate.

Sec. 112(a) As used in sections 109 through 112 of this Act—

(1) The term "institution of higher education" means an educational institution described in the first sentence of section 1201 of the Higher Education Act of 1965 which is accredited by a nationally recognized accrediting agency or association approved by the Administrator for this purpose. For purposes of this subsection, the Administrator shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

(2) The term "academic year" means an academic year or its equivalent, as determined by the Administrator.

(b) Administrator shall annually report his activities under sections 109 through 112 of this Act, including recommendations for needed revisions in the provisions thereof.

(c) There are authorized to be appropriated $25,000,000 per fiscal year for the fiscal years ending June 30, 1973, and June 30, 1974, to carry out sections 109 through 112 of this Act.

Sec. 113(a) Administrator can agree to Alaskan demonstration projects for safe water and elimination and control of pollution for central communities—Projects must include water supply systems, toilets, bathing and laundry facilities, sewage disposal facilities, etc.—Also programs to encourage use and health and hygiene programs are also to be set up.

(b) Administrator should be cooperate with HEW personnel.

(c) Results shall be reported by January 31, 1974, along with recommendations.

(d) Appropriation Max.: $2,000,000.

Sec. 114. In the case of any economic growth center designated under section 143 of title 23, United States Code, the Administrator is authorized to make a supplemental grant to such center in any case where such center receives a grant for construction of treatment works under this Act. Such supplemental grant shall be for such percentage of the costs of such works as the Administrator determines. There is authorized to be appropriated to carry out this section not to exceed $5,000,000.

Mr. HARSHA. Mr. Chairman, I yield to the distinguished gentleman from Arkansas (Mr. HAMMERSCHMIDT), a member of the committee.

Mr. HAMMERSCHMIDT. Mr. Chairman, the bill we have before us today, H.R. 11896, is one of the most far-reaching and most complex, as well as most costly, ever considered in Congress. Certainly, it is the most extensive environmental legislation ever undertaken.

It is far-reaching because it can affect every citizen in this land—his pocketbook, standard of living, his job, his very way of life.

It is complex because it involves the entire gamut of organized social life, from huge metropolitan areas to the small hamlets and towns of the countryside, and to the individual farms and isolated homes all around the Nation.

Moreover, it seeks a legislative remedy to a multifaceted problem—environmental improvements of new technical dimensions, posing extreme economic demands. The costs are enormous.

Federal Government expenditures foreseen under this measure are approximately $25½ billion during the first 4 years of operation. This does not include many billions to be invested by industry and others in the private sector. However, I have no doubt in my mind that the Nation and the people are ready to pay the price to clean up the air and water, to overcome the accumulated results of too little action over the past years.

I come from a State that is relatively unspoiled, and yet a State on the edge of great industrial expansion. We recognize what problems can arise from industrialization. We have a fine conscientious pollution control commission which is very painstaking in its administration of environmental law.

Very few towns and cities in Arkansas are free from water supply and/or sewer problems. Most sorely need help. This legislation would help them overcome these deficiencies and it could prove among the most important laws enacted in the history of our Nation.

I know that my colleagues are aware of what is in the bill, but may I take the liberty of providing this additional reference background material:

Water Pollution Control Legislation

I. LEGISLATIVE BACKGROUND

The first major piece of water pollution control legislation, other than the Refuse Act of 1899 which was fully activated only recently, was approved by Congress in 1948. It provided for low interest federal loans for the construction of municipal treatment facilities, Federal support for pollution research, assistance to the states to undertake abatement studies and plans, and authorized the Justice Department to bring suits against polluters provided state permission was granted.

In 1956, the program was significantly expanded to include $500 million in *grants* for the construction of treatment facilities over a 10 year period, increased Federal support for research, and provided $3 million per year in grants to assist states in planning comprehensive water pollution control programs. These construction grant authorizations were increased to about $100 million per year in 1961, and the ceiling on individual project grants was raised from $250,000 to $600,000. In addition, the amendment of that year allowed the Justice Department to bring suit without state permission, expanded coverage of the Act to navigable *intra-state* and coastal waters, and authorized seven regional laboratories for research and demonstration of improved sewage control methods.

The Water Quality Act of 1965 added major amendment to the law providing for Federal water quality standards, based on the multiple beneficial use concept, to be developed within a two year period by each state for its interstate waters. The states were also required to develop implementation plans and enforcement standards, and if they failed to develop such plans and standards by 1967, the Federal government was authorized to do so.

During the following year, Congress greatly enlarged the sewage treatment grant program, authorizing $3.5 billion for FY 1967–71, and increasing the Federal share of projects costs from 30% to 55% if the state agreed to cover 25%. However, actual appropriations have averaged only about 50% of the authorized amounts during this period. Finally, the Water Quality Act of 1970 added further provisions to the law regarding oil pollution from vessels and on-shore and off-shore facilities, federal permits and licenses, and the discharge of hazardous substances into the nation's waters.

II. SUMMARY OF MAJOR PROVISIONS

Goals and Policy—establishes a 1985 goal of no discharge of pollutants into the Nation's waters, and an interim goal for 1981 to achieve water quality suitable for recreation purposes and the propagation of marine life in all waters. In addition, the bill provides for a sharp increase in Federal grants for the construction of municipal waste treatment facilities in the amount of $18 billion over the next three fiscal years, and aims to preserve the primary right and responsibility of states to prevent and abate pollution by assigning them a large role in the national discharge permit system established by the Act.

Research, Training and Related Programs—grants EPA broad authority to participate in and encourage research relating to the causes and prevention pollution, training programs designed to provide the increased manpower and expertise that will be required to achieve the goals of the Act, and demonstration projects aimed at developing new pollution control technologies, municipal waste treatment techniques, and improved waste management methods. $135 million for FY 1974 is authorized for these programs.

Grant Assistance For Construction of Public Waste Treatment Facilities—provides an appropriations authorization of $5 billion for FY 1973, $6 billion for FY 1974, and $7 billion for FY 1975 for construction of municipal waste treatment works. The bill raises the Federal share of project costs from the current maximum level of 55% to 75% if the state assumes an additional 15% of the non-Federal costs, and permits the EPA to make these funds available by means of contractual obligation rather than on the basis of annual grant appropriations. It also provides for retroactive payments to projects eligible for Federal assistance of up to 30% of the total cost for the period 1956 through 1966, up to 55% for the period after 1966, changes the allotment formula from a population to needs basis, and requires that applicants establish users charges, including fees to cover capital costs attributable to industrial users.

Effluent Limits and Permit Program—establishes a national discharge permit system requiring all point sources emitting effluents into navigable waters to obtain permits specifying allowable discharge levels. The bill provides that by 1976 these discharge limits shall be based on the "best practical control technology" for private industry, and "secondary treatment", as defined by EPA regulation, for publicly owned plants. By 1981 industry must achieve zero discharge of pollutants unless compliance is not attainable at reasonable costs, in which case limits are to be based on the "best available demonstrated technology". For publicly owned facilities, the 1981 standard is the "best practical waste treatment technology". In addition, after appropriate regulations have been published pursuant to this Act by the EPA, all newly constructed or modified private plants must meet national discharge standards based on the "best available demonstrated control technology, process and methods", and this requirement applies to product processes as well as end-of-the-pipe emissions.

Evaluation of Zero Discharge Goal—the bill conditions the effectiveness of the 1981 and 1985 water quality goals on a study by the National Academy of Sciences and environmental effects of these goals, and upon subsequent affirmative legislative action by Congress.

State Role—permits the EPA to delegate administration of the permit program to states which submit acceptable plans and demonstrate a capacity to administer the program effectively, but this delegation is subject to termination if EPA determines, after public hearings, that the state program is not being run in accordance with its regulations. Also, the bill specifies that states may establish more stringent emission standards than those required by Federal law, and provides that interstate water quality standards established by a state, either pursuant to Federal law or to its own laws, determined by EPA not to be inconsistent with the Federal Water Pollution Control Act prior to the 1972 amendments shall remain in effect.

Enforcement—provides that any person who violates any provision of the Act would be subject to a maximum civil penalty of $10,000 per day. In the case of willful or negligent violations, the offender would be subject to a criminal penalty of $2500–$25,000 per day and/or one year imprisonment.

Other Provisions—authorizes citizens to bring a civil action against any violator of the Act, including government agencies, if they reside in the geographic area of the violation and if they have an interest which is, or may be, directly affected. The bill also provides that a state certification that appropriate water quality standards and limitations will not be violated, will be deemed sufficient to meet the impact statement requirements of the National Environmental Policy Act regarding the issuance of Federal permits. Finally, the bill establishes an Environmental Financing Agency to purchase municipal bonds issued to finance the local share of waste treatment plant construction projects, and authorizes $800 million for assistance to small businesses to help them meet the pollution abatement requirements of the Act.

III. COMMITTEE ACTION

Our Committee on Public Works held oversight hearings on existing Federal water pollution control legislation over a period of six weeks beginning in May. During the period July through November it held a second series of hearings on over 200 separate bills introduced to amend the Federal Water Pollution Control Act.

Major findings of these hearings incorporated into H.R. 11896 include the following: 1) The Federal Water Pollution Control Act and the permit program initiated by the Administration in December of 1970 under the Refuse Act need to be consolidated in order to reduce overlap and coordination problems and prevent the total usurpation of water quality standards enforcement by the Federal government implicit in the Refuse Act permit program; 2) conditions accompanying Federal sewage treatment construction grants need to be tightened up to prevent wasteful expenditures due to excessive clear water infiltration and inadequate collection system, and to insure that applicants examine a much broader range of treatment alternatives; 3) contract authority rather than annual appropriations are necessary if states and localities are to plan and carry out construction projects in an orderly and efficient manner; 4) fair and equitable use charges should be a condition of grants for public treatment facilities, and specifically that industrial users should not be subsidized by the taxpayers at large; 5) there is no necessary correlation between financial assistance needed for waste treatment and the population of a state, so the allotment formula should be changed from the current population basis to a needs basis; 6) areawide and regional waste treatment planning processes and requirements need to be strengthened in order to overcome current fragmentation of abatement efforts; 7) enforcement procedures must be stream-lined in order to prevent the excessive delays and complications of the enforcement conference and 180 day notices in the Water Quality Act of 1965; and 8) a substantial increase for funding for the construction of municipal treatment works will be required if water quality standards are to be attained.

Our committee authorized the following appropriations for construction, research, planning and other purposes for FY 72–75:

	Billions
Fiscal year 1972	$356
Fiscal year 1973	9,872
Fiscal year 1974	7,045
Fiscal year 1975	7,350
Total	24,623

Mr. Chairman, it is my hope as a cosponsor of the bill that this measure will be enacted into law for it represents a realistic legislative vehicle and a balanced approach toward reaching the 1985 national goal of clean waters in the United States, free from the discharge of pollutants by that time, enriching the quality of living for all.

Mr. HARSHA. Mr. Chairman, I yield to the gentleman from Kansas (Mr. Skubitz).

Mr. SKUBITZ. Mr. Chairman, all of us in this body, I believe, are unequivocally for the preservation of the environment, to clean it up and leave to our posterity as much of the natural beauty and wonder of this great land as is posssible.

Unfortunately, during the past century, in making this the most productive Nation on earth, in building a great industrial empire, in extracting riches from the earth and cutting forests to build homes and factories, in giving our people the highest standard of living yet achieved on earth; in doing these things we have despoiled our land and our water and our air.

There has been a great deal of breast beating about all this, and I, for one, am pleased that the conscience and energy of our people has been awakened to the potential dangers that face succeeding generations.

I am proud to be numbered among the conservationists. I, too, would like to see the land and the water and the air restored to its primeval state, or at least to what it was a century ago. But rational men and women know that part of the price we paid for where we are today economically was that very despoiling of the natural elements in which we live.

Therefore, I welcome this opportunity to vote upon the Water Pollution Control Act Amendments of 1972. I suppose, like so many of my colleagues, if I had my own way and thought I could secure its enactment, there would be changes and modifications and additions that I would place in the measure.

But the facts are that the bill brought before us by the committee is, like most legislation that comes to us, a compromise. To undertake what some of the more emotional desire is not only costly beyond the wildest dreams of even this rich Nation, but is simply impractical, given the circumstances as they now exist.

I am satisfied that if the committee bill becomes law, we will have taken a giant step toward purifying our lakes and rivers. Moreover, we will have set a course and pattern that our successors in Congress will have little choice but to follow to the final fruition of the objective—an end to overt industrial pollution and a cessation of municipal pollution. Moreover, substantial diminution of all other types of water pollution will also take place.

I am pleased that the committee bill gives direction and purpose to this important program—a federally authorized direction and direct administration by the States. The stated 1976 cleanup goals will be met. I congratulate the Committee on Public Works for a job well done, and I shall vote for its handiwork.

Mr. HARSHA. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Michigan (Mr. McDonald)

Mr. McDONALD of Michigan. Mr. Chairman, studying the problems of water pollution and finding solutions to those problems is a long and arduous task. The Public Works Committee has done a most commendable job on the Water Control Act, and I am proud as a member of this committee to have taken part in the deliberations which went into this bill.

I would, however, like to draw your attention to title II, sec. 204(b)(1)(B) of the committee's Water Control Act which requires industrial users of treatment works to pay, in addition to user charges, a portion of the investment capital cost. While I am a firm believer in the concept of user charges for the purpose of maintenance and operation, I feel it is a grave inequity for the bill to single out industry as the one user also responsible for capital costs.

Now the general intent of this legislation is to foster joint and regional approaches to water pollution control projects, and to provide Federal tax dollars to help achieve this objective. Unless we amend this bill so as to delete that punitive charge to industry, we may fail in our overall objective.

Consider this ramification of the bill as it is written: Industry may find that the capital outlay costs of joining a municipal project are higher than the cost of operating its own plant, and therefore, decide not to participate with private taxpayers in financing a project. This means a higher construction cost to the taxpayer, in addition to higher user charges due to the fact that industry is operating its own water treatment project.

What we have then, in effect, is a piecemeal approach to water pollution problems. Municipalities will pay more for their clean water; industry will pass its capital investment in clean water projects onto the taxpayer. I do not think I oversimplify when I say that the increased cost of a fragmented water pollution control plan is going to end up coming out of the taxpayer's pocket.

I think we must do all we can to encourage, not discourage, a unified approach to water pollution programs. On Tuesday, I will be offering an amendment which will delete title II, section 204(b)(1)(B). I am hopeful that each Member of the House will be on the floor to consider the merits of my amendment at that time.

Its effects are significant in that it would prevent double taxation, would foster a unified attack on the problem of water pollution, and would keep user taxes down. Industry can be a valuable ally in our quest for a cleaner environment, and I feel this amendment will do much toward obtaining that objective.

Mr. VANDER JAGT. Mr. Chairman, will the gentleman yield.

Mr. McDONALD of Michigan. I yield to the gentleman from Michigan (Mr. Vander Jagt).

Mr. VANDER JAGT. Mr. Chairman, if this amendment is not adopted, what effect would it have on our desire to establish regional systems in coping with our waste?

Mr. McDONALD of Michigan. If this amendment is not adopted, I think industry will take a go-it-alone approach which means they will not be joining in our regional concepts. As we know, if there is more volume going through the plant and a greater size of plant, as a whole it makes the cost to the individual less. We will find without the cooperation of industry and participation by industry that the end cost to the user will be much higher.

Mr. VANDER JAGT. Will industry pay the full user charge that everybody else pays, in addition to their participation in the portion of the investment capital cost?

Mr. McDONALD of Michigan. Yes. The user charge will be assessed every user, and that includes industry.

What we are talking about in my amendment is an additional user charge really, because industry will be compelled to pay their proportionate share of the capital investment. I think the estimates are that it will be somewhat in excess of $7 billion in the next 4 years.

Mr. VANGER JAGT. I thank the gentleman. I believe his amendment is a good one. I intend to support it.

Mr. McDONALD of Michigan. I thank the gentleman.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. McDONALD of Michigan. I yield to the gentleman from Ohio.

Mr. HARSHA. Mr. Chairman, I want to call to the attention of my colleagues the fact that this is an example of what I was talking about earlier. The gentleman is going to offer an amendment to strike out the user charge in the bill. Another amendment will be offered to charge an effluent tax in the bill. This is what the committee was contending with, one extreme on one side and another extreme on the other side. We tried to come up with a balanced approach, somewhere in the middle.

Mr. McDONALD of Michigan. I would say to the gentleman the amendment I offer is not an extreme amendment at all. It is but a very reasonable amendment, and I urge the committee tomorrow to adopt it.

Mr. WRIGHT. Mr. Chairman, I yield 7 minutes to the gentleman from California (Mr. JOHNSON).

Mr. JOHNSON of California. Mr. Chairman, it is with great pleasure that I rise to associate myself with my colleagues on the Public Works Committee in support of the Water Pollution Control Act Amendments of 1972, which I firmly believe will achieve the basic goal of restoring and maintaining the chemical, physical, and biological integrity of the Nation's waters.

Under the leadership of Chairman JOHN BLATNIK, the distinguished gentleman from Minnesota who long has been known as the Nation's outstanding exponent of cleaning up our rivers, lakes, and other waterways, we have presented a fine bill. Chairman BLATNIK has done an outstanding job.

While every member of the committee and the staff worked long and hard to shape this legislation special commendations also should go to two other dedicated leaders who contributed so much in drafting a tough, decisive piece of legislation, our colleague, BOB JONES, the gentleman from Alabama who heads up the Subcommittee on Flood Control and Internal Development, and the gentleman from Ohio, BILL HARSHA, the ranking minority member of the Committee on Public Works.

As a member of the committee who also burned the midnight oil in hearings and drafting sessions to prepare this, one of the most important environmental conservation bills to be considered by this Congress, I could well be prejudiced in support of it and in urging its approval as reported from the Public Works Committee, without amendment.

But this view is shared by many, including the Governor of our Golden State who is responsible for a major effort to clean up our California rivers and streams, lakes and waterways. I quote from a message received from him in which he declares H.R. 11896 "is significantly superior to the Senate bill S. 2770 because it would allow California to continue an effective water pollution control program."

Mr. Chairman, this is a good bill.

The Committee on Public Works in this bill has rewritten our water pollution control law from beginning to end in order to provide new and effective machinery with which to cope with the critical conditions that exist in our waterways today.

We hear much about dates. The Federal Water Pollution Control Act Amendments of 1972 as now submitted to you declares it to be the national goal to eliminate completely the discharge of pollutants into waters of the United States by 1985 and to achieve water quality which provides for the protection and propagation of fish and wildlife and for recreation use, including swimming, of all the Nation's waters by 1981.

That is a goal of clean water within a decade, a goal which we all must recognize will necessitate major expenditures by government at all levels, local, State, and Federal and by private industry.

The legislation recognizes this and authorizes the expenditure of $18 billion during the next 3 fiscal years in grants to State and local government agencies for the construction of waste treatment plants and sewer collection systems.

Two points should be emphasized right here:

First. The committee bill proposed a Federal-State partnership program which will mean funding of 90 percent of the total construction costs by these two levels of government with local government, which today is placing a prohibitive burden on its local property tax base that many much-needed pollution abatement programs are held in abeyance because of lack of local funds. It should be pointed out that S. 2770 proposed only 80 percent State-Federal participation. It is my experience that this difference of 10 percent is sufficient in many instances to make desperately needed projects unattainable by local government.

Second. For the first time in the history of our efforts to fight water pollution, grants will be made available for sewer collection systems that are an integral part of the treatment process in existing communities. Here again we have had many projects "go down the drain" so to speak, because the Federal Government would participate in a treatment plant project, but the local community could not afford the collection system required to get the effluent to the plant.

This authority for collection system grants, Mr. Chairman, also includes assistance to a community in financing major rehabilitation of its system. Very often, such rehabilitation can be accomplished at a fraction of the cost of building a treatment plant or enlarging an existing plant.

Furthermore, authority is provided to finance sewer evaluation studies, and this bill requires that no Federal grants shall be made after June 30, 1973, until the Administrator of the Environmental Protection Agency is satisfied that the applicant's sewer collection system is satisfactory and that there is no excessive infiltration.

Without such studies, and without the communities themselves taking steps to assure the effectiveness of their collection systems, an enormous waste of public funds could occur in the construction of unnecessarily large waste treatment plant capacity.

In addition to the grant authority, this legislation provides the financial aids that our cities and States need to construct waste treatment plants, to develop new technologies, to establish sound management and planning in the use and control of our water resources.

The committee bill establishes a close Federal-State partnership in the administration and enforcement of regulations governing industrial discharges into our waters. It provides for a thoroughgoing study into the economic, social, environmental, and technological effects that will result if we do, or do not achieve our ultimate goal of clean, swimmable water by 1981. That information is essential to any rational program of environmental control, because we cannot blindly commit the resources of the American people to a venture unknown.

I urge my colleagues in the House of Representatives to support the legislation without amendment. I am confident that anyone concerned with the preservation of our environment, the conservation of our natural resources, and the restoration of the purity of one of our most important resources, the water we need for homes and farms, our businesses and industries, and for our fish and wildlife and recreation purposes can support this legislation, without amendment, and know in their hearts that they have participated in a major effort for not only the preservation of our environment but has also taken a major step toward the restoration of our water resources to the purity which our forefathers enjoyed. I would like to highlight title II at this point.

The purpose of title II is to establish the requirements and to provide the financial assistance needed for the expeditious development of the Nation's waste treatment plans and practices.

To accomplish the committee's purpose, major changes are proposed in the existing Water Pollution Control Act which I shall highlight.

The bill requires that the applicants for waste treatment grants consider all potential impacts relating to water, land, and air in determining the best practicable water treatment technology to be used.

There might be no net gain to the Nation in our efforts to solve our pollution problems if we were to adopt a technology for improving water quality without assessing its possible adverse effect on our land and air resources.

The Federal shares for a waste treatment project will increase from the existing maximum of 55 percent of the project cost to 75 percent.

However, localities will receive this amount only if the State agrees to provide 15 percent of the cost; otherwise the Federal share would be 60 percent which compares with 30 percent under existing law.

The increased Federal share applies to all grants made from funds authorized after June 30, 1971.

The increased Federal participation will ease the financial pressure on the State and local governments but still maintain the joint financial responsibility which is basic to preserving the underlying philosophy of the Federal Water Pollution Control Act.

The State may pay its share by any means including loans.

The Administrator is authorized at the time he approves the plans, specifications, and estimates for a proposed project to enter into a firm contractual obligation on behalf of the United States for the payment of the Federal share.

He is also authorized to make progress payments as construction proceeds on the project.

These changes in the existing law will remove an element of uncertainty associated in the past with annual appropriations, and also relieve the pressure on the State and municipalities as to time when their funds must be available.

Before making a construction grant the Administrator must assure himself that a proposed project conforms to any applicable areawide basin plan, or State plan, is in accordance with the construction priorities established by the State water pollution control agency, and meets other conditions specified in the bill.

Another major change in existing law is a requirement for the establishment of user charges.

After June 30, 1973, no grant for a publicly owned treatment works may be approved by the Administrator unless the applicant has adopted, or will adopt, a system of user charges to assure that each recipient will pay its proportionate share of the cost of operation, maintenance, replacement, and expansion.

In the case of such user charges, industrial users of publicly owned systems will be required to pay an amount sufficient to pay their fair portion of all costs including the repayment of that part of a Federal construction grant to the community which is attributable to their anticipated use of the facilities.

Since one of the objectives of this bill is the development of self-sufficiency among local systems, the committee has recommended that the revenues received from industrial users be retained by the local system.

These revenues could then be used by the community for the maintenance, operation, and development of the system.

The committee believes that it is inappropriate to subsidize industrial users from funds provided by the taxpayers at large.

Experience under existing legislation has clearly demonstrated that there is no necessary correlation between population and the waste treatment needs of a community.

For that reason, H.R. 11896 provides that beginning in 1973 the annual allotments, as well as reallotments, will be distributed among the States on the basis of their respective proportions of the Nation's total actual waste treatment needs as determined by studies made by the Environmental Protection Agency.

In 1972 and 1974 the needs study made in 1970 will be used.

For 1975 and future years, the bill requires the submission to the Congress of biennially revised needs studies.

Since funds will be allotted in January preceding the fiscal year for which they are authorized the States will have 2½ years to obligate its allotment.

The proposed changes with respect to contract authority, allotments, reallotments, and obligations incorporates into the Water Pollution Act the procedures so successfully used in the Federal aid highway program.

The bill also provides authority and establishes the conditions for reimbursing States, municipalities, and intermunicipal agencies or interstate agencies for any federally owned treatment works constructed by them between 1956 and 1971 for which a full Federal contribution was not received.

A $2 billion appropriation authorization is provided for grants made during the period of 1966 through 1971 and $750 million for grants made between June 30, 1956, and June 30, 1966.

The committee believes that as a matter of equity the Federal Government should provide such reimbursements to States and localities which committed their own funds to prefinance a portion of the Federal share of the eligible cost of constructing waste treatment facilities.

Another significant provision included in the bill is to authorize agencies to procede with the construction of projects during a fiscal year after a State allotment for that year has been obligated.

Such prefinancing would be limited, however, to those fiscal years for which grant authorizations had already been approved by the Congress and could not exceed a State's expected allotment from such authorizations as determined by the Administrator.

Provision is made to continue grants for the construction of publicly owned waste treatment programs through June 30, 1975.

An authorization of $5 billion is provided for 1973, $6 billion for 1974, and $7 billion for 1975, making a total of $18 billion.

In addition, a $350 million authorization is provided for 1972 increasing the authorization to $2 billion for that year which, except for the Federal share, will be administered on the basis of the same requirements and conditions that prevailed prior to the enactment of the bill.

The increase in the percentage of Federal participation is effective for any grant made from funds authorized after June 30, 1972, except for funds used for reimbursements.

This bill also includes a provision emphasizing the importance which the committee attaches to strengthening the planning process.

Specific provision is made for the Administrator to issue guidelines for the purpose of assisting the Governors in designating urban, industrial, or other areas confronted with serious water quality programs.

Such areas would be designated by the Governor after consulting with the officials of local governments, and a single planning agency would be appointed for the area to draw up effective waste treatment plans.

The Federal Government would pay 100 percent of the cost of developing the plans for 1973 and 1974 and 75 percent of the cost thereafter.

The bill includes an appropriation authorization to the Environmental Protection Agency of $100 million for 1973 and $150 million for 1974 solely for the use of the local planning agencies.

In addition, an authorization of $50 million for each of the fiscal years 1973 and 1974 is provided to the Secretary of the Army to be used on the request of the Governor or the designated planning agencies, for assistance by the Corps of Engineers in developing and operating continuing management planning processes.

The committee expects that plans will, wherever possible, be developed by existing regional organizations to minimize the creation of new agencies and will be revised annually.

At the time a plan is approved, the Governor will designate one or more waste treatment management agencies to receive and spend Federal grants for the construction of publicly owned waste treatment facilities.

The plans developed are to be utilized by the States and by the Environmental Protection Agency in managing their water pollution control programs.

If these plans are used effectively we can bring some order to our fragmented approach to planning thereby giving greater assurance to the Congress that construction funds are used to meet our most urgent water pollution problems.

The consideration of water quality must be an integral part in the planning and development of our river basin plans.

Quality as well as quantity must be considered.

This bill includes an authorization of $200 million to be spent under the supervision of the Water Resources Council for the development by 1980 of comprehensive river basin plans for all areas of the Nation.

The committee believes that notwithstanding the importance of such studies to the development of our Nation's water resources practically no comprehensive river basin plans have been completed since the establishment of the Water Resources Council in 1965 due to inadequate funding and the unwillingness of anyone to assume the responsibility for their timely initiation and completion.

Finally, authority has also been provided for the Administrator to make grants for sewage collection systems in communities existing on the date of enactment of this bill when necessary to the effective and economical operation of a waste treatment system.

Such systems are now included in the definition of treatment works.

The committee discovered that one of the reasons for the delay in initiating construction of some waste treatment facilities is the inability of public agencies to arrange for the financing of collection systems.

Until the Environmental Protection Agency is satisfied that an effective collection system will be available when a waste treatment plant is completed, no grant can be finalized.

The committee believes that by giving the Environmental Protection Agency full responsibility for making a decision involving a community, requiring both financial assistance for the construction of a waste treatment plant and a collection system, the national water pollution control program will be expedited.

The authority for collection system grants also includes assistance to a community in the financing of major rehabilitation of its system which can often be accomplished at a fraction of the cost of building a treatment plant or adding to its capacity.

Authority is also provided to finance sewer evaluation studies and the bill requires that after June 30, 1973, no grant shall be made unless the Administrator is satisfied that the sewer collection system is satisfactory and there is no excessive infiltration.

Without such studies and the community, then taking corrective steps to assure an effective collection system, an enormous waste of public funds—both Federal and non-Federal—may occur by constructing unneeded waste treatment plant capacity.

We must achieve the goal of clean water by 1981. The time is short. H.R. 11896, I am confident, is the best way to achieve this necessary goal.

Mr. HARSHA. Mr. Chairman, I yield such time as he may use to the gentleman from Washington (Mr. PELLY).

Mr. PELLY. Mr. Chairman, I rise in support of this legislation.

I intend carefully to study the various amendments, and maybe I will feel the bill can be improved, but in general I think it is a good bill.

Mr. HARSHA. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio (Mr. MILLER).

Mr. MILLER of Ohio. Mr. Chairman, when a bill as bold in concept and complex in design as H.R. 11896 is proposed, there are bound to be many questions and a great amount of confusion regarding its overall effect. Truly, H.R. 11896 is one of the most monumental pieces of environmental legislation ever to be considered by the Congress, changing our national water pollution control policy from one of water quality standards to effluent limitations. No one can accurately predict what kind of economic and environmental impact it will have in the next decade. Deterioration of our natural environment is one of our most pressing domestic problems. But years of neglect cannot be righted overnight. What took man centuries to undo will take time and a tremendous expenditure of resources and new technologies to put back together.

By the vote that was recorded on the Senate version of the water pollution bill, one could be easily led to believe that there was unanimous agreement with the no-discharge approach. However, having been written behind closed doors in the Senate without public hearings and available in print only 1 day before the vote, the bill had to be accepted almost at face value—kind of a take-it-or-leave-it proposition. The momentum behind this bill since Senate passage has been tremendous, but much to the credit of the House Public Works Committee and its very able chairman, our distinguished colleague from Minnesota (Mr. BLATNIK) 4 days of intensive public hearings were conducted in December on the bill. This forum brought forth some very challenging issues and turned over valuable data that enabled the committee to make a better judgment with respect to the Senate bill and exactly what changes this body should make.

Mr. Chairman, I support the objectives of H.R. 11896 and believe it an improvement over S. 2770 and the present Federal Water Pollution Control Act, but I wish to emphasize it is crucial that the American public know what we are embarking upon and some idea of its possible ramifications. There are two initial points I want to cover which are important to the debate today. First, the recent Government-sponsored study "The Economic Impact of Pollution Control" has been construed by many to mean that the requirements contained in this bill are economically feasible and will not have the effects some have predicted and thereby negating the need for section 315, the National Academies study. Let the record show that the considerations contained in this report with respect to water pollution abatement costs are something altogether different than what we have before us in this bill. The report states:

> The water cost data were estimated under the assumption that the relevant standard is the best practicable treatment—roughly the industrial equivalent of secondary treatment. If the pending water quality bill sets more stringent standards to be met at any time in the next decade, investment and engineering decisions would undoubtedly be affected and higher costs would result.

Mr. Chairman, H.R. 11896 goes considerably beyond the 1976 "best practicable treatment" requirement by providing that all point sources have at least the best available demonstrated technology by 1981 and that our goal by 1985 is zero discharge of pollutants, and I support that goal. This important, although limited, report does give us a good idea of the impact of the 1976 goal but it makes no pretext as to forecasting any dislocations or closures which may be attributable to the 1981 goal and it therefore should not be used to disregard the genuine questions which have arisen over the economic impact of this bill after 1976.

One question I raised throughout our December hearings and the issue with which I am most concerned in this bill involves the total environmental impact of the "zero discharge" concept. Higher degrees of treatment will require additional energy expenditures at a time when we are in a very serious fossil-fuel shortage. Removal of all pollutants will intensify demands for tremendous amounts of deep-mined and strip-mined coal and offshore and arctic oil. By purifying our waters to the extent called for in the bill are we running the risk of causing an accelerated uprooting of our landscape? Will the benefits of clean water be negated by dirtier air? Are we going to solve one environmental problem only to have created or compounded another? In discussing the total environmental impact of the bill's goals, Mr. Ruckelshaus told the committee:

> What does this do to energy; what effect does it have on the environment; what does it do to the ground water supply; land use; air pollution. All of these things ought to be considered before we set such a goal.

Coal that is burned to operate the pollutant removal facilities will produce large amounts of fly ash, sulfur dioxide, nitrogen oxides, and B.t.u.'s of waste heat to be disposed of through the air. If land disposal is used serious problems exist, especially with heavy metals and chemicals, in terms of land availability and costs, transportation, land treatment techniques, and soil and underground water contamination.

One very enlightening example of this transferral problem was posed to the committee. To achieve the zero discharge level, one chemical plant has estimated it would annually take 9,000 tons of chemicals, 1,500 kilowatts continuous over a year of electric power, and a quantity of steam that would require 19,000 tons of coal to generate; 15,000 tons of natural resources would be required to produce the 9,000 tons of chemicals and 6,000 tons of coal would be required to produce the 1,500 kilowatts of electric power continuous over a year. The 1,500 continuous kilowatts of electric power would produce 300 tons of fly ash, 350 tons of sulfur oxides, 60 tons of nitrogen oxides, and billions of B.t.u.'s per year waste heat.

Each year 9,000 tons of chemical sludge would be generated creating a separate solid waste disposal problem. The plant would generate in producing the steam 1,200 tons of fly ash, 1,000 tons of sulfur and 200 tons of nitrogen oxides. Suppliers of the 9,000 tons of chemicals would generate 6,400 tons of chemical wastes, including 1,700 tons of chloride wastes and 800 tons of iron sludge. For this one plant, 40,000 tons of natural resources would be consumed to remove 4,000 tons of pollutants from the water and 20,000 tons of additional wastes—solid wastes and air pollution—would be produced to achieve a zero discharge. In other words, five times more pollutants would be produced than would be removed from the plant.

Another major manufacturing concern has calculated that at one of its facilities it is technologically feasible to reduce copper residual to 0.04 p.p.m. and zinc to 0.05 p.p.m. However, such a reduction is theoretically obtainable only at pH values greater than pH 9. This would create a high demand for lime, 60 percent of which would persist as sludge, with the excess lime required beyond pH 8 passing into receiving waters as dissolved solids. Thus, as a result of installing the best available technology two new pollution problems which had not existed before would be created having an adverse overall net environmental effect.

In still another example offered the committee, increased energy requirements for the paper industry to achieve a zero discharge level have been placed at 15 to 40 kilowatt-hours per 1,000 gallons treated in a typical primary and secondary treatment facility. This increase in power consumption approximates the total power requirements of the present pulp and papermaking process. If we have to double our energy consumption to achieve this level, where are we going to get the additional fuels and what additional environmental problems is this consumption going to create?

Dr. Edward E. David, science adviser to the President, has stated that:

> If in fact we stop all our wastes from going into the water, then the cost in both money and energy as well as in land and air pollution will be considerable . . . our water quality goals should not be set arbitrarily but so that we always make a net gain in environmental quality.

Mr. Chairman, there are simply too many unknowns and not enough information on the environmental, social, and economic impact of the zero discharge goal to warrant setting the 1981 and 1985 dates in concrete at this time. Until we have a more definitive appraisal of the impact of the bill's 1981 goals and a better understanding of its implementation, we cannot make an intelligent and rational decision. That is why section 315, providing for an NAS-NAE[1] study, is essential and crucial. I support this provision and urge its retention.

Mr. Chairman, yesterday's Washington Star contained an editorial describing the necessity for this body to take into account the many unknowns associated with this legislation and then act responsibly and rationally. Of the Senate bill's stringent goals the article states:

> "Strong" laws have been passed before that produced results far from the original goals. . . . It is a commendable thought, but only to the degree that the mechanics and the cost of reaching the goal are spelled out, and understandable, and feasible.

Mr. Chairman, I include the full text of the editorial in the RECORD at this point:

THE MURKY BUSINESS OF CLEANING THE WATERS

To get a good argument going among those who care about the world around us, try the following question: Which of the two major pollutions, air or water, is the more insidious and resistant to effective control?

Our own choice is water pollution. Polluted air, it is true, is impossible to contain and thus, for most people, impossible to escape. But the reverse of that proposition is that water, because it is more contained, can get incredibly dirty. No given amount of air is contaminated to the same degree as many of our major rivers and lakes.

Beyond that, the sources of water pollution are so numerous and disparate as to defy coordinated attack. Sewage from thousands of communities—treated, partially treated, untreated—is just one source. Industry pollutes the water in endless ways. And even if an industrial plant protects its own adjacent waterways, it may turn out a product such as detergent soap that winds up in rivers and streams thousands of miles away. Then there is thermal pollution, and mine acid drainage, and agricultural run-off, and off-shore dumping, and oil spills in coastal waters. Considered all together, it stuns the mind.

So does the cost of coping with it. As two examples: To halt mine acid drainage, which is limited to a few Appalachian states, might cost $7 billion; to separate sewer lines from storm drains in the cities where they are combined might cost $25 billion, or $50 billion. No one knows for sure. And no one can tell the cost of total water pollution control, except to say that it would dwarf all other environmental programs combined.

We bring all this up as a way of pointing up the immense significance of the debate scheduled to begin tomorrow in the House. Coming up is H.R. 11896, the House Water Pollution Control Bill. It is bewilderingly complex. With its four-year price tag of $24.6 billion, it could become the most expensive piece of environmental legislation ever passed. But even though the President's budgetmakers are dismayed at these dollar figures, much more is at stake.

As it now stands, the House bill must be seen as counterposed to an extremely ambitious and highly controversial water-pollution bill the Senate passed in November. The major differences between the two bills run far beyond questions of detail and degree to a conflict over whether this nation should change, and how far it should change, its basic approach to fighting water pollution through this decade and well into the next. This is not just any old water pollution fight. It is truly a fight over crossroads decisions. Enormous consequences will flow from what the House decides to do about the bill that has come from its Public Works Committee, and about a series of "clean water" amendments, backed by 25 environment, civic and labor groups, that would bring the bill in line with the Senate version.

Very briefly, the Senate bill would sweep away the current practice of setting, and trying to enforce, water quality standards for various waterways. With the Environmental Protection Agency, not the states, running the show, the new approach would be strictly regulatory. Through the creation of any number of national affluent limitations and a system of discharge permits, it would be directed at specific sources of pollution. The timetable is significant: For industry, by 1976, a requirement to use the "best practicable" technology; by 1981, the "best available" technology; by 1985, no discharges at all.

A breath-taking pill, indeed, and one that, especially in this politically charged election year, puts any critic of it in the position of seemingly advocating dirty water. This is precisely the tricky position in which the House committee found itself in trying to put together a separate version.

And yet the committee turned out a remarkably balanced product. It has some faults—notably in giving the federal government too little clout in making sure the states enforce the law. But in the main, we believe, it represents the right approach at this time to an extraordinarily difficult problem.

The House bill, though a large improvement over current law, is known as the "weaker" of the two bills. This kind of comparison, with all its implications of good versus bad, can be highly misleading. "Strong" laws have been passed before that produced results far from the original goals. In setting the no-discharge 1985 goal, and declaring that as national policy, the Senate took the position that the country will never solve its pollution problem until Congress legislates fixed goals and sets a timetable for realizing them. It is a commendable thought, but only to the degree that the mechanics and the cost of reaching the goal are spelled out, and understandable, and feasible. Supporters of the Senate bill hope it is workable. They cannot be sure. Some administration spokesmen have called it unworkable. Theirs, too, is educated and somewhat biased guesswork.

The House bill offers what appears a reasonable answer. It retains the 1976 requirement for "most practicable" technology. But the far more sweeping 1981 and 1985 goals are made subject to further congressional action after a two-year study by the National Academy of Sciences and the National Academy of Engineers. This is already being assailed as something of a cop-out. The arguments for it are more persuasive. Subjecting all the unknowns in the water-pollution issue to an exhaustive academic study only makes sense. In the short term, with the bill's fixed 1976 requirements, this would not represent a reprieve to polluters. By 1974 or 1975, with the study reports in hand, Congress will be in a far better position to legislate between basic, regulatory approaches. That it would fail then to act on water pollution seems highly improbable. And the tentative timetable is such that before 1981 industry would have enough time to adjust to higher standards.

The essence of the two-year study should be to make vital distinctions between the merits of water quality standards and the case-by-case regulations of pollution treatment at the source. Probably there is a case for a mix of both, and the House legislation wisely provides for such a mix at least until 1976. The trouble with relying solely on the present standards is the difficulty of establishing who is responsible for polluting a particular river system. But to switch entirely to a system calling for countless different treatment standards could prove just as cumbersome. For the government to direct an industry to eliminate all discharges, or even to install the "best available" technology, ought to be judged in light of identifiable benefit. There may be little point to ordering an industry on, say, the Mississippi River to go beyond 80 percent or 90 percent treatment control. For another industry located on a fragile waterway, 95 percent control might not be good enough.

Beyond the technical lie the economic considerations. They are far from idle ones. To hold new industries to the highest possible standards is one thing. It is quite another to mandate that every industry, including older, economically vulnerable plants, install the most expensive equipment and move to a 1985 no-discharge status. Beyond that, although the total costs remain elusive, it is beyond question that the costs of improving our waters will move upwards not on a straight line but on a sharp curve, so that the price tag for removing the last 3 percent of pollution could well prove higher, by multi-billions of dollars, than the cost of eliminating the first 97 percent. All this needs thorough delineation, and then the question must be faced of whether, in light of so many competing priorities, the nation wants to commit such a large part of its resources to go beyond basically adequate improvements in water quality.

The Senate, with its bill, has raised the nation's environmental aspirations. The House version, though, because it does not sacrifice wisdom for simplicity, represents better government.

---

[1] National Academy of Sciences and National Academy of Engineering.

Mr. WRIGHT. Mr. Chairman, I yield to the gentleman from Texas (Mr. Roberts).

Mr. ROBERTS. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record with an outline of title V of H.R. 11896.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The matter referred to is as follows:

Outline of Title V

Sec. 501(a) Administrator may prescribe necessary regulations.

(b) Administrator may borrow personnel with consent.

(c) Administrator may demand that complete records be kept.

(d) Administrator and Comptroller shall have access to all records and papers.

(l) (1) It is the purpose of this subsection to authorize a program which will provide official recognition by the U.S. Government to those industrial organizations and political subdivisions of States which during the preceding year demonstrated an outstanding technological achievement or an innovative process, method, or device in their waste treatment and pollution abatement programs—the Administrator shall set standards, after consultation, within certain guidelines.

(2) Awarding of certificates.

(3) Federal Register will publish awards.

(f) State water pollution control agencies can borrow personnel from E.P.A.

Sec. 502. Definitions:

(1) "State water pollution control agency."
(2) "Interstate agency."
(3) "State"—including U.S. territories.
(4) "Municipality."
(5) "Person."
(6) "Pollutant."

Pollutant means, but is not limited to, dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar and industrial, municipal, agricultural, and other waste discharged into water.

This term does not mean:

A. "Sewage from vessels" within the meaning of section 312 of this Act.

B. Water, gas, or other material injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the State in which the well is located, and if such State determines the injection or disposal of such water, gas, or other material will not result in the degradation of ground or surface water resources.

C. Thermal discharges in accordance with regulations in section 316.

D. Organic fish wastes.

(7) "Pollution."
(8) "Navigable waters."
(9) "Territorial seas."
(10) "Contiguous zone."
(11) "Ocean."
(12) "Effluent limitation."
(13) "Discharge of a pollutant." "Discharge of pollutants."
(14) "Toxic pollutant."
(15) "Point source."
(16) "Biological monitoring."
(17) "Thermal discharge."
(18) "Discharge."

Sec. 503. (a) (1) Establishes in Environmental Protection Agency a Water Pollution Control Advisory Board:

(2) (A) Term of office.

(B) Compensation.

(b) Board functions—advise, recommend.

(c) Clerical and technical assistance.

Sec. 504. Notwithstanding any other provision of this Act, Administrator upon receipt of evidence that a pollution source or combination of sources is presenting an imminent and substantial endangerment to the health of persons, may bring suit on behalf of the U.S. to immediately restrain any person causing or contributing to the alleged pollution to stop the discharge of pollutants causing or contributing to such pollution or to take other action as may be necessary.

Sec. 506. Attorney General shall represent Administrator in litigation. If he does not promptly respond, EPA attorneys shall represent the United States.

Sec. 507(a). No person shall be fired or discriminated against because he has caused action to be taken under this act or testified in proceedings.

(b) Rules for firings alleged to be discriminatory.

(c) Whenever an order is issued under this section to abate such violation, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees), as determined by the Secretary of Labor, to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation.

(d) This section shall have no application to any employee who, acting without direction from his employer (or his agent) deliberately violates any prohibition of effluent limitation of other limitation under section 301 or section 302 of this Act, standards of performance under section 306 of this Act effluent standards, prohibition or pretreatment standard under section 307 of this Act, thermal discharge regulation under section 316 of this Act, or any other prohibition or limitation established under this Act.

Sec. 508. (a) No Federal agency may enter into contract with any person, who has been convicted of any offense under section 309(c) of this Act, for the procurement of goods, materials, and services if such contract is to be performed at any facility at which the violation which gave rise to such conviction occurred, and if such facility is owned, leased, or supervised by such person. This prohibition shall continue until the Administrator certifies that the offending condition has been corrected.

(b) Notification of such offense, by Administrator, shall follow.

(c) The President, within one hundred eighty days of this Act, shall issue an order—

(1) Telling all agencies which are concerned with quality standards to start issuing their contracts.

(2) Setting forth procedures, sanctions, penalties, and provisions.

(d) President may exempt aid granted from provisions of this section—shall notify Congress.

(e) President shall make an annual report to Congress.

Sec. 509 (a) In connection with any determination under section 301(b) (3) of this Act, or for purposes of obtaining information under section 305 of this Act, Administrator may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and he may administer oaths. Except for effluent data, upon a showing satisfactory to the Administrator that such papers, etcetera, if made public, would devulge trade secrets or secret processes. The Administrator shall consider such record confidential in accordance with the purposes of section 1905 of title 18 of the United States Code, except that such report may be disclosed to other personnel of the United States concerned with carrying out this Act, or when relevant in any proceeding under this Act.

(b) Review of Administrator's action (1) in promulgating any standard of performance under section 306, (2) in making any determination pursuant to section 306(b) (1) (C), (3) in promulgating any effluent standard, prohibition, or treatment standard under section 307, (4) in making any determination as to a State permit program submitted under section 402(b), (5) in approving or promulgating any effluent limitation or other limitation under section 301, 302, or 306, and (6) in issuing or denying any permit under section 402, may be had by any interested person in the district court (where he resides/works) upon application by such person. Any such application shall be made within 30 days from the date of such determination, approval, promulgation, issuance, or denial, or after such date only if such application is based solely on grounds which arose after such thirtieth day.

(c) In any judicial proceeding brought under subsection (b) of this section in which review is sought of a determination under this Act required to be made on the record after notice and opportunity for hearing, if any party applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, in such manner and upon such terms and conditions as the court may deem proper. The Administrator may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original determination, with the return of such additional evidence.

Sec. 510. Except as expressly provided in this Act, nothing in this Act shall (1) preclude or deny the right of any State or agency to adopt and enforce (A) any standard or limitation respecting discharge of pollutants, or (B) any requirement respecting control or abatement of pollution: except if an effluent limitation, or other limitation, effluent standard, prohibition, pretreatment standard, standard of performance, or thermal discharge regulation is in effect under this Act, such State or agency may not adopt or enforce any effluent limitation, et cetera, which is less stringent than the regulations set forth by this Act, or (2) be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters of such States.

Sec. 511 (a) This Act shall not be construed as (1) limiting the authority or functions of any officer or agency of the U.S. under any other law or regulation not inconsistent with this Act; (2) affecting or impairing the authority of the Sec. of the Army (A) to maintain navigation or (B) under the Act of Mar. 3, 1899 (30 Stat. 1112); except that any permit issued under section 404 of this Act shall be conclusive as to the effect on water quality of any discharge resulting from any activity subject to section 10 of the Act of March 3, 1899, or (3) affecting or impairing the provisions of any treaty of the U.S.

(b) The consultation and coordination requirements of the Act of Mar. 10, 1934, as amended (16 U.S. Code 661, *et. seq.*), shall apply under this Act only to the provisions of (1) section 306 of the Act; (2) the publication of information under section 304 of this Act; and (3) the establishment of guidelines under section 403 of this Act.

(c) Discharges of pollutants into the navigable waters subject to the Rivers and Harbors Act of 1910 (36 Stat. 593; 33 U.S. Code

421) and the Supervisory Harbors Act of 1888 (25 Stat. 209; 33 U.S. Code 441-4516) shall be regulated pursuant to this Act, and not subject to such Act of 1910 and the Act of 1888 except as to effect on navigation and anchorage.

SEC. 512. If any provision of this Act, or the application of any provision of this Act to any person or circumstance is held invalid the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SEC. 513. The Administrator shall take such action as may be necessary to insure that all laborers and mechanics are paid according to local standards in accordance with the Act of March 3, 1931, as amended; that is, the Davis-Bacon Act.

SEC. 514. In the case of any water pollution control facility required to be constructed for any property used for any agricultural purpose, no owner or operator of any such property shall be required to expend any funds for the construction of any such facility (A) until a plant for such facility and its operation shall have been approved by the Administrator; and (B) until a certification by the Administrator that such plan, and the construction and operation of any facility in accordance with such plan, will not result in a violation of the laws or regulations of any local, State, or Federal health agency or other governmental agency.

SEC. 515. (a)(1) Effluent Standards and Water Quality Information Advisory Committee.

(2) Members shall be selected from the scientific community.

(3) Four year terms.

(b)(1) No later than one hundred and eighty days prior to the date on which the Administrator is required to publish any proposed regulations required by section 304(b) of this Act, any proposed standard of performance for new sources required by section 306 of this Act, or any proposed toxic effluent standard required by section 307 of this Act he shall transmit to the Committee a notice of intent to propose such regulations. The Chairman of the Committee within ten days after receipt of such notice may publish a notice of a public hearing by the Committee to be held within thirty days.

(2) Hearing records shall be transmitted to the Administrator within one hundred and twenty days of notice.

(3) These records shall be a part of the administrative record.

(4) In preparing these records, the services of any Federal agency may be used.

(c) (1) Committee shall appoint and define the job of a Secretary. Legal counsel and staff shall also be provided.

(2) Members of the Committee shall receive compensation as the President designates, but not to exceed GS 18 pay—

(d) Five members constitute a quorum. Official action can be taken only with the affirmative vote of 5 members.

(e) Committee is authorized to make its own rules.

SEC. 516 (a) Within 90 days following the convening of each session of *Congress*, a report on progress is to be submitted including:

(1) The progress and problems associated with developing comprehensive plans under section 102 of this Act, areawide plans under section 208 of this Act, basin plans under section 209 of this Act, and plans under section 303(e) of this Act.

(2) A summary of actions taken and results achieved in the field of water pollution control research, experiments, studies, et cetera.

(3) The progress and problems associated with the development of effluent limitations and recommended control techniques.

(4) The status of State programs.

(5) The identification and status of enforcement actions.

(6) The status of State, interstate, and local pollution control programs established pursuant to, and assisted by, this Act.

(7) A summary of the results of the survey required to be taken under section 210 of this Act.

(8) The Administrator's activities including recommendations under sections 109 through 111 of this Act.

(9) All reports and recommendations made by the Water Pollution Control Advisory Board.

(b) The Administrator, with State help, shall make—

(1) Estimate of the cost of the Act.

(2) Estimate, biennially revised, of cost of construction of publicly owned treatment works—in each State.

(3) Study of the economic impact on affected units of government of the cost of installation of treatment facilities.

(4) Analysis of national requirements for and the cost of treating municipal, industrial, and other effluent to attain the water quality objectives. These studies shall be submitted no later than Feb. 10 of each odd-numbered year. State estimates submitted to the Administrator shall be passed on to Congress.

SEC. 517. There are authorized to be appropriated to carry out this Act, other than sections 104, 105, 106(a), 107, 108, 112, 113, 114, 206, 207, 208(f) and (h), 209, 304, 311(c), (d), (i), (l), and (k), 314, 315, and 317, $250,000,000 for the fiscal year ending June 30, 1973, $300,000,000 for the fiscal year ending June 30, 1974, and $350,000,000 for the fiscal year ending June 30, 1975.

Mr. Chairman, I urge my colleagues to support this measure without amendment.

Mr. WRIGHT. Mr. Chairman, I yield 10 minutes or such part thereof as the gentleman may consume to the gentleman from New Jersey (Mr. ROE).

Mr. VANIK. Mr. Chairman, will the gentleman yield for a question?

Mr. ROE. I yield to the gentleman.

Mr. VANIK. Mr. Chairman, with respect to section 404 on page 367 of the bill, I have a specific question concerning subsection (c), and I would appreciate it if I could have a response by the chairman of the committee, if possible.

Will this subsection relating to the disposal of dredgings on Federal projects terminate the program of the Corps of Engineers on the Great Lakes to place polluted dredgings in dike or land sites?

Mr. JONES of Alabama. Mr. Chairman, will the gentleman from New Jersey (Mr. ROE) yield?

Mr. ROE. I yield to the gentleman.

Mr. JONES of Alabama. No; it does not terminate those contracts.

I will further inform the gentleman from Ohio that there is $35 million for that purpose for the fiscal year 1973.

Mr. VANIK. That is set forth in the budget.

Mr. JONES of Alabama. Yes.

Mr. VANIK. Thank you, Mr. Chairman, for your answer. Your support of this important program is deeply appreciated. I would like to point out for the record how important this program is. In April of 1970, President Nixon announced his support of a program many of us fought long and hard for—the prohibition of further dumping of polluted dredgings in the open waters of the Great Lakes. He asked for $70 million to accomplish this goal in the 35 most polluted harbors of the Great Lakes for a 10-year period. This proposal was passed into law by Public Law 91-611, section 123. Under the provisions of this bill, after 10 years, enough source pollution will be eliminated that this program will not be needed. In the meantime, it is very much needed.

As long ago as May 1969, the Department of the Interior supported this goal saying:

> The costs of a program to prevent pollution from dredging disposal cannot be justified on a cost-benefit basis in this study without attempting to engage in the debate of cost-benefit numbers of questionable meaning. We should point out that the values to be protected by this program and other programs intended to reduce pollution in the Great Lakes are the total worth of these lakes. The real worth of these lakes to present and future generations is almost incalculable.
>
> It is generally conceded that the present level of pollutants discharged to the lakes is seriously degrading these waters and if not abated will hasten the essential destruction of the lakes. The elimination of any source of pollution in the Great Lakes will help enhance the water quality in those lakes which, in turn, will increase the long-range financial worth of the lakes and communities adjoining the lakes.
>
> This Department has taken and is maintaining a strong position opposing the continued dumping of polluted materials in the open waters of the Great Lakes. To this end, we have consistently recommended that permits not be issued by the U.S. Corps of Engineers when such permits would allow the open-lake disposal of polluted materials.

The Corps of Engineers itself has said that:

> The disposal of heavily polluted dredgings must be considered "presumptively undesirable" because of its long-term adverse effects on the ecology of the Great Lakes.

This program is particularly important on Lake Erie. Of the 10.8 million cubic yards of material dredged from Great Lakes harbors each year, 63 percent comes from Lake Erie harbors and the disposal of these dredgings in the open waters of the Lake would account for 8 percent of the total sediments and dissolved solids reaching the lake. In 1967, 660,000 tons of dry solids were dredged from Cleveland Harbor. It is estimated that this material contained 17,600 tons of oil and grease. If this material is stirred up and dumped in the open waters of the lake, it obviously is a serious source of additional pollution.

I am concerned about the adequacy of designating only 35 harbors for this program. In a letter from the Office of the Chief of Engineers of June 21, 1971, I was given a list of the harbors where dredgings were being placed in land or diked disposal sites. That list did not include all the harbors which are considered polluted. In fact, on Lake Erie, material from nine polluted harbors is being dumped in open water, on Lake Ontario, the dredgings from two polluted harbors are being dumped in the open lake. On Lake Superior there are three such cases and on Lake Huron, one such case. In a letter which I received from the corps on March 21, 1972, I was informed that about half of the material being dredged in the Cleveland area will be dumped in the open lake because of a lack of space in the confined disposal site. Mr. Chairman, I insert this data in the RECORD at this point:

DEPARTMENT OF THE ARMY,
BUFFALO DISTRICT, CORPS OF ENGINEERS,
Buffalo, N.Y., March 21, 1972.

Hon. CHARLES A. VANIK,
House of Representatives,
Washington, D.C.

DEAR MR. VANIK: I am replying to your letter dated 15 March, in which you asked about the disposition of material to be dredged in Cleveland in 1972..

The existing inclosed disposal areas at Cleveland are nearly filled, with only enough space remaining to hold the material to be dredged from Cuyahoga River under an existing contract in the spring of 1972. There is no room for material to be dredged from the outer harbor and entrance channel. In order to provide for the needs of navigation, this material, which is less polluted than that in the river, will be dredged and dumped in Lake Erie. A smaller quantity will be dredged in the latter area than was dredged in 1971.

We are nearing agreement with the Port Authority on a new disposal site, but because of the time required for design and construction, the site will not be ready to use for over a year. After completion of dredging this spring, there will be only two options open to us: to dredge and dump the material in Lake Erie, or not to dredge and allow the channels to shoal. Either procedure must be coordinated with other Federal and local agencies before a decision can be announced.

I will keep you informed.

Sincerely yours,

RAY S. HANSEN,
Colonel, Corps of Engineers,
District Engineer.

NORTH CENTRAL DIVISION, DREDGING PROGRAM—GREAT LAKES, CALENDAR YEAR 1971

[All work is maintenance unless otherwise indicated]

Project	Estimated quantity (cubic yards)	Classification FWQA		Method disposal
		Polluted	Unpolluted	
Lake Michigan:[1]				
Calumet Harbor and River, Ill. and Ind.	120,000	×		Confined.
Calumet Harbor and River, Ill. and Ind. (new work	45,000	×		Do.
Charlevoix Harbor, Mich	12,000		×	Open water.
Frankfort Harbor, Mich. (outer harbor)	37,000		×	Do.
Grand Haven Harbor, Mich. (outer harbor)	90,000		×	Do.
Grand River, Mich	32,000		×	Confined.
Green Bay Harbor, Wis	75,000	×		Do.
Green Bay Harbor, Wis. (new work)	1,000,000	×		Do.
Holland Harbor, Mich.:				
Inner	40,000	×		Do.
Outer	40,000		×	Open water.
Indiana Harbor, Ind	220,000	×		Confined.
Ludington Harbor, Mich	40,000		×	Open water.
Manistee Harbor, Mich	65,000		×	Do.
Muskegon Harbor, Mich	50,000		×	Do.
Pentwater Harbor, Mich	36,000		×	Do.
Portage Lake Harbor, Mich	18,000		×	Do.
Port Washington Harbor, Wis	10,000		×	Do.
Saugatuck Harbor, Mich	50,000		×	Do.
South Haven Harbor, Mich. (outer)	40,000		×	Do.
St. Joseph Harbor, Mich. (outer)	50,000		×	Do.
Two Rivers Harbor, Wis. (outer)	60,000		×	Do.
White Lake Harbor, Mich	30,000		×	Do.
Lake Erie and Detroit River:[2]				
Ashtabula Harbor, Ohio	150,000	×		Do.
Black Rock Channel and Tonawanda Harbor, N.Y.:				
Canal	60,000	×[3]		Confined.
River	40,000	×		Open water.
Bolles Harbor, Mich	20,000	×		Confined.
Buffalo Harbor, N.Y.:				
River	150,000	×		Do.
Harbor	400,000	×		Open water.
Cleveland Harbor, Ohio	925,000	×		Confined.
Conneaut Harbor, Ohio	100,000	×		Open water.
Dunkirk Harbor, N.Y	25,000		×	Do.
Erie Harbor, Pa	200,000	×		Do.
Fairport Harbor, Ohio	400,000	×		Do.
Huron Harbor, Ohio	200,000	×		Do.
Lorain Harbor, Ohio	300,000	×		Open water.
Monroe Harbor, Mich	150,000	×		Confined.
Rock River Harbor, Ohio	20,000	×		Do.
Sandusky Harbor, Ohio	400,000	×		Open water
Toledo Harbor, Ohio:				
Inner	980,000	×		Confined.
Outer	220,000		×	Open water.
Detroit River, Mich	100,000	×		Confined.
Rouge River, Mich	275,000	×		Do.
Lake Ontario:[4]				
Little Sodus Bay Harbor, N.Y	25,000		×	Open water.
Ogdensburg Harbor, N.Y	30,000		×	Do.
Oswego Harbor, N.Y	30,000	×		Do.
Rochester Harbor, N.Y	360,000	×		Do.
Lake Superior:[5]				
Big Bay Harbor, Mich	12,000		×	Do.
Cornucopia Harbor, Wis	10,000		×	Do.
Duluth-Superior Harbor, Wis. and Minn	110,000		×	Do.
Grand Marais Harbor, Minn	8,000		×	Do.
Grand Traverse Bay Harbor, Mich	7,000	×		Do.
Keweenaw Waterway, Mich	130,000		×	Do.
Little Lake Harbor, Mich	40,000		×	Do.
Ontonagon Harbor, Mich.:				
Inner	12,000	×		Confined.
Entrance	60,000		×	Open water.
Saxon Harbor, Wis	9,000	×		Do.
Marquette Harbor, Mich	125,000	×		Do.
Presque Isle Harbor, Mich	55,000		×	Do.
Lake Huron and connecting channels (except Detroit River):[6]				
Alpena Harbor, Mich	18,000		×	Do.
Au Sable Harbor, Mich	20,000		×	Do.
Channels—Straits of Mackinac, Mich	7,000		×	Do.
Clinton River, Mich	35,000	×		Confined.
Harrisville Harbor, Mich	17,000		×	Open water.
Inland Route, Mich	4,000	×		Confined.
Port Sanilac Harbor, Mich	21,000	×		Open water.
Saginaw River, Mich.:				
Inner	170,000	×		Confined.
Outer	60,000		×	Open water.
St. Clair River, Mich	100,000		×	Do.

---

[1] 6 of 22 polluted.

[2] 17 of 19 polluted.

[3] Mercury.

[4] 2 of 4 polluted.

[5] 4 of 12 polluted.

[6] 4 of 10 polluted.

BREAKDOWN OF FISCAL YEAR 1972 DIKED DISPOSAL AREA PROGRAM

Project:	*Amount*
Ashland Harbor, Wis	$640,000
Black Rock Harbor and Tonawanda Harbor, N.Y. and Buffalo Harbor	5,000,000
Bolles Harbor, Mich	150,000
Calumet Harbor and River, Illinois and Indiana	250,000
Chicago Harbor, Ill	100,000
Chicago River, Ill	100,000
Cleveland Harbor, Ohio	7,000,000
Duluth-Superior Harbor, Minnesota and Wisconsin	1,250,000
Detroit River, Mich	6,000,000
Erie Harbor, Pa	1,000,000
Fairport Harbor, Ohio	500,000
Frankfort Harbor, Mich	450,000
Grand Haven Harbor and Grand River, Mich	275,000
Green Bay Harbor, Wis	370,000
Harbor Beach Harbor, Mich	60,000
Holland Harbor, Mich	300,000
Kenosha Harbor, Wis	65,000
Kewaunee Harbor, Wis	200,000
Lake St. Clair, Mich	6,000,000
Lorain Harbor, Ohio	1,000,000
Manitowoc Harbor, Wis	170,000
Menominee Harbor and River, Michigan and Wisconsin	75,000
Michigan City Harbor, Ind	70,000
Monroe Harbor, Mich	10,000
Ontonagon Harbor, Mich	110,000
Milwaukee Harbor, Wis	200,000
Rochester Harbor, N.Y	165,000
Rouge River, Mich	1,050,000
Saginaw River, Mich	2,500,000
Sandusky Harbor, Ohio	4,000,000
Sheboygan Harbor, Wis	30,000
South Haven Harbor, Mich	200,000
St. Joseph Harbor, Mich	340,000
Sturgeon Bay and Lake, Michigan Ship Canal, Wis	100,000
Toledo Harbor, Ohio	$1,000,000
Two Rivers Harbor, Wis	170,000
Waukegan Harbor, Ill	100,000
Total	41,000,000

Schedule is subject to change.

Mr. Chairman, will the gentleman yield for another question?

Mr. ROE. I yield to the gentleman.

Mr. VANIK. I have an amendment that relates to the dredging of sand as a mineral from the bottom of the Great Lakes. I will submit an amendment to the committee for review. I appreciate the committee reviewing this amendment at the time amendments are considered.

(Mr. VANIK asked and was given permission to revise and extend his remarks.)

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman.

Mr. HECHLER of West Virginia. Mr. Chairman, growing out of the Buffalo Creek flood disaster in February 1972, when a dam burst on Buffalo Creek and released many mine wastes, as a result of this tragedy attention has been focused on the problem of the disposal of mine wastes.

I have an amendment which at the appropriate time I will offer tomorrow.

(Mr. HECHLER of West Virginia asked and was given permission to revise and extend his remarks.)

Mr. ROE. Mr. Chairman, at the outset I too would like to join with my colleagues here in the House, particularly both on the majority and the minority side of this issue and congratulate both Mr. JONES and Mr. BLATNIK, our chairman, and the minority chairman, Mr. HARSHA, and all the members of the committee for the fine job they have done on what I believe to be a terribly important bill not only to this House but to this country.

Mr. Chairman, I would like to begin, if I may, and I think it has to be said, by exploding a myth.

I have heard and read a great deal about this issue in the press and from colleagues. I have heard and discussed and exchanged issues with different people on this bill, in this House, on both sides of the aisle, and I am sure all of them are well meaning. On the other hand, it ought to be said and it ought to be loud and clear in the record of this proceeding that the bill before the committee, H.R. 11896, is a very comprehensive, far-reaching measure. It is not a weaker bill by any stretch than that of the other body, which has already been voted on by that body. I would like to clarify a point which I think also has to be said. The House bill provides a host of measures that far exceed those measures provided in the Senate bill, the bill passed by the other body, and if they were not included in the House bill, the overall water quality program would not be workable at all in the manner in which we envision it. So I think this point should be made clear to the Members in this Chamber; I think it ought to be made very clear to the Members of the House; I think it ought to be made clear to the environmentalists. Sometimes one says that one reaps what one sows. But be very careful that this bill is not aborted or emasculated to produce what others may think would be a stronger bill.

It was said this morning and the second point I would like to make that we have to consider the priorities of America. We have to consider our fiscal priorities. Everybody, of course, agrees to that. By the same token, out of the other side of the mouth it has been said that we have had four or five major pieces of legislation since the early 1940's on water quality control and pollution and none of them have really been effective. But the fact remains that, as far as the people are concerned, as far as this body is concerned, the Congress of the United States has never appropriated adequate money to carry out any single piece of legislation in the field of water quality to make it effective and make it work. So to go back and say that the laws we have passed as we were evolving in knowledge of our environment were not effective is not totally true, as it will not be true in relation to this bill, and it ought to be said here loud and clear that if this body and the other body passes a water quality bill and the amount of authorization is cut in half, or the Appropriations Committee works some fiscal magic and reduces the funding that is made available, this bill, too, will be a farce, as it has been true of other bills passed before, in my judgment, in this House, and it will not carry out the jobs that ought to be done.

So it seems to me the issue of adequate funding, the issue of adequate authority on funding has to be met because the House bill includes a much broader spectrum of sewage collector systems, combined sewer systems, additional studies and work that has to be done, and if that is not included in the bill, and the fact of funding is not provided, the bill will not be effective and it will be again another disappointment to the American people, as I see it.

There are two issues that have to come to the forefront in the overall discussion as to whether or not, first, we should carry on a study by the National Academy of Science and Engineering, and to report back to this House in 2 years' time their observation on the whole spectrum of technical problems and fiscal problems relating to this legislation. And some people will say, "Do we need another study? We are studied to death. By the time we finish one study, we are making another one." That is not the intent of this particular part of the bill.

I think there is an issue that has not been brought forth yet in the discussion today. It turns out that by 1985, where all municipal sewers are being built in a particular way today, by 1985 they will have to go to a no discharge position. In both of these pieces of legislation there is no substantive provision, either in this legislation or in the Senate version, that provides adequate moneys for what is referred to, without getting too technical, as combined sewers, meaning sanitary sewers and with existing storm sewers.

In the urban centers of America, in my State of New Jersey and in the State of New York, tens if not hundreds of millions of gallons of sewage a day are involved in these combined sewers we are talking about, and I do not want the American people, particularly the people in my great State, to believe that this bill, the Senate bill, or particularly the amendments that are proposed, are going to insure pure water forever thereafter in America. That simply is not true. Unless the study is made that has been projected into this bill, neither this committee nor the House nor the Senate will thoroughly understand the order of magnitude of the technical program nor certainly will they understand the magnitude of its cost.

It is essential that the study be made, and it is essential that the study be locked into the trigger date as it is established presently by the committee in H.R. 11896.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I associate myself with the remarks of the gentleman from New Jersey, because in many ways this House version is tougher than the Senate version. One of the areas, of course, that we do address ourselves to is by getting involved in intrastate basin requirements, whereas heretofore it has been strictly an interstate river basin approach, but we do ask for an extension of involvement of State and local initiatives to bring this about. Would the gentleman care to respond further on that?

Mr. ROE. Yes. I think this is the point I am developing, I will say to the gentleman from California (Mr. CLAUSEN) that I think the study triggers an intrastate river basin approach.

I think the second point which is highly germane in the misunderstanding that perhaps exists in this House is the Federal-State partnership. It is ludicrous for this body to review the legislative history, both the bills that were born and the carrying out of that legislation by the Federal Government, which has been a dismal failure, and then to come back and say the States have not done their job. The truth of the matter is that the Federal Government never provided the funds, nor were the laws effective, nor could they be litigated to the point where they could solve the problem they were supposed to in the first place.

I say this is a warning that to move this program back and put it solely in the hands of the EPA Administrator would be like taking a camel and trying to put it through the eye of a needle. And taking the State governments completely out of the whole issue would be a terrible mistake. Every time a piece of legislation passes that has to do with environment, or where there ought to be a true Federal-State partnership, everybody comes back and says the State is not doing its job, when, in fact, it is the Federal Government where the interminable delay is involved.

Regrettably my time is short. I do believe, however, the two key areas we are talking about, the study by the National Academy of Science and the Federal-State partnership, are vital if this legislation is to be truly effective and a true Federal-State partnership evolve.

I firmly support H.R. 11896 and I urge my colleagues to do likewise.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Chairman, I compliment the gentleman for the statement he has just made, and I commend the chairman and the members of the committee and the staff for the very good legislative product in this very difficult area.

I have furnished the gentleman from New Jersey with a detailed background of the questions that concern me.

As you know, Executive Order 11574, issued December 23, 1970, expanded the Refuse Act of 1899 to include tributaries of navigable streams and established the Refuse Act permit program. In a number of places in my district, especially in the Ozarks area, farmers own and operate small fish hatcheries—in most cases to supplement their farm incomes and in a few cases as their primary source of income. Therefore, this Refuse Act permit program which is assigned to the U.S. Army Corps of Engineers is a matter of great concern to these small fish hatchery owners. As a matter of fact, if the Refuse Act permit program is strictly enforced, many of them, if not most of them, will be forced to go out of business.

I would point out to the gentleman from New Jersey that these fish hatchery owners are in no way opposed to a pollution control program. Such a program has been in effect in Missouri for some time and the Missouri voters recently passed a $150 million bond issue for pollution control. As one of the fish hatchery owners wrote to me in a letter:

> Fish biologists have been concerned with water quality long before the EPA came into existence. I know of no reason for discharging water that is not supporting a fish population of considerable higher density than the stream it might reach. A pond may be drained to harvest the fish. A toxicant would be used to kill the fish in the pond so the water could be kept in the pond. You don't spend money on chemicals to discharge them. If you drain the pond you do not need chemicals in the water. What this program has done is alienate fish hatchery owners from their traditional role of water quality advocates. My business depends on good fishing as I sell bait fishes.

It is certainly not pollution control but the expense and paperwork involved in the permit program set up by the Corps of Army Engineers that threatens the fish pond owners.

Let me offer an example: One farmer in my district has small fish ponds scattered over a wide area on his farm with 18 outlets. Now, according to the regulations of the Corps of Engineers, he must pay $100 for a permit for the first discharge point and $50 for each additional outlet. This would amount to $950. In addition he must provide a chemical analysis for each outlet. The biochemistry firm in his area charges $100 per outlet for such tests. This brings the cost to $2,750 just to file the application. Additional tests might be required. He must also provide scale drawings of all the small ponds. This is an unreasonable cost, and as this fish farmer points out, he is assumed to be guilty until proven innocent. With no evidence that he is or has been polluting any tributary which flows into a navigable stream he must bear such an outrageous cost to prove that he is not polluting. This cost and redtape certainly is not the answer. Is it the opinion of the gentleman from New Jersey that the provisions of H.R. 11896 will rectify such unreasonable requirements especially by allowing the States to administer the permit programs under the supervision of EPA?

Mr. ROE. I agree with the gentleman that the requirement he called to our attention was a bad one and not very well thought out.

During our oversight hearings we asked the Corps of Engineers as to the basis of the charges imposed and received the startling answer that there was no particular rationale for the amounts chosen. In other words, they literally picked it out of the air.

We would certainly recommend that the permit program in the future, whether operated by the Federal Government or the States, be operated in a reasonable manner. Certainly, if there is a true Federal-State partnership, these kinds of things affecting people of the States would be given proper consideration.

Mr. ICHORD. Section 402 of title IV of H.R. 11896 is a very important improvement over the bill passed by the Senate last November, in my opinion. I believe that the Federal-State relationship in the granting of permits is a reasonable and efficient way to avoid duplication and get the job done at the lowest cost to the taxpayers. In addition, those on the State level are best acquainted with the particular circumstances in their State. Under section 402, the Administrator of EPA must approve the State program for granting permits and retains the right to step in at any point when a State fails to live up to its assigned responsibility. The question that I would like to have answered relates to the time frame that it will take to set up the mechanics of allowing the State to administer the program under EPA supervision. Do you feel that EPA will be able to move in an expeditious manner to approve State programs that meet the requirements or do you see a period of delay in which EPA attempts to administer its own permit program?

Mr. ROE. I believe this is basic. The procedure does not permit delay on the part of EPA. It must act within a prescribed time period and, basically, as previously noted, the Administrator has 90 days under the legislation to establish guidelines as to what constitutes an acceptable State program.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. WRIGHT. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. ROE. The Governor of the State would then submit an application for the State to the Administrator, for the program in the State. Not later than 90 days after receiving the submittal the State would take over the program unless the Administrator found it did not satisfy the requirement. The procedures established in the bill specifically do not permit the Administrator of EPA to delay.

Mr. ICHORD. I raise the above question in view of the fact that the State of Missouri has had a concern to avoid unnecessary pollution of its waters for some time. The Missouri Water Pollution Board under the able direction of Jack K. Smith, executive secretary, has a permit granting program already in effect in the State. I feel quite certain that a program designed to comply with the standards set forth in this bill could be submitted to EPA in a very short period of time. Do you feel that such a program would receive priority attention with appropriate action by EPA?

Mr. ROE. I sincerely trust it would. I would rather see a combined program with the State and the Federal Government. I do not know what the Administrator will do, but I am sure he will give it attention.

Mr. ICHORD. I thank the gentleman for yielding. I commend him for the statement he has just made and I would also commend the committee, its staff, its chairman and all the members of the committee for bringing to the floor of the House a good legislative product in a very difficult area.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to my colleague from New Jersey.

Mr. HOWARD. I wish to commend the gentleman for his fine statement and for the work he has done on this legislation. We in New Jersey are proud of our colleague, who is on the Public Works Committee, and especially in respect to this area of Federal and State relationships. I believe the experience the gentleman has had in his previous post for 8 years as the commissioner of economic development and conservation for the State of New Jersey, which he has brought to the Public Works Committee, is a good background for trying to get the knowledge we need to coordinate the State-Federal legislation and to know what Federal legislation does for and to the States.

I believe the gentleman's imprint on this legislation has made this a much better bill than it would have been had he not been a member of the committee, so I wish to commend him. We in New Jersey certainly are proud of him.

Mr. ROE. I thank the gentleman.

Mr. HARSHA. Mr. Chairman, I yield such time as he may consume to the gentleman from New Hampshire, a member of the committee (Mr. CLEVELAND).

Mr. CLEVELAND. Mr. Chairman, one of the major issues involved in the water pollution control bill (H.R. 11896) being considered today is the desirability of requiring a "zero-discharge" of pollutants by municipalities and industry by a date certain—1985.

Many environmental and citizen action groups like the Sierra Club and Common Cause have mounted a campaign in support of an amendment to require "zero-discharge" of pollutants by industry and municipalities by 1985. The House bill contains "zero-discharge" by 1985 as a goal, but one which will not go into effect until the Congress acts following completion in 2 years of a $15 million study by the National Academy of Sciences.

The whole debate, as urged by these groups, centers on whether to legislate this goal now, rather than waiting 2 years for the study. But there is almost no comment on the real issue, which is whether the goal of "zero-discharge" is desirable, even if it is attainable.

Reliable cost estimates on the subject are almost nonexistent, but range from several hundred billion to several trillion dollars. There seems to be general agreement that the cost of eliminating the last 3 percent of discharges is at least as great as the cost of eliminating the other 97 percent. Is this a wise use of our money?

Of course our emotions respond to the call for an absolute end to pollution. But maybe the hundreds of billions of dollars necessary to clean up the last 3 percent of municipal and industrial pollutants could be—indeed, should be—used for other of our needs. How about air pollution—is absolutely purity of waters more desirable than getting on with the task of abating air pollution? And solid waste disposal? And development of recycling technology? And economic development for those so unfortunate as to be poor in this affluent society? Have we forgotten so soon the War on Poverty? Should we continue to have mediocre education in some places in order to spend so much of our money on trying to achieve "zero-discharge?"

Mr. Chairman, these questions must be faced. We cannot have utopia in all fields—so should we set such an absolute goal in one field to the detriment of others?

Furthermore—as if the question has not already answered itself—there is the very problem that even if we achieve "zero-discharge" by all industry and all municipalities, our streams will still not be clean if indeed there will be any water left in them. Continued use of fertilizers by our farmers will result in pollution and eutrophication of our streams, due to runoff from fields and pastures. "Zero-discharge" will do nothing to stop this source of pollution, and some rivers will continue to run green from algae bloom.

In many of our rivers, sedimentation is the major cause of visible pollution. Zero-discharge will not stop that. Indeed, only billions and billions of dollars of expenditures for soil conservation will stop that. So, will we spend hundreds of billions of dollars—maybe even trillions of dollars—to eliminate the last few percent of the pollutants by industry and municipalities, only to see many of our rivers still murky from sedimentation or eutrophication.

Mr. Chairman, I am not offering a definitive answer to these questions. But I am suggesting that they make the study of these issues by the National Academy of Sciences both a good investment and a wise one. Let us be governed by reason and not by our emotions. It is time for well-intended people to make a common cause of commonsense.

Mr. HARSHA. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Maryland (Mr. GUDE).

Mr. GUDE. I thank the gentleman for yielding.

Mr. Chairman, I should like to direct a question to the gentleman in reference to this legislation. The formula in this legislation, with adequate funding, has been considered by the State of Maryland and others who have studied it as sufficient to meet the needs of clean-up at Blue Plains and in the State of Maryland. However, when I use the word adequate I want to emphasize that the Congress and the American people must keep their commitment to clean up the waters of this Nation and not just half-way fund this bill. A half-a-loaf means a half clean river. Fortunately, a number of organizations such as the League of Women Voters have worked arduously and pretty successfully to get citizen support for adequate funding of these water pollution bills in the past. They have told me they will continue to work with us in Congress for adequate funding. When the committee rises I will ask permission to insert the testimony of the league before the Public Works Committee in the RECORD at this point in order to establish the continuity of the league's position on this issue and confirm its consistency in support of those provisions now embodied in the clean water package.

The statement follows:

STATEMENT TO THE HOUSE PUBLIC WORKS COMMITTEE BY MRS. DONALD E. CLUSEN

The League of Women Voters of the United States is pleased to have the opportunity to appear before the Public Works Committee to present our views on HR 11896. We believe that significant progress can be made to improve the federal water pollution control program this year and we commend this Committee for its commitment to that goal and for taking the time needed for a thorough perusal of the program. I can assure the members of this Committee that League members who have worked for fifteen years for water pollution abatement appreciate your efforts to move quickly now on this important legislation.

The League of Women Voters supports the establishment of a water pollution control program based on effluent limitations with the national goal of eliminating discharge of all pollutants by 1981. In order to control pollution effectively, we believe that guidelines applicable to individual dischargers must be clear and enforceable. Specific effluent limitations for industries and municipalities are necessary to accomplish this. We also see value in announcing long range pollution control goals. The League has been concerned about constantly changing water quality standards and guidelines.

While we certainly work to improve water quality, we think industries have a basis for further delays when standards are continually being revised and they are unsure of exactly what they are expected to do over a period of time. Setting a national policy of no discharge by 1981 will give industry a firm goal which they know they must meet and to which they should be held.

We have long been concerned by the emphasis on pollution control through sewage treatment. We think more emphasis should be placed on reduction of industrial wastes through better process control and water recycling. Effluent limitations and a goal of no discharges by 1981 are in line with such control.

While we support effluent limitations and the "goal of no discharge," the interpretation of "best practicable" and "best available" control technology raises some difficult questions. Since manufacturers of control equipment do not generally produce new equipment until there is a market demand for it, and industrial polluters do not install improved equipment until forced to do so, it is entirely possible that the "best known technology" will not become available and therefore not required. In the bill under consideration the Committee members have tried to arrange for assessment of "best practicable control technology," taking into account the various factors that bear upon the problem [Sec. 304 (b) (1-2)] and has provided for the publication of information on alternative waste treatment systems [Sec. 304 (d) (2)]. The legislation proposed in this Congress pins water quality to "best technology" rather than to "standards." Therefore the success of the new strategy depends on success in developing and *marketing* the necessary technology. Without a market, the upsurge in new devices and processes, with the concommitant economic stimulus, will not take place. With experience under the air act too limited to date to be of help, we urge the Committee to give extensive consideration to the problems of getting "best practicable" or "best existing" technology into use.

RESEARCH AND DEMONSTRATION PROJECTS

The League is pleased to see that H.R. 11896 increases the scope of and funding for water pollution control research programs, with pricing policies and other methods for reducing the total flow of sewage and unnecessary water consumption included for study. We are in total agreement with the emphasis throughout the bill on developing methods to control pollution from non-point sources. Leagues in the midwest are planning a special seminar on agricultural pollution in Cedar Rapids, Iowa next April.

Our local and state Leagues in the Great Lakes area and the Lake Tahoe area have been working vigorously to combat the pollution of these great natural resources, and the League of Women Voters of the United States strongly endorses proposals in H.R. 11896 and in the Senate-passed bill, S. 2770, to meet their particular needs. We are greatly interested in the plan for Lake Erie. Since to many people Lake Erie epitomizes the water pollution problem, we think it is an excellent place for the Corps of Engineers to undertake a demonstration project. Having said for years that alternative choices should be presented to officials and the public, the League of Women Voters of the United States is pleased that the Corps is to give the state and local governments involved alternative plans for comprehensive cleanup. Obviously the project must have the support of the people in the area if it is to be successful, and the best way to insure that support is to give local officials and the public responsibility for making the final choice. Not only do we support this proposal for its importance in cleaning up Lake Erie, but also because it is an opportunity to test the use of Corps resources to solve environmental problems.

The League strongly supports projects designed to demonstrate the effectiveness of using sewage sludge to reclaim mined land and prevent acid mine drainage. Leagues in coastal areas and around the Great Lakes have long been seriously concerned about dumping sludge into the oceans and lakes and have sought a non-polluting means of disposal. We hope that utilizing sludge to combat another type of environmental damage, returning otherwise useless land to productivity instead of adding to air and water pollution, will prove practical.

FUNDING

While the League has not advocated a specific amount for the federal waste treatment facility construction grant program, we are quite pleased with the $20 billion authorized in HR 11896 for a four year program. Money has always been at the heart of water pollution control problems, and members of this Committee know how hard members of the League have worked for appropriation and obligation of authorized sums.

We support the proposal that grant monies be allocated among the states according to need, believing the money should be put where the problems are.

We strongly support the provision in HR 11896 which makes approval of plans for a proposed construction project by the Administrator of the Environmental Protection Agency a contractual obligation of the United States to pay its proportional share of the costs. We want to see needed facilities constructed without delays caused by localities' not knowing whether, when, or how much federal aid they will receive. We believe some mechanism that will make it possible for hard-pressed states and localities to borrow the funds they need to finance their share of waste water treatment facility construction is essential to alleviating a situation which is so frustrating to local governments.

The League has been concerned throughout the discussion of the new federal sewage treatment grant program about increasing the federal share of construction costs. Will the change to 75 percent federal aid mean that fewer plants can be built with the money authorized? Would the nation actually accomplish more toward our goal of clean water with a lower percent of federal help per community and more communities aided to build plants? We understand the financial plight of the cities; however, we believe in some self-sufficiency at the local level. The federal government will never be able to build all the waste treatment plants needed in this country!

We are also concerned about the effect a higher federal share has on the choices made by municipalities. Will localities actually delay construction of badly needed facilities in hope that the next authorization bill will raise the federal contribution even more? Will the high percent of federal aid for construction cause a community to choose a treatment system which has a high capital cost but low operative cost rather than a more efficient system which costs less to build but more to operate?

The League's ultimate goal has been to put sewage treatment on a more businesslike basis. This is the reason we have always favored user charges. We firmly believe all users should pay their share of the costs of operation, maintenance, and expansion of plants. We also believe that industries should be required to pay their portion of the federal share of municipal plant construction costs, and we highly approve of the emphasis in H.R. 11896 on these objectives. We understand, however, the possible effect on small and marginal businesses of costs of control equipment necessary to comply with new effluent limitations. To moderate this effect, we support the provision in H.R. 11896 for loans to companies severely affected by complying with water pollution control requirements. We also support putting the amounts of the federal share of construction costs repaid by industry into the Small Business Administration to be available to help small and marginal businesses.

CITIZEN PARTICIPATION

The League of Women Voters is especially pleased to see that public participation in the development, revision, and enforcement of regulations, and effluent limitations, is encouraged in H.R. 11896. Since the purpose of the League is "to promote political responsibility through informed and active participation of citizens in government," we applaud the inclusion of this provision in the policy section of the bill and its reiteration in many of the other sections. We are, however, skeptical of the practical possibility of valuable citizen input when there are no funds authorized for citizen education or for research by public interest groups. For example, section 302(b) calls for public hearings on water quality related effluent limitations. These hearings are to determine the relationship of the economic and social costs of achieving the limitations, including any economic or social dislocations, and economic benefits to be obtained, and to determine whether or not the limitations can be implemented with available technology. In order to comment intelligently on these complex points, citizen organizations must carry on extensive study and research. Money is the problem! Most public interest organizations do not have the funds to carry out such activities without help.

We believe the successful involvement of citizens in the air pollution program was due in large part to the provision of funds for citizen education through the National Air Pollution Control Administration's Community Support Program. Unless similar help is authorized in this legislation we believe it will become impossible for citizens' organizations to make the kind of knowledgeable response this Committee wants and expects.

We endorse the section of the citizen suit provision of HR 11896 for awarding reasonable attorney and expert witness fees. We think this is a step in the right direction and we ask the Committee to include funds to assure meaningful citizen participation in other areas of the program.

FEDERAL-STATE RELATIONSHIP

The League believes that both the federal and state governments should be given strong powers to set and enforce water pollution control requirements. To have a successful program, each must be able to bridge the gap when the other falls down on the job. As a general principle, we think that state goevrnments are in the best position to establish requirements for meeting pollution abatement goals since they know the local conditions. However, we know from past experience that states do not always live up to their responsibility for firm control. When states are confronted by competition for industrial locations, water quality so often is the real loser. Many Leagues have been involved in establishing state discharge permit systems. Some are good while others lack the forcefulness necessary to abate pollution. In these latter cases, the federal government must have authority to impose stricter requirements.

On the other hand, there are occasions when federal standards do not meet local desires for water quality. League members oppose federal pre-emption of responsibilities. Our members are agreed that local and state governments should be able to set and enforce higher environmental standards where they so desire. We ask this Committee to make sure that your final bill in no way diminishes the right of states and localities to adopt stricter requirements than called for by federal legislation.

I would like to make note that a new needs study which is being concluded at EPA indicates that this formula in the reported bill though once adequate could now be inadequate for several jurisdictions around the country. Do I understand this new needs formula will be considered and resolved in conference?

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. GUDE. I yield to the gentleman from Ohio.

Mr. HARSHA. Let me say that the needs formula we have in the legislation is based upon the only cost estimate that was available at the time the bill was written. We do anticipate receiving some revised cost estimates. After the committee has had an opportunity to examine and review them we will in conference with the other body, we hope, be able to incorporate the appropriate part of that in the conference report. That would be, in all probability, a higher cost estimate, and would in that event take care of some of the problems to which the gentleman has reference.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARSHA. Mr. Chairman, I yield the gentleman an additional 30 seconds.

Mr. GUDE. In other words, your intention and the intention of the leadership in the committee is that in conference you would upgrade the formula so that the needs of California, Blue Plains, and any other jurisdiction across the country would be adequately taken care of?

Mr. HARSHA. Well, we will upgrade the formula so that the needs of the entire country can be taken care of. I do not want to say that we want to just take care of California, much as I love California, because we have 49 other States in the Nation. However, the needs of the country will be taken into consideration, and certainly Blue Plains is one of those which are uppermost in our thoughts.

Mr. GUDE. I addressed myself to California, because I understand they feel the present formula is inadequate to their needs, and I was merely using them as an example.

Mr. HARSHA. I understand.

Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. VANDER JAGT).

Mr. VANDER JAGT. Mr. Chairman and members of the committee, I thank the gentleman for yielding and giving me this opportunity to talk and turn the attention of the committee to three amendments that I intend to offer tomorrow when this bill is up for consideration.

I believe these amendments encourage a system that will provide us with substantially cleaner water than any alternative at significantly less cost than any alternative. I would like to point out with regard to this system I am talking about, that we are only able to talk about it and to have the data and projections for it because of the imaginative encouragement of the chairman of the committee as well as the ranking member of the committee, and the acting chairman of the committee and the members on both sides of the aisle on the committee. I feel that the Nation should be indebted to them for making this kind of technological breakthrough possible.

The amendments that I will offer are very modest and limited in scope, but they are almost unlimited in the possibilities they hold for providing this Nation with cleaner water at lower cost.

It seems to me that by encouraging this in the bill we can help the Nation out of the dilemma that we face today, which is that in the opening passages of the bill we tell the American people we are setting a goal of zero discharge of pollutants by 1985. Having proclaimed this goal, then we make the main thrust of our efforts in 1976, relying on conventional treatment and technology that have not changed for about 50 years.

I think many people are right in what they say. If we rely on the conventional technology in this field, we will probably have to spend hundreds of billions of dollars, probably several trillion dollars, to achieve the goal that we have proclaimed here of zero discharge of pollutants. In other words, we will be investing in the next 2 years alone $13 billion to build systems that we are going to have to abandon in a few years if we have any seriousness whatsoever about the 1985 goal. This is the problem that we face. It is as though we said we were going to Montreal and then put the country on board a train heading for Miami.

It is as though 10 years ago somebody said we will put a man on the moon by the end of the decade, and we raced off spending $13 billion in attempting to do that through the procedure of buying railroad tracks and railroad cars. It seems to me that we need something in the Nation that will begin to encourage a system that will help us to reach our goal.

This is what I am proposing, namely, a resource management system which, through using the land, recycles pollutants into natural resources. It is based on simple principles.

First of all, the environment is an interrelated system of land, air, and water. It is a closed system, and we can never throw anything away. The second principle is that a pollutant is simply a resource which is out of place. When you recycle a pollutant into the right place it becomes a resource. For example, nitrogen and phosphorus remaining in sewage effluent after treatment when dumped into water pollute the water. However, nitrogen and phosphorus, if used on the land, will enrich the land and our environment.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. HARSHA. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. VANDER JAGT. I thank the gentleman for these 2 additional minutes.

Mr. Chairman, my first amendment would encourage revenue-producing resource management that recycles wastes into resources where a region can make money by so doing.

I submit to everyone that it would be difficult to be against that. It is sort of a motherhood thing. Why should we not encourage that kind of system that could produce that kind of environmental and economic merit?

That particular encouragement is contained in the committee bill itself. What I am proposing to do is to take it out of the committee bill where it is buried in the R. & D. section and say in the operative language of the bill that we want to encourage this kind of thing. In other words, if we can produce zero discharge of pollutants at less cost and make money by recycling resources, why not do it? That is worth 10 percent extra from the Federal Government which is what my second amendment provides for. We need to put our money where our mouth is. In other words, it is like telling your son that if he gets all A's, you will give him $10. That is a good investment.

The final amendment would release industry from the payback requirement which we have for the first time in this bill in those areas where they are able to put this system into effect. It will transform the footdragging of industry into enthusiastic leadership, and rolling up its sleeves and saying, "Let us get with the job of cleaning up our water."

Then, we have the environmentalists and the industrialists working together. We are encouraging them to bring together their coordinated efforts.

This package says instead of worrying about the 1976 deadline, or the 1981 deadline, or the 1985 deadline, if it is determined that it is economically feasible and technically feasible to install a system that will provide zero discharge of pollutants today and money can be saved while doing it, then we say we encourage it in specific language. This would provide the incentive and that is what this package intends to do.

Thank you, Mr. Chairman.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HARSHA. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, while the gentleman is in the well, I would like to call his attention to the fact that the Corps of Engineers has just released a study that they concluded on the Chicago area employing the method which the gentleman is so convinced will lead to zero discharge.

I would like to read from the comments of the Chief of Engineers:

> The Chief of Engineers also noted that the effluent from all alternatives would contain some residue of pollutants in the water discharged to lakes and rivers. Thus none is a "zero discharge" system.

Mr. VANDER JAGT. I will say in response to the gentleman that of the nine elements we considered pollutants in that particular study just released—and what a tragedy it was not released until 2 hours ago—six of the nine elements are zero discharges and two of them are 99 percent, plus. I say that is a weak argument because it only achieves 99 percent, plus, elimination of pollutants.

Mr. HARSHA. I would further call the gentleman's attention—although he has not had an opportunity to read this—to the fact that the EPA has sent me a letter in response to my request for information on this study.

Mr. VANDER JAGT. I commend the gentleman for requesting that information.

Mr. HARSHA. The gentleman has alluded to the EPA Administrator and makes three points as follows:

Land disposal is not equivalent to "zero discharge." Rather, it approximates the removal efficiency of tertiary treatment.

Second, the cost of applying land disposal techniques nationwide would be about $161 billion. Proper corrections to the Friends of the Earth calculation would raise their $55 billion to this level. By contrast, application of tertiary treatment nationwide would cost $118 billion.

The social cost of land disposal, as exemplified by the corps' Chicago study are substantial and perhaps prohibitive.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. VANDER JAGT. Will the gentleman yield himself 30 seconds in order that I may respond to that?

Mr. HARSHA. I yield myself 30 additional seconds.

Mr. VANDER JAGT. The study on which that letter is based is concerned with the land treatment system for Chicago, and the South Shore of Lake Michigan, 9 million people, and costing $2 billion; for physical chemical treatment, $2.9 billion; for advanced biological treatment, $3.6 billion, and under the land treatment system the operating cost savings are $150 million a year.

And, again, I am so grateful that this report has finally been made public.

Mr. HARSHA. With respect to the other point here, and at the proper time I shall put the entire letter into the record, it states that—

> The social costs of land disposal, as exemplified by the Corps' Chicago study, are substantial and perhaps prohibitive.

Then they go on to allude to the zero discharge possibility that you referred to, and to the economic costs, analyzing that with the cost of the final treatment system, so I will put it all in the Record.

Mr. VANDER JAGT. I urge a study of the full report.

Mr. HARSHA. The material referred to is as follows:

Environmental Protection Agency,
Washington, D.C. March 27, 1972.
Hon. William H. Harsha,
House of Representatives,
Washington, D.C.

Dear Mr. Harsha: In response to your inquiry concerning land disposal as a treatment alternative, I have prepared this letter to clarify the issues involved. These issues were raised in two recent reports. The Friends of the Earth have prepared an analysis which states that zero discharge is attainable using land disposal at a cost of $50–$55 billion. This cost range is compared with the Administration's estimate of $316.5 billion using distillation of wastes to achieve zero discharge. Also, the Corps of Engineers has updated the original Chicago land disposal feasibility study reducing the estimated costs from $14 billion to $2 billion, projecting that land disposal would be less costly than treatment alternatives, and claiming that the removal efficiency of land disposal would be significantly improved.

We have reviewed both these documents, and have concluded that:

1. Land disposal is not equivalent to "zero discharge." Rather, it approximates the removal efficiency of "tertiary treatment."
2. The costs of applying land disposal techniques nationwide would be about $161 billion. Proper corrections to the Friends of the Earth calculation would raise their $55 billion to this level. By contrast, application of tertiary treatment nationwide would cost $118 billion.
3. The social costs of land disposal, as exemplified by the Corps' Chicago study, are substantial and perhaps prohibitive.

ZERO DISCHARGE

The design manual for EPA's demonstration project in Muskegon indicates removal rates of 98–99% BOD, Phosphorous, and 85% Nitrates. These removal rates cannot be considered as a "zero discharge." Rather, they are equivalent to the removal rates of "tertiary treatment." Furthermore, there are many unknowns concerning the removal efficiency of large scale land disposal projects, e.g., possible salinity increases caused by evapo-transpiration, possible nitrate saturation and contamination, and unknown health effects. Until EPA's demonstration project in Muskegon and other projects are operating and evaluated, the applicability and removal efficiency of land disposal in a great variety of cases cannot be definitively stated.

ECONOMIC COSTS

Both the Corps' Chicago cost study and the Friends' estimate of national costs require further analysis.

For example, we have estimated that by using the most cost effective design that the biological and chemical treatment costs for the Corps studies would be $1.9 to $2.0 billion as opposed to $3.2 billion estimated by the Corps.

In contrast, the cost estimate for the land disposal project appears to be optimistic. Many of the components of this project have never before been built, thus, there is uncertainty about these figures. It should be noted that the preliminary estimate for the Muskegon project was $18 million and the final bid price $40 million.

The national cost for land disposal, based upon the Muskegon experience would be $55 billion for capital expenditures and $161 billion total cost including operation and maintenance, replacement and interest costs. The Friends of the Earth estimated that the total cost would be $50–$55 billion. A close examination of these calculations demonstrates that the Friends used the Muskegon cost figures for construction but not land acquisition. The study also did not include interest charges which alone amount to $41 billion. Finally, the Friends' cost was based on an average daily industrial and municipal waste discharge flow that is significantly lower than the actual flow today. Thus, the appropriate cost comparison is $161 billion for land treatment versus high level physical chemical treatment (tertiary) cost of $118 billion.

SOCIAL COSTS

The social costs of land disposal are substantial. Implementation of the Chicago proposal would require acquiring—and removing from productive use—455,000 acres of prime agricultural land in northern Indiana and Illinois. As the attached map shows, much of the land area of two counties would be affected. Moreover, 20,000 people, their schools and other public facilities would be displaced. The problems associated with this displacement would be difficult, time-consuming, and potentially socially disruptive.

CONCLUSION

While I believe land disposal is a viable alternative to conventional wastewater treatment, the foregoing analysis suggests it is by no means universally applicable. The economic and social costs incident to land disposal are substantial, and its treatment efficiency is not fully understood. Conventional treatment, land disposal, and other alternatives should be considered on a case by case basis to select the most cost effective solution to individual problem. The Muskegon project will provide the specific data we need to evaluate the land disposal alternative fully in each case.

Nationally, the land disposal alternative appears to be more costly than tertiary treatment. Neither system, however, is equivalent to "zero discharge", and zero discharge systems would be more costly still. Given these facts, we continue to believe that careful study and further Congressional consideration at a future date is required before a national commitment to a zero discharge goal can prudently be made.

Sincerely yours,
WILLIAM D. RUCKELSHAUS,
Administrator.

Mr. WRIGHT. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. HARRINGTON).

Mr. HARRINGTON. Mr. Chairman, I rise in support of the Federal Water Pollution Control Act amendments. The bill before us today is the biggest, strongest, and toughest water pollution bill ever to come to the House floor for a vote. I congratulate the committee for its efforts.

There are some weaknesses in the bill and, as a sponsor of the "clean water package," I feel that the passage of these amendments will serve to remedy those deficiencies. It is not my purpose today, however, to criticize specific portions of the legislation. I will save those comments for tomorrow and the amendments. What I would prefer to talk about are the contents of the bill and how the legislation will affect our States and cities and our industries.

As we all know, many cities have been unable to build adequate waste treatment facilities because they cannot raise the amount of money needed as their share of the cost. States, too, have had terrible problems raising their share. Previous legislation provided a minimum of 30-percent Federal funding—if the State refused to provide any money—and a maximum of 55 percent if the State paid 25 percent of the cost. The remaining 20 to 70 percent was owed by the cities. This has been an onerous and unfair burden. Many cities have been able to raise their share of the revenue only by increased property taxation, and I do not need to remind this body of the problems of spiraling property taxes. They are too high; they are punitive; and they have caused great and unjustifiable human misery.

The bill before today will correct many of these deficiencies. Under both the House and Senate bill the new minimum Federal share will be 60 percent, with additional Federal funds provided if the States contribute a portion of the cost. The Senate bill would raise the Federal share to a maximum of 70 percent if the States pay 10 percent of the cost, and the House bill will provide a maximum Federal share of 75 percent if the States pay 15 percent of the cost. I support the House figures.

We need as much Federal aid as we can get to combat pollution—and as little municipal contribution as possible. The House bill—using the maximum figures—would require only a 10-percent municipal share whereas the Senate bill would call for 20 percent. It is my hope that the conferees will accept the House figures.

One of the greatest problems we have encountered in the past is in allocating sufficient funds for the cleanup of our waters. The Senate bill provides a total of $15 billion for municipal waste treatment construction. The House authorization is $20 billion. The National League of Cities has estimated that it will cost between $30 and $50 billion to clean up our waters. Other estimates also fall within that range. The House bill's authorization figure of $20 billion is therefore more realistic and better fits the needs of the Nation. I am hopeful that the conferees will also approve this higher figure.

I do not need to remind my colleagues that one of the chronic problems facing our cities has been the lack of funding necessary to build treatment plants. Time and time again previous legislation has offered millions of dollars only to have the appropriation figure cut substantially. We fall in grave danger of such action again, but the situation has deteriorated to the point where it is clear that we cannot renege on our commitment to full funding of the program. In addition, the legislation before us recognizes the insufficiency of previous funding mechanisms by including a new section requiring contractual obligations between the Federal Government and municipalities for the money needed.

The problems we have always run into before is that cities, basing their plans on the money authorized, have committed themselves to building treatment facilities, only to find later on that the money simply had not been appropriated. With no contract between the city and the Government, the city has been left holding the bag—in some cases defaulting on their own obligations. Both the Senate and House committees have recognized this as a major problem and have included two provisions to rectify the situation.

The first is the contractual authority which I have just mentioned. Under the new bill, States and municipalities may plan construction programs with the assurance that once their plans, specifications, and estimates are approved, construction can proceed in an orderly fashion. The administration of EPA is authorized under this bill to commit the Federal Government to the payment of its proportional contribution to the construction of treatment works at the time he approves the plans, specifications, and estimates submitted to him by each applicant. Thus the cities and States will have a guarantee from the Government that they will receive the money they are counting on to build treatment facilities.

The second provision would provide an authorization of $2,750 million for retroactive grants for projects initiated after 1956 which meet the requirements of previous acts. The reimbursement will be for any publicly owned treatment works constructed by States, municipalities, intermunicipal agencies, or interstate agencies for any publicly owned treatment works constructed by them for which the full Federal contribution to which they were entitled was not received. These funds rectify previous inequities and demonstrate a fair and enlightened attitude toward States and cities fiscal problems in this area.

The legislation we are considering today marks a turning point in our antipollution efforts. It is the first time I can remember that we have attempted to attack the pollution problem by specifying concrete goals coupled with deadlines for reaching those goals. I applaud the intent of both the House and Senate in attempting to define the pollution problem and mandate its end. The House bill declares it to be the national goal to eliminate the discharge of pollutants into the waters of the United States by 1985 and to achieve water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water to be achieved by 1981.

These deadlines are essential to a serious and dedicated effort to stop pollution. We have long needed such a focus and I fully support the committee's intent in this area. Often our problems—be they pollution, poverty, education, housing, or health—seem so complicated, immense and overwhelming that apathy and malaise sets in. One does not see the way out. One cannot believe they are soluble. I think that the committee has done a tremendous service to all of us by pinpointing a deadline which can and must be met. It is outrageous that we cannot swim in most of our rivers, and that we cannot eat the fish from our waters. It is even more outrageous that we have accepted this situation and have not fought to reclaim our right to enjoy what nature has provided for us. The deadlines in this bill give us a focus we have been missing and hopefully will activate all of us toward reclaiming our rights.

There is one major flaw in this House bill in this area and I will speak in more detail about it tomorrow. Suffice it to say today, however, that the bill contains a section requiring a study be done of the economic, social, and environmental costs of achieving these deadlines. The problem is that the 1981 and 1985 goals would not be implemented until the Congress evaluates this report and takes further action by voting 2 years hence to meet the deadline. In this respect, therefore, the bill before us is misleading because we will vote not to keep these deadlines but to delay the decision until the study has been completed. It is time to act. An amendment will be offered tomorrow as part of the clean water package to eliminate the need for Congress to vote again in 2 years on meeting these deadlines and requiring Congress to vote now on a real commitment to clean water. I support that amendment and will vote for it.

The Federal Water Pollution Control Act amendments comprise many worthy sections. The scope and complexity of the legislation is such that I could spend the rest of the afternoon analyzing each in detail. There are many Members who are far more expert than I, and I wish only to discuss just one last item in the bill which is of intense concern to most Americans—the fate of industry, particularly small businesses—in attempting to achieve the strict, but necessary, water pollution standards set forth in the legislation.

Section 8 of the bill contains a provision originally introduced by Congressman Morse and myself to provide $800 million in low-cost loans to industries "likely to suffer substantial economic injury without assistance." The loan money may be used to assist any small business concern "in effecting additions to or alterations in the equipment, facilities—including the construction of pretreatment facilities and interceptor sewers—or methods of operation of such concern to meet water pollution control requirements established under the Federal Water Pollution Control Act."

The loans would be authorized for small businesses as defined under the Small Business Act, which means a firm independently owned and operated and not dominant in its field.

As consistent with SBA section 7 authority and regulations, the loans could be for up to $500,000 or 100 percent of the project's cost, whichever is less, with a maximum duration of 30 years. The interest would be the average cost to the U.S. Treasury of making the loans, minus 2 percentage points—currently. This would translate into a rate of about 4 percent.

Simply put, these loans may be used in one way by firms to obey the new pollution requirements. If the firm itself needs to build a treatment facility, the loan may be made for the construction of such facility.

We all know that the economy is in terrible condition. We know that there is a high rate of unemployment and that there are many depressed areas throughout the Nation. It is precisely these areas which contain the most small businesses whose existence would be jeopardized by inability to pay the cost of controlling their pollution, and it is to these industries that this section is directed. No one in Congress wishes to legislate so irresponsibly that we drive out of business those who sincerely wish to abide by the new pollution laws but who, because of a bad state of the economy, will be forced to close.

The $800 million authorized by this section may not be completely adequate. But it is a start. No adequate studies have ever been made about the financial problems of industries in pollution abatement. I am hopeful that EPA will keep close track of the demand for loans and that they will report to the Congress on the extent of the demand. If the demand exceeds the supply, I am sure that the Congress will vote to increase the funding.

Solving the pollution problem will take sacrifice on everyone's part. It will not be easy. But it is something that has to be done, and the legislation we will vote on tomorrow puts us squarely on record as willing to make those sacrifices. Specific goals, adequate funding, and touch enforcement will solve the water pollution problem and I am pleased to be able to vote for this bill.

Mr. WRIGHT. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. Reuss).

Mr. REUSS. Mr. Chairman, I thank the gentleman for yielding me this time, and I wish to congratulate the gentleman and the members of the staff of the great Committee on Public Works for the indefatigable energy they have put into this bill, and to commend many of the principal sections of the bill, and hope that the five or six perfecting amendments which will be offered tomorrow will have favorable consideration.

Mr. Chairman, today we begin consideration of very comprehensive amendments to the Federal Water Pollution Control Act.

H.R. 11896, among other things, authorizes $4.6 billion in total spending for water pollution control; increases the grant percentage for the construction of waste treatment works; establishes that by 1976 polluters must use the best practicable technology in controlling wastes; abolishes the slow and ineffective enforcement conference procedures; and expands the coverage of the law to intrastate, as well as interstate navigable waterways.

Chairman Blatnik and the committee deserve great praise for these very fine improvements in the present law.

There are, however, several provisions of the reported bill that should be amended to make the bill conform more closely to the stronger Senate bill (S. 2770) that passed the other body last November, 86 to 0.

The clean water package of amendments cosponsored by myself and over 40 of my colleagues is designed to strengthen these provisions.

One of these relates to the permit program established by section 402 of the reported bill.

H.R. 11896, as reported, provides for the complete transfer of the permit program to each of the 54 States and other jurisdictions. This could be accomplished under the bill before standards for toxic pollutants and for the pretreatment of effluent standards are adopted. Even more importantly, effluent limitations will not be established before EPA is required to turn the permit program over to the States.

We believe that, before EPA turns the permit program over to the States, the basic requirements for controlling pollutants should be established. Our amendments would accomplish this.

The House bill, like the Senate bill, tells each State that it must transmit to EPA a copy of each permit application and provide notice to EPA of every action related to the processing of that application. But, once EPA receives the permit applications, it can do no more than merely file them. No provision is made for EPA to comment on the applications. EPA cannot object to the issuance of a permit. EPA must merely receive for its information thousands upon thousands of applications which will then gather dust in some records center.

In the Senate bill, this is a meaningful requirement. For in that bill, EPA has an opportunity to object in writing to the issuance of the permit by a State.

We think the Senate approach is sound. But we have improved upon it further by requiring that EPA act within 60 days after receiving notice from a State which proposes to issue the permit.

Furthermore, our amendments would continue the provision in the House-reported bill that EPA may waive this notice and veto requirement as to certain types or classes of point sources when EPA approves a State permit program. Thus, EPA would not be reviewing and commenting on every little permit, but on only those which are of consequential importance in each State.

To his great credit, Gov. Wendell R. Anderson of Minnesota testified before the House Public Works Committee on December 9, 1971 and indicated his strong support for turning over the permit program to the States. But in so doing, he emphasized that EPA must have a veto over individual permits. Governor Anderson said in his prepared statement:

> *If the States are to run the permit program, however, the EPA must have a veto over individual permits issued by the States. It is true that the House bill allows the Federal Government to review the State's total permit program, but once that program is approved by the administrator it is extremely unlikely that such approval would be rescinded.*
>
> *The EPA Administrator should not have to veto a State's total program just to get at permits granted improperly to a couple of polluters.* So we still need a veto on individual permits to check those that are improperly granted, and this concept is already embodied for interstate waters in section 402 (d)(2) of the House bill. The administrator, if he exercises a permit application veto, should be required to do so within 60 days or the veto will be waived. This will have the effect of requiring him to focus on only those permits that involve significant problems and would provide a reasonable double check on this crucial part of the States' program. (*Italic supplied.*)

Governor Anderson's comment that EPA "should not have to veto a State's total program just to get at permits granted improperly to a couple of polluters" is certainly well taken.

It is true that the House committee's bill provides that the EPA Administrator, after public hearings and a 90-day waiting period, can reach down and withdraw his approval of the permit program being run by a State. But the effect of this action would be a Federal takeover of the entire permit program.

This type of total Federal takeover should not be necessary when EPA finds that only a few of the permit applications are being "improperly" issued. Such total takeover would result in chaos both at the State and Federal level. It should be exercised with great care and only when there is clear evidence that the entire State program has fallen into disrepair.

Governor Anderson discussed in more detail the reasons why this Federal check on State-issued permits is important. He said:

> I suggest that there is one insight which should be shared with you. I suggest that every Governor in the country knows what is the greatest political barrier to effective pollution control. It is the threat of our worst polluters to move their factories out of any State that seriously tries to protect its environment. It is the practice of playing off one State against the other. It is the false but strident cry of the polluter that clean air and water mean fewer jobs.
>
> Every Governor in this country knows that when he tries to put some teeth into his State's anti-pollution laws, his efforts will be met by precisely these sort of threats.
>
> My message to you today is this: the answer to threats is uniformity. The only way to stop polluters from political intimidation is to prevent them from raising the alternative of moving to a place where pollution is allowed. There should be no such place in this country. We can no longer tolerate the fact that the price of diligence is intimidation. We should have uniform standards of pollution control in all fifty States—tough standards, fair standards, a set of meaningful and comprehensive rules that permit neither exception nor evasion. Pollution does not stop at State boundaries and neither must its regulation.
>
> * * * * *
>
> Suppose a State adopted a policy of approving more lenient permits as a device to lure industry away from more conscientious States. This would circumvent and destroy the uniformity created by national effluent standards. Or, what if the person in charge of issuing State permits owned stock in the company whose permit he issued? EPA's veto power should further apply to help overcome political and other pressures sometimes exerted by local industry on State agencies. The further away one is from such pressures, the easier it is to be objective in making important decisions. Each branch of government, therefore, must help the other resist untoward pressure and act as a check on the other to produce the strongest pollution control possible—that is cooperative federalism.
>
> Minnesota's position on the Federal veto is a middle ground, therefore, between the Senate and House bills. We believe this approach will avoid the administrative problems which could bog down the program if an unlimited time period were allowed for Federal review of permit applications. Although a small increase in EPA staffing may be required, we believed this approach will provide a margin of additional safety on the side of the environment when the Administrator determines stronger protection is needed by strengthening an individual permit.
>
> I appreciate the fact that several Governors, well informed on this issue and conscientious in their efforts to protect their citizens, have taken a somewhat contrary position. These gentlemen have opposed the right of the Federal Government to exercise a veto over individual permits. I appreciate their concern but respectfully submit that that concern is inappropriately applied in this instance. I appreciate the fact that several Governors are reluctant to give any veto power to the Federal Government which has in the past supported standards less stringent than those of the States. I referred to this problem earlier. But in this particular instance, I feel the cause of stricter standards is best served by permitting the individual permit vetoes.
>
> If this safeguard is not permitted, those States which do not pursue a vigorous antipollution program will continue to be cited by polluters as havens from which to escape proper environmental regulations. The uniformity which I cited at the outset of these remarks as the major necessity for an effective pollution control program cannot, therefore, be achieved without permitting this type of Federal check on permits which simply do not accomplish the job of pollution control."

My colleagues and I share Governor Anderson's views. We feel certain that unless there is a Federal review of the individual permits, workers of the Nation and many industries would be harmed significantly because of the great pressures that exist in many States to encourage businesses to locate there.

I strongly urge my colleagues to support us in this effort to strengthen the committee's bill and to bring it more in line with the stronger Senate version.

Mr. WRIGHT. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. GRAY).

Mr. GRAY. Mr. Chairman and colleagues, if anyone doubts the importance and the wide range benefits of this legislation they can take notice that in title I it starts with research, and ends up with sex discrimination in title XIII with over 200 pages in between. I do not think you can beat that with any legislation.

Seriously, Mr. Chairman and colleagues, we have labored long and hard in the Committee on Public Works to bring this legislation to you today.

I would be remiss if I did not take a moment to commend our distinguished chairman, the gentleman from Minnesota (Mr. BLATNIK), the gentleman from Alabama (Mr. JONES), the gentleman from Ohio (Mr. HARSHA), and all of the Members on both sides of the aisle for their diligence, because I can assure you that this is the culmination of many months of hard and uninterrupted work.

I would also like to commend Mr. Sullivan, our chief counsel, Mr. Enfield, and other members of the staff who have worked so hard.

This legislation certainly represents one of the most important, if not the most important, pieces of domestic legislation to come out of this session of the Congress. There are a number of issues that cry out for attention in America, and the attention of this Congress, on what we consider to be deep national concerns, but certainly there is none that has been neglected more than our national environment.

In one very real sense we are all passengers on the planet Earth, and unless we feel secure and comfortable about our natural environment there is very little prospect of dealing on a meaningful basis with the pressing social issues of our times.

The action taken by this Congress on water pollution will be watched around the world for, just as we have been the great embodiment of industrial and technological progress, we are also, Mr. Chairman, the embodiment of the environmental damage and clutter and trash that has been part and parcel of our great progress. This is an opportunity for this Congress to show the way, and the vehicle through which we can show our enlightened concern is this bill before us today.

It contains an approach that pinpoints responsibility at the various levels where the abatement problem must be tackled. I would like to make this one important point in my brief remarks, and that is, Mr. Chairman, that this is not a Federal bill alone, nor is it a State bill. Read it carefully, and you will find that the duties and responsibilities are distributed fairly among industry, the States, and the Federal Government.

The Federal responsibility is particularly great because the EPA is called upon to provide the scientific and technological leadership that will be necessary to advance the state of the art of waste treatment.

There is no single way that abatement can be approached. The concept of alternatives is an important one in this legislation. We emphasize such concepts as the recycling of wastes, reuse of water, and the development of programs that are ecologically sound.

Likewise this legislation does not permit the mere transfer of the pollution problem—yes—we do not allow any State or local community to just transfer the problem. We do not accomplish anything if we clean up the rivers and lakes and in the process create an air pollution problem or do damage to the esthetic quality of the countryside, whether it be in southern Illinois or someplace else.

This is a good bill and a fitting subject for the House of Representatives at this crucial moment of needed environmental leadership.

I would like to close by putting in proper perspective the reasons for our bringing out this bill today. I would like to do it with a poem.

"I once knew a man who built a wall.
  A wall unfriendly, grim and tall.
I knew this man could not be bad.
  Maybe timid or even sad.
So I built a tower by this wall so grim.
  And I looked down and smiled at him.
This noble man's heart was about to break.
  So he tore down the wall and built a gate."

Is not that what we are doing here? Many local communities and industries have built a wall around cleaning up our pollution. People have been indifferent to the needs of our society. They have built a wall saying that it cannot be done—a wall too high to get over.

So we provide the funds with which to tear down the wall of neglect and allow them to open a gate of partnership between the local communities, the States, and the Federal Government.

That is all we do here—is to allow a gate with good hinges to swing open wide so that we can be able to clean up our environment.

I strongly encourage a good attendance tomorrow. Amendments will be offered to try to weaken this bill. I hope it can be passed in its present form so we can get on with the job of cleaning up America's waters. Thank you.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

The SPEAKER resumed the Chair.

The SPEAKER. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on March 24, 1972 the President approved and signed bills of the House of the following titles:

H.R. 1746. An act to further promote equal employment opportunities for American workers; and

H.R. 8293. An act to continue until the close of September 30, 1973, the International Coffee Agreement Act of 1968.

The SPEAKER. The Committee will resume its sitting.

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972

The Committee resumed its sitting.

Mr. HARSHA. Mr. Chairman, I yield such time as he may consume to the distingushed gentleman from Florida (Mr. Frey).

Mr. FREY. Mr. Chairman, I would like to ask the distinguished gentleman from Ohio some questions with regard to this bill.

This bill authorizes the expenditure of $18 billion over the next 3 years for the construction of waste treatment works. With this huge expenditure of public funds, every effort must be made to assure that the best available technology is utilized and that designs are cost effective.

Since the design of new facilities to meet water quality standards will be completed in the next 3 to 4 years, new technology must be adopted now in order to have an impact on the design of new facilities. We cannot afford to invest in facilities which might soon become obsolete and cannot be readily modified to meet more stringent quality criteria in the future.

In this regard, I am especially concerned that there has not been sufficient emphasis given to developing new recycling and reclaiming techniques to replace or augment secondary and tertiary treatment processes. Moreover, research into this matter leads me to believe that the coordination of programs to develop this technology has been poor if not nonexistent. For instance, NASA has developed for long-term space missions and space stations a subsystem to recover and reuse water from urine, wash water, and atmospheric condensate and to recover water and gases from solid biological wastes, and decompose and incinerate the solid waste. Of particular importance is the fact that the system does not require a power supply from some other source.

Yet, although NASA feels the system has tremendous land-based potential if developed properly, the only other agency which is making an effort to utilize it is HUD, and they are only studying the methodology. The Environmental Protection Agency has made no effort to utilize this technology although they stated to me that "the basic concepts appears to be quite feasible for use in individual homes" and the "concept would accomplish much in regard to reducing waste-water flows and the resulting pollution that reaches our watercourses." Moreover, less than $1 million is now being expended on developing this technology.

My real concern is not with the particular technology used for recycling or reclaiming, but with utilizing what we have already developed so that we can develop in the shortest time possible technology which may be more economical and more pollution free. Is it your opinion, Mr. Harsha, that section 105(d)(2) puts sufficient emphasis on developing this technology? And, second, does section 105(e)(2) make it mandatory that the Administrator shall utilize technology developed by other agencies such as NASA and HUD and coordinate development efforts with these and other agencies?

Mr. HARSHA. Mr. Chairman, if the gentleman will yield, my answer to the first question from the gentleman from Florida, who is to be commended as an effective advocate of commercially useful technological spinoff from the space effort, is "Yes."

The committee expects that the Administrator will pursue all avenues which might lead to effective solutions. The space effort has effectively demonstrated a number of potential techniques for recycling of pollutants. These may have potential for commercial development and for homes, boats, and vehicles. I definitely believe and intend that section 105(d)(2) require the Administrator to investigate NASA-developed technology.

In answer to the gentleman's second question, let me say that section 105(e)(2) specifically refers to areas where conventional systems are impractical, uneconomical, or otherwise unfeasible. Again, it is ridiculous not to use technology wherever it is developed. It is expected, and I am sure I speak for the committee on this, that the Administrator will use technology developed by other agencies. The legislative language in question authorizes research grants and it is expected that before such grants are made, the Administrator will consult with all relevant agencies to assess the utility of all available technology.

Mr. FREY. I thank the gentleman for his answer. I am delighted to have his opinion on this question, and certainly hope that we do get our money's worth. We have put a great deal of money into research in the space program in developing techniques, and I think this could be a tremendous payoff from the space program.

I commend the gentleman also for his work on this bill.

Mr. HARSHA. I thank the gentleman. We are proceeding on a crash basis on the water pollution control program. Certainly we ought to take advantage of all research and development programs throughout the Federal Government, and I would hope that the Environmental Protection Agency would heed that suggestion.

Mr. JAMES V. STANTON. Mr. Chairman, I yield 5 minutes to the gentleman from Wyoming (Mr. Roncalio).

Mr. RONCALIO. Mr. Chairman, I would like to express my strong support for section 12 of H.R. 11896. This section of the bill is cited as "The Environmental Financing Act of 1972" and would establish an Environmental Financing Authority—EFA.

The purpose of EFA is to assure that there will be a market for the bonds issued by local communities to finance their share of the costs of waste treatment facilities eligible for a Federal grant under the Water Pollution Control Act.

EFA would be simply a financial intermediary. It would purchase obligations issued by local public bodies to finance the construction of waste treatment facilities, and it would obtain funds for this purpose by issuing its own debt obligations in the market.

Yet, while EFA is expected to be a relatively simple and self-supporting operation, it would perform a vital function. By standing ready to purchase municipal waste treatment bonds, EFA would assure that every municipality would have an opportunity to market its bonds at reasonable rates of interest.

Thus EFA would remove a serious obstacle to the waste treatment facility construction program and would make an essential contribution to the overall national effort to clean up the environment.

There has been no disagreement on EFA between the administration and the Congress. Both the House and Senate Public Works Committees reported this bill favorably without amendment. Yet a number of questions were raised in the hearings on this bill, and I would like to respond to these questions for the record.

EFA is not an assault on the tax-exempt market. EFA would lend only to those public bodies who are unable to borrow in the private market on reasonable terms. It is expected that the bulk of municipal borrowings for federally assisted waste treatment facilities would continue to be financed in the tax-exempt market. It is estimated that EFA would normally lend for perhaps only one out of five projects assisted by a Federal construction grant.

Under the proposed legislation, EFA could not purchase any municipal obligation unless the Administrator of the Environmental Protection Agency first, has certified that the borrower is unable to obtain on reasonable terms sufficient credit to finance its actual needs; second, has approved the project as eligible for a waste treatment construction grant under the Federal Water Pollution Control Act; and third, has agreed to guarantee timely payments of principal and interest on the obligations.

Most public bodies would have no desire to borrow from EFA, simply because the rate at which EFA would lend would be established by the Secretary of the

Treasury at a level higher than the interest rate at which most municipalities could borrow on their own in the private market.

EFA would raise its funds by issuing its own taxable obligations. Under present market conditions EFA might be paying about 7 percent on its own long-term taxable borrowings and purchasing tax-exempt municipal waste treatment obligations at about 6 percent. Under the bill, the 1 percentage point difference between EFA's borrowing and lending rates would be made up by an annual payment from the Secretary of the Treasury to EFA. This payment would not involve a net cost to the Federal Government, however, since it would be offset by the additional revenues which the Treasury would receive because of the substitution of taxable for nontaxable obligations.

EFA would not require a large new bureaucracy. It would rely heavily on the existing resources of the Treasury Department. EFA would be simply a financial intermediary operating under the direction of the Secretary of the Treasury and having as its sole function the borrowing of funds in the private market for the purpose of purchasing municipal obligations guaranteed by the Environmental Protection Agency.

EFA would have the advantages of consolidated financing and the flexibility necessary to obtain funds efficiently from the capital markets.

EFA would not undermine the autonomy of local governments. EFA would not result in Federal involvement in a single project which the Federal Government is not already involved in, since EFA would lend only for projects eligible for a Federal grant. No municipality would be required to borrow from EFA.

It has been argued that the need for EFA assistance to municipal borrowers has diminished because of the general improvement in bond market conditions since EFA was first proposed in February 1970. I would certainly agree that communities are having much less difficulty in selling their bonds today, as compared to the crisis situation municipal borrowers faced 2 years ago. Yet even in times of relatively favorable market conditions there are some communities that lack the size or credit standing necessary to support their bond issues at reasonable rates of interest. EFA would help these communities.

Also, as we learned in 1966 and in 1969, conditions in the municipal bond market can deteriorate rapidly. The construction of waste treatment facilities requires a great deal of planning, and the approval of interested groups at the Federal, State, and local levels is a time-consuming process that may extend for several years. This process can be facilitated greatly if we can assure in advance that when the project reaches the financing stage it will not be unduly delayed or canceled because of changing bond market conditions. EFA would provide that assurance.

I urge you to join me in support of the Environmental Financing Act of 1972.

Mr. Chairman, I include with my remarks an editorial published in yesterday's issue of the Washington Star entitled "The Murky Business of Cleaning the Water." The editorial, which points out the distinction between the bill now before the House and that passed by the other body, is as follows:

THE MURKY BUSINESS OF CLEANING THE WATER

To get a good argument going among those who care about the world around us, try the following question: Which of the two major pollutions, air or water, is the more insidious and resistant to effective control?

Our own choice is water pollution. Polluted air, it is true, is impossible to contain and thus, for most people, impossible to escape. But the reverse of that proposition is that water, because it is more contained, can get incredibly dirty. No given amount of air is contaminated to the same degree as many of our major rivers and lakes.

Beyond that, the sources of water pollution are so numerous and disparate as to defy coordinated attack. Sewage from thousands of communities—treated, partially treated, untreated—is just one source. Industry pollutes the water in endless ways. And even if an industrial plant protects its own adjacent waterways, it may turn out a product such as detergent soap that winds up in rivers and streams thousands of miles away. Then there is thermal pollution, and mine acid drainage, and agricultural run-off, and off-shore dumping, and oil spills in coastal waters. Considered all together, it stuns the mind.

So does the cost of coping with it. As two examples: To halt mine acid drainage, which is limited to a few Appalachian states, might cost $7 billion; to separate sewer lines from storm drains in the cities where they are combined might cost $25 billion, or $50 billion. No one knows for sure. And no one can tell the cost of total water pollution control, except to say that it would dwarf all other environmental programs combined.

We bring all this up as a way of pointing up the immense significance of the debate scheduled to begin tomorrow in the House. Coming up is H.R. 11896, the House Water Pollution Control Bill. It is bewilderingly complex. With its four-year price tag of $24.6 billion, it could become the most expensive piece of environmental legislation ever passed. But even though the President's budget-makers are dismayed at these dollar figures, much more is at stake.

As it now stands, the House bill must be seen as counterposed to an extremely ambitious and highly controversial water-pollution bill the Senate passed in November. The major differences between the two bills run far beyond questions of detail and degree to a conflict over whether this nation should change, and how far it should change, its basic approach to fighting water pollution through this decade and well into the next. This is not just any old water pollution fight. It is truly a fight over crossroads decisions. Enormous consequences will flow from what the House decides to do about the bill that has come from its Public Works Committee, and about a series of "clean water" amendments, backed by 25 environment, civic and labor groups, that would bring the bill in line with the Senate version.

Very briefly, the Senate bill would sweep away the current practice of setting, and trying to enforce, water quality standards for various waterways. With the Environmental Protection Agency, not the states, running the show, the new approach would be strictly regulatory. Through the creation of any number of national effluent limitations and a system of discharge permits, it would be directed at specific sources of pollution. The timetable is significant: For industry, by 1976, a requirement to use the "best practicable" technology; by 1981, the "best available" technology; by 1985, no discharges at all.

A breath-taking bill, indeed, and one that, especially in this politically charged election year, puts any critic of it in the position of seemingly advocating dirty water. This is precisely the tricky position in which the House committee found itself in trying to put together a separate version.

And yet the committee turned out a remarkably balanced product. It has some faults—notably in giving the federal government too little clout in making sure the states enforce the law. But in the main, we believe, it represents the right approach at this time to an extraordinary difficult problem.

The House bill, though a large improvement over current law, is known as the "weaker" of the two bills. This kind of comparison, with all its implications of good versus bad, can be highly misleading. "Strong" laws have been passed before that produced results far from the original goals. In setting the no-discharge 1985 goal, and declaring that as national policy, the Senate took the position that the country will never solve its pollution problem until Congress legislates fixed goals and sets a timetable for realizing them. It is a commendable thought, but only to the degree that the mechanics and the cost of reaching the goal are spelled out, and understandable, and feasible. Supporters of the Senate bill hope it is workable. They cannot be sure. Some administration spokesmen have called it unworkable. Theirs, too, is educated and somewhat biased guesswork.

The House bill offers what appears a reasonable answer. It retains the 1976 requirement for "most practicable" technology. But the far more sweeping 1981 and 1985 goals are made subject to further congressional action after a two-year study by the National Academy of Sciences and the National Academy of Engineers. This is already being assailed as something of a cop-out. The arguments for it are more persuasive. Subjecting all the unknowns in the water-pollution issue to an exhaustive academic study only makes sense. In the short term, with the bill's fixed 1976 requirements, this would not represent a reprieve to polluters. By 1974 or 1975, with the study reports in hand, Congress will be in a far better position to legislate between basic, regulatory approaches. That it would fail then to act on water pollution seems highly improbable. And the tentative timetable is such that before 1981 industry would have enough time to adjust to higher standards.

The essence of the two-year study should be to make vital distinctions between the merits of water quality standards and the case-by-case regulation of pollution treatment at the source. Probably there is a case for a mix of both, and the House legislation wisely provides for such a mix at least until 1976. The trouble with relying solely on the present standards is the difficulty of establishing who is responsible for polluting a particular river system. But to switch entirely to a system calling for countless different treatment standards could prove just as cumbersome. For the government to direct an industry to eliminate all discharges, or even to install the "best available" technology, ought to be judged in light of identifiable benefit. There may be little point to ordering an industry on, say, the Mississippi River to go beyond 80 percent or 90 percent treatment control. For another industry, located on a fragile waterway, 95 percent control might not be good enough.

Beyond the technical lie the economic considerations. They are far from idle ones. To hold new industries to the highest possible standards is one thing. It is quite another to mandate that every industry, including older, economically vulnerable plants, install the most expensive equipment and move to a 1985 no-discharge status. Beyond that, although the total costs remain elusive, it is beyond question that the costs of improving our waters will move upwards not on a straight line but on a sharp curve, so that the price tag for removing the last 3 percent of pollution could well prove higher, by multi-billions of dollars, than the cost of eliminating the first 97 percent. All this needs thorough delineation, and then the question must be faced of whether, in light of so many competing priorities, the nation wants to commit such a large part of its resources to go beyond basically adequate improvement in water quality.

The Senate, with its bill, has raised the nation's environmental aspirations. The House version, though, because it does not sacrifice wisdom for simplicity, represents better government.

Mr. JAMES V. STANTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, I rise in support of the bill as reported by the Public Works Committee. Drafted after a searching and painstaking analysis of the water pollution problems now confronting the United States—an analysis that spanned the better part of 3 years—the bill would set a goal of eliminating water pollution altogether by 1985. A less ambitious interim goal sought in the legislation is making the country's waterways fit for fish and wildlife, for swimming and boating, by 1981. Both these goals, although the principal objectives of the committee bill, are not presented to us as if graven on stone tablets—the holy writ that must be honored no matter what the consequences to American industry and its workers. Wisely, the committee bill makes the goals subject to further congressional action after a 2-year study by the National Academy of Sciences and the National Academy of Engineers.

The bill, still further, would shift the principal means of water pollution control from water quality standards to effluent limitations—and the principal responsibility from the Federal Government to the States. It calls for appropriations of $24.62 billion, $18.35 billion of this for building new waste treatment plants.

No rational man, Mr. Chairman, can dispute the need for a program of this magnitude. The need is so unmistakably plain that it hardly warrants mention here. The exploitation of our waterways—our rivers, our streams, our lakes—has left many of them so fouled they can barely support life. Lake Erie, for example, once the world's most prodigious source of fresh water fish, is now virtually dead. One river—the Cuyahoga, near Cleveland—actually burst into flames a few years ago. A growing menace to public health, beaches are being closed and rivers posted throughout the United States. In 1970, a public Health Service report showed that fully 30 percent of the country's drinking water contains substances hazardous to human health. And, a scant year later, the Geological Survey pointed out that drinking water in 12 cities falls short of scrupulous health standards.

The question before us, Mr. Chairman, is not whether we should clean up our waterways—but what means we should use to achieve that goal. The Senate Water Pollution Control Act, like the amendments that will be offered to the House act, envisions an almost millenarian era wholly free of water pollution—an era that can be reached, step by step, as if climbing a ladder to the heavens. The timetable calls on industry to use the best "practicable technology" by 1976, the "best available technology" by 1981, no discharges at all by 1985. Even further, the Senate bill and the House "Clean Water Package" amendments would abruptly dismiss water quality standards for the Nation's waterways. The Environmental Protection Agency, endowed with most of the authority for administering water pollution control, would take an entirely regulatory approach—establishing effluent limitations, awarding discharge permits, attacking specific sources of pollution.

The scenario, Mr. Chairman, is almost idyllic. But can it be realized? Perhaps, perhaps not. One thing is certain, at least in my mind: the committee legislation now before us is more closely reasoned, recognizing the threat posed by a timetable so rigid and so fixed that it would yield to virtually nothing.

I quote from a Washington Star editorial published yesterday:

> The House bill, though a large improvement over current law, is known as the "weaker" of the two bills. This kind of comparison, with all its implications of good versus bad, can be highly misleading. "Strong" laws have been passed before that produced results far from the original goals. In setting the no-discharge 1985 goal, and declaring that as national policy, the Senate took the position that the country will never solve its pollution problem until Congress legislates fixed goals and sets a timetable for realizing them. It is a commendable thought, but only to the degree that the mechanics and the cost of reaching the goal are spelled out, and understandable, and feasible. Supporters of the Senate bill hope it is workable. They cannot be sure.

I think we can be sure, Mr. Chairman, that the Public Works Committee bill is workable. It maintains intact the 1976 requirement for the "most practicable technology," but makes the almost icarian 1981 and 1985 goals subject to the 2-year study I have already cited here. Such a study is necessary to shed light on the scores of unknowns in water pollution control: the efficacy of water quality standards versus case-by-case regulation, for example, or the impact of new pollution standards on industry and jobs.

The timetables sought in the Senate bill might jeopardize hundreds of industries and hundreds of thousands of jobs—even millions of jobs. Already operating on slender profit margins, many vulnerable industries may go bankrupt if the Government demands that they install the "best available technology" often the most expensive technology, as well—by 1981. The unemployment rate nationwide, despite a few heartening signs of stabilization, is still disquieting. In my own congressional district—largely within the Springfield-Chicopee-Holyoke Metropolitan Statistical Area—more than 8 percent of the work force is now idle. Can we afford to hastily adopt the Senate's timetable for pollution control, unaware of just how it may threaten employment? I do not think so, Mr. Chairman. I think it would be far more prudent, far more enlightened to carry out the study proposed for the National Academy of Sciences and the National Academy of Engineers.

The following letter from the Monsanto Co., in Springfield, Mass., makes clear the need for this study:

MONSANTO CO.,
Springfield, Mass., March 20, 1972.

Hon. EDWARD P. BOLAND,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN BOLAND: It is my understanding that the Water Quality Bill (HR 11896) which has recently been reported out of the House Public Works Committee is a vast improvement over the Muskie Bill passed by the U.S. Senate last Fall. By vast improvement I mean that it appears to take a much more rational approach to cleaning up the waterways of America than does the Muskie Bill.

While we all believe that we should clean up our rivers and streams, we note the monumental expenditures required by the Muskie Bill. In marginal operations an added cost, as proposed by Senator Muskie, could mean the closing of a manufacturing facility and loss of employment.

Although I very much regret that the states' participation in the solution to this very complex problem is not strengthened by this proposed legislation, I urge you to support the House Water Quality Bill as reported and to ask the support of your colleagues to do the same. I am certain that there will be those who will offer amendments to the bill which, if adopted, would markedly change the intent of the House bill and the resolve of the House Public Works Committee. Please vote against any such amendments.

In particular, please support the section of the House Bill which provides for a study of the legislation by the National Academy of Sciences with the obligation on the Academy to report its findings back to the Congress within two years of the enactment of the bill. The requirement of Congressional implementation of the findings of the Academy as a part of that section is extremely important.

Your help in this vital matter will truly be appreciated.

Sincerely,

G. M. ELLSWORTH,
Plant Manager.

Mr. Chairman, I am persuaded that we must first identify the ultimate implications of the Water Pollution Control Act—especially its technical and economic impact—before committing ourselves to a rigid timetable. H.R. 11896 seeks to do just this. I commend the distinguished gentleman from Minnesota, the chairman of the Public Works Committee (Mr. BLATNIK) for bringing this bill to the floor. It is just another instance in a long line of his great endeavors to rid the Nation of pollutants that threaten its very existence. I applaud his committee for the very careful consideration it gave to this complex problem.

Mr. Chairman, the bill now under discussion deserves the support of the Congress.

Mr. JAMES V. STANTON. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I urge passage of the bill presented by the Committee on Public Works because it establishes the soundest, most workable program that has ever been devised to clean up the pollution that threatens to destroy our Nation's waters.

This legislation calls for perhaps the largest nondefense authoriation in all our history. But this is the measure of the stupendous task we confont in restoring and preserving our waters. I have heard it said that we cannot afford a program of such scope, to which I must reply: We cannot afford not to undertake this program, because our survival as a people hangs upon the survival of our waters. And no one can deny today that our waters are in mortal peril.

Mr. Chairman, this legislation recognizes that America's resources are not limitless, that there are many priorities with heavy claims on the public welfare. The committee has prudently provided for an intensive study into the possible consequences that might result from going full-blast to our States goals of swimmable water by 1981 and no discharge into our waters by 1985.

With the findings of that study in hand, in 1974, the Congress can then decide whether or not a midcourse correction of our program is required.

This bill contains specific and direct help for the Great Lakes region by initiating the pilot program for Lake Erie at a cost of $5 million. The authorization for the Great Lakes program is set at $20 million, which will be a direct and forceful step towards cleaning the waterways of America.

Mr. HARSHA. Mr. Chairman, I yield such time as he may consume to the gentleman from New Hampshire (Mr. CLEVELAND).

Mr. CLEVELAND. Mr. Chairman, I have asked for this time so that after we go into session of the House I can ask permission to include at this point in the RECORD a letter from the Water Supply and Pollution Control Commission of New Hampshire, and also a very interesting article by Terry P. Frost, one of the officials of that organization that discusses tertiary treatment in a very constructive and knowledgeable way.

I offer the letter as it suggests needed improvements in the bill now before us.

I offer the article as it is a hopeful one and reminds us that we making progress. Because so many others have spoken on the details of H.R. 11896, and at length, I shall not do so.

The letter and the article follow:

WATER SUPPLY AND POLLUTION
CONTROL COMMISSION,
Concord, N.H., March 24, 1972.

Hon. JAMES C. CLEVELAND,
Longworth House Office Building, Washington, D.C.

DEAR JIM: Your office called yesterday and indicated you would welcome any last minute comments regarding HR 11896 in final draft. Incidentally, thank you for furnishing us with a copy of this legislation.

Clarence Metcalf and I have hurriedly reviewed the new draft and find it does not substantially deviate from the December 1971 version. Thus, our earlier comments would still have meaning.

We recognize the importance of focusing attention on major considerations rather than to offer a long enumeration of modifications which would be desirable. Accordingly, the features we wish to stress are outlined briefly as follows:

The arrangement with regard to industry bearing not only its share of operating costs, but also capital construction costs, will certainly serve to discourage joint projects. Industry will soon decide to go it alone because it will be easier, and, in many instances, more economical to do so. As a result, the main underlying objective which the Bill seeks to promote, namely, regional solutions, areawide treatment concepts, etc., will be frustrated. On this question of charges, we have always been impressed (and state law permits) that local governments should retain the authority to distribute the costs within a framework which will be equitable for all concerned. If the Federal Government assumes this responsibility, it is our opinion it will introduce more complications than solutions. Overall, by insisting upon charging industry its "fair share" there will be more loss than gain in terms of effective pollution control programs.

The permit system provides that ultimate authority will reside with EPA. As we have said previously, states should be allowed to develop strong permit programs in accordance with Federal guidelines rather than to have both governmental levels involved. It seems ridiculous to require that the state agency furnish a copy of every permit application and each permit issued to the Administrator. Moreover, he then has a period of 60 days to decide if he is in agreement that the judgment is sound. To qualify for operation of a state permit program the state must also be empowered to control ground water. New Hampshire statutes do not allow complete authority for us to function in this capacity. Insofar as ground water used for drinking supplies is concerned, we could qualify but the law does not afford complete coverage. In developing legislation of national scope where there is a need to be concerned with control of ground water pollution, there should be a period of grace allowed for states such as ours where it has not been significant to enact suitable statutes. Otherwise, we may not qualify for operation of the permit system.

Areawide and other forms of regional planning are encouraged but there is no clear indication that the stage pollution control agency will be designated to carry out this responsibility. We believe to preserve continuity of responsibility this should be the arrangement.

In order to qualify for construction grants under 201(3) collection systems must be free from "excessive" infiltration. This requirement becomes operative for all projects after July 1, 1973. Certainly infiltration should be corrected wherever it is a problem but there should be time allowed to achieve this objective. Likewise, it should be eligible for grant funding. Unless such improvements are phased, it means otherwise eligible treatment plant projects will be stymied pending corrective action which may, in most cases, require a considerable period of time.

The state of Minnesota is canvassing the states to protest the provisions of Section 312(f) which conveys all authority for boat pollution control to the Federal level. The Federal marine sanitation standards provide for discharge of treated sewage. This, of course, is inappropriate particularly in inland waters and many states, including New Hampshire, have statute which require "no-discharge" toilet systems for water craft. We would, therefore, endorse the so-called Ford Fraser amendment which would permit states to prohibit discharges from vessels of any sewage, treated or not, into waters on which they operate. We still believe that projects started after July 1, 1971 will not be eligible for reimbursement (see Section 206(a), pages 251–252).

Thanks for any help you can give us.

Sincerely,

WILLIAM A. HEALY, P.E.,
Executive Director.

SIP

(By Terry Frost)

This story is about SIP. SIP is a shiny new acronym for an ancient water pollution control—land enrichment system that probably dates back into antiquity farther than you and I, and perhaps even a competent historian or archaeologist, can pursue it. SIP is short-hand for "Spray Irrigation Projects" or "Spray Irrigation Programs."

Spray irrigation projects, *properly designed and operated*, are literally eat-your-"cake"-and-keep-it schemes. SIP can make large quantities of essential plant nutrients quickly available to land plants and keep them more or less permanently out of our surface waters—lakes, ponds, impoundments, rivers and streams—and even out of the ground waters that replenish our wells and feed our subsurface water supplies. Unwanted feed for nuisance algae and other noxious aquatic vegetation becomes much wanted feed for highly desirable land plants—field corn and other forage crops; white pine forests; hardwood timber crops; pulpwood forests and Christmas tree plantations—you name it. If it grows SIP can help it grow better—and bigger! So, being slightly repetitious, we wish to emphasize that good, healthy SIP's can considerably check the appalling "cultural eutrophication"—a plainer term, the "unnecessary manuring"—that threatens all of our surface waters including the most important reaches of the world's oceans.

SIP can forestall dangerous health hazards attributable to faulty water supplies infested with bacteria and viruses and overburdened with chemicals that can make you sick and, at worst, kill you. A proven example is the ability of SIP to strip nitrogen from liquid wastes. Nitrogen in solution, as you know, travels as a nutrient to ground crops and the ground crops literally drink in this solution for their sustenance. Thus the nitrogen is put to good use for man in crop-building and is kept out of drinking water in concentrations that might lead to methemoglobimenia in infants, the dreaded "blue-baby" disease. Nitrates and other salts in excess in drinking water supplies are dangerous to imbibe for anyone with certain forms of heart disease.

The first crude "spray irrigation" perhaps inadvertently occurred when the first mammal urinated in the primeval forest. In your time and mine when granny cast the nightly slips about her rose garden or lilac patch she was "treating" domestic wastes, lacking only the sophistication of even distribution, in about the same way modern spray irrigation facilities do the job. Grandma's approach satisfied the population she served. SIP serves a greater population than Grandma. And modern SIP units are a bit more complex and expensive and scientifically programmed to spread the stuff more uniformly.

Recent resurgence, considerable study, and effective refinement of SIP, a prehistoric waste disposal method, can be attributed, in large measure, to Dr. Louis Kardos, Dr. William Sopper, and their cooperating teams of scientists and associates at the Pennsylvania State University, Drs. Parizek, Myers, Davis, Farrell, Nesbitt, and others. Dr. Kardos, as a matter of interest to New Hampshire Audubon Quarterly readers, earlier in his highly productive career was a professor and researcher in the soil sciences at the University of New Hampshire, Dr. Kordos knows and loves New Hampshire and returns almost annually to his family camp in our north country wilderness in the Pittsburg spruce country.

Engineer Dick Grossman of Concord, in charge of research, operation, and maintenance at all of the granite state's domestic waste treatment systems, and your author spent a number of days at Pennsylvania State University with Dr. Kardos, Dr. Sopper and their research associates back in April of 1970. We did this as part of our jobs with New Hampshire Water Supply and Pollution Control Commission. Most of our New Hampshire interest and enthusiasm for SIP stems from the meticulous work and research over many years by Dr. Kardos and his colleagues as does much of what we write about now.

Our visit to the actual, operating Pennsylvania project, then about seven years along, and with a vast backlog of scientific data, enthused us enough to report back to New Hampshire and push for and promote the concept and similar projects here. One, and for the moment, the only such project operates during the summer months at the Sunapee State Park in Newbury, preserving and protecting the Class A water quality of Chandler Brook and Lake Sunapee.

Based on this single SIP, we are now enthused enough to seek such trials and permanent installations elsewhere. Some of these "elsewheres" include Meredith, Center Harbor, Moultonborough, Wolfeboro, and Alton to maintain the already high water quality of Lake Winnipesaukee; Waterville to protect the high recreational quality of the Mad River system; New London to reclaim Kezar Lake and protect Cascade Brook and the Blackwater River downstream. The Eastman Pond development in Grantham, meant to be the ultimate model for sophisticated land management within a major subdivision, will in large measure rely upon spray irrigation to treat both its sewage wastes and its golf course. A recreational area in Francestown whose major attraction is skiing has already constructed a spray irrigation system which will be in use in the spring or summer of 1972. The entire system is "go" now, so I am told, but a major component is a storage pond to hold waste water during the cold weather months for spraying when the snow cover is gone, the ground thawed, and the vegetative cover ready to assimilate the irrigant.

At this point in time in New Hampshire everyone who thinks about SIP should realize that the irrigant to be sprayed is a "treated" sewage plant effluent. That is, it has usually had what sanitary engineers refer to as "primary sewage treatment" or its equivalent. At Sunapee, we're spraying effluent pumped up the mountain in three lines from a sewage stabilization pond—oxidation pond or lagoon—and this stuff is a little bit better treated than the normal primary effluent but not as well treated as secondary effluent. Summer operation is for the moment a keynote—storage for six to eight months must be provided until we've got enough winter operation experience under our belt.

Our old Juggernaut friends, the United States Army Corps of Engineers, if their current "Scheme IV" for the Merrimack Valley is ever implemented in its entirety, plan to serve a 1990 part-of-the-valley population of an estimated 352,000 people. SIP will then utilize a planned 80,000 acres in the Merrimack Valley and will service the major near-the-river towns and cities of Laconia, Belmont, Tilton, Franklin, Concord, Manchester, Nashua, and others near the river.

At least one county farm and home has eyed the SIP. Land developers are examining it carefully and will undoubtedly install SIPs or modifications thereof. Small municipalities, more or less isolated from their neighboring municipalities insofar as domestic waste treatment facilities are concerned, will turn to the spray irrigation concept as a treatment device. Numerous small, middle, and large-sized recreational complexes will adapt a SIP to their waste disposal needs.

Environmental Scientists, Dr. Louis Kardos and his co-researchers, refer to SIP realistically, and I am sure with some affection, as the "living-filter" system both in their popular and professional articles and papers.

Yes. You are right! The "living-filter" is the soil mantle and all the associated life that dwells therein and thereon, be it in forest, field, or cropland—or even wasteland, if there exists such land anymore. SIPs and "living-filters' are also less picturesquely known to engineers and scientists as "waste water renovation systems. Let's explore a little bit, the thinking behind the terms "living-filter" and "waste water renovation systems."

The "living-filter" or the soil and its accompanying vegetation can strip highly valuable nutrients and undesirable disease bacteria and, in some soils, viruses from the waste water. In fact the "stripping" takes place physically and chemically in the upper few inches of soil generally well above the average ground water level or water table. With your continuing interest in and study of eutrophication problems, the cultural manuring of our lakes, ponds, and some rivers and embayments, you can quickly see one major benefit that SIP provides—some salvation, and I believe major salvation, for our notorious algae-plagued lakes in New Hampshire—Winnisquam, parts of Winnipesaukee which we hope to save before it gets as green-mucked with vegetation as Skatuakee, Mascoma, Glen Lake, and others you know about as well as I do. The "cake" we're going to have and eat, too, is the nutrient we keep out of the lakes and the greatly increased crop production on the land.

Just to give you concrete figures illustrating what we mean by increased crop growth, during the Pennsylvania SIP the researchers used control plots of oats, corn, alfalfa hay, and corn ensilage all normally fertilized with recommended quantities of commercial fertilizers. With the same crops in equivalent soils but without the commercial fertilizer, two different spray levels were used—two inches per week and one inch per week. Considering only the two-inch rate with respect to the control plots, here's what happened to crop growth! The oats shot from 45.20 bushels per acre to 72.60 bushels. Corn from 63.30 to 110.80 bushels, alfalfa from 2.27 tons per acre to 5.42 tons. And silage corn from 3.11 tons per acre to 4.32 tons to the acre. Worthwhile increases? I'd say so—if they can be maintained without damage to the soils.

For you farm-minded Auduboners at the two-inch-per-week rate of application the commercial fertilizer equivalent was in Dr. Kardos' 1963 experiments 2,000 pounds per acre—2,000 pounds worth of commercial nutrients in two inches of sewage as it was applied! Paraphrasing in part some of Dr. Kardos' phraseology in one of his popular articles: "Since the mineral constituents of the sewage effluent varied somewhat from year to year, the fertilized equivalent in 1963 would have been 2,000 pounds of a 7-12-11 mixture (70 pounds of nitrogen, 120 pounds of super phosphote—P_2O_5—and 110 pounds of potassium—K_2O), in 1964 of a 14-15-14 mixture, and in 1965 of a 5-10-15 mixture."

Those of you who are forestry-minded out of bird-habitat or other considerations will be interested in the words of Dr. Kardos when he refers to the Pennsylvania research on spray effects on a white spruce plantation. "In the irrigated plots, total height of the trees over a five-year period was almost double what it was in the control plots. The ground vegetation was sparse in the control plots and abundant in the irrigated plots. In terms of dry-matter production in pounds per acre, the ground vegetation in the irrigated plots was always more than twice what it was in the control plots, and in one season was more than four times as much." Could this also mean there could be two to four times as much bird food and bird cover in a SIP forest? It could!

A little bit on the concept of "waste water renovation." Put as simply as I think anyone could, the March, 1970 issue of Environment magazine states, "The primary purpose of the Penn State experiment was to show whether the soil and plants could transform the sewage waste water to drinkable water." The results, at least for the Penn State soil system, were positive. The oil and plants can transform sewage waste water to drinkable water under favorable soil and plantlife conditions.

The upper few inches of soil further renovate the sewage water for re-use by milking out the waste detergents.

As with all other "systems" we can contemplate, all is not milk and honey with SIP. There can occur from poorly planned and operated SIPs serious salt imbalances in the soil system. This may be the major criticism you'll be hearing and reading in relation to proposed spray irrigation projects in New Hampshire. Although the danger of mineral upset in the soil exists it can, in my opinion, be simply overcome by proper application rates dependent on soil types that exist in the proposed spray areas. Here's where our United States Soil Conservation Service professionals can greatly assist us. Now the good news—and a quote from Dr. Kardos to sustain it. "In Pennsylvania, however, the climate is not dry, but humid, with the irrigation turning the soil climate to superhumid. Evaporation does occur, but is not sufficient to create a soil-salinity problem." To keep things in the proper prospective we must add another and sobering quote from Dr. Kardos: "However, the long-term effects of maintaining a superhumid soil climate on the physical and chemical attributes of the soil, including the salt balance cannot be fully evaluated as yet."

Despite the latter quote, we in New Hampshire are confident that SIP has a large future in solving many of our water pollution control problems. Bolstering such confidence is our limited experience at Newbury where it is only necessary to spray a few hours each week during two or three of the summer months to accomplish disposal on the land from the holding ponds, two sewage stabilization "lagoons," at the Sunapee State Park ski complex.

At Sunapee State Park we are spray irrigating three different slopes. Three pipelines lead from the pumphouse at the storage ponds into the forest on the mountainside. Each line when it reaches its spray area has an average of fourteen "Birdwing" nozzles atop two-foot-high aluminium pipe "risers" spaced about one hundred feet apart along the main feeder lines throughout the forest spray areas. Each spray area covers about one and a third acres of woodland, generally mixed hardwoods with a white pine and a hemlock here and there. Test wells are sampled periodically. Duff pan lysimeter samples are collected and analyzed. The duff pans intercept the rainwater and spray irrigant before they reach the true soil and groundwater to determine the effectiveness of the forest duff layer alone in treating the intercepted waste water. Drinking water wells nearest the spray areas are routinely sampled. Chandler Brook in the vicinity is sampled. We're building a record of the effectiveness of the living-filter at Newbury from the Sunapee ski area.

What about the birds in the spray areas? We don't know at Sunapee because nobody has studied this aspect. We do know a bit from the Penn State study. There bird populations were sampled during the first three years of the program with the result that no significant change in the numbers of the various species was indicated.

Mosquitoes, though the relative abundance was not assessed, did increase in terms of the number of species. In 1963 five species were trapped and in 1964 nine species were collected. Baits used were humans, lights and birds. It would appear that there may have been more mosquitoes in total numbers based on the increase in the number of species.

There are some important things to remember when you think about or are called upon to decide in favor of or against a SIP for your area. Quoting directly from Dr. Louis T. Kardos' superb story about the "living-filter" system. "A New Prospect," published in *Environment* magazine for March, 1970, "The soil has a very complex, active biological system. The success of the living filter depends upon maintaining many aspects of a healthy soil so that this system can continue to function. For example, soil needs to remain aerobic—to have enough oxygen in the spaces between the soil particles for the soil bacteria and other organisms, and so that the roots of the plants can 'breathe.' It must be kept moist, but must not become waterlogged. The exchange capacity of the soil—the ability of certain tiny particles (colloids) to absorb and then to release electrically charged particles of minerals—is another important aspect of coil condition. Observations over the five-year period showed that with two inches of waste water added at weekly intervals, these various needs of the soil system were being adequately met. . . .

This study has demonstrated that in regions where the water supply is primarily derived from the groundwater reservoir, the waste water can be recharged through the living filter, falling water tables can be halted or slowed in their fall and the water resource recaptured.

Although there will be variations in the adaptability of the system to different soil types, climates, and crops, it should be usable wherever the following conditions exist:

Infiltration capacity of the soil can accommodate irrigation water at all seasons of the year to minimize ponding and runoff and at the same time retain water long enough to allow interaction with plants and microbes.

The soil has a high exchange capacity to temporarily fix and store effluent constituents for use by plants and microbes and to prevent the migration of contaminants to the groundwater reservoir, especially in the winter months when root systems are inactive.

The top layers of soil are permeable enough to permit vertical drainage of the renovated effluent and thus maintain aerobic conditions.

The soil mantle—the layer between surface and bedrock—is thick enough to insure renovation of the effluent before recharge to the groundwater reservoir.

Since any disposal system must operate on a year-round basis, in northern climates, when higher plant forms become dormant in the winter period, the living filter system must rely more on the adsorptive capacity of the soil and less on the reduced activity of the microbes and the roots of perennial plants. Forested areas fit into the system as winter disposal areas by providing better winter infiltration and larger phosphorus adsorptive capacities under the acid conditions associated with forest soils. In forested areas, on the other hand, much of the nutrients absorbed during the growing season are recycled annually in the leaf and litter fall. Combinations of agricultural and forested areas will provide the greatest flexibility in utilizing the living filter concept. Under certain conditions either agricultural or forested areas alone can do the job.

"In the absence of a growing crop, the weakest link in a land-renovation system would probably be the breakthrough of excessively large amounts of nitrate nitrogen from additive effects of nitrate already in the waste water and nitrification of soil organic matter and organic nitrogen accumulating from the waste water. A report on the spreading basin at Whittier Narrows, in California, shows that nitrates in water percolating from undiluted effluent were two to three times as high as the recommended limit of the U.S. Public Health Service drinking water standards. This spreading basin is kept free of vegetation.

"The irrigation level of two inches a week, which looks very promising in the Penn State project, shows that disposal of one million gallons of waste water per day would require only 129 acres of land. To dispose of similar waste waters from a city of 100,000 people would require only 1,290 acres (or about two square miles), and, moreover, the productivity of the farm and forest land involved in these acres would be improved at the same time.

"Managing a living-filter system will require care and attention to different environments and to changing environmental conditions. Overloading the land and the vegetation with too much waste water could destroy its valuable renovation capability. It is better adapted to small cities and suburbs than to large metropolitan centers with little available open land. The living-filter concept suggests that it might be well in many cases to reevaluate the present trend to even larger and more centralized sewage treatment facilities, built on the handiest waterway, and consider decentralized facilities convenient to the most effective living filter."

Now with all the cautions and good things in mind about SIP, we hope you'll go for a SIP! We do!—Wherever it's approved by the New Hampshire Water Supply and Pollution Control Commission.

Mr. HARSHA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as we conclude debate, I certainly would be remiss in my responsibilities if I did not call to the attention of the House the very effective and fair and yet forceful leadership of the gentleman from Alabama during the hearings and the executive sessions and the writing of this bill. He is a very tireless worker and a very dedicated and knowledgeable person in the field of water pollution control. I think the results of his leadership and his distinguished service on this legislation certainly are paramount. They are evidenced in this fine piece of legislation. I commend him and thank him for the way he gave us guidance and leadership during our long hours of deliberation.

Mr. Chairman, I certainly want to extend my appreciation to the gentleman from Alabama for the deep consideration he gave the minority. At all times all members of the committee were afforded the opportunity to express their views and to offer amendments and suggestions. This was the case throughout the entire proceedings.

This is not a partisan piece of legislation, Mr. Chairman; this is a bipartisan piece of legislation. It was developed under the leadership of the distinguished gentleman from Alabama, in the absence of our beloved chairman, who, as we all know, was unable to be present at all times. However, we still had his stewardship in many trying times.

I also want to commend the other members of the committee: the distinguished gentleman from Texas (Mr. WRIGHT), the gentleman from South Carolina (Mr. DORN), certainly the gentleman from California (Mr. JOHNSON), and our good friend the gentleman from Texas (Mr. ROBERTS), the gentleman from New Jersey (Mr. ROE), and the gentleman from West Virginia (Mr. KEE); all of whom spent hours upon hours giving of their time and dedicated effort to working out a very fine bill.

I also want to commend all my colleagues on my side of the aisle: the gentleman from California (Mr. DON H. CLAUSEN), the gentleman from New York (Mr. TERRY), the gentleman from New York (Mr. GROVER), the gentleman from Ohio (Mr. MILLER), the gentleman from New Hampshire (Mr. CLEVELAND), the gentleman from Iowa (Mr. SCHWENGEL), the gentleman from Kentucky (Mr. SNYDER), the gentleman from Indiana (Mr. ZION), the gentleman from Michigan (Mr. McDONALD), the gentleman from Arkansas (Mr. HAMMERSCHMIDT), the gentleman from North Carolina (Mr. MIZELL), the gentleman from Nebraska (Mr. THONE), and the gentleman from Tennessee (Mr. BAKER). They all extended themselves and gave unstintingly of their time and service in order that we might come here with an unbiased, nonpartisan piece of legislation which will do the job and get the waters of this country cleaned up in the most effective, responsible, and workable way.

Mr. Chairman, I want to emphasize this. I want our colleagues to know how much we of the minority appreciated that cooperation and leadership from the Democratic side of the aisle.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I am glad to yield to the gentleman from Texas.

Mr. WRIGHT. I want to join my colleague, the distinguished gentleman from Ohio, in commending the leadership for a singular quality of understanding, patience, foresight, and ability, which the gentleman from Alabama (Mr. JONES) brought to the structure of this legislation.

The gentleman from Alabama (Mr. JONES) had this thrown upon his shoulders late in the last session of the Congress, to provide the leadership to bring together into one harmonious working relationship all the members of the minority and the majority, and I believe he achieved that objective. It was a difficult, painstaking job which required patience and skill.

I should like to express on behalf of the majority our appreciation for the cooperative spirit in which the gentleman from Ohio, the gentleman from California, and all other members of the minority worked to bring about a responsible piece of legislation. As the gentleman from Ohio has pointed out correctly, this is not a partisan piece of legislation. The goal of cleaning up the Nation's streams is truly nonpartisan and truly all-American in character.

Mr. HARSHA. I thank the distinguished gentleman for his remarks. I am sure he would want to join me again in commending the very excellent staff on both sides of the committee, who, as I mentioned earlier in my remarks, spent untold hours of work developing this bill, and who sought and obtained the advice of many experts in the area. Without their dedicated and consolidated effort we would not have the fine legislation we have today.

Mr. Chairman, that concludes the requests for time on our side.

Mr. WRIGHT. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from South Carolina (Mr. DORN), a member of the committee.

Mr. DORN. Mr. Chairman, I rise in support of this bill. It is a good bill. The committee has worked long and hard on both sides of the aisle. I believe it is the very finest piece of legislation that could be written. I support it.

Mr. Chairman, the Federal Water Pollution Control Act now before the House is a tremendous step forward toward the goal of restoring our Nation's clean waters. This bill is the product of years of exhaustive hearings and investigations by the House Public Works Committee. Since its inception in 1946, our committee has been promoting the cause of clean water. No man better deserves the title of "Mr. Clean Water" than our great and beloved Chairman JOHN BLATNIK of Minnesota. Long before environmental improvement was a national concern JOHN BLATNIK was doing something about protecting our Nation's waters. Chairman BLATNIK and the gentleman from Alabama (Mr. JONES) have a thorough knowledge of the complexities and the technology of clean water, a knowledge gained by years of diligent work and study of this problem. Yes, Mr. Chairman, every major piece of water has been developed in our committee, pollution legislation since World War II and the bill before us is the product of years of hearings and study. Mr. Chairman, I personally can attest to the months of work we put in on this bill.

During 1971 our committee held three stages of hearings on the overall clean water program. First we held oversight hearings on the existing program and then we had hearings on bills designed to amend the existing program. Third, we held special hearings on legislation passed by the other body. Over a 7-month period in 1971 our committee held 38 days of hearings and listened to 294 witnesses. We have carefully considered every aspect of this program and have reported a bill that is comprehensive, effective, and fair to local government and industry. This bill will do the job of improving our environment without destroying the authority of the States or bankrupting the Nation.

Mr. Chairman, this Nation is making fantastic progress in improving the environment. And we will continue to do so if we maintain the proper relationship among the State and local governments, the Federal Government, and industry. We must avoid the negative hysteria of extremists and stay on the positive approach.

We must keep in mind the fact that industry is working to get the job done of cleaning up our waters. And we must keep in mind that we have made great progress toward clean air and clean water. For example, until 1925, man had planted a total of 1.6 million acres of trees. But now we plant that many every year. And a well-managed forest, by consuming tons of carbon dioxide and giving off tons of fresh oxygen while it cools the atmosphere, is a splendid natural antipollution device.

Every Government action must be considered in relation to other crucial national priorities such as education, health care, housing, and national defense. Our committee has considered this bill in light of other major national priorities.

Mr. Chairman, those of us on the committee greatly appreciate the hundreds of witnesses without whose expert knowledge we could not have written this bill. We especially appreciate the splendid help we have received from dedicated members of environmental groups. These groups have made tremendous contributions to our deliberations and have helped greatly in writing the bill. And we appreciate too, Mr. Chairman, the very helpful testimony from representatives of local, State, and National government as well as representatives of industry. What we have done is write a bill that is tough, effective, realistic, and fair to all concerned.

The heart of the bill is the new focus on point source limitations. All point sources must meet the 1976 standard of best practicable technology, and we have retained the 1981 and 1985 goals. Since there were so many grave uncertainties regarding the social and economic cost and the feasibility of the "zero discharge" requirement, we postponed its implementation until the Congress has the opportunity to take further action based on a completely unbiased and professional 2-year study by the National Academy of Sciences. Our bill adds language to make sure that when EPA makes new control technology mandatory under the 1976 deadline, the new requirements will take into account the social and economic impact such as unemployment. Also our bill provides that only demonstrated technology, and not drawing board plans, can be made mandatory.

Another vital aspect of this bill is the discharge permit program. Our committee has developed an effective national strategy that does not destroy the role of the States. Instead of allowing EPA an item veto over every single discharge permit granted by State authorities, our bill provides that the States will administer the program under national guidelines. Our bill will not allow any "shopping around" for States with weak permit programs, because any lax and ineffective State permit program will be taken over completely by EPA. We fully expect, however, that the States will vigorously and effectively administer the permit program if it remains free from a Federal item veto.

Our bill provides for greatly increased levels of Federal financial assistance for construction of waste treatment plants. A total of $24.6 billion is authorized. The Federal share is increased to 75 percent where the State pays 15 percent. And of special importance to my own State, Mr. Chairman, we intend that the State may pay its 15 percent either by loan or by grant, not necessarily by grant alone.

A common element throughout the hearings, Mr. Chairman, was the critical problem posed to U.S. job holders who must compete against cheap foreign imports from countries where pollution standards are primitive at best. Our bill requires the Secretary of Commerce to conduct a study of the extent to which our clean water program puts U.S. industry at disadvantage in foreign competition and directs the Secretary to recommend ways for equalizing this disadvantage.

We were concerned too, Mr. Chairman, with protecting local government, industry, and individuals from harassing law suits while still keeping the courts open to responsible parties concerned with environmental protection. Our bill encourages environmental groups to participate in the administrative stages of planning for projects and protects the rights of those directly affected to go to the courts.

Our bill provides that the user charges collected from industry will be retained for use in the local treatment district rather than being transmitted to Washington.

We added a new section on thermal discharges which requires the EPA to develop separate regulations which take into account regional variations and consider the alternative means of controlling this discharge.

Our bill authorizes $800,000,000 for loans to assist small businesses likely to suffer economic injury in meeting the new standards.

Mr. Chairman, this is one of the most complex and far-reaching bills to come before the Congress during my years of service here. Our bill is a tribute to the dedicated and devoted service of our outstanding Chairman JOHN BLATNIK. And it is a tribute to the gentleman from Alabama (Mr. JONES) who also worked so diligently to bring this before the House. Our bill is a splendid improvement over the legislation passed by the other body. We have carefully considered all aspects of the problem of restoring our Nation's waters, Mr. Chairman, and I enthusiastically support this legislation. It deserves the support of the Congress and of the American people.

Mr. WRIGHT. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, today we begin consideration of another water pollution bill. Since 1965, we have enacted three major water pollution control statutes—the Water Quality Act of 1965; the Clean Waters Restoration Act of 1966; and the Water Quality Improvement Act of 1970.

The legislation we are considering today—H.R. 11896—is by far the most far-reaching and comprehensive bill of them all.

It is a complete revision of the Federal Water Pollution Control Act which was first enacted under the leadership of our distinguished colleague from Minnesota—Congressman JOHN A. BLATNIK.

It significantly changes many of the policies and directions of the 1956 law and the 1965 and 1966 amendments to that law.

In short, this 414-page bill can be a significant new beginning in water pollution prevention and control. It deserves careful scrutiny by the House.

The committee bill vastly improves our ability to provide better and more efficient control of pollution at the municipal level. Its provisions encouraging areawide treatment of all point and nonpoint sources of pollution and the use of systems that reclaim and recycle water show great imagination and farsightedness on the committee's part.

I am pleased to see that the committee has adopted and, in some cases, exceeded my recommendations for raising the Federal share and appropriation authorization for the construction of waste treatment works. I feel certain that if the administration and the Congress follows through on these commitments to States and municipalities by requests for and the appropriating of, funds at the levels authorized, we will see a marked improvement in the quality of our waterways in this decade.

I recall all too vividly that the commitments we made in 1966 were never met because the executive branch refused to live up to them and request the needed funds from Congress. But 2 years ago, a determined Congress appropriated the authorized funds for fiscal years 1971 and 1972. Having begun that effort, I feel certain that the 92d and future Congresses will also want to continue to appropriate the sums authorized. I urge the President to request those sums.

I am concerned, however, about the provisions of title II of the bill allotting the sums appropriated to the States. The bill authorizes appropriations for fiscal years 1973, 1974, and 1975. Provision is then made for allotments in fiscal years 1973 and 1974. But, in the case of fiscal year 1975, the committee bill prevents the Environmental Protection Agency from making any allotments to the States until new cost estimates are made and submitted to Congress by February 1973 and until Congress approves those cost estimates by enacting a new statute during the 93d Congress.

It is my hope that, in conference with the other body, this restriction for fiscal year 1975 will be dropped so that we can encourage better and more efficient planning by the States.

The committee bill also contains a number of very excellent provisions in title I concerning research and appropriations to the States for water pollution control.

Many of the provisions in the other titles of this committee bill are also a vast improvement over current law. But there are a number of provisions that weaken the bill substantially from that—S. 2770—passed by the other body last November by a vote of 86 to 0.

Representatives Reuss, Saylor, Abzug, Rangel, and myself have joined with over 40 Members in offering the clean water package of amendments to—

Establish that, by 1981, without further action by Congress, polluters must use the best available technology, taking into account the costs, to clean up the wastes they pour into our waterways;

Provide more national control over State programs of discharge permits, in order to prevent economic hardship and interstate competition for industries, communities, and workers and to insure that the water quality objectives of the bill are achieved;

Strike from the bill provisions that give polluters who violate this bill or the Refuse Act a total immunity until 1976 from enforcement actions, merely because they file an application for a permit;

Provide that the rights of citizens to sue polluters and the Environmental Protection Agency, which this bill would gravely restrict, should be no less than the rights which Congress established in the Clean Air Act and which the House adopted on February 29, 1972, in the noise control bill—H.R. 11021;

Prevent the weakening of the National Environmental Policy Act of 1969 and the Fish and Wildlife Coordination Act;

Provide criminal sanctions against polluters who willfully violate an EPA order to abate their pollution; and

Provide adequate worker job protection.

Earlier this month, the House Committee on Government Operations, under the chairmanship of our distinguished colleague Chet Holifield, issued a report—House Report No. 92-918—in which the committee said:

> Studies conducted by the committee's Conservation and Natural Resources Subcommittee [under the chairmanship of Rep. Henry S. Reuss] have shown that the national effort to abate water pollution has been inadequate. Many of our Nation's waters are severely polluted. Almost all of them are being used by municipalities and industry to dispose of untreated or inadequately treated wastes on the theory that swift streams and large lake areas have enormous capacity to assimilate these wastes without any measurable impairment of water quality. Quite clearly this is not the case. *The use of a river, lake, stream, bay, estuary, or coastal waters as a waste treatment system degrades the quality of those waters. This use must be halted.* (Italics supplied)

When I first opened the committee bill—H.R. 11896—to section 101(a) on page 198, I was pleased to learn that the committee bill seemingly adopted a best available technology goal for 1981. Moreover, when I turned to section 301(b) of the committee bill on page 267, learned that the committee had transformed this goal into a requirement for 1981.

That section states that, by 1981, effluent limitations for industrial and other private point source discharges shall be required to install and use the best available demonstrated technology, taking into account the costs thereof. Of course, the bill provides an opportunity, after public hearings, for EPA to grant extensions of this requirement for up to 2 years. But, basically I was pleased to see that the committee had taken this very important step.

But upon more careful study of section 301 of this bill, I soon found a lopohole in this provision. It is proceeded by the clause "except as provided in section 315". When I turned to section 315 of the bill on pages 346 and 347, I soon learned that my earlier pleasure was short lived.

For what the committee bill is it to delay, at least until the 94th Congress or later, the effectiveness of this 1981 requirement. In short, the requirement reverts back to a mere goal for 1981 and has no force or effect.

Section 315 of the bill calls for a 2-year study by the National Academy of Sciences and the National Academy of Engineering.

The study is not aimed at learning whether or not the no-discharge goals for 1985 are sound. No; it is aimed at learning first whether the requirement that industrial polluters install the best available technology to treat their wastes before they pour them into our waterways is a sound requirement for 1981,

The study will be completed sometime in late 1974. It will then be sent to Congress. At that juncture, the 94th Congress must once again review this whole subject and pass a new law confirming that the 92d Congress was right all along; that is, the 1981 requirement is sound.

Mr. Chairman, I, for one, do not believe it necessary for the 92d Congress to defer to the 94th Congress on this requirement. It is hardly earthshaking that we, today, are asking polluters to install and use nearly, a decade from now, the best available technology to treat their wastes.

If anything, I am uneasy that we are even delaying this requirement until 1981. I would hope that many industries would plan now to install such technology for 1976, rather than install the best practicable technology only.

I am delighted to note that Gov. Wendell R. Anderson, of Minnesota, in his prepared statement of December 9, 1971, for testimony before the House Public Works Committee on the introduced bill—H.R. 11896—which unfortunately was not printed in the public hearing record—shares my view. He testified—pages 2 and 3:

> *I am especially pleased that the House and Senate agree that our nation should eliminate pollution through the "best available treatment" by 1981 and a "no-discharge" rule by 1985. We can no longer afford to base our anti-pollution efforts on the assimilative capacity of our waters. Thus, strong national effluent standards are absolutely essential.*
>
> *By achieving the no-discharge rule, we will save not just our lakes and streams, but also the wasted resources that are dumped in them. As an example of this resource waste, I would point out that five billion dollars of copper alone are lost each year by discharge into our waters. This type of senseless resource loss must be considered in the cost analyses required by this legislation.*
>
> It is said that some polluters will move to other countries if the United States enacts strong National pollution control standards. This is still another form of environmental blackmail, and one which must be thwarted, too. The ransom is too high. I recently met with Governors from Japan who are working hard to abate that country's pollution. The industrialized nations, who are this country's chief competitors, are also striving to control the spread of pollution within their own borders. The United States should move forward, too. If the efforts of other lands are not equal to our own, then we need not fear that our industry will as a consequence be placed at a competitive disadvantage in terms of production costs. This country is

> perfectly capable, should it be necessary, of insuring that our industry is protected against foreign pricing that is possible only through pollution. (Italic supplied.)

The full text of the Governor's testimony of December 9 follows my statement.

I will not, at this time, discuss all the other amendments to the clean water package, as they will be fully discussed by other Members.

Let me at this juncture note, however, that the committee bill also contains other provisions which weaken the Senate-passed bill. For example, section 301(f) provides that any construction or modification of any point source, including municipal treatment works, commenced within 3 years after enactment of the bill, which meets "effluent limitations based upon the best available technology" at that time "shall not be subject to any more stringent effluent limitations" for up to 12 years after such construction or modification is completed.

The committee report—House Report No. 92-911—explains this amendment as follows—pages 103-104:

> Subsection (f) of section 301 provides a statutory minimum useful life for any point source which is constructed or modified to meet effluent limitations based upon the best available technology at such time of such construction or modification. In so providing, the Committee recognizes the fact that industrial managers must be able to plan for some useful life before they can approve the modification or construction of any point source. The Committee recognizes that decisions on construction or modification of point sources must be made on the knowledge that such facilities will have a reasonably predictable useful life. Thus, subsection (f) provides that there shall be a restriction against the imposition of any more stringent effluent limitation for such modified new point source during a twelve-year period beginning on the date of completion of such construction or modification or during the period of depreciation or amortization of such facility. This restriction applies, however, only to a point source the construction or modification of which is begun after the date of enactment of this legislation and before the end of one year after the date of submission of the National Academy of Sciences report. If the decision is made to write off the entire cost of such modification or construction in the minimum five-year period, a more stringent effluent limitation could be imposed, at that time, under this Act. If, however, the fast writeoff provision is not fully utilized, no more stringent limitation could be imposed until the end of a 12 year period. If the writeoff schedule is changed during the first four years of the 5 year writeoff period, the facility would still be exempt from more stringent effluent limitations for the statutory 12-year period.

At present no "effluent limitations" exist today. They will not exist, under section 306, for new sources for nearly 2 years after enactment of this bill. Thus, under this provision new sources can be installed with only minimal treatment and then be "grandfather" for up to 12 more years.

This is a mistake. A "grandfather" provision like this cannot be justified on environmental grounds, let alone tax grounds. Depreciation writeoff provisions in the tax laws apply independently of anything in the water pollution bill. The only effect of this mandatory standstill period is to guarantee that industries and municipalities are protected from having to keep up with improvements in control technology.

It completely ignores the possibility that low-cost modifications to what may have once been the "best available technology" may be developed which would dramatically reduce pollution. We should not bar ourselves from being able to take advantage of opportunities for achieving low-cost waste reductions at more reasonable intervals.

This 12-year timeout provision also conflicts with section 301 and 302 requirements that effluent limitations be made more stringent whenever it is discovered that they are not adequate to meet applicable water quality requirements.

Finally, giving new point sources a breather like this discriminates unfairly against existing industrial point sources, which under subsection 301(c) face having their effluent limitations reviewed and upgraded at least every 5 years. This upgrading at 5-year intervals or less applies to existing sources notwithstanding the fact that they also may have, under section 301(b)(2), applied the "best available technology."

There is ample provision already in the bill, without this section, for dealing reasonably with companies that have made considerable investments in pollution control.

Another example relates to section 509 of the bill.

The Senate-passed bill authorized EPA to issue subpenas in connection with enforcement activities under section 309 of the bill. As introduced, H.R. 11896 conformed to the Senate bill in this regard. But the reported committee bill does not authorize the use of subpoenas in enforcement. Subpoenas are authorized only for extension of the 1976 date for point source effluent limitations (sec. 301) to obtain information for the water quality inventory (sec. 305).

No explanation is given in the committee report for this change.

Clearly subpena power is essential to any enforcement action.

If no amendments are offered concerning these items, I hope that, in conference, the committee will follow the Senate lead as to these weakening provisions.

Finally, I note that there are several technical errors in H.R. 11896, as reported, particularly in titles I and II of the bill which should be corrected. For example, on page 235, lines 9 and 22 and on page 238, line 2, there is a reference to "subsection (a)". A review of the sections where the reference occurs shows that there is no "subsection (a)." Similarly, on page 251, lines 22 and 24 and on page 252, lines 1, 3, 18, and 21 there is a reference to a "section 8" of the Federal Water Pollution Control Act. A careful review of the bill shows that the act will be renumbered and, as a result, the reference to "section 8" is meaningless.

We assume that the committee will offer amendments tomorrow to correct these and other technical deficiencies in the reported bill.

I strongly urge all my colleagues to join us in support of the clean water package of amendments.

At this point in the Record I insert Governor Anderson's testimony of December 9, an editorial in the Washington Post of March 27, 1972, and a copy of a letter of March 25, 1972, to the Director of the Office of Management and Budget from Mr. Ralph Nader concerning a suppressed report:

Testimony of Gov. Wendell R. Anderson, Minnesota

This is a committee of experts. Your attention to the detail of pollution abatement is well known. On the single issue of an amendment to the Federal Water Pollution Control Act, this committee and the Senate have conducted seventy days of public hearings.

To the enormous body of material before you, and in light of your own commitment and expertise, what can be added by one Governor who has held executive office less than a year?

I suggest that there is one insight which should be shared with you. I suggest that every Governor in the country knows what is the greatest political barrier to effective pollution control. It is the threat of our worst polluters to move their factories out of any State that seriously tries to protect its environment. It is the practice of playing off one State against the other. It is the false but strident cry of the polluter that clean air and water mean fewer jobs.

Every Governor in this country knows that when he tries to put some teeth into his State's anti-pollution laws, his efforts will be met by precisely these sort of threats.

My message to you today is this: the answer to threats is uniformity. The only way to stop polluters from political intimidation is to prevent them from raising the alternative of moving to a place where pollution is allowed. There should be no such place in this country. We can no longer tolerate the fact that the price of diligence is intimidation. We should have uniform standards of pollution control in all fifty States—tough standards, fair standards, a set of meaningful and comprehensible rules that permit neither exception nor evasion. Pollution does not stop at State boundaries, and neither must its regulation.

My testimony to you today is directed toward this end. I am grateful for the opportunity to suggest a number of particulars in which this committee might strengthen its legislation aimed at achieving rigorous and uniform regulation for all the fifty States.

At the outset, let me state that all of us in Minnesota appreciate your dedicated and continuing effort to report before Congress recesses, a strong, enforceable, and carefully considered amendment to the Federal Water Pollution Control Act.

I am especially pleased that the House and Senate agree that our Nation should eliminate pollution through the "best available treatment" by 1981 and a "no-discharge" rule by 1985. We can no longer afford to base our anti-pollution efforts on the assimilative capacity of our waters. Thus, strong national effluent standards are absolutely essential.

By achieving the no-discharge rule, we will save not just our lakes and streams, but also the wasted resources that are dumped in them. As an example of this resource waste, I would point out that five billion dollars of copper alone are lost each year by discharge into our waters. This type of senseless resource loss must be considered in the cost analyses required by this legislation.

It is said that some polluters will move to other countries if the United States enacts strong national pollution control standards. This is still another form of environmental blackmail, and one which must be thwarted, too. The ransom is too high. I recently met with Governors from Japan who are working hard to abate that country's pollution. The industrialized nations, who are this country's chief competitors, are also striving to control the spread of pollution within their own borders. The United States should move forward, too. If the efforts of other lands are not equal to our own, then we need not fear that our industry will as a consequence be placed at a competitive disadvantage in terms of production costs. This country is perfectly capable, should it be necessary, of insuring that our industry is protected against foreign pricing that is possible only through pollution.

I have been discussing the necessity for uniform standards, both within this country and on the international level as well. Until such uniformity is achieved, however, I think it is appropriate to mention one area in which there has been a rather dramatic conflict between two different sets of standards. I refer to the clash between State regulatory standards and those of the Atomic Energy Commission. I submit to you that when the regulatory standards of States and other non-Federal units of government are stronger and more protective of the public interest than those of the Federal Government that the State, and not the Federal, standards should be permitted to prevail.

This concept was incorporated in the original Muskie proposal last August, which affirms the States' authority to regulate atomic power plants if the appropriate State standards were stronger than those of the AEC. We believe that the States have this inherent right.

I think that my own State of Minnesota provides a good example of State standards far better equipped to protect our citizens than any standards yet proposed by the Federal Government. Minnesota's isotopic limits on radioactive material released to water are some 300 times to more than 100 million times more restrictive than the limits set by the AEC. This means that the people of Minnesota are showing a willingness to pay a few more pennies for their electricity, if this should be necessary, in order to eliminate potential risks to the health of their children. Surely citizens in other States must also be so inclined. The language in the original Muskie proposal would have affirmed States' right to maintain stronger standards than those of the AEC. I would urge that that language be restored.

The need for such restoration has been dramatically illustrated in Minnesota. Since this July, Minnesotans have encountered several low-level radioactive discharges from a nuclear generating plant owned by Northern States Power Company located on the Mississippi River at Monticello, Minnesota, 35 miles northwest of the Twin Cities. Some of these releases have resulted from malfunctions and others have been deliberate. The deliberate releases could have been reduced by the use of different operating procedures, or avoided completely by the utilization of holding tank facilities.

On November 19th of this year a deliberate discharge of radioactive material was released from the NSP plant in question. Three days were permitted to pass before an Atomic Energy Commission compliance inspection team arrived on the site. Three days. During this period, intolerably long considering the risk, there was some action taken to minimize the dangers of the radioactive discharge. But that action was taken by the State. The AEC inspection unit had not yet arrived at the plant.

I can cite another example of State preparedness being superior to that now offered by the Federal Government. States should also be allowed to enforce stronger marine boathead standards than those prescribed by the Federal Government. Minnesota recently passed a holding tank law. We fear, however, that our standards will be pre-empted by more lenient Federal standards set pursuant to section 312(b)1 and 312(f)1. This can be remedied by deleting section 312(f) from the act. Or, the following can be inserted in lieu of section 312(f)3:

"(3) If the Administrator is requested by the Governor of a State to adopt holding tank requirements to further protect and enhance the quality of specified waters within or bordering on the State, he shall by regulation completely prohibit the discharge from a vessel of any sewage (whether treated or not) into those waters."

Also, this act should provide funds for onshore disposal and pump-out facilities where needed.

Also, I would hope that you would clarify for the record whether it is the intent of Congress to have the marine sanitation devices governed by effluent standards and the no discharge rule provided for in title III. I believe title III should govern.

Just as the State and Federal Governments should provide for a check on each other, citizens should be allowed to check the government. It is good, therefore, that both the House and Senate bills include a citizen's right to sue provision. This section (505) can be strengthened by allowing persons (the definition of which includes states) to sue the EPA administrator for all acts and not just for non-discretionary acts, as is now provided. Such a provision would protect the States and the public from arbitrary action by the EPA administrator and still allow the administrator to take any action that could be supported by reasonable and factual evidence. In addition, this would provide for judicial review of disputes arising between the States and the Environmental Protection Agency.

Persons bringing a citizen's lawsuit may be required to post a bond when seeking a temporary injunction or restraining order. This requirement is in conflict with Minnesota law which waives the bond when the State is seeking a temporary injunction. A bond, if required at all, should be limited by law so that citizens with legitimate grievances can afford to air them. In addition, if a bond protects the polluter from the improper granting of an injunction, a bond must also protect the citizen from an improper denial. If citizens are required to post bond in the one instance, the polluter should have to do so in the other.

I support the mandatory language in both the House and Senate bills that directs the EPA to turn the permit programs over to the States if they meet acceptable criteria. The States should be required to provide enough manpower to run a credible permit program, however, and that manpower should be free from any conflicts of interest.

If the States are to run the permit program, however, the EPA must have a veto over individual permits issued by the States. It is true that the House bill allows the Federal Government to review the State's total permit program, but once that program is approved by the administrator it is extremely unlikely that such approval would be rescinded.

The EPA Administrator should not have to veto a State's total program just to get at permits granted improperly to a couple of polluters. So we still need a veto on individual permits to check those that are improperly granted, and this concept is already embodied for interstate waters in section 402 (d) (2) of the House bill. The administrator, if he exercises a permit application veto, should be required to do so within 60 days or the veto will be waived. This will have the effect of requiring him to focus on only those permits that involve significant problems and would provide a reasonable double check on this crucial part of the States' program.

The following reasons for such a check are apparent.

Suppose a State adopted a policy of approving more lenient permits as a device to lure industry away from more conscientious States. This would circumvent and destroy the uniformity created by national effluent standards. Or, what if the person in charge of issuing State permits owned stock in the company whose permit he issued? EPA's veto power should further apply to help overcome political and other pressures sometimes exerted by local industry on State agencies. The further away one is from such pressures, the easier it is to be objective in making such important decisions. Each branch of government, therefore, must help the other resist untoward pressure and act as a check on the other to produce the strongest pollution control possible—that is cooperative federalism.

Minnesota's position on the Federal veto is a middle ground, therefore, between the Senate and House bills. We believe this approach will avoid the administrative problems which could bog down the program if an unlimited time period were allowed for Federal review of permit applications. Although a small increase in EPA staffing may be required, we believe this approach will provide a margin of additional safety on the side of the environment when the Administrator determines stronger protection is needed by strengthening an individual permit.

I appreciate the fact that several Governors, well informed on this issue and conscientious in their efforts to protect their citizens, have taken a somewhat contrary position. These gentlemen have opposed the right of the Federal Government to exercise a veto over individual permits. I appreciate their concern but respectfully submit that that concern is inappropriately applied in this instance. I appreciate the fact that several Governors are reluctant to give any veto power to a Federal Government which has in the past supported standards less stringent than those of the States. I referred to this problem earlier. But in this particular instance, I feel the cause of stricter standards is best served by permitting the individual permit vetoes.

If this safeguard is not permitted, those states which do not pursue a vigorous antipollution program will continue to be cited by polluters as havens from which to escape proper environmental regulations. The uniformity which I cited at the outset of these remarks as the major necessity for an effective pollution control program cannot, therefore, be achieved without permitting this type of federal check on permits which simply do not accomplish the job of pollution control.

It is good to see the provision in the Blatnik bill which increases funding authorization to $20 billion. The House should also be commended for raising the federal share of funding sewage treatment works to 75 percent. Minnesota still has 346 municipalities with no collection systems or combined treatment facilities. Seventy-eight percent of these towns have less than 500 people. They must, therefore, depend on larger governmental units to finance the cost of such facilities. And we would appreciate your assurance that section 211 of this bill will allow grants to these existing municipalities for collection systems.

We are unimpressed by the argument that the success of this program should require local units of government to finance a substantial share of treating sewage. There is ample precedent in the federal highway program indicating that generous federal sharing does not impair the commitment of the participating local units of government. Indeed, the administration's commitment to federal revenue sharing should not be allowed to wane in this area. Increased federal support of local construction projects is clearly needed to assist the many municipalities attempting to restore and preserve water quality. The economc position of many of these communities inhibits their present efforts.

We approve of the Blatnik bill's authorization of funds for collection systems. It is said that federal grant money for these collection systems and treatment works is available in contract authority in section 203. If this is your intention, we would appreciate a clarification for the record. Does the House bill negate contract authority by its deletion of Senate bill wording that keeps authorized funds "available until expended?" Also, if the authorization is available for contract obligation, the EPA administrator should be required to approve title II grant applications within 90 days or state his written reasons for rejection. Once those objections have been resolved by the states, EPA approval should automatically result.

Apparently there has been an oversight in section 301(2)(b) allowing public discharge sources to escape the effluent standards applied to private sources. I mention this to emphasize the importance of equal application.

I again express my admiration for the work you are doing here and thank you for the opportunity to participate. We must act now to reshape priorities so that both clean water and productive capacity are achieved. If we do not act, rivers like the Buffalo, Rouge and Cuyahoga will continue to catch fire because of the pollution in them. And nobody sets his own house on fire just to keep temporarily warm. When that glow is gone, all we are left with is ashes. Our people deserve a better legacy.

[From the Washington Post, Mar. 27, 1972]

The House Vote on Clean Water

The House Public Works Committee has reported out a water quality bill that is expected to come to the floor today for possible amendments and debate. There is no question that the committee's work has been thorough; by one count, the proposed legislation—201 pages long—is the result of 44 days of hearings, 265 witnesses and 150 statements. No one has denied or doubted that decades of pouring industrial and human wastes into our waters is finally catching up with us. Some waterways, so slicked with oil, actually burn; others smell, and still more—like the Potomac—can be touched or splashed only at a risk to one's health.

In the familiar pattern where politics, ecology, profits and the public interest are mixed, strong feelings exist as to which cure is best. The Senate, led by Sen. Edmund S. Muskie, passed unanimously (86 to 0) a broad and worthwhile bill that would set as a national goal elimination of all pollution discharges by 1985. The House bill, as reported, has several useful provisions; these include an authorization of $24.6 billion, an increase of $4.6 billion over the Senate bill. In addition, the House legislation is strong in the provisions for research and planning, and in reimbursing states and towns that have been progressive about cleaning up. At this point, however, parts of the House bill sink into the wide river of delay, confusion and weakness. It goes along with the Senate requirements for cleanup by 1976, for example, but does not provide adequately for the 1981 and 1985 zero discharge goals. Instead, the House calls for a two-year study by the National Academy of Sciences on the economic, social and environmental costs, impacts and benefits of such goals. Congress would then evaluate the report and "take further action." Studies are fine, but less so when the public's water gets dirtier while awaiting final word. On the matter of zero discharge, it is hard to understand why the committee shied away from it; the Senate bill is hardly rigid, because its standards apply only when they can be achieved at "reasonable cost." Moreover, the 1985 date is a goal, not an enforceable deadline.

A second weakness of the House bill is the serious restriction of citizen suits against polluters or a lax Environmental Protection Agency. Only the person or group whose property, say, is being damaged by a polluter may sue to stop it. The Senate bill—using the Clean Air Act amendments of 1970 as precedent—gives any citizen the right to sue to enforce the law. This is the way it should be, leaving aside the question of why so many environmental laws are not enforced in the first place. A third deficiency is on the matter of who should have primary responsibility for issuing effluent permits. The Senate empowers the EPA to do this, while the House gives the job to the States. It is fine to express this confidence in local authority, except that state agencies often lack not only personnel for these decisions but also lack the energy or will to resist the pressures that polluting industries and their lobbies often exert.

As an effort to strengthen the House bill, some 40 representatives are sponsoring a series of amendments offered by Reps. Reuss and Dingell and known as the clean water package. The amendments are sensible and fair, and are essential if our befouled waters are ever to be clean again. The package has wide endorsement, from conservation, consumer, public interest and labor groups. The logic of the amendments (which would help bring the House bill in line with the more desirable Senate version) is sound: as Rep. Dingell of Michigan has noted, if the Congress is going to go to the trouble of producing a clean water bill, it ought to be a strong one.

March 25, 1972.

Mr. George Shultz,
Director, Office of Management and Budget,
Executive Office Building, Washington, D.C.

Dear Mr. Shultz: I would like to call your attention to a most serious example of the invisible and illegitimate controls the Office of Management and Budget and the White House have begun to extend over information developed by Federal agencies. Officials of OMB, in coordination with the White House, are holding up release of a report that is of critical significance to the debate now going on in the House of Representatives concerning water pollution legislation. The report contains convincing evidence that the cost of eliminating water pollution is but a small fraction of earlier Administration estimates and even less than the cost of using present-day inadequate control systems. The information in this report, prepared by the U.S. Army Corps of Engineers, could give a major boost to House proponents of tougher controls on industrial pollution. By withholding this information from the public at the very time the Congress and the American people most need it to make rational legislative decisions for the future, the Administration demonstrates again its willingness to place the interests of corporate polluters ahead of the public's interest in a clean and healthy environment.

The first details concerning this report came out at a meeting on March 22 between representatives of several environmental groups and EPA Administrator William Ruckelshaus. Mr. Ruckelshaus told the group of a study which the Corps of Engineers had recently completed which placed the capital cost of recycling the entire domestic and industrial wasteload of the Chicago metropolitan area—eliminating all discharges of pollutants into the waterways—at $2 billion. Under this recycling plan, already in use on a smaller scale in more than twenty locations in the U.S. alone, the city's wastewater would be piped to outlying areas and sprayed on the soil, which filters it to drinking water quality before it rejoins groundwater stores.

Proponents of recycling have pointed to the experience of Muskegon County, Michigan, where such a system is now under construction, as one piece of evidence that the goals of the Senate version of the water pollution bill, passed last November by an 86–0 vote, are not only reasonable but necessary. The Senate bill set a 1985 target to eliminate all discharges of pollutants into the navigable waterways. While not a legistively enforceable requirement, the 1985 goal was intended to challenge America to apply its technological ingenuity to developing low-cost waste recycling techniques and to use those that are already available. The aim of the zero-discharge goal is to prod polluters to find ways to turn their wastes into beneficial resources rather than dumping them in the lakes and streams, as we have done up to now with the obvious disastrous consequences.

The Muskegon experience illustrates the advantages of this approach. Available evidence indicates that land purification provides better removal of viruses—capable of causing respiratory, heart, and other diseases—than any other system. Recent Senate hearings on drinking water are revealing that viruses not only stand up to conventional sewage treatment but that they infiltrate their way through modern drinking water purification systems and make their way to the consumers' tap. For health reasons alone, we should be aiming to cease our present practice of dumping wastes into the public waterways and head towards recycling systems.

But in addition, the 170,000 residents of Muskegon County will get clean water at a lower cost—$3 less per capita per year—than they would have to pay merely to achieve existing dirty-water standards if they used conventional treatment technology (secondary treatment plus 80% phosphate removal). Furthermore, the system is geared to produce benefits that will offset even these costs. The nutrients in the wastewater—including phosphates from detergents—will fertilize the soil, permitting new crops and jobs. A power plant plans to locate on the system's waste water lagoon, improving the biological treatment process with its thermal discharges and sparing local waterways the damaging shock of its heated effluent. Because the County will charge the power plant s small fee for the cooling services, it actually plans to net a *profit* from pollution control. This result parallels the experience of many companies—Dow Chemical, for example—that have been forced to install closed-loop recycling control systems and discovered they are reaping cost savings and sometimes actually making a profit by reclaiming valuable products from the waste stream.

Opponents of higher pollution control aspirations, including the Administration, have conceded that Muskegon County has a good scheme but questioned the feasibility of applying recycling to our large metropolitan areas. The Corps report on Chicago shows that eliminating pollution from the big cities by recycling is not only feasible but relatively cheap. Officials at the Corps, in response to environmentalists' inquiries concerning the report, have refused to provide other figures from the report on the cost of alternative systems for comparison. But EPA personnel have conceded that the capital price tag for the land recycling system projected by the Corps report is considerably less than the cost of any alternative treatment system studied, including conventional models.

While making it clear that they had been muzzled at the instructions of the White House and OMB, Corps officials nevertheless defended the accuracy of the cost figures in the report. For example, General Roper of the Corps' Board of Engineers for Rivers and Harbors, who said he was intimately familiar with the procedures followed in making cost estimates, said that he was "very confident" about cost data, much of which he characterized as having been developed and hardened over a long period of time. It was developed from actual bids or quotations, he indicated. He stated that "as far as we know, the Corps has finished working on it." Other officials corroborated General Roper's remarks.

According to Corps and EPA officials, the report has been undergoing "review" by Don Crabil of OMB and White House officials, including John Whitaker, for one week. One Corps official said that he didn't "know what the outcome will be, but I presume I'll be told in due time." EPA denied having a copy of the report, stating that they had received only an oral briefing at a meeting of Administration officials about a week ago.

Placing this report under wraps constitutes a continuation of Administration efforts to defeat those strong elements of the Senate version of the water pollution bill by throwing up a smokescreen of confusion concerning control costs. When the bill was first passed last November, the Administration attacked the zero-discharge goal as prohibitively expensive, projecting a national price tag of $316 billion for its attainment. Administration officials arrived at that incredible estimate, intended to frighten the House Public Works Committee into backing off from strong controls, by computing the cost of distillation of the nation's entire wasterwater volume, and in so doing, completely disregarded the Senate bill's intent and available low-cost recycling methodology like land disposal and closed loop systems for industry. The attack was successful nevertheless. Under extreme pressure from the Administration and industry, the House Committee inserted a proviso that not only renders the 1985 goal null and void but also scraps 1981 requirements that industries use the best available technology.

In its present form, the House bill is designed to protect industrial polluters. It has been rendered so full of loopholes that the corporate lobbyists, far from opposing it, are working hard to preserve its swiss cheese characteristics fully intact. Representatives Dingell, (D.-Mich.), Saylor (R.-Pa.), Reuss (D.-Wisc.), Abzug (D.-N.Y.), and more than thirty other Congressmen, both Republicans and Democrats, are working to restore vital elements of the bill by sponsoring a "Clean Water Package" of amendments on the floor. Their efforts are supported by a broad-based coalition of 25 civic, labor, environmental, and farm groups. Debate on the bill begins this coming Monday (March 27) and votes on the bill and on the "Clean Water Package" amendments are expected to be taken by the next day.

It should be emphasized that even without the information in this report, the control requirements that the House Committee removed from the Senate bill should be restored and the rest of the "Clean Water Package" amendments should also succeed, if the House bill is not to frustrate the public's demand that destruction of our water resources be prevented. Requirements that industries make cleanup progress should not stop after 1976, as they would if the current House version is not strengthened. The bill should set long-range cleanup requirements and demand that the polluters—who have all the cost information—bear the burden of attempting to prove that the targets are too tough. When an epidemic is underway, the burden of proof must be on the perpetrators to stay the application of health and safety measures. But the House should nevertheless not be forced to act without all the information that is available. This latest withholding of crucial information is part of the overall pattern, followed by the Executive Branch, in manipulating the news so as to further partisan objectives.

It is most important, and time critical given the House vote on Tuesday, for you, or the appropriate White House authority, to immediately Monday morning release the complete U.S. Army Corps of Engineers study to the Congress, to the media, and to the public. I am enclosing a copy of this letter to Speaker of the House Carl Albert urging him to use his good offices to secure this information and any additional information on behalf of the House of Representatives from the White House and the Office of Management and Budget.

Sincerely,

RALPH NADER.

Mr. JAMES V. STANTON. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Ohio.

Mr. JAMES V. STANTON. In respect to the bill with reference to that section which affects the Great Lakes area, does not the gentleman think the House bill is much superior to the version of the Senate?

Mr. DINGELL. I did not hear the gentleman's question.

Mr. JAMES V. STANTON. The section dealing with the Great Lakes as contained in the House version appears to me to be much superior to the Senate version of the bill. Would the gentleman concur in that statement?

Mr. DINGELL. I think the section dealing with the Great Lakes is very good, but I still maintain and hold to the contention that there is significant need for improving other sections of the bill.

Mr. HARSHA. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. KEATING).

Mr. KEATING. Mr. Chairman, I rise in support of the Federal Water Pollution Control Act Amendments of 1972, as favorably reported by the Committee on Public Works.

There is no question that pollution of our Nation's waterways is becoming more of a problem each year. In 1960, it was estimated that 6 million fish were killed by water pollution in the United States. In 1968, this figure had more than doubled to 15 million. And in 1969, the latest year for which reliable estimates are available, there were more than 41 million fish killed as a result of pollution in our country's rivers, lakes, and streams.

Although there is a great deal of evidence to suggest that the increase in water pollution has been arrested temporarily, there is also substantial evidence to suggest that we must redouble our efforts in this area, not relax them. The Environmental Protection Agency has estimated that almost one-third of the Nation's stream-miles are in violation of Federal water quality criteria, and that less than 10 percent of American watersheds are unpolluted or even moderately polluted.

We must concentrate our efforts at the source of this pollution, and although the data on water pollution often conflict and present inconclusive evidence, it appears that industrial wastes are the largest source of organic water pollution nationwide. Municipal and agricultural wastes are the next two largest sources, and virtually hundreds of other sources also exist.

In all fairness to American industry, however, it should be recognized that tremendous resources already have been brought to bear on this problem. American business spent more than $3 billion for air and water pollution controls in 1971, a huge 46-percent increase above 1970. Total pollution control spending in 1971 was well above the 1970 level, and research and development spending on industry's pollution problem was almost a billion dollars last year, an increase of 25 percent over the previous year. From these facts, it is clear that although industry is the major polluter in America today, industry certainly is not dragging its feet in the effort to resolve this national problem.

What of the costs in the water pollution control program? As in many other areas of pollution control, it is difficult to find a consensus on what the costs of water pollution control will be over the next 10 to 15 years. The President's Council on Environmental Quality has estimated that a program aimed at "zero discharge" would eventually cost about $316 billion, while a program aimed at cutting pollution by approximately 85 percent would cost about $61 billion.

Many responsible persons, both within and outside of the environmental movement, dispute this claim. Many insist that the actual costs of an effective water pollution control program will amount to only one-sixth of these estimates. In any case, it seems evident that the costs are an unknown variable which, in the long view, must be weighed against the benefits we seek to derive.

The President's Council on Environmental Quality also suggests, however, that pollution control costs cannot be measured in dollars only. The Council tells us, for example, that although most industrial plants will continue to produce and be profitable, others are expected to close. We are told that profits will decline for firms that cannot pass on the full cost of pollution control to the consumer. We are told that prices will increase from 1 to 10 percent in the 1972 to 1976 period, depending on the industry. We are told that direct job losses for the entire 1972 to 1976 period are projected to be 50,000 to 125,000 jobs.

In addition to this, the President's Council on Environmental Quality states that the cost for control of all pollution will have adverse effects on our international trade position, retard the growth of the real gross national product, and decrease aggregate demand for goods and services.

It would of course be unfair to suggest that these views of the President's Council on Environmetnal Quality are shared by everyone. They certainly are not. In fact, some persons argue with equal persuasiveness that in the final analysis pollution control will save billions of dollars each year. A recent study by the National Wildlife Federation, for example, shows that pollution control will save the United States $12 billion each year between 1972 and 1980. The savings resulting from water pollution control comprise slightly less than half this total.

Taken together, what does all this information really mean? Perhaps if there is one thing which may be learned from all this conflicting data, it is that there probably exists as much misinformation as accurate information in this area of pollution control. Basically, we all have the same objectives in wanting to improve the environment and hence the quality of life in the United States. However, there is obviously tremendous difference of opinion as to how we accomplish this objective, and similar difference of opinion as to the impact pursuit of this objective will have on our country. Much of this difference of opinion is honest disagreement, and much is a result of varying groups pursuing their own best interests.

Confronted with this kind of situation, the Committee on Public Works was charged with drawing up a program that would be effective, a program that would not necessitate prohibitive costs, and a program that would be acceptable to the American people as well as allow for a degree of flexibility needed in this kind of endeavor.

In my judgment, the committee succeeded in achieving this goal. The Federal Water Pollution Control Act Amendments of 1972, the product of extensive hearings and lengthy deliberations, will strengthen the existing water pollution control program. It will strengthen this program at a cost this country can afford. It will strengthen this program in a manner that the American people can accept. And it will strengthen this program in such a way as to allow for reasonable adjustments at some future date, as we continue to accumulate new information and seek better ways to clean up the Nation's waters.

I cannot accept the judgment of those Members who would have us believe that the Committee on Public Works has weakened America's pollution control program. The bill before us today presents a program that will be meaningful, a program that will be effective, and a program that will strengthen, rather "gut" existing law. And this program sets the very highest goals: the elimination of effluent discharges into the Nation's waters.

The Committee on Public Works has done a truly commendable job in drawing up this program, and I am privileged to give it my full support, as well as urge my colleagues to do the same. This bill offers the American people the very best program possible to produce clean waters in the United States, and we should be unwilling to accept less.

Mr. WRIGHT. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana (Mr. CAFFERY).

Mr. CAFFERY. Mr. Chairman, I am certain that the people of America with few exceptions look with satisfaction at the work we are concluding this week in the House of Representatives on the most important water quality legislation to come before the Congress.

I share that satisfaction, together with a great sense of pride as a member of the Public Works Committee of the House in being party to the creation of this monumental bill from its genesis. The work has been long and arduous for our committee over the past year, but the legislation before us today is in itself the best commentary on the fact that the committee's labors were indeed fruitful.

Certainly not everyone will be fully satisfied with our product. Dealing in such a complex area, such an accord would not be possible. We are, after all trying to legislate comprehensively on a problem which has only recently moved to the fore of our national consciousness. And pollution control, because of its expense and inherent administrative difficulties, is an issue on which reasonable men can and do disagree.

But there are about this measure some central and undeniable facts on which there can be no disagreement. It is a thorough bill. Those of us on the committee held almost 50 days of public hearings during which we received testimony from some 300 witnesses from every sector and section of America. In addition, there were countless sessions during which we sought to ameliorate differences and to incorporate them into a law which would do the job but which the great majority of our people would find workable.

And, Mr. Chairman, it will do the job. It is the most sweeping environmental package this body has seen and I believe it gives us the tools to rid the streams of America of pollution. It is not perfect, I am sure, but it constitutes nonetheless the cornerstone of a bipartisan national effort to clean up our water. It signals as well the intention of responsible leaders in government, in business, indeed, in all facets of American life not to stop until this work is finished.

I especially commend our chairman (Mr. BLATNIK) for his leadership in this effort, and the ranking minority member of the committee (Mr. HARSHA) for his exemplary bipartisan spirit throughout these deliberations. This landmark legislation bears also the unmistakable imprimatur of the gentleman from Alabama (Mr. JONES), who served as acting chairman and unfailingly held our feet to the fire in finishing this work. The product of that work has my wholehearted support and I know that it deserves the support of every Member of this body.

Mr. WRIGHT. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the city of Los Angeles and Los Angeles County Sanitation District have indicated their strong concern over the passage of either H.R. 11896 or S. 2770, in their present form.

The Los Angeles, Ventura, Orange, and San Diego County Sanitation Districts have raised $3 million from among their own members on a per capita basis to fund the California research project. It is a 3-year plan to discover, through scientific research, exactly what is occurring environmentally from the discharge which these sanitation districts are sending into our coastal waters.

The planned target date for completion of this study is October of this year—1972.

They feel strongly that they should have an opportunity to receive and study the results of their research project before we impose an additional cost of $600 million on the taxpayers of Los Angeles County, and an increased cost to the State of California of approximately $2 billion.

We in California, Mr. Chairman, are as interested in correcting pollution as anyone else. We live in a desert which has been made habitable by imported water. We have tried to dispose of our wastes in the most careful manner possible, but we submit respectfully, Mr. Chairman, that a community such as Los Angeles, which discharges its wastes into the ocean, 2 miles offshore, after both a primary and secondary treatment, should be treated differently from a city which simply disposes of its waste in a nearby lake or stream.

Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

Mr. DANIELSON. I am inserting at this point in the RECORD a copy of a resolution passed by Los Angeles County Sanitation District No. 2 in this regard, and a resulting communication sent to southern California congressmen:

MARCH 24, 1972.

Re S. 2770 and H.R. 11896.
U.S. House of Representatives,
Washington, D.C.

GENTLEMEN: The County Sanitation Districts of Los Angeles County have on their various boards of directors representatives of 71 of the 77 cities in the County of Los Angeles, these cities encompassing a population in excess of 4 million. We have over the years, taken the justifiable pride in the national leadership of these districts in the fields of water reclamation and the science of waste water collection, treatment and disposal.

As evidence of our concern with the effect of our treatment processes on the offshore ocean waters, we have joined with other local discharging agencies in creating and funding the Southern California Coastal Water Research Project Authority as an independent public agency. It is the function of this agency to conduct a comprehensive study of the effect of treated waste water on the offcoast marine environment. To date, the sum of $951,180 has been paid to fund the activities of this project.

This study is in addition to, and independent of, the significant research and development programs carried on by the contributing agencies and is justified by the belief that the results of the study will enable these agencies to plan future operations in the most responsible manner; that is, with sound scientific data on which to base decisions concerning what treatment processes are appropriate in order to protect the offshore ocean water.

The promise of a meaningful program to protect and enhance water quality based on scientific data will in large measure be lost if either S. 2770 or H.R. 11896 is passed in its present form.

We are advised that in the event of this occurrence the County Sanitation Districts of Los Angeles County during the first two years of implementation anticipate a doubling or tripling of current tax rates. This alarming increase will be imposed upon our residents without any indication that the results of this massive expenditure will be a benefit to our environment.

It seems patently absurd to impose, on an agency that discharges two miles offshore into the Pacific Ocean at a substantial depth, discharge requirements that are identical to those imposed on one discharging directly into a small stream or lake. What is most disturbing, however, is that this vast undertaking, at a cost estimated between $50 billion and $350 billion is being required with an admitted lack of supporting scientific data.

We, and the Southern California basin, need but a short period of time within which to complete our research project, the results of which should be given careful consideration in setting discharge requirements for those agencies that discharge into the coastal waters of Southern California.

For these reasons we respectively and earnestly request that the members of the House oppose the passage of either S. 2770 or H.R. 11896.

A copy of the Resolution forming the Committee which I chair is attached.

Yours very truly,
T. D'Arcy Quinn,
Mayor of the City of Alhambra.

LOS ANGELES COUNTY SANITATION DISTRICT—RESOLUTION

Whereas, 71 of the 77 Cities of Los Angeles County are represented on the Board of Directors of the several County Sanitation Districts of Los Angeles County; and

Whereas, these Districts have from time to time been extensively advised concerning the financial impact of S. 2770 and H.R. 11896 upon the residents of Southern California; and

Whereas, these Districts have expressed their deep concern over the irreversible consequences attendant upon the passage of such legislation in its present form; and

Whereas, this Board acting as the Administrative Representative of all Los Angeles County Sanitation Districts has been requested to take all appropriate action to convey to the Members of the House of Representatives and of the Senate of the United States the disfavor with which each of the foregoing bills is looked upon by the County Sanitation District, Los Angeles County.

Now, therefore, be it resolved that a Committee is hereby formed for the purpose of corresponding, meeting and otherwise communicating with Members of the House and Senate of the United States with the view of informing these representatives of the reasons for the deep concern of the various County Sanitation Districts of Los Angeles County over the prospect of the passage of either S. 2770 or H.R. 11896 in its present form.

Resolved further, that they are appointed as Members of this Committee the following:

The Honorable T. D'Arcy Quinn, Mayor of the City of Alhambra, Chairman.

The Honorable Keith W. Miller, Mayor of the City of Whittier.

The Honorable Richard C. Brownell, Mayor of the City of Pomona.

State of California, County of Los Angeles.

The foregoing Resolution was duly adopted by the Board of Directors of County Sanitation District No. 2 of Los Angeles County at its regular meeting held Wednesday, March 22, 1972. This has the Seal of the District and attested to by R. M. Clarke Assistant Secretary of the District.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. WRIGHT. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa (Mr. Smith) for the purpose of a question.

Mr. SMITH of Iowa. Mr. Chairman, I thank the gentleman for yielding to me.

Among the provisions in the bill are retroactive payment provisions that are rather complex, and I would like to ask a question relative to them.

The city of Altoona, Iowa, in August of 1966 had their sewage plant condemned by the State health department, and were ordered to put in a new sewage plant or do some revisionary work.

Design and engineering was commenced in December of 1966 and completed in October of 1967.

On November 13, 1967, an application was made for a Federal grant with the Federal Water Pollution Control Administration.

On Januuary 22, 1968, the Federal grant was approved.

Contracts were signed on February 18, 1969, after the city had first tried to turn down the bid but had been sued by the Iowa Water Pollution Control Commission for not going ahead.

Construction was started in April of 1969, and the project was completed in March of 1970.

They were paid the smaller percentage under the previous law. They have been trying to get a retroactive grant.

My question is: Would they, under the provisions of section 206 and other provisions of the bill, be eligible for retroactive payments for the additional $71,177 which they would have been eligible for had they delayed until a higher aid formula went into effect?

Mr. WRIGHT. In answer to the question propounded by the gentleman from Iowa (Mr. Smith) let me say that the answer is "yes." The circumstances and the dates cited by the gentleman would seem to make it very clear to me that they would be eligible for reimbursement.

The provisions of section 206 very clearly state that any publicly owned treatment works on which construction was initiated after June 30, 1966, or before July 1, 1971, would be eligible if such construction had been undertaken without the financial assistance authorized by section 8, or by lack of Federal funds, or with financial assistance authorized by such section, but in a lesser percentage of the total cost of construction thereof. And the circumstances as reported by the gentleman from Iowa would certainly seem to fall clearly within that provision.

Mr. SMITH of Iowa. Mr. Chairman, I thank the gentleman for his statement.

Mr. WRIGHT. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. Waldie).

Mr. WALDIE. Mr. Chairman, I appreciate the 3 minutes that the gentleman has yielded to me. I hope the minority, if the time is not sufficient, will not permit the time they are not utilizing to go unused and will permit those of us in the House who desire to go into this bill in some detail additional time.

In that regard I would like to ask a series of questions involving section 208 of the bill.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. WALDIE. I yield to the gentleman.

Mr. HARSHA. I am sorry I did not understand what the gentleman said. Did the gentleman refer to me in his remarks?

Mr. WALDIE. Just contemplatively, I referred to you on the supposition that if my time expires—I was granted 3 minutes to discuss a bill which it seems to me to be extremely important—I would hope if I am not able to conclude the questions I want to ask which affect my State—that the minority who has time unexpended will permit that time to be utilized.

Mr. HARSHA. You have had this bill for several weeks now to go over and you have had ample time to find out what is in it. I will yield what time I consider proper at the proper time.

Mr. WALDIE. I appreciate that. That is another problem. As a Member of the House of Representatives, you do not have time to go into these bills in the detail which they require. It does not seem to me—and I dislike taking up time that ought to be utilized on the bill—but these are the restrictions of debating under a mechanical process which does not work correctly.

If you do have time that is not going to be utilized and a Member of the House of Representatives sitting in committee wants to express opinions on the bill and ask questions—that time ought to be given to the Members who want it rather than to be relinquished.

The question I want to ask the gentleman from California on the committee, my colleague and my friend, Congressman Johnson, affects section 208 which is the areawide waste treatment program.

In the bill that the committee first considered, there are very, very strong provisions on page 53 involving the problem of saline intrusion, and those provisions say:

> The plan shall include procedures to control salt water intrusion.

There is no qualification. Yet, I see when the bill was finally adopted that was weakened immeasurably to the point where it now says:

> The plan shall include a process to identify, if appropriate, salt water intrusion * * *

And then:

> They shall set forth procedures and methods to control * * *

Then it qualifies it even further by saying:

> To the extent feasible and where such procedures and methods are otherwise a part of the waste treatment management plant.

You made no amendments in any of the other nonpoint pollution techniques except salt water intrusion.

I have to conclude that this was a major weakening of this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WRIGHT. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. WALDIE. Mr. Chairman, I appreciate the additional time.

Mr. Chairman, I have to conclude that this was a major weakening of this bill and that it was done at the request of someone who does not desire to have salt water intrusion, which is nonpoint pollution, controlled in the bill.

Particularly I have reference to estuaries in which salt water intrusion and reduced outflows are particularly destructive. I particularly have reference to the delta in California. Someone did not want those sources on pollution to be controlled. Can the gentleman tell me for what reason this amendment was placed in the bill to weaken this bill as drastically as it did—and who proposed that amendment?

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. WALDIE. I yield to the gentleman.

Mr. JOHNSON of California. I believe you referred to the introduced bill in your first reference.

During the hearings we heard from representatives of California including the State water resources department and the State water pollution control board. We also were given the Governor's position. The language in the bill reflects their views. The committee report on page 96 states the following:

> The Committee notes that in some States water resource development agencies are responsible for allocation of stream flow . . .

Mr. WALDIE. Mr. Chairman, will the gentleman stop there?

Mr. JOHNSON of California. Would you let me answer the question?

You have asked a question and I would like to answer it, if I possibly can.

Mr. WALDIE. I have the reference that the gentleman is referring to. I do not want to use up precious time.

Can the gentleman tell me from that reference without reading it all—where it states:

> The Committee believes that where a state has an "approved" program for the handling of permits and which has a program for water resources allocation * * *

What is the difference between an "approved program" for handling permits and "a program for water resource allocation"?

Mr. JOHNSON of California. The gentleman well knows that in our State in the headwaters of the Sacramento and the San Joaquin Rivers we have developed dams and storage reservoirs up and down the Sierra Nevada Mountains and also minor diversion facilities in the coastal country. All this water flows through the delta, and this water has been controlled under a program in which the State and Federal agencies, including the Corps of Engineers and the Bureau of Reclamation, have participated. The fear was brought to the committee's attention when our State people testified that the State was losing control of its water resources programs under the introduced bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARSHA. I yield gentleman from California 2 additional minutes.

Mr. WALDIE. I thank the gentleman.

Mr. JOHNSON of California. The State wanted assurance this would not happen, and this particular provision on page 96 of the report points this up.

Mr. WALDIE. I have read this act.

Mr. JOHNSON of California. You stated further in your remarks about the permit system—certainly the bill has a very strong permit system in it——

Mr. WALDIE. I know the permit system.

Mr. JOHNSON of California. They have not yielded in that respect.

Mr. WALDIE. I understand that.

I do not yield any further to the gentleman.

I understand that. The permit system has nothing to do with salt water intrusion. Salt water intrusion is non-point intrusion. The permit system deals with point intrusion.

The difficulty with this provision—and I gather that it is a California provision—the act was amended and weakened from its initial strong provisions controlling saline intrusion and water diversions to take care of a problem that the water resources people wanted to take care of to enable them to exert control, the control over the delta they had been exerting.

I suggest to the gentleman that the weakening amendment is not in the best interest of the delta in California, the estuary in the San Francisco Bay, in any way, regard, or respect. The problem of protecting the waters that are gathered in that delta from saline intrusion and protecting that estuary from the consequences of saline intrusion, has been made much greater by the adoption of that weakening amendment.

I suggest to the gentleman that I will be offering an amendment tomorrow seeking to return this provision of the bill to where it was prior to the time the California water people started putting their hands into this national act to have it adopted and worked around to adversely affect California only and the part of California that the gentleman I represent in this particular issue.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield further?

Mr. WALDIE. I yield to the gentleman from California.

Mr. JOHNSON of California. The gentleman asked me a question. I think it is well established in the record that California does have a very workable program under way at the present time. Our State water resources people, the Governor of the State, the Water Pollution Control Board, the Bureau of Reclamation, and the Corps of Engineers are working very carefully with the flow of the waters into the delta, and certainly under this measure the State will be given the opportunity to carry on that type of activity. The State will have a right to issue permits under that particular section. I see no harm in it whatsoever.

I point out to the gentleman that nonpoint sources are controlled under this bill.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. WRIGHT. I yield the gentleman 1 additional minute.

Mr. WALDIE. I thank the gentleman.

In response I would point out that the permits involved in this bill have nothing to do with nonpoint salt water intrusion, and there is no control within this bill for nonpoint pollution, and that control will only come about by the development and adoption of an areawide management program that controls. The fact of the matter is that the State of California has done a miserable job in terms of protecting the estuaries of California from salt water intrusion, and this amendment which was adopted to the national act at the request of California authorities, enables them to continue doing the miserable job they have been doing without any guidance and without any control from the Federal Government. I think it is a very, very unhappy situation for our State but also for other States which now find a major weakening of the control section which protects estuaries. That is what is at stake here—the estuaries of the Nation. That provision has been weakened to the point where estuaries will be jeopardized.

I appreciate the gentleman's courtesy.

Mr. WRIGHT. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, there are about 20 States which now, by State law, prohibit the discharge of sewerage from boats into the waters of the State. My own State is one of those States.

Others include, Arizona, California, Colorado, Illinois, Indiana, Maine, Michigan, Missouri, New Hampshire, New Jersey, New York, Oregon, Texas, Utah, Vermont, and Wisconsin—and Ontario in Canada. If this bill passes in its present form, those laws which now require holding tanks in small vessels that ply the waters will be invalidated. If this bill goes through, there will be a retreat from the strict standards which have been imposed by these 15 or 20 States which require that all sewage be held in holding tanks and pumped out or discharged at a pier or marina.

I would hope that the committee would consider favorably an amendment which will be offered by the gentleman from Michigan (Mr. WILLIAM D. FORD) tomorrow, which will enable the States to retain the holding tank requirement where they feel it is appropriate to protect the quality of their waters in their States, I see no reason why there should be a backward movement in the name of trying to improve the quality of water in the United States. In Minnesota we are very proud of our waters and their use for recreation as well as for drinking. I would hate to see our strict standards pulled down and taken out of operation by this bill in its present form.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Ohio.

Mr. HARSHA. The gentleman's commentary is in reference to section 312 of the bill. That section provides, among other things, that upon application of the State to administrator, the State can prohibit the discharge of any effluent into waters at all. So that if the gentleman's State now has a holding tank requirement, and if the rules and regulations adopted by the Coast Guard are such that the Federal requirement does not meet the holding tank requirement and would permit discharge of some kind, upon application of the gentleman's State to the administrator, the State could preclude, even though there is a less stringent Federal regulation, the discharge of any waste into its waters.

Mr. FRASER. The gentleman is right in a technical sense, but as a practical matter, as the executive director of Minnesota Pollution Control Agency points out:

> It would be impossible to prove the damage done to each of Minnesota's 13,000 lakes by polluting by boat toilets. The time required would delay pollution control efforts for years.

There is another problem. I have a cabin on the St. Croix River. Barges go up and down that river and through the waterways of the country. That exception would require that the administrator permit us to declare the whole of the St. Croix or of the Mississippi the subject of a holding tank requirement. In other words, they could not differentiate between the types of vessels involved.

In addition to commercial boats, we have hundreds and, I think, thousands of pleasure boats. We would not under Section 312(f3) of the bill be able to require them to have a holding tank without also requiring the commercial barges to have a holding tank, because the administrator is likely to be reluctant to do that. He is unlikely to give our State authority to proceed under that section. This is the reason why I think it would be wise to allow the States to have their own high standards.

Mr. HARSHA. Let me point out to the gentleman from Minnesota this is in the law now, in existing law. The only thing we have done in this bill is to expedite the effectiveness of the preemption we had in existing law.

Mr. FRASER. That is right. That is why we ought to have the amendment adopted tomorrow. It seems to me to be a good thing to allow the States to set higher standards in certain circumstance. We would certainly welcome the support of the committee on that amendment.

Mr. WRIGHT. Mr. Chairman, I yield such time as he may consume to the distinguished chairman of our committee (Mr. BLATNIK).

Mr. BLATNIK. Mr. Chairman, I should like to acknowledge the fact that my very good friend and colleague from Minnesota raises a very important point. We discussed this several times last week.

It is not our intent to hinder the States in doing what they hope to do as to improving the situation in these areas, for we understand they have many problems.

We have many lakes in Minnesota, many recreational lakes, and this area is the beginning of one of the largest inland waterways for commercial as well as recreational shipping.

We have Duluth at the head of the lake, and the St. Lawrence Seaway. We have three waterways. We have the Mississippi, the St. Lawrence Seaway, and the waters north of Duluth.

We are very mindful of the problem the gentleman has raised, and will work where we can to see that a satisfactory resolution can be worked out.

Mr. FRASER. I thank the chairman very much.

Mr. WRIGHT. Mr. Chairman, I yield myself whatever time remains.

The CHAIRMAN. The gentleman has 5 minutes remaining.

Mr. WRIGHT. Mr. Chairman, we come to the end of the general debate on this historic bill. Simply because there has been some invidious rhetoric and a certain amount of oversimplification in some news journals which have sought to report on the bill, I should like to use this time merely to stress the gains this bill would achieve in the present water pollution control efforts, and to state a few of the ways in which this bill, as your Committee on Public Works brings it to you, is indeed a stronger, more effective and more workable bill than a companion measure which was passed by the other body.

In the first place, this bill from the Public Works Committee of the House adds $4.6 billion to the amount authorized in the Senate bill. Practically all of this additional money is committed for actual Federal grants for construction.

In the second place, your House bill increases the maximum Federal grant from the present level of 60 percent in existing law to a new proposed level of 75 percent, and this is higher than the Senate version, which recommended a maximum of 70 percent.

In the third place, for the first time your House bill would make collection systems eligible for Federal participation. They have never been eligible before. The Senate bill does not make them eligible. This is, I believe, a significant advance.

In the fourth place, the House bill creates a financing mechanism which would assist localities, hard hit by difficult bond markets and, therefore, heretofore unable to come up with their portion of the money, and creates a fund of $100 million for that purpose. There is no such provision in the Senate bill.

So in these four ways, each of which clearly affects the amount of help that is provided to the States and municipalities under this legislation, the House bill is manifestly superior to the bill as reported by the other body.

In the amount of actual cash help it authorizes, the House bill is clearly the stronger bill.

Now, let us consider the strength of its strictures, its requirements, and its control.

Here is a fifth major comparison: The House bill not only retains the water quality standards that heretofore have been the basis upon which we have cleaned up our streams, but also provides a new system of cleaning up streams by a limitation upon point discharges, a dual approach, and provides that whichever is the stronger shall apply. The Senate bill abandons the water quality standards and goes solely to point discharge limitations. Herein the House bill is manifestly a stronger bill.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. Of course I yield to my colleague.

Mr. HARSHA. The gentleman will agree that water quality standards of heretofore existing legislation apply only to interstate waters.

In this legislation we require the States to continue those water quality standards insofar as they apply to interstate waters and then adopt water quality standards for intrastate waters as well, together with lower limits for all of those streams within a State, which makes it imminently stronger than the bill before the other body.

Mr. WRIGHT. The gentleman is exactly correct. That was, interestingly enough, the very next point I was going to raise. This is a sixth major distinction, and again our bill is the stronger of the two. For the first time States are required in the House bill to adopt standards for intrastate waters, and there is no such provision in the Senate language.

Mr. HARSHA. Will the gentleman yield further?

Mr. WRIGHT. Of course I yield.

Mr. HARSHA. We require an upgrading of the water quality standards on the intrastate waters every 3 years, so we have a continued upgrading of them throughout the entire State.

Mr. WRIGHT. The gentleman is precisely correct. And this is a seventh point of comparison.

One other thing should be mentioned in connection with controls and requirements placed upon those who discharge pollutants into the streams. For the first time we would require in the House bill that industrial dischargers whose waste is cleaned up by newly created municipal systems would pay a portion of the cost of construction of those systems and that their portion of that cost would bear some direct relationship to the amount of pollution they are discharging into the municipal system for treatment. We would require that this money go to the local municipality to help defray the cost of construction. In that regard I think the House bill is clearly preferable.

There are some differences, perhaps in detail and perhaps in words only, concerning the statement of goals and policies.

The Senate bill in this regard is admittedly more ambitious. The Senate bill sets the no-discharge goal by 1985 as a policy. The House bill states it as a goal. Although all of us most earnestly hope it will come true, realistically we must recognize that it is a very difficult thing and probably an illusory thing to expect that by 1985 we would reach the point of having absolutely no discharge of any kind into any stream.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARSHA. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. WRIGHT. I thank the gentleman for yielding me the additional time. I was suggesting that we should not hold out illusory promises to the public.

We might, if we were so rash, adopt a law in Congress to require that henceforward water shall run uphill rather than downhill. We might get some kudos from the press and from some of our delighted constituents, but I daresay that by 1985 or by 1995 or 2005 water would not run uphill.

Larry O'Brien, who has been involved in political activity for many years, said the other day something with which I think a spokesman for either party would probably reluctantly agree. He said that public officials have gained the reputation, tragically, among much of the electorate of being big promisers and cruel deceivers. That lamentable fact is far too true.

So I think the choice confronts us here as to whether we shall promise big and perform relatively less, perform more and promise no more than we know we can perform.

I think the difference was pretty well summed up by an editorial that appeared yesterday in the Washington Star to which reference has already been made. I should like to quote in closing the last paragraph of that editorial. The Washington Star editorial concluded with these words:

> The Senate, with its bill, has raised the Nation's environmental aspirations. The House version, though, because it does not sacrifice wisdom for simplicity, represents better government.

Mr. PELLY. Mr. Chairman, recently I joined with a number of my colleagues for whom I have great respect in sponsoring the so-called clean water package of amendments to H.R. 11896, the Federal Water Pollution Control Act. At the time I agreed to cosign a letter to the House membership endorsing the clean water package, I had not had an opportunity to review each of the proposed amendments in detail. Now that I have studied these amendments closely, I am frank to admit that I do not favor all of them and will not be able to support the entire package.

Gov. Dan Evans has provided me with his views as to the interests of Washington State. Meanwhile I have advised the gentleman from Michigan (Mr. DINGELL) that I will have to revise my position and vote for or against each amendment on its merits.

Principally, Mr. Chairman, I must oppose those provisions of the clean water package which would amend title V of H.R. 11896 eliminating States from an effective role in the permit program.

Aside from the clean water package, I also will vote in favor of the so-called Mahon amendment to limit the contract authority of the Environmental Protection Agency, and to require that the financing of sewage treatment plants be accomplished in accordance with the normal appropriation process and not by the back-door spending provision set forth in the reported bill.

Mr. Chairman, while I have determined that I cannot support the entire clean water package, I want to take this opportunity to commend my colleagues for the work they have done in developing a number of very meaningful amendments to the bill. My disagreement with them relates solely to the proper role of the States in our national effort to eliminate pollution. I am convinced that the States do have a proper role and should be encouraged to participate and to assume responsibility. The existing Federal Water Pollution Control Act has prompted many States to move effectively and to establish the machinery for policing their own industries. We should do everything we can to encourage the States to continue and to expand their own efforts rather than shift even more to a totally Federal approach.

Mr. ROONEY of Pennsylvania. Mr. Chairman, in light of this week's floor consideration of H.R. 11896, the Water Pollution Control Act Amendments of 1972, I think it is appropriate to focus on several very significant actions of a major industry in my congressional district to protect the environment.

Most significant of these, Mr. Chairman, was the recent signing of a Pennsylvania consent order by Bethlehem Steel Corp., in which Bethlehem committed itself to the investment of an estimated $22.5 million or more to eliminate air pollution from its byproduct coke oven operations in Bethlehem and Johnstown.

Gov. Milton Shapp described the consent order as an "amicable agreement between the Commonwealth and industry" and one which should serve as a "prime example for other industries to follow in view of our stepped-up efforts to improve the environment."

This is but one of many steps Bethlehem Steel has taken to resolve pollution problems associated with the steel-producing industry—an industry which ranks as the largest single employer in my congressional district.

Bethlehem is engaged now in the installation of a huge dust collection system at its Bethlehem plant—a system which will be able to remove 8½ tons of dust from its plant emissions daily. This pollution control project will cost $5.5 million.

The firm also has been cooperating with concerned citizens in a massive program to recycle cans and bottle caps. Can-collection centers were set up at its steelmaking plants in mid-1971 and by the end of the year 383 tons of cans and bottle caps had been recycled in Bethlehem furnaces.

I am pleased to call these matters to the attention of my colleagues and to include in the RECORD Governor Shapp's announcement of the consent order as well as the statement of Mr. John J. O'Connell, Bethlehem's vice president for industrial relations.

COMMONWEALTH OF PENNSYLVANIA,
Harrisburg, Pa., February 25, 1972.

Governor Milton J. Shapp today signed a consent order with the Bethlehem Steel Corporation which, in effect, represents a major step forward in implementing Pennsylvania's environmental improvement program.

"This order provides for the elimination of air pollution from the company's by-product coke oven operations at its Bethlehem and Johnstown plants," Shapp said.

"Complying with this order will require the application of new and innovative air pollution control techniques through the establishment of a control program which will cost the Bethlehem Steel Corporation an estimated $22.5 million or more.

"I realize," the Governor added, "that the control of air pollutants from by-product coke ovens, with respect to available control technology, is one of the most challenging issues for the steel industry.

"However, what we have signed here today, which represents an amicable agreement between the Commonwealth and industry, should serve as a prime example for other industries to follow in view of our stepped up efforts to improve the environment."

Shapp said the consent order contains a number of unique provisions.

"It provides for immediate steps to be taken to reduce emissions and for a long-range, comprehensive control program, and also contains specifications and performance standards. The latter includes an outline of specific procedures and equipment, and establishes standards to measure emissions for various phases of the control program."

Signing the consent order, along with Governor Shapp, were Secretary Maurice K. Goddard, Department of Environmental Resources and John J. O'Connell, Vice President, Industrial Relations, Bethlehem Steel Corporation.

STATEMENT BY J. J. O'CONNELL AT SIGNING OF THE AIR POLLUTION ABATEMENT ORDER FOR BETHLEHEM STEEL CORP., COVERING ITS PENNSYLVANIA COKE OVEN OPERATIONS

In signing this order I am committing Bethlehem to spend up to $22.5 million, or possibly more, over the time period specified in the order, to bring the operation of our coke oven batteries into compliance with Pennsylvania air pollution control requirements. We have worked hard with the Department of Environmental Resources to develop a compliance program which has a good possibility of success. I must emphasize, however, that in signing this order, Bethlehem is committing itself to the installation of control systems, the exact forms of which are unknown as of today. Development of coke oven air pollution control equipment and methods is still largely in the experimental stage. We sincerely hope that the abatement methods adopted under the various provisions of this order will be successful. However, when one is dealing with unknowns as we are in this case, complete success cannot be guaranteed.

Mr. ROSTENKOWSKI. Mr. Chairman, there is little need for any Member of this body to be reminded of the gravity of the problem of pollution that exists in our Nation's rivers and streams. It is a problem that each of us has witnessed in our own congressional districts. It is a problem whose murky presence can be seen less than a mile from this Chamber, where the once majestic Potomac, now tainted by years of misuse, stands as a symbol of how wasteful we, the American people, can be if we really try.

The legislation before us today is, in my opinion, significant in several respects. As a Representative of an area which borders the Great Lakes, I am especially interested in section 108 of title I of the bill. This section would establish channels by which the Environmental Protection Agency could, along with State and local agencies, develop plans and techniques to reduce pollution of the Great Lakes. I strongly support this section which authorizes $20 million to be appropriated for this endeavor with an additional $5 million to be set aside specifically for Lake Erie. I am hopeful that this money will be utilized effectively to restore the Great Lakes to their rightful position as the largest body of fresh water in the world.

This legislation is also significant because it represents the first attempt to change the emphasis in water pollution legislation from water quality "standards" to actual prohibitions against the dumping of all types of untreated wastes into our rivers and streams.

For, it is only through positive steps such as these, will this legislation have significant impact on the future of our once beautiful waterways.

Recently, in sifting through my mail, I have noticed an increased awareness among the American people, not only in extent of the problems of pollution, but in the complexity of the solutions as well. The American people are well aware that there is no sweeping reform that is going to end the polluting of our streams overnight. They are aware that factories and shops cannot be shut down arbitrarily for polluting without consideration to the employer, the employees, and the economy of the region involved as well. They are aware that the practices of generations cannot be completely altered without due consideration to those whose life styles have been affected the most. They are also aware that the Federal Government cannot alone, without the cooperation of local authorities, settle all the difficulties involved. While they are aware of all these problems, they insist that we must soon take meaningful corrective action, action that will set deadlines—action that will establish meaningful penalties that cannot be easily circumvented—action that will put the burden of proof on the polluter and not on the Government—action that will make all polluters, including the Federal and State governments more responsible in their actions.

It is for this reason, Mr. Chairman, that I urge my colleagues to support the clean water package of amendments which will be offered by the gentleman from Wisconsin (Mr. REUSS) and the gentleman from Michigan (Mr. DINGELL). These amendments will strengthen the antidumping segments of the legislation in order that we may eventually realize the goal of lakes and rivers that live again. These amendments will stimulate the long-range planning, the national coordination and the active involvement of all our citizens which is needed if this legislation is to be effectively implemented.

Mr. VANIK. Mr. Chairman, the bill before the House of Representatives today, the Water Pollution Control Act—and the amendments to be offered to it—is one of the most important pieces of legislation which this Congress will consider. It is certainly the most important pollution control bill ever considered by the Congress.

Every Member of this Chamber is well aware of the disastrous conditions of our Nation's waterways. I am particularly concerned about water pollution, since the congressional district which I represent lies along the southern shore of Lake Erie. In analyzing the mail which my office receives, it is obvious that, week in and week out, the single largest concern of my constituents is the continuing deterioration of water quality throughout northeast Ohio.

DETERIORATION OF THE GREAT LAKES

Lake Erie is often cited as one of the most seriously polluted bodies of water in the Nation. Just this February, the Environmental Protection Agency reported:

> A mat of algae two feet thick and few hundred square miles in extent floats in the middle of the lake in mid-summer, oxygen levels in areas of the lake bottom are reduced to zero, displacement of indigenous fish populations by scavenger and trash fish is widespread . . . The zone of zero oxygen is spreading, bringing the threat that eutrophication will soon become self-sustaining.

Our lake is polluted not only by rivers such as the Cuyahoga and Grand, but it also becomes a settling basin for the pollution that flows in from Lakes Michigan, Superior, and Huron. For example, Detroit discharges some 1.4 million pounds of suspended solids into western Lake Erie every day. Scientific studies have shown that up to 80 percent of the phosphorous and other nutrients which enter Lake Erie are retained in the lake. It is no wonder that the few remaining fish and other organic life of the lake are in immediate danger of destruction.

However, I would like to point out, Mr. Chairman, that I am not one of those who believe that Lake Erie's condition is so bad that it is hopeless—that it is now, and forever will be, a "dead sea." Scientists have pointed out that the chances for improving Lake Erie are fairly good. If the upper lakes are cleaned up and Lake Erie's tributaries are purified, conditions will improve since it is theoretically possible to exchange all the water in the lake in a 3-year period, because of the magnitude of the flow through the lake and because of its shallowness.

This same EPA report noted that the pollution on all five of the Great Lakes is worsening and that they are now all seriously threatened with contamination. The quality of drinking water obtainable from these lakes is in jeopardy. Already, 30 percent of the Nation's tap water has quantities of chemicals exceeding the limits recommended by the Public Health Service. A report issued just this last December found high concentrations of copper and lead, as well as traces of chromium and cadmium, in fish caught near the headwaters of the Cuyahoga River.

INADEQUACY OF PRESENT LAWS

Amendments and improvements in our water pollution control laws are desperately needed now, because, as I have just stated, conditions are getting worse, and, second, the present control efforts are administratively unworkable and philosophically faulty.

Under the 1966 water pollution control law, the various States were to establish, within about a year, water quality standards. Now, 4 years after the deadline for submission of standards, only 27 States have fully approved standards.

Even where water quality standards are set, they are based on an unrealistic estimate of the ability of water to "assimilate" wastes. In addition, due to the pressures of powerful economic interests, the States often do not establish meaningful quality levels and create water "zones"—some good, but mostly bad. For example, most Lake Erie harbors were originally zoned for "Industrial water supply, aquatic life B." Such a classification is a hoax; aquatic life B cannot support any form of aquatic life—unless you consider sludge worms aquatic life.

The new Refuse Act permit program is a very powerful pollution control tool—but it applies only to industrial polluters and the number of permit applications being submitted will require years to process.

In 1968, I pointed out that Ohio, under the permit system, had issued 1,254 renewal permits and 117 new permits for a total of 1,371 permits to pollute the waters of the State. Between 1965 and 1969, the number of permits to pollute were reduced from 1,380 to 1,371—or nine permits in 4 years. At that rate of reduction, it would take 600 years to terminate this program.

In addition, this permit system is, in essence, a "permit to pollute" system. The fallacy in this system was brilliantly challenged by two Cleveland area lawyers, Mr. Jerome S. Kalur and Mr. Donald Large, who have been active in northeast Ohio Sierra Club activities. As a result of their law suit against a Federal agency, no more permits may be issued unless accompanied by a detailed statement of the environmental damage caused by the "permit to pollute." In addition, the court held that all discharges into nonnavigable waterways were illegal.

Unfortunately, as a result of the successful Kalur-Large suit, the administration is trying to gut the citizen's rights under the Refuge Act permit system. In addition, the decision of the lower Federal court in this case may be overturned by higher courts.

SENATE-PASSED POLLUTION CONTROL BILL

In an effort to stop the deterioration of the Nation's water quality and institute a workable pollution control system, the Senate passed a strong and comprehensive water pollution control bill on November 2, 1971, by a vote of 86 to 0.

This excellent Senate bill is so important, that I would like to take the time here to describe its major features.

The basic concept underlying the Senate bill is that:

> The use of any river, lake, stream, or ocean as a waste treatment system is unacceptable.

In other words, no one has the right to pollute.

To implement this concept, the nebulous water quality standard system is to be scrapped and, instead, the discharge of toxic materials is prohibited and controls are to be placed on all waste discharges.

Specifically, the bill does the following:

First. By June 30, 1974, all communities must be providing "secondary" treatment of waste discharges. This means the removal of 80 to 90 percent of all harmful wastes, and is important when one considers that 38 percent of the Nation's waste discharges now receive no treatment whatsoever and 30 percent receives only "primary" treatment which removes just 50 percent of the harmful materials.

Second. After June 30, 1974, Federal construction aid will only go to help build sophisticated and effective areawide or river basinwide treatment facilities. This section has particular reference to the Greater Cleveland area where there has been considerable controversy over the concept of regional treatment.

In addition, beginning in mid-1974, Federal aid for the construction of city treatment works will only be given when the best practicable technology is to be used, or—and this is most important—a method is found to prevent all discharges into waterways. An example of a method which provides for complete purification of wastes is the "Muskegon experiment." In this experiment, waste is given some treatment and then sprayed on agricultural land. The increase in agricultural productivity has been fantastic and the waste water, as it seeps through the ground back into the water table, becomes totally purified through the action of natural bacteria and filtration.

Third. Industrial waste discharges which account for 34 percent of estimated stream pollution, would be required to be treated with the best practical technology by January 1, 1976.

Fourth. By January 1, 1981, industrial waste discharges would be prohibited. There are a number of ways this can be achieved. For example, industry could develop closed systems in which the water used by a plant would be used, cleaned, reused in the industrial process, and then cleaned again. In other words, water is considered a scarce natural resource and is recycled. If there simply appears to be no way in which this "no-discharge" goal can be technically accomplished, within reasonable cost, then the industry would have to have in operation the best form of waste treatment equipment available at the time.

Fifth. As a result of the requirements on cities and industries, 1981 is set as a goal by which water quality will be able to provide for the protection and propagation of fish, shellfish, and wildlife, and for human recreation in and on the water.

Sixth. Further Federal activity, in research and in regulations, will continue to establish the policy of ending all discharges by 1985. Frankly, there may be some very few cases where "no-discharge" cannot be obtained—and further study will have to be made of these cases in 1985. But a goal has been set. It is a great goal, worthy of the support and commitment of every American.

FEASIBILITY OF SENATE BILL

It should be pointed out here that the goal of "no-discharge" by 1985 has been opposed by the administration on grounds of cost and impracticality. The arguments against the concepts in the Senate bill have been conducted on a "scare tactic" basis—and they are arguments without merit. The effort to clean up our Nation's waterways will be expensive—but independent researchers and consultants have shown that the Government's cost figures are exaggerated by up to 600 percent. Further, a Government study released March 12, 1972, states that the cost of abating pollution will not threaten "the long-run viability" of any industry, particularly when the same rules will apply to all. Others argue that "no-discharge" technology is not available. Yet many new plants are already constructing such systems. The Senate bill provides 13 years to employ and develop no-discharge technology and specifically makes exemptions in case of totally unreasonable costs requirements. If we do not set these guidelines and goals, we may be sure that there will be no impetus to develop such technology—and our environment will continue to deteriorate at a disastrous rate.

Further, the final definite goal of "no-discharge" will save our cities and businessmen from the confusion, uncertainty, and waste which have accompanied their efforts to meet the constantly changing water quality standards of the last decade. No more will a company build a treatment facility only to find that by the time it is constructed, it fails to meet some new law's requirements.

WEAKNESSES IN HOUSE BILL

Unfortunately while the water pollution control bill which has been approved by the House Public Works Committee and which we are considering today has most of the same provisions as the strong Senate-passed bill, it contains a number of clauses which would weaken the antipollution effort and actually set back the struggle to save our environment. As the chairman of the League of Women Voters' Environmental Quality Program stated:

> The House version is considerably weaker and lacks some essential elements we consider necessary in a good clean water bill.

The House bill is the strongest antiwater pollution bill we have ever considered. But the fact remains that in comparison to the Senate bill, it is disappointing.

CLEAN WATER AMENDMENTS TO HOUSE BILL

For this reason, I have joined with a leadership coalition of 40 of my colleagues to offer a "package" of clean water amendments to the House bill. Briefly, these amendments will do the following:

First. Maintain the Senate bill's automatic deadline of 1981 for the installation of "best available technology" for the treatment of industrial wastes, if it can be done at reasonable cost.

The House bill requires no action after 1976. It simply establishes another study of pollution and eliminates the incentive for cities and industry to move toward zero discharge technology. This will increase costs as interim facilities are constructed and delay the day when we finally have clean water.

Second. Provides that permits for the discharge of wastes which will be required between now and the achievement of "no-discharge" in 1981 or 1985 will be under the final control of the Environmental Protection Agency.

The House bill gives final permit authority to the various States. In the past, some States have set very weak permit standards in an effort to "pirate" industries from States which are sincerely attempting to stop water pollution. This amendment we are offering attempts to prevent job loss by unnecessary industry relocation.

Third. Strike from the House bill a provision which would give polluters who violate the Refuse Act immunity until 1976 from Federal or citizen suits.

Fourth. Additional amendments would protect the rights of citizens to sue the Government or others for illegal pollution activties, and would maintain the strength of the important environmental impact statement program.

In addition, I am joining with a coalition of seven other Great Lakes State Congressmen to offer an amendment to allow our States to continue to set the standards for the dumping of wastes from ships and boats. The House bill gives regulatory authority in this area to the Federal Government, and—from all indications—the Federal standards will be weaker than those which the Great Lakes states and Canada have set.

I do not mean to imply that the House bill is all bad or that the Senate bill is all good. For example, both bills exempt the discharge of harmful chemicals into oil wells—a common practice which the industry uses for various reasons—such as to flush out extra oil. These chemicals and salty solutions can, of course, work their way into the underground water tables from which drinking water is drawn. This type of loophole certainly should be closed.

FINANCIAL AID TO LOCAL GOVERNMENTS

There is, in addition, one principal area where the House bill is better than the Senate bill—the area of financial assistance to local governments for the construction of waste treatment procedures.

The U.S. League of Cities Conference of Mayors, after careful study, have found that the Nation's cities will need to spend between $33 to $37 billion over the next 6 years on water pollution control programs. One of the most important forms of "revenue sharing" which the Federal Government can provide is assistance in meeting this cost.

The Administration proposed $6 billion for 3 years.

The Senate-passed bill proposes $14 billion for 4 years.

The House bill before us today proposes $18.3 billion for 3 years.

Obviously, the House bill, if followed through by full appropriations, is the only one which begins to meet the needs of the cities.

Both the House and Senate bills make an additional change in existing law which is of vital concern to local governments. I testified before both the House and Senate Public Works Committees in support of my bill to increase the percentage of Federal construction assistance to local governments from 50 percent of cost permitted in present law to 70 percent. That proposal was adopted in both bills:

	Percent U.S. aid in new bill if no State assistance to local government	If State pays (percent)	Then United States becomes (Percent)
Senate bill	60	10	70
House bill	60	15	75

Thus, the cost to local communities for the construction of waste treatment facilities will drop from between 60 to

80 percent. In addition, public maintenance of treatment plants will be made easier by a requirement in both the House and Senate bill that "user charges" be assessed for industrial wastes poured into a public facility.

These changes are of major importance to Cleveland and Ohio. For example, the Association of Metropolitan Sewage Agencies estimates that the required investment for pollution control in Cleveland between 1970 and 1985 will be $1.6 billion. Under the old Federal grant program, Cleveland and Ohio would have to pay $800 million of that amount. Under the new law, the State and local cost will drop to between $480 to $400 million. In addition, under either the House or Senate bill, Ohio and its local governments will receive millions of dollars as reimbursement for waste treatment construction projects which were undertaken in previous years and which did not receive the proper level of Federal matching assistance.

LAKE ERIE AID

There are several provisions in these two bills of special interest to northern Ohio. First, both bills continue at a $20 million level the amendment which I made to the 1970 Clean Water Act. This amendment provides for projects designed to "demonstrate new methods and techniques and plans for the elimination or control of pollution" in the Great Lakes. The House bill—but not the Senate bill—provides for a new $5 million program on Lake Erie alone. This provision directs the Corps of Engineers to design and develop a demonstration waste water management program for the rehabilitation and environmental repair of Lake Erie. It is my hope that the entire Lake Erie community will support this project and that the corps, through consultation with the people of the Lake Basin, will successfully develop a project that can help us all save our Lake.

MAJOR LAKE ERIE PROGRAM CUT

While these two provisions relating to the Great Lakes are important and are helpful, they hardly compensate for the administration's decision to oppose a massive Great Lakes cleanup now. The Environmental Protection Agency hoped to include in the President's February 8 environmental message to the Congress a proposal for a crash cleanup program at 12 of the most polluted places on the lakes. The level of first-year support for this program was to have been $141 million. As EPA officials reported to the President:

> Most of the actions called for under this proposal will be required in any event, to implement pending water pollution legislation. The difference lies in focusing priority, manpower, and management attention on the Great Lakes to assure better and quicker results. In doing so, we will be demonstrating a positive Administrative initiative, rather than allowing our actions to be dictated by events. We will also be demonstrating a positive and sensible strategy for implementing the pending water pollution legislation.

Officials of the Executive Office of the President—who have apparently never seen the Cuyahoga River—struck the program from the President's agenda and budget. This is particularly distressing in view of Canada's decision to commit $250 million to Great Lakes cleanup—even though Canada causes only a small fraction of the pollution that we do.

The House and Senate water pollution bills which I have been discussing will, of course, provide a long-range solution to the Lake Erie disaster. But the entire Great Lakes congressional delegation must continue to work for the special remedial assistance needed by our lakes.

A NEW PHILOSOPHY IN POLLUTION CONTROL

In closing, Mr. Chairman, I would like to comment again on the importance—the basic philosophical importance—which the Senate bill has on America's—and the world's—approach to the ecology problem.

The Senate bill stresses recycling and the termination of all harmful discharges.

If we do not accept that concept, if we continue to allow harmful discharges and the waste of resources—even small amounts—we will continue to rapidly disrupt, in ways which we do not now understand, the natural balance of the world—a balance that evolved over billions of years and which supports all living things, including ourselves.

If we allow only 5 percent of our present waste discharges to reach the waterways, and through them, the sea, we may slow down the rate of natural disruption—but the disruption continues to accumulate, perhaps irreparably.

Dr. Barry Commoner, perhaps the most thoughtful of all the experts dealing with the problems of the world environment, states that the first law of ecology is that "everything is connected to everything else." If we continue to discharge wastes from the Cuyahoga River, for example, the effect is eventually felt in the oceans—the ancient source of life and the hope of so much of our future.

Waste discharges have destroyed large parts of Lake Erie and are threatening the other Great Lakes. The Baltic is now considered a dead sea. The Mediterranean is dying; Jacques Cousteau, the famous French underseas explorer, reports that sea life and vitality in the Mediterranean has declined 30 to 50 percent in the last 20 years.

If the United States—and the other nations of the world—continue to discharge harmful wastes into the waterways, the sea itself can die. One of the most frightening reports I have read on the health of the world's environment was a report by Dr. Thor Heyerdahl, the explorer who crossed the Pacific on the raft *Kon-Tiki* and who recently crossed the Atlantic twice on a primitive boat such as used in ancient Egypt. Dr. Heyerdahl said that on his trip across the Pacific two decades ago, he saw no evidence of pollution. Last year, in crossing the Atlantic, the pollution was everywhere, massive and serious.

It may thus be safely assumed that the 2,407 nautical miles covered by *Ra II* during the initial 43 days of its voyage represented an uninterrupted stretch of polluted surface water, the degree of visible pollution varying from slight to very grave.

Dr. Heyerdahl noted that:

> Lake Erie is only one of a long series of lakes destroyed by man in the most different parts of the world. Place ten Lake Eries end to end and they span the ocean from Africa to America.

If we can destroy Lake Erie, we can destroy the sea. Similarly, we can destroy the delicate balance of the world's atmosphere. That destruction is happening each hour of every day.

Neither the House or the Senate bill is the final answer in our effort to preserve our environment, but certainly the no-discharge goal and emphasis on recycling is a major step forward.

The principles, the philosophy of environmental management stated in the Senate bill should be a working tool which the American delegation to the coming Stockholm convention of the United Nations Conference on the Environment can present as a model for the rest of the world.

Perhaps the greatest contribution our Nation can make to the rest of the world in the coming decades is assistance in providing the controlled, environmentally sound technology which will end human misery around the earth without destroying this, our only world.

Mr. HEINZ. Mr. Chairman, I indicated in a "dear colleague" letter last week that I intended to offer an amendment to H.R. 11896, the Federal Water Pollution Control Act Amendments of 1972, to provide for the imposition of effluent charges against owners and operators of point sources of pollution other than publicly owned treatment plants. Tomorrow I will offer an amendment which provides an incentive to cut pollution through a rebate of 50 percent of the aggregate sum of effluent charges paid by an industry that installs equipment or revises production methods to meet the standards set by the Administrator of the Environmental Protection Agency. The balance of the money collected from the effluent charges will be used to finance State grants and municipal waste treatment construction. With respect to this amendment, there are several points which I believe need clarification.

First. Effluent charges are compatible with the concept of user charges. Furthermore, since user charges are based on the construction of waste treatment plants, effluent charges, which induce industry to reduce pollution at the source, will reduce the cost of construction of waste treatment facilities to local communities.

Second. Effluent charges, when combined with the 50-percent rebate, provide an economic incentive to industry not only to meet the standards, but to surpass them and thereby aid us in attaining the goals contained in this legislation.

Third. Effluent charges will provide an incentive to marginal corporations who were not affected by the amortization of pollution control facilities provided by the Tax Reform Act of 1969. This is very important since it is often these companies which are the worst polluters.

The text of the amendment follows:

SECTION 319—EFFLUENT CHARGES

SEC. 319. (a) It is the purpose of this section to supplement the enforcement procedures of this Act by providing for desirable economic incentives to water users to conserve water and to minimize pollution through reduction in the quantity of waste products dumped into these waterways. It is also the purpose of this section to encourage the formation of regional waste treatment management organizations pursuant to section 208(a) of this Act.

(b)(1) In furtherance of the purpose of this section, the Administrator and the Secretary of the Treasury shall prescribe such regulations as are necessary to establish and put into effect two years after the enactment of this Act a schedule of national effluent charges for all those discharges other than municipal, agricultural, industrial, recreational, sport, wildlife, and commercial fish uses. These discharges shall include, but not be limited to, biochemical oxygen demand (BOD), suspended solids, thermal discharges, and toxic wastes. The charges shall be set at a level which will provide for the attainment of the standards and goals of this Act. Such regulations shall also provide for making available as public information all amounts collected pursuant to such charges.

(2) Any person who willfully fails to pay any charge as required by regulations established pursuant to this Section or who willfully fails to make any return, keep any records, supply any information, or to do any other act required by such regulations shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $10,000, or imprisoned not more than one year, or both, together with costs of prosecution.

(3) The United States district courts shall, upon petition by the appropriate United States attorney or the Attorney General on behalf of the United States, have jurisdiction to restrain violations of regulations established pursuant to this Section.

(c) Revenues collected by the Secretary of the Treasury pursuant to such charges shall be deposited in a trust fund (hereinafter referred to as the "fund") in the Treasury to be available without further appropriation to the Administrator for use as prescribed in subsection (d).

(d) Money from the fund shall be available for distribution by the Administrator in each year for the purpose of funding Section 106 of this Act (to assist water pollution control programs of States and interstate agencies), except that any owner or operator of a point source of pollution other than publicly owned treatment plants, who installs pollution abatement equipment or revises production methods to comply with standards shall receive a rebate of 50 percent of the aggregate amount of effluent charges paid prior to the installation or revision, such rebate not to exceed 100 percent of the cost of the pollution control facility. Money in the fund in excess of the amounts required to fund Section 106 shall be available for the general purposes of Title II of this Act (grants for construction of treatment works).

(e) Organizations established pursuant to Section 208(a) of the Act shall, not later than two years after the enactment of this act, or, in the case of organizations designated two years or later after the enactment of this act, not later than 180 days after they are designated, provide for a schedule of effluent charges covering all navigable waterways within the boundaries of the area designated pursuant to Section 208(a)(2). Charges may be set at or above the level and on substances in addition to those designated by the Administrator pursuant to subsection (b)(1) of this Section. After approval by the Administrator, the charges may be imposed by the State or interstate agency, and all revenues therefrom shall henceforth accrue to the State or interstate agency to be used for the purpose of attaining the standards and goals of this Act.

Mr. VANIK. Mr. Chairman, tomorrow, Tuesday, March 28, when amendments are offered to H.R. 11896, the Federal Water Pollution Control Act, I hope to offer an amendment to section 7 which is found on page 402 of the bill and which deals with "International Agreements."

Section 7 as presently worded requires the President to work with other nations to:

> Apply uniform standards of performance for the control of the discharge and emission of pollutants from new sources, uniform controls over the discharge and emission of toxic pollutants, and uniform controls over the discharge of pollutants into the ocean.

In addition, the section refers to the presentation of proposals by the United States at the U.N. Conference on the Human Environment to be held this summer in Stockholm.

Section 7 is a good idea. Even if we effectively control the pollution we cause, but the rest of the industrial world—and those nations which are rapidly industrializing—do not take similar steps, then in time the air over the United States and the waters which wash against our shores will be degraded by the action of foreign nations. Even if we lead the way in solving our own environmental problems, the balance of life in the world can be destroyed by other nations who fail to act.

I believe the wording in section 7 can be improved, however, and it can be made to give special reference to America's most serious water pollution problem—the condition of the Great Lakes.

Therefore, I intend to offer the following amendment as a substitute for the present language in section 7:

> The President shall undertake to enter into international agreements for the control of the discharge and emission of pollutants into the oceans and the Great Lakes. Such agreement should endeavor to control not only existing pollutants but activities including, but not limited to, oil, gas, sand, and mineral exploration, drilling, development, extraction, and transportation which have the potential for producing or allowing a discharge of pollutants. For this purpose, the President should encourage the use of existing international organizations including the International Joint Commission and shall negotiate treaties, conventions, resolutions or other agreements and formulate, present, or support proposals at the 1972 United Nations Conference on the Human Environment and other appropriate international forums.

There are two changes in the language of the section which have important general applications. By dropping the words "new sources" of pollutants, it frees the hands of our negotiators to work for international cooperation on the control of existing pollution discharges—and in most countries of the world there are no adequate controls on existing discharges. Our Nation should be able to help lead the way toward international cooperation on the control of all pollutants—not just "new sources" of pollutants.

The other change is the specific mention of oil drilling on underwater lands. Throughout the world, there is increasing reliance on offshore drilling for oil and gas. We are trying to insure that our offshore drilling activities are conducted as safely as possible. Oil pollution is the most serious form of pollution in the world's oceans. We should seek to work for international cooperation in this area.

But the major thrust of the new language is to encourage greater cooperation between the United States and Canada for the improvement of the Great Lakes.

The land under the waters of the Great Lakes not under the control of the Government of Canada are under the control of the various Great Lakes States.

These States—and Canada—have a variety of regulations governing the lakes. For example, while at the current time there is a voluntary but temporary moratorium among the States on the exploration and drilling for oil and gas from land under the waters of the lakes, the various States have almost no permanent controls on these operations. Further, the Province of Ontario has permitted some 32 drillings and brought in 14 gas wells on Lake Erie. Though restrictions have now been placed on these, Canada has leased 3.1 million acres of bottom land for drilling purposes.

The International Joint Commission on the Great Lakes has repeatedly warned about the grave dangers of large oil spills or oil well blowouts within the confined waters of the Great Lakes.

We have already suffered a number of major oil accidents on the Great Lakes. In a letter to my office of September 14, 1970, from the Corps of Engineers, the following record of accidents were reported:

September 14, 1970.

Hon. Charles A. Vanik
House of Representatives,
Washington, D.C.

Dear Mr. Vanik: This is in response to your letter of 13 August 1970 requesting information on the history of major oil spills on the Great Lakes.

A major oil spill as defined by the U.S. Coast Guard involves a quantity of 10,000 or more gallons of oil. Our records indicate such spills, as follows:

1. 2 December 1942—Barge *Cleveco* sank in Lake Erie about nine miles out of Cleveland Harbor, carrying one million gallons of oil. A considerable amount of this oil was lost at the time of the sinking. Several years later when the barge was salvaged, there was no oil aboard the vessel.

2. 13 November 1966—Tanker *Mercury*. A submerged hose was accidentally disrupted at unloading site, immediately Northerly of Harrisville Harbor, Lake Huron, Michigan. This unloading site accommodates U.S. Air Force Station, Wurtsmith, Michigan. Check valve difficulties allowed 160,000 gallons of JP 4 jet fuel to flow from a storage tank into Lake Huron. Detroit District Engineer reported the incident to the Federal Water Quality Administration and the U.S. Coast Guard.

3. 18 April 1967. Mackinaw Island College, Mackinaw Island, Michigan. No. 2 fuel oil escaped from storage tanks and entered Lake Huron. USCGC SUNDEW reported oil slick to be 4,000 yds. by 700 yds. At 1/1000 of one inch thickness spread over 70% of water surface, this would be approximately 12,000 gallons. After investigation by U.S. Coast Guard, ruptured pipe was found on the College fuel receiving dock.

4. 19 September 1967—General American Milwaukee Terminal. A leak from a storage tank through an abandoned drain allowed 800 barrels or 33,600 gallons of No. 2 fuel oil to spread into Lake Michigan.

5. 19 September 1967—Indiana Harbor, In-

> diana. Oil slick of unknown amount that stretched along a 75-mile area.
>
> 6. 27 May 1968—American Oil Company, Whiting, Indiana. Visible amounts of oil originating from cooling water outfall, quantity unknown but enough to cover a 1 x 4 mile area.
>
> 7. 22 April 1969. Chrysler Corporation, Trenton, Michigan wasted 117,000 gallons of Resin Soap and Oil in Monguagon Creek No. 2 which empties into Detroit River (Trenton Channel). Investigated by Michigan Water Resources and U.S. Coast Guard and Federal Water Quality Administration. Samples from Detroit River (FWQA) Monguagon Creek No. 2 (MWRC) and waste pond (MWRC) had very close resemblance to "Dresinate—95." One sample contained 37% oil. Thus, about 43,000 gallons of oil wasted into Detroit River. Detroit District referred to Department of Justice. Action by Department of Justice in progress.
>
> Sincerely yours,
>
> William G. Stewart,
> *Colonel, Corps of Engineers.*

Since this report was written an abandoned well in Lake Erie 30 miles north of Port Clinton, Ohio, sprung a leak and spewed out an unknown quantity of oil creating three slicks up to 3,000 feet long.

In its report of April 1970, the Commission noted that some 1,000 barrels of oil per day were being discharged into the Detroit River, with the Buffalo River also contributing substantial amounts of oil and grease to the waters of Lake Ontario.

The Commission further noted that on any one navigation day on Lake Erie alone, there were an average of 22 lake freighters, four large tankers, and seven deep sea freighters carrying an estimated 120,000 barrels of oil as either fuel or cargo.

> These facts illustrate the gravity of the total oil pollution threat on Lake Erie and the need for adequate controls over the several aspects which comprise the total threat.

As a result of its study, the Commission recommended that oil production and the production of "wet gas," containing appreciable amounts of liquid hydrocarbons from wells in Lake Erie, be prohibited and that all wells in Lake Erie capable of oil production be adequately plugged and that all drilling in the western basin of Lake Erie be totally prohibited. These recommendations are particularly important when one considers that though the Great Lakes Basin is not an active earthquake zone, we have experienced several major earthquakes during the last 100 years.

The danger to the drinking water supply, health, and environment of the tens of millions of people living in the Great Lakes Basin are in serious danger because of the failure to fully develop and enforce—between the States and between the United States and Canada—adequate, uniform, and long-range regulations. A serious oil spill on the confined slow-moving waters of the Great Lakes would make the damage of the Santa Barbara spill seem insignificant.

The amendment which I propose would also attempt to provide for international agreements on mineral development on underwater resources. My particular concern here deals with the methods of dredging carried out on the Great Lakes, with special reference to the dredging of sand and gravel.

First, the very act of dredging can often be harmful to the ecology of an area, particularly closed and slow-moving bodies of water such as the Great Lakes. It is time that the several States and the United States and Canada begin to work together to set minimum standards for such dredging activities. The damage which improper dredging can do is well described in the following extracts of two letters which I have received on this subject:

> [Letter to Congressman Charles A. Vanik from Great Lakes Basin Commission, July 17, 1970]
>
> Potential detrimental effects which might result from sand and gravel dredging in Lake Erie might be classified in the three broad categories of physical, chemical and biological effects. Negative physical effects might comprise increased erosion or deposition in specific shore areas. In the chemical category the disturbing of recently deposited, polluted bottom sediments by the dredging and washing operations might return to suspension, and to some extent, solution, some undesirable compounds. In the biological area there is a potential for destruction of fish spawning beds and habitat for other aquatic wildlife through the dredging operation itself and through the deposition of sediment from the wash operation. Whether, in fact, any of the above detrimental effects will be felt from sand and gravel dredging in Lake Erie should be examined on an individual case basis.
>
> [Letter to Congressman Charles A. Vanik from Lt Col. James M. Miller, District Engineer, Detroit, U.S. Army Corps of Engineers, July 15, 1970]
>
> 1. The removal of the material should not expose the underlying black organic shale or clay. Such exposure would allow the break-up of the shale or clay, lift it into suspension and combine it with the oxygen available in the water.
>
> 2. The process for removal of the sand and gravel should not agitate the silt overlaying or deposited in the material to be dredged.

Second, I am concerned about the removal of enormous amounts of sand and gravel from the lake bottoms. At the present time, sand is being taken for commercial purposes from some 23 different locations in Lakes Michigan, Huron, and Erie. Nearly 800,000 cubic yards of sand and gravel are taken from Lake Erie each year. Some 350 million cubic yards of sand deposits have just been discovered in Lake Ontario and we may expect dredging to begin there in the future.

There are three questions at issue here.

First. Does the removal of this sand and gravel, a natural filtration system, hurt the ecology of the lakes. It seems to me that as the waters of our polluted lakes wash up on sand beaches they are to some extent filtered and purified. Sand deposits on the bottoms of the lakes may serve the same purpose as currents pass over them and as some of the water filters downward.

Second. The removal of this sand by commercial dredgers creates new gradients in the lake that may speed up the rate of erosion along the shore. Three months ago I received a letter from a homeowner in Geneva, Ohio, who said:

> For years, I have watched the beach on my lake front property receeding, knowing full well that the sand dredge that works between Painesville and Ashtabula is adding to the problem. I, personally, have spent thousands of dollars erecting jetties into the lake to prevent this erosion, but it is a losing battle.

Third. Finally, the sand and gravel in the lake is a valuable natural resource which could be used by local governments or by the Corps of Engineers to help stop the massive erosion which is destroying hundreds of homes and threatening public property and roads along the lakeshores. The U.S. Army Corps of Engineers recently completed their national shoreline study. The study found that on the Great Lakes there were 214.3 miles of shoreline eroding at a critical rate. The cost of protecting these shorelines, which are usually heavily developed, is estimated at $127 million. In many of these areas, sand and gravel placed along the shore can help stop this erosion. Yet as the corps report further notes:

> Sand is a rapidly diminishing natural resource.

I believe that agreements should be reached between the States and between the United States and Canada to regulate these dredging and excavation practices so that the public interest and the environmental quality of the lakes is protected.

Finally, my amendment makes specific reference to the International Joint Commission. It is time that the United States began to give more consideration and support to the Commission. The Canadians have been good neighbors on this subject. They have followed the recommendations of the Commission—for example, after one recent IJC report the Canadians immediately banned the use of high phosphate detergents, a step we have yet to take. Canada recently announced the commitment of $250 million to the cleanup of the Great Lakes, even though they cause only a fraction of the pollution that we do. Yet just this February the Office of Management and Budget scrapped a $141 million Environmental Protection Agency proposal for a crash cleanup of the lakes' most critically polluted areas. Even our support of the International Joint Commission had been inadequate. For example, our level of staff and financial commitment to the IJC has never equaled Canada's commitment. At the present time, we have two professional staff members—the Canadians, four. In the present fiscal year, the Canadians are spending about 50 percent more on IJC activities than we are. It is time that we supported Canada in the effort on the Great Lakes.

Mr. Chairman, my amendment is aimed at maintaining the present thrust of the proposed section 7 while calling special attention to our special needs for cooperation with Canada. I hope that my colleagues can support this new wording to the proposal.

I would like to add that I have just had a telephone conversation with legal counsels at the State Department, and they believe that the wording of my amendment makes a great improvement in this section. They point out that the term "uniform" in the House and Senate bill is too binding—it would be too difficult for many underdeveloped nations to meet immediately and could impose some standards or weaker regulations on us which we do not want. They support the idea of controlling all pollutants not just "new sources."

Mr. HECHLER of West Virginia. Mr. Chairman, when the appropriate point is reached during the amending stage, I shall offer the following amendment which is a direct outgrowth of the Buffalo Creek disaster of February 26 in West Virginia:

AMENDMENT TO TITLE III OF H.R. 11896, AS REPORTED, PROPOSED BY MR. HECHLER OF WEST VIRGINIA

Page 291, between lines 11 and 12, insert the following:

"(b) The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall publish within six months after the date of enactment of this title (and from time to time thereafter) regulations for the effective treatment, including, where appropriate, the safe storage for treatment purposes of mine water wastes resulting from new or currently operating surface and underground coal mines. Effluent limitations for point sources established by this title shall, where applicable, be in accord with such regulations. Upon promulgation such regulations would be subject to the enforcement provisions of section 309(a) of this title."

Mr. Chairman, the February 26 disaster at Buffalo Creek was caused by a poorly engineered coal refuse "dam" which ruptured after heavy rains and poured millions of gallons of sludge, waste and acid water down on the helpless residents of the Buffalo Creek valley. Coal preparation plants produce both solid and liquid wastes. It is ridiculous to blame "trout-lovers" for retaining these wastes behind unsafe dams. To dump highly polluted wastes into our streams is no solution to the problem of protecting people. The only answer is to enforce the treatment of these mine wastes, a process which is already being carried out at many mines in West Virginia and Kentucky through closed-circuit coal preparation facilities. These systems recycle and reuse the mine waste water, so it is not discharged in polluted form into our waterways.

My amendment would authorize the publication of regulations to require the treatment of mine water wastes, in keeping with the purpose of the pending legislation.

Mr. VANDER JAGT. Mr. Chairman, in further response to Mr. HARSHA and the administration letter which he read concerning land treatment costs, let me reiterate that Corps of Engineers Chicago figures, with all respect to Mr. HARSHA and I have the greatest respect for Mr. HARSHA, do not bear out what he has read. Land treatment is substantially less expensive in the Chicago report both in capital costs and in operating costs. I see no possible way that these figures can be interpreted otherwise.

For the administration to state that land treatment costs are equal to "tertiary" treatment costs is equally incongruous. The figures simply do not bear out the contentiton. The $161 billion cost figure mentioned apparently is capital cost through 1981 plus operating expenses over a 20-year period. Such figures were used to arrive at the administration's $316.5 billion total cost over the next 20–25 years for distillation. Using Chicago figures on land treatment and national waste flows of 40 billion gallons per day, capital costs would be $33.6 billion—84 cents times 40 billion gallons—while operating costs come to $1.314 billion per year—9 cents per 1,000 gallons times 40 billion times 365 days—or $26.28 billion in 20 years, or a combined total of $59.88 billion for that period. These figures, rather than undermining Friends of the Earth contentions, tend to undergird them.

The letter stated that land requirements might be prohibitive. But the figures must be placed in proper perspective. Chicago would use 448,000 acres of land. But most of this land is in agriculture today and would continue in agriculture. Changes would have to be made when bringing nutrient rich irrigation water to the land.

But how many farmers are going to argue when crop yields may well be doubled over normal cultivation practices? Yes, there will be changes in some land use. However, there are many positive aspects to this change.

Then there is the question of "zero discharge," unfortunately set up as a strawman in this letter. The requirement in the bill is not "zero discharge," but zero discharge of pollutants. And the land treatment system, while it will produce water of better than U.S. Public Health drinking water quality standards, does discharge water with some chlorides and sulphates in it. However, the level of those substances in that discharge will not effect the integrity of the receiving water. But what bothers me most in this letter is the fact that by downgrading land treatment, in effect, it attempts to upgrade alternative treatment systems. And there is no way those systems can approach land treatment in providing clean water, unless, as the administration has calculated, one wants to spend $316.5 billion for distilled water.

Mr. Chairman, the Chicago report can help this Nation to have clean water at less cost. It provides strong encouragement for the amendments I will offer tomorrow. I hope that every Member will find it possible to support those amendments.

Mr. SAYLOR. Mr. Chairman, I am pleased to be able to make a part of the debate record on the Water Pollution Control Act Amendments bill, H.R. 11896, the just-released report of the U.S. Corps of Engineers on its Special Wastewater Management Study. Made public today, the summary report is not "final" nor exhaustive, but it is indicative of the direction and scope of the activities undertaken by the corps to evaluate various wastewater management alternatives in selected metropolitan areas.

The supporters of one side or the other in the great "Clean Water Debate of 1972" will not be able to use this particular summary report to buttress their arguments in spite of the advance, and unfortunate, publicity attending its publication. The document, "Regional Wastewater Management Systems for the Chicago Metropolitan Area: Summary Report (March 1972)," is nevertheless a valuable contribution to our consideration of H.R. 11896, and the numerous amendments designed to bring about a stronger national commitment to "clean water" throughout the Nation in the foreseeable future.

The Corps of Engineers press release dated March 27, 1978, on the study and the report itself follows:

CORPS OF ENGINEERS STATEMENT ON SPECIAL WASTEWATER MANAGEMENT STUDY

The Chief of Engineers released today a special report on controlling water pollution in the Chicago metropolitan area. This study was occasioned by concerns expressed about both the costs and effectiveness of alternative wastewater management systems to meet high levels of wastewater treatment. In the initial feasibility studies for the pilot wastewater study program, covering five metropolitan areas, the Chief of Engineers recognized that for the alternative systems developed, including land treatment systems, the evaluation of costs and performance were of only a preliminary nature and therefore could not be used as a basis for comparison among systems.

Primarily to place the costs of alternative systems in perspective and to evaluate the performance of advanced biological, physical/chemical, and land treatment alternatives on a comparable basis, a special study for the Chicago metropolitan area was undertaken for the express purposes of:

(1) Formulating least cost waste treatment management system alternatives that achieve comparable performance;

(2) Detailing capital costs and operation, maintenance, and replacement costs of the alternative systems; and

(3) Analyzing the relative merits of alternative systems

The results of this special study indicate the following for the Chicago metropolitan area:

(1) Significant strides can be made toward achieving comparably high levels of treatment by all three alternatives studied.

(2) Costs of any one of the systems involves several billions of dollars.

(3) Costs for land treatment may be lower both for capital and for operation and maintenance than either of the other alternatives.

In releasing the report, the Chief of Engineers pointed out that Corps' study of the Chicago area is continuing and that the special report should not be construed as a final recommendation of the Corps of Engineers. He stressed the importance of considering a wide range of alternatives for achieving a high level of treatment and cautioned against using the special Chicago study as the sole basis for selecting a specific treatment system for any individual area or for the country as a whole. Systematic comparison of alternative systems designed to meet the specific characteristics of each area will be needed to determine the most cost-effective approaches nationwide.

The Chief of Engineers also noted that the effluent from all alternatives would contain some residue of pollutants in the water discharged to lakes and rivers. Thus none is a "zero discharge" system.

The Corps of Engineers will continue to examine the land treatment and other alternative systems and to work with the Environmental Protection Agency in seeking greater understanding of the costs and effectiveness of alternative wastewater management systems.

Regional Wastewater Management Systems for the Chicago Metropolitan Area

SUMMARY REPORT

Office of the Chief of Engineers,
Department of the Army,
March 1972.

THE SECRETARY OF THE ARMY

I submit herewith my special report on alternative wastewater management systems for the Chicago Metropolitan Area.

Background and purpose

Of critical concern to the Nation is the problem of selecting from amongst alternatives that program which would permit the Nation to move toward the goal of high levels of wastewater treatment. Central to this concern is the cost and performance of alternative wastewater management systems.

The Pilot Wastewater Management Program feasibility reports which the Corps prepared contained preliminary cost estimates for alternative waste treatment management systems to achieve high levels of wastewater treatment. In my report to you on the Pilot Wastewater Management Program, I concluded, "That the capital and annual costs presented in the feasibility studies be considered as only very preliminary and not as yet fully indicative of the financial or economic costs for any one alternative wastewater management system. As a result, valid direct cost comparisons among alternative systems cannot be made."

Despite the warning, these very preliminary costs have been used out of context to justify a position that some waste treatment management systems were too costly to warrant serious consideration. To place the cost of alternative systems in perspective, I have undertaken a special study of the Chicago Metropolitan Area with the express purpose of:

(1) formulating least cost waste treatment management system alternatives;

(2) detailing capital costs and operation, maintenance, and replacement costs of the alternative systems; and

(3) analyzing the relative merits of alternative systems.

SUMMARY OF RESULTS

A fold out map inside the back cover (not reproduced) shows the layout of the alternative systems developed; the cost of each is summarized in Tables I and II.

TABLE I.—COSTS OF ALTERNATIVE BASIC WASTEWATER TREATMENT SYSTEMS

Cost component	Alternative system costs: Advanced biological treatment	Alternative system costs: Physical-chemical treatment	Alternative system costs: Land treatment
Capital costs ($ millions)	3,642	2,987	2,000
Annual costs ($ millions):			
Debt service	215	176	118
Operation and maintenance	181	166	74
Major replacement	46	49	4
Total annual costs	442	391	196

Cost component	Alternative system costs: Advanced biological treatment	Alternative system costs: Physical-chemical treatment	Alternative system costs: Land treatment
Unit costs:			
Capital cost per gallon of installed capacity	$1.53	$1.26	$0.84
Annual operation, maintenance and replacement cost to treat one thousand gallons of wastewater	$0.26	$0.25	$0.09
Total annual cost per capita (9,000,000 population in 1990)	$49.20	$43.50	$21.80

Note: Each of the basic systems is designed to treat:
(A) 100% of the projected 1990 municipal flows } (2076 mgd).
(B) 100% of the projected 1990 industrial flows }
(C) 50% of the urban runoff (stormwater) (300 mgd).

TABLE II.—COSTS OF ALTERNATIVE COMPREHENSIVE WASTEWATER TREATMENT SYSTEMS

Cost component	Alternative system costs: Advanced biological treatment	Alternative system costs: Physical-chemical treatment	Alternative system costs: Land treatment
Capital costs ($ Millions)	7,480	6,745	5,357
Annual costs ($ Millions):			
Debt service	442	399	316
Operation and maintenance	228	211	101
Major replacement	59	63	7
Total annual costs	729	673	424

Cost component	Alternative system costs: Advanced biological treatment	Alternative system costs: Physical-chemical treatment	Alternative system costs: Land treatment
Unit costs:			
Capital cost per gallon of installed capacity	$2.28	$2.06	$1.63
Annual operation, maintenance and replacement cost to treat one thousand gallons of wastewater	$0.24	$0.23	$0.09
Total annual cost per capita (9,000,000 population in 1990)	$81.00	$74.80	$47.10

Note: Each of the Comprehensive Systems is designed to treat:
(A) 100% of the projected 1990 municipal flows } (2076 mgd).
(B) 100% of the projected 1990 industrial flows }
(C) 100% of the urban runoff (stormwater) (600 mgd).
(D) 100% of the rural (agricultural) runoff (600 mgd).

As illustrated in Table II, expanding the basic systems to treat all urban and rural runoff generated in the Chicago area will increase the capital cost from 200 to 280 percent, depending on the basic system selected; or on an average annual basis, the cost increase ranges from 160 to 220 percent.

The information summarized in Tables I and II represent the results of this special study. A summary of the criteria and assumptions used to develop these alternative systems, a description of each including performance and evaluation, and a comparison with feasibility study findings is presented in the following paragraphs. More detailed, supporting information is contained in the attached technical appendix and cost data annex.

Criteria and assumptions

Technical Goal.—The technical goal established for the alternatives developed in this report is to achieve high levels of wastewater treatment. To achieve this goal, the design of the alternatives reflects an application of the best available technology for the collection, treatment, and management of wastewater. The quality of the reclaimed water produced by each of the alternatives studied is discussed in a subsequent section of this report.

System Concepts.—A basic wastewater treatment system and a comprehensive wastewater treatment system were developed. These differ in concept and design with respect to the handling of non-point sources of water pollution particularly urban and rural runoff. The basic system provides for handling approximately 50 percent of the urban stormwater and none of the agricultural runoff while the comprehensive system provides for handling all of the urban and rural-agricultural runoff.

Alternative Technologies.—The alternative treatment technologies developed in this special report are designated as either treatment plant alternatives or land treatment alternatives. For the treatment plant alternatives, a separate system is developed for advanced biological treatment and a separate system for physical-chemical treatment. A brief description of both treatment plant alternatives and the land treatment alternative are presented in a subsequent section. Details are contained in the Technical Appendix.

Cost Bases.—In deriving the costs of the alternative systems, two considerations were of paramount interest: First, the relaxation of institutional constraints which might otherwise preclude the development of technically sound alternatives; and the use of actual bid prices, when possible, in lieu of laboratory data as a basis for deriving cost estimates.

With respect to the first consideration, the relaxation of institutional constraints made it possible to formulate optimal waste treatment management systems. In the feasibility studies, this was not done and the systems formulated were suboptimized with resulting substantial increases in costs. In this special report, the systems developed represent the least-cost alternatives for each technology studied.

The second consideration which had a significant impact on system costs was the use of bid prices in lieu of cost data derived from an extrapolation of laboratory tests or earlier developed cost curves. Much of the cost data presented in the current literature is derived from information generated from small pilot systems which is then applied to large scale systems. Actual bid prices were used, to the maximum extent possible, and when necessary were supplemented with experimental cost data.

Additional criteria for estimating costs are listed below:

(1) Price levels established as of January 1, 1972.

(2) 5.5 percent interest rate used for computation of annual costs.

(3) Systems assumed operative for 50-year period.

Wastewater Flows.—Average wastewater flows reaching treatment plants in the Chicago Metropolitan Area are currently estimated at 1,586 million gallons per day (mgd). Much of the area is served by combined sewers, and some stormwater and infiltration flows are carried in these sewers. However, when combined storm and ordinary flows exceed the capacity of the sewer system, spills occur and a substantial sewage volume may be bypassed directly to streams without treatment. An additional 3,200 mgd is discharged directly to water courses by industry.

It is anticipated that it will be to industry's advantage to reduce its water intake and wastewater discharge through extensive in-house recycling. This would be an extension of current trends. Eventually, the residual industrial wastes will be discharged to the regional management system because the economies of scale in the larger systems cannot be achieved by individual industries. By 1990, it is assumed that all industry, new and old, will be discharging these residual flows to the larger regional management systems. Thus, industrial water requirements and wastewater discharges will be reduced drastically over the next 20 years, and the practice of discharging directly to water courses will be eliminated.

Recent population projections and more detailed studies of per capita water usage have been made in conjunction with the current study of the Chicago Metropolitan Area. Based on these studies, projected residual industrial flows, and refined estimates of urban runoff, the projected 1990 wastewater flows are estimated as follows:

TABLE III.—CHICAGO METROPOLITAN AREA WASTE-WATER FLOWS

Wastewater flow components	Average daily flows in millions of gallons: 1970	1990 base plan	1990 comprehensive plan
Dry weather municipal and industrial flows	1,286	2,076	2,076
Stormwater flows from existing combined urban sewer network	300	300	300
Remainder of stormwater flows from improved urban stormwater system	0	0	300
Total wastewater flows in treatment systems	1,586	2,376	2,676

Employing the 1990 comprehensive plan, an additional 600 mgd of rural-agricultural runoff would be captured and treated in a separate management system. The treatment plant peak design flow for either the 1990 base plan or the 1990 comprehensive plan was established as 4152 mgd. The peak design flow is twice as large as the dry weather municipal and industrial flow.

Study Area.—The Chicago Metropolitan Area, as illustratead in the fold-out man just inside back cover of this report, covers 2500 square miles and is populated at present with 7.2 million. The 1990 population is expected to be 9.0 million. The area includes northwestern Illinois and extreme northern Indiana, together with all or parts of Lake, Cook, DuPage and Will Counties in Illinois, and Lake and Porter Counties in Indiana.

Alternative systems

Treatment Plant Alternative.—In this alternative, wastewater is collected from municipal and industrial sources and treated in plants; reclaimed water is then discharged to nearby waterways; and separated solids are utilized for disposal on agricultural lands. The reclaimed water is available for reuse including aquifer recharge.

Two distinct treatment plant alternatives have been formulated to attain the desired effluent; one using advanced biological treatment plants and one using physical-chemical treatment plants. Biological advanced treatment involves the addition of a variety of advanced waste treatment process to existing secondary treatment plants. This alternative would preserve the three largest existing secondary treatment plants in the Chicago Metropolitan Area. The other existing plants in the study area were eliminated from this alternative because they would not be efficient on the basis of cost effectiveness. criteria.

Physical-chemical treatment utilizes unit process that have generally been used by various industries for specific purposes and subsequent adapted to wastewater treatment plant design as the need for higher effluent quality has developed. This alternative would require total replacement of existing treatment facilities in the study area.

Both of the treatment plant alternatives consist of eight plants which are designed to handle a 1990 average daily flow of 2376 million gallons and a peak flow of 4152 mgd. Interceptor sewers, force mains, and tunnels would be used to transport the wastewater flows to the plants sites. The reclaimed water would be discharged to the streams of the study region to provide for low flow agumentation. Resulting sludge would be collected and transported by pipeline to a land area where it would be plowed into the soil conditioner and fertilizer.

The plants utilizing biological advanced treatment processes are expected to produce 1.0 tons of sludge per million gallons treated, while the physical-chemical treatment plans would produce sludge at the rate of 0.5 tons per million gallons treated. The sludges from the advanced biological alternative would require 34,750 acres using a spreading rate of 25 tons dry solids/acre/year. Sludges from the physical-chemical alternative would require 144,859 acres employing a spreading rate of 3 tons dry solids/acre/year. This sizeable difference in rates of application is necessary because of the highly concentrated nature of the sludges from the physical-chemical process.

Land Treatment Alternative.—In this alternative, wastewater is collected from municipal and industrial sources, transported to a 448,000 acre site; treated and stored; sprayed on agricultural land, collected, and returned to the waters of the study area. The sludges are applied to the land as a soil conditioner and fertilizer. The land treatment includes biological pretreatment. Although this treatment could be provided by existing biological secondary treatment plants, it was determined to be more efficient to locate this process at the treatment site. This would also provide greater flexibility to handle flow surges.

This system is designed to handle the 1990 average daily flow of 2376 mgd, and can accommodate peak flows of 4152 mgd. Nine access points would feed the wastewater to deep tunnels using gravity to transport the flows to the treatment area, where it would be pumped into aerated lagoons to provide biological pretreatment. The effluent from the biological treatment cells would be discharged to storage basins. Sedimentation of solids would occur and the liquid portion would be stored for irrigation purposes.

During the growing season the pretreated water would be applied to approximately 371,000 acres of crop land using spray irrigation methods. Agricultural crops and the dynamic characteristics of the soil would act as a living filter to reclaim the wastewater effluent. An extensive system of underdrains would collect high quality waters percolating through the living filter and discharge them in a manner which would enhance the surface or groundwater resources of the Chicago Metropolitan Area. The sludge would be dredged from the bottom of the storage lagoons at the treatment site and distributed at an application rate of 25 dry tons/acre/year on 27,520 acres of land.

Stormwater Treatment.—Stormwater runoff from the Chicago Metropolitan Area is dealt with in a similar manner for both of the treatment plant alternatives and the land treatment alternative. The stormwater originating in the urban portion of the area (800,000 acres) currently served by combined sewers would be collected in any of the three alternatives previously described and treated as part of the basic system design. For the comprehensive plan, an additional 300 mgd storm flow would be designed into each of the alternatives.

Beyond this, the runoff (600 mgd) from the rural portion of the area (800,000 acres) would be collected and given local land treatment in the comprehensive plan. The basic approach would be to utilize in-stream impoundments to capture and regulate the storm runoff so that it could be irrigated on adjacent agricultural lands when the opportunity arises.

System performance and reliability

A critical element in evaluating the performance of the alternative systems is the quality of the treated water discharged back to the environment. This evaluation was made on the basis of how each alternative satisfies national concerns through achieving high levels of wastewater treatment. Table IV presents the data on systems performance as related to key water quality constitutents and parameters.

Another aspect of system performance is the ability of the systems to perform as intended, that is, their reliability. Clearly if either the treatment plant alternative or the land treatment alternative perform as designed every day of the year, the National would take a significant step toward cleaning its water.

TABLE IV.—ALTERNATIVE PROCESS SYSTEM PERFORMANCE DATA[1]

Constituents	Effluent quality: Biological advanced	Effluent quality: Chemical-physical	Effluent quality: Land treatment
COD mg/l	10	10	6
BOD mg/l[5]	3	3	2
Suspended Solids mg/l	1	1	0
Dissolved Solids mg/l	350	350	400
Soluble Phosphorus mg/l	0. 1–0. 2	0. 1–0. 2	0. 01
NH_3–N mg/l	0. 3	0. 5	~0
NO_3–N NO_2 mg/l	2–5	2	2
Organic N mg/l	~0	~0	~0
Heat Temp. ° F	53–78	53–78	55–70
Oils, Greases mg/l	1	1	~0
Phenols mg/l	0. 01	0. 01	~0
Pathogens, viruses	** Present	** Present	~0
Trace metals*	0. 1	0. 1	~0
Boron	1. 0	1. 0	~0
Arsenic	0. 03	0. 03	~0
Cyanide	~0	~0	~0

[1] Performance data for advanced/biological is based primarily on small scale operating systems, and for physical/chemical and land treatment performance data is based on limited small scale operating experience and on pilot plants and engineering and laboratory studies. Specific information on performance data contained in studies and reports is referenced in COST DATA ANNEX to the TECHNICAL APPENDIX to this report and in the report "Wastewater Management by Disposal on the Land", February 1972, by the Cold Regions Research and Engineering Laboratory, Corps of Engineers, U.S. Army. The performance data above are for the systems designed and costed in this study. In the context of the high level treatment established as the objective of the study, all systems meet the objective. Higher performance may be technically attainable by each process.

*Trace Metals: Aluminum, Cadmium, Chromium, Copper, Lead, Nickel, Zinc, Iron, Manganese Mercury.

**Present with Current Disinfection Practice.

However, experience has shown that wastewater management systems often fail to produce effluent of the quality intended. For example, it is a well known fact that biological treatment systems can be upset to the point of failure by shock loads, toxic constituents or the like.

In a like manner, treatment plants, be they advanced-biological, physical-chemical or land treatment, could be by-passed during heavy storm periods. However, due to the relatively immense storage capacity inherent in the design of the land treatment alternative, this alternative would have a much higher reliability than either the advanced-biological or the physical-chemical system.

Assessment and evaluation

A general assessment and evaluation has been performed in order to identify the effects and opportunities associated with the treatment plant and land treatment alternatives. In terms of the degree of detail employed in this evaluation, the effects associated with both treatment plant alternatives are essentially the same.

The assessment and evaluation was based on the following assumptions. First, the net contributions of each system were identified by projecting the conditions that would exist in the study region without the alternatives and comparing this situation with the conditions expected if either system were implemented. Employing this "with vs without" method of analysis, a number of key parameters were identified and provided a basis for this assessment. Second, the specific regional needs identified below were considered:

(1) increasing recreation opportunity.

(2) restoring depleted ground water supplies.

(3) enhancing the visual quality of the region.

(4) increasing agricultural production.

Finally, the assessment and evaluation was conducted in two steps. Assessment included identifying the key parameters which were impacted by each of the systems whereas evaluation established the beneficial and detrimental effects of each system, the opportunities associated with each, and the potential net contributions that the two systems could make meeting the regional needs.

Assessment.—The key parameters impacted by the systems were classified as being ecological, hygienic, social, aesthetic, or economic as follows:

Ecological Parameters: Aquatic life; Sustaining stream flows; Terrestrial life; and Atmospheric conditions.

Hygienic Parameters: Absence of pathogens and System reliability.

Social Parameters: Community displacement and Recreation opportunity.

Aesthetic Parameters: Water clarity and Land reclamation.

Economic Parameters: Tax base; Economic productivity; and Water supply.

Evaluation.—Given the above parameters as a basis for evaluation, Table V presents the expected direction of impacts in terms of the beneficial and detrimental effects.

Opportunities.—Waste treatment management systems can be expanded into multipurpose facilities. For example, the treatment plant alternatives provide opportunities to develop new urban industrial parks that would rely on the reclaimed water for a water supply. Also, the treatment plant sites can be landscaped and designed to provide recreational and open space benefits to the urban area.

TABLE V.—EVALUATION OF SYSTEM EFFECTS

	Land treatment	Treatment plant
Ecological parameters:		
Aquatic life	HB	HB
Sustaining stream flows	HB	HB
Terrestrial life	D	D
Atmospheric conditions	NE	D
Hygienic parameters:		
Absence of pathogens	HB	B
System reliability	HB	B
Social parameters:		
Community displacement	DC	DC
Recreation opportunity	HB	B
Esthetic parameters:		
Water clarity	HB	B
Land reclamation	B	B
Economic parameters:		
Tax base	DC	DC
Economic productivity	HB	B
Water supply	HB	B
Contributions of systems to regional needs:		
Increasing recreation opportunity	HB	B
Restoring ground water supplies	HB	HB
Enhancing the visual quality of the region	HB	B
Increasing agricultural productivity	HB	B

Note: HB—Highly beneficial; B—Beneficial; D—Detrimental; DC—Detrimental but correctable; NE—No effect.

The land treatment alternative, through the elimination of treatment plants in the urban area, provides an opportunity for the urban redevelopment of these sites. This alternative also provides for locating power generation facilities adjacent to the storage lagoons using the water to dissipate the heat created. The concept of land treatment also could be used in creating functional greenbelts to help control urban sprawl.

Comparison with feasibility study

There are several differences between the treatment plant and the land treatment systems presented here and similar systems that were selected for evaluation in the previously completed feasibility study for the Chicago Metropolitan Area. These differences relate to projections of the future conditions, completeness of the systems and finally to the costs. These major differences are summarized in Table VI.

TABLE VI.—A COMPARISON OF THE DESIGN DATA USED IN THE FEASIBILITY AND SPECIAL STUDIES

Basic projection and assumptions	Feasibility study	Special study
1. Population in 1990	9.2 million	9 million.
2. Wastewater flows in year	2020	1990.
Municipal	2,375 m.g.d.	1,018 m.g.d.
Industrial	3,103 m.g.d.	1,058 m.g.d.
Stormwater	1,822 m.g.d.	600 m.g.d.
Total flow	7,300 m.g.d.	2,676 m.g.d.
3. Time base for systems design	2020 needs	1990 needs.
4. System effluent goal	Meet or exceed standards.	High levels of wastewater treatment.
Treatment plant alternative:		
1. Wastewater flows handled:		
Municipal	2,375 m.g.d.	1,018 m.g.d.
Industrial	400 m.g.d.	1,058 m.g.d.
Stormwater	1,125 m.g.d.	300 m.g.d.
System total	3,900 m.g.d.	2,376 m.g.d.
2. System features:		
Number and type of treatment plants.	20 advanced biological	8 physical-chemical.
Collection system length	263 miles	254 miles.
Land treatment alternative:		
1. Wastewater flows handled:		
Municipal	2,375 m.g.d.	1,018 m.g.d.
Industrial	3,103 m.g.d.	1,058 m.g.d.
Stormwater	1,822 m.g.d.	300 m.g.d.
System total	7,300 m.g.d.	2,376 m.g.d.
2. System features:		
Sq. mi. for land treatment using:		
(a) cropping	1,243	700.
(b) rapid infiltration ponds	93	0.
Number of sites	6	1.
Collection system—miles	±1,100	402.
Costs:		
1. Treatment plant alternative:		
A. Construction costs	$4.3 billion	$2.987 billion.
B. Annual charges:		
(1) Debt service	Not calculated	$176 million.
(2) Operation and maintenance	Not calculated	$166 million.
(3) Replacement	Not calculated	$49 million.
Total annual charges	Not calculated	$391 million.
2. Land treatment alternatives:		
A. Construction costs	$14.7 billion	$2.000 billion.
B. Annual charges:		
(1) Debt service	Not calculated	$118 million.
(2) Operation and maintenance.	Not calculated	$74 million.
(3) Replacement	Not calculated	$4 million.
Total annual charges	Not calculated	$196 million.

Future wastewater volumes in the study area have been reduced to about one-third of those originally estimated because (a) per capita use is now based on actual experience in the area as opposed to a previously assumed value of 200 gpcd (gallons per capita per day) (b) industrial recycling, reuse and conservation of water has now been taken into account, and (c) more refined studies of anticipated stormwater flows have been conducted.

An analysis of the treatment plant alternatives shows that the systems in the feasibility study handled little more than half the expected volume through twenty treatment plants. In the special study the basic alternative systems handle all expected municipal and industrially generated wastewater and half the stormwater in eight waste treatment plants. The reduction in number and type of treatment facilities permits a substantial cost reduction.

The land treatment alternative developed in this study differs from the earlier plan by utilizing only one site for treatment of all wastewaters thereby significantly reducing the collection system required and avoids the use of rapid infiltration ponds.

The cost estimates set forth in the feasibility study did not include estimates for replacements, operations and maintenance. Furthermore, these cost estimates were based on handling 7300 mgd in the land treatment system and only 3900 mgd for the treatment plant alternative. Current study estimates are for the revised average volume of 2376 mgd for both alternatives and include all costs for installation, replacement and operation.

Finally, the costs used in the feasibility study relied heavily on data generated from small scale and experimental pilot systems. However, this was not the case in the special study since, as previously stated, actual bid prices were used to the maximum extent possible.

F. J. CLARKE,
Lieutenant General, USA,
Chief of Engineers.

The CHAIRMAN. If there are no further requests for time, the Clerk will now read the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment:

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Water Pollution Control Act Amendments of 1972".

Mr. BLATNIK. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. SMITH of Iowa, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11896) to amend the Federal Water Pollution Control Act, had come to no resolution thereon.

GENERAL LEAVE

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the bill H.R. 11896 and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE AMERICAN WELFARE SYSTEM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–270)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

The American welfare system is a national disgrace.

Thirty-one months ago, I first proposed to the Congress my plan for total reform of that system.

Since that time, the welfare situation has continued to worsen, and sweeping changes have become even more imperative.

There can be absolutely no excuse for delaying those changes any further. The present system must be reformed.

Its shocking inequities continue to drain incentive from the many poor who work but who see some families making as much or more on welfare.

Its widely varying, discriminatory benefits continue to force needy families, millions of children, and the needy aged, blind and disabled into a web of inefficient rules and economic contradictions.

Its vast costs have continued to escalate, undermining State and local governments and threatening to erode taxpayer support for a welfare system of any kind.

The present system continues to contribute to the breakup of poor families, rather than reenforcing the role of the family in our national life. The welfare life-style continues to dehumanize those who are caught in it, and threatens now to create yet another "welfare generation."

NOW IS THE TIME FOR ACTION

This year must be the year in which we raze the ramshackle welfare system, patched up so many times in the past but still basically unchanged since it was first enacted as emergency legislation in the mid-1930s. In its place, we must build a new system, taking a new direction. We must create an environment that will draw forth and support—rather than smother—the innate ambitions and personal obligations of all needy Americans.

Last December, the Congress did pass transitional legislation which took parts of my welfare reform package—certain of the workfare provisions for job training and work requirements for all employable welfare recipients—and applied them to the present system of welfare. These actions will become effective later this year.

Acceptance of those workfare provisions by the Congress was a step in the right direction, as I said when I signed the measure. But it is still part of the patchwork approach. Now something far better than a patchwork approach is required if the needy are to receive rational assistance, if waste and inefficiency are to be abolished, and if America's work incentive-job reward system is to be placed within reach of every citizen.

We should never forget that it is precisely this system that has enabled us to develop the highest standard of living—with the most widely shared advantages—in the history of the world. We should continue to rely on it as we drive to close the final gaps between economic promise and economic reality.

On June 22 of last year the House of Representatives, for the second time, passed by a wide majority omnibus legislation which would implement my overall welfare reform. This legislation is now being closely scrutinized by the Senate Finance Committee, whose able Chairman, Senator Long, has assured me that the committee will report H.R. 1 to the Senate floor as soon as possible. H.R. 1 continues to have my full support, and I hope that it will be enacted into law this year in the basic form approved by the House of Representatives.

We need reform this year so that, instead of pouring billions more into a system universally recognized as a failure, we can make a new start.

We must not forget that H.R. 1 contains basic reforms in social security and medical benefits, as well as welfare reform.

These benefits, by themselves, are pathbreaking in scope and impact—including a further 5 percent benefit increase in social security, the automatic adjustment of social security benefits in the future to make them inflation proof, and a host of additional reforms discussed in my recent message to the Congress on older Americans. As I said in that message, even one more year of delay in the passage of H.R. 1 would cost older Americans some $5½ billion in annual benefits.

H.R. 1 clearly lies at the heart of economic progress of millions of Americans in 1972—and into the future. It is the most important single piece of social legislation to come before the Congress in several decades. I strongly urge the Congress to pass it as soon as possible this year. No legislation should have a higher priority.

THE WELFARE MESS WORSENS

When I first presented my welfare reform proposal to the Congress on August 11, 1969, I declared that "America's welfare system is a failure that grows worse every day."

Nine hundred and fifty eight days have passed since that message and that comment. The welfare landscape today is a greater fiscal and ethical wasteland than ever:

—*Injustice and inequities are widespread:* There are glaring differences between welfare benefits paid in various parts of the country—they can range from $60 a month to $326 a month for a woman with three children, depending on in which State she happens to live. Moreover, too many Americans can get more money by going on welfare than by going to work. There is no real requirement that a recipient seek, much less accept, a job.

—*The basic immorality of the system still prevails:* In most States welfare still offers a man a bounty to desert his family.

—*Incentive continues to be penalized:* A man working hard for low wages can see neighboring families on welfare that are better off than his own family.

—*Millions of children suffer:* They are forced to live in degrading and deplorable conditions because the present system precludes their families from any benefits.

—*Waste continues unabated:* State quality control surveys indicate that as many as one in 20 welfare recipients may actually be ineligible for benefits, and that inaccurate payments are being given to as many as one case in every four—a potential total annual waste of more than $500 million.

—*Administration remains a quagmire of red tape:* There are 1,152 separate State and local welfare jurisdictions, with separate eligibility determinations and administrative procedures—making program integrity a virtual impossibility.

What we have in short, is a crazy quilt of injustice and contradiction that has developed in bits and pieces over the years with little serious thought of basic reform. I believe that H.R. 1 is the best and most comprehensive answer yet devised to meet this challenge.

FISCAL CRISIS: WASHINGTON AND THE STATES

The present welfare system is not only morally bankrupt—but is a significant factor in driving the States toward fiscal bankruptcy.

Since I first proposed reform in 1969, the costs of maintaining the present system have mounted at an alarming rate. Each day of delay means further costs—without any offsetting benefits. For example:

—Welfare costs have skyrocketed from $6.2 billion in 1969 to an estimated $9.4 billion in 1971, *a 51 percent increase in just two years.*

—The overall welfare caseload has risen from 9.6 million people in 1969 to 13.5 million today. It has been estimated that, if no changes are made, 17.3 million people will be on welfare in 1974, *an 80 percent rise in just five years.*

What we have on our hands is nothing less than a social and political time bomb. And, in a development of concern to all of us, the patience and support of the American public for welfare programs has been slipping dangerously. Those who are truly needy are becoming scapegoats in the eyes of taxpayers understandably angered about waste and inconsistency.

What we are seeking is an end to the need for public support for people who are essentially employable, but have not been able to work for reasons beyond their control, just will not work, or will not even make themselves available for work-related training—and this is what H.R. 1 would cure.

We also need to establish a nationally uniform system of efficient aid for totally needy families and the old and infirm—and H.R. 1 would achieve that goal, too.

OUTLINE OF REFORM

My program, as embodied in H.R. 1, would place a floor beneath the income of all American families not able to adequately support themselves. Its payment would vary, according to family size and resources, from a minimum of $1,600 to a maximum of $3,600. The basic benefit for a family of four with no other income would be $2,400.

Employable adult members of such families would have to register with the Department of Labor in its Opportunities for Families program for manpower services, work training and employment availability before any benefits were paid to such persons. Exceptions would include mothers of children younger than 6, and mothers whose husbands were either working or registered for work.

Families without employable adult members would not be subject to registration requirements but would receive the same basic benefits under the Department of Health, Education, and Welfare's Family Assistance Program.

For the first time in our history, national wage supplements would be paid to the working poor on a proportionate sliding scale designed to spur, rather than kill, the incentive to start working and keep on earning.

Eligible persons would be able to keep the first $720 earned during the year without reduction in their supplements. As job income rose beyond that, supplements would be reduced by two-thirds of job income until a cut-off point were reached and the recipient had attained a degree of self-sufficiency.

A family of four thus could earn $720 and receive a benefit of $2,400—for a total income of $3,120. When such a family's earnings reached $3,600, it still would be eligible for a supplement of $480 for a total income of $4,080.

When such a family reached earnings of $4,320 it would move completely out of the Federal assistance program.

Under the terms of H.R. 1, the Opportunities for Families program, the Family Assistance Plan and programs for the needy, aged, blind and disabled would be totally financed by the Federal Government—thereby providing much-needed financial relief for the States, which now share welfare costs.

In several respects, the proposed payments to the working poor constitute the basic conceptual foundation of my new approach.

These payments would encourage those who are working to keep on working, rather than sliding into welfare dependency. And they would motivate welfare recipients to start work.

We must hit head-on the cruel fallacy that any income, no matter how low, is sufficient for an American family merely because that money comes from full-time work.

We must establish the more humane and relevant principle that the total income of each American family must reach a certain minimum standard.

Another foundation of my approach is the strong work requirement and the provisions which would help implement that requirement, including child care benefits, manpower services, job training and job locating, and a program of 200,000 transitional public service jobs.

Recipients, with very few exceptions, would have to register for training and accept jobs which were offered, or benefits would be terminated for that recipient.

An entirely separate new Federal program would be established for needy aged, blind and disabled individuals and couples. While no work requirements would be included, of course, those who could work would be provided with strong incentives for doing so.

The current State payments to such individuals and couples, varying widely across the Nation, would be replaced by a Federal benefit of $130 a month for an aged, blind, or disabled individual, rising to $150 in two steps. For a couple in these categories, $195 a month would be provided, rising to $200. Such benefits now can be as low as $70 a month for an individual and $97 a month for a couple.

In all, some $2 billion in new money would go directly into the hands of the aged, blind and disabled in the first full year.

TIGHT ADMINISTRATION AND PROGRAM INTEGRITY

Those who receive welfare, while they are the most visible victims, are not the only ones who suffer because of the myriad confusions and contradictions of the present welfare mess. The taxpayers are victims as well, for they are paying for a program that not only fails to accomplish its objectives, but is virtually impossible to administer.

Welfare administration is woefully outmoded in this country, with its 1,152 separate State and local welfare jurisdictions. Although virtually all have the same basic programs—Aid to the Blind, Aid to the Disabled, Aid to the Aged, and Aid to Families with Dependent Children—each operates with its own eligibility determination and administrative methods.

In the administrative area, especially, there is nearly an incomprehensible variety of management philosophies, operating policies and methods, and personnel arrangements. Only 20 percent of these jurisdictions have automated management techniques.

Under such conditions, it is not surprising that there are major management problems which exacerbate the skyrocketing costs and add to the growing public concern about welfare. Moreover, because of current open end financing arrangements, States and localities have what amounts to a blank check on the Federal treasury for this activity.

Thousands of dedicated people are doing their best to operate this ponderous machinery. But this system has been patched and repaired too many times. The frustration of current State program managers has resulted in very substantial support among Governors and State welfare administrators for Federal administration of the benefit payments function.

In recent months we have documented the failings of the current system, including the absence of cross-checks of records in adjacent areas, inadequate verification of income and benefits from a variety of benefit programs, and rapid turnover of personnel.

While decentralized management is highly desirable in many fields and is indeed central to my philosophy of government, I believe that many of these problems in welfare administration can best be solved by using a national automated payments system, which would produce economies and considerably increase both equity of treatment and tightened administration.

Such a unified system—partially modeled on the Social Security system—would reduce errors and provide greater controls for fraud and duplicate payments.

H.R. 1 would require each recipient to have a social security number for identification to prevent duplicate benefits and to facilitate the receiving of recipient income information from such sources as the Social Security Administration, the Internal Revenue Service, the Veterans' Administration, and other units.

National administration and standards would also ensure equitable treatment for individuals: they would no longer be subject to conflicting rules in different areas, to delays caused by back-ups, and to the confusing tangle of red tape.

Under such a system, States and counties would be freed to concentrate on social services to recipients, making use of their closer understanding of the needs of local residents.

AN INVESTMENT IN THE FUTURE

Because we want a *better* system—not just a new one—welfare reform will cost more in the early years and cover more needy people.

Against the increased initial costs of my proposals in H.R. 1, however, we must weigh the unknown future costs—both human and fiscal—if the present chaotic system, with its present soaring growth rates, is continued. The new system contained in H.R. 1 would be far less costly in the long run—both in terms of dollars and in terms of people.

Historians of the future no doubt will focus on America's 200th birthday—and the years leading up to that significant anniversary—as one important point for measuring the progress of our Republic.

They will find, of course, that over 200 years America's mastery of the industrial revolution, its bountiful economic system, its military might and its technological triumphs helped to make it preeminent in the family of nations.

They will rightfully highlight our moon landings, our deep space probes, our satellite communications, our electronic innovations, and our extraordinary gross national product.

Penetrating observers, however, will also ask other questions:

What did all of this mean to the average American?

What was the quality of the daily life and the basic spirit of all the American people in the 1970's?

How, in particular, did our great Nation provide for those citizens who—through no fault of their own—were unable from time to time to provide for themselves and their families?

I believe that the program contained in H.R. 1 will stand us in good stead when such historical evaluations are considered, for this is a program which has grown out of a fundamental concern for our least fortunate citizens.

The enactment of H.R. 1 would demonstrate both our concern for what is responsible and our concern for what is compassionate.

RICHARD NIXON.

THE WHITE HOUSE, *March 27, 1972.*

VOTER REGISTRATION BILL

(Mr. RONCALIO asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, today I rise to introduce a measure enabling all Americans to register for Federal elections by mail. Such elections include those for a President, a Vice President, a Senator, a Representative or a Delegate to Congress. As this measure is identical to the one which was introduced by Senator MCGEE and tabled recently in an exceedingly close vote in the other body, it might be in order to quote Senator MCGEE's own words on what the measure promises to accomplish:

> The Voter Registration Bill would establish under the Bureau of the Census a system whereby voters can register to vote on Federal elections without having to go to the courthouse. The United States Postal Service will distribute postcard voter registration forms which are to be filled out and mailed to the local registration office. This registration by-mail system should go a long way toward moving barriers which keep our American citizens from the polls. It has would open the door to 11 million non-voting Americans.

Many fear that taking voter registration away from the localities would produce a high incidence of voter fraud. Nothing could be less likely. Every other major Western democracy sponsors voter registration of its citizen by the central government, and ours is the only democracy in which voter fraud is even an issue. Those who want to find the true proximate cause of such fraud would do well to shift their focus toward the local nonuniform procedures which we practice at present.

The bill I am introducing today bears most directly on the people's rights.

In democracy, citizens are only as loyal as they are free. A wide measure of freedom or of citizen participation in their own Government is voting. Thus, an orderly democracy is a meaningful one—or one which insures the widest voter participation that is possible; and that is what this bill sets out to effect.

Under present means, we are failing in that quest. In Canada, 75 percent of those eligible vote. In Great Britain, it is 80 percent; in West Germany, 85 percent; and in Australia, 95 percent. By contrast, what is our score? In 1968, only 61 percent voted in the Presidential election. Forty-seven million, who were eligible to cast their ballots, stayed away from the polls. This is distressing when one realizes only 31 million voted for the man who won.

Our democracy is not functioning. It has not always been this way. In 1876, more than 80 percent voted for President. At that time, the States had not taken over registration. As has been shown by two competent scholars, Prof. Richard Ayers of Yale Law School and Prof. William Bowen of Princeton University:

> In the period from 1896 to 1924, the time when voter turnout declined almost steadily, state after state enacted registration laws which typically required registration annually and in person of all voters in the nation's large cities.

Sixty-one percent of eligible voter participation is not effective democracy. It indicates, rather, a very direct disenfranchisement of the people of this country by their local governments. The people have become alienated of rightful participation by wrongful acts of what might be loosely termed "their" local governments. As a Gallup Poll concluded in 1969:

> It was not a lack of interest but rather the residency and other registration qualifications that proved to be the greatest barrier to wider voter participation in our nation.

This should no longer be the partisan issue that it recently became in the Senate. It is my hope, by introducing the same measure into the House today, to keep alive the very right of the people to guide the course of their own government.

The Casper Star-Tribune of Wyoming agrees on this, and its editorial approval follows:

POSTCARD REGISTRATION

Senator Gale McGee's postcard voter registration bill was a casualty of the Florida primary. It was defeated in the Senate 46–42, while some of its supporters were campaigning in Florida. These included Democratic presidential candidates Muskie, Humphrey and Jackson.

The Wyoming senator hopes to revive the measure by taking it to another bill, as an amendment, when the opportunity affords. Meanwhile, it may be dead for this session.

The proposal, attacked by Republicans and some influential southern Democrats, sought to provide a simple system for expanding voter registration—keeping in mind that only about half of the electorate votes at the polls in the U.S. This is a disgracefully low percentage.

A leading opponent, Democrat Senator Sam Ervin Jr. of South Carolina, declared the measure should have gone to his judiciary committee, instead of to McGee's Post Office and Civil Service Committee.

From the tenor of Senator Ervin's scathing remarks on the measure, its fate in the judiciary committee was sealed.

The southern senator asserted that if citizens do not have enough gumption to walk or drive to the nearest voter registration place and register, they would be too indifferent to vote anyway.

This does not take into account the large numbers of people in the "mobile population," moving from state to state, who are deprived of the opportunity to vote in federal elections, due to state residency requirements.

Nor does it seem fair to the poor and elderly and others who have no way to walk or drive to a county clerk's office to register.

The National Voter Registration system proposed by McGee would provide for mailing of registration postcards to all eligible citizens. The cards would be signed by individual citizens and returned to local authorities. Stiff penalties were provided for fraudulent registration.

Some opponents professed to see a sinister plot to set up a new federal bureaucracy which could control future elections.

More realistically, they may have feared a huge roundup of the "great unwashed" at election time resulting in the passage of more liberal legislation, or they may have felt massive voter registration by this simple means would favor Democrats over Republicans, numerically.

Whatever the reasons for the defeat of the McGee measure, it resulted in a fairly close vote in the senate. This suggests that it should be revived for future discussion. If the proposal has as much merit as Senator McGee proclaims, it should attract stronger support, more on the order of a 2–1 majority.

H.R. 14123

A bill to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Voter Registration Act".

SEC. 2. (a) Title 13, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 11—NATIONAL VOTER REGISTRATION ADMINISTRATION

"Sec.
"401. Definitions.
"402. Establishment.
"403. Duties and powers.
"404. Qualifications and procedure.
"405. Registration forms.
"406. Distribution of registration forms.
"407. Prevention of fraudulent registration.
"408. Penalties.
"409. Financial assistance.
"410. Regulations.

"§ 401. Definitions

"As used in this chapter—

"(1) Administration' means the National Voter Registration Administration;

"(2) 'State' means each State of the United States, the political subdivisions of each State, and the District of Columbia;

"(3) 'Federal office' means the office of the President, the Vice President, a Senator, a Representative, or the Delegate to the Congress;

"(4) 'Federal election' means any primary, special, general, or other election held for the purpose of nominating or electing candidates for any Federal office, including any election held for the purpose of expressing voter preference for the nomination of individuals for election to the Office of President and Vice President and any election held for the purpose of selecting delegates to a national political party nominating convention or to a caucus held for the purpose of selecting delegates to such a convention;

"(5) 'Stae and local election' means any election other than a Federal election; and

"(6) 'State or local official' means any individual who acts as an official or agent of a government of a State to register qualified electors, or to conduct or supervise any Federal election in a State.

"§ 402. Establishment

"(a) There is established within the Bureau of the Census, Department of Commerce, the National Voter Registration Administration.

"(b) The President shall appoint, by and with the advice and consent of the Senate, an Administrator and two Associate Administrators for terms of four years each, who may continue in office until a successor is qualified. An individual appointed to fill a vacancy shall serve the remainder of the term to which his predecessor was appointed. The Associate Administrators shall not be adherents of the same poilitical party. The Administrator shall be the chief executive officer of the Administration.

"§ 403. Duties and powers

"The Administration shall—

"(1) establish and administer a national voter registration program for Federal elections in accordance with this chapter;

"(2) collect, analyze, and arrange for the publication and sale by the Government Printing Office of information concerning elections in the United States;

"(3) provide assistance to State and local officials concerning the national voter registration program and election problems generally;

"(4) obtain facilities and supplies, and appoint and fix the pay of officers and employees, as may be necessary to permit the Administration to carry out its duties and powers under this chapter, and such officers and employees shall be in the competitive service under title 5, United States Code;

"(5) appoint and fix the pay of officers and employees for temporary services as authorized under subchapter II of chapter 1 of this title for temporary employees of the Bureau of the Census;

"(6) prepare and submit to the President and the Congress a report on its activities, and on voter registration and elections generally in the United States, immediately following each biennial general Federal election; and

"(7) take such other action as it deems necessary and proper to carry out its duties and powers under this chapter.

"§ 404. Qualifications and procedure

"(a) An individual who is a qualified elector under State law except as to duration of residency but who is a resident of a State on and after the thirtieth day before a Federal election, shall be entitled to register and vote in a Federal election in that State.

"(b) An individual registered to vote under the provisions of this chapter shall be entitled to vote in a Federal election.

"(c) Whenever a Federal election is held in any State, the Administration may, upon the request of any State or local official, furnish officers and employees and such other assistance as the Administration and the State or local official may agree upon to assist in the registration of individuals applying to register in that State under the provisions of this chapter.

"§ 405. Registration forms

"(a) The Administration shall prepare voter registration forms in accordance with the provisions of this section.

"(b) Printed registration forms shall be designed to provide a simple method of registering by mail to vote in Federal elections. Registration forms may be a perforated double postal card and may include the following on the first part of the postal card—

"(1) printed instructions for completing the registration form;

"(2) a printed statement of the requirements of State law for voting in Federal and State and local elections, other than the requirements of duration of residency;

"(3) space for the individual to write his name, address, and political party preference if appropriate;

"(4) a printed statement that the individual is a qualified elector under the laws of the State except as to duration of residency, and that the individual—

"(A) has been a duly qualified resident of the State for the period required by State law to be a qualified elector voting in any State or local election, or

"(B) will be a resident of the State on and after the thirtieth day before the next Federal election and an appropriate space for the individual to indicate which statement is applicable to him;

"(5) a printed statement of the penalties of law of the United States and the State for fraudulent registration to vote, and a place for the individual to sign a certification that he is a qualified elector of that State;

and may include the following on the second part of the postal card—

"(6) a printed statement that the individual is a qualified elector in the State and that his name has been placed on the list of registered electors;

"(7) a printed statement that the individual is a qualified elector in the State only for Federal elections, and that his name has been placed on the list of registered electors for Federal elections;

"(8) a printed statement that the individual is not a qualified elector in the State and that his name has not been placed on the list of registered electors;

"(9) a space for a written explanation of the reasons why paragraph (8) of this section is applicable to the individual; and

"(10) an appropriate space for the State or local official to indicate whether paragraph (6), (7), or (8) of this part of the postal card is applicable to the individual.

"(c) Registration forms shall provide adequate space on the reverse side of the form for the writing of the name and address of the individual submitting the form for registration to vote, and the second part of the form shall be completed and promptly returned by the State or local official to the applicant at the address on the form. A returned form shall not be forwarded to another address but shall be returned to the State or local official mailing the form. The possession of such a form indicating that the individual is entitled to vote in any Federal election for which he qualifies shall be prima facie evidence that the individual is a qualified and registered elector entitled to vote in any such election but shall not be required for presentation to cast his ballot.

"(d) Registration forms may be prepared in a language other than English when the Administration deems that such a language is appropriate.

"§ 406. Distribution of registration forms

"(a) The Administration is authorized to enter into agreements with the Postal Service, with departments and agencies of the Federal Government, and with State and local officials for the distribution of registration forms in accordance with the provisions of this section.

"(b) Any agreement made between the Administration and the Postal Service shall provide for the preparation by the Administration of sufficient quantities of registration forms so that the Postal Service can deliver registration forms to each postal address in the United States and to each Armed Forces installation in the United States for the number of individuals at that address or installation who may be qualified electors and for the preparation of a reasonable quantity of such forms for public distribution at any post office, postal substation, postal contract station, or on any rural or star route.

"(c) The Postal Service shall distribute the registration forms to postal addresses and Armed Forces installations not earlier than forty-five days or later than thirty days prior to the close of registration for the next Federal election in each political jurisdiction in any State.

"(d) Whenever the Administration determines that the circumstances of a Federal election, other than a biennial general Federal election, present such difficulties of compliance with the provisions of this section as to justify an execption, it may issue such rules and regulations for the preparation and distribution of registration forms as it deems suitable, or for cooperative assistance with State and local officials.

"(e) This section shall not be construed to place any time limit up on the general availability of registration forms in post offices and appropriate Federal, State, and local government offices pursuant to agreements made under this section.

"§ 407. Prevention of fraudulent registration

"(a) Whenever a State or local official has reason to believe that individuals who are not qualified electors are attempting to register to vote under the provisions of this chapter, he may notify the Administration and request its assistance to prevent fraudulent registration. The Administration shall give such reasonable and expeditious assistance as it deems appropriate in such cases, and shall issue a report on its findings.

"(b) Whenever the Administration or a State or local official determines that there is a pattern of fraudulent registration, attempted fraudulent registration, any activity on the part of any individuals or groups of individuals to register individuals to vote who are not qualified electors, the Administration or the State or local official may notify the Attorney General, and the Attorney General may bring a civil action suit in an appropriate United States district court or the United States District Court for the District of Columbia for a restraining order, a preliminary or permanent injunction, or such other order as he deems appropriate to prevent such registration.

"§ 408. Penalties

"(a) Whoever knowingly or willfully gives false information as to his name, address, residence, age, or other information for the purposes of establishing his eligibility to register or vote under this chapter, or conspires with another individual for the purpose of encouraging his false registration to vote or illegal voting, or pays or offers to pay or accepts or offers to accept payment either for registration to vote or for voting shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(b) Any person who deprives, or attempts to deprive, any other person of any right under this chapter shall be fined not more than $5,000, or imprisoned not more than five years, or both.

"(c) The provisions of section 1001 of title 18, United States Code, are applicable to the registration form prepared under section 405 of this chapter.

"§ 409. Financial assistance

"(a) The Administration shall determine the fair and reasonable cost of processing registration forms prescribed under this chapter, and shall pay to each appropriate State an amount equal to such cost per card multiplied by the number of registration cards processed under this chapter in that State.

"(b) The Administration is authorized to pay any State which adopts the registration form and system prescribed by this chapter as a form and system of registration to be a qualified and registered elector for State and local elections in that State. Payments made under this subsection may be made without regard to whether the State changes its requirements for duration of residency to be a qualified elector. Payments made to a State under this subsection may not exceed 15 per centum of the amount paid that State under subsection (a) of this section for the most recent general Federal election in that State.

"(c) The Administration is authorized to pay any State which adopts the registration form and system prescribed by this chapter as the form and system of registration to be a qualified and registered elector for State and local elections in that State and reduces any duration of residency requirement otherwise in effect to a period not exceeding thirty days prior to any Federal or State and local election. Payment made to a State under this subsection may not exceed 30 per centum of the amount paid to that State under subsection (a) of this section for the most recent general Federal election held in that State.

"(d) Payments under this section may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"§ 410. Regulations

"The Administration is authorized to issue rules and regulations for the administration of this chapter."

(b) The table of chapters of title 13, United States Code, is amended by adding at the end thereof the following:

"11. National Voting Registration Administration ------------------ 401"

Sec. 3. (a) Section 3202(a) of title 39, United States Code, is amended—

(1) by striking out "and" at the end of clause (4);

(2) by striking out the period at the end of clause (5) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof:

"(6) mail relating to voter registration pursuant to sections 405 and 406 of title 13."

(b) Section 3206 of title 39, United States Code, is amended by adding the following new subsection:

"(d) The National Voter Registration Administration shall transfer to the postal Service as postal revenues out of any appropriations made to the Administration for that purpose the equivalent amount of postage, as determined by the Postal Service, for penalty mailings under clause (6) of section 3202(a) of this title."

(c) Section 404 of title 39, United States Code, is amended—

(1) by striking out "and" at the end of clause (8);

(2) by striking out the period at the end of clause (9) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new clause:

"(10) to enter into arrangements with the National Voter Registration Administration, Bureau of the Census, for the collection, delivery, and return delivery of voter registration forms."

Sec. 4. Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(131) Administrator and Associate Administrators (2), National Voter Registration Administration, Bureau of the Census."

Sec. 5. There are authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

Amend the title so as to read: "A bill to amend title 13, United States Code, to establish a National Voter Registration Administration, and for other purposes."

COMMON MARKET BREAKS FAITH

(Mr. THOMSON of Wisconsin asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. THOMSON of Wisconsin. Mr. Speaker, over the past few months the United States has been engaged in negotiations with the Common Market and other industrialized nations in regard to a number of outstanding trade and financial issues. One of the most serious of these has been the artificial EEC Common Agricultural Policy which discriminates against the United States and limits our legitimate agricultural exports.

In early February it appeared progress was being made on the agricultural issue. The EEC agreed to make certain modifications in CAP and discuss others at a later GATT conference. These agreements were not as extensive as I had hoped, but they appeared to be a solid foundation.

Now, however, I read with bitter disappointment a March 25 article in the Washington Post where the EEC has virtually reversed itself and again raised the import levy to American agricultural products. Not only did the EEC in effect renege on its commitment to modify CAP with an eye toward reduction of import duties, but actually increased the levy by an average of 6½ percent.

To say this EEC action is an outrage would be to understate the case. In addition to expanding their unfair and foolish agricultural policy, the Common Market has broken faith. Either should be justification for retaliatory action, but in combination the situation demands it.

If the United States cannot trust the good will and common sense of our closest allies, then who can we trust?

Mr. Speaker, at this point I would like to insert into the RECORD the Washingington Post article.

[From the Washington Post, Mar. 25, 1972]

EUROPE UPS FOOD PRICES; BLOW TO U.S.

(By Richard Norton-Taylor)

BRUSSELS, March 24.—After 100 hours of tough and sometimes bitter debate, the six Common Market countries agreed early this morning on a package of increased farm prices and plans to modernize European agriculture.

The price increases will average 6½ per cent for the coming year. The agreement is a blow to American agricultural exporters, because Common Market levies on imports from the United States will rise by the same percentage.

As a group, the Common Market countries—France, Italy, Belgium, Luxembourg, the Netherlands and West Germany—are the biggest customer for U.S. farm exports. They purchased about $1.8 billion of the $7.8 billion in U.S. farm exports for the 1971 fiscal year.

American officials have argued that any increase in the import levy, along with existing tariffs and subsidies in the six countries, would keep out American products, exacerbating U.S. balance-of-trade problems.

France, with background support from Britain, persuaded her Common Market partners to hold price increases for grains to 4 per cent, except for corn, which will go up 5 per cent.

Prices for beef are likely to be increased by 8 per cent this year, as France wanted, but largely because of the impending general elections in Italy the price will not officially be announced until September. Beef prices in Italy are among the highest in the Common Market already, and Rome is more concerned with the rising costs of living than with higher prices for its farmers.

Other increases are milk, 8 per cent; sugar, 4 per cent; tobacco 2 to 8 per cent depending on type; pork, 3.1 per cent; and olive oil, 5 per cent.

The weary agriculture ministers of the six countries also reached half-hearted agreement on a series of measures designed to modernize agricultural holdings.

Over the next five years, $800 million from the common farm fund will be spent on special pensions to encourage elderly farmers to leave the land and to stimulate farm development through cheap investment loans.

Much of this money will go to Italy, some to France. But there is a long way to go. For example, more than half of all French farmers are over 55 years old, and over 75 per cent of all the dairy farmers in the six countries own fewer than five cows each.

The reform plan is the brainchild of Sicco Mansholt, president of the Common Market Commission, who told a press conference that 2.5 million farmers could benefit from it.

The extreme political sensitivity of the farm issue in the Common Market has never been more clearly demonstrated than it was this week.

French insistence that Germany agree to a fixed deadline for the abolition of border taxes on farm products, for example, led Josef Ertl, the West German representative to the talks, to make a quick trip home to Bonn to seek personal support of Chancellor Willy Brandt.

The taxes were introduced last year to protect German farmers from a loss of income from the upward revaluation of the mark.

The Common Market's guaranteed prices for farmers are fixed in gold-based "units of account," rather than in any one national currency. With reevaluation of the mark, there are fewer marks for each "unit of account." The border tax system insures that foreign products do not have an unfair advantage in Germany.

France is anxious to patch up the cracks in the integrated farm market caused by international monetary upheavals. Paris has always laid great store by the protectionist common agricultural policy and remains suspicious of Britain's intentions toward that policy when the community is enlarged next year.

At the same time, France was pressing here for the eight per cent increase in beef prices, over the objections of some of the other countries.

After a cabinet meeting Wednesday morning, French agricultural minister Michael Cointat agreed to shelve the border tax issue. The price increases were agreed on two days later.

PAUL DOUGLAS—REFORMER AT 80

(Mr. PRICE of Illinois asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, a deserving tribute has been paid to the Honorable Paul Douglas, former Senator from the State of Illinois, in an article which appeared in the Washington Post and the Chicago Sun-Times on Sunday, March 26, 1972. As one who has known Paul Douglas since he first entered upon the national scene and who was acquainted with his work prior to his becoming a United States Senator, I was more than pleased to see this recognition of his great career.

I had the honor and pleasure to serve in the U.S. House of Representatives with Emily Taft Douglas and I was happy to find in the article recognition of her contribution in support of Paul Douglas' many accomplishments throughout his political service. The article, itself, recounts the many achievements of the former Illinois Senator beginning with his interest in social legislation in the early years of the Roosevelt administration and prior to his own service in the Senate. He was an architect of the original social security legislation.

I hope every Member will have an opportunity to read this brief summary of Paul Douglas' public life and of his work in the legislative field—always in the interest of the people of his country. As the article states, he was a leader in the development stages of legislation touching the lives of every American—social security, tax reform, truth in lending, aid to education, area redevelopment, housing, minimum wage, and civil rights and liberties.

The article follows:

PAUL DOUGLAS: REFORMER AT 80

(By Jean M. White)

A touch of mellowness, perhaps, that comes with the years, but the eyes are the same—the blue, piercing eyes that fixed evasive Senate witnesses; the same great shock of white hair; the same resonant voice that reached into the Senate galleries; the same mind—quick, lively, searching.

And still that same passionate concern for social justice and the righteous indignation at wrongs and chicanery.

"I say it because it is true," former Sen. Paul H. Douglas snapped tartly after he was gently reminded that perhaps an interview on the eve of his 80th birthday was not the time to recall bitter fights with two former colleagues over civil rights and reapportionment.

Sen. Douglas will be 80 today. It is a landmark in any man's life, but his birthday also is a landmark for the American liberal conscience.

Unlike Miniver Cheever, Paul Douglas was born too early, not too late. There were long, lonely years when he was a crusader for causes then unpopular to advocate, causes that came to be accepted in legislation touching the lives of every American—social security, tax reform, truth-in-lending, aid to education, area redevelopment, housing, minimum wage, and, above all and always, civil rights and liberties.

Fortunately, for us and the senator, he has lived long enough to become a prophet with honor.

Today a small circle of old friends will gather at the cheerful home at 2909 Davenport St. NW to share the 80th birthday with Sen. Douglas and his wife. Later will come a "queen's birthday" celebration in June when the sun warms the patio in the back.

A stroke 2½ years ago has left Sen. Douglas confined in a wheelchair, but only physically. The confinement does not extend to his mind or conscience.

The former Democratic senator from Illinois still percolates with stimulating ideas and questions, gets outraged at injustice ("I never knew a man who could get so outraged," a retired Senate reporter recalls), and talks vigorously about present problems and future needs—urban ills, federal-state-city relations, congressional reform. His wife, Emily Taft Douglas, a handsome, gracious woman, herself a former congresswoman, arranges the late-afternoon discussions that keep her husband in touch from his wheelchair.

Once the 80th birthday is out of the way, there are busy months ahead for Paul and Emily Douglas: Publication in mid-April of his 670-page autobiography, dedication of the Paul H. and Emily Taft Douglas Library building at Chicago State University, and then perhaps a sentimental journey back to the Indiana Dunes county, that wild area along Lake Michigan where the Douglas family spent its summers, later to be saved by the senator as a national lakeshore park.

The autobiography—revised in longhand on yellow legal pads after the senator suffered his stroke in August, 1969—bears an apt title: "In the Fullness of Time: The Memoirs of Paul H. Douglas."

The memoirs of Paul Douglas should make quite a story as a reflection of American politics and life in the first seven decades of the 20th century.

It is the story of a professor in politics, a distinguished economist-scholar (the Cobb-Douglas Function, see economics textbooks) who ventured into the harsh reality of everyday politics as a city alderman from Chicago's South Side and specialized in problems of garbage collection.

It is the story of the 50-year-old patriot who, defeated in his first run for the Senate, enlisted the next day as a Marine private, won the bronze star and two purple hearts in landings in Okinawa and Peleliu and was left with a withered left arm from his war wounds. It is the story of the Democratic senator from Illinois, elected on his second try in 1948, who became the liberal goad of the Senate, always in the forefront of the fight for social advances in the crucial years of the 1950s and 1960s.

And it also will be the story of Paul and Emily Douglas, two people who share deep affection for each other and politics.

"I was the only man who ever succeeded my wife in Congress," Sen. Douglas likes to point out.

"Paul, why don't you say I was the only woman who ever preceded her husband in Congress. It's women's lib these days," Mrs. Douglas corrected her husband the other day.

Emily Taft Douglas, a former actress, served as congresswoman-at-large from Illinois with the same constituency her husband was to represent when he was elected senator in 1948.

Rugged, slouch-shouldered and bespectacled, the economics professor came to Washington and soon plunged into the midst of the early battles for social and reform legislation that came out of Congress in the following two decades. But he was too much of a marverick ever to become part of the Senate's inner circle. Douglas has a dramatic flair, which he employed effectively to focus attention on the causes he was championing.

There was a time that he wanted to take a hatchet and scalpel on the Senate floor to demonstrate the difference between hacking and surgically pruning a budget.

"His staff talked him out of that one," recalls Howard Shuman, who was the senator's administrative aide for 14 years and now holds the same post with Sen. William Proxmire (D-Wis.).

"But he did go on the floor with a huge magnifying glass once. The public works bill was up for vote, and projects are sacrosanct to senators. Anyways, the senator came into the chamber carrying a magnifying glass and a large map. It seems there was a river—in New England, I think—mentioned for an appropriation and the senator couldn't find it on the map."

Shuman remembers Douglas as "an absolutely honest man," even to avoiding the phone calls that can swamp a senator's time.

"When he couldn't take a phone call, before he would have his secretary say he was out of the office, he would open the door and step out into the hall. I've seen him do it numerous times."

Once William McChesney Martin, disturbed over remarks attributed to Douglas in criticism of Martin's fiscal policies, came up to the Hill to check with the senator personally.

The senator told him: "I honestly don't remember saying that. But I've thought it a number of times so I suppose I could have said it."

But the senatorial career of Paul Douglas has more substance than a collection of lively anecdotes. It is a career threaded with landmark legislation on the big issues that the nation faced in the 1950s and 1960s. Perhaps the most dramatic was the long fight for civil rights, crowned by the sweeping Civil Rights Act of 1964.

"As for 1964, that was done years earlier—that was done in the hard years when we could get only 20 votes or so," Douglas points out. "What was heresy then, the nation has accepted, intellectually at least. Now remains the pain of working it out."

Despite the acrimonious legislative fights and his lonely crusades, Paul Douglas does not look back in anger or bitterness today.

"If he was righteous in causes, he was never self-righteous about people," Shuman says.

And the senator still has the buoying hope that sustains reformers.

"Well, I'm not a pessimist," he said the other day. "It's a great source of relief in bowing out of politics to see new men and good people coming up."

In the Senate, he points to such men as Proxmire, Alan Cranston of California, Adlai Stevenson III (whose father ran for governor of Illinois on the same ticket with Douglas), Walter Mondale of Minnesota. And Douglas always remembers Sen. Hubert H. Humphrey, who fought by his side in many of the old battles.

Among the governors, Douglas singles out Florida's Reubin Askew and Ohio's John J. Gilligan as "absolutely fine men."

Douglas also sees promise in the young people. "We had a bad convention in 1968. But I see healthy signs with the younger people working in politics, social causes, environment."

If some of the Douglas causes have come in the fullness of time, there are those still being fought: cloture in the Senate, the family allowance (Douglas proposed this idea as a young economist in 1925), pollution, consumer protection, the vanishing wilderness of areas like the Indiana Dunes, disclosure of campaign financing, tax reforms.

When he talks of tax loopholes today, there are flashes of the old Douglas indignation.

"I think they say we—Lister Hill of Alabama was with me—have saved the nation $4 billion up to now in blocking a clause that would have allowed offshore drilling in the open ocean to take oil," the senator points out.

In 1967, at 75, when he was no longer a senator but a private citizen, Douglas journeyed to Colorado to inspect the oil shale deposits there.

The year before, defeated in his try for a fourth term in the Senate, Douglas had made a graceful exit, giving a final accounting of his assets and income and thanking the voters who had kept him in office 18 years. It took two farewell parties for all his friends and admirers to pay tribute.

In that race, Douglas campaigned with his usual vigor. But there was his age—he was 74 and his challenger, Charles H. Percy, was 47, with the attractive face of new Republican liberalism. There was the race backlash. And there was the deteriorating war in Vietnam, in which Douglas had been a firm supporter of the Johnson administration.

A pacifist in World War I from his Quaker upbringing, Douglas had gone to Europe in the 1930s and was in Italy when Mussolini sent his legions into Ethiopia. He warned of appeasement of Hitler. During World War II, he was an enlistee in the Marine Corps, accepting a commission only to get into battle when he saw they were not going to send 50-year-old riflemen overseas for combat.

He still believes in collective security, of "keeping our guard up while exploring the possibilities for peace."

After his 1964 defeat, Douglas went back to work in a double harness. He returned to teaching and served as head of the National Commission on Urban Problems, making a study at the time the incendiary cities were flaring up in riots and racial turmoil.

Soon after the Commission on Urban Problems made its report, the stroke hit the senator's right side. His recovery was complicated by his war-disabled left arm and a fall abetted by a football knee (Douglas played center on the Bowdoin College team while winning a Phi Beta Kappa key).

In 1969, he returned a $5,000 check that went with an AFL–CIO award. While in the Senate, Douglas had set a $2.50 limit on the value of any gifts he would accept, and he is a man who holds firm to a principle.

If the "18 most stimulating years of my life" were spent in the Senate, Douglas also had several decades of achievement before he entered the Senate at 56.

As a distinguished economist, his applied work on the theory of wages and production is one of the bedrocks of contemporary economic analysis. The Cobb-Douglas Function—a mathematical formula set forth in the 1920s—is discussed at length in the recent Nobel Prize-winning work of Prof. Paul A. Samuelson.

"I once was an economist," the senator says now with a rueful smile. "They are now feeding information into the computers at Brookings Institution and coming out with figures to support the formula."

Born in Salem, Maine, March 26, 1892—the New England twang has been leveled a bit by the Midwest plains—Douglas remembers when mill workers in Newport, Maine, were told not to vote for Bryant and the factory whistles sounded for 24 hours when McKinley was elected.

"And I grew up feeling it was . . . well, improper," he once told an interviewer.

He was a friend of Jane Addams and Clarence Darrow. He helped organize the steel workers. Even before entering politics as a Chicago city alderman in 1939, he was one of the earliest advocates of old-age pensions and unemployment insurance in the 1920s and 1930s, working with then New York Gov. Franklin D. Roosevelt and Pennsylvania Gov. Gifford Pinchot.

Now, the autobiography finished, there will be two labors of love for the 80-year-old economist and former senator.

First, another look at the theory of wages and productivity as a statistical study. Then a study of the last days, the winter years of genius, in the lives of Beethoven, Shakespeare, Michelangelo, and Titian.

"A fine subject for a crippled politician," Douglas observes.

It will be a fine subject for the senator who brought a graceful touch of erudition and scholarship to the Senate. In Douglas' former office, Suite 109 in the Old Senate Office Building, photographs of live politicians never were hung. Instead, there were studies of Michelangelo's majestic, brooding figures for the tombs of the Medici and Titian reproductions.

As a campaigner, Douglas was known to quote John Stuart Mill or "Spoon River Anthology" poetry to voters at the factory gate.

The other day, on the eve of her husband's 80th birthday, Emily Taft Douglas looked fondly, but objectively, at her husband and said:

"He's a much handsomer man than the man I married. He doesn't wear glasses any more. They say we make our own faces. It is a good man that makes a good face."

WATER POLLUTION CONTROL BILL

(Mr. KEMP asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KEMP. Mr. Speaker, first I would like to commend the distinguished chairman of the Committee on Public Works, and the committee members and staff for the amount of time and effort which they have expended in order to bring this bill before us today.

I believe that H.R. 11896 contains a number of excellent provisions. I especially refer to provisions concerning the conduct of antipollution research and related programs and provisions concerning the construction of municipal waste treatment systems.

The House bill, like the Senate bill, changes the Federal antipollution effort from the water quality standards approach to a program of effluent limitations to control water pollution at the source. I heartily agree with this landmark change in philosophy and I believe that the water pollution control legislation which will emerge from this Congress will mark the turning point in our battle for clean waters.

I feel we can point with pride to the efforts of the House Public Works Committee and look forward to additional legislation which will continue the progress. In fact, rather than try to amend the bill at this time, I feel the three amendments that I had considered are deserving of special attention as separate bills at a later date.

I will outline those three areas today in an extension of remarks.

Mr. Speaker, soon I will introduce legislation which would add $100 million to the already proposed $20 million sighted for Great Lakes projects. I will propose the bill to bring the appropriations for the Great Lakes up to the estimated cost for their proposed program.

The Environmental Protection Agency has been pursuing a vigorous environmental program for the Great Lakes. They feel that a proposed special program will further accelerate their present effort. At this point I would like to enter in the RECORD a letter from the Administrator Bill Ruckelshaus describing their present activity on the Great Lakes:

ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., March 15, 1972.

Hon. JACK KEMP,
House of Representatives,
Washington, D.C.

DEAR JACK: Thank you very much for your letter about the Great Lakes. You are absolutely right that attendance to the problems of water quality evident in the area, and especially those in Lake Erie, is a mater of very great urgency.

We believe that it is also one of high priority in EPA's programs. EPA is already pursuing a vigorous action program for the Great Lakes, within the context of its normal program authorities. The special program proposed by EPA would further accelerate this already active effort, by providing a program that required approaches beyond those included under existing water pollution legislation. However, the Congress right now is considering extension of the existing Federal water pollution control legislation. There are a number of unresolved issues as to the form of that legislation, and the future nature of the national water pollution program. The decision has been made that until the legislation is resolved, it would be premature to launch a separate Great Lakes program which might require approaches different from those which will be provided under general legislation.

Present efforts include:

1. Regulatory activity

(a) Regional personnel are aggressively pursing compliance with existing municipal and industrial implementation schedules.

A number of 180-day notices have been issued (e.g., Hammond, Whiting, Cleveland) and others are under consideration.

Region V recently made public reports on the status of compliance with implementation schedules on Lake Michigan. These reports showed increased lags and we are now discussing with the States plans for taking action against delinquent polluters.

(b) At EPA's request, the Justice Department has filed suit against Reserve Mining.

(c) Field investigations and inspections necessary for establishment of permits are proceeding for major industrial polluters. We are moving ahead with the development of permit conditions and are not allowing recent court decisions to delay our work up to the point of actually granting permits.

2. Research

(a) We began our Great Lakes research activity at Grosse Ile in the summer of 1971. This year we will be expanding the effort—OMB added $4 million in FY 73 budget.

(b) We will be participating in the International Field Year on Lake Ontario—a joint study with the Canadians.

3. U.S.-Canada agreement

(a) Negotiations are progressing and we expect to complete the agreement within the next several months. We expect to be able to meet the far-reaching commitments in this Agreement—for example, a joint program to achieve major reduction over the next few years.

(b) We are providing funding in FY 73 to support the International Joint Commission in studies to develop joint U.S.-Canada action programs for the Upper Lakes and for abating agricultural pollution.

4. Funding

(a) We provided special construction grant funds to Detroit ($39 million) to help it accelerate its sewage treatment programs.

5. Other

(a) Work with the Corps of Engineers in development of programs to terminate disposal of polluted dredge spoil is proceeding.

(b) Our Oil and Hazardous Spills Program is geared up, and we are capable of working with the Coast Guard and Canada on any emergency spills.

These are examples of some of the kinds of activity that we are pursuing in the Great Lakes. We will be continuing to give this area high priority. I welcome your interest. Please let me know if you have additional questions.

Best personal wishes,

Sincerely,

WILLIAM D. RUCKELSHAUS,
Administrator.

Mr. Speaker, the EPA had originally asked the Office of Management and Budget for $141 million for the program but was rejected. They have since reevaluated their program and it is my understanding the new figure will be $118 million to $120 million. If we are going to authorize any money for this let us provide adequate funding or nothing at all. It is my feeling that I will have the details soon, which will provide a comprehensive plan for cleaning up the Great Lakes. EPA will need the full authorization—$120 million—so they can attack the problem before it is too late.

Different chemicals from sewage and industrial and agricultural sources are causing major difficulties. Phosphates, coming from all three sources, are causing rapid growth of algae causing huge algae blooms as is the case of Lake Erie. These algae blooms use up much of the dissolved oxygen leaving little for other aquatic life. This has affected greatly the sport and commercial fishing of the lakes.

Pesticide runoff has added numerous other compounds similar to DDT in chemical structure which are as poisonous and have the same residual properties as DDT to the lake waters. These chemicals, including DDT, have caused buildups in fish, making them unfit for human consumption.

Thermal pollution is a growing concern on the Great Lakes as can be seen on Lake Michigan.

To dramatize this problem, I include a recent decision of the New York Supreme Court:

STATE OF NEW YORK SUPREME COURT,
ALBANY COUNTY

In the matter of the application of Richard D. deRham, as Treasurer of Scenic Hudson Preservation Conference, the Sierra Club and its Atlantic Chapter, the Hudson River Fishermen's Association, Inc., the city of New York, Town of Poughkeepsie, and Robert H. Boyle, Theresa M. Rotola, Eliot D. Hawkins, Helen Lee Sherwood, Raymond E. Bell and David Sive, individually and as members of Scenic Hudson Preservation Conference, petitioners, for a judgment pursuant to article 78 of the civil practice law and rules against Henry L. Diamond, as State Commissioner of Environmental Conservation, Respondent, and Consolidated Edison Company of New York, Inc., and town of Cornwall, Intervenors.

(Supreme Court, Albany County Special Term, February 11, 1972.)

(Justice De Forest C. Pitt, Presiding)

Appearances: Louis J. Lefkowitz, Attorney General, State of New York, Attorney for Respondent, Henry L. Diamond, State Commissioner of Environmental Conservation.

Berle & Butzel, Esqs., Attorneys for Petitioners, Richard D. deRham as Treasurer of Scenic Hudson Preservation Conference, Theresa M. Rotola, Eliot D. Hawkins, Robert H. Boyle, Helen Lee Sherwood, Raymond E. Bell and David Sive, and the town of Poughkeepsie.

Winer, Neuburger & Sive, Esqs., Attorneys for Petitioner, the Sierra Club and its Atlantic Chapter

J. Lee Rankin, Esq., corporation counsel of the City of New York, Attorney for Petitioner, the City of New York.

LeBoeuf, Lamb, Leiby & MacRae, Esqs., attorneys for inventenors, Consolidated Edison Company of New York, Inc.

Spear & Hill, Esqs., attorneys for petitioner, the Hudson River Fishermen's Association, Inc.

Rider, Weiner & Loeb, Esqs., attorneys for intervenor, Town of Cornwall.

MEMORANDUM

Pitt, J.

Consolidated Edison Company of New York Inc., sought a Federal license for the construction and operation of facilities known as the Cornwall Project to be constructed on the west bank of the Hudson River in the Village and Towns of Cornwall and Highlands in Orange County, New York. The project is described as a pumped storage hydroelectric generating facility. The purpose of the project is stated to be to supply electricity to the Metropolitan New York Region and the New York Power Pool during periods of peaked demand and during periods of emergency. In its operation the facility, to be the largest in the world, would pump water from the Hudson River at night and on weekends to a storage reservoir and then discharge the water back into the River when generating electricity.

Section 21(b) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1171(b)) provides that an applicant for a federal license to construct or operate facilities which will result in discharge into navigable waters shall provide the licensing agency (The Federal Power Commission in this instance) with a certification from the State that there is "reasonable assurance * * * that such activity will be conducted in a manner which will not violate applicable water qualities standards." The noted section continues, "Such State * * * shall establish procedures for public notice in the case of all applications for certification by it and to the extent it deems appropriate procedures for public hearings in connection with the specific applications. * * * No license * * * shall be granted until the certification required by this section has been obtained or has been waived * * *. No license * * * shall be granted if certification has been denied by the State * * *."

Thus, reserved to the State by this Federal legislation is the opportunity to consider water qualities standards of the navigable water within its boundaries. This opportunity became an obligation of the Respondent, Commissioner, under Section 15 (10) (13) of the Environmental Conservation Law and Section 1210 of the Public Health Law. Pursuant to these sections the Commissioner gave notice of the application pending before him as well as an opportunity for objections to the same to be filed. Apparently, finding that a public hearing was necessary to assist him in his determination the Commissioner, pursuant to discretionary authority contained in Rules and Regulations promulgated by him, ordered that a public hearing be held. (6 NYCRR 611.16 [b] [I] [i] [ii] and [2].)

The issues before this Court narrow to a consideration of what questions were to be properly considered by the Respondent, Commissioner, in determining the application before him, and whether or not he erred in granting the noted certificate.

Casting aside certain aesthetic considerations urged by the petitioners the Court finds that properly before the Commissioner were questions of salt water contamination, potential damage to the Catskill Aqueduct, thermal pollution of the waters of the Hudson, as well as the effect of the project upon the fish population of the Hudson and of certain salt water species which spawn in its waters. It is to this Court's mind of no moment that some of these questions may well have been considered at the federal licensing level. These questions clearly concern water quality standards. The Commissioner was then obligated to examine into these questions to determine whether or not the proposed project would in any manner violate existing water quality control standards. He is called upon by statute to certify that there is reasonable assurance that the project would not violate such standards.

It is urged that the Commissioner acted in excess of his jurisdiction and in violation of law. This argument is sound. The report of the Commissioner's Hearing Officer noted that there exists a complete absence of studies concerning salt water contamination. It admitted, also, a lack of assurance that the waters would not be thermally polluted. It recognized that the fish would be killed. The aqueduct problem received no consideration. In short the report to the Commissioner and the Commissioner's determination itself reflected a lack of the "reasonable assurance" that he was thereafter to certify existed. Indeed, and notwithstanding the fact that the noted § 21(b) called for the present existence of reasonable assurance, the Respondent, Commissioner, attempted to provide for the future assurance of the same. This was done by attaching to his certification conditions. In effect these conditions would require Consolidated Edison immediately to terminate the operation of its project upon evidence of "violations or contravention of the water qualities standards assigned to the Hudson River," and specifically noted as areas of concern thermal pollution and salt water intrusion. The monitoring of the project to assure that these conditions were fulfilled was delegated to Consolidated Edison.

It is argued that this delegation of authority by a public agency to a private entity is unlawful. It is also urged that in operation the conditions are impractical to the point of being ridiculous in the light of human experience. Consolidated Edison is by these conditions called upon to police itself and if it finds itself violative of the Commissioner's conditions to abandon immediately its multi-million dollar project. This Court hearing no sound contrary argument and failing to imagine any concludes the conditions to be meaningless in law and in fact.

Certainly, the conditions reflect the lack of the existence of present reasonable assurance. What factual presentation would constitute reasonable assurance may and must be left to the sound determination of the Commissioner. But, this state of assurance must be founded upon something factual. The Commissioner has effectively demonstrated that he did not possess this assurance at the time he issued his certificate. His act, therefore, was in excess of his authority and in violation of law.

The above renders unnecessary specific treatment of other issues and of the Objections in Point of Law seeking dismissal.

Submit accordingly.

Mr. Speaker, the second bill which I will reintroduce and will ask for cosponsors, is H.R. 10800, legislation which deals specifically with subsurface waste disposal. This includes the injection into subsurface strata of sewage or any material used in, or resulting from, any process of industry, manufacture, trade, business, or agriculture.

Although we are all familiar with the urgent need to preserve and restore our surface waters, the environmental protection of ground water and the subsurface environment has almost entirely been overlooked.

Mr. Speaker, my bill is so comprehensive that it would have involved about 50 amendments to the bill we have up today. Therefore, I feel it should be considered as a separate act. The bill I will reintroduce follows:

H.R. 10800

A bill to regulate the disposition of wastes by surface injection.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Subsurface Waste Disposal Control Act".

Sec. 2. For the purposes of this Act—

(1) the term "subsurface waste disposal" means the injection into subsurface strata of sewage or any material used in, or resulting from, any process of industry, manufacture, trade, business, or agriculture;

(2) the term "Administrator" means the Administrator of the Environmental Protection Agency; and

(3) the term "United States" includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the territories and possessions of the United States, and all lands within the jurisdiction of the United States for any purpose.

Sec. 3. The Congress hereby declares it is the policy of the United States that there shall be no subsurface injection of wastes in the United States except in accordance with the provisions of this Act.

Sec. 4. The Administrator shall have exclusive authority for determining (1) those subsurface areas and stratigraphic zones which are suitable for subsurface disposal or storage of wastes, (2) those wastes (including sewage) which are suitable for subsurface disposal, and (3) criteria for the construction and operation of wells for the disposal or storage of such wastes.

Sec. 5. In carrying out his authority under this Act, the Administrator is authorized—

(1) to regulate the construction and casing of injection wells so that wastes are excluded, completely and permanently, from the zone between the land surface and the zone into which they are released;

(2) to promulgate and enforce safe injection pressures and rates of injection, which shall vary as hydrodynamic conditions may require;

(3) to prescribe an aggregate volume of waste permitted to be injected into a particular area or zone;

(4) to require any waste to be treated before injection, as may be necessary to render it chemically compatible or stable;

(5) to prohibit injection of chemically incompatible or excessively noxious wastes;

(6) to declare any area or zone to be unsuitable for injection, permanently or temporarily, as may be necessary to achieve or maintain suitable hydrodynamic and geochemical balances;

(7) to reserve, as warranted, any particular area or zone for a declared resource-management purpose;

(8) to preserve the integrity of the confining layer above any designated area or zone, by requiring that all wells or other openings penetrating that layer for any purpose be adequately cased, and plugged when abandoned;

(9) to conduct a continuing search for alternative and economically competitive methods of waste handling, to the end of minimizing encroachment on the land surface environment while prolonging capacity for injection underground; and

(10) to provide specific exemptions for the injection of materials into an oil production zone for the purpose of stimulating oil production, or for the injection of oilfield brines into the porous zone from which they were produced or a deeper zone containing brine with a similar or higher concentration of dissolved solids.

Sec. 6. (a) The Administrator shall develop, promulgate, and revise, as may be appropriate, such standards and regulations as may be necessary to carry out this Act.

(b) Notwithstanding any other provision of law, this Act, and the standards and regulations issued under this Act, shall be applicable to all departments, agencies, and instrumentalities of the United States.

(c) Sections 551 through 559, inclusive, and 701 through 706, inclusive, of title 5, United States Code, shall apply to standards and regulations issued under this section.

(d) The district courts of the United States shall have jurisdiction to restrain violations of standards and regulations issued under this Act. Actions to restrain such violations shall be brought by, and in the name of, the United States. In the case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(e) Any person who violates a standard or regulation issued under this section shall be liable to a civil penalty in an amount not to exceed $10,000. The Administrator may assess and compromise any such penalty but no such penalty shall be assessed until the person charged shall have been given notice and opportunity for hearing on the charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notice, shall be considered by the Administrator.

Sec. 7. (a) Except as provided in subsection (b), no State or political subdivision thereof may adopt or attempt to enforce any law, ordinance, rule, regulation, or standard respecting the subsurface disposal or storage of wastes, on or after the date of the enactment of this Act, unless such law, ordinance, rule, regulation, or standard is specifically approved by the Administrator as meeting the requirements of (and as being consistent with) this Act and the regulations and standards issued under this Act.

(b) If the Administration determines that any State or political subdivision has and is enforcing a program which regulates the disposition of wastes by subsurface injection and which substantially meets all of the requirements of this Act and the regulations and standards issued under this Act, he may publish such determination in the Federal Register; and the provisions of this Act shall not apply with respect to the subsurface disposition of wastes within such State or political subdivision, from and after a date specified in the determination as published, so long as such determination is in effect and has not been revoked by a subsequent finding that the program of such State or political subdivision no longer meets such requirements, regulations, and standards. Any such subsequent finding, which shall be made only after reasonable notice and opportunity for hearing to the State or political subdivision involved, shall be published in the Federal Register and shall be effective from and after a date (no earlier than thirty days after the date of publication) which shall be specified in the finding as published.

(c) On and after the date of enactment of this Act, any license, permit, or authorization issued by any officer or employee of the United States under authority of any other provision of law shall be terminated and be of no effect whatsoever to the extent that such license, permit, or authorization authorizes any activity to which this Act applies.

Sec. 8. (a) As soon as practicable, the Administrator shall determine the number and extent of injection wells in operation on the date of the enactment of this Act. The Administrator shall determine with respect to each such well whether the disposal or storage of wastes from such well is in accordance with this Act and, in each case which is not so in accordance with this Act, shall terminate such disposal or storage.

(b) In the case of any injection well the disposal or storage of wastes from which is terminated under subsection (a) of this section, the United States shall pay just compensation to the owner of the property involved.

Mr. Speaker, I had also planned to introduce a third amendment today—providing for an additional $1 billion authorization for reimbursement. The original estimated reimbursement owed to the State of New York for prefinanced projects was $877 million. But now we find due to inflated costs, the amount owed New York is $1.3 billion.

This situation I am sure exists in all 50 States. The integrity of the Federal Government is at stake—and equity demands that we honor our previous agreements with the States.

The 1972 Costs of Clean Water Report from the EPA, I am told, takes into consideration the inflated costs of reimbursement for all of the States, but the report is being held up in the Office of Management and Budget. This report might very well show that the additional authorization should be more than $1 billion and therefore, in order to be accurate and responsible, I will hold my amendment until I know the exact costs involved.

I know that Senator BUCKLEY, a member of the Senate Public Works Committee, will support an increase in this area. I hope the report is released prior to the conference and I hope the very able and distinguished junior Senator from New York (Mr. BUCKLEY) will be a conferee.

Mr. Speaker, I will urge the OMB to release this report promptly, but if the details are made public subsequent to enactment of the legislation before, I will certainly introduce a separate and third bill to provide for adequate funds in order that the Federal Government might fulfill its commitments.

A TRIBUTE TO SENATOR PAUL H. DOUGLAS ON HIS 80TH BIRTHDAY

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I rise to pay tribute to one of the noblest figures ever to serve in American public life—the Honorable Paul H. Douglas, U.S. Senator from Illinois from 1948 to 1964.

Yesterday, March 26, 1972, marked the 80th birthday of Senator Douglas and it is therefore fitting that we extend recognition to this extraordinary man.

A distinguished economist for years before he entered the Senate, in 1929, while a professor of economics at the University of Chicago, Mr. Douglas began an investigation of the dealings of Samuel Insull and the inquiry showed how Insull was trying to cheat the people of Chicago.

Paul Douglas championed old-age insurance and unemployment compensation long before the Federal Government adopted these measures, now widely accepted as fundamental in a civilized society.

Early in his public life, Paul Douglas demonstrated the political independence that came to characterize him in the Senate, for on his election as an alderman to the Chicago City Council, he fought to expose graft and waste in municipal government.

In World War II, Paul Douglas entered the Marines at the age of 50, fought at Peleliu and Okinawa, was wounded in both actions, and received the Bronze Star.

Mr. Speaker, once in the Senate, Paul Douglas became a vigorous and articulate advocate of measures to cope with high and persistent unemployment, to establish the Indiana Dunes Lakeshore, to reform the tax structure, to protect welfare and pension funds, expand trade, reduce unnecessary public works expenditures, insure civil rights for all Americans—to cite only a few of the major areas of his concern and activity.

Senator Douglas' wife, Emily Taft Douglas, a lovely and highly talented person, is herself a former Member of the House of Representatives.

If, Mr. Speaker, I may be permitted a personal recollection, after I first ran for Congress in 1954, and lost, I came to Washington to work for a time on the staff of the late Senator Pat McNamara, of Michigan and, later, on the staff of my friend and colleague, Congressman THOMAS L. ASHLEY, of Ohio. It was during that period of time that I became acquainted with Senator Douglas

The Senator was extremely kind to me and you can imagine, Mr. Speaker, how touched I was when Senator Douglas telephoned me after I had decided to run for Congress a second time, in 1956, to ask if he could come to my district in Indiana to campaign on my behalf.

The Senator did so, tirelessly, for an entire day, on farms, in small towns, in cities, and in my 18 years of campaigning for Congress, that day remains one of my most memorable experiences. Moreover, Senator Douglas came back a second time to Indiana to campaign for me in a subsequent election.

That so distinguished and senior and busy a U.S. Senator should have taken the time—and the initiative—to help a young man starting out in politics is something for which I shall always be deeply grateful to this remarkable man.

Paul Douglas, Mr. Speaker, has come to represent to all those who know him an extraordinary combination of keen intelligence, total integrity, and the deepest dedication to our country and to his fellow human beings.

At a time, Mr. Speaker, when many demean the profession of politics, the name of Paul Douglas continues to inspire those who have chosen a career in public service.

So, Mr. Speaker, as Senator Douglas observes his 80th birthday, he will, I hope, know that he has the warmest regards and best wishes of his friends in the House of Representatives.

Mr. Speaker, at this point in the RECORD, I include an article by Jean M. White from the Washington Post of March 26, 1972, entitled "Paul Douglas: Reformer at 80":

PAUL DOUGLAS: REFORMER AT 80

(By Jean M. White)

A touch of mellowness, perhaps, that comes with the years, but the eyes are the same—the blue, piercing eyes that fixed evasive Senate witnesses; the same great shock of white hair; the same resonant voice that reached into the Senate galleries; the same mind—quick, lively, searching.

And still that same passionate concern for social justice and the righteous indignation at wrongs and chicanery.

"I say it because it is true," former Sen. Paul H. Douglas snapped tartly after he was gently reminded that perhaps an interview on the eve of his 80th birthday was not the time to recall bitter fights with two former colleagues over civil rights and reapportionment.

Sen. Douglas will be 80 today. It is a landmark in any man's life, but his birthday also is a landmark for the American liberal conscience.

Unlike Miniver Cheever, Paul Douglas was born too early, not too late. There were long, lonely years when he was a crusader for causes then unpopular to advocate, causes that came to be accepted in legislation touching the lives of every American—social security, tax reform, truth-in-lending, aid to education, area redevelopment, housing, minimum wage, and, above all and always, civil rights and liberties.

Fortunately, for us and the senator, he has lived long enough to become a prophet with honor.

Today a small circle of old friends will gather at the cheerful home at 2909 Davenport St. NW to share the 80th birthday with Sen. Douglas and his wife. Later will come a "queen's birthday" celebration in June when the sun warms the patio in the back.

A stroke 2½ years ago has left Sen. Douglas confined in a wheelchair, but only physically. The confinement does not extend to his mind or conscience.

The former Democratic senator from Illinois still percolates with stimulating ideas and questions, gets outraged at injustice ("I never knew a man who could get so outraged," a retired Senate reporter recalls), and talks vigorously about present problems and future needs—urban ills, federal-state-city relations, congressional reform. His wife, Emily Taft Douglas, a handsome, gracious woman, herself a former congresswoman, arranges the late-afternoon discussions that keep her husband in touch from his wheelchair.

Once the 80th birthday is out of the way, there are busy months ahead for Paul and Emily Douglas: Publication in mid-April of his 670-page autobiography, dedication of the Paul H. and Emily Taft Douglas Library building at Chicago State University, and then perhaps a sentimental journey back to the Indiana Dunes country, that wild area along Lake Michigan where the Douglas family spent its summers, later to be saved by the senator as a national lakeshore park.

The autobiography—revised in a longhand on yellow legal pads after the senator suffered his stroke in August, 1969—bears an apt title: "In the Fullness of Time: The Memoirs of Paul H. Douglas."

The memoirs of Paul Douglas should make quite a story as a reflection of American politics and life in the first seven decades of the 20th century.

It is the story of a professor in politics, a distinguished economist-scholar (the Cobb-Douglas Function, see economics textbooks) who ventured into the harsh reality of everyday politics as a city alderman from Chicago's South Side and specialized in problems of garbage collection.

It is the story of the 50-year-old patriot who, defeated in his first run for the Senate, enlisted the next day as a Marine private, won the bronze star and two purple hearts in landings in Okinawa and Peleliu and was left with a withered left arm from his war wounds. It is the story of the Democratic senator from Illinois, elected on his second try in 1948, who became the liberal goad of the Senate, always in the forefront of the fight for social advances in the crucial years of the 1950s and 1960s.

And it also will be the story of Paul and Emily Douglas, two people who share deep affection for each other and politics.

"I was the only man who ever succeeded my wife in Congress, Sen. Douglas likes to point out.

"Paul, why don't you say I was the only woman who ever preceded her husband in Congress. It's women's lib these days," Mrs. Douglas corrected her husband the other day.

Emily Taft Douglas, a former actress, served as congresswoman-at-large from Illinois with the same constituency her husband was to represent when he was elected senator in 1948.

Rugged, slouch-shouldered and bespectacled, the economics professor came to Washington and soon plunged into the midst of the early battles for social and reform legislation that came out of Congress in the following two decades. But he was too much of a maverick ever to become part of the Senate's inner circle. Douglas has a dramatic flair, which he employed effectively to focus attention on the causes he was championing.

There was a time that he wanted to take a hatchet and scalpel on the Senate floor to demonstrate the difference between hacking and surgically pruning a budget.

"His staff talked him out of that one," recalls Howard Shuman, who was the senator's administrative aide for 14 years and now holds the same post with Sen. William Proxmire (D-Wis.).

"But he did go on the floor with a huge magnifying glass once. The public works bill was up for vote, and projects are sacrosanct to senators. Anyways, the senator came into the chamber carrying a magnifying glass and a large map. It seems there was a river—in New England, I think—mentioned for an appropriation and the senator couldn't find it on the map."

Shuman remembers Douglas as "an absolutely honest man," even to avoiding the phone calls that can swamp a senator's time.

"When he couldn't take a phone call, before he would have his secretary say he was out of the office, he would open the door and step out into the hall. I've seen him do it numerous times."

Once William McChesney Martin, disturbed over remarks attributed to Douglas in criticism of Martin's fiscal policies, came up to the Hill to check with the senator personally.

The senator told him: "I honestly don't remember saying that. But I've thought it a number of times so I suppose I could have said it."

But the senatorial career of Paul Douglas has more substance than a collection of lively anecdotes. It is a career threaded with landmark legislation on the big issues that the nation faced in the 1950s and 1960s. Perhaps the most dramatic was the long fight for civil rights, crowned by the sweeping Civil Rights Act of 1964.

"As for 1964, that was done years earlier—that was done in the hard years when we could get only 20 votes or so," Douglas points out. "What was heresy then, the nation has accepted, intellectually at least. Now remains the pain of working it out."

Despite the acrimonious legislative fights and his lonely crusades, Paul Douglas does not look back in anger or bitterness today.

"If he was righteous in causes, he was never self-righteous about people," Shuman says.

And the senator still has the buoying hope that sustains reformers.

"Well, I'm not a pessimist," he said the other day. "It's a great source of relief in bowing out of politics to see new men and good people coming up."

In the Senate, he points to such men as Proxmire, Alan Cranston of California, Adlai Stevenson III (whose father ran for governor of Illinois on the same ticket with Douglas), Walter Mondale of Minnesota. And Douglas always remembers Sen. Hubert H. Humphrey, who fought by his side in many of the old battles.

Among the governors, Douglas singles out Florida's Reubin Askew and Ohio's John J. Gilligan as "absolutely fine men."

Douglas also sees promise in the young people. "We had a bad convention in 1968. But I see healthy signs with the younger people working in politics, social causes, environment."

If some of the Douglas causes have come in the fullness of time, there are those still being fought: cloture in the Senate, the family allowance (Douglas proposed this idea as a young economist in 1925), pollution, consumer protection, the vanishing wilderness of areas like the Indiana Dunes, disclosure of campaign financing, tax reforms.

When he talks of tax loopholes today, there are flashes of the old Douglas indignation.

"I think they say we—Lister Hill of Alabama was with me—have saved the nation $4 billion up to now in blocking a clause that would have allowed offshore drilling in the open ocean to take oil," the senator points out.

In 1967, at 75, when he was no longer a senator but a private citizen, Douglas journeyed to Colorado to inspect the oil shale deposits there.

The year before, defeated in his try for a fourth term in the Senate, Douglas had made a graceful exit, giving a final accounting of his assets and income and thanking the voters who had kept him in office 18 years. It took two farewell parties for all his friends and admirers to pay tribute.

In that race, Douglas campaigned with his usual vigor. But there was his age—he was 74 and his challenger, Charles H. Percy, was 47, with the attractive face of new Republican liberalism. There was the race backlash. And there was the deteriorating war in Vietnam, in which Douglas had been a firm supporter of the Johnson administration.

A pacifist in World War I from his Quaker upbringing, Douglas had gone to Europe in the 1930s and was in Italy when Mussolini sent his legions into Ethiopia. He warned of appeasement of Hitler. During World War II, he was an enlistee in the Marine Corps, accepting a commission only to get into battle when he saw they were not going to send 50-year-old rifleman overseas for combat.

He still believes in collective security, of "keeping our guard up while exploring the possibilities for peace."

After his 1964 defeat, Douglas went back to work in a double harness. He returned to teaching and served as head of the National Commission on Urban Problems, making a study at the time the incendiary cities were flaring up in riots and racial turmoil.

Soon after the Commission on Urban Problems made its report, the stroke hit the senator's right side. His recovery was complicated by his war-disabled left arm and a fall abetted by a football knee (Dougles played center on the Bowdoin College team while winning a Phi Beta Kappa key.).

In 1969, he returned a $5,000 check that went with an AFL-CIO award. While in the Senate, Douglas had set a $2.50 limit on the value of any gifts he would accept, and he is a man who holds firm to a principle.

If the "18 most stimulating years of my life" were spent in the Senate, Douglas also had several decades of achievement before he entered the Senate at 56.

As a distinguished economist, he applied work an the theory of wages and production is one of the bedrocks of contemporary economic analysis. The Cobb-Douglas Function—a mathematical formula set forth in the 1920s—is discussed at length in the recent Nobel Prize-winning work of Prof. Paul A. Samuelson.

"I once was an economist," the senator says now with a rueful smile. "They are now feeding information into the computers at Brookings Institution and coming out with figures to support the formula."

Born in Salem, Maine, March 26, 1892—the New England twang has been leveled a bit by the Midwest plains—Douglas remembers when mill workers in Newport, Maine, were told not to vote for Bryant and the factory whistles sounded for 24 hours when McKinley was elected.

"And I grew up feeling it was . . . well, improper," he once told an interviewer.

He was a friend of Jane Addams and Clarence Darrow. He helped organize the steel workers. Even before entering politics as a Chicago city alderman in 1939, he was one of the earliest advocates of old-age pensions and unemployment insurance in the 1920s and 1930s, working with then New York Gov. Franklin D. Roosevelt and Pennsylvania Gov. Gifford Pinchot.

Now, the autobiography finished, there will be two labors of love for the 80-year-old economist and former senator.

First, another look at the theory of wages and productivity as a statistical study. Then a study of the last days, the winter years of genius, in the lives of Beethoven, Shakespeare, Michelangelo, and Titian.

"A fine subject for a crippled politician," Douglas observes.

It will be a fine subject for the senator who brought a graceful touch of erudition and scholarship to the Senate. In Douglas' former office, Suite 109 in the Old Senate Office Building, photographs of live politicians never were hung. Instead, there were studies of Michelangelo's majestic brooding figures for the tombs of the Medici and Titian reproductions.

As a campaigner, Douglas was known to quote John Stuart Mill or "Spoon River Anthology" poetry to voters at the factory gate.

The other day, on the eve of her husband's 80th birthday, Emily Taft Douglas looked fondly, but objectively, at her husband and said:

"He's a much handsomer man than the man I married. He doesn't wear glasses any more. They say we make our own faces. It is a good man that makes a good face."

THE MINIMUM WAGE BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ERLENBORN) is recognized for 30 minutes.

Mr. ERLENBORN. Mr. Speaker, Mr. FUQUA, Mr. QUIE, and I are introducing today a new minimum wage bill which will be offered as a substitute for the minimum wage bill, H.R. 7130, reported by the Education and Labor Committee.

Emphasizing a simplified approach, our substitute has two major objectives: One objective is to rectify the inequity of existing minimum wage scales by adopting reasonable increases. The second objective is to expand and encourage the employment of youths by the establishment of a special youth differential wage, in recognition of the high unemployment rate among the Nation's young people.

Before detailing our specific legislative solutions to these two problem areas, it should be noted that our action in introducing this bill is prompted primarily by the action of the Education and Labor Committee in favorably reporting out H.R. 7130. The committee bill can best be characterized as the "hyperthyroid minimum wage bill of 1972," because it does too much, to the wrong people, at the wrong time. A few of the foibles and errors in judgment encompassed within the committee bill will be discussed, but it is important first to emphasize the major facets of our proposal.

WAGE INCREASES

With the inflationary spiral of the past few years, I am sure most will agree that a reasonable increase in the minimum wage is desirable and equitable. The increases proposed in our substitute are reasonable and will not contribute measurably to inflation.

Briefly, wages of nonagricultural employees go either to $1.80 or $2 an hour 30 to 60 days after passage of the bill. If they were covered by the Fair Labor Standards Act prior to 1966, they will go to $2 at that time. If newly covered by the 1966 amendments, they will go to $1.80 first and then to $2 an hour 1 year later.

Agricultural employees will go from the present $1.30 to $1.50 an hour 30 to 60 days after passage and to $1.70 an hour 1 year later.

The effective date of the substitute bill is the first day after the second full month after enactment. Therefore, depending upon the date the bill actually becomes law, the effective date will be not less than 30 days nor more than 60 days after enactment. The committee bill sets January 1, 1972, as the effective date of the first raise and January 2, 1973, as the date of the second raise. Obviously, these effective dates would need modification.

EXPANDING OPPORTUNITIES FOR YOUTH EMPLOYMENT

As set forth in more detail in the minority views of House report No. 92–672 accompanying H.R. 7130, the committee bill contains no provision for expanding the hiring of youths and, in fact, the committee provision is limited to full-time students only.

As to the amount of the youth differential wage: The committee bill would permit full-time students to be employed at a wage rate of not less than 85 percent of the applicable minimum wage of $1.60 an hour—$1.30 an hour in the case of employment in agriculture—but prohibits payment of this youth wage in employment in an extensive list of industries. The substitute bill would permit employment in any field of youths under age 18 and students under age 21 to be paid at a rate of 80 percent of the applicable minimum wage or $1.60, whichever is higher—$1.30 in agricultural employment.

Not only does the committee bill exclude a long list of industries in which students can be employed at the youth rate, it continues prior certification by the Secretary of Labor, a factor which drastically discourages the hiring of students. In essence, the committee bill favors the affluent, by providing an opportunity for students to get employment at less than the minimum wage while ignoring school dropouts or poor youths, youths of various minorities living in ghettos, youths who are financially unable to go on to college. Our bill will remedy this major defect.

The substitute bill will reach those under age 18, regardless of whether they are currently students, and thus will expand the opportunities for employment of these young people. It will reach the high school dropout who is not planning on continuing his education, and will provide a similar opportunity for full-time students under age 21, without imposing ridiculous conditions such as prior certification, the inhibiting redtape which practically forecloses the hiring of youths.

Thus, our bill reaches and helps resolve the two significant problem areas: It proposes a reasonable increase in minimum wages, and it provides a real opportunity for the employment of youths and students.

Additionally, our bill includes three generally agreed-upon amendments to clarify existing law with regard to:

Husband and wife teams employed by certain institutions when they are provided board, lodging, and a combined cash salary of more than $10,000 a year;

Treating retail employees who are paid a guaranteed weekly salary, or a guaranteed weekly salary plus a small commission, in manner similar to the way the law treats retail employees who are paid largely on a commission basis, and

The inclusion of employees who deliver advertising materials in the exemption of employees engaged in the delivery of newspapers.

The simplicity and effectiveness of this approach becomes clearer if contrasted with the committee bill.

Illustrative of the controversial and detrimental provisions in the committee bill are the following:

1. EXTENSION OF THE FAIR LABOR STANDARDS ACT TO FEDERAL, STATE, AND LOCAL EMPLOYEES

The committee bill extends the minimum wage and overtime requirements to all Federal, State, and local employees. Thus the Federal Government would be intervening in the fiscal operations of State, county, and other local units of government not only by setting minimum wage rates but by additionally requiring overtime pay—and leaving to them, of course, the question of where they are to get the funds to pay any extra costs. Proponents may argue that it affects only a few thousand employees; but that in itself is a forceful argument for nonintervention.

In any event, the overtime provisions would be onerous. When emergencies arise where State and local employees may be required to work long hours of overtime—to clear major roads or arteries during a snowstorm, for example—the cost of paying overtime in such instances may prove a significant burden to precariously balanced local budgets throughout the country. This provision in the committee bill is not only a striking illustration of unwarranted intervention into State and local affairs, but its effect is to legislate a tax increase at those levels.

2. PHASING OUT OF EXISTING EXEMPTIONS

At a time when unemployment is a nagging national problem, the committee bill tinkers and tampers with and takes away many existing exemptions under current law. The administration has proposed, and in many cases implemented, a variety of approaches to help reduce unemployment and to encourage industry to expand production. In my view, to tinker with the many exemptions under the existing minimum wage law would be counterproductive.

For instance, the committee bill seeks to reduce, and ultimately eliminate, the exemption from overtime for transit employees. Throughout the Nation, the transit industry—whether privately or municipally owned—is in desperate financial condition. Moreover, the nature of the business—requiring as it does split shifts and continuous operation— necessitates the use of overtime more than many other industries do.

A second example of counterproductivity is the committee bill's reduction, and ultimate elimination, of the number of weeks in which seasonal and agricultural processing employees are now exempt from overtime. These exemptions were put into law in recognition of the seasonal nature of the industries and the necessity for longer hours of employment for short periods of time.

Whatever merits there may be for some change in these exemptions at a later date, now is not the time.

3. RESTRICTIONS ON EMPLOYMENT REFERRALS

Despite current unemployment levels, the committee bill seeks to restrict the use of public employment agencies by prohibiting their referral of job seekers to employers not paying the minimum wage. This means the small employer or one not covered by the act is unable to get employees referred, even though he or she is not legally required to pay the minimum wage. If anything, there should be increased utilization of public employment agencies, not a restriction on their referral activities.

4. RESTRICTIONS ON FOREIGN IMPORTS

Title III of H.R. 7130 imposes drastic restrictions on foreign imports and, as a practical matter, would require Federal procurement contracts to buy America. We think this bill is an inappropriate vehicle for such legislation.

Under existing legislation, the President already has broad powers to curtail imports harmful to American workers, and these provisions of H.R. 7130 would be in direct conflict with present international efforts on the part of the United States to seek mutually satisfactory solutions to international trade problems. This is an area requiring negotiations and mutual agreement—an area best left to the State Department and the President. It has no place in a minimum wage bill.

The above are but a few examples of the controversial, and in many cases detrimental, provisions proposed by the committee bill. They by no means constitute a detailed critique of H.R. 7130.

I am attaching a copy of our proposed substitute bill and a comparison of it and H.R. 7130. If you will contrast the two, I feel certain you will appreciate and support our simplified approach.

H.R. 14104

A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage under that Act, and to establish a youth differential wage to encourage the hiring of youths, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; REFERENCES TO ACT

SECTION 1. (a) This Act may be cited as the "Fair Labor Standards Amendments of 1972".

(b) Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the section or other provision amended or repealed is a section or other provision of the Fair Labor Standards Act of 1938 (29 U.S.C. 201–219).

TITLE I—INCREASE IN MINIMUM WAGE

NONAGRICULTURAL EMPLOYEES

SEC. 101. (a) Section 6(a) (29 U.S.C. 206(a)) is amended by striking out "(a) Every employer" and all that follows through paragraph (1) and inserting in lieu thereof the following: (a) Except as provided in this section, every employer shall pay each of his employees who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce, at a wage rate of not less than $2 an hour."

(b) Such section is amended by adding after paragraph (5) the following new paragraph:

"(6) If this section was made applicable to such employee by the amendments made to this Act (other than section 18 thereof) by the Fair Labor Standards Amendments of 1966, not less than $1.80 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1972, and not less than $2 an hour thereafter."

AGRICULTURAL EMPLOYEES

SEC. 102. Paragraph (5) of section 6(a) is amended to read as follows:

"(5) If such employee is employed in agriculture, not less than $1.50 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1972 and not less than $1.70 an hour thereafter."

GOVERNMENT, HOTEL, MOTEL, RESTAURANT, AND FOOD SERVICE EMPLOYEES IN PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 103. Section 5 (29 U.S.C. 205) is amended by adding at the end thereof the following new subsection:

"(e) The provisions of this section, section 6(c), and section 8 shall not apply with respect to the minimum wage rate of any employee employed in Puerto Rico or the Virgin Islands (1) by the United States or by the government of the Virgin Islands, (2) by an establishment which is a hotel, motel, or restaurant, or (3) by any other retail or service establishment if such employee is employed primarily in connection with the preparation or offering of food or beverages for human consumption either on the premises, or by such services as catering, banquet, box lunch, or curb or counter service, to the public, to employees or to members or guests of members of clubs. The minimum wage rate of such an employee shall be determined in accordance with sections 6(a), 6(b)(5), 7, 13, and 14 of this Act."

OTHER EMPLOYEES IN PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 104. (a) Section 6(c) is amended by striking out paragraphs (2), (3), and (4) and inserting in lieu thereof the following:

"(2(A) In the case of any such employee who is covered by such a wage order and to whom the rate prescribed by subsection (a) would otherwise apply, the following rates shall apply: The rate or rates applicable under the most recent wage order covering such employee issued by the Secretary before the effective date of the Fair Labor Standards Amendments of 1972, increased by 25 per centum, unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendations of a special industry committee appointed under paragraph (5). The increased rate or rates prescribed by this subparagraph (or if such rate or rates are superseded as authorized by this subparagraph, the superseding rate or rates) shall become effective sixty days after the effective date of the Fair Labor Standards Amendments of 1972 or one year from the effective date of the most recent wage order applicable to such employee theretofore issued by the Secretary pursuant to the recommendations of a special industry committee appointed under section 5, whichever is later.

"(B) Any employer, or group of employers, employing a majority of the employees in an industry in Puerto Rico or the Virgin Islands, may apply to the Secretary in writing for the appointment of a special industry committee to recommend the minimum rate or rates to be paid such employees in lieu of the rate or rates provided by subparagraph (A). Any such application shall be filed before the effective date of the Fair Labor Standards Amendments of 1972.

"(3)(A) In the case of any such employee who is covered by such a wage order and to whom the rate or rates prescribed by subsection (b)(4) for employees in agriculture would otherwise apply, the following rates shall apply:

"(i) The rate or rates applicable under the most recent wage order covering such employee, issued by the Secretary before the effective date of the Fair Labor Standards Amendments of 1972, increased by 16 per centum, unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendations of a special industry committee appointed under paragraph (5). The increased rate or rates prescribed by this clause (or if such rate or rates are superseded as authorized by this clause, the superseding rate or rates) shall become effective sixty days after the effective date of the Fair Labor Standards Amendments of 1972 or one year from the effective date of the most recent wage order applicable to such employee theretofore issued by the Secretary pursuant to the recommendations of a special industry committee appointed under section 5, whichever is later.

"(ii) Beginning one year after the applicable effective date of the increase under clause (i), not less than the highest rate or rates (including any increase provided under clause (i)) in effect on the day before the effective date of the rate or rates under this clause under a wage order covering such employee, increased by an amount equal to 16 per centum of the rate or rates applicable under the most recent wage order issued by the Secretary before the effective date of the Fair Labor Standards Amendments of 1972 covering such employee, unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendations of a special industry committee appointed under paragraph (5).

"(B) Any employer, or group of employers, employing a majority of the employees in an industry in Puerto Rico or the Virgin Islands, may apply to the Secretary in writing for the appointment of a special industry committee to recommend the minimum rate or rates to be paid such employees in lieu of the rate or rates provided by clause (i) or clause (ii) of subparagraph (A). Any such application with respect to any rate or rates provided for under clause (i) of subparagraph (A) shall be filed before the effective date of the Fair Labor Standards Amendments of 1972, and any such application with respect to any rate or rates provided for under clause (ii) of subparagraph (A) shall be filed not more than one hundred and twenty days and not less than sixty days prior to the effective date of the rate or rates under such clause.

"(C) Notwithstanding subparagraph (A) or (B) of this paragraph, in the case of any employee described in subparagraph (A) whose hourly wages are subsidized, in whole or in part, by the Government of Puerto Rico, the following rates shall apply:

"(i) The rate or rates applicable under the most recent wage order covering such employee, issued by the Secretary before the effective date of the Fair Labor Standards Amendments of 1972 increased by (I) the amount of the subsidy in effect on the effective date of such Amendments, and (II) 16 per centum. The increased rate or rates prescribed by this clause shall become effective sixty days after the effective date of the Fair Labor Standards Amendments of 1972.

"(ii) Effective one year after the effective date of the increase under clause (i) not less than the highest rate or rates (including the increase provided under clause (i)) in effect on the day before the effective date of the rate or rates under this clause under a wage order covering such employee, increased by (I) an amount equal to 16 per centum of the rate or rates applicable under the most recent wage order issued by the Secretary before the effective date of the Fair Labor Standards Amendments of 1972, covering such employee, and (II) the amount of the subsidy in effect on the effective date of such Amendments.

"(4)(A) In the case of any such employee who is covered by such a wage order and to whom this section was made applicable by the amendments made to this Act by the Fair Labor Standards Amendments of 1966, the following rates shall apply:

"(i) The rate or rates applicable under the most recent wage order, covering such employee, issued by the Secretary before the effective date of the Fair Labor Standards Amendments of 1972 increased by 12.5 per centum, unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendations of a special industry committee appointed under paragraph (5). The increased rate or rates prescribed by this clause (or if such rate or rates are superseded as authorized by this clause, the superseding rate or rates) shall become effective sixty days after the effective date of the Fair Labor Standards Amendments of 1972 or one year from the effective date of the most recent wage order applicable to such employee theretofore issued by the Secretary pursuant to the recommendations of a special industry committee appointed under section 5, whichever is later.

"(ii) Beginning one year after the applicable effective date of the increase under clause (i), not less than the highest rate or rates (including any increase provided under clause (i)) in effect on the day before the effective date of the rate or rates under this clause under a wage order covering such employee, increased by an amount equal to 12.5 per centum of the rate or rates applicable to the most recent wage order issued by the Secretary before the effective date of the Fair Labor Standards Amendments of 1972, covering such employee, unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendations of a special industry committee appointed under paragraph (5).

"(B) Any employer, or group of employers, employing a majority of the employees in an industry in Puerto Rico or the Virgin Islands, may apply to the Secretary in writing for the appointment of a special industry committee to recommend the minimum rate or rates to be paid such employees in lieu of the rate or rates provided by clause (i) or clause (ii) of subparagraph (A). Any such application with respect to any rate or rates provided for under clause (i) of subparagraph (A) shall be filed before the effective date of the Fair Labor Standards Amendments of 1972, and any such application with respect to any rate or rates provided for under clause (ii) of subparagraph (A) shall be filed not more than one hundred and twenty days and not less than sixty days prior to the effective date of the rate or rates under such clause.

"(5) (A) The Secretary shall promptly consider any application duly filed under paragraph (2) (B), (3) (B), or (4) (B) for a special industry committee and may appoint a special industry committee if he has reasonable cause to believe, on the basis of financial and other information contained in the application, that compliance with any applicable rate or rates prescribed by paragraph (2) (A), (3) (A), or (4) (A), as the case may be, will substantially curtail employment in the industry with respect to which the application was filed. The Secretary's decision upon any such application shall be final. In appointing a special industry committee pursuant to this paragraph the Secretary shall, to the extent possible, appoint persons who were most recently convened under section 8 to the special industry committee for such industry. Any wage order issued pursuant to the recommendations of a special industry committee appointed under this paragraph shall take effect on the applicable effective date provided in paragraph (2) (A), (3) (A), or (4) (A), as the case may be. In the event a wage order has not been issued pursuant to the recommendation of a special industry committee appointed under this paragraph prior to the applicable effective date under paragraph (2) (A), (3) (A), or (4) (A), as the case may be, the applicable percentage increase provided by any such paragraph shall take effect on the effective date prescribed therein, except with respect to the employees of an employer who filed an application for appointment of a special industry committee and who files with the Secretary an undertaking with a surety or sureties satisfactory to the Secretary for payment to his employees of an amount sufficient to compensate such employees for the difference between the wages they actually receive and the wages to which they are entitled under this subsection. The Secretary shall be empowered to enforce such undertaking and any sums recovered by him shall be held in a special deposit account and shall be paid, on order of the Secretary, directly to the employee or employees affected. Any such sum not paid to an employee because of inability to do so within a period of three years shall be covered into the Treasury of the United States as miscellaneous receipts.

"(B) The provisions of section 5 and section 8, relating to special industry committees, shall be applicable to special industry committees appointed under this paragraph. The appointment of a special industry committee under this paragraph shall be in addition to and not in lieu of any special industry committee required to be convened pursuant to section 8(a), except that no special industry committee convened under that section shall hold any hearing within one year after a minimum wage rate or rates for such industry shall have been recommended to the Secretary, by a special industry committee appointed under this paragraph, to be paid in lieu of the rate or rates provided for under paragraph (2) (A), (3) (A), or (4) (A), as the case may be.

"(C) The minimum wage rate or rates prescribed by this subsection shall be in effect only for so long as and insofar as such minimum wage rate or rates have not been superseded by a wage order fixing a higher minimum wage rate or rates (but not in excess of the applicable rate prescribed in subsection (a) or subsection (b)) hereafter issued by the Secretary pursuant to the recommendation of a special industry committee.

"(6) Notwithstanding any other provision of this subsection, on the effective date of the Fair Labor Standards Amendments of 1972, no wage rate in effect under a wage order for any employee in Puerto Rico or the Virgin Islands may be less than 60 per centum of the wage rate that (but for this subsection) would be applicable to such employee under subsection (a), (b) (4), or (b) (5)."

(b) The third sentence of section 10(a) (29 U.S.C. 210(a)) is amended by inserting after "modify" the following: "(including provision for the payment of an appropriate minimum wage rate)".

TITLE II—REVISION OF EXEMPTIONS

SALES AND MANAGERIAL PERSONNEL

SEC. 201. Section 7 (29 U.S.C. 207) is amended by adding after subsection (j) the following new subsection:

"(k) For a period or periods of not more than seven workweeks in the aggregate in any calendar year, the requirements of subsection (a) of this section shall not apply with respect to the employment of any employee (not otherwise exempted from such subsection by subsection (i) or section 13(a) (1)) in a retail or service establishment if—

"(1) such employee is employed in a bona fide sales capacity in, or as manager of, such establishment;

"(2) such employee's regular rate of pay is not less than twice the wage rate in effect under section 6(a); and

"(3) for employment in such establishment in excess of forty-eight hours in any workweek during such period or periods, such employee receives compensation at a rate not less than one and one-half times the regular rate at which he is employed in such establishment."

NEWSPAPER DELIVERY EMPLOYEES

SEC. 202. Section 13(d) (29 U.S.C. 213(d)) is amended by inserting after "newspapers" the following: "or shopping news (including shopping guides, handbills, or other types of advertising material)".

HOUSE-PARENT FOR ORPHANS

SEC. 203. Section 13(a) (29 U.S.C. 213(a)) is amended by striking out the period at the end of paragraph (14) and inserting in lieu thereof "; or" and by adding after that paragraph the following:

"(15) any employee who is employed with his spouse by a nonprofit educational institution to serve as the parents of children—

"(A) who are orphans or one of whose natural parents is deceased, and

"(B) who are enrolled in such institution and reside in residential facilities of the institution, while such children are in residence at such institution, if such employee and his spouse reside in such facilities, receive, without cost, board and lodging from such institution, and are together compensated, on a cash basis, at an annual rate of not less than $10,000."

TITLE III—EXPANDING EMPLOYMENT OPPORTUNITIES FOR YOUTHS

SPECIAL MINIMUM WAGES FOR EMPLOYEES UNDER 18 AND STUDENTS

SEC. 301. Section 14(b) (29 U.S.C. 214(b)) is amended to read as follows:

"(b) (1) Notwithstanding the minimum wage rates required by section 6(a) or 6(b) (5), any employer may, in compliance with applicable child labor laws, employ any employee—

"(A) to whom such rates would apply but for this subsection, and

"(B) who is (i) under the age of 18 or (ii) a full-time student under the age of 21,

at a wage rate which is not less than 80 per centum of the otherwise applicable minimum wage rate prescribed by such section or $1.60 per hour, whichever is the higher.

"(2) Notwithstanding the minimum wage rates required by section 6(b) (4), any employer may, in compliance with applicable child labor laws, employ in agriculture any employee—

"(A) to whom such rates would apply but for this subsection, and

"(B) who is (i) under the age of 18 or (ii) a full-time student under the age of 21,

at a wage rate which is not less than 80 per centum of the otherwise applicable minimum wage rate prescribed by such section or $1.30 per hour, whichever is the higher.

"(3) The Secretary shall by regulation prescribe standards and requirements to insure that this subsection will not create a substantial probability of reducing the full-time employment opportunities of persons other than those to whom the minimum wage rate authorized by this subsection is applicable."

TITLE IV—CONFORMING AMENDMENTS

CONFORMING AMENDMENTS

SEC. 401. (a) Section 6(a) is amended—

(1) by inserting before paragraph (2) the following:

"(b) In lieu of the wage rate prescribed by subsection (a), every employer shall pay each of his employees (described in a paragraph of this subsection) who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce, wages, at the following rates:";

(2) in paragraph (2), by striking out "(2) if" and inserting in lieu thereof "(1) If" and by striking out the semicolon at the end and inserting in lieu thereof a period;

(3) in paragraph (3)—

(A) by striking out "(3) if" and inserting in lieu thereof "(2) If",

(B) by striking out "in lieu of the rate or rates provided by this subsection or subsection (b),", and

(C) by striking out "paragraph (1) of this subsection;" and inserting in lieu thereof "subsection (a).";

(4) in paragraph (4)—

(A) by striking out "(4) if" and inserting in lieu thereof "(3) If",

(B) by striking out "paragraph (1) of this subsection" and inserting in lieu thereof "subsection (a)", and

(C) by striking out "; or" and inserting in lieu thereof a period; and

(5) by redesignating paragraphs (5) and (6) (as amended and added by sections 101 (b) and 102 of this Act) as paragraphs (4) and (5), respectively.

(b) Subsection (b) of section 6 (as in effect on the date of enactment of this Act) is repealed.

(c) Section 6(e) is amended to read as follows:

"(e) Notwithstanding the provisions of section 13 of this Act (except subsections (a) (1) and (f) thereof), every employer providing any contract services under a contract with the United States or any subcontract thereunder shall pay to each of his employees whose rate of pay is not governed by the Service Contract Act of 1965 (41 U.S.C. 351-357) or to whom subsection (a) of this section is not applicable, wages at a rate not less than the rate provided for in section 6(b) (5)."

(d) Section 8 is amended by striking out "paragraph (1) of" in subsections (a) and (c).

(e) Section 13(b) is amended by striking out "(1)" in paragraph (13).

(f) Section 13(e) is amended by striking out "6(a) (3)" each place it occurs and inserting in lieu thereof "6(b) (2)".

(g) Section 16(d) is amended by striking out "6(a) (3)" and inserting in lieu thereof "6(b) (2)".

(h) Subsection (c) of section 14 is repealed and subsection (d) of such section is redesignated as subsection (c).

TITLE V—EFFECTIVE DATE

EFFECTIVE DATE

SEC. 501. (a) The effective date of this Act and the amendments made by this Act is the first day of the second full month after the date of its enactment.

(b) Notwithstanding subsection (a), on and after the date of the enactment of this Act the Secretary of Labor is authorized to prescribe necessary rules, regulations, and orders with regard to the amendments made by this Act.

FAIR LABOR STANDARDS ACT AMENDMENTS—COMPARISON OF MAJOR PROVISIONS OF H.R. 7130 AND SUBSTITUTE, BY REPRESENTATIVES ERLENBORN, QUIE, AND FUQUA

Category	Current law	H.R. 7130 Hourly rate	H.R. 7130 Effective date[1]	Substitute Hourly rate	Substitute Effective date
Coverage:					
Nonagricultural employees covered prior to 1966 amendments	$1.60	[2]$2.00	Jan. 1, 1972	$2.00	30 to 60 days after passage.[3]
Nonagricultural employees covered by 1966 amendments	1.60	[4]1.80	do	1.80	30 to 60 days after passage.[3]
		[4]2.00	Jan. 1, 1973	2.00	1 year after effective date.
Agricultural employees	1.30	1.50	Jan. 1, 1972	1.50	30 to 60 days after passage.[3]
		1.70	Jan. 1, 1973	1.70	1 year after effective date.

[1] Presumably, these dates would be modified.

[2] Also Federal employees covered by 1966 amendments.

[3] Exact language: "Effective 1st day of the 2d full month after enactment."

[4] Also nonagricultural employees newly covered under H.R. 7130.

FAIR LABOR STANDARDS ACT AMENDMENTS—COMPARISON OF MAJOR PROVISIONS OF H.R. 7130 AND SUBSTITUTE

EMPLOYEES IN PUERTO RICO AND VIRGIN ISLANDS

H.R. 7130 and the substitute are essentially similar. An exception is the effective dates. The Committee bill has January 1, 1972 and January 1, 1973 as effective dates for two step raises. The substitute provides that the first step is effective 30 to 60 days after passage, with the exact language reading: "effective the first day of the second full month after enactment." The second step is one year after the effective date.

Secondly, H.R. 7130 extends coverage to employees of conglomerates in Puerto Rico and the Virgin Islands, and the substitute does not.

In brief, employees of hotels, motels, restaurants (and conglomerates in H.R. 7130) and employees of the United States Government and of the Virgin Islands would receive the same rate as that applicable in the U.S.

Other employees in Puerto Rico and the Virgin Islands would receive a 25% increase on the effective date if they were covered by the Act prior to the 1966 amendments. Both bills provide a two step increase of 12.5% each in the most recent wage board order for employees covered by the 1966 amendments, with the second step effective one year after the first increase. With respect to agricultural employees in Puerto Rico and the Virgin Islands, two 16% increases in the most recent wage board order applicable to such employees are provided, with the same effective dates as for nonagricultural employees.

Both bills retain the review procedure first established by the 1961 amendments. They also provide that, notwithstanding any other provision, no wage rate for covered employees may be less than 60% of the minimum applicable to counterpart employees in the U.S.

EXTENSION OF COVERAGE; REVISION OF EXEMPTIONS

H.R. 7130 extends coverage of the Act to Federal, State, and local public employees for both payment of the minimum wage and payment for overtime.

H.R. 7130 also extends minimum wage and overtime protections of the Act to: domestic service employees, employees of preschool centers, and employees of conglomerates with an annual gross volume of sales made or business done in excess of $5 million.

H.R. 7130 extends overtime coverage to maids and custodial employees of hotels and motels.

H.R. 7130 reduces, and ultimately repeals, the overtime exemptions for: transit employees, nursing home employees, sugar employees, seasonal industry employees, and requires that laundry and cleaning establishments be considered service establishments for certain purposes.

The substitute does not extend coverage to employees not presently covered by the Act, nor does it phase out any of the existing exemptions.

YOUTH WAGE DIFFERENTIAL

Category

Age.

H.R. 7130

Full-time students, regardless of age.

Substitute

Youths under age 18, and full-time students under age 21.

Hourly rate.

H.R. 7130

85% of applicable minimum wage or $1.60 ($1.30 in agricultural employment), whichever is higher.

Substitute

80% of applicable minimum wage or $1.60 whichever is higher ($1.30 in agricultural employment).

Category

Limitations.

H.R. 7130

Youth rate not to be paid for work in hazardous employment, as determined by Labor Secretary (including, among others, work in mines, factories, warehouses, storage, construction, explosives, motor vehicle driving, logging, and certain power driven machines).

Students paid youth wage rate may not work more than 20 hours a week.

Secretary of Labor must certify that certain requirements have been met and find that employment of any such student will not create a substantial probability of reducing the full-time employment opportunities of other workers.

An employer who intends to employ 5 or more students must obtain a similar certificate from the Secretary.

Substitute

No restrictions except that employment must be in accordance with the applicable child labor laws.

No similar provision.

Eliminates certification by Secretary, but the Secretary shall by regulation prescribe standards to insure that such employment will not create a substantial probability of reducing the full-time employment opportunities of other workers.

The substitute contains three generally agreed upon provisions to clarify existing law with regard to: husband and wife teams employed by certain institutions, retail employees, and newspaper deliverers.

There are no similar provisions in H.R. 7130.

IMPORTS

Title III of H.R. 7130 creates machinery and procedures designed to restrict foreign imports in certain circumstances, which constitute a drastic modification in the long-established international trade policies in the United States.

There is no similar provision in the substitute.

EMPLOYMENT REFERRALS BY PUBLIC EMPLOYMENT SERVICE AGENCIES

Section 213 of H.R. 7130 prohibits public employment service agencies from assisting in the placement of any individual with an employer who will pay such individual at a wage rate less than the applicable minimum wage rate.

There is no similar provision in the substitute.

EMPLOYMENT OF ILLEGAL ALIENS

Sec. 214 of H.R. 7130 provides that any employer subject to the Act who knowingly employs and alien who is in the U.S. in violation of law or in an immigration status in which the employment is not authorized, shall be guilty of a misdemeanor and subject to a fine of not more than $1,000, or imprisonment of not more than a year, or both.

It also provides that any contract subject to the Davis-Bacon Act, the Walsh-Healey Act, or the Service Contract Act of 1965 shall contain an additional provision by which the contractor agrees not to employ any such alien in the performance of the contract.

There are no such provisions in the substitute.

NATIONAL FARM LABOR LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. TALCOTT) is recognized for 15 minutes.

Mr. TALCOTT. Mr. Speaker, there is no Federal farm labor legislation. National legislation is desperately needed. For years I have urged the appropriate committees of the Congress to hold hearings and to enact legislation to protect the farmworker.

The Subcommittee on Agricultural Labor of the House Committee on Education and Labor held hearings last week. I am hopeful that the hearings will continue, that hearings will be held in the farm areas so that the persons directly affected by the proposed legislation can be heard, and that the committee will pursue the evidence until legislation can be enacted.

Every Member of this Congress should be interested in this legislation to protect and help the most neglected worker in America today. If we can help the farmworker, particularly the unadvantaged and unskilled farmworker, we will be helping the farmer and the consumer. In other words, every American should urge the enactment of national farm labor legislation, now.

Mr. Speaker, first, I commend this subcommittee for holding these hearings. I also commend the gentlemen from California (Mr. SISK, Mr. McFALL, and Mr. VEYSEY) for their sizable contributions to the resolution of the agricultural problems of our State. They have considerable knowledge and their proposals are worthy of serious considerations. My proposals differ. My proposals are not so simple; my proposals do break new ground. I want to develop plans for the future as well as resolve a few knotty problems which irritate the agricultural industry and community today.

I come here with some credentials, also. I have belonged to a union, I have been on strike, I believe in organized labor and collective bargaining and responsible democratic unions.

My district may not be the richest but I live in, and represent, one of the most productive and progressive farm areas on this planet. We produce close to 30 percent of our Nation's strawberries, head lettuce, and celery. The largest beet sugar manufacturing plant in the world is in our district. We lead in the production of many other vegetables.

NATIONAL FARM LABOR LEGISLATION NEEDED

I believe I have introduced more legislation to improve the condition and welfare of farmworkers than any other Member of the Congress.

For a number of reasons, agriculture was expressly excepted from the National Labor Relations Act in 1935. It has been in limbo ever since. Mavericks—among farmers, farmworkers, and union organizers—have marauded in the fields, processing plants, and grocery stores. There are practically no rules or laws. Only the law of the jungle prevails. The chaos frustrates and damages the worker and farmer; it increases the cost and reduces the quality and wholesomeness of our food products for the consumer.

We desperately need Federal legislation, now.

Agricultural workers, farmers, processors, suppliers, merchandizers, and unions all operate in interstate commerce.

Piecemeal, conflicting or varying State legislation would be confusing and ineffective.

HARVESTTIME STRIKES

Mr. Speaker, in the summer of 1970 while the farms in a small portion of my congressional district were producing approximately 70 percent of the head lettuce consumed in the United States, most of the farming operations were struck. The harvest, shipment, and distribution of head lettuce was choked to a stop. Thousands of agricultural workers—including harvesters, truckdrivers, packinghouse workers, processors, railroad employees, carton manufacturers, and so on and on—were affected, adversely and tragically.

Additionally, tons of lettuce spoiled in the fields. Growers and farm suppliers lost thousands of dollars—some faced bankruptcy. The price of lettuce to the housewife and restauranteur skyrocketed.

In fact, hundreds of thousands of innocent persons were deprived of an important nutritional food.

Farmworkers, farmers, employees in allied industries, and the consumers were deprived and harmed. The losses were permanent, unrecoverable. Lost wages cannot be recouped. Spoiled crops cannot be revived.

Such injuries, losses, and waste should not be tolerated by our society. Events which transpired during the summer of 1970 in the Salinas Valley made it incumbent upon me, as the elected Representative of over 500,000 residents of the 12th Congressional District and as the Representative of an agriculture region upon which the 200 million consumers in the United States depend for approximately 30 percent of their principal row crop vegetables, to advocate enactment of agricultural labor-management legislation which will protect these consumers from loss or interruption of their nutritional food supply.

Our brains should be applied to develop machinery to resolve farm labor disputes without such permanent injury and unrecoverable losses.

Some ground rules must be adopted at the earliest possible date in order to assure the orderly process of planting, growing, harvesting, and distributing agricultural products which are so vital to our Nation's health.

FARM STRIKES ARE DIFFERENT FROM INDUSTRIAL STRIKES

Disruptions of the agriculture process, especially of harvests, are quite different from disruptions of a manufacturing process. Assembly lines can often stop and steel ingots and automobiles can be stored or inventoried for weeks without deterioration—sometimes, as a matter of fact, with an increase in value. No man, group, or government can stem the inexorable process of fruit and vegetable growth and maturation. A strawberry, for instance, must be picked, processed, and packaged within hours of maturity or spoilage begins and losses accelerate.

Agricultural losses are compounded when the growth and harvesting processes are interrupted. Even spoiled crops must be picked or disced under—at additional cost—even though they are useless. Vegetables that spoil while stalled enroute to market, for instance, must be disposed of, as garbage, usually at great cost and without any recoupment.

THE WORKER IS HURT MOST BY A FARM STRIKE

Farmworkers can least afford a harvesttime strike, with the attendant loss of work, because after the crops mature, there is no work until the next harvest—which may be months away. Also, harvesttime provides special opportunities for extra work—overtime, additional jobs, longer shifts; when extra work is available, the work stoppages are extraordinarily disastrous.

The flow of farm produce to the consumer is always subject to the exigencies of weather, availability of transportation, refrigeration markets—over which the individual farmer and farmworker have no control.

THE CONSUMER IS THE ULTIMATE LOSER

The consumer, when all is said and done, is the ultimate loser in the war of one-upmanship in the current drive to organize agriculture fieldworkers.

Everyone, whether farmer or worker, is a consumer. No self-anointed pressure group, however vocal, should be permitted to force its will on the overwhelming majority of the American people for its own selfish ends.

Obviously an entirely different legal and administrative mechanism—other than the one presently used in settlement of industrial disputes—is necessary for the settlement of disputes in agriculture and the food processing industry.

There are historical, economic and humanitarian reasons why a Federal Farm Labor Relations Board is necessary. The basic structure of the extant National Labor Relations Board can be useful, but such a Board and its functions and operations must be modified to fit the unique conditions and problems of agriculture, farm labor, and food products.

STRIKES AND LOCKOUTS SHOULD BE OUTLAWED

A unique need is certain—there can be no strike, slowdown, or lockout at harvesttime.

I believe strikes and lockouts can be eliminated without jeopardizing the rights or the power of the farmer or the farmworker. I believe a legal mechanism can be established to protect the farmer, the farmworker, and, most importantly, the consumer.

Congress should devote its attention toward developing a mechanism to achieve an equity between the demands of agriculture workers and the policies of the farmers in order to protect both of them and the consumer from being exploited or injured.

NATIONAL FARM LABOR BOARD IS NEEDED

I have introduced some comprehensive legislation, H.R. 1689, to establish a National Farm Labor Relations Board.

My bill has been drafted with the rights of the individual citizens, the individual consumer in mind. No individual citizen or group is entitled to abridge these rights or to claim favored treatment. A unique feature of this bill prohibits strikes and lockouts. In lieu of strikes and lockouts, I have proposed a Board of Mediation and Arbitration to expedite the fair settlement of all farm labor disputes. It would be instituted whenever a work stoppage occurs or a labor dispute arises.

SETTLEMENT OF DISPUTES BY NEGOTIATION, MEDIATION AND ARBITRATION

The five-man Board of Negotiation, Mediation and Arbitration would include one representative designated by labor and one representative by management; these two would then jointly select three neutral other members. The Board would assist the parties in reaching a fair voluntary settlement of the dispute. If the dispute is not settled within 30 days, the Board would publicly announce the offer of each party which is most favorable to the other party. If the dispute is not settled within 5 days thereafter, the Board will designate the proposal which it considers the more reasonable—not a compromise of the two. The designated proposal will immediately become the agreement of the parties and subject to enforcement by law.

This new legal mechanism will permit the parties to bargain freely; it will provide two strong incentives for the parties to bargain promptly and reasonably.

Union representation, collective bargaining, and all other benefits and privileges of conventional labor-management relations are available and encouraged—excepting the strike and lockout.

Most labor-management experts recognize that the strike and lockout are outmoded and barbaric techniques for solving problems in a civilized society. Violence and interference with the rights of third parties must be avoided in labor-management relations just as in other aspects of societal living. Harvesttime work stoppages and interruptions of our food supply must be minimized.

A fair, reasonable, and workable mechanism to replace the strike and the lockout is the key feature of my bill.

Time is of the essence. The disruption of the harvest and orderly flow of agricultural products from the farm to the consumer is wasteful, costly, and injurious to the farmer, the farmworker, and the consumer.

It is past time for platitudinous rhetoric, but time for sincere, practical solutions to the problems arising in farm employer-employee relations.

I solicit any objective appraisal of the proposal which I have submitted. I am convinced that the individual agricultural worker will quickly realize that my proposal can settle the emotional as well as the practical disputes.

My bill, H.R. 1689, has been referred to the Committee on Education and Labor in both the 91st and 92d Congresses.

RIGHT TO SECRET STRIKE BALLOT IS NEEDED

Mr. Speaker, I have introduced another bill, H.R. 9458, to guarantee employees the right to decide by secret ballot whether or not to strike—or, if they are already on strike, to decide whether or not they want to continue on strike.

This bill, of course, is intended to benefit all union members—and thus does not come under the direct jurisdiction of this subcommittee which recently held hearings; however, its provisions should be incorporated in any legislative proposal reported out of committee.

Working men and women should have an effective voice in their union's decision to call a strike. I am pleased to report that many workers do have such a limited voice now. My amendment will assure this voice for all—not just before a strike is called, but also at intervals while the strike is continuing. As a practical matter, today's prestrike vote means very little because in too many cases it is a mere show of hands by those who attend a prestrike union meeting. It is seldom democratic; it is not now a legal requirement.

The nearest provision we have in present law for a strike vote is the provision of section 203 of the Taft-Hartley law. That provides that the Federal Mediation and Conciliation Service will try to persuade the parties to settle their dispute by some other means other than work stoppages. The statute states that this will include "submission to the employees in the bargaining unit of the employer's last offer of settlement approval or rejection in a secret ballot." This, of course, is a purely voluntarily undertaking and there is no requirement in the statute that a vote be conducted. Also, the statutory language indicates that any vote is to be conducted prior to a strike.

Under these circumstances there is no true opportunity to assess the last offer proposed by the employer. It generally amounts only to a broad vote of confidence in the union leadership which may be useful as far as it goes, but it does not go far enough. The statute does not give employees the chance to vote on a particular and identifiable offer. My amendment will provide this additional opportunity, without impairing in any way the opportunities which these employees now have to vote and express themselves on any and all other aspects of their relationship with their employer.

STRIKE VOTING HELPS TO INSURE UNION DEMOCRACY

The amendment I offer, Mr. Speaker, improves upon all procedures now available. It permits a meaningful vote 30 days after a strike has started, with authority to repeat that vote at succeeding 30-day intervals. Obviously, it would be necessary that a majority of those voting have control over whatever action would be taken pursuant to my amendment. However, the balloting itself—either prior to the strike or while the strike is in process—could be called on the petition of the union, the employer, or 10 percent of the employees in the bargaining unit.

The balloting would be conducted by the National Labor Relations Board, following its regular secret balloting procedures. It would be an unfair labor practice for a union to call a strike or continue a strike after a majority of the employees had voted against such strike in such a secret election. Additionally, an employee would lose his status as an employee under the law if he took part in a strike after the majority of his fellow union members voted in such an election against such a strike.

My bill would also authorize injunctive relief in the Federal courts upon a showing of reasonable cause to believe that a strike is being carried on in violation of this secret ballot decision of the employees.

Mr. Speaker, all of us know that strikes have become an uncivilized and unnecessary means of settling disputes between employees and employers who should be working cooperatively toward the same objective of supplying better products or services for the consumer.

Until a better legal mechanism can be designed to replace the strike, I believe the worker should have a real voice and a democratic procedure for participating in labor negotiations affecting him and his family. I believe the union negotiator also wants, and urgently needs, a legal procedure to which he can refer to enable the rank-and-file union members to share the responsibility of labor negotiations.

Mr. Speaker, my bill seeks to amend the National Labor Relations Act to give the rank-and-file union members this democratic voice in their vital union affairs.

My bill would guarantee the right of a secret ballot to farmworkers when they become covered by national legislation.

Mr. Speaker, in addition to the abovementioned legislative proposals which address themselves to labor-management relations, there are several broad areas of legislation which should receive concurrent consideration. I have introduced in three successive Congresses a bill which will prohibit the Secretary of Agriculture from paying any Federal benefits to farm producers under any of the various subsidy, diversion payments, or crop loan programs unless he has duly determined that the State in which a claimant or other eligible producer is located has approved and is operating satisfactory programs in each of the following areas:

First. Regulation of farm labor housing centers and employer-furnished housing accommodations, including standards of sanitation, location, construction, density, and maintenance of housing.

Second. Regulation of farm labor contractors and crew leaders, requiring annual licensing or registration and prompt payment of wages to laborers, and prohibiting such undersirable employment practices as giving false information on terms, conditions, or the existence of employment.

Third. Regulation of transportation of migratory farmworkers, including standards for safety and operation of equipment, qualifications of drivers, and safety and comfort of riders.

Fourth. Regulation of uniform minimum ages for agricultural employees.

Fifth. Regulation of uniform minimum wages for agricultural employees.

Sixth. Regulation of wage payments requiring regular paydays, payment in cash or readily negotiable form, and prompt payment on termination of work.

Seventh. Workmen's compensation providing monetary and medical benefits to agricultural employees injured on the job.

Eighth. Temporary disability insurance providing benefits for agricultural workers for non-work-connected illnesses or injuries.

Ninth. Unemployment insurance providing benefits for agricultural employees during periods of involuntary unemployment.

Tenth. Regulation of field sanitation facilities.

It was only in 1970 that a few other Members of the Congress displayed any interest in unemployment compensation for farmworkers—and this was a superficial, "grandstand," last-minute amendment to an industrial compensation bill without any prior committee study or deliberation.

Mr. Speaker, now that I have enumerated my legislative proposals with respect to agricultural labor, I request your indulgence so that I may underscore what I believe to be the most important and basic aspect of the migrant problem; that is, the problem of the migrant child and his future.

Next to imprisonment, the nomadic life of a migrant farmworker is the most cruel existence in our society—especially for the children. The innocent school-aged children suffer most.

The children's deprivations are, among others, lack of security and a normal home. They lead a disruptive life, without roots, which often results in permanent emotional, social, and educational scars and malformities. They do not "drop out," because they are never "included in." They cause problems for themselves and for society.

Until you have lived with a migrant family, or have lived in a community through which the migrant families must swarm, you cannot appreciate the cruelties imposed upon them by this nomadic way of life.

A family needs a permanent home; a migrant never has one. A child needs an education; a migrant child seldom obtains one.

The migrant life is cruel in many respects; it is a scourge of education; it damages the individual and society; it disrupts every phase of community life.

We, in Congress, should not encourage or perpetuate this nomadic way of life. However, present Federal policies strongly encourage and promote family migrancy for farmworkers. Congress itself terminated the bracero program—thereby purposefully forcing upon our domestic farmworkers, and their innocent children, a nomadic, decivilizing way of life.

THE FORGOTTEN MIGRANT

While many programs have been enacted for the poor, the uneducated, the disadvantaged, and the underemployed, little has been enacted to alleviate the misery of the migrant families, the misfortune of the migrant children, or the burdens of the communities through which the migrant farmworkers must wander.

Housing for migrant families is the most difficult to finance and maintain. College dormitory housing for students who can afford higher education is not lacking, but basic housing for impoverished migrant children is practically nonexistent.

Federal aid for education to almost every educational segment of our society has been proposed—preschool to university, public schools and private schools, day schools and night schools, for bright students and dull students, for mentally retarded and emotionally disturbed students, for blind and deaf students—but practically nothing for migrant farmchildren.

The educational needs of the migrant children are the greatest, yet they have been most neglected. They receive the least Federal attention or assistance.

NEED TO IMPROVE MIGRANT EDUCATION

If child migrancy cannot be terminated, it should be improved. The helpless children should be our first concern. Next to their protection, the education of our children should be our foremost mission.

An even sadder fact is that migrant children are often undereducated, far behind their age level and unable to compete with the permanent students. The migrant child becomes frustrated, then troublesome. He disturbs the regular education program or "drops out." He does not learn and prevents other students from learning.

Another tragic fact is that many of the migrant children often speak little English—certainly not enough to enable them to progress satisfactorily in a regular school. These students need extra help in language.

Many migrant students are culturally deprived, asocial, or semiliterate. These pathetic children require a very special extracurricular program under school supervision and direction.

The migrant children invariably need special compensatory education—which is the most difficult to provide. An educational program for the migrant—even with ample facilities—is a most expensive and ambitious undertaking.

Local governments do not have the funds or tax resources. The property tax is not an appropriate tax for any educational purpose. It is especially not appropriate for nomadic students from other school districts. Financial assistance should come from the Federal Government.

Migrant education is interstate in character. Students often attend school in five or six different States—and often several schools within one State. Inadequate education for migrant children is a national problem.

A poorly taught or uneducated child from any State will be a poor citizen and often a public charge in every State in which he resides. Every State has a stake in making certain that the migrant student becomes an adequately trained and educated adult citizen of the State where he finally resides. Our Nation should not expect one area of our country to undertake the entire burden of educating and training the migrant simply because he stops in one school district.

MIGRANT IMPACTION

There is considerable similarity between the educational problems of a rural agricultural community "impacted" by children of migrant farmworkers and the problems of a city or school district which is impacted by children of Federal employees stationed at nearby military bases. The agricultural community suffers much more because the influx of students varies much more, the student turnover is much greater.

I first introduced a bill, H.R. 14947, in 1966 which would amend title I of Public Law 874, 81st Congress, to provide financial assistance to local educational agencies for the education of children of migrant agricultural workers. I have reintroduced this bill in each succeeding Congress. The present bill is H.R. 1691.

Congress has long neglected the poorest of our poor, the most illiterate of our educationally deprived, the most frustrated of our culturally disadvantaged—the migrant family.

With all our professed concern for education and schools, the administration and the Congress have neglected the schools with the most difficult and expensive problems and the least resources—the rural schools in the migrant farm labor stream.

The most essential need of a migrant child—his education—is being sorely neglected. He is being crippled and scarred. He is being left defenseless to cope with both society and his employment needs.

Many mothers in the farmworker families want and need to work in the fields, especially during harvesttime when high earnings are possible. Small children should not be in the fields but need daytime care and supervision. Even some training in language, nutrition, and personal hygiene could be useful means of utilizing the children's time. Working farm mothers have the most urgent need for child day-care centers for young children. We should provide day-care centers for farmchildren long before we attempt to provide permanent year-round, child-improvement programs for all children in all communities.

Mr. Speaker, in summary, I would like to emphasize the six points of concern to which my remarks have been directed:

First. The cruel circumstances of the migrant farmworker and his family.

Second. The need for farmworker protective legislation to improve—

a. Wages and working conditions of the farmworker,

b. Living conditions of farmworker families,

c. Educational and training opportunities for farmworkers' children.

Third. The need to treat agriculture differently from conventional manufacturing, transportation, or building and construction industries.

Fourth. The need to outlaw the strike, lockout, and secondary boycott—and to replace these barbaric, outmoded weapons of economic warfare and destruction with legal mechanisms for settling disputes fairly and promptly without injury to the parties or the consumer.

Fifth. The need for secret elections in unions—for organizational and representative purposes and whether or not to strike or to continue a strike in process.

Sixth. The need to hold these hearings in the field—where the problems are and where the people are. Poor farmworkers cannot come to meetings here. They are not represented. Their voices are not heard. They want to be heard. They should be heard. The Education and Labor Committee would be doing a great service to hold hearings in a farm community. The committee, itself, needs to know much more intimately the conditions and problems of the farmworker as they exist in the fields. You would help yourselves to understand if you would "see it as it is." I would be pleased to assist the committee in making arrangements for field hearings in Salinas, Calif., at any time.

STATEMENT OPPOSING THE DOWNGRADING OF NATIONAL GUARD TECHNICIANS' POSITION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, I would like to express my strong opposition to the recent initiatives of the National Guard Bureau in downgrading the civil service status of their National Guard technicians. Supposedly this was done to comply with civil service standards, but in my opinion, the Civil Service Commission has committed a gross violation of the rights of these dedicated workers.

Besides being wholly inequitable to the National Guard technicians I have great reservations regarding the wisdom of this decision when we consider the long range effects of this action. A reduction in pay will result in a reduction in force and we cannot begin to envisage the development of an all-volunteer armed force with a reduction rather than increase in the pay of skilled manpower such as the National Guard technicians. In sum, I find this act somewhat arbitrary and dangerous to the overall success of the all-volunteer concept.

Let me take just a few minutes to outline the origin of the problem. In January of 1969 all National Guard technicians were granted Federal service employee "excepted"—not "competitive"—status under a special act of the Congress. The reason behind granting National Guard technicians "excepted" civil service status is clear. The Guard was given better leverage to procure able personnel for these skilled manpower positions and they would be able to set their own standards and qualifications for applicants who seek National Guard technicians positions.

In competitive civil service positions, however, the Civil Service Commission controls the standards of competition. Although the National Guard technicians are in the excepted civil service status, the National Guard Bureau now states that it must conform to the rigid standards set by the Civil Service Commission. The rationale for this move is also based on the premise that the technicians must meet the rigid standards set by the Civil Service Commission for other Federal agencies. The position of the National Guard Bureau is that they too must reclassify a great percentage of their technicians downward in pay grades to comply with civil service standards. I must emphasize again, Mr. Speaker, that this is not a just and reasonable explanation for downgrading the National Guard technicians' position.

A number of problems in downgrading National Guard technicians became apparent in late 1970. In December of that year, the Civil Service Commission, becoming aware of these problems, ordered that all actions to downgrade the technicians be suspended pending review by the Commission. This freeze, however, was removed January 31, 1972, and since that time, the Civil Service has now issued a set of arbitrary standards to permit the National Guard Bureau to proceed in the downgrading of the National Guard technicans' positions. The Commission ordered, moreover, that all new positions for National Guard technicians be filled at lower pay grades. Again there is no explanation as to why the Commission took this action. In another related and still confusing action incumbent National Guard technicians will be reduced in grade sometime late next year. If the National Guard technicians are in an excepted civil service status because of the difficulty of recruiting qualified personnel, it seems ridiculous that the Civil Service Commission should be acting to demote future and incumbent National Guard technicians and thus further add to the recruiting problem.

The problem is all the more apparent when we stop to think that the Civil Service Commission and National Guard Bureau should be upgrading and not downgrading the technicians if we are ever to see the development of an all-volunteer armed force. It is for this reason that I find these actions of the Civil Service Commission and National Guard to reveal some glaring contradictions. Indeed, I am mystified as to why the National Guard Bureau has not chosen to upgrade their personnel position in their excepted civil service status. I do know that the Congress and the President in passing the 1971 Military Selective Service Act last year went on record to enhance the status and pay of the National Guard and Reserves. Yet we note that the National Guard Bureau has now chosen to act in complete opposition to the expressed desire and interest of the President and Congress.

The ramifications of this action by the National Guard Bureau and Civil Service Commission are dubious at best. Whether the Guard recognizes it or not, it has seriously lowered the status of National Guard technicians, both in moral and monetary standards. Ultimately the National Guard technicians may experience an overall reduction in force strength and quality of their personnel. This one simple action to downgrade existing skilled positions may do more than any other single act to jeopardize not only the National Guard, but our overall national defense interests. I would hope that we would upgrade positions for these dedicated men and insure the growth of a competent technical force. I submit that we have so very far to go to build up our National Guard and Reserve Forces. Our Nation deserves no less.

THE RESOURCE MANAGEMENT AMENDMENTS TO BE OFFERED BY HON. GUY VANDER JAGT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. VANDER JAGT) is recognized for 30 minutes.

Mr. VANDER JAGT. Mr. Speaker, on November 30, 1971, I placed in the RECORD a comprehensive statement discussing the water pollution legislation passed by the Senate, S. 2770. Today I would like to add to that statement the benefits of accumulated knowledge and events which have taken place since that date, relating directly to H.R. 11896, the legislation which is being taken up by the House this week.

Members of the House Public Works Committee under the chairmanship of Congressman JOHN BLATNIK and significant leadership of Congressman ROBERT JONES and Congressman WILLIAM HARSHA have created a truly creditable piece of legislation for House consideration. Time and effort have been spent in prodigious amounts to produce this excellent vehicle for returning America's lakes and streams to conditions of purity. The committee deserves great thanks from the Nation for its work.

Inasmuch as I have had an opportunity to assist in the evolution of this legislation, particularly in the area related to the spray-irrigation land treatment method of sewage management, I would like to provide at this time certain new research information potentially valuable to the House in its final deliberations on the bill.

As discussed in my statement last year, the U.S. Army Corps of Engineers under the guidance of Dr. John R. Sheaffer had last summer completed the initial phase of alternative sewage treatment studies for the Merrimac River Basin in New England, Cleveland-Akron, Detroit-southeast Michigan, Chicago-south end of Lake Michigan, and San Francisco. Because these initial studies indicated higher costs for land treatment systems compared with advanced waste treatment—AWT—or physical-chemical systems, Environmental Protection Agency Administrator William Ruckelshaus last fall called for termination of these studies.

My own experience with initial cost estimates in the development of the Muskegon land treatment system in my district led me to carefully consider these estimates. I became deeply disturbed that the figures easily could be misinterpreted, creating an erroneous impression of the economics and benefits of land treatment systems. For example, the land treatment costs for Chicago included both municipal and industrial wastes, while the estimates for AWT included only municipal wastes. In addition, the alternatives' results were not comparable; AWT at Detroit would not improve Lake Erie, but only slow its eutrophication, while land treatment would return Lake Erie to a desirable character. Recognition of these factors led me and other Members of Congress to call for a continuation of these studies. An administration decision then allowed them to continue.

During January of this year it became apparent, however, that unless greatly accelerated efforts were put forth to bring about intensive review of the initial corps studies, any basic direction suggested by the studies would be lost in terms of affecting congressional deliberations on water pollution legislation this year. The administration could not change its position in this regard without further evidence and the House could not be expected to give greater emphasis to the land treatment approach than already described in good, but perhaps inadequate, language in the Senate legislation. Substantial language was added to the R. & D. section of H.R. 11896, providing for the possible development of a major land treatment system to demonstrate the potential for such a system in the cleanup of Lake Erie, but otherwise the House bill was somewhat weaker than S. 2770 in this regard.

During this same period additional information came to my attention, further supporting an already substantial but growing conviction that land treatment was the basic direction the Nation must take in the management of its sewage.

Progress continued in the construction of the Muskegon system. Considerations of a nuclear powerplant sited to utilize water in the storage lagoons of the system for cooling purposes progressed to intensive review by Consumers Power Co. Other power companies, both private and public, expressed interest in the possibilities. A system of charges at quite substantial levels for such use of the water began to appear feasible in view of much higher cost construction and operating costs for alternative evaporation tower cooling systems. Private interest appeared for the development of a regional industrial waste treatment center discharging its treated wastes into the system. Plans evolved further for the establishment of a solid waste disposal facility which would have the capacity to manage such wastes for all of western Michigan for a period of 100 years through sanitary land fill and recycling of recoverable materials using acreage available between spray irrigation circles on the agriculture land. All of the aforementioned are potential revenue-producing activities in addition to agricultural output of the basic system.

Detailed reports of the Melbourne, Australia, sewage management system in operation since 1893 became available. The irrigation farm at that location currently manages 114 million gallons per day of sewage. Beef cattle and sheep are raised on the farm with 3,500 head of cattle and 35,000 sheep sold from agriculture operations in 1971 alone. Twenty-seven thousand acres of land with more than 10,000 acres irrigated for pasture are included in the system.

The efficacy of the land treatment concept was further confirmed by a University of Washington study just completed indicating basic components of sewage are reduced by the following amounts in the lagoon-spray irrigation approach: BOD—99 percent suspended solids—99-plus percent, nitrogen—80 to 90 percent, phosphorus—99 percent; heavy metals—99 percent, organic compounds—99 percent, viruses—99 plus percent, bacteria—99 percent. All of these reductions are substantially greater than produced by "advanced" waste treatment techniques and "physical-chemical" systems currently advocated by EPA and State water pollution control agencies.

The question of costs of lagoon-spray irrigation systems is being answered by experience beyond Muskegon contract evidence where capital costs including land amount to about 80 cents per gallon of treatment capacity. No AWT or physical-chemical system recently bid or constructed to my knowledge can approach this low cost, and operating costs for land treatment are estimated at half the costs of alternatives.

A question of availability of land continues for the very substantial acreage required in land treatment. But the corps' studies found sufficient land within reasonable distance of five major urban areas presently under consideration. There will be substantial dislocations of farm families if we do not develop lease arrangements or other means to insure the use of land for spray irrigation by other than outright government ownership. However, there is also evidence that substantial dislocations will occur with the siting of alternative systems since such systems tend to be located at urban shorelines which are generally occupied and prime lands.

Evidence of the intense interest in the Congress in corps review of waste management alternatives appears in the administration's 1973 budget, where additional studies have been requested including Duluth, Seattle, Spokane, Boise, the Colorado River and tributaries in Texas, Omaha, St. Louis, Kansas City, and Denver. In addition, resolutions have just been filed for New Orleans, Atlanta, and the Washington, D.C., metropolitan area.

A substantial discussion of the entire subject is included in an article prepared for the National Association of Counties by Dr. John R. Sheaffer, currently scientific adviser to the Secretary of the Army, on leave rfom the cenrte for urban studies at the University of Chicago. Dr. Sheaffer's article, dated February 1972, is titled "The Ecological Revolution: Is There a Role for County Government?" and is quoted as follows:

"The desire to improve the environmental quality has emerged as a common cause which has helped to unify our pluralistic society. Historic differences between rural and urban areas and city and county governments are melded into a unified environmental effort. In part, this effort has addressed the question of water quality deterioration and actions necessary to restore and enhance the quality of our lakes and streams. In particular, there has been disenchantment with the in-stream water quality standards approach which dominates current Federal efforts. Since 1956, more than $7 billion has been spent for the construction of sewage treatment facilities, but very few water bodies have been rehabilitated and restored to a desired quality.

"The apparent ineffectiveness of the current standards approach has stimulated environmentalists to search for other means to cope with the water quality problem. What is emerging from this effort is a new resource management approach that emphasizes the recycling and reclaiming of pollutants."

A RESOURCE MANAGEMENT APPROACH

The resource management approach which is emerging today may be referred to as an ecological revolution. The term "revolution" is particularly appropriate because of the basic changes encompassed in the new approach.

Foremost, there is a change from a "disposal strategy" involving partial treatment and discharge to a "management strategy" that focuses on the recycling and containment of pollutants and the reclamation of water. The disposal strategy is typified by a secondary treatment program. The management strategy is illustrated by the land treatment system contained in the Muskegon County, Mich., waste-water management plan.

Implicit in the shift from a disposal to a management strategy is a shift from single purpose waste-water planning that seeks to develop sewage treatment facilities to multipurpose planning which formulates plans for total waste management centers. Such centers will provide tertiary treatment of effluents, disposal of removed solids or sludges and municipal and industrial solid wastes, dissipation and beneficial use of waste heat, production of agricultural crops, and provision of open space. These several purposes must, in turn, be integrated in a total waste management plan which is a subsystem of a larger and more complex urban system. Thus, the total waste management plan must be consistent with overall development goals and objectives of the region it serves.

Several of the purposes that will be incorporated into a management strategy are potential revenue producers; for example, dumping fees for solid waste disposal, cooling charges, and the sale of crops. Thus, there is an opportunity to shift from a program of Federal subsidy to stimulate the construction of treatment facilities to a program of Federal investments which not only provide for the management of waste water but also have the potential to stimulate a flow of revenue to the local units of government—a dynamic illustration of revenue sharing.

PLANNING FOR MANAGEMENT

The ability to implement the ecological revolution is related directly to the ability to formulate and analyze alternative plans for managing waste water. The Corps of Engineers has launched such a planning effort for five major metropolitan areas—Merrimack Basin-Boston, Cleveland-Akron, Detroit-Southeast Michigan, Chicago-Northwest Indiana, and San Francisco Bay-Delta—which constitute 12 to 15 percent of the urbanized population in the United States. This planning effort is guided by the three basic environmental principles that undergird all ecologically sound planning. First, the environment is an interrelated system with air, land and water interacting and affecting and being affected by urban development. Second, the environmental system for planning purposes is closed; nothing can be thrown away. Third, pollutants are potential resources out of place and if relocated in the environmental system can take on renewal value. For example, the nutrients in waste water which accelerate eutrophication when discharged to a water body would be beneficial fertilizer if applied to cropland.

The Muskegon County land treatment system involving spray irrigation is illustrative of one alternative that is being prepared in the Corps of Engineers' planning effort. Because, from a national perspective, land treatment has not been fully developed as a viable alternative for metropolitan areas and urbanized counties, much interest has focused on this new approach to waste-water management.

In simple terms, the Muskegon County system involves the following steps:

First, collection of the waste water and its transport away from the urban area;

Second, secondary treatment of the wastes to avoid odors;

Third, storage and disinfection of the waste water;

Fourth, irrigation of the treated waste water on agricultural or silvicultural land;

Fifth, "tertiary" treatment through the aerobic soil zone (the "living filter"); and

Sixth, retrieval of the reclaimed water (now pure enough to meet Public Health Service drinking water standards) through a drainage system; this water is then available for reuse in a manner best suited to regional needs.

As the Muskegon plan is being implemented, it has become quite clear to its sponsors that other facilities might be usefully integrated into its 10,000-acre waste treatment center. To date, the planning involves the following:

First, the tertiary treatment of the wastewater by recycling the nutrients and confining and containing those pollutants including industrial wastes which cannot be recycled or reclaimed;

Second, the ultimate disposal of sludge or solids removed in the treatment process through the application of the solids to the land as a soil conditioner and fertilizer;

Third, the disposal of municipal and industrial solid wastes through the creation of hills—sculptured landscape—and the recycling of paper, glass, and metals;

Fourth, the exploration of the location of power generation facilities and the beneficial dissipation of the heat in the wastewater; and

Fifth, the creation of functional greenbelts which help control urban sprawl and which can also serve as a recreational open space during the winter nonirrigation season—small game hunting and snowmobiling areas.

The implementation of such a plan offers the potential to convert a waste management facility into a revenue producing enterprise. In Muskegon County, the following annual returns are expected:

Some $360,000 agricultural profits—1-acre inch of treated effluent has the fertilizer equivalent of 25 pounds of 10-10-12 commercial fertilizer.

Some $300,000 solid waste disposal fees (based on a disposal charge of $2 per ton).

Some $2,500,000 cooling charges and location fees from industry.

This amounts to an annual revenue in excess of $3 million from the related or synergistic effects of the system, more than enough to cover the local share of the debt retirement—$16 million bond issue—and the total operation and maintenance costs which are estimated to be about $2,650,000 annually. In addition, the county achieves clean water with all of its attendant benefits and will realize the standard charges for providing that service.

A perusal of the Muskegon County system shows that it serves as an example of the ecological revolution. The system focuses on management rather than disposal and treats pollutants as resources out of place. The land involved in the system provides a number of services in an integrated and coordinated manner—a multipurpose total waste management approach. By expanding the system beyond sewage treatment and sludge disposal—traditionally viewed as costs which must be borne by the general public and users—to include revenue producing activities such as commercial agriculture, solid waste disposal, and heat dissipation, the system becomes a public investment analogous to a multiple-purpose water resources project. As a public investment, the system has the potential to yield average annual benefits. When one views this range of opportunities provided by investments in water quality management systems, it becomes quite evident that such systems are not ends in themselves but means to an end and that they offer great opportunities for stimulating economic growth and development.

REACTIONS TO WASTEWATER MANAGEMENT

The Muskegon County wastewater management plan has prompted a number of reactions. The environmentalists strongly supported the land treatment-spray irrigation approach. On September 13, 1971, David R. Zwick, project director, Nader Task Force on Water Pollution, appeared before the House Public Works Committee and stated:

> The most promising provision in the Senate draft (of the water pollution bill) is its strong endorsement of the concept of total waste recycling—purifying sewage by spraying it on the land as fertilizer as exemplified by the Muskegon County, Michigan sewage treatment project. This Committee has, I recognize, been interested for some time in diverting the Federal water pollution bureaucracy from its myopic preoccupation with secondary treatment, which is inadequate for many of our Nation's waters. This Committee has shown interest in the progress of the Muskegon Project and the planning activities of the Corps of Engineers over whom you exercise major responsibilities involving similar projects. You have a chance this year in the water pollution bill you write to turn this interest into a practical reality.

It would be well to note that the pollution control profession, including Government officials at every level, has a stake in perpetuating the old technology which the Muskegon project is designed to replace. This is the only technology many of these officials and private engineering consultants know. For a builder of sewage treatment plants, the spectre of a massive spread of Muskegon type projects produces great discomfort because it promises a permanent solution. It could put an end to our spiraling need to build more and bigger sewage treatment plants. Whatever eventually happens in the Senate, I would urge this committee to hold the line for truly clean water by stressing the natural waste recycling alternative as the first priority choice when municipal grant funds are handed out.

Obviously, there were opposite reactions. In essence, opponents of the land treatment-spray irrigation system have questioned the workability of the approach, its costs, and the land use implications. Before land treatment can be viewed as a viable alternative for metropolitan areas and urban counties these issues must be resolved.

The questioning of the effectiveness and the effects of land treatment methodologies has prompted a number of research efforts. Such efforts have been undertaken at Pennsylvania State University, Michigan State University, University of California, University of Washington (Seattle) and at several Federal facilities—Flushing Meadows, Arizona, Kerr Water Research Center, Ada, Okla., and the Cold Regions Research and Engineering Laboratory, Hanover, N.H.

EFFECTIVENESS OF LAND TREATMENT

Based on the systematic consideration of treatment mechanisms and their projected significance and following an evaluation of available experience, the estimated effectiveness of a properly designed land treatment system to reclaim secondary effluent is as follows:

ESTIMATED EFFECTIVENESS OF LAND TREATMENT TECHNIQUES

	Spray irrigation	Overland runoff	Rapid infiltration
BOD	99	80	99
SS	99+	80	99
N	80–90	80	80
P	99	80	90
Heavy metals	99	10–30	95
Organic composition	99	50	90
Viruses	99+	90	99+
Bacteria	99	90	99+
Total dissolved solids[1]			
Cations	0–75	0–50	0–75
Anions	0–50	0–10	0–50

[1] While most cations and anions will be retained/treated at the higher indicated values, a few (e.g. Na and Cl) will be relatively unresponsive to treatment.

Source: Summary assessment of University of Washington consultants, February 1972.

This strong endorsement of on-the-land waste treatment is consistent with views presented by the Environmental Protection Agency in Volume II of its 1971 report on the Cost of Clean Water. The Agency observed:

> The (land treatment procedures) have the great virtue of recycling the materials so disposed, both by replenishing water tables and by converting and utilizing organic and inorganic waste matter in natural life processes of decay and growth. Their secondary merit is more germane to this discussion. Water reaching watercourses after passage through the filtering and decomposition processes afforded by soil is far purer—provided that soil loading rates are not exceeded—than any waste treatment process short of distillation could make them.

This emerging consensus regarding the effectiveness of land treatment establishes confidence in the workability of such a system. The experience at the Board of Works Farm, Melbourne, Australia, which has been growing grasses with waste water and feeding cattle and sheep on the same site since the turn of the century attests to the relative permanence of land treatment systems. With respect to the steers marketed from the Farm, the Board reported in July, 1969:

> There is a good demand for them and many of Melbourne's top butchers, who appreciate the succulence and quality of the Farm-raised beef, are regular buyers.

COSTS WILL BE EXCESSIVE

The controversy over the cost of constructing alternative systems can only be resolved through the bidding process. Further insight can be derived by comparing bids for alternative systems on a capital cost per gallon basis. The Muskegon system can treat a design flow of 43.4 million gallons a day and a peak flow of 90 million gallons a day at a direct construction cost of $34,000,000 (includes $3,000,000 for land). The capital investment amounts to $0.78 per gallon of installed capacity. This compares very favorably with more conventional advanced waste treatment systems. For example, the Salt Creek water reclamation plant in Cook County, Illinois, is designed to treat 30 million gallons a day and peak flows of 50 million gallons a day at a direct construction cost of $43,259,000 (land site not included) or a capital investment of $1.44 per gallon—nearly twice that of the Muskegon system. In addition, the Muskegon system has lower operating costs because it uses fewer chemicals and less power per million gallons of wastewater. The high-yield crop production from the irrigated and fertilized land as well as the other revenue producing features are further benefits.

A further comparison with a recently bid secondary treatment plan with provisions for 80 per cent phosphate removal produces interesting results. At Grand Haven, Michigan, a 5 million gallon a day plant received a low bid of $6,000,000 or $1.20 per gallon of installed capacity. This bid was rejected and the plant will be readvertised.

Based on the above comparisons, it appears that land treatment alternatives are competitive with other technologies, even in terms of capital costs. This does not imply that land treatment will always be less costly, but it does suggest that it is an alternative that should be formulated and analyzed for all metropolitan areas and urban counties to be certain that the cost effective alternative is implemented.

For projection of financing needs for the nation, the capital costs per gallon capacity bid at Muskegon can be used. The 1990 national wastewater flow is estimated to range from 30 to 70 billion gallons per day. At a cost of 80 cents per gallon, a capital investment of from $24 billion to $56 billion to treat 1990 waste flows would be required for the nation, certainly consistent with current estimates of Federal funding.

LAND USE IMPLICATIONS

The land use implications of land treatment systems have recently been called into question. In essence, this last remaining unsolved issue has two dimensions. The first dimension relates to the availability of suitable land for the waste flows from large metropolitan areas. The second dimension is concerned with the dislocation of rural residents from the land treatment centers.

With respect to the availability of land, the identification of suitable land ought not be a problem. (Sufficient land was identified for each of the metropolitan areas in the Corps of Engineers Pilot Wastewater Management Program). In Muskegon County, for example, the land requirements are 230 acres per million gallons per day of wastewater while at Penn State University only 130 acres per million gallons of wastewater per day were used. The difference reflects the length of the irrigation season and the amount of storage contained in the system. The Muskegon system is designed for a 7 month irrigation season and 5 months of storage. The Penn State system calls for year round irrigation with no storage. In the light of these two extremes, an average of the two systems can be used for planning purposes—180 acres per million gallons of wastewater per day. Applying this figure nationally, land requirements would range from 5,400,000 acres (30 billion gallons per day) up to 12,600,000 (70 billion gallons per day) with a figure of 7,700,000 commonly cited as the need. This estimate is of manageable proportions when it is compared to the estimated 7,000,000 acres of land needed for power transmission by 1990. Also, it is approximately one per cent of the cropland harvested in the United States.

With respect to relocation and disruption, land treatment in sparsely settled rural areas will affect fewer people than urban renewal and highway construction in the urban areas. In fact, an interesting comparison can be made between a land treatment and a secondary treatment system. The Muskegon land treatment system will dislocate 166 occupance units of 3.82 units per million gallons of capacity (166 units/43.4 mgd). The site selected for the Grand Haven, Michigan, secondary treatment plant with 80 per cent phosphate removal required that 23 occupance units be relocated for a 5 million gallon a day plant or 4.60 units per million gallon capacity. This finding is opposite of what is commonly believed and illustrates the complexity of the issue. But it is not unreasonable when one realizes that the shoreline or land-water interface is prime land and generally occupied in urban areas. Therefore, the traditional urban sewage treatment plant must compete with and dislocate other urban land uses. On the other hand, land treatment facilities, if located beyond the commuting zone, will compete with low cost agriculture, forest, or waste lands.

Another factor to be considered is that the other facilities that might be integrated into a waste treatment center would require significant amounts of land if they were undertaken singularly. For example, Illinois Power Company announced in the February 14, 1972, *Wall Street Journal* that the development of the Clinton, Illinois, nuclear power plant site (eventual capacity of 4,000 megawatts) will require a 17,000 acre site that includes a cooling lake with a 5,000 acre surface area. If this site area is to be considered typical and one is to accept the estimated need for 300 new nuclear power plants by 1990, 5,100,000 acres would be required for this single purpose activity or 66 per cent of the estimated 7,700,000 acres required for total waste management centers which could *incidentally* include the nuclear power plants and which would make beneficial use of the waste heat.

The Uniform Relocation Act provisions assure that persons moved are relocated into sound housing with the cost of upgrading and moving being borne by the public. This Act will assure that persons dislocated by any treatment system will be treated fairly and will be relocated in sound housing without incurring additional financial burdens.

PROSPECTS FOR A RESOURCE MANAGEMENT APPROACH

The resource management approach to wastewater treatment is analogous to the issue of non-returnable bottles. As ecologist Barry Commoner stated before the Illinois Pollution Control Board:

> I'm just proposing a very simple thing: lend the nitrogen to the city folks—but get it back. I think that's clear.

Simply stated, the beneficial use and recycling of wastewater pollutants are the wave of the future. Many such as Commoner have advocated it but felt that "we would have to clear economic hurdles to do this." Muskegon County has shown that the economic hurdles can be cleared. The Corps of Engineers pilot wastewater management program is seeking to determine if there are any dramatic diseconomies of scale which would preclude the use of the resources management approach for major metropolitan areas. The completion of the Corps of Engineers' survey scope reports will answer that question.

THE ROLE FOR COUNTY GOVERNMENT

In Muskegon County, after efforts to use political consolidation (one city) and a special district government (a water and sewer authority) as the means to achieve regional resource management had failed, the general purpose County government became the vehicle to achieve functional consolidation. One reason for the County's success was its offer of a total waste management approach which was viewed by local governments and industries as a solution.

In essence, the County provided the vision around which the local governments and industrial interests organized. In so doing, the County injected new dimensions—regionalism and resource management—into the decision making process rather than competing with the local governments by attempting to do the same thing each of them could do by themselves—construct conventional sewage treatment plants. Urbanized counties have the opportunity to play such a leadership role and fill the planning vacuum that exists in many areas.

Rural counties must also play a role in

a total waste management program. The farm products or nutrients shipped to the urban areas for consumption and use must be considered as returnable nutrients. Thus, it is necessary for rural counties to plan systematically for the recycling and reclamation of urban pollutants which are, in essence, resources out of place.

These roles of both urban and rural counties relate to providing opportunities for developing resource management approaches to waste-water problems. County governments can assure that our nation can follow the admonition of Daniel Burnham to "make no little plans, for they have no power to stir men's souls." Total waste management requires planning on a scale larger than generally undertaken. Through the involvement of urban and rural counties, it can be made to succeed.

Because of a recent article in the Washington Post reporting on virus perils discovered in drinking water at two Massachusetts cities, it is worthwhile to give special attention to the fact that these cities draw this water from the badly polluted Merrimack and Concord Rivers. Those viruses come from sewage plant discharges into the rivers. Muskegon will no longer be threatened with such a potential problem. Land treatment of sewage removes and destroys virtually 100% of viruses. Those virsuses are held by soil particles and then attacked by bacteria which break them down to harmless protein in the land treatment process.

The first amendment encourages the development of revenue-producing waste management centers capable of handling sewage, solid wastes and managing thermal pollution problems. The second amendment provides additional Federal funds for such systems. The third amendment leads industry to encourage the development of such systems and in turn assists industry during this period of transition. I strongly urge Members to give careful consideration to these amendments.

Mr. Speaker, relative to H.R. 11896, I plan to offer three amendments to Title II of the legislation. These amendments are based on the preceding information only recently available in detail. The amendments follow:

Amendment to H.R. 11896, as Reported

(Proposed by Hon. Guy Vander Jagt)

Page 241, between lines 23 and 24 insert the following:

"(d) The Administrator shall encourage waste treatment management which results in the construction of revenue producing facilities providing for—

"(1) the recycling of potential sewage pollutants through the production of agriculture, silviculture or aquaculture products, or any combination thereof;

"(2) the confined and contained disposal of pollutants not recycled;

"(3) the reclamation of wastewater; and

"(4) the ultimate disposal of sludge in a manner that will not result in environmental hazards.

"(e) The Administrator shall encourage waste treatment management which results in integrating facilities for sewage treatment and recycling with facilities to treat, dispose of or utilize other industrial and municipal wastes, including but not limited to solid waste and waste heat and thermal discharges. Such integrated facilities shall be designed and operated to produce revenues in excess of capital and operation and maintenance costs and such revenues shall be used by the designated regional management agency to aid in financing other environmental improvement programs.

"(f) The Administrator shall encourage waste treatment management which combines 'open space' and recreational considerations with such management."

Page 241, line 24, strike "(d)" and insert "(g)".

Page 243, line 17, after the word "increased" insert "(1)" and on line 20 change the period to a comma, and add the following:

"(2) to 65 per centum of such costs, if the system of waste treatment management is developed in accordance with the provisions of section 201(d) of this Act, except that such 65 per centum grant shall be increased to 85 per centum of such costs, if the State agrees to pay 10 per centum of the cost of all such systems for which Federal grants are to be made from funds allocated to such State for such fiscal year."

Page 248, line 11, change the semi-colon to a comma and add the following:

"except in any case of a waste treatment management system developed pursuant to section 201(d) of this title, for which a grant is made under this title within five years after the date of enactment of this title, such payment shall not be required;".

PANAMA TREATY SITUATION: DEBAUCHERY OF CANAL ZONE MUST BE PREVENTED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Flood) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, I read with a sense of indignation two United Press International news dispatches from Panama, Republic of Panama, on March 15, 1972, about the abrupt and high handed action of the revolutionary government of that country in expelling three attachés of the U.S. Embassy there for alleged "intervention in Panamanian internal affairs": Charles W. Cecil, Ruben Monzo, and Wilbur V. Plase. The sole function of these attachés was to do their best to inhibit the smuggling of narcotics and dangerous drugs through Panama to the United States.

What interests me most about the action was its violence. As stated on other occasions, the collaboration of Panama with Cuba and U.S.S.R. has long been evident and invites these questions. Does the expulsion mean that our agents have uncovered the source of revenue for financing Soviet espionage? Does it mean that Foreign Minister Juan Antonio Tack is a Soviet Agent? It is well known that in the past the U.S.S.R. has used narcotics and other dangerous drugs to covertly finance subversion and espionage.

The Panamanian action was triggered by the publication in the United States on March 14 of a newsstory by Jack Anderson that involved persons high in the Panama revolutionary regime, including Foreign Minister Tack and the Panamanian Ambassador to Spain, Moises Torrijos, brother of Panamanian dictator, Gen. Omar Torrijos.

Though a State Department spokesman denounced the expulsion as unwarranted, the only action that it took, as could be expected, was to insipidly express the hope for continued cooperation in "suppressing narcotics traffic through Panama."

In addition to being contrary to normal diplomatic courtesies, the Panamanian action is destructive of what should be the mutual goal of both countries—the abolition of smuggling of narcotics and dangerous drugs through Panama into the United States. I trust that the Department of State will strongly protest the brazen action of Panama and respond by expelling some of Panama's attachés in Washington.

It is pertinent to add that Panama is a small, weak country, which I know well and have always sought to serve its best interests. As shown by its history it is a land of endemic revolution, endless intrigue, and political instability.

Panama has had these major sources of income: Panama Canal, tourism, and sale of liquor. Now it has apparently developed a fourth: Narcotics and dangerous drugs.

Under the terms of the proposed treaties that would surrender sovereignty over the Canal Zone to Panama that country would have the right to move all of these and other activities, however pernicious, into the Canal Zone, which now has clean and orderly towns resembling the small settlements of New England and the middle west.

Mr. Speaker, the expulsion by Panama of our narcotic agents attached to the U.S. Embassy there emphasizes in dramatic manner that our loyal officials and employees in the Canal Zone are right in opposing the debauchery of the Canal Zone that State Department functionaries are attempting to perpetrate through cession of the zone sovereignty to Panama and the imperative necessity for protecting the welfare of our citizens and the morale of our fighting men in the Armed Forces stationed on the isthmus from the destructive influences that would inevitably follow such surrender of sovereignty.

It is well known that our State Department takes the position that what Panama does is of no concern to the United States even if it openly embraces the U.S.S.R. as to Panamanian and Canal Zone affairs.

In order that the Congress and the Nation may be informed as to this further evidence of instability on the isthmus and the indispensable need for continued and undiluted sovereign control by the United States of the Canal Zone and Panama Canal, I quote the indicated UPI dispatches, news stories from the Washington Daily News and New York Times, and the Anderson column as parts of my remarks.

UPI Telegrams

Panama City.—Panama's foreign minister last night expelled two U.S. narcotics agents "for intervention in Panamanian Internal Affairs."

The order stemmed from a syndicated column written by Jack Anderson accusing high Panamanian officials—including foreign minister Juan Antonio Tack—of being implicated in heroin smuggling. Anderson's column also implicated Moises Torrijos, brother of Panamanian strongman Gen. Omar Torrijos.

Narcotics agents Ruben Monzon and Wilbur Plase, both assigned to the U.S. Embassy, were given 24 hours to leave Panama in a brief announcement read over Panamanian television.

A U.S. Embassy spokesman said Monzon and Plase were classified as "attaches" but were in Panama on assignment from the U.S. Bureau of Narcotics and Dangerous Drugs. He said both men would probably leave the country today.

WASHINGTON.—The United States today called "unwarranted" the expulsion from Panama of three agents of the U.S. Bureau of Narcotics and Dangerous Drugs (BNDD).

The three were ordered to leave the country within 24 hours in the wake of a report which linked Panama's Foreign Minister Juan Antonio Tack with a recent heroin smuggling case.

State Department spokesman Charles W. Bray said the United States regretted the Panamanian action "and we consider it unwarranted." The three agents were identified as Wilbur Plase, Ruben Monzon and Charles W. Cecil.

Bray said, however, that "despite this unfortunate incident, we are hopeful that Panama and the United States can continue their cooperation, which we believe to be useful to both countries in suppressing narcotics traffic through Panama."

The spokesman said U.S. Ambassador Robert M. Sayre was informed by Panama last night that Plase and Monzon were to be expelled. The name of Cecil was received early today.

[From the Washington Daily News, Mar. 15, 1972]

PANAMA EXPELS U.S. ATTACHÉS

PANAMA CITY.—Panama's foreign minister last night expelled two U.S. narcotics agents "for intervention in Panamanian internal affairs."

The order stemmed from a syndicated column written by Jack Anderson accusing high Panamanian officials—including Foreign Minister Juan Antonio Tack—of being implicated in heroin smuggling. Mr. Anderson's column also implicated Moises Torrijos, brother of Panamanian strongman Gen. Omar Torrijos.

SHORT NOTICE

Narcotics agents Ruben Monzon and Wilbur Plase, both assigned to the U.S. Embassy as attaches, were given 24 hours to leave Panama in a brief announcement read over Panamanian TV.

A U.S. embassy spokesman said both agents would probably leave the country today.

The foreign minister called Mr. Anderson's column a smear campaign to break "the capacity for struggle of the Panamanian people."

He linked Mr. Anderson's charges against himself to his position on negotiations for a new treaty concerning the Panama Canal and jurisdiction and defense of the canal zone.

LINKED TO CANAL FLAP

Mr. Tack said, "first we are accused of being communists, but it seems that this accusation had no results. No, they are looking for dirtier weapons to try to break the capacity for struggle of the Panamanian people."

In Washington, Rep. John M. Murphy, D-N.Y., insisted Mr. Anderson's drug charge was well-founded.

Mr. Murphy reiterated U.S. narcotics agents had implicated Mr. Tack and Mr. Torrijos in a heroin case during recent briefings held for him in Washington and in Panama.

A spokesman for the Bureau of Narcotics and Dangerous Drugs confirmed several agents met with Mr. Murphy during his recent trip to Panama, but denied they supplied him with information concerning Mr. Tack and Mr. Torrijos.

[From the New York Times, Mar. 16, 1972]

HOUSE MEMBER CHARGES NARCOTICS SMUGGLING INQUIRY TOUCHES "HIGHEST LEVELS" OF PANAMA GOVERNMENT

(By Benjamin Welles)

WASHINGTON, March 15.—Representative John M. Murphy charged today that an investigation into heroin smuggling into the United States had touched the "highest levels" of the Government of Panama.

Mr. Murphy, Democrat of Staten Island, who is chairman of a house subcommittee on the Panama Canal, named Juan Tack, Panamanian Foreign Minister, and Moises Torrijos, Panamanian Ambassador to Spain as the officials allegedly involved in narcotics: Mr. Torrijos is a brother of Brig. Gen. Omar Torrijos, ruler of Panama.

José Antonio de la Ossa, the Panamanian ambassador here, issued a statement vigorously denying the charges. He suggested that Mr. Murphy was reviving old charges because he had been "cold-shouldering" by Panamanian officials during his recent inspection visit to the Panama Canal.

He suggested too that Mr. Murphy was using the drug charges to impede progress toward a new Panama Canal treaty which, if negotiated, would restore "sovereignty" over the Canal Zone to the Panamanian Republic.

Late yesterday Mr. Tack ordered the expulsion of three American narcotics agents from Panama within 24 hours. He asserted that the men, agents of the United States Bureau of Narcotics and Dangerous Drugs, had "intervened in the internal affairs of Panama."

The expulsion followed initial reports two days ago in the syndicated column of Jack Anderson linking Mr. Tack and Mr. Torrijos with narcotics smuggling. The first hint of the development came a week ago in a brief allusion by the Panama Canal subcommittee to "confidential" information passed to the subcommittee by the Bureau of Narcotics.

United States officials involved in the treaty negotiations, which have been under way here since June, declined to speculate whether the flareup would jeopardize the talks. Panamanian diplomats, who denied recent reports of an "impasse," said that they thought the talks would not be fundamentally affected.

Mr. Murphy said today that he and other subcommittee members had been briefed here on Jan. 24 by Customs Bureau agents placed at their disposal by Myles Ambrose, then Director of the Treasury's Bureau of Customs and now President Nixon's special consultant for drug abuse enforcement. The subcommittee was then preparing to visit Panama and the Canal Zone.

REPORT NOT PUBLISHED

A passage from the unpublished report of the subcommittee dated March 8 and entitled "Overview of the Narcotics Problem in Panama" cited a recent drug-smuggling case involving Panamanians and stated in part:

"The [customs] briefing team concluded that based on the customs investigation this case reached into the highest levels of Panamanian officialdom and included Moises Torrijos, the brother of Gen. Omar Torrijos and the Panamanian Foreign Minister, Juan Tack.

"The subcommittee report also asserted that this involvement was confirmed by B.N.D.D. officers in the Republic of Panama on Feb. 23 during the subcommittee briefing in that country."

The State Department said that the bureau had denied "in writing" that its agents had implicated Mr. Tack or Mr. Torrijos in its briefings of the House subcommittee. A bureau spokesman, who confirmed this, was unable to explain the conflict with the subcommittee's report, which said that bureau agents had "confirmed" information about the "involvement" of the Panamanian officials.

A spokesman for the Customs Bureau said that it had nothing to add to what it had told Mr. Murphy and his subcommittee colleagues.

"UNWARRANTED," AIDE SAYS

Charles W. Bray 3d, the State Department spokesman, said that the department considered the expulsion of the three agents, Wilbur Plase, Ruben Monzon and Charles W. Cecil Jr., as unwarranted.

"Despite this unfortunate incident," Mr. Bray said, "we are hopeful that Panama and the U.S. can continue their cooperation, which we believe to be useful to both countries in suppressing narcotics traffic through Panama."

Mr. Murphy, a graduate of West Point and a decorated infantry commander in World War II and the Korean war, cited growing drug abuse among American servicemen and dependents in Taiwan, Okinawa, the Philippines, Vietnam and, especially, Panama.

"The subcommittee in no way wishes to cast all of the blame on Panama or its officials," his report emphasized. It criticized "mercenary American nations, soldier-of-fortune pilots and others" who were "making small fortunes" by drug-running. It also criticized "high level apathy, ignorance and/or collusion" in Panama.

[From the Washington Post Mar. 14, 1972]

DRUG REPORT NAMES PANAMANIANS

(By Jack Anderson)

American narcotics agents have implicated the foreign minister of Panama and the brother of Panamanian dictator Omar Torrijos in a scheme to smuggle hundreds of pounds of heroin into the United States.

The foreign minister is handsome Juan Tack, who looks like a Latin American movie idol but talks as tough as a Mafia overlord, particularly on the subject of narcotics.

In fact, a few weeks ago when we disclosed that American officials were worried about the Panamanian drug traffic, Tack vehemently rejected the report as injurious, offensive and false.

"Panamanian authorities are dedicated," he said, to wiping out "hard drugs." Tack was firmly backed by dictator Torrijos, whose brother Moises is Panamanian ambassador to Spain.

Now, however, federal agents have confieded to the chairman of the House Panama Canal Subcommittee, Rep. John Murphy (D-N.Y.) that they believe Tack and Moises Torrijos are at least sanctioning and perhaps assisting in the lucrative heroin traffic between Panama and the United States.

Murphy is passing on the information to the House Merchant Marine Committee in a formal, but hitherto secret report. It tells how Murphy met privately in Panama with two agents from the Bureau of Narcotics and Dangerous Drugs (BNDD).

'They were not complimentary over the degree of cooperation being afforded by the Panamanaian National Guard," Murphy reports. "While there seems to be ample narcotics traffic in the area, all cases that have been initiated thus far were the result of BNDD-supplied or developed information . . .

"Information supplied by BNDD on the involvement of high ranking Panamanian officials in the international drug traffic is of such a sensitive nature that (it) will be contained in a separate subcommittee report which will necessitate strict confidentiality."

If released, Murphy writes, the information could cause "a possible rupture in relations with the present leadership in the Panamanian government."

We have now learned that the "high ranking Panamanian officials" mentioned by Murphy are none other than foreign minister Tack and Moises Torrijos.

It was Tack, Murphy has been told, who signed a dubious diplomatic passport for Rafael Richard Jr., son of the Panamanian ambassador to Taiwan.

Arrest at Kennedy

Young Richard was arrested last July at New York's Kennedy Airport as he tried to use the diplomatic credentials to avoid inspection of his luggage. It contained 75 pounds of nearly pure heroin.

Later, customs agents seized Guillermo Gonzalez, who is a long-time friend and ex-bodyguard for Moises Torrijos, and a third Panamanian. Since then, Murphy has been in contact with both customs and BNDD to find out who is at the top of the smuggling.

The federal agents told the congressman their investigations showed it was "impossible" for the dictator's brother to be unaware of the dope-running.

After all, they said, the three arrested men had already moved into the United States almost 1,000 pounds of heroin which had a street value of more than $100 million.

When my associate Les Whitten asked at the Panamanian embassy whether Tack or Moises Torrijos were doing any trafficking, a surprised spokesman spluttered "No! Definately not!"

FORTY-EIGHT DAYS, AND STILL NO WORD FROM PRESIDENT NIXON ON TAX REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 20 minutes.

Mr. REUSS. Mr. Speaker, it has now been 48 days since House Ways and Means Committee Chairman WILBUR MILLS wrote President Nixon asking for the tax reform proposals the President promised last September. In his February 7 letter, Chairman MILLS pointed out that such proposals should be submitted by March 15 in order for Congress to have time to act on them in this session. The White House has managed to acknowledge receipt of Chairman MILLS' letter, but no substantive response has been forthcoming.

The ranking minority member of the Ways and Means Committee, the gentleman from Wisconsin (Mr. BYRNES), told the House on March 13 that it was his understanding that "the administration does intend to respond in more detail," but he did not know when. Chairman MILLS said on March 15 that he thought the President "probably has in mind some further response to the letter," and he speculated that it would come "before we take up the next debt ceiling increase."

It is becoming clear what the administration's game is. It is going to stall, and stall, and stall some more, until so much of the session has passed that there will be no time to enact a meaningful tax reform package. The administration should keep in mind, however, that there will be another vote on raising the debt ceiling in June. The House Democratic Caucus resolved on March 15 that any further increase in the debt ceiling "will be jeopardized" unless the President makes known his views on tax reform. The administration is free to consider this idle if it wishes, but it cannot say it has not been put on notice.

The Secretary of the Treasury has taken the position that there has already been more than enough tax reform in the last few years, citing the Tax Reform Act of 1969. However, Secretary Connally is a man whose appetite for tax reform is easily sated, so it may be instructive to look at one of the highly touted 1969 reforms to see how it has actually worked out.

The so-called minimum tax provision of the 1969 act was intended to assure that all persons with very high incomes paid at least some Federal income tax. It went into effect for the first time in 1970, and preliminary Treasury statistics for that year have now become available.

I put a table in the CONGRESSIONAL RECORD last Monday—March 20, 1972, page 9004—which showed that there are still thousands of individuals with very high incomes still escaping all Federal income taxes. There were, for example, 394 persons with 1970 adjusted gross incomes in excess of $100,000 who paid no tax. The minimum tax failed to catch them.

But even those tax avoiders who were apprehended by the minimum tax escaped relatively minor payments. The Treasury figures show that 18,646 individuals were subject to the minimum tax for 1970, and they paid a total of $116,875,000 in minimum tax payments. The average payment thus came to $6,268. This may sound like a lot to pay in taxes, until you realize that the average income this tax is being paid on is somewhere between $100,000 and $150,000. The average tax rate is, therefore, between 4 percent and 7 percent. The average wage earner making $10,000 a year pays around 9 percent of it in Federal income taxes, a higher percentage than your average tax avoider who has at least 10 times as much income.

Back in 1969 when the Tax Reform Act was passed, the Treasury estimated that the minimum tax would bring in more than $500 million a year in new revenue. The take for the first year—$117 million—falls considerably short of that. Perhaps it will get better as time goes on, but I would not count on it.

Another striking revelation in the Treasury's minimum tax data is that there were 1,302 people who reported no adjusted gross income at all for 1970, yet they were all subject to the minimum tax. These are all very wealthy people, or they would not have had to pay a minimum tax in the first place, yet here they are reporting to IRS that they had no adjusted gross income. Their average minimum tax was $5,660 apiece, so it is easy to calculate—working backward—that they had an average of $86,600 apiece in income from various tax loopholes. But they had no adjusted gross income.

There is nothing illegal about this, but it does show that the figures I put in the RECORD last week showing the number of people who escape all Federal income taxes greatly understate the problem of tax avoidance. These figures are all based on adjusted gross income, that is, income after the deduction of various business expenses, one-half of long-term capital gains, and various other items. But what the minimum tax figures show is that it is possible to have very large amounts of income from various tax loopholes, while at the same time having little or no adjusted gross income. These people are not only escaping the tax collectors—they are escaping the statisticians as well.

I have been joined by 58 other House Democrats in introducing legislation (H.R. 13877) that would tighten up the minimum tax, and similar legislation has been introduced by 12 Senate Democrats (S. 3378).

As it stands now, the minimum tax administers just a small "love tap" to wealthy tax avoiders. They can continue to use tax loopholes if they will just pay a small admission fee for the privilege. At the very least we should increase the admission fee, and the legislation I have proposed would do this. Better still, however, we should simply do away with all these tax loopholes once and for all. Income is income, and there is no reason why wealthy investors, executives, and oilmen should get more favorable treatment than the average wage earner.

The following table shows the number of returns subject to the minimum tax in each adjusted gross income bracket, and the average minimum tax paid in each bracket:

Adjusted gross income bracket	Number of returns subject to minimum tax	Average minimum tax
No adjusted gross income	1, 302	$5, 656
$1 to $3,999	351	2, 316
$4,000 to $7,999	267	2, 333
$8,000 to $11,999	181	3, 448
$12,000 to $19,999	439	3, 708
$20,000 to $49,999	2, 709	2, 845
$50,000 to $99,999	4, 703	3, 129
$100,000 to $199,999	4, 646	4, 265
$200,000 to $499,999	2, 983	8, 163
$500,000 to $999,999	747	21, 063
$1,000,000	318	73, 890

INACCURATE INFORMATION ABOUT CHILDREN OF MISSISSIPPI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 10 minutes.

Mr. MONTGOMERY. Mr. Speaker, this past Friday on Metro Media's channel 5, a Mrs. Barbara Bode with the Children's March for Survival made some highly inaccurate statements which I would like to correct at this time. Without even having been near the State of Mississippi, she said that children are forced to work on chain gangs in my home State. Mr. Speaker, I can assure you that this is not true and has never been true. When questioned about her statement later and off-camera, Mrs. Bode admitted that she did not have any proof and had only heard someone say something to that effect one time.

Mr. Speaker, if there was ever a case of children been on a so-called chain gang, it was probably this past Saturday during the Children's March for Survival.

I would like to share with some of my colleagues the answers given by some of the children dragged to the Saturday afternoon charade by their parents. The children were asked by B. D. Cohen with the Washington Post the following question, "Why are you taking part in the march this afternoon." Their answers are as follows: first, "I don't know, I'm just going. I just want to march"; second, "I want to march to get the free balloons"; and third, "We are going to get Congress to give us some money."

Mr. Speaker, I regret that the leaders of the Children's March for Survival saw fit to take advantage of the children in Washington. They should hang their heads in shame for their gross actions, as well as the inaccurate information that spewed forth from the rostrum Saturday afternoon.

WEEKEND AT FRIENDLY SUPERMARKET

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut (Mrs. GRASSO) is recognized for 5 minutes.

Mrs. GRASSO. Mr. Speaker, I have just returned from a weekend at my friendly supermarket, and I want to report that Mr. Butz should be completely happy at last. All those good cuts of beef are sitting on the counter—all for him—because most people just can't afford the price. Veal is off the market and he can have that New Zealand lamb for himself. Chicken was up to 53 cents a pound and Mr. Butz should be laughing himself sick.

The sayings of Secretary Butz may be this administration's consumer guide book but this living example of foot-in-mouth disease is an insult to people who must eat to survive. Beans and fatty hamburger are a poor substitute for Mr. Hoover's promise of a chicken in every pot, and a poor slogan for the American dream in 1972.

TELEPHONE PRIVACY BILL GAINS SUPPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, today I have reintroduced along with 28 other House Members the Telephone Privacy Act. This bill would give to an individual the right to indicate to the telephone company if he does not want commercial firms to solicit business over his phone. Commercial firms wanting to solicit business over the telephone would then be required to obtain from the phone company a list of its customers who do not want to be called.

I originally introduced this legislation last month and have received more letters on this than I have on any other issue. Almost all of it has been fervently in support. One of those letters, for example, was from an elderly person, an invalid, who had been commercially solicited over the phone by undertakers. Many people complained of getting an average of four or more commercial calls a day. Others complained that they had been solicited over the phone numerous times within several months by one magazine or newspaper company, even though they were already subscribers in some cases.

If there is any place where the right to privacy is absolute, it is within one's own home. Commercial firms such as magazines, newspapers, laundries, undertakers, and many other types of business have recently turned to the telephone as an inexpensive and personal media through which to do business. This legislation is simply designed to stem this growing telephonic invasion of our privacy.

Under this legislation the telephone company would be required to either make lists of customers who do not want to be commercially solicited available to firms, or put an asterisk directly in the phone book by the names of those invoking the commercial solicitation ban. If more than 10 complaints are received against a firm, its officers could be criminally prosecuted.

Those not covered by the legislation would be charities and other nonprofit groups, political organizations, and polltakers, and debt collection agencies, or any other individual or company with whom the individual has an existing contract or debt.

ON THE PRICE OF MEAT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. COTTER) is recognized for 5 minutes.

Mr. COTTER. Mr. Speaker, I have sent the following letter to several thousands of my constituents urging a 2-day-a-week boycott of meat. I believe that this is an effective, but voluntary, means to bring down the price of meat. I am also hopeful that this action will force the President and his Cost-of-Living Council to move to lower food prices.

The letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C.

DEAR FRIENDS: As many of you know I have been attempting to get the President and his Cost of Living Council to take action to halt the continuing escalation of food prices. So far they have turned a deaf ear to the plight of the consumer who has watched in despair while each week the groceries eat up more and more of his frozen wages.

I think it is time for direct consumer action. The Nixon Administration has exempted food prices from price controls because agricultural prices supposedly respond to the forces of supply and demand. I suggest we put that theory to the test by cutting down on meat consumption.

What I am asking is that you join me in forming the nucleus of a nation-wide meat boycott. If each family that receives this letter sets aside at least two meatless days each week and encourages neighbors to do the same the effect could be quite dramatic. Supermarkets will buy less meat from wholesalers. Wholesalers will buy less meat from packers and packers will buy less cattle. Sooner or later those cows will have to come to market and at a lesser price. I single out meat because it represents over 20 percent of most family food budgets. Also there are many protein alternatives to meat such as fish, chicken, turkey, eggs and cheese.

I am not singling out grocery stores, though they will be the first to experience the impact of such a boycott. As a matter of fact I think the relatively poor profit figures for groceries and supermarkets indicate they are caught in the price squeeze too.

Hopefully if enough consumers respond to this boycott the President and his Cost of Living Council will be forced to face this issue squarely. By squarely I mean that they will recommend steps that would not only halt the escalation in food prices but also roll back prices which have risen disproportionately high.

Sincerely,

WILLIAM R. COTTER,
Member of Congress.

FLORIDIANS PROUD OF FLORIDA STATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 5 minutes.

Mr. FUQUA. Mr. Speaker, the fans of UCLA have a right to be proud of their national champion basketball team, but I can assure you that they are not any prouder than Floridians are of their Florida State University Seminoles.

Florida State lost to UCLA in the national championship game, 81 to 76, last weekend, but not the tremendous enthusiasm which FSU fans and I share for our team.

We offer no apologies for this defeat. UCLA is fantastic and their record of six consecutive NCAA titles, eight in 9 years, speaks for itself. Florida State and all of us who were pulling for them knew that we were meeting a team with poise, ability, pride, tradition, and that same cry "Why, this team is better than the one the year before, and they were the best basketball team in history."

I think that national basketball fans admired Hugh Durham's Seminole team. They started off the game with poise and were ahead for a time.

When they got behind, they continued to play to win.

Coach John Wooden is like Adolph Rupp, he is already a legend. He deserves congratulations as does his team.

Yet there are those of us from the Sunshine State who today would pay tribute to a gallant squad from Florida State. They were unheralded and came from nowhere to take a great Kentucky team and one of the very finest clubs in the land, North Carolina.

We are still on cloud 9. Maybe we lost the game by five points. It would be hard to convince the community of Tallahassee, Fla., of that fact.

To Coach Durham and his great team, might I add this tribute to that which has been paid them throughout the Nation.

They richly deserve it.

FORTHCOMING APPROPRIATIONS TO MAINTAIN THE VALUE IN TERMS OF GOLD OF U.S. CONTRIBUTIONS TO INTERNATIONAL MONETARY AND LENDING INSTITUTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GIBBONS) is recognized for 10 minutes.

Mr. GIBBONS. Mr. Speaker, last week I voted for the Par Value Modification Act, as did a majority of my colleagues in the House. In supporting this bill I did not think that it would provide all the answers to the international monetary crisis, and even less that it would solve our domestic economic difficulties, but it did seem to me to reflect a sensible appraisal of the structural disequilibrium underlying our worsening balance of payments situation.

We were told that this bill was simply a ratification of the decision which our negotiators had already made. Although we have debated in committee and on the floor the effects on our economy this devaluation is likely to have, the action of devaluing itself has always been considered a bookkeeping detail. I think that we have skipped too quickly over the mechanics of devaluation. The Treasury has passed pages of figures and prose before our glazed eyes, showing automatic increases of assets here and of liabilities there. I believe that we ought to focus in a little closer on these figures.

Let us look in particular at the cost of maintaining the value in terms of gold of our contributions to international monetary and lending institutions, which we agreed to do in joining these organizations and as devaluing countries have done in approximately 200 instances so far. The administration has estimated that appropriations in the neighborhood of $1.5 to $1.6 billion will be necessary to maintain our contribution level. This figure covers several different expenditures.

First, Congress will be asked to appropriate $525 million to cover both the increase in dollar cost of our IMF subscription and the increase in dollar cost of the money which we have already drawn from the Fund, which now constitutes an outstanding obligation. Following appropriation of these funds, the U.S. Treasury would issue letters of credit to the Fund to cover this sum.

Second, we will be asked to come up with $1.69 billion to cover the increased cost of our contributions to the international lending institutions—the International Development Association, the International Bank for Reconstruction and Development, the Inter-American Development Bank, and the Asian Development Bank. This again breaks down into two categories: $663 million for callable capital, money which we have to be willing to come through with if requested but which is not likely to be drawn down, and $406 million for paid-in subscriptions.

The total of these obligations is between $1.5 and $1.6 billion. I do not question the accuracy of the figures for a minute, or the necessity of fulfilling our international commitments. It is in our national interest to support a stable international monetary system, just as it is in our interest to retain the control over multinational lending to the less developed countries to which our preeminent position as contributor in these institutions entitles us.

We cannot afford to delay formal devaluation. I would like to call your attention here to an article in the Wall Street Journal on March 23, 1972, in which Michael Bradfield, the Assistant General Counsel specializing in international finance at the Treasury, is described as "hinting" that the administration may put off notifying the IMF formally of the dollar's devaluation until Congress has been persuaded to pass the related appropriations. If true, this would be a very unwise move. We have all seen the dollar fluctuate wildly in international markets; we have heard the complaints of foreign central banks as they are forced to absorb increasing quantities of unwanted dollars; worse, we have seen quiet little exchange controls imposed upon the inflow of American currency in these countries. We cannot encourage speculation and irritate our trading partners by allowing any question of our "seriousness" in this matter to exist. We must complete the process of devaluation which we voted on favorably last week.

Mr. Speaker, I am sure that very shortly we are going to be asked to appropriate this money, this $1.5 billion. Let us turn our attention now to the form which this appropriation should take. We have heard a lot about increased assets offsetting increased liabilities as a result of devaluation. But still we in Congress will be asked to come up with the money to cover the $1.5 billion liability while the "roughly equal" assets remain buried in the heart of the Treasury's accounting labyrinth.

We must not forget the source of this expense we are asked to meet: The decrease in the value of the dollar, which has raised the number of dollars required to meet our commitments abroad. But just as the dollar has depreciated by 8.57 percent, our gold reserves have appreciated by the same percentage. Our liquid assets have appreciated by $828 million. Section 4 of the Par Value Modification Act provides for this "paper profit" to be "covered into the Treasury as a miscellaneous receipt." At this point, our $828-million asset will be used to reduce the borrowing costs incurred in servicing our fantastic national debt and eventually will drift into limbo, unless Congress does something to prevent it.

I maintain that we should not lose sight of this money; $828 million is not peanuts. It is over 150 percent, for instance, of the 1972 budget allocation for the entire legislative branch of this Government. This sum is the result of the same devaluation process which requires us now to find $1.5 billion in appropriations; let us take that $828 million of "windfall gain" and earmark it for partial payment of our "windfall" liabilities.

I plan to introduce legislation directing Congress to establish a trust fund and at the same time to appropriate the $828-million profit resulting from the increased dollar value of our liquid reserves, these funds to remain in trust, to be administered by the Secretary of the Treasury, and to be used in future for the purpose of offsetting U.S. obligations to international monetary and credit institutions which have been increased through devaluation of the dollar this year.

There is plenty of precedent for Congress to instruct the Treasury to disburse the profit from currency realinement in a specific way. After the 1934 devaluation, Congress directed the Treasury to use the profit for a number of purposes: To set up an exchange stabilization fund which is still with us today, to provide capital for direct loans to industry, and for other uses.

Today, because of increased international economic interdependence, we are no longer free to spend this much smaller profit in creating domestic programs to stimulate the economy, sorely needed though these are. If our assets, increased through devaluation or otherwise, outweighed our international liabilities, we would not be in our present balance-of-payments predicament. But we can still make positive and precise use of our devaluation profit.

It could, perhaps, be argued that special action is unnecessary, that with or without a special trust fund the Treasury will spend the money, and I have no doubt that eventually our international obligations would be fulfilled. But setting up a trust fund to apply the increase in our assets against the increase in our liabilities is no idle bookkeeping technicality. It will serve two important functions. First, it will underline the close connection between revenue and appropriation, income and outlay. It will insure that profits from devaluation are used specifically to reduce losses from devaluation, instead of being dispersed anonymously to improve the appearance of the Federal deficit. Second, it will serve as a reminder that it is the Congress of the United States and no other body which has ultimate authority in deciding the allocation of revenue in this country.

The question of supplemental appropriations will soon be upon us. No one can seriously dispute that we must meet our international obligations; but let us stop being a rubberstamp for a monetary policy which has not, up until now, proven outstandingly successful. Let us take the initiative, demand that devaluation profits be used to pay part of devaluation losses, and appropriate the necessary balance expeditiously. These are most important issues which demand our urgent attention.

NLRB AND THE UNITED FARMWORKERS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, on March 16 I placed a statement in the Record reporting on an action taken by the NLRB against farmworkers. The NLRB filed a petition in the Federal district court in Fresno, Calif., requesting a nationwide injunction which, if granted, would prohibit the boycott activities of the United Farmworkers. I have had correspondence on this matter with Senator Robert Dole which I am setting forth with the thought it would be of interest to our colleagues:

Congress of the United States,
House of Representatives,
Washington, D.C., March 16, 1972.

Senator Robert H. Dole,
Chairman, Republican National Committee,
Washington, D.C.

Dear Senator Dole: I know that you are undoubtedly receiving communications urging you to take a position in opposition to the recent action of the NLRB which, I am informed, filed a petition on March 9th in Fresno, California requesting a nationwide injunction against the United Farm Workers. A letter from a Democratic Congressman, I know, will not have as much impact upon you as one that might be received from a Republican colleague, but I believe that the gross inequity that would be perpetrated if the NLRB is successful is such as to require every public office holder without regard to partisanship to make his or her view known.

I urge you, in your individual capacity and as Chairman of the Republican National Committee to speak out in opposition to the NLRB's action and to take whatever measures you can to rescind that action.

Sincerely,

EDWARD I. KOCH.

REPUBLICAN NATIONAL COMMITTEE,
Washington, D.C., March 21, 1972.

Hon. EDWARD I. KOCH,
Longworth House Office Building,
Washington, D.C.

DEAR CONGRESSMAN KOCH: This will acknowledge your letter of March 16, with reference to the action taken by the National Labor Relations Board in connection with the United Farm Workers.

At the outset, let me assure you that the Republican National Committee played no role whatsoever with reference to the NLRB's action in the case. As you know, the NLRB is an independent entity of the Federal government, and all appointments to that Board have been made on a bipartisan basis.

In any event, I have been in touch with the NLRB, and enclosed is a copy of their response, which is self-explanatory. You will note, of course, that a hearing has been set for April 6, and I am confident that all those wishing to make their views known will have the opportunity to be heard at that time.

I appreciate your concern, and regret the unfortunate misunderstanding that the Republican National Committee was in any way responsible for the NLRB's action.

Sincerely yours,

BOB DOLE.

NATIONAL LABOR RELATIONS BOARD,
OFFICE OF THE GENERAL COUNSEL,
Washington, D.C., March 17, 1972.

Hon. ROBERT J. DOLE,
U.S. Senate,
Washington, D.C.

Re: Free Marketing Council, Case Nos. 21–CC–1365, et al.

DEAR SENATOR DOLE: On March 14, 1972, Mr. Taggert of your office telephoned to inquire about proceedings instituted by this Agency against United Farm Workers Organizing Committee, now United Farm Workers National Union. After I explained to him what we are doing and why he asked that I put it in writing to facilitate your response to inquiries you have reecived, and I do so now.

A number of unfair labor practice charges have been filed in various of our Regional Offices around the country alleging, in essence, that UFWOC has engaged in, and is engaging in, conduct violative of the secondary boycott provisions of the National Labor Relations Act. It appears that UFWOC is engaged in an effort to organize and secure collective bargaining contracts covering employees of wineries who convert wine into champagne. In aid of this effort, it has been picketing various retail outlets which sell the products of the winery or wineries with which it has this dispute, an object of the picketing being to induce customers not to patronize these retail outlets, in short, to boycott the retail outlets.

Such conduct, if engaged in by a labor organization subject to the provisions of our Act, is violative of the Act. However, the question presented is whether UFWOC is a labor organization within the meaning of our Act. Agricultural employees are not covered by our Act and any labor organization which represents only agricultural employees is not a labor organization subject to the provisions of our Act. UFWOC does, of course, represent agricultural employees but our investigation revealed that UFWOC also represents employees of commercial packing sheds, who are employees within the meaning of our Act, and indeed, in connection with the instant dispute seeks to bargain for employees who also are considered statutory employees. As noted above, the employees here involved are engaged in converting wine into champagne, which is not agricultural work.

Thus, on the basis of our investigation we concluded that UFWOC is a labor organization within the meaning of our Act inasmuch as it admits to membership and represents statutory employees as well as agricultural employees.

It has further been alleged by the party filing the unfair labor practice charges that in its boycott activities UFWOC has also been acting as an agent of a statutory labor organization, the claim having been made that, in sum, the AFL–CIO is involved in the boycott and UFWOC is engaging in such activities not only on its own behalf but also as an agent of the AFL–CIO. Our investigation in this connection has not yet been completed. However, on the basis of our conclusion that UFWOC itself is a labor organization the General Counsel authorized issuance of a complaint against UFWOC alleging that UFWOC is a labor organization and that it is engaging in conduct violative of Section 8(b)(4)(B) of our Act, the Section which proscribes certain types of secondary boycott activity. Under Section 10(l) of the statute, whenever it is determined that a complaint should issue alleging such a violation, the Agency is mandated to apply to a federal district court for an injunction enjoining the continuation of such conduct pending a hearing by the Board upon the charges and the Board's determination of the case on the merits. Accordingly, a petition was filed in the Federal District Court in Fresno, California, praying for such injunction. A hearing on the petition is now set for April 6, 1972.

I trust that the foregoing will give you sufficient information for your purposes. If there is any other question you have, please do not hesitate to call upon me.

Sincerely yours,

JULIUS G. SEROT,
Assistant General Counsel.

HAIL AND FAREWELL TO CHIEF CLIFF

(Mr. RONCALIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, Forest Service Chief Edward P. Cliff, whose 40-year career spans two-thirds the formal history of that agency, will retire on April 29.

The ninth Chief in the agency's history, Mr. Cliff held the top job longer than any predecessor and guided the Service through the decade of its greatest change and growth.

Succeeding Dr. Richard E. McArdle as Chief on March 18, 1962, Mr. Cliff has directed the initial development of the national wilderness preservation system, dramatically expanded forest and land-management research and taken great strides toward balancing management among the many uses of the national forests.

Chief Cliff, whose friendship I have valued since my introduction to his ability during my previous service in the 89th Congress, has said his major goal in office was to establish a multiple use program that worked.

He outlined his objectives in the document, "Framework for the Future," in which he ordered a new emphasis on the noncommodity values of the forests, without diminishing commodities vital to the Nation's needs.

Chief Cliff has ably served those goals. Though he has not escaped the criticism which every public servant who would make lasting change must become resigned to, the chief has won the respect of every knowledgeable person whatever the perspective.

In the histories of the Forest Service yet to be written, Chief Cliff's tenure will dominate, both for its innovations and its continuity of dedication.

A native of Utah, Ed graduated from Utah State University in 1931 and began as an assistant ranger on the Wenatchee National Forest in Washington State that year.

He rapidly worked his way up, exhibiting exceptional administrative skills and particular talents in range management work and national forest administration. He became one of 10 regional foresters in 1950 and in 1952 was named assistant chief.

He holds the Department of Agriculture's highest honor, the Distinguished Service Award "for consistently outstanding vision, courage and dedicated leadership in developing, administering and managing the resources of the National Forest System in an age of conflicting interests and dynamic change."

He will, in the phrase of the entertainment world "be a tough act to follow." I have the highest expectations, however, that his successor, John McGuire can meet the test. John also began his service with the agency while still in college, serving as a junior field assistant in Ohio in 1939.

In subsequent years, he received increasingly responsible positions at research stations and in 1962 came to Washington as assistant to the Deputy Chief for Research. After 4 years as director of the Pacific Southwest Station, he returned to take the post of Deputy Chief for programs and legislation in the Washington office. He was promoted to his present position as Associate Chief last year.

Through my service on the Interior Committee, I have also enjoyed the friendship of John McGuire, whose capabilities are well known to the members who rely on his expert testimony as a valued guide in a whole spectrum of land management problems.

With mixed emotion, we all pay tribute to Ed Cliff's superb record of service, regretting his departure, but wishing for him the best that life can hold in these coming years. To his successor we can confidently predict continuing responsible and professional service along with the best wishes for an equally commendable tenure as the Nation's premier forester.

NATIONAL BLOOD BANK PROGRAM

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, subsequent to my introduction of H.R. 12715, National Blood Bank Act, on January 27, 1972, interest in the establishment of a national blood bank program has escalated. The recent efforts of the President and the American Red Cross have followed the intent of my proposed legislation which would establish a Federal program to encourage the voluntary donation of pure and safe blood, require licensing and inspection of all blood banks, and establish a national registry of blood donors.

Essential to any national blood bank program is the recruitment of voluntary donors. Their blood has been found to be highly reliable and free of the infectious diseases which have been found in the blood of many paid donors. My bill would provide $9 million for the establishment of such a national recruitment program.

The State of Connecticut has the only statewide voluntary blood donation program which adequately meets the blood needs of an effective medical program. Rather than being the exception, this should be the rule. Only through the establishment of national standards and the encouragement of the establishment of effective voluntary programs of donation will we bring an end to the instances of diseased and tainted blood being utilized in transfusions. I urge my colleagues to support the National Blood Bank Act.

I attach the following article from the March 6, 1972, edition of the Hartford Courant entitled "Blood Bank Held Model for Nation."

Blood Bank Held Model for Nation

(By David H. Rhinelander)

Leaders of the Connecticut Red Cross blood program have been anticipating federal involvement in blood bank programs and think this state's system could be a model for a national plan.

President Nixon Thursday called on the Department of Health, Education and Welfare (HEW) to develop a scheme for a national blood collection and distribution system.

HEW has hired the consulting firm of Booz, Allen and Hamilton to look at present programs. One of its experts spent two days last week touring the Connecticut Blood Program with Donald Cornish, director of the Connecticut Red Cross.

Cornish said Friday that the state Red Cross' building program will put the Connecticut Blood Bank ahead of most others. The Red Cross will build a new state headquarters, and blood banking facilities on state land next to the University of Connecticut Health Center in Farmington.

"I feel we will be able to meet any and all federal licensing and inspection criteria and will be able to satisfy future blood requirements for Connecticut from our new building," said Cornish.

Only Connecticut has a statewide voluntary program that guarantees to meet all the blood needs of hospitals in the state. There are no commercial blood banks in the state and no blood is sold to any hospital.

Elsewhere in the nation, commercial blood banks have grown because the Red Cross covers only 40 per cent of the national need. The price of a pint of blood has risen and the incidence of hepatitis and other blood diseases in commercially distributed blood has increased.

HEW Secretary Elliot L. Richardson said Thursday in Washington that there was no national system but that there was a great need for nationwide blood programs to match supplies with needs.

About 8 million pints of blood are collected in the United States each year. There are about 100,000 persons who sell their blood.

REPORTS ON NURSING HOMES

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, when the Social Security Act was enacted in the late 1930's, section 1106 was included "to protect the earnings records of those enrolled—a perfectly laudable objective." Regretfully, this section, 42 United States Code 1306, has been used by the Department of Health, Education, and Welfare and Social Security Administration to prevent the public from having access to the reports which the agency receives as to the quality of care and the conditions which prevail in the thousands of nursing homes which exist in this country and the operations of which are paid for in large measure by the Federal Government.

I introduced, on February 2, 1972, H.R. 12864, which would remove the present bar to the availability of this important nursing home information, and this measure is pending before the Committee on Ways and Means. The text of this bill and section 1106 of the Social Security Act follows:

H.R. 12864

A bill to amend the Social Security Act by providing for the release of information concerning certain aspects of the medical programs authorized by the Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1106(a) of the Social Security Act is amended by inserting "(1)" after "(a)", and by adding at the end thereof the following new paragraph:

"(2) Nothing in subsection (a) or in the regulations prescribed thereunder shall prohibit, prevent, interfere with, or delay the timely disclosure or dissemination of any file, record, report, or other paper, or any information, which (A) primarily relates to or concerns (i) the performance, fiscal data, or activities of one or more providers of services (as defined in section 1861(u)) or any other institutional entity or entities providing medical or related services covered by the health insurance programs under title XVIII or by a medical assistance program under a State plan approved under title XIX, or (ii) the activities or findings of any Federal, State, or local agency in connection with any such provider or entity or with any such services, and (B) does not specifically identify any particular beneficiary of the medical or related services involved or include personal information about any particular beneficiary or his entitlement or earnings.".

Disclosure of Information in Possession of Department

Sec. 1106. (a) No disclosure of any return or portion of a return (including information and other written statements) filed with the Commissioner of Internal Revenue under title VIII of the Social Security Act or under subchapter E of chapter 1 or subchapter A of chapter 9 of the Internal Revenue Code of 1939, or under chapter 2 or 21 or, pursuant thereto, under subtitle F of the Internal Revenue Code of 1954, or under regulations made under authority thereof, which has been transmitted to the Secretary of Health, Education, and Welfare by the Commissioner of Internal Revenue, or of any file, record, report, or other paper, or any information, obtained at any time by the Secretary or by any officer or employee of the Department of Health, Education, and Welfare in the course of discharging the duties of the Secretary under this Act, and no disclosure of any such file, record, report, or other paper, or information, obtained at any time by any person from the Secretary or from any officer or employee of the Department of Health, Education, and Welfare, shall be made except as the Secretary may by regulations prescribe. Any person who shall violate any provision of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding $1,000, or by imprisonment not exceeding one year, or both.[1]

(b) Requests for information, disclosure of which is authorized by regulations prescribed pursuant to subsection (a) of this section, and requests for services, may, subject to such limitations as may be prescribed by the Secretary to avoid undue interference with his functions under this Act, be complied with if the agency, person, or organization making the request agrees to pay for the information or services requested in such amount, if any (not exceeding the cost of furnishing the information or services), as may be determined by the Secretary. Payments for information or services furnished pursuant to this section shall be made in advance or by way of reimbursement, as may be requested by the Secretary, and shall be deposited in the Treasury as a special deposit to be used to reimburse the appropriations (including authorizations to make expenditures from the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, and the Federal Supplementary Medical Insurance Trust Fund) for the unit or units of the Department of Health, Education, and Welfare which furnished the information or services.[2]

(c) (1) (A) Upon request (filed in accordance with paragraph (2) of this subsection) of any State or local agency participating in administration of the State plan approved under title I, X, XIV, XVI, or XIX or part A of title IV, or participating in the administration of any other State or local public assistance program, for the most recent address of any individual included in the files of the Department of Health, Education, and Welfare maintained pursuant to section 205, the Secretary shall furnish such address, or the address of the most recent employer, or both, if such agency certifies that—

(i) an order has been issued by a court of competent jurisdiction against such individual for the support and maintenance of his child or children who are under the age of 16 in destitute or necessitous circumstances.

(ii) such child or children are applicants for or recipients of assistance available under such a plan or program,

(iii) such agency has attempted without success to secure such information from all other sources reasonably available to it, and

(iv) such information is requested (for its own use, or on the request and for the use of the court which issued the order) for the purpose of obtaining such support and maintenance.

(B) If a request for the most recent address of any individual so included is filed (in accordance with paragraph (2) of this subsection) by a court having jurisdiction to issue orders or entertain petitions against individuals for the support and maintenance of their children, the Secretary shall furnish such address, or the address of the individual's most recent employer, or both, for the use of the court (and for no other purpose) in issuing or determining whether to issue such an order against such individual or in determining (in the event such individual is not within the jurisdiction of the court) the court to which a petition for support and maintenance against such individual should be forwarded under any reciprocal arrangements with other States to obtain or improve court orders for support, if the court certifies

that the information is requested for such use.[3]

(2) A request under paragraph (1) shall be filed in such manner and form as the Secretary may prescribe (and, in the case of a request under paragraph (1)(A), shall be accompanied by a certified copy of the order referred to in clauses (i) and (iv) thereof).

(3) The penalties provided in the second sentence of subsection (a) shall apply with respect to use of information provided under paragraph (1) of this subsection except for the purpose authorized by subparagraph (A) (iv) or (B) thereof.

(4) The Secretary, in such cases and to such extent as he may prescribe in accordance with regulations, may require payment for the cost of information provided under paragraph (1); and the provisions of the second sentence of subsection (b) shall apply also with respect to payment under this paragraph.

FOOTNOTES

[1] Reorganization Plan No. 2 of 1949 (see p 899, vol. II) transferred to the Secretary of Labor certain duties and functions of the Federal Security Administrator (now Secretary of Health, Education, and Welfare), with respect to employment services, unemployment compensation, and the Bureau of Employment Security (which was also transferred to the Department of Labor from the Federal Security Administration). Reorganization Plan No. 19 of 1950 (see p. 901, vol. II) transferred the Bureau of Employees' Compensation from the Federal Security Administration (now the Department of Health, Education, and Welfare) to the Department of Labor and provided for the transfer from the Federal Security Administrator to the Secretary of Labor of certain functions and duties with respect to the Bureau of Employees' Compensation and with respect to employees' compensation, including workmen's compensation. In effect with respect to these functions and duties, the provisions of this section of the Social Security Act also apply to the Secretary of Labor.

[2] See footnote 1, above.

[3] P.L. 90–248, sec. 241(c)(1), deleted "IV," which appeared before the numeral "X", and inserted "or part A of title IV,".

The Congressional Research Service of the Library of Congress, at my request, has prepared a legislative history of section 1106, and this, too, I have included as a part of these remarks:

THE LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C., March 8, 1972.

To: Honorable JOHN SAYLOR,
From: American Law Division,
Subject: Legislative history of section 1106 of the Social Security Act, 42 USC 1306—Disclosure of information in possession of Department of Health, Education, and Welfare or Department of Labor; compliance with requests for information and services.

H.R. 6635, of the 76th Congress, a bill to amend the Social Security Act, contained in Title VIII, § 802, a provision prohibiting the disclosure, except pursuant to board regulations, of any returns or statements filed with the Commissioner of Internal Revenue under Title VIII of the Social Security Act or the Federal Insurance Contributions Act, or regulations thereunder, which have been transmitted by the Commissioner to the Board. The prohibition against disclosure, except pursuant to Board regulations, also extends to any file, record, report, paper or information obtained by the Board or any of its officers or employees in the course of official duties, any such material obtained by any person from the Board or any of its officers or employees. Violation of the prohibition is punishable as a misdemeanor. The House Ways and Means Committee reported HR 6635 as House Report No. 728, 76th Congress on June 2, 1939. Section 802 of Title VIII remained unchanged as HR 6635 passed the House on June 10, 1939. The Senate Finance Committee reported HR 6635 as Senate Report No. 734, 76th Congress on July 7, 1939. HR 6635 was passed by the Senate on July 14, 1939. A conference report No. 1461 was issued on August 4, 1939 and the bill became public law No. 379, 76th Congress on August 10, 1939. We have enclosed a copy of the public law. HR 6000, of the 81st Congress, a bill to amend the Social Security Act, was reported from the House and Means Committee as House Report No. 1300, 81st Congress on August 22, 1949. The bill passed the House on October 5, 1949, and was reported from the Senate Finance Committee as Senate Report No. 1669 on May 17, 1950. On June 20, 1950, HR 6000 passed the Senate amended. A conference was requested by the House and a report was issued on August 1, 1950 as House Report No. 2771, 81st Congress. On August 28, 1950 HR 6000 became Public Law 734, of the 81st Congress. The House version of section 1106 retained existing law with respect to disclosure of information and in addition specifically authorized the Federal Security Administrator to release, upon request, and to charge fees for: (1) wage-record information for State unemployment-compensation agencies, (2) special reports on individual wage records, and (3) special statistical studies and compilations of data relating to social-security programs. The Senate amendment authorized the Administrator to release, upon request, and to charge fees for: (1) wage-record information to state agencies administering unemployment-compensation laws and (2) special statistical studies and compilations of data relating to social-security programs. The Senate amendment required the Administrator to furnish wage-record information to a wage earner or his agent designated in writing (or, after death, his wife, child, or parent).

The Senate amendment did not authorize any other disclosures. The conference agreement retains existing law respecting authority for disclosure of information and authorizes the Administrator to charge fees for the information furnished. In addition, it requires the Administrator to furnish wage-record information to the legal representative of an individual or to the legal representative of the estate of a deceased individual. We have enclosed a copy of the Public law.

In the 85th Congress, HR 13549, Social Security Amendments of 1958, was enacted as Public Law 85–840. Section 701 of this act amended section 1106 (b) to provide for furnishing services and for collecting, and depositing in the old-age and survivors insurance and disability insurance trust funds, of appropriate charges for such service by the Secretary of Health, Education, and Welfare. Services would not be provided, however, where they would unduly interfere with the administration of the old-age and survivors insurance program. This section originally authorized the furnishing, and charging, of information permitted under applicable regulations to persons requesting the information; it did not provide for furnishing of services and the imposition of charges where the Secretary of Health, Education, and Welfare deemed such charging appropriate. We have enclosed a copy of Public Law 85–840.

In the 89th Congress, section 108c of HR 6675, social security amendments of 1965, amended section 1106 (b) of the Act so that the two new insurance trust funds established by the bill, like the old-age, survivors, and disability insurance trust funds may be reimbursed for costs of furnishing information (disclosure of which is authorized by regulations) or services to individuals or organizations. HR 6675 also added subsection c to section 1106. The Senate amendment added to the House bill a new section 343, amending section 1106 of the Social Security Act, to require the Secretary to furnish promptly, at the request of a welfare agency or a court, the most recent address in the social security records for a person who has failed without lawful excuse to provide support for his or her destitute child or children under age 16, or his destitute wife. The House receded with an amendment requiring the Secretary to furnish, at the request of a State or local agency participating in any State or local public assistance program, the most recent address in the social security records for a parent (or his most recent employer, or both) who has failed to provide support for his or her destitute child or children under age 16 who are recipients of or applicants for assistance under such public assistance program, where there is a court order for the support of the children and the information requested is to be used by the welfare agency or the court on behalf of the children. The report numbers for HR 6675 are House Report No. 213 (Ways and Means), Senate Report No. 404 (Finance), and Conference report No. 682, all of 89th Congress.

In the 90th Congress, H.R. 12080, the Social Security Amendments of 1967, was enacted as Public law 90–248 on January 2, 1968. The report numbers are House Report No. 554 (Ways and Means), Senate Report No. 744 (Finance), and conference report number 1030. Section 241(c)(1) of H.R. 12080 amended section 1106(c)(1) by striking out "IV," following "I," and inserted "or part A of subchapter IV of this chapter," after "XIX of this chapter". Section 168 of H.R. 12080 amended section 1106(c)(1) by adding a new subparagraph (B) requiring the Secretary of Health, Education, and Welfare to furnish the most recent address of an individual (or his most recent employer, or both) to a court having jurisdiction to issue orders or entertain petitions against the individual for the support and maintenance of his children if the court certifies that the information is requested for its own use in issuing or determining whether to issue such an order against such individual in the event the individual is not within the jurisdiction of the court to which a petition for support or maintenance is filed; the information might be used to determine the court to which a petition would be forwarded under any reciprocal arrangements with other States to obtain or improve court orders for support. Sections 168 (b) and (c) make conforming changes in the present provisions of section 1106(c) relating to the manner of making a request for information and to the applicability of penalties with respect to misuse of information furnished to a court.

JANICE G. GLASER,
American Law Division.

H.R. 6635—76TH CONGRESS, PUBLIC LAW 76–379

"DISCLOSURE OF INFORMATION IN POSSESSION OF BOARD

"SEC. 1106. No disclosure of any return or portion of a return (including information returns and other written statements) filed with the Commissioner of Internal Revenue under title VIII of the Social Security Act or the Federal Insurance Contributions Act or under regulations made under authority thereof, which has been transmitted to the Board by the Commissioner of Internal Revenue, or of any file, record, report, or other paper, or any information, obtained at any time by the Board or by any officer or employee of the Board in the course of discharging the duties of the Board, and no disclosure of any such file, record, report, or other paper, or information, obtained at any time by any person from the Board or from any officer or employee of the Board, shall be made except as the Board may by regulations prescribe. Any person who shall violate any provision of this section shall be deemed guilty of a misdemeanor and, upon convic-

tion thereof, shall be punished by a fine not exceeding $1,000, or by imprisonment not exceeding one year, or both."

H.R. 6000—81st Congress, Public Law 81–734

"DISCLOSURE OF INFORMATION IN POSSESSION OF AGENCY

"Sec. 1106. (a) No disclosure of any return or portion of a return (including information returns and other written statements) filed with the Commissioner of Internal Revenue under title VIII of the Social Security Act or under subchapter E of chapter 1 or subchapter A of chapter 9 of the Internal Revenue Code, or under regulations made under authority thereof, which has been transmitted to the Administrator by the Commissioner of Internal Revenue, or of any file, record, report, or other paper or any information, obtained at any time by the Administration or by any officer or employee of the Federal Security Agency in the course or discharging the duties of the Administrator under this Act, and no disclosure of any such file, record, or other paper, or information, obtained at any time by any person from the Administrator or from any officer or employee of the Federal Security Agency, shall be made except as the Administrator may by regulations prescribe. Any person who shall violate any provision of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding $1,000, or by imprisonment not exceeding one year, or both.

"(b) Requests for information, disclosure of which is authorized by regulations prescribed pursuant to subsection (a) of this section, may be complied with if the agency, person, or organization making the request agrees to pay for the information requested in such amount, if any (not exceeding the cost of furnishing the information), as may be determined by the Administrator. Payments for information furnished pursuant to this section shall be made in advance or by way of reimbursement, as may be requested by the Administrator, and shall be deposited in the Treasury as a special deposit to be used to reimburse the appropriations (including authorizations to make expenditures from the Federal Old Age and Survivors Insurance Trust Fund) for the unit or units of the Federal Security Agency which prepared or furnished the information."

(e) Section 1107 (a) of the Social Security Act is amended by striking out "the Federal Insurance Contributions Act, or the Federal Unemployment Tax Act," and inserting in lieu thereof the following: "subchapter E of chapter 1 or subchapter A, C, or E of chapter 9 of the Internal Revenue Code,".

(f) Section 1107 (b) of the Social Security Act is amended by striking out "Board" and inserting in lieu thereof "Administrator", and by striking out "wife, parent, or child", wherever appearing therein, and inserting in lieu thereof "wife, husband, widow, widower, former wife divorced, child, or parent".

H.R. 13549—85th Congress, Public Law 85–840

TITLE VII—MISCELLANEOUS PROVISIONS

Furnishing of services by Department of Health, Education, and Welfare

Sec. 701. Section 1106(b) of the Social Security Act is amended to read as follows:

"(b) Requests for information, disclosure of which is authorized by regulations prescribed pursuant to subsection (a) of this section, and requests for services, may, subject to such limitations as may be prescribed by the Secretary to avoid undue interference with his functions under this Act, be complied with if the agency, person, or organization making the request agrees to pay for the information or services requested in such amount, if any (not exceeding the cost of furnishing the information or services), as may be determined by the Secretary. Payments for information or services furnished pursuant to this section shall be made in advance or by way of reimbursement, as may be requested by the Secretary, and shall be deposited in the Treasury as a special deposit to be used to reimburse the appropriations (including authorizations to make expenditures from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund) for the unit or units of the Department of Health, Education, and Welfare which furnished the information or services."

H.R. 6675—Public Law 89–97

DISCLOSURE, UNDER CERTAIN CIRCUMSTANCES, TO COURTS AND INTERESTED WELFARE AGENCIES OF WHEREABOUTS OF INDIVIDUALS

Sec. 340. Section 1106 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(c) (1) Upon request (filed in accordance with paragraph (2) of this subsection) of any State or local agency participating in administration of the State plan approved under title I, IV, X, XIV, XVI, or XIX, or participating in the administration of any other State or local public assistance program, for the most recent address of any individual included in the files of the Department of Health, Education, and Welfare maintained pursuant to section 205, the Secretary shall furnish such address, or the address of the most recent employer, or both, if such agency certifies that—

"(A) an order has been issued by a court of competent jurisdiction against such individual for the support and maintenance of his child or children who are under the age of 16 in destitute or necessitous circumstances,

"(B) such child or children are applicants for or recipients of assistance available under such a plan or program,

"(C) such agency has attempted without success to secure such information from all other sources reasonably available to it. and

"(D) such information is requested (for its own use, or on the request and for the use of the court which issued the order) for the purpose of obtaining such support and maintenance.

"(2) A request under paragraph (1) shall be filed in such manner and form as the Secretary may prescribe, and shall be accompanied by a certified copy of the order referred to in paragraph (1) (A).

"(3) The penalties provided in the second sentence of subsection (a) shall apply with respect to use of information provided under paragraph (1) of this subsection except for the purpose authorized by subparagraph (D) thereof.

"(4) The Secretary, in such cases and to such extent as he may prescribe in accordance with regulations, may require payment for the cost of information provided under paragraph (1); and the provisions of the second sentence of subsection (b) shall apply also with respect to payment under this paragraph."

(c) Section 1106(b) of such Act is amended by striking out "and the Federal Disability Insurance Trust Fund" and inserting in lieu thereof ", the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, and the Federal Supplementary Medical Insurance Trust Fund."

H.R. 12080—90th Congress, Public Law 90–248

DISCLOSURE TO COURTS OF WHEREABOUTS OF CERTAIN INDIVIDUALS

Sec. 168. (a) Section 1106(c) (1) of the Social Security Act is amended by inserting "(A)" after "c(1)", by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and by adding at the end thereof the following new subparagraph:

"(B) If a request for the most recent address of any individual so included is filed (in accordance with paragraph (2) of this subsection) by a court having jurisdiction to issue orders or entertain petitions against individuals for the support and maintenance of their children, the Secretary shall furnish such address, or the address of the individual's most recent employer, or both, for the use of the court (and for no other purpose) in issuing or determining whether to issue such an order against such individual or in determining (in the event such individual is not within the jurisdiction of the court) the court to which a petition for support and maintenance against such individual should be forwarded under any reciprocal arrangements with other States to obtain or improve court orders for support, if the court certifies that the information is requested for such use."

(b) (1) Section 1106(c) (2) of such Act is amended by striking out ", and shall be accompanied" and all that follows and inserting in lieu thereof "(and, in the case of a request under paragraph (1) (A), shall be accompanied by a certified copy of the order referred to in clauses (i) and (iv) thereof)."

(2) Section 1106(c) (3) of such Act is amended by striking out "authorized by subparagraph (D) thereof" and inserting in lieu thereof "authorized by subparagraph (A) (iv) or (B) thereof".

* * * * *

(c) (1) Section 1106(c) (1) of such Act is amended by striking out "IV,", and by inserting after "XIX," the following: "or part A of title IV,".

It is very clear from the legislative history, Mr. Speaker, that the original section did not contemplate the result which has been achieved by the interpreters in Social Security Administration. No nursing care was provided or authorized in the original Social Security Act. No reference was made to this subject in the amendments which have been made to section 1106 as indicated by the history reproduced above.

I am advised that the Committee on Finance in the other body, has adopted an amendment to H.R. 1 which would be of a liberalizing nature, but which does not provide the full information permitted under my bill, H.R. 12864. It is also my information that the senior Senator from Connecticut, Senator RIBICOFF, has pending an amendment which goes farther than the one adopted by the committee. Also, I am told the senior Senator from California, Senator CRANSTON, has requested information on this subject, but has not been able to obtain it. The gentleman from Maryland, Mr. LONG, has a request pending which has not been met. I am sure there are many other congressional requests which have been ignored or denied.

Under dates of February 3, 1972 and March 2, 1972, I wrote the Secretary of Health, Education, and Welfare information on this subject as it related to the Commonwealth of Pennsylvania. The text of the two letters follows:

FEBRUARY 3, 1972.

Hon. ELLIOT L. RICHARDSON,
Secretary, Health, Education, and Welfare,
Washington, D.C.

DEAR MR. SECRETARY: I would like to be furnished with certain information your Department is required to obtain from vari-

> ous sources under certain sections of the Social Security Act.
>
> Specifically, I would like to have the most recent Medicare survey report on each extended care facility, home health agency, and each hospital not accredited by the Joint Commission on Hospitals in the Commonwealth of Pennsylvania.
>
> In addition, I would like to have copies of the inspection reports, obtained by the Department, performed by the State for the purpose of certifying or recertifying nursing homes to receive Medicaid vendor payments or to receive payments as an intermediate care facility.
>
> Lastly, I would like to have the same information on hospitals and home health agencies in the Medicaid program in the State.
>
> Naturally, I am requesting this information in my official capacity as a Member of the United States House of Representatives.
>
> I need this information at an early date and would appreciate it if it could reach my office no later than the close of business on Tuesday, February 22.
>
> JOHN P. SAYLOR,
> *Member of Congress.*

> MARCH 2, 1972.
>
> Hon. ELLIOT L. RICHARDSON,
> *Secretary, Health, Education, and Welfare, Washington, D.C.*
>
> DEAR MR. SECRETARY: Enclosed is a copy of my letter of February 3, which I believe you will find self-explanatory and to which I have no response, formal or informal, as of this date.
>
> I can understand that the information requested might take some reasonable time to compile, but I think an acknowledgement would be in order, to say the least.
>
> I would appreciate receiving this information at the earliest possible convenience.
>
> Sincerely yours,
>
> JOHN P. SAYLOR,
> *Member of Congress.*

As of the date of these remarks, I have had no official reply from Secretary Richardson. No acknowledgement has come from the Assistant Secretary for Legislation. My office did receive one call from a James Byers, who indicated on March 14 that a publication would be supplied which would give a summary of the information requested in my letter of February 3. He had indicated earlier that to comply with my request would entail the compilation of numerous reports and that it would be time consuming and expensive. On March 17, Mr. Byers called my office the second time and reported that he had been advised by "counsel" that he could not furnish the publication to which he had referred on March 14. He was advised in language which was not susceptible to misunderstanding what was expected of him and of the Department. I do not know this individual's capacity or his authority, though I gather from his conversation with my office that the latter is somewhat limited. I do know, Mr. Speaker, that a Member of the Congress is entitled to a written reply, and promptly, to any inquiry made of an executive agency. This I have not had.

It is a matter of considerable regret to me to see Secretary Richardson take the attitude he has in this case. Disregarding my letter would do justice to one of his predecessors, Wilbur Cohen, who earned quite a reputation for ignoring or adopting dilatory tactics in responding to the Congress. He is, unfortunately, following in the footsteps of his predecessors who have without exception refused to release this pertinent information. There is no real legal basis for the denial of this material, only an imagined one dreamed up by bureaucrats who are either blind to their responsibilities, lazy, incompetent, or perhaps a combination of all three.

Mr. Speaker, this information on the quality of care given in nursing homes across the Nation should be available to the public without any question. It is in the public interest. Homes which are operating on a quality basis have nothing to fear. Many of these homes, in fact the vast majority, could not operate without public funds. The public foots the bill, thus the public is entitled to know the facts. The information sought and needed should be, and can be, released without the enactment of any legislation. If, however, the Department is to continue its stubborn refusal to divulge this information, then legislation will be enacted—of that I am quite sure.

TO PROVIDE TEMPORARY PARTIAL EXEMPTION ON ENVIRONMENTAL IMPACT STATEMENTS

(Mr. DINGELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DINGELL. Mr. Speaker, on December 16, 1971, Judge Aubrey E. Robinson, Jr., of the District Court for the District of Columbia, in the case of *Kalur* v. *Resor, et al.* (Civ. No. 1331–71), issued an order permanently enjoining the Corps of Engineers "from issuing permits—under the 1899 Refuse Act—to discharge refuse matter into" the Nation's waterways until the corps' permit regulations are amended "to require environmental impact statements as specified by section 102(2)(C) of the National Environmental Policy Act of 1969."

The court, in that case, carefully analyzed NEPA, its legislative history, and recent court decisions interpreting NEPA. It concluded that the corps' regulations, which now generally provide that environmental impact statements are not required in the case of the permit program, "clearly fly in the face of NEPA's mandate that all agencies of the Federal Government shall make such reports and include detailed statements."

On February 3, 1972, the Department of Justice filed notice of appeal of this decision. Several months will pass before a decision is reached on this appeal.

The corps, the Environmental Protection Agency, and the Council on Environmental Quality find that immediate compliance with the court's order would create an untenable "administrative burden" over the short run.

Mr. John R. Quarles, Jr., EPA's General Counsel, testified on March 24, 1972, that:

> If we [EPA and the Corps] are required to prepare impact statements in connection with this great mass of pending [Refuse Act permit] applications, we anticipate that the program would operate under a great handicap. Our continuing judgment is that application of the impact statement requirement would frustrate the very purposes for which NEPA was enacted.

I do not agree that the application of section 102(2)(C) to Refuse Act permits "would frustrate the very purposes for which NEPA was enacted." It is inconceivable to me that EPA and the corps could issue any permit without first considering the very factors set forth in that section of NEPA.

Environmental impact statements are intended as the mechanism to implement Government coordination and to help agencies make a comprehensive approach to environmental management. Making these impact statements require Federal agencies to face the problems of pollution while they are still of manageable proportions and while alternative solutions are still available, rather than to persist in environmental decisionmaking wherein policy is established by default and inaction, the environment continues to be degraded in small but steady increments, and the mistakes of the past are perpetuated and not dealt with until they reach crisis proportions.

Furthermore, the environmental impact statement provides at least some evidence that the agency has given consideration to environmental factors, and enables the public to evaluate and weigh them also. NEPA and the environmental impact statements thus make the decisionmaking more responsive and more responsible.

One court decision—*Environmental Defense Fund* v. *TVA* (3 ERC 1553) recently summarized the importance of these statements as follows:

> The purpose of a section 102(2)(C) detailed environmental impact statement is (1) to aid the agency's decsion-making process and (2) to advise the public of the environmental consequences of the proposed action. The requirement seeks to insure that each agency decisionmaker has before him, and takes into proper account, all environmental impacts of a particular project. Only if this is done will the most intelligent, optionally beneficial decision be likely to result. Moreover, the detailed statement provides evidence that these factors have been taken into account. More importantly, it allows those removed from the decision-making process to evaluate and balance the factors on their own. In fact, "if the decision was reached procedurally without individualized consideration and balancing of environmental factors—*conducted fully* and in good faith—it is the responsibility of the courts to reverse." (Emphasis added.) *Calvert Cliffs* v. *AEC.*, ——— F. 2d ——— (D.C. Cir., 1971). 2 ERC 1779, 1782.
>
> At the very least, NEPA is an environmental full disclosure law. The Congress, by enacting it, may not have intended to alter the then existing decisionmaking responsibilities or to take away any then existing freedom of decisionmaking, but it certainly intended to make such decisionmaking more responsive and more responsible.

Even so, a number of administration spokesmen have expressed great concern over the prospects of such statements being required in the case of the Refuse Act permit program or in the case of the permit program proposed in section 402 of the Senate-passed bill, S. 2770, or H.R. 11896, as reported. They feel that such a requirement for approximately 20,000 permit applications would interminably bog down the program.

I note, however, that if H.R. 11896, as reported by the House committee, is enacted without the clean water package of amendments, it is possible that NEPA will not apply to the permit program once it is transferred to the States.

The House committee has sought to devise a method by which Federal laws, like NEPA will not apply to a State operated program. The committee bill does not provide for a delegation of the Federal program to the States, but merely a suspension of the Federal program and approval of the State program, with provision for withdrawal of such approval if a State does not administer the program in accordance with the approval.

The clean water package of amendments, however, will cure this grave defect.

Suggestions that the permit program be permanently exempted from the environmental impact statement requirements of NEPA are not acceptable to me. It has been suggested, however, that a temporary suspension of this requirement might be possible in order to prevent any adverse effect on the permit program in its early stages.

This approach is more reasonable. It deserves consideration. For this reason, Congressman PELLY—the able and distinguished ranking minority member of the Subcommittee on Fisheries and Wildlife—and I are today introducing a bill for this limited purpose.

The bill would suspend the requirements of section 102(2)(C) of NEPA concerning environmental impact statements in the case of the present and proposed permit program for the discharge of wastes into our navigable waterways. The suspension would only apply to permits issued prior to January 1, 1976. Moreover, even as to those permits, impact statements will be required by December 31, 1977, unless EPA determines that such permit does not "constitute a major Federal action significantly affecting the quality of the human environment." This determination will have to be published and, of course, will include a full discussion of the basis for that determination. The suspension would not apply to permits issued for facilities for which construction begins on or after April 1, 1972.

The bill is intended to be very narrow in scope. Other Federal permit, licensing, or construction activities of Federal agencies are not affected by the bill. Moreover, the bill specifically provides that it does not affect in any way the other provisions of NEPA, such as the policy and other provisions of section 101 of NEPA. Those provisions will continue to apply, where applicable, to the permit program.

Our Subcommittee on Fisheries and Wildlife is currently holding hearings on NEPA. It is our intention to include consideration of this bill at those hearings. We will be particularly interested in learning the views and comments of public witnesses on the bill. Administration spokesmen reviewed this bill in draft form and assures us that the administration believes it is adequate for its limited purposes.

At this point I insert in the CONGRESSIONAL RECORD the text of the bill, H.R. No. 14103:

H.R. 14103

A bill to amend the National Environmental Policy Act of 1969 to provide a temporary partial exemption from the requirements for the issuance of environmental impact statements

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That the National Environmental Policy Act of 1969 (83 Stat. 852) is amended by adding a new section to read as follows:

"Sec. 106. The provision of section 102(2)(C) of this Act providing for the preparation and filing of environmental impact statements shall not apply to the issuance on or before December 31, 1975, of permits under section 13 of the Act of March 3, 1899, or under section 402 of the Federal Water Pollution Control Act, as amended by the Federal Water Pollution Control Act Amendments of 1972, or to any action taken by any Federal agency in connection with such issuance: *Provided,* That unless the Administrator of the Environmental Protection Agency determines, and publishes his determination, that the issue of any such permit does not constitute a major Federal action significantly affecting the quality of the human environment, such permit shall not remain in effect beyond December 31, 1977, unless there has been compliance with section 102 of this Act: and *Provided further,* That this section shall not apply to any permit for a discharge from a facility on which construction commenced after April 1, 1972. Nothing in this section shall be construed as affecting any other requirements or procedures established by, or pursuant to, this Act."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BOW (at the request of Mr. GERALD R. FORD), for March 27 through March 29, on account of official business.

Mr. GOLDWATER (at the request of Mr. GERALD R. FORD), for week of March 27, on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HILLIS) to revise and extend their remarks and include extraneous material:)

Mr. ERLENBORN, for 30 minutes, today.

Mr. TALCOTT, for 15 minutes, today.

Mr. HALPERN, for 5 minutes, today.

Mr. VANDER JAGT, for 30 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. FLOOD, for 10 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. REUSS, for 20 minutes, today.

Mr. MONTGOMERY, for 10 minutes, today.

Mrs. GRASSO, for 5 minutes, today.

Mr. ASPIN, for 5 minutes, today.

Mr. COTTER, for 5 minutes, today.

Mr. FUQUA, for 5 minutes, today.

Mr. GIBBONS, for 10 minutes, today.

Mr. O'HARA, for 15 minutes, on March 28.

Mrs. ABZUG, for 30 minutes, on March 29.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MAHON, and to include extraneous material.

Mr. MAHON, to revise and extend his remarks made in the House today.

Mr. BLATNIK to revise and extend the remarks he made in Committee today.

Mr. SCHWENGEL (at the request of Mr. HARSHA) to extend his remarks in Committee of the Whole.

Mr. HARSHA during general debate on H.R. 11896 and to include extraneous matter.

Mr. DON H. CLAUSEN during general debate on H.R. 11896 and to include extraneous matter.

Mr. TERRY during general debate on H.R. 11896 and to include extraneous matter.

Mr. CLEVELAND during general debate on H.R. 11896 and to include extraneous matter.

Mr. RONCALIO during general debate on H.R. 11896 and to include extraneous matter.

Mr. KING during general debate on H.R. 11896 and to include extraneous matter.

Mr. GUDE following his remarks during general debate on H.R. 11896 and to include extraneous matter.

(The following Members (at the request of Mr. HILLIS) and to include extraneous material:)

Mr. DUNCAN.

Mr. SCHERLE in 10 instances.

Mr. DERWINSKI in three instances.

Mr. BURKE of Florida.

Mr. WYMAN in two instances.

Mr. SHRIVER.

Mr. BROOMFIELD.

Mr. ZWACH in two instances.

Mr. SCHWENGEL.

Mr. MINSHALL in two instances.

Mr. ANDERSON of Illinois in two instances.

Mr. HALPERN in three instances.

Mr. CARTER in four instances.

Mr. GROSS.

Mr. GROVER.

Mr. MCCLORY.

Mr. BLACKBURN.

Mr. WHITEHURST.

Mr. SCHMITZ.

Mr. BROYHILL of Virginia in three instances.

Mr. TALCOTT.

Mr. STEIGER of Wisconsin.

Mr. KEMP.

Mr. GUBSER.

Mr. MCEWEN in six instances.

Mr. HEINZ.

Mr. BOB WILSON in five instances.

Mr. HAMMERSCHMIDT in two instances.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. FLOOD.

Mr. MOSS in two instances.

Mr. PRYOR of Arkansas.

Mr. EVINS of Tennessee in three instances.

Mr. STOKES in two instances.

Mr. CORMAN in three instances.

Mr. HAMILTON.

Mr. YATRON.

Mr. HAGAN in three instances.

Mr. ROGERS in five instances.

Mr. MILLER of California in five instances.

Mr. KLUCZYNSKI in two instances.

Mr. RARICK in three instances.

Mr. DRINAN in two instances.

Mr. ANDERSON of California in three instances.

Mr. ROYBAL in 10 instances.

Mr. LONG of Louisiana.

Mr. ROSTENKOWSKI.

Mrs. ABZUG.

Mr. RANGEL in three instances.

Mr. REES in two instances.

Mr. REID.

Mr. SYMINGTON in four instances.

Mr. DANIELS of New Jersey in three instances.

Mr. FRASER.

Mr. BEGICH.

Mr. BOGGS.

Mr. BRADEMAS in six instances.

Mr. EILBERG in three instances.

Mr. BADILLO in three instances.

Mr. MOORHEAD in five instances.

Mr. RODINO in three instances.

Mr. PEPPER.

Mr. SATTERFIELD.

Mr. EDWARDS of California in three instances.

Mr. WALDIE in two instances.

Mr. HARRINGTON.

Mr. ROONEY of New York.

Mr. OBEY in six instances.

Mr. WILLIAM D. FORD.

Mr. GALLAGHER.

Mr. O'HARA in two instances.

Mr. BRASCO.

Mr. ROONEY of Pennsylvania in five instances.

SENATE BILLS AND CONCURRENT RESOLUTIONS REFERRED

Bills and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 141. An act to establish the Fossil Butte National Monument in the State of Wyoming, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 3153. An act to amend the act of January 8, 1971 (Public Law 91-660; 84 Stat. 1967), an act to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 3159. An act to authorize the Secretary of the Interior to establish the John D. Rockefeller, Jr., Memorial Parkway, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 3178. An act to amend the Communications Act of 1934 to relieve broadcasters of the equal time requirement of section 315 with respect to candidates for President and Vice President; to the Committee on Interstate and Foreign Commerce.

S. Con. Res. 59. Concurrent resolution to authorize the loan of the Cornelia Fasset painting, "The Electoral Commission of 1877," to the National Portrait Gallery of the Smithsonian Institution; to the Committee on House Administration.

S. Con. Res. 70. Concurrent resolution authorizing the printing of additional copies of Senate hearings on the Consumer Product Safety Act of 1971; to the Committee on House Administration.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 18. An act to amend the United States Information and Educational Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty; and

S. 1975. An act to change the minimum age qualification for serving as a juror in Federal courts from 21 years of age to 18 years of age.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 27 minutes p.m.) the House adjourned until tomorrow, Tuesday, March 28, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1772. A communication from the President of the United States, asking cancellation of fiscal year 1972 supplemental requests for budget authority which were transmitted in the budget for fiscal year 1973, and consideration of amendments to the request for appropriations transmitted therein for the Atomic Energy Commission (H. Doc. No. 92-269); to the Committee on Appropriations and ordered to be printed.

1773. A letter from the Secretary of Defense, transmitting his 1971 Annual Report on Reserve Forces, pursuant to 10 U.S.C. 279; to the Committee on Armed Services.

1774. A letter from the Secretary of Defense, transmitting a draft of proposed legislation to authorize certain construction at military installations and for other purposes; to the Committee on Armed Services.

1775. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to members of the uniformed services, and for other purposes; to the Committee on Armed Services.

1776. A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend title 10, United States Code, and the Military Selective Service Act to permit the oversea assignment of members of the armed forces who have completed basic training and who have been awarded a military specialty; to the Committee on Armed Services.

1777. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to permit the Secretary of the Navy to establish annually the total number of limited duty officers permitted on the active list of the Navy and Marine Corps, and for other purposes; to the Committee on Armed Services.

1778. A letter from the Assistant Secretary of the Navy (Installations and Logistics), transmitting notice of the proposed transfer of the submarine U.S.S. *Torsk* to the Maryland Militia on behalf of the State of Maryland, pursuant to 10 U.S.C. 7308; to the Committee on Armed Services.

1779. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting a report of Department of Defense procurement from small and other business firms for July-December 1971, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

1780. A letter from the Director of Action, transmitting a draft of proposed legislation authorizing continuation of programs of Action, creating a National Advisory Council for that Agency, and for other purposes; to the Committee on Education and Labor.

1781. A letter from the Director of Action, transmitting a draft of proposed legislation authorizing continuing appropriations for Peace Corps and for other purposes; to the Committee on Foreign Affairs.

1782. A letter from the Assistant Secretary of the Interior, transmitting notice of the receipt of an application for a loan from the Semitropic Water Storage District on behalf of the Pond-Poso Improvement District of Wasco, Calif., pursuant to section 10 of the Small Reclamation Projects Act of 1956; to the Committee on Interior and Insular Affairs.

1783. A letter from the Acting Assistant Secretary of the Interior, transmitting a copy of a proposed amendment to concession contracts for the continued operation for an additional period of 1 year of facilities and services for the public in Zion, Bryce Canyon, and Grand Canyon (North Rim) National Parks, and Cedar Breaks National Monument, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

1784. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations, and for other purposes; to the Committee on Interstate and Foreign Commerce.

1785. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of February 29, 1972, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

1786. A letter from the Chairman, National Commission on Marihuana and Drug Abuse, transmitting the first year's report of the Commission, entitled "Marihuana, A Signal of Misunderstanding," pursuant to section 601 of Public Law 91-513; to the Committee on Interstate and Foreign Commerce.

1787. A letter from the Acting Attorney General, transmitting a draft of proposed legislation to amend section 3401 of title 18, United States Code, to authorize U.S. Magistrates to use the probation provision of the Youth Corrections Act, and for other purposes; to the Committee on the Judiciary.

1788. A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting a draft of proposed legislation to amend the Disaster Relief Act of 1970; to the Committee on Public Works.

1789. A letter from the Director, National Science Foundation, transmitting a report on Federal support to universities, colleges, and selected nonprofit institutions during fiscal year 1970, pursuant to the National Science Foundation Act, as amended; to the Committee on Science and Astronautics.

1790. A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38 of the United States Code in order to authorize an agreement with the Republic of the Philippines providing for hospital care and medical services to be furnished Commonwealth Army veterans and new Philippine Scouts for service-connected disabilities, and for other purposes; to the Committee on Veterans' Affairs.

1791. A letter from the Secretary of Health, Education, and Welfare, transmitting the Annual Report of the Social Security Administration for fiscal year 1971, pursuant to 42 U.S.C. 904; to the Committee on Ways and Means.

RECEIVED FROM THE COMPTROLLER GENERAL

1791. A letter from the Comptroller General of the United States, transmitting a report that most veterans are not completing correspondence courses and that more guidance is needed from the Veterans' Administration; to the Committee on Government Operations.

1792. A letter from the Comptroller General of the United States, transmitting an assessment of Federal and State enforcement efforts to abate water pollution; to the Committee on Government Operations.

1793. A letter from the Comptroller General of the United States, transmitting a report on the collection of child support under the program of aid to families with dependent children administered by the Social and Rehabilitation Service of the Department of Health, Education, and Welfare; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CELLER: Committee on the Judiciary. H.R. 12652. A bill to extend the Commission on Civil Rights for 5 years, to expand the jurisdiction of the Commission to include discriminaton because of sex, to authorize appropriations for the Commission, and for other purposes; with amendments (Rept. No. 92–946). Referred to the Committee of the White House on the State of the Union.

Mr. DONOHUE: Committee on the Judiciary. H.R. 12979. A bill to amend title 28, United States Code, to authorize the recall of retired commissioners of the U.S. Court of Claims for temporary assignments (Rept. No. 92–947). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Post Office and Civil Service. S. 1989. An act to amend title 39, United States Code, to provide for the renewal of certain star route contracts; with amendment (Rept. No. 92–948). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALDIE: Committee on Post Office and Civil Service. H.R. 440. A bill to amend the Civil Service Retirement Act, as amended, to provide annuities for additional personnel engaged in hazardous occupations; with amendments (Rept. No. 92–956). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 862. Resolution authorizing the Committee on House Administration to incur expenses in making certain improvements in the House Restaurant and related facilities in the Longworth House Office Building (Rept. No. 92–949). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 907. Resolution providing funds for the expenses of the investigations and studies authorized by House Resolution 819 (Rept. No. 92–950). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 908. Resolution providing expenses for the Committee on Interstate and Foreign Commerce (Rept. No. 92–951). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 909. Resolution to provide funds for the further expenses of the investigation and study authorized by House Resolution 20 (Rept. No. 92–952). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 910. Resolution providing for the expenses of the House Select Committee on Crime (Rept. No. 92–953). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 911. Resolution to provide funds for the expenses of the investigations and studies authorized by rule XI(8) and House Resolution 304; with amendment (Rept. No. 92–954). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 912. Resolution to provide for the further expenses of the investigation and study authorized by House Resolution 201 for the Committee on Armed Services (Report No. 92–955). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 14095. A bill to amend title VII of the Housing and Urban Development Act of 1965; to the Committee on Banking and Currency.

H.R. 14096. A bill to create the position of ombudsman, and for other purposes; to the Committee on House Administration.

By Mr. ASPIN (for himself, Mrs. Abzug, Mr. Blackburn, Mr. Buchanan, Mrs. Chisholm, Mr. Daniels of New Jersey, Mr. Dellums, Mr. Dent, Mr. Gibbons, Mrs. Grasso, Mr. Halpern, Mr. Harrington, Mr. Hastings, Mr. Hechler of West Virginia, Mr. Lent, Mr. Moss, Mr. Murphy of New York, Mr. O'Hara, Mr. Pike, Mr. Rangel, Mr. Scheuer, Mr. Seiberling, Mr. Symington, Mr. Veysey, and Mr. Charles H. Wilson):

H.R. 14097. A bill to amend the Communications Act of 1934 to prohibit making unsolicited commercial telephone calls to persons who have indicated they do not wish to receive such calls; to the Committee on Interstate and Foreign Commerce.

By Mr. ASPIN (for himself, Mr. Drinan, Mr. Helstoski, Mr. Stokes, and Mr. Winn):

H.R. 14098. A bill to amend the Communications Act of 1934 to prohibit making unsolicited commercial telephone calls to persons who have indicated they do not wish to receive such calls; to the Committee on Interstate and Foreign Commerce.

By Mr. BERGLAND:

H.R. 14099. A bill to amend title II of the Social Security Act to provide a 20-percent across-the-board increase in benefits (with a $100-minimum primary benefit), to increase the earnings base to $15,000 for both benefit and tax purposes, and to provide that one-third of the revenues required for the social security program be contributed by the Federal Government (with corresponding reductions in tax rates); to the Committee on Ways and Means.

By Mr. BLANTON (for himself, Mr. Bell, Mr. Brasco, Mr. Brown of Michigan, Mr. Davis of South Carolina, Mr. Donohue, Mr. Dowdy, Mr. Drinan, Mr. Fascell, Mr. Fisher, Mr. Gude, Mrs. Hicks of Massachusetts, Mr. Horton, Mr. Jones of Tennessee, Mr. Matsunaga, Mr. Mazzoli, Mr. Mitchell, Mr. Morse, Mr. Pepper, Mr. Podell, Mr. Rangel, Mr. Roy, and Mr. Yatron):

H.R. 14100. A bill to amend the Internal Revenue Code of 1954 to provide that married individuals who file separate returns shall be taxed at the same income tax rates as unmarried individuals and to provide a special rule in the case of earned income which is community income; to the Committee on Ways and Means.

By Mr. BURLISON of Missouri:

H.R. 14101. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. CHAMBERLAIN:

H.R. 14102. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. DINGELL (for himself and Mr. Pelly):

H.R. 14103. A bill to amend the National Environmental Policy Act of 1969 to provide a temporary partial exemption from the requirements for the issuance of environmental impact statements; to the Committee on Merchant Marine and Fisheries.

By Mr. ERLENBORN (for himself, Mr. Fuqua, and Mr. Quie):

H.R. 14104. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage under that act, and to establish a youth differential wage to encourage the hiring of youths, and for other purposes; to the Committee on Education and Labor.

By Mr. GIBBONS:

H.R. 14105. A bill to amend the Internal Revenue Code of 1954 with respect to lobbying by certain types of exempt organizations; to the Committee on Ways and Means.

By Mr. JOHNSON of California (for himself, Mr. Don H. Clausen, Mr. Hosmer, Mr. Camp, Mr. Dellenback, and Mr. McKevitt):

H.R. 14106. A bill to amend the Water Resources Planning Act to authorize increased appropriations; to the Committee on Interior and Insular Affairs.

By Mr. KEMP (for himself, Mr. Mizell, and Mr. Vander Jagt):

H.R. 14107. A bill to amend title 10 of the United States Code to permit the appointment by the President of certain additional persons to the service academies; to the Committee on Armed Services.

By Mr. MILLER of California:

H.R. 14108. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes; to the Committee on Science and Astronautics.

By Mr. MONAGAN:

H.R. 14109. A bill to amend the Public Health Service Act to provide for the prevention of Cooley's anemia; to the Committee on Interstate and Foreign Commerce.

By Mr. ROE (for himself, Mr. Hunt, Mr. Daniels of New Jersey, Mrs. Dwyer, Mr. Forsythe, Mr. Frelinghuysen, Mr. Gallagher, Mr. Helstoski, Mr. Howard, Mr. Minish, Mr. Patten, Mr. Rodino, Mr. Sandman, Mr. Thompson of New Jersey, and Mr. Widnall):

H.R. 14110. A bill to provide for the expansion of the Beverly National Cemetery in or near Beverly, Burlington County, N.J.; to the Committee on Veterans' Affairs.

By Mr. TEAGUE of Texas (for himself, Mr. Teague of California, Mr. Danielson, Mrs. Hicks of Massachusetts, Mr. Montgomery, Mr. Satterfield, Mr. Saylor, and Mr. Winn):

H.R. 14111. A bill to amend title 38 of the United States Code in order to authorize an agreement with the Republic of the Philippines providing for hospital care and medical services to be furnished Commonwealth Army veterans and new Philippine Scouts for service-connected disabilities, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ARCHER (for himself, Mr. Cleveland, and Mr. Kuykendall):

H.R. 14112. A bill to repeal the Davis-Bacon Act and the Contract Work Hours Standards Act, and related provisions of law; to the Committee on Education and Labor.

By Mr. BRASCO:

H.R. 14113. A bill to amend the Public Health Service Act to provide for the prevention of Cooley's anemia; to the Committee on Interstate and Foreign Commerce.

By Mr. FISHER:

H.R. 14114. A bill to amend title II of the Social Security Act to increase to $3,000 the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. HALPERN (for himself and Mr. HATHAWAY):

H.R. 14115. A bill to promote international cooperation in United Nations efforts to protect the world's oceans and atmosphere; to the Committee on Foreign Affairs.

By Mr. HALPERN (for himself and Mrs. GRASSO):

H.R. 14116. A bill to promote the peaceful resolution of international conflict, and for other purposes; to the Committee on Government Operations.

By Mr. HALPERN:

H.R. 14117. A bill to amend the Civil Rights Act of 1964 in order to prohibit discrimination on the basis of physical or mental handicap in federally assisted programs; to the Committee on the Judiciary.

By Mr. KOCH (for himself, Mr. BEGICH, Mr. BRASCO, Mr. BURTON, Mrs. CHISHOLM, Mr. DELLUMS, Mr. DONOHUE, Mr. DOW, Mr. EDWARDS of California, Mr. EILBERG, Mr. FASCELL, Mr. GALLAGHER, Mrs. GRASSO, Mr. GUDE, Mr. HALPERN, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. KEMP, Mr. LENT, Mr. MATSUNAGA, Mr. MOLLOHAN, Mr. NIX, Mr. ROSENTHAL, and Mr. ROYBAL):

H.R. 14118. A bill to authorize the establishment of an older worker community service program; to the Committee on Education and Labor.

By Mr. KOCH (for himself, Mr. PEPPER, Mr. SARBANES, Mr. SCHEUER, Mr. STOKES, Mr. SYMINGTON, Mr. TIERNAN, Mr. BOB WILSON, Mr. WINN, and Mr. YATRON):

H.R. 14119. A bill to authorize the establishment of an older worker community service program; to the Committee on Education and Labor.

By Mr. KOCH (for himself, Mrs. ABZUG, Mr. BELL, Mr. BOLAND, Mr. BURTON, Mr. O'HARA, and Mr. RYAN):

H.R. 14120. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for grants to cities for improved street lighting; to the Committee on the Judiciary.

By Mr. MINSHALL:

H.R. 14121. A bill to amend the Internal Revenue Code of 1954 to provide that married individuals who file separate returns shall be taxed at the same income tax rates as unmarried individuals and to provide a special rule in the case of earned income which is community income; to the Committee on Ways and Means.

By Mr. MIZELL:

H.R. 14122. A bill to amend the Public Works and Economic Development Act of 1965 to extend its coverage with respect to the economic development of rural America; to the Committee on Public Works.

By Mr. RONCALIO:

H.R. 14123. A bill to amend title 13, United States Code, to establish a National Voter Registration Administration, and for other purposes; to the Committee on House Administration.

By Mr. RYAN:

H.R. 14124. A bill to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Assistance Administration to carry out a program of financial assistance to encourage and assist the States in registering voters; to the Committee on House Administration.

By Mr. STUBBLEFIELD:

H.R. 14125. A bill to amend the Federal Meat Inspection Act, as amended, by exempting salt-cured smoked meat; to the Committee on Agriculture.

H.R. 14126. A bill to provide for the establishment of a veterans' hospital in western Kentucky; to the Committee on Veterans' Affairs.

By Mr. GERALD R. FORD:

H.J. Res. 1130. Joint resolution authorizing the President to proclaim the first Monday in May as Industry Day; to the Committee on the Judiciary.

By Mrs. GRASSO:

H.J. Res. 1131. Joint resolution relating to sudden infant death syndrome; to the Committee on Interstate and Foreign Commerce.

By Mr. MATSUNAGA:

H.J. Res. 1132. Joint resolution to establish a national policy relating to conversion to the metric system in the United States; to the Committee on Science and Astronautics.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

344. By the SPEAKER: Memorial of the Legislature of the State of California, relative to the creation of a Commission on Indian Treaties; to the Committee on Interior and Insular Affairs.

345. Also, a memorial of the Legislature of the State of Hawaii, ratifying the proposed amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

346. Also, a memorial of the Legislature of the State of Nebraska, ratifying the proposed amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

347. Also, a memorial of the House of Representatives of the State of Arizona, relative to appointing a committee to investigate and recommend changes in the tenure provisions of the civil service laws; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 14127. A bill for the relief of Mrs. John Poon; to the Committee on the Judiciary.

By Mr. BROOKS:

H.R. 14128. A bill for the relief of Jorge Ortuzar-Varas and Maria Pabla de Ortuzar; to the Committee on the Judiciary.

By Mr. ECKHARDT:

H.R. 14129. A bill for the relief of Mary Moore Aalund; to the Committee on the Judiciary.

By Mr. LUJAN:

H.R. 14130. A bill for the relief of Jean Claire Casey; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 14131. A bill for the relief of Miss Albertina C. Dias; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

204. The SPEAKER presented a petition of Gordon L. Dollar, et al., Represa, Calif., relative to redress of grievances; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

THE PLIGHT OF THE INDIANS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. WALDIE. Mr. Speaker, when America was discovered the Indian population is estimated to have been about 1.5 million in the continental United States.

After contact with Europeans, the numbers fell rapidly as a result of many wars and the introduction of Western European diseases such as smallpox and measles which were fatal to many Indians. This was just the beginning of lives of misery and oppression for many Indians—a tragic period in their history and in our history—which is still not ended.

Some of the Indian tribes were totally decimated. Others merged and lost their special identity. Their land—which they treasured and respected—was taken away in ever-increasing chunks.

Now they are herded onto reservations. These reservations consist mainly of land which is not fit for farming or much else, for that matter. Their natural resources are slowly being eroded and their water resources are drying up. Altogether, a shameful episode in our Nation's past history that continues in its shameful neglect into our present.

A constitutent of mine who is concerned about the native Indian populations—Mrs. Dorothy T. Metzger, of Moraga, Calif., has sent me an article by Homer Bigart which appeared in the San Francisco Chronicle of March 12, 1972. I would like to share the article with my colleagues:

INDIANS FIGHT TO KEEP THE LAND

(By Homer Bigart)

RENO.—A grim determination to defend and preserve their shrinking land and water resources is developing among 477,000 Indians who live on 263 reservations in the West.

These resources are still being whittled away. "Manifest destiny," which justified the seizure of Indian lands on the presumption that the whites were destined to rule the continent, has been replaced by more subtle forms of expropriation, the Indians say.

"FIRST LANDLORDS"

Indians occasionally reflect with bitterness that, as the "first landlords of this continent," they might have started collecting rent from the pilgrims. Now they are down to some 50 million acres held in trust for them on reservations and 40 million acres to share with Eskimos and Aleuts in Alaska.

The reservations range in size from tiny California settlements of only a few acres to the Navajo reservation of 14 million acres in Arizona, New Mexico and Utah.

Since these trust lands may be sold only with the approval of the Secretary of the Interior, it would appear that they are reasonably safe from further erosion. However, the long-term leasing of tribal property to public utilities, timber interests, strip-mine operators and resort developers is an increasing menace, the Indians say.

Usually it is the extreme poverty of a reservation that forces tribal chiefs into deals for the exploitation of Indian land and water resources. Then the chiefs are often reviled by their tribesmen as "apples" and "radishes," meaning phony Indians who are red on the outside but white under the skin.

A common feature of Indian reservations is their relative aridity. Consequently, water rights have become the most crucial problem for the Indians. When delegates to the National Congress of American Indians met here in November, they saw a gaunt symbol of their vanishing water assets—a dying lake.

PYRAMID LAKE

They were taken to the Pyramid Lake Indian Reservation, 30 miles northeast of Reno, to inspect what is generally considered to be one of the world's most beautiful natural desert lakes.

For centuries, the water level of Pyramid Lake was maintained by a natural balance of inflow from the Truckee River and a high evaporation rate in the desert climate. But the increased upstream use of Truckee water by cities and towns, irrigated farms and recreational and wildlife areas has upset that balance.

Now the lake has dropped more than 80 feet.

A study group from the federal government and the states of Nevada and California has estimated that the lake is steadily receding at the rate of one foot a year and that its demise is certain unless the Truckee inflow is fully restored.

The lake, once one of the finest fresh-water fisheries in the nation and renowned for its cutthroat trout, is becoming increasingly saline.

The northern Paiutes, who had hoped to develop the lake as a major recreational attraction, are embittered over the impending loss of their principal livelihood.

The Paiutes charge that the Truckee water is being "stolen" by upstream whites. But California and Nevada contend that, under a 1944 "final decree" by the federal courts, the Indians are entitled to no more than 30,000 acre-feet of Truckee water annually, or less than one-tenth the amount needed to offset evaporation and sustain the present level of the lake.

To the Indians, loss of the tribal land base usually leads to loss of tribal identity, and they cite the downward cultural and economic spiral of tribes that have cut themselves loose from federal trusteeship.

Members of these "terminated" tribes, oppressed by unemployment, have often had to sell the lands and go to the cities in search of work. Idleness among urban Indians now runs as high as 70 per cent and they live in abject loneliness in the foulest of slums.

RESTORING THE RIGHT TO OWN AND TRADE IN MONETARY GOLD

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. SCHMITZ. Mr. Speaker, on March 6 I appeared before the House Banking and Currency Committee to testify in favor of my bill, H.R. 6790, which would remove all present restrictions on the ownership, buying and selling of gold by American citizens, and would allow payment of contractual obligations in gold if both parties to a contract agree to it. The subject of the committee hearing was the pending bill to devalue the dollar in terms of gold, and my bill was offered as an amendment to that measure.

The prohibition on owning and trading in monetary gold by American citizens dates back to the depths of the Great Depression, to an Executive order by President Franklin Roosevelt in 1933, followed up by implementing legislation and upheld by a 5 to 4 Supreme Court decision in 1935 invalidating the "gold clauses" in private contracts, whose legality my bill would restore. The time has come to remove this extraordinary restriction on private ownership by citizens of what is supposed to be, and ought to be a free country.

Excerpts from my testimony follow:

I come before you today to urge you most solemnly to lift one of the most arbitrary, tyrannical and indefensible restrictions of individual liberty ever imposed on the American people: the denial of their right to own and trade in monetary gold—a right respected by nearly every other free country in the world. Whatever reason or excuse might once have been given for denying this right at the height of a world-wide financial panic nearly forty years ago, there can be no possible justification for maintaining the prohibition, now that our Federal Government itself will no longer trade in gold. The bill before you presents a natural vehicle for removing this prohibition. Proposals to remove it have gained widesperad support.

Throughout history, the most dependable *intrinsic* economic value has been found in precious metal—gold and silver. Nearly all advanced civilizations have used gold as their basic monetary standard. Its attributes of durability and beauty have given it a character apart from that of any other metal, a character that has remained untarnished throughout the ages. Gold commands respect in all quarters for its beauty and imperishability. You may throw it into the ocean, you may hide it in the earth, or you may subject it to the heat of the furnace, but it remains essentially unchanged and unmistakable in its appearance.

And, so long as gold may be freely owned and traded, the very qualities which give it so much intrinsic value also act as a check on the inflation of other media of exchange, whose value will inevitably be measured in terms of gold. When gold is in circulation, the people cannot long be fooled about what is happening as the value of their paper money is diluted. . . .

Writing in *The Freeman* in August 1971 just as the international money crisis which led to the devaluation of the dollar was breaking out into the open, distinguished economist Henry Hazlitt said: "There appears to be no alternative now to our government doing frankly and de jure what for the last three years it has been doing without acknowledgment but de facto: it should openly announce that it can no longer announce that until further notice it will neither buy nor sell gold."

These things have already been done. But Mr. Hazlitt went on to say: "Simultaneously, however, the United States should repeal all prohibitions against its citizens owning, buying, selling, or making contracts in gold. This would mean the restoration of a really free gold market here."

PROPOSES A NEW DEPARTMENT OF HEALTH

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. SYMINGTON. Mr. Speaker, two of the most serious problems facing our country today are the lack of adequate funding for health programs and the lack of coordination of the many existing health programs.

A new, separate Department of Health could alleviate both of these problems. A Secretary of Health could devote full-time to coordinating the disparate health effort by the Federal Government while assessing the value and the need for more dollars for effective health programs.

In this regard, I would call to the attention of my colleagues an article detailing a proposal for a separate Department of Health and the key role Representative PAUL ROGERS of Florida is playing in the development of this new Department.

The article appeared in the American Medical News on February 28, 1972.

WASHINGTON'S WEEK

A Cabinet level Dept. of Health is slated to receive a serious push in Congress this year, though time won't permit enactment. Rep. Paul Rogers (D., Fla.), influential chairman of the House Health Subcommittee, plans to introduce legislation and hold hearings. Impetus to the drive could come from the Democratic Party's national convention where a party plank provision may endorse the Health Dept. idea.

Administration opposes plan. President Nixon's moribund Cabinet reorganization plan moves in opposite direction, calls for changing Health, Education, and Welfare Dept. to Dept. of Human Resources with added welfare programs from Labor and Agriculture Departments.

No question from size and importance that health ranks a Cabinet spot. Federal outlays for health next fiscal year put at $25.5 billion, 10.3% of all federal expenditures. However, broad issue pits two schools of thought on administering federal programs. Administration supporters believe it makes sense to contain within one umbrella most programs involving health and welfare as intimately connected and needing single supervision. Education isn't quite so related, but there hasn't been much pressure to separate this function which ranks third in spending at HEW (about $6 billion) and fits in as well at HEW as anywhere.

Backers of a Health Dept. contend that health gets short-changed because it doesn't have Cabinet clout, argue that size and importance dictate elevation. Rep. Rogers is charging that health is an administrative mishmash and that as a result White House Office of Management and Budget is real maker of health policy. "The federal health establishment is entitled to have a full-time secretary of health who can be heard in the White House over the guillotine of the Office of Management and Budget," lawmaker declared in a speech last fall.

A troublesome problem in any consolidation of health functions is the administrative location of Medicare and Medicaid, the government's two big health programs. Medicare is run by Social Security, which could hardly be brought under a health department, and Medicaid rests in HEW's Social and Rehabilitation Service.

A meaningful Health Dept. would have to

exert control over both of these programs, but how the lines of authority could be rejiggered to accomplish this is a tough problem.

Another difficulty lies in the organization of Congress, where jurisdiction over health is splintered. Medicare and Medicaid are supervised by the House Ways and Means and Senate Finance Committees as part of their jurisdiction over tax matters. Most of the remainder of health is in the province of the Senate Labor and Public Welfare and the House Commerce Committees, which have many other responsibilities. Both have special health subcommittees. Furthermore, due to this division, the Congressional appropriations committees have exerted great influence on health policy through control of the purse strings.

Rep. Rogers and his Senate counterpart, Sen. Edward Kennedy (D., Mass.), realize that establishment of a separate Health Dept. would make formation of Congressional full committees dealing solely with health a logical next step. And their subcommittees would be the logical basis for such committees.

The chairmen of the present committees—Sen. Harrison Williams (D., N.J.) and Rep. Harley Staggers (D., W. Va.)—are in somewhat the same position as HEW Secretary Elliot Richardson. They would not like to see such an important chunk of their business taken away.

Most health groups, including AMA, back a Health Dept. One reason for formation of the 21-member Coalition for Health Funding was the belief that health needs more clout in Congress.

INFANT MORTALITY DECLINE

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. CARTER. Mr. Speaker, I am pleased to submit the following article on the decline of the infant mortality rate in the United States.

[From American Medical News, Feb. 21, 1972]

INFANT MORTALITY RATE CONTINUED DECLINE IN 1971

The infant mortality rate in the United States continued to drop in 1971.

The National Center for Health Statistics, on the basis of preliminary data for the first 11 months of 1971, places the infant mortality rate at 19.0 per 1,000 live births—compared to the annual rate of 19.8 in 1970.

In the past 20 years, the rate has been cut by more than one-third—from 29.2 in 1950 to the current low. It was 47.0 in 1940.

The National Center also reported in its Monthly Vital Statistics Report that the 17.5 infant deaths per 1,000 live birth last August was the lowest rate ever recorded for a single month in the U.S. The previous monthly low was 18.5 in August, 1970.

Provisional data for infant mortality by state have not been compiled for 1971.

However, on the basis of data for the first 10 months of 1971 Connecticut recently cited a new state low of 15.4 infant deaths per 1,000 live births, continuing a steady decline from 22.2 in 1965. Connecticut ranked among states with low infant mortality last year with a rate of 17.2.

In its *Weekly Health Bulletin*, the Connecticut State Dept. of Health cited two factors in the declining infant mortality rate:

Better and more effective medical care for mothers and newborns.

Changes in the basic character of the state's maternity and newborn population.

According to the report, there has been a substantial reduction in the number of infant deaths caused by birth injury since 1965. There also has been a significant drop in the number of infant deaths related to hemolytic disease, due chiefly to a new medical procedure designed to prevent the disease.

Along with improvements in direct medical care, there has been a marked decrease in the number of very low-weight babies, the health department said. In 1965, 8.6% of Connecticut's babies weighed 5½ pounds or less at birth. In 1970, this figure had fallen to 7.8%

"This change might appear to be slight, but it is important since well over 50% of all infant deaths occur among this relatively small group of low-weight babies," the report pointed out. It added that the reason for the change in birth weight distribution is not clear.

Another important change cited in the Connecticut report is the trend toward smaller families.

THE COMMITTEE FOR FULL FUNDING OF EDUCATIONAL PROGRAMS

HON. DAVID PRYOR

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. PRYOR of Arkansas. Mr. Speaker, I would like to take this opportunity to comment on the diligent and sincere work of a group whose prominence is steadily increasing with regard to educational matters in this Nation.

The Committee for Full Funding of Education Programs was established in 1969. It is a nonpartisan organization, by that I mean that their efforts are aimed at the increased funding of many diversified education programs. The committee's components include the concerns of elementary and secondary education, vocational and higher education, impact aid, and libraries.

At a breakfast given for members of the House Appropriations Committee, the current president of the group, Mr. Frank Mensel of the American Association of Junior Colleges, presented a concise but complete critique of the serious financial problems faced by Federal education programs.

I urge my colleagues on the Appropriations Committee and all the distinguished Members in both Chambers of the Congress to earnestly listen to and completely digest in their minds and consciences the facts and figures and thoughts exposed by members of this committee.

People all over this country are beginning to think that their Government is allowing the urgent priority of education for all of our citizens to become lost among less important issues that face us today. It seems strange and odd to me, as well as to millions of others in this land, that education, or the lack of it, is credited with being the roots of so many of our National, State, and local problems. The past and current scapegoat employed when answers or solutions cannot be quickly found for economic, social, and political upheavals is the inadequate education of our citizens. And in a great number of cases, this is the inevitable truth.

But what are we doing to better and more efficiently service the educational needs of our schoolchildren, our handicapped, our aged, and all other Americans whose thirst and need for education can and should never be quenched? We are not doing enough. The future of our society cannot tolerate a lowering of the top priority ranking due educational programs; the present cannot stand devastating cuts in the funding of education programs.

The Committee for Full Funding is trying to warn the Congress of the impact on this Nation of neglecting our educational responsibilities.

Its membership is doing us a great service.

I urge that my distinguished colleagues give them and their information a little time and a lot of consideration.

MEANY FAILED TO WORK FOR PAY BOARD GOALS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, the Washington Post on Sunday, March 26, 1972, contained a column by a distinguished economist and commentator on economic affairs by Mr. Hobart Rowen. I believe that it correctly points out the real background which surrounds the resignation of Mr. George Meany from the Pay Board. I agree completely with Mr. Rowen's assessment of Mr. Meany's action as both precipitate and unwise.

Mr. Speaker, I think that an effective wage-price control program needs and deserves the cooperation of organized labor. I hope that Mr. Meany and his colleagues will reconsider their decision to quit the Board.

The column follows:

MEANY FAILED TO WORK FOR PAY BOARD GOALS

(By Hobart Rowen)

AFL–CIO President George Meany has been itching to get off the Pay Board ever since he joined up, with great reluctance, five months ago. At his insistence, the board was established on a tripartite basis. But as Judge Boldt, chairman of the board, reported accurately, the AFL–CIO group has been sniping at the system, especially at the public members, from the first day.

Meany has displayed his contempt for the stabilization effort in many ways. He rarely showed up himself for the meetings of the Pay Board, sending research director Nat Goldfinger to most sessions as his alternate. Boldt noted that, when the dock-workers' case was considered, not one of the five labor men named by the President was present, all being represented by subordinates.

But for all of the heavy and denunciatory rhetoric in the AFL–CIO statement celebrating its walk off the board, it would be naive to believe that the reduced but generous 14.9 per cent settlement for the dockworkers is the real cause of the Meany blast.

Meany is less concerned with the amount of pay increase authorized by the Pay Board for the dockworkers than with Nixon's "affront" to all of labor when he signed, in Peking, the legislation that would have forced the dockstrike to arbitration, had it continued. Meany considered that a gratuitous slap in the face.

The barrage of invective privately leveled against public members Arnold Weber and Kermit Gordon was Meany's way of saying that Judge Boldt is incompetent, and that in the absence of real labor-management expertise on the board, Weber and Gordon had taken over. Weber is regarded as "an administration flunky." Gordon, a distinguished economist and president of the Brookings Institution, is labeled by one of Meany's key aides as "a no good, incompetent ———."

If there is anything wrong with the dock pay award, it is its excessive generosity in the face of a 5.5 per cent general standard, or the 7 per cent catchup standard. But it was swallowed by the public and business members on the basis that greater productivity and mechanization on the docks justified that much—even if they couldn't buy the 21 per cent package won by Harry Bridges.

The American public could probably accept the Pay Board's logic—even though it weakened the fight against inflation. What won't go down is the meaningless arithmetic offered by Meany, claiming that a dockworker getting a 15 per cent pay raise will "lose" $1,150 in the next 18 months. That is pure bull.

Where Mr. Meany has a case is on prices. There have been so many leakages on the price stabilization side, notably on food, that it begins to look extremely doubtful that the goal of limiting inflation to a 2-to-3-per cent increase by the end of this year can be achieved.

The spectacle of Agriculture Secretary Earl L. Butz running around the country cheering every increase in meat prices is hardly one designed to create confidence in Phase II. The administration as a whole gives the impression that the price side of the job is a very distasteful thing.

To be sure, Price Commission chairman C. Jackson Grayson Jr. appears to be dedicated to his responsibilities. But there is lots of window dressing and little substance in much of the effort. The public has been led to believe that a fairly tight control exists on almost everything. But, as the soaring price indexes show, this is not the case.

What is needed is a realistic wage-price program, and Meany's politically unwise and precipitate action contributes nothing to that cause. The AFL–CIO suggests that it believes in controlling prices. In that case, it must suffer the control of wages as well. All that Meany has accomplished is the creation of a public board instead of a tripartite board, which leaves him on the outside looking in.

What labor risks, it seems to me, is a growing public distaste for the arrogance of its leaders. The AFL–CIO, after all, has by its own count, only 14,749,000 members out of a total labor force in ths country of 85,500,000 workers. All organized labor—other unions added to the AFL–CIO—represent only about 20 per cent of the labor force.

There already is some sentiment in Congress and elsewhere for clipping labor's power, by resorting to compulsory arbitration and other methods. If Mr. Meany is held responsible by the public for pulling Phase II onto the garbage heap, he's inviting an era of repression.

MDTA: A DECADE OF ACHIEVEMENT

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. STEIGER of Wisconsin. Mr. Speaker, at the 10th anniversary of the start of the landmark Manpower Development and Training Act, Dr. Garth Mangum delivered a most thoughtful and important speech.

Since the conferees meet tomorrow on the extention of MDTA, my hope is that Dr. Mangum's references to a wake will prove to be wrong but his analysis of this act during its 10 years of existence deserves the careful attention of all Members of Congress. Since Dr. Mangum is one of the "fathers" of MDTA, his remarks are particularly important.

The speech follows:

MDTA: A DECADE OF ACHIEVEMENT

(By Garth L. Mangum)

Invited to review the accomplishments of MDTA, I am uncertain whether to speak encouragement to a healthy 10 year old temporarily indisposed or to offer a eulogy in a macabre funeral sermon for a corpse not yet dead but dying. All indications would support the terminal diagnosis but survival from a last minute blood transfusion is not impossible. But in either case the review is appropriate.

Conceivable achievements are (1) reduction in overall unemployment, (2) reduction in the unemployment-price level trade off, (3) improvement in the employment and earnings experience of enrollees, and (4) favorable institutional change. The first is conceivable only if (a) there are jobs remaining vacant and demands for goods and services remaining unfulfilled for lack of workers with skills within reach of MDTA training, or (b) if the training can increase overall marginal productivity sufficiently to spark expansion. The second is a reasonable possibility but not measurable at enrollment levels which have prevailed to date. The impact on enrollees and upon labor market institutions are the residual possibilities explored in this paper. The institutional impact was earlier explored by my favorite author in his *MDTA, Foundation of Manpower Policy* but can be updated. It is an interesting coincidence that a measure of the enrollee impact became available only after 10 years in what is apparently to be MDTA's terminal year.

MDTA has been recently intensively evaluated for its administrative system, its relevance to the labor market, its basic education component, the effectiveness of its skills centers and individual referral practice, its employment and incomes outcome and its contribution to the alleviation of skill shortages. Most are concerned with process rather than achievement. I summarize briefly only the findings of the latter four studies in which I have had some involvement.

THE EMPLOYMENT AND EARNINGS IMPACT

A total of 1.7 million persons enrolled in MDTA programs between March 15, 1962 and June 30, 1971 pursuing training financed under total federal obligations of $2.4 billion. Program data list 1.1 million persons as having completed training over those years with 879,000 obtaining posttraining employment.

Throughout the decade a variety of follow-up surveys have attempted to gain greater detail on the postenrollment employment and earnings experience of those enrollees. There have been small scale follow-ups of enrollees in limited localities and national studies with relatively small samples. Some have attempted to relate benefits to costs but most have been satisfied to report benefits alone. A few have attempted control groups in an attempt to measure those observed changes which would not have occurred in the program's absence. The results have been consistently positive, yet never sufficiently beyond challenge to appease the program's more persistent critics.

This paper reports only upon the tentative findings of a recent follow-up survey of 5,169 of the total 220,000 individuals who were enrolled in MDTA projects during 1969. Though the largest study to date with the most representative sample, it will not still controversy, primarily because it had no control group. Posttraining employment and earnings are comparable only with pretraining experience and tempered by prevailing trends as an estimate of what would have happened to the individuals had they not had the MDTA opportunity.

The tentative findings have already generated some controversy among the restricted number who have reviewed them. None have faulted the basic methodology. Finding and interviewing over 80 percent of the selected sample more than a year after enrollment is reasonable assurance against bias. Income reported by individual respondents was checked against Social Security records, recording general agreement. Given the nature of the social security data, there is no reason to prefer one source over the other in the limited situations where the data disagree. The reason for the controversy seems to be primarily some reluctance to believe the actual outcome of MDTA training was as positive as the data reflect. Perhaps because of its "establishment" base, relying upon the joint efforts of the public employment service, the vocational education system and (for OJT) the employers, it seems difficult to believe that it could serve well the disadvantaged who are the prime targets of current manpower programs.

The following are the key findings of that study:

1. Annual income gains of participants averaged over $1800 for institutional trainees and over $1600 for those enrolled in OJT.

2. Income *gains* of disadvantaged enrollees were, on the average, more than double those of the non-disadvantaged, even though the latter had higher pre- and post-training incomes.

3. After these substantial income improvements, the average Institutional enrollee was earning $3,400 per year, and the OJT enrollee was earning $3,800 per year following training. Both incomes hovered near the top range of poverty incomes depending upon family size and location. Therefore, the income climb for the typical enrollee was from deep poverty level to its upper margins. Since the study had no control group, it was impossible to determine how much income gain occurred as a result of the MDTA participation rather than other forces. However, it was possible to estimate the extent to which the income gains were derived from a combination of increased labor force participation, improved employment stability and higher wages, that being the order of their importance. A substantial portion of the wage gains may be attributable to general wage trends. Since the post-training period was one of climbing unemployment, it is likely that the increase in labor force participation and employment stability are attributable to program participation.

4. Institutional MDTA training served as a successful port of entry or reentry into the labor market for youth, women and others who had been out of the labor force.

5. Annual income gains varied by personal and household characteristics, but all groups gained substantially.

6. Completers experienced approximately three times the annual income increases of those who dropped out of training, but even the latter profited substantially from the experience.

7. Typically, the greater the length of training the higher the expected annual income gain. This relationship was strongest for institutional enrollees.

8. The more skilled occupations tended to have the highest payoffs. Construction trades and health services led the field. The extent to which MDTA programs provided a "port of entry" into the labor marget gave female occupations an edge on income gains from

increased labor force participation, while male occupations experienced the greatest wage gains.

9. Skill center training produced greater improvements in employment stability and wage rates than individual referral or class size projects. On the other hand, individual referrals produced the greatest increase in labor force participation.

MDTA's Impact on Annual Income—A few words of explanation are necessary to understand the origin of the estimate that an enrollee gained on the average $1876 and $1614 per year as a result of enrollment in Institutional and OJT programs respectively.

One-third of the Institutional enrollees and ten percent of those in OJT held no jobs at all in the pre-training period. Among these were the more than one out of five who neither worked nor looked for work at any time during that period. Another seven percent looked for work only sporadically, while only one out of twenty of this group were looking for work all or most of the time during the pre-training period. Therefore, the "no job" group as a whole reasonably approximates a condition of being out of the labor force. Among this group, two-thirds were female but there were no significant concentrations by age, race or education.

Annual incomes were estimated by combining average hourly wage rates when working with the proportion of available time worked during the year. For instance, a $2.00 an hour wage rate when employed only seventy-five percent of the time is the exact income equivalent of a full-time job at $1.50. If either condition prevailed for a full working year of approximately 2,000 hours, the resulting annual income would be $3,000. Differences between those annual incomes for the pre- and post-training periods represent the best measure of program outcomes.

It is instructive to know the extent to which the estimated gains occurred from increased labor force participation, improved employment stability and higher wages.

TABLE 1.—SOURCE OF ANNUAL INCOME GAINS

	Institutional	OJT
Total annual income gain	$1,876	$1,614
Increased labor force participation	1,035	693
Improved employment stability	491	505
Higher hourly wages	350	416

Comparing the pre- and post-training incomes of only those who held at least one job in each of the two periods results in an annual income gain of $841 for Institutional training and $921 for OJT. The latter figures represent a composite of improved employment stability and higher wages. Subtracting these gains from the total improvement in annual income leaves the remainder—$1,035 for Institutional training and $693 for OJT—as the portion of the gains in annual income occurring from the employment in the post-training period of those not employed in the pre-training period; that is, the impact of increased labor force participation. Whereas only sixty-six percent of the Institutional enrollees had at least one job in the pre-training period, ninety percent did so after training, despite generally rising unemployment. Comparable figures for OJT were ninety percent before training and ninety-six percent after.

The wage impact can be calculated by multiplying the proportion of available time worked during the pre-training period by the hourly wage gain—$0.37 for Institutional and $0.28 for OJT—and multiplying by 2,000 hours. The product estimates what annual income would have increased after deducting the labor force participation and hourly wage contributions, had the same average number of hours per year been worked but had been paid for at the higher rate. The result is $350 for Institutional and $416 for OJT. The remainder, $491 for Institutional and $505 for OJT, can be attributed to improved employment stability—that is, reduced unemployment for those already in the labor force.

Since the post-training period was one of rising unemployment, it is reasonable to assume that nearly all of the labor force participation and employment stability gains were contributions of the MDTA participation. In fact, just maintaining the same employment levels would have been an achievement and the actual gain over what would otherwise have happened may be even greater than shown. However, despite the rising unemployment, 1969, 1970, and 1971 were periods of upward wage trends. It is problematical what the impact of inflation was on the lower levels of the wage structure represented by the post-training jobs. The average percentage wage increase for the Institutional enrollees was twenty-one percent compared to twenty percent for OJT. An average of 20 months elapsed between the midpoints of the pre- and post-training periods. Overall national wage levels having increased an average of seven percent per year, twelve percent is not an unlikely figure to attribute to general wage increases for the 20-month period.

That being the case, fifty-two percent of the wage increases for Institutional trainees and fifty-five percent of the wage increases for OJT enrollees may be attributable to general wage trends which might have occurred in the absence of the program. However, most of the annual income increase resulted from labor force participation and employment stability impacts. Deducting the estimated contribution for general wage trends would still leave the annual income increase attributable to Institutional training at $1,621 and that from OJT at $1,336.

The increased labor force participation which is the most important source of income gain is also the source of a possible upward bias, given the age distribution among enrollees produced by high levels of youth unemployment. Many of those not working or seeking work or working sporadically before enrolling in MDTA may have been youth just entering the labor force. The mere process of aging would be expected to add stability to their employment. For them, the added contribution of MDTA participation is not ascertainable. Breaking out the income gains and the source of the gains by age provides some insight into the influence of the aging process. All age groups gained from each influence but the 19–21 age group gained most from increased labor force participation (with the exception of the 45 and older group). (Table 2)

Interesting aberations are the gains of the older group from labor force participation after Institutional training and wage improvements after OJT. The aging process is a contributor but apparently not the most important explanatory variable in the total income gain.

Costs of the Income Gains—No data was gathered on the costs incurred in training the enrollees in the sample, precluding a valid cost benefit analysis. However, an approximation can be reached by comparing the income gains of the enrollees to the average per trainee expenditures of the total MDTA program (Table 3).

TABLE 2.—SOURCE OF INCOME GAINS BY AGE

Age at interview	Total annual income gain	Increased labor force participation	Improved employment stability	Higher hourly wages
Institutional:				
19 to 21	$1,990	$1,176	$648	$166
22 to 34	1,716	815	482	419
35 to 44	1,924	940	579	405
45 and over	1,822	1,295	290	237
OJT:				
19 to 21	1,952	989	815	278
22 to 34	1,656	551	661	444
35 to 44	1,282	593	306	383
45 and over	720	121	19	580

These are only the federal budgetary costs. Excluded are costs to state and local government not subsidized from MDTA budgets. Also excluded are personal costs to the enrollees such as foregone earnings and out-of-pocket costs incident to training. However, with the average annual pre-training income of Institutional enrollees at $2570 and the average training period of about four months, foregone earnings would have amounted to only $823. Institutional training stipends of between $45 and $50 a week, approximately those that prevail, should have compensated for any income loss. OJT enrollees, of course, received pay while training.

TABLE 3.—MDTA OBLIGATIONS, ENROLLMENTS AND PER CAPITA COSTS, FISCAL YEAR 1963–70

	Total	Institutional	OJT
Total MDTA obligations	[1] $2,067,000	$1,609,423,000	$378,734,000
Total MDTA enrollments	1,451,400	978,400	473,000
Total MDTA placements	987,200	651,700	335,500
Estimated costs per enrollee		[2] 1,383	801
Per completer		[2] 2,470	1,129
Per placement		[2] 3,323	1,310

[1] Includes part-time and other training in addition to institutional and OJT.

[2] Includes stipends constituting over ½ of total costs.

TABLE 4.—ALTERNATIVE CURRENT VALUES OF ANNUAL INCOME GAINS

	Duration of income increment					
	5 years		10 years		20 years	
	Inst.	OJT	Inst.	OJT	Inst.	OJT
5 percent	$7,019	$5,784	$12,514	$10,314	$20,198	$16,647
8 percent	6,468	5,331	10,877	8,964	15,918	13,120
10 percent	6,144	5,063	9,953	8,203	13,795	11,369

Because of the possible lack of congruence between the benefits to a sample enrolled during one year and the costs occurring to the entire program over its whole life, it would not be wise to attribute an undue validity to this benefit-cost relationship. At the same time the general magnitudes of the relationships are not without significance. Costs for any particular enrollee are a one-time phenomenon, whereas income gains are a flow reoccurring persistently for some undetermined period of time. To achieve a valid comparison, it is necessary to derive a current value for the expected future income stream by discounting the annual income gain by the opportunity cost of the rate of return to be expected from alternative uses of the same funds and estimating the number of years one expects the incremental income to persist. Since neither are known in this case, table 3 illustrates the situation with three alternative discount rates and durations of benefits. I leave it to the reader to choose the ratio between the costs and the benefits he prefers among these alternative illustrations.

Annual Income by Enrollee Characteristics—Manpower program evaluators have always been plagued with the nagging probability that in less than full employment, any observed gains for enrollees were won at the expense of others who would have obtained those jobs and earnings in the absence of the program. Public expenditures on behalf of specific individuals or groups are generally accepted when one of three conditions prevail: 1) When the expenditure results in an increase in the gross national product sufficient that the entire society can have a higher disposable income despite the expenditure; 2) When the expenditure results in a sufficient decrease in social costs that the same is true; and, 3) when the public has decided, through its representatives, to redistribute income in favor of that group.

The GNP impact cannot be measured for MDTA, since it would be necessary to assume that the jobs obtained by the MDTA enrollees would have otherwise remained idle and that the production they were responsible for would not have occurred. There is also no data available to support the second justification. However, it is declared public policy to use manpower and other programs to redistribute income in favor of those defined as disadvantaged; that is, those who are;

1. Both poor and without satisfactory employment; and
2. Either:
   (a) Under 22 years of age,
   (b) Over 44 years of age,
   (c) With less than high school education,
   (d) A member of a minority group, or
   (e) Handicapped.

Eligibility for MDTA requires only unemployment or underemployment. The disadvantaged are to receive priority to the extent that sixty-five percent of the overall enrollment should meet the designated criteria. However, the target need not be applied to any particular individual or project. The remaining thirty-five percent is expected to reduce labor shortages, an effect which could be expected to increase the GNP if it could be shown (a) that labor shortages existed and (b) that MDTA was training for them. The two objectives need not be mutually exclusive since disadvantaged persons can be trained to fill labor shortages. A vital test of MDTA's validity, therefore, is the proportion of disadvantaged among its enrollees, even if there is no assurance that others equally disadvantaged would not have obtained the jobs.

The follow-up study produced only personal income data for the pre-training period, while the poverty criteria are derived for families. The personal income of non-family heads cannot be assumed to represent those of the family but the personal incomes of heads of households should be a reasonable approximation. Considering family size, assuming all household heads to be non-rural and under 65 (true of almost all), and assuming household heads to have been typical of the whole sample, sixty-nine percent of the institutional enrollees and fifty-six percent of those in OJT met the definition of disadvantaged.

Table 5 compares the income gains of the disadvantaged and non-disadvantaged. The advantaged, of course, began and ended with higher incomes but their gains were less. Using the Social Security Aministration's poverty criteria for an urban family of four as an illustration, the non-disadvantaged were well above the poverty line before as well as after training. Disadvantaged trainees both Institutonal and OJT were well down in the poverty ranks before training. The average disadvantaged OJT enrollee was raised to the poverty line while his Institutional counterpart was now considerably better off than before, but still poor.

TABLE 5.—RELATIVE INCOME GAINS OF DISADVANTAGED AND NON-DISADVANTAGED ENROLLEES

	Institutional		OJT	
	Disadvantaged	Nondisadvantaged	Disadvantaged	Nondisadvantaged
Pretraining annual income	2,036	4,032	2,212	4,209
Post-training annual income	3,363	4,732	3,862	5,078
Income gain[1]	1,210	596	1,413	628

[1] These income gains do not equal the differences between pre- and post-training incomes because they are calculated for only those with at least one job in each of tha two periods.

By various characteristics, women gained slightly more than men from institutional enrollment with men gaining slightly more in OJT. Whites generally made greater gains than blacks with Spanish-Americans consistently making the greatest gains of any ethnic groups.

The Impact of Program Mix—having looked at "who gains most", what can be learned of the relative contributions of alternative mixes of services? Originally, MDTA projects were organized in class size groups and were held in public schools during off-hours or in rental facilities. Subsequently, skills centers were established to provide a range of training offerings accompanied by on-site orientation, counseling, placement and supportive services. More recently, individual enrollees have been referred to on-going school courses with their tuition paid by MDTA. All three types now coexist and their relative effectiveness is of interest.

There are significant differences among the income impacts of the three program types according to the measure used. The median income gain for individual referral enrollees was $2,380, compared to $1,980 for skills center enrollees and $1,860 for class size projects (table 6). Of those amounts, $961 for the skill center enrollees, $1,902 for the individual referrals and $1,054 for group-sized projects were accounted for by the employment of those who held no jobs in the pre-training period. Of the remaining portion of the income gains, $621 for the skills centers, $328 for individual referrals and $524 for class-sized projects were attributable to improved employment stability for those already in the labor force. The remainder, $398 for skill centers, $150 for individual referrals and $242 for class-sized training were the consequences of wage increases. Apparently individual referral found heavy use and was effective for bringing into the labor force those who were previously outside it. Skill centers were most effective for adding to the employment stability of those already in the labor force and for increasing wage rates. This squares with the preliminary findings of a study of individual referrals in MDTA which show these enrollees to be younger, whiter and more likely to be female and less likely to be disadvantaged, than enrollees in either skills centers or class-size groups.

TABLE 6.—COMPARATIVE INCOME GAINS OF SKILLS CENTER, CLASS SIZE PROJECTS AND INDIVIDUAL REFERRAL BY SOURCE

	Median annual income gain	Increased labor force participation	Improved employment stability	Higher hourly wages
Skills center	$1,980	$961	621	398
Class size project	1,860	1,059	524	242
Individual referral	2,380	1,902	328	150

Institutional training completers had about three times the income improvement of Institutional dropouts, but the latter gains were still substantial. There was a consistent growth in income gains with longer length of training.

Among Institutional training occupations, health services "paid off" most handsomely, followed by machine trades, construction trades, food services/homemaking, clerical/sales and service trades, in that order. However, this ranking was heavily affected by those entering the labor force through the training route, therefore favoring occupations popular with females. Abstracting from the increases in labor force participation would bring construction trades to top ranking, followed by health services and machine trades. Only a scattering of miscellaneous skills seemed to lack substantial impact. Basic education and other components unaccompanied by skills training was reasonably effective for those previously out of the labor force, but had little wage and employment stability impact.

Shifting to OJT, the margin of income gains between completers and dropouts was not as great, but the former was still nearly double the latter. "Dropout" for an OJT enrollee, of course, has a different meaning than for Institutional programs, requiring the enrollee to quit or lose his job. The relationship between length of training and income gain was less consistent for OJT, peaking at about six to nine months after some fluctuation. However, the nature of OJT must be kept in mind. Ninety percent of the OJT enrollees, as contrasted with sixty-six percent of the Institutional, had held at least one job in the pretraining period and many were probably being upgraded without changing employers. Frequently, as OJT enrollees were contacted for interview, they would respond, "But I have never been enrolled in a training program!" As a generality, the job rather than the training content was probably the goal and length of training was of uncertain relevance.

Among OJT occupations, various miscellaneous skills brought the greatest income gains followed by mechanics/repairs, food services/homemaking, clerical/sales and construction trades, with service trades and machine skills bringing up the rear; a quite different ranking than for Institutional with food services/homemaking having surprisingly favorable results in both areas.

MDTA AND INSTITUTIONAL CHANGE

A troublesome aspect of MDTA administration has been the necessity of coordinating the efforts of employment services and vocational educators at the state and local levels and, consequently, the efforts of the Departments of Labor and Health, Education, and Welfare. Yet, in retrospect, it has been worth it and the program and the labor market institutions would be worse off without that dual involvement.

The not always felicitous marriage performed ten years ago with the Nations' education associations holding the shotgun while the Congress performed the ceremony bound together two federal agencies with very different philosophies. To the Labor Department, the job has been the thing, the more immediate the better with training to be minimized and dispensed with where possible. To the U.S. Office of Education, the more training the better, with almost an implication with some officials that the jobs will take care of themselves. With HEW generally ignoring its MDTA responsibilities and the Labor Department preferring divorce as long as it could maintain custody, a small group within USOE's Division of Manpower Development and Training can be credited with protecting the union and keeping both partners reasonably honest. They have been primarily responsible for the institutional changes MDTA has wrought in the schools while the Labor Department has brought about major reorientation within the public employment service.

The major institutional achievement from the education side has been the development of the skills center, an institution dedicated to the training of the disadvantaged and to providing on site as many as possible of the supportive services necessary to make that training effective. At the same time, however, MDTA has contributed to modular training, open entry/open exit practices, the development of training clusters, and the integration of remedial basic education and skill training—practices which are spreading throughout all of education.

At the same time, the Labor Department has been largely successful in redirecting the federal-state employment service from an administrator of unemployment insurance and a labor exchange seeking to meet employer needs to an overall manpower agency emphasizing service to those who need it most. Federal manpower resources have enabled it to go far beyond a simple labor exchange function into the development of human resources. Using MDTA funding and authority as leverage, the Labor Department has developed new labor market techniques through research and experiment and has introduced and made substantial progress in the practices of manpower planning at the state and local level.

WEAKNESSES OF MDTA

Since repentance is no longer possible, criticism has no place in a funeral sermon. Faith in the continuance of the substance, if not the name, of MDTA justifies and demands tempering praise for past achievement with identification of areas where improvement is needed.

First, an inherent weakness about which little can be done within the limits of a training program. Improvement of the earnings of those plagued by low incomes and employment requires a combination of employability, employment opportunities and access to jobs. MDTA's role is primarily the former, though enrollment may place the individual into a system leading to the latter. It contains no tools for job creation. Much of the disillusion with the program which exists among the disadvantaged arises from its use in locations in which employment opportunities are scarce or out of reach because of obstacles other than the individual's lack of skills. To enroll them was to set them up for disappointment. Solution lies only in better integration of MDTA's services with subsidized private and public job creation, equal employment opportunity efforts and labor market services and more training for jobs increasing in demand as contrasted with those available primarily because of high turnover.

Other limitations are more actionable.

1. Because of an understandable desire to serve as many people as possible within available budgets, there has been a tendency to concentrate on occupations requiring only limited training and some tendency to avoid people needing a great deal of remediation. The ease of identifying occupations with "reasonable expectation of employment" within this predominately high turnover range of jobs has reinforced this tendency. But the MDTA placements, to no one's surprise, have experienced similar turnover. The "lean program for many or rich program for a few" choice is always a difficult one but the data seems to support a higher pay off for the greater per capita investment.

2. In compensating for those traditional institutions unwilling or incapable of serving the disadvantaged, MDTA, particularly the skills center has, to some degree, created a set of segregated institutions, often in second class facilities, reinforcing the separation of the disadvantaged for the mainstream and catering to the secondary labor market. The few instances where MDTA projects are integrated into community colleges and other "mainstream" institutions suggest that it can be done, is worth doing but isn't easy.

3. The 35 percent skill shortage rounding out the 65 percent disadvantaged has become a source of leeway rather than an economic service. No real attempt is made to identify skill shortages of which there are few within the reach of MDTA as presently administered. There are undoubtedly useful roles for MDTA outside of service to the disadvantaged. Some of the current activities on behalf of displaced aerospace employees is an example. But by and large, the 35 percent provision is just a loophole for specifying the use made of no more than 65 percent of the slots.

4. MDTA had the advantage of being placed at the beginning into well organized institutions but the disadvantage that, with the passage of time, the program in too many localities has settled into bureaucratic rigidity repeating the same courses and practices without the necessity of constant reassessment.

5. Fluctuation of budgets and enrollments have interfered with orderly functioning and maintenance of competent staff. Yet efforts to smooth out fluctuations do tend toward stagnation rather than reassessment.

6. Outside the laudable contributions of the AMIDS, there has been too little staff development, too little development and dissemination of curriculum and technique and too little communication and sharing of experience among MDTA practitioners.

7. Though there has been sufficient evaluation of the program's overall worth, there has been too little evaluation of what works best for whom at a micro level, too little feedback and analysis of management information data and too little measurement and reward based on performance.

But these and other shortcomings are typical of manpower, education and labor market institutions, not justifiable but understandable. The verdict still stands. MDTA has been a laudable program, not adapted to the needs of all of the disadvantaged in all places, not as good as it might be but more capable of demonstrating achievement than any other manpower program and more carefully evaluated than most public programs with defensible results.

CONCLUSIONS AND RECOMMENDATIONS

Based on these predominantly favorable findings, the following conclusions and recommendations may be stated:

1. MDTA training, both Institutional and OJT, is a high payoff public investment which should be continued and expanded. If current legislative proposals for the decategorization of separate manpower programs prevail, Institutional and OJT skill training should play a major role in the program mix which emerges from decentralized state and local manpower planning.

2. The higher average income gains for disadvantaged than nondisadvantaged enrollees support continuance of the present emphasis on service to this target population.

3. Since the tendency is to leave participants better off but still poor following training, since income gains correlate with length of training and since those occupations generally recognized as being more highly skilled and requiring the longest training time tend to result in both greater income gains and higher post-training incomes, it would be a wise public investment to emphasize those occupations, even at the resulting higher per capita costs.

4. Since skills centers appear to offer the most successful route to income gains for those already in the labor market and individual referral seems to favor those entering or reentering the labor force, the factors leading to these phenomena should be identified to maximize the relative advantages of each.

5. As federal legislators and administrators continue to "play chicken" with the immient MDTA expiration, they should count carefully the costs of risking the best proven manpower program in pursuit of decategorization and decentralization which may or may not prove to be an administrative improvement. They should be aware of the vulnerability to "stop and go" pressures of a program with long lead time, substantial training time, dependence upon skilled instructors and based upon a half billion dollar accumulated public investment in equipment and teaching aids. They should also be aware of the gains achieved for both sets of institutions and for enrollees through the linkage of labor market and education institutions.

If nothing succeeds like success, it is surprising that we still do not know whether we are here celebrating MDTA's birthday or attending its funeral.

KEN HECHLER—A CHAMPION OF WEST VIRGINIA

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. SEIBERLING. Mr. Speaker, stripmining of coal has become one of the most pressing environmental issues before this Congress—thanks in great measure to the untiring efforts of the Congressman from West Virginia, KEN HECHLER.

After years of effort to get congressional action on the stripmining problem, this year the House and Senate Interior Committees have both held public hearings on stripmining, and it is hoped that a bill can be enacted before the end of this session.

KEN HECHLER has been crusading against the evils of coal stripmining for a long time. He has presented his case so thoroughly and forcefully that almost 100 Members of Congress have joined him in calling for a ban on all coal stripmining in the United States within 6 months.

KEN HECHLER has approached this issue with the same determination and commitment of time and energy he brought to the problem of coal mine safety in 1968. For months after the Farmington disaster which took the lives of 78 miners, HECHLER'S was a lone voice in Congress demanding strict Federal regulation in the mines. Later, he brought the tragic health problem of "black lung" disease to the attention of the Congress for the first time, and is largely responsible for that provision in the Coal Mine Health and Safety Act of 1969.

KEN HECHLER is a true representative of the people. Every weekend he travels back to his district in West Virginia to be with his constituents, to listen to their problems. Every Monday morning he is back at his desk in Washington, doing something about their problems. He takes his responsibilities as the people's representative with such seriousness that he has never missed a roll call vote.

More important, however, is the fact that KEN HECHLER is his own man. Much of what he has done in Congress—particularly since Farmington—has been unpopular with some of the huge vested interests holding power in West Virginia.

But KEN HECHLER is a man of character and will not be intimidated by powerful interest groups. He said recently:

> If serving in the Congress means giving up to powerful interests and just lying down and doing nothing, I would prefer not to be here.

KEN HECHLER is a public servant in the true sense of the word. I am proud to be able to serve with him in this body, and I know his constituents in the Fourth District of West Virginia are proud to have him as their representative.

An interesting biography of Congressman HECHLER appeared in the March issue of the Swarthmore College Bulletin, and I insert it in the RECORD at this point.

The biography follows:

COMMITMENT TO GROSS NATIONAL QUALITY

(By R. Breckinridge Galloway)

Because Ken Hechler '35 has battled so ably for mine safety, union accountability, and prohibition of strip mining, his future in Congress is speculative.

A United States Congressman now in his seventh term of office is waging a campaign that could jeopardize his political career. Ken Hechler '35 (D-W.Va.) is sponsoring a bill that would completely eliminate all strip mining for coal in the United States. Although environmentalists and other concerned citizens are supporting his stand, powerful coal interests see him as a damaging influence on the economic position of the coal industry. This could be particularly dangerous for him because West Virginia is the largest coal mining state in the nation.

Hechler moved to West Virginia in 1957 to teach at Marshall College, now Marshall University. His credentials were impressive: degrees from Swarthmore and Columbia, teaching experience at Columbia and Princeton, and practical experience as White House research chief for Truman and head of Adlai Stevenson's research team during the 1956 presidential election. He had also served for three years as associate director of the American Political Science Association. But he was an outsider. Regardless of his qualifications, he had to prove himself to the people.

During the year he lived in Huntington, West Virginia, Hechler befriended many people, influential and unimportant alike. He taught at Marshall, then moved on to a local television station where he got exposure as a news commentator. By the time he announced his candidacy for a seat in the United States House of Representatives, he already had the confidence of many of the Fourth District's voters. A major issue of his campaign was whether he was dominated by outside interests such as the Americans for Democratic Action. He proved that he had never been connected with such organizations and gracefully defeated by a margin of almost 4,000 votes a well-known physician who had previously served in Congress.

After taking office, Hechler represented West Virginia with pride and a great deal of energy. Some thought he was a spartan. He gained a reputation for putting in long hours and avoiding Capitol social events. Each weekend back home, he could be seen driving his Jeep on the circuitous mountain roads, reaching and getting to know his constituents. This pattern has not changed. Today, Hechler reports to his office between 7 and 8 a.m., attends to legislative matters (since 1959, he has not missed a House roll call on a vote), goes out for dinner around 6 p.m., and returns for a few more hours before calling it a day. He flies home to the Mountain State each weekend as soon as Congress adjourns but is back at his desk early the following Monday.

From the outset, Hechler has given all indications of enjoying his job and of getting pleasure out of doing things for his constituents. During his first term of office, he introduced a "Week in Washington" program that has since been adopted by several other lawmakers. This program gives high school juniors from Hechler's district the opportunity to visit Washington for a week during the summer. They see the sights, observe Congress in session, and work for a brief period in his office each day. Some 60 to 70 students each summer continue to meet Washington in this way. At the end of the summer Hechler invites another 100 or so who applied to the program to come and enjoy Washington for a day.* The first year Hechler financed this program himself. Since then, however, about 20 industries in the state have supported the program with financial contributions.

Hechler appreciates this particularly, he says, because some of the sponsoring companies have borne the brunt of his recent attacks.

Hechler obviously enjoys the high school students. While helping out, they add to the confusion that abounds in any congressional office. (Recently, Hechler removed his cluttered desk from public view by barricading it with high bookcases. Half of his private office is a conversational area—behind the wall of books sits his desk). But he says with enthusiasm, "every year it gets better and better." Week-in-Washington alumni hold a special regard for Hechler. Evidence of their loyalty and his continuing interest in them is apparent in his current staff. Three of them participated in the Week-in-Washington program in the early and mid-sixties.

Because of his personal interest in his adopted state and the fact that he remained very honest in his political maneuverings, people there were happy to be represented by Hechler. With each election, there was more and more certainty that he would win. That is, until Farmington.

On November 20, 1968, a mining disaster in Farmington, West Virginia (north of Hechler's district), took the lives of 78 men. Hechler visited the site and was appalled at what he saw. The conditions in the mines were unsafe, although reports were that Farmington had a good mine, producing 9,600 tons of coal per day. After talking with widows and other miners who had become inured to the inevitabilities of pneumoconiosis (black lung disease), injuries, and even death in the mines, Hechler determined to follow his conscience.

Although Hechler did not sponsor the Federal Coal Mine and Safety Act of 1969, it has been suggested that he, more than any other person, is responsible for it. He gained national publicity exposing the prevalence of black lung disease resulting from inhalation of coal dust, a disease that many coal company doctors had refused to admit existed. He investigated and criticized, and even hired an attorney to analyze the bill and find loopholes in it. He finally put the pressure on President Nixon to sign the bill at the end of 1969 by bringing, at his own expense, seven Farmington mine widows to the White House.

During his investigations of the Coal Mine and Safety Act of 1969, Hechler also looked into the United Mine Workers of America. He blames the Union in part for the Farmington disaster, saying, "Older labor leaders always emphasized high pay, short working hours, and long vacations without too much emphasis on health and safety."

He felt it was time the Union addressed itself more to the matter of safety. Investigating the Union, Hechler found inequities that cheated the miners. He criticized the UMW for setting up private pension funds for the president, vice-president, and secretary-treasurer that guaranteed them annual pension incomes of $40 to $50 thousand per year for life. He also called the UMW dishonest for depositing $50 million in an interest-free account in a Washington bank that was owned by the Union. According to Hechler, "This amounts to a milking of the fund and diverting millions of dollars into the Union coffers." Hechler currently is endeavoring to require the Union to establish under federal supervision a coal miners' disability and retirement fund which will support miners more equitably than previously. As a result of his criticisms, Hechler has been lambasted from time to time by the UMW. On one occasion the Union libeled him. When Hechler threatened to sue, it quickly retracted its statements. Such is Hechler's relationship with the UMW, a union with a large number of members in West Virginia.

The Bureau of Mines has also heard from Hechler. When speaking of the Bureau, Hechler says: "I believe that the philosophy of the Nixon administration which permeates all the way down is the emphasis on production. The emphasis on production and the measure of the Gross National Product are the measure of progress. Basically, I think that we ought to have a new measure of progress that ought to be something like Gross National Quality—the quality of life that we can really enjoy rather than the emphasis on production. The Bureau of Mines has not administered the 1969 Coal Mine and Safety Act as well as it should have. Because of emphasis on production it does not protect the men as well as it should." These statements of Hechler's are borne out. Since the Coal Mine and Safety Act was enacted in 1969, injuries and deaths have increased in the mines. In 1970, 260 miners were killed (compared with 203 in 1969) and 158 died in the first nine month of 1971, almost identical to 1970's rate, before the coal strike interrupted production.

Hechler has not lost sight of safety in the mines as a crucial issue, but he is channelling his most vigorous efforts toward the abolition of strip mining. He has delivered scathing attacks on the Tennessee Valley Authority for its practice of buying the cheaper strip mined coal to fuel its electrical energy output. He has also criticized strip miners who make meager reclamation efforts in restoring the soil. So committed is he to abolishing stripping, that on February 18, 1971, Hechler introduced H.R. 4556 to ban all strip mining in all of the United States within six months. So far, almost 100 other Congressmen, House members and Senators, have pledged their support by becoming cosponsors.

---

*The program as experienced by the author in the early sixties included attending one of President Kennedy's televised press conferences, chatting informally with Hale Boggs, and talking to someone at a military base halfway around the world via satellite from Goddard Space Center.

NOTE.—Unless the bulldozer comes right up to their front door, Hechler says, people are not alert to the danger to the earth. His bill would stop all strip mining.

Because Hechler is trying to stop business operations of powerful coal operators, he has more opposition than ever before. Strip mining advocates defend strip mining on the premise that it is more efficient, cheaper, and safer than underground mining, and that it also provides needed jobs. Hechler feels these excuses have no validity whatsoever.

Taking these one at a time, he says: "In the first place these are temporary jobs that last only while the coal lasts. In terms of a small vein of coal, it would mean only a matter of months. When the coal is gone, jobs are gone, and the land is gone too. This makes it completely impossible to have a thriving tourist industry in the future of our state."

As for the cheapness and efficiency of strip mining, he replies: "It's true that you can get a larger percentage of coal out by strip mining. On the other hand, eight times more coal is available by underground mining than by strip mining. There are presently about 45 billion tons of coal available to be stripped by present technology. There are close to 400 billion tons of coal that can be claimed by underground methods. Damage done to the environment getting the additional amount of coal stripping outweights the argument that it is more effective."

As to safety, he says, "There are more accidents now in underground mines, but there aren't as many more as the general public assumes. You hear about accidents like Farmington which resulted in the loss of 78 men. But you don't hear about the one, two, or three that are killed by the giant, gouging machinery used in strip mining."

Hechler is concerned about strip mining because he is concerned about the people whose land is being stripped and about future generations. He can recall story after garish story told to him of landslides, rocks being hurled into people's homes, and people dying in mudslides created by strip mining. Also, he has substantiated facts to show that the best reclamation efforts do not work.

Reclamation efforts, he says, are useles, even in the best of circumstances. "A lot of so-called reclamation is for showcase purposes that say such and such an area has been reclaimed. They plant a grass called crown vetch. Its low-growing roots spread out very shallowly. It's very aesthetic. I've described this process as putting liptick on a corpse. It's paper reclamation."

Hechler says, "I hope that more and more people will become alerted to the danger to the earth. There are so many people who don't think about this unless the bulldozer comes right up to the door and starts pushing boulders through their kitchen, and causing landslides or floods, silt and sediment in their streams, and acid in their water supply."

There is much speculation about Hechler's future. In sponsoring a bill to abolish strip mining, he has alienated coal operators. In his criticisms of the UMW, he has alienated Union leaders. Because of West Virginia's loss in population, its congressional districts were reapportioned so that there will be four representatives rather than five. In reapportioning the state, the Legislature cannibalized Hechler's district, giving it to other districts that remain virtually intact. Hechler refers to this act by the Legislature as his "punishment." Jay Rockefeller, who has become a prominent political figure in the state and who has announced his candidacy for governor, has come out against strip mining in West Virginia but has not backed Hechler's federal bill.

On February 4 before an assembly of high school students in Huntington, Hechler announced his candidacy for the United States Senate. He also said he intended to campaign again for his House seat and that he would withdraw from one race "in the unlikely event I should receive both nominations."

Regardless of his underlying motives or his plans for the future, Hechler comes across as a forthright and honest man. In the December 1, 1971, issue of the *Wall Street Journal*, an editorial commented approvingly on Hechler's candor in admitting that a piece on black lung legislation that he was inserting in the *Congressional Record* was not delivered as a "stirring oration" but rather typed in his office, by him, and then included in the *Record*. And Hechler is being forthright when he says: "If serving in the Congress means giving up to powerful interests and just lying down and doing nothing, I would prefer not to be here." Perhaps his attitude toward himself and his job, and his cause, can be understood more clearly by his remarks about Swarthmore. "Everybody looks back on his college days with some memory of what kind of inspiration he got in college. Swarthmore gave me something which I'll never forget—a spirit of independence. It taught me to look at problems directly and think them through without regard to economic and political pressures. It's not very difficult to pick up issues with this kind of background."

THE TERRORIZED JEWS OF ARAB LANDS

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. BRASCO. Mr. Speaker, periodically loud wailings are raised on behalf of the Arab refugees in the Middle East. Various well-meaning people speak with indignation and rend their garments over the situation these people find themselves in. Although I certainly sympathize with the plight of any deprived people, it is well to point out that this situation was brought about by the policies of the Arab governments themselves.

The Egyptian Government forbade any refugees in its jurisdiction to work or put down roots in Egypt. Other Arab nations followed similar policies, preferring to let the sore fester and grow.

Yet, for every refugee from the land that we know as Israel that fled to the camps in Arab lands, a Jewish refugee from Arab countries was created and fled to Israel. It is an irrefutable fact that ancient Jewish communities in various Arab lands were uprooted and dissolved, because Arab nations took out their frustrations and hatreds upon the Jews of their countries.

Today, where once there were approximately 1 million Jews resident in these countries, there are only 60,000. They all live under the constant shadow of possible violent persecution and death.

Jews have lived in the Arab lands for 2,000 years, often developing large and prosperous communities. While they were often accepted, it was usually on a second-class citizen basis, subject to discrimination, humiliation, and eruptions of overt hatred and killing.

It should be recorded again and again that the rise and actions of Hitler commanded the admiration and cooperation of many in the Arab world, especially the Mufti of Jerusalem, spiritual leader of the Arabs of Palestine at the time. This man, sought as a war criminal, lived for years with a picture of Hitler behind and above his desk. Arab anti-Semitism and Nazi persecution of the Jews were handmaidens walking the same ground.

Three waves of Jewish emigration from Arab countries took place. First was the move after the war of independence in 1948. A second wave came after the 1956 Sinai campaign. A third came after the 1967 war.

These Jewish people were allowed to leave the Arab countries in the area only after renouncing their citizenship and all claims to property and wealth. Of those who fled, approximately 550,000 went to Israel.

What is it really like to be a Jew living today in an Arab country? Forty thousand remain in Morocco, and are relatively unpersecuted, for the present. The same is true for the 9,000 in Tunisia. The same is also true for the 4,000 in Lebanon. While the authorities do not assail them, the general populations of these nations view the small Jewish minorities within their midst with hostility which at times boils over into action. In case of any internal upheaval within these nations, it is virtually a certainty that the age-old scapegoat, the Jew, will be hauled out into the spotlight and be made to pay with his innocent blood for the angers, frustrations, and defeats the country in question encounters.

Yet their existence is a safe one compared to the horror of day-to-day existence that marks the lives of the Jewish communities in Syria, Iraq, and Egypt. Persecution, humiliation, confiscation, official discrimination of the rankest sort, arrest, and interrogation mark their daily lives.

In these countries they exist in poverty, for all property has been taken arbitrarily by the government. There are official bans on employing Jews or doing any kind of business with them. Religious and educational activities are even more restricted than in Russia. Worst of all, their right of emigration is denied. It is like leaning into the cell of a poor wretch who is chained to the wall of his cubicle and shouting at him for daring to be there.

In these countries, the hated ghetto has been resurrected, because the Jews are restricted as far as residence is concerned, to specific neighborhoods. There are approximately 4,000 Jews in Syria, mainly in Damascus, Aleppo, and Kamishli. A long history of suffering for these people in that country intensified after the 6-day war.

Syria has a special committee for Jewish affairs, composed of representatives of various government agencies. It is responsible for these arbitrary rules which bind the Jewish community, circumscribes its culture and commerce and endangers its lives. Here are a few of the anti-Semitic measures they have put into effect.

They are forbidden to leave Syria. They are forbidden to travel more than 2.4 miles from home. They must carry identity cards marking them as Jews. Does anyone remember the Nazis and their yellow stars in the Warsaw ghetto? Jews may not enter government service or work for banks. Most Jews working for Arabs have already been fired. Jewish schools have been closed. They are not permitted to sell property. They may not bequeath it to their heirs. When a Jew dies, his effects revert to the state. The Jewish cemetery in Damascus has been destroyed and a road constructed through it. This is similar to the Jordanian desecration of Jewish shrines in the old city of Jerusalem before the 6-day war. Jews are not permitted driving licenses. No new telephones can be installed in Jewish homes or businesses.

There are constant reports of the jailing and torture of innocent members of the Jewish community.

In Iraq, there are about 2,000 Jews, remnants of a once flourishing community. Even before the 1967 war, schools and temples were sequestered and there was desecration of cemeteries. Yellow identity cards were issued them and sale of their property was forbidden.

After the war, things grew worse swiftly. All Jews were dismissed from jobs with public institutions. Their property was taken and all bank accounts were frozen. Their businesses were shut down and trading permits were canceled. Phones is their homes were taken out or disconnected. Numbers of them were placed under house arrest for long periods. Departures were forbidden and passports became a thing of the past for them.

Nineteen of these people were hanged in barbarous public executions in the major square of Baghdad, proving that Neanderthal man thrived yet on earth. Others are reported to have died under torture in prison.

World opinion was so roused by these primitive rites that the Iraqi Government backed down. Authorities promised an easing of restrictions. Such promises have not been kept. In April of 1971, more arrests were made, and in spite of protests, these people remain in prison.

In Egypt, there are about 600 Jews left, mainly in Cairo. Two thousand were living there when the June war commenced. At the start of the war, Egyptian police immediately arrested all Jewish males over age 17. The fear pervading that tiny community today is all pervasive.

One simple solution exists to all this agony; emigration. All told, there are less than 7,000 Jews left in these three countries. I am certain that, given the opportunity, all these people would immediately opt for leaving, eagerly signing away everything, including the clothes on their backs, if necessary, for the privilege of shaking the dust of these lands from their feet. If the authorities see fit to continue to desecrate the burial grounds of the dead they leave behind, it is an atrocity they would willingly to bear. Anyone with sense would agree that this is an equitable solution.

In fact, the countries in question would save considerable money by not having to spy upon or further repress these innocent people. Think of the phone tappers, policemen, military personnel, and border guards who would be freed for other tasks in Syria, Iraq, and Egypt. That alone might be enough of an enticement.

As for our own country, we show a lot of sympathy unofficially, but do little officially, The State Department, gripped in its usual malaise of pro-Arab feeling, prefers to look the other way, pretend it is not happening, and hoping that those in Baghdad would not lynch some more Jews. No hope will be forthcoming from Foggy Bottom except the usual perfunctory mutterings of sympathy and disclaimers of ability to do anything about it. "It is an internal affair," is the usual phrase used, I believe.

Sometimes, a little nudging can go a long way toward removing a source of aggravation and tension. By exerting even a little extra effort, our Government can perhaps get these poor people out. Heaven knows it is a long overdue act on our part.

WASHINGTON, D.C., WELCOMES HAMBURGER HAMLETS

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. REES. Mr. Speaker, the Hamburger Hamlets, a southern California institution for 22 years, have just opened a restaurant in Chevy Chase, Washington, D.C. It is the first Hamlet outside State and the 18th since a modest beginning in Los Angeles in 1950. Your hosts then, and still today, Harry and Marilyn Lewis, had done some acting and so the name of the Hamlets was easily decided upon. The motif is carried out to perfection with old handbills of Shakespearean plays on the walls and photographs of actors, such as John Barrymore, who played the roles.

It all began back in 1950 when Harry and Marilyn Lewis opened the original Hamlet on famous Sunset Strip in Los Angeles. It was a place where creative young actors, agents, directors, writers, and producers, as well as successful business executives and their families, could enjoy delicious food in an informal atmosphere. Harry greeted patrons, cooked, and kept the books, while Marilyn created the menu and in the process developed many unique recipes.

The venture proved successful and the Lewises saw their dream of offering the public an imaginative menu at reasonable prices become an astounding reality. As the Hamlet's overall reputation grew, Mr. and Mrs. Lewis felt great pressure from overflow crowds to open additional units. Wisely, they thought the matter out and decided to proceed cautiously. The second restaurant in Westwood was opened in 1955, but in the interim a formalized training program was established by Marilyn, and strict standards of quality control were instituted.

All possible research was done to provide efficient and effective operating procedures, while at the same time maintaining the epitome in customer comfort and service. After doing their "homework," Mr. and Mrs. Lewis formally launched the Hamburger Hamlet chain.

One interesting feature of the company is its flexibility when it comes to facilities. It is not restricted to a particular type of building or class of trade.

The exterior of each hamlet varies, but each is readily recognizable and care is taken to combine adaptability with a great degree of identification. Distinctive "Hamburger Hamlet" signs, together with the motto "Known for Simply Marvelous Food," are standard in each unit. The interior deck reflects Marilyn Lewis' creativity—lighting fixtures, carpets, and wall decorating depicting adaptations from Shakespeare's "Hamlet" are standard, as are uniforms, dishes, menus, and silverware. While operating procedures, too are carefully spelled out in manual form, all employees are encouraged to use individual initiative at every opportunity.

Today there are 18 hamlets; all but the one in Chevy Chase are located in southern California. The reception received in Washington, D.C., is indicative of the fact that the hamlet concept is welcome wherever it goes and further expansion is anticipated.

This is a story of effort and enterprise; starting from the most modest of beginnings the Lewis' have made a huge success of their idea. Today Hamburger Hamlets is a public company that bids fair to soon become a national tradition as it now is a southern California tradition.

A $616 MILLION LOAN SOUGHT BY PRO-RED REVOLUTIONARY GOVERNMENT OF PANAMA

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. FLOOD. Mr. Speaker, information believed to be reliable has been received to the effect that the anti-United States revolutionary Government of Panama is seeking a loan of some $616 million through the United Nations. Because the United States bears a large part of the cost of that international agency our taxpayers would probably have to bear most of the ultimate burden. Not only that, when the present usurping Government of Panama is replaced by a constitutional government, the latter may disavow the entire loan with serious loss to the investing agencies and the United States.

In order that the Congress and other cognizant agencies may be advised in the premises, I quote a recent newsstory in the Star and Herald, Panama, Republic of Panama, that supplies detailed information concerning the various projects contemplated in the program which the proposed loan is supposed to cover:

A $616 MILLION LOAN SOUGHT BY PANAMA

A $616 million development program for the 1972–1976 period has been outlined by Panama's Revolutionary Government in a document seeking United Nations financial assistance.

The major portion of the program is for transport, with $140 million earmarked for expansion of air services, including the new Tocumen International Airport and a national network of provincial airports.

The highway portion of the program involves construction of approximately 800 miles of roads, at a cost of $95 million; the completion of the Panama section of the Darien highway, a $107 million project; the Panama City-Colon freeway, $16.7 million, and construction of 300 miles of rural roads.

Electrification is another major part of the 5-year program, estimated at $83.1 million. Main projects in this field are the Bayano River hydroelectric plant, a $41 million installation on which work has begun; new thermoelectrical plants in Las Minas Bay and the Fortuna hydroelectric project in Chiriqui Province.

In this connection, the Panama document requested technical assistance from the United Nations for developing a "master electrical plan" covering the period 1970–1985.

Other important projects listed in the document submitted to the United Nations:

A marketing system to handle the country's farm produce.

A $7.5 million irrigation program.

Improvement of animal feed.

Housing, $88 million.

Education, $40.9 million.

Public Health, $76.4 million.

A NEW CHARTER FOR THE DEMOCRATIC PARTY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. FRASER. Mr. Speaker, the reforms which the Democratic Party has adopted relating to the national convention and to the delegate selection process have attracted great interest throughout the country. But the reform process includes more than just the delegate selection process and the convention. The Democratic Party is also seeking to create a more modern political party, one more responsive to the will of the people of this country.

On Friday, March 24, the gentleman from Michigan, Representative JAMES G. O'HARA, chairman of the Commission on Rules of the Democratic Party, and I as Chairman of the Commission on Party Structure and Delegate Selection presented a proposal for a new charter for the Democratic Party of the United States. The proposal results from wide-ranging discussions with Democratic Party leaders, political scientists, and historians, as well as from months of study and research. We have presented it in the hope that Democrats and others interested in the Democratic Party throughout the United States will read it, react to it, and contribute to the shaping of a final proposal for presentation to the 1972 Democratic National Convention.

We are confident that this proposal will be of interest to our colleagues, as well as to others interested in the future of the Democratic Party, and indeed in the future of party politics in this country. In order that this proposal may be readily available to the Congress and to others, I include "A New Charter for the Democratic Party of the United States" in the RECORD at this point:

A NEW CHARTER FOR THE DEMOCRATIC PARTY OF THE UNITED STATES

(NOTE.—Written comments on this document are solicited from all Democrats and others interested in the Democratic Party. So that these comments may be considered by the two Commissions in shaping a final draft for submission to the National Convention, comments should be received by May 1, 1972. Send comments to: Reform Commissions, Democratic National Committee, 2600 Virginia Avenue, N.W., Washington, D.C. 20037.)

INTRODUCTION

This is a working draft of a proposal for a new Charter for the Democratic Party of the United States.

It represents the third and final phase of the Democratic Party's reform efforts leading up to the 1972 National Convention.

Since early 1969, the Party's *Commission on Rules* and *Commission on Party Structure and Delegate Selection* have concentrated on reforming the National Convention processes and opening the procedures of state Democratic parties to fuller citizen participation.

Last November 19, the Party's two reform commissions convened a joint session with a broadly representative group of Democratic leaders to explore the question of how a national party organization should be structured.

The draft stems in large part from the discussions that took place and the papers that were presented at that meeting.

It is also based on months of study and research, broad consultation with Democratic party leaders at all levels—as well as party leaders from other western democracies—and wide-ranging discussions with outstanding political scientists and historians.

Three important features of the proposed new Charter supply strong underpinnings for the National Party. They are:

(a) Establishment of a national membership system;

(b) Provision for yearly participation by party members in regional or national party conferences; and

(c) Creation of a strong regional party organization.

The new Charter is framed to permit more direct participation by members in national party policy-making. This direct participation on an annual basis is seen as adding a new dimension of grass-roots interest to complement that of state organizations and elected officials, thus bringing new vitality to the party as a whole. The following is a brief outline of the new structure.

Regional Conferences

In odd-numbered years regional conferences are held in each of seven regions of the United States. Delegates to these conferences, averaging 440 per region, represent a wide spectrum. Included from each state are the party chairman and highest ranking party officer of the opposite sex, at-large delegates apportioned to and selected by each state, two youth delegates, Democratic members of Congress, governors, nominees for these offices, state legislative leaders, and delegates elected from each congressional district by enrolled members of the Democratic Party of the United States. The congressional district delegates, divided equally between the sexes, constitute about 60% of the total delegate strength. Regional conferences promote party organization, education, and training in the region, and recommend policy to national meetings of the Democratic Party.

Regional Committees

The regional committee consists of the party chairman and the highest party officer of the opposite sex from each state in the region, each state's member of the National Membership and Finance Council, additional members apportioned to and elected by the states, and the region's members of the National Executive Committee. The region elects two members of the National Executive Committee, one of whom is the regional chairman. The average size of a regional committee is 43. Between regional conferences these committees manage regional party activities, including education and training.

National Policy Conference

In the even-numbered year between National Conventions, the membership of the seven regional conferences, about 3,080 in number, meets in a National Policy Conference. This Conference considers recommendations of regional conferences, acts on pertinent policies and programs for the Democratic Party, and elects the National Chairman.

Democratic National Committee

The seven regional committees meeting together constitute the Democratic National Committee, which is a continuing body of about 310. The Democratic National Committee acts on major questions between the Convention and the National Policy Conference. It also establishes the budget, fills vacancies in the National Chairmanship, apportions the states and territories among the seven regions, and establishes judicial procedures within the Party.

National Executive Committee

Conduct of national party affairs is the responsibility of the National Executive Committee, which consists of up to 22 members: the National Chairman, the Democratic leader of the U.S. Senate and of the House, the seven regional chairmen and one additional representative from each region, and up to five additional at-large members selected to provide broader representation. Reasonable balance between the sexes is assured by providing that the position of regional chairman cannot be held for more than three consecutive terms by persons of the same sex.

National Membership and Finance Council

For a national political party to function effectively, adequate financing must be assured. A National Membership and Finance Council is created for this purpose. A member from each state and 20 at-large members are appointed by the National Chairman. State representatives work within their own states to meet the financial quotas assigned by the National Committee. Membership fees will serve to meet a large part of the quota. But to insure that participation in party matters is truly open, membership fees—while strongly urged—are not required. Anyone may become a member simply through annual enrollment with the National Party.

Training and Education

To insure development of the education and training function of the party, a special Training and Education Unit is created under the supervision of a Board of Directors chosen by the National Executive Committee. One dollar of each membership fee is set aside to finance the training and education programs.

National Chairman

The National Chairman remains a key figure in the party. In fact, the position is strengthened with the Chairman elected by the National Policy Conference to a full-time, salaried, four-year term.

The National Convention remains the supreme governing authority of the Democratic Party. But between conventions the newly-structured Party will be an active and creative force in American politics, bringing together all elements of the Party—state organizations, elected officials, new Democrats with strong convictions and fresh perspectives—in a national political structure which can respond intelligently to the problems and needs of modern America.

PREAMBLE

The delegates to the 1972 National Democratic Convention, in convention assembled, do hereby adopt the following Charter for the Democratic Party of the United States.

ARTICLE I—NATIONAL CONVENTION

1. A National Convention of the Democratic Party shall be held each year in which a President of the United States is to be elected.

2. The National Convention shall nominate candidates for the offices of President and Vice-President of the United States, adopt a platform, and conduct such other business as may be in the interests of the Democratic Party.

3. The National Convention shall be the highest authority of the Democratic Party, shall provide for its governance, and shall have the power to determine the state parties entitled to recognition in the conduct of the affairs of the Democratic Party of the United States.

4. Delegates to the National Convention shall be selected in a manner which gives all Democratic voters of each state and territory full and timely opportunity to participate in the processes leading to the selection of such delegates.

5. There shall be submitted to each National Convention prior to the opening thereof a written report by the National Executive Committee covering the activities of the Democratic Party of the United States since the previous National Convention.

ARTICLE II—NATIONAL POLICY CONFERENCE

1. A National Policy Conference shall be held in each even numbered year between National Conventions.

2. The National Policy Conference shall consider and determine party policy and program, shall establish procedures to receive nominations for and shall elect a national party chairman, and shall act upon such other Democratic Party matters as may be deemed appropriate.

3. Delegates to the National Policy Conference shall consist of the following:

(a) The elected state chairman and the highest elected officer of the opposite sex from each recognized state Democratic party.

(b) 435 delegates elected not more than 90 days nor less than 30 days before each Conference by each recognized state Democratic party, as apportioned to each state on the basis of a formula giving equal weight to population and to the vote for the Democratic nominee for President in the preceding election. Each state shall be entitled to a minimum of two delegates. The body of the state party which chooses such delegates shall have been elected within the past 24 months through a process permitting all Democratic voters opportunity to participate and shall include representation elected directly from congressional districts or smaller units of the state by Democratic voters or by party conventions or caucuses of such district or unit.

(c) 1740 delegates elected not more than 90 days nor less than 30 days before each Conference by members of the Democratic Party of the United States residing in each congressional district as apportioned to each congressional district on the basis of a formula giving equal weight to population and to Democratic strength based on the vote for the Democratic nominee for President of the United States in the preceding election. In districts electing an even number of delegates, no more than one-half of the delegates shall be of the same sex. In districts electing an odd number of delegates, no more than one-half plus one of the delegates shall be of the same sex. Such delegates may be elected through any process which provides all members of the National Democratic Party in that congressional district opportunity to participate. Adequate notice shall be given of all procedures leading to the election of such delegates. Each region may by rule make further provision for election procedures consistent herewith.

(d) The following elected Democratic public officials: governors; members of the U.S. Senate and House of Representatives; the highest legislative leader in each body of each state legislature, provided that in a unicameral legislature the two highest shall be eligible. Public officials, other than those elected through an open Democratic primary may not be seated unless certified by the recognized Democratic party of that state as affiliated with such party.

(e) The most recent Democratic nominees for the office of governor, U.S. Senate or House of Representatives.

(f) One youth representative of each sex between the ages of 18 and 25, from each state, each of whom shall be an officer of the state party, its subunits or an affiliated party organization. They shall be elected in the same manner as prescribed for delegates selected under the provisions of Article II, Sect. 3(b).

(g) All members of the Democratic National Committee and the National Executive Committee not otherwise entitled to be delegates.

(h) Delegates from the territories as hereafter prescribed.

4. The Conference shall be convened upon the call of the National Executive Committee adopted and promulgated at least 120 days prior thereto. The Committee may make such provision as shall be necessary or useful for the conduct thereof, including provision for committees, temporary rules, and the examination and preliminary determination of challenges to any members thereof.

ARTICLE III—REGIONAL CONFERENCES

1. Regional conferences shall be held in each region of the United States in each odd-numbered year.

2. Delegates to each regional conference shall be selected in the same manner as is provided for the selection of delegates from that region to the National Policy Conference.

3. Each regional conference shall elect a regional chairman who shall also serve on the National Executive Committee. The conference shall also elect a regional at-large member of the National Executive Committee, who shall not be from the same state as the chairman. Both shall be elected for two-year terms. No region may elect chairmen of the same sex for more than three consecutive terms.

4. Each region shall have a regional committee consisting of members of the National Executive Committee from that region; the elected state party chairman and the highest elected party officer of the opposite sex from each participating state; the National Membership and Finance Council member from each state as provided in Article VIII; and members selected by a caucus of the regional conference delegates from each state entitled to additional representation, as determined by apportioning the number 150 among the states on the basis of a formula giving equal weight to population and to the vote for the Democratic nominee for President of the United States in the preceding election. The region may select other officers from among the regional committee. A regional committee may fill vacancies in the position of regional chairman or regional at-large member of the National Executive Committee.

5. In conjunction with the National Party, the regional conference shall promote party organization, education, and training within the region. It may also consider and recommend policy for consideration by the National Convention or National Policy Conference.

6. Calls to regional conferences shall be issued by the incumbent chairman of the region subject to such provision as may be made by the regional committee and the National Executive Committee, but shall be issued at least 120 days before the convening thereof.

7. Expenses of the regional conferences shall be defrayed by earmarking a portion of the state quotas collected in the respective regions as determined by the National Executive Committee.

8. There shall be seven regions encompassing the states and territories. The Democratic National Committee may apportion the states and territories among the regions from time to time by a two-thirds vote of the members present and voting. The regions shall be of approximately equal size in terms of an equal weighting of population and the vote for the Democratic nominee for President in the preceding election.

ARTICLE IV—DEMOCRATIC NATIONAL COMMITTEE

1. The Democratic National Committee shall consist of the members of the National Executive Committee and of the regional committees, and shall have general authority in the conduct of the affairs of the Democratic Party subject to the National Convention and the National Policy Conference.

2. The Committee shall have a vice-chairman who shall not be of the same sex as the National Chairman, a secretary, and a treasurer. These officers shall be appointed by the National Chairman with the approval of the National Executive Committee.

3. The Committee shall meet at the call of the National Chairman, or the National Executive Committee, or by written request of not less than 20% of the membership thereof. Written notice shall be given of all meetings. One-half of the eligible membership shall constitute a quorum for the conduct of business.

4. The Committee shall fill vacancies in the office of National Chairman and shall issue or authorize the issuance of the call to the National Convention.

5. The Committee shall institute a merit system for non-elected employees of the National Party providing for continuity of employment, a schedule of job descriptions and salary classifications, and dismissal only for just cause subject to the right of appeal and subsequent arbitration.

6. The Committee shall establish procedures for the hearing and adjudication of claims asserted by any person alleging violation of a provision of this Charter, a rule adopted under its authority, or of a right derived therefrom. These procedures shall provide appropriate remedies in cases of proven violations. Disputes with respect to the credentials of delegates to any national convention or conference shall be adjudicated by such convention or conference.

7. The Committee, in consultation with the Membership and Finance Council, shall periodically establish the budget for the National Democratic Party.

ARTICLE V—NATIONAL EXECUTIVE COMMITTEE

1. The National Executive Committee of the Democratic Party shall consist of the National Chairman, the Democratic leader in the U.S. Senate and in the U.S. House of Representatives, and the chairman and at-large member from each of the regions. Additional members, not to exceed five, may be added for two-year terms by the foregoing members to provide broader representation on the National Executive Committee of all Democratic voters; provided, however, that the Democratic National Committee may establish a different procedure for the selection of the five additional members.

2. The National Executive Committee shall meet at least eight times a year. It shall meet as provided in its rules, and at other times upon the call of the National Chairman, or upon written request of at least 5 of its members. One-half the members shall constitute a quorum for the conduct of business.

3. The National Executive Committee shall

be responsible for the conduct of the affairs of the Democratic Party subject to such provision as shall be made from time to time by the National Convention, the National Policy Conference or the Democratic National Committee.

4. The National Executive Committee shall make all apportionments required by this Charter unless otherwise provided herein.

5. The National Executive Committee may create task forces, commissions and advisory committees on party organization, policy or program whose reports may be considered by appropriate party bodies or meetings.

ARTICLE VI—NATIONAL CHAIRMAN

1. The National Chairman of the Democratic Party of the United States shall be responsible for the execution of policies and programs of the Democratic Party and the operation of the National Headquarters, including the employment of all personnel of the Democratic Party, subject to such provisions as may be made from time to time by the National Executive Committee, the Democratic National Committee, the National Policy Conference, or the National Convention.

2. The National Chairman shall be elected by the National Policy Conference for a term of four years which shall commence upon the close of such conference. The National Chairman need not be a member of any of the governing bodies of the Democratic Party at the time of his election.

3. The National Chairman shall preside over meetings of the National Executive Committee and the Democratic National Committee, and shall be entitled to cast one vote in each body. Each body shall provide by rule for the chairman's absence or disability.

4. The National Chairman shall serve full time and be paid a salary equal to that of members of Congress, and shall be reimbursed for expenses as authorized by the National Executive Committee.

ARTICLE VII—MEMBERSHIP

1. Membership in the Democratic Party of the United States shall be by annual enrollment in a manner specified by the National Executive Committee and state finance representatives as provided in Article VIII, Sec. 2. Membership shall be open to all citizens who have the interest, welfare, and success of the Democratic Party at heart. Classes of membership and the annual fee for each shall be as follows:

Enrolled member, $0.00 to $4.99.

Participating member, $5.00 to $24.99.

Sustaining member, $25.00 or more.

These classes of membership may be amended or enlarged from time to time by the Democratic National Committee but in no case shall a fee be required to become an enrolled member. All classes of membership shall carry identical voting privileges.

2. Members of the Democratic Party of the United States shall be eligible to vote for congressional district delegates to regional and national conferences only if they have been members continuously for at least 30 days prior to such vote and are at least 18 years of age, or will attain the age of 18 in the calendar year of the vote.

ARTICLE VIII—NATIONAL MEMBERSHIP AND FINANCE COUNCIL

1. The National Membership and Finance Council shall consist of one member from each state appointed by the National Chairman with the concurrence of the state chairman. The National Chairman shall also appoint not more than 20 members-at-large to the Council. All appointments shall be for a term of two years, subject to removal by the National Chairman for non-feasance.

2. State members of the Council shall be responsible for directing campaigns for memberships and fund-raising on behalf of the national party within their state. Subject to any provisions made by the National Executive Committee, state members may enter into arrangements for joint membership in the national party and in state or local parties and for joint fund-raising. State members shall be members of the regional committee of that state's region and of the Democratic National Committee, but shall have a vote only when that state is currently meeting its quota.

3. The Democratic National Committee, in consultation with the National Membership and Finance Council, may establish quotas for each state for support of the national party. Each recognized state party shall pay to the national party that portion of its quota which is not paid through the collection of membership fees and other contributions from that state.

4. The National Executive Committee shall make provision for the handling of the accounts of the national party and shall provide for an independent audit thereof not less often than every two years.

ARTICLE IX—PARTY EDUCATION AND TRAINING

1. The National Executive Committee shall establish a training and education unit of the Democratic Party under the control and direction of a Board of Directors of not less than five nor more than eleven members appointed by the National Executive Committee whose terms of office shall be four years, with not more than one-third of the members being appointed in any calendar year. This Board shall have broad authority and autonomy to carry on training and education at all levels of the Democratic Party.

2. One dollar from the payment of each annual membership fee in the Democratic Party of the United States shall be set aside for the budget of the training and education unit, provided that additional sums may be added to such budget as the Democratic National Committee may from time to time provide.

ARTICLE X—NONDISCRIMINATION

No person shall be discriminated against in any manner with respect to membership in or the processes of the Democratic Party of the United States or any of its subordinate, affiliated, or recognized units, because of race, religion, color, national origin, or sex. The Democratic National Committee shall have plenary powers to implement the foregoing.

ARTICLE XI—RULES AND GENERAL POWERS

1. Consistent herewith, each body of the Democratic Party of the United States shall adopt written rules as required in the discharge of its responsibilities, including provision for such additional officers, bodies, boards, commissions, and committees as may be appropriate.

2. The National Executive Committee shall maintain and publish a compilation of all such rules as shall be in force from time to time, which shall be available to the public upon request.

3. All recognized state Democratic parties shall file their written rules with the National Executive Committee. Any changes or amendments thereto shall be filed within 30 days of adoption by the state Democratic party.

ARTICLE XII—AMENDMENT

1. The National Policy Conference may adopt amendments to any provision of this Charter except this Article and Sections 1, 2 and 3 of Article I, by a two-thirds vote of the members present and voting, provided that an amendment shall first have been received by the National Executive Committee at least 10 days prior to the Conference and its written recommendation with respect thereto shall have been received by the delegates to the conference at least 24 hours before the vote on such amendment.

2. The National Convention may amend this Charter by a majority vote.

ARTICLE XIII—GENERAL PROVISIONS

1. For purposes of this Charter the District of Columbia shall be considered both a state and a congressional district. The National Executive Committee shall determine which persons or positions in the District of Columbia qualify as delegates under Sections 3 (d) and (e) of Article II.

2. The territories shall be entitled to representation as follows:

(a) National Convention: as provided in the Call to the National Convention.

(b) National Policy Conference: the elected chairman and the highest elected officer of the opposite sex from each recognized territorial Democratic party shall be delegates. The recognized Democratic parties of Guam, Canal Zone, and Virgin Islands may each select 2, and of Puerto Rico 4, additional delegates not more than 90 nor less than 30 days before each Conference.

(c) Democratic National Committee: the elected chairman and the highest elected officer of the opposite sex from each recognized territorial Democratic party shall be members of the Democratic National Committee and of their regional committee.

3. All delegates to conventions and conferences of the Democratic Party of the United States shall seek to effectuate party policies and programs in their capacity as party or public officials.

SCHEDULE OF IMPLEMENTATION

1. In order to implement this Democratic Party Charter, an Interim Democratic National Committee is hereby created. This Interim Committee shall consist of the chairman and the highest officer of the opposite sex of each recognized state or territorial Democratic party, and those persons previously selected to serve as national committeeman or national committeewoman as of the close of the 1972 Democratic National Convention. Each member of such Interim Committee may cast the equivalent of one-quarter of the weighted vote of his or her state or territorial delegation to the 1972 Democratic National Convention. Fifty percent of the total membership will constitute a quorum.

2. The Interim Committee shall elect a national chairman who shall serve to the close of the first National Policy Conference.

3. The Interim Democratic National Committee shall be chaired by the National Chairman and shall exercise the powers of the National Executive Committee and the Democratic National Committee and shall be the convening authority for all meetings, conferences or conventions required to implement this Charter, and may make such provisions and exercise such powers as shall appear necessary or useful from time to time to assure the full implementation of the Charter, including recommendations in relation to the organization and meeting of the bodies authorized herein, until organization of the National Executive Committee.

4. Prior to June 30, 1973, the Interim Democratic National Committee shall issue a call for a Regional Conference within each region as provided herein. Each region shall organize itself, including the adoption of rules and the election of a regional chairman, a regional at-large member of the National Executive Committee, and other officers. At such conference each state shall caucus and select its members of the regional committee.

For purposes of this first regional conference, the national committeeman and national committeewoman selected in 1972 for the Democratic National Committee as previously organized shall be considered named as the first two delegates from each state or territory authorized in Article II Section 3(b) and Article XIII.

The provisions of Article II, Section 3(b) relating to the requirements for state bodies which select delegates shall take effect from and after January 1, 1974. Until then such delegates shall be selected in a manner determined by each state party.

5. The National Executive Committee shall meet and organize by September 30, 1973. Upon completion of its organization, all authority and responsibility theretofore exercised by the Interim Democratic National Committee shall vest in the National Chairman, the National Executive Committee, and the Democratic National Committee.

6. The Interim Democratic National Committee shall, prior to issuing the call for regional conferences, apportion the states and territories among the regions pursuant to Article III, Section 8. In the event that the Committee does not apportion prior to June 30, 1973, the following regions shall be considered as established pursuant to Article III, Section 8, and shall serve as the basis for convening the regional conferences:

Region 1: California, Oregon, Washington, Nevada, Idaho, Alaska, Hawaii, Guam.

Region 2: Arizona, New Mexico, Colorado, Utah, Texas, Kansas, Oklahoma, Missouri, Arkansas, Louisiana, Canal Zone.

Region 3: Montana, Wyoming, North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Wisconsin, Illinois.

Region 4: Michigan, Indiana, Ohio, Kentucky.

Region 5: Mississippi, Alabama, Georgia, Florida, North Carolina, South Carolina, Virginia, Tennessee, Virgin Islands.

Region 6: West Virginia, Maryland, District of Columbia, Delaware, Pennsylvania, New Jersey.

Region 7: New York, New Hampshire, Vermont, Maine, Massachusetts, Rhode Island, Connecticut, Puerto Rico.

PROPOSED REGIONAL AND NATIONAL STRUCTURE OF THE DEMOCRATIC PARTY OF THE UNITED STATES

PARTICIPANTS IN THE NATIONAL POLICY CONFERENCE

Members of National Democratic Party—

Elect 1740 delegates apportioned[1] to 436[2] congressional districts.

Elections held 30–90 days before each conference in each congressional district.

No fee is required for national party membership, but member must be enrolled at least 30 days before election.

State Democratic Parties—

Represented by all state chairmen and chairwomen.

Two youth party officers from each state.

435 delegates apportioned[1] to 51[2] states, elected by each state party 30–90 days before each conference.

Democratic public officials—

Represented by all governors, senators, U.S. representatives plus nominees for these offices.

Top two state legislative leaders from each state.

REGIONAL COMMITTEE

Regional Chairman, State Chairmen and Chairwomen, Delegates Elected by State Caucus, State Members of the National Membership and Finance Council, and Regional Members of N.E.C. Average Total 43.

REGIONAL CONFERENCE

Delegates Elected by National Party Members within Region, Delegates from State Democratic Parties within Region, and Democratic Public Officials and Nominees within Region. Average Total 440.

NATIONAL EXECUTIVE COMMITTEE

National Chairman, Congressional Leaders, Regional Chairmen, Regional At-Large Members, and National At-Large Members. Total 22.

DEMOCRATIC NATIONAL COMMITTEE

Composed of All Members of Regional Committees. Total 310.

NATIONAL POLICY CONFERENCE

Delegates elected by National Party Members, Delegates from State Democratic Parties, and Democratic Public Officials and Nominees. Total 3080.

---

[1] All apportionments based on 50% population, 50% Democratic strength.

[2] District of Columbia counted as state and a congressional district for this purpose.

ON WORLDWIDE CONTROLS

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. HALPERN. Mr. Speaker, this June in Stockholm, Sweden, there will take place the first international conference devoted to answering the question: How can man, divided as he is by political and geographical boundaries, devise a way to preserve his common inheritance of oceans and air? The United Nations Conference on the Human Environment will be less concerned with methods of controlling pollution in any one country than with such difficult issues as: What is to be done when pollution created in one member nation affects the environment of another? What are the trade and investment implications of one nation's anti-pollution policies as opposed to another's? Will a nation, for example, that requires its industries to bear the costs of abating industrial pollution—which must translate into higher product prices—be put at a serious trade disadvantage if competing industries in other countries are free of such costs?

The aim, in short, is to encourage an international accord on pollution abatement standards and enforcement mechanisms which will succeed in safeguarding our seas and atmosphere without placing any one nation at an unjust economic disadvantage. Before the condition of the world environment was recognized as critical, there was no need to address these thorny problems. Now that we are all threatened by a common menace, it becomes clear that the most bothersome obstacle to effective world consensus on environmental protection has been each individual nation's fear that strict pollution measures at home will ultimately result in undeserved trade and balance of payments disadvantages abroad.

It was to help formulate United States policy in this area that I introduced, along with 58 cosponsors, H.R. 13116—a bill to promote international cooperation in United Nations efforts to protect the world's oceans and atmosphere.

Mr. Speaker, I have been corresponding with over 100 industries labor unions and environmental groups on the various provisions of this legislation and have received letters of support from an overwhelming number of groups.

I would like, at this time, to submit to the RECORD an excellent article forwarded to me by William J. Kendrich, vice president of the National Association of Manufacturers, entitled "International Trade Implications of Environmental Protection Programs." As that article points out, worldwide cooperation in environmental protection efforts is vital not only if we are to preserve our oceans and air, but if we are to maintain a reasonable level of world trade stability at the same time.

I trust my colleagues will take special notice of this article in light of the significant environmental policy decisions which will be made by the world community in Stockholm this June.

"INTERNATIONAL TRADE IMPLICATIONS OF ENVIRONMENTAL PROTECTION PROGRAMS" PRESENTED BY NATIONAL ASSOCIATION OF MANUFACTURERS FOR CONSIDERATION BY THE UNITED STATES OF AMERICA BUSINESS AND INDUSTRY ADVISORY COMMITTEE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT, FALL, 1971

INTRODUCTION

It is becoming more and more clear that varying approaches to national environmental protection programs will have profound implications for international trade. Such programs can entail cost burdens of monumental proportions for domestic industries. A McGraw-Hill Publications Company survey, released in May, indicated that United States industry will spend $3.6 billion in 1971 for new air and water pollution control facilities. This does not include the hundreds of millions of dollars which American industry spends each year in operation and maintenance of billions of dollars worth of pollution control facilities already in place.

In addition to huge cost factors which can affect competitive relationships among nations, restrictions enacted in the name of environmental protection may function as non-tariff barriers and thus create further complications for international trade.

This paper will review in broad general terms the implications for international trade inherent in national environmental protection programs.

GENERAL OBSERVATIONS

The growing pressures from citizens, legislatures, and scientists for tighter control of effluents and emissions, of product composition, of product use, and of resource exploitation will inevitably result in a rapidly increasing number of new laws, administrative regulations and procedures, and possibly new economic devices designed to bring about fundamental change. Different methods of controlling environmental factors will have different domestic and international economic effects. The particular mix of policies and measures chosen by a national government can have a major impact on the interests of industries of other countries, as well as on its own industries. Differences between one country's program and another country's program can create international economic distortions, and these differences can be expected to multiply with the emergence of new policies and measures. Thus, there is an urgent need for industries as well as governments to find means to reconcile the differing national approaches to environmental control.

Because so little is known about environmental control, and about methods for achieving the objectives of nations in this area, it is likely that governments will continue for some time to intervene selectively, using different methods for different kinds of problems; and it is likely that industries themselves will follow an experimental approach, exploring different avenues in the search for a balance between economics and social objectives.

The consequence of selectivity in national policies, and of differing policies from one country to another, can be significant shifts in production, investment, and trade incentives and opportunities. Economic distortions and conflicts can arise from different technical standards, safety regulations, economic incentives and penalties, and other national policies and programs.

Consider the use of national standards and regulations. Where one country's standards differ from another's, imports may be substantially reduced by technical restrictions, or the prices of such imports may have to be raised to cover the costs of adapting these products to the different national standard. This kind of problem can arise where the product itself is a potential pollutant (e.g., insecticides) or where use of the product may yield pollutants or create safety hazards (e.g., automobiles.)

Another type of problem, of potentially major international importance, is the cost of impact on industry arising from new environmental controls and pollution limits. If the steel industry in the United States is forced to spend large sums on cleaning and eliminating effluents and emissions, its cost position will obviously alter vis-a-vis competitive imports from countries where no such expenditures are required. Perhaps all of what would have been capital effluents and emissions. In this case, the water and air are cleaner, but the companies can fall behind in international competition. In general, the relative competitive positions of industries and of countries can be markedly altered by differences in requirements from country to country whenever heavy investment or altered operating costs are involved in the effort to control pollution. The amounts of money inolved in controlling pollution are large, so that these relative shifts can alter the incentives to invest in one country as compared with another, in addition to altering trade possibilities.

ALTERNATIVE METHODS OF ENVIRONMENTAL PROTECTION

There is a wide range of options available to governments when choosing measures for protecting the environment. First of all, governments may use measures which affect the processes of production, or they may use measures which regulate the end-products in terms of their composition or their uses. The distinction between measures which affect processes and those affecting products can be important. Sometimes, the choice between them will depend on whether the objective is short-term relief from specific difficulties or long-term adjustment to new modes of production. Thus, the stipulation of standards for treatment of effluents and emissions can bring about immediate relief, but the incentive to devise entirely new methods of production may be minimal. Indeed, the result may sometimes be to shift capital investment funds away from basic technological change to short-run adaptations.

Bearing in mind this conceptual distinction between product and process control measures, there are a variety of more specific options open to governments. United States automotive design requirements are having a significant impact on the outlook for automobile producers in other countries, most of whom have substantial exports to the United States. These same design requirements also raise the relative cost of United States production, weakening the United States competitive position on exports to other countries. This type of problem has so far been rather exceptional. Looking to the future, it is likely to become a fairly widespread type of problem. Hand in hand, with design and quality standards go specific, detailed marking or labeling requirements. Such requirements are among the Nontariff Trade Barriers (NTB's) most complained about internationally, particularly by other governments concerning the problems their nations face in exporting to the United States.

A standard applied to the process of production will normally raise the cost of production to a manufacturer. Normally, this change in cost will be passed on to consumers in the form of higher prices, thereby raising domestic and export prices for that product. Imports will become relatively cheaper, and exports less competitive. Thus, an industry in another country facing more lenient standards may be put into a better competitive position, improving its export prospects to other countries as well as to the country introducing tougher process standards.

Another approach to environmental protection is through the use of tax incentives and government subsidies to industry. This can ease the cost of transition from one product line to another, the coast of transition from one mode of production to another, or the cost of installing pollution control facilities. For example, in Canada, new pollution control facilities are allowed a two-year write-off and exemption from the 12 percent national sales tax. In the United States, new pollution control facilities installed in existing plants are allowed a five-year write-off. However, this latter provision contains so many restrictions that it is generally regarded as ineffective. There is considerable support for accelerated amortization up to and including immediate write-off at the option of the taxpayer plus a 20 percent tax credit for capital expenditures for pollution control facilities. The rationale for this approach is that such expenditures are non-productive but do confer a wide public benefit. Such provisions are not likely to be very effective unless used in conjunction with specific standards or regulations. In that case, the aids to industry become a form of adjustment assistance to moderate the effects of governmental decisions made on behalf of national welfare. Various international problems can arise as a consequence of aids, however. If an industry is assisted in one country by government aids, while the same industry in another country carries its burden of adjustment alone, their relative competitive positions will be altered. Assistance may tend to discriminate in unusual ways. Thus, European governments would probably have considerable difficulty in granting the same form of assistance to American-owned corporations operating in Europe as they might provide for European-owned entities.

The opposite approach to tax relief is represented by the imposition of "pollution taxes" on effluents and emissions. Since the principal obstacle to increased pollution control efforts by industry is the generation of enough cash to pay for non-productive facilities, this approach appears to be fallacious. It is impossible to understand how companies could spend even more on pollution control by having revenues siphoned off by an additional tax on their operations. Administrative problems also appear to be insurmountable. Nevertheless, the concept is being considered seriously and was favorably referred to in the Second Annual Report of the Council on Environmental Quality issued this past summer. Obviously, such an approach would hurt the relative position in the world market of companies subjected to such taxes, in cases where they would face foreign competitors not subjected to such taxes.

The method of enforcement may assume international importance. For example, standards may be policed in some countries by inspection during process of production, although the standard may apply only to the composition of the end-product. In pharmaceuticals, product standards are regulated in some countries by inspection of the process. This method of providing consumer protection in France has meant a virtual embargo on the importation into France of pharmaceuticals, and thus has provided a strong incentive for overseas producers to establish their own production facilities in France. Here there is both a trade impediment and an incentive to move investments to provide production facilities in new locations.

The use of severe penalties for breach of regulations may be another device, particularly where surveillance of process or product is minimal. A severe penalty can take the form of heavy fines on the producer, or of confiscation of product, or of closing down the offending plant. Obviously, this method of control cannot be used to control foreign producers, who are located abroad beyond the reach of such penalties. The incentive for evasion is great where the penalty cannot actually be applied. Consequently, it may sometimes be necessary to apply stricter standards on imports, with maximum surveillance or analysis at customs. This, however, creates a trade impediment. When a government provides for or encourages its citizens to bring actions against offending producers, the problem is even more complex. Thus, if producers' liability under the law is extensive, foreign producers can nonetheless escape the net of the domestic judicial system. In the case of imports, the importer may have to be made liable, even though he is not a producer and does not have the producers' financial resources. This would sometimes create a disincentive to import.

There can be positive gains for those countries which are at the forefront of research and development of new products and methods of production. Such countries have the opportunity of expanding their sales and licenses of new products and techniques. The United States, in particular, may be able to take some advantage from its lead in research and development, especially if this is combined with tougher product standards which the products of other countries may not be able to meet.

The general balance of payments effects would depend in part on what economists call the international adjustment process. A significant general cost and price shift for one country can, for example, easily be counterbalanced by inflationary changes in another, or by capital flows, or eventually by exchange rate changes.

Thus, the key questions lie in specific product and production problems, and it is at this level where serious economic problems can easily become a source of conflict between the interests of various nations. Regardless of the overall macroeconomic cost adjustments, specific standards, procedures, and enforcement devices can constitute nontariff barriers of considerable importance.

In choosing among the different types of control measures, governments must weigh a combination of local political, economic, and environmental circumstances. Taking the wide range of possible variations into account, it should be clear that the choice of control measures and their form will vary from one local situation to another. Measures will often be tailored to local experience, local methods of production, and traditional products, thus in effect discriminating against imports even in those cases where the standards applied to them and foreign products are identical. The international trade and investment implications will often be incidental to the decisions reached, yet these global market implications may be extremely important to the prospects for individual business in various countries.

In the United States, certain trends are already quite apparent. As previously indicated, industry will spend in 1971 $3.6 billion for new air and water pollution control facilities; but this may only be one point on a sharply rising curve. Similar expenditures in 1969 were $1.6 billion and in 1970 were $2.3 billion.

There have been several developments on the national scene in the United States which have focused the spot-light of attention on environmental protection with concomitant direct and indirect cost implications for this country's economy. The first of these was the creation of the Council on Environmental Quality by the National Environment Policy Act of 1969. The Council reports directly to the President and prepares for him an Annual Report on Environmental Quality which the President transmits to the Congress. Naturally, the pronouncements of such a high level Council receive considerable attention from the news media. The Council's second Annual Report released this past summer, stated that "Total spending required for the major sources of environmental pollution between 1970 and 1975 is estimated at about $105 billion."

Another major development was the creation of the Environmental Protection Agency pursuant to a Reorganization Plan submitted by the President to the Congress. Because this agency centralizes federal pollution control efforts under a single Administrator, it will be able to exert much stronger influence than its predecessor agencies. In addition to its existing enforcement powers, the EPA will serve as a generator of requests for additional enforcement power. This has already occurred in the air pollution control field. The Clean Air Amendments of 1970 granted the EPA Administrator the power to establish national ambient air quality standards; to establish emission limitations for new sources within certain categories, and to issue Administrative Orders enforceable by heavy criminal penalties. Enforcement by citizen suits against both industrial companies and the EPA Administrator himself was also authorized. In addition, the EPA Administrator was also authorized to require the sampling of emissions, the installation and maintenance of monitoring equipment, and the maintenance of records. This is coupled with a right of entry upon a premises and a right of access to copy records, inspect monitoring equipment, and sample emissions. Pursuant to this law, the EPA Administrator has already established national ambient air quality standards for six major pollutants and has proposed standards of performance (emission limitation) for new sources within five major categories including cement plants and power plants.

Another feature of the Clean Air Amendments of 1970 is a provision requiring a virtually air pollution-free automobile within the next five years. This requirement applies to both domestically produced automobiles and to automobiles produced for importation into the United States. The United States automobile manufacturing industry has already said that it cannot achieve this goal. But if it does, at some year in the future, and the automobile manufacturing industries of other nations do not; this might result in shutting off imports into the United States of automobiles manufactured in other nations. A fascinating converse situation might result if the automobile manufacturing industry of some foreign nation became able to meet the emission standards, and the United States automobile manufacturing industry did not.

Current proposals for new water pollution control legislation parallel provisions already enacted in the air pollution control field. The Senate Public Works Committee is considering a proposal to authorize the EPA Administrator to set national effluent standards for new sources without considering the uses, needs, or assimilative capacities of particular river basins. This Committee is also considering a so-called "minimum" national water quality standard which would state that "There shall be implemented for all waters of the Nation not later than January 1, 1980, unless otherwise provided pursuant to this Act, a standard of water quality which shall provide for the protection of a balanced population of shellfish, fish, and wildlife, and which shall allow recreational activities in and on the water." This provision has been proposed without any attempt whatsoever to evaluate the economic cost of achieving such a standard. It would impose an extremely heavy burden on the United States' economy vis-a-vis economies of the rest of the world.

Another factor in the water pollution control field is the establishment of a formal federal permit system for industrial wastewater discharges under the Refuse Act of 1899. The legislative history of this Act conclusively demonstrates that it was never intended to authorize a federal permit system to control water pollution. The Act was never administered in such a fashion for 70 years. However, in comparatively recent decisions, the Supreme Court of the United States held that the Act did cover water borne industrial pollutants. The new regulations require extremely extensive sampling, monitoring, and analysis of the water quality characteristics of discharges, and estimates for industry compliance with just this aspect of the permit system have ranged from $100 million to $200 million. Depending upon the conditions written into permits, the additional costs for industrial compliance cannot be estimated but undoubtedly will be vast.

The long-term prognosis within the United States must be one of environmental protection standards becoming ever more stringent, with requirements being imposed which would have previously been considered unreasonable. The cost burden will become increasingly heavy on industrial companies. A study of the copper industry indicated costs ranging up to $600 million to comply with national ambient air quality standards of performance for new plants within industries such as the cement industry could be extremely costly. Barry Commoner, Director, Center for the Biology of Natural Systems, Washington University of St. Louis, stated in the 1971 World Almanac "It has been calculated that if the U.S. paper pulp industry were required to meet present Federal water pollution standards it would cost the industry about one-third of its profits for each of ten years. If farmers were required to reduce their present reliance on heavy usage of fertilizer and pesticides, their economic returns would be sharply reduced."

Thus, both direct cost of pollution control and indirect costs to the economy through handicaps of economic efficiency are involved. Economic inefficiencies have become a great possibility under the National Environmental Policy Act of 1969 which requires federal agencies to consider environment factors in all of their decisions and to formulate environment impact statements for comment by other government agencies and reviewed by the Council on Environmental Quality. No one can quarrel with the principle. However, if this procedure is allowed to bog down federal projects and private projects requiring federal licenses and permits in a morass of redtape, paper work, and litigation, tremendous costs could be imposed needlessly upon the American economy. Interminable delays in these projects would cause greatly escalated construction costs and unmeasurable costs to the economy in terms of deprivation of the economic benefits of these projects.

The direct cost burden of pollution control will become increasingly heavy on industrial companies. Many estimates have been made of the expenditures required to clean up pollution. They have one thing in common—they all involve billions of dollars. Despite the cost involved, there are public and political pressures at work which appear destined to impose extremely severe burdens on industry in the United States. All related considerations lead to the conclusion that American industry will have a tremendous cost imposed on its proposed processes over forthcoming years in the name of environmental protection. Over forthcoming years, developments in the environmental protection field both in the United States and in other nations will have unforeseen international trade and investment implications of extreme importance to the prospects for individual enterprises and industries in various countries.

WHO SHOULD DECIDE FOR WHOM WHAT THE STANDARDS AND CONTROL MEASURES SHOULD BE

A decision by a government of one nation may have a direct bearing on the fortunes of private business in other nations. In turn, if those businesses adapt their product in a particular direction, to suit the market requirements of the first nation, then the consumers in these other nations also find themselves subjugated to the decisions made unilaterally by the first nation.

This problem of who decides for whom can come up in many forms. Countries may feel unable to act unless several countries simultaneously coordinate their actions. For example, the Finns have said that major capital expenditures for pollution control in the Finnish paper and pulp industry would only be possible if paper and pulp industries in other countries undertook the same capital expenditures for pollution control at the same time. Since paper and pulp is such a significant portion of Finland's total economic position, the problem for that country is readily understandable.

More broadly, countries may be restrained from taking socially desirable actions by the fear of the economic effects on their international competitive position. Conversely, where a country cleans up its steel industry while another country does not, it can be reasonably assumed that the imports of steel products into the first country will be subjected to increased protectionist pressure, and therefore new nontariff restrictions to trade.

INTERNATIONAL COORDINATION OF POLICIES

The international problems have not reached major proportions, primarily because many governments are only now beginning to move on broad new approaches to environmental control. This makes it all the more urgent to develop a framework for dealing with actual and potential problems—before the various national methods become set in concrete, before heavy investments are undertaken, and before vested interests have settled in to defend any protectionist effects which may raise. Moreover, to the extent that differences in national policies create adverse economic effects, this will tend to put political or economic brakes on socially desirable programs. Real progress within countries may therefore often require some means of coordinating government decisions internationally.

Reducing the conflicts and mitigating the effects of differences in national policies would require improved international consultative procedures, and new international guidelines under which national actions might be taken.

The most promising recent development is the establishment of the new Environment Committee in the OECD. In this organization, all the major non-Communist industrial powers are members, and there has been a long history of consultation and policy coordination in various economic policy matters. The Environment Committee can look directly at the international economic questions, with a view to finding means for close cooperation among the developed countries, while mitigating the potential conflicts of interest which will likely arise among them. Ideally, the Environment Committee could treat specific issues, such as differing standards for pesticides, or automobile design, in terms of their precedent-setting aspects for the handling of other problems. In this way, a record of effective consultation and adjustment of national programs could be built up. The OECD is ideally suited to such exploratory work aimed at general principles, and the harmonization of national policy measures, particularly in the light of its excellent work in the economic policy field.

Since, as already noted, pragmatic selectivity and experimentation will be necessary in each country, and since conditions vary so much between different countries, the pursuit of common scientific standards would be a most difficult pursuit. Alternatively, international cooperation might increasingly focus on methods for harmonizing national practices, and for moderating the effects of unilateral national decisions on the interests of other countries.

As a beginning, there could be development of international consultative procedures on new forms of regulation which may affect international trade and investment. For example, provision could be made for advance notice to other countries, and for reasonable delay in implementation of new national standards so as to allow time for businesses in other countries to adjust their production. More important than procedures would be the development of general principles or guidelines which governments might follow in implementing their national control measures.

Such principles could cover administrative procedures, such as public hearings, advance public notice, and methods of enforcement. Enforcement is particularly important. Regulations may set recommended standards, or they may be mandatory. Where mandatory, they may be enforceable by taxes, fines, or confiscation of product or of property in general. In the cases where recommended standards are utilized, governments may prefer to use tax incentives and other special incentive devices to encourage industry to seek remedies in its own way. Providing some basis for comparable treatment of domestic and foreign products in relation to enforcement procedures in each country would be desirable. Acceptance of a general comparability-of-treatment principle by governments would provide a useful point of departure. Where national standards and testing or control methods differ from one country to another, a significant effort should be made to accept *similar* standards and control methods as a valid basis for accepting an import, rather than insisting on precisely the same standards and control methods for foreign goods. It is also desirable to develop an international agreement which would bar discriminatory treatment among producers, whether foreign or domestic, whether private or state enterprises. Discriminatory taxes or tax incentives should be specifically ruled out.

More generally, what is needed is an intensive search for general principles, codes of conduct, and consultative procedures which aim at reducing the international economic distortions which can easily arise out of differences in national measures for such matters as environmental protection, consumer safety, and public health. Discussions and negotiations leading in this direction would necessarily be an evolutionary process, because many of the problems are only beginning to make themselves felt, and simple solutions are probably not to be found. Given the complexity of the problems and of the various social objectives, a framework of rules, if negotiable at all, could only work in the context of on-going consultative procedures. Thus, when a country was affected by another country's decision, it could call for consultations in a context where some internationally agreed principles supplied.

It is clear that this kind of system, based on an interaction between principles and consultative procedures, can work in the economic area. A similar effort in the area of environmental protection to comprehend and channel national decisions multilaterally could be a wise and practicable course for governments to follow in the next few years. This need exists quite apart from whatever work is carried out in the pursuit of international technical standards, and in the various multilateral efforts to assist in the transfer of technology internationally.

CONCLUSION

Close coordination of national efforts to protect the environment appears necessary in order that nations might avoid damaging each other's interests. This coordination could initially take the form of consultations on certain types of problems, with a view to generalizing the results of consultations into a basis for new international guidelines and consultative procedures. This could best be carried out in the OECD Environment Committee, at least initially.

Coordination should also include industry cooperation internationally. It would often be possible to work out reasonable and nonconflicting international solutions to industrial environmental protection problems if industries were allowed to coordinate their efforts internationally within the framework of guidelines set by governments. At the present time, the United States government and United States law frustrates any sensible effort along these lines, and our anti-trust policies should be modernized in this direction. In the future, there will have to be much more government-industry collaboration in the United States to meet that type of cooperation in international competition which exists in other countries. Finally, there is a special need to provide more room for industry-to-industry, and industry-government cooperation internationally if real progress is to be made in this area without continuous resistance of industries in some countries. A new industry advisory committee might be formed as an adjunct to the OECD Environment Committee, or the Business and Industry Advisory Committee (BIAC) to the OECD might perform this function as its major order of business. These issues, involving the social welfare of nations and the fortunes of large firms and their workers, appears to be far too important to leave in the present state of disarray as regards national decision-making procedures.

Looking to the future, we should recognize that national decisions do affect the interests of other nations and the private businesses of other nations. The question of who decides for whom what the standards and methods of control shall be, and how international economic adjustments shall take place, should be a major policy question continuously addressed by governments. Where the decisions of one government result in the passing of costs onto other nations, procedures must be established to moderate the impact of these costs, in order to avoid continuous conflict and competitive protectionist measures.

We must also figure into the social calculus of environmental protection the fact that exporting pollution by pushing investment into other countries also costs jobs.

In the past, consideration of the international aspects of environmental protection tended to be limited to concerns about transnational pollution, such as oil spills or pollution of rivers crossing national boundaries. However, as has been pointed out, this is only one aspect of the international problem.

In conclusion, the appropriate mix of standards, administrative procedures, incentives, and penalties will vary from country to country by necessity. National differences in policies and in measures may often be desirable socially, technically, or economically. As a matter of basic philosophy about the problems in this area, we must recognize that the problem is not one of getting all nations to behave in the same way scientifically, but rather of providing a framework of guidelines and obligations which help to harmonize the various national approaches and moderate the economic disturbances which will be the consequence of the national differences. This is work for diplomats, negotiators, economists, and businessmen more than it is work for scientists.

It is widely recognized that many more private and public actions are needed to move nations more rapidly along the road to better environmental protection. The pursuit of a higher quality of life, however, if it is to be effective and widely supported, must pay adequate attention to the problem of harmonizing or reconciling differences in national approaches, in order to minimize overall economic costs of change with less resistance to change from special interests. This broad set of international considerations is thus a critical dimension of an environmental protection program. Governments and businesses cannot ignore these international considerations without thwarting their own purposes.

A FEDERAL GUARANTEE OF A RIGHT TO WORK FOR EVERY EMPLOYABLE AMERICAN

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. BADILLO. Mr. Speaker, more than a quarter of a century ago the Congress, in enacting the Employment Act of 1946, established as a national goal the assurance of the opportunity for a gainful and productive job to every American who seeks work. Unfortunately, this goal has not even been approached, much less achieved, and we are in the midst of a critical unemployment situation. In just the past 2 years alone the level of unemployment has more than doubled and at the present time more than five and a half million Americans are out of work.

In addition it is imperative that we take into consideration those thousands of persons who are not actively seeking employment, because they have despaired of finding work, and those who are underemployed or only performing part-time tasks. Because this country has failed to adopt the goal of full employment as a national policy we are now confronted with an actual unemployment rate of almost 10 percent.

It is clear that the private sector is unable to provide the jobs needed to guarantee adequate employment opportunities, particularly for the unskilled and disadvantaged. It was unable to do so during the period of low unemployment, such as we experienced in 1968–69, and it has proven it cannot generate the positions now. Positive steps must be taken if we are to come to grips with this crisis and it is incumbent upon the Congress to take the initiative in providing viable solutions to cope with this staggering unemployment crisis.

The Congress has begun to recognize its responsibility in this area and last year we passed the Emergency Employment Act. Although this program has encountered some problems and delays in certain other areas, the city of New York had achieved its goal in filling 100 percent of the 1,575 jobs allocated under section 5 in less than 4 months after the

Labor Department issued the EEA guidelines. However, the official unemployment rate for New York City is well above 200,000 persons and many, many more positions remain to be filled.

Nevertheless, the generally successful experience we have had with the EEA program proves the efficacy of public service employment. As the New York City Housing and Development Administrator recently advised me:

> Jobs provided by this program have permitted us to apply additional and necessary manpower to many of the tasks and service operations that are so vital in providing essential services to the tenants of our communities.

Although the EEA program and pending legislation to expand it to 500,000 positions, the comprehensive manpower program and measures to expand public service employment opportunities under public works legislation go a long way toward meeting the needs of the unemployed and underemployed, and in providing essential training and employment assistance, these are only stopgap measures. Additional, more permanent and positive steps must be taken if we hope to achieve the elusive goal of full employment. It is for this reason that I have introduced the Guaranteed Employment Act of 1972.

Last week I was joined by 18 of our colleagues in offering this legislation which establishes a program to assist States and local communities in furnishing needed public services and in providing for employment to all unemployed and underemployed persons. This guaranteed employment measure commits the Federal Government to the policy of providing every man and woman who wants to work with a job.

Yesterday, a very well-written and perceptive article on this issue appeared in the New York Times magazine. Written by Michael Harrington, this very timely and incisive piece probes the various aspects of the unemployment crisis and describes some of the half steps which have been attempted to resolve it. However, the basic solution, as Mr. Harrington sees it—and I heartily agree—is that—

> There should be a formal Federal guarantee of a right to work for every employable citizen.

Mr. Harrington's article clearly supports the principle underlying the Guaranteed Employment Act and presents a very convincing and reasonable argument for a program to guarantee every American who seeks work with meaningful employment. As he so aptly notes:

> We need the constructive use of the energies of the unemployed, the underemployed and the misemployed.

I believe we should all give give full and careful consideration to what Mr. Harrington states and proposes and I am pleased to present his article for the RECORD.

The article follows:

GOVERNMENT SHOULD BE THE EMPLOYER OF FIRST RESORT

(By Michael Harrington)

On July 12, 1971, Richard Nixon became the first President since Franklin D. Roosevelt to sign a general public-employment law: the Emergency Employment Act, which calls for an investment of $2.25-billion in the creation of 150,000 public-service jobs. Nixon had vetoed a similar measure only eight months earlier, with appropriate conservative scorn for Rooseveltian "W.P.A.-type" jobs; in retrospect, his sudden fondness for his own W.P.A. program can be interpreted as having been a portent of his dramatic conversion—or opportunistic accommodation—to Democratic party Keynesianism. That came a month later, in August, with the wage-price freeze. And then in the last few months there have even been unconfirmed reports, usually described as coming from the President's chief economic adviser, Treasury Secretary John Connally, that the Administration is going to come up with an even more sweeping, New Deal-type, program.

Though Mr. Nixon has made punditry a high-risk occupation during his three years in office, there is nothing mysterious about why, in his New Economic Policy, he has become consistently inconsistent with what once was his traditional Republicanism. In fact, his endorsement of the concept of public-service jobs is part of the basic strategy of Nixon's approach to the economy, and symptomatic of an emerging fact of current political life: Proposals of impeccably leftist origins—radical or liberal—are now being systematically redesigned to serve the cause of sophisticated conservatism. Such adaptations date at least as far back as Bismarck, a conservative Junker who coopted socialist ideas. But rarely has the reversal been so thoroughgoing: the dollar devalued, pervasive controls over wages and prices imposed, and a huge outlay for Government jobs approved—all at the hands of an orthodox Republican, all in a single year.

In his spectacular volte-face on the job bill, Nixon was embracing an idea, belatedly and without much ardor, that has been loitering in the corridors of Socialist thought for at least 145 years, Louis Blanc, a French historian and, briefly, a Government official, first formulated the concept of governmentally guaranteed work in 1836. It was tried in Paris during the Revolution of 1848 and, until the philosophical ascendance of Marxism in the last quarter of the 19th century, it was what most Europeans understood to be Socialism. The concept was imported to the United States when the Great Depression forced Roosevelt to put about 10 per cent of the labor force on Federal payrolls. In 1944, he and organized labor fought for a legally binding right to work (a proposal that would mean what it said and has nothing to do with the antilabor, state legislation packaged dishonestly under the same name), but conservatives expunged that commitment from the Employment Act of 1946. In its place they put the pious wish that every American should have a job, an incantation which did nothing to prevent five major unemployment crises in 25 years.

The President had good reason to change his mind about the wisdom of the Federal Government's creating jobs. It is clear—much clearer than Mr. Nixon can bring himself to admit publicly—that the private sector of the economy has failed to generate the jobs that are needed. Worse still, the data all suggest that the inadequacies are structural and that their negative effects will intensify.

The evidence has been accumulating rapidly since the halcyon days of the Johnson Administration, when the National Commission on Technology, Automation and Economic Progress reported that the expanding economy harbored no inherent trend toward technological unemployment; America, the commission said, could cope with any rate of technological innovation as long as the economy was intelligently managed. But even while it kept the faith with the Keynesian denomination of free marketry, the commission noted that, from a social point of view, there were more than five million jobs, largely in the public or nonprofit sectors, which could be funded out of tax revenues. A few years later, with whole neighborhoods of Detroit and Newark in ruins, the National Advisory Commission on Civil Disorders took up that suggestion with a much greater sense of urgency. The private sector, it said, should generate a million new jobs, and the Government should commit itself to financing another million jobs in public service, over a three-year period; in the first year alone, the report urged, the Government should aim at providing 250,000 openings.

The Johnson Administration responded to the proposal for an effort by the private sector but backed off from direct Federal job funding in the public sector. At the urging of the White House, the National Alliance of Businessmen joined in a program called JOBS (Job Opportunites in the Business Sector). It was supposed to yield 338,000 jobs by June, 1970, and 614,000 by June, 1971. According to an audit by the General Accounting Office, the cumulative total of trainees on June 30, 1970, was actually 48,351. The current number of trainees, according to the Department of Labor, is 69,000—slightly more than 10 per cent of the 1971 goal.

A similar record of failure was established by the WIN (Work Incentive) program set up by a 1967 amendment to the Social Security Act, a fact of some significance since it involves an approach not unlike the "workfare" scheme in Mr. Nixon's welfare reform plan. WIN has provided educational and job training for welfare recipients with the aim of preparing them to compete in the private sector. But there are only 100,000 participants in the plan instead of the 280,000 estimated at the outset. Only 20 per cent of its trainees have found jobs. And, as a survey by the Ohio Bureau of Employment showed in April of this year, the WIN graduates could mainly hope for employment as cooks, salad girls, waitresses, nursemaids—jobs which paid only a little more than welfare.

It is certainly true that the dismal showing of these experiments was facilitated by the recession brought about by Mr. Nixon's Old Economic Policy. When corporations are laying off organized workers with previously marketable skills there is practically no hope for welfare recipients who had been unable to get jobs during a period of relatively full employment. But that does not mean that the problem will cease to exist as soon as the economy gets moving again.

The deep-going structural transformations in the economy to which Mr. Nixon is responding demand something more than reliance upon the mechanism of a free market. In 1980, according to Department of Labor projections, there will be more professional, technical and kindred workers, most of them with college or postgraduate degrees, than assembly-line workers, truck drivers and bus drivers (15.5 million as against 15.4 million). The number of people in the professional category is expected to increase by 50 per cent during this decade while the semiskilled operatives will go up by only 10 per cent; the nonfarm laborers will decline by 2 per cent and the farm workers by 33 per cent. In other—and more portentous—words: the semiskilled and unskilled jobs which have been the traditional exit from poverty and point of entry into the industrial system will be the jobs in short supply. And, at the same time, a dramatically increased number of poor young people, particularly young blacks, will be gathering at the exit door, ready to compete for the dwindling number of job openings.

The problem is not confined to the bottom of the economic and class structure. In the sixties, there were extraordinary outlays for space, education and Vietnam, all of which improved the relative position of organized workers (who are neither poor nor affluent), scientists and technicians at all levels, and the educated in general; society's investment per student in higher education accelerated faster than the growth in the Gross National Product, and resulted in an enormous increase in the college population. Then the Federal programs which animated these trends were cut back; suddenly unemployment rose, not simply among the unskilled, but among engineers and scientists as well.

Despite the disintegration at each end of the economic ladder, Mr. Nixon did not abandon the traditional wisdom hastily. Though he spoke of "workfare," he did not make a move to generate a single job. Therefore, he was simply proposing to force the most marginal members of the labor force—unskilled women for the most part—into a market where the very best they could hope for would be competition with one another for menial, low-paying jobs. "Workfare" was, and is, so contradictory a proposal that one Presidential adviser has been known to suggest that it is simply rhetoric designed to calm down reactionary Congressmen who would not otherwise vote in favor of Nixon's income floor for welfare recipients. I suspect that this assessment is unfair to the President. He is, I think, sincerely deluded on this point.

Mr. Nixon stressed the same theme in his Labor Day address to the nation and his speech on the New Economic Policy to the Congress: "Labor is good in itself"; "no job is menial if it leads to self-reliance, self-respect and individual dignity." But forced labor in a Soviet camp, or even the abrasive routine of an automobile assembly line, is not "good in itself." And I am quite sure that the President is not sanguine about the prospect of careers in migrant labor camps for Julie and David and Tricia and Ed. The best that can be said for his windy, old-fashioned nonsense is that a good many of the jobs in the economy, given the limitations of scarcity and technical ingenuity, may be a miserable necessity.

Even if he cannot fairly be accused of honorary Socialism, Mr. Nixon has at least allowed himself to face up to some of the facts. In December, 1970, when he vetoed the Employment and Manpower Act, he was still sticking by the letter of the old faith: He was, he said, against any program that "would relegate a large number of workers to permanent, subsidized employment." In July, when he reversed himself, he explained that he did so because the jobs to be funded by the legislation are only temporary.

That qualification allows the President to pretend that there will soon be jobs aplenty in the business sector for all who need them, an optimistic assumption contrary to all the trends. And how, precisely, is a state or city supposed to structure a "temporary" position? As Edward Hamilton, the former budget director of New York City and now its Deputy Mayor, put the problem: "What if we moved those people into permanent city jobs and then Washington ended the program because national unemployment was down again? We'd be left holding the bag with X number of people built into our financial structure and no more Federal money."

Clearly, Mr. Nixon based his reversal on a distinction without a difference, and the conventional interpretation of this and all his other shifts in economic policy is that he has made a 180-degree turn in order to look the problems of a re-election in the eye. And yet, even though the political rationalization is only thinly disguised in the President's rhetoric, it is important to say a word in defense of his sincerity and consistency. I would argue that he has simply moved from an utterly obsolete conservatism to a much more sophisticated, though still completely inadequate conservatism. He is not Saul on the road to Damascus in the throes of an overpowering conversion experience but a wily helmsman who has changed a disastrous course by about 15 or 20 degrees. He is still sailing the same ship.

In the New Economic Policy as a whole, Mr. Nixon has been won, not to Keynesianism, but, in John Kenneth Galbraith's phrase, to reactionary Keynesianism. In the fundamentalist free-market model in which Mr. Nixon believed until almost yesterday, the corporation is central because the maximization of its self-interest mysteriously leads to the common good. In his three years in the White House, Mr. Nixon has learned that economic providence is not quite so benign in the rewards it bestows upon a passive President. So he has shifted slightly. The corporation remains central; now, in accepting the carrots which a hopeful nation thrusts upon it, it is stimulated to accomplish the common good. So it is that Mr. Nixon proposed in August to give business $9-billion worth of encouragement, the consumer $2.5-billion, and the poor an I.O.U. on welfare reform.

This same pattern of reactionary Keynesianism is apparent in the details of all his employment proposals. First of all, there is the question of numbers. The bill Mr. Nixon vetoed in December, 1970, would have created more than 400,000 jobs through both accelerated public works and public-service employment. The bill he signed last July is supposed to yield 150,000 jobs and, at the current rate of expenditure, will apparently fund only 130,000 of them. This does not simply mean that Mr. Nixon embraced the principle of Federal responsibility in this area and then reduced a very modest application of it by about two-thirds. That is true enough, but there are qualitative consequences of that quantitative change that are also extremely important.

With the very limited number of jobs authorized by the President in a time of high unemployment, the new openings will have to be spread paper-thin over the entire country. The Administration anticipated that almost all 130,000 jobs would have been filled by Christmas; in November, Mr. Nixon himself rather plaintively wrote to 14,000 state and local officials asking them to hurry up—only 31,000 unemployed had actually been put to work. And some reports from the field indicate that many of those being hired are neither the very poor nor the professionally dislocated, but those from an in-between category whose new jobs pay up to $8,000 a year. That group obviously has its problems too, and deserves help. But the very fact that such a choice has to be made with limited funds shows that the program, far from being an exercise in manpower planning and careful social investment, is the merest of stopgaps. Indeed, Nixon's own reduction of Federal employees might cancel out the entire employment efforts of the bill he signed. And in his letter, the President himself referred to a special group of unemployed who could not be handled even with a bill providing twice the number of jobs: 350,000 jobless veterans of the war in Vietnam.

Second, the President clearly regards these public-service jobs as second-class in character. The crucial instrument for the generation of employment, as befits Nixon's reactionary Keynesianism, is the tax incentive for the big corporation. The Employment Act of 1971 is a temporary, and reluctant, expedient. But the President, unfortunately, is not alone in this attitude. There are dedicated liberals who also talk of the Government as the "employer of last resort." The implication of that phrase, and of the Administration's present policy, is that the best possible use for labor is always to be found in the private sector; when Washington's help is sought, it is to mount an occasional rescue operation, but that is all.

To pose the issue in that fashion is to place public-service employment in a perpetually negative light, an unwelcome deviation from normality. But then, given the minimal, unplanned program which he approved, the President could not possibly have been thinking in any positive way about the issue. For he has not changed his basic faith that the private corporation provides the way to social happiness.

WHY MUST GRINDING, DEMEANING OCCUPATIONS EXIST AT ALL?

Finally, there is the issue of menial labor as it relates to welfare reform. It is, I take it, obvious that the President's Labor Day homily on the Protestant ethic was not an exercise in philosophical speculation but an endorsement of the "get tough" measures of Governors Reagan and Rockefeller, which force able-bodied welfare recipients to work as ordered by the authorities. It is hard to imagine an approach more contrary to the rhetoric which rationalizes it. "No work is demeaning or beneath a person's dignity," the President told the Congress in September, "if it provides food for his table and clothes and shelter for his children. The thing that is demeaning is for a man to refuse to work and then to ask someone else who works to pay taxes to keep him on welfare."

Lurking just behind all that talk about the nobility of menial labor is another, and more basic, attitude: Work is the punishment which is going to be meted out to the welfare malingerers. It is an axiom of basic pedagogy that one does not make a child atone for misbehaving by forcing him to read or write or do other things the school system has all along claimed are good and valuable activities. Yet that is just what the President and Reagan and Rockefeller are doing: They want to instruct some of our most abused, and sometimes marginal, citizens in the glories of work by using legal compulsion to rub their noses in menial labor. In saying this I am not trying to psychoanalyze these leaders, to deal with their interior motives. The plain fact is that they do not propose to provide welfare recipients any well-planned, useful work at decent pay but to force them to work in order to get a welfare check.

That official attitude, I would suggest to Mr. Nixon, is really demeaning and destructive to a person's dignity. Society has failed to give him a chance to work like everyone else; it has stigmatized him as lazy for not having found employment in the middle of a recession; and now Government forces him into a new category of second-class citizenship where Americans labor, not for a wage, but for a welfare check. (The male chauvinism of English grammar somewhat obscures my point, for the real object of this chastisement is not the generalized "him" which stands for both men and women, but a "her," most likely a welfare mother.) In reality, the imposition of reactionary Keynesian values on welfare reform is the opposite of what it claims to be: It does not ennoble what is unalterably base, but it creates a kind of peonage where people must work simply for their keep. That violates even the Protestant ethic.

There is thus no need for quaking in the boardrooms; Mr. Nixon has kept the conservative faith that private economic power is the best instrument for promoting the public good, and what has seemed like a dramatic conversion is merely melodrama for tactical advantage. The forms have changed—he has moved from Herbert Hoover to Arthur Burns—yet the basic values are very much intact.

But times change, and Presidents certainly do. If, as this analysis has suggested, the private sector of the American economy becomes less and less able to absorb available manpower and, perhaps more importantly, less and less able to make a socially desirable allocation of that manpower, what then? What programs and what politics provide Mr. Nixon and his successors with alternatives?

The central proposal for dealing with these problems is, I think, quite obvious. There should be a formal Federal guarantee of a right to work for every employable citizen. (The corollary is a right to a livable income for all those who cannot work, which I support enthusiastically, but will not argue for here.) The right to work would operate in two ways: negatively in that the Government would be obliged to offer meaningful employment to all those who cannot find it in the private sector; positively in that the Government should undertake comprehensive manpower planning and, wherever indicated, establish itself as an employer of first resort.

Even without a Government commitment, organized labor has already begun to confront the question that Presidential rhetoric cannot banish: Why, in a nation more and more dependent on the application of science to the manufacturing process, must grinding, demeaning occupations exist at all? Or, where they do, why are they not recognized for what they are and their effects minimized? Automobile assembly-line workers spend their laboring lives in an environment so dehumanized it could be its own caricature. And the last time the United Automobile Workers Union negotiated a contract, its leadership adopted a demand that has arisen spontaneously from the membership—"30 and out," retirement at the end of 30 years no matter what the worker's age. In their last contract, the United Steelworkers won a 13-week sabbatical once every five years for men with 15 or more years on the job.

Even Senator George McGovern, who stands to the left in the line-up of Democrats seeking the Presidential nomination but is nevertheless clearly in the traditional mold of American political figures, has come close to the concept of planned, Government employment. McGovern has proposed that the Government contract with private industry to guarantee jobs in socially desirable fields for any adult who wants to work. And, in general, there is more movement toward the four-day work week.

All of these reactions are profoundly commonsensical attempts to minimize the indignities associated with so many jobs in the United States. This mood has spread among the poor as well. In New York City, as Nathan Glazer reported in The Public Interest, women on welfare are reluctant to take menial jobs which pay only a little bit more than their benefits. I am sympathetic with the hard-working Americans, particularly those directly engaged in production, who are outraged at this attitude, even though I do not share their anger. I am not at all sympathetic toward the executives, including the President, who, from the vantage point of their creative and well-paid jobs, lecture the poor about the joys of menial labor. And I think that the welfare mothers who balk at such employment are right, morally as well as economically.

In a society with the technological capacity of the United States, it is somewhat obscene to celebrate low-paying, menial employment. It should be a national goal to abolish such jobs by creating machines that will progressively eliminate all the routine tasks that are now dulling the lives of men and women. But, to pose the hoary, generic question: who will then collect the garbage? There are obviously some onerous jobs which can't be done away with in the near future, and a smaller number which perhaps can never become the work of a machine. For those jobs that must be done by humans, the pay, instead of being miserly, should be handsome. That, conservatives will say, would price them out of competition and provide industry with the incentive to find a way to mechanize them. Fine. For there are many more important jobs that need to be done, from the building of new cities to the improvement of medical care. And if some drudgery persists even in these new jobs, it will at least be in the satisfaction of real social needs—especially the needs of the human drones who now work in the harness of an inattentive technology.

If we adopted such a positive and creative approach we would also discover that a good many of the people who seem capable only of lowly work have hidden talents. Paraprofessionals in the school and health systems have already demonstrated that the rejects of a free labor market can make a positive contribution to society when jobs are consciously designed to make use of their natural aptitudes. These paraprofessionals provide valuable services, for which people are more than willing to pay. And since an upgrading of skills is involved, their higher wages would even satisfy the current crucial measurement: They would not be inflationary. The initial Federal outlay would be a social investment, not a handout, and in the not-so-long run such investments would pay for themselves.

The work thus generated would be primarily in the public and nonprofit sectors. That does not mean that Washington would put millions on the payroll, since most of the jobs would be at the state and municipal levels and in nonprofit institutions like hospitals. But the funding of a good many of them will have to come from the nearest thing to a progressive tax we have, the Federal income tax. And even though all this could be done without disturbing the capitalist structure of the economy—the corporations would, alas, remain in control of their billions even after such sweeping reforms—it is clear that there would be a significant shift from private, profit-oriented work to public and not-for-profit occupations.

In the long run, the implementation of a legal right to work would require careful planning. As our current experience demonstrates, it is no simple thing even to phase engineers out of aircraft production and into environmental protection—and they are educated, mobile people, less in need of government's benign attention than the economically depressed, but numerically superior, unskilled working force. Investments and decisions will have to be made well in advance of times of crisis.

Strangely enough, the short run would be easier to deal with. There is already a backlog of requests from communities for Federal funds to help build more than 6,000 waste-treatment plants, water and sewerage systems, hospitals, nursing homes, public health centers and the like; they would cost $13-billion, including $6-billion in Federal money.

Organized labor would logically be the vanguard of any political movement for a guaranteed right to work. Unions fought for that very demand almost 30 years ago, and since then have battled for a whole range of manpower programs which would stimulate the economy, not by passing out windfalls to the corporations, but by putting men and women to work satisfying the urgent needs of society. Labor cannot, of course, prevail alone, but it has natural allies in the middle class; and the issue also is one on which the interests of black and white workers most obviously converge. The formation of such a coalition around the demand for a guaranteed right to work would have ramifications for the entire society.

Such a realignment is no longer the impossibility it may once have seemed. American politics has been in the process of redefining the meaning of right and left for some time. The fundamental confrontation of the thirties between the liberal advocates of state intervention in the economy and its conservative opponents, which for so long has conditioned political debate, is now played out. That really is what Richard Nixon was telling us this summer when he proclaimed his own W.P.A. and initiated Government controls over wages and prices, and he is quite right.

By now, as Milton Friedman himself once said, we are all Keynesians. The crucial question remaining is: What kind of Keynesian? The arguments over what used to seem like only the details of economic policy—how should a tax reduction be apportioned between corporations and the poor? How much should the shipping industry be subsidized?—are becoming central. Mr. Nixon's reactionary Keynesianism is clear; he clings to the faith that private greeds somehow vector into a public good, and he therefore still looks to corporations as the real leaders of the American economy—even when, as President, he is leader. His honor as a consistent conservative is quite intact; it is only his policies which are intolerable.

But even he has had to do something, in his own constricted terms, in the face of our geometrically increasing social needs: the great cities coming unstuck, the environment deteriorating, the large numbers of marginal workers accumulating ouside the margins of the private sector. It is apparent that Louis Blanc's 1836 idea—that society must guarantee each citizen a right to work, and make good the guarantee—has more than reached the fullness of its time. We need the constructive use of the energies of the unemployed, the underemployed, and the misemployed. All that is required is a militant mass movement to prod the dawdling spirit of history into action.

SENATOR MUSKIE SPEAKS ON ENVIRONMENT

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. OBEY. Mr. Speaker, the most thoughtful and telling indictment of the Nixon administration's lack of leadership to preserve our environment that I have heard was given by Maine's Senator Ed Muskie at a meeting of the Wisconsin Resources Conservation Council last Saturday in Madison, Wis.

I am inserting this in the Record because it is a litany of the shortcomings of this administration and it ought to be required reading for anyone concerned with the future of the environment.

The remarks follow:

Remarks by Senator Edmund S. Muskie, Wisconsin Resources Conservation Council, Madison, Wis., Saturday, March 25, 1972

The fact that we are in Madison today to talk about the environment testifies to our determination to do something about it. The fact hat we are meeting in Wisconsin also reminds us of how huch we have lost and how much we still have to save. For your state shows both the best of the earth God made and the worst of the earth man has remade.

Robert Frost could have been thinking of Wisconsin's winter splendor when he wrote of woods as "lovely, dark, and deep"—yet the word "smog" could have been invented to describe the summertime sky over Milwaukee.

This is a state with nine hundred lakes—yet your natural surroundings are threatened by the Navy's insistence on an unproven gimmick like Project Sanguine . . . and by a power company's decision to seek a license renewal on the Chippewa flowage.

I am delighted that Governor Lucey and other Wisconsin leaders will testify against Project Sanguine here next month in hearing arranged by Congressman Obey. The crisis in the environment is close to each of you—and it reaches across the country. Yet it is a different crisis from most that we have known. No breadlines signaled its coming and no bugles sounded the alarm. There was only a slow, almost unnoticed scarring of our land and fouling of our air and water, until we could no longer escape the danger around us . . . here or anywhere in America.

Some Americans were early to the environmental struggle . . . and in the early days the struggle was a lonely one. I can remember how difficult it was to enlist public support for the first anti-pollution laws of the last decade. You can remember when this Council was founded under Governor Gaylord Nelson . . . when the stirrings of public concern were still far from equal to the task of conservation in Wisconsin. But as we entered the 1970's—and almost without realizing it—most Americans started to see the crisis in the environment for what it truly is—more than a part of the normal public debate about how we should live—and nothing less than a decision about whether we can ultimately live at all.

Two years ago, when Senator Nelson led the first Earth Day, millions of people answered the call to the environmental cause. Their commitment has been an indispensable force in the passage of reforms like the Clean Air Act. I know . . . because I have written and sponsored most of our national air and water pollution legislation since 1960. Each time Americans have understood more about the environment, I have been able to secure stronger measures to protect it. Yet I also know that these advances have not been shaped by any single individual or any single political party. Together, Senators and Representatives on both sides have worked and voted for sweeping changes, often without a dissenting vote. The decisions of the Congress have reflected the will of the country.

So the environment should not be a political question. It is a question of survival—and when survival is at stake, we are all Republicans and we are all Democrats. Only last August, President Nixon said: "The work of environmental improvement . . . should unite every element of our society—of every political persuasion and every economic level—in a great common commitment to a great common goal."

But there is a disturbing distance between the rhetoric of the President's speeches and the reality of the President's policy. It is not a distance seen from a partisan perspective alone, but from the perspective of anyone committed to conservation.

The White House has given us environmental budgets which are a blueprint for environmental neglect. Last year, the Nixon Administration asked for less than a third of the authorized sum for air pollution control and less than a seventh of the authorized sum for recycling discarded products. This year, the Administration has again asked for less than Congress has authorized . . . $1 billion less to fight water pollution, $300 million less to fight air pollution, and $200 million less to finance recycling.

The lives of human beings are often determined by the dry and precise figures of a government budget. The Nixon budget slights millions of inner city children who breathe automobile fumes instead of fresh air and suffer from excessive levels of lead in their bloodstream—and yet the same budget calls for a space shuttle of dubious value which will ultimately cost $14 billion. The Nixon budget slights two hundred million Americans who depend on fresh water and the conservation of our land—and yet the same budget calls for a $6 billion increase in weapons spending, even as the Pentagon admits that the Russian threat to our missile forces has not developed according to Administration predictions.

It is easy to speak of priorities—the word has been so overused by almost everyone that it now has a meaning for almost no one. Yet the idea behind the word is still vital. We must choose—each of us—whether we are in the White House, on the campaign trail, or at home in Wisconsin. We must choose—a space shuttle or a clean Lake Michigan—an ABM or clear skies—a loan to an incompetent corporation like Lockheed or grants for sewage treatment and reforestation.

This is not just a choice in the 1972 election, though all the candidates should be judged as they choose. It is also a constant, daily choice in the highest councils of the government and for every citizen. And the Nixon Administration has chosen the wrong course almost from the day it took office.

The people want to conserve the environment. Yet this Administration has not even lived up to Disraeli's definition of leadership: "There go the people; I must follow them."

What we face is not just a failure to fund the fight against pollution. The President has also failed to enforce the conservation bills he himself signed into law—and he is trying to prevent the passage of even tougher legislation. Again and again, President Nixon has sacrificed environmental protection in the wake of pressure from corporate lobbyists. Again and again, he has allowed those two make a profit from pollution to dictate his policy on pollution control. In short, the Nixon Administration has amended Disraeli's maxim to read: "There go the special interests; I must follow them."

The special interests have opposed tne Clean Air Act of 1970, which requires pollution-free cars by 1975. And just last week, the White House issued a study of the deadline which sounds like it was written by the executive of the automotive big three—who also happened to be among the biggest contributors to the last Republican campaign.

The White House study argues that there should be two standards for auto emissions—one for urban areas that are already polluted and one for rural areas where conditions are still tolerable. What would be the result? In much of the country, cars would continue to spew exhaust into the air until all of the country had experienced serious pollution at some point. And anyone who decided to move from a rural area to an urban area would have to buy a new car or modify an old car. It would be a boon for auto profits—and a burden for every rural worker looking for a new job and every rural family seeking a new life in our cities and our suburbs.

The White House study cites exaggerated cost estimates to justify its conclusions—and if the study ever becomes policy, the cost to average income Americans will be high . . . the damage to the environment may be severe . . . and the windfall for the auto industry may exceed any other government giveaway in American history.

Yet we should have expected this from an administration which in 1971 gutted the other guidelines mandated by the Clean Air Act. The guidelines were drawn up according to the law. Then, in violation of the spirit and intent of the law and in response to open industrial pressure, the White House changed them, weakened them, and published them a month-and-a-half late. And again, the loser was the environment which sustains our lives.

The special interests have also opposed the effort to limit clear-cutting . . . the practice of cutting down every tree in a forest instead of cutting only the trees that have matured. The Council on Environmental Quality drafted restrictions on clear-cutting and asked the President to approve them this year. But in January the restrictions were suddenly shelved after lumber industry lobbyists met with representatives of the Nixon Administration. So unchecked clear-cutting will go on . . . and more of our scarce open land will come to look like the barren and eroding hills of Montana's Bitteroot National Forest. It is a break for the special interests . . . and it is a tragedy for us and for our children.

And, with all the power they possess, the special interests have opposed the current water pollution control bill. The bill calls for the elimination of all pollution discharges into America's lakes and rivers by 1985. The bill passed the Senate unanimously. The bill was supported by the President. Then the pressures from big business mounted—led by the members of the National Industrial Pollution Control Council—a group with private access to the highest public officials in the executive branch. Twenty-four of the Council's members direct firms which were sued in 1971 for their failure to comply wtih federal conservation laws. The Council includes all the major corporate polluters in America. Yet former Commerce Secretary Maurice Stans promised them: ". . . virtually no major move has been made in environmental policy without our advice and criticism."

The promise has been kept: the Nixon Administration has joined the Council's members in denouncing the water pollution control bill the President once supported. The White House has circulated bogus cost figures to frighten and intimidate the Congress. The White House has pushed for a series of crippling amendments. What the White House and industry really want is little more than a license for continued and wholesale water pollution. Once again, the Nixon Administration has done the wrong thing. Once again, the President has caved in to big business and jeopardized our natural resources.

And it happens almost every day. Industrial pressure against environmental protection is not a sometime thing, felt only when we face major policy decisions. The pressure is unremitting—and the Administration's response is a constant surrender of the public interest to the polluter's interest. Indeed, the White House even seems ready to provide a Presidential assistant as the defense counsel for any corporation that is despoiling the environment, but supporting the Republican Party.

Last September, the Environmental Protection Agency won a court order prohibiting Armco Steel from dumping toxic chemicals into the Houston Ship Channel. The President of Armco protested directly to the President of the United States.

A White House assistant then intervened—and the federal government agreed that Armco could continue its dumping until the summer of 1972. This agreement was wrong. It was negotiated in secret and in an atmosphere of political pressure. And it is made even more suspect by the fact that the executives of Armco donated at least $14,000 to the 1968 Nixon campaign.

A national news magazine recently described the Presidential Assistant who intervened in the Armco case as "Mr. Fixit." He is the same official who interceded for Anaconda Copper to prevent strict air pollution control in Montana. He is the same official who apparently intervened in the ITT Antitrust case, when ITT pledged $400,000 to the Republican Convention. He is also involved in the Reserve Mining Problem on Lake Superior.

It is all part of a pattern—a pattern of influence peddling and closed door deals that had led millions of Americans to believe that this Administration is willing to trade their future for a campaign contribution.

And who pays the price? All of us—as we endure further erosion in the life support systems we call the environment—as we watch a government that is supposed to serve all the people take on the appearance of a special interest lobby, literally at the beck and call of big business.

No wonder some Americans now ask whether Richard Nixon has forgotten that he is the President of a country, not the president of a corporation.

Because I am a candidate in the Wisconsin primary, what I have said here today will inevitably be placed in a political context. Yet it is not my intention to bring the 1972 campaign into this conservation Council. I have always believed that conservation is more important than any election issue. I have worked in the Senate with Republican as well as Democrats to shape the laws which can save the environment. I have sought the support of the White House. And I still wish the Administration would resume its effort to prove that the President is the leading environmentalist in Washington.

But I cannot blindly support policies to perpetuate pollution in the name of nonpartisanship. I cannot accept the claim that it is political to talk about a betrayal of the environment which seems rooted in politics. I cannot agree to say nothing while this administration does the wrong thing about our air, our water, and our land.

So I am not here to ask for your support in this election, though I will ask for that at another time and another place in the week ahead.

I am here instead to stand with you in fighting for the purposes which gave this Council life.

I stand with you in opposition to Project Sanguine.

I stand with you in opposition to licence renewal on the Chippewa flowage.

I stand with you in demanding a federal suit to stop the Reserve Mining company from pouring 67,000 tons of taconite waste a day into Lake Superior.

And we must stand together for a tough water pollution bill.

Together, we can win $300 million in sewage treatment grants for Wisconsin during the next four years—which is exactly what Washington would send here under the bill passed by the Senate.

Together, we can protect jobs and the environment through the Senate's National Water Standards—so no industry can leave Wisconsin and abandon workers in the hope of finding a haven for pollution in another state.

Together, we can defeat the attempt to evade our conservation laws—and renew the effort to enforce and strengthen them.

You have served on this Council and know what is at stake. You have known for a long time what we must do: we must save our planet's environment or perish amid the pollution of life itself.

You have led the fight for conservation in Wisconsin.

You were speaking up when others were still blind to the danger.

Now we must speak up again—in Wisconsin and across the country.

It is the only choice we have—because this is the only environment we have.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

THE USES AND MISUSES OF THE VICE-PRESIDENCY

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. WALDIE. Mr. Speaker, as another presidential election approaches, all citizens should hope that the rancor and divisiveness which characterized the 1970 campaign will be avoided.

The behavior of the Vice President of the United States will undoubtedly be a crucial factor in whether this country will conduct its political process responsibly, or whether the election will deteriorate into a wasteful and damaging slugfest of name-calling and slander.

The Vice President has already made tasteless remarks he apparently thought were clever, about Congressman PAUL MCCLOSKEY—and "his favorite painting of Benedict Arnold crossing the Delaware." We can only hope that this comment does not foreshadow the level of debate the administration will advance in the coming months.

The following correspondence between Rick Tepker, a sensitive and concerned student at Claremont Men's College in California, the White House, and Mr. Robert Finch, counselor to the President may tell us something about the issues the Vice President's behavior has raised.

Most importantly, the well-reasoned reply of Mr. Finch may offer us some hope that the administration will be more sensitive to its responsibilities, and to Mr. Finch's views.

The reply follows:

JUNE, 1970.

The PRESIDENT of the United States,
The White House,

MR. PRESIDENT: In his classic treatise on effective government, Niccolo Machiavelli expresses his admiration for the prince who delegates the less savory tasks of leadership to a lieutenant so that any hatred caused by those tasks will not be directed against the prince himself. I fear that you, Mr. President, are heeding the advice of Machiavelli by giving free reign to Vice President Agnew and by refraining from editing his more vituperative addresses. I write this letter to echo the adminitions of your assistants who toured through the nation's campuses: the speeches of Spiro Agnew have not drawn fire away from the White House; in fact, his comments are a major ingredient in the growing national dissatisfaction and opposition to your administration.

I write this letter after hearing of another Agnew speech; this one contains vehement criticism of past and present government officials who oppose current policy in Indochina. The comments attributed to the Vice President regarding these men were shocking and reprehensible. If the reports I heard were correct, Mr. Agnew was indulging himself in arguments *ad hominem* that might bring applause and laughter from Republican partisans, but will only bring deep frustration, anger and hatred from those who differ from administration policies.

In many of Mr. Agnew's other speeches, similar tactics have been utilized. Such tactics, however, are highly inappropriate for the office of the Vice Presidency. Mr. Agnew, by persisting in this kind of behavior, is guilty of the same crimes as the long-haired student who cries fascist pig at every policeman or who shouts obscenities when defenders of government policy attempt to speak. Mr. Agnew's voice is just as loud as the collective voices of these young people; and when he uses his voice to hurl accusations and invective at critics of administration decisions, he can be just as damaging to the quality of dialogue and debate in this country as the protestor with a brick in his hand.

By pursuing his course, Mr. Agnew has proven that he is too biased, too irresponsible, too immature, too unreasonable and unreasoning to be Vice President of the United States. You, Mr. President, should ask for his resignation. And if that is not possible, you should at least think twice about the promise you made at a recent press conference—a promise not to muzzle the Vice President.

After all, Mr. President, Mr. Agnew is not performing the tasks of government; he is performing a political ritual that can only erode your own authority and capacity to govern, and can only further tear the fabric that may still precariously unite the nation.

Sincerely,

RICK TEPKER.

THE WHITE HOUSE,
Washington, D.C., July 17, 1970.

DEAR MR. TEPKER: Thank you for sending me a copy of your eloquent letter to the President regarding the uses and misuses of political rhetoric. I can assure you that views such as your are being listened to, and they always will be.

The whole thrust of your message, in effect, is an appeal for reason and sanity in open debate and these are indeed essential qualities—for students and high public officials not least. I am not nearly so worried about finding solutions to the problems that sometimes seem insuperable as I am about the disappearance of civility and mutual tolerance from our social discourse. That, as I think you would agree, would be a disaster of really incalculable dimensions.

In my new role as Counsellor to the President, as before at HEW, I intend to do everything in my power to uphold the standards you commend to all of us.

With every good wish,

Sincerely,

ROBERT H. FINCH,
Counsellor to the President.

THE WHITE HOUSE,
Washington, D.C. September 11, 1970.

DEAR MR. TEPKER: In acknowledging your letter to President Nixon, may I assure you that your comments have been fully noted.

Sincerely,

NOBLE M. MELENCAMP,
Staff Assistant to the President.

PRESIDENT NIXON IS KEEPING HIS WORD

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. McCLORY. Mr. Speaker, last week the President of the United States withdrew an additional 6,900 soldiers from Vietnam.

On January 20, 1969, there were 532,500 Americans enduring the perils of an Asian war. Today, there are 101,700 Americans in Vietnam who are planning to come home.

Mr. Speaker, President Nixon is keeping his word.

ENVIRONMENT VERSUS UNION ELECTRIC RUSH ISLAND PLANT

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. SYMINGTON. Mr. Speaker, the House Commerce Committee on which I am privileged to serve is now considering a number of proposals to regulate the construction and siting of powerplants. The administration, Congressman MACDONALD of Massachusetts and Congressman ECKHARDT have all put forth legislation which would protect the environment while allowing construction of plants necessary to meet the energy shortage. I am deeply concerned with the environmental consequences of additional construction of such power facilities. I am, therefore, pleased with the thought and work that has gone into the proposals now before the Commerce Committee.

In evaluating the various bills, I have found it useful to receive information from companies and environmentalists at home in the second district of Missouri. In that vein, I would call to the attention of my colleagues an article that appeared in the St. Louis Globe-Democrat written by Ted Schafers; the item appeared in the March 9, 1972, issue of the paper. The situation described in the article, I feel, is typical of that in many other congressional districts. Environmental legislation now before Congress as well as court decision like the Calvert Cliffs case may affect development of energy resources in years to come. For this reason, we must gain as much information about the problems and the potential of power development.

At this point, I insert the article in the RECORD:

ENVIRONMENT VERSUS UNION ELECTRIC RUSH ISLAND PLANT—UTILITY BATTLES TO PROVE FACILITY WILL MEET WATER QUALITY RULES

(By Ted Schafers)

Construction of Union Electric Company's Rush Island plant—needed to meet expected power demands within the next three to five years—is being jeopardized by an environmental fight, the company said.

The explanation was given by the St. Louis utility in a detailed report on the reasons for excessive construction costs and completion delays of St. Louis area power plants, particularly its Labadie, Mo., operation.

The company began excavating and filling operations last spring on a 500-acre tract of Mississippi River Bottom land, called Rush Island, 8½ miles southeast of Festus. Cost of the plant, consisting of two generating units each producing 600,000 kilowatts of power, is estimated to cost $328 million.

The proposed new plant will be the first big unit to use low-sulfur coal; designed to meet Missouri's air pollution laws.

Union Electric also has announced it will have all actual construction work performed by local contractors, who also will have the responsibility of avoiding jurisdictional disputes and of improving labor productivity.

Union Electric blamed workers' poor productivity for 70 per cent of its $42.2 million cost overrun in construction of the first two units of its Labadie, Mo., power plant. The same thing is happening on the last two units, currently under construction, the company said.

However, the utility now has run into an even more time-consuming and costly problem. For the last 16 months company officials have been making reports and holding meetings to prove that the plant will not violate provisions of the Federal Water Quality Improvement Act, passed by Congress in 1970.

Details of its efforts to meet the requirements cover six pages in Union Electric's report.

The company has won the approval of the Missouri Water Pollution Board, but is still trying to meet all conditions set down by the Corps of Engineers—including the holding of a public hearing in Festus on environmental impact March 29.

"We are not blaming the Corps of Engineers, who have been forced to interpret regulations before they were even drafted and have taken on a major new work load without adequate staff," said Walter Weber, manager of the Rush Island project.

A permit from the Corps of Engineers is needed to complete the work.

"So far we've been able to excavate and fill an eight-acre area where the new plant will be located and now are raising the level of a 50-acre site for flood protection. The corps has cooperated in helping us carry on this preliminary work, but the 16-month delay is reaching the critical stage now," he said.

Certain concrete work must get under way. and steel is scheduled for spring delivery.

Construction of the new power plant will be a major economic plus for the building trades unions, employing about 1,000 workers over four years, with the total labor bill around $80 million.

THE RIGHT OF HANDICAPPED CITIZENS TO PARTICIPATE IN FEDERAL PROGRAMS

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. HALPERN. Mr. Speaker, the treatment of the 42 million handicapped persons in the United States of America is one of the most shameful chapters in our history. They are a truly neglected minority. They are seldom treated with the equality guaranteed under our Constitution. For this reason, I today am announcing my support for legislation to provide equal treatment of the handicapped in all programs which receive Federal assistance.

These Americans, disabled in our wars, on our highways, by birth, and by illness, simply do not have the same rights as those fortunate enough to be nonhandicapped. The handicapped live among us and struggle, usually vainly, for acceptance into the mainstream of our society. We hide them and ignore them whenever we can. We too often treat them as less than the fellow citizens they are.

In this, the greatest nation in the world, we still have the snakepit mental institutions that were condemned decades ago as harsh and brutal. Institutions for the mentally retarded are overcrowded and understaffed and provide custodial care only, when in many cases rehabilitation services would be helpful. We have millions of handicapped children who are excluded from attending school because adequate provision is not made for their education and training. We have employers who are afraid to hire the handicapped because they mistakenly believe that the handicapped are more likely to have accidents, thus raising workmen's compensation rates and insurance costs. Our governments, Federal, State, and local, tax these people, their parents and relatives, but in return fail to provide services for them. The parents of handicapped children pay school taxes—and then find it impossible to send their children to public school. Although they pay Federal taxes, they find often that not enough effort is made to help educate their homebound handicapped child through ESEA, impacted aid, and other programs. The armed services every year train thousands of persons for various jobs—but have abandoned efforts to use slow learners and retarded persons in low skilled jobs. There is no Job Corps for the handicapped.

The handicapped are a hidden population. It takes a superhuman effort in most cases for a handicapped person to succeed. This should not be so. The time has come when we must no longer tolerate the forced invisibility of the handicapped in this country. We must no longer ignore the millions of handicapped children who are not able to attend school and receive the special educational services that would be so helpful to them.

Education and vocational rehabilitation training can be the greatest thing to handicapped people in assuring their chance for employment and a full and productive life. Education of the handicapped is one of the most cost-effective endeavors the American educational system can undertake. It costs the State $150,000 for the lifetime care of a mentally handicapped person in an institution, but the provision of appropriate educational services for the handicapped can turn dependence upon society into positive participation in and contribution to society.

Vocational rehabilitation of the handicapped is equally cost effective. The Social and Rehabilitation Service estimated that annual earnings of the 291,272 persons rehabilitated in fiscal year 1971 increased by an estimated $770 million over what they earned the year before entering the vocational rehabilitation program. Average earnings of the rehabilitants were $15.95 per week when they were first accepted into the program. Upon completion, average earnings rose to $68.86 per week. Of the more than 291,000 Americans rehabilitated in 1971, 40,321 were public assistance recipients.

This is a valuable and successful program, but there are still many millions of handicapped Americans who could benefit from the program, but have not been able to. This should not be so, the program should be expanded so that every handicapped American who can benefit from vocational rehabilitation services has the opportunity to do so.

Handicapped veterans experience problems in taking advantage of services that are supposed to be available to them. Of all the handicapped veterans registered with the Veterans Employment Services, only 1.6 percent were placed as a result of job contacts made in 1971, while 87.7 percent were unable to be placed in regular nonagricultural jobs. While the handicapped veteran represents nearly 10 percent of all veterans registered with the Employment Services Center, he received inadequate attention in both the areas of job placement and job development.

The handicapped veteran encounters obstacles at every turn. He tries to get insurance and is turned down by private agencies' exemption clauses concerning VA hospitals. He seeks medical care at VA hospitals and receives inadequate care and hospital stays that are too long. He asks for counseling and is put on a waiting list. He looks for employment and is turned down by the private employer as incompetent, or by his Government as being unplaceable.

These veterans were disabled in the service of their country and, in return, their country too often treats them as outcasts. This is inexcusable.

There are an estimated 4½ million handicapped children of school age who are excluded from public schools in the United States. This means that about 60 percent of all school-aged handicapped children in the country are ignored, unidentified and untreated. This exclusion occurs because the States are unable to define and deal with the problem. State and school districts plead lack of funds. The sad fact is that in many cases public motivation to develop adequate programs for the handicapped is simply nonexistent. In my own State of New York, a total of 221,219 handicapped children receive some kind of special services, while 151,592 receive no services at all.

I have dealt specifically with the exclusion of handicapped veterans and handicapped children from adequate programs to meet their needs. There are other instances across the broad spectrum of our society that systematically exclude the handicapped from living a normal life. Only recently have we made any kind of an effort to construct ramps allowing handicapped persons to enter public buildings. Time and again, however, the handicapped person finds that he cannot enter a building because there are too many stairs, or the door is too heavy to open by himself. He finds that public telephones and drinking fountains are too high for him to use from his wheelchair, or that the doors to public restrooms are not wide enough for his wheelchair to pass through. He finds that he is unable to ride in so-called public transportation because he can not get on a bus or a train or into a taxi. I could go on and on.

It is because this long rollcall of discrimination against the handicapped has existed for too long that I am sponsoring an amendment to the Civil Rights Act of 1964 to specifically include the handicapped.

This bill, which should be passed immediately, makes it illegal to discriminate aganst any handicapped individual or to deny him access to federally assisted programs.

Mr. Speaker, I have received many constituent appeals for programs benefiting the handicapped. I wish to read into the RECORD at this time a letter I received from a disabled college student urging action on H.R. 13009. The letter points out the urgent need for civil rights for the handicapped across the Nation.

We must insure once and for all equal educational and employment opportunities for handicapped by making discrimination against them illegal.

The letter referred to follows:

LONG ISLAND UNIVERSITY,
STUDENT GOVERNMENT ASSOCIATION,
February 21, 1972.

Re civil rights amendment for the handicapped.

Hon. SEYMOUR HALPERN,
Washington, D.C.

DEAR MR. HALPERN: As Co-Chairman of the Student Council Committee for the Disabled at the Brooklyn Center of Long Island University we would like to express our full support for the resolution you sponsored to amend the Civil Rights Act to include the handicapped.

The Council Committee was set up to do what we can for the over 300 disabled students on our campus. Many of the problems that come before us are of the nature of discrimination, because of a disability. Recently it came to my attention that the disabled student is charged more for his books because he receives tuition money from the State.

As far as jobs for the disabled; it was my job as assistant in public relations to handle the famous case of Judy Heumann. As you might remember she was denied the right to teach because of her disability.

Transportation is a very big problem because there are so many sides to it. The city makes no provision for curb cuts so that the disabled can cross the street. Public transportation is off limits to the disabled. If you can get down the steps to the subway; the MTA requires that you have a wheelchair inspection sticker. If you have the $20.–$30. to pay for transportation you cannot take any of this expense of any of the tax returns, be they Federal, State or City.

One can never turn on a TV set and see a disabled person treated equally, or for that seen at all except for ads which depict the disabled as totally useless for anything except as an object of pity to garner funds for the treatment of said disease. The only problem is very little of said aid goes towards rehabilitation, which could help the disabled become usefully employed.

Education is another problem—the disabled does not have to worry about being bused to school he is lucky if there is a school for him. The New York City Board of Education is by far the best in the country but that says nothing because there are just a few schools in the New York area which will even accept the disabled and recently the Board of Education tried to close down some existing classes. For the Homebound student the required time for home teaching is not met. Note: State Education department has a set number of hours that a homebound student must receive. A few years ago the Board of Ed. sought to cut out a telephone program for the homebound called Teleclass. As a student in it I fought for the retentiton of it and after five months it was restored. If you don't remember the case Congressman Celler should because he was involved in restoring the program.

Another aspect of education is the entrance to Universities. No University is required to offer equal treatment or facilities and so he or she is forced out or is not accepted in the beginning. The City and State University is the worst offender. In New York, Long Island University has the most extensive in school and homebound program. Hofstra is another university which has made an attempt to allow disabled students to its campus. It is a national shame that only two University's allow the disabled and they are private ones which set admission requirements unlike the open admissions policy of CUNY.

The disabled cannot petition the government except by letter since most public buildings have no access ways for them. A wheelchair or a person on crutches cannot go up those steps. The City Council and City Hall are off limits to the disabled. I know because I tried, to see Mayor Lindsey on the few times that he stayed in New York. I was later told that there is a back entrance that nobody knows about and by the way the same is true of the building in which Congress meets. If the nation shouts about a bus station having a back entrance so much more should we protest being at arms length from our representatives.

Which reminds me that a disabled person cannot register to vote, someone must go for him. As for voting a disabled person cannot vote by absentee ballot in the primary. I know because I was told that I could not get the ballot.

In ending I would like to think out loud about future employment since I want to enter Public Relations. As of now I represent LIU in radio and TV P.R., but if I had to pay for transportation no wage would be high enough to assure me an equal opportunity with others in the same profession. I cannot appear on TV; I know because I was refused an invation when they found out. I may not be able to find a office building I can enter or needed facilities once entered. I may even be refused employment because I carry a higher insurance risk or it is just against company policy.

Once again as the Student Council Committee on the Disabled we urge passage of H.R. 13009 and as a disabled person I need it!

Thank you.

Sincerely,

SAM EDELMAN,
Sophomore Councilman.

NO JUSTIFICATION FOR WITHHOLDING INFORMATION FROM CONGRESS

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. REID. Mr. Speaker, last week the Subcommittee on Foreign Operations and Government Information was privileged to hear the testimony of former Supreme Court Justice Arthur J. Goldberg on the question of the executive withholding information from Congress.

Justice Goldberg's statement to the subcommittee was in my opinion perhaps the most important statement I have heard in my 10 years in the House of Representatives. Concisely and articulately it challenges the often asserted right of the executive branch to deny to Congress the information necessary to the performance of its duties.

This fundamental question should be of deep concern to every Member of Congress, for it touches upon the very viability of Congress as an effective participant in our constitutional system of government.

Congress must take affirmative steps to reassert its constitutional prerogatives, which it has over the years tended to abandon in the face of ever-increasing dominance by the executive branch. In the sincere hope that Justice Goldberg's statement will be helpful to my colleagues in pondering this problem, I am pleased to include it at this point in the RECORD:

TESTIMONY OF ARTHUR J. GOLDBERG

My name is Arthur J. Goldberg. I consider it a privilege to respond to the invitation of Chairman Moorhead and the members of this subcommittee to testify on this matter of overriding national concern.

Having previously testified before this subcommittee on June 23, 1971, on the broad question of the problem of withholding information from the press and public generally, I would like today to confine my testimony to the question of the Executive withholding information from Congress.

I commence with the premise that there is no Constitutional justification for denying to Congress the information necessary to the performance of its duties. Under Article 2, Section 3 of the Constitution, the President is required to "give to the Congress information of the State of the Union" and both by practice and tradition this is not confined to the annual "State of the Union" message.

If the people have a *right* to know, their representatives have a *need* to know. Without adequate information from the Executive Branch of government, Congress cannot appropriately perform functions entrusted to it under the Constitution. Moreover, nothing can contribute more to the weakening of Congress and to an undue concentration of power in the Executive than the Executive's recalcitrance in appropriate sharing of information with Congress.

That vital information necessary to Congress in the performance of its duties has been and is being withheld by the Executive, no one can really challenge. Indeed, it can be argued that very often Congress receives the information it requires through "backgrounders" or "leaks" by the Executive Branch to the press rather than through an orderly and considered transmittal of information by the Executive to Congress.

This is a matter which rightly concerns this Committee which is primarily responsible for the enactment of the Freedom of Information Act. (5 U.S.C. 552).

The Freedom of Information Act in Section 1 specifically provides that the authority of the Executive to withhold information regarding matters that are "specifically required by Executive Order to be kept secret in the interests of national defense or foreign policy . . . is no authority to withhold information from Congress."

This reservation was obviously inserted in the law to protect the right of Congress to be adequately advised, even in cases where the Executive was of the view that national defense or foreign policy necessitated secrecy insofar as the general public was concerned

The Congressional sense of frustration in this area demonstrates the widely held view that Congress is being denied information by the Executive and, at the same time is being asked to enact legislation and make appropriations relating to the national defense and foreign policy.

It is an understatement to say that we are witnessing an increasing confrontation between the Executive and the Legislative Branches in this area. We must promptly take all necessary steps to prevent this confrontation from becoming a constitutional crisis.

It is important, in this connection, to note that the recent Executive Order of the President, effective June 1, 1972, dealing with the classification and declassification of national security information and materials, nowhere specifically enhances the flow of information to Congress and, consequently, does not materially ameliorate the situation as it now exists.

The Executive Order itself, however, represents a step forward in protecting the public against overclassification and ensuring earlier de-classification of national security information and material, although, by my lights, it still is overly restrictive in both areas. Perhaps in this limited sense it does ensure more information to Congress as part of the public.

However, the Executive Order, which, by its terms, deals with the general right of the public to know, does not satisfy the need of Congress to have necessary information promptly available for legislative purposes. The restrictive and sweeping provisions for classification and the long time limits for declassification do not eliminate present obstacles to the furnishing of information for timely legislative consideration and action. Furthermore, vagueness of the words "grave danger to the national security" acts as an impediment rather than an inducement and authorization to the Executive to furnish appropriate information to the peoples' representatives in the Legislature as well as to the people at large.

It is my ultimate conclusion that the present system, whereby the Executive Branch itself determines the rules for disclosure of its own documents, is inherently inadequate to keep Congress informed.

It would be in order to serve this purpose for Congress to draw upon the various proposals of its members and others and lay down specific guidelines in carefully considered and well drafted legislation. I have no doubt that Congress is authorized to enact such legislation under the "Necessary and Proper" Clause of the Constitution.

It is true that Article 2, vesting an Executive power of the United States in the President, necessarily implies that certain activities he conducts, either directly or through his staff and the Executive Departments, are privileged. By the same reasoning, under Article 1, certain activities of Congress, either directly or through its staff are also privileged.

I find it rather ironic that the Executive Branch, which strongly insists upon the President's privilege in his dealings with his own staff, should be challenging in the courts the privilege of Congress in relation to Congressional staffs. What's sauce for the goose must also be sauce for the gander.

The time is overdue for Congress to act in this area with due sensitivity for national security and for the protection of the legitimate privileges of the Executive as well as Congress' rights and responsibilities.

Our nation is a nation of laws and not men. In the public information area, except for Constitutional safeguards and the laws which this Committee, by and large, has sponsored, we have been very much a government of men and not laws. It is this reason which prompts me to urge that this Committee now address itself to the formulation of a comprehensive statute dealing with the duty and limitations of the Executive's responsibility to inform the Congress and the rights, limitations and safeguards of Congress to be informed.

I would hope that in drafting such a law, the Executive Branch and the Legislative Branch would cooperate in the interests of both and in the ultimate interest of the public both serve.

RICKOVER THE UNCOMMON MAN

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. HOSMER. Mr. Speaker, about every 50 years an American naval officer appears who has an enormous influence upon the history of his times. It was just about on schedule that Vice Adm. Hyman G. Rickover came along during our times in the role of one of today's very, very, few uncommon men.

Many people are familiar with his responsibility for the nuclear powered naval ships and the development and training of the remarkable men who man them. Some people know of the admiral's influence in matters educational, in the military and elsewhere. But most people, however, as yet fail to appreciate his remarkable grasp of history and the characteristics of the modern day world and the people in it.

An insight to this brilliant facet of that shining mind is found in Rickover's essay on "The Decline of the Individual" which appeared in the March 30, 1963, issue of the old Saturday Evening Post. The admiral listed four major threats to individual freedom in the United States as: replacement of the Protestant ethic by the Freudian ethic; a tendency to permit technology to control man rather than to command it to his service; unrestrained population growth, and, the interposition of giant private and public bureaucracies between man and his government.

The perceptive, nearly 10-year-old article is well worth recalling and rereading. It is reproduced below:

THE DECLINE OF THE INDIVIDUAL

(By Vice Adm. H. G. Rickover)

In recent years a sense of uneasiness has crept upon the American people. We have lost some of our exuberance, some of our faith in ourselves. Many of us are disturbed by the loss of good things we cherish as peculiarly American and by the intrusion of distasteful things we never expected would invade our way of life. These changes have been many and various, but they all have a common root: They stem from factors which have conspired to diminish the freedom and dignity of the individual.

These human values are essential in a democracy; anything that threatens them makes our whole society a little less free, our nation a little less strong. The basic tenet of democracy is respect for the equal moral worth of all human beings and the equal freedom of all men to shape their lives as they see fit, provided only that they harm no one and violate no law. Only the self-determining, independent citizen can make a success of self-government.

Yet these same values can be neither created nor preserved without continuous effort, and that effort must come from the people—or rather from the individual citizen. Self-government will not produce a good society unless enough citizens feel an identification with the fate of the nation. Repeating patriotic clichés is not enough.

Even were it conceivable that we might

prefer things to freedom—perhaps self-indulgence or social irresponsibility or political apathy—the peril in which our country finds itself today forbids such folly. In its struggle with Communism, democracy cannot afford to forgo a single one of the advantages inherent in a free society: the mutual trust that flourishes in freedom, the release of human initiative and energy, the pragmatism and tolerance that prevent enslavement to dogmatic ideology—these are what give democracy flexibility and strength.

Our nation was launched with a system of government containing numerous safeguards to protect individual liberties. Careful reading of the Declaration of Independence shows that our society pivots on the free citizen. Observe the order of precedence: *First* there is the statement that all men are born equally endowed with "unalienable rights," and some of these are listed; *then* the Declaration notes that governments "are instituted among men" to "secure" these rights, and *finally* it is stated that government derives its "just powers" from the governed. Clearly the founding fathers wanted to make certain that Americans never would be ruled by anyone who had not received their express mandate.

Over the years, however, and especially since the coming of the industrial and later the scientific revolution, radical changes have occurred in our way of life, some of them inimical to the free individual in whom our society is grounded.

The first major threat to individual freedom lies in the replacement of what sociologists call the Protestant ethic, which prevailed in this country until the turn of the century, by a new so-called Freudian ethic. Put in simple terms, the Protestant and Freudian ethics stand for two opposite concepts of man. The first sees him shaping his own destiny, being governed by standards he sets himself and by his own conscience, therefore responsible for his own acts. It is the spiritual foundation of democracy. The second sees man ruled by unconscious drives and external pressures, hence not really responsible for his acts. His life is shaped not by himself but by his socioeconomic environment; if he becomes a failure or a criminal, not he but society is to blame.

American egalitarianism reinforces this caricature of Freud's concepts. Mediocrity excuses itself as the normal and healthy state of mankind. The uncommon man who excels thus becomes a sort of unnatural freak. Conformity to the environment in which one happens to find oneself becomes the safe and approved aim. That this shrivels individual autonomy is a fact not always immediately perceived.

The process starts with the "progressive" school and the permissive home. Emphasis is placed on self-expression rather than on self-discipline; on group adjustment rather than on development of the individual's innate capacities; on gaining popularity with the "peer" group rather than on becoming an independent, self-determining adult human being. The educationists' avowed intent to use the school for leveling out human differences strikes me as an assault on the child's basic humanity. Unlike animals who are equipped only for the one kind of life proper to their species—peer group, if you like!—man is infinitely diverse in talents and interests. The higher the cultural level, the greater this diversity; passive adjustment to a group belongs to a more primitive age of man.

Group conditioning in the school makes itself felt in adult life. Increasingly, Americans seek comfort and security through belonging to a particular segment of society. People huddle together in communities populated exclusively by members of some one segment and pattern their personal behavior on group standards. What is particularly disturbing is the resentment that tends to be generated in these closed groups against anyone who thinks independently and who must therefore at times differ from approved "group thought."

All new ideas begin in a noncomforming mind that questions some tenet of the "conventional wisdom." All improvements originate in a critical mind that mistrusts the "image" projected by some powerful organism. The innovator of ideas and the social critic are essential to a free society; they are what makes the society free.

In a democracy there is need for "critics by profession"—commentators, columnists, etc., whose "beat" is the whole of the social scene—but there is also need of "lay critics" who look upon discovery and publication of truth as part of their civic responsibility. The critic who makes himself an expert on some particular subject, so that he may offer the people information not otherwise available, ought surely to be able to count the people on his side. But, all too often, habits of conformity and mistrust of iconoclasts lead the public to take a neutral position, as if they were judging a proceeding in a court of law.

It is a sad comment on the decline of individualism in America that the critic has no friend at court. He is tagged "controversial," the worst that can happen to anyone in a conformist society.

The "controversial" tag makes him by definition a "flawed" personality, not group-adjusted, one-sided, ill-informed, frustrated and motivated by ill will. Epithets may therefore be thrown at him with impunity; he may be misquoted and misrepresented, and what he says may be contemptuously dismissed as requiring no refutation whatever.

A second major threat to individual freedom comes from the impact of technology. The utilization of science for practical purposes has such enormous potential for the good or evil of man and society that our attitude toward it requires careful rethinking. We have here a complex problem that calls for a higher order of intelligence than has so far been applied. Up to now we have left technological matters almost entirely to the management of practical men. I submit, however, that the practical approach to a new scientific discovery is short-range and private; it is concerned with ways to put a discovery to use in the most economical and efficient manner. The scholarly approach is long-range and public; it looks to the effects which the use of a new discovery may have on people in general, on the nation, perhaps on the world, and it considers the future as well as the present.

As an engineer I have a healthy respect for the categorical imperatives of nature, imperatives constantly being disregarded for the sake of short-range benefits. I feel strongly that technology must not be raised to the status of an end in itself, but must always remain a means to an end, the end being the welfare of human beings and of the nation as a whole. In determining whether a given technology conforms to this objective, we need the help of both practical and scholarly experts. But the final decision must rest with the American people.

It disturbs me that we allow ourselves to be pressured by purveyors of technology into permitting so-called technical progress to alter our lives without attempting to control this development—almost as if technology were an irrepressible force of nature to which we must meekly submit. If we but paused to reflect before acting, we should note that much which is hailed as progress contributes little or nothing to human happiness. Everything new is not *eo ipso* good and everything old inferior.

Technology does not automatically render obsolete the principles we found good in the past; they belong to a different order of things. Technology is not concerned with them. Principles have to do with the way we marshal our inner resources, discipline our actions and respond to the promptings of our conscience; with the ordering of our personal lives and of our relations with fellow citizens, both in private and in public life. They apply to human beings.

Technology, on the other hand, deals with material things. Technology can enlarge our powers of mind and body. With it we can improve health, produce material abundance, leisure and comfort, circle the earth with instant communications, etc. But technology does not dictate either the manner in which we put it to use or the specific benefits which we want to derive from using it.

I suggest we reject the notion that man is no longer master of his own and of his society's destiny. Let us put man back in the center of the stage and do some hard thinking about the kind of life that technology is currently creating for us. Only now, for example, are we beginning to realize that careless use of dangerous pesticides and weed killers may poison soil, vegetation, animals and humans. And it took the tragic case of the European thalidomide babies to dramatize the fatal consequences that may result from the hasty use of inadequately tested drugs.

A third threat to individual freedom has been the tremendous increase in the country's population, with all the attendant changes that this has brought. From 1800 to 1850 our population almost quintupled; from 1850 to 1900 it tripled; from 1900 to 1950 it doubled. Natural increase had as much to do with this growth as immigration. Since World War II the growth rate has accelerated so much that when the time comes to celebrate our bicentenary each citizen will have only about one percent of the voting power which individual Americans had in our first national election. A healthy infant born on that day can expect within his lifetime to see our population soar close to the billion mark—unless, of course, we ponder the consequences to the quality of American life and reverse the trend.

Space of itself bestows freedom and dignity; it gives man elbowroom and a chance to find peace and quiet and privacy. When men are scarce each individual becomes important. Today seven out of 10 Americans live in crowded cities, suburbs, and other urban areas, and the country as a whole is more populous per square mile than was Europe at the time of our revolution. It is hard to find quiet and privacy and a spot of unspoiled nature within reach of home. Man-made ugliness presses on the human spirit, and there is no place for our children to play in safety.

As long as a wilderness had to be subdued there was work in abundance, work of a kind that ordinary men with willing hearts and hands could do, vitally needed work that bestowed dignity on the workman. We were a country of independent farmers, artisans and merchants in those days. Now nine out of ten Americans work for others, many for giant organizations where they have little opportunity to feel individually important. Today, moreover, our society is plagued with endemic unemployment, a condition under which it is difficult to hold fast to a sense of human worth. The loss falls most heavily on those—and, alas, there are all too many—who lack the skill and education for which there is demand in a complex modern society. In the past, America offered unique opportunities for social advancement to average men with average competence; today this is less and less true. America once offered steady employment even to men of below-average ability, but job opportunities for them have contracted drastically. Ours is still a land of opportunity, but increasingly so only for the highly skilled and educated.

With the disappearance of preindustrial, rural America we lost a way of life that was congenial to individual freedom and democracy. Life was simple. Ordinary men could understand the world they lived in; they could manage their affairs without much trouble; they could reach independent decisions on public issues that concerned them as citizens of a democracy. The individual is diminished when he cannot comprehend the problems besetting his nation. I myself think that if we had a first-rate school system, stressing basic education in the liberal arts, many more Americans than now would understand and express their views on public issues.

Serious as is the loss of these natural advantages, however, it need not be fatal to individual freedom or to preservation of a free society. Many of the most civilized modern European countries never had these advantages, yet they were able to evolve out of feudalism and capitalist monarchy into democratic nations where individual freedom is at least as well protected as here—and in some cases better protected. What we need is a new perspective: a recognition that we must now take positive action to create "artificially" the climate in which the autonomous individual and the free society can prosper.

A fourth major threat to individual freedom is the rise of giant organizations which interpose themselves between the citizen and his government. When the nation was founded we did not even have political parties, and there were only seven commercial corporations in all the colonies. We had no labor unions, no vocational or professional associations, no special-interest groups or huge government bureaucracies. The citizen faced his government directly—whether local, state or Federal. With his fellow citizens he shared control over his government on a basis of complete equality.

Today the citizen's wishes may be thwarted if they conflict with the interests of powerful organizations able to bring their immense resources to bear on government. Many organizations, such as labor unions and even women's clubs, have been successful in preventing governmental action they consider harmful to their interests, or in obtaining special government benefits and privileges not vouchsafed ordinary citizens. When society is dominated by powerful organizations the autonomy of the individual is diminished.

Of course, the right to associate with others for the purpose of engaging in joint enterprises is itself an important part of individual freedom. In a huge, populous, technically advanced country such as ours both private and public organizations are indispensable. Enormous good flows from them. Many organizations, furthermore, are exclusively concerned with serving their members and do not seek to influence anyone; others are small and therefore a threat to no one; not a few are big and powerful but exemplary in behavior and performance. These do not concern us here. What does concern us is the threat to individual freedom posed by huge power complexes which dominate our lives but over which we are not able to exercise control. Among these are both public and private organizations.

Large government bureaucracies are as indispensable to modern society as are large private organizations. Many government tasks have to be entrusted to special agencies set up for this purpose. Yet, although they are a part of government, the citizen's influence on them is not as effective as it is on the elected branches of government; nor are the men who run these bureaucracies as accessible to citizens who have legitimate business with them as are elected government officials.

Many large nongovernmental organizations also tend to misuse their power in relations with the public and the government, as when they seek to hold up necessary legislation favored by the electorate or win special favors as a result of past political support—or through the threat of future retaliation at the polls. In some cases, moreover, these organizations develop an autocratic structure which diminishes the freedom and dignity of employees or members, either by needlessly circumscribing their working—and occasionally even their private—lives, or by failure to be responsive to their best interests. Often those "faults of bigness," as one might call them, are not essential to the purposes of the organization or even relevant to their specific tasks. Once we recognize what makes large organization a danger to freedom, we can deal with the problem without interfering with their lawful pursuits. In fact, protection of individual freedoms will benefit any honest organization, since it releases private initiative, one of the great powers for good inherent in a free society.

Organizations act through men. In our country they act through a special category of career men, called managers or administrators. The 18th-century French statesman Mirabeau once remarked that "to administer . . . is to rule." One might expand this to say that administration is a type of authoritarian rule with no constituency and no direct popular mandate. As such it is an anomaly in a democratic society.

In nearly all our large organizations administration stands apart and above production. The men who do the real work of the organization are placed below the administrators who rule them. Administrators may or may not have competence in the organization's special field of work; often they do. Unhappily they often do not. Take education: Clearly the teachers do all the productive work, but it is not they who manage the vast educational enterprise in this country. Teachers are bossed by administrators who quite frequently have not been trained in teaching but only in management of housekeeping, personnel and public-relations chores.

The larger an organization, the more powerful are the managers or administrators. Their source of power comes from being in charge of house-keeping matters, hence of the purse and so in turn of personnel assignment and promotion. As with all rulers, the larger the realm, the more important and better paid are its administrators. This makes them empire builders. It also accounts for a tendency to authoritarianism. Orders flow downward freely, but suggestions rarely rise upward in the hierarchy. This is probably more true of public than of private organizations.

Nevertheless the individual who must work in a large organization, whether private or public, meets conditions of inequality not found elsewhere in our democratic society. Nor is this inequality necessarily a result of unequal human qualities; it comes because one party has behind him the power of the organization and uses it to prevail over the other. This reminds one uncomfortably of the special rights and privileges which once were enjoyed by men for no other reason than membership in a higher estate—as when society was divided into the nobility, the clergy and the third estate.

There is yet another way in which large organizations tend to diminish the freedom of the individual. The founding fathers sought to secure the "unalienable rights" of man by associating the citizen with the business of governing; that is, by making the consent of the people indispensable to the functioning of government. In order to exercise his public functions a citizen must be free to make up his own mind on any public issue, to speak out and to solicit the approval of his fellow citizens; in other words, to be active politically.

Freedom in private life is important, for the citizen needs what Socrates called "a private station" when he engages in public activities. More than invasions of privacy, intolerable in a free society, are therefore involved when organizations presume to meddle in their employee's personal lives. Can a man who must submit to organizational regimentation be a fully effective democratic citizen? Will he feel free to engage in active politics if there is doubt in his mind whether the organization he works for, or the union or association to which he belongs, approves?

Many people have been concerned over the danger of our becoming a state dominated by pressure groups. It has been proposed that the people be given a special department to look after their interests. This misreads the problem. The Government in all its branches is already set up specifically to look after the people's interests and for no other reason. What we must do, I submit, is find ways to curb the illegitimate powers of large organizations, both public and private. Government bureaucracies should be made more responsive to the wishes of the voters; this means bringing them under closer control of our elective bodies. Nongovernmental organizations—labor unions, professional associations, special-interest groups, even business corporations—ought to be held more strictly to the specific mandate of their charters, as well as to "public policy."

We have allowed the freedom of the individual to shrink while permitting the freedom of the organization to expend to a point where it overshadows human liberties. But this nation was founded for people, not for organizations. We need to remind ourselves that organizations—like technology—are not ends in themselves but means to an end. This end is a good society—a strong nation—human beings who in equal measure are assured the right to "life, liberty and the pursuit of happiness."

I have no simple solutions to offer. There are no simple solutions for any of the problems which urgently require our attention today. We can approach these problems from many different angles. I approach them from the point of view that individual freedom must be preserved.

Fortunately, there are now signs that give one hope we have passed the nadir and are slowly ascending toward the more rugged individualism that was so marked a characteristic of earlier Americans. The shock that Sputnik administered to our self-esteem has led us to throw ourselves into an earnest search for flaws in our way of life. I am convinced that once the American people have been shown at what points individual freedom has been weakened they will speedily reinforce these points.

We will be able to do this all the better if we can overcome a general tendency to think of ourselves as unique. A good deal of not-wholly-disinterested propaganda comes our way seeking to convince us that all the good things of the life we associate with American democracy are uniquely ours. There was a time when life in this country differed greatly from life in other Western nations. For more than 100 years we were the model of the free society. But ideas have been moving back and forth across the Atlantic, leaving deposits on both shores. Democracy as a form of government has long since become the Western—not solely the American—way of life. It is well also to remember that its roots go back 2,500 years to Greece and that in evolving the concept of the equal worth of all men every Western nation has played a part.

The greatest glory of Western civilization is that it alone, on its own, came to accept the idea that man as man, individual man, regardless of his particular attributes or possessions, is "the measure of all things" (Protagoras). Since the political corollary of this idea is democratic government, it is not surprising that democracy, too, is a uniquely Western invention.

There is, to be sure, a so-called "Eastern" concept of democracy: pure Marxist doubletalk, of course. It defines democracy as government of the people, on behalf of the people, and in the interest of the people.

In areas of the world where the individual has never been held in high esteem, where he derives his status and rights from membership in some group—family, tribe, church, etc.—this parody of Lincoln's famous words is sometimes actually taken as a species of democracy. In a negative way, this illustrates the point I wish to make crystal-clear: Respect for individual freedom, for the autonomous individual, is the foundation of a free society. As soon as you think in terms of "groups," the foundation begins to erode.

Today the true democracies all face similar problems. All are seeking to solve them through the democratic process, and each can learn something from the others without being untrue to itself. There is, I believe, an irresistible trend toward changing government from the "night watchman" to the "service agency" type. Americans could learn something from the way this transition is being made in the most successful of European democracies. Their reasons have been practical, not ideological. What they have recognized and accepted is that modern life is now so complex, so dependent on careful dovetailing of innumerable human activities, that the individual is in greater need than ever of protection by the law against being harmed by his fellow citizens. There can be no valid objection in principle against making necessary changes. The Declaration of Independence states that "it is the right of the people" to alter the powers of government in such a way "as to them shall seem most likely to effect their safety and happiness."

A friendly though critical visitor to our country once remarked that "there is nothing wrong with America that Americans cannot set right." We can, if we will, strengthen the autonomous individual in our free society. In so doing we will make our nation not only stronger but also a better place to live.

DRUGS AND DRUG ABUSE

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. PEPPER. Mr. Speaker, the American Legion has adopted a statement listing 38 major recommendations of policy on drugs and drug abuse. As the chairman of the Select Committee on Crime, I am placing this statement into the RECORD:

MAJOR RECOMMENDATIONS OF THE AMERICAN LEGION STATEMENT OF POLICY ON DRUGS AND DRUG ABUSE

Resolution No. 610 (Convention Committee on Children & Youth) "The American Legion Statement of Policy on Drugs and Drug Abuse" with which is consolidated Resolution No. 52 (Tennessee) "Drug Abuse," Resolution No. 56 (Kentucky) "Drug Abuse," Resolution No. 57 (Kentucky) "Drug Abuse," Resolution No. 102 (Pennsylvania) "Drug Abuse," Resolution No. 153 (Minnesota) "Drug Abuse," Resolution No. 154 (Minnesota) "Drug Abuse," Resolution No. 284 (California) "Drug Abuse" Resolution No. 314 (Vermont) "Drug Abuse," Resolution No. 409 (Illinois) "Drug Abuse," Resolution No. 459 (Idaho) "Drug Abuse," Resolution No. 563 (Delaware) "Drug Abuse."

Whereas, The problems of drugs and drug abuse have reached epidemic proportions and have become increasingly complex and affect all facets of life within America and our servicemen in overseas installations; and

Whereas, The problems of drugs and drug abuse directly affect four major programs of The American Legion; and

Whereas, A comprehensive statement of policy on drugs and drug abuse has been developed jointly and approved by the National Commission on Children & Youth, the National Foreign Relations Commission, the National Security Commission, and the Veterans Affairs and Rehabilitation Commission and the Special Joint Committee on Drugs and Drug Abuse; and

Whereas, The American Legion is the first private national organization to develop such a comprehensive Statement of Policy on Drugs and Drug Abuse; now, therefore, be it

Resolved, by The American Legion in National Convention assembled in Houston, Texas, August 31-September 1, 2, 1971, that it endorses The American Legion Policy Statement on Drugs and Drug Abuse which is a part of this committee report and contains the following major recommendations:

1. The American Legion believes drug abuse per se is only the symptom or physical manifestation of a much deeper psycho/social problem and urges all citizens to look at drug abuse in the larger context.

2. To the extent possible, we will work with the Congress, state legislatures, and state and federal agencies, when, as an organization The American Legion believes changes or additions to our laws or government policies are desirable.

3. We believe we must deal with the realities of the drug environment and avoid scare tactics, emotionalism and over-simplification of a most complex national problem.

4. We believe any programs or efforts to offset abuse must be so designed and so programed as to be easily assessible to all who need help.

5. We favor attacking the drug problem as a whole which includes international relations, law enforcement, education, judicial reform, research, treatment and rehabilitation.

6. We are convinced that one of the most effective ways to eliminate the illicit narcotic traffic in the United States is to eliminate the source of the production of raw opium and the localities of its refinement and smuggling into our country.

7. We urge the World Health Organization to further substitution of synthetics for natural opiates and analgesics.

8. The American Legion does not believe in elimination of economic aid to opium-producing nations and would hope to stress that unity and cooperation offer more prospects of success than blackmail and distrust.

9. The American Legion believes the moment has arrived when each State should examine the wide range of choices available to it in dealing with the narcotics drug traffic and to this end, we favor the adoption by state legislatures of the Uniform Controlled Substances Act which dove-tails with the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970.

10. The moment is here when the matter of judicial reform must be given high priority to speed the administration of justice in drug related crimes.

11. We support the efforts of the Department of Justice and the Bureau of Narcotics and Dangerous Drugs to ferret out the higher echelon violator.

12. The American Legion also favors the expansion of trained personnel, to a point commensurate with the need, in those law enforcement agencies or sections of agencies which deal with the traffic in narcotics and dangerous drugs.

13. We favor a broad education program aimed at informing the public of the dangers inherent in the use of drugs without proper medical supervision, however, drug abuse education cannot be considered a panacea for the prevention of illegal use of drugs but is rather an integral part of a multiple approach which includes eliminating sources of illegal drugs, law enforcement, patient treatment and rehabilitation, and research in all aspects of drug abuse.

14. We believe the prime responsibility for providing drug abuse education should rest with the schools and should commence when a child begins his formal education, however, we recognize that parents and the total community have an important role.

15. Inservice training programs or preservice education classes are essential for all those involved in drug abuse instruction programs.

16. The American Legion urges the federal government to take leadership in the development of effective drug abuse education techniques and federal funding should be provided for the conduct of demonstration projects.

17. We endorse the policy of the Military Services to prevent and eliminate drug abuse and to attempt to restore and rehabilitate members who evidence a desire and willingness to undergo such restoration.

18. An extensive education program must be instituted and extended to all members of the Armed Forces, their dependents, and to civilian employees of the military.

19. Every effort must be made to prevent sociopathic individuals evidenced by past and potential drug addicts, users, and suppliers from entering the Armed Services.

20. The American Legion supports the amnesty and exemption programs that have been established by the Military Services and favors a uniform application of this principle for all components of the Armed Forces.

21. We also favor a review of discharges made prior to the amnesty program to make sure each individual is treated with equity when drug abuse has been involved.

22. We do not approve an involuntary extension of term of service for the sole purpose of treatment and rehabilitation of drug misuse or addiction.

23. We suggest that any military or civilian institutions in which servicemen or other persons are incarcerated should have an adequate program of treatment when addiction is one of the problems of the convicted.

24. The American Legion believes drug and alcohol afflicted individuals must be provided the opportunity for treatment and rehabilitation and commends the Veterans' Administration for its accelerated efforts to provide treatment facilities and personnel. Such comprehensive treatment should be extended to families of those afflicted if necessary for patient benefit and appropriate additions to legal authority of the Veterans' Administration should be provided.

25. As important as it is in our opinion for the Government and the American people to provide treatment for veterans addicted to narcotics and psychotropic drugs, we would not favor any lessening of the on-going program in the treatment of alcoholics.

26. The American Legion is most anxious that both the expansion of facilities and the assignment of staff for alcohol and drug treatment and rehabilitation not be done at the expense of Veterans Administration programs for care of sick and disabled veterans in all other categories.

27. The American Legion believes that no serviceman should be discharged from the military services for drug abuse alone under conditions that would prevent his attaining needed treatment and rehabilitation for his dependence.

28. The American Legion adheres to its studied policy that the serviceman merits the type discharge his service has earned.

29. To assure justice and equity each case should be evaluated individually in determining the type of discharge to be issued.

30. The American Legion would oppose any Veterans Administration program for drug treatment based on civil commitment.

31. The American Legion would look with favor on a contract arrangement between the Veterans' Administration and community health centers, with fee-basis physicians, and with other agencies both governmental and private that are proven by the Veterans' Administration to be equipped to treat and rehabilitate drug victims.

32. While we recognize that it will require the training of additional personnel, The American Legion believes that effective counseling is directly related to the creation of motivation for treatment in drug dependent persons.

33. The American Legion supports the concept of confidentiality of records for drug afflicted veterans, except where sensitive positions of responsibility to the Nation may be involved, or where the agency comes into possession of information concerning the commission of a felony by the individual.

34. The American Legion would suggest that all states examine their laws on marijuana and make sure the penalties for possession or personal use are in proper perspective with scientific knowledge.

35. The American Legion opposes any legalization of marijuana.

36. We favor the investigations of the Commission on Marijuana and Drug Abuse.

37. The American Legion supports additional research in the areas of education, treatment and rehabilitation, as well as research on marijuana and chemical or other causes which lead to addiction and favors federal funding of such research.

38. The American Legion is strongly in favor of a central federal agency to coordinate the many existing programs related to drugs and drug abuse and, hopefully, help us as a Nation not only to better understand the seriousness of the problem, but likewise to help us work in a united effort to the end that a more rapid control of a National emergency of epidemic proportions be accomplished.

A HARD LOOK AT OUR HEALTH CARE SYSTEM

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. CORMAN. Mr. Speaker, only a short time ago I placed into the Congressional Record a news story by William Hines of the Chicago Sun Times which told of a father who was so burdened by the cost of his son's open heart surgery that he committed an insane crime involving the hijacking of an airplane. He paid for this with his life.

Now, only a short time later, newspapers report another, similar tragic incident. In this case, it is a sick, 70-year-old man who having been told he could not be admitted to a hospital unless his was an emergency case, made a feeble attempt to rob a bank. Mr. Speaker, I suggest we all need to take a long, hard look at a health care "system" such as ours that drives an old man to such a desperate act.

The article follows:

Refused Hospital Bed, Man Held in Robbery

(By William L. Claiborne and Alfred E. Lewis)

A 70-year-old man who told police he was refused admission to George Washington University Hospital yesterday for a lack of money, was arrested 45 minutes later during a holdup of a nearby bank.

Clarence Christian Hayes, a retired house painter from Mechanicsburg, Pa., was charged with bank robbery in what police said was an attempt to get money needed for treatment of a blood disease.

Detectives said that when Hayes was told he could not be admitted unless his was an emergency case, he told a receptionist at the hospital, "I've got the money, I'll go get it."

Shortly afterward, police said, a thin, aged man walked up to a teller at the National Savings and Trust Co., 20th and K Streets NW., and handed her a note demanding $2,500 in cash.

The man, identified as Hayes, did not get out of the bank before being captured.

An FBI check on Hayes revealed that he had been arrested in a Harrisburg, Pa., hospital on Feb. 5 and charged with a $5,000 bank robbery three days earlier.

Hayes, who was freed on personal bond in that case, had used part of the $5,000 to pay hospital bills in Harrisburg, police said. About $3,500 was recovered.

Detective Sgt. Harry Noone, of the metropolitan police department's bank squad, said Hayes told him yesterday he had been hospitalized off and on over the last four years for a blood clotting condition. He came here by bus early yesterday from Harrisburg to see a physician he knew at GW.

When told the physician was not on duty, Hayes asked to be admitted to the hospital. Police said Hayes was unable to produce evidence of ability to pay hospital costs and said he was not covered by a private health insurance or enrolled in a public Medicare program.

A receptionist, police said, told Hayes that since his admission would be on a non-emergency basis, he would have to prove his ability to pay.

A hospital spokesman confirmed last night that those conditions apply to non-emergency cases. But he said he was unable to explain how Hayes could not be covered by Medicare.

After telling the receptionist he would obtain the money, Hayes walked out of the hospital and was not seen there again. (The physician named by Hayes would not comment on whether he knew Hayes, saying that would violate the doctor-patient relationship.)

Laura Ghaffari, 20, a teller at National Savings and Trust, said that at 10:25 a.m., an elderly, gray-haired and neatly dressed man handed her a paper bag and a note which said:

"Put $2,500 in this paper bag. Do not sound the alarm for five minutes after I leave. If you do, I have a bottle of TNT that I will throw back at the counter, hurting a lot of people . . ."

After handing the man $1,035, Mrs. Ghaffari screamed and two bank employes, William Moffett and Richard Will, chased the robber into an adjacent lobby, where they detained him.

Police arrived and arrested Hayes. Investigators said the bag of money was recovered at the scene.

The FBI said Hayes was arraigned in the Harrisburg hospital on a charge of bank robbery, but was released on $10,000 personal bond. He was discharged from the hospital shortly afterward.

Hayes was arraigned yesterday before U.S. Magistrate Lawrence S. Margolis and held under $10,000 bond for a March 29 hearing. Margolis ordered that Hayes be committed to D.C. General Hospital for medical attention.

Police said that, aside from the Harrisburg charge, Hayes' only other known offense had been an arrest for disorderly conduct in the 1940s.

FREEDOM OF SPEECH IN THE ARMY

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. HARRINGTON. Mr. Speaker, the documents I am inserting in the Record at this point illustrate a serious disregard by the U.S. Army for the first amendment rights of servicemen. The case involves a young man who went AWOL from an assignment to Vietnam, and who subsequently turned himself in. While awaiting disposition of the charges against him, this young man, Pfc. Michael Daley, engaged in a series of demonstrations. The target of these demonstrations were unsuitable living conditions at the personnel control facility at Fort Devens and the action of the Army in proceeding against Pvt. Roosevelt Clady, a man who had been inducted despite a bullet wound suffered in his early teens which rendered him physically incapable of Army duty.

The evidence is inescapable, Mr. Speaker, that Private Daley's participation in these lawful and proper protest activities was the reason for his being referred to court-martial. From October until mid-January, no action was taken against him. But on January 17, the first working day after he had participated in the second of two public demonstrations at Fort Devens, he was referred for court-martial. And to make positive a conclusion which this coincidence of timing suggests, the recommendation to deny his subsequent request to be allowed an administrative discharge included explicit reference to his protest activities. The inference is irrefutable that Private Daley is to be punished, not for being AWOL, but for speaking out, as he had every right to do, against unsuitable conditions.

It is important to note that at no time has any official ever suggested that the activities in which Private Daley engaged at Fort Devens were in any way illegal or improper. No charges have been preferred against him for them. Rather, they have been cited in an official document as a reason to proceed criminally against Private Delay in an entirely unrelated matter.

I stress, Mr. Speaker, that the issue in this case is not the propriety of Private Daley's having gone AWOL. His actions in this regard should be dealt with, but on their own merits, and not in an unusually harsh manner to punish him for speaking out as every American citizen has a right to do. Indeed, one of the disturbing aspects of this case is the fact that Private Daley is being given far harsher treatment than most others who have committed the same offense.

As a strong supporter of a Volunteer Army, I believe it is imperative that we make every effort to treat members of the Armed Forces fairly and reasonably, since we will never succeed in attracting sufficient volunteers if we require forfeiture of basic human rights as the price of enlistment. In combat conditions, obvious restrictions on such rights are necessary; but in peacetime conditions at domestic bases, action such as Private Daley engaged in is entirely legitimate.

I hope that the Army will reconsider its denial of Private Daley's request for administrative discharge.

The documents follow:

March 22, 1972.

Brig. Gen. Dewitt Armstrong,
Fort Devens, Mass.

Dear Brigadier General Armstrong: I am writing because I believe the Army is about to commence on action that involved infringement on fundamental First Amendment rights. I am referring to the impending court-martial of Pfc. Michael Daley. I realize that Pfc. Daley was AWOL for a considerable period of time, prior to turning himself in voluntarily. But I am seriously disturbed by concrete documentary evidence which shows that Pfc. Daley is being singled out for particularly harsh treatment by the Army because of his participation in a series of entirely lawful and proper activities which focused attention on unsatisfactory living conditions at the Personnel Control Facility at Fort Devens and on the irregularities in the case of Pvt. Roosevelt Clady.

I refer specifically to the recommendation of Lt. Col. Bernard Theriault that Pfc. Daley "should be considered for a punitive discharge." What most disturbs me is the language in Col. Theriault's recommendation disapproving Pfc. Daley's request for an administrative discharge which notes that "Daley has been active in Fort Devens United Front Activities as well as the functions of the Common Sense Bookstore and various agencies in Boston." In the context in which it appears, this statement can only mean that Pfc. Daley is being denied an undesirable discharge as punishment for his participation in the activities to which Lt. Col. Theriault alludes. Yet it is clear from the record that these activities were entirely lawful, since no disciplinary action was ever instituted against Pfc. Daley for his participation in them.

Thus, it appears that the Army has decided to proceed with a court-martial for the offense of being AWOL based not on the merits of the case itself, but on someone's embarrassment over lawful and unrelated activities engaged in by the individual in question.

If this interpretation of the fact of the case is correct—and I am strongly persuaded that it is on the strength of the evidence presented to me so far—then Pfc. Daley's First Amendment rights are being infringed. There can be no justification for treating him more harshly than others who have committed the same offense as he has, simply because he exercised the rights of free expression which the Constitution guarantees him.

It also seems worth noting that the cause of the activities in which he engaged were unsuitable physical conditions in the PCF quarters at Fort Devens. At a time when the army should be making every effort to enhance its attractiveness to recruits so as to be able to secure the rate of volunteers necessary to meet the President's goal of abolishing the draft, it is regrettable that demonstrations should be necessary to prod the Army into making living conditions tolerable.

I would appreciate your immediate attention to the point I have raised, and I would also like to request permission to be represented by an observer at the court-martial, if it is in fact going to be held.

Yours sincerely,

Michael J. Harrington.

Department of the Army,
Fort Devens, Mass., March 24, 1972.

Hon. Michael J. Harrington,
House of Representatives,
Washington, D.C.

Dear Mr. Harrington: This is in response to your inquiry in behalf of PFC Michael Daley, a member of the Personnel Control Facility, Fort Devens.

The General Court-Martial convening authority decided to refer Private Daley's case to trial by court-martial on charges of absence without leave for a total of 438 days. The charged offense is punishable by a dishonorable discharge, forfeiture of all pay and allowances, reduction to the lowest enlisted grade, and confinement at hard labor not to exceed one year. The decision to refer cases of service members to court-martial at any given level for offenses cognizable under the Uniform Code of Military Justice is wholly discretionary.

Private Daley's protest activities on or away from this installation in no way influenced the denial of his request for discharge in lieu of court-martial. At the time the decision was made to refer his case to trial, the convening authority was unaware of his participation in protest activities, which in any case would not have been an element bearing upon the decision.

While the part of Lieutenant Colonel Theriault's recommendation that Private Daley be retained and tried by court-martial included comments pertaining to Private Daley's protest activities, these comments, although noted, were not a factor in the decision by the Acting Commander in my absence on February 3, 1972 to disapprove Private Daley's request for discharge in lieu of court-martial. None of the comments by the other recommending officials, including that of the Staff Judge Advocate, alluded to Private Daley's protest activities. Nor was any of this material brought to my attention before or at the time of my decision to refer the case to General Court-Martial.

Concerning your request for permission to be represented by an observer at the court-martial, please be advised that pursuant to the Manual for Courts-Martial, military trials are open to the public. Therefore, no permission to observe a court-martial is necessary.

In reference to Private Daley's allegations concerning the physical conditions at the Personnel Control Facility, the custodial personnel share the same Mess facilities and the building is of the same type which houses regular troop units at this and other installations. Due to the age of many of these buildings, frequent repair and maintenance are required to keep them in acceptable condition. These buildings do receive such maintenance, and there is simply no factual basis for the allegation you make that physical conditions at PCF are unsuitable. Nor is there any basis in fact for your allegation about demonstrations prodding the Army.

I trust this answers your inquiry satisfactorily. Thank you for your interest in this serviceman.

Sincerely,

DeWitt C. Armstrong, III,
Brigadier General, USA Commanding.

Congress of the United States,
House of Representatives,
March 26, 1972.

Brig. Gen. DeWitt Armstrong III,
Fort Devens, Mass.

Dear General Armstrong: Thank you for your prompt reply to my letter on Private Michael Daley. I must note, however, that your letter does not answer my inquiry to my satisfaction, and in fact raises some new questions.

The first question is how you can say with apparent certainty that "the part of Lt. Col. Theriault's recommendation . . . [which] included comments pertaining to Private Daley's protest activities, although noted, were not a factor in the decision by the Acting Commander . . . to disapprove Private Daley's request for discharge in lieu of court-martial."? For what purpose were they "noted," if they were in fact deemed irrelevant to the decision taken? And how, in any case, can anyone be certain that the Acting Commander was able to disregard totally the information presented to him? Why, on receiving a recommendation containing information which you appear to agree was prejudicial to Private Daley, did the Acting Commander not disqualify himself and turn the decision over to another officer who would not have been informed of Lt. Col. Theriault's improper remarks?

Further questions arise in relation to the original decision to refer Private Daley to court-martial in the first instance. According to information presented to me, Private Daley turned himself in October, 1971, yet the decision to refer him to court-martial was not taken until January 17, 1972—the first working day after the second of the public demonstrations in which Private Daley participated. Does not the coincidence of the timing of his participation in public demonstrations and the delayed decision to refer him to court-martial support the inference that the decisions were related? It is my assumption that the protest activities in question attracted a certain amount of attention by yourself and your subordinates, since I assume that this sort of activity is not an everyday occurrence at Fort Devens. I am puzzled, therefore, by your assertion that those who recommended referring Private Daley to court-martial knew nothing about his protest activities. I respectfully request a list of those who participated in the original recommendation that the court-martial occur, along with a list of their duties during the period of the demonstrations. I believe that this would be very relevant to determining whether or not the two decisions could have been made in isolation from each other.

My final set of questions deal with the percentage of men who have committed offenses similar to Private Daley who are referred to court-martial versus those who are allowed administrative discharges. The argument that Private Daley's protest activities played no part in the decision to deny him such a discharge—despite Lt. Col. Theriault's uncontestably improper remarks on the subject in his recommendation—would certainly be strengthened by a showing that he was treated in the same manner as most other men who have been AWOL.

Finally, I am pleased to receive your comments on the physical conditions at Fort Devens. As a strong supporter of a volunteer army, I have consistently worked in Congress for higher pay for enlisted men, and for funds for improving facilities. Your comments on the age and conditions of the buildings at Fort Devens strengthen my view that we must take positive action to improve living conditions if we are to succeed in our common goal of eliminating the draft.

Yours sincerely,

Michael J. Harrington.

AHBPHC–PFC Daley, Michael R., 1st Ind
078–40–5889 (24 Jan 72)

Subject: Request for Discharge for the Good of the Service.

DA, USA Personnel Control Facility, Fort Devens, Massachusetts 01433.

Thru Commanding Officer, Headquarters Command (Prov) Fort Devens, Massachusetts 01433.

To Commanding General, Fort Devens, Attn:
SJA Fort Devens, Massachusetts 01433.

1. PFC Daley surrendered to the military police on 28 Oct 1971 after having been absent without leave from the overseas replacement station at Ft Lewis Washington since 7 Aug 1970.

2. The processing of PFC Daley's case has been delayed by the fact that the overseas replacement station was initially unable to confirm that Daley had ever been AWOL from that station. This fact was confirmed by message from the AG of the replacement station. Subsequently, on 19 Jan 72 the individual's Morning Report entry was discovered at Ft Lewis on the appropriate documentary evidence; and it was provided.

3. PFC Daley states that he has received one prior Article 15 but will not reveal why he was given non-judicial punishment. He also will not state where he attended AIT. This information cannot be gleaned from PFC Daley's reconstructed records.

4. PFC Daley claims that at the time of his induction he submitted a written statement expressing his opinion concerning his personal participation in the Vietnam conflict. He states that at this time he considered his viewpoints to fall under the concept of selective conscientious objection.

5. PFC Daley has been active in the Fort Devens United Front action as well as the functions of the Common Sense Book Store and various agencies in Boston. It would be in the best interests of the U.S. Army to have this man stand trial by court martial. It is the opinion of this command that PFC Daley should be considered for a punitive discharge by the proper judicial authority.

6. Recommend disapproval. EM's offense warrants trial by court martial.

BERNARD R. THERIAULT,
LTC, CE, Commanding.

THE NATIONAL HEART, BLOOD VESSEL, LUNG, AND BLOOD ACT OF 1972

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. SYMINGTON. Mr. Speaker, earlier this month, it was my privilege to join Representative PAUL ROGERS of Florida and most of the members of our Public Health and Environment Subcommittee in sponsoring H.R. 13715, the National Heart, Blood Vessel, Lung, and Blood Act of 1972. The bill would authorize a total of $1.3 billion for research and preventive care. An article that appeared in the St. Louis Globe Democrat on March 10, 1972 provides details of this legislation.

A second article tells of the first heart transplant operation performed in the St. Louis area and of the heart disease research being conducted at St. Louis University.

At this point I insert the articles in the RECORD:

[From the St. Louis Globe-Democrat, Mar. 10, 1972]

A $1.3 BILLION BLOW AIMED AT HEART DISEASE

WASHINGTON.—Congressional authors of the new cancer-attack law introduced a $1.3-billion bill Thursday to intensify the battle against heart, lung and blood-vessel diseases—America's leading killers.

Sen. Edward M. Kennedy, (Dem.), Massachusetts, and Rep. Paul G. Rogers, (Dem.), Florida, said the new legislation is aimed at arresting diseases which annually cause more than half of the deaths in the United States.

Kennedy and Rogers are the public health subcommittee chairmen in each branch who guided the $1.6-billion anti-cancer program through Congress last year.

From both sides of the political aisle, other senators and congressmen promptly joined in signing as co-sponsors of the new legislation to provide a three-year upgrading of federal programs of disease control and research.

"Unlike cancer," Rogers said at a news conference, "we can predict and prevent heart attacks and strokes in many cases."

With full implementation of this legislation, he added, "I feel confident that we can substantially reduce heart disease as the nation's No. 1 killer within the decade," with progress within five to seven years.

Current programs against the diseases receive $232 million this year, Rogers said.

Under the legislation, there would be community-based centers for screening and education as part of a disease-control program; there would be 15 new clinical research and demonstration centers for cardiovascular diseases and 15 new clinical research facilities for pulmonary diseases.

There would be a speedup in the federal grant process, creation of a national heart and lung advisory council to replace the current advisory heart council, and a national plan would be required with annual recommendations to Congress on money and staff levels.

[From the St. Louis Post-Dispatch, Mar. 12, 1972]

HEART EXPERT SEEKING STEP PAST TRANSPLANTS

(By Jerome P. Curry)

Dr. Valee L. Willman, who co-ordinated the St. Louis University team that on Feb. 8 performed the first heart transplant in St. Louis, is a pragmatist who does not like the hoopla that surrounds so-called medical breakthroughs.

"There really is no such thing as one scientific advance," he said. "Each advance (even though one group or one individual might receive credit for it) is predicated on a previous advance."

Willman, professor, and chairman of the Department of Surgery at the St. Louis University School of Medicine, is a pure scientist.

In an interview he said, "I feel that one of the basic services is informing the public of the possibility of health care through research. Perhaps in the past, excessive emphasis was on research. But at present, there is less of a gap between research and delivery of health care."

Willman is an aggressive realist.

"One incident of heart transplant should not be a hallmark," he said.

On the day Vincent H. Dobelman became the St. Louis Area's first human heart transplant patient, Willman told reporters at a press conference: "We don't look at this as any great thing, you know . . . heart transplantation is not a very valuable procedure. But in any large center that is doing a large amount of cardiac procedures, there are a few circumstances where you come to an end point in heart disease. And this, as an experimental procedure, would seem to be justified. And I think it (heart transplant) will continue to be done under very limited circumstances. It does not offer the patient a cure of his heart disease. It is a temporizing measure. The expectancy is limited and it's entered into with that full knowledge."

And Willman is a teacher.

Two years ago, the medical school graduating class voted to give him its Golden Apple Award for excellence in teaching. The award is based on the traditional red apple brought to school for a teacher by an admiring pupil.

As he sat in his office at the St. Louis University Hospitals, Willman talked about science, research and heart disease. He believes the artificial heart eventually will be more useful than transplantation "because transplantation is limited."

It is limited because of supply and because no solid advances have been reported in the search for a way to repress the body's rejection mechanism against the donor heart and still retain the rest of the body's disease-fighting abilities.

Scientists at the National Institutes of Health in Bethesda, Md., are conducting extensive research with artificial hearts in calves. It was reported last week that tests had started with nuclear-powered artificial hearts.

Willman got his medical degree at St. Louis University. He began medical school there in 1947. After interning at Philadelphia General Hospital, be returned to St. Louis University Hospitals for his surgical residency.

He worked under Dr. C. Rollins Hanlon, whom he replaced in 1969 as chairman of the department of surgery. Hanlon became director of the American College of Surgeons that year.

Willman, who joined the faculty in 1957, was named a full professor in 1963 and was appointed Hanlon's vice chairman in 1967.

When still a resident, he began research in open heart surgery on animals. He was a member of the team that did the first open heart operation in the St. Louis area in 1956. Willman's research has centered on the use of the heart-lung machine, circulation in the body's organs, heart transplantation and mechanical assistance to diseased hearts.

Discussing the Dobelman heart transplant, Willman said there was no way to identify all of the doctors, nurses and other hospital personnel who made the operation here possible. At one time, as many as 15 persons were involved. Dr. George C. Kaiser, professor of surgery, probably did more of the surgery, both on the donor and the recipient, than any other, Willman said at the press conference.

The research scientists such as Willman and the cardiac surgery team he leads continue their work. More than 160 heart transplants have been done since the first in 1967. Study continues on the artificial heart. Other scientists search for a cause, a better way, and they run into blind alleys, turn around and start all over again.

Willman was in his laboratory Thursday when the area's first human heart transplant recipient was holding a press conference before going home. Willman was in the laboratory because he believes in science.

"A great effort toward understanding the basic problem in heart disease would be rewarding in the future," he said.

SOVIETS INCLUDE DEFENSE IN PRIORITIES

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following article by Vice Adm. Ruthven E. Libby, U.S. Navy, retired, which appeared in the San Diego Union:

SOVIETS INCLUDE DEFENSE IN PRIORITIES

(By Ruthven E. Libby)

The Soviet government conducts a continuing and completely integrated evolution embracing the entire spectrum of human endeavor—political, economic, psychological and military.

Obviously the members of the Politburo recognize what many Americans, caught up in debates about "reordering our national priorities," have forgotten: national defense is not on a par with other so-called priorities, but without it all other priorities are meaningless. A society is an organism developed for its own survival.

It follows that the first duty of any government is to assure the security and the survival of its citizens. These can be assured only by reacting to the world as it is rather than as we would like it to be. The requirements of national defense are determined largely by external factors—international power relations, geopolitical considerations, the known capabilities of our adversaries and the like.

Determining purely domestic priorities for federal funds may be the legitimate province of the politicians; but this should not be true of the requirements for national defense. Nor can it be safely overlooked that while an adequate military posture is an essential element of national strength and national security, so also are the economic, political, technological and sociological aspects of our national nature.

Without political, economic, and psychological national strength—without high national morale—there can be no national security, no matter what our military posture might be.

A report by an organ of the United States Chamber of Commerce entitled "National Defense and National Priorities" notes that "a common set of rules . . . is essential for the peaceful and successful functioning of the world's pluralistic societies."

People with different cultural values and conflicting interests cannot live together peaceably without such a set of rules—more binding than the will of any one nation. But to arrive at such a universal consensus will require either a measure of voluntary agreement (the method sought by the West) or world domination by force (the goal of the Communists.)

What we call the Cold War is the clash between the Communist system, built on force, coercion, and power, and Western civilization built on cooperation and voluntary consent.

Securing Communist cooperation in developing a workable concept of international relations acceptable to the free world may well be an attempt to reconcile the irreconcilable. It is, above all, Western civilization's political freedom that is at stake in Sino-Soviet-American competition. And it is the fear of freedom's contagion that makes Communist states shrink from genuine and permanent cooperation with the West.

Nevertheless, increased international cooperation is a must.

Almost 200 years ago Thomas R. Malthus promulgated his famous law which says that population tends to increase faster, at a geometrical ratio, than the means of subsistence, which increases at an arithmetical ratio, and this will result in an inadequate supply of goods supporting life, unless war, famine, or disease reduces the population or the increase of population is checked by sexual restraint.

Today the very survival of civilization is threatened by overpopulation and pollution. At the present rate of population increase, there will be 7 billion people in the world by the year 2000; yet the world cannot support the people already in it.

Pollution results from the increased production activity that results from population growth, and constitutes a menace to the world at large of potentially as great devastation as widespread war.

These two problems are international in scope, unmanageable by any single nation.

It follows that world survival—and world peace—in the last analysis will depend on values and convictions that transcend power relations among the Soviet Union, Red China and the United States. The challenge facing us is to help formulate, and to get adopted, a common set of rules for governing relations within the community of nations, without losing our political freedoms in the process.

It is an inescapable fact that Soviet strength on land, at sea, in the air and in space far exceeds that required for the security of the Soviet bloc. It is the surest evidence that the U.S.S.R. has adopted, as a policy, an offensive global strategy.

Yet, far from rising to this challenge, our own defense expenditures have been drastically reduced in recent years.

Cuts in fiscal years 1969 and 1970 were the heaviest since demobilization following World War II. The actual dollar reduction between fiscal year 1969 and fiscal year 1971 was about $8 billion, but due to inflation, the cut in real terms—dollar purchasing power—was almost $13 billion, or about 16 per cent. Defense spending that year represented the smallest percentage of the federal budget than in any year since World War II, about 37 per cent.

Ten years ago defense took 48 per cent of the federal budget, nondefense (health, welfare, education, etc.), 29 per cent. Last year non-defense rose to 41 per cent.

It is unarguable that by any measure, recent cuts in defense expenditures have been real and substantial. Further, recent pay increases mean that personnel costs have more than doubled since 1965, thus further reducing defense dollars available for research, development and military hardware.

In sum, we have reached the point where our continued viability as a nation demands a reappraisal and a reaffirmation of our foreign policies and of our defense polices and an appreciation that without adequate defense no viable foreign policy will be possible.

A HEROINE TO CHEER

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. YATRON. Mr. Speaker, it is with a deep sense of pride and respect that I commend the actions of Miss Kathryn Kashmer, a courageous 19-year-old who lives in my district. Miss Kashmer, the daughter of Mr. and Mrs. John Kashmer of Tamaqua, was responsible for rousing 17 persons who lived in two buildings that were destroyed by fire. I feel that this courageous act deserves the recognition of all Members of Congress and the public. It is not often that one finds such total disregard for personal safety in the interests of the welfare of 17 neighbors and friends. I would like to ask that the text of two articles, which appeared in the Allentown, Pa., Morning Call, be reprinted in the RECORD at this point. I would also like to commend Miss Kashmer once again for her unselfish devotion to the safety and well-being of others.

The articles follow:

[From the Allentown (Pa.) Morning Call, Feb. 22, 1972]

A HERO TO CHEER

No one wants even to think about what might have happened in Tamaqua early yesterday morning if Kathryn Kashmer hadn't been up early or been concerned about others.

Flames were leaping from the apartment across the street from her home when she heard the fire alarm and looked out the window while dressing to go to work. It took her less than a moment to run out in the near-zero weather, dash from one smoke-filled hall to the other and arouse a dozen adults and four children.

Because she did it, all of them made their way to safety and are alive today.

Miss Kashmer is 19 years old, barely five feet tall, weighing 104 pounds. She is quite shy. All of which proves you don't have to be very old or very big to be a hero. All you need do is think enough about others to risk your own safety and your own life.

SHE'S A "GIANT" TO HER NEIGHBORS

Kathryn Kashmer stands 5 feet 1 and weighs 104 pounds. But she stands very tall in the eyes of her neighbors.

The 19-year-old daughter of Mr. and Mrs. John Kashmer was responsible yesterday morning for rousing 17 persons living in two buildings that were destroyed in a spectacular Tamaqua fire.

She was ready to leave her home at 26 Mauch Chunk St. when the fire alarm sounded from Box 32. She knew immediately the fire was in her neighborhood. She said she looked out her front window and could see flames and smoke coming from the Gus Wood candy store and factory across the street at 23 Mauch Chunk St.

"Oh My God, I must get over there to warn the people in the apartments," she through to herself. She grabbed her coat, ran across the street and first into the Knights of Columbus building and up a flight of stairs.

She said she first knocked on the door of Mr. and Mrs. William Ryan and yelled. "Get out, there is a fire." She then went next door and called to Mrs. Minnie Whetstone, "a wonderful lady and my second mother." She said she knew Mrs. Whetstone did not have to be at work (across the street at Guy's Flower Shop) until 9 a.m. and usually slept late. "She was my main concern."

Miss Kashmer said when she was sure Mrs. Whetstone was aware of the danger, she started up the flight of stairs to the apartments of those on the third floor. "I saw Mr. (John) Clewell and I told him there was a fire and to get Mrs. Caputa and the others (Mr. and Mrs. William Ryan and family) out because of the fire."

She said there was some smoke in the hallway of the Knights of Columbia building when she first got there and it got heavier. She then ran down the stairs and next door to the James building. "I saw Debbie (Mrs. Michael Massar) coming down the steps, and I told her to get the children (Michael and Angela) and get out of the building." Mrs. Massar, who was leaving for work, was unaware of the fire.

Miss Kashmer said the entire incident took about five or six minutes. "It was a terrible experience and I am still shaking," she said some four hours later. "I'm glad it's over. I was frightened."

She recalls that she "didn't see anyone" while dashing across the street. "I must get over there to wake those people up." She said she personally knew her neighbors across the street and she was "worried about the people since a number of them were elderly."

Miss Kashmer described herself as "quiet" and claims she did nothing outstanding at Tamaqua Area High School, from where she graduated in 1970. "I sang in the glee club," she added.

She has been employed at the John E. Morgan Knitting Mills, Inc., Hometown, since graduating and was preparing to leave her home to catch the company bus when the alarm sounded. If the alarm had sounded five minutes later, she would have caught the bus at the Pine Street School, half a block away.

She said it was the first fire in which she was involved and described it as "a terrible experience."

She has three sisters, Nancy, 14; Marion, 10, and Margaret, 8, and two brothers, John, 23, and Edward 6.

HIGHWAY SAFETY

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. SCHWENGEL. Mr. Speaker, I would like to take this opportunity to call to the attention of the Members of the House what I consider to be one of the major domestic problems of the day—the needless slaughter of human beings on our Nation's highways. Every 10 minutes that we sit here today, another person is killed in a highway crash. Every 15 seconds a disabling injury occurs. It has been estimated that 1 out of every 4 drivers will be either killed or injured during their driving lifetimes.

In the last 2 years, we have experienced a leveling off of the number of highway fatalities at approximately 55,000. At the same time, there are more cars on the roads being driven more miles by more drivers. However, we cannot take comfort from the fact that 55,000 people are still being killed on our highways. We have only begun to make headway. Much more needs to be done.

The recently introduced highway safety legislation will provide many necessary answers to the carnage taking place on our highways. Its goals, aims, and objectives seek a reduction in death, injury, and property damage. But while we work diligently in the House, we must also realize that our Federal highway agencies have been diligently pursuing the cause of highway safety. I would like to note some of their outstanding achievements.

Doug Toms, Administrator of the National Highway Traffic Safety Administration—NHTSA—of the Department of Transportation, and Frank Turner, Administrator of the Federal Highway Administration—FHWA—also of the Department of Transportation, are moving forward on several fronts to curb this tragic toll. In testimony before the Subcommittee on Roads of the Public Works Committee on February 17, Mr. Toms outlined the NHTSA's approach to many of the problems that we must face each and every time we get into a motor vehicle on our roads and highways.

The greatest hazard to safe driving is the drunk driver. Over 50 percent of the highway fatalities are alcohol related. The problem drinker, who represents only a small percentage of our population, is involved in two-thirds of these fatalities. The NHTSA's alcohol countermeasure program is aimed at initiating action toward finding effective solutions to this problem.

The primary thrust of the alcohol countermeasure program is provided by the alcohol safety action projects, or ASAP's as they are called. These are 3-year community-action programs focusing principally on law enforcement, traffic courts, special driver counseling and assistance, and public education. Congress has authorized and funded 35 ASAP's over the past 3 years. Although final reports are not yet available, preliminary results indicate that effective alcohol countermeasures programs can be maintained at the State and community level.

In the research area, some highly innovative equipment has been developed. The subcommittee was given the opportunity to examine a portable breath tester and several types of interlock devices intended to prevent an intoxicated person from starting his car.

The NHTSA is also looking closely at driver licensing as a means of controlling driver behavior. In fact, one of the department's driver examination demonstration projects is located in my home State of Iowa. Special driver testing equipment is used in this project. This is an automated, sophisticated device which allows one examiner to test up to 40 applicants at a time. Not only is this method more efficient than the conventional written examination, but it also incorporates a new self-learning technique.

Enforcement programs are also of utmost importance in correcting driving patterns. Mr. Toms told the subcommittee that in North Carolina where a number of patrol vehicles were equipped with speed measuring devices, not only did the number of speeding citations increase, but the number of deaths in the State dropped by 47 in a 1-year period, a 2.6-percentage reduction, which exceeded the national average reduction of 2 percent.

NHTSA has also initiated demonstration projects called selective traffic enforcement projects—STEP. Preliminary results are encouraging and these projects hold much promise as more future sites are selected.

Driver education and pedestrian safety are other areas of concern that the NHTSA is working on.

Mr. Speaker, an estimated 8,000 persons, alive today, probably owe their lives to the Federal-State traffic safety effort. This may be just a beginning but I think that the Members of this House will agree that we can look forward to saving more lives through more aggressive implementation of these crucial programs. I want to commend Mr. Toms, Mr. Turner, and Secretary John Volpe for their continuing efforts to improve the safety of our motoring public.

SOVIET POLICY TOWARD THE THIRD WORLD IN THE 1970'S

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. HAMILTON. Mr. Speaker, we in the Congress know precious little about Soviet policies toward and activities in the countries of the third world. This issue receives scant attention aside from that given to headline items such as the presence of Soviet technicians in the United Arab Republic and the Soviet-Indian friendship treaty.

This being the case, I urge my colleagues to read the following article by Alvin Rubinstein from the spring 1971 issue of Orbis magazine. Mr. Rubinstein discusses Soviet policy toward the third world and notes that—

> The record of Soviet diplomacy in the Third World is proof . . . that practice transcends and precedes ideology. Soviet behavior toward the developing countries is now determined predominantly by hard calculations of strategic and political advantage, actual and potential.

The article referred to follows:

SOVIET POLICY TOWARD THE THIRD WORLD IN THE 1970'S

(By Alvin Z. Rubinstein)

On June 7, 1969, Leonid I. Brezhnev, General Secretary of the Central Committee of the CPSU, enunciated what is likely to be in the decade ahead the underlying Soviet approach toward the Third World, particularly toward Asia and the Middle East. The occasion was the International Meeting of Communist and Workers' Parties held in Moscow, a meeting Soviet leaders had finally succeeded in convening after almost six frustrating years of cajoling and pressuring foreign communist parties. After ritualistically warning of the continued danger from the forces of "imperialism" (i.e., the West), Brezhnev dwelt on the increased importance of the nonaligned developing countries, noting that "the fighters for national liberation and social emancipation in the countries of Asia and Africa comprise one of the most important and active contingents of the worldwide anti-imperialist front."[1] He observed with satisfaction the "considerable changes" wrought in the 1960's in the "alignment of forces in that part of the world" and the "socialist orientation" of a number of new nations now following the noncapitalist path of development—changes made possible by "cooperation between the progressive young states and the socialist countries."

Turning to the dangers besetting the unity of the international communist movement, Brezhnev, contrary to the expectations of most of the delegates, bitterly attacked Communist China. Denouncing Peking's "splitting activities," its "feverish military preparations" and its "fanning of chauvinistic feelings" hostile to the Soviet Union, he condemned the Chinese communist leadership for pursuing an adventurist policy that threatened not only the unity of the international communist movement but all "peaceloving" nations as well. Brezhnev then made a proposal, yet to be elaborated, whose general susbtance indicated a new Soviet priority in the Third World:

"The burning problems of the current international situation do not conceal from our view longer-term tasks, namely, the creation of a system of collective security in areas of the globe where the dangers of another world war, of armed conflicts, is concentrated. Such a system is the best replacement for the existing military-political groupings. . . .

"We are of the opinion that the course of events is also putting on the agenda the task of creating a system of collective security in Asia."[2]

The timing and the thrust of Brezhnev's speech suggest a major Soviet diplomatic effort to isolate Communist China in Asia. The subsequent absence of any mention of China on the list of countries that might be

---

Footnotes at end of article.

included in the "system of collective security" must be assumed to be deliberate. Ties between Moscow and Peking have worn thin indeed. Moscow undoubtedly hopes for improved relations after Mao's death (they could scarcely get much worse). However, it does not appear nearly as interested in making concessions to China as it does in enticing Japan economically and in strengthening India economically and militarily while simultaneously improving relations with all the key countries of South Asia; and Soviet strategy in the Middle East and Africa is directed as much to countering the anticipated Chinese challenge in the coming decade as it is to consolidating the political gains of the past decade.

The reaction in Asia has been noncommittal, with each country gingerly interpreting the Brezhnev proposal in the light of its own national objectives.[3] Moscow possibly misread the immediacy of Asian fears of China out of its own obsessive preoccupations; it perhaps underestimated the importance of residual regional animosities. Certainly, Moscow does not intend to push for any formal military pacts—at least not in the near future. The Kremlin is unlikely, at a time when U.S. military alliances in Asia and the Middle East are weakening, to seek to substitute alliances with the Soviet Union for those with the United States, although the aim is an anti-Chinese coalition. Moscow has achieved too much from the loosening of formal alignments to urge ties that would repolarize alignments at this time.

There is yet another dimension to the Brezhnev proposal that is as important as the anti-Chinese one: namely, the USSR's implied readiness to assume additional leadership and burdens should the United States retreat from its massive involvement in the Third World, especially in Asia. What the United States is ready to relinquish, the Soviet Union is willing to assume. The Nixon Doctrine proclaims a diminution of direct American involvement in the world at large:

> "Its central thesis is that the United States will participate in the defense and development of allies and friends, but that America cannot—and will not—conceive *all* the plans, design *all* the programs, execute *all* the decisions and undertake *all* the defense of the free nations of the world. We will help where it makes a real difference and is considered in our interest."[4]

In the Third World especially, the Nixon Doctrine and periodic restatements of it have been interpreted to mean that the United States intends to reduce her economic and military commitments and involvements. The Viet Nam war is grinding down, and America's direct involvement is being systematically reduced. Domestic turmoil and problems mean that a larger piece of the governmental pie must be set aside for domestic programs, and no President can now contemplate a major military involvement abroad except in defense of commitments that American public opinion may consider vital. This means lean years ahead for Asia and Africa: U.S. economic assistance will be harder to obtain; military equipment and aid will be distributed with greater parsimony; and pro-Western elites will have to think twice about relying too heavily on U.S. support in local upheavals.

Not unexpectedly, Soviet commentators profess not to see any change in United States foreign policy, dismissing President Nixon's pronouncements as "just a wordy camouflage to cover up the new methods of achieving the same goal of establishing military and economic control over the rich natural and manpower resources" of the Third World. They contend that if there is anything new in the Nixon Doctrine, it is the attempt to foster "more active utilization of other countries for the purposes of achieving the military and political goals of the U.S.A."[5] But behind *Pravda's* measured attacks, Soviet leaders are no doubt assessing the significance of a reduced American presence in Asia, and possibly in parts of the Middle East and Africa. If Moscow is groping for a diversified, low-cost strategy for expanding its presence into areas from which American commitments are being withdrawn, and for reinforcing it position as a major benefactor of key developing countries, the Brezhnev proposal could well be the articulation of its central outline.

A few essentials need reaffirming before we can speculate on Soviet policies in the Third World. Soviet leaders naturally accord primary attention to their core concerns: to national security, especially as it relates to the adversary relationship with the United States; to domestic problems; to preservation of their imperial system in Eastern Europe; to wary participation in moves to improve relations with Western Europe, whose economic progress is both a threat and an attraction; and to the challenge of Communist China. Beyond these broad considerations Soviet policy will be affected by unanticipated opportunities and dilemmas that arise from developments in the Third World, by the state of superpower relationships elsewhere, and by bureaucratic political infighting within the Soviet leadership.

THE CASE FOR A FORWARD STRATEGY

There is every reason to assume that the Soviet Union will pursue a "forward stategy" in the Third World in the 1970's. As with any strategy, it will be the resultant of pressures and projections. The developing countries contiguous or nearly contiguous to the underbelly of the USSR are militarily more salient to the calculations of planners in Moscow than they are to those in Washington. A belt of friendly states on its "southern tier" is not a marginal goal for the Soviet Union. What the West considers as evidence of Soviet globalist aims, Moscow perceives as the proper exercise of its superpower status. A "superpower" can no longer be defined solely in terms of technological and nuclear capability; also implied in the word is the will to maximize its presence in an expanding network of areas and relationships.

Whereas the United States is essentially a status-quo power, the Soviet Union is not, because it believes that it is entitled to a far greater measure of participation in the evolution and management of the nation-state system lying beyond its immediate borders. This belief is nourished by increments in power, by the nature of great power rivalries, and by the economic needs of an expanding industrial society. The Soviet political leaders, the advent of the nuclear and missile age has not made obsolete the time-honored principle of defense in depth. Contemporary international politics may regard classical imperial expansionism as unacceptable, but that in no way diminishes the imperial impetus of the superpowers to cultivate and guide an assemblage of smaller nations with the aim of strengthening their own military, political and economic viability.

The détentist argument makes too much of the absence in the Soviet-American relationship of any unsatiated territorial grievance, which is an important but not controlling consideration; it reduces the rivalry of the superpowers to that of two competing nation-states instead of two imperial systems with global interests and aims that seriously conflict, and it seeks support from the persuasive but dubious notion of "convergence." Historically, competing imperial systems have rarely quarreled merely over real estate. The roots of their conflicts have been deeply set in irreconcilable ambitions and conceptions for organizing and preserving a stable imperium. In a sense, ours is the most fortunate of eras.

Although it is overshadowed by the specter of a nuclear holocaust, there is a greater readiness to attribute a basic rationality to the behavior of one's major rival—an attribution implying that the rival does not want an Armageddon and hence will not push too far into the core areas of the other. But because the parameters of the Soviet and American imperiums are not clearly marked in the Third World, as they are in Europe, and because the alignments and attitudes of key Third World countries are in flux at a time when the superpowers also are reappraising their ambitions and interests, the likelihood of Soviet expansion and American response increases. The Third World is a region in which superpower competition may be waged, with minimum risk of a major war and for marginal advantages that can have important consequences for matters nearer the heart of Soviet-American rivalry, such as the viability of NATO, the future of the SALT talks, and the type of relationship each develops with Japan, China and Germany.

If there is a serious flaw in the assumptions underlying the evaluations of the "détentists," there is also one in the position of the strategists of deterrence. Noting the existence of a condition of general nuclear and missile "sufficiency" between the Soviet Union and the United States, and assuming that neither party could manage a first-strike attack without risking at least equal and intolerable damage in return, the deterrent school places a premium on maintaining this mutual balance of terror. The result is a tendency to dismiss or depreciate the utility of political incrementalism; marginal gains become less salient to policymakers, especially if the outlay required, however modest, is begrudged by inward-oriented leaders, and if the dividends are at best uncertain.

More and more, American policy seems to minimize the value of the politics of incrementalism and to underestimate the danger of thereby contributing inadvertently to the disintegration of alliances and esablished relationships. It is especially difficult to sustain the case for incrementalism when the competition among the various bureaucracies for diminishing allocations is intensifying. However, there are few indications that the leaders in the Kremlin plan to curtail sharply expenditures to key Third World countries.

In the past few years, and particularly since the June 1967 Arab-Israeli war, American planners have been concerned over the Soviet Union's vast program of naval expansion, for which there are, of course, cogent military reasons. For example, a report on Soviet naval capabilty recently published in Great Britain identified five tasks the Soviet navy has been assigned "to defend the homeland":

> "(1) to counter the Polaris submarines; (2) to neutralize the strike carriers prior to aircraft launch; (3) to contribute to the Soviet Union's strategic delivery capability; (4) to gain command of the four fleet areas, particularly the Baltic, Black and Barents Seas; (5) to provide maritime flank support for land operations along the coastal axes.[6]

From Moscow's point of view accomplishment of these tasks would justify the expenditures entailed.

Moreover, the Soviet navy has begun to play a political role in Soviet diplomacy, and it could be used to advantage in establishing a greater Soviet presence in the Persian Gulf, East Africa and the Indian Ocean. In the Mediterranean it has already limited, or at least raised the cost of, American options for intervention. It is also a valuable prop for shaky clients, serving to stiffen the resolve of anti-Western elites who may be emboldened to pursue radical courses they would have been deterred from had Western power predominated in the area. Syria, the Sudan, Libya, possibly even the United Arab Republic and Iraq, are illustrative examples.

Certainly, Soviet propaganda has made much of the benefits to the Arabs of the Soviet naval presence.[7] Moscow is also us-

---

Footnotes at end of article.

ing its naval power as an instrument of foreign policy to buttress emerging propensities toward less engaged alignments and more obvious nonalignment on the part of previously pro-Western partisans. In a word, the Soviet Union is using sea power in the classic way, as an arm of diplomacy, to attain political goals. If and when the Suez Canal is reopened—and this must be reckoned a prime Soviet aim in the Middle East—it is reasonable to assume that the USSR will become more active in the Persian Gulf and the Indian Ocean. Although current Western assessments rest heavily on the assumption that "the main reason for an increasing Soviet naval presence in the Indian Ocean is primarily not to challenge Western interests but to support India against China and more generally to counter growing Chinese influence in both Asia and Africa,"[8] the leverage can quickly be given an anti-Western twist.

THE DIPLOMACY OF BENEVOLENT SELF-INTEREST

Since 1955 Soviet courtship of the Third World, with few exceptions, has been a skillful blend of opportunism, largesse and salesmanship. Through a readiness to provide military equipment and economic assistance the USSR has established itself as an indispensable benefactor of such key countries as India and the United Arab Republic, and as a welcomed participant in the nation-building activities of such countries as Afghanistan, Syria, Iraq, Algeria and the Sudan (Cuba is perhaps unique and will not be discussed here because Latin America, as a region, is low on the Soviet list of priorities.) Soviet ideologues continually try to cluster recipients and targets of Moscow's attention into ideologically-contrived typologies for reasons appertaining to the dynamics of intra-communist-world politics and the methodoigical compulsions of Soviet Marxist-Leninist political analysis, but Soviet leaders approach opportunities and dilemmas in piecemeal, pragmatic fashion, ever alert to pitfalls and rewards, and with an incisive understanding of *Realpolitik*.

Shrewd opportunism, not ideology, has been the impelling force behind Soviet behavior. Perceiving openings for penetrating the Third World and for exploiting the flaws in the Western network of alliances, Soviet leaders embarked on an ambitious course. Stinting neither on economic aid nor military equipment, they took advantage of Western bungling and the systemic realignments in the Third World. Two purposes underlay Soviet policy: (1) to undermine the Western international system; (2) to intrude a permanent presence into areas which had previously been outside the realm of Soviet capabilities.

The more closely one examines Soviet diplomacy, the more one is impressed by the flexibility and opportuneness of its responses to the peculiarities of each situation. Thus, the inability of Nasser to acquire arms in the West and the unwillingness of the United States to finance the Aswan Dam provided the Soviets with rare opportunities, which they seized, in 1955 and again in 1956 for boldly moving into the Middle East.

The economic assistance extended to India from 1955 on, the welcomed diplomatic support for India's position on Kashmir (until 1966), the alignment with the Indians (after an initial uncertainty) against the Chinese in 1962, the extensive and impressive military assistance given since 1965—all these have served to make friendship with the Soviet Union a cornerstone of Indian foreign policy and to move the USSR, for the first time in its imperial history, into the forefront of developments on the Indian subcontinent. Less dramatic but no less important links have been forged with other key developing countries. Descriptions abound of Soviet economic and military assistance. But we know little about the actual leverage this has given Moscow, despite the abundance of informed speculation.

In general, Moscow has courted three categories of developing countries: first, those that adhere to nonalignment and maintain friendly, even dependent, relations with the USSR, often with a tinge of anti-Westernism congenial to Moscow; second, the swing states that are formally nonaligned but that have shifted, as a result of the vagaries of internal leadership changes, from an obviously pro-Soviet leaning to one more pleasing to the West, and which presumably can one day swing as quickly back to Moscow; and third, those countries that are formally aligned to the West but whose alignment has weakened in ways assiduously encouraged by Moscow. Clearly, any Soviet leadership will strive to improve relations with the countries in the latter two categories in the hope of nudging them into the first category. Congenial neutralization rather than communization is Moscow's aim in the 1970's. In this the Soviet Union is motivated more by traditional balance of power considerations than by ideologically engendered drives, more by its needs as the hub of an established but restive imperial system than by any compulsion to spread communism. Gradualism, not revolution, typifies the Soviet style.

India and the United Arab Republic are foremost among the nonaligned countries in which Moscow has invested heavily. Each is strategically and politically important in a region vital to the USSR. The details of the Soviet courtship have been amply catalogued by Western scholars; Moscow has demonstrated the premium it places on reinforcing its relationship with them. Though of lesser intrinsic significance, Afghanistan and Syria are also prime targets of Soviet attention. Moscow wants them nonaligned, friendly toward the USSR and outside the Western defense system.

Brezhnev's proposal for an Asian collective security system had its antecedents in the Soviet success at Tashkent in January 1966, when Moscow effectively interposed its presence into a situation of delicate balance. If it could improve Indo-Pakistani relations, Moscow could begin to realize its dream of a land route, linking Soviet Central Asia to India via Afghanistan and Pakistan, thereby eliminating the inconveniences and expenses incurred by the closing of the Suez Canal and enormously enhancing its prospects for penetrating the subcontinent.

The chameleon-like character of many nonaligned leaderships makes them politically suspect. They are weak reeds with which to build sustaining political relationships. Moscow has never been comfortable with nonalignment. Despite Khrushchev's official scrapping of the two-camp thesis, and his enunciation of the "zone of peace" concept, with its implicit acceptance of a transitional role for developing countries trying to build "socialism," and despite frequent laudatory statements about the value of nonalignment in opposing "imperialism," Soviet leaders have, in practice, treated nonalignment with reserve and suspicion. There are a number of reasons for this.[9] Moscow does not believe in the abolition of blocs or alliances; it sees nonaligned countries as a vast potential strategical reserve in the global struggle with the West rather than as intrinsically autonomous entities capable of playing an independent role in world affairs; and it has yet to accept the proposition that a country can be both "socialist" (in its parlance, pro-Soviet and with a communist vanguard) and nonaligned.

Nonetheless, Soviet leaders have learned to tailor their tactical relationships with those nonaligned countries whose internal political inconstancies require frequent adjustments. Moscow is apparently willing to sustain a modicum of assistance to insure that these countries remain committed to an essentially nonaligned course, even though they may on occasion veer more toward the West than it would like. But, then, there is always the possibility that such countries as Indonesia, Ghana, Burma and Guinea will again become more pro-Soviet. Moscow has adapted its diplomacy not merely to forestall a full swing to the West, but to safeguard as much of the Soviet stake as possible and to lessen the likelihood of a pro-Chinese orientation developing.

Soviet policy toward Indonesia is illustrative. When Sukarno moved closer to Peking during the 1961–1965 period, relations between Djakarta and Moscow cooled. After the abortive communist coup in September 1965 and Sukarno's subsequent deposal, Indonesia turned to the West, although retaining her nonaligned credentials. Attempts to improve relations with Moscow languished for a while in the wake of Indonesian criticisms of the Soviet occupation of Czechoslovakia. But by August 1970 Moscow and Djakarta agreed on an economic protocol which called for a rescheduling of Indonesia's indebtedness on terms as generous as those offered by the Western countries. There are even signs that Moscow may reinstitute a program of limited economic assistance in the hope of encouraging Indonesia to maintain her nonaligned status and of affording itself some political access and leverage.

Notwithstanding the considerable attention that has been devoted to Soviet policy toward nonaligned India and the United Arab Republic, from Moscow's point of view the Soviet Union has achieved its greatest strategic-political triumph in the Third World in the changed policies of Iran, Turkey and Pakistan—countries still formally aligned with the West but increasingly pursuing a *de facto* policy of nonalignment, including a conscious effort to improve relations with the USSR. In the mid-1950's Moscow vaulted over the alliance system organized by John Foster Dulles to penetrate the Arab world, in part to undermine the West's predominance there, but perhaps even more importantly, as seen in retrospect, to outflank and weaken the network of Western military bases along its "southern tier." Its successes here must be acknowledged as in themselves amply repaying Soviet efforts in the 1960's. Moscow will no doubt persist in its benevolent courtship even more diligently in the 1970's.

The detente with Iran, for example, began in 1962, when the Shah indicated that he would not permit the United States to establish military bases or missile installations on Iranian territory, even though Iran would remain formally a member of CENTO. In 1965, the Shah visited the Soviet Union. A long-term economic agreement with the USSR was concluded in April 1966, and modified upward in April 1967. Under its terms, Iran agreed to provide the USSR with deliveries of natural gas up to a total of twenty billion cubic meters annually, as well as Iranian oil, and to build the trans-Iranian Gas Trunkline (IGAT) from the Agha Jari field in south Iran to Astara on the Soviet border; in return Moscow undertook to build a $350 million steel complex at Isfahan, a $200 million machine tool plant, several grain storage elevators and 250 miles of the natural gas pipeline.[10]

Political suspicions remain, but the USSR has astutely promoted a degree of nonalignment in Iran's diplomatic stance and a level of economic cooperation which would have been deemed inconceivable ten, or even five, years ago. Though less pronounced, tangible measures of Soviet achievement can also be discerned in the cases of Turkey and Pakistan, where prospects must be judged most promising.[11] Certainly, Western planners must anticipate an improved Soviet relation-

---

Footnotes at end of article.

ship with these countries, with a consequent further deterioration in the utility of CENTO and SEATO.

THE NONSALIENCE OF IDEOLOGY TO BEHAVIOR

During the mid-1950's and early 1960's, as Moscow embarked on its ambitious courtship of the Third World and scored notable successes, there was an upsurge of Soviet optimism concerning prospects for revolutionary socialist transformations. Soviet ideologues had a field day. Through "creative" reinterpretations of Marxist-Leninist tenets, they attempted to set the changes within the Third World in an all-encompassing ideological framework that would both explain the evolving relationships and legitimize, in Marxist-Leninist terms, the course of Soviet diplomacy. Thus, the "zone of peace" concept in 1956 justified support for nonaligned developing countries; and the notions of the "national democratic state" (1960) and the "revolutionary democratic state" (1966–1967) explained the importance to the USSR of the "progressive," anti-Western nonaligned countries which were following a "noncapitalist path of development." These formulations sanctified ideologically the differentiated diplomacy pursued by the Soviet state.

For a time in the early 1960's Soviet ideologues were able to group all the "national democratic states" according to some rough and convenient concordance of internal and external orientation. Ghana, Guinea, Mali, Burma and Indonesia, for example, were regarded as militantly anti-imperialist, pro-Soviet in their foreign policy, congenial (sometimes) to local communists, and following a noncapitalist path of development in building socialism. They seemed promising candidates for the transition to "people's democracies." But internal convolutions and unpredictable nationalism have confounded the ideologists. The formulations remain, and perhaps some new wrinkles will be added as each new Soviet leadership seeks to lay claim to some ideological innovation.

The record of Soviet diplomacy in the Third World is proof, however, that practice transcends and precedes ideology. Soviet behavior toward the developing countries is now determined predominantly by hard calculations of strategic and political advantage, actual and potential. Having shed the confining isolationism of the Stalin era toward the Third World, and having pioneered at considerable cost a strategic presence for itself in the Middle East, Africa and South Asia, Moscow is unlikely to jeopardize its bilateral relationships with developing countries out of any misgivings of an ideological character. It is concerned, as always, with the extension of Soviet influence, to the detriment if need be of prospects for local communist parties. Whatever legitimizing function ideology plays within the Soviet communist hierarchy, and whatever its importance as a medium for communication and conflict within the communist international system, ideology is not central to Soviet policy formulation toward developing countries; it is more a fig leaf of Western imagination than a determinant of Soviet policy in the Third World.

CHINA AS A FACTOR IN SOVIET STRATEGY

Moscow is obsessed with China. Since their quarrel surfaced, the colossi of communism have waged in the Third World an intense competition, bitter and embittering, which has acquired an impetus of its own; it further complicates the dilemmas under which they operate and the difficulties of negotiating an ideological and political cease-fire. The USSR presses a "forward strategy" in the Third World not merely because of U.S. retrenchment or out of a superpower urge to maximize influence, but also because of genuine concern over the challenge from Communist China. The Soviets may well be exaggerating the threat to them of Chinese inroads in Africa and Asia, in much the same way that the United States did the Soviet diplomatic offensive in the late 1950's and early 1960's. But they do view the Chinese threat in the Third World in the 1970's more ominously than do American planners.

To Moscow, Maoism poses a pernicious challenge because it seeks to make inroads in areas where Soviet diplomacy has established strong beachheads. Whereas the Chinese stridently press a militant anti-Western and anti-bourgeois line, which appeals to radical "out" groups in developing countries, the Soviets must steer a course between anti-Westernism and revolutionary irresponsibility that is acceptable to the "in" groups, which not only are not communist but which, in many cases, are firmly anti-communist in their internal affairs; whereas the Chinese can with impunity call for an "anti-capitalist" line, the Soviets find themselves supporting regimes that maintain strong economic ties to Western countries and that, although professing "socialism," are far from adopting a sociopolitical system Soviet ideologues can grace with such a descriptive; whereas the Chinese encourage armed resistance splinter groups in the Middle East, Africa and South Asia, the Soviets are constrained by their superpower status from unequivocally supporting such activities; and whereas the Chinese, in general, seek to overthrow the status quo, the Soviets have a vested interest in its essential preservation.

THE LIMITS OF SOVIET INFLUENCEBUILDING

It would be difficult to devise a credible scenario improving on Moscow's current position in the Arab world, the "southern tier" and South Asia. Yet there are gnawing dilemmas. The Soviet Union no longer enjoys the advantages it had as a newcomer to the Third World in the late 1950's and 1960's: its hands are no longer without imperialist taint, having been sullied in quests for power in the Congo, Guinea, Ghana, Iraq, Kenya and Syria; its aid is still sought, but with mounting debt repayment schedules and innumerable "red elephants," the paeans to Soviet generosity and efficiency are heard less frequently; its feat of industrialization is widely admired, but there are few Third World leaders who retain any illusions about the applicability of the Soviet model to their own situation; its reserve toward nonalignment has occasioned heightened sensitivity to its brand of anti-Westernism; and its involvement in Third World politics has forced it to take sides in residual regional disputes, to the detriment of Moscow's capacity for expanding its influence. The period of the initial accumulation of influence having passed, Moscow now finds that future yields are costly, difficult and uncertain. The more it tries to exercise influence over the behavior of its beneficiaries and clients, the more it arouses nationalist resentment and resistance.

The Soviet Union faces serious problems in the coming decade in its relations with the key developing countries. But that it remains committed to a course of influence-building should not be doubted. Moscow has derived considerable benefits from its diplomacy in the Tihrd World; it sees others within reach. The bars to further successes are many, and they inhere as much in the rigidity and authoritarianism of Soviet institutions and practices as in the resolve of Third World countries to remain independent. Nonetheless, ambition makes Moscow a formidable factor in the international affairs of the Afro-Asian world.

FOOTNOTES

[1] *International Affairs* (Moscow), July 1969, pp. 20–21.

[2] *Ibid.* In retrospect we can identify instances where other Soviet officials made remarks that presaged the Brezhnev speech: for example, on March 19, 1969, New Delhi Radio reported P. Reshetov, a visiting member of the Soviet Peace Committee, as suggesting, in response to a question, the formation of a common front "of the peaceloving peoples of the Soviet Union, India, and Burma against the adventurist policies of the Chinese government"; on May 30, 1969, Premier Alexei Kosygin said during a visit to Pakistan that he would like "to see Pakistan, Afghanistan, India and the other states of this region developing relations of friendship and constructive cooperation with each other. For its part, the Soviet Union will do everything in its power to encourage this."

[3] Peter Howard, "A System of Collective Security," *Mizan*, July-August 1969, pp. 199–204.

[4] *United States Foreign Policy for the 1970's: A New Strategy for Peace.* A Report by President Richard Nixon to the Congress, February 18, 1970, p. 5.

[5] *Pravda*, February 19, 1970.

[6] *The Times* (London), October 13, 1970.

[7] A not untypical commentary: "What is the reason for this clamor among the ranks of the imperialist naval sharks? The fact is that they know the presence of Soviet ships in the Mediterranean will paralyze the attempts of the United States Sixth Fleet to carrry out its designs against the Arabs." Moscow Radio in Arabic, October 12, 1968.

[8] *The Times* (London), September 15, 1970.

[9] See Alvin Z. Rubinstein, *Yugoslavia and the Nonaligned World* (Princeton: Princeton University Press, 1970), pp. 307–309.

[10] See *Middle East Economic Survey*, April 21, 1967, p. 1, and September 12, 1969, pp. 1–2; and *The Financial Times*, October 30, 1970.

[11] Japan, which is outside the purview of this essay, is another key country whose links to the Western alliance system Moscow seeks to weaken in the years ahead. The Soviets hold out the allure of enormous economic opportunities for the exploitation of Siberian resources, but they are hampered by an unwillingness to return the islands of Kunashir, and Iturup, north of Hokkaido, which the Soviet Union seized in 1945.

HATS OFF TO TEENAGERS

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. DUNCAN. Mr. Speaker, sensational news stories too often brand all of our young people as a burden to our society. Those of us who take pride in our young citizens know that such articles unfairly indict the many outstanding teenagers who comprise a majority of our young generation.

I am particularly proud of our teenagers in Knoxville, Tenn., and rightly so. Recently over 6,000 Knoxville teenagers participated in a campaign to raise funds for St. Jude's Children's Research Hospital in Memphis.

The following Knoxville Journal article will bear witness to the fact that Knoxville teenagers are among the finest young people in the Nation.

The article follows:

HATS OFF TO LOCAL TEENAGERS

Knoxville can take great pride in its teenagers. Thousands of them—maybe six thousand or more—devoted last Saturday to a grueling 18-mile hike through the city to raise funds for St. Jude Children's Research Hospital in Memphis.

The vast majority of these young people will never need the services of St. Jude Hospital, which is one of the world's leading centers for research and treatment of catastrophic childhood diseases—leukemia, cancer, malnutrition and others. Almost two thirds of the hospital's operating funds come from public donations, and this was the first St. Jude campaign in Knoxville.

It will be a couple of weeks before all of the pledges are turned in and counted. But even before it is known how much money was raised the drive can be considered a sound success from the standpoint of enthusiastic participation by Knoxville teenagers.

True, Mayor Kyle Testerman and several other local officials hiked the full route and raised a substantial sum in the process. This was highly commendable on their part. But it was the army of young people, marching an exhausting circuit through the drizzle, cold and mud, that captured the admiration of bystanders.

Some of the young people will receive prizes. Some of their schools also will get material or honorary awards. Most of the teen-agers, however, will receive only the satisfaction of knowing they have contributed greatly to one of the nation's most worthy humanitarian causes.

Our hats are off to these Knoxville teenagers. They're tops.

CONGRESSMAN CRAIG HOSMER'S WASHINGTON NEWS NOTES

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. HOSMER. Mr. Speaker, each month I publish a newsletter called "Washington News Notes," which highlights some of the recent activities in Congress and in Washington. The text of the April edition follows:

CONGRESSMAN CRAIG HOSMER'S WASHINGTON NEWS NOTES

A SEAT ON THE 50-METER LINE?

After years of study, the question of whether or not the U.S. will adopt the metric system now appears headed for consideration by Congress. If adopted, the change will be gradual, as this major innovation in our way of measuring things will require new equipment and devices.

Principally, the change would see us dealing in liters (about a quart), the kilogram (about two pounds), the meter (a bit over a yard and 60 kilometers-per-hour equals 36 mph), and a temperature scale where zero is freezing and 100° C. is the boiling point of water. The change would put the U.S. in line with the rest of the world's measurement practices.

HIT 'EM IN THE TAXES

The Nixon Administration is trying an old weapon in its war on drug traffic. Some 413 suspected heroin dealers in 31 states have been marked by IRS for special income tax audits. This "Capone" plan, first used against organized crime, is expected to put many pushers out of business even though narcotics agents do not have sufficient evidence to prosecute under drug laws. Some 273 tax agents are involved.

SEAL BEACH REFUGE MAY BE SET UP THIS YEAR

Following House subcommittee hearings last month, Congress Hosmer is hopeful that the Seal Beach National Wildlife Refuge can be in operation before the end of this year. Sens. Cranston and Tunney are co-sponsoring the legislation on the other side of Capitol Hill.

Interior Dept. testimony proposed a $300,000 visitor center, adjacent to the refuge on Pacific Coast Highway. It would have observation facilities and parking to permit the public to enjoy this valuable natural resource. But it must be done carefully, Hosmer warns, since the refuge is within the Naval Weapons Station.

CONSUMER INFORMATION

Mrs. Virginia Knauer, Special Assistant to the President for Consumer Affairs, says that a new publication called "Consumer News" is now available. It contains rules and regulations proposed by the Federal Government on consumer products, and news about action by the Office of Consumer Affairs. The publication can be obtained by sending $1 for a year's subscription to: Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

IT'S THE SIGN OF THE TIMES

In 1968, thefts and vandalism forced the pastor of St. Peter's Catholic Church in Washington, D.C. to close and lock its doors during the day except during services. This story attracted national attention because St. Peter's is only two blocks from the U.S. Capitol.

The church has now reopened its doors again for daytime worship, a tribute to the Nixon Administration and its campaign to reduce crime in the Nation's Capital. All seven of the city's police districts reported declines in total crime during January 1972 compared with 12 months earlier. Washington's crime rate is now at its lowest in five years.

WHO GIVES MOST TO THE U.N.

What country makes the highest per capita contribution to the United Nations? If you said the United States, you're wrong.

While the total U.S. payment is the highest by far ($276 million compared to the $48 million from second-placed Great Britain), on a per capita basis, Denmark gives most. The Danes contribute $4.53 (in U.S. dollars) to the U.N., compared to $1.34 for U.S. citizens. Oh yes, the Soviet Union generously chips in 17¢ a head.

THE REAL WELFARE CHEATS

The Lancaster (Pa.) *New Era* reports on a set of contract "demands" from the state welfare workers union. They want a 30% pay raise for a work week reduced to four days, 24 paid holidays, a month's vacation and a month sick leave, 2½ hours "personal time off" each day and another 2½ hours to discuss "work situation problems." They also demand retirement at full pay after 20 years, fully paid life, disability—and automobile—insurance, six months maternity leave and 10 days paternity leave. And they would handle only two cases per day. Looks like we're in the wrong business.

OK, FOLKS, BREAK OUT THOSE TENNIS SHOES

According to the New York *Times* book reviewer a new issue called "The Almanac of American Politics," written by three Harvard grads, gives this description (in part) of California's 32nd Congressional District:

"The 32nd, as much as any district in California, is personified by the little old lady in tennis shoes. And the district's congressman, conservative Republican Craig Hosmer, is a man of kindred spirit."

That's ridiculous. Hosmer doesn't even own any tennis shoes.

BYELORUSSIAN INDEPENDENCE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. DINGELL. Mr. Speaker, March 25, 1972, marked the 54th anniversary of the independence of the Byelorussian National Republic.

Unfortunately, the new Republic did not enjoy its freedom and independence for long, because the Soviet Communist army ruthlessly overran the country despite a gallant and courageous resistance. To this date the people and the country, now known as the Byelorussian Soviet Socialist Republic, remain a political and economic colony of the Moscow regime.

The Byelorussian people have continued to be restive under the Russian domination. Several armed insurgencies have taken place, including those of 1920, 1922, 1926, and 1944. During the latter year, the Second All-Byelorussian Congress was convened in Minsk and reaffirmed the desire of the Byelorussian people for complete political independence.

March 25 is a day which serves as the symbol of a dynamic spiritual force for Byelorussian independence which unites all Byelorussians wherever they may be. The fight for Byelorussian independence also is a fight for the emergence of all captive nations.

I join the Byelorussians throughout the world in their hope that freedom and liberty will be restored to their country.

GROUP LEGAL SERVICES—A NEW CONSUMER TOOL

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. MOSS. Mr. Speaker, group legal services has become a common household word to many Americans. Because of the growing interest in this new consumer legal tool, I am inserting in the RECORD an article which appeared in the January 1972 issue of the AFL–CIO American Federationist, entitled "Legal Services as a New Union Benefit." The article follows:

LEGAL SERVICES AS A NEW UNION BENEFIT

(By John A. Grimes)

Until his mule wandered out on a Louisiana road one night, Clevon Cain had never thought much about lawyers.

The trouble was, a truck hit Cain's mule—and he was faced with the possibility of paying a $250 fine and going to jail for 30 days on charges of violating a law prohibiting livestock from roaming free.

But Cain, in addition to owning a mule, is a member of Laborers Local 229 in Shreveport, whose members are covered by a prepaid legal insurance plan. So he utilized the plan to seek legal advice about his problem.

The result: Shreveport lawyer Lewis Weinstein, a member of the city's bar association, which is cooperating with the union in the operation of the pilot plan, went to court and won dismissal of the charge on the grounds that the mule had appeared on the highway through "an act of God" rather than negligence on Cain's part, because lightning had knocked down the fence surrounding Cain's small farm. All fees were paid by the plan.

The local's legal program which came to the rescue of Cain is but one of many now fast cropping up, in different forms, among organizations the breadth of the country, including cooperatives, student groups, church groups, homeowner associations and the like. But the trade union movement has been in the vanguard of the development of the program, one of the most promising group plans since group medical programs were started to help solve the health crisis of soaring costs and inadequate care.

One of the most recent plans, scheduled to go into effect in January 1972, is by the Chicago Joint Board of the Clothing Workers. It is paid for by voluntary payroll deductions to a supplementary insurance program formed previously to fill in the gaps in the medical and health insurance programs negotiated in ACWA contracts.

The Teamsters union has put a legal aid plan in operation for its members in Toledo. Teachers groups in Los Angeles and in Florida now have or soon will have such plans in operation; others in New York and Michigan have them under consideration, as do the Auto Workers and the Steelworkers. Active interest is being expressed by various locals of the Retail Clerks, the Chemical Workers, the Sheet Metal Workers, the Communications Workers and a host of others. Other organizations are either expressing interest in the plans or already have them in operation.

While the plans may differ in some detail, the principle behind them is simple: Group legal services are programs through which organized groups, such as unions, provide legal assistance as a benefit of membership. By pooling prepayment amounts, members of the group are provided with legal assistance of a quality and at a price which would not be available to them as individuals. Regardless of details which vary from plan to plan, they are generally referred to as "group legal services."

The concept is not a new one. But the recent revival of interest in group legal services has stemmed from the growing awareness of a twofold problem: The bulk of middle-income Americans, a substantial portion of them in the wage-earning class, are increasingly beset by problems whose solutions require legal assistance in one form or another. These can, and often do, include such problems as disputes with landlords, conflicts over debts in an increasingly credit-card economy, battles with financing companies, troubles with auto or appliance warranties, the complexities of the sale or purchase of a home or even the drafting of a will.

Yet this segment of the population seldom, if ever, thinks of obtaining a lawyer to help handle these problems; many do not have much idea of where to get a lawyer or how he could and should help them if they did. And most often, the cost of retaining a lawyer is enough to stop them.

The other part of the problem is the lack of an effective system of delivery for legal assistance to these middle-income Americans—a problem more and more freely admitted by members of the legal profession.

Jules Bernstein, associate general counsel of the Laborers and one of the trade union movement's pioneers in group legal services, points out that "it has become apparent that for the majority of Americans—not only the perceptibly poor—the existing method of distributing legal services is woefully inadequate. Today's ordinary citizen is cast in a variety of roles, including that of consumer, taxpayer, voter, employe, parent, investor, lessee, as well as accident victim or cause. While each of these identities is beset with legal implications, too often they are undertaken without any legal advice." He also notes that "to a significant extent, the unmet need for legal services is tied to costs. Even under the 'minimum fee' schedule of many local bar associations, recommended hourly fee rates are usually no lower than $25 per hour" and specific, albeit simple, services can entail stiff flat rates.

He notes that "some evidence the public is deeply disturbed with the existing situation is indicated by the popularity of several recent books which provide 'do-it-yourself' legal advice."

The rich have always been able to afford proper legal care, and in recent years, the very poor have at least had some attention concentrated on their lack of proper legal service. This awareness has resulted in increasing availability of legal services to those in the poverty level, through neighborhood offices funded by the Office of Economic Opportunity, and through other legal aid and defender programs.

But there's a far larger group of "have nots" in between—the middle-income Americans. A study not long ago of California professions in the $10,000 to $15,000 income bracket showed that fewer than 15 percent of those who thought they had a legal problem had taken it to a lawyer—and that fewer than one in three had actually retained an attorney. Other studies by the legal profession have come to the conclusion that as much as 70 percent of the population could be lumped into the middle-income category—a group which has the largest number of legal problems in the nation, yet remains largely lawyerless.

The group legal service which rescued Cain from his troubles with the errant mule is the first of its kind and was established under unique circumstances.

The American Bar Association, concerned with the problem of making lawyers' services more readily available to middle-income groups, appointed a special committee which focused its study on the concept of prepaid legal cost insurance, according to a recent article by Henry A. Politz, chairman of the Shreveport Bar Association. A further study concluded the idea held enough promise to warrant a controlled experiment. A canvass of states showed the Louisiana insurance commissioner in favor of such an experiment; the Shreveport Bar Association was chosen to implement a prepaid legal plan and Laborers Local 229 undertook the pilot project.

The Laborers local, which consists of some 500 members—about 2,000 insureds when families are counted—agreed to contribute 2 cents an hour for all hours worked to the group legal fund. The national ABA appropriated a considerable sum and the Ford Foundation made a grant for the test-run period of two years, starting in January 1971.

Under the Shreveport plan, members of the local and their families get $100 worth of legal consultations, or about four or five sessions with a lawyer; $250 worth of conference, negotiations and research, for which the individual must pay the first $10; $515 worth of such expenses as preparations and filings of pleadings and briefs, attendance at hearings or trial, court costs, witness fees and out-of-pocket expenses, for which the individual must pay the first $25 if he is the plaintiff. After that first $515 of court expense, the participant also gets 80 percent of the next $1,000 if he is the defendant.

The individuals in the plan can retain any Shreveport lawyer of their choice. The plan does not purport to set attorneys' fees; that is up to the lawyer and the client. But the plan is geared to provide all or a substantial part of the usual fee. Also, the plan is monitored by the Shreveport Bar, whose governing board reviews the charges and can reject unreasonable claims.

As described by Politz, one of the hopes for the plan is to discover why middle-income Americans are reluctant to seek legal assistance—and to help overcome the "foe" image of the lawyer.

"Many students of the problem are convinced that the fear of the cost of legal services has acted as a very real deterrent for a large segment of the public" in engaging the services of a lawyer, Politz says. "The average wage earner has . . . little financial reserve. He usually has great difficulty handling unanticipated expenses. Too often this person is propelled into the attorney's office by overwhelming outside forces too late for an effective assistance. It is believed that this client, in many instances, did not secure timely, advance legal advice because of his fear of the cost. It is not suggested that persons believe that the cost will be more than they can afford. This belief . . . must be reckoned with."

As for one of the benefits hopefully to be derived from the plan, Politz says "it is believed that the potential client who possesses an 'insurance policy' to cover all or a substantial portion of his legal services. And he will seek such services before the crisis stage is reached . . . the law will therefore prove to be his 'friend' rather than his 'foe.' Inherent in this will be a 'humanizing' of the bar's image. . . ."

While experience from the Shreveport plan so far is limited, some conclusions are beginning to be drawn. The run on the bank that some feared has not developed; no epidemic of legal hypochondria has broken out.

The claims for legal work have run well below the most conservative estimates. Designers of the plan were prepared to pay legal fees for as many of three-fourths of the some 500 workers in the local union at a cost of perhaps $103,000 during the first year. The conservative estimate was that about 30 percent of the workers would use the plan, at a cost of $34,500. But claims have been running at about an annual rate of 100, involving some 15 percent of the covered families and about $20,000 in legal fees.

Most of the claims involve motorist cases, domestic relations and credit problems. The participating lawyers say it's a slow process to convince the group that the lawyers are there to be used even when there is no immediate problem before the union members. They concede that getting the workers to avail themselves of legal advice before trouble occurs is going to take some education; as a result, a series of lectures is being conducted to explain this feature of the plan.

But the plan also has some highly practical, though somewhat invisible, benefits just by its existence. An added feeling of security is undoubtedly enjoyed by the local's members just because the plan is there. And, according to one union official, one big asset of the plan is that "the word has gotten around that Local 229 men now have attorneys. It has caused a lot of the pressure to get off our men—especially from the small loan companies."

The Clothing Workers plan in Chicago, which is structured somewhat differently, grew out of the experience of a social service department founded in 1969 to meet the special needs of the workers in a time of a declining national economy.

According to Murray Finley, an ACWA vice president who was instrumental in putting the plan together, the new department quickly learned that about one-third of the problems reported were on legal matters, but were not job-related.

In planning the program, Finley said prior experiences dictated they start small and work up; it was thought that members would sign up for a deduction of 50 cents per month. With 12,000 active and 3,000 retired members, they projected participation of between 8,000 and 9,000 members and a budget of about $48,000 to $54,000 per year.

Initially, criminal and traffic cases will be excluded and benefits will be limited to civil matters. The social services department will screen requests, so that only those needing the skills of a lawyer will be forwarded and, conversely, cases involving protracted litigation or appeals will be avoided. Out-of-pocket costs and filing fees will be paid for by the members. If the first year proves successful, the contribution will probably be increased to $1 per month so that benefits can be expanded.

These and similar plans have stirred some enthusiasm among both members of the bar and union officials. The interest in group legal services has been great enough that the American Bar Association has been conducting conferences around the country at which attorneys, union officials, insurance industry representatives and other interested parties exchange information. One such conference has been scheduled for Washington, D.C., in late April 1972.

F. William McCalpin, head of the special ABA committee on prepaid legal insurance, voices the opinion that these plans "will be the forerunners of legal cost insurance that will be available to people on a wide-scale basis in the not-too-distant future." Indeed, where two years ago they didn't show a a flicker of interest, some large insurance concerns—among them the Insurance Institute of America—are either closely studying or working up their own insurance plans.

Obviously, one of the avenues for the spread of group legal services is through the trade union movement, which has so far been the most active in its interest and efforts to establish new plans. A proliferation of programs can be expected as unions begin to bargain them into their contracts. A group legal service plan was on the bargaining agenda of the postal unions, which got the promise of a study of the proposal by management. Other unions, too, have made moves to include it in their bargaining agendas—the Longshoremen among them.

Officials who have worked on the plans foresee several major advantages from tying them to the collective bargaining process. The group purchasing power of union members can insure that high quality legal service is provided at the lowest possible cost. Secondly, legal service programs can be linked to labor's existing community service efforts, thereby expanding their scope.

They are also hopeful that the passage of national health insurance will ease the way for negotiating other fringe benefits, such as group legal services.

But some inhibitions—which many union attorneys are confident will prove only temporary—are still present.

One is the Taft-Hartley Act. The law specifically provides for some specified fringe benefits, such as hospital, vacation and child care, and group legal plans are not among those enumerated. And present Internal Revenue regulations don't appear to provide the necessary tax exemption for trust funds set up to finance the group legal plans.

Legislation has been introduced in Congress which would eliminate at least some of these obstacles. Support of the legislation is expected from both the trade union movement and the organized bar.

The road to the Shreveport plan and other group legal service programs was not a simple one, however. As did the medical societies in the face of prepaid group health plans, the bar associations—despite their more recent support of some experiments—fought the concept with all the force at their command, which was considerable.

Such plans, in the view of the bar associations and the courts which aided and abetted the bar in its opposition, were "unethical" and hence illegal. Mainly, the bar and the courts leaned on an interpretation of Canon 35 of the ABA's Canons of Professional Ethics. Canon 35 says that, while a "lawyer may accept employment from any organization, as an entity," this employment "should not include the rendering of legal services to the members of such an organization in respect to their individual affairs." In the bar's view, the use of an intermediary organization—such as a union—as a bridge between lawyer and potential client carried with it the possibility that the lawyer's allegiance might be directed more to the organization than to the client.

It was on the basis of this and similar interpretations that the bar vigorously fought early efforts to establish group legal services of a wide variety.

Starting in 1963, however, four U.S. Supreme Court decisions involving separate group legal service plans had a dramatic impact on bar thinking and attitudes—so much so that some elements of the bar still have not recovered from them. Indeed, the legal profession is badly split as a result of the court decisions which exploded Canon 35's seeming prohibition against group legal plans. So wide is the split that many prominent lawyers fully expect some segments of the bar to continue to engage in writing new interpretations designed to throw further barriers in front of prepaid group legal services.

The first case came on a slightly unexpected front. In 1956, the Virginia state legislature passed a law forbidding the solicitation of legal business. This was during Virginia's period of "massive resistance" in its attempt to halt the integration of schools and other public accommodations—in defiance of the Supreme Court decision that such efforts were illegal.

The NAACP, seeing the statute as a threat to its efforts to win integration, began in 1957 to solicit potential plaintiffs to designate NAACP staff attorneys to represent them in desegregation proceedings.

The NAACP bore the cost of the litigation and paid its staff attorneys on a per diem basis—setting up a direct challenge to the 1956 state law.

Virginia's highest court held that the NAACP was guilty of "fomenting and soliciting legal business in which they are not parties and have no pecuniary right or liability and which they channel to the enrichment of certain lawyers employed by them, at no cost to the litigants. . . ." This was held as a violation of the state law and the bar's canons.

The U.S. Supreme Court struck down the Virginia law, holding that the NAACP's activities were protected by the First Amendment.

The bar felt the repercussions of that decision; but the Supreme Court was not finished.

The next ruling involved one of the oldest of group legal plans, that of the Brotherhood of Railroad Trainmen, now part of the United Transportation Union. Indeed, much of the evolution of group legal aid has involved the BRT.

BRT members work in small groups, often away from home, and by and large they live in small towns along the railroad right of way. As a result, their community contacts are limited, as is their access to the railroad lawyers in the big cities.

The BRT legal plan, established in 1930, was designed to overcome these problems for a member in a work injury case. In basic operation is unchanged from the earliest days: The union selects attorneys to represent workers in cases under the Federal Employers Liability Act. Officers and members of the BRT are instructed to refer injured members or the survivors of deceased members to these regional counsels. Fees were agreed to in advance, although each lawyer-client relationship was individual.

The plan was not long in coming under attack. While the suits were generally brought in the name of the bar, they were usually initiated by the interested railroad or the American Association of Railroads, which in the large financed the prosecutions.

In California in 1950, the state supreme court ruled in a case initiated by the state bar that the regional counsel for the BRT had violated rules of professional conduct by participating in the plan. As a result of this ruling, the American Association of Railroads in the 1950s succeeded in having bar proceedings instituted against BRT regional counsels in seven other states.

One of them, a Virginia case, reached the Supreme Court, which overturned the Virginia ruling as a violation of the first Amendment. The Supreme Court specifically refuted the claim that the BRT's legal aid program was a scheme of solicitation. The court said:

"What the State of Virginia has sought to halt is not commercialization of the legal profession which might threaten the moral and ethical fabric of the administration of justice. It is not 'ambulance chasing.' The railroad workers, by recommending lawyers to each other, obviously are not themselves engaging in the practice of law, nor are they or the lawyers whom they select parties to any solicitation of business. . . . We hold that the First and Fourteenth Amendments protect the right of the members through their Brotherhood to maintain and carry out their plan for advising workers who are injured to obtain legal advice and for recommending specific lawyers . . . and of course, lawyers accepting employment under the constitutionally protected plan have a like protection. . . ."

Later, in a 1967 case between the Mine Workers and the Illinois State Bar Association, the Supreme Court reinforced and extended the rulings in the NAACP and BRT cases. The UMW had employed, since 1913, a lawyer on a salaried basis to represent members and their dependents with claims for persons injured or killed under Illinois' workmen's compensation law. In the BRT plan, the injured member was personally responsible for payment of the lawyer's contingent fee, but in the Mine Workers' plan, the lawyer was compensated directly and solely by the union on a salary basis.

It was this difference which the Supreme Court sanctioned and which was the major importance of the case. "We do not think our decisions (in the NAACP and BRT cases) can be so narrowly limited," the court said. "We hold that the freedom of speech, assembly and petition guaranteed by the First and Fourteenth Amendments gives petition the right to hire attorneys on a salary basis to assist its members in the assertion of their legal rights."

The fourth Supreme Court decision was handed down in April 1971 in a case involving the Michigan bar and, again, the United Transportation Union. It was also the third time the majority decision was written by Supreme Court Justice Hugo Black.

The language was quite strong: "The Michigan State Bar brought this action to enjoin the members of the Brotherhood of Railroad Trainmen from engaging in activities . . . to protect themselves from excessive fees at the hands of incompetent attorneys," the court said in the opening paragraph.

"The common thread running through our decisions is that collective activity undertaken to obtain meaningful access to the courts is a fundamental right within the protection of the First Amendment. However, that right would be a hollow promise if courts could deny associations of workers or others the means of enabling the members to meet the cost of legal representation," the decision concluded.

Robert Connerton, general counsel of the Laborers, sees the court decisions as a natural adjunct to other progressive breakthroughs of the 1960s. "In the past decade, we have come a long way," Connerton said. "We witnessed a veritable revolution brought about by decisions of the Supreme Court and acts of Congress which have resulted in widespread acceptance of the principle that citizens have a right of access to competent counsel, in fact. First, the court ruled that the Constitution requires that indigent defendants in criminal proceedings be provided with legal representation.

"During this same period, the Congress enacted legislation which included provisions for free legal services as an essential weapon in the war on poverty," he said. "Since that time hundreds of thousands of poor people, through neighborhood legal service, and other federally financed plans, have been provided with decent legal representation and given a stake in the system they never possessed before."

Connerton also sees a far-reaching cumulative effect of these and related decisions. "It has long been commonplace in our society that the rich received adequate legal representation—that corporations, merchants and the like obtained the best legal help—but that the middle class and the poor could not afford proper counseling and suffered much in consequence," he said.

"Surely, in our system it was not the tenants who drafted the model landlord-tenant laws, the insured who drafted the insurance contracts, the debtors who drafted the installment contracts. Nor could they afford proper representation when disputes arose concerning the application of such instruments."

Legal assistance for the impoverished and accessible legal services for the wage earner through group plans could be major steps in correcting this imbalance in the future, Connerton said.

Court rulings have all but eliminated the previous barriers to the formation of group legal services—as far as objections of the bar are concerned. But while they have been greeted with dismay by some within the ranks of the bar and some local and state bar associations may continue to oppose group legal plans, they also have created some hope that the bar will now take a more realistic attitude toward the formation of such plans and indeed assist in this formation.

To some extent, this is being done. In 1968, the bar began serious exploration of prepaid legal service systems, appointing a committee to explore the field thoroughly and launch appropriate pilot programs which would allow the client a free choice of a lawyer in his community. And, as previously noted, the bar association is one of the Shreveport sponsors.

Indeed, some of the legal profession's most prestigious spokesmen are bluntly telling their brethren that group legal services plans are the coming thing and that if the bar members don't get into the research, planning, sponsorship and participation, they are going to be left out—to the detriment of the entire profession.

Robert W. Meserve, president-elect of the ABA, had some advice for the legal profession in the November issue of the ABA Journal in an article titled, Our Forgotten Client: The Average American.

"Fundamental changes in the mode of practicing law will be determined to our disadvantage" if lawyers do not make intense efforts to help provide better legal services to the persons of moderate means, he said. "We know from old and new public opinion polls . . . that a lawyer is generally regarded by the public as a necessary evil rather than as a helping hand" and that they have "a far from winsome public image," Meserve said.

Group legal service plans, he warned, are becoming more and more widespread. "The figures from California, Florida and Missouri show that somewhat more than 200 group arrangements exist in those states. If one visualizes the familiar iceberg concept, he can guess that there may be about 4,000 of these plans in the country," Meserve said.

Noting that many of these came about through activities of the union and include the preselection of lawyers, he adds that "while we may properly complain about the preselection feature of these group arrangements, the simple truth is that the profession itself has not given the trade unions any viable alternative to their closed systems. Our lawyer referral systems, no matter how well staffed and equipped with competent and available lawyers in special areas, do not respond fully to the demand for prepaid service."

Simply, he is telling the legal profession it has not handled this challenge; it has ignored the potential client of moderate means.

Obviously, legal insurance for the consumer, not just in trade unions but in the community and perhaps the country at large, could potentially have a tremendous impact on society in general.

Such legal insurance would make it economically feasible for a greatly displeased group of consumers or stockholders to put considerable pressure on large institutions. The man who regards a corporate action as an outrage is more likely to bring suit if he can afford the lawyer's bill. Amassing thousands of premiums would increase in the consumers clout tremendously.

"Whatever form they take, group legal service programs clearly offer an enormous potential for providing needed legal service to millions of Americans who otherwise could not afford it," says Bernstein.

As yet, however, not enough experience with the group legal plans has been compiled to show what should be the range of benefits provided and what would be a reasonable cost and system of payment. Not many of the beginning plans are yet self sufficient; the Shreveport plan is, as mentioned, a subsidized one with 2 cents per member per hour worked coming from the union. It's figured roughly that 7 cents an hour would fully support the plan.

Other plans are running at a loss while a "track record" is being compiled and estimates are made on what the total cost would be if the deductibles, such as in the Shreveport plan, were removed. One estimate is that a plan to pay all legal expenses involved in such matters as civil proceedings, felony trials, wills or divorces would cost nearly $10 a month per member, with an additional $4 if the family is included.

"We are now at the same historical stage of development with prepaid legal plans as medical plans were 25 years ago," Connerton says. "Unless unions participate now at the formative stage to use their mass purchasing power to insist upon quality services at a reasonable cost, then the same mistakes and waste which occurred in the medical service field will come to pass here."

The early returns also are encouraging in their efforts to persuade more workers to seek out lawyers and use their services. Group legal service holds the promise of becoming an important future development in collective bargaining as well as in other, more widely-based plans designed to bring the benefits of legal services to the forgotten middle American—and at a price he can afford.

ARE MEAT PRICES OUT OF LINE?

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. ZWACH. Mr. Speaker, there has been a good deal of talk, statements in the press and advertisements urging people not to buy beef because the price is too high.

In the last 20 years, the farmers' cost of production has doubled, wages for farm help have doubled, farm real estate taxes are 3.6 times higher, and they are paying twice what they had to pay for farm machinery.

At the same time, farmers are receiving approximately what they received 20 years ago for their products while wage earner's salaries have increased 340 percent.

Twenty years ago the consumer spent 23 percent of total income for food, today it is 16 percent.

But now that the farmer is getting prices that he received 20 years ago, especially for beef, advertisements are taken out against the farmer but nothing is said about the processing and the packaging that is done from the time the product leaves the farm until it is sold over the counter.

The record must be set straight and the consumer must understand who is to blame for higher prices. It must be placed squarely on the processors and the same food stores which are now asking cussumers to buy substitutes for "high-priced" meat.

CHAIRMAN CATHERINE BEDELL SPEAKS ON ROLE OF TARIFF COMMISSION IN THE 1970'S AND BEYOND

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. MINSHALL. Mr. Speaker, our esteemed former colleague, the Honorable Catherine Bedell, is doing a magnificent job as Chairman of the U.S. Tariff Commission. This comes as no surprise, certainly, to those of us who had the privilege of working with her during her service in the House of Representatives. This attractive, energetic lady has one of the keenest minds in the Nation's Capitol, combined with charm, wit and tact.

Mrs. Bedell was the keynote speaker at last week's Cleveland World Trade Conference, discussing the role of the Tariff Commission during this decade and later in an address that faces boldly and imaginatively the challenge of our present and future trade problems.

This is an important address which deserves the attention and consideration of all in the Congress:

THE ROLE OF THE TARIFF COMMISSION IN THE SEVENTIES AND BEYOND

It's a pleasure to be with you this morning to discuss the role of the Tariff Commission in the 1970's and beyond. As your keynote speaker, I find this a fitting subject within the context of your conference theme: "World Marketing—One Upmanship."

Under the sponsorship of the Cleveland World Trade Association you're devoting this day to concentration on some of the important aspects of international trade. As suggested by the Conference theme, your discussions will be dealing with how to cope with the new and complex problems resulting from rapid changes and shifts in trade patterns.

You are to be congratulated for focusing attention in this area. Every citizen of this nation has a big stake in this game, for if we come up with more wrong answers than right ones, we run the real risk of becoming a second class economic power.

At the U.S. Tariff Commission we bear a heavy responsibility to help both the Federal government and the private sector find the right answers, for economic intelligence can reduce the risk of one upmanship. Our statutory charter gives us the capability as a bipartisan fact-finding agency to assemble and provide this vital intelligence on which Congress and the President can make sound policy decisions affecting world trade.

Before telling you something about the Tariff Commission, there are a few things I hope you will keep in mind as you pursue your discussions today.

With the President's announcement on August 15, 1971 of major changes in his domestic and international economic program, we, as a nation finally faced up to the facts of life in terms of the economic situation at home and abroad.

In the best American tradition we had believed ourselves to be the world's foremost economic power. Somewhat simplistically we assumed we'd always remain so. This complacency over the past decade has lulled us into the feeling we need not change or review our policies and the implications of their impact on the world of international economics.

We were not alone. The rest of the world assumed that since we had been an economic superpower we would always remain one. In addition, everyone assumed the international monetary and trade system, created after World War II, which had worked well would continue to do so.

At home after years of seemingly unending success, we were lulled into neglecting productivity, quality, research and development and export marketing. We consistently ignored the warning signals only to hit an inflation rate of more than 6%, and a balance of payments deficit of more than $8 billion. A negative trade balance stared us in the face for the first time in almost 80 years. The handwriting was on the wall and strong measures were necessary to brake and reverse our declining trade position. President Nixon took them.

In the President's recent *Report to the Congress on Foreign Policy for the 1970's* he pointed out that world trade affects the standard of living and the welfare of citizens the world over. For this reason, the removal of barriers to the free exchange of goods in the international market has been a major cornerstone of U.S. policy since the 1930's.

The results have been impressive. Since World War II, tariffs of industrialized countries have been reduced one-third. Between 1950 and 1970, U.S. exports quadrupled from $11 billion to $43 billion. U.S. workers, farmers, and businesses have gained greater access for their products abroad while Americans at home have benefited from an increasingly wide variety of products from other nations. The postwar prosperity experienced by us and our trading partners has been enhanced by a growing trade between us which provides a solid underpinning for our strong political bonds.

In recent years however, international trading relationships have changed. The European Community and Japan are now centers of economic power and strong international competitors. The European Community today is the larger trading area in the world. Japan has made rapid advances in productivity and become a vigorous exporter.

These changes have focused greater attention on discriminatory trading arrangements which are assuming greater importance. Nontariff trade barriers have been erected, and past reductions in tariffs have exposed other barriers to trade which have not been dealt with adequately. Our problems at home have been complicated by the fact that these barriers in many cases, unwarranted and outmoded, are detrimental to our exports. They have been focal points of political friction and have held back growth in employment in specific U.S. industries.

As a nation, we are now taking strong measures to reverse our declining trade position.

The President's trade policy objectives in 1971 were:

To curb inflation and realign exchange rates, thereby increasing the competitiveness of American products;

To seek removal of specific barriers to U.S. exports;

To set the stage for further international negotiations leading to a more fundamental attack on trade barriers;

To strengthen the export competitiveness of American industry;

To facilitate adjustment of domestic industries to the pressures of excessively rapid import increases, and to assist in some cases with measures to cushion the impact of these pressures;

To broaden and increase opportunities for trade with Communistic countries.

The Administration has made progress in resolving a number of trade issues which will result in the removal of certain restrictions against American exports. It is working towards agreement with our trading partners to bring about multilateral negotiations in 1972 and 1973 with a view to a removal of barriers and an expansion of world trade.

Now with this background and the Administration's announced goals in mind, let me review with you what the Tariff Commission does and the implications of its work on trade policy and international economics.

If you've been wondering why you possibly don't know much about the Tariff Commission, let me assure you that you are not alone. You have lots of company, for the Commission seems to have been one of Washington's best kept secrets.

The Tariff Commission is a rather unique creature of government. It consists of six members, three Democrats and three Republicans appointed by the President, normally for six year terms. It reports directly to the President and Congress.

As you may recall from school days, the tariff has been a burning issue down through our nation's history. Through creation of an independent bi-partisan fact-finding agency Congress hoped to minimize politics in tariff matters.

The Commission was formally established on September 8, 1916. Its main objective as a fact finding body was to collect and analyze information on commodities entering in international trade—particularly competitive production costs and the effects of imports on domestic production.

In 1922, new legislation expanded the Tariff Commission's work four different ways.

1. The President could adjust, either up or down, individual tariff rates but only after completion of a Tariff Commission investigation.

2. It provided for investigations into unfair methods of competition as a means of safeguarding American industry.

3. The Commission was empowered to investigate any discrimination of any foreign country against U.S. commerce.

4. It was also empowered to investigate the cost of production and international competition.

These provisions, slightly modified by the Tariff Act of 1930, provide the legal basis for much of the Commission's work today.

The Commission is also directed or authorized to conduct investigations under provisions of the Trade Expansion Act of 1962, the antidumping Act of 1921 and the Agricultural Adjustment Act.

It also undertakes research and special studies relating to significant aspects of the commercial policy and international trade of the United States. These studies may be requested by the Congress, the President, or undertaken on the initiation of the Commission itself.

In recent years, as domestic industries, firms and workers have begun to feel the impact of foreign competition, and possible injury, the workload of the Commission has drastically increased. This past fiscal year. the Commission completed 86 of these investigations. Our case load increased four times over fiscal year 1970, and this year we've already started 53 investigations since July 1, 1971. The number continues to grow.

Section 301 of the Trade Expansion Act of 1962, authorizes the President to take measures to assist segments of the U.S. economy which are being injured or threatened with injury as a result of trade concessions. Under these provisions the President, subject to the findings of the Tariff Commission, may increase duties or impose other import restrictions. He may authorize assistance to industries, firms or workers. He may also take a combination of actions. However, the Tariff Commission must first determine that (as a result, in major part, of trade agreement concessions) an article is being imported in such increased quantities as to cause, or threaten to cause, serious injury to an industry or firm, or the unemployment or underemployment of a group of workers.

It is important to note that under the existing law the Tariff Commission must find injury within a narrow criteria. Here many industries and workers fail to understand that unless imports are due *in major part* to duty concessions, there is nothing the Commission can do even though imports may have increased substantially. There is no relief at present for the victim injured by imports which result from any other reason.

In addition to formal investigations, the Tariff Commission is also empowered by law to conduct in depth studies. At the request of two of our major "clients"—the President and the Congress—we have embarked on five significant studies that will require two years and thousands of man hours of work by Tariff Commission experts—studies that you will recognize as having tremendous implication for some of the most crucial trade decisions the United States must make in the seventies and beyond.

These studies include a multi-faceted approach to analyzing the competitiveness of American industry in the world of today.

Of prime importance is a study of the implications of multinational firms on world trade and investment. Also underway is a study on tariff and nontariff barriers among principal trading nations, a study of the nature and extent of tariff concessions granted in U.S. trade agreements, and a study of the customs valuation procedures of U.S. and foreign countries.

Now, these studies, coupled with our investigation load, have provided motivation to the Tariff Commissioners in another area. With the encouragement of the President and the Congress, we're spending a lot of time on a revaluation of the day-to-day administrative operations of the Commission itself. There are several things we are trying to do.

First, our initial preoccupation is the strengthening of the Commission staff which historically has been known for its excellence. In order to assume the role assigned to us by the Congress we must add experts from all fields—young people, and creative minds from the legal and economics professions. Quality must not be compromised.

Second, the Commission is broadening its scope of work. There's more to its role than an analysis of imports, and there's a wealth of information to be gathered abroad. We must find ways to pursue this problem more aggressively.

Third, the Commission must develop further sophistication in its work. It must find the most effective and accurate ways of utilizing automatic data processing techniques to greatest advantage. As an independent agency which must utilize statistical information from a wide variety of sources—public and private. I believe the Tariff Commission must provide leadership to improve the quality of foreign trade statistics and eliminate duplication of effort.

Our goal is still that set by the Commissions first Chairman, Dr. Frank Taussig who put it rather succinctly when he said, "We will proceed with care and method that we shall be accurate, painstaking, discriminating. We shall refrain from guess, rumor, exaggeration, vague and untested general statements. We will proceed in a scientific way if we gather all the information we can, sift it with care, present it clearly, and apply it intelligently".

In 56 years of Tariff Commission history there have been periods of controversy and even question for its need. Those questions are not being raised any more. With the advent of recent shifts in the world trade situation has come a wide spread appreciation of the need for sound fact finding based on one essential ingredient—objectivity. This is essential in the development of our nation's trade policy. There are other reasons.

First, a commission can develop a staff of high expertise. As an independent, bipartisan, fact-finding agency it is less susceptible to divergent forces in our domestic economy. It is less affected by the bias and prejudice of partisan controversy, and last but not least it provides continuity. Executive agencies change—so does the Congress!

Second, over the years the Tariff Commission has earned the trust of industry, as no other government body has, because it has respected and preserved the confidentiality of the information supplied it by business concerns and associations.

Perhaps the most important statutory role the Commission has is the authority to initiate research studies on its own motion. Through such an effort we can develop instructive and believable information that will be applicable and useful in the light of today's situation.

My fellow Commissioners and I are devoting more and more thought to this problem. We are concerned about what we should be preparing for, and how the Commission can be more responsive to the needs of Congress and the President. It can and should provide important insight into critical trade problems and issues as they develop rather than react to a crisis.

As Secretary of Commerce Peter Peterson pointed out in a recent speech before the White House Conference on the Industrial World Ahead, we spend many millions and even billions on defense intelligence and research in support of our international political and security relation ships. It seemed to him we should devote more governmental effort to a kind of world-wide economic intelligence effort, and he went on to say. "Getting a better handle on where we stand, and stand relative to others, is but a first step in developing a strategy for the future". I agree!

In this area what are the specific kinds of improvement and positive action that the President or Congress may wish to consider? How does this affect the Tariff Commission?

For example, a number of trade bills are now before Congress and the Administration will undoubtedly introduce additional proposals in the near future. As in the past, the Commission will be called upon for supporting information and assistance. It must be ready to respond.

In another instance, the elimination of unfair and deceptive trade policies in connection with the importation of foreign products is an objective that could be achieved through strengthening the Tariff Commission. Section 337 of the Tariff Act of 1930 contains a little known, and seldom used, provision that says in effect:

"Unfair methods of competition and unfair acts in the importation of articles into the United States, or in their sale—the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States, or to prevent the establishment of such an industry, or to restrain or monopolize trade and commerce in the United States, are—unlawful, and when found by the President to exist shall be dealt with, . . ."

The second paragraph of this section goes on to say:

"To assist the President in making any decisions under this section the Commission is hereby authorized to investigate any alleged violation hereof on complaint under oath or upon its initiative."

The basic authority to support the Commission's vital role is on the statute books. It must look ahead, and again I emphasize, it must provide the facts on which the President and Congress can act. As we serve these two highly important clients more effectively our role at the Tariff Commission can minimize injury from imports, facilitate reciprocal trade, and thereby strengthen the nation's economy.

What does all this mean to the Federal Government? What does it mean to business and labor? And how does it affect world marketing?

First, good solid economic facts are the basis for second trade policy decisions. A revitalized and strengthened Tariff Commission will mean the availability of objective information on a more timely basis so we as a nation will have the facts on which to act.

Second, the Commission will hopefully develop new and more sophisticated means at getting at this information that will benefit industry, labor and government.

Third, through new initiatives and studies the Tariff Commission can provide the supporting information on which Congress and the President can forge a trade policy for the 1970's. A policy where foreign importers must compete fairly according to the dictates of our laws, where American products are once more competitive here and abroad, and where we have expanded reciprocal trade.

If government in partnership with business and industry can succeed, we will have helped to reduce the risk of one upmanship in world marketing. The way will have been paved for meaningful and aggressive trade expansion. Through increased exports you as world marketeers can reverse the balance of payments problem, broaden our economy and strengthen our position as a leading exporter in the world.

I wish you well.

PRESIDENT'S ECONOMIC STABILIZATION PROGRAM

HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. BLACKBURN. Mr. Speaker, the President's Economic Stabilization Program has come under a great deal of criticism because of the departure of certain labor members from the Wage Board and the increase in prices. It has always amused me that the press tends to report only the adverse side of the President's program. Little coverage has been given to the success of the Committee on Interest and Dividends, which is headed by Federal Reserve Board Chairman Arthur Burns.

The Committee on Interest and Dividends—CID—was created by Executive Order 11627, dated October 15, 1971. The purpose of this Committee is to formulate and execute a program for obtaining voluntary restraints on interest rates and dividends as part of the President's post-freeze Economic Stabilization Program. The members of the Committee are the Chairman of the Federal Reserve Board—Chairman—Secretaries of Treasury, Commerce and Housing and Urban Development, and the Chairmen of the Federal Home Loan Bank Board and the Federal Deposit Insurance Corp.

With respect to dividends, the executive order of October 15, 1971, was promulgated pursuant to the President's earlier announcement of a comprehensive stabilization program in which he stated that "holding the line against inflation means holding all of that line." The Committee on Interest and Dividends regards the restraint of dividends as an important aspect of an effective stabilization policy, helping to assure that any increase in dividend income will be equitably related to increases in other types of compensation and contributing to healthy economic growth.

The CID was the first of the several organizations comprising the post-freeze economic stabilization program to issue a numerical guideline for 1972. Those Guidelines for Dividend Payments in 1972, issued on November 15, 1971, are the core of the dividend restraint program. As a general principle, the guidelines provide that payment of dividends in 1972 should be restricted to 4 percent above the base year. Other provisions defined the coverage of the guidelines and stipulated that the dividend freeze imposed in mid-August was extended through 1971. The Committee had since issued seven amendments that have modified the original dividend guidelines.

Since assuming responsibility for the dividend restraint program from the Cost of Living Council—COLC—the CID has reviewed thousands of dividend declarations by the approximately 7,000 U.S. companies now covered by the guidelines. As of early March 1972, dividend declarations by 17 companies were found by the CID to be inconsistent with the voluntary programs, and all 17 companies agreed to rollbacks or offsetting arrangements. The COLC had found an additional 12 companies to be inconsistent with the program and all 12 of these companies also had agreed to rollbacks or offsetting arrangements.

In the interest area, the Committee on Interest and Dividends is developing a program to obtain voluntary restraints on interest rates. At the outset, particular attention has been focused on interest rates that closely affect American families, including residential mortgage and consumer credit rates. Mindful that some other rates have been sluggish in adjusting to movements in overall market rates, the committee had under surveillance the rates charged by a variety of institutions.

The interest program of the CID consists of three parts: First, surveillance of interest rate developments; second, reports of developments to the Cost of Living Council and the public; and third, contracts with lending institutions and other organizations knowledgeable about interest rates.

NEW SECURITY CLASSIFICATION EXECUTIVE ORDER PERPETUATES CENSORSHIP AND SECRECY

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. MOORHEAD. Mr. Speaker, on March 21, 1972, I inserted in the CONGRESSIONAL RECORD (E2774) a section-by-section comparison and staff analysis of the old Executive Order 10501 and the new Executive Order 11652, scheduled to become effective on June 1, 1972, entitled "Classification and Declassification of National Security Information and Material."

In my introductory remarks, I summarized the major defects of the new order, its technical errors, and its shoddy handling of the administrative details involved in the important security classification area. I asserted that, despite the eloquent description of the shortcomings in our present system contained in the President's statement accompanying the new order, our careful analysis of its contents shows that it is a very restrictive document. In subsequent testimony before the Foreign Operations and Government Information Subcommittee, former Ambassador Arthur Goldberg called it "overly restrictive." Moreover, the analysis showed glaring loopholes, too many savings clauses, and procedures that would have the very opposite effect from that claimed by the President in his announcement statement. In my judgment, it is a document written by classifiers, for classifiers, that will only perpetuate the security classification management bureaucracy—without dealing with the real problems of the system as a whole.

Mr. Speaker, I was pleased to note an article about the new Executive order, written by Mr. William G. Florence, that appears in the current issue of the Federal Times. His article confirms, in large part, the serious shortcomings in the new order that are described in the subcommittee staff analysis. Mr. Florence is one of the outstanding experts on the security classification system in the United States. He served for some 43 years in military and civilian capacities in our Government and assisted in the policy preparation of Executive Order 10501 and its implementing directives. He retired from the Air Force last summer and was a witness before the Foreign Operations and Government Information Subcommittee at our hearings in June 1971, in which we most recently examined the deficiencies of our security classification system in connection with the publication of the so-called Pentagon papers.

Mr. Speaker, Mr. Florence's article clearly illustrates the major deficiencies of Executive Order 11652 and again points up the urgent need for Congress to consider a legislative alternative to remedy the important problems inherent in attempting to deal with security classification matters by Executive orders. The text of the aricle follows:

NEW SECURITY CLASSIFICATION EXECUTIVE ORDER PERPETUATES CENSORSHIP AND SECRECY

(By William G. Florence)

Executive Order 11652, subject: Classification and Declassification of National Security Information and Material, was signed by the President March 8, 1972. Effective June 1, 1972, it will replace Executive Order 10501, subject: Safeguarding Official Information in the Interests of the Defense of the United States, November 5, 1953.

In his statement announcing the new order, the President expressed awareness of the fact that "the system of classification which has evolved in the United States has failed to meet the standards of an open and democratic society." He condemned "the controls which have been imposed on classification authority" as having "proved unworkable," and stated that "the many abuses of the security system can no longer be tolerated."

The issuance of Executive Order 11652 was described by the President as an action "designed to lift the veil of secrecy which now enshrouds altogether too many papers written by employees of the Federal establishment." He acknowledged that "we cannot be assured of complete success," since "we must rely on the good judgment of individuals." However, the President stated: "I believe that our new approach does provide a basis for considerable optimism."

The Assistant Attorney General (Office of Legal Counsel) and the Department of Defense General Counsel testified in detail March 8–14, 1972 about Executive Order 11652 before two committees of Congress. They expressed the view that the new order would increase the flow of information to the public. It was their contention that (1) unnecessary classification would be reduced, and (2) declassification would be accelerated.

This writer has studied Executive Order 11652 in the light of his experience as a security policy officer in the Federal Government for 26 years and a security consultant to government contractors since retirement in May 1971. Comments regarding the new order follow.

TYPE OF SYSTEM

The system for classifying information as top secret, secret, and confidential is outdated. It is substantially the same as the Army and Navy used before World War II to classify a very small volume of military information as secret or confidential. The system cannot work in a gigantic bureaucracy of millions of employees with millions of classification stamps.

SCOPE

A major improvement in Executive Order 10501 was substitution of the narrow terms "national defense" and "defense information" for the broader terms "national security" and "security information" that were used in Executive Order 10290. Reinstatement of the vague term "national security" in Executive Order 11652 invites wider classification coverage. (Also, the order is at variance with laws using the term "national defense.")

PREAMBLE

The claim that information classified under the order is exempted from public disclosure by the Freedom of Information Act is false. Exemptions are *permissive,* not mandatory. Also, the order misrepresents any "wrongful disclosure" of classified information as being a crime and subject to prosecutive action under the Federal Criminal Code. The truth is that there is no basis in law for an Executive order to threaten the press, members of Congress or anyone else for wrongful disclosure of information.

NUMBER OF CLASSIFICATIONS

Multiple classifications invite confusion, promote uncontrollable overclassification, and reduce the effectiveness of the security system. But the new order keeps three classifications. According to the Department of Defense General Counsel, adoption of a single classification was rejected because (1) NATO has a multi-category system, and (2) a top secret clearance would be expected for everybody, which would be too expensive. He did not reflect the fact that (1) we eliminated the restricted classification in 1953 after NATO had adopted it, and (2) clearances for access to classification categories are virtually worthless. Anyway, an individual's duties determine whether to permit him access to a given item of classified information.

CLASSIFICATION CATEGORIES

The top secret category in the new order is at least as broad as it is now. The secret category could include more information than at present. Programs need not be of vital importance any longer. The new confidential criterion "expected to cause damage to the national security" includes as much information as the existing "prejudicial to defense interests of the nation."

AUTHORITY TO CLASSIFY

Under Executive Order 10501, classification authority may be exercised only by a department head and such other persons as he or his representative designates. The delegation "shall be limited as severely as is consistent with the orderly and expeditious transaction of Government business." The *new* order only requires that (1) the head of a top secret classification department designate other persons who may classify as top secret, and (2) that the head of a secret classification department designate other persons who may classify as secret. In the top secret classification departments, *whoever* is delegated top secret classification authority may in turn designate *any or all* of his subordinates to classify as secret. In both the top secret and secret classification departments, *whoever* is delegated secret classification authority may in turn designate *as many* "officials" as he wishes to classify as confidential. The new order will eliminate existing controls and proliferate classification authority far beyond that envisioned by Executive Order 10501.

DECLASSIFICATION

Executive Order 10501 states that when classified information or material *no longer* requires protection, *it shall be declassified.* Heads of departments were directed to establish effective declassification programs on a continuing basis. Executive Order 11652 only states *who* shall *exercise* declassification authority. It does not require or even suggest any declassification of *current* information. The people could be getting *less* information in the future to use in making their decisions.

SCHEDULE FOR AUTOMATIC DECLASSIFICATION

Administration spokesmen have represented the new 10–8–6-year *automatic* declassification schedule in the new Executive order for top secret-secret-confidential information as the answer to the public's right of access to *historical* material. But the various authorizations for exemptions from automatic declassification will permit at least as much information to be kept classified as at present. For example, the following exemption in the new order is as broad as its counterpart in the existing order: "Classified information or material disclosing a system, installation, project or foreign relations matter the continuing protection of which is essential to the national security."

DISSEMINATION CRITERIA

The existing order limits dissemination of classified information to persons for the performance of *official* duties in the interest of promoting the national defense. The new order *expands* the dissemination criteria to persons whose access "is necessary for the performance of his duties." The limitation to official purposes has been eliminated. This reflects the wider scope of the new order as compared with Executive Order 10501.

SPECIAL ACCESS PROGRAMS

The new order broadens the authority of departments to establish "special access" programs, with special stamps to keep the people from knowing about them. The additional restrictions exist only because the effectiveness of classification markings has been ruined by wide abuse. Evidently, improvement is not foreseen.

FORMER OFFICIALS

The new order will permit former Presidential appointees to have access to any classified material which they signed or approved, or which came into their respective offices. This unjustifiable special privilege policy could only have been adopted in anticipation of continued massive unnecessary classification and massive unnecessary exemption from declassification.

POSSIBLE SANCTIONS

The new order, for the first time, requires that a person who abuses the classification process be told that he has violated a Presidential instruction. "Repeated abuse" will be grounds for a possible administrative reprimand. This has been hailed as a step forward in controlling overclassification. But the requirement will have no effect on the blanket application of classification assigned by departmental regulations or classification guides for specified programs. And there really is no basis in language such as "repeated abuse" to assume that individuals will be reprimanded. However, anyone unfortunate enough to be accused of mishandling documents with a counterfeit classification will probably get punished severely.

SEPARATE INSTRUCTIONS

Additional instructions will be issued by the President on access, marking, safekeeping, accountability, transmission, disposition and destruction of classified information and material. The procedures will control the effectiveness of the new order. Unquestionably, the reason that they were not published with the other instructions was that the people who drafted and staffed the order could not agree on what was needed. When the procedures are issued they will reflect the different purposes and operations of the participating departments. The basic principle that security is the responsibility of command will surely be sacrificed for committee compromise.

INTERAGENCY CLASSIFICATION REVIEW COMMITTEE

A committee of representatives of the Departments of State, Defense and Justice, the Atomic Energy Commission, the Central Intelligence Agency and the National Security Council, plus a chairman, will be established. Its functions will be (1) to oversee department actions to ensure compliance with the new order, and (2) to review complaints and suggestions made by anyone and assure that affected departments take appropriate action. But, in truth, no committee of employees can require that a department head do anything that he does not choose to do.

If the people want unnecessary secrecy eliminated regarding Executive branch operations, they must look somewhere other than Executive Order 11652 for the answer. The President changed the number and some of the language in the existing order. But he re-established the same system for administrative classification and censorship that he condemned as having failed to meet the standard of our open and democratic society.

It is clearly the responsibility of Congress to correct the abuses of administrative power being exercised under Executive Order 10501. Along with other action now being considered, legislation could be enacted to define the national defense data that must be protected. Responsibility for administration of the law by the Executive branch would be determined by Congress, not the President.

A BRIEF LOOK AT ENVIRONMENTAL CAUSES OF ACTION

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. WILLIAM D. FORD. Mr. Speaker, an excellent article on environmental law written by Mr. James W. Moorman, a member of the District of Columbia bar, recently came to my attention. This article, which appears in the Janary 1972 edition of the Practical Lawyer, provides a clear and concise summary of the theories of actions under which lawsuits may be brought to protect our environment.

It is based on a paper delivered at an ALA–ABA Course of Study on Environmental Law in Washington, D.C., cosponsored by the Smithsonian Institution, and it contains a wealth of information for all of us who are committed to protecting our environment. I was especially pleased to note Mr. Moorman's reference to Michigan's new environmental protection act which allows citizens to bring suits for the protection of the environment.

Mr. Speaker, at this point I would like to insert this article, entitled "A Brief Look at Environmental Causes of Action," into the RECORD for the perusal of my colleagues:

A BRIEF LOOK AT ENVIRONMENTAL CAUSES OF ACTION

(By James W. Moorman)

This article will provide a brief survey of the theories of actions under which lawsuits may be brought to protect the environment. These suits fall into three general categories. The first two will be mentioned in passing, with greater attention being devoted to the theories and pleadings concerning the third.

GOVERNMENT AS ENVIRONMENTAL PROTECTOR

The first category consists of lawsuits in which the Government, either as plaintiff or as defendant, is on the side of environmental protection. There are many such cases, and they were, up until 1970, probably the most important environmental lawsuits.

To some extent, actions in which the United States seeks to protect the environment involve claims or causes of action that are not available to the private party.

Government as plaintiff

Examples of this category where the Government is plaintiff are suits under:

The Refuse Act [Rivers & Harbors Act of 1899, § 13, 33 U.S.C. § 407. See, e.g., *United States v. Standard Oil Co.*, 384 U.S. 224 (1966); *United States v. Republic Steel Corp.*, 362 U.S. 482 (1960)];

The Federal Water Pollution Control Act [33 U.S.C. § § 1151–75; *United States v. City of St. Joseph*, 1 Environmental Law Reporter [cited, E.L.R.] 10124 (W.D. Mo. 1960)]; or

The Clean Air Act [42 U.S.C. § 1857–1858a; *United States v. Bishop Processing Co.*, 287 F. Supp. 624 (D. Md. 1968), *aff'd*, 423 F.2d 469 (4th Cir. 1970), *cert. denied*, 398 U.S. 904 (1970)].

Government as defendant

When the Government is protecting the environment as the defendant, it is usually because some private party is attempting to overturn an administrative decision. A recent prominent example is the case of *Zabel v. Tabb* [430 F.2d 199 (5th Cir. 1970)], in which the Corps of Army Engineers denied a permit to dredge and fill navigable waters.

Another case is the *Nor-Am* decision, in which the Court of Appeals for the Seventh Circuit *en banc* upheld the decision of the Department of Agriculture to suspend registrations of poisonous mercury fungicides. *Nor-Am Agricultural Prod., Inc. v. Hardin*, 435 F.2d 1151 (7th Cir. 1970).

An unusual case is one such as *Udall v. Federal Power Commission* [387 U.S. 428 (1967)], which involved a suit by a government officer against a government agency, in which the Court itself pointed out the environmental protection factors with little assistance from either party.

SUITS BETWEEN PRIVATE PARTIES

A second category of suits consists of those brought by private parties against private parties. This is an intriguing group, because it includes two distinct subcategories, one crumpled and perhaps ready for the junkyard, the other so new and shiny that it is virtually unassessable.

The old subcategory consists of the common law causes of action in nuisance, trespass, and negligence. These causes of action have some life in them yet, but they have not saved our environment. The author has found them uninteresting and hard to use effectively in practice.

Statutory causes of action

The second subcategory involves statutory causes of action, which are for the most part very new, but in one case involves a revival. It is far too early to tell whether any of them will be significant.

Of greatest interest is Michigan's new Environmental Protection Act, which allows citizens to bring suits "for the protection of the air, water and other natural resources and the public trust therein from pollution, impairment or destruction." MICH. COMP. LAWS ANN. §§ 691.1201–07 (1970). (Similar statutes have recently been enacted in Massachusetts and Minnesota.)

Another cause of action is provided in section 12 of the Clean Air Amendments of 1970, which amends section 304 of the Air Quality Act to allow citizens to enforce emission standards and orders related thereto and other duties under the Act. Pub. L. No. 91–604, 84 Stat. 1676, 1706.

In addition, some lawyers have seen a cause of action in section 101(c) of the National Environmental Policy Act, which states:

"The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment." 42 U.S.C. §4321(c).

Finally, there is an old idea that has recently been revived: The *qui tam* action under the Refuse Act of 1899 [33 U.S.C. §411], whereby the citizens sues to collect one-half the penalty provided by that statute. See HOUSE COMM. ON GOV'T OPERATIONS. QUI TAM ACTIONS AND THE 1899 REFUSE ACT: CITIZEN LAWSUITS AGAINST POLLUTERS OF THE NATION'S WATERWAYS, 91st Cong., 2d Sess. (1970).

So far *qui tam* actions have not been notably successful. Seen e.g. *Durning v. ITT Ray-onier, Inc.*, 1 E.L.R. 20040 (W.D. Wash. 1970); *Bass Anglers Sportsman Soc'y v. United States Steel corp.*, 324 F. Supp. 412 (S.D. Ala. 1971).

All these statutory causes of action, new or revived, are still unproven. Complaints have been filed, but it is not yet the time to assess the results.

PRIVATE SUITS AGAINST THE GOVERNMENT

The third category of suits are those by private citizens against federal officers or agencies to protect some environmental value. The last two years have produced a sensational crop of these cases.

To name some of the prominent cases:

The Sierra Club/Disney fight over Mineral King. *Sierra Club v. Hickel*, 433 F.2d 24 (9th Cir. 1970), *cert. granted*, sub nom. *Sierra Club v. Morton*, 91 S. Ct. 870(1971).

The Alaska Pipeline case. *Wilderness Society v. Hickel*, 1 E.L.R. 20042 (D.D.C. 1970).

The Cross-Florida Barge Canal case. *Environmental Defense Fund, Inc. v. Corps of Engineers*, 324 F. Supp. 878 (D.D.C. 1971).

The DDT cases. *Environmental Defense Fund, Inc. v. Hardin*, 428 F. 2d 1093, 1 E.L.R. 20050 (D.C. Cir. 1970); *Environmental Defense Fund, Inc. v. Ruckelshaus*, 439 F. 2d 584 (D.C. Cir. 1971).

The East Meadow Creek case. *Parker v. United States*, 309 F. Supp. 593 (D. Colo. 1970), *aff'd*, 448 F. 2d 793 (10th Cir. 1971).

The Hudson River Expressway case. *Citizens Committee for the Hudson v. Volpe*, 425 F. 2d 97 (2d Cir. 1970); 302 F. Supp. 283 (S.D.N.Y. 1969).

The Overton Park case. *Citizens to Preserve Overton Park v. Volpe*, 91 S. Ct. 814 (1971).

Importance of citizen suits

There are probably several reasons why this type of suit has been so prominent recently. In the first place, the common law causes of action have not been adequate. Second, suits under the new statutory causes of action have not yet ripened. Third, the Government has been slower lately than the citizen groups to attack environmental problems.

Activity by the Government is increasing, however, and the citizen suit against federal officers may lose its dominant position soon. For the time being, at least, citizen suits are the most important. It is, therefore, worthwhile to consider their elements.

Federal contact or action

The first prerequisite of such a lawsuit is that a federal contact or action must be involved. This can mean a federal project, such as the Cross-Florida Barge Canal. It may, on the other hand, simply involve a federal grant of money or a federal permit.

For example, a suit in Virginia involved the placement of a penitentiary in an historic district. *Ely v. Velde*, 1 E.L.R. 20082 (E.D. Va. 1971). There the federal contact was a grant by the Law Enforcement Assistance Agency, a branch of the Justice Department.

Violation of statutory duties

Second, the federal action in question must be in conflict with a statute designed to protect the environmental value in question. There are many such statutes: the Federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. §§ 135–135k], the Wilderness Act [16 U.S.C. §§ 1131–36], the Air Quality Act (above), and so forth. See Moorman, *Primer for the Practice of Federal Environmental Law*, 1 E.L.R. 50001 (1970).

Far and away the most important act now on the books is the National Environmental Policy Act [42 U.S.C. §§ 4321–47], which covers most federal actions.

To put it another way, a federal officer must take unlawful action or fail to do his lawful duty. In the pleadings, the statutory duties violated should always be alleged with specificity.

Standing to sue

Third, the plaintiff must have standing to sue. For this purpose, the latest rule is set forth in *Association of Data Processing Organizations v. Camp*, [397 U.S. 150 (1970)]. In view of the Ninth Circuit's recent decision in the *Mineral King* case (above), it is wise to plead the basis of standing in the complaint.

Jurisdiction

Fourth, the court must have jurisdiction to review the action of the government official. There are several jursdictional bases. 28 U.S.C. § 1361 provides jurisdiction for relief in the nature of mandamus against the officer who fails in his duty.

Generally, review under the Administrative Procedure Act [5 U.S.C. §§ 701–06] is available, either in the District Court, or in a court of appeals under a special review statute. There is a dispute over whether or not the APA is a jurisdictional statute, but it appears that the weight of authority holds that it is. One must also consider whether the decision involved is a reviewable decision. In this regard, every lawyer here should be aware of Justice Harlan's opinion in the case of *Abbott Laboratories v. Gardner* [387 U.S. 136 (1967)] and its progeny, including *Citizens to Preserve Overton Park v. Volpe* (above).

Section 12 of the Clean Air Amendments of 1970 provides its own jurisdictional base for suits under section 304 of the Clean Air Act [42 U.S.C. § 1857h–2]. Also, in all these cases, one must consider the problem of the sovereign immunity of the United States to injunctive relief, which is still alive in certain circumstances.

Exhaustion of administrative remedy

Fifth, you must be sure you have exhausted your administrative remedy. This can present quite a serious problem and may require a bit of foresight and planning. You may have to begin with a petition to the administrator, or attempt to intervene in an administrative matter. The recent DDT cases are instructive in this regard. See *Environmental Defense Fund, Inc. v. Hardin*, above. An example of the problems that can occur are evident in the case of *Audubon Society v. Johnson* [1 E.L.R. 1709 (S.D. Tex. 1970)] and *Sierra Club v. Hardin* [Civil No. A–16–70 (D.C. Alaska, Mar. 25, 1971)].

Equitable relief

Sixth, the problem must be suitable for equitable relief. You will not be seeking relief. You will not be seeking damages, but injunctive or mandatory relief. Thus, you must be able to stop action or reverse a decision.

Once the action is taken you are usually without remedy, although there are exceptions. Generally you cannot get an order taking the bridge down, so to speak. Thus the art of the preliminary injunction is one that must be studied with some care.

Merits

Finally, you must have a pretty good case on the merits. There is a general presumption that administrators are doing the right thing. The judge will usually want a clear indication that you are right before he will rule for you.

A LOST BATTALION

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. DERWINSKI. Mr. Speaker, this week, as we commemorate National Week of Concern for Prisoners of War and Missing in Action in Southeast Asia, I am pleased that an outstanding publication serving the constituents in my district has produced a meaningful and timely editorial which puts the proper emphasis on this subject.

The editorial was carried in the Homewood-Flossmoor Star of Thursday, March 23.

The editorial follows:

A "LOST BATTALION"

The Viet Nam conflict, as everyone knows, is gradually "winding down," and it is expected that before long all combat operations in that part of the world involving United States troops will cease altogether. But even after this happens, the hardships now being endured by a large group of Americans may not end. They are the estimated 1,500 U.S. servicemen imprisoned or missing in action in Southeast Asia, some for as long as eight years.

By now most people know something of the reports of inhumane treatment that has been accorded U.S. POWs, but few can fully appreciate the depth of anguish and despair that these men experience daily. The North Viet Nam government and its allies in South Viet Nam and Laos have consistently refused to release sick and wounded prisoners, or even to identify all the men they hold.

Captives of the Viet Cong and the Pathet Lao are not allowed to write to their families, and no enemy POW camp has yet been opened to impartial inspection.

In order to focus attention on the plight of these POWs, the Congress and President Richard Nixon have proclaimed March 26–April 1 as National Week of Concern for Prisoners of War and Missing in Action in Southeast Asia.

As part of the observance, the National League of Families, which is composed of relatives of POWs and includes south suburban residents, is urging all Americans to join in efforts to induce the Hanoi government:

To treat prisoners-of-war humanely.

To release an official list of POWs.

To provide information about U.S. servicemen known to be dead.

To release the seriously sick and wounded.

To allow a free flow of mail to and from POWs.

There is evidence that Hanoi and its allies will respond to public opinion—but they cannot hear the silent majority. All of America should speak out. This can be accomplished by writing to the appropriate foreign governments, particularly the president of the Democratic Republic of Viet Nam, Hanoi, North Viet Nam, letting them know that on this crucial issue the American people are united. Air mail postage to Hanoi is 25 cents per one-half ounce.

Whatever the differences among Americans, there is no room for dissent on the subject of fair treatment of our prisoners.

AGAINST ARBITRARY FEDERAL DECISIONS

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. HOGAN. Mr. Speaker, there is only one word to describe some Federal Government bureaucrats—unbelievable.

Somehow they get themselves all burrowed in on a top floor with a nice view and pretty soon they begin to forget that their decisions affect real people and not just statistics.

A prime example of this insensitivity and disdain for local prerogatives is what happened recently to the city of Greenbelt which is in my district.

The owner of Marshall Hall Amusement Park appeared before a Senate subcommittee and calmly announced that he had made a deal with the National Park Service whereby he would exchange Marshall Hall's land for some 400 acres in Greenbelt adjacent to the city of Greenbelt.

After reading the letter of agreement with the National Park Service, the entrepreneur went on to promise that he would not use the land for an amusement park, as originally intended, but rather to develop a golf course, skating rink, and the like.

Luckily, because of my prior and continuing interest in the Marshall Hall property and its proposed acquisition for Piscataway National Park, one of my staff members was attending the subcommittee hearing.

We immediately called the mayor of Greenbelt and learned that the city had never even been contacted about the deal.

There had been no notification, no public hearings, no opportunities for Greenbelt or surrounding communities to give their views on the proposed swap—nothing. Just a closed door meeting between Park Service officials and the owner of Marshall Hall.

We and the city of Greenbelt's officials swung into action, strongly protesting the fact that no local officials had been consulted and demanding an opportunity to be heard.

The next day a representative of the Department of the Interior appeared before the subcommittee and said no such land swap would be allowed. And today it appears to be a dead issue.

But the whole experience demonstrates, I think, how vulnerable local communities can be to the arbitrary decisions of some Federal bureaucrats who have forgotten what Federal service is all about.

In this same context, I met recently with Winfield Kelly, chairman of the Prince Georges County Council, and Councilman Francis White to discuss the possibility of legislation to give local government a greater voice in Federal construction projects.

I am investigating the possibility of legislation which would require a Federal agency that wishes to construct a Federal building to submit a statement to Congress that:

One. The proposed construction conforms to locally established land use patterns, or

Two. A satisfactory resolution of possible conflicts in the proposed use has been ironed out following public hearings, or

Three. No satisfactory resolution of the conflict could be reached despite public hearings.

CONGRESSMAN DANIELS PAYS TRIBUTE ON BYELORUSSIAN ANNIVERSARY

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. DANIELS of New Jersey. Mr. Speaker, March 25 marked the 54th year since the people of Byelorussia proclaimed their status as an independent democratic state. The first all-Byelorussian Congress proclaimed the independence of the Byelorussian Democratic Republic on March 25, 1918. Ten million citizens enthusiastically embraced this first assertion of independence after years of tyranny and oppression by an assortment of colonial powers.

However, this celebration of spirit was short lived. On January 1, 1919, the Soviet leaders annexed the territory of the Byelorussian state and initiated a dictatorship of its people. Hundreds of thousands of Byelorussians died as a result of this outrageous act of aggression by the Communist power.

Although Lenin proposed for all non-Russian nations previously conquered by the Russian empire the right for self-determination including separation from Russia, the Soviet Government has continually disregarded even the existence of these people. Like millions of other oppressed victims of Communist imperialism, the people of Byelorussia have been deprived of the right of self-determination and remain the unwilling captives of tyranny behind the Iron Curtain.

The issue continues to be one of freedom. Time and time again, Byelorussians have openly declared their desire to be free to live as they choose.

It is clear that continual efforts by Communist puppet leaders have failed to eradicate the national spirit of the Byelorussians who have not forsaken their desire for the restoration of democratic government as embodied by the Republic which the Soviets overthrew. This spirit of independence is maintained by these brave people despite the fact they are not allowed to speak their own language, practice their religion, or to have political representation. Byelorussia's acceptance as a charter member of the United Nations demonstrates the fact that its people are recognized as a separate and distinct nationality by the rest of the world.

It is only fitting that we join with free people everywhere who support the hope that the day will come when Byelorussians will be able to live free and independent lives.

IS A VIABLE NATIONAL TRANSPORTATION POLICY EMERGING?

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. ROSTENKOWSKI. Mr. Speaker, the problems of financing urban transportation have received a considerable amount of attention in the past few months. Hearings have been held in both the House of Representatives and in the Senate on the issue of subsidies for urban mass transit; and most recently the question was again raised by the Department of Transportation's suggestion of a single transportation trust fund.

Because of the current interest in this topic in both Houses of Congress, I would like to insert in the RECORD, the remarks of Milton Pikarsky, commissioner of public works, of the city of Chicago which he recently made at the annual conference of the American Society for Public Administration in New York City.

Commissioner Pikarsky, a nationally known expert in the field of transportation planning and construction, stressed the need for a comprehensive approach to the problem if we are ever to realize the goal of a truly national transportation policy.

The remarks follow:

IS A VIABLE NATIONAL POLICY ON URBAN TRANSPORTATION EMERGING?

Good afternoon Mr. Chairman, fellow panelists, ladies and gentlemen:

The issue under discussion is whether there is a concerted effort toward developing a national policy that would not only cure the ills of urban transportation, but will also foster a better urban life.

I am sure all of us will readily agree that there is a need for a national policy on urban transportation as much as a policy on housing, employment, education, or welfare. Most of us will also agree that such a policy does not exist today, and what does exist is not a "viable" one, as evidenced in the multitude of urban transportation problems observed by experts and average citizens alike. But our task today is not to discuss the "status quo." What we hope to do is to look at the future, in relation to the present, to see whether there has been enough groundwork to indicate that such a policy will soon appear in the horizon.

Let us set the proper framework for the task: What is a policy, and what makes it viable?

First of all, the general goals and derived specific objectives must be identified;

Secondly, the present and future needs must be determined in both qualitative and quantitative terms, and an order of priorities must be set in relation to the objectives; and

Thirdly, strategies must be developed to fulfill the objectives.

This completes the cycle for policy development. But, the identification of strategic objectives as policies will not complete the ultimate task. It must be followed by a set of concrete programs which should include the proper allocation of physical and financial resources to ensure their implementation. Unless this final step is carried out, a policy statement will be no more than a series of platitudes which will exist on paper while the transportation systems of this nation will continue deteriorating.

Before we despair, let us test the urban transportation picture against our general framework. First of all, it must be recognized that we must have general urban goals and general transportation goals in order to define the urban transportation goals. We will contend that recent emphasis on these areas has produced a set of goals and objectives that are generally agreed upon and stated as follows:

As a service, transportation must provide maximum mobility to all; and

As a tool, it must enhance the urban environment by creating desirable land-use and social patterns.

Until recently, the identification of needs has followed a short-term and fragmented approach. The 1972 national transportation needs study is the first large-scale effort to document nationwide needs for all modes and for different time horizons. Local agencies have participated in this effort with hopes that it will not remain as a statement of needs but that it will form the basis for choosing strategic objectives and developing programs that would be responsive to the needs. With such hopes, we will assume that the second step of our policy development cycle is being carried out in a rational manner.

Even if we accept that objectives and needs have been identified, there has been little to indicate that a national policy is in the making. It is granted that certain concepts have received sufficient breadth of support to pave the way for meaningful development.

To name a few: The concept of balanced transportation, provision of mobility to the disadvantaged, the development of systems that are compatible with the environment. These are ideas that have caught the public's attention and have been endorsed by urban experts and government leaders at all levels.

I will single out the concept of balanced transportation for discussion. Everybody has been talking about it, at the federal level all of the modal administrators have endorsed it, even the state highway departments have subscribed to the principle that it is the only way to reduce highway costs. Yet, in all honesty, one will have to say that very little is being done about it. Programs are still administered in a piecemeal fashion, funds are still appropriated in gross inequities among the modes, and public transportation is still faced with deterioration. In fact, even the modest sums that have been appropriated under the Urban Mass Transportation Act of 1970 are being obligated at a pace that is far from being desirable. The current program is further crippled by the exclusion of operating subsidies.

There is no need to elaborate on the inequities in resource allocation. The highway trust fund has produced the interstate system, the largest single public work project in history since the great wall of China. The use of highway funds for complementary work in public transportation is just beginning to generate support from highway interests, although there is still a great deal of resistance from many, including those who subscribe to the theory of balanced transportation. A very encouraging sign is the recently announced program which has been submitted to Congress by Secretary Volpe. Under the bold proposal, monies from the highway trust fund will be made available to urban areas for use in *capital* improvement in any form of transportation. This will be a major breakthrough since it will enable local units to develop the most needed segments of their transportation systems. In his usual fair manner he has acknowledged that his proposal is by no means final and complete. There are serious questions as to funding adequacy and as to recipient agencies. Volpe's step is already finding resistance from certain highway interests. But even if an enhanced program is adopted, it will still fall short of existing needs since the Secretary's proposal fails to include essential assistance for operating expenses without which the much talked about "balanced transportation policy" will not be achieved.

Of course, there are other factors, outside the field of transportation, that make it difficult to achieve a balanced transportation system. The most critical factor is the pattern of land development. We all know that low densities resulting from urban sprawl are conducive to the automobile. The urban planner blames the highway engineer, while the highway engineer says that his roadway contributions merely serve the planned land development. And the story of "which came first, the chicken or the egg?" continues. We must realize, once and for all, that this is a process of cumulative interaction, and that if we are to have a sound urban transportation policy, it must be accompanied by a compatible urban land policy. At the present, neither one exists, and—ironically—this absence of public vis-a-vis public transportation has been a major contributor to the unbalanced transportation system existent in our Nation.

I would like to mention another transportation policy which has received theoretical support but not the proper action. The current UMTA program wants to help the disadvantaged in providing them mobility and job accessibility. Yet, what do we see in actual practice? The programs do not support operating expenses, and since public transportation operators are caught in the spiral of costs, the public transportation carriers keep increasing their fares. As a result, the poor and the disadvantaged are faced with the fact of having to support the fare box at ever increasing levels. They do this, out of their social security and welfare payments. Is this a viable policy?

It can be argued that it is our social programs that are failing, and not our urban transportation policies. But, it does not help to blame another element of government services. What is needed is a comprehensive set of policies that properly relate the transportation programs to social goals, as with the case of urban land development.

Another missing element of urban transportation policy is the absence of well-defined governmental responsibilities and institutional framework. The Federal role vis-a-vis the State or city roles is not very clear. While there is a stated policy for increased local decision-making, in practice this is contradicted by increased "strings" that are attached to the programs. Obviously, this is not in line with a sound policy in urban transportation.

In conclusion, we are beginning to recognize the deficiency of a national transportation policy. The urban transportation Assistance Acts of 1964 and 1970 were major achievements.

However, one would have to be very optimistic to say that a national transportation policy is rapidly emerging. What is needed is comprehensiveness in envisioning goals, setting priorities, and developing programs for implementation. This comprehensiveness is required at three levels: Firstly, it must be related to other national policies and other urban policies; secondly, it must be a total package embracing all modes; and thirdly, it must assure necessary and equitable financing of each mode through all phases of the system which includes planning, development, and, of critical importance, operation.

UNCLE SAM FEEDS OVER 30,000,000

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. COLLIER. Mr. Speaker, during the remarks I made on the floor earlier today, I referred to the fact that more than 30,000,000 Americans are receiving food from the Federal Government. This food, which is provided under programs that are administered by the Department of Agriculture will cost the taxpayers in excess of $3.020 billion during fiscal 1973, an increase from $2.806 billion for fiscal 1972.

A tabulation which I am inserting in the RECORD describes these programs in detail and should be of interest to those who would like to rebut the misinformation that is being disseminated on the subject of hunger. The tabulation follows:

FOOD AND NUTRITION SERVICE

[In thousands of dollars]

Child nutrition programs	1971 actual	1972 estimate	1973 estimate
Cash payments to States:			
School lunch program	225,761	225,018	225,000
Special assistance	203,686	237,047	237,047
School breakfast program	11,448	25,000	18,500
Nonfood assistance program	15,716	16,110	15,000
State administrative expense	1,590	1,500	1,500
Nonschool food program	20,338	37,775	20,775
Commodity procurement	64,010	64,325	64,325
Nutritional training and surveys	750	1,150	1,671
Operating expenses	5,060	6,318	6,394
Total program costs, funded	548,359	614,243	590,212
Change in selected resources	−222		
Total obligations	548,137	614,243	590,212

Expansion of these programs in fiscal 1973 is being funded by an increase in the special feeding program section 32 funds, which more than offsets decreases in the direct appropriation. The child nutrition programs have been greatly strengthened and expanded by Public Law 91-248, which became law on May 14, 1970. This law clearly established that priority shall be given to reaching needy children, and provided for the establishment of a national minimum eligibility standard for free and reduced-price meals, and a maximum price which may be charged for these meals. The law emphasizes that access to the school lunch program shall be available to children in all schools. Nutritional training as related to workers, cooperators, and participants is authorized by the act. Public Law 92-153, enacted November 5, 1971, increased Federal support for the national school lunch program by mandating a minimum 40-cent rate in special assistance—section 11—for free lunches, and a lesser minimum rate for reduced-price lunches. In addition, the law authorizes an average rate of reimbursement of 6 cents per meal within each State.

Cash payments to States. The programs are operated under an agreement entered into by the State educational agency and the Department. Funds are advanced under letters of credit to State agencies for use in reimbursing participating schools and child-care institutions. Sponsors make application to the State agency and, if accepted, are reimbursed in accordance with the terms of their agreement.

School lunch program. Assistance in the form of both funds and food is provided to the States, as defined in the National School Lunch Act, for serving lunches to schoolchildren. Each State's portion of the section 4 general assistance funds available is determined by a statutory formula. The formula takes into account the participation rate in the State, and the relationship between the per capita income of the State and the average U.S. per capita income. States must match the Federal cash grant from sources within the State at a 3-to-1 ratio. For States with below-average per capita income, this ratio is decreased. In 1971, sources within the States contributed to this program $1.815 billion, most of which came from children's payments. In 1973, the States are required to provide at least 4 percent of the matching requirement from State revenues.

The program during the peak month in fiscal 1971 provided lunches daily to about 52 percent of the approximately 47,100,000 children in daily attendance. The number of lunches served increased approximately 8 percent over fiscal 1970. Participation in the program in May 1971 reached a daily average of about 24,700,000 children in 79,800 schools and a large increase is expected in 1972.

Special assistance. Under the legislation, special cash assistance may be provided to any school which has needy children in attendance. The statutory formula for apportionment of funds to States relates to children from families with incomes of less than $4,000 per year. Increased funding provided a Federal average cash reimbursement rate of 31 cents per free or reduced-price meal, in addition to the average of 6 cents per meal from section 4 funds in fiscal 1971. A daily average of approximately 6,200,000 children were served 1,004,800,000 free or reduced-price lunches. At the end of the 1970-71 school year 7,300,000 children were receiving free or reduced-price lunches. Based on the higher mandatory reimbursement rates in Public Law 92-153, the increases for fiscal 1972 should provide lunches for a daily average of 7,900,000 needy children this school year.

School breakfast program. The Child Nutrition Act of 1966 authorized a school breakfast program for 2 years on a pilot basis to assist States through grants-in-aid and other means to initiate, maintain, or expand nonprofit breakfast programs in schools. Public Law 92-32, approved June 30, 1971, extended the breakfast program through 1973.

Funds are apportioned to States by a statutory formula. While the basic payments are limited to food assistance, in circumstances of severe need, financial assistance may be authorized up to 100 percent of the need for additional assistance.

The program is operated in schools drawing attendance from areas in which poor economic conditions exist and where a substantial portion of the children enrolled travel long distances. In fiscal 1971, an average of 756,000 children were served 123,000,000 breakfasts in 6,562 schools. About 76 percent of the breakfasts were served free or at token charges to children. In fiscal 1972 it is estimated that a daily average of 1,275,000 children will participate.

Nonfood assistance program. The Child Nutrition Act of 1966 authorized a permanent program to assist the States through grants-in-aid and other means to supply schools in low-income areas with food service equipment, other than land or buildings. Under the Public Law 91-248 amendments, 50 percent of the funds for equipment assistance will be apportioned among the States on the same basis as the section 4 apportionment, with the remaining funds apportioned on the basis of children enrolled in schools without a food service. Priority is being given to the latter schools under recently issued regulations. These schools must agree to take part in the national school lunch program or the school breakfast program.

Applicant schools are required to justify their need for assistance on a project basis and submit a detailed description of the equipment to be acquired, including their proposals for its use in meeting the nutritional needs of children. In addition, State and local sources must bear 25 percent of the cost of equipment or facilities financed under this authority.

In fiscal 1971, a total of 15,156 schools with a total attendance of over 7,400,000 students received equipment assistance of over $37,000,000. This included special section 32 funds and provided assistance in all 50 States, the District of Columbia, Guam, Puerto Rico, and American Samoa.

State administrative expenses. The Child Nutrition Act of 1966 provides for advances to each State educational agency for administrative expenses. These funds are used for supervising and giving technical assistance to the local school districts and service institutions for additional activities undertaken by them to reach more children under the school lunch, special assistance, school breakfast, nonfood assistance, and nonschool food programs.

Nonschool food program. The National School Lunch Act was amended in 1968 to authorize a pilot program for 3 years to assist States to initiate, maintain, or expand nonprofit food service programs for children in service institutions where children are not maintained in residence. Public Law 92-32, approved June 30, 1971, extended the nonschool food program through 1973. Preschool children receive year-round assistance in child day-care centers. These programs also reach school-age children from areas of economic need and from areas with a high concentration of working mothers during the summer months in settlement houses, neighborhood houses, and recreation centers.

Each State may receive a basic grant of $50,000. The remaining funds are apportioned by a formula determined by the ratio of the number of children, aged 3 to 17 inclusive, from families with income under $3,000 per year in each State, to the total number of such children in all States. Up to 80 percent of the total cost of meals served may be paid in cases of severe need, and not more than 75 percent of the equipment costs may be paid to the institutions. All meals served must meet minimum nutritional standards as a condition for receiving assistance.

In fiscal 1971, 107,500,000 meals were served to a peak of 573,000 children in the 1970 summer program and to 224,000 children on a year-round basis. At an average cost of about 40 cents per child per day, it is estimated that this program will reach about 1,300,000 children in fiscal 1972. With each child receiving an average of approximately two meals per day, it is expected that about 197,500,000 meals will be consumed.

Commodity procurement. Commodity procurement under section 6 of the National School Lunch Act provides additional commodities to schools to supplement foods purchased locally or otherwise made available for the lunch program. As amended by Public Law 91-248, these commodities may also be used to supplement the school breakfast and nonschool food programs. Section 6 procurement helps to insure nutritionally adequate meals and appreciation for quality foods. It also broadens agricultural markets. Commodities are purchased by the Department on the basis of their nutritional value and acceptability to schools and service institutions.

Protein items of chicken and meat accounted for about two-thirds of the purchases in fiscal 1971. The remaining one-third consisted of fruits and vegetables. In fiscal 1972 frozen ground beef, chicken, and fruits and vegetables are being purchased.

Commodities acquired under price support and surplus removal programs are also available to schools and child-care institutions. The volume of surplus commodities distributed depends upon market conditions.

During 1971, over $1,400,000,000 worth of agricultural commodities and other foods were used. About 20 percent of this amount represented commodities contributed under section 6 and the Federal surplus removal and price support programs. Approximately 80 percent was purchased through local suppliers.

Nutritional training and surveys. Up to 1 percent of the total funds available may be used for nutritional training and for studies and surveys of food service requirements, as provided for in Public Law 91-248. In fiscal 1972, the principal area of concentration is on managerial workers at the supervisory, school system, and local levels to assure effective delivery of nutritionally adequate meals to children.

Operating expenses. Administrative and technical assistance is furnished to State agencies, participating schools, and child-care institutions. Policies, procedures, and standards are developed for administering the programs and determining eligibility. The programs are administered directly in private schools where the State educational agency is prohibited by law from disbursing funds, and in child-care institutions where no State agency has assumed the responsibility for administering the program.

Participation in the programs from 1970 through 1973 is as follows:

CASH PAYMENTS TO STATES

	1970 actual	1971 preliminary	1972 estimate	1973 estimate
Total, school lunch:				
Lunches served (million)	3,565.1	3,850.0	4,110.0	4,470.0
Children (average; million)	21.9	23.7	25.2	27.5
Average Federal reimbursement (cents)	8.4	13.9	19.3	19.3
School lunch, sec. 4: Lunches served (million)	3,565.1	3,850.0	4,110.0	4,470.0
Average Federal reimbursement (cents)	4.7	5.9	6.1	6.1
Free and reduced-price lunches:				
Lunches served (million)	738.5	1,004.8	1,275.0	1,375.0
Children (average; million)	4.6	6.2	7.9	8.4
Average Federal reimbursement (cents)	17.9	30.8	42.8	42.8
School breakfast:				
Breakfasts served (million)	71.8	123.0	207.0	254.0
Children (average; thousand)	442.0	756.0	1,275.0	1,562.0
Average Federal reimbursement (cents)	15.1	16.4	15.0	13.0
Nonfood assistance:				
Schools equipped	7,974	15,156	4,000	4,000
Average contribution per school	$2,091	$2,453	$4,025	$4,025
Nonschool food program—Meals served (million):				
Year-round	38.4	79.8	115.0	150.0
Summer	11.9	27.7	82.5	82.5
Total	50.3	107.5	197.5	232.5

SPECIAL MILK PROGRAM

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Cash payments to States	92,640	103,284	93,284
Operating expenses	657	716	716
Total program costs, funded	93,297	104,000	94,000
Change in selected resources	−3		
Total obligations	93,294	104,000	94,000

Cash payments to States. This program is designed to increase the consumption of fluid milk by children in nonprofit schools of high school grade and under, child-care centers, summer camps, and similar nonprofit institutions.

Funds are provided under letters of credit to State agencies to reimburse eligible participants for a part of the cost of the fluid milk consumed. Beginning in fiscal 1968, available funds were apportioned among the States on the basis of payments made to schools and child-care institutions for program reimbursement during the preceding fiscal year. In especially needy schools, reimbursement payments may be made for the full cost of this milk for children who are unable to pay.

Program activities for 1970 and 1971 are as follows:

	1970 actual	1971 actual
Outlet participation	97,234	97,584
Half-pints of milk reimbursed (millions)	2,902	2,570
Average reimbursement rate per half-pint (cents)	3.49	3.55

Operating expenses. Administrative and technical assistance is furnished to State agencies, participating schools, and child-care institutions. Policies, procedures, and standards are developed for administering the program and determining eligibility. The program is administered directly in 6,661 outlets where no State agency has assumed the responsibility for its administration, or where such agencies are prohibited by law from disbursing funds to such participants.

FOOD STAMP PROGRAM

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Program costs	1,556,387	2,066,314	2,314,505
Operating expenses	17,851	20,994	21,418
Total program costs, funded	1,574,238	2,087,308	2,335,923
Change in selected resources	2,700		
Total obligations	1,576,938	2,087,308	2,335,923

The food stamp program provides increased nutrition to households with limited resources. Programs are inaugurated in counties and other project areas at the request of State welfare agencies which are responsible for certification and coupon issuance. Food coupons are then issued to needy households that qualify.

Cash paid by participants for the coupons is periodically forwarded to a designated Federal depository. Authorized food stores accept the stamps from recipients and, in turn, forward them to a commercial bank for cash or credit for their face value. The coupons then flow through regular banking channels to the Federal Reserve banks where they are redeemed.

The Department determines the allotment of coupons for a household unit based on income, food needs, and other factors. Participants are charged for coupons, based on income and family size. The supplement or bonus coupons permit the family to afford a nutritionally adequate diet by expanding its food purchasing power.

On January 11, 1971, Public Law 91-671 was enacted, resulting in new regulations which: Establish uniform national income and resource eligibility standards, increase the allotment of food stamps for recipients, provide free food stamps for the very poor, provide for the variable purchase of the coupon allotment, provide for meals on wheels for the elderly who are unable to prepare their own meals, redefine income and resources, and set a new definition of households. These new regulations will become effective during 1972.

On October 29, 1971, the designation of 192 new areas in 26 States was announced. Two of these areas had no family food programs previously.

Outreach-education efforts were accelerated throughout the country. Presentations were made to volunteer family assistance organizations, local poverty groups, and business and professional meetings. Nutrition education efforts were coordinated with the Extension Service. During fiscal 1971, 276 new projects entered the program in 46 States; the national average participation increased by approximately 4,000,000 people; and an additional 34,500 retailers and wholesalers entered the program.

Efforts were directed toward improving the overall administration of the program. An experimental withholding project was begun in five States. This operation permits the recipient to voluntarily have the purchase price of his stamps withheld from his public assistance grant. The results of this pilot operation are being studied prior to the implementation of a nationwide public assistance withholding program. Simultaneously, increased emphasis was placed on the safety of cash and coupons at local issuance offices. Suggestions were made to State and local agencies as to methods they might adopt to improve their security practices. In an attempt to monitor the activities of authorized outlets, the control of retailer-wholesaler redemption certificates is now being automated. At the close of fiscal 1971, areas containing some 91,000 retailers have been included in the automated system. The overall impact of these and other improvements is to provide better benefits to program participants at a lower Federal cost.

The following table reflects increased coverage, participation, and costs for the past 3 fiscal years:

[Dollars in millions]

	1969 actual	1970 actual	1971 actual
Number of areas by yearend	1,489	1,747	2,026
Number of participants at yearend	3,222,212	6,469,946	[1] 10,539,159
Total value coupons issued	$603.2	$1,090.6	$2,711.6
Amount paid by participants	$374.5	$539.6	$1,188.6
Value of bonus coupons issued	$228.7	$551.0	$1,523.1
Federal costs:			
Program	$240.0	$564.7	$1,559.1
Administrative	$10.3	$13.3	$17.8

[1] Preliminary.

A POLICEMAN ADVOCATES FREE HEROIN CLINICS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. EDWARDS of California. Mr. Speaker, in a remarkable article which appeared in the New York Times on Saturday, March 25, 1972, Police Lt. Albert J. Carhart, of the Linden, N.J., police force, advanced the establishment of free heroin clinics as a response to the problem of narcotic-motivated crime. This proposal, from a veteran police officer, is not couched in the language of the physician, sociologist, or psychologist, but it mixes the sensitivity for the human problem of addiction found in these disciplines with the hardheaded reality of the police professional who daily observes the damage which drug-related crime is doing to our social fabric.

Mr. Carhart's proposal deserves attention, whether or not we agree that heroin should be given to addicts in Government-supervised clinics. The problem of addiction in our society is so grave that we cannot afford to shut our minds to this proposal on so-called moral grounds. It is certainly not moral to choose inaction and thereby perpetuate the status quo of ever-increasing addiction and drug-related street crime. Likewise, it is folly to believe that increased law enforcement efforts and international agreements to curtail opium supply will in themselves end narcotic addiction and drug-related street crime. We need to think of approaches that deal with the needs of the narcotic addict as a person and to develop programs that will assist the addict to move from his addiction toward a socially productive life.

Mr. Carhart's proposal embodies this approach. It should be read carefully by every Member of this body.

The article follows:

[From the New York Times, Mar. 25, 1972]

MAYBE THE ANSWER TO THE CRIME RATE IS THIS: FREE HEROIN CLINICS

(By Albert J. Carhart)

LINDEN, N.J.—Take the profit out of heroin. Give injections of heroin by a qualified physician in a government clinic, free of charge to any addict that walks in and asks for one. Have a federally funded, city-run neighborhood clinic staffed by a qualified physician, a registered nurse and a police officer. The heroin confiscated from the pushers and suppliers would be tested in a laboratory and marked, bagged in envelopes, and issued to clinics daily. A doctor's signature would be required.

Our problem is not junkies using heroin but the demand and supply of heroin. If there is no demand then it naturally follows that there will be no supply. The arrest of suppliers and pushers is not the answer. When this happens these people usually do not get a jail sentence or the trial is so far in the future that it borders on the ridiculous. If they do get a jail term, one of their underlings immediately takes over and the business usually increases. Most pushers are addicts themselves, but if a supplier sees that the thousands of per cent of profit is no longer there he will cease.

If you want to cut your crime rate by better than 50 per cent, decrease your jail overcrowding, stop 95 per cent of your bailed addicts from jumping bail and tieing up the court system, put a stop to plea bargaining or even a suspended sentence, create such a narcotic program. Put thousands of policemen on the street fighting crime instead of chasing junkies.

No overdoses, no deaths, no hepatitis, reduction in crime, suppliers out of business, millions of tax dollars saved, people even taking an evening walk.

Methadone is not the answer. It is a habit-forming morphine, only used as a brake until the addict can get his $100 a day habit back down to $15. It also has caused deaths of addicts and children. It is being black-marketed in New Jersey to a large extent by doctors who are either not aware of its potential (they give the prescriptions) or are money hungry.

If an addict needs a fix he can go into any neighborhood government clinic and get one, two, three shots a day if he needs them and the doctor confirms this by a test. If the addict after a short time wishes to participate in a rehabilitation program of employment or vocation instructions he need merely request the assistance. An addict has to get away from addicts if he wants to beat the needle.

In a work program the addict gets to meet his peers of yesteryear, pre-heroin. He talks about work problems, ball games, television. He knows he can get his shot whenever he needs it at the clinic. Much to his surprise, after a few weeks he even forgets that so many hours have passed and he did not feel the euphoric need for a pick-up. He solved his problems by engaging in problems and decisions that are made daily by all of us. The criminal acts of addicts are not caused by the addiction. The need for money to get the drug causes the addict to commit criminal acts. If he was given as many free fixes a day as he needs to cope with his problems, he would not need to commit criminal acts.

Heroin addiction is a peer-group, gregarious action. The first step in treatment is getting the addict away from his influences and solving some of his problems, such as the need to struggle for the procurement of the fix and what to do with his free time. Show him his capabilities. Teach him a vocation. Keep him under close supervision and away from his "friends." His "friends" will get him back on the needle quicker than it takes you to read this article.

Many addicts are not heroin addicts in the true sense—they are needle addicts satisfied with such a low percentage amount of heroin that it could not possibly give them a euphoric feeling. These addicts are more addicted to the challenge of the struggle or the hustling of the next fix than to the fix itself. In plain English, their joy is in the hunt, not in the result.

Who would be for clinics?

The addict, of course. He would be free of worry, about his next fix. He need not spend every waking minute conniving or taking chances that could land him in jail. He could lead an almost normal life and eventually he would become a normal average citizen.

All members of law enforcement organizations and the courts. They would no longer have to spend days and weeks at the impossible job of making useless arrests of persons we all feel are not criminals.

The doctors and hospitals. They would not fear robbery and theft of narcotics by addicts. The time spent on addicts because of overdoses to themselves and others could be spent on physically sick patients.

What should be started in the United States or in one of the more progressive of the fifty states is a Civilian Conservation Corps not unlike the C.C.C. in the nineteen-thirties. These hundreds of thousands of our American youths need our help now. Set up camps away from the cities. There is plenty of conservation work to be done in this country: erosion repair, tree planting, fire trails, etc. A year's service could lead to a trade for an addict. A year's wages when he leaves can help him to become a productive member of society. Better a supervised work camp, doing constructive work for the betterment of the country, than a guarded prison camp at the expense of taxpayers.

CONSULTATION ON SOVIET JEWRY

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. DRINAN. Mr. Speaker, I attach herewith an extraordinary and most important statement issued by the National Interreligious Consultation on Soviet Jewry that met in Chicago on March 19–20, 1972.

This statement of conscience was issued from a very broadbased group made up of representatives of every religious denomination in the United States.

The statement follows:

STATEMENT OF CONSCIENCE OF THE NATIONAL INTERRELIGIOUS CONSULTATION ON SOVIET JEWRY, MARCH 20, 1972, CHICAGO, ILL.

"Thou shalt not stand idly by while the blood of thy brother cries out to thee from the earth."

"Let justice roll down as the waters, and righteousness as a mighty stream."

The National Interreligious Consultation on Soviet Jewry, meeting in unprecedented deliberation on March 19 and 20 in Chicago, Illinois, calls upon the conscience of mankind to make known its profound concern about the continued denial of the free exercise of religion, the violation of the right to emigrate, and other human rights of the 3 million Jewish people of the Soviet Union and of other deprived groups and nationalities.

For believing Christians and Jews, the denial of the spiritual nature of man and his right to nurture and to perpetuate the spiritual life is to deny the creative power of God in whose image He made man. The discrimination against the Jews by the Soviet Union gives us all reason to believe that, under the pretext of being anti-Zionist, it is the very contribution of the Jews to humanity which is under attack. It is precisely the Jewish testimony in the world that man's identity and freedom are not granted primarily by any state or constitution but are found in the nature of man himself. That is why each human being is threatened in his fundamental right to freedom of conscience when the Jews are persecuted.

Realizing our own failures in racism and in other areas of human rights, we nevertheless cannot remain silent as long as the Soviet Union continues to hamper or strangle the spiritual and cultural life of the Jewish people through extreme and special acts of discrimination. We appeal to the Soviet authorities to grant religious rights to Russian Jewry—the establishment of religious, educational, and cultural institutions for the perpetuation of Judaism and Jewish culture; the lifting of the prohibitions against publishing Hebrew Bibles and prayerbooks and the production of religious articles; the permission to train rabbis and Jewish teachers both in Russia and in seminaries abroad; the creation of a representative body of Soviet Jewry with freedom to communicate and associate with their co-religionists abroad.

We appeal to the Soviet authorities—let them live as Jews or let them leave to be Jews. This consultation is gratified to know that the Soviet government has heard the pleas of millions in many lands and has permitted several thousands of Jews to leave the country for Israel and elsewhere. We urge the Soviet authorities to relent, and to continue to allow the thousands of others who have sought exit visas to emigrate to the countries of their choice—which is their right under the United Nations Declaration.

This consultation is deeply disturbed by the reports of growing acts of harassment, intimidation, arbitrary arrests, and confinement of Jews and dissenters to mental institutions. We appeal to the Soviet government to end this policy of wanton oppression and fear.

Ths consultation protests against the continued imprisonment under ruthless conditions of prisoners of conscience—Jewish and non-Jewish—and we urge that they be released and be shown clemency.

This consultation protests against the government sponsored campaign of anti-Semitic and anti-Zionist propaganda which constituents an incitement to hatred and violence in contravention of the United Nations Declaration on Human Rights.

This consultation resolves to commit itself to a program of continuous watchfulness and unrelenting efforts in demanding and in championing freedom for all of Soviet Jewry, of Christians, and of intellectuals—of all who suffer for their courage and their struggle for human dignity.

This National Interreligious Consultation on Soviet Jewry consisting of Protestants, Roman Catholics, Eastern Orthodox, and Jews, authorizes a direct appeal to President Nixon, as the representative of the American people, to convey in clear and forthright terms to the Soviet authorities during their forthcoming conversations in Moscow the expectation of the American people—Christians and Jews, black and white, liberal and conservative—that these discriminations and denials of Soviet Jewry and others be stopped now, and that fundamental human rights be granted—now. We seek the relaxation of international tensions and conflicts between the United States and the Soviet Union, and the surest test of the genuineness of the commitment of Soviet authorities to the cause of universal peace and justice is the granting of justice and freedom to the Jews and other deprived religious groups and nationalities.

I was privileged to speak to the National Interreligious Consultation on Soviet Jewry in Chicago on March 20, 1972. I attach herewith the text of my address on that occasion:

EXCERPTS FROM ADDRESS OF CONGRESSMAN ROBERT F. DRINAN AT NATIONAL INTERRELIGIOUS CONSULTATION ON SOVIET JEWRY HELD AT THE CENTER FOR CONTINUING EDUCATION, UNIVERSITY OF CHICAGO, MONDAY, MARCH 20, 1972, AT NOON LUNCHEON

The year 1972 will bring unique and unprecedented challenges to the citizens of Israel and the Christians of America and every nation of the earth. The thousands of Soviet Jews who will emigrate to Israel will signalize an important turning point in the history of Soviet anti-Zionism. This same migration will challenge everyone who believes in the Judeo-Christian ethic to support Israel with the problems that have already resulted from this new wave of refugees.

THE ORIGINS OF SOVIET ANTI-SEMITISM

The relative absence of anti-Semitism under the regime of Lenin in Russia was ominously reversed shortly after the Hitler-Stalin pact. Soviet propaganda echoed the Nazi point of view.

After the war Stalin opened a frontal assault on every aspect of Jewish culture in the Soviet Union. Stalin supervised the systematic campaign to extinguish Jewish culture by the closing of schools, the suppression of publishing houses, the abolition of theater companies and the banning of newspapers.

What Stalin commenced Khrushchev finished. In short, the Soviet government during the years 1939 to 1967 carried out the destruction of Jewish cultural life.

As a consequence of the Six-Day War in 1967 and pursuant to Soviet commitments to Arab countries anti-Semitism in Russia became anti-Zionism. Under Brezhnev anti-Zionism and an official anti-Israel policy were unleashed. The bitter defeat of the Soviet-supported Arab armies in the Six-Day War prompted the Soviet Union to carry out a relentless campaign of anti-Israel and anti-Zionist propaganda.

The last few weeks and months have seen a remarkable and dramatic change in Russia's policy towards its almost 3 million Jewish citizens. The pressure of worldwide opinion which caused the Kremlin to retreat from its resolution to execute the persons involved in the Leningrad highjacking trial in December 1970 seems to have been so intense and continuous that now the U.S.S.R., for reasons which are not entirely clear, is granting exit visas to Jewish applicants on a relatively liberal basis.

During 1971 Jewish emigration from Russia reached a record level of about 15,000. About two-thirds of the 1971 emigrants came from Soviet Georgia and the Baltic states of Latvia, Lithuania and Estonia.

The jump from about 1,000 immigrants from Russia in 1970 to the figure of 15,000 in 1971 has led to speculation that, if the easing of visa restrictions continues, as many as 200,000 or even 300,000 Soviet Jews may migrate to Israel.

It seems clear that the future of Soviet Jews and the prospect for any large scale emigration depends upon the continuing pressure of world opinion on Moscow as well as the quality of the absorption and adjustment of Russian immigrants in Israel.

THE ROLE OF THE U.S. CONGRESS IN THE EMIGRATION OF SOVIET JEWS TO ISRAEL

The Soviet Jews Relief Act of 1971, co-sponsored by 124 Congressman and 34 Senators, was designed to create up to 30,000 non-quota visas for Soviet Jews to come to the United States. This bill, introduced on March 4, 1971, clearly brought a good deal of pressure upon Attorney General John Mitchell and the Department of State. Finally in early October the Attorney General indicated that the Nixon administration would be willing to extend to the Soviet Jews the privileges extended to more than 30,000 Hungarian refugees after the 1956 revolution and to over 10,000 Czechoslovakian refugees in 1968 as well as to the more than 565,000 Cubans who have migrated to the United States.

Clearly the pressure brought by the introduction of the Soviet Jews Relief Act of 1971 both on American officials and on the Soviet Union combined to bring about the easing of visa regulations in Russia so that in 1972 some 40,000 Jews from Russia will in all probability arrive in Israel.

It must be said that the Nixon administration during 1970 and 1971 appeared to default on the pre-election promises of Mr. Nixon. Prior to his election Nixon told the Conference of Presidents of major American Jewish organizations that it was "important to create world opinion, as well as document all the facts, in order that through diplomatic and other channels the concern of the American people for the cultural and religious freedom of Soviet Jews may be firmly communicated on many levels to the leaders of the Soviet government."

CONGRESSIONAL PROPOSALS TO HELP ISRAEL ABSORB NEW IMMIGRANTS

During the last few weeks the Congress has turned its attention to the furnishing of assistance to Israel to absorb the anticipated 40,000 new immigrants who in all probability will arrive from Russia during 1972. Legislation proposed to give $85 million to Israel for this purpose takes into consideration the staggering fact that 166,176 immigrants have arrived in Israel since the conclusion of the Six-Day War. This figure brings the total number of persons who have immigrated to Israel since 1948 to 1,436,771. Israel's Jewish population has qaudrupled since the state's establishment—from 650,000 to 2,560,000. Half of today's population came in one of the many waves of immigration which have broken upon the shores of Israel in the last 23 years.

The Soviet Jewish Refugee Assistance Act of 1972, co-sponsored by a bipartisan group of 62 Members of the House and some 40 Members of the Senate, would help Israel to cope with its new exodus. The figure of $85 million amounts to about $2,000 per refugee based upon the anticipated influx of slightly over 40,000 refugees this year.

Most Soviet refugees arrive in Israel with no funds. A visa out of the Soviet Union currently costs them about $1,000. The Israeli government this year allocated a record $650 million to provide for immigrants.

The enactment of the Soviet Jewish Refugee Assistance Act of 1972 (H.R. 13002) is absolutely essential if the United States is to help Israel with its most recent problems. The Migration and Refugee Assistance Act of 1962 can no longer be utilized since the superseding Foreign Assistance Act of 1972 contains a provision requiring specific Congressional authorization for any appropriation for the Secretary of State for any fiscal year commencing on and after July 1, 1972.

The Congress, furthermore, must act since it is becoming clear that the Department of State will not act in any way commensurate with the tremendous need in Israel. In a letter from the Department of State dated February 7, 1972 to a Member of Congress it is stated that "No U.S. aid, direct or indirect, is granted to any of these refugees in Israel . . . nor has it been decided whether any programs will be initiated in Israel".

It seems likely that the new Soviet immigrants will constitute a unique and difficult problem for Israel. Each wave of immigration in the past presented a different set of problems for Israel. The North African Jews, for example, who composed the largest group of immigrants in the late 1950's and early 1960's were generally unaccustomed to living in a modern industrialized society. Jews from Yemen pose similar but even more complex problems.

The thousands of immigrants from the Soviet Republic of Georgia will pose new problems in that most of the Georgian Jews speak neither Hebrew nor Russian but only the language of Georgian which very few people in Israel understand.

It is to be hoped that the Congress will continue to realize that the State of Israel is absolutely unique in the entire world both because of the very large number of immigrants which it must absorb and also because of the very wide diversity among the different groups of immigrants who come to Israel.

THE NEW CHALLENGES TO CHRISTIANS IN ISRAEL'S EMERGING PROBLEMS

The relatively small amount of assistance extended to Israel over the past generation by the Christians of Europe and America is hardly an encouraging demonstration of the solidarity which should exist between all of those who worship the God of Abraham, of

Isaac and of Jacob. The new emigration from Russia, once a Christian nation, poses again the spectacle of an entire country and culture making life so impossible for people of the Jewish faith that they prefer or even feel compelled to depart.

What should be the response of Christians in America as President Nixon prepares for an unprecedented visit to Russia in mid-May of 1972? It seems to me that Christians and others in America should strongly recommend to the President that:

1. He insist in every way during his visit to Russia that the United Nations Declaration of Human Rights, subscribed to by the Soviet Union in December 1948, contains a very clear assertion of the right of every person in the world to emigrate to the country of his choice.

2. The oppression of Jewish cultural institutions by the Soviet government is clearly contrary to Articles 124 and 125 of the Constitution of the Soviet Union.

3. The people and the government of the United States will continue to arouse world opinion unless the Soviet Union guarantees categorically and openly the religious and cultural freedom of the Jewish people who reside in the U.S.S.R.

The new crises in Israel which will result because of immigration from Russia have induced me to accept the invitation of the National Interreligious Consultation on Soviet Jewry to go to Israel in the near future to evaluate these problems and to report on them to interested individuals throughout America. Tentative dates for my trip to Israel will coincide with a short recess of the Congress from May 25 to May 31. These dates will be shortly after President Nixon has returned from his conversations in Moscow.

After my return from Israel I hope to be able to alert all of the leaders who have participated in this historic conference on Soviet Jewry at the University of Chicago. I hope that the information which I will bring to them will be radiated by them to every concerned person in America. I have the hope that American Christians will be aroused at the injustices being inflicted on persons of the Jewish faith in Russia. I hope also that Christians in America will as never before recognize and act upon the acute and profound problems which confront Israel because by its very nature it is an ongoing ingathering of exiles and refugees.

I have the hope that I along with all of those of the Christian faith with whom I will communicate will recognize as never before that Christians must more fully understand the meaning of the profound statement made by Reinhold Niebuhr, the famous Protestant theologian, who told us that no one can be a good Christian until first he is a good Jew.

WATER QUALITY: WE CANNOT AFFORD ANY EXCUSES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. RANGEL. Mr. Speaker, as a sponsor of the clean water package designed to strengthen the proposed Federal Water Pollution Control Act Amendments of 1972, I believe it is imperative that the House of Representatives pledge itself to total, uncompromising commitment to preserve and restore our water resources.

We must not let the ring of the corporate cash register deter us from a zero discharge goal. And we must not allow the fears of selfish commercial interests—too long free to despoil and exploit our environment—to persuade us to restrict citizen suits to protect our water.

We will be offering a series of amendments to the committee bill to plug some of the loopholes which would undermine this critically needed legislation. We cannot afford any excuses, Mr. Speaker, for enacting anything but the strongest bill possible.

Today, 8 million gallons of raw sewage are pouring into the Harlem River. Today, hundreds of millions of gallons of raw sewage are being dumped into the waterways of New York City. Today, Lake Erie and the Potomac River are considered so contaminated that we are warned not to even touch the water. And the record of the Public Works Committee hearings on this legislation—3,400 pages of testimony and statistics—describes in frightening detail the national extent of the water pollution crisis.

Mr. Speaker, America's water is irreplaceable. If we destroy it, the entire Nation will wither and die. This is not the time for halfway measures or indecision. This is not the place for wavering or hedging. This is the showdown and our survival is at stake.

ADMIRAL McCAIN'S CONTRIBUTION

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. BOB WILSON. Mr. Speaker, within the next few months one of the Navy's great admirals will be leaving the service. Adm. John S. McCain will be retiring upon completion of a 4-year tour as commander of the U.S. forces in the Pacific.

Those of us who have followed his distinguished career are grateful to him for his years of outstanding service to the Navy and to our country. I know our colleagues will be interested in reading the following editorial that appeared in the San Diego Tribune for March 20, 1972.

The editorial follows:

ADMIRAL McCAIN'S CONTRIBUTION

The appointment of Vice Adm. Noel Gayler as new commander of U.S. forces in the Pacific represents, we trust, no diminished awareness of military dangers that continue to confront us in Asia.

As director of the National Security Agency, Adm. Gayler certainly knows the inherent strength of Soviet and Chinese power moves and the need to offset them as well as Adm. John S. McCain, the present commander.

McCain, who will retire this summer, clearly sees the Soviet naval buildup as part of an overall strategy for world influence. He has spoken repeatedly on the urgency for maintaining a corresponding U.S. presence in the Pacific.

But neither McCain's firsthand knowledge of Communist power in Asia nor his warnings on its potential danger were decisive. Congress, prompted by public disillusionment over our Vietnam involvement, has evidently given little weight to the admiral's pleas for strengthening our defenses.

Given the tenor of the times as shown in the persistent clamor for weakening our military posture, it's difficult to see how Adm. Gayler, or any successor, could prove more persuasive.

Adm. McCain at least approaches retirement knowing that he has done all in his power to apprise the Congress and the nation of the Asian dilemma and the hard choices that are mandatory to resolve it.

His distinguished career, capped by four years of Pacific command, leaves nothing wanting in duty or service to his country.

REVITALIZATION OF RURAL ROADS WILL HELP RELIEVE URBAN CONGESTION

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. HAMMERSCHMIDT. Mr. Speaker, a major effort is underway at various levels of Government, from various interest groups—to open the Highway Trust Fund to uses not directly related to highway development.

Many words have been said pro and con. Words with which I agree wholeheartedly and unequivocally—to keep the trust fund for highway purposes only—were spoken plainly in a recent appearance before the Roads Subcommittee of the Public Works Committee by Mr. Clark McClinton, chairman of the board of the National Limestone Institute. Clark McClinton is from Fayetteville, Ark., in my congressional district. I know him to be a concerned citizen and sound thinker.

If the expenditure time frame of the highway trust fund is to be shifted in light of changing times and priorities then I totally agree with Mr. McClinton that the ABC program—primary roads—would be the logical area to receive additional funding.

I commend to my colleagues his statement which reflects the commonsense approach to meeting our transportation needs:

STATEMENT OF CLARK C. McCLINTON

Mr. Chairman and members of the committee, it is a real privilege to have been allotted this time to appear before you today.

I am Clark C. McClinton, President of McClinton Brothers Company, Fayetteville, Arkansas. I am also Chairman of the Board of the National Limestone Institute, a national trade association of more than 570 members in 33 states. For myself and for all of those whom I represent here, I thank you sincerely for permitting me to express our position on the subject of transportation systems for this Nation of ours.

Several of you distinguished gentlemen can recall, I'm sure, the occasion back in April 1956 when Mr. Fallon, then Chairman of this same subcommittee, reported out the Federal Highway Act of 1956. At that time he said:

"There are two basic facts which are recognized and agreed upon by all concerned. First, the whole economy of the United States is directly dependent upon motor vehicle transportation. Secondly, we are failing to keep our highway systems adequate to meet our needs and the backlog of deficiencies required to be overcome has been and is constantly piling up at an alarming degree."

Gentlemen, I suggest to you that those

words apply just as aptly to circumstances prevailing today as they did when Mr. Fallon spoke them 16 years ago. Highways today are essential and fundamental elements of American economy. They alone provide almost limitless new freedom, speed and safety to the movement of people, goods and services. Production, assembly, and distribution lines of commerce and industry would be impossibly fragmented were it not for Interstate routes.

New and improved highways are every bit the direct stimulus to the economy of an area that they were in 1956. There's a lot of talk these days about revitalizing rural America. I agree with those who say that this revitalization boils down to providing non-farm ways for people to earn a decent living without departing the country and moving to the city. Good roads and highways can let people get from home in the country to work in the city. And good roads will let city dwellers travel to the countryside to work at new manufacturing jobs in new plants outside the limits of the big cities. But gentlemen, there won't be job building away from big cities without fast, fully modern highways to serve production, assembly and distribution requirements.

Mr. Chairman, nearly everyone in this country knows of the fantastic job we have done in building our Interstate System. All of us who travel by car—and most of us do—marvel at how much faster we can get to places than we could before we started this outstanding program. But I can't understand why every person in this Nation isn't pounding on the doors of this committee room demanding that we bring the ABC and Urban Extensions up to similar standards. Out where I come from, we are driving on roads that were engineered and built forty and fifty years ago. We need good roads between Fayetteville and Harrison and other areas of Arkansas. In Minnesota, there are thousands of miles of roads that are not surfaced yet. In fact, there are hundreds of miles which aren't even graveled. And I am sure that there are similar areas in every state. There are 200,000 miles of obsolete primary routes alone which have been allowed to deteriorate too long. We are not keeping up with requirements right now, and unless we do something now, unmet needs will continue to pile up as Mr. Fallon warned in 1956. We recommend very strongly that a billion dollars a year be added to ABC authorizations so that we can commence now to attack this most serious deficiency with our primary systems. To get this one billion dollars more for primary roads, we suggest extension of time for completion of the Interstate and annual Interstate System funding of $3 billion until completion.

Let me digress here for a moment. It's too easy to talk in terms of billions as I just did. People really don't understand the meaning of the word, but it scares them. And I suspect that fright is part of the opposition to roadbuilding—too free talk about billions of dollars. So I want to talk about the Federal-aid Highway Programs from my position as an Arkansas businessman. In fiscal year 1973, about $7.25 million in Federal funds is to be spent on our primary system. This will be matched on a 50/50 basis by the state, making a total of $14.5 million available. Now we have 10 highway districts in Arkansas, so this $14.5 million boils down to an average of less than $1.5 million per district. Gentlemen, the most upgraded primary road you can get anywhere in Arkansas for $1.5 million is five or six miles, and in most cases that would be only a two-lane road. So what sounds outrageously large here is pitifully small out where it's to be used.

We in the Limestone industry firmly believe that all segments of the country's transportation systems should have strong viable programs. But we believe it is a serious mistake to take any action which will mitigate against reaching the kind of highway system our experts say we need by 1990, because the highway is the one vital link in the total system. If highways are inadequate, any total system will be inadequate. Instead of tapping the Highway Trust Fund for other programs—important as they are—this Trust Fund should be kept intact until the purpose for which it was established is fulfilled. Two separate studies—one by the Department of Transportation, the other by the Highway User's Federation for Safety and Mobility—show we will need about $600 billion between now and 1990 to meet the highway needs required by our citizens. Only about one half of that is going to be available, as it looks now. We can't afford to reduce that already inadequate amount by diverting Trust Fund monies.

We are aware of the knee-jerk reactions of some elements of our society to roadbuilding. For example, there is the myth of paving over the country. New Jersey is one of the most congested large areas on any continent if we consider it statistically. But more than half of that state is virtually undeveloped right now—several million acres of land in the southern part are essentially as unpopulated as when Columbus landed, I'm told. And among the barrage of untruths rampant today which you gentlemen have to put up with is the one about excess money in the Trust Fund. I have seen issues of the *Washington Post* and the *Washington Evening Star* with strong anti-highway articles and editorials. Certainly no one wishes to deny any person the right to their opinions, but when the Washington *Sunday Star* publishes a cartoon, as they did last Sunday, and prints statements like ". . . highways have more money than they need, and urban transit less", someone must set the record straight. No one who takes time to look at the complete picture can claim that the Highway Trust Fund has more money than we need for our highway needs.

People are more concerned today with pollution than ever before. The automobile and highways are looked on by some as the principle culprits causing polluted air around our cities. There are millions of citizens concerned, and rightly so, about highway death tolls. These folks don't seem to realize that we have the know-how to cut pollution by 80 percent and traffic deaths in half. All we need is authorization and financing to bring all roads up to the same relative condition we have attained on the Interstate System.

The Federal-aid Highway Act of 1956 inisectors. Continuing major emphasis on highway program that may rank as one of the greatest peacetime construction programs of all times. In spite of the accomplishments to date, however, we still don't have a highway system adequate to meet our economic, defense, and general population needs. There is no question that we are faced with the challenge of providing more efficient transportation systems for the public and private sectors. Continuing major emphasis on highway construction is essential to meeting that challenge. To build those highways, we must have comprehensive, cooperative and continuing long-range planning and appropriate implementing machinery. To that end, I ask you distinguished gentlemen to enact legislation this year which will insure continuity of long-range planning, funding and execution of highway building programs. In this regard, the key to success in these areas has been the assured source and quantity of financing provided by the Highway Trust Fund. Other conditions necessary to meet these objectives are longer term authorizations, single apportionments of full authorizations without delays or cutbacks.

The interested and concerned businessmen whom I represent here urge you to make a commitment this year to start priority work toward upgrading our primary road system. Pay for this priority effort by decreasing Interstate System authorizations by $1 billion—to $3 billion—annually until finished, and add the $1 billion to authorizations for ABC Systems. Make provisions for four-year authorizations rather than the biennial authorization, and see to it that planning is not further hamstrung with quarterly apportionments. We encourage continued reliance on Trust Fund financing of transportation systems, but with each mode having its own Trust Fund. To that end, we urge you to enact a bill which will make sure that every cent paid by motorists will be used for better and safer highways without cutbacks or delays or executive impoundment.

HORTON CALLS FOR BYELORUSSIAN INDEPENDENCE

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. HORTON. Mr. Speaker, 54 years ago, a tormented and ravaged people declared that they alone would decide their own destiny without interference from any outside power. The Byelorussian Democratic Republic had been born out of six centuries of invasions by Mongols and Teutonic Knights as well as Polish, German, and Russian territorial oppression. Since the unification of Byelorussian lands in the 13th century, there had been no opportunity for self-government or peace in Byelorussia. The people experienced a continuous nightmare of subjugation and death. But as their enemies stumbled through World War I, the country immediately shed all indications of foreign rule and, on March 25, 1918, formed a government based on personal liberty and democracy.

Joy in the Byelorussian Democratic Republic was short-lived. Six months later, on December 10, 1918, the Russian Army invaded Byelorussia. After the Treaty of Riga was signed in 1921, ending the war between Russia and Poland, the two countries arbitrarily divided the nation. One third of the country, 3,500,000 people, were forced to become a part of Poland while the rest was incorporated into the new Soviet empire. Through this "settlement" the goals of self-determinination and independence were brutally suppressed and the peoples turned into oppressed colonies.

Since that time there have been many courageous uprisings by the Byelorussian peoples against Russian rule. The Communists launched a bitter campaign against Byelorussian democratic forces. The first to be arrested were political figures, prominent scholars, writers, teachers, students, and other intellectual leaders. Hundreds of thousands of Byelorussians were deported to forced labor camps in Siberia and elsewhere, and thousands of persons were brutally executed.

Byelorussia today is a member of the Union of Soviet Socialist Republics. Although it holds membership in the United Nations, it is not in fact an independent nation. It is ruled exclusively by the Soviet government. Only Russians are permitted to occupy key positions in the

Byelorussian Soviet Socialist Republic. Industrial development is directed toward the successful Soviet colonization of Siberia and Central Asia. The written and oral use of the Byelorussian language has been eliminated from administrative use as well as the schools and has been replaced by the Russian language. In addition, the annihilation and deportation of nationalists as well as the neglect of incorporated non-Russian nations in order to facilitate the growth of military might and empirical expansion has taken its toll from the Byelorussian people.

The Soviet government has forced the denationalization of the country as well as the people. The old monuments of distinctive Byelorussian architecture have been destroyed. In their place the government has erected modern Soviet-designed buildings of uniform architecture totally unrelated to the fine Byelorussian heritage. The towns and streets of the country have been renamed after heroes of Soviet Russian history: Lenin, Puskin, Suvorov, Kutuzov, and so forth.

There indignities and oppressive tactics have failed to extract from the people the determination for personal liberty and self-determination. Fifty-four years after the founding of the Byelorussian Democratic Republic, the struggle continues.

I have watched with satisfaction the increased communication between the U.S.S.R. and the United States within the last several months. I would hope that America, as a freedom-loving nation who has fought against oppression since its establishment almost 200 years ago, will take every opportunity to encourage the Soviet Union to allow freedoms and self-determination for all its peoples.

TIME FOR REFORM

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. ZWACH. Mr. Speaker, ever since I have been in Congress, I have been voting against increases in our national debt limit. Our country just cannot afford to keep piling up deficits.

The Edgerton Enterprise, edited by Carroll Fey, recently carried some very good suggestions in its editorial column on ways to combat this increasing debt.

With your permission, I would like to insert editor Fey's editorial in the CONGRESSIONAL RECORD. I think it contains some very good food for thought for every Member of this body:

TIME FOR REFORM

Analysis of the President's budget for fiscal 1973 shows that there will be an expected deficit of $38.8 billion this year and $25.5 billion next year. The government is engaged in alarming budgetary brinksmanship.

What is needed is a firm ceiling on expenditures (the President suggests his budget estimates of $246.3 billion), greater budgetary control of credit and lending activities, and establishment of spending priorities based on need and effectiveness.

Another long-over-due reform would consolidate all appropriations into two measures: one for defense and national security, and one for all other federal expenditures.

Also, the President now has the choice of accepting or rejecting an entire appropriation bill. He should have a limited power to veto particular items.

Five-year cost projections should be required and used to discourage Congress from approving programs costing modest amounts the first year, but committing future Congresses to spending billions.

Washington now budgets for a push-button economy with quill-pen techniques. As a result, the country is in a serious budgetary bind and Congress should move quickly to adopt needed reforms.

EQUAL TREATMENT FOR BAYONNE AND JERSEY CITY

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. GALLAGHER. Mr. Speaker, tomorrow, when this body gives further consideration to H.R. 11896, the Federal Water Pollution Control Act Amendments of 1972, I plan to offer an amendment which is essential to give proper equitable treatment to two cities in my district—Bayonne and Jersey City.

Both cities were in the forefront in responding to the needs of their citizens in the water pollution field. Each initiated a sewerage treatment facility well before June 30, 1956, which is the cutoff for eligibility to receive Federal reimbursement for expenditure of State and local funds under H.R. 11896.

Bayonne initiated its treatment facility in November 1952—and Jersey City did likewise in September 1954.

In both cases these cities responded to governmental pressures to start work on modern sewerage treatment facilities in advance of the rest of the country. The Interstate Sanitation Commission applied the pressure, and its rulings were made mandatory by court order.

It is, of course, a boon to the people of these two cities and the nearby waterways that these new sewerage treatment facilities were planned and constructed in the early 1950's. But by the same token Bayonne and Jersey City are being penalized for being early birds in the water pollution field. Because of their public spirit, which was reinforced by governmental mandates, Bayonne and Jersey City stand to lose the benefits of Federal reimbursements under section 206(b).

The object of my amendment is to put Bayonne and Jersey City on equal footing with other cities around the country which built sewerage treatment facilities between June 30, 1956, and June 30, 1966. It would do this by establishing a category for facilities initiated between June 30, 1952, and June 30, 1956, as the result of governmental pressures. To my knowledge only Bayonne and Jersey City are affected.

The financial impact of this amendment would be marginal. H.R. 11896 is budgeted at $24.6 billion; $750 million of that is available under section 206(b). My amendment would add the comparatively small amount of $17 million to the funds otherwise available under section 206(b), representing 30 percent reimbursement of project funds spent by Bayonne and Jersey City.

There is another factor that points toward relief for Bayonne and Jersey City. Both cities are the hosts for Federal installations, and their tax bases are diminished accordingly.

Bayonne and Jersey City had to finance their sewerage treatment facilities with bond issues which, with interest, costs more in the long run. Cities with artificially diminished tax bases are especially in need of Federal reimbursement for public works projects such as sewerage treatment plants.

Apart from this amendment, I shall offer legislative history tomorrow to establish that there should be reimbursement under section 206(b) for funds spent after June 30, 1956, on sewerage treatment facilities initiated before that date. I have in mind specifically $4.4 million spent after June 30, 1956, for the sewerage facility in Jersey City.

An examination of the language of 206 (b) is instructive. This section does not talk in terms of projects "initiated" after June 30, 1956, but rather in terms of projects "constructed or eligible for—assistance" between June 30, 1956, and June 30, 1966. This suggests strongly that the legislative intent was to finance both projects and segments of projects—financed after the June 35, 1956, cutoff.

The text of my amendment is as follows:

AMENDMENT TO H.R. 11896 AS REPORTED

Page 254, immediately after line 12 insert the following:

"(e) Any publicly owned treatment works in a State on which construction was initiated after June 30, 1952, but before June 30, 1956, as a result of a court order, or a ruling by an interstate agency, or both, shall qualify for payments and reimbursements of State or local funds used for such project from sums allocated to such State under this subsection in an amount which shall not exceed the difference between the amount of such assistance, if any, received for such project and 30 per centum of the total cost of such project. There is authorized to be appropriated to carry out this subsection not to exceed $17,000,000.

A LOUISIANA PUBLIC WORKS DIRECTOR ON PROPOSED CREATION OF DEPARTMENT FOR COMMUNITY DEVELOPMENT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. RARICK. Mr. Speaker, Mr. Ray Burgess, director of public works for the city of Baton Rouge, the capital city of Louisiana and the largest city in my district, recently testified before the Subcommittee on Legislation and Military Operations of the House Committee on Government Operations.

Mr. Burgess spoke in behalf of the American Road Builders Association in opposition to the inclusion of the Federal Highway Administration and the Urban

Mass Transportation Administration in the proposed new Department for Community Development.

I include Mr. Burgess' testimony along with his cover letter of transmittal to me in the RECORD at this point:

BATON ROUGE, LA.,
March 20, 1972.

Subject: Proposed Creation of Department for Community Development.

Hon. JOHN R. RARICK,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE RARICK: Attached is one copy of my statement before the House Sub-Committee on Legislation and Military Operations, representing the American Road Builders Association in opposition to the inclusion of the Federal Highway Administration and the Urban Mass Transportation Administration in the proposed new Departments for Community Development. Even though I represented the American Road Builders Association at these hearings, the sentiments expressed in the attached statement also represent my personal feelings and the fear that is prevalent within me whenever there is mention of melding a successfully operating department into the mass of social and housing programs presently administered by the U.S. Department of Housing and Urban Development.

Please be aware of the movement by the Administration to relegate the Federal Highway Administration to a lesser role than it now enjoys. It is my fear that should the creation of this department be accomplished in the manner as proposed, not only will the functions of the Federal Highway Administration and the Urban Mass Transportation Administration be made secondary to the social and housing functions of H.U.D. but the trust fund monies which now support the highway program will also be mixed up in the same pot, thus making less monies available for highway purposes.

Your consideration of this request will be appreciated.

Your very truly,
RAY W. BURGESS,
Director.

STATEMENT OF THE AMERICAN ROAD BUILDERS' ASSOCIATION PRESENTED BY RAY W. BURGESS

Mr. Chairman and members of the committee, my name is Ray W. Burgess, and I am director of the Department of Public Works for the city of Baton Rouge, Louisiana. I am privileged to be here today as a spokesman for the American Road Builders' Association, accompanied by the Executive Vice President of ARBA, Burton F. Miller.

The American Road Builders' Association has its headquarters here in Washington, D.C. ARBA is composed of transportation construction contractors; public officials at the Federal, State and local levels of government; manufacturers and distributors of transportation construction equipment; consulting firms who plan and design engineering projects; materials producers and suppliers, and civil engineering educators. The primary objective of ARBA is to support, through responsible activity, sound and adequate development programs for highways, airports and urban public transportation.

Our diversified membership is bound together by its common interest in transportation construction programs. All of our members, in one way or another, are involved in one or more of the programs administered by the Federal Department of Transportation. We are concerned primarily with the programs of the Federal Highway Administration, the Federal Aviation Administration and the Federal Urban Mass Transportation. To a lesser degree, we are also involved in the activities administered by the National Highway Traffic Safety Administration.

ARBA's professional staff, headed by Mr. Burton F. Miller, is in contact with officials of the Department of Transportation, at all levels, on virtually a daily basis. This is due primarily to the fact that the interests of our members closely parallel the interests of DOT.

This does not mean, however, that ARBA is always in full accord with DOT policies and programs. We disagree quite frequently. In a matter of particular relevance to these hearings, we have frequently expressed our concern about the proliferation of "red tape" in the Department of Transportation. In our opinion, the progress of transportation construction programs has been seriously impeded by numerous bureaucratic requirements imposed by Federal agencies. We have spent much time and effort in attempting to bring about a reduction in this "red tape."

It is encouraging to note that the Executive Branch of the Federal Government is deeply concerned with its administrative deficiencies and is seeking various ways to alleviate this problem. The proposed departmental reorganization is by far the most sweeping of the many reforms which have been suggested.

It would be presumptuous of the American Road Builders' Association to come before this Committee with any views on the general restructuring of the Executive Branch. We certainly have no objection whatever to the general thesis that functions of government which are inter-related should be grouped together in one administrative agency.

This was, in fact, the intent of the Department of Transportation Act of 1966 (Public Law 89-670). This law established a Department of Transportation "to assure the coordinated, effective administration of the transportation programs of the Federal government; to facilitate the development and improvement of coordinated transportation service" and for other similar purposes.

We have examined the record of Congressional hearings leading to the establishment of the Department of Transportation. This record includes statements by representatives of the Executive Branch which have a familiar ring, in the context of the present hearings. President Johnson, in his transportation message of March 2, 1966, said:

"We must coordinate the executive functions of our transportation agencies in a single coherent instrument of government. Thus policy guidance and support for each means of transportation will strengthen the national economy as a whole."

In expanding this idea in Congressional testimony, Charles Schultze, then Director of the Bureau of the Budget, said:

"We must modernize and streamline executive branch organization. Today, transportation responsibilities are widely diffused throughout the Government. The lack of central leadership significantly handicaps the development of unified transportation policies and a fully effective execution of Federal transportation programs."

Alan S. Boyd, who was then Undersecretary of Commerce for Transportation, addressed the American Association of State Highway Officials on November 29, 1966. At that time, he explained to the highway officials that the new Department of Transportation would be "a logical framework for coping with complex technical, economic and social relationships, and a vital ingredient to our future prosperity."

The point need not be labored. It is quite clear that the Department of Transportation was conceived as very much the kind of "goal-oriented" department which is contemplated by the President's Departmental Reorganization Program.

As proposed in H.R. 6962, the Department of Community Development would be a "goal-oriented" department. This new department is intended to stimulate patterns of balanced growth linking together opportunities for housing, jobs, education, recreation, culture and basic social services. Without question, adequate transportation is important to the attainment of balanced growth.

Recognizing the enormous requirements of the transportation system, is the goal of obtaining adequate transportation facilities best approached by abolishing the Department of Transportation? The American Road Builders' Association thinks not. Although it is quite obvious that the organization of a Department of Transportation is, in itself, no magic touchstone for transportation progress, it seems equally clear that the fragmentation of transportation responsibility has many serious disadvantages.

The President's Departmental Reorganization Program, if adopted in its entirety, would result in the abolition of the Department of Transportation. Highways and urban mass transportation would be transferred to the new Department of Community Development. These functions would be divorced from the policy-planning function, which would become an entity of the proposed new Department of Economic Affairs.

The airport program would also be transferred to the Department of Economic Affairs. This, in our opinion, is a glaring deficiency in the proposed plan. The location and planning of airport facilities is one of the major factors in stimulating balanced community growth and should not be separated from other transportation functions such as highways and urban public transportation.

As proposed in H.R. 6962 and elaborated in supporting documentation provided by the Administration, the Department of Community Development would include an Administrator for Community Transportation. This Administrator would be responsible for highway and urban mass transportation development. H.R. 6962 also provides for an Associate Administrator for Highways, with the responsibility to administer the Federal-aid highway program.

In his testimony before this Committee on November 3, 1971, Secretary Romney described the proposed field organization of the Department of Community Development in considerable detail. At that time, he outlined a hypothetical structure that is not provided for in the legislation.

Insofar as the highway program is concerned, the field organization plan advanced by Mr. Romney has one great advantage. It would insure, on paper at least, a continuation of the present Federal-State highway partnership. We think that this relationship is extremely important.

Since the beginning of the Federal-aid highway program in 1916, Federal aid for highways has always been channeled through the State highway departments. These departments, fully organized and professionally staffed, are well qualified to plan, design, construct and maintain highways. The Federal Highway Administration deals, in effect, with 52 clients, representing the 50 States, the District of Columbia and Puerto Rico. A modification of the program structure to permit by-passing the State highway departments would be, in our opinion, disastrous to the highway program.

We emphasize this point because the field organization plan which Mr. Romney and his associates presented is without legislative force and is subject to revision at any time. A merging of the current highway program field force into the Department of Community Development area level field force would result in management chaos, with respect to administering the Federal-aid highway program.

The general philosophy is that like functions of government should be grouped together. However, there has been very little justification advanced for moving the highway and urban mass transportation programs out of the Department of Transportation. The clearest rationale is contained in Secretary Romney's testimony of November 3, 1971. At that time, the Secretary made these points:

1. "Highway and urban mass transportation programs are more intimately related to community planning and to housing and community facilities than they are to the bulk of the other programs now in the Department of Transportation. Few day-to-day relationships exist between highways and the marine and seaway functions of the Department of Transportation."

Comment: The Secretary's point is somewhat strained. There is a very close relationship between highways and airports, between highways and high speed ground transportation, between urban mass transportation and railroads, between highways and a national transportation policy. In each of these cases, one member of the pair would remain in DOT and the other would be split off.

2. "Unless a highway is planned and executed in coordination with a community's overall development plans, many things can go wrong. . . . We are all familiar with examples out of the past of the damage that highways can do, sometimes upsetting a city's master development plan and sometimes, as in New Orleans, threatening a unique and historic quarter."

Comment: From my own personal experience, the Secretary's example is not well chosen. The French Quarter Freeway in New Orleans, whatever its merits or demerits may be, was in fact a part of the master development plan fully approved by the local government in New Orleans. The proposed freeway was stopped by the Federal Department of Transportation which took, I assume, precisely the kind of action Secretary Romney would expect from the Department of Community Development.

Possibly a better example can be found to illustrate Mr. Romney's point. However, Federal highway law and regulations and administrative procedures have made it increasingly unlikely that a major highway or urban public transit project can be advanced when it is not inconformance with local planning decisions.

3. Mr. Romney said that "overcrowding" was one of the causes for a Detroit riot in 1967. He blamed the overcrowding on "the uncoordinated relocation of persons displaced from other parts of Detroit by highway construction and by urban renewal."

Comment: Whatever the porblems may have been in 1967, subsequent laws and regulations have provided very strong requirements that Federal-aid highway projects not be built, until and unless suitable replacement housing is made available able to displaced families and individuals. The 1970 Federal-aid Highway Act provides that the cost of acquiring, rehabilitating or constructing replacmeent housing can be charged to the cost of constructing the highway project.

In short, it seems to us that very tenuous reasoning has been advanced to justify the transfer of the highway and urban mass transportation programs. In our opinion, that reasoning breaks down altogether when it is moved from the theoretical level to the level of practical application. In summary, the position of the American Road Builders' Association is:

1. The transfer of the highway and urban mass transportation programs from the Department of Transportation to the proposed Department of Community Development would, at best, be of no advantage. At worst, it could lead to a serious disruption of the total transportation progress.

2. The severance of the highway and urban mass transportation programs from other related DOT programs, such as transportation policy planning and airport development, would not be in the public interest. Related transportation programs and activities should remain within the same department.

Mr. Chairman, we appreciate this opportunity to present our views on this subject to your Committee.

BUDGET PROVIDES START FOR MODERNIZING FORCES

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following article by Lt. Gen. Ira C. Eaker, U.S. Air Force (retired), which appeared in the San Diego Union:

BUDGET PROVIDES START FOR MODERNIZING FORCES

(By Ira C. Eaker)

President Nixon outlined his defense policy in his State of the Union speech to the Congress on Jan. 10 in these terms:

"We will maintain a nuclear deterrent to meet any threat to the security of the United States or of our allies.

"We will help other nations develop the capability of defending themselves.

"We will faithfully honor all of our treaty commitments.

"We will act to defend our interests whenever and wherever they are threatened any place in the world.

"But where our interests or our treaty commitments are not involved, our role will be limited:

"We will not intervene militarily.

"But we will use our influence to prevent war.

"If war comes we will use our influence to try to stop it.

"Once war is over we will do our share in helping to bind up the wounds of those who have participated in it."

This is a clear and succinct preamble—statement of purpose—to govern defense and foreign policy, subject only to confirmation or change by a Democratic controlled Congress.

Defense budgets implement defense policy. An examination of the '73 defense budget recently submitted to Congress will disclose whether this new defense policy is political rhetoric or a realistic guide for our defense programs and plans for the future.

These are pertinent facts disclosed from a study of the '73 defense budget:

It totals $83.4 billion in new obligational authority, an increase of $6.3 billion over the current '72 budget. But it is planned to spend less than $1 billion more next year. The difference between requested funds and actual expenditures flows from the time lag between orders for new weapons and when they are delivered and have to be paid for.

About $4.1 billion of the increase, or 65 per cent, is for increased salaries for military manpower due to wage hikes voted by Congress last year in an effort to discontinue the draft and substitute a volunteer Army.

The most significant increases in military strength are $1.2 billion for strategic forces, $1 billion more for research and development, an additional $600 million for the National Guard and the reserves.

The Army's share of the new budget is $20.6 billion; the Navy gets $22.3 billion and the Air Force $22.5 billion. This represents a $2 billion decrease for the Army from last year, due largely to the wind down of the Vietnam War. There is a considerable increase for the Navy to accelerate the undersea long range missile system, while the Air Force budget is about the same as last year.

In military manpower, the '73 budget funds 841,000 for the Army, 602,000 for the Navy, 198,000 for the Marine Corps and 717,000 for the Air Force. This represents a 20,000 loss for the Army over the current year and a 13,000 decrease for the Air Force, while both the Navy and the Marine Corps will retain exactly their present manpower.

In civilian defense personnel the '73 budget provides for 1,036,000, a cut of 5,000.

The '73 defense budget clearly indicates that the unilateral disarmament of U.S. strategic forces, initiated by prior administrations (the McNamara era) and continued for the first three years of the Nixon Administration, is now halted and a modest beginning will be made on modernization of our deterrent strategic forces.

The research and development increase of more than $1 billion is a realistic response to the fact that the Soviet Union has for several years been spending about twice our outlays for new weapons with obvious and dangerous implications for our security.

BIG SPENDERS CACKLE AFTER CRACKING THE GOLDEN EGG

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. BURKE of Florida. Mr. Speaker some of us who for years have been talking about the need to cut deficit Government spending, have been treated to some astounding statements from some of the big spenders in the U.S. Congress in recent weeks.

The plight of a possible $45 billion deficit in the fiscal year 1972 budget has raised the heckles of the bigtime spenders and others, including myself, but I wonder if it is not a little late for the liberal spenders to note this dilemma. It appears that "the chickens have finally come home to roost, but only after the golden egg has been cracked into little pieces."

Even before I became a Member of Congress, I felt it my responsibility to speak out against the irresponsibility of our Federal spending programs by both the administration, and the Congress. I never thought I would see the day when the big spenders, who over the years voted for programs which put us so deeply in debt, now start thinking about the dangers of these bloated Federal budgets.

It was interesting to note in one of my past speeches against the evil of deficit spending that liberal spending habits increased total Federal spending in the decade of the 1960's by 112 percent. This massive increase drove the Government to borrow at record rates as outgo far superseded income.

During that decade, our Nation went into the financial hole by $55 billion which was equivalent to a man chucking out the window a $1,000 bill every 6 seconds day and night for the entire decade.

This wild spending forced the Congress to repeatedly increase the national debt ceiling, and just recently, Congress again lifted the ceiling by $20 billion to a record high $450 billion.

Today, with the present $400 billion-plus debt staring our Nation in the face, it takes 12 cents out of every tax dollar to just pay the interest on this sum. This will increase as the debt reaches $450 billion, which it is expected to do by midsummer.

I voted against the debt ceiling increase and intend to continue doing so. I am proud to have been honored by various groups for my votes to bring economy and commonsense back to Government since my election to Congress.

I have introduced in this Congress the Economic Stabilization Act which calls for a full scale study of ways and means through which our national debt can be reduced and our dollar can once again be stabilized. If the big spenders are really intent on helping to save our economy and the Nation with it, maybe they will join me and other cosponsors in this effort, but alas, they cackle about the red ink and still vote to increase the national debt.

I suspect the rhetoric of the big spenders is a temporary illusion and shortly after November 1972, I suspect they will be pushing for a $500 billion debt ceiling. I hope I am wrong, but as you probably know, chickens, like most fowl, do not sit in one place for too long a period of time.

DEPENDENTS OF ALABAMA POW'S AND MIA'S GET FREE EDUCATION

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1972

Mr. DICKINSON. Mr. Speaker, I want to commend the Alabama Legislature for being the first State in the Nation to assure wives, children, and other dependents of captured and missing American servicemen a free education. During the recent special session the legislature passed and the Governor signed a bill providing tuition-free education at trade schools and institutions of higher learning to dependents of POW's and MIA's from Alabama. Although similar legislation is pending in other States, Alabama is the first to enact such a law.

There are approximately 60 families in Alabama that have servicemen either missing or held prisoner in Southeast Asia, and some 33 Alabama children have fathers captured or missing. The children will remain eligible for free tuition to Alabama institutions after the return of the servicemen.

Mr. Speaker, I would also like to commend State Representative James D. Harris, Jr., of Montgomery, my hometown, for sponsoring the bill and guiding it through the legislature. I would hope this will serve as an example for all States.

AMERICAN SOCIETY FOR PERFORMANCE IMPROVEMENT

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. GUBSER. Mr. Speaker, for a long time I have been most interested in a program participated in by defense contractors and the Department of Defense which has been labeled as "Zero Defects." The purpose of this program was to promote excellence in manufacturing and to improve quality.

Such improvement not only saves dollars but it could do much to restore the pride in workmanship which made American industries so successful over the years.

The name Zero Defects has been changed to the American Society for Performance Improvement. This society publishes Performance magazine, which is dedicated to better service, product quality, reliability, and cost awareness. The society has also just issued a Performance Improvement Handbook. Because I am so interested in quality improvement, I would like to insert background information along with excerpts from two press releases issued by the organization and commend them to the attention of my colleagues:

BACKGROUND INFORMATION—AMERICAN SOCIETY FOR PERFORMANCE IMPROVEMENT

A misplaced screwdriver ten years ago served to create the American Society for Performance Improvement. The society currently numbers 1176 business executives throughout the United States and nine foreign countries.

The screwdriver disappeared at a Cape Kennedy launch pad. It was found in Marietta, Georgia. When the tool was reported missing a launch countdown was in progress. The rocket shot was scrubbed and the missile returned to Lockheed Marietta for disassembly.

Philip B. Crosby, a Martin Company engineer at the time, decided to put together an organization to study causes of human error and do something effective toward elimination. He established society tenets and objectives.

Membership in the society was on an informal basis initially. Response to the society's basic precept, "regardless of the job, do it right the first time," was so enthusiastic, demand for information so great, the society was formally chartered under the laws of the State of New Jersey in June, 1966. The name at the time was the American Society for Zero Defects. This was recently changed to the American Society for Performance Improvement by the group's board of directors. The action was regarded as necessary to more clearly reflect the broadened scope of society activities.

Human error in industry costs lives, money and time. It is handmaiden to inflation and waste. Recognizing this, America's major corporations have supported the aims of the society from its inception. There has always been a free-exchange of information on the subject nationally and internationally.

The society publishes a periodical, Performance magazine, and provides free advice to companies and organizations actively seeking to reduce costs and improve the quality of performance improvement.

In the formulative years much of the work of the society was channeled into the aerospace effort. Millions of parts, manufactured by thousands of suppliers, had to be fabricated and assembled. They had to work right the first time. The principles learned from the space effort have since been successfully applied to hospitals, insurance companies, even to toy making.

National ASPI officers for 1972 are:

President, Gene Peretti, motivational programs manager, Boeing Company, Seattle, 1st VP, Robert Vincent, director quality systems, ITT, New York, 2nd VP, Bill S. Bailey, manager special projects, HITCO, Defense Products Division, Los Angeles.

The formal mission of the society is: "To promote and further the advancement of the knowledge, application and motivational approach to the elimination of defects attributable to human error."

That's how a lost screwdriver became a worthy objective.

FOR IMMEDIATE RELEASE

The American Society for Zero Defects, a group that believes perfect is possible, has located a defect in its own organization. They found their title was confusing and has a "wide variety of interpretations."

So, ever on the lookout for improvement, the society's board of directors voted unanimously to change the name to the American Society for Performance Improvement.

The board also took time to caution business management that today's employees are demanding to know what's going on. The contemporary workforce does not labor for bread alone, they said.

Poor workmanship, high absenteesim, disinterest in the job and low productivity are direct results of management's old fashion concepts of how to get things done.

The board said "we are on the threshold of an era of greater understanding and more effective utilization of our productive capacities. We must broaden the scope of this effort to make it work in all industrial and service areas."

IMMEDIATE RELEASE

A complete system for improving performance of men and machines is now available. Based on the experience of executives and engineers over a 10-year span, the system is designed specifically to provide better products and services through management awareness and error-cause removal.

Heart of the system is the newly printed Performance Improvement Handbook published under the auspices of the American Society for Performance Improvement. Coauthored by 11 men who have instituted and directed performance improvement programs for their own companies, the handbook provides practical, realistic guidance to cost reduction and work attitude improvement.

Foreign competition, rising domestic costs and public criticism of its products has placed American industry in a perilous situation. In the overall view of the authors of Performance Improvement Handbook, the products of industry today simply "are not good enough."

"Those products that work trouble-free do so because of an investment in test, inspection, and service completely out of proportion. Many companies spend 10, 15 or even 20 percent of their sales dollar on scrap, rework, warranty, service and inspection."

The cause of this waste, the authors state bluntly, is directly attributable to personnel in the plant, both employees and management.

From there they go on to examine the cause and effect and creation of realistic measurement standards to improve job performance.

The theory is that the defect that is prevented doesn't need repair, examination or explanation.

How to go about putting theory into practice in a contemporary society that raises its children to consider 30 percent error acceptable, comprises the main thrust of the 80-page text.

The experience and opinions of the authors, executives with ITT, Boeing, RCA, General Dynamics, Pontiac, Vought, HITCO, Westinghouse and the Federal Government, represents the most informed approach to practical job performance improvement available in the United States.

The system the authors advocate is highly flexible. It can be effectively tailored to the operation of a two-man hot dog stand as well as to a large multi-product manufacturing company. They present the program, the shopping list, and the reader selects the items that will best take care of his requirements.

HOME RULE

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, on March 8, the Committee on the District of Columbia was privileged to have one of the District's most distinguished citizens, the Honorable F. Joseph Donohue, former President of the Board of Commissioners of the District, appear as a witness against certain so-called "home rule" bills currently before the Congress.

Mr. Donohue's testimony, based on years of experience with and in the District Government, so impressed me, that I asked his perimssion to make it a part of the CONGRESSIONAL RECORD before the full hearings have been concluded. He gave permission to do so, and I therefore insert the full text of his testimony at this point in the RECORD:

STATEMENT OF HON. F. JOSEPH DONOHUE, FORMER DISTRICT OF COLUMBIA COMMISSIONER

Mr. DONOHUE. Thank you, Mr. Chairman.

I want to make it perfectly clear that I am speaking only for myself, and as a property owner in the District of Columbia who, in spite of the Mayor's repeated escalation of the real estate tax, is still trying to hold on in the hope that I may continue to be a property owner.

I come here because I love the District of Columbia, and I owe it much. I have been here 53 years and I came here as a young boy, recently discharged from World War I military service to go to school, and I have been here ever since, and the District has been good to me. I have made an excellent living here.

As the Chairman suggests, I have been privileged to serve as the President of its Board of Commissioners and out of that sense of responsibility and duty I come here to make what I hope may be permanent comments about the matter pending before this Committee.

I knew when I came here, because I had been a student of political science and I'd been a student of the Constitution, so I did know when I came here that this was a company town. It was a one-company town, and that one company was my government, the government of the United States, and I accepted the fact when later in the process of my education here I determined to remain in the District of Columbia.

I knew that to do so would require the surrender on my part of some of the privileges of citizenship which I would have enjoyed, and I returned to my native Massachusetts, but I was quite willing to make that sacrifice because I felt that the only justification or excuse for the District of Columbia is the comfort, safety and convenience of the federal government, whose interest must be paramount and whose interest must be protected and served by somebody.

My distinguished predecessor, the General, talked about problems of riots more recently in the District of Columbia and I, as a young first lieutenant in the Marine Corps Reserve was on duty at the corner of John Marshall place and Pennsylvania Avenue to protect a platoon of Marines, a Marine Corps supply depot filled with ammunition when General MacArthur, on horseback, with his entire Chiefs of Staff, rode down Pennsylvania Avenue to meet my comrades of World War I who had come here seeking a bonus and had rioted, burned and destroyed.

So I understand the problem of the federal government, as I understood why they were chased out of Philadelphia, York, Pennsylvania; Annapolis, Maryland; New York City; and finally came to their haven here.

Now I do not believe that I should be required to surrender all of the privileges of a citizen because I live here in the nation's capital, and I would briefly like first to point out what I think we ought to have.

If I had my druthers, which I do not, I would have retained the Commission form of government. I was one of the few voices who came here to oppose the re-organization of the District government under the administration of, I believe, President Johnson.

I recognized that for nearly one hundred years the Board of Commissioners satisfactorily governed, under the guidance of the Congress, the affairs of the District of Columbia; never a scandal in the history of one hundred years, and I am glad to say that in the short time that I served as a member of the Board of Commissioners—I did not complete my term because I had the first appointment with President Eisenhower as President of the United States and submitted my resignation to him although I had thirteen months to serve because I felt I was a political appointment of a Democratic President and that President Eisenhower should appoint his own successor and subsequently of course he did—but during the two and a half years that I served as a member of the Board of Commissioners we never had an increase in the budget and we didn't borrow any money.

The budget, as I recall it, was about $150,000,000, and my friends in the Congress at that time frequently complained because I constantly referred to the fact that the Congress was cheating us because we were only getting eight or nine percent of that total budget from the Congress of the United States, $9,000,000, $10,000,000 and $11,000,000.

I was amazed when I heard Mr. Hubbard, no, Mr. Willard on the television Sunday, a member of the City Council, a distinguished Washingtonian, and he said that this year, the municipal administration will spend $1,400,000,000, obviously mostly in grants-in-aid which we didn't have in my time, and that of the total amount of $1,400,000,000 spent the District of Columbia would raise $450,000,000, so practically a billion dollars of that amount of money will come from the taxpayers of the United States, not the taxpayers alone of the District of Columbia.

Now, I'm sure that my distinguished friend, the Delegate from my community to this Congress, and I am proud to have him here, would say to me, why I remember you as a very active member of the home rule movement in the District of Columbia, and so I was but I've changed my mind.

I've changed my mind because Washington has changed. We are no longer a viable community. We cannot live and grow by ourselves.

Why? Well, I'll cite two reasons. When Herbert Hoover was Secretary of Commerce in the administration of Calvin Coolidge, he called to be built the Commerce Building at Fourteenth and Pennsylvania Avenue in the city. When completed it was the largest office building in the world. It runs from Fourteenth to Fifteenth, Pennsylvania to Constitution Avenue, and what did they call it? Hoover's folly, because they said the government of the United States would never grow big enough to fill it.

Now, I ask you to consider what has happened to the rest of the south side of Pennsylvania Avenue from Fourteenth Street to the Capitol, where businesses paying taxes to the District of Columbia and contributing to its support existed. They're all gone.

As I best can figure it, and I'm not in the position now to get the statistics that I used to be able to get, but as I figure it now, about one-half of one percent of the land area of the District of Columbia is annually removed from the tax rolls.

In my day, I think the percentage was about 44%. It is 54% or higher right now. How long can a community remain as a separate political entity with a superior authority gradually withdrawing from the tax rolls taxable property?

We have destroyed downtown. If you want to feel badly, drive an automobile north on Eighteenth Street from Massachusetts Avenue to Columbia Road. Now forget Fourteenth Street and Seventh Street and H Street, northeast.

This city is dying, and all you have to do is go around and see it.

Now, I remember during World War II when British pilots would take German fliers who had been shot down over London and who had not been killed on a tour. The German pilots had been told that London had been destroyed by the German Air Force, and the British were in a situation of chaos, but a British pilot would take a captured German flier and drive him around London and he would never see the site of a bomb. It took a little skill to do it.

I could take a visitor around this beautiful city and show them only the beauty, but I could also take them to where they would say, can this be my capital city? But it is.

So, we are not a viable community, number one, because we are shrinking in size and fifty years from now I can just envision what will happen.

This city will be occupied almost completely by federal institutions and by the various groups which must be located in the federal capital, with living accommodations perhaps only for those who necessarily must be here, and visitors.

Your community, sir, and your community, sir, in Maryland, will be the bedroom for the District of Columbia. There will be very few people, including you. There will be very few people living in the District of Columbia.

Now I point to another reason why we are not a viable community. We are losing population. In the last two censuses, 1970 and the one preceding, in 1960, we have lost a total of—well, you can quarrel with figures—but somewhere between 75,000 and 100,000 people.

Our total population is being diminished, and the nature of our population is being diminished. The medium and upper-income people, black or white, are exercising their prerogative to leave the city, this decaying city of ours, and go out into the suburbs.

So when we talk about home rule, home rule for what? The District of Columbia will lose its identity as a political unit and be as it was intended to be, a haven for the District government.

Now, what would I do if I could? I would re-establish the Commission form of government, if for only one reason, and that was pointed to by the Chairman: the loss of the Engineer Commissioner has been a tragic blow to the District of Columbia.

The contribution of a senior engineering officer from the Corps of Engineers of the United States Army, one of those who served just after my time, General Clark, was honored by being made the Chief of the Corps of Engineers. That's the kind of man we had, General Robinson, who served with me, the Deputy Chief, and three talented assistants.

Our streets aren't dirty, they are a great contributor to the success of the automobile repair industry because they are full of holes. Our whole city is dying, particularly in its physical plant, and the loss of the Engineer Commissioner was a loss we ought not have sustained.

But I know that you can't turn the calendar back. That's gone forever.

I think that as a citizen of the District of Columbia I am entitled to have representation in the Congress of the United States. I think the Constitution should clearly be amended so that I may have more than a vote, but a voice in both the Senate of the United States and in the House of Representatives.

I think it is tragic that our delegate is permitted to participate in the debates that affect us, as they affect all Americans, and yet is not permitted to vote. I think we should have representation in the House and the Senate. I might even be willing to compromise because of the shrinking character, geographically, of the District of Columbia, and because of the decrease in population.

I might be willing to concede that we are to have only one Congressman elected by our people with a full power vote, and only one United States Senator.

We're not like California that has to have a representative in the Senate from Northern California and one from Southern California. Why, it's only a whistle-stop across the entire District of Columbia.

I think, with respect to local self-government—and it's a fantasy; there's no such thing as local self-government for the District of Columbia—it ought not to be classified as a city.

We are a federal territory. Our chief executive officer ought to be associated with the governors, not with the mayors.

I think we should have a chief executive who ought to be called the governor of the District of Columbia and who ought to be appointed by the President to represent the federal interest in the District of Columbia with an absolute power of veto over an elected governors' council of eleven, twelve, fifteen—call the number as you will.

That should be the structure of our local government with, of course, a continuing constitutional restriction on the power of any governors' council or legislative assembly in the District of Columbia to pass any bill which doesn't meet the approval of the Congress.

Now that's my view. It's a strange thing, looking through some old records, I found an open letter to the President of the United States in the Washington Post, April 20, 1952, at which time I was President of the Board of Commissioners, and the Budget Bureau had presented President Truman with a reorganized form of government for the District of Columbia, the same except warmed over a little bit kind of government, which they sold the Congress in 1967 and under which we now operate.

This full page ad is signed by the presidents of every important organization in the District of Columbia, including the signature of my distinguished friend and successor on the Board of Commissioners, John B. Duncan, as president of the then Federation of Civic Associations, bankers, lawyers, businessmen, veterans' organizations, all joined in asking the President to preserve the Commission form of government.

What's happened since then I don't know. Why we didn't have the same unanimity of spirit in 1967 when the present Reorganization Act was passed by Congress, or approved by the Congress, I will never know.

I know that my friend, the Commissioner, or the Mayor of Washington, is doing everything that he can. The Council is busy so they must be trying to do something, but what disturbs me is that every time I get a monthly publication from the Board of Trade, when I read the number of D.C. government employees for the month of November 1971, the latest figure available, and the number is 48,200.

That's about one person for every thirteen and a half or fourteen people in the District of Columbia. Now that's the burden we have assumed.

I thank you for the opportunity to appear here today.

Mr. McMillan. Thank you, Mr. Donohue. I think you made a wonderful statement.

TRIBUTE TO AMERICA'S FIGHTING MEN

HON. SPEEDY O. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. LONG of Louisiana. Mr. Speaker, I have just received a little booklet written by a retired Methodist minister, the Reverend J. H. Nichols of Lake Charles, La., which pays tribute to America's fighting men in a most sincere and modest fashion, one that might well be studied by Americans everywhere, and especially by Members of Congress.

In order to share the Reverend Nichols' thoughts with my colleagues, I insert his brief essay in the Record.

The essay follows:

We, the People, Owe the Soldier Boys A Debt of Deep Love and Gratitude—for They Have Suffered, Bled and Died for Our Freedoms.

(By J. H. Nichols)

WHEN IS THE WAR OVER WITH BOYS WHO STOOD IN MUDDY TRENCHES AND HEARD THE SCREAMS OF SHRAPNEL BURSTING OVER THEIR HEADS AND THE ROARING OF CANNONS AND THE SCREAMS OF DYING AND WOUNDED SOLDIERS? NEVER!!

I have never been on a battle field in action. Going to an army camp, I can still hear the bugle call "cannot get him up in the morning". The call "fall out," "attention," "forward march". These war songs have made an indelible impression on my heart that neither time nor eternity will erase. Reading about war is like looking at the shadow of bugs around an electric light. To see the little duck trying to eat shadows and the old mother duck standing off quacking, thinking how silly and ignorant her children are to think they can get fat on the shadows of bugs. I have had some experience and been on the drill field enough to give me some idea what it means to be drilled in a sham battle to know what a real battle on the front lines means to the soldiers on both sides. The cause that starts a war may be one-sided. It takes two sides to have a battle and fight, win or lose. Now, watch my story. At the close of World War I, many soldier boys came home and went back to college. Many of these red blooded Americans did not go to war to fight and die; they went to fight and run the risk of living. Some made it, some fell on Flanders Field and their bodies are buried where the poppies bloom row on row. What did we get out of this first World War? The soldier boy can answer your question: a military cemetery and a big debt that we had to pay in loss of life and destruction of property. I would be the last man on the face of the earth to throw one drop of cold water on a teacher. Good teachers who have given their lives as a sacrifice in the school room have always been underpaid. This is not even a debatable question. Teachers who are a misnomer in a school room are the most expensive people who ever were paid for holding a school with taxpayers' money. A degree from a college or university will not make a teacher; neither will it make a preacher. Teaching and preaching go hand in hand; they are both a calling and not a profession. See? You may disagree with me, but pragmatic tests will prove this statement right.

I'm ready to put the icing on the cake. All wisdom is not in schoolrooms; neither in the pulpit. In many cases there is very little practical experience in either. Hand me down information can mean anything or nothing. Experience is tailor made, and the man with experience knows whereof he speaks? See? This thought was impressed upon me in college when some of the teachers found everything they knew in the library. They handed down information and nothing gained from actual experience. There was a teacher who related a battle as depicted in a book she once read. One student stood it as long as he could and asked "where did you get that information?" She had to admit she was like a parrot, repeating what some ghost writer had said. He said, "I was in that battle and have twenty-two shrapnel shell scars on my body." He rolled up his sleeves as proof of what he had said. Up to that time, no one suspected this boy had even been in the army. A flow of beautiful language from fiction writers will not stand the acid test when someone has the scars on his body from the battle. He did not only have first hand knowledge of the harrows of war, but had scars on his body to prove he was there. Nothing will take the place of experience in this life. Neither flowery words nor handed down knowledge from books. We need fiction writers, they write of things which can happen; but many times their imagination is not based on what did happen. Will Rogers, that great humorist, God bless his memory, would say, "all I know is what I read in the papers." He was too wise to say, "I know everything I read in the paper is true." He knew everybody else knew all that goes in papers is not so. No comment from me. See?

Some of the greatest experiences of human behavior have never been written. The undertaker buried the manuscripts with them. Their life story was never written. Now you have the answer between fact and hear say. Courts will not accept hear say as evidence of truth. No drugstore cowboy can sit in the shade of the tree and read a western novel and be a bronc buster. No bronc rider can stay on all the broncs and some will leave their picture in the sand. No horse can throw all the riders. The man who has ridden the most broncs of life has the experience which will keep him on that many more, without being thrown. The historical record is the answer to what they have done. Buger Red was a world-wide champion in rodeo shows, riding outlaw horses. The horse knew he was a champion and so did the crowd. I am telling you these stories to show that a man who fights and wins needs no defense thereafter. The congressional record will show several of my writings. See?

Men who have done good and great things in life seldom have a big head, and never are arrogent, silly or high handed. They have all been humble and quiet. A boy who attended the same college with me was willing to be quiet and never tell the class what a wonderful soldier he was. He was modest and sat there with the horrors of war in his heart, wishing he could forget it. He had the scars as evidence where he has been and what it cost him to be there. I am not writing a fictitious story, but writing out of heart of my own experiences with my friends to reinforce what I have said on the realities of life. I can tell fiction from experience. A rabbit will cross and recross his trail in the snow. If you know the nature of animals, you can tell where he has been. Truth is truth, if it never gets in print. A lie is a lie whether Drew Pearson or Ripley said it or not. Truth will stand when all other sayings fade out. The story of John Bunyan in that old dirty Bedford jail in London, England has been a blessing to the coming generations. He had time for God to speak to his heart and he wrote the "Pilgrim's Progress." Two of the greatest things he said was to bear the cross patiently and obey God rather than man. This thought was incorporated in the ten commandments. To my way of thinking, this saint made one of the most remarkable statements of any man in or out of jail. Great and good men have blessed this world have paid a dear price in suffering for their faith in God to bless humanity. Check the record. None of them slept on the flowery bed of ease. They have all been tested in the fire of God's love. The hotter you heat gold, the purer it will be. The test in life is the answer to a good life.

I have noticed in these automobile races, when no one is killed or hurt, the next day, the crowd will fall off eighty per cent. Then we can ask the question to the other eighty per cent. Do they think if they stay home they will miss seeing a wreck and someone hurt or killed. The value of sports is not to kill people but to show their skill. Probably the most brutish and inhuman show ever put on is a bull fight. I have never seen one, but have seen pictures in movies to show how brutal a bullfighter can be when he is spearing the helpless bull to entertain a crowd which would not be there were it not the most brutal and bloody show that can be put on in an arena to show which one will win, the bull or the bullfighter. Someone has said that when the bull kills the man, the crowd will cheer the bull like they do the man when he kills the bull. This goes to show that human flesh is on the same level in a fight with a bull, and the crowd is just as happy to see the bull win the fight as they are when he loses the fight. Now you have the answer to people on the sideline who go to see a bullfight. "They are looking for a thrill regardless of what the cost is to the fighter to show he has had a spill with the roaring of a bull that sent him to a premature grave. The other man can have it, I don't want to take his place to fight a bull.

This has been a strenuous message for me to write. I am for the right and against the wrong. Right is right if no one does right. Wrong is wrong if everybody does wrong. Wars are never fought to end wars. They are breeding grounds where the smoke of one war is scarcely cleared when another is fought over the same battlefield. Some soldiers have fought in two wars over the same battle ground. Sergeant York, who was the world's hero in bringing the first world war to a close thought he was fighting a war to end all wars. This was the promise to the soldier boys by our leaders. The fathers, when they saw their boys dying on the same battle fields they fought and died over, knew that their serving in a war just a quarter of a century ago did not end wars. This world-wide hero lived to see another war where he barely escaped with his own life and saw his son die on a battlefield. The story about a hungry, tired and sleepy soldier staggering to camp and sitting down on a bank, a captain tapped him on the shoulder and said, "this is reserved for officers." He replied, "where I came from was not reserved for officers." This would answer the question if the men who start wars had to fight them, they would never start.

As I bring this message to a close my heart is heavy, my eyes are moist with tears that trickle down my cheeks. As a loyal American, with my prayers for peace, the Lord has turned these tears to sparkling diamonds. When we see or hear the peace feelers being handed out, and we think the dove of peace is flying low, and the circles are getting smaller, our hearts rejoice to believe our boys will soon be home. We hope and pray this is not the political scheme for another campaign to end the war, and it will continue to drag on until we have our treasure drained and we will have our economy wrecked with promises that cannot and will not be fulfilled. If the whole world would join hands and hearts together and pray for a universal peace on earth and good will towards men, then the prophesy of Isaiah would come true and men and nations would beat their swords into plow-shares and their spears into pruning hooks. Then we could sing we will study war no more. Pray for peace and believe God will send the peace and we will be free from the scourge of war. Praise the Lord for a full salvation.

HOLDING TANKS ON BOATS STOP POLLUTION OF LAKES AND STREAMS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. FRASER. Mr. Speaker, the William Ford amendment permits States to completely prohibit the discharge of sanitary waste from boats.

It is sometimes claimed that standards which prohibit the discharge of sewage are impractical because no facilities are available to pump out boat holding tanks. While that contention may have been true at one time, the picture is changing rapidly.

For example, last year in Michigan, only 75 pumpout facilities served the boating industry. This year, 175 pumpout facilities are available—enough according to the Michigan Department of Natural Resources to service that State's recreational fleet quite adequately.

It is interesting to note that most of these facilities were built by private entrepreneurs and only about three dozen pumpout stations utilized some government funding.

In my own area, close to my summer place on the St. Croix River, 10 pumpout facilities currently, serve from Prescott, Wisc., to Stillwater, Minn. They include three pumpout stations at Prescott, Wisc., two each at Hastings, Afton, and Stillwater, Minn., and one at Hudson, Wis. With that kind of service available, I see no reason to permit use of flow through treatment devices that have proven inadequate and that have often degraded our water. I certainly do not want, and I am sure you do not want our kids to water ski or swim in waters where sewage has been allowed to flow through devices that frequently malfunction so badly that the suspended solids are not macerated, but are still recognizable as solids.

Pumpout stations for recreational boating cost between $600 and $3,000 depending upon whether or not storage or septic tanks are used in conjunction with the pumps. Many pumpout stations are run on the coin-operated serve-yourself principle and require no permanent attendant.

CHARGE FOR PUMPING OUT HOLDING TANKS

Individual boaters pay between 50 cents and $7 each time their holding tanks are pumped out. The average fee is about $3. The average boater will need a pumpout roughly once every 2 weeks. So during an average boating season of 12 to 14 weeks the total cost would range from $3 to $49.

Some holding tank systems do not need to be pumped out because they are portable and the boater may remove the tank from his boat and dump the waste in any on-land restroom.

COST OF HOLDING TANKS

The price of holding tanks is comparable and often cheaper than the cost of treatment devices. Holding tanks or recirculating toilets range in price from $35 to $300. Over 250,000 boats already have retention systems. In Minnesota, for example, there already are almost twice as many retention systems—1,191—as there are discharge units 680.

COMMERCIAL VESSELS

We must also stop pollution from commercial vessels. Commercial vessels require larger holding tanks and therefore, larger pumpout facilities. A commercial vessel may not want to curtail cargo space to install large holding tank systems. But that problem is solved easily because our technology has developed toilets that recycle water and enable three or more flushes on the water normally used for one flush. These water recycling systems and incineration devices can reduce the holding tank size on commercial vessels. In addition, these vessels can be pumped out in midcourse while they are taking on food and fuel from midstream services like those that operate on the Mississippi.

Some have solved the pumpout problem by hiring pumpout trucks to come to the port and service ships. The Port of Duluth has such a truck and will use it until more permanent facilities are installed. And Ford Motor Co. now hires a truck to pump out the tank on its fleet about once every 2 weeks.

In addition the number of on-shore pump-out stations for commercial vessels is growing continuously. Twin City Barge and Towing in St. Paul for example, has just completed a pump-out facility.

The prohibition of discharge from boats has already been studied by the National Academy of Sciences. They conclude:

> . . . the environmental goal seems attainable without inordinately jeopardizing the viability of the maritime segment of the national economy.

Since this National Academy study says the goal is attainable and since it says that quality flow through treatment will be too expensive for 95 percent of the marinas, the only reasonable thing to do is to allow States to prohibit all discharge. We can do that by passing the William Ford amendment and allowing 20 States to continue implementing their strong programs.

TREATMENTS WITH METHADONE PROBED AT BUFFALO HEARING

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. DULSKI. Mr. Speaker, the Subcommittee on Public Health and Environment of the House Committee on Interstate and Foreign Commerce held hearings and on-site investigations in my home city of Buffalo, N.Y., last week on the issue of methadone treatment for heroin addiction.

The treatment is well known and widely used, but there is considerable disagreement about many facets of the effort. There is agreement that methadone has worked as a treatment for heroin addiction although methadone itself is an addictive drug.

I compliment my neighboring colleague, the Honorable JAMES F. HASTINGS, of New York, for arranging the Buffalo sessions and I appreciate fully the helpful cooperation of another subcommittee member, the Honorable PETER KYROS of Maine, as well as the Honorable JACK KEMP of New York, a member of a task force on drug abuse.

Just 2 weeks earlier, in the same city, my own investigations subcommittee held 2 days of hearings on another aspect of the drug problem, the nagging question in many families as to whether the suspicious substance they find in their children's possession is in fact a dangerous drug.

There are many aspects to the massive drug problem and we must make every effort to deal effectively with each of them.

Mr. Speaker, as part of my remarks, I include three news stories on the Public Health Subcommittee's hearing, also the text of a statement which I submitted for the record because official business in Washington prevented my accepting the kind invitation to take part in the sessions:

[From the Buffalo Evening News, Mar. 22, 1972]

Representative Hastings Charges County is Balking at Methadone Probe

WASHINGTON.—The Erie County Laboratory reportedly has refused to give its complete cooperation to federal narcotics agents investigating the area's methadone-related deaths, Rep. James P. Hastings (R., Allegany) said today.

The congressman said he was informed in a telephone call from the Bureau of Narcotics & Dangerous Drugs (BNDD) that an unnamed representative of the laboratory, "acting on the advice of the Erie County attorney," refused to give BNDD investigators the names of the toxicology reports on the area individuals who reportedly died of methadone overdoses.

An aide to Mr. Hastings said the federal agents last week were given information on "the number of people who died, whether they were male or female, and that's all. That's something BNDD could have got from the press.

"BNDD has no idea why they refused," the aide explained. "But the level of refusal was very basic. They refused to provide information to help BNDD get their investigation started."

Mr. Hastings last month requested BNDD and the Food & Drug Administration to "take a good look" at the methadone dispensing operations in Erie County.

Methadone is used in the treatment of heroin addicts.

He said his request stemmed from an article in the Feb. 26 Buffalo Evening News which reported that methadone had caused nine deaths in the county within the preceding 11 months.

Mr. Hastings said he also was informed that the county officials "specifically indicated" to the federal agents that they would continue to refuse to provide additional data on the cases unless the U. S Attorney obtained a Federal Court order requiring them to comply.

"This is highly unusual," Mr. Hastings said.

The disclosure came on the eve of tomorrow's hearings by the House Commerce Subcommittee on Public Health & Environment in the Federal Office Bldg. in Buffalo on the possible need for new federal legislation to improve controls on methadone distribution.

Mr. Hastings, who is a member of the subcommittee and will preside at the hearings with Rep. Peter N. Kyros (D., Me), said:

"We are going to develop this tomorrow at the hearings. I don't understand it yet. It just seems inconceivable to me.

". . . This is no witchhunt. We are truly concerned about this problem of methadone diversion . . . The county officials may have their reasons for refusing to co-operate and we will develop those reasons at the hearings tomorrow."

[From the Buffalo Evening News, Mar. 23, 1972]

Witnesses Are at Odds on Methadone Security at House Hearing Here

(By Mildred Spencer)

Spokesmen for Erie County agencies agreed today that methadone maintenance is an effective treatment for heroin addiction, although methadone itself is an addictive drug.

But they disagreed strongly as to the security provisions that should be observed in treating patients.

At a public hearing of the Congressional Subcommittee on Public Health & Environment in the new federal building, the differences were brought into the open.

Two of the three units funded to date for methadone maintenance programs strongly oppose letting addicts under treatment take methadone home for between-clinic visit use.

Dr. Arthur Goshin of the Lackawanna Health Center, where 17 addicts are now under treatment, and Fredrick Willis of the DART program, which has not yet admitted its first addict, believe clinics should operate 7 days a week.

Clinic hours, they indicated, should be arranged so that addicts whose heroin habit is under control can receive their daily dosage of methadone at an hour that will not interfere with attending school or holding a job.

Sister Mary Charles, Administrator of Sisters Hospital, testified that requiring a patient to report daily at a clinic once he has proven himself "responsible" would "destroy the rehabilitation aspect of the program."

FIRST BUFFALO CLINIC

Sisters Hospital, she said, which now treats 240 persons and was the first methadone clinic in Buffalo, lets patients take up to a 3-day supply of the drug home for use between clinic visits.

Dr. D. Seymour Joseph, deputy commissioner for special programs of the State Narcotics Addiction Control Commission, goes even further. He believes that addicts who have been wooed away from heroin and are conforming to all of the requirements of a methadone program should be able to visit a clinic once a week and take a 6-day supply of methadone home for between-visit use.

Rep. James F. Hastings (R., Allegany), who presided at the hearing, asked about controls that should be written into proposed federal legislation to minimize the diversion of methadone to illegal channels.

He pointed out that such diversion has been increasing and called attention to a recent report in The Buffalo Evening News of methadone deaths in Erie County.

Sister Mary Charles admitted that one such death was a patient enrolled in the Sisters Hospital program who apparently took "a massive dose of methadone in addition to that administered daily at the hospital."

"WORTH IT ALL"

"There are tensions, pressures, obstacles, disappointments and unanswered questions about methadone maintenance," she declared, "but of one thing I am sure—it is worth it all to watch a man become a man once again."

She cited letters which the hospital has received from grateful addicts and their families testifying to happier family lives, regular employment and fewer problems in general.

Mr. Willis of the DART program, in urging stricter methadone controls, warned that it is "as bad as heroin" when it gets into the illegal market. Methadone, he said, is already "on the streets" in Buffalo.

"If a guy leaves the center with a three-day or more supply of methadone," he said, "some of that methadone, in some instances, can get into illegal channels. Other supplies are coming in from New York."

Robert Stanley, DART's senior counselor of social service, warned that even methadone maintenance programs aren't foolproof.

Others sitting with the Rep. Hastings for the subcommittee hearings included Rep. Peter Kyros, (D., Maine), a member of the committee, and Rep. Jack Kemp, (R., Hamburg) a member of a Republican task force on drug abuse.

Subcommittee members will visit Buffalo methadone maintenance programs tomorrow before returning to Washington.

[From the Buffalo Evening News, Mar. 23, 1972]

Probe Into Methadone: Communications Lag?

A communications lag between federal and local officials is behind charges that Erie County officials are refusing to co-operate in a federal investigation of area methadone-related deaths, a spokesman for the county attorney's office said today.

First Asst. County Atty. William E. Staub told The Buffalo Evening News he advised Federal Bureau of Narcotics & Dangerous Drugs investigators Feb. 29 that toxicology reports they had sought from the county laboratory could not be released without a court order.

"I advised the investigators and the U.S. attorney's office in Buffalo on that date that we were bound under state law to receive a court order before the reports could be released," Mr. Staub said.

"Since that date we have heard nothing further on the matter from federal authorities until the charges came out of Washington," he added.

Rep. James P. Hasting (R., Allegany) said Wednesday that federal officials had informed him that the Erie County Laboratory had refused to give its complete co-operation to federal narcotics agents investigating area methadone-related deaths.

"Justice Department Personnel approached the director of the county lab on Feb. 28 and demanded written reports concerning nine alleged methadone deaths in the county," Mr. Straub said.

When Mr. Straub was notified of the original request, he said he advised labor personnel to withhold the reports until he could speak with the investigators.

"I met with the investigators the next day in my office and told them the county was ready to aid in any way it could with the investigation, but that we were bound under state law on the release of written reports of county medical examiners."

Mr. Straub said the law stipulates that such reports, which are not public documents, may be released to "other parties" only after the State Supreme Court issues a written order.

"I advised the U.S. attorney's office in Buffalo that we would be willing to waive all formal motions to get them that order as quickly as possible, but we never heard from them again on the matter," Mr. Straub said.

STATEMENT BY CONGRESSMAN THADDEUS J. DULSKI BEFORE SUBCOMMITTEE ON PUBLIC HEALTH AND ENVIRONMENT, BUFFALO, N.Y., MARCH 23, 1972

Mr. Chairman, I appreciate your extending to me this opportunity to appear before the Subcommittee on the operating procedures for methadone maintenance programs in Erie County.

Just two weeks ago, I conducted hearings in our city regarding the possibility of persons using the mails to send suspected dangerous drugs to government agencies for analysis purposes only.

I don't presume that these hearings now make me an instant expert of the drug problem or of the ways in combatting this menace. I have barely scratched the surface.

Yet, I feel that our hearings have afforded us an invaluable first hand insight to the problem.

We were fortunate to have discovered some witnesses who were willing to come forward and tell their story—people who have lived with this dreaded curse, either as addicts or as parents with addicted children.

They appeared at great personal sacrifice and anguish. The fact that they wished to remain anonymous, for obvious reasons, in no way dilutes the value of their testimony.

Their stories bear directly on the subject matter of the hearing today. Therefore, I will be happy to make available for the subcommittee in its deliberations copies of the transcript of our hearings as soon as they are printed.

I would like to cite one example. We heard from a young girl, a former addict, who had turned to prostitution to support her habit. She has been on a methadone program for three months, during which time she has stayed clear of drugs. She said, "I hope with methadone, I may be able to get rid of the habit."

I do not wish to imply that our hearings have given us conclusive evidence that methadone is the complete answer to the drug problem. What I am saying is that we received some testimony that the methadone program has helped in a most meaningful way.

I also realize that while there have been successes with methadone treatments, there have also been problems. For example, the recent deaths of nine persons in Erie County were related to the use of methadone. There have been reports of methadone addiction of babies born of mothers who were under methadone treatment. Other reports of so-called "methadone addiction" as a result of its availability "on the streets" have also been made.

Yet, the benefits derived from this program should not be minimized because of these setbacks. Further, at least at the present, it appears that methadone is the most effective chemical remedy for relieving heroin addiction.

Therefore, the answer would seem to lie in effectively controlling the dispensing of methadone, not in its curtailment.

These controls, however, should not be so overbearing with the result that methadone treatment would become virtually non-existent. Yet they must be made sufficiently effective to eliminate the ancillary problems that have arisen.

In conclusion, I wish to commend the subcommittee, and especially my colleague from Western New York, the Honorable James F. Hastings, for arranging these hearings.

I am confident that your efforts will be of significant assistance in our fight against drug abuse.

VIEWPOINT—DRUG PROBLEM WORSENS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. RODINO. Mr. Speaker, as you know, I have long been deeply concerned about the perilous drug problem which has engulfed this country. We are beyond doubt confronting a crisis situation, for narcotics addiction has reached epidemic proportions.

I am delighted that President Nixon has acknowledged the urgency of this problem, for the lives and futures of America's young people are at stake. I think we must be absolutely sure that every penny of the funds approved for narcotic programs is properly and effectively expended and I intend to continue to follow closely all governmental activities. In this connection, I would like to bring to the attention of my colleagues another "Viewpoint" from a recent Newark Star-Ledger:

VIEWPOINT—DRUG PROBLEM WORSENS

In tragic human terms, the nation's hard core drug program has worsened despite public avowals by elected officials to fight an unrelenting war against addiction and heroin peddling.

But it should be apparent, even at this late date that political rhetoric is not going to be enough to turn the ominous swelling tide of narcotic addiction in this country.

The nation is moving at an agonizingly slow pace in dealing with the addiction problem in a full and responsible manner. President Nixon, in his latest declaration on the social scourge of addiction, called for "total war," characterizing the problem as the nation's domestic "public enemy No. 1."

It is a realistic priority, calling for a broad governmental commitment that will require a substantial allocation of resources if any appreciable headway is to be made in resolving the problem.

The states no longer can continue to underwrite the sizable effort required. New York State, for example, has expended several hundred million dollars, and Governor Rockefeller grimly conceded that the results have been highly discouraging.

Although Mr. Nixon has taken strong public stands on addiction, the fact is that the governmental effort has not yet approached the President's resolve and determination by either results or performance. Admittedly, the drug problem is awesome and difficult to resolve, or even abate, but it is going to require a lot more time, energy and resources than have been committed to date.

It is apparent that the war on narcotics is still way short of "total" and priorities set by the Administration have not until recently began to match the urgency required.

The Nixon Administration has now embarked on a three-pronged drive—moving to cut off foreign sources of supply, setting up an office for drug abuse prevention and, more recently, concentrating a tighter enforcement. These approaches would have considerable potential if they are carefully coordinated under one administrative umbrella. But this does not appear to be the case under the Administration's hydra-headed concept.

On balance, however, the new federal narcotics law is a decided improvement in comparison with the feeble efforts of the past. With $1 billion in funding, the attack on the drug problem should be much more effective than previous governmental efforts.

STATEMENT BY ASSEMBLYMAN PETER J. COSTIGAN

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. GROVER. Mr. Speaker, today I attended a conference of State legislative representatives from the northeast States. One of the legislators present was our outstanding assemblyman Peter J. Costigan from Suffolk County, N.Y., whose remarks reflect the opinion of the vast majority of my constituents.

The statement follows:

STATEMENT BY ASSEMBLYMAN PETER J. COSTIGAN AT A MEETING OF THE LEGISLATIVE DELEGATIONS OF THE NORTHEAST ATLANTIC STATES

Ladies and Gentlemen:

As an Assemblyman from the State of New York, and appearing in behalf of the Speaker of the New York Assembly—Perry Duryea—I am here today to voice the concern of millions of people who fear that offshore drilling along the Atlantic coastline ultimately will lead to severe economic and environmental consequences.

The other purpose of this statement is to call upon the United States Department of Interior:

To clearly delineate what the national policy is toward offshore drilling;

To enlighten us as to improvements—if any—in the technology of controlling and preventing oil spillage and seepage;

And finally, to fully disclose the nature of oil and gas drilling operations contemplated particularly in the vicinity of Long Island.

Certainly we in New York do not wish to stand in the way of progress. Yet change brought about by technology does not always mean progress. It seems to me that progress occurs only when governments at all levels—federal, as well as state and local—plan wisely and choose well in their efforts to better the living conditions of the people.

While we recognize the nation's future need for oil and gas reserves, we would question the wisdom of the Federal Government allowing marine exploration of the Atlantic Outer Continental Shelf, especially at this time when the petroleum industry obviously lacks sufficient technology to control, and more importantly, prevent the spillage and seepage of oil, not only from drilling rigs but also tankers.

We have had enough of biological wastelands—of beaches blackened with oil and strewn with bodies of dead or dying water fowl. After all, Long Island is a sizable chunk of territory. If you were to pull its coast into a straight line, it would stretch all the way to Savannah, Georgia. That's about 1,700 miles of coastline—and I'm sure no one here would want to see it become the Santa Barbara of the Atlantic.

Moreover, aside from environmental considerations, the economic value of our shorelines and coastal waters cannot be overestimated. In fact, our wetlands serve as a breeding ground for the nation's fish supply. Latest available statistics show that in 1970, the Long Island catch amounted to 16.4 million pounds of fish valued at $2.38 million and 15.8 million pounds of shellfish valued at $13.7 million. And, our recreational bays, harbors and beaches pour millions of tourist dollars into the State's economy.

It therefore should be understandable why reports that the U.S. Interior Department may issue permits for offshore drilling have caused considerable apprehension among my colleagues in the New York State Legislature, and a lot of vocal reaction from our constituents that may or may not be justified.

Surely no one will dispute the fact that the people of Long Island have the right to some straightforward answers. The people have the right to demand full disclosure as to the precise intentions of the Interior Department. The people have the right to know the findings of any geological studies that the Department may have conducted in compliance with the National Environmental Policy Act. And, the people have the right to hear all petroleum companies applying for an offshore lease publicly attest as to the safety of their drilling and production procedures.

Not only do New Yorkers have the right to know, but so do the people inhabiting all of the Atlantic Coastal States—for once oil spreads, it knows no boundaries. In the words of Assembly Speaker Perry Duryea—"Where our States share a portion of the Atlantic coastline, they likewise share the problems involving that coastline."

This is why Speaker Duryea recently joined with Assembly Speaker William Ratchford of Connecticut in creating a Bi-State Legislative Committee on Coastal Marine Resources—of which I am Co-Chairman.

Our Committee is charged with the responsibility of reviewing pollution, dumping and drilling problems relating to the Atlantic Coastline and Long Island Sound, and transmitting corrective programs, if necessary, into the respective State Legislatures for action. Such a mission makes it all the more imperative that we keep closely attuned to the plans of the Interior Department and other environmental agencies at the Federal level.

In New York State, we have a number of programs before us at the current session of the Legislature, which are designed to protect our marine resources from the devastating threat inherent in offshore oil and gas drilling. For example:

The Assembly already has passed a bill banning the drilling for oil or gas anywhere within the three-mile statutory limit of the Long Island shoreline.

A resolution has been introduced memorializing the Congress of the United States to set up firm offshore oil drilling prohibitions applying both to domestic and foreign interests.

The State's Attorney General has prepared legislation designating our coastal waters fronting the Atlantic Ocean and Long Island Sound as a marine sanctuary, and absolutely forbidding the extraction of oil or gas from the submerged lands under these waters. Violators would face stiff penalties, and also would be held liable for damages if they caused a discharge of oil or other pollutants originating from outside of the State's waters.

And, my colleagues in the New York Legislature also are studying a proposal to create a State Commission on Marine Resources—a sort of watchdog with subpoena power so that polluters and would-be polluters no longer could escape the law.

I cite these actions to demonstrate to you that we in New York mean business. We must move vigorously—for Long Island officials, conservationists and scientists all predict environmental disaster in the uncontrolled sinking of wells offshore.

They point to the instability of the ocean bottom, the inevitability of spillage induced by human error, and the inhospitality of the climate itself because of rough seas in winter and the constant danger of those notorious "nor 'easters." In addition, there's always the likelihood of blow-outs, and the prevailing wind currents are such that oil spills would be taken directly to shore.

But even if the ecology of the Atlantic Coast, including Long Island Sound, was not so fragile, the lesson of Santa Barbara and similar mishaps off the Gulf Coast teaches us that no drilling operation is absolutely safe. Indeed, the technology of offshore drilling is so undeveloped that no one can give assurance that there will not be a major accident such as spillage or seepage, nor is anyone clear as to the effect on the environment if there is an accident.

Estimates indicate that more than one million tons of oil are spilled each year in oceans and harbors throughout the world. This figure includes spills from drilling rigs, shipping losses, accidental spills in port, and illegal cleaning of tankers at sea.

And, we haven't seen anything yet! With world-wide offshore petroleum production expanding at a rate of 10 per cent a year, presumably so will the spills and seepages. Like poison in water, once oil enters, the damage is done.

As I observed at the beginning of this statement, change catalyzed by technology undeniably has resulted in a higher standard of living for the people of New York State and elsewhere in America, but at the same time it has posed new, serious threats to the very existence of our society. Now I say it's high time that technology was used to eliminate these threats. Only then will we have true progress.

This is the challenge I throw out to the oil companies. Until they achieve the technology required to effectively control and prevent spillage and seepage—until they show as much zeal for protecting the environment as they have for exploiting it—government must be ever vigilant.

Government must insist on full exercise of its enforcement powers to shield our precious environment from the toxics emitted by offshore drilling. And, government must not be led astray by huckstering that minimizes the extent of oil pollution.

For, if government isn't on its guard, man in the process of despoiling his environment will destroy himself.

THE 54TH ANNIVERSARY OF BYELORUSSIAN INDEPENDENCE

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. BROOMFIELD. Mr. Speaker, March 25 was a day of great significance for citizens of Byelorussian descent. It was on that day, 54 years ago, that the independence of the Byelorussian Democratic Republic was proclaimed.

Prior to World War I several European nations began establishing a firm foundation for democracy. Those nations hoped to protect themselves from outside aggression through an organizational congress.

The Byelorussian State withstanding military pressure from Russian forces, was secretly preparing for the opportune moment to break from their oppression. It was during the Bolshevik Revolution of 1917 that the moment of freedom arrived. The Byelorussian Congress gained control of their government on February 19, 1918. On March 25, 1918, the Congress declared itself a nation, independent and democratic.

It was in late 1918 when the Russian armies again invaded the Byelorussian territory. On December 10, 1918, a Soviet government was reestablished which destroyed the self-governing Byelorussian Congress.

Today, however, the 8 million Byelorussian people still hope that they will once again have the opportunity to regain their independence among the free nations of the world.

Mr. Speaker, let us pay homage to the people and once proud nation of Byelorussia on their 54th anniversary.

Let us hope and pray that one day soon, we can truly celebrate the independence and freedom of Byelorussia as we did briefly in 1918.

WHAT WAS PURPOSE OF SOVIET MANEUVERS?

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. BOB WILSON. Mr. Speaker, I include in the RECORD, the following article by Irving Salomon which appeared in the March 5 San Diego Union:

WHAT WAS PURPOSE OF SOVIET MANEUVERS?

(By Irving Salomon)

Twice, the veil of secrecy that traditionally hangs over the training and maneuvers of the Soviet armed forces was temporarily lifted; and each time, the formidable colossus of Soviet publicity and the Soviet propaganda machine was brought to bear upon these ground forces maneuvers.

The exercises were not the first in the history of the Soviet ground forces. In 1936, the Red Army, in the course of maneuvers near Kiev, invited large numbers of representatives of the capitalist powers to watch a demonstration of a large-scale parachute drop. It was the first time in history that so great a number of troops had been dropped on one occasion.

Looking back at that occasion over an interval of 36 years, one is struck by the fact that it was all very important for the Soviet Union, at that particular moment, that the foreign visitors should be mightily impressed.

The USSR was militarily not very strong. The armaments programs set up by the five-year plans had not yet made their effect felt. When the Kiev maneuvers were held, many of the weapons planned for the use of the Army were still on the drawing-board and not yet available for use. So the Red Army tried to by make itself look more formidable than it was.

Actually, the parachute drop demonstrated at Kiev was incapable of application in a real war. To be capable in a major conflict, far larger numbers of men would have had to be transported; and, moreover, after they had been dropped, they would have to be supplied. The Soviet air force of the time did not possess the planes or the equipment to do either.

Nevertheless, the Kiev maneuvers were strikingly successful; they persuaded the foreign visitors that the Red Army was ultramodern, very highly mechanized and very formidable.

Coming to the current situation, it is interesting to note that the Soviet government did not invite any western representatives to the recent exercise.

They avoided any publicity on it in the West.

However, numerous groups came from the other Socialist countries to see the maneuvers. Also, the urban population of Kiev were present by the thousands. Soviet inhabitants in general were unable to attend, but were reached in an extensive way by the Soviet press, radio and television. Much publicity was accorded the exercise in the USSR so that the ordinary citizens could be acquainted with the current exploits of the Soviet armed forces.

What is the reason the West was excluded this time?

Was it because it was on such a large scale?

It is interesting to note that eleven divisions and ancillary units participated; also, more than 1,000 tanks. Also, the personnel engaged was not only the regular army. A large number of reservists were called up to take part. It is interesting to note that few came from several Soviet republics and the Warsaw Pact countries, though their media was bombarded with stories of the exercise.

What could have been the Soviet reason for exhibiting their military prowess to their own citizenry?

NEWS BULLETIN OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. WHITEHURST. Mr. Speaker, I am inserting into the RECORD the weekly news bulletin of the American Revolution Bicentennial Commission—ARBC. I take this action to help my colleagues keep informed of bicentennial activities and programs across the Nation. The bulletin is compiled and written by the ARBC Communications Committee staff. The bulletin follows:

BICENTENNIAL BULLETIN—MARCH 27, 1972

During its meeting on March 21, the ARBC Executive Committee received reports and placed under study positions on a national Bicentennial theme; a policy for recognition of non-profit and commercial projects; the Coins and Medals program; and the feasibility study of the Bicentennial Parks concept. In addition, a presentation by New York City officials was made in behalf of the New York South Street Seaport Project.

The Philadelphia Bicentennial Corporation presented on Tuesday, March 21, plans for hosting an International Expo for '76. Chairman John Bunting made the presentation to Secretary of Commerce Peter Peterson, ARBC Chairman David J. Mahoney and representatives of other federal departments and agencies. Mr. Bunting was joined by Pennsylvania Governor Milton Shapp, Philadelphia Mayor Frank Rizzo, U.S. Senator Richard Schweiker, Congressmen Byrne, Eilberg and Williams (ARBC member), and several other state and city officials from Pennsylvania and New Jersey. The Expo plan will be taken under advisement and study for a joint report to President Nixon by Commerce, the Office of Management and Budget and the ARBC.

At the ARBC Communications Committee meeting on March 22, action was taken to provide for Advisory Panels on Ethnic Media and to include ethnic representation on the Committee. The Committee also unanimously recommended a national Bicentennial theme and sent its recommendation to the ARBC Executive Committee. Also on the agenda was a presentation for recognizing non-profit and commercially sponsored communications projects and a review of current ARBC Communications and Audiovisual Programs.

The directors of Washington, D.C.'s Metro Authority, WMATA, recently pledged an all-out drive to meet the Administration's request that at least 24 miles of Metro rapid rail line be operational for the '76 Bicentennial. In a resolution approved by Metro directors top priority consideration will be given to extending service to Dupoint Circle, Silver Spring, National Airport and Stadium-Armory stations by May 1, 1976.

The Year and the Spirit of '76 by ARBC Commission member Ann Hawkes Hutton is to be published by Franklin Publishing Company, Philadelphia on April 3rd. All proceeds will go to the Washington Crossing Foundation. Additional information may be obtained by writing the Foundation, Washington Crossing, Pa. 18977.

Mr. Robert A. Hickman, member of the South Carolina Bicentennial Commission, said recently that the State Commission is planning to establish three interpretive centers for visitors for the Bicentennial. One is to be located at Charleston and others at the sites of the Battles of Cowpens and King's Mountain.

A recent article appearing in the Lansing (Mich.) Journal states that Michigan's participation will emphasize the historical development of transportation in the U.S., but will also feature several varying statewide observance with the assistance of several local historical societies. The State Historical Commission, the article says, is urging construction of a new Museum of Michigan History "as a lasting reminder of the Bicentennial celebration."

Following are some recent State Bicentennial developments reported to the ARBC:

Mr. Arnie Stenseth has been named Director of the South Dakota American Revolution Bicentennial Commission. Mr. Stenseth will have his office in the State Capitol Building in Pierre.

Mrs. William S. Curry of Casper, Wyoming has been named Chairman of the Wyoming Bicentennial Commission. Mr. Charles W. Margolf of Buffalo, Wyoming has been named Vice Chairman and Mrs. Jim Hendry of Lost Cabin, Secretary-Treasurer of the twenty-member Commission.

Dr. Robert E. Cecile has been named Chairman of the Ohio American Revolution Bicentennial Advisory Commission. Mr. Cecile is the Assistant to the Governor for Education.

Following are additional comments on Bicentennial Parks:

"Open land and the great frontier are the bases of American history. Indeed, they made the country. We cannot think of a more meaningful birthday celebration than a network of parks demonstrating, among other things, wholesome recreation and the best use of land. But why wait until 1974 to get the job going?"—Miami, Fla. *Herald* (3/4)

"Many states and cities already are well along in their Bicentennial planning. For those that are lagging behind—and that includes Wisconsin—the Bicentennial Park announcement should prove to be a spur for greater activity."—*Commonwealth Reporter* (Wisc.) (2/25)

"This could be the spark that could put the bicentennial on the road and unite this nation as never before."—Rapid City, S.D. *Journal* (3/2)

"Scattering a series of novel new parks across the country seems at first glance like a dramatic way of enhancing the 1976 observance of the nation's 200th birthday. . . . The commission concedes problems. Some states might not want one of these new parks if they are going to have to take over operating costs. (Presumably Wisconsin would not be that shortsighted, given our great need for more parks nearer urban centers.)"—Milwaukee, Wisc. *Journal* (3/1)

"The idea has merit if for no other reason than it allows flexibility. States would not be required to participate, and those who did could select their own architect to play variations on the central theme."—Lancaster, Pa. *Journal* (3/6)

"The network of 50 bicentennial parks proposed by the American Revolution Bicentennial Commission would be a creditable permanent reminder of the national pride Americans should feel in 1976."—Winchester, Va. *Star* (3/8)

TO HONOR A REVOLUTION—PARKS FOR THE PEOPLE

(By Wolf Von Eckhardt)

The American Revolution Bicentennial Commission has finally come up with an idea.

It is a good one, I think.

The Commission would have us celebrate the 200th anniversary of our independence in 1976 by opening a Bicentennial Park—a "peoples' park," as it were—in every state of the Union. They would be built on federal surplus land, such as obsolete military installations. And most of them would be built in or near big cities, where popular recreation and cultural attractions, indoor and out, are most sorely needed.

These parks would not be mere fairgrounds, such as Philadelphia is still thinking of building for the 1976 celebration.

Nor would they be city parks in the traditional sense, such as New York's Central Park or Washington's Rock Creek Park. The old parks were created in more leisurely times and thought of as great, bucolic open spaces within the city, a bit of rural landscape transplanted to a place where city people could easily get to them for outdoor play, strolling, sunning and seclusion. We need that, too.

But the new, Bicentennial Parks would also be places where things happen, that invite, to use the fashionable sociologese, "involvement and participation." There would be excitement, diversion and inspiration, a variety of activities and events by day and by night, summer and winter.

As a major attraction, the Bicentennial Commission suggests that each park have a Bicentennial Pavilion for historical exhibits and the display of arts, crafts and special films as well as an amphitheater for all kinds of theater, music and dance performances. In front of them would be a Bicentennial Plaza for public ceremonies.

The parks would furthermore feature a variety of restaurants, some offering hot dogs and beer, others fancy dishes and wine. There would be dance pavilions and puppet shows, market stalls, carousels and fun rides, a botanical garden and ecology center, children's playgrounds and picnic areas.

Some parks might still have room for games and sports and many would include water for swimming and ice skating and perhaps even fishing and boating.

Most importantly, perhaps, the parks would invite spontaneous events and "happenings," such as people themselves will generate, given half a chance. Thomas P. F. Hoving, now the director of the Metropolitan Museum of Art, successfully sparked such happenings in Central Park when he was New York City's Park Commissioner.

The Bicentennial Commission asked architects Davis, Brody and Associates to design a prototype for such parks. They came up with an interesting model, showing a world's fair-type, innovative cable structure and all sorts of neat architectural baubles.

But never mind the steel net, plastic-coated megastructures that scare us into future shock. What matters here are not structures but people. And to show what these parks could do for them, the Commission may be better advised to show pictures of some of the existing urban parks and how people enjoy them.

The most famous and attractive one, perhaps, is Copenhagen's Tivoli. Another delightful one is Moscow's Maxim Gorki Park. Each major East European city, in fact, has a "people's park" at the end of a street-car that keeps families entertained for a whole day without having seen and experienced all its attractions.

The most delightful cultural, recreation and amusement park in this country, I should think, is the Seattle center, a happy remnant of the 1962 Century 21 exposition in that city. Some years ago New York was about to build a similar park on the site of the 1939 and 1964 world's fairs out at Flushing Meadows.

Designed by landscape architect Lawrence Halprin with architects Marcel Breuer and Kenzo Tange, Flushing Meadows was to be a permanent bright spot in the city, a place full of action and vitality, a park that had just about everything—except the money to build it.

That was also the fate of the Anacostia Park here in Washington which Lawrence Halpern designed for Mrs. Lady Bird Johnson's beautification effort. Its most exciting feature was to be Kingman Lake, a stretch of the Anacostia River just below the Kennedy Stadium, that was to be de-polluted by filtering the water so that 30,000 people could swim in it at the same time. The cultural and amusement park was to be built on both sides of the lake and its sandy beaches.

Here, then, in New York and in Washington, are the makings of these Bicentennial Parks. There are surely similar potentials in all our big cities.

The Bicentennial Commission is now investigating these potentials and the feasibility and desirability of a string of such parks. It hopes that the next President will submit a well designed national program to Congress in January 1973, which will just barely be enough time to get them built by 1976.

Some people might call these parks a mere frill, a place for firecrackers, fun and games. But the President might well make them part of his program of dealing with the urban crisis because recreation, diversion and happenings that bring people together are just as important as housing and public transportation.

The Bicentennial parks, in short, could help a great deal to bring our stagnating cities to life again.

GROUNDWATER AMENDMENT TO WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. ASPIN. Mr. Speaker, our distinguished colleague the Congressman from Massachusetts (Mr. CONTE) and I plan to introduce tomorrow an amendment to the Water Pollution Control Act Amendments of 1972 which would restore groundwater to its rightful place in this legislation and would eliminate a glaring loophole for the oil industry.

Below I include the text of the amendment which we will propose tomorrow. It follows:

AMENDMENT TO H.R. 11896, AS REPORTED

(Proposed by Mr. ASPIN and Mr. CONTE)

Page 227, line 3, after "navigable waters" insert "and the ground waters".

Page 277, line 4, after "such" insert "navigable and ground".

Page 278, line 3, after "navigable waters" insert "and ground waters".

Page 278, line 6, after "such" insert "navigable or ground".

Page 281, line 8, after "navigable waters" insert "and ground waters".

Page 372, line 14, strike out "water," and all that follows down through and including "(C)" on line 22.

Page 372, line 24, strike out "(D)" and insert "(C)".

Page 373, line 21, after "navigable waters," insert "ground waters,".

Page 374, line 4, strike out the period and insert in lieu thereof a comma and the following: "(C) any addition of any pollutant to ground waters from any point source."

FORCED BUSING

HON. DAVID E. SATTERFIELD III

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. SATTERFIELD. Mr. Speaker, some of the strongest advocates of forced busing have been saying that court ordered busing has nothing to do with seeking racial balances in public schools. Some allege that they do not read the court decisions as seeking racial balance. Obviously they have not read the recent "consolidation" decision rendered earlier this year by Judge Robert R. Merhige, Jr., judge of the U.S. District Court for the Eastern District of Virginia at Richmond.

An editorial in the March 21 issue of the Richmond News Leader demonstrates just how wrong these observations and opinions are. I invite the attention of my colleagues to that editorial with the hope that those who agree with these statements by busing advocates will take the time to read it.

[From Richmond News Leader, Mar. 21, 1972]

THIS ONE DOES

We all have our myths that protect us from reality, and the pro-busing people are no exception. Elliot Richardson, Secretary of the Department of Health, Education, and Welfare, is one of three Nixon Administration officials who advised the President on the matter of compulsory busing. Secretary Richardson never has been known for his opposition to compulsory busing. In perhaps the first public statement indicating the new myth in which the pro-busing people are wrapping themselves. Secretary Richardson said recently: "We do not read the court decisions (about busing) as seeking racial balance." And sure enough, it wasn't long before Roger Mudd of CBS and editorial writers for the New York Times were saying the same thing.

We have some news for these people: They ought to read the opinion and order delivered two months ago to the citizens of the Richmond area by Federal District Judge Robert R. Merhige, Jr. On pages 324–325 of his opinion, Judge Merhige disclaimed his desire to bring about racial balance in the public schools, to wit: "All parties are admonished that it is not the intention of (this) court to require a particular degree of racial balance or mixing." But it is an empty disclaimer. On probably half the other pages of Judge Merhige's opinion, he discusses various pupil-assignment plans in terms of the percentage of racial mix it did—or would—achieve.

Judge Merhige's opinion is filled with phrase after phrase suggesting that racial balance is indeed what he seeks. For example: "The marked racial disproportion between the city and each of the county systems has progressed rapidly in recent years." Schools with a racial composition that "departs significantly from the community parity . . . are perceived by parents, teachers, administrators, public officials, pupils, and the community at large as facilities designed and operated for one race or another." "Generally (according to educationist experts), schools attended under these circumstances by disproportionate numbers of black students are perceived as inferior." Etc.

Now, you can disclaim a desire for racial balance until you are blue in the face. You can avoid use of the word "balance." But if you write an opinion using such synoymous phrases as "racial disproportion," lack of "parity," and "disproportionate numbers of black students," there can be little doubt that you are talking about the need for racial balance—parity, more satisfactory proportions. And if you conclude your opinion with 12 pages of tables and charts showing pre-school racial breakdowns, in percentages, in every school in Richmond, Henrico, and Chesterfield, then, sir, you are talking about racial balance.

In his order requiring the consolidation of school districts in the Richmond area, Judge Merhige said: "The State Board of Education and the (State) Superintendent of Public Instruction shall, with the assistance of the acting superintendent . . . take all necessary steps to implement the desegregation plan presented to this Court by the School Board of the City of Richmond . . ." The city school board's plan drawn up primarily by assistant superintendent Thomas Little, is a 151-page stack of computer printouts based—essentially—on racial percentages. The print-outs presume to provide the precise racial breakdowns that would prevail under the city's plan at each of the public schools in the three jurisdictions.

Of 118 schools, only 10—most of them in Chesterfield—would have proportions of blacks below 25 per cent; none would have a black proportion below 17 per cent. Of the 118, only six would have black proportions above 40 per cent; none would have a black proportion above 41 per cent. So 102 of the 118 schools (86 per cent of the schools in the three jurisdictions) would have a black percentage in the 20 per cent to 40 per cent range that Judge Merhige concluded is most desirable; in no school would blacks be in the majority. Do not tell any Richmond area resident that such results under the city school board's plan approved by Judge Merhige would be pure coincidence. Rather, such results would be the intention of a judge seeking to bring black-white ratios into what he regards as satisfactory proportion—if you will, into satisfactory "balance."

Secretary Richardson, the people at CBS and the Times, and their equally mythologized myopics throughout the country owe it to themselves to read Judge Merhige's opinion and order. Thereafter, gentlemen, please: Do not tell us that the decisions of the Federal courts do not seek "racial balance." We defy anyone to deny that this one does.

WATER RESOURCE COUNCIL'S PROPOSALS REQUIRE REVIEW

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. SHRIVER. Mr. Speaker, there is understandable concern in my State of Kansas, as well as other States across the Nation, regarding the Water Resource Council's proposed principles and standards for planning water and related land resources. I have joined in requesting the council to especially reconsider its proposals which would increase the discount rate for Federal water projects and which would require reevaluation of authorized projects which are not underway within 5 years.

Preliminary assessment of the impact of implementing the proposed principles and standards in Kansas indicates it will remove from consideration the planning and construction of approximately 50 percent of the watershed projects in planning or approved for planning and virtually all of the major reservoir projects not yet under construction, but now in the Kansas water plan.

Mr. Speaker, this means that approximately 4 million acres cannot be provided watershed protection and 10 major projects are unlikely to be built in Kansas. This could be a serious blow to land and water conservation efforts which are essential to Kansas agriculture and urban development.

Without adequate water supply or protection from floods the potential for industrial and agricultural development in Kansas will certainly be damaged.

The environment of Kansas has been substantially improved by flood control and land and water conservation projects of all types.

Citizens of my State do not want the return of the dust bowl days in Kansas, nor to the disastrous floods of 1935, 1951, or 1965.

The interest-discount rate must be kept low enough to assure the continuing development of the Nation's water resources.

Under the leave to extend my remarks in the RECORD, I include an editorial from the Wichita, Kans., Eagle which highlights the serious impact of the Water Resource Council's proposals. In addition, I include a resolution recently adopted by the Kansas State Senate urging that the Federal interest rate used in computing cost-benefit ratios be maintained or decreased. The editorial and resolution follow:

WATERSHED CHANGES NOT IN PUBLIC INTEREST

Watershed control projects worth half a billion dollars in Kansas are in danger because of proposals to change federal rules for building water resources structures.

Involved are feasibility specifications for federally funded water projects.

Of particular concern are proposals which would increase the discount rate for federal water structures and which would require reevaluation of authorized projects which aren't under way within five years.

The discount rate, in this case, refers to the ratio of pay-back per year that a water resource project will yield for federal dollars spent. Yield might be flood control, recreation, water supply or a combination of these.

The current discount rate is 5⅜ per cent, but the new proposals would raise this to 7 per cent right away and to 10 per cent in five years.

This would knock out a number of Kansas projects. Thirteen would fall at the 10 per cent discount level, and about 50 per cent of the state's water projects would be lost immediately at the 7 per cent level.

An example is the proposed Kendall Dam near Garden City. This facility is needed for recreation, irrigation and other uses as well as flood control on the Arkansas River. This dam has been under study since 1963, but would be killed immediately by the new discount rate.

Other projects affected would be Douglas Dam on the Walnut River; Towanda Dam on the Whitewater; Hillsdale Dam near Paola; Big Hill Dam, Labette County; Grove Dam near Topeka; Onaga Dam in Pottawatomie County; Tomahawk, Wolf Creek and Indian Creek Dams in Johnson County; Round Mound Dam at Hays; Cimarron Dam near Liberal, and the West Walnut Project encompassing more than a million acres west of Great Bend.

The restudy requirement is a waste of money because planning often takes three to four years. If construction isn't begun immediately, a re-evaluation would be required, costing more money.

A council comprised of six members of the President's Cabinet and the chairman of the Federal Power Commission recommended these changes.

They would not be in the best interests of Kansas and other states, and they should not be adopted.

SENATE RESOLUTION NO. 34

A Resolution memorializing the federal water resources council of the office of management and budget to maintain or decrease the federal interest rate used in the formula for computing cost-benefit ratios for water resource development projects.

Whereas, The state of Kansas has been recognized as one of the leading states in watershed development since the inception of public law 566; and

Whereas, Water resource development under this program has proved to be highly beneficial in reducing flood damage, enhancing wildlife habitat, improving environmental quality, providing needed recreational facilities, abating stream and river pollution, and improving the economic stability of the state; and

Whereas, The state of Kansas is presently actively pursuing rural development through resource conservation and development projects; and

Whereas, Any substantial increase in the interest or discount rate as used in determining economic feasibility would make strutural works of improvement difficult or impossible to justify: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we hereby petition the federal water resources council of the office of management and budget to maintain or decrease the federal interest rate used in the formula for computing cost-benefit ratios for water resource development projects.

Be it further resolved: That planning assistance be continued or accelerated on all water resource development projects currently authorized for planning, and that no restrictions or time limits be established for completion of such planning operations; and

Be it further resolved: That the secretary of the senate be directed to send enrolled copies of this resolution to the Federal Water Resources Council, 2120 L Street Northwest, Washington, D.C., and to each member of the Congressional delegation from the State of Kansas.

CYPRUS—THE PROBLEM IN PERSPECTIVE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. PUCINSKI. Mr. Speaker, often we become so involved with today's events that we fail to pay attention to history—to place today's events into proper perspective.

Mr. Ernest J. Vardalas, vice president of the Chicago Council of Justice for Cyprus, has performed an outstanding public service by highlighting the history of Cyprus from B.C. to the present.

I would commend this most interesting work to my colleagues.

The excellent analysis by Mr. Vardalas follows:

CYPRUS—THE PROBLEM IN PERSPECTIVE

(By Ernest J. Vardalas)

HISTORICAL BACKGROUND

Cyprus is the third largest island in the Mediterranean Sea, with an area of 3572 square miles. It lies in the northeastern corner of the Eastern Mediterranean basin at the meeting point of three continents—Europe, Asia and Africa—and this fact added considerably to the island's importance and development through the ages.

The island has a population of 650,000 (1970), of which 530,000 (82 per cent) are Greeks and 120,000 (18 per cent) are of Turkish origin. It has a mild Mediterranean climate and a wide variety of landscape, from the pine and cedar-clad mountains of its two ranges to the bare and dry plains between them.

The island has had an adventurous history which was mostly the result of its geographical position. It appeared for the first time in the history of civilization in the 6th millennium B.C., during the Neolithic Period. This period, which occupies three millenniums, was followed by the Bronze Age which lasted until 1500 B.C. when for the first time, the Mycenaean Greeks came to Cyprus as merchants and emigrants. A little later on, in the 13th century B.C., the Achaean Greeks arrived and settled in Cyprus.

They introduced the Greek language and culture, both of which have been preserved to this day. At the end of the 4th century B.C. Cyprus became part of the empire of Alexander the Great. During the first century B.C., it became a province of the Great Roman Empire and remained as such until the 4th century A.D. when it was attributed to the Eastern part of the Roman Empire. This marks the beginning of the Byzantine Period which lasted until the 12th century A.D. when, during the Crusades, Richard the Lion Hearted conquered the island but soon handed it over to Guy de Lusignan who established a French dynasty lasting to the end of the 15th century. In 1480, Cyprus became part of the Republic of Venice until 1571 when it was conquered by the Ottomans. It remained part of the Ottoman Empire until 1878 when it was sold to Great Britain which ruled it until 1960 when, following a war of independence, the island was declared an Independent Republic.

A long list of conquerors passed over the island throughout its multi-faced history. However, in spite of the complexity of its history and the variety of its many foreign rulers, Cyprus and its people managed to maintain their Greek character until today, behaving through the ages as an integral part of the Greek world, even if at times the island was under foreign rule. The language of the population remains the Greek language, and the religion the Greek Orthodox (with the exception of the Turkish minority whose language is Turkish and religion Moslem).

Cyprus was under Ottoman rule together with the Greek mainland and other Greek island which, however, following the 1821 uprising and the liberation struggle that followed, managed at least partly to attain independence in 1821. Cyprus also participated in the Greek War of Independence and a great number of Cypriots had fought and fallen during this war, particularly in the battle of Athens in 1828. (A the beginning of Greece's Independence War in 1821, a number of Bishops in Cyprus were hanged by the Turkish occupation Authorities, having been accused of supporting the Revolution). The question of the incorporation of Cyprus in the Greek State was raised soon after 1830, but it had not become possible and Cyprus remained under Ottoman rule until 1878.

In that year the expansionist policy of Tsarist Russia led the Turks to cede Cyprus to Britain which promised to help Turkey in the event of an attack by Russia on certain bordering provinces. The Turco-British agreement was concluded in complete disregard of the wishes and interest of the Cypriot people, who, as mentioned above, had all along been demanding incorporation of their island to the rest of the Greek trunk.

On the outbreak of the First World War, Cyprus had been annexed to the British Empire, and in 1925 it had formally been declared a British Crown Colony. By that time, Turkey had, under the Treaty of Lausanne of 1923, Article 16, renounced any right or title over Cyprus and by Article 27 of the same Treaty divested itself of the exercise of any power or jurisdiction in political, legislative or administrative matters over the nationals of Cyprus. When Cyprus was declared a British Crown Colony, the Turkish population of the island—descendants of members of the Turkish occupation force and expatriates from Turkey—had been invited to choose between repatriation to Turkey or permanent settlement in Cyprus, and a number of them had elected to remain in Cyprus. At that time, it had never been intended or expected that the Turkish minority would become the arbiters of the country's destiny; from the date of British occupation to April, 1955, when the struggle for independence from the British rule was started by the Greeks, the Turks in Cyprus had intermingled with the Cypriot people and lived in peace and harmony with them.

In 1955, after a constant but unsuccessful struggle to attain their freedom by peaceful methods, the people of Cyprus had taken up arms against the colonial power, and the United Kindom Government, in its effort to thwart the Cyprus people's aspirations for self-determination, had exploited the presence of Cyprus of the Turkish minority and had sought assistance from Turkey itself in obstructing the natural trend of events in Cyprus. After some hesitation, the Turkish Government accepted the invitation to intervene in Cyprus, in defiance of its solemn undertakings under the Treaty of Lausanne, and a certain section of the Turkish minority in Cyprus became the instrument both of United Kingdom colonialism and of a new expansionist tendency in Turkey.

The United Kingdom Government which in 1954 had declared that Cyprus would "never" attain independence modified its position and had threatened that if self-determination were ever to be applied in Crypus, the result would be the partition of the island, since the Turkish minority would be offered the right of self-determination separately. That threat might have been intended to discourage the Cypriot people's struggle for freedom; but its consequences had been quite different. Instead, the partition of Cyprus had become an objective of Turkish foreign policy, and a number of Turkish Cypriots had taken up arms against the Cypriot freedom fighters, while the so-called Turkish leadership had advocated either partition or the continuation of United Kingdom colonial rule.

At the beginning of 1959 in Zurich and London, agreements were reached between Greece, Great Britain and Turkey. The solution so decided was practically imposed upon the people of Cyprus. As a result of this agreement, Great Britain, Greece and Turkey were granted rights of interference and intervention into the internal affairs of Cyprus. Moreover the Turkish Cypriot minority of the island (18 per cent) was given rights disproportionate to its size. It obtained 30 per cent in the civil service, 30 per cent of seats in the Parliament, and 40 per cent in the police and the army; the Vice-President of the Republic who had to be a Turkish Cypriot was granted a veto right on various vital matters.

On the basis of the Agreements, a Constitution was drafted and Cyprus was proclaimed an independent State on August 16, 1960. It was often asserted that the Zurich and London agreements had been freely signed by the representatives of the Cypriot people, but the truth was that the Cypriot people's representatives had signed them only because the sole alternative would have been the continued denial of independence and freedom, continued bloodshed and, possibly, the forced partition of Cyprus.

The Constitution provided for under the Agreements had divided the people into two communities on the basis of ethnic origin. The President had to be a Greek Cypriot elected by the Greek Cypriots and the Vice-President a Turkish Cypriot elected by the Turkish Cypriots. The Vice-President was granted the right of a final veto on any law of the House of Representatives and on any decision of the Council of Ministers concerning foreign affairs, defense and security. The Council of Ministers was composed of ten Ministers, three of whom had to be Turks and be nominated for appointment by the Vice-President.

In the House of Representatives, the Turks though only 18 per cent of the population, were granted 30 per cent of the seats and their Representatives were elected separately by their own community. The House could never modify the Constitution in any respect insofar as it concerned its Basic Articles, and any other modification required a majority of two-thirds of both the Greek and the Turkish members. Any modification of the Electoral Law and the adoption of any law relating to municipalities or any fiscal laws required separate simple majorities of the Greek and Turkish members of the House. Thus 8 Turkish members of the House could defeat a bill voted by 35 Greek members and 7 Turkish. In fact, in the year 1962 when the fiscal laws, according to Article 78 of the Constitution, expired, the 15 Turkish members defeated an Income Tax Bill voted by the 35 Greek members, thus depriving the State of one of its main sources of income.

The highest judicial organs, the Supreme Constitutional Court and the High Court of Justice, had to be presided over by neutral Presidents—neither Greeks nor Turks—who by virtue of their casting votes were supposed to maintain the balance between the Greek and Turkish members of the said Courts. Whereas under the colonial regime Greek and Turkish judges, without any complaint ever having been made, tried all cases irrespective of the origin of the litigants, it had been provided by the above Agreements that disputes among Turks were to be tried by Turkish judges only, disputes among Greeks by Greek judges only, and disputes between Greeks and Turks by mixed courts composed of both Greek and Turkish judges. Thus for a petty offense which involved a Greek and a Turkish citizen, two judges had to sit and try it. This procedure, apart from being unnecessarily expensive, was conducive to creating a biased judiciary.

In addition to the above provisions which proved to be both unreasonable and impracticable, there were created separate Greek and Turkish Communal Chambers with legislative and administrative powers in regard to educational, religious, cultural, sporting and charitable matters, cooperative and credit societies and questions of personal status.

One cannot avoid mentioning two Treaties which constituted an infringement on the independence of the Republic of Cyprus and which became part and parcel of the package deal agreed upon in Zurich:

1. The Treaty of Guarantee between Cyprus on the one hand and Greece, the United Kingdom and Turkey on the other, whereby the said three powers were given the right of joint or even unilateral intervention for the purpose of re-establishing the state of affairs created by the London and Zurich Agreements, and

2. The Treaty of Alliance between Cyprus, Greece and Turkey entitling Greece and Turkey to station contingents of their own forces on the Cyprus soil. It should be noted, however, that these treaties were never presented to the House of Representatives for ratification, as the House would not ratify them and thus an impasse would have been created as from the early days of the birth of the Republic.

As a result, the proper functioning of the State had become virtually impossible through a constitutional structure conceived at a time of tension and suspicion, and based on notions aiming at division rather than cooperation and unity.

The Zurich and London agreements had been in direct conflict with the basic principles of international law and morality, with the principles of the United Nations Charter and with the right of every State to full sovereignty and independence; they had authorized foreign powers to intervene to an unprecedented extent in the domestic affairs of an independent State, Member of the United Nations; and they had violated the internationally accepted principles of democratic government, majority rule and equality among citizens. The United Nations Mediator on Cyprus, Dr. Galo Plaza, in paragraph 163 of his report which he made to the Secretary-General in March 1965, had described the 1960 Constitution, created by the Zurich and London agreements as, "a constitutional oddity"; and in paragraph 129 he stated that difficulties in implementing the Treaties signed on the basis of those agreements had begun almost immediately after independence.

Nevertheless, the people of Cyprus had done their best to ensure the smooth functioning of the new State; but their efforts had been doomed to failure. In November 1963 the President of the Republic, Archbishop Makarios, in a sincere desire to improve the situation, suggested thirteen amendments to the Constitution, amendments not involving any of the radical changes which had been necessitated by subsequent events but designed rather to remove some of the more obvious causes of friction. Those amendments had been submitted to the leaders of the Turkish minority in Cyprus, but before the latter had a chance to consider them, the Turkish Government—to which they had been communicated simply for information—had dismissed them as unacceptable, thus compelling the Turkish Cypriot leader to follow suit. In December 1963, there had been a more ominous reaction from the Turkish Government—the rebellion against the State launched by the Turkish underground organization in Cyprus, and threats of invasion and acts of aggression by Turkey itself, which had seized the President's proposals for amending the constitution as an excuse for putting into effect its long-prepared plan for the partition of Cyprus.

The Vice-President, the three Turkish Ministers, the Turkish members of the House, as well as Turkish Public servants, withdrew from the Government to head the rebellion against the State, the Vice-President publicly declaring that the Republic of Cyprus had ceased to exist. On the false and outrageous pretext that the Government of Cyprus and its forces were about to annihilate the Turkish minority, the agents of Turkey in Cyprus, controlled by Turkish officers from Turkey, had resorted to the forcible movement of sections of the Turkish population—not for their protection, as had been hypocritically asserted at the time, but in order to create compact Turkish areas and bring about a geographical separation of the Turkish minority from the Cypriot people, in preparation for eventual partition. The Turkish contingent stationed in Cyprus under the Treaty of Alliance had assisted the rebels by moving out of its barracks and illegally deploying north of Nicosia in hostile occupation of Cyprus territory, and it is still so deployed.

LONDON CONFERENCE—RECOURSE TO THE U.N.—MEDIATION EFFORTS

In January 1964, in view of the serious situation resulting from the fighting in Cyprus, the threats and acts of intervention and aggression from outside and the forcible movements of population, the United Kingdom Government had called a conference in London to deal with the problem. But a few days after the conference had started, it had become clear that its purpose was to persuade the Cyprus Government to agree to the dispatch to Cyprus of troops from various countries friendly and allied to Britain and Turkey for the ostensible purpose of maintaining law and order, and to the establishment of an intergovernmental committee to issue directives to the troops.

Whatever might have been the motives and intentions of the various countries submitting that proposal, the representatives of Cyprus had realized that it would inevitably result in the occupation of Cyprus by foreign troops and in the replacement of the authority of the Cyprus Government by that of the so-called intergovernmental committee, which would have made it easier for the Turks to pursue their plans for the geographical separation of the Turkish minority. In fact, that was precisely what the Turkish representatives had demanded at the opening of the London conference, but the representatives of Cyprus had opposed that plan and all similar plans submitted to them, and the Cyprus Government had finally brought the matter before the United Nations.

To do so, it had had to resist pressure brought to bear from several quarters. At one point, it had even been told that an appeal to the Security Council would be sufficient reason for Turkey to invade Cyprus; and during the entire period the threat of Turkish invasion had been constant, with Turkish military aircraft flying over Cyprus, and Turkish war material and trained officers and men clandestinely landed on the island. All these culminated in the bombing by Turkish jets of Cypriot villages and towns in August 1964. The number of people killed or injured and the damage caused was considerable.

The Cyprus Government, under the pressure of Turkish threats about an imminent invasion of the Island brought the matter before the United Nations.

The United Nations repeatedly dealt with the Cyprus issue, both in the Security Council and in the General Assembly. In March 1964 under Security Council Resolution 186 (1964), a U.N. Peace Force was sent to the Island (originally for three months, but following repeated extensions, it is still in the Island), to help restore peace and normal conditions. A mediator, originally Mr. Tuomioya of Finland and later Dr. Galo Plaza of Ecuador were appointed by the Secretary General to study the question and make recommendations as to its solution. The latter's report was submitted to the Secretary General in March 1965.

In his report, the Mediator stated that the problem of Cyprus cannot be resolved by attempting to restore the situation which existed before December 1963 but that a new resolution must be found which must be consistent with the provisions of the United Nations Charter. In particular, he recommended that the solution must be capable of satisfying the wishes of the majority of the population and at the same time of providing for the adequate protection of the legitimate rights of all the people. This report, which could form a reasonable basis for the solution of the problem, was rejected by Turkey again; this had brought Dr. Plaza's mediation efforts to an end.

The Turkish Cypriots with encouragement and compulsion by Turkey have in the last years attempted to achieve a "solution" to the problem aiming ultimately at the island's division. This was sought by proposals for direct partition or for "federation" envisaging removal of populations and the setting up of two distinct administrations.

The drawbacks of partition of federation particularly for a small country like Cyprus with limited and intermingled population are so obvious as not to need any comments. "Federation" as a system of Government has never been applied in any country where it involved removal of population for the purpose of creating separate national and racial areas. Where federal systems have been introduced, there had already been in existence separate territorial entities which were brought under a federal system for the purpose of creating a single State.

The argument is sometimes used that the Turks of Cyprus must be treated differently from other minorities because their language, religion, customs and national aspirations are different from those of the Greeks of Cyprus. This, of course, is not a valid argument since those differences are the very characteristics of a minority in any country. Nor is the existence of a minority in close proximity with the country from which it derives its ethnic origin a peculiar phenomenon of Cyprus, creating rights to special political privileges.

The Turks say that they seek division in Cyprus in order to create conditions under which Greeks and Turks may live in peace in the Island. But far from bringing about peace, such a solution, by keeping the two elements of the population separated instead of bringing them together, would, for many reasons, including administrative difficulties, be a source of constant friction between them which might develop into antagonism and fanaticism and be a source of perennial trouble.

The impartial observer can reach no other conclusion than that any form of separation would not be practicable in the case of Cyprus and that, were it to be applied, it could only lead to incalculable distress for both Greeks and Turks and for their economic and social stagnation.

The idea of federation in Cyprus was examined as long ago as 1956 when the Island was still a British Colony by no less an eminent constitutional expert than Lord Radcliffe who, in his "Constitutional Proposals for Cyprus," came to the definite conclusion that federation for Cyprus was out of the question for the simple reason that there were not the prerequisites for such a form of government.

The United Nations mediator, Dr. Galo Plaza, was also categorical about it. In his report, he stressed:

"To my mind, the objections raised (against federation) also on economic, social and moral grounds, are in themselves serious obstacles to the proposition. It seems to require a compulsory movement of the people concerned—many thousands on both sides—contrary to all enlighted principles of the present time, including those set forth in the Universal Declaration of Human Rights."

Dr. Plaza further said:

"It is essential to be clear what this proposal implies. To refer to it simply as 'federation' is to oversimplify the matter. What is involved is not merely to establish a federal form of government, but also to secure the geographical separation of the two communities. The establishment of a federal regime requires a territorial basis, and this basis does not exist. In an earlier part of this report, I explained the island-wide intermingling in normal times of the Greek-Cypriot and Turkish-Cypriot populations. The events since December 1963 have not basically altered this characteristic; even the enclaves where numbers of Turkish Cypriots concentrated following the troubles are widely scattered over the Island, while thousands of other Turkish Cypriots have remained in mixed villages."

Taking cognizance of the fact that the Republic of Cyprus is a duly recognized member of the world organization, the United Nations Security Council and General Assembly have repeatedly called upon member States (which includes Turkey who has threatened Cyprus with aggression) to respect the sovereignty, unity, independence and territorial integrity of the Republic of Cyprus, and to refrain from any intervention directed against it, and further recommends the continuation of the work and efforts of the U.N. mediator in conformity with the U.N. resolutions on Cyprus.

CURRENT DEVELOPMENTS

Since June 1968, following recommendations by the U.N. Secretary-General, talks have been going on between the Greek Cypriots and the Turkish Cypriots to find a solution to the Cyprus problem.

The holding of the intercommunal talks had become possible due mainly to the unilateral normalization measures taken by the Cyprus Government in 1968. Despite security dangers involved, His Beatitude's Government lifted all restrictions and abolished all checkpoints. Thus the Turkish Cypriots are completely free to circulate all over the island but the Turkish Cypriot leadership has not responded to these measures and still prohibits Greek Cypriots from entering the areas under armed Turkish control.

This attitude on the part of the Turkish Cypriots does not contribute to the normalization of the situation but is still creating obstacles in the way of cooperation among the whole population of the island. The Turkish Cypriot leadership further caused division by setting up a so-called Turkish Cypriot Provisional Administration in the areas under its control, in defiance of the U.N. Secretary General and the Cyprus Government.

Despite this, however, the Cyprus Government proceeded with its normalization program and as a result of the calm climate that came about through these conciliatory gestures by the Government of Cyprus, the intercommunal talks came into being.

At the start of the talks, there had been signs justifying optimism for progress leading to a peaceful settlement. Written proposals were exchanged on such agenda items as pertaining to the Judiciary, the Police, the Legislature, Local Government, and the Executive.

As the talks progressed, with the Turkish Cypriot negotiator taking many months of leave to consult with the Turkish Government in Ankara, the attitude of the Turkish Cypriot side became such that impaired the climate of optimism created in the beginning of the talks. The Turks submitted views on the Local Government issue which were incompatible with the mutually accepted concept of a Unitary State and tended to create a State within a State, which is firmly opposed by the majority of the people of Cyprus and their Government.

The Greek Cypriots followed by certain conciliatory proposals, but after a five-month delay (during which time they consulted with Ankara), the Turks came back with their own counter-proposals which aimed at further division not only on the subject of Local Government but also in all the other subjects—Executive, Legislature, Judiciary and Police. These Turkish counter-proposals introduced new divisive elements and ideas which were entirely unacceptable to the Cyprus Government as they would have been unacceptable to any civilized government in the world.

The Cyprus Government has all along advocated close cooperation of the Greeks and Turks of Cyprus and unity in all aspects of the functioning of the State. To this end, its proposals aim at:

(a) a Unitary, Sovereign and Independent State with a Constitution adopted by the people of Cyprus and based on democratic principles and the principles of the United Nations Charter;

(b) ensuring that all citizens of the Republic should enjoy equal rights irrespective of race, community or religion, and that human rights for all citizens should be incorporated in the Constitution;

(c) ensuring autonomy to the Turkish Cypriots with regard to matters appertaining to education, culture, religion, and personal status.

After more than three and a half years of negotiations, the intercommunal talks recessed in a deadlock, where they stand today. During all this time, the Turkish Cypriots, taking their orders from the Turkish Government in Ankara, placed one obstacle after another in the way of reaching any agreement at all. The Turks have become more obstinate, intransigent and belicose in their attitude and behavior until no reasonable agreement can be reached except on their terms, which are aimed at the political division and physical partition of Cyprus, and eventual incorporation of part of Cyprus with Mainland Turkey.

Irrespective of difficulties to be encountered in the future resumption of the talks, the sincere desire and goodwill of President Makarios and his government to secure as early as possible a peaceful and just solution remains unchanged. At the same time, the Cyprus Government will not abandon its firm determination to protect, with all means at its disposal, the independence, sovereignty and territorial integrity of the Island Republic.

NATIONAL FUTURE HOMEMAKERS OF AMERICA WEEK

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. BOGGS. Mr. Speaker, I wish to call to the attention of my colleagues the observance of National Future Homemakers of America Week.

The theme of Future Homemakers Week this year is "Profiles in Youth," and I cannot imagine a more fitting, or more appropriate description of this fine organization.

In towns and cities throughout our country, Future Homemakers of America are planning and carrying out programs to illustrate the activities of their organization and the vocational opportunities awaiting young people in the home economics field.

There are 426 members of the 12 Future Homemakers of America chapters in the Second District of Louisiana. To them, and to their sister chapters throughout the country, I extend my warmest congratulations on a job well done.

VIETNAM: IF THE COMMUNISTS WIN

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. CRANE. Mr. Speaker, there are many who urge an immediate withdrawal of American men and material from Vietnam. In many instances, it appears that those who advocate such a policy have not carefully considered its results. When longtime observers of Vietnam argue that such a precipitous withdrawal would lead to an eventual bloodbath and the slaughter of those men and women who have relied upon the American commitment, this idea is rejected as "pessimistic" and "without foundation."

The fact is, however, that there is a great deal of evidence to support such a conclusion. Recently, the U.S. Senate Internal Security Subcommittee issued a document entitled "The Human Cost of Communism in Vietnam."

This document provides the reader with some indication of what would happen if the United States took the advice of those who advocate such an immediate withdrawal. It draws upon the leading sources in this area and provides a compendium of articles, statements, and studies.

Col. Tran Van Dac, a North Vietnamese officer who defected after 24 years in the Communist movement, informed the press that the Communists, if they win, will slaughter up to 3,000,000 South Vietnamese who have resisted them so bitterly for so many years.

Douglas Pike, author of the definitive work, "The Viet Cong," who made an indepth study of the organized mass killings carried out by the Communists during the brief occupation of Hue, concludes his study with these words:

> The meaning of the Hue Massacre seems clear. If the Communists win decisively in South Vietnam, what is the prospect? First, all foreigners would be cleared out of the South, especially the hundreds of foreign newsmen who are in and out of Saigon. A curtain of ignorance would descend. Then would begin a night of long knives. There would be a new order to build. The war was long and so are memories of old scores to be settled.

Mr. Pike continues:

> All political opposition, actual or potential, would be systematically eliminated. Stalin versus kulak, Mao versus landlord, Hanoi Communist versus Southern Catholic, the pattern would be the same; eliminate not the individual, for who cares about the individual, but the latent danger to the dream, the representative of blocs, the symbol of the force, that might someday, even inside the regime, dilute the system. Beyond this would come Communist justice meted out to the "tyrants and lackeys." Personal revenge would be a small wheel turning within the larger wheel of Party retribution. But little of this would be known abroad. The Communists in Vietnam would create a silence. The world would call it peace.

One of the important articles included in the Senate study is by Prof. P. J. Honey, of London, who lived for a number of years in Vietnam and is the author of a major work on the North Vietnamese regime, "North Vietnam Today." He is a widely recognized scholar and is considered one of the free world's foremost authorities in the field of Vietnam studies.

In his article, entitled "Vietnam: If the Communists Win," Professor Honey notes that if we wish to understand how the Vietnamese Communists would act if they assume power in the south we only need to observe how they acted when they assumed power in the north.

He notes that—

> Some idea of the scale on which the murders were carried out is apparent from the disclosure by Nguyen Manh Tuong, in his address to the National Congress of the Fatherland Front in October, 1956, that the slogan used by the Communists throughout the campaign was, "It is better to kill ten innocent people than to let one enemy escape." No official figure has even been divulged by the Communist authorities of the total number killed during this orgy of butchery."

If Americans want immediate withdrawal, such a policy should be pursued with full knowledge and understanding of its results. I wish to share with my colleagues Professor Honey's important article, and insert it into the RECORD at this time.

[Excerpted from Southeast Asia Perspectives]

VIETNAM: IF THE COMMUNISTS WON

(By P. J. Honey)

Professor P. J. Honey of London lived for a number of years in Vietnam, is the author of a major work on the North Vietnamese regime, "North Vietnam Today," and is widely recognized as one of the Free World's foremost scholars in the field of Vietnam studies, especially as they relate to North Vietnam.

1. VIETNAMESE COMMUNISM—THE FORMATIVE YEARS

Communism in Vietnam was the achievement of a single individual, Nguyen Tat Thanh, better known to the world by the alias he later adopted, Ho Chi Minh. He learned his trade of professional revolutionary at the University of the Toilers of the East in the Soviet Union during the early days of the Stalin era, and first applied his newly acquired skills in Canton, where he worked on the staff of the Russian Consul Mikhail Borodin. To understand Ho's political philosophy and methodology, one must begin by examining his thinking at that time and the techniques he employed, for he inculcated both into his disciples by word and example.

* * * * *

At the time of Ho's arrival in Canton during 1925, a Vietnamese independence movement already existed in southern China, organized and led by the greatly respected nationalist leader Phan Boi Chau. The organization would have proved a formidable rival to Ho's intended Vietnamese Revolutionary Youth Association, not least because Chau's fame and prestige far overshadowed that of Ho. The latter therefore resolved to liquidate the movement together with its illustrious leader, and did so in the following way.

Having arranged with the French Security Service to deliver Phan Boi Chau for a reward of one hundred thousand piastres—a very large sum indeed at that time—Ho invited Chau to a meeting in Shanghai. The unsuspecting nationalist leader, who had failed to remark that the meeting place was just inside the boundary of the French Concession,[1] went to the house and was immediately arrested by French police. Ho's ally in this plot was Phan Boi Chau's own representative in Hong Kong, Nguyen Cong Vien, who was at that time using the name Lam Duc Thu, and the two divided the reward equally. Chau was brought back to Vietnam, tried, and sentenced to death for his revolutionary activities.[2]

Some of Ho's followers subsequently reported that he had given them the following reasons for his act of treachery:

(1) Chau was too old to be of any further use to the revolution.

(2) The upsurge of patriotism that would inevitably follow Chau's trial and condemnation, would create a favorable revolutionary climate in Vietnam.

(3) The reward money would help to finance the training of new recruits.

The first of these reasons is an obvious attempt to minimize Ho's guilt, but the second and third reasons provide a revealing insight into the callous pragmatism that was to become the hallmark of Ho's later political activities. The ruthlessness, the total disregard for human life and suffering, were always present in Ho's actions, though he frequently disguised these characteristics behind gentle words and a benign exterior.

Ho again used Nguyen Cong Vien to subvert and destroy Phan Boi Chau's nationalist movement. It was the practice of the movement to bring young Vietnamese patriots to China for revolutionary training, and the young men selected were required to send two photographs of themselves to Nguyen Cong Vien before their departure. Those of them who, during their political and military training at Whampoa Academy,[3] had shown themselves receptive to Ho's communism and had joined the Revolutionary Youth Association were returned secretly to Vietnam.

The rest, who rejected communism and remained faithful to the nationalist cause, were arrested when they crossed the frontier into Vietnam by a French Security Service official, who invariably possessed a copy of the photograph they had sent to Hong Kong. Nguyen Cong Vien, when informed by Ho of the impending return of an "unsuitable" student, provided the French Consulate at Hong Kong with details of the route and a photograph, for which he received a monetary reward. The arrested nationalist students were imprisoned, so that contact between the nationalist movement in Vietnam and its organization in Canton was progressively weakened and ultimately broken altogether. Those nationalists whose suspicions were aroused by the unfailing arrest of "unsuitable" colleagues did not dare to return to Vietnam, but instead enlisted in the Kuomintang Army. . . .

These early examples of Ho Chi Minh's working methods illustrate the extent of his dedication to the accomplishment of his ultimate goal, and the extreme nature of the measures he was prepared to use. The goal he had set himself, even at that early date, was unquestionably the establishment of a Communist regime in Vietnam. Convinced that he must first bring about a bourgeois democratic revolution before proceeding to the Communist revolution, he took considerable pains to conceal his ultimate aim from all but his fellow Communists; for communism would certainly have failed to attract support from those bourgeois elements essential to the realization of the first stage.

Nevertheless, he remained ready at all times to destroy any non-Communist person or group, however much these might have supported him in the past, should he consider them a threat to the success of his future plans. The two classes of persons he was most concerned to eliminate were potential enemies of communism, and potential rivals who might at some future time attract to their own political movements supporters who would otherwise have accepted Ho's own leadership.

2. THE BOURGEOIS DEMOCRATIC REVOLUTION

At a later stage of his revolutionary progress, in August 1945, Ho Chi Minh was present inside North Vietnam as the leader of the Viet Minh movement he had himself created. At his disposal he had a small military force, weapons supplied by the World War II Allies, and a network of Communist Party cells throughout the country. * * *

The very great majority of Vietnamese knew little or nothing about communism or the Viet Minh. But all were perfectly well aware that the French were in prison, that colonial rule had, for the moment at least, ended, and that a Vietnamese government was once more in control of Vietnam. Popular rejoicing was nationwide. Ho and his Communist comrades, who were unquestionably masters of both the Viet Minh and the Provisional Government, were everywhere regarded as liberators and patriots. It is instructive, therefore, to observe Ho's actions on assuming power because, although the Communist Party was then smaller, less experienced, and less organized than it now is, little change has taken place in the top leadership and there is no reason to suppose that the Party's behavior pattern at that time was markedly different from what it would be today.

Firstly, the political groups which had collaborated with the Japanese in the hope that they might prevent the return of French imperial power to Indochina, the Dai Viet Party in particular, were outlawed and their leaders arrested. Simultaneously, the Viet Minh seized control of all information media, requisitioning the radio station at Bach-mai, all printing and publishing houses, and all stocks of paper. Almost at once, it published its own newspapers and took direct control of all broadcasting, thus acquiring a monopoly of news dissemination. Then the revolution commenced in earnest. The following is a description of what took place, published in the book "Histoire du Viet-Nam de 1940 à 1952" by Philippe Devillers, a French writer well-known for his sympathetic attitude towards the Vietnamese Communists:

"In the villages and towns (Vietnamese) notabilities and officials in their hundreds were singled out, molested, arrested, and even massacred by unrestrained groups led by agitators who were frequently unknown (locally), without provoking any reaction from the populace, itself generally terrorized but, on occasion, consenting. All the prisons, all the jails, thrown open at the same time, poured out on the country political and common law prisoners drunk with the thought of freedom and revenue."

"People soon gave up counting the number of beatings, seizures, extortions of money, and "confiscations of goods belonging to bourgeois fascists and counterrevolutionaries," arbitrary arrests and assassinations after (or even without) a farcical trial by hastily assembled "peoples courts."

"Footnote.—The Communists gave the impression of coolly executing a systematic program of eliminating those who would eventually oppose them. That is the reason why they were to execute numbers of well-known people belonging to conservative classes or simply to political parties offering an alternative to the Indochinese Communist Party. One could name, among so many others, *Pham Quynh* and Ngo Dinh Khoi,[4] both arrested and executed by order of the Liberation Committee on August 23rd close to Hue . . . ; the Trotskyists leader Ta Thu Thau, executed in Quang-ngai while returning from Hue to Saigon; the elderly Bui Quang Chieu of the Constitutionalist Party; the leader of the Independence Party, Ho Van Nga. Others suspected of sympathy for the 'colonialists,' that is to say of 'treason' were to be imprisoned or interned and condemned, men such as Nguyen and Tien Lang, the protégé of Governor Robin, etc."

The above extracts, it should be pointed out again, were written by a man widely known over many years for his sympathetic attitude towards the Vietnamese Communists, and who still supports their cause with the spoken and written word today. The eyewitness accounts of these events given to the present author by Vietnamese who lived through them are even more detailed and horrifying. * * *

* * * * *

A year later, in mid-1946, the communists had disposed of all the organized resistance to their regime in North Vietnam with the sole exception of the Viet Nam Quoc Dan Dang (VNQDD, the Vietnamese Nationalist Party). In July, General Giap moved his forces against these remaining opponents, and the following extract from the same book of Philippe Devillers describes the action:

"After bloody clashes, its (that is, the government's) forces retook control over the towns of Vinh-yen, Viet-tri, and Phu-tho, completely clearing the Phu-tho—Tuyen-quang—Ha-giang axis. In the Cao-bang—Lang-son region they consolidated their positions. Their successes were less clear-cut in the Red River Valley; Lao-kay, on the frontier, was nevertheless occupied.

"But it was in Hanoi that the great blow was struck. A succession of police raids on VNQDD centers during July 11th, 12th, and 13th led to the arrest of about 120 people, and to the seizure of arms, documents, and materials for forging money. The offices of the newspaper *Viet Nam*, principal organ of that party, at 80 Grand Bouddha Street, were taken; far from being suspended, the newspaper reappeared six days later, but under new management and under the control of the censors . . .

"At the end of July, therefore, the Viet Minh Government had consolidated its strength. It had practically eliminated its rivals. It no longer faced adversaries capable, without external help, of overthrowing it."

Thereafter, the ascendancy of the Communist-controlled United National Front was unchallenged, and Ho Chi Minh was able to lead the movement into a war against the now returned French on December 19, 1946, with the approval and support of the great majority of the Vietnamese people. From then until the end of 1950, the resistance movement conducted its "anti-imperialist" struggle relatively harmoniously and with only minimal internal dissension. At the beginning of 1951, however, the Communist leadership decided the moment was opportune to shift to the "antifeudal" phase of the struggle, that is to say, to change the objective of the revolution from simple overthrow of colonial rule to the twin objectives of defeating colonialism and establishing communism.

The Indochinese Communist Party, ostensibly dissolved in November 1945 lest non-Communists be dissuaded from supporting the resistance, reappeared under the changed name of Dang Lao Dong Viet Nam, or Viet-

---

Footnotes at end of article.

namese Workers Party. A new slogan was adopted, "The antiimperialist and antifeudal fights are of equal importance"; and communism became the overt controller of the revolutionary movement.

* * * * *

During the years 1951 and 1952, Communist Party control over every area of activity in the resistance zone was strengthened and consolidated in preparation for a campaign that might strain the Party to the utmost but which would eliminate, once and for all, the possibility of further internal challenge to the Communist regime thereafter. That was the agrarian reform campaign, an operation of some complexity for which minute and careful preparations had to be made. In February 1953, when both peasants and traders had been reduced to a state of penury and debt by the impossibly high taxes imposed on them, a campaign of terror was unleashed by order of the Communist Party Central Committee.

It lasted for fifteen days, two terrible weeks in which no single person was safe from denunciation, torture, arrest, or assassination, when indiscriminate violence raged unchecked and the Party authorities made no move to intervene. After the campaign had ended, as abruptly as it had begun, by personal order of Ho Chi Minh, every citizen was aware of, and overawed by, the might of the Party. But the two weeks of terror proved to be no more than a demonstration of what the Party could do. It imbued all with the desired dread of the Party and ensured instant compliance with Party wishes, but much worse was to follow.

* * * If the objective of the Communist leaders had been simply to acquire ownership of the land in order to redistribute it more equitably, or to create agriculture cooperatives, nothing would have been easier than to promulgate a decree confiscating all land. By insisting on the creation of "people's courts," however, whose members were themselves too terrified to do anything other than agree to pass the frightful sentences demanded of them, the Communist authorities obliged the whole people to accept responsibility for these atrocities. Moreover, lest anyone should entertain any doubts about what was being done, all executions were carried out in public and everybody was obliged to be present to witness them.

* * * * *

* * * Some idea of the scale on which the murders were carried out is apparent from the disclosure by Nguyen Manh Tuong, in his address to the National Congress of the Fatherland Front in October 1956, that the slogan used by the Communists throughout the campaign was, "It is better to kill ten innocent people than to let one enemy escape." No official figure has even been divulged by the Communist authorities of the total number killed during this orgy of butchery, and none is ever likely to be * * *.

* * * * *

* * * The 1954 Geneva Accords legitimized such domination by the Communists in North Vietnam, which is why a million North Vietnamese availed themselves of the opportunity to flee to South Vietnam. Such evidence as is available suggests that the numbers of those leaving North Vietnam at that time would have been very much greater if the Communists had honored the terms they accepted at Geneva and permitted all who wished to do so to leave the country unimpeded. In the event, however, they prevented large numbers from going, which forced some of those whose intentions were frustrated to resort to such desperate measures as putting out to sea on flimsy, hastily constructed bamboo rafts. A few were picked up by passing ships, but the numbers of those who drowned or starved can never be known.

The mass exodus from North Vietnam following the Geneva Accords was a very important propaganda setback for the Vietnamese Communists, because it proved to the watching world the falsity of their claims to the support and approval of the Vietnamese people as a whole. The refugees undoubtedly caused grave offense to the Communists. If they already believed themselves in danger from the Communists in 1954, and believed if firmly enough to abandon their homes, lands, and ancestral graves, they are convinced that the danger is still greater today.

That is why the North Vietnamese who have settled in South Vietnam are inflexibly opposed to a Communist military victory, a coalition government in which some portfolios are held by Communists, or the establishment of any Communist bridgehead in South Vietnam. These people have learned from bitter personal experience how a numerically tiny Communist Party can, by dint of its disciplined, organized and total ruthlessness in pursuit of its objectives, impose itself on a whole people.

4. SOUTH VIETNAM

* * * The insurgents [Ed: Viet Cong in the early 1960's], for their part, were largely dependent on South Vietnamese assistance. Since this was not afforded voluntarily, they were obliged to take what they needed by means of armed force or terrorism. At first they employed selective terrorism, killing or abducting officials, educated persons such as teachers, and men of influence. When they wished to assassinate someone publicly, as an exemplary punishment designed to cow others into submission, they tried to select victims whom they knew to be unpopular or corrupt. As the fighting spread, however, and their needs became greater, the insurgents resorted more and more to indiscriminate violence.

Hanoi recognized that this would inevitably prove counterproductive, and large numbers of captured documents bear strictures along these lines from Hanoi to commanders in South Vietnam. These criticized their political indoctrination campaign for its ineffectiveness, and pointed out that armed terrorism would antagonize the South Vietnamese people at a time when their willing cooperation was desperately needed. Other documents, sent from South Vietnam, argue that the political cause was itself too weak to motivate people; and since cooperation was essential, there was no alternative to enforcing it by terrorism. In the course of time, the brutality and cruelty of Viet Cong methods progressively antagonized the South Vietnamese * * *

5. THE TET OFFENSIVE AND ITS CONSEQUENCES

By the end of 1967, it had become clear to the Communist leaders in Hanoi that their military strategy was disastrously wrong. If persisted in, it would lead to the early destruction of their forces fighting in South Vietnam. A change had to be made, and this took the form of massive surprise attacks on all the cities and towns of South Vietnam simultaneously. Not only would armed assaults be mounted, but every effort would be made to induce the South Vietnamese people to abandon their own government and proclaim support for the Viet Cong. Surprise would be achieved by commencing operations during a period of truce agreed to by both sides for the occasion of the lunar new year, or Tet. To assemble sufficient troop strength for the execution of such a grand offensive, known now in the West as the Tet Offensive, the Communists were obliged to denude the countryside of cadres.

In the event, total surprise was achieved, but the rest of the plan went hopelessly awry. The Communists had completely misunderstood the mood of the South Vietnamese people, failed to bring about any popular uprising against the government, and were eventually driven out of all the places they had entered, suffering huge losses in the process. Had it not been for the wildly inaccurate and alarmist reporting by the foreign press corps in South Vietnam, the Tet Offensive would have been an unrelieved failure for its authors.

As it was, the panic of the press correspondents was communicated to the American public, which brought irresistible pressure to bear on the President to change his policy in Vietnam. In response, President Johnson first restricted, and then ended, American bombing in North Vietnam in return for Communist agreement to participate in talks to be held in Paris. Thus, the only advantage to accrue to the Communist side from the Tet Offensive came, not from their own efforts, but from the hysteria their attacks induced in the American and other foreign correspondents. Rarely in the history of modern warfare has any nation been so ill-served by its own press.

Yet it was the Tet Offensive that finally destroyed Vietnamese Communist hopes of military victory in South Vietnam. In cities and towns throughout the nation, the brutal killing of defenseless civilians by the Communist soldiers dispelled any expectation, still nurtured by some individuals, that they might contrive to reach an acceptable accommodation with the Communist side. From that time onwards, it was clear to all that the Communists were not prepared to consider individual cases but would deal only with categories and classes, seeking to eliminate those they imagined to stand between them and their ultimate objectives. Generally speaking, the Communists failed to seize and hold for any appreciable time the targets of these attacks, but the behavior of their troops in the course of the fighting was such as to inspire abhorrence and dread in the civil population.

The one exception to the general military pattern was the Central Vietnamese city of Hue, which was occupied by the Communists for more than three weeks. * * *

* * * * *

7. COMMUNIST VIEWS OF HUE

The prevalence of famine, disease, and flood in many parts of Asia has made premature, violent death all too common a phenomenon, and engendered in the people a stoical acceptance of what cannot be avoided. The fatalism of Asians in the face of frightful disasters never fails to amaze Westerners. But despite this inbred tolerance of adversity, the systematic and unfeeling massacre of so many ordinary residents of Hue struck horror and revulsion into the people of South Vietnam. Those Hue citizens questioned by this writer professed, in addition, incomprehension; they simply did not understand how Vietnamese people could behave in so brutal a fashion to their compatriots.

For them, the massacre provided incontrovertible proof that the Communist insurrection had abandoned all pretense of seeking to liberate the people of South Vietnam, and was undisguisedly attempting to establish an oppressive and intolerant Communist dictatorship. Defectors from the Communist side were not similarly puzzled, though they encountered considerable difficulty in explaining their reasons to a person who had not experienced years of regimented existence under a Communist regime, isolated from outside contacts and subjected daily to the psychological pressures of Party press and radio.

Two of the most lucid former Communists interviewed by this writer were senior army officers, Colonel Tran Van Dac, who defected to the government side in April 1968, and Colonel Nguyen Thanh, who defected in May 1970. Neither had participated in the events at Hue, but both had taken part in the attack on Saigon during the 1968 Tet Offensive. Being military men, they could tell only of their own state of mind conditioned by their experiences as Communist soldiers serving in South Vietnam.

* * * * *

The colonels both accepted that their behavior during the years of military service appeared horrific in retrospect, that they had been living in an unreal, nightmare atmosphere created by the Party; but strongly affirmed that they had remained unaware that this was so. Both men also stated that if they had massacred civilians, even needlessly, they would not have been punished by their superiors. Should the bloodshed subsequently be judged unnecessary, or even damaging to the Communist cause, they would have had to confess that their judgment had been faulty, and promise to make efforts to improve their understanding; but they would have received no punishment. If, on the other hand, they had avoided a massacre of civilians for humanitarian reasons and thereby failed to accomplish their mission, they would equally certainly have been denounced for "sentimentality," for "lacking a solid political base," and for indiscipline, and they would have risked serious punishment.

* * * * *

* * * All the defectors—they include men such as Dr. Pham Thanh Tai, a former Professor of Political Science at Hanoi University; Vo Thank Tong, a specialist in banking; Captain Le Phat Nguyen, who earlier worked in the General Staff Headquarters in Hanoi; Vo Ngoc Co, an intelligence agent; and so on—cited precedents and official Communist statements to support their unanimous conclusion that a massacre would be inevitable. Members of successive South Vietnamese governments, civil servants, military officers, policemen, religious figures, intellectuals, politicians, and professional men would be among the first to be killed.

All political parties would be destroyed, and the office holders in them executed. Nor was there any disagreement over the elimination of the refugees who had fled from North Vietnam or of defectors from the Communist forces including, of course, the speakers themselves. Disagreement did arise over the fate of the bourgeois classes—the businessmen, landowners, shopkeepers, and so on. While it was generally agreed that all would be arrested, tried, and sentenced to death, not everybody agreed that all would necessarily be killed immediately. Some the speakers pay continuous attention to consolidating the repressive apparatus of the people's democratic state, the people's army, the people's police, the people's control institute, the people's tribunal, and so forth."

The same radio station, broadcasting on March 21, 1968, said: "All citizens are bound to take an active part in denouncing counterrevolutionary elements, in providing dictatorial organs with evidence and documents, in supervising punishment . . . of counterrevolutionary elements." North Vietnamese press and radio have referred to all in South Vietnam who have opposed the Communist insurrection as "hooligans," "lackeys," "exploiters," "counterrevolutionaries," and the like, and have repeatedly mentioned the "blood debts" such persons have incurred. Solemn promises are constantly made that full payment of those debts will be exacted. Historical precedent and recent example make it impossible to doubt that the Communist leaders intend to keep their word.

8. CONCLUSION

Should the Vietnamese Communists win undisputed control of South Vietnam, either by military victory or through a "coalition government" in the fashion of some countries of eastern Europe, they will act exactly as they have done in the past. They will seize control of all South Vietnamese information media and use them for their own purposes. They will expel the foreign press corps and all other foreigners, and will then close the frontiers of the State. Once all non-Vietnamese witnesses have been removed, they will proceed to exact payment of the "blood debts." In a deliberately created atmosphere of terror, they will establish thousands of *ad hoc* "people's courts," before which will be arraigned all those individuals and groups the Party has decided to eliminate.

Those unfortunates will be accused of "crimes" which have no existence in civilized societies. They will face charges of being "counterrevolutionaries," "enemies of the people," "exploiters of the people," and a host of similar meaningless things, and they will be found guilty by jurors too terrified to do anything but obey the orders of Party cadres. All believed to pose a threat, real or potential, to the Communist regime will be killed at once, and some of the remainder may be permitted to postpone execution as long as they continue to work as unpaid slave laborers. Calculated on the basis of past Communist deeds, and given the size of South Vietnam's population, the minimum number of those to be butchered will exceed one million and could rise to several times that figure.

While the massacre is in progress, the outside world will know nothing of it, for foreigners will have been expelled and no mention will be made by the Communist information media. Because the battles will be over and the big guns will have ceased to fire, peace will be said to have returned once more to Vietnam.

FOOTNOTES

[1] An area within Shanghai formerly administered by the French authorities under the old "unequal treaty" system.

[2] EDITOR'S NOTE.—The threatened execution of Phan Boi Chau produced such ominous rumblings of nationalist dissent that the French authorities, fearful of the political consequences of his martyrdom, commuted his death sentence and placed him under continuing house arrest. He died while under house arrest.

[3] The military academy established by Chiang Kai-shek in 1924 to train politically-minded officers for the Kuomintang Army.

[4] The older brother of Ngo Dinh Diem, who later became President of the Republic of (South) Vietnam.

CAREER EDUCATION

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, a longtime friend and constituent of mine, who is also one of this Nation's finest educators, Mr. Earl C. Funderburk, director of the NEA Office of Supervisory Administrative Services, member of the National Advisory Committee on Career Education, and who was for many years superintendent of schools in Fairfax County, Va., recently addressed the Virginia Association of Realtors on the subject of career education.

Earl's speech so impressed those who heard him that they asked that I insert the text in full in the RECORD so that all who are interested in vocational and career education may benefit from it. I insert the speech at this point:

CAREER EDUCATION

(By Earl C. Funderburk)

The public school system of America is in trouble and in many ways the trouble stems from success. No nation in history has ever approached such a massive investment in the education of its people. We increased our investment from $6 billion in 1947 to $65 billion in 1972. As a result, the American labor force now possesses more than 12 years of education as compared to 10 years in 1940; ¾ of our youth complete high school, over 50% go on to college, but only ⅕ graduate from college. In other so-called advanced countries about 3% of youth enter higher education. At the turn of the century 80% of our high school graduates went to college because high schools were exclusively preparatory for college. Now that high school is mass education, the system has changed very little.

Most high schools still track students in college preparatory or general curriculum in far too many schools is preparation for nothing. Dr. Marland, U.S. Commissioner of Education, has said, "Almost all of the shocking high number of unemployed youth are products of the general curriculum, and we can expect small improvement until the general curriculum is completely done away with in favor of a system of high school education with but two exits—continuing education or employment—and nothing else."

"The first attitude that we should change is our own. We must purge ourselves of academic snobbery. Education's most serious failing is its self-induced, voluntary fragmentation, the strong tendency of education's several parts to separate from one another, to divide the entire enterprise against itself. The most grievous example of these intramural class distinctions is, of course, the false dichotomy between things academic and things vocational. Let's adopt the term 'career education'. Every young person in school belongs in that category at some point, whether engaged in preparing to be a surgeon, a bricklayer, a carpenter, a mother, or a secretary."

Nearly 2.5 million students leave our formal education system each year without adequate preparation for careers. In 1970–71, there were 850,000 elementary and secondary school dropouts; 750,000 graduated from high school with no skills and did not attend college while 850,000 high school students who entered college in 1967, and should have graduated in 1971, dropped out without a degree or a skill.

The era in which we live in is an era of change and of revolution (political, social, economic, physical). In another context, our position of leadership in the free world demands a strong econmic base which, in turn, requires new skills and increased levels of efficiency and productivity if we are to survive in world competition. In these competitive times of management by objectives, accountability, performance contracting, and the efficiency cult, it is easy to forget that in our free society the individual is paramount. The problem, then, becomes one of balancing the requirements of society with essential freedom for individuals.

Large numbers of high school and college graduates as well as recipients of doctoral and masters degrees are unemployed and everyone is asking why—students, parents, employers, and policy makers, each with their own personal and institutional interests. The implications for human resource development are staggering.

To the best of my knowledge, there are no ready-made panaceas or shortcuts to resolving the educational implications of these problems. But we do have an idea to present that shows promise as a "new way of orienting and deploying our educational resources"; a new vigorous sense of purpose and mission for the school enterprise. Technology has multiplied man's other meager powers but has disestablished, and even threatened, his life. Yet it has spread abundance, but has left so many behind unable to compete in such a complex society. The same technology which landed man on the moon can be directed at his own destruction.

In 100 years we have gone from an agrarian society where wealth and prosperity depended upon an abundance of natural resources, through an industrial stage depending on capital resources and with emphasis on production and distribution beyond even a service-oriented society to a post-industrial one stressing production, processing, dissemination of information and dependent upon human resources. Our recognition of our dependence on human resources expanded our education expenditures to $65 billion. But education still has little relevance to the world of work.

We have found some solutions and yet these solutions created more problems. But our investment created a breathtaking intellectual and scientific achievement in the wealthiest society the world has ever known. And there emerged a dichotomy—a gulf between the home, the school, and the world of work, between academic and vocational education and between preparation for work and preparation for life. And so the school faces criticism because it has not solved all the problems that society expects. The boredom of youth finding no useful role in life, the frustration, violence, crime, delinquency, drugs, riots, of which the schools are not the cause, but perhaps could have done more to cure. At least the parents and voters often think so and lash out in criticism or negative votes in school bond elections. We have to admit our failure to educate for meaningful careers.

But in frustration over the schools' inability to solve all of society's problems, people overlook its impressive achievements. Some would cut back the school's budget, and some would even totally scrap the present educational system. Others would pursue major reforms through performance contracts, voucher systems, or other administrative experiments. But we have overlooked a simple basic fact. The majority of people spend most of their adult lives and devote much of life's energies to careers whether as an employer, employee, or homemaker. The quality of our lives is heavily dependent upon the income we earn and our major social contributions are directed through the economy at the market place. Failure or dissatisfaction then can taint every aspect of life. Far be it from me to say that the American school system has failed. It has been highly successful, much more successful than in other lands. But education is supposed to prepare one for a particular society. We have already pointed out societal changes. In 1917 we came out with the seven cardinal principles of secondary education.

1. Health.
2. Command of the fundamental processes
3. Worthy home-membership.
4. Vocation.
5. Citizenship.
6. Worthy use of leisure.
7. Ethical character.

In the middle 40's the Education Policies Commission came out with three objectives of education—namely, self-realization, economic sufficiency, human relationships and civic responsibility. The new objectives of the Educational Policies Commission only reiterated the seven cardinal principles. In the early 60's President Kennedy came out with the New Frontier, and we all remember President Johnson's theme—The Great Society. President Nixon in his inaugural address in 1969 called for reform in public education. Are we prepared to reform and are we ready for that great society in which we now find ourselves?

What I am going to present to you now is not just one innovation but a major one that will cut across all education. It will reform education. Let me emphasize it is not a new idea. Many of us have had it for years but the time has come in our history for this idea to be recognized and implemented. In introducing this subject let me ask this question. Isn't our schools' major shortcoming the failure to educate for meaningful careers? The answer is yes and so we suggest that one of the major objectives of education be career education. Let me emphasize this is not the U.S. Commissioner's idea or any one person's idea or the federal government's idea. It has been aborning for a long time, but now is the time. All of the chief state school officers have endorsed it. President Nixon endorsed it in his State of the Union message. At the 1972 American Association of School Administrators' Convention Vice-President Agnew's speech, almost in its entirety, was devoted to career education. The U.S. Chamber of Commerce and all the major organizations in the United States have joined in the avalanche of approval.

What is this career education which promises so boldly a better social, personal, and economical return on the educational investment? It does not expect to swallow up all of education and become the only objective but it does promise to make preparation for a successful career the primary emphasis of the educational system. The broad concept is that all educational experiences, curricular instruction and counseling should involve preparation for economic independence, personal fulfillment, and an appreciation for the dignity of work. Dignity of work is something that seemingly has been lost, and let me quote here from John Gardiner: "An excellent plumber is infinitely more admirable than an incompetent philosopher. The society which scorns excellence in plumbing because plumbing is a humble activity and tolerates shoddiness in philosophy because it is an exalted activity will have neither good plumbing nor good philosophy. Neither its pipes nor its theories will hold water."

Quoting from Dr. Calvin Grieder of the University of Colorado in the March 1972 issue of *Nations Schools* "Career education is in dire need of massive and prolonged support, not merely financial support, but also, and even more importantly, philosophical, moral and intellectual support. Industry, business and labor must also be prepared to end extensive aid and assistance in other ways than financial. American attitudes toward workmanship and craftmanship have taken a nose dive to unprecedented low levels. Pride in doing something well is rarely found today, and thus the mastery of skills necessary for good work is held in low esteem. Assembly line procedures for mass production may well be largely responsible but undoubtedly other causes also contribute. The attitude of doing only enough to 'get by' is widespread in all kinds of employment—white collar as well as blue collar, if such terms still have any meaning. The standard of workmanship in the United States is now at a low ebb. With some exceptions, the quality of goods is shoddy—from motor cars to plastic toys to clothes. They are not intended to last. Americans rarely repair—they replace".

Under the career education idea every student no matter what his capacity or ability, leaves school with a salable skill—a minimum of an entry into the market if he leaves at or before the end of high school, and a more advanced skill if he continues his education in a technologically or academically oriented post-secondary institution. There will be no such thing as "drop-outs" as we know them, we just call it "temporary leaving" so he can return if his skills become outdated, or if his skills need to be upgraded or changed. It is not only the youth but the adults who need to upgrade their skills, up date their knowledge and/or retrain for a new job.

Career education is not synonymous for "vocational" education, or for "general" education, or for "academic" education. It does not exclude college education; rather it is a blending and restructuring of all these to an entirely new curricular emphasis with preparation for a vocational or successful working career playing a key role. Let us face reality. A youth today is marching to a different drumbeat—a different rhythm—than you and I did at his age. All of them are simply not concerned about the economics but have a sincere devoted concern for service to others. Career education should become a part of the student's curriculum from the moment he enters school.

Career education introduces a new polarity and sense of purpose into education. Some view it as the new paradigm for education—that of career planning and preparation. Career education incorporates a view of the curriculum as a systemic, integrated, and cumulative series of experiences designed to help each student achieve (1) increasing power to make relevant decisions about his life and (2) increasing skill in the performance of his life roles.

Career education is designed to capacitate individuals for their life roles: economic, community, home, avocational, religious, and esthetic. It recognizes the centrality of careers in shaping our lives. Careers determine or limit where we work, where we live, our associates, and other dimensions that are significant in defining our life style. It should be viewed as lifelong. It is pervasive, permeating the entire school program and even extending beyond it. It is designed for all students.

Career education is a systematic attempt to increase the career options available to individuals and to facilitate more rational and valid career planning and preparation. Through a wide range of school and community-base resources, young people's career horizons are to be broadened. Their self-awareness is to be enhanced. The broad framework for accomplishing this consists of the phases of career awareness, career exploration, career preparation.

The program is to be sequenced and postured to optimize career development and will provide as broad a base of understanding of self and the world of work as possible. It is to be designed so youngsters will, in fact, have two options at several levels: continuing education or employment.

In the vernacular of the day, career education "puts it all together." It is designed to strengthen and achieve student self-actualization. It builds upon the strong motivating force of career interest, career development and preparation. It provides a means of making other elements of the school relevant to life purposes and stimulates student interest and participation in these "supporting areas." Subject matter is not an end, but rather a means of assisting individuals to optimize their career development. Knowledge is viewed as applicative not merely descriptive.

Career education relates to three R's to the many ways in which adults live and earn their living. As the student progresses through school, the skills, knowledges, and above all the attitudes necessary for work success are stressed. It is integrated into every subject, not just in one special class designed for those who are "going to work." Career education recognizes that man is more than a working machine, and so strengthens the student's sense of personal and individual work. It helps him lead a more fulfilling life by broadening the options available to him in school and after he leaves school. It leads to a new sense of cooperation among parents, teachers, counselors, the business community, and students. Again we emphasize that many young people are not necessarily impressed with the economic advantages implicit in work. Career education covers this because he will be better able to serve his fellow man whether qualified as a skilled artisan, a mechanic, a brick mason, a beautician, a teacher, or an environmental technician.

Career education is not limited to the classroom but relates to all learning environments and learning experiences from early childhood into the production life of the individual. In early childhood (kindergarten) it provides an awareness of the nature of the world of work as well as the importance of work itself in our society. As the student moves through the school years, he must increasingly become familiar with the world of work and acquire the knowledge necessary to obtain meaningful employment upon leaving school no matter at what stage he leaves. The important thing is that he can resume his schooling at any time, not only for capacity to meet changing job requirements, but to enlarge his personal life. It demands no permanent bondage to a career goal but reveals to him all the great range of occupational options and, more important, enables him to develop positive attitudes towards work.

Career education will enable nearly all people who complete secondary school to qualify for immediate employment or to go on to some formal post-high school education. Placement services in the school system will assist every student, especially if he leaves before he completes 12th grade, to plan the next step in his career development. Entrance and exit requirements will be flexible enough to make education a preparation for work with work itself, and again I repeat the term "drop-out" will cease to have the ominous meaning it has today. Under the career education concept, every child gets the same educational bill of fare up to about the 6th grade. Besides learning how to read and write and compute, the career education student studies history, languages, and the physical and social sciences. In all of these subjects he is exploring simply a model of a great variety of occupational clusters such as:

1. Transportation and health occupation.
2. Agri-business and natural resources.
3. Business and office.
4. Communication and media.
5. Consumer and homemaking education.
6. Construction (house building project).
7. Environment.
8. Fine arts and humanities.
9. Hospitality and recreation.
10. Manufacturing.
11. Marine science.
12. Marketing.
13. Distribution.
14. Personal services.
15. Public services.
16. Health occupations.

In the middle grades, 7 through 9, the student examines those clusters in which he is most interested. By the end of the 10th grade, the student, who wishes to do so, is provided with an opportunity to develop entry job interest skills that can, if necessary, be used if he fails to complete the 12th grade. If he does complete the 12th grade, he is prepared both to enter the world of work and continue his education in an institution suitable to his needs. The important thing here is that the choice is not irrevocable, and he has had an opportunity to learn from all types of students because he has not been segregated as we do now in segregated vocational schools or classes for vocational education. In career education every student will have the opportunity to participate in some actual work during the high school years. This can only be accomplished through cooperative arrangements with business, industry, and public institutions.

It is esesntial that each student master the skills required to live with whether these schools are labeled academic or vocation. The point is that he will be prepared to live this life as a fulfilled human being. If he decides to live his life with machines, he must know how to use them. If he chooses to live with slide rules and computers, he must understand their magic. He must keep in mind that he must always continue in some phase of education. Now as we look back through history, we see that many fine promising ideas in education have fallen by the wayside because the idea was not correlated with substance or long-range planning. If career education is to work, everyone must be convinced of it and be ready to sell it—the parents, the custodian, the secretary, the lunchroom workers, the teacher, the principal, the superintendent, everyone. School board members and the general public will have to make some fundamental decisions because career education's initial installation costs could increase school budgets substantially in the beginning years, but as a school system has been retooled and converted to a career education program, the costs of maintenance and operations will decline. Some of the things necessary will be to employ more counselors, paraprofessionals, and others. There must be retraining of existing administrators, teachers, and paraprofessionals. The teacher training institutions must be retooled. Not only will different instructional materials be needed, but we must learn to use the resources now available in our own communities.

Teachers and guidance counselors will have to make substantial changes in their personal attitudes. They will have to broaden their own experiences with the world of work.

Remember that career education involves no one-and-for-all decision nor ceiling or locked doors, it offers a salable skill at any port of entry to the job market. It keeps the door open to return either for upgrading or for career direction. It is not an alternative to college education nor to vocational education. It encompasses and integrates both. It allows the individual to choose his occupation, and rechoose through a lifetime as another occupation becomes more appropriate. No community or school system should be told precisely how to do it. Each must decide. The mathematics teacher can use vocational arithmetic without watering down the mathematics course. The principles of physics can be taught for an occupational application. The teacher must show that a carpenter marking and cutting a rafter is applying trigonometry. If the salesgirl cannot operate the cash register without conventional arithmetic, where better can she learn it except through experience?

A truly career-oriented education would differ from the present in so many ways. It seeks to preserve all that is sound in our present practice of career preparation. It will require new structuring innovations and a new relation between what is now classified as academic, general, and vocational in education. But, above all, it will differ in results. The change in relationship between man and machine is changed by definition of work, and it will require more inner action between home, school, and community. Career education goal is to make use of all manpower and satisfaction to every individual for the nature of man decrees that unless he achieves and serves, he is nothing.

I would like to close by quoting from my 1967 publication entitled Education for the World of Work:

"1. Are the brilliant few creating, through technology, a gulf of skill requirements which the many are not being equipped to cross?

"2. Are too many of our school and college students, in this present generation, being merely trained in one or another skill—which can rapidly become obsolete—but not educated in how to learn, think, improvise, and adapt in a fast-changing economy?

"3. Will America, toward the end of this century when today's school generation will be in the prime of life, find itself saddled with a growing class of half-trained, embittered people on the edge of our society, *un*employed or *under*employed, warping the economy and weakening the very processes of self-government?"

In a democracy we can crown the winner and at the same time recognize the less able or the less talented. It is my humble opinion that during the last decade we have been too preoccupied with the college-bound school population, the preparation of scientists and the education of the gifted. We cannot build a great, viable, free society by educating the college-bound school population, the preparation of scientists and the education of the gifted. We cannot build a great, viable, free society by educating the college-bound alone and in the process accumulate a human scrapheap of drop-outs, social misfits, youth that feel unwanted, who not only hate themselves, but everyone else. Regardless of the affluence of the upper two-thirds and despite scientific breakthrough, no viable, free society can survive in this galloping age with one-third of its people in poverty, ignorance, unemployment and worst of all, aware of its own uselessness and absurdity.

If the child has suffered rejection, we must let him experience acceptance. If he has concluded that he cannot learn, in fact, does not want to learn and even finds it distasteful, we must show him he can learn—that learning is fun so that he will have a desire to learn. Today this child trusts no one and we must be the kind of teachers he will trust and through trusting we develop a trust for others. He will then no longer be separated from or be a threat or drudge to society. He will belong. Career education can do this.

To insure that our great nation remains competitive and a leader in the Family of Nations—to insure the future of freedom of enterprise, we must change our public education system. Career Education can change it. Please let's try it.

KEEP RADIO LIBERTY ALIVE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. DERWINSKI. Mr. Speaker, I am inserting excerpts from an open letter by Sherman Smirnovsky, a Moscow intellectual, to Senator FULBRIGHT. My interest in this subject. Mr. Speaker, lies in the fact that, even though we have processed legislation extending the operations of Radio Free Europe and Radio Liberty to June 30, we must, before that date, move the legislation necessary to continue their operation. I believe it is important for all the Members to know thoughts behind the Iron Curtain on this subject.

The letter follows:

KEEP RADIO LIBERTY ALIVE

(By Sherman Smirnovsky)

Moscow.—The city sleeps. At least it seems so to militiamen who patrol the frosty capital. Their hobnailed knee boots clatter on the cobblestones above the noise of the snowstorm. . . .

The night has come, but what is this? In Moscow apartments, rural huts, in the steppes of Central Asia, in the Siberian taiga, a voice is heard, a human voice speaking in Russian, which differs so much from the official ravings in the Soviet language: . . . "Radio Liberty speaking."

REACHES EVERY CORNER

It reaches every remote corner of the country and finds a response in the heart of every honest man in Russia. Superpowerful jamming, for which taxpayers pay one million rubles a year, will be no help. Pushy neighbors K. G. B. agents who expose listeners to the Western stations [God knows how much our people pay to feed this bunch of informers]—also will be no help, nor will slanderous articles in the official press.

Communism, with its antihuman face, is helpless against the free word. . . .

The West addressed the Russian people by radio for the first time on the day of the German invasion in 1941. Churchill's address was broadcast by the B.B.C. in Russian. In 1948, they began to beam regular programs of the Voice of America and the BBC to the U.S.S.R. . . .

Witnesses remember the horrible times of the Stalin era, and the impression made by Western radio programs was like the blast of an atomic bomb. It was a sensation. The people trusted and did not trust their ears. At last: Thru so many years of total Communist tyranny, the people heard a human word. The people learned what really was happening in the world and in their own country . . .

"Several days before the death of the dictator [Josef Stalin] on March 1, 1953, a new radio station, "Liberation," came on the air. It immediately gained wide popularity in our country altho the tone of the broadcasts did seem to some to be rather sharp in relation to the regime. . . .

QUIET JUSTIFIED

But it was quite justified by the most horrible model of Communism—the Soviet autocracy. Later, in the course of the thaw, this tone moderated. The tasks of the radio station were changed to some extent and it was renamed Radio Liberty . . .

Jamming started immediately after the station began its work . . . it continued until 1956, when it stopped in the summer for several months. But after suppression of the Hungarian revolution, jamming resumed until 1963. . . .

In that year, Khrushchev decided to leave Western government radio stations alone. But Khrushchev's "amnesty" did not extend to Radio Liberty.

Nevertheless it was a victory, tho not a complete one. Free, independent, objective information triumphed over the narrow ideological propaganda of Communism. . .

From 1963 until the resumption of jamming after the occupation of Czechoslovakia on Aug. 21, 1968, a close spiritual tie was established between the peoples of Russia and the free West. Western radio stations played an extraordinary role in that process.

The people learned all that had been hidden from them by the Kremlin ruler: The cruel court reprisals against Simyaysky and Daniel, and later against Ginzburg and Galanskoy.

THEY COULD NOT

No matter how party propagandists tried to blacken these people, they could not.

Truthful information about the lawlessness of the regime was broadcast over the radio . . . and influenced samizdat [dissident materials, circulated clandestinely], which was becoming stronger at the time.

The agitation to make things public, for civil rights, would have had much less chance of appearing if this publicity had existed only in the closed circle of political dissenters, but with the aid of Western broadcasts, the facts of violations of human rights in the U.S.S.R. were reported to the whole country and the whole world.

The biggest influence in this has been that of Radio Liberty.

But our country does not need only the naked facts. After the Bolshevik seizure of power, culture completely disappeared in the country. Russia has been cut off from the best literary works of its writers living in the U.S.S.R. and in the West.

The springs of samizdat are too narrow, under the permanent repressions of the regime, to satisfy the country's cultural needs completely.

Radio Liberty regularly broadcasts the novels of Solzhenitsyn, Pasternak, Grossman, Maximoy, and other writers.

GRAYNESS OF CULTURE

The grayness of mass Communist culture, the idiocy of official "Marxism-Leninism-Brezhnevism," the absence of any independent thought—and yet Russia is living in full blood. One can well understand this when listening to Radio Liberty.

But one learns with surprise that a prophet named Senator [J. William] Fulbright [D., Ark.] has appeared in America. His plans are like those of any totalitarian ruler. They usually exterminate people physically, while the senator is playing the role of a spiritual murdered. The reason for such fierce hatred of the peoples of Russia and Eastern Europe is difficult to understand . . .

Lengthy programs in Russian also are broadcast by the Soviet Communist Party's "Party Brothers"—Peking and Tirana. . . . They are simply not interesting.

However, when one succeeds in receiving Radio Liberty, absolutely everyone listens to it. Reference books say the station transmits programs in Russian and 16 other languages of the peoples of the Soviet Union. In addition to giving its listeners truthful information and preserving Russian cultural values, Radio Liberty tries to educate listeners as decent people, to correct moral cripples after 50 years of Communist tyranny, to combat the meanness formed in the minds of the people.

It is difficult to express the entire importance of Radio Liberty for Russia. In this station's broadcasts, one can learn things the party bosses concealed from the people in the course of their rule: The truth about the political trials of the 1930, the true face of Lenin and his supporters, and the great heritage in literature, philosophy, and social science which is hidden away in the closed-off rooms of libraries. For Russia to lose Radio Liberty means to lose the little freedom left to us . . . the freedom to get truthful information about our country.

No single radio station provides this as extensively, with such understanding of Russia's needs, as Radio Liberty does.

The freedom to conceive of themselves as people and to battle for their elementary human rights, the freedom of Russian traditions—every people wants to have all this, and taking away these liberties is veritable murder.

Fulbright and his supporters say Radio Liberty is a relic of the cold war. Read this phrase carefully—how absurd it sounds by itself. No, Radio Liberty is not a relic of the cold war but of the human necessity to end the moral murder of 250 million people. As for the cold war, it continues. . . .

If you want to fight against the cold war, Mr. Fulbright, you are welcome—fight! Together with Radio Liberty, together with all our people. . . .

NATION'S DEFENSE IS THREADBARE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. BOB WILSON. Mr. Speaker, I insert the following editorial which appeared in the San Diego Union in the RECORD.

The editorial follows:

WILL NEW BUDGET BE AMPLE?—NATION'S DEFENSE IS THREADBARE

For years the submission of each new federal budget to Congress has triggered a debate over national "priorities"—typically centering on the question of whether the United States of America is spending too much on defense when there are so many domestic problems that need attention. President Nixon's proposed new budget may well turn that debate around. Are we investing enough in our national security?

In the new budget, defense accounts for only 32 per cent of total federal spending—the lowest percentage in 23 years—while spending for welfare, education, the environment and other "human resources" programs accounts for fully 45 per cent. The defense outlay also would represent a 22-year low in the portion of our gross national product devoted to national security—6.4 per cent.

The $76.5 billion defense budget represents an increase of only $700 million over defense spending for the current fiscal year, although the President is asking for authorization for another $6.3 billion to be spent in future years.

These statistics should blunt the thrust of the traditional liberal argument that we are spending too much on defense. Instead, they raise the compelling question of whether this investment in defense is large enough for a nation that is now forced to play catch-up in what may be a deadly game.

In allotting funds within the budget, President Nixon has recognized the crying need for the United States to beef up its strategic deterrent, to revitalize its Navy and to accelerate development of advanced weapons systems. These are areas in which we have fallen dangerously behind during a period when defense dollars were being diverted to the war in Vietnam and when there has been a reluctance to invest in new strategic weapons because of the Strategic Arms Limitation Talks.

We have now seen that the SALT negotiations have provided the Soviet Union an opportunity to carry out an awesome buildup of its nuclear arsenal and missile delivery systems creating a serious imbalance in the deterrent formula which is essential to peace. Meanwhile, during a period when our Navy has been literally starving for shipbuilding and weapons funds, a thoroughly modern Soviet fleet has emerged to challenge us on every ocean of the world.

There has been much discussion of a "peace dividend" of federal funds to arise from the winding down of the Vietnam War. The war indeed is demanding a smaller and smaller share of our defense budget. It is clear, however, that it will take much more than a reinvestment of that dividend to refurbish a threadbare defense establishment which at any hour may be called upon to assure our survival.

HOW LONG MUST DR. MARGOLES WAIT?

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. GROSS. Mr. Speaker, the Nixon administration apparently continues to ignore the appeal for clemency of Dr. Milton Margoles, of Zion, Ill., whose case I have discussed in this Chamber on a number of previous occasions.

I do not, in any way, wish to argue that two wrongs make a right, but it does strike me as fantastic that Jimmy Hoffa had easy access and a sympathetic audience at the White House while Dr. Margoles—who has paid his debt to society by any yardstick—is greeted only by silence.

Since I last called attention to the Margoles case, several reporters have written about it.

I include three of their articles, plus an index to the newspapers in which stories concerning the case have appeared, for insertion in the RECORD at this point:

[From the Chicago Tribune, Dec. 30, 1971]

WHY HOFFA AND NOT DR. MARGOLES?

(By Willard Edwards)

WASHINGTON.—President Nixon's commutation of James R. Hoffa's prison sentence has inspired a variety of reactions, ranging from hints at a political payoff to agreement that the former Teamsters Union president was entitled to executive clemency after serving nearly five years.

But the emotions of Rep. Robert McClory [R., Ill.] are unique. He is mystified and frustrated. He can't understand why the Justice Department moved so quickly in the Hoffa case when it has dragged its feet over the years in recommending a Presidential pardon in a case he considers far more meritorious.

As one of the Nixon administration's stoutest backers, as a high-ranking member of the House Judiciary Committee where the White House sorely needs supporters, McClory is entitled to wonder what Hoffa's supporters have that he hasn't got. He's been given a brushoff by Atty. Gen. John N. Mitchell and his subordinates in his battle for a constituent who has long been a target of political harassment initiated in Democratic administrations.

This petitioner for clemency is Dr. Milton Margoles, now practicing in Zion, Ill. It has been nine years since he discharged his debt to society by serving 22 months in prison and liquidating most of his assets to pay penalties and interest in an income tax case.

Thus far McClory has confined himself to an expression of bitter disappointment that Dr. Margoles was not included in a pre-Christmas list of 16 commutations and 235 pardons granted by the President. He said he hoped the omission was "simply an oversight" which would be rectified.

Later, he may express himself more strongly. Like all who have interested themselves in the Margoles case, including a number of newspapermen, he has become convinced that the strange circumstances of the physician's ordeal are linked to allegations of judicial misbehavior in the 7th Circuit Court of Appeals [Illinois, Wisconsin, and Indiana] and the Federal District Court in Milwaukee.

Dr. Margoles was a practicing physician in Milwaukee when, acting on legal advice, he fought an income tax assessment and wound up sentenced to prison. The sentencing judges were Senior Judge Robert E. Tehan of the District Court in Milwaukee and Chief Judge Luther M. Swygert of the 7th Circuit. Tehan, who failed to pay his own income taxes for eight years before being appointed as a judge, and Swygert are now under fire for the handling of a bankruptcy case in Hammond, Ind., where assets totaling $2.3 million were dissipated over a 28-year period.

After leaving prison, Dr. Margoles found powerful Democratic political forces organized in Wisconsin to oppose his resumption of practice. He sought a Presidential pardon, in order to regain his full professional standing, under the Johnson administration. Tehan and Wisconsin officials opposed this move, and their objections apparently continue to carry weight with the Justice Department under Nixon.

McClory was drawn into the case when Illinois, disregarding Wisconsin's objections, gave Margoles a license to practice a year ago after a tough examination confirmed his high qualifications. He made a detailed investigation and became convinced that the physician was a victim of political persecution for reasons which only a full-fledged investigation would disclose. He and newspapermen writing about the case, including this one, received warning calls from Wisconsin officials which seemed to betray a fear of potentially explosive developments.

Justice Department officials, in response to McClory's persistent requests for consideration of the pardon, told him there were hundreds of similar applications and Dr. Margoles would have to "wait his turn."

McClory has noted with astonishment that it required only a week for speedy approval of the Hoffa application after it was filed Dec. 16. Hoffa didn't have to wait his turn.

[From the Chicago Sun-Times, Dec. 27, 1970]

NEW DECADE HINTS AN END TO DR. MARGOLES' YEARS OF WOE

(By Morton Kondracke)

WASHINGTON.—It begins to look as if the 1970s will be a better decade for Dr. Milton Margoles than were the 1960s, a period during which he spent two years in jail, lost control of a hospital he had headed, was blocked from practicing medicine, hounded by tax men and threatened with murder by a Chicago mobster.

This year, things began to break right. Margoles passed medical exams that would allow him to be licensed in Illinois, and he has a job waiting for him in doctor-short Zion.

Rep. Robert McClory (R-Ill.), whose district includes Zion, has written President Nixon and appealed to the Justice Department to secure a pardon for Margoles.

All of this late good fortune would be merely a holiday-season tale of cheer, but for related questions of judicial conduct.

Margoles and his 26-year-old son Perry, a lawyer, contend that their family wants merely to be left alone after 10 years of misfortune, but they cannot help but find satisfaction in the increasing fire directed at the person they feel was responsible for much of it: U.S. District Court Judge Robert E. Tehan of Milwaukee.

The latest assault of Tehan has nothing to do with the Margoles case, but concerns Tehan's conduct as overseer of the financial reorganization of the Woodmar Realty Co. of Hammond, Ind.

Backed by Rep. H. R. Gross (R-Iowa), Woodmar attorney Owen W. Crumpacker requested a Justice Department investigation of Tehan's management. Hammond Mayor Joseph E. Klen has joined in the request.

TWENTY-EIGHT-YEAR PROCEEDINGS INVOLVED

According to Crumpacker, Woodmar property valued in 1941 at $2,341,000—and now worth much more—was completely lost in 28-year legal proceedings, over which Tehan presided for the last 11 years.

"Not a single creditor or stockholder received a dime," Crumpacker wrote Atty. Gen. John N. Mitchell. Instead, the money went to various lawyers, some of whom were disbarred in other court scandals.

Previously, in April of this year, Tehan was identified as one of the persons whose income tax records were being examined by then-White House counsel Clark Mollenhoff.

Amid the furor, Sen. John Williams (R-Del.) noted that for eight of the nine years prior to Judge Tehan's appointment to a judgeship during the Truman administration, Tehan had not filed or paid federal income taxes. Tehan is a former Democratic national committeeman.

Williams said, "I would not want a judge on the federal bench who might be judging me when he has not paid his income taxes for eight or nine years."

As it happens, it was Tehan who judged Dr. Margoles, leading to the doctor's long decline in the 1960s.

In 1957, Margoles was defendant in a $33,000 civil tax case. By 1960, with the case unsettled, the allegedly unpaid taxes amounted to $100,000. Margoles was indicted on a criminal charge.

On advice of his lawyers, Margoles changed his plea from "not guilty" to "no contest," believing he would merely be fined. Instead, Tehan sentenced him to a year in jail and fined him $15,000.

Tehan declared from the bench that Margoles had hidden away $713,000 in cashier's checks—a charge that has never been proved and which Margoles' son says the Internal Revenue Service has since declared to be untrue.

TELLS HOSPITAL SEIZURE

Before the tax case was resolved, Margoles was approached by an emissary from the law firm of Tehan's son, Robert E. Tehan Jr., who assured Margoles that hiring the son's law firm would result in a reduction of sentence.

On his lawyers' advice, Margoles hired Tehan Jr.'s firm. Margoles was immediately charged with attempted bribery. That charge was reduced to obstruction of justice and Margoles was convicted and sentenced to two years in jail.

During that period, control of the Milwaukee hospital of which Margoles had been medical director was seized by a politically connected union.

On the very day that Margoles was released from prison, the union put the hospital up for sale. When Margoles sued, the hospital was declared bankrupt and put into the hands of a bankruptcy referee who happened to have been Tehan's tax lawyer. Records revealing what happened to the hospital's assets disappeared.

While he was in prison, Margoles' tax bill rose to $300,000, but he left prison with his Wisconsin medical license—and means of earning a living—withdrawn.

Facing four years on parole, Margoles sought a communtation of sentence so he could begin practicing again. Commutation was denied, and Margoles' family contends Tehan was partly responsible.

In 1963, Chicago mobster Ross D. Francesco attempted to extort money from the family, threatening to kill them if it was not paid. When the mobster was arrested, Tehan promptly lowered his bail. Another judge later found him guilty.

From 1962 to 1966, while he was on parole, Margoles took postgraduate medical studies at several universities. He was denied readmission to Wisconsin practice, but sought it elsewhere.

SOUGHT IN IOWA TOWN

The little town of Battle Creek, Iowa, sought Margoles' services in 1966, but the Wisconsin Board of Medical Examiners intervened with the Iowa board, and licensure was denied. Wisconsin officials visited other states as well, attempting to block Margoles from practicing. The Margoleses filed a civil rights suit against the Wisconsin board.

In recent years, despite Wisconsin's efforts, Margoles obtained licenses in California, the District of Columbia and Michigan. He has been practicing in Michigan.

Margoles tried three times to get a license in Illinois, but it was blocked twice—again, reportedly as a result of Wisconsin intervention. When officials in Zion and Rep. McClory appealed, he was allowed to take the medical exam and, this month, passed it.

To clear his name, Margoles has sought pardons from President Lyndon B. Johnson and Richard Nixon. In recommending pardon, McClory wrote Mr. Nixon that Margoles "has more than paid his debt to society, and deserves compassion."

McClory said that two Wisconsin newspaper reporters, one close to Tehan and the other close to the medical board, called him in an attempt to dissuade him from helping Margoles.

The Illinois congressman wrote another letter to the President, this time imploring him to grant the pardon and adding he was "satisfied that charges . . . levelled at Margoles by hostile elements in Wisconsin . . . are false and irrelevant."

TRAGIC MISCARRIAGE OF JUSTICE

(By James J. Kilpatrick)

The President shall have power, says the Constitution, "to grant reprieves and pardons for offenses against the United States, except in cases of impeachment." It is not the most important of a President's powers, but it is the one power that reaches directly to the individual condition of man.

Nixon exercised that power a few days before Christmas, when he ordered the gates of Lewisburg Prison opened for James Hoffa, long-time boss of the Teamsters Union. Hoffa had been convicted of jury tampering. It is perhaps the most serious of the several offenses against the United States" that are classified as obstruction of justice.

This is not a column about Jimmy Hoffa, whom everyone has heard of. It is rather a column about Dr. Milton Margoles and his 26-year-old son Perry; and unless you live somewhere between Des Moines and Milwaukee, and follow the news closely, you may never have heard of them at all. There is a thread that ties the two stories together.

Dr. Margoles, 59, is a physician specializing in cardiology. He entered into practice in Milwaukee more than 30 years ago. It proved to be a highly successful practice, and perhaps success went to his head. If so, he was not the first wealthy doctor to fall victim to hubris, and he will not be the last.

In any event, Dr. Margoles began to conceal a part of his income. By 1957, the government had filed a $33,000 civil suit against him. Compounding his blunders, he failed to agree to a settlement. Criminal prosecution followed in 1960. On the advice of counsel, Dr. Margoles pleaded "no contest," expecting a fine and probation. Instead, District Judge Robert E. Tehan fined him $15,000 and sentenced him to a year in prison.

It was a curiously harsh sentence, in view of the defendant's modest liability and his excellent record; it was especially curious in that Tehan himself, the Federal judge, had once known tax troubles of his own. Over a period of eight years, from 1936 to 1944, Tehan failed to file any tax returns whatever. The judge, in the short and ugly word, was a deadbeat. When the facts leaked out in 1949, at the time of his nomination to the bench by Harry Truman (as a reward for his services as Wisconsin's state Democratic chairman), Tehan's lame excuse was that he didn't have the money to pay his taxes.

Very well. Shocked by the prison sentence, Dr. Margoles panicked. His story is that he was sought out by an emissary who insinuated that the sentence might be reduced if a $5,000 retainer were paid to Judge Tehan's son. If this was a trap, it worked perfectly. Dr. Margoles found himself indicted for attempted bribery; on a reduced charge of obstructing justice, he was sentenced (by a different judge) to an additional two years.

Dr. Margoles served his time in full—22 months behind bars—and returned to Milwaukee to find his license revoked, his small hospital taken over (and bankrupted) by a union, and a mountainous tax bill still pending. Still worse, for a man who had "paid his debt to society," he found himself victim of an unrelenting effort to keep him from practicing elsewhere.

When he was invited to start over in Iowa, the Iowa board—without stating a reason—denied him a license. He ran into more trouble in Illinois before finally obtaining a license there. His son Perry, as a young law student, undertook a heartwarming and heartbreaking campaign for executive clemency.

At every step, unseen but powerful forces in Wisconsin have blocked his appeals. A number of top-ranking newspapermen, among them Clark Mollenhoff of the Des Moines Register-Tribune and Willard Edwards of the Chicago Tribune, have looked sympathetically at the Margoles case. Such respected congressmen as Gross of Iowa and McClory of Illinois have backed his appeal.

Just before Christmas, on the very afternoon that Hoffa's commutation was announced, young Perry Margoles was back at the White House, lugging his battered suitcases of documentation. All he asks is the full pardon that would restore his father's civil liberties and put an end to harassment. The word was "nothing new on the Margoles case," but Perry, you may be certain, will be back.

INDEX TO CROSS SECTION OF RECENT ARTICLES ON THE MARGOLES CASE AND RELATED MATTERS

(NOTE.—This cross section is not intended to represent a complete compilation of recent articles on the Margoles case and related subjects.

Halicized newspapers denote articles which provide distinction overviews and insight into the case.)

I. PRELIMINARY PARDON PETITION

Names of newspapers, articles, titles, and dates of publication

1. *Chicago Sun-Times,* Morton Kondracke, "New Decade Hints an End to Dr. Margoles' Years of Woe" (12–27–70).

2. *Chicago Tribune,* Willard Edwards, "Why Hoffa and Not Dr. Margoles?" (12–30–71).

3. (*syndicated column*) a. *Indianapolis News,* James J. Kilpatrick, "Margoles Case; Tragic Miscarriage of Justice" (1–3–72).

b. *Kansas City Times,* James J. Kilpatrick, "Case Deserving Clemency" (1–1–72).

c. *Chicago Daily News,* James J. Kilpatrick, "The Man Nixon Forgot the Day He Let Hoffa Out of Prison" (1–3–72).

d. *Washington Star,* James J. Kilpatrick, "The Pardon Power and the Case of Dr. Margoles" (1–2–72).

e. *Miami Herald,* James J. Kilpatrick, "Not All Mercy Is Dispensed" (1–1–72).

f. *Sunday Oregonian,* James J. Kilpatrick, "Presidential Pardons . . . and Sad Tale of a Repentant Father, a Loving Son" (1–2–72.)

g. *Daily Oklahoman,* James J. Kilpatrick, "Physician's Son Sees Chance for Father in Hoffa Release" (1–3–72).

h. *Baltimore Sun,* James J. Kilpatrick "Some Get Out, Some Don't" (1–2–72).

i. *Lincoln Evening Journal* and *Nebraska State Journal,* James J. Kilpatrick, "Margoles Appeal Blocked" (1–4–72).

j. *Des Moines Tribune,* James J. Kilpatrick, "Presidential Pardon Sought for M.D. Denied Iowa License" (1–4–72).

k. *Denver Post,* James J. Kilpatrick "A Repentant Dad, a Loving Son" (1–3–72).

l. *Atlanta Constitution,* James J. Kilpatrick "Dr. Margoles' Case" (1–1–72).

m. *Birmingham News,* James J. Kilpatrick, "A Father's Repentance" (1–4–72).

4. *Chicago Sun-Times,* Morton Kondracke, "Nixon Apparently Deaf to Pleas by McClory for Dr. Margoles" (12–24–71).

5. (syndicated column) a. Chicago Tribune, Nick Thimmesch, "Freeing of Hoffa Won't Pay Off for G.O.P." (1–2–72).

b. Des Moines Register, Nick Thimmesch, "Doubts Freeing Hoffa Will Benefit Nixon" (1–2–72).

6. *Chicago Tribune,* Willard Edwards, "Plight of Doctor Arouses Ire" (11–26–70).

7. *Congressional Record* (5–12–71), *Des Moines Register,* George Anthan, "Conduct of Senior Judge Questioned—Failed to File Tax Returns 1936–44" (4–18–71).

8. *Congressional Record,* H. R. Gross, (2–7–69).

a. *Madison Capital Times,* Dave Zweifel, "IRS Foreclosure Set For March: Margoles' Son Seeks Help From Nixon to Save Home" (1–28–69).

b. (*Chicago Sun-Times news service*) *Des Moines Tribune,* Morton Kondracke, "Margoles' 12-Year Tangle: Son Seeks Nixon's Help in Father's Tax Fight" (2–3–69).

c. *Chicago Tribune,* Willard Edwards, "Capitol Views" (2–1–69).

9. *Congressional Record,* H. R. Gross, "Investigate Judge Tehan" (Woodmar Realty Company case) (9–9–70).

10. Congressional Record, H. R. Gross, "The Tehan Case" (Woodmar Realty Company's impeachment petition on Judge Tehan, to the House Judiciary Committee) (5–17–71).

11. a. *Washington Post,* Editorial "Why the Blackout of Pardons?" (11–8–69).

b. New York Times, "Washington Notes" (11–5–69).

12. Chicago Tribune, William Edwards, "Nixon Cautious on Pardons" (1–10–70).

13. Des Moines Register, James Risser, "'Harassed' M.D. Seeks Nixon's Aid" (11–10–69).

14. a. *Des Moines Register,* "Negro Plea to Johnson on Pardon For Doctor" (6–13–68).

b. Hospital Management Magazine, Lucy Freeman, "Small Hospital—Saga of Integration" (9–57).

15. (New York Times wire service) Wisconsin State Journal, Fred Graham, "Son Asks President To Pardon His Dad" (3–21–68).

16. Cleveland Plain Dealer, Doris O'Donnell, "Son Begs Johnson To Lift Pardon Ban For His Father" (3–31–68).

II. ADDITIONAL ARTICLES ON JUDICIAL MISFEASANCE

Names of newspapers, authors, titles, and dates of publication

17. Washington Post, Merlo J. Pusey, "The Problem of Acting on the Conduct of Judges" (9–6–69).

18. Wall Street Journal, Jerry Landauer, "Judging a Judge's Pretrial Publicity" (2–20–67).

19. Wall Street Journal, Jerry Landauer, "Better Judges—Political Bipartisanship in Selection Process May Improve Judiciary" (10–4–66).

20a. Wall Street Journal, Jerry Landauer, "Judges and Politics: Wisconsin Case Points Up Influences on Appointments" (7–11–66).

20b. Congressional Record, H. R. Gross, "A Startling Case" (6–9–66).

21. Madison Capital Times, "On Possible Civil Rights Violation—Iowa Congressman Urges Probe of Margoles' Case" (2–11–69).

22a. Chicago Sun-Times, Morton Kondracke, "U.S. Probe Asked in a Tax Hassle" (2–9–69).

22b. Milwaukee Journal, Morton Kondracke, "Margoles Backer Raps Judge Tehan" (2–10–69).

23. Chicago Tribune, Willard Edwards, "Doctor Is Forced to Swallow a Bitter IRS Pill" (5–18–69).

24. Indianapolis Star, Ben Cole, "U.S. Asked to Probe Disappearance of Firm's $2.3 million in 30-Year Case" (9–12–70).

25. Hammond Times, Clark Mollenhoff, "Congressman Demands Probe of Woodmar Realty Case" (9–20–70).

26. (Syndicated column) a. Dallas Morning News, Clark Mollenhoff, "Time for Testing" (11–27–71).

b. Des Moines Register, Clark Mollenhoff, "Real Test for Judge Ethics" (11–28–71).

c. Indianapolis Star, Clark Mollenhoff, "Interests Conflict Seen With Judicial Execution" (11–28–71).

27. (Syndicated column) a. Rocky Mountain News, Clark Mollenhoff, "Federal Judges Mishandle Estate Case" (1–3–71).

b. Detroit News, Clark Mollenhoff, "U.S. Probe Asked in 29-Year-Old Estate Case" (12–31–70).

c. Salt Lake Tribune, Clark Mollenhoff, "Millions Coming, But Not a Dime—Lawyers on a Free Spree, Widow Waits, Wonders" (12–26–70).

28. a. Des Moines Register, George Anthan, "Integrity of the Judiciary—Judge Cites 'Abuses in Bankruptcies,' Asks Reforms in Legal Ethics" (7–25–71).

b. Des Moines Register, letter to editor, "Wants to Keep Faith in Law" (8–1–71).

29. a. Chicago Tribune, William Jones, "Didn't Pay Tax, U.S. Judge Says" (4–19–70).

b. Chicago Sun-Times, William Jones, "Federal Judge Admits not Paying Tax" (4–19–70).

c. St. Louis Post-Dispatch, U.P.I., "Judge Evaded Tax, Sen Williams Says" (4–17–70).

d. Philadelphia Inquirer, U.P.I., "Tax Fraud by Judge Disclosed" (4–17–70).

e. Los Angeles Times, U.P.I., "Judge's Tax Laxity Told by Senator" (4–17–70).

f. San Francisco Chronicle, U.P.I., "A Delinquent Judge—Income Taxes".

g. (Chicago Daily News news service), Washington Star, William J. Eaton, "Judge Who Paid Taxes Late Says He Won't Resign Now" (4–19–70).

h. Dallas Morning News, U.P.I., "Williams Says Judge Didn't File" (4–17–70).

i. Washington Post, U.P.I., "Judge Reportedly Failed to Pay Tax for 8 Years" (4–17–70).

j. Atlanta Constitution, U.P.I., "Senator Charges U.S. Judge Failed to Pay Income Taxes" (4–17–70).

30. Washington Star, Robert Walters, "Tax Filing of U.S. Judge Studied by Mollenhoff" (4–18–70).

31. (Syndicated column) Chicago Sun-Times, Clark Mollenhoff, "On Judicial Reform, Biemiller is a Big Man" (12–6–70).

32 a. *Des Moines Register*, Clark Mollenhoff, "Iowans Want Doctor Forgiven, So He Can Practice in Their Town" (6–5—66).

b. *Des Moines Register*, Clark Mollenhoff, "Gross: Probe Doctor's Case (6–11–66).

33. *Des Moines Register*, Clark Mollenhoff, "D.C. License for Doctor Iowa Barred; Margoles Victory in 4-Year Fight" (12–9–66).

34. *Madison Capital Times*, Dave Zweifel, "Tax Case Led to Loss of Profession; Barred Doctor Seeks New Chance" (10–24–68).

35. *Madison Capital Times*, Dave Zweifel, "No Indication of Action; Medical Board Hears Plea for Margoles Relicensing" (10–26–68).

36. *Madison Capital Times*, letter to editor, "Objects to Way Margoles Treated" (11–11–68).

37. *Madison Capital Times*, Dave Zweifel, "In Plea to Regain MD License, New Tactic is Tried Against Margoles" (1–17–69).

38. *Madison Capital Times*, Dave Zweifel, "Medical Board Chief Orders More Questioning; Margoles Hearing Continues Unexpectedly into Third Day" (1–18–69).

39. a. *Madison Capital Times*, letter to editor, "Questions for Medical Board" (5–12–69).

b. *Madison Capital Times*, letter to editor, "Thanks C–T for Margoles Stories" (11–30–68).

c. *Milwaukee Journal*, letter to editor, "The Margoles Case" (4–24–68).

40. *Madison Capital Times*, "Margoles Regains California MD License" (3–20–69).

41. *Madison Capital Times*, Dave Zweifel, "Medical Examiners List Reasons; Dr. Margoles Again Refused License" (5–6–69).

42. *Madison Capital Times*, Dave Zweifel, "Objects to Use of His Name, Reporter Says Medical Unit Lied in Margoles Decision" (5–10–69).

43. *Chicago Tribune*, Willard Edwards, "Political Hostility Bars Physician" (4–30–70).

44. *Chicago Tribune*, Willard Edwards, "Illinois Backs Doctor Barred by Wisconsin" (8–19–70).

MAIL ORDER ABUSES

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. ROSENTHAL. Mr. Speaker, I think we can all agree, as I testified this morning before the Federal Trade Commission, that mail order purchases represent the largest and, until now, the most neglected marketplace abuse confronting the American consumer. Not only does the consumer often not receive his money's worth from mail order establishments, but he frequently receives nothing at all.

The American mail order business is a $45 billion industry. Its practitioners number in the thousands. Through the use of mass media—radio, TV, magazines, newspaper, catalogs—the mail order industry manages to reach daily into the homes of millions of American consumers, offering every conceivable type of merchandise and service. Flashy ads and catalogs offer staple and novelty items for home or business. Sometimes they offer merchandise difficult to obtain in certain parts of the country—Alaskan blankets, rare coins, exotic physical fitness and beauty aids.

While most mail order firms are run by honest businessmen who serve their customers quickly and fairly, too often the consumer must become something of a gambler if he chooses to shop through the mail, risking his money on the chance that an unknown company will furnish his goods. The typical mail order transaction involves prepaying for unexamined merchandise from an unseen and often unnamed merchant at a distant location.

Frequently, the consumer relies on the good faith representation of a promise of satisfaction in an ad or on the reputation of the magazine or other media enterprise in which the ad is found. Most of the time, the consumer is not even in a good position to evaluate his or her risk—for he has no way of knowing before he sends his money whether the mail order firm is disreputable, inexperienced or even a known violator of the law.

Under existing laws—or their absence—the unscrupulous mail order house operates at a distinct advantage over the consumer. Hiding behind a post office box number and a fabricated business name, it can deliver inferior merchandise, or no merchandise at all, disregard customer complaints and, if things get too uncomfortable, file for bankruptcy or simply leave town. The consumer, with cancelled check in hand, is left remediless, often after months of frustrated letter-writing to consumer groups, better business bureaus, Congressmen, and the firm itself.

When a customer seeks solution to a complaint against a mail order firm, he is usually forced to rely on the mails, the same impersonal medium that led to the trouble in the first place. Moreover, the amount of money lost in each instance of mail order abuse is rarely large and does not warrant the expenditure of much effort in the quest for refunds. Legal suits are almost always out of the question.

Last summer, my office conducted an in-depth 3-month study of mail order abuses. A questionnaire sent to 40 dissatisfied consumers who had written my office showed that 40 percent never received satisfaction of any kind with respect to their registered mail order complaints. Of the remaining 60 percent, 20 percent reported that it took 1 to 3 months for action; 20 percent said it took 4 to 6 months; 15 percent received satisfaction after 7 to 9 months, and 5 percent received refunds only after a year of persistent writing and complaining.

Clearly, substantial segments of the mail order industry operate contrary to the basic concept of American business where profits are awarded to the entrepreneur for organizing, managing assuming the risks of an enterprise. In the mail order business, it is often the consumer who bears the risk of the enterprise—he will only receive his goods if enough orders are placed, if sufficient stock is on hand, and if the promoters are honest. If not, he forfeits his money, or perhaps worse, his sanity.

The realities of the situation are undeniable and appalling. Careless and unscrupulous mail order firms cheat the consumer and at the same time siphon off business from reputable firms. Yet until now, mail order business practices have been left virtually unchallenged and basically unregulated. It is ironic that a Small Business Administration pamphlet entitled "Selling by Mail Order" for prospective mail order businessmen states:

> The federal government has no restrictions with respect to operating a mail order business, and usually no state or local licenses are required.

The Postal Service, for example, will deliver consumers' checks and money orders to mail order firms at a post office box, simply for the rental cost of the box. In renting a post office box for mail order purposes, the Postal Service's requirements are no more rigorous than for regular users. The present postal system, then, permits mail order firms to operate in anonymity through the mails without any consideration for poor management and sloppy business practices; excessive delays in shipment of merchandise; misleading advertisements; shipment of wrong or faulty products; poor complaint handling services; or failure to honor guarantees and warranties.

Our responsibility here today, then, is to help spring the American consumer from the mail-order trap. Each of us can bear personal testimony to the economic loss and frustration caused by unsatisfactory mail order experiences.

My own office receives hundreds of letters each year from defrauded mail-order subscribers across the country. All but one of these consumers complained of failure to receive merchandise ordered and paid for through the mail. The amount of money lost ranged from $1 to $43. Most of the people expressed indignation over the injustice of the situation which had for them become a "matter of principle." One complainant wrote that:

> The money lost is relatively unimportant. It is the ease with which it was taken that is important.

Such complaints are not limited to my files, however. All evidence points to the factor that nondelivery or late delivery of prepaid merchandise is a national pattern which demands our highest priority. The cheated consumer is as likely to be a retired Army colonel as a low-income housewife; a professor of political science as a teenager.

While computer and human errors and mail delivery mix-ups can and do cause problems even for the honest, well-intentioned dealer, a reading of complaint letters reveals that the same firms seem to be named by victimized consumers time and time again.

The basic problem, it seems to me, is that the abused mail-order consumer now lacks any realistic and effective remedy when a firm fails to deliver prepaid merchandise.

Private remedies are impractical: even if the consumer's contract is breached, the offender is often in another State and may be known only by a Post Office Box number.

Public remedies by Government are also inadequate.

In a minority of situations, the promoters intensionally plan to perpetrate a fraud, never intending to deliver any merchandise. In the large bulk of cases, incompetent management, inexperience, sharp practices or a combination of other factors force a mail-order business into non-performance or bankruptcy.

In September of 1970, for example, a gentleman from Kansas sent a mail-order house $15 for a dog-training aid which he had seen advertised in a magazine. Within the course of a year, the consumer, not having received this item, wrote four letters to the magazine, three letters to his local post office, two letters to the mail-order house, and two letters to the local Better Business Bureau.

The BBB never responded at all, the Postal Inspector's office sent a form letter advising that there was not enough evidence to establish use of the mails in violation of the mail fraud statute and that the Post Office, in any event, has "no authority to effect refunds or adjustments" to consumers. A letter from the magazine concluded the story almost a year after the mail order had been placed when it wrote the consumer that mail to the company had been returned marked, "Moved—left no forwarding address." Here, and in the instance in which the mail-order firm is declared bankrupt, even the tenacious consumer almost always loses everything.

A second problem is that of excessive delays in the delivery of prepaid merchandise. When these delays are habitual with a particular mail order firm they usually indicate inadequate management or intentional failure by the promoter. Usually, he has an insufficient stock of the merchandise and does not obtain such stock unless and until his orders reach a certain volume.

Recently, for example, a west coast promoter ran several large ads for weight-reducing sauna shorts. The ad listed only a Post Office number and address and stated that COD orders would not be accepted. In fact, the promoter himself had no stock of Sauna shorts at all, and only after a large number of orders were placed with him and sufficient money accumulated did he then proceed to place an order with a manufacturing firm in the Orient.

Delivery to the customer took from 6 to 8 months, during which time the firm was using the customer's money. While the promoter's interest-free use of the customer's money would appear to be not only unethical but illegal, the local chief of police was powerless to act against the mail order promoter who had not violated any existing law.

In addition to complete failure to deliver prepaid merchandise and excessive delays in delivery, the "mail order problem" includes the consumer's inability to obtain refunds when merchandise is not delivered, when an incorrect, defective, or a dissimilar item is delivered, or when there is a failure to honor written guarantees and implied warranties.

There is no need to describe the details of each consumer problem—we are all aware of the various ways in which the American citizen can be gouged through mail order schemes. Our concern here is with the measures that can and must be taken to protect the consumer so that he can use the U.S. mails for business purposes with confidence.

POSTAL SERVICE—LEGAL MACHINERY—CRIMINAL PENALTIES

At present, the legal machinery for establishing this confidence is weak, indeed. Various States have passed consumer protection statutes which give authority to their attorneys-general to prosecute cases of fraud, within their jurisdiction, including mail order fraud.

The authority varies widely from State to State, and often the scope of power is narrow. Few relate directly to mail order problems. Though California and New York City have recently adopted legislation specifically dealing with mail order problems, the enforcement of such legislation suffers from jurisdictional limitations. As the Attorney General of Oregon properly observed, "Strict and clear Federal standards in this area would be most welcome."

Presently, Federal regulation is limited to the Postal Service's enforcement of criminal and civil mail fraud statutes and to the Federal Trade Commission's enforcement of the prohibition against "unfair and deceptive acts in commerce" as defined in section 5 of the FTC act. The enforcement of these provisions—when they have been enforced—has been totally ineffective in curbing mail order abuses.

The Postal Service's criminal mail fraud statute—18 U.S.C. 1341—authorizes a fine up to $1,000 or imprisonment up to 5 years, or both, for persons "having devised or intending to devise any scheme or artifice to defraud or for obtaining money or property" by false pretenses through use of the U.S. mails. Mail order fraud is only one of a number of mail fraud schemes covered by the statute.

For example, it was used to jail two men who ran an illegal vacation contest, and it has also been used to prosecute union officials for using the mails as part of a deceptive scheme. Obviously, neither of these situations involve mail order practices.

Most importantly, according to the Office of the Postmaster General, relatively few of the mail order cases develop into fact situations which U.S. attorneys regard as meeting court requirements for successful prosecution under the criminal statute. A large stumbling block for meeting court requirements is that proof beyond a reasonable doubt of an actual intent to deceive is a necessary element for conviction. Often the promoter's shipment of only a token number of orders or even excessively late deliveries, frustrate the "proof of intent" test, thereby defeating the Postal Service's use of the criminal fraud statute.

In 1971, the Postal Service received over 135,000 mail fraud complaints. The 10,924 cases were authorized for investigation. Of these investigated by postal inspectors in the 1971 fiscal year—the year in which mail order fraud ranked first among consumer complaints in an FTC survey—only 700, or 7 percent related to mail order concerns. Of those 700 only 44 presented to U.S. attorneys for consideration and actual prosecution was instituted in a total of only 24 cases. Even in these cases if prosecutions are successful, and the company fined or its owner jailed, the consumer who lost his money receives no restitution.

CIVIL PENALTIES

The Postal Service's civil administrative mail fraud statute—39 U.S.C. 4005—authorizes an administrative determination of charges against a person for obtaining money or property through the mails by means of false or fraudulent pretenses, representations, or promises. If the facts warrant, a "false representation or fraud order" is issued, prohibiting the delivery of mail or the payment of postal money orders to the individual or firm against which it is issued.

While this statute eliminates the criminal statute's requirement of proof of fraudulent intent, it does require proof of a false representation of a material fact. To use it in cases of failure to effect a reasonably prompt shipment, the Postal Service must demonstrate that the seller consistently failed to honor a specific promise regarding the time within which orders would be shipped.

The legislative history of the statute indicates that its purpose was to protect the consuming public from being victimized by fraudulent schemes. In fact, however, the civil statute is narrowly interpreted to apply primarily to cases of fraudulent advertising and is rarely used by the Postal Service for mail order abuses. In 1970, only 178 mail fraud cases were investigated under the civil statute.

Even more shocking is the fact that to date the Postal Service has not issued a single administrative fraud order against a mail order company for nondelivery of merchandise, despite the fact that thousands of consumer complaints of nondelivery have been received. A spokesman for the Postal Service recently admitted that it is almost impossible to prosecute a case of failure to deliver.

Neither the criminal or civil statute authorizes postal inspectors to investigate a company simply to force a supplier to expedite delivery or otherwise act as an intermediary in settling unsatisfactory transactions. Neither statute obligates the mail order promoter to maintain shipment records for inspection by the Postal Service. Perhaps most importantly, neither the criminal sanctions nor the mail stop order gives direct relief to already injured consumers.

Postal officials estimate that local inspectors spend about 10 percent of their time on mail fraud investigations, and most of their time investigating mail theft. Of the 10,924 authorized mail fraud investigations, only about 7 percent involved mail order malpractices. In other words, postal inspectors spend seven-tenths of 1 percent of their time on mail order investigations. This means that during a normal 40-hour week, the average postal inspector spends about 15 minutes on mail order fraud, or 1 hour a month.

FEDERAL TRADE COMMISSION

Under the Federal Trade Commission Act the FTC is empowered to prevent unfair methods of competition and unfair or deceptive acts or practices in commerce. Even if a nondelivery of merchandise case meets the "unfair or deceptive acts" test, the Commission's only power against a mail order abuser is use of its weak and limited cease-and-desist order authority. Further, the procedures now required by the FTC to obtain actual sanctions against the abuser are no only lengthy but often ineffective until final review by courts of appeal.

Many firms can delay for long periods of time the final adjudication of a case brought against it for misuse of the mails. Like the Postal Service, the Commission can only prosecute ongoing enterprises. Like the Postal Service, it offers no relief or remedy to the defrauded consumer.

It is a small wonder, therefore, that failure to deliver merchandise ordered through the mail was the single largest consumer complaint in the Nation last year. The individual cases of mail abuse are seldom dramatic, but the volume of dissatisfaction with this industry demands dramatic action.

It is my belief that regulation of the mail order business property belongs not to the Postal Service, whose principal function is to accept, process, and deliver mail, but to the Federal Trade Commission which has been entrusted by Congress with protecting the public against unfair and deceptive business practices. The undelivered merchandise problem is not a mail problem but a business problem, and its solution can best be achieved by the FTC. In my judgment, however, the proposed trade regulation rule concerning undelivered mail-order merchandise doesn't go nearly far enough.

The danger of promulgating such a quarter measure is clear—other groups will be lulled into a state of inactivity in the relief that the consumer's and honest businessman's interests are being protected. Yet, the Commission's rule fails to take into account many of the major mail order abuses. As such, it provides far less than adequate protection for consumer and honest businessmen alike.

It is my hope that the Commission will expand and upgrade the protection and enforcement provisions of its proposed rule. Although I view legislation as a last resort toward solving the mail order problem, such legislation will have to be forthcoming if the Commission does not do so. The following, Mr. Speaker, are the provisions which I believe must be amended if the proposed FTC rule is to effectively regulate the huge mail order industry.

Before I discuss what I believe to be substantive weaknesses in the proposed trade regulation rule, there are at least two technical improvements needed:

First, under the rule as presently written, a seller must make a "prompt" refund to the buyer under certain specified circumstances. Nowhere, however, is the term "prompt" refund defined. Does "prompt" mean 1 week, 1 month, or longer?

Second, since violation of part two of the rule—failure to ship "within that time stated in the advertisement"—is dependent on the advertised statement of "estimated time required for shipment," should not there be some definition of "estimated time?" If the shipment is 1 week later than the estimated time of shipment, is that a violation of part two? What about 4 weeks or 6 weeks?

In my judgment, the central weakness of the Commission's proposed trade regulation rule is its failure to provide a mechanism for swift enforcement of its requirements. The rule in no way assures first, a speedy process for the restitution of money to defrauded or abused mail order customers, and second, a speedy method for putting out of business repeated violators of the rule's performance standards. It is my view that given the incredibly high number of consumer complaints in this area and the large number of firms operating mail order businesses, the only effective device for accomplishing these objectives is the regulation through licensing of all companies selling through the mails—cease-and-desist powers are simply not adequate.

To receive a license, a company should be required to register its legal name and address and the names of all owners and operating principals. It should also have on record a description of its product or services and an estimate of its anticipated volume of sales over a 3-year period.

A license fee could cover the cost of administration. In addition, all mail order companies requiring prepayment for merchandise should be required to post a performance bond with the administering Federal agency so as to guarantee refund or penalty payments if Federal guidelines are violated. The bond should be graduated according to the median volume of sales over the past 3 years, or, in the case of a new company, according to the first year's anticipated volume of sales.

To obtain a refund for non-delivery of merchandise or other violations, a customer would be required to present to the administering agency adequate proof of payment for the merchandise and a written and signed statement declaring that it had not been received. A mail order company would have a fixed number of days to prove shipment of the merchandise or that a refund was granted.

A company would be required to repay into the bond fund any moneys paid as refund to a consumer—or face revocation of its license. Revocation could also be ordered for repeated violations.

Moreover, the mail order company should be required to use its registration number in all materials soliciting orders. All mail to an unlicensed or delicensed mail order company would be returned by the Postal Service to the sender. Even with this requirement for advertising its registration or licensing number, it might be well for each mail order firm to properly identify itself in all ads by listing its legal name and actual business address. The present system, which allows firms to remain anonymous behind Post Office box numbers, serves no useful purpose for the honest businessman.

In addition, the rule should provide for the following:

First. Standards should be established governing the advertising truthfulness of mail order mechandise;

Second. Regulations should require mail order sellers to disclose the existence or absence of warranties and guarantees, including information on where a product can be repaired or returned under the terms of the warranty; and

Third. The rule should prohibit as contrary to public policy the practice of some mail order firms not to give refunds or offering only credit refunds unless notice of such a policy is clearly and conspicuously disclosed in all material soliciting orders. Almost 5 percent of consumer complaints to the Federal Trade Commission relate to nonrefund policies about which the consumer had no prior notice.

Again, Mr. Speaker, I view the proposed trade regulation rule as a "half start." It is virtually meaningless to require mail order firms to deliver merchandise within a set time period and to require refunds if those periods are violated without, at the same time, providing an easy and effective method of enforcing those requirements. I think you would probably agree that the cease and desist order route is a totally inadequate device for accomplishing these objectives.

U.N. UNDER SECRETARY BRAD MORSE

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, I wish to commend President Nixon on his brilliant appointment of our colleague BRAD MORSE to fill the shoes of the late Ralph Bunche as Under Secretary at the United Nations. Those are big shoes to fill, but if anyone is capable of doing so it is Brad Morse. As chairman of the House Republican conference I wish to extend the heartiest congratulations to Brad on this great honor and at the same time express the deep sadness we feel at losing one of the most intelligent, able, and affable Members in this body. I say this not only in my official capacity as conference chairman, but as one who has enjoyed Brad's close and warm friendship since we came to this body as freshmen in the 87th Congress. Unlike me, Brad was not new to the Hill back in 1961, having previously served for 2 years as counsel to the Senate Armed Services Committee and 4 years as chief assistant to former Senator Saltonstall of his home State of Massachusetts. It was, therefore, not unusual that we freshmen tended to look to Brad for guidance and advice on the ways of the Hill and he was always willing to go out of his way to help.

Anyone who is familiar with Brad's work in the Congress knows just how eminently qualified he is for the U.N. post. As one of the most conscientious and hard-working members of the House Committee on Foreign Affairs, Brad is widely recognized as being one of the most knowledgeable foreign policy experts in the Congress. His enthusiastic interest in this field has not been confined to his committee responsibilities but has extended to a wide variety of activities and responsibilities. First and foremost, Brad has been a great friend of the U.N., and as such, I am confident he will be a real asset to that organization in his new position.

KEEP HIGH STATE STANDARDS FOR BOAT HOLDING TANKS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. FRASER. Mr. Speaker, this week the House votes on H.R. 11896, the Federal Water Pollution Control Act Amendments of 1972. This legislation marks a new and much needed approach to water pollution abatement.

However, if we are to achieve the admirable goals it sets forth, a few changes in the bill are needed. One which I am supporting will allow those States that now ban the discharge of sewage from boats to continue to do so.

I call the attention of the House to an excerpt from an editorial which appeared in this morning's Minneapolis Tribune:

Water Pollution in the House

Another problem of particular interest to lake states such as Minnesota has drawn little attention, although it is present in both bills. The bills provide for federal pre-emption of state authority over pollution from boat toilets. And both bills almost assure that federal requirements will be weaker than those already existing in the 20 states, including Minnesota, that ban all discharge from boat toilets.

The reasons for such prohibitions are that marine sanitation devices don't provide good waste treatment and often don't function well, adequate inspection is a big job, and discharges are almost impossible to police. An inexpensive and feasible alternative (as experience in Minnesota and other states has demonstrated) is use of tanks to hold waste until it can be pumped out.

The boat-pollution provision in the House and Senate bills is an unwarranted, unwelcome step that can only be interpreted as an attempt to weaken provisions of the 20 states now requiring holding tanks. Rep. Donald Fraser and 21 other congressmen will seek to eliminate the pre-emption. The House should approve their amendment.

PUBLIC BROADCAST DESERVES SUPPORT

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. MOSS. Mr. Speaker, the future of public broadcasting has become an issue of growing interest to an ever-increasing number of indivduals. In a recent editorial, the Sacramento Bee voiced its concern regarding the need to establish a more permanent, longrange Federal assistance program for public broadcasting. I commend the reading of this editorial to my colleagues:

Public Broadcast Deserves Support

A critical decision as to the future of public broadcasting, both television and radio, rests in the hands of the House Interstate and Foreign Commerce Committee, and eventually the entire Congress.

The question is whether the nation's network of these public service, nonprofit stations will gain semiautonomy. At the heart of the matter is whether they will be free to present public affairs programs which are truly informative and educational, independent of any special influence.

The Nixon administration seems to regard the growing public affairs programming of public broadcasting with apprehension. Consequently, the administration is pushing legislation which would limit federal financial help for public broadcasting to a mere extension of the present year-to-year basis, with an unwieldy and complex formula as to the disposing of such funds.

The right approach is the one embodied in HR 11807, a bill introduced by Rep. Torbert H. Macdonald, D-Mass., chairman of a subcommittee of the Interstate and Foreign Commerce Committee Macdonald's committee has held hearings on this complicated problem and hopes to present a bill which would establish a more permanent, long-range federal assistance program for public broadcasting.

The Macdonald bill would extend federal assistance to the many stations, as well as national program production which has resulted in such winners as "Sesame Street," for five years and provides that not less than 30 per cent of the annual allocation go directly to local public stations.

While this would not go all the way toward providing necessary permanent government support machinery outside the pressures of politics, it is a long step in the right direction. Public broadcasting, both television and radio, is a vital adjunct of the commercial system, and demonstrably in the public interest. And remember always the airways belong to the people.

LEGISLATION FOR SENIOR CITIZENS

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. SYMINGTON. Mr. Speaker, as a member of the Public Health and Environment Subcommittee, I am well aware of the difficulties faced by older Americans. Our subcommittee, under the energetic leadership of Paul Rogers of Florida, recently completed hearings on a bill to create a new and separate Institute of Aging within the National Institutes of Health. Representative Rogers, myself, and most of the members of the subcommittee, have cosponsored H.R. 12308 amending the Public Health Service Act to create the new Institute.

I have cosponsored H.R. 5021 to strengthen the Older Americans Act of 1965 and sponsored H.R. 12503 with much the same purpose. I joined the effort to cosponsor the Senior Citizens Jobs Corps Act of 1972 which is H.R. 13839 introduced by Representative Pryor. The Education and Labor Committee has H.R. 3671, my bill to establish a senior citizens skill and talent utilization program. In the first session of this Congress, I cosponsored H.R. 125 to create a Select Committee on Aging. Around that same time, I agreed to cosponsor H.R. 120 to provide social security benefits for teachers who are otherwise not eligible for such benefits. I sponsored H.R. 1176 to provide tax relief to those 65 years and older who rent or own their homes. I cosponsored H.R. 7919 and 7921 to amend the Internal Revenue Code to allow tax relief for retirement income and credit for all medical expenses. In addition, I fully support Representative Mills' call for a 20-percent increase in social security benefits.

Tax relief, social security increases, and an Institute on Aging should be among the top priorities of this Congress. In this regard, two excellent articles concerning senior citizens have come to my attention.

The first article was written by Sandy Kay Baer on special assignment with Missouri's Office on Aging. The second explains the community grant program administered by the Missouri Office of Aging; it was written by Richard G. Kammerer. Both articles appeared in the March 1972 issue of the Missouri Municipal Review. These articles further illustrate the need for congressional action to assist older Americans.

Finally, I would add that my home State of Missouri ranks sixth in the Nation in number of citizens 65 or older. I am proud of these people and of the fact one in every eight Missourians is over 65. Our task in Congress is to extend and enrich the lives of all Americans.

At this point, I insert the articles in the Record:

Citizens Over Age 65

(By Sandy Kay Baer)

One of the constant characteristics of life is cyclical nature: conception, gestation, birth, growth, maturity, and death are inevitable phases of an animal's existence. Of all the species, man's lifespan encompasses many years of slow advancement from one stage to another, yet longevity increases each decade. The world surrounding man also advances and technology further perpetuates man's capacity to live. As stated in *Culture and Aging* (Dr. Margaret Clark, Dr. Barbara Anderson, 1967) "Biology then, determines the potential duration of human life, while technology extends the lifespan towards that potential."

MISSOURI RANKS SIXTH

Nationally, there are over 20 million persons over the age of 65 years, representing one out of every ten. During the past 70 years, from 1900 until 1970, the total population in the United States has increased three-fold, whereas the aged population has increased nearly seven times since 1900. On the other hand, the population of persons 65 years and older in Missouri comprises 12 percent of Missouri's total population, an increase of more than 400 percent since 1900. Therefore, one out of every eight Missourians is 65 years or older, ranking Missouri sixth in the nation.

Even though only 34 of the 114 Missouri counties showed an increase in population between 1950 and 1960, the trend has been a migration from rural to urban areas. In 1900, more than ⅗ of Missouri's population lived in rural areas compared to ⅖ today. Technology again has played a significant role in the changing urban-rural composition of the population. It is important to note that this mass movement from the farm to the suburbs has not affected the elderly population as it has their children and grandchildren. The aged prefer staying on the farm where they have peace and privacy, cheaper housing, fertile garden acreage, and the security of familiar faces and places. Whereas Missouri's aged comprise 12 percent of its total population, in 73 rural counties more than 15 percent of the population is 65 years and older. Furthermore, in 21 of those counties over 20 percent fall within this age bracket.

Population trends in Missouri have a direct bearing on the status of the state nationally as well as regionally. For instance, there is a wide variation in income distribution among its families, which in turn differentiates counties regarding the needs of the aged. The major problem areas of the aged—housing, health, finance, transportation, and leisure—vary from one county to another, depending upon the population composition and income. Therefore, such population statistics play an essential role in determining the specific problems of a specific area and should be given consideration when dealing with the overall plight of the aged in your city or county. Furthermore, Missouri's senior citizens represent a potential political force on both the state and municipal levels. According to 1970 census data, the elderly over 65 represent 18 percent of the potential voters 18 years and over. An additional 15 percent of the voters fall within the 55 to 64 age group and 16 percent are aged 45 to 54. Therefore, approximately 49 percent of potential Missouri voters are 45 years and older, casting a powerful senior vote.

POPULATION TREND INDICATIONS

Although the aged voting constituents of Missouri might exert "power with numbers," the state's population trends indicate some less favorable situations resulting from the population composition. For instance:

"The decline of the farm family as an economic unit has left some aging parents with a way of life that is no longer viable or self-sustaining.

"Changes in family living arrangements and mobility patterns have resulted in separation of older parents from homes of their adult children and other familial support."

Lewis Mumford has said, "Trend is not destiny." Trends can be and oftentimes should be altered to compensate for the changing times society forever participates in. Nevertheless, it is beneficial to have an awareness of present trends in order to discern when and where intervention is necessary. Policy makers at the national, state, and municipal levels possess the position to preserve the will and wisdom of the aged as well as to evoke change of their plights.

Is old age a defeat or a victory? Is old age a privilege or a punishment? These questions provided a basis for the now classic speech delivered at the First White House Conference on Aging in America in 1961.[1] Calling for a need of society to revise its usually negative attitudes toward the aged, Abraham Heschel spoke of the enormous cultural and spiritual damage which tend to result when society or parts of it have contempt for those who are old and fear for themselves of getting old. He further emphasized this point of view by stating:

"The test of a people is how it behaves toward the old. It is easy to love children. Even tyrants and dictators make a point of being fond of children. But the affection and care for the old, the incurable, the helpless, are the true gold mines of a culture." [2]

Thus, how the aged are perceived certainly relates to the stereotypes which Walter Lippmann defined many years ago as "the pictures people carry in their heads (toward others)."

Stereotyped views in social science research studies during the 1950's and 1960's tend largely to reinforce the idea that old people are devalued. Some of these views uncovered suggest ". . . that old people are generally ill, tired, not sexually interested, mentally slower, forgetful and less able to learn new things, grouchy, withdrawn, feeling sorry for themselves, less likely to participate in activities (except perhaps religion), isolated, in the least happy or fortunate time of life, unproductive, and defensive in various combinations and with various emphases." [3]

SOCIETY'S VIEW OF AGING

If these are the general views (even though they are frequently based on misconceptions) held by society toward the aged is there any wonder that the aged themselves tend toward having less positive self views.

Thus in every age of development from childhood to young adulthood, from young adulthood to adulthood, society at least suggests learning behaviors for how a person may achieve that next stage successfully. However, what roles may be viewed as incentives as one retires and ages? Not only are there role models for anticipating socialization but there are also benefits and rewards held out for achievement—except for the aged. For this group our achievement oriented society not only withholds benefits or rewards but views their decrements as the undesirable mode.

The third generation, except for those who have frequent contact with grandparents and great grandparents generally tend to have a less positive attitude toward the aged and tend not to identify themselves as being aged someday. Some "generation gap" is to be expected in any new generation. However, students tend to express negative or at best neutral feelings when they describe old people. Since the young cannot experience old age in advance it is reasonable for them to reflect culturally imposed stereotypes. When these stereotypes are largely negative and not considered rewarding or worthy, the lack of the younger generation's looking forward to old age is certainly understandable. Also since our American culture is so increasingly youth-oriented and since the contributions of the young receive greater attention and influence than the contributions of the old, why should the young look forward to being aged?

A CHOICE FOR THE AGED

What do the aged want for themselves? Are there any positive perceptions about aging? These questions are raised recognizing that generalizations about how the aged perceive themselves certainly must be viewed in the framework that the aged are *not* a homogeneous category.

First and foremost they are individualistic adults, each with his own background and history. Each has developed a varied life style which he may value and may like to continue. It is important that he have this choice. If socioeconomic resources are limited then he should also have options available in a spirit of rights, justice and compassion. Studies have shown that even the aged person who just wants "to spend time in a rocking chair" may be happy and adjusted to his seemingly limited but chosen life style. The importance of choice cannot be overemphasized for it embraces many "wants."

If one can choose, he need not feel desperate, useless, or unworthy. He may still have ambitions and dreams and he can feel alive. With choice, of course, is implied relative socioeconomic resources, opportunities for health care and some form of productivity which is a meaningful substitute for occupational routine. Opportunities for choice and resources to enhance them provide meaning to the aged's daily life. Thus he will not just be worthy in the eyes of others, (which is important for most adults) but he will tend to feel significant and important unto himself. In this way he may be accepted for himself not just for his achievement or resources.

NEED FOR POSITIVE PERCEPTION

In summary, how we generally think about a person influences how we perceive him; how we perceive him influences how we will behave towards him; how we behave toward him affects his self-image. If society tends to perceive the aged negatively or in decremental terms; if youth finds itself to be the status orientation; if aged have no adult role models to follow—then the perceptions of aging and the aged are basically those of defeat and punishment. It would also seem that American society has been slow in revising its stereotypes about the aged between White House Conferences. Will the rapidly growing number of generally better educated people, living longer largely due to improved medical science and better sanitation, have an improved quality of life that will be deemed worthy of emulation by the young and of acceptance by society?

If this positive sense of being is permitted and deemed worthy by society, perhaps role models will develop by the aged themselves. They may aspire to opportunities for inner growth and attainment of deeper values than one formerly was capable of attaining. In this frame of reference old age may be an exciting search for inner peace and wisdom transcending jealousies and prejudices. Thus wisdom, status and serenity may be what the aged want for themselves if they can really choose.

COMMUNITY GRANTS

(By Richard G. Kammerer)

The Office of Aging, Department of Community Affairs, has numerous functions. One of the direct services is the responsibility for administering Title III funds of the Older Americans Act of 1965. These funds represent the source for awarding community grants to local, not-for-profit organizations to assist with financial support of direct service programs to the elderly. Direct service programs may include one or more of the following activities: multi-purpose senior citizen centers, transportation, meals, health care, outreach library services, information and referral services, telephone reassurance, day care, training of special personnel, etc.

---

[1] Heschel, Abraham J. *To Grow in Wisdom.* An address delivered at the First White House Conference on Aging, 1961.

[2] Ibid.

[3] McTavish, Donald G. *"Perceptions of Old People: A Review of Research Methodologies and Findings," The Gerontologist,* 1971, 11, No. 4, P. 11, 90–101.

TITLE III GRANTS

Who may apply for a Title III grant? Any public or private not-for-profit agency, organization, or institution interested in the initiation or expanson of direct service programs to the elderly. Examples of not-for-profit organizations are Parks and Recreation Departments, Business and Professional Women's Clubs (BPW), Altrusa Clubs, Young Women's Christian Associations (YWCA), Red Cross, churches, universities, etc.

The total cost of programs is not completely covered by a Title III grant. If an application is approved, the sponsoring organization (grantee) is required to earn Title III funds by matching with either cash or in kind contributions which are individually or collectively referred to as local match. The local match may be directly from the grantee or other local resources. The matching ratio for the first year is 75%–25%—75% is Title III funds, 25% is local match. Matching ratios for the second and third years are 60%–40% ,and 50%-50%, respectively. Approval of grants for continuation into the second and third years is dependent upon the grantee's performance in fulfilling the objectives of the program.

Applications are reviewed, in the order that they are received in the Office of Aging, by a Technical Review Committee which is made up of members of the Governor's Task Force on Aging. Consideration is given to the applicants' ability to comply with Federal regulations, to fulfill their objectives, and to progressively involve the local community in support of the program to insure continuation of the program after Title III funds are exhausted.

TITLE III PROGRAMS

Since the inception of the Missouri Office of Aging, 45 programs have been initiated with Title III funds, and 8.7% are continuing following receipt of a grant. Presently, 20 programs are operating with the assistance of this grant program. The majority of on-going programs are multipurpose senior citizen centers. Activities include Adult Education classes in addition to recreation and other leisure-time activities. Other Title III projects provide outreach library services, transportation and meals. The outreach library service is described in a separate article in this issue.

Older Adults Transportation Service (OATS) is a service provided by the Cooperative Transportation Service, Inc. (CTS), which is a privately owned cooperative incorporated statewide to provide transportation for persons 55 years of age and older, and the handicapped of all ages. OATS presently operates in an eight county area in mid-Missouri consisting of the counties of Audrain, Boone, Callaway, Cole, Cooper, Howard, Moniteau, and Osage. Requirements for membership in OATS are as follows:

1. 55 years of age or older
2. Must purchase at least one share of stock in CTS at $1.00 per share—good for life and nontransferable, and
3. Must purchase a membership in OATS at $5.00 per year—renewable yearly.

For each trip, a nominal fee is also charged which is presently based on a 10 cent pickup charge plus approximately 2 cents per mile. A 30 mile trip would cost 70 cents (10 cents pickup plus 60 cents at 2 cents per mile) one way. Trips can be taken for any purpose; health, business, recreation, etc. Three 14-passenger buses (van type) are presently used in the operation. OATS has been operational since November 21, 1971, and is projected to be self-sustaining in a two or three year period.

The meals program, Twin Towers Meals for Older Citizens, is located in the Twin Towers, a HUD financed elderly housing complex at Poplar Bluff, and is sponsored by the Community Nutrition Corporation. The first meal was served in January, 1970 in the dining room space on the first floor of the high-rise which has been decorated to provide a homey atmosphere. Two choices of each course of the meal are served from 11:00 a.m. to 1:00 p.m., five days each week.

PROGRAM RESOURCES FOR OLDER PEOPLE (PROP)

In addition to the above mentioned program, one Title III project is especially unique in that it provides subgrants to small rural communities throughout the state. The combination of cash and in-kind contributions from a few larger programs is sufficient to match Title III funds and has eliminated the need for some sub-grantees to provide any contribution. The name of this program is PROP (Program Resources for Older People). The sponsor, having the same name, is incorporated and the members contribute their time on a volunteer basis. PROP was organized for the purpose of providing financial assistance to programs in small rural communities that lacked sufficient local resources to match Federal funds. Based on expressed needs of numerous communities.

In summary, the senior citizens of Missouri are benefiting from a wide range of programs and activities funded through Title III of the Older Americans Act. Recently, the Office of Aging has received and is in the process of considering numerous innovative proposals to enhance the dignity and life style of our senior Missourians. Interested citizens may submit proposals or secure additional information from the Office of Aging, Department of Community Affairs, 505 Missouri Boulevard, Jefferson City, Missouri 65101.

TRIBUTE TO J. HOWARD EDGERTON

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. REES. Mr. Speaker, I would like to pay tribute to Mr. J. Howard Edgerton, of Los Angeles. For his dedicated volunteer service to both his community and State, Mr. Edgerton recently received the citationist designation in the National Volunteer Awards Program sponsored by the National Center for Voluntary Action.

As chairman of the California Museum of Science and Industry, Howard Edgerton created a new technique of exhibition, and thus sparked an unprecedented rise in attendance. This personal drive was also evident when the Los Angeles Metropolitan Area National Alliance of Businessmen doubled its goal of new jobs for minority workers while under his direction. Mr. Edgerton was also responsible for the smooth operation of the National Governors' Conference in 1966.

The National Volunteer Awards Program, after 23 years of activity under the auspices of Lane Bryant, Inc., is presently managed by the National Center for Voluntary Action. The national center, a private nonprofit organization, exists to generate new responses to America's pressing needs through the greater recognition and utilization of volunteers.

I extend my heartiest congratulations to Mr. Edgerton for his receipt of this honor, and I offer by thanks for his continued service and dedication to the people of California.

ASTOUNDING VOTE FOR GOD AND GEORGE WALLACE

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, in view of the continuing conflict over forced school busing and other losses of freedom in America, I insert the latest of Mr. James J. Kilpatrick's discerning articles on this and related subjects at this point in the RECORD:

ASTOUNDING VOTE FOR GOD AND GEORGE WALLACE

(By James J. Kilpatrick)

They voted for God and George C. Wallace in Florida last week. God won big. The governor won, too. But it is a curious thing: The significance of these election returns has been largely muffled in wooly speculation on Humphrey's hopes and Muskie's momentum.

The Florida ballot asked voters to say whether they favor an amendment to the U.S. Constitution to allow prayer in public schools. On that question, 1,139,000 voted yes, only 296,000 no.

In the presidential primary, the Democratic ballot listed 11 names—some of them big names, with big money behind them. It was Wallace against the field. He ran them into the ground.

Consider the dimensions of Wallace's victory. He polled a stunning 42 percent of the vote, roughly as much as Humphrey, Jackson and Muskie combined. Wallace carried every county in Florida; he swept eleven of the twelve congressional districts; he won 75 of the 81 Democratic convention delegates.

In the 1st District, up in the panhandle, Wallace polled 66,000 votes; his closest rival was Henry Jackson with 18,000. In the 2nd, it was Wallace 59,000, Hubert Humphrey 12,000. In the Jacksonville district, Wallace had 46,600 to Humphrey's 19,900. Over in Tampa, in the 6th, it was Wallace 38,000 to Humphrey's 14,000. In the 7th, the Sarasota district, Wallace polled nearly 47,000 to Jackson's 14,000. The 9th District, which includes Palm Beach and Fort Lauderdale, gave Wallace 43,800 to Humphrey's 17,600.

Unless one set of rules is to be applied to Wallace, and another set of rules to everyone else, this has to be regarded as a landslide. Yet if you watched network TV Tuesday night and Wednesday morning, you missed the significant story altogether. The significant news wasn't Humphrey or Muskie. The significant news—I mean no irreverence—was in the astounding vote for God and for George C. Wallace.

This was middle America exploding. In the prayer amendment, the people of Florida found a vehicle for demanding a return to all those qualities our society has lost in recent years—a return to decency, to kindness, to obedience, to charity, to tolerance, to a principled and godly way of life.

Busing was the big issue in the Wallace campaign—the imbecilic business of busing children to schools according to the color of their skin. But busing was not the only issue. Wallace attracted more than half a million fed-up Americans who were fed-up with *everything*.

It is imperative that we search for meaning here. This was not a vote against busing alone, but against the whole computerized inhumanity of a bloated government that has lost touch with its people. It was a vote against unfair taxes, against unrewarding foreign aid. It was a striking manifestation of the sense of helplessness, of futility, of disillusion, that millions of Americans feel. It was not a vote of confidence in Wallace; it was more nearly a vote of no confidence in anything else.

Edmund Muskie missed this altogether. On election night he bitterly denounced the Wallace voters for their lack of decency and humanity; he saw nothing but a threatening manifestation of "some of the worst instincts of human beings." He said of Wallace: "I hate what he stands for."

That stiff-necked insensitivity will get Muskie nowhere. Florida is a state of almost microcosmic aspects—urban and rural, white and black, old and young, Jew and gentile, liberal and conservative. To impute bigotry to 42 percent of the voters in this Democratic primary is to slander men and women who deserve something better. They deserve to be heard. And one way or another as this campaign proceeds, through God or through George Wallace, they are likely to be heard again and again.

PICK BUFFALO-MADE CHEST FOR GIFT TO TURKISH PREMIER

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. DULSKI. Mr. Speaker, I am delighted to learn that the Chief Executive once again turned to a famous Buffalo furniture manufacturer, Kittinger Co., when he was looking for distinctive furniture pieces.

The latest selection is a handcrafted mahogany chest of drawers which the President presented to Prime Minister Mihat Erim of Turkey at a state dinner at the White House last week.

It was 2 years ago that the President learned of the Kittinger work when the company delivered new furniture for the White House west wing.

We in Buffalo and western New York, of course, are well acquainted with the furniture craftsmanship of the company. Indeed, I have a special appreciation of the work through the long-time service of my brother-in-law, Stanley Skopinski, who is looking forward to retirement in July after some 40 years with the company.

Mr. Speaker, as part of my remarks, I include an article from the Buffalo Evening News:

Nixon Picks Kittinger Chest as Gift for Turkish Premier

Washington, March 21.—The product of a Buffalo furniture manufacturer has again been selected by the White House for an important state function.

A hand-crafted chest of drawers made by the Kittinger Co., 1893 Elmwood, will be presented by President Nixon to Turkish Prime Minister Mihat Erim of Turkey at a state dinner tonight in the White House.

On Oct. 28, a similar chest of drawers made by Kittinger was the nation's gift to Marshal Tito, president of Yugoslavia, at another state dinner.

The gift to Marshal Tito was a reproduction of a Newport-style colonial mahogany Chippendale chest of drawers. The original, made about 1762, was the work of John Townsend of Newport, R.I., one of the best known furniture makers of the American Colonial period.

The President learned of the Kittinger company's work in 1970 when it delivered some new furniture for the White House's West Wing.

The company at that time installed the large table for the President's Cabinet Room. The table has a 100-inch band of mahogany around the outer edge and a hand-tooled leather top.

Kittinger also designed and built Williamsburg-style furniture for the new White House press center.

On Nov. 24, 1970, two Kittinger officials met with President Nixon and presented him with an historic letter from President Monroe about the remodeling and redecorating of the White House after it was burned by the British.

The latest White House gift and the one for Marshal Tito are modeled on the original Townsend chest of drawers in the State Department's diplomatic reception room.

MY RESPONSIBILITY TOWARD FREEDOM—CATHY FICKER

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. DERWINSKI. Mr. Speaker, I am very pleased to insert into the Record a letter by Cathy Ficker, a student at Mother of Sorrows High School. I am very proud that a constituent of mine from one of the fine high schools in my district earned an award by this outstanding contribution.

The letter follows:

My Responsibility Toward Freedom

(By Cathy Ficker)

Cathy Ficker, a student at Mother of Sorrows High school, won first place in the local Voice of Democracy contest sponsored by the P. T. Hallinan Veterans of Foreign Wars post 3580, Blue Island, and its Ladies Auxiliary. Her entry, written from the point of view of a Prisoner of War, then placed fourth in district judging. The text of her presentation is as follows:

Dear America: I haven't seen you for a long time, so I decided to drop you a line. There's something I should have told you before I left, but I forgot. I would have written sooner but I have been tied up.

I have been in a concentration camp in Viet Nam for five years. I used to hear from my family once a year, although it was censored. For the past two years I have heard nothing.

During this time I have been thinking. I have tried to remember your busy cities, rolling plains, purple mountains, crowded tenements and rippling waves. I have tried to relieve every trial and error and joy and happiness, but I can't.

It seems that I have been living a life of apathy. Not really worrying about anyone or anything but myself. After you've been living in this type of environment for awhile, you seem to realize many things.

When you see what is happening in other parts of the world, you begin to long for the comforts of home. Those everyday things that most Americans take for granted seem to become a major portion of your life.

The thing that seems to be missing most is my freedom. It's gone. I realize now what it means to be alive and free, but it is only because I am confined and almost dead.

America, I never told you this, but you are beautiful. When I am a part of you I am given the opportunity to choose right from wrong and good from bad. I can say anything I wish and do my own thing.

You openly exposed your constitution and amendments to me, but I didn't care. I do now. I could have come to know you better. I should have realized how much I owed you.

I thought I was doing everything for you. Well, you gave everything to me. You gave me my freedom, yet I gave you nothing in return.

I shunned elections. They asked too much of me and I could not be bothered. I wasn't doing my part to build America into the strong country it is today.

I could have used my freedom of speech to put a good man in office to keep America free and peaceful, but I didn't I realize that it is my responsibility as a citizen to vote, so that I can maintain something that is very important to me, my freedom.

Instead of protesting against the draft and burning my draft card, I should have willingly enlisted in the armed forces. You gave me the opportunity to live in a nice home, eat regularly, and have time for work and relaxation. All I did was criticize. You gave me the opportunity to serve you, my country, but I rejected it.

There is no church in a concentration camp. You allowed me to perform my faith in whatever way I desired.

Money can't buy love, but it is necessary to survive. I hated to pay taxes. Now I would willingly pay anything for freedom. Taxes gave me the opportunity to become educated, live in a modernized country, receive medical aid, and be protected against fire and crime. These things are all a part of you, America.

You have given me many opportunities, but I have taken them for granted, I didn't know what a privilege it was to live in America. It is a free country with equal opportunities for everyone.

You have taken on many shapes and forms to guide us, yet you have left free enterprise alone to maintain the competitive spirit.

Sincerely yours,

A Prisoner of War.

PRESIDENT'S BUSING STAND A FAILURE OF MORAL LEADERSHIP

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. EDWARDS of California. Mr. Speaker, the position taken by President Nixon on busing is terribly saddening to those of us who have hope that our Nation is moving towards fulfilling its constitutional commitment to full justice for all of its citizens. In its political cynicism the President's statement reflects the total lack of moral leadership in the civil rights area which has marked the Nixon administration from its beginning.

An eloquent assessment of the impact of the President's position was set forth by Carl T. Rowan in his column which appeared in the Washington Evening Star on Wednesday, March 22, 1972. I commend the attention of my colleagues to this article.

The article follows:

Busing Stand a Sad Chapter in U.S. History

(By Carl T. Rowan)

For many reasons, personal and professional, I have strained to find something good to say about President Nixon's latest pronouncement on school busing. But I am driven to the conclusion that the President's proposals mark one of the saddest chapters in this nation's history.

A periodically glorious campaign to make this one society of mutual admiration and respect, which began full-force back in the 30's, has been dragged to an end. For the first time in half a century the President of the United States has arrayed himself and the immense powers of the executive branch on the side of "separate but equal." He is decreeing generations more in which the poor, the have-nots, wind up without a remote chance to succeed in that race we call the pursuit of happiness.

Nixon turned some neat phrases about integration and equality of opportunity, but they can never camouflage the truth that he was retreating before the charge of George Wallace, bending to the howl of the mob, both of whom he unwittingly armed when he put the phrase "forced busing" into the language.

The White House may call it a "libel" on the the American people, but the naked truth is that bigotry is now riding high in this country, so high that even the President is crowded into a position where he appears to be either its prisoner or its ally.

Nixon beseeches Congress to direct the courts not to order any more busing for racial balance. The President must know that he cannot seize the schools any more than Harry Truman could seize the steel mills in the face of a disapproving court. Congress simply cannot forbid federal constitutional rights of this nation's children. And let no one forget that busing is simply a form of relief to children who have been subjected to a panoply of officially sanctioned injustices.

Nixon may believe that his "strict constructionist" Supreme Court will go along meekly with whatever Congress orders, but I rather suspect that even his most conservative appointees will see the dangers of this meat-cleaver attack on the judicial branch.

Millions of black Americans find bitterly amusing Nixon's argument that a constitutional amendment would "take too long" and leave thousands of youngsters to endure busing next year.

Where has Nixon been during the 17 years and 10 months since the *Brown vs. Board of Education* decision when black parents and children were screaming that "it takes too long" to escape the discriminations and humiliations of Jim Crow schools that our highest court had outlawed?

Justice delayed was justice forever denied to millions of black kids who finished their entire public schooling without getting one iota of judicial relief. Suddenly, when it comes to canceling their late relief, the White House finds that time is of the essence!

The truth is that from Wild Goose, Minn., to Sloppy Gulch, Fla., the school buses will roll on, with more than 18 million children aboard, from now until Richard Nixon is just a name in the history books. Because busing is the passport of white children to equal education. The record will show that the only buses derailed were those carrying black children toward a reasonable chance to secure their American birthright.

I know Nixon proposes to mollify minority and poor children with his "Equal Educational Opportunities Act of 1972" and a $2.5 billion expenditure.

Even if we give the President credit for the most egalitarian of intentions (which I frankly find it hard to do), there are some dismaying flaws to his proposals:

He is offering a warmed-over "compensatory education" scheme with extra financing from unnamed sources. I have documented in previous columns how earlier outlays of billions for educating the deprived and speeding desegregation wound up in swimming pools and fancy frills for affluent whites. Until the White House spells out the guarantees that vast new money will actually be spent to benefit the poor, experience dictates that we regard the new scheme as a pretty piece of wool to be spread over gullible eyes.

Even if the government does pour some money into neighborhoods occupied by blacks, Puerto Ricans, Indians, it would still be a reversion to "separate but equal." It would scarcely differ from 1952 and 1953 when legislatures in South Carolina and other Southern states were pumping money into showcase schools for blacks (after generations of abominable neglect) to try to head off the outlawing of Jim Crow.

Nixon has to know that allocating $2.5 billion to remedy the plight of schools for the poor is like weeping into the Pacific Ocean in an attempt to make it run over. He must know that however flamboyant the gestures toward the ghettos may now be, there is absolutely no possibility of equal education opportunity if you keep the poor, black, brown and red in separate schools while the rich and influential bask in the sanctuaries of their "neighborhood" emporia of education. Money flows toward affluence—and influence.

Much of the nation wants to kid itself. But some of us have to live with the reality that Nixon has asked Congress to underwrite an educational setup that guarantees this country remaining two nations, quite divisible, one white and one black, with liberty and justice for some.

Almost all of us will live to rue this sad interlude in the life of an already too troubled society.

SUPREME COURT CONTINUES DISCRIMINATION BY SELECTING HARVARD GRADUATES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. RARICK. Mr. Speaker, on July 30, 1971, I reported on the Supreme Court's record of discrimination in law clerk selections by favoring law graduates of Harvard and Yale.

In his first two appointees to the U.S. Supreme Court, President Nixon left Harvard to go to Minnesota.

Now we learn that Harvard is again back in favor. It was recently reported that Chief Justice Burger has selected a Harvard graduate for the new post of administrative assistant to the Chief Justice of the U.S. Supreme Court.

I include a pertinent newsclipping and my remarks on "The Supreme Court and Its Record of Discrimination in Law Clerk Selections":

[From the Washington Evening Star, Mar. 22, 1972]

BURGER NAMES NEW ASSISTANT

Mark W. Cannon, a New York City expert on government operations, has been chosen for the new post of administrative assistant to chief Justice Warren E. Burger.

President Nixon on March 1 signed a law creating the new job which pays $40,000 a year. The assistant will help Burger in his dealings with lower federal courts and court administrative agencies.

Cannon, 43, is now director of the Institute of Public Administration in New York City. The institute is a consulting center which does research on administration of government agencies.

Cannon, who holds a doctorate in government from Harvard, formerly served as an assistant to Sen. Wallace F. Bennett, R-Utah.

THE SUPREME COURT AND ITS RECORD OF DISCRIMINATION IN LAW CLERK SELECTIONS

Mr. RARICK. Mr. Speaker, the present members of the Supreme Court of the United States—the noble champions of minorities against discrimination—do not practice what they preach. They are flagrantly discriminatory, and in doing so, must accept their responsibility for the judicial movement to the left.

Black's Law Dictionary defines "discrimination" as:

"That which confers particular privileges on a class arbitrarily selected from a large number of persons, all of whom stand in the same relation to the privileges granted and between whom in those not favored no reasonable distinction can be found."

For some reason or other, the members of the Supreme Court have not recognized this legal definition as binding on their own practice of selecting law clerks—those law graduates who do the basic research for the Justices and in effect present them with the alternative rulings possible in a judicial decision. These law clerks have a similar relationship to the Justices as Henry Kissinger has to President Nixon—they control the decisions because they not only offer the solution, but also suggest possible alternatives.

This immense hidden power in the fudiciary is concentrated in the law schools of the Ivy League; of the 361 law clerks appointed by the Justices who have served on the bench for the past 10 years—including those law clerks appointed by the older justices prior to 10 years ago—over half of the total came from Harvard and Yale. Harvard alone accounted for 125 law clerks, or 35 percent of the total of the legal minds who have researched and written the celebrated "landmark" decisions of the Supreme Court over the past 10 years.

Other law schools represented by 10 or more law clerks were Yale—60; California—18; Chicago—13; Michigan—14; and Columbia—16. Yale and Harvard combined accounted for 51 percent of the legal "expertise" behind the Supreme Court decisions of the past 10 years.

Concentration of this judicial power and privilege among graduates of our more liberal colleges must be considered a primary reason for the judicial trend to the far left.

One thing, however, is certain; it is discrimination, pure and simple. Many good law schools were not represented at all.

This begs the question—Why do not all law school graduates have the same opportunity to serve? Why do not all young law graduates deserve an equal chance?

The record is clear—the Justices of the Supreme Court of the United States have been guilty of rank discrimination which has had an effect on every aspect of American life.

Steps must be taken by the Congress to insure that the Supreme Court Justices start practicing what they preach and adopt a policy of equal opportunity for graduates of all of the 173 law schools in the United States.

LAGUARDIA COMMEMORATIVE STAMP

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 1972

Mr. HALPERN. Mr. Speaker, the U.S. Postal Service is paying high tribute to Fiorello H. LaGuardia by issuing a 14-cent postage stamp in his name. Because I truly believe that this was a fitting way to honor such an outstanding man I lead a group of my distinguished colleagues in asking that such action be taken. Today our work is done because that stamp has been issued.

Fiorello LaGuardia was a man who embodied the tenets of good and responsible city government and contributed significantly to the unification of the people of New York City.

The stamp, which is in the Prominent Americans series of regular stamps, was designed by Robert Geissman, of New York. It is vertical and bears a portrait of LaGuardia, with a portion of the New York skyline in the background. The inscription at the bottom in two lines is "U.S." and "LaGuardia/14¢." The stamp was engraved by Arthur W. Dintaman—vignette—and Robert G. Culin, Sr.—lettering. The initial printing order is for 40 million stamps, printed in brown on the Cottrell press.

LaGuardia was born in New York in 1882, was elected to Congress in 1916, left office to join the U.S. Air Service during World War I, from which he emerged as a major, returned to Congress, where he served until 1933. He was associated with some of the most liberal legislation of the day, notably the Norris-LaGuardia Act (1932) which banned the strikebreaking injunction.

Among Mayor LaGuardia's contributions was his adherence to progressive ideals. He was, as said before, a coauthor in 1932 of the Norris-LaGuardia Act, the famed legislation that banned yellow dog labor contracts and strikebreaking by injunction. Among his most notable credits were his efforts to obtain a new charter for the city. He also did much to reorganize the cumbersome machinery of municipal government by revamping the agency system.

New Yorkers called Fiorello LaGuardia "the Little Flower," a literal translation of his Italian-derived first name. He was colorful, he was flamboyant, LaGuardia liked to chase fire engines. When a strike closed the city's newspapers, he went on radio to read the comic strips.

He was also a hard worker and able administrator who left his mark on the city. LaGuardia reorganized the machinery for municipal government, balanced the budget, involved himself with slum clearance, beautification, construction of parkways and bridges and the airport that later was to bear his name.

As a former staff assistant to Fiorello LaGuardia, I knew he was a firm believer in nonpartisanship. He demonstrated his true commitment to the abolition of human problems. The mayor was regarded as a champion of immigration and made strong efforts to aid the drive for slum clearance. His move to improve the city's health and sanitary conditions further exemplified his grave concern for the welfare of all New York City residents.

For these reasons and many more, LaGuardia won widespread respect and affection. His last term of public service, performed as Director of the United Nations Relief and Rehabilitation Administration, demonstrated the humanitarian zeal which characterized his efforts and ideals.

Mr. Speaker, it is with great pleasure that I call to the attention of my colleagues this commemorative issue and I am proud to have played a part in honoring New York's Fiorello LaGuardia.

SENATE—*Tuesday, March 28, 1972*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Reverend Ben Hayden, pastor, First Presbyterian Church, Chattanooga, Tenn., offered the following prayer:

God, our Father, thank Thee for loving us. Thank Thee for the men and women of this Senate who seek, with legislative ingenuity and integrity, to lead our Nation. Bless their private lives. May they do business today with the living God in the confidence of His love. Bless their families.

Lord, we praise today, in this Week of National Concern, remembering that no man or woman can be paid for the agony or anguish of imprisonment, for the loss of human dignity, for the death of his body.

Give us the rare ability to project ourselves into the other man's shoes—even into his barefoot situation.

Bless the Vietnamese—North and South—and all who share in the agony of this Southeast Asian war.

Lord, our Father, protect, preserve, and encourage the POW's and the men missing in action—and their families. We pray for their soon return.

Father, in this season we thank Thee for the sacred promise of the resurrection of the body and of eternal life. I praise Thee in the name of Jesus Christ. Amen.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of May 14, 1971, Mr. HOLLINGS, from the Committee on Appropriations, reported favorably, with amendments, on March 24, 1972, the bill (H.R. 13955) making appropriations for the legislative branch for the fiscal year ending June 30, 1973, and for other purposes, and submitted a report (No. 92–719) thereon, which was printed.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that the President had approved and signed the following acts:

On March 23, 1972:

S. 1977. An act to establish the Oregon Dunes National Recreation Area in the State of Oregon, and for other purposes.

On March 24, 1972:

S. 888. An act for the relief of David J. Crumb; and

S. 1362. An act to authorize the Commissioner of the District of Columbia to enter into contracts for the payment of the District's equitable portions of the costs of reservoirs on the Potomac River and its tributaries, and for other purposes.

THE WELFARE SYSTEM—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was referred to the Committee on Finance:

To the Congress of the United States:

The American welfare system is a national disgrace.

Thirty-one months ago, I first proposed to the Congress my plan for total reform of that system.

Since that time, the welfare situation has continued to worsen, and sweeping changes have become even more imperative.

There can be absolutely no excuse for delaying those changes any further. The present system must be reformed.

Its shocking inequities continue to drain incentive from the many poor who work but who see some families making as much or more on welfare.

Its widely varying, discriminatory benefits continue to force needy families, millions of children, and the needy aged, blind and disabled into a web of inefficient rules and economic contradictions.

Its vast costs have continued to escalate, undermining State and local governments and threatening to erode taxpayer support for a welfare system of any kind.

The present system continues to contribute to the breakup of poor families, rather than reenforcing the role of the family in our national life. The welfare life-style continues to dehumanize those who are caught in it, and threatens now to create yet another "welfare generation."

NOW IS THE TIME FOR ACTION

This year must be the year in which we raze the ramshackle welfare system, patched up so many times in the past but still basically unchanged since it was first enacted as emergency legislation in the mid-1930s. In its place, we must build a new system, taking a new direction. We must create an environment that will draw forth and support—rather than smother—the innate ambitions and personal obligations of all needy Americans.

Last December, the Congress did pass transitional legislation which took parts of my welfare reform package—certain of the workfare provisions for job training and work requirements for all employable welfare recipients—and applied them to the present system of welfare. These actions will become effective later this year.

Acceptance of those workfare provisions by the Congress was a step in the right direction, as I said when I signed the measure. But it is still part of the patchwork approach. Now something far better than a patchwork approach is required if the needy are to receive rational assistance, if waste and inefficiency are to be abolished, and if America's work incentive-job reward system is to be placed within reach of every citizen.

We should never forget that it is precisely this system that has enabled us to develop the highest standard of living—with the most widely shared advantages—in the history of the world. We should continue to rely on it as we drive to close the final gaps between economic promise and economic reality.

On June 22 of last year the House of Representatives, for the second time, passed by a wide majority omnibus legislation which would implement my overall welfare reform. This legislation is now being closely scrutinized by the Senate Finance Committee, whose able Chairman, Senator Long, has assured me that the committee will report H.R. 1 to the Senate floor as soon as possible. H.R. 1 continues to have my full support, and I hope that it will be enacted into law this year in the basic form approved by the House of Representatives.

We need reform this year so that, instead of pouring billions more into a system universally recognized as a failure, we can make a new start.

We must not forget that H.R. 1 contains basic reforms in social security and medical benefits, as well as welfare reform.

These benefits, by themselves, are pathbreaking in scope and impact—including a further 5-percent benefit increase in social security, the automatic adjustment of social security benefits in the future to make them inflation proof, and a host of additional reforms discussed in my recent message to the Congress on older Americans. As I said in that message, even one more year of delay in the passage of H.R. 1 would cost older Americans some $5½ billion in annual benefits.

H.R. 1 clearly lies at the heart of economic progress of millions of Americans in 1972—and into the future. It is the most important single piece of social legislation to come before the Congress in several decades. I strongly urge the Congress to pass it as soon as possible this year. No legislation should have a higher priority.

THE WELFARE MESS WORSENS

When I first presented my welfare reform proposal to the Congress on August 11, 1969, I declared that "America's welfare system is a failure that grows worse every day."

Nine hundred and fifty eight days have passed since that message and that comment. The welfare landscape today is a greater fiscal and ethical wasteland than ever:

—*Injustice and inequities are widespread:* There are glaring differences between welfare benefits paid in various parts of the country—they can range from $60 a month to $326 a month for a woman with three children, depending on in which State she happens to live. Moreover, too many Americans can get more money by going on welfare than by going to work. There is no real requirement that a recipient seek, much less accept, a job.

—*The basic immorality of the system still prevails:* In most States welfare still offers a man a bounty to desert his family.

—*Incentive continues to be penalized:* A man working hard for low wages can see neighboring families on welfare that are better off than his own family.

—*Millions of children suffer:* They are forced to live in degrading and deplorable conditions because the present system precludes their families from any benefits.

—*Waste continues unabated:* State quality control surveys indicate that as many as one in 20 welfare recipients may actually be ineligible for benefits, and that inaccurate payments are being given to as many as one case in every four—a potential total annual waste of more than $500 million.

—*Administration remains a quagmire of red tape:* There are 1,152 separate State and local welfare jurisdictions, with separate eligibility determinations and administrative procedures—making program integrity a virtual impossibility.

What we have in short, is a crazy quilt of injustice and contradiction that has developed in bits and pieces over the years with little serious thought of basic reform. I believe that H.R. 1 is the best and most comprehensive answer yet devised to meet this challenge.

FISCAL CRISIS: WASHINGTON AND THE STATES

The present welfare system is not only morally bankrupt—but is a significant factor in driving the States toward fiscal bankruptcy.

Since I first proposed reform in 1969, the costs of maintaining the present system have mounted at an alarming rate. Each day of delay means further costs—without any offsetting benefits. For example:

—Welfare costs have skyrocketed from $6.2 billion in 1969 to an estimated $9.4 billion in 1971, *a 51 percent increase in just two years.*

—The overall welfare caseload has risen from 9.6 million people in 1969 to 13.5 million today. It has been estimated that, if no changes are made, 17.3 million people will be on welfare in 1974, *an 80 percent rise in just five years.*

What we have on our hands is nothing less than a social and political time bomb. And, in a development of concern to all of us, the patience and support of the American public for welfare programs has been slipping dangerously. Those who are truly needy are becoming scapegoats in the eyes of taxpayers understandably angered about waste and inconsistency.

What we are seeking is an end to the need for public support for people who are essentially employable, but have not been able to work for reasons beyond their control, just will not work, or will not even make themselves available for work-related training—and this is what H.R. 1 would cure.

We also need to establish a nationally uniform system of efficient aid for totally needy families and the old and infirm—and H.R. 1 would achieve that goal, too.

OUTLINE OF REFORM

My program, as embodied in H.R. 1, would place a floor beneath the income of all American families not able to adequately support themselves. Its payments would vary, according to family size and resources, from a minimum of $1,600 to a maximum of $3,600. The basic benefit for a family of four with no other income would be $2,400.

Employable adult members of such families would have to register with the Department of Labor in its Opportunities for Families Program for manpower services, work training and employment availability before *any* benefits were paid to such persons. Exceptions would include mothers of children younger than 6, and mothers whose husbands were either working or registered for work.

Families without employable adult members would not be subject to registration requirements but would receive the same basic benefits under the Department of Health, Education, and Welfare's Family Assistance Program.

For the first time in our history, national wage supplements would be paid to the working poor on a proportionate sliding scale designed to spur, rather than kill, the incentive to start working and keep on earning.

Eligible persons would be able to keep the first $720 earned during the year without reduction in their supplements. As job income rose beyond that, supplements would be reduced by two-thirds of job income until a cut-off point were reached and the recipient had attained a degree of self-sufficiency.

A family of four thus could earn $720 and receive a benefit of $2,400—for a total income of $3,120. When such a family's earnings reached $3,600, it still would be eligible for a supplement of $480 for a total income of $4,080.

When such a family reached earnings of $4,320 it would move completely out of the Federal assistance program.

Under the terms of H.R. 1, the Opportunities for Families program, the Family Assistance Plan and programs for the needy, aged, blind and disabled would be totally financed by the Federal Government—thereby providing much-needed financial relief for the States, which now share welfare costs.

In several respects, the proposed payments to the working poor constitute the basic conceptual foundation of my new approach.

These payments would encourage those who are working to keep on working, rather than sliding into welfare dependency. And they would motivate welfare recipients to start work.

We must hit head-on the cruel fallacy that any income, no matter how low, is sufficient for an American family merely because that money comes from full-time work.

We must establish the more humane and relevant principle that the total income of each American family must reach a certain minimum standard.

Another foundation of my approach is the strong work requirement and the provisions which would help implement that requirement, including child care benefits, manpower services, job training and job locating, and a program of 200,000 transitional public service jobs.

Recipients, with very few exceptions, would have to register for training and accept jobs which were offered, or benefits would be terminated for that recipient.

An entirely separate new Federal program would be established for needy aged, blind and disabled individuals and couples. While no work requirements would be included, of course, those who could work would be provided with strong incentives for doing so.

The current State payments to such individuals and couples, varying widely across the Nation, would be replaced by a Federal benefit of $130 a month for an aged, blind, or disabled individual, rising to $150 in two steps. For a couple in these categories, $195 a month would be provided, rising to $200. Such benefits now can be as low as $70 a month for an individual and $97 a month for a couple.

In all, some $2 billion in new money would go directly into the hands of the aged, blind and disabled in the first full year.

TIGHT ADMINISTRATION AND PROGRAM INTEGRITY

Those who receive welfare, while they are the most visible victims, are not the only ones who suffer because of the myriad confusions and contradictions of the present welfare mess. The taxpayers are victims as well, for they are paying for a program that not only fails to accomplish its objectives, but is virtually impossible to administer.

Welfare administration is woefully outmoded in this country, with its 1,152 separate State and local welfare jurisdictions. Although virtually all have the same basic programs—Aid to the Blind, Aid to the Disabled, Aid to the Aged, and Aid to Families with Dependent Children—each operates with its own eligibility determination and administrative methods.

In the administrative area, especially, there is nearly an incomprehensible variety of management philosophies, operating policies and methods, and personnel arrangements. Only 20 percent of these jurisdictions have automated management techniques.

Under such conditions, it is not surprising that there are major management problems which exacerbate the skyrocketing costs and add to the growing public concern about welfare. Moreover, because of current open end financing arrangements, States and localities have what amounts to a blank check on the Federal treasury for this activity.

Thousands of dedicated people are doing their best to operate this ponderous machinery. But this system has been patched and repaired too many times. The frustration of current State program managers has resulted in very substantial support among Governors and State welfare administrators for Federal administration of the benefit payments function.

In recent months we have documented the failings of the current system, including the absence of cross-checks of records in adjacent areas, inadequate verification of income and benefits from a variety of benefit programs, and rapid turnover of personnel.

While decentralized management is highly desirable in many fields and is indeed central to my philosophy of government, I believe that many of these problems in welfare administration can best be solved by using a national automated payments system, which would produce economies and considerably increase both equity of treatment and tightened administration.

Such a unified system—partially modeled on the Social Security system—would reduce errors and provide greater controls for fraud and duplicate payments.

H.R. 1 would require each recipient to have a social security number for identification to prevent duplicate benefits and to facilitate the receiving of recipient income information from such sources as the Social Security Administration, the Internal Revenue Service, the Veterans Administration, and other units.

National administration and standards would also ensure equitable treatment for individuals: they would no longer be subject to conflicting rules in different areas, to delays caused by back-ups, and to the confusing tangle of red tape.

Under such a system, States and counties would be freed to concentrate on social services to recipients, making use of their closer understanding of the needs of local residents.

AN INVESTMENT IN THE FUTURE

Because we want a *better* system—not just a new one—welfare reform will cost more in the early years and cover more needy people.

Against the increased initial costs of my proposals in H.R. 1, however, we must weigh the unknown future costs—both human and fiscal—if the present chaotic system, with its present soaring growth rates, is continued. The new system contained in H.R. 1 would be far less costly in the long run—both in terms of dollars and in terms of people.

Historians of the future no doubt will focus on America's 200th birthday—and the years leading up to that significant anniversary—as one important point for measuring the progress of our Republic.

They will find, of course, that over 200 years America's mastery of the industrial revolution, its bountiful economic system, its military might and its technological triumphs helped to make it preeminent in the family of nations.

They will rightfully highlight our moon landings, our deep space probes, our satellite communications, our electronic innovations, and our extraordinary gross national product.

Penetrating observers, however, will also ask other questions:

What did all of this mean to the average American?

What was the quality of the daily life and the basic spirit of all the American people in the 1970's?

How, in particular, did our great Nation provide for those citizens who—through no fault of their own—were unable from time to time to provide for themselves and their families?

I believe that the program contained in H.R. 1 will stand us in good stead when such historical evaluations are considered, for this is a program which has grown out of a fundamental concern for our least fortunate citizens.

The enactment of H.R. 1 would demonstrate both our concern for what is responsible and our concern for what is compassionate.

RICHARD NIXON.

THE WHITE HOUSE, *March 27, 1972.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today, are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 9526) to authorize certain naval vessel loans, and for other purposes.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 63) to establish a Joint Committee on Inaugural Ceremonies of 1973.

The message informed the Senate that, pursuant to the provisions of Senate Concurrent Resolution 63, 92d Congress, the Speaker had appointed Mr. ALBERT, Mr. BOGGS, and Mr. GERALD R. FORD as members of the joint committee to make the necessary arrangements for the inauguration of the President-elect and the Vice-President-elect of the United States on the 20th day of January 1973, on the part of the House.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills:

S. 18. An act to amend the U.S. Information and Educational Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty; and

S. 1975. An act to change the minimum age qualification for serving as a juror in Federal courts from 21 years of age to 18 years of age.

The enrolled bills were subsequently signed by the President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, March 24, 1972, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 678 and 679.

The PRESIDENT pro tempore. Without objection, it is so ordered.

DELEGATE TO THE HOUSE OF REPRESENTATIVES FOR GUAM AND THE VIRGIN ISLANDS

The Senate proceeded to consider the bill, H.R. 8787, to provide that the unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a delegate to the House of Representatives.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–709), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 8787 is to provide that the organized, unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a non-voting Delegate to the House of Representatives. The Committee also considered S. 1400, a companion measure introduced by Senators Jackson and Allott as the result of an Executive Communication submitted to the Congress by the Secretary of the Interior.

BACKGROUND

The territories of Guam and the Virgin Islands are organized, but unincorporated, territories of the United States. Guam was ceded to the United States by Spain in the Treaty of Paris in 1898, and the Virgin Islands were purchased from Denmark in 1917. Since their acquisition, the status and development of both territories parallel one another.

Congress through the passage of organic acts has provided for each territory a formal structure of government. Both territories are governed by a locally elected legislature. The Judiciary is separate from the executive and legislative branches of government. Congress, in 1968, provided for the popular election of a Governor and Lieutenant Governor for each of the territories, and on November 3, 1970, the citizens of both territories elected their first chief executive.

In both territories the people and their elected legislatures have shown an increasingly mature grasp of their responsibilities. Politically, the people of both areas have developed meaningful party systems. The private economy in both territories is experiencing growth and prosperity, largely because of the increase in tourism, supporting services, and manufacturing enterprises. Both territorial governments have responded to the growing social needs in health, education and welfare, and public improvements.

American history is replete with examples where areas under the American Flag were permitted nonvoting representation in Congress—and territorial size and population were not barriers to such representation.

A nonvoting delegate seved in the Congress as early as 1794, from an area that is now the State of Tennessee. The Congress granted Hawaii a nonvoting delegate throughout her status as a territory; the same privilege was afforded Alaska. A nonvoting Resident Commissioner for Puerto Rico has been sitting in the House since 1904, and in 1971, the District of Columbia elected its own nonvoting delegate. And in the cases of Puerto Rico and the Philippines (another area which had nonvoting representation), Congressional representation was granted when the residents of these two territories were not U.S. citizens.

The territory of Alaska, when granted its delegate in 1906, had a population of less than 65,000. Other U.S. territories with earlier representation in Congress had even smaller populations.

According to the preliminary figures of the 1970 census, the Government of Guam must provide for the general welfare of 86,926 people, and the Government of the Virgin Islands must provide the public services for 63,200 inhabitants. While neither of the territories is entirely self-supporting financially, both are able to finance their affairs through revenues generated locally, either directly or indirectly, which are retained and expended pursuant to federal laws.

NEED

This legislation providing that the unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a Delegate to the House of Representatives has been before every Congress since the 84th Congress. The need or justification for direct territorial representation for Guam and the Virgin Islands in the House of Representatives becomes apparent when viewed in the context of territorial growth, human aspirations, and the principles of American democracy.

The rapidly changing economic and social conditions in both the continental United States and in the territories of Guam and the Virgin Islands provide an urgent basis for direct representation of these territories in the House of Representatives. At the present time, the unincorporated territories of the United States are not affected by general legislation unless they are specifically mentioned in the legislation or the legislation is made applicable to the territories and possessions of the United States.

The fact is that the rapidly changing economic and social conditions in Guam and the Virgin Islands are no longer so limited in scope that the national interest and general welfare of the inhabitants of these territories can be so easily handled in one Committee of the Congress. For example, the legislative objectives of these territories range inter alia, from education and welfare assistance, to housing, agricultural assistance, food stamps, unemployment compensation, prevailing wage rates, immigration amendments, airport construction assistance, federal highway and harbor assistance, air routes, water and electric power, oil and watch quotas, veterans benefits, and voting rights.

The various and complex Federal programs which affect the needs of these territories are now so numerous and so varied that the territories require direct representation to meet conditions in each territory. The enactment of the bill will place the responsibility for the furtherance of the legislative objectives of these territories upon the popularly elected Delegates.

The people of these territories have long been in support of having direct representation in the Congress. In 1959, hearings in both Guam and the Virgin Islands on similar legislation, disclosed unanimous endorsement of the people for a Delegate to the House of Representatives. In furtherance of these aspirations the people of Guam and the Virgin Islands, through the elected legislatures, have provided for the popular election of a Washington Representative.

The Washington Representatives for Guam and the Virgin Islands are representatives of the people in each territory but have no official status in the Congress. These representatives, while effective in their present status, must still present the territorial views and legislative objectives to the various officials of the Executive Branch, the elected Members of Congress and the appropriate Committees of the Congress. H.R. 8787 provides for the election of a Delegate from each of the territories to the House of Representatives who can more effectively represent and interpret the needs, welfare and interest of the inhabitants of each territory. He will carry the responsibility of maintaining the contacts and liaison with the Committees of the Congress and the officials of the Executive Branch of Government to meet territorial concerns. In doing so, the elected Delegate will relieve other Members of Congress of the necessity of dealing with individual problems in these territories in addition to meeting the usual calls upon them from their own constituencies.

This bill is in keeping with the modern trend of democratic governments to encourage fuller representation of people. Congress by a series of enactments over the years has continually provided greater self-government and responsibility for its territories. The enactment of this legislation providing for a non-voting Delegate for the territories of Guam and the Virgin Islands in the House of Representatives should put to rest any lingering impressions of "American colonialism".

Currently, the expenses of the two offices or elected representatives from Guam and the Virgin Islands are payable out of local funds. Under H.R. 8787, each Delegate will be entitled to receive the same compensation and allowances that are received by a Member of the House of Representatives, unless the Rules of the House are amended to provide otherwise. The Federal cost that would be incurred by enactment of this legislation would be the cost of compensation and allowances for the two delegates beginning with the 93rd Congress, and the two territories would be relieved of the expenses involved in supporting their two representatives.

Mr. BURDICK. Mr. President, the bill now pending before the Senate, H.R. 8787, is still further proof that American democracy as an institution is dynamic, growing, and very much viable. The title of the bill states its purpose: To provide that American citizens of the American territories of the Virgin Islands and Guam may each elect a delegate to the Congress of the United States. These delegates will not have a vote, but they will sit in the House of Representatives and have a voice in the shaping of the laws and policies of their country. These laws and policies have the same impact upon the people of the two territories as upon all other American citizens everywhere.

While this is the first occasion on which a bill for an elected representative to Congress for Guam and the Virgin Islands has been before the Senate for action, the subject is by no means new. Proposed legislation for the purpose has been before successive Congresses for the past 15 years. It has had the support and backing of both Democratic and Republican administrations and is truly nonpartisan. Public hearings have been held both in the territories and in Washington and all points of view given full consideration.

Since the Virgin Islands and Guam delegates will sit in the House, the Senate has very appropriately waited for the other body to take the initiative in acting on the proposed legislation. On January 18, 1972, the House did act and, by the overwhelming vote of 232 to 104, H.R. 8787 was passed and sent to the Senate. The Subcommittee on Territories, of which I have the honor to serve as chairman, held public hearings on the House-passed bill and the Senate Interior Committee has reported it unanimously.

Mr. President, at this historic moment for the Virgin Islands and Guam, it seems appropriate to outline, very briefly, the steps by which we have arrived at this point. Guam came under the American flag in 1898 as a result of the war with Spain. It was governed by the Navy under a two-line Executive order of President McKinley until 1950 when the 81st Congress enacted Public Law 630 on August 1, 1950, the Organic Act for Guam. This act declared Guam to be an unincorporated territory of the United States and established civil government granting American citizenship to its citizens. The territory now has a total population of approximately 100,000; it is our western most defense line in the Far Pacific, and its economy is developing with great rapidity.

The Virgin Islands were purchased from Denmark in 1917 when there was fear that they might fall into the hands of then Imperial Germany and could, under the weapons and warfare of that day, be a threat to the Panama Canal. The Virgin Islands likewise were governed by the Navy for some years, but in 1932 President Hoover transferred administration to the Department of the Interior and appointed a civilian Governor. An organic act constituting the islands as an unincorporated territory, establishing civil government, and granting American citizenship was enacted.

The Virgin Islands also have grown and prospered, economically, politically, and socially.

I should mention the fact that each of the territories has exercised the doctrine of self-help and have sent Representatives to Washington on their own under local law. Guam is represented by Antonio B. Won Pat, who had been a member of the Guam Legislature for many years, and the Virgin Islands by Ronald de Lugo, who has had many years experience in the Virgin Islands government. Both of these men are able and hard working, but neither has any official status. As was pointed out in our hearings on H.R. 8787, both are primarily lobbyists. H.R. 8787 gives the American citizens of both areas the right to choose an official representative in the capital of their country with official recognition and standing.

The fact is that the rapidly changing economic and social conditions in Guam and the Virgin Islands are no longer so limited in scope that the national interest and general welfare of the inhabitants of these territories can be so easily handled in one committee of the Congress. For example, the legislative objectives of these territories range, inter alia, from education and welfare assistance, to housing, agricultural assistance, food stamps, unemployment compensation, prevailing wage rates, immigration amendments, airport construction assistance, Federal highway and harbor assistance, air routes, water and electric power, oil and watch quotas, veterans benefits, and voting rights.

The various and complex Federal programs which affect the needs of these territories are now so numerous and so varied that the territories require direct representation to meet conditions in each territory. The enactment of the bill will place the responsibility for the furtherance of the legislative objectives of these territories upon the popularly elected delegates.

In the 91st Congress we provided for an elective Governor and Lieutenant Governor for both of these territories, and the first elections were held in November of 1970.

Thus, Mr. President, the election of a nonvoting delegate to Congress from each is a logical and equitable development in the growth of democracy and self-government in each of these areas. Our record which has been one in which all Americans, everywhere, can take just pride. Enactment of H.R. 8787 enhances still further that great record of our American democracy in action.

The bill was ordered to a third reading, read the third time, and passed.

THADDEUS KOSZIUSZKO HOME NATIONAL HISTORIC SITE

The Senate proceeded to consider the bill (S. 1973) to provide for the establishment of the Thaddeus Kosziuszko Home National Historic Site in the State of Pennsylvania, and for other purposes which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 2, line 22, after the word "this", strike out "Act." and insert "Act not to exceed, however, $592,000 for development of the area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve in public ownership the historically significant property associated with the life of Thaddeus Kosciuszko for the benefit and inspiration of the people of the United States, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange in accordance with the provisions of 35(b) of the Act of July 15, 1958 (16 U.S.C. 4601–22 (Supp. V)), the land and interests in land, together with buildings and improvements thereon, located at, or in the vicinity of, 301 Pine Street, Philadelphia, Pennsylvania, together with such other lands and interests in land, including scenic easements, as the Secretary shall deem necessary for the administration of the area. The Secretary shall establish the Thaddeus Kosciuszko Home National Historic Site by publication of a notice to that effect in the Federal Register at such time as he deems sufficient lands and interests in lands have been acquired for administration in accordance with the purpose of this Act.

Sec. 2. Pending establishment and thereafter, the Secretary shall administer lands and interests in lands acquired for the Thaddeus Kosciuszko Home National Historic Site in accordance with the Act approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented, and the Act approved August 21, 1935 (49 Stat. 666; 16 U.S.C. 416 et seq.), as amended.

Sec. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, not to exceed, however, $592,000 for development of the area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering costs indices applicable to the types of construction involved herein.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–710), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The primary purpose of S. 1973 is to provide proper and lasting recognition to General Thaddeus Kosciuszko, the great Polish patriot and soldier whose genius as a military engineer contributed materially to the success of the American Revolution.

General Kosciuszko was an outstanding figure in American history, and without question, merits an appropriate memorial. His complete devotion to liberty and Polish independence has made him an immortal Polish hero, and it is evident that tribute should be paid to one who came to this country to help in our struggle for independence.

It would seem fittting, therefore that the house in Philadelphia where General Kosciuszko lived in 1797–98, modest though it may be, would be the place to commemorate this exceptional man who played a significant part in the American Revolution and whose name has great meaning now not only for Americans of Polish descent but for all Americans.

BACKGROUND

America's debt to the foreign officers who came to fight for our independence has long been recognized. There were many of them; the Marquis de Lafayette, Baron Johann DeKalb, Baron Frederic Steuben, Count Kazimierz Pulaski, and Thaddeus Kosciuszko, to been recognized. There were many of them: Among all of them, best known was Thaddeus Andrzej Bonawentura Kosciuszko, a man who represented the finest traditions of the Polish Lithuanian Commonwealth that nurtured him.

Kosciuszko's part in the American Revolutionary War was unique for many reasons. Among those who came to fight for the cause of liberty, he was the first foreign soldier of destination to volunteer his services on behalf of our freedom. He arrived at Philadelphia at the end of August 1776, when the attempt of the Americans to gain their freedom was considered hopeless by most European soldiers and statesmen. While those who came in the hope of securing advancement or financial gain, as happened after France and Spain joined the colonists in the war against England, Kosciuszko came to fight for that freedom he was then unable to fight for in his own exploited native land.

Kosciuszko was also unique among the foreign officers who volunteered their services to the cause in that he was able to play a major part in the most decisive battle of the war, the Battle of Saratoga, October 1777. It was the surrender of Gen. John Burgoyne, following this battle, that convinced the European powers of the fighting ability of the American militiamen and brought France and Spain into the war on the side of the colonists. Gen. Horatio Gates, the commander of the American forces at Saratoga, described Kosciuszko's part in this battle as follows:

"Let us be honest. In war as in medicine, natural causes not under our control do much. In the present case (i.e., Saratoga), the great tacticians of the campaign were hills and forests, which a young Polish engineer was skillful enough to select for my encampments."

From the time of his arrival, Kosciuszko's engineering skill contributed greatly to the security and defense of America. His plans for the fortification of Billingsport, an island on the Delaware River, and his defensive works at Red Bank, on the New Jersey side of the Delaware, contributed much to the defense of Philadelphia. His fortification of West Point, to which he directed his attention from 1778 to 1780, helped protect New York City from British attack by way of the Hudson.

Following his services at West Point, he was attached as chief engineer with Gen. Nathaniel Greene and the Army of the South, where he contributed greatly to the American successes there. His chief functions were to survey the fields of operations, to indicate strategic points, to determine possible sources of food and water, and to devise means for the rapid transportation for troops and provisions. When the campaign turned into guerrilla warfare, as was so often the case, Kosciuszko disregarded his rank and fought with the rest as a common soldier. For his services he was promoted to brigadier general at the war's end.

THE RESIDENCE IN PHILADELPHIA

The historical significance of the Philadelphia residence of Kosciuszko cannot be viewed apart from his special relationship with Thomas Jefferson. During his term as Vice President, Jefferson visited Kosciuszko at the Philadelphia residence and asked him to travel to France on behalf of the United States to act as a peacemaker.

The relationship between the two men was so close that Kosciuszko, while living at the Pine Street residence, wrote and delivered to Jefferson his will and testament in which he bequeathed his fortune for the purchase of freedom of enslaved blacks.

As for the Philadelphia residence itself, where Kosciuszko took up lodging on November 29, 1797, it appears that most of the brick walls, and probably the flooring, are original. Although the house is in poor condition, and although many changes were made in the house during the 19th century, the committee believes it is feasible to restore the house to its general appearance at the time General Kosciuszko lived there. Moreover, such a restoration would enhance restoration projects already underway in Philadelphia. The residence is located near the Philadelphia Society Hill project, where many other colonial homes are being restored for posterity. The inclusion of Kosciuszko's residence as a national historic site in this project would be a fine and appropriate addition.

COST

Since the structure would be donated to the Federal Government by Mr. Edward J. Piszek, an industrialist of Philadelphia, there would be no acquisition cost. It is estimated that the cost of restoring the three-story house in the style and furnishings of the late 18th century would be approximately $592,000.

AMENDMENT

The committee amended S. 1973 to limit the cost of development to $592,000.

COMMITTEE RECOMMENDATIONS

The Committee on Interior and Insular Affairs in executive session unanimously recommended enactment of S. 1973.

Mr. SCHWEIKER. Mr. President, I am delighted that the Senate Interior Committee has taken quick action to approve legislation S. 1973, designating Philadelphia's Thaddeus Kosciuszko home as a national historic site.

As one of the original cosponsors of this legislation, I want to extend my personal thanks for the speed with which Chairman JACKSON and the rest of the Senate Interior and Insular Affairs Committee responded to the tremendous support this legislation has received this year, not only in Philadelphia and Pennsylvania, but across the Nation.

We have been working on this legislation for several years. On June 25, 1970, Senators HART, HARTKE, SCOTT, and I introduced S. 2046, the predecessor in the 91st Congress to the bill we are considering today, S. 1973. Just over 1 year later the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments decided against recommending the house as a national historic landmark. The primary reason for rejection seemed to be that General Kosciuszko lived in the house some time after the American Revolution, and for only about 6 months. Also, the house has been altered since the time of Kosciuszko's residence there.

At that time, I did not agree with the reasoning of the Advisory Board. Significantly, neither did Mr. Edward Piszek, who has devoted a considerable amount of his own time and efforts in the last several years toward getting this designation made. Neither did several Polish organizations including the Polish American Congress, and the Central Council of Polish Organizations.

I was pleased to testify in support of this legislation before the Interior Committee on July 26, 1971. At that time, I pointed out that the city of Philadelphia and Polish American citizens in general, were vitally interested in the preservation of the last and only dwelling associated with Gen. Thaddeus Kosciuszko.

General Kosciuszko fought in the American Revolution and later returned to his native Poland to lead a revolution to secure the freedom of his own people. After returning again to the United States he gave the moneys granted him by the Congress to the cause of freeing the slaves.

It is entirely fitting that we dedicate his home in Philadelphia at 301 Pine Street as a national memorial in order to preserve the deeds and works of this great Polish American patriot and I am certainly pleased that our efforts over the last few years will come to fruition as a result of the Senate action today.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEGISLATIVE BRANCH APPROPRIATIONS, 1973

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar No. 490, S. 1821 which had previously been laid before the Senate as the pending business, and is now the unfinished business, be replaced by Calendar No. 689, H.R. 13955, an act making appropriations for the legislative branch, and made the pending business at the conclusion of morning business today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ACCOMPLISHMENTS OF THE SECOND SESSION OF 92D CONGRESS

Mr. MANSFIELD. Mr. President, I would like to point out that today marks the 45th day the Senate has met since convening on January 18. It has passed a total of 130 measures—no small achievement for 2 month's work. Of these, 34 have already become public laws. Two treaties have been acted upon favorably and 7,875 nominations have been confirmed. During the first quarter of this session, there have been 116 rollcall votes.

Mr. President, I ask unanimous consent that a report of Senate legislative activity for the second session of the 92d Congress, prepared by the Democratic policy committee, under the guidance and direction of the new chief clerk of the committee, Mrs. Elizabeth Shotwell, be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

SENATE LEGISLATIVE ACTIVITY—92D CONGRESS, SECOND SESSION

(By Senate Democratic Policy Committee)

Days in Session	44
Hours in Session	262:59
Total measures passed	130
Public Laws	34
Treaties	2
Confirmations	7, 875
Record Votes	116

Symbols: P/H—Passed House; P/S—Passed Senate.

Following is a brief summary of major Senate activity.

AGRICULTURE

Grapefruit marketing orders

Permitted marketing orders for Florida Indian River grapefruit to provide for crediting a handler's direct market promotion expenditures against his assessment under the order for that purpose. S. 1058. Public Law 92— .

Pest control research

Directs the Secretary of Agriculture to carry out pilot field research programs in integrated methods of controlling agricultural and forest pests; authorizes him to reimburse farmers for losses sustained as a result of such research being conducted on their lands, crops, or livestock; and authorizes expanded research on integrated control by the National Science Foundation. S. 1794. P/S 1/31/72.

APPROPRIATIONS 1972

Foreign assistance and related programs

Appropriated $3,189,437,000 for foreign assistance and related programs. H.R. 12067. Public Law 92–242.

Urgent supplemental appropriations

Appropriated $957,476,059 for certain urgent supplemental appropriations. H.J. Res. 1097. Public Law 92–256.

CONGRESS

Cornelia Fasset painting

Auuthorizes the Architect of the Capitol, on behalf of the Congress, to loan to the Smithsonian Institution a painting, "The Electoral Commission of 1877," by Cornelia Fasset, for an exhibit by the National Portrait Gallery. S. Con. Res. 59. P/S 3/24/72.

Equal time requirement and political broadcasting

Repeals the equal opportunities requirement of section 315 of the Communications Act of 1934 insofar as it applies to legally qualified candidates for the office of President and Vice President in the general election campaign. S. 3178. P/S 3/23/72.

Federal Election Campaign Act

Required broadcasters to charge all candidates (Federal and State) no more than the lowest unit rate in the same period for 45 days before primaries and 60 days before general elections; provided that a person selling space in any newspaper or magazine to candidates for Federal office may not make a charge in excess of the charges made for a comparable use of such space for other purposes; imposed a limitation on expenditures for the use of communications media by candidates for Federal office of the greater of (1) 10 cents times voting age population, or (2) $50,000, but not more than 60 percent of the overall limitation can be spent for the use of broadcasting stations; provided that no candidate for Presidential nomination can spend for the use in a State of communications media, or for the use in a State of broadcast stations, on behalf of his candidacy, a total amount in excess of either the overall communications media limitation, or the broadcast limitation, which would have been available to him had he been a candidate for the office of Senator from that State; provided that the communications media expenditure limitations shall be increased in proportion to increases in the Consumer Price Index, with the base period being calendar year 1970; provided that the States may make the broadcasting spending limit applicable to State-wide elections, and made the limitation applicable to any money spent by a candidate or on his behalf; required broadcasters selling time on behalf of a candidate to obtain a written certification that the amount to be spent will not put the candidate over the limitation, and applied the same requirement to spending for non-broadcast media; made the provisions of the act respecting disclosure of Federal campaign funds applicable to every elective process, every candidate, and every political committee (national, state or local) which accepts contributions in a calendar year in excess of $1,000; provided that responsibility for receiving, compiling, and publishing financial statements of contributions and expenditures for candidates and political committees shall be vested in the Secretary of the Senate with respect to candidates for Senator, the Clerk of the House of Representatives with respect to candidates for Representative, and the Comptroller General in other cases; and contained other provisions. S. 382. Public Law 92–225.

Joint Committee on Inaugural Ceremonies of 1973

Established a Joint Committee on Inaugural Ceremonies of 1973. S. Con. Res. 63. Senate adopted 3/24/72.

Senate intervention in Supreme Court proceedings

Authorized Senate intervention in the Supreme Court proceedings involving Senator Gravel on the issue of the scope of article 1, section 6, the so-called speech and debate clause of the Constitution. S. Res. 280. Senate adopted 3/23/72.

CRIME-JUDICIARY

Administrative Assistant to the Chief Justice

Added a new section 677 to title 38, United States Code, creating the Office of administrative assistant to the Chief Justice of the United States. H.R. 8699. Public Law 92–238.

Bankruptcy receivers and trustees

Amends the Bankruptcy Act to increase the maximum compensation allowable to receivers and trustees. S. 1395. P/S 2/18/72.

Bankruptcy referees' salaries and expenses

Amends the Bankruptcy Act to abolish the criteria for fixing the salaries of full-time referees and thus permit the Judicial Conference of the United States to fix the salaries of all full-time referees at the same level and to abolish the referees' salary and expense fund. S. 1394. P/S 2/18/72.

Bankruptcy referees

Amends the Bankruptcy Act to permit a full-time referee in bankruptcy to perform the duties of a U.S. magistrate. S. 1396. P/S 2/18/72.

Care for narcotic addicts

Authorizes the Attorney General to provide for narcotic addicts who are placed on probation, released on parole, or mandatorily released; and clarifies the intent of Congress that release under a program of supervisory aftercare is an appropriate mode of treatment for both parolees and mandatory releasees who may have been narcotic addicts or drug dependent persons. S. 2713. P/S 3/3/72.

Commission on bankruptcy laws extension

Extended the Commission on the Bankruptcy Laws from July 24, 1972, to June 30, 1973, and increased the limit on appropriations to the Commission from $600,000 to $826,000. S.J. Res. 190. Public Law 92–251.

Federal court jurors

Amends the Jury Selection and Service Act of 1968 to change from 21 years to 18 years the minimum age qualification for service on grand juries in the district courts of the United States. S. 1975. P/S 12/1/71. P/H amended 3/6/72.

U.S. Magistrates temporary assignment

Added a new subsection to section 636 of title 28, United States Code, to permit the temporary assignment of U.S. magistrates from one judicial district to another in emergency situations and only upon the concurrence of the chief judges of the districts involved. H.R. 9180. Public Law 92–239.

DEFENSE

Boy Scouts loans

Provided permanent authority for the Secretary of Defense to lend Army, Navy, and Air Force equipment and to provide transportation and other services to the Boy Scouts of America in support of their national jamborees and world jamborees. H.R. 11738. Public Law 92–249.

Disposals from national and supplemental stockpiles

Authorizes disposal from the national and supplemental stockpiles of various materials, as follows:

Chromite, metallurgical grade

1,313,600 short dry tons. S. 733. P/S 3/21/71.

Lead

498,000 short tons. S. 764. P/S 3/21/72.

Nickel

38,876 short tons. S. 3086. P/S 3/21/72.

Naval vessel loans

Authorizes the loan of a total of 16 vessels of the destroyer and submarine category of the Reserve fleet to certain foreign countries for a period of 5 years. H.R. 9526. P/H 12/6/71. P/S amended 3/24/72.

DISTRICT OF COLUMBIA

Healing Arts Practice Act Amendments

Revises the makeup of the Commission on Licensure; provides for temporary licensure of certain physicians and osteopaths; and broadens the use of endorsement as a method of licensure, by eliminating the application of reciprocity as a barrier to the admission of competent physicians to practice in the District of Columbia. H.R. 8589. P/H 6/14/71. P/S amended 8/6/71. House requested conference 3/9/72.

Potomac River reservoirs

Gives broad authorization to the D.C. Commissioner to enter into contracts to provide for payment to the United States of the District's equitable share of the non-Federal costs of any reservoir which may be authorized by Congress for construction on the Potomac River or any of its tributaries which would benefit the D.C. water supply. S. 1362. Public Law 92– .

ECONOMY-FINANCE

Federal Reserve Bank branch buildings

Increases the $60 million limitation in section 10 of the Federal Reserve Act on construction of buildings for branches of the Federal Reserve banks to $120 million. S. 3197. P/S 2/22/72.

Par Value Modification Act

Authorized and directed the Secretary of the Treasury (1) to take the steps necessary to establish a new par value of the dollar of one dollar equals one thirty-eighth of a fine troy ounce of gold; (2) to maintain the value in terms of gold of the holdings of the United States dollars of the International Monetary Fund, the International Bank for Reconstruction and Development, the Inter-American Development Bank, the International Development Association and the Asian Development Bank to the extent provided for and required by the Articles of Agreement of these institutions; (3) authorized the appropriation, to remain available until expended, of such amounts as may be necessary to satisfy these maintenance of value obligations; and (4) directed that the increase in the value of the gold held by the United States resulting from the change in the par value of the dollar be covered into the Treasury as a miscellaneous receipt. S. 3160 (H.R. 13120). Public Law 92– .

Public Debt Limit

Increased from $430 billion to $450 billion the public debt limit through June 30, 1972. H.R. 12910. Public Law 92–250.

Small Business Act Amendments

Amends section 4(c) of the Small Business Act to increase the total amount of loans, guarantees, and other obligations or commitments outstanding by the Small Business Administration; includes an increase from $3.1 billion to $4.1 billion in the SBA's lending authority for certain direct, immediate participation and guaranteed loans, an increase from $450 million to $500 million in the SBA's lending authority to SBIC's, and an increase from $300 million to $350 million in SBA's lending authority under title IV of the Economic Opportunity Act of 1964 for loans to low-income individuals and for business located in areas of high unemployment or low income; increases the SBA's lending authority under section 7(a) from a maximum loan of $350,000 to $500,000; increases from $25,000 to $50,000 the maximum loans that the SBA is authorized to make, participate in, or guarantee to small business concerns in urban or rural areas with high proportions of unemployed or low-income individuals or to small business concerns owned by low-income individuals. S. 3166. P/S 3/22/72.

EDUCATION

Education amendments

Revises the Higher Education Act of 1965 to constitute a single law including all continuing higher education financial assistance programs, and, in general, extends the authorization for higher education programs through fisal year 1975; amends the Vocational Education Act of 1963, and extends authorizations for funds for programs thereunder through fiscal year 1973; establishes an Education Division within the Department of Health, Education, and Welfare to include the present Office of Education and the newly created National Foundation for Secondary Education and National Institute of Education; and contains other provisions. S. 659. P/S 8/6/71. P/H amended 10/4/71. P/S amended 3/1/72. In conference.

GENERAL GOVERNMENT

Air taxi mail transportation claims

Provided authority for the filing of claims by air taxi transportation operators; authorized determinations by the Postal Service of the amounts due claimants for certain additional operational expenses; authorized and directed the Secretary of the Treasury to pay such amounts; and contained other provisions. S. 996. Public Law 92– .

American Revolution bicentennial commemorative medals

Authorized the American Revolution Bicentennial Commission to utilize the facilities of the Bureau of the Mint on a fully reimbursable basis to strike a series of commemorative national medals, including a medal commemorating the year 1776 and its significance to American independence and a maximum of 13 separate medals commemorating historical events of great importance recognized nationally as milestones in the continuing progress of the United States. H.R. 7987. Public Law 92–228.

American Revolution Bicentennial Commission

Authorized $4.3 million for the Commission for fiscal year 1972; enlarged the Commission representation from 37 to 50 members; and contained other provisions. S. 1857. Public Law 92–236.

Civil Service survivor annuities

Defined "child" for the purpose of a survivor anuity to include children living with an adoptive parent and made them eligible for a survivor benefit if the child is in the process of being adopted at the time of death of the employee or annuitant and the adoption process is later completed by the surviving spouse. S. 2896. Public Law 92–243.

Equal rights for men and women

Submitted to the State legislatures an amendment to the Constitution of the United States which, if ratified, would insure equal rights under the law for men and women. H.J. Res. 208.

New Mexico land

Disclaims U.S. interest in the title to about seven acres of the Antoine Leroux Spanish Land Grant along the Rio Hondo near Taos, New Mexico. S. 2674. P/S 3/17/72.

Transpo '72 commemorative medals

Authorized and directed the Secretary of the Treasury to strike and furnish at cost to the Secretary of Transportation medals commemorating the First United States International Transportation Exposition ("Transpo 72)" to be held at Dulles Airport May 27 through June 4, 1972; and contained other provisions. S. 3353. Public Law 92——.

Trust Territory of the Pacific Islands

Authorized approximately $3.1 million in additional Federal funds to the trust territory economic development loan fund, thus bringing the total in the fund to $5 million; and contained other provisions. S. 860. Public Law 92–257.

Volunteers in national forests

Authorizes the employment of volunteers to work without compensation in areas administered by the Forest Service; authorizes the Secretary of Agriculture to provide for their incidental expenses; authorizes a maximum annual appropriation of $200,000; and contains other provisions. S. 1379. P/S 3/21/72.

HEALTH

Drug Abuse Office and Treatment Act of 1972

Strengthened and improved the administrative structure within the Department of Health, Education, and Welfare (HEW) through which the Secretary of HEW is responsible for delivering a broad range of coordinated drug abuse prevention, treatment, and rehabilitation services; established a Special Action Office for Drug Abuse Prevention in the Executive Office of the President; established a national Institute on Drug Abuse within the National Institute of Mental Health to be created on December 31, 1974; establish a National Advisory Council for Drug Abuse Prevention; and provided for extensive new Federal assistance to promote and improve the development of State and local drug abuse prevention, treatment, and rehabilitation programs. S. 2097. Public Law 92–255.

Nutrition program for the elderly

Amend the Older Americans Act of 1965 to authorize $100 million for 1973 and $150 million for fiscal year 1974 in grants to the States for establishing and operating nutrition projects to provide low cost, nutritionally sound meals to individuals 60 years of age or older and their spouses, provided such individuals fall within certain categories. S. 1163. Public Law 92– .

Sickle cell anemia

Establishes a national program to control, to conduct research, and to improve procedures in the treatment of persons suffering from, sickle cell trait or sickle cell anemia; authorizes grants and contracts to public and nonprofit private agencies, organizations, or institutions to assist in establishing and operating voluntary sickle cell anemia screening and counseling programs; and contains other provisions. S. 2676. P/S 12/8/71. P/H amended 3/22/72.

HOUSING

Housing and Urban Development

Overhauls legislation involving the Federal Housing Administration mortgage insurance program and the low-rent public housing program; contains a new block grant program to provide Federal assistance to localities for community development; establishes a new program of Federal grants to communities to help meet operating expenses of the Nation's mass transit systems; and contains other provisions. S. 3248. P/S 3/2/72.

INDIANS

Blackfeet and Gros Ventre Tribes, Montana

Authorized division and disposition of judgment funds awarded to the Blackfeet Tribes of the Blackfeet Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana. S. 671. Public Law 92–254.

Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana

Authorized disposition of judgment funds awarded to the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana. S. 602. Public Law 92–253.

Confederated Tribes of the Colville Reservation

Authorized disposition of judgment funds awarded to the Confederated Tribes of the Colville Reservation, and contained other provisions. H.R. 6291. Public Law 92–244.

Indian Claims Commission Act of 1946—Extension

Extended the life of the Indian Claims Commission for 5 years, from April 10, 1972, to April 10, 1977, and contained other provisions. H.R. 10390 (S. 2408). Public Law 92– .

INTERNATIONAL

Agreements With Portugal and Bahrain

Stated the sense of the Senate that any agreement with Portugal or Bahrain for military bases or foreign assistance should be submitted as a treaty to the Senate for advice and consent. S. Res. 214. P/S 3/3/72.

Asian Development Bank—U.S. Contributions

Authorized the Secretary of the Treasury, in his capacity as U.S. Governor of the Bank, to agree to a U.S. contribution of $100 million in two installments to the Bank's Consolidated Special Funds; authorized appropriations therefor of $60 million and $40 million for fiscal years 1972 and 1973, respectively; required the President to instruct the U.S. Executive Director of the Bank to vote against any loan to any country which expropriates property; and contained other provisions. S. 749. Public Law 92–245.

Diplomatic privileges and immunities to the mission of the European communities

Authorizes the President to extend or enter into an agreement extending to the mission of the Commission of the European Communities and its members the same privileges and immunities now enjoyed by diplomatic missions in Washington, D.C. S. 2700. P/S 3/17/72.

Foreign aid authorization

Authorized for fiscal year 1972 $1,518,000,000 for military assistance and for fiscal year 1973 $984 million for economic and humanitarian assistance; imposed a ceiling of $341 million on funds which may be obligated in or for Cambodia in fiscal year 1972 and put a ceiling of 200 on the number of American civilian and military government personnel in Cambodia; and contained other provisions. S. 2819. Public Law 92–226.

Inter-American Development Bank (IDB—U.S. contributions

Authorized the Secretary of the Treasury in his capacity as U.S. Governor of the IDB to pay to the Fund for Special Operations the second and third installments of $450 million each for U.S. contributions; authorized appropriations therefor; required the President to instruct the U.S. Executive Director of the Bank to vote against any loan to any country which expropriates property; and contained other provisions. S. 748. Public Law 92–246.

International agreements other than treaties

Requires that international agreements other than treaties, hereafter entered into by the United States, be transmitted to the Congress within sixty days after the execution thereof, except where the immediate public disclosure of an agreement would, in the opinion of the President, be prejudicial to national security, the agreement shall not be so transmitted to the Congress but to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House under an appropriate injunction of secrecy to be removed only upon due notice from the President. S. 596. P/S 2/16/72.

International Coffee Agreement, 1968—extension

Extended the authority of the President to October 1, 1973, to carry out and enforce certain provisions of the International Coffee Agreement Act of 1968. H.R. 8293. Public Law 92– .

International Development Association (IDA—)—U.S. contributions

Authorized the Secretary of the Treasury, in his capacity as the U.S. Governor of the Association, to contribute to the IDA three annual installments of $320 million each; authorized appropriations therefor; required the President to instruct the U.S. Executive Directors of the International Bank for Reconstruction and Development and the IDA to vote against a loan for any country which expropriates property; and contained other provisions. S. 2010. Public Law 92–247.

Olympic Games

Extended the good wishes of the Senate to the citizens of Japan and the participants of the Eleventh Winter Olympic Games and affirmed the Senates support for the designation of Denver as host city for the Twelfth Winter Games in 1976. S. Res. 246. Senate adopted 1/31/72.

Radio Free Europe and Radio Liberty

Authorized $36 million for fiscal year 1972 to the Department of State for grants to Radio Free Europe and Radio Liberty. S. 18. Public Law 92– .

Recognition of Bangladesh

Expressed the sense of the Congress that the President should recognize Bangladesh as an independent foreign country and recognize its Government. S. Con. Res. 55. Senate adopted 3/21/72.

TREATIES

Amendment to Statute of International Atomic Energy Agency

Increases the membership of the Board of Governors of the International Atomic Energy Agency from 25 to 34 or 35 members, for the purpose of achieving more equitable representation on the Board for the countries of the lesser developed regions as well as to increase the representation of countries most advanced in the technology of atomic energy.

Seabed Arms Control Treaty

Provided that the parties undertake not to emplant or emplace nuclear weapons or other weapons of mass destruction on the seabed and the ocean floor and in the subsoil thereof beyond the outer limit of a "seabed zone" as defined therein. Ex. H, 92-1st. Resolution of ratification agreed to 2/15/72.

LABOR

Equal Employment Opportunities Enforcement Act

Provided the Equal Employment Opportunity Commission with a court enforcement method for enforcing the rights of workers who have been subjected to unlawful employment practices; expanded the coverage of title VII of the Civil Rights Act of 1964 from those employers and labor organizations having 25 or more employees or members to those having 15 or more one year after the date of enactment and expanded the coverage to include employees of educational institutions and most employees of State and local governments; and contained other provisions. H.R. 1746 (S. 2515). Public Law 92–

Manpower Development and Training Act Amendment of 1972

Deletes the existing provision in the Manpower Development and Training Act of 1962 which prohibits the further disbursement of funds under that act after December 30, 1972 (6 months after the act's expiration date of June 30, 1972), in order to enable MDTA contracts to continue to make commitments extending over the period of a full year in accordance with past practice. S. 3054 P/S 2/15/72. P/H amended 3/16/72.

West coast dock strike

Provided a procedure for settlement of the dispute on the Pacific coast and Hawaii among certain shippers and associated employers and certain employees, by providing for the appointment of a board or arbitration to make a determination of all issues in the dispute, which will be final and binding on the parties, subject only to judicial review in the Court of Appeals for the Ninth District; and contained other provisions. S.J. Res. 197. Public Law 92-235.

MEMORIALS AND TRIBUTES

Chapel of the Astronauts

Authorized the Administrator of the National Aeronautics and Space Administration to convey for fair market value to the Chapel of the Astronauts, Inc., a nonprofit Florida corporation not to exceed 7 acres of unimproved land at the John F. Kennedy Space Center, NASA, in Florida, for the purpose of constructing, operating, and maintaining a public facility for worship or meditation and a memorial to our Astronauts. H.R. 11487. Public Law 92-227.

George William Andrews Lock and Dam

Named the Columbia lock and dam, Chattahoochee River, Alabama, in honor of the late Honorable George William Andrews. H.R. 12488. Public Law 92-229.

Girl Scouts of America

Commended the Girl Scouts of the United States, during the week of March 12 through 18, on the occasion of their 60th birthday for a progressive spirit and lasting contribution to the social welfare of this Nation. S. Res. 259. Senate adopted 2/21/72.

John D. Rockefeller, Jr., Memorial Parkway, Wyoming

Authorizes the establishment and designation of the John D. Rockefeller, Jr., Memorial Parkway, to extend from west Thumb in Yellowstone National Park to the south entrance of Grand Teton National Park in Wyoming. S. 3159. P/S 3/24/72.

Law enforcement officers

Requests that on Law Day, May 1, 1972, special emphasis be given in tribute to law enforcement officers. S.J. Res. 169. P/S 2/18/72.

PROCLAMATIONS

National Beta Club Week

Authorized and requested the President to proclaim the week which begins on the first Sunday in March, 1972, as "National Beta Club Week." S.J. Res. 153. Public Law 92-234.

National Day of Prayer for World Peace

Declared it to be the sense of the Congress that the President designate Sunday, February 20, 1972, as a National Day of Prayer for the cause of world peace. H. Con. Res. 524. P/H 2/16/72. P/S 2/16/72.

National Hunting and Fishing Day

Requests the President to declare the fourth Saturday of each September "National Hunting and Fishing Day." S.J. Res. 117. P/S 3/2/72.

National week of concern for prisoners of war/missing in action

Authorized the President to designate the period beginning March 26, 1972, as "National Week of Concern for Prisoners of War/Missing in Action" and to designate March 26, 1972, as a national day of prayer for these Americans. S.J. Res. 189. Public Law 92-248.

RESOURCE BUILDUP

Buffalo National River, Arkansas

Established the Buffalo National River in the State of Arkansas, said area to include not more than 95,730 acres. S. 7. Public Law 92-237.

Fossil Butte National Monument, Wyoming

Establishes the Fossil Butte National Monument in the State of Wyoming to consist of 8,200 acres. S. 141. P/S 3/24/72.

Golden Eagle Passport program

Establishes a uniform Federal fee system to defray some of the expenses incidental to the establishment and operation of Federal recreational facilities, and continues the "Golden Eagle Passport" annual permit for entrance to designated recreational areas. S. 1893. P/S 11/22/71. P/H amended 2/7/72. In conference.

Gulf Island National Seashore, Florida and Mississippi

Amends the existing law which created the Gulf Islands National Seashore by increasing the land acquisition acreage on the Mississippi mainland from 135 to 400 acres and by increasing the amount authorized for land acquisition by $342,000; increases the development ceiling for the seashore by $2,995,000. S. 3153. P/S 3/23/72.

Interstate Environment Compact Act of 1972

Permits the States involved to establish regional waste management organizations with the necessary authority, including capability to incur debt and sell bonds, to implement existing and future water pollution requirements without the lengthy delay often associated with usual compact approval, and contains other provisions. S. 907. P/S 3/1/72.

Longfellow National Historic Site

Establishes the Longfellow National Historic Site in Cambridge, Mass., and authorizes the Secretary of the Interior to acquire by donation the former home, together with furnishings and other property of the popular American poet of the 19th century, Henry Wadsworth Longfellow. S. 3129. P/S 3/22/72.

National Park System

Increased ceilings in appropriation for land acquisition at nine areas in the national park system; increased ceilings on appropriations for development at three areas; and authorized boundary revisions at eleven areas. S. 2601. Public Law 92– .

Oregon Dunes National Recreation Area

Established the Oregon Dunes National Recreation Area of 32,237 acres within and adjacent to the Siuslaw National Forest in Oregon. S. 1977 (H.R. 8763). Public Law 92– .

Sycamore Canyon Wilderness, Arizona

Designated approximately 48,500 acres as the Sycamore Canyon Wilderness within and as a part of the Coconino, Kaibab, and Prescott National Forests, Arizona. S. 960. Public Law 92-241.

Van Buren National Historic Site

Establishes the Van Buren National Historic Site, which includes the former residence, called Lindenwald, of Martin Van Buren, eighth President of the United States, at Kinderhook, N.Y. S. 1426. P/S 3/22/72.

Washakie Wilderness and the Shoshone National Forest, Wyoming

Designates the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, Wyoming. S. 166. P/S 5/3/71. P/H amended 2/7/72. In conference.

Water Pollution Control Act—Extension

Extended authorizations for salaries and related expenses under Section 5(n) of the Federal Water Pollution Control Act in an amount of $9 million for the period November 1, 1971, to June 30, 1972 and for grants for State water pollution control programs under Section 7 in an amount of $15 million for fiscal year 1972. S. 3122. Public Law 92-240.

Westlands Water District

Provides for deferment of construction charges against Westlands Water District for facilities to serve irrigation water to certain lands within the district which are presently in Federal ownership. H.R. 1682. P/H 11/1/71. P/S amended 3/1/72.

TRANSPORTATION AND COMMUNICATIONS

Alaskan Ferry Vessel Operation

Authorized the MV "Wickersham," a ferry vessel of foreign registry owned by the State of Alaska, to be utilized for a limited period of time in the transportation of passengers and their personal effects and private vehicles, and vehicles engaged in the transportation of passengers but not merchandise, between ports in southeastern Alaska and between ports in Alaska and ports in the State of Washington, commencing on the date a binding contract is entered into by the State of Alaska and a United States shipbuilder for the construction of a replacement vessel. H.R. 10834. Public Law 92– .

High-Speed Ground Transportation Act Extension

Removes the ceiling and termination date on authorization for research and development in the field of high speed ground transportation. S. 979. P/S 6/15/71. P/H amended 3/2/72.

International Aeronautical Exposition of 1972

Increased from $3 million to $5 million the funds authorized for appropriation under the fiscal year 1970 Military Construction Authorization Act for the conduct of an international aeronautical exposition to be held at Dulles International Airport from May 27, 1972, through June 4, 1972. S. 3244. Public Law 92-252.

Rates in Foreign Air Transportation

Gave the Civil Aeronautics Board discretionary authority, subject to disapproval by the President, to suspend or reject tariffs in international air transportation to and from the United States; imposed on U.S. and foreign air carriers engaged in foreign air transportation a duty to establish just and reasonable individual and joint rates and practices; maintained the present mechanism for establishing international air transportation rates through the International Air Transport Association, but gave the Board the statutory tools needed to perform its responsibility to protect the traveler, the shipper and air carriers by suspending and rejecting rates which are too high and rates which are destructively low; in essence, gave the Board the same degree of control over rates and practices of foreign air carriers operating into U.S. territory as foreign countries now have over operations of their own carriers and over operations of carriers foreign to those nations. H.R. 11416 (S. 2423), Public Law 92-259.

Uniform Time Act Amendment

Permitted any State which is divided by a time zone boundary to exempt all of the State lying within one time zone from the observance of advanced or "daylight saving time." S. 904 (H.R. 4174). Public Law 92– .

TRANSACTION OF ROUTINE MORNING BUSINESS

The **PRESIDENT** pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes.

Is there morning business?

Mr. **ROBERT C. BYRD**. Mr. President, I suggest the absence of a quorum.

The **PRESIDENT** pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. **JAVITS**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(The remarks Mr. JAVITS made on the introduction of S. 3421 and on the submission of Senate Concurrent Resolution 71 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions and under submission of a concurrent resolution, respectively.)

QUORUM CALL

Mr. **JAVITS**. Mr. President, I suggest the absence of a quorum.

The **PRESIDENT** pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The **PRESIDENT** pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Problems in Making the Concentrated Employment Program Work in Rural Mississippi", Department of Labor, dated March 15, 1972 (with an accompanying report); to the Committee on Government Operations.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution of the Senate of the State of Hawaii; to the Committee on Government Operations:

"RESOLUTION NO. 210

"Congratulating President Richard M. Nixon, the Congress of the United States, and the Commission on Population Growth and the American Future for their concern and work towards a better America.

"Whereas, the subject of population growth is presently a most vital and volatile issue to the people of the United States; and

"Whereas, the Commission on Population Growth and the American Future was proposed by President Nixon and established by Congress in March 1970; and

"Whereas, the first of three final reports was recently released after a detailed, two-year assessment of the impact of population growth on the economy, the environment, government, and the quality of life; and

"Whereas, the twenty-four member Commission chaired by John D. Rockefeller, III, and composed of members of Congress, businessmen, union leaders, foundation and university officials, youth, and minority groups concluded: 'no substantial benefits would result from continued growth of the Nation's population'; and

"Whereas, the report expressly rejected views at the extremes of current public debate over population, challenging both 'bigger-the-better' boosterism on the one hand and 'the emergency-crisis response' on the other; and

"Whereas, the operative word is 'prudence', not 'crisis' nor 'complacency'; and

"Whereas, the Commission's report thereby called on the United States to become the first nation to adopt a deliberate population policy and enable parents now to avoid unwanted childbearing; and

"Whereas, the Commission's main concern in preparing this first report was not the quantity of people in the future but the quality of life; and

"Whereas, it concluded that unless population growth is checked, social freedom will be choked by fees, forms, licenses, lines, regulations, and red tape; and

"Whereas, the resulting society would be so oppressive that 'the population of the year 2020 may look back with envy on what, from their vantage point, appears to be our relatively unfettered way of life'; and

"Whereas, the size of the population as well as the distribution of the population is important in promoting the future welfare of Americans; and

"Whereas, the stabilization of the national population would greatly allay the burdens of metropolitanization; and

"Whereas, the report also expresses that 'the time has come to challenge the tradition that population growth is desirable: what was unintended may turn out to be unwanted, in the society as in the family'; and

"Whereas, the Commission intimated that in the next two reports it would offer recommendations concerning regional and metropolitan government and the idea of purposely establishing alternate growth centers to ease pressures on existing metropolitan areas; now, therefore

"Be it resolved by the Senate of the Sixth Legislature of the State of Hawaii, Regular Session of 1972, that this body extend its congratulations and appreciation to Richard M. Nixon, President of the United States, members of the Congress of the United States, John D. Rockefeller, III, Chairman of the Commission on Population Growth and the American Future, and members of the Commission on Population Growth and the American Future for their unselfish concern and work towards the betterment of America for the people; and

"Be it further resolved that certified copies of this Resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President and President Pro Tempore of the United States Senate, and John D. Rockefeller, III, Chairman of the Commission on Population Growth and the American Future."

A resolution of the House of Representatives of the State of Hawaii; to the Committee on Finance:

"HOUSE RESOLUTION

"Whereas, the number of persons receiving financial assistance from public welfare in Hawaii has more than tripled in the past ten years, and more than two-thirds of this growth has occurred in the past four years; and

"Whereas, welfare costs in Hawaii have risen even faster, increasing more than five-fold in the past ten years; and

"Whereas, the main immediate reason for the rising caseload and cost is simply that more eligible needy people are applying for assistance from the programs that were intended to help them, yet this includes perhaps only one-third of those who might be eligible; and

"Whereas, local welfare officials acknowledge that no more than one per cent of Hawaii's welfare recipients could be considered cheaters who are not entitled to the benefits they are receiving; and

"Whereas, a large majority of the persons receiving financial assistance are not employable since they are children, mothers of pre-school children, the sick, the blind and disabled, and the elderly; and

"Whereas, many other persons who do work must still resort to welfare to supplement their incomes because of low earnings combined with Hawaii's high cost of living; and

"Whereas, there are not now enough jobs in Hawaii even for those able-bodied persons who want to work; and

"Whereas, a recent study by the Department of Social Services and Housing shows that newcomers to Hawaii who have resided here less than one year receive only about five per cent of the total financial assistance; and

"Whereas, current welfare benefits in Hawaii are among the highest in the nation but still require the average non-working recipient families to live below the federal poverty standard; and

"Whereas, it is desirable that all persons have at least a minimum income that will assure them a decent standard of living above the poverty level; and

"Whereas, because of rising welfare caseloads and costs and declining State revenues, the State of Hawaii would find it difficult to maintain this standard without additional help from the federal government; and

"Whereas, the State of Hawaii is already bearing a relatively greater burden than other States by maintaining higher benefit levels and receiving a smaller share of the cost from the federal government; and

"Whereas, the most desirable way to deal with these immediate fiscal problems is not to cut back welfare benefits to recipients but instead to seek greater fiscal support from the federal government; and

"Whereas, weaknesses in the present welfare system include not only the fiscal burden it imposes on states, but also its inadequate benefit levels, unfair variations from state to state, disintegrating effects on family life, disincentives to work, and cumbersome, costly, dehumanizing procedures; and

"Whereas, these problems must be dealt with through meaningful, comprehensive, enlightened, and progressive reform of the welfare system at the national level; and

"Whereas, in addition to dealing with the immediate problems of the welfare system, all levels of government and the community must deal meaningfully with the underlying issues and problems, including the shortage of decent jobs, educational barriers, inflation, housing shortages and costs, and the breakdown of the family social unit; now, therefore,

"Be it resolved by the House of Representatives of the Sixth Legislature of the State of Hawaii, Regular Session of 1972, that the Congress of the United States be, and hereby is, respectfully requested to enact public welfare reform legislation embracing the concepts of federalization of costs, elimination of unfounded variations from state to state, a guaranteed minimum annual income for all persons, more jobs and work incentives, and simpler administration of benefits; and

"Be it further resolved that the national welfare program, as reformed, shall include the following features:

"(1) Basic Benefits

"(A) A minimum annual income should be guaranteed by the federal government to all needy persons falling within the income limits.

"(B) The minimum income standard should be uniform throughout the nation but adjusted for regional differences in cost of living.

"(C) The standard should be no less than the official poverty level, which should be revised to reflect a more realistic minimum standard of living.

"(D) Under the new program no recipient should be allowed to receive less than his current level of benefits plus the value of food stamp bonus.

"(E) Where necessary, states should be required to supplement the federal standard, but with the federal government assuming any increased cost to the state over 1971 expenditures.

"(F) Eventually, the regionally adjusted minimum income should be funded fully by the federal government, with the states allowed to deal with special and emergency needs and persons not covered by the basic federal program.

"(2) Earnings and Assets

"(A) Over and above the minimum income assured, recipients should be allowed to retain a portion of any earnings sufficient to make it worthwhile to work.

"(B) Recipients should also be allowed to retain a reasonable amount of savings and other liquid assets as well as property such as a home, automobile, personal property, and other property essential to their well being.

"(3) Work

"(A) Any work or training requirement should not apply to mothers or other caretakers if and when they are needed to care for children or other family members. This safeguard should be applied on an individual basis, taking into account such factors as the availability of child care, the child's needs, mother's needs, and other pertinent factors.

"(B) Jobs offered under any mandatory work requirement should be required to pay at least the prevailing wage in the locality for the type of work involved or the federal minimum wage, whichever is higher, and to be suitable to the individual in terms of his qualifications, past experience, interests and proficiencies, personal health, safety factors, and working conditions.

"(C) More federally funded public service career jobs should be created for those who want to work, not only those who may be required to work.

"(4) Procedures

"(A) Procedures for determining and checking eligibility, making payments, and periodic reporting should be no more complex or stringent than those used for federal social security benefits.

"(B) All recipients should be guaranteed due process in any action denying, reducing, or otherwise materially affecting their rights and benefits under the program; and

"Be it further resolved that the Congress of the United States be, and hereby is, respectfully requested to review and reassess the totality of income maintenance programs in relation to other federally sponsored programs which purport to serve the needy; and that those programs which prove to be ineffective or inefficient be curtailed or abolished and be replaced with programs which will benefit the needy, directly and equitably; and

"Be it further resolved that certified copies of this Resolution be transmitted to the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, and the members of Hawaii's Congressional delegation."

"HOUSE RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO ENACT PUBLIC WELFARE REFORM LEGISLATION INCLUDING A FEDERALIZATION OF THE PRESENT STATE WELFARE SYSTEMS

"Whereas, the number of persons receiving financial assistance from public welfare in Hawaii has more than tripled in the past ten years, and more than two-thirds of this growth has occurred in the past four years; and

"Whereas, welfare costs in Hawaii have risen even faster, increasing more than fivefold in the past ten years; and

"Whereas, the main immediate reason for the rising caseload and cost is simply that more eligible needy people are applying for assistance from the programs that were intended to help them, yet this includes perhaps only one-third of those who might be eligible; and

"Whereas, local welfare officials acknowledge that no more than one per cent of Hawaii's welfare recipients could be considered cheaters who are not entitled to the benefits they are receiving; and

"Whereas, a large majority of the persons receiving financial assistance are not employable since they are children, mothers of pre-school children, the sick, the blind and disabled, and the elderly; and

"Whereas, many other persons who do work must still resort to welfare to supplement their incomes because of low earnings combined with Hawaii's high cost of living; and

"Whereas, there are not now enough jobs in Hawaii even for those able-bodied persons who want to work; and

"Whereas, a recent study by the Department of Social Services and Housing shows that newcomers to Hawaii who have resided here less than one year receive only about five per cent of the total financial assistance; and

"Whereas, current welfare benefits in Hawaii are among the highest in the nation but still require the average non-working recipient families to live below the federal poverty standard; and

"Whereas, it is desirable that all persons have at least a minimum income that will assure them a decent standard of living above the poverty level; and

"Whereas, because of rising welfare caseloads and costs and declining State revenues, the State of Hawaii would find it difficult to maintain this standard without additional help from the federal government; and

"Whereas, the State of Hawaii is already bearing a relatively greater burden than other States by maintaining higher benefit levels and receiving a smaller share of the cost from the federal government; and

"Whereas, the most desirable way to deal with these immediate fiscal problems is not to cut back welfare benefits to recipients but instead to seek greater fiscal support from the federal government; and

"Whereas, weaknesses in the present welfare system include not only the fiscal burden it imposes on states but also its inadequate benefit levels, unfair variations from state to state, disintegrating effects on family life, disincentives to work, and cumbersome, costly, dehumanizing procedures; and

"Whereas, these problems must be dealt with through meaningful, comprehensive, enlightened, and progressive reform of the welfare system at the national level; and

"Whereas, in addition to dealing with the immediate problems of the welfare system, all levels of government and the community must deal meaningfully with the underlying issues and problems, including the shortage of decent jobs, educational barriers, inflation, housing shortages and costs, and the breakdown of the family social unit; now, therefore,

"Be it resolved by the House of Representatives of the Sixth Legislature of the State of Hawaii, Regular Session of 1972, that the Congress of the United States be, and hereby is, respectfully requested to enact public welfare reform legislation embracing the concepts of federalization of costs, elimination of unfounded variations from state to state, a guaranteed minimum annual income for all persons, more jobs and work incentives, and simpler administration of benefits; and

"Be it further resolved that the national welfare program, as reformed, shall include the following features:

"(1) Basic Benefits

"(A) A minimum annual income should be guaranteed by the federal government to all needy persons falling within the income limits.

"(B) The minimum income standard should be uniform throughout the nation but adjusted for regional differences in cost of living.

"(C) The standard should be no less than the official poverty level, which should be revised to reflect a more realistic minimum standard of living.

"(D) Under the new program no recipient should be allowed to receive less than his current level of benefits plus the value of food stamp bonus.

"(E) Where necessary, states should be required to supplement the federal standard, but with the federal government assuming any increased cost to the state over 1971 expenditures.

"(F) Eventually, the regionally adjusted minimum income should be funded fully by the Federal government, with the states allowed to deal with special and emergency needs and persons not covered by the basic federal program.

"(2) Earnings and Assets

"(A) Over and above the minimum income assured, recipients should be allowed to retain a portion of any earnings sufficient to make it worthwhile to work.

"(B) Recipients should also be allowed to retain a reasonable amount of savings and other liquid assets as well as property such as a home, automobile, personal property and other property essential to their well being.

"(3) Work

"(A) Any work or training requirement should not apply to mothers or other caretakers if and when they are needed to care for children or other family members. This safeguard should be applied on an individual basis, taking into account such factors as the availability of child care, the child's needs, mother's needs, and other pertinent factors.

"(B) Jobs offered under any mandatory work requirement should be required to pay at least the prevailing wage in the locality for the type of work involved or the federal minimum wage, whichever is higher, and to be suitable to the individual in terms of his qualifications, past experience, interests and proficiencies, personal health, safety factors, and working conditions.

"(C) More federally funded public service career jobs should be created for those who want to work, not only those who may be required to work.

"(4) Procedures

"(A) Procedures for determining and checking eligibility, making payments, and periodic reporting should be no more complex or stringent than those used for federal social security benefits.

"(B) All recipients should be guaranteed due process in any action denying, reducing, or otherwise materially affecting their rights and benefits under the program; and

"Be it further resolved that the Congress of the United States be, and hereby is, respectfully requested to review and reassess the totality of income maintenance programs in relation to other federally sponsored programs which purport to serve the needy; and that those programs which prove to be ineffective or inefficient be curtailed or abolished and be replaced with programs which will benefit the needy, directly and equitably; and

"Be it further resolved that certified copies of this Resolution be transmitted to the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, and the members of Hawaii's Congressional delegation."

A letter, in the nature of a petition, from Mr. Victor H. Ashe, House of Representatives, State of Tennessee, praying for the enactment of legislation to lower the age of majority from 21 to 18 insofar as it affects Federal statutes; ordered to lie on the table.

A letter, in the nature of a petition, from Bernard Botein, President of the Association of the Bar, New York, New York, relating to the appointment of a National Commission to help assure for the future the more effective enforcement and observance of the laws of war; to the Committee on Armed Services.

By Mr. FONG:

A concurrent resolution of the Legislature of the State of Hawaii; to the Committee on the Judiciary:

"CONCURRENT RESOLUTION

"Ratifying a proposed amendment to the Constitution of the United States providing for equal rights under the law without discrimination on account of sex

"Whereas, the Congress of the United States has proposed an amendment to the Constitution of the United States to prohibit the denial or abridgment of equal rights under the law on account of sex; and

"Whereas, the transformation of our legal system to one which establishes equal rights for men and women under the law is long overdue; and

"Whereas, what was begun in the Nineteenth Amendment to the United States Constitution, extending to women the right of franchise, should now be completed by guaranteeing equal treatment to women in all areas of legal rights and responsibilities; and

"Whereas, the proposed Equal Rights Amendment provides for the establishment of complete legal equality so that before the law women and men will be treated without discrimination and individuals will be accorded the dignity and respect to which they are entitled politically and morally; and

"Whereas, House Joint Resolution 208, approved by the Ninety-Second Congress, Second Session, reads as follows:

"HOUSE JOINT RESOLUTION 208—JOINT RESOLUTION

"Proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), that the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress;

"ARTICLE

"Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

"Section 3. This amendment shall take effect two years after the date of ratification."; now, therefore

"Be it resolved by the Senate of the Sixth Legislature of the State of Hawaii, Regular Session of 1972, the House of Representatives concurring, that the Article proposed as an amendment to the Constitution of the United States as set forth in the United States House Joint Resolution 208, dated March 22, 1972, be hereby ratified by the Legislature of the State of Hawaii; and

"Be it further resolved that a certified copy of this Concurrent Resolution be transmitted to the Administrator, United States General Services Administration, and that certified copies of this Concurrent Resolution also be transmitted to the President of the United States Senate and to the Speaker of the United States House of Representatives and to the members of Hawaii's delegation to the Congress of the United States."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HARTKE, from the Committee on Veterans' Affairs, without amendment:

S. 3343. A bill to amend chapter 21 of title 38, United States Code, to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans (Rept. No. 92–720).

By Mr. BROCK, from the Committee on Government Operations, with amendments:

S. 1819. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments after July 1, 1972, for relocation assistance made available under federally assisted programs (Rept. No. 92–721).

By Mr. ROBERT C. BYRD (for Mr. Magnuson), from the Committee on Commerce, with an amendment:

S. 2684. A bill to amend section 509 of the Merchant Marine Act, 1936, as amended (Rept. No. 92–722).

By Mr. ROBERT C. BYRD (for Mr. Magnuson), from the Committee on Commerce, with amendments:

H.R. 8140. An act to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States (Rept. No. 92–724).

By Mr. MANSFIELD (for Mr. Anderson), from the Committee on Interior and Insular Affairs, with an amendment:

S. 50. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Brantley project, Pecos River Basin, New Mexico, and for other purposes (Rept. No. 92–723).

ORDER FOR ADDITIONAL REFERRAL OF BILL

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished senior Senator from Arkansas (Mr. McClellan), I ask unanimous consent that, after consideration by the Committee on the Judiciary of the bill (S. 3316) to consent to the Arkansas Basin Compact, Arkansas-Oklahoma, the bill may be referred to the Committee on Public Works for further consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. JAVITS (for himself, Mr. Boggs, Mr. Brooke, Mr. Hatfield, and Mr. Schweiker):

S. 3421. A bill to provide for a phased assumption by State and local governments in combination with other local institutions of the responsibility of planning and conducting programs providing manpower training and employment opportunities and related services to economically disadvantaged, unemployed, and underemployed individuals with emphasis upon persons most in need, to increase the availability of such opportunities, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. THURMOND:

S. 3422. A bill for the relief of Sukhdev Singh Guram. Referred to the Committee on the Judiciary.

By Mr. HARTKE:

S. 3423. A bill to amend the Federal Aviation Act of 1958 so as to limit the power of the Secretary of Transportation to delegate his authority to examine medical qualifications of airmen. Referred to the Committee on Commerce.

By Mr. HARTKE (for himself and Mr. Thurmond) (by request):

S. 3424. A bill to amend title 38, United States Code, in order to authorize an agreement with the Republic of the Philippines providing for hospital care and medical services to be furnished Commonwealth Army veterans and new Philippine Scouts for service-connected disabilities, and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. MONTOYA:

S. 3425. A bill for the relief of Murray A. Getz. Referred to the Committee on the Judiciary.

By Mr. ANDERSON:

S. 3426. A bill to establish the El Malpais National Monument, in the State of New Mexico, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. NELSON:

S. 3427. A bill to amend the River and Harbor Act of 1968 in order to preclude consideration of a certain portion of the St. Croix River in a survey to determine the advisability of a waterway between Lake Superior and the Mississippi River. Referred to the Committee on Public Works.

By Mr. MANSFIELD (for Mr. Jackson) (for himself and Mr. Allott) (by request):

S. 3428. A bill to designate certain areas in the United States as wilderness areas; and

S. 3429. A bill to designate certain areas in the United States as wilderness areas. Referred to the Committee on Interior and Insular Affairs.

By Mr. MANSFIELD (for Mr. Jackson) (for himself, Mr. Allott, Mr. Moss, and Mr. Fannin) (by request):

S. 3430. A bill to designate certain areas in the United States as wilderness areas. Referred to the Committee on Interior and Insular Affairs.

By Mr. PELL:

S. 3431. A bill to amend the Federal Employees' Compensation Act so as to permit injured employees entitled to receive medical services under such Act to utilize the services of podiatrists. Referred to the Committee on Post Office and Civil Service.

By Mr. COTTON (by request):

S.J. Res. 219. A joint resolution to establish a national policy relating to conversion to the metric system in the United States. Referred to the Committee on Commerce.

By Mr. PELL (for himself, Mr. Williams, Mr. Randolph, Mr. Kennedy, Mr. Mondale, Mr. Eagleton, and Mr. Cranston):

S.J. Res. 220. A joint resolution making additional appropriations for the Office of Education for the fiscal year ending June 30, 1972. Referred to the Committee on Appropriations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JAVITS (for himself, Mr. Boggs, Mr. Brooke, Mr. Hatfield, and Mr. Schweiker):

S. 3421. A bill to provide for a phased assumption by State and local governments in combination with other local institutions of the responsibility of planning and conducting programs providing manpower training and employment opportunities and related services to economically disadvantaged, unemployed, and underemployed individuals with emphasis upon persons most in need, to increase the availability of such opportunities, and for other purposes. Referred to the Commitee on Labor and Public Welfare.

THE COMMUNITY MANPOWER TRAINING AND EMPLOYMENT ACT OF 1972

Mr. JAVITS. Mr. President, I introduce the Community Manpower Training and Employment Act of 1972, a bill designed to establish a community-based program of manpower training and jobs for economically disadvantaged, unemployed and underemployed persons. I am joined by the following cosponsors: Senators Boggs, Brooke, Hatfield, and Schweiker.

The bill—which consists of two titles—would authorize $10.6 billion for training and employment programs over a 4-year period, beginning in fiscal 1973; for the current fiscal year 1972, Federal expenditures total approximately $1.6 billion under existing authority. The administration proposes the expenditure of $2.0 billion in fiscal 1973.

THE NEED FOR REFORM

Mr. President, there is no area in the field of human resources where the gap between promise and performance is more keenly felt by the poor than that of manpower training programs.

A decade of experience under the Manpower Development and Training Act of 1962 and title I of the Economic Opportunity Act of 1964 and related authorities has taught us the importance of a Federal commitment to assist individual efforts toward self-support, but in their present form the programs increasingly have failed to meet their original objectives.

As funds have increased—from $100 million in fiscal 1962 to more than $1.6 billion in the current fiscal year, administration of programs directly from the Federal level has become an increasingly ineffective manner of doing business.

Moreover, programs conducted under these authorities—so-called remedial manpower programs—have been carried out too much in isolation on the one hand, from related vocational activities in the schools and, on the other, from poverty and other community-based organizations which represent the greater portion of persons to be served.

They have failed to provide sufficient resources and direction to zero in upon—and in fact have often excluded—those most in need of assistance, such as criminal offenders, ex-addicts and particularly disadvantaged persons.

And, by too frequently concentrating upon training for its own sake, they have often failed to attain their most relevant objectives—to get the participant into a meaningful and satisfying job.

These shortcomings—in contrast to the tenets of the free enterprise system and the call for "workfare" in connection with welfare reform—have become a source of despair and frustration to the poor, who want to provide for themselves even more than society—hit by rising welfare costs—urges or would require them to do.

It is not surprising that for a large segment of the economically disadvantaged, manpower training is viewed as an empty promise thrown out by the "establishment" to keep people off the streets or forever out of the mainstream of the economy.

Mr. President, the manpower system clearly demands reform—as much as the welfare reform to which it so closely relates.

President Nixon called for manpower reform as early as August 1969.

The Congress sought to achieve it—through enactment in 1970 of S. 3867, the Employment and Manpower Act of 1970.

But, the failure of the administration and the Congress to reach agreement on its terms and the resulting Presidential veto of that act in December 1970 have left this crucial matter of business unfinished.

THE ELEMENTS OF REFORM—AN ALTERNATIVE TO MANPOWER REVENUE SHARING

The President's remedy for the shortcomings of the current system is: S. 1243, the Manpower Revenue Sharing Act of 1971.

It proposes, in short, to eliminate the existing "categorical" programs and to distribute each year beginning in fiscal 1973, all but 15 percent of approximately $2 billion in flexible funds directly to the States and units of general local government for use as they see fit, generally without Federal review or approval.

Mr. President, the day that programs can be said to be more effectively run directly from Washington has long passed, but the solution to our problems does not automatically call for throwing them almost completely and immediately at the States and the cities—which are only just now developing their capacity in this area.

Mr. President, this bill—which is designed as an alternative to the administration's proposal—has as its sole objective the reform of the existing manpower training system. It is not intended to meet the need for public service employment—although such employment is an element which may be funded by States and other governmental prime sponsors as they assume manpower training responsibility. I consider the question of the amount of additional public service employment funds to be run through that system to be a separate one, properly considered in an economic context, and I expect to introduce in the near future my own separate proposal to that end.

I shall now indicate how the bill would meet each of the four deficiencies with the existing programs and manpower delivery system which I previously noted.

First, the bill would decentralize and decategorize existing programs, now conducted directly by the Federal Government, but on a phased basis—not all at once as the administration has proposed.

Under title I, State and local governmental and other prime sponsors would be given flexible funds for the conduct of a wide range of training and related employment programs.

In general, cities with a population of 75,000 or more, counties of 100,000 or more, and combinations thereof would be eligible to serve as prime sponsors under title I, with States responsible for other areas and for insuring coordination and the effective use of resources over the entire State; under these provisions approximately 700 sponsors would deal directly with the Secretary, as in the case of the Emergency Employment Act. The Secretary would review local plans, or program statements, but principally from the standpoint of national criteria relating to priorities, objectives and procedures, as opposed to programmatic content.

Title II authorizes the Secretary to continue to fund existing "categorical" programs of special importance—for example Job Corps, Neighborhood Youth Corps, and opportunities industrialization centers, and to provide support, technical assistance, and job matching services.

Of the basic amounts authorized—$2.5 billion for fiscal year 1974, $3 billion for fiscal year 1975, and $3.5 billion for fiscal year 1976—the amounts allocated to title I would increase from 65 percent in the first year to 85 percent in the third year, with the remainder applied to title II.

The substantial amount of new funds each year should act as a real incentive for improvements in performance at the local level: assuming full appropriation of the amounts authorized, the funds for title I would increase from $1.6 billion in fiscal year 1974 to $2.9 billion in fiscal year 1976, while the Secretary's account would decrease from $900 million in fiscal year 1974 to $500 million in fiscal year 1976.

The Secretary, in allocating among State and local sponsors the amount added to local programs under title I in each subsequent year, is directed to take into account past performance, in accordance with objective criteria established in consultation with an independent interdisciplinary committee, as well as such factors as the number of unemployed persons in the area.

The Secretary would fund programs under title II directly to public and nonprofit private agencies and organizations, or if he wishes, through prime sponsors designated under title I; in so doing the Secretary would be governed by criteria relating to particular categorical programs and to the specific purposes of the act, as well as to allocation provisions to assure equitable coverages of States and other areas.

Mr. President, in vetoing the Employment and Manpower Act, the President stated that the bill's continued categorization of programs would "hamstring efforts of communities to adjust to changes in their local needs." Although this bill proposes a different timetable for decategorization and would identify the programs specifically in the legislation, I do not believe that it should be subject to that criticism. What is contemplated is a transitional period in which the Secretary, through his use of title II funds, will act as a catalyst weaving past efforts of demonstrated effeciveness and relevancy into the local fabric. As the Secretary's funds to do so decrease over the 3-year period, sponsors of categorical programs, having established a role in the new system, may look more securely to State and local prime sponsors for funding.

Second, it would provide for the involvement of educational, community action and similar agencies by insuring their eligibility for direct assistance under each title, their review and comment on the program statement, and their participation on Employment Councils, which each prime sponsor must establish; under the administration's bill they would not be given such a direct role.

Mr. President, the doctrine underlying revenue sharing—that those on the local level are in the best position to determine what is in their interest—must be applied beyond traditional units of government to various other institutions of the community which share interest in the objective of making it possible for more persons to obtain meaningful employment.

The bill contains unique provisions under which special funds are set aside on the one hand, divided equally between governmental prime sponsors and community action and similar anti-poverty agencies and, on the other, between governmental prime sponsors and educational agencies, for cooperative programs on the local level, in each instance these funds would be available only if the governmental prime sponsor and the other agency reach agreement on cooperative programs otherwise they would be redirected to other governmental prime sponsors and agencies who are able to agree upon such programs.

In respect to the schools, this is particularly important in light of the fact that about 40 percent of young people in poverty drop out of junior or senior high school without earning a diploma.

Third, it would give clear priority to economically disadvantaged persons with specific reservations of funds for migrants, Indians, older persons and other persons with particular needs, provisions for poor youth including the establishment of a summer youth employment fund and a new program and provisions to meet the employment and training needs of heroin addicts and other drug-abusing persons.

Mr. President, at the current time, manpower programs cover approximately 1 million of the more than 12 million persons which the Department of Labor estimates could benefit therefrom.

Therefore, although we must fight for more funds, hard decisions must sometimes be made with respect to the allocation of existing resources.

The economically disadvantaged—those persons who live below the poverty level of approximately $4,000 for a family of four—must receive special attention not only because they are the major recipients under existing authority, but because of the welfare problem. In the category of families on welfare alone, the Department estimates that there are approximately 2 million persons who would be subject to the work requirements under H.R. 1, the proposed Family Assistance Act, who will be difficult to place without further training or employment opportunities. In comparison, the President's Family Assistance Act, in its present form in H.R. 1, will provide only 200,000 employment and 412,000 training opportunities per year, against these overwhelming needs.

We should give special attention to the needs of poor youth—who constantly experience unemployment levels of four to seven times the national norm, and whose lack of opportunity is aggravated particularly in the summer months, according to the most recent statistics, unemployment in poverty levels is at 25.7 percent, with a rate of 34.7 percent among black teenagers.

The bill provides continued authority for the Job Corps, insures that youth, like their campus counterparts, have a voice on advisory councils, establishes a special youth employment assistance fund for the summer months and authorizes special model youth programs on a neighborhood basis.

Without this emphasis I am concerned that the priority given to youth, who constitute approximately 73 percent of those now served under existing authority, will be lost; preliminary results from the Emergency Employment Act show that where States and cities hired without such priority, youth constituted less than 14 percent of persons covered by the act.

Mr. President, no facts are more startling in combination than that there are as many as 560,000 drug addicts in the Nation—half of which are in New York City—and that expenditures of the Department of Labor in fiscal year 1972 for manpower training programs for such persons is at $728,356—less than one-twentieth of 1 percent of the Department of Labor's manpower budget; there is much we do not know, but clearly much more must be done.

The bill would establish a special national emphasis program of employment and training for heroin addicts and other drug-abusing persons, require State and local prime sponsors to coordinate their activities with programs providing methadone maintenance and other treatment, and insure that such persons are not "screened out" of existing programs.

Any comprehensive program should give attention also to the employment needs of criminal offenders. During this fiscal year, Department of Labor manpower programs will reach only 4,000 defendants, approximately three-tenths of 1 percent of the total of one and a quarter million individuals who are under the jurisdiction of the criminal justice system at any one time. With respect to correctional institutions, the Department of Labor programs will reach 6,000 inmates nationwide while 400,000 persons—60 times that number—are not incarcerated in correctional institutions in the Nation.

S. 2962, the Correctional Manpower Training Act, which I introduced on December 7, 1971, with 18 cosponsors, as an amendment to the Manpower Development and Training Act, would establish a special program for that group; I hope that this subject will be considered by the Subcommittee on Employment, Manpower, and Poverty as a part of manpower reform.

Fourth, it contains new provisions to insure that training leads to jobs and that public service employment opportunities, which sponsors may fund under the act, lead transitionally to nonsubsidized job opportunities, as well as provisions to encourage the greater involvement of the private sector.

Mr. President, there is a growing disenchantment with training programs as such and an increasing desire for the allocation of available resources to public service jobs.

This is understandable in light of the fact that training too often has failed to lead to a job.

But this does not mean that we should drop training and pour all of our resources immediately into public service employment.

The use of training programs will still represent a sound allocation of resources since so many jobs continue to go unfilled, for example, in January 1972 there were 87,000 jobs available in manufacturing firms. We must, however, link training to the jobs that are or will become available.

The bill I introduce today authorizes training programs only where the Secretary determines that there is a reasonable likelihood that they will lead to employment.

And it provides 100 percent Federal matching, in contrast to the 90 percent which would apply usually under the bill, in cases where prior to training arrangements are made for a job upon the completion of training.

Mr. President, just as we need training to match unemployed or underemployed people with available jobs, we need to create additional jobs since even at so-called acceptable unemployment—in the 4-percent range—there are approximately 3 million persons who are unemployed.

We therefore need—and I support—an enlarged public service employment program; this proposal, like the administration's would permit State and local prime sponsors to use their allocated funds on a flexible basis for such programs, which would be permanent in the sense that they would be operative irrespective of the unemployment rate.

Mr. President, training for its own sake is clearly poor policy, but so, in my view will be job creation for its own sake.

We need a carefully honed policy of job creation in the public sector which focuses on individual needs, with attention to those most in need. And we need a program which supplements training in some instances and complements it in others and which proceeds in cooperation with rather than in isolation from the regular public and private sectors.

The bill I introduce extends priority to the economically disadvantaged for participation in public service employment programs.

And importantly, it is designed to view public service employment, although permanent as a program, as transitional as to the individual—that is to lead wherever possible to nonsubsidized job opportunities in the public or private sector.

This does not mean that mobility shall be the rigid rule, but that it, rather than permanency, shall be our starting point, assumption, and goal.

The bill directs the Secretary to establish procedures for review of other opportunities on a regular basis, and grants full Federal payment to the cost of programs in which prior arrangements have been made for nonsupported employment in the public or private sector, thus providing an incentive for the public sector to review and upgrade participants for regular public opportunities and to seek arrangements with the private sector for other participants.

I reject as arbitrary and unrealistic the administration's proposal, which would place a 2-year limit on an individual's participation in a public service job program.

Mr. President, it is important to emphasize the continued need for involvement of the private sector in meeting the manpower training and employment needs of the disadvantaged. Despite great past contributions—for example the provision of more than 700,000 jobs over the past 5 years by the National Alliance of Businessmen under the JOBS program—there is danger, with all the talk of public sector employment, that the private sector will not contribute to its full capacity.

The bill authorizes private sector programs on the local level and contains a new authority for a 2-year demonstration program to test the use of certificates or vouchers in the provision of training and manpower services. This proposal, which is described more fully in materials which I shall place in the Record, would apply in the manpower field the approach which has been a success on a trial basis in the housing field, upon the urging of Senator Brooke, a cosponsor of this bill.

Of course, we must learn also from the experience with tax credits under the recent amendments to the Social Security Act, and improve those provisions if necessary.

Unfortunately, attention on H.R. 1, the Family Assistance Act, has elevated the promise of "workfair" far above our ability to deliver the resources which individuals require to cut their own road out of poverty and unemployment. Most Americans want to work; indeed statistics provided by the Department of Health, Education and Welfare to the Senate Committee on Finance show that 70 percent of family heads on welfare work to some extent, but in jobs that are inadequate to provide for their families.

We should not assume that the poor do not want to work—because they do—merely because we as a Nation have failed to provide the opportunity for training and related employment.

There will soon be a Senate-House Conference to deal with the interim extension of the Manpower Development and Training Act; the House has voted to extend the Act for one year, through June 30, 1973, while the Senate has voted to extend only the contract authority to permit funding of programs lasting for as much as a year beyond this June 30 if entered into before that date. An extension of the authority under title I of the Economic Opportunity Act, proposed by Senator Nelson and myself in S. 3010, is now before the Senate Committee on Labor and Public Welfare. If the Conference does not deal adequately with the problem of extension of the Manpower Development and Training Act then I shall add the one-year extension of the MDTA authority, which this bill contains, to the extension of the Economic Opportunity Act.

Mr. President, with these basic elements in mind, I hope that we will move quickly to establish a new direction in training and related employment programs for the 1970's.

Mr. President I ask unanimous consent that in addition to the bill itself, the following documents be printed at this point in the Record: a section-by-section analysis of the bill; which includes a summary of funds authorized thereunder; a comparison of the bill with S. 1243, the Manpower Revenue Sharing Act and S. 3867, and with the vetoed Employment and Training Act of 1970; a copy of my remarks in introducing S. 2962, the Comprehensive Correctional Employment and Training Act; a letter dated February 1, 1972, from Assistant Secretary of Labor, Malcolm Lovell, Jr., regarding the programs for drug addicts an article from the New York Times, dated December 14, 1971, describing a program conducted by VERA Institute of New York in providing employment opportunities to drug addicts and an excellent article by Sar Levitan, Center for Manpower Studies, the George Washington University entitled "Manpower Programs for a Healthier Economy."

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 3421

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Community Manpower Training and Employment Act of 1972".

STATEMENT OF FINDINGS AND PURPOSE

Sec. 2. (a) The Congress finds and declares that—

(1) millions of economically disadvantaged persons, including youth, continue to suffer from lack of opportunity for employment and training, resulting in hardship to such individuals and in increased welfare dependency;

(2) there are many millions of other persons who are unemployed or are employed below their capacity who, with appropriate employment and training opportunities, could make a greater contribution to the national economy and share more fully in its benefits;

(3) at the same time, the prosperity, economic stability, and productive capacity of the United States are limited by a shortage of workers to perform many tasks in the private sector, and substantial needs in the public sector, in fields such as environmental quality, health care, education, public safety, and other areas, which remain unfulfilled;

(4) It is within the capability of the United States to attain the objective of the Employment Act of 1946 "to provide maximum employment, production and purchasing power" by assuring to every American seeking work a full opportunity, within the framework of a free society to prepare for and obtain employment at the highest level of productivity, responsibility, and remuneration within the limits of his or her abilities;

(5) experience under programs conducted under title I of the Economic Opportunity Act of 1964 and the Manpower Development and Training Act of 1962 and related programs have demonstrated the importance of the application of substantial Federal resources to attain the objectives of maximum employment;

(6) at the same time, experience under such programs has identified the need to increase the responsibilities of State and local governments and other local institutions in the conduct of such programs, to give greater attention to the employment-related objectives of such programs and to apply more substantial resources for such programs, with particular emphasis upon persons most in need.

(b) It is therefore the purpose of this Act to establish an increasingly flexible and decentralized system for the provision of employment and training opportunities, by providing Federal funds for such purposes on an increasing basis to State and local governments in combination with other local institutions, to increase the availability of such opportunities, with emphasis upon persons most in need, and to insure that training and other programs lead to employment.

AUTHORIZED APPROPRIATIONS

Sec. 3. (a) For the purpose of carrying out this Act, there are authorized to be appropriated $2,500,000,000 for the fiscal year ending June 30, 1974, $3,000,000,000 for the fiscal year ending June 30, 1975, and $3,500,000,000 for the fiscal year ending June 30, 1976.

(b) For the purpose of providing training, technical assistance, planning and such other activities as the Secretary deems necessary and appropriate to prepare for the implementation of this Act and for the purpose of programs authorized pursuant to paragraphs (6) and (7) of section 202 and section

205 and section 206 of this Act, there is authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973.

(c) The amounts appropriated under subparagraph (a) to carry out this Act for any fiscal year shall be allocated among the titles of this Act in such a manner that of the amounts appropriated—

(1) there shall be allocated for Community Training and Employment programs pursuant to title I of this Act an amount equal to 65 per centum of the amounts appropriated for the fiscal year ending June 30, 1974, 75 per centum of the amounts appropriated for the fiscal year ending June 30, 1975, and 85 per centum of the amounts appropriated for the fiscal year ending June 30, 1976; and

(2) the remainder in each fiscal year shall be allocated for Special Federal Responsibilities under title II of this Act.

(e) In order to make funds available to complete any grant or contract entered into prior to the effective date of this Act under the Manpower Development and Training Act of 1962, or title I of the Economic Opportunity Act of 1964, the Secretary may transfer sums newly authorized under this Act for that purpose.

(f) Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this subsection, funds appropriated to carry out this Act which are not obligated prior to the end of the fiscal year for which such funds were appropriated shall remain available for obligation during the succeding fiscal year, and any funds obligated in any fiscal year may be expended during a period of two years from the date of obligation.

ADVANCE FUNDING

SEC. 4. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, the provisions of subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

DEFINITIONS

SEC. 5. As used in this Act, the term—

(1) "Secretary" means the Secretary of Labor.

(2) "State" means the several States and the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(3) "Local service company" means a community development corporation or other corporation, partnership, or other business entity organized to operate an employment or training program or compenent thereof and owned or operated in substantial part by economically disadvantaged, unemployed or underemployed, residents of the area to be served.

(4) "Health care" includes, but is not limited to, preventive and clinical medical treatment, family planning services, nutrition services, and appropriate psychiatric, psychological, and other services.

(5) "City" means an incorporated municipality having general governmental powers.

(6) "Wagner-Peyser Act" means "An Act to provide for the establishment of a national employment system and for cooperation wtih the States in the promotion of such system, and for other purposes", approved June 6, 1933 (48 Stat. 113), as amended.

(7) "Public service" includes, but is not limited to, work in such fields as environmental quality, health care, education, public safety, anti-poverty work in local public and private nonprofit organizations, crime prevention and control, prison rehabilitation, transportation, recreation, housing and neighborhood improvements, rural development, and other fields of human betterment and community improvement.

(8) "Unemployed persons" means—

(A) persons who are without jobs and who want and are available for work and

(B) adults who or whose families receive money payments pursuant to a State plan approved under title I, IV, X, or XVI of the Social Security Act or food stamps or surplus commodities under the Agriculture Act of 1949 or the Food Stamp Act of 1964 (1) who are determined by the Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, to be available for work, and (2) who are either (i) persons without jobs, or (ii) persons working in jobs providing insufficient income to enable such persons and their families to be self-supporting without welfare assistance;

and the determination of whether persons are without jobs shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining persons as unemployed;

(9) "Underemployed persons" means—

(A) persons who are working part time but seeking full-time work;

(B) persons who are working full time but receiving wages below the poverty level determined in accordance wtih criteria as established by the Director of the Office of Management and Budget;

(10) "Economically disadvantaged person" means a person whose annual income is less than the "poverty level" as defined by the Director of the Office of Economic Opportunity.

(11) "minority group" includes, but is not limited to, persons who are Negro, American Indian, Spanish-surnamed American, Portuguese, or Oriental, and, as determined by the Secretary, persons who are from environments in which a dominant language is other than English and who, as a result of language barriers, may need special assistance, and, for the purpose of this paragraph, Spanish-surnamed Americans include persons of Mexican, Puerto Rican, Cuban, or Spanish origin or ancestry;

(12) "bilingual" means, but is not limited to, persons who are Spanish surnamed, American Indian, Oriental, Portuguese, or others who have learned to speak the language of the minority group of which they are members and who, as a result of language barriers, may need special assistance;

(13) "unit of general local government" shall mean any public agency having general governmental powers substantially similar to those of a city.

TITLE I—COMMUNITY TRAINING AND EMPLOYMENT PROGRAMS

DESCRIPTION OF PROGRAMS

SEC. 101. The comprehensive programs for which funds may be provided under this title shall include provision of employment and training opportunities and related services needed to enable economically disadvantaged, unemployed and underemployed individuals to secure and retain employment consistent with their full potential. Such services may include, but are not limited to:

(1) Programs to make persons aware of the availability of employment and training and related services and to encourage the full utilization of such services.

(2) Assessment of the individual and his potential and interests and referral to appropriate employment, training, and related services.

(3) Orientation, counseling, education and institutional training to prepare the individual to enter the labor market or to qualify for more productive job opportunities.

(4) Public service employment in jobs providing needed public services and related training and services.

(5) Programs to encourage and to provide incentives to private employers, nonprofit organizations and public employers to train or employ economically disadvantaged, unemployed or underemployed persons, including arrangements by direct contract, for reimbursement to employers for the costs of recruiting and training such employees to the extent that such costs exceed those customarily incurred by such employer in recruiting and training new hires, payment for on-the-job counseling and other supportive services, transportation, and payments for other extra costs including supervisory training required by the program.

(6) Programs to provide full- and part-time employment for economically disadvantaged, unemployed, or underemployed persons who are in the ninth through twelfth grades of school or who are not attending school but are of equivalent ages, including but not limited to summer on-the-job training, employment, and work experience programs in youth training centers, special job development programs in public and private agencies, and related supportive services.

(7) Special programs for jobs in public and private agencies leading to career opportunities in the public service which provide maximum prospects for advancement and continued employment without Federal assistance, which give promise of contributing to the broader adoption of new methods of structuring jobs and new methods of providing job ladder opportunities, and which provide opportunities for further occupational training to facilitate career advancement.

(8) The development of job opportunities through the establishment and operation of skill training and other centers for economically disadvantaged, unemployed or underemployed persons, providing recruitment, counseling, remediation, vocational training, job development, job placement, and other appropriate services.

(9) Special programs which involve work activities directed to the needs of those chronically unemployed economically disadvantaged persons who have poor employment prospects and are unable (because of age, physical condition, obsolete or inadequate skills, declining economic conditions, criminal records, former drug-addiction, alcoholism, other causes of a lack of employment opportunity, or otherwise) to secure appropriate employment or training assistance under other programs. Such projects, in addition to other services provided, shall enable such persons to participate in projects for the betterment or beautification of the community or area served by the program, including but not limited to activities which will contribute to the management, conservation, or development of natural resources, recreational areas, Federal, State, and local government parks, highways, and other lands; the rehabilitation of housings; the improvement of public facilities; and the improvement and expansion of health care, education, child care, and recreational services.

(10) Payment of allowances for training, and for transportation, subsistence, or other expenses incurred while participating in employment or training programs, where such allowances are necessary to enable the individual to participate therein.

(11) Supportive services to enable individuals to take advantage of employment and training opportunities, including basic education, necessary health and medical services, child care, residential support, assistance in securing bonds, or any other necessary assistance incident to employment,

and any other service needed to participate in employment and training programs.

(12) Special job development programs with public or private employers, including employment centers and mobile employment service units to provide recruitment, counseling, and placement services, conveniently located in urban and rural areas and particularly accessible to economically disadvantaged persons.

(13) Development of information concerning the labor market and activities, such as job restructuring, to make such activities more responsive to objectives of employment and training programs.

(14) Such other activities as the Secretary may deem consistent with the purposes of this Act.

ELIGIBLE APPLICANTS

SEC. 102. (a) The Secretary is authorized to enter into arrangements with any eligible applicant in accordance with the provisions of this title in order to make financial assistance available for the purpose of carrying out comprehensive employment and training programs and related services where the Secretary determines that such programs and related services can be most effectively implemented by such applicant.

(b) For the purpose of entering into arrangements with the Secretary under this title, eligible applicants shall be—

(1) prime sponsors designated pursuant to plans approved by the Secretary under section 103; and (2) other public and private agencies, institutions, and organizations, including community action agencies and local service companies.

PRIME SPONSORS

SEC. 103. (a) For the purposes of this title—

(1) any State; and

(2) any unit of general local government—

(A) which is a city which has a population of seventy-five thousand or more persons on the basis of the most satisfactory current data available to the Secretary; or

(B) which is a county or other unit of general local government which has a population of one hundred thousand or more persons on the basis of the most satisfactory current data available to the Secretary and which is determined by the Secretary, in accordance with such regulations as he shall prescribe, to have general governmental powers substantially similar to those of a city and to serve a substantial part of a functional labor market area; or

(C) which does not meet the population criteria in clause (A) or (B) and which has the largest population of a unit of general local government in the State otherwise meeting the requirements of clause (A) or (B); and

(3) any combination of such units of general local government having a total population of one hundred thousand or more persons on the basis of the most satisfactory current data available to the Secretary, and which is determined by the Secretary, in accordance with such regulations as he shall prescribe, to serve a substantial part of a functional labor market area and to have at least one such unit having general governmental power substantially similar to those of a city; and

(4) any unit or combination of units of general local government, without regard to population, in rural areas designated by the Secretary which have substantial outmigration and high unemployment;

shall be eligible to be a prime sponsor of a comprehensive community employment and training program in accordance with the provisions of this section.

(b) Any State or unit (or combination of units) of general local government which is eligible to be a prime sponsor under subsection (a) and which desires to be so designated in order to enter into arrangements with the Secretary under this title shall submit to the Secretary a prime sponsorship plan describing the area to be served and including provisions which evidence capability for carrying out effectively a program statement in accordance with section 104 of this title and provisions for the establishment of a community employment council which—

(1) provide that the chief executive officer or officers of the unit or units of government establishing such council shall appoint the members of the council and shall designate one member to be chairman;

(2) provide that the council shall include members who are representative of community action programs; other significant segments of the community to be served; the public employment service; education and training agencies and institutions, including vocational educational agencies and community postsecondary educational and training institutions; social service programs, including child care, environmental quality, health care, recreation, vocational rehabilitation, and welfare agencies; industrial development organizations, apprenticeship programs; business; labor; and civil rights and veterans organizations including economically disadvantaged persons to be served including economically disadvantaged youth.

(3) provide that the chairman of the council shall, with the approval of the council, appoint a staff director who shall supervise professional, technical, and clerical staff serving the council;

(4) set forth procedures under which program statements for any fiscal year will be submitted by the prime sponsor which shall be responsible for planning for and carrying out services for which financial assistance is provided under this title and under which appropriate arrangements may be made for the council's participation in planning and development, including initial preparation of such program statements;

(5) set forth the prime sponsor's plans (adopted after full consultation with the council) for conducting on a continuing basis surveys and analyses of need for employment training and related services in the area served by the prime sponsor to be used in the development of program statements under this title;

(6) set forth arrangements assuring that community action agencies, other community-based organizations, and educational institutions will be involved in the development of program statements and in the implementation of programs assisted under this title; and

(7) set forth the council's plans for evaluating the effectiveness of programs for which financial assistance is provided under this title.

(c) In any case in which a State has submitted a plan under this section to serve a geographical area under the jurisdiction of a unit (or combination of units) of general local government which is eligible under paragraph (2), (3), or (4) of subsection (a) and which has submitted a plan meeting the requirements set forth in subsection (b), the Secretary shall approve the latter plan after carrying out the procedures set forth in subsection (d). When two or more units (or combination of units) of general local government each submit plans which include a common geographical area under their respective jurisdictions and which are consistent with the purposes of this title and meet the requirements set forth in subsection (b), the Secretary, in accordance with such regulations as he shall prescribe, shall approve for that geographical area the plan of that unit of general local government which he determines will most effectively carry out the purposes of this title.

(d) The Secretary shall not approve a prime sponsorship plan submitted under this section unless—

(1) the plan was submitted to the Secretary by such date as the Secretary shall prescribe by regulation, prior to the date such plan is to take effect, in order to provide a reasonable period of time for review in accordance with the provisions of this section;

(2) a copy of such plan has been submitted for comment thereon to the Governor or other chief executive officer of the appropriate State; the Governor has been provided such period of time, as the Secretary shall prescribe by regulation, after the copy of such plan was sent to him, during which time he may submit comments on such plan to the Secretary, a copy of which comments shall be sent to the plan applicant in advance of submission to the Secretary; and, if comments have been submitted by the Governor, the Secretary shall confer with and encourage the plan applicant to resolve any difference arising from such comments;

(3) in the case of a plan submitted by a State, satisfactory arrangements are set forth for serving all geographical areas under its jurisdiction except for areas for which a local prime sponsorship plan is approved under this section;

(4) the plan was made public upon submission to the Secretary, in accordance with regulations promulgated by the Secretary.

(e) In the event that a unit (or combination of units) of general local government eligible to be a prime sponsor under subsection (a) does not submit a plan meeting the requirements set forth in this section, a community action agency or other nonprofit, community-based organizations serving a geographical area under the jurisdiction of such unit may submit a prime sponsorship plan for that area.

(f) Except as provided in subsections (c) and (d), the Secretary may approve any prime sponsorship plan submitted under this section if it is consistent with the provisions of this title. A plan submitted under this section may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided—

(1) written notice of intention to disapprove such plan, including a statement of the reasons therefor;

(2) for a reasonable time to submit corrective amendments to such plan; and

(3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

(g) For the purpose of making such payments as may be reasonably necessary to cover the staff and other administrative expenses of the community employment councils established pursuant to subsection (b) and to support other planning and evaluative activities of prime sponsors, the Secretary shall reserve not less than 1 per centum of the amounts available for title I.

PROGRAM STATEMENTS

SEC. 104. (a) Prior to the receipt of financial assistance under this title for any fiscal year, each eligible applicant shall develop a program statement, which statement shall be binding upon such eligible applicant and shall include—

(1) a statement of manpower needs and priorities in the area, description of the services for which such financial assistance will be used, and performance goals, as determined by the Secretary;

(2) the identity of any agency or agencies designated to carry out such services under such supervision;

(3) any arrangements made for services to be performed, on a reimbursable basis or otherwise, by the public employment service or any other public or private agency, institution, or organization;

(4) a description of the areas to be assisted by such programs, including data indicating

the number of potential eligible participants; and

(5) such other information, assurances, statements, and arrangements as the Secretary may require pursuant to his special responsibilities under section 201 of this Act or which he otherwise deems necessary, in accordance with such regulations as he shall prescribe.

(b) Funds may be provided by the Secretary upon the approval by him of a program statement submitted by an approved eligible applicant as provided in subsection (c).

(c) A program statement or modification or amendment thereof, for financial assistance under this title, may be approved only if the Secretary determines that—

(1) the application is consistent with the purposes of this title;

(2) an opportunity has been provided to any community action agency in the area to be served to submit comments with respect to the program statement to the applicant, the Secretary, and to the Director of the Office of Economic Opportunity;

(3) an opportunity has been provided to the appropriate local or State agency or agencies having responsibility for vocational education, vocational rehabilitation and other related agencies to submit comments with respect to the program statement to the applicant, the Secretary, and the Secretary of Health, Education, and Welfare;

(4) an opportunity has been provided to the Governor or other chief executive officer of the State to submit comments with respect to the application to the applicant and to the Secretary;

(5) an opportunity has been provided to officials of the appropriate units of general local government to submit comments with respect to the applicant and to the Secretary.

(d) If any State, unit of general local government, or any interested public or private agency submits to the Secretary a written statement and supporting reasons alleging that, with respect to the area served by such unit, the prime sponsor is not complying with the requirements for program statement under this section or other applicable sections of this Act or is maintaining a pattern or practice of exclusion of economically disadvantaged persons or members of a minority group and giving its reasons for the allegation, the Secretary shall, in accordance with regulations he shall prescribe, in no more than thirty days from the date he receives such written statement, make a decision on the allegation, after providing the prime sponsor with a copy of the written statement and with a reasonable opportunity to respond in writing and holding such conferences and hearings as he deems appropriate. The Secretary shall transmit to all interested parties a written statement of his decision, including his findings and supporting reasons. Until he makes such decision, the Secretary shall withhold approval of so much of a prime sponsor's pending program statement under this Act as relates directly to the matter under contention. With respect to allegations not involving such pending program statement, nothing in this subsection shall in any way require the Secretary to withhold any financial assistance under this Act. If the Secretary determines that the requirements of this section or other sections of this Act will not be complied with, then he shall enter into direct arrangements with the appropriate unit of general local government or any other public or private agency with respect to the programs involved, and funds which would otherwise be available to the prime sponsor for such programs shall be made available through such direct arrangements. If the Secretary finds upon examination of the allegation that it requires no investigation because it is frivolous on its face, he may reject the allegation summarily without regard to the procedures required in this subsection except for transmission of a written decision to the interested parties.

SPECIAL REQUIREMENTS FOR STATES

SEC. 105. (a) Any State seeking assistance under this title or the Wagner-Peyser Act shall submit an annual comprehensive State employment and training plan to the Secretary for approval in accordance with the requirements of this section.

(b) The comprehensive State employment and training plan shall—

(1) indicate the extent to which all State agencies providing employment, training and related services will be available to cooperate with local prime sponsors designated under this title and, at the request of the local prime sponsor, participate in the development and implementation of program statements by prime sponsors in accordance with the provisions of this Act;

(2) provide for the development and publication of information regarding economic, industrial, and labor market conditions which will be useful and made available to assist prime sponsors in the development and implementation of program statements under this Act, including but not limited to job opportunities and skill requirements, labor supply in various skills, occupational outlook and employment trends in various occupations, and economic and business development and location trends;

(3) provide for the conduct of programs financed under the Wagner-Peyser Act in accordance with such rules, regulations, and guidelines as the Secretary determines necessary for the purpose of providing effective assistance to those individuals requiring employment, training, and related services to achieve their full occupational potential in accordance with the policy of this Act; and

(4) provide, without reimbursement and upon request, to any prime sponsor serving an area within the State, such information, technical assistance and advice as may be necessary and appropriate to assist the prime sponsor in developing and implementing the prime sponsorship plan and program statements submitted under sections 103 and 104 respectively.

(c) The Secretary may reserve not to exceed 5 per centum of the funds allocated for use in any State pursuant to subsection (c) of section 107 of this Act, to any State for the purposes of this section.

PAYMENTS

SEC. 106. (a) In accordance with this section, the Secretary shall pay from the applicable allocation or apportionment under section 107 the Federal share of the costs of programs, services, and activities, in accordance with program statements which have been approved as provided in this title.

(b)(1) Except as provided in paragraph (2) of this subsection, the Secretary shall pay an amount not in excess of 90 per centum of the cost of carrying out programs, services, and activities under this title. The Secretary may, in accordance with such regulations as he shall prescribe, approve assistance in excess of such percentage if he determines that such action is required to provide adequately for the employment, training and related needs of economically disadvantaged persons.

(2) The Secretary shall pay the full cost of public service employment programs and training programs in which prior arrangements are made for subsequent nonsupported employment of participants with public or private employers, in accordance with regulations promulgated by the Secretary.

(c) The non-Federal share of the costs of programs, services, and activities assisted under this title may be provided through public or private funds and may be in the form of cash, goods, services, or facilities (or portions thereof that are used for program purposes) reasonably evaluated, and employee and employer contributions.

(d) If, with respect to any fiscal year, a prime sponsor provides non-Federal contributions for any program, service, or activity exceeding its requirements, such excess may be applied toward meeting the requirements for such contributions for the subsequent fiscal year under this title.

(e) No State or locality shall reduce its expenditures for training or employment programs by reason of financial assistance under this title.

ALLOCATIONS OF FUNDS

SEC. 107. (a) The amounts allocated for carrying out this title for any fiscal year pursuant to subsection (a) of section 3 shall be made available in the following manner—

(1) 10 per centum of the sums appropriated for this title shall be reserved by the Secretary of Labor for the purposes of section 108;

(2) 10 per centum of the sums appropriated for this title shall be reserved by the Secretary of Labor for the purposes of section 109;

(3) Not less than that portion of funds appropriated for this title which is equivalent to that portion which the total number of economically disadvantaged Indians and Alaska Natives bears to the total number of economically disadvantaged persons in the Nation shall be available under title I only for programs and projects designed to meet the employment and training needs of such Indians and Alaska Natives;

(4) Not less than that portion of funds appropriated for this title which is equivalent to that proportion which the total number of economically disadvantaged migrant and seasonal farmworkers bears to the total number of economically disadvantaged persons in the Nation shall be available under title I only for programs and projects designed to meet the employment and training needs of such migrant and seasonal farmworkers;

(5) Not less than that portion of funds appropriated for this title which is equivalent to that proportion which the total number of economically disadvantaged heads of households who are forty-five years of age and older and are not in the labor force or are unemployed bears to the total number of economically disadvantaged persons in the Nation shall be available under title I only for programs and projects designed to meet the special employment and training needs of such heads of households who are forty-five years of age and older and are not in the labor force or are unemployed; and

(6) Not less than that portion of funds appropriated for this title which is equivalent to that proportion which the total number of economically disadvantaged persons with limited English-speaking ability bears to the total number of economically disadvantaged persons in the State shall be available under title I only for programs and projects designed to meet the special employment and training needs of such persons with limited English-speaking ability;

(b) Except as provided in subsection (d) of this section, the remainder of such amounts shall be apportioned among the States in accordance with the proportion which the total number of economically disadvantaged persons, and the number of unemployed persons in each such State bears to such total numbers, respectively, in the United States, but not less than $1,500,000 shall be apportioned to any State, except that not less than $150,000 each shall be apportioned to the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(c) The amount apportioned to each State under subsection (b) shall be apportioned among areas within each such State in the proportion which the total number of economically disadvantaged and the number of unemployed persons in each such area bears to such total numbers, respectively, in the State.

(d) For each fiscal year after July 1, 1975, the additional amount to be distributed among the States by reason of the application of paragraph (d) of section 3 of this

Act shall be allocated by the Secretary among the States and among prime sponsors within the States on the basis of the factors set forth in subsections (b) and (c) of this section and upon the basis of the relative performance of such prime sponsors, in accordance with exemplary standards established by the Secretary on the basis of the criteria set forth in section 201 of this Act, after consideration of recommendations of the National Employment and Training Advisory Committee established under section 207 of this Act, which standards shall be published prior to the period with respect to which performance is to be assessed.

(e) The Secretary is authorized to make reallocations for such purposes under this title as he deems appropriate of the unobligated amount of any apportionment under subsections (b) and (c) to the extent that the Secretary determines that it will not be required for the period for which such apportionment is available. No amounts apportioned under subsections (b) and (c) for any fiscal year may be reallocated for any reason before the expiration of the ninth month of the fiscal year for which such funds were appropriated and unless the Secretary has provided fifteen days advance notice to the prime sponsor for such area of the proposed reallocation.

(f) As soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by subsection (a), (b) and (c) of this section.

SPECIAL MODEL COOPERATIVE PROGRAMS WITH COMMUNITY ACTION AND OTHER COMMUNITY-BASED ORGANIZATIONS

SEC. 108 (a) The Secretary of Labor shall allocate one-half of the sums reserved pursuant to paragraph (1) of subsection (a) of section 107 of this title for the purpose of this section among governmental prime sponsors designated under title I and shall transfer the remainder of such sums to the Director of the Office of Economic Opportunity. The Director of the Office of Economic Opportunity shall allocate such funds, on an equitable basis and after consideration of the capacity of such agencies, corporations, and cooperatives to carry out the purposes of this section, among community action agencies, community development corporations, and rural cooperatives eligible for assistance under the Economic Opportunity Act of 1964. Funds received under this section shall be used by such agencies, corporations, and cooperatives in cooperation with the appropriate prime sponsor for the purpose of special model cooperative programs pursuant to program statements to meet the special needs of economically disadvantaged persons, including but not limited to (A), the establishment of programs informing economically disadvantaged persons of the availability of employment and training programs and related services and identifying persons who could benefit particularly therefrom; (B) formulating, establishing, and conducting elements of employment and training programs and services particularly responsive to the special needs of economically disadvantaged persons and significant segments thereof; (C) the establishment of neighborhood centers for employment and training and the provision of such programs in existing centers in urban and rural areas having high concentrations or substantial numbers of economically disadvantaged persons. One-half of the assistance furnished under this section shall be paid from funds furnished to prime sponsors by the Secretary of Labor pursuant to this section.

(b) Nothing in this section shall be construed to limit the opportunity of any agency, corporation, or cooperative receiving assistance under this section from otherwise receiving assistance under this Act.

SPECIAL MODEL COOPERATIVE PROGRAMS WITH EDUCATIONAL AGENCIES

SEC. 109. (a) The Secretary of Labor shall allocate one-half of the sums reserved pursuant to paragraph (2) of subsection (a) of section 107 of this title among governmental prime sponsors designated under title I for the purposes of this section and transfer the remainder of such sums to the Secretary of Health, Education, and Welfare. The Secretary of Health, Education, and Welfare shall allocate such funds, on an equitable basis and after consideration of the capacity of such agencies to carry out the purposes of this section, to educational and other agencies and institutions eligible for assistance under the Vocational Education Act, the Allied Health Professions Personnel Training Act, the Elementary and Secondary Education Act, the Vocational Rehabilitation Act, and the Higher Education Act. Funds received under this section shall be used by such agencies in cooperation with the appropriate prime sponsor for the purpose of planning and carrying out cooperative model educational and vocational educational programs and activities pursuant to program statements designed to lead to employment, with emphasis upon programs providing students who are in the ninth through twelfth grades of school, or who have left school or may potentially leave school, with guidance and outreach; work study programs; in-school job preparation efforts and job placement assistance designed to make students cognizant of employment and training services and programs providing vocational education for students below the ninth grade; and programs providing adult basic education. One-half of the assistance furnished under this section shall be paid from funds furnished to prime sponsors by the Secretary of Labor pursuant to this section.

(b) Nothing in this section shall be construed to limit the opportunity of any agency or institutions receiving assistance under this section from otherwise receiving assistance under this Act.

TITLE II—SPECIAL FEDERAL RESPONSIBILITIES

SPECIAL RESPONSIBILITIES OF THE SECRETARY

SEC. 201. (a) The Secretary, with the prior concurrence of the Director of the Office of Economic Opportunity shall establish appropriate procedures to ensure that—

(1) priority in programs conducted under this Act is given to economically disadvantaged persons.

(2) programs conducted under title I of this Act are implemented in accordance with approved program statements;

(3) due consideration is given by prime sponsors under title I of this Act to the continued funding of programs previously conducted under title I of the Economic Opportunity Act of 1964 as amended and the Manpower Development and Training Act of 1962, as amended;

(4) appropriate arrangements are made with community action agencies, and with other community based organizations for their participation in the conduct of programs for which financial assistance is provided under this Act;

(5) training provided under the Act has a reasonable prospect of leading to appropriate employment opportunities upon completion of such training;

(6) periodic reviews are conducted by an appropriate agency of the status of each person employed in a public service job under this Act to assure that in the event that any person so employed and the reviewing agency find that such job will not provide sufficient prospects for advancement or suitable employment, maximum efforts shall be made to locate employment or training opportunities providing such prospects, and that such person shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling;

(7) heroin addicts and other drug-abusing persons who are economically disadvantaged, unemployed, or underemployed persons who are participating in methadone maintenance, abstinence, or other therapeutic treatment programs, persons previously convicted of a crime have a full opportunity to participate in programs conducted under this Act; and

(8) due consideration is given in public service employment programs to the creation of employment opportunities with community action agencies, community development corporations, and rural cooperatives eligible for assistance under the Economic Opportunity Act of 1964, local services companies, and other community-based agencies, institutions, and organizations.

(b) The Secretary shall review the implementation of the procedures established under subsection (a) of this section six months after funds are first obligated under this Act and at each six-month interval thereafter.

SPECIAL NATIONAL PROGRAMS

SEC. 202. (a) The Secretary shall carry out the following special national programs by providing financial assistance to any public or private agency including any prime sponsor approved under section 103 of this Act:

(1) "Job Corps" program to assist economically disadvantaged persons who have not reached twenty-two years of age who need and can benefit from an unusually intensive program, operated in a group setting, to become more responsible, employable, and productive citizens, through the establishment of residential and nonresidential centers in which enrollees participate in intensive programs of education, vocational training, work experience, counseling, and other activities.

(2) "Mainstream" programs providing financial assistance for the support of projects which involve work activities directed to the needs of those chronically unemployed economically disadvantaged persons who have particularly poor employment prospects and are unable (because of age, physical condition, obsolete or inadequate skills, declining economic conditions, or otherwise) to secure appropriate employment or training and related services under other programs. Such projects, in addition to other services provided, shall enable such persons to participate in projects for the betterment or beautification of the community or area served by the program, including but not limited to activities which will contribute to the management, conservation, or development of natural resources, recreational areas, Federal, State, and local government parks, highways, and other lands; the rehabilitation of housing; the improvement of public facilities; and the improvement and expansion of health care, education, child care, antipoverty, and recreation services.

(3) "New Careers" programs providing economically disadvantaged or unemployed persons with jobs leading to career opportunities, including new types of careers, in programs designed to improve the physical, social, economic, or cultural condition of the community or area served in fields of public service, including but not limited to health care, education, welfare, recreation, child care, antipoverty, neighborhood redevelopment, and law enforcement, which provide maximum prospects for on-the-job training, promotion and advancement and continued employment without Federal assistance.

(4) "Opportunities Industrialization Centers" and other programs designed to provide comprehensive employment opportunities and training and related services for economically disadvantaged persons who are unemployed or underemployed including persons of limited English-speaking ability, migrants, and others through the establish-

ment of skill centers. Such services shall include recruitment, counseling, remedial education, vocational training, job development, job placement, health care, child care, and other appropriate services and adequate provisions to assure that (1) the residents of the area to be served by such programs are involved in the planning and operation of such centers and (2) the business community in the area to be served by such programs is consulted in its development and operation.

(5) "Neighborhood youth corps programs" to provide (a) part-time employment, on-the-job training, and useful work experience for economically disadvantaged students who are in the ninth through twelfth grades of school (or are of an age equivalent to that of students in such grades) and who are in need of earnings to permit them to resume or maintain attendance in school; (b) unemployed, underemployed, or economically disadvantaged persons (aged sixteen and over) with useful work and training (which must include sufficient basic education and institutional or on-the-job training) designed to assist those persons to develop their maximum occupational potential and to obtain regular competitive employment; and (c) job and related recreation opportunities for economically disadvantaged persons during the summer months. In the case of a program under subsection (a), the Secretary shall not limit the number or percentage of participants in the program who are fourteen or fifteen years of age. In the case of a program under subsection (b), the Secretary shall not limit the number or percentage of participants in any age group under twenty-two years of age, and the Secretary shall not limit the number of hours which participants may spend in work and on-the-job training to less than 80 per centum of the number of hours per week spent in the program, and allowances for such work and on-the-job training shall not be less than the minimum wage specified in section 6(a)(1) of the Fair Labor Standards Act of 1938.

(6) "Management training" programs under which education, training, and experience in business management are provided to enable economically disadvantaged persons to secure and retain business management opportunities or to establish their own business concerns. In carrying out the provisions of this section, the Secretary shall consult with the Secretary of Health, Education, and Welfare, the Secretary of Commerce, the Administrator of the Small Business Administration, and the Director of the Office of Economic Opportunity.

(7) "Drug rehabilitation employment assistance programs" providing employment training opportunities and related services for rehabilitated heroin addicts and other drug-abusing economically disadvantaged, unemployed, and underemployed persons who are participating in methadone maintenance, abstinence, or other therapeutic treatment programs including but not limited to public service supported work; special demonstration projects; assistance to provide employment and training and related services in programs conducted for the treatment and rehabilitation of such persons; assistance to employment and training programs under this Act and related authorities for the inclusion of such persons in such programs; and technical, financial, and other assistance to private employers to make available employment opportunities for such persons. In undertaking such programs the Secretary shall give special consideration to veterans with priority to those States and areas within the States having the highest percentages of heroin addicts.

(8) Such other programs as the Secretary may deem necessary in order to (A) meet the special needs of economically disadvantaged persons, or particular segments thereof, including but not limited to minority groups, Indians, and Alaska natives, migrant and seasonal farmworkers, heads of households who are forty-four years or older, persons with limited English speaking ability, (B) demonstrate the feasibility of conducting programs on the basis of a neighborhood or other area possessing a commonality of interest within the area of a unit of general local government, or (C) to otherwise fulfill the purposes of this Act.

(b) The Secretary is authorized to establish such procedures as he deems appropriate for the submittal of applications for assistance under this section.

(c) The Secretary shall allocate funds available for each of the special national programs conducted under subsection (a) among States and among urban and rural areas within States, on an equitable basis taking into consideration the purposes of such program and, to the extent practicable, the number of economically disadvantaged, unemployed, or underemployed persons to be served by such program within such State or area relative to the number of such persons in the Nation.

RESEARCH AND PROGRAM SUPPORT

SEC. 203. (a) In order to maximize the effectiveness of activities carried out by prime sponsors and other eligible applicants under title I of this Act, the Secretary shall, either directly or by way of grant contract, or other arrangement with public agencies and private organizations—

(1) provide training, staff development, and technical assistance;

(2) carry out a comprehensive program of research and experimental, demonstration, and pilot programs to improve understanding and methods of meeting employment and training needs;

(3) develop a comprehensive system of labor market information on a national, State, local or other appropriate basis, which shall be made publicly available in a timely fashion; and,

(4) establish and carry out a nationwide computerized job bank program on a regional, State, or local basis, using electronic data processing and telecommunications systems to the maximum extent possible for the purpose of identifying sources of available persons and job vacancies, providing an expeditious means of matching the qualifications of unemployed, underemployed, and economically disadvantaged persons with employer requirements and job opportunities, and referring and placing such persons in jobs;

(b) For the purpose of training, staff development, and technical assistance under paragraph (1) of subsection (a), the Secretary may reserve from the funds allocated to title II in each fiscal year such sums as he deems necessary: Except that the Secretary shall make available to the Secretary of Health, Education, and Welfare not less than 30 per centum of funds reserved under said paragraph for the purpose of carrying out training staff development and technical assistance programs relating to elements of a health, education, or welfare character with respect to which concurrence of the Secretary of Health, Education, and Welfare is required under subsection (a) of section 210.

SPECIAL YOUTH SUMMER EMPLOYMENT ASSISTANCE FUND

SEC. 204. (a) There is hereby established in the Treasury a revolving fund to be known as the Special Youth Summer Employment Assistance Fund (hereinafter referred to as the "fund"). There are authorized to be appropriated for such fund $450,000,000 for the fiscal year ending June 30, 1974, $500,000,000 for the fiscal year ending June 30, 1975, and $550,000,000 for the fiscal year ending June 30, 1976. Amounts appropriated pursuant to section 3 of this Act which are not needed for immediate expenditure in accordance with this Act and amounts appropriated pursuant to this section shall be deposited in such fund to be available for obligation without fiscal year limitation in accordance with this Act. The Secretary is directed to utilize sums deposited in the fund to provide assistance under this section.

(b) The Secretary shall enter into agreements with public agencies and private organizations, including eligible applicants under title I, subject to the provision of section 201 of this Act, in order to make financial assistance available for Neighborhood Youth Corps summer and other programs providing employment, training, and services for economically disadvantaged persons who have attained fourteen years of age, but not twenty-two years of age including programs providing financial incentives to private employers, nonprofit organizations and public employers to employ or train such persons during the summer months.

(c) The Secretary shall apportion funds made available pursuant to subsection (b) among urban and rural areas, including areas having high concentrations or substantial numbers of economically disadvantaged persons eligible under this section in such a manner as to ensure equitable coverage of eligible economically disadvantaged persons irrespective of residence.

SPECIAL MODEL YOUTH EMPLOYMENT PROGRAMS

SEC. 205. The Secretary may provide financial assistance to any public or private agency to carry out special model youth employment and training programs for economically disadvantaged unemployed and underemployed youth who have attained fourteen years of age, but not twenty-two years of age, including but not limited to the establishment of special youth employment service agencies to provide a channeling of employment and training resources to youth in a neighborhood, poverty area, or other area possessing a commonality of interest; the establishment and operation of special youth employment skill centers and facilities; programs involving the private sector in the solution of special employment problems of such youth; and services and activities dealing with youth who are criminal offenders as otherwise charged with a crime, heroin addicts, or other drug-abusing persons.

SPECIAL DEMONSTRATION PROGRAM

SEC. 206. (a) The Secretary is authorized to conduct a special program to demonstrate the afficacy of providing certificates to economically disadvantaged, unemployed, and underemployed persons entitling private employers who provide employment, training, and services to such persons at their request to payment in amount equal to the face value of the certificate for periods of time during which such person may not be fully productive.

(b) In order to implement subsection (a), the Secretary shall, during the two-year period beginning July 1, 1972, issue certificates to economically disadvantaged, unemployed, and underemployed persons entitling private employers who provide employment training and related services to such persons to reimbursement of part of the cost thereof. Such certificates shall be issued by the Secretary in accordance with regulations which he shall prescribe; except that—

(1) the amount of the certificate shall not exceed the comparable cost of other programs providing employment and training opportunities and related services, but the Secretary may issue certificates in different amounts based either upon the extent of employment, training and services to be offered to the individual or to test the relative effectiveness of certificates of differing amounts;

(2) the Secretary shall insure, to the maximum extent consistent with the purposes of this section, that the demonstration is con-

ducted so as to benefit, on an equitable basis, economically disadvantaged, unemployed, and underemployed persons residing in rural and urban areas;

(3) no certificate shall be issued to any person receiving assistance (except referral or counseling services) under any other employment or training program conducted under this or any other Act;

(4) the Secretary shall insure that the certificate relates only to employment training and services which will provide preparation to the participant for employment appropriate to his or her abilities.

(c) Upon receipt of any certificate the Secretary shall pay to any private employer, in accordance with its terms, the amount of its face value. Such payments shall be made by the Secretary in accordance with regulations prescribed by the Secretary, on a periodic or lump-sum basis; except that—

(1) the Secretary shall prescribe, as a condition to receipt of all, or a portion, of the face amount, that the employer continue to employ the participant for no less than six months after the certificate has expired;

(2) no payment shall be made for any employment that does not meet the wage and other requirements set forth in subsection (b) of section 209 and subsection (b) of section 212 of this title;

(d) The Secretary shall provide for a continuing evaluation of programs conducted under this section;

(e) The Secretary shall report to the Congress not later than January 1, 1974, on the results of the demonstration program conducted under this section, together with his recommendations (including recommendations for legislation) and shall provide the Congress with an interim report not later than January 1, 1973;

NATIONAL EMPLOYMENT AND TRAINING ADVISORY COMMITTEE

SEC. 207. (a) The President, in consultation with the Secretary of Labor, the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity shall appoint a National Employment and Training Advisory Committee which shall consist of at least thirteen but not more than seventeen members and shall be composed of persons representative of labor, management, agriculture, education, vocational education, vocational rehabilitation, employment and training programs, economic opportunity programs, civil rights, and veteran's organizations and the general public and which shall include participants in programs conducted under this Act, including youth participants. From the members appointed to such Committee, the President shall designate a Chairman. Members shall be appointed for terms of thee years except that (1) in the case of initial members, one-third of the members shall be appointed for terms of one year each and one-third of the members shall be appointed for terms of two years each, and (2) appointments to fill the unexpired portion of any term shall be for such portion only. Such Committee shall hold not less than two meetings during each calendar year.

(b) The National Employment and Training Advisory Committee shall—

(1) identify the employment and training goals and needs of the Nation and assess the extent to which educational, vocational education, institutional training, vocational rehabilitation, employment and training, economic opportunity, equal employment opportunity, antipoverty and other programs under this and related Acts represent a consistent and coordinated approach to meeting such needs and achieving such goals;

(2) review the administration and operation of the programs referred to in clause (1) and advise the Secretary of Labor, the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity and other appropriate officials as to the carrying out of their duties under this Act and related Acts;

(3) conduct independent evaluations of programs carried out under this and related Acts and publish and distribute the results thereof; and

(4) make an annual report, and such other reports as it deems necessary to the President and to the Congress (including recommendations for changes in legislation) for the improvement of the administration and operation of such programs. The President is requested to transmit to the Congress as a part of his report under subsection (a) section 214 such comments and recommendations as he may have with respect to such reports of the National Employment and Training Advisory Committee.

(c) The National Employment and Training Advisory Committee may accept and employ or dispose of gifts or bequests, either for carrying out specific programs or for its general activities or for such responsibilities as it may be assigned in furtherance of subsection (b) of this section.

(d) Appointed members of the National Employment and Training Advisory Committee shall be paid compensation at a rate not to exceed the per diem equivalent of the rate for GS-18 when engaged in the work of the Committee, including traveltime, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

(e) The National Employment and Training Advisory Committee is authorized, without regard to the civil service laws, to engage such technical assistance as may be required to carry out its functions; to obtain the services of such full-time professional, technical, and clerical personnel as may be required in the performance of its duties, and to contract for such assistance as may be necessary.

(f) For the purposes of this section, funds may be reserved by the Secretary from the sums allocated to carry out this title.

LEGAL AUTHORITY

SEC. 208. Subject to the provisions of section 201 and of subsection (a) of section 210, and section 211 of this Act, the Secretary may prescribe such rules, regulations, guidelines, and other published interpretations or orders under this Act as he deems necessary. Rules, regulations, guidelines, and other published interpretations or orders issued by the Department of Labor, or any official thereof, for the purpose of carrying out this Act, shall contain, with respect to each material provision of such rules, regulations, guidelines, interpretations, or orders, citations to the particular section or sections of statutory law or other legal authority upon which such provision is based and shall be binding upon approved applicants conducting programs under this Act. Such rules, regulations, guidelines, and other published interpretations or orders may include adjustments authorized by section 204 of the Intergovernmental Cooperation Act of 1968.

SPECIAL LIMITATIONS AND CONDITIONS

SEC. 209. (a) (1) No authority conferred by this Act shall be used to enter into arrangements for, or otherwise establish, any training programs in the lower wage industries in jobs where prior skill or training is typically not a prerequisite to hiring and where labor turnover is high, or to assist in relocating establishments from one area to another. Such limitations on relocation shall not prohibit assistance to a business entity in the establishment of a new branch, affiliate, or subsidiary of such entity if the Secretary of Labor finds that assistance will not result in an increase in unemployment in the area of original location or in any other area where such entity conducts business operations, unless he has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

(2) Any amounts received under chapters 11, 13, 31, 34, or 35 of title 38, United States Code, by any veteran, as defined by section 101 of title 38, United States Code, who served on active duty for a period of more than one hundred and eighty days or was discharged or released from active duty for a service-connected disability or any eligible person as defined in section 1701 of such title, if otherwise eligible to participate in programs under this title, shall not be considered for purposes of determining the needs of qualifications of participants in programs under this Act.

(3) Acceptance of family planning services provided to persons participating in programs under this Act shall be voluntary on the part of the individual to whom such services are offered and shall not be prerequisite to eligibility for or receipt of any benefit under the program.

(4) The Secretary shall not provide financial assistance for any program under this Act unless he determines, in accordance with regulations which he shall prescribe, that periodic reports will be submitted to him containing data designed to enable the Secretary and the Congress to measure the relative and, where programs can be compared, appropriately, comparative effectiveness of the programs authorized under this Act. Such data shall include information on—

(A) enrollee characteristics, including age, sex, race, health, education level, and previous wage and employment experience;

(B) duration in employment and training situations, including information on the duration of employment of program participants for at least a year following the termination of participation in federally assisted programs and comparable information on other employees or trainees of participating employers; and

(C) total dollar cost per trainee, including breakdown between salary or stipend, training and supportive services, and administrative costs.

The Secretary shall compile such information on a prime sponsor, State, regional, and national basis.

(5) The Secretary shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

(6) The Secretary shall not provide financial assistance for any program under this Act which involves political activities; and neither the program, the funds provided therefor, or personnel employed therein shall be, in any way or to any extent, engaged in the conduct of political activities of contravention of chapter 15 of title 5, United States Code.

(7) The Secretary shall not provide financial assistance for any program under this Act unless he determines in accordance with guidelines established by him that participants in the program will not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

(8) All laborers and mechanics employed by contractors or subcontractors in any construction, alteration, or repair, including painting and decorating of projects, build-

ings, and works which are federally assisted under this Act, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 or 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

(9) Every participant shall be advised, prior to participation in any program, of his rights, benefits, and responsibilities in connection with such program.

(b) The Secretary shall not provide financial assistance for any public service job program under this Act unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) the program will result in an increase in employment opportunities over those which would otherwise be available and will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits), and will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(2) all persons employed in a public service job under this Act will be assured of workman's compensation, retirement, health insurance, unemployment insurance, and other benefits at the same levels and to the same extent as other employees of the employer and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy;

(3) the provision of section 2(a)(3) of Public Law 89-286 shall apply to such agreements; and

(4) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants.

(c) In carrying out public service employment programs assisted under this Act special consideration shall be given to economically disadvantaged, unemployed, or underemployed persons with priority to economically disadvantaged persons who served in the Armed Forces on or after August 5, 1964, in accordance with criteria established by the Secretary (and who have received other than dishonorable discharges); and the secretary shall insure that the public applicant shall (A) make a special effort to acquaint such individuals with the program, and (B) coordinate efforts on behalf of such persons with those authorized by chapter 41 of title 38, United States Code (relating to job counseling and employment service for veterans) or carried out by other public or private organizations or agencies.

(d) For programs which provide work and training related to physical improvements, special consideration shall be given to those improvements which will be substantially used by economically disadvantaged persons or which will contribute substantially to amenities or facilities in urban or rural areas having high concentrations or proportions of economically disadvantaged persons and families.

(e) Where a labor organization represents employes who are engaged in similar work in the same labor market area to that proposed to be performed under any program for which an application is being developed for submission under this Act, such organization shall be notified and afforded a reasonable period of time in which to make comments to the applicant and to the Secretary.

(f) The Secretary shall prescribe regulations to assure that programs under this Act have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

PROGRAM COORDINATION

SEC. 210. (a) The Secretary shall not provide funds of a health, education, or welfare character under this Act or prescribe rules, regulations, guidelines, published interpretations or orders under this Act with respect thereto unless he shall first have obtained the concurrence of the Secretary of Health, Education, and Welfare. Such activities shall include but not be limited to basic and general education; health, child care, programs for criminal offenders and related activities; and supported employment and job restructuring in the health, education, and welfare professions.

(b)(1) The Secretary shall enter into appropriate arrangements with the Secretary of Health, Education, and Welfare, the Director of the Office of Economic Opportunity, the Attorney General, and other appropriate officials conducting programs for the treatment and rehabilitation of heroin addicts and other drug-abusing persons including methadone maintenance, abstinence and other therapeutic treatment programs for the referral of such persons to programs providing employment and training opportunities under this Act and for referral from such programs to treatment and rehabilitation programs; (ii) the Secretary may require any prime sponsor, as a condition to financial assistance under this Act, to enter into appropriate referral and other arrangements with local public agencies or private organizations or institutions administering programs for the rehabilitation of such addicts and other persons.

SPECIAL PROVISION

SEC. 211. The Secretary, with the concurrence of the Director of the Office of Economic Opportunity, shall establish procedures pursuant to regulations in insure that economically disadvantaged persons residing without areas having high concentrations of economically disadvantaged persons receive assistance provided under this Act on an equitable basis relative to economically disadvantaged persons residing in such areas.

ALLOWANCES AND COMPENSATION

SEC. 212. (a) The Secretary shall, where appropriate, provide for the payment of weekly allowances to individuals receiving services under this Act. Such allowances shall be at a rate prescribed by the Secretary which, when added to amounts received by the trainee in the form of public assistance or unemployment compensation payments, shall approximate the minimum wage for a workweek of forty hours under section 6(a)(1) of the Fair Labor Standards Act of 1938 or, if higher, under the applicable State minimum wage law, or, where the trainee is being trained for particular employment, at a rate equal to 80 per centum of the weekly wage for such employment, whichever is greater. In prescribing allowances, the Secretary may allow additional sums for special circumstances such as exceptional expenses incurred by trainees, including but not limited to meal and travel allowances, or he may reduce such allowances by an amount reflecting the fair value of meals, lodging, or other necessaries furnished to the trainee. The Secretary shall take such action as may be necessary to insure that such persons receive no allowances without good cause with respect to periods during which they are failing to participate in such programs, training, or instruction as prescribed herein. Notwithstanding the preceding provisions of this subsection, the Secretary may, in accordance with such regulations as he shall prescribe, make such adjustments which take into account the amount of time per week spent by the individual participating in such programs and adjustments to reflect the special economic circumstances which exist in the area in which the program is to be conducted. Allowances shall not be paid for any course of training having a duration in excess of one hundred and four weeks.

(b) All persons employed under programs assisted under this Act shall be paid wages which shall be equal to whichever is the highest of (A) the minimum wage which would be applicable to the employment under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay in the same labor market area for persons employed in similar occupations.

(c) For purposes of subchapter I of chapter 81 of title 5, United States Code, any person receiving services under this Act shall, under such circumstances and subject to such conditions and limitations as the Secretary shall by regulation prescribe, be considered an employee of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply, except that in computing compensation benefits for disability or death, the monthly pay of such person shall be deemed to be his allowance for a month, if he is receiving one. Regulations prescribed by the Secretary under this subsection may include but are not limited to adjustments in the amount of compensation payable under this subsection to take into account entitlements to workmen's compensation under other applicable laws or arrangements.

INTERSTATE AGREEMENTS

SEC. 213. In the event that cooperation or agreements between States is necessary in order to realize the full benefit of provisions of this Act, the consent of Congress is hereby given to such States to enter into such agreements.

ADMINISTRATIVE FUNCTIONS

SEC. 214. (a) The Secretary is authorized to exercise all powers necessary for the implementation of this Act, including the power (1) to rent or renovate real property without regard to any other law or regulation governing rental or renovation of such property, provided he first advises the Administrator of General Services Administration of his intent to do so and the reasons therefor, (2) to purchase real property for training centers, (3) to accept and use gifts and voluntary services for the benefit of the program, (4) to enter into contracts or agreements, (5) to make such payments in advance or by way of reimbursement as he may deem to be necessary or appropriate to carry out the provisions of the Act, and (6) to expend, without regard to the provisions of any other law or regulation, funds made available for purposes of this Act for printing and binding.

(b) Enrollees in residential centers assisted under section 202(i) of this title shall not be regarded as Federal employees for any purpose, except that such enrollees shall be deemed Federal employees for the purposes of (1) the Federal tort claims provisions of title 28, United States Code; (2) the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) and title II of the Social Security Act (42 U.S.C. 401 et seq.); and (3) subchapter I of chapter 81 of title 5 of the United States Code.

REPORTS

SEC. 215. (a) The Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, shall make such reports and recommendations to the President as he deems appropriate pertaining to employment and training requirements and resources and manpower use, and the President shall transmit to the Congress within sixty days after the beginning of each regular session a report pertaining to such matters which report shall indicate the number of employment opportunities and training opportunities provided to economically disadvantaged, unemployed and underemployed persons, and significant segments thereof including heroin addicts and other drug abusing persons.

(b) The Secretary of Labor and the Secretary of Health, Education, and Welfare shall report to the Congress by January 20, 1973, on the extent to which community colleges, area vocational and technical schools, and other vocational educational agencies and institutions have been utilized to carry out employment and training programs supported in whole or in part from provisions of Title I of the Economic Opportunity Act of 1964 and the Manpower Development and Training Act of 1962 as amended, the extent to which administrative steps have been taken and are being taken to encourage the use of such facilities, agencies, and institutions in the carrying out the provisions of this Act and any further legislation that may be required to assure effective coordination and utilization of such facilities and agencies to the end that all federally supported employment, training and vocational educational programs can more effectively accomplish their objectives of providing all persons needing occupational training an opportunity for such training.

(c) The Commissioner of Education shall report to the Congress within one year from enactment of this Act on the extent to which vocational orientation, preparation, and education are being incorporated in regular elementary and secondary education programs and curricula to the end that educational institutions serving youth during years of compulsory school attendance are affording meaningful opportunities, education, and incentives for students to enter vocational careers and with respect to any legislation that may be necessary to facilitate an appropriate combination of vocational and academic education.

AMENDMENT TO MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962

Sec. 216. (a) Subsection (a) of section 310 of the Manpower Development and Training Act of 1962 is amended by striking "1972" and inserting in lieu thereof "1973";

(b) Subsection (b) of said section is amended by striking "1972" and inserting in lieu thereof "1973".

EFFECTIVE DATE

Sec. 217. Except as otherwise provided in this Act shall take effect July 1, 1972. Rules, regulations, guidelines, and other published interpretations or orders may be issued by the Secretary at any time after the date of its enactment.

AMENDMENT TO THE ECONOMIC OPPORTUNITY ACT OF 1964

Sec. 218. (a) Effective July 1, 1973, title I of the Economic Opportunity Act of 1964 is amended by—

(1) amending all of the matter that appears preceding part D thereof to read as follows:

"TITLE I—MANPOWER DEVELOPMENT AND COMMUNITY ECONOMIC DEVELOPMENT PROGRAMS

"PART A—RESEARCH, EXPERIMENTAL, AND DEVELOPMENTAL AUTHORITY IN THE MANPOWER AREA

"STATEMENT OF PURPOSE

"Sec. 101. It is the purpose of this part to provide authority for the conduct of research, experimental, and developmental activities focused on providing more effective means for dealing with the employment and employment-related problems of economically disadvantaged persons.

"ACTIVITIES AUTHORIZED

"Sec. 102. The Director is authorized to contract with or provide financial assistance to public or private agencies or organizations for the payment of all or part of the costs of developing and carrying out programs designed to further the purposes of this part. Programs assisted under this part shall be of an experimental, developmental, demonstration, or pilot nature and shall be structured in such manner as the Director deems will best equip them to yield information as to the relative effectiveness of various approaches (including new approaches and refinements or variations of traditional approaches) directed to the solution of the employment and employment-related problems of the economically disadvantaged. Such programs may include provision for supportive and followup services.

"TECHNICAL ASSISTANCE AND TRAINING

"Sec. 103. The Director may provide (directly or through contracts or other appropriate arrangements) technical assistance to assist in the initiation or effective operation of programs under this part. He may also make arrangements for the training of instructors and other personnel needed to carry out programs under this part.

"RESEARCH AND EVALUATION

"Sec. 104. The Director is authorized to contract with or provide financial assistance to public or private agencies or organizations for research pertaining to the purposes of this part. He shall also provide for the careful and systematic evaluation of programs related to the purposes of this part, directly or by contracting for independent evaluations, with a view of measuring specific benefits, so far as practical, and providing information needed to assess the relative potential of the various approaches employed in such programs for contributing significantly to the solution of employment and employment-related problems of the economically disadvantaged. He shall further be required, as appropriate, to disseminate such findings to prime sponsors of comprehensive community employment and training programs under the Comprehensive Community and Employment Training Act and to other interested agencies. In formulating plans for the implementation of this section, the Director shall consult with the Secretary of Labor and, as appropriate, with the heads of other Federal agencies.

"SPECIAL CONDITIONS

"Sec. 105. Participants in programs under this part shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employment benefits.";

(2) redesignating part D thereof as part B and sections 150 through 155 as sections 121 through 126, respectively;

(3) striking out part E thereof and

(4) redesignating part F as part C and section 171 as section 141.

(b) Effective with respect to fiscal years after June 30, 1971, esction 810(a) of the Economic Opportunity Act of 1964 is amended by striking the word "and" at the end of paragraph (2) thereof, by inserting in lieu of the period at the end of paragraph (3) a semicolon and the word "and", and by adding the following new paragraph:

"(4) with the approval of the Secretary of Labor, in Job Corps centers operated under title II of the Comprehensive Employment and Training Act.".

(c) Grants and contracts entered into pursuant to the provisions of title I of the Economic Opportunity Act of 1964 and the Manpower Development and Training Act of 1962 prior to the effective date set forth in subsections (a) and (b) of this section shall not be affected by the provisions of this section.

COMMUNITY MANPOWER TRAINING AND EMPLOYMENT ACT OF 1972

SECTION-BY-SECTION ANALYSIS

Sec. 2. *Statement of Findings and Purposes.* This section states the findings that large numbers of economically disadvantaged, unemployed and under-employed percons lack sufficient job and training opportunities, resulting in hardship and in increased welfare dependency while many jobs in the public and private sector are unfilled; that it is within the capability of the United States to provide every American with the opportunity to prepare himself for and obtain employment at the highest level of productivity; and that increased responsibility and funds should be extended on a phased basis to State and local governmental and other local institutions for the planning and conduct of such programs.

It is the purpose of the Act to establish an increasingly flexible and decentralized system for the provision of employment and training opportunities, to increase the availability of such opportunities with emphasis on persons most in need, and to insure that training and other programs lead to employment.

Sec. 3. *Authorized Appropriations.* This section authorized appropriations under the Act of $2.5 billion for FY '74, $3 billion for FY '75, and $3.5 billion for FY '76. (Additional appropriations are authorized under the Act for a Special Youth Summer Employment Assistance Fund, under Section 204, described below.)

This section also authorizes the appropriation of $100 million for FY '73 for planning, technical assistance, training, and certain other activities.

This section also allocates the funds appropriated for the Act under subsection (a) to Community Employment and training programs under Title I as follows: 60% of the amount appropriated for FY '74; 70% for FY '75; 80% for FY '76, and allocates the remainder thereof in each fiscal year to Special Federal Responsibilities under Title II. (subsection (e))

Sec. 4. *Advance Funding.* This section contains advance funding authority.

Sec. 5. *Definitions.* This section defines the terms: Secretary; State; local service company; health care; city; Wagner-Peyser Act; public service; unemployed persons; underemployed; economically-disadvantaged persons; and certain other terms.

Title I—Community Training and Employment Programs

Sec. 101. *Description of Program.* This section describes the comprehensive employment and training programs for which funds may be made available under the title, including information programs, individual capability assessment, counseling and institutional training, public service employment, inducements to private employers to expand job opportunities, on-the-job training and work experience for economically-disadvantaged youth, new careers, skill centers, establishment of employment recruitment centers, job information, training allowances and supportive services.

Sec. 102. *Eligible Applicants.* This section authorizes the Secretary to enter into arrangements with eligible applicants to carry out the provisions of the title. (subsection (a))

Eligible applicants shall be prime sponsors designated pursuant to Section 103 and other public and private agencies and institutions including community action agencies and local service companies. (subsection (b))

Sec. 103. *Prime Sponsors.* This section authorizes as eligible for prime sponsorship: (1) any State and (2) any unit of general local government (A) which is a city with a population of 75,000 or more or (B) which is a county or other unit of general local government having a population of 100,000 or more or (C) which does not meet the above population requirements but which has the largest population of a unit of general local government in the State; (3) any combinations of units of general local government with an aggregate population of 100,000 and (4) units of local government or combinations thereof in a rural area designated by the Secretary as having substantial outmigration and high unemployment. (subsection (a))

This section permits eligible prime sponsors to be designated by submitting to the Secretary a prime sponsorship plan describing the area to be served; evidencing capability for carrying out a program statement; and providing for a broadly representative community employment council with at least one-half the membership thereof to be persons representative of the economically disadvantaged.

In the event that a state submits a plan to serve a geographical unit under the jurisdiction of a unit of general local government (or combination) eligible as prime sponsor, the Secretary must approve the latter plan. The Secretary, in choosing between competing plans submitted by two or more units of general local government (or combination) shall approve that plan which he determines will most effectively carry out the purposes of the title. (subsection (c))

The section provides also for review and comment of plan by other interested units of government and community action agencies, (subsection (d)); sponsorship by a community action agency in certain instances (subsection (e)); procedures in the event of disapproval (subsection (f)) and for expenses of councils (subsection (g)).

Sec. 104. *Program Statements.* This section requires prior to receipt of funds, that each eligible applicant develop and publish a program statement including a description of the services to be provided; the identity of agencies carrying out such services, an area description and assurance relating to national purposes under Section 201, (subsection (a)); subsection (b) authorizes disbursement of funds upon certification of the statement by the Secretary.

This section also establishes procedures for approval by the Secretary including comment by the Governor, other units of general local government and community action and vocational education agencies, (subsection (c)) and for the withholding of funds by the Secretary, upon allegation of any unit of general local government that the prime sponsor is not complying with the requirements of the Act or is maintaining a pattern or practice of exclusion of economically disadvantaged persons or of minorities.

Sec. 105. *Special Requirements for States.* This section requires that any State seeking assistance under the title submit an annual State employment and training plan, to ensure state-wide planning in cooperation with local prime sponsors and technical assistance to such sponsors. The Secretary may reserve up to 5% of funds allocated for use within a State for these purposes.

Sec. 106. *Payments.* This section authorizes payment of the federal share of the cost of programs in accordance with program statements. It prescribes payment of 90% of costs of programs (subsection (a)), while providing payment in excess thereof pursuant to regulations of the Secretary in order to meet the needs of economically disadvantaged persons.

The full cost of public service programs and training programs may be paid by the Secretary where prior arrangements for subsequent non-supported employment have been made, in accordance with regulations established by him. (Subsection (b))

This section provides that the non-federal contribution may be in cash or goods and contains a maintenance of effort clause. (subsection (c), (d) and (e))

Sec. 107. *Allocations.* This section allocates funds under Title I as follows: (1) 10% of the funds allocated under Title I are reserved to the Secretary of Labor for special cooperative programs with community action agencies under section 108; (2) 10% of the funds under the title are reserved to the Secretary of Labor for special cooperative programs with educational agencies under section 109; (3) additional sums are reserved for migrant and seasonal farmworkers, older persons and persons with limited-English speaking ability.

The remainder of the funds are to be apportioned among the States (and among areas within each State) taking into account the proportion which the number of unemployed persons and the number of economically disadvantaged persons in each State bears to the total number of such persons respectively in the United States, with a minimum of $1.5 million to each State. (subsection (b))

Sec. 108. *Special Cooperative Programs with Community Action and other Community-based Agencies.* This section provides funds to prime sponsors and community action agencies and other organizations funded under the Economic Opportunity Act for use together in special model cooperative programs for economically disadvantaged persons.

Sec. 109. *Special Cooperative Programs with Educational Agencies.* This section provides funds to prime sponsors and educational agencies for use together in special cooperative programs linking employment opportunities to vocational programs conducted in the schools.

Title II—Federal Responsibilities

Sec. 201. *Special Responsibilities of the Secretary.* This section requires the Secretary to establish procedures to ensure (1) priority for economically disadvantaged persons; (2) due consideration by State and local prime sponsors of programs previously carried out under existing authority programs are carried out in accordance with program statement; (4) involvement of community action and other agencies; (5) training provided has a reasonable prospect of leading to appropriate employment; (6) periodic reviews to insure movement from public service employment into "regular" employment in the public sector; (7) heroin addicts and other drug-abusing persons are given full opportunity for participation in programs; and (8) due consideration is given to the creation of public service jobs with community action agencies.

Sec. 202. *Special National Programs.* This section requires the Secretary to carry out certain national programs by providing financial assistance to public and private agencies (including prime sponsors) for (1) Job Corps; (2) Mainstream; (3) New Careers; (4) Opportunities Industrialization Centers; (5) Neighborhood Youth Corps; (6) Management training; (7) special employment programs for heroin addicts and other drug-abusers and (8) other employment and training programs to meet the special needs of economically disadvantaged persons.

Sec. 203. *Research and Program Support.* This section directs the Secretary, in order to maximize local effectiveness, to provide staff training and other technical assistance; carry out comprehensive research and demonstration programs; and establish a national computerized job bank program.

Sec. 204. *Special Youth Summer Employment Assistance Fund.* This section establishes a special youth summer employment assistance fund in the Treasury (subsection (a)), with an authorization of $450 million for FY '74; $500 million for FY '75; and $550 million for FY '76.

Sec. 205. *Special Model Youth Employment Programs.* This section authorizes the Secretary to provide assistance to public and private agencies for special model programs designed to meet the needs of economically disadvantaged, unemployed and underemployed persons 14–21 years of age, including programs establishing special service agencies in poverty neighborhoods and programs conducted by youth.

Sec. 206. *Special Demonstration Program.* This section authorizes a two-year demonstration project under which certificates would be issued to economically disadvantaged, unemployed or underemployed persons for employment, training and related services with private employers. The section provides for reimbursement to employers, upon receipt of certificate, of part of the cost of such activities.

Sec. 207. *National Employment and Training Advisory Committee.* This section authorizes an interdisciplinary committee of not less than 13, no more than 17 members, appointed for 3-year terms, to: identify national employment goals and needs; review administration of programs and advise Executive branch officials; conduct independent investigations; make recommendations and make an annual report to the President and to the Congress.

Sec. 208. *Legal Authority.* This section authorizes the Secretary to prescribe rules as necessary.

Sec. 209. *Special Limitations and Conditions.* This section contains general conditions applicable to programs under the Act as follows: training programs are not to be established in low wage industries where prior skill or training is typically not prerequisite to hiring; veterans benefits received pursuant to title 38, U.S. Code on account of active duty or service-connected disability are not to be considered in determining eligibility of such persons to participate in programs under the Act; acceptance of family planning services is voluntary; the Secretary must receive pertinent data for evaluation purposes; discrimination is barred; no funds may be used for political activities nor shall funds be granted for sectarian facilities; the Davis-Bacon prevailing wage provisions apply to construction. (subsection (a))

The following additional conditions apply with respect to public service employment: programs will result in increased employment opportunities; persons so employed will be assured workmen's compensation, retirement, health and unemployment insurance and other benefits comparable to regular employees of the particular employer; the program will contribute to the individual's occupational development. (subsection (b))

Due consideration must be given to unemployed or underemployed persons who served in the Armed Forces on or after August 5, 1964, with special consideration to such persons who are economically disadvantaged. (subsection (c))

Those work and training programs providing physical improvements which will be substantially used by economically disadvantaged families or in urban or rural areas having high concentration of economically disadvantaged families shall be given priority. (subsection (d))

Labor organizations must be notified as to similar work to be conducted under the Act (subsection (e)), administrative controls required. (subsection (f))

Sec. 210. *Program Coordination.* This section requires that the Secretary in providing funds of a health, educational or welfare character have the prior concurrence of the Secretary of Health, Education and Welfare (subsection (a)) and that the Secretary will arrange with the Director of the Office of Economic Opportunity and the Secretary of Health, Education and Welfare for referral to or from employment or training of persons in drug rehabilitation programs. (subsection (b))

Sec. 211. *Special Provision.* This section requires the Secretary and the Director of the Office of Economic Opportunity to ensure that economically disadvantaged persons residing outside areas having high concentrations of such persons, receive assistance on an equitable basis under the Act.

Sec. 212. *Allowances and Compensations.* This section requires the Secretary, where appropriate, to supplement the earnings of individuals receiving services under the Act so that a trainee's income, taking into account public assistance and unemployment benefits received, will approximate the higher of the federal, State minimum wage or prevailing wage rate; or in cases where a trainee is being trained for particular employment 80% of the weekly wage for such employment. (subsection (a))

This section also requires that all persons assisted in programs under the Act be paid wages equal to whichever is the highest of (A) the minimum wage which would be applicable; (B) State or local minimum wage or (C) the prevailing rates of pay for persons employed in similar occupations.

Sec. 213. *Interstate Agreements.* This section grants the consent of the Congress to interstate agreements necessary to achieve the purposes of the Act.

Sec. 214. *Administrative Functions.* This section grants administrative powers to the Secretary.

Sec. 215. *Reports.* This section authorizes various reports to the Congress by the Secretaries of Labor and Health, Education and Welfare and the Commissioner of Education.

Sec. 216. *Amendment to the Manpower Development and Training Act of 1962.* This extends the authority to conduct program through June 30, 1973, with an extension of the disbursement authority through December 30, 1973.

Sec. 217. *Amendments to Economic Opportunity Act of 1964.* This section amends the Economic Opportunity Act with respect to years after FY '73 to: add a part A to Title I, providing new authority to the Director of the Office of Economic Opportunity to conduct special research, experimental and development programs relating to manpower.

Sec. 218. *Effective Date.* This section sets the effective date, unless otherwise specified, as July 1, 1972 and authorizes the Secretary to issue regulations following enactment.

COMPARISON BETWEEN COMMUNITY MANPOWER TRAINING AND EMPLOYMENT ACT OF 1972; S. 1243, MANPOWER REVENUE SHARING ACT OF 1971; AND S. 3867, EMPLOYMENT AND TRAINING ACT OF 1970*

COMMUNITY MANPOWER TRAINING AND EMPLOYMENT ACT OF 1972	MANPOWER REVENUE SHARING ACT OF 1971	S. 3876—EMPLOYMENT AND TRAINING ACT OF 1970
	Authorizations	
FY '73: $100.0 million for planning, technical assistance FY '74: $3.45 billion ($2.5 billion basic, $450.0 million for special youth fund) FY '75: $4.5 billion ($3.0 billion basic, $500 million for youth fund) FY '76: $5.55 billion ($3.5 billion basic, $550 million special youth fund.	Such sums permanent authorization	FY '71: $200 million for public service employment. FY '72: $2 billion for basic and additional $400 million for public service employment. FY '73: $2.5 billion basic and $600 million for public service employment. FY '74: $3 billion basic and $800 million for public service employment. Of the basic authorization in each year after FY '72, ⅓ allocated to public service employment.
	Eligible applicants and prime sponsors	
Under Title I ("Community Employment programs") governmental prime sponsors (cities with 75,000; counties with 100,000, and combinations) are eligible to serve as prime sponsors; with state responsible for remaining areas.	Under Title I ("State and Local Programs"), states, cities, counties or combinations with 100,000 which are in standard metropolitan statistical areas, eligible.	Same sponsorship as Comprehensive Community Employment and Training Act.
Other public or non-profit agencies also eligible for direct assistance under Title I and under Title II ("Special Federal Programs").	Other public and non-profit private agencies directly eligible only under Title II ("Secretary's Activities).	Same as above.
	Funds available to eligible applicants for State and local programs and approval thereof by Secretary	
The following percentages of the basic authorization: 65% FY '74. 75% FY '75. 85% FY '76.	85% of all fund appropriated for each fiscal year.	As a general matter ⅔ of basic authorization and all of special public service funds.
Prior approval by Secretary.	No prior approval by Secretary.	Prior approval by Secretary.
	Effect on existing programs (e.g. Job Corps, Mainstream, Neighborhood Youth Corps, Industrial Opportunity Center, New Careers)	
Secretary authorized to continue under Title II from funds not allocated to Title I in each year (see above). Also eligible (basically through prime sponsors) under Title I.	Eligible under Title I and Title II, but no special provisions.	Essentially the same as Comprehensive Community Employment and Training Act.
	Effect on Existing Programs (cont'd.)	
Secretary required to insure existing programs given due consideration by State and local sponsors under title I.	No comparable provision. Same.	No comparable provision.
	Focus on Particular Segments of Eligible Persons	
Economically disadvantaged, unemployed and underemployed persons eligible.	Same.	Same.
Priority to economically disadvantaged.	Priority to economically disadvantaged and persons on welfare.	No comparable provision.
Reservations from funds under title I for Indians, migrants, bilingual persons, and older persons.	No comparable provision.	Separate titles and programs for each group with reservations and additional authorizations.
	Public Service Employment	
Among the activities prime sponsors may fund under title I.	Same.	Of the basic authorization in each year after FY '72, ⅓ allocated therefor.
	No comparable provision.	Separate title for public service employment, with additional authorization (see above "Authorization").
No limit on participation but full federal matching (as compared with 90% under the Act generally) where prior arrangements made for subsequent nonsubsidized public or private employment.	Two-year limit on participation.	General authority in the Secretary to review status of person in public service job, to determine if better opportunities are available.

*Passed by both Houses of the Congress, but vetoed by the President.

COMPARISON BETWEEN COMMUNITY MANPOWER TRAINING AND EMPLOYMENT ACT OF 1972; S. 1243, MANPOWER REVENUE SHARING ACT OF 1971; AND S. 3867, EMPLOYMENT AND TRAINING ACT OF 1970*—Continued

COMMUNITY MANPOWER TRAINING AND EMPLOYMENT ACT OF 1972—Continued	MANPOWER REVENUE SHARING ACT OF 1971—Continued	S. 3876—EMPLOYMENT AND TRAINING ACT OF 1970—Continued
	Special "Emergency Funds"	
No special provision; anticipates refinement and inclusion of elements of Emergency Employment Act of 1971.	Authorizes in each fiscal year an additional 10% of funds appropriated under Act when national unemployment 4.5% or above.	Authorizes in each fiscal year $200 million when national unemployment 4.5% or above and an additional $200 million when equals or exceeds 5%.
Contains special summer youth employment fund (see "Authorization" above).	No comparable provision.	No comparable provision.
	Effective Date	
July 1, 1972 for planning, fully operative July 1, 1973.	July 1, 1972.	July 1, 1973.
	Effect on Existing authority	
Extends Manpower Development and Training Act of 1962 through June 30, 1973.	Repeals Title I D Economic Opportunity Act and MDTA, effective June 30, 1972.	Repealed Title I D Economic Opportunity Act and MDTA effective June 30, 1971.

*Passed by both Houses of the Congress, but vetoed by the President.

[From the CONGRESSIONAL RECORD, Dec. 7, 1971]

COMPREHENSIVE CORRECTIONAL TRAINING AND EMPLOYMENT ACT

Mr. JAVITS. Mr. President, I send to the desk a bill on behalf of myself and the distinguished Senator from Michigan (Mr. HART) who is the principal cosponsor. We are joined in this measure by Senators BAYH, BROOKE, BURDICK, CRANSTON, EAGLETON, JACKSON, KENNEDY, MCGOVERN, MONDALE, MUSKIE, NELSON, PELL, RANDOLPH, STAFFORD, STEVENSON, and TUNNEY.

The act authorizes the Secretary of Labor, in coordination with the Attorney General and the Secretary of Health, Education, and Welfare, to make available training and employment opportunities for offenders, including work release and other programs for incarcerated offenders, jobs in the public and private sectors, as well as pretrial intervention and probation programs, technical assistance and research.

We propose, in short, that the administration and members of the Congress join in formulating a national effort through which public resources and private efforts may be combined to improve opportunities for offenders, to increase the effectiveness of the correctional process and to better serve the Nation by reducing recidivism.

Mr. President, it has been apparent for some time—and the events at Attica and elsewhere serve as a tragic reminder—that prisoner rehabilitation and related offender processes are in disgraceful shape, with a heavy cost for society and the individuals involved.

As President Nixon stated, on November 14, 1969:

"The American system for correcting and rehabilitating criminals presents a convincing case of failure. No realistic programs to substantially reduce crime can ignore the appalling deficiencies in our prisons and rehabilitation efforts."

There are many inadequacies in our present correctional process which must be addressed, but, as the President's task force on prisoner rehabilitation stated in its April 1971, report:

"Satisfying work experiences for institutionalized offenders including vocational and pre-vocational training when needed, and the assurance of decent jobs for released offenders, should be at the heart of the correctional process."

Yet, surveys have established that 90 percent of local penal institutions have no training or education at all; 85 percent of Federal inmates lack any marketable skill and have not completed high school; ex-offenders have levels of unemployment three times the norm; and less than one-third of inmates who receive training use it in their first job.

It is not surprising that two out of three persons confined in correctional institutions are repeaters.

The measure which we introduce today seeks to provide a framework to begin to remedy these deplorable facts. It has been designed with particular attention to three major objectives:

First, we have identified the various elements of manpower training and employment programs which have been demonstrated to be particularly effective in rehabilitating offenders; in this regard, we drew heavily upon the experience of the Department of Labor and the Department of Health, Education, and Welfare under the general provisions of the Manpower Development and Training Act of 1962, particularly the demonstration section contained in section 251 of that act.

A key element is the provision of pretrial manpower training and employment opportunities. The Department of Labor has funded test programs in seven cities—Cleveland, Minneapolis, San Antonio, Baltimore, Boston, Atlanta, Newark—under which persons charged with crime are given the opportunity to be committed for training and placement assistance for a 90-day period prior to judicial consideration of their cases. The training staff subsequently makes a recommendation to the court, relating to disposition of the case, which may include further training or employment. In a demonstration project along these lines involving defendants 15 to 25 years of age conducted last year in Washington, D.C., it was found that participants committed further criminal acts at a rate less than one-half of that of a control group that did not receive the manpower training project services. A similar program, the Manhattan court project, has been conducted with considerable success in New York City.

Another important element concerns the provision of manpower training and related services during confinement in prison, where inmates do not now have the opportunity to make maximum use of their time. Considerable promise has been shown in programs under which prisoners are permitted to receive training in real work situations with up-to-date equipment and the involvement of the private sector. For example, at Greenhaven Prison in Poughkeepsie, N.Y., training is provided for 40 prison inmates in office machine repair under a program conducted with the assistance of the private sector. In New York City, the Department has funded a program for a community treatment center for 40 offenders awaiting parole or release from Federal institutions; inmates receive employment placement, counseling, and job training. Another program is underway at Rikers Island, N.Y., where 100 training slots in metal fabrication, woodworking, and production machine work are supplemented with basic education and vocational training.

In a project conducted by the South Carolina Department of Crime, inmates have been working in industry and private business during the day in communities in which they plan to live upon release from incarceration, returning to community prerelease centers at night. In the last 5 years, work release inmates have paid from their earnings nearly $500,000 to the Department of Corrections for room and board and more than $300,000 to support their families.

Mr. President, perhaps the most crucial element is linking the training to an actual job.

The importance of such a link has been demonstrated generally in the JOBS program, conducted by the National Alliance of Businessmen and funded by the Department of Labor under which almost 600,000 opportunities have been provided for the disadvantaged over the last 4 years.

But, this approach has been applied to criminal offenders only in a handful of cases and the National Alliance of Businessmen has advised me that it has no estimate of the number of offenders or ex-offenders currently involved in their programs.

The Departments of Labor, Health, Education, and Welfare, and Justice are currently funding joint projects to this end—for example "Project Transition" which supplements the South Carolina work-release program to which I referred—but these efforts represent only a very small beginning, compared with the potential that exists through a combination of public and private resources.

Mr. President, the bill we introduce today emphasizes the links between training and employment opportunities by—

Giving funding priority in respect to training programs for those efforts as to which prior arrangements have been made for subsequent employment;

Involving private industry and up-to-date equipment in training programs assisted under the title;

Requiring the Secretary and the applicant to determine that training which relates to a job for which there is generally a demonstrated demand on the National, State, and local level;

Requiring the formation of advisory committees for programs, including representatives of the private sector, as well as participants in the programs.

Moreover, it provides for an increase in the jobs generally available to criminal offenders and persons charged with crimes by—

Authorizing the Secretary to provide employment opportunities in the public and private sectors, with reimbursement where necessary;

Requiring the Secretary to insure that programs involving criminal offenders and persons charged with crimes are given full consideration for funding under the on-the-job training and job creation programs under the Manpower Development and Training Act of 1962, the Economic Opportunity Act of 1964, and the Emergency Employment Act of 1971;

Authorizing the Secretary to provide personnel to assist the U.S. Employment Service in providing jobs;

Requiring the Commissioner of the Civil Service Commission to report to the President and to the Congress on the manner in which Federal jobs may be increased.

As this bill is considered in the context of manpower reform generally, we shall consider what quotient of public service jobs may be set aside particularly for criminal offenders, and persons charged with crime.

Second, we have sought to insure that the programs authorized under the title will interlock with existing programs and advance the larger objective of comprehensive and coordinated penal reform.

To this end, the bill:

Grants considerable flexibility to the Secretary of Labor in choosing between public and private agencies, institutions, and organizations for the planning, conduct, and evaluation of programs;

Requires the Secretary of Labor and the Attorney General to enter into agreements to assure the combining of resources, maximum program coordination and joint planning between programs conducted under the Safe Streets Act and other similar laws. Of the $700 million available for correctional programs under that act for this fiscal year, approximately $2 million will be spent on training in correctional institutions;

Requires the Secretary of Labor and the Secretary of Health, Education, and Welfare to enter into agreements under which the latter shall be responsible for providing education to persons assisted under the title and for maintaining linkage to educational, vocational education, and rehabilitation to programs, as currently is the case under existing programs.

Third. we seek a substantial increase in Federal funding for offender programs.

The administration is to be commended for the priority that it has given to these efforts—expanding funding from less than $1 million in fiscal 1968 to $31 million in the current fiscal year, but the training and employment programs still account for less than 1 percent of the $4 million spent on manpower programs generally and less than 4 percent of the $1 billion spent for corrections generally.

The bill authorizes the appropriation of $40 million for fiscal year 1972, $100 million for fiscal 1973, and $200 million for fiscal year 1974.

We consider these amounts to be reasonable yearly additions which may be put to effective use, to cut into the overall need—which is so much greater:

With respect to pretrial programs, the Department of Labor efforts will reach 4,000 dependents, approximately three-tenths of 1 percent of the total of one and a quarter million individuals who are under the jurisdiction of the criminal justice system at any one time. Many of whom are of an appropriate age for such program.

With respect to correctional institutions, its programs will reach 6,000 inmates nationwide while 400,000 persons—60 times that number—are now incarcerated in correctional institutions in the Nation.

Mr. President, I am glad to note that Senator GAYLORD NELSON, chairman of the Subcommittee on Employment, Manpower, and Poverty of the Senate Committee on Labor and Public Welfare, of which I am the ranking minority member, intends to have hearings on such programs, as a part of consideration of comprehensive manpower reform early next session, and I hope to have the benefit of comments and suggestions of the administration, as well as experts in the field with respect to the approach which I have proposed. Particularly, I hope we will consider what portion of funding might be expressly reserved for the essential educational element.

We look forward also to working with members of the Subcommittee on Criminal Laws and Procedures for the Committee on the Judiciary, as well as the Subcommittee on Penitentiaries—whose chairman, Mr. BURDICK, held very beneficial hearings on this subject earlier this year.

The current situation and the goals which we seek were expressed by Chief Justice Warren E. Burger, in remarks before the Association of the Bar of the City of New York, on February 17, 1970. He said:

"Few prisons today have even a minimal education or vocational training program to condition the prisoner for his return to society as a useful self-supporting human being. A distressing percentage of prisoners cannot read or write.

"The training program in most State institutions are limited to a few skills, and there is almost no effort to correlate training programs with the demand for particular skills. It is no help to prisoners to learn to be pants pressers if pants pressers are a glut in the labor market or bricklayers or plumbers if they will not be admitted into a union. I suggest these two simple illustrations to indicate the desperate need for comprehensive and coordinated planning and research at a local and national level. This requires a monumental effort with the best leadership and brains of labor unions, industry, the Departments of Justice, of Labor, and of Health, Education, and Welfare. To be successful these programs need local community support which must involve Churches, YMCA's, Chambers of Commerce and Bar Associations."

Mr. President, as I indicated, inadequate training and job programs is one of the elements contributing to the crisis in our correctional process. I shall introduce additional proposals which would affect other reforms.

February 1, 1972.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: In response to your letter to January 14, 1972 enclosed you will find a copy of the VERA Institute contract and a report prepared by Dr. I. Ira Goldenberg of Harvard University in 1970 entitled, "Special Problems in Existing Manpower Training and Opportunity Programs: Drug Addiction and Alcoholism."

During fiscal year 1972 the Manpower Administration plans to obligate $728,356 for activities related to drug addiction rehabilitation. A brief description of these activities is also enclosed.

If there is more information I may provide you please let me know.

Sincerely,

MALCOLM R. LOVELL, Jr.,
Assistant Secretary for Manpower.

TITLE OF PROJECT: SUPPORTED EMPLOYMENT PROJECT

(Contract No. 82-36-71-09)

Objective: To determine the effectiveness and costs of a program of creating supported employment for chronic alcoholics and addicts.

Project Procedures or components: The Vera Institute will (a) develop and operate an enterprise, under the auspices of a nonprofit agency, to provide employment at "regular" wages for chronic alcoholics and addicts, (b) determine the extent to which such an activity can, after its developmental stage, generate income for its continuation and the extent to which it would require continuing support, (c) determine the degree to which various participants can perform in low-stress employment situations and/or progress to competitive employment, and (d) analyze the operational practicalities of such an enterprise to develop guides for possible expansion of this type of job creation.

Participating group and characteristics: 75 chronic alcoholics and drug addicts who are unable to maintain employment in the regular community.

Contractor: Vera Institute of Justice, 30 East 39th Street, New York, New York 10016. Telephone: 212 YU6-5380.

Project Director: Gary Walker (address as above).

Funding and Phasing:

Phase I $323,944 Title I MDTA. Phase I—1/1/71—12/31/71.

Phase II increased by $220,356. Phase II—12/30/71—12/31/72.

Total—Phase II $544,300.

MANPOWER ADMINISTRATION—DRUG ADDICTION REHABILITATION PROGRAMS, FISCAL YEAR 1971–72

Drug Abuse Educational Materials—Special films and other educational materials are being developed for the use of Job Corps staff and enrollees. Funding costs in FY 1972 are estimated at $40,000.

Drug Abuse Workshop—Regional workshops are being held by the Job Corps for professional and administrative personnel including those engaged in screening and job placement activities for Job Corps enrollees. The purpose of these workships is to increase the awareness of Job Corps personnel of drug abuse problems. The funding costs for FY 1972 are estimated at $144,000. In FY 1971 the funding costs were $30,000.

National Survey of Job Corps Centers—In FY 1972 Job Corps will undertake a survey in 16 Job Corps centers to gain information about the knowledge, attitudes, and patterns of drug use by corps members of differing geographic and socio-economic backgrounds. The funding costs for FY 1972 are estimated at $121,000. In FY 1971 the amount was $32,000.

Demonstration Projects—In FY 1971 a demonstration project was begun to establish an on-center drug control and prevention program to develop and implement a variety of educational and counselling efforts to work with Job Corpsmen who have been identified as drug users. Two additional projects are to be operational during FY 1972. The funding costs for FY 1972 are estimated at $175,000. In FY 1971 the funding costs were $25,000.

Supported Employment Project—A contract was let with Pioneer Messenger Service, a subsidiary of the Vera Institute of Justice in New York City, to develop and operate an enterprise to provide "regular" employment for drug addicts and chronic alcoholics. A determination will be made as to the extent such an enterprise can be self-supporting and to what extent it can be used as a model for continued use. Funding costs were $323,944 for FY 1971, however, this was for both alcoholics and drug abusers. Drug abusers are about 50 percent of the enrollees. In FY 1972 the amount is $220,356.

National office support to drug abuse programs in the Job Corps was estimated to be $10,000 in FY 1971. Costs in FY 1972 are estimated to be $28,000.

U.S. SENATE,
Washington, D.C., January 14, 1972.

Hon. MALCOLM L. LOVELL, Jr.,
Assistant Secretary for Manpower,
U.S. Department of Labor,
Washington, D.C.

DEAR MR. LOVELL: On December 21, 1971, I wrote requesting information concerned with drug rehabilitation. I am now writing to request some additional information.

Would you please estimate the amount of all manpower training funds used for these purposes.

I would be grateful also for a copy of the VERA Institute contract and of the 1970 survey entitled "Special Problems in Existing Manpower Training and Opportunity Programs", referred to in the excerpt from the manpower report which you enclosed.

Sincerely,

JACOB K. JAVITS.

[From the New York Times, Dec. 14, 1971]

TWENTY-THREE FORMER HEROIN ADDICTS WORK AS TELLERS IN ONE OTB BRANCH

(By James M. Markham)

The man behind the window at an Off-track Betting Corporation office is rarely an object of scrutiny for the eager bettor standing impatiently in line, hopefully clutching his Morning Telegraph, his scratch sheets and dollar bills.

But since Nov. 30, an unusual group of 21 men and two women has been operating the teller windows at OTB's new office at 575 Lexington Avenue, near 51st Street. All 23 are former heroin addicts.

The experiment was started by Howard J. Samuels, president of OTB, who said yesterday that unless other business in the city changed their policies and started hiring former addicts, "we'll never solve the drug problem."

"And if every office of OTB had the spirit of work—and as good results as the new office has had—then we'd be even farther ahead than we are now," Mr. Samuels said in an interview.

The 23 former addicts—20 are in methadone maintenance programs, three are affiliated with drug-free programs—have been handling up to $19,000 a day in bets. The OTB office, also has seven supervisors, who, are not former addicts.

Preston Jenkins, branch manager of the office, said yesterday that his new employes were more prompt and conscientious than those of two other OTB operations he had worked in, and that the few shortages they had reported had mainly been a result of computer, not human error.

"We open at 7, and they're there at 6:50 waiting for the doors to open," Mr. Jenkins said.

"When I come here to work, I want to come here," said James Cropper, who is shop steward for the 23 new employes, members of Local 2021 of the State, County and Municipal. Employes union. Starting salary is $6,000 a year for an OTB teller.

"It's beautiful," said the 25-year-old Mr. Cropper, who said he had been on methadone for nine months after seven years of heroin addiction.

Mr. Samuels, who is a member of the Mayor's Narcotics Control Council, said that OTB did not approach the hiring of former addicts as "a therapy or make-work project" and that the 23 men and women finally hired had passed the mental aptitude tests normally administered to job applicants.

FEDERAL GRANT USED

The project was paid for by a $100,000 Federal grant from the Law Enforcement Assistance Administration to the Vera Institute of Justice, which prescreened 250 applicants from drug programs in the city who were judged ready for employment. Of the people screened, 40 were chosen for testing by OTB.

The Federal grant provides for the hiring of two counselors, who have a small room in the OTB Lexington Avenue office, as well as of four extra tellers to take some pressure off the new former-addict employes. Ordinarily, the OTB office would have only 20 tellers instead of the present 23; one more may be hired under the provisions of the grant.

David Macton, one of the two counselors, said yesterday that the tellers often turned to him for help in domestic matters such as schools and housing, but that psychological questions also cropped up.

"Some of the people here take it very hard if they make a very small mistake," he said. "I try to tell them that it's normal, that it's not the end of the world."

Mr. Macton added that he kept in touch with the drug programs with which the former addicts were affiliated, where they received more extensive supportive services.

Mr. Samuels said that he hoped eventually to graduate the former addicts out of the Lexington Avenue office and place them in OTB offices throughout the city. He added that if the Lexington Avenue experiment was successful he would consider opening another OTB office staffed by former addicts.

OTB at present has 36 branches, with about 1,500 employees.

Manpower Programs for a Healthier Economy

(By Sar A. Levitan, Center for Manpower Policy Studies, The George Washington University)

(Note.—Charters referred to are not printed in the Record.)

AN ACCEPTABLE LEVEL OF UNEMPLOYMENT

The federal government's responsibility to encourage high employment and economic growth has been the law of the land for over a generation and has achieved the status of a self-evident truth. Even President Nixon has recently professed to be a Keynesian. The acceptance of broad goals does not guarantee, however, a consensus about the implementation of specific measures; reasonable people have even disagreed about the optimum level of sustained employment. Few would agree today with the view commonly held when the Employment Act of 1946 was passed that the federal government should avoid a direct role as long as unemployment remains below the 6 percent level. President Kennedy indicated that 4 percent unemployment would be acceptable, at least as an interim goal, but this level was achieved by the succeeding Johnson Administration only after the expansion of the war in Southeast Asia.

Emphasis on the domestic war on poverty led many economists to conclude that a tight labor market is the best and most effective means to help the poor, and they advocated achieving a sustained unemployment rate of 3.5 percent and even lower. The recent recession and sticky high level of unemployment led policy shapers at the highest federal level to countenance a higher level of unemployment than we experienced during the tight labor markets in the 1960s. Secretary of the Treasury, John B. Connally, suggested that 4 percent unemployment has been achieved only in wartime and the goal established a decade ago is, therefore, based on "myth" and unattainable without excessive inflationary costs in peace time. Being a realist, he accepted a higher rate of unemployment. Paul McCracken, former Chairman of the Council of Economic Advisors, agreed with President Nixon's chief economic policy spokesman when he cautioned that we should not strive to achieve an unemployment rate below 4.5 percent.

Underlying the debate about the irreducible but responsible level of unemployment is the recognition that excessively tight labor markets can be bought only at a prohibitive cost of inflation, declining productivity, and rising unit labor costs which price our exports out of foreign markets and aggravate high unemployment at home. R. A. Gordon of the University of California (Berkeley) and George Perry of The Brookings Institution have demonstrated that earlier goals of high employment are more difficult to attain at present than they were, say, a decade or two ago. According to Gordon, the change in the age-sex distribution of the labor force between 1956 and 1970 would have yielded a 0.3 percent higher unemployment in the latter year than in 1956, everything else remaining equal. But the changes of reporting labor force data during the 1960s and the decision to exclude enrollees in manpower programs from the rolls of the unemployed have on balance reduced the number of those who are counted among the unemployed.

Whatever the comparable level of unemployment today with a decade or two ago may be, the fact is that the United States has tolerated a higher level of unemployment than most other advanced industrial countries. Even during the four years following the escalation of the war in Vietnam, the average unemployment rate in the United States was 3.8 percent—about the same as in Italy, but substantially higher than in other western European nations and in Japan. The rate in Great Britain between 1965 and 1969 was 3.2 percent; in France, 2.6 percent; in Sweden, 1.8 percent; and in Germany, only 0.7 percent. It is true that most other countries achieved the lower level of unemployment at a higher cost of inflation, but it can be argued that the goal was worth the costs and that the U.S. should have been willing to pay for achieving a lower unemployment rate.

Policy shapers can take little comfort that unemployment today would be lower *if* women's participation in the labor force were at a level of two decades ago. Rationalization of higher level of unemployment reflects callousness about the problems faced by millions of families who depend upon the income of working wives and mothers, especially the nearly 6 million families headed by females. We tolerated the high level of youth unemployment in the 1950s and suffered an alarming rate in the 1960s. High youth unemployment was not so serious a problem when there were fewer youths and there was little reason to be concerned about unemployment among married women when few of them entered the work force. But the number of 14- to 19-year-olds increased from 12.4 million in 1950 to 23.1 million two decades later. Women, also, are entering the labor force in increasingly larger numbers, and more of them are becoming heads of families.

INFLATION-UNEMPLOYMENT TRADE-OFF

Rationalization of higher unemployment reflects the failure of fiscal and monetary policies to cope with the twin ills of inflation and unemployment. While avoiding the sharp boom and bust cycles of earlier generations, we have not achieved both full employment and stable prices. Each of these can be purchased only with the coin of the other; we cannot have both. Other industrial countries have shown an inclination to tolerate higher inflation in order to secure lower unemployment.

Arthur Okun, President Johnson's chief economic advisor, estimated in 1962 that every 1 percent increase in GNP reduces unemployment by 0.3 percent. Though different estimates have been made since then, "Okun's Law," suggesting a straight relation between monetary and fiscal measures regulating aggregate demand and the level of unemployment, is now part of the conventional wisdom. Aggregate demand also, of course, affects price levels: the relation between price changes and the level of unemployment, though not exact, is clearly inverse, as shown in Chart 1. The curve fitted to these points slopes downward and to the right, meaning that lower employment is correlated with increasingly higher rates of price change and vice versa. This graphical relationship is usually referred to as the "Phillips curve," named after A. W. Phillips, the British economist who popularized the notion and measured the connection between employment levels and the rate of changes in wages. While wage and price changes are not synonymous, they are closely related and the term "Phillips curve" has been applied loosely to both the price change-unemployment and the wage change-unemployment relationships.

The sustained economic growth of the 1960s, with declining unemployment and only moderate inflation, generated forth in a "new economics" based on the foundations of fiscal and monetary policies. The experience of the past decade seemed to confirm the received doctrine of the Phillips curve that a little inflation could buy low unemployment, or vice versa. As the decade came to a close, however, the terms of trade were altered drastically. The Phillips curve, whatever its statistical validity, proved to be an undependable guide for action, as even substantial unemployment did not bring stable prices. Policy shapers had to choose according to their own values the most preferred combinations of unemployment and inflation. Although adequate to combat one problem at a time, the traditional tools were unable to fend off the dual foe, spurring a search for additions to the government's arsenal. The aggressive use of manpower programs seemed to have great promise.

THE ROLE OF MANPOWER POLICY

Some economists have argued that the difficult choice between unemployment and inflation can be eased by expanding the options available to policy planners. Manpower programs, they argue, have the potential to shift the trade-off to a more favorable position by changing the structure of the labor market, where inflationary pressures presumably originate.

The goals of manpower programs fall into three general categories: first, to help match the supply and demand for labor by increasing the efficiency of the labor market mechanism; second, to help workers who suffer particular disadvantages in competing for available jobs; and, finally, in the broadest sense, to provide every worker the vocational preparation needed for his chosen occupation, while insuring that society's labor requirements will be met.

During the 1960s the United States began to develop manpower policy as an added major tool in sustaining economic growth at stable prices and with minimum unemployment. Specific programs have been designed and implemented for each of the above goals. While politicians expanded the resources allocated to the development of manpower programs to help persons in need, it was also hoped that these efforts would improve the trade-off between unemployment and price changes or, to use the technical terms of the economists, would shift the Phillips curve leftward, so that reductions in unemployment could be achieved wtih less pressure on prices.

Until the last decade federal manpower programs were reactions to specific crises, such as the emergency measures which were taken during the Great Depression and World War II. Measures evolved during the 1960s may serve as a foundation for a comprehensive manpower policy that would, in turn, become part of overall governmental economic policy. Existing manpower programs can be divided into three categories:

1. labor market services to combat frictional unemployment by matching vacant jobs with idle workers;

2. rehabilitation and training programs undertaken to reduce structural unemployment by preparing technologically displaced or disadvantaged workers for existing job vacancies and to promote upward mobility; and

3. public job creation to counteract cyclical and seasonal unemployment.

It may be safely assumed that some frictional unemployment will always remain as long as workers are free to leave jobs or prepare for new employment and employers are free to lay off workers, relocate, or close their businesses. Structural unemployment also cannot be completely eliminated as long as changing technology continues to make some skills obsolete, as long as many entrants to the labor force are ill-prepared, and as long as the supply and demand for labor do not match perfectly. The manpower programs designed during the past decade were supposed not only to reduce the level of unemployment but also to help achieve stable prices.

CURRENT MANPOWER PROGRAMS

Federal outlays for manpower programs have risen more than thirteen-fold during the past decade. In fiscal 1961 the federal government contributed less than a quarter billion dollars for various manpower activities, half of which was allocated to the federal-state employment service network and the other half for vocational education and vocational rehabilitation. In fiscal 1971, $3.2 billion was spent for a broad array of efforts (Table 1). The countercyclical measures adopted in the summer of 1971 will raise federal appropriations for manpower programs by another billion dollars during fiscal 1972. Clearly, manpower programs have been a growth industry with total enrollment in late 1971 of about half a million (Table 2). Though some of these programs obviously reduced unemployment by providing stipends and some work or training to participants, their effectiveness in shifting the Phillips curve leftward (easing inflation pressures) remains to be proven. Each program may have a different impact upon the trade off, but only those efforts which affect persons already in the labor force, or expected imminently to enter, hold much hope of being useful as policy tools.

TABLE 1.—FEDERAL OUTLAYS FOR MANPOWER PROGRAMS FISCAL 1961 TO 1971 [1]

	1961	1964	1966	1968	1970	1971 (estimate)
Total (millions)	$239	$539	$1, 579	$2, 208	$2, 502	$3, 187
Total (percent)	100	100	100	100	100	100
Institutional training		17	31	27	23	21
On-the-job training		1	2	4	6	9
Work experience and work support		(2)	21	23	17	17
Job placement and support	53	34	17	15	18	19
Administration, research, and support	2	3	5	6	6	6
Vocational education	23	29	15	12	11	12
Vocational rehabilitation	23	16	10	13	18	17

[1] Includes only outlays by the Departments of Health, Education, and Welfare, and Labor, and Office of Economic Opportunity.

(2) Less than 0.5 percent.

Source: U.S. Office of Management and Budget.

TABLE 2.—ENROLLMENT IN MANPOWER PROGRAMS, SEPTEMBER 1971

	Amount
Total	490, 400
Manpower Development and Training Act:	
Institutional	5, 380
On-the-job	57, 240
Neighborhood Youth Corps:	
In-school and summer	79, 000
Out-of school	39, 810
Operation mainstream	21, 460
Public service careers	34, 400
Concentrated employment program	35, 030
Job opportunities in the business sector	33, 880
Work incentive program	110, 820
JobCorps	22, 380

Source: U.S. Department of Labor, Manpower Administration.

EMPLOYMENT SERVICES

Investment in job placement efforts has increased more than threefold during the past decade, but the number of nonagricultural placements made by the public employment service declined almost continuously during the period from 6.7 million to 4.6 million annually. This occurred while the total labor force was expanding at a rate of about 1.5 million jobs a year. One explanation for the declining number of employment service placements is the expansion of industries and occupations which do not usually turn to the public employment service for new employees. State and local governments, for example, normally utilize their own hiring channels and do not depend on public employment services. Another reason, and one that has greater importance for the future, has been the emphasis upon serving the poor and the unskilled. Many employers may therefore believe that the public employment service refers only marginal workers and they shun the public employment service or turn to it only to fill jobs requiring the barest preparation.

Other activities of the employment service, however, promise increased potential for its placement activities as well as for a better unemployment-inflation trade off. Efforts are underway to automate much of the public employment service. The most important activities in this area include:

1. A job bank system for the accumulation and dissemination of current job order information. Job orders submitted to the employment service in a labor market are microfilmed and distributed to public agencies that can effectively utilize this information in the placement process. Job banks now operate in 40 states covering 88 labor markets.

2. The conversion of the job banks into a computerized job-matching system. While the job bank is a relatively simple and inexpensive operation, the job-matching system involves sophisticated electronic hardware; and the matching of jobs with vacancies also requires difficult programming. The employment service is now experimenting with several computerized matching systems.

Efficient data handling does not create jobs. The computerization of the public employment service's activities will be of little help if employers do not turn to the local offices for job placement. The federal government departed in mid-1971 from a long-standing policy against compulsory registration by requiring employers engaged in government contracts to register job vacancies. Whether the effectiveness of the public employment will be improved by this departure from voluntarism remains to be seen.

The employment service is, however, more than just a placement agency. It also performs various services for both employers and job applicants. Until the mid-1960s, these were largely limited to the counseling and testing of applicants. The expanded responsibilities of the employment service required the local offices not only to reach out into communities to encourage unemployed and underemployed workers to apply for jobs, but also to offer various services to applicants in order to enhance their employability. This may include the purchase of medical assistance, referral to training, or provision of other services. Most significant of these may be the provision of funds for child care to free mothers with preschool children for work. But as long as the bulk of the public employment service clientele remains unskilled and unemployed, a provision for their training is essential in order to place them in sustained employment.

TRAINING

Effective training programs offer promise in reducing structural unemployment and inflationary pressures because skill improvement increases workers' productivity and may also reduce pressure on prices resulting from labor bottlenecks. Helping those with the most severe labor market problems should also expand the supply of labor, lowering in turn the pressure on wages so that there will be less price rise at any level of unemployment.

The impact of past manpower programs on the trade-off betwen unemployment and the rate of price change has not been measured; whether it ever will be is doubtful. Nor are conclusive data available about the extent to which the employability of trainees has been improved. A large proportion of total expenditures has been allocated to income maintenance (Table 3) and the long-run impact of actual training has not been ascertained. An attempt by the Labor Department to measure the changes in earning capacity—and presumably productivity—of former enrollees as compared with a control group has proven inconclusive and the Department has been slow in releasing the available data.

TABLE 3.—FUNCTIONAL DISTRIBUTION OF MANPOWER FUNDS IN 1970

	OJT	Institutional	Work support	Rehabilitation	Job placement assistance
Total Federal outlays (millions)	$159	$584	$429	$441	$460
Total (percent)	100	100	100	100	100
medial education	1	12	1	1	(1)
Skill training	17	22	(1)	6	(1)
Work supervision	(1)	(1)	11	(1)	1
Child care	(1)	11	(1)	(1)	27
Health	(1)	1	(1)	18	(1)
Recruitment, counseling, and placement	5	10	5	29	60
Other supportive services	33	2	2	25	2
Program administration	5	13	11	7	9
Allowances	38	29	70	15	(1)

[1] Less than 0.5 percent.

Source: U.S. Office of Management and Budget.

There was an increasing emphasis until the 1970 recession on private sector participation through wider use of on-the-job training, subsidies to private employers, appeals to corporate conscience, and government-business partnership programs. This approach gained its original impetus under the Johnson Administration, but its continued and increased support stemmed from its compatibility with Republican ideals.

The benefits of private sector participation are obvious. Where jobs are offered to disadvantaged workers without subsidy, the aims of manpower policy are achieved at little cost. To the degree that the business sector knows its own needs and is most skilled in preparing workers to meet these needs, the training it provides will be more efficient. With "hiring first and training later," jobs are assured to participants, creating a built-in incentive to remain in training.

The Manpower Development and Training Act of 1962 provided for reimbursement to employers for direct costs of training. This involved a much lower outlay on the part of the government per trainee than institutional training, but left to the employer the choice of trainees. Government officials found it difficult to ascertain whether the reimbursed training would have been done even without the government subsidy. To gain some control over the selection of new employees, if not the training, the government changed the rules of the game and reimbursed employers for hiring and retaining only disadvantaged applicants. Apparently in an effort to overcome employer reluctance to hire employees certified by a governmental agency, the federal government also raised the ante paid to employers.

Job opportunities in the Business Sector started off with much fanfare and apparently with a fair degree of success, though its achievements were usually exaggerated. However, unfavorable economic conditions in 1970 and 1971 slowed expansion. JOBS funds which had been earmarked in the anticipation of continued growth were re-allocated to other programs because of the meager participation of employers.

In the early days of the JOBS program, costs per hire were almost $3,000, nearly twice as high as under MDTA-OJT. This increase was necessary in part because the JOBS clientele was more disadvantaged. However, some of the increase was unrelated to employers' actual training costs and was instead an inducement for hiring.

Little is known about the training offered under JOBS, but fragmentary evidence suggests that in many cases it is little more than what is normally offered. Moreover, many of the disadvantaged hired under JOBS would likely have been placed in similar slots even without subsidies. These subsidies were not sufficient during 1970 and 1971 to induce hiring in the face of a recession and the program was refocused, with less emphasis on the disadvantaged.

If training has had a pay-off in shifting the Phillips curve, then the impact should have been most pronounced in youth programs. The training program most clearly designed for youth has been the Job Corps, and to a lesser extent skills centers under the Manpower Development and Training Act. The Job Corps was launched under the Economic Opportunity Act of 1964 to provide vocational and basic education to youths in a residential setting, under the assumption that removal from debilitating home environments would be necessary for training to be effective. Two types of centers were available for men in the initial years of the program. Those most deficient in preparation for work were placed in rural centers where the emphasis was on basic education combined with conservation work; those with better education received intensive vocational training in urban centers. For women, centers were opened in smaller urban areas; these emphasized training for clerical and service positions with fewer educational offerings, since women, as a rule, had more schooling than the men.

Coming into office with the promise to end the waste in the Job Corps, the Nixon Administration did more than trim the fat off the program; it closed 59 of 123 centers. Although a careful procedure was set up to insure that the least effective centers were closed and a variety of performance factors were considered and then weighted, enrollments in urban centers were cut the most drastically, though their performance was relatively better than rural centers. Careful analysis of the post-enrollment experience of corpsmen and women revealed improvements in employment and earnings, but the issue was whether these justified the very high costs of training.

The Neighborhood Youth Corps was designed as a work experience, income maintenance, and training program for youths. There are three types of operations. Part-time jobs are provided for those in school, under the assumption that extra income will forestall dropouts for economic reasons. Summer NYC employs youths who might otherwise be "on the streets," the aim being to cushion their return to school the next fall. For out-of-school youths, NYC provides jobs and training, but most of all income, during the years of least employability. NYC has remained largely an income maintenance program, offering little training and preparation for work.

MDTA skills centers offer training for a number of alternative occupations, counselors to help with occupational choice and personal problems, and a prevocational orientation period to acquaint the trainee with various occupational options before choosing one. Training modules, occupational clusters, and training "ladders" are combined, providing a number of broad skill areas in which trainees can find the specific occupation that best suits them. Flexibility is also attained by allowing students to enter at frequent intervals and leave when they reach their training goal.

A major concern of skill center administrators is that they have tended to become over time but another segregated institution just for the disadvantaged. However, a new move is to integrate MDTA skills centers into community colleges. The combination allows prestige, a mingling of disadvantaged and regular students, and a broader selection of occupation that might motivate trainees to continue into regular enrollment.

Conceptually, the most anti-inflationary manpower program has been the drive to convert relief recipients—most of whom are not employed—into productive workers and taxpayers. President Kennedy's slogan to describe the effort was "rehabilitation not relief"; President Nixon has used the slogan "workfare instead of welfare." Thus far, manpower authorities have been largely frustrated in designing effective programs which would improve the employability of relief recipients. Among the several public assistance programs, attention has been focused on Aid to Families with Dependent Children (AFDC) whose ranks have been swelling continuously since the end of World War II and particularly during the past decade.

Despite the decline of both poverty and unemployment due to sustained economic growth during the 1960s and despite a variety of other rising expenditures in aid of the poor, AFDC grew steadily. Having about doubled each decade between 1936 and 1966, AFDC again doubled within four years. By mid-1971 more than 10 million persons were on AFDC rolls. A number of contributory factors can be identified, but the relative ease to qualify and the increased attractiveness of AFDC as an income source played a paramount role in the expansion of AFDC. Cash payments during the 1960s increased about 50 percent faster than spendable earnings for workers with families. In addition, the value of in-kind benefits, such as food stamps, Medicaid, and public housing, increased even faster.

Programs were initiated under the 1964 antipoverty legislation and under the 1967 Social Security amendments to place employable adults on relief in training or jobs. However, these efforts have not worked well, and under President Nixon's prodding, Congress is now in the process of overhauling the public assistance system. These reform efforts run into the thorny problem of providing adequately for those who cannot work, maintaining incentives for the able-bodied to contribute to their own support, and keeping costs acceptable to the majority that foots the bill.

Any action Congress takes on President Nixon's proposals to induce or coerce public assistance recipients to enter gainful employment is likely to have little effect on shifting the Phillips curve in the desirable direction. Moreover, the initial costs would be considerable and the bill approved by the House carried an initial annual price tag of about $5 billion above current welfare expenditures. Since most AFDC family heads are females with small children, the government may have to provide child care facilities in order to free many mothers for work. According to HEW estimates, the annual cost for full day care for the preschoolers is some $1,800 and about a third as much for children attending school. For a mother with one pre-school child and one school child, the annual cost for day care could amount to $2,400. Another $1,000 might be added for the initial cost of training. The Labor Department has estimated that, largely because of the high dropout rate, governmental outlays amount to over $5,000 to place a mother in a job, in addition to public assistance payments. But even then, her earnings would have to be considerably above the average amount earned by females with limited skills and education before she would become economically independent. There may be persuasive reasons to encourage the economic independence of mothers and to induce them to choose work over relief, but the desire to avert inflationary pressures is not one of them.

Another hope for public training has been that the acquisition of new skills would improve the productivity of the work force and eliminate bottlenecks. Government subsidies were expected to induce employers to upgrade their labor force and, in the process, open up new jobs at the entry level for unskilled workers. While the Johnson Administration favored direct subsidies to employers, others have proposed that tax incentives be offered to employers to cover training costs. The latter notion was popular with most Republicans in the 90th Congress who endorsed the Human Investment Act, which proposed a 10 percent tax cut for wages paid to trainees in order to reimburse employers for training non-managerial or non-professional employees.

The major appeal to the tax incentive lies in the belief that the inducement will eliminate bureaucratic meddling in private business while it encourages business to pursue socially desirable goals. However, it is not clear whether the sought after goals can be achieved without government intervention. In the absence of governmental monitoring, business would do what comes naturally—hire the most acceptable workers and provide the same training to employees as it did in the past. Though President Nixon appeared to favor the Human Investment Act approach, he has not formally proposed it and the notion has not received careful consideration in Congress.

The idea of using federal funds for upgrading either through tax incentives or direct subsidies remains the subject of much rhetoric, but little action. Given the limited resources available for the manpower programs and the increasing emphasis upon helping the poor and the disadvantaged, very little resources are left to lesser priorities and upgrading has never received top billing in the manpower agenda. The limited activity reflects also not only inadequate foresight about future manpower needs, but more significantly the result of controls exercised by vested interests over entry and training in certain occupations. The current glut of engineers and assorted Ph.Ds in science is an illustration of the former and shortage of health personnel a manifestation of the latter.

JOB CREATION AND COUNTERCYCLICAL EFFORTS

The use of manpower outlays as a countercyclical measure, an outgrowth of the 1970 recession, is the latest weapon in the ever-expanding arsenal of manpower policy. These countercyclical mechanisms, however, reflected the ambivalence of the administration and Congress about the tolerable level of unemployment. In connection with releasing added manpower funds during high periods of unemployment, the administration proposed that trigger mechanism become operative when the total national unemployment averaged 4.5 percent during three consecutive months; but in connection with the automatic extension of unemployment insurance during the recession, the law provided that the mechanism became operative when *covered* unemployment reached 4.5 percent, an equivalent to total unemployment of 5.6 or 5.7 percent.

While the extension of the duration of unemployment insurance payments may be an effective countercyclical measure. President Nixon's proposal to expand manpower funds during a recession was modest indeed. The President proposed that manpower funds be expanded by 10 percent when the trigger mechanism became operative. Since less than $2 billion of manpower funds were covered by the proposal, the 10 percent boost would have raised annual manpower outlays during the recession by $200 million at most. The Administration proposed that these funds be allocated for training workers for jobs that might be expanded when recovery occurs.

The use of public employment as a countercyclical strategy, with permanent or temporary expansion during periods of economic decline, was the intent behind the Emergency Employment Act. Signed into law in July 1971 to combat the recession, it authorized outlays of $1 billion in fiscal 1972 and $1.25 in fiscal 1973 for the creation of an estimated 130,000 jobs in the public sector. The EEA was implemented at a breakneck speed, rare in the annals of government, with the intent of getting people on the job as quickly as possible. Monies were distributed among states and cities or counties with populations over 75,000. To assure the quickest possible implementation, federal regulations were kept to a minimum, leaving maximum authority and responsibility for the program to state and local officials. The jobs were reserved for the unemployed or underemployed and they were explicitly transitional in nature, with funding geared to the aggregate unemployment rate with a requirement that half of EEA participants eventually be moved onto permanent payrolls.

Contrary to conventional wisdom about the snail's place of governmental activity, the EEA experience showed that manpower programs can serve as an effective tool to counteract a recession, though not necessarily as a countercyclical tool. Within four months of the first allocation of EEA funds, 79,000 persons were reported to be on the job. Nine-tenths of these had been unemployed for at least a week, so that the program had some impact on unemployment. A variety of jobs were filled, but most appeared to be fairly productive, with a number of teachers, firemen, policemen, clerks, and typists being hired.

The EEA experience demonstrates some of the inherent problems in using public employment as a countercyclical strategy. The major problem is one of scale. Despite the fact that the EEA is the single largest manpower program, it will provide jobs for less than three percent of the unemployed at the end of 1971 and a much smaller proportion of the total number inside and outside of the labor force who have been hurt by the recession. It may have been possible to double or even triple the EEA appropriations and to distribute the funds with some semblance of order, but the massive commitment of resources needed to make a noticeable dent in unemployment would have been impossible at least within the time constraints needed to make the effort worthwhile as a countercyclical weapon. Hiring 79,000 persons in four months is a notable achievement, but the bulk of these persons were not on the job until the end of this period and the remaining 40 to 50 thousand to be hired under EEA will probably not be on board until six or eight months have elapsed. Since the recession was already in full swing for at least a year before congressional action was taken, and another four months were needed to get a majority of potential participants on the job, the program will probably reach its full scale as recovery is well on its way.

A final problem is that, despite the rhetoric, countercyclical public employment is a one-way street—state and local jobs can be expanded, but contraction may be more difficult and painful. For instance, under the EEA, the states and localities were informed that one-half of all participants must be moved into permanent jobs upon the expiration of EEA support. But there is no guarantee that the states and localities will absorb employees hired with EEA funds. Already, pressure is being exerted by mayors and governors to change EEA from a transitional to a permanent program, and this may well be in the cards. While there may be good reason for expanding the public sector, EEA might even contribute to inflationary pressures when recovery is achieved.

Though experience with the Emergency Employment Act has demonstrated that a public employment program can be implemented rapidly and is worthwhile during a recession, it has not shown that it can be a major countercyclical tool. Funds going to hire the unemployed are probably more effective than other public expenditures, but public employment can not be implemented on the scale or with the flexibility and timeliness that could give it a prominent place along with aggregate monetary and fiscal policies.

In expanding federal funds allocated to job creation in the public sector under the Emergency Employment Act of 1971, Congress may have been motivated by other than theoretical economic considerations; but it would appear that the congressional action reflects little faith in utilizing manpower programs as part of a countercyclical policy. Many economists would no doubt agree. In order to utilize manpower programs as a countercyclical device, there must be a reasonable anticipation that the faucets can be turned on and off at will in accordance with the dictates of economic needs. Experience has shown that this is not a reasonable expectation. It takes considerable time to expand manpower programs: training facilities have to be organized and personnel assembled; courses have to be developed; and trainees have to be selected and enrolled. And training of individuals cannot be terminated abruptly because average unemployment drops below a certain predetermined level.

Nonetheless, since every little bit helps, it would be a mistake to use the limitations of manpower programs as an argument against their utilization as a countercyclical measure. If President Nixon's proposal appeared too modest, Congress could have extended the trigger mechanisms by granting an additional boost in manpower funds for step increases in unemployment above 4.5 percent. For example, if manpower funds had been boosted by 10 percent for each 0.2 percent increase (above 4.5 percent) in unemployment over a period of three months, there would have been a 60 percent automatic increase of manpower funds by mid-1971. There should be little concern that the need for additional funds would suddenly disappear. Experience has shown that unemployment is slow to drop during a period of recovery and the additional training funds could be well utilized to prepare workers for expanding jobs. Moreover, unlike fiscal and monetary policies, manpower expenditures are directed at those most in need of help. Dollar for dollar, manpower programs probably have more impact on unemployment than other types of spending; expanding them may be the best way to help the unemployed when demand slackens.

Little effort has been enacted thus far to counteract seasonal unemployment. The lack of action may have been due to the wide diversity in climate and economic conditions in the various regions of the country which forms serious obstacles to the development of federal policy. But other industrial countries, particularly Germany and Canada, have adopted various incentives intended to counteract seasonal unemployment. The most significant U.S. manpower program to counteract seasonal unemployment is the annual expansion of the Neighborhood Youth Corps that provides income, if little employment, to as many as half a million unemployed youths who are out of school during the summer.

THE LIMITATIONS OF MANPOWER POLICY

Although ample room remains for further expanding manpower programs, it is doubtful that the phenomenal growth which was experienced during the past decade can be duplicated, nor is it even clear that it should. Manpower efforts are likely to remain a junior partner in the formulation of economic policy. Given the present magnitude of manpower programs, their limitations in affecting economic policy become obvious. The tax cut of 1964 pumped some $14 billion annually into the economy. The 1968 surtax relieved taxpayers of only somewhat more than half of that amount, but still three times the annual outlays for manpower programs. Moreover, as noted, unlike monetary and fiscal policies, manpower programs cannot be expanded or contracted easily.

Nonetheless, there has been no lack of advocates favoring expansion of manpower programs. Most of these advocates fail to recognize the problems of administering manpower programs, overcoming reluctance by vested interests, and assessing prospective manpower needs. Even if we would make the heroic assumption that these obstacles could be overcome, the case for a continued expansion of manpower programs as an economic rather than social or welfare tool would still remain to be proven. The inherent obstacles of adopting manpower programs as countercyclical tools are formidable. None of the recessions since the end of World War II has thus far lasted more than 13 months and most skill shortages have also been of short duration. With start-up time, recruitment and screening of candidates and instructors, actual training time, and allowances for those who will not complete training, the time period between recognition of a particular shortage and delivery of the first candidates may stretch into years. Some training efforts under existing programs, launched in a period of immense need, have provided graduates only when the need was long past. Advocates of expanded budgets continue to hope that manpower forecasting would be improved. Greater investment in early warning systems would provide better insights into projected manpower needs. But until these anticipations are realized, the constraints on expanding manpower programs remain very real. It would take much more to overcome discrimination in hiring and in the control exercised by special interest groups over entry and training.

Any program which enhances the employability of marginal workers, reduces labor market frictions, expands skills supply, or reduces institutional barriers to employment makes possible lower unemployment or reduced wage costs per unit of output. It does not follow, however, that the inflation-unemployment tradeoff will necessarily be improved. The additional supply of labor resulting from training may actually raise unemployment and the cost of training may raise total costs although direct unit labor costs may decrease. In the short run, the resources allocated to training may actually reduce the total labor supply engaged in production because skilled labor would be assigned to training.

The extent to which trainees fill jobs that would otherwise have remained unfilled or merely displaced other workers is also crucial through practically unresolvable. Displacement is frequently justified as an attempt to "spread the burden" of unemployment beyond those on the bottom of the economic pile. While this may be desirable on equity grounds, it actually detracts from efficiency by spending money and gaining no net yield.

Moreover, tradition and powerful institutions tend to determine wage rates and prevent sharp improvements in the unemployment-inflation trade off. In addition, inflationary pressures may, but do not necessarily, originate in the labor market. In the early 1960s, for example, price increases were considerably larger than unit labor cost boosts, reflecting large increases in nonlabor costs. Devices other than manpower programs are necessary to alter the observed relationship between prices and unemployment.

LOOKING AHEAD

This brief review of manpower programs also suggests that the presumed salutary effect of shifting the Phillips curve is more an article of faith than an established fact. The delivery of manpower services, the training of the unemployed and the underemployed, and the upgrading of employed workers should be judged on their own merits and not by their impact upon aggregate economic activity. If the manpower programs ease the unemployment-inflation trade off, so much the better. The controlling factor for the expansion or contraction of manpower efforts should be the needs of individuals and not an abstract, presumed trade off. Some improvement in the unemployment-inflation tradeoff may be anticipated from specific job training and placement programs. But these expectations do not by themselves justify further expansion of manpower programs since current efforts do not warrant inflated notions about the impact of manpower programs.

The effectiveness and role of manpower programs should be neither exaggerated nor denigrated. Experience has shown that the employment stability and earnings of many manpower program participants have improved. Others have not gained primarily because manpower programs were being asked to solve social and economic problems beyond their reach. Skill training is no substitute for adequate economic growth or job creation and improvements in labor market operations do not create jobs. Manpower policies can hardly instill a preference for work over welfare, nor can they single-handedly overcome the cumulative disadvantages or discrimination which are usually the cause of low earnings.

The relatively short experience with manpower programs during the 1960s must be viewed as experimental; hence, the limited success of these tools heretofore does not preclude reliance on them in the future. From the many trials and failures experienced during the past decade, lessons were learned, services were improved, and new options were provided to disadvantaged persons, especially blacks, to improve their abilities and thus gain entry into the mainstream economy. In many cases, manpower programs offer a second chance to those who failed in, or were failed by, the educational system and for those whose skills have been eroded by technological change. As more knowledge is gained about the needs of particular individuals and about the effectiveness of particular services or combination of services in meeting these needs, the manpower programs may become an alternative for those who do not succeed in the regular school system. The experience gained from the manpower programs may also help the regular school system to avoid past mistakes.

Experience has shown that in the short run the unemployment rate can be lowered or raised almost at the public will. The problem is to achieve sustained high employment without undue inflation and the key issue, therefore, is the trade off between unemployment and inflation. Despite the rhetoric of politicians and economists, it is not likely that we can achieve in the immediate years ahead both high employment and stable prices. Given this dilemma, experience dictates measures which will cushion the negative effects of inflation in order to sustain a high employment economy. The progress made during the past three or four decades justifies some optimism that increasingly sophisticated designes will ease the choice between inflation and unemployment. Meanwhile, we must make the hard decisions between the two and that remains a matter of personal values.

By Mr. HARTKE:

S. 3423. A bill to amend the Federal Aviation Act of 1958 so as to limit the power of the Secretary of Transportation to delegate his authority to examine medical qualifications of airmen. Referred to the Committee on Commerce.

MEDICAL CERTIFICATION OF AIRLINE PILOTS

Mr. HARTKE. Mr. President, the Federal Aviation Administration has proposed a radical change in the medical certification procedures for airline pilots which deserves our attention, interest, and concern. The proposed rule would require that all airline pilots take their Government-required, semiannual, and annual physical examinations from physicians hired by or under contract to their respective companies. Currently, airline pilots obtain their medical certifications from more than 2,100 private physicians who have been carefully chosen by the FAA on the basis of background, interest, and experience in aerospace medicine. The pilot pays for these examinations.

To the average air traveler, it may seem unimportant who gives the airline pilot his physical examinations—as long as he gets them and passes them, but it is important to anyone who chooses to take advantage of our air transportation system. Because it is vital to the public interest that airline pilots are always in top physical condition, we all must be concerned when a change in the medical examination procedures might mean that a pilot may not be in a proper physical or mental condition to pilot a commercial airliner.

The proposed change is contained in FAA Notice of Proposed Rulemaking 71-31 which was issued last October. Comments from interested parties in reply to the docket were due in no later than March 2.

Strangely, the Notice of Proposed Rulemaking did not give any rationale in the preamble which appeared in the Federal Register as is customary nor was a public hearing offered so that both sides—if there are two sides—could be provided a forum to express their views to the proposed change.

The reaction to the rule from the airlines, physicians, airline pilots, and the public was overwhelmingly in opposition to making any change. There are many good reasons for this opposition.

In the first place, the rule would be a blatant destruction of the time-honored doctor-patient relationship which we are privileged to have in this country. Since the doctors would be employed by the airlines, medical records would be company property and therefore available to anyone in authority. A doctor whose income depends on pleasing management could not very well refuse to produce records on pilots without jeopardizing his job.

Examine this arrangement from the airlines' point of view. The proposed rule would require them to set up or contract for physical examination facilities at great expense. Obviously, this new Government-directed cost would eventually be reflected in ticket prices. At this critical time in the history of air transportation when so many U.S. airlines are having financial difficulties, it is ludicrous to ask that they assume this added burden by Government dictum without any good reasons given them why they should.

The financial difficulties the airlines are experiencing could easily creep into this program. For example, I have been informed that it costs as much as $200,000 to train a pilot to qualify for the captain's seat of a modern, complex jet airliner. Picture what could happen if a company-paid doctor gives a physical examination and finds that a pilot should be disqualified. He reports this fact to management. Management officials, looking at their balance sheets, then ask the doctor if the pilot could not be allowed to fly for another 6 months or a year. The doctor, since he holds his job only if he pleases his superiors, reevaluates his conclusion, and gives the verdict that the pilot can continue flying. The pilot goes back to the cockpit thinking he is in good shape. The innocent passengers who fly with him assume he has no physical defects which might cause his incapacitation while in flight. What could happen as a result needs no elaboration.

Now look at this procedure from the pilot's point of view—especially a pilot who may have been active in representing his brother pilots in contract negotiations. If he has been particularly forceful in his efforts, it is not beyond the realm of possibility that management could pass the word to the medical examiner to find reasons why that man should not be certified as an airline pilot. Obviously, it is not in the public interest in either case to have passengers' lives or the career of a pilot rest on the whims of airline management.

There are other aspects to this plan to change the system of medical certification that must be considered. A proper question to ask is whether the Federal Aviation Administration has the legal authority to delegate to the airlines the mandatory requirement that the airlines conduct the Government-required physical examinations. The Air Transport Association, representing the Nation's scheduled airlines, has studied this question thoroughly and has concluded that the Notice of Proposed Rulemaking 71-31 is without statutory foundation or authority and could possibly be in violation of the fifth amendment of the Constitution. The basic legal question involved is whether the FAA Administrator can delegate a function which is clearly his under the law to persons unwilling to accept that responsibility.

It is interesting to note that the Federal Air Surgeon seeks to effect a change in a long-standing medical examination policy which he clearly supported several years ago. On July 1, 1966, he issued a medical bulletin to all aviation medical examiners to remind them that—

> **Physicians employed by or consultants to airline carriers and designated as Aviation Medical Examiners are not permitted to conduct FAA physical examinations on pilots or other flight crew members by their same company.**

He added that—

> **The purpose of the adoption of this policy was to avoid any dual affiliation, conflict of interest and/or any adverse public criticism.**

It is perfectly obvious to all that there is a great need for objectivity in the medical certification of airline pilots. Travelers aboard an airliner have every right to believe that their pilots have been examined by a physician who is completely unbiased in his judgment about their ability to function properly. on the job. No physician acting in the public interest should be asked to serve the Government on one hand, the airline on another and the pilot on still another. No human being, even a physician, would be free of the potential for conflicting pressures which would inevitably cause medical judgments to be warped in some way.

In recent newspaper accounts, the Federal Air Surgeon, Dr. Peter V. Siegel, is quoted as saying that some airline pilots suffering from serious ailments are escaping detection during FAA examinations and that "to get rid of the bad apples, the Government revokes 10 to 12 medical examiner certificates a year, and lets about 100 others lapse." The inference is that a few doctors are not doing their jobs under the program he administers and that he must fire them.

There are more than 2,100 medical examiners who are authorized to give airline pilot physical exams. The Nation's 35,000 airline pilots can go to any of them. Presumably they are all of them. Presumably they are all qualified or they would not be given the privilege. The Federal Air Surgeon has the tools to get rid of them if they do not perform according to the regulations and, to his credit, he does just that. Undoubtedly, he is ill at ease about this, because it places him in the position of telling his medical colleagues that some of them do not measure up to his standards.

To solve his problem of management of the aviation medical examiners under his supervision, the Federal Air Surgeon now wishes to pass the problem to the airlines. Failing that, there is only one other direction that he can go and that is for Government-paid physicians to perform the medical certification task—physicians who would man expensive federally supported examination facilities. Thus, the entire burden of examining 35,000 airline pilots would be borne by the taxpayers.

Since the FAA seems intent upon changing the medical certification system despite the strong opposition to it by the airlines, their pilots, and the aerospace physicians, it is necessary that legislation be enacted that would prohibit the FAA from making such an arbitrary move which has no reasonable basis. Accordingly I am today proposing legislation in the public interest which will expressly prohibit the Federal Aviation Administration from requiring the airlines to conduct the Government's medical certification of airline pilots. Further, this legislation will prohibit the Government from setting up and operating medical examination facilities for this function. In short, I respectfully propose that the medical certification now in effect remain unchanged. This legislation will assure the air traveler that the pilots of his aircraft are in absolutely tip top physical condition.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3423

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That section 314 (a) of the Federal Aviation Act of 1958 (49 U.S.C. 1355 (a)) is amended by inserting immediately after the first sentence the following new sentence: "In exercising his authority under this Act to determine medical qualifications of airmen, the Secretary shall not delegate any part of his authority to an employee of any air carrier or to any person performing medical services on a contractual or regular consulting basis for any air carrier, but shall provide that such determination be made only by private physicians under appropriate arrangements".

By Mr. ANDERSON:

S. 3426. A bill to establish the El Malpais National Monument, in the State of Mexico, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. ANDERSON. Mr. President, today I am introducing legislation to give El Malpais—Grants Lava Flow—located near Grants, N. Mex., national monument status. For many years the Grants Lava Flow has been considered by the people in the Southwest as one of the most unusual laval flows in the entire United States. From time to time suggestions were made that the area be set aside as a national park or monument. In 1965 the people of Grants, N. Mex., began a vigorous drive to obtain national monument status for El Malpais. At their request, I asked the National Park Service to do a reconnaissance study of the area which the Department did. After the reconnaissance study, the National Park Service determined that the area was of such significant importance as to warrant a thorough study by the Advisory Board on National Parks, Historic Sites, Buildings and Monuments, and the matter was referred to the Board for its study.

After 2 years, the Board determined that the area was of national significance and would be eligible for inclusion in the National Registry of Natural Landmarks. However, the studies by the National Parks Advisory Board continued and in 1971 the Board recommended that, because of the outstanding scenic, scientific and natural historic features of El Malpais, the area was fully qualified for monument status and recommended that the Department of the Interior take action to get the area authorized as a unit of the national park system. The Board further recommended that if the Park Service was unable to obtain this authorization, the area be designated by the Bureau of Land Management as an outstanding, natural area and that it be given national landmark status.

El Malpais is situated in the famous Mount Taylor volcanic region of western New Mexico. Estimated to be 120,000 acres in extent, it consists of several flows. The most striking is the McCarty's, a beautiful. fresh, black lava flow. A second flow, the Laguna, is larger, older, and more weathered than the McCarty's flow. It contains a large number of beautiful volcanic features including some of the largest and most extensive lava tubes reported within the United States; many cinder cones of classic symmetry; and some astonishingly magnificent ice caves, full of ice stalagmites, crystalline ceilings, and other unique formations. Two small features—lava tube sinkholes—large water ponds within the lava—and shark's tooth projections—formations angled in opposite directions on adjacent walls of a crack in the lava—are unreported elsewhere on the North American Continent.

Legislation drafted by the Park Service provided for setting aside of up to 165,000 acres. I believe this to be excessive; therefore, I have provided in the legislation that I introduced that the area is not to exceed 120,000 acres. It may be that we need even less than this, but I believe we can make this determination only after hearings are held before the Senate Interior Committee.

There has been no development of access roads into the El Malpais area. Tourists passing through that part of the Southwest have never known of the magnificent attraction that this area holds. Giving the area national monument status would permit us to open up the area for visitors, scientists, and others who are interested in this historic resource.

I am certain that once this area is made known to the people, there will be widespread interest in this unusual formation.

By Mr. MANSFIELD for Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 3428. A bill to designate certain areas in the United States as wilderness areas; and

S. 3429. A bill to designate certain areas in the United States as wilderness areas. Referred to the Committee on Interior and Insular Affairs.

By Mr. MANSFIELD for Mr. JACKSON (for himself, Mr. ALLOTT, Mr. MOSS, and Mr. FANNIN) (by request):

S. 3430. A bill to designate certain areas in the United States as wilderness areas. Referred to the Committee on Interior and Insular Affairs.

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Washington (Mr. JACKSON), I introduce three bills, and I ask unanimous consent that a statement prepared by Senator JACKSON in connection with the three bills and a communication from the President of the United States transmitting these proposals for additions to the national wilderness preservation system be printed in the RECORD.

There being no objection, the statement and communication were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR JACKSON

WILDERNESS LEGISLATION

On behalf of myself, the Ranking Minority Member of the Committee on Interior and Insular Affairs (Mr. Allott) and the Junior Senator from Utah (Mr. Moss), I send to the desk by request three bills to designate certain lands as wilderness pursuant to the Wilderness Act.

Mr. President, the Wilderness Act of 1964 established the National Wilderness Preservation System to insure that present and future generations of Americans have the benefits of a lasting natural resource.

These three bills will add 18 new areas to the System, as recommended to Congress by the President.

The first bill comprises those lands determined to be suitable for wilderness by the Bureau of Sport Fisheries and Wildlife. A total of five areas are included in the bill; the first is the 355-acre San Juan Islands Wilderness in the State of Washington; the second area is the 4,598-acre Moosehorn Wilderness (Baring Unit) located in northern Maine; the third area is the 17,746-acre St. Marks Wilderness located along the northeast Florida Gulf Coast; the fourth area is the 4,168-acre Wolf Island Wilderness located south of Savannah, Georgia, on the Atlantic Coast; and the last area is the 28,000-acre Cape Romain Wilderness in South Carolina.

The second bill designates areas deemed suitable by the U.S. Forest Service for inclusion in the Wilderness System. These are the Glacier Wilderness in Wyoming, Eagles Nest Wilderness in Colorado, Agua Tibia Wilderness in California, Emigrant Wilderness in California, Weminuche Wilderness in Colorado and Mission Mountains in Montana. I feel the proposals have great merit and their inclusion into the National Wilderness Preservation System will afford these areas of the National Forests even greater protection in the future.

The third bill includes areas recommended by the National Park Service. The four areas are embraced in the following Federal land units:

Colorado National Monument, Colorado, to be designated Colorado Wilderness; Bryce Canyon National Park, Utah, to be designated Bryce Canyon Wilderness; Chiracahua National Monument, Arizona, to be designated Chiracahua Wilderness, and Black Canyon of the Gunnison National Monument, Colorado, to be Black Canyon of the Gunnison Wilderness.

This proposal affords us another opportunity to set aside unique natural environment with outstanding scenic, geological and biological resources.

The Senate and the public may be assured that the Committee on Interior and Insular Affairs will consider these proposals as expeditiously as possible. We recognize that time is of the essence if we are to meet the goal established by the Wilderness Act and endorsed by millions of Americans who are concerned about the threat to our last remaining wild lands.

THE WHITE HOUSE,
Washington, D.C., February 8, 1972.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Pursuant to the Wilderness Act of September 3, 1964, I am pleased today to transmit proposals for 18 additions to the National Wilderness Preservation System.

The proposed new wilderness areas, which cover 1.3 million acres in all, are enumerated in my Special Message on the Environment of today's date. Two other possibilities considered by the Secretary of the Interior in his review of roadless areas of 5,000 acres or more—Martin National Wildlife Refuge, Maryland, and Wupatki National Monument, Arizona—were found to be unsuitable for inclusion in the Wilderness System. I concur in this finding and in the 18 favorable recommendations of the Secretaries of the Interior and of Agriculture, all of which are transmitted herewith.

Timely and farsighted action is imperative if we are to preserve America's irreplaceable heritage of wildness as part of our legacy to the future. I urge that protected status be promptly extended to the lands covered by these proposals and by the 31 previous wilderness recommendations already pending before the Congress.

Sincerely,

RICHARD NIXON.

By Mr. PELL:

S. 3431. A bill to amend the Federal Employees' Compensation Act so as to permit injured employees entitled to receive medical services under such act to utilize the services of podiatrists. Referred to the Committee on Post Office and Civil Service.

COVERAGE OF PODIATRISTS UNDER FECA

Mr. PELL. Mr. President, I introduce for appropriate referral a bill to permit employees who have been injured in federally related jobs to receive the services of podiatrists if it is necessary.

Although the services of podiatrists are included in the coverage of medicare, medicaid, and Federal employees health plans, the services of podiatrists are not authorized under the provisions of the Federal Employees Compensation Act.

As Dr. Robert J. Houle, president of the Rhode Island Podiatry Society, has noted in a recent letter to me, this situation is "incongruous."

To change this situation I believe the Employees Compensation Act (5 U.S.C. 8101 et seq.) should be amended to define the doctor of podiatric medicine as being in the same category as doctors of medicine and osteopathy.

Precedents for this bill have already been established by the Congress. Title XVIII of the Social Security Act defines the podiatrist as a "physician" for purposes of medicare. Equally important are the numerous national health insurance—NHI—proposals now pending in the Congress. Podiatrists' services are integral parts of these proposals, including the administration's plan which specifies the podiatrist as a physician.

Licensed in every jurisdiction to medically and surgically treat conditions of the foot, the podiatrists also participate in the medicaid program. The Health Professions Act provides scholarships and loans to podiatric students and provides for the construction of schools of podiatric medicine.

Also, presently pending in Congress is legislation which would enable podiatrists to participate in the FHA group practice facilities program.

Since the early days of World War II, podiatrists have served as commissioned officers in the various branches of the Armed Services. Veterans' Administration Hospitals, too, employ podiatrists for their programs as do a growing number of city, county, and State public health departments.

It is of special interest that State legislatures, attorneys general, and State insurance commissioners have consistently interpreted the podiatrist as a "physician" for State workmen's compensation programs, use of drugs, scope of practice, private health insurance, and school accident programs.

In 1961 the Bureau of Retirement and Insurance of the Civil Service Commission designated the podiatrist as a "physician" and "doctor" for the various health plans provided under the Federal Employees' Health Benefits Act of 1959.

The lack of coverage for podiatric service is a more serious problem for Federal employees who live in rural areas since they do not even have available the limited number of Federal health facilities available in urban areas that have been permitted by the Bureau of Employees Compensation to treat foot injuries of Federal employees.

In rural areas the injured Federal employee has no choice but to seek a podiatrist for the treatment of his foot problem.

As a result there have been many cases on record indicating that Federal employees in these areas have sought and received needed services from podiatrists in private practice; and yet, these services have not been compensated due to FECA's limited interpretation of "physician." I do not believe that Congress intended to impose distinctions among licensed practitioners of the healing arts. The present language of the Federal Employees Compensation Act allows that discrimination and unfairly denies the services of podiatrists to injured Federal employees. I would hope that that act would be amended to correct this inequity.

Mr. President, I ask unanimous consent to have printed in the Record a recent letter addressed to me by Dr. Robert Houle, president, Rhode Island Podiatry Society. Dr. Houle's letter, succintly addresses the very problem the legislation I introduce today proposes to correct.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Rhode Island Podiatry Society,
Providence, R.I., January 31, 1972.

Hon Claiborne Pell,
U.S. Senate, Old Senate Office Building, Washington, D.C.

Dear Senator Pell: In recognition of your untiring efforts to bring improved health care to the American people, I want to seek your help in remedying a problem Federal employees face in seeking the professional services of doctors of podiatric medicine. Specifically, I refer to the *Federal Employees Compensation Act* and the fact that podiatrists are not authorized to render professional services thereunder.

As you are aware, however, the *Federal Employees Health Benefits Program* does provide for podiatry services. It is therefore difficult at best to understand why Federal employees *cannot seek* the services of podiatrists for work-related injuries when the same services are fully authorized for non-work-related injuries and diseases.

In order to correct this incongruous situation, the *Federal Employees Compensation Act* will have to be amended defining the podiatrist as a physician, alongside doctors of medicine and osteopathy. And the Rhode Island Podiatry Association would very much appreciate your assistance in moving this objective forward.

Thanking you in advance for the sincere consideration you will give this matter, I remain

Yours truly,
Robert J. Houle, D.S.P.

By Mr. COTTON (by request):

S.J. Res. 219. A joint resolution to establish a national policy relating to conversion to the metric system in the United States. Referred to the Committee on Commerce.

NATIONAL POLICY ON CONVERSION TO METRIC SYSTEM

Mr. COTTON. Mr. President, at the request of the Acting Secretary of Commerce, I introduce for appropriate reference a joint resolution to establish a national policy relating to conversion to the metric system in the United States.

There presently is pending before the Committee on Commerce another legislative proposal, S. 2483, which proposes to provide a national program for conversion to the metric system and to provide for converting to the general use of such system within 10 years after the date of enactment of such legislation. The full Commerce Committee held hearings on this bill, S. 2483 on February 29 and March 1.

These measures—that which I am introducing today and S. 2483—take a somewhat different approach with respect to providing for conversion to the metric system and in view of that fact I am today introducing this joint resolution in order that the committee may have the benefit of all views on this most important matter. This is a most important matter having far-reaching implications for American business and the national economy. It therefore is deserving of most careful consideration.

This legislation represents the work product of the final report of the metric system study authorized by the Congress pursuant to Public Law 90-472, whereby the Secretary of Commerce was directed to conduct a 3-year study of the advantages and disadvantages of the U.S. converting to the metric system.

Mr. President, I ask unanimous consent that the full text of the joint resolution be printed in the Record at this point together with the transmittal letter and the statement of purpose of need.

There being no objection, the joint resolution, letter, and statement were ordered to be printed in the Record, as follows:

S. J. Res. 219

Whereas the use of the metric system of weights and measures in the United States was authorized by the Act of July 28, 1866 (14 Stat. 339); and

Whereas the United States was one of the original signatories to the Convention of the Meter (20 Stat. 709), which established the General Conference of Weights and Measures, the International Committee of Weights and Measures, and the International Bureau of Weights and Measures; and

Whereas the metric measurement standards recognized and developed by the International Bureau of Weights and Measures have been adopted as the fundamental measurement standards of the United States and the customary units of weights and measures used in the United States have been since 1893 based upon such metric measurement standards; and

Whereas the governments of Australia, Canada, Great Britain, India, Japan, New Zealand, and the Union of South Africa have determined to convert, are converting or have converted to the use of the metric system in their respective jurisdictions; and

Whereas the United States is the only industrially developed nation which has not established a national policy committing itself to and facilitating conversion to the metric system; and

Whereas as a result of the study to determine the advantages and disadvantages of increased use of the metric system in the United States authorized by Public Law 90-472 (82 Stat. 693), the Secretary of Commerce has found that increased use of the metric system in the United States is inevitable, and has concluded that a planned national program to achieve a metric changeover is desirable; that maximum efficiency will result and minimum costs to effect the conversion will be incurred if the conversion is carried out in general without Federal subsidies; that the changeover period be 10 years, at the end of which the nation would be predominantly, although not exclusively, metric; that a central coordinating body be established and assigned to coordinate the changeover in cooperation with all sectors of our society; and that immediate attention be given to public and formal education and to effective U.S. participation in international standards making; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, the policy of the United States shall be:

(1) to facilitate and encourage the substitution of metric measurement units for customary measurement units in education, trade, commerce and all other sectors of the economy of the United States with a view to

making metric units the predominant, although not exclusive, language of measurement with respect to transactions occurring after 10 years from the date of the enactment of this Resolution.

(2) to facilitate and encourage the development as rapidly as practicable of new or revised engineering standards based on metric measurement units in those specific fields or areas in the United States where such standards will result in rationalization or simplification of relationships, improvements of design, or increases in economy.

(3) to facilitate and encourage the retention in new metric language standards of those U.S. engineering designs, practices, and conventions that are internationally accepted or embody superior technology.

(4) to cooperate with foreign governments and public and private international organizations which are or become concerned with the encouragement and coordination of increased use of metric measurement units or engineering standards based on such units, or both, with a view to gaining international recognition for metric standards proposed by the United States and to encourage retention of equivalent customary units in international recommendations during the U.S. changeover period.

(5) to assist the public through information and educational programs to become familiar with the meaning and applicability of metric terms and measures in daily life. Programs hereunder should include:

(a) Public information programs conducted by the Board through the use of newspapers, magazines, radio, television, other media and through talks before appropriate citizens groups and public organizations.

(b) Counselling and consultation by the Secretary of Health, Education, and Welfare and the Director, National Science Foundation with educational associations and groups so as to assure that the metric system of measurement is made a part of the curricula of the nation's educational institutions and that teachers and other appropriate personnel are properly trained to teach the metric system of measurement.

(c) Consultation by the Secretary of Commerce with the National Conference of Weights and Measures so as to assure that State and local weights and measures officials are appropriately informed of the intended metric changeover and are thus assisted in their efforts to bring about timely amendments to weights and measures laws.

(d) Such other public information programs by any Federal agency in support of this Resolution which relate to the mission of the agency.

Sec. 2. *Definitions*

For the purposes of this Resolution—

(a) The term "metric system of measurement" means the International System of Units as established by the General Conference of Weights and Measures in 1960 and interpreted or modified for the United States by the Secretary of Commerce.

(b) The term "engineering standard" means a standard which prescribes a concise set of conditions and requirements to be satisfied by a material, product, process, procedure, convention, test method, and the physical, functional, performance and/or conformance characteristics thereof.

(c) The term "changeover period" means the length of time for the United States to become predominantly, although not exclusively, metric.

(d) The term "international recommendation" means a recommendation formulated and promulgated by an international organization and recommended for adoption by individual nations as a national standard of measurement.

Sec. 3. There is hereby established a National Metric Conversion Board (hereinafter referred to as the "Board") to implement the policy set out in this Resolution.

Sec. 4. The composition of the Board shall be as follows:

(a) Not to exceed twenty-one persons appointed by the President who shall serve at his pleasure and for such terms as he shall specify and who shall be broadly representative of the American society. The President shall designate one of the members appointed by him to serve as Chairman and another to serve as the Vice Chairman of the Board;

(b) Two members of the House of Representatives who shall not be members of the same political party shall be appointed by the Speaker of the House of Representatives; and

(c) Two members of the Senate who shall not be members of the same political party shall be appointed by the President of the Senate.

Sec. 5. The Executive Director of the Board shall be appointed by the President and shall be responsible to the Board for carrying out its responsibilities according to the provisions of this Resolution.

Sec. 6. (a) Within 12 months after funds have been appropriated to carry out the provisions of this Resolution the Board shall, in furtherance and in support of the policy expressed in section 1 of this Resolution, develop and submit to the Secretary of Commerce for his approval and transmittal to the President a comprehensive plan to accomplish a changeover to the metric system of measurement in the United States. If such plan is approved by the President, he shall transmit it to the Congress. Such plan may include recommendations for legislation deemed necessary and appropriate. In developing this plan the Board shall:

(1) Consult with and take into account the interests and views of United States commerce and industry, including small business; science; engineering; labor; consumers; government agencies at the Federal, State, and local level; nationally recognized standards developing and coordinating organizations; and such other individuals or groups as are considered appropriate by the Board to carry out the purposes of this section.

(2) Consult, to the extent deemed appropriate, with foreign governments, public international organizations, and, through appropriate member organizations, private international standards organizations. Contact with foreign governments and intergovernmental organizations shall be accomplished in consultation with the Department of State.

(b) Any amendment to an approved plan shall be submitted by the Board to the Secretary and the President under the provisions set out in subsection (a) of this section.

(c) Unless otherwise provided by the Congress, the Board shall have no compulsory powers.

Sec. 7. Upon approval of the plan by the President, the Board shall begin the implementation of the plan, except for those recommendations, if any, which require legislation.

Sec. 8. In carrying out its duties, the Board is authorized to:

(a) enter into contracts in accordance with the Federal Property and Administrative Services Act of 1949, as amended, with Federal or State agencies, private firms, institutions and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties;

(b) Conduct hearings at such times and places as it deems appropriate;

(c) establish such committees and advisory panels as it deems necessary to work with various sectors of the American economy and governmental agencies in the development and implementation of detailed changeover plans for those sectors; and

(d) perform such other acts as may be necessary to carry out the duties prescribed by this resolution.

Sec. 9. (a) Members of the Board who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the Board or otherwise engaged in the business of the Board, be entitled to receive compensation at a rate of $100 per day, including travel-time, and while so serving on the business of the Board away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service. Payments under this section shall not render members of the Board employees or officials of the United States for any purpose.

(b) The Executive Director of the Board shall serve full-time and receive basic pay at a rate not to exceed the rate provided for GS-18 in Subchapter III of Chapter 53 of title 5, United States Code.

Sec. 10. (a) The Board is authorized to appoint and fix the compensation of such staff personnel as may be necessary to carry out the provisions of this Act.

(b) The Board is authorized to employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, compensate individuals so employed at rates not in excess of the rate prescribed for grade 18 of the General Schedule under section 5332 of such title, including travel time, and allow them, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of said title 5 for persons in the Government service employed: *Provided, however*, that contracts for such employment may be renewed annually.

Sec. 11. Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) and such other staff services as may be requested by the Board shall be provided the Board by the Secretary of Commerce, for which payment shall be made in advance, or by reimbursement, from funds of the Board in such amounts as may be agreed upon by the Chairman of the Board and the Secretary of Commerce.

In performing these functions for the Board, the Secretary is authorized to obtain such information and assistance from other Federal agencies as may be necessary.

Sec. 12 (a) The Board is hereby authorized to accept, hold, administer and utilize gifts, donations, and bequests of property, both real and personal, and personal services, for the purpose of aiding or facilitating the work of the Board. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a separate fund and shall be disbursed upon order of the Board.

(b) For the purpose of Federal income, estate, and gift taxes, property accepted under subsection (a) of this section shall be considered as a gift or bequest to or for the use of the United States.

(c) Upon the request of the Board, the Secretary of the Treasury may invest and reinvest in securities of the United States any moneys contained in the fund herein authorized. Income accruing from such securities, and from any other property accepted to the credit of the fund authorized herein, and shall be disbursed upon the order of the Board.

Sec. 13. The Board shall cease to exist no later than ten years after approval by the President of the plan called for by Section 6.

Sec. 14. The Board shall submit annual reports of its activities and progress under this Resolution to the Secretary of Commerce for his approval and transmittal to the President and to the Congress.

SEC. 15. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Resolution. Appropriations to carry out the provisions of this Resolution may remain available for obligation and expenditure for such period or periods as may be specified in the Acts making such appropriations.

THE SECRETARY OF COMMERCE,
Washington, D.C., February 29, 1972.

Hon. SPIRO T. AGNEW,
President of the Senate, U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are four copies of a draft Joint Resolution "To establish a national policy relating to conversion to the metric system in the United States" together with a statement of purpose and need in support thereof.

The Department of Commerce urges enactment by the Congress of this Joint Resolution for the reasons set forth in the statement of purpose and need.

We have been advised by the Office of Management and Budget that enactment of this draft Joint Resolution would be consistent with the Administration's objectives.

Sincerely,

KARL E. KAKKE,
Acting Secretary of Commerce.

STATEMENT OF PURPOSE AND NEED

In view of the increased use of the metric system of measurement in international trade and its adoption by virtually every major nation in the world, the Congress, by Public Law 90–472 in 1968, directed the Secretary of Commerce to undertake a three year study of the metric system so as to determine its impact on the United States. The Secretary's final report, submitted in July 1971, concludes that eventually the United States will join the rest of the world in the use of the metric system as the predominant common language of measurement. Rather than drifting to metric with no national plan to help the sectors of our society and guide our relationships abroad, a carefully planned transition in which all sectors participate voluntarily is preferable. Such a plan would assist these sectors in adjusting to the metric system more efficiently, more effectively, and more economically.

As a means of providing an effective changeover to the metric system, there is herewith proposed a Joint Resolution which would establish a national policy for converting to the metric system in the United States. The Resolution, after describing previous United States involvement in metric system measurement activities, declares that the policy of this Nation shall be to facilitate and encourage the substitution of the metric system of weights and measures in place of the current customary measurement units in education, trade, commerce and all other sectors of the economy. It is intended that metric units would become the predominant, though not exclusive, language of measurement within a period of ten years from the date of this Resolution's enactment. Another important part of this policy pertains to the retention in new metric language standards of those U.S. engineering designs, practices, and conventions that are internationally accepted or embody superior technology. It would also be this country's intention to cooperate with foreign governments and private international organizations which are concerned with the encouragement and coordination of the increased use of metric measurement units or engineering standards based on such units. Finally, it would be the policy to conduct extensive publication information and educational programs through use of the public media so as to familiarize the public with the meaning and applicability of metric terms and measurements in their daily life. In addition, the Secretary of Health, Education, and Welfare and the Director of the National Science Foundation are authorized to counsel and consult with educational associations and groups so as to assure that the metric system of measurement is made a part of the curricula of the Nation's educational institutions and that teachers and other personnel are properly trained to teach the metric system of measurement. Further, the Secretary of Commerce is authorized to consult with the National Conference of Weights and Measures so as to assure that State and local weights and measures officials are appropriately informed of the intended metric changeover and are thus assisted in their efforts to bring about timely amendments to weights and measures laws.

To carry out these policies, the Resolution would establish a National Metric Conversion Board composed of not more than 21 distinguished private citizens appointed by the President and 4 members of the Congress selected by the Speaker of the House of Representatives and the President of the Senate. One of the initial functions of this Board would be to develop and submit to the Secretary of Commerce, for his approval and transmittal to the President, a comprehensive plan to accomplish the changeover to the metric system of measurement in the United States. This plan shall be submitted to the Secretary within 12 months after funds have been appropriated to carry out the Resolution's provisions. The Resolution would give no compulsory powers to the Board and the changeover proposed by the Board in its plan would be entirely voluntary.

In developing the plan, the Board would be required to consult with United States commerce and industry, including small business, science, engineering, labor, education, consumers, nationally recognized standards developing and coordinating organizations, government agencies at the Federal, State, and local level as well as, where appropriate, with foreign governments and public international organizations. Upon the approval of the plan by the President, it would be submitted to the Congress. The Board, after approval by the President, would begin implementation of the plan except for those recommendations in the plan, if any, which would require legislation. The life of the Board would be no longer than 10 years after its plan is approved by the President.

The Resolution makes provision for an Executive Director and a staff to assist the Board. In carrying out its duties, the Board would be authorized to enter into contracts, conduct hearings, establish committees and advisory panels, and perform such other acts as may be necessary to implement the functions prescribed by the Resolution. Annual reports of its progress would be submitted by the Board to the Secretary of Commerce for his approval. The Secretary would, in turn, forward such reports to the President for his approval and transmittal to the Congress.

The Resolution would authorize the appropriation of such sums as may be necessary to carry out its provisions. The appropriations would be available for obligation and expenditure for such periods as specified in the Acts making such appropriations.

It is estimated that expenditures in the first full year of operation would approximate three million dollars.

By Mr. PELL (for himself, Mr. WILLIAMS, Mr. RANDOLPH, Mr. KENNEDY, Mr. MONDALE, Mr. EAGLETON, and Mr. CRANSTON):

S.J. Res. 220. A joint resolution making additional appropriations for the Office of Education for the fiscal year ending June 30, 1972. Referred to the Committee on Appropriations.

Mr. PELL. Mr. President, the Subcommittee on Education of the Senate Committee on Labor and Public Welfare on Friday held a hearing on S. 3395, the President's Equal Educational Opportunity measure. This legislation, while spoken of as a new breakthrough by the President in one of his recent TV appearances, delivers little that is new. During the hearing, it became increasingly evident to the members of the subcommittee, that under the new proposal, the President was actually calling for funding of that which has already been enacted. In fact, it appeared more cosmetic rather than real.

In 1965, the U.S. Senate enacted Public Law 89–10. The major provision in that legislation is title I which seeks to provide funds to schools which teach disadvantaged children in urban and rural areas. After a few years of operation it was realized that further efforts were needed to target funds to those schools which serve the highest concentration of disadvantaged children. Therefore, in 1970 with the enactment of Public Law 91–230 a targeting mechanism was established.

Unfortunately, the administration in its budget requests has never sought to adequately utilize the title I tool. For example, it is estimated that last year's authorization for title I was $6 billion. The administration asked for $1.5 billion and the final appropriation was $1.6 billion. This year's budget calls for the same figure.

The point I wish to make clear to the Senate is that there is already a mechanism to do what the President calls for in his equal education opportunity bill. With full funding of title I of the Elementary and Secondary Education Act he can target money into schools teaching high concentrations of disadvantaged children.

With this in mind, and in behalf of myself and Senators WILLIAMS, RANDOLPH, KENNEDY, MONDALE, EAGLETON and CRANSTON I am introducing a joint resolution which will provide a supplemental appropriations in the amount the President proposes to use for equal educational opportunity, $2.5 billion. This procedure is unusual in that traditionally appropriations bills come from the House, but busing and equal education ought not be treated as ordinary matters and it is my belief that an unusual procedure should be adopted. I call upon the President to support this effort. To use a cliche, to put the money where the mouth is.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 649

At the request of Mr. MANSFIELD, the Senator from Oklahoma (Mr. HARRIS) was added as a cosponsor of S. 649, a bill to abolish the Interstate Commerce Commission.

S. 1819

At the request of Mr. BAKER, the Senator from Wyoming (Mr. MCGEE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Montana (Mr. METCALF), and the Senator from Florida (Mr. GURNEY) were added as cosponsors of S. 1819, a bill to amend the Uniform Relocation Assistance and

Real Property Acquisition Policies Act of 1970.

S. 2956

At the request of Mr. Javits, the Senator from Indiana (Mr. Bayh) and the Senator from Illinois (Mr. Stevenson) were added as cosponsors of S. 2956, the War Powers Act.

S. 2994

At the request of Mr. McClellan, the Senator from Nevada (Mr. Cannon) was added as a cosponsor of S. 2994, a bill to provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation; to authorize an insurance program and death and disability benefits for public safety officers; to provide civil remedies for victims of racketeering activity; and for other purposes.

S. 3067

At the request of Mr. Javits, the Senator from New York (Mr. Buckley), the Senator from Tennessee (Mr. Baker), and the Senator from Illinois (Mr. Stevenson) were added as cosponsors of S. 3067, a bill to eliminate racketeering in the sale and distribution of cigarettes.

S. 3140

At the request of Mr. Metcalf (for Mr. Muskie) the Senator from Maryland (Mr. Mathias) was added as a cosponsor of S. 3140, the Intergovernmental Cooperation Act of 1972.

S. 3232

Mr. PACKWOOD. Mr. President, I would like to clarify for the Record an omission in the printing of legislation I have introduced, S. 3232, the Transportation Crisis Prevention Act.

The distinguished senior Senator from Florida (Mr. Gurney) was a cosponsor of this legislation when it was introduced as an amendment to Senate Joint Resolution 197 on February 8, and was also an original cosponsor when it was reintroduced on February 24 as S. 3232. Unfortunately, his name does not appear on the bill as printed, and I would like the Record to show that the Senator from Florida is an original cosponsor.

I ask unanimous consent that at the next printing the name of the Senator from Florida (Mr. Gurney) be added as a cosponsor of S. 3232.

The PRESIDENT pro tempore. Without objection, it is so ordered.

S. 3334

At the request of Mr. Mansfield (for Mr. Magnuson) the Senator from New York (Mr. Buckley) was added as a cosponsor of S. 3334, a bill to authorize the Secretary of the Interior to assist the States in controlling damage caused by predatory animals; to establish a program of research concerning the control and conservation of predatory animals; to restrict the use of toxic chemicals as a method of predator control; and for other purposes.

S. 3338

At the request of Mr. Hartke, the Senator from North Carolina (Mr. Jordan) was added as a cosponsor of S. 3338, a bill to amend title 38, United States Code to increase the rates of compensation for disabled veterans, and for other purposes.

S. 3343

At the request of Mr. Hartke, the Senator from Texas (Mr. Tower) was added as a cosponsor of S. 3343, a bill to amend chapter 21 of title 38, United States Code, to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans.

S. 3351

At the request of Mr. Brock, the Senator from Delaware (Mr. Roth) was added as a cosponsor of S. 3351, a bill to establish a Council on International Economic Policy.

S. 3357

At the request of Mr. Mondale, the Senator from North Dakota (Mr. Burdick), the Senator from Missouri (Mr. Eagleton), the Senator from Indiana (Mr. Hartke), the Senator from Washington (Mr. Jackson), the Senator from South Dakota (Mr. McGovern), the Senator from Montana (Mr. Metcalf), the Senator from Maine (Mr. Muskie), the Senator from Wisconsin (Mr. Nelson), and the Senator from Wisconsin (Mr. Proxmire) were added as cosponsors of S. 3357, a bill to provide price support for milk at not less than 85 per centum of the parity price therefor.

S. 3378

Mr. NELSON. Mr. President, Senator Moss and Senator Muskie have requested that their names be added as cosponsors of S. 3378, the Tax Reform Act of 1972.

I ask unanimous consent that Senator Muskie's statement on this proposed legislation be printed in the Record at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Statement by Senator Edmund S. Muskie on Cosponsorship of Tax Reform Act of 1972

I am co-sponsoring Senator Nelson's Tax Reform Act of 1972 because of my conviction that tax reform is one of the most urgent issues facing the Congress. I want to do all that I can to assist the passage of comprehensive meaningful reform legislation that will end many of the inequities of our federal tax system. Senator Nelson correctly points out that a tax system supposedly progressive, designed to tax people according to their ability to pay, has in fact become an unfair, discriminatory system which shelters the wealthy from a fair share of the tax burden. The American people recognize this inequity and they are demanding an end to it. Their demand does not represent, as some would argue, a retreat from responsibility, or a diminished commitment to the public welfare. Instead, it represents a simple, just appeal for fairness in the distribution of the tax burden. Congress must respond to this appeal with the kind of legislation advanced by Senator Nelson.

However, as Senator Nelson stated when he introduced his legislation, supporters of tax reform do not agree on all details of reform. There are items in my tax reform program not contained in Senator Nelson's bill. There are some details of Senator Nelson's bill not contained in my own program. Therefore, to further consideration of the details of all aspects of tax reform, I intend to introduce a tax reform bill which embodies the proposals in my program. This bill will not be competitive with Senator Nelson's. I simply hope, by its introduction, to add to the momentum for tax reform in Congress and encourage a dialogue which will lead to enactment of the best tax reform measure possible.

S. 3382

At the request of Mr. Javits, the Senator from Connecticut (Mr. Weicker) and the Senator from Missouri (Mr. Eagleton) were added as cosponsors of S. 3382, the Gifted and Talented Children's Education Assistance Act.

SENATE JOINT RESOLUTION 180

At the request of Mr. Roth, the Senator from Maine (Mrs. Smith) was added as a cosponsor of Senate Joint Resolution 180, authorizing the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month."

SENATE JOINT RESOLUTION 191

At the request of Mr. Cranston, the Senator from Maine (Mr. Muskie) was added as a cosponsor of Senate Joint Resolution 190, to designate the week of May 1–7, 1972, as "National Bikecology Week."

SENATE JOINT RESOLUTION 217

At the request of Mr. McGee, the Senators from New Jersey (Mr. Case and Mr. Williams), the Senator from Oklahoma (Mr. Harris), the Senator from California (Mr. Tunney), and the Senator from Indiana (Mr. Hartke) were added as cosponsors of Senate Joint Resolution 217, a joint resolution to create an Atlantic Union delegation.

SENATE CONCURRENT RESOLUTION 71—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO THE DENIAL OF ADMISSION OF WOMEN TO SERVICE ACADEMIES

(Referred to the Committee on Armed Services.)

Mr. JAVITS. Mr. President, I submit, for appropriate reference, a concurrent resolution expressing the sense of the Senate that a woman duly nominated to a military service academy should not be denied admission solely on the ground of sex.

Mr. President, last month I nominated a woman to receive a nomination to the U.S. Naval Academy—Miss Barbara Jo Brimmer of Staatsburg, N.Y. I held a press conference to announce that nomination and to explain my reasons for making it.

Later in February, I received a letter from Secretary Chafee informing me that he would not accept my nomination, although he was opening Naval ROTC to women for the first time.

It is my judgment that women deserve consideration for the best training if they qualify. Not only do women deserve it, the military services deserve the best trained officers as well.

Mr. President, the Secretary's refusal to accept this nomination is a direct challenge to the authority granted to Members of the Senate by law. The U.S. Code, title 10, section 6954, grants each of us the right to nominate five residents from our home State to the Naval Academy, and similar provisions govern nominations to the other academies. This provision makes no restriction on the sex of the nominees.

Indeed, the constitutional amendment which the Congress passed overwhelmingly this month and sent to the States for ratification would clearly prohibit the kind of discrimination now being practiced by Service Academies. Thus, the Congress is already on record as to the general policy against discrimination, and this resolution merely represents one particular of that general policy.

Although I had considered offering an amendment to the law dealing with this matter, I decided that, as a first step, it ought to be sufficient for the Congress as a body, to express its own determination not to accept a discriminatory restriction imposed by the executive branch but not found in the statute itself, and I would expect that, when we pass this resolution, the Secretary will revoke his discriminatory policy.

It is my hope and expectation that the Armed Services Committee will proceed to the consideration of this resolution without delay, so that it can be decided with all deliberate speed.

Mr. President, I have worked very hard to seek to bring about recognition of women as suitable admittees to the service academies to pursue the purposes and roles in which they can properly function and in which they already serve in the military. In pursuance of that objective I am joining today with Representative McDonald of Michigan—who also nominated a woman who was rejected by the Naval Academy—in introducing this concurrent resolution.

This is but another milestone in the long road to true equality for women. I hope the measure will be acted upon favorably by both bodies.

Mr. President, I ask unanimous consent that there be printed in the Record at the close of these remarks my press conference statement, and a press release issued by the University of Michigan opposing the Secretary of the Navy's discriminatory policy and setting forth the views of Ross J. Wilhelm, a Michigan business economist and professor at the University of Michigan Graduate School of Business Administration.

There being no objection, the material was ordered to be printed in the Record, as follows:

Javits Nominates First Woman to U.S. Naval Academy

I have today submitted to the Secretary of the Navy my nomination of Miss Barbara Jo Brimmer of New York for the class of midshipmen entering the United States Naval Academy at Annapolis in June 1972.

I believe this is the first nomination of a woman to a service Academy—in this instance the Naval Academy because that was the one for which Miss Brimmer applied. I have called this press conference to introduce her and to explain my reasons for making this nomination.

THE NOMINEE

Miss Brimmer is 17 years old and a resident of Staatsberg, New York. She is a 1971 graduate of Franklin Delano Roosevelt High School in Hyde Park, New York, where she won a New York State Regents Scholarship and was elected to the National Honor Society. This year she is attending Russell Sage College in Troy, New York.

She graduated with an A average, and her scores on the "College Boards" were all above the 90th percentile. Barbara comes from a family steeped in the traditions of military service, and of the Navy. Her father is a retired Navy Commander who graduated from the Naval Academy in the class of 1920. Her mother was a WAVE officer in World War II. And her uncle is a graduate of West Point.

She hopes to be able to qualify for the Academy's newly-established pre-medical course, and become a Navy Doctor; but in any event, her objective is to follow in her family's proud tradition as a Naval Academy graduate and Naval Officer.

REASONS FOR MAKING THIS NOMINATION

First, I wish to emphasize that the step I am taking today is not designed to compel the Navy to use women officers in any Naval career to which women are now not already assigned.

It may well be that the Navy *ought* to expand the scope of permissible activity for women officers—I suspect that that is the case. But that is not what *this* nomination seeks to accomplish.

At this point, I seek only to have the Academy conform to the Navy itself. Some 3.6 percent of Naval Officers are women. Shouldn't a similar percentage of Annapolis entering class and graduates also be women? Shouldn't there be at least *one*?

There are now women Naval officers serving in a broad range of Naval careers. I have examined the recruiting literature which the Navy uses, no doubt at considerable expense to itself, to recruit women Naval officers. The colorful brochures published by the Navy tell the potential women recruit "side by side with them (men) in *every kind of Naval activity ashore*, we do our part to see that these goals (the Navy's goals) are achieved. *Our assignments cover the widest possible range of interests.*"

What are these assignments? The Navy's brochure tells the prospective woman recruit that she may work in meteorology, electronic data processing, purchasing, expediting material and equipment from private industry for Navy use, as an instructor in one of the Navy's specialized schools, as an information and education officer, in the field of office administration, as a member of the Medical Service Corps, as a public affairs officer, as a personnel officer, and in innumerable other professional capacities now open to both men and women officers, and for which the Navy is *now actively recruiting women to seek careers as Naval officers.*

That is what the Navy wants women officers for. Now if one examines the Departments and majors in the Academy catalog, it is easy to see how very appropriate Academy training would be for a woman who could be outstanding in a career—for which the Navy is already seeking women officer recruits.

For example, the Navy seeks women officers to work in meteorology; and the Academy offers a whole Department of Environmental Sciences.

The Navy seeks women officers to work in electronic data processing, and the Academy offers a whole Department of Computer Science.

The Navy seeks women to serve in such office-oriented fields as office administration, personnel, and public affairs, and the Academy offers a major in general management.

The Academy offers a major in Naval Achitecture—hardly a career for which men alone can qualify (certainly the many highly-qualified women architects already practicing their profession in this country could testify to that).

None of these specialties is limited to "general line" combat officers, and thus women should be permitted to prepare for these careers as they are taught at the Naval Academy.

Indeed, the Navy's own recruiting brochure includes a full-page picture of one Lieutenant Roberta Hazard, who is the Project Manager for the Computer Assisted Research Project at the Naval Academy! How can we accept that she is good enough to *manage* projects at the Academy, but not to go there as a Midshipman? How can she be good enough to instruct at the Academy, but not good enough to learn there?

In short, the Academy's tradition is to train officers for the Navy who are highly skilled and motivated to rise to top leadership positions in the service—in any of the many careers which Naval officers pursue. Many of those careers are already open to women for which the Navy already recruits women officers. But the Academy—the best training available, for the best officers—is still closed to women officers. That is unfair to women. And it is *not* in the best interests of the Navy—the *only* Service which has no women in "flag grade" (Admiral, General) positions.

It was just over a year ago that I announced my appointment of the first female Page to serve in the United States Senate.

The precedent I confronted there was just as old and established as the all-male precedent at the Academy.

Then, as now, it was argued by some that the work involved was not appropriate for females. Then, as now, I was confronted by the argument that the ambiguous law on the subject (in that instance, the Senate's own Rules) precluded such an appointment. Then, as now, I argued that no such legal prohibition existed.

Then, as now, I had the power to "nominate", but the actual appointive power lay elsewhere (in the Sergeant at Arms, and the Rules Committee). After making the nomination, I was denied the appointment by the appointive power, but the Senate as a whole sustained such a nomination. Since then, we have seen a half-dozen girls from all corners of the nation serving as Senate Pages—and serving every bit as successfully as the boys.

I hope very much that, in this instance, my nomination will be accepted by the appointive power (in this instance, the Secretary of the Navy, acting for the President). But if the Secretary of the Navy persists in the position (discussed below) that the law as he interprets it precludes this appointment, then, once again, I will be compelled to put the matter before the Congress. And I have confidence that, in due course, that vote would be affirmative once again.

There is no longer any logical or legal basis for this kind of discrimination. Some 196 years ago our Nation was founded on the proposition that "All men are created equal." The 18th century of the Declaration of Independence may not have deemed it "self evident" that the Declaration applied to women as well, but who among us would argue nearly 200 years later that half the nation is made up of second class citizens, or that women have less to contribute to the strength and the pride of our Nation? This country has crossed that bridge long ago, though we may have left some stragglers behind on the far bank. No doubt the Academy can and will maintain its proud traditions even after it ends its anachronistic ones. Indeed, the Navy may take great pride, in due course, that its first woman Admiral will be a graduate of the Naval Academy.

BACKGROUND

(Preliminary Discussions with the Navy: The Law, Regulations, and Policy Considerations)

My authority to nominate to the Naval Academy is provided in the United States Code, Title 10, Section 6954, which provides that at any one time there may be at the Academy a certain number of Midshipmen from various sources, including:

"Ten from each State, five of whom are nominated by each Senator from that State."

That provision says nothing about men or women, and, as I have a vacancy now, it is my capability to nominate a female to the Academy.

Accordingly, on September 22, 1971, after receiving an unsolicited application from Miss Brimmer, I began to explore with the Navy the possibility of making this appointment, and wrote to Secretary Chafee, stating my interest and asking what problems or impediments there might be.

The Navy responded on September 30, 1971, taking the position that the Academy was limited to men only. In support of that position, the Navy took note of the provisions of the law (10 U.S. Code 6954 and 6956) providing for the appointment of "sons" of certain persons, such as those killed in action in military service. Based upon those provisions, which the Navy construed as evidencing Congressional intent to exclude women, the Navy pointed to its own regulations, 32 CFR 710.12(a), which exclude women and are said to be based upon the authority given to the Secretary of the Navy under a federal statute, 10 USC 5031, 6958.

I reviewed the authority cited by the Secretary. The reference to the appointment of "sons" of those killed in action left me with exactly the opposite conclusion: since the code specifically cites male appointees—that is, those who are "sons" of those killed in action—but contains *no such exclusion as to sex* in other authorities for appointment (as in the authority for nominations by a Senator), I concluded that Congress did not intend the all-male limitation to apply, or else Congress would have said so, as it did in the case of "sons" of those killed in action.

As to the cited statutory authority for the Secretary's exclusionary regulations, I examined section 5031, and found that it simply provides that the Secretary of the Navy shall be in charge of the Navy—and says nothing about excluding women. I examined Section 6958, also cited by the Navy, and found that Congress specifically listed, in the Statute, the qualifications for Admission to the Naval Academy: age 17, passage of examinations prescribed by the Navy, and a resident of the State of the appointing Senator. Not a word about "men only." Indeed, the Attorney General issued an opinion as long ago as 1910 in which he held that a nominee whose qualifications have been regularly certified by a Senator, and who has passed the necessary mental and physical examinations and received and accepted appointment, "cannot, in the absence of fraud, be deprived of that office." 28 Op. Atty. Gen. 180 (1910).

The Navy also cited the provisions in the Code (10 USC 6015) excluding women from service on combat ships. Again, I was unpersuaded. This exclusion has never prevented recruitment of WAVE officers; therefore, why should it be deemed to exclude women from the Naval Academy, which trains Naval Officers?

And certainly, the use of such terms as "he" or "midship*men*" in the Statute is not such an exclusion, as the male gender in terms like that has always been construed to be neutral, neuter, and to cover both men and women. Indeed, the very first section of the United States Code (1 USC 1) states specifically that in construing any act of Congress:

> "words importing the masculine gender include the feminine as well"

unless the context requires otherwise, which it does not, as far as I can tell.

Finally, the Secretary of the Navy informed me that, in addition to the legal questions raised, "The Navy's position is in consonance with the Judeo-Christian concepts with respect to the status of women," and went on to state "historically, the basic attitude in our American culture has been one of protection of women from the dangers of combat and the rigors of life at sea."

It still seems clear to me that the moral argument made in this instance by the Navy, if it were really valid, would have prevented the Navy from recruiting women officers at all. And this, of course, is not the case. The Navy has recruited, and continues to recruit, women to be noncombat Naval officers, and I see no reason why the Academy, whose curriculum includes many "majors" in those very same fields, ought to take a different position.

Accordingly, I wrote back to the Secretary on October 7, 1971, to explore the matter in even greater detail, asking whether the curriculum was adaptable to fields in which women officers now serve. The Secretary replied on November 9th, that the Navy has a current need for about 150 women "line officers" each year, which the Navy manages to recruit through other means (principally OCS). Other specialized women officers are recruited in other ways. The Secretary informed me that, in his judgment, admission of women at the Academy would result in an equivalent reduction in male enrollment, and that that would not be in the best interests of the Navy.

I also specifically asked the Secretary about the pre-medical program, and he replied that the Academy is instituting a premedical program, limited to the top two percent of each class, and that the Navy requires its doctors to function in the entire spectrum of "the Naval environment," which would not be open to women under the Statute which precludes women from serving on combat ships. Under the statute on which the Navy relies, however, hospital ships are specifically excluded from the restriction upon the service of women officers (10 USC 6015) in combat zones. The Secretary did not indicate whether service in Naval Hospitals (where the highest specialties are practiced, and where the size of the staff makes command training more significant) would be open to women.

Again I went back to the Navy, raising more questions. If the function of the Navy is to increase "retention" of Naval officers after their initial enlistment, wasn't that objective just as applicable to women? In reply, I was informed that the retention rate for men officers in the Navy is now 24 percent, while for women officers it is 35 percent, while as to Academy graduates (male) the retention rate is 50 percent. In short, the retention rate (and consequent cost to the Navy to train replacements) is very poor for *both* men and women, but retention is twice as high when it comes to Academy graduates.

So the argument based on "retention" amounts to this: the Navy has to replace three-fourths of its Academy graduates. The Navy also has to replace two-thirds of its women officers after one hitch (a better reenlistment record than for men, but still not as good as the Academy). Following this logic to its obvious conclusion, it strikes me that (a) the Academy could be expected to double the reenlistment rate for women (two-thirds), and (b) women, being more likely to reenlist, ought to be assigned more important tasks and be used more widely in the service, as their re-enlistment rate will produce more experienced officers.

As to the curriculum and facilities of the Academy, I again asked the Navy what would be involved in admitting women (at least in proportion to their current rate of enlistment in the Navy—3.6 percent of the class). As far as I could tell, what was involved was the construction of a women's locker room in the Academy gymnasium. In reply, the Secretary informed me on January 11, 1972, that the "cost" of admitting women to the Academy would be the additional "cost" of training those men whose otherwise available positions at the Academy would be filled by women—i.e., the cost of "expanding" the Academy's male enrollment by the number of women admitted. Beyond that, I have yet to learn what the real cost of admitting a few women to the Academy would be, and must continue to assume that the cost would be minimal—particularly when measured against the cost—the *current* cost—of training replacements for those who do not reenlist after their initial "hitch."

STANDARDS FOR ADMISSION

There are already intelligence and physical requirements for admission to the Academy.

As to the intelligence standards, women need seek no special treatment, and I have no doubt that my nominee can pass those standards with ease—as could many other candidates who no doubt will follow. As to the physical standards, obviously some new criteria will need to be developed—but not developed "from scratch." The Navy's own brochure for recruiting women officers now lists as qualifications that a candidate must be:

"A citizen of the United States;

At least 18 and under 27 years upon application;

Able to meet the Navy's *physical* and mental standards;

Have no dependents under 18;

(You may be single or married)."

Obviously, the Navy *already* has physical standards for WAVE officers. I can see no reason why they ought to be any different for women admitted to the Academy.

To sum it up, I find nothing in the law to persuade me that women must, as a matter of law, be excluded from the Academy, or that they should, as a matter of policy, be so excluded. And I hope that it is not the Navy's intention to continue to exclude them by maintaining the artificial barrier that now exists. By the nomination I am making today, I propose to begin the process of removing that barrier—which I deem to be in the Nation's best interest.

THE UNIVERSITY OF MICHIGAN NEWS

ANN ARBOR.—President Nixon should countermand the secretary of the Navy's decision to reject two female candidates for the Naval Academy at Annapolis, a University of Michigan business economist insists.

Ross J. Wilhelm says the Navy decision to deny admission to Barbara J. Brimmer of Staatsburg, N.Y., and Valerie Schoen, U-M student from Redford Twp., Mich., is wrong for two reasons:

1. The secretary of the Navy has made it more difficult for all the military services to switch from reliance upon the draft to volunteers, many of whom will have to be women.
2. Rejection of the two women will mean that the Navy Department and the entire Department of Defense will have a more difficult time in securing passage of the military budget in Congress during the coming year.

Prof. Wilhelm, a member of the U-M Graduate School of Business Administration, contends that the Navy decision runs counter to current employment trends in the United States. He discussed the subject on his radio program, "Business Review," produced by the University Broadcasting Service (WUOM, WVGR).

Women now constitute about 37 per cent of the work force, Wilhelm notes, and about 6 out of 10 of new persons available for employment are women—a growing percentage of whom are married.

"As a consequence of the increasing number of women who are working and the growing proportion who want to work," he adds, "it is obvious that any employer who wishes to hire new employes will have to plan to hire more women than would have been the case in the past."

The text of the Concurrent resolution is as follows:

S. CON. RES. 71

Resolved, That it is the sense of the Congress that no citizen of the United States should be denied admission to or be excluded from any military service academy of the United States solely on the ground that such citizen is a female if such citizen is otherwise qualified for admission to such academy and is qualified to be trained in a skill or profession in which citizens of such sex are permitted to serve as commissioned officers in the Armed Forces of the United States.

SENATE CONCURRENT RESOLUTION 72—SUBMISSION OF A CONCURRENT RESOLUTION TO CONGRATULATE WAIPAHU, HAWAII, ON ITS DIAMOND JUBILEE

(Referred to the Committee on the Judiciary.)

Mr. INOUYE, for himself and Mr. FONG, submitted the following concurrent resolution:

S. CON. RES. 72

Whereas, the Hawaiian word "Waipahu" means "spring water", and

Whereas, the availability of spring water in the Aualii area of the Island of Oahu, Hawaii, led to the development of an agricultural district whose principal crops were bananas and rice; and

Whereas, more than 75 years ago, a sugar plantation was started in the area where ten thousand fertile acres were lying at waste covered with brush; and

Whereas, the sugar company was incorporated in 1897, and thereupon built a mill at a place known to the Hawaiians as Waipahu; and

Whereas, over the years the company grew, expanded, acquired new lands, and brought great prosperity; and

Whereas, a thriving plantation town was created at Waipahu, amid the picturesque setting of the old sugar mill of the 1900's with its towering smokestack, the smell of molasses and the vista of sugar cane fields, the rickety clatter of a sugar cane railroad train tugging crop-laden cars, the activity of horses, mules, and pack animals, and the laughter of browned, barefooted children walking over dusty roads to rural school houses; and

Whereas, the slow growth of the community over the first 60 years was in marked contrast to the "boom" experienced in more recent times; and

Whereas, the faded red plantation houses down from the mill, with their little lawns and gardens and flowers have been replaced by a bustling business community with modern shopping centers, medical clinic, health center, theater, new post office, fire department, banks, churches, and numerous schools including three elementary schools and one high school; and

Whereas, Waipahu was once described as "a sleepy plantation town, where field and mill workers brought the necessities of life from the company store and lived in company-provided housing." but now the residents own their land, there are 300 businesses, and many individuals are employed in Honolulu 18 miles away; and

Whereas, the plantation once employed immigrant labor at low wages, today the workers bargain collectively, are the highest paid sugar workers in the world, and are provided year-round employment of 40 hours per week with fringe benefits such as pensions, group insurance, paid holidays, vacations with pay, medical plan, dental plan, sick leave, and recreational facilities; and

Whereas, Waipahu is the hub of Leeward Oahu, and has a population of 25,000, who are community-minded citizens anxious to preserve for their town the flavor and charm of an old plantation community; and

Whereas, the city of Waipahu will celebrate its 75th anniversary birthday in 1972 with appropriate "Diamond Jubilee" ceremonies, events, exhibits, and festivities: Now, therefore be it

Resolved by the House of Representatives (the Senate concurring), That the Congress sends greetings and congratulations to the city of Waipahu, Hawaii, and its residents, on the occasion of that city's Diamond Jubilee, and extends the good wishes of the people of the United States that Waipahu will continue to grow and prosper.

SENATE RESOLUTION 288—SUBMISSION OF A RESOLUTION RELATING TO MINIMUM AIRCRAFT NOISE LEVEL REQUIREMENTS

(Referred to the Committee on Foreign Relations.)

Mr. CRANSTON, for himself, Mr. MUSKIE, and Mr. PELL, submitted the following resolution:

S. RES. 288

Resolved, That it is the sense of the Senate that, at the preliminary meetings of the International Civil Aviation Organization Convention on Aeronautical Noise, to be held in Canada in March and August, 1972, and with respect to any agreement resulting from such meetings, it should be the position of the United States that any aircraft used in international flights and exceeding aircraft engine noise levels prescribed in Annex 16 of the Convention on International Civil Aviation should be retrofitted or modified to reduce aircraft engine noise so as not to exceed such levels.

SENATE RESOLUTION 289—SUBMISSION OF A RESOLUTION RELATING TO SONIC BOOMS OF SUPERSONIC AIRCRAFT

(Referred to the Committee on Foreign Relations.)

Mr. CRANSTON, for himself, Mr. MUSKIE, and Mr. PELL, submitted the following resolution:

S. RES. 289

Resolved, That it is the sense of the Senate that any treaty or agreement entered into by the United States, to permit or approve the conditions under which supersonic aircraft used in international flights may land in the United States, should require that such aircraft be flown in a manner so that no sonic booms occur over the United States, its territories, or possessions, or within 3 miles of any coast of the United States, its territories, or possessions.

THE VICTIMS OF CRIME ACT—AMENDMENTS

AMENDMENTS NOS. 1087, 1088, AND 1089

(Ordered to be printed and referred to the Committee on the Judiciary.)

Mr. MONDALE. Mr. President, I am pleased to be one of the numerous cosponsors of S. 2994, the "Victims of Crime Act," introduced by the Senator from Arkansas (Mr. MCCLELLAN). This is a very comprehensive approach to several facets of the problem of compensating victims of violent crime which have been addressed in a variety of bills. Among them are S. 750, introduced by the distinguished majority leader (Mr. MANSFIELD) and my own bill, S. 2817.

I am delighted that S. 2994 has been scheduled for hearings on March 27. I hope the Senator from Arkansas, who chairs the Subcommittee on Criminal Laws and Procedures, will be able to report this measure to the Senate at an early date. Surely, the time has come when society should express its concern for the innocent victims of violent crime.

I was gratified that a number of the provisions first proposed in S. 2817 were included in S. 2994. Among them are the provisions for emergency awards and the requirements that the victim report the crime to the authorities within 72 hours.

There are other features of S. 2994 which represent improvements over earlier bills. For example the $50,000 limit on compensation in any one case will provide adequate assistance in the great majority of circumstances. At the same time, there will be a few cases—chiefly involving permanent disability for young heads of families—where even this figure will prevent making the victim whole, financially.

When I asked to cosponsor S. 2994, I stated my intention to propose a few amendments. The sponsor of the bill had invited such suggestions for improvements from his colleagues. It is my pleasure, today, to send to the desk three amendments to S. 2994.

The first amendment refers to that portion of the bill which would provide grants to the States. The Federal Government would pay up to 75 percent of the cost of compensation in programs similar to that authorized by the bill. While certain requirements are spelled out and provision is made for Federal approval of the State programs, such programs could be substantially less comprehensive than the new Federal program. For example, all of the seven States that have established compensation programs would leave many of the victims without adequate compensation.

In several of the States, the maximum is only $5,000 to $10,000. In long-term disability or death cases, such a limit is wholly inadequate. Only New York places no limit on medical expenses, and it does limit all other payments. If the Federal Government is going to pay three-fourths of the cost of a State compensation program, I think it should require that the program be at least equal to the Federal program.

Seven States have adopted compensation programs since California led the way in 1965. I hope that enactment of this legislation will spur the remaining States to action. But do we not have a responsibility to provide equal protection to all of our citizens if some States choose not to adopt a program?

Experience in other Federal-State programs shows that most States will want to have their own programs. For example, under the Wholesome Meat Act of 1967, many States resisted a Federal takeover, even though it would have saved them money. I propose that we give the States 5 years to decide whether they want to enact a satisfactory program. If not, we should then extend the scope of the Federal program to those States which have not adopted such a program.

Mr. President, my first amendment would accomplish the two purposes which I have just described.

The second amendment provides a number of improvements. First, it authorizes compensation for those injured as a result of the flight or pursuit of a criminal or suspect. S. 2994 has a so-called Good Samaritan provision but it ignores this group of innocent citizens. I feel it very important that they receive compensation for their losses.

I also propose to provide limited compensation for pain and suffering. I recognize the fear of administrative difficulties which such a provision raises. For that reason, I propose a limit of $10,000 on awards for this purpose. I think experience under other compensation programs shows that this would be practicable.

I am concerned about the interpretation of the provision in the bill that would deny compensation unless "undue financial hardship" would result. This might become what is known as a needs test. The goal of any compensation program should be to restore the victim to his financial position before the crime. Accordingly, I propose to eliminate this provision.

This amendment would also provide that 100 percent of all actual expenses related to the injury be compensated for, and that the victim receive remuneration for loss of earning power without an overall limit. However, such payments would be limited to a rate not to exceed twice the average weekly industrial wage. This may seem potentially very costly, but experience in similar programs suggests that very few settlements would involve large payments. In Great Britain, for example, where there is no ceiling, the average is about $900.

Physical and occupational rehabilitation and training should reduce costs in the care of long term disability. Expansion of health insurance coverage will also help keep costs down under this program. Simple justice dictates that we not cut off aid for the victim until his need has passed.

Finally, under this amendment, I would soften the prohibition against compensation to any "member of the family" of the criminal. This provision could leave innocent children, for example, helpless. I propose that compensation could be awarded as long as the agency determines that no unjust enrichment to or on behalf of the offender would result. The bill already prohibits payment where there was provocation of the injury by the victim.

The bill under consideration provides for the creation of a Violent Crimes Compensation Board in the Department of Justice to administer the program. My third amendment would eliminate this Board and assign responsibility to the Secretary of Labor. This, I believe, would be more efficient, as the Secretary administers compensation programs, with quite similar features, for several million workers. He would, therefore, be equipped to take on this new program rapidly.

Our society has the responsibility to protect its citizens. Individuals are discouraged from carrying weapons for self defense, so when someone suffers an injury at the hands of a criminal, the Government has essentially failed in its duty to that citizen. It is only fair that some restitution be provided.

These three amendments strengthen the protections offered in the bill. This is an issue affecting every member of our society and it is very important that the rights of the individual be preserved to the utmost. I hope the amendments will be agreed to.

Mr. President, I ask unanimous consent that the text of the three amendments be printed in the Record.

There being no objection, the amendments were ordered to be printed in the Record, as follows:

Amendment No. 1087

On page 27, strike out lines 10, 11, and 12, and insert in lieu thereof the following:

"'(2) set forth a program for the compensation of victims of violent crime which is equal to the requirements of the Victims of Crime Act of 1972.'"

On page 13, between lines 19 and 20, insert the following new paragraph:

"'(3) five or more years after the date of enactment of this Act within a State that has not established or maintained a program which is eligible for grants under section 301(b)(10) of the Omnibus Crime Control and Safe Streets Act of 1968, for the compensation of victims of violent crime.'"

Amendment No. 1088

On page 16, between lines 10 and 11, insert the following new subsection:

"'(d) The Board may also order payment of, and pay compensation in accordance with the provisions of this Act for personal injury or death which resulted from the flight or pursuit of a criminal or suspected criminal.".

On page 18, line 7, strike out through line 13 on page 19, and insert in lieu thereof the following:

"Sec. 464. (a) No order for the payment of compensation shall be made unless—

"'(1) the act, to which the personal injury or death to be compensated for is based, was reported to the proper law enforcement authorities within 72 hours after its occurrence, unless the Board finds that the requirements of this paragraph is unreasonable; and

"'(2) the application has been made within two years of the personal injury or death.

"'(b) No compensation shall be awarded in any situation in which the Board, at its discretion, determines that unjust enrichment to or on behalf of the offender would result.

"'(c) Compensation shall be paid as follows:

"'(1) 100 per centum of all hospital and medical bills and for any other pecuniary loss or expense proximately arising from the injury or death to be compensated for;

"'(2) loss of earning power not to exceed twice the average weekly industrial wage as determined by the Board, until the victim resumes gainful employment at a rate equal to or in excess of the rate of earning power that the victim had at the time of his injury; and

"'(3) an amount not to exceed $10,000 for pain and suffering.". On page 19, line 14, redesignate subsection "(g)" as subsection "(d)".

Amendment No. 1089

On page 3, strike out line 5 through line 8 on page 4, and insert in lieu thereof the following:

"Sec. 102. The Longshoremen's and Harbor Workers' Act (44 Stat. 1424) is amended by inserting:

'TITLE I—LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION'

immediately above the heading of section 1, by striking out 'this Act' wherever it appears and inserting in lieu thereof 'this title' and by adding immediately after section 51 the following new title:

'TITLE II—CRIMINAL INJURIES COMPENSATION'

On page 6, line 23, strike out "Justice" and insert in lieu thereof "Labor".

On page 7, line 14, strike out "456" and insert in lieu thereof "207".

On page 4, line 10, strike out "450" and insert in lieu thereof "201".

On page 6, line 22, strike out "451" and insert in lieu thereof "202".

On page 7, line 20, strike out "452" and insert in lieu thereof "203".

On page 8, line 10, strike out "453" and insert in lieu thereof "204".

On page 10, line 16, strike out "454" and insert in lieu thereof "205".

On page 11, line 13, strike out "455" and insert in lieu thereof "206".

On page 11, line 20, strike out "456" and insert in lieu thereof "207".

On page 13, line 10, strike out "457" and insert in lieu thereof "208".

On page 15, line 4, strike out "458" and insert in lieu thereof "209".

On page 16, line 12, strike out "459" and insert in lieu thereof "210".

On page 16, line 19, strike out "460" and insert in lieu thereof "211".

On page 17, line 5, strike out "461" and insert in lieu thereof "212".

On page 17, line 21, strike out "462" and insert in lieu thereof "213".

On page 18, line 2, strike out "463" and insert in lieu thereof "214".

On page 18, line 7, strike out "464" and insert in lieu thereof "215".

On page 19, line 19, strike out "465" and insert in lieu thereof "216".

On page 21, line 4, strike out "466" and insert in lieu thereof "217".

On page 22, line 2, strike out "467" and insert in lieu thereof "218".

On page 23, line 6, strike out "468" and insert in lieu thereof "219".

On page 23, line 11, strike out "469" and insert in lieu thereof "220".

On page 23, line 19, strike out "470" and insert in lieu thereof "221".

On page 24, line 6, strike out "471" and insert in lieu thereof "222".

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 999

At the request of Mr. Church, the Senator from Illinois (Mr. Stevenson), the Senator from New Mexico (Mr. Montoya), the Senator from Rhode Island (Mr. Pastore), the Senator from Oklahoma (Mr. Harris), and the Senator from Wyoming (Mr. McGee) were added as cosponsors of amendment No. 999, intended to be proposed to the bill (H.R. 1), to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

NOTICE OF HEARINGS ON THE WHEAT AND WHEAT FOODS RESEARCH, EDUCATION AND PROMOTION ACT

Mr. ALLEN. Mr. President, I hereby announce the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture and Forestry will hold a hearing Tuesday, May 9, on S. 3276, the Wheat and Wheat Foods Research, Education and Promotion Act. The hearing will be in room 324, Old Senate Office Building, beginning at 10 a.m. Anyone wishing to testify should contact the committee clerk as soon as possible.

ANNOUNCEMENT OF OPEN HEARINGS BY SUBCOMMITTEE ON PARKS AND RECREATION

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished Senator from Nevada (Mr. Bible), I wish to announce for the information of the Senate and the public that open hearings have been scheduled by the Subcommittee on Parks and Recreation at 10 a.m. April 6, in room 3110, New Senate Office Building, on the following bill: S. 1295, to establish the Amistad National Recreation Area in the State of Texas.

HEARINGS ON INDIAN SELF-DETERMINATION BILL

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished junior Senator from Washington (Mr. Jackson), I wish to announce for the information of the Senate and the public that open public hearings have been scheduled before the Subcommittee on Indian Affairs on S. 3157, the Indian self-determination bill. This hearing will be held on April 24, beginning at 10 a.m. in room 3110, New Senate Office Building.

This measure, which the Senator from Washington introduced on February 9, would permit the Indian people to realize their long-standing desire to assume increasing responsibility in the control and management of Federal Indian service programs of the Bureau of Indian Affairs and the Indian Health Service.

ADDITIONAL STATEMENTS

COMPENSATION FOR PERSONS MAIMED BY CRIMINALS

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an article entitled "If You Are Maimed by a Criminal, You Can Be Compensated (Maybe)," written by Wayne King, and published in the New York Times Magazine of March 26, 1972.

There being no objection, the article was ordered to be printed in the Record, as follows:

If You Are Maimed by a Criminal, You Can Be Compensated (Maybe)

(By Wayne King)

Friday had been a good day for Jack Harris. His wife, Nelle, who had been sick for several weeks, was out of the hospital; his four children were excited about Christmas, a week away, and the car trunk was full of presents for them from fellow employes at Northshore Hospital, where he worked as a kitchen helper. Everyone seemed happy and expectant. All in all, a very good day.

The only nagging thing was the little dog next door. It wasn't big enough to be called vicious, just feisty; an angry little dog with an almost uncanny ability to jump over fences on the street four or five times taller than it was. To Jack Harris the dog seemed to be a little like the middle-aged neighbor who owned him, Robert Collier. Persistent, petulant, Collier didn't seem to like people very much.

Harris does not think of himself as a prideful or arrogant man; like most of the black migrants from rural Mississippi, some of whom lived near him in the same section of St. Albans in Queens, he had been brought up in a life-style that scarcely accommodated that kind of personal luxury. He had worked the rich Delta fields, chopping cotton and picking it, and he had washed dishes in a cafe in his little all-black town of Mound Bayou, growing up like his 12 brothers and sisters with a kind of stubborn endurance that dictated, as he put it, that a man tries to act like a man and do what he has to do.

That's what he had tried to do about the dog, just what any man would do. He had gone over to talk to the neighbor about it. There had been problems before, but this time it was worse. The dog had jumped into the back yard and chased his sister-in-law, seven months pregnant, and when Harris came home, she was near hysterics.

So he had gone over to talk to Mr. Collier, giving him a little lecture about brotherhood and how it was downright unneighborly to let that little dammit of a dog chase pregnant women around the back yard. He tried to be friendly about it, even deferential, at one point even going so far as to pick up Collier's cigar for him when he dropped it during what the police later described as a "verbal altercation."

Collier seemed in a fighting mood. But Jack Harris wasn't having any of that. For one thing, he was 28 years old, tall and strong, and it didn't seem right to hit a man twice his age. So he had given up and gone inside his two-story house and everybody there had had a big laugh about it.

He went back out about 45 minutes later to unload the car trunk. One of the Harris children, probably 4-year-old Brian (Mrs. Harris doesn't remember for certain), saw what happened next through a window. Or pehaps he didn't, perhaps he simply assimilated the patterns of noise and excitement into a vision that for him had all the vividness of a borrowed reality.

"It was just like on TV," the boy told his mother later. "The man pulled a gun and shot daddy, and daddy fell down dead."

It was, of course, not like that in its hard actuality, neither so clinical, nor so brief, nor so final.

Three months later, to the day, on March 18, 1971, Jack Harris became the 3,370th person to file a claim with the Crime Victims Compensation Board of the State of New York. The Harris boy had been wrong; his father had not been killed. There had been a single shot from Collier's rifle—which, in a dim irony, was later identified by the police as a 7.35 mm. Italian Carcano, the same type of mail-order weapon that had killed John Kennedy—and the bullet tore into Harris's back as he wheeled to run, destroying a kidney and severing nerves in his back, paralyzing him from the waist down. Harris remembers Collier saying, "I didn't like what you said."

The files of the crime compensation board are filled with cases like Jack Harris's, all different, but with the common element of sudden, unexpected violence. An elderly storekeeper in the Bronx opens his door in the morning, to be greeted by a gunman who orders him to the floor, shoots him once in the head, killing him, then turns and wounds his wife. A woman walking in Prospect Park in Brooklyn turns to look at a boy bicycling by; the boy grabs her purse, and throws her to the ground, jerking her shoulder out of joint. Or the recurring incident: someone walking down the steet, often elderly; a mugger snakes an arm around his neck, throws him to the ground, kicks him in the ribs or the face. There is robbery, rape, murder, mugging, random assault—a swelling litany of violence, each crime with a perpetrator and each with a victim.

New York State's crime compensation program was adopted by the State Legislature six years ago to aid the victims, people like Jack Harris who are suddenly wiped out financially through no fault of their own. Six other states have similar programs and Congress is now considering a plan to provide the states with 75 per cent Federal funding for such efforts. (At least eight states have proposals pending to set up programs.)

The programs are essentially based on the concept that society has an obligation to protect its citizens against crime, and that when it fails to do so, it must assume the burden of replacing the worst of their losses. The concept is not a new one. The ancient Babylonian Code of Hammurabi, promulgated about 2100 B.C., included a provision for compensating victims of robberies:

"If the brigand be not captured, the man who has been robbed shall, in the presence of God, make an itemized statement of his loss, and the city and the Governor shall compensate him."

Such exalted social theory apparently was well ahead of its time, since it was more than 4,000 years later that it was re-adopted, in New Zealand in 1963 and in England in 1964.

In the United States, the first state to adopt the principle was California, in 1965, but it was some time before the program was put into practice. The New York program grew out of a widely publicized incident in 1965 in which a man was stabbed to death coming to the aid of two women being molested on a subway. The New York City Council, in response to public pressure, awarded the man's widow a yearly stipend and shortly afterward passed the Good Samaritan Law, which provides compensation for persons hurt coming to the aid of a policeman or a crime victim on public property.

The state program, although stimulated by the same crime, is in no way connected with the Good Samaritan Law and has much wider application. Fewer than a dozen awards have, moreover, been made so far under the Good Samaritan program. Few people in New York, it appears, have been hurt coming to someone else's aid.

The Crime Victims Compensation Board handles all cases in which a person is hurt in the state as a result of a crime. It does not pay for property loss, only for medical care and lost wages.

There is no dearth of potential claimants. In 1970, there were 122,976 violent crimes in the state, according to F.B.I. statistics, including some 1,500 murders, 2,800 forcible rapes, 80,000 robberies and 38,000 aggravated assaults. Not all of these produced injuries, of course, but the figures indicate the magnitude of the problem. Given this, it is at first surprising to learn that the crime compensation board has received only about 5,100 claims since its inception; and of those, only about 1,800 have received awards, with another 1,300 cases in process.

Closer examination reveals the reasons. Oddly enough, one of them seems to be that very few people know the program exists. "There are even prosecutors who have never heard of it," says P. Vincent Landi, one of three board members who administer the program and adjudicate cases, two in New York City and a third, Chairman Stanley L. Van Rensselaer, in Albany. The board does no advertising and, short of occasional press mention, word passes almost by happenstance, from friend to friend.

Nelle Harris learned of the board a week or so after her husband was shot, from a neighbor whose insurance work often took him to courtrooms. Even then she made no move to apply for an award, although it was obvious by then that many months would pass before Jack Harris could return to work—if ever. He had been on an operating table for six hours at Queens General Hospital while doctors quelled massive internal bleeding, patched up vital organs and simply shook their heads over the shattered nerves.

When the Harrises finally did apply for help, through lawyers, it was three months later, just within the 90-limit set by law. Under special circumstances—serious injury and hospitalization, for instance—the period can be waived and applications accepted up to a year after the crime. (Offices of the Crime Compensation Board, listed in the phone books in Albany and New York, will mail out application forms upon telephone request.)

Some potential applicants are turned away after initial informal inquiry when it becomes clear that they do not meet minimum requirements for assistance. Harris's case seemed to meet them all, although every key statement had to be authenticated in a lengthy and tedious investigation. The case took eight months; the average is about three months, though a few stretch to more than a year. "This is public money," says Angelo Petromelis, the stocky, affable supervisor of investigation in New York. Petromelis, 43, oversees the office staff and six city investigators (three more work in Albany), each of whom carries about 40 cases continuously and manages to dispose of about 15 each month. There is a current backlog of about 1,100 cases, stretching longer every month. Petromelis, who worked for 10 years as an investigator of consumer fraud cases for the New York State Banking Board (and who once worked the other side of the street, repossessing cars), says the intensive investigation is necessary not so much to detect fraud as to make sure compensation is not available elsewhere.

"You can count the fraud attempts on your fingers," he says, chewing on a cigar, "but there are some people who will try to pad their claim, throwing in other bills—you know, having their appendix taken care of while they're in the hospital." (In one case, a grocery manager filed on the basis of a broken leg and other injuries sustained in a holdup; there had indeed been a holdup, but the broken leg came later, in an accidental fall.)

But the major aim of the investigation is to find untapped sources of compensation already available to the crime victim. The Harris file is typical: an inch thick with 29 separate documents, ranging from a copy of his tax return to five pages of notes on informal phone conversations. The board does not regard it as necessary for applicants to hire lawyers—Harris's were already working for him on a related matter—and their fees must come out of whatever award the claimant gets. About a fifth of those applying hire lawyers. "This is not an adversary proceeding," explains Petromelis. "We consider it our job to make awards wherever possible, not to go out of our way to deny them."

Application is made on a four-page form requesting details of the crime, injuries, expenses and any medical insurance the victim might have. In the Harris case, medical expenses were formidable, nearly $40,000. This meant that he met a key test—financial hardship. Although the Harrises owned their home, its value was not taken into account, consistent with board policy. Despite his slender take-home pay of $102 a week, he had also managed to accumulate savings of $3,000. This too, was considered inadequate to forestall serious hardship. Bank statements and Harris's most recent tax return were requested and submitted to document his assets. Because of the bank balance, however, a request for an emergency award—up to $500, payable immediately—was denied. All medical bills already paid by the Harrises were submitted and reimbursed.

Unlike many in his situation, Harris had substantial medical insurance—Blue Cross, Blue Shield, Medicaid and a group employe policy. The state program pays only those expenses that are not reimbursed by some other source. It was also determined that Harris met the minimum requirement for lost wages—at least $100 or two weeks of lost pay. Disability payments were deducted from the total lost wages.

Harris also met the requirement of "innocence" in the incident—a nettlesome question in many cases. To be eligible for an award, the victim must not have provoked or substantially contributed to the attack. This is not always clear-cut. In Harris's case, there had been an argument. The police report on the incident, however, corroborated Harris's statement that he had done nothing to provide his assailant and had, in fact, tried hard to avoid a fight. Even if there had been a fight, the circumstances were such that Harris would probably have been absolved of provocation.

"The key point here is the amount of force used," explained board member Landi, an imposing, nattily dressed attorney who has practiced law for 40 years, including several years as a referee in workmen's compensation cases. "If there is a fist fight, and someone pulls a gun and shoots the man he is fighting with, then it's fairly clear that the victim has not provoked that response, a deadly response. If he pulls a knife or gun himself, then it becomes an entirely different question."

The guideline sometimes becomes fuzzy. Consider the case, filed with the board, of a man who became entangled in an argument with another while standing in line at a food service counter.

The man left the restaurant and returned later to renew the squabble, this time brandishing a claw hammer. He strode toward his enemy and swung the hammer at him. The man pulled a pistol and shot him dead. Provocation?

No. At least not in the view of Max L. Nissman, the other board member who, with Landi, is based in an office at 80 Centre Street in Manhattan. His reasoning went this way: Despite the fact that the man had left and returned with what could be considered a deadly weapon, it seemed clear from his actions, on the basis of witnesses' testimony, that he had not intended to inflict deadly injury. He had swung the hammer at the man's legs. Moreover, Nissman felt that if the assailant had not been carrying a gun, he would have left the scene—but that he had in fact incited his victim, walking toward him and taunting him. An award to the man's family—a death claim to cover burial and other losses—was authorized.

A death claim filed by the family of a man who had visited a prostitute and been beaten to death in her apartment was denied, however, partially on the grounds that if the man had not chosen to engage in an illicit situation he would not have been killed. He shouldn't have been there in the first place, the board sniffed.

Similarly, the board rejected the application of a widow who said her husband had been shot to death in a bar and grill below their apartment one evening. The board found no cause for an award. The victim was scarcely innocent, since in fact he was shot while burglarizing the place.

Other cases rejected out of hand involve family situations. A provision in the statute that established the program serves to eliminate all claims growing out of domestic squabbles. No award is made when the victim is hurt or killed by someone related to him. A father-son assault, for example, is not considered to be as clearly society's responsibility as a mugging or a robbery. The myriad man-wife assaults and killings are thus not covered. Nor is a man shot by his mistress eligible. It's not entirely a matter of bureaucratic morality: there is a conscious effort to avoid the possibility of a prearranged fraud on a family claim.

It is not required that the injured party be hurt directly by the criminal, as in a mugging or assault. The requirement is that he be hurt as a result of a crime. Thus an innocent person wounded by a stray bullet in a chase is eligible, if he meets the other requirements. In Brooklyn, a 67-year-old rabbi, permanently disabled, receives $152 a month from the board as a result of injuries he suffered when he jumped from the window of his second-story apartment to escape a pair of assailants. His medical expenses were also paid.

There is no legal limit to payments for medical care under the New York program. The largest award so far, more than $25,000, was recently authorized for the parents of Jean Crez, a 24-year-old French exchange student who was robbed and shot in the neck last year after being forced to lie down on the floor of an apartment on West End Avenue. Paralyzed by the bullet, he later died. Although his medical expenses exceeded $35,000, he apparently had a $10,000 student life-insurance policy at Tulane University where he was studying.

Reimbursement for lost wages under the program is limited to $15,000. Most often, payments are made monthly until the amount is exhausted. In Harris's case, the payment—$1,367—was made in a lump sum. Although Harris actually lost $2,875, disability insurance paid the rest. Because of his extensive insurance coverage, Harris's total award from the board amounted to only $1,615—the lost wages plus $248 in uncompensated medical bills—less than the $1,930 average for personal injury awards. (Compensation in death cases, including payments for burial expenses up to $1,000 and for uncompensated wages up to $15,000 to survivors in financial hardship, averages $2,040.)

For one reason or another—the major ones being failure to meet the minimum requirements, no serious financial hardship or failure to furnish necessary information—fewer than half the claims made to the board result in awards. In 1970, the most recent full year for which information is available, there were 1,090 decisions by the board; 458 claimants received awards and 632 did not.

The awards are made out of an appropriation—$2,350,000 this year—taken from the state's general fund. The amount has grown steadily each year since the program started and is expected to keep doing so. If the appropriation proves inadequate in a given year, a supplementary appropriation may be sought. In 1970, it was necessary to obtain an additional $100,000 from the deficit budget.

Just how many eligible crime victims have not applied because they have never heard of the program is speculative, but the stipulations of the system are such that the number who would receive awards is not considered excessively large. The requirement of financial hardship troubles the board. The question becomes particularly oppressive when applied to the elderly, some of whom have substantial savings eked out over the years from frugal living. A sizable bank account can be enough to deny an award to an applicant—even if he has no income. The board also feels that the middle-income wage-earner and taxpayer is unfairly penalized, since his losses, which might be substantial, are not recoverable unless they create serious financial hardship.

There are other criticisms that can be made. A major one is that the program, because it is not widely known and because it places stringent restrictions on eligibility, touches only a tiny percentage of the victims of crime. Another is that the application procedure is sometimes laborious and discouraging; the administration of the program is unwieldly and—perhaps necessarily—well-wrapped in red tap. (Personnel costs alone will take $233,000 out of the $2,637,000 appropriation this year.) And, when it is over, the award, as in Jack Harris's case, is often relatively small.

Set against the huge, if themselves inadequate, outlays for prevention of crime and rehabilitation of the criminal, the expenditure for the victim is pitifully small, and does far too little to rehabilitate *him*. Nor does it do much to heal the psychic scars that, in extreme cases, abuse at the hands of a criminal can produce, especially among the elderly. With crime rates—particularly those for violent crime—growing at an alarming pace, the question of what happens *to the victim* after the blow is struck is certain to become a matter of greater concern. Should as much be spent on him as on the criminal?

Despite total paralysis below the waist and almost constant pain, Jack Harris has returned to his job at Northshore Hospital. His assailant, Collier, was charged with assault in the first degree, a felony involving the inflicting of grievous bodily harm. He was allowed to plead guilty to the lesser charge of second-degree assault and was sentenced last October to three years in prison. Harris is undergoing therapy for the paralysis, but his condition is described as "static." He has refused welfare, because that would mean allowing a lien on his home, which he and his wife refuse to jeopardize. His new job, making sandwiches, allows him to work sitting down, but working alone in a corner depresses him sometimes, so now he also works inside the cafeteria, at the cash counter, where he sees people. If he is again hospitalized and unable to work, the state will reopen his case. He still wears the overcoat he had on the night he was shot. It was almost new and is in perfectly good shape except for the small round hole in the back, not even big enough for Nelle to bother to mend.

COMMANDER IN CHIEF OF THE VETERANS OF FOREIGN WARS OF THE UNITED STATES OPPOSES "AMNESTY"

Mr. HANSEN. Mr. President, the attached statement by a thoughtful American patriot, Mr. Joseph L. Vicites, commander in chief of the Veterans of Foreign Wars of the United States, sets forth the conviction of more than 1.7 million members of the Veterans of Foreign Wars on the issue of "amnesty." I commend "G.I. Joe" Vicites both for the substance and timeliness of his contribution to the Judiciary Subcommittee of this body on this topic.

The VFW has for many years given clear-headed views on some of the most troublesome problems of our times. Mr. Vicites's statement provides one more outstanding example of the patriotism and forthrightness of this fine body of Americans.

I ask unanimous consent that the statement by Mr. Vicites to the Senate Judiciary Subcommittee be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF JOSEPH L. VICITES, COMMANDER IN CHIEF, VETERANS OF FOREIGN WARS OF THE UNITED STATES

Mr. Chairman and members of the subcommittee: The subject which you and other members of your sub-committee have recently been weighing—that of "amnesty" to military deserters and draft dodgers—is of central concern to the more than 1,700,000 members of the Veterans of Foreign Wars of the United States.

In the brief statement that follows, I shall faithfully set forth the views of the V.F.W. on this painful and divisive matter.

Nearly one-third of the membership of the V.F.W. (more than 470,000 comrades) are veterans of our country's struggle in Vietnam. They, and the rest of us in the V.F.W., are keenly aware that more than 55,000 American servicemen have been killed carrying out our nation's commitment to that war-torn land and that thousands more have been wounded, many maimed for life. Additionally, the V.F.W., consecrated to honoring our dead by helping the living, knows full well that hundreds of American fighting men remain as prisoners in the camps of North Vietnam and the jungles of the South.

The massive fact of 55,000 dead Americans—killed in a war they neither chose nor shaped, but one from which they did not shrink—must dominate any consideration of this question from any quarter.

In short, the Veterans of Foreign Wars of the United States is *unalterably* opposed to any general amnesty for draft dodgers or deserters now, or for as far ahead as any one of us can now see.

Specific supporting rationale for the foregoing position follows:

(1) *Effect on Families of Servicemen KIA, MIA, and POW*. It is difficult, if not impossible, to conceive of any but a handful of this tragedy-touched group being so confused in their perception of events as to urge a general amnesty. The overwhelming majority of this specially-affected group vehemently opposes any such step. (You will recall the witness before your Senate panel who movingly recalled President Kennedy's call "to bear any burden, pay any price, support any friend, and oppose any foe to assure the survival and the success of liberty.")

(2) *Effect on the Active Military Forces*. Beset as these forces are with seeking to assure disciplined, combat-ready forces in the current social environment, the harmful effect of "amnesty" to those who, self-serving and indulgent rationale apart, chose to stand aside rather than to fight would be, and I choose the word carefully, calamitous.

(3) *Effect on the Selective Service System*. As Director Tarr of the Selective Service has testified, the effect of "amnesty" would be deeply hurtful to this beleagured manpower mechanism. In short, why should any American appear for induction when those who preceded them evaded this manifest responsibility of citizenship without incurring any penalty.

(4) *Effect on Reserve Forces and the National Guard*. These national assets are confronted with multiple problems in meeting their manpower goals in the blindly anti-military environment of today. A heedless "amnesty" would make their thankless job even tougher.

(5) *"Qualified Amnesty"—The Senator Taft Formula*. Some variation of Senator Taft's approach may at some future point in time merit consideration—*but not now*. As both the president and the Secretary of Defense have indicated, when the U.S. casualty lists from Southeast Asia are over and we hear evidence from our POW/MIAs, the time may be more propitious for a policy review. *That time is not now.*

(6) *Views Attributed to Certain Draft Dodgers/Deserters*. If I can believe the testimony of my eyes and ears, certain self-annointed "leaders" of groups in Canada, Sweden, and even in the U.S., have stated that "amnesty"—which implies forgiveness—is inappropriate for these people have done nothing for which forgiveness is appropriate in that, having been proven "right" by events, they have done nothing calling for forgiveness. The twisted logic of something called "premature morality" would apparently call for wecoming draft dodgers and deserters back home in a ticker tape parade down lower Broadway. This position and those who advocate it bring on something akin to physical nausea in me personally and in the membership of the V.F.W. These interminably vocal people don't want amnesty and we don't want to see them receive it. On this point we can all agree.

(7) *Deserters*. This category has a mechanism in being to give them full consideration upon their apprehension or return to military control, i.e., the military courts martial system under the Uniform Code of Military Justice, as recently amended.

(8) *Draft Dodgers*. A group that I believe is more culpable than many of the less advantaged military deserters and merits no favorable consideration.

To conclude, I am aware that the position set forth above may be considered by some to be predictably "hard-nosed" and not in step with "current realities."

I disagree with those who would so charge. The issue here is not the wisdom of having waged the war in Vietnam; the real gut question is do we countenance self-serving indulgence at best, or cowardice at worst. If we choose to so do, the days of this nation—"the last and best hope of mankind"—are numbered indeed.

DANGEROUS IMPLICATIONS OF THE WAR POWERS BILL

Mr. McGEE. Mr. President, the Senate will soon begin debate on a bill which proposes a fundamental change in the constitutional relationship between the President and Congress in the field of foreign affairs. That bill is the so-called war powers bill.

Eugene V. Rostow, in a paper entitled "Great Cases Make Bad Law," offers an excellent analysis of this legislation and the dangerous implications that it holds for world stability.

What Mr. Rostow warns, and what all of us should heed, is the taking from the President of the flexibility that is needed to deal with international affairs in the real world of the 1970's.

What is most disturbing about the bill is the fact that instead of preventing future limited hostilities, such as Vietnam, it may be opening the way for larger conflagrations which could have been averted if cool heads had prevailed during the course of this historical debate.

I ask unanimous consent that Mr. Rostow's paper be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

GREAT CASES MAKE BAD LAW

(By Eugene V. Rostow)

Responding to the tragedy of Vietnam, a group of Senators led by Jacob K. Javits proposes a fundamental change in the constitutional relationship between President

and Congress in the field of foreign affairs. They wish to accomplish their goal without the inconvenience of the amendatory process, by legislation alone, based on new perspectives they have discovered in the "necessary and proper" clause of the constitution.

They assert that the underlying cause of the Vietnam tragedy is a modern and most unconstitutional excess of presidential power, caused by presidential "usurpations" since the time of McKinley, and especially those they claim Johnson made with regard to Vietnam. Ignoring their own repeated votes for Vietnam, these Senators say "we live in an age of undeclared war, which has meant Presidential war. Prolonged engagement is undeclared, Presidential war has created a most dangerous imbalance in our constitutional system of checks and balances." Although Senator John Sherman Cooper has rightly criticized their theory as a rewriting of history, Senator Javits and his colleagues are pushing a Bill which in their view would correct nearly two hundred years of error, strip the Presidency of many of its most essential powers, and restore what they fondly imagine was the constitutional model of 1787.

Holmes once said that great cases, like hard cases, make bad law. The Javits Bill confirms Holmes' quip more vividly than any proposal since the Bricker Amendment. But it is a more serious attack on the constitution, and the security of the nation, than any of the Bricker Amendment proposals. They would have required affirmative Congressional action before treaties became operative as the supreme law of the land. The Javits Bill would deprive the President of powers which were used routinely by Washington, both Adams, Jefferson, Madison, Monroe, and by nearly every President since—powers to use or threaten to use force in aid of diplomacy which experience, and the Supreme Court, have found indispensable to the effective functioning of the nation in the society of nations. The armed forces of the United States have been used abroad more than 150 times since 1789, only 5 times under declarations of war, and only a few dozen times pursuant to congressional action that could arguably be construed to authorize what in fact that President did.

In this respect American practice corresponds to that of all other nations in the 18th, 19th, and 20th centuries. There is nothing special, under either international law or American constitutional law, about "undeclared" limited war in time of peace, or campaigns handled by the executive alone. In the nuclear age, as the Cuban Missile Crisis and several subsequent crises demonstrate, these are the flexible powers the nation needs most if there is to be any hope of avoiding nuclear war.

With admirable candor, Senator Javits has said that the purpose of his Bill is to reduce the elective Presidency, which the Founding Fathers were at pains to establish as a third autonomous and co-equal branch of the government, to the humble posture of George Washington during the Revolution, when he functioned as Commander-in chief, appointed by the Continental Congress, and its creature, or the creature of its committees, in every respect.

Congress has made no bid for supremacy so bold, and so foreign to the basic ideas of the American constitution, since the impeachment of Andrew Johnson. The legal theory on which the Bill rests would permit a plenipoteniary Congress to dominate the Presidency (and the courts as well) more completely than the House of Commons governs in Great Britain.

I reach this conclusion not as an advocate of increased Presidential power, but as a defender of the constitutional pattern of enforced cooperation between President and Congress we have inherited, for all the friction it inevitably generates. I disagree with the arguments for enlarged Presidential power advanced in recent years by McGeorge Bundy, James McGregor Burns, Richard Neustadt, and Senator Fulbright, among others. In my experience, the respective powers of each branch are indispensable if the making and execution of foreign policy are to remain under effective democratic control. Our practice is strenuous. But a quiet life for Presidents or members of Congress is not a very important goal of our constitutional arrangements.

The corollary of this principle, however, is democratic responsibility. It is not seemly for astute and worldly men who spoke and voted for SEATO, the Tonkin Gulf Resolution, and other legislative steps into the Vietnam War now to claim that they were brainwashed, and therefore that we—and the world—should treat public acts of the United States as if they never happened. These men were not brainwashed. They knew everything the executive branch knew. But their argument has no bearing on the problem in any case. Even if they had been brainwashed, their votes stand. Their claims recall the arguments that the Fourteenth Amendment was a nullity, and could be ignored, because many of the legislatures which ratified it voted under circumstances of fraud, or the coercion of military occupation.

The Javits Bill is full of paradox. While it purports to assure the Nation that a specific Congress will staunchly keep future Presidents from engaging in limited wars like that of Vietnam, the Bill would not have prevented the campaign in Vietnam if it had been enacted thirty years ago. The procedures used to bring Congress and the Presidency together behind the campaign in Vietnam fully comply with the substantive standards of the Javits Bill. Our participation in Vietnam was specifically authorized by Eisenhower's SEATO Treaty, and by several subsequent pieces of legislation, including the Tonkin Gulf Resolution, enacted for the purpose of approving the use of armed force to uphold the commitment of the Treaty. In the case of Korea, the Javits Bill would have required Truman to obtain a congressional Resolution within 30 days supporting the action he took in Korea under the United Nations Charter, which has the status of a treaty in our internal law. Such a Resolution could surely have been obtained at the time, although the President and the Congressional leaders thought it unwise and unnecessary to do so under the circumstances.

But if the Javits Bill had been on the books, it would have prevented Kennedy from handling the Cuban Missile Crisis as he did, by the skillful and minimal deployment of our armed forces as an instrument of deterrence and persuasion, in order to protect our interests without a confrontation that could have led to limited or unlimited war with Cuba, or the Soviet Union, or both. Under the Javits Bill, President Johnson could not have employed the implicit threat of force to keep the Soviet Union out of the Six Day War in 1967. President Nixon could not have used the same methods to avert a general war in the Middle East in September, 1970, or to confine and contain the India-Pakistan war of 1972. Similarly, earlier Presidents could not have used or threatened to use the armed forces of the nation to persuade France to leave Mexico in 1865–1866, to avoid war with Spain or Britain over Florida, with France over Hawaii, or to send commodore Perry on his fateful voyage to Japan.

The Javits Bill would annul the military provisions of all our outstanding treaties and congressional Resolutions authorizing the use of force by the President, including NATO and the Middle Eastern Resolution of 1957, which was renewed in 1961. Equally, it would annul all Presidential commitments, some of immense sensitivity and importance, of like effect.

The country is in the midst of a profound foreign policy crisis. It is not a constitutional crisis requiring a redefinition of the historical relationship between the President and Congress in the making and execution of foreign policy, but an intellectual and emotional crisis caused by the growing tension between what we do and what we think. The ideas that have shaped our policy since 1947 have suddenly lost their power to command. We can resolve that crisis only through a disciplined consideration of what foreign policy is for—an examination of what the nation must do, given the condition of world politics, to preserve the possibility of surviving as a democracy at home. That process is difficult. The relevant Congressional Committees, and the Congress as a whole, should be leading the nation in a courteous and sustained debate, through which we could hope to achieve a consensus as vital as that which sustained the line of policy which started with the Truman Doctrine, NATO and its progeny, and the Point Four Program.

Instead, the Senate Foreign Relations Committee has chosen to escape from the demanding but finite task of reality by plunging into the insoluble, and dangerous one of constitutional myth.

Korea and Vietnam did not come about because the Presidency abrogated Congress' powers over foreign policy. The Congress fully supported those efforts when they were undertaken. Those who now believe these campaigns were an error should recall the prudent wisdom of an earlier time, when the Supreme Court left the powers of the Supreme Court untouched even after the catastrophic error of Dred Scott. Errors are inevitable in the making and execution of policy, both by governments and by other institutions. In the turbulent and unstable world in which we live, the strong Presidency which has developed in the crucible of nearly 200 years of intense experience has never been more needed than it is today.

STAMP HONORING FIORELLO H. LAGUARDIA

Mr. JAVITS. Mr. President, I invite the attention of Senators to the announcement by the U.S. Postal Service that a 14-cent postage stamp honoring Fiorello H. LaGuardia will be issued in New York on April 24, 1972.

I ask unanimous consent that the release issued on this matter be printed in the RECORD.

There being no objection, the release was ordered to be printed in the RECORD:

Fiorello La Guardia, who had a long and varied career in public service, is best remembered as a three-term mayor of New York. He died in 1947.

The stamp, which is in the Prominent Americans series of regular stamps, was designed by Robert Geissman, of New York. It is vertical and bears a portrait of La Guardia, with a portion of the New York skyline in the background. The inscription at the bottom in two lines is "U.S." and "La Guardia/14¢." The stamp was engraved by Arthur W. Dintaman (vignette) and Robert G. Culin, Sr. (lettering). The initial printing order is for forty million stamps, printed in brown on the Cottrell press.

Collectors may direct first day cancellation requests to "La Guardia Stamp, Postmaster New York, NY 10001," enclosing the proper remittance, with requests postmarked no later than April 24.

New Yorkers called him, with affection, "The Little Flower," a literal translation of his Italian-derived first name. He was colorful. He was flamboyant. La Guardia liked to chase fire engines. When a strike closed the city'snewspapers, he went on radio to read the comic strips.

> He was also a hard worker and able administrator who left his mark on the city. La Guardia reorganized the machinery for municipal government, balanced the budget, involved himself wtih slum clearance, beautification, construction of parkways and bridges and the airport that later was to bear his name.
>
> As mayor of New York (1934–1945) he rejected partisan politics, appointing to administrative offices persons of every shade of political adherence.
>
> La Guardia was born in New York in 1882, was elected to Congress in 1916, left office to join the U.S. Air Service during World War I, from which he emerged as a major, returned to Congress, where he served until 1933. He was associated with some of the most liberal legislation of the day, notably the Norris-La Guardia Act (1932) which banned the strikebreaking injunction.
>
> La Guardia was the first director of the Office of Civilian Defense (1941–42) and later was director general of the United Nations Relief and Rehabilitation Administration in 1946.

RETIREMENT OF REAR ADM. LEVERING SMITH

Mr. STENNIS. Mr. President, a respected naval officer, Rear Adm. Levering Smith, retires on the 31st of March after 40 years of naval service. We are fortunate that after his retirement, he will remain on active duty in his present assignment as Director, Strategic Systems Projects.

Throughout his career Admiral Smith has served with distinction. Especially noteworthy are his major achievements in the Polaris and Poseidon programs which are so vital for the preservation of world peace. He has contributed in a variety of capacities to those programs for the past 16 years, serving as Director since February 1965.

Admiral Smith's outstanding managerial expertise and effective leadership have in large measure been responsible for the success of these efforts to project the Nation's defense far from our shores. Upon the occasion of his retirement and on behalf of the Nation, I wish to convey to Admiral Smith our sincere gratitude and appreciation and to extend best wishes for the continued success of this great American.

THE HONORABLE DAVID KAMMERMAN

Mr. HANSEN. Mr. President, on the 31 of March, 1972, one of the most honored employees of the Senate, who has served us loyally, industriously, and selflessly for 30 years, retires from our employ and from our midst. For 22 years he has been a member of the staff of the Republican Policy Committee and the Republican Conference. For more than 20 years he has been counsel to the Calendar Committee. Prior to this time he was executive secretary to Senator Danaher of Connecticut as well as administrative assistant to Senator Hawkes of New Jersey. Most recently all of us on the Republican side of the aisle have had occasion to use the Record Vote Analyses of the Senate which he has so diligently prepared and published.

In recognition of David Kammerman's devoted service to the country and to his party, the Republican leadership has caused to be engraved and presented to him the folowing Resolution:

> Whereas the Senate of the United States and the Nation have been most admirably and faithfully served by David Kammerman for more than thirty years, during which time he has for more than twenty years been a member of the Staff of the Republican Conference and Counsel to the Calendar Committee, and
>
> Whereas David Kammerman has for more than a decade been responsible for compiling and publishing the Record Vote Analyses of the United States Senate, and
>
> Whereas David Kammerman is now retiring from the long and arduous service he has so well performed;
>
> Now therefore, on behalf of the Senate of the United States and the Republican Conference, we express our gratitude to David Kammerman for his exemplary services and extend to him our high regard and hopes for many long and productive years to come.

Mr. President, I know that all Senators, whether they be of my party or not, join me in expressing gratitude to the Honorable David Kammerman for the many years he has given us, and wish him many long, happy, and productive years in the future.

JOHN D. ROCKEFELLER, JR., MEMORIAL PARKWAY

Mr. McGEE. Mr. President, as we commemorate the centennial year of Yellowstone National Park and the National Park System, I note with pleasure a most appropriate action taken by this body last Friday in its passage of an act to create the John D. Rockefeller, Jr., Memorial Parkway.

This action represents a fitting recognition of the philanthropic efforts of Mr. Rockefeller to create the now world-famous Grand Teton National Park. His private initiative is an inspiration to all who care for the protection of their environment. That the highway linking the Yellowstone and Grand Teton National Parks should be redesignated the John D. Rockefeller, Jr., Memorial Parkway is a most proper undertaking.

At present, there exists a 23,000-acre corridor between the two national parks which is threatened by the existence of numerous mining claims. With the approval of the bill by both Houses, this threat will be removed as the land is transferred to the National Park Service in order that it might have complete jurisdiction of the parkway. It is to be hoped that under the wise administration of the Park Service, this land will be protected and its environment preserved for the benefit of the many generations of visitors to come.

Once again, Mr. President, I commend the Senate for its passage of the bill to create the John D. Rockefeller, Jr., Memorial Parkway.

COUNCIL ON INTERNATIONAL ECONOMIC POLICY

Mr. ROTH. Mr. President, I am pleased to cosponsor S. 3351, introduced by my colleague, Senator Brock, to provide statutory authority for a Council on International Economic Policy within the executive branch and to insure that annual reports of its activities and area of responsibility are presented to the President, Members of Congress, and the public. The Senator from Tennessee has demonstrated in the clearest possible manner the need for such a council.

Our international economic policies touch on all the vital aspects of our Nation's domestic economy—employment, standards of living, control of inflation, productivity, and pollution regulation. In addition, they constitute an increasingly important element in our relationships with foreign countries, and particularly with our closest allies and business partners—Canada, Japan, Great Britain, and members of the European Community. Because the responsibility for this very important area of policy is scattered among some 60 governmental agencies and departments, legislation establishing a central body to review, coordinate, and establish policy priorities is badly needed.

No one is in a better position to assess this need than the Secretary of the Treasury who told an audience at the Council of Foreign Relations on March 15 that:

> The conduct of foreign economic policy today is characterized by traits of ponderousness, division of responsibility, rivalry and, in some sectors, innocence. Too often, in the past, it has been fragmented and immobilized by concern for other sectors of our foreign policy. New organizations—and new missions for old organizations—are clearly required if the Chief Executive is to have the scope of counsel required for decision and the sensitive apparatus required for securing coherent implementation of decisions.

Secretary Connally's evaluation is borne out by our experience of the past decade, a painful period of adjustment in our international economic relationships and policies. In the immediate postwar world, we were by far the preeminent economic power. The European countries were then suffering from dollar shortages rather than unwanted dollar overhangs, and our technological superiority and high rates of productivity more than compensated for the relatively higher wage rates in the United States than abroad. Now, partly because of our generous efforts to help reconstruct and stimulate the economies of our allies and mostly because of their own energy and industry, we are no longer in such a preeminent position. But many of the legacies of that early period have remained, including our dominant role in the defense and foreign assistance responsibilities of the free world, an international monetary system based on a key role for the dollar, trading regulations in GATT that tend to favor European taxation and trade protection structures, and, until recently, exchange rates that no longer realistically reflected comparative purchasing power.

Painful adjustments will continue as we reconcile old and continuing responsibilities with new needs and a new international economic situation. Among the tasks we may be facing during the coming months are a complete overhaul of the postwar international monetary system, the disposition of vast amounts of U.S. dollars held in foreign central banks, the formulation of new policy directions in the trade and investment fields, new trade negotiations with foreign countries, and the creation of policies that more closely harmonize foreign and domestic economic programs.

The formulation of wise policies requires foresight. Unfortunately, in the past we tended to wait until the crisis point and then to make piecemeal, short-term adjustments that lasted only until the next crisis. I do not underestimate the problems involved. Adjustments are always difficult, and especially so when our decisions require coordination and compromise with those of other countries, but they are that much more difficult when there is inadequate policy coordination within our own Government.

If Treasury has one set of responsibilities and positions, Commerce another, State a third, and Agriculture a fourth, and there are no smooth channels to higher levels of authority to coordinate policies and resolve conflicts over priorities, policy formulation tends to be postponed rather than decided upon. Moreover, there is no one body responsible for presenting, within the Government, to the Congress, and to the public, a coherent picture of the totality of our international economic policies and relationships.

It was the recognition of this situation that caused the President to create a Council on International Economic Policy within the Executive Office in January of last year. We now have tangible evidence of what such a Council can do. The first Executive Director, Mr. Peter G. Peterson, now our Secretary of Commerce, presented to the Council, the President and Congress a thoughtful statement of personal views on the major issues involved in our international economic policies. Accompanying the Peterson report were useful charts giving factual information on our balance-of-payments position, trade trends in various commodity groups and with particular countries, the extent of our restrictions on trade compared with that of our allies, and international capital and investment movements.

This kind of factual information provides a basis for intelligent and informed discussion of our international economic policies. An annual report, as provided in S. 3351, will provide a continuing source of information. Nobody expects such information to provide the basis for a complete consensus on the substance of policy, but policy decisions are more substantively based when grounded in sound data.

I am convinced that S. 3351 is a good step in the direction of better policy coordination and better collection and dissemination of information on our economic relationships with other countries. I believe that it is time to give permanent statutory basis to what began as an experiment in the Executive Office of the President. I commend the Senator from Tennessee for his initiative in this matter, and I hope that the Banking Committee will give expeditious consideration to this bill in the context of its continuing review of the Export Administration Act.

EFFECTS OF WEST COAST DOCK STRIKE ON HAWAII

Mr. PACKWOOD. Mr. President, the State of Hawaii has been particular vulnerable to the devastating effects of the west coast dock strike, and has suffered more directly than probably any other State in the Union. Over the months, the distinguished Senator from Hawaii (Mr. FONG) has been closely and actively involved in efforts to protect his State from continuing and increasing economic harm, and has been of tremendous assistance both in moving the Senate to approve emergency legislation to deal with the west coast situation, and also in convincing his Senate colleagues of the urgency of enacting permanent legislation to give the President new authority to deal with emergency disputes in the transportation industry in the future.

The Committee on Labor and Public Welfare was to have considered the many bills on this subject in an executive session scheduled for Friday, March 17. Unfortunately, the executive session was devoted to other committee business, so I am not today able to report any progress. However, I invite the attention of the Senate to a statement presented by the distinguished Senator from Hawaii (Mr. FONG) to the Labor Committee. Senator FONG's statement points up the dire consequence of Senate inaction in the area of emergency transportation disputes, and calls upon all of us to move swiftly to enact the necessary remedial legislation. This is a most timely statement, I commend it to Senators for their careful consideration and attention, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR HIRAM L. FONG ON EMERGENCY STRIKE LEGISLATION

I understand that this Committee has no less than twelve bills under consideration at this time, representing many different approaches to the problem of protecting the public interest in emergency labor disputes. I have myself co-sponsored three of those bills, S. 2850, S. 2959, and S. 3232, which have in common the concept that the best way to proceed is to give the Executive Branch of government more statutory alternatives, including the final offer selection process, than are now available in such emergencies.

This Committee has already heard extensive testimony on the merits of the various reform proposals, and particularly on final offer selection, which I regard as one of the most original and hopeful ideas to emerge in labor-management relations for many years. I say this because I believe it places the burden of compromise where it should be, on the parties to the dispute themselves, rather than on an arbitrator.

Two parties going before an arbitrator know that he will try to compromise their differences. They therefore have every incentive to state extreme positions, in hopes of getting more when a compromise position is sought. The same parties would be confronted with an entirely different situation in going before a final offer selection panel. They know that compromise is out—that the most reasonable offer will be selected by the panel—and so their interest lies in moving towards a reasonable, centrist position.

I believe that enlarging the options available to the executive to include final offer selection, partial operation, and an extension of the injunction period, will work to the advantage of both workers and management by keeping jobs open and operations continuing while these procedures are being followed.

I have been following the hearings held by this Committee on emergency strike legislation with the closest attention. In my judgment, there is one critical matter which has received insufficient attention from previous witnesses. It is to this point, the impact of the West Coast dock strike on the State of Hawaii and the manifest need to safeguard such areas of the country when deprived of essential transportation services, that I wish to give primary attention in my statement.

It is too little realized that Hawaii lies approximately 2,500 miles from the West Coast of the United States. It is farther from a continent, in fact, than any other inhabited area in the world. Even were it not so far distant, of course, it is obvious that the Island State is extremely vulnerable to disruptions of its maritime commerce.

I endeavored to find out how many scheduled ships and barges, on the average, are required each month to service Hawaii's needs adequately. From what statistics are available, it appears that about 22 Matson and Seatrain ships service Hawaii each month on a scheduled basis, while some 150 unscheduled U.S. ships arrive per month, many unloading varying smaller amounts. As the Matson and Seatrain freighters are quite large, they carry by far the largest portion of cargo to Hawaii. Ships and barges must also be available, of course, to carry Hawaii's agricultural and industrial products to mainland markets.

What is important to keep in mind is not so much the number of ships or tonnage required to serve Hawaii, but the fact that the preponderant bulk of the food, medicine, supplies, equipment, heavy appliances, automobiles, parcel post, cattle feed, industrial products, clothing—almost every item essential to modern living and Hawaii's economy—arrives by sea transport.

Other states have alternative surface transportation systems for interstate commerce—rail or truck in every instance, and in many cases the additional choices of river or ocean shipping. But when ships no longer arrive at the ports of Hawaii, the only alternative is air freight. This means added expense, and is manifestly impossible for many imports and exports by reason of high ratio of cost, a function of weight and volume, to value.

The inherent transportation difficulties and vulnerability of an island location obtain also, it is important to realize, in the case of Guam, American Samoa, the Trust Territory of the Pacific Islands, Puerto Rico and the Virgin Islands. A longshore or maritime strike can quickly disrupt any insular economy.

My State of Hawaii was very badly hurt by the longshore strike which began on the West Coast on July 1st last year and ultimately became the longest dock strike in American history, excepting the devastating 177-day Hawaii longshore strike in 1949. An economic crisis in Hawaii was well advanced by the time a Taft-Hartley injunction brought the longshoremen back to work in October after 100 days on strike. After the injunction period and two voluntary extensions ran out on January 17th, the International Longshoremen's and Warehousemen's Union struck again for 34 days, until the Union membership approved a settlement on February 19th.

Of course, labor peace on the West Coast between the ILWU and the Pacific Maritime Association remains precarious, because of the Pay Board modification of their agreement. Such action may precipitate a new

West Coast strike and a sympathy strike by the International Longshoremen's Association on the East and Gulf Coasts.

No one put Hawaii's position during the recent West Coast dock strike more succinctly than Secretary of Labor Hodgson, who in testimony before this Committee last December summed up as follows: "The Island State of Hawaii was almost defenseless—a sitting duck at the mercy of a process in which it had no part. The results were traumatic." I am afraid that this may equally well characterize our prospects for the future if no remedial action is taken by Congress.

The impression held by many persons on the mainland was that the West Coast strike was not seriously affecting Hawaii because sufficient food was available and there was no starvation. Food is, of course, of prime importance, but the economy of a state cannot survive on bare essentials.

The strike was directly responsible for millions of dollars in lost business and individual income, reduced Federal and State tax revenues, a significant slowdown in construction activity, numerous business failures and rising unemployment, which in November 1971 reached 6.4%, the highest in Hawaii's history as a State. The number of jobless receded in December, but returned to the 6.4% figure in January 1972, the latest period for which figures are available.

I was particularly aware, throughout this period, of the hundreds of individual hardships and tragedies recounted in letters from my constituents. Every person and business in Hawaii was affected, directly or indirectly, by the dock strike. We were not a party to the dispute, but we swiftly and surely became its major victim.

The principal long-range impact of the shipping strike on Hawaii is to make it more difficult to attract investment capital. For the last twenty years or more, the economic growth of Hawaii has been financed in large measure by capital attracted from outside the State. This is necessarily true for three reasons. The first is that even if most savings of Hawaii residents were kept in liquid form and invested locally, our rate of growth has been such that the funds would be inadequate. The second reason is that more and more savings of Hawaii residents are funneled into mainland institutions, such as insurance companies, mutual funds, the stock and bond market, and so on. Thirdly, more and more of Hawaii business enterprise is owned by out-of-state parent corporations, so that profits made in Hawaii are not left for local investment but are returned to the home office on the mainland.

Personal savings and business profits, therefore, tend to flow out of Hawaii, and the economic development of the State depends upon local ability to attract outside investment funds into Hawaii. The capacity to attract such funds has been dealt a severe blow by the recent West Coast dock strike.

The fabric of the Hawaii business community has also been weakened. A strong firm becomes weak; a weak firm becomes marginal a marginal firm becomes submarginal, or goes out of business. The survivors are more vulnerable to future adversity.

Finally, shipping strikes imperil or destroy the markets for Hawaii's export industries. In his message to Congress on February 2nd, regarding the dock strike, President Nixon expressed his grave concern for lost export markets with reference to our nation as a whole; the threat is no less real for a single state.

The recent history of Hawaii provides a case history of disintegrating economic health under the pressure of a labor dispute in the transportation industry, a blow to my State whose results will be felt far into the future. Never again should the people of any section of our country be subject to such a calamity.

When this Committee reports an emergency transportation dispute bill to the Senate floor, I strongly urge that it make available to the President a range of flexible procedures, including, I would hope, final offer selection, to be utilized to prevent interruption of transportation services essential to the health or safety of a substantial part of the nation's population or territory. Language specifying that such remedies as are provided would become available "upon the deprivation of any section of the country of essential transportation services" would, I believe, apply precisely to Hawaii's position during the West Coast dock strike. It would also give assurance to the people of other outlying areas under the American flag.

It is not sufficient to legislate solely in terms of national emergencies and assume that our insular areas will somehow take care of themselves.

Our recent experience demonstrates all too clearly that wishful thinking cannot protect Hawaii. To cite a proverb from the Middle East, "Hope makes an excellent breakfast but a poor supper."

The people of my State, who bore the brunt of the West Coast dock strike and will bear it again unless Congress acts, know that there is no substitute for statutory safeguards to protect their vulnerable position.

It is my firm hope that this Committee will be mindful of their requirements.

GOVERNOR WALLACE APPEARS ON "MEET THE PRESS"

Mr. ALLEN. Mr. President, on March 19, 1972, Alabama's distinguished Governor, George C. Wallace, was the guest on the outstanding public service program of the National Broadcasting Co., Meet the Press.

Governor Wallace's appearance on Meet the Press came on the heels of his landslide victory in the Florida Democratic presidential primary on March 14. Following the completion of my remarks, I wish to have printed in the body of the Record, the transcript of Governor Wallace's appearance on "Meet the Press." I feel that the remarks of Governor Wallace in response to the questions put to him by the program panelists, are both interesting and deserving of widespread attention.

I ask unanimous consent that the transcript be printed in the Record.

There being no objection, the transcript was ordered to be printed in the Record: as follows:

Meet the Press

Guest: Governor George C. Wallace, Democrat, Alabama.

Moderator: Lawrence E. Spivak.

Panel: Claude Sitton, Raleigh News & Observer; James T. Wooten, The New York Times; Robert Novak, Chicago Sun-Times; Rebecca Bell, NBC News.

Mr. Spivak. Our guest today on Meet the Press is the winner of Florida's Democratic primary, Governor George C. Wallace of Alabama. Governor Wallace ran for President in 1968 on the American Independent ticket, in one of the most successful third party campaigns in American history.

Governor, I'd like to start the questioning. You have already indicated that you are not completely satisfied with President Nixon's proposals to Congress on busing. If you were President today, what additional steps would you recommend that you consider constitutional?

Governor Wallace. I would have supported the Griffin Amendment that limited federal jurisdiction in the matter of busing, which was an amendment offered to the educational appropriations bill. I would ask the Justice Department and HEW, headed by appointees of Mr. Nixon, not to ask for orders in the federal courts that require busing, because that is what has happened throughout our part of the country.

Mr. Spivak. 18 years ago the Supreme Court ruled that segregated schools are inherently unequal. If you were President would you take steps to speed school desegregation once forced busing was ended?

Governor Wallace. There are no segregated schools now in the country. The dual school system has been abolished. Non-discrimination is a practice throughout the South and throughout the country. It has been accepted, as evidenced by the vote in Florida the other day, but the people have not accepted the artificial method of acquiring quotas and balances, which is contrary to law, by closing of neighborhood schools and by busing little children across counties and cities. That is what the American people object to. They are not against equal opportunities for education in Alabama or any other state in the union.

Mr. Spivak. Governor, my question was, would you do anything to speed desegregation of the schools? They haven't gone forward as fast as many people would like them.

Governor Wallace. Well, as many people would like—I don't know how many they are. I believe they are fewer than you think. As far as wanting to speed up, why not just have the school systems under a freedom of choice plan, as was accepted some time ago by the courts, and let people make the choice of the school they want to attend or let the parents choose for them. Then we would have nondiscrimination, a most democratic method of school attendance. That is what I would do. Then I would not worry about whether we had so many of one group in a particular school. I would only then be concerned about quality education for every child, black and white.

(Announcements)

Mr. Sitton. Governor, since no busing means in effect little or no northern desegregation, do you think that this ban on busing therefore would set up a double standard, one for the south, one for the north?

Governor Wallace. The moratorium suggested by the President would do just that, although I don't want to see any busing in any state in the union, that is, to achieve balances. So the people in Alabama and our part of the country who have been under the gun a long time, including the people of North Carolina, say that if it is nonsense to bus in the future, it is nonsense to have bused in the past, and so if they are going to declare a moratorium in the future we want a rollback of that which is creating hardship among so many people in the South.

Mr. Sitton. All right, sir, that would take us back to the neighborhood school principle, in effect. Will this limit desegregation—the neighborhood school principle, that is—to rural schools and those in urban working class neighborhoods.

Governor Wallace. Would it do what?

Mr. Sitton. Would it limit desegregation so that the impact, the effect of desegregation is only on rural schools and only on schools in urban working class neighborhoods?

Governor Wallace. Mr. Sitton, the 1954 decision said that you could not assign students because of race to a particular school system, and so if a neighborhood school turns out to be mostly people of one race, as long as that school is open to all races, there is nothing wrong with it. There is just something artificial and it is rejected by the American people and if the pseudo-intellectuals, as I like to say, think it is good to bus little children backwards and forwards in Michigan and Wisconsin and Alabama, the average man doesn't, and there are more of them than there are the pseudos.

I frankly think we must have a rollback. So have the schools open under freedom of choice, with no discrimination because of race, and then you have your neighborhood schools and in my judgment everyone ought to be satisfied.

Mr. Sitton. I am just asking you about the practical effect, Governor, and won't the practical effect be that the load, the burden of desegregation will be placed on the people in the country and the people in the urban working class neighborhoods.

Governor Wallace. Won't the burden be placed on——

Mr. Sitton. On rural schools, where everyone is bused already and on urban schools in working class neighborhoods where working class whites and working class negroes live side by side and therefore attend somewhat the same schools, if you go to the neighborhood school principle.

Governor Wallace. I don't think anyone objects to the matter of neighborhood schools in the country. I think they object to busing, and so the objection you raise I don't think is shared by the majority of the people either in Michigan or any other state.

Mr. Novak. Governor Wallace, despite your victory in the Florida Democratic presidential primary, there are a good many leaders in the party who don't think you are a Democrat at all. In that connection can you say that you definitely, under no conditions, would support Richard M. Nixon for President in November?

Governor Wallace. I am not supporting Mr. Nixon. I didn't support him in 1968. I am running for the nomination of the Democratic party in the primaries. I don't like many things Mr. Nixon has brought about, including busing, an unbalanced budget, and so I am not a supporter of Mr. Nixon, if that is what you are driving at, at all. But, as far as the leaders of the party are concerned, they were rejected in Florida by the average citizen who feels that he has been neglected by the party leadership and by the government of our country, and so I have as much chance to be nominated as anyone else.

Mr. Novak. Let me try to clarify my question, sir. Let's assume that the Democratic Party in Miami Beach drafts a platform which is not to your liking and nominates a candidate which is not to your liking. Let's just make that assumption. Can you guarantee that against such a candidate and against such a platform you will not support President Nixon?

Governor Wallace. I am not a supporter of Mr. Nixon but I can't guarantee you anything here on this program. You ought to ask Mr. Muskie also. He said on the television the other night that he would fight me until the day he died.

If I were the nominee, he is, in effect, saying, "I wouldn't support the nominee of the Democratic Party," so I don't think I ought to have to make any commitment if the so-called frontrunners, the party leadership, are saying they wouldn't support me.

Mr. Novak. Just for the record, sir, can you tell me the last Democrat you voted for for President of the United States?

Governor Wallace. I voted for, let's see, in 1964 I voted the Democratic ticket in Alabama, which was unpledged electors. In 1968 I voted for George Wallace, who was the truest Democrat running under the Democratic ticket in Alabama. I voted in 1960 the Democratic ticket in Alabama. Mr. Kennedy carried Alabama in 1960, and I voted under the rooster, the Democratic ticket in that. I have never voted a Republican ticket in my life.

Mr. Novak. But in those three elections—you have not voted for the nominee of the Democratic National Convention in those three elections?

Governor Wallace. Oh, yes, I did. In 1960, six of the electors went to Mr. Kennedy and five went to Senator Byrd, so I voted 6/11s for Mr. Kennedy and 5/11s for Mr. Byrd.

Mr. Wooten. Last week on the eve of the Florida Primary, Governor, in Vero Beach, Florida, as a matter of fact, you said—and this is a direct quote from your speech—"If we are to restore law and order in this country, we may have to abrogate some civil rights."

I wonder if you would be specific as to which civil rights you are considering abrogating as President?

Governor Wallace. I think you have not quoted me right. I said unless law and order is restored in this country and people can walk on the streets safely, there may come a time in which civil rights will have to be abrogated. In fact, they are abrogated already when you have a curfew in a city that says, if you get out after nine o'clock you are a law violator. That is the abrogation of a civil right, not to be able to walk into the streets. So what I am saying is that all of us who believe in civil liberties and free ingress and egress to wherever we want to go must see that law and order is maintained in this country and that unless law and order is restored in the large cities, especially in our country, then some civil liberties some day might have to be abrogated, and I am against that.

Mr. Wooten. You have already expressed some distaste for the oil depletion allowance and you went to Texas the other day into some oil country.

Governor Wallace. Yes.

Mr. Wooten. I wonder if you could be more specific about just how much you believe the oil depletion allowance should be cut?

Governor Wallace. I can't be specific about any particular tax reform insofar as this program is concerned because we don't have time, but I think that the tax reform is one of the top issues in the country. I brought it up in 1968.

The other candidates have never talked about tax reform in the Congress to any appreciable amount. Now they are all interested in tax reform, because the average citizen is taxed to death. I believe we ought to have tax reform, and that goes for a lowering of the oil depletion allowance.

Mr. Wooten. About how much, Governor?

Governor Wallace. I don't know how much any more than I know at the moment how much we ought to tax foundations or the other commercial properties in competition with free enterprise, but it ought to be taxed and were I the President, I would send a tax reform bill to the Congress of the United States that called for just that, to tax those who have escaped taxes and to lower taxes on the average workingman and businessman in this country, which I think must come about and will come about as a result of the Florida primary because everybody is talking about it now, including the Republicans.

But I want to say that the Democrats in this race in Florida, and now in Wisconsin and Illinois, never opened their mouths about it in 1968, and I might say also they have been in the Congress 109 years, altogether, these six Senators. Why didn't they bring about tax reform in those 109 years?

Miss Bell. Governor, your critics say that you have no program, that you deal in generalities and oversimplifications. For example, sir, in the Florida campaign, you told voters you would cut taxes, but you promised to increase spending in defense, in education and also in Social Security. How, specifically, can you do this?

Governor Wallace. You can do it specifically but as I say we don't have time on this program to go into all the specifics.

Miss Bell. We will take the time, sir.

Governor Wallace. Mr. Spivak won't let me take the time, and we don't have the time, you know. But in the first place, the welfare program that—grand juries in New York, for instance, pointed out in New York last year, that $1 billion went down the drain in one program alone in that state. The welfare giveaway program would save billions of dollars in this country in the next quadrenium, in the next President's term. The curtailment of foreign aid in many places, military and otherwise, would also give additional money, and the increase in revenues generated through closing the tax loopholes in this country where $200 billion of money and wealth is tax exempt, virtually.

That ought to come to an end. That would provide additional funds. And the administration of the affairs of our government here in Washington, with thousands into hundreds of thousands really of bureaucrats—that all Governors when they meet here in Washington wonder what they do—in my judgment the administration can be cut, and we must cut, whether we like it or not, and we can then by cutting in the administration, foreign aid programs, welfare programs and plugging up the loopholes in the tax structure, we can give additional funds to Social Security, those who have reached 62 or 65. We can have additional money for national defense and we can have a tax reduction for those in the lower and middle income classes in the country.

Miss Bell. Governor, to silence your critics on this issue that you do not have a program, can you say specifically have you or any member of your staff worked out exactly how much money you could cut from welfare, foreign aid, to give to defense and education and these other things?

Governor Wallace. Yes. In the matter of tax loopholes and the curtailment of expenditures in some welfare programs and the administrative cost of the government of our country, and cutting back on some other programs with some fringe benefits which the people just cannot continue to pay for, we can cut $12 to $15 billion off, and we can also have an increase of four to five billion dollars in additional revenues.

Mr. Spivak. Governor, despite your victory in Florida, there are very few political observers who believe that you can possibly win the Democratic nomination. Why do you think you can?

Governor Wallace. There were very few political observers who thought in the beginning that I would win in Florida. They didn't think I could get on the ballot in 1968.

Mr. Spivak. But the question was, why do you think you can win the nomination?

Governor Wallace. Because the average citizen in this country feels that he has been ignored, that the leadership of the Democratic Party and the Republican Party have paid attention to the exotic and those who made the most noise, they have bused their children, they have given their money away in foreign aid, they have given it away to welfare loafers, and they have skyrocketed administrative costs of government to the point that they have broken his back financially, and as a consequence they are going to vote for someone who wants to restore the party back to being a party of the people. They pay attention to those who make the most noise. For instance the matter of busing: Only about 15 percent of the American people are in favor of busing; the others are against it. Yet they turn right around and bus people's children and the average man says that "I am through with that."

Mr. Sitton. Governor, on that point now, a survey has shown that at least half of the people in the South believe in desegregation. They may not believe in busing, but that is just true of the South. Now you want to go back to freedom of choice. Isn't it true that in Alabama freedom of choice has brought only token desegregation?

Governor Wallace. Freedom of choice in which you could choose to go to any school you want to go to—what you are saying is a token. If every school is open to people regardless of their color and they can choose to go there if they want to, then what you are saying is that some bureaucrat or some theoretician says, "They didn't choose correctly." If we open all the schools in every State in the Union as we have in the past to people of all colors, and then they come along and say, "But not enough on this side of town choose to go over here and not enough on this side over here, but they could have if they wanted to," what is wrong with that as long as people have a free choice? What difference does it make about quotas and percentages?

Mr. NOVAK. Governor Wallace, you have been very vague about what your intentions are as far as a third party run. You have said that you would not run as a third party candidate unless your delegates are kicked out of the Miami Beach Convention or something else happens. Could you, sir, tell me what the something else could possibly be?

Governor WALLACE. I have been asked this question so many times, and I will answer it again. I have no thought at this time—and I say "at this time"—of any involvement except in the Democratic primaries, and already we find that the candidates are saying exactly what I have been saying. For instance, Mr. Humphrey the other day said Mr. Nixon, when he came out against busing, came to my position. That is incorrect. Mr. Humphrey voted for busing when he was in the Congress. Now he is against it evidently, but he did vote for it when he was there. So I said that in my judgment I will get deferential treatment and those whom I represent in Miami. But since you raised the hypothetical question, which is a future hypothetical question, I can foresee, since—to answer your question—suppose I am kicked out of the Convention, suppose they bar the doors to me. Well, then that would be a horse of a different color.

Mr. NOVAK. That is the only condition under which you would run as a third party candidate?

Governor WALLACE. Yes, at the moment that is the only condition, because I see now that the Democratic Party is going to straighten up because all of its candidates are talking about tax reform, law and order. Some of them are saying no busing. They are talking about foreign aid. They are talking about—well, Mr. Humphrey had a spot in Florida in which he said, "Kick welfare loafers off the welfare rolls." Did you ever think he would make a statement like that?

Mr. WOOTEN. What you are saying there is even if the candidate, the nominee of the Democratic Party is not to your liking, and even if the platform is not to your liking, as long as you are allowed to participate in the nomination process, then you will not run as a third party candidate?

Governor WALLACE. Well, I am going to be like Mr. Muskie and Mr. McGovern and all the rest of them and Representative Chisholm, Mrs. Chisholm, I don't have to make any commitments along that line at this time at all. I do know that I am running in good faith, and as long as I am treated in good faith then that is one thing.

Mr. WOOTEN. Governor, one of the major thrusts of your Florida campaign has been a kind of populistic attack on tax reform and tax structure and a stance as the champion of the average man, yet in Alabama most of the taxes come from the average man. You have a six per cent sales tax—

Governor WALLACE. No, we do not.

Mr. WOOTEN. But you have a five per cent limit on corporate taxes, and just recently you signed a bill which allowed the maximum—which raised the maximum interest rate charged to consumers on consumer loans from eight to eighteen per cent. Now, is that consistent as a populist?

Governor WALLACE. Very consistent in the sense that I didn't bring the tax structure on. I opposed the sales tax. We only have a four per cent and the people voted the limitation of five per cent corporate tax, and the bill that you are talking about had 22 consumer items that all the consumer groups in Alabama wanted. I signed the bill and then got an agreement from the lending agencies not to charge the amount, introduced a bill in a special session to reduce it, and the session concluded without doing it, I shall call another special session of the legislature in the not too distant future for the purpose of reducing the interest rates that you are talking about.

The bill passed on the last day. I could not send up a message because it could have killed the entire bill, that had 22 items to protect the consumer, that I won't enumerate here, that all the consumer groups in Alabama wanted. But the high interest rate I opposed and I oppose now, and I am going to call a special session for the purpose of reducing the rates that you are talking about.

Mr. SPIVAK. We have less than four minutes.

Governor WALLACE. I couldn't sign half a bill with the consumer goods items in it and then veto the other half of the bill on the last day, for the simple reason that it would have killed the entire bill, so the leadership said, in the legislature. I disagreed with the rates very vehemently. I went on state-wide television in a special session and talked about the high rates: that we were going to ask them to be reduced. They are too high and I am going to ask the legislature to reduce them. In my judgment the legislature will reduce them.

Miss BELL. Governor, you say you are a serious candidate and that you can win. In recent political history only once has a conservative been the standard-bearer of a major party—I am thinking of Senator Goldwater in '64.

Now, this resulted in almost sheer disaster for the Republican party.

What makes you think your candidacy would be any different?

Governor WALLACE. I don't know what you mean by conservatism or liberalism or middle-of-the-roadism.

Miss BELL. You certainly wouldn't call yourself a liberal, would you, Governor?

Governor WALLACE. I don't know that I am a liberal in the sense of the liberalism we have had in the last ten years, but I am not a reactionary, and I believe in progress. I think evidence in the Florida primary shows that I can win. If I do well in other states, in my judgment I can win the Democratic nomination. In fact, Mr. Humphrey and Mr. Muskie now say—Mr. Muskie says, "It is myself against Wallace." Mr. Humphrey says the same thing. There is something——

Mr. SPIVAK. May I interrupt you to ask this: If you don't get the Democratic nomination and don't run as an Independent, does that mean that President Nixon will carry all the Southern states?

Governor WALLACE. I don't know. It all depends upon the state of the economy: it will all depend upon the people's attitude they take about his—on the matter of busing, whether they believe he has actually done anything to stop the busing that has come about mostly in his administration.

Mr. SPIVAK. We have less than two minutes.

Mr. SITTON. Governor, you did well in the '64 primaries, and yet in 1968, running as a third party candidate, you received only 13 per cent of the vote nationally. What has changed since then?

Governor WALLACE. Psychologically it is difficult to win on a third party movement, but the other two candidates in '68 began to say exactly what I was saying. They talked about law and order, some talked about tax reform briefly. I think you know the psychology of winning on a third party ticket, but it did orient the other parties toward the middle.

Mr. NOVAK. Governor, I am going to give you a question on tax reform that you can answer very quickly. Would you be in favor of legislation that would require everybody in this country to pay some income tax even if he got his income from tax-free municipal bonds or whatever?

Governor WALLACE. Yes, I would and even though tax-free municipal bonds are necessary in many instances, there ought to be a limitation as to how many bonds a person could buy so that he would not be able to make a million dollars and not pay any tax. That is correct.

Mr. SPIVAK. We have less than a minute.

Mr. WOOTEN. As candidate for President, Governor, could you tell us at what point in any international tension you might commit troops to a foreign country, combat troops and at what point you would use nuclear weapons?

Mr. SPIVAK. You have thirty seconds.

Governor WALLACE. If we had a genuine disarmament move on the part of the Soviet Union and the Red Chinese with adequate inspection programs, I would be for disarmament, but until that time comes, I would want us to be No. 1. I can't think of any particular place at the moment that I would say we would commit American troops. I don't want to commit American troops anywhere unless it would be absolutely necessary.

Mr. SPIVAK. I am sorry to interrupt, Governor, but our time is up. Thank you, Governor Wallace, for being with us today on Meet the Press.

THE PRACTICAL EFFECTS OF S. 2956, THE WAR POWERS BILL

Mr. GOLDWATER. Mr. President, I ask unanimous consent that a memorandum pinpointing the very serious practical effects of S. 2956, the war powers bill, be printed in the RECORD. The paper identifies many of the actual true-life situations in which the bill would prohibit a sound and wise American defensive action, I hope it will be carefully reviewed by each Senator.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

A MEMORANDUM BY SENATOR BARRY GOLDWATER

1. Specific Practical Effects of Statutory Limitations:

(a) The NATO area:

The effects in the NATO area are the most critical, not only because it is the most integrated defense set-up, but because enemy capabilities would require prompt reaction if ever used.

S. 2956 would:

Prohibit the President from making an advance deployment of force or show of force in the event of belligerent build-ups or threats of use of force. The bill directs that U.S. troops shall not be used in developing crises except in the narrow situations where the President can prove that the U.S. itself or U.S. forces are directly attacked or directly and imminently threatened with attack.

Example: At the time of the Soviet build-up during the invasion of Czechoslovakia, it would not have been possible to augment the U.S. forces in Europe since the U.S. itself was not immediately threatened. The Reforger concept, based on redeployment in time of crises, would become illegal. Augmentation of forces, such as we deployed during the various Berlin crises in the past, also would no longer be possible until the situation became so grave that our troops were directly and imminently under threat of attack. At that point reinforcement may be impossible or too late.

An armed attack against any NATO nation or area where U.S. forces are not already deployed would not permit any redeployment of U.S. forces or show of force, let alone participation in hostilities.

Example: This would include pressure or attack on Norway, Denmark, Belgium, France, and most of Turkey and Greece, particularly those areas contiguous to the Warsaw Pact terrain.

Section 3(4) of S. 2956 would flatly prohibit U.S. personnel in the NATO integrated commands from exercising any functions without specific Congressional authorization once there is an imminent threat that any NATO forces will become engaged in hostilities.

Example: The Supreme Allied Commander, Europe, could not assume command in time of crisis or attack before further Congressional action. The integrated structure of the various NATO headquarters and forces would become inoperative since they are heavily dependent on U.S. participation.

Even in the event of actual armed attack in an area covered by the North Atlantic Treaty, and involving an attack or the threat of attack on U.S. territory or armed forces, the President could repel the attack for only thirty days without later Congressional authorization which itself might include an additional time limitation.

In the event of actual armed attack on the armed forces of the U.S. located outside of the U.S., retaliatory actions, as distinguished from actions to repel attack, would not be authorized. Retaliatory action for up to thirty days is authorized only in the event of attack on the U.S., its territories and possessions.

The sum total of these effects would be shattering to the NATO alliance.

(b) Berlin:

The legislation would require Congressional action to authorize the U.S. to exercise its right of access to Berlin should the routes be blocked by the Russians or the East Germans, since such an effort would run the risk of imminent hostilities. The closing of the access routes in itself would not constitute an attack or immediate threat of attack on U.S. forces which under the bill would authorize a U.S. response. Also, under such circumstances, the bill would forbid any reinforcement of U.S. forces since they might become involved in hostilities. The legislation would forbid the taking of the very sort of action we have taken in the past in such circumstances without Congressional approval; moreover, the public debate and delay involved could both harden the enemy's position and give him the advantage of delay on our part.

(c) The Middle East:

We often have used the deployment of naval strength in the Mediterranean in relation to various situations in the Middle East. But under S. 2956, the deployment of Sixth Fleet elements would be forbidden because an attack against Israel, or Jordan, for example, would not constitute a direct attack or immediate threat thereof against the U.S. or its armed forces, as required by the bill. President Johnson's prompt deployment of the Sixth Fleet to within fifty miles of the Syrian coast when he believed the Soviets might intervene against Israel in the six-day war of 1967 could not be repeated under similar circumstances.

(d) Secrecy:

Sometimes secrecy is essential in conducting negotiations and operations. An example of secrecy in the conduct of negotiations was the need for a secret inititive by the President during the early build-up and deployment related to the Cuban Naval quarantine of 1962. A similar situation can easily be envisaged in which the President needs more than the two weeks or so which the war powers bill allows him for secretly developing a diplomatic initiative before he must open a national debate by seeking the action of Congress.

An example of secrecy in operations was the necessity for secrecy in conducting the Stanleyville rescue operation of 1964 so that the Congolese rebels would not be alerted to slaughter the 2,000 hostages, including 60 Americans, they had threatened to kill. The latter joint operation would be prohibited by S. 2956, which strictly limits U.S. rescue missions to protecting U.S. citizens only.

(e) Deployment to Exercise Rights:

From time to time, the Soviets or others may try to bluff the U.S. out of the exercise of freedom of the seas and passage of international straits. A prize example was their attempt to force us out of early NATO exercises in the Baltic and elsewhere. All they would need to do would be to threaten that if we deploy our forces to a particular area they will run the risk of hostilities, and Congressional action would have to be taken before even a preliminary display or movement of forces by the U.S. If our forces have such an advance opportunity not to enter a known trouble area, it is the purpose of the bill to require that they refrain from entering the area.

(f) Capture of U.S. Citizens on the High Seas or Holding of U.S. Citizens as Hostage:

In circumstances such as these—an example is the recent capture from a Panamanian vessel of U.S. citizens—we could be powerless to act without Congressional authorization, since the protection of U.S. citizens on the high seas is not covered by the bill.

(g) Deployment of Forces to Counter Other Activities, or Limit the Use of Threat of Force by Other Side:

Deployment overseas would be forbidden without Congressional authorization in cases involving the imminent threat of hostilities, where the crisis has not yet developed into the stage of a direct attack or threat thereof on the U.S. or its armed forces. This would deny the U.S. the ability quickly to use a display of armed force as an indication of serious U.S. interest in circumstances when other nations may be threatening to use force in international affairs of direct concern to our nation. Such deployments reduce, rather than increase, the *net* chances of hostilities. They are diplomatic acts of deterrence.

2. The Effect of These Limitations on Allies and Friends:

In the Far East, this would probably be viewed as a further indication of a changed national attitude, weakening trust in the U.S., and suggesting accommodation as a wise course for our allies to follow in the future.

In the Middle East, it could be construed as overriding all the past Presidential commitments given to Israel. It is suggested that Congress would readily pass a blanket authorization to defend Israel, but this is as yet only an assumption. Israel might therefore well be tempted to "go it alone" to an even greater extent than at present, increasing the risk of hostilities in the area.

The NATO situation has been dealt with above.

3. Effect on Opponents:

In the eyes of potential opponents, the limitations would create a truly dangerous invitation to take advantage of the apparent change in the steadfastness of this nation, the ensuing erosion of confidence in our allies, and the pressures that could be brought to bear through the simple threat to use force.

4. Summary:

(a) The practical effects of the enactment of the War Powers Bill would be in three principal areas:

Limitations on ability of the U.S. to respond appropriately to attack or threat of attack affecting its security interests;

A flagging of these limitations to a potential opponent;

A serious erosion of the credibility of the U.S. as a collective security partner in the eyes of its allies.

(b) The bill assumes that limitations on action without Congressional consent, except in the cases defined in the bill, always will be prudent.

(c) The bill overlooks: That in many cases inaction can be even more dangerous than action;

That it is impossible to prophesy all the unexpected and unlimited variations of events when the President may need to act without advance Congressional approval;

That in confronting a major opponent, the publicity that would come from public discussion and Congressional action could so harden our own position as to present the other side with an ultimatum, thereby denying it the ability to modify its position;

That there is a potentially dangerous and confusing impact that will follow the enactment of new restrictive legislation at this time, after a quarter century of living under our 42 collective defense treaties without any such legislation. There is no analysis whatsoever by proponents of the bill as to how our enemies would read this change as a sign of U.S. will and capability; nor is there any recognition of the fact that it would tear NATO apart and have serious effects in the Far East and elsewhere where we have bilateral commitments.

(d) The core issue is whether the U.S., at this stage in history, when total detente is not by any stretch of the imagination a reality, should unilaterally limit its ability to respond flexibly in situations when the other side is in no way inhibited from threatening the use of force.

OUR DEDICATED VETERANS—SALUTE FROM A SENATOR

Mr. HARTKE. Mr. President, the scene is a familiar one, although for many it is only a dim memory. A group of young men shuffles into a spare, utilitarian office; an officer tells them to raise their right hand. Self-consciously, they comply and are duly sworn in. The men, drawn from all stratas of society, are now members of a branch of the Armed Forces of the United States. What lies ahead for them? There has never been a sure answer in this angry century. It may depend on a state of war, declared or otherwise; on the military needs of the Nation at a given time; on the ability of the individual; on the nebulous quality of luck or the vagaries of fate. Over the past 70 years, all of the expected and unexpected things have happened. Some servicement saw battle; other spend 3 dreary years at one base in the States. Men now grown old survived the Argonne, or pulled through an attack of influenza at Fort George C. Meade. Some knew the terror and horror of Anzio and Okinawa, Pork Chop Hill and Hue; still others discovered, over a seemingly endless protraction, that one stretch of ocean looks exactly like another.

They handled weapons and machines, with all their inherent dangers, and found that exhaustion could be interspersed with tedium. They went where they were told. Many were badly wounded and others badly hurt, miles from combat. John F. Kennedy was decorated for bravery in the South Pacific;

Harold Russell lost his hands in a grenade blast in North Carolina.

They marched and flew and sailed in every element of the world, and in every part of it. Not one generation of Americans since 1917 escaped that obligation. At the end of their service time, they parted as they had once come together to share the common oath, but now as veterans. Today, there are 28 million men and women in the United States with that status.

There is no set reaction by the individual to the fact that he is a veteran. For some people, their service record is the source of their greatest pride; others left the uniform in bitterness; still others fulfilled their military requirements quietly and returned to civilian life with scarcely a backward glance. They were the lucky ones. Too many Americans cannot forget, because wounds of crippling injury left them with the irremediable scars of their service.

Yet, all who served are part of an enormous veteran population in this country, whose ranks are still burgeoning from the Vietnam era. If the United States were never to fight another war, or draft another man, veterans would be here well into the 21st century.

They are entitled to compensation and to benefits, as ordained by local, State, and Federal authorities, and most veterans accept them. Although time in a man's life cannot be recaptured, he can be recompensed by a grateful government. He can demand government participation in his health care, his education or other civilian training, and in the future well-being of his family and himself.

Veterans' homes and businesses have been underwritten by the Government, to one degree or another, since the end of World War I. The generation that served in World War II received educational benefits never paralleled in this or any other country. Medical care for the veteran is obligatory and, despite instances of neglect, it has generally been sound.

The veteran has privileges that extend even to the grave. He may lie with his family and among his comrades, though his service may date back three-quarters of a century.

All this the American veteran welcomes as his right and due. But too few ever stop and wonder how those benefits were obtained.

Of the 28 million veterans in America, less than 7 million belong to organized veterans' groups, which are chartered by the Congress and which act as effective spokesmen for the whole roster of former servicemen. The organized veterans provide the only ready representation the only forum, the only real say in which is accomplished at the Federal level. Seldom does the nonjoiner give the veterans group a second thought. Content with his benefits, he pays no credit to those who gained them. In some circles, it is even fashionable to slight them. We have all heard the term "professional veteran." That should be in the realm of a compliment. It takes a professional to win something. The organized groups have worked long and hard in the veteran's behalf, and they continue to insist, from Capitol Hill to the State houses, on assistance, better hospital care, and rightful benefits.

It is said that Vietnam returnees, coming home from an unpopular war, are being ignored by the bulk of the American people. Not by the veterans' groups. I know, as chairman of the Senate Committee on Veterans' Affairs, what work is being done. Relying on the guidance of veterans' organizations, my committee is introducing bills that would correct inequities in the treatment of Vietnam era servicemen. I have asked for the same level of educational benefits for today's veterans as was available to us who served in the second World War. This is not a radical suggestion, even though the Nation suffers from inflation and tight money. The Carnegie Commission on Higher Education has formally recommended that—

> Federal legislation should be amended to provide benefits fully comparable to those available following World War II in relation to prevailing wage levels, tuition and fees, and the cost of living.

I know that the organized veterans are behind such action, and the public will follow with their support. Such a bill is right and it will pass.

The Veterans' Affairs Committee has introduced other measures in this young session of Congress. One would grant a 10-percent across-the-board increase in benefits for disabled veterans predicated on the cost-of-living. We want to make sure that the disabled man and his family are not further victims of inflation. The committee is trying to alleviate the problems of cemetery space—it is growing scarce. We have proposed that the national cemeteries be placed under the Veterans' Administration as the first step.

The committee also has under study a number of proposals that would primarily affect the older veteran. Last year, we were able to get through Congress a bill liberalizing the payment of disability and death pensions, principally directed at men over 65. Pension rates were increased by 6.5 percent.

There are 1½ million veterans of World War I in this country, and their average age is 75. Many of them face a rather bleak time in their remaining years. Old and incapacitated men have to go into a nursing home; their wives must go live with their children. We think there is a possibility of establishing a kind of leisure world for them, a senior veterans retirement home. The aged man and his wife could live together and help each other. We see these homes as being established in areas of high veteran population, and disabled men could perhaps be included.

These are but a few projects in the continuing process of serving the Nation's veterans. Again, we must always rely on the reasoning and advice of the "professional" veteran. He is the watchdog of our congressional conduct in veterans' affairs; his is the counsel of concern.

All who have that special status of American—veteran—owe a debt to those comrades who organized for the common good. From the day he is sworn in, the American veteran has a friend in court.

STAN HEISLER ON EMERGENCY LABOR DISPUTES

Mr. PACKWOOD. Mr. President, the name of Stan Heisler is known up and down these halls, and not without good reason. Stan first came to Washington as a member of my staff in January 1969. As a research and legislative assistant, Stan performed in his usual outstanding way. Using his experience as a speechwriter for Oregon's Gov. Tom McCall, and his participation as researcher for my Senate campaign, Stan was well equipped to handle the multitude of duties and responsibilities which were visited upon him here in Washington. He also took in stride the endless and frustrating variety of obstacles and redtape devices one finds both on the Hill and "downtown."

Sadly for my staff and myself, but wisely for him, Stan decided to return to law school at Willamette University in Salem, Oreg., in the fall of 1969. Since then, we have missed his presence, both personally and intellectually, except for the summers and Christmas vacations he has spent on the staff here in Washington.

Stan is now completing his last year in law school and has written a law journal article on a subject which is one of my primary areas of interest, emergency labor disputes. With 13 bills now pending, including my own, this is a timely subject, and Stan's commentary is both interesting and informative. I ask unanimous consent that it be printed in the RECORD and commend it to all Senators for their reading.

There being no objection, the commentary was ordered to be printed in the RECORD, as follows:

THE COMPULSORY ARBITRATION OF MAJOR WORK STOPPAGES

President Harry S. Truman[1]—1946: "I shall always be a friend of labor, but in any conflict that arises between one particular group, no matter who they be, and the country as a whole the welfare of the country must come first."

Senator Bob Packwood[2]—1972: "No union or industrial baron, individually or collectively, should have the right to strangle an economy and inflict untold injury on thousands and thousands of innocent victims. At some point, the public interest must take precedence, and I think we have reached that point."

The incidence of strikes is greater in the United States than in any other Western democracy.[3] However, strikes differ greatly from one another. While the public can tolerate most strikes, they have manifested a profound unwillingness to abide by major work stoppages in critical industries. A strike, for instance, of the shortest duration in the electric power industry or the transportation industry would be met by nearly unanimous public disapproval.[4]

Among the major work stoppages of the recent past which have greatly inflamed the public passions are the marathon 1959 steel strike which lasted 116 days; the longshore and airlines dispute which followed; and the more recent longshore conflict on the East

---

Footnotes at end of article.

and Gulf coasts. To this chronicle must be added the New York and Cleveland newspaper strikes—particularly the 114-day New York strike; the Chicago Northwestern Railroad strike; and the New York Central strike of 1960.[5] Perhaps the most devastating strike of recent history is the 1971–1972 West Coast longshore strike.

An analysis of any one of these major work stoppages will explain why the public is losing patience with the present-day collective bargaining process. When the 116-day steel strike came to an end with the Supreme Court's approval of a Taft-Hartley injunction on November 7, 1959,[6] the price tag, in terms of lost wages and production, was estimated at $6 billion. Of this amount, the 500,000 steelworkers lost an estimated total of $1.6 billion in wages. More than 350,000 workers in related industries were laid off. Lost steel production totaled nearly $5 billion.[7]

This litany of economic horror warrants the observation that:

"The industrial warriors do not shoot at each other alone; innocent bystanders are hurt as well." [8]

Given the intense interdependence of the American economy, it is inevitable that the entire nation will be affected by a major work stoppage.

As Bok and Dunlop pointed out in a recently-published study of labor:

"An airlines stoppage may cause considerable financial loss to businesses and unemployment for workers at airports who are engaged in catering, vending, or enterprises dependent on plane deliveries. Merchants and their employees are adversely affected by strikes which shut down plants employing a significant part of the local population. Newspaper disputes can cause significant harm to retail establishments and businesses dependent on advertising. The New York City ten-day transit shutdown of January 1969 and the eight-month copper shortage of 1967–68 both inflicted hardship on multitudes far beyond those directly involved in the disputes." [9]

Thus, the public has a legitimate interest in seeing that major economic alterations are settled as quickly and as decisively as possible.[10] The public is concerned not only because it must bear the brunt of the strike but because the American economy has never fully recovered from any major work stoppage.[11]

The public, therefore, is demanding a higher level of performance from collective bargaining than was expected in the past.[12] Former Secretary of Labor W. Willard Wirtz aptly characterized the diminishing public tolerance for such strikes, nearly a decade ago, when he stated:

"I conclude, even applying the necessary discount rate to trials and tribulations of the moment, that we stand today at what history will probably mark as a fairly clear fork in the development of labor-management relations in this country. Neither the traditional collective bargaining procedures nor the present labor dispute laws are working to the public's satisfaction, at least so far as major labor controversies are concerned. It doesn't matter any more, really, how much the hurt has been real, or has been exaggerated. A decision has been made, and that decision is that if collective bargaining can't produce peaceable settlements of these controversies, the public will." [13]

PROCEDURES FOR GOVERNMENT INTERVENTION IN NATIONAL EMERGENCY DISPUTES TODAY

Taft-Hartley procedure

The procedures governing national emergency disputes are set forth in the Labor Management Relations ("Taft-Hartley") Act.[14] When the President determines that a threatened or actual strike or lockout in an entire or substantial part of an industry will endanger the national health or safety, be may appoint a board of inquiry to look into the situation.[15] The fact-finders are strictly limited to gathering information. They do not submit any recommendations for settlement of the dispute.

After the President receives the report of the board of inquiry, if he concludes that a strike or lockout will threaten the national health or safety, he may direct the Attorney General to petition an appropriate Federal District Court for an injunction [16] halting the strike for eighty days. The court, if it finds that such a threatened or actual strike or lockout "affects an entire industry or substantial part thereof" engaged in interstate commerce or "in the production of goods for commerce", and will imperil the national health or safety, may then grant an injunction of eighty days duration.[17] During this period the parties are to continue to bargain with the assistance of the Federal Mediation and Conciliation Service.[18] If a dispute remains unsettled, a reconvened board of inquiry must submit a final report within sixty days of the issuance of the injunction. The report sets forth the current status of the dispute, the parties efforts at settlement, and the employer's last offer of settlement.[19]

Within the next fifteen days the National Labor Relations Board is directed to take a vote among the members of the striking union to determine whether they wish to accept their employer's last offer. The Board must then certify the results of the election to the Attorney General. The injunction expires on the eightieth day in any event.[20] If the employees reject the offer and no settlement has been reached within the eighty-day life of the injunction, the parties concerned are free to resume the strike. The President, then, must submit a full report of the proceedings to Congress, "together with such recommendations as he may see fit to make." [21]

Railway Labor Act procedure

Labor disputes in the railroad and airline industries are governed by the provisions of the Railway Labor Act.[22] Under that statute, when a dispute between a carrier and its employees has not been adjusted under normal procedures and would, "in the judgment of the National Mediation Board threaten substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service," the Mediation Board is directed to notify the President.[23]

The President, upon such notification, may appoint an emergency board. The creation of such board imposes a waiting period during which the parties must maintain the status quo until thirty days after the Board makes its report.[24] Under the terms of the Act, the board is required to report to the President within thirty days after its creation.[25] The emergency board may make specific recommendations for the settlement of the dispute in its report.[26] At the expiration of the thirty-day period following the board's report, the parties are free to take any action that they deem appropriate if no agreement has been reached.[27]

CRITICISM OF THE PRESENT LAW

There are a number of imperfections in both statutes. But the greatest drawback of these procedures is that they postpone a strike, instead of resolving it.[28] The procedures—

"Have no terminal point. While they postpone a strike, they have no way of ultimately resolving one. If the proposition is accepted that strikes simply cannot be tolerated in certain phases of our national life, then having as our procedure one which cannot terminate such a dispute is a serious weakness." [29]

After the eighty-day "Taft-Hartley" cooling-off period and the Railway Labor Act's sixty-day cooling-off period, a union can lawfully continue the strike—regardless of the damage that may be done to the national economy—if no settlement has been reached.

The public policy in labor relations was laid down by the Congress in Section 1(b) of the Labor-Management Relations Act of 1947 [30] in these words:

"Industrial strife which interferes with the normal flow of commerce and with the full production of articles and commodities for commerce, can be avoided or substantially minimized if employers, employees, and labor organizations each recognize under law one another's legitimate rights in their relations with each other and above all recognize under law that neither party has any right in its relations with any other to engage in acts or practices which jeopardize the public health, safety or interest."

The national emergency provisions of "Taft-Hartley" were enacted to implement this vital national policy. Yet, no one can rationally maintain that the 1959 116-day steel strike, or the New York 114-day news black-out, or the sudden shutdown of seven major airlines in 1961, or the 1962–1963 longshore strike or the 1971–1972 West Coast longshore strike accord with this policy declaration.[31]

Congress's purpose in enacting the eight-day "cooling-off" period in the "Taft-Hartley" Act was two-fold. First, it sought to protect the public interest against the paralytic effect of such work stoppages. Second, it sought to create a climate in which the disputants would have another opportunity to reassess their position.

"It was believed that when an impasse was reached after protracted negotiations, and resort was had to a strike or lockout to enforce certain proposals, a cooling-off period would tend to restore equilibrium and calm aroused tempers and frayed nerves. During this period, discussions would be renewed and exploratory talks continued with a view to eventually reaching a mutually acceptable agreement. Most importantly, the nation would be receiving the goods and services it required." [32]

That at least was Congress's intent. In practice, though, these provisions have fallen far short of their mark. They have failed to provide adequately for a contingency where the parties decide to resume the strike or lockout after the injunction is dissolved.[33] The same criticism applies to the Railway Labor Act.[34]

As one writer has observed:

"In most cases, labor and management representatives engaged in collective bargaining negotiations resolve their differences only when faced with a deadline." [35]

As a matter of practicality today, both sides of a labor negotiation know that any major strike deadline will be delayed by the use of the emergency procedures. Therefore, as there is no incentive to reach a prompt settlement, they delay compromise and agreement until the real deadline arrives—the end of the eighty-day injunction or the sixty-day status quo period. The parties know that government action will not have a directly adverse effect upon their positions and that knowledge increases their willingness to wait until the last possible moment for settlement.

Were the existing statutory procedures reshaped so as to induce a penalty for such foot-dragging, the parties to a major work stoppage might be more willing to reach agreement before any government action becomes necessary.

Any form of public intervention in the collective bargaining process is certain to be criticized. But it is evident that public intervention in large-scale industrial dis-

---

Footnotes at end of article.

putes is inescapable. As one perceptive writer has observed:

"Desirable as it might be to leave such disputes to the parties alone to work out, this is not a realistic alternative; labor and management well know that once a dispute becomes serious enough, the public and the authority of government will be drawn into it. The question to be considered is, therefore, not whether such intervention will occur, but what form it should take." [36]

Ad hoc intervention is the traditional means by which both the President and the Congress have sought to solve major work stoppages.[37] But there are profound limitations to this. During the 1966 airline strike, for example, Pressident Johnson strongly endorsed a negotiated settlement reached by the airlines and officials of the Machinists' Union. But the union membership rejected the President's pressure when they resoundingly turned down the settlement offer.[38] Correspondingly, ad hoc Congressional action, after the injunction has been dissolved, is not a viable alternative. Congress, by its very nature, is ill-equipped to work with the requisite speed. It's action, when taken, is all too often hasty and ill-considered. One writer observed.

"Any contemplated legislation would not receive the study requisite to such an important issue. Congress is accustomed to working in a slow and unhurried manner and it is questionable whether the interests of the parties of the nation would be sufficiently protected under these circumstances." [39]

Other alternative forms of intervention are equally limited. The power of seizure, which would have a limited utility at best, cannot constitutionally be exercised during peacetime unless authorized by Congress—and Congress has never been especially receptive to the use of seizure in labor disputes.[40] Mediation is already available and could be intensified whenever the President considers it necessary.[41] The "non-stoppage" strike has been advanced, but it has been widely criticized as an impractical solution.[42]

That leaves compulsory arbitration. As Judge Samuel I. Rosenman has stated:

"With equality now reached by labor unions in nearly every industry, and insured for the future by our many labor laws their right to strike should be curtailed when it is in conflict with the public interest, and . . . some form of final compulsory arbitration must be provided.[43]

IMPLEMENTING COMPULSORY ARBITRATION

At the outset, it must be emphasized that "the blanket imposition of compulsory dispute settlement in peacetime is unthinkable." [44] Compulsory arbitration should be considered only as a last resort. It should be utilized only in those instances where a major work stoppage has paralyzed a vital segment of the national economy with devastating effects.

When companies and unions enter into contract negotiations, the first aim should be—as it usually is—to bring about a settlement by direct negotiations. If such collective bargaining between the parties is unsuccessful in resolving the issues, the emergency provisions of the "Taft-Hartley" Act or the Railway Labor Act should be implemented. Only then, after the expiration of the injunctive "cooling-off" period, should compulsory arbitration be instituted by the President through a Federal court order. The spectre of compulsory arbitration should be brought into the picture only if everything else fails.

The critics of compulsory arbitration assert that it interferes with the vital collective bargaining process and, for that reason, should be rejected.[45] But the public is growing so intolerant of major work stoppages that unless some carefully tailored measures are taken soon, the pressures will intensify to adopt even stronger legislation which may wholly emasculate the collective bargaining process. Further, the disputants by allowing the threatened or real strike or lockout to reach national emergency proportions have abrogated their right to control the terms of settlement.[46]

As Professor Neil Chamberlain has written:

"Compulsory arbitration may be a means of preserving collective bargaining rather than destroying it; if bad situations are allowed to develop which arouse strong adverse public opinion, a degree of intervention in basic union-management relations may be legislated that is far more destructive of voluntarism and free collective bargaining than is an occasional compulsory decision." [47]

This proposal is presented, not as a panacea, but as a "last-ditch" effort to solve a problem of the greatest magnitude. The concept of compulsory dispute settlement is not foreign to Anglo-American jurisprudence.[48] Indeed our legal system is based on the concept that anyone with a grievance is able to compel an antagonist to meet him peaceably at a public hearing where, after argument, a binding third-party settlement is handed down. For instance, if a neighbor commits a trespass or a business associate breaches a contract, he is brought into court and the matter is compulsorily arbitrated rather than settled by force. Isn't it about time to apply our eight centuries of judicial experience to the problems of labor?

FOOTNOTES

[1] Radio address on the second day of the nationwide railroad strike—May 24, 1946.

[2] Statement of Senator Bob Packwood before the Senate Committee on Labor and Public Welfare. Reprinted in 118 Cong. Rec. S521 (daily ed.—Jan. 26, 1972).

[3] Dereck C. Bok and John T. Dunlop, Labor and the American Community, 229 (New York, 1970).

[4] Jerre S. Williams, *Settlement of Labor Disputes in Industries Affected with a National Interest,* 49 A.B.A.J. 862, 867 (1963).

[5] Harold S. Robbins, *Compulsory Arbitration.* Critical Issues in Labor, 403 (Max Wortman ed. New York, 1960).

[6] United States Steelworkers of America v. United States, 361 U.S. 39 (1959).

[7] R. W. Fleming, *Emergency Strikes and National Policy,* 11 Lab. L.J. 267 (1960). For the total economic impact of the 1963 nationwide airline strike see: Hugh J. Crossland, *Public Interest Labor Disputes,* 12 Wayne L. Rev. 780, 801–804, 838–9 (1966). For the total economic impact of the twelve-day New York City transit strike see William J. Curtin, *National Emergency Disputes Legislation: Its Need and Its Prospects in the Transportation Industries,* 55 Geo. L.J. 786, 788–9 (1967).

[8] Bok and Dunlap, *supra* n. 3 at 231–32.

[9] *Ibid.*

[10] Fleming, *supra* n. 7 at 271; Robbins *supra* n. 5 at 404; Anthony P. Marshall, *New Perspectives on National Emergency Disputes,* 18 Lab. L.J. 451, 451–452 (1967).

[11] Crossland, *supra* n. 7 at 839.

[12] Bok and Dunlop, *supra* n. 3 at 235.

[13] Quoted in Benjamin Aaron, *Observations on the United States Experience,* 14 Lab. L.J. 746, at 746 (1963).

[14] 29 U.S.C. §§ 176–180 (1970).

[15] 29 U.S.C. § 176 (1970).

[16] 29 U.S.C. § 178 (1970).

[17] 29 U.S.C. § 176 (1970).

[18] 29 U.S.C. § 179 (1970).

[19] *Ibid.*

[20] 29 U.S.C. § 180 (1970).

[21] *Ibid.*

[22] 45 U.S.C. § 160 (1970).

[23] *Ibid.*

[24] *Ibid.*

[25] *Ibid.*

[26] *Ibid.*

[27] *Ibid.*

[28] William J. Curtin, *Transportation Strikes and the Public Interest: The Recommendations of the ABA'S Special Committee,* 58 Geo. L.J. 243, 247 (1969); Crossland, *supra* n. 7 at 812; Williams, *supra* n. 4 at 866.

[29] Williams, *supra* n. 4 at 866.

[30] 29 U.S.C. § 141(b) (1970).

[31] Paper of Louis Waldman, *New York University Sixteenth Annual Conference on Labor,* 251 at 261–262 (New York, 1963); Crossland, *supra* n. 7 at 812.

[32] Murry H. Roman, *National Emergency Disputes and Seizure,* 13 L(2. L.J. 25, 29 (1962).

[33] Note: In the 25 years since Congress passed the Taft-Hartley Act, its emergency provisions have been used in 30 disputes where the national health and welfare have been threatened. Strikes occurred in 25 of the 30 disputes, resulting in the loss of over 86 million man-days of work. Eleven of these 25 strikes which threatened the national welfare were in the longshore and maritime industry. Cooling off periods were required in each of the 11 disputes, but in only two cases out of eleven were the disputes fully resolved within the 80 days. Nine out of eleven times saw resumption of the strikes at the end of the cooling off period.

[34] Rohman, *supra* n.32 at 29. *NOTE:* The rail industry has experienced an increasing number of crippling work stoppages. Eight times in less than a decade, and four times since 1970, Congress has been forced to pass ad hoc legislation to prevent or end rail strikes which threatened to create national emergencies.

[35] Curtin, *supra* n.28 at 247.

[36] Marshall, *supra* n.10 at 451.

[37] Harry H. Wellington, Labor and the Legal Process, 281 (New Haven, 1968).

[38] *Id.* at 282.

[39] Rohman, *supra* n.32. See also: Wellington, *supra* n.37 at 282–83.

[40] Youngstown Sheet and Tube Company v. Sawyer, 343 U.S. 579 (1952).

[41] Wellington, *supra* n.37 at 283–84.

[42] Benjamin Aaron, *National Emergency Disputes: Is There A "Final Solution"?,* 1970 Wisc. L. Rev. 137, 143 (1970); Wellington, *supra* n.37 at 293.

[43] Quoted in Bok and Dunlop, *supra* n.3.

[44] Orme W. Phelps, Compulsory Arbitration: Some Perspectives, Readings in Labor Economics and Labor Relations, 384 (Richard L. Rowan and Herbert R. Northrup ed. Homewood, Illinois, 1963).

[45] Amalgamated Association v. Wisconsin Employment Relations Board, 340 U.S. 383 (1951), footnote 21; President's Advisory Committee on Labor Management Policy, *Report of Presidential Commission on Free Collective Bargaining,* Critical Issues in Labor, 389 (Max S. Wortman ed. New York, 1959); Stuart Rothman, *National Emergency Disputes under the LMRA and the RLA,* 15 Lab. L.J. 195 (1964); Laurence H. Silberman, *National Emergency Disputes—The Considerations Behind a Legislative Proposal,* 4 Georgia L. Rev. 673, 682 (1970); Charles M. Rehmus, *Taft-Hartley Title II: An Emergency At Sea,* 14 Lab. L. J. 865, 873 (1963); Curtin, *supra* n.7 at 801–802.

[46] Cyrus F. Smythe, *Public Policy and Emergency Disputes,* 14 Lab. L.J. 827, 829–830 (1963); Rohman, *supra* n.32 at 32–33.

[47] Paper of Professor Neil Chamberlain, *New York University Thirteenth Annual Conference on Labor,* 421 at 440 (Albany, 1960).

[48] Until the last quarter of the nineteenth century there was a Common Law prejudice against the enforceability of arbitration clauses for future disputes.

S.J. Res. 187(2)(h) (92d Congress, 2d Sess.) provides for appeal to the United States Court of Appeals for the District of Columbia and for ultimate review by the Supreme Court of the United States.

CORONARY ARTERY DISEASE

Mr. MONDALE. Mr. President, an interesting and informative article on heart disease recently appeared in the Washington Post. The article, entitled

"Shellburst Film Aids Heart Study," was written by Thomas Grubisich. It presents information on techniques used in coronary heart disease diagnosis, treatment and prevention, and the prevalence of disease in the U.S. population.

I introduced the proposed National Heart, Lung, and Blood Act of 1972, S. 3046, which would greatly expand research, public information, and treatment programs relating to heart disease. I have also cosponsored S. 3323, a similar bill introduced by the Health Subcommittee chairman (Mr. KENNEDY).

More research is badly needed on causes, detection, and treatment of heart disease and improved techniques to prevent heart disease must be developed. The thoughtful article to which I have referred shows the need for these advances which would be stimulated by enactment of legislation along the lines of S. 3046 and S. 3323. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SHELLBURST FILM AIDS HEART STUDY

(By Thomas Grubisich)

[From the Washington Post, Feb. 17, 1972]

"Linagraph Shellburst" is the name of a 35-mm movie film that's made by the Eastman Kodak Co. The Army uses the film to study the fragmentation patterns of artillery shells. Shellburst is fast (an ASA rating of 125 to 200), infrared, has a high resolution and gives maximum contrast. All these properties ideally suit it to studies on the artillery range.

These days the film is being used, just as effectively, to record a different kind of burst—the surge of blood through the coronary arteries, the three vessels that wrap around the heart, giving it the nourishment it needs to beat without cease 100,000 times every 24 hours.

At a number of Washington-area hospitals and medical centers, this photography, called coronary arteriography, is becoming perhaps the most important tool in the detection and treatment of coronary heart disease, the scourge of millions of Americans—rich and poor, young and old, sometimes trim but more often overweight, both sickly and robust, and mostly male.

The disease, which begins with the hardening of the heart's arteries and progressively incapacitates the heart, kills more Americans than cancer, pneumonia, influenza and accidents combined. This year it probably will kill more than 600,000 Americans, a disproportionate number of them males in their productive years. The cause of death is commonly called a heart attack.

Doctors don't know why men are more prone to coronary disease than women, but speculate that the reasons may be differences in physical activity, stress, genetics and hormones.

Arteriography can pinpoint in remarkable, unequivocal detail trouble spots in the heart's arteries, places where fats and other deposits have clogged or even completely shut the blood's pathway to the heart. With this information, heart surgeons can remove the obstruction in diseased portions of an artery or bypass it with part of another vessel, usually a segment of an expendable vein from the thigh.

In bypass surgery, the vein is connected directly from the aorta (the trunk from which the arteries branch) to the coronary artery beyond the obstructed site, creating an entire new passageway. The surgical and arteriographic techniques were developed at the Cleveland Clinic.

For patients suffering chronic chest pains from heart disease, the operation has brought relief that neither drug therapy nor other treatment had been able to provide. Even cardiac cripples, people condemned to spend most of their lives in a chair or bed, have been able to return to work and go about their everyday business.

According to George A. Kelser Jr., chief of cardiology at George Washington University Medical Center, 80 per cent of patients who underwent heart-artery graft at the hospital have shown improvement.

Bypass surgery has not attracted the attention that heart transplants have, even though it has permitted a number of people with advance coronary disease to lead relatively normal lives. Some 20,000 operations were performed nationally last year.

Among the hospitals and centers doing both the surgery and the arteriography in the area are George Washington, Georgetown, Howard, National Institutes of Health, Bethesda Naval, Veterans Administration and Walter Reed. The Washington Hospital Center has been doing arteriographies for two years and next month will begin artery surgery. Fairfax Hospital has been doing arteriographic still photography for about six months and is installing equipment for motion-picture studies. The hospital expects to perform its first bypass surgery this year.

Some heart experts have wondered whether there are enough trained surgeons and other personnel to justify all this activity and whether hospitals aren't becoming too concerned with the prestige associated with a new surgical technique. Some cardiologists have refused to endorse coronary bypass surgery in any case. They think the technique needs more study.

Heart doctors don't know yet if bypass surgery prolongs the lives of heart cases because the operation has only been available three or four years nationally. Long-term studies now underway will provide that answer. Doctors tend to be cautious when they talk about the operation. Overall, there is an operative risk of 5 to 6 per cent, but this varies from case to case.

But for all their caution, cardiologists are excited about the possibilities of bypass surgery. Says Dr. Stephen Epstein, chief cardiologist at the National Institutes of Health, "Coronary artery disease is so prevalent that if this operation is successful (in prolonging lives), it will so revolutionize health care delivery that the ramifications boggle the imagination."

Dr. James Bacos, chief of cardiology at the Washington Hospital Center, thinks "we might be overwhelmed by requests for arteriography" once more referring physicians become acquainted with the procedure. Dr. Bacos said there are an estimated 500,000 people in the area with heart disease of one kind or another, of one degree or another. Many people with coronary disease he added, aren't aware they have it. Some, he said, mistakenly think chest pains caused by the disease are heartburn or something else far less serious.

He said arteriography alone could benefit many people simply by identifying their problem, which probably could be handled by drug therapy.

The hazards involved in photographing the heart's arteries are not as great as they are in the surgery.

The photography is potentially hazardous because it requires what doctors call an "invasive" technique. A catheter, a narrow, flexible plastic tube, is placed in an arm or leg artery. The tube is advanced manually under direct X-ray visualization until it reaches the aorta. From the aorta, the catheter tip is manipulated into one of the heart's arteries, where about a tablespoon of contrast material ("dye") is injected to make the artery visible on X-ray film. The blood, tinted by the "dye," suddenly shows up as a white burst. In healthy arteries, the white burst stretches out in a thick, uninterrupted line. In diseased arteries clogged by atherosclerosis, the most common cause of obstruction of arteries, the line narrows or stops altogether, indicating blood flow to the heart is obstructed. Then doctors know where surgery is necessary.

The photography has not only enabled doctors to pinpoint artery obstructions, but detect mistaken diagnoses of coronary disease. In 15 per cent to 30 per cent of all cases (depending on the hospital), arteriography has revealed that patients with suspected coronary disease actually have healthy arteries. Their chest pains may originate elsewhere, perhaps in the wall of the chest. Said George Washington's Dr. Kelser, "One thing this technique has taught us is humility. Before arteriorgraphy, we could be wrong in 1 out of 10 cases or even more frequently."

The arteriographic technique is not itself painful. The patient is given a local anesthesia, at the point where the plastic tube enters the artery in his arm. If he wants to, he can watch a fluoroscopic screen and see the tube move toward his heart. Some patients report a slight warm sensation as the tube moves through their arteries.

Because the procedure involves—literally—an invasion of the body there are risks of complications. But the risk rate is low and most of the complications are reversible. Emergency equipment that could be used to reverse complications is kept on hand and all the patient's vital life signs are monitored as his arteries are photographed.

Doctors point out that the mortality rate for performance of the diagnostic procedure is less than one-half of 1 per cent for the thousands of coronary arteriographies that have taken place.

The photographic procedure, counting a three-day hospital stay, use of the equipment and professional services, is about $800, according to Dr. Kelser. The diagnostic room costs an institution about $200,000 to equip. The cost of a followup operation can range to several thousand dollars. Most of these costs are covered by most hospitalization insurance plans.

Because arteriography is so accurate in detecting coronary heart disease, it raises an intriguing question: Can it, should it, become a common part of preventive medicine, like say, the chest X-ray is in connection with tuberculosis? Can it be used routinely to detect artery disease before the heart is damaged?

Dr. Kelser answers the question this way: "Many more people have coronary artery disease than we have the facilities to perform coronary arteriography, if every person with the disease were advised to have the test." But, he adds, not every coronary patient is advised to have the test. The reasons, though, are often subjective. Dr. Kelser explains: "In some instances, arteriography is not needed to make a diagnosis. Some physicians feel that whatever arteriography showed, they wouldn't change their treatment because they would not recommend operative treatment."

Dr. Kelser thinks further that arteriography won't become a routine tool of preventive medicine because of the inconvenience, potential risks, cost and lack of adequate facilities. "Everyone," he said, "is looking for some noninvasive technique, which we don't yet have."

He added, though, that the electrocardiogram—one of the most common tools in testing for heart disease—"is of little value in recognizing angina (a common symptom of the disease)." He also said, "Neither the physician's interpretation of the patient's history, nor a physical exam, nor an electrocardiogram will in every instance provide an accurate diagnosis of the presence or absence of coronary artery disease."

Mistaken diagnoses, and more often lack of diagnoses, have left many people unaware that they have coronary disease. Dr. Peter Frommer of the National Heart Institute, offers this disturbing statistic: "Of 100 people who show signs of coronary heart disease, 20 per cent to 25 per cent will first show them with sudden death."

An equally disturbing statistic is that coronary heart disease kills, proportionately, more people in *all* age groups each succeeding year. This is especially disturbing to cardiologists because it runs counter to the generally lowering trend in the death rate from all cardiovascular diseases combined. According to the American Heart Association, there has been an 18 per cent decline in the cardiovascular death rate since 1950, among Americans under 65 years of age.

Some experts say there is an "epidemic" of coronary disease. Others, more conservative, say the disease rate has reached "pandemic" proportions—that it is found throughout the country in all age groups. Some others, skeptical of these assessments, say one major reason the disease is more prevalent is that with new controls on infectious diseases (like pneumonia or influenza), people are living longer. And eventually they have to die of something, which is usually coronary disease, brought on by hardening of the heart's arteries.

Yet coronary disease has become an increasingly more common killer not only of the aged but of those—especially men—in their middle years. In 1949, for example, coronary disease accounted for 27 per cent of all deaths among men in the 40 to 60 age group. By 1967, 33½ per cent of all deaths among males was caused by the disease.

Dr. Acors W. Thompson, a Falls Church cardiologist, refers to coronary disease as a "garden variety type of heart disease. It's not something exotic—it's something I see every day in my practice. All one has to do is look at the obituary column every day and note the number of young people, people 35 to 50, who die of a heart attack. And that's the great tragedy. If you delve into the history of these people, you'll find they are the backbone of the nation. They are the ones who make things go. And these are the people we have to help."

Dr. Thompson is one of the leaders of the group that is setting up the arteriography and bypass surgery group at Fairfax. The hospital will be the only one in Northern Virginia equipped to photograph the heart's arteries and provide artery surgery.

The facts about coronary heart disease are not new. One of the most famous studies, by Dr. William F. Enos Jr., an Arlington cardiologist, done in 1953, found that 77.3 per cent of 300 American soldiers (average age: 22.1 years) killed in the Korean War had some evidence of diseased coronary arteries.

For years, the Public Health Service, the American Heart Association and other groups have carried on intensive general information programs urging people to take measures to prevent the onset of coronary disease.

One of the most common recommendations is that every adult have a physical examination at least once a year. But Dr. Jeremiah Stamler, professor and chairman of the department of community health and preventive medicine at Northwestern University, said if most people did get an annual exam, which they do not, "this would produce such a burden on medical care that it would lead to a collapse. So that's out."

Dr. Stamler, a leading expert on preventive medicine, thinks instead there should be a system of screening tests that would assess a person's risk of coronary disease. Such tests—involving among other things, electrocardiograms while the subject was resting and exercising and cholesterol counts in the blood—could be given by a nurse or technician, Dr. Stamler said. Such services, he said, have been set up in some areas, "but generally they aren't available."

Dr. Stamler said that even when a person knows he has a high risk of coronary disease, "he doesn't know how to reduce the risk. There is a lot of misinformation, and only limited sources of precise information, on what to avoid or have in a diet, for example, and only limited opportunities to alter exercise habits. All the necessary resources are exceptional rather than normal. Preventive medicine is honored in the breach."

The Northwestern cardiologist said he has tried to persuade insurance companies to write policies for nonsmokers and people with low cholesterol counts, "but they say we're doing very well financially right now."

For years the commonly cited "risk factors" leading to coronary heart disease have been cigarette smoking, high-cholesterol diet, lack of exercise, heredity and personality type. Cardiologists still cite these factors, but they tend to be more cautious about diet.

They know, from case histories, that people with a high cholesterol count in their blood are more likely to have coronary disease than those with a low count. But though a low-cholesterol diet is strongly urged by many cardiologists (and the American Heart Association), no one has been able to demonstrate that if a person lowers his cholesterol count, he is less likely to have an attack. The NIH is devoting a great deal of research to the quandary right now.

On exercise, cardiologists usually distinguish between activity that builds strength and activity that builds endurance. Strength builders, like weightlifting and most calisthenics, may do nothing to increase collateral circulation, which can carry blood past artery obstructions. It's better, say doctors, to jog, walk fast or bicycle.

Cardiologist Thompson of Falls Church says exercise should be tailored, by the doctor, to an individual's needs. For some people, jogging may not be good, either because of their physique or because they don't have access to areas where they could run on a regular basis.

"A person should undertake an exercise program he can maintain for the next 30 or 40 years of his life," said Dr. Thompson.

Because everyone is different, that could involve anything from a nightly game of ping-pong to a four-mile jog every morning.

FEDERAL CIVIL SERVICE TENURE PROVISIONS

Mr. GOLDWATER. Mr. President, it certainly is no mystery to the Members of this body that enormous problems have been created by Federal civil service tenure provisions. They arise almost daily in the conduct of Government business and over the years a situation has been built up which now requires the attention of and corrected action by the Congress of the United States.

This problem is well known to me, and it is well known to the House of Representatives in my home State of Arizona. Accordingly, that body has adopted a memorial urging such an investigation by Congress to the end that constructive steps for modification of present tenure provisions may be taken. I ask unanimous consent that Arizona House Memorial No. 2001 be printed in the Record.

There being no objection, the memorial was ordered to be printed in the Record, as follows:

House Memorial 2001

A memorial urging Congress to investigate problems created by Federal civil service tenure provisions and to make constructive modifications thereto

To the Congress of the United States:

Your memorialist respectfully represents:

Under the tenure provisions of the federal civil service system there has built up over the years a situation which demands the attention of and corrective action by the Congress of the United States.

On the one hand the job security provisions of civil service laws afford much needed protection to the thousands of loyal, hardworking, conscientious employees whose salary levels are generally lower than those offered by private industry.

On the other hand the same job security provisions provide the disloyal, disruptive, power hungry few a shield with which to ward off attempts to remove them.

The Congress must initiate and put into effect needed reforms in the tenure provisions of the civil service laws so that administrative responsibility within the agencies of the federal government may be returned to the control of the people.

Wherefore your memorialist, the House of Representatives of the State of Arizona prays:

PUSHING OLDER AMERICANS TOWARD POVERTY

Mr. CHURCH. Mr. President, of all the economic pressures upon older Americans, inflation is one of the most cruel.

The Senate Special Committee on Aging, on which I serve as chairman, has described the impact of rising costs, especially the property tax, upon the elderly in recent reports and hearings. We believe that retirement income must be adjusted upward and that inflationary pressures must be brought under control.

For these reasons, we hope that phase II of the administration's wage and price program will have more success in the future than it has had in the past, and we also hope that genuinely healthy economic growth will accompany other positive economic trends.

A hard-hitting and comprehensive summary of inflation and other drains upon the income of retired people appeared in the U.S. News & World Report of March 27. Committee on Aging, findings and testimony are used to help inform other Americans about the desperate situation encountered by so many Americans during their retirement years.

And the article makes a point which cannot be repeated too often: The number of older persons living below statistical poverty levels is increasing at a time when it is decreasing among other age groups.

To share the findings of U.S. News & World Report with others, I ask unanimous consent that the article, as well as a table showing living costs for retired couples in 40 cities of the United States, be reprinted in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Cost Squeeze: Plight of Retired People

Despite wage-price controls, many elderly Americans are being pushed toward poverty. Personal interviews show that, for some, the "golden years" are tarnished by rising expenses, taxes and illness.

Few people have a greater stake in the success of the Administration's wage and price-control program—now moving into its second six months—than the millions of Americans living on retirement incomes.

Years of steadily rising prices have forced many of these elderly folk into desperate financial straits.

Consider the Chicagoan who came to the United States from Europe during World War II and opened a small business. He and his wife retired not long ago, but can take little comfort from their present circumstances.

Says the immigrant:

"We lost everything we had in Europe during the war, and built it up again in this country. Now we are losing everything again, to inflation. The trouble is that now I am an old man, and I can't start over."

A retired public-school teacher in New England declares:

"For the past 15 years, I've been living on my teacher's annuity. That's all I have, except for the house I inherited.

"Month after month," she adds, "I've seen my buying power whittled down by rising prices. Property taxes, household repairs, food, all keep going up. If prices aren't stabilized soon, I don't know what I'm going to do."

Many elderly folks across the U.S. are living comfortably on retirement incomes. But many others are feeling the pinch of steadily rising expenses.

To find out how they are coping with today's cost-of-living problems, staff members of "U. S. News & World Report" talked with retired individuals and couples, and sifted through Government reports and congressional documents.

This is the pattern that emerges:

The number of elderly men and women officially regarded by the Government as poverty-stricken is climbing rapidly.

Many other retired persons, although not classified as poor, must count their pennies to pay for even the necessities of life.

Even people who though they had planned carefully for the leisure years find their reserves running low under the pressure of rising prices and taxes.

Some of the elderly are in imminent danger of losing their homes—in many cases the only major possession they have—and being cast onto the welfare rolls.

The medicare program, criticized by some as radical and excessively expensive when it was enacted seven years ago, now is being attacked by many retired people for not paying a larger portion of their health-care costs.

Government officials in Washington are starting to focus attention on money problems of the retired, and the elderly themselves leave no doubt that they are well aware of what is happening.

Says a spokesman for a group of retired persons in New York City:

"We are not senile morons. We are intelligent, experienced people, greatly handicapped with the inflationary spiral cutting into our income all the time."

OVERWHELMED BY INFLATION

Nelson H. Cruickshank, president of the National Council of Senior Citizens, told the Senate Finance Committee recently:

"The elderly does not parade their poverty. As a matter of pride, they do their best to hide it . . . The stark fact is that more and more low-income elderly are being overwhelmed by the ever-rising tide of inflation."

Interviews with retired persons by staff members of this magazine bear out that contention.

Mrs. Kathleen E. Houston, a widow in Houston, Tex., retired from her secretarial job in 1957 and now, at age 78, has a pension of $318 a month.

"I'm having a terrible time," Mrs. Houston says. "I've already run through my savings. I couldn't make it if I didn't work to make some extra money each month."

A retired accountant in Trumbull, Conn., reports he had counted on dividends from stocks to augment his company pension and Social Security. Now, he notes:

"Several companies in which I have stock have reduced or discontinued dividends. Right now, if I could get out of the market unhurt, I would be very much tempted to do it."

In Fort Wayne, Ind., Mrs. Charles E. Geller, widow of a wholesale grocer, says she must live on a small Social Security check and proceeds from a mutual-fund investment made when she sold her home and moved into an apartment. Mrs. Geller adds:

"Last year was really hard, because the mutual fund didn't pay any capital gains. It was a shock to me."

Some aged persons say they realize now they did not start preparing soon enough for retirement.

Mrs. Thaddesia Moss, a former stenographer in Atlanta, Ga., explains that she and her husband are getting by on a combined monthly income of $436—but with little to spare for emergencies. Mrs. Moss comments:

"When I got my first job in 1927, it would have been better to start saving right then and there. But we wanted to spend it all right away."

WHEN PLANNING FAILS

Sometimes, however, even what appears to be adequate planning for retirement can prove insufficient.

George L. Martin of Houston, Tex., notes that he felt pretty well prepared with his company pension, Social Security and a company health-insurance policy. But he now has to work part-time to make ends meet. Explains Mr. Martin:

"It takes everything I get each month to break even. If things go any higher, I'll probably be forced to dig into my savings."

Government reports show that nearly 5 million of the 20 million Americans who are 65 and older have incomes below official poverty levels.

This number of recognized poor among the aged had declined for a decade before 1968, but since then it has risen by more than 100,000 and continues to grow.

The chances of being classified as "poor" double if you are over 64. If you are black as well as old, your chances of being poverty-stricken double again. About half of the aged widows in this country are considered poor, and that figure soars to nearly 80 per cent among elderly Negro women living alone.

For statistical purposes, the Government figures anyone who is living alone is poor if he has income of less than $2,000 a year. For a couple living in a nonfarm setting, the poverty line is $2,600 annually.

The Government estimates that current Social Security benefits average $2,628 a year per couple—just above the poverty level. Typical Social Security benefits for a single person amount to $1,572 annually—more than $400 short of the poverty line.

In the spring of 1970, the Department of Labor computed a series of sample budgets for retired couples—not what they actually spend but what they would spend if they lived normally, owned their own homes and were in reasonably good health.

The "intermediate" budget calls for outlays of $4,489 a year—a figure that nearly 40 per cent of the elderly could not attain today, even without allowing for inflation over the last two years.

The table on page 68 shows such intermediate budgets for 40 areas—plus "minimum" and "more comfortable" budgets.

Government experts estimate that 6 million elderly persons in this country are living in inadequate housing. Federal programs, authorities say, have provided only about 350,000 low-cost housing units for the elderly in the last 10 years—compared with a need for 120,000 units every year.

Although at least 36 States provide some measure of property tax relief for the elderly, the financial burden of maintaining a home is proving too much for many.

Government estimates indicate that elderly persons with incomes below $5,000 a year are paying some 1.5 billion dollars annually in property taxes.

A retired couple in the Detroit suburb of Birmingham, Mich., recalled that taxes on their house were $190 when they bought the property in 1943. Now the levy is nearing $1,700 a year.

"I don't see how we can keep paying the taxes if they reach $2,000," the wife declares.

PENSIONS THAT GROW

Some retired persons, especially former Government employes, believe the economic pinch has been eased by cost-of-living increases built into their pensions.

James Campbell, who worked for the State of California, finds retirement easier than he expected in Sonoma, Calif. Says Mr. Campbell:

"We had thought at the time I retired that we would have to live at just one level. But cost-of-living raises have been made. As costs have gone up, my pension has gone up. So now, we're not hurting."

But official estimates show that pensions other than Social Security provide only about 11 per cent of total income received by the aged.

Transportation is a vexing problem for the elderly, since many of them can no longer afford automobiles, or are physically incapable of driving.

James A. Willoughby, a retired federal worker living in Washington, D.C., sold his 1966 car after he suffered a stroke. He and his wife managed to save $85 to buy an awning for their back porch, but by the time they had arranged for transportation across town to the store, they had spent the money on other things.

The transportation problem is alleviated in at least 50 cities, where the aged ride buses at reduced rates during nonrush periods. In Minneapolis-St. Paul, they can ride free much of the day.

In parts of cities with high crime rates, federal investigators report, numerous elderly residents are virtual prisoners in their homes and apartments because they are afraid to venture into the streets.

ONE GOOD MEAL

The Senate Special Committee on Aging has heard from many elderly persons on the economic squeeze.

In Pitman, N.J., a retired worker told the Committee that he and his wife have to live on $1,920 a year. He then added:

"We cannot afford three full meals each day, so we manage on one good meal. The prices of meat are outrageous, and to have a roast or steak once a week is beyond our reach."

Many elderly citizens are protesting the $1,680 a year ceiling on earnings under Social Security. If a person younger than 72 earns more than the limit, his Social Security payments are reduced.

A widow in New London, Conn., wrote to the American Association of Retired Persons on this issue, saying:

"The fact that I am receiving Social Security payments causes me not only to have to kill time, but I think it's slowly killing me. I am not sufficiently occupied and am not accustomed to being so inactive. It's a perfectly intolerable situation."

A woman from New York complains:

"If relief for me is not forthcoming, I will be forced to give up my job and go on welfare, where I will receive more in the long run than working. I will have my rent paid, get a color TV, have my insurance paid and no income tax to pay. Utopia!"

PROBLEMS OF HEALTH

Sickness is a particularly dreaded threat to the elderly in times when the expense of medical care is one of the fastest-rising items in the cost of living.

Government researchers report that persons 65 and older spend, on the average, about three times as much on health care as younger citizens. Less than half the bill, experts say, is covered under medicare.

A spokesman for a group of elderly persons in New Jersey says:

"Medicare to us is like a leaking umbrella. You go outside when it is raining, and you think you have protection. You open it up, and the rain comes right through it."

Many aged persons complain about the increasing premiums they have to pay for optional physician's coverage under medicare. and the fact that it does not pay for many health aids or for out-of-hospital prescription drugs.

An elderly woman in Riverside, Conn., is one who finds that expenses for items such as hearing aids, glasses and other devices have been "terriffic." She adds:

"It cost me $48 recently at the dentist's for just a couple of fillings and a cleaning of my teeth. There ought to be some way to help out on that."

Government programs to aid the elderly have expanded in recent years.

The Administration on Aging reports that federal spending directed entirely or largely to the aged has risen from 25 billion dollars in the fiscal year that ended June 30, 1967, to more than 46 billion dollars in the current fiscal year—representing a gain from 16 per cent to 20 per cent of the total budget.

However, many critics insist that this is far from enough. Senator Frank Church (Dem.), of Idaho, chairman of the Senate's Special Committee on Aging, said recently:

"No Administration to date—whether it be Democratic or Republican—has really come to grips with the predicament of the elderly.

"The retirement-income crisis which now affects millions of older Americans . . . deserves no less than a national commitment to eliminate poverty for the elderly and to allow them to share in the economic abundance which they have worked most of their lives to create."

An elderly woman in New Jersey put it a bit more strongly in telling Government investigators:

"I am so tired of hearing what you are 'going' to do for the senior citizens, the golden-agers, et cetera. What you are doing is driving us to the wall.

"I wish everyone would stop talking about what they're going to do—and get busy and do it."

WHEN YOU RETIRE: LIVING COSTS IN 40 PLACES

Following are sample annual budgets for a retired couple, as estimated by the U.S. Labor Department. These budgets include allowances for key items used in family living and are based on spring 1970 prices. Since then, living costs, on the average, have climbed about 7 percent]

	A "minimum budget" for health and well-being	A "moderate comfort" budget	A "more comfortable" budget
Northeast:			
Boston	$3,306	$5,113	$8,623
Buffalo	3,412	4,973	7,977
Hartford	3,558	5,158	8,039
Lancaster	3,081	4,460	6,964
New York area	3,390	5,209	8,531
Philadelphia	3,044	4,695	7,683
Pittsburgh	3,121	4,526	7,215
Portland	3,233	4,679	7,162
North-central:			
Cedar Rapids	3,131	4,501	7,221
Champaign-Urbana	3,194	4,681	7,361
Chicago	3,075	4,584	7,342
Cincinnati	$2,997	$4,313	$6,613
Cleveland	3,320	4,807	7,591
Dayton	3,102	4,377	7,062
Detroit	3,139	4,563	7,503
Green Bay	3,000	4,375	7,267
Indianapolis	3,240	4,686	7,475
Kansas City	3,195	4,578	7,442
Milwaukee	3,152	4,604	7,464
Minneapolis-St. Paul	3,212	4,576	7,232
St. Louis	3,150	4,529	7,048
Wichita	3,090	4,413	6,917
South:			
Atlanta	2,781	4,039	6,283
Austin	2,814	4,070	6,413
Baltimore	3,039	4,410	6,984
Baton Rouge	2,797	4,035	6,316
Dallas	2,968	4,309	7,023
Durham	2,982	4,239	6,473
Houston	2,909	4,217	6,863
Nashville	2,944	4,255	6,636
Orlando	3,006	4,150	6,273
Washington	3,256	4,656	7,380
West:			
Anchorage	4,457	6,127	9,286
Bakersfield	2,977	4,289	6,673
Denver	3,063	4,373	6,970
Honolulu	3,562	5,166	8,312
Los Angeles area	3,241	4,626	7,630
San Diego	3,103	4,419	7,027
San Francisco-Oakland	3,431	4,913	7,776
Seattle-Everett	3,451	4,848	7,467

OBSERVATIONS ON ISRAEL

Mr. PACKWOOD. Mr. President, the New York Post of March 18, 1972, included a column written by Mr. Roy Wilkins, executive director of the National Association for the Advancement of Colored People. I invite Senators to read this thoughtful and enlightening article by Mr. Wilkins, as he presents a perceptive look at the State of Israel.

Having visited Israel for 1 week last June, I know first hand of her remarkable achievements, and I welcome the opportunity to share Roy Wilkins' observations with CONGRESSIONAL RECORD readers.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE STATE OF ISRAEL

(By Roy Wilkins)

JERUSALEM.—The headlines go to the political maneuvering in Israel and to the military clashes with the terrorists and guerrillas. However, the overwhelming message to a visitor is that the new state is busy trying to see that state power is used to attain peace, freedom and opportunity for the ordinary citizen.

Israelis go about this backbreaking task industriously, with grumbling over the extra-heavy burdens, but no whimpering. The stark realities, born of Israel's existence, stare every citizen in the face from each morning until (and through) each night. Israel is surrounded by hostile governments but there is no Israeli hatred of the people in these countries.

Israel chooses to build a nation, all the while on a constant alert to safeguard, as far as is humanly possible, the builders. The children of Israeli and Arab citizens are provided for in the school system and in health care.

The state pays for education through one year of high school. Parents and scholarships take over there. There is no discrimination against Arabs within Israel. In fact, Arabs in the newly-annexed territory enjoy a higher standard of living than they did previously.

In health, the Hadassah-Hebrew University of Jerusalem Medical Center gives care and the latest in treatment to the babies of every race and religion. At meal times many mothers, some of whom have benefited from this spread, who do not speak either Hebrew or English, assist in the feeding of their youngsters. The medical center uses the new idea of admitting mothers to the hospital at all hours to help allay the fears of children and aid their recovery.

Just as the state uses its machinery for the health of the child and not for the convenience of the staff, so it operates in its community villages, known as kibbutzim. Here not only agriculture and small manufacturing flourish, but schools, music, art, and drama as well. It is in these villages that Israel has built a nation with its bare hands.

Nowhere is this concern of the state for individual welfare more pronounced than in the universities which are growing tremendously. The Hebrew University of Jerusalem is the oldest, but the younger (and larger) Tel Aviv University is also bursting at the seams. Technion, in Haifa, is the M.I.T. of Israel, at present training nearly all the engineers.

What is not generally known among American Negroes is that Israeli educational, professional and technical teams have been sent to many nations in Africa. The program is a thorough one-involving the exchanging and additional training of black professionals.

Histradrut's Afro-Asian Institute for labor studies is heavily attended by Africans. Small black groups here who preach a subtle (and often blatant) anti-Semitism will find no support for their racism among African nations of Know-how.

For this and much more, the Israelis pay out 40 per cent of their gross national product for defense. They pay for education and for the ceaseless building which goes on everywhere. They pay for the research and development needed by the army and air force. Every young person serves his time in the armed forces before he begins his civilian career, including college.

There have been problems, naturally. The one requiring persistent trial and error has been that of bringing dark Hebrews from the deprived areas of countries of the Middle East and Africa up to the understanding and achievement common to those of Europe and America. Israel is addressing itself, with the travail inherent in any democracy, to these emotional problems.

A tiny colony of self-styled Black Hebrews, who come from Chicago, claim to be the only authentic Jews in Israel. In addition, there are internal problems not concerned with color, including that of the persecution of Jews who seek to leave the Soviet Union.

Through every tribulation the basic aim of the state has been to make a full life for the individual. It is a thrilling visit.

TRIBUTE TO HON. WILLIAM BRICE DORTCH OF GADSDEN, ALA.

Mr. ALLEN. Mr. President, tomorrow, March 29, 1972, the Gadsden, Ala., Kiwanis Club, one of the finest civic clubs in the entire country, is honoring and paying tribute to Hon. William Brice Dortch, of Gadsden, Ala., for today attaining the age of 80 years and for being a member of the club for 22 years with a perfect attendance record for the last 21 years.

Mr. Dortch is a native son of Gadsden, a graduate of the U.S. Naval Academy and of the University of Alabama Law School and through the years has been one of Gadsden's finest citizens. He was a law partner of my father as was his father, Col. W. R. Dortch, before him, and for more than 30 years I had the privilege of being one of his law partners. His ability as a lawyer, his deep religious convictions, his lofty principles as a lawyer and a citizen and a man have always served as an inspiration to me and a challenge to me to "go thou and do likewise." Truly, Mr. Dortch lives up to the requirements set by God as expressed by the Prophet Micah that we should do justly, love mercy, and walk humbly with our God. My wife, Maryon, joins me in extending sincerest felicitations to Mr. Dortch and his beloved Helen who has been his faithful companion and helpmate for more than 35 years and who has brought so much happiness to his life.

Happy birthday, Mr. Dortch, and may you have many happy returns of the day.

CANON MICHAEL HAMILTON ON POPULATION AND THE ENVIRONMENT

Mr. PACKWOOD. Mr. President, concern over the welfare of humanity, present and future, certainly must extend to questions of population growth, resource utilization, and the abuse of our environment. Many in our religious communities have begun to speak out on these issues and their implications for future generations. Among the first to recognize the dangers which continued population growth poses for mankind was Canon Michael Hamilton, of the Washington Cathedral. As early as 1966, Canon Hamilton was delivering sermons on population and the environment. His sermon of March 8, 1970, has recently come to my attention and I have found it a well-reasoned and thoughtful commentary. I ask unanimous consent that it printed in the RECORD.

There being no objection, the sermon was ordered to be printed in the RECORD, as follows:

GOD, MAN, AND POLLUTION

(By Canon Michael Hamilton)

This morning I would like to make some suggestions regarding the role of the Church in relation to ecology and the problems of pollution in our land. Since President Nixon in his State of the Union Address and his subsequent message to Congress has provided leadership in raising these issues to a national priority, we have all been flooded with information about them. New Yorkers, of course, have had more of their share of the experience of pollution. It was in New York, as you no doubt remember, that in 1953 approximately two hundred people died prematurely during an extended poisonous smog. For those who recognize the moral implications, the politics of ecology are no longer the goal of gaining a public hearing, but rather to exert the necessary pressure on Congress and the Executive so that the promises to reform become economic and legislative realities. The political task is to be done, I believe, in addition to and not as a substitute for the relief of poverty, racial discrimination, and crime, the other major scourges of our land.

The Churches should be involved in combating pollution because Christians, both individually and corporately, must be concerned for whatever goes on in the world, in order to reflect God's concern for His creation. If one needs a more specific moral argument for involvement, pollution affects health and Christ clearly evidenced his wish to relieve those who were sick and suffering.

The first task of Church people of all denominations is to read the newspapers and to keep informed about developments regarding the misuse of our natural resources. As Christians we should have a special interest in seeing that all the aspects of the problem are considered. We should try to see the issue as a whole, from the perspective of God, even though this sounds presumptuous. The facts regarding our present plight lie in the separate disciplines of demography, medicine, agricultural theory, industrial engineering, and so on. Hence, a technological breakthrough in one area is often falsely hailed as a great success. However, unless the improvement is compared to changes occurring in related fields, a true evaluation cannot be made. To take an example from the international field, recent increases in grain production through the development of a new hybrid were hailed as a success. The success is limited, however, because in another research corner population analysts are predicting a rise in population in the underdeveloped countries which, within a decade, will more than absorb the extra food. All too often the agricultural expert and the demographer do not meet to share their predictions and so provide the public with a balanced judgment on what is a success and what is a failure. God has given us human minds capable of contemplating our own future and we should be working for long-term solutions to our problems, as well as for temporary relief.

In the process of education we must face up to what I believe is the most disturbing prospect of all for our nation. Even if scientists perfected the technology for curbing toxic wastes, even if industrial groups cooperated with pollution controls and recycling systems, even if Congress, State Legislatures and the Executive passed effective environmental legislation, even if the public accepted the resultant burden of taxation, even if all this was done and we did not also lower the birth rate in our country we would still face disaster. The alternative to lowering the size of our families is eventual overcrowding to a degree that only those who have lived in tenement slums have experienced, a low standard of living for all, and ultimately because of resultant pressures, political revolution and economic chaos. These conditions, with the additional factor of malnutrition, are being approached in the larger cities of some underdeveloped countries today.

As Churchmen and as citizens we must practice restraint now, before the problem of overpopulation becomes more serious. As a society we still may be able to induce parents voluntarily to have no more than two children, but as yet no effort to effect this has been made. We have not yet made family planning information available to all, or produced nation-wide T.V. programs to teach the merits of such planning. We have not yet discovered a birth control means that is truly satisfactory, or provided sufficient money for research for this purpose. Our state laws do not permit therapeutic abortion upon request of the mother, much less provide it free for those who desire it. If as a nation we do not adopt such voluntary means for reducing population, within the lifetime of our children I believe we will be obliged to adopt much more disruptive and coercive methods.

The second task for Churchmen is to clean our own theological house. We have held interpretations of Biblical passages which no longer make sense, and we have provided Western culture with attitudes towards nature, often borrowed from Greek sources, that we can now recognize as being ecologically harmful. Dr. Lynn White, professor of History at the University of California in Los Angeles, pointed out in a lecture printed in a March 1967 edition of Science magazine that the Western Church, drawing upon selected passages in the book of Genesis, taught that man was to have dominion over the earth, to subdue nature, and to believe that the animal and vegetable world existed only for his own pleasure and sustenance. This, said Professor Lynn White, produced an arrogance in man that has encouraged him to misuse his natural environment without concern for its welfare.

Professor White's criticisms are justified and he comes as a prophet to recall to us our own heritage. I say recall because I do not believe we need to reject our role as having dominion over our environment but rather to see that passage in relation to the rest of scripture. If we did so we would recognize that God also gave men responsibility for stewardship of the earth which meant we were to tend, not to exploit it. I believe, as Professor White suggests, that our scientific knowledge and technological skill is a fulfillment of man's dominion over nature. But if such powers have brought us pollution as well as enrichment of life, surely our responsibility is not to reject technology but to discover how to use it better. Men and animals are the product of a single evolutionary process and members all of one interdependent ecological system. This biological truth complements the Biblical understanding of the universe as being the product of a single creation, that our world and all its inhabitants are to be cherished.

There are other fictions that have been associated with the Judeo-Christian tradition, phrases repeated out of their context of time and place. For instance, the command that we should be "fruitful and multiply and replenish the earth" meant good sense when the Hebrew death rate was high, but it is not an eternal verity for all. Today we humans have replenished the earth, and we must avoid multiplying and being fruitful. In relation to this, the so-called moral right of parents to be free to have as many children as they wish has no sound basis in Biblical heritage. Rather it is largely the result of an out-moded theology which said that marriage was primarily for the purpose of procreation. I believe a better ethic related to parenthood can be deduced from a simpler article of the Christian faith—that we should love our neighbors. This latter would lead parents to plan for children, not just according to their individual fortunes or whims, but also in relation to the needs of the world-wide family of man.

I believe the greatest single contribution the Church can make to a sound ecological national policy is the development of new attitudes to nature. We should aim to provide ideas and examples for our secular culture to be refreshed and to guide itself through the necessary political and economic decisions that are required for a new style of life.

The third task of the Church is to do something about stewardship in terms of family size, pollution control, and the work required to achieve the necessary legislative reforms for the best use of our natural resources. I hope for a new movement in our country in which the Churches and the youth take as active a part as they did in the Civil Rights movement of times gone by. For some this will mean demonstrations, for others lobbying, for some passing resolutions, for others writing letters and for some offering prayer. Let each of us give our witness as God endows us, not complaining at our neighbor's manner of expressing his concern, but rather giving thanks that God has given us such a rich variety of talents.

In closing I would like to illustrate what I believe a Christian attitude to nature is, in terms of the Eucharistic meal we are gathering together to eat this morning. I wish to express my thanks to Dr. Conrad Bonifazi, a theologian, for much of what I am about to say. He has pointed out how deeply dependent the early Hebrew was upon things of nature around him, a dependence based not only upon physical needs, but stemming from his understanding that all things, including himself were created by a God who loved his creation.

For the Jew, his identity was bound up not only with his relatives with whom he lived, but also with the material things and land which he possessed. Things became extensions of himself, they stood as symbols of him before others. If a man laid claim to an object it was readily understood that an intrinsic relationship was established between him and that object. Hence it was not difficult for the disciples as they gathered together at the Last Supper to understand Christ when He took a loaf of bread and a pitcher of wine, and having thanked God for providing the food for this occasion, said to them: "Take this bread and eat it, and from now on it is to be for you a sign of myself, my body, my presence with you. And when you gather together remembering me, drink the wine, and it shall be for you my blood, my very life given for you." This morning we are his disciples and we gather together around this table. We shall take bread and share it amongst us, and in so doing Christ will be present with us in a clear and practical way. We shall take wine and drink it and by these acts understand a little better our closeness to Christ who is amongst us, our dependence upon each other as members all of one family of man, and our dependence upon the world of nature in which we live.

NUTRITION PROGRAMS FOR THE ELDERLY

Mr. CHURCH. Mr. President, in 1968 the Administration on Aging launched a special emphasis nutrition demonstration program for the Nation's elderly. Thirty projects have been funded and now 21 programs are still operating.

These programs have been especially successful in providing both nutritious meals and essential social services to the elderly participants. The Administration on Aging in its report to the Senate Special Committee on Aging for 1970 said, in reference to these programs:

> Experience indicates that food-nutrition services and social-health services become mutually reinforcing in meeting the totality of the needs of elderly participants.

In my own State of Idaho, a nutrition program in Emmett has had a dramatic impact upon the lives of the elderly. Here too, the nutritional aspects of the programs are important, but I have seen that the social and service aspects are prime elements, which have a very beneficial effect for those taking part.

Therefore, I think it would be particularly regrettable if a gap in funding were to occur with the changeover to funding under the Nutrition for the Elderly Act. Older people would be especially affected, but projects would also lose staff with valuable experience. Communities would not be able to maintain the continuity of services to the elderly participants.

I recently wrote to the Commissioner on Aging about this problem. I specifically asked Mr. Martin to outline for me the course of action the Administration will take to prevent this gap in program funding.

Mr. President, I believe this matter is of concern to all Members of the Senate. I ask unanimous consent that my letter to Commissioner Martin be printed in the RECORD. I also would like to submit for the RECORD a recent letter to Commissioner Martin from the directors of the 21 demonstration nutrition programs.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
SPECIAL COMMITTEE ON AGING,
Washington, D.C., March 17, 1972.

Hon. JOHN B. MARTIN,
Commissioner, Administration on Aging, Department of Health, Education, and Welfare, Washington, D.C.

DEAR COMMISSIONER MARTIN: There is a distinct possibility of a gap in funding between the expiration of Title IV demonstration nutrition program funds and the availability of funds appropriated for the Nutrition for the Elderly Act.

I am hopeful that this hiatus need not occur. The 21 existing nutrition demonstration programs for the elderly have had an impact upon the lives of many older Americans. A break in the continuity of these programs would be disastrous.

Of the 21 programs, 18 are scheduled to expire during June, July, and August of this year. It is probable that the Labor-HEW appropriations bill will not be signed before the funding for these programs terminates. The FY 1972 Labor-HEW appropriations bill was not signed into law until August 10, 1971, and the FY 1971 bill was not signed until January 11, 1971.

Given this recent history of the appropriations process, it appears necessary to implement administrative action to preclude a gap in nutrition program operations.

I would urge that the Administration act to maintain continuity in these programs.

Would you outline for me the steps the Administration may intend to take to prevent the disruption of these programs?

Sincerely,

FRANK CHURCH,
Chairman.

FEBRUARY 12, 1972.

Mr. JOHN B. MARTIN,
Commissioner, Administration on Aging, Department of Health, Education, and Welfare, Social and Rehabilitation Service, Washington, D.C.

DEAR MR. MARTIN: The directors of the twenty-one Title IV nutrition programs are naturally delighted, as we know you must be, at the overwhelming support given S. 1163 and HR 5017. We want to express our collective appreciation for your contribution to the cause of Nutrition for the Elderly.

Being familiar with the problems of appropriations we are concerned that there may be a lapse of funding between the expiration of our Title IV R & D funds and the availability of nutrition monies resulting from this new legislation. As you are aware, at the end of our fiscal year, our R & D assignments will have been completed; our means programs will convert to direct services.

Should a lapse of funding occur it would in most instances result in a breakdown of this essential service, the loss of some of our trained, experienced staff, confusion and deprivation for many of our participants. The latter would suffer a traumatic experience that would affect them adversely not only physically and emotionally, but economically as well. Whether in rural areas such as Greenwood, Mississippi, where our low cost meals program has become literally the center around which the lives of these retired, sans Social Security, sharecroppers revolve; or Olive Hill, Kentucky, where participants are experiencing a new economic way of life sparked by the meals program, a break or reduction in service would spell disaster. The impact would be equally catastrophic to many of the thousands of Title IV participants living in the densely populated urban areas. These oldsters depend on the group meal service, the hot meals delivery to the homebound, and the ancillary services provided for both. All of these older Americans should be spared any further anxiety about the future of their hot meals programs.

As directors of these projects we share their concern and seek to allay their apprehensions but we can do this only if we are assured well in advance that there will be no break or reduction in services. Only then can we maintain an adequate, experienced staff. To secure and train new personnel is a costly procedure. To rebuild a reduced program and regenerate confidence in it is indeed an uphill undertaking. We also believe that by an uninterrupted continuation we will be in the best possible position to give leadership and guidance to the new projects that this nutrition legislation will make possible.

We are sure that ways can be found to avoid a funding hiatus and are therefore appealing to you who understand the situation to review the problem it presents as early as possible and to advise us as to what course of action it would be best to pursue.

Again our thanks for your much needed assistance.

Sincerely and respectfully yours,

San Juan W. Barnes, Washington, D.C.; Peggy Best, Los Angeles, Calif.; Alvin Bielefeld, Tulsa, Okla.; Ruth Braver, Chicago, Ill.; Fred Buchholtz, St. Petersburg, Fla.; Mary Champlin, Buffalo, N.Y.; Lucille S. Costello, Cincinnati, Ohio.

Regina Fanning, Olive Hill, Ky.; Alfred W. Gilpin, Walthill, Nebr.; Edward Kramer, New York City; Virginia MacNeur, Phoenix, Ariz.; Clifford McCloud, Miami, Fla.; Mildred V. Muthleb, Detroit, Mich.; Ella Reason, Roxbury, Mass.

Frank M. Robison, Seattle, Wash.; Yolanda C. Rossi, Salt Lake City, Utah; Ivan O. Simonsen, Emmett, Idaho; Wilma Jo Slaughter, Helena, Mont.; Gertrude W. Wagner, New York City; Leola G. Williams, Greenwood, Miss.; Mason Willis, Denver, Colo.

NUCLEAR VOTING RECORDS AND NUCLEAR HAZARDS

Mr. GRAVEL. Mr. President, I urge every Member of Congress to pay close attention when the Joint Committee on Atomic Energy recommends legislation to accelerate licensing of nuclear powerplants, as it probably will before the Easter recess; hearings were held March 16 and 17 on such legislation, H.R. 13731 and H.R. 13732. Then on March 23 another version of the measure was introduced as H.R. 14065. In addition, hearings on a similar bill, H.R. 13757, are underway before the House Committee on Merchant Marine and Fisheries.

If Members of Congress pass such legislation, and if one of the prematurely licensed plants ever has an accident, perhaps rendering an entire State uninhabitable, the voting record on that measure will be examined for sure.

Senators, therefore, may well want to ask themselves the following:

What are the real experts saying today about nuclear safety?

How much confidence can we have in safety assurances from the nuclear industry?

How candid has the AEC been with us about nuclear safety?

New information on these three questions is revealed daily by the citizen intervenors, who are contending with both the AEC regulatory staff and with lawyers from the giant nuclear corporations at the AEC's safety hearings on emergency core cooling systems. Unfortunately, the revelations are generated in a remote room in Bethesda, instead of before a committee of Congress where we would all have access to the full documents.

The best I can do is provide some excerpts from time to time.

THE NO-TEST LICENSING POLICY

The most crucial safety system of all, which is called the emergency core cooling system or ECCS, is installed in all the large nuclear powerplants, although it has never had a complete large-scale test at any time, anywhere.

In late 1970, six miniscale tests were run on this system, with a 9-inch pot substituting for a 14-foot reactor vessel, and electrical heat substituting for nuclear fuel.

Six out of six tests showed ECCS failure, a fact which did not reach the press until May 6, 1971. According to Nucleonics Week, the Joint Committee on Atomic Energy held a secret session on the problem May 3.

The AEC tries to belittle the significance of the test failures, and continues licensing by relying on computer programs or "codes" to calculate the effectiveness of the system. We are now learning that the codes are based on some very shakey assumptions.

AEC LAB DIRECTOR URGING REALISTIC TESTS

Document No. 1027 at the Bethesda hearing is an extraordinary expression of concern, considering the source. It is a letter dated February 9, 1972, from the Director of the Oak Ridge National Laboratory, Dr. Alvin Weinberg, to the Chairman of the AEC, James Schlesinger and it states in part:

> As an old-timer who grew up in this business before the computing machine dominated it so completely, I have a basic distrust of very elaborate calculations of complex situations, especially where the calculations have not been checked by full-scale experiments.
>
> As you know, much of our trust in the ECCS depends on the reliability of complex codes. It seems to me—when the consequences of failure are serious—then the ability of the codes to arrive at a conservative prediction must be verified in experiments of complexity and scale approaching those of the system being calculated.
>
> I therefore believe that Serious consideration should be given first to cross-checking different codes and then to verifying ECCS computations by experiments in large scale and, if necessary, on full scale.
>
> This is expensive, but there is precedent for such experimentation—for example, in the full-scale tests on COMET and on nuclear weapons.

Testimony in Bethesda from an Oak Ridge expert on March 10th elaborated further on the uncertainties which go into those computer codes. How cautious, or "conservative," are the assumptions?

"WE DON'T KNOW WHAT IS HAPPENING PHYSICALLY", SAYS EXPERT

Cyril G. Lawson, a metallurgist in the Oak Ridge reactor program, testified as follows:

> The assertion is made in many places in the testimony that conservative assumptions are made where possible, and this is true, but there are some areas where, in my opinion, we don't know whether the assumption we are making is conservative or not, because we don't know what is occurring physically . . .
>
> I'm not sure in my mind whether the conservatisms existing in other places in the calculation are sufficient to overcome the possible unconservatisms in these assumptions . . .
>
> I have concerns because there are two particular areas where major uncertainties exist. One is what happens during the so-called reflood stage of the core . . . That, I think, is major because this is that aspect of the response which is going to cool the core and make the recovery.

"WE ARE NOT CERTAIN" THERE IS "REASONABLE ASSURANCE" ON SAFETY PERFORMANCE, SAYS EXPERT

Document No. 1020 is a letter dated December 6, 1971, from William B. Cottrell, Director of the Nuclear Safety Program at Oak Ridge, to the AEC's new Director of Regulation, L. Manning Muntzing, former attorney for the Chesapeake & Potomac Telephone Co.

The letter, which was designated as a "draft" by the Associate Director of Oak Ridge, Donald Trauger, states in part:

> To summarize what follows herein, we are not certain that the Interim Criteria for ECCS adopted by the AEC will, as stated in the Federal Register, "provide reasonable assurance that such systems will be effective in the unlikely event of a loss-of-coolant accident."

After several pages of technical explanation for this opinion, the letter concludes:

> At the present time, we would not presume to offer a "realistic" [set of] criteria because of the wide gaps in our knowledge.

"NO ONE REALLY KNOWS WHAT WILL HAPPEN IN A [NUCLEAR] REACTOR CORE," SAYS EXPERT

Document No. 1030 is a letter dated March 4, 1971, from William Cottrell to Andrew Pressesky, AEC Assistant Director for Nuclear Safety. This letter also concerns the loss-of-coolant accident or LOCA which requires effective performance by the Emergency Core Cooling System or ECCS. This letter states in part:

> In recent months, the nuclear community has become aware that the previous assumptions and calculations, upon which the loss-of-coolant accidents were based, have been optimistic in terms of the ability to cool the core during the accident transient. These developments have been discussed in a number of recent meetings with the manufacturers, most recently with Regulatory on February 11th. . . .
>
> The meeting indicated a wide divergence of opinion because of the lack of definitive information from experimental programs, which led the chairman to conclude that no one really knows what will happen in a reactor core in the event of a LOCA.
>
> Despite this fact, two of the manufacturers chose to argue that maximum temperatures should be raised from 2300 to 2700 degrees Fahrenheit—completely ignoring data which indicates the imprudences of such a change, or for that matter which question the adequacy of the existing limit.
>
> As you know, the experiments run to date have not only shown the unconservatism of earlier assumptions on rod swelling, but also are capable of determining the allowances for cooling during blowdown that could be taken into consideration in the real reactor analysis.
>
> The greater impetus for continued investigation is the likelihood that undiscovered phenomena, or presently worrisome ones, will undermine ESF effectiveness.

SOME INDUSTRY FAILURE "TO GET TO THE HEART OF THE SAFETY PROBLEM IN QUESTION"

Document No. 1029, which is an earlier letter from Cottrell to Pressesky dated June 30, 1970, also refers to what may indicate a cavalier safety philosophy in the nuclear industry. This letter states in part:

> The Commission's position in its support of nuclear safety research is seriously compromised by relegating significant portions of the nuclear safety research and development program to the same industry it would license . . .
>
> It is informative to cite a few recent examples, within our knowledge, where a reactor vendor, when given the responsibility for undertaking safety research on the reactor he was selling, failed to get to the heart of the safety problems in question.
>
> 1. Fuel Rod Swelling in Loss-of-Coolant Accident or LOCA: In this instance, the reactor vendors, on the basis of their own in-house research and development, concluded that the diametrical swelling of the fuel rods during the LOCA would be less than 30 percent. This they later increased to 60 percent. Oak Ridge experiments subsequently demonstrated that swelling greater than 100 percent was possible, under realistic conditions, over significant portions of the core.
>
> 2. Fuel Rod Embrittlement in Loss-of-Coolant Accident or LOCA: Here the vendors maintained that embrittlement would not occur in the LOCA and hence the consequences need to be considered in evaluating this accident. Our experiments have been much more pessimistic in this regard.
>
> 3. Radiolysis during Emergency Core Cooling System (ECCS) Operation: Radiolytic hydrogen generation was initially presumed to be a minor problem in the use of containment sprays. At this time, the use of theoretical yields obtained for triple distilled water in quartz glassware were submitted by vendors to substantiate low hydrogen yields. Industry-sponsored experimental work of a later date was initially interpreted to substantiate the pure water rates. Oak Ridge experiments have resulted in a significantly difference and realistic approach to the problem, to the point that work is now under way by the industry in development of hydrogen recombiners.
>
> In addition to their questionable performance in the instances cited above, there is little evidence that industry is developing improved safety and safety-evaluation techniques. This is not to say that they have not done so, but that if they have, they have chosen to keep it to themselves.

WHY CONGRESS HEARS SO LITTLE

Document No. 1029 also helps explain why Congress has heard so little in the past about nuclear hazards. It reveals a recommendation by the late AEC Commissioner Theos Thompson to keep the press unaware of AEC uncertainties regarding safety. It states in part that, in February 1970, Commissioner Thompson addressed some 170 people who came to

Oak Ridge for the nuclear safety program annual information meeting, and:

> While speaking on several topics, his principal topic concerned the current confrontation between the nuclear power critics and the nuclear community. On this subject, he made the observation that the nuclear community should present a united front to better assure success of our mutual objective of safe, economic nuclear power, and that one of the more effective ways of doing so is by fully exploring our ideas and criticisms with the Commission itself and not in the public press.

"I DON'T WANT TO SOUND DEROGATORY, BUT . . ."

The AEC has an unsavory history of attempting to discredit anyone who publicly challenges its safety claims, instead of attempting to deal with the substance of the challenge.

The Union of Concerned Scientists did not escape this treatment, after four of its members published reports in July and October 1971 in which they discussed the inadequacy of the AEC's "Interim Criteria" for emergency core cooling performance.

When I asked AEC Commissioner Doub about the union's reports at the November 3 hearing before the Senate Interior Committee, the Director of Reactor Licensing, Mr. Morris, was eager to unload as follows:

> Might I make a further remark? I don't want to sound derogatory in commenting on these people, but they are not experienced in this field. None of them have any experience with power reactor design or operation.

These "amateurs," who are now leading the citizen intervenors in Bethesda, include Dr. Henry W. Kendall, one of the country's foremost high-energy nuclear physicists.

On November 15, these "amateurs" visited the AEC's nuclear safety experts at Oak Ridge. Their visit impelled the lab's Associate Director, Donald Trauger, to warn the AEC's reactor king, Milton Shaw, that indeed the Union had figured out the deficiencies of the emergency core cooling system very well indeed.

ATTEMPT TO DISCREDIT BACKFIRES: CRITICS "INTIMATELY FAMILIAR WITH SAFETY "DEFICIENCIES"

Trauger's letter to Shaw, dated November 24, 1971, was presented as part of testimony before the Joint Committee on Atomic Energy on March 16 by the intervenors' attorney, Mike Cherry. It states in part:

> Three members of the Union of Concerned Scientists met with members of the Oak Ridge staff last Monday, November 15, to discuss various aspects of the Laboratory's work on the Fuel Rod Failure Program. . . . We felt that the technical publications of this group, as well as their professional integrity, justified our meeting with them. However, inasmuch as the Union of Concerned Scientists has intervened in the hearing on the construction permit for the Pilgrim reactor, we also felt that you should be aware of the nature of our discussions.
>
> The visiting scientists were Henry W. Kendall, physicist (MIT); Daniel F. Ford, economist (Harvard University); and James J. MacKenzie, physicist (Audubon Society) . . .
>
> It was immediately obvious from our discussions that the visitors were well read in the relevant literature . . .
>
> H. W. Kendall showed us how he has used our data . . . to demonstrate that approximately 85 percent of the fuel rods are "candidates" for producing fuel channels with coolant channel blockage in the range 90 to 100 percent.
>
> Kendall had reached this conclusion independently, and wanted to know if he was using our data properly, which he was, with the limits of its accuracy . . .
>
> The three members of the Union of Concerned Scientists who visited here appeared to be well educated and dedicated people . . .
>
> They have become intimately familiar with the relevant published literature . . . Their experience led them to examine this situation very closely, and they have become aware of various deficiencies in the case for Emergency Core Cooling System performance in a Loss-of-Coolant Accident.

Was it proper for the AEC Director of Reactor Licensing to suggest to a November hearing, which was packed with Senators and press and industry people, that the Union's opinion could be dismisssed?

THE FIRST ACCIDENT; A PROBLEM FOR INCUMBENTS

And is it wise for Congress also to dismiss warnings about nuclear hazards? How long will the voters tolerate us after the first nuclear powerplant goes out of control? A severe nuclear accident could dump more radioactivity on some of our States than would the explosion of 100 Hiroshima bombs.

The pace of nuclear licensing far exceeds the readiness of the technology. Instead of accelerating nuclear operations, I think it would be more reasonable for Congress to consider a temporary moratorium on all nuclear power operations, as proposed in S. 3223 which I introduced on February 23.

THE EQUAL RIGHTS AMENDMENT: A POTENTIALLY DESTRUCTIVE AND SELF-DEFEATING BLUNDERBUSS

Mr. ERVIN. Mr. President, the Senate is asked to join the House in submitting to the States the proposed equal rights amendment, which specifies:

> Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

The professed objective of most of the advocates of the amendment is a worthy one. It is to abolish unfair or unreasonable discriminations which the law makes against women.

No one believes more strongly than I that discriminations of this character ought to be abolished.

Any rational consideration of the proposed equal rights amendment raises these questions:

First. What unfair or unreasonable discriminations does the law make against women?

Second. Is it necessary to amend the Constitution to abolish these unfair or unreasonable legal discriminations?

Third. Is it desirable to add the equal rights amendment to the Constitution?

I will discuss these questions in their numerical order.

UNFAIR DISCRIMINATIONS

The accepted traditional customs and usages of society undoubtedly subject women to many discriminations.

If it should be added to the Constitution, the equal rights amendment would have no effect whatever upon discriminations of this character. Inasmuch as they are not created by law, they cannot be abolished by law. They can be altered only by changed attitudes in the society which imposes them.

When I have sought to ascertain from them the specific laws of which they complain, the advocates of the equal rights amendment have cited some outmoded State statutes which constitute legislatively forgotten relics of a bygone age.

Among these laws are State statutes which forbid a wife to become a surety for third persons without her husband's consent, or which prefer the father over the mother in the granting of letters of administration on a child's estate, or which impose weight-lifting restrictions on working women, or which bar women from operating saloons, or acting as bartenders, or engaging in professional wrestling.

Legislatures would undoubtedly repeal statutes of this character if any demand were made upon them to do so. Moreover, statutes of this character would certainly be adjudged invalid by the courts under the unanimous decision handed down by the Supreme Court in *Reed* v. *Reed,* 404 U.S. 71, on November 22, 1971. In that case, the Supreme Court held in express terms that State legislation violates the equal protection clause of the 14th amendment if it treats differently men and women who are similarly situated.

I respectfully submit that resorting to an amendment to the Constitution to nullify State laws of this character would be about as wise as using an atomic bomb to exterminate a few mice.

If it should be added to the Constitution, the equal rights amendment would apply to the admission policies of public institutions of higher learning, but not to those of private institutions of that nature.

With the exception of a few State-supported military colleges, virtually all State institutions of higher learning are coeducational. Despite this, some militant proponents of the equal rights amendment complain that State institutions of higher learning discriminate against women by denying them enrollment.

In the final analysis, this complaint rests upon decisions of Federal courts that the equal protection clause of the 14th amendment does not nullify a South Carolina law which restricts admission to the State military college known as the Citadel to men, and a Texas statute which restricts admission to one of the State's 18 institutions of higher learning, that is, a military school known as Texas Agricultural & Mechanical College, to men.

It is extremely doubtful whether any substantial number of women believe that these decisions and these State laws enslave them, or impair their educational opportunities in any unfair or unreasonable way, or justify adding the equal rights amendment to the Constitution to eliminate these laws and decisions and destroy the reasonable protections the equal protection clause of the 14th amendment permits the States to accord to women.

I submit that it would be a far easier task for the militants who raise a hue and cry about these laws to persuade South Carolina and Texas to alter them to their liking than it is going to be for them to induce South Carolina, Texas, and 36 other States to ratify a constitutional amendment, which is designed to convert men and women into identical legal beings, and to rob their sisters who become wives, mothers, and widows of the reasonable protections which the fifth and the 14th amendments permit Congress and the States to give them.

From my study of the subject, I am convinced that most of the unfair or unreasonable discriminations against women arise out of the different treatment given men and women in the employment sphere.

No one can gainsay the fact that women suffer many discriminations in this sphere, both in respect to the compensation they receive and the promotional opportunities available to them.

REMOVAL OF LEGAL DISCRIMINATIONS BY STATUTES

While many of these discriminations are based on the mores of society and can be removed only by changed attitudes of people, some of them arise out of law or an absence of law, and can be eliminated by acts of Congress and acts of State legislatures if such acts are enforced after they are enacted.

The overwhelming majority of the most profound lawyers in America advocate the elimination of discriminations against women by the statutory method. This method, they say, is wise because it will enable legislative bodies to proceed in an orderly way, and thus avoid the constitutional and legal chaos which the adoption of the equal rights amendment would visit upon the Nation.

Let me point out that Congress has done much in recent years to abolish discriminations of this character insofar as they can be abolished at the Federal level. It has amended the Fair Labor Standards Act to make it obligatory for employers to pay men and women engaged in interstate commerce or in the production of goods for interstate commerce equal pay for equal work, irrespective of the number of persons they employ.

Congress has also decreed by the equal employment provisions of the Civil Rights Act of 1964 as amended that there can be no discrimination whatever against women in employment in industries employing 15 or more persons, whose business affects interstate commerce, except in those instances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of the enterprise. Furthermore, it is to be noted that the President and virtually all of the departments and agencies of the Federal Government have issued orders prohibiting discrimination against women in Federal employment.

Moreover, State legislatures have adopted many enlightened statutes in recent years prohibiting discrimination against women in employment.

If women are not enjoying the full benefit of this Federal and State legislation and these executive orders of the Federal Government, it is due to a defect in enforcement rather than a want of fair laws and regulations.

The validity of what I have just said is emphasized by the fact that during the immediate past Federal courts have invoked the supremacy clause of article VI of the Constitution to invalidate a number of State laws because of their inconsistency with the provisions of the Fair Labor Standards Act and the Civil Rights Act of 1964 prohibiting discrimination in employment on account of sex.

NO AMENDMENT IS NECESSARY

This brings me to the second question, that is, whether a constitutional amendment is required to abolish unfair or unreasonable legal distinctions between the rights and responsibilities of men and women. I submit the answer is an emphatic "No."

The due process clause of the fifth amendment forbids the Federal Government to deprive any person of life, liberty, or property without due process of law. The due process and equal protection clauses of the 14th amendment forbid a State to "deprive any person of life, liberty, or property without due process of law," or to "deny to any person within its jurisdiction the equal protection of the laws."

Properly interpreted these constitutional provisions nullify any Federal or State laws which make unfair or unreasonable distinctions between the legal rights and the legal responsibilities of men and women. For this reason, no constitutional amendment is necessary.

The equal protection clause became a part of the Constitution in 1868. Candor compels the confession that for sometime thereafter the Supreme Court put some unenlightened interpretations upon the effect of the equal protection clause. For example, it held in *Bradwell* v. *Illinois*, 16 Wall. 130 (1873), that the equal protection clause did not deny to a State the power to refuse to license women to practice law, and it held in *Minor* v. *Happersett*, 21 Wall. 162 (1875), that the equal protection clause did not invalidate a State law which granted the right to vote to men and denied it to women.

As Bernard Schwartz makes manifest in his recent commentary upon the Constitution, these and similar decisions are now outmoded and would not constitute controlling precedents in any cases involving the validity of State laws under the equal protection clause.

The equal protection clause embodies a simple and sound principle. It requires a State to treat in like manner all persons similarly situated regardless of their sex. The clause does not require identity of treatment. It permits a State to make distinctions, between persons subject to its jurisdiction if the distinctions are based on some fair or reasonable classification, and all persons embraced within the classification are treated alike. It merely outlaws unfair or unreasonable discrimination.

The Supreme Court of the United States has held in *Bolling* v. *Sharp*, 347 U.S. 497, and other cases that the due process clause of the fifth amendment imposes the same obligations on the Federal Government that the equal protection clause imposes on the States.

My conviction that the fifth and 14th amendments outlaw every unfair and unreasonable legal distinction between the rights and responsibilities of women is shared by the overwhelming majority of the lawyers of America. Moreover, it is fully sustained by the unanimous opinion of the Supreme Court of the United States in *Reed* v. *Reed*, 404 U.S. 71, which was handed down on November 22, 1971.

Prior to the Reed case, many of the most knowledgeable legal authorities in the Nation expressed the opinion that the fifth and 14th amendments nullify all laws either Federal or State which discriminate unfairly or unreasonably against women.

Let me quote cnly a few of them.

The late Dean Roscoe Pound of the Harvard Law School, who was one of the greatest legal luminaries America has ever known, made this statement with respect to the fifth and 14th amendments, and the proposed equal rights amendment:

> With respect to the proposed constitutional amendment I feel very strongly that it is a mistake to pile up specific prohibitions in addition to the general guaranties of the Bill of Rights. The guaranty of due process in the Fifth and Fourteenth Amendments secures against arbitrary and unreasonable legislation of every sort, whether on the part of Congress or of State Legislatures. With this protection against arbitrary and unreasonable legislation it certainly ought not to be necessary to add specific prohibitions. If the things aimed at are arbitrary and unreasonable there is already protection against them; if they are reasonable they ought not to be inhibited.

Bernard Schwartz stated in his recent commentary on the Constitution of the United States that—

> A law based on sexual classification will normally be deemed inherently unreasonable unless it is intended for the protection of the female sex.

Leo Kanowitz, author of the book "Women and the Law," who now advocates the adoption of the equal rights amendment on psychological rather than legal grounds, testified before the Senate Judiciary Committee on September 11, 1970. On that occasion, I put to him the following question, and received from him the following answer:

> Senator ERVIN. Professor, I have enjoyed my discussion with you on the intellectual plane and I don't think you made any change in your position except you now urge the ratification, whereas you opposed ratification before. I think your position on the law as expressed here today and as expressed in these other writings is perfectly consistent. In other words, I think you have made it plain that you think, just like I believe, that if the due process clause of the Fifth Amendment and the equal protection clause of the Fourteenth Amendment were properly interpreted they would outlaw every arbitrary and invidious discrimination made by law against women in our society."
>
> Mr. KANOWITZ. That is correct, sir.

As will hereinafter appear, Mr. Kanowitz entertains the opinion that virtually all of the legal distinctions made between the legal rights and responsibilities of men and women are based upon the functions they perform and not upon sex, and for that reason the equal rights amendment would have little effect on existing legal distinctions.

The decision in the Reed Case was presaged by the decision of the Supreme Court in *Hoyt* v. *Florida,* 368 U.S. 57 (1961), which declares:

> We address ourselves first to appellant's challenge to the statute on its face.
>
> Several observations should initially be made. We of course recognize that the Fourteenth Amendment reaches not only arbitrary class exclusions from jury service based on race or color, but also all other exclusions which "single out" any class of persons "for different treatment not based on some reasonable classification."

To be sure, some militant advocates of the equal rights amendment condemn the decision in the Hoyt case. In the ultimate analysis, they are displeased with it because the Florida statute, which the Court sustained, did not compel wives to desert their housekeeping duties and mothers to forsake their children in order to serve on juries in State courts.

The Reed case involved the validity under the equal protection clause of an Idaho statute which gave the father preference over the mother in the granting of letters of administration to administer upon the estate of a deceased child. By a unanimous decision, the Supreme Court adjudged that the Idaho statute violated the equal protection clause because it provided "dissimilar treatment for men and women" who were "similarly situated."

In reading this sound conclusion, the Supreme Court declared:

> In applying that clause, this Court has consistently recognized that the Fourteenth Amendment does not deny to States the power to treat different classes of persons in different ways. The Equal Protection Clause of that amendment does, however, deny to States the power to legislate that different treatment be accorded to persons placed by a statute into different classes on the basis of criteria wholly unrelated to the objective of that statute. A classification "must be reasonable, not arbitrary, and must rest upon some ground of difference having a fair and substantial relation to the object of the legislation, so that all persons similarly circumstanced shall be treated alike."

The Reed case makes it indisputable that the equal protection clause invalidates any State law making any unfair or unreasonable distinction between the legal rights and responsibilities of men and women, and thus sets the matter at rest.

Many legal scholars predict, I think quite rightly, that the Reed case will ultimately result in the elimination of all State laws making unfair or unreasonable discriminations against women.

Since its rendition, I have received a letter from one of America's foremost legal scholars, Philip B. Kurland of the Law School of the University of Chicago, which makes the following statement:

> I am still of the opinion that a constitutional amendment to afford equal rights for women is both unnecessary and undesirable. . . . I am also of the view that a sound program of legislative reforms would do more, especially under the mandate now received from the Supreme Court in *Reed v. Reed,* to eliminate more of the grievances that women have against their roles frequently imposed on them in our society. Legislation can get at specific problems in a way that no constitutional provision can.

I have also received a letter from another most knowledgeable person, Paul A. Freund of the Law School of Harvard University, which makes the following declaration:

> In view of the Reed decision, however, I believe more strongly than ever that the subject should be left to be worked out under the equal protection clause, as are other questions of group classification. The equal protection guarantee, together with the ample legislative powers of Congress, is the best avenue to achieve meaningful equality of the sexes under law. This approach is greatly to be preferred to one that would for all the manifold legal relationships of men and women, from coverage under selective service to the obligation of family support, into a mold of mechanical unity.

OBJECTIVES OF MILITANT SUPPORTERS OF THE EQUAL RIGHTS AMENDMENT

While undoubtedly the objective of most of the supporters of the equal rights amendment is merely to abolish unfair or unreasonable legal discriminations against women, this is not the objective of its most militant advocates.

Their objective is clearly revealed by an article which appeared in the Yale Law Journal for April 1971. This article was written by Prof. Thomas I. Emerson and three recent graduates of the Yale Law School, Barbara A. Brown, Gail Falk, and Ann E. Freedman.

The distinguished Congresswoman from Michigan (Mrs. GRIFFITHS) and the distinguished Senator from Indiana, Senator BAYH, have heaped praise upon this article, which is hereinafter referred to by me as the Yale Law Journal. In sending a copy of the article to all Members of the House of Representatives, Congresswoman GRIFFITHS states that—

> It will help you understand the purposes and effects of the Equal Rights Amendment. . . . The article explains how the ERA will work in most areas of the law.

Senator BAYH inserted a copy of the article in the CONGRESSIONAL RECORD, and commended its reading by Members of the Senate in a statement which declared it to be "a masterly piece of scholarship."

The Yale Law Journal article clearly reveals that the objective of the militant supporters of the equal rights amendment is to nullify every existing Federal any State law making any distinction whatever between men and women, no matter how reasonable the distinction may be, and to rob Congress and the legislatures of the 50 States of the legislative power to enact any future laws making any distinction between men and women, no matter how reasonable the distinction may be.

This is made clear by the following three quotations from the Yale Law Journal:

> 1. The basic principle of the Equal Rights Amendment is that sex is not a permissible factor in determining the legal rights of women, or of men. This means that the treatment of *any* person by the law may not be based upon the circumstance that such person is of one sex or the other. (p. 889) . . . the principle of the Amendment must be applied comprehensively and *without* exceptions. (p. 890)
>
> 2. Only an *unequivocal ban* against taking sex into account supplies a rule adequate to achieve the objectives of the Amendment. (p. 892) . . . prohibition against the use of sex as a basis for differential treatment applies to *all* areas of legal rights. (p. 891) . . . From this analysis it follows that the constitutional mandate must be absolute. (p. 892)
>
> 3. Our legal structure will continue to support and command an inferior status for women so long as it permits any differentiation in legal treatment on the basis of sex. (p. 873) . . . Equality of rights means that sex is not a factor. (p. 892)

This analysis of the objective of the militant proponents of the equal rights amendment is confirmed by their demand that the Senate pass the amendment without altering one jot or tittle of it and their threat to visit political retribution upon any Senators who dare to vote for any amendment which would permit Congress to exempt women from compulsory military service or from service in combat units of the Armed Forces, or any amendment which would authorize Congress or State legislatures to extend economic or social protection to women in general or wives, mothers, or widows in particular, or any amendment which would authorize Congress or State legislatures to safeguard the privacy of women or girls, or any amendment which would permit Congress and the States to continue in force laws punishing men for committing sex crimes on women or girls.

FUNCTIONAL DIFFERENCE BETWEEN MEN AND WOMEN

In appraising the objective of the militants, we are confronted by the question whether there is any rational basis for reasonable distinction between men and women in any of the relationships or undertakings of life.

We find in chapter 1, verse 27 of the Book of Genesis this statement which all of us know to be true:

> God created man in His own image, in the image of God created he him; male and female created He them.

For this reason, I share completely this recent observation of a legal scholar:

> Use of the law in an attempt to conjure away all the differences which do exist between the sexes is both an insult to the law itself and a complete disregard of fact.

While I believe that any laws making unfair or unreasonable distinctions against women should be repealed by legislative bodies or judicially annulled by the courts under the provisions of the fifth and 14th amendments, I have the abiding conviction that the law should make such distinctions between men and women as are fairly or reasonably necessary for the protection of women and the existence and the development of the race.

When He created them, God made physiological and functional differences between men and women. These differences confer upon men a greater capacity to perform arduous and hazardous physical tasks. Some wise people even profess the belief that there may be psychological differences between men and women. To justify their belief, they assert that women possess an intuitive power to distinguish between wisdom and folly, good and evil.

To say these things is not to imply that either sex is superior to the other. It is simply to state the all-important truth that men and women complement each other in the relationships and undertakings on which the existence and development of the race depend.

The physiological and functional differences between men and women empower men to beget and women to bear children, who enter life in a state of utter helplessness and ignorance, and who must receive nurture, care, and training at the hands of adults throughout their early years if they and the race are to survive, and if they are to grow mentally and spiritually. From time whereof the memory of mankind runneth not to the contrary, custom and law have imposed upon men the primary repsonsibility for providing a habitation and a livelihood for their wives and children to enable their wives to make the habitations homes, and to furnish nurture, care, and training to their children during their early years.

In this respect, custom and law reflect the wisdom embodied in the ancient Yiddish proverb that God could not be everywhere, so he made mothers. The physiological and functional differences between men and women constitute the most important reality. Without them human life could not exist.

For this reason, any country which ignores these differences when it fashions its institutions and makes its laws is woefully lacking in rationality.

Our country has not thus far committed this grievous error. As a consequence, it has established by law the institutions of marriage, the home, and the family, and has adopted some laws making some rational distinctions between the respective rights and responsibilities of men and women to make these institutions contribute to the existence and advancement of the race.

OBSCURITY OF THE EQUAL RIGHTS AMENDMENT

In the nature of things, lawmakers use words to express their purposes. Courts must ascertain from their words the purposes of the lawmakers. In his famous opinion in *Towne* v. *Eisener,* 245 U.S. 418, 425, Justice Oliver Wendell Holmes made this trenchant observation:

> A word is not a crystal, transparent and unchanged; it is the skin of a living thought and may vary greatly in color and content according to the circumstances and the time in which it is used.

During my many years as a lawyer, a judge, and a legislator, I have discovered that many words have many meanings, and that the purpose they are intended to express must be gathered from the context in which they are used. I have also learned that the most difficult task which ever confronts a court is determining the meaning of imprecise words used in a scrimpy context.

The word "sex" is imprecise in exact meaning, and no proposed constitutional amendment ever drafted exceeds the equal rights amendment in scrimpiness of context. The amendment contains no language to elucidate its meaning to legislators or to guide courts in interpreting it. When all is said, the equal rights amendment, if adopted, will place upon the Supreme Court the obligation to sail upon most tumultuous constitutional seas without chart or compass in quest of an undefined and unknown port.

The imprecision of the word "sex" as used in the proposed amendment is clearly revealed by these definitions set forth in the recently published American Heritage Dictionary of the English Language:

> 1.a. The property or quality by which organisms are classified according to their reproductive functions. b. Either of two divisions, designated male and female, of this classification. 2. Males or females collectively. 3. The condition or character of being male or female; the physiological, functional, and psychological differences that distinguish the male and the female. 4. The sexual urge or instinct as it manifests itself in behavior. 5. Sexual intercourse.

When one undertakes to ascertain the obscure meaning of the ambiguous equal rights amendment in an impartial, intellectual, and unemotional manner, he is inevitably impelled to the conclusion that it is susceptible of several different and discordant interpretations.

If it should accept the fourth and fifth definitions of the term "sex" as set forth in the dictionary, the Supreme Court could reach the conclusion that the equal rights amendment merely annuls existing and future laws, visiting upon the adulterous acts of women different legal consequences from those it visits upon such acts of men.

If it should accept the first, fourth, and fifth definitions of "sex" as set forth in the dictionary, the Supreme Court could reach the conclusion that the amendment is only concerned with sex per se, and has no application whatever to legal distinctions made between men and women on the basis of their respective functions in the relationships and undertakings on which the existence and development of the race depend.

A learned student of the constitutional aspects of sex-based discrimination in American law, Prof. Leo Kanowitz, accepts this interpretation. He had this to say in his work on "Women and the Law, the Unfinished Revolution":

> It is submitted that the adoption of the Equal Rights Amendment would not fundamentally change the picture. While the proposed amendment states that equality of rights shall not be abridged on account of sex, sex classifications could continue if it can be demonstrated that though they are expressed in terms of sex, they are in reality based upon function.

If it should accept the third definition of "sex" as set out in the dictionary, the Supreme Court could reach the conclusion that the equal rights amendment annuls every existing Federal and State law making any distinction between men and women, however reasonable such distinction might be in particular cases, and forever robs the Congress and the legislatures of the 50 States of the constitutional power to enact any such laws at any time in the future.

This is the interpretation which I fear the Supreme Court may feel itself obliged to place upon the House-passed equal rights amendment.

When he testified before the Senate Committee on the Judiciary in opposition to the equal rights amendment on September 10, 1970, Prof. Philip B. Kurland pointed out that the equal rights amendment merely provides that—

> Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

He stated that the language of the proposed amendment is too barren to elucidate its meaning; that he thought the difficulty of its construction did not arise out of the use of the word "sex" but rather from the use of the word "equality"; that almost a century ago Sir James Fitzjames Stephen asserted in his book "Liberty, Equality, and Paternity" that the word "equality" is a word so wide and vague as to be by itself almost unmeaning; and that nothing that has happened in the intervening years has done anything to make the word specific.

I am not alone in my fear that the Supreme Court may reach the conclusion that the equal rights amendment annuls every existing Federal and State law making any distinction between men and women, however fair or reasonable such distinction might be in particular cases, and forever robs the Congress and the legislatures of the 50 States of the constitutional power to enact any such laws at any time in the future.

When the equal rights amendment was under consideration in 1953, Roscoe Pound of the Harvard Law School; Albert J. Harno of the University of Illinois Law School; Charles Warren, noted constitutional lawyer and author of "The Supreme Court in United States History"; Leon Green of the University of Texas Law School; Dorothy Kenyon, distinguished lawyer and one-time judge of municipal court of New York City; Monte M. Leman, noted constitutional lawyer; E. Blythe Stason of the University of Michigan Law School; Harry Shulman of the Yale University Law School; William H. Holly, U.S. district judge; Everett Frazer of the University of Minnesota Law School; Walter Gellhorn of the Columbia University Law School; Glenn A. McCleary of the University of Missouri Law School; and Douglas B. Maggs of the Duke University Law School, joined one of America's greatest legal scholars, Paul A. Freund of the Harvard Law School, in a statement opposing the equal rights amendment upon the ground that they feared that this devastating interpretation might be placed upon it if it should be adopted. This statement made these indisputable observations:

> If anything about this proposed amendment is clear, it is that it would transform every provision of the law concerning women into a constitutional issue to be ultimately resolved by the Supreme Court of the United States. Every statutory and common law provision dealing with the manifold relation of women in society would be forced to run the gauntlet of attack on constitutional grounds. The range of such potential litigation is too great to be readily foreseen, but it would certainly embrace such diverse legal provisions as those relating to a widow's allowance, the obligation of family support and grounds for divorce, the age of majority and the right of annulment of marriages, and

> the maximum hours of labor for women in protected industries.
>
> Not only is the range of the amendment of indefinite extent, but, even more important, the fate of all this varied legislation would be left highly uncertain in the face of judicial review. Presumably, the amendment would set up a constitutional yardstick of absolute equality between men and women in all legal relationships. A more flexible view, permitting reasonable differentiation, can hardly be regarded as the object of the proposal, since the Fourteenth Amendment has long provided that no state shall deny to any person the equal protection of the laws, and that Amendment permits reasonable classifications while prohibiting arbitrary legal discrimination. If it were intended to give the courts the authority to pass upon the propriety of distinctions, benefits and duties as between men and women, no new guidance is given to the courts, and this entire subject, one of unusual complexity, would be left to the unpredictable judgments of courts in the form of constitution decisions.
>
> Such decisions could not be changed by act of the legislature. Such a responsibility upon the courts would be doubtless as unwelcome to them as it would be inappropriate. As has been stated, however, the proposal evidently contemplates no flexibility in construction but rather a rule of rigid equality. This branch of the dilemma is as repelling as the other."

After analyzing in some detail the laws whose validity might be jeopardized by the equal rights amendment, the statement concluded with these observations:

> The basic fallacy in the proposed Amendment is that it attempts to deal with complicated and highly concrete problems arising out of a diversity of human relationships in terms of a single and simple abstraction. This abstraction is undoubtedly a worthy ideal for mobilizing legislative forces in order to remedy particular deficiences in the law. But as a constitutional standard, it is hopelessly inept. That the proposed equal rights amendment would open up an era of regrettable consequences for the legal status of women in this country is highly probable. That it would open up a period of extreme confusion in constitutional law is a certainty.

When the equal rights amendment was first proposed by the Woman's Party way back in 1924, Justice Felix Frankfurter, who was then a member of the faculty of the Harvard Law School, made some remarks concerning it which merit the attention of the Senate. I quote his words:

> Miss Crystal Eastman challenges the gallantry of men by offering as a poser in connection with the "equal rights" amendment of the Woman's Party, the question: "How would you feel about it if you were a woman?" Her question assumes a power of imagination which, alas, has been denied to mere men just because he can only think within his own skin. Therefore, I can't tell her how I would feel about it as a woman. It may be more relevant for me to tell her how I feel about it as one who cares, I suspect, as deeply as a man can care for the elimination of unjustifiable differentiations in law between men and women, but one who also happens to be a lawyer and perhaps familiar with what law can do and what law cannot do, in the significant details that matter.
>
> The legal position of woman cannot be stated in a single simple formula, especially under our constitutional system, because her life cannot be expressed in a single simple relation. Woman's legal status necessarily involves complicated formulation, because a woman occupies many relations.
>
> The law must have regard for woman in her manifold relations as an individual, as a wage-earner, as a wife, as a mother, as a citizen. Only those who are ignorant of the nature of law and of its enforcement and regardless of the intricacies of American constitutional law, or indifferent to the exacting aspects of woman's industrial life, will have the naivete or the recklessness to sum up woman's whole position in a meaningless and mischievous phrase about "equal rights." Nature made man and woman different; the Woman's Party cannot make them the same. Law must accommodate itself to the immutable differences of nature. For some purposes men and women are persons and for these purposes the law should treat them as persons, subjecting them to the same duties and conferring upon them the same rights. But for other vital purposes men and women are men and women—and the law must treat them as men and women, and, therefore, subject them to different and not the same rules of legal conduct.
>
> The unjustifiable legal differentiations as to women still existing in different States vary greatly from State to State. Now that women have the vote, these discriminations will readily yield to correction by appropriate State action, provided the attempts at reform are preceded by an effective analysis of the legal situation in each State, an understanding formulation of remedies and an adequate educational exposition of the evils and remedies as a preliminary to legislation. But in a binding effort to remove remaining differences in the law, in the treatment of women as compared with men, which do not rest on necessary policy based on inherent differences of sex, the Woman's Party would do away with all differences which arise from the stern fact that male and female created He them. The Woman's Party cannot amend nature. But it can add considerably to the burdens already weighing too heavily upon the backs of women, the industrial workers, who are least able to bear them.

THE DESTRUCTIVE POTENTIALITY OF THE EQUAL RIGHTS AMENDMENT

Time and space preclude me from an attempt to picture in detail the constitutional and legal chaos which would prevail in our country if the Supreme Court should find itself compelled to place upon the equal rights amendment the devastating interpretation feared by these legal scholars.

Frankly, I do not see how the Supreme Court can do otherwise. The equal rights amendment contains no exceptions or limitations, and applies in absolute terms to every situation falling within its scope.

The Congress and the legislatures of the various States have enacted certain laws based upon the conviction that the physiological and functional differences between men and women make it advisable to exempt or exclude women from certain arduous and hazardous activities in order to protect their health and safety.

Among Federal laws of this nature are the Selective Service Act, which confines compulsory military service to men; the acts of Congress governing voluntary enlistments in the Armed Forces of the Nation which restrict the right to enlist for combat service to men; and the acts establishing and governing the various service academies which provide for the admission and training of men only.

Among the State laws of this kind are laws which limit hours during which women can work, and bar them from engaging in occupations particularly arduous and hazardous such as mining.

If the equal rights amendment should be interpreted by the Supreme Court to forbid any legal distinctions between men and women, all existing and future laws of this nature would be nullified, even though the courts might find them to be fair or reasonable.

The Yale Law Journal makes it clear that one of the primary purposes of the equal rights amendment is to deprive Congress of the legislative power to draft men for compulsory military service unless it drafts women for compulsory military service on exactly the same terms, or to sanction the voluntary enlistment of men for service in combat units of the armed service unless it authorizes the enlistment of women in such units on precisely the same terms. Moreover, the Journal makes it obvious that another of the objectives of the amendment is to convert Annapolis, West Point, and the other service academies into coeducational war colleges.

The Journal further asserts, in substance, that if the equal rights amendment is added to the Constitution substantial numbers of women will be enrolled in the Armed Forces to serve in combat and all other roles on exactly the same terms and under exactly the same circumstances as men; that these women will suffer the loss of their privacy and sometimes become pregnant and bear illegitimate children; and that the equal rights amendment will prohibit the discharge from the armed services of any single woman for pregnancy or child bearing, no matter how often she becomes pregnant or how many bastards she bears.

I am satisfied that the veterans who waded in the icy waters in the trenches until their feet bled during the First World War, the veterans who endured the heat of north Africa and the Anzio beachhead and the cold of the Battle of the Bulge during the Second World War, and the veterans who fought in the mountains of Korea and the steaming swamps of Southeast Asia during the conflicts in Korea and Vietnam are implacably opposed to having the equal rights amendment subject American girls to similar experiences. And I am sure that the fathers and mothers of the daughters of America agree with them.

At the present time Congress has the discretionary power to draft or refuse to draft women and the discretionary power to enlist or refuse to enlist women for combat service. Congress should retain this discretionary power.

America faces a precarious world. Powerful nations indicate their desire to extinguish the lights of liberty throughout the earth. As a consequence, America must maintain military might throughout the foreseeable future.

There has never been a more inopportune time in the history of our country for a constitutional amendment which will put Congress in a straitjacket and compel it to make a choice between having no Armed Forces at all or mingling men and women in our Armed Forces on exactly the same terms for exactly the same service.

In a moment of truth or a moment of pessimism more than a hundred years ago a British politician, T. B. Macaulay, made this statement about the Members of the House of Commons:

> The members are more concerned about the security of their seats than about the security of their country.

I hope that no truthful or pessimistic person will be prompted by any votes on the equal rights amendment to make a similar remark about Members of the Congress.

Sometimes I question the soundness of my conviction that women should not be converted into combat soldiers. If the militant women who demand that Congress submit the equal rights amendment to the States without changing a dot over an "i" or a cross over a "t" have the capacity to frighten the enemy like they frighten male politicians, the enemy might hoist the white flag without firing a shot.

The common law and statutory law of the various States recognize the reality that many women are homemakers and mothers, and by reason of the duties imposed upon them in these capacities, are largely precluded from pursuing gainful occupations or making any provision for their financial security during their declining years. To enable women to do these things and thereby make the existence and development of the race possible, these State laws impose upon husbands the primary responsibility to provide homes and livelihoods for their wives and children, and make them criminally responsible to society and civilly responsible to their wives if they fail to perform this primary responsibility. Moreover, these State laws secure to wives dower and other rights in the property left by their husbands in the event their husbands predecease them in order that they may have some means of support in their declining years.

If the equal rights amendment should be interpreted by the Supreme Court to forbid any legal distinctions between men and women, it would nullify all existing and all future laws of this kind.

As appears from pages 936 to 954 of the Yale Law Journal, the equal rights amendment is expressly designed to nullify the State laws which give these economic and social protections to wives, mothers, and widows, and to provide in their stead that the rights and responsibilities of men and women in the areas covered by the nullified laws shall be absolutely coequal.

There are laws in many States which undertake to better the economic position of women. I shall cite only one class of them, namely, the laws which secure to women minimum wages in many employments in many States which have no minimum wage laws for men, and no other laws relating to the earnings of women.

If the equal rights amendment should be interpreted by the Supreme Court to prohibit any legal distinctions between men and women, it would nullify all existing and future laws of this kind.

In addition there are Federal and State laws and regulations which are designed to protect the privacy of males and females. Among these laws are laws requiring separate restrooms for men and women in public buildings, laws requiring separate restrooms for boys and girls in public schools, and laws requiring the segregation of male and female prisoners in jails and penal institutions.

If the equal rights amendment should be interpreted by the Supreme Court to forbid legal distinctions between men and women, it would annul all existing laws of this nature, and rob Congress and the States of the constitutional power to enact any similar laws at any time in the future.

Moreover, there are laws which make it punishable as crimes for men to seduce innocent and virtuous women under promises of marriage, to have carnal knowledge of girls under the age of consent, and to transport women in interstate or foreign commerce for immoral purposes. The militant advocates of the equal rights amendment assure us that women and girls do not stand in need of the protection offered by laws of this nature, and that the amendment, if adopted, will invalidate them.

With one exception, everything I have said concerning what the equal rights amendment will do to existing Federal and State laws is fully supported by the article entitled "The Equal Rights Amendment—A Constitutional Basis for Equal Rights for Women," which appears in the April 1971, issue of the Yale Law Journal.

I wish the time at my disposal made it possible for me to read this 114-page article to the Senate.

The Yale Law Journal disagrees with my analysis of the effects of the equal rights amendment in one particular only. It contends that the amendment will not nullify laws requiring segregated rest rooms for the sexes.

I submit there is no basis for this position. The amendment contains no exception or limitation, and is absolute in its terms. It must be remembered that constitutional amendments are interpreted according to the words in which they are couched, and not according to the assertions or wishes of their advocates.

My contention on this score is supported by a statement which wise women joined in submitting to the 91st Congress to express their opposition to the equal rights amendment. This statement expressly declares that the amendment will destroy "laws that require separate rest rooms for women workers."

Moreover, my contention finds support in the letter which J. Fred Buzhardt, general counsel of the Department of Defense, wrote to Senator BAYH on February 24, 1972. Mr. Buzhardt stated in part:

> The question here is whether Congress would be required either to draft both men and women or to draft no one. A closely related question is whether Congress must permit women to volunteer on an equal basis for all sorts of military service, including combat duty. We believe that the likely result of passage of the equal rights amendment is to require both of those results. . . .
>
> If this amendment allowed no discrimination on the basis of sex even for the sake of privacy, we believe that the resulting sharing of facilities and living quarters would be contrary to prevailing American standards.
>
> Even if segregation of living quarters and facilities were allowed under the amendment, during combat duty in the field there are often, in effect, no facilities at all, and privacy for both sexes might be impossible to provide or enforce.

MISGUIDED FAITH

Its advocates profess implicit faith in the potency of the equal rights amendment. They assert that it will usher in a new heaven and a new earth for American women. They are doomed to disappointment.

If I may borrow the words of Omar Khayyam, I will say that the equal rights amendment will undoubtedly shatter to bits what militant women deem "this sorry scheme of things entire," but will not "re-mold it nearer to the heart's desire."

The problems which life presents to women will remain and the effect of the amendment would be to diminish substantially the legislative power of the Congress and the legislatures of the 50 States to find solutions for them.

I am informed that the National Organization of Business and Professional Women has adopted the submission and ratification of the equal rights amendment as its project. I suspect that this organization is like some organizations to which I belong in which a handful of delegates to conventions adopt projects for the organization with little or no concern for the wishes of the membership of the organization as a whole.

Be this as it may, the equal rights amendment will not better a whit the position of the business and professional women who advocate its adoption. The reason for this is extremely simple.

The amendment will not remove any disabilities imposed upon women by the mores of society because these disabilities can be removed only by changing the attitudes of the people. Insofar as the law itself is concerned, business and professional women now have complete legal freedom to compete on terms of equality with men in all the relationships and undertakings of life.

MAJORITY OF WOMEN OPPOSE THE AMENDMENT

I am somewhat puzzled by the insistence of some of the supporters of the amendment that their sisters who become wives, mothers, and widows should be robbed of the legal protections which life and law have placed around them.

The overwhelming majority of American women oppose the equal rights amendment. This is made manifest by national polls conducted by experienced national pollsters.

There are 74,690,000 women of the age of 16 and upward in the United States. As a result of choice or necessity, 32,975,000—44.1 percent—of them are either working or seeking work outside of their homes. The remaining 41,715,000—55.9 percent—devote themselves exclusively to the keeping of their homes.

Millions of women in both of these groups find their deepest satisfaction and their highest fulfillment in enacting the roles of wives and mothers.

These women undoubtedly understand my love for the poem entitled "The Bride," which was composed by a gifted North Carolina poet, John Charles Mc-

Neill, whose beautiful poetry has not yet found its way into anthologies of verse; and a poem entitled "John Anderson My Jo," which was written by the Scottish bard, Robert Burns, who had such an uncanny capacity to describe the simple things which enrich life.

"The Bride" pictures a bride and groom standing at the threshold of their married life, and "John Anderson My Jo" portrays a long-married husband and wife nearing the end of their joint journey.

I deem it not amiss to quote these poems in full:

THE BRIDE

(By John Charles McNeill)

The little white bride is left alone
With him, her lord; the guests have gone;
  The festal hall is dim.
No jesting now, nor answering mirth.
The hush of sleep falls on the earth
  And leaves her here with him.

Why should there be, O little white bride,
When the world has left you by his side,
  A tear to brim your eyes?
Some old love-face that comes again,
Some old love-moment sweet with pain
  Of passionate memories?

Does your heart yearn back with last regret
For the maiden meads of mignonette
  And the fairy-haunted wood,
That you had not withheld from love,
A little while, the freedom of
  Your happy maidenhood?

Or is it but a nameless fear,
A wordless joy, that calls the tear
  In dumb appeal to rise,
When, looking on him where he stands,
You yield up all into his hands,
  Pleading into his eyes?

For days that laugh or nights that weep
You two strike oars across the deep
  With life's tide at the brim;
And all time's beauty, all love's grace
Beams, little bride, upon your face
  Here, looking up at him.

JOHN ANDERSON MY JO

(By Robert Burns)

John Anderson my jo, John,
When we were first acquent,
Your locks were like the raven,
Your bonnie brow was brent;
But now your brow is bald, John,
Your locks are like the snow,
But blessings on your frosty pow,
John Anderson my jo!

John Anderson my jo, John,
We clamb the hill thegither,
And mony a canty day, John,
We've had wi' ane anither;
Now we maun totter down, John,
And hand in hand we'll go,
And sleep thegither at the foot,
John Anderson my jo!

CONCLUSION

Congress and the States should amend the Constitution advisedly and soberly, and not emotionally.

Constitutional amendments are for keeps. Unlike a statute, they cannot be easily repealed. Once adopted, they can be removed from the Constitution only by the amending process. Consequently, they are likely to remain in the Constitution, and either bless or curse the American people until the last lingering echo of Gabriel's horn trembles into ultimate silence.

After reading the article in the Yale Law Journal, Dr. Jonathan H. Pincus, associate professor of neurology at the Yale University School of Medicine, posed the question which now confronts the Senate:

> Is the Equal Rights Amendment to be the Tonkin Gulf Resolution of the American social structure?

It is manifest that Dr. Pincus described the equal rights amendment correctly. Its probable effect is correctly summarized in a question I put to Prof. Philip B. Kurland and an answer he made to such question during the hearings of the Senate Committee on the Judiciary on the amendment. The question and answer were as follows:

> Senator ERVIN. I take it from your statement that you are of the opinion that the most probable construction of the House-passed Equal Rights Amendment is that it would do these two things if ratified by the requisite number of States after submission by the Congress. First, it would nullify existing congressional and State laws which make distinctions between men and women which the legislative bodies considered to be reasonably justified by the physiological and functional differences between men and women, and second, that it would disable Congress and the legislatures of the 50 States ever to pass any such laws in the future unless the Constitution was amended to eliminate the House-passed amendment from the Constitution.
>
> Professor KURLAND. I am afraid that is the way I read the meaning of the words that are set out in the House Joint Resolution.

I entreat Senators to take pause before they approve "the Tonkin Gulf resolution of the American social structure."

I entreat them to remember:

The moving finger writes; and having writ,
Moves on: nor all your piety nor wit
Shall lure it back to cancel half a line,
Nor all your tears wash out a word of it.

NATIONAL WEEK OF CONCERN FOR PRISONERS OF WAR AND MISSING IN ACTION IN SOUTHEAST ASIA

Mr. BOGGS. Mr. President, yesterday marked the beginning of the week that Congress earlier this year designated as a National Week of Concern for Prisoners of War and Missing in Action in Southeast Asia. As a sponsor of that joint resolution, I am pleased to take this opportunity to salute the National League of Families of American Prisoners and Missing in Southeast Asia for their efforts in having this week set aside to focus national attention on the plight of our POW's and MIA's.

The list of activities sponsored by the League of Families during the coming week is impressive. Beginning with a national day of prayer last Sunday, the league has organized nationwide displays, rallies, dedications, broadcasts, and letter-writing campaigns to dramatize the fate of their loved ones.

Mr. President, the relatives and friends of our POW's and MIA's, who have worked so tirelessly to make this week a truly meaningful observance for all Americans, live daily with anguish and frustration unknown to most of us. Their dedication to the release of their loved ones, some of whom have been held captive for as long as 8 years, is truly inspiring.

During the coming week, I hope that every American is touched by the appeals of the National League of Families on behalf of our prisoners of war and missing in action. The plight of these men, though most difficult for their wives and parents and children, must be the concern of every American of good conscience.

CLEARCUTTING ENDANGERS GAME

Mr. CHURCH. Mr. President, the Subcommittee on Public Lands, of which I am chairman, has been holding hearings on clearcutting, a logging practice that involves clearing all existing trees from a section of forest. Timber companies use this technique to reduce the cost of logging and to permit planting in the cleared areas of a single species of tree, such as pine. In much of the East and the South this means a conversion from mixed forests of hard and soft woods to soft wood alone, usually pine.

Our hearings brought out a number of disadvantages of the clearcutting technique: Soil erosion and siltation of streams, loss of nutrients from the soil, failure to maintain forest regrowth, and unattractive scenery to those visiting our national forests.

Those favoring clearcutting as a logging technique often pointed to benefits to wildlife. Deer and other game are presumably provided browse in the cover that grows on the cleared areas. This argument, however, has been challenged.

Mr. Charles D. Kelley, Alabama fish and game director, recently spoke to the Alabama Conservancy on the relation between clearcutting and game management. Contrary to the conventional wisdom, he found that clearcutting hurt rather than helped game in Alabama. He has received reports from professional game managers saying that there was "immediate damage to all species of wildlife. Squirrel and turkey habitat lost permanently to areas planted in pines." From another area of Alabama, he found that "clearcutting and replanting to pine were detrimental to most species of game, some immediately, others over a longer period of time." Another biologist in Alabama states "I am convinced that clearcutting is the most serious threat to wildlife that we face today."

I ask unanimous consent that the address by Mr. Kelley at Auburn University, Auburn, Ala., on February 26, 1972, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT PRESENTED BY CHARLES D. KELLEY, TO THE ALABAMA CONSERVANCY, FEB. 26, 1972, AUBURN UNIVERSITY, AUBURN, ALA.

I appreciate the opportunity of appearing here today and consider it an extreme pleasure to continue the discussion on what appears to be one of the greatest timber-wildlife problems which we have faced in many years. Timber management and its relationship to wildlife has been a topic for many heated discussions and it is time that we think seriously of reaching a common ground whereby all interests can get reasonable consideration.

I am not here to excuse the actions which have been taken, nor am I here to needlessly criticize individuals or companies unless such criticism has a bearing on reaching a common ground.

In preparing information for this presentation, I contacted several of the game biologists serving here in Alabama. I offer excerpts from their reports to give you some idea of the professional game managers' feelings about the clear-cut timber operations and to show that the practice and related problem is rather widespread in Alabama.

A report from southeast Alabama stated: "Timber was cut to the very edge of the stream. Many tops had been deliberately pushed into the water, others piled on the banks. An attempt was made to burn these piles but with little success. Erosion from the cleared areas is evident. Water has been retarded and access to the stream bank and to the stream itself is most difficult. The deeper areas of the creek are fast filling with silt. Flooding has increased due to the retarded runoff."

From southwest Alabama the following was received.

"Immediate damage to all species of wildlife. Squirrel and turkey habitat lost permanently in areas planted to pines. After one to two years, deer, quail and rabbit habitat returns, then is again lost as pines mature and shade out other species of desirable plants. Long range damage affects all species of wildlife. Loss of mast restricts carrying capacity of most wildlife species. Erosion following clear-cutting is detrimental to streams. Clear-cutting in District VII usually exceeds 400 acres, some up to 3,000 acres. Clear-cutting of large areas is resulting in strained relations between sportsmen, communities and the companies carrying out clear-cutting practices."

From north central Alabama came the following: "Clear definition needed on 'clear-cutting'. Believe the extent of land cleared and the replanting of pines rather than the practice itself is the 'bone of contention'. Clear-cutting and replanting to pine detrimental to most species of game, some immediately, others over a longer period of time. Clear-cutting by different companies varies."

A west Alabama game biologist stated that "large areas in this area clear-cut, followed by spraying to kill hardwood reproduction, then replanted to pines on a thirty-five year rotation. Clear-cut areas range in size from forty to several hundred acres—operations severely affecting small game and turkey."

Comments of another biologist were as follows: "I am convinced that clear-cutting most serious threat to wildlife that we face today. Wildlife losses greater than benefits received. Some clear-cutting in all three state game management areas. On one game management area, over 20,000 acres clear-cut and replanted to pines in last twenty years. Clear-cut area usually a solid block compartment of about 1,000 acres each. Another company has been clear-cutting approximately 20,000 acres scheduled for completion in the next three to four years. On a clear-cut area on the Talladega National Forest (Hollins Management Area) several turkeys were found dead following the seeding of the area with pine seed treated with a highly toxic chlorinated hydrocarbon."

From northwest Alabama came the report that "most clear-cutting in this area is confined to large timber companies and the U.S. Forest Service. There have been instances where a refuge manager has been denied the right to clear one acre for wildlife plantings because of the possibility of soil erosion, but just a sort distance away the same people who refused to agree to the clearing of a one-acre food patch clear-cut an area of approximately 200 acres."

The above reports are not pleasing but do represent what has happened over large areas of Alabama. As evidence by the reports, there has been large scale clear-cutting and little real consideration given to wildlife.

An exception to the majority practices is the consideration given by some companies and individuals to much smaller clear cuts and extensive use of controlled burn to benefit both timber production and wildlife. Recognition is also given to the design of cuts and the leaving of hardwoods in key locations. At least one major company has made major changes in recent years to better recognize wildlife needs, and indications are that others are planning to follow suit.

As Director of Alabama's Game and Fish Agency, I am charged by law to protect and enhance the fish and wildlife resources and in doing so, I am attempting to consider all reasonable factors involved with this objective. To arbitrarily state that clear-cutting is all bad or that no cutting is all good would not, in my opinion, be proper. I have lived in Alabama all my life and have witnessed a great deal of real progress and a sizeable portion of false progress, and to the best of my ability I have attempted to separate the two and prevent objections to realistic long range progress for our state.

Fish and wildlife resources are the products of our waters and our land. How we manage our land and water determines the amount of fish and wildlife that is present in any area.

With the demand for more outdoor recreational opportunities occurring at the same time that large areas of fish and wildlife habitat are being destroyed or degraded as a result of the ever increasing human population, the need for a multiple use concept for land and water is becoming more pressing with each passing year.

We have heard much about a multiple use concept for our forests and streams which includes hunting, fishing and other outdoor recreational activities. Unfortunately, the multiple use concept up until this time appears to have been more for propaganda purposes rather than for action.

An excellent example is the operation carried on by the U.S. Forest Service. This agency adopted a "multiple use concept" on forest lands on June 12, 1960. Multiple use practices on national forest lands as originally conceived included timber, wildlife, water, range and recreation. Today, twelve years after the program was initiated, only one wildlife technician is employed by the Forest Service in Alabama as compared to thirty graduate foresters. Of the 1972 budget for Alabama of nearly two million dollars, only $18,000.00 is allotted for fish and wildlife purposes. Over four and one-half times as much money will be spent by this federal agency in Alabama for forestry practices than will be spent on all other multiple use practices combined.

Despite the very meager effort by the U.S. Forest Service to develop forest service land on a practical multiple use basis, recreational visits to these lands by the general public have continued to increase each year. This fact alone underscores the urgent need for immediate implementation of the multiple use concept.

Frankly, we now enjoy a very favorable working relationship with the U.S. Forestry personnel in Alabama and feel that they are sincerely concerned about the failure to implement a sound multiple use program. Unfortunately, the policies are established well above the level of the Alabama office and there must be some soul searching throughout the U.S. Forest Service if we are to come to a state of cooperative effort rather than one of continued arguments.

During the past several decades, many forestry practices have been initiated which benefit both our forests and our wildlife. Some of these beneficial practices include selective cutting which results in a forest of both large and small trees that assures continuing income to the landowner and good habitat for wildlife. Control of wildfires and prescribed burning are also beneficial to wildlife and the forest.

Unfortunately, there have been other recent practices that some foresters claim to be exceedingly profitable, but are detrimental to our fish, our wildlife, our land and our water. These detrimental practices include clear-cutting of large blocks of hardwoods or mixed pine-hardwood forests and the replanting of these areas to pure stands of pines. Clear-cutting of large blocks of hardwood, as well as pine-hardwood forests are being carried out by governmental agencies, large timber companies and in some instances by private individuals.

Much misinformation and distortion have been used in the past to justify clear-cutting. A classic example of false propoganda in this field is a news article that appeared recently in a number of newspapers in Alabama and nearby states. The headlines read "Wildlife Flying High on Pulp Firm Lands." I quote the news report in part:

"This will make environmentalists and ecologists happy; Alabama's pulp and paper companies, which own thousands of acres of Alabama woodlands, are doing great things for wildlife in those forests. More wild turkey, deer and quail are in these woods today than ever before. The fourteen news media people on a Southern Forest Institute tour of Georgia and Alabama forests this week saw some of the things that big companies are doing to improve the environment for wildlife. At the Pickens County forest holding of . . ."

I end the quote here as enough has been said.

Now let us examine what really did occur.

The group visited a game preserve in west Alabama that has been developed as a hunting area for company officials, special guests, employees and prospective customers. The company has spent large amounts of money on this preserve to increase deer, turkey, quail, squirrel, dove, waterfowl and other wildlife. The company has constructed a fine hunting lodge and there is no doubt that there is more wildlife on this game preserve than in years past. This explanation was not included in the news release. Neither did the news release reveal the fact that as a result of certain forestry practices by the same company, there is less game on other areas of company-owned lands now than was present a few years ago.

The practice of clear-cutting has had wide publicity during the past several years. Congressional subcommittee hearings have been held on the subject, both in Washington and in other cities throughout the nation. On April 20, 1971, Senator Gale McGee, Democrat from Wyoming, introduced a bill, S. 1592 to ban clear-cutting of timber on federal lands for a period of two years. Few meetings that are attended by concerned conservationists adjourn without the subject of clear-cutting having been discussed.

There does not seem to be a "clear-cut" definition for "clear-cutting." In Alabama some companies cut all brush and trees, burn the debris and thoroughly disc the area. Others cut all brush and trees, pile the debris in piles or push it into the nearby streams, but do not disc, while still others cut all merchantable poles and logs, spray the area with herbicides to kill hardwood, but do not otherwise disturb the soil. All of these operations are classed as clear-cutting by the landowners.

In this state, clear-cutting operations are almost without exception the first step for converting the land into even age pine production. Both clear-cutting and pine moniculture go hand in hand, and they will be discussed as far as practical as a single activity.

Forest lands provide the necessities for survival for many species of wildlife and the removal of all trees from large blocks of land deprives wildlife of a suitable enironment. Wildlife, in order to survive in clear-cut areas, is faced with two alternatives. It must adapt to the quick and drastic change in its environment or move to a suitable environment; otherwise it dies.

Clear-cut areas planted to pines provide habitat for rabbit and quail for a period of two to three years, and deer habitat for a period of up to five years. Although deer habitat may be present in some degree for a period longer than five years without control burning, vegetation usually becomes so dense on the area after this period that deer cannot be successfully harvested by the hunter. For all practical purposes, pure pine plantings in many areas after five to seven years become a relative wildlife desert. If the planting is not too wide, wildlife will sometimes pass through, but without suitable food and cover, it will not tarry. Turkey, squirrel and raccoon habitat is destroyed immediately upon clear-cutting, and if the area is planted to pure pine, it will not be productive for these species. Clear-cut areas planted to pine that are long and narrow do not appear to pose as serious a threat to wildlife as do large, wide, solid compartments, even though the total acreage in the long and narrow strips may be the same size or even greater. The present trend for clear-cutting in many areas of Alabama appears to be in large, solid blocks from several hundred acres to 3,000 acres.

On observing clear-cut areas throughout the state, a number of severe environmental problems have been noted in addition to those already mentioned.

A number of clear-cuts have been made on steep slopes which have created a severe erosion problem. On at least some of these steep areas, furrows for planting seedlings have been plowed straight up and down the hill and no attempt was made to follow the contour. The results have been the creation of large gullies and a much greater erosion problem than was created by the clear-cutting alone. This eroded soil enters nearby streams and fills the stream channel for many miles downstream. Not only is fish habitat destroyed in the immediate area, but fish habitat is degraded on the entire watershed.

On a large clear-cut area on a stretch of one of the game management area located on a major timber company's lands, bulldozers were used to push tops, stumps, dirt and other debris into a creek until the creek was filled. That which could not be pushed into the creek was piled on the creek bank. Needless to say, fishing opportunities on this creek have been greatly depreciated for many years in the future.

An area in Wilcox County which contained some of the best turkey hunting in the state was leased to a large timber company for sixty years. Over half of this 1,500 acres has now been clear-cut and planted to pines. Although an occasional turkey may be found in the area that remained uncut, quality turkey hunting on this land no longer exists.

I have stated the case as we see it in our Game and Fish Agency and have referred to situations which have now made history. During recent months, I have had meetings with representatives of the forest industry and have worked with these people toward formulating guidelines which will not necessarily be pleasing to the wildlife interests, nor will they be pleasing to large numbers of timber producers in Alabama. I have found that, among the timber producers in our state, there are many in high positions who are concerned wildlifers and faced with the dilemma of trying to satisfy timber production demands while maintaining reasonable wildlife populations. Basically, the timber interest is looking for a common meeting ground for two reasons: (1) the desire of many of these people to maintain lands where wildlife can be given reasonable treatment and (2) mounting pressure from' an aroused public to ban clear-cutting per se.

As stated earlier, I am not advocating, nor do I intend to advocate, the banning of clear-cutting on private lands in Alabama, but I will continue to devote my efforts and the efforts of my staff to assure that in producing the timber products in Alabama that wildlife is not eliminated or greatly decreased in the process. Frankly, I am convinced that although we have realized tremendous success with the wild turkey in Alabama, a continuation of this success is not expected and in fact, a rapid decrease in population is expected if the program to eliminate large areas of hardwood with a conversion to pine is continued. The same holds true for the fate of the squirrel and other lesser hunted species such as racoon, opossium, etc.

The dark side has been stated and now for something more pleasant.

I was extremely pleased to receive a policy statement adopted by the Board of Directors of the Alabama Forest Products Association at a January meeting. The policy is as follows:

A. Areas to be harvested by the clearcutting system should be kept as small and as narrow as practical. Large, wide clearcuts should be avoided.

B. Clearcutting should not be employed on an area adjacent to lands recently harvested by this method. The lapse of time should be sufficient for the newly established forest growth to present a pleasing appearance and afford game cover.

C. Hardwood types should be left along stream beds and drains and managed as hardwoods. Clumps of hardwood trees, including den trees and good food-producing trees, should be left in other areas.

D. The forested area along stream beds should not be clearcut but managed as uneven aged forest.

E. Forested strips should be left along highways for their aesthetic value until such time as harvested areas behind them are tall enough for their removal.

F. Control burning should be considered at periodic intervals for hazard reduction and to encourage the growth of food plants for wildlife.

G. Streams should be kept clear of tops.

Although this is merely a recommendation to Association members and does not go as far as some would expect, I do feel that it is a recognition of many members' desire to retain wildlife and a further recognition of the public pressure which has been brought to bear in recent years. I feel that it is a giant step toward a common meeting ground and it is my desire and intent to continue to meet with the forest products industries and to attempt to gain compliance with the policy and even improve the policy where needed in future years.

In closing, I must state that I feel that we have fussed long enough and the time has now arrived whereby we should get together to see what can be done toward the production of timber and the retention of quality wildlife in Alabama.

UNEQUAL RIGHTS

Mr. DOLE. Mr. President, today I wish to emphasize my belief that we, as a nation, have not committed ourselves to the concept of providing equality of educational opportunity for all children—an education based on the unique needs of the child, rather than a single stereotype.

The problem as it pertains to the handicapped is serious, particularly because it is generally true that education for the handicapped can only be as good as our Nation's commitment to and success in providing adequate educations for the so-called masses of normal children.

Our failure to guarantee adequate instructional services to handicapped children not only inflicts undue hardship upon the child and his family, but afflicts the Nation as a whole. As adults, for example, our handicapped children today would have an earning capacity of more than $15 billion.

The problem is well stated in the March 3 Wall Street Journal article entitled "Unequal Rights," written by David Gumpert, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNEQUAL RIGHTS—DENIAL OF EDUCATION TO ABNORMAL CHILDREN SPURS PARENT PROTESTS

(By David Gumpert)

MEDFORD, MASS.—Every weekday morning at about 7:30, 14-year-old Wayne Keel stations himself by the living-room window to watch the yellow school bus pick up the children from neighboring houses in this pleasant Boston suburb. As he watches the bus make its rounds, the thin boy turns to his mother and asks, "Go to school?"

Sometimes Mrs. Keel tells Wayne that school is closed. On other days, she tells the boy that he's too old to go to school. Wayne never presses the issue, but the mother knows her son isn't satisfied, because the question always comes up again. "I think he's really puzzled," Mrs. Keel says. "Every day he looks out and sees that bus, and he can't understand why he isn't going to school."

The morning ritual in the Keel household has been going on for almost two years now. The reason: Wayne Keel is afflicted with autism (a little-understood form of schizophrenia characterized by withdrawal) and also shows signs of mental retardation. His schooling stopped in April 1970, when the special private institution that he'd attended said the boy's behavior made further assistance impossible.

Now, Wayne Keel has nowhere to go for schooling. The Medford public school system says it doesn't have any regular classes for severely disturbed children. The few state and private schools that are equipped to handle children like Wayne are full. Since mid-1970, the boy's sole schooling has consisted of sporadic private tutelage, ranging from one-and-a-half to 10 hours weekly, provided by the Medford system. So Wayne, who has no friends or playmates, spends his days pasting together paper rockets and buildings, and babbling to himself.

A COMMON PLIGHT

The plight of Wayne Keel, unfortunately, is far from uncommon in the U.S. According to Department of Health, Education and Welfare estimates, fewer than three million of the nation's approximately six million handicapped children of school age are receiving adequate special education. And of those who aren't receiving special attention, slightly more than two million are either in regular classes, where they're often failing and learning little or else they're receiving a minimal amount of home instruction, like Wayne. About a million receive no instruction whatsoever.

"This means there are more than three million children for whom the American school system has said, 'We don't have the time or the resources to provide you with an appropriate education,'" says Fred Weintraub, assistant executive secretary of the Council for Exceptional Children, a nonprofit organization for the handicapped based in Arlington, Va.

Until recently, protests have been rarely voiced by parents whose handicapped children were excluded from special programs. In the vast majority of such cases, however, this lack of action hasn't been caused by apathy. Rather, many parents were reluctant to discuss their abnormal children because of the real or imagined social stigma involved in the siring of retarded or emotionally disturbed offspring.

CHANGING ATTITUDES

But attitudes have changed, largely because of increasing exposure in the media and in discussion groups of the many families (including prominent families) whose children are handicapped. Around the country, parent groups are going to court in an attempt to force school systems to provide special classes for abnormal children. For example, class-action suits on behalf of abnormal, out-of-school children have been filed in the District of Columbia and a number of states, including California, Pennsylvania, Michigan, New York and Massachusetts.

Such activity is beginning to have some effect. Federal courts in Pennsylvania and the District of Columbia have already cleared the way for at least some handicapped children to be enrolled in special public-school classes. And on both federal and state levels, legislation is being proposed to grant handicapped children the same educational rights as other children have. (Among the states, Florida, Georgia, Massachusetts and South Carolina are in the process of overhauling their laws on education to benefit handicapped children.)

"The incredible number of . . . handicapped not receiving any educational services is one of the great tragedies in the American way of life," asserts Rep. Charles A. Vanik (D., Ohio), sponsor of a bill in the House that would amend the 1964 Civil Rights Act to prohibit discrimination against the handicapped in federally assisted programs, including education-aid plans. The House bill and an identical bill in the Senate are pending.

Federal agencies have also become increasingly active in protecting the educational rights of the handicapped. According to Edwin Martin, associate commissioner for the Health, Education and Welfare Department's Bureau of Education for the Handicapped, federal spending to spur the education of the handicapped has increased to an estimated $215 million this year from $45 million five years ago.

OPTIMISM FOR 1980

Mr. Martin also cites the fact that the number of handicapped children being placed in special classes has been increasing at a rate of about 100,000 a year for the past five years—partly because of increased federal spending. He adds that this rate should acelerate to the point that by 1980 all handicapped children will be receiving an adequate education.

But such acceleration is dependent on state cooperation—and school systems in most states have traditionally done little for handicapped children. To be sure, some public schools have established special classes for the handicapped; but more often than not these classes aren't all-inclusive in their acceptance of pupils, and many will accept only those with the mildest disabilities. Medford, for example, has elementary school classes for mentally retarded children, for children with mild emotional disturbances and for those who are blind or visually handicapped; it has no classes for other types of handicapped children. (State residential schools, which usually do accept severely disabled children, are in most cases hopelessly overcrowded and understaffed—New York's highly publicized Willowbrook being a case in point.)

"The more serious the handicap, the more difficult it is to get services," Mr. Martin says. "It's kind of as if a doctor would treat you if you had a cold but not if you had pneumonia."

Certainly, the range of abnormalities afflicting handicapped children is wide. Such abnormalities, which often stem from birth defects, include emotional disorders, deafness, blindness, cerebral palsy and other types of brain damage, and mental retardation. It's estimated that 10% to 12% of all school-age children have one or more of these handicaps.

Despite the problems of educating all these children, Mr. Martin believes further state cooperation is possible. Furthermore, he says, it's "not an unreal possibility" that the government might consider withholding federal funds from a state that doesn't fully cooperate in the education of handicapped children.

On their side, public schools argue that they're not equipped to cope with the special problems of many handicapped children. Some physically handicapped children, the schools say, aren't toilet-trained. Emotionally disturbed children, they contend, often disrupt classes and are sometimes violent.

SPECIAL CLASSES? "TOO COSTLY"

What about special classes for these children? "Too costly," school administrators say. They point to the fact that educating a handicapped child can cost up to three times that of educating a normal child—at a time when most school systems across the country are squeezed for cash. And some administrators say that even if funds were available their use could often be wasteful since, they argue, many handicapped children will never benefit from schooling.

Such arguments have little sway with many educators and parents of the handicapped. "If a new apartment house goes up, and there are more children, the schools find facilities," says Lewis Klebanoff, a professor of special education at Boston University and an editor of The Exceptional Parent magazine.

Others charge that public schools often don't care what happens to handicapped children. "Some principals simply tell parents, 'The schools aren't for crippled kids,'" says Larry Brown, director of the Task Force on Children Out of School, a Boston group that has studied the exclusion of handicapped children from public schools.

The contention that many handicapped children can't benefit from education is also dismissed by numerous educators. While these educators concede that some children are so severely disabled that they'll require lifetime institutionalization and that schooling would be of little help, they add that the vast majority—possibly 95%—of handicapped children could benefit from proper educational treatment. "There's no reason why, if we spend a few dollars, these kids can't fit smack into society," says Frances Connor, a professor of special education at Columbia Teacher's College in New York.

According to others who favor aiding the handicapped, the payment of these "few dollars" now will also be cheaper for the public in the long run. HEW's Mr. Martin, for example, says that more than 30% of the 2.5 million handicapped children expected to leave school during the next five years may need either partial or full public support in the form of institutionalization or welfare. Mr. Martin adds that it costs about $250,000 for lifetime institutionalization or welfare. But with proper education, he says, "at least 90% of the handicapped are potentially employable."

Money, however, will not provide the entire solution to the problem. Other than the absence of funds, a major obstacle exists: finding all handicapped children. Many state and local school officials say they don't know how many handicapped children are being denied a proper education. In Massachusetts, for example, Joseph Rice, associate commissioner of special education for the state, readily concedes that he doesn't know the number of handicapped children who aren't in school. "In theory, we ought to have records of this," Mr. Rice says. "In practice, we don't." (The location problem is compounded by the fact that some of the less severely handicapped children are enrolled in regular classes and are being simply dismissed as slow learners.)

The early discovery of handicapped children is particularly crucial, educators say, since intelligence and physical coordination develop to the greatest extent in the earliest years. For this reason, HEW's Mr. Martin says his bureau has been advising states to begin "preschool programs (for the handicapped) as a priority." Nevertheless, most educators concerned with the plight of the handicapped agree that even delayed discovery and treatment can be productive.

The history of 20-year-old Laura Bernard is illustrative. Laura has slight brain damage but went through the fourth grade before her condition was noticed, says her mother, Martha Bernard, president of the New York Association for Brain Injured Children. When the Bernards realized that their daughter wasn't learning to read or write, they had her examined by a neurologist. Following the neurologist's discovery of "minimal brain dysfunction," Laura was placed in special classes for the remainder of her school career and today she is learning to be a teacher's aide in a special program at New York University for handicapped people and slow learners.

Laura Bernard's brain damage is slight, but educators say even severely handicapped children can profit from special classes despite years of neglected treatment. For example, the Campus School, a state-supported school for the handicapped operated under the auspices of Boston College, Chestnut Hill, Mass., reports that it has had success in preparing many types of severely handicapped children for school programs from which they had previously been excluded.

According to Dan McCarthy, director of the Campus School, his institution last year moved four of its 30 students into regular school programs. Mr. McCarthy says one case involved a 14-year-old emotionally disturbed boy with cerebral palsy who had been sitting home for a year prior to enrollment in the Campus School. After one year of special treatment, the director says, the boy was admitted to a Boston private school for mildly handicapped children; prior to his treatment, the school had rejected the boy.

"There's no question even the most severely handicapped children can be helped with the proper program," Mr. McCarthy says. He adds, however, that the Campus School, which this year hopes to integrate about 20 of its 57 students into regular school programs, hasn't been able to enroll all the children it would like because of a shortage of state funds. The school currently has a waiting list of about 70, Mr. McCarthy says, and most of these applicants are sitting at home.

Such children may ultimately be helped by the courts—as has already occurred in Pennsylvania and Washington, D.C. Last year's successful suit in Pennsylvania, for example, claimed that denying an education to some mentally retarded children violated the equal protection provisions of the Constitution's 14th amendment. The suit, filed in federal district court by the state's Association for Retarded Children, resulted in a consent agreement that, in effect, obligates Pennsylvania to provide schooling for all retarded children in the state.

SUCCESS FOR SEVEN CHILDREN

The successful suit in Washington, D.C., was filed in federal district court by the National Law Office, a legal-aid organization, on behalf of all handicapped children in the city. Specifically listed were seven handicapped children, who had been excluded from public schools. The court subsequently ordered the Washington school system to immediately provide the seven children "with a publicly supported education suited to their needs" and to compile a list of all city children who are excluded from school. The court is expected to decide about the latter group in the near future.

Court action on handicapped children's education rights isn't always immediate or affirmative. In New York, for example, a federal appeals court recently received a case brought by parents of two brain-injured boys, who, the parents claimed, were being denied an education. The federal court, however, referred the case to state courts, where an outcome is pending. (Lawyers in such cases say they prefer to avoid state courts, which, they say, tend to be more protective of state school officials and less receptive to class-action suits than federal courts.)

Expeditious ourt action favoring the handicapped may pose its own problems. Some special education experts express concern that hasty court action will leave the public schools unable to cope with a flood of handicapped children. "I'm worried that all this is being dumped on one agency," says I. Ignacy Goldberg, professor of special education at Columbia University's Teacher's College; he cites the fact that Pennsylvania public schools must place all mentally retarded children by next September.

Nevertheless, as time goes by, uneducated handicapped children and their parents continue to suffer. Robert Dickinson of Spencer, Mass., for example, worries that his nine-year-old brain-damaged son, Tony, may never learn to speak or otherwise communicate since the youth has never had proper training.

Tony Dickinson is physiologically able to speak, and Mr. Dickson says he has been told by speech therapists that the youth, with proper special training, might be helped to speak to some degree and that he also has the potential to learn sign language. Tony, however, has spent only slightly more than a year in school and now spends most of his days watching television. (He is also tutored an hour a day in academic subjects.)

"We must develop some communication before his neurological growth stops," Mr. Dickinson says. He adds that he has inquired about enrolling Tony at special schools as far away as Kansas and Georgia—all to no avail.

Here in Medford, Barbara Keel, mother of autistic Wayne, says that caring for her son "keeps me at home almost constantly." Mrs. Keel has one source of optimism, however. In early April, she says, Wayne will be enrolled in a four-week evaluation program at a state school to determine whether he has the potential to learn a vocation.

Meanwhile, Mrs. Keel says, Wayne's hyperactivity prevents her taking him on outside excursions. She also worries about the absence of playmates.

"I really think he needs someone besides me," she says.

AIR TRANSPORTATION TO NEW ENGLAND

Mr. TALMADGE. Mr. President, last week the distinguished senior Senator from New Hampshire (Mr. Cotton) placed in the Record correspondence he had addressed to Delta Air Lines.

The Senator's objective was to express his concern with respect to the future air service to northern New England, particularly New Hampshire and Vermont, should the pending merger of Northeast Airlines into Delta Air Lines be consummated.

I can well understand the Senator's concern, because air transportation is important to the economy of any region.

As the Senator knows Delta Air Lines is based in my State of Georgia—and I must say Delta does a pretty good job in serving all of our State, including smaller communities such as Augusta, Columbus, Brunswick, Macon, and Savannah in addition to our capital, Atlanta. I have never known Delta to shirk its responsibilities with respect to the smaller communities it is required to serve.

I ask unanimous consent that the reply of Delta Air Lines to the letter of the senior Senator from New Hampshire be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Delta Air Lines, Inc.,
Atlanta, Ga., March 23, 1972.

Hon. Norris Cotton,
U.S. Senate, Committee on Commerce, Washington, D.C.

Dear Senator Cotton: This is in response to your letter of March 20, 1972, to Mr. Tom Beebe, Chairman of Delta Air Lines' Board of Directors and Delta's Chief Executive Officer, concerning airline service in New England. In that letter you informed us of certain data which appeared in the *Commuter Airline World* of January 1972 (which we have not yet seen), and posed certain questions involving Delta's planning with respect to northern New England service. Specifically, your question was whether you properly interpreted Delta's underlying intention as portending a drastic curtailment of certificated air service to northern New England following consummation of the Delta-Northeast merger.

We cannot tell you whether the report in *Commuter Airline World* is accurate or not. As stated above, we have not seen the article, and would comment only after seeing it in its entirety. We can state, however, that point number 5 as summarized in your letter of March 20, 1972, is not accurate, if it speaks as of a time immediately following consummation of the merger.

And the latter is the point which I want to make perfectly clear to you. Neither statements made by Delta at its informational meeting with New England commuter carriers, nor the rationale embodied in our recent realignment application (filed just prior to the prehearing conference in the *New England Service Investigation*) spoke of a time immediately following consummation of the merger, but rather as of some future point in time following *conclusion* of the *New England Service Investigation.*

So that our overall position will be clear, following is a recapitulation of the position which Delta has expressed consistently in both the merger proceeding and the pending *Investigation*:

First: Upon consummation of the merger, Delta will inherit all of Northeast's authority, obligations and rights in New England, including northern New England. In addition to various service improvements which Delta will inaugurate as a result of the joinder of the Delta and Northeast route systems, Delta will continue serving all markets which are being served by Northeast in New England on the date of merger consummation.

Second: Northeast, of course, is suspended at a number of points in New England. As these suspension authorities come up for renewal (whether the suspensions are in favor of service by a third level carrier, or otherwise) Delta will deal with them on a case-by-case basis, pending completion of the *New England Service Investigation.*

Third: In the *New England Service Investigation*, Delta will propose what it thinks will be the best possible future service pattern *for New England*, including trunkline service where it appears to be in the public interest and economically feasible, and service (with or without subsidy, as circumstances may dictate) by a local service carrier and/or a third level carrier where that appears best calculated to serve the traveling and shipping public. Delta's realignment application was filed to facilitate this thorough exploration of New England's service needs in the *Investigation*. Delta would not expect to receive subsidy itself under presently foreseeable circumstances.

Fourth: Once this thorough exploration and investigation is completed, Delta will be bound by whatever the Board decides in the *Investigation*. Delta will, of course, live up to those obligations and responsibilities to the best of its ability.

Ever since the Delta-Northeast merger was first proposed, Delta has supported a thorough investigation of northern New England's service needs, such as that now getting underway in the *New England Service Investigation*. This is the proceeding in which the future of northern New England's air service can best be resolved, with whatever changes are required by the public convenience and necessity, based upon the record to be developed.

By contrast, further delay in deciding the *Delta-Northeast Merger Case* would do nothing but further delay New England service improvements, and may well result in Northeast's demise and the loss of job opportunities for hundreds of New England citizens. Northeast's survival is at stake, and the Board's decision to examine the problem in two separate proceedings—the *Merger Case*, concerned with the problems of Northeast and its several thousand employees, and the *Investigation*, concerned with the long-range overall New England service pattern for the future—has made good sense.

These same basic considerations require all reasonable expedition in the *Merger Case*. On the other hand, the *Service Investigation* will require an in-depth and comprehensive examination of all facets of New England air service problems.

On the assumption that the merger will be approved at an early date, Delta is devoting its attention to these problems with vigor, and will continue to unfold its thinking as our studies progress. We sincerely hope that you will understand our real and serious concern with all facets of these problems.

Respectfully,

R. S. Maures.

TOWARD A NEW ERA OF AMERICAN TECHNOLOGICAL RENEWAL

Mr. BROCK. Mr. President, this year, as every 4 years, the country will again go through the process of electing a President. These months of campaigning illustrate well the diversity and size of this country. The magnitude of our United States allows for many variations, in economic as well as in cultural development. Some of these economic variations have come about voluntarily; with some communities electing to keep an agricultural rather than industrial way of life such as the Amish of Pennsylvania, other having been swept up in an industrial whirlwind of economic growth, such as the cities bordering on New York and the suburbs of Los Angeles. An economic map of the States would present a picture of a multitude of cities, counties and States, all at widely differing plateaus on the development scale.

In the past, this pattern has worked, out of coincidence, much to the favor of the Nation, with areas once considered economic backwaters, such as my own State of Tennessee, now becoming the growth nodes of the country. Older industrialized areas are shifting into new growth patterns emphasizing the nature of an increasingly service-dominated economy.

Today, communities throughout America find their fates more closely interlocked with America's ability to maintain its technological lead than ever before in our history. The small town no longer produces agricultural products but now has its own electronics or plastic pipe factory.

The face of America has changed. The need for a new policy for technology has been established. And the President's program for that purpose will successfully carry out the mandate to keep America in the forefront of technological change.

The pattern of dynamic change in the American economy has evolved out of the freedom of the American system. Free exchange of ideas, and the accompanying freedom to build and benefit from this building have been the blocks of progress used in economic development of the country. As we grew, the fund of knowledge required to sustain this growth grew. In 1966, Professor Schmookler, one of the foremost students of economic change said:

> Society generally uses far more of its resources to disseminate technology than to advance it. This is plain from the far greater manpower, including that of students, devoted to formal and informal technological education than to discovery and invention. Indeed the task of imprinting existing technology on each new generation seems to grow in size and complexity with each increase in the stock of knowledge.

The composition of this growth has been challenged of late, but the necessity for the further development of knowledge on controlling our environment has not. Whether you are for economic development through industrialization, or against it, both sides recognize the necessity for further development of technical know-how. Only by this further development can either side hope to achieve its respective goal.

What has perplexed the policymakers as well as the students of growth is the question of how a continuous stream of science and technology can be fed into the system to insure this growth in knowledge. An equally difficult question has been just what proportions of pure science are needed in combination with technological know-how to bring the desired result.

First and foremost, I would like to say that no one has come up with complete answers to these two questions. Economists from Schumpeter to Kuznets to Professor Schmookler have attempted to isolate these proportions so as to cast some light upon how much we should expect and to make sure whether we are moving ahead or falling behind in this very important enterprise. Debates have only served to illustrate how much more we need to know.

This need to know was recognized by the administration and prompted the first message of its kind to the Congress on science and technology.

In his message the President outlined efforts to stimulate support for research and innovation in the private sector, efforts to strengthen collaboration between Federal agencies and State and local governments, as well as efforts to strengthen cooperation between the United States and other nations in science and technology.

These efforts are already well underway in the National Bureau of Standards' experimental technology development and applications incentives program as well as a complimentary program, administered by the National Science Foundation.

The approaches being considered as well as those already underway emphasize the high quality of talent and understanding that is being brought to bear on this problem.

Problems of governmental imposition of priorities are wisely being avoided as the program will heavily rely on private sector initiative for the identification of opportunities in which Government and business can enter into cooperation.

The Bureau of Standards has indicated that preference will be given to experiments showing promise of stimulating additional research and application without further investment of Government funds.

Preference will also be given to experiments in which there is evidence that more effective transfer of research and development to applications can be achieved and where similar efforts are not already underway.

These preferences closely correspond with what available evidence we have on what to do and what not to do to foster a climate of sustainable self-generating discovery and adoption of new technology.

Rather than operate in competition with existing efforts in high technology areas, the Government is purposely seeking out industries in which the size of the individual companies in the industry is small and their technologies dated. There are industries where a number of companies may wish to mount a new technological effort of substantial scale. Without Government assistance such efforts would be impractical. One such operation is already underway with the National Retail Merchants Association, a trade association representing more than 26,000 retailers. In collaboration with the National Bureau of Standards, NRMA has begun work in the areas of automated merchandise and customer identification systems and in formulating the technical evaluation criteria for assessing the high technologies which may be applicable to these systems.

The program will also include an evaluation of existing programs for inventors and the development of experiments to render new forms of assistance to inventors and small firms.

Other areas in which the effort will be mounted are experiments dealing with the transfer of Government-held technology, the use of Government procurement as an R. & D. incentive, the stimulation of the adoption of new technology by the aggregation of users with diverse requirements and dissemination of knowledge about advances in science and technology by way of published studies, symposia and demonstration tests. While in the past, information has been widely available, development costs of the applications has limited their adoption to the largest companies. The application of computer technology via the mini computer and computer networks now makes management tools more widely available to diverse and as yet unstructured markets. Experiments in this area will aid in the adoption of high technology within middle sized firms.

I would like to endorse this program, so sweeping in its effects, so relatively costless in its price. I would like to go on record as saying that these steps are the first movements toward a new era of American technological renewal.

FOREIGN TRADE AND INVESTMENT

Mr. HARTKE. Mr. President, the current debate on my Foreign Trade and Investment Act of 1972 has brought forth recurrent charges of probable retaliation on the part of our trading partners. The specter of Smoot-Hawley is trotted out—and then ignored—to frighten the uninformed.

The world of the 1970's is vastly different from preceding eras. Transportation costs have plummeted downward, communications are vastly improved, multinational organizations and corporations abound, and most countries are pursuing nationalistic trade policies or seeking to industrialize behind carefully designed tariff walls.

Nor can we forget the historical setting of past and present trade policies. A recent article in the Washington Post written by Barbara H. Starkey, Ph. D. candidate at Georgetown University and an international economist with the Department of Agriculture, puts into historical perspective the movement for preserving a diversified production base and helping to assure full employment through a regulated trade policy. Barbara Starkey notes that trade quotas were vital in starting America on the path to industrialization and have frequently played an important role in our industrial growth. She acknowledges that the Smoot-Hawley tariff did nothing to bring us out of the depression. However, she further notes that similar legislation in the 1890's was followed by an industrial boom, but stresses that the difference was the presence of dynamic new industries.

In my Full Employment Act of 1972, S. 3179, I have set as a national goal the achievement of a zero rate of long-term unemployment. I share Barbara Starkey's feeling that continued reliance on the principles of free trade will make the achievement of full employment a near impossibility. Under my Foreign Trade and Investment Act of 1972, S. 2592, our foreign trade will continue to grow but in the context of much-needed stability. Rather than operating under a series of rules which allow the precipitate demise of one industry after another, imports would rise only in concert with domestic production.

Mr. President, because Barbara Starkey has added to the debate over trade policy much needed background and thought, I ask unanimous consent that her article be printed in the RECORD.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 26, 1972]

AMERICAN JOBS AND FOREIGN TRADE: TWO VIEWS

(By Barbara H. Sharkey)

Categorical opposition to protection has been expressed in many quarters during recent months. Some have argued against it on the ground of economic efficiency while others have expressed fears that a worldwide reversion to economic nationalism and regional trading blocs would lead us into the same kind of disasters as did the Hawley-Smoot Tariff of 1930. Devastating trade wars and worldwide depression have been prophesied by our Cassandras. There is, however, a rational argument for protection, though perhaps not for protection of the kind and magnitude demanded by its more vociferous supporters.

Throughout much of our history, American economic development has taken place behind fairly high tariff walls, and some of our ablest minds have defended this policy. As the first Secretary of the Treasury, for example, Alexander Hamilton argued for a variety of measures to stimulate the growth of manufactures at home. Among them were protective tariffs and outright import prohibitions; restrictions on exporting necessary raw materials; subsidies and prizes; tariff exemptions for raw material imports; encouragement of new inventions; consumer protection regulations and inspections of manufactured commodities and facilitating money and credit transactions and transportation.

Today government intervention to encourage research and development of new products and technologies, to protect consumer interests, to provide access to credit and to facilitate transportation is still considered appropriate. It is only in the area of tariffs, quotas and subsidies that free traders object to government interference with the free market mechanism.

What Hamilton was really advocating was the principle of a managed economy, a principle which economic nationalists have been defending ever since. This principle is, of course, incompatible with laissez faire economics, which requires minimum government intervention so that the forces of supply and demand determine the direction of economic development. But those who propose to bring about maximum economic growth and full employment in the American economy by following a policy of international trade liberalism have failed to face up to the pitfalls which lie ahead if we pursue this course.

THE ADJUSTMENT PROBLEM

Among these pitfalls, suggested in other contexts by various commentators are:

A free trade policy does not guarantee investment will move into industries that would provide mass employment. If the pressure of freer competition is allowed to force U.S. producers into industries in which they are most efficient, they may well invest in capital-intensive technologies that are highly productive but do not create many jobs, or they may continue exporting capital and technology to countries where labor costs are cheaper than at home.

A free trade policy will create substantial adjustment problems for firms and workers in the older, less competitive industries which have formed the backbone of our economy. Although the Williams Commission on International Trade and Investment recently recommended a strong program of adjustment assistance to meet this problem, rapid economic change exacts a social cost from those affected which federal adjustment aid, no matter how strong, could scarcely offset. Furthermore, if substantial unemployment persisted, adjustment assistance would be unable to accomplish one of its principal objectives—relocation of displaced workers. In that case adjustment benefits would become a glorified form of unemployment compensation for those arbitrarily put out of work.

Of course, one way out that would be compatible with free trade would be to give up the goal of full employment and provide a guaranteed minimum income with no obligation to work. The state of technology is such that if the economy were operating at maximum efficiency, the United States probably could achieve the productivity level required to provide a decent income to all citizens at less than full employment. This is not a serious possibility, however, since it would run counter to the still-cherished American belief in the importance of work.

The alternative is to provide work rather than compensation for unemployment. In this case it would probably be more rational for the country to sacrifice the goal of maximum economic efficiency and seek instead to achieve full employment by giving deliberate direction to the economy's development during the coming decade. This would mean abandoning the idea that our domestic and international interests would be well served only if we allow the pressure of freer competition to push total output to its highest possible level. It would mean accepting a somewhat slower rate of economic growth and a slightly smaller GNP pie in order to obtain more stability in the job market, more equality in the distribution of national income, and more balance among the various sectors of our economy.

Philosophically, this would mean a radical departure from current thinking about international economic problems, for it would mean giving up the primary assumption of trade liberals—that competition-induced efficiency is the *sine qua non* of economic health. In practice, however, we have been moving away from economic liberalism ever since we began to adopt Keynesian prescriptions to cure our domestic economic ills.

Even the Williams commission, which generally affirmed the liberal philosophy, recognized that "advanced industrial societies, including our own, have become less tolerant of the disruptive effects of economic change . . . Workers have acquired substantial stakes in their skills, jobs, homes, and communities. They have acquired valuable seniority and pension rights. They are unwilling to bear disproportionately the costs of changes that benefit society as a whole; they look to government to protect their stakes. Governments have had to assume greater responsibilities for ensuring high levels of employment, social stability, a healthy environment, and other social objectives."

Managerial economic policies of the kind needed to promote full employment, stabilize prices, and secure economic justice are not now and never can be compatible with foreign trade policies founded upon classical economic liberalism. That this incompatibility is not recognized by so many economic writers and commentators today is attributable to the fact that the free trade philosophy has taken on many of the qualities of religious dogma or myth in our increasingly secular society. It gained acceptance at a time when it had immediate practical value, and the postwar world has been well-served for the past 25 years by the international economic institutions which were shaped by its advocates.

Today, however, if we spend our energies trying to ward off the supposed dangers of rising protectionism and renewed trade wars, we will be fighting straw men. Of far more importance to the future economic health of both the United States and its principal trading partners is the question of what new leading sector industries we are respectively going to encourage to replace those which led us into the postwar boom we have been experiencing.

THE NEW GROWTH LEADERS

Our historical experience should have taught us by now that the introduction of a dynamic new industry into a lagging economy is usually a much more effective restorative than is a change in tariff policy, either in a more liberal or a more protectionist direction. Thus in the 1890s, for example, new industries such as automobiles, chemicals and electricity provided the stimulus needed to lift industrial economics out of the doldrums. In the 1930s, on the other hand, no such new industries were forthcoming, and in the end it was only war which brought renewed dynamism to the international economy. Even though there was a worldwide return to protectionism during both periods, and the United States at both times enacted two of the highest tariff schedules in the country's history, it was not the tariff but the ability to create new leading sector industries at the end of the 19th Century and the failure to do so in the 1930s that made the difference between the return to prosperity and deepening depression.

As in the past, so now our economic troubles can be attributed largely to the aging of the mass-consumption and high-technology industries which have been the leaders of our economy for much of the century. Patchwork help, in the form of excise tax cuts on domestic automobiles, import quotas on foreign textile manufacturers or subsidies for ailing aerospace firms, can keep such industries reasonably healthy for some time to come, but it cannot restore to these sectors their former role as growth leaders.

To take their place the Council of Economic Advisers and the National Goals Research Staff have identified several areas whose development would be both stimulating to the economy and consonant with the emerging national consensus on recorded priorities. These include health care, education, mass transit, new towns and leisure industries. Either private or public investment in such fields could provide substantial employment opportunities and would be responsive to the increases in consumer income which a growing economy should engender.

THE CASE OF THE STOL

The problem is, however, that the probable growth industries of the 1970s will not necessarily be high productivity industries, even though they are capable of providing full employment at a modest rate of expansion. For this reason, we cannot expect that investment tax credits of the type proposed to date by the Nixon administration will provide sufficient incentive to private industry to move into potential growth sectors of the economy. Such credits are consistent with a liberal policy in international trade matters, for they are likely to encourage investment in technologically intensive industries and they do not subject business to many governmental controls. But if high-technology industries are not the probable leading sectors of the American economy in the 1970s, generalized investment incentives will do little to bring about full employment.

What will be needed to accomplish this goal are deficit spending that puts money directly into the hands of consumers, and government direction of the flow of new investment so that funds are forced into the lower productivity, more labor-intensive industries that promise most for the economy's future. Policies of this type cannot help but have a distorting effect on the international economy. Apart from the problems caused by a demand-induced inflation created by deficit-financed consumer spending, government direction of the flow of public and private investment into high-priority sectors of the economy whould prevent the principle of comparative advantage from functioning properly in international trade.

An example of this effect may soon confront us with respect to the question of the short-takeoff-and-landing airplane (STOL), a desirable addition to our transportation service in highly populated regions of the country and a product with high employment potential for the lagging aircraft industry. NASA, FAA and the Air Force have all been working cooperatively with aircraft manufacturers to develop a satisfactory STOL for domestic commercial use, and so far $500 million has been spent on the project. Yet not too long ago Time magazine reported that Canadian manufacturers already had successfully tested a STOL, which they hope to produce and sell principally to the U.S. market, Without resorting to a tariff, the United States could keep out the Canadian product simply by subsidizing the American STOL at a level sufficient to give it a cost advantage over its competitor.

Similar situations might arise with respect to other products that have recently attracted public interest. For example, tax breaks for domestic companies producing low-cost modular housing for the mass consumption market, subsidies for developers of pollution control devices, or research support for the design of more effective health care delivery systems might operate just as effectively to keep out potential foreign competitors as would outright tariff barriers. Such policies would differ little in intent from the protection accorded to our infant industries in the 19th Century, and would in fact serve the very purposes which were then given as justifying protection—the encouragement of balanced growth and domestic prosperity.

BEYOND THE MARKETPLACE

The international implications of a return to an economic nationalism of this sort need not be at all gloomy if they are dealt with straightforwardly and with a concern for the economic interests of our friends and allies. As Lord Keynes observed almost 40 years ago:

"If nations can learn to provide themselves with full employment by their domestic policy [and, we must add, if they can also attain equilibrium in the trend of their population], there need be no important economic forces calculated to set the interest of one country against that of its neighbors. . . . International trade would cease to be what it is, namely, a desperate expedient to maintain employment at home by forcing sales on foreign markets and restricting purchases, which if successful, will merely shift the problem of unemployment to the neighbor which is worsted in the struggle, but a willing and unimpeded exchange of goods and services in conditions of mutual advantage."

Interestingly, many of the most vigorous opponents of protectionism today would probably support initiatives taken by the public sector to stimulate investment in innovative and socially desirable directions. What free traders of this persuasion really object to is not so much the principle of government management of the economy but rather the idea that old, powerful and highly visible industries such as automobiles, textiles and aeronautics might be the chief beneficiaries of protectionist policies. If the economy were not to rely solely on the marketplace to guide it in making investment decisions, however, their argument against using moderate tariff and quota protection to support older, less dynamic sectors of the economy while promoting the development of newer, more vigorous growth industries would lose much of its force.

What I wish to suggest is that in the future the marketplace will probably not be an adequate governor of the American or any other industrialized economy which genuinely wishes to achieve full employment; that if this is so, protectionist policies could serve a variety of useful purposes, either as a spur to economic development or as a low-cost form of adjustment assistance or both; and that if protectionist policies are to be used in either of these ways, they should not be selected haphazardly but as part of an overall national economic plan whose international impact has been taken into account.

Keynes' point was that "The outstanding faults of the economic society in which we live are its failure to provide for full employment and its arbitrary and inequitable distribution of wealth and income." These are still the outstanding faults of the economic society in which we live, with the addition perhaps of its inadequate provision for environmental protection and the quality of life.

Many of the policies required to correct these faults will not be consistent with the free trade philosophy. And unless we and our trading partners are prepared to make creative use of economic nationalism to overcome these problems, it is unlikely that international free trade, no matter how complete, will serve the purposes of either prosperity or peace.

CONTINUATION OF TRADITIONAL DIPLOMATIC HIERARCHY

Mr. FULBRIGHT. Mr. President, recently one of our most distinguished commentators, Mr. Eric Sevareid of CBS, reported on a suggestion relative to the continuation of the traditional, diplomatic hierarchy to be found in all the capitals of the world. He attributes the revival of this idea to Mr. Cyrus Sulzberger in the following words:

> Mr. Sulzberger's thought concerns the almost equally preposterous, exhausting and expensive world of international diplomacy. It is not precisely a new idea but an idea whose time has come, which is what counts.
>
> Abolish the whole structure of embassies with their lavish residences, immense staffs and endless, meaningless round of luncheons, dinners, receptions and courtesy calls. In Washington today there are one hundred and fourteen embassies, three legations, seven so-called interest sections; over 1600 people with diplomatic credentials, besides their families; and office staffs totaling around five thousand.
>
> The point is that instantaneous communications and the jet plane have made formal embassies redundant. Heads of state and foreign ministers now deal very directly with each other. Specialists travel constantly. Ambassadors have all but lost their realistic function. Norway, says Sulzberger, is thinking of abolishing ambassadors, just maintaining specialists in ordinary offices and flying them around.
>
> Newspaper society pages in this and other capitals would look a bit barren, the canape industry would suffer a slump, and liveried doormen and chauffeurs become a vanishing race. But a great number of others, including some ambassadors, would feel the lifting of a great weight. As Adlai Stevenson remarked when he was our U.N. Ambassador, the diplomatic life is "one third protocol, one third alcohol and one third geritol."

The transfer in our own Government of responsibility for foreign policy from the Department of State to the National Security Council, under the leadership of Dr. Kissinger, makes much more reasonable the idea of discontinuing the outmoded and obsolete diplomatic machinery. Dr. Kissinger quite obviously is perfectly able to perform the necessary functions formerly discharged by ambassadors. I commend this idea to the attention of the Senate. I ask unanimous consent that the statement by Mr. Sevareid and the article by Mr. Sulzberger be printed in the RECORD:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Anyone in the realm of public affairs learns to be grateful for small favors, one good idea in a week is a rarity; two is a feast. This week Time magazine's Hugh Sidey has one; the New York Times' Cyrus Sulzberger has another. Both come under the general heading of "stop the nonsense."

Since the Democrats are out this year trying to get in, Mr. Sidey's thought is directed at them. He would abolish the autumn presidential campaign in its traditional sense. Let the Democratic nominee, he says, set up a shadow administration, somewhat in the British manner; let the nominee name and gather the men who would form his cabinet and agency heads. Let them all speak and decide as if they were in power, showing the people their policies and programs and maybe even demonstrate in the field how they would approach things like housing and water pollution.

The endless, exhausting, preposterous barnstorming from airport to auditorium to airport all over the country with all the attendant hoopla and repetitious speeches could be cut way down; the news media would cover the candidate just as intensively in his changed role, and—mostly—in one place, as they cover an actual administration. Millions of dollars and nerve ends could be preserved and the populace left far less jaded and fed up.

Mr. Sulzberger's thought concerns the almost equally preposterous, exhausting and expensive world of international diplomacy. It is not precisely a new idea but an idea whose time has come, which is what counts.

Abolish the whole structure of embassies with their lavish residences, immense staffs and endless, meaningless round of luncheons, dinners, receptions and courtesy calls. In Washington today there are one hundred and fourteen embassies, three legations, seven so-called interest sections. Over sixteen hundred people with diplomatic credentials, besides their families; plus office staffs totaling around five thousand.

The point is that instantaneous communications and the jet plane have made formal embassies redundant. Heads of State and foreign ministers now deal very directly with each other. Specialists travel constantly. Ambassadors have all but lost their realistic function. Norway, says Sulzberger, is thinking of abolishing ambassadors, just maintaining specialists in ordinary offices and flying them around.

Newspaper society pages in this and other capitals would look a bit barren, the canape industry would suffer a slump and liveried doormen and chauffeurs become a vanishing race. But a great number of others, including some ambassadors, would feel the lifting of a great weight. As Adlai Stevenson remarked when he was our U.N. ambassador, the diplomatic life is "one-third protocol, one-third alcohol and one-third geritol."

[From the New York Times, Jan. 28, 1972]

SENT TO LIE ABROAD NO MORE

(By C. L. Sulzberger)

JERUSALEM.—The practice of diplomacy has changed enormously since Sir Henry Wotton, a seventeenth-century poet-envoy, observed: "An ambassador is an honest man sent to lie abroad for his country."

Nowadays he spends less time "lying abroad" in a physical sense because of innumerable hours taken up in faraway conferences, and if he "lies" by distorting the truth, either his own government or that to which he is accredited will probably leak it to the press.

Diplomacy as once known is at an end—but the last to know it are the diplomats and their foreign ministries. The inflation in their rank and consequent deterioration of their capacities is all too often evident. In diplomatic as in monetary affairs there is a kind of Gresham's Law which sees bad money driving out the good.

Once an effective ambassador required cultivation, perspicacity and the ability to make decisions. Communications took a long time and sometimes there was the need for swift action. Even as recently as 1945 Averell Harriman, while U.S. envoy in Moscow, personally decided to exclude Russia from allied military occupation of Japan.

The diplomat was often a personage. France employed as ambassadors the famous Paul Claudel and Saint-John Perse (Alexis Leger). George Seferiadis, Greek Ambassador to Britain, won the Nobel Prize for literature as the poet "Seferis." Even the nineteenth-century U.S.A.'s diminutive overseas representation included Washington Irving and Nathaniel Hawthorne.

But the need for experienced decision-takers or intellectual luminaries has faded in the mechanized modern world. There are and will be exceptions. A notable case is Walworth Barbour, who has been American envoy here for more than half of Israel's life. His wisdom and decisiveness have been responsible for avoiding several dangerous crises and solving others.

If one considers today's plethora of independent states and ministates, each of which has come to demand exchanges of embassies, one sees the game has become ridiculous. There is no urgent reason for the U.S.A. to maintain ambassadors in Burundi or Mauritius, for example.

Moreover, the need to fill all posts transcends the ability of the Foreign Service and tempts U.S. Presidents even further to pay off campaign contributors on an absurdly lavish scale by dispatching them around the mushrooming diplomatic world.

It would be wiser and cheaper to pare swollen staffs and do more international business at the U.N. glass menagerie in New York to which almost all countries are accredited. Even such envoys of the prosperous United States as Ellis Briggs and John Tuthill found they could work more efficiently as well as more cheaply with half the staff allotted.

Norway has begun to think aloud about doing away with ambassadors altogether. One idea discussed in Oslo is that teams of experts could be maintained and flown abroad if and as required to represent Norwegian interests.

With all the multilateral bodies now existing—such as the U.N., the Organization of African Unity, the Organization of American States, etc.—surely there are enough common meeting grounds to allow nations to handle bilateral business.

The happiest ambassador I ever knew was a Nepalese general who, years ago, served simultaneously in Paris, London and Washington. Whenever he received a rare message from Katmandu he handed it to his local Number Two, told him to say the Ambassador was traveling, and promptly took off. The unhappiest ambassador I knew was the envoy of an East European land, proud of its cuisine, who was deprived of his cook by budget cutters at home.

Jean Laloy, a brilliant French diplomat, regarding an age in which cabinet ministers and superenvoys jet around the world, suggested in a book six years ago (*"Entre Guerres et Paix"*) that much of today's diplomatic burden could be borne by permanent working groups of experts set up in a nation's capital to handle specific problems as they arose.

It is certainly time to consider these and other approaches with the idea of reducing costs and lowering bureaucratic towers of Babel as they rise in even the smallest capitals. At one moment the United States had four ambassadors in Paris and three in Beirut. Hasn't the moment arrived to repeal traditional diplomacy if those are its current methods?

FOOD SERVICE PROGRAM FOR CHILDREN

Mr. CASE. Mr. President, on February 16, 1972, the regulations for the special food service program for children were published for comment. The program's purpose is to feed needy children during the summer months, thus carrying on the work of the national school lunch, school breakfast, and preschool feeding programs. It is a very important program because, without it, the nutritional progress made during the school year will be lost.

One month after the regulations for this program were issued for comment, the Department of Agriculture told school administrators that—

> plans for financing such programs must be limited as matters now stand to anticipated revenues not in excess of amounts expended for identical purposes last summer.

The communication went on to state:

> Imperative you establish obligations under this constraint.

When I received word of this communication, I wrote to the Secretary of Agriculture as follows:

MARCH 17, 1972.

Hon. EARL L. BUTZ,
Secretary of Agriculture,
Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: In light of the President's most recently expressed concern for the school children of our inner cities, I am shocked to hear that the United States Department of Agriculture intends to curtail severely the Special Summer Feeding Program.

This will be a great loss to our cities and will lend to further intensification of our urban problems.

As you know, the summer program was curtailed last year because funds for the program were impounded. The program to feed needy children did not begin until July 26, 1971, instead of the end of the school year in early June. We now learn that New Jersey will not be allowed to spend any more than last year's actual expenditures. In other words, New Jersey is being asked to stretch money for six weeks to nine weeks of the feeding program.

Moreover, the situation is even more serious. The actual need for the summer feeding program in New Jersey goes well beyond last year's approved funds. A well run program that will reach children this year will cost between $2.5 and $3.0 million—or more than double last year's costs.

Congress is committed to seeing that all our children receive the food they need. I am sure you concur in this view and I request that you reconsider promptly the funding for the Special Summer Feeding Program.

Sincerely,

CLIFFORD P. CASE,
U.S. Senator.

In effect, what the Department appears to be doing is instituting its regulations before considering the pertinent questions on the regulations.

I have received a number of letters from interested organizations which raise serious doubts about the proposed regulations. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF NEW JERSEY,
DEPARTMENT OF EDUCATION,
Trenton, N.J., March 17, 1972.

Hon. CLIFFORD P. CASE,
U.S. Senate, Old Senate Office Building, Washington, D.C.

DEAR SENATOR CASE: We have sincerely appreciated your concern and efforts on behalf of the Child Nutrition Programs. Unfortunately, however, once again the U.S. Department of Agriculture has created a situation which threatens the nutritional well-being of both New Jersey's and the nation's children.

On February 16, the Department of Agriculture issued proposed new regulations for the operation of the Summer Special Food Service Program for Children. Our comments on those regulations, which were submitted to Mr. Rorex, are attached.

Despite statements from the Regional Office of the U.S. Department of Agriculture that plenty of time would be allowed for the planning of summer 1972 meal programs, these regulations were issued in preliminary form only six weeks before applications from summer sponsors had to be received by the state agency. The regulations themselves probably will not be published in final form until a few days before the April 1 deadline for applications.

New Jersey has not yet been informed by the Department of Agriculture of the size of our summer allocation for this year, so that sponsors must prepare elaborate applications on extremely short notice with no guarantee that funds will be available for their projects.

The proposed regulations require new application forms and a complicated application procedure. All our application forms had to be revised before sponsors could be invited to submit proposals. After we had spent two weeks of staff time revising forms, a package of forms prepared by U.S. Department of Agriculture arrived—the day before our scheduled information meeting with potential sponsors.

Late in the fall, U.S. Department of Agriculture had announced that the new summer program regulations would be available in plenty of time to allow thorough planning of this year's programs. Through December and January, regulations were expected "momentarily." When they were finally issued, they included a totally unrealistic application deadline, which prevents sponsors from making any but the most superficial plans for their summer activities.

I am sure you recall the delay and confusion which preceded the funding of last year's Summer Special Food Service Programs. Your role in that victory, in which funds were released for all summer program applicants, was decisive.

I feel we may be forced to call upon you, and other members of Congress, again this year in order to prevent the Department of Agriculture from succeeding with its apparent effort to restrict the operation of the summer meal programs.

I am sure you are well aware of the importance of these summer meal programs to our children, especially those in urban areas. We must do everything we can to insure that these programs will be available to all children who need them.

I will keep you apprised of the number of applications we receive and the total amount of funds New Jersey will need this summer.

Any assistance you can offer will be most appreciated by summer program sponsors, and more importantly, by the children themselves.

Sincerely,

LEWIS B. STRAUS,
Director, Office of Food Program Administration.

STATE OF NEW JERSEY,
DEPARTMENT OF EDUCATION,
Trenton, N.J., March 1, 1972.

Mr. HERBERT D. ROREX,
Director, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C.

DEAR MR. ROREX: I would like to offer the following comments on the proposed amendments to the regulations governing the Special Food Service Program for children.

225.7 (a–1): As a result of the late issuance of these amendments, and the further delay before their final publication, it is most unrealistic to expect summer program sponsors to submit completed applications before April 1. The effect of this regulation will simply be to prevent summer meal programs from reaching the children who need them most.

Moreover, we received on February 28 a letter from T. F. O'Shaughnessy, Director of Child Nutrition Programs in the New York Regional Office, informing us that the revised application form was not yet ready. It is totally unjustifiable to require applications to be submitted on such short notice if they are not even available to the state office four weeks before they are due. We would suggest May 1 as a more realistic deadline.

Finally, the priorities established in the regulations here penalize potential new sponsors by placing them in a category of second preference. There is no logical reason why children deprived of summer meal programs in the past should be further penalized by this type of priority.

225.7 (b–1): Again, the April 1 time constraint makes it virtually impossible for potential sponsors to gather the information required for the individual site sheets. In particular, new sponsors who have not participated in the program before, must do thorough planning for their programs even before this information can be provided. The unrealistic deadline precludes this.

Two of the items required on the site sheet are impossible to require of some sponsors and are in themselves contrary to the purposes of the Summer Special Food Service Programs. First it is unrealistic and impractical to require free public parks to develop a means to identify children who are eligible to participate at the site.

Children at a summer playground should not be regimented into attendance, or excluded from participating in any way. The additional expense of such identification cannot be borne by many sponsors, and should not be required unless additional Federal funds will be available to bear these costs. Finally, this discriminates against poor children who must attend a public park rather than attend a more structured summer camp where enrollment is based on payment of a fee.

Of course, good management in food production and ordering will require accurate estimates of the number of children at each site, but these can be obtained without penalizing children by excluding them from the program.

Also, identifying children eligible for free meals is contrary to the requirements of the school lunch program which forbids identification of the poor children. In most urban areas, all children are eligible for free meals, and blanket determinations should be made on the basis of the need data required for participation in the program.

In the rare instance of summer programs with substantial numbers * * * collect payment.

Finally, although this is not discussed in the regulations, I must protest the fact that we have received no information thus-far on the amount of funds to be allocated for summer 1972 meal programs. It is difficult and unjust to demand that sponsors produce elaborate information on proposed programs with no knowledge of the number of programs which can be approved.

I trust that some changes will be made in the regulations to attend to these serious inequities. The summer meal programs have the potential of benefiting many needy children, but only if they are administered sensibly and with due consideration of the amount of planning they require.

Sincerely,

LEWIS B. STRAUS,
Director, Office of Food Program Administration.

JERSEY CITY YOUTH
DEVELOPMENT PROJECT,
Jersey City, N.J., March 16, 1972.

Senator CLIFFORD CASE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CASE: I am writing to you in regard to the refunding of the State Summer Food Program for Jersey City. The city has received word that the refunding will probably be given out at the same level as last year's unless the Federal Government allocates more money to the State of New Jersey.

As Program Developer of the Jersey City Youth Development Project, I work with a great many of the youth in Jersey City everyday. Through my experiences with the youth, and working as a supervisor in the last three Summer Food Programs in Jersey City, I have learned what a program like this means to our city and especially to the children who so often are forgotten by their parents as well as their government.

However, I am sure that a person with your foresight and concern for the people of the city can realize the importance of our city receiving an increase over last year's allotment. I feel, just seeing the satisfied look on a child's face who just finished eating a balanced, nutritional lunch instead of his normal, if any, lunch of potato chips and coca cola, is reason enough for the increase of funds the city asks for. However, reason for such an increase is due to the increase of city agency participation. Mayor Jordan and his administration has been able to unite the different agencies and government programs of our city in one common cause; that, through the nutritional meals supplied by the state, we can develop the minds and bodies of our youth during this vital stage of growth and development. This cause is important to the city because the youth, under the leadership of a new, ambitious, courageous and unselfish mayor, are our last hope to revive a dying, but once promising city.

I urge you to recognize their needs and do all you possibly can to help us. I hope more letters from other agencies such as mine follow this letter to emphasize the need. The future of our country, the youth, lie in the government's hands.

Conrad Vuocolo, Director of Operation Step-Up and Tenant-Selections of the Jersey City Housing Authority, once said, "I'd rather see a kid hold a container of milk in his hand than a rock to break a window." I leave this thought with you as you consider our request.

Thanking you in anticipation, I remain,

Respectfully yours,

MICHAEL G. TSUCALAS,
Program Developer.

THE CHILDREN'S FOUNDATION,
Washington, D.C., March 6, 1972.

Mr. HERBERT D. ROREX,
Director, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C.

DEAR HERBERT ROREX: I am writing in response to the Notice of Proposed Rule Making (7 CFR Part 225) published in the *Federal Register*, Vol. 37, No. 32 on Wednesday, February 17, 1972.

In general, we are distressed by the shift in the emphasis of the summer feeding programs as proposed. The requirements for service institution participation are clearly designed to cater to the big cities which led the battle for full funding of the Special Feeding Programs last summer.

Our specific comments, objections and recommendations follow below:

Section 225.1 We are pleased that the Special Food Service Program for Children is no longer a "pilot" program.

Section 225.2 (i–1) We recommend that full instructions as to what constitutes an "in kind" contribution be published in the *Federal Register* and not simply in shortened form in the two guide-books (one of which, according to your letter of March 2, 1972, presently is not available.) Non-profit community groups who do not regularly receive FNS Instructions are at a distinct disadvantage because they are forced to add another step to their application process.

Section 225.2 (p–1) The administrative decision to divide the Special Feeding Programs into two different programs: one, year-round non-school food service and the other, summer food programs, is without statutory authority. While this division may allow for more efficient administration—a laudable move—it has already provided a rationale for withholding funds left over last summer from this fiscal year's year round non-school food programs.

Section 225.7 (a–1) The filing deadline of April 1 is unreasonable for this year in view of the late date of publication of the proposed rule making. Instead we suggest the following wording:

(1) Applications for participation of special summer programs for summer, 1972, which are filed within (6) weeks of the final publication of these amended regulations shall be given first priority.

(2) Applications for participation of summer programs for the following years must be submitted by May 1 of the year. Approval or denial of the application will be made within thirty (30) days or less of the date of filing. Applications received after May 1 shall be reviewed in the order of the date of receipt and shall be approved or denied within thirty (30) days or less of the date of filing.

Section 225.7 (a–1) DELETE the proviso that applications shall be considered "to the extent that funds are available for special programs." The size of the federal budget for child nutrition programs has *no bearing whatsoever* on the requirements for participation of local service programs.

Section 225.7 (a–1) Applications filed before the [designated] deadline shall be considered in the following priority: (1) First, applications from service institutions in economically needy areas serving more than a majority of children from low-income families and eligible for free or reduced price meals. (2) Second, applications from service institutions in economically needy areas but serving less than a majority of children eligible for free or reduced price meals. (3) Third, applications from service institutions not located in economically needy areas nor serving a majority of children eligible for free or reduced price meals *but* ones which serve children from low to middle-income families. (4) Applications from service institutions which participated in the program in the prior calendar year.

Section 225.7 (a–1) DELETE the following requirement which is irrelevantly and cruelly based on an unknown but, nevertheless, projected federal budget restriction:

If funds will not permit approval of all applications received prior to April 1, local interest as indicated by the level of local financial support and in-kind contributions shall be considered in determining which applications shall be approved.

The specific focus of this program is on economically needy areas, and yet, outrageously demands that interest in participation be measured by local cash and in-kind contributions.

Section 225.7(b) The amount of data required to demonstrate that poor economic conditions exist is unreasonably detailed. Only major cities with large bureaucracies could produce such extensive documentation without enormous effort.

This requirement discriminates against small, locally run programs, for example, summer programs conducted by churches or low-income community groups.

Furthermore, the requirement that at least half the mothers in the area be engaged in work outside the home is blatantly sexist and is a misreading of that portion of the statute addressed more specifically to the Breakfast Program.

Section 225.7(b-1) This requirement that individual applications be submitted for each site serves little use other than to generate additional paper work (which in turn serves to increase the amount of the "in-kind contribution" claimed).

To identify children eligible for free and reduced price meals counters the protection of the anonymity of needy children ensured by the Congress and the laws governing the child nutrition programs. The requirement that service institutions explain the methods they will use to identify needy children is regressive and discriminatory.

We therefore strenuously object to this requirement and suggest that the following wording be *deleted:*

. . . a description of . . . and the methods to be used to identify children eligible for participation at the site, including the methods to be used to identify those children eligible for free or reduced price meals.

Section 225.7(c) Competitive bidding for federal contracts should be required no matter how small that contract may be. If an arbitrary number must be selected we strongly suggest that any operation serving more than 100 children use a competitive bid procedure.

Section 225.10(e) This section is unclear and ignores the legislative history of Public Law 92–32 and in particular, the Joint Explanatory Statement of the Committee of the Conference. We have the following objections:

1) The term "severe need" used in the Conference Report is unreasonably translated into the requirement that "all or nearly all the attending children are in need of free meals". We suggest, instead, that that line be deleted and that the only requirement be that the State agency or FNSRO judge whether or not the service institution is unable to contribute financially to the program.

2) There is no real difference between the 80 percentum of the operating costs and 100 percentum of the cash expenditure. The conferees pointed out in their report that they *"felt that the Secretary of Agriculture has been unduly restrictive in using the authority to pay up to 80 per cent of the operating costs, and it is intended that he will be more liberal in recognizing circumstances of severe need and utilizing the authority to pay all the operating costs in such cases".*

In view of this statement by the conferees we urge the following wording: "in lieu of reimbursement for meals, up to 100 percentum of the cash expenditure for the costs of its food service, *provided, however,* that such financial assistance shall not exceed 60 cents for a lunch or supper, 20 cents for a breakfast, and 15 cents for supplemental food."

Section 225.18 (a–1) The State Agency or FNSRO should not be responsible for the meal-time schedules of each site operation.

Our conclusion is that these proposed rules serve little else than the interests of the Office of Management and Budget.

We urge you to revise them to serve the needs of hungry children in America.

Bread and justice,

BARBARA BODE,
Vice-President.

SUGGESTIONS, COMMENTS, AND OBJECTIONS CONCERNING PROPOSED REGULATIONS GOVERNING OPERATION OF THE SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

(Memorandum to Herbert Rorex, Director, Child Nutrition Division, Food and Nutrition Division, U.S. Department of Agriculture)

We, the undersigned organizations and individuals, protest the new focus of the Special Food Service Program for Children as reflected in the Notice of Proposed Rule Making (7 CFR Part 225) published in the *Federal Register*, Vol. 37, No. 32, Wednesday, February 17, 1972.

The proposed regulations appear designed to inhibit participation in the summer food programs. We cite below the most blatant examples of this attempt to play off the unrecognized food needs of millions of hungry children in non-urban areas against the needs of those crowded into the ghettos of major cities, for whom political concern has been expressed.

We strongly urge that equal consideration be given to non-urban as well as urban areas.

OBJECTIONS AND/OR RECOMMENDATIONS

Section 225.7 (a-1)—April 1 is an unreasonable deadline for filing of applications. Only those sponsoring agencies which regularly receive FNS notices can be expected to be aware that this early date is being considered. Even those areas in which a full time staff is employed to administer children's food service programs will have great difficulty meeting all the other requirements for participation prior to April 1.

Recommendations: That the required filing date for applications for summer, 1972 be placed six (6) weeks after the date of final publication of these amended regulations. The size of the federal budget for child nutrition programs is irrelevant in this context and cannot be considered a requirement for local participation.

Recommendation: Delete the proviso which reads "to the extent that funds are available for special programs".

The priorities serve no purpose other than to FREEZE summer food programs at a level below that reached last summer, 1971.

Recommendation: That applications filed prior to the (designated) deadline be assigned priority in accordance with the percentage of children served who would be eligible for free or reduced price meals.

Although this Special Food Service Program for children is designed ostensibly to serve poor children in economically needy areas, this section of the proposed regulations projects restrictions in the federal budget for child nutrition programs and then demands that local interest be measured by the amount of local cash and in-kind contributions. Furthermore, too much discretionary power is allowed to an unspecified agency to determine what will constitute a sufficient measure of local interest.

Recommendation: Delete the proviso which reads:

If funds will not permit approval of all applications received prior to April 1, local interest as indicated by the level of local financial support and in-kind contributions shall be considered in determining which applications shall be approved.

Section 225.7(b)—The amount of data required is ridiculously detailed and could be provided easily only by a large bureaucracy. These requirements discriminate against programs run by local community groups, churches and the like. The requirement that at least half the mothers be employed outside the home is a perverse misinterpretation of the statute and is blatantly sexist.

Recommendation: That the date requirements remain as they are currently written.

The anonymity of children receiving free or reduced price meals *must be protected.*

Recommendation: Delete the requirement that a description be given of the manner in which needy children will be identified which reads:

". . . a description of . . . the methods to be used to identify children, eligible for participation at the site, including the methods to be used to identify those children eligible for free or reduced price meals."

Section 225.10(e)—This section is unclear and ignores the warning of the Committee of the Conference in the Joint Explanatory Statement of Public Law 92–32, published in the *Congressional Record* October 22, 1971, in wihch they wrote that they felt that the Secretary of Agriculture has been unduly restrictive in using the authority to pay up to 80 per cent of the operating costs, and it is intended that he will be more liberal in recognizing circumstances of severe need and utilizing the authority to pay all the operating costs in such cases.

Recommendation: That up to 100 per cent of the cash expenditure for the operating costs be paid in lieu of reimbursement for meals to service institutions financially unable to meet the need to serve free or reduced price meals to more than a majority of participating children.

We object to the arbitrary and capricious design of these proposed regulations and the insensitivity which they reflect to the needs of hungry children.

Barbara Bode, Vice President, The Children's Foundation.

John Kramer, Faculty Member, Georgetown Law School.

Carol Shapiro, Programs Director, Women's Action Alliance.

Susan Berson, Asst. Community Coordinator, The Children's Foundation.

Samn Brown, Southern Regional Coordinator, The Children's Foundation.

Pat Francisco, Asst. Community Coordinator, The Children's Foundation.

Susan Wager, Asst. Community Coordinator, The Children's Foundation.

Steve Martin, Field Coordinator, Selma Project, Alabama.

Louise Moody, Day Care Expert, Selma Project, Alabama.

Peg McConnell, Pres. of the Board, Massachusetts Alliance against Hunger.

Barbara Splain, N.E. Regional Coordinator, The Children's Foundation.

Jay Lipner, Staff Attorney, Rhode Island Legal Services.

Hulbert James, Director, Crusade against Hunger.

Paul Matthias, South Carolina Council on Human Relations.

Wade Rathke, Chief Organizer, Arkansas Community Organization for Reform Now.

Stephen Brooks, Deputy Director, Food Research and Action Center.

Charles C. Dunn, Administrator, The Children's Foundation.

Susan Orr, Community Co-ordinator, The Children's Foundation.

Bill Pastreich, Director, The Massachusetts Alliance against Hunger.

Johnnie Tillmon, Asso. Exec. Director, National Welfare Rights Organization.

Marie Daniels, Field Coordinator, Selma Project, Alabama.

Jim Evans, Executive Director, MISSEDUC Foundation.

Bert de Leeuw, Legislative Liaison, The Children's March for Survival.

AIR FORCE "OVERPAYMENTS" TO LOCKHEED

Mr. CHILES. Mr. President, I am appalled at testimony offered yesterday by the General Accounting Office regarding overpayments of more than a billion dollars knowingly made by the Air Force to Lockheed Aircraft Corp. on the C–5A transport plane contract.

I feel it is imperative to examine further just what role the Air Force has played in these overpayments, and certainly the Congress needs to find out what action the Justice Department needs to take in this regard.

Last year, when the Lockheed loan guarantee legislation was before us in the Senate, I asked a question that has never been answered to my satisfaction. I still want to know, why should Congress be called on to bail out certain private corporations that apparently so mismanage their affairs that they cannot keep themselves above water? And I also want to know: Once begun, where does it end? Why such special treatment for a very few companies when many others throughout the country will never get it and they have employees who do not want to lose their jobs, too.

Last night, I had a call from one of my constituents, the superintendent of a construction company in West Palm Beach. What he told me is worth passing on because, I feel, it puts this situation in perspective. He said that if his company operated like Lockheed, his company would surely go under, for he knows there will be no Government agency or action by Congress to bail them out. Mr. President, you and I know it, too.

I certainly feel the people of this country, as well as us in Congress, have every right to know more about this situation. It alarms me when the Air Force chooses to overpay Lockheed $400 million in one payment, more than the entire net worth of the Lockheed Corp. at the time. It further alarms me that the Air Force then saw fit to make available $705 million more for the same purpose. And it astonishes me that the Air Force would then arbitrarily change Lockheed's contract from a negotiated, fixed fee contract to a cost-plus contract on a retrocative basis, thereby making the overpayment beyond recovery. This smells to me like special treatment which, if not criminal in nature, is certainly indicative of irresponsible handling of taxpayer funds.

I really believe that when the people of our Nation get the picture of this disastrous practice of funneling millions of tax dollars to selected private corporations apparently not able to handle properly their affairs, a great pressure will build on both the executive branch and the Congress to discontinue it. I certainly hope so.

Mr. President, the need is obvious for Congress to delve deeply into this appalling situation. The need is obvious for the Justice Department to be responsive and concerned, to investigate thoroughly this problem. I call for these actions, and I commend the General Accounting Office for once again proving its effectiveness and value to us.

THE CONCEPT OF SECRECY

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD an article written by Mr. Jack Foisie of the Los Angeles Times, dated Bangkok, March 22. It illustrates, better than anything I have seen, the absurdity to which our Government is carrying the concept of secrecy. I call particular attention to the ingenious way in which a stranger may now enter the most secret establishment—by pretending to be a secret agent, the guards will refrain from even asking for identification.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THAI-BASED U.S. OPERATIONS CLOSETED IN TIGHT SECRECY

(By Jack Foisie)

BANGKOK, March 22.—Thailand is gradually becoming the staging area for most American-directed ground operations in Indochina as U.S. troop withdrawals from Vietnam continue and the war and political situations in Cambodia and Laos become more tense.

This has resulted in increased sensitivity on the part of Thai and American officials alike concerning U.S. air bases in Thailand and the camps and bases involved in cross-border operations.

In answer to a newsman's request, U.S. officials disclosed that there are 245 U.S. military advisers in Thailand and 280 members of the U.S. Special Forces.

But other than outlining their acknowledged training and advising roles, the officials declined to go deeper into Thai-based American operations in the Indochina war.

Officially, the role of all American Green Berets is to "train the Thais to be trainers" in counterinsurgency warfare, teaching tactics to their own troops and to those of "third-country" armies—that is, Laotians and Cambodians.

But these same American officials acknowledge that there are numerous secret camps—they call them "ad hoc training areas"—at which Americans are placed. They will not discuss the American role in these camps.

It is known however, that some are border camps fronting on Laos and Cambodia, manned by Thai soldiers and American Green Berets engaged in clandestine cross-border operations. Rebellious areas in Burma are also being penetrated from Thai-American camps in the western provinces of Thailand.

The participation of Thai army "volunteers" in Laos, as part of a Western-backed Royal Lao army, is now an established fact. More than 5,000 Thai troops, artillerymen and airmen are in action on foreign soil.

They are American-paid, but the Thai government has its own reason for making the "volunteers" available. The North Vietnamese army and its Communist Pathet Lao auxiliary are closer to the banks of the Mekong River than in past dry seasons, and the Mekong is Thailand's border.

Despite contrary evidence, both Thai and American officials continue to pretend that the volunteers sign up on their own. They are, in fact, regular Thai units led by their own officers and taking orders mostly from the U.S. Central Intelligence Agency.

One of the assembly areas for this trans-Mekong migration is the Thai army camp of Saritsena, outside the north central town of Phitsanulok. CIA-operated Air America transport planes fly the new men from there directly into Laos.

In the most recent explanation of the Thai presence in Laos, a U.S. State Department spokesman last week described the Thais as "local forces" eligible for U.S. support.

This definition is intended to avoid violating the congressional ban on recruiting and paying mercenaries for fighting in Laos and Cambodia.

Secrecy concerning military assignments in Thailand has reached the point that a visitor with a great deal of aplomb can stumble into a secret American camp and stay a while by pretending that he, also, is on mysterious assignment.

It happened this way, without a lie being told. The gate guard challenged: "Who are you?" The newsman assumed a serious, knowing look and replied: "Don't ask me." For emphasis he pressed a finger to his lips. "Oh," the guard said, impressed. "I understand." He opened the gate and directed the visitor to the command post.

Exotic code names also figure into the secrecy. "Peppergrinder" is the name of a big American-Thai logistical base, for weapons and supplies destined for allied forces in Laos.

Despite their various unpublicized roles, the American Special Forces in Thailand have declined from the high point of 369 in 1969. The reduction was made possible after the Thai field police assumed their own training. The U.S. advisory force also has been cut back by 25 per cent from its high point.

Other American military activities have offset the reduction.

VEHICLE EMISSIONS MONTH

Mr. HARTKE. Mr. President, we are rapidly approaching the month of April—a month in which everything around us seems to come to life. Unfortunately, unless we maintain our struggle to eliminate pollution, those lovely April days that we all remember will be lost forever. One of the efforts that I have made to insure that every month is an enjoyable month was to introduce on September 16, 1971, a joint resolution to designate the month of April, 1972 as "National Check Your Vehicle Emissions Month."

Along with Representative ECKHARDT, I took this action because it is estimated that annual emission inspection, simple adjustments, and minor tuneups would result in at least a 15 to 25 percent reduction in air pollution caused by motor vehicle pollution. On the other hand, manufacturers estimate that compliance with the Federal emissions standards for 1975 model cars will result in only a 2-percent reduction in automobile emissions.

The resolution has received considerable public support. Shortly after its introduction, there was the formation of an ad hoc committee to support a presidential proclamation designating April 1972 as National Check Your Vehicle Emissions Month. This group has worked night and day to implement a program to carry out this resolution. Additional support has come from almost every quarter of American society.

Senate Joint Resolution 156 recently passed the House of Representatives, but unfortunately the Senate has to date failed to take action on the resolution. April is close at hand, and I call upon Senators to support the efforts of the House of Representatives, the public, the industry, and other concerned citizens to make April the beginning of a commitment to act affirmatively to eliminate the unnecessary pollution caused by vehicle emissions.

FAR-REACHING RESULTS OF COURT-AUTHORIZED WIRETAPPING

Mr. McCLELLAN. Mr. President, in 1968, the Senate by a vote of 68 to 12 defeated a motion to strike title III of the Omnibus Crime Control and Safe Streets Act of 1968, a title of the 1968 act that I sponsored. By this vote, the Senate indicated its approval of the use of court-authorized and supervised wiretaps and electronic surveillance in the investigation of certain Federal offenses. Because of the claims and fears of some that title III would be ineffective or would not stand up to challenges in court, I have attempted to keep this body informed of significant developments in the use of wiretaps and electronic surveillance, so that we all might be able to judge the results of our work.

On December 1 of last year, I was pleased to inform the Senate that in its first major Federal appellate review, title III was sustained as constitutional. On October 13, 1971, the U.S. Court of Appeals for the Tenth Circuit, in *Cox.* v. *United States*, No. 71–1043, specifically upheld the legal reasoning behind and justification for title III.

The issue before the court in the Cox case was the right of the Government to use information concerning a robbery, which had been incidentally obtained during the course of a lawfully authorized and executed narcotics wiretap. The court upheld the statutory scheme, which provides for retroactive judicial approval for such incidentally intercepted communications. In so doing, Judge Doyle stated:

> In electronic surveillance of organized criminals involved in gambling, information might be intercepted disclosing a conspiracy to commit murder. Surely the officials must be empowered to use this information notwithstanding the lack of specific prior authorization.

Mr. President, to show the far-reaching and successful results of this one wiretap, I should like to bring to the Senate's attention additional facts in the Cox case as revealed by a July 30, 1971, full-page article in the Kansas City Star, an article which has only just been drawn to my attention.

According to this article, from January 1969, through May 1970, an organized group called by law enforcement officials a "Black Mafia" conducted "virtually 100 percent of the narcotics traffic and controlled much of the loan-sharking, gambling, prostitution, and burglary on Kansas City's East Side," carried out several bank robberies, had an estimated gross income of upwards of $100,000 a day, in the course of its diabolical operations killed at least 20 women and men, and were planning further killings when the leaders were finally incarcerated. Further, the article states:

> The Kansas City Black Mafia had ties with many other cities around the country. Asked if the gang could have operated for the length of time and with the efficiency it did without the assistance to some persons in law enforcement, a highly placed federal source said it definitely could not.

The organization's murder victims were people who refused to join the organization, who owed money or were suspected of being police informants. At least two of these victims were tortured before they were killed. Youths were recruited from the street to carry out robberies. These young men were often heavy narcotics users, who were supplied with weapons, given instructions, and forced to turn over some or all of the loot to the organization. Sometimes they were beaten out of what was to have been their share of the robbery proceeds. We can thus see how such an organization can ensnare susceptible youths into the most despicable and inhuman sort of life. But not only were young hoodlums reached by this gang: one of the regular targets for the organization's narcotics trade were the soldiers at Fort Riley.

By the beginning of 1970, Government agents knew a great deal about the nature and extent of the organization's operations, but "hard evidence was needed before they could secure indictments." After a series of incidents involving informants, infiltration, and plans for more killing, on April 30, 1970, agents received authorization to place a wire tap on the phone of one of the gang's three leaders. This is what the paper says about that wire tap:

> The wire tap proved to be the key that broke the case, for in addition to recording enough information on narcotics activity to warrant indictments, agents also overheard plans to rob the Southgate State Bank and a scheme to murder one of the pushers.

The repercussions of this one wire tap were far-reaching. Four men, bank robbers, were arrested and subsequently convicted. Fourteen narcotic convictions and one for assault of a Federal officer were obtained.

The wire tap also revealed plans to murder a pusher for shooting large quantities of the narcotics he was meant to sell. The intended victim was taken into private custody and agreed to testify for the Government. It was learned that a price of $10,000 was put on this man's head.

With the wire tap evidence and testimony of the pusher, the leaders of the gang were arrested. The tenacity of these men is shown by one fact that this was not the end of their evil-doing, for there were plottings from within jail and further killings of potential informants. But now 19 convictions have been obtained, including the convictions of the three leaders on various charges. This indescribably evil organization, Mr. President, has been thwarted by one wire tap.

Surely this case is a vivid demonstration of the worth of title III and the good it can do to end crime that nothing else can achieve. This one case alone vindicates the Senate's 1968 judgment that the motion to strike title II should have been defeated.

Mr. President, I ask unanimous consent that the entire text of the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NARCOTICS RING HELD EAST SIDE IN DEATH GRIP

(By Michael J. Satchell)

Between January 1969 and May 1970 a Black Mafia organization conducted virtually 100 percent of the narcotics traffic and controlled much of the loan sharking, gambling, prostitution and burglary on Kansas City's East Side, it has been learned.

Authorities are convinced that in that period and in the months immediately after at least 17 persons and possibly more were slain as men and women who refused to cooperate, who owed money or who were suspected of being police informants were systematically eliminated.

An organized group, termed "Black Mafia" in a confidential federal report on its activities, also carried out or organized several bank robberies. At the height of the operation, between January and May 1970 its gross income was estimated in the confidential report to be an incredible $100,000 a day in Kansas City.

The Kansas City Black Mafia had ties with many other cities around the country. Asked if the gang could have operated for the length of time and with the efficiency it did without the assistance to some persons in law enforcement, a highly placed federal source said it "definitely could not."

The organization was broken up, but not routed. May 20, 1970, when federal agents and police conducted seven post-midnight raids and arrested seven of 18 persons named in a federal indictment charging narcotics violations. Others were arrested later.

At least three of the slayings and some of the bank robberies occurred after some of those arrested on the narcotics charges were released from jail on bond. Two high-ranking gang members, one suspected of being the informant who caused the May 20 arrests, were marked for death by the gang but were taken into protective custody by federal agents.

Authorities have learned from underworld sources that the men currently have $10,000 murder contracts on their lives.

The full scope and details of the Kansas City Black Mafia have been learned following a wide-ranging investigation. Sources include local and federal authorities and individuals who were at the heart of the narcotics activities that revolved around a highly profitable heroin and cocaine traffic.

Identified as leaders are James Eugene Richardson, 33, James Phillip (Doc) Dearborn, 38, and a white man, Eddie David Cox, 35.

Richardson received a 20-year sentence Oct. 16, 1970, after pleading guilty in U.S. District Court to a charge of conspiracy to sell narcotics. He also was found guilty two days later in Jackson County Circuit Court of assault with intent to kill a police detective during the May 20 raid. He received a 15-year sentence on that charge. He is now confined in the federal maximum security prison at Marion, Ill.

Dearborn is now in the U.S. Penitentiary in Leavenworth serving a 28-year sentence stemming from the narcotics violations. He also faces an 8-year sentence in the Missouri penitentiary after pleading guilty to a charge of burglary.

Cox is in the Kansas State Penitentiary, Lansing, serving time for parole violation on a 1- to 30-year sentence for kidnaping and felonious assault on a police officer that occurred in 1961. He faces a total of 35 years in federal prison when released from Lansing. Cox was sentenced to 15 years on the narcotics indictment and received a 20-year sentence for his role in the robbery of the Southgate State Bank, May 8, 1970.

The three men have extensive prior police records and all persons who authorities say were close to the three principals have received lesser sentences, have been released because of their co-operation with authorities, have fled or have been killed.

After the arrests in 1970 federal authorities here prepared a confidential report for the organized crime section of the Department of Justice in Washington. Entitled "Black Mafia" the report focuses on the activities of Richardson, Dearborn and Cox, and reads in part:

"It was learned the men were engaged in clandestine wholesale narcotics. They were also engaged in crimes of bank robbery, burglary, murder, loan sharking, gambling and prostitution.

"They had the ghetto area of Kansas City under their complete control through fear, intimidation, violence and corrupt public officials."

This was not an exclusive Kansas City operation but had operatives in nine other cities, the report states.

"At the height of the operation in January 1970 through May 1970," the report continues, "it is estimated these men were taking in approximately $100,000 a day. The major sources of this income was through narcotics.

"Many of the earlier activities of Cox, Dearborn and Richardson are not clear in that most witnesses have been murdered, or they are not willing to talk."

Ironically it was Cox, a white man, who set up the syndicate rule and remained the "brains" behind the figurehead leadership of Richardson, a widely known and feared individual on the East Side.

Cox was paroled from Lansing in January 1968. One of his known associates was Dearborn, who had been released from the Kansas penitentiary in 1966 after serving time for burglary.

It has been learned that after revealing to Dearborn that they would take over and control the crime in the ghetto, Cox recruited Richardson, who was released in January 1969 from Leavenworth after serving a 4-year sentence for violating the Mann Act. Cox remained a leader except for the period between—1969 and January 1970 when he was in jail for a parole violation.

Together the three men reached their systematic process to take over the disorganized narcotics traffic here and to muscle in and control multiple criminal ventures.

Related one source: "There are 25 individuals in the way and each controlled two or more persons. It was started by talking to the individuals and telling them any activity had to be cleared with the group.

"Most of them were favorable. They had no alternative. Those who didn't accept it are no longer around.

"Between 1963 and 1970, 20 people were killed . . . mostly by gunshot. Men and women. There were no hired killers . . . it was done by the principals of the organization."

Related one gang member who joined after being released from a state penitentiary:

"They got to killing off people like crazy. Anybody got in their way, they would kill 'em. All you heard in the pen was 'Gene's (Richardson) taking over the town.'"

Federal authorities have described Richardson as "a tough, dangerous individual," "a rattlesnake without a rattle," and as a "tough sonofagun" whom "nobody dared cross."

A man marked for death, but who escaped, noted: "If you gave him a smart answer he would kill you."

Cox, while not having the reputation on the street for violence that Richardson had, nor being as well known on the East Side as Dearborn, put his special talents to full use in the gang's business, as the authorities noted.

A native of Joplin, Cox has a tested I.Q. of 162 and operates, according to the confidential federal report, "at the genius level."

The report describes him this way:

"Cox has all the characteristics of being a personable businessman but underneath this front he is a cold-blooded killer who has no respect for the life of anyone he thinks is a threat to his safety or livelihood.

"It is believed that he has been a participant in 17 homicides in the Kansas City area since March 1968, the murder of a federal narcotics agent in Chicago in March 1970 and the instigator of numerous other homicides.

"A reliable informant stated that Cox will not allow anyone to do the killing that directly involves himself as he does not trust anyone to do it correctly.

"He is very personable whose brilliance is concealed behind a guileless, blue-eyed countenance. The individual commands respect for his brilliance as well as his ruthlessness."

According to authorities the Cox, Dearborn and Richardson plan had been consolidated by October 1969 and the narcotics operation was functioning smoothly.

Below the triumvirate was an integral, second echelon of four persons. They were Mrs. Cecilia Mae Tucker, 33, a girl friend of Richardson who lived in a house he owned in the 1300 block on East 84th; Charles Edward Hudgens, 34, of the 1300 block of East 36th; Edward Courtland (Sonny) Miller, 34, of the 2100 block on N. 2nd, Kansas City, Kansas; and Walton Ireland Froniabarger, 38, of the 3200 block on E. 73rd.

Also involved, although not playing major roles, were the wives of two of the leaders, Mrs. Lee Esther Richardson of the 1700 block on Monroe and Mrs. Rita Mae Dearborn, who lived in the 7200 block on Brooklyn.

The main focus of the operation and its main source of income was in the narcotics trade. Heroin and cocaine were brought into Kansas City by carriers from Los Angeles, New York, Chicago and other cities.

At first, said a source, the narcotics would come in by the ounce. As the operation became better organized and other wholesale dealers were eliminated, it was carried into the city in pounds, and then in kilo (2.2-pound) quantities.

"In the beginning it had been stepped on (cut with quinine and milk sugar) and was only about 28 per cent pure," a source related in describing the quality of the heroin.

"The last stuff coming in was 87 to 95 per cent pure; it was straight off the boat."

After the heroin was tested by one of the gang—usually a pusher—to determine its strength, it was cut to about 10 per cent or less of purity and then placed in gelatin capsules which sell in Kansas City at a standard $10 a cap.

About 15 main street pushers were put to work selling the narcotics at $10 each. Generally the pusher got $4 for each one sold with $6 being paid to the organizers.

Deliveries would be made twice a day to the main pushers who usually would sell from their houses and apartments, known among narcotics users as "shooting galleries." The gang controlled almost 100 per cent of the narcotics traffic in the inner city and also moved about 100 capsules of heroin a day through a white dealer named Bobby who sold to addicts in the Plaza area.

At some point the heroin and cocaine trade expanded to Kansas City, Kansas, and Junction City, Kans., where there is a steady demand for narcotics from the soldiers at Ft. Riley.

While the estimate by some federal authorities of a daily income of $100,000 is too high, according to other federal sources and former gang members, there is no doubt that the profits from narcotics and other illegal activity were considerable.

Money was being raked in from individuals who were allowed to carry on their separate rackets with the gang's permission. It cost these persons 25 per cent of their take to remain in business. The gang also reaped profits from prostitution, gambling, loan sharking and other illegal activity, some of which they controlled directly, others which they "franchised."

Bank robberies also were planned by the group with Dearborn, Cox and Froniabarger specializing in this activity. Sources report they planned the robberies and used intermediaries to recruit youths from the street to carry out the robberies.

The youths, often narcotics users with heavy habits, were provided weapons, given detailed instructions, and then were forced to turn over most or all of the loot to the gang.

"The kids used were little hustlers off the streets . . . kids who were mugging and strong-arming," reported one person familiar with the bank robbery aspect of the gang's activities.

"They got kids who would kill their mamas to get a reputation. Usually 75 per cent of the take went to the group, although sometimes the kids didn't get anything or they got beaten out of their money."

Although federal authorities have only been able to link the gang definitely to one bank robbery—the May 8 holdup of the Southgate State Bank in which Eddie Cox was convicted with three other men—they say others were initiated by the organization.

To protect the leaders from close identity with the bank holdups twin brothers well-known on the street were used as intermediaries to the unreliable youths, a source related.

The brothers currently are serving 20- and 25-year terms for bank robbery after convictions stemming from the robberies of the Suburban Bank and Trust Company, Feb. 9, 1970, and the Empire State Bank, July 29, 1970.

Although huge profits were being reaped, principally from the narcotics operations, money was being spent fast.

"Expenses and overheads were high" noted a gang member, mentioning in the same breath the fees charged for bringing the narcotics into the city (up to $10,000) to the cost of payoffs.

Leaders of the group also lived expensively. Most, particularly the pushers and Richardson, were heavy narcotics users themselves although Cox was not.

Some gambled heavily, bought property and drove new cars. Richardson was fond of tooling around in a 1970 Cadillac Sedan de Ville and he also owned a Buick Electra 225. Money was spent carelessly with some members lavishing expensive presents on girl friends.

There also is evidence that some members were hoarding part of their profits, either in cash or jewels, in safe deposit boxes or possibly in numbered bank accounts outside the United States. After their May 20 arrests all of the core leaders quickly were freed after bonds totaling nearly half a million dollars were paid.

The story of how the illegal operation was smashed by authorities is a convoluted, often bizarre and irony-filled series of events involving undercover agents, infiltration, informants, secret surveillance that reportedly was not secret very long, a telephone wire tap and finally the May 20 raids.

Not until the principals were imprisoned, in some cases as much as six months after their arrests during which time all but Cox were out on bail, did their illegal activities cease.

Completely unknown to the gang was the fact that Walton Froniabarger, one of the main pushers, was an informant. He had been arrested by agents in a narcotics case and began supplying information on the gang in the hope of escaping prosecution.

Agents learned, however, he was playing a double role. In addition to supplying them with some information he gradually began taking a more active and genuine role in the gang's operation. Agents believe Froniabarger assumed he could beat his earlier narcotics arrest in court, and so reverted to his role of allegiance to the gang. He was dropped as an informant and agents, as they gathered evidence on the gang, included him in their prosecution plans.

After being released on bond following the May 20 raids Froniabarger jumped bail and now is being sought by authorities on a federal fugitive warrant.

Authorities began investigating the East Side narcotics activities intensively in October 1969, spurred in part by informant information and the killings Oct. 30 of Rudolph Hill, 28, and Laura Rosemary Jackson, 29.

Hill and Miss Jackson were found in their fourth-floor apartment at 3627 the Paseo. Their hands were bound behind them and they had been shot in the back of the head. Before they died, a source said, they had been tortured.

The couple dealt in narcotics and both had extensive police records. Federal sources say Froniabarger was seen leaving their apartment 30 minutes before the deaths and he took pains to leave unnoticed. Authorities believe he set up the couple for the killing.

According to sources the killings of Hill and Miss Jackson were only two of the estimated 17 to 20 murders that occurred here in connection with the Black Mafia's activities. Discipline among the pushers and others was strict, one informant recalled, adding:

"People were killed for three reasons: They wouldn't join the organization, they tried to hold out money or start their own bag (sell narcotics independently) or because they might be informants.

"All the pushers got into trouble at some time or other. The first time they were jumped on and got a good whipping. There was no second violation—they knew they wouldn't be around. Those who were eliminated were replaced."

Of the 17 homicides the investigation indicates that the following murders, in addition to those of Hill and Miss Jackson, are indisputably linked.

July 2, 1970: Mrs. Mary Louise Hudgens, 36, wife of Charles Hudgens, beaten unconscious and given a fatal overdose of heroin.

July 6, 1970: Hermanthony Quillar, 36, shot twice in the right temple with .38-caliber bullets.

Sources also indicate the following homicides are connected to narcotics and other alleged illegal activities and those in the latter part of 1970 may be part of the legacy of violence left by the operation after it initially was broken up.

May 15, 1969: Clifford Ernest Lucas, 37, shot twice in the back of the head with a shotgun.

May 23, 1969: Olnie Smith, Jr., 24, shot three times in the side with a small-caliber weapon.

June 6, 1970: Daniel McNeal, 21, shot in the head with .45-caliber and .22-caliber weapons.

July 26, 1970: Gary Lee Hill, 21, bludgeoned and strangled to death and his body tossed in Troost Lake.

Sept. 6, 1970: Manchester George Owens, 22, shot four times in the head and chest.

Dec. 18, 1970: Frank Delano Poole, 29, also known as Rollin Toby Smith, hit by shots fired from a passing car as he walked on the street.

By the first part of 1970 agents had a good idea of the extent and operation of the underworld activities, but hard evidence was needed before they could secure indictments.

A narcotics agent from Houston had entered the investigation in an undercover role and was posing in the ghetto as an armed robber and as a militant. Feb. 25, with the help of an informant, he successfully bought four capsules of heroin for $60 from Froniabarger at his residence. Also present at the transaction was a woman member of the gang. The agent also bought heroin from Hudgens.

Soon after it was discovered the man was a federal narcotics agent and plans were made to kill him. Tipped off that their man was in grave danger authorities quickly pulled him out of the investigation. The informant who introduced the agent to the gang to make the narcotics purchases also was spirited away.

By March 1970 the group reportedly was tipped off by a police officer that they were under heavy surveillance and attempts were made to tighten up the criminal organization.

"In March the gang got their first real knowledge that it was being surveilled," a gang source reported. "They heard it from a Kansas City police department officer . . . a detective. The word was the gang was being watched by the Bureau of Narcotics and Dangerous Drugs.

"Attempts were made to tighten up the loose ends . . . make sure there were no informants in the group and that pushers weren't selling to people they didn't know or who hadn't been buying (narcotics) for a number of months."

In addition leaders were also monitoring the radio traffic of agents who were assigned to watch them, for Eddie Cox owned a motor car equipped with radios which could receive police broadcasts.

"The Plymouth automobile he (Cox) owns is a law enforcement vehicle with an extra high performance engine and the car is equipped with both high- and low-band monitor radios which will intercept and monitor 16 police frequencies at one time," it is stated in the confidential federal report.

(Most law enforcement vehicles are sold after they have been driven for a certain number of miles. The radios are removed from them, but radio receiver equipment is not difficult to obtain.)

"It is known that he monitored FBI, Bureau of Narcotics and Dangerous Drugs, and the Kansas City Police Department frequencies frequently," the report adds.

The FBI and Bureau of Narcotics and Dangerous Drugs frequencies are highly confidential and it would be virtually impossible to guess them.

April 30, 1970, agents received permission from Judge Elmo B. Hunter of the federal district court to place a wire tap on Richardson's telephone. The tap was installed and connected to an office manned by agents at 121 W. 63rd.

The wire tap proved to be the key that broke the case, for in addition to recording enough information on narcotics activity to warrant indictments, agents also overheard plans to rob the Southgate State Bank and a scheme to murder one of the pushers.

The plan for the bank robbery was discussed on Richardson's telephone by Michael DeWayne Piggie, 21. Four men, the agents overheard, would rob the bank May 8 at 1:15 p.m. The bank was subsequently robbed and Piggie; Cleveland D. Ford, 26, Maurice Lanear, 21, and Eddie Cox, who was accused of driving the escape car, were arrested the following day and later convicted. Cox has remained in jail since then.

May 18 Dearborn and Richardson were overheard discussing plans to kill one of their pushers because he had been "coming up short on his bag." He had been short $4,000 on his payments because he had been shooting up large quantities of the narcotics himself.

Agents staked out the pushers' home and watched Dearborn and Richardson enter through a door left unlocked by prearrangement with another resident of the house. They were arrested and the pusher, who was asleep upstairs, was not hurt. After he listened to the tape recording of the plot to kill him he agreed to testify for the government and was taken into protective custody. Richardson and Dearborn were later released.

Authorities say that from then on a $10,000 price was put on the pusher's head. The offer remains.

Armed with the wire-tap evidence and the testimony of the pusher 50 agents and detectives swooped in on the gang two days later and arrested the principals.

Richardson, Dearborn, Froniabarger and Hudgens were held in the Jackson County Jail and there they began planning strategy after their anticipated release on bail.

"When they were in jail they got a copy of the indictment and went down the list of who might crack," a source related.

First out on bond was Mrs. Lee Esther Richardson, who reportedly went to a bank safe deposit box and removed enough valuable jewelry to act as collateral for the bonds for her husband, Dearborn and Froniabarger, whose earlier informant role still was not known by the gang.

In a federal report it states that it was then decided by the gang leaders that Mrs. Mary Louise Hudgens and Charles Edward Hudgens must be killed. Mrs. Hudgens reportedly had told another woman she and her husband might testify against the gang. The information was related to Richardson.

The report states Richardson arranged for the bond to free Mrs. Hudgens.

"Two days after her release on bond, the money for the bond being provided by James Richardson, she was found dead and available information indicates that she was killed by Richardson or one of his associates . . . by forcibly injecting an overdose of heroin," the report states.

"Information has come to this office that she was killed because Richardson felt she might have become a government witness. Richardson also was interested in getting Charles Hudgens released on bond.

"He provided the fee and posted bond. Information was received that he was also slated to be killed. After Hudgens was released he was taken into voluntary protective custody."

Information also was received that some persons were so anxious to kill Hudgens—who originally had been forced by Richardson to work for the gang in repayment of an old debt—that there would even be an attempt made on Hudgens' life while he was being transported between jails by a U.S. marshal.

Authorities spirited Hudgens away quickly and he remains in hiding, also with a $10,000 offer for his death.

Authorities were anxious to prosecute Hudgens for his role in the narcotics ring, but instead he was given a lengthy sentence and placed on probation.

"It would be almost impossible for the Bureau of Prisons to confine Hudgens in any institution where an associate of Richardson is not confined," a federal report states. "It is sincerely believed that if Hudgens is confined in jail he would be killed."

Out on bond Richardson and Dearborn moved swiftly to collect all the money owed them.

"When Gene (Richardson) got out on the streets he started collecting debts and putting the fear of God in everyone," a source said. "Tony (Hermanthony Quillar) was killed as an example. He owed money. There were more who got killed."

In a sidelight to the breaking up of the gang agents raided a house in the 4500 block of Benton May 22, two days after the mass arrests, and seized a cache of 23 weapons, described as extremely fine guns. The cache, owned and used by the gang, included eight .38-caliber revolvers, two sawed-off shotguns, two pistols, six rifles, four long-barreled shotguns and a .30-caliber military carbine.

The gang's last encounter with the law occurred Sept. 21, the day after Richardson pleaded guilty in federal court on the narcotics charges. Police officers stopped Richardson's car on a traffic violation and discovered three felons, Mrs. Tucker, a bag of heroin and plastic syringes in the car.

Authorities said Mrs. Tucker was carrying two fully loaded .38-caliber revolvers beneath her armpits. Richardson tried to grab one of the revolvers, but was prevented from doing so by a policeman.

Oct. 16 Richardson finally was placed behind bars after being sentenced to 20 years in a federal prison. Cox still was confined after his May 9 arrest for the Southgate bank robbery.

Mrs. Rita Mae Dearborn was placed on probation Dec. 1 for five years with the provision that she remain out of Kansas City. Feb. 5 this year Dearborn was sentenced to 28 years and Mrs. Tucker received a 7-year sentence. Miller, who handled the Kansas City, Kansas, end of the narcotics operation, was sentenced to a 17-year term Feb. 23. Cox received 15 years the same day and Mrs. Richardson was sentenced to a 3-year term.

Others in the gang received varying sentences. Froniabarger, who jumped bail, still faces sentencing.

GROWTH AND INFLUENCE OF NATIONAL SECURITY COUNCIL

Mr. FULBRIGHT. Mr. President, several articles in the press recently have discussed the growth and influence of the National Security Council, and more specifically, Dr. Henry Kissinger, who controls the NSC, but not under the title of Executive Director. I, along with others, have raised the question of the wisdom of extending the immunity for accountability to the Congress, under the guise of Executive privilege to those in the White House, such as Dr. Kissinger, who appear to have the greatest influence upon the formulation of our foreign policy. This is a matter of fundamental importance to the conduct of our foreign relations, and in order to make clear the position of the Committee on Foreign Relations as well as the White House, I ask unanimous consent to have printed in the RECORD my letter of February 10, 1972, to Dr. Kissinger, and the reply thereto of February 28, 1972, signed by Mr. John W. Dean III, counsel to the President.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, D.C., February 28, 1972.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This will acknowledge receipt and thank you for your letter to Dr. Henry A. Kissinger dated February 10, 1972, which in his absence has been referred to me for response.

Consistent with long established principle and precedent, because of Dr. Kissinger's position as a member of the President's immediate staff he will be unable to accept your gracious invitation to appear before the Committee on Foreign Relations.

However, please be assured that we share your belief that the Executive and Legislative Branches should exchange views on foreign policy, and we are confident that such exchange can be carried out to the fullest extent by the constituted officers of the Executive Branch.

With warm regard.

Sincerely,

JOHN W. DEAN III,
Counsel to the President.

U.S. SENATE,
Washington, D.C., February 10, 1972.

Hon. HENRY A. KISSINGER,
Assistant to the President for National Security Affairs, The White House, Washington, D.C.

DEAR HENRY: In view of the wide public exposure you have received as a result of your recent press and television briefings, I wondered whether you might wish to reconsider your earlier reluctance to appear before the Committee on Foreign Relations. I doubt that the Founding Fathers contemplated that the Executive and Legislative branches should exchange views on foreign policy by reading press accounts.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

THE "VAT" TAX AND EXPORTS

Mr. HARTKE. Mr. President, it is common knowledge that the Nixon administration is considering the imposition of a value-added tax as a new source of revenue and a possible substitute for the real property tax. At the time of the introduction of my bill to provide a tax credit for education (S. 3322), I noted that the VAT tax is a regressive tax which will hit low- and moderate-income consumers the hardest.

In defense of VAT, some have claimed that it will aid American exports on the international market. But the impact of VAT is unpredictable. It may not help our exports, and it should not be imposed with that purpose in mind.

Mr. President, I ask unanimous consent that an article published recently in the Washington Post be printed in the RECORD. I believe that it represents a rational discussion of this one aspect of the value-added tax.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IMPACT ON TRADE IS UNPREDICTABLE—VAT AS AN INCENTIVE TO EXPORTS—A SHAKY BELIEF

(By Philip H. Trezise)

In floating the idea of a value-added tax (VAT) as a partial substitute for local property taxes and as a source of school revenue, the administration has opened the issue for serious discussion, which is to the good. Whether a national tax on consumption is a desirable way to raise funds for education or, for that matter, for other purposes, is surely a proper subject for national debate. But we should not be diverted by the repeated assertion that such a tax is also needed to help our international trading position.

No matter what some of our businessmen have come to believe about the "unfairness" to us of the VAT, as it operates in Europe, a national sales or consumption tax cannot be justified as a way to improve the U.S. trade accounts. Indeed, it is not even clear in which direction such a tax would work so far as our external trade is concerned.

Once more, we need to be sure what the issue is, it is true that some European countries levy a VAT on a wide range of goods and are allowed by the international trade rules to collect the same tax on imports and to rebate it on exports. We also have state sales and federal excise taxes which are imposed on imports and are not collected on exports. These taxes are not the same as customs duties or export subsidies. The benefits to the trade account from them, if any, depend on who in fact pays the taxes.

The argument for believing that our trade will benefit from a VAT is a rather simple one. The idea is that a general sales or consumption tax cannot always be passed on in its entirety to the home market consumer, because competitive conditions sometimes will not permit. When this happens, the producer absorbs part of the tax and in consequence accepts a lower rate of profit on his domestic sales. In that circumstance, he has an incentive to export, since the tax is then rebated to him and he can more nearly fulfill his profit expectations. Note that when the tax is wholly passed on to the consumer, the export incentive does not exist.

Should we expect that American producers will be required by domestic market conditions to absorb some of a VAT in their domestic sales and thus be induced to export more? One clue at least is that at present we find it necessary to apply controls over most of these same goods so as to restrain upward pressures on their prices. It is certainly not crystal clear why we should suppose that producers, who must be prevented by the application of federal power from raising prices, would find it impossible or even difficult to pass on to consumers, and in full, a national sales tax, which they could perfectly legitimately do.

In Holland a few years ago a VAT was imposed at a time of strong inflationary pressures. Prices rose by more than the VAT rate and the Dutch had to impose a general freeze to keep them in check.

The point is that the impact on trade of a VAT is not predictable and can, as in the Dutch case, be perverse. In our current economic situation, the assumption must be that at best a VAT would not help exports and, if the price controllers were not alert and effective, might hurt them by pushing prices up by more than the amount of the VAT.

Even if one assumes different competitive conditions, and widespread absorption of a part of a VAT by producers, skepticism about the trade effects would be warranted. Reports from the White House are that the VAT being considered would raise revenues of $16 billion. This would imply a tax rate of about 3 per cent on a broad base, or, with probable exemptions, perhaps 5 per cent. (VAT rates in Europe, by comparison, range upward from 11 per cent.) Rates of this kind, reflected in consumer prices as they mostly would be, would have some predictable and lively responses at home. But worked through to the international trading arena, they could not amount to significant export incentives.

More fundamentally, we do not need to go to a VAT or to other devices of the sort for trade or balance of payments reasons. The Group of Ten finance ministers agreed at the Dec. 18 Smithsonian meeting that "discussions should be undertaken promptly to consider reform of the international monetary system over the longer term" and that "attention should be directed to . . . means of establishing a suitable degree of flexibility [in the system]." This prescription is the valid one for our government, which must have had a large role in drafting it.

A sufficiently flexible monetary mechanism would assure that changes in national competitive positions, whether induced by tax changes or by other causes, would be reflected promptly in exchange rates, that is, in the international prices of national currencies. Any trade gains or losses from changes in tax systems would be quickly eliminated by changes in exchange rates. Surely, if we continue to believe in the virtues of the market mechanism, an understanding with our trading partners on greater monetary flexibility must be priority number one for foreign economic policy.

VAT by contrast is irrelevant as an approach to our external accounts. Let us debate the issue of imposing such a tax as a domestic question, on which there is ample to be said.

RACIAL INTEGRATION—A THIRD ALTERNATIVE

Mr. HANSEN. Mr. President, as the country agonizes over the issue of forced busing to achieve racial integration in the schools, it is assumed by some with regard to this controversy, as with regard to the question of integration itself, that there are only two positions to be taken: To favor integration, and therefore, busing; or to prefer segregation, and therefore oppose busing.

Particularly do politicians find themselves categorized as supporting or opposing integration on the basis of their position on forced busing.

Prof. Nathan Glazer, whose most enlightening comments on the busing issue appeared in a recent Washington Post article, notes:

> But if to stand with the further extension to all the Northern cities and suburbs of transportation for desegregation is suicide, how can the liberal congressmen join with the South and with what they view as a northern bigotry in opposing busing? Is there a third position, something which responds to the wave of frustration at court orders, and which does not mean the abandonment of hope for an integrated society?

Professor Glazer concludes that not only is there a third position, but that it is by far the most logical and reasonable to embrace. Says the professor:

> There is a third path for liberals now agonized between the steady imposition of racial and ethnic group quotas on every school in the country—a path of pointlessly expensive and destructive homogenization—and surrender to the South. It is a perfectly sound American path, one which assumes that groups are different and will have their own interests and orientations, but which insists that no one be penalized because of group membership, and that a common base of experience be demanded of all Americans.

Professor Glazer points out that despite the pessimistic views of civil rights experts and bureaucrats administering desegregation laws, tremendous progress has been made in the past 10 years. He notes that the South is more integrated than the North; that the school systems of the South are desegregated; that hundreds of thousands of blacks have moved into professional and white collar jobs, into schools and universities, into integrated housing areas, into voting patterns, and into the mainstream of American life. He notes that while the Constitution specifies that certain rights must be guaranteed to all:

> One understand that the Constitution sets limits to the process of negotiation and bargaining even in multi-racial and multi-ethnic setting.
>
> But the judges have gone far beyond what the Constitution can reasonably be thought to allow or require in the operation of this complex process. The judges should now stand back and allow the forces of political democracy in a pluralistic society to do their proper work.

The tremendous progress made during the 1960's toward integration and protection of the rights of minorities must be continued in the 1970's. But the shuffling of children among schools to satisfy racial quotas does not serve the necessary and attainable goal of integration, or the moral obligation of racial equality. Rather, forced busing is the hysterical approach of those who have rejected without cause the ability of our society, guided by the Constitution, to right these wrongs, and who wrongly view opponents of such contrived and counterproductive approaches as racists.

Professor Glazer said the cause of civil rights and integration—

> Has been advanced because millions of blacks now vote—in the South as well as the North—and because hundreds of blacks have been elected to school committees, city councils, state legislatures, the Congress. This is what is creating an integrated society in the United States.
>
> We are far from this necessary and desirable goal. It would be a tragedy if the progress we made in achieving integration in the 1960s were not continued through the 70s. We can now foresee within a reasonable time the closing of many gaps between white and black. But I doubt that mandatory transportation of school children for integration will advance this process.

Mr. President, I ask unanimous consent that Professor Glazer's comments be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Is Busing Necessary?

(By Nathan Glazer)

It is the fate of any social reform in the United States—perhaps anywhere—that, instituted by enthusiasts, men of vision, politicians, statesmen, it is soon put into the keeping of full-time professionals. This has two consequences. On the one hand, the job is done well. The enthusiasts move on to new causes while the professionals continue working in the area of reform left behind by public attention. But there is a second consequence. The professionals, concentrating exclusively on their area of reform, may become more and more remote from public opinion, and indeed from common sense. They end up at a point that seems perfectly logical and necessary to them—but which seems perfectly outrageous to almost everyone else. This is the story of school desegregation in the United States.

For 10 years after the 1954 Supreme Court decision in *Brown*, little was done to desegregate the schools of the South. But professionals were at work on the problem. The NAACP Legal Defense Fund continued to bring case after case into court to circumvent the endless forms of resistance to a full and complete desegregation of the dual school systems of the South. The federal courts, having started on this journey in 1954, became educated in all the techniques of subterfuge and evasion, and in their methodical way struck them down one by one. The federal executive establishment, reluctant to enter the battle of school desegregation, became more and more involved.

The critical moment came with the passage of the Civil Rights Act in 1964, in the wake of the assassination of a President and the exposure on television of the violent lengths to which Southern government would go in denying constitutional rights to Negroes. Under Title IV of the Civil Rights Act, the Department of Justice could bring suits against school districts maintaining segregation. Under Title VI, no federal funds under any program were to go to districts that practiced segregation.

With the passage of the Elementary and Secondary Education Act in 1965, which made large federal funds available to schools, the club of federal withdrawal of funds became effective. In the Department of Justice and in the Department of Health, Education and Welfare, bureaucracies rapidly grew up to enforce the law. Desegregation no longer progressed painfully from test case to test case, endlessly appealed. It moved rapidly as every school district in the South was required to comply with federal requirements. HEW's guidelines for compliance steadily tightened, as the South roared and the North remained relatively indifferent. The Department of Justice, HEW, and the federal courts moved in tandem. What the courts declared was segregation because what HEW declared was segregation. After 1969, when the Supreme Court ordered, against the new administration's opposition, the immediate implementation of desegregation plans in Mississippi, no further delay was to be allowed.

PROGRESS IN THE SOUTH

The Federal government and its agencies were under continual attack by the civil rights organizations for an attitude of moderation in the enforcement of both court orders and legal requirements. Nevertheless, as compared with the rate of change in the years 1954 to 1964, the years since 1964 have seen an astonishing speeding-up in the process of desegregating the schools of the South.

Writing during the presidential campaign of 1968, Gary Orfield, in his massive study, "The Reconstruction of Southern Education," stated: "It has been a social transmutation more profound and rapid than any other in peacetime American history."

Orfield thought that it was all coming to an end. With Mr. Nixon attacking the guidelines that had brought such progress, and with the civil-rights coalition coming apart in the fires of the cities of the North, Orfield wrote, "A clear electoral verdict against racial reconciliation [that is, the election of Mr. Nixon] could mean that the episode of the school guidelines may recede into history as an interesting but futile experiment."

Orfield underestimated the bureaucrats, the courts, and the overall American commitment to the desegregation of Southern schools. While Mr. Nixon's appointees were suffering the same abuse as Mr. Johnson's before them for insufficient zeal, the desegregation of the racially divided school systems of the South proceeded. Thus the director of the HEW Office of Civil Rights, J. Stanley Pottinger, could summarize some of the key statistics as of 1970 in the following terms:

"When school opened in the fall of 1968, only 18 per cent of the 2.9 million Negro children in the Southern states attended schools which were predominantly white in their student enrollments. In the fall of 1970, that figure had more than doubled to 39 per cent . . . [and] the percentage of Negroes attending 100 per cent black schools dropped . . . from 68 per cent to 14 per cent."

There has been further progress since, and if one uses as the measure the number of blacks going to schools with a majority of white children, the South is now considerably more integrated than the North.

WHY THE DIVISION?

Yet the desegregation of schools is once again the most divisive of American domestic issues. Two large points of view can be discerned as to how this has happened. To the reformers and professionals who have fought this hard fight—the civil rights lawyers, the civil rights organizations, the government officials, the judges—the fight is far from over, and even to review the statistics of change may seem an act of treason in the war against evil. Indeed, if one is to take committed supporters of civil rights at their word, there is nothing to celebrate.

A year ago the Civil Rights Commission, the independent agency created by the Civil Rights Act of 1957 to review the state of civil rights, attacked the government in a massive report on the civil rights enforcement effort: "Measured by a realistic standard of results, progress in ending inequity has been disappointing. . . . In many areas in which civil rights law afford pervasive legal protection—education, employment, housing—discrimination persists, and the goal of equal opportunity is far from achievement."

The civil rights movement sees that minorities are concentrated in schools that may be all or largely minority, sees an enormous agenda of desegregation before it, and cannot pause to consider a success which is already in its mind paltry and inconclusive. The struggle must still be fought, as bitterly as ever.

There is a second point of view as to why desegregation, despite its apparent success, is no success. This is the Southern point of view, and now increasingly the Northern point of view. It argues that a legitimate, moral, and constitutional effort to eliminate the unconstitutional separation of the races (most Southerners now agree with this judgment of *Brown*, has been turned into something else—an intrusive, costly, painful, and futile effort to regroup the races in education by elaborate transportation schemes.

The Southern congressmen who for so long tried to get others to listen to their complaints now watch with grim satisfaction the agonies of Northern congressmen faced with the crisis of mandatory, court-imposed transportation for desegregation. On the night of Nov. 4, 1971, as a desperate House passed amendment after amendment in a futile effort to stop busing, Rep. Jack Edwards (R-Ala.) said:

"Mr. Chairman, this will come as a shock to some of my colleagues. I am opposing this amendment. I will tell you why. I look at it from a rather cold Southern point of view. We are busing all over the First District of Alabama, as far as you can imagine. Buses are everywhere . . . people say to me, 'How in the world are we ever going to stop this madness?' I say, 'It will stop the day it starts taking place across the country, in the North, in the East, in the West, and yes, even in Michigan.'"

And indeed, one of the amendments had been offered by Michigan congressmen, long-time supporters of desegregation, because what had been decreed for Charlotte, North Carolina, Mobile, Ala., and endless other Southern cities was now on the way to becoming law in Detroit and its suburbs.

As a massive wave of antagonism to transportation for desegregation sweeps the country, the liberal congressmen and Democratic presidential aspirants who have for so long fought for desegregation ask themselves whether there is any third point of view: whether they must join with the activists who say that the struggle is endless and they must not flag, even now; or whether they must join with the Southerners.

To stand with the courts in their latest decisions is, for liberal congressmen, political suicide. A Gallup survey last October revealed that 76 per cent of respondents opposed busing, almost as many in the East (71 per cent), Midwest (77 per cent), and West (72 per cent), as in the South (82 per cent); a majority of Muskie supporters (65 per cent) as well as a majority of Nixon supporters (85 per cent). Even more blacks oppose busing than support it (47 to 45 per-cent).

But if to stand with the further extension to all the Northern cities and suburbs of transportation for resegregation is suicide, how can the liberal congressmen join with the South and with what they view as Northern bigotry in opposing busing? Is there a third position, something which responds to the wave of frustration at court orders, and which does not mean the abandonment of hope for an integrated society?

NOT A BETRAYAL

There is, unfortunately, a widespread feeling, strong among liberals who have fought so long against the evil of racial segregation, that to stop now—before busing and expanded school districts, are imposed on every city in the country—would be to betray the struggle for an integrated society. They are quite wrong. They have been misled by the professionals and specialists—in this instance, the government officials, the civil-rights lawyers, and the judges—as to what integration truly demands, and how it is coming about. Professionals and specialists inevitably overreach themselves, and there is no exception here.

It would be a terrible error to consider opposition to the recent judicial decisions on school integration as a betrayal of the promise of *Brown*. The promise of *Brown* is being realized. Black children may not be denied admittance to any school on account of their race (except for the cases in which courts and federal officials insist that they are to be denied admittance to schools with a black majority simply because they are black). The school systems of the South are desegregated. But more than that, integration in general has made enormous advances since 1954. It has been advanced by the hundreds of thousands of blacks in Northern and Western colleges. It has been advanced by the hundreds of thousands of blacks who have moved into professional and white-collar jobs in government, in the universities, in the school systems, in business. It has been advanced by the steady rise in black income which offers many blacks the opportunity to live in integrated areas. Most significantly, it has been advanced because millions of blacks now vote—in the South as well as the North—and because hundreds of blacks have been elected to school committees, city councils, state legislatures, the Congress. This is what is creating an integrated society in the United States.

A THIRD PATH

We are far from this necessary and desirable goal. It would be a tragedy if the progress we made in achieving integration in the 1960s were not continued through the 70s. We can now foresee within a reasonable time the closing of many gaps between white and black. But I doubt that mandatory transportation of school children for integration will advance this process.

For, so far as the schools in particular are concerned, the increase in black political power means that blacks—like all other groups—can now negotiate, on the basis of their own power, and to the extent of their own power, over what kind of school systems should exist, and involving what measure of transportation and racial balance. In the varied settings of American life there will be many different answers to these questions. What Berkeley has done is not what New York City has done, and there is no reason why it should be. But everywhere black political power is present and contributing to the development of solutions.

There is a third path for liberals now agonized between the steady imposition of racial and ethnic group quotas on every school in the country—a path of pointlessly expensive and destructive homogenization—and surrender to the South. It is a perfectly sound American path, one which assumes that groups are different and will have their own interests and orientations, but which insists that no one be penalized because of group membership, and that a common base of experience be demanded of all Americans. It is the path that made possible the growth of the parochial schools, not as a challenge to a common American society, but as one variant within it. It is a path that, to my mind, legitimizes such developments as community control of schools and educational vouchers permitting the free choice of schools. There are as many problems in working out the details of this path as of the other two, but it has one thing to commend it as against the other two: it expands individual freedom rather than restricts it.

One understands that the Constitution sets limits to the process of negotiation and bargaining even in a multi-racial and multi-ethnic setting. But the judges have gone far beyond what the Constitution can reasonably be thought to allow or require in the operation of this complex process. The judges should now stand back, and allow the forces of political democracy in a pluralist society to do their proper work.

VOICE OF DEMOCRACY CONTEST

Mr. PELL. Mr. President, the Veterans of Foreign Wars each year sponsors a Voice of Democracy contest. The Rhode Island representative in this national competition this year was Richard Webb, a junior at Barrington, R.I., High School.

I think the Veterans of Foreign Wars, and the Department of Rhode Island of the VFW, are to be commended and congratulated for their sponsorship of this fine program, which prompts our young citizens to stop and consider some of the basic tenets of our society and our form of government.

I believe that Senators will be interested in Richard Webb's thoughtful exploration of the limits of individual freedom in our country. I ask unanimous consent that the text of his essay be printed in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

VOICE OF DEMOCRACY SPEECH BY RICHARD WEBB, OF BARRINGTON, R.I., HIGH SCHOOL

Mom: Hey, Mom—Where does our freedom stop? No, I've got to do this essay for history and the question was, "Where does an American's freedom end?" When he breaks a law and gets put in jail? Yeah, okay, thanks Mom. Hmmm—that's true, I guess, but I've got a feeling I can come up with something better! I don't exactly have to break a law to have freedom taken away from me. I mean, look at Roger Williams. He wasn't breaking a law when he wanted religious freedom, but the Puritans kicked him right out of Massachusetts for it, so he had to go start Rhode Island. And in the news, when those kids were demonstrating. They didn't break a law, but the policemen told them to go someplace else. Hey, wait a minute! They didn't break a law, but what about those other kids who weren't demonstrating? They couldn't get to classes, some of them, and it was too noisy to study. I bet that's the reason they got kicked out. Yeah, and "majority rules . . ." I know about that! There was only a couple of hundred guys demonstrating, I think, but there were lots and lots more who weren't, so it wasn't fair to the majority.

Now, back to this paper. Where did I hear it, "one man's freedom ends where another man's freedom begins"? Oh, I don't remember, but it's still a good way to start. One man's freedom ends where another man's freedom begins. Mmm . . . we've got a responsibility to the other people in our country, and each one of them has a responsibility to try and preserve the freedom that our fathers fought for as best they can. Each one of us has that responsibility to freedom. The thing is, however, no one can be taught responsibility to anything, let alone to freedom. How could anyone get all upset if I decided tomorrow that an intangible ideal like freedom just wasn't worth the worry—wasn't worth that responsibility. How can I understand that I'm responsible for the freedom I supposedly have if I can't even conceptualize freedom. The Constitution says I've got lots of freedoms, that they're guaranteed to me because I'm a citizen of the United States. What would it be like without my guaranteed freedoms? I don't know! That's even more difficult to visualize than the freedoms themselves. Maybe I can't really see the freedoms I've got, but I know they're there, and I know everybody tells me what a good thing it is to have them. When I'm older, they say, I'll understand. I hope so.

Good job. Dave. I liked the way you questioned freedom by pointing out that it's intangible. I think you could have drawn a better conclusion, a better reason for that responsibility to freedom, however, other than that older people tell you it's important. Your decision that freedom relies on individual and collective responsibility was a very good point. Your ideas were all there, though I think you could have developed them more, continuing to say, perhaps, that this responsibility to freedom is why we're not supposed to infringe upon the rights of others. If each person tries to fulfill his responsibility and is careful not to abuse the rights of others and the rights that are given to him in addition, I think we'll be that much closer to a peaceful existence.

FUTURE OF THE KENNEDY CENTER

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Mr. Christopher Lydon from the New York Times of February 27, 1972, about Mr. Roger L. Stevens, chairman of the Board of Trustees of the Kennedy Center. The article raises some fundamental questions about the future of the Center, especially with regard to the question of support from public funds in order that the patronage may be widened to include all economic classes. Mr. Stevens has done a remarkable job in guiding the Center through a most difficult period. The acceptance by the public in general has been far beyond expectations, but there remain very serious problems involving the last payments to the contractors for claims arising out of delays, together with the maintenance of the Center as a memorial. I commend the article to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CRY THE BELOVED STEVENS?

(By Christopher Lydon)

WASHINGTON, D.C.—By all measures, the most powerful performance of the Kennedy Center's first six months has been that of Roger L. Stevens, the deceptively shy, vaguely monkish-looking millionaire who has come to dominate the Center almost to the point of making it a personal vehicle. "Some day," says a Broadway producer, admiringly and only half-kiddingly, "it will be renamed The Roger Stevens Center for the Performing Arts." Younger artists who question his taste and his authoritarianism had begun to call him "the Robert Moses of Culture" in unhappy memory of New York's master highway builder. Like him or not, almost everyone recognizes by now a distinctive Stevens style about the place.

A large part of Stevens's power results from his versatility. A self-made success in real estate, he took complete charge of the Center's difficult and often controversial construction. As the producer of more than 100 Broadway plays through the 1950's and 1960's, he has done all the booking at the Center's three theaters. A man of innumerable roles, he often meets himself coming and going.

Roger Stevens, the Kennedy Center chairman, has arranged, for example, with Roger Stevens, the independent producer, to bring his New York production, "Old Times" by Harold Pinter, to Washington this week. The same Mr. Stevens was able to ease out the Kennedy Center's first artistic director, George London, by naming him executive director of the National Opera Institute, which Stevens created when he headed President Johnson's Arts Council and of which Stevens happens still to be president.

Besides booking traveling shows into the Kennedy Center, Stevens has occasionally listed himself as producer—of Leonard Bernstein's Mass, for example, because he had commissioned it, and of Odets's "The Country Girl," because the revival was his idea and he had done the casting. For "The Time of Your Life," which played the Eisenhower Theater for three weeks in January, he did not credit himself, though in fact he had served a producer's function by posting a $35,000-a-week guarantee for the Plumstead Playhouse venture.

Even if theater professionals did not know Stevens was shaping every detail of the Kennedy Center program, they could guess it. There are details, like the prominent consulting assignments given to Oliver Smith, Stevens's long-time stage designer, adviser and occasional collaborator in New York productions.

But there are larger and more important patterns, like Stevens's preference for "classics" and for big-name stars, and the upper-middlebrow tone with which he stretched but seldom escaped the boundaries of commercial theater in New York. Two of the Kennedy Center's big opening productions, the Mass and "Candide," were the work of Leonard Bernstein, the composer with whom Stevens struck it rich in "West Side Story." And the Center's current musical is "Lost in the Stars," an adaptation of "Cry the Beloved Country," which Mr. Stevens guided to Broadway some 20 years ago.

It is widely—and for the most part ungrudgingly—observed that the Kennedy Center, a 70-million joint venture of private and government effort, would never have been built without Stevens' tireless pushing. Gradually, and with somewhat more misgiving, it is recognized that production, too, is a one-man show—that Roger Stevens in one form or another stands behind every policy, every triumph and every embarrassment.

"I respect Roger Stevens as a theater man," says Joseph Papp, founder of the New York Shakespeare Festival and a strong promoter of the idea of a government-supported "national theater." "He's a serious theater person. I have grave doubts that anyone can do better at selecting plays and booking them into the theater. But if you're going to *create* theater there, you're going to need other people."

Stevens' defense of his program—as it is of the building, which he is happy to have finished in the face of innumerable difficulties—is a pragmatic one: at a time when half the theaters in New York are dark and attractive product is scarce, he is keeping three theaters busy and audiences coming in droves. Yet as some of the opening euphoria wears off, questions hinting at an identity crisis keep coming up among the staff as well as among critical outsiders.

Is the Kennedy Center going to be a home of the arts or just a house? Can it be satisfied without initiating a single new play this season, settling instead for touring shows like the Broadway-bound musical "Sugar," and revivals like "Captain Brass-bound's Conversion" with Ingrid Bergman? Will it expand its audience beyond the rich, white and middle-aged who predominate night after night?

And, at the root, should it keep trying to break even, as Stevens still aspires to make it do? Or must it acknowledge that any truly national theater (if that is what the Kennedy Center wants to be) needs and deserves continuing outside support? "It's hard to argue with success if he's filling the house with nice stuff," Papp observed the other day. "They can make this case: why create a problem where none exists—that is, a situation where you *need* a subsidy. But the danger of institutions like that is they do the old stuff over and over again until they become moribund.

"Where are the new plays?" Papp persists. "And where are the American authors who are writing today? Being located in Washington, the Kennedy Center should reflect the serious work that's going on in this country. It should be provocative, challenging, political, strong in social content. There should be a Vietnam play there, and a black play. The way a theater grows is by producing its own stuff."

"Well, I mean, where *are* the new plays?" Stevens inquires in response. He has seen Mr. Papp's new season, with its plays on Vietnam and black militancy, but prefers not to discuss it specifically. "I read three or four plays a week, and they've all come to me from substantial people, but I just don't see any new plays that are worth doing. It's one thing to try out a play in a small threater where it doesn't cost you an arm and a leg, but not in a theater where it's going to cost you $150,000. We're not in a position to amortize the cost of a play in a week."

Steven's critics see that high level of cost—a lavish production standard and a rich stagehands' contract that was only rewritten under public pressure last month—as a sad inhibition on the Kennedy Center. But Stevens seems to consider it as inevitable as his own exclusive control over the selection of shows. "I'm supposed to be in charge of the theater," he says. "I put 125 plays on Broadway and I didn't go around asking people's opinions before I did them. I take the responsibility for that. You can't have a committee sit around and choose the plays."

Producer Jerry Schlossberg, whose new mystery, "The Others," with Julie Harris and Richard Kiley, would have been the first new play to appear at the Kennedy Center, found that the Washington opening he had hoped for would have been substantially more expensive than the Philadelphia tryout he settled for. "A play that could break even in New York with a weekly gross around $32,000 might need $41,000 to break even at the Kennedy Center."

Much more important, Schlossberg says, the Eisenhower Theater lacks the beam or ceiling lights that can be cast down over the front of the stage and that are essential to theatrical effects his and many other modern plays require. "They haven't done anything new at the Kennedy Center," Schlossberg says, "and the arrangements at the Eisenhower Theater almost preclude it"—at least under the old stagehands' contract that had most of the local production staff on overtime rates from midweek on.

It is an "absolute lie" that lighting problems forced Schlossberg out," Stevens rejoins. "He walked away from a commitment to the Kennedy Center because he got a guarantee in Philadelphia and we didn't have any Theater Guild subscriptions left. How could he say you can't light a play in there? We've had five successful plays."

If there is a distinctive Stevens smoothness about many of the Kennedy Center operations, there is an equally characteristic acrimony when things go wrong. Stevens claims he was forced to absorb a substantial loss, about $30,000, on the opening two weeks of the American Ballet Theater last fall. Sherwin M. Goldman, the ballet company's president, who suspects that Stevens is covering up embarrassing losses on "Candide" and the two enormously expensive performances of the opera "Ariodante," has charged "hokum" and insists that the Kennedy Center made money on his ballet. Stevens, outraged, says bluntly, "American Ballet Theater won't come back here as long as Sherwin Goldman is president." There evidently has been no effort to let auditors from either side resolve the disputed profit and loss figures.

Stevens gets the last word in these little squabbles; but he also controls—or is stuck with—financial and political decisions that must shape the Kennedy Center's future. Persuading Congress to grant him $1.5-million a year to maintain the memorial functions of the building and reopen it to tourists is Steven's most immediate problem.

But the question of production subsidies—seemingly unavoidable after unexpectedly large opening losses—would seem to be closer to the heart of the matter. The $1-million production fund that Stevens raised for the start of the season is "pretty well decimated," he says. The deficit on Bernstein's Mass alone is about $400,000—much more than the Kennedy Center is likely to recover from its 40-cents-a-record share of royalties of the cast album. Anticipated profits from commercial shows like "Sugar" were supposed to have replenished the artistic production fund, but they have largely vanished into the Center's huge overhead. And the recently announced plan to take Center productions out of town—starting with New York bookings this spring of "The Country Girl," "Lost in the Stars," and the Mass—are not based on any clear prospect of profit.

For Joseph Papp, asking for subsidy and getting it is important in itself—a test of whether the theater will free itself of the primary need to fill its seats with people who can afford $10 apiece for an evening's entertainment. For others, the critical need for subsidy would be welcome if it forced questions of purpose that have never been openly debated at the Kennedy Center. For Stevens, who seems to sense the dilemma of purpose, the question of where the Center must look for help is another of the issues he keeps largely to himself.

The original hope was that the theaters in the Center would pay for themselves. The next best thing would be private sponsorship by individuals and corporations. Stevens does not rule out the last resort to Congress but, in fact, his concrete plan does not extend beyond finishing the Center's construction and paying off his building bills.

"Then," he promises, "We will see where we're going."

THE PARIS PEACE TALKS

Mr. BROCK. Mr. President, I call attention to events which took place last week in the Paris peace talks. It was quite appropriate that U.S. Ambassador William J. Porter repeated his strong demands that the North Vietnamese discuss the plight of our prisoners of war and missing in Southeast Asia. It was fitting because at the direction of this distinguished body the President has designated this week of March 26–April 1 as a National Week of Concern for Prisoners of War/Missing in Action, in his continuing attempt to bring world opinion to bear on the North Vietnamese with the hope that they will abide by the terms of the Geneva Convention in the treatment of prisoners.

The Communist response was the same as it has been before—a charge that the POW issue is being raised for political reasons. I suggest that such a charge is amply refuted by the fact that 74 of my distinguished colleagues joined as cosponsors of my Senate Joint Resolution 189 authorizing this action, and three others—the Senator from Colorado (Mr. EAGLETON), the Senator from Nevada (Mr. BIBLE), and the Senator from Oregon (Mr. HATFIELD)—indicated their desire to do so after the measure had passed, making a grand total of 77 names on this legislation.

No partisanship motivated our desire to give our Government another powerful tool with which to try to bring world opinion to bear on the North Vietnamese, to abide by the provisions of the Geneva accords, beginning with inspection of the camps by the International Red Cross which regularly inspects camps on the South.

To the contrary, the facts speak for themselves that an overwhelming majority of the Members of the House and Senate do, indeed, recognize this cause as one which is humanitarian, a cause which deserves first priority over any personal considerations. I am very grateful for their support. I ask unanimous consent that the article from the Washington Evening Star be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNITED STATES TO SHUN PARIS TALKS, HANOI CHARGES "SABOTAGE"

PARIS—U.S. Ambassador William J. Porter, angered by Communist refusal to negotiate at the Paris talks on Vietnam, adjourned the deadlocked talks today and said he would not return to the conference table until the Communists indicated in advance they were ready to get down to business.

A U.S. State Department spokesman said the move did not mean the United States was breaking off the talks, but chief Hanoi delegate Xuan Thuy denounced Porter's move as "sabotage" and said the United States "must assume full responsibility for the consequences."

The Viet Cong reaction was even sharper.

"We will never accept these conditions," Viet Cong spokesman Ly Van Sau said, angrily shaking his fist. "What Mr. Porter is trying to do is assume for himself unilaterally the role of a judge who alone decides when the meetings are to be held. We reject Mr. Porter's action."

Porter said the United States would boycott next Thursday's session, and no new date was set for the next round. He told North Vietnam and the Viet Cong delegations that the United States or South Vietnam might suggest meetings to take up "particular points or subjects whenever such discussions appear likely to be useful."

Porter used his strongest language during the 147 meetings in Paris over three years. He was especially bitter at the Communists' refusal to negotiate on American prisoners and accused them of using them to exert "a particularly abhorrent form of blackmail."

"It would be a mockery of our concern for them were we to sit in this room with you and listen to more of your blackmail and distortions to the effect that the prisoner-of-war issue is an imaginary problem," Porter said.

The Communists had said President Nixon was using his plea for impartial inspection of POW camps as part of his re-election campaign.

MRS. BINH RETURNING

The U.S. move came while the conference awaited the announced return to Paris of Mme. Nguyen Thi Binh, the foreign minister of the Viet Cong's Provisional Revolutionary Government who has been in Hanoi since September for consultations with the Government of North Vietnam.

Stephen Ledogar, spokesman for the U.S. delegation, told newsmen the United States was willing to listen "if she comes with a negotiable plan. If she has no authority to negotiate there is no point of discussing it."

"We have had three years, 147 meetings, so there is ample evidence that the old formula of meetings does not work," Ledogar said. "We can't be any worse off than we are now. We are not ready to show up every Thursday for a new dose of their litanies."

REMINDER ON POWS

The talks have fallen into a familiar pattern—U.S. demands that the North Vietnamese discuss the freeing of American prisoners of war and Communist countercharges that the United States is escalating the air war while talking peace in Paris.

Porter reminded the Communists that President Nixon has declared next week as a week of national concern for prisoners held in Indochina. He said it would be a mockery of the U.S. concern for prisoners to meet next week without serious negotiation.

Today's session started off in familiar pattern. Porter once again called for North Vietnam to permit impartial inspection of the POW camps and the Communists refused on grounds the request was merely a maneuver in President Nixon's bid for reelection.

"President Nixon is raising the so-called prisoner of war issue while day and night U.S. bombers are raining thousands of tons of bombs on the Vietnamese population, including old men, women and children," Deputy Viet Cong negotiator Dinh Ba Thi said in a prepared speech.

BUSING AND THE SUPREME COURT

Mr. METCALF. Mr. President, on last Friday, March 24, 1972, I had the privilege of presiding over the Senate when the distinguished junior Senator from Connecticut (Mr. WEICKER) made a memorable speech. I returned to my office determined to make a statement in support of Senator WEICKER's able and courageous address, but the Senate adjourned before I had an opportunity to do so.

This is the comment that I would have made had I not been presiding and been present at Senator WEICKER's speech.

In discussing busing, the U.S. Supreme Court is talking about a constitutional question, and Senator WEICKER is eminently correct in reminding us that these issues cannot be resolved by an act of Congress, that a statutory resolution is not the solution.

On the second issue, that of an adequate appropriation for quality education, the Senator from Connecticut has made a strong case. Senator WEICKER points out that $2½ billion is woefully inadequate and that there should be an appropriation of at least $12 billion for this purpose. I agree that $2½ billion is pitifully inadequate, but the $12 billion is also insufficient. It would probably take at least $14 billion to give America the quality education that every boy and girl is entitled to expect to attain the American dream of equality of opportunity.

Nevertheless, in an innovative and bold

speech the Senator from Connecticut has opened up an avenue of debate that will be significant and important.

THE WAR IN VIETNAM—AN EVALUATION

Mr. FULBRIGHT. Mr. President, several books and many articles have been written about the war in Vietnam. With the thought that perhaps an exchange of letters between the Secretary of Defense and the junior Senator from Arkansas, in May and June of 1964—prior to the Tonkin Gulf incident—might be of interest to Senators as a supplement to the books, I ask unanimous consent that they be printed in the RECORD. Subsequent developments, I believe, give these exchanges some historical interest.

In addition, Mr. President, I ask unanimous consent to have printed in the RECORD an article from the February 1969 Reader's Digest, consisting of an interview with Adm. John S. McCain, Jr., commander in chief, Pacific, also for the purpose of enabling Senators to evaluate the judgment of one of our most influential leaders in the light of subsequent developments.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

MAY 23, 1964.

ROBERT S. MCNAMARA,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: I enclose a picture from this morning's Washington Post with the cutline "Vietnamese soldiers hitch a Communist Viet Cong guerrilla prisoner to an armored truck carrier before dragging him through a stream to make him talk."

I want to know if this is the kind of advice the numerous American advisers are giving the Vietnamese. If we are not advising this procedure, why are we not using our considerable influence with the Vietnamese to prevent it?

The fact that torture is morally repugnant ought to be sufficient reason not to practice it. But if there are those who think it is required as part of a "realistic" approach to a tough and dirty war, let them ponder the fact that so far as I know, it has never really achieved its purpose, but on the contrary has frequently served to strengthen the sympathizers of those on whom it is practiced while degrading its practitioners. The experiences of the Romans with the Christians, of the Spanish Inquisition with presumed heretics, and of the German Gestapo with the European underground are prominent examples chosen at random from history.

I think we are all agreed that a major part of the problem in Viet Nam is political. The sort of activity pictured in the enclosure can only aggravate the political problem. It is all the more disturbing because it follows reports of napalm bombing of innocent villagers simply because the presence of Viet Cong is suspected.

I have been gravely concerned over the situation in Viet Nam even without reports of torture and indiscriminate bombing. In the best of circumstances, it is difficult to foresee a satisfactory solution. If the civilian population of Viet Nam—and the people of the United States—are to be alienated by such tactics, then it seems to me a satisfactory solution becomes impossible. Despite my concern, I have been restrained in my public comments and have supported the Administration's policy because, frankly, I have seen no alternative. However, I cannot support a policy such as that pictured in the enclosure, nor do I believe the Congress or the American people will support it. It is bound to fail. This being the case, we should cut our losses and withdraw.

I will welcome your early and candid comments.

Sincerely yours,
J. W. FULBRIGHT,
Chairman.

THE SECRETARY OF DEFENSE,
Washington, June 12, 1964.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I share the concern you have expressed in your letter of 23 May concerning the reported mistreatment of a Viet Cong prisoner, and assure you that our U.S. military advisors neither advise nor condone such practices. To the contrary, our advisors at all levels have emphasized the necessity for humane treatment not only because of the moral factors involved, but because of the very real psychological and propaganda benefits that can accrue to the Government of Vietnam cause in combatting the Communist insurgency and terrorism. Indeed, during the last eighteen months we have made major efforts to influence the Vietnamese military and civilian leadership to deal humanely with prisoners. Practical measures which have been fully accepted and supported by the Vietnamese High Command include intensive training in proper handling and interrogation of prisoners, and a widely-publicized amnesty program ("Chieu Hoi" program)—under which some 12–15,000 Viet Cong voluntarily turned to support of the Government.

Prisoner procedures provide for minimum routine interrogation at the time of capture in order to gain information of immediate tactical value. The prisoner is then moved to Division or Corps levels where more detailed interrogations are conducted. Prisoners believed to have knowledge of important information are transferred to Saigon where they are further questioned by expert interrogators.

On March 7, 1964 the Vietnamese High Command issued a directive controlling upon all Vietnamese forces on the subject of prisoner interrogation which states, in part: "Mistreatment of killing of prisoners of war is forbidden. Each unit is responsible for the handling of its prisoners. Mistreatment, beating or killing of prisoners will be severely punished".

Despite determined efforts to assure humane treatment of prisoners, we must recognize that in the heat and excitement of battle against any enemy who uses murder, terror and atrocity as his standard weapons, exceptions to the rule will occur. This is especially the case when Viet Cong atrocities or the results thereof have been seen by Vietnamese troops.

The particular incident to which you refer was investigated by the U.S. Military Assistance Command in Vietnam. We cannot tell definitely whether the incident actually occurred, inasmuch as no U.S. personnel were present and the Associated Press representative states he was given the picture by a Vietnamese stranger. However, the area in which the action allegedly occurred is one in which numerous Viet Cong atrocities have been committed and in which many bloody battles have been fought.

With regard to the use of napalm, this weapon is not employed indiscriminately by the Vietnamese air force. It is used when it is considered to be the most effective available ordnance against a specific target. U.S. adfisors ontinue to emphasize the need for care and discrimination in target selection and use of weapons.

Please accept my assurance that the importance of these matters is fully recognized by the Vietnamese High Command and that our U.S. advisors will continue their efforts to see that the Vietnamese High Command directive of March 7 is followed.

Sincerely,
ROBERT S. MCNAMARA.

[From the Reader's Digest, February 1969]

IN VIETNAM, THE ENEMY IS BEATEN

(An interview with Adm. John S. McCain, Jr., commander in chief Pacific)

(By John G. Hubbell)

Q. Admiral McCain, what is the military situation in Vietnam?

A. We have the enemy licked now. He is beaten. We have the initiative in all areas. The enemy cannot achieve a military victory; he cannot even mount another major offensive. We are in the process of eliminating his remaining capability to threaten the security of South Vietnam. I am convinced that that is why he has come to the conference table in Paris—to try to win there what he has failed to win on the battlefields.

We must, of course, expect further periods of very hard fighting as he attempts to negotiate some sort of victory. He could not care less about sacrificing manpower in an effort to win a political objective.

Q. Political and military leaders have been making this kind of optimistic statement for the last four years, yet the war has continued to escalate. What reason is there for such optimism now?

A. My optimism is based on hard military realities. The enemy has suffered staggering losses. More than 420,000 communist troops have been killed, 170,000 last year alone. In both Vietcong and North Vietnamese army units, leadership and general caliber of troops are deteriorating rapidly. The Vietcong has been so decimated that two thirds of its ranks are now composed of North Vietnamese, and the training capacity of the North Vietnamese can't keep up with the Vietcong's demands. Inexperienced youngsters are replacing battle-seasoned veterans (we have captured 14-year-olds). North Vietnam has had to increase its draft age from 30 to 33. North Vietnamese officers who have surrendered or deserted to us complained bitterly to having had to throw inadequately trained troops into battle.

North Vietnamese and Vietcong desertion rates have been high and appear to be accelerating. Of the nearly 90,000 who have come over to us since 1963, almost half have come in the past two years. Enemy troops now are giving up to our side at a sustained rate of 500 per week (including prisoners of war). In short, for the past year we have been looking at an increasingly anemic military capability.

Q. Is this the result of some new strategy on our part?

A. It's the result of having worked a terrible attrition on the enemy for four years. In recent months, General Abrams* has taken the initiative from the enemy in brilliant fashion. An enemy offensive in May—the first they were able to launch since last winter's Tet offensive against South Vietnam's cities—was crushed. The enemy then spent months gathering his forces for another major offensive in August. But Abrams hit the enemy in his staging areas before he was able to strike, and there was no August offensive. The South Vietnamese military supported by allied forces are rooting out the enemy's political apparatus, scattering his guerrillas, surfacing his arms and food caches, blocking his lines of communication, sealing off his sources of recruitment and undercutting his every hope of revival as a military threat.

Q. How is General Abrams able to launch such effective pre-emptive strikes? He must have better intelligence now than was available a short year ago, prior to the Tet offensive. It appeared that no one knew that was coming.

---

* W. Creighton Abrams, Commander, U.S. Forces Vietnam.

A. There are really two answers to that. First, we *did* have signs that the Tet offensive was coming, but we didn't read them correctly because we couldn't believe what we were seeing. We couldn't believe that the communists would profane Tet, which is the most sacred time of the year to all Vietnamese, especially after agreeing to honor it with a truce.

Second, our intelligence is indeed much better now. One reason is that, after the communists so savagely violated Tet, large numbers of South Vietnamese finally turned against them. Prior to this, many South Vietnamese had no tradition of loyalty to the central government. Now such a tradition is developing. The people have become better sources of intelligence. In retrospect, the Tet offensive may have been the turning point of the war, where the enemy once and for all lost the South Vietnamese people—which is what this war is all about.

Q. And there is no chance the enemy could launch another offensive as savage as Tet?

A. Obviously, if you give an enterprising enemy a breathing spell, he is going to reestablish *some* capability. He is going to rebuild bridges, repair roads, train and equip forces and move supplies south. But he can't do anything again on the scale of the Tet offensive. Our intelligence is too good and our forces are too strong for him. It is possible he will try something spectacular—a major rocket attack on Saigon, for example—but it would be aimed mainly at demoralizing the American people and at scoring bargaining points at the conference table in Paris.

Q. You say the communists have lost the South Vietnamese people. What is the situation in the countryside, in the villages?

A. About 70 percent of the population now lives in relatively secure areas. This is largely the result of the government of South Vietnam's pacification effort and its new Phoenix Program, a highly efficient and successful intelligence effort which got under way in late 1967. Its purpose is to destroy the communists' political structure in South Vietnam. It goes about this by gathering intelligence, putting together dossiers, and distributing "most wanted" lists in villages and hamlets. We are now able to go into villages and pick up the communist leaders. Recently, for example, we apprehended 57 of the highest-ranking communists in Quang Duc province. We have destroyed the communist infrastructure in many villages and severely damaged morale among communist cadres.

Q. How effective are South Vietnam's armed forces now?

A. They have come a long way. In recent months, they have been displaying an increased morale, proficiency and dedication. The main reason is that they are receiving much better training, and are being led by a growing number of competent, combat-experienced men. Also, they are now equipped with the M–16 rifle (replacing the M–1), which increases their firepower by 50 percent. And there have been intangible factors, including the increased support of the South Vietnamese people, and an awareness that the war is being won.

There is still a lot of room for improvement, of course, but, in one recent week we got a good look at what the South Vietnamese can do. First, South Vietnamese Marines and regional-force soldiers took on the enemy at the Phuoc Tan outpost in Tay Ninh province, killed 148 and inflicted a casualty ratio of 20 to 1. Four days later, a Civilian Irregular force at Katum outpost in Tay Ninh province met the enemy, killed 135, inflicted a casualty ratio of 13 to 1 and captured a large quantity of arms and munitions. Two days after that, the enemy launched simultaneous attacks on the Phuoc Tan and Thien Ngon outposts in Tay Ninh province. Both attacks were beaten off; the enemy lost 276 killed, the South Vietnamese only 11. Significantly, these battles were fought close to the enemy's Cambodian sanctuaries, where he is supposed to have an advantage.

Just as happened with South Korea's armed forces, I believe it is entirely reasonable to assume that South Vietnam will come out of this war with a sufficiently strong military posture to face up to any communist aggression in future years. I think, too, however, that as in Korea, some sort of American military presence will be required in South Vietnam for several years.

Q. Do we need more men in Vietnam to finish the war?

A. Our current authorized strength is 549,500 (U.S. forces actually there now total 537,500), and total allied strength is about 1,400,000. This should be ample to do the job, particularly in view of the enemy's fast-deteriorating military posture.

Q. Do you have any advice for war-weary American people?

A. Yes. We must remember that the communists announced publicly long ago that they meant to extend their dominion over the world's peoples through "wars of national liberation." Vietnam is the first "war of national liberation," the testing ground. If the communists make it work there, we must expect to find ourselves involved in more such wars elsewhere. So we must not let it work in Vietnam. We must fight it to a finish, and achieve in Paris the kind of peace that will convince the communists that their evil experiment in warfare will not work anywhere else. The job will be much easier if every American understands that the war is as much his concern as that of the boys who are doing the fighting, bleeding and dying.

WAR POWERS

Mr. FULBRIGHT. Mr. President, my attention has been called to a publication of the Bureau of Public Affairs of the Department of State on the subject of the war powers of the President and Congress. It is a small publication called GIST.

This document presents the view of the executive branch on the bill which will soon be before the Senate, S. 2956. It ignores completely the position and arguments set forth in the committee report on this bill. This publication makes no mention of the 800 pages of testimony taken on the subject.

One would think that as a simple matter of fairness and objectivity, this document, published by the Department of State for domestic use, would at least mention the availability of congressional documents on the subject.

What bothers me is that Congress appropriates funds to the executive branch which the Executive then uses to propagandize the American people in support of the positions of the executive branch. It is rather as if a committee were to hold hearings and then publish only the views in support of the committee decisions.

I ask unanimous consent that the document be printed in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD. as follows:

THE WAR POWERS OF THE PRESIDENT AND CONGRESS

1. *Background:* On February 9, 1972, the Senate Foreign Relations Committee reported out a bill (S. 2956) which, in the absence of a declaration of war by the Congress, or specific statutory authority, would limit the Presidential use of U.S. forces in hostilities or in situations involving an imminent risk of hostilities to the following:

To repel or forestall or to retaliate against an attack upon the U.S., its territories and possessions;

To repel or forestall an attack against U.S. Armed Forces outside of the U.S., its territories and possessions;

To protect U.S. citizens being evacuated from any country where their lives are being threatened.

The use of U.S. Armed Forces in any of the foregoing situations would be limited to 30 days or less, unless specifically extended by Congressional legislation.

2. *Effects of bill:* It is our view that the bill as now drafted would curtail Presidential action in many important situations that may be vital to the nation's interest. It could increase, in certain important cases, rather than decrease, the risks of involving the U.S. in armed conflict. The bill would:

Prohibit the President from using the armed forces as a demonstration of U.S. determination to exercise its rights, as for instance in the event of a renewed Berlin blockade.

Drastically reduce the President's ability to deploy U.S. Armed Forces for deterrent or defensive purposes, as in the case of the Czech invasion, when U.S. forces in Europe were augmented as a precautionary measure.

Appear to severely limit our ability to cooperate with our allies by prohibiting the participation of members of the U.S. Armed Forces in integrated commands such as NATO and NORAD, when forces under such command became engaged in hostilities.

Restrict the President's ability to react in the event of armed attacks against our nuclear submarines or even against U.S. citizens or merchant vessels on the high seas.

In addition, the bill could:

Reduce the President's ability to deploy U.S. armed forces and the world for peacekeeping purposes. This role is vital to the deterrence of armed conflict; it was so viewed at the time the Constitution was written. Such deployment of U.S. forces is not an act of war but an attempt to keep the peace.

Be misinterpreted by potential enemies and by our allies as an indication that the U.S. would be incapable of reacting swiftly in an emergency situation.

Generate, because of the 30-day limitation on the involvement of U.S. Armed Forces in hostilities, pressures to escalate hostilities in order to achieve objectives by whatever means available within that time period.

In the event of an armed attack on the United States itself, Congress may be unable to meet within the 30-day period, and the President would therefore be unable legally to continue U.S. defense measures. Moreover, once U.S. forces are being used for a legitimate purpose, it may prove impossible, as a practical matter, to terminate that action within an arbitrary time period.

3. *Administration's position:* Both the Congress and the President have constitutional powers affecting the use of our Armed Forces, and the two branches of Government should cooperate to see that these shared powers are exercised in a way that serves the nation's interest.

The Executive Branch:

Realizes that under our constitutional system decisions in this vital area should reflect a common perspective among the Legislature and the Executive, as well as the electorate, so that each may play its proper role;

Believes that Congress already has ample powers under the Constitution which it could exercise as a check upon Presidential action and that any attempt to try to define Congressional or Presidential powers more precisely than the Founding Fathers thought wise should be approached with the utmost caution and study.

It is not advisable, in the emotional atmosphere of Viet-Nam today, to enact far-reaching legislation with major Constitutional implications. The views of the organized bar, which is presently undertaking a study of the war-powers issue, should be known and debated generally throughout the country before Congress takes action on this subject.

AID TO BANGLADESH

Mr. SAXBE. Mr. President, on March 2 of this year I placed in the RECORD at page 6520, the latest figures from the State Department relating to aid to Bangladesh. These figures showed that the United States was the supplier of at least 75 percent of all governmental assistance to East Pakistan prior to the war and 37 percent of the total prewar refugee relief in India. Further, I stated our contributions to postwar Bangladesh represented 14 percent of the known worldwide contributions.

These figures were furnished to me pursuant to my request for clarification of U.S. assistance to the subcontinent in comparison with that of other countries. I had heard reports that our assistance was no where near that great and that substantial amounts of food and other humanitarian assistance had been diverted to Vietnam, Indonesia, and Afghanistan.

When I testified before the Foreign Relations Committee on the recognition of Bangladesh, I scrupulously avoided any mention of economic assistance, although the subject was raised by my colleagues. It now appears that these reports may in fact be true, and I now seek publicly the clarification that I heretofore sought privately from the State Department.

In a letter to the editor of the Washington Post on Tuesday, March 14, 1972, David A. Weisbrod, Director of the Bangladesh Information Center, stated:

> The confusion surrounding just how much aid has actually flowed to East Pakistan/Bangladesh has become so intense that several Senate offices have reported they have received different figures from the Administration as to the amounts delivered . . . Despite considerable prodding from capitol hill, AID has not been able to produce a clear-cut breakdown of the quantities off-loaded.

The March 27 issue of Newsweek magazine contains an article entitled "Bangladesh: The Fight for Survival," stating:

> Yet, the United States not only maintains that no catastrophe is in sight, but has actually cancelled more than 60% of the humanitarian aid that it had previously earmarked for Bangladesh. 'Most people in Bangladesh are living such a marginal existence that economic problems don't really affect them,' one Administration official said last week.

Ignoring for the moment the callousness of this remark, I again ask now that the U.S. Senate is on record favoring the recognition of Bangladesh: What is our policy to that country and what aid and assistance have we delivered to it?

I ask unanimous consent that the letter to the editor of the Washington Post plus the Newsweek magazine article, plus a cable from the Emergency Relief Fund sent to the President, and finally an article in the Washington Post dated March 16 be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U.S. AID TO BANGLADESH

(By David A. Weisbrod)

Through the spring and summer of 1971 President Nixon declared that humanitarian concern was one of the cornerstones of United States policy in South Asia. As evidence of this concern the President in his State of the World message referred to a figure of $158 million which the United States had "committed" to programs of relief in East Pakistan.

Lately, however, there has been a rising tide of criticism both from the public and Congress questioning the extent of U.S. humanitarian assistance to Bangladesh. Congress especially has expressed concern about the lack of dispatch on the part of the administration in helping mobilize a relief effort.

Although three weeks have elapsed since United Nations Secretary-General Kurt Waldheim issued what he called the most urgent appeal for funds in the history of the U.N., so far no answer has been received from the United States commensurate with the $200 million appropriated by Congress for this purpose.

Several senators note that what has been holding up the program is the President's hesitation in according diplomatic recognition to the government of Bangladesh. Despite the administration's denial of this charge, during the entire period that the question of recognition has been kept under "review" no significant fresh assistance has been earmarked for Bangladesh.

On March 6, testifying before the Senate Foreign Relations Committee, Deputy Assistant Secretary of State Christopher Van Hollen announced the signing of a $21 million food agreement with the United Nations. Three days later a Washington Post editorial praised the agreement, noting, "The United States which provided two-thirds of the world's emergency aid to then East Pakistan has just kicked in another $25 million worth (sic)."

Senator Edward Kennedy however disclosed on March 7 that the new deal amounted to nothing but a restatement of a six month old agreement with the government of Pakistan that had already been credited as "committed" in 1971.

The confusion surrounding just how much aid has actually flowed to East Pakistan/Bangladesh has become so intense that several Senate offices have reported that they have received different figures from the administration as to the amounts delivered. One congressional source said that he was told by the Agency for International Development that so far $30 to $40 million worth of assistance had been delivered—only a fraction of the $158 million labelled as committed more than six months ago. Despite considerable prodding from Capitol Hill, AID has not been able to produce a clear breakdown of the quantities off-loaded.

If assistance is not provided quickly and if substantial work is not initiated on repairing the country's internal transportation network, a second, devastating and unnecessary round of disaster may strike Bangladesh.

After 10 months of struggle, civil war and atrocities the people of Bangladesh have at last established their own government. The political complications inherent in the relief operation last summer and fall have been eliminated. There is new found hope to build a free, democratic society. Will the United States meet its commitment to help in this effort?

BANGLADESH: THE FIGHT FOR SURVIVAL

Even to the poets who have so eloquently sung its praises, "Golden Bengal" has sometimes seemed a living hell. For centuries, famine, disease and civil strife have visited the land as regularly as the monsoons that lash its coast. But nothing in this ancient and bitter legacy prepared the Bengalis for the calamities that have befallen them in recent months: a devastating cyclone, the insensate massacres carried out by West Pakistan's army of occupation and, finally, a savage war. And while they emerged from this baptism of death as the proud inheritors of a newly independent nation, the Bengalis' suffering is far from over. For now, another tragedy looms—the specter of an internal collapse that could conceivably lead to revolution, anarchy and the destruction of the fledging state of Bangladesh.

Instead of alleviating their suffering, independence has in fact only brought the Bengalis new adversities. For Bangladesh emerged from war a ravaged nation. Its economy lies in collapse, its fertile farmlands are trampled and barren and its treasury is bankrupt. More than a million and a half people have died—and still the killing goes on. Though the new government of Bangladesh is led by a revered national hero. Sheikh Mujibur Rahman, it has so far proved inept and unequal to the Gargantuan tasks at hand. And with the exception of the Soviet Union, which has launched an effective campaign to carve out a new sphere of influence in Bangladesh, the developed nations of the world have been either indifferent to the plight of Bangladesh or clumsy in their attempts to alleviate it.

What is most baffling about all this is that, although a number of respected voices have been raised in alarm, the world as a whole has failed to grasp the magnitude of the new tragedy that threatens Bengal. "Seventy-five million people have been caught in this upheaval," says Toni Hagen, the Swiss director of the United Nations Relief Operation in Dacca. "There are no yardsticks for measuring it. Previous disaster relief operations around the world faced nothing so immense." Yet, the United States not only maintains that no catastrophe is in sight, but has actually canceled more than 60 per cent of the humanitarian aid it had previously earmarked for Bangladesh. "Most people in Bangladesh are living such a marginal existence that economic problems don't really affect them," one Administration official said last week. That type of reasoning has infuriated critics of the Administration such as Sen. Edward M. Kennedy. "The Administration's policy defies understanding," he told NEWSWEEK last week. "Each day this Administration delays in using already appropriated funds holds back the relief effort, and each day means one more day of suffering."

The Nixon Administration contends that additional emergency aid to Bangladesh is unnecessary because the threat of famine no longer exists. But the fact remains that the economy of Bangladesh—and thus the livelihood of the Bengalis—is in shambles. Industry lies idle, with much of its machinery ruined or ransacked and without the raw materials available to begin even modest production in those plants still capable of functioning. More than 400 factories owned by West Pakistanis or their collaborators before the war have been abandoned, and Bangladesh is empty of skilled men to run them. Virtually the entire transportation and communications infrastructure of the country has been destroyed. Some 500 road and rail bridges were blown up during the prolonged fighting and 7,000 of the country's 8,000 trucks are wrecks. All in all, there is hardly any way that vital foodstuffs can be distributed in the countryside. Says Hagen: "The situation is hopeless unless we can put the transport system back into operation, and this is a titantic effort."

HOBBIES

Making the picture even bleaker is the fact that many of the supplies that have been donated to Bangladesh are thoroughly useless. Costly air charters from West Germany flew in 250,000 sets of long woolen underwear, worthless in Bengal's sweltering spring heat. Hundreds of bales of hand-me-down winter clothes from Norway sit unneeded in valuable warehouse space. Planeloads of canned herring were flown into a country whose rivers abound with fish. Repeatedly, desperately needed money has been used to buy the wrong items. Six million dollars would have been more than enough to rebuild the country's two largest bridges; but, that sum was spent on blankets. Similarly, $200,000 would have purchased enough hand pumps to decontaminate thousands of wells putrified by human remains; instead, that amount was spent on air-freight charges for drugs, with the result that people are now cured of cholera one day only to contract it all over again the next day by drinking contaminated water "Bangladesh has been a playground for charitable hobbies," says Hagen. "You can't build bridges with baby food and you can't transport food with blankets. We need cash."

REFUGEES

The failure to come to grips with the chaos in Bangladesh cannot help but take a deadly toll in the wretchedly impoverished and overcrowded country. If 40 per cent of the people of the U.S. were packed into Florida, the population density would roughly equal that of Bangladesh. And with each passing week, the situation gets worse. More than 9.7 million of the nearly 10 million refugees who fled to India during West Pakistan's campaign of terror have returned to Bangladesh. But in a multitude of cases, their homecoming has been bitter; 1.6 million dwellings, each of which, on average, sheltered a family of seven, have been demolished, according to a U.N. survey. By the tens of thousands, refugees have been flooding Bangladesh's cities. More than 175,000 jobless Bengalis arrived last week in the capital of Dacca, taking squatters' rights in sordid shantytowns or living amid the rubble of ruined buildings, sleeping on the streets or in burned-out railroad cars.

Unemployed, unsheltered and underfed, these droves of humanity have hardly any chance of a better existence in the coming months. For by June, the relentless summer monsoon is expected to begin, flooding three-fifths of the countryside and enhancing the chances of widespread starvation. U.S. officials, to be sure, are dubious about such developments. One State Department specialist called the danger of starvation "possible but not probable," and added: "I've heard no anxiety in this office about mass famine." But others are not so sanguine. With nearly 230,000 tons of food—a six-week supply—in danger of rotting in the ports of Chittagong and Chalna because they cannot be distributed, the U.N.'s Hagen predicts widespread food riots "a few weeks from now."

VIOLENCE

If such riots should break out, they would be but another instance of the lawlessness that has scarred every day of Bangladesh's brief existence. There are nightly firefights in the major cities, and looting has become commonplace. (One formerly wealthy man recently wandered into a police station in his underwear—all he had left after being robbed for the seventh time.) Far more serious is the ongoing persecution of the 1.5 million Biharis, much-hated northern Indian Moslems who cooperated with the West Pakistani military. Less than two weeks ago, in the worst single outbreak of violence since independence, enraged Bengalis overran a Bihari camp near Khulna and indiscriminately slaughtered hundreds of its occupants. Compounding the general trend to lawlessness is the fact that most of the Mukti Bahini guerrillas have not turned in their weapons, and such violent extremists as Abdul Kadr Siddiqui, a man who won international notoriety by bayoneting Pakistani prisoners in public, are still running private armies.

Confronted with such myriad problems, Sheikh Mujibur Rahman's regime has so far failed to find solutions. Mujib himself puts in punishing eighteen-hour days and runs what amounts to a one-man government. His home is jammed with supplicants who besiege him even while he dresses and has breakfast in the morning; his office is awash with students asking for textbooks, men hunting lost trucks, civil servants with papers to sign. Sadly, the genial Prime Minister seems congentially unable to turn anyone away or to admit that he cannot satisfy every request; the result is that hardly anything gets done, and many supplicants wind up bitterly disappointed. "How can anybody run a country like this?" asks one incredulous diplomat in Dacca. "It's like being in a madhouse."

So it is. And not only are none of the country's pressing problems being solved, but Mujib's schedule is exacting a personal toll. Last week he told NEWSWEEK Senior Editor Arnaud de Borchgrave that he had been suffering pains in his chest and left arm. "But how can I rest?" he asked. "You saw all those people waiting to see me, and when they are gone it will be something else." And to another foreign visitor he complained: "Jail in Pakistan was not as bad as this job."

To be sure, Mujib's administration has been getting some support from its allies, most notably India, whose army was principally responsible for the creation of Bangladesh. Last week, as the last Indian troops left his country, Mujib won India's agreement on two sensitive issues—his government's right to try Pakistani prisoners where there is prima facie evidence that they committed atrocities and the demand that Pakistan recognize Bangladesh before other POW's will be repatriated.

Yet relations between Bangladesh and India have soured somewhat in recent weeks, as evidenced by the rather lackluster welcome given Indian Prime Minister Indira Gandhi when she arrived last week for talks with Mujib. During the last months of Pakistani rule, Indians smuggled out the bulk of Bangladesh's vital jute crop, thereby depriving the Bengalis of essential foreign exchange. Moreover, India also took all captured Pakistani Army equipment, although much of it had been paid for by taxes levied on the Bengalis when their state was part of Pakistan. As one resentful Bangladesh official said, "What India took as war booty actually belongs to us."

HOSTILITY

But whatever coolness may exist between Bangladesh and India is minor compared with the hostility the Bengalis feel toward the United States. A supporter of Pakistan during its war with India and the Bengalis, the U.S. still has not recognized Mujib's government; it is the only major power besides China that has not done so. U.S. officials have seized on the fact that no diplomatic ties exist between Washington and Dacca to justify the cancellation of some $97 million in previously committed aid. "Since we have not recognized the state," said one Administration official, "we cannot deliver this aid." But that argument cuts little ice with many people. When a group of 70 American fund raisers for Emergency Relief Fund, Inc., of Lansing, Mich., returned from Bangladesh last week after taking a firsthand look at the relief crisis, one of its members fumed, "Our government is not going to respond—for all the wrong reasons."

Others argue that Washington has been less than forthright on the aid questtion. As they see it, the Administration has been sulking over the loss of face it incurred by supporting Pakistan and has held back aid deliveries for fear of having to admit a mistake. There is also ground to believe that the U.S. hopes to see the Soviet Union get bogged down financially in Bangladesh. "The Russians acted as the champions for the Indian and Bangladesh cause," said one official. "Let them pay now." And as de Borchgrave found when he traveled to Bangladesh last week, the Russians have done just that. Below, his report:

Russia has wasted no time—and spared no effort—moving into Bangladesh. Before Mujib left for Moscow on a state visit three weeks ago. Soviet Ambassador Valentine Popov urged that he give Russia the contract to clear the nation's harbors and thereby facilitate the flow of relief supplies. With 29 sunken ships blocking the port of Chittagong and some 100 smaller vessels obstructing the only other port, Chalna, the project had top priority in Dacca. But Mujib still hoped that a U.N.-sponsored operation could do the job. Assured by U.N. relief administrator Hagen that the U.N. would approve the project by the time Mujib returned from Moscow, the Bengali leader stalled the Russians. But on his return to Dacca, Mujib found that final approval had not been granted by U.N. authorities in New York. "Tell the U.N. to forget about salvage," the Prime Minister told Hagen, "We have accepted the Soviet offer. The discussion is closed."

The Soviets obviously are hoping that by undertaking the harbor-clearance project they may pave the way toward acquiring long-term berthing facilities in the two Bay of Bengal ports—and thus have an eastern anchor for their Indian Ocean fleet. But the Russians have extended their influence in Bangladesh in other ways as well. They have offered a squadron of MIG's and a small fleet of transport planes to the young nation and have expanded their embassy staff to 90 people—many of them fluent in Bengali. (So rapid has this expansion been—and so long does it take the Bangladesh bureaucracy to accomplish any task—that official Soviet automobiles have taken to sporting homemade diplomatic license plates.) Everywhere in Bangladesh the Soviet presence is now visible. Communist propaganda films abound on television. The Moscow News fills Dacca newsstands and symposiums on Communism are held in outlying cities.

LOBBYING

It takes little detective work to determine Russia's motives in Bangladesh. For the Soviets believe, as indeed they have said privately, that the real revolution in the Bengali nation is yet to come. And when it does, they want to insure that it is oriented toward Russian Communism rather than the Chinese brand. According to the Soviet scenario, the suffering and unrest in Bangladesh will of necessity force the relatively conservative Mujib to move ever farther to the left. And just in case the Bengalis do not move toward a more radical regime on their own accord, the Soviets have been doing some lobbying toward that goal. The have been telling their local sympathizers that the working class in Bangladesh has been denied the fruits of the struggle against Pakistan while the middle class has been lining its pockets.

Many Bengalis—not the least of them Mujib himself—seem to believe that if they can swing the U.S. to their side, their problems will begin to disappear. "If you Americans can put a man on the moon, you can do anything," the Prime Minister said recently. "I plead with you to come to the aid of my people." But while the Nixon Administration may grant diplomatic recognition to Bangladesh in the coming week—and will, in all likelihood, increase American aid—it is by no means ready to plunge into yet another Asian commitment. For one thing, active involvement in the multiplying problems of Bangladesh would siphon off far too much of the already reduced foreign-aid budget. Beyond that, there is little doubt that Washington believes the Soviet Union has taken on an insoluble problem that can only cause it grief—and thus distract Moscow from creating havoc in areas more valuable to the U.S. But that these budgetary and geopolitical considerations should be allowed to stand in the way of a massive humanitarian aid project is by no means universally accepted. "Surely," said one foreigner in Dacca last week, "the world's most generous nation cannot be so callous that it will stand by while millions go hungry."

Cable Sent to President Richard M. Nixon From Airlift of Understanding Participants

In an airlift of understanding at their own expense, seventy American citizens from thirty-seven states associated with the Emergency Relief Fund chaired by Chester Bowles and Dr. Douglas Ensminger have visited most Bangladesh areas making on-spot observations, holding discussions with the Bengali people and their leaders about ways in which the American people may assist them in their desperate situation. We are gratified at news reports your administration may soon recognize Bangladesh. We join in urging immediate recognition. Overwhelming Bangladesh food needs compounded by severe transportation deficiencies. Therefore on humanitarian basis we urge that you make available through U.N. required number and kinds of aircraft and amphibians necessary to deliver foodgrains before onset monsoon rains. All required equipment available in Vietnam as surplus. This possible "Operation Save the People" airlift already cleared with Dr. Toni Hagen U.N. Mission Chief of Operations Bangladesh who would give it top priority. In view of massive need for funds, food and transport, and since normal channels including PL YBO funds are not available we beg you as a fellow concerned citizen to set in motion whatever effective action you deem proper to make same immediately available to save this struggling nation further tragedy and hopefully bring into being spirit of brotherhood with Bengalis which is in best American tradition. Some airlift members would be happy to meet with you at your convenience to share with you their personal experiences regarding specific needs in this new nation.

West Hesitates, Dacca Gives Port Job to Soviets

(By William J. Drummond)

DACCA, March 15.—The Soviet navy has taken a major step toward extending its influence in the waters surrounding the Indian subcontinent, taking advantage of the inability of Western countries to come up with $6 million to finance salvage operations.

After waiting for more than two months for the West, acting through the United Nations, to clear sunken vessels from the ports of Chalna and Chittagong, Bangladesh Prime Minister Sheih Mujibur Rahman gave the Russians permission to do the work.

Thirty hours later, United Nations headquarters in New York came through with approval for its representatives here to accept bids for the work. By then, it was too late.

The Soviet vessels were already under sail, and although it is understood that the Sheikh would like to cancel the invitation, he cannot, for diplomatic reasons.

Some neutral diplomatic sources here think that the Russian salvage fleet is the precursor of an extensive Russian naval presence in the Bay of Bengal.

The Russians will be able to chart every mile of the vast waterways of Bangladesh and will gain an important supply foothold to complement the growing Soviet naval presence in the Indian Ocean, according to these sources.

Other sources dispute this contention, pointing out that the larger of the two ports, Chittagong, cannot accommodate a vessel larger than a destroyer and would require extensive work before it could become a useful facility for ships of the line of the Soviet fleet.

Furthermore, these sources say, it seems unlikely that Mujib would tolerate full-fledged Soviet bases since the prime minister has proclaimed his country to be "The Switzerland of Asia."

In addition, India, the Soviet Union's majorally in the region, is committed to keeping the area free of the navies of the big powers.

Whether or not the Soviet Union gains a base, diplomatic sources of all persuasions say, its undertaking of the salvage operation is a significant step that will further heighten its political influence in Bangladesh.

The granting of the salvage job to the Soviet Union was a natural outgrowth of the delay, characterizing Western relief operations in Bangladesh, most of which are channeled through the United Nations Relief Operations Dacca (UNROD).

In early January, UNROD informed headquarters in New York that clearing the ports of vessels sank during the December war was an item of the highest priority. Even in the best of times Bangladesh imports more than a million tons of foodgrains a year, and with the ports blocked to normal shipping, a food shortage in the hinterland was bound to develop, UNROD said.

A Singapore firm was asked to provide a cost estimate for the work and the figure came to $6 million, which UNROD asked New York to supply.

Each day the food shortage up country became more severe. Rahman went to Moscow for an official visit, during which the Russians offered to clear the ports. Mujib did not give an answer immediately.

Mujib returned to Dacca on March 6, inquiring immediately whether the ports would be cleared by the U.N.

No approval had come. He waited until March 9 before accepting the Soviet offer to do the salvage job.

ELECTION OF C. R. GUTERMUTH AS PRESIDENT OF WORLD WILDLIFE FUND

Mr. METCALF. Mr. President, I invite the attention of Senators to another recognition of the effective work of C. R. Gutermuth on behalf of our natural resources.

That recognition was "Pink's" election as president of the World Wildlife Fund.

Pink Gutermuth was here when I came to the other body in 1953. At that time, he was vice president of the Wildlife Management Institute, a position he held for 26 years before his retirement in 1971. The institute, a nonprofit, private, membership organization dedicated to the sound management and wise use of natural resources in the broad public interest, is one of the oldest national conservation organizations in this country. Its program dates back to 1911.

Mr. President, I ask unanimous consent that the World Wildlife Fund press release of March 4, 1972, be printed in the RECORD.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

Gutermuth Elected President of World Wildlife Fund

C. R. Gutermuth of Washington, D.C., one of the founders of the World Wildlife Fund and its voluntary Treasurer for the past seven years, was elected President of the organization at a meeting in Palm Beach, Florida, on March 1, it was announced by Board Chairman, John D. Murchison of Dallas. The change was recommended by Dr. Ira N. Gabrielson who has headed the WWF (U.S.) since its inception in 1961. Gabrielson was elected Honorary President, a place of distinction created several years ago for President Dwight D. Eisenhower.

Gutermuth, widely known in conservation circles as "Pink" has been Secretary of the North American Wildlife Foundation since 1945 and was the Vice-President of the Wildlife Management Institute from 1946 to 1971. He is the recipient of numerous conservation awards, including the "Leopold Medal" of The Wildlife Society and "Albright Medal" of the American Scenic and Historic Preservation Society. Gutermuth also is one of the founders of the Natural Resources Council of America and the National Watershed Congress.

WWF is the only conservation organization that assists, on a priority basis, projects to help save threatened species and habitat areas anywhere in the world. It recently launched a world-wide program to preserve biotopes, entire ecosystems, upon which all forms of flora and fauna depend. During its short lifetime, WWF has supported more than 550 projects in 70 countries around the world.

H.R.H. Prince Bernhard of the Netherlands, President, and Peter Scott and Dr. Luc Hoffmann, Vice-Presidents of the WWF International, and Board Member Guy Mountfort, participated in the WWF meetings in Florida, along with Dr. Gerardo Budowski, the Director-General of the International Union for the Conservation of Nature and Natural Resources in Morges, Switzerland.

JOHN JAY—GREAT LAWYER AND STATESMAN

Mr. JAVITS. Mr. President, John Jay, one of our greatest early American statesmen, was also a great lawyer. He was the first chief justice of New York State and wrote the constitution of the State. He was also President of the Continental Congress and later first Chief Justice of the United States. At the same time, Jay played a critical role in the negotiation of the settlement of the Revolutionary War as one of the Peace Commissioners.

On December 9, 1971, Otto E. Koegel, himself a distinguished lawyer and president of the John Jay Homestead Association, delivered an address at the American Bible Society commemorating the 150th anniversary of the election of John Jay as president of the society. Mr. Koegel outlines the highlights of John Jay's extraordinary career in a very interesting way and I call his address to the attention of my colleagues.

I ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Honorable John Jay, U.S. Statesman

John Jay has not been given the importance as a founding father that his contribution to our nation deserves. His extraordinary record includes the following:

(1775) (1) Jay was first in his class at Kings College (Columbia) and was a lawyer of great ability. He wrote the celebrated "Address to the People of Great Britain" hoping to stave off the war. It was published anonymously but when Thomas Jefferson saw it, he said: "This is a production certainly of the finest pen in America. . . . the first composition in the English language." Age 30.

(1776) (2) Chairman of the Committee to evade and defeat conspiracies, a committee with unlimited powers to imprison or banish from the country dissidents, a committee which required the greatest amount of courage and judgment. Age 31.

(1777) (3) First Chief Justice of New York State. Wrote its Constitution—included entire Declaration of Independence in its Preamble. Age 32.

(1779) (4) President of the Continental Congress. Age 34.

(1779) (5) Minister to Spain to obtain assistance in our difficulties with Great Britain. Age 34.

(1782) (6) One of the Peace Commissioners (Franklin, Adams and Jay) who negotiated the settlement of the Revolutionary War. As Peace Commissioner, he, on his own and against instructions from America (because it would displease France), insisted that the western boundary of the new nation be at the Mississippi instead of the Allegheny Mountains. Jay prevailed. Jay had received instructions from Gouverneur Morris, then Secretary of Foreign Affairs of the Confederation, not to insist on boundaries to the Mississippi River nor to the right to navigate the Mississippi. Morris stated that everyone knew that the Mississippi could be navigated only downstream and that the territory between the river and the Alleghenies was so vast that if you dropped all of Asia into it, it would be lost! Age 37.

Professor Richard B. Morris, Pulitzer Prize historian and a leading authority in the field, is editor of the Jay papers acquired by Columbia University. He says, "Jay's diplomatic achievements in Paris in 1782 still stand unrivalled in the annals of American diplomacy."

(1784–1789) (7) Secretary of Foreign Affairs of the Confederation, then the highest executive position in the land. Age 39.

(1786) (8) Under a New York law providing for the gradual manumission of slaves, a Manumission Society was formed and in 1788 John Jay was named its president. Age 41.

(1786) (9) In August 1786, nine months prior to the Constitutional Convention in Philadelphia, Jay, with great foresight, wrote Thomas Jefferson, Age 41:

"To vest legislative, judicial and executive powers in one and the same body of men, and that, too, in a body daily changing its members, can never be wise. In my opinion those three great departments of sovereignty should be forever separated, and so distributed as checks on each other."

(1787) (10) Wrote several of the Federalist papers advocating adoption of the Constitution, and collaborated with Hamilton and Madison as to the others. Also with Hamilton worked mightily to get New York to ratify the Constitution which actually was done by the slenderest of margins and New York was so backward in the matter that it sent no U.S. Senators to the Congress for several months. Indeed, New York was so difficult as far as being a part of a national government that even in ratifying the Old Articles of Confederation, New York did so with the reservation that its consent was conditional upon all the other states ratifying the Articles! Also, when it came to sending delegates to the Philadelphia Constitutional Convention, three were named, Hamilton, Lansing and Yates. Hamilton attended less than half of the sessions and Lansing and Yates seceded and went home, leaving only Hamilton to sign the Constitution. Even Patrick Henry of Virginia refused to go to the Convention, saying: "I smell a rat." Age 42.

(1789) (11) Served as Secretary of State under Washington for three months until Jefferson could get to America from France. Age 44.

(1789) (12) At the same time, Jay was Chief Justice of the United States. Age 44.

(1792) (13) In 1792, Jay was nominated by the Federalists for Governor of New York while holding the office of Chief Justice of the United States. He lost to Governor George Clinton although if the votes of one of three upstate counties had been counted, Jay would have been elected. Such votes were not counted. The law provided for the County Sheriff to deliver the votes to the Secretary of State. The Deputy Sheriff to whom the ballots were delivered was taken ill on the road and he sent them on to the Secretary of State by his Clerk. The opposition said the votes could not be counted by the Secretary of State and produced an opinion of Aaron Burr to that effect. Jay, when urged to make a fight of it, said, age 47:

"That injustice has taken place does not surprise me. . . . A few years will put us all in the dust, and it will be of more importance to me to have governed myself, than to have governed the State."

The greatness of Jay as a person is further revealed in the circumstances of family opposition to him both in the 1792 gubernatorial election and the Jay Treaty. Mrs. Jay's brother, Brockholst Livingston, was a talented man who later had a distinguished career on the New York Supreme Court and as Associate Justice of the Supreme Court of the United States, 1806–1823. Jay had selected him as his secretary when he undertook his mission to Spain. Livingston's biographer says that he developed a personal antipathy towards Jay, perhaps because of his personal and financial obligations to his brother-in-law. Livingston's behavior in the gubernatorial election, said a contemporary, was "almost like a madman." Mrs. John Jay said of her brother's vicious attack on her husband, "Oh, how is the name of Livingston to be disgraced." In 1798, her brother killed a man in a duel and there is evidence that he participated in one or two more.

(1794) (14) Ambassador to Great Britain in 1794 to negotiate the so-called Jay Treaty which settled many disputes and, in Washington's view, "bought time" and postponed another war until 1812 when we would be better prepared. Hamilton was first suggested as such Ambassador but President Washington was informed that the Senate would not confirm him. As to Jay, Vice-President John Adams wrote a remarkable letter to his wife April 19, 1794, age 49:

"You can not imagine what horror some persons are in, lest peace should continue. The prospect of peace throws them into distress. . . . The opposition to Mr. Jay has been quickened by motives which always influence everything in an elective government. . . . If Jay should succeed, it will recommend him to the choice of the people for president, as soon as a vacancy shall happen. This will weaken the hopes of the Southern States for Jefferson. This I believe to be the secret motive of the opposition to him, though other things were alleged as ostensible reasons; such as his monarchical principles, his indifference about the navigation of the Mississippi, his attachment to England, his aversion to France, none of which are well founded, and his holding the office of chief justice."

(1794–1800) (15) Twice elected Governor of New York State. Age 49–55.

(1800) (16) In the election of 1800 New York elected a pro-Jefferson legislature. Under the law at the time the legislature would cast its twelve electoral votes for Jefferson. Hamilton, who mortally detested Jefferson, urged Governor Jay to call a special session of the legislature, cause the state to be redistricted and make provision for the presidential electors to be chosen by popular vote. Such would almost surely have insured the defeat of Jefferson but Governor Jay rejected the proposal as one which "would not become me to adopt." Age 55.

(1800) (17) After his retirement as Governor of New York and without his knowledge or consent, he was again appointed Chief Justice of the United States by President Adams, and he was confirmed by the Senate. Secretary of State John Marshall sent to him his appointment, which he declined. President Adams, never one to flatter anyone, paid Jay a sublime compliment, viz, age 55:

"In the future administration of our country, the firmest security we can have against the effects of visionary schemes or fluctuating theories, will be in a solid judiciary; and nothing will cheer the hopes of the best men so much as your acceptance of this appointment. . . . I had no permission from you to take this step, but it appeared to me that Providence had thrown in my way an opportunity, not only of marking to the public the spot where, in my opinion, the greatest mass of worth remained collected in one individual, but of furnishing my country with the best security its inhabitants afforded against the increasing dissolution of morals."

(1821) (18) Second President of the American Bible Society. Age 76.

John Adams, in 1815, after more than a quarter of a century to reflect on the subject, said of those who contributed to the founding of our nation:

"I forbore to mention one of more importance than any of the rest, indeed of almost as much as all the rest, I mean Mr. Jay. That gentleman had as much influence in the preparatory measures in digesting the Constitution, and obtaining its adoption, as any man in the nation."

During the five years between the war's end and the formation of the new government, many of the founding fathers were disheartened and fearful that possibly the struggle for independence had been in vain. During that period Washington from Mount Vernon and Jay in New York exchanged frequent correspondence. On May 18, 1786, Washington wrote Jay from Mount Vernon, where he had been in retirement following the conclusion of the war, little suspecting that he might be called upon in a few years to become the first President of the United States. Washington was almost convinced that a federal union was impossible. He stated to Jay:

"My fear is, that the people are not yet sufficiently misled to retract from error! To be plainer, I think there is more wickedness than ignorance mixed with our councils. . . . I think often of our situation, and view it with concern. From the high ground on which we stood, from the plain path which invited our footsteps, to be so fallen! so lost! is really mortifying!"

Jay's reply was lofty and confident:

"That we shall again recover, and things again go well, I have no doubt."

In a letter from Mount Vernon of August 15, 1786, Washington wrote Jay:

"What astonishing changes a few years are capable of producing. I am told that even respectable characters speak of monarchical form of government without horror."

And Jay's reply of January 7, 1787:

"Shall we have a king? not in my opinion while other expedients remain untried."

Recently Arthur Schlesinger, Jr. wrote in the *New York Times* on the importance of preserving historical ties so as better to conduct our lives in terms of the present, the following:

"Some will regard preoccupation with the past as a matter of sentimentality. They could not be more wrong. The present emerges from the past, and a sense of history is one of the means by which a people achieve purpose and strength for the future. 'In times of change and danger,' as John Dos Passos has written, 'when there is a quicksand of fear under men's reasoning, a sense of continuity with generations gone before can stretch like a lifeline across the scary present.' The benefits of past may not be so tangible as the benefits of superhighways; but it is precisely a perception of these impalpable values that our confused and turbulent society needs most today."

John Jay had nothing to gain materially and everything to lose by aligning himself with the revolutionary government. He was a third generation American of a prosperous family, his grandfather having come to America in 1686. His forebears had to flee France because of religious persecution. The Jays had marriage ties to important American families, John Jay's mother being a Van Cortlandt and his wife, Sarah, a daughter of William Livingston, signer of the Constitution and first governor of New Jersey. John Jay was moved entirely by patriotic motives and his life, public and private, was exemplary. Truly, he was the right man, at the right time, in the founding and preservation of our nation.

John Jay was a man of almost complete rectitude. In his long and distinguished career, he was never moved by opportunism. It seems fitting that we should conclude this resume of the first Chief Justice of the United States with a statement made by Daniel Webster:

"When the spotless ermine of the judicial robe fell on John Jay, it touched nothing less spotless than itself."

ADDRESS BY THE VICE PRESIDENT

Mr. CURTIS. Mr. President, last week, in New Orleans, Vice President AGNEW addressed a meeting of the National Grain and Feed Association. He spoke with his usual candor and demonstrated a deep understanding of the problems faced by our Nation's farmers as he discussed the Nixon administration's programs designed to remove stifling restraints and increase farm income and markets. I ask unanimous consent that the Vice President's speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE VICE PRESIDENT OF THE UNITED STATES

So there won't be any mistake about it—I am not here as a Democratic presidential hopeful.

In this even-numbered year, divisible by four, you can't be too careful. Every time there is a national meeting, an unpredictable number of would-be presidents show up, pooling their rhetorical resources as they try to make headlines.

But I am here in support of this Administration's agricultural policy. It is a policy which has unshackled the producers of grain and cotton from the restraints of previous policy—restraints that stiffled the initiative of farmers and restricted the acreage they could plant to these crops.

I am here to speak out in praise of those on Capitol Hill—both Republicans and Democrats—who enacted the bi-partisan Agricultural Act of 1970.

I am here to commend the efforts of organizations like the National Grain and Feed Associations from the various States—that have consistently supported the major goals of the Administration although frequently differing sharply with us on individual programs or methods for achieving our aims. We appreciate your having agreed with us on the target even when we have differed on the means of hitting it.

Every American should be proud of the accomplishments of American agriculture. Farming is the Nation's largest and most vital industry. It employs over 4.5 million workers, more than the employment in transportation, public utilities, the steel industry and the automobile industry combined.

In addition to being proud, we should take time to examine what we owe agriculture. And I'm talking now not just to those in this room, but to all the American people. The productivity of farmers enables the average family in this country to purchase its food requirements with only about 16 percent of its disposable income, after taxes.

The achievements of American agriculture are due mainly to the energy and skill of the farmers themselves. However, without the services of country elevators and other private handling and storage facilities, their labors would be in vain.

It is equally true that without the fruits of research and marketing projects, the financial assistance available through farm ownership and operating loans, and the backstopping of price support programs, it is highly unlikely that American agriculture would have reached its present pinnacle of efficiency.

The United States is the most progressive Nation on earth, and productivity is the key to our progress. Agriculture not only leads increases in productivity in the United States, but throughout the world.

In the past 20 years, the total of American industry boosted its output per manhour by 150 percent. That is a significant increase. But during those same 20 years American farmers and farm families raised their output per man-hour by 300 percent—twice as much.

So why do we talk about problems in agriculture?

To answer this question brings us to the heart of what's wrong with American agriculture. Farmers are unable to get the same returns on their investments of capital, time and labor as do other segments of the American economy.

Some people seem to think that four-letter words are something new, developed for and the sole property of the radical-left and the underground publications.

But a good many of us have been using four-letter words for a long time. And one of the words used most often is *WORK*.

Down through the years it has been understood that whoever produces more should be compensated for more. A person was to be rewarded in proportion to his measurable output or contribution. This hasn't been true for farmers.

The income per capita of those who live on America's farms has gone up—but to a lesser degree than that of their colleagues who work in manufacturing and other industries.

One of the reasons is that farm income is only partially related to output and price developments in the general economy, and it fluctuates widely from year to year. But even more important has been the fluctuation caused by supply conditions for agricultural products.

In the past three years, farm production expenses have been increasing at a slightly faster pace than the general rate of inflation. But there has been a strong improvement in farm income in recent months.

After a generally disappointing income performance in the first half of 1971, agriculture closed out the year on the upswing.

The total earnings of the farm population from all sources reached a record high of $28 billion in 1971, and it is estimated that the realized net income of farm operators in 1971 was about $15.7 billion.

The year 1972 promises to be an even better year. Realized gross farm income is expected to exceed the 1971 record level by at least $3 billion, an increase of 5 percent or more. This would carry total gross income from farming to the highest level in history—to around $62 billion.

If 1972 turns out as present conditions indicate, the realized net income of farmers will average $16 billion for the four years of the Nixon Administration, 1969 through 1972. That's a 19 percent increase over the $13.8 billion average for the period 1961 through 1968.

What do such statistics prove? They prove that this Administration cares about farmers, and farm income—and is doing something about them. Yet even as Administration programs take hold—and it appears that this year some farm prices are at last rising faster than costs—the strident voice of opposition is heard.

Self-appointed spokesmen for consumers are beating the drums for price ceiling on farm products and loosened import controls on beef.

Secretary of Agriculture Earl L. Butz says he'll fight "like a wounded steer" to keep ceilings off farm prices.

For the truth is that, even if consumer food prices are slightly higher in 1972 than last year, disposable personal income will rise much more substantially.

If consumers were spending the same percentage of their take-home pay for food as they did 20 years ago, they would be spending about $40 billion more per year than they do now, or about $286 more per person for all food.

Food is the biggest direct outlet for raw farm products. However, it is the export market that holds out the greatest promise for the future of agriculture. Due to agricultural technology and efficiency, American farm production already is so huge that the output from one of every four cultivated acres goes into export market.

American farm leaders, notably those familiar with the basic commodities of wheat, feed grains and cotton have supported programs and policies that would tend to open up some of the half-shut doors to world trade.

However, international trade in agricultural commodities continues to be impeded by a variety of import restrictions. The economic and social conditions in nearly every major industrialized country present serious problems of adjustment for resources employed in agriculture, quite apart from international trade considerations.

Most governments have responded to this problem by adopting domestic price-support measures that are supplemented by restrictive trade policies. Tensions over these policies have been growing and surfaced prominently in 1971.

Unlike trade in manufactured products, agricultural trade received little substantive attention in the successive rounds of negotiations which reduced international tariff barriers in the postwar years. Indeed, many developed countries, including the United States, pursued domestic agricultural policies that resulted in an increased level of protection against agricultural imports.

U.S. farmers have a significant comparative advantage in many agricultural products and therefore a clear interest in reducing existing impediments to trade in these products. It is also clear that price-support techniques used in most industrial countries, including the United States, are major impediments to the development of freer trade in agriculture.

Our agriculture support policies in this country have been substantially modified in recent years. Direct payments have been substituted for high price supports for major grains and cotton—the commodities traditionally exported.

This change has permitted market forces to have more influence over actual prices and has reduced the necessity for large export subsidies and import restrictions. The Agricultural Act of 1970 extends these reforms and improves upon them by giving farmers greater freedom in their planting decisions.

This Administration has focused attention on the situation and forced recogntion that agricultural trade is an important item on the negotiating agenda.

In his Economic Report, transmitted to the Congress in January of this year, President Nixon quoted from his Commission on International Trade and Investment Policy as follows:

"The time is ripe for a concerted international effort to deal with all aspects of the problem including, in particular, the levels and techniques of agricultural support."

The President suggested four important guidelines for future negotiations on agricultural trade:

Discussions over agricultural trade policies will be unproductive until domestic techniques of support are modified.

New policies will be needed to aid the adjustment of some resources, particularly low-income workers, to more productive and higher income pursuits.

Importing countries must participate with exporting countries in facilitating adjustment if an improvement in the international use of resources is to be obtained.

While each country must be free to provide income assistance to those employed in agriculture, the mechanism for this assistance should minimize interferences with production, consumption, and trade.

I commend these guidelines to your study, and invite the National Grain and Feed Association to lend its considerable influence and support in helping to create a climate of understanding that will hasten their application in future negotiations.

As you know, 1971 was the year we widened the political dialogue between the United States and Communist nations, setting in motion the forces that led to the recent historic visit to China of the President and Mrs. Nixon.

Commercial relations between state-controlled and free-enterprise economies present a great many problems, completely different from those experienced in trade between predominately market-oriented economies.

For example, private firms can be at a disadvantage in dealing with large state-trading agencies, and legal recourse by individual firms against foreign states may be difficult.

It is awkward to apply to rigorously socialized nations the commercial policy codes that have been negotiated among governments of market-oriented countries—such as those participating in the General Agreement on Tariffs and Trade.

And, of course, the Communist countries can more readily employ economic relationships for political ends than free-enterprise States.

Finally, the Communist states are not a party to a number of important international economic organizations and conventions.

Some significant changes took place in U.S. trading relationships with Communist countries in 1971.

In June the President lifted the embargo on imports from the People's Republic of China and freed a long list of U.S. goods for export to that area.

A requirement that 50 percent of U.S. exports of wheat, flour, and other grains to Eastern Europe and the Soviet Union be carried in U.S. vessels was also rescinded. (The lifting of this requirement has since been extended to include shipments to the People's Republic of China.)

The termination of this requirement facilitated the sale in November of last year of over $125 million in U.S. feed grains to the Soviet Union—the first such grain sales since 1964.

An amendment to the Export-Import Bank Act in August authorized the President to extend Export-Import Bank credits to further exports to Communist countries when he finds this to be in the national interest. In his first use of this authority, the President directed the Bank to participate in financing exports to Rumania.

Two Soviet Deputy Ministers of Foreign Trade visited the United States in 1971, and at the end of the year the U.S. Secretary of Commerce led a trade delegation from this country to Moscow and Warsaw.

U.S.-Soviet talks on trade and shipping are to be continued in 1972.

Today, with roughly two-thirds of our rice crop going into export, more than half our wheat and soybean crop, and about a third of our cotton crop, we can point to agricultural sales abroad as the brightest star in our galaxy of foreign trade—and one that will most certainly help our international balance-of-payments situation.

Well, all this has been a prelude to my spelling out for you that the agricultural policy of this Administration remains in 1972 what it was in 1971. We have offered farmers this year wheat, feed grain and cotton programs that are voluntary, that are not tied to rigid acreage allotments or bases as production controls, that are not subject to marketing quotas or penalties.

We have offered farmers programs that are market-oriented, with low price supports.

We are determined to keep the Federal Government out of competition with individual producers of grain and cotton insofar as we are able. This goal cannot be achieved if non-recourse loan levels attract production for government warehouse and takeover, rather than production based on what the commercial markets will accept.

As you know, we just went through this lesson in economics for the benefit of some slow-learners in Congress.

A strategic Grain Reserve and Loan Increase Bill passed the House of Representatives in December by a vote of 182 to 170. The bill as it came to the Senate would have done two things: It would have directed the Secretary of Agriculture to buy wheat and feed grain reserves, and it would have increased the loan level for the 1971 and 1972 crops of wheat and feed grains by 25 percent.

Secretary Butz said the bill would wreck farm export prospects and sabotage the government's farm surplus control bill. He called on the Senate to reject the House-passed bill.

Al Oliver, your capable executive vice president, testified against the bill before the Senate Committee on Agriculture and Forestry, citing as major flaws the additional buy and sell authority granted the Secretary of Agriculture and the price umbrella effect from high loan rates.

The Agriculture Act of 1970 deserves at least another look before I lose. This is a three-year farm measure which began with the 1971 crop year. It is the result of extraordinary efforts by a great many people interested in the future of American agriculture, and of much consultation among Congressional committee members, the conferees of both the Senate and the House of Representatives, and the Administration.

The Act provides realistic guidelines in a transitional period for U.S. farming. It has already demonstrated during its first year of operation that it is helping achieve the basic agricultural goals of this Administration:

1. To protect and improve farm income.
2. To provide more flexibility for farmers in making their own farm operating decisions.
3. To develop greater reliance on the marketplace.
4. To balance our supply of agricultural products with the demands of the marketplace and consumer.

The tools have been specially designed and honed for the job. Events of 1971 present solid ground for confidence that agriculture, and the 65 million people directly dependent on it, are moving toward a greater economic and social future.

I know we can count on the support of your organization as we help agriculture achieve this goal. And despite the problems of the moment, I believe with Oliver Wendell Holmes that "the great thing in this world is not so much where we stand, as in what direction we are moving."

THE GENOCIDE CONVENTION AND THE NUREMBERG TRIALS

Mr. PROXMIRE. Mr. President, at the end of World War II, one concentration camp after another was liberated only to reveal the horrors and atrocities of German genocide. All civilized men and women were shocked and outraged, and the victor nations organized the Nuremberg tribunal to investigate and punish those crimes against humanity. Never had we seen greater brutality, and never was there a greater desire to seek justice for the men, women, and children so brutally murdered.

That was nearly 30 years ago, and since then the horror and vengeful passions have died. And with the ebbing of this burning vindication, many have asked "What right did we have to hold the Nuremberg trials?" No doubt we had a moral right to punish those great acts of inhumanity and brutality, but what legal right?

In reality, the United States had no legal justification for trying Nazi war criminals. The fact that their actions were more than reprehensible was not sufficient cause for us to morally judge every major and minor official. Rather, there should have been a standing international agreement which outlawed inhumane methods of persecution and wholesale slaughter. Since such a treaty was nonexistent, we were forced to operate in a legal vacuum.

However, this vacuum has since been filled. There need not be another Nuremberg where civilized men make judgments based only on self-righteous indignation. A legal framework is provided by the Genocide Convention. I hope the Senate will act on it soon.

WELFARE REFORM

Mr. RIBICOFF. Mr. President, I commend President Nixon for his forthright and timely message on welfare reform. The President's message is the most positive one he has made on this subject in 2½ years and demonstrates his commitment to passage of welfare reform this year.

As in the past, I do not agree with all aspects of the President's speech. We must go farther in several areas if we are to reform our welfare system adequately.

But disagreement over parts of the program should not obscure the principles we all support.

The family assistance plan, first proposed by President Nixon 958 days ago on August 1, 1969, would completely rebuild the unworkable patchwork which now passes for a welfare "system." For the first time in history a floor would be placed under the income of every family.

As the President said in his message today:

> **We must establish the more humane and relevant principle that the total income of each American family must reach a certain minimum standard.**

Those who are unable to work should be given an income to sustain their needs. But the $2,400 provided in H.R. 1 is not sufficient. And those who can work would be provided with training, jobs and income supplements to their wages to bring them above the poverty level.

This legislation, which the President rightfully calls the most important single piece of legislation to come before the Congress in several decades, would do more than simply provide welfare payments. It would provide vitally needed rehabilitation and social services, employment opportunities, and massive aid for children.

H.R. 1 as modified by amendments I have proposed would provide assistance to millions who have never received aid before—single people and childless couples—while insuring that no recipient loses benefits. Substantial fiscal relief would also be provided to every State.

My amendments would establish uniform eligibility and payment standards and afford recipients due process and administrative fairness. No longer would welfare recipients be subject to payment cutbacks at the hands of State governments nor would they be subject to arbitrary administrative decisions at the hands of local officials.

If the family assistance plan were adopted, we would eliminate a system which creates incentives to receive welfare rather than work. We would eliminate a system in which it is financially advantageous for a father to desert his wife and children.

My proposals do "care" about children. For children, my proposals would provide $1.5 billion in child care services, $100 million for child care facility construction, $25 million for training of day care personnel, and for the first time would require all day care providers to meet comprehensive quality standards.

My proposals would not force mothers with small children to enter the working force. In fact, my proposal exempts mothers with preschool children from the work registration requirement. It exempts mothers with children above age 6 if adequate day care and/or suitable employment is unavailable. And it establishes priorities for enrolling people in the work program which insures that only those mothers who want to work will receive training and employment. These protections are more than sufficient to assure that no mother will be forced to leave her children against her will.

The President recognizes that in the short term the costs and caseload of the new welfare system will increase. But he also recognizes, as we all must recognize, that the future costs, both human and fiscal, will be much greater if we do nothing.

I join the President in urging Congress to take action on these proposals as soon as possible this year. No legislation should have a higher priority.

GUARANTEED ANNUAL INCOME

Mr. CURTIS. Mr. President, last week I called attention to a poll taken in his State by the senior Senator from North Dakota (Mr. YOUNG), indicating that 70 percent of North Dakotans oppose the President's welfare reform proposal with its guaranteed annual income. I suggested that those results would be substantially duplicated in many other States.

I wish now to invite the attention of Senators to a similar questionnaire poll recently conducted by the Senator from Oklahoma (Mr. BELLMON). Oklahomans responding to that poll indicated overwhelming opposition to the guaranteed annual income concept. Only 6 percent favored such a plan. It is particularly relevant to note that an equal number—6 percent—at the opposite extreme favored "stopping welfare entirely and letting people go hungry if they cannot or would not work."

Such polls show the extremist minority position which those advocating a guaranteed annual income occupy.

On the other hand, 84 percent of the Oklahomans responding to the poll favored "requiring able-bodied welfare recipients below 65 to register for a job or training and take a job when one is offered." This is consistent with the position which I believe represents the views of a majority of the members of the Committee on Finance where welfare reform is now under consideration. It is also consistent with the views of a majority of Congress as attested by the work requirements for welfare recipients enacted as the Talmadge amendments last December.

The recent children's march for survival in Washington was in protest of the President's welfare reform proposal. The vast majority of those responding to the questionnaire in North Dakota and Oklahoma also oppose the plan. I recognize that the protest marchers oppose it because it guarantees too little while most of those polled in the questionnaire probably opposed it because the very idea of a "guaranteed income" is anathema to our free society and free enterprise economy.

But no matter how you slice it, a broad spectrum of our people oppose the plan.

I repeat therefore my observation of last week:

> It ill behooves Congress to force upon the citizens . . . a program they oppose by so wide a margin.

I commend Senator BELLMON and his constituents for their assistance in clarifying this issue before Congress. The full results of the Oklahoma poll appear at page 9484 of the CONGRESSIONAL RECORD of March 22.

MEDICINE IN NORTH VIETNAM

Mr. STEVENSON. Mr. President, considerable attention has been given to medical practices and research in Asia, especially because of President Nixon's recent trip to China. We are all fascinated by Chinese medical procedures and theories different from our own, yet seemingly effective.

One hears little about medicine in Vietnam, that little country where many of our young men—including many physicians—are still being sent.

Science magazine published an interesting article which describes the medicine and research in North Vietnam. The article portrays a body of medical practitioners with a deep interest in maintaining independence and self-reliance but the absence of a tradition of scientific research. Despite shortages of supplies and facilities, the people of North Vietnam are building up a medical knowledge and treatment on their own which could assist them in post-war reconstruction. North Vietnam follows medical procedures much closer to our own, but they are striving for their own body of medical knowledge apart from their Chinese neighbors.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Science magazine, Oct. 22, 1971]

EDUCATION AND SCIENCE IN NORTH VIETNAM

(By Arthur W. Galston and Ethan Signer)

We spent the 18 days from 23 April through 10 May in the Democratic Republic of Vietnam (DRVN), also called North Vietnam. As guests of the Vietnam Committee for Solidarity with the American People and the State Committee for Science and Technology, we visited educational, scientific, agricultural, and medical institutions, gave lectures and seminars on plant physiology (Galston) and molecular biology (Signer); and met at length with Vietnamese scientists and officials, including Premier Pham Van Dong. Like other American scientists who have visited the DRVN we found the Vietnamese to have a serious commitment to science, expressed primarily in the training of technicians and engineers for agriculture and industry, in the establishment of facilities, personnel, and supportive research for their expanding program of medical care, and in their interest in recent progress in Western scientific research.

SCIENCE EDUCATION

The Vietnamese have an ancient tradition of learning. We saw the Quoc Tu Giam (or National) University, founded in 1070—17 years after Bologna and 50 years before Paris were founded—which has graduated over 2000 persons (including many national figures) at the doctoral level in literature, history, philosophy, and mathematics until it was moved to Hue in 1797. The university was rebuilt around 1700, but the buildings were partially burned by the French when they left in 1954; most of them have since been restored as a historical museum under the Ministry of Culture.

Elementary (1st through 7th grade) and nontechnical secondary (7th to 10th grade) education is supervised by the Ministry of General Education. All DRVN children attend school through the 4th grade; about one-third go through the 7th grade, and one-tenth go through the 10th grade (from which 45,000 graduated last year). Compulsory 7th-grade education was originally planned for next year, but fulfillment of the plan will probably take somewhat longer. By comparison, it is reported that in South Vietnam less than half the children are in school.

When the French left in 1954, the single university in Hanoi with its 700 students was the only one in all Indochina. Now, 17 years later, in the DRVN alone there are 75,000 students in 37 colleges and universities, including the University of Hanoi, the Polytechnic Institute and its branches, and specialized colleges. There are also 150,000 in vocational secondary schools (7th to 10th grade) among the population of 21 million. The vocational schools and ten of the colleges and universities are supervised by the Ministry of Higher Education, which shares supervision of the remaining 27 with production ministries such as that of Agriculture. Almost all the Ministry's staff of 200 have candidates (equivalent to our master's) degrees.

Ta Quang Buu, the dynamic Cambridge-educated Minister of Higher Education, still teaches mathematics to maintain contact with the university. In excellent English, he told us that in education the Vietnamese "are trying to do in 20 years what you Americans have done in 200 years." To some extent they are using both the Soviet and U.S. systems as models. However, Minister Buu feels that the Soviet system is too rigid and produces scientists whose training is too specialized, while the American system, although more practical in that it links science more efficiently to production, produces scientists whose scope is limited by their narrow political and social background. The DRVN is trying to evolve its own educational philosophy. As Minister Buu says, "We are in some sort of great Skinner box and trying to find reinforcement."

Students are selected for university by a competitive matriculation examination, given on one day each year throughout the country even during the height of the war. Each student chooses an examination in one of three blocks. Block 1 includes mathematics, physics, and chemistry; block 2, mathematics, chemistry, and biology; and block 3, literature, history, and geography. Candidates are screened to eliminate those with unusually poor political records, and to select those with unusually good records for new fields, but there is said to be no other systematic political selection.

Next year, Minister Buu hopes that the universities can begin graduate education. At present, 864 people in the country have either candidate's (master's degrees or doctorates, and these candidates come mostly from socialist countries; recently three Vietnamese candidate's degrees in biology have been awarded in fish breeding, cattle genetics, and ecology of estuarine vegetation.

Women constitute about 30 percent of the student body, but the number of women in fields such as medicine and pharmacy comes to 70 to 80 percent. The Vietnamese are trying to increase the participation of women in all of society, but they consider some fields, such as those requiring great patience, more suitable for women, whereas others, such as those requiring physical strength and endurance, are thought to be less appropriate. They say this despite the fact that much of the routine heavy agricultural labor in Vietnam is done by women. At present, not enough women are considered to be participating in education—for instance, only 10 percent of the students studying abroad are women, and only two or three women hold professorships with tenure, which are called chairs. Therefore, like disadvantaged minority groups in the United States, women are permitted lower university entrance requirements and are given special tutoring to prepare them for higher education. Scholarships, in the form of compensation to the family for loss of services at home and in the fields, are used to increase the number of women in secondary schools. "There is no freedom," said Minister Buu, "when there is no freedom of women."

As is the case in Europe, institutions are divided into faculties, each having at least one chair. The 37 higher institutions have 529 chairs for 7000 faculty members. Although the younger faculty members depend on a chair as in the European system, there is said to be more democracy here because of the relative lack of traditions. New chairs are decided upon in connection with the state committees on planning and on science and technology, with money being a prime consideration. Thus, chairs of physical engineering and of mathematical engineering were recently created at the Polytechnic Institute. The latter, which includes cybernetics and linguistics, was made possible by the gift of a Soviet Minsk 22 computer (roughly equivalent to the IBM 704). On the other hand a research chair of biochemistry, although needed, was considered too expensive because it would require equipment like electron microscopes.

Education at the old French university was in French. Now higher education is almost entirely in the Vietnamese language, although the many ethnically distinct minorities use their own language in everyday affairs, with Vietnamese as a second language. The most used foreign language is now Russian and the second is English, although most of the older professors speak French. Many of the textbooks are in Vietnamese; at first they were translations but now they are also as original writings; some Russian, English, and French texts are also used.

At the University of Hanoi (which we did not visit), occupying the buildings of the old French All Indochina University there are 500 faculty and 3500 students of whom 20 percent are women. Whereas 80 percent of the population as a whole are peasants, the student body includes rural peasants, urban working people, and intellectuals in the ratio 60:15:25. After graduation, 10 percent of the students go into academic work, 30 percent go into industry or agriculture, and 60 percent go into school teaching. Some 1200 of the ablest university graduates are now receiving advanced training in other socialist countries. About 75 to 80 percent of the students take the rigorous science curriculum.

The Polytechnic Institute, where we were received by a group of department heads led by the vice-director, Nguyen Thien Huoc, is now housed primarily in a spacious modern building constructed with Soviet aid in 1965. Is was founded in 1956 with 40 teachers, all educated in Vietnam, and 800 students, and was located at a muddy site in a former French military encampment. By 1965 there were 6000 full-time students and 200 correspondence students. At that time the Institute spawned four new engineering colleges, but retained the rest of the curriculum. Courses here emphasize technology, and even those in science are more applied than in the universities; for example, mathematics and physics are combined into a single department. There are currently the same number of students as in 1965 and more than 800 faculty; of the faculty over 100 have doctorates or candidate's degrees, and they devote, on the average, 30 percent of their time to research.

The Polytechnic's general educational policy is formulated by the government and the Communist Party. Scientific training aims at combining what is "most fundamental, most modern and most Vietnamese," but ideological and political education are not neglected. About 10 to 15 percent of the formal curriculum is set apart for courses in the history and political aims of the Vietnamese Communist Party and in Marxist-Leninist philosophy, taught by a special staff. In addition, Thursday evenings are spent in discussion of what they call "morals" and current events, and in other political activities.

Applicants to the Polytechnic must pass the general nationwide matriculation examination and also a second special examination. By design, one-third of the entrants are women, and special consideration is also given to ethnic minorities and factory workers. Most students are from peasant and working-class families, some from South Vietnam. Each receives a scholarship, including meals and textbooks throughout the 5-year course. Most graduates go into factories, although a few stay for further training as teachers or researchers.

The Polytechnic maintains more than 50 laboratories and shops simulating factory conditions. Those we visited were furnished with teaching equipment donated by the Soviet Union (some of which had been modified by the students, using electronic components from downed U.S. planes) and heavy machinery made in the Soviet Union, in Czechoslovakia, and also locally in Haiphong. The 300,000-volume library, whose 76,000 journals are mostly in Russian and Chinese, seemed well designed and housed.

During our visit to the Polytechnic, we saw damage remaining from the 1965–68 air war, when Hanoi, Haiphong, and surrounding areas were bombed by U.S. planes. A section of the main building had been damaged by a bomb attack during which 5 were killed and 20 were wounded by steel pellets from an "antipersonnel" cluster bomb. Such bombing disturbed the operation and the development of the Institute; in November 1965, the Polytechnic and most of its facilities were evacuated to a mountain area 300 kilometers away, where new facilities were built by the students. Most of the institute is now back in Hanoi, although we were told it could be quickly evacuated again—this time virtually without interrupting studies.

Some institutions are still dispersed in the countryside because of the war. Agricultural College Number 2, founded in 1967 at the height of the air war, is located about 1½ hours' driving time from Hanoi (College Number 1 is nearer Hanoi, and Number 3 is in a northern province). The 86-hectare campus which we visited was designed mainly for teaching and is a collection of small, temporary, bamboo-framed, thatch-roofed buildings including classrooms, a library, laboratories, and dormitories, which are dispersed among farm plots. A second campus 50 kilometers away includes 300 hectares of experimental farms. Both campuses have been bombed—up to eight times in 1 day—and the college claims to have shot down one plane and captured the pilot. To minimize damage from a possibility resumed air war, the buildings are set far apart, with air-raid trenches in between.

Vice-director Dao Truong Con told us that the college, which is supervised jointly by the Ministries of Higher Education and Agriculture, trains agriculturalists in three faculties: botany, zoology, and agricultural economics. Of the 104 teachers, about two-thirds belong to the Ho Chi Minh Labor Youth and many belong to the Communist Party, although neither is obligatory. There are 1400 students, of whom one-third are women, and the college is just now graduating its first class. The 4-year course is planned to follow secondary school (10th grade), but the college also runs a 2-year "crash course" for 7th-grade graduates and remedial courses for weak secondary school graduates. Most college graduates will work on agricultural cooperatives, state farms, and agricultural stations as technical cadres; in the future some may be trained as teachers.

Students live at the college. Classes (7) run 6 days a week, with the students free to go home from 5 p.m. on Saturday until Sunday night. Half a day a week is spent in constructive maintenance of the grounds and fields. Students have private clubs where they may spend an hour a day at art and gymnastics, although 2 hours a week of these activities are included in the regular curriculum. Formal study takes 30 weeks a year, the rest of the time, except for 2 months' summer vacation, being spent at practical work.

The laboratories that we visited provided a striking contrast between their modest bamboo and thatch farmhouse-like exterior and the modern interior containing such equipment as microscopes, centrifuges, and electrophoresis apparatus. We also looked in on several classes in session. They seemed to be run in a traditionally formal way, with students, even in small groups, carefully taking notes from teachers who were, in turn, lecturing from their own notes.

SCIENTIFIC RESEARCH

Most of the research we saw was connected with medicine, such as that at two sections of the Materia Medica Institute: the Van Dien station just outside Hanoi and its affiliated pharmaceutical laboratories in the city. Both, under the direction of Dr. Nguyen Van Dan, are attached to the Ministry of Public Health. Since 1963 the institute has been preparing the first *Vietnamese Pharmacopoeia,* which will be ready this year. Written by a team of more than 100 doctors and pharmacists, its 600 monographs will describe general methods of analysis, plants, chemicals, medications, and vaccines. A second volume describing traditional medicines, started last year, is expected to be ready in 5 or 6 years.

The institute supervises plant research at ten botanical stations and testing of medicines at about 20 laboratories, dispersed throughout the country because of the air war. About 2000 villages throughout the country have their own medicinal gardens. The institute also runs seminars, colloquia, and symposia, and has some students doing theses.

The 10-hectare Van Dien station specializes in tropical botany, especially the introduction and acclimatization of new medicinal plants that are ultimately to be propagated and used at agricultural cooperatives. The 1000 medicinal plant species now in the garden are mostly common ones, but some new effective plants have been obtained from peasants who have developed their own home remedies, such as one used for curing diarrhea. Many of the display gardens, production fields, and seed-multiplication plots were destroyed during the air war when the station was bombed seven times. Although some of the damage has been repaired, several large craters were still evident, and not all the plant species lost during the bombing have been replaced.

One of the Hanoi laboratories resembles our Food and Drug Administration; it is part of a network, with a branch in every province, for testing medicines. Other laboratories study the chemical composition of medicinal plants; carry out chemical and microbiological analysis of antibiotics, vitamins, plant derivatives, and clinical samples; and practice pharmacognosy and forensic medicine. There is also a library, stocked mainly with Russian and German but also some American texts.

The National Institute of Hygiene and Epidemiology, where Huang Thuy Nguyen is director, was dispersed in the countryside during the air war, but is now back in Hanoi. However, the building—formerly the French Institut Pasteur for all Indochina—is reinforced on the ground floor with sand and brick against air raids, and so requires year-round air conditioning. The staff of 500 includes 98 with candidate's degrees (many of them women), most of whom are also professors at the medical or pharmacological faculty of the University of Hanoi. This institute's eleven divisions include seven for research, one for coordinating provincial hygiene and epidemiology stations, one for laboratory animals with farms and colonies in the countryside, a library, and a school of microbiology and chemistry.

We visited several research laboratories that were studying the growth of pathogenic organisms (*Treponema, Toxoplasma, Leptospira*), serological typing and preparation of antiserums and vaccines, including a polyvalent vaccine (against leptospira, cholera, and paratyphoid A and B) developed locally and said to be in adequate supply for the entire country. Director Nguyen's virology laboratory has prepared a measles vaccine and is now working on one for trachoma and rabies. The nutrition laboratories study health problems arising from ingested herbicides, insecticides, and additives; and they are also interested in increasing nutritive value of foods. We were told that there is no kwashiorkor and little beriberi in the DRVN because the government controls the degree to which the rice is polished. Since rice protein is poor in several amino acids (lysine, methionine, and tryptophan), an attempt is being made to supplement it with chemicals and with legumes in the diet. They had heard of and were interested in the lysine-rich strain of maize ("opaque-2") developed in the United States. They are also developing new foods, such as an infant formula made of wheat, rice, soybean, and fish extracts.

The institute's school offers a 3-year course, leading to a medical assistant's diploma. It accepts about 50 students a year, mostly women, who ultimately staff hospitals, laboratories, and provincial epidemiology stations. First-year training includes general physiology, chemistry, physics, and anatomy, while in the second and third years the students specialize in either chemistry or bacteriology. The school also has some postdoctoral medical students doing specialist's diplomas.

The laboratories in the various educational and research institutions were clean and orderly, even when the facilities were modest. There was a remarkable variety of foreign instruments—an East German Zeiss spectrophotometer, a West German Leitz fluorescence microscope, a French Jobin Yvon vaporphase chromatography apparatus, *p*H meters from China and Denmark, a Japanese inverted cell culture microscope, an electrophoresis apparatus from the Soviet Union, a Hungarian polarograph, and so on. Nevertheless, equipment and materials were obviously in very short supply.

Besides the very extensive library of the Polytechnic and the smaller libraries in all the institutions we visited, scientists may use the Central Scientific and Technical Library in Hanoi, directed by Tran Mai. Started in 1957 as an outgrowth of the Far Eastern Archaeological Library founded by the French in 1901, the library now has some 150,000 books and 4,000 periodicals. Most are in Russian, with English next, and then French, German, and Japanese. Chinese journals stopped coming during the Cultural Revolution but have now started again. In general, older people read French and English, whereas younger people read Russian and Chinese, although efforts are being made to extend language training. French scientists have recently sent 10,000 of the best books in their fields, including monographs, textbooks, and mimeographed materials, and gifts have also been received from other countries, including the United States. But books and especially recent periodicals are in very short supply. There are facilities for microfilming, but not for photoduplication.

The library is exclusively for the use of postgraduates, since undergraduates are expected to use either the libraries at their own institutions or their own state library, which has duplicates of many of the books here. Loss, mutilation, and theft of books occur occasionally but are said not to be a major problem. On the other hand, insect and fungus degradation cause serious difficulties in the tropical climate.

MEDICINE

Health care in the DRVN was efficiently and briskly described to us by Dr. Le Van Phung, director of hospitals, at the Ministry of Public Health. He said that the system is organized under five principles: (i) Medicine must serve production, national defense, mother and child, and ethnic minorities; (ii) it must be based on prevention; (iii) prophylactic and therapeutic care must be linked; (iv) Western and traditional medicine must be combined; and (v) administration must be through the mass organizations.

Dr. Phung summarized a number of statistics for us. Under French colonial rule, cholera, smallpox, trachoma, malaria, venereal disease, and leprosy were rampant, and infant mortality was high. There were only 47 hospitals in the entire country, and only one doctor for every 180,000 people. Now there is one doctor for every 7000 people (and if auxiliary medical personnel are included, there is one for every 1600 people). The yearly death rate has been reduced from 26 to 7.6 per thousand; maternal mortality from 20 to 0.8 per thousand births; and neonatal mortality (first 7 days of life) from 300 to 26 per thousand births (36 per thousand in the first year). Vaccination has made possible control of cholera, polio (Sabin-Shumakoff vaccine), typhoid, paratyphoid, and smallpox. Unlike Saigon Hanoi has no plague. The incidence of trachoma has been reduced from 80 percent to 40 percent and that of malaria from 9 to 0.14 percent; malaria has been controlled primarily with DDT supplied by the Soviet Union, although the disease is again on the rise because of resistant strains of mosquitos. Leprosy has been reduced from 2 to 1 percent, although facilities for leprosy treatment have been diminished since the world-renowned 2600-bed Quynh Lap leprosarium was destroyed by repeated aerial bombardment. Tuberculosis has been reduced from 4 to 1.5 percent partly through development of a heat-killed (43°C) variant of the standard BCG (Bacillus Calmette Guérin) preparation that makes storage and transport easier. Venereal disease has been reduced to several hundred cases a year, primarily because prostitution has been banned.

Despite the war, the population of 21 million is increasing by about 600,000 or 2.8 percent per year. Since this rate is considered too rapid for optimum development of the country, a birth control program has been instituted; this program is based on the use of rhythm method, condoms, and intrauterine devices. Abortion by dilation and curettage is also available on request at the district hospitals.

The core of the public health system is the village maternity clinic, of which there are now 6000; there were 200 in 1955. Almost every village in the country has such a clinic, which is staffed by at least one doctor, an auxiliary doctor, a midwife with 2 or 3 years' training, a nurse, and a pharmacist. Using scale models, Dr. Phung showed us the two technical advances by which this network was able to establish effective sanitation. The first is a new type of double compartment privy that combines sanitation with production of economically valuable fertilizer. Urine is led off separately; feces are collected, a sand and ash mixture being added to the compartment after each use. When the first compartment is full it is sealed hermetically and the second compartment is put into use. After 2 months' anaerobic incubation of the first compartment, during which all parasites are killed and odors are destroyed, the material is removed and used as fertilizer. The second compartment is then sealed, and with the first ready for use, the cycle begins again. Except for about one-quarter of Hanoi, which uses a sewer system, each family in the DRVN now has such a privy.

The second advance is the provision of clean drinking water. Each group of two or three families is taught by the clinic to dig a good well with water-tight stone-lined sides. Where there is no water table, a channel filled with sand is used to filter swamp water. The clinics also do vaccinations, grow medicinal plants, and conduct educational campaigns such as one that reduced gynecological problems by teaching women to bathe daily.

Based upon the network of clinics is a pyramidal system of district and then provincial hospitals, and there are also special dispensaries for diseases such as trachoma, tuberculosis, and leprosy. The provincial stations of the National Institute of Hygiene and Epidemiology keep track of potential and actual epidemics and diseased individuals and operate mobile units for vaccination and spreading of public health information. The institute's Hanoi staff also operates mobile units for collection of samples, preliminary laboratory work in epidemiology, and control of epidemics.

The air war necessitated a tight and efficient organization of health services. Casualties were first minimized by dispersal of buildings and people (as with the Agricultural College we had seen earlier), camouflage, and trenches and shelters, especially between the 17th and 19th parallels where the bombing continues. For instance, we were told that a particular commune in the demilitarized zone, although hit with 430 tons of explosives in 180 bombardments, has suffered only 6 dead and 29 wounded because of efficient use of bomb shelters. Casualties are treated by a four-level network: Each cooperative has medics who dig out collapsed shelters, resuscitate, set tourniquets and splints, and evacuate to the village clinics if necessary. There shock treatment and transfusions may be given, and minor wounds are treated. Surgical cases are evacuated to the district hospitals, all of which can now perform operations, unless cranial surgery is required in the top level provincial hospitals. Because of the war, all medical students are now trained in surgery.

We learned more about medicine in the DRVN from Dr. Ton That Tung, a vigorous and forceful surgeon at the Viet Duc Huu Nghi Hospital, who was formerly Vice-Minister of Public Health, is a "Hero of Labor," and is widely respected among the scientists we met. Trained as a surgeon in Hanoi, he is a member of the Surgical Academy in Paris and of the Academy of Medical Scientists of the Soviet Union. The 350-bed hospital, started in the forest during the anti-French resistance and moved to Hanoi only in 1954, is used as a surgical training clinic for the university medical school.

In animated, rapid French, Dr. Tung told us that this medical school, the only one in the DRVN, graduates 300 to 500 doctors a year from the 5- to 6-year course following secondary school. Although students used to start in the hospital doing chores in the first year according to the French system, the war and dispersal of facilities have forced a change to the American system where students do not enter the hospital until the third year. This is not as desirable, according to Dr. Tung, because it gives less of a feeling for the patients. He also criticized the students for being too eager to specialize. In addition there are 20 schools throughout the country training 800 to 1000 auxiliary doctors ("feldschers") a year with a 3-year course. There are apparently enough nurses now, for the first time.

The hospital itself seemed clean and well run, although in modest quarters. We saw equipment from many different countries, mostly from the Soviet Union, China, East Germany, and Hungary, but also from France and Britain, and even oxygenators from the United States—not used very often, he said, because they waste precious oxygen. The hospital had recently received a gift of a heart machine from the American Friends Service Committee, for which Dr. Tung repeatedly expressed his appreciation. However, the hospital is still short of equipment and desperately short of medicines, especially methotrexate, isoniazid-streptomycin, and antibiotics.

Dr. Tung is very concerned about herbicides, which he believes accumulating evidence suggests are carcinogenic, although he is dissatisfied with the statistics obtained thus far. Since the start of defoliation by the United States, the most common cancers reported are hepatomas, and hydatiform moles and chorioepitheliomas of the placenta. Hydatiform moles have increased particularly in Tay Ninh, a province in South Vietnam heavily sprayed with herbicide Orange, which contains 2.4.5-T. This preparation, partly because it is contaminated with dioxin, is already known to cause embryonic malformations. He also described the effects of other "antipersonnel" weapons used in both the DRVN and South Vietnam. Among these is CS gas (*o*-chlorobenzalmalononitrile) which can cause ocular lesions. It reaches fatal concentrations when pumped into unventilated bunkers and tunnels by the Mighty Mite, a device developed by the U.S. Army. This allegation was supported by a film shown to us. Magnesium incendiaries burn at temperatures high enough to melt bone, and napalm has been "improved" so that it sticks better to flesh. Many children are treated for loss of or damage to limbs or eyes. These injuries are incurred when the children accidentally detonate small camouflaged mines that have been dropped earlier from the air. The fragmentation bombs now contain, besides steel pellets, small vaned steel arrows called "flechettes" that are more difficult than pellets to remove. We saw numerous photographs, x-rays and tissue specimens of civilians with pellets and flechettes embedded in their bodies; these were said to cause much pain and suffering. Treatment is becoming more difficult now that pellets are being made of plastic, and so cannot be located by x-rays. Dr. Tung and other Vietnamese are quite impressed with the remarkable variety of U.S. antipersonnel weapons, and the high level of research an development indicated by the yearly improvement and sophistication in each type. As he put it, "The United States has shown a kind of existentialism in applying science so creatively to the problem of killing people."

The Vietnamese appeared to take very seriously the task of cataloging the effects of the war. At the recent International Conference on Chemical Warfare in Vietnam, held in Paris on 12 to 14 December 1970, and attended by scientists from the United States, Britain, France, and other countries in addition to the DRVN and South Vietnam, the various herbicides, defoliants, gases, and other chemicals, their mode of application, and some of the effects of their use were extensively described. One study reported an increase in the rate of stillbirths at the Tay Ninh Provincial Hospital, and a rise in the incidence of the birth defects cleft palate and spina-bifida in Saigon, coincident with large-scale herbicide spraying in South Vietnam. Another study of 903 South Vietnamese patients evacuated to the Benh Vien Hospital in Hanoi included 179 who had spent from 2 months to 5 years in sprayed areas. Of the 19 women, 4 had been pregnant at the time.

Although the women appeared normal, had not been x-rayed during pregnancy, and had no family history of congenital abnormalities, three of the four infants were born with severe abnormalities. One of the children whose abnormalities are digital was born to a woman directly sprayed in the seventh week of pregnancy, the time when digital differentiation occurs in human embryos. A program of karyotyping cultured peripheral blood cells of these and other victims has recently been initiated. One of the three infants above, who has the symptoms of Down's syndrome (Mongolism), has the corresponding karyotype (21-trisomy), and preliminary karyotyping of other victims is claimed to show chromosome and chromatid breaks.

In all this work, the Vietnamese scientists impressed us as being very painstaking in amassing evidence and very cautious in drawing inferences. Nevertheless, it was quite clear from their research that chemical and other types of antipersonnel weapons are being used against civilians, and that teratogenic and carcinogenic effects may result from the use of herbicides in addition to their severe and possibly sometimes irreversible effects on plant and animal ecology.

VIETNAMESE SCIENTISTS

Our lectures began at 7:30 a.m., fairly late for the Vietnamese who are used to rising at 5 and then taking a siesta in the middle of the day. The large, bare lecture hall at the State Committee of Science and Technology building was filled with about 150 students, professors, and scientists—plant physiologists and agriculturalists for Galston's lecture and virologists, geneticists, and biochemists for Signer's. The lectures, delivered from a platform in front of an old, scratchy blackboard, were translated by Dang Vinh Thien, a 33-year old mechanical engineering graduate of the Pedagogical school. Thien's performance was extraordinary—rather than translating, he paraphrased groups of several sentences at one time. Often he didn't even wait for us to finish what we were saying since he clearly understood almost everything quite well, while at other times he interrupted to clarify a scientific point before translating. His broad scientific knowledge, he said, stems from his job as one of a team of ten that reviews international technological and scientific literature for a popularized fortnightly mimeographed bulletin, about 600 copies of which are distributed to scientists throughout the country.

The audience seemed to be listening closely and taking pains to follow. At the lectures and the three smaller seminars we each gave to groups of about 20, and in other discussions with scientists (for instance, at the Agricultural College), we were able to get some feeling for the scientific level of the Vietnamese from their interests and the questions they asked. Many of the questions were far too comprehensive for a brief answer; others dealt with details of our lectures and related areas; still others asked for more information about developments in Western science of which they were aware and curious, and particularly about environmental and developmental effects of the herbicides with which their country is being sprayed. Most of the scientists had a good, if somewhat uneven, general background, biased toward the agricultural and medical sciences in which they specialize, and a few were extremely well read in even rather abstruse topics such as genetics of bacteriophage lambda. Their obvious interest and eagerness to learn made the discussions very enjoyable, and many of them seemed particularly intrigued by complex arguments and trains of reasoning.

Teaching was taken seriously by most scientists as an important aspect of their scientific development. Their approach seemed to be somewhat rigid and, to us, conventional. For example, they were quite disturbed when we happened coincidentally to mention that definitions of some terms and concepts—like "cistron"—were rather arbitrary and likely to change as information accumulated. "How, then," they wondered, "can you teach people what a gene is?"

Having essentially no scientific tradition of their own, the Vietnamese were very interested in learning how scientific research is organized in the United States and arranged several small meetings on the subject for us. They were careful to collect all the details of how we do things, with a view to planning ultimately to organize science to reflect their country's unique needs.

GENERAL EVALUATION

Several characteristics stood out among the institutions we visited and the scientists we met. One is the attitude of independence and self-reliance present in science as in everything else Vietnamese. Even as they described to us the various kinds of aid and assistance they were receiving from foreign countries, the scientists took pains to point out that conditions in Vietnam were unique, and that their particular problems required a specifically Vietnamese solution. For example, rather than bringing in foreign medical specialists they preferred to develop their own public health program from the beginning.

A second is the absence, despite an obvious respect for learning and knowledge, of a tradition of scientific research and higher education. This may once have existed, but has been missing at least since the years of French occupation. This causes the Vietnamese, on the one hand, to organize science and education in a way that matches their own assessment of their needs; but on the other, it means that at least temporarily they must adopt foreign methods for the organization of such matters as university education.

A third is the strong orientation toward public service and public welfare that runs through their scientific endeavors. Quite limited in resources, the Vietnamese are giving priority to the development of medical sciences, as they relate to care for war victims, to public health and nutrition, and to the development of scientific education and research establishments connected with the needs of agriculture and industry. Surprisingly, concern for public welfare was not restricted to the DRVN. Several times scientists urged us, in the name of national unity, to help their colleagues in South Vietnam too.

A fourth characteristic is close interaction between science and Vietnamese society. Examples are the change in orientation of doctors from curative to preventive medicine, and the adjustment of the research and educational structure to provide equal opportunity for women.

It is worth noting that these characteristics—independence and self-reliance, serious and responsible planning for the future, concern for public welfare, and change in social values—were also quite evident in the nonscientific aspects of Vietnamese life that we saw.

The scientists we met, and particularly the upper level administrators such as Minister Buu and Drs. Phung and Tung, seemed highly intelligent, serious, and competent. The institutions appeared well organized and well run. On the other hand, the little we saw of classroom procedure suggested that it was rather tightly disciplined and depended heavily on rote learning. The scientific, medical, and educational facilities all seemed hampered by shortages of equipment, supplies, books, journals, educational materials, and particularly medical supplies such as antibiotics.

In addition to the problems that beset all developing countries, the DRVN must deal with the war, which penetrates Vietnamese society at every level. During the air war—from 1965 through 1968 for most of the country, and through the present for areas below the 19th parallel—bombing on an unprecedented scale has severely crippled the country and its physical plant and has retarded the nation's development. Antipersonnel bombs and mines, napalm, and gas have killed many civilians and permanently maimed many more. Science must be extremely difficult under these conditions, and in the face of such destruction it might be expected to fall far behind national defense in priority. Yet, not only are morale and national unity very high, but we and other American scientists found a vigorous material and intellectual commitment to the development of science, and a lively interest in many areas of basic biology that are only remotely related to the country's immediate needs. Apparently, fighting the war does not preclude building up civil society and planning for the future.

The personal response of the Vietnamese, both scientists and others, also surprised us. Far from being treated as the enemy, we were continually welcomed warmly as friends. Their quarrel, they said, is with the U.S. government, but not with the American people. They also exhibited a nice sense of humor. While lecturing on independent and associated states of bacterial episomes, Signer noticed the translator's use of *doc lap*, one of the few Vietnamese words he had managed to learn. "I just recognized a familiar Vietnamese word—independence," An appreciative chuckle ran round the room.

A HOUSING VICTORY IN BROOKLYN

Mr. BUCKLEY. Mr. President, in this day of multibillion-dollar outlays for public housing and urban renewal, it is refreshing to come across a story of a housing victory that was won by the dedication, determination, and old-fashioned commonsense of private individuals. Such a victory is the story of 24 Furman Avenue, in the Bushwick section of Brooklyn, N.Y.

A remarkable woman named Mrs. Helen Barrera, starting with little more than a dream and the realization that more than money is required to renovate the slums, converted a garbage-strewn abandoned building in 1 year into a spanking clean residence to which the building's formerly despairing tenants now point with pride. The secret of Mrs. Barrera's success lay in her understanding that social as well as architectural rehabilitation is required if our urban renewal programs are to produce lasting results. By training and counseling the tenants, by arranging for onsite management in the form of three Baptist ministers, and by co-oping the building, Mrs. Barrera successfully infused the tenants with pride and hope. The rest was relatively easy.

An article entitled "How Hope Returned to 24 Furman Avenue," which tells the story of Mrs. Barrera's accomplishment, appeared in the Trinity Parish Newsletter for November–December 1971, as an item of interest to its readers, even though the project itself was not sponsored by Trinity Church.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW HOPE RETURNED TO 24 FURMAN AVENUE

A year ago, the 53-family apartment building at 24 Furman Avenue in the Bushwick section of Brooklyn was a house without hope. Physically, it was worse than a shambles—it was an unmitigated horror. It was ringed with heaps of garbage thrown from the windows of despairing tenants. Garbage choked the basement. Holes gaped in ceilings, toilets didn't work and the tenants in the top floor apartments were without heat for two years.

The owner, seeing only losses ahead, had walked away from 24 Furman Avenue with its controlled rents, tax arrears and $58,000 mortgage. The building was "abandoned," and this despite the fact that it was assessed at $180,000 and could not be duplicated today for a million dollars.

Worse even than the physical deterioration and pervasive putrefaction was the havoc wreaked on the spirit of those condemned to live here. Dogged by poverty, prejudice, frustration, fear and filth, they experienced a degree of degradation that grew progressively worse. When tenants moved out junkies moved in. There was a heroin factory on the fifth floor.

In short, a year ago the building was a disaster.

24 FURMAN AVENUE TODAY

Today, 24 Furman Avenue is transformed, regenerated, redeemed, a house to which hope has returned. The garbage is gone and so is the heroin factory. The basement, clean and newly painted, is a recreation area for children, teen-agers and adults. The toilets work, the ceilings are plastered and refinished, and the tenants have heat.

Even more important than the physical transformations have been the changes in the tenants. For the tenants have overcome fear and prejudice, and organized and become responsible. Cooperation has replaced friction between blacks and Puerto Ricans. The halls are patrolled and the junkies are kept out. The vacancies—there were seven a year ago—are filled and there is a waiting list.

How explain this miraculous change, this rebirth of hope and life?

HELEN BARRERA "GETS IT ALL TOGETHER"

Any explanation would have to begin with Helen Barrera. The Baptists with whom Mrs. Barrera works call her a general consultant, while the people at Catholic Charities describe her as an urban affairs specialist. Neither catagorization adequately describes this dyanamic, articulate and resourceful woman. For years she was engaged in "product development," an occupation that involved the rescue of faltering businesses. Then she switched to housing in the black ghetto. Now she is concentrating her formidably vitality and extraordinary concern for distressed humans on Puerto Rican housing.

Her specialty is "getting it all together" . . . bringing together the people who have financial muscle with people who have the expertise and the capacity to love and counsel oppressed and troubled fellow humans. It involves prodding, cajoling and enlisting the cooperation of government officials, city, state and federal, of whose behavior, powers and duties she apparently has a thorough knowledge.

Officially, Mrs. Barrera is consultant for Total Operations for Neighborhod Environment, Inc. (TONE), the low-budget organization through which the miracle of Furman Avenue was wrought.

THE BAPTISTS AND TONE

TONE may be described as an activist expression of concern of the Southern Baptist Church. It got its initial funding—$1,000—as a gift from Dr. Cal Guy, a professor of Southern Baptist Seminary, and it was Dr. Guy who aroused the interest of 18 of the Southern Baptist leadership in TONE's mission. TONE's chairman, J. D. Callender, financial vice president of Amerado-Hess Corp., its president, Joe H. Hunt, vice president of AT & T, and its vice president, Robert Bell, of the American Can Co., are all active lay members of the Baptist Church.

The Rev. Rudolph Morgan, TONE's secretary, and the Rev. Kenneth Lyle, its treasurer, are both Baptist ministers.

Another leading actor in the drama of Furman Avenue is Joseph Colon, a Puerto Rican mortgage banker, president of the Puerto Rican Home Owners Association and a director of Banco Popular de Puerto Rico, a commercial bank. It was Mr. Colon who "discovered" 24 Furman Avenue and learned that it could be picked up from the nervous insurance company that held the $58,000 first mortgage for the bargain price of $24,500.

The sum was advanced by Banco Popular but was personally guaranteed by Messrs. Callender, Hunt and Bell, and was, in addition, underwritten by the Baptist Church of Lubbock, Tex. Mrs. Barrera and Mr. Hunt had been to all the banks that publicly boast of investing 1 percent of their assets in ghetto housing. Not even the personal guarantee of TONE board members would move the conventional Brooklyn banks. No savings bank would give TONE a mortgage.

TACKLING THE HARD-CORE PROBLEMS

Once TONE got possession of the property it found itself facing a host of weighty problems, some of them "hard-core things" like the heroin factory on the fifth floor. "The local precinct police captain was cooperative," Mrs. Barrera said. "He introduced me to the nice big black man who is his local aid in Community Relations. Pretty soon—guess what?—everything happened. The heroin factory disappeared."

Getting heat to the top floor tenants wasn't all that hard. "Someone had gone in and painted the valves. All we did was remove the valves, let out the air and up came the heat."

Then there were the stopped drains, the main sewer back-up, flooding the basement. "No one had ever told these people that they shouldn't throw lard down the sink or toilet. At the bottom of this huge structure the grease was caked so badly that when we went in with the Roto-Rooter knives it came out like candles for the altar."

Now the tenants began to get into the spirit of the thing. As Mrs. Barrera recalled it: "We said to the unemployed men, one day you work for us for the rent and the next day we'll pay you $20 to feed your family. We bought $300 worth of paint and with some of the back rent money we got from welfare we painted the whole house."

COLLECTING BACK RENTS

Getting this rent money from welfare illustrates Mrs. Barrera's resourcefulness. When TONE took over the title, she insisted that the insurance company formally relinquish all claim to back rents and assign these rents to TONE. Expensive boiler repairs were pending and the back rents (26 tenants were far in arrears) were needed to pay for them. "I gave the welfare people down at City Hall the choice of making reservations at the Waldorf-Astoria for these delinquent tenants or paying their back rents," Mrs. Barrera explained. "We got over $5,000." She added, her laughing dark eyes negating her words:

"Of course, this isn't the way you're supposed to do it."

Another hard-core problem facing TONE involved persuading tenants to give up some of the fruits of their ingenuity—free gas, electricity and telephone service, for example.

As Mrs. Barrera put it: "People are marvelously ingenious when they attack the system. Someone in the house was making 10 or 11 free calls a day to Puerto Rico. People had piped in gas and rewired the electricity and they were getting gas and electricity for nothing. No one would admit who the superintendent was. Con-Ed couldn't get into the locked-up basement to turn anything off. They couldn't collect. It was great!"

But it had to stop. Some of the hard-core people fought back. They sabotaged the elevator—cut the cable and started fires. And they broke into the storage room and stole everything in sight. "We had everything happen in that house."

WHEN "LOVE" MOVED IN

Three months after TONE took over, a crucial move was made. A two-room apartment on the ground floor where a dentist was supposed to be was vacated and three black, Spanish-speaking Baptist ministers were moved in.

With their arrival the turn around in the spirits and hopes of the tenants entered a new phase. As Mrs. Barrera described it:

"The quickest way you can get to the people is through the children. The children of these tenants were having problems—reading and writing and going to school. So the Baptist ministers opened their door and invited the children to come in. They gave them milk and helped them with their English homework. The mothers? They sort of seduced them—with goodness—tea, coffee and cookies.

"Then they helped the men with such things as notorization and getting jobs."

As the Rev. Rudolph Morgan, secretary of TONE, summed it all up: "Love is the name of the game."

Resentment, prejudice, suspicion—all collapsed before this onslaught of concern and love.

There was a great deal more to be done to make 24 Furman Avenue a good place to live. The tenants themselves did most of it, including plumbing and boiler-repair work under the tutelage of expert craftsmen. And the men cleaned out that garbage-choked basement and painted it for their family use.

"Joe Hunt gave $200 and got a friend to give another $200." Mrs. Barrera recalled, "so that for $400 we installed a toilet down there for the children. We bought an electric coffeepot and a ping-pong table and got a record player for music for the teenagers. Pretty soon everyone in the building had moved into the basement that only months before was so filthy you couldn't get through.

"Then the men and women organized committees and took the building over. They gave us a reception. The president of the tenants council said to us, 'You have come in here and changed our lives. And you haven't even asked us to become Baptists.' They were all Catholics," Mrs. Barrera added.

This isn't the end of the story of 24 Furman Avenue. TONE is now in the process of turning the building into a tenant-owned co-op or condominium. But that is a phase we won't go into here except to note that it is entirely feasible and will have a continuing beneficient effect in inculcating pride, spirit and hope in the families that live here.

Mrs. Jane Gallagher of Senator Buckley's office is giving Mrs. Barrera full support in this project. ("Jane keeps the bureaucratic doors open by asking 'why?' on the Federal Housing level. She is a crowbar when doors slam shut!")

Obviously, 24 Furman Avenue is a "pilot project." In the context of the gigantic problem of ghetto housing, which is now being climaxed by the abandonment by their owners of nearly 30,000 dwellings units a year, it is no solution at all. No one knows this better than Mrs. Barrera, Joe Colon and Joe Hunt, and the people associated with them. That is why Mr. Colon has worked out an ingenious program that aims to create a limited partnership on a substantial basis between churches and other community groups with profit-making institutions for the purpose of rehabilitating structurally sound buildings in ghetto areas that, like 24 Furman Avenue, have been abandoned by their owners.

FINANCING IS NO OBSTACLE

Thanks to federal housing and tax laws, financing large-scale rehabilitation of such buildings is not an insurmountable problem. Indeed, the profit and tax-shelter advantages are very attractive to profit-making organizations. Mrs. Barrera has a solid pledge now of $5 million—if she can put together $5 million worth of housing with the same kind of program that has worked so well at 24 Furman Avenue. This would be a substantially larger pilot project, or demonstration, involving several buildings. It would be large enough to set the stage for a full-scale attack on the problem.

Obviously, here is an opportunity for churches, or for an interfaith coalition of churches, to perform a spiritual ministry such as the Baptists are performing at 24 Furman Avenue on a scale that will truly test their Christian commitment. Prospective investors, for whom (and this should be clearly understood) the project is a business proposition, want to make certain the buildings will be there while they are getting their money back plus profit. But this assurance requires the limited partnership of churches to sponsor the program, to be the catalyst, so to speak, that puts the package together, and to perform the ministry that organizes the tenants and turns their lives around.

SOME "AMAZING" STATISTICS

The almost miraculous disciplining effect of putting the people in control of their own housing is revealed dramatically by a rehabilitation project at a 200-unit project in Spring Valley, New York.

The statistics, as recounted by Abraham G. Gerges, a lawyer with vast experience in housing rehabilitation, were "utterly amazing." Forty per cent of all the police calls in the town of Spring Valley in the year of 1969 went to this project. So did 35 per cent of the minor and major fire calls. In 1970 and to date in 1971 there has been not one police or fire call to the project.

"Bear in mind," said Mr. Gerges, "that there were the same tenants—there wasn't one change. There was just one difference—these were rental units in 1969; after rehabilitation they became co-op apartments.

"Another thing, with the transition we lowered the rents. We saved the welfare people about $36,000 a year."

Mrs. Barrera is still busy "getting it together." She has the tentative $5 million commitment to rehabilitate ghetto housing. But she has still to win the vital—meaning indispensable—commitment to the interfaith body that will undertake, through unremitting labor, patience and love, to "rehabilitate" the people and inspire them with hope and life. She needs and deserves the ardent cooperation of Christians.

CONGRESSIONAL CONTROL OVER U.S. DISTRICT JUDGES

Mr. ALLEN. Mr. President, we have read much and we have heard much of late on the question of whether or not Congress may exercise any degree of control over U.S. district court judges in the matter of fashioning specific remedies to implement the U.S. Supreme Court desegregation decision.

In the interest of clarifying the issue, I believe we should isolate the factual elements from the purely rhetorical and political arguments. Let us examine the facts.

First, a unanimous U.S. Supreme Court has said that racial balance in public schools is not required by the Constitution.

Second, Congress has not required racial balance. In fact, to the extent that Congress has addressed itself to the point, it has defined desegregation to exclude a requirement of racial balance in the schools. Obviously, since racial balance is required neither by the Constitution nor by Congress, it must follow that judicial decrees which require forced busing of children to achieve racial balance in schools is not required.

Third, despite the fact that racial balance and busing to achieve racial balance is required neither by the Constitution nor by Congress, U.S. district court judges have issued decrees which do require busing to achieve racial balance. Many of such decrees have required massive busing and other disruptive and—in my judgment—unjustified remedies such as disregard of the boundaries of separate political subdivisions of a State.

Fourth, these lower court decrees up until now have been upheld by the U.S. Supreme Court, as in the Charlotte-Mecklenburg case, not as a requirement of law, but as a permissible exercise of equity powers of U.S. district courts. In this connection, when we refer to equity powers, we are, in fact, talking about near-unlimited discretionary powers of U.S. district court judges to shape remedial decrees which are designed to balance the public interest with private rights protected by the Constitution.

There are those who contend that Congress can exercise no control whatsoever over the discretionary powers of U.S. district court judges except to enlarge and reinforce the powers of such judges. This is the issue. I contend that Congress does have the power to limit discretionary remedies which can be imposed by U.S. district court judges in cases involving 14th amendment issues. In fact, the 14th amendment specifically grants Congress that power.

Mr. President, in the Charlotte-Mecklenburg opinion, the Supreme Court pointed out that Congress has given Federal courts very little help by way of guidelines with respect to shaping remedial decrees in desegregation cases. The court, in fact, extended what I consider an open invitation for Congress to exercise its judgment in the matter of determining proper remedial decrees in school desegregation cases.

It should be pointed out that the exercise of congressional oversight in this area has nothing to do with limiting the jurisdiction of U.S. District Courts. To the contrary, any congressional guidelines which might be proffered necessarily recognize the constitutional issue involved and the jurisdiction of U.S. District Courts to effect remedies.

Mr. President, it would be presumptuous of me to cite the many types of cases where Congress has, in the past, prescribed judicial remedies designed to vindicate constitutional and statutory rights. For example, in the area of labor disputes, Congress has inhibited U.S. District Court judges in the exercise of discretionary powers in shaping remedies to the exclusion of congressional oversight. The comprehensive argument can wait.

In the meantime, Chief Justice Burger has said, in a different subject context, but in a context relevant to the question of the power of Congress to control U.S. District Courts in the area of injunctions:

> In these circumstances Congress may, of course, take any further legislative action it deems necessary to make unmistakably clear its intentions with respect to the Three Sisters Bridge project, even to the point of limiting or prohibiting judicial review of its directives.

Mr. President, the statement I have just quoted is from a news item published in the Washington Post, on Tuesday, March 28, 1972. I believe it contains an expression of a sound principle of law and also that it can be taken as a straw in the wind—an indication of the attitude of the U.S. Supreme Court on the question of congressional power to limit the exercise of discretionary powers by U.S. District Court judges.

Mr. President, I ask unanimous consent that the news item be printed in the RECORD.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

TEXT OF JUSTICE BURGER'S OPINION IN BRIDGE CASE

Following is the text of Chief Justice Warren E. Burger's concurrence in the U.S. Supreme Court's refusal to consider the Three Sisters Bridge case:

I concur in the denial of certiorari in this case, but solely out of considerations of timing. Questions of great importance to the Washington area are presented by the petition, not the least of which is whether the Court of Appeals has, for a second time, unjustifiably frustrated the efforts of the Executive Branch to comply with the will of Congress as rather clearly expressed in Section 23 of the Federal-Aid Highway Act of 1968. If we were to grant the writ, however, it would be almost a year before we could render a decision in the case. It seems preferable, therefore, that we stay our hand. In these circumstances Congress may, of course, take any further legislative action it deems necessary to make unmistakably clear its intentions with respect to the Three Sisters Bridge project, even to the point of limiting or prohibiting judicial review of its directives.

U.S. ACCESS TO FOREIGN MARKETS

Mr. BURDICK. Mr. President, we are all aware of the need for easier U.S. access to foreign markets. Expanding U.S. exports is an established objective of our Government.

While we may differ on ways to right our trade balance, we can agree, I believe, that we face serious problems in this regard.

So it was particularly interesting and informative for me—and about 500 other representatives of government and industry—to hear recently the thoughts of the Senator from Hawaii (Mr. INOUYE) on the U.S. export situation.

Senator INOUYE addressed the Government-Industry Awards dinner of the Electronic Industries Association on March 8. I was in attendance at the dinner.

Because Senator INOUYE's remarks are particularly pertinent and the speech was carefully prepared, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

SPEECH DELIVERED BY SENATOR DANIEL K. INOUYE AT THE ELECTRONIC INDUSTRIES ASSOCIATION GOVERNMENT-INDUSTRY AND AWARDS DINNER, WASHINGTON, D.C.

America has often been described as the land of promise. Every two years this becomes very evident . . . "I promise if elected to provide the people of the United States the best educational system that money can buy. I promise if elected to cut taxes $10 billion . . ."

Like all of you, I am thrilled by these promises to buy the best housing, the best educational system, and the best health care for the people of the United States. These are dramatic and tangible promises and they are easily understood. However, I maintain that in concert with these promises someone should tell the people of the United States how we intend to pay for these programs. I gather that politicians—and I am one of them—are reluctant to discuss this, but if we are to make America the land of reality and not only of promise, then we must turn our thoughts to creating the wealth that will pay for this vast array of social programs. This evening I wish to discuss the potential of foreign commerce as a source of this necessary wealth.

Our national attention has been directed to foreign commerce more closely than at any time since the early 1930's. For the first time in many years politicians, businessmen, bureaucrats and labor leaders are scrutinizing international commerce and are discovering the links that bind our domestic welfare to the international commercial and financial system.

However, it was only after a shaky monetary and commercial structure began to disintegrate that we, as a people, began to give international commerce sufficient attention.

I am certain that you, as important leaders in the business community, are familiar with the disheartening statistics.

Nowhere is the relative decline of our economic power more graphically illustrated than in our merchandise trade accounts. For nearly a century we enjoyed large positive trade balances. These export surpluses covered deficits resulting from overseas defense foreign assistance, and tourism. The growth in exports also created well-paying jobs for millions of American workers. However, since 1964, when the United States enjoyed a trade surplus of some $7 billion, our positon as a competitor in the world marketplace has rapidly disintegrated. Last year, the United States suffered a deficit for the first time since 1893 approximately $2 billion. The deterioration from 1970 to 1971 alone amounted to more than $4 billion.

Even this retelling understates the gravity of the situation. Because of our peculiar accounting practices in counting concessionary "soft currency" sales and not including the cost of insurance and freight in computing our balances, we have chronically overstated the extent of our export sales. If one makes adjustments to reflect these distortions and arrives at a more realistic figure, it becomes clear that our Nation has for the last five years been experiencing severe trade deficits.

We have been rapidly losing our export competitiveness. In the crucial area of manufactured goods, the United States slipped from 25% of the world market in 1960 to 21% in 1970. In dollar terms that has meant a $6 billion loss in exports. In human terms it has meant 400,000 lost job opportunities that were and are desperately needed. In 1970 we also lost our position as the world's largest exporter of manufactured goods to Germany. The gap between the two nations increased in 1971, a year in which our imports grew three times faster in percentage terms than our exports.

In these circumstances the events of August 15th appear logical and necessary. I believe they were appropriate and deserving of support even if somewhat tardy.

The present Administration has shown considerable interest in arresting the decline in our foreign trade. It negotiated the terms of a dollar devaluation. It encouraged the formation of the Domestic International Sales Corporation (DISC). It supported legislation which expanded the credit facilities of the Eximbank. Finally, it has made a step towards coordinating economic policy by creating the Council on International Economic Policy, headed by Peter Peterson, now Secretary of Commerce.

Nevertheless, and important as these developments have been, I believe that we must have the vision to look beyond the two or three years during which time the devaluation should have its initial effects if we are to prevent such crises from becoming a recurring phenomena. The most important, and in some ways most difficult, task is for our country to establish a clear long range public policy on trade and exports.

It is a sad fact that in spite of the recent measures, this nation does not have a strategy to deal with the new world in which the United States is no longer *the* economic power center. These recent measures have basically been a response to developments over which the Administration has exercised little control and steps which can best be described as "crisis management". In the years ahead, however, "crisis management" must be subordinated to establishing clear commercial objectives or we shall find ourselves careening from crisis to crisis over which we exercise no control

As you undoubtedly know, there have been a number of proposals to deal with the problem. They range from "benign neglect" to the imposition of high quota barriers to foreign goods.

This last, draconian plan is, of course, what is popularly known as the Burke-Hartke bill, or the so-called "Fair Trade and Investment Act".

Although there may be several desirable features to the bill, its overall effect would be to disrupt our foreign commerce by impeding the flow of goods and services between the United States and the rest of the world and retarding our growth as well as that of multinational enterprises. Adoption of the bill would unquestionably lead to a massive trade war in which we would all be losers. The biggest loser would be the American consumer, who would find his choice of goods seriously limited and far higher priced.

The results of this protectionist measure can be devastating. Simply put, it will: (1) reduce overall foreign trade adding more men and women to the unemployment list. (2) reduce competition among domestic producers. (3) result in higher prices for consumer goods.

In other words, although proponents of this measure have every good intention to help the poor, the unemployed and the labor force of America, the results will be just the opposite.

Businessmen and academics have launched a massive attack on this bill. The Department of Commerce and several business associations have produced scholarly and persuasive studies which refute the claims made by the proponents of the legislation. However, I submit that these well-documented books and speeches are an inadequate response to this protectionist drive.

We must recognize that the Burke-Hartke bill is the result of the legitimate worry of working men and women about their jobs. It may be easy for a business executive making $100,000 or more per year to belittle the Burke-Hartke bill, but for the man whose very livelihood is threatened by foreign competition, it means job protection. It is their "security blanket." This protectionist threat would not have materialized if we did not have a 6% unemployment rate, but the fact is that this abnormally high unemployment is with us and threatens to be a long-term component of our economy. Nor is it helpful for various Administration officials to talk darkly about a permanent shift to a higher unemployment rate.

If we are to avoid the Fortress America strategy epitomized by the Burke-Hartke bill, we must first deal with the fears generated by our present economic policies. We can combat protectionism only by developing and implementing the kind of international trade strategy that we presently lack.

A sound strategy to coping with the economic difficulties we now face requires a judicious balance of offensive and defensive programs. In shaping our response to this new world of vigorous economic competition, we must include the following components in our strategy: (1) domestic and foreign policies and programs to encourage present and potential exporters; (2) policies to remove or alleviate current impediments to our foreign trade; (3) policies which place sufficient emphasis in our foreign affairs on economic matters and permit us to react, if necessary, to the actions of foreign governments that injure our economy; and (4) improved governmental machinery to develop the policies favorable to export and the U.S. economy, to provide the climate for trade and investment, and to conduct negotiations and administer assistance programs. Government can help to fulfill these demands, but it cannot do so without the cooperation of business and labor.

In the drama of the fight over quotas and tariffs, most individuals overlook the fact that export expansion is the other side of the coin. Every $1 billion in exports creates thousands of new jobs.

As Chairman of the Senate Subcommittee on Foreign Commerce and Tourism, I have had an opportunity to review this problem of export expansion. I discovered much to my dismay that there was literally no significant export expansion legislation currently before the Congress. It is particularly noteworthy that even the Administration, which has taken several important steps in helping to reorder the international monetary system and initiate trade negotiations, has failed to request of the Congress new authority to establish programs oriented to deal with the economic competition we are encountering.

It was to fill this vacuum that Senator Magnuson, Chairman of the Senate Commerce Committee, and I last year introduced S. 2754, the Export Expansion Act of 1971. Among the major provisions of this bill are the creation of an International Commercial Service under the auspices of the Commerce Department to replace the old commercial attaché system operated by the State Department; the creation of a Trade Development Corps to assist American business in solving exporting problems and finding markets for their products; establishment of a new program to train exporters; creation of a cost-sharing program; grants to states to encourage local initiative; strengthening the Federal Maritime Commission to deal with unreasonable freight rate disparities that injure American exports and to simplify complex rate structures; rejuvenation of foreign trade zones as a means to stimulate exports; creation of a commission to oversee unfair foreign trade practices; and finally reorganization of certain Commerce Department foreign trade functions.

In introducing the bill, Senator Magnuson and I were fully cognizant of the fact that we were only taking the first step in providing the necessary Congressional input. Because of Senate jurisdictional reasons our initial efforts had to be limited, but in the weeks and months ahead we intend to explore the following ideas:

(1) Ways to stimulate East bloc-American trade. In 1970 the United States accounted for only four percent of the total East-West trade, and American joint ventures with Communist organizations were virtually nonexistent. If we are to participate meaningfully in this trade, we must liberalize our system of export controls, streamline review procedures, and expedite legislative action on most-favored-nation treatment for Eastern bloc countries;

(2) Reorganization of the governmental machinery. It has recently been brought to light that there are more than 70 bureaus, agencies, offices, and commissions in the Executive branch dealing with international economic affairs. Of these approximately 40 deal with some aspect of export expansion. Clearly this situation cannot be tolerated in spite of the efforts of the Council on International Economic Policy. We must consider how we wish to overhaul this sprawling conglomeration of offices and whether or not we wish to emulate some of our competitors by forming a Department of Trade and Investment to consolidate them in a form that can be effectively utilized;

(3) Renewed emphasis on high technology research and development. Other countries, particularly Western Germany and Japan, have embarked on programs to intensify their research and development spending. High-technology products is the field in which the United States still maintains its eminence. It is this area which had hitherto provided our substantial export surpluses, amounting to more than $8 billion in 1971. Even in this field our competitive advantage is disappearing. It is noteworthy that our surpluses in technology-intensive manufactured goods have not grown in the last few years. In spite of laudable Administration interest in this area, I believe that more direct assistance to high-technology companies should be considered, e.g., a "technology bank" to provide low-interest loans for research and development; direct grants for export-sensitive projects; financing and servicing beyond present Eximbank programs; and tax credits for higher research and development expenditures;

(4) Additional incentives to exporters. Only four per cent of our manufacturers now export in spite of the fact that international trade offers great opportunities as well as great challenges. It is common knowledge that foreign governments offer their exporters substantial incentives, including large depreciation write-offs. Our seven percent tax credit is hardly sufficient to offset these advantages. Therefore, I believe we would do well to consider the possibility of further tax incentives such as increased accelerated depreciation write-offs for those manufacturers who compete in the export market; and finally

(5) Additional governmental programs to facilitate exports. As I noted earlier, the proposed Export Expansion Act contains several new proposals to encourage exporting. These include cost-sharing programs with the Government and the establishment of service centers abroad. Further programs might include program grants and loans directly to manufacturers repayable according to incremental exports; improved servicing by domestic field offices; improved and easier documentation requirements; and computerized informational systems that will provide trade leads to companies at a moment's notice, with, of course, governmental follow-through and encouragement.

A full reversal and restoration of competitiveness can be accomplished only by the determined partnership of government, business, and labor. We in government can learn a few lessons from foreigners to enable American business to compete more effectively. Indeed you will notice that the proposals I have presented this evening are specifically designed to create a friendly climate for businessmen to engage in exporting.

It is easy for me to say that we should be more pro-business and enact realistic laws consistent with the challenges we face abroad, but we shall not achieve this by my saying it. The change will also have to come from business itself. In each of the countries with aggressive export expansion programs, business, government, and labor have forged policies which stress close cooperation and consultation. In many cases, this cooperation takes the form of agreement on social goals.

Japan is perhaps the outstanding example of this kind of society. In return for job security and rising wages, Japanese labor unions have been very cooperative authorizing only minimal industrial disruptions. While I do not advocate the wholesale adoption of foreign values and institutions, business leaders should reassess their corporations' activities if they expect government support to meet foreign competition.

Business must show that it can meet new social demands responsibly and effectively. A good example of the social conscience we need is the Xerox program through which participating employees take a paid leave of absence to work on programs beneficial to their communities. Much-maligned General Motors has an impressive range of programs designed to train minority group employees and encourage minority-owned small business. Not every company has Xerox's or GM's resources, but many large companies can afford to do more. This community involvement and commitment are precisely what must be done if we are not to remain frozen in those antiquated attitudes which see government, labor and business as mutually antagonistic blocs.

Corporation executives have sometimes privately asked me why business has been losing public support. I am not nor do I pretend to be a sociologist, but I have pointed out some examples in which business has not been adequately progressive. At a time when we face a serious drug problem, many people were properly horrified by the determined fight against the regulation of amphetamines by some pharmaceutical companies. Nor has business been in the vanguard to rectify consumer and environmental problems.

We in government should not have to legislate to compel these changes.

Too many people still think of business only as a profit-motivated and insensitive. All too often the attitude that many people see expressed by business is one of avoidance and defensiveness. When business fails to contribute positively, the field is left open for anti-business elements to motivate government to take steps that business views hostile. This essential public support is a key ingredient, not only in domestic politics, but, also, in export expansion.

The major beneficiaries of expanded foreign trade and exports will undoubtedly be the working men and women of America. And labor has a major role to play in the expansion of our exports. This must be kept in mind by labor negotiators as they approach the bargaining table.

I would like to conclude my remarks tonight with an optimistic appraisal of the state of the union. The naysayers and prophets of doom to the contrary, I find much to be hopeful about. It is true that deep divisions scar our society and that our economy has been badly buffeted. Nevertheless, we have the world's best-educated and most-skilled labor pool. Our society still produces the most advanced ideas in technology, business management, the social sciences, and the arts.

As we in government and you in business embark on this common journey through an unknown terrain we have reason for confidence that by working together we can reassure ourselves and assure the rest of the world that we have not yet seen the end of the American century.

THE FOOD PRICE HOAX

Mr. HUGHES. Mr. President, one of the cruelest hoaxes that has been visited on the American people in recent years has been the attempt of certain interests in the food industry to blame the farmer for the precipitate rise in food prices—particularly meat—in recent months. No one can blame the American consumer for being worried and indignant about the high prices at the supermarket. However, as those of us from the great food-producing regions of our country have been pointing out, the major cause for escalating food prices falls within the spread between what the farmer gets for his product and what the processed and distributed food sells for at the grocery counter.

Statistics released by the U.S. Department of Agriculture Monday, March 27, confirm that while charges for processing, transporting, and distributing food increased by 2.5 percent during February, prices paid to the farmer rose only 0.9 percent.

A news article in the March 28 Des Moines Register tells the true story and for the benefit of my colleagues and the consumers of our country I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MIDDLEMAN'S FOOD SHARE RISES—USDA REPORT SAYS FARMER SLICE DROPS

(By George Anthan)

WASHINGTON, D.C.—The "middlemen" who are being blamed by the Nixon administration for the rise in food prices, got most of the increase recorded last month, a government report said Monday.

The farmers' share of the consumer dollar actually dropped during the month, the U.S. Department of Agriculture (USDA) said in a report issued at the same time.

President Nixon and Agriculture Secretary Earl Butz have emphasized in recent days that consumers should not blame farmers for the 1.9 per cent increase in food prices in February.

The USDA announced Monday that while the retail cost of a typical "market basket" of food produced on U.S. farms rose 1.9 per cent in February, charges for processing, transporting and distributing this food increased by 2.5 per cent. Prices paid to farmers rose only 0.9 per cent.

This means the farmers' share of the total consumer dollar fell from 40.1 cents in January to 39.7 cents in February, the USDA said.

The USDA estimated that in January a typical American household was spending at the rate of $1,274 a year for its food. Farmers received $511 of this and middlemen $763.

But in February, the department said, prices increased so that the market basket of food was costing an annual rate of $1,297, with farmers getting $516 and middlemen $781.

Beef prices, which have undergone a steep jump in recent weeks, indicate the farmer's dilemma, according to the USDA. Retail prices of beef increased 3.9 per cent in February, the department said, but the price farmers receive increased by 1.2 per cent.

The USDA said middlemen handling beef, pork and some fresh vegetables "substantially increased their margins." However, handlers of poultry and egg products realized a smaller margin in February than in January.

The Price Commission has scheduled hearings for Apr. 12 on the increase in food prices, and Chairman C. Jackson Grayson has indicated that if the rise continues the unit will take action to impose controls.

Currently, raw, unprocessed agricultural products are exempted from the Nixon administration's price controls, but processed food is not.

Grocery prices in February were 6.5 per cent higher than a year earlier, the USDA reported.

DEATH OF LUKE C. QUINN

Mr. PELL. Mr. President, recently the health community of the Nation lost a particularly valued worker, leader, and friend with the death of Luke C. Quinn.

Luke Quinn was uniquely helpful in presenting to the Congress some of the most compelling health needs of the Nation during the past 20 years. His knowledge, his helpfulness, and his understanding of the health problems of the country will be sorely missed.

Personally, I had a huge admiration for Luke Quinn, both because of his own high qualities of dedication and integrity and because of the kindness and breadth of his interests. Our country is the poorer that we have lost the services of such a selfless, fine gentleman. I shall miss him and know that those who join me in missing him are legion in numbers.

I ask unanimous consent that the obituary of Col. Luke C. Quinn, Jr., published in the Washington Post, be printed in the RECORD.

There being no objection, the obituary was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 13, 1972]

LUKE C. QUINN, CANCER FIGHTER, DIES

(By Claudia Levy)

Col. Luke C. Quinn Jr., 64, a lobbyist for the American Cancer Society who played a major, behind-the-scenes role in the passage last year of the Conquest of Cancer bill, died Saturday at the Clinical Center of the National Institutes of Health.

A legislative representative for the society and other public health groups here for 20 years, he died of a cancer that was discovered last summer. The retired Air Force officer put off further treatment until the fall, his assistant said, because Congress was holding hearings on the cancer bill he had fought so hard for.

That bill, signed into law by President Nixon two days before Christmas, authorized a $1.6-billion federal crusade against cancer and gave the President a special responsibility for finding new research and treatment methods against a disease that kills 325,000 Americans a year.

The compromise legislation, Col. Quinn's associates said, was in part a tribute to the lobbyist's skill in encouraging both President Nixon and Sen. Edward Kennedy to join forces. He had also worked hard to marshal the support of citizens and scientists while the legislation was being fought out.

"There were so many bills floating around, and unless there was a single person to coordinate, we could have ended up with a mess," said Dr. Solomon Garb, cochairman of the Citizens Committee for the Conquest of Cancer.

The colonel had asked him and others to form the committee in 1969, said Garb, science director for the American Medical Center in Denver, Colo., because he was alarmed at the continuing cutbacks in cancer research funding.

A native of New York City who had studied at Columbia and American universities and the City College of New York, Col. Quinn served during World War II as an intelligence officer in Italy and then was assigned to Capitol Hill as the Air Force liaison officer. In 1952, after he retired from the service, he became a registered lobbyist for a number of professional and scientific groups interested in expanding medical research, including the cancer society.

He lobbied successfully for a 10-million special task force on genetic diseases and was instrumental in the establishment of the National Eys Institute and the Fogarty International Center at the National Institutes of Health.

He also helped create the John E. Fogarty Foundation for research into children's diseases in Providence, R.I., an institute that is named for the late congressman who was among the first to urge Col. Quinn to take on health legislative work.

"Quinn carefully kept his name out of the news for the 20 years he spoke for health interest," his assistant, Noël Noël, said.

"There was an element of martyrdom in which he did (last summer)," Garb said. "I think he probably sacrificed his own chances for survival to insure that a good bill was passed."

"The historic Cancer Act passed last year in Congress will be a permanent memorial to Luke Quinn," Sen. Kennedy said. "Because of his tireless efforts, we enacted the most important milestone so far in our national effort to conquer cancer. The disease claimed his life, but because he lived, millions will be saved."

Col. Quinn, who lived at the Watergate Apartments, is survived by a sister, Dorothy Judge, of Caldwell, N.J.

PUBLIC LAND LAWS

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Washington (Mr. Jackson), I ask unanimous consent to have printed in the Record a statement by him and insertions on the subject of the William K. Wyant series on public land laws.

There being no objection, the items were ordered to be printed in the Record, as follows:

Statement by Senator Jackson

I am pleased to bring to the attention of the Senate an authoritative appraisal of the environmental and legal issues surrounding the status of laws relating to mining operations.

Since 1951 when he first joined the staff of the St. Louis Post-Dispatch, Mr. William K. Wyant, Jr. has endeavored to inform the public of important environmental concerns. Mr. Wyant has been affiliated with the Post-Dispatch's Washington Bureau since 1964, and, through his diligent and comprehensive reporting, has made numerous and valuable contributions to the efforts to preserve and conserve our precious environment.

Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks this series of informative articles, written by Mr. Wyant, which appeared in the St. Louis Post-Dispatch successively, beginning December 12, 1971. I wish to also submit for the Record two related articles which appeared in the St. Louis Post-Dispatch.

Mr. President, in view of the fact that the Committee on Interior and Insular Affairs currently has under careful consideration legislation designed to revise and reform the mining laws, these scholarly works are a timely and valuable contribution to the body of information relevant to the issues concerning mining legislation.

[S. Louis Post Dispatch editorials—News analysis and interpretation]

Outdated Mining Laws a Boom to Despoilers

(By William K. Wyant, Jr.)

(First of a series)

Washington, Dec. 11.—Before leaving office early in 1969, former Secretary of the Interior Stewart L. Udall denounced the 1872 federal mining law as "an outright giveaway of vital national resources." For a century, the law has encouraged plunder of the public lands, critics say, permitting minerals worth billions of dollars to be taken off without payment.

The law is regarded as an engraved invitation for miners to come in, look, and take. This right of virtually untrammeled access, defended as sacred by some in industry and Government, hampers good management of an increasingly valuable national heritage.

Action is under way in Congress to change the bewhiskered old law. It was enacted after the California gold rush and reflects a time when the Western domain seemed limitless. It provided the lonely and grizzled prospector, braving Indians with his pickax and burro, a way of staking his claim and defending it against others.

But today, the descendants of the burros are running wild in the western desert, and giant companies such as Kennecott, Anaconda and American Smelting and Refining Co. need a quarter of a billion dollars in capital to bring in a new mine.

What the miner found on public lands was his by right, free of charge. He had earned it. That was the philosophy. With respect to hardrock minerals such as copper, molybdenum or uranium, that philosophy still prevails in the law and is widely championed to this day, particularly in the mining industry.

"All valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase, by citizens of the United States," Congress declared in 1872.

Under the General Mining Laws as they have developed, a person who has discovered a valuable mineral deposit on public lands—or thinks he has discovered it—may stake it and file a claim at the local county courthouse. There is no obligation to file with or notify the Federal Government, a fact that has caused great trouble.

After filing, the claimant, whether he be the Anaconda Co. or a weekend prospector hoping for a lucky strike, has acquired what is known as an unpatented mining claim. There are said to be at least 6,000,000 such claims. The claimant may proceed to take out his minerals without paying anybody for them, if he wishes. His claim is a property right that can be bought and sold.

If the mining claimant wants to own the land, he has the right to apply to federal officials for a patent. He can purchase the land outright for $2.50 or $5 an acre, provided he can prove that he has spent at least $500 on his claim, that a valuable mineral deposit has in fact been discovered, and that other requirements of the law have been met.

The amount of land involved in these transactions is sizeable. A lode claim, the kind filed for veins or zones of mineralized rock, can be as large as 600 by 1500 feet, about 20 acres. A placer claim, typical for sand and gravel containing gold, can be 20 acres. A mill site claim is limited to five acres of nonmineral lands. A person may file as many claims as he wants.

Only in the case of the so-called "locatable" hardrock minerals, such as copper, gold, silver and the like, does the 1872 mining law still apply with its full nineteenth-century vigor. In such cases, the seekers still may roam the public lands at will and take what he finds for nothing.

Restrictions on the way the miner uses or abuses the land are lacking. The fact that he need not notify the Government that he has made a claim has greatly complicated the task of federal officials charged with managing the public's property.

In 1917 and 1920, Congress enacted leasing acts covering fuels and fertilizer minerals—coal, oil, gas, oil shale, potash, phosphates and others. Common varieties of sand, stone and gravel have been sold outright since 1955. From mineral leases beginning in 1920 and running through the middle of last year, the U.S. received nearly two billion dollars. In addition, more than 3.3 billions were realized from leases on the Outer Continental Shelf.

Under a leasing system, the Government may permit exploitation of a mineral deposit. But the Government exacts a price and is in a position to impose terms, including measures to safeguard the environment. Moreover, the land itself remains under federal ownership. It is impossible to estimate how much the U.S. might have received from mining of hardrock minerals on public lands if they had been put under lease in 1920, as were oil and gas.

Arizona, by far the major copper-producing state, is said by that state's Department of Mineral Resources to have yielded more than 11 billion dollars worth of copper through the end of 1969. The state's copper output in 1969 alone was worth nearly $762,000,000. The U.S. owns about 45 per cent of Arizona. Most of that has always been owned by the Federal Government.

Although the Government gets no direct benefit under the 1872 law on hardrock minerals if taken from the public domain, it can impose a royalty on those minerals if taken from acquired land—that is, land the Government had to buy. For example, Missouri's "new lead belt" is on acquired lands in the Clark National Forest. Federal royalty receipts there are from $2,000,000 to $3,000,000 a year.

The giveaway aspects of the century-old law are important but are less harmful, in the minds of many critics, than other grievances to which the venerable statute gives rise. They include damage to the public's land that could be avoided and the almost intolerable burden the law imposes on federal land managers.

"It's nearly an impossible situation for us to operate under, the way it is at the present time," said E. I. Rowland, the Bureau of Land Management's director for Colorado at Denver.

A Forest Service official in northern Arizona put it more plaintively: "Sometimes you have to laugh to keep from crying."

The Government's land holdings add up to about one-third of the U.S. The major managing agencies are the Bureau of Land Management in the Department of the Interior and the Forest Service in the Department of Agriculture. Each is short of money and personnel, particularly the Bureau of Land Management.

That agency, an Oliver Twist among federal agencies, has exclusive responsibility for a staggering 451,000,000 acres, or 60 per cent of federally owned lands. More than half is in Alaska. Much of it is marvelously beautiful—and, in total size, it is larger than Britain, France, Spain and Italy combined.

To look after all this federal real estate—essentially what is left of the original "public domain" after the nation's Western expansion—the bureau is authorized a permanent staff of less than 3800 persons. Its management appropriation for next year, exclusive of funds for emergency fire fighting and western Oregon forestry, will be $66,235,000, a pitifully small outlay, considering the dimensions of the bureau's task.

The Agriculture Department's Forest Service is in better shape, but it too is strapped. The Forest Service is responsible for 187,000,000 acres of forests and rangelands. Full-time employes in the National Forest Systems total 17,152, and this year's appropriation for forest protection and management is $192,000,000.

Because of a federal budgetary squeeze, both the Bureau of Land Management and the Forest Service are going through a personnel cutback. Both agencies operate at a profit, in the sense that they make a great deal more money selling resources from the public lands than they cost to run.

In recent years, the federal land managers have been caught between conservationists, who want the public's heritage protected and even salted away for the future, and the pressures generated by the national search for more energy, more minerals and more timber.

The pressure from mining interests is intense. This nation has only about 6 per cent of the world's land area and 6 per cent of its population, but it is using one third of the world's mineral production. Hollis M. Dole, the Interior Department's assistant secretary for mineral resources, said in September that the U.S. demand for primary minerals would quadruple by the year 2000.

As Congress sets about revising the old mining laws and setting new terms under which the public lands will be available for mineral search and development, there is obviously a great deal at stake for the mining industry. The industry, represented by the American Mining Congress, says it is fighting for its life.

That group's executive vice president, J. Allen Overton Jr., told the Idaho Mining Association at Cour d' Alene in July that he had come to tell them about "the alleged demise and burial of the American mining industry." He said the industry was facing the twin dragons of the 1970s—evil and misrepresentation.

"If unthinking purposeful opponents succeed in locking us out of the untouched mineral lands in this nation, and also lock us out of overseas resources," Overton said, "we stand in very definite danger of losing our freedom."

There is no question that access to the land is important to the mining industry, or that the industry itself is basic to the economy. However, the industry has powerful friends in Government, both in the Executive branch and in Congress. Traditionally, the Interior Committees of the Senate and House have been loaded with Westerners sympathetic to the mining viewpoint.

The Public Land Law Review Commission, headed by Representative Wayne N. Aspinall (Dem.), Colorado, was heavily stacked on the side of mining and other interests exploiting the public lands. The commission's monumental report, issued last year, was flabby in its approach to mining law revision, although it did say miners should pay for what they get.

In the wake of the commission's report, Senator Henry M. Jackson (Dem.), Washington, the chairman of the Senate Interior Committee, introduced a bill last February to erase the 1872 law, to give the Bureau of Land Management definite status and mission, and to provide for the leasing of hard-rock lands.

Other legislative proposals to throw out the old law have been offered by Representative John P. Saylor (Rep.), Pennsylvania, the ranking Republican on the House Interior Committee, and Representative Morris K. Udall (Dem.), Arizona, a committee member.

Udall's bill, which has brought him harsh criticism in his home state, is substantially what was suggested in 1969 by his brother, the former Secretary of the Interior. Also pending are Administration proposals drawn up by the Interior Department and put forward by the present Secretary, Rogers C. B. Morton. They are too strong for industry's taste.

What the various bills would do, essentially, is establish a leasing system under which the Government would keep title to the land and the hardrock miner would pay a royalty on what he extracts. In addition, federal officials would get more power to control mineral exploration and development in the interest of other values of the land.

The handwriting on the wall was not difficult for the industry to see. It favored changing the law in some respects, anyway, and it set a battery of legal talent to drawing up a bill that was introduced in September by Aspinall in the House and by Senator Alan Bible (Dem.), Nevada, in the Senate.

The Aspinall-Bible bill would provide for payment of a small royalty and would eliminate some of the evils of the old law. It would preserve the structure of the mining location and patenting system, however, and would make it easier for claimants to tie up mineral lands for future development, an important benefit.

The industry-backed bill, a federal official said, would continue the present priority that mining enjoys over other values and would maintain the option of developing the land in private hands. It would continue the opportunity to tie up lands regardless of their mineral value, he said, and would make it easier for the mining industry to tie up land for prospecting.

High noon is approaching for the 1872 mining law, which has contributed richly to the mining industry, created a few millionaires and many paupers, and enlivened the legends of the Old West. The shoot-out in Congress will be next year.

MINING LAW CHANGE FOUGHT IN ARIZONA

(By William K. Wyant, Jr.)

(Second of a series)

PHOENIX, Dec. 13.—This sun-drenched desert metropolis, made verdant by irrigation waters and prospering with the copper industry, is the legal citadel for the American Mining Congress's effort to stave off drastic change in the 1872 mining law.

The hard-rock miners are willing to accept some alteration, but are unhappy about conservationist onslaughts and about legislative proposals that would limit their free access to hundreds of millions of acres of federally-owned land in the West.

In self-defense, the Congress has embraced and is supporting vigorously an alternative measure its lawyers here helped shape—the "Mineral Development Act of 1971", introduced in the House Sept. 14 by representative Wayne N. Aspinall (Dem.), Colorado, and three days later in the Senate by Senator Alan Bible (Dem.), Nevada.

Mining's importance to Arizona, which produces more copper than all the other states combined, would be difficult to overstate. Senator Paul J. Fannin (Rep.), Arizona, told the Congress at Las Vegas in October that copper mining employs more than 20,000 persons in his state, pays $177,000,000 in wages and foots about 12 per cent of Arizona's tax bill.

In 1970 Arizona turned out well over half the total United States and 13 per cent of the world's mine production of copper. Most of that came from around Tucson, much of it from what is or until recently was public lands.

The bills, miners are worried about, notably one championed early this year by Senator Henry M. Jackson (Dem.), Washington, would wipe the century-old law off the books and substitute a leasing system for hard-rock minerals like copper. The Government would keep the title to the land and impose a royalty for minerals removed, as has been true since 1920 for oil and gas.

In contrast the mining industry's Aspinall-Bible proposal would fall well short of eliminating the old location-patent method which for generations gave hard-rock miners a blank check to roam the public lands, stake their claims, and take the minerals for nothing.

The Aspinall-Bible bill does provide for payment of a 2 per cent royalty to the Government on the "mine value" of minerals extracted, a point on which Aspinall, chairman of the House Interior Committee and a friend of mining, says he insisted when a committee of Congress lawyers consulted with him last summer about their draft.

"It was at my insistence they put it in," Aspinall told the Post-Dispatch in Washington.

As defined in the Aspinall-Bible measure, the mine value on which the Government's 2 per cent cut would be based is the proceeds from sale less depletion and all direct and indirect costs incurred, plus a reasonable profit. Other bills would exact 3 to 5 per cent on gross value, or leave the matter to the discretion of the Secretary of the Interior.

The industry's bill would tighten up the old law in ways designed to eliminate the nonmining abuses that have been rampant. It would convey title to minerals and land, but restrict the use of the surface to mining purposes. As far as legitimate mining is concerned, it would leave the public domain open to the virtually unhampered invasion miners insist is essential in their search for ore.

". . . It is to the public lands that the mining industry must look for a greater portion of our country's future metal and mineral requirements," George Munroe, president of Phelps Dodge Corp., told the Senate Interior Committee in indorsing the Aspinall-Bible approach Sept. 22.

"In the eight Western states in which the bulk of hard-rock mining is done, nearly half the land is public land, or under the supervision of the Federal Government."

Munroe is a director of the Congress and the head of a corporate giant that netted $112,621,000 on more than three quarters of a billion dollars in sales last year. Phelps Dodge is second only to Kennecott Corp. in domestic copper mining.

Also testifying on behalf of the mining congress along with Munroe were three other leaders of the industry—Ian K. MacGregor, chairman of American Metal Climax Inc.; Howard I. Edwards, vice president and secretary of Anaconda Co.; and Charles F. Barber, chairman of American Smelting & Refining Co.

Another mining witness that day was W. Howard Gray, chairman of the Congress's public lands committee. Gray is a Reno lawyer who served on the advisory council of the Public Land Law Review commission. The commission issued its report to Congress and the President in June 1970.

Of the four companies whose executives testified, a group with aggregate 1970 sales of more than 3.3 billion dollars and earnings of more than $370,000,000, Phelps Dodge and Amax had the best year in their history.

Despite the size of their own companies, however, the Congress spokesman voiced concern for the small miner.

The big mining companies have exploration divisions and stake claims of their own on the public lands. They also look to individual prospectors and small companies for bird-dogging evidence or minerals. Edwards of Anaconda reminded the Senate committee that Utah's Topaz Mountain beryllium strike—the world's largest—was made by a moonlighting school bus driver.

Senator Jackson's mining law revision bill would give the Secretary of Interior broad discretionary power over issuance of hard-rock mineral leases and require him to seek competitive bids for lands in which valuable deposits are known to exist. The Congress witnesses argued that competitive bidding would squeeze out individuals and small companies, since they could not afford the ante.

As was eloquently set forth, the cost of the mining game is going up. In their search for minerals basic to the American economy, miners are digging deeper and deeper and processing, with improved technology, ores of lower and lower grade. Anaconda's Twin Buttes copper mine south of Tucson cost more than $200,000,000. Amax's new Henderson molybdenum in the Colorado Rockies will run to more than $250,000,000.

The mining congress published and circulated the testimony of its star witnesses under the caption, "Mining Fights For Its Life". J. Allen Overtone Jr., the Congress's executive vice president, is proud of his industry's contribution to the national welfare but convinced that it is going through a "crisis of communications". Its problems, he says, are poorly understood by a public that takes for granted the metals essential to modern life.

"People have become hardware store mineral resources" that looms ahead.

On the same theme, Overton pointed to the September testimony of another Interior Department official, assistant secretary for Mineral Resources Hollis M. Dole, indicating that the United States demand for primary minerals will be four times greater in 30 years than it is now.

Contributing to the industry's present-day frustrations is the fact that the Federal Government speaks with many voices. Miners are being exhorted to go out and find more minerals, sometimes with federal financial help. At the same time, they are being chivvied about pollution, saddled with increased federal control, and told to stay out of scenic areas. The Government blows an uncertain trumpet.

Overton complained that the number of Government entities involved with mining had proliferated in the last 10 years. He ticked off 85 committees and subcommittees in Congress, nine federal departments, and 98 federal agencies, offices and bureaus.

The industry's legal committee involved in shaping up what became the Aspinall-Bible bill for mining law revision, Overton said, were Phoenix lawyers of "fine legal talent" who serve as counsel to the Congress's public lands committee headed by attorney Gray of Reno.

Included in the group are Howard A. Twitty of the Phoenix law firm of Twitty, Sievenwright & Mills; G. Henry Ladendorff, another lawyer here, and the Phoenix firm of Evans, Kitchel and Jenckes, Denison Kitchel of the firm, former counsel for Phelps Dodge and Asarco, came to public attention in 1963 when he directed the Goldwater campaign for the presidency.

It is not unusual for groups affected by prospective legislative action to draw up or help shape bills that eventually find their way into the hopper. They may not, of course, get what they want. The Sierra Club, a conservationist organization, claims credit for helping draft a rival to the Aspinall-Bible proposal, introduced by Representative John P. Saylor (Rep.) of Pennsylvania.

The Saylor bill, like measures sponsored by Senator Jackson and Representative Morris K. Udall (Dem.), of Arizona, would be a much more bitter potion for the mining industry to swallow.

The Interior Department in October offered its own proposals for change, retaining elements of the old location system for hard-rock minerals but giving the secretary more control over what goes on.

All the proposals, including the mining industry's, provide for payment of royalties to the Government where none, in the case of metals like copper and the like, have been paid before.

The industry lost the royalty battle when Aspinall's Public Land Law Review Commission, in which mining had great influence, came out last year with the recommendation that all users of the public lands should pay for what they get from what is owned by all the people, and specifically that the Government ought to collect royalty from miners.

"We have doubts that it is really necessary," Overton told the Post-Dispatch. After Aspinall insisted, he said, the Congress polled its members and they agreed to go along. He said one reason they went for it was that they did not want it thought that they were "flim-flamming the public."

Former Interior Department solicitor Frank J. Barry, an Arizonan now teaching law at the University of Oregon, became appalled at the iniquities of the old mining law while in federal office. He said he thought the copper companies could afford to pay a royalty.

"I don't see why they shouldn't," he remarked recently. "They get a 15 per cent depletion allowance on our copper."

COPPER: ARIZONA'S TREASURE

(By William K. Wyant, Jr.)

(Third of a series)

TUCSON, Ariz., Dec. 14.—When the United States made the so-called "Gadsen Purchase" from Mexico for $10,000,000 in 1853, it got a bonanza. The package included what is now southern Arizona and a rich treasure of mineral deposits. Copper is the big payoff now.

Close to 60 per cent of the nation's copper—a metal vital to modern industrial society—comes from this picturesque and fascinating desert country with its harsh, clear counters and soft Spanish names—the Santa Ritas, the Huachucas, Sahuarita, the Coronado National Forest.

It is a good place to look as the controversy gets under way over proposals in Congress to change the old 1872 mining law. That law, which invites the lonely miner to enter the public lands and take what he can find, is under intense fire as a legal monstrosity, woefully inadequate for the present day.

At stake in the struggle is the future of a vast federal land domain, owned by all the people of the United States and consisting of hundreds of millions of acres in the Western states and Alaska. This heritage is becoming more valuable as time goes by. The pressures on it are intense.

Around Tucson—sometimes called "the most cosmopolitan mining camp in the world"—and elsewhere, the pressures fall mainly on the Department of the Interior's underfed Bureau of Land Management, and on the forest service of the Department of Agriculture.

The bureau, a neglected and thinly staffed agency, has responsibility for 451,000,000 acres of federally owned lands. The Forest Service oversees 187,000 more. Neither is equipped to keep up with the multiple thousands of mining claims stake out on the public lands under the old law.

Regional and local federal officials in the West spent an inordinate amount of their time trying to cope with problems in which the old law—a holdover from pick-and-burro prospecting days—clashes with other uses of the public lands, such as recreation and the enjoyment of scenic areas.

Under the nineteenth century system that still covers copper, gold, silver, and other "locatable" hard-rock minerals, the claimant has no obligation to file his claim any place but the county courthouse. Federal land-managers have no direct way of knowing what claims have been filed, who filed them and where.

Federal officers hereabouts have little fault to find with the big, well-financed, legitimate mining corporations. They say the big outfits try to minimize damage, want a good public image, operated by the book, and know what they are doing.

Most of the difficulty, it was said, comes from small-time operators or individuals. Some are bona fide modern exemplars of the old prospector, seeking minerals and hoping to strike it rich. Others are after cheap land. Some are speculators. Mining claims have been used for real estate developments, fishing cabins, even brothels.

As a billion-dollar-plus producer and a leading contributor to the state's economy, copper is treated with respect in Arizona, although politicians no longer wear copper collars. The industry takes robust pride in its story and has an excellent man to tell it, Edward H. Peplow Jr.

Peplow is the executive secretary of the Arizona Mining Association, composed of American Smelting & Refining Co., Anaconda, Duval, Kennecott, Phelps Dodge and eight other companies.

One of Peplow's educational tasks is to drive to Tucson from his headquarters at Phoenix occasionally and show visitors through the immense complex of open pit copper mines in the Twin Buttes area 20 miles south of Tucson.

In times past, Arizona's mines processed rich ore containing 15 per cent to as high as 45 per cent copper. Bonanza ore is gone. The point about Twin Buttes is that the mines there are chewing up and getting copper out of ore that is less than 1 per cent copper, ore that would have been scorned in the past as worthless rock.

"It is ridiculous to say we are running out of minerals," Peplow said. As technology improves, more and more rock becomes mineable but such mining required immense amounts of capital for machinery and equipment. It also underlines the future importance of the public lands as a mineral resource.

One morning several weeks ago, Peplow showed up in a yellow miner's hard hat at a Tucson shopping center and met two busloads of New York Stater Club members. He had arranged to escort them through the Anaconda and Asarco work at Twin Buttes.

When box lunches, soda pop and the mining association's pamphlets had been stowed aboard, Peplow rode south with his charges through miles of flat country peppered with cactus and mesquite.

With a jovial good humor that would charm the scales from an Arizona rattlesnake, Peplow regaled the group with information about copper's importance to the state and nation, Anaconda's efforts to revegetate its alluvial dikes, and the expense and complexity of the mining process.

He discussed also the industry's state tax bite, about $44,000,000 or more a year. He warned his audience not to fall for pending efforts in Congress to change the old mining law in ways the industry considers unwise. He foresaw perils for the small miner.

"Every one of these properties," Peplow said after the New York Staters had viewed the yawning pits and the ore crushers and mills of Twin Buttes, "was first pointed out by the small miner—don't be fooled.

"The small miner is the basis on which this tremendous industry was built. Let's not deprive the little man of his right to come in and reap the fruit of something he has discovered. It is not right or equitable for the little man to be so severely penalized."

Just as Peplow suggested, there is a stupendous quality, a grandeur about a big copper operation that stirs admiration. In the immensity of Anaconda's pit, a mile long and 900 feet deep, the huge rock-moving trucks crawl about like ants. The grass the company planted is growing on the giant dikes of waste rock. Peplow told of plans for establishing a nature walk in the desert below.

"The No. 1 reason," he confided, "is that we're birdwatchers. But we also want to show that a mine is not the kiss of death for wildlife."

At Asarco's Mission Mine and the adjacent Pima, the visitors saw another gaping pit. They watched a primary cone-type crusher gulp truckloads of ore, grinding it to small rocks with lazy power. Finally they filed through a mill where the ore was ground to facepowder consistency. It came out as 35 percent or so copper to be sent elsewhere for smelting.

Bureau of Land Management officials at Phoenix said that the Anaconda, Asarco, and Pima operations around Twin Buttes as well as two more, the Esperanza and Sierrita mines of Duval Corp., involve lands that were federally owned until the late 1950s. Some are still unpatented mining claims and still in the public domain.

The old mining law permits hard-rock miners to obtain ownership of federal lands on which a valid mineral discovery has been made for a nominal fee, $2.50 or $5 an acre. There is no royalty payment to the Government, as is the case with oil, gas and coal. A move is afoot in Congress to put minerals like copper under a leasing system.

A leasing system would mean the government would retain title to the land, rather than having it pass into private hands. It also would mean a royalty on minerals taken out. The industry has agreed reluctantly to a modest royalty, but opposes a change to leasing because it would hamper their access to federal lands and their freedom of operations.

Typically, a big mining company that finally decides to invest as much as a quarter billion dollars in a new mine may go through a painful and elaborate process of assembling the land. Its lawyers must track down old claimants and buy their rights. It may have to pay a lot.

For example, it cost Duval Corp., a wholly owned subsidiary of Pennzoil United of Houston, around $15,000,000 to get together the real estate for its properties in the Twin Buttes complex, a Duval official said. Duval's Esperanza mine went into production in 1959. The company's new Sierrita mine, adjacent to Esperanza, got under way last year.

Both the Duval mines process low-grade ore and turn out molybdenum, used to strengthen steel, as well as copper. In the case of Sierrita, the project's total cost is expected to exceed $165,000,000. Duval received an advance of $83,000,000 in federal funds under a Defense Production Act copper expansion program. By 1975 it will have paid the government back in copper at a fixed price of 38 cents a pound, well below market.

"Esperanza was called to my attention by a promoter who had an option on unpatented mining claims," Ben G. Messer, vice president of Duval, said in his office at Tucson. Messer and a mining geologist first looked at the property in 1954. Duval bought the promoter's retained royalty interest in 1969 for more than $6,000,000. The promoter was a retired contractor from Tulsa.

Messer said Duval patented some 1730 acres of BLM federal land in 1961. It is getting ready to apply for patent to roughly 1000 acres at Sierrita. The company bought some land at auction from the state and some from private owners.

"You run into all combinations of state, federal and private lands," said Messer, a graduate of the Colorado School of Mines. At Mineral Park in northwestern Arizona, another Duval mine, the land was mostly public domain and he was able to acquire it for $600,000 to $700,000.

The price of copper escalated during the Vietnam war, causing protests from the Johnson Administration. United States Bureau of Mines statistics indicate that the domestic price rose to nearly 48 cents from less than 36 cents a pound from 1965 to 1969. The average price last year was more than 58 cents.

EXPLOITATION OF PUBLIC PROPERTY

(By William K. Wyant, Jr.)

(Fourth of a series)

JEROME, ARIZ., Dec. 15.—From this old mining town on Mingus Mountain in central Arizona there is a spectacular view across the Verde Valley to the Mogollon Rim and beyond. The abandoned copper works in the foreground loses itself in the northeastward sweep that reaches into the Coconino National Forest.

First came the Indians and then the Spaniards. Then, in the nineteenth century, after the California gold rush moved Congress to pass the 1872 mining law, men staked claims and took out more than a billion dollars in metals, chiefly copper, before the mines shut down in the early 1950s.

The United Verde Mine and United Verde Extension were the chief contributors to Jerome's glory. One produced more than $470,000,000 in copper, gold and silver and the other yielded $125,000,000. Phelps Dodge Corp. bought the United Verde Mine in 1935 and discontinued operations in 1953.

When Jerome was booming, the town had 11,000 people. The 1971, Arizona road map gives it 243. The mines poured millions of dollars into the pockets of a few men, employed thousands of others, left some holes in the ground, and took out mineral wealth that is gone forever from lands once publicly owned.

The 1872 law encourages the prospector or miner, giving him special status on the public lands. He may roam them more or less at will, stake his claim, and buy the land for a pittance if he has a valid mineral discovery. The law exacts no payment to the United States for hard-rock minerals removed.

In early expansionist days, western land was cheap. Much of the present public domain is what nobody wanted then. It was too high, too dry, too wet, too mountainous, too far away. The prospector in such country, it was felt, should have his reward. Let the man who found the minerals take them away. He had earned them.

National attitudes toward the public lands have changed, as have attitudes on scenic and recreational values. The one third of the United States that is federally owned is now looked on widely as a reasured heritage. The old mining law has not changed much, however. It is a legal mastodon that is dying hard.

There are numerous proposals in Congress for repealing the century-old General Mining Law, as it is called. Some would put hard-rock minerals on a leasing basis, like oil and gas, and make the miner pay a royalty on what he takes. The mining industry has expressed willingness to pay a modest royalty, but does not want the federal controls that a leasing system would entail.

Above all, the mining industry wants—and insists it must have—a continuance of the more or less unfettered access to the public lands. Conservationists, seeking to protect the lands, want controls. The struggle will be bitter because much is at stake. Arizona is a battleground.

The Arizona territory had fewer than 10,000 persons in 1870 when the Jerome mines were firing up. When admitted to the union in 1912, the state had more than 200,000 and in 1970 it had 1,752,122. Nearly 45 per cent of Arizona is federaly owned. Arizona has abundant minerals and scenery. It cashes in heavily on both, but sometimes these assets come into conflict.

There are about 1,000,000 mining claims now on federal lands in Arizona. These lands are managed chiefly by the Department of the Interior's Bureau of Land Management, which is responsible for nearly 12,000,000 acres in the state, and the Department of Agriculture's Forest Service, which has 11,436,756 acres.

Nobody knows precisely how many claims there are, old and new. One of the old law's mule-train anachronisms is that a claimant files at the county courthouse, not with the Federal Government. The Government has to find out the hard way.

Mining is essential to the United States. There will be more of it, rather than less, as the national requirement for minerals increases. The question is not whether mining shall take place but whether the public—through its officials—will be in a position to insist on minimizing and repairing damage, and to make an intelligent choice when mining threatens priceless scenic areas.

The damage that mining inflicts on the public lands, some of it inevitable, comes from exploration for minerals and from the extraction process. Snorting bulldozers penetrate and scar the back country. Antiquated laws require the miner to rip the surface to make good his claim, even though the minerals he seeks may be thousands of feet down.

Of the thousands of mining claims that are staked, relatively few turn out to contain valid mineral discoveries worth the time and effort of a prudent man. The old law encourages purposeless damage, as former Secretary of Interior Stewart L. Udall said in 1969. It contains strong incentives for fraud and abuses.

"The mining law of 1872 is just as good today as in 1872—if people were honest," Hall F. Susie, chief of the minerals branch at the BLM's state office in Phoenix. "One thing that is bad about it is that we have no way of knowing who is out there, so we can't even watch them."

Among federal officials in Arizona and elsewhere in the West, many are as enthusiastic about legitimate mining as the mining industry itself. The big outfits are trying to behave, they say. Most of the trouble is attributed to small wildcatters, nuisance claimants, and persons trying to use the old law to get a piece of government land for nonmining use.

The land management agency in Arizona cited six examples regarded as misuse of the 1872 law. Mining claims have been staked along the route of the proposed Central Arizona Project canal.

At Tucson in 1960, owners of expensive homes awoke to find mining claims staked in their yards. In the Phoenix area in 1955–60, claimants got title to about 400 acres of public lands at $2.50 an acre. Some was developed into valuable home sites.

At Wickenberg, the bureau said, a man put 160-acre placer mining claims on public lands and offered to trade these "desert ranches" on reasonable terms, accepting a horse as part of the payment. Near Sonora, a man developed a trailer court on unpatented mining claims. In Arizona's national forest, hundreds of "weekend miners" from the city have cabins or unpatented claims.

Congress in 1955 approved Public Law 167 providing that unpatented claims be used only for mining. With this authority, the Forest Service has made a drive to remove cabins where mineral claims are invalid. In all such challenges, however, the Government may be put to great time, expense and trouble in disentangling the public's property from legal encumbrances.

"We haven't got as tough as we could have been," said James H. Fitch, special land use and minerals officer for the Coconino National Forest Ranger District at Sedona, a growing resort town northeast of Jerome.

"When you are dealing in mining claims, you are dealing in dreams. You're dealing in lifetime dreams."

Nestling in the forest amid surroundings of dramatic beauty, Sedona is still unincorporated but is beginning to generate urban problems. Fitch said that less than 20 years ago old homestead lands could be bought there for $1.50 an acre but now private land brings $10,000 or more.

The Sedona District of the Coconimo Forest covers 226,000 acres, Fitch said, and is looked after by a staff of five professionals. He estimated that there were 150 to 300 mining claims. One prospector has been searching two decades for the lost Geronimo gold mine. The district is not as beleaguered by claimants as are heavily mineralized forests in the state.

About 230 miles to the south, in the copper-producing area around Tucson, Coronado Forest Supervisor Clyde W. Doran has struggled hard to cleanse his 1,800,000 acres of various types of illegal occupancy under the mining law. He has a total force of about 60.

There has been an upsurge in claim-staking in the Coronado Forest in the last five years, Doran said, more than half of it by big, legitimate mining companies. He estimated 250,000 to 300,000 acres had been tied up. Doran emphasized that he was not against mining.

"If we are going to have two cars and a telephone, and go to the moon," Doran said, "we are going to have to put up with some of these things. Don't get me wrong, don't put me out on an environmental cloud."

However, Doran said that it would be a blessing if the old law was changed. In time, he said, Arizona's open spaces will be filled with people who will want places to go for recreation. He said that claimants should be required at least to register with the Federal Government and obtain a permit.

"Here's the sad part," Doran said. "We can spend up to five years going through a hearing—to decide whether a claim is valid. A day later, the claimant can go back to the same place and start over again."

Doran's zeal has gotten him crossways with the outspoken editor of the Tombstone Epitaph Wayne Winters, a champion of the small miner. Winters, 56 years old, staked a placer gold claim on the Coronado Forest near the Mexican border. He built a small adobe building on it. He called the claim "Oro Escondido," or hidden gold.

When forest supervisor Doran sought to dislodge him, Winters fought tooth and nail. After tedious legal proceedings, Winters finally filed his claim anew this year and called it "Doran's Folly."

In his writings, Winters has charged the Forest Service's "boys in green"—as he calls them—with pursuing a scorched earth policy.

Winters told the Post-Dispatch that he had a valid gold claim he expected to mine after retirement, to augment his income. In his view, there are things about the old law that need to be made modern but the federal bureaucracies are seeking to clear title to all the public lands.

"It amounts," he said, "to nationalization of the mining industry."

The embattled Tombstone editor expressed his conviction that if Congress substituted a leasing arrangement for the 1872 law, it would mean the end of the individual prospector and small miner seeking hard-rock minerals.

Old Mining Law Hampers U.S. Agents In California

(By William K. Wyant, Jr.)

(Fifth of a series)

SAN FRANCISCO, December 16.—The old 1872 mining law, which reflects the rough-and-ready, finders-keepers philosophy of California gold rush days, is today a thorn in the side of federal land-managers in the Golden State. This year a federal agent was shot as he tried to investigate a mining claim.

Unfetted access to public lands, a key point of the old law, is still vigorously defended by the mining industry as essential to the search for minerals. It is guarded also by vocal groups of small miners who, like the big ones, see increased federal controls as a threat.

Whether a mining claim benefits a big corporation or provides an excuse for a loner to live in the great outdoors, there is a mystique about the old law and its nineteenth century crotchets. The old law served the nation well in its time. Its admirers hate to see it go.

The shooting incident, followed by the roughing up of two government mining engineers, took place last April in the Shasta Trinity National Forest in northern California. Nobody was hurt seriously, but the circumstances illustrate the fierce resentment some small mining claimants have toward what they regard as federal harassment.

Joseph V. Flynn, chief of the division of lands for the Forest Service's California region here, said that a working party of four men had ventured into steep, Douglas fir country on a tributary of the New River in Trinity Forest. Their purpose was to examine a gold claim on which the claimant was living.

The claim belonged to Edward Isaacs, who had purchased it about a year earlier, it was reported. Flynn said the Forest Service had given the claimant notice, but he was not present. The federal men went ahead with their test, which consisted of using a sluice box to determine whether gold in significant quantity was to be found there.

"During the testing or sampling," Flynn recounted, "somebody fired a number of shots close to the sluice box. One of the shells had a hard-cased jacket and a fragment struck one of the helpers in the neck."

The wounded man, Flynn said, was Forest Service resource assistant Charles McFadden. He was taken to the nearest medical facility, about 60 miles away. Flynn said the two mining engineers went back to retrieve their equipment, whereupon they were attacked by unfriendly onlokers. One came away with a chipped tooth, the other a head cut.

Newspapers, reported the incident, which was investigated by the Federal Bureau of Investigation and the county sheriff.

Rallying to the trinity claimants, the Hayfork chapter of the Western Mining Council took an advertisement in the newspaper at Weaverville, proclaiming that the Forest Service and the Bureau of Land Management must produce court orders showing their right to make mineral examinations on unpatented mining claims.

An unpatented mining claim is a piece of land, typically 20 acres, that has been staked for minerals but is still owned by the Government. The claimant may take the minerals from the Government's land. If the claimant applied for and receives a patent to the land, it becomes his private property and goes on the tax rolls. Most claims never go to patent.

Speaking of the Trinity Forest difficulties and some others nearby, William Sanborn, the Forest Service's field mining engineer at San Francisco, said, "Basically, I don't regard these people as small miners. They are occupants of mining claims."

The Forest Service officials said New River in the Trinity region had been extensively mined in the old days, but gold production now was practically nil.

California, the nation's most populous state, is thickly carpeted with 20,000,000 acres of national forests, or about one fifth of the land. To handle this, the Forest Service has 3181 permanent fulltime employes. About 32,500 "live mining claims" were counted at the end of 1970, including 2362 filed during the year.

The Interior Department's land bureau in the state manages an additional 5,597,000 acres of federally owned land in the state. Much of that is in the southeast and includes 11,000,000 acres of desert, manned by five desert rangers. All in all, nearly 45 per cent of California is federally owned land, nearly as large as a proportion as in Arizona.

Under the 1955 multiple use law and the Mining Claims Occupancy Act of 1962, the federal land-managing agencies in California and other western states have been able to clear thousands of cabins from unpatented mining claims. At the same time they have tempered the law for certain hardship cases, where people have been living on mining claims a long time.

There used to be a good deal of cabin-building on mining claims in California by people who wanted summer homes, but that is a problem of the past. The state still has trouble with claims filed on the rights-of-way on rail, highway or pipeline projects. It is tedious and costly to clear away these encumbrances.

Charles F. Park Jr., professor of geology and mineral engineering at Stanford University, told the Post-Dispatch he thought the federal holdings would become more and more important to mining. He was not worried about the Government getting no direct payment for the hard-rock minerals removed.

"I think there is a tendency to overtax these things," Park said. He argued that American prosperity had been built on the availability of cheap resources in large quantities. Additional cost imposed at the mine, he said, would be multiplied by the time products reached the consumer.

Park has looked for minerals in many parts of the world. He sees a possibility that mineral supplies undergirding modern industrial civilization may run out, particularly if population continues to increase. He wrote a book on the theme, "affluence in jeopardy," published in 1968.

Last spring Park and David Brower, former Sierra Club leader and now head of Friends of the Earth, figured in a much-discussed New Yorker Magazine article. Park and Brower walked into the Glacier Peak wilderness in Washington State, where Kennecott Copper Corp. has a patented mining claim. Park thought the copper should be mined. Brower wanted it left alone.

"The lands used by the extractive industries are not necessarily ruined for recreation and other purposes," Park said in his book.

Another well-known geologist, a friend and contemporary of Park, is James Boyd, executive director of the new National Commission on Materials Policy set up by Congress under the National Materials Policy Act of 1970.

"We are old friends but we fight like stallions," Boyd said in his office in Washington. "Park assumes we are going to run out of raw materials. I start from the assumption that raw materials are infinite. You can get anything you want if you want to pay for it."

He said that Park would have been named to the materials commission but for the magazine article, which cast Park in an anticonservationist role.

Boyd, an Australian by birth, directed the Interior Department's Bureau of Mines in 1947–51, and worked for Kennecott in the

1950s. From 1960 until recently, he headed the Copper Range Co.

When Boyd was president of Copper Range, he took the lead during the Vietnam War in pushing up the domestic price of copper, moving it toward the world price. In his view, the price is not high enough today to provide a sufficient flow of money to the industry.

"How do you encourage people to take business risks?" Boyd asked. "The only chance is the hope of reward."

The new statutory commission that Boyd is directing consists of seven members named by President Richard M. Nixon June 23. One is J. Hugh Liedtke, president of Pennzoil United at Houston. The Senate Public Works Committee voted to waive hearings, and the Senate confirmed them en bloc July 23. The commission's task is to recommend what the nation's materials policy should be.

Like Park, Boyd favors the mining industry's proposal for only limited revision of the 1872 mining law. A proponent of more drastic reform—a move to a leasing system providing federal controls over hard-rock mining—is conservationist Michael McCloskey, executive director of the Sierra Club in San Francisco.

"The crucial issue," McCloskey said, "is whether mining takes place at the option of the miners or whether it is to be made permissible at the discretion of the Government."

COLORADO METALS FIRM OBEYING ECOLOGY RULES

(By William K. Wyant, Jr.)

(Sixth of a series)

DENVER, December 17.—Colorado is a scenic and mineral-rich Rocky Mountain state, that is pocked and pitted by mining of the past. More than one-third of the state is federally-owned. Recreation and conservation pressures are interfering today with the mining industry's easy access to the public lands.

Many minerals made up Colorado's total production of $371,883,497 in 1970, but the most important—ranking even above petroleum—was molybdenum, a metallic element used for hardening and strengthening steel.

Under the 1872 mining law, molybdenum is one of the hard-rock "locatable" minerals such as copper, silver or gold, that can be taken from the public domain without payment to the Government. This is in contrast to oil, gas and other "leasable" substances on which the extractor pays a royalty.

It is not the Government's failure to obtain immediate revenue that spurs most critics of the old law to seek radical change, however. What concerns them more than the money is what they see as a crying need for better controls over mining on lands that are an increasingly valuable national heritage.

Two mines in Colorado's National Forests produce more than 60 per cent of the nation's molybdenum output and about 40 per cent of what is mined in the free world. The mines are owned and operated by the same company, Climax Molybdenum Co. of American Metal Climax Inc.

AMAX, a large concern with international ramifications, has an excellent record as a corporate entity that cares about the environment. The parent company and subsidiaries had net sales of $840,720,000 last year and earned $83,000,000 after taxes. There were 32,216 common stock shareholders. Dividends were $3.40 a share.

The company's Climax Mine, on Bartlett Mountain in the San Isabel National Forest northeast of Leadville, is the largest molybdenite deposit known to man. Claims were staked in the 1870s and the mine first got into production in World War I. The producing company merged with American Metal Co. in 1957 to form AMAX.

A "caving" system of mining is used at Climax. It is an underground mine, one of the world's biggest. As ore is taken from the inside of the mountain, there is a caving action in overlying rock, producing a cavity on the mountainside known as the "glory hole."

Climax and the company's second mine, the smaller Urad works in the Arapaho National Forest to the northeast near Empire, are credited with turning out more than $114,000,000 worth of molybdenum last year. Across the mountain from Urad, AMAX expects to have its new Henderson mine in operation by 1975.

The Henderson project will cost AMAX $250,000,000 and is expected to nearly double the company's present molybdenum output by the late 1970s. It has become famous among conservationists because of the measures the company is taking to prevent unnecessary damage to the environment.

Much of the responsibility for AMAX's efforts to minimize the adverse impact of mining in the beautiful country where it operates centers on H. Stanley Dempsey. He is division attorney for Climax Molybdenum Co. at Golden and chairman of the AMAX Environmental Planning and Protection Committee.

Another company officer who has assisted the effort is David H. Ackerman of New York City, vice president of the AMAX copper division.

"I think Stan Dempsey is probably the most enlightened mining industry executive I know — Stan really is a conservationist, philosophically," said Roger P. Hansen, executive director of the Rocky Mountain Center on Environment at Denver. Dempsey is a vice president of ROMCOE, a private environmental service for the Rocky Mountain states.

Hansen and Dempsey worked together to shape the "experiment in ecology," a project aimed at planning the company's new Henderson mine in such a way as to reduce its impact on the area's forests and streams. Among other things, the mill site will be 14 miles from the mine and a $40,000,000 railroad tunnel will be built under the Continental Divide to transport or from mine to mill.

The Henderson project has received national praise. In another project, ROMCOE contracted with AMAX to make an environmental resources inventory in the Wood River Valley in northwest Wyoming. The company has copper properties it may develop there.

"Spending anything on environmental studies is revolutionary," Hansen said. The American Smelting and Refining Co. asked ROMCOE to make a resource study, he said, on its molybdenite deposit in the White Cloud Peaks area of Idaho. Conservationists want that area protected. Hansen said the cost of ROMCOE's studies was in the $100,000–$125,000 range—small relative to the total sums spent in finding and developing a mine.

Hansen, who has a law degree from the University of North Carolina, is the chairman of the American Bar Association's Environmental Quality Control Committee. He said that most companies still considered environment a public relations responsibility." ROMCOE, he said, regards environmental quality as a total social problem requiring everybody's energy and resources—including industry's.

"These resources are not all in the hands of the traditional conservationists," he said. He protested against the attitude that people who worked for industry are villains, while those working for a conservationist group such as ROMCOE, for example, are heroes. "Nothing is that simple," he said.

In exploring and proving up the deep ore body for the new Henderson molybdenum mine and in assembling the land for it, AMAX officials at Golden estimated that the company had spent nearly $10,000,000. The Urad mine across the mountain will be exhausted and closed out in 1974.

AMAX filed claims at Henderson in the 1960s, it was said, and has obtained title to about 200 acres there by patenting under the 1872 Mining Law. In addition, the company got 8000 to 9000 extra acres through a swap with the Forest Service and is proposing another exchange involving several thousand more. The property now covers about 14,000 acres, some purchased from private owners.

Congress has authorized land exchanges on a value-for-value basis, when the trade is in the public interest. In the case of the Henderson project, the company bought up 24 plots of land that the Forest Service wanted in other areas and received in exchange federal lands it needed for the mine. Thousands of acres at the Climax mine were acquired in that fashion. Another 1000 or more is being sought, the Forest Service said.

The AMAX molybdenum operations in Colorado are an example of a favorable industry attitude toward the environment and also illustrate the transition into private hands of mineral deposits on public lands in the West. It is a transition the 1872 mining law encourages.

As Congress moves to revise the old law, the mining industry has reconciled itself to going along with a modest royalty on mined metals but is fighting imposition of federal controls it says might hamper its access to hundreds of millions of acres in the public domain.

The industry's pressure can be seen from the current controversy over the Uncompahgre National Forest on Colorado's western slope. Part of it is intensively mineralized. The acreage under new mineral claims has doubled in the last four years in a primitive area designated in 1932, when it was thought the miners—active there earlier—had finished with it.

The struggle is over a Forest Service proposal that the area, about 69,253 acres of rugged, scenic country, not be included as a unit of the National Wilderness Preservation System established by Congress in 1964. A chief reason was the prospecting and mining activity there.

Regional Forester W. J. Lucas said at a hearing in November that there was a lot of exploration work going on, and much of the area was "laced with four-wheel drive access routes leading to the patent mining properties and claims."

When the Wilderness Act was passed after a long battle, the mining industry was successful in getting into the law a provision that National Forest wilderness would remain open to prospecting and mining through 1983, but with regulations to protect wilderness values. For the Uncompahgre area, the Forest Service says mineral extraction should continue without the act's restrictions.

Clifton R. Merritt, director of field services for the Wilderness Society at Denver, countered with a conservationist proposal. He agreed that part of the old primitive area was unsuitable for wilderness, but urged setting up a new 127,000-acre wilderness, mostly outside the present tract.

"The mining interests say the conservationists are for a lockup of the whole region," Merritt said. "This is not the case."

In Colorado the Interior Department's Bureau of Land Management has nearly 8,500,000 acres of federally owned land. The Department of Agriculture's Forest service has more than 14,000,000. Both agencies have trouble keeping up with mining claims.

"They lap over each other like a pile of Jackstraws," said E. I. Rowland, bureau land director at Denver. "Many are located and recorded and forgotten."

ONE MAN WITH STAKES NAILS DOWN A FORTUNE

(By William K. Wyant, Jr.)

DENVER, December 18.—The Paul Bunyan and Robin Hood of the Western mining-claims scene is Merle I. Zweifel of Shawnee, Okla. Nobody has staked more claims than Zweifel, it appears, and nobody has done more to illustrate the absurdities of the 1873 federal mining law.

Federal and state officials concerned with mining know Zweifel's name well. He is the owner of Zweifel International, which describes itself as the "world's largest mining claim location service." Its motto is: "We fly farther and stake faster."

If Zweifel and his associates do not get their share of the mineral bonanza on public lands made possible by the old mining law, it will not be because of lack of enthusiasm or energy.

Last January, Zweifel, 59 years old and Oklahoma-born, issued a reference book of mining properties owned by his company and its colocators. The book termed the Zweifel assemblage of mineral claims the largest in North America.

"The properties comprise more than 20,000,000 acres of lode and place mining claims located in the states of Arkansas, New Mexico, Colorado, Wyoming, Utah, Arizona, Nevada, and off shore the East and West Coasts of North America," Zweifel said in his statement.

"Assemblage was commenced in 1954 and was accomplished without public financing or the issuance of shares of stock or securities."

Lawyers of the Department of the Interior are working at the federal center in Denver to shake the rich Government-owned oil shale lands in western Colorado loose from a cluster of Zweifel claims. Oil shale is a leasable mineral and cannot be claimed under the 1872 law. But the land can be staked for other "locatable" minerals, such as aluminum.

Zweifel is involved in a dispute with state officials in Nevada, where he is said to have filed more than 20,000 claims in eight counties. His claims cover silver and iron in New Mexico, uranium in Wyoming and beryllium in Utah. He has filed along the proposed canal route of the Central Arizona Project between the Colorado River and Phoenix.

Last summer, Nevada Attorney General Robert List alleged in criminal and civil actions that Zweifel had not done legally required preliminary work in filing claims along the Humboldt River. Zweifel publicized the case as the "Battle on the Humboldt," depicting himself as a victim of big mining interests, gamblers and the state's Republican Party.

Zweifel told readers of his quarterly news sheet that Nevada was really charging him with refusal to use a bulldozer on his claims to dig trenches and tear up the land. He made a virtue of his refusal by saying that he refused to inflict unnecessary damage on the environment.

"The mining law is a wild thing right now," Zweifel said in an interview. "It is out of step with the ecological and environmental concepts of today."

Under the antiquated 1872 federal law, which covers hardrock minerals such as copper, silver and gold, and under state laws in parts of the West, miners must do a certain amount of work on their claims. This requirement frequently results in pointless bulldozing and pitting of the public lands.

Zweifel's contention that his actions have a moral base, critics say, don't sit well with the fact that he served about two years in a federal correctional institution in the 1950s after his conviction on charges of mail fraud in a case involving gas fields in Oklahoma. But Zweifel says he was not guilty.

At any rate, he remains undaunted by the buffeting of fortune and his bouts with big oil, big mining and the Interior Department. He furnished material suggesting that his holdings might prove to be "a fantastic, trillion-dollar mineral and land package deal" and that he might leave his estate to the Assembly of God Pentecostal Movement.

"As long as I can make it right with my God, that's all I care about," he said.

Zweifel is said to have been moved toward religious considerations by the example of Zweifel International's former executive director, Mrs. Sandee Wyatt, a student of the Pentecostal Holiness Faith.

Zweifel's concern has advertised in Barron's and other publications, offering to take claim to 11,500 acres for $168, with the company retaining a one-half interest. Zweifel braved heavy snows in the winter, of 1965–66, shortly before he swooped down that spring on Colorado's oil shale lands with a truckload of claim stakes.

"I do the work myself," Zweifel said. "Actually, you can run 200 or 300 in a single day if you are staking placers. It's much slower in the mountains."

In February 1969, Zweifel received a letter from the then solicitor of the Interior Department, Edward Weinberg, who congratulated Zweifel on having provided one of the outstanding examples of "chutzpah"—a Yiddish term for brassiness. Zweifel took it in good humor.

Today, the Interior Department regional solicitor's office outside Denver is contesting 2910 claims made by Zweifel and his colocaters in the slate-rich Piceance Creek basin of western Colorado. The dispute involves 465,000 acres of Government land.

Since 1968, the Government has been trying to determine the validity of all mining claims on its immensely valuable oil shale lands in Colorado, Utah, and Wyoming. As President Richard M. Nixon noted in his message on energy June 4, 80 per cent of the nation's oil shale is on federal lands in the three states. In addition to Zweifel's claims, thousands of others have been filed over the years.

Secretary of the Interior Rogers C. B. Morton announced in June that the Government would undertake to develop its oil shale resources through a leasing program. This program is part of the federal search for ways of meeting the national energy needs of the future. It is a search that often conflicts with conservationist goals. And it is hampered by the claims of Zweifel and others.

As he thumbed through a printout of Zweifel's claims as thick as a Bible, an Interior Department lawyer said 1214 of them apparently had been filed in one day. He estimated the case had cost the Government from $25,000 to $50,000.

"If we were to attempt to contest in the next five years every questionable mining claim in the states of Colorado and Wyoming, in groups of 10 to a dozen," he said, "I don't know how many lawyers and mining engineers it would take. What we are trying to do is devise methods by which we can lop this stuff off in chunks."

However Zweifel may fare, his prodigious activity as a claim staker points up the fact that the 1872 law invites the miner onto the public lands. The miner may locate as many claims as he wants and file at the county courthouse. He has no obligation to inform the Federal Government.

The law gives the hard-rock miner priority on the public domain. Land agencies for the Government, chiefly the Interior Department's Bureau of Land Management and the Department of Agriculture's Forest Service, are thinly staffed.

Don Biddison, supervisor of Arapaho National Forest at Golden, Colo., said he had spent all his time for two weeks on an iron oxide mining claim in a scenic area near the Continental Divide. He recommended contesting the claim, partly on the ground that developing a mine there would be inconsistent with the National Environmental Policy Act.

"The old mining laws simply don't speak to the things we are concerned with nowadays." Biddison said, "they speak strictly to the monetary value of the mineral without regard to the consequence on the environment. There are literally thousands of claims on the Arapaho National Forest, most of which we are unaware of."

Former Interior Secretary Stewart L. Udall criticized the 1872 law shortly before leaving office in 1969. He urged the Public Land Law Review Commission to recommend that the old law be replaced with a modern system of mineral leasing.

Not only has the outmoded law been an obstacle to wise conservation and good management of what belongs to all Americans, Udall said, but it "operates as an outright giveaway of vital national resources."

When the commission came out with its report in June of last year, it recommended that the Government collect a royalty on production of hard-rock minerals but favored sticking with a modified version of the old law's location-patent system. Critics of the old law were disappointed.

One of those who was disappointed was commission member Robert Emmet Clark, a law professor at the University of Arizona, Tucson. Clark had sought support for a strong minority statement urging a full leasing system for all minerals except those made available by law for outright sale, but his effort failed.

"The main point," Clark said in an interview, "is that the United States does not surrender ownership under a leasing system. The only way you can have any kind of decent management is to have a leasing system."

Clark said he had long been convinced that mining companies have enjoyed an unplanned advantage since the beginning of the century. He said the 1872 law might have been justified for its time, but not today.

"I think there's got to be larger public control of natural resources," he said. "Responsible government must have more to say about how we use the surface of the earth."

There will be a struggle in Congress next year over rival proposals to change the old law. The mining industry opposes a leasing system on the ground that it would give the Secretary of the Interior too much power. The other side insists that the Government must have the right to control what happens on public land.

It will be a power struggle and a clash of philosophies. The mining industry has influential friends in Government, but the giveaway aspects of the existing system will be difficult to defend. Morris E. Garnsey, an economics professor of the University of Colorado, thinks the West has been exploited.

"These guys are getting away with murder," he said. "They are making millions. They have it all sewed up."

[From the St. Louis Post-Dispatch, Dec. 22, 1971]

THE PUBLIC STAKE IN MINING

After a century of private plundering of the public land under an antiquated 1872 federal mining law, 1972 may turn out to be year in which the remaining part of a rich public heritage is either saved or lost for posterity. As shown by a recent series of articles in the *Post-Dispatch* by William K. Wyant Jr., a battle is shaping up in Congress between conservationists, who want to remove the incredible giveaway provisions of the 1872 statute, and the private beneficiaries of the law, big and little, who want to limit change to a minimum.

The 1872 law, passed under the finders-keepers philosophy engendered by the California gold rush, provides, among other things, that miners of so-called hardrock mineral such as copper, gold, silver, molybdenum and uranium may stake a claim on public lands and take out the mineral free of charge; that such miners may obtain outright ownership of federal lands on which a valid mineral discovery has been made for $2.50 to $5 an acre.

As a result of the 1872 act, a holdover from pick-and-burro prospecting days, huge mining companies as well as little miners have extracted billions of dollars worth of minerals from public land without paying anything to its owners, the American people. Others have used mining claims as a cheap means for acquiring or occupying public land for speculative purposes, for real estate developments or for fishing camps and private cottages.

Most of this exploitative activity has taken place on the 451,000,000 acres of federally-owned land managed by the Interior Department's Bureau of Land Management or the 187,000,000 acres managed by the Agriculture Department's Forest Service. Both agencies are woefully understaffed and underfinanced for guarding the public interest against a host of exploiters, many of whom are unknown. After a century of raids on the public land, royalties that might have been exacted on hardrock minerals have been irretrievably lost and some scenic lands have been scarred beyond repair.

To safeguard public property against the further reckless search for and extraction of minerals and against the further spoilation of priceless recreational and scenic values, legislation has been introduced in Congress which would give the Federal Government more control over mining.

Bills sponsored by Democratic Senator Henry M. Jackson in the Senate and by Democratic Representative Morris K. Udall and Republican Representative John P. Saylor in the House, and generally backed by conservationists, would wipe the 1872 anachronism off the books, retain federal title to the land and charge a royalty on minerals mined under leasing arrangements with the government, such as has been true of coal, oil, gas, phosphates and other such minerals since 1920. Other proposals would require hardrock mineral claimants to register their claims with the Federal Government and obtain a permit and require the Secretary of the Interior to seek competitive bids.

Bills which the mining industry helped draft and which were introduced in the Senate by Senator Alan Bible of Nevada and in the House by Representative Wayne Aspinall, both from states with rich mining constituents, would also impose royalties, but at much lower rates, and with far fewer safeguards for the public owners of land and minerals.

Although the mining industry contends that the industry bill is the only way to insure the satisfaction of the U.S. economy's colossal appetite for minerals, this is no reason why the public interest both in an adequate future reserve of minerals and in preserving other values should not be firmly overseen by the Federal Government, as would be provided by the conservationist bills.

INTERIOR DEPARTMENT OFFICIAL OPPOSES MINE INDUSTRY'S ROYALTY PLAN

(By William K. Wyant, Jr.)

WASHINGTON, December 31.—Harrison Loesch, assistant secretary of the interior, strongly backed today the Administration's proposal that the hard-rock mining industy pay a royalty on minerals taken from public lands.

A Department of Interior bill now before Congress would impose a royalty of 3 per cent of the gross value of minerals extracted. The mining industry is backing a 2 per cent royalty based on sale value less costs, reasonable profit and taxes.

"I wouldn't buy their deal at all," Loesch said of the American Mining Congress royalty plan. "By the time they get everything deducted, they wouldn't pay a durn thing."

Loesch is an outspoken lawyer from Montrose, Colo., on the western slope of the Rocky Mountains. He was named by President Richard M. Nixon in March 1969 to enter the Government as the Interior Department's assistant secretary for public land management.

Under an 1872 mining law, the Government still gives away hard-rock minerals like copper, gold and silver when found on unreserved public lands. The law permits miners to obtain full title to mineral lands on payment of nominal fees, if a valid claim has been made.

The Interior Department proposal advocated by Loesch would impose a royalty but retain some aspects of the traditional location-patent system. It would enable federal land managers to control mining and reduce environmental damage.

As Loesch pointed out in an interview, the Administration bill is a compromise. It goes further than the mining industry wants to go but not as far as conservation-backed bills, which would throw out the old law altogether and institute a full leasing system.

"I think it is a viable alternative that will not discourage the mining industry, while returning a reasonable revenue to the Government," Loesch said.

"It will take care of the environmental concern we all have about mining. It will give the control we do not now have over the reclamation and rehabilitation of mined areas."

Stronger proposals have been made in Congress by Senator Henry M. Jackson (Dem.), Washington, the chairman of the Senate Interior Committee, and by Representatives John P. Saylor (Rep.), Pennsylvania, and Morris K. Udall (Dem.), Arizona.

The American Mining Congress and its attorneys helped write an industry-backed bill that would eliminate some of the evils of the nineteenth-century law but fall short of giving the Government the control over mining on public lands that some proponents of change regard as essential.

Loesch said the Administration bill, taking what he called "a good middle ground" between extremes, would help dignify prospecting as a profession and would safeguard the interests of the small miner.

"It's going to operate in favor of the little guy," he said, "whereas the Jackson bill would cut him off completely."

Loesch has supervision over the Interior Department's Bureau of Land Management, which is responsible for about 451,000,000 acres of federally owned lands in the west and Alaska. He said the agency had been starved for years, in terms of money and personnel.

"Congress and the Budget Bureau don't believe the BLM needs what it really needs," Loesch said. Asked how he felt about the predominance of westerners on the Senate and House Interior committees, which deal with public lands, he said candidly that he favored it.

"I feel the public lands committees should be dominated by westerners," he said. "They live there."

Loesch said the conservationist spirit was strong in the west. It is particularly notable, he said, among cattle and sheep ranchers.

Loesch is not a darling of conservationists, but is regarded in his department as a champion of better management. He is not afraid of anybody, his admirers say.

He is friendly to mining but not as strongly oriented toward the industry as William T. Pecora, Under Secretary of Interior, a career geologist, or Hollis M. Dole, the department's assistant secretary for mineral resources, observers say.

Dole was director of Oregon's Department of Geology and Mineral Resources for 13 years before taking the federal post early in 1969. He has been a member of the board of governors of the American Mining Congress.

In mining as in other major fields, the American federal system is characterized by close and interlocking relationships between Government agencies and industry. This is often accomplished through "advisory committees" working at various levels. When properly supervised, the system works well.

The Interior Department, along with other agencies of Government, encourages mining as a means of obtaining minerals essential to defense and the economy. The department is charged also with the conservationist role of safeguarding the land, protecting it from undue harm.

"It's a dichotomy that has plagued better men than me," Loesch said in commenting on this aspect of public service. "It's a great problem as to what is really in the public interest."

There is agreement between men like Loesch in the Government and such harsh critics of the mining law as Representatives Saylor and Udall in the House that the nineteenth-century statute is now out of date.

Saylor, who has been criticizing the 1872 law since 1951, told the Post-Dispatch that the federal land-managing agencies were not only starved, "They are pale and emaciated, shivering and shaking, because until the past five or six years they have been the private domain of western members of Congress."

"The east has never realized the people own this land. The people of this country are beginning to realize they have a stake . . . and they have a big stake."

Saylor, a leading conservationist and the ranking Republican on the House Interior Committee, said that if all else failed he would vote for the mining industry bill introduced by the committee chairman, Representative Wayne N. Aspinall (Dem.), Colorado.

"It is better than nothing," Saylor said.

Representative Udall, who represents the major copper-producing area of the United States but favors drastic change of the old law, said things were changing in the west. He is believed to have taken a political risk by his stand.

"I did it as a matter of conviction and I find it is good politics," he told the Post-Dispatch. He pointed to a recent poll that showed Arizonans overwhelmingly supported his bill altering the old mining law.

Udall said he always believed nothing would be done about the outmoded law until western Senators and Representatives were willing to lead the fight. Pointing to the example of Senator Jackson and others, he said this had now come about.

There is also the testimony of Representative Aspinall himself, sometimes charged with being overly kind to the mining industry. Aspinall's colleagues—even those who battle against him—say he is unfairly maligned and is the hardest working man in Congress. Aspinall may take his time about it, but he has decreed that there must be a change.

The question is, how much?

"MIDDLEMAN," NOT FARMER, GAINING FROM HIGH FOOD PRICES

Mr. MOSS. Mr. President, for the past couple of weeks, administration officials have been telling the American consumer that increased food prices should be greeted as a healthy sign. Higher prices at the supermarket mean that hard-working American farmers are getting a better price for their crops.

According to information I just received from the Department of Agriculture, that is not the case at all. Record high consumer prices are simply not being passed on to the farmer. They are being waylaid by processors, distributors, and other "middlemen."

For purposes of measuring food price increases, the Department of Agriculture usually talks about a standard "market basket" of farm products. During February, the retail price of this standard "market basket" increased $23 or 1.9 percent. On the other hand, prices received by farmers for this same "market basket" rose only $5. This meant that almost four-fifths of the food price increase went to the "middlemen."

This is hardly a good record for the administration's anti-inflation apparatus. Under Price Commission regulations, middlemen are only supposed to pass on the effects of increased crop costs. It is now obvious, however, that retail prices are growing at a faster clip than farm prices.

The Department of Agriculture has, in fact, determined that the "farm-retail spread" index, which shows the difference between what the retailer charges the consumer and what the farmer gets for his crops, has increased 2.5 percent in February alone. Translated into annual terms, this means that the middleman's share of the food price is growing at the rate of 30 percent a year.

I ask unanimous consent to have a chart showing the increase in this farm-retail spread during February printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FEBRUARY INCREASE IN PRICE OF STANDARD "FOOD BASKET"

	Retail prices	Farm prices	Farm-retail "spread"
February	$1,297	$516	$781
January	1,274	511	761
Increase	23	5	20

Mr. MOSS. Mr. President, as far as I originally understood it, food prices were excluded from phase II controls in order to help the farmer. These new Department of Agriculture figures on the other hand show that the farmer himself is getting a very small portion of the high food prices being paid by consumers. Most of the money is going elsewhere.

I believe the administration should explain to the hard-pressed American consumer why we have to give special treatment to the food industry under the pretense of helping the farmer.

EVIDENCE MOUNTS AGAINST A VALUE-ADDED TAX

Mr. PROXMIRE. Mr. President, last week the Joint Economic Committee held 4 days of hearings on the merits of a value-added tax for the United States. We attempted to receive testimony from both proponents and opponents of the tax, but among the distinguished economists and businessmen that testified, only two gave the VAT their unqualified support. The majority of our witnesses agreed that VAT is both inequitable and inefficient and they were unanimous in recommending that the value-added tax should not be substituted for the property tax. Yet this rationale for imposing a VAT has been the only one emphasized by the administration.

In testimony before the committee, Prof. Richard Musgrave of Harvard University made a convincing case for not substituting VAT to raise needed local revenues. He said that—

> I do not believe that there is a valid case for such a substitution (of VAT for the property tax). While the property tax need be improved—including above all state-wide administration and assessment—it is not a bad tax nor do I believe that, on the whole, it is excessively high. . . . Given the agenda of unmet public needs and the inadequacy of present revenue sources to provide for them, I find it unacceptable to introduce a major new tax such as the VAT only to serve as a substitute for the property tax. The property tax should be improved but it will continue to be needed as a major source of revenue at the state and local level. Its incidence, though controversial, is undoubtedly on the progressive side of VAT.

The case against VAT on equity and efficiency grounds was made more emphatic by Prof. Paul Taubman of the University of Pennsylvania and the National Bureau of Economic Research. According to his estimates more than $5 billion of consumer expenditures would not be taxed under VAT. The tax would be inefficient on the grounds that some consumption expenditures would be made cheaper relative to others by imposition of the tax. Professor Taubman also argued that the tax would be inequitable since it could be made progressive only for the low- and middle-income taxpayer. Even if income tax credits were given to the poor- and lower-middle-income taxpayer, Professor Taubman stated that VAT would "be regressive for income above $10–15,000, and certainly above $20,000."

As an alternative to VAT, Dr. Taubman suggested that—

> To raise new revenues Congress should make the income tax fairer. To this end capital gains should be taxed as ordinary income and should be constructively realized at death. Congress should also eliminate the loopholes and subsidies in the existing tax law as detailed in the recent report of the JEC.

One aspect of the value-added tax that has been neglected until now is its effect on the economy—on overall economic performance, employment, and price stability. Dr. Allen Sinai of Data Resources, Inc., presented devastating testimony against VAT, based on the consequences that its imposition would have for economic growth. Dr. Sinai incorporated a valued-added tax into the reputable DRI forecast of the economy. He considered three alternative forms of VAT over a 2-year period. He concluded that—

> The effects of all three alternatives are similar over the two year simulation period. The real growth of the economy declines. Inflation intensifies and unemployment rises. The growth of employment slows and productivity drops. Long-term interest rates increase sharply. The Federal budget deficit improves at first but later increases to more than it would have been without the tax. The only bright spot is in international trade where the trade balance grows substantially.

Dr. Sinai concludes that—

> The evidence appears to be negative for one of the major arguments usually advanced in VAT's behalf. The VAT is inimical to economic growth in the U.S. economy, primarily because of its effect on the inflationary process. In fact, any of the VAT packages considered in this study would severely interfere with almost all of the goals of the recent Nixon Economic Plan, i.e., greater economic growth, lower inflation and unemployment, increased productivity, and reduced interest rates.

Mr. President, the excellent testimony presented before the Joint Economic Committee will provide background material for the public policy discussions that will follow in Congress.

I ask unanimous consent that the testimony of Dr. Musgrave, Dr. Taubman, and Dr. Sinai be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

JOINT ECONOMIC COMMITTEE, HEARINGS ON VALUE-ADDED TAX—APPRAISAL OF VALUE-ADDED TAX

(By Richard A. Musgrave)

The case for a federal value-added tax, prior to the currency adjustment of last year, was made mainly in terms of balance of payment considerations, viewing it as a means to corporation tax reduction. Since then the argument has shifted, with the VAT now to be used for property tax relief. Neither case is acceptable to me but I would not rule out the use of a value-added tax if it were applied to the finance of new social programs.

SHOULD WE FOLLOW EUROPE?

To begin with, let me point out that the background for the value-added tax in the U.S. is totally different from the European experience. There, the widespread move to a VAT in recent years was made as replacement for prior reliance on turnover taxes, a move which everyone agrees was an improvement. Moreover, it was undertaken to harmonize the tax structure among Common Market countries. Looking forward to a uniform rate, this would obviate the need for border adjustments on exports and imports within the Market. Again, an improvement. But here neither consideration applies. Fortunately, we do not have a turnover tax to replace and we do not contemplate joining the Common Market, having had one of our own for some time. For the U.S., introduction of a VAT would involve a massive shift of the federal tax structure towards sales taxation and this is quite a different matter.

VAT OR RETAIL SALES TAX?

The debate over VAT is somewhat misleading. The real issue is whether the federal government should adopt a broad-based consumption tax. Whether such a tax will take the form of a value-added tax or a retail sales tax is a relatively minor point, especially if the VAT appears as an explicit part of retail price. The two differ mainly in administration. Their burden impact and economic effects are essentially the same. My discussion, therefore, applies equally to both versions of consumption tax. While I lean towards the retail technique—mainly because it permits integration with the state sales taxes—this is not the major issue before your Committee.

RATES AND YIELD

At 1972 levels of G.N.P., the base for a study broad-based VAT should be about $500 billion, while with a narrow base it may be as little as $250 billion. Using the broad-base concept, a 1 percentage point tax would yield $5 billion. By its nature the VAT involves a large number of taxpayers and is not an easy tax to administer. It would seem inadvisable, therefore, to introduce such a tax unless a substantial amount of revenue—say, $25 billion with a 5 percent rate—was involved.

BURDEN DISTRIBUTION

The burden distribution under a general consumption type VAT would be regressive.[1] This is the case because such a tax falls on the consumer, and because consumption as a percent of income falls when moving up the income scale. Its incidence thus differs sharply from that of a progressive income tax. This is illustrated in Columns I and II of the table, where we compare tax burdens under a 5% VAT with income tax liabilities yielding the same amount. The striking difference between the two taxes is obvious and needs no further comment.

BURDEN IMPACT OF RAISING $25,000,000,000 IN ALTERNATIVE WAYS TAX AS PERCENT OF AGI

Adjusted gross income	Income tax [1]	Value-added tax, 5 percent [2]	Value-added tax, 6 percent with credit [3]
	I	II	III
2,000		5.0	
4,300		4.5	2.7
5,000	0.49	4.4	2.9
10,000	2.26	4.0	4.8
15,000	3.03	3.7	4.4
50,000	5.96	2.5	3.0
100,000	8.63	2.0	2.4

[1] Joint returns, 4 exemptions. Above $15,000 assumes 10 percent as deduction. All income fully taxable. Assuming the yield from present rates at $100,000,000,000, the above equals one quater of present liabilities to yeild $25,000,000,000.

[2] Ratios estimated with reference to "Tax Burden and Benefit of Government Expenditures by Income Classes 1961–65." Tax Foundation, 1967. These estimates, especially for higher incomes, should be taken as llustrative.

[3] $2,000 of consumption is tax-free. Credit of $120 to vanish by $24 for each $1,000 of income in excess of $5,000.

DISTRIBUTION WITH CREDIT

It would not be fair to the cause of the VAT, however, to let matters rest here. Devices may be developed which will go far to take the regressive sting out of VAT or to be more—precise—to do so for all but the upper tail of the income scale. To some extent this might be accomplished by excluding certain items of consumption (e.g. food and clothing, in addition to housing) from the tax base, items which weigh heavily in low income budgets. Preferably and much more effectively, it could be done by using a broad-based tax but permitting an initial amount of tax-free consumption expenditure. As an administrative matter, the credit would take the form of a refund of tax on the exempted amount.

Thus, the taxpayer might be refunded for VAT paid on, say, the first $2,000 of consumption. With a 5% tax rate, the credit would equal $100 and to avoid excessive revenue loss, it might be made to vanish as income rises. Thus, the credit might shrink by $200 for each $1000 of income in excess of $5,000, so as to disappear when an income of $10,000 is reached. The revenue cost of such a credit would be, say, $5 billion, thus calling for a 6% (rather than a 5%) rate if $25 billion was to be raised.

The resulting burden distributions as shown in Column III would be progressive up to an income of above $10,000, thus including as much as 80% of all taxpayers in the progressive range. However, it is also shown that liabilities up to $15,000 would be above those under the income tax and that the burden distribution over the higher income range would remain regressive. While the former difference could be narrowed down by granting a higher credit, the latter feature cannot be removed by a practicable credit device.

IMPLEMENTATION OF CREDIT

Before turning to this aspect, let me note that the credit scheme is nice in theory but would be difficult to implement in practice. For households which are subject to income tax, the refund would simply be taken as a credit against income tax and the vanishing feature could be handled readily. For others, a cash refund would be needed. Since the bulk of households for whom the credit matters most will not pay income tax, effective implementation of the cash refund would be of crucial importance. This would be a difficult task and might cancel out most of the simplification gained by raising the tax-free limit under the income tax. The difficulty would be compounded if allowance was made against family size. In its absence a credit against payroll tax might be explored for the case of taxpayers subject to payroll but not to income tax, thus reducing the scale over which cash refunds would be needed.

FURTHER COMPARISONS WITH INCOME TAX

However this may be, suppose that an adequate credit can be implemented. This would remove the regressivity of the tax for the bulk of taxpayers but leave open two further questions.

(1) If a credit could be imposed which would leave the burden distribution more or less the same for, say, the lower 70 percent of taxpayers, as it would be under the income tax, what then would be gained by adding a new tax with all its compliance and administrative cost? While it is true that the tax would favor savers as against consumers (relative to the income tax) one may question whether this difference is sufficiently important to justify a new tax over this income range.

(2) Regarding the other 30 percent of taxpayers, a substantial difference between the two approaches would remain. Here, progressive taxation of consumption could be implemented only via a personal expenditure tax which is not in the cards. Now it may be argued that this is not too important, provided that upper bracket progression is implemented effectively via the income tax. If a VAT were introduced, it should thus be accompanied by removal of income tax preferences over the upper part of the income range.

If this were done and if an adequate credit was provided, I see no great objection to the use of VAT on distributive grounds. But the question is whether the result is worth the extra effort, compared to improvement of and continued reliance on the income tax.

SUBSTITUTION FOR PROPERTY TAX

I am now turning to the Administration's proposal—or what is said to be its proposal—that a federal VAT be introduced to support grants to states, to be passed on to local governments for school finance. This is to achieve the double objective of (1) eliminating dependence of educational facilities on the local tax base with resulting service differentials, and (2) of permitting property tax relief. The first objective is in line with the California court decision and altogether praiseworthy; but it is a non sequitur to suggest that property tax reduction is a necessary consequence. The obvious point to make is that to equalize service levels, it is merely necessary to place the property tax on a state-wide basis with equalized assessments and to redistribute proceeds back to localities in line with school needs. If a case is to be made for replacing property taxation with VAT revenue, it must therefore be made quite independent of the school issue.

I do not believe that there is a valid case for such a substitution. While the property tax need be improved—including above all state-wide administration and assessment—it is not a bad tax nor do I believe that, on the whole, it is excessively high. Home-owners, after all, not only pay property tax, but also derive favorable treatment under the individual income tax. Given the agenda of unmet public needs and the inadequacy of present revenue sources to provide for them, I find it unacceptable to introduce a major new tax such as the VAT only to serve as a substitute for the property tax. The property tax should be improved but it will continue to be needed as a major source of revenue at the state and local level. Its incidence, though controversial, is undoubtedly on the progressive side of VAT. Moreover, federal assistance to state-local finance, whether drawn from the income tax or a value-added tax, should be given to help jurisdictions with low fiscal capacity and high need to enable them to meet minimum standards of public service; it should not be given as an invitation to tax reduction at the state-local level.

BALANCE OF PAYMENTS ASPECTS

Since attention has moved away from the alleged balance of payment advantages of the VAT, I will note them but briefly. The argument has been that European countries have enjoyed a trade advantage because they have been able to apply an export credit under the turnover tax or VAT, whereas our exporters (not having such a tax to credit) have been at a disadvantage. This argument, at least in its crude form, is fallacious: introduction of such a tax without an export credit bestows a disadvantage on the exporters; and granting the credit merely removes this disadvantage, leaving the net situation unchanged. VAT-financed reduction in the corporation tax may involve certain indirect balance of payment gains—especially on capital account—but I do not consider these sufficient to be a major factor in the VAT issue. Moreover, if tax adjustments are to be made to improve the balance of payment situation, there are other steps (e.g. reconsideration of tax deferral) which should come first.

CONCLUSION

In conclusion, I would oppose introduction of the value-added tax as a substitute for revenue from present taxes, be it the property, income or corporation tax. Rather, I would support income tax and property tax reform. At the same time, it is my view that revenue available from present taxes will not suffice to meet our public needs during the coming decade. It is by now recognized that the hoped-for bonanza of excess revenue, due to built-in revenue growth, will not materialize. This mirage having vanished, we should recognize that substantial amounts of additional revenue—say, $50 billion or more—will be needed by the mid-70's if we are to mean business in meeting our social needs, including income maintenance, schools, health, environment, housing and other public services. We should recognize also (and I have seen none of our plentiful presidential candidates do so) that this revenue will not be obtained primarily from budget cuts or the closing of income tax preferences. These measures are important, but new taxes or substantial rate increases under the income tax will be needed to meet the bill.

---

[1] Under the consumption type value-added tax the tax base for any one firm equals sales minus purchase of intermediate goods and minus purchases of capital goods. The sum of these bases equals consumption. Under the income type valued-added tax the base for each firm equals sales minus purchases of intermediate goods and minus depreciation. The sum of these bases equals national income. The tax here at issue and the one which is used generally in Europe is of the consumption type.

Viewed in this context, I am not prepared to rule out the use of a value-added tax. Assuming that an adequate credit is provided and that VAT is accompanied by income tax reform in the upper brackets, the resulting burden distribution need not differ greatly from that of raising income tax. If Congress is willing to finance overdue public needs in this way, while rejecting the income tax route, I for one would not object to the VAT approach. But this, I repeat, is a different matter from viewing the new tax as a replacement for present and in most cases superior, revenue sources.

ADDENDA

While I consider my conclusion (*no* for substitution, *possible yes* for finance of substantial new programs) sensible on substantive grounds, I must admit to some misgivings regarding its political viability. The revenue legislation of recent years has provided for substantial slippage in income and corporation tax revenue, and has been accompanied at the same time by a substantial increase in the weight of payroll taxes. Making a major new revenue source such as VAT available may well lead to further income tax slippage; and though VAT may not be introduced as a substitute in the first place, it may have a hidden long-run effect of this sort. Given this danger, it may be the better part of political wisdom to forego the VAT to begin with. Yet, nothing will be gained if nothing is risked and I would not adopt a purely defensive position.

Perhaps a solution might be found by linking VAT revenue to a specific social program such as expanded income maintenance (moving towards a negative income tax) or to the provision for health insurance. From my point of view this would be the better approach, although I must add that ear-marking (under ideal conditions) is a bad budget practice.

Testimony of Paul Taubman

The tax bill of 1961 reduced revenues by $15–20 billion annually. Now faced with financing new and generally urgently needed programs, Congress has been asked to raise revenues by about $15 billion by instituting a value added tax while earmarking some of these funds to decrease local property taxes. The extra revenues are needed but the value added tax, even with exemptions or tax credits for the poor, is inferior to many other taxes and will create a new set of "loopholes". Thus to raise new revenues Congress should make the income tax fairer. To this end capital gains should be taxed as ordinary income and be constructively realized at death. Congress should also eliminate the loopholes and subsidies in the existing tax law as detailed in the recent report of the JEC. Moreover while I would agree with the spirit of the Serrano decision the appropriate response to it is to replace a local with a statewide property tax.

THE VALUE-ADDED TAX

Technically the value added tax is imposed on the difference between revenues and the costs of goods and services purchased from other businesses. In alternative versions of this system firms: write off investment costs imemdiately; depreciate these costs over their useful life; or have no deduction for investment costs. The Nixon Administration's proposals, to which I will address myself, allow a firm to write off investment costs immediately. With such a write off, the value added tax is equivalent to a tax on the sum of domestic retail sales and imported goods. The value added tax as any other tax should be judged in terms of its equality and efficiency.

EFFICIENCY

Some economists have supported a value added tax in preference to a personal or corporate income tax on the grounds of efficiency. Roughly speaking, a tax is considered efficient if its imposition either does not alter resource allocation or does eliminate a preexisting misallocation. The income taxes in use in this country cause inefficiencies because of loopholes and preferential treatment. But even if these deficiencies were corrected, it is usually argued that income taxes would discriminate against the corporate form of business and against personal savings in general because of "double taxation" of profits and of savings.

The proposed value added tax, however, produces its own inefficiencies. First since investment costs are, but labor costs are not, allowed as a deduction, this particular value added tax would increase the cost of labor relative to capital and induce firms to use a more capital intensive process. Additional capital subsidies are not needed since the recently enacted investment tax credit and asset depreciation range system, both of which are unnecessary, bestowed a $7 billion subsidy.

Second for practical reasons the value added tax will not be applied to the total amount of consumption, i.e. the value of all goods and services that yield satisfaction to a consumer. While this criticism can also be levied against the income tax, additional problems occur with a value added tax. The basic areas of consumption which will not be subject to the value added tax are: those for which there are no market transactions; those that are provided by government; and those both purchased and consumed abroad.

One extremely important type of nonmarket transaction is provided by savings and wealth. In the discussion of taxation it is generally emphasized that people accumulate savings to provide for the consumptions of goods and services in the future. But while waiting to be consumed, wealth provides its owner with a feeling of security, status, and power—valuable services which would not be subject to the value added tax.

Two other important nonmarket transactions are the services of spouses and the rental value of owner occupied houses. The latter may eventually be taxed as houses are sold (if a house is not counted as an investment, but even in this instance the tax would inhibit people from trading in.) The non-taxing of a spouse's services will not only reduce the incentive to women to join the (officially defined) labor force but will also mean housewives will be taken out to dinner less.

Consumers also buy some consumption goods collectively and pay for these goods through taxes. While the extent of government provisions of consumer type goods and services varies by locale, at least some and probably most areas provide entertainment (in the form of parks, swimming pools, and concerts), higher education, garbage collection and medical services. I presume the value added tax will not apply to such services financed through general taxes; hence, these goods will become relatively cheaper. Such a relative price reduction would not be desirable for all such items. Moreover since the extent of public provisions of services varies both within and between locales, any benefits so conferred would not be distributed uniformly, but would be conferred upon people who itemize taxes paid to support personal consumption.

In recent years American tourists have spent about 3½ billion abroad *exclusive* of payments for transportation. While this total includes goods that will be imported, it excludes payments of Americans living abroad and non U.S. connected transportation. Thus perhaps some $5 billion of consumer expenditures would not be subject to the value added tax. In other words, since the value added tax would apply to hotel and other vacation expenses, the tax would encourage Caribbean vacations outside of Florida, Puerto Rico, and the Virgin Islands, ski vacations in Canada, etc.

The inefficiencies introduced by the value added tax will be costly because it is relatively easy for consumers to substitute nontaxed for taxed items. On the other hand I don't believe the inefficiency produced by "double taxation" to be costly. First the distortion introduced between present and future consumption by the tax on interest is counterbalanced by the zero tax imposed on the income (and consumption) in the form of security, status and power. At a more empirical level, let me also observe that the personal saving rate has not shown any trend in the last hundred years despite the major increases in income tax rates. Moreover there are available a number of devices such as pension funds and Series E bonds which sharply reduce the double tax on saving. While the nonintegration of the corporate and personal income tax involves an extra tax on the corporate form of business, it is difficult to believe that much extra resources have been misallocated out of the corporate and into the noncorporate sector. The costly inefficiencies from the income tax laws arise from its loopholes and preferential treatments. Rather than putting in a new law with another set of inefficiencies, it would be better to close the existing loopholes.

EQUITY

Economics generally does not provide a definition of equity. However, I believe that we should have a progressive tax system to narrow the extremes in income and to reduce the undue concentration of power of the wealthy. In judging the progressivity of the value added tax, it is necessary to consider this tax in isolation and as part of the tax system. Through a system of income tax credits, the value added tax system can be designed so that the poor effectively pay nothing, and the middle class very little. But while I have not seen the proposed rebate schedule, I would doubt that a $15 billion value added tax would be progressive as between the middle class and the wealthy. Indeed I would suspect the tax to be regressive for income above $10–15,000, and certainly above $20,000. Thus even judging the tax in isolation, I would consider it undesirable on equity grounds.

But this tax should not be judged in isolation. Congress is considering the value added tax now because it reduced taxes so greatly last year. In the 1971 Tax Act Congress, justifiably upset by a 6% unemployment rate, enacted a program of permanent tax reductions for business and for the wealthy without giving due thought to the short and long run consequences.

Part of these consequences are now apparent. To support needed expenditures, Congress is being asked to replace a tax on profits with one that is levied on wages and the total of profits less the expenditures on investment. Since wages constitute about two-thirds of nongovernmental GNP, the value added tax and last year's tax bill combine to produce a subsidy to wealthy owners of machinery and equipment paid for by consumers in general and the lower middle and middle class in particular. This combination is unwise since the subsidy to machinery and equipment will be translated primarily into higher interest rates and into less resources available for housing including low income housing. Therefore the first step Congress should take to raise $15 billion is to eliminate the Investment Tax Credit and especially ADR.

THE USEFULNESS OF THE PROPERTY TAX

Recently following the blockbusting Serrano decision, the local property tax has been subjected to severe attack. I think, however, that a national or statewide tax on residential property with uniform assessment to market value ratios is appropriate for the following reasons. First the available evidence, which admittedly is far from conclusive, would suggest that the amount a person spends on housing increases in proportion to his income. Second the implicit rental income received by a homeowner is not subject to the income tax though his interest payments and property tax payments can be listed as itemized deducations. But in principle it would not make any difference if the same revenues were raised by taxing the income from capital or the value of capital. In other words, the property tax tends to offset the inequities and inefficiencies arising from the income tax treatment of owner-occupied houses.

A BETTER TAX PLAN

Rather than imposing a value added tax which will introduce new elements of inefficiency, Congress should correct the well known but glaring deficiencies in the income tax system. Much of the needed funds could be obtained by treating capital gains as ordinary income and by having constructive realization of gains at death. The ADR and Investment Tax Credit provisions of the 1971 Tax Act were major steps backward in our tax system. Both of these subsidies should be eliminated as soon as possible. Finally Congress should give serious thought to improving and raising more revenues from the gift and estate tax. Total private wealth in this country is in excess of $5 trillion. Since about 1% of the people die each year about $50 billion of wealth annually enters estates. Since wealth is highly concentrated among few families, about $30 billion of wealth is subject to estate taxes. But gift and estate tax revenues only amount to about $4 billion at all levels of government. Substantially more revenues should be raised from this source.

THE VALUE-ADDED TAX AND THE U.S. ECONOMY

I. INTRODUCTION AND SUMMARY

Evidence is mounting which indicates new sources of Federal revenues must soon be found. Vast amounts of funds may be required for welfare reform, revenue sharing and other expenditure programs. A budget margin for 1976 of only $5 billion is projected by the Administration, down substantially from last year's estimate of $30 billion. And this is under the assumption of no new Federal initiatives!

At the same time that new programs are being proposed, the options available for financing them are rapidly disappearing. There is no "peace dividend" from the gradual cessation of the Vietnam War. Tax reduction aimed at spurring a stagnant economy has just taken effect. Prolonged deficit financing might eventually lead to renewed inflation and higher interest rates. Even the return of full employment may not bring any fiscal bonus. Independent estimates of the full employment surplus show a substantial deficit for fiscal 1973.

Thus, the problem seems to be one of raising additional taxes, *given* the present expenditure programs in the Federal budget.[1] One candidate for this task is a Value Added Tax (VAT), already adopted by most major European countries and under consideration in Latin America.

This paper analyzes the quantitative economic effects of introducing VAT into the U. S. economy. The method of analysis involves simulating the behavior of the economy under alternative VAT programs. The simulations are performed with the Data Resources, Inc. econometric model of the United States. Comparisons are made on the basis of the Data Resources Control Solution of February 23, 1972. The VAT simulations are run over the two year period of 1972–73. This is done in order to permit the effects of VAT to evolve over time. It is unlikely that the tax, if adopted, would begin before 1973 and 1974 would be a more probable starting date.

Three basic alternatives are considered in this study. The first is an income type of VAT with essentially no exemptions, except for exports. The second is also an income based VAT but with a number of exclusions and rebates to low income families. The third alternative is an across-the-board consumption type VAT. All of the examples assume a 3% tax and that $14.8 billion of the generated revenues are transferred to state and local governments through increased grants-in-aid. These revenues are used by States and Localities to reduce property taxes by an equal amount. The $14.8 billion figure represents about one-third of the present estimated state and local government outlays for elementary and secondary school education. Any additional revenue is applied to the Federal budget deficit that arises from other new spending programs. Thus, the major rationale for VAT is to relieve the severe fiscal problems of States and Localities and to provide a source of funds for new social legislation.

A sketch of the principal findings follows. *Comparisons are relative to the DRI forecast of February 23, 1972.*[2]

On Prosperity and Growth: The economy is weaker under all three VAT alternatives. The real growth of GNP slows by an average of 1.0–1.5% over the two year period of the simulations, depending on the program that is assumed. An average of $8–18 billion of real GNP is lost. There are significant declines in real consumption and real capital expenditures. After tax profits fall anywhere from 2.2–2.4% by the second year of the new tax. The unemployment rate rises 0.6%, at a minimum, by the last quarter of the simulation.

The weakness in the economy is the result of inflation and subsequently lower disposable income which causes a decrease in consumption; the effect of higher interest rates on housing and business fixed investment; the effect of lower final demands and a reduced cash flow on investment; and the elimination of a portion of the full employment deficit without a compensatory easing of monetary policy.[3]

On Inflation and Unemployment: Inflation intensifies as the VAT is approximately fully passed forward into higher prices. In the initial year of the VAT simulations the implicit GNP deflator grows by at least 5% and in the second year by almost 4.5%. This compares to present DRI forecast rates of inflation of 3.4% and 3.5%. Wage claims gradually rise in response to the new burst of inflation. Further price reactions occur as wages move upward and productivity falls. The recently experienced chronic inflation makes inflation expectations especially sensitive to price changes and contributes to the price-wage interaction. The current incomes policy is assumed to continue.

Unemployment worsens, ranging from 5.8–6.3% by the second year of the three VAT simulations. The corresponding unemployment rate in the Control Solution is 5.3%. Thus, VAT is associated with a rightward shift in the Phillips curve.

On Interest Rates: Substantial increases occur in bond yields and initially in short-term rates. Higher long-term rates persist because of the continuing inflation, but a weak economy causes short-term rates to fall slightly by the end of the second year.

On International Trade and Finance: The balance of trade improves substantially as imports are taxed and exports exempted. This would contribute to an improvement in the balance of payments which also would be aided, in the beginning, by higher short-term interest rates. However, relatively higher domestic prices would somewhat offset these effects.

On the Federal Budget Deficit: The deficit is reduced initially except in the simulation with rebates. By the second year the deficits in all three simulations exceed their levels before VAT. The feedback effect of the weaker economy on tax receipts is responsible for this result.

II. METHOD OF ANALYSIS

The quantitative effects of broad based taxes, such as VAT, are impossible to determine with traditional methods of economic analysis. The principal analytical problem is the difficulty of applying a general equilibrium theoretical framework in an examination of the tax. The other major impediment is the absence of numerical estimates of the relations that realistically characterize economic behavior.

A large-scale econometric model is a useful device for dealing with these problems. A fully specified model will include equations which represent the interactions of all sectors of the economy, at least on the macroeconomic level. Such a model also will incorporate the appropriate time lags of economic behavior.

Established statistical methods are used to estimate the parameters of the model's equations. Once these have been obtained, the equations can be solved to provide a set of values for all of the dependent variables. The dynamic nature of the model permits a solution at each period of time, as previously solved for variables are "fed" into equations in subsequent periods. Thus, a solution path for each dependent variable can be generated over a specified interval of time in a general equilibrium framework.

Of course, the solution depends upon prespecified or exogenous variables, definitions, and the estimated parameters of the model. Some of the exogenous variables and parameters are thought to be subject to the control of policymakers. These are called policy instruments. Some large-scale econometric models are structured so a user can adjust the constants of the equations and the values of exogenous variables to correct for equation errors or to reflect judgment.[4]

A control solution is one where a "best" set of assumptions about the state of the world is incorporated into the model by the selection of specific values for variables and by constant term adjustments. A policy simulation is a solution of the model after one or more changes have been made in the set of assumptions about the world; specifically in the values of the policy instruments. The difference between the solution path of a variable in the control solution from that in a policy simulation provides a quantitative estimate of the policy's effect. Thus, in principle, a large-scale econometric model could be used to evaluate the effects of a VAT.

---

[1] It is not certain that all of the proposed programs of the Administration will be totally enacted or effective at the times indicated in the 1973 budget. There is also the possibility that a strong recovery may generate more tax receipts than are expected. This has occurred in other recoveries, most notably during the period following the enactment of the Revenue Act of 1964. Thus, with *no additional spending initiatives* the budget margin projected by the Administration might be too low.

[2] The economic environment surrounding the introduction of a VAT is reflected in the DRI Control Solution of February 23, 1972. The effects of VAT may very well depend on the prevailing state of the economy. For example, a salient feature of the February DRI forecast is the presence of substantial slack in the economy. The unemployment rate ranges from 5.9–5.0%, capacity utilization remains low at approximately 78%, and the gap between potential and actual GNP is still $28.6 billion at the end of 1973. Introducing a VAT at full employment might produce somewhat different results. For a discussion of the conditions underlying the control solution, see Data Resources, Inc., *Forecast of the U.S. Economy,* January 31, 1972 and *The Data Resources Review,* February 23, 1972.

[3] In another VAT simulation nonborrowed reserves were raised in the first period to maintain a constant real value. At the end of eight quarters real GNP still had decreased by 0.9%, profits after tax were down by 4.3%, and the unemployment rate was up 0.3%.

[4] See L. R. Klein, *Theory of Economic Prediction,* Chicago, 1971, for a discussion of constant term adjustments.

The Data Resources Econometric Model that was used for the VAT simulations consists of over 100 behavioral equations in its macroeconomic sectors.[5] Definitions and exogenous variables bring the number of economy-wide variables forecast to approximately 340. Parameters are estimated by ordinary least squares and two-stage least squares. Adjustments can be made by adding to the constant term, multiplying the solution values of dependent variables by a constant, and by changing exogenous variables. The Gauss-Seidel technique is used to solve the model.

III. RESULTS OF SIMULATIONS

A. Assumptions: The following discussion indicates the assumptions underlying each VAT simulation.

1. An Across-the-Board VAT:

(a) Coverage: The base is national income plus the change in inventories. The government sector is exempted as are exports. Depreciation is exempted but expenditures on capital goods are included. These characteristics define an income type, destination principle method of VAT. The resulting base is approximately $780 billion.

(b) Rates and rebates: A 3% VAT is assumed. This yields $23.4 billion of revenue in the first year of the tax. The tax is rebated on exports but fully levied on imports.

(c) Use of revenues: $14.8 billion of the increased federal revenues are transferred to States and Localities by increasing grants-in-aid. The remaining $8.6 billion is applied to the Federal budget deficit. States and Localities, in turn, reduce property taxes by $14.8 billion. Thus, there is no direct extra local spending, just a change in revenue sources.

(d) Monetary and fiscal policy: No compensating ease of monetary policy is assumed. The DRI control forecast underlying this VAT simulation already embodies an accommodating monetary policy. Government expenditures and transfers are assumed to be constant during VAT's initiation. Economy feedbacks affect transfers later in the simultation period.

(e) Prices and wages: VAT is assumed to be also fully shifted forward. This is because the slack economy of the underlying Control Solution does not assure a 100% shifting. Wages rise somewhat with the increase in prices as workers bargain for maintained real purchasing power. This process, however, is assumed to be a gradual one. Thus, only one-eighth of the initial rise in the GNP deflator is regained in the first period of the VAT. By the end of two years almost one-half of the first quarter's rise in prices has been recovered in wages. Phase 2 continues in effect. No additional incomes policy is assumed.

2. A VAT with Exemptions and Rebates:

(a) Coverage: The base is national income plus the change in inventories. The government sector is exempted as are exports. Depreciation is excluded but expenditures on capital goods are included. Services, except financial, are excluded. The value added in agriculture and in the manufacturing of food, clothing and shoes also is exempted. These features make this VAT more progressive than one that is levied across-the-board. However, it is still an income type, destination principle method of VAT. The resulting base is approximately $610 billion.

(b) Rates and rebates: A 3% VAT is assumed. This yields $18.3 billion of revenue in the first year of the tax. The tax is rebated on exports but fully levied on imports. Rebates to low income families are assumed, adding another element of progressivity to this VAT.

(c) Use of revenues: $14.8 billion of the increased Federal revenues are transferred to States and Localities by increasing grants-in-aid. States and Localities, in turn, decrease property taxes by $14.8 billion. Low income families receive $2.5 billion in transfer payments. The remaining $1.0 billion is applied to the Federal budget deficit.

(d) Monetary and fiscal policy—same as in the Across-the-Board VAT.

(e) Prices and wages: VAT is assumed to be fully shifted forward. Wages rise somewhat with the increase in prices as workers bargain for maintained real purchasing power. This process, however, is assumed to be a gradual one. Thus, only one-fifth of the initial rise in the GNP deflator is regained in the first quarter of VAT. By the end of two years almost 60% of the first period's price rise has been recovered in wages. Phase 2 remains in effect with no new incomes policies.

3. A Consumption Type VAT:

(a) Coverage: The base is equivalent to total consumer expenditures plus imports. The full value of capital goods purchased from other firms is exempted. Depreciation and other indirect taxes are included. These characteristics define a consumption type, destination principle method of VAT. The base is approximately $717 billion.

(b) Rates and rebates: A 3% VAT is assumed. This raises $21.5 billion of revenue in the first year of the tax. The VAT is rebated on exports and fully levied on imports.

(c) Use of revenues: $14.8 billion of the increased Federal revenues are transferred to States and Localities by increasing grants-in-aid. States and Localities reduce property taxes by that amount. The remaining $6.7 billion is applied to the Federal budget deficit.

(d) Monetary and fiscal policy—same as in the Across-the-Board VAT.

(e) Prices and wages: The consumption based VAT is assumed to be fully shifted forward into prices of consumer goods. Import prices also are increased. No other prices are changed initially; however, wage increases and feedback effects do raise the prices of investment goods and exports somewhat in subsequent years. Wages rise slightly as labor bargains for maintained purchasing power. About 10% of the initial rise in the GNP deflator is regained in the first period of VAT. After two years only 35% of the first period's price rise has been recovered in wages. The incomes policy of Phase 2 is assumed for the simulation.

B. Simulation Procedures: The assumptions are incorporated in the model through the use of constant term adjustments, multiplicative factors, and changes in exogenous variables.[6] The model then is solved and the values obtained in the policy simulations are compared with the control solution to obtain the quantitative effects of VAT.

Federal tax receipts are increased by raising indirect taxes $23.4 billion in the Across-the-Board VAT, $18.3 billion for the VAT with Exemptions, and $21.5 billion for the Consumption Type of VAT. These figures are the expected revenues from the application of a 3% VAT to the tax base in each program. State and local taxes are reduced by $14.8 billion, the assumed reduction in property taxes. Grants-in-aid are increased by $14.8 billion to reflect the transfer of Federal revenues to States and Localities. Other government expenditures and transfers are held constant in real terms. This requires increasing nominal Federal government expenditures except in the Consumption Type of VAT simulation.

To achieve the initial increase in prices caused by VAT the relevant implicit price deflators are raised with multiplicative factors. The price of exports is never increased since each VAT assumes their exemption from the tax base. In the Across-the-Board VAT all other prices are increased by approximately 3% except for the government expenditure deflators. The latter are increased by less since only a portion of government purchases are for goods and services from the private sector.

In the VAT with Exemptions and Rebates, no change is made in the deflators for food and beverages, clothing and shoes; and only a partial increase is imposed on the deflator for services. The other deflators, except for those related to government expenditures and exports, are increased by 3%.

Finally, for the consumption type VAT simulation the implicit deflators for consumer expenditures are raised by 3%. So is the deflator on imports. In all the simulations multiplicative factors are used to increase private, non-farm wages gradually during the first year. Also, first quarter feedback effects intensify the change in prices.

Analysis of the structure of the DRI model leads to other adjustments because the price increases are brought about by the VAT rather than by normal economic forces. Most of these apply only to the first quarter of the simulation.

C. Results: *All comparisons are relative to the DRI Control Solution of February 23, 1972.*

1. Prosperity and Growth: All of the VAT alternatives have restrictive effects on the economy. Tables 1 and 2 show some differences between the Control and VAT solutions.

---

[5] There are a large number of additional equations that deal with industry sales, profits, and production. See *The Data Resources Econometric Forecasting System: a Preliminary Account,* December 1971.

[6] Multiplicative factors change the solution values of the variables by a constant.

TABLE 1.—EFFECT OF A 3-PERCENT VAT ON THE ECONOMY (DIFFERENCES BETWEEN VAT SIMULATIONS AND FEB. 23, 1972, DRI CONTROL SOLUTION)

	Year 1 VAT			Year 2 VAT		
	Across the board	With exemps	Cons. type	Across the board	With exemps	Cons. type
GNP (current dollars)	5.1	10.3	2.5	−1.4	6.0	1.4
GNP (1958 dollars)	−14.4	−5.1	−12.5	−23.9	−12.9	−16.9
Consum. (1958 dollars)	−11.9	−3.8	+12.1	11.2	−6.4	−13.6
Durables	−3.8	−2.0	−4.2	−6.3	−4.3	−5.2
Nondurables	−3.8	−.6	−5.0	−5.5	−.8	−6.4
Services	−4.3	−1.2	−2.9	−4.4	−1.3	−2.0
Invest. (1958 dollars)	−3.1	−2.2	−.9	−6.5	−4.9	−2.6
Bus. fixed	−1.7	−1.2	.4	−5.0	−3.3	−1.3
Res. constr	−1.4	−1.0	−1.3	−1.5	−1.6	−1.3
Savings rate (percent)	.1	.5	−.5	.4	.6	−.2
Housing starts (mills.)	−.156	−.118	−.148	−.065	−.122	−.075
Profits (after tax) (billions of dollars)	−2.8	−1.2	−.6	−5.5	−3.6	−1.9

TABLE 2.—EFFECT OF A 3-PERCENT VAT ON THE ECONOMY (PERCENT CHANGES IN VAT SIMULATIONS AND FEB. 23, 1972, DRI CONTROL SOLUTION)

	Year 1				Year 2			
	VAT				VAT			
	Across-the-board	With exemps	Cons. type	Control	Across-the-board	With exemps	Cons. type	Control
GNP (current dollars)	9.7	10.2	9.5	9.2	8.9	9.0	9.3	9.5
GNP (1958 dollars)	3.7	5.0	4.0	5.6	4.6	4.8	5.3	5.7
Consum. (1958 dollars)	2.1	3.7	2.0	4.5	4.8	4.9	5.4	5.5
Durables	3.3	5.4	2.9	7.6	5.9	5.9	7.5	8.2
Nondurables	1.5	3.0	.9	3.2	3.5	3.6	3.7	4.2
Services	2.2	3.8	2.9	4.4	5.7	5.7	6.2	5.7
Invest. (1958 dollars)	6.8	8.3	9.0	10.7	4.1	5.0	5.9	8.2
Bus. fixed	3.7	4.4	6.3	5.9	4.1	5.5	5.9	8.0
Res. constr	6.0	7.3	6.2	11.1	−2.7	−4.3	−2.3	−2.2
Housing starts	.3	2.2	.7	8.0	−.7	−4.0	−.3	−3.6
Profits (after tax)	11.1	14.5	15.8	17.0	7.0	7.3	9.2	11.4

The rise in nominal GNP is due to higher prices, Subsequently, a weaker economy lowers current dollar GNP. The effects of the Across-the-Board VAT are so severe that nominal GNP falls in the second year of the simulation.

Real growth declines at least 1.6% in the first year and 0.4% in the second, as compared to the Control Solution. Cutbacks in expenditures on durable goods, fixed investment, and residential construction account for most of the drop in real GNP.

Except for the effects of a Consumption Type VAT, higher prices reduce consumption, especially for durable goods where the elasticity of demand is greatest. Subsequent declines in real disposable income further diminish consumer spending. Business fixed investment falls because of decreases in final demand, higher interest rates which affect the relative price of capital goods, and declines in corporate profits. Residential construction is down because of an inflation-induced rise in mortgage rates and a decreased supply of mortgage money. Deposits at mutual savings banks and savings and loan institutions, the major source of funds for conventional mortgages, are diminished as short-term money market rates of interest rise during VAT's first year. The private sector saving rate increases sharply, but this rise does not enhance the growth of capital stock. The decrease in product demand, higher interest rates, and reduced business saving more than offsets the increase in private saving.

In the case of the VAT on consumption, there is a clear shift in the allocation of resources to investment. Real consumption declines more in this simulation than in the others. Fixed investment is stronger than in the other simulations. The net effect is a total loss of $29.4 billion in real GNP over the two year period. The VAT with Exemptions and Rebates showed the smallest cumulative decline in real GNP, $18 billion, of the three VAT simulations.

Table 3 shows the effect of VAT on prices, wages, and productivity. VAT intensifies the existing price-wage inflation, especially in the first year of its introduction. The chronic inflation of the last few years "sensitizes" inflation expectations to renewed increases in prices, whatever the source. The rate of wage increase depends mainly on unemployment and current price expectations. Since these expectations are not particularly sensitive, a given change in prices leads to a greater reaction of wages than in a situation where severe inflation has not been present recently. Prices subsequently react more because the movements in wages are greater than otherwise would have been the case. This sharper interaction of wages and prices occurs when the average of the annual rates of inflation has exceeded 2½% during the previous two years.[7]

---

[7] Eckstein and R. Brinner, "The Inflation Process in the United States", A Study Prepared for the Joint Economic Committee, February 1972, p. 3.

TABLE 3.—EFFECT OF A 3-PERCENT VAT ON INFLATION AND PRODUCTIVITY (PERCENT INCREASES IN VAT SIMULATIONS AND FEB. 23, 1972, DRI CONTROL SOLUTION)

	Year 1				Year 2			
	VAT				VAT			
	Across-the-board	With exempts	Cons. type	Control	Across-the-board	With exempts	Cons. type	Control
CPI	6.9	5.2	7.4	3.9	4.4	4.5	4.3	4.1
GNP deflator	5.8	5.0	5.3	3.4	4.1	4.0	3.9	3.5
Wages [1]	6.4	6.4	6.3	6.0	5.9	5.9	5.8	5.6
Production [2]	2.4	2.8	2.8	3.3	2.7	2.5	3.0	2.8

[1] Private nonfarm index of compensation per manhour.

[2] Real output per manhour, excluding agriculture.

Table 4 shows the course of employment and the unemployment rate. The labor situation grows substantially worse because of the weaker economy. The unemployment rate increases at least 0.2% in Year 1 (in VAT with Exemptions) and 0.5% in Year 2. In the other VAT simulations the unemployment rate gets even worse. The minimum declines in employment are 300,000 in the first year and 700,000 in the second. Decreases in aggregate demand lead to reductions in output and employment. These effects are consistent with rising wages.

TABLE 4.—EFFECT OF A 3-PERCENT VAT ON EMPLOYMENT AND UNEMPLOYMENT

	Year 1				Year 2			
	VAT				VAT			
	Across the board	With exemps	Cons. type	Control February 23	Across the board	With exemps	Cons. type	Control February 23
Employment (millions)	81.5	81.9	81.1	82.2	84.4	84.9	84.4	85.6
Unemployment rate (percent)	6.2	5.9	6.2	5.7	6.3	5.8	6.0	5.3

Table 5 shows the effects of VAT on some long- and short-term interest rates. Long-term interest rates rise substantially as a result of VAT. The new issue rate rises by as much as 80 basis points during the first year and 95 basis points in the second year.

TABLE 5.—EFFECT OF A 3-PERCENT VAT ON INTEREST RATES (PERCENT)

	Year 1				Year 2			
	VAT				VAT			
	Across-the-board	With exemps	Cons. type	Control Feb. 23	Across-the-board	With exemps	Cons. type	Control Feb. 23
Long-term rates:								
New bonds	7.70	7.38	7.77	6.97	8.15	7.81	8.23	7.28
Mortgages	7.67	7.60	7.65	7.38	7.49	7.51	7.43	7.19
Government bonds	5.85	5.76	5.86	5.65	6.18	6.03	6.21	5.81
Short-term rates:								
3-month bills	4.09	4.09	4.07	3.80	4.46	4.68	4.44	4.59
4 to 6 month paper	4.69	4.67	4.66	4.35	5.14	5.38	5.12	5.27
90-day CD's	4.61	4.59	4.59	4.29	5.03	5.26	5.00	5.15

This effect occurs in the VAT on consumption where the deflator for consumer purchases of goods and services rises the most of any simulation. Inflation expectations are rekindled and drive long-term rates upward. The increases are net of the weaker economy and show the important effect of sustained inflation.

Short-term yields climb in the first year of VAT but fall slightly during the second year as the weaker economy limits the demand for short-term funds. The supply of funds and demand for credit are relatively more important in determining short-term interest rates than is inflation.

Table 6 presents the impact of VAT on international trade. The destination principle method of VAT taxation that is employed decreases imports.

TABLE 6.—EFFECT OF A 3-PERCENT VAT ON THE U.S. TRADE BALANCE

[Billions of dollars]

	Year 1				Year 2			
	VAT				VAT			
	Across-the-board	With exmps.	Cons. type	Control	Across-the-board	With exmps.	Cons. type	Control
Exports-imports (current dollars)	0.9	0.5	0.5	0.3	3.9	3.1	1.3	2.0
Exports-imports (58 dollars)	3.2	3.1	3.2	1.4	5.3	4.8	5.0	2.8

The weaker U.S. economy also contributes to the improvement in the trade balance. The result is a very substantial improvement in international trade. The real value of the trade balance is about double that of the control solution for all of the VAT simulations. The implications of the increased balance of trade are on improved balance of payments and a strengthening of the dollar in foreign exchange markets.

Finally, Table 7 contains the figures for the NIA budget. Most of the VAT revenues that are earmarked to reduce the deficit are lost in the first year because of the feedback effects on tax receipts of a weaker economy. In the second year, the deficit is higher than it would have been without a VAT.

TABLE 7.—EFFECT OF A 3-PERCENT VAT ON THE FEDERAL BUDGET DEFICIT (DIFFERENCE IN VAT SIMULATIONS AND FEB. 23, 1972 DRI CONTROL SOLUTION)

	Year 1			Year 2		
	VAT			VAT		
	Across-the-board	With exemps.	Cons. type	Across-the-board	With exemps.	Cons. type
Fed. Sup. (NIA)	3.0	−2.3	3.1	−2.2	−1.9	−0.4

IV. CONCLUSIONS

This study analyzes the quantitative economic effects of three alternative programs for a Value Added Tax. The effects of VAT on prosperity and growth, inflation, employment and unemployment, international trade, and the Federal budget deficit are examined in simulations with the Data Resources, Inc. forecasting model of the U.S. economy. Traditional economic analysis of a broad based tax, such as VAT, would be difficult since the general equilibrium effects of a complete fiscal package are of interest. Furthermore, the quantitative effects a VAT can not be obtained without adequate estimates of the parameters of relations that realistically characterize economic behavior.

The alternative programs are:

(1) a 3% income based VAT which raises $23.4 billion and has no exemptions except for the government sector and exports. The tax is levied on imports. $14.8 billion is transferred to States and Localities.

(2) a 3% income based VAT which raises $18.3 billion and has exemptions for services, except financial, agriculture, food, clothing, and shoes. The tax is levied on imports. Low income families receive $2.5 billion in rebates. $14.8 billion is transferred to State and Localities.

(3) a 3% consumption based VAT which raises $21.5 billion and has exemptions for capital goods, purchases and exports. The tax is levied on imports. $14.8 billion is transferred to States and Localities.

The effects of three alternatives are similar over the two year simulation period. *Comparisons are based on the Data Resources, Inc. Forecast of February 23, 1972.* The real growth of the economy declines. Inflation intensifies and unemployment rises. The growth of employment slows and productivity drops. Long-term interest rates increase sharply. The Federal budget deficit improves at first but later increases to more than it would have been without the tax. The only bright spot is in international trade where the trade balance grows substantially. This is due to border tax adjustments where imports are taxed and exports are made exempt through tax rebates.

Ranking the alternative VAT programs is difficult, but in terms of the effects of each on real economic growth, inflation, profits, unemployment and interest rates, the order of preference would be VAT with Exemptions and Rebates, the Consumption Type VAT, and Across-the-Board VAT.[8] Thus, the more progressive method of VAT has the least deleterious effect on the economy.

The evidence appears to be negative for one of the major arguments usually advanced in VAT's behalf. The VAT is inimical to economic growth in the U. S. economy, primarily because of its effect on the inflationary process.[9] In fact, any of the VAT packages considered in this study would severely interfere with almost all of the goals of the recent Nixon Economic Plan, i.e., greater economic growth, lower inflation and unemployment, increased productivity, and reduced interest rates. Only the position of the United States in international trade would be enhanced.

REFERENCES

Aaron, H., "The Differential Price Effects of a Value Added Tax", *National Tax Journal*, 21, June 1968, 162–175.

Data Resources, Inc., *The Data Resources Econometric Forecasting System: a Preliminary Account*, December 1971

Eckstein, O. (assisted by V. Tanzi), "Comparison of European and United States Tax Structures and Growth Implications", *The*

---

[8] One need merely rank each simulation with respect to its performance in each category. The above ranking clearly emerges. No clear-cut evidence on the distribution of income could be obtained from the results.

[9] However, the results obtained in these simulations might not be matched in other instances where a different fiscal package was considered, e.g., the substitution of VAT for the corporate income tax or for personal taxes.

Role of Direct and Indirect Taxes in the Federal Revenue System. Princeton, New Jersey, 1964, 217–229.

Eckstein, O. and Brinner, R., "The Inflation Process in the United States", prepared for the Joint Economic Committee, Congress of the United States, February 1972, U.S. Government Printing Office, Washington, D.C.

Eckstein, O., Green, E. W., and Sinai, A., "The Value Added Tax and the Economy", December 28, 1971, Data Resources, Inc.

Harberger, A. C., "Taxation, Resource Allocation, and Welfare" *The Role of Direct and Indirect Taxes in the Federal Revenue System.* Princeton, N.J., 1964, 25–81.

Klein, I. R., *Theory of Economic Prediction,* Chicago 1971.

Krauss, M. and Bird, R. M., "The Value Added Tax: Critique of a Review", *Journal of Economic Literature,* 9, December 1971, 1167–1173.

Krauss, M. and O'Brien, P., "Some International Implications of Value-Added Taxation", *National Tax Journal,* 23, December 1970, 435–440.

Lindholm, Richard W., "The Value Added Tax: A Short Review of the Literature", *Journal of Economic Literature,* 8, December 1970, 1178–1189.

Musgrave, R. A. and Richman, P. B., "Allocation Aspects, Domestic and International", *The Role of Direct and Indirect Taxes in the Federal Revenue System.* Princeton, New Jersey, 1964, 81–140.

Shoup, C., *Public Finance,* Aldine, Chicago, 1969, 250–269.

Sullivan, C., *The Tax on Value Added,* New York, 1965.

HEALTH SCIENCE AND SOCIETY

Mr. MONDALE. Mr. President, more than 4 years ago, I first introduced a resolution to create a commission to investigate the ethical, legal, and social implications of advances in biomedical research and technology. At that time, there was great public attention to the innovation of heart transplants. This seemed to me to raise a whole host of complex issues for which society was unprepared. Such obvious issues as the definition of death and the consent for the removal of viable organs were presented.

I was somewhat surprised to find that there were many in the field of medicine and research who thought that the creation of a study commission was unnecessary or even undesirable. Four years later, we have seen that many of the problems which we predicted then have come to pass. Law suits have been initiated concerning the removal of organs. Moreover, a whole new set of issues have arisen which we only dimly perceived a few years back. In genetic engineering and in behavior control, we confront, sometimes, even more profound issues than we do in connection with organ transplants and implantation of artificial organs.

The passage by the U.S. Senate of Senate Joint Resolution 75, to create a National Advisory Commission on Health Science and Society, on December 2, 1971, represents a refreshing consensus in this body of the need for a thorough and comprehensive review of the way in which society must deal with issues posed by advances in medical technology. I invite the attention of Senators to a wide range of articles and editorials commenting on the state of the art, the hearings on Senate Joint Resolution 75, and the need to move forward in a comprehensive but judicious manner in equipping society to deal with such questions.

An article in the Wall Street Journal, of December 2, 1971, written by Jonathan Spivak, discusses many of the experimental efforts in the field of genetics. The article makes clear both the great potentials and risks which are involved.

The November 19, 1971, issue of Science magazine, contains an article entitled "The New Biology: What Price Relieving Man's Estate?" The article was written by Dr. Leon R. Kass, who serves as executive secretary of the Committee on the Life Sciences and Social Policy of the National Research Council—National Academy of Sciences. Dr. Kass surveys a number of developments in medical technology and comments perceptively on the ethical and social dilemmas which are presented. Two interesting articles appeared in the March 3 issue of Science magazine on gene therapy. One is by Ernest Freese of the Laboratory of Molecular Biology at NIH. The other, by Theodore Friedmann and Richard Roblin, contains some very useful comments on the ethicoscientific criteria which should be applied in gene therapy.

In the Washington Evening Star of November 18, 1971, an article entitled "The Patient-Individual or Society?" written by Judith Randal, discussed some of the ethical issues posed by the purposeful infection of mentally retarded children at Willowbrook in Staten Island, N.Y., with a hepatitis virus. Miss Randal points out how this experiment, and many others raising similar issues, have sparked Senate Joint Resolution 75. Another article on psychosurgery was written by Miss Randal and published in the Washington Evening Star of March 3, 1972.

Another indication of the rapidly growing awareness of ethical and social dilemmas was the sponsoring by the Kennedy Foundation of a symposium in Washington, D.C., on "Human Rights, Retardation and Research." More than a thousand experts drawn from a broad spectrum of scientific and academic disciplines participated in seven sessions exploring diverse questions in ethics and medicine. Such attention was noted in a column by James J. Kilpatrick in the Washington Evening Star on Tuesday, October 19, 1971, in a Washington Post editorial on November 3, 1971, and in a Boston Globe article on October 17, 1971.

Shortly after this very valuable symposium, the Senate Health Subcommittee held hearings on Senate Joint Resolution 75 and reported the bill favorably to the Senate on November 29, 1971. Articles commenting on hearings appeared in the January 7, 1972, issue of Science magazine, in the January 1972 issue of Technology Review, in the December 4, 1971, issue of Science News and in the December 1971 issue of Biomedical News.

After the hearings, I was pleased to see favorable editorial comments in a number of journals, some of which I have already placed in the Congressional Record.

I should like to invite the attention of Senators to an editorial in the Washington Evening Star of December 15, 1971, and to one in the St. Louis Post Dispatch on January 29, 1972. The Star editorial describes the proposed study as covering "a subject with enormous implications for all of us." The Post Dispatch concludes by saying:

> The bill now is before a House Subcommittee and strongly deserves positive action.

Mr. President, I can only echo the sentiments of the Post Dispatch editorial. I hope that our colleagues in the House will be able to act on this measure promptly. As Nobel Prize winner Dr. James Watson said in testimony before a House committee last year:

> If we do not think about the matter now, the possibility of our having a free choice will one day suddenly be gone.

I ask unanimous consent that the articles and editorials to which I have referred be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Dec. 12, 1971]

Probing the Cell—Some Scientists Seek To Alter Human Genes To Cure Many Diseases

(By Jonathan Spivak)

Washington.—Medical researchers are preparing for a daring biological venture: an attempt to correct genetic defects that afflict mankind.

Their stated goal is nothing so awesome or controversial as breeding supermen, though some critics fear the effort could lead in that direction. Rather, the aim is to treat a variety of inherited diseases for which little help now can be had. Among these are cystic fibrosis, in which mucus clogs the lungs and other organs; sickle-cell anemia, which afflicts Negroes; and hemophilia, a tendency to uncontrollable bleeding.

Toward this end, the researchers are altering genes, the tiny packets of hereditary material that determine mental and physical endowment. The proponents like to call this effort "gene therapy," and they foresee great benefits. But critics call it "genetic engineering," and they foresee grave risks. Some scientists question whether the impact of gene changes on future generations can be adequately anticipated or effectively controlled. If a harmful gene were introduced into the human body, it couldn't be recalled and might spread eventually to thousands of persons, these scientists say.

"The promises offered by proponents of gene therapy largely ignore its limitations and hazards. . . . Let us not do to ourselves what we have done to our environment," researchers Maurice S. Fox of the Massachusetts Institute of Technology and John W. Littlefield of Harvard Medical School write in an editorial in the magazine Science.

THE SITUATION SO FAR

What's happening so far is this:

Laboratory researchers at the government's National Institutes of Health and elsewhere are working on genes in attempts to understand and eventually eliminate their disease-causing defects. These defects can permit accumulation in body cells of toxic substances that lead to brain damage and other harm.

Experiments being pursued include:

Fusing cells together so healthy genes replace defective ones.

Implanting cells with normal genes in developing embryos to overcome hereditary defects.

Tailor-making viruses to carry corrective genetic material.

Outside the research lab, a pioneering and controversial attempt at gene therapy has already been made. Last year two German girls with hereditary mental retardation were deliberately infected with a virus carrying a gene that might effect a cure. No cure resulted, probably because the girls' mental damage was already irreversible. Nonetheless warns one specialist, "there will be a rush to get into this area and test new procedures on hopeless cases."

Some scientists suggest this research is opening up the eventual possibility of producing humans of any desired genetic characteristics—whether seven-foot basketball stars or geniuses with Einsteinian IQs—though the researchers argue this is not their aim at all. The basic technique for building supermen already has been developed in the laboratory. It avoids the haphazard mixture of genes resulting from a sexual union of sperm and egg. It is known as cloning.

THE STAKES ARE HIGH

In this laboratory procedure the nucleus of an unfertilized egg is replaced with a nucleus from another cell; that nucleus in effect fertilizes the egg and controls all its genetic properties. In a landmark experiment, British researchers have shown that a frog egg can thus be fertilized with another cell from the same animal. The offspring develops normally and is genetically identical with the single parent. This research is designed to gain a better understanding of human reproduction, rather than for any practical purpose.

But since all species are genetically similar, it will probably prove possible to clone man eventually, most scientists say. Human cloning, of course, would raise serious ethical issues.

Cloning aside, the stakes in the current debate over gene therapy are high, for the outcome is likely to control future progress in the science of human genetics. Many experts argue that a major push could bring immensely important results. Genetic diseases now show up in an estimated 70,000, or 2% of the babies born in the U.S. each year, and they take a high toll in prenatal deaths. Moreover, gene alterations might shed light on the causes of other diseases, including cancer, diabetes and arteriosclerosis, which are influenced by heredity, researchers say.

With strong congressional encouragement, the National Institutes of Health is investing about $20 million in genetic studies this fiscal year, and officials hope to increase the sum substantially next year. The problem of the hereditary aspects of disease "is ripe today," declares Dr. DeWitt Stetten Jr., director of NIH's National Institute of General Medical Science.

With the added money, NIH would establish genetic research centers throughout the country. These centers would seek to map the exact location of genes within human cells, identify individuals who carry genetic defects that could endanger their offspring, and determine the chemical processes by which gene defects cause disease. The ultimate goal: developing ways to remedy defective genes and prevent at least some forms of hereditary disease.

There are about 100,000 genes in every cell in the human body and each consists of the hereditary material known as DNA (for deoxyribonucleic acid). Scientists have already figured out the structure of DNA and the chemical code by which it enables genes to direct human growth.

It's also known that genes direct the formation of specific enzymes that are essential to the normal functioning of cells. And it's known that defective genes often lead to a breakdown in the cell's metabolism and thus to the accumulation of toxic substances.

Gene therapy is surrounded by a welter of problems, however. One major difficulty is finding ways to deliver genes to the specific cells that have hereditary defects. Most experts think it will be necessary to use infective viruses, but they worry that even apparently harmless viruses might turn out to have dangerous effects, particularly in causing cancer. Laboratory experiments with DNA have shown how easily gene changes can lead to malignancy.

Another obstacle is the probability that only 100 of the 2,000 known genetic diseases are produced by a single defective gene. Each of the other disorders presumably involves several defective genes and would be far more difficult to correct.

Nonetheless, progress is being made. NIH laboratory experiments have shown that a bacterial virus, known as the lambda phage, will correct a genetic disease called galactosemia; this disease, caused by lack of enzymes needed to metabolize the sugar galactose, may result in eye cataracts, brain damage and other difficulties. In lab experiments, the virus has transferred the healthy gene that prevents galactosemia to cells taken from a child suffering from the disease. But much more must be learned about the virus' effects before actual experiments on children are undertaken, scientists caution.

At the University of Maryland, Vasken Aposhian, who heads the department of cell biology and pharmacology, is directing a project that could lead to another early effort at gene therapy. He's hopeful that the gene or genes responsible for the body's production of insulin, which controls diabetes, can be identified and synthesized. If so, he would use a virus to pick up the genetic information and deliver it to human body cells. Youthful victims of severe diabetes could be candidates for such treatment.

Another approach, called cellular engineering, relies on replacement of entire cells to correct genetic defects. Dr. Robert A. Good at the University of Minnesota reports curing usually fatal blood disorders in several youngsters by transplanting healthy cells that replace genetically deficient ones. "These achievements involve full correction of several different inborn errors of metabolism and alleviation of their certainly fatal genetically based diseases," he reports.

But any tinkering with human genes remains worrisome to many scientists. "What you are really doing," argues one, "is dealing with the genetic stock of the human race, and dealing with it at a time when you don't know everything about it."

[From Science magazine, November 1971]

THE NEW BIOLOGY: WHAT PRICE RELIEVING MAN'S ESTATE?

(By Leon R. Kass)

(The author is executive secretary, Committee on the Life Sciences and Social Policy, National Research Council, National Academy of Sciences, Washington, D.C. 20418. This article is adapted from a working paper prepared by the author for the committee, as well as from lectures given at St. John's College in Annapolis, Maryland; at Oak Ridge National Laboratory, biology division, Oak Ridge, Tennessee; and at a meeting, in Washington, of the Council for the Advancement of Science Writing. The views expressed are those of the author.)

Recent advances in biology and medicine suggest that we may be rapidly acquiring the power to modify and control the capacities and activities of men by direct intervention and manipulation of their bodies and minds. Certain means are already in use or at hand, others await the solution of relatively minor technical problems, while yet others, those offering perhaps the most precise kind of control, depend upon further basic research. Biologists who have considered these matters disagree on the question of how much how soon, but all agree that the power for "human engineering," to borrow from the jargon, is coming and that it will probably have profound social consequences.

These developments have been viewed both with enthusiasm and with alarm; they are only just beginning to receive serious attention. Several biologists have undertaken to inform the public about the technical possibilities, present and future. Practitioners of social science "futurology" are attempting to predict and describe the likely social consequences of and public responses to the new technologies. Lawyers and legislators are exploring institutional innovations for assessing new technologies. All of these activities are based upon the hope that we can harness the new technology of man for the betterment of mankind.

Yet this commendable aspiration points to another set of questions, which are, in my view, sorely neglected—questions that inquire into the meaning of phrases such as the "betterment of mankind." A *full* understanding of the new technology of man requires an exploration of ends, values, standards. What ends will or should the new technology serve? What values should guide society's adjustments? By what standards should the assessment agencies assess? Behind these questions lie others: what is a good man, what is a good life for man, what is a good community? This article is an attempt to provoke discussion of these neglected and important questions.

While these questions about ends and ultimate ends are never unimportant or irrelevant, they have rarely been more important or more relevant. That this is so can be seen once we recognize that we are dealing here with a group of technologies that are in a decisive respect unique: the object upon which they operate is man himself. The technologies of energy or food production, of communication, of manufacture, and of motion greatly alter the implements available to man and the conditions in which he uses them. In contrast, the biomedical technology works to change the user himself. To be sure, the printing press, the automobile, the television, and the jet airplane have greatly altered the conditions under which and the way in which men live; but men as biological beings have remained largely unchanged. They have been, and remain, able to accept or reject, to use and abuse these technologies; they choose, whether wisely or foolishly, the ends to which these technologies are means. Biomedical technology may make it possible to change the inherent capacity for choice itself. Indeed, both those who welcome and those who fear the advent of "human engineering" ground their hopes and fears in the same prospect: *that man can for the first time recreate himself.*

Engineering the engineer seems to differ in kind from engineering his engine. Some have argued, however, that biomedical engineering does not differ qualitatively from toilet training, education, and moral teachings—all of which are forms of so-called "social engineering," which has man as its object, and is used by one generation to mold the next. In reply, it must at least be said that the techniques which have hitherto been employed are feeble and inefficient when compared to those on the horizon. This quantitative difference rests in part on a qualitative difference in the means of intervention. The traditional influences operate by speech or by symbolic deeds. They pay tribute to man as the animal who lives by speech and who understands the meanings of actions. Also, their effects are, in general, reversible, or at least subject to attempts at reversal. Each person has greater or lesser power to accept or reject or abandon them. In contrast, biomedical engineering circumvents the human context of speech and meaning, bypasses choice, and goes directly to work to modify the human material itself. Moreover, the changes wrought may be irreversible.

In addition, there is an important practical reason for considering the biomedical technology apart from other technologies. The advances we shall examine are fruits of a large, humane project dedicated to the conquest of disease and the relief of human suffering. The biologist and physician, regardless of their private motives, are seen, with justification, to be the well-wishers and benefactors of mankind. Thus, in a time in which technological advance is more carefully scrutinized and increasingly criticized, biomedical developments are still viewed by most people as benefits largely without qualification. The price we pay for these developments is thus more likely to go unrecognized. For this reason, I shall consider only the dangers and costs of biomedical advance. As the benefits are well known, there is no need to dwell upon them here. My discussion is deliberately partial.

I begin with a survey of the pertinent technologies. Next, I will consider some of the basic ethical and social problems in the use of these technologies. Then, I will briefly raise some fundamental questions to which these problems point. Finally, I shall offer some very general reflections on what is to be done.

THE BIOMEDICAL TECHNOLOGIES

The biomedical technologies can be usefully organized into three groups, according to their major purpose: (i) control of death and life, (ii) control of human potentialities, and (iii) control of human achievement. The corresponding technologies are (i) medicine, especially the arts of prolonging life and of controlling reproduction, (ii) genetic engineering, and (iii) neurological and psychological manipulation. I shall briefly summarize each group of techniques.

(1) *Control of death and life.* Previous medical triumphs have greatly increased average life expectancy. Yet other developments, such as organ transplantation or replacement and research into aging, hold forth the promise of increasing not just the average, but also the maximum life expectancy. Indeed, medicine seems to be sharpening its tools to do battle with death itself, as if death were just one more disease.

More immediately and concretely, available techniques of prolonging life—respirators, cardiac pacemakers, artificial kidneys—are already in the lists against death. Ironically, the success of these devices in forestalling death has introduced confusion in determining that death has, in fact, occurred. The traditional signs of life—heartbeat and respiration—can now be maintained entirely by machines. Some physicians are now busily trying to devise so-called "new definitions of death," while others maintain that the technical advances show that death is not a concrete event at all, but rather a gradual process, like twilight, incapable of precise temporal localization.

The real challenge to death will come from research into aging and senescence, a field just entering puberty. Recent studies suggest that aging is a genetically controlled process, distinct from disease, but one that can be manipulated and altered by diet or drugs. Extrapolating from animal studies, some scientists have suggested that a decrease in the rate of aging might also be achieved simply by effecting a very small decrease in human body temperature. According to some estimates, by the year 2000 it may be technically possible to add from 20 to 40 useful years to the period of middle life.

Medicine's success in extending life is already a major cause of excessive population growth: death control points to birth control. Although we are already technically competent, new techniques for lowering fertility and chemical agents for inducing abortion will greatly enhance our powers over conception and gestation. Problems of definition have been raised here as well. The need to determine when individuals acquire enforceable legal rights gives society an interest in the definition of human life and of the time when it begins. These matters are too familiar to need elaboration.

Technologies to conquer infertility proceed alongside those to promote it. The first successful laboratory fertilization of human egg by human sperm was reported in 1969 (1). In 1970, British scientists learned how to grow human embryos in the laboratory up to at least the blastocyst stage [that is, to the age of 1 week (2)]. We may soon hear about the next stage, the successful reimplantation of such an embryo into a woman previously infertile because of oviduct disease. The development of an artificial placenta, now under investigation, will make possible full laboratory control of fertilization and gestation. In addition, sophisticated biochemical and cytological techniques of monitoring the "quality" of the fetus have been and are being developed and used. These developments not only give us more power over the generation of human life, but make it possible to manipulate and to modify the quality of the human material.

(2) *Control of human potentialities.* Genetic engineering, when fully developed, will wield two powers not shared by ordinary medical practice. Medicine treats existing individuals and seeks to correct deviations from a norm of health. Genetic engineering, in contrast, will be able to make changes that can be transmitted to succeeding generations and will be able to create new capacities, and hence to establish new norms of health and fitness.

Nevertheless, one of the major interests in genetic manipulation is strictly medical: to develop treatments for individuals with inherited diseases. Genetic disease is prevalent and increasing, thanks partly to medical advances that enable those affected to survive and perpetuate their mutant genes. The hope is that normal copies of the appropriate gene, obtained biologically or synthesized chemically, can be introduced into defective individuals to correct their deficiencies. This *therapeutic* use of genetic technology appears to be far in the future. Moreover, there is some doubt that it will ever be practical, since the same end could be more easily achieved by transplanting cells or organs that could compensate for the missing or defective gene product.

Far less remote are technologies that could serve *eugenic* ends. Their development has been endorsed by those concerned about a general deterioration of the human gene pool and by others who believe that even an undeteriorated human gene pool needs upgrading. Artificial insemination with selected donors, the eugenic proposal of Herman Muller (3), has been possible for several years because of the perfection of methods for long-time storage of human spermatozoa. The successful maturation of human oocytes in the laboratory and their subsequent fertilization now make it possible to select donors of ova as well. But a far more suitable technique for eugenic purposes will soon be upon us—namely, nuclear transplantation, or cloning. Bypassing the lottery of sexual recombination, nuclear transplantation permits the asexual reproduction or copying of an already developed individual. The nucleus of a mature but unfertilized egg is replaced by a nucleus obtained from a specialized cell of an adult program or embryo (for example, a cell from the intestines or the skin). The egg with its transplanted nucleus develops as if it had been fertilized and, barring complications, will give rise to a normal adult organism. Since almost all the hereditary material (DNA) of a cell is contained within its nucleus, the renucleated egg and the individual into which it develops are genetically identical to the adult organism that was the source of the donor nucleus. Cloning could be used to produce sets of unlimited numbers of genetically identical individuals, each set derived from a single parent. Cloning has been successful in amphibians and is now being tried in mice; its extension to man merely requires the solution of certain technical problems.

Production of man-animal chimeras by the introduction of selected nonhuman material into developing human embryos is also expected. Fusion of human and nonhuman cells in tissue culture has already been achieved.

Other, less direct means for influencing the gene pool are already available, thanks to our increasing ability to identify and diagnose genetic diseases. Genetic counselors can now detect biochemically and cytologically a variety of severe genetic defects (for example, Mongolism, Tay-Sachs disease) while the fetus is still in utero. Since treatments are at present largely unavailable, diagnosis is often followed by abortion of the affected fetus. In the future, more sensitive tests will also permit the detection of heterozygote carriers, the unaffected individuals who carry but a single dose of a given deleterious gene. The eradication of a given genetic disease might then be attempted by aborting all such carriers. In fact, it was recently suggested that the fairly common disease cystic fibrosis could be completely eliminated over the next 40 years by screening all pregnancies and aborting the 17,000,000 unaffected fetuses that will carry a single gene for this disease. Such zealots need to be reminded of the consequences should each geneticist be allowed an equal assault on his favorite genetic disorder, given that each human being is a carrier for some four to eight such recessive, lethal genetic diseases.

(3) *Control of human achievement.* Although human achievement depends at least in part upon genetic endowment, heredity determines only the material upon which experience and education impose the form. The limits of many capacities and powers of an individual are indeed genetically determined, but the nurturing and perfection of these capacities depend upon other influences. Neurological and psychological manipulation held forth the promise of controlling the development of human capacities, particularly those long considered most distinctively human: speech, thought, choice, emotion, memory, and imagination.

These techniques are now in a rather primitive state because we understand so little about the brain and mind. Nevertheless, we have already seen the use of electrical stimulation of the human brain to produce sensations of intense pleasure and to control rage, the use of brain surgery (for example, frontal lobotomy) for the relief of severe anxiety, and the use of aversive conditioning with electric shock to treat sexual perversion. Operant-conditioning techniques are widely used, apparently with success, in schools and mental hospitals. The use of so-called consciousness-expanding and hallucinogenic drugs is widespread, to say nothing of tranquilizers and stimulants. We are promised drugs to modify memory, intelligence, libido, and aggressiveness.

The following passages from a recent book by Yale neurophysiologist José Delgado—a book instructively entitled *Physical Control of the Mind: Toward a Psychocivilized Society*—should serve to make this discussion more concrete. In the early 1950's, it was discovered that, with electrodes placed in certain discrete regions of their brains, animals would repeatedly and indefatigably press levers to stimulate their own brains, with obvious resultant enjoyment. Even starving animals preferred stimulating these so-called pleasure centers to eating. Delgado comments on the electrical stimulation of a similar center in a human subject (*4* p. 185).

[T]he patient reported a pleasant tingling sensation in the left side of her body 'from my face down to the bottom of my legs.' She started giggling and making funny comments, stating that she enjoyed the sensation 'very much.' Repetition of these stimulations made the patient more communicative and flirtatious, and she ended by openly expressing her desire to marry the therapist.

And one further quotation from Delgado (*4*, p. 88).

Leaving wires inside of a thinking brain may appear unpleasant or dangerous, but actually the many patients who have undergone this experience have not been concerned about the fact of being wired, nor have they felt any discomfort due to the presence of conductors in their heads. Some women have shown their feminine adaptability to circumstances by wearing attractive hats or wigs to conceal their electrical headgear, and many people have been able to enjoy a normal life as outpatients, returning to the clinic periodically for examination and stimulation. In a few cases in which contacts were located in pleasurable areas, patients have had the opportunity to stimulate their own brains by pressing the button of a portable instrument, and this procedure is reported to have therapeutic benefits.

It bears repeating that the sciences of neurophysiology and psychopharmacology are in their infancy. The techniques that are now available are crude, imprecise, weak, and unpredictable, compared to those that may flow from a more mature neurobiology.

BASIC ETHICAL AND SOCIAL PROBLEMS IN THE USE OF BIOMEDICAL TECHNOLOGY

After this cursory review of the powers now and soon to be at our disposal, I turn to the questions concerning the use of these powers. First, we must recognize that questions of use of science and technology are always moral and political questions, never simply technical ones. All private or public decisions to develop or to use biomedical technology—and decisions *not* to do so—inevitably contain judgments about value. This is true even if the values guiding those decisions are not articulated or made clear, as indeed they often are not. Secondly, the value judgments cannot be derived from biomedical science. This is true even if scientists themselves make the decisions.

These important points are often overlooked for at least three reasons.

(1) They are obscured by those who like to speak of "the control of nature by science." It is men who control, not that abstraction "science." Science may provide the means, but men choose the ends; the choice of ends comes from beyond science.

(2) Introduction of new technologies often appears to be the result of no decision whatsoever, or of the culmination of decisions too small or unconscious to be recognized as such. What can be done is done. However, someone is deciding on the basis of some notions of desirability, no matter how self-serving or altruistic.

(3) Desires to gain or keep money and power no doubt influence much of what happens, but these desires can also be formulated as reasons and then discussed and debated.

Insofar as our society has tried to deliberate about questions of use, how has it done so? Pragmatists that we are, we prefer a utilitarian calculus: we weigh "benefits" against "risks," and we weigh them for both the individual and "society." We often ignore the fact that the very definitions of "a benefit" and "a risk" are themselves based upon judgments about value. In the biomedical areas just reviewed, the benefits are considered to be self-evident; prolongation of life, control of fertility and of population size, treatment and prevention of genetic disease, the reduction of anxiety and aggressiveness, and the enhancement of memory, intelligence, and pleasure. The assessment of risk is, in general, simply pragmatic—will the technique work effectively and reliably, how much will it cost, will it do detectable bodily harm, and who will complain if we proceed with development? As these questions are familiar and congenial, there is no need to belabor them.

The very pragmatism that makes us sensitive to considerations of economic cost often blinds us to the larger social costs exacted by biomedical advances. For one thing, we seem to be unaware that we may not be able to maximize all the benefits, that several of the goals we are promoting conflict with each other. On the one hand, we seek to control population growth by lowering fertility; on the other hand, we develop techniques to enable every infertile woman to bear a child. On the one hand, we try to extend the lives of individuals with genetic disease; on the other, we wish to eliminate deleterious genes from the human population. I am not urging that we resolve these conflicts in favor of one side or the other, but simply that we recognize that such conflicts exist. Once we do, we are more likely to appreciate that most "progress" is heavily paid for in terms not generally included in the simple utilitarian calculus.

To become sensitive to the larger costs of biomedical progress, we must attend to several serious ethical and social questions. I will briefly discuss three of them: (i) questions of distributive justice, (ii) question of the use and abuse of power, and (iii) questions of self-degradation and dehumanization.

DISTRIBUTIVE JUSTICE

The introduction of any biomedical technology presents a new instance of an old problem—how to distribute scarce resources justly. We should assume that demand will usually exceed supply. Which people should receive a kidney transplant or an artificial heart? Who should get the benefits of genetic therapy or of brain stimulation? Is "first-come, first-served" the fairest principle? Or are certain people "more worthy," and if so, on what grounds?

It is unlikely that we will arrive at answers to these questions in the form of deliberate decisions. More likely, the problem of distribution will continue to be decided ad hoc and locally. If so, the consequence will probably be a sharp increase in the already far too great inequality of medical care. The extreme case will be longevity, which will probably be, at first, obtainable only at great expense. Who is likely to be able to buy it? Do conscience and prudence permit us to enlarge the gap between rich and poor, especially with respect to something as fundamental as life itself?

Questions of distributive justice also arise in the earlier decisions to acquire new knowledge and to develop new techniques. Personnel and facilities for medical research and treatment are scarce resources. Is the development of a new technology the best use of the limited resources, given current circumstances? How should we balance efforts aimed at prevention against those aimed at cure, or either of these against efforts to redesign the species? How should we balance the delivery of available levels of care against further basic research? More fundamentally, how should we balance efforts in biology and medicine against efforts to eliminate poverty, pollution, urban decay, discrimination, and poor education? This last question about distribution is perhaps the most profound. We should reflect upon the social consequences of seducing many of our brightest young people to spend their lives locating the biochemical defects in rare genetic diseases, while our more serious problems go begging. The current squeeze on money for research provides us with an opportunity to rethink and reorder our priorities.

Problems of distributive justice are frequently mentioned and discussed, but they are hard to resolve in a rational manner. We find them especially difficult because of the enormous range of conflicting values and interests that characterizes our pluralistic society. We cannot agree—unfortunately, we often do not even try to agree—on standards for just distribution. Rather, decisions tend to be made largely out of a clash of competing interests. Thus, regrettably, the question of how to distribute justly often gets reduced to who shall decide how to distribute. The question about justice has led us to the question about power.

USE AND ABUSE OF POWER

We have difficulty recognizing the problems of the exercise of power in the biomedical enterprise because of our delight with the wondrous fruits it has yielded. This is ironic because the notion of power is absolutely central to the modern conception of science. The ancients conceived of science as the *understanding* of nature, pursued for its own sake. We moderns view science as power, as *control* over nature; the conquest of nature "for the relief of man's estate" was the charge issued by Francis Bacon, one of the leading architects of the modern scientific project (5).

Another source of difficulty is our fondness for speaking of the abstraction "Man." I suggest that we prefer to speak figuratively about "Man's power over Nature" because it obscures an unpleasant reality about human affairs. It is in fact particular men who wield power, not Man. What we really mean by Man's power over Nature" is a power exercised by some men over other men, with a knowledge of nature as their instrument.

While applicable to technology in general, these reflections are especially pertinent to the technologies of human engineering, with which men deliberately exercise power over future generations. An excellent discussion of this question is found in *The Abolition of Man*, by C. S. Lewis (6).

It is, of course, a commonplace to complain that men have hitherto used badly, and against their fellows, the powers that science has given them. But that is not the point I am trying to make. I am not speaking of particular corruptions and abuses which an increase of moral virtue would cure: I am considering what the thing called "Man's power over Nature" must always and essentially be . . .

In reality, of course, if any one age really attains, by eugenics and scientific education, the power to make its descendants what it pleases, all men who live after it are the patients of that power. They are weaker, not stronger: for though we may have put wonderful machines in their hands, we have preordained how they are to use them. . . . The real picture is that of one dominant age . . . which resist all previous ages most successfully and dominates all subsequent ages most irresistibly, and thus is the real master of the human species. But even within this master generation (itself an infinitesimal minority of the species) the power will be exercised by a minority smaller still. Man's conquest of Nature, if the dreams of some scientific planners are realized, means the rule of a few hundreds of men over billions upon billions of men. There neither is nor can be any simple increase of power on Man's side. Each new power won *by* man is a power *over* man as well. Each advance leaves him weaker as well as stronger. In every victory, besides being the general who triumphs, he is also the prisoner who follows the triumphal car.

Please note that I am not yet speaking about the problem of the misuse or abuse of power. The point is rather that the power which grows is unavoidably the power of only some men, and that the number of powerful men decreases as power increases.

Specific problems of abuse and misuse of specific powers must not, however, be overlooked. Some have voiced the fear that the technologies of genetic engineering and behavior control, though developed for good purposes, will be put to evil uses. These fears are perhaps somewhat exaggerated, if only because biomedical technologies would add very little to our highly developed arsenal for mischief, destruction, and stultification. Nevertheless, any proposal for large-scale human engineering should make us wary. Consider a program of positive eugenics based upon the widespread practice of asexual reproduction. Who shall decide what constitutes a superior individual worthy of replication? Who shall decide which individuals may or must reproduce, and by which method? These are questions easily answered only for a tyrannical regime.

Concern about the use of power is equally necessary in the selection of means for desirable or agreed-upon ends. Consider the desired end of limiting population growth. An effective program of fertility control is likely to be coercive. Who should decide the choice of means? Will the program penalize "conscientious objectors"?

Serious problems arise simply from obtaining and disseminating information, as in the mass screening programs now being proposed for detection of genetic disease. For what kinds of disorders is compulsory screening justified? Who shall have access to the data obtained, and for what purposes? To whom does information about a person's genotype belong? In ordinary medical practice, the patient's privacy is protected by the doctor's adherence to the principle of confidentiality. What will protect his privacy under conditions of mass screening?

More than privacy is at stake if screening is undertaken to detect psychological or behavioral abnormalities. A recent proposal, tendered and supported high in government, called for the psychological testing of all 6-year-olds to detect future criminals and misfits. The proposal was rejected; current tests lack the requisite predictive powers. But will such a proposal be rejected if reliable tests become available? What if certain genetic disorders, diagnosable in childhood, can be shown to correlate with subsequent antisocial behavior? For what degree of correlation and for what kinds of behavior can mandatory screening be justified? What use should be made of the data? Might not the dissemination of the information itself undermine the individual's chance for a worthy life and contribute to his so-called antisocial tendencies?

Consider the seemingly harmless effort to redefine clinical death. If the need for organs for transplantation is the stimulus for redefining death, might not this concern influence the definition at the expense of the dying? One physician, in fact, refers in writing to the revised criteria for declaring a patient dead as a "new definition of heart donor eligibility" (7, p. 526).

Problems of abuse of power arise even in the acquisition of basic knowledge. The securing of a voluntary and informed consent is an abiding problem in the use of human subjects in experimentation. Gross coercion and deception are now rarely a problem; the pressures are generally subtle, often related to an intrinsic power imbalance in favor of the experimentalist.

A special problem arises in experiments on or manipulations of the unborn. Here it is impossible to obtain the consent of the human subject. If the purpose of the intervention is therapeutic—to correct a known genetic abnormality, for example—consent can reasonably be implied. But can anyone ethically consent to nontherapeutic interventions in which parents or scientists work their wills or their eugenic visions on the child-to-be? Would not such manipulation represent in itself an abuse of power, independent of consequences?

There are many clinical situations which already permit, if not invite, the manipulative or arbitrary use of powers provided by biomedical technology: obtaining organs for transplantation, refusing to let a person die with dignity, giving genetic counselling to a frightened couple, recommending eugenic sterilization for a mental retardate, ordering electric shock for a homosexual. In each situation, there is an opportunity to violate the will of the patient or subject.

Such opportunities have generally existed in medical practice, but the dangers are becoming increasingly serious. With the growing complexity of the technologies, the technician gains in authority, since he alone can understand what he is doing. The patient's lack of knowledge makes him deferential and often inhibits him from speaking up when he feels threatened. Physicians *are* sometimes troubled by their increasing power, yet they feel they cannot avoid its exercise. "Reluctantly," one commented to me, "we shall have to play God." With what guidance and to what ends I shall consider later. For the moment. I merely ask: "By whose authority?"

While these questions about power are pertinent and important, they are in one sense misleading. They imply an inherent conflict of purpose between physician and patient, between scientist and citizen. The discussion conjures up images of master and slave, of oppressor and oppressed. Yet it must be remembered that conflict of purpose is largely absent, especially with regard to general goal. To be sure, the purposes of medical scientists are not always the same as those of the subjects experimented on. Nevertheless, basic sponsors and partisans of biomedical technology are precisely those upon whom the technology will operate. The will of the scientist and physician is happily married to (rather, is the offspring of) the desire of all of us for better health, longer life, and peace of mind.

Most future biomedical technologies will probably be welcomed, as have those of the past. Their use will require little or no coercion. Some developments, such as pills to improve memory, control mood, or induce pleasure, are likely to need no promotion. Thus, even if we should escape from the dangers of coercive manipulation, we shall still face large problems posed by the voluntary use of biomedical technology, problems to which I now turn.

VOLUNTARY SELF-DEGRADATION AND DEHUMANIZATION

Modern opinion is sensitive to problems of restriction of freedom and abuse of power. Indeed, many hold that a man can be injured only by violating his will. But this view is much too narrow. It fails to recognize the great dangers we shall face in the use of biomedical technology, dangers that stem from an excess of freedom, from the uninhibited exercises of will. In my view, our greatest problem will increasingly be one of voluntary self-degradation, or willing dehumanization.

Certain desired and perfected medical technologies have already had some dehumanizing consequences. Improved methods of resuscitation have made possible heroic efforts to "save" the severely ill and injured. Yet these efforts are sometimes only partly successful; they may suceed in salvaging individuals with severe brain damage, capable of only a less-than-human, vegetating existence. Such patients, increasingly found in the intensive care units of university hospitals, have been denied a death with dignity. Families are forced to suffer seeing their loved ones so reduced, and are made to bear the burdens of a protracted death watch.

Even the ordinary methods of treating disease and prolonging life have impoverished the context in which men die. Fewer and fewer people die in the familiar surroundings of home or in the company of family and friends. At that time of life when there is perhaps the greatest need for human warmth and comfort, the dying patient is kept company by cardiac pacemakers and defibrillators, respirators, aspirators, oxygenators, catheters, and his intravenous drip.

But the loneliness is not confined to the dying patient in the hospital bed. Consider the increasing number of old people who are still alive, thanks to medical progress. As a group, the elderly are the most alienated members of our society. Not yet ready for the world of the dead, not deemed fit for the world of the living, they are shunted aside. More and more of them spend the extra years medicine has given them in "homes for senior citizens", in chronic hospitals, in nursing homes—waiting for the end. We have learned how to increase their years, but we have not learned how to help them enjoy their days. And yet, we bravely and relentlessly push back the frontiers against death.

Paradoxically, even the young and vigorous may be suffering because of medicine's success in removing death from their personal experience. Those born since penicillin represent the first generation ever to grow up without the experience or fear of probable unexpected death at an early age. They look around and see that virtually all of their friends are alive. A thoughtful physician, Eric Cassell, has remarked on this in "Death and the physician" (*8*, p. 76):

> [W]hile the gift of time must surely be marked as a great blessing, the *perception* of time, as stretching out endlessly before us, is somewhat threatening. Many of us function best under deadlines, and tend to procrastinate when time limits are not set. . . . Thus, this unquestioned boon, the extension of life, and the removal of the threat of premature death, carries with it an unexpected anxiety: the anxiety of an unlimited future.
>
> In the young, the sense of limitless time has apparently imparted not a feeling of limitless opportunity, but increased stress and anxiety, in addition to the anxiety which results from other modern freedoms; personal mobility, a wide range of occupational choice, and independence from the limitations of class and familiar patterns of work. . . . A certain aimlessness (often ringed around with great social consciousness) characterizes discussions about their own aspirations. The future is endless, and their inner demands seem minimal. Although it may appear uncharitable to say so, they seem to be acting in a way best described as "childish"—particularly in their lack of a time sense. They behave as though there were no tomorrow, or as though the time limits imposed by the biological facts of life had become so vague for them as to be nonexistent.

Consider next the coming power over reproduction and genotype. We endorse the project that will enable us to control numbers and to treat individuals with genetic disease. But our desires outrun these defensible goals. Many would welcome the chance to become parents without the inconvenience of pregnancy; others would wish to know in advance the characteristics of their offspring (sex, height, eye color, intelligence); still others would wish to design these characteristics to suit their tastes. Some scientists have called for the use of the new technologies to assure the "quality" of all new babies (*9*). As one obstetrician put it:

"The business of obstetrics is to produce *optimum* babies." But the price to be paid for the "optimum baby" is the transfer of procreation from the home to the laboratory and its coincident transformation into manufacture. Increasing control over the product is purchased by the increasing depersonalization of the process. The complete depersonalization of procreation (possible with the development of an artificial placenta) shall be, in itself, seriously dehumanizing, no matter how optimum the product. It should not be forgotten that human procreation not only issues new human beings, but is itself a human activity.

Procreation is not simply an activity of the rational will. It is a more complete human activity precisely because it engages us bodily and spiritually, as well as rationally. Is there perhaps some wisdom in that mystery of nature which joins the pleasure of sex, the communication of love, and the desire for children in the very activity by which we continue the chain of human existence? Is not biological parenthood a built-in "mechanism," selected because it fosters and supports in parents an adequate concern for and commitment to their children? Would not the laboratory production of human beings no longer be *human* procreation? Could it keep human parenthood human?

The dehumanizing consequences of programmed reproduction extend beyond the mere acts and processes of life-giving. Transfer of procreation to the laboratory will no doubt weaken what is presently for many people the best remaining justification and support for the existence of marriage and the family. Sex is now comfortably at home outside of marriage; child-rearing is progressively being given over to the state, the schools, the mass media, and the child-care centers. Some have argued that the family, long the nursery of humanity, has outlived its usefulness. To be sure, laboratory and governmental alternatives might be designed for procreation and child-rearing, but at what cost?

This is not the place to conduct a full evaluation of the biological family. Nevertheless, some of its important virtures are, nowadays, too often overlooked. The family is rapidly becoming the only institution in an increasingly impersonal world where each person is loved not for what he does or makes, but simply because he is. The family is also the institution where most of us, both as children and as parents, acquire a sense of continuity with the past and a sense of commitment to the future. Without the family, we would have little incentive to take an interest in anything after our own deaths. These observations suggest that the elimination of the family would weaken ties to past and future, and would throw us, even more than we are now, to the mercy of an impersonal, lonely present.

Neurobiology and psychobiology probe most directly into the distinctively human. The technological fruit of these sciences is likely to be both more tempting than Eve's apple and more "catastrophic" in its result (*10*). One need only consider contemporary drug use to see what people are willing to risk or sacrifice for novel experiences, heightened perceptions, or just "kicks." The possibility of drug-induced, instant, and effortless gratification will be welcomed. Recall the possibilities of voluntary self-stimulation of the brain to reduce anxiety, to heighten pleasure, or to create visual and auditory sensations unavailable through the peripheral sense organs. Once these techniques are perfected and safe, is there much doubt that they will be desired, demanded, and used?

What ends will these techniques serve? Most likely, only the most elemental, those most tied to the bodily pleasures. What will happen to thought, to love, to friendship, to art, to judgment, to public-spiritedness in a society with a perfected technology of pleasure? What kinds of creatures will we become if we obtain our pleasure by drug or electrical stimulation without the usual kind of human efforts and frustrations? What kind of society will we have?

We need only consult Aldous Huxley's prophetic novel *Brave New World* for a likely answer to these questions. There we encounter a society dedicated to homogeneity and stability, administered by means of instant gratifications and peopled by creatures of human shape but of stunted humanity. They consume, fornicate, take "soma," and operate the machinery that makes it all possible. They do not read, write, think, love, or govern themselves. Creativity and curiosity, reason and passion, exist only in a rudimentary and mutilated form. In short, they are not men at all.

True, our techniques, like theirs, may in fact enable us to treat schizophrenia, to alleviate anxiety, to curb aggressiveness. We, like they, may indeed be able to save mankind from itself, but probably only at the cost of its humanness. In the end, the price of relieving man's estate might well be the abolition of man (*11*).

There are, of course, many other routes leading to the abolition of man. There are many other and better known causes of dehumanization. Disease, starvation, mental retardation, slavery, and brutality—to name just a few—have long prevented many, if not most, people from living a fully human life. We should work to reduce and eventually to eliminate these evils. But the existence of these evils should not prevent us from appreciating that the use of the technology of man, uninformed by wisdom concerning proper human ends, and untempered by an appropriate humility and awe, can unwittingly render us all irreversibly less than human. For, unlike the man reduced by disease or slavery, the people dehumanized à la *Brave New World* are not miserable, do not know that they are dehumanized, and, what is worse, would not care if they knew. They are, indeed, happy slaves, with a slavish happiness.

SOME FUNDAMENTAL QUESTIONS

The practical problems of distributing scarce resources, of curbing the abuses of power, and of preventing voluntary dehumanization point beyond themselves to some large, enduring, and most difficult questions: the nature of justice and the good community, the nature of man and the good for man. My appreciation of the profundity of these questions and my own ignorance before them makes me hesitant to say any more about them. Nevertheless, previous failures to find a shortcut around them have led me to believe that these questions must be faced if we are to have any hope of understanding where biology is taking us. Therefore, I shall try to show in outline how I think some of the larger questions arise from my discussion of dehumanization and self-degradation.

My remarks on dehumanization can hardly fail to arouse argument. It might be said, correctly, that to speak about dehumanization presupposes a concept of "the distinctively human." It might also be said, correctly, that to speak about wisdom concerning proper human ends presupposes that such ends do in fact exist and that they may be more or less accessible to human understanding, or at least to rational inquiry. It is true that neither presupposition is at home in modern thought.

The notion of the "distinctively human" has been seriously challenged by modern scientists. Darwinists hold that man is, at least in origin, tied to the subhuman; his seeming distinctiveness is an illusion or, at most, not very important. Biochemists and molecular biologists extend the challenge by blurring the distinction between the living and the nonliving. The laws of physics and chemistry are found to be valid and are held to be sufficient for explaining biological systems. Man is a collection of molecules, an accident on the stage of evolution, endowed by chance with the power to change himself, but only along determined lines.

Psychoanalysts have also debunked the "distinctly human." The essence of man is seen to be located in those drives he shares with other animals—pursuit of pleasure and avoidance of pain. The so-called "higher functions" are understood to be servants of the more elementary, the more base. Any distinctiveness or "dignity" that man has consists of his superior capacity for gratifying his animal needs.

The idea of "human good" fares no better. In the social sciences, historicists and existentialists have helped drive this question underground. The former hold all notions of human good to be culturally and historically bound, and hence mutable. The latter hold that values are subjective: each man makes his own, and ethics becomes simply the cataloging of personal tastes.

Such appear to be the prevailing opinions. Yet there is nothing novel about reductionism, hedonism, and relativism; these are doctrines with which Socrates contended. What is new is that these doctrines seem to be vindicated by scientific advance. Not only do the scientific notions of nature and of man flower into verifiable predictions, but they yield marvelous fruit. The technological triumphs are held to validate their scientific foundations. Here, perhaps, is the most pernicious result of technological progress—more dehumanizing than any actual manipulation or technique, present or future. We are witnessing the erosion, perhaps the final erosion, of the idea of man as something splendid or divine, and its replacement with a view that sees man, no less than nature, as simply more raw material for manipulation and homogenization. Hence, our peculiar moral crisis. We are in turbulent seas without a landmark precisely because we adhere more and more to a view of nature and of man which both gives us enormous power and, at the same time, denies all possibility of standards to guide its use. Though well-equipped, we know not who we are nor where we are going. We are left to the accidents of our hasty, biased, and ephemeral judgments.

Let us not fail to note a painful irony: our conquest of nature has made us the slaves of blind chance. We triumph over nature's unpredictabilities only to subject ourselves to the still greater unpredictability of our capricious wills and our fickle opinions. That we have a method is no proof against our madness. Thus, engineering the engineer as well as the engine, we race our train we know not where (*12*).

While the disastrous consequences of ethical nihilism are insufficient to refute it, they invite and make urgent a reinvestigation of the ancient and enduring questions of what is a proper life for a human being, what is a good community, and how are they achieved (*13*). We must not be deterred from these questions simply because the best minds in human history have failed to settle them. Should we not rather be encouraged by the fact that they considered them to be the most important questions?

As I have hinted before, our ethical dilemma is caused by the victory of modern natural science with its nonteleological view of man. We ought therefore to reexamine with great care the modern notions of nature and of man, which undermine those earlier notions that provide a basis for ethics. If we consult our common experience, we are likely to discover some grounds for believing that the questions about man and human good are far from closed. Our common experience suggests many difficulties for the modern "scientific view of man." For example, this view fails to account for the concern for justice and freedom that appears to be characteristic of all human societies (*14*). It also fails to account for or to explain the fact that men have speech and not merely voice, that men can choose and act and not merely move or react. It fails to explain why men engage in moral discourse, or, for that matter, why they speak at all. Finally, the "scientific view of man" cannot account for scientific inquiry itself, for why men seek to know. Might there not be something the matter with a knowledge of man that does not explain or take account of his most distinctive activities, aspirations, and concerns (*15*)?

Having gone this far, let me offer one suggestion as to where the difficulty might lie: in the modern understanding of knowledge. Since Bacon, as I have mentioned earlier, technology has increasingly come to be the basic justification for scientific inquiry. The end is power, not knowledge for its own sake. But power is not only the end. It is also an important *validation* of knowledge. One definitely knows that one knows only if one can make. Synthesis is held to be ultimate proof of understanding (16). A more radical formulation holds that one knows only what one makes: knowing *equals* making.

Yet therein lies a difficulty. If truth be the power to change or to make the object studied, then of what do we have knowledge? If there are no fixed realities, but only material upon which we may work our wills, will not "science" be merely the "knowledge" of the transient and the manipulatable? We might indeed have knowledge of the laws by which things change and the rules for their manipulation, but no knowledge of the things themselves. Can such a view of "science" yield and knowledge about the nature of man, or indeed, about the nature of anything? Our questions appear to lead back to the most basic of questions: What does it mean to know? What is it that is knowable (17)?

We have seen that the practical problems point toward and make urgent certain enduring, fundamental questions. Yet while pursuing these questions, we cannot afford to neglect the practical problems as such. Let us not forget Delgado and the "psychocivilized society." The philosophical inquiry could be rendered moot by our blind, confident efforts to dissect and redesign ourselves. While awaiting a reconstruction of theory, we must act as best we can.

WHAT IS TO BE DONE?

First, we sorely need to recover some humility in the face of our awesome powers. The arguments I have presented should make apparent the folly of arrogance, of the presumption that we are wise enough to remake our selves. Because we lack wisdom, caution is our urgent need. Or to put it another way, in the absence of that "ultimate wisdom," we can be wise enough to know that we are not wise enough. When we lack sufficient wisdom to do, wisdom consists in no doing. Caution, restraint, delay, abstention are what this second-best (and, perhaps, only) wisdom dictates with respect to the technology for human engineering.

If we can recognize that biomedical advances carry significant social costs, we may be willing to adopt a less permissive, more critical stance toward new developments. We need to reexamine our prejudice not only that all biomedical innovation is progress, but also that it is inevitable. Precedent certainly favors the view that what can be done will be done, but is this necessarily so? Ought we not to be suspicious when technologists speak of coming developments as automatic, not subject to human control? Is there not something contradictory in the notion that we have the power to control all the untoward consequences of a technology, but lack the power to determine whether it should be developed in the first place?

What will be the likely consequences of the perpetuation of our permissive and fatalistic attitude toward human engineering? How will the large decisions be made? Technocratically and self-servingly, if our experience with previous technologies is any guide. Under conditions of laissez-faire, most technologists will pursue techniques, and most private industries will pursue profits. We are fortunate that, apart from the drug manufacturers, there are at present in the biomedical area few large industries that influence public policy. Once these appear, the voice of "the public interest" will have to shout very loudly to be heard above their whisperings in the halls of Congress. These reflections point to the need for institutional controls.

Scientists understandably balk at the notion of the regulation of science and technology. Censorship is ugly and often based upon ignorant fear; bureaucratic regulation is often stupid and inefficient. Yet there is something disingenuous about a scientist who professes concern about the social consequences of science, but who responds to every suggestion of regulation with one or both of the following: "No restrictions on scientific research," and "Technological progress should not be curtailed." Surely, to suggest that *certain* technologies ought to be regulated or forestalled is not to call for the halt of *all* technological progress (and says nothing at all about basic research). Each development should be considered on its own merits. Although the dangers of regulation cannot be dismissed, who, for example, would still object to efforts to obtain an effective, complete, global prohibition on the development, testing, and use of biological and nuclear weapons?

The proponents of laissez-faire ignore two fundamental points. They ignore the fact that not to regulate is as much a policy decision as the opposite, and that it merely postpones the time of regulation. Controls will eventually be called for—as they are now being demanded to end environmental pollution. If attempts are not made early to detect and diminish the social costs of biomedical advances by intelligent institutional regulation, the society is likely to react later wtih more sweeping, immoderate, and throttling controls.

The proponents of laissez-faire also ignore the fact that much of technology is already regulated. The federal government is already deep in research and development (for example, space, electronics, and weapons) and is the principal sponsor of biomedical research. One may well question the wisdom of the direction given, but one would be wrong in arguing that technology cannot survive social control. Clearly, the question is not control versus no control, but rather what kind of control, when, by whom, and for what purpose.

Means for achieving international regulation and control need to be devised. Biomedical technology can be no nation's monopoly. The need for international agreements and supervision can readily be understood if we consider the likely American response to the successful asexual reproduction of 10,000 Mao Tse-tungs.

To repeat, the basic short-term need is caution. Practically, this means that we should shift the burden of proof to the *proponents* of a new biomedical technology. Concepts of "risk" and "cost" need to be broadened to include some of the social and ethical consequences discussed earlier. The probable or possible harmful effects of the widespread use of a new technique should be anticipated and introduced as "costs" to be weighed in deciding about the *first* use. The regulatory institutions should be encouraged to exercise restraint and to formulate the grounds for saying "no." We must all get used to the idea that biomedical technology makes possible many things we should never do.

But caution is not enough. Nor are clever institutional arrangements. Institutions can be little better than the people who make them work. However worthy our intentions, we are deficient in understanding. In the *long* run, our hope can only lie in education: in a public educated about the meanings and limits of science and enlightened in its use of technology; in scientists better educated to understand the relationships between science and technology on the one hand, and ethics and politics on the other; in human beings who are as wise in the latter as they are clever in the former.

REFERENCES AND NOTES

1. R. G. Edwards, B. D. Bavister, P. C. Steptoe, *Nature* 221, 632 (1969).

2. R. G. Edwards, P. C. Steptoe, J. M. Purdy, *ibid*, 227, 1307 (1970).

3. H. J. Muller, *Science* 134, 643 (1961).

4. J. M. R. Delgado, *Physical Control of the Mind: Toward a Psychocivilized Society* (Harper & Row, New York, 1969).

5. F. Bacon, *The Advancement of Learning, Book I*, H. G. Dick, Ed. (Random House, New York, 1955), p. 193.

6. C. S. Lewis, *The Abolition of Man* (Macmillan, New York, 1965), pp. 69–71.

7. D. D. Rutstein, *Daedalus* (Spring 1969), p. 523.

8. E. J. Cassell, *Commentary* (June 1969), p. 73.

9. B. Glass, *Science* 171, 23 (1971).

10. It is, of course, a long-debated question as to whether the fall of Adam and Eve ought to be considered "catastrophic," or more precisely, whether the Hebrew tradition considered it so. I do not mean here to be taking sides in this quarrel by my use of the term "catastrophic," and, in fact, tend to line up on the negative side of the questions, as put above. Curiously, as Aldous Huxley's *Brave New World* [(Harper & Row, New York, 1969)] suggests, the implicit goal of the biomedical technology could well be said to be the reversal of the Fall and a return of man to the hedonic and immortal existence of the Garden of Eden. Yet I can point to at least two problems. First, the new Garden of Eden will probably have no gardens; the received, splendid world of nature will be buried beneath asphalt, concrete, and other human fabrications, a transformation that is already far along. (Recall that in *Brave New World* elaborate consumption-oriented, mechanical amusement parks—featuring, for example, contrifugal bumble-puppy—had supplanted wilderness and even ordinary gardens.) Second, the new inhabitant of the new "Garden" will have to be a creature for whom we have no precedent, a creature as difficult to imagine as to bring into existence. He will have to be simultaneously an innocent like Adam and a technological wizard who keeps the "Garden" running. (I am indebted to Dean Robert Goldwin, St. John's College, for this last insight.)

11. Some scientists naively believe that an engineered increase in human intelligence will steer us in the right direction. Surely we have learned by now that intelligence, whatever it is and however measured, is not synonymous with wisdom and that, if harnessed to the wrong ends, it can clevely perpetrate great folly and evil. Given the activities in which many, if not most, of our best minds are now engaged, we should not simply rejoice in the prospect of enhancing IQ. On what would this increased intelligence operate? At best, the programming of further increases in IQ. It would design and operate techniques for prolonging life, for engineering reproduction, for delivering gratifications. With no gain in wisdom, our gain in intelligence can only enhance the rate of our dehumanization.

12. The philosopher Hans Jonas has made the identical point: "Thus the slow-working accidents of nature, which by the very patience of their small increments, large numbers, and gradual decisions, may well cease to be 'accident' in outcome, are to be replaced by the fast-working accidents of man's hasty and biased decisions, not exposed to the long test of the ages. His uncertain ideas are to set the goals of generations, with a certainty borrowed from the presumptive certainty of the means. The latter presumption is doubtful enough, but this doubtfulness becomes secondary to the prime question that arises when man indeed undertakes to 'make-himself': in what image of his own devising shall he do so, even granted that he can be sure of the means? In fact, of course, he can be sure of neither, not of the end, nor of the means, once he enters the realm where he plays with the roots of life. Of one thing only can he be sure: of his power to move the foundations and to cause incalculable and irreversible consequences. Never was so much power coupled with so little guidance for its

use." [*J. Cent. Conf. Amer. Rabbis* (January 1968), p. 27.] These remarks demonstrate that, contrary to popular belief, we are not even on the right road toward a rational understanding of and rational control over human nature and human life. It is indeed the height of irrationality triumphantly to pursue rationalized technique, while at the same time insisting that questions of ends, values, and purposes lie beyond rational discourse.

13. It is encouraging to note that these questions are seriously being raised in other quarters—for example, by persons concerned with the decay of cities or the pollution of nature. There is a growing dissatisfaction with ethical nihilism. In fact, its tenets are unwittingly abandoned by even its staunchest adherents, in any discussion of "what to do." for example, in the biomedical area, everyone, including the most unreconstructed and technocratic reductionist, finds himself speaking about the use of powers for "human betterment." He has wandered unawares onto ethical ground. One cannot speak of "human betterment" without considering what is meant by the human and by the related notion of the good for man. These questions can be avoided only by asserting that practical matters reduce to tastes and power, and by confessing that the use of the phrase "human betterment" is a deception to cloak one's own will to power. In other words, these questions can be avoided only by ceasing to discuss.

14. Consider, for example, the widespread acceptance, in the legal systems of very different societies and cultures, of the principle and the practice of third-party adjudication of disputes. And consider why, although many societies have practiced slavery, no slave-holder has preferred his own enslavement to his own freedom. It would seem that some notions of justice and freedom, as well as right and truthfulness, are constitutive for any society, and that a concern for these values may be a fundamental characteristic of "human nature."

15. Scientists may, of course, continue to believe in righteousness or justice or truth, but these beliefs are not grounded in their "scientific knowledge" of man. They rest instead upon the receding wisdom of an earlier age.

16. This belief, silently shared by many contemporary biologists, has recently been given the following clear expression: "One of the acid tests of understanding an object is the ability to put it together from its component parts. Ultimately, molecular biologists will attempt to subject their understanding of all structure and function to this sort of test by trying to synthesize a cell. It is of some interest to see how close we are to this goal." [P. Handler, Ed, *Biology and the Future of Man* Oxford Univ. Press, New York, 1970), p. 55.]

17. When an earlier version of this article was presented publicly, it was criticized by one questioner as being "antiscientific." He suggested that my remarks "were the kind that gave science a bad name." He went on to argue that, far from being the enemy of morality, the pursuit of truth was itself a highly moral activity, perhaps the highest. The relation of science and morals is a long and difficult question with an illustrious history, and it deserves a more extensive discussion than space permits. However, because some readers may share the questioner's response, I offer a brief reply. First, on the matter of reputation, we should recall that the pursuit of truth may be in tension with keeping a good name (witness Oedipus, Socrates, Galileo, Spinoza, Solzhenitsyn). For most of human history, the pursuit of truth (including "science") was not a reputable activity among the many, and was, in fact, highly suspect. Even today, it is doubtful whether more than a few appreciate knowledge as an end in itself. Science has acquired a "good name" in recent times largely because of its technological fruit; it is therefore to be expected that a disenchantment with technology will reflect badly upon science. Second, my own attack has not been directed against science, but against the use of *some* technologies and, even more, against the unexamined belief—indeed. I would say, superstition—that all biomedical technology is an unmixed blessing. I share the questioner's belief that the pursuit of truth is a highly moral activity. In fact, I am inviting him and others to join in a pursuit of the truth about whether all these new technologies are really good for us. This is a question that merits and is susceptible of serious intellectual inquiry. Finally, we must ask whether what we call "science" has a monopoly on the pursuit of truth. What is "truth"? What is knowable, and what does it mean to know? Surely, these are also questions that can be examined. Unless we do so, we shall remain ignorant about what "science" is and about what it discovers. Yet "science"—that is, modern natural science—cannot begin to answer them; they are philosophical questions, the very ones I am trying to raise at this point in the text.

Prospects of Gene Therapy

(By Ernest Freese)

The prospects of developing gene therapy to treat inherited diseases were discussed by specialists of different disciplines at a meeting jointly sponsored by the National Institute of Neurological Diseases and Stroke and by the Fogarty International Center at the Stone House at the National Institutes of Health (NIH). Medical researchers have the following concern. More than 2 percent of humans suffer from diseases or defects in vitality that are inherited according to Mendelian laws (that is, have alterations within single chromosomes, resulting in, for example, homocysteinuria, sickle cell anemia, and the like). In addition, more than 5 percent have familial disorders whose tendency to develop depends both on the environment and on the cumulative effect of two or more genetic defects (diabetes, schizophrenia, and certain cancers). In fibroblasts, shed by the growing embryo and obtained through amniocentesis, some hereditary diseases can be detected either by the cytological analysis of chromosome anomalies (mongolism) or by biochemical tests (Lesch-Nyhan syndrome). If such an analysis clearly indicates the presence of a hereditary disease, the fetus can be aborted. Whether this kind of eugenics will be extensively employed depends on each society's ethical decisions, influenced by religious attitudes and economic affluence. But only a small fraction of all hereditary defects can be discovered by amniocentesis because most do not show up in fibroblasts. Most hereditary diseases will therefore persist in the human population and, with certain glamorous exceptions, will not yield to treatment with diets or drugs. In some of these cases gene therapy appears to be the only hope.

If foreign cells were not rejected, one could modify the genetic makeup of a tissue by transplanting cells or organs from a normal person into a person with hereditary disease. Such transplantation of erythropoietic cells or whole organs has been successfully performed in inbred mice. In humans, however, transplants are rejected in almost all cases (except identical twins). But one could take cells from the sick person, genetically transform them (by reversion, isolated DNA, virus transduction, cell fusion, and so forth) into cells expressing the normal genetic information, grow a larger number of them in tissue culture, and then return them to the donor. One would hope that their surface antigens would not have changed by this manipulation. (For polygenic diseases replacement of one defective gene by a normal one may be sufficient.) Or one could use certain artificial transducing viruses to treat the patient directly. Recent discoveries have made it probable that transfer of specific genetic information in humans will be feasible within one or two decades. This gene therapy would be initially useful only for mobile multiplying cells (such as those in bone marrow). But when more is known about the differentiation of cells, the replacement of other cell types, which can still multiply in the adult, may become feasible (for example, liver).

The possibilities and potential hazards of gene therapy were the subjects of the conference. Several speakers presented evidence indicating that human cells can express some genetic information contained in the DNA or RNA of animal or bacterial viruses and that the transferred information can be inherited from cell to cell. It is even feasible to link desirable genetic information to a nonpathogenic virus DNA and convey it by a virus into the cell. Furthermore, genetically normal human DNA can be taken up by human cells either directly or packaged into a virus coat, or whole chromosomes can be transferred via cell infusion. It is still not clear which conditions are necessary to allow the replication of the transferred DNA. Instead of transferring normal genetuic information, one could possibly subject tissue cultures of deficient cells to mutations and isolate revertants that have regained the normal biochemical property. In principle, it would even be possible to manipulate eggs or sperms genetically, or to produce chimeras by mixing blastocysts, but these possibilities have been disapproved because they would create many new problems and possibly increase, or at least perpetuate, undesirable mutations in the population.

A detailed summary of the meeting will be printed by NIH and can be obtained from the Fogarty International Center, National Institutes of Health, Bethesda, Maryland 20014.

[From Science, Mar. 3, 1972]

Gene Therapy for Human Genetic Disease?

(By Theodore Friedmann and
Richard Roblin)

(Note—The authors are affiliated with the Council for Biology in Human Affairs of the Salk Institute for Biological Studies, La Jolla, California. Dr. Friedmann is a member of the Department of Pediatrics, University of California, San Diego. Dr. Roblin is in the Infectious Disease Unit, Massachusetts General Hospital, Boston.)

(Note.—Figures referred to are not printed in the Record.)

At least 1500 distinguishable human diseases are already known to be genetically determined (1), and new examples are being reported every year. Many human genetic diseases are rare. For example, the incidence of phenylketonuria is about one per 18,000 live births or about 200 to 300 cases per year in the United States (2). Others, such as cystic fibrosis of the pancreas, occur about once in every 2500 live births (3). When considered together as a group, however, genetic diseases of humans are becoming an increasingly visible and significant medical problem, at least in the developed countries. While the molecular basis for most of these diseases is not yet understood, a recent review (4) listed 92 human disorders for which a genetically determined specific enzyme deficiency has been identified.

Concurrent with the recent progress toward biochemical characterization of human genetic diseases have been the dramatic advances in our understanding of the structure and function of the genetic material, DNA, and our ability to manipulate it in the test tube. Within the last 3 years, both the isolation of a piece of DNA containing a specific group of bacterial genes (5) and the complete chemical synthesis of the gene for yeast alanine transfer RNA (6) have been reported. These advances have led to proposals (7) that exogenous "good" DNA be used to replace the defective DNA in those who suffer from genetic defects. In fact, a first attempt to treat patients suffering from a human genetic disease with foreign DNA has already been made (8).

Nevertheless, we believe that examination of the current possibilities for DNA-mediated genetic change in humans in the light of some of the requirements for an ethically acceptable medical treatment raises difficult questions. In order to focus the discussion, in this article we concentrate on the prospects for using isolated DNA segments or mammalian viruses as vectors in gene therapy. For this reason we do not discuss other techniques, such as cell hybridization (9), which have been used to introduce new genetic material into mammalian cells. We limit our discussion to the possible therapeutic uses of genetic engineering in humans. The potential eugenic uses, for example, the improvement of human intelligence or other traits, are not discussed because they will be very much more difficult to accomplish (10) and raise rather different ethical questions. Whether genetic engineering techniques can be developed for therapeutic purposes in human patients without leading to eugenic uses is an important question, but lies mostly beyond the scope of this article.

SCHEMATIC MODEL OF GENETIC DISEASE

Some aspects of a hypothetical human genetic disease in which an enzyme is defective are shown in Fig. 1. The consequences of a gene mutation which renders enzyme E_3 defective could be (i) failure to synthesize required compounds D and F; (ii) accumulation of abnormally high concentrations of compound C and its further metabolites by other biochemical pathways; (iii) failure to regulate properly the activity of enzyme E_1, because of loss of the normal feedback inhibitor, compound F; and (iv) failure of a regulatory step in a linked pathway because of absence of compounds D or F, as in the increased synthesis of ketosteroids in the adrenogenital syndrome (11). In some cases of human genetic disease, accumulation of high concentrations of compound C and its metabolites appears to do the damage. Often a consequence is mental retardation.

The pathway in Fig. 1 is typical of some recessively inherited genetic defects which result in a deficiency of some gene product, usually an enzyme or hormone. In theory, such defects might be corrected by gene therapy, since such techniques might be able to restore the deficient gene product. Other kinds of genetic defects, including those such as the Marfan syndrome which show dominant inheritance and those such as Mongolian that are caused by chromosome abnormalities, could probably not be ameliorated by the kind of gene therapy we emphasize here.

CURRENT THERAPY

Human genetic diseases are usually treated by dietary therapy (12), drug therapy, or gene product replacement therapy (11). For example, diets low in lactose or phenylalanine are used as treatments for individuals with galactosemia and phenylketonuria, respectively. Such diets have proved exceedingly effective in galactosemia and have produced a marked reduction in the incidence of mental retardation associated with phenylketonuria. In terms of Fig. 1 this therapy corresponds to restricting the intake of compound A, thus minimizing the accumulation of compound C whose further normal metabolism is blocked.

Drug therapy has been used to block or reduce the accumulation of undesired and possibly harmful metabolites. One example is the inhibition of the enzyme xanthine oxidase with the drug allopurinol to reduce the accumulation of uric acid associated with gout and the Lesch-Nyhan syndrome (13). At present, this method of treatment has been applied to only a few human genetic diseases. Its more general application clearly depends upon the availability of drugs which act selectively on specific enzymes. In another form of drug therapy, drugs which combine specifically with the accumulated compound C are used. An example is the use of D-penicillamine to promote excretion of excess cystine in patients with cystinuria (11).

In theory, some human genetic diseases might be alleviated by supplying directly the deficient enzyme (E_3 in Fig. 1). Recently, attempts to treat Fabry's disease (14), metachromatic leukodystrophy (15), and type 2 glycogenosis (16), by administering the missing enzyme have been reported. Since exogenous enzyme molecules are eventually inactivated or excreted from the body, repeated enzyme injections would be required to manage the diseases in this way. In time, the patients would probably respond by forming antibodies against the administered enzyme. However, insoluble or encapsulated enzyme preparations may in the future provide a means of supplying therapeutic enzymes in a more stable and perhaps less immunogenic form.

There are growing possibilities for the early detection of some genetic diseases by diagnosis in utero. It is now possible to sample the cells of a growing fetus in utero and by examining these cells to diagnose a variety of genetic defects (17). If genetic defects are detected, some states will permit an abortion if the prospective parents so desire. We recognize that diagnosis in utero and abortion raise difficult social and ethical problems of their own and cite them only to indicate that there are additional alternatives to prospective gene therapy for coping with human genetic disease.

However, many genetic diseases do not yet respond to any of these treatments. For example, most genetic disorders of amino acid metabolism (other than phenylketonuria) cannot be well controlled by dietary therapy. Storage diseases associated with lysosomal enzyme deficiencies (18) do not appear to respond to enzyme therapy (14, 15) and will probably be impossible to control by dietary restriction. In addition, even in cases where disease management is effective, it is seldom perfect. Individuals with diabetes mellitus, when treated with insulin, have an increased incidence of vascular and other disorders and a decreased life expectancy compared to the nondiabetic population (19). Children with Lesch-Nyhan syndrome may have their uric acid accumulation controlled by drug (allopurinol) therapy, but their brain dysfunction, has to date, not been reversible.

These limitations of current therapy are stimulating attempts to develop techniques for treating human genetic diseases at the genetic level, the site of the primary defect. Genetic modification of specific characteristics of human cells by means of exogenous DNA seems possible for several reasons. DNA-mediated genetic modification of several different kinds of bacteria has been known for many years (20), and recent experiments suggest that the genetic properties of mutant *Drosophila* strains can be modified by treating their eggs with DNA extracted from other *Drosophila* strains (21). It has also been found that treatment of human cells in vitro with DNA extracted from the oncogenic virus SV40 results in permanent hereditable alteration of several cellular properties (22).

GENETIC MODIFICATION MEDIATED BY DNA

Permanent, heritable, genetic modification of a human cell by means of DNA requires (i) uptake of the exogenous DNA from the extracellular environment; (ii) survival of at least a portion of the DNA during its intracellular passage to the nucleus; (iii) stabilization of the exogenous DNA in the recipient cell; and (iv) expression of the new genes via transcription into an RNA message (mRNA) and translation of this message into the appropriate protein. Some of these processes are illustrated schematically in Fig. 2.

Mammalian cells take up proteins, nucleic acids, and viruses from their environment by a process known as endocytosis (23). After binding to the cell membrane, the macromolecules are drawn into the cell by an infolding of the external cell membrane leading to vesicle formation (see Fig. 2). Macromolecules contained in vesticles derived from invaginations of the external cell membrane can be degraded if these vesicles fuse with lysosomes. Lysosomes are cell organelles which contain a variety of hydrolytic enzymes. These enzymes can rapidly degrade ingested macromolecules, including DNA (24). Thus, mammalian cells possess mechanisms for protecting themselves from the potentially perturbing influences of foreign DNA.

Despite this cellular defense mechanism, exogenous foreign DNA can, under certain circumstances, become integrated in the DNA of the recipient cell. The evidence of this has come from studies of oncogenic virus transformation of mammalian, including human, cells (25). In the case of oncogenic transformation with SV40 virus, the viral DNA is apparently physically integrated into the chromosomal DNA of the recipient cell (26). It seems probable that heritable alterations of cell morphology and biochemistry are the result of the expression of one or more viral genes. Presumably, viral DNA integration takes place by base pairing of homologous regions of host cell and viral DNA followed by genetic recombination. However, the integration of ongenic viral DNA may represent a special case since at least one viral gene product may be required for integration (27). Other, nonviral DNA molecules, unable to supply this integration function, might integrate at a much lower frequency, if at all.

In addition to integration by genetic recombination, exogenous DNA might be stabilized in the recipient mammalian cell as an independently replicating genetic unit in the cell nucleus. Although such units are known to exist in bacteria, they have not been observed in mammalian cells. However, the cytoplasmic mitochrondria of mammalian cells do contain nonchromosomal, independently replicating units of DNA. The mitochondrial DNA replication system thus offers another possible site for stabilization of exogenous DNA.

For a human genetic defect to be repaired by administering exogenous DNA, the stabilized newly introduced DNA must be correctly expressed. That is, the new gene must be correctly transcribed into mRNA and this mRNA must be correctly translated into protein. Since little is known about the regulation of mRNA synthesis and translation during natural gene expression in mammalian cells, a corresponding high degree of uncertainty exists concerning the ability of newly introduced DNA to be expressed correctly.

A variety of attempts have been made to demonstrate DNA-mediated modification of genetically mutant mammalian cells, both in vivo and in vitro. Apparently successful results in vitro have been reported for diploid human cells lacking the purine "salvage" enzyme hypoxanthine-guanine phosphoribosyltransferase (HGPRT); in human reticulocytes synthesizing an abnormal hemoglobin; in several malignant cells of mouse origin carrying markers for drug resistance; and in mouse cells with defective melanin synthesis, among others (28). In addition, transient expression of HGPRT enzyme function has been detected in human cells deficient in HGPRT after exposing them to DNA from cells with normal amounts of

HGPRT (29). This suggests that exogenous DNA may be taken up and expressed, without necessarily being stabilized. However, none of the successful experiments described to date have been reproducible.

There may be several reasons for failure to demonstrate consistently the genetic modification of mammalian cells by DNA. Many previous experiments suffered from the unavailability of good genetic markers and sensitive selective systems for detecting modified cells. An important difficulty in using bulk DNA isolated from human (or other mammalian) cells is that the fraction of this DNA which is specific for any given gene is estimated to be extremely small, of the order of 10^{-7} (30). As we mentioned earlier, nonviral exogenous DNA may not be able to integrate into the chromosomal DNA of the recipient cell, thus preventing permanent genetic modification.

In spite of the lack of reproducible success in past experiments, several recent technical developments have suggested new ways in which the problems of low DNA specificity, failure of integration, and intracellular DNA degradation might be overcome.

The prospects for directing genetic modification of mammalian cells would almost certainly be enhanced by using DNA preparations containing only the gene for which the genetically defective cells are mutant. As already pointed out, both the isolation of a specific group of bacterial genes and the complete chemical synthesis of a single gene were reported recently (5, 6).

The RNA-dependent DNA polymerase recently found in RNA tumor viruses (31) could also be used for gene synthesis in vitro. Since this enzyme is able to make DNA copies from an RNA templete, it offers a method for synthesizing the DNA for any specific RNA which might be isolated in pure form. Thus, it seems probable that our developing ability to isolate specific genes, or synthesize them, will eventually eliminate the problem of low specificity of the exogenous DNA.

Some workers are developing techniques which could be used to overcome the problem of stabilizing the incoming exogenous DNA in the recipient cell (32). They plan to make use of the ability of the DNA from SV40 virus to integrate into the chromosomal DNA of the cell. Specific genes will be attached to the viral DNA by means of several biochemical steps which are already known and fairly well characterized. These operations would create a hybrid DNA molecule which would carry the information for integration from the original viral DNA and perform the specific gene functions of the attached DNA.

In this approach, DNA integration would be combined with biochemical manipulation of the DNA gene substance in vitro, and any gene-specific DNA segments obtained by synthesis or isolation could be utilized. It is clear that before such hybrid DNA molecules could be used in a human therapeutic situation, the oncogenic potential of the viral DNA would have to be eliminated.

In another experimental approach, virus-like particles which contain pieces of cellular DNA (pseudovirions) instead of viral DNA are being used as the vector for DNA-mediated genetic modification (33). This might help to protect the incoming DNA from intracellular degradation. However, pseudovirion DNA is probably a random collection of cellular DNA fragments (34) and hence nonspecific for any given gene; it might also be unable to stabilize itself by integration into the host cell DNA. This may explain why attempts to modify thymidine kinase-deficient mouse cells in vitro by means of polyoma virus pseudovirions have been unsuccessful (35).

It has recently proved possible to reconstruct infectious particles of several plant and bacterial viruses from the nucleic acid and capsid protein components (36). This suggests the possibility of creating artificial pseudoviruses as vectors for DNA-mediated genetic modification. These pseudovirions would contain specific DNA segments (either isolated or synthesized) surrounded by virus capsid protein. The probability of introducing a specific piece of genetic material might be greatly increased when compared with natural pseudovirions carrying randomly excised pieces of DNA. This in no way solves the difficulties of integration and expression of the genetic material. Since the specificity of virus-cell interactions is determined at least in part by the virus capsid protein, encapsidation of specific DNA molecules might confer some cell or tissue selectivity upon the DNA molecules used for gene modification.

DNA-MEDIATED GENE THERAPY

In attempting to envision how DNA might be used as a mediator for the modification of genes in a human being suffering from a genetic defect, we foresee several kinds of new problems. First, the existence of differentiation and cell specialization in the human body will pose several questions. Many human genes are active or expressed only in a small fraction of the cells of the body. For example, the activity of the enzyme phenylalanine hydroxylase (deficient in individuals with phenylketonuria) is demonstrable only in the liver. For prospective gene therapy there might be several consequences. (i) The introduction of, for example, the gene for phenylalanine hydroxylase into cells which do not normally express this enzyme would yield no therapeutic benefits if the expression of the newly introduced genes were also blocked.

Methods would have to be developed to deliver the exogenous DNA to the appropriate "target tissue," and to confine its action solely to that tissue. (ii) Some gene products (hormones, for example) are made and secreted by one specialized group of cells and act on target cells elsewhere in the body. Synthesis and secretion of hormones such as insulin are regulated by mechanisms which are still imperfectly understood. Thus, the introduction of new genes for insulin into cells not appropriately differentiated to provide the correct synthetic and secretory responses would be of little use as a treatment for diabetes. (iii) In several genetic disorders, genetic modification of the brain cells themselves may be required to reduce the accumulation of metabolites in the brain, because the blood-brain barrier might prevent enzymes made in other parts of the body from entering the brain (15). We wonder whether direct genetic modification of brain cells could be made safe enough for use in human patients.

Second, regulation of the quantitative aspects of enzyme production may present a problem. By mechanisms as yet unknown, concentrations of cellular enzymes are regulated so that neither too much nor too little enzyme is produced by normal cells. How will we ensure that the correct amount of enzyme will be made from the newly introduced genes? Will the integration event, linking exogenous DNA to the DNA of the recepient cell, itself disturb other cellular regulatory circuits?

Third, the patient's immunological system must not recognize as foreign the enzyme produced under the direction of the newly introduced genes. If this occurred, the patient would form antibodies against the enzyme protein, perhaps nullifying the intended effects of the genetic intervention. This suggests that the new gene introduced during gene therapy would have to code for an enzyme with the same amino acid sequence as the human enzyme.

In addition, administration of foreign genetic material to patients carries a risk of altering the germ cells as well as the desired target cells. One might think that this problem could be circumvented by first removing some of the patients' cells, carrying out DNA-mediated genetic modification in vitro, and then reimplanting the altered cells back into the patient. However, this approach is likely to be limited by the tendency of cells to dedifferentiate and become malignant when grown in vitro.

For an acceptable genetic treatment of a human genetic defect, we would require that the gene therapy replace the functions of the defective gene segment without causing deleterious side effects either in the treated individual or in his future offspring. Years of work with tissue cultures and in experimental animals with genetic defects will be required to evaluate the potential side effects of gene therapy techniques. In our view, solutions to all these problems are needed before any attempt to use gene therapy in human patients could be considered ethically acceptable.

We are aware, however, that physicians have not always waited for a complete evaluation of new and potentially dangerous therapeutic procedures before using them on human beings. Consider how little was known of the basic aspects of virology during Jenner's development of vaccination against smallpox. In this regard, potential gene therapy techniques resemble other medical innovations. There is currently, and there may continue to be, a tendency to use incompletely understood genetic manipulative techniques, borrowed from molecular biology, in clinical settings. We believe that the first attempt at gene therapy in human patients (8) illustrates this contention.

The case in question (8) concerns two children suffering from hyperargininemia, a hereditary deficiency of the enzyme arginase. The arginase deficiency leads to high concentrations of arginine in the children's blood and cerebrospinal fluid, and has associated with it severe mental retardation (37). An attempt has been made to correct this defect at the genetic level by injecting Shope papilloma virus into the children (8). The scientific rationale for this treatment is based upon the report that the synthesis of arginase is stimulated in rabbit skin infected with Shope papilloma, and that this new arginase activity had some properties which are different from those of the normal enzyme of rabbit liver (38).

In 1958, when these experiments were first reported, it was postulated that the viral DNA carried the gene for a vital arginase different from the cellular enzyme. In addition, the serums of laboratory workers who had worked with and thus been exposed to Shope papilloma virus were tested, and 35 percent of them exhibited lower concentrations of arginine than control hospital patients who had not knowingly been exposed to the virus (39). Thus, there were some grounds for believing that inadvertent infection with Shope papilloma in humans could lower the concentration of serum arginine without apparent harmful effects.

More recently, the interpretation that Shope papilloma virus codes for an arginase has been seriously questioned (40). It now appears more probable that the virus infection stimulates the production of a cellular arginase. Whether the induced arginase is coded for by viral or by cellular genes is important to the rationale of this attempt at gene therapy. If virus infection induces the synthesis of cellular arginase, and if the children have hereditarily lost the ability to produce arginase, then infecting the children with Shope payilloma virus may not have any possibility of correcting their condition (41).

The use of intact viruses as vectors in gene therapy raises further questions. When applied to the skin of rabbits Shope papilloma virus induces skin papillomas, a variable proportion of which develop into cancerous skin lesions. Although Shope papilloma has not had any known harmful effects on humans, tests to establish the safety of large doses have not been performed. It should also be shown that a vector for clinical gene therapy is free from other contaminating viruses latent in the cells used to produce the injected virus.

The clinical results of this therapeutic attempt are not yet known. But we are concerned that this first attempt at gene therapy, which we believe to have been premature, will serve as an impetus for other attempts in the near future. For this reason, we offer the following considerations as a starting point for what we hope will become a widespread discussion of appropriate criteria for the use of genetic manipulative techniques in humans.

SOME PRELIMINARY CRITERIA

We propose the following ethico-scientific criteria which any prospective techniques for gene therapy in human patients should satisfy:

(1) There should be adequate biochemical characterization of the prospective patient's genetic disorder. It should be determined whether the patient (i) is producing a mutated, inactive form of the normal protein; (ii) is producing none of the normal protein; or (iii) is producing the normal protein in normal amounts, but the protein is rendered inactive in some way. For example, alterations in membrane structure leading to loss of the cellular receptors for insulin could produce a diabetes-like condition, even though the patient were producing normal amounts of insulin. We anticipate that defects of this type may be found affecting the activity of enzymes which are normally constituents of cell membranes. Our point is that only in the first type of genetic defect (i) would currently envisioned gene therapy techniques be likely to improve the patient's condition.

(2) There should be prior experience with untreated cases of what appears to be the same genetic defect so that the natural history of the disease and the efficacy of alternative therapies can be assessed. Thus, the first reported cases of a new human genetic disease would seldom be candidates for attempts at gene therapy. The reason for this criterion comes from our accumulating experience with some of the better studied genetic defects such as phenylketonuria and galactosemia. We now observe heterogeneity in these conditions; that is, what appears to be the same genetic disease turns out to have different genetic bases in different individuals. Widespread screening for phenylketonuria in newborns has detected individuals who, like phenylketonurics, have high concentrations of phenylalanine in the serum just after birth, but have concentrations in the normal range several months later (2). It is now also clear that some individuals with high concentrations of phenylalanine in the serum have normal intelligence quotients (2). We anticipate that other genetic diseases will exhibit the same kind of heterogeneity. Concern for the welfare of each individual patient dictates that we not rush in with gene therapy until we are very sure about the precise nature and consequences of his genetic defect.

(3) There must be an adequate characterization of the quality of the exogenous DNA vector. This will require the development of new, more accurate methods of analyzing the base sequence of the DNA, if synthetic DNA molecules are to be used, or the development of new methods of isolation and purification, if naturally occurring DNA molecules are to be used. We visualize the Food and Drug Administration, or some similar organization, establishing and enforcing quality standards for DNA preparations used in gene therapy.

(4) There should be extensive studies in experimental animals to evaluate the therapeutic benefits and adverse side effects of the prospective techniques. These tests should include long-term studies on the possible induction of cancer and genetic disturbances in the offspring of the treated animals. This will require the development of animal models for human genetic diseases. Previous work, which led to the isolation of a mouse strain deficient in the enzyme catalase (42) suggests that such animal models could be developed and might yield answers to some of the questions we have raised.

(5) For some genetic diseases, the patient's skin fibroblasts grown in vitro reflect the disorder. Thus, in some cases it would be possible to determine whether the prospective gene therapy technique could restore enzyme function in the cells of the prospective patient. This could be done first in vitro, without any of the risks of treating the whole patient. Some side effects, such as chromosome damage and morphological changes suggesting malignancy, could also be assessed at this time. Only when a potential gene therapy technique had satisfied all these safety and efficacy criteria would it be considered for use in human patients.

These criteria omit some other considerations which we believe are important. Although the ethical problems posed by gene therapy are similar in principle to those posed by other experimental medical treatments, we feel that the irreversible and heritable nature of gene therapy means that the tolerable margin of risk and uncertainty in such therapy is reduced. Physicians usually arrive at a judgment regarding the ethical acceptability of an experimental therapy by balancing the risks and consequences of different available treatments against their potential benefits to the patient. In general, the degree of risk tolerated in medical treatment is directly related to the seriousness of the condition.

High-risk treatments are sometimes considered more justified in life-threatening situations. For different human genetic diseases, the severity of the problem in the untreated condition and the response to currently available therapy varies greatly. Thus, phenylketonuria leads to mental retardation can be avoided for the most part by prompt neonatal dietary therapy. In contrast, in the infantile form of Gaucher's disease, a deficiency in the enzyme glucocerebrosidase (important in the metabolism of brain glycolipids) leads to severe and progressive neurologic damage and death within 1 or 2 years (38). There is as yet no effective therapy. Thus, the specific characteristics of each genetic disease will be an important factor in evaluating whether or not to attempt gene therapy. We believe that the prospective use of gene therapy will need to be evaluated on a case by case basis.

Another ethical ideal which guides experimental medical treatments is informed consent. By informed consent we mean that the patient, after having the nature of the proposed treatment and its known and suspected risks explained to him by the physician, freely gives the physician his consent to proceed with the treatment. Since many of the cases where gene therapy might be indicated will involve children or newborns as patients, there will be especially troubling problems surrounding informed consent. Parents of newborn children with genetic defects may be asked to give "consent by proxy" for gene therapy. Clearly, until we know much more about the side effects of gene therapy, it will not be possible to provide them with adequate information about risks to the treated individual and his offspring.

CONTROL OF GENE THERAPY

How can gene therapy in humans be controlled to avoid its misuse? By misuse we mean the premature application of techniques which are inadequately understood and the application of gene therapy for anything other than for the primary benefit of the patient with the genetic disease. In our view, it will be possible to control the procedures used for gene therapy at several levels. For example, between the patient and physician, we can usually rely upon the selection of a therapeutic technique having optimal chances of success. In general, we believe that the doctor will not recommend and the patient will not accept an uncertain, risk-laden gene therapy if a reasonably effective alternative therapy is available.

However, the physician, in this as in other cases of experimental therapeutic techniques, has a near monopoly on the relevant facts about risks and benefits of various treatments. Since the physician concerned may also be active in trying to develop the gene therapy technique, how can the patient be protected from a physician who might be over-eager to try out his new procedure?

It seems to us that significant opportunities for control also exist at the level of the hospital committees responsible for examining experimental techniques. Already at accredited hospitals, all proposals for research in which human subjects will be used must pass through a review committee. Further control exists through scrutiny of the proposed techniques by the physician's immediate peers.

Procedures to be used for gene therapy might also be controlled by the committees and organizations approving and funding research grants. Moderately large amounts of money will be required for the development of gene therapy techniques, hence there should be competition for public funds with other urgent medical needs. Thus, the first use of gene therapy in human patients would, of necessity, have secured the implied or direct approval of several larger public bodies beyond the principal physician-investigator. In our judgment, these levels of control will probably prove adequate to prevent misuse of projected gene therapy if, as we suspect, gene therapy is attempted in only a small number of instances. Any potential large-scale use of gene therapy (for example, the prospect of treating the approximately 4 million diabetics in the United States with DNA containing the gene for insulin) might appreciably affect the overall quality of the gene pool and would require other forms of control.

CONCLUSIONS

In our view, gene therapy may ameliorate some human genetic diseases in the future. For this reason, we believe that research directed at the development of techniques for gene therapy should continue. For the foreseeable future, however, we oppose any further attempts at gene therapy in human patients because (i) our understanding of such basic processes as gene regulation and genetic recombination in human cells is inadequate; (ii) our understanding of the details of the relations between the molecular defect and the disease state is rudimentary for essentially all genetic diseases and (iii) we have no information on the short-range and long-term side effects of gene therapy. We therefore propose that a sustained effort be made to formulate a complete set of ethicoscientific criteria to guide the development and clinical application of gene therapy techniques. Such an endeavor could go a long way toward ensuring that gene therapy is used in humans only in those instances where it will prove beneficial, and toward preventing its misuse through premature application.

Two recent papers have provided new demonstrations of directed genetic modification of mammalian cells. Munyon *et al.* (44) restored the ability to synthesize the enzyme thymidine kinase to thymidine kinase-deficient mouse cells by infection with ultraviolet-irradiated hedpes simplex virus. In their experiments the DNA from herpes simplex virus, which contains a gene coding for thymidine kinase, may have formed a hereditable association with the mouse cells. Merril *et al.* (45) reported that treatment of fibroblasts from patients with galactosemia with exogenous DNA caused increased activity of a missing enzyme, α-D-galactose-1-phosphate uridyltransferase. They also provided some evidence that the change persisted after subculturing the treated cells. If this latter report can be confirmed, the feasibility of directed genetic modification of human cells would be clearly demonstrated, considerably enhancing the technical prospects for gene therapy.

REFERENCES AND NOTES

1. V. A. McKusick, *Mendelian Inheritance in Man* (Johns Hopkins Press, Baltimore, ed. 3, 1971).

2. D. Y. Y. Hsia, *Progr. Med. Genet.* 7, 29 (1970).

3. E. R. Kramm, M. M. Crane, M. G. Sirken, M. D. Brown, *Amer. J. Public Health* 52, 2041 (1962).

4. V. A. McKusick, *Annu. Rev. Genet.* 4, 1 (1970).

5. J. Shapiro, L. MacHattie, L. Eron, G. Ihler, K. Ippen, J. Beckwith, *Nature* 224, 768 (1969).

6. K. L. Agarwal, H. Buchi, M. H. Caruthers, N. Gupta, H. G. Khorana, K. Kleppe, A. Kumar, E. Ohtsuka, U. L. Rajbhandary, J. H. Van De Sande, V. Sgaramella, H. Weber, T. Yamada, *ibid.* 227, 27 (1970).

7. S. Rogers, *New Sci.* (29 Jan. 1970), p. 194; H. V. Aposhian, *Perspect. Biol. Med.* 14, 98 (1970).

8. *New York Times,* 20 Sept. 1970.

9. A. G. Schwartz, P. R. Cook, H. Harris, *Nature* 230, 5 (1971).

10. B. D. Davis, *Science* 170, 1279 (1970).

11. J. B. Stanbury, J. B. Wyngaarden, D. S. Fredrickson, Eds., *The Metabolic Basis of Inherited Disease* (McGraw-Hill, New York, ed. 2, 1966).

12. N. A. Holtzman, *Annu. Rev. Med.* 21, 335 (1970).

13. W. N. Kelley, F. M. Rosenbloom, J. Miller, J. E. Seegmiller, *N. Engl. J. Med.* 278, 287 (1968).

14. C. A. Mapes, R. L. Anderson, C. C. Sweeley, R. J. Desnick, W. Krivit, *Science* 169, 987 (1970).

15. H. L. Greene, G. Hug, W. K. Schubert, *Arch. Neurol.* 20, 147 (1969).

16. G. Hug and W. K. Schubert, *J. Cell Biol.* 35, C1 (1967).

17. A. Milunsky, J. W. Littlefield, J. N. Kanfer, E. H. Kolodney, V. E. Shih, L. Atkins, *N. Engl. J. Med.* 283, 1370, 1441, 1498 (1970).

18. R. O. Brady, *Annu. Rev. Med.* 21, 317 (1970).

19. S. Pell and C. A. D'Alonzo, *J. Amer. Med. Ass.* 214, 1833 (1970).

20. R. D. Hotchkiss and M. Gabor, *Annu. Rev. Genet.* 4, 193 (1970).

21. A. S. Fox, S. B. Yoon, W. M. Gelbart, *Proc. Nat. Acad. Sci. U.S.* 68, 342 (1971).

22. S. A. Aaronson and G. J. Todaro, *Science* 166, 390 (1969).

23. H. J. P. Ryser, *ibid.* 159, 390 (1968).

24. J. T. Dingle and H. B. Fell, *Frontiers Biol.* 14A, 220 (1969).

25. R. Dulbecco, *Science* 166, 962 (1969); M. Green, *Annu. Rev. Biochem.* 39, 701 (1970).

26. J. Sambrook, H. Westphal, P. R. Srinivasan, R. Dulbecco, *Proc. Nat. Acad. Sci. U.S.* 60, 1288 (1968).

27. M. Fried, *Virology* 40, 605 (1970).

28. E. H. Szybalska and W. Szybalski, *Proc. Nat. Acad. Sci. U.S.* 48, 2026 (1962); M. Fox, B. W. Fox, S. R. Ayad, *Nature* 222, 1086 (1969); R. A. Roosa and E. Bailey, *J. Cell. Physiol.* 75, 137 (1970); L. M. Kraus, *Nature* 192, 1055 (1961); D. Roth, M. Manjon, M. London, *Exp. Cell Res.* 53, 101 (1968); J. L. Glick and C. Sahler, *Cancer Res.* 27, 2342 (1967); E. Ottolenghi-Nightingale, *Proc. Nat. Acad. Sci. U.S.* 64, 184 (1969).

29. T. Friedmann, J. H. Subak-Sharpe, W. Fujimoto, J. E. Seegmiller, paper presented at Society of Human Genetics Meeting, San Francisco, Oct. 1969.

30. Calculated with the assumption that (i) the DNA contents of a diploid human cell is 4×10^{12} daltons; (ii) representative gene codes for a protein containing 200 amino acids equivalent to 4×10^{5} daltons of DNA; and (iii) there are two copies of each gene per cell. This would represent a minimum estimate if the redundant DNA segments in human cells include genes which specify enzymes.

31. H. M. Temin and S. Mizutani, *Nature* 226, 1211 (1970); D. Baltimore, *ibid.*, p. 1209.

32. P. Berg, and D. M. Jackson, personal communication.

33. J. V. Osterman, A. Waddell, H. V. Aposhian, *Proc. Nat. Acad. Sci. U.S.* 67, 37 (1970).

34. L. Grady, D. Axelrod, D. Trilling, *ibid.*, p. 1886.

35. B. Hirt, seminar at Brandeis University, Oct. 1970.

36. H. Fraenkel-Conrat, *Annu. Rev. Microbiol.* 24, 463 (1970).

37. H. G. Terheggen, A. Schwenk, A. Lowenthal, M. Van Sande, J. P. Colombo, *Lancet* II–1969, 748 (1969); *Z. Kinderheilk* 107, 298 and 313 (1970).

38. S. Rogers, *Nature* 183, 1815 (1959).

39. ——— and M. Moore, *J. Exp. Med.* 117, 521 (1963).

40. P. S. Satoh, T. O. Yoshida, Y. Ito, *Virology* 33, 354 (1967); G. Orth, F. Vielle, J. B. Changeux, *ibid.* 31, 729 (1967).

41. This objection would be straightforward if only one type of arginase were present in human cells. Even though there seem to be two arginase isozymes in both human liver and erythrocytes, the objection is still cogent since one isozyme contributes 90 to 95 percent of the total arginase activity, and the two isozymes cross-react immunologically. See J. Cabello, V. Prajoux, M. Plaza, *Biochem. Biophys. Acta* 105, 583 (1965).

42. R. N. Feinstein, M. E. Seaholm, J. B. Howard, W. L. Russel, *Proc. Nat. Acad. Sci. U.S.* 52, 661 (1964).

43. H. Harris, *Frontiers Biol.* 19, 167 (1970).

44. W. Munyon, E. Kraiselburd, D. Davis, J. Mann, *J. Virol.* 7, 813 (1971).

45. C. R. Merril, M. R. Geier, J. C. Petricciani, *Nature* 233, 398 (1971).

[From the Washington Star, Nov. 18, 1971]

THE PATIENT—INDIVIDUAL OR SOCIETY?

(By Judith Randal)

When earlier this year it was announced that Dr. Saul Krugman of the New York University School of Medicine had succeeded in immunizing a small group of children against serum hepatitis, the achievement was widely hailed as a promising public health development. If a vaccine could be perfected against this disease, many thousands of Americans each year—mostly over 40 or enfeebled—might be spared serious illness or death.

But less widely publicized has been the furor over ethics that has ensued in medical circles because of the design of the experiment and the patients on whom it was carried out. For the subjects of this study not only were too young to have legally volunteered, but were mentally defective, as well. Furthermore, although they served the cause of science, they were deliberately infected with virus with no assurance that the exposure would be of any benefit to them.

The experiment took place at Willowbrook, a state institution for the retarded on Staten Island. Related studies, involving similar risk, have been undertaken there by Krugman for the past 15 years. Throughout this period, "informed consent" has been obtained from the parents or guardians of the children, but one of the key factors in the controversy has been the meaning of that phrase.

Krugman maintains that deliberate infection is justifiable because hepatitis becomes a fact of life at Willowbrook for any child entering the institution who has not already had the disease. What is not clear, however, is what "informed consent" entailed in this instance.

His critics would like to know, for example, whether parents who volunteered their children knew that the disease carries a slight but real risk of death in this age group.

In their view, experimentation on children, particularly retarded children, is never justified and the presence or absence of parental consent is somewhat irrelevant.

At present, Krugman is bearing the brunt of criticism, but he is by no means the only investigator whose experiments, however valuable and valid, are controversial.

The question in all such studies—who is the patient, the individual or society?—disturbs the experimenter and his critics alike. And the deeper biological science probes into fundamental mysteries, the faster developments come and the broader are their implications.

At present, for example, it is possible, by taking a frog egg and replacing its nucleus with that of another cell from the frog's body, to grow an entire new frog without the egg's having been fertilized by a sperm—a technique known as "cloning."

At the same time, cancer researchers, in seeking to understand what makes man susceptible to malignancy in the first place, are turning their attention to the development of the fetus. Thus it certainly is theoretically possible that a cloned human being could be grown in the laboratory for cancer research, with various clones being "stopped" at different stages of development for study, as frogs are.

But such a human being would be every bit as human as the cloned frog is frog, with all the rights that human beings have and frogs do not. What, then, of the ethics of lethal experimentation on humans? Or experiments that, while not necessarily lethal, carry a high risk of injury? Would the goal of the conquest of cancer for the many justify the sacrifice of a few clones? From whom should informed consent be sought—or is this relevant? Can science achieve the same ends by other means?

It is just these sorts of questions that have sparked a congressional joint resolution which, at the cost of $1 million, would create a 15-member commission drawn from many disciplines to study for two years the ethical problems raised by advances in the biological sciences.

No one expects that the commission would come up with definitive answers, but just as the Kerner report on violence focused public attention on that issue, so the ethics commission could serve to examine in orderly fashion the interlocking developments that are coming from laboratories around the world.

In a society preoccupied with such short-term issues as busing and the cost of living, and gearing up for a presidential election, the proposal will not gain much public attention. This is too bad. Failure now to confront the issues posed by advances in science only increases the likelihood that they will haunt us more deeply in the future.

[From the Washington Star, Mar. 3, 1972]

Psychosurgery Trend Alarming

(By Judith Randal)

Is there any length to which society will not go to suppress behavior it considers deviant?

The question is raised by a 20,000-word report on brain surgery inserted into the Congressional Record last week by Rep. Cornelius E. Gallagher, D-N.J. Written by Dr. Peter R. Breggin, a Washington psychiatrist, after almost a year's research, it documents in chilling detail for psychological purposes portends.

At the University of Mississippi School of Medicine, for instance, Dr. Orlando J. Andy, working with a psychologist, has operated on several dozen people, most of them children. Some were only 5 years old.

According to letters written by the pair to Breggin, "these are not psychiatric cases, but behavioral problems." Furthermore, the goal seems to have been less the welfare of the children than to "reduce their hyperactivity to levels manageable by the parents."

What this may entail is illustrated by a boy whom Andy cals J.M. Nine years old at the time of his first operation, in 1966, the child has had three others since because his short-temper, aggression and other symptoms recurred after initial periods of "improvement."

At last report he was "manageable," which should at least spare him further surgery. But in the 1970 account, Andy notes: "Intellectually, however, the patient is deteriorating." Since the effects of psychosurgery are permanent, there will be no turning back.

It would be bad enough if such mutilation were confined to Mississippi. Unfortunately, it is not. Lobotomy—the procedure which ironically won Portuguese neurologist Antonio C.A.F.E. Moniz a Nobel prize—was replaced by electro shock and drugs as a treatment for the insane in the late 1950s. Now, however, it is experiencing a worldwide comeback, both in its original form and with refinements that reflect recent progress in medical technology. And this time, it is not only the schizophrenics whose brains are under siege.

Breggin has found, indeed, that most of the targets are people with "anxiety-tension states" and "obsession syndromes," particularly individuals of "good intelligence and personality." A disproportionate number of them are, he says, women and children, rebellious adolescents and, in a few cases—notably in California—prisoners whom authorities have found troublesome.

In fact, anyone who rubs his family or society the wrong way is apparently at risk.

In Texas, it has been drug addicts and alcoholics; in Canada, individuals who become "intractable" with age; in Britain, people with a pathologic fear of open spaces, and homosexuals; in Germany, sexual deviants, too.

Even chronic gamblers are in peril. Hauled into court for stealing money to meet his gaming debts, one Englishman was offered a choice between "voluntary" surgery and imprisonment. It is not hard to imagine that this could happen to political radicals as well.

An "old-fashioned" lobotomy involves deliberate destruction by scalpel of a portion of the brain's frontal lobes that is not by objective criteria diseased. More recently, however, other brain structures just as crucial to the personality have also been attacked and radium seeds, ultrasound, injections of olive oil or implanted electrodes have sometimes replaced the knife.

No matter how done, however, the operations have a uniform purpose: The "taming" of an uruly spirit that if not cowed by one procedure can always be blunted by the next. Thus, while these advances have the advantage of greater surgical ease and safety, their very simplicity makes them disturbingly attractive as tools for the mass application of mind control.

For the would-be despot—be he politician, prison warden, mental hospital superintendent, law enforcement official, bigot or simply family tyrant—psychosurgery is a dream come true.

Take the case of a woman with a long history of depression. So angered was she by what had been done to her in two operations insisted on by her mother that she refused to undergo a third and, let out of Boston City Hospital to go shopping took a fatal dose of poison. Yet instead of interpreting her suicide as understandably symbolic of vengeance, her doctors described her behavior as "paranoid" and were "gratified" that her apathy had lifted to the point where she could act.

The last time psychosurgery was in fashion some 50,000 Americans underwent this assault on their inmost beings and virtually every state hospital still harbors pitiful remnants of the results. Among the nations of the world, Russia alone has taken legal steps to see that it will not happen again. If the public cares about the rights of the individual guaranteed by the Constitution, it will demand that the United States do so, too.

[From the Washington Star, Oct. 19, 1971]

Science Starts to Face Its Coming of Age

Seventy-five of the most distinguished scientists and thinkers of the Western world turned up in Washington this past Saturday afternoon, as guests of the Joseph P. Kennedy Jr. Foundation. Their purpose was to think aloud for a few hours on some of the gravest questions ever raised. They were not concerned with science fiction; they were concerned with science reality instead.

Very few persons, outside the scientific community, have given much thought to these questions. We have more immediate things to worry about, after all, than "Who Should be Born?" It is fearfully hard work to grapple with such a topic as "The Ethics of New Technologies in Beginning Life." Few persons are equipped to comprehend today's biology. Given the word "gene" in a word association test, most of us would respond, "McCarthy."

The time is at hand when a great many Americans, at every level of public and private life, must begin to interest themselves in the frontiers of science that are now being actively explored. Yet the scientific questions are perhaps the least complex. Embryologists already know, in general, how to make a "test-tube baby." It is only the technology that remains to be solved. The moral and ethical questions are infinitely more profound: Who decides that such a baby shall be made?

Or consider, if you will, a less shocking prospect. It is only a matter of a few years before the mystery will be solved of sex determination as an aspect of child-bearing. Eventually—certainly by 2000—parents will be able to choose "boy" or "girl" as precisely as they fix a time for dinner. Should this determination be left solely to parents? Or does society as a whole, through some agency of government, have a right to exercise control?

War, it is said, is too serious to be left to generals. By the same token, is parenthood too serious to be left to parents? Within the next few years—certainly by 2000—new techniques of contraception will be universally available. These will be simple, foolproof, and for all practical purposes, free. The moral implications to one side, what of the social and economic implications? Who is to say how many children should be conceived? Should the number be left simply to chance?

Such questions barely cross the frontier. The day will come when geneticists will be able to concoct a fertilized egg of certain preselected properties. The arts of gene insertion, of gene deletion, even of gene surgery, are still primitive and experimental.

Let your mind wander in another field: Mood control. Here the chemistry is far advanced. We already have drugs—they are marketed by the billions—intended to tranquilize or to stimulate. It is but a step (the step can be taken if we choose) to the development of drugs more precisely intended to suppress or to enhance our capacity for aggression.

Should boxers, or football players, or soldiers be given "aggression pills" to improve their performance? Would the Attica uprising have occurred if violent prisoners were treated methodically, as a condition of their sentences, with non-aggression drug? The possibility of putting tranquilizers in water supplies has been discussed at scientific meetings. It could be done. Crime, presumably, would drop. Should it be done?

The most absorbing questions, perhaps, go to the limitations that should be imposed, if any, upon the process of discovery itself. Is there some point at which the door should be slammed? Are there frontiers that ought never to be crossed? Some eminent scientists believe that even now, they may have gone too far in playing God. Is it their responsibility to create life, or vastly to prolong life? Yet who can extinguish Promethean fire?

The scientists who met on Saturday at the Shoreham put in a skull-cracking afternoon. Most of the rest of us were watching college football on the boob-tube. For their thoughtful labors, some grateful thanks are due.

[From the Washington Post, Nov. 3, 1971]

The Ethics of New Discoveries

Following the recent symposium sponsored by the Joseph P. Kennedy Jr. Foundation on "Choices On Our Conscience," 21 participants issued a clear and useful statement on the need for greater attention to solving the ethical problems in the physical sciences. "Science and technology," they said, "have added immeasurably to human knowledge, health, well-being, and possibility for good. Inevitably, they have also radically changed the conditions of life and altered the choices that individuals and society have to make. Nowhere is this more evident than in relation to the dramatic advances being made in biological, genetic and medical science. In this field choices may be made, dogmatically or in ignorance, by inadvertence or by default, that can have an irreversible effect on our human future."

Awesome questions face us all in such human issues as how to treat artificial organs, mongoloid infants, test tube conception (cloning), education of the retarded, genetic engineering, electric stimulation of the brain. What has happened in these and other fields is that scientists have often been moving independently, and only now are the ethicists, lawyers, jurists, physicians, social workers, politicians and the common citizens catching up to pose ethical questions. No one denies that scientific exploration is in itself a good or that the quest for knowledge is beneficial. But it is now clear that although a scientist may work in isolation, the results of discoveries may affect the general population. As Dr. Philip Handler, president of the National Academy of Sciences, recently said in a speech to the American College of Surgeons, doctors, for one group, might have to adopt a new kind of ethics where "the responsibility of medicine is not merely to the individual but to the human species."

Happily, the fear that scientific explorations and discoveries may be abused is not a matter of scientists battling ethicists. Many in the scientific community are alarmed also, including the Nobel winning co-discoverer of the structure of the DNA, Dr. James D. Watson; if we do not think about these matters now, he says, "the possibility of our having a free choice will some day suddenly be gone." The Kennedy symposium appears to have been a productive meeting. It aroused public awareness to the new conflicts between science and ethics. Perhaps most important, it forced those who followed the proceedings to realize that the options for future action are decidedly "choices on our conscience."

[From the Boston Globe, Oct. 17, 1971]

ETHICS OF LIFE AND DEATH WEIGHED AT KENNEDY-SPONSORED MEETING

(By Charles E. Claffey)

WASHINGTON.—Eight years ago, an infant lay in a bassinet in a distant corner of the nursery in Baltimore's Johns Hopkins Hospital, condemned to death.

His death sentence, all perfectly legal, was a sign on the bassinet that read: "Nothing by mouth."

The child, a mongoloid, lived 15 days, then starved to death.

His life might have been saved by a routine operation to remove the intestidigesttion.

However, his parents, because the child was a mongoloid, refused to give the hospital permission to operate. Thus, doctors had no legal right to perform the surgery.

Right or wrong? Ethical or immoral?

That was one of the subjects yesterday in the most comprehensive symposium on human rights, retardation and research ever held, sponsored by the Joseph P. Kennedy Jr. Foundation.

Among the panelists was Dr. Paul A. Freund of the Harvard Law School, who said that he could not agree with the assumption made in the hospital that if the question had been presented to a court a judge would have endorsed the parent's right to decide that the child should die.

"In the case of a more 'normal' child, the parents would clearly have no such right, and this appears to be acknowledged on all sides."

And, Freund added, even if parents do not will their child's death but refuse consent to a lifesaving operation because of religious objections courts have overridden the religious scruples of the parents and ordered the operation in a child's best interests.

"Parents have an obligation not to mistreat or neglect their children and the courts will enforce that duty. Moreover, physicians who undertake to care for a patient have an obligation to use all reasonable measures (not forbidden by the parents) to promote the patient's well-being and not do him harm."

Freund compared the case of the 15-day old infant to euthanasia, or mercy-killing.

The death, he said, was caused not by human agency, but by impersonal forces.

But he offered these arguments to the contrary:

—Death occurred from starvation, resulting from directions given at the hospital.

—Inaction is tantamount to action when there is a duty to act and an omission to do so.

Freund concluded that the decision involving the proper care and custody of the child should not be made by doctors or parents but by a disinterested tribunal.

"In the end, though," he added, "the decision of parents and hospital, in harmony with that of law itself, would have been in favor of life."

Social critic Michael Harrington said the case of the mongoloid baby was important because "we are more and more going to have to face just such tormenting decisions." He added:

"Society is going to have to play God."

He noted, though, that such a tendency is "an enormously dangerous undertaking which could lead us, as Dostoevsky thought, to totalitarianism.

"Yet this role is thrust upon us whether we like it or not because we have ingeniously created the power to intervene in questions of life and death which were previously determined by a mysterious order of things . . . which was sometimes called God."

Harrington likened the issue to that of abortion, "so that is least now some- * * * Catholics are now willing to debate the details of a public policy which does not universalize their own private ethics and even contradicts it."

Harrington stressed, though, that he would have favored saving the life of the mongoloid child and using legal compulsion to do so if that were necessary.

"I am not arguing in favor of giving to government a new power of life and death but rather insist that it must protect life."

Therefore, Harrington said, that even though there are dangers inherent in law and state power in such cases, "I think they must be risked, for that is the only way to expand individual freedom—in this case, the individual freedom of a mongoloid child."

While the conference in Washington got under way, the Boston's Joint Center for the Study of Law and Human Genetics, cosponsored by Tufts-New England Medical Center and Boston College Law School, prepared for a meeting Wednesday at Boston College on the medical, ethical and legal ramifications of genetic advances.

Another major move in bioethics also is being taken by the Senate subcommittee on health, headed by Sen. Edward M. Kennedy. The commitee will hold hearings in November on a resolution filed by Sen. Walter F. Mondale (D-Minn.) and co-sponsored by Kennedy.

The resolution calls for establishing a National Advisory Commission on Health, Science and Society. This group of 15 would report to the President and to Congress after a two-year study of the broad ramifications of bioethical problems.

The Senate health group's hearings are expected to include testimony on total body irradiation of patients in Cincinnati to study the effects of radiation on human beings. The purpose of the studies, it is alleged, is to understand better the influence of radiation on the combat effectiveness of troops. The studies were done under Pentagon contract.

The Joseph P. Kennedy Jr. Foundation has supplied funds for an Interfaculty Program on Medicine and Ethics at Harvard and given $1.5 million to Georgetown University for a new Institute of Bioethics, which opened this month.

[From Science, Jan. 7, 1972]

ETHICS: BIOMEDICAL ADVANCES CONFRONT PUBLIC, POLITICIANS, AS WELL AS PROFESSIONALS WITH NEW ISSUES

Early last month the Senate passed a resolution calling for the establishment of a National Advisory Commission on Health Science and Society. The vote, assuming it is reaffirmed in the House, culminates a quiet battle that Senator Walter Mondale (D-Minn.) has waged for several years for a federal-level body to center the nation's attention on ethical and policy questions raised by new advances in biomedical technology.

The new body would have a 2-year existence, with a budget not exceeding $1 million a year. The commission, directed by a board of 15 professionals from the fields of law, theology, medicine, government, and the humanities, would have as its mandate the study and evaluation of the ethical, social, and legal implications of advances in biomedical research and technology. In addition to holding hearings and seminars, the commission would contract for studies to be conducted by various universities and research centers.

The resolution was unanimously approved by the Senate, despite mild Administration opposition voiced in testimony by Merlin K. DuVal, undersecretary of Health, Education, and Welfare for health and scientific affairs, who said public and private groups already have things under control.

Mondale tried to get the Senate to act on his commission idea in both 1967 and 1968, when heart transplants were the center of medical controversy. But the proposal met strong resistance from members of the biomedical community and got bogged down in committee. During hearings in 1968, for example Nobel laureate geneticist Arthur Kornberg testified he saw no new ethical or moral problems arising from advances in his field. The only use he could see for such a commission, he said, would be in educating the public on the need for more research money for scientists. Heart transplanter Christian Barnard took a similar tack. His remarks betrayed the assumption that attempts by any nonmedical body to influence medical or scientific policies would automatically be repressive.

Times have changed. Heart transplant decisions are child's play compared to the questions raised by advances in other fields, notably genetics, which have transformed yesterday's science fiction into today's foreseeable reality. Amniocentesis has made it possible to detect certain genetic disorders, such as mongolism and Tay-Sachs disease, in utero. In vitro fertilization of human ova has been achieved, and scientists are working on reimplantation of an egg in the womb. The ability to choose the sex of a baby is pending. And cloning—that is, producing an individual genetically identical to the original individual—may be technically possible in the next 50 years (some scientists say in the next decade).

Behavior modification is another field of equally rapid advances and stupendous implications. Both through chemistry and through electrical manipulation of the brain, scientists have found ways to stimulate or control emotion—developments that have the press speculating about "thought control" and the imminence of 1984.

Technology that indefinitely prolongs the life of the dying has raised questions as to the "right to die" and when to "pull the plug." Linked with this is confusion over the allocation of scarce and expensive resources such as kidney dialysis machines.

The increased sensitivity to individual rights manifested over the past decade has caused a number of old practices to be reevaluated. Sterilization of the hopelessly retarded has become taboo. Methods of obtaining "informed consent" for human experiments are being questioned. And the denial of a life-saving operation to a newborn Mongoloid, a practice taken for granted at many hospitals for years, was the subject of passionate denunciation at a recent symposium on ethics.

A central issue in recent ethical debates has been abortion. Genetic advances and the rolling back of legal and religious prohibitions has turned the question of abortion into a forum for new attempts to define "life," "the right to life," the conflicting rights of interested parties (in this case, mother and fetus), and even (in the case of a grossly defective fetus) the right to be aborted.

A number of organizations that have recently come into existence are attempting to lay the groundwork, through symposia and interdisciplinary studies, for principles covering these matters.

One is the 2-year-old Committee on the Life Sciences and Social Policy of the National Academy of Sciences, directed by biochemist Leon Kass, which has been conducting studies in four areas: choosing the sex of the unborn, in vitro fertilization, behavior modification, and aging. Another is the Institute of Society, Ethics, and the Life Sciences of Hastings-on-Hudson, N.Y., which was set up in 1969 by Daniel Callahan, a writer and theologian. The Hastings institute has set up interdisciplinary task forces to conduct long-term studies on a similar range of subjects, including population and the teaching of medical ethics.

The Joseph P. Kennedy, Jr., Foundation, hitherto primarily devoted to the study of mental retardation, recently gave Georgetown University $1.3 million for the establishment of the Joseph and Rose Kennedy Institute of Bioethics, which will provide "on the job" training for graduate students in ethics.

The Kennedy :nstitute, according to director Andre Hellegers, will be an unusual experiment in reuniting long-fragmented disciplines. Under one roof will be all the clinical, scientific, psychological, and sociological aspects of reproduction, genetics, and obstetrics.

Many people think that the reunification of long-estranged disciplines will be the only way to ensure a built-in sensitivity on the part of medical practitioners and researchers to the implications of their work. Says Hellegers: "Ethics as a cogent force fell apart when it became divorced from other faculties." By the same token, intradisciplinary barriers have allowed the legal profession to come up with laws that are theoretically sound but medically senseless, and have left most members of the clergy ill-equipped to offer advice on anything but religion.

There are still only a handful of universities across the country that offer courses with an interdisciplinary approach to ethics. The only full-fledged program is a 4-year course offered at Columbia University's College of Physicians and Surgeons. But ethics seminars, where available, are increasingly popular with medical students.

It has been more through the activities and symposia sponsored by such interdisciplinary groups as the Hastings institute than through the efforts of organized medicine that public attention has been focused on questions raised by new biomedical technology. These groups see a federal-level commission as a desirable supplement to their endeavors and a way to educate scientists as well as laymen on the need for public discussion.

The American Medical Association, by contrast, has indicated to Mondale's committee that the private sector is giving adequate attention to these matters through such forums as the biennial AMA congresses on ethical issues in medicine, which began in 1966. Nonetheless, the AMA Judicial Council moved in November to arrange for a series of articles on euthanasia, genetic engineering, and so forth to be written for the AMA journal—a possible sign that deep-rooted complacency in some areas is being rapidly replaced by concern over unanticipated and possibly irreversible developments the future may have in store.—Constance Holden.

[From Technology Review, January 1972]

WASHINGTON REPORT—"WHAT ABOUT THE RIGHTS . . .?"

(By Victor Cohn)

Has the time come for society to regulate science?

Consider this event. A mongoloid boy was born at Johns Hopkins University Hospital. Common enough—mongolism or Downs' syndrome is the most common cause of mental retardation. It occurs once in 600 births.

This baby also had an intestinal obstruction, however, that prevented him from receiving any nourishment. This could easily have been corrected by surgery, but the baby's parents refused permission.

They were told all the pertinent facts. Mongoloid children can lead happy, productive lives. They can learn simple jobs, though their IQ seldom tops 75. They are a focus of warmth and love in many families.

The parents nonetheless said "no" to the surgery, explaining, "Why burden society with a mongoloid child? Why not let God's will be done?"

The doctors consulted lawyers and judges, who said that no court would make the child a ward of the state—the only circumstance under which a judge could order the operation. It took 15 days for the baby to die, while, testified Dr. William Bartholme, senior assistant resident in pediatrics and doctor in charge, "I tried not to look at the baby, and when I did, I didn't want to touch it. The nurses were full of horror and disbelief. The father would call and ask, 'How are things?' meaning 'Did the baby die yet?' "

Dr. Robert E. Cooke, Pediatrician-in-Charge at Johns Hopkins, said of this case: "That's certainly child abuse. It gets on the border of murder."

An unusual case? Not so very. Bartholme said that at least four times in the last five years at this hospital alone, parents have similarly allowed mongoloid children to die by denying permission for surgery. He said that similar life-and-death decisions are made at least twice a week by doctors at this hospital.

"Society," added Dr. Cooke, "seems awfully unwilling to help us out of a jam."

This bona fide example was presented in a 25-minute film during a compelling symposium on the ethics of medicine—and a search for solutions—sponsored last fall in Washington by the Joseph P. Kennedy Foundation.

CHILD DEFENDERS?

Dr. Batholme thought that "what we need is a group of people sophisticated enough in law, ethics, sociology and medicine to make this kind of decision," instead of leaving it to parents and doctors. (Johns Hopkins now has such an advisory group.)

Mrs. Sydney Callahan, psychologist and mother of several children, agreed. Parents should not have the right, she argued, to doom a child as though it were their "property." Each person should be thought of as "belonging" to the human species, with "child defenders," perhaps, to represent a baby versus his executioners.

But Dr. Renee Fox, professor of Sociology at the University of Pennsylvania, said there are also dangers in the concept that we all must be our brother's—or child's—keeper. Severe emotional problems have been triggered by the request or demand of one member of a family that another sacrifice a kidney to save the first person's life. While some families have successfully accommodated a retarded child, others have been broken up. "What about the rights of our other children?"—this question was asked by the parents in the Johns Hopkins case.

Asked in Washington, such questions may be expected to generate political answers or responses. Sen. Walter F. Mondale (D-Minn.) and 16 senatorial colleagues have proposed a joint Congressional resolution to create a 15-member National Advisory Commission on Health, Science and Society, with a $1 million budget to make a two-year study of such dilemmas.

Mondale, a minister's son, has made such a proposal before, and in 1967 he even prompted a set of Senate hearings on the subject. They caused some, not much, comment. The largest notice was taken during the appearance of the glamorous Dr. Christian Barnard—his heart transplants were in their heyday. Barnard or not, the subject was soon forgotten.

DOES THIS SOUND FRIGHTENING?

One of these days, however, some new event—the birth of a test-tube baby? something else?—will take place someplace with the impact of an atom bomb, and all over the world everyone will say, "Why didn't we talk about such things?"

Biologist James D. Watson (of the double helix) passionately believes there should be "some form of international agreements" about whether or not to permit research leading to test-tube babies and cloned, biologically identical individuals "before the cat is totally out of the bag. If we do not think about the matter now," he maintains, "the possibility of our having a free choice will one day suddenly be gone."

Dr. Robert Edwards of Britain, a leading experimenter in test-tube conception, met Watson in debate in the Washington symposium, saying that the field is being investigated to help barren mothers have much-wanted children; that the "dogma that has entered biology from either communism or Christian sources has done nothing but harm"; and "we will do our transplants and go on with our work as we decide, not as anyone else decides."

Dr. Leon Kass of the staff of the National Academy of Sciences and Dr. Paul Ramsey, Princeton theologian, joined Watson in a call for a moratorium on such research. Dr. Howard Jones, Johns Hopkins obstetrician, compared such a call to the persecution of Galileo.

In any case, hazarded Dr. Anne McLaren of the University of Edinburgh, Scotland, babies produced in the test-tube and transplanted to mothers for their full growth and birth will be "a routine gynecological procedure within 20 years."

In that case, said Watson, "There are going to be a lot of mistakes. What are we going to do with the mistakes. . . . You can only go ahead if you accept the necessity of infanticide."

Does this sound frightening?

The fact is that infanticide is already being widely practiced in American society—in elective abortions, which the majority of us favor, and in the growing medical use of amniocentesis. (Fetal cells are drawn from the amniotic fluid to be tested for chromosomal abnormalities, if the doctor suspects they may be present. Mongolism is one that can be found.) Amniocentesis is often followed by abortion to prevent birth of an abnormal baby.

We also widely tolerate:

The incarceration—that's what it amounts to—of thousands of the retarded and mentally ill in institutions where life can only be called mean and degrading. There are good institutions, too, but society usually isn't willing to pay the bill for them.

The sterilization of thousands of men and women, increasingly by voluntary choice to avoid producing babies, but also by law or judicial coercion or the decision of parents in the cases of many persons judged to be retarded or dangerous.

The inoculation of retarded children (as at Willowbrook School on Staten Island, a New York state institution for the mentally retarded) with infectious hepatitis virus, deliberately infecting them. This study has been necessary over the past 15 years to develop a hepatitis vaccine. The children would all have been exposed to hepatitis virus anyway in this crowded little society, the experimenters explain. In every case, there was "informed consent" of the parents. Yet some critics believe that no one, not even a parent, has the right to consent to an experiment on anyone else.

AND IF WE STOPPED?

In many other medical experiments and investigative treatments today, informed consent is a dubious instrument. How, asks Dr. Henry Beecher of Harvard, can anyone give informed consent to a procedure whose result no one can know?

But how would we develop new vaccines and new ways of medicine without human experiments?

Has the time come for society to regulate science? The question is rhetorical. To a degree, we are regulating science already—by setting innumerable rules for the uses of drugs and practices of physicians; by allocating funds for research and development, slighting some fields and stressing others; by laws and taboos and social and ethical sanctions.

So far the talk about such matters has mainly been expert to expert. A Mondale commission might at least bring in the public.

[From Science News, Dec. 4, 1971]

FROM HIPPOCRATES TO SENATE RESOLUTION 75

(By Robert J. Trotter)

Ethics became an integral part of medicine when Hippocrates first gave his oath. Since then, however, medicine and ethics have both grown more complex. Every advance in science and technology has ethical implications for society. In the biomedical field, the new issues are increasingly becoming matters of public concern, as the recent Kennedy and Airlie House symposiums indicated (SN: 10/23/71, p. 275; 10/30/71, pp. 294 and 298). Some say the Government should become involved.

These questions came before the public eye in 1967 when Christiaan Barnard completed the first successful human heart transplant. At that time Sen. Walter F. Mondale (D-Minn.) proposed to Congress a resolution that would establish a national commission to study medical ethics. Extensive hearings were held before the Subcommittee on Government Research but nothing came of them. In 1968 Mondale proposed almost the same bill and again no action was taken. In March of this year he reintroduced his bill and this time it will probably get out of committee and onto the Senate floor for a vote where it seems to have a good chance of passing.

The bill (Senate Joint Resolution 75) has bipartisan co-sponsorship of 22 Senators, among them the ranking members of the Senate Health Subcommittee. In the House Rep. Thomas Foley (D-Wash.) has introduced a companion measure that has similar bipartisan support. "This reflects a welcome consensus on the need for action which has developed since 1968," says Mondale. The Senate Health Subcommittee held hearings on the proposed commission bill Nov. 9.

Joint Resolution 75 would establish a National Advisory Commission on Health Science and Society. The commission would be composed of 15 members appointed by the President from among the fields of medicine, law, theology, biological science, social science, philosophy, humanities, health administration, government and public affairs. Its job would be to undertake a comprehensive investigation and study of the ethical, social and legal implications of advances in biomedical research and technology.

Seminars and public hearings would analyze and evaluate scientific and technological advances, current and projected, and implications for indvidiuals and society. Investigations by public and private agencies would be commissioned and findings and recommendations would be reported to Congress and the President at interim periods and at the end of two years. The commission would terminate after two years and $2 million.

Testimony — mostly favorable — given at last month's hearing centered on recent developments in science and specific areas where ethical guidelines are needed. Many of the questions that are recently finding their way into the public consciousness came up. Should carriers of hereditary diseases be allowed to have children? Should retarded persons be segregated from members of the opposite sex? Should they be sterilized? What are the ethical implications of test-tube babies? What will happen to society when men and women are free to determine the sex of their children? Which individuals should receive the benefits of artificial kidney facilities? How should society regulate the use of behavior modification drugs and other techniques to control human behavior? How can the controllers be controlled?

"The ethical over-kill has been tremendous" on these topics, says Henry K. Beecher of Harvard Medical School. He therefore emphasized some of the more discrete ethical problems of medical research that he believes need examination: invasion of privacy, trust and deception, and situation ethics were among the problems he believes need more attention.

These problems are "more portentous than any I have ever dealt with" says Abram Chayes of Harvard Law School. But, says Daniel Callahan of the Institute of Society, Ethics and the Life Sciences in Hastings-on-Hudson, N.Y., "I am optimistic enough to think that progress can be made." The issues have now surfaced and the public wants open discussion and debate.

The Administration, represented at the hearings by Merlin K. Duval, HEW assistant secretary for health and scientific affairs, seems to feel that enough progress is being made without another commission being formed. The National Institutes of Health, the Public Health Service, the Department of Health, Education and Welfare and the National Science Foundation are all doing work in the field of medical ethics. For example, NSF recently awarded $68,000 to the National Academy of Sciences to conduct a one-year technology assessment in biological and medical science developments. NSF has awarded a $1.5 million grant to the Center for Advanced Studies in the Behavioral Sciences to establish an integrated program of technology assessment that will take into account the societal impacts of current and future developments in medical biology. "In the private sector," says Duval, "several distinguished groups already in existence have broad responsibilities in the area outlined for the proposed Commission on Health Science and Society." He cites the American College of Surgeons, the National Academy of Engineering, the American Academy of Arts and Sciences, the American Philosophical Society, the IBM Co. and the World Council of Churches among others. "In the light of relevant activities already under way, and the number of existing institutions concerned on a continuing basis with issues raised by health research advances, is there a need for the National Commission proposed in Senate Joint Resolution 75?" asks Duval. He and the Administration think not, and therefore do not recommend that the resolution be enacted into law.

Mondale supporters, however, do not agree. They believe that the existing groups do not have enough public input and are not coordinated or staffed to handle all of the problems. Resolution 75 provides for public hearings, input from consumer groups and public reports to Congress and the President. The commission would make a blueprint of the problem and then contract with specific agencies to handle specific problems, instead of having many agencies each trying to cover all aspects of the same problem simultaneously.

[From the Biomedical News, December 1971]

SENATE APPROVES BIOETHIC PANEL; HOUSE NEXT

A national level bioethic commission has come a step closer to realization with unanimous approval by the Senate of enabling legislation.

Sponsored by Senator Walter F. Mondale (D.-Minn.), the bill to establish the National Advisory Commission on Health Sciences and Society now awaits House approval, expected in the early part of next year.

Advances in modern medical science have elicited innumerable questions of ethical, social, and legal considerations. The definition of death, complicated by the ability to artificially maintain the heart beat, and the ethical questions raised by the creation of test tube babies exemplify some of these complex concerns.

To study and evaluate the implications of such advances in biomedical research and technology, the 15-member commission appointed by the President from medicine, law, theology, philosophy, and the sciences is charged with the task of investigating and assembling the many complex considerations and of making recommendations which help create standards and guidelines.

COMMISSION POWER

Funded with $1 million a year for its two-year duration, the commission is empowered to conduct hearings and to perform or contract for research and study programs.

Importantly, the environment for a united, intense discussion on the bioethical considerations has changed drastically since Senator Mondale first proposed establishment of such a commission over three years ago, shortly after the first heart transplant. The bill never reached the floor of the Senate following hearings conducted early in 1968.

CHANGING MILIEU

Now, the bill has received a more favorable audience. "The depth of the interventions that are becoming feasible is such that they put the destiny of man at issue," remarked Dr. Hans Jonas, professor of philosophy at The New School for Social Research, New York, in his testimony before the Senate Subcommittee on Health's hearings on the proposed commission.

In this favorable light, the testimony given at the hearings last month largely endorsed creation of a national advisory commission.

However, Dr. Merlin K. DuVal, Assistant Secretary for Health and Scientific Affairs at the Department of Health, Education, and

Welfare, did not support enactment of the bill. Accompanied by Dr. Robert Q. Marston, Director of the National Institutes of Health, Dr. DuVal questioned the need for a national commission, citing examples of existing investigations on ethical problems.

OTHER EFFORTS

The National Science Foundation has awarded grants to conduct technological assessments in biological and medical science developments. In the private sector, the World Council of Churches recently completed a conference on technology and the future of man.

"The issues are so complex and the underlying currents of change moving so swiftly that in our view no attempt to describe this particular healthscape, at what would have to be a given moment of time, could be definitive for long," Dr. DuVal testified.

Instead, he favored "lower-keyed but continuing efforts by the present variety of private and semipublic organizations and entities attempting to rationalize and explain."

Responding to Dr. DuVal's testimony, Senator Edward M. Kennedy (D-Mass.), chairman of the subcommittee and a cosponsor of Senator Mondale's bill, stressed that the purpose of the commission was not to produce a "one time set of policy judgments but to address itself to new mechanisms and processes of making dynamic recommendations."

Praising the timeliness and need for the commission, Dr. Abram Chayes, professor at Harvard Law School and cochairman of the Commission on Law, Biology, and Ethics at Harvard, encouraged the subcommittee in its "forward and timely action" in meeting the urgency for such a study rather than waiting for a crisis situation

Comparing the work of his own commission to that of the proposed one, Dr. Chayes said that his group did not have the time, concentration of energy, staff, or resources "to conduct a sustained effort over a considerable period of time with critical masses of people."

[From the Washington Star, Dec. 15, 1971]

Editorial—Facing Ethical Dilemmas

Professor Abram Chayes of the Harvard Law School described the problem as "more baffling . . . and more portentous than any I have ever dealt with." Strong words those, but probably not exaggerated, for he was talking about the ethical dilemmas posed by the steady advances of biomedical research and treatment.

Chayes, along with a number of medical authorities, appeared before a Senate health subcommittee recently to testify in favor of creating a 15-member National Advisory Commission on Health, Science, and Society. The commission, with $1 million to assemble a staff representing a number of disciplines, would conduct a two-year study assessing the ethical problems of medical experimentation.

Another commission study, one that would get some brief publicity and then be pushed to oblivion in the back of somebody's file cabinet? Perhaps so. But there aren't any shortcuts in so complex a field. Moreover, the ethical questions involved here are compelling enough, while threatening to get even sharper as time goes on, that a high-calibre study could well serve as a major base of reference for charting future courses of action.

As the testimony presented so far to the subcommittee bears out, the scope of this subject is staggering. There are the familiar abuses of medical research where human subjects are not told the full story of the medicines to be tested or the experiments to be tried. Here the issue is one of assuring full disclosure while keeping open valuable avenues of research. Or consider those lifesaving but extremely expensive devices, such as the dialysis machine that when used regularly can keep alive those people with serious kidney ailments. That only a fraction of Americans with defective kidneys who could benefit from these machines now has access to them, while the rest are left to die, brings into question the values of our rich society.

The issue of medical ethics extends farther. Who should decide, and on what basis, whether a defective infant or a terminal cancer patient is kept alive or left to die? It goes farther, still, to the frontiers of biomedical research. What should be the application, if any of drug-controlled behavior modification or the kinds of genetic engineering that some day will enable scientists to alter the characteristics of the unborn? Here, indeed, is uncharted territory, teeming with hope and horror.

There are few laws covering the dilemmas involved here. And no one has assumed command of trying to sort them out. It may well be that no one segment of our society, public or private, should be in total charge. But this is a question that in itself deserves full exploration.

The Nixon administration is on record as opposing creation of the new commission. So far, it has not presented a convincing case. Perhaps it just doesn't want to spend the $1 million. That a cheap price to pay for a full study of a subject with enormous implications for all of us.

[From the St. Louis Post Dispatch, Jan. 29, 1972]

Editorial—"Bioethics"

The Senate last month quietly gave its approval to a bill which, if enacted into law, might well provide the nation with guidance in coping with one of the murkiest problems posed by the advance of science, the ethical, legal and social implications of developments in biomedical research and technology. The bill would establish a National Commission on Health, Science and Society; its passage by the Senate is the result of persistent efforts by Senator Mondale, who twice unsuccessfully had proposed such an agency.

Mr. Mondale's previous attempts came at a time when heart transplants were controversial and his bills met vigorous opposition from the medical community. As *Science* magazine points out, however, "heart transplant decisions are child's play compared to questions (now) raised by advances in other fields, notably genetics . . ." But the problems posed by medical developments go far beyond genetics. Advances in behavior modification have made thought or emotional control a reality; techniques of obtaining consent for experiments in humans are being challenged and medical technology which can prolong the lives of the hopelessly ill has raised the question of a person's right to die.

The proposed commission would have a modest budget of less than $1,000,000 and would consist of 15 members drawn from such professions as law, theology, government, the humanities and medicine. In addition to its own hearings, the commission would sponsor studies by universities and research groups on problems in "bioethics." The bill now is before a House subcommittee and strongly deserves positive action.

TRANSPORTATION TIEUPS AND AGRICULTURE

Mr. PACKWOOD. Mr. President, as Labor Subcommittee hearings on emergency transportation disputes progress, it becomes increasingly apparent that probably the foremost losers in any crippling transportation tieup are the Nation's farmers. Several excellent statements have recently been presented to the subcommittee on the impact of transportation tieups on agriculture and particularly agricultural exports, which comprise a significant portion of all agricultural goods produced in this country.

Because of their importance and relevance to other areas of study and other committeee work, I ask unanimous consent that three of these excellent statements be printed in the Record. The first was presented by Mr. Rodman Kober, of the National Grain and Feed Association; the second by Mr. Glen Hofer, of the National Federation of Grain Cooperatives; and the third was submitted by Mr. Joseph Halow, of Great Plains Wheat, Inc.

There being no objection, the items were ordered to be printed in the Record, as follows:

Statement for National Grain and Feed Association by Rodman Kober

Mr. Chairman and Committee Members: The National Grain and Feed Association ("NGFA") is a nationwide organization representing every aspect of the grain and grain processing industry from the smallest country elevator to the largest grain and feed complex. In addition, fifty-one state, regional and specialized industrial organizations are affiliated with NGFA, representing over 20,000 grain, grain processing, and farm service firms throughout the United States. Thus, we believe that we speak for the wide spectrum of interests generically referred to as the grain and feed industry.

I am General Counsel to Louis Dreyfus Corporation whose primary interest is the exportation of bulk grain and soybeans from the United States. In addition, I am Chairman of the NGFA's Transportation Committee whose interest in the pending legislation is obvious. Analogous to our interest as large scale users of transportation is the interest of the agricultural community whose ability to market its vast production is intimately related to the availability of adequate and reliable transport services. As a New Jersey resident who has commuted by train to and from New York City, I have a personal interest in the maintenance of those essential services.

It is characteristic of human nature that complaints are the likely response of those whose economic interests are disrupted by strikes. In the context of the proposed legislation, however, much more is at stake. Can the internal economy afford to forgo export sales of agricultural commodities because of interruptions in our national distribution system? Can our balance-of-payments account risk the adverse affects associated with port labor stoppages? Can we entertain erosion of our farmers' economic position because of price reversals associated with the farmers' inability to market their production?

Our sentiments are not intended as a general attack on organized labor and its right to bargain collectively. We do believe, however, that there are specific circumstances in which the effects of a work stoppage far exceed any potential benefits for the workers. National transportation strikes and coastwide longshore strikes are particularly illustrative of such circumstances, where a single union can bring an important element in our marketing system to a halt under a contract or contracts that expire on the same date.

You may question whether transportation or longshore strikers can cause the loss of export sales of agricultural commodities or whether such strikes merely cause the postponement of that export business. Our corn, grain sorghum, wheat and soybean exports are relacable by similar grains and oilseeds produced in surplus in other countries. In fact, our national position as a grain exporter can be characterized as residual, which means that lower priced supplies are usually available from other sources. Foreign grain importers are quite sensitive to the possibility of crippling strikes in our distribution system, and the threat of a strike is often enough to cause America's agricultural export customers to look elsewhere for their supplies. We lose tens of millions of dollars in export sales in this way, although no one has determined an accurate means of quantifying this loss. I know from first-hand information that Japanese customers of Louis Dreyfus Corporation specifically refused to purchase portions of their requirements unless we were willing to guarantee shipment in the face of a threatened dock strike. Our experience can be verified by every one of our competitors. These are dollars sales which are irrevocably lost, especially in those instances where the exporter makes the sale with the option to ship comparable grain from some other country.

In 1970, the contribution of agricultural exports to our balance-of-payments was a record high of $6.4 billion. In view of its significance, any change in this factor must affect materially our balance-of-payments position. If balance in our international trading is an objective founded in the national interests, we can no longer afford the types of interruptions which the proposed legislation would seek to stem.

Existing legislation has simply failed in the transportation and stevedoring industries to provide the means of effecting collective bargaining agreements with a minimum of disruption to the national economy. In recent years, in fact, the Congress has increasingly been called upon to exercise its power to mandate ad hoc labor agreements when the parties appear on the verge of tying up a significant part of our distribution network. One would think that Congress itself would welcome the opportunity of extricating itself from the politically sensitive task of mediating such labor-management disputes.

Agriculture is particularly affected in an adverse manner by curtailment in rail service. Bulk grain and soybeans move in such vast quantities, both in interstate and foreign commerce, that alternate means of transport are simply not available to replace the capacity lost in a rail strike. The price effects of this situation are ironic: Consumer supplies dwindle precipitating increases in end product prices, whereas prices for the raw materials decrease as farmers find it impossible to move their produce to the marketplace.

As export sales of grain are lost, either due to a rail or longshore strike, we have unfortunately diverted substantial volume from commercial channels to surplus holdings in this country. The effect of dock strikes on American agriculture is particularly ironic since seldom do any of the issues that delay contract agreement relate even indirectly to the loading of bulk grain or grain products onto an ocean vessel. The best economic proof of the effect on farm prices of a dock strike can be found in the recent experiences in the Pacific Northwest. The existence or threat of a strike depressed grain prices, artifically, by up to ten cents a bushel (at a time when we sense a deepening national concern that farmers have been unable to maintain their relative share of our economy).

We are competing for economic survival in a world whose notions of labor-management relations are far different than ours. We must find some means of rationalizing adversary labor-management positions in the transportation and stevedoring industries if we are seriously to compete effectively in world markets. We believe that S. 560 and S. 3232 would achieve that objective while avoiding the consequences of a compulsory arbitration process in which third parties can dictate terms other than those proposed by either or both of the primary parties to a prospective labor agreement.

We believe that the last-offer selection alternative proposed in S. 560 and S. 3232 has considerable merit with one reservation. We agree with those who have predicted that the last-offer selection process should tend to cause the parties to formulate reasonable final positions. Our reservation is concerned with the possibility that each party to a dispute might submit a final position that was reasonable in certain respects and clearly unreasonable in other respects. Thus, it may be prudent to modify this portion of S. 560 and S. 3232 in this way: (1) the parties should be directed to identify those issues on which agreement has not been possible; and (2) the selection panel would be free to choose, without modification, the most reasonable final position on each unresolved issue from each of the final proposals.

If modified in this way, we believe that S. 560 and S. 3232 offers the best prospect of rationalizing labor negotiations in the transport and longshore industries with the least disruption to the bargaining process. It is in the nation's interest that this legislation be enacted now.

TRANSPORTATION CRISIS PREVENTION

(Statement of the National Federation of Grain Cooperatives)

Mr. Chairman and Members of the Subcommittee: My name is Glen Hofer and I am Executive Vice President of the National Federation of Grain Cooperatives. We appreciate the opportunity to express our observations on the impact of dock strikes and other transportation tie-ups on agriculture.

The membership of NFGC consists of 19 regional, farmer-owned grain cooperatives which, through their affiliated local cooperatives, serve well over a million grain producers. Their primary activities involve the storage, conditioning, processing and marketing, both in the domestic and foreign markets, of all grains. In the 1969–70 crop year, our network of local and regional facilities handled 2.3 billion bushels of grain or approximately 34% of the total U.S. grain crop.

U.S. grain production, like all agriculture everywhere, annually is faced with drought, disease and insect pests. In addition, artificial curbs are placed on U.S. production by the application of farm program regulation. Despite the inroads of these agents, however, once triggered by seasonal planting, the combination of U.S. geography and farm technology is invariably going to put in the neighborhood of ten billion bushels of grain (including soybeans) in the bin at the end of harvest. *Ten billion bushels* which must disappear in the following 12-month period before another crop rolls from the field. Ten billion bushels to be stored, milled, crushed, merchandised, eaten or exported; a very demanding exercise in logistics and one that depends entirely on an orderly flow of grain through the marketing channels which have evolved over the years. Linking each component of this marketing system are the trucks and trains, and barges and freighters which must conduct the grain each step of the way from the field to the ultimate consumer.

Needless to say—whenever one of the transportation modes fails to provide orderly movement for any reason, back pressure develops on one side of the blockage and a vacuum develops on the other side. Both of those conditions place stress on the entire system and, if prolonged, the effects become chaotic, costing the producers countless millions of dollars in terms of lost export markets and depressed prices. In addition, and perhaps equally significant for the purposes of these public hearings, the injurious influence soon spreads to the interests of the general taxpayer who has a vital concern in the U.S. balance of payments and the cost and effectiveness of U.S. farm programs.

Disruption or stoppage of transportation service can occur for one of several reasons. The shortage of railroad equipment during peak periods of grain movement has been a chronic ailment and has seemed to intensify during the past decade. The most acute problems, however, have developed from work stoppages on the railroads and at the seaports, due to labor-management disputes. The most recent, of course, being the 134-day tie-up of West Coast Docks and the 58-day work stoppage at East and Gulf Coast ports.

As mentioned beforehand, a block in the grain pipeline causes an intolerable upstream pressure buildup and a damaging downstream vacum. Using the recent dock tie-up as an example and looking back toward the producer from the blocked terminal export position, the following conditions were soon apparent:

Equipment Tie-up. A severe congestion of transportation equipment is inevitable when the docks are struck. The manager of Farmers Export facility at Ama, Louisiana, reports there were 649 grain barges waiting to be unloaded at Baton Rouge and New Orleans on the day before dock side operations were resumed in November under court order. Such immobilization of significant numbers of available barges severely disrupts the dry bulk traffic on the entire river system. In the same manner, loaded rail cars may be tied up in large numbers, intensifying the chronic harvest-time shortage of rolling stock.

Overtaxed Storage and Handling Facilities. With the work stoppage coming as it did, in the midst of harvest of a more-than-bumper grain crop, the facilities for storing and conditioning the grain were soon swamped. Our Indiana member reported a million bushels of corn on the ground in Indianapolis. Much of this corn had high moisture content and losses were suffered from it going out of condition. Drying facilities at Indiana Grain's elevators have good sized capacity for conditioning grain, but with the storage completely full and harvest still underway, they simply could not handle the situation. These conditions were repeated in many areas with another notable example in the Pacific Northwest where as much as six million bushels of soft white wheat are still on the ground in November, months after the July/August harvest time.

Depressed Farm Prices. Already under heavy supply pressure from the huge crop being harvested, farm gate prices for grain have suffered a further depressant through the loss of the export outlets. Since several factors bear on price, it is difficult to quantify the influence of the strike; but many responsible observers have projected a drop of from 8 to 10 cents per bushel. Our Illinois member has calculated that, at that rate, the Illinois farmers alone lost $34 Million directly out of net income from harvest time sales. Perhaps, the most serious impact on farm prices is yet to be felt. The combination of the export stoppage and the very large 1971 crop has made inevitable, the carryover of significantly increase stocks of all grains into the new crop year. The effect of this burden of excess carryover will be extremely bearish and loan level farm prices are in prospect unless weather severely cuts back the predicted production figures for the 1972 U.S. grain crop.

Disruption of Government Program Planning. Supply agricultural control programs must plan well in advance if production is to be tailored to disappearance. The USDA recently announced the details for the 1972 wheat and feed grain programs. In view of the huge crop produced this year and in an attempt to forestall any further burgeoning of carryover stocks, the Department committed an additional $800 Million to the 1972 feed grain program and up to $200 Million more in the wheat program to pay for production cutbacks. Obviously, the loss in export disappearance will offset some portion of the anticipated cutback and the taxpayers' money will have gone for naught.

Looking downstream or toward the world market from the port bottleneck, these depressing conclusions can be drawn:

Loss of Export Sales. Documentation of the eventual actual losses are difficult to provide, but expert opinion in the form of comparative statistics and projections has been fractured in recent USDA releases and statements by grain trade leaders. Suffice to say here that very substantial losses have been suffered, even to the point of impairing agriculture's positive contribution to the critical U.S. balance of trade.

Loss of Export Customer Confidence. The most serious aspect of the involuntary absence from the world grain market is the rapid deterioration of customer relations. Few, if any, of the grain importing countries have adequate storage facilities for accommodating a grain stock pile of any volume. They must necessarily depend upon a regular schedule of purchase and delivery to keep their supplies in balance with current food and feed demand. Consequently, the capability of a supplier to provide regular service becomes a high priority factor in the importer's purchasing decision. Conversely, any inability to keep the pipeline full forces an immediate switch to alternate supply. Given the presence in the world grain market of a number of aggressive and well-stocked suppliers, business lost through transportation failure not only detracts from the seasonal total, but very likely is displaced in subsequent marketing years.

These are the reasons we are testifying in favor of legislation designed to limit the impact of *prolonged* transportation stoppages. In our view such legislation need not inhibit the bargaining posture of either management or labor but rather, if thoughtfully conceived and impartially administered, should greatly enhance the possibility of good faith bargaining.

In terms of the language of the legislative proposals being considered by this Subcommittee, we would make only two general observations.

In the context of agricultural production and marketing, the consequences of regional transportation stoppages quickly become national in impact on the farm community. For this reason, we urge favorable consideration for broadening the definition of national emergency to include regional strikes or lock outs.

We believe the "final offer" concept has merit. We also would express our agreement with a practical suggestion made by a previous witness at these hearings. Mr. Rodman Kober, representing the National Grain and Feed Association on March 3 proposed the last-offer selection process shoud provide that:

(1) The parties should be directed to identify those issues on which agreement has not been possible; and

(2) The selection panel would be free to choose, without modification, the most reasonable final position on each unresolved issue from each of the final proposals.

The National Federation of Grain Cooperatives would summarize as follows:

There is indisputable evidence that U.S. agriculture suffers immediate and disasterous results when prolonged work stoppages occur which stem from labor/management disputes in the transportation industry. The negative effects of these agricultural losses spread beyond the agribusiness community and should be of concern to the general U.S. taxpayer. Agriculture's problems are compounded and in some ways unique because there is no recourse to a plugged pipeline. We cannot bank the furnaces, lay off shifts or stop the pumps. When the season calls, agriculture's plant responds and the industry must accommodate to that schedule. Thus, we are terribly susceptible and need shelter from lengthy strikes resulting from disagreements in which we have no role in either the cause or the solution. It is our hope that these hearings will lead to the eventual passage of legislation similar to S.3232. We specifically cite two features as being necessary in any remedial legislation:

A. It should include regional application of its emergency definition.

B. It should contain a final determination tool such as the "final offer" concept.

We appreciate the opportunity to appear with testimony before the Senate Labor Subcommittee.

U.S. GRAIN EXPORTS

[Data in one thousand bushels]

	Marketing year [1]		
	July 1, 1970 to Mar. 12, 1971	July 1, 1971 to Mar. 10, 1972	Difference
Wheat	475, 756	360, 419	−115, 337
Barley	58, 335	13, 983	−44, 352
Oats	15, 265	8, 751	−6, 514

	Marketing year [1]		
	Sept. 1, 1970 to Sept. 12, 1971	Sept. 1, 1971 to Mar. 10, 1972	Difference
Soybeans	247, 498	242, 209	−5, 289

	Marketing year [1]		
	Oct. 1, 1970 to Mar. 12, 1971	Oct. 1, 1971 to Mar. 10, 1972	Difference
Corn	241, 917	291, 624	[2] +49, 707
Sorghum	97, 968	43, 619	−54, 349

[1] Marketing year for individual commodities have different starting dates due to different harvest periods.

[2] Corn blight in 1970 severely restricted availability for export during that marketing year.

WHEAT EXPORTS, BY CLASS, FROM PACIFIC NORTHWEST PORTS

[Data in million bushesl]

	Marketing year		
	July 1, 1970, to Feb. 28, 1971	July 1, 1971 to Feb. 28, 1972	Difference
White Wheat	77. 6	39. 1	−38. 5
Hard Winter	37. 9	17. 8	−20. 1
Spring	35. 4	14. 2	−21. 2
Durum	1. 3	1. 0	−. 3
Total	152. 2	72. 1	−80. 1

DOCK STRIKE EFFECT ON FARM PRICES

The above chart [not printed in the RECORD] shows the farm price of corn and soybeans from Sept. 15 to Dec. 7, along with indication of various actions involving the "on again-off again" dock strikes. Dec. 7 is the last day plotted since market prices beginning at that time were distorted by serious congressional consideration of increases in price supports and the enactment of a strategic reserve.

Note in the chart that between Sept. 15 and Oct. 1, corn prices fluctuated between 96c and 94c per bushel. On Oct. 1, the dock workers at the major Gulf ports walked off the job. In the next two weeks, corn prices drifted down to about 90c per bushel and then fluctuated around 90c to 92c until Oct. 20. At this time rumors began to fly through the grain trade that action would be taken by the Naional Labor Relations Board to end the strike. An NLRB complaint was filed on Oct. 22 but workers did not return to work until the following week when corn prices immediately responded by increasing to the 94c to 95c range. Prices continued to increase to the $1.00 to $1.01 level in the second week of November. Then on Nov. 13, the dock workers walked off the job. In three market days corn prices fell 6c per bushel. By the 22nd of November rumors began to fly that the "cooling off" provisions of the Taft-Hartley Act would be invoked. On Nov. 23rd corn prices were 98½c per bushel. On Nov. 24, it was announced that the President was beginning the proceedings to invoke the Taft-Hartley Act. Corn immediately jumped to $1.05 per bushel or by some 7c. In the first full week of December, corn had climbed to the $1.10 to $1.11 range.

While the market forces and reactions are somewhat different for soybeans and because the supply-demand balance for soybeans is much tighter than corn which subjects soybeans prices to greater anticipation and speculation, much of the same kind of analysis can be made for soybean prices.

STATEMENT OF JOSEPH HALOW

My name is Joseph Halow, and I am Executive Vice President of Great Plains Wheat, a non-profit regional market development organization representing approximately 400,000 wheat producers in the major wheat producing states in the Mid-West. Our organization was founded and is directed by wheat producers, who decided some thirteen years ago that their responsibility in the wheat industry did not end with wheat production. They decided they might then help a depressed wheat industry by becoming active in export market development. They recognized the fact that domestic demand for wheat remains fairly constant year after year and the most important variable disappearance factor is the export market. They felt they could best help themselves by attempting to develop new foreign outlets and expand existing overseas markets for U.S. wheat.

The efforts have proved to be successful, and during the 12 years of Great Plains Wheat's existence we have seen a very healthy expansion of wheat exports. It is true that there are other factors which have contributed to this expansion, and we cannot nor do we attempt to take credit for all of it, but we are proud to have been a part of this expansion. Prior to Great Plains Wheat's existence U.S. wheat exports had rarely exceeded 500 million bushels annually. In 1966/67 wheat exports reached the peak figure of 867.4 million bushels, and in the 1970/71 marketing year wheat exports totaled 739 million bushels, also a satisfactory figure. Not all the years are this good, however, and in this marketing year wheat exports are now forecast at no more than 575 million bushels, a reduction of 25 million from the previous forecast. Again there are various factors which contribute to this decline in our exports, but one of the most glaring and frustrating has been the dock strike which on the West Coast has run for more than 130 days, exclusive of the 80-odd days cooling-off period as a result of the Taft-Hartley injunction. The effects of the strike on Asian wheat exports are borne out by the following figures:

U.S. WHEAT EXPORTS JULY 1 THROUGH JAN. 31[1]

[In thousands of bushels]

Region	1970–71	1971–72	Percent change
Asia	184,715	128,676	−30.3
Africa and Near East	56,917	63,846	+12.2
Europe	105,142	44,909	−57.3
Latin America	55,532	67,884	+22.2
Total	402,306	305,315	−24.1

[1] Inspections for export, USDA "Grain Market News."

The reduction in sales to the European markets is the result of a much larger than usual grain crop in 1971, greatly reducing Europe's import needs. There were increases in exports to Latin America, Africa and the Middle East, all served from Eastern or Gulf ports, which were closed for nearly 60 days before a Taft-Hartley injunction caused the ports to be opened again. Wheat sales to the Far Eastern markets, serviced from the Pacific Coast, registered a drop of a little over 23% in the first six months of the 1971/72 marketing year, that is, from July 1, 1971 through December 31, 1971 as compared to sales for the same period of time the preceding year. By the end of January, after another month of closed ports on the Pacific Coast, this percentage loss had dropped to over 30%. Our sales performance to this area would have been even worse had not some wheat moved to the Far East from Gulf ports, a longer and more expensive procedure.

The Far Eastern countries have no significant wheat production of their own, and their consumption has been increasing annually. This year they have taken a larger than usual share of their requirements from other wheat exporting countries. These lost sales are irretrievable, and, in themselves, represent a substantial loss to the wheat producer. Of even greater consequence, however, is the foreign buyers' loss of confidence in the United States as a dependable supplier. It is unreasonable to expect that a foreign mill must stop milling wheat and foreign consumers will stop eating wheat products merely because the U.S. is unable to deliver. They look to other sources of supply, and if their experience with the new supplier is good, will undoubtedly continue to buy from these other sources.

There is no shortage of wheat in the world, and other wheat exporting countries would be both willing and able to supply the needs of importers whom we are not able to service. Canada is easily able to supply much larger quantities of the high protein bread wheats and durum, and Australia is able to supply an entire range of wheat qualities, from higher protein wheats to their Fair Average Quality, a semi-hard wheat. Both countries have greatly increased their share of the Far Eastern markets during the West Coast strike.

We have learned early in the game that advertising, without adequate distribution, is of no value and can actually be detrimental. Market promotion is, therefore, of little value unless we can be assured that the merchandise can move to its destination when the demand has been created for it. Our work—indeed, the livelihood of U.S. wheat producers—is dependent on a freely moving transportation system. Strikes which tie up transportation means and the ports through which merchandise must move are highly prejudicial to the agricultural producer. Mr. Harry Bridges, president of the International Longshoremen and Warehousemen's Union on the West Coast, himself stated in testimony recently presented before the House and Senate Labor Committees that agricultural interests were prejudiced as a result of the strike.

The West Coast dock strike is now considered to be ended, following the longshoremen's ratification of the agreement reached between the Union and the Pacific Maritime Association. The strike lasted for 134 days, the longest strike of its kind in U.S. history. The disputants finally reached an agreement under the shadow of legislation passed by both the House and the Senate, requiring only the President's signature, to impose an end to the strike. Public pressure had also built up to the extent that the disputants must have been keenly aware of the fact that some form of action would be taken if they did not arrive at a solution themselves.

This was only the second strike in the Pacific Coast ports in 26 years. The East Coast and Gulf ports have been closed by strikes every two or three years, each time the contracts come up for renewal. The East Coast and Gulf Ports strike began this year on October 1, 1971. The Taft-Hartley injunction was invoked on November 27, 1971. It was due to expire on February 14, 1972, but was extended voluntarily for another 30 days by the International Longshoremen's Association, on the verge of a solution which could not have been completed by that time, and under public and Congressional pressure.

The last strike of the East Coast and Gulf ports longshoremen began September 30, 1968. The strike lasted 113 days from the time it began until the last of the ports was reopened on April 13, 1969, exclusive of the 80-day Taft-Hartley injunction which was invoked shortly after the strike began. Wheat exports to areas serviced from these ports registered a drop of over 20% in the 1968/69 marketing year as compared to export figures for the preceding year.

This drop in sales is shown in the following chart, with export figures for the 1967/68 and 1968/69 marketing years;

U.S. WHEAT EXPORTS (ASIAN MARKETS EXCLUDED)[1]

[In thousands of bushels]

	Africa and Near East	Latin America	Europe	Total
1967–68	60,507	112,917	80,203	253.627
1968–69	37,883	89,634	72,632	200,149
Difference				−53,478
Percent decline				−21.1

[1] Inspections for export, USDA "Grain Market News."

Unless something happens to change the pattern, we can look forward to the strong possibility of another strike when the contracts now being negotiated on the East Coast and Gulf ports expire in two or three years, depending on the length of time for which the contracts are written. The wheat producer cannot afford this. He is seeing his own efforts and the efforts of all the others who have worked to build up foreign markets negated by transportation tie-ups which prohibit delivery of the merchandise he is trying to place on the world markets. The wheat producer is exerting great efforts and spending large sums of his own money trying to build up these markets, and anything which impedes the free flow of merchandise is a costly frustration.

When he returned recently from a trip into the major wheat importing countries as part of a five-man group, Great Plains Wheat President Dean Parsons reported that the major marketing problems they encountered was the dock strike. He stated that throughout the trip they noted over and over again the buyers' reluctance to purchase U.S. wheats during the dock strike crisis. "In each country we visited wheat buyers told us they were forced to look to other sources because they did not have sufficient storage capacity to carry them while the U.S. worked out its labor problems," Mr. Parsons reported. He added that some of the flour mills have only enough storage to operate for 20 days and must be assured of a steady flow of supplies. The long dock tie-up has severely shaken their confidence in the U.S. as a dependable supplier.

The wheat producer remains very sympathetic to the desire of the longshoremen to improve their own situation, and their right to strike is a freedom which he too has felt should not be denied them. There should, however, be protection for other sectors of the economy, when their freedom and economic interests are prejudiced through no action or fault of their own.

Legislation covering mediation of strikes would provide such protection. It should also provide a means by which the striking factions themselves can arrive at a solution when other means fail, in instances when solutions cannot be reached within a reasonable period of time. It will also free them of the responsibility of maintaining an action which in the long run can be of benefit to no one. For in the end, when strikes are extended as long as the current West Coast strike, everyone loses.

This latter point has been vividly brought out by statements recently made by the AFL–CIO maritime unions, pointing out that the unions have themselves suffered as a result of the strikes. They point out that part of the problem of the loss of business by American-flag ships to foreign carriers is labor instability. This then represents a real loss also to labor. These unions are suggesting voluntarily to end strikes. Certainly legislation would help in future instances to buttress this argument, for it can serve as an instrument which the union leaders may themselves use when all else fails. The authority of such legislation would provide a means to which no one would have to resort when the union leaders deal as responsibly as they apparently wish.

REPORTS CONCERNING FOREIGN CURRENCIES AND U.S. DOLLARS

Mr. ELLENDER. Mr. President, in accordance with the Mutual Security Act of 1954, as amended, I ask unanimous consent to have printed in the RECORD the reports of several committees of the Senate, certain joint committees, and parliamentary bodies concerning the foreign currencies and U.S. dollars utilized by them in calendar year 1971 in connection with foreign travel.

There being no objection, the reports were ordered to be printed in the RECORD, as follows:

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON AGRICULTURE AND FORESTRY, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

		Lodging		Meals		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Jack Miller:											
Venzuela	Bolivars	840	187.89	578.45	128.72			32.50	7.27	1,450.95	323.88

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$323.88
Total	323.88

HERMAN E. TALMADGE,
Chairman, Agriculture and Forestry.

Mar. 17, 1972.

REPORT OF EXPENDITURE OF FOREIGN CURRENICES AND APPROPRIATED FUNDS BY THE COMMITTEE ON APPROPRIATIONS, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

		Lodging		Meals		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Senator Gordon Allott:											
Germany	D. mark		39.51		19.75		640.94		6.59		706.79
France	F. franc		41.04		20.52		17.71		6.84		86.11
United Kingdom	Pounds		61.56		30.78		8.92		10.26		111.52
Senator Allen J. Ellender:											
New Zealand	N. Z. dollar							170	200.00	170	200.00
Australia	A. dollar							43	50.00	43	50.00
Ceylon	Rupees							919	150.00	919	150.00
Lebanon	L. pound							630	200.00	630	200.00
France	F. franc							783	150.00	783	150.00
India	Rupees						2,532				2,532.00
Senator Hiram L. Fong:											
Nigeria	Pound					95.67	268.04	4.94	14.00	100.61	282.04
Nigeria	U.S. dollar		14.30						2.40		16.70
Congo	Zaire	13.83	27.67	11.95	23.90	134.13	408.82	35.61	71.24	195.52	531.63
Zambia	Kwacha			4.50	6.30	78.52	11.09	11.00	15.40	94.02	32.79
Tanzania	Shilling	547.19	78.17	41.37	5.91	2,827.44	396.77	756.96	107.99	3,472.96	588.84
Kenya	Shilling	672.00	96.00	49.21	7.03	693.33	97.19	678.79	96.97	2,093.33	297.19
Burundi	Francs					138.88	1.61			138.88	1,61
Burundi	U.S. dollar		20.00		4.40				75.60		100.00
Ethiopia	E. dollar	110.30	44.12	29.25	11.70	386.66	155.85	367.06	147.22	893.27	358.89
Egypt	Pound	12.22	22.00	2.15	3.88	8.85	15.93	31.17	56.12	54.39	97.93
Israel	Pound	210.00	60.00	67.20	19.20	274.65	78.47	169.08	48.31	720.93	205.98
Tunisia	Dinar	30.00	60.00	4.15	8.31			17.95	31.69	52.10	100.00
Botswana	Rand							70.00	10.00	70.00	100.00
Senator Ernest F. Hollings:											
Finland (4.140/1)	Marks	294.75	71.20	119.25	28.80	319	77.01			733.00	177.01
Sweden (5.075/1)	SW kroner	458.00	90.27	196.00	38.62	494.35	97.92	55.82	11.00	1.204.17	237.81
Norway (6.87/1)	N. kroner	950.11	138.30	282.98	41.19	540.56	76.13			1.773.65	255.62
Denmark (7.35/1)	D. kroner	684.87	93.18	358.97	48.84			51.45	7.00	1.095.29	149.02
Italy (616/1)	Lire	147,433.00	239.34	986.51	160.14	106,223.00	172.44	42,386.00	68.81	3,946.71	640.70
Morocco (5.02/1)	Dirhan	274.29	44.68	175.70	35.00	75.30	15.00	139.81	27.85	615.10	122.53
Israel	Pounds		370.44		185.22				61.74		617.40
Germany	D. marks					5.511.23	1.561.25			5,511.23	1,561.25
UAR							20.22		10.26		30.48
Portugal			120.00		60.00				20.00		200.00
Senator Roman L. Hruska:											
Germany	Marks					4,001	1,184.00			4,001	1,184.00
Finland	Markas		90.00		45.00				15.00	624	150.00
Netherlands	Guilders		118.00		59.00	475	134.00		20.00	1,175	331.00
Switzerland	Francs		60.00		30.00	130	32.00		10.00	535	132.00
United Kingdom	Pounds		180.00		90.00	133	321.00		119.00	293	710.00
Austria	Shillings		120.00		60.00	4,610	186.00		20.00	9,574	386.00
Belgium	Francs		90.00		45.00	15,634	324.00		15.00		474.00
Senator Gale W. McGee:											
Nigeria	Pound					95.67	268.04	19.70	56.00	115.37	324.04
Nigeria	U.S. dollar		14.30		2.00				34.93		51.23
Congo	Zaire	13.84	27.67	11.95	23.90	134.13	408.82	71.07	142.17	230.99	602.56
Zambia	Kwacha					78.52	11.09	70.00	100.00	148.52	111.09
Zambia	U.S. dollar		46.00		10.79						56.79
Tanzania	Shilling	547.19	78.17	75.67	10.81	2,827.44	396.77	1,184.10	169.01	4.634.40	654.76
Kenya	Shilling	637.00	91.00	49.21	7.03	693.33	697.19	591.01	1,184.43	1,970.55	279.65
Burundi	Francs					138.88	1.61			138.88	1.61
Burundi	U.S. dollar		20.00		4.40				75.60		100.00
Ethiopia	E. dollar					386.66	155.85	506.61	203.04	893.27	358.89
Ethiopia	U.S. dollar		79.52		17.92						97.44
Egypt	Pound					8.85	15.93	56.66	102.00	65.51	117.93
Egypt	U.S. dollar		40.00		7.85				1.52		49.37
Israel	Pound	192.50	50.00	57.68	16.48	274.65	78.47	187.32	53.52	712.15	198.47
Tunisia	Dinar							52.10	100.00	52.10	100.00
Tunisia	U.S. dollar		70.00		29.55						99.55
Senator Charles H. Percy:											
Belgium	B. Franc	1,285	25.70	1,600	32.00	1,300	26.00	815	16.30	5,000	100.00
Belgium	U.S. dollar						877.00				877.00
John B. Childers:											
Belgium	Franc	6,300	126.00	4,375	87.50	10,744	216.51	302	6.04	2,172	436.05
Netherlands	Guilder					3,208.05	893.61			3,208.05	893.61
Staff Sergeant Leroy E. Cullen (USAF escort):											
Nigeria	Pound					95.67	268.04			95.67	268.04
Congo	Zaire					130.38	401.32	.61	1.24	130.99	402.56
Zambia	Kwacha					78.52	11.09			78.52	11.09
Tanzania	Shilling					2,827.44	396.77	56.96	7.99	2,884.40	404.76
Kenya	Shilling					693.33	97.19			693.33	97.19
Burundi	Francs					138.88	1.61			138.88	1.61
Ethiopia	E. dollar					386.66	155.85	131.61	53.04	518.27	208.89
Egypt	Pound					8.85	15.93	1.11	2.00	9.96	17.93
Israel	Pound					274.65	78.47			274.65	78.47

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Lt. Col. Robert A. Delmar (USAF escort):											
Nigeria	Pound					95.67	268.04			95.67	268.04
Congo	Zaire					130.38	401.32	.61	1.24	130.99	402.56
Zambia	Kwacha					78.52	11.09			78.52	11.09
Tanzania	Shilling					2,827.44	396.77	56.96	7.99	2,884.40	404.76
Kenya	Shilling					693.33	97.19			693.33	97.19
Burundi	Francs					138.88	1.61			138.88	1.61
Ethiopia	E. dollar					386.66	155.85	131.61	53.04	518.27	208.89
Egypt	Pound					8.85	15.93	1.11	2.00	9.96	17.93
Israel	Pound					274.65	78.47			274.65	78.47
Cpt. Philip R. Reid (USAF medical officer):											
Nigeria	Pound					95.67	268.04			95.67	268.04
Congo	Zaire					130.38	401.32	.61	1.24	130.99	402.56
Zambia	Kwacha					78.52	11.09			78.52	11.09
Tanzania	Shilling					2,827.44	396.77	56.96	7.99	2,884.40	404.76
Kenya	Shilling					693.33	97.19			693.33	97.19
Burndi	Francs					138.88	1.61			138.88	1.61
Ethiopia	E. dollar					386.66	155.85	131.61	53.04	518.27	208.89
Egypt	Pound					8.85	15.93	1.11	2.00	9.96	17.93
Israel	Pound					274.65	78.47			274.65	78.47
Vorley M. Rexroad:											
Nigeria	Pound					95.67	268.04			95.67	268.04
Nigeria	U.S. dollar		29.30		6.10				2.40		37.80
Congo	Zaire	9.33	18.67	13.70	27.40	135.38	411.32	48.61	97.24	207.02	554.63
Zambia	Kwacha	32.14	45.00	13.80	19.33	78.52	11.09	25.47	35.67	149.93	111.09
Tanzania	Shilling	547.19	78.17	41.37	5.91	2,827.44	396.77	798.40	113.91	4,214.40	594.76
Kenya	Shilling	644.00	92.00	50.26	7.18	693.33	97.19	530.74	75.82	1,918.33	272.19
Burundi	Francs					138.88	1.61			138.88	1.61
Burundi	U.S. dollar		10.00		7.27				82.73		100.00
Ethiopia	E. dollar	92.55	37.02	41.75	16.70	386.66	155.85	356.61	143.04	877.57	352.61
Egypt	Pound	16.66	30.00	2.85	5.14	8.85	15.93	26.58	47.86	54.94	98.93
Israel	Pound	175.00	50.00	49.42	14.12	274.65	78.47	147.00	42.00	646.07	184.59
Tunisia	Dinar	25.00	50.00	6.56	13.12			18.44	36.88	52.10	100.00
Michael A. Samuels (State Department):											
Nigeria	Pound					95.67	268.04			95.67	268.04
Congo	Zaire					130.38	401.32	.61	1.24	130.99	402.56
Zambia	Kwacha					78.52	11.09			78.52	11.09
Tanzania	Shilling					2,827.44	396.77	56.96	7.99	2,884.40	404.76
Kenya	Shilling					693.33	97.19			693.33	97.19
Burundi	Francs					138.88	1.61			138.88	1.61
Ethiopia	E. dollar					386.66	155.85	131.61	53.04	518.27	208.89
Egypt	Pound					8.85	15.93	1.11	2.00	9.96	17.93
Israel	Pound					274.65	78.47			274.65	78.47
Ralph E. Vandervort (Peace Corps):											
Nigeria	Pound					95.67	268.04			95.67	268.04
Congo	Zaire					130.38	401.32	.61	1.24	130.99	402.56
Zambia	Kwacha					78.52	11.09			78.52	11.09
Tanzania	Shilling					2,827.44	396.77	56.96	7.99	2,884.40	404.76
Kenya	Shilling					693.33	97.19			693.33	97.19
Burundi	Francs					138.88	1.61			138.88	1.61
Ethiopia	E. dollar					386.66	155.85	131.61	53.04	518.27	208.89
Egypt	Pound					8.85	15.93	1.11	2.00	9.96	17.93
Israel	Pound					274.65	78.47			274.65	78.47
Total			3,498.30		1,460.99		20,849.82		4,089.75		29,897.83

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$28,738.26
Appropriated funds:	
Government Department: Department of Defense	1,159.57
Total	29,897.83

Mar. 11, 1972.

ALLEN J. ELLENDER,
Chairman, Committee on Appropriations.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON ARMED SERVICES, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Col. William B. Arnold:											
Hong Kong	Dollars	810.00	134.94	459.40	76.66			92.60	17.60	1,362.00	229.20
Thailand	Bahts	1,800.00	86.46	900.00	43.23	160.00	7.68	263.00	12.63	2,123.00	150.00
Vietnam	Piastres	34,583.00	125.76	34,780.00	126.47			12,137.00	44.13	81,500.00	296.36
Germany	German mark					14,027.33	3,918.04			14,027.33	3,918.04
Laos	Kips	11,272.00	22.37	4,310.00	8.55			3,818.00	7.57	19,400.00	38.49
Senator Lloyd Bentsen:											
Hong Kong	Dollars	600.00	100.00	180.00	31.00	150.10	24.68	5.00	1.44	935.10	157.12
Thailand	Bahts	1,800.00	86.46	900.00	43.23	160.00	7.68	263.00	12.63	3,123.00	150.00
Vietnam	Pastres	13,750.00	50.00	2,500.00	9.09					16,250.00	59.09
Germany	German mark					6,908.87	1,901.48			6,908.87	1,901.48
Senator Harry Byrd:											
Morocco	Dirhams	261.67	51.72	70.59	12.00			62.74	9.59	295.00	73.31
Spain	Pesetas	3,688.00	52.99							3,688.00	52.99
United Kingdom	Pounds	30.78	72.63	6.36	15.00	74.30	178.31	1.89	7.29	113.33	273.23
Belgium	Francs	2,429.00	48.58	899.00	19.42			503.00	8.06	3,831.00	76.02
Germany	German mark					3,595.62	990.53			3,595.62	990.53
Charles J. Conneely:											
Germany	German mark	412.80	129.00	672.00	210.00	12.80	4.00	140.80	44.00	1,238.40	387.00
Italy	Lire	33,735.00	54.15	37,380.00	60.00			9,875.00	15.85	80,990.00	130.00
Spain	Pesetas	3,924.00	65.40	3,240.00	54.00			396.00	6.60	7,560.00	126.00
United Kingdom	Pounds	13.00	32.50	10.40	26.00			7.00	17.50	30.40	76.00
Belgium	Francs	2,700.00	57.45	4,089.00	87.00			1,624.00	34.55	8,413.00	179.00

Footnote at end of table.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON ARMED SERVICES, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971—Continued

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Ben J. Gilleas:											
Germany	German mark	412.80	129.00	723.20	226.00	19.20	6.00	179.20	56.00	1,334.40	417.00
Italy	Lire	46,289.00	74.30	37,380.00	60.00	12,047.00	19.34	9,781.00	15.70	105,497.00	169.34
Spain	Pesetas	3,882.00	64.70	3,240.00	54.00	120.00	2.00	678.00	11.30	7,920.00	132.00
United Kingdom	Pounds	13.00	32.50	12.40	31.00	65.23	159.29	7.00	17.50	97.63	240.29
Belgium	Francs	2,700.00	57.45	4,230.00	90.00	188.00	4.00	1,859.00	39.55	8,977.00	191.00
John A. Goldsmith:											
Vietnam	Piastres	17,500	63.64	16,200	58.91			4,550	16.54	38,250	139.09
Laos	Kips	18,660	37.02	4,300	8.53			4,440	8.81	27,400	54.36
Germany	DM					7,118.46	2,016.56			7,118.46	2,016.56
Hong Kong	Dollars	210	34.94	200	33.28			72	12.73	482	80.95
Lt. Col. Thomas McGuire:											
India	Rupees	76	10.00	76	10.00	76	10.00	152	20.00	380	50.00
Hong Kong	Dollars	598	100.00	299	50.00					897	150.00
Japan	Yen	18,000	50.00	9,000	25.00	3,600	10.00	5,400	15.00	36,000	100.00
Vietnam	Piastres	2,750	10.00	5,500	20.00	1,375	5.00	6,585	23.95	16,210	58.95
France	Francs	331.08	60.00	110.36	20.00	55.18	10.00	55.18	10.00	551.80	100.00
Germany	DM	762.3	210.00	163.35	45.00	9,808.94	2,700.47	163.35	45.00	10,897.94	3,000.47
United Kingdom	Pounds	80	196.00	40	98.00	3.96	6.00	.86	2.06	124.82	302.06
Belgium	Francs	2,500	50.00	1,500	30.00	500	10.00	500	10.00	5,000	100.00
Wade Clarke:											
Vietnam	Piastres	29,700	108.00	10,145	36.75			3,735	13.72	43,580	158.47
Hong Kong	Dollars	236.81	39.60	383.31	64.10	69.97	11.70	117.21	19.60	807.30	135.00
Bruma	Kyats	396.14	72.25	369.13	72.24					738.27	144.49
Thailand	Bahts	1,672.24	80.30	1,926.10	92.50	244.41	11.70	593.90	28.50	4,436.65	213.00
United Kingdom	Pounds	14.20	34.80	10.10	26.30	3.30	8.30	6.90	17.60	34.50	87.00
Khmer Republic	Riels	515	9.30	855	15.30			402	7.22	1,722	31.82
India	Rupees	107.13	14.10	205.96	27.10	16,814.10	2,212.38	36.48	4.80	17,163.67	2,258.38
Laos	Kips	11,239	22.20	22,887	45.50			2,024	4.03	36,150	71.73
Brig. Gen. Robert G. Gard:											
Vietnam	Piastres	37,950	138.00	26,950	98.00			14,850	54.00	79,650	290.00
Hong Kong	Dollars	484.5	81.00	311.00	52.00			101.5	17.00	897	150.00
Thailand	Bahts	1,124.53	54.00	687.23	33.00			270.74	13.00	2,082.50	100.00
Maj. Charles Hoff:											
Vietnam	Piastres	30,771	111.89	19,089	69.42					49,860	181.31
Hong Kong	Dollars	469.90	78.58	237.10	39.65					707	118.23
Burma	Kyats	511	100.00	227.27	44.49					738.27	144.49
Thailand	Bahts	2,412.30	115.84	1,561.85	75.00			987.10	47.40	4,961.25	238.24
United Kingdom	Pounds	18.20	45.05	11.20	27.72					29.40	72.77
Khmer Republic	Riels	1,053.15	19.15	825	15.00			575.85	10.47	2,454	44.62
Laos	Kips	14,557	28.88	6,552	13.00			21,891	43.44	43,000	85.32
India	Rupees	328	40.00	82	10.00					410.00	50.00
Park Rinard:											
Vietnam	Piastres	29,700	108.00	15,645	56.75			15,705	57.25	61,050	222.00
Hong Kong	Dollars	236.81	39.60	413.21	69.10	100.30	16.69	246.98	41.30	997.30	166.69
Burma	Kyats	369.14	72.25	369.13	72.24					738.27	144.49
Thailand	Bahts	1,672.24	80.30	2,134.35	102.50	1,240	59.56	1,019.66	50.40	6,066.25	292.76
United Kingdom	Pounds	14.20	34.80	12.10	31.25	17.72	42.92	1.60	3.10	45.62	111.98
Khmer Republic	Riels	515	9.30	1,405	25.30	3,000	54.55	1,383	25.45	6,303	114.60
India	Rupees	107.13	14.10	228.76	30.10	16,814.10	2,212.38	74.11	5.80	17,224.10	2,262.38
Laos	Kips	11,239	22.20	27,927	55.50			22,450	44.55	61,616	122.25
Richard J. Wise:											
Vietnam	Piastres	32,175	117.00	20,500	74.55			5,075	18.45	57,750	210.00
Hong Kong	Dollars	508	85.00	299	50.00	23	3.75	42	7.05	872	145.80
Burma	Kyats	370	72.25	370	72.25					740	144.50
Thailand	Bahts	25,120	121.00	1,450	65.00			140	6.70	26,170	192.70
United Kingdom	Pounds	9	22.17	6	14.85			5.45	13.48	20.45	50.50
Khmer Republic	Riels	1,055	19.30	950	17.30			215	3.76	2,220	40.36
India	Rupees					16,814.10	2,212.38			16,184.10	2,212.38
Laos	Kips	14,868	29.50	11,070	20.50	1,260	2.50	10,652	20.42	37,850	72.92
Sen. William B. Saxbe:											
Pakistan	Rupees			200	40.00	440	88.00	360	72.00	1,000	200.00
India	Rupees	76	10.00	988	130.00	2,082.4	274.00	2,781.6	366.00	5,928	780.00
Hong Kong	Dollars	598	100.00	299	50.00	91.80	15.25			988.80	165.25
Japan	Yen	27,000	75.00	9,000	25.00	30,288	84.13			66,288	184.13
Vietnam	Piastres	2,750	10.00	27,500	100.00	2,750	10.00	8,250	30.00	41,250	150.00
Germany	Deutsche Marks	363	100.00	181.5	50.00	6,988.27	1,925.15	181.5	50.00	7,714.27	2,125.15
Total			4,684.67		3,690.63		21,236.40		1,639.98		31,251.68

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN C. STENNIS,
Chairman, Committee on Armed Services.

Mar. 10, 1972.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS, U. S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency[1]	Foreign currency	U.S. dollar equivalent or U.S. currency[1]	Foreign currency	U.S. dollar equivalent or U.S. currency[1]	Foreign currency	U.S. dollar equivalent or U.S. currency[1]	Foreign currency	U.S. dollar equivalent or U.S. currency[1]
John R. Evans:											
Japan	Yen	16,794	46.65	22,590	62.75			6,480	18.00	45,864	127.40
Korea	Won	9,184	28.55	12,000	37.30			5,600	17.40	26,780	83.25
Thailand	Bahts	640	30.73	500	24.00			430	20.65	1,570	75.38
India	Rupees	239.4	31.50	32.3	4.25			57.0	7.50	328.7	43.25
Israel	Pounds	163.45	46.70	49.87	14.25			43.75	12.50	257.07	73.45
Hong Kong	Hong Kong Dollars	403.20	67.20	174.00	29.00			142.50	23.75	719.70	119.95
Germany	Deutsche marks					7,850.70	2,162.73			7,850.70	2,162.73
Total			251.33		171.55		2,162.73		99.80		2,685.41

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Dudley L. O'Neal, Jr.:											
Japan	Yen	16,794	46.65	24,660	68.50	19,156	53.21	9,540	26.50	70,150	194.86
Korea	Won	9,184	28.55	11,840	36.80			6,080	18.90	27,104	84.25
Thailand	Bahts	640	30.73	696	33.42			480	23.05	1,816	87.20
India	Rupees	239.40	31.50	72.20	9.50			64.60	8.50	376.20	49.50
Israel	Pounds	163.45	46.70	64.75	18.50	153.60	43.89	65.62	18.75	447.42	127.84
Germany	Deutsche marks					7,850.70	2,162.73			7,850.70	2,162.73
Hong Kong	HK dollars	403.20	67.20	250.15	41.75			135.00	22.50	788.35	131.45
Subtotal			251.33		208.47		2,259.83		118.20		2,837.83
Stephen J. Paradise:											
France	Francs	991.80	180.00	661.20	120.00	467.60	84.51			2,120.60	384.51
Germany	Deutsche marks	612.00	180.00	408.00	120.00	135.20	38.30			1,155.20	338.30
Netherlands	Guilders	412.80	120.00	275.20	80.00	3,171.85	926.09			3,859.85	1,126.09
Belgium	Belgian franc	4,320.00	90.00	2,880.00	60.00	1,161.00	24.04			8,361.00	174.04
Subtotal			570.00		380.00		1,072.94				2,022.94
Senator Wallace F. Bennett:											
Germany	Deutsche marks	697	200.00	174	50.00			174	50.00	1,045	300.00
Peru	Soles	9193.27	212.31			4966.73	114.11			14,160	326.42
Subtotal			412.31		50.00		114.11		50.00		626.42
Senator Adlai E. Stevenson III:											
Hong Kong	HK dollars	371.00	62.04	184,00	30.77	153.05	25.47	15.00	2.51	570.00	120.79
Thailand	Bahts	1308.30	62.82	100.00	4.80			88.95	4.27	1497.25	71.89
Vietnam	Piastres	31,503	114,56	22,100	80.36			2247.00	8.17	55,850	203.09
Japan	Yen	9,092	25.26	4,546	12.63	30,312	90.08	362	1.02	14,000	128.99
Soviet Union	Rubles			40.00	44.44			225.00	250.00	265.00	294.44
Germany	Deutsche marks					6027.08	1782.63			6027.08	1,782.63
Subtotal			264.68		173.00		1898.18		265.97		2,601.83
Thomas J. Wagner:											
Hong Kong	HK dollars	418,10	69.92	207.70	34.72			15	2.51	640.70	107.15
Thailand	Bahts	1,244.20	59.75	100.00	4.80			39.25	1.89	1,383.45	66.44
Vietnam	Piastres	31,525	114,64	17,500	63.64			8,470.00	30.80	57,495	209.08
Japan	Yen	28,168	78.24	3,001	8.34			1,831.00	5.09	33,000	91.67
Soviet Union	Rubles			60.00	66.67			225.00	250.00	285.00	316.67
Germany	Deutsche marks					5,926.62	1,752.92			5,926.62	1,752.92
Subtotal			322.55		178.17		1,752.92		290.29		2,543.93
Carl A. S. Coan:											
Mexico	Pesos	380.00	30.42	563.50	45.11	92.75	7.52	51.25	4.10	1,088.50	87.15
Guatemala	Quetzales	182.25	182.25	82.25	82.25	2.50	2.50	33.00	33.00	300.00	300.00
Switzerland	Francs	414.00	75.00	113.16	20.50	24.84	4.50			522.00	100.00
France	Francs	1,152.00	290.54	618.36	155.96	18.24	4.60	193.88	48.90	1,982.50	500.00
Germany	Deutsche marks					2,589.64	713.54			2,589.64	713.54
Subtotal			578.21		303.82		732.66		86.00		1,700.69
Total			2,650.41		1,465.01		9,993.37		910.26		15,019.05

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

Foreign currency (U.S. dollar equivalent)	$15,019.05
Total	15,019.05

JOHN SPARKMAN,
Chairman, Committee on Banking, Housing and Urban Affairs.

Mar. 13, 1972.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON THE DISTRICT OF COLUMBIA, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Thomas F. Eagleton:											
Canada	Dollars		104.00		80.00				16.00		200.00
Netherlands	Guilders					546.42	167.00			546.42	167.00
Total			104.00		80.00		167.00		16.00		367.00

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

THOMAS F. EAGLETON,
Chairman, Committee on the District of Columbia.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON FINANCE, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Senator Bennett: France	Guilders					3,113.45	875.06			3,113.45	875.06
	Franc	537.30	97.51	66.70	11.84	1,062.63	192.86			1,666.63	301.40
Subtotal			97.51		11.84		1,067.92				1,176.46

Footnote at end of table.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON FINANCE, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971—Continued

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Senator Fannin:	Guilders					3,201.00	934.60			3,201.00	934.60
	Franc	1,104.00	200.00	663.50	120.15	2,415.93	436.64	164.50	29.85	4,347.93	786.64
Subtotal			200.00		120.15		1,371.24		29.85		1,721.24
Senator Hansen: France	Guilders					3,566.00	1,002.25			3,566.00	1,002.25
	Franc	537.30	97.51	567.42	102.98	1,512.55	274.51	56.70	10.29	2,673.97	485.29
Subtotal			97.51		102.98		1,276.76		10.29		1,487.54
Senator Harris:											
Soviet Union	Rubles	55.49	61.04	25.00	27.50			3.64	4.00	84.13	92.54
Romania	Lei	1,382.40	77.58	900.00	50.50			390.60	21.92	2,673.00	150.00
Hungary	Forints	1,866.50	62.22	2,000.00	66.66			2,133.50	71.12	6,000.00	200.00
Czechoslovakia	Crown	922.00	64.25	600.00	41.81			630.50	43.94	2,152.50	150.00
Poland	Zlotys	277.00	4.26	500.00	7.69			2,123.00	32.67	2,900.00	44.62
United Kingdom	Pounds	41.32	99.17							41.32	99.17
Transportation	Marks					4,505.46	$1,231.00			4,505.46	1,231.00
Subtotal			388.52		194.16		1,231.00		173.65		1,967.33
Fred Gipson:											
Soviet Union	Rubles	52.63	57.90	25.00	27.50			3.64	4.00	81.27	89.40
Romania	Lei	1,207.80	67.78	900.00	50.50			565.20	31.72	2,673.00	150.00
Hungary	Forints	1,812.00	60.40	2,000.00	66.66			2,188.00	72.94	6,000.00	200.00
Czechoslovakia	Crown	422.50	29.44	600.00	41.81			1,130.00	78.75	2,152.50	150.00
Poland	Zlotys	277.00	4.26	500.00	7.69			5,023.00	77.28	5,800.00	89.23
United Kingdom	Pounds	30.00	72.00	11.32	27.17					41.32	99.17
Transportation	Marks					4,505.46	$1,231.00			4,505.46	1,231.00
Subtotal			291.78		221.33		1,231.00				2,008.80
C. W. Maynes:											
Soviet Union	Rubles	50.95	56.05	25.00	27.50			3.64	4.00	79.59	87.55
Romania	Lei	1,336.40	75.01	900.00	50.50			436.60	24.49	2,673.00	150.00
Hungary	Forints	2,574.40	85.81	2,000.00	66.66			1,425.60	47.53	6,000.00	200.00
Czechoslovakia	Crown	422.50	29.44	600.00	41.81			1,130.00	78.75	2,152.50	150.00
Poland	Zlotys	277.00	4.26	500.00	7.69			3,673.00	56.50	4,060.00	68.45
United Kingdom	Pound	30.00	72.00	11.32	27.17					41.32	99.17
Transportation	Marks					4,505.46	1,231.00			4,505.46	1,231.00
Subtotal			322.57		221.33		1,231.00		211.27		1,986.17
Senator Long:											
France	Guilders					3,201.00	899.66			3,201.00	899.66
	Franc	1,521.50	277.91	982.38	178.28	1,899.08	344.67	30.31	5.50	443.27	804.92
Subtotal			27.991		178.28		1,244.33		5.50		1,704.58
Robert Best:											
France	Guilders					3,201.00	899.66			3,201.00	899.66
	Franc	671.00	121.77	629.80	113.94	2,396.55	433.14	82.20	14.91	3,779.55	683.76
Total			121.77		113.94		1,332.80		14.91		1,583.42
Senator Abraham Ribicoff:											
United Kingdom	Pound	106.26	255.00	75.01	180.00			29.17	70.00	210.43	505.00
France	Franc	2,282.90	413.57	1,335.84	442.00	1,617.43	293.55	276.00	50.00	5,512.17	999.12
Belgium	Franc			1,250.00	25.00	581.00	11.70	1,250.00	25.00	3,081.00	61.70
Romania	Lei	1,269.90	70.55	720.00	40.00			270.00	15.00	2,259.90	125.55
Hungary	Forints	1,753.20	58.44	1,950.00	95.00	1,715.20	57.17	1,110.00	57.00	6,528.40	267.61
Transportation	Franc					4,025.00	1,121.33			4,025.00	1,121.33
	Mark					3,099.21	853.30			3,099.21	853.30
Total			797.56		582.00		2,337.05		217.00		3,933.61
M. J. Amitay:											
France	Franc	514.00	93.28	761.76	138.00	1,727.95	313.61	375.36	68.00	3,379.07	613.61
Romania	Lei	1,369.00	76.07	720.00	40.00			162.00	9.00	2,251.26	125.07
Hungary	Forint	3,099.70	103.32	3,060.00	102.00			1,050.00	35.00	7,206.90	240.23
Transportation	Guilders					4,088.00	$1,148.96			4,088.00	1,148.96
Total			272.67		280.00		1,462.57				2,127.24

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$119,696.39
Grand total	19,696.39

RUSSELL B. LONG,
Chairman, Committee on Finance.

Mar. 9, 1972.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON GOVERNMENT OPERATIONS, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency[1]	Foreign currency	U.S. dollar equivalent or U.S. currency[1]	Foreign currency	U.S. dollar equivalent or U.S. currency[1]	Foreign currency	U.S. dollar equivalent or U.S. currency[1]	Foreign currency	U.S. dollar equivalent or U.S. currency[1]
Laverne J. Duffy:											
Germany	Deutsche Mark	1,183.68	360.00	1,332.00	405.00	227.22	69.00	1,070.64	325.00	3,813.54	1,159.00
Netherlands	Guilders					4,551.55	1,328.92				1,328.92
Subtotal			360.00		405.00		1,397.92		325.00		2,487.92

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Walter S. Fialkewicz:											
W. Germany	Deutsche Mark	583	186.75	500	200.62	360	115.00	463	151.75	1906	654.12
France	Franc	918	165.36	1047	188.50	324	58.32	400	38.00	2689	450.18
Belgium	B Franc	3627	85.32	4045	87.20	1515	30.30	500	11.10	9687	213.92
England	Pound			1.5	3.45	4.5	10.34	1.5	3.45	7.50	17.24
Netherlands	Guilders					3298	917.00			3298	917.00
Subtotal			437.43		479.77		1130.96		204.30		2252.46
Subtotal			797.43		884.77		2528.88		529.30		4,740.38
Kenneth A. Guenther:											
Mexico	Pesos	340	27.20	1,150	92.00	260	20.80	125	10.00	1,875	150.00
Costa Rica	Pesos	250	20.00	312.5	25.00	62.5	5.00			625	50.00
Costa Rica	Colon	266	40.00	234.5	35.00	98	15.00	66.5	10.00	665	100.00
Subtotal			87.20		152.00		40.80		20.00		300.00
Albert A. Lakeland:											
Canada	Dollars	101.64	101.64	69.00	69.00	21.00	21.00	58.36	58.36	250.00	250.00
Subtotal			101.64		69.00		21.00		58.36		250.00
Wm. M. Knauf:											
Germany	DM	1,183.68	360.00	2,071.86	630.00	1,639.12	498.00	1,175.69	358.00	6,070.35	1,846.00
Netherlands	Guilders					3,298.00	917.00				917.00
Subtotal			360.00		630.00		1,415.00		358.00		2,763.00
Total			548.84		851.00		1,476.80		436.36		3,313.00

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent), Total	$8,053.38

JOHN L. McCLELLAN,
Chairman, Commission on Government Operations.

February 29, 1972.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Charles F. Cook:											
Switzerland	Francs	630.00	155.55	664.95	164.18	52.00	12.84	45.50	11.24	1,392.45	343.81
	Francs					259.05	63.49			259.05	63.49
	Guilders					1,770.25	497.54			1,770.25	497.54
Total											904.84
Senator Ted Stevens:											
Japan	Yen	16,290.00	45.25			4,315.00	11.99	1,300.00	3.61	21,905.00	60.85
Vietnam	Piastres	48,750.00	[2] 177.27							48,750.00	177.27
Germany	Deutsche Marks					3,723.53	1,080.45			3,723.53	1,080.45
Total											1,318.57
Merrill W. Englund:											
Switzerland	Francs		350.00		412.00		150.00		120.00		1,032.00
	Guilders						172.20				172.20
Total											1,204.20
Total, Committee on Interior and Insular Affairs			728.07		576.18		1,988.51		134.85		3,427.61

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[2] Including meals (no breakdown).

HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs.

Mar. 10, 1972

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON THE JUDICIARY, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
deHaan, Dale S.:											
India	Rupees	965.20	127.00	1,003.20	132.00	7,587.02	2,314.08	433.16	56.99	19,988.52	2,630.07
Greece	Drachmas	1,500.00	50.00	1,950.00	65.00			1,050.00	35.00	4,500.00	150.00
Israel	Pounds	535.50	153.00	532.00	152.00	777.25	222.07	152.50	45.00	1,997.25	572.07
Switzerland	Francs	450.74	114.00	470.29	119.00	201.00	49.26	66.47	17.00	1,188.50	299.26
Great Britain	Pounds	29.40	73.00	43.50	108.00			7.66	19.00	80.50	200.00
Total			517.00		576.00		2,585.41		172.99		3,851.40

Footnote at end of table.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON THE JUDICIARY, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971—Continued

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Kennedy, Edward:											
India	Rupees			463.60	61.00	18,107.77	2,382.60	296.40	39.00	18,867.77	2,482.60
Lewis, John P.:											
India	Rupees			1,588.40	209.00	16,043.25	2,110.95	1,030.60	135.61	18,662.25	2,445.56
Italy	Lire	13,083.00	21.00	14,952.00	24.00			3,115.00	5.00	31,150.00	50.00
Total			21.00		233.00		2,110.95		140.61		2,505.56
Mesmer, Fred M.:											
France	Franc					2,916.22	528.88			2,916.22	528.88
Germany	Mark	285.52	86.00	312.08	94.00	2,971.48	878.88	66.40	20.00	3,635.48	1,078.88
Ireland	Pound	45.07	112.50	47.07	117.50	65.00	158.61	8.01	20.00	165.15	408.61
Italy	Lira	78,948.00	129.00	86,292.00	141.00			18,360.00	30.00	183,600.00	300.00
Portugal	Escudo	2,568.18	94.00	2,349.60	86.00			546.42	20.00	5,464.20	200.00
Spain	Peseta	7,363.75	107.50	8,048.75	117.50	11,205.00	161.20	1,712.50	25.00	28,330.00	411.20
Switzerland	Franc	508.80	129.00	556.12	141.00	240.00	59.11	118.33	30.00	1,423.25	359.11
United Kingdom	Pound	26.97	67.50	27.59	69.00	63.39	154.69	5.39	13.50	123.34	304.69
Total			725.50		766.00		1,941.37		158.50		3,591.37
Randall, Donald:											
England	Pounds	56.00	140.00	24.00	60.00					80.00	200.00
Germany	Marks	996.00	300.00	365.20	110.00			298.80	90.00	1,660.00	500.00
Belgium	Francs	1,739.00	37.00	1,880.00	40.00			1,081.00	23.00	4,700.00	100.00
France	Francs	496.80	90.00	331.20	60.00					828.00	150.00
Total			567.00		270.00				113.00		950.00
Scrimshaw, Nevin:											
India	Rupees				81.00	15,517.50	2,041.78	244.31	32.16	16,377.50	2,154.84
Tinker, Jerry M.:											
India	Rupees	1,223.60	161.00	1,580.80	208.00	17,587.02	2,314.08	1,577.41	207.58	21,969.02	2,890.66
Greece	Drachmas	3,060.00	52.00	2,010.00	67.00			930.00	31.00	4,500.00	150.00
Israel	Pounds	392.00	112.00	427.00	122.00			196.00	56.00	1,015.00	290.00
Switzerland	Francs	445.74	114.00	430.10	110.00			101.66	26.00	987.50	250.00
United Kingdom	Pounds	33.46	84.00	41.13	102.00	38.16	92.35	5.64	14.00	118.66	292.35
Total			523.00		609.00		2,406.43		334.58		3,873.01

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. $ equivalent)	$19,408.78
Total	19,408.78

JAMES O. EASTLAND,
Chairman, Committee on the Judiciary

Mar. 21, 1972.

REPORT OF EXPENDITURES OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON LABOR AND PUBLIC WELFARE, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Benjamin Palumbo:											
Sweden	Kroner		75.00		60				15.00	759.39	150.00
United Kingdom	Pounds		125.00		100	274.56	669.99		25.00	101.10	250.00
	Pounds					274.56	669.99			274.56	669.99
Dr. John Stubbs:											
United Kingdom	Pounds	200.00	480.00	150.22	360.55			24.77	59.45	362.35	900.00
United Kingdom	Pounds					52.16	443.79			52.16	443.79
Germany	Deutsche marks					1,442.10	426.53				
Dr. R. Glyn Thomas:											
Denmark	Kroner					367.50	50.00			367.50	50.00
Angelique Voutselas:											
Israel	Pounds	201.00	48.00	193.20	46	6,117.36	1,470.80	25.80	6.00	6,697.36	1,570.80
Sweden	Kroner	308.81	61.00	324.01	64			124.61	25.00	757.13	150.00
United Kingdom	Pounds	52.72	131.00	60.71	149	274.56	669.99	7.92	20.00	395.91	969.99
Richard Wise:											
Austria	Schillings	2,164.00	84.00	1,319	54	129	5.00	180	7.00	3,864	150.00
France	Francs	442.00	80.00	287	52	44	8.00	36	6.56	809	146.56
Dr. John Brun:											
Norway	Kroner					547.16	80.46			547.15	80.46
Edward Campbell:											
Austria	Schilling	772.80	30.00	1,932.00	75.00			2,445.20	95.00	5,150.00	200.00
Germany	Deutsche marks					3,468.22	954.91			3,468.22	954.91
Philip S. Caper:											
Denmark	Kroner	804.00	117.00	215.00	32.00	6.00	1.00			1,025.00	150.00
Finland	Markkas	92.50	22.00	75.00	17.00	10.00	4.00	29.60	7.00	207.10	50.00
Norway	Kroner	180.00	26.00	200.00	29.00	8.00	2.00	300.00	43.00	688.00	100.00
Sweden	Kroner	1,330.00	250.00	600.00	116.00	400.00	77.00	704.74	157.00	3,035.04	600.00
Great Britain	Pounds	32.91	81.00	7.50	17.00	10.00	26.00	10.24	26.00	60.65	150.00
Wade P. Clarke:											
Austria	Schilling	5,924.80	230.00	6,568.80	255.00	1,803.20	70.00	6,646.08	258.00	20,942.88	813.00
Great Britain	Pounds	28.00	67.20	32.30	87.50	9.80	23.15	9.30	22.15	83.30	200.00
Sweden	Kroner	279.70	54.10	374.83	72.50	53.25	10.30	196.98	38.10	904.76	175.00
Germany	Deutsche marks					2,532.17	697.23			2,532.17	697.23
Total			877.30		701.00		1,946.05		646.25		4,170.60

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Jay B. Cutler:											
Austria	Schillings	1, 820. 80	80. 00	1, 024. 20	45. 00	227. 60	10. 00	341. 40	15	3, 414. 00	150. 00
France	Francs	552. 00	100. 00	386. 40	70. 00	82. 80	15. 00	8. 2. 80	15	1, 104. 00	200. 00
Sweden	Kroner	924. 25	175. 00	494. 55	105. 00	94. 20	20. 00	235. 50	50	1, 748. 50	350. 00
United Kingdom	Pounds	85. 55	225. 00	51. 33	135. 00	9. 50	25. 00	24. 71	65	171. 10	450. 00
Germany	Marks	314. 00	010. 00	188. 40	60. 00	1, 972. 86	628. 30	62. 80	20	2, 538. 06	808. 30
Israel	Pounds	1, 164. 80	280. 00	520. 00	125. 00	9, 274. 42	2, 230. 63	187. 20	45	11, 146. 42	2, 680. 63
Nicholas Edes:											
France	Francs	15. 94	88. 00	14. 49	80. 00			5. 79	32	1, 104. 00	200. 00
Netherlands	Guilders	17. 54	63. 00	16. 71	60. 00			7. 52	27	538. 78	150. 00
Sweden	Kroner	16. 27	84. 00	17. 44	90. 00			5. 03	26	1, 034. 00	200. 00
United Kingdom	Pounds	66. 66	160. 00	73. 33	176. 00			26. 66	64	8. 36. 6	400. 00
Germany	Deutsche Marks	19. 23	70. 00	17. 58	65. 00			17. 58	65	728. 00	200. 00
Germany	Deutsche Marks					2, 262. 51	623. 10			2, 262. 51	623. 10
Total			1, 425. 00		1, 011. C0		3, 552. 03		424. 00		6, 412. 03
LeRoy Goldman:											
Germany	Deutsche mark					1, 442. 10	426. 53			1, 442. 10	426. 53
Denmark	Krone	184. 00	25. 00	184. 00	25. 00	814. 00	25. 00	184. 00	25. 00	735. 00	100. 00
Israel	Pound	525. 00	125. 00	315. 00	75. 00	2, 099. 25	499. 82	210. 00	50. 00	3, 149. 25	749. 82
Sweden	Krona	375. 00	75. 00	125. 00	25. 00	125. 00	25. 00	125. 00	25. 00	760. 00	150. 00
United Kingdom	Pound	750. 00	300. 00	500. 00	200. 00	803. 00	1, 958. 71	250. 00	100. 00	1, 045. 31	2, 558. 71
Julian Granger:											
United Kingdom	Pound	54. 00	129. 60	90. 22	216. 50	31. 36	75. 60	11. 79	28. 30	187. 37	450. 00
Sweden	Krona	370. 45	71. 80	496. 91	96. 30	80. 50	15. 60	85. 11	16. 30	1, 032. 97	200. 00
Austria	Schilling	1, 329. 25	51. 12	1, 549. 60	59. 60	348. 40	13. 40	672. 88	25. 88	3, 864. 00	150. 00
Germany	Deutsche mark	204. 93	56. 30	249. 70	68. 60	2, 443. 52	671. 30	44. 04	12. 10	2, 942. 19	808. 30
Robert Harris:											
France	Franc	352. 00	60. 00	174. 00	38. 25					526. 00	98. 25
Netherlands	Guilder	269. 39	75. 00	269. 39	75. 00					538. 78	150. 00
Sweden	Krona	517. 00	100. 00	517. 00	100. 00	1, 403. 00	271. 53			2, 437. 00	471. 53
Total											6, 313. 14
Robert Harris:											
United Kingdom	Pounds	63. 00	157. 50	41. 3. 0	92. 50	200. 47	481. 09			304. 62	731. 09
Austria	Schillings					3, 992. 50	154. 99			3, 992. 50	154. 99
Germany	Deutsche marks	178. 00	42. 00	186. 00	46. 25	2, 249. 44	619. 34			2, 613. 44	707. 59
Senator Harold Hughes:											
Austria	Schillings	2, 679. 04	104. 00	1, 004. 64	39. 00	3, 000. 00	116. 46	1, 466. 32	57. 00	8, 150. 00	316. 46
Germany	Deutsche marks					3, 468. 21	954. 90			3, 648. 21	954. 90
Dr. Sahari Haro:											
Finland	Markkas					202. 50	48. 89				48. 89
Jacob K. Javits:											
Switzerland	Swiss francs			163. 60	40. 00			40. 90	10. 00	204. 50	50. 00
Edward Kennedy:											
Denmark	Kroner					1, 320. 55	176. 17			1, 320. 55	176. 17
Israel	Pounds	205. 80	49. 00	193. 20	46. 00	5, 264. 03	1, 254. 34	21	5	5, 684. 03	1, 354. 34
Sweden	Kroner	308. 81	61. 00	357. 19	71. 00	560. 29	108. 54	91. 13	18	1, 317. 42	258. 54
United Kingdom	Pounds	50. 86	126. 00	48. 45	120. 00	324. 02	790. 67	1. 79	8	425. 12	1, 040. 67
James B. King:											
Denmark	Kroner	184. 00	25. 00	184. 00	25. 00	184. 00	25. 00	184. 00	25	735. 00	100. 00
Israel	Pound	525. 00	125. 00	315. 00	75. 00			210. 00	50. 00	1, 050. 00	250. 00
Sweden	Krona	375. 00	75. 00	125. 00	25. 00	125. 00	25. 00	125. 00	25. 00	760. 01	150. 00
United Kingdom	Pound	113. 85	273. 24	81. 00	194. 40			55. 46	113. 10	250. 31	600. 00
United Kingdom	Pound					319. 75	780. 26			319. 75	780. 26
United Kingdom	Pound					418. 80	1, 021. 96			418. 80	1, 021. 96
United Kingdom	Pound					274. 56	669. 99			274. 56	669. 99
United Kingdom	Pound					1, 601. 05	473. 54			1, 601. 05	473. 54
Eugene Mittleman:											
Switzerland	Guilder					2, 084. 15	563. 60			2, 084. 15	563. 60
Switzerland	Sw ss franc	904. 65	222. 00	815. 00	200. 00	2, 575. 60	598. 42	114. 10	28. 00	4, 409. 35	1, 048. 42
Dr. Aimo Oja'a:											
Finalnd						202. 50	48. 89			202. 50	48. 89
Benjamin Palumbo:											
Israel	Pound									420. 00	100. 00
Israel	Pound					6, 027. 00	1, 435. 00			6, 027. 00	1, 435. 00
Richard Wise:											
Sweden	Kroner	537. 00	104. 00	372. 00	72. 00	21. 00	4. 00	104. 00	20. 00	1, 034. 00	200. 00
United Kingdom	Pounds	65. 00	156. 00	45. 00	108. 00	4. 10	10. 00	10. 00	25. 20	124. 10	299. 80
Germany	Marks	44. 00	12. 00	117. 00	32. 05			57. 00	13. 35	218. 00	57. 40
Germany	Marks					2, 209. 36	608. 30			2, 209. 36	608. 30
Germany	Marks					155. 15	42. 74			155. 15	42. 74
Germany	Marks					2, 800. 00	7. 93			28. 00	7. 93
Dr. Jorgen Worm-Petersen:											
Denmark	Kroner					943. 50	126. 84			943. 50	126. 84
Total											36, 725. 21

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HARRISON WILLIAMS,
Chairman, Committee on Labor and Public Welfare.

Mar. 10, 1972.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON PUBLIC WORKS, UNITED STATES SENATE, EXPENDED BETWEEN JAN.1 AND DEC. 31 1972

Name of country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Senator T. F. Eagleton:											
Hong Kong	H.K. dollar	451. 350	75. 00	601. 800	100. 00			150. 450	25. 00	1, 203. 600	200. 00
Viet Nam	Piastres	4, 720. 0	40. 00	11, 800. 0	100. 00			4, 397. 86	37. 27	20, 917. 86	117. 27
Cambodia	Riels			548. 80	10. 00			2, 195. 20	40. 00	2, 744. 0	50. 00
Subtotal			115. 00		210. 00				102. 27		427. 27

Footnote at end of table.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON PUBLIC WORKS, U.S. SENATE, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1972—Continued

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
L. Stephen Vossmeyer:											
Hong Kong	H.K. dollar	431.350	75.00	601.800	100.00			150.450	25.00	1,203.600	200.00
Viet Nam	Piastres	4,720.0	40.00	11,800.0	100.00			4,397.86	37.27	20,917.86	177.27
Cambodia	Riels	5,664.048	12.10							5,664.048	12.10
Subtotal			127.10		200.00				62.27		389.27
J. B. Huyett, Jr.:											
Germany	Marks	432.00	130.12	192.90	60.00			32.80	9.88	664.0	200.00
Belgium	Franc	1.222.00	26.00	940.00	20.00			188.0	4.00	2,350.00	50.00
France	Franc	496.80	90.00	332.20	60.18					829.00	150.18
Subtotal			246.12		140.18				13.88		400.18
Total			488.22		550.18				178.42		1,216.82

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

Foreign currency (U.S. dollar equivalent)	$1,216.82
Total	1,216.82

JENNINGS RANDOLPH,
Chairman, Committee on Public Works.

Jan. 31, 1972.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON RULES AND ADMINISTRATION, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
John F. Haley:											
United Kingdom	Pound	85	204.00	60	144.00			14	33.60	159	381.60
Ireland	Pound	10	24.00	8	19.20			2	4.80	20	48.00
Transportation (air)	Guilder					3,040.45	834.54				834.54
Transportation (ground)	U.K. pound					181.06	438.19				438.19
Total			228.00		163.20		1,272.73		38.40		1,702.33

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$1,702.33
Total	$1,702.33

B. EVERETT JORDAN,
Chairman, Committee on Rules and Administration.

Mar. 7, 1972.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE JOINT COMMITTEE ON ATOMIC ENERGY, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
John B. Anderson:											
Austria	Schilling	1,414.60	55.00	902.00	35.00			257.40	10.00	2,574.00	100.00
Belgium	B. francs	3,375.00	67.50	2,875.00	57.50	250.00	5.00	1,000.00	20.00	7,500.00	150.00
Germany	D. marks					5,034.75	[2] 1,322.80			5,034.75	1,322.80
United Kingdom	Pounds	24.78	60.00	12.39	30.00	10.28	24.67	4.13	10.00	51.58	124.67
Edward J. Bauser:											
Belgium	B. francs	1,840.00	36.80	1,200.00	24.00	2,116.00	42.32	660.00	13.20	5,816.00	116.32
Denmark	D. kroner	165.00	22.00	85.00	11.30	90.86	12.12			340.86	45.42
Finland	F. marks	74.75	18.68	104.60	24.14	27.48	6.57	28.75	7.18	235.58	56.57
Netherlands	Guilders					4,735.87	[2] 1,331.05			4,735.87	1,331.05
Portugal	Escudos	2,200.00	77.57	1,500.00	52.57	400.00	14.28	1,584.00	[3] 55.58	5,684.00	200.00
Spain	Pesetas	13,700.00	196.70	7,840.00	113.00	7,520.00	108.30	1,750.00	25.00	30,810.00	443.00
Switzerland	S. francs	473.70	120.42	400.00	100.00	330.00	83.50	116.30	29.08	1,320.00	333.00
Wallace F. Bennett:											
Germany	D. marks					3,163.65	[2] 935.71			3,163.65	935.71
Switzerland	S. francs	475.00	120.00	253.00	64.00	755.00	185.05	64.00	16.00	1,547.00	385.05
Peter H. Dominick:											
Austria	Schilling	1,910.00	79.61	1,771.20	73.80	2,800.00	114.66	400.00	16.66	6,882.00	284.73
Germany	D. marks					3,377.55	[2] 998.98			3,377.55	998.98
James B. Graham:											
Morocco	Dirham	258.78	51.55	160.44	31.96			70.28	14.00	489.50	97.51
South Africa	Rand	96.18	134.65	68.20	95.50			7.14	10.00	171.52	240.15
Congo	Zaire			22.05	45.00			11.76	24.00	33.81	69.00
Germany	D. marks					3,275.70	[2] 901.95			3,275.70	901.95
Kenya	K. shilling	1,367.00	192.00	857.96	120.50	370.60	51.95	199.36	28.00	2,794.92	392.45

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Orval Hansen:											
Austria	Schilling	1,544.40	60.00	643.50	25.00	257.40	10.00	128.70	5.00	2,754.00	100.00
Belgium	B. francs	2,500.00	50.00	1,000.00	20.00	600.00	12.00	1,000.00	20.00	5,100.00	102.00
Germany	D. marks					4,898.66	[2] 1,377.12			4,898.66	1,377.12
Switzerland	S. francs	930.00	235.00	388.00	98.00	2,818.00	690.69	68.00	17.00	4,204.00	1,040.69
United Kingdom	Pounds	30.00	74.30	10.35	25.70	26.79	64.83			67.14	164.83
Chet Holifield:											
Belgium	B. francs	1,800.00	36.00	1,200.00	24.00	816.00	16.89			3,816.00	76.89
Denmark	D. kroner	165.00	22.00	85.00	11.30	90.86	12.12			340.86	45.42
Finland	F. marks	70.00	17.50	104.60	24.14	27.48	6.57	33.50	8.36	235.58	56.57
Netherlands	Guilders					4,735.88	[2] 1,331.05			4,735.88	1,331.05
Portugal	Escudos	2,400.00	83.71	1,700.00	60.21	1,524.00	53.50	184.00	6.57	5,808.00	203.99
Spain	Pesetas	20,000.00	286.71	6,500.00	94.85	3,520.00	50.64	350.00	5.44	30,370.00	437.64
Switzerland	S. francs	590.00	150.40	400.00	100.00					990.00	250.40
Craig Hosmer:											
Belgium	B. francs	1,890.00	37.80	1,400.00	28.00	1,116.00	22.87	410.00	8.22	4,816.00	96.89
Congo	Zaire			17.420	35.56			12.250	25.00	29.670	60.56
Denmark	D. Kroner	165.00	22.00	85.00	11.30	90.86	12.12			340.86	45.42
Finland	F. marks	103.50	25.86	104.60	24.14	27.48	6.57			235.58	56.57
Germany	Deutsch marks					3,275.70	[2] 901.95			3,275.70	901.95
Kenya	K. shilling	1,399.60	196.50	950.00	133.38	370.60	51.95	142.40	20.12	2,862.60	401.95
Morocco	Dirham	813.20	161.83	466.90	92.91			100.40	20.26	1,380.50	275.00
Netherlands	Guilders					5,228.62	[2] 1,469.54			5,228.62	1,469.54
Portugal	Escudos	2,400.00	85.22	1,800.00	64.28	532.00	18.75	624.00	20.20	5,356.00	188.45
South Africa	Rand	96.36	134.90	69.00	96.60			13.21	18.50	178.57	250.00
Spain	Pesetas	24,000.00	343.85	10,000.00	143.85	4,060.00	58.41	750.00	11.53	38,810.00	557.64
Switzerland	S. francs	640.00	161.00	350.00	89.00					990.00	250.00
George F. Murphy, Jr.:											
Austria	Schilling	1,540.00	60.50	1,125.00	44.84	750.00	31.23	1,181.00	48.43	4,596.00	185.00
Belgium	B. francs	2,300.00	46.00	3,160.00	63.20	2,515.50	50.31	1,786.30	36.00	9,761.80	195.51
Germany	Deutsch marks					7,108.97	[2] 2,029.72			7,108.97	2,029.72
Italy	Lire	56,490.00	90.87	33,470.00	53.36	15,000.00	24.00	13,440.00	23.77	118,400.00	192.00
France	F. francs			120.70	21.89					120.70	21.89
John O. Pastore:											
Austria	Schilling	1,264.00	51.00	1,153.00	46.00	2,457.00	99.62	541.00	23.00	5,415.00	219.62
Belgium	B. francs	1,991.00	39.00	1,778.00	36.00	2,970.00	59.72	750.00	15.00	7,489.00	149.72
Germany	D. marks					6,857.13	[2] 1,960.35			6,857.13	1,960.35
Italy	Lire	50,160.00	79.87	22,670.00	36.26	13,515.00	24.74	9,120.00	14.76	95,465.00	155.73
Melvin Price:											
Germany	D. marks					2,385.23	[2] 705.48			2,385.23	705.48
Switzerland	S. francs	632.00	160.00	333.00	84.00	918.70	223.96	25.00	6.00	1,908.70	473.96
Stuart Symington:											
Austria	Schilling	650.00	25.00	80.00	3.07	100.00	3.84	37.00	1.43	867.00	33.34
Belgium	B. francs	1,195.00	23.90	728.00	14.56	77.00	1.54			2,000.00	40.00
France	F. francs	195.00	34.00	11.03	2.00			27.58	5.00	233.61	41.00
Germany	D. marks					3,482.60	[2] 960.31			3,482.60	960 31
Total			4,027.20		2,485.77		18,481.30		638.29		25,632.56

[1] If foreign currency is used, enter dollar equivalent; if U.S. currency is used, enter amount expended.

[2] Commercial air transportation.

[3] Telephone call to United States of America.

RECAPITULATION

Foreign currency (U.S. dollar equivalent)	$25,632.56
Total	25,632.56

JOHN O. PASTORE,
Chairman, Joint Committee on Atomic Energy.

Date: Mar. 15, 1972.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE JOINT ECONOMIC COMMITTEE, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Kenneth A. Guenther:											
Canada	Dollar	76.59	76.59	81.11	81.11	22.30	22.30	20.00	20.00	200.00	200.00
Subtotal			76.59		81.11		22.30		20.00		200.00
Albert A. Kakeland, Jr.:											
Belgium	Franc	3,871	78.00	1,836	37.00	596	12.00	794	16.00	7,097	143.00
France	Franc			82.99	15.00	33.20	6.00	5.53	1.00	121.72	22.00
Hong Kong	Dollar	210.35	35.00	150.25	25.00	90.15	15.00	132.22	22.00	582.97	97.00
Japan	Yen	20,394	56.65	18,000	50.00	6,480	18.00	9,126	25.35	54,000	150.00
Netherlands	Guilder					6,641.35	[2] 1,849.96			6,641.35	1,849.36
United Kingdom	Pound	29.92	72.40	28.51	69.00	12.23	29.60	11.98	29.00	82.64	200.00
Vietnam	Piaster			22,000	80.00	6,875	25.00	12,100	44.00	40,975	149.00
Subtotal			242.05		276.00		1,955.56		137.35		2,610.96
William S. Moorhead:											
Cyprus	Pound	36.96	90.00	18.48	45.00			6.16	15.00	61.60	150.00
France	Franc	165.99	30.00	82.99	15.00			27.67	5.00	276.56	50.00
Greece	Drachma	4,200	140.00	2,550	85.00			750	25.00	7,500	250.00
Lebanon	Pound			16.20	5.00			145.80	45.00	162.00	50.00
Netherlands	Guilder					4,850.63	[2] 1,363.30			4,850.63	1,363.30
Russia	Ruble	252	280.00	189	210.00	126	140.00	63	70.00	630	700.00
United Kingdom	Pound	33.06	80.00	20.66	50.00			8.26	20.00	61.98	150.00
Subtotal			620.00		410.00		1,503.30		180.00		2,713.30
Myer Rashish:											
France	Franc	1,027.67	185.00	527.72	95.00			111.10	20.00	1,666.49	300.00
United Kingdom	Pound	39.26	95.00	18.59	45.00			4.13	10.00	61.98	150.00
Subtotal			280.00		140.00				30.00		450.00

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE JOINT ECONOMIC COMMITTEE, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971—Continued

		Lodging		Meals		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Henry S. Reuss:											
Austria	Schilling	747	30.00	1,245	50.00			498	20.00	2,490	100.00
Czechoslovakia	Crown	861	60.00	1,435	100.00			574	40.00	2,870	200.00
Germany	Deutsche mark					2,225.28	[2]612.69			2,225.28	612.69
Hungary	Forint	2,250	75.00	3,750	125.00			1,500	50.00	7,500	250.00
Italy	Lire	77,875	125.00	62,300	100.00			15,575	25.00	155,750	250.00
Romania	Lei	801.90	45.00	1,336.50	75.00			534.60	30.00	2,673	150.00
Subtotal			335.00		450.00		612.69		165.00		1,562.69
Klaus-Dieter Arndt[3]:											
Germany	Deutsche mark	2 days per diem at $25 a day				3,293.50	933.00			3,470	983.00
Subtotal			[4]50.00				933.00				983.00
Milton Gilbert[3]:											
Switzerland	Franc					3,779	926.23			3,779	926.23
Subtotal							926.23				926.23
Total			1,603.64		1,357.11		5,953.08		532.35		9,446.18

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[2] Round trip transportation purchased by State Department.

[3] Testified before the Subcommittee on Foreign Economic Policy.

[4] Advance by U.S. Embassy—no breakdown furnished the committee.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$9,446.18
Total	9,446.18

WILLIAM PROXMIRE,
Chairman, Joint Economic Committee.

Feb. 18, 1972.

REPORT OF EXPENDITURE OF APPROPRIATED FUNDS BY THE MEXICO-U.S. INTERPARLIAMENTARY GROUP, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

		Lodging		Meals		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Mike Mansfield:											
Mexico	Dollar		342.74		72.00				4.60		419.34
George D. Aiken:											
Mexico	Dollar		66.53		34.78				6.45		107.76
Lloyd Bentsen:											
Mexico	Dollar		66.53		57.78		5.10		15.08		144.49
Robert C. Byrd:											
Mexico	Dollar		66.53		43.11		4.60		14.19		128.43
Lawton Chiles:											
Mexico	Dollar		52.41		52.94		3.90		15.05		124.30
Marlow W. Cook:											
Mexico	Dollar		66.53		74.95		4.31		3.23		149.02
Edward J. Gurney:											
Mexico	Dollar		56.45		47.90		4.70		20.30		129.35
Henry M. Jackson:											
Mexico	Dollar		66.53		41.20		5.09		3.54		116.36
Joseph M. Montoya:											
Mexico	Dollar		70.56		63.94		5.20		14.40		154.10
Robert Dockery:											
Mexico	Dollar		66.53		56.04		4.27		14.93		141.77
Pat M. Holt:											
Mexico	Dollar		66.53		55.88		1.60		5.56		129.57
Milrae Jensen:											
Mexico	Dollar		56.45		19.04						75.49
Arthur M. Kuhl:											
Mexico	Dollar		56.45		61.85				2.01		120.31
David Paton:											
Mexico	Dollar		56.45		102.58				9.88		168.91
Elmira Vogtmann:											
Mexico	Dollar		56.45		2.50						58.95
Delegation expenses:											
Official meals and receptions					173.79						173.79
Transportation							323.50				323.50
Miscellaneous									47.07		47.07
Total			1,213.67		960.28		362.27		176.29		2,712.51

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Other Public Law 86-420	$2,712.51
Total	2,712.51

MIKE MANSFIELD,
Chairman, Senate Delegation.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE U.S. GROUP, INTERPARLIAMENTARY UNION, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

		Lodging		Meals		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Gordon Allott:											
Iceland	Krona	5,570	64.18	3,194	36.66	43.04	49.16			13,068	150.00
United Kingdom	Pounds	31.58	78.32	28.90	71.68					60.48	150.00
France	Francs	1,656	301.09	725.35	131.88	124.00	22.41	124.00	22.55	2,629.35	477.93
Birch Bayh:											
United Kingdom	Pounds	31.58	78.32	26.47	65.66			2.43	6.02	60.48	150.00
France	Francs	1,656	301.09	436.60	79.38			582.50	105.91	2,675.10	486.38
Vance Hartke:											
Venezuela	Bolivar	840.00	186.69	360.30	80.06			23.00	5.51	1,223.30	272.26
Iceland	Krona	5,570	64.18	32.18	36.70					8,788	100.88
United Kingdom	Pounds	29.72	71.97					4.90	12.15	33.92	84.12
France	Francs	1,012	184.00	118.70	21.58			107.50	19.55	1,238.20	225.13
Ernest F. Hollings:											
France	Francs	621.00	112.91	871.40	158.44	253.22	45.77	367.50	66.81	2,113.12	383.93
Jacob K. Javits:											
France	Francs	1,188.00	216.82	2,464.30	447.96	1,645.92	300.13	614.00	110.82	5,916.22	1,075.73
Germany	Deutsche mark					2,534.70	749.69			2,534.70	749.69
Len B. Jordan:											
Venezuela	Bolivar	840.00	186.67	333.15	74.03			104.00	39.30	1,277.15	300.00
Iceland	Krona	5,570	64.18	7,453	85.32			45.00	.50	13,068.00	150.00
United Kingdom	Pounds	31.58	78.32	28.90	71.68					60.48	150.00
France	Francs	1,656.00	301.09	645.50	117.39			1.50	.24	2,303.00	418.72
Mike Mansfield:											
France	Francs	1,000.50	181.91	809.50	147.18			1.00	.18	1,811.00	329.27
Lee Metcalf:											
Venezuela	Bolivar	840.00	186.67	1,024.45	227.77	1,050.00	235.00			2,595.30	649.44
Jack Miller:											
Venezuela	Bolivar	840.00	186.67	250.85	55.75			2.50	.55	1,093.35	242.97
Frank Moss:											
Iceland	Krona	5,570	64.18	7,433	85.32			45	.50	13,068	150.00
United Kingdom	Pounds	31.58	78.32	28.90	71.68					60.48	150.00
France	Francs	1,656.00	301.09	351.90	63.80			192.10	35.11	2,200.00	400.00
Hugh Scott:											
Venezuela	Bolivar	840.00	186.67	1,450.25	323.37			994.25	223.13	3,284.50	733.17
France	Francs	2,353.15	427.83	2,071.05	376.56	580.25	104.87	1,201.10	218.39	6,205.55	1,127.65
William B. Saxbe:											
Iceland	Krona	5,570	64.18	6,298	72.04	2,000	22.95	8,001	91.84	21,869	251.01
United Kingdom	Pounds	31.58	78.32	26.16	64.88	20.48	50.79	18.00	44.84	96.22	238.83
France	Francs	1,656.00	301.09	2,261.75	411.22	300.00	51.55	200.50	36.45	4,418.25	800.31
John Sparkman:											
Iceland	Krona	5,570	64.18	7,498	85.82					13,068	150.00
United Kingdom	Pounds	65.58	162.64	65.46	162.20	261.69	633.32	10.14	25.16	402.87	983.32
France	Francs	2,668.00	485.09	1,286.15	233.84	489.00	88.38	122.00	22.18	4,565.15	829.49
Harrison A. Williams, Jr.:											
Venezuela	Francs	255.00	56.91	271.15	60.52			144.15	32.57	670.30	150.00
Milrae Jensen:											
Venezuela	Bolivar	652.00	145.55	788.00	175.90			120.00	26.75	1,560.00	348.20
Iceland	Krona	2,780.00	31.91	4,800.00	55.09			2,090.00	24.00	9,670.00	111.00
United Kingdom	Pounds	15.79	39.16	20.09	48.84	3.22	8.00	11.30	28.00	50.40	124.00
France	Francs	1,012.00	184.00	920.50	167.42			125.00	22.82	2,058.00	374.24
Darrell St. Claire:											
Venezuela	Bolivar	840.00	186.67	423.25	94.05			252.60	56.13	1,515.85	336.85
Iceland	Krona	4,120.00	47.30	3,580.00	41.09					7,700.00	88.39
United Kingdom	Pounds	31.58	78.32							31.58	78.32
France	Francs	1,656.00	301.09	593.00	107.82			269.15	48.93	2,518.15	457.84
Total			6,129.58		4,610.58		2,362.02		1,326.89		14,429.07

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$8,774.55
Appropriated funds: Other 22 U.S.C. 276	5,654.52
Total	14,429.07

EDWARD DERWINSKI,
President and Chairman, U.S. Group.

REPORT OF EXPENDITURE OF APPROPRIATED FUNDS BY SENATE DELEGATION, NORTH ATLANTIC ASSEMBLY, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

		Lodging		Meals		Transportation		Miscellaneous		Total	
Name of country	Name of currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
John Sparkman: Canada	Dollar		151.50		142.82		68.57		15.61		309.93
Jacob Javits: Canada	Dollar		117.60		59.53				16.92		262.62
Edward M. Kennedy: Canada	Dollar		74.66		53.50				39.75		167.91
William B. Spong: Canada	Dollar		117.60		56.24		49.20		4.50		227.54
Donald G. Henderson: Canada	Dollar		89.25		86.20				.50		175.95
Milrae E. Jensen: Canada	Dollar		89.25		64.45				19.66		173.36
Mark Schneider: Canada	Dollar		31.50		58.85				33.21		123.56
Jo Ann Green: Canada	Dollar		89.25		60.92						150.17
DELEGATION EXPENSES:											
Official meals: Canada	Dollar				1,360.13						1,360.13
Transportation: Canada	Dollar						1,162.06				
Office space, furniture and equipment rental: Canada	Dollar								257.57		257.57
Telephone charges: Canada	Dollar								204.45		204.45
Overtime of Embassy personnel: Canada	Dollar								821.58		821.58
Gratuities: Canada	Dollar								17.00		17.00
Miscellaneous: Canada	Dollar								3.41		3.41
Total			760.61		1,942.64		1,279.83		1,420.16		5,403.24

REPORT OF EXPENDITURE OF APPROPRIATED FUNDS BY SENATE DELEGATION, NORTH ATLANTIC ASSEMBLY, EXPENDED BETWEEN JAN. 1 AND DEC. 1, 1971—Continued

RECAPITULATION

	Amount
public Law 84-689	$5,403.24

JOHN SPARKMAN,
Chairman, Senate Delegation, North Atlantic Assembly

Mar. 3-22, 1972

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY SENATE DELEGATION, BRITISH-AMERICAN PARLIAMENTARY CONFERENCE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

		Lodging		Meals		Transportation		Miscellaneous		Total	
Name of country	Name of currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. curaency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
J.W. Fulbright:											
England	Pound	18.03	43.64	16.47	39.88	76.82	185.92	5.13	12.41	116.45	281.85
Netherlands	Guilder[2]					1,076.75	298.18			1,076.75	298.18
Lawton Chiles: England	Pound			60.37	145.16	3.00	7.20	7.08	17.00	70.45	169.36
Frank Church: England	Pound			69.45	168.80	8.00	19.20	5.00	12.00	82.45	200.00
Robert Packwood:											
England	Pound			10.35	25.02			4.85	11.81	15.20	36.83
Netherlands	Guilder					1,438.10	[2] 404.19			1,438.10	404.19
Hugh Scott: England	Pound			71.13	172.50	351.05	[2] 842.55	7.40	18.00	429.58	1,033.05
William B. Spong, Jr.: England	Pound			24.81	61.75			1.91	4.73	26.72	66.48
Donald G. Henderson: England	Pound			9.45	24.81	1.96	4.70			11.41	29.51
Milrae E. Jensen: England	Pound			12.00	29.04			2.50	6.05	14.50	35.09
Delegation expenses:											
Car and bus hire and driver overtime	Pound					85.91	207.86			85.91	207.86
Official meals	Pound			26.15	63.30					26.15	63.30
Telephone charges								7.02	17.00	7.02	17.00
Gratuities								35.00	84.00	35.00	84.70
Total			43.64		730.26		1,969.80		183.70		2,927.40

[1] If foreign currency is used, enter U.S. dollar equivalent; If U.S. currency is used, enter amount expended.

[2] Airline tickets.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$2,927.40

J. W. FULBRIGHT,
Chairman, Senate Delegation British-American Parliamentary Conference.

Mar. 20, 1972.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON FOREIGN RELATIONS, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

		Lodging		Meals		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Mike Mansfield:											
Finland	Finnmarks	409.88	99.95			323	77.06			733	177.01
Sweden	Kroner	414.90	82.98	92.60	17.02	448.67	88.92			956.17	188.92
Norway	Kroner	927	132.00	103.50	18.00	540.56	76.13			1,571.06	226.13
Denmark	Kroner	691	94.00	44.00	6.00					735	100.00
Italy	Lire			61,100	99.00	54,210	87.15			115,210	186.15
Morrocco	Dirhans	145	29.00	106	21.00	100	20.00			351	70.00
Mexico	Peso	760.00	60.80	848.50	67.88	1,321.50	105.72	95.00	7.60	3,025.00	242.00
Frank Church:											
Germany	Deutsche Marks					1,196.82	329.52			1,196.82	329.52
India	Rupee	319.20	42.00	364.8	48.00	15,306	2,014.00	76	10.00	760	2,114.00
England	Pound			22.00	52.34	52.20	127.13	1.50	3.63	75.70	184.00
U.S.S.R	Ruble	110	122.22	130	144.45	4	4.44	10	11.11	254	282.22
Netherlands	Guilder					3,339.75	938.66			3,339.75	938.66
Stuart Symington:											
Japan	Yen	24,963.00	81.04	34,808.00	113.01			1,835.00	5.95	61,606.00	200.00
Thailand	Baht	1,600.00	78.81	1,809.00	89.11			81.00	3.99	3,490.00	171.91
India	Rupee			180.00	23.68			35.00	4.60	215.00	28.28
Iran	Rial	2,778.00	36.55							2,778.00	36.55
Israel	Pound	455.10	108.35	22.70	5.40	238.32	56.74	12.60	3.00	490.40	173.49
Italy	Lire			15,650.00	26.34	18,466.00	31.09	3,450.00	5.80	19,000.00	63.23
Austria	Schilling	1,180.00	50.21	996.00	42.38			75.00	3.19	2,251.00	95.78
Germany	Dutsche Marks	13.00	4.00	92.00	28.30			10.00	3.07	115.00	35.37
Israel	Pound					8,613.44	2,050.82			8,613.44	2,050.82
Claiborne Pell:											
Switzerland	Franc	289.17	71.40	252.32	62.30	46.98	11.60	19.03	4.70	607.50	150.00
United Kingdom	Pound	13.47	32.70	7.13	17.30	4.45	10.77			25.05	60.77
Netherlands	Guilder					3,735.99	1,090.80			3,735.99	1,090.80
John Sherman Cooper:											
United Kingdom	Pound	29.30	70.90	18.32	44.34	5.92	14.33	7.15	17.30	60.69	146.87
India	Rupee			98.65	12.98	30.40	4.00	22.80	30.00	151.85	46.98
Germany	Deutschemark	424.80	118.00	136.80	38.00	423.20	116.20	144.00	40.00	1,128.80	312.58
Germany	Deutschemark	(Air ticket)				7,338.30	2,020.46			7,338.30	2,020.46
Germany	Deutschemark	(Air ticket)				1,575.82	437.59			1,575.82	437.59
Austria	Schilling	3,726.50	145.00	921.60	36.00			486.40	19.00	5,134.50	200.00
Belgium	Franc	2,525	50.50	1,325	26.50	709	14.68	650	13.00	5,209	104.68
Finland	Finnmark	550	132.21	211.32	50.79	244.02	58.35	56.82	13.66	1,062.16	255.01
France	Franc	1,577.40	286.80	4,977.50	90.50	860.62	155.55	137.50	25.00	7,553	557.85
Netherlands	Guilder	(Air ticket)				1,989.25	580.80			1,989.25	580.80
Israel	Pound	638.40	152	126	30.00	40	9.52	168	40.00	972.40	231.52
Israel	Pound	(Air ticket)				5,967	1,420.60			5,967	1,420.60
Egypt	Pound					10.0	18.00			10.0	18.00
Greece	Drachma			508.00	16.93			1,050.00	35.00	1,558.00	51.93
Austria	Schilling (air ticket)					6,990.00	270.92			6,990.00	270.93

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

		Lodging		Meals		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Jacob Javits:											
Mexico	Pesos			624.50	50.00	1,503.45	120.38	1,336.43	107.00	3,464.38	277.38
Germany	Duetschemarks	(Air ticket)				1,328.68	366.00			1,328.68	366.00
Vietnam	Piasters			14.750	125.00			2,092.14	17.73	39,250	142.73
Hong Kong	Hong Kong dollars	284.40	47.26	200.00	33.23	195.65	32.51	27.60	4.59	707.65	117.59
Japan	Yen	47,173	131.04	6,827	18.96	18,669	51.86			72,669	201.86
France	French francs	181.80	32.96	94.20	17.08	74.00	13.41			350.00	63.45
Belgium	Belgian francs	6,000	120.92	1,500	30.23	5,427	109.37			10,639	260, 52
United Kingdom	Pounds	64.30	154.31	18.20	43.68	81.65	195.94			164.15	393.93
Netherlands	Guilders	(Air ticket)				6,641.36	1,849.96			6,641.36	1,849.96
Italy	Lire	118.00	200.00	147, 00	250.00	70,752	119.11	6,200	10.58	344,252	579.69
Israel	Pounds	420, 00	100.00	210, 00	50.00					630, 00	150.00
Germany	Marks	327.00	100.00	163.50	50.00					490.50	150.00
Jacob Javits:											
France	Francs	1,070.22	205.42							1,070.22	205.42
United Kingdom	Pounds	98.48	250.00			.98	2.56			101.04	252.56
Israel	Pound	(Air ticket)				4,672.08	1,112.80			4,672.08	1,112.80
Hugh Scott:											
England	Pound	75.31	182.50	90.84	220.36	14.24	34.57	14.25	34.64	194.64	472.07
Finland	French marks	282.00	67.78	318.50	76.58	87.11	20.83	23.50	5.64	711.11	170.83
U.S.S.R	French marks	1,206.40	290.00	1,206.40	290.00	41.60	10.00	41.60	10.00	2,497.20	600.00
Romania	Lei	1,296.00	72.73	1,377.00	77.27					2,673.00	150.00
Bulgaria	Leva			199.00	99.50			24.00	12.00	223.00	111.55
Denmark	Kroner	885.00	118.00	581.25	77.50	1,815.00	242.13	33.75	4.50	3,315.00	442.10
Netherlands	Guilder	(Air ticket)				3,356.80	943.45			3,356.80	943.43
Japan	Yen					311,670	865.75			311,670	[1]865.75
Pat M. Holt:											
Italy	Lira	95,880	153.90	91,800	147.35	27,481	44.11	14,570	23.29	229,731	368.75
Mexico	Peso	760.00	60.80	1,605.20	128.42	1,321.70	105.74	117.60	9.41	3804.50	304.37
Brazil	Cruzeiro	1,525	305.00	1,261	252.20	427	85.40	903	180.60	4,116	823.20
Guatamala	Quetzal	216	216.00	209.30	209.30	54.30	54.30	59.70	59.70	539.30	539.30
Dominican Republic	Peso	175.92	175.92	169.08	169.08	10.00	10.00	49.00	49.00	404.00	404.00
Haiti	Gourde	800.00	160.00	233.25	46.65	10.00	2.00	119.75	23.95	1,163.00	232.60
Robert Dockery:											
Brazil	Cruzeiros	2108.28	421.65	1,550	310.00	525.80	105.16	41.75	8.35	4,225.83	845.16
Germany	Deutsche mark (air ticket)					3281.16	903.90			3,281.16	903.90
Arthur Kuhl:											
Japan	Yen	19,587	63.59	12,915	41.93	1.520	4.93	3,680	11.94	37,702	122.39
Korea	Won	31,080	83.77	19,010	51.23			4,100	12.66	54,190	147.66
Thailand	Baht	1,600	78.81	1,783	84.90			336	16.00	3,719	179.71
India	Rupee			105	13.81			30	3.94	135	17.75
Iran	Rial	2,778	36.55	2,596	34.15			170	2.23	5,544	72.93
Israel	Pound	332.65	79.20	166.50	39.64	328.32	56.74	182.95	43.55	920.42	219.13
Italy	Lire	42,000	70.70	31,282	52.66	18,465	31.08	15,125	25.46	106,872	179.70
Austria	Schilling	1,100	46.80	1,795	76.38			116	4.93	3,011	128.11
Germany	Deutsche mark	6.50	2.00	61.60	18.95			14	4.30	82.10	25.25
Israel	Pound (air ticket)					8,613.44	2,050.82			8,613.44	2,050.82
David Keaney:											
Switzerland	Franc	792.35	197.95	788.45	196.97	185.90	46.47	241.80	60.23	2,008.50	501.62
Netherlands	Guilder (air ticket)					3,347.05	940.71			3,347.05	940.71
J. G. Lowenstein:											
France	Francs	242.89	44.00	155.55	28.19	138.59	25.12	33.21	6.00	570.34	103.31
Germany	Deutsche mark	(Air ticket)				1,546.35	425.76			1,546.35	425.76
Germany	Deutsche mark	(Air ticket)				4,377.36	1,205.22			4,377.36	1,205.22
Germany	Deutsche mark	(Air ticket)				8,082.38	2,227.68			8,082.38	2,227.68
Greece	Drachmas	3,060.00	102.00	2,950.00	98.33			2,010.00	67.00	8,020.00	267.33
Hong Kong	HK dollar	381.13	63.00	87.87	14.60	106.95	17.77	75.94	12.00	640.45	107.37
Laos	Kip	81,413.58	162.00	81,278.42	161.71	7,530.00	15.00	22,590.00	45.00	192,812.00	383.71
Belgium	Francs			1,827.98	36.37			312.02	6.00	2,140.00	42.37
Richard Moose:											
Greece	Drachmas	3,180	106.00	2,961	98.73			1,879	62.60	8,020	267.33
France	Francs	283.60	51.21	200.00	36.23			102.65	20.56	586.25	108.00
Germany	Deutsche mark	(Air ticket)				4,535.56	1,162.83			4,535.56	1,162.83
Germany	Deutsche mark	(Air ticket)				7,794.71	2,227.68			7,794.71	2,227.68
Hong Kong	Dollar	420.40	69.86	205.70	35.29					626.10	105.15
Laos	Kip	96,484	190.20	93,874	189.00	11,295	22.50	29,720	58.74	231,373	460.44
Thailand	Bahts	1,045.80	50.11	836.70	40.29					1,882.50	90.40
Cambodia	Riels	3,000	54.66	2,564	36.18			540.88	10.00	5,564	100.84
Francis R. Valeo:											
England	Pound	15.15	37.57	16.90	42.00	9.40	22.75	3.40	8.43	40.25	110.75
Denmark	Kroner	854.50	116.25	615.50	83.75					1,470	200.00
France	Franc	592.90	107.83	232.10	42.17					825	150.00
Italy	Lire	56,610	91.89	61,600	100.00	54,210	87.15	4,600	7.50	177,410	286.54
Morocco	Dirhans	98.67	19.73	62.33	12.02	100	20.00			261.00	51.75
Germany	Deutsche marks	(air ticket)	(air ticket)			1,587.00	469.39				469.39
Gerald C. Hickey:											
Germany	Deutsche marks	(air ticket)	(air ticket)			7,217.15	2,044.52			7,217.15	2,044.52
Don Luce:											
Germany	Deutsche marks	(air ticket)	(air ticket)			5,143.95	1,457.21			5,143.95	1,457.21
Robert Shaplen:											
Hong Kong	Hong Kong dollars	(air ticket)	(air ticket)			11,592.78	1,930.51			11,592.78	1,930.51
D. G. Henderson:											
United Kingdom	Pound	15.15	36.36	32.15	77.16	12.30	29.52	11.80	28.32	71.40	171.36
Poland	Zloties	1,048	16.12	6,102.70	93.89	4,890.00	75.23	1,209.30	18.60	13,250	203.84
Poland	U.S. dollar		15.00						12.00		27.00
Belgium	Belgian franc	4,500.00	90.00	7,590	151.80	100	2.00	1,610.00	32.20	13,800	276.00
France	French franc	472	85.51	620	112.32	64	11.59	74.00	13.41	1,230	222.83
United States	Dollar						30.16		10.00		40.16
Poland	Zloties					70,967	1,091.80			70,967	1,091.80
Finland	Finn-mark	148.90	35.97	133	32.13	334	80.63	17.10	4.13	648	152.86
Sweden	Kroner	250	49.26	170.5	33.60	489.6	96.00	21	4.13	972.1	182.99
Norway	Kroner	269.50	39.23	319	46.43	620.5	87.77	102.00	14.85	1,391	188.28
Denmark	Kroner	360	48.98	237	32.24	23	3.13	15	2.04	635	86.39
Italy	Lire	27,138	44.06	42,790	69.46	63,810	102.73	4,172	6.77	147,510	223.02
Germany	D. Marks	71.4	21.00	181	53.24	20.3	5.97	57.3	16.85	330	97.06
France	New franc	103.5	18.82	121.5	22.09	16	2.91	14	2.55	255	46.37
Morocco	Dirhams	91.17	18.16	140.5	27.92	112	22.42	7.33	1.50	351	70.00
Germany	Deutsche mark (air ticket).					351.73	103.45			351.73	103.45
Total			8,091.76		6,418.60		37,880.33		1,517.10		53,907.79

---

[1] Local transportation for U.S. delegation to 3d United States -Japan Parliamentary Conference.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON FOREIGN RELATIONS, UNITED STATES SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971—Continued

RECAPITULATION

Foreign currency (U.S. dollar equivalent)	$53,840.63
Appropriated funds: Other Public Law 84-689	67.16
Total	53,907.79

J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations.

Mar. 27, 1972.

DRUG ABUSE

Mr. SPONG. Mr. President, drug abuse is one of our most pressing domestic problems. As I travel throughout my State of Virginia, I hear concerns about drug use voiced again and again. Yet, some of our most successful programs to combat crime and drug abuse are threatened. They are threatened by a new hard-match requirement which will become applicable to the action grants of the Law Enforcement Assistance Administration—LEAA—this July.

Where previously States have been able to provide equivalent value goods and services in lieu of cash, the amended Safe Streets Act requires that effective July 1, 1972, at least 40 percent of the non-Federal funding be in money. Despite the fact that the Virginia General Assembly added $400,000 to the budget for matching purposes, Virginia still stands to lose $6 million over the next 2 years—$6 million which would be applied to the fight against drug abuse—because of the new requirements.

I believe the hard-match requirement should be delayed for at least a year and have introduced a bill to that effect. Furthermore, on March 21 I wrote the President, who had just made a trip to New York to review efforts to combat drug abuse, regarding this matter. I ask unanimous consent that my letter to the President be printed in the RECORD.

Mr. President, the problem my State is experiencing in meeting the matching fund requirements of the LEAA program is shared by many other States and local communities around the Nation. Recently, Mr. George W. Orr, executive director of the Iowa Crime Commission, undertook a survey of the States to determine which face prospects of reducing or discontinuing participation in the LEAA program. Thirty percent of the States surveyed were pessimistic about being able to continue at present levels of participation, while another 8 percent could go either way. I ask unanimous consent that the Iowa Crime Commission survey and a letter to Senator MILLER from Mr. Orr be printed in the RECORD.

Furthermore, one of the States not facing an immediate problem—Michigan—strongly supports the bill I introduced, S. 3137. I also ask unanimous consent that a letter to me from Mr. Don P. LeDuc, administrator of the Office of Criminal Justice programs in Michigan, be printed in the RECORD.

Mr. President, my office is only now beginning to hear from local communities which recognize that if their States cut back participation in LEAA programs, all of the subunits of the State will suffer accordingly. This is the case in my own city of Portsmouth. Consequently, I ask that a letter from City Manager A. P. Johnson, Jr., on this subject, also be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., March 21, 1972.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I read with interest of your visit to New York to review various efforts to combat drug abuse. I share your concern over this pressing domestic issue and was pleased to see that you were quoted as saying that we "must have no budget cuts in waging total war" on drug abuse.

I would, however, like to bring to your attention the fact that we are, in effect, bringing about a budget cut by requiring the States, beginning July 1, 1972, to meet new matching requirements under the Law Enforcement Assistance Administration (LEAA) programs.

Where previously States have been able to provide equivalent value goods and services in lieu of cash, the amended Safe Streets Act requires that effective July 1, 1972, at least 40 percent of the non-Federal funding be in money.

As a result of this and other amendments which require the States to assume a greater financial burden in connection with the program, my own State of Virginia stands to lose over the next two years about $6 million in Federal action grants which otherwise would be available to it.

Other States are experiencing similar problems. According to a national survey undertaken for the Association of State Planning Agency Directors by Mr. George W. Orr, executive director of the Iowa Crime Commission, 17 States thus far have indicated they will have to reduce their participation in LEAA drug and crime programs or drop out altogether unless some relief is granted. Those States are Kansas, Alabama, Arizona, California, Colorado, Connecticut, Delaware, Georgia, Indiana, Louisiana, New Mexico, North Dakota, Rhode Island, South Dakota, Utah, West Virginia, and Virginia.

On February 17, I introduced legislation which would delay for one year the so-called hard-match funding requirement imposed on the States by a 1971 amendment to the Safe Streets Act. About that same time, I contacted the LEAA regarding this amendment. To date, I have not heard from them concerning it.

I believe that it is most important that we continue with all means possible our efforts against drug abuse, but I believe that many of these efforts will have to be on the State level and in view of that, depriving the States of much-needed funds for crime and drug activities appears counter-productive.

Consequently, I hope that you will review this matter in the near future and that the Administration can support this urgently needed legislation. I look forward to hearing from you.

Respectfully,

WILLIAM B. SPONG, Jr.

IOWA CRIME COMMISSION,
Des Moines, Iowa, February 28, 1972.

Hon. JACK MILLER,
U.S. Senator,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR MILLER: Attached is a survey the State Planning Agency of the Iowa Crime Commission conducted nationwide, several months ago. The purpose was to determine which of the states would have difficulty in complying with the "buy-in" requirement resulting from the 1970 amendment to the Omnibus Crime Control and Safe Streets Act. As you see, a number of states do not believe that they can continue this important program.

In requiring state contributions Congress evidently felt that state governments had money to appropriate that local governments did not. In truth, state governments now are as sorely pressed as are local governments. In order to appropriate new money, an increase in taxes is generally necessary. This would hardly assist local governments. In Iowa, our once enviable surplus exists no longer. A recent discussion with the State Comptroller indicated that the difference between appropriations and projected revenues is not more than one to one and one-half percent. You must agree that the margin is dangerously small in view of fluctuating economic conditions.

Senator Spong of Virginia is even now attempting to provide some relief to the States from the requirements initiated by the above mentioned amendment to the Safe Streets Act. I am told he does not feel that he would be successful in trying to eliminate or forestall the "buy-in" and has, therefore, asked for relief from the "hard match" requirement applicable in fiscal 1973.

Since the financial conditions of the states may even be more desperate after fiscal year 1973, the Congress must take another look at the Safe Streets Act and realistically align it with the capabilities of states and local governments to continue the program. It is hoped that you will assist Senator Spong in his current effort as well as for possible legislation in the next Session providing lasting relief.

Several suggestions are made. First, Part "B" of the Act has never been adequate to discharge the planning/administrative task required in an ever increasing amount by the federal government. In Iowa our planning grant has risen only 77% while our action grant represents an increase of 2544%. Had we maintained the concept of a block grant without the involvement of the federal government in great detail, we may have been able to carry on. This has not been the case however. The Iowa State Planning Agency is absolutely saturated with the requirement to administer the program statewide, provide comprehensive planning, to audit all accounts, and to evaluate the performance of projects and programs. More Part "B" money must be provided.

The "buy-in" requirement referred to above, originally stemmed from a move by the large cities to require more state involvement in the form of money. A second suggestion is available which would actually reduce the necessity for local matching monies. To be specific, it is recommended Act be matched on the basis of 10% state that all programs entertained under the or local and 90% federal. Therefore, the cost to the cities or other grantees would be reduced in local matching funds from 18.75% to 10% on the average.

The intent of the Congress to involve states and local governments by virtue of contributions of money is well understood. From our point of view, however, it must be understood by Congress that we have reached the end of the road at state and local levels in our ability to levy more taxes. Therefore, the ever increasing federal involvement in the form of initiating new programs, cannot be accommodated longer unless matching requirements are extremely low or non-existent. No one denies the need for federally sponsored standards and the resultant work required within the states. The federal government, however, should realize that it has long since outstripped state and local government ability to fund programs. We simply cannot abide a continual commitment of state and local resources for new programs which carry the threat of losing our federal tax dollars if we fail to make good our part. This is a very sore point in the Iowa Legislature and the minds of the people of this State.

Your cooperation will be greatly appreciated.

Sincerely,

GEORGE W. ORR,
Executive Director.

FISCAL YEAR 73 BUY IN SURVEY

State	1970 population by millions	Percent State population to total	State has appropriated	State is optimistic	State can go either way	State is pessimistic
Alabama	3.44	1.69				×
Alaska	.30	.15		×		
Arizona	1.77	.87				×
Arkansas	1.92	.95			×	
California	19.95	9.82				×
Colorado	2.20	1.08				×
Connecticut	3.03	1.49				×
Delaware	.54	.27				×
District of Columbia [1]	.76	.42	Not applicable			
Florida	6.78	3.34		×		
Georgia	4.58	2.26				×
Hawaii	.76	.37		×		
Idaho	.71	.35		×		
Illinois	11.11	5.47		×		
Indiana	5.19	2.56				×
Iowa	2.82	1.39		×		
Kansas	2.24	1.10		×		
Kentucky	3.21	1.58	×			
Louisiana	3.64	1.79				×
Maine	.99	.49	×			
Maryland	3.92	1.93		×		
Massachusetts	5.68	2.80			×	
Michigan	8.87	4.37		×		
Minnesota	3.80	1.87	×			
Mississippi	2.21	1.09		×		
Missouri	4.67	2.30			×	
Montana	.69	.34	×			
Nebraska	1.48	.73		×		
Nevada	.48	.24		×		
New Hampshire	.73	.36	×			
New Jersey	7.16	3.53		×		
New Mexico	1.01	.50				×
New York	18.19	8.96		×		
North Carolina	5.08	2.50	×			
North Dakota	.61	.30				×
Ohio	10.65	5.25		×		
Oklahoma	2.55	1.26			×	
Oregon	2.09	1.03		×		
Pennsylvania	11.79	5.80		×		
Rhode Island	.94	.46				×
South Carolina	2.59	1.28		×		
South Dakota	.67	.33				×
Tennessee	3.93	1.93		×		
Texas	11.19	5.51	×			
Utah	1.06	.52				×
Vermont	.45	.22		×		
Virginia	4.65	2.29		×		
Washington	3.41	1.67		×		
West Virginia [2]	1.75	.86				×
Wisconsin	4.42	2.17	×			
Wyoming	.34	.16	×			
Totals	203.00	100.00	9	22	4	15
Percent of 50 States			18	44	8	30
Percent of population			14.98	52.49	7.31	24.80
Percent of 50 States positive or negative [3]			66 positive		34 negative	
Percent positive or negative by States based upon population [3]			71,12 positive		28.46 negative	

[1] The population of D.C. excluded in items 3 and 5.

[2] Constitutional Restriction.

[3] Assuming one-half of "State can go either way" category will fall into positive and one-half into negative.

STATE OF MICHIGAN,
EXECUTIVE OFFICE,
Lansing, Mich., March 15, 1972.

Hon. WILLIAM B. SPONG, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SPONG: I am writing in regard to the legislation which you introduced which would delay implementation of the hard match and buy-in amendments to the Omnibus Crime Control and Safe Streets Act of 1968. As I understand it, your bill would defer imposition of the requirements of the amendments pending complete review of the Omnibus Crime Control and Safe Streets Act. As I understand it, that review would occur during hearings which will examine a reauthorization for the Law Enforcement Assistance Administration and the Act for the next three years.

This legislation is badly needed in my state and in several others, of which I am aware. Although the State of Michigan has always favored some arrangement for support of this Act, our efforts to date to achieve implementation of the buy-in and hard match provisions have been most trying. Michigan is nearing completion of the legislative process required to approve the State's budget. During that process it has become apparent that many questions regarding the buy-in and hard match remain unanswered and that a great deal of money will be committed without full awareness of compliance with LEAA guidelines. Further, I am not convinced that the intent of Congress is being satisfied, either by Congress' own language or the interpretations being offered by the Law Enforcement Assistance Administration.

Implementation of these requirements on a project by project basis presents many difficulties, and seems to overlook substantial State contributions to various law enforcement and criminal justice efforts. Interpretations being offered by the Law Enforcement Assistance Administration, while helpful to the states, seem to present a distorted picture regarding compliance with Congress' intent. I do not believe that LEAA has acted improperly or unwisely in any way, but I do feel that the interpretations and instructions being offered indicate a basic flaw in the structure of the Act.

I strongly endorse your bill and hope that it will be passed. I would appreciate any information which your office might send me regarding its present status and your potential for passage.

I would be happy to furnish you with information regarding the difficulties which have transpired in Michigan, if you would like this information. Your attention to this matter is appreciated, as is your effort to relieve the states of this obligation until such time as the issue is fully explored.

Sincerely,

DON P. LEDUC, *Administrator.*

CITY OF PORTSMOUTH,
Portsmouth, Va., March 7, 1972.

The Honorable WILLIAM B. SPONG, Jr.,
U.S. Senate,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR SPONG: The City of Portsmouth is vitally interested in LEAA funds and wishes to solicit your continued efforts to assure that Virginia receives its planned allocations for FY 1973 and FY 1974. We wish to endorse and support Mr. Richard Harris's position as stated in his letter to you of January 28, 1972.

Portsmouth, like most other municipalities, has just become experienced in planning and using LEAA grant resources to the point of bringing them to bear on specific crime reduction and control problems. It would be very unfortunate to fail to take advantage of the maximum fund resources available under the Omnibus Crime Control and Safe Streets Act.

With warm personal regards.

Sincerely,

A. P. JOHNSON, Jr.,
City Manager.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

Under the order previously entered, the Chair recognizes the Senator from South Carolina (Mr. HOLLINGS) to call up the Legislative Appropriation Bill.

LEGISLATIVE BRANCH APPROPRIATIONS, 1973

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 13955.

The PRESIDENT pro tempore. The clerk will read the bill by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (H.R. 13955) making appropriations for the Legislative Branch for the fiscal year ending June 30, 1973, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that this measure be the pending matter until finally disposed of.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COTTON. Mr. President, will the Senator yield for 1 second?

Mr. HOLLINGS. I yield.

Mr. COTTON. Mr. President, I should like to take this opportunity to congratulate the distinguished Senator from South Carolina and congratulate the distinguished Chairman of the Appropriations Committee, who is presiding, and call attention to a fact which has not previously been brought to our attention. This is the earliest in any session since March 16, 1962—10 long years—that a regular appropriation bill has been before the Senate. I think that both the chairman of the subcommittee and the chairman of the full committee, as well as all the members of the Appropriations Committee, should be aware of that and should be congratulated on this achievement.

Mr. HOLLINGS. I thank my distinguished colleague from New Hampshire. This 10-year drought could not have ceased without the unceasing loyalty, contributions, and guidance given by the senior minority member upon this Appropriations Subcommittee, the Senator from New Hampshire (Mr. Cotton). He met with me on every occasion. We conducted full hearings, and we so wrote the markup, and his ideas and positions and advices to the committee as a whole were most valuable contributions.

Mr. President, the legislative branch appropriation bill for fiscal year 1973 is now before the Senate. This is the first regular annual appropriation bill for the new fiscal year which begins on July first. Included in the bill are funds for the operation of the Senate, the House of Representatives, the various Joint activities of the Senate and House, the Architect of the Capitol, Botanic Garden, Library of Congress, Government Printing Office, General Accounting Office, and the Cost Accounting Standards Board.

The bill as recommended to the Senate by the committee recommends appropriations in the amount of $514,722,880—and while this is an increase of $87,118,116 above the amounts recommended in the bill by the House of Representatives, I wish to point out that the House did not consider budget estimates in the amount of $85,740,895 relating to the financing of Senate functions.

So obviously, then, there is only a slightly less than $2 million increase over the House amount, because $85 million of the increase is attributable to the Senate Office Buildings and Senate Garage, and for the project to restore the Old Senate Chamber and the Old Supreme Court Chamber in the Capitol.

The committee's report is before each Member, and beginning on page 21 there is a tabulation which shows the appropriations for fiscal year 1972 enacted to date, the budget estimates for fiscal year 1973, the amounts recommended in the House version of the bill, and the recommendations of the Senate committee, together with comparisons. It should be made clear that the figures for fiscal year 1972 do not include increased pay costs which are expected to be included in the second supplemental appropriation bill, 1972, now being processed and scheduled to be before the Senate sometime during the month of April. The amounts recommended by the committee for fiscal year 1973 do include funds to finance these increased pay costs.

Mr. President, I will proceed to an explanation of the significant items in the bill, but will be happy to respond to any questions during the course of this presentation.

The distinguished Senator from Montana (Mr. Metcalf), of our Joint Committee on Congressional Operations, desires to comment, and perhaps make motions on the appropriations for the Joint Committee on Congressional Operations that have been reduced by the Senate from the House appropriated amount.

The Secretary of the Senate requested, and the committeee has approved, an additional appropriation of $213,253 to enable the Secretary to carry out his duties under the Federal Election Campaign Act of 1971. This act designated the Secretary of the Senate as one of three supervisory officers responsible for carrying out the functions established in this legislation. These duties are outlined in the report, beginning on page 4, and an itemization of the funds requested to implement this new act is also listed.

Compare that to over $1 million, or $1.4 million, for performing the same functions for the House Members—of course, a larger body—but the appropriations for the General Accounting Office are estimated in the same bill to run at $1.6 million. So I think our distinguished Secretary of the Senate is being on the conservative side, and of course we are ready and anxious to cooperate with this cautious financial approach to this new task.

For the Joint Committees of the Congress and other joint items financed in the bill, a total appropriation of $25,923,220 is recommended. The sums recommended are itemized in the table at the conclusion of the report. However, I will highlight several of them at this point.

The committee recommends the sum of $716,900 for the Joint Economic Committee. This is an increase of $42,710 over the House allowance and the budget estimate. The increase will provide for additional administrative expenses to enable the committee to operate at its current level—that is, for hearings and investigations and the pay increase. We did not want to cut back, but we did refuse this committee's request for some 5 additional employees.

For the Joint Committee on Congressional Operations, the committee effected a reduction of $214,634 below the House bill and approved the sum of $355,000. It was the view of the committee that this joint committee, just recently organized, should proceed at a less accelerated rate of expenditure than has been indicated in its budget presentation after 1 year of operation. This joint committee was established pursuant to the Legislative Reorganization Act of 1970 (Public Law 91-510) and is responsible for the continuing review of the organization and operations of the Congress and making recommendations for improvements thereon.

Mr. METCALF. Mr. President, will my friend from South Carolina yield?

Mr. HOLLINGS. I yield to the chairman of the joint committee.

Mr. METCALF. I am the vice-chairman, not the chairman of the joint committee.

Mr. HOLLINGS. Well, he serves as the Senate leader on that joint committee.

Mr. METCALF. The joint committee, as the distinguished Senator has said, was created by Public Law 91-510 in the last Congress. We held extensive hearings last year on such subject matters as whether we should have a Federal budget for the fiscal year or for the calendar year. We made a report that I think is significant and very interesting and informative to every Member of the Senate and every Member of the Congress. The joint committee, also as directed in the act, was to set up and supervise a placement office for both Senate and House employees. That is section 402(a) of the bill, which states that joint committees shall provide for an office of placement and office management.

Under the very able leadership of the committee chairman, Representative Brooks of Texas, we went very slowly and proceeded very carefully in establishing this Office of Placement and Office Management, and it was only after a year of studies, surveys, and discussion that it was established. So it has only been established for a few months. Before January 1 of this year, operation of a placement office on Capitol Hill was paid for through appropriations to the Department of Labor. Many Senators and even more Representatives have utilized the Office of Placement and Office Management, which we have already improved considerably, both to give tests for employees whom they seek to hire and also to find employees whom they need.

I call the Senator's attention to the fact that under the law, in even numbered Congresses, the chairman should come from the House of Representatives. So in the 92d Congress, the chairman comes from the House committee, and Representative Brooks, is chairman. Next year, the chairman would come from the Senate side. Certainly it would be most unfortunate that, at a time when the House of Representatives has had the chairman and has had an opportunity to establish this committee, considerably more money has been appropriated, and then, when it reverts over to the Senate side, whoever is going to be chairman—it may be Senator Case, Senator Gravel, Senator Chiles, Senator Schweiker, or I might be the chairman of the committee—that we would be deprived of the opportunity to do what Congress has directed us to do.

A cut of $214,000, despite the committee report, is a cut of 38 percent of our request, as approved by the House. It would prevent the committee from doing what Congress has directed it to do. We have not proceeded at any accelerated or headlong pace. We have proceeded very slowly, and for example, it took a year before we began to operate the office of placement, because we wanted to establish it properly.

I feel, Mr. President, that this is a cut that not only is directed at the Senate and the Senate's opportunity to do a job, but is directed at the efficiency of the joint committee that has been established by law and directed to do something that we can no longer do if $214,000 is cut from our budget.

Mr. HOLLINGS. Mr. President, in response to the statement of the Senator from Montana, who led the way on the Senate floor for legislative reorganization, in fairness it should be pointed out that this matter only came up in normal fashion before the subcommittee markup of the bill in the middle of last week, approximately on Tuesday afternoon, I think it was, and by Friday afternoon we had the full committee markup. The subcommittee at no time requested the Senator from Montana to present any fuller views of this matter.

Mr. METCALF. I relied on the usual procedure and did not appear before the Appropriations Committee to explain the matter.

Mr. HOLLINGS. Well, the Senator had every right to rely on the standard operating procedure, Parkinson's law, that once we got a committee it would continue to grow, and nobody would step in its way, certainly not a legislative committee.

But, of course, the mood and the atmosphere have changed to one of prudence and frugality, and a very harsh look-see is being taken at all these expenditures, particularly legislative expenditures. After all, how can we control the cost of Government if we cannot control ourselves?

So when we got to the Joint Economic Committee, we told the Senator from Wisconsin (Mr. PROXMIRE), "No, you cannot have any additional funds." Our distinguished colleague from Washington (Mr. MAGNUSON), whose committee handles this $30 billion HEW appropriation which has gone completely out of the realm of reason and consideration, by just a fluke, has an outstanding staff, but there are really only two or three; the Chief Counsel, Harley Dirks, does a magnificent job, but he could stand three or four more; and then when we got down to the Senator's committee, he can understand the atmosphere and mood, and when it was said, "What does that committee really do, anyway, how did they get started, and what do they really want?" and then when we looked into it, and saw they were going to give us an administrative manual for congressional officers, the senior members of the committee said, "I don't want an administrative manual; I can run my own office and do not need one."

Then when it was seen that it involved a procedure for employing people, the response was, "We have got enough people already, and we do not need a special committee to tell us how to hire." Then the proposition was made, "Well, they are going to give us an orientation."

"Well," they said, "if you are not oriented by now, particularly on the score of money and dollars, you had better quit."

So we decided we had better cut it. It may be that the House will insist on the full amount, and we are not going to fight it, because I want to be fair to the outstanding job being done; I think the Representative from Texas, Mr. BROOKS, has only responded in a responsible way to carry out the legislative mandate. It is pretty difficult to carry out the job Congress says to do when the funds are cut out from under you. I understand that, but this was the feeling of the committee.

The Senator's distinguished colleague from Montana, the majority leader, supported him openly and convincingly within the full committee markup, but we just went along with holding the line on the employment of these additional clerks. The best thing we thought we could do was hold the line on the employment of these additional staff members.

Mr. COTTON. Mr. President, will the Senator yield for a moment?

Mr. HOLLINGS. I yield.

Mr. COTTON. I would like to add to what my distinguished chairman has just said. There was not any hostility or real opposition to the objective of the new joint committee chaired by the distinguished Senator from Montana.

Mr. METCALF. Mr. President, I am not now the chairman. I am vice-chairman and could be the chairman next year. This year the chairman is Representative JACK BROOKS of Texas.

Mr. COTTON. I understand. As a practical matter, as the distinguished Senator from South Carolina has already mentioned, the thought there was that we were holding back what we considered to be the mushrooming growth of some of these joint committees, growing constantly and reaching out for greater staffs, when the legislative committees of the Senate and the House of Representatives needed those staffs to a greater degree.

I also think the chairman will agree with me that when the amount of this cut was fixed, being practical men who have been dealing with appropriations through the years in committees of conference, we were absolutely certain that whatever cut was made in this bill would certainly be split in two in the conference with the House of Representatives. In fact the House might even do better than that.

So as a practical matter, we realized that in recommending this reduction of $214,631 that only half of that cut could prevail in conference, and perhaps less.

Those are some of the facts of life that the Senator from Montana knows we have to take into consideration. I certainly think every member of our subcommittee and of the full committee, and those who go to conference, will want to see this committee properly taken care of.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. METCALF. I am delighted to hear the statement of the ranking minority member.

The Joint Committee cannot possibly do the job Congress directed it to do in the 1970 Legislative Reorganization Act with a cut of $214,000.

It seems to me that the bare bones cut, beyond which we would be crippled is slightly more than $100,000.

Perhaps if we could go to conference and split the difference or the House would prevail on part and the Senate would prevail on part, I would not have to offer an amendment. I urge the conferees not only to respect the responsibility of the Senate in the next Congress but also to respect the responsibility given by the legislation to the Joint Committee on Congressional Operations. I urge the conferees to keep in mind that Representative BROOKS has been very careful and very cautious in the expenditure of any money.

I will not offer an amendment, but I assure my colleagues that we must have at least $104,000 in order for the Joint Committee, established in the 1970 act as a permanent committee, to function.

Its purpose is to study—on a continuing basis—congressional organization and operation, and to recommend necessary changes designed to strengthen the Congress.

It is also directed to report periodically on court proceedings of vital interest to the Congress and to maintain a central Office of Placement and Office Management.

As vice chairman of this committee, I am deeply concerned over the action of the Senate Appropriations Committee, which sharply reduced our appropriations for next year. Their figure is $214,634 below the House allowance and our budget request. This is a 38 percent cut. It gives us a budget for fiscal 1973 that is $70,000 less than was appropriated last year.

We have developed the joint committee's schedule of activities and staffing with extreme care over the past year. We have done so to make certain that we did not build up another bureaucracy or provide services which are not clearly useful to members of the Senate and House of Representatives.

We were not—and are not—interested in building an empire.

Nevertheless, consistent with our desire to avoid unnecessary expenditures, the joint committee has maintained a full agenda of activities since January 1971. We have not just spent this time getting organized. We have been—and are now—actively engaged in the work intended to be carried out by this committee under terms of the 1970 act.

Last year, we held extensive hearings on proposals to change the Federal fiscal year. We issued a report on this in November 1971.

In March of this year, we opened hearings on work toward improved executive branch reporting of fiscal and budgetary data, as required by the 1970 act. We intend to devote sustained attention to this important problem.

As part of our continuing study of implementation of the act, we compiled and published, in October 1971, rules adopted by the committees of Congress. We intend to bring this up to date each Congress.

We have issued three reports, advising both Houses of court actions affecting the powers and operations of Congress.

We have a number of studies underway now, ranging from a broad review of the speech or debate clause of the Constitution to a narrowly focused study of automatic data processing applications in legislatures.

These are only a few of the significant activities presently being conducted by our joint committee.

As I noted a moment ago, we have moved carefully on recruitment and employment of staff, to keep our staff level consistent with our workload. We have not hired the full complement of professional and clerical staff authorized in the 1970 act. However, to perform—and complete on a timely basis—the work we now have underway or scheduled, we will require additional professional and clerical staff during fiscal 1973.

Also, on January 1 of this year the joint committee assumed full responsibility for the personnel placement operation which, previously, had been conducted on Capitol Hill by the Department of Labor.

Until January 1, the costs of this operation had been paid out of appropriations to the Labor Department. We now have to pay the full costs for this service, including staff, equipment, and other necessary items.

We already have made significant improvements in the placement operation.

The office is for the first time interviewing job seekers as they come into the office. No one who is looking for work any longer has to make an appointment weeks or months in advance before he can even fill out application forms.

The Office for the first time is thoroughly testing applicants for typing and stenographic positions.

The Office is maintaining useful lists of applicants, so that congressional offices with specific needs can expect to review the papers on all candidates qualified for the job they are attempting to fill.

The joint committee is working to fulfill the important responsibilities assigned it by the 1970 act. We anticipate a need to complete our permanent staff roster next year. We will require additional funds—our estimate for fiscal 1973 is about $125,000 higher than the estimate for the previous year—to operate the Office of Placement and Office Management.

If these funds are not available, if this deep cut is retained, if we do not receive the support necessary to fill out our staff—then the work of our joint committee will be severely limited, if not crippled, next year.

I urge the conferees on both sides of the aisle to consider the level of our activities—and our present staff—and to restore our budget request.

Mr. President, I ask unanimous consent to have printed in the RECORD a somewhat more detailed description of our joint committee's work and staffing over the past year.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF ACTIVITIES—JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

I. PUBLICATIONS

"Changing the Federal Fiscal Year: Testimony and Analysis." The first report of the Joint Committee on Congressional Operations, November 5, 1971. The report draws conclusions and makes recommendations on proposals to change the Federal fiscal year.

"The Federal Fiscal Year as It Relates to the Congressional Budget Process." Hearings before the Joint Committee. June 14, 16, 17 and 21, 1971. Record of the hearings on changing the fiscal year and appropriations procedures.

"Court Proceedings and Actions of Vital Interest to the Congress." Three editions: Cumulative to October 20, 1971; Cumulative to December 1, 1971; Cumulative to February 21, 1972. These reports are published every three months to advise both Houses of court actions affecting constitutional powers of Congress, powers of congressional committees, congressional access to Executive Branch information, et cetera.

"Rules Adopted by the Committees of Congress." October 27, 1971. The compilation was published as part of a continuing study of implementation of the 1970 Legislative Reorganization Act.

"The Joint Committee on Congressional Operations." January 1, 1972. The report describes the Committee's purpose, jurisdiction and rules, and contains a brief list of major changes in congressional operations over the last decade.

II. HEARINGS

On March 1 the Joint Committee opened hearings on work under way to improve Executive Branch reporting on revenues and expenditures—and to provide for congressional access to the data that goes into budget preparation. The Committee intends to devote sustained attention to congressional access to basic fiscal and budgetary data on Federal programs and activities.

III. OTHER STUDIES

Other studies under way are, first, a broad investigation of litigation affecting the operations of Congress. This includes a review of the history of the Speech or Debate Clause of the Constitution, its establishment, purpose and operation; agents and agencies of the Congress; and an examination and assessment of the impact of the doctrine on congressional operations.

A second study, narrower in scope, is concerned with the history of "legally privileged" relationships—for example, lawyer-client, and doctor-patient—and the few court decisions relating to a privilege, or lack of it, for congressional staff under the privileges afforded Members by the provisions of Article 1, Section 6, of the Constitution. The study will look at the feasibility of establishing by statute a privileged relationship between Members and staff—as has been done at the state level for some other relationships—and extending to staff employees constitutional privilege of immunity from legal action for matters related to legislative duties.

A third study will describe current and prospective automatic data processing applications in Congress. Work on this report is under way, in consultation with staffs of the House and Senate administration committees. Included will be summaries of applications in both the House and Senate, the GAO, the Library of Congress and Government Printing Office. Additionally, the report will summarize results and costs of such applications in the state legislatures. Publication of this material, not presently available, will help coordinate data processing applications in Congress, expediting their development and helping to insure their compatibility.

A fourth study will provide existing plans developed by the General Accounting Office and the Congressional Research Service for upgrading their information capabilities to meet the new requirements intended under the Legislative Reorganization Act. The report will include both organizational changes and budget estimates projected over a five-year period.

IV. OFFICE OF PLACEMENT AND OFFICE MANAGEMENT

The Office of Placement and Office Management, established in Section 406 of the Legislative Reorganization Act of 1970, is now in operation under the supervision of the Joint Committee on Congressional Operations.

Personnel placement services—available on request to members, committees, and officers of the Senate and House of Representatives—include:

(1) interviewing candidates for employment on a walk-in basis,

(2) conducting tests for typing and stenographic positions,

(3) maintaining rosters of eligible candidates by job categories, and

(4) submitting resumes and qualification forms for review by the employing office before scheduling interviews.

The Office is also preparing an administrative manual describing in a single source various supporting services available to members of the House and Senate. Some training functions are also contemplated, with the first to be an orientation program for new Capitol employees.

JOINT COMMITTEE PROFESSIONAL AND CLERICAL STAFF

The following table indicates the authorized and employed staff of the Joint Committee on Congressional Operations:

Authorized professional, 6; clerical 6.
Employed professional, 4; clerical 4.
Vacancies professional, 2; clerical 2.

OFFICE OF PLACEMENT AND OFFICE MANAGEMENT

The Joint Committee on Congressional Operations was directed to establish an Office of Placement and Office Management that, upon request, assists Congressional offices seeking competent personnel with specified qualifications. To accomplish this objective the Placement Office was established on January 3, 1972. The Joint Committee on Congressional Operations is authorized to appoint staff as it deems necessary to carry out this function. The Placement Office is staffed as follows:

1 Acting Chief
4 Placement Officers
2 Clerks

Up to February 28, 1972, the Placement Office had on loan from the District of Columbia Manpower Administration three placement officers and one clerk. All but one placement officer has been returned to the District of Columbia Manpower Administration.

Since its inception, the Placement Office has been interviewing approximately 200 people per week. A great majority of these applicants are tested for clerical skills. The following table will show the volume of work performed by this office during January and February of this year:

Total requests for assistance, 306.

Positions filled: by referral of applicant from Office of Placement and Office Management, 124.

Other sources, 83.

Requests pending, 99.

An average of six applications were reviewed by Congressional Offices for each vacancy. Over 400 interviews have been scheduled by the Placement Office between applicants and employers.

The Office of Placement and Office Management is further directed to furnish advice and information with respect to office management procedure. To accomplish this, only one staff assistant has been appointed thus far; he has held various discussions with Congressional officials and is in the process of gathering material to publish in an Administrative Manual that we hope to have available for all offices by the end of this year.

Mr. HOLLINGS. We will be fully cognizant of the comments and the position of the distinguished Senator from Montana. I think the Senator feels that the fact that the ranking minority member and I thought that Senator METCALF was the chairman of the committee indicates that at the time we were cutting him, and thereby were cutting ourselves, that there was no intent to do this. This joint committee was headed by the distinguished Representative from Texas (Mr. BROOKS), and we were not cutting because the House Member was the chairman and because he was not doing a job. He is doing an outstanding job.

We are trying to hold back, and we will take cognizance of the comments of the Senator from Montana.

The committee concurs in the House allowance of $21,226,480 to cover official mail costs. This is $2,826,480 more than the $18,400,000 appropriated to cover the estimated costs for fiscal year 1972. The committee noted the Postal Service statement that:

> Our long range goal is to develop actual volume data by class of service so that the reimbursement for the Congress will be based, to the extent practicable, on the different classes of mail at prevailing rates.

Since it appears that classification of mail, the establishment of proper conversion factors, and class rate application—all matters involved in the determination of the official mail costs—are under study by the Postal Service, the committee recommends and urges that the Committees on Post Office and Civil Service of the Senate and House of Representatives also study this entire matter with a view to establishing criteria upon which the Postal Service will be paid for congressional mail.

For the various activities under the jurisdiction of the Architect of the Capitol, the committee recommends a total of $26,332,300, plus an additional $771,600 for the Botanic Garden, which is also administered by the Architect of the Capitol.

For salaries, Office of the Architect, the committee recommends $1,171,500. This is $27,000 below the budget estimate and deletes two positions—one general engineer at $15,866 per annum and one architectural draftsman at $11,046 per annum—which had been approved in the House of Representatives.

The committee has approved an appropriation of $75,000 for the contingent fund, which is an increase of $25,000 over the amount which has been available in this fund for many years.

These funds are provided for the purpose of expediting emergency repairs and necessary modifications in those instances where comparatively small sums are involved. All expenditures from the fund must first receive the approval of the chairman of the Senate Committee on Appropriations for those items affecting the Senate and the Speaker of the House of Representatives for those items affecting the House.

Under Capitol buildings, the committee has included the sum of $1,521,000 for the restoration of the Old Senate Chamber and the Old Supreme Court Chamber in the Capitol. As Members will recall, an appropriation of $37,500 was provided in the Legislative Branch Appropriation Act, 1964, to enable the Architect of the Capitol to prepare working drawings, specifications, and estimates of cost for restoration of these two historic Chambers substantially to the condition in which they existed and were furnished when last occupied in 1859 by the U.S. Senate and in 1860 by the Supreme Court of the United States.

The drawings and specifications were completed in 1965 and a budget estimate in the amount of $700,000 was submitted for consideration in connection with the legislative branch apropriation bill, 1966. The Senate approved the proposal at that time, but this did not prevail in conference with the House. On subsequent occasions, the Senate has included funds in several regular and supplemental appropriation bills to accomplish this important restoration work, which likewise failed to survive conference action.

In the years intervening since the initial budget estimate was prepared, escalating costs of labor and materials required submission of revised estimates, first in the amount of $1,209,000 and, more recently, $1,521,000.

Details of current cost estimates are available in the printed hearings but, in summary, the project will proceed in two stages whereby the Old Supreme Court—lower—Chamber will be completed first, followed by restoration of the old Senate—upper—Chamber. It is estimated that the work can be accomplished in approximately 2 years' time, thus insuring that the Chambers will be open to public view by the bicentennial year.

Mr. President, the next subject I wish to discuss concerns resolutions introduced in both the Senate and House relating to the protection of the Capitol complex. Senate Concurrent Resolution 65 has been introduced in the Senate and referred to the Committee on Rules and Administration of the Senate. A companion resolution—House Concurrent Resolution 550—was approved by the House on March 16, 1972. These resolutions direct the Architect of the Capitol to procure and install security apparatus for the protection of the Capitol at a cost of not to exceed $3 million. The two resolutions provide further that the cost of acquisition and installation of such security apparatus shall be paid from the contingent fund of the House of Representatives.

The Senate Committee on Appropriations is not familiar with the details or the merits of the proposal since no request was made for funds and the matter was not presented to the committee. The pending bill, as it passed the House of Representatives, does not contain the $3 million. The Senate committee is of the view that the proposal to finance this expenditure from the contingent fund of the House is irregular. It was the committee's view that if the Congress agrees that such security apparatus should be procured and installed, it should be financed in the regular order from the appropriation, "Capitol Buildings," under the Architect of the Capitol.

The committee has so advised the Senate Committee on Rules and Administration, and further recommends to that committee that if it is favorably inclined toward the installation of this apparatus that Senate Concurrent Resolution 65 be amended to authorize an appropriation. Upon enactment of the authorization, the Committees on Appropriations of the two Houses can then consider the request for an appropriation in a supplemental appropriation bill.

Mr. President, turning now to the amendment inserted by the committee prohibiting the expenditure of funds for the preparation of final plans on the West Front extension proposal:

An appropriation of $2,275,000 under the head, "Extension of the Capitol," was made in the Legislative Branch Appropriation Act for fiscal year 1970. There is a balance in this account, as of March 1, 1972, of $2,020,665. On March 8, 1972, the Commission for Extension of the U.S. Capitol directed the Architect of the Capitol to proceed with the preparation of final plans for extending the west central front in accord with plan 2 heretofore approved by the Commission.

The committee was of the view that no funds should be used for the preparation of final plans until such time as the Congress has specifically approved and appropriated funds for the extension of the west central front. It is estimated that the cost of this project may total $60 million. The funds presently available may be used for preparation of preliminary plans. Should the balance of $2,020,665 be used for the preparation of final plans and should the Congress not approve of extending the west central front in accordance with plan 2, the funds would be wasted. On the other hand, should the final plans be prepared at a cost in excess of $2 million, the argument can be made that the Congress is obligated to proceed further with appropriations of $60 million for the extension.

Under these circumstances, the committee has inserted language in the bill stating that the funds may be used for preliminary plans but prohibits the use of any funds for the preparation of final plans or initiation of construction until the project is specifically approved and appropriated for by the Congress.

For the Senate Office Buildings, the committee recommends an appropriation of $4,932,200, an increase of $173,600 over the fiscal year 1972 appropriations enacted to date. Details with respect to the items recommended under this head may be found on page 12 of the report.

For the Library of Congress, the committee recommends a total appropriation of $78,576,450, and information concerning the individual line items is available in the report, commencing on page 14.

In the appropriation account, "Salaries and expenses," which supports the Library's basic operations, the committee recommends an appropriation of $36,455,000. This appropriation finances the acquisition and processing of materials, custody, and general services relating to the collections, and general administration of the Library. The sum recommended will finance the 51 additional positions requested for the various activities funded under this appropriation. This is an incerase of 30 additional positions over the House allowance of 21, urgently requested by the Librarian of Congress.

For the Congressional Research Service, the committee recommends concurrence in the House allowance of $9,155,000, which is a reduction of $650,000 below the budget estimate. The sum recommended will provide for an additional 86 positions, for a total complement of 524 in the Congressional Research Service. Sufficient funds are included in the recommendation to establish the information center in the Senate Office Building proposed by the Library of Congress.

For furniture and furnishings, the committee recommends concurrence in the House allowance of $4,435,300, of which $4 million is earmarked for the purchase and supply of furniture, book stacks, shelving, furnishings, and related costs necessary for the initial outfitting of the James Madison Memorial Library Building. The completion of the building is scheduled for February 1975, and to facilitate occupancy as soon as possible thereafter, furnishings and equipment must be contracted for prior to July 1, 1974. The item requiring the longest lead-time is the specialized compact book-shelving proposed for the building.

For the Government Printing Office, the committee recommends an appropriation of $46,500,000 for Congressional Printing and Binding and $17,239,900 for the Office of the Superintendent of Documents.

The committee has included in the bill $97 million for salaries and expenses of the General Accounting Office. This is $1,180,000 above the amount recommended by the House of Representatives, and will provide the full complement of the 238 additional positions requested by the Comptroller General. Included in the sum recommended is $1,600,000 for GAO responsibilities in connection with the recently enacted Federal Election Campaign Act—Public Law 92-225—which has imposed major new duties on the GAO.

That completes my statement, Mr. President, and I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as thus amended be regarded for the purpose of amendment as original text, provided that no point of order shall be considered to have been waived by reason of agreement to this order.

The PRESIDING OFFICER (Mr. McGEE). Without objection, it is so ordered, and the committee amendments are considered and agreed to.

The amendments, agreed to en bloc, are as follows:

On page 2, line 1, insert:

SENATE

On page 2, after line 1, insert:

COMPENSATION AND MILEAGE OF THE VICE PRESIDENT AND SENATORS AND EXPENSE ALLOWANCES OF THE VICE PRESIDENT AND LEADERS OF THE SENATE

COMPENSATION AND MILEAGE OF THE VICE PRESIDENT AND SENATORS

For compensation and mileage of the Vice President and Senators of the United States, $4,778,340.

On page 2, after line 9, insert:

EXPENSE ALLOWANCES OF THE VICE PRESIDENT AND MAJORITY AND MINORITY LEADERS

For expense allowance of the Vice President, $10,000; Majority Leader of the Senate, $3,000; and Minority Leader of the Senate, $3,000; in all, $16,000.

On page 2, after line 14, insert:

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, clerks to Senators, and others as authorized by law, including agency contributions and longevity compensation as authorized, which shall be paid from this appropriation without regard to the below limitations, as follows:

On page 2, after line 20, insert:

OFFICE OF THE VICE PRESIDENT

For clerical assistance to the Vice President, $430,200.

At the top of page 3, insert:

OFFICE OF THE PRESIDENT PRO TEMPORE

For office of the President pro tempore, $54,130: *Provided*, That effective July 1, 1972, the Comptroller may appoint and fix the compensation of an auditor at not to exceed $18,130 per annum in lieu of a secretary at not to exceed $15,281 per annum.

On page 3, after line 6, insert:

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For offices of the Majority and Minority Leaders, $206,165.

On page 3, after line 9, insert:

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For offices of the Majority and Minority Whips, $104,640.

On page 3, after line 12, insert:

OFFICE OF THE CHAPLAIN

For office of the Chaplain, $18,650.

On page 3, after line 14, insert:

OFFICE OF THE SECRETARY

For office of the Secretary, $2,244,230, including $99,974 required for the purpose specified and authorized by section 74b of title 2, United States Code: *Provided*, That effective July 1, 1972, the Secretary may appoint and fix the compensation of a third assistant parliamentarian at not to exceed $19,684 per annum, and a messenger at not to exceed $9,583 per annum.

On page 4, after line 2, insert:

COMMITTEE EMPLOYEES

For professional and clerical assistance to standing committees and the Select Committee on Small Business, $7,696,705.

On page 4, after line 6, insert:

CONFERENCE COMMITTEES

For clerical assistance to the Conference of the Majority, at rates of compensation to be fixed by the chairman of said committee, $153,070.

For clerical assistance to the Conference of the Minority, at rates of compensation to be fixed by the chairman of said committee, $153,070.

On page 4, after line 13, insert:

ADMINISTRATIVE AND CLERICAL ASSISTANTS TO SENATORS

For administrative and clerical assistants to Senators, $34,264,925.

On page 4, after line 17, insert:

OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

For office of Sergeant at Arms and Doorkeeper, $8,633,250.

On page 4, after line 20, insert:

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For offices of the Secretary for the Majority and the Secretary for the Minority, $248,120.

At the top of page 5, insert:

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the office of the Legislative Counsel of the Senate, $473,810.

On page 5, after line 4, insert:

CONTINGENT EXPENSES OF THE SENATE

SENATE POLICY COMMITTEES

For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, $309,770 for each such Committee; in all, $619,540.

On page 5, after line 9, insert:

AUTOMOBILES AND MAINTENANCE

For purchase, lease, exchange, maintenance, and operation of vehicles, one for the Vice President, one for the President pro tempore, one for the Majority Leader, one for the Minority Leader, one for the Majority Whip, one for the Minority Whip, for carrying the mails, and for official use of the offices of the Secretary and Sergeant at Arms, $36,000.

On page 5, after line 17, insert:

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, including $511,460 for the Committee on Appropriations, to be available also for the purposes mentioned in Senate Resolution Numbered 193, agreed to October 14, 1943, $11,848,545.

At the top of page 6, insert:

FOLDING DOCUMENTS

For the employment of personnel for folding speeches and pamphlets at a gross rate of not exceeding $3.34 per hour per person, $74,475.

On page 6, after line 4, insert:

MISCELLANEOUS ITEMS

For miscellaneous items, $6,532,150.

On page 6, after line 6, insert:

POSTAGE STAMPS

For postage stamps for the Offices of the Secretaries for the Majority and Minority,

$320; and for air mail and special delivery stamps for the Office of the Secretary, $610; Office of the Sergeant at Arms, $240; Comptroller, $100; Senators and the President of the Senate, as authorized by law, $137,355; in all, $138,625.

On page 6, after line 13, insert:

STATIONERY (REVOLVING FUND)

For stationery for Senators and the President of the Senate $385,800; and for stationery for committees and officers of the Senate, $17,200; in all, $403,000.

On page 6, after line 17, insert:

ADMINISTRATIVE PROVISIONS

The second sentence of section 4 of the joint resolution entitled "Joint Resolution transferring the management of the Senate Restaurants to the Architect of the Capitol, and for other purposes", approved July 6, 1961, as amended (40 U.S.C. 174j–4), is amended (1) by striking out "1972" and inserting in lieu thereof "1973", and (2) by striking out "specifically for such restaurants as a" and inserting in lieu thereof a comma and the following: "which shall be part of a".

Effective July 1, 1972, the last paragraph under the heading "Administrative Provisions" in the appropriations for the Senate under the Legislative Branch Appropriation Act, 1971 (2 U.S.C. 46d–5), is repealed.

For the purpose of carrying out his duties under the Federal Election Campaign Act of 1971, the Secretary of the Senate is authorized, from and after July 1, 1972, (1) to procure technical support services, (2) to procure the temporary or intermittent services of individual technicians, experts, or consultants, or organizations thereof, in the same manner and under the same conditions, to the extent applicable, as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946, (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency, and (4) to incur official travel expenses. Payments to carry out the provisions of this paragraph shall be made from funds included in the appropriation "Miscellaneous Items" under the heading "Contingent Expenses of the Senate" upon vouchers approved by the Secretary of the Senate. All sums received by the Secretary under authority of the Federal Election Campaign Act of 1971 shall be covered into the Treasury as miscellaneous receipts.

On pages 15, line 8, after the word "Committee", strike out "$674,190" and insert "$716,900".

On page 15, line 26, after the word "Management", strike out "$569,634" and insert "$355,000".

On page 21, line 13, after the word "law", strike out "$1,198,500" and insert "$1,171,500".

On page 21, after line 24, strike out:

For necessary expenditures for the Capitol Building and electrical substations of the Senate and House Office Buildings, under the jurisdiction of the Architect of the Capitol, including improvements, maintenance, repair, equipment, supplies, material, fuel, oil, waste, and appurtenances; furnishings and office equipment; special and protective clothing for workmen; uniforms or allowances therefor as authorized by law (5 U.S.C. 5901, 5902; personal and other services; cleaning and repairing works of art, without regard to section 3709 of the Revised Statutes, as amended; purchase or exchange, maintenance and operation of a passenger motor vehicle; purchase of necessary reference books and periodicals; for expenses of attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $2,852,900, of which $50,000 shall remain available until expended: *Provided*, That there is hereby authorized to be established and maintained in an amount not to exceed $100, a petty cash fund for small purchases necessary for care and operation of the buildings and office administration, which shall be reimbursed by vouchers properly chargeable to this and successor appropriations.

And, in lieu thereof, insert:

For necessary expenditures for the Capitol Building and electrical substations of the Senate and House Office Buildings, under the jurisdiction of the Architect of the Capitol, including improvements, maintenance, repair, equipment, supplies, material, fuel, oil, waste, and appurtenances; furnishings and office equipment; special and protective clothing for workmen; uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902): personal and other services; cleaning and repairing works of art, without regard to section 3709 of the Revised Statutes, as amended; purchase or exchange, maintenance and operation of a passenger motor vehicle; purchase of necessary reference books and periodicals; for expenses of attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $4,411,000, of which $1,521,000 shall remain available until June 30, 1974, to enable the Architect of the Capitol, under the direction of the Commission on Art and Antiquities of the United States Senate established by S. Res. 382, 90th Congress, agreed to October 1, 1968, to make such expenditures as may be necessary, without regard to section 3709 of the Revised Statutes, as amended, to restore the Old Senate Chamber on the principal floor of the Capitol and the Old Supreme Court Chamber on the ground floor of the Capitol substantially to the condition in which these chambers existed when last occupied in 1859 and 1860, respectively, by the United States Senate and the United States Supreme Court, including expenditures for procurement, restoration, and repair of furniture and furnishings for these chambers: *Provided*, That there is hereby authorized to be established and maintained, in an amount not to exceed $100, a petty cash fund for small purchases necessary for care and operation of the buildings and office administration, which shall be reimbursed by vouchers properly chargeable to this and successor appropriations.

The sum of $74,000 of the $470,000 made available until expended under the heading "Senate Office Buildings" in the Legislative Branch Appropriation Act, 1968, is hereby rescinded.

The unobligated balances on June 30, 1972 in the following appropriation accounts, now available until expended, shall cease to be available for obligation on June 30, 1973:

Senate Office Buildings (excluding the $74,000 rescinded); Extension of Additional Senate Office Building Site; Structural and Mechanical Care, Library Buildings and Grounds; John W. McCormack Residential Page School.

At the top of page 25, insert:

EXTENSION OF THE CAPITOL

Funds available under this appropriation may be used for the preparation of preliminary plans for the extension of the west central front: *Provided, however*, That no funds may be used for the preparation of the final plans or initiation of construction of said project until specifically approved and appropriated therefor by the Congress.

On page 25, after line 19, insert:

SENATE OFFICE BUILDINGS

For maintenance, miscellaneous items and supplies, including furniture, furnishings, and equipment, and for labor and material incident thereto, and repairs thereof; for purchase of waterproof wearing apparel, and for personal and other services; including eight attendants at a gross annual rate of $7,695 for the period January 9, 1972 to June 30, 1972 and whose salary rates shall be fixed on and after July 1, 1972 by the Architect of the Capitol without regard to Chapter 51 and Subchapters III and IV of Chapter 53 of Title 5, United States Code and shall thereafter be adjusted in accordance with 5 U.S.C. 5307; for the care and operation of the Senate Office Buildings; including the subway and subway transportation systems connecting the Senate Office Buildings with the Capitol; uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902), prevention and eradication of insect and other pests without regard to section 3709 of the Revised Statutes as amended; to be expended under the control and supervision of the Architect of the Capitol; in all, $4,932,200.

On page 26, after line 14, insert:

SENATE GARAGE

For maintenance, repairs, alterations, personal and other services, and all other necessary expenses, $89,100.

On page 27, line 25, after the word "services", strike out "$1,516,400" and insert "$1,531,400".

On page 29, line 4, after the word "Board", strike out "$36,040,000" and insert "$36,455,000".

At the top of page 35, strike out:

Hereafter, appropriations for authorized printing and binding for the Congress shall not be available under the authority of the Act of July 30, 1947 (1 U.S.C. 211) for the printing, publication, and distribution of more than two copies of new editions of the Code of Laws of the United States and of the Code of the District of Columbia for each Member of the Senate and House of Representatives.

On page 37, line 16, after "(Public Law 87–195, 22 U.S.C. 2396 (b)", strike out "$95,820,000" and insert "$97,000,000".

Mr. MANSFIELD. Mr. President, will the distinguished Senator from South Carolina yield?

Mr. HOLLINGS. I yield.

Mr. MANSFIELD. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 25, strike out beginning on line 2 all language through line 7 and insert the following:

"Funds available under this appropriation may be used for the preparation of plans for the extension of the West Central Front: *provided however*, That no funds may be used for construction of said project until specifically approved and appropriated therefor by the Congress.

Mr. MANSFIELD. Mr. President, I voted for the amendment contained on page 25 of the bill when the Appropriations Committee met last Friday. I must admit, in all candor, that I did so under a misapprehension and, therefore, I stand corrected for my misunderstanding; but as a member of the commission for the extension of the U.S. Capitol, created by Congress and on which certain responsibilities were imposed, I attended my first meeting of that commission earlier this week for 2 hours, along with the Vice President of the United States, the Speaker of the House, the minority leader of the Senate, the minority leader of the House, the majority leader of the House, and the Architect of the Capitol, I listened to the arguments advanced by the Architect as to why he thought, in his judgment, we should go ahead with plans for the West Front.

He made some cogent arguments and I find that the agreement to which I was a party in the Appropriations Committee last Friday afternoon really accomplishes nothing, because it means nothing. I was under the impression, or at least I thought I was, that what we were doing was going ahead with funds for the plans, not for the appropriation of funds for the construction of any extension which, as a matter of fact, would have to come again before Congress, anyway.

But, Mr. President, not to take up too much of the time of the Senate, I ask unanimous consent at this time that a memorandum to the members of the commission for the extension of the U.S. Capitol, under date of March 6, 1972, and recommendations signed by all seven members of the commission for the extension of the U.S. Capitol dated March 6, 1972, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMISSION FOR EXTENSION,
OF THE U.S. CAPITOL,
March 8, 1972.

Whereas Public Law 91–145, approved December 12, 1969, provides:

EXTENSION OF THE CAPITOL

For an additional amount for "Extension of the Capitol", $2,275,000, to be expended under the direction of the Commission for Extension of the United States Capitol as authorized by law: *Provided,* That such portion of the foregoing appropriation as may be necessary shall be used for emergency shoring and repairs of, and related work on, the west central front of the Capitol: *Provided further,* That not to exceed $250,000 of the foregoing appropriation shall be used for the employment of independent nongovernmental engineering and other necessary services for studying and reporting (within six months after the date of the employment contract) on the feasibility and cost of restoring such west central front under such terms and conditions as the Commission may determine: *Provided, however,* That pending the completion and consideration of such study and report, no further work toward extension of such west central front shall be carried on: *Provided further,* That after submission of such study and report and consideration thereof by the Commission, the Commission shall direct the preparation of final plans for extending such west central front in accord with Plan 2 (which said Commission has approved), unless such restoration study report establishes to the satisfaction of the Commission:

(1) That through restoration, such west central front can, without undue hazard to safety of the structure and persons, be made safe, sound, durable, and beautiful for the foreseeable future;

(2) That restoration can be accomplished with no more vacation of west central front space in the building proper (excluding the terrace structure) than would be required by the proposed extension Plan 2;

(3) That the method or methods of accomplishing restoration can be so described or specified as to form the basis for performance of the restoration work by competitive, lumpsum, fixed price construction bid or bids;

(4) That the cost of restoration would not exceed $15,000,000; and

(5) That the time schedule for accomplishing the restoration work will not exceed that heretofore projected for accomplishing the Plan 2 extension work: *Provided further,* That after consideration of the restoration study report, if the Commission concludes that all five of the conditions hereinbefore specified are met, the Commission shall then make recommendations to the Congress on the question of whether to extend or restore the west central front of the Capitol.

Whereas, the restoration feasibility and cost study and report of Praeger-Kavanagh-Waterbury, Consulting Engineers-Architects, made pursuant to Public Law 91–145, was considered by the Commission at its meeting of March 8, 1972, in Room EF–100 of the Capitol; and

Whereas, the Commission established to its satisfaction that all five of the conditions specified in Public Law 91–145, relating to restoration, cannot be met: Now, therefore, be it resolved,

That the Architect of the Capitol is hereby directed to proceed with the preparation of final plans for extending the west central front in accord with Plan 2 heretofore approved by the Commission.

CARL ALBERT,
Speaker of the House of Representatives, Chairman;
HALE BOGGS,
Majority Leader of the House;
GERALD R. FORD,
Minority Leader of the House,
SPIRO T. AGNEW,
President of the Senate;
MIKE MANSFIELD,
Majority Leader of the Senate;
HUGH SCOTT,
Minority Leader of the Senate;
GEORGE M. WHITE,
Architect of the Capitol.

WASHINGTON, D.C.,
March 6, 1972.

MEMORANDUM TO THE MEMBERS OF THE COMMISSION FOR EXTENSION OF THE U.S. CAPITOL

The primary purpose of this meeting is the consideration by the Commission of the January, 1971 report of the firm of Praeger-Kavanagh-Waterbury, Consulting Engineers and Architects, relating to the feasibility and cost of the restoration of the West Central Front of the Capitol, as proposed in such report.

Under the prevailing statute providing for this report, the Commission is charged with the responsibility of establishing to its satisfaction whether the five conditions specified in the law are met.

If the Commission determines that the five conditions are *not* met, then the law provides that the Commission shall direct the preparation of final plans for extending the West Central Front in accord with Plan 2 which the Commission has heretofore approved.

If the Commission concludes that the five conditions *are* met, then the law provides that the Commission shall make recommendations to the Congress on the question of whether to extend or restore the front.

LAW RELATING TO THESE DETERMINATIONS

In the Legislative Branch Appropriation Act, 1970, (Public Law 91–145), the Congress simultaneously appropriated $2,000,000 for preparation of final contract drawings and specifications for carrying out Plan 2 for extension of the West Central Front of the Capitol and $250,000 for engineering and other necessary services for studying and reporting on the feasibility and cost of restoring the front.

The law provided that pending the completion and consideration of the restoration study and report, no further work toward extension was to be undertaken.

The law also contained the following provisions which are pertinent to your consideration today:

"* * * That after submission of such study and report and consideration thereof by the Commission, the Commission shall direct the preparation of final plans for extending such west central front in accord with Plan 2 (which said Commission has approved), unless such restoration study report establishes to the satisfaction of the Commission:

"(1) That through restoration, such west central front can, without undue hazard to safety of the structure and persons, be made safe, sound, durable, and beautiful for the foreseeable future;

"(2) That restoration can be accomplished with no more vacation of west central front space in the building proper (excluding the terrace structure) than would be required by the proposed extension Plan 2;

"(3) That the method or methods of accomplishing restoration can be so described or specified as to form the basis for performance of the restoration work by competitive, lumpsum, fixed price construction bid or bids;

"(4) That the cost of restoration would not exceed $15,000,000; and

"(5) That the time schedule for accomplishing the restoration work will not exceed that heretofore projected for accomplishing the Plan 2 extension work: *Provided further,* That after consideration of the restoration study report, if the Commission concludes that all five of the conditions hereinbefore specified are met, the Commission shall then make recommendations to the Congress on the question of whether to extend or restore the west central front of the Capitol."

Upon direction of the Commission for Extension of the United States Capitol, after exhaustive study, the engineering contract for the restoration study was awarded to Praeger-Kavanagh-Waterbury, Engineers-Architects of New York City, on July 1, 1970.

The Praeger report was received at the end of December, 1970, and was forwarded immediately to all Members of the Commission and released to the press and others interested.

STATEMENT OF THE ARCHITECT OF THE CAPITOL RELATING TO HIS STUDY OF THE WEST FRONT PROBLEM

Early last year, as the newly appointed Architect of the Capitol, and in anticipation that the Commission in Charge, before reaching a conclusion on the matter, would seek my professional judgment in assisting them to evaluate the Praeger report, I began a detailed professional review of all available information relating to the history and development of the West Central Front proposals.

Among the activities in which I engaged during the review are the following:

1. A careful and diligent open-minded study of the Praeger report.

2. A physical examination of both the interior and the exterior of the original west walls.

3. A careful review of testimony given over a period of many years before various House and Senate Committees concerned with the proposals for the extension of the West Front of the Capitol, and before the Commission for Extension of the United States Capitol.

4. A reading and review of the record of the floor debates in both the Senate and the House that led to the various actions of the Congress.

5. A review of the legislation, committee reports, and other documents on the subject.

6. Study of the Mueser, Rutledge, Went-

worth & Johnston engineering report of 1957.

7. Study of the 1964 engineering report of The Thompson & Lichtner Co., Inc.

8. A study of the various reports of the former Architect of the Capitol, as well as reports made to him by the Associate Architects for the Extension Project.

9. Meetings and discussions of the various past studies, and of the Praeger report, with the staff of the Architect of the Capitol.

10. Requested and received advice and counsel from the American Institute of Architects which responded by appointing a new Task Force to re-examine the AIA position. We engaged in several conferences and a written report from the Task Force was received.

11. Asked three prominent general contractors, an officer and members of the AGC, for their opinion with regard to estimates of cost as outlined in the Praeger report and the feasibility of obtaining competitive lumpsum bids.

12. Conversed at some length with Mr. E. H. Praeger himself in order that I might obtain verbal clarification of a number of what I considered to be ambiguous or contradicting portions of the written report.

13. Conferred with the Advisory Architects, Consulting Engineers, and others.

14. Conferred with other individuals who have maintained a long interest in the Capitol, including Senators, Congressmen, and design professionals.

15. Spoke with a British stone preservation expert who inspected the Capitol, and then read several of his papers regarding the deterioration of stone generally and in England in particular.

16. Inspected, at no cost to the Government, several European restoration projects.

17. Personally examined the space needs of the House of Representatives and, to some degree, the space needs of the Senate. Have explored all areas on the House Side of the Capitol, from the basement through the attic, and many of the Senate areas. Several discussions have been held with Senator Jordan about my proceeding with a full space study of Senate facilities and he has now approved my proceeding with that study.

18. Examined and studied the matter of how the Congress uses the building, how the public (visitors) also uses the building, and further, how their respective and simultaneous needs must be considered.

19. Spent untold hours in review of the various data and in the reading of articles by many persons concerned with preservation, planning, the history of the Capitol, and in the re-examination of the Praeger report.

PROFESSIONAL JUDGMENTS OF THE ARCHITECT

After these many months of study and investigation, I am prepared to offer the following professional judgments, which for the purposes of this brief presentation have been necessarily simplified:

1. The structural adequacy of the west wall is, in fact, indeterminate. As many experts will declare that it is stable as will say that it is unstable. But even those who support the position of stability admit to the indeterminacy of the loading computations, and, therefore, say that the wall should be strengthened as an insurance against the probability of a possible failure. Thus, although there appears to be no imminent danger of an immediate collapse, there may well be concentrations of forces that have accumulated through structural and other changes over the years and that could, under certain circumstances, be triggered and released. There appears, then, to be no basic disagreement regarding the need to strengthen, and thus stabilize the wall in some fashion. Further, there appears to be no disagreement that this goal may be achieved in at least two ways, one of which is through restoration, or a strengthening of the wall in situ, and another of which is through an extension of the building itself, which will, in effect, buttress and thus strengthen the wall.

2. There appears to be no disagreement with regard to the exterior appearance of the proposed extension, nor any disagreement with regard to the total appearance of the Capitol that would result.

3. That human characteristic which manifests itself in our desire to save and preserve at least some of our heritage, whether it be personal, national, or international, finds a high degree of intensity in some, and it may then be expressed in the feeling that preservation is a primary goal in and of itself. I submit that the intensity with which that desire exists in the spectrum of people's feelings must, in this instance, be weighed against some of the physical needs of the Congress that must be met. If the Congress, for example, were to commission the design of a new legislative complex, the designers would undoubtedly need to assist in the writing of a program which would describe the physical needs of the Congress in the transaction of its daily business. The configuration of the building or buildings would arise from a study of these needs. In this existing legislative building, viz, the Capitol, these needs have changed and expanded over the years, and, indeed, are continuing to do so. It is apparent that complex problems such as these are not generally capable of simple solutions. Recognizing that it may thus be an oversimplification to so state, it is nevertheless my opinion that the Congress must weigh the sentiment of preservation against its physical needs, taking into account the various alternative methods of providing needed space in close proximity to the legislative chambers.

4. The argument can be made that the fact that the West Front contains the last remaining exposed original wall, is indicative of the past life and hence the growth of this living, working symbol of democracy and freedom that is the Capitol. Sometime, of course, acceleration in the growth of our Nation may diminish and perhaps that point is already in sight. It has therefore been suggested that the existing physical outline of the Capitol be considered inviolate at its present location. Somewhere that position must surely be taken, but it appears that it is not necessarily valid to presume that it cannot be taken at some other location, such as, for example, that of the proposed extension.

5. The final cost of the proposed restoration appears to be indeterminate. Most experts feel that the cost will certainly be more than $15,000,000, notwithstanding the written statement in the Praeger report. The requirements of items 3 and 4 of Public Law 91–145, previously quoted, indicated that a lumpsum contract for restoration of not more than $15,000,000 must be capable of being obtained. I interpret these two items, taken together, as meaning that the Congress has set a fixed, limited, i.e., maximum, cost of $15,000,000 as one of the criteria for the feasibility of restoration. Experience in the construction of buildings indicates that a lumpsum contract, in and of itself, is not an assurance that the designated sum will indeed be the final cost. It is my considered professional opinion, based upon my recent investigations as outlined above, that the restoration, as proposed, cannot be accomplished for a total final cost of $15,000,000. In that connection, it is important to recognize that even though the cost per square foot of an extension might appear to be high because of the particular kind of construction that would be necessary, any expenditure for restoration, because no space would be added, would result in what mathematically results in an infinite cost per square foot.

It is, further, worthy of note that there is no disagreement among the advocates of the various positions that restoration work generally, and the West Front of the Capitol in particular, should, because of its specialized nature, be accomplished through the medium of a cost plus a fixed fee contract rather than through a lumpsum agreement obtained on a competitive bid basis.

Although the specifics of the other three provisions of Public Law 91–145 can generally be said to be capable of being met, with the obvious possibility for disagreement regarding what is "safe, sound, durable, and beautiful for the foreseeable future," I believe that it would be inappropriate to presume that the cost limitation can or could be met.

SUMMARY

Summarizing, then, I submit the following judgments: (a) although it is relatively stable, the west wall needs repair and strengthening; (b) the restoration method of strengthening the wall cannot be accomplished for a guaranteed cost limit of $15,000,000; (c) the Congress must weigh and decide upon the relative importance and the appropriate methods of providing for its space needs in the Capitol, as compared with the admittedly highly desirable goal of preserving the exposed physical wall.

Additional information will be available at the meeting of the Commission.

GEORGE M. WHITE,
Architect of the Capitol.

Mr. MANSFIELD. Mr. President, may I point out that the Commission has done precisely what Congress mandated it to do in the Legislative Branch Appropriations Act of 1970. The charge that we have done otherwise, as has been enunciated by certain Members in the other body, is absolutely incorrect and absolutely without foundation.

Five conditions were spelled out in the Legislative Branch Appropriations Act of 1970, which restoration must meet in order to be considered by the Commission. If all of these questions were not met to the satisfaction of the Commission, then the law said the Commission shall direct the preparation of final plans for the extension as already approved by the commission. This is exactly what the Commission has done, and done unanimously.

Before the meeting of March 8, 1972, the Commission had received from the Architect of the Capitol the restoration report, the Architect's comments on the report and on his effort going back over a period of more than a year, and his professional judgments relating to the west front problem. At the meeting, we had available the preliminary plans and estimates of cost for the extension, and all the background information, including hearings, debate on the floor, committee reports, and so forth, during the last several years on this question.

Near the close of the Commission's discussion, Representative FORD read aloud each of the five conditions specified in the law and asked Architect White to comment on each one. The following resulted:

> 1. That through restoration, such west central front can, without undue hazard to safety of the structure and persons, be made safe, sound, durable, and beautiful for the foreseeable future.

Mr. White stated that the wall can be made relatively safe and sound. However, he said, there is grave doubt that it can be made durable and beautiful except with continued and substantial maintenance.

Representative FORD then read the next condition:

2. That restoration can be accomplished with no more vacation of west central front space in the building proper (excluding the terrace structure) than would be required by the proposed extension plan 2.

Mr. White said that this was a true statement.

Representative Ford then read the following conditions:

3. That the method or methods of accomplishing restoration can be so described or specified as to form the basis for perfomance of the restoration work by competitive, lump sum fixed price construction bid or bids.

4. That the cost of restoration would not exceed $15 million.

Mr. White stated that conditions 3 and 4, taken together, cannot, in his opinion, be met.

Representative Ford then read condition 5:

5. That the time schedule for accomplishing the restoration work will not exceed that heretofore projected for accomplishing the plan to extension work: Provided further, That after consideration of the restoration report, if the commission concludes that all five of the conditions hereinbefore specified are met, the commission shall then make recommendations to the Congress on the question of whether to extend or restore the West Central Front of the Capitol.

Mr. White stated that condition 5 can be met.

Mr. White then gave us the analysis which he had arrived at after some thought and since assuming his position as Architect of the Capitol. And incidentally if he is not the first architect in a real sense of the Capitol, he is one of the very few. As I have said, he has made a number of investigations, surveys, and inquiries. He is a man who is honest in his outlook, and I am sorry to note that some Members, at least in the other body, have already started up the cry that he should resign his position because he does not agree with what they advocate about the west central front.

I can only say that Mr. White is a qualified architect and a former president of the American Institute of Architects. He is a man with a very high reputation. His integrity and his interest in this symbol of liberty, this Capitol of the Nation, which does not belong to the Members of the House or Senate, but to all people, is not subject to question. He is a man in whom the commission has the utmost confidence.

He was questioned quite closely for 2 hours. On the basis of his recommendations and on the basis of his answers to our questions, the Commission unanimously recommended that the plan go ahead, but also said that before any construction would be undertaken, that it would be subject to the will of the House and Senate Appropriations Committees, as well as their parent bodies.

What the Commission advocated has been stipulated under the laws of Congress and agreed to by both Houses.

I urge that the Senate give most serious consideration to backing up the Commission in what it did unanimously and in allowing the plans to go ahead, seeking to bring about, if the Senate and House agree, at an appropriate time, construction which is badly needed.

All we have to do now is to go out to the west front and see those 8-by-8 beams that are holding up the building.

There are some Members of this body, and perhaps I was included among them, who had questions concerning the extension of the east front. Certainly we have been satisfied, if not more than satisfied, with the architectural beauty which has enhanced the Capitol of the Nation on that side. The same can be done to the west central front, and if so the Capitol will be enhanced considerably, the building will be in a more central position, and the classical and architectural aspects of this building will, in my opinion, be enhanced considerably.

Mr. President, I ask unanimous consent to have printed in the Record a statement on the action taken by the members of the Commission, representing both the House and Senate, relative to the west front of the Capitol, as well as remarks in the House by the distinguished Representative from Iowa (Mr. Schwengel).

There being no objection, the statements were ordered to be printed in the Record, as follows:

Mr. Schwengel. Mr. Chairman, I hope there is no one here who may seriously question my interest in and my concern for the preservation of the Capitol. Few, I believe, and I confess humbly, surpass my interest in the history and the heritage of this great monument, our Capitol.

I will begin by suggesting to you and telling you, as many of you already know, that originally as a historian, I was opposed to both the East Front and the West Front extensions. But because of my growing interest, I researched this question and I have studied it in depth. The original plans were considered. The needs were noted. I have changed my mind. I was wrong and I have said so at different times on the floor of the House.

One of our troubles around here is that an institution for publicity in this area insists on only publishing one side of the story. On March 8 and 9, I took the floor and discussed this matter and commented on the decision of the Commission. This organization for publicity was made known of this, but not one line was in the paper. But, the opposition was there.

So I invite now, Mr. Chairman, the publicity facilities here, and one in particular, to pay attention to another side and to note what other people have said who are competent and who are interested and who are just as dedicated and concerned about this.

Now having commented on that, let me talk about change. My colleagues, there have been many changes in this Capitol Building. It is not a status quo-building just as this Nation is not a status quo institution.

We had the original design—and the first dome was a low dome. Then wisely and because the Congress needed more space, in 1850 a move was made to expand the Capitol and the result is this room—with one comparable to it on the Senate side.

Then it was noted that there was something wrong with that low dome and that it was out of proporttion. So it was recommended that we put a dome on like you see on the Capitol.

Then there was the question of need for balance on the west front and the terrace idea was conceived and an extension was conceived at that time.

In 1904 this Congress, looking forward to that extension part of the project to develop some bronze doors and there are three magnificient bronge doors on the east front now and they tell a magnificent story of our early history.

There is another set of doors which will be on display soon that will be designed for the west front, but because something happened we never could get on with this business. Every time it was up, there was somebody on the House floor opposing it. Even when we changed from gas light to electric light, some of the wise men in the Congress on the House and Senate side both commented: Well, what is the matter with the gas light? This electric business is just a fad and it is dangerous and we should not do it.

There was debate about the dome. So change has been a tradition and the status quo has not been the tradition.

Now as to the hideaways—I have been, I think, and every man can if he wants to, get into every room in this building. Some are not convenient to get into—you have to go through a manhole to explore the area where they dug there one time.

Mr. Jacobs. Mr. Chairman, will the gentleman yield?

Mr. Schwengel. I yield to the gentleman.

Mr. Jacobs. I would like to see the gentleman get into the room where this committee met, the Appropriations Committee. I understand that no Members of Congress except members of the committee were admitted while the hearings were going on.

Mr. Schwengel. I knew about those hearings. But I happen to trust those people very much. They are our representatives.

While we are commenting on that, I will say I have been able to find it and I have gone there and no discourtesy was shown. I found out what took place there. There was an honest evaluation of the facts that they were acting in accordance with the wishes of the Congress.

Mr. Jacobs. Mr. Chairman, will the gentleman yield?

Mr. Schwengel. Yes, I yield to the gentleman from Indiana.

Mr. Jacobs. Does the gentleman take the position that hearings on the expenditure of public money should be closed, that that is perfectly all right, and that we should just trust the members of the committee?

Mr. Schwengel. I do not endorse that, of course, but that is not the question.

Mr. Evans of Colorado. Mr. Chairman, will the gentleman yield?

Mr. Schwengel. I yield to the gentleman from Colorado.

Mr. Evans of Colorado. The committee was glad to receive all Members who expressed an interest in coming to the committee, and all such Members did come and were heard.

Mr. Jacobs. Mr. Chairman, will the gentleman yield further?

Mr. Schwengel. I yield to the gentleman from Indiana.

Mr. Jacobs. That is not an answer to my question. The question is whether Members can attend, not as witnesses, but to observe other witnesses. I would like the committee to state whether that would be permitted.

Mr. Schwengel. Under the provisions of Congress, as the act was passed originally, the amendment called for a study and report, that the Commission would make the judgments, they did so, and they reported. When this happened, I went down here to see what happened. As far as I was concerned, they were very courteous.

I know what has taken place. I have every confidence in the judgment of these people, and I have confidence, I will say, in the new Architect. He is a qualified architect, and to question his integrity when he comes here is just not fair. I do not believe these kinds of people are affected by politics and political pressures. He could make a lot more money than he is getting, I believe, in private practice. So why should he worry about a job? Why should he not represent the best interests of the people?

Someone mentioned Campioli. He was one of the great architects of all time. He was hired by the Rockefeller Foundation and developed the Williamsburg layout there. This man is a traditionalist. Originally, like myself, he was opposed to both the east front and the west front extensions. But he was wise enough to recognize the facts and he changed his mind.

Now, I am not worried about hideaways. Any Member of the Congress can get into any room in the Capitol he wants to get into, and that includes those rooms that are used by Members on the other side. Of course, there are not nearly so many over here. Percentagewise, more of the Members on the other side can be taken care of.

Let me tell you about a great need here, my friends. The dome section of the Capitol, to me, is holy ground. That is the center of this building. That is where a lot of important events have taken place. That is where our great statesmen have lain in state. That is the reception center. I am ashamed of it.

I do not like something else. When a carload of people come here from Iowa, Texas, Indiana, New York, or elsewhere, some of whom are 65 years of age and older, they have to park a block and a half away, walk, climb 47 steps, and there is not even a restroom anywhere in the area. There is no place to sit down and relax. But there will be if we have an extension. We will have a nice driveway up the west front. They can walk 14 steps, get on a moving platform, and move into the reception center and begin their tour at that point. What is wrong with that? Nothing, of course.

Mr. CASEY of Texas. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. I am glad to yield to the gentleman from Texas.

Mr. CASEY of Texas. I want to commend the gentleman for his activities in seeing that the Capitol becomes what it should be, a thing of beauty. If Members will look around, they will see that little by little we are accomplishing some of the things that need to be done. They will notice that our old Chambers are starting to get a little cleaning. Our committee has helped in getting junk off the balcony. I think by the time the centennial arrives and we have our celebration, we will have more pride in this building.

Mr. SCHWENGEL. Mr. Chairman, I now want to comment for the RECORD on the following questions:

First. Statements relating to Congressman STRATTON's remarks on the floor March 16, 1972; the action of the Commission March 8, 1972; and the restoration and other reports.

Second. Resolution of the Commission March 8, 1972, containing the Commission's decision and the law relating to the restoration study and the extension of the Capitol.

Third. Law authorizing the extension of the central portion of the Capitol—east and west fronts—under direction of the Commission created therein.

Fourth. Editorial from the Evening Star, March 10, 1972.

Fifth. Memorandum from the Architect to the Commission, March 6, 1972.

Sixth. Background of George M. White, Architect of the Capitol.

The material referred to follows:

NOTES ON WEST FRONT ON THE CAPITOL

(If Congressman Stratton tries to stop planning through amendment or other device on the Legislative Branch Appropriation Bill, 1973)

1. Stratton stated in his speech on the floor of the House, March 1972, that he had introduced three separate bills to accomplish his objectives. These bills were referred to the Committee on Public Works. Why is he now attempting to circumvent the regular legislative processes through an appropriation bill?

2. The House debated the West Front problem fully on September 19, 1969, and agreed to appropriate $2,000,000 for the final planning of the extension. Mr. Stratton's amendment to stop this was defeated by the House (vol. 115, pt. 19, p. 26389).

As far as the House was concerned, we could have proceeded then, more than 2 years ago, with the extension, which would have saved the escalation that has resulted in the meantime—some $10,000,000 to $15,000,000.

It was only after the insistence of some members of the other body that the provision for a so-called restoration study was agreed to in conference and the extension was postponed until the restoration study could be received and studied.

Any escalation of the cost of the extension, therefore, can be laid at the doorstep of the restorationist. It is not the fault of the Commission or the Architect of the Capitol.

3. The Commission composed of the Speaker, the Majority Leader and the Minority Leader on this side; the President of the Senate, the Majority Leader, and the Minority leader on the Senate side; and the Architect of the Capitol, is about as representative of the Membership of the Congress as anyone could hope for. Yet, the gentleman from New York (Mr. Stratton) would characterize the Commission as some kind of a monster who goes about making arbitrary decisions. He even wants the Commission abolished. Well, I think we can all draw our own conclusions from such explosive oratory. If he can't have his way, then all is wrong.

4. The Commission has done precisely what the Congress mandated in the Legislative Branch Appropriation Act of 1970. The charge that we have done otherwise is absolute nonsense.

Five conditions were spelled out in the Legislative Branch Appropriation Act, 1970, which restoration must meet in order to be considered by the Commission. If *all* those considered were not met to the satisfaction of the Commission, then the law said the Commission shall direct the preparation of final plans for the extension as already approved by the Commission. This is exactly what the Commission has done.

5. Before our meeting of March 8, 1972, the Commission had received from the Architect of the Capitol the restoration report, the Architect's comments on the report and on his effort going back over a period of more than a year, and his professional judgments relating to the west front problem. At the meeting, we had available the Preliminary Plans and estimates of cost for the extension, and all the background information, including hearings, debate on the floor, committee reports, etc., during the last several years on this question.

Near the close of the Commission's discussion, Congressman Ford, read aloud each of the 5 conditions specified by the law and asked Architect White to comment on each one. The following resulted:

"(1) That through restoration, such west central front can, without undue hazard to safety of the structure and persons, be made safe, sound, durable, and beautiful for the foreseeable future;"

Mr. White stated that the wall can be made relatively safe and sound. However, he said, there is grave doubt that it can be made durable and beautiful except with continued and substantial maintenance.

Representative Ford then read the next condition:

"(2) That restoration can be accomplished with no more vacation of west central front space in the building proper (excluding the terrace structure) than would be required by the proposed extension Plan 2".

Mr. White said that this was a true statement.

Representative Ford then read the following conditions:

"(3) That the method or methods of accomplishing restoration can be so described or specified as to form the basis for performance of the restoration work by competitive, lumpsum, fixed price construction bid or bids;

"(4) That the cost of restoration would not exceed $15,000,000;"

Mr. White stated that conditions 3 and 4, taken together, cannot, in his opinion, be said to be capable of attainment.

Representative Ford then read condition (5):

"That the time schedule for accomplishing the restoration work will not exceed that heretofore projected for accomplishing the Plan 2 extension work: Provided further, That after consideration of the restoration report, if the Commission concludes that all five of the conditions hereinbefore specified are met, the Commission shall then make recommendations to the Congress on the question of whether to extend or restore the west central front of the Capitol."

Mr. White stated that condition (5) can be met.

Mr. White said that after a great deal of study and soul-searching, he concluded that he should not think in terms of "preservation" or "extension", but he should think in terms of what would best serve the people of the Nation. The building has a tremendous meaning for the people because it is to them a symbol of democracy and a Temple of Liberty. He said that the great mass of the people who view the Capitol see it as a beautiful scene and are unconcerned with the theoretical priorities of importance of various exterior features. Their money, he concluded, would be best spent by proceeding with the extension rather than trying to save the one remaining old wall.

Mr. White was asked if he had complete jurisdiction of the building and full responsibility for it, would he restore it or extend? He said without hesitation that he would extend the old west central front.

6. George M. White, Architect of the Capitol: Mr. White was highly recommended to the President for appointment in his present position by the American Institute of Architects. He is a professional engineer, a professional architect, as well as a member of the bar. When he was appointed as Architect of the Capitol, he was an officer of the AIA. His leanings were toward restoration as a result of his association with the AIA. After studying the west front problem for more than a year and after his experience as Architect of the Capitol, he felt compelled in the interest of sound judgment and good planning to recommend the extension, rather than the so-called restoration.

7. Mr. Stratton mentions the cost of the restoration study, of approximately $245,000. It should be remembered that the Congress also spent some $266,000 for the extension study, preliminary plans and estimates of cost, which were also before the Commission when its decision was made and which have been before the Congress since 1967. Every Member of the Congress was sent a copy by former Speaker McCormack.

8. Mr. Stratton says the Commission's action was wrong "no matter what the 1970 appropriation bill may say." The gentleman is well known as a "law and order" man. Why then would he expect the Commission to ignore the very precise provisions of the law?

9. Mr. Stratton says the restoration report "totally demolished all the contentions that had underlain the long pressure for the West Front extension."

Mr. White, a professional architect and engineer says that is not true. He says "The structural adequacy of the west wall is, in fact, indeterminate. As many experts will declare that it is stable as will say that it is unstable. But even those who support the position of stability admit to the indeterminacy of the loading computations and, therefore, say that the wall should be strengthened as an insurance against the probability of a possible failure." Even the restoration report recommends structural restoration.

10. Mr. Stratton seeks to prove that all five conditions are met by the restoration study. Even those who prepared the restoration did not believe this was true. Example:

In the transmitttal letter accompanying the restoration, it is stated:

"The restoration can be accomplished within the general guidelines set forth by Congress as a directive to the Commission for Extension of the Capitol."

Page IV of the report under "Findings" it is stated

"Restoration methods can be specified to form a basis for performance of the work by competitive lump sum construction bids."

Page 15 of the report:

"A cost plus contract with an 'upset price' seems more realistic and could be obtained on a competitive basis."

Commenting on the first quotation: The Congress enacted five specifics—not general guidelines.

Commenting on the second quotation: Nowhere in the report is there an explanation of how this can be accomplished. Just a bare statement.

Commenting on the third quotation: This is, in effect, an admission that those responsible for the restoration agree that a lump sum bid procedure cannot be utilized—they recommend a cost plus procedure for the restoration work

11. Mr. Stratton admits that the cost of restoration could go over the $15,000,000 limit established by the Congress, but he attributes this to escalation. The restoration report in explaining the cost estimates (page 15) says: "Unit costs include an escalation factor."

12. Mr. Stratton does not like what the Commission has done. Well, that is no surprise. And we respect his right to differ, but in so doing he should look at *all* the facts, and not just those that suit his purpose. The decision on the West Front was made and should have been made on the facts, the evidence, and sound judgment—not upon intemperate, wild and misleading statements such as we have read of late in the Congressional Record and in at least one local newspaper.

13. The decision of the Commission was a wise, thoughtful, and reasonable decision. It was made in an atmosphere of calm study and consideration, with each Member of the Commission taking part and expressing his views. Still, there was a unanimous vote in favor of going ahead with the extension.

14. Hideaways—Mr. Stratton says there is no reason to extend the building except to have "secret hideaways" in the Capitol. When the East Front was extended, the House portion was put to use for official business of the House—there are no hideaways in that extension. Why should he try to mislead the public and his colleagues into thinking the West Front extension would be given over for hideaways for House Members?

ADDITIONAL RESPONSES TO STRATTON'S REMARKS

1. Remarks have been made by Stratton concerning the proposed extension transforming the Capitol into a super Howard Johnson's, inferring that the appearance of the building would change and that the interior would provide services of that nature. Such demagoguery obscures the facts and speaks only to the emotions. A model of the extended building has been in Statuary Hall for several years. Can anyone see *any* Howard Johnson appearance in that design? The old plan to provide visitors' facilities in the Capitol has long since been abandoned in favor of the new Visitor Center in Union Station. The exterior of the extension will be a faithful continuation of the classical design of the Capitol with which everyone is familiar. The renderings of the Associate Architects' proposal are and have been available for everyone to see and clearly indicate the enhancement of the magnificent appearances of the building.

2. Remarks by Stratton and Randall regarding the Washington Post editorial state their agreement that the editorial was "well reasoned and reach valid conclusions." On the contrary, the editorial was intemperate, emotional, inflammatory and largely nonfactual.

The editorial characterizes the Commission's unanimous decisions as "an arrogant maneuver of dubious legality." Even Mr. Stratton admits the legality of the decision when he says, "It is true that the provisions of Public Law 91–145 do not require the Commission to justify their decision or to make any report to anybody."

The editorial criticizes the design itself, when even the American Institute of Architects in their testimony stated that the design was not in question. To the contrary, some of the most respected designers of classical architecture in the Nation have viewed the proposed design as an improvement to the West Central Front.

The editorial states that "William Thornton's softly elegant sandstone facade is the only visible link to the Capitol's beginnings." What sandstone? The original sandstone has been covered with layer upon layer of gray paint since 1819. Plate #1 in the Praeger report clearly shows the cracked, messy and miserable appearance of the so-called elegant stone once the paint is removed.

The editorial says that the Olmstead terraces will be ruined. Not so. In fact, changes to them will hardly be noticeable and, instead, they will become more beautiful and broader in vista than they are now. Even the American Society of Landscape Architects (and Olmstead was a Landscape Architect) reviewed the plan and had no objection to it. The perspective of the dome will be enhanced by the design strength of the new pediment that will be incorporated over the extended portico.

So, it is rather obvious that the last vestige of objectivity was wrung from the editorial policy of the Post in this instance.

3. Mr. Randall remarks that "As I recall, all the Architects of America were against this change and all the historians were against it." That is a blatant exaggeration to say the very least. A substantial number of highly respected and nationally prominent architects have testified and expressed themselves in favor of the extension. The official position of the American Institute of Architects is by no means representative of *all* of the architects in the *Institute* membership, and certainly doesn't represent even the majority opinion of all of the *registered* architects in America.

It is also interesting to note that the Architect of the Capitol was a Vice-President and Member of the Board of Directors of the American Institute of Architects and he also opposed the extension until he became aware of all of the facts involved, and he has now changed his position and supports extension.

4. Stratton remarks that the Praeger report confirms that the Capitol is not going to collapse. *Not true*. The Praeger report clearly says that *in their opinion* collapse is not *imminent, but* because of the indeterminacy of the loading forces, no one can be certain of that, and therefore the wall should be strengthened and repaired. The Praeger report does *not* say there is no danger.

5. Stratton says the report states that "We can fix it up so that the cracks are gone." *Not true*. The report states clearly that the wall will continue to crack even after their recommended procedures.

6. Stratton says the existing bracing is a "public relations gimmick." *Not true*. The visible bracing is primarily at the portico and the Praeger report agrees with the necessity for the bracing to prevent the collapse of the portico. The portico is *not* the wall.

7. Detailed study indicates a thicket of unknowns that can never be adequately penetrated. An attempt to restore the wall will lead to endless maintenance and repair at no predictable cost limitation, as indicated by the Praeger report itself in its factual portions.

COMMENTS ON THE WEST FRONT OF THE CAPITOL DISCUSSION

There are some basic facts about which there is no substantive or actual disagreement.

Fact No. 1: The wall must be strengthened in some way, either by an attempt to do so in its present position or by a positive method of buttressing through additional laterally placed walls that will be part of an extension. Prior information *and* the Prager report substantiate this.

Fact No. 2: The existing wall, if an extension is provided, will *not* be disturbed. It will remain in place and continue to be partially exposed on the interior as is the old East Front original wall.

Fact No. 3: The design of the extension is a virtual reproduction of the existing appearance, is *not* a point of contention by architects, and, if anything, is viewed by experts in classical architectural design as an improvement and an enhancement of the basic appearance of the Capitol from the west. This results from the original design having been related to the old, small, low dome, rather than the existing dome which was added in 1865.

Fact No. 4: The proposed extension will reproduce the existing classical details at all points where it can be done, as was done on the East Front, in order to recreate the original design insofar as possible.

Fact No. 5: The existing terraces will be disturbed only in part and will be extended in accordance with the extension of the wall itself, and, again will reproduce the existing design insofar as possible.

Fact No. 6: The wall in question totals only 20% of the total exposed existing walls of the Capitol; thus 80% of the exterior of the building will not be disturbed in any way.

POSITIONS

The *building* itself—the Temple of Liberty—is the shrine to the American people and a symbol of freedom and democracy throughout the world. The dome, the wings, the steps on the East Front, the general appearance of the building as a unified whole, form the shrine that lives in the minds of people everywhere. The 20% of the exterior wall is *not* the shrine but is being made to appear so on the part of those whose sentiment brings them to believe that any disturbance to the building at all is a disturbance to the shrine. History tells an opposite story. There have been 15 separate and distinct changes to the bulk of the Capitol and countless changes and alterations, numbering into the hundreds, on the interior of the building. (See the attached list.) The history of the building has been one of continuous change and growth as the Nation has changed and grown and the needs of the Congress have similarly changed and grown.

At one time in the history of the Nation this single building housed the Supreme Court, the Library of Congress, and all of the offices of all of the Senators and all of the Congressmen. The space demands gradually forced the removal of the Supreme Court in 1935, the Library of Congress in 1898, and the working offices of the Senate and the House into buildings which now form the Capitol Hill complex. There remains in the building especially on the House side, the dire need for space in proximity to the legislative chambers for those supportive functions of the legislative process that are a necessary part of the legislative process. Not only do the separate branches of the legislature require supportive offices of their own, but the legislative process has evolved an increasing number of joint conferences and other joint Senate-House activities which are requiring increasing volumes of space close to the legislative chambers. These space requirements are increasing year by year.

The Praeger report contains a number of ambiguities which are resolved in favor of strengthening the existing wall in its present location instead of buttressing with the walls of an extension. There is no doubt that the wall can be strengthened in some fashion in that way. The body and substance of the report do not substantiate some of the opinions which are presented in the form of conclusions to the report. A great many ambiguities are apparent as one reads the details and supportive information in the report itself. These unknowns and ambiguities can lead to a quicksand of entrapment in terms of the final possible cost of restoring the wall in place.

A real question exists as to whether an expenditure of $20 to $30 million to repair the wall and get no usable space in return is a valid expenditure of the taxpayers' money. The differential between the cost of $20 to $30 million and the cost of the extension, which is estimated at $50 to $60 million, will result in the creation of 270,000 gross square feet of space so that the citizens of this Nation will receive something tangible in return for the expenditure of their funds. We must concern ourselves primarily with what will best serve the people of this Nation. The needs of their elected representatives to enable them to properly conduct the legislative process will be served through the expenditure of public funds to provide necessary space. The people will not be served through an expenditure of 20 or 30 millions of dollars which will result in a repaired, patched, painted wall in the Capitol of the greatest Nation on earth.

If we were discussing the building as a whole, the people undoubtedly would want funds to be spent for the preservation of this Shrine of Democracy. But we are not talking here about the *building* as a whole. We are talking merely about a piece of wall. That kind of sentiment for this living, working building, which is part museum and visited by millions of Americans every year, and yet is an active legislative business building, must be placed on the scales against the tremendous need of the legislature for additional space. Our space needs will not diminish. They will increase as the population increases. We will need space in many ways, one of the most important of which is space in proximity to the legislative chambers.

The need for continued repair and maintenance to the wall, if it remains in place as an exterior wall of the building, is indicated by the Praeger engineering report. The report states: "If the wall voids were filled, exterior cracking would be inhibited by transfer of stress to interior portions of the wall. Generally, however, *cracking will continue to occur* as the wall adjusts to temperature change." The report then recommends a series of control joints which, in theory, are supposed, but not guaranteed, to control the locations of the cracks. The report then says "With these measures *future cracking should occur at a much reduced rate.*" This is an example of numerous places in the report where an opinion is expressed which leaves the decisionmakers to live with the result in the event that the opinion is not borne out by future experience.

It will be noted that the report does not say future cracking *will not* occur, nor does it say that future cracking *will be* reduced. It merely says future cracking *should* occur at a much reduced rate.

The question of condensation on the interior wall is examined in only a very cursory fashion in the report and leaves a great measure of doubt as to the future needs for maintenance and repairs as interior plaster may become damaged from moisture. The appendix to the recent AIA report indicates a similar concern for this problem.

Continuous painting of the wall forever into the future is recommended by the report, not only as a preservative method but also to cover the blemishes that will occur in the wall as a result of the repair process that the report recommends. The report says, "Effective gouting will require relatively close spacing of drill holes vertically and horizontally in the upper walls." These holes are recommended to be drilled every three feet in both directions. "This would increase the need for the replacement stone required to obtain an unflawed surface, possibly in excess of that available in the East Front storage piles. For Scheme 2 this would mean either some proportion of *artificial replacement stone,* or toleration of a pock-marked appearance on a fairly regular grid. Under Scheme 1 this would be of no concern, since patch marks would be painted over."

The report also says, "Future damage by intrusion of moisture or paint can be *controlled* by the application of a stone preservative and joint sealer, *a procedure which should be applied at regular intervals.*"

The report thus indicates that the restoration will, at the very best, be a patchwork process with a result that requires continuous maintenance and painting in order for the appearance to approach the level of being satisfactory.

This is further indicated in the report by the statement that the removal of the existing paint, some of which is an eighth of an inch in thickness, cannot be accomplished without damage to the existing stone. "The experience gained by the test removal of paint, performed as part of this study, indicates that it will not be possible to completely remove the paint and paint stain without some damage to the stone."

The report contains several gratuitous opinions of a non-engineering nature, which indicate a bias that raises the question of credibility with regard to the report's conclusions, especially since the broad conclusions do not appear to follow the weight of the evidence in the body of the report.

The following quotations are examples: "Some stones are so far eroded that they should be replaced but others, less seriously deteriorated, *may be tolerated as an expected sign of age.* . . . The Capitol is 150 years old and should give an impression of venerable age, not a crisp newness that denies its historical background." Neither of these are opinions in areas in which the engineering firm holds itself out to be competent. They appear to be added in order to rationalize some preconceived notions.

The body of the report states, "A cost plus contract with an 'upset price' seems more realistic and could be obtained on a competitive basis." Thus, although the report concludes that a competitive lumpsum fixed price construction bid or bids *can* be obtained, it nevertheless recommends that the work should *not* be accomplished on that basis.

The entire question of cost is thus left wide open. Even the AIA report says, "It would be impossible for anyone at this stage of study to guarantee a total restoration cost." The AIA report also says, "The Task Force recognizes that the work could be done on a competitive, lumpsum, fixed price construction bid or bids but we feel that competitive bidding for a fixed profit and overhead *with the work being done on a cost basis* should be strongly considered in the same way the White House restoration was accomplished."

The appendix to the AIA report makes the following statement in commenting on the Praeger report: "There is discussion of the thermal effect of solidification of the wall resulting from the infilling of the present cavity. This phenomenon is not discussed in great detail other than to conclude that there is to be predicted a 10% net increase in heat gain or heat loss in the solidified wall. The effect of this change in the internal structure of walls of such comparatively great mass bears closer investigation. It is probable that it will require an interval of time, perhaps 18 months to 2 years, for the long stabilized thermal and hydro balance within the walls to become re-established, responsive to modifications resulting from the filling of the voids and the possible modification in the reverse permeability or breathing property of the wall."

In further comments, the appendix to the AIA report states, "It is difficult to accept the categorical statement that 'condensation in the wall will not occur during the summer'. The computations on Figure 22 do not appear to indicate a recognition of the lag in change of the ambient humidity and temperature of the internal wall volume and it is possibly questionable whether the conclusions shown thereon are valid without further experimental documentation."

Thus, we find that even those who support the Praeger report find serious difficulties in accepting it in toto. If one examines the report *objectively* and one recognizes the responsibility of having to face the future with the possibilities of future difficulties and additional repairs and, thus, additional costs, in the saving of the wall, then one must conclude that these factors will lead the Congress into a thicket of unending difficulties with the wall if it should decide to try to save it. That circumstance, coupled with the dire need for space, will bring any dispassionate, reasonable man to the conclusion that all *extension* to the United States Capitol will best serve the people of this Nation.

1. Original North Wing:
Begun 1793—completed 1800.
Senate occupied from 1800–1859.
House occupied 1800–1801, 1804–1807.
Supreme Court occupied 1801–1935.
Library of Congress occupied 1800–1824.

2. 2-story Senate Chamber converted to separate stories with Supreme Court occupying lower chamber from 1810–1860.

3. Temporary structure at location of Statuary Hall occupied by House from 1801–1804.

4. South Wing completed in 1807. Occupied by House 1807–1857.

5. Both North and South Wings (and 1-story wooden connecting passageway) burned in 1814 and reconstruction was completed in 1819.

6. Central Section begun in 1818 and completed in 1829. Library of Congress occupied 2 stories of West Central Front 1824–1897. Altered to provide office spaces after 1897.

7. Present Senate and House Wings begun in 1851 and completed in 1859.

8. Old low dome replaced from 1856–1865.

9. West Central section reconstructed following a fire in 1851.

10. Terraces on North, South and West added 1884–1892.

11. Gas explosion in old North Wing required reconstruction in 1898.

12. Original wood roof construction replaced with steel and concrete in 1902.

13. Cast iron and glass skylights over both Chambers from 1857–1949 replaced from 1949–1951.

14. East Front extension constructed 1958–1962.

15. Interior alterations and changes 1958–1972.

Commission for Extension of the U.S. Capitol—March 8, 1972

Whereas Public Law 91-145, approved December 12, 1969, provides:

EXTENSION OF THE CAPITOL

For an additional amount for "Extension of the Capitol", $2,275,000, to be expended under the direction of the Commission for Extension of the United States Capitol as authorized by law: *Provided*, That such portion of the foregoing appropriation as may be necessary shall be used for emergency shoring and repairs of, and related work on, the west central front of the Capitol: *Provided further*, That not to exceed $250,000 of the foregoing appropriation shall be used for the employment of independent nongovernmental engineering and other necessary services for studying and reporting (within six months after the date of the employment contract) on the feasibility and cost of restoring such west central front under such terms and conditions as the Commission may determine: *Provided, however*, That pending the completion and consideration of such study and report, no further work toward extension of such west central front shall be carried on: *Provided further*, That after submission of such study and report and consideration thereof by the Commission, the Commission shall direct the preparation of final plans for extending such west central front in accord with Plan 2 (which said Commission has approved), unless such restoration study report establishes to the satisfaction of the Commission:

(1) That through restoration, such west central front can, without undue hazard to safety of the structure and persons, be made safe, sound, durable, and beautiful for the foreseeable future;

(2) That restoration can be accomplished with no more vacation of west central front space in the building proper (excluding the terrace structure) than would be required by the proposed extension Plan 2;

(3) That the method or methods of accomplishing restoration can be so described or specified as to form the basis for performance of the restoration work by competitive, lumpsum, fixed price construction bid or bids;

(4) That the cost of restoration would not exceed $15,000,000; and

(5) That the time schedule for accomplishing the restoration work will not exceed that heretofore projected for accomplishing the Plan 2 extension work: *Provided further*, That after consideration of the restoration study report, if the Commission concludes that all five of the conditions hereinbefore specified are met, the Commission shall then make recommendations to the Congress on the question of whether to extend or restore the west central front of the Capitol.

Whereas, the restoration feasibility and cost study and report of Praeger-Kavanagh-Waterbury, Consulting Engineers-Architects, made pursuant to Public Law 91–145, was considered by the Commission at its meeting of March 8, 1972, in Room EF–100 of the Capitol; and

Whereas, the Commission established to its satisfaction that all five of the conditions specified in Public Law 91–145, relating to restoration, cannot be met: Now, therefore, be it resolved,

That the Architect of the Capitol is hereby directed to proceed with the preparation of final plans for extending the west central front in accord with Plan 2 heretofore approved by the Commission.

CARL ALBERT, Speaker of the House of Representatives, Chairman; HALE BOGGS, Majority Leader of the House; GERALD R. FORD, Minority Leader of the House; SPIRO T. AGNEW, President of the Senate; MIKE MANSFIELD, Majority Leader of the Senate; HUGH SCOTT, Minority Leader of the Senate; GEORGE M. WHITE, Architect of the Capitol.

LEGISLATION GOVERNING EXTENSION OF THE CAPITOL PROJECT

(Public Law 242, 84th Congress, as amended by Public Law 406, 84th Congress, Public Law 88–248, 88th Congress and Public Law 91–77, 91st Congress)

Extension of the Capitol: The Architect of the Capitol is hereby authorized, under the direction of a Commission for Extension of the United States Capitol, to be composed of the President of the Senate, the Speaker of the House of Representatives, the majority leader of the Senate, the majority leader of the House of Representatives, the minority leader of the Senate, the minority leader of the House of Representatives, and the Architect of the Capitol, to provide for the extension, reconstruction, and replacement of the central portion of the United States Capitol in substantial accordance with scheme B of the architectural plan submitted by a joint commission of Congress and reported on March 3, 1905 (House Document numbered 385, Fifty-eighth Congress), but with such modifications and additions, including provisions for restaurant facilities, and such other facilities in the Capitol Grounds, together with utilities, equipment, approaches, and other appurtenant or necessary items, as may be approved by said Commission, and for such purposes there is hereby appropriated $5,000,000, to remain available until expended, and there are hereby authorized to be appropriated such additional sums as may be determined by said Commission to be required for the purposes hereof: *Provided*, That the Architect of the Capitol under the direction of said Commission and without regard to the provisions of section 3709 of the Revised Statutes, as amended, is authorized to enter into contracts and to make such other expenditures, including expenditures for personal and other services, as may be necessary to carry out the purposes of this Act and, prior to any appropriations being provided for extension, reconstruction, and replacement of the west central portion of the United States Capitol, to obligate such sums as may be necessary for the employment of nongovernmental engineering and other necessary services and for test borings and other necessary incidental items required to make a survey, study and examination of the structural condition of such west central portion, to make reports of findings, and to make recommendations with respect to such remedial measures as may be deemed necessary, including the feasibility of corrective measures in conjunction with extension of such west central portion."

[From the Washington Star, Mar. 10, 1972]

WHITE'S RIGHT VOTE

When the late J. George Stewart was the non-architect Architect of the Capitol, that anachronism was widely blamed for Stewart's persistent campaign to extend the west side of the U.S. Capitol rather than patch up its eroded surface.

"Fire Stewart!" was the battle cry in those days, the argument being that no real architect would for a moment support such a project.

Thus, upon Stewart's death in 1970, his replacement predictably turned out to be an impeccably credentialed professional. George M. White, the new man, was not only a respected former vice president of the American Institute of Architects, he had personally shared—before taking on the new job—that outfit's objections to any alteration in the dimensions of the Capitol. So what's happened?

Well, after more than a year's day-to-day exposure to the needs and realities of the Capitol, Architect White joined the House and Senate leadership this week in voting unanimously to proceed with an addition that will reproduce precisely the architectural features of the present worn-out west front and provide, in the process, a lot of space for some essential facilities the Capitol now lacks.

And, also predictably, a few strident voices now are calling for White's resignation. But most of the steam by now has gone out of this tired old refrain, and it's high time. White's decision was not, as the charge goes, a cave-in to political pressures. It springs from a wealth of exposure to facts he did not have a year ago, and which most of his critics still do not have.

Among the things he came to realize, White says, was that "the Capitol is not a museum." Indeed it is not. It is the workshop of Congress. As such, the Capitol's entire history during the past century and a half has been one of constant change and growth, accommodating to Congress' changing needs and paralleling—if one chooses to look at it that way—the growth of the nation itself.

The marvel is that this sequence of changes—some, in the earlier days, involving drastic architectural modification—invariably has added to rather than detracted from the allure and symbolic magnificence of the beloved old building, while keeping pace with Congress' urgent space requirements.

That tradition was scrupulously upheld in the controversial extension of the Capitol's east front a dozen or so years ago. It will be, as well, by the project on the west which White rightly endorsed this week.

THE ARCHITECT OF THE CAPITOL,
Washington, D.C., March 6, 1972.

Memorandum to the members of the Commission for Extension of the U.S. Capitol:

The primary purpose of this meeting is the consideration by the Commission of the January, 1971 report of the firm of Praeger-Kavanagh-Waterbury, Consulting Engineers and Architects, relating to the feasibility and cost of the restoration of the West Central Front of the Capitol, as proposed in such report.

Under the prevailing statute providing for this report, the Commission is charged with the responsibility of establishing to its satisfaction whether the five conditions specified in the law are met.

If the Commission determines that the five conditions are *not* met, then the law provides that the Commission shall direct the preparation of final plans for extending the West Central Front in accord with Plan 2 which the Commission has heretofore approved.

If the Commission concludes that the five conditions *are* met, then the law provides that the Commission shall make recommendations to the Congress on the question of whether to extend or restore the front.

LAW RELATING TO THESE DETERMINATIONS

In the Legislative Branch Appropriation Act, 1970, (Public Law 91–145), the Congress simultaneously appropriated $2,000,000 for preparation of final contract drawings and specifications for carrying out Plan 2 for extension of the West Central Front of the Capitol and $250,000 for engineering and other necessary services for studying and reporting on the feasibility and cost of restoring the front.

The law provided that pending the completion and consideration of the restoration study and report, no further work toward extension was to be undertaken.

The law also contained the following provisions which are pertinent to your consideration today:

"That after submission of such study and report and consideration thereof by the Commission, the Commission shall direct the preparation of final plans for extending such west central front in accord with Plan 2 (which said Commission has approved), unless such restoration study report establishes to the satisfaction of the Commission:

"(1) That through restoration, such west central front can, without undue hazard to safety of the structure and persons, be made safe, sound, durable, and beautiful for the foreseeable future;

"(2) That restoration can be accomplished with no more vacation of west central front space in the building proper (excluding the terrace structure) than would be required by the proposed extension Plan 2;

"(3) That the method or methods of accomplishing restoration can be so described or specified as to form the basis for performance of the restoration work by competitive, lump sum, fixed price construction bid or bids;

"(4) That the cost of restoration would not exceed $15,000,000; and

"(5) That the time schedule for accomplishing the restoration work will not exceed that heretofore projected for accomplishing the Plan 2 extension work: *Provided further*, That after consideration of the restoration study report, if the Commission concludes that all five of the conditions hereinbefore specified are met, the Commission shall then make recommendations to the Congress on the question of whether to extend or restore the west central front of the Capitol."

Upon direction of the Commission for Extension of the United States Capitol, after exhaustive study, the engineering contract for the restoration study was awarded to Praeger-Kavanagh-Waterbury, Engineers-Architects of New York City, on July 1, 1970.

The Praeger report was received at the end of December, 1970, and was forwarded immediately to all Members of the Commission and released to the press and others interested.

STATEMENT OF THE ARCHITECT OF THE CAPITOL RELATING TO HIS STUDY OF THE WEST FRONT PROBLEM

Early last year, as the newly appointed Architect of the Capitol, and in anticipation that the Commission in Charge, before reaching a conclusion on the matter, would seek my professional judgment in assisting them to evaluate the Praeger report, I began a detailed professional review of all available information relating to the history and development of the West Central Front proposals.

Among the activities in which I engaged during the review are the following:

1. A careful and diligent open-minded study of the Praeger report.

2. A physical examination of both the interior and the exterior of the original west walls.

3. A careful review of testimony given over a period of many years before various House and Senate Committees concerned with the proposals for the extension of the West Front of the Capitol, and before the Commission for Extension of the United States Capitol.

4. A reading and review of the record of the floor debates in both the Senate and the House that led to the various actions of the Congress.

5. A review of the legislation, committee reports, and other documents on the subject.

6. Study of the Mueser, Rutledge, Wentworth & Johnston engineering report of 1957.

7. Study of the 1964 engineering report of The Thompson & Lichtner Co., Inc.

8. A study of the various reports of the former Architect of the Capitol, as well as reports made to him by the Associate Architects for the Extension Project.

9. Meetings and discussions of the various past studies, and of the Praeger report, with the staff of the Architect of the Capitol.

10. Requested and received advice and counsel from the American Institute of Architects which responded by appointing a new Task Force to re-examine the AIA position. We engaged in several conferences and a written report from the Task Force was received.

11. Asked three prominent general contractors, an officer and members of the AGC, for their opinion with regard to estimates of cost as outlined in the Praeger report and the feasibility of obtaining competitive, lumpsum bids.

12. Conversed at some length with Mr. E. H. Praeger himself in order that I might obtain verbal clarification of a number of what I considered to be ambiguous or contradicting portions of the written report.

13. Conferred with the Advisory Architects, Consulting Engineers, and others.

14. Conferred with other individuals who have maintained a long interest in the Capitol, including Senators, Congressmen, and design professionals.

15. Spoke with a British stone preservation expert who inspected the Capitol, and then read several of his papers regarding the deterioration of stone generally and in England in particular.

16. Inspected, at no cost to the Government, several European restoration projects.

17. Personally examined the space needs of the House of Representatives and, to some degree, the space needs of the Senate. Have explored all areas on the House Side of the Capitol, from the basement through the attic, and many of the Senate areas. Several discussions have been held with Senator Jordan about my proceeding with a full space study of Senate facilities and he has now approved my proceeding with that study.

18. Examined and studied the matter of how the Congress uses the building, how the public (visitors) also uses the building, and further, how their respective and simultaneous needs must be considered.

19. Spent untold hours in review of the various data and in the reading of articles by many persons concerned with preservation, planning, the history of the Capitol, and in the re-examination of the Praeger report.

PROFESSIONAL JUDGMENTS OF THE ARCHITECT

After these many months of study and investigation, I am prepared to offer the following professional judgments, which for the purposes of this brief presentation have been necessarily simplified:

1. The structural adequacy of the west wall is, in fact, indeterminate. As many experts will declare that it is stable as will say that it is unstable. But even those who support the position of stability admit to the indeterminancy of the loading computations, and, therefore, say that the wall should be strengthened as an insurance against the probability of a possible failure. Thus, although there appears to be no imminent danger of an immediate collapse, there may well be concentrations of forces that have accumulated through structural and other changes over the years and that could, under certain circumstances, be triggered and released. There appears, then, to be no basic disagreement regarding the need to strengthen, and thus stabilize the wall in some fashion. Further, there appears to be no disagreement that this goal may be achieved in at least two ways, one of which is through restoration, or a strengthening of the wall in situ, and another of which is through an extension of the buildings itself, which will in effect, buttress and thus strengthen the wall.

2. There appears to be no disagreement with regard to the exterior appearance of the proposed extension, nor any disagreement with regard to the total appearance of the Capitol that would result.

3. That human characteristic which manifests itself in our desire to save and preserve at least some of our heritage, whether it be personal, national, or international finds a high degree of intensity in some, and it may then be expressed in the feeling that preservation is a primary goal in and of itself. I submit that the intensity with which that desire exists in the spectrum of people's feelings must, in this instance, be weighed against some of the physical needs of the Congress that must be met. If the Congress, for example, were to commission the design of a new legislative complex, the designers would undoubtedly need to assist in the writing of a program which would describe the physical needs of the Congress in the transaction of its daily business. The configuration of the building or buildings would arise from a study of these needs. In this existing legislative building, viz., the Capitol, these needs have changed and expanded over the years, and, indeed, are continuing to do so.

It is apparent that complex problems such as these are not generally capable of simple solutions. Recognizing that it may thus be an oversimplification to so state, it is nevertheless my opinion that the Congress must weigh the sentiment of preservation against its physical needs, taking into account the various alternate methods of providing needed space in close proximity to the legislative chambers.

4. The argument can be made that the fact that the West Front contains the last remaining exposed original wall, is indicative of the past life and hence the growth of this living, working symbol of democracy and freedom that is the capitol. Sometime, of course, acceleration in the growth of our Nation may diminish and perhaps that point is already in sight. It has therefore been suggested that the existing physical outline of the Capitol be considered inviolate at its present location. Somewhere that position must surely be taken, but it appears that it is not necessarily valid to presume that it cannot be taken at some other location, such as, for example, that of the proposed extension.

5. The final cost of the proposed restoration appears to be indeterminate. Most experts feel that the cost will certainly be more than $15,000,000, notwithstanding the written statement in the Praeger report. The requirements of items 3 and 4 of Public Law 91–145, previously quoted, indicated that a lumpsum contract for restoration of not more than $15,000,000 must be capable of being obtained. I interpret these two items, taken together, as meaning that the Congress has set a fixed, limited, i.e., maximum, cost of $15,000,000 as one of the criteria for the feasibility of restoration. Experience in the construction of buildings indicates that a lumpsum contract, in and of itself, is not an assurance that the designated sum will indeed be the final cost. It is my considered professional opinion, based upon my recent investigations as outlined above, that the restoration, as proposed, cannot be accomplished for a total final cost of $15,000,000. In that connection, it is important to recognize that even though the cost per square foot of an extension might appear to be high because of the particular kind of construction that would be necessary, any expenditure for restoration, because no space would be added, would result in what mathematically results in an infinite cost per square foot.

It is further, worthy of note that there is no disagreement among the advocates of the various positions that restoration work generally, and the West Front of the Capitol in particular, should, because of its specialized nature, be accomplished through the medium of a cost plus fixed fee contract rather than through a lumpsum agreement obtained on a competitive bid basis.

Although the specifics of the other three provisions of Public Law 91–145 can generally be said to be capable of being met, with the obvious possibility for disagreement regarding what is "safe, sound, durable, and beautiful for the foreseeable future", I believe that it would be inappropriate to presume that the cost limitation can or could be met.

SUMMARY

Summarizing, then, I submit the following judgments: (a) although it is relatively stable, the west wall needs repair and strengthening; (b) the restoration method of strengthening the wall cannot be accomplished for a guaranteed cost limit of $15,000,000; (c) the Congress must weigh and decide upon the relative importance and the appropriate methods of providing for its space needs in the Capitol, as compared with the admittedly highly desirable goal of preserving the exposed physical wall.

Additional information will be available at the meeting of the Commission.

GEORGE M. WHITE,
Architect of the Capitol.

GEORGE M. WHITE

Born in Cleveland, Ohio, November 1, 1920. Four children: Stephanie 19, Jocelyn 18, Geoffrey 17, and Pamela 14. Holds the degrees of Master of Science and Bachelor of Science from the Massachusetts Institute of Technology (1941). Master of Business Administration from the Graduate School of Business of Harvard University (1948); Bachelor of Laws from Case Western Reserve (1959). He is a Registered Architect in Ohio, a Registered Professional Engineer in Ohio and Massachusetts, a member of the Ohio Bar, and certified by the National Council of Architectural Registration Boards, and the National Council of State Boards of Engineering Examiners.

A former electronics design engineer and assistant division manager, Electronics Dept., General Electric Company (1946), he has practiced as an architect and as a consulting engineer since 1948.

Former member of the Faculty in Physics and in Architecture at Case Western Reserve University.

A Fellow of the American Institute of Architects, he is a former A.I.A. Vice President and Board Member; Member and former Chairman of the A.I.A. Documents Board and Insurance Committee; Chairman of A.I.A. Task Forces on Structure, on Professional Liability Insurance, and on Labor Liaison; member of the National Panel of Arbitrators of the American Arbitration Association, the National Society of Professional Engineers, the American Bar Association, and the Bar of the Supreme Court of the United States. Awarded the Gold Medal of the Architect's Society of Ohio.

Author of numerous articles on Professional Liability, Professional Corporations, and Construction Law.

President, Director, and Trustee of several real estate development organizations; President of Whitecliff Inc., a 100 bed extended care facility; Chairman of the Board of Merriman Holbrook, Inc., a marine hardware manufacturer.

Appointed Architect of the Capitol in January 1971.

Mr. Chairman, the following is the essence of a letter to the editor that provides in part the answers to some questions raised by the Washington Post.

To the Editor of the Washington Post:

It seems to me that your editorial "Obstinate Vandalism on Capitol Hill" is most unfortunate, inaccurate, and highly misleading. The editorial appears calculated only to inflame—not to inform. It is the same old refrain such as experienced in former years. One must conclude that all objectivity has been wrung from your editorial policy on the West Front matter. The editorial reflects a closed mind—"None so blind as those who will not see".

It is amazing that you characterize the Commission's unanimous decision as "an arrogant maneuver of dubious legality". One assumes that your editorial writer is capable of reading and understanding the very clear language of the governing statute—language which I might say was inserted at the request of those sponsoring restoration:

"That after submission of such (restoration) study and report and consideration thereof by the Commission, the Commission *shall direct* the preparation of final plans for extending such west central front in accord with Plan 2 (which said Commission has approved), *unless* such restoration study report establishes to the satisfaction of the Commission: (1) That * * * " (emphasis supplied)

and then the five well-publicized conditions to be met by restoration are stated in the law.

The entire membership of the Commission met on March 8, 1972, considered the report, and established to its satisfaction that all of the five conditions specified could not be met. It therefore unanimously directed the Architect of the Capitol to proceed with the preparation of final plans for the extension, precisely as mandated by the statute. When a Commission of Congress carries out the responsibilities placed upon it by Act of Congress, how can any fair and reasonable editor charge arrogance and dubious legality?

Your criticism of the design of the approved extension is indicative of your frantic state of mind insofar as this project is concerned. Even the various groups from the American Institute of Architect who have reviewed the plans have had no objection to the design. The American Registered Architect's Society has endorsed the design.

How long will you continue to mislead your readers by such worn out and inaccurate statements as the extenders would "bury the last remaining external vestiges of the Capitol as it was originally designed and built. William Thornton's softly elegant sandstone facade is the only visible link to the Capitol's beginning * * *." This makes me chuckle just a bit. I am sure your writer knows (or he should know) that Dr. Thornton's "softly elegant standstone" has not been seen for over 160 years. What one sees is the old cracked stones, patched up over the years, and buried under numerous coats of grey paint—yes, paint, not softly elegant sandstone. Dr. Thornton's work (as changed by Architects Bulfinch and Latrobe) have not been seen for many generations. If you wish to see how "elegant" this old sandstone is, I invite you to examine Plate 1 in the restoration report, showing the messy and miserable appearance of the old stone once the paint is removed.

The Olmstead terraces will be ruined? Not at all, in fact, changes to them will hardly be noticeable and they will become even more expensive and more beautiful with the magnificent new front as a backdrop. The American Society of Landscape Architects should know about such things. They reviewed the plans and had no objections. In fact, they assisted the Architect by making several helpful suggestions.

The perspective of the dome, far from being hurt, will be enhanced by the new front with its central pediment.

Relative to the five conditions which the restoration study was required to meet: although the restoration report contains a passing, general statement "Further, the restoration can be accomplished within the guidelines set forth by Congress", the same report contained the following qualification in another part of the report:

"The third Commission condition stipulates that 'restoration can be so described or specified as to form the basis for performance of the restoration work by competitive bid or bids'. A cost plus contract with an 'upset price' seems more realistic and could be obtained on a competitive basis."

This language indicates that even those who prepared the restoration report did not believe a competitive lumpsum contract was feasible, although they, in effect, had previously stated otherwise in their general statement. We all know that the only meaningful competition on a cost-plus-a-fixed-fee contract is on the fixed fee itself (perhaps 10% of the contract) and even that figure is usually subject to adjustment if unknowns are encountered.

Since the Commission's decision, I have had the opportunity to discuss the five conditions with George White, the Architect of the Capitol, who is an eminently qualified architect and engineer. He advised me that, in his professional judgment (after studying the project for over a year), the two requirements relating to the cost and lumpsum bid features could not be met and he also doubts that the requirement relating to safety, soundness, durability and beauty could be met to any great degree. Therefore, it is his judgment that only two out of five conditions could probably be met.

But he also informs me that his recommendation in favor of extension was founded on a much broader basis than the five conditions. That basis is "what solution would best serve the people of the United States", and on that question, he felt compelled by sound planning and good judgment to vote in favor of extension.

You conclude that the crumbling west wall is now proven to be a myth by the restoration report. If that is so, then why does the restoration report state that "a structural restoration program is required"? If the poor condition of the west wall is a myth, why spend more than $15,000,000 on it?

I sincerely believe the Commission and the Architect have made the right decision and I would express the hope that you would now appreciate and respect that decision although you previously espoused restoration. I have noted with much satisfaction the editorial favorable to the extension in the Washington Evening Star and I invite you to join us in carrying forward the now approved extension.

A unanimous decision of the Leaders of the Congress, from both the Senate and House and from both sides of the aisles, plus the Vice President and the Architect of the Capitol, deserves support—not condemnation.

FRED SCHWENGEL,
Member of Congress.

Mr. MANSFIELD. Mr. President, I make this request because no one is more interested in the preservation of the historical aspects of the Capitol than Representative SCHWENGEL. No one has devoted more time, no one has worked more diligently and conscientiously, and no one in either body knows more about this particular question than does this particular Representative.

I have asked unanimous consent that these remarks be printed in the RECORD only for the purpose of setting the record straight and getting away from the emotionalism which has surrounded this proposed project which, in my opinion, is very much needed to round out the format and retain the classical grace which the Capitol should have for the people of the United States of America.

Mr. HANSEN. Mr. President, I rise simply to join my distinguished colleague, the majority leader, in expressing and sharing the hope and desire that action may quickly be taken on what now is the pending business.

I agree completely with what the distinguished majority leader has said. It would seem to me that the time for emotionalism has long since passed and the time for action is now. I therefore hope that Congress will face up to its responsibilities and its duties.

Mr. SCOTT. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. Mr. President, since I am a member of the Commission, I, too, join in all that the majority leader has said.

The Capitol has been altered or changed at least 14 times since its construction. There is no reason why it should not be improved or beautified. It lacks a pediment, for example, on the west side. Anyone who has an eye for form would see at once that something is needed. Of course, something has to be done, whether we restore it or extend it. However, for the time being if the committee were to limit these funds to the development of preliminary plans, it would have no meaning at all, because this has already been accomplished.

Mr. MANSFIELD. Mr. President, I did not know that at the time of the hearings on appropriations.

Mr. SCOTT. Mr. President, I appreciate the comment of the majority leader. However, the reason for the joint amendment offered by the distinguished majority leader and myself is simply to submit the available funds to be used for the completion of plans.

This would allow the action of the Commission to be ratified by the two Houses of Congress.

The Commission has given much more time to this collectively than individual Senators and Members of the House of Representatives have been able to give to it. Therefore, we ask only that the funds be available for the preparation of plans, provided, however, that no funds may be used for the construction of such project until specifically approved and appropriated therefor by the Congress.

Therefore, I would hope that the amendment could be accepted.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. HOLLINGS. Mr. President, I yield to the distinguished minority member of our subcommittee.

Mr. COTTON. Mr. President, the only reason I asked for time is that I have to leave the Chamber for an important meeting at half past 11. I wanted to get in a word before our distinguished chairman answers the majority and minority leaders.

I am speaking only for myself, but I think I voice the opinions of a number of the members of the Appropriations Committee, that the point involved here is not any lack of confidence in the decision of the commission or the Architect of the Capitol with respect to the extension of the West Front. I think the commission is absolutely right. I thought so from the beginning. I agree with the Architect. I think the West Front should be extended.

But the reason this matter of preliminary plans rather than final plans is involved in this language is that the use of the added space concerns some of us. It is my understanding that part of it might be used or is planned to be used for another public restaurant. Another public restaurant in the Capitol will undoubtedly bring into the Capitol many more people to eat. It is perfectly true that this Capitol is not our property, but it is the property of the people. But on the other hand our experience with our public restaurants has not been very good. The cafeterias over in the New Senate Office Building are ample in space to take care of the many members of the public who visit us, but they have gotten such a reputation as to the quality of food and everything else that the situation needs attention.

Any new space which we may provide by extension of the west front—and I support that extension—should be largely confined to helping Congress do its work.

As far as I am concerned that is the only reason any distinction should be made between preliminary and final plans.

Mr. MANSFIELD. As a new member of the commission I do not know what has been done under the heading "preliminary planning," but I am sure I speak for the distinguished minority leader as well as myself when I say we will be most happy to bring this matter to the attention of the commission and point out that the need evidently is for more space rather than eating facilities and the like. We would be most pleased to have the recommendations as to what this particular subcommittee thinks should be done because it has legislative and appropriation authority over the request pending.

But I cannot speak any more definitely because I just do not know what has been done under preliminary plans, except the term "preliminary" in the bill reported from committee is of no significance because there is no more preliminary planning to be done.

Mr. SCOTT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. MANSFIELD. Mr. President, I yield to the chairman of the subcommittee.

Mr. HOLLINGS. I yield to the Senator from Pennsylvania.

Mr. SCOTT. I shall need only one-half minute. The extension provides for 232 rooms.

Mr. COTTON. I have spoken my piece. I want to make plain as far as I am concerned this language was not to reopen the question between the restoration or extension because I consider that settled. In fact I would note that the committee's own language on page 25 reads:

> Funds available under this appropriation may be used for the preparation of preliminary plans for the extension of the west central front, etc.

By those words "plans for the extension of the west central front" we have settled the issue of extension or restoration. However, the committee is concerned about this matter of using the added space in such a manner as to enable Congress to do its work better and not to get ourselves into another restaurant business with all of the difficulties of handling the large amounts of people that would be attracted to such a facility.

I thank the chairman for letting me express my thoughts.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. MANSFIELD. Mr. President, if I may, I yield the floor to the chairman of the subcommittee.

Mr. HOLLINGS. Mr. President, I yield to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. YOUNG. Mr. President, I have listened to the arguments both pro and con for at least 10 years in connection with the rebuilding of the west front of the Capitol. I was convinced long ago it was necessary that we take this course recommended by the Capitol Building Commission.

In committee I was convinced this amendment that the committee adopted would permit us to go forward, but if the Capitol Building Commission and the majority leader and the minority leader feel they have already accomplished the preliminary plans I, for one, would be inclined to go along with them and defeat this committee amendment.

Mr. SCOTT. I thank the distinguished Senator. I believe we are speaking also for Members of the other body who are on the Commission. Their understanding is similar to ours.

Mr. MANSFIELD. Yes. It was a unique experience for many of us, and it was an experience for me because I had never been on the Commission before.

Mr. HOLLINGS. I wish to ask conjunctively the distinguished minority leader and the distinguished majority leader whether in the proposed amendment where it reads "No funds may be used for construction of said project until specifically approved and appropriated therefor by the Congress" contemplates they must have further approval before any further construction commences?

Mr. MANSFIELD. The Senator is correct.

Mr. SCOTT. That is my understanding, also.

Mr. HOLLINGS. And under approval there would be public hearings.

Mr. MANSFIELD. Fine; that would be all right as far as the joint leadership is concerned. We would be most happy to recommend and we feel sure that our colleagues on the Commission would agree to public hearings. If it were decided, I would hope there would be public hearings before the committee of the distinguished Senator which has control of the measure now pending.

Mr. SCOTT. I think that should be done.

Mr. MANSFIELD. I would favor it.

Mr. HOLLINGS. I appreciate that. At least we have that part of the record clear and we have made that much progress.

I shall speak to the particular amendment, which I oppose for various reasons, but first I wanted to make that clear because there are two things involved. One thing is the matter of whether or not you agree to the extension. That is the first proposition. The other proposition, which is even more important to me, whether approved or disapproved, is that we proceed to a decision in an accepted procedural fashion whereby everyone has the opportunity to express his position to have it heard and aired, and whereby Congress knows what is occurring and is not snookered into positions by this language. We cannot allow closed meetings to take away the right of the public to be heard, and the right of Senators standing in the well to be counted on this score.

We have just experienced a dialog between the minority leader and the majority leader and myself as the chairman of the subcommittee. Apparently, with the use of the language "final planning going ahead" we would be faced thereafter with having it said, "You already approved. You gave the commission authority. The commission acted on authority and the final plans were approved by Congress."

So we are only talking about amount. Whether we have a $50 million, $60 million, $130 million, or $140 million extension we are back to having approval before we have any construction.

Mr. MANSFIELD. Mr. President, if the Senator will yield, I agree with what the distinguished chairman of the committee has just said. There should be public hearings, and the mere fact that the planning is going ahead does not mean construction is going to proceed as a matter of course.

I recommend, and I know the minority leader would, too, that hearings would have to be held; that the fact that further planning was to be undertaken would not imply that on that basis construction would go ahead; and I would be the first to make certain the witnesses of all persuasions appeared before the Senator's committee to justify any proposal made.

Mr. HOLLINGS. I thank the distinguished majority leader.

Now, the difference between "preliminary" and "final": If the distinguished Presiding Officer was present at those very hearings, he has been so experienced in Government as to know what is what and who is who, and if you want to see a moving target, all you have to do is be at the discussion of the so-called plans, whether or not they were preliminary and whether or not they were finalized or whether they have proceeded to a point where we knew what we were voting.

The distinguished Senator from Maine said, "Is there going to be a cafeteria?" We took the word from the Commission and said "Yes, ma'am." Someone slipped her a note and the answer was "No, ma'am." All you have to do is object to a particular facet as a Senator, and that architectural report changes on the spot. If you object to a window, the Architect says, "No, we are not going to have windows." If you object to a bathroom, the Architect says, "No, we are not going to have a bathroom." All we wanted to do was obtain a report. That is what we are talking about—preliminary plans to find out specifically about bunches of restaurants, committee rooms, bathrooms, lounges, tourist spots, sale of trinkets, Disneyland East—or are we going to maintain the Capitol for use as a capitol?

These things came out. This preliminary plan is the thing I wanted them to go ahead on, because, as chairman of the subcommittee, that is what should guide this particular appropriation. I can tell you, Mr. President, no one has presented that plan, and I can say here that this is a preliminary plan as to numbers of rooms, designation of the rooms, how they are going to be generally prepared, and things like that. Then when we get to the specific plans, and specifications to go to the Architect and design drawings, that is where the very expensive plans are. But we thought there ought to be a general meeting of the minds first. Whether we prevail or are defeated is another question, but at least I would have had a chance to know, and that is key. When this matter was first raised in the legislative subcommittee I was told, "Forget it. It has already been agreed to and you no longer have discretion. They have appointed a commission, and the commission has acted under the law and we are going ahead with the extension of the Capitol."

Of course, all of us know the distinguished majority leader as one who is completely honest, so I do not question the misunderstanding he had, but the matter of preliminary and final plans was discussed. I was the one who raised an amendment and had the opposition of the ranking minority member, (Mr. COTTON) and of the senior minority member on the committee (Mr. YOUNG).

Practically the entire committee was in the room last Friday afternoon. I kept pressing the point. That was very important. Did this commission understand its authority to be one of final authority? When they acted, was it to plan? When they acted on construction, there was construction and a contract was agreed to? I was trying to point out in the committee during Friday afternoon in the markup, that if I were a lawyer for the construction company, I would say "Look, as a lawyer, I still do not see authority for it." Then we know they receded from the proposition of final and they agreed on preliminary plans, and in the committee report, on page 11, inserted as of Friday, this is the language:

> Under these circumstances, the Committee has inserted language in the bill stating that the funds may be used for preliminary plans for the extension but prohibits the use of any funds for the preparation of final plans or initiation of construction until the project is specifically approved and appropriated therefor by the Congress. The language included in the bill by the committee reads as follows—

and we inserted that language in it.

I would like to have been more fully prepared this morning to have a statement, chapter and verse, completely checked and double checked, on this particular occasion, because this particular endeavor by the Congress has a rather hazy record, and there are some misunderstandings. I am the first to say I do not have complete understanding, but from my best study of trying to prepare and present the proposition objectively to my colleagues, I went back and found that in 1955 the Commission was in authority, and that was authority at that particular time for the east front. There is a question whether in that particular authority it extended to the west front. Some Senators say, No; the easy front. In the extension authority back in 1955, in the establishment of the Commission, it referred to the east front, never the west front, but on the other side of the Capitol they have said that it had authority over the west front.

I did not boil this down to before 1964, because at that time, in 1964, Senator Monroney, then chairman of the subcommittee, raised the question and, by action on the floor of the Senate, concurred in by the House, the authority for final contract was taken—it was withdrawn, if you please, from this particular Commission.

I maintain, and certainly it has been maintained by men of good conscience on the House side, that the Commission is acting as if that authority was never withdrawn, that they do have final authority, that they can act finally. This is where, for example, Representative STRATTON raised a colloquy on the floor only as a rearguard action, because under the rules of the House, they do not discuss it fully. The procedures of the Senate allow us to discuss it at this time, and I appreciate the opportunity.

The question: Has the Commission done precisely what the Congress has asked it to do? I say no. I say no not because Members surreptitiously, in a sense, or dishonestly, went about their duties, but because we only have to look at the undisputed facts to find out that these sensitive questions were raised. The Senator from Wisconsin again later, after the Senator from Oklahoma headed up the subcommittee, as chairman of the Legislative Appropriation Subcommittee, raised it. The chairman on behalf of the Senate comes up with the same view. This is in the public interest.

Every time, we get mislead and the issues clouded in the confusion of the rules and the language about finality. Somehow, this is an assignment for new Members. Certainly we do not want to contest actions taken by the Vice President, the Speaker, the majority leaders of both Houses, the Architect of the Capitol. Who are you? What do you know about architecture and the historical heritage and the wishes of the people? The leaders have spoken.

I say they have not done what the Commission charged them to do because, under those circumstances, at the particular time the Senator from Wisconsin raised the point, he said:

> Now, all this has not been considered.

There is all this word going around that if you really start renovating and repairing the west front, not extending it, then you are opening Pandora's box. The whole thing will come apart. It cannot be done. This building is about to fall on your heads. Do not start tinkering around here and say we are trying to close a crack or repair a piece of the face stone, because if you do, the building will fall.

So, question one: Is it safe to go about even repairing it?

Question two: Look, if you start repairing it, what about the offices around? You have people around there. What about their safety? Somebody is going to get hurt. You cannot start repairing, but go ahead with the extension of the building.

All these contentions were made pursuant to the drive to have it extended, but when they got to the renovation they said his is unsafe to the occupants. You are going to shake up the legislative committees and the occupants are going to have something fall on their heads, the first thing, like excavating a tunnel for the highway system. How are you going to explain that?

Then they said, "Well, if it is not unsafe, there is the other question: Can they carry out their duties?" That was another question.

They really got to several other questions, too, mainly on cause. Can you imagine Representatives and Senators standing around, with no preliminary plans and no idea whatever other than a few words from different architectural groups, and saying: "Can it be done for under $15 million, renovation and repair? We want to know whether or not that condition can be adhered to."

Then, of course, if it exceeded that, the question was: Did not the cost of renovation and repair of the Capitol exceed the actual cost of extension, so that we would really pay more to renovate than to go ahead and get the Disneyland East and the restaurants and the various other rooms for everybody who is now so crowded?

As to all that it was determined that a study should be undertaken, an outstanding firm was retained, conducted a study on restoration and we now have the Praeger Report—it has a fuller designation than that—Praeger, Kavanaugh, and Waterbury, of New York City. Here is a big report, prepared at a cost of $245,000. The report is entitled "Restoration of the West Central Front, Feasibility and Cost Study, January 1971," actually furnished Congress in December of 1970.

Public Law 91–145, approved in December 1969 had provided:

EXTENSION OF THE CAPITOL

For an additional amount for "Extension of the Capitol", $2,275,000, to be expended under the direction of the Commission for Extension of the United States Capitol as authorized by law: *Provided*, That such portion of the foregoing appropriation as may be necessary shall be used for emergency shoring and repairs of, and related work on, the west central front of the Capitol: *Provided further*, That not to exceed $250,000 of the foregoing appropriations shall be used for the employment of independent nongovernmental engineering and other necessary services for studying and reporting (within six months after the date of the employment contract) on the feasibility and cost of restoring such west central front under such terms and conditions as the Commission may determine: *Provided, however*, That pending the completion and consideration of such study and report, no further work toward extension of such west central front shall be carried on: *Provided further*, That after submission of such study and report and consideration thereof by the Commission, the Commission shall direct the preparation of final plans for extending such west central front in accord with Plan 2 (which said Commission has approved), unless such restoration study report establishes to the satisfaction of the Commission:

(1) That through restoration, such west central front can, without undue hazard to safety of the structure and persons, be made safe, sound, durable, and beautiful for the foreseeable future;

(2) That restoration can be accomplished with no more vacation of west central front space in the building proper (excluding the terrace structure) than would be required by the proposed extension Plan 2.

(3) That the method or methods of accomplishing restoration can be so described or specified as to form the basis for performance of the restoration work by competitive, lump-sum, fixed price construction bid or bids;

(4) That the cost of restoration would not exceed $15,000,000; and

(5) That the time schedule for accomplishing the restoration work will not exceed that heretofore projected for accomplishing the Plan 2 extension work: *Provided further*, That after consideration of the restoration study report, if the Commission concludes that all five of the conditions hereinbefore specified are met, the Commission shall then make recommendations to the Congress on the question of whether to extend or restore the west central front of the Capitol.

Now, the Praeger report stated that the five conditions could be met. No, you commissioners, you have not done your duty under the direction of Congress, because the language—while it is not the best ever drawn, was the best language at that particular time, said—"after the submission of such study and report and consideration thereof by the Commission, the Commission shall direct the preparation of final plans for extending such west central front in accord with plan 2, unless such restoration study report establishes to the satisfaction of the Commission" that these five conditions can be met.

Obviously, the Vice President and the Capitol extension commissioners felt that the five conditions could not be met, and therefore, in responding to that directive, "shall be directed to proceed with the preparation of final plans," as the majority leader has pointed out, they have given the go ahead.

But that has to be taken in the context of the report itself, the timing of the report, and what else occurred. And it is here where members of good heart and intent feel that somehow they have been outmaneuvered, because the report said the five conditions could be met.

In December of 1970 it said that the five conditions could be met, and specifically on the one that is now differed upon by the Commission, the $15 million, it said at that particular time it could be done for $13.7 million, which came within the $15 million.

So what happened? This is a smart Commission. They are men of good judgment and prudence, and they are men of progress, and they know. With their progress goes the economy; it progresses, too. It inflates. And they knew that whereas they could, under the Commission report which was asked for by Congress, say in December 1971, "Oh, yes, the five conditions could be met then," they could also say to themselves, "But do not worry; just let things be. It will inflate by the time we meet again. And by then you could not get anybody to say that anything could be done on that west front for $15 million." And sure enough they ignored the rest of it. They said nothing to Congress. They never in that whole year said one word to me or any other member of the Appropriations Committee. In the meantime prices have gone up and we are now faced with the uncertainty of whether or not restoration can still be done for $15 million.

The majority leader just joined the Commission. He is acting in good faith, but they ignored such things as what? When my distinguished friend from Montana talks about that president of the American Institute of Architects, I would take it that he respects the reputation of American Institute of Architects. Well the Commission must not, because the American Institute of Architects, Mr. President, came to the Capitol in May of last year, and they went over it thoroughly. They spent 2 days. They studied the report, they met with their former president, Architect White. They met with the Assistant Architect. They met within a task force.

Mr. President, I shall not burden the Senate with it at this particular moment, but I ask unanimous consent that the "Report of the American Institute of Architects on the West-Central Front of the U.S. Capitol," with the resolutions thereon, dated September 22, 1972—this crowd goes fast, too, but it should obviously be September 1971—be printed in its entirety in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE WEST CENTRAL FRONT OF THE U.S. CAPITOL

(By the American Institute of Architects)

Resolutions passed at AIA Board Meeting, September 22, 1972.

Resolved, That the AIA accepts the Task Force report on the West Front of the Capitol, endorses and supports its findings and recommendations, and directs that this report be promulgated as reaffirmation of existing AIA policy; and, be it further

Resolved, That the AIA Board express its appreciation to the members of the Task Force and the Architect of the Capitol for their cooperation.

REPORT OF THE 1971 AMERICAN INSTITUTE OF ARCHITECTS TASK FORCE ON THE WEST FRONT OF THE U.S. CAPITOL, SEPTEMBER 1, 1971

In response to a request from George M. White, FAIA, Architect of the Capitol . . . "to have The American Institute of Architects review the information and circumstances involved in the proposed extension of the West Front of the United States Capitol", the President of The American Institute of Architects, Robert F. Hastings, FAIA, appointed a review Task Force.

The AIA members appointed by President Hastings to this Task Force were: Milton L. Grigg, FAIA, Chairman; William W. Caudill, FAIA; Leon Chatelain, Jr., FAIA; Francis D.

Lethbridge, FAIA; Harry M. Weese, FAIA; and Maurice Payne, AIA, Staff.

They were directed by President Hastings, "to examine AIA's position on the West Front of the Capitol now that the engineering report (the Praeger Report) has been submitted."

The full Task Force met at AIA Headquarters in Washington, D.C. on May 26 & 27, 1971, to review background material previously distributed including the Praeger-Kavanaugh-Waterbury report on "Feasibility and Cost Study for Restoration of the West Central Front of the United States Capitol". Architect White, Assistant Architect of the Capitol Mario E. Campioli, AIA, and Philip L. Roof, Executive Assistant to the Capitol Architect, met for a period of time with the Task Force and were the gracious hosts for a general tour of the Capitol building by the Task Force on the afternoon of May 26th.

Subsequent detailed inspections of the Capitol and informal meetings with the Capitol Architect were held.

RESTORE THE WEST CENTRAL FRONT OF THE U.S. CAPITOL

Having studied and analyzed the report by Praeger-Kavanaugh-Waterbury on "Feasibility and Cost Study—Restoration of the West Central Front—United States Capitol—January 1971," the AIA Task Force is unanimous in endorsement of the method of analysis, the general findings and the conclusions of the report. It offers conclusive evidence to sustain the Institute's resolution for, and belief in the practicality of restoration of the West Front in situ.

It is our opinion that the proposed restoration as recommended by the Praeger Report fulfills the five conditions for restoration as set down by Congress in Public Law 91–145:

1. That the restoration can, without undue hazard, be made safe, sound, durable and beautiful for the foreseeable future.

2. That restoration can be accomplished with no more vacation of the west central space than would be required by any extension plan.

3. The Praeger Report provides proper methods of restoration. The Task Force recognizes that the work could be done on a competitive, lump sum, fixed price construction bid or bids but we feel that competitive bidding for a fixed profit and overhead with the work being done on a cost basis should be strongly considered in the same way the White House restoration was accomplished.

4. It would be impossible for anyone at this stage of study to guarantee a total restoration cost. However, the Task Force felt that the Praeger Report methods and budget allowed adequate contingency.

5. The Task Force is certain that the restoration work would not exceed the projected time estimated for accomplishing the extension plan.

This Task Force recommends that the present perimeter facades of the Capitol building be declared inviolable and the surrounding grounds, bounded by First Streets, East and West, and Independence and Constitution Avenues, be declared open space, devoid of significant structures protruding above present grade levels. Extant mature tree groupings in these surrounding grounds also shoud be declared inviolable and subsurface development be encouraged but confined to areas now either in grass, paving or shrubbery.

Prepare a comprehensive plan for long range development of the properties under the jurisdiction of the Architect of the Capitol and the surrounding areas.

The Task Force observed, that the present space usage in the Capitol is crowded, misused, or underused; that many functions now located in the Capitol have questionable need or being there; and some functions are duplicated. The Task Force was made aware of the need for additional space by Members of the House of Representatives, especially space adjacent to the House Chamber.

Present preliminary findings of the Architect of the Capitol, following a space need study of the House of Representatives, would seem to indicate that any proposed future extension of the Capitol will not begin to meet present, least of all projected, space needs.

The Task Force reaffirms the AIA's historic position that Master Planning of the Capitol must be undertaken if impetuous action by the Congress is to be avoided.

This planning should include 1) an inventory space utilization of present buildings; 2) an analysis of floor area ration within the confines of the present Capitol area; 3) a study of possible new land acquisition; 4) a study with particular reference to below surface development capability, categories of use, and environmental factors.

Consideration must be given to the displacing of routine services or lower priority functions now occupying space in the Capitol to new locations.

With the realization of the Metro system, the Visitor's Center at Union Station and the emergence of new people-mover systems, all parking should be remoted and the Capitol's surrounding grounds cleared of all but official business cars. New systems of shuttles, horizontal elevators and even a Metro branch should be considered. They could provide fast, automatic, safe and frequent service between all of the buildings in the Capitol complex and would make ready proximity a question of time rather than distance.

It is the recommendation of the Task Force that the Architect of the Capitol could and should request the counsel and guidance of leading architects and other design professionals. Since the future of our Capitol is of deep concern to all Americans, their gratuitous participation in the development of a comprehensive plan can be expected.

TASK FORCE OBSERVATIONS ON THE PRAEGER REPORT

Settlement

(1) Soil pressures are such that there is a 2-to-1 factor of safety.

(2) Further settlement can be expected over the next 150 years, but in order of the ½ inch of the past, which occurred at the outset.

(3) There has been no evidence of differential settlement.

Cracking

(1) Thermal movement and frost action over the years, as between the interior rubble wall and the sandstone face, has caused local failure of cut stone creating a natural pattern of vertical cracks from top to bottom approximately 30 feet apart.

This is a natural phenomenon which designed control joints obviate. The report recommends making control joints of the existing pattern of cracks. There is no reporting of settlement cracking nor out-of-plumb walls.

Erosion and spalling

(1) Sandstone weathers well when laid on bed faces for natural drainage of trapped moisture from within the wall. Improper stone cutting in some cases, but more important, the use of oil paint over the years, has trapped moisture and contributed to surface spalling. The effect is superficial and akin to accelerated weathering. Modern paints which allow the wall to breathe obviate this. The aesthetic effect is that of time making its mark. No attempt should be made to deny these minor inroads of time.

(2) Significant deterioration was noted on marble surfaces on the Olmsted terraces—a condition that should "flash a warning" whenever future consideration is given to wearability of various stone surfaces.

Loose or cracked stones

(1) Certain stones, voussoris, flat arches, quois, and cornice members are in need of affixing to the backup masonry. They are visible and can be treated with modern rock bolting techniques and post tensioning.

Wall strength

(1) The facing stone is bonded to the rubble wall with alternate courses, making a physical bond uniting the wall in a series of vertical shafts separated by the aforementioned natural control joints. These walls are over 4 feet thick at the foundations. They are not overstressed, taking 236 p.s.i. maximum loading with the stone itself capable of 6,000 in the case of sandstone and 14,000 for rubble fieldstone. The lime mortar is the limiting factor, but there is no reporting of vertical displacement or cracking of interior walls. It is proposed that a grout injection to fill voids in the mortar matrix and bond the exterior wall to the interior would add strength.

After paint removal and patching and further measurements, it may prove that grout injection could be limited to the lowest story or localized or could be eliminated altogether. It is not clear that so-called solidification of the wall is called for, but this task force defers to the judgment of the Praeger report.

(2) On page 10, near the conclusion of the portion of the report on the experimental wall grouting, amplification and clarification would seem desirable. The type of epoxy as a final bonding material is questioned and should be clarified to the extent that description is not found with respect to the viscosity of the material proposed. Elsewhere, it is reported that various formulations seem to be identified. Furthermore, experience elsewhere indicates that ferrous metals and certain epoxy compounds are not mutually compatible and that deterioration may occur in both materials through chemical action; hence, use of iron reinforcing rods should be evaluated.

(3) There is discussion of the thermal effect of solidification of the wall resulting from the infilling of the present cavity. This phenomenon is not discussed in great detail other than to conclude that there is to be predicted a 10% net increase in heat gain or heat loss in the solidified wall. The effect of this change in the internal structure of walls of such comparatively great mass bears closer investigation.

It is probable that it will require an interval of time, perhaps 18 months to 2 years, for the long stabilized thermal and hydro balance within the walls to become re-established, responsive to modifications resulting from the filling of the voids and the possible modification in the reverse permeability or breathing property of the wall.

Moisture

(1) It is difficult to accept the categorical statement that "condensation in the wall will not occur during the summer". The computations on Figure 22 do not appear to indicate a recognition of the lag in change of the ambient humidity and temperature of the internal wall volume and it is possibly questionable whether the conclusions shown thereon are valid without further experimental documentation.

(2) The Praeger Report does not contain a bibliography, therefore the following paper may have been available to the authors. Reference is made to *Consolidation des Monuments D'Architecture par injection dans les Maconneries*, Moscau N. Zvorikine. From this, it is seen that the Russian experiences indicate that the epoxy infilling should not be impermeable to moisture; therefore, the formulation of the material ultimately used should be investigated in light of these reported results.

It was found that the dilution of the epoxy with a solvent helped to provide better penetration and greater adhesion and, at the same time, did not produce a mass incapable of "breathing". In the same connection, we were informed by Dr. R. M. Organ, Chief, Conservation—Analytical Laboratory, Smithsonian Institution, that Savestone is an excellent material, particularly if the manufacturers are at this time employing the Lewin Sayre patents. Acrylic plastic compounds have elsewhere been found to be very deleterious in these uses and should be avoided.

The Report suggests quite discouraging results from the several experimental methods of removing the old paint from the stone. From other sources, it has been found that the Methylene Chloride paint remover which was used, while not formulated for removal from stone surfaces, actually can be made very effective when combined with a neutral jelly to create an emulsion, keeping the mixture moist for a longer period. (Actually, in the results cited, the coated stone surfaces were covered with aluminum foil to prevent accelerated evaporation.) The latter expedient might increase the effectiveness of the gel remover reported.

In this connection, it is somewhat surprising to find that the report does not cover the matter of vapor transmission more positively. It would seem desirable to investigate the advantages of providing a vapor barrier back of the plaster on exterior wall surfaces. It is possible that this will alleviate the tendency for plaster fatigue through thermal and moisture changes as well as more effectively stabilizing the moisture content of the interior of the interior of the wall volume. This vapor barrier, if found to be necessary, could be of the framed-in-place variety, thus avoiding extensive replastering.

(3) Apparently, the authors of the Report have not found conditions to indicate the desirability of horizontal moisture barriers in the base of the walls to offset the capillary action often found in walls of this mass and porous character.

Performance Design

(1) The Praeger Report analyzes the structure and loadings of the West Front portion of the Capitol building and proves they are within the parameters of sound practice. The effects of static and dynamic loadings and soil pressures due to dead load, live load, wind and seismic forces, and sonic booms have been given complete attention and analysis.

Painting

(1) The continued use of oil paint in many applications 15 to 105 mils thick has caused accelerated but not severe weathering. Modern breathing paints will obviate this difficulty.

The Capitol is made of three materials: yellowish sandstone (original wings), Walter's marble House and Senate extended wings, marble East Front extension and the cast iron dome. White paint on the sandstone and dome is used to unify the ensemble. This has been the style for more than 100 years. The White House is painted stone. London abounds in painted stone. The tradition of painting should continue.

Mr. HOLLINGS. I shall have to hold this just a minute.

What did they find? They found—not with those driving for new office space, not with those driving for the public to have new cafeterias, not with those driving for a place to bring over their own special groups for special lunches, not with those driving for special rooms with curtains, running water, and everything else, so we can all lounge around—they found that the five conditions could be met, and they found that in September.

The commission has not said anything about their finding, and that was not reported to Congress when it was turned over to them, nor was it reported to my committee. We had to search that out.

What did the Architect say? The Architect opposed the extension, just as I am opposing it now, until he became Architect. Then, of course, to be a good architect, he did not have to sublimate any of his architectural intellectuality or ethics or anything else of that kind. He said:

> That's a matter of judgment. I still think like I did before on that score. I have not changed my mind, but you folks over here are the bosses of the need for any office space.

So when I brought it up with him originally, I think it was—last spring, because I think the distinguished George White, the Architect, came on board about January—he said:

> I have not had time to read it.

I said, "Read it and study it," and later on, when he again appeared before the subcommittee, he said the cost was "indeterminate," that he could not say one way or the other. He said that he had sought expert advice from the outside, and any time you would ask anybody, including me, as an expert from the outside, about the cost of congressional construction, I can tell you, "just treble it if you want a commonsense answer," because anything you think is reasonable, this crowd over here is going to bollix it up. Look at the Rayburn Building. Look at the Senate Office Building. What has happened? If we were to go after the Pentagon the same way, we would put them out of business. Or if we only treated ourselves on that score the same way we treat the Pentagon experts when we inquire about the cost, no one would say under oath, "under $15 million." And how could they, if they had not taken off all these stones and everything like that? The best the Architect can say, to go along with the Commission's report, is that it is indeterminate. That is his answer: Indeterminate.

So they did not put out any preliminary plans. In fact, as we have been gleaning it, searching and trying to find out who is who and what is what, and where are the rooms, Mr. President, do you know that the chairman of the Rules Committee does not know, either? If you want to talk about top secrets, whoever is in charge of where the rooms are, and who they are assigned to, they ought to give him that job over in the Pentagon or put him in charge of the CIA, because when I asked my distinguished friend from North Carolina (Mr. JORDAN), he said:

> We are making a survey now. We never have known what all the rooms are and what they are about and we would like to know. We would like to know so that we can give an intelligent answer.

During its tour and study of the Capitol, we do know that AIA task force observed that the present space usage in the Capitol is "crowded, misused, and underused." And I believe it.

Why should the Senate disbursing office be in the Capitol, when the House has its disbursing office in the Cannon Building? Why should we have the Democratic Senatorial Photo Lab in the Nation's Capitol? Is that so highly important for the Nation's Capitol? Wait until the people find out about that, when we are talking about more room around here. I want to see how many Members attend the hearings we are going to have and plead on the record for the extension of the Capitol.

The Office of Contracts and the Flag Department can be put elsewhere.

The Airline Ticket Office, why should it be in the Capitol?

The House Airline Ticket Office is in the Longworth Building. I say to the Senator from Michigan, why not put ours in the Senate Office Building?

Barber shops, repair shop, sheetmetal shop, carpenters' shop, plumbers' shop—if we really needed the room, all these could be placed elsewhere. We have not employed the room, and all of us know that we have not done so.

I say to the Senator from North Dakota that with some 160,000 square feet at $60 million, that is $368 a square foot. Using the gross amount, they use the figure of $166, but since the proponents of extension want usable space, we must look at the net amount of square footage for space, and here we are paying $368 a square foot.

Go to North Carolina and North Dakota and tell the people that. They will not agree with us. They will not elect us on that kind of record, when they know that we can get additional room elsewhere much more cheaply—and they should not.

My staff eats in the New Senate Office Building, so why cannot the visitors do likewise? Why create people pollution? We have only one Nation's Capitol. Add all the extra rooms, and bring in the board of architects for a luncheon, and there will be a luncheon for another special group, and I will have a special luncheon for the crab catchers in South Carolina. The crab catchers are going to come to the Capitol, and I want to impress them, so I am going to bring them into the ornate $368 a square foot private room and feed them and show them how I am running the Government up here.

Then they will all start corralling around, making all these meetings and special luncheons and everything else. Then, as they leave my crab luncheon, I will say, "Do you not want to go over and see Senator Pastore, from Rhode Island? He is a great orator." And the Senator from North Dakota will say, "You ought to see the majority leader, who is engaged in colloquy with him." So everyone leaves the luncheons and they come here, and you have added 3,500 people in the one hall. It is difficult to get around now. I have big enough competition with my senior colleague to get the school groups and special friends into the White House. I would then be competing to see if I can get class 3B of a Mitchell school into the cafeteria.

So you deface the Capitol and extend the taxpayers' money at $368 a square foot, and you have gone beyond the express intent of Congress.

The five conditions were met. There were no final plans to be approved if those conditions could be met, and the report said they could be met.

The commission did not play fair with Congress, to have a closed meeting on March 8, and they never said a word from December 7 until March 8 and did not say anything then, until they had met; and they said that by now inflation has corrected the report and no one can say—including our Architect, who used the word "indiscriminate"—that we can do it for under $15 million. That gives us carte blanche authority: final plans, final construction; and that is the way it had been understood, and that is the way they offer the amendment.

It was because of this that the language was agreed upon unanimously in the full committee, and the Senator from Montana says now he misunderstood. But the language was hammered out among us all so that there would be no misunderstanding. We said that funds available under this appropriation may be used for the preparation of preliminary plans so we would all know, once and for all, whether there were cafeterias, how much room there was and for what it was going to be designated, because they could not now tell us.

One report was that there were rooms for cafeterias and another was that there were not. There were private dining rooms, and one Member objected to that, and another Member objected to another usage.

We wanted to fix preliminary plans before we started paying in the millions for architectural and engineering drawings and specifications. We said,

> Give us the preliminary plans for the extension of the West Central Front, provided, however, that no funds may be used for the preparation of the final plans for initiation of construction of said project until specifically approved and appropriated therefor by Congress.

I submit, Mr. President, that that is the orderly way to go about doing the business of Congress. I do not like to take the vote from the State of South Carolina or the State of North Dakota or any other State and vest it in one of these commissions that goes ahead and spends all this money, and then somebody comes along and says, "Look, you wasted all the funds. You have no sense of historic propriety. You have a cultural commission but you can easily get more rooms for committees and others to meet."

Why should the Vice President have two offices here? Give him one office, one of the most beautiful—but why two?

The Disbursing Office of the House is in the Cannon Building. The Democratic Senatorial Campaign Photolab can be moved. The Contracts Office and the Flag Department can be put elsewhere. The airline ticket office on the House side is in the Longworth Building, as are the railroad ticket office, the barber shop, and the repair shop.

We have room, if we want to go about this judiciously. Everyone knows what is happening. I contend that we have not done so until this time.

It is not a matter of questioning the qualifications of the Architect. I am the first to agree that this is a distinguished and dedicated gentleman, and he has been very responsive to our subcommittee.

The American Institute of Architects has proposed this. They said the five conditions could be met, which was a congressional mandate for not going ahead with extension.

They waited for inflation, for a year and half, and now want to go ahead. We put in the language so there would not be a misunderstanding and it would not be left in a never-never land. We are not voting finally on whether or not we approve it. We are voting finally on whether or not we can approve it, and whether or not we ought to have a chance to approve it.

You can both have hearings, you can both look at the plans, and you can both see a cafeteria there or a senatorial office or see a committee room, and we are looking at the same thing. It appears to me that we have not seen it together. This really goes to the procedural integrity of Congress itself, particularly the Senate. We wanted to put in there no final plans, no construction, until there is a hearing and it is appropriated for by Congress. The people cannot expect less.

I would oppose the amendment.

We are not on limited time. I shall be glad to try to answer any questions, if I can.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. YOUNG. I listened with a great deal of interest to the Senator's speech, but I have to disagree with him on several issues.

For example, when the White House was restored and remodeled, it had to be done. Otherwise, the walls probably would have fallen. It was unsafe. We could have built a new White House for one-third or one-fifth the cost. Perhaps it would have been cheaper to have made a museum out of the Capitol, because we could have built a new one, and a better one, at one-fifth the cost that keeping this one will cost. So the Senator's figure which he uses, of $268 per square foot, I do not believe is really comparable.

The Senator mentioned that we have a carpenter shop. Yes, we do have one, but it is in the cellar, and I do not believe that any Senator wants to have an office in the cellar.

It is true we also have a barber shop. Senators do not have time to go uptown to get haircuts. The office buildings are completely occupied. Most Senators are crying for more office space. I do not know how we would want to put it over there.

Some Senators want to bring in more interns this summer. We turned down an amendment to bring a whole flock of new interns at $300 a month here this summer. There is no room for them. So while I think there is considerable good sense to what the Senator says, as I have listened to him, and we have been on this problem for 10 years now as to whether we should restore the west front, reinforce it, or build a new one, but the time for decision must come some time, because each year we delay it will cost more money to get the job we want done.

Mr. HOLLINGS. If I may respond to my good friend from North Dakota, during the time the 10-year discussions were going on, everyone was shooting from the hip, and we did not know. We had no one comprehensively studying it or architecturally studying this particular question. It is certain they said that the west front was in imminent danger of collapsing, that it would soon come tumbling down around our heads. It was charged in five specific points here, that the funds for extension could not be released unless restoration could not be carried out without undue hazard to the structure and to persons, and that the wall could not be made safe, sound, and durable. But they said restoration could not be done.

The Praeger study reported that the west central front can be made safe, sound, and durable for the foreseeable future without impairing its inherent beauty and without hazard to the safety of the structure and to persons by cleaning the walls, restructuring it and grouting and restoring the appearance, and by repainting. There you go. They said it can be done.

A man can differ as to the usage of space. We had that discussion. In fact, in our discussion, we found that our barbers are going out of business, because their customers now go uptown to get their haircuts, because of the new hair styles. They do not like the old ways in barbershops any more. So the barbers here are going broke in the Old Senate Office Building. We have to increase their pay under this bill so that they can retire with a little more money.

So the barbers here have a real problem, because everyone is running uptown to get his hair cut in the new styles. They have to get with the new ways or go out of business.

Mr. MANSFIELD. Mr. President, will the Senator from South Carolina yield?

Mr. HOLLINGS. In 1 second I will be glad to yield to the Senator from Rhode Island and to the Senator from Montana, but offices in the cellar are not only desired and sought after, but are occupied there by distinguished senior Members of his Senate. They like those offices in the cellar and they brag about them.

I yield now to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I quite agree with the distinguished Senator from North Dakota (Mr. YOUNG) that there is a great deal of logic in what the distinguished Senator from South Carolina (Mr. HOLLINGS) has said.

I remember that in my parish we used to celebrate mass in the school auditorium. One day the pastor came to me and said, "We are going to build a new church." Knowing, of course, that money was a little tight, he suggested that a debt-free church be built. He showed me the plans. I said to him: "Father, this will not do. These plans for the church are plans for just today and tomorrow. We would be just temporizing. You have to begin thinking of what the situation will be in this parish, not today or tomorrow, but at least 15 or 20 years from now."

The Senator will remember that when we decided to do something about the east front of the Capitol, there was a tremendous furor. There was remonstrance, I believe, even from the National Association of Architects. I think that decision was one of the best we ever made because the East Front of the Capitol now is much more beautiful than it was before. Instead of having to look at that brownstone, or whatever it was, now it is a granite and marble front and a really beautiful edifice that meets the eye.

We must realize that the Capitol of the United States is the citadel of this country, the cynosure of our people. I suppose we could demolish the building completely then rebuild it and make it more purely utilitarian for a great deal less money.

As the Senator from North Dakota (Mr. Young) brought out, there is only one White House, and it cost us $5 million to reconstruct it. It was actually falling apart. President Truman had to live in the Blair House while they were repairing it, but he had the foresight and the courage to look to the future. We spent $5 million to repair that edifice and I feel it is one of the best investments we ever made.

I do not believe that we should involve ourselves in an emotional argument about the taxpayers of North Dakota or the taxpayers of Rhode Island having to pay for this. I think we have to be pretty careful about the taxpayers' money whatever the project. If it is true that we need plans that we do not have, then we should develop adequate, appropriate plans, because we surely should know what we are doing. But, fundamentally, I see nothing wrong with students from the Hamilton High School coming to visit the Capitol of the United States—there is only one Capitol of the United States. It is their Capitol and that they should have lunch while they are here seems sensible and reasonable. I do not see any waste of money there.

As a matter of fact, if this Nation can spend $101 billion in Vietnam, with all that money going right down the drain, if this Nation can spend $101 billion in Vietnam, and if this Nation can spend, at the request of the President, $3 billion for foreign aid, certainly we can spend some money to expand the west front of our Capitol.

All we have to do is to take a look at that west front. It is a disfigured disgrace. That front is now jacked up with piles and what-have-you. It has a forbidding appearance. Indeed, there is a sign reading "No Admittance Beyond This Point." They believe the stone is disintegrating—ready to fall down—and likely to injure the too curious visitor.

I am not being critical of the Senator from South Carolina, because I know how he feels about this—but whatever we do, let us not do it for next week or the week after. I hope that this Republic will last for eternity plus 1 more day, and that the Capitol Building that we will have in these United States will be a Capitol of the United States that, 100 years from now, will be as adequate.

So, let us not temporize. Perhaps we cannot plan for eternity, but we can plan for posterity.

Let us do that.

Growth toward perfection has been the history of this Capitol. We have grown in our pride of it. And when I say "we," I mean the continuity of this Government—of, by, and for the people.

When this building was first constructed, there was no Senate wing and there was no House wing. We had to add these wings. That cost us a lot of money. We spent a lot more money in decorating the inside of the building with frescoes and other fine arts, especially the work of Constantino Brumidi. I do not believe that all of that was a waste of money. I believe that we should look at all expenditures very carefully.

But we hear people say, "You cannot spend all this money for the Capitol." My goodness, gracious, on the exchange program, we spend millions of dollars to do what? To have many students from other countries come here and get an eyeful and a heartful of America so that they can take the good story of America back home with them. But now are we to say that when some high school students board a bus in New Jersey, Rhode Island, or South Carolina, and come to the Capitol of the United States, are we going to say to them, "If you want a sandwich, go downtown and get it elsewhere, because there is no room here."

Mr. President, did you ever go down to the cafeteria on B floor of the new Senate Office Building and see these people all lined up and willing to wait for hours to get into the cafeteria? Is it not good to see that? Is it not good for this country? Is it not good to feel that when they come here, they cannot only explore the building, but if need be, they can also go to a cafeteria and have a glass of milk and a hamburger? There is nothing wrong with that. It is good to see our people coming to Washington to see their Capitol. It is even better when we refresh them personally as well as patriotically.

Now I do not believe anybody should be ridiculed for saying he does not want to waste the taxpayers' money, but I regret that that is what this whole discussion has disintegrated into.

Mr. MANSFIELD. Mr. President, will the Senator from South Carolina yield?

Mr. HOLLINGS. First, I want to explain my comments on this point, if you please; then I shall be glad to yield to the Senator from Montana. In this colloquy, we have gotten ourselves into an emotional appeal by saying that if we have money to spend for Vietnam, if we have enough to spend for foreign aid, we have enough to spend for the Capitol. That is making an emotional appeal. I am making an appeal for the Capitol.

My good friend from Rhode Island says we are going to deny funds for the Capitol; that if we have enough for Vietnam, if we have enough for foreign aid, we ought to have enough for the Capitol.

But this is my argument. I want the Capitol to be renovated.

The Architect's task force report says it is not necessary to have the buttresses to keep the wall strong and keep it from falling down. I want to keep the Capitol as it is, as it was.

I want the children to see this building. The Senator from Rhode Island is not going to put me in the position of making children go hungry; of saying that they cannot go down and get a peanut butter sandwich.

I am for children coming to see the Capitol; and they can do that in an orderly fashion at this time. Actually, thousands upon thousands are coming here to see the Capitol, so that they can appreciate it. To put in more cafeterias would be doing a disservice to them by creating traffic jams.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HOLLINGS. Not at this moment. I want to finish this point.

The next thing, it is said, we will be making children go hungry. But by putting in cafeterias, we will create such traffic jams that we will be hiding the Capitol, and the children will not be able to see it. I am for setting up cafeterias to serve our visitors, just put them somewhere near the Capitol, not in it.

At present, entire classes come through the Capitol. But how many classes go to see the White House? The classes get there in the morning, and after waiting a long time they are quickly driven through a few rooms, because there are just so many people who can be admitted, and there is just so much time.

Why not put a restaurant in the White House, so that the people will not have to go downtown?

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HOLLINGS. Not just yet.

Why not put a restaurant at the Taft Memorial, so that the people can go in and eat?

I am for feeding the hungry, but not in the Nation's Capitol.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. PASTORE. I did not inject myself into this debate. I came into the Chamber and sat right here and listened to the Senator from South Carolina. I heard the Senator mention the name of the Senator from Rhode Island.

The Senator from South Carolina mentioned that. Then I heard him say something about the children from Hamilton High School. The Senator mentioned it. I did not make it up. He is the one who mentioned it. He started it for some reason. He thought he would like to address questions to the Senator from Rhode Island. The Senator knows the Senator from Rhode Island.

I did not accuse the Senator of letting anyone go hungry.

All I am asking the Senator is this question: Is it a matter of money that bothers the Senator? Is it money that bothers him? All I can say to him is that if this great country of ours can spend all this money in Vietnam, why should we be worried about the miniscule amount we would spend to make the Capitol a delightful place for the children of our country to come and visit. Does the Senator think that is emotional?

Mr. HOLLINGS. I think it is a delightful place to come to. That is what I thought when I came to it.

Mr. PASTORE. Positively; and every time I look at the dome, I get new inspiration. I will never forget when I got off the train coming down to Washington the first time. I got off the train, walked out of the station, and my eyes rose to the Capitol dome, I got goosebumps all over my body. I still get goosebumps when I look at the Capitol. And as Senators enjoy the Capitol the more because they can dine here, then if it gets to the hour of 15 minutes after 12, what is wrong if there is a little place where visitors can get a hamburger?

Mr. HOLLINGS. Nothing, I am for that.

Mr. PASTORE. There are no hamburger stands around here.

Mr. HOLLINGS. No, and we ought to have something.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HOLLINGS. I will yield.

Mr. MANSFIELD. Mr. President, there is supposed to be a matter of $2 million for plans. That is not for a building structure. We are getting away from the question at hand.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HOLLINGS. Mr. President, I said at the very beginning of the discussion that we unanimously agreed on this in the Appropriations Committee on Friday. I thought the matter would not be the subject of controversy. Otherwise, as the chairman of the subcommittee, I would have prepared myself more entirely on the architectural niceties of this edifice.

It is not money for pollution. It is money for office space, for more space. It is the architectural design for the Capitol.

A gentleman by the name of Mr. Olmstead, one of the outstanding architects in our history, studied this matter. I want to see that the Capitol does not look like the beanie on a freshman's head after the construction is done. That is the reason I oppose this.

If the distinguished majority leader wants to bring it back to the original thinking, we agreed that preliminary plans would be made. His amendment is to go ahead with final plans.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. MANSFIELD. Mr. President, I think I admitted to the Senate that I was under a misapprehension. I have no one to blame for what I did except myself. I was not aware that the preliminary plans had already been completed.

May I say that, for someone who was unprepared to speak on this subject, the distinguished Senator from South Carolina was very, very well prepared.

What we are asking now is that we uphold the action taken by the Commission under the law passed by Congress, and that is to allow funds to be used for the purpose of finalizing the plans.

After that, it is not the intention of the Commission to go ahead and order the construction as a result of this finalization, because in my opinion we have not got the authority. It would be up to the subcommittee of the Senator from South Carolina in this body and the counterpart in the House, along with the ranking minority members, to undertake this responsibility.

Are we going to go this far and stop? I would have no compunction in going back to my State of Montana and telling my people how much I was going to spend. And no one knows what the figure is yet, because on the basis of the plans, it cannot be figured out as to what the actual costs will be on a square-foot basis.

This is something which has to do with the citadel of this country, the symbol of this land. It is not a case of a small dome. It is the case of symmetry. It is a case of planning for something which we think needs to be done and should be done. And if anything is recommended, the distinguished chairman and the ranking members of the committee can be assured on my word that any plans will be brought before their subcommittee and the full committee for final approval and that the Commission as such will not have the final say as to what shall be done.

So I think the record should be kept pretty clear. We should sweep away all the side plans, all openings and angles, and get down to what is at stake. Does the Senate want to appropriate money for looking into the possibilities of beautifying this citadel, which is not just for us but for all the people of this Nation? It is that simple. I apologize publicly and privately for not being on my toes Friday. What the Senator said is correct. It was unanimously reported out as it is before the Senate today. The fault is mine, but certainly the intent is to correct the fault at this time.

Mr. HOLLINGS. No one is trying to win a point or an argument or to prove someone right or wrong. We are back to the crux of the matter: final plans versus preliminary plans. The Senator from Montana understands the characterization of the plans as final. Final plans encompasses final preparation and evacuation of offices.

Mr. MANSFIELD. It would be subject to the approval of the Appropriations Committee.

Mr. HOLLINGS. Now, we have the crux of it. How do I get approval later if I tell them now to go ahead with final plans?

Mr. MANSFIELD. Not the Senator, but the Senate or Congress tells them to go ahead. They have to go before the Senator's committee for approval or disapproval. The Senator's subcommittee and then the full Committee on Appropriations in both Houses.

Mr. HOLLINGS. Do they go before our committee before they evacuate the offices and prepare the ground?

Mr. MANSFIELD. I would so recommend to the commission if the Senator would like me to.

Mr. HOLLINGS. I rely on my distinguished leader, of course, but whether or not the Vice President will do so and other members of the Commission is another question. Therein I cannot see where the Senator from Montana and I are differing. I think we are both asking for preliminary plans.

Mr. MANSFIELD. No; the preliminary plans are through.

Mr. HOLLINGS. No; they are not. There is a difference in fact there. We asked for preliminary plans Friday. They come and say they are. But when we ask about it, they say, "No; they are not." They keep changing the designation and what encompasses extension of the Capitol, how many rooms there are, the uses thereof, and whether they are needed. That is preliminary planning.

Mr. MANSFIELD. There is money appropriated already for plans. So the thing to do, as the Senator agrees, is to go through to a conclusion, to a final plan, and then you have all the answers to the questions that the Senator raises. They cannot be reached on the basis of preliminary plans, because the job has been done.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. COTTON. Mr. President, I thank the distinguished Senator for yielding. We have backed ourselves into this position. A vote against the amendment of our distinguished majority leader would be interpreted as a vote against extension of the west front of the Capitol. I want to stand by my subcommttee and my chairman who has treated me always with the greatest consideration. I am in favor and have been from the start. I certainly have been since I saw the matter demonstrated on the east front. I have been in favor that we go in there, do the job thoroughly, and extend the west front.

I am guilty of suggesting this language.

Mr. MANSFIELD. I was there.

Mr. COTTON. I suggested it, because I merely wanted to make sure that before everything was finalized, we had an opportunity to look into this restaurant business. I feel that before we open up any more restaurants in this building, we had better learn to operate the ones we have. There is ample room for the children and the people who come here to be accommodated in the cafeterias in the New Senate Office Building. But I would not send any constituents of mine to eat there as I would not serve that food to one of my pigs. It is the poorest prepared food I have ever had served before me.

I used to eat there regularly, but I do not go there now. The food downstairs in the Capitol is very satisfactory. I am not talking through my hat, because I can give the names of a half dozen Senators who used to eat breakfast regularly in the cafeteria in the Senate Office Building and who now eat breakfast downstairs and never go to the cafeteria in the New Senate Office Building.

Mr. MANSFIELD. Four of the half dozen are in the Chamber right now.

Mr. COTTON. Yes. The reason I proposed the words "preliminary plans" in the language of the bill was that I do not want this thing decided before we have a chance to see how this space is going to be used. As I said earlier, I think our own language indicates that the question is settled on extending the west front of the Capitol. We have every confidence in the Commission. I have been for it. I consider the matter settled. It seems to me this matter can be settled without tearing ourselves to pieces.

I would like to ask the distinguished majority leader how much money is involved in the complete plans.

Mr. MANSFIELD. As I understand, it is in the vicinity of $2 million. I would be subject to corroboration by the chairman of the committee in that respect.

Mr. COTTON. When the majority leader says to the Senate, "I give my word that we are not going to build a cafeteria or restaurant in there without coming back to the committee," his word is good so far as I am concerned, but in the meantime we will have spent $2 million.

Mr. MANSFIELD. That is correct.

Mr. COTTON. I think because of that I should be compelled to stand by my subcommittee and my chairman, but that is not to be interpreted as a vote against the extension of the west front, because I think that is the only sensible and logical thing to do. I hope when we decide how the added space will be used, that it will be used to let Congress function more adequately. I would like a chance, before the $2 million is spent, for some of us to be heard further on this matter of the restaurant business.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. COTTON. I yield to the majority leader.

Mr. MANSFIELD. I think I could on my own give the Senator and the chairman of the committee the assurance that the Commission, which I have just recently become a member, would be given the chance to express their views.

But the Senator said he favors the west central front expansion. We must recognize the fact that there will be none unless there is a finalization of the plans which up to this time have been conducted on a preliminary basis. The matter is simple. I do not want to bring it to a final vote. I blame myself for not doing what I should have done in committee, but I would like to see the chairman and the ranking member take this proposal to conference without a vote and come back with what they would like reported to the Commission.

Mr. COTTON. We cannot take it without language.

Mr. MANSFIELD. I would favor the language I have offered.

Mr. COTTON. I will just say this and then sit down. My chairman and I are in disagreement on one point. I understand the Senator from South Carolina is opposed to extension and wants to restore the building as it is. I want the extension, and so the disagreement. The reason I suggested the word "preliminary" was because I thought that tentative or preliminary plans would be presented to us so that we could thrash out how that space was going to be used. I know the distinguished majority leader knows what he is talking about, because he always does——

Mr. MANSFIELD. No; I do not know as much as I should know, I am sorry to say.

Mr. COTTON. He says the preliminary plans are already made.

Mr. MANSFIELD. Preliminary studies.

Mr. COTTON. And that if that goes through, then everything stops——

Mr. MANSFIELD. Preliminary studies have been made. I do not think any preliminary plans as such have been made.

Mr. COTTON. What is wrong with calling them preliminary plans and presenting them to us?

Mr. MANSFIELD. Because I thought on the basis of the authority of the Commission, we should go ahead, and I think I have an obligation to the Commission, just as the Senator has an obligation to adopt the position he has on the committee, and I would do the same thing the Senator has done if I were in his shoes.

Mr. COTTON. The Senator understands I do not disagree with him.

Mr. MANSFIELD. I know.

Mr. COTTON. The Senator's assurance is enough for me.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. YOUNG. Would not the Appropriations Committee have the plans unless completed and, when they asked for the appropriation for construction funds, have an opportunity to say whether they want to go ahead with construction or to make any changes?

Mr. MANSFIELD. That is correct. I have said so several times.

Mr. HOLLINGS. That is the point—there are honest differences. One gentleman says they already have preliminary plans. The other gentleman says no preliminary studies. Another one says he is for the front and he considers that question settled. The only question is the distribution of the rooms, and he is against any more cafeterias. Therefore he would like a chance to vote on it. The Senator from Rhode Island says, "Oh, no, let us have a cafeteria."

We have never had a meeting of minds. We are letting the matter go, we are irrevocably moving forward in this particular regard without hearings, without reflection and without full awareness of what we are getting into. That is the reason we had the matter drawn to the attention of the members of the Appropriations Committee. The ranking Republican member and I as chairman never were presented the preliminary plans. When we reach the Senate floor, we are told they have preliminary plans. Then when we press them, we are told they are preliminary studies. A distinguished member of the Commission says they have no preliminary plans.

Turning to another point, the Commission has not furnished us the amount for the final plans. The figure given 3 years ago was about $2 million. If we are going to consider inflation, and if the figure of $13 million for restoration in 1971 can be inflated to above $15 million, we can equally inflate the cost of the final plans to well in excess of the $2 million.

Further, when we talk about final plans, that could mean site clearance, and office evacuation, that is getting ready for final construction.

That is why we raised the point in a candid fashion before the Appropriations Committee. We wanted to have a chance to rule on this and to see what would be proposed by way of offices, and we would only know this if we could look at preliminary plans. Therefore, I think it would be bad procedure to have it unanimously agreed to, at the suggestion of the Senator from New Hampshire, to use the plans as preliminary plans, with no construction funds to knock out. Someone could come before the committee and say, "Now we can clear the site and get the final plans, come around, and it will be in a state of upheaval, and the only question will be how do we settle the upheaval because we did not settle the question in the first place?"

Mr. MANSFIELD. Mr. President, that does not mean that these will commence the process of digging up, site clearance for construction, and offices being evacuated. This is a set of plans that will be drawn up. It will be subject to the approval of the subcommittee and the full committee and the Congress.

Public Law 91-145, approved December 12, 1969, provides under the title "Extension of the Capitol"—

> For an additional amount for "Extension of the Capitol" $2,275,000, to be expended under the direction of the Commission for Extension of the United States Capitol as authorized by law——

I repeat, "as authorized by law." The Congress passed this law and gave the delegation of authority to this Commission. The Commission does its job and the Commission comes back and finds itself questioned. None of us asked to serve on that Commission. I would just as soon get off. I did not know I was on it until this month. But we have to have something to operate on. I would hope we could reach a compromise that the planning could go ahead with the authorization that was authorized and was put in the hands of the proper commission.

Mr. YOUNG. Mr. President, who has the floor?

Mr. MANSFIELD. The Senator has the floor.

Mr. HOLLINGS. Go ahead, Senator.

Mr. YOUNG. I want to make this comment. I think the real controversial issue is whether we extend the west front or restore it. I think there will always be differences of opinion as to whether we should have a restaurant or other accommodations in the west front if we go ahead with it, but I think there would be no moving out of offices while we were in the planning stage. I would feel—and I feel assured of it—that after the plans are made we can make the decision whether we appropriate the money to go ahead and what further changes there should be.

Mr. AIKEN. Mr. President, if the Senator will yield, I read the proposed amendment by the Senator from Pennsylvania and the Senator from Montana. I was wondering, where it says may be used for the preparation of plans, does that mean tentative plans shall have to be approved by the Congress? I think probably it would be well to restore the historic proposal to the west front——

Mr. MANSFIELD. No.

Mr. AIKEN. But I am inclined to agree with some of my colleagues, including my neighbor from New Hampshire, that an enormous restaurant there would probably create some difficulties, possibly with the taxpaying restaurants—I assume they all pay taxes—in other parts of the city.

It seems to me we have to go ahead to prepare these plans before the Senate knows what it really wants to do.

Mr. HOLLINGS. Exactly. If the Senator will yield, I will be glad to say, with respect to what the Senator from Vermont has said, that that is what we all want to do, read some document and read some language, saying whether they agreed or disagreed. We would not have preliminary plans before we went into multimillion-dollar plans that would include site clearing, and so forth. That is why we agreed in the committee to ask for preliminary plans. That is the job of the Commission. Everybody thought the Commission had that job. They had a professional report made, which said the five conditions could be met, but then the Commission waited 14 months, with inflation coming in, so that the Architect's estimate now is "indeterminate," and then said the conditions could not be met. I do not blame the majority leader for that.

He is crossed between his position as majority leader and a member of the Commission and a sense of loyalty to that. I do not want plans to include site clearing, and so forth; I want preliminary plans before they do that.

Mr. MANSFIELD. "Final plans" does not mean moving offices and clearing the site. It means detailed plans to go before the committee before construction is started.

Mr. YOUNG. I find myself in the same position as the majority leader. We all went along with the language proposed by the senior Senator from New Hampshire. We thought this would be a good answer to the question. I am inclined to agree with the majority leader that we have completed preliminary plans, and that what is really needed now is to proceed with the necessary planning. I am going to vote against the vote on this matter taken in the committee.

I am glad to learn from the majority leader that final plans will not include site preparation.

Mr. HOLLINGS. But he talks about preliminary plans, and then he changes that and says they are studies.

Mr. MANSFIELD. He should not talk about those words, because he is talking about an amateur as far as the Senator from Montana is concerned.

I have not had the privilege or the opportunity to achieve the knowledge which the distinguished Senator from South Carolina has had—and I say this respectfully—as the chairman of the committee which is in charge of this particular aspect contained in the bill; but certainly he has mentioned the question of conditions laid down. First, he says, they were all agreed to, then he says they were not all agreed to, because of escalation.

It would appear to me that this is a part of the preliminary study, and that very likely this was the basis on which the Commission was called into meeting earlier this month.

Mr. AIKEN. Well, I think the proposal of the leaders more nearly meets the present need, because I do not know whether I am in favor of the plans or not until they are drawn. Where preliminary ends and regular plans begin I am not sure, but I think they have got to go ahead with doing the planning.

Mr. MANSFIELD. Will the Senator yield at that point?

Mr. AIKEN. I yield.

Mr. MANSFIELD. It is only after the plans are drawn up that it leaves the hands of the Commission and goes into the hands of the Appropriations Committee.

Mr. AIKEN. That is right; and the Appropriations Committee could then rule the restaurant out, or not, I would think.

Mr. MANSFIELD. That is right.

Mr. HOLLINGS. Mr. President, could I respond to the Senator from Vermont on that point?

We are not objecting to the plans. That is what we want. The Senator from New Hampshire and I and the entire subcommittee said, "Give us a plan so we will know and can answer intelligently when a Senator asks whether the cafeteria should go in there or not."

That is the kind of plans we need, and no one has furnished them. We have not studied it out; we are trying to search for information to make a fair judgment. We have not been given any plans, so we do not know whether or not a cafeteria is there or any other type of room.

We want the plans. But when you get into detailed drawings, the indications were 2 years ago that it would cost approximately $2 million, and I would say, now it would exceed that amount.

Mr. AIKEN. They have spent about $250,000 or $260,000 already, and a little over $2 million is left.

Mr. HOLLINGS. That is right.

Mr. AIKEN. I think the word "preliminary" is a little confusing. It confuses me, anyway, because I do not know where preliminary stops.

Mr. HOLLINGS. Well, preliminary plans, in any construction project, includes the exterior and interior design and the square footage application as to where it is to be assigned, but it does not have every final drawing and every particular door and everything drawn in, that a contractor could take as a final plan and respond to it. Preliminary plans a politician can respond to; final plans a contractor can respond to. We all know the difference between preliminary and final plans. That is why the language of the Appropriations Committee is ultimately fair; and when you knock out fair language, you look like you are indirectly saying it is settled. I do not believe it is settled, and I do not believe the majority leader, the Senator from Vermont, or anyone else believes it is settled.

Mr. MANSFIELD. That is why we want the rest of the money, so we will know the final plans, and then the committee and Congress will have the opportunity to render their own judgment.

Mr. YOUNG. Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. MANSFIELD. Why not get a time to vote?

Mr. HOLLINGS. The majority leader has suggested that we get a time to vote.

I ask unanimous consent that we vote on this measure no later than 2 p.m., with the time to be equally divided between ourselves, the leadership on the bill and the proponent of the amendment.

The PRESIDING OFFICER. Is that on the amendment or on the bill?

Mr. HOLLINGS. That is on the amendment itself.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. I yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I commend the Senator from South Carolina for his presentation here today and for the efforts he has made in the Appropriations Committee to protect the Capitol, and I urge the Senate to reject the pending amendment.

I fully support the action of the committee in restricting the use of funds that may be expended for planning the extension of the west front of the Capitol.

I strongly oppose the substance of the decision announced earlier this month by the Congressional Commission on Extension, and I am even more strongly opposed to the procedures by which the Commission has attempted to railroad its decision through Congress and foist it on the American people.

Last Thursday, barely 2 weeks after the Commission announced its decision, the Legislative Branch Appropriations Act—the traditional vehicle for the debate on extension versus restoration—was passed by the House of Representatives. And today, less than 3 weeks after the decision, the Senate is about to approve the bill.

Clearly, the cynical coincidence of timing—or at least the appearance of such timing—of the announcement by the Commission and the passage of the legislation present Congress with the very real danger of being faced with a fait accompli on this year's budget. Two million dollars was about to be committed for planning and initial construction, and the Capitol was well on its way to irreversible change before a suitable legislative challenge could be mounted.

Thanks to the vigilance of the Appropriations Committee, however, and to the efforts of Senator HOLLINGS, Senator PROXMIRE, Congressman STRATTON, the American Institute of Architects, the National Trust for Historic Preservation, and others who oppose the extension project and who sounded the alarm so promptly, the tide may yet be turned, and Congress may yet have the opportunity to give the project the full and open scrutiny it needs.

Surely, it did not have to be this way. There was no need to generate the turbulent atmosphere of the past 3 weeks. The present phase of the crisis was precipitated by the Commission's decision on March 8 to reject the report of Praeger-Kavanagh-Waterbury favoring restoration, and to proceed with the extension of the Capitol. Yet, the Praeger report had been submitted to the Commission in December 1970, more than 15 months ago. Surely, we are entitled to wonder at the long delay in the Commission's consideration of the report and the sudden decision to reject it just as the Legislative Branch Appropriations Act was about to reach the floor of the House and Senate.

As the Senate Appropriations Committee has rightly recommended, whatever our individual views on the merits of extension versus restoration, drastic changes in the Capitol of the sort involved in the proposed extension should be made only after specific authorization and approval by the full Congress. They should not be made by the fiat of a small Commission, however select or distinguished, operating on a decade-old mandate that flouts the spirit, if not the letter, of the 1969 statute that authorized the Praeger study.

In a table accompanying these remarks, I have set out the relevant provisions of the Praeger report, side by side with the relevant provisions of the 1969 law, in which Congress specified with great particularity the conditions that would have to exist for restoration to go forward. Even a Philadelphia lawyer would have trouble arguing that the statutory conditions were not generously and amply met by the Praeger report.

Perhaps, in the current debate, the Commission will enlighten us as to its reasons for rejecting the Praeger findings. On their face, however, it seems clear that the Praeger findings make a strong prima facie case for restoration, not extension, of the Capitol.

Undoubtedly, many Members of Congress, familiar with the Praeger findings when they were announced in 1971, assumed that the issue was resolved, and that the report had laid to rest the spectre of extension. At the very least, therefore, the rationale for the Commission's rejection of the findings deserves a full and open public airing before the Commission' controversial new decision is implemented.

In recent years, I have repeatedly stated my view that extension of the west front would be a gross affront to the Capitol, the Nation's most sacred monument. Rufus Choate put it well many years ago, when he said, "We have no national temples but the Capitol." For nearly two centuries, virtually since the birth of our Republic, the west front has stood as monument to the American experiment in democracy, a symbol of America no less magnificent than St. Paul's in London or St. Peter's in Rome.

Now the work of our great early artisans—brilliant pioneers of American architecture like William Thornton, Benjamin Latrobe, and Charles Bulfinch—and the magnificent terraces of perhaps our greatest landscape architect, Frederick Law Olmstead, are in jeopardy. And all because a handful of senior Senators and Congressmen want a room with a view and a little more office space. To me, the destruction of the work of these early pioneers would be a historical, esthetic, and economic mistake of vast proportions.

This is hardly the time to launch such a costly congressional office space boondoggle. We know the fantastic Federal budget deficits now facing the Nation—$23 billion last year, $39 billion this year, and $25 billion promised for next year. Surely, in this time of Federal budget crises, it makes no sense for Congress to try to take care of its own most senior Members by launching this open-ended new multimillion dollar construction project for new office hideaways in the Capitol. Rather, Congress ought to be setting an example of budget restraint for the Nation.

Even if we could somehow justify the expenditure of such enormous funds as would be required for extension of the Capitol, what conceivable faith can we have that extension is the way the money ought to be spent?

In 1969, when the issue last boiled over on the Senate floor, one of the strongest arguments against the proposed extension was that the restoration of the planned visitor's center at Union Station would relieve much of the demand for visitor's facilities in the Capitol. Now, I understand, the Extension Commission, in tacit acquiescence of that argument, has quietly dropped some of the planned cafeterias, private dining rooms, and comparable facilities from its proposal, and has correspondingly expanded the allotment for private offices and hideaways.

In light of these surreptitious changes in the proposal and the shifting rationale for its existence, it is fair to ask whether it is not time for Congress to examine the entire proposal in its current form, and to give it the full analysis it obviously demands.

We know, for example, that substantial doubts have already been raised as to whether existing office space in the Capitol is being utilized rationally. We ought to have the benefit of a fair and impartial survey of existing space allocations in the Capitol, before simply stamping our approval on the present scheme and opting for acres of new office space in the historic west front.

A task force of the American Institute of Architects has reported, for example, that much of the present space in the Capitol is unused or underused. More ominously, the task force report states that any proposed future extension of the Capitol will not begin to meet present space needs, let alone future needs. Obviously, we need to know much more before we launch the present plan.

We also know the critical congestion that exists with respect to parking space in the Capitol area, especially for congressional employees. Again, we simply do not know at this time by what logic we must spend tens of millions of dollars for extension, when so many other unmet needs are so obvious wherever we look on Capitol Hill.

The economic argument against extension is not without irony. The Congressional Commission balks at spending $15 million for restoration of the Capitol, but blithely hopes to go forward with an extension project which is estimated to cost approximately $60 million in today's dollars, and which will undoubtedly cost far more by the time the proposed construction is completed. I can think of no more flagrant example of Congress violating the biblical injunction by straining at a gnat and swallowing a camel.

My own preference would be for Congress to require a master plan for the Capitol, of the sort proposed for so long by the American Institute of Architects. In fact, the Senate passed a resolution in 1967 requiring such a plan. The resolution died in the House, but it is not too late to revive it today.

We in Congress are fond of imposing comprehensive planning requirements on State and local governments as a condition for receipt of Federal grants in a variety of programs. Yet, when the shoe pinches Congress, we are unwilling to recognize the obvious wisdom of such a requirement in the development of the Capitol.

In sum, I am appalled at the haste with which the proponents of extension are attempting to rush this momentous decision past us. I believe that Congress owes it to the Nation to proceed in a rational and orderly and coherent way in whatever plans it eventually adopts to change the Capitol, instead of simply allowing ourselves to lurch irrationally toward the future.

None of us—no Senator, no Congressman, no citizen—should lightly tamper with the great physical treasure of our Capitol. I urge the Senate, therefore, to resist the present effort to stampede the Congress into an ill-conceived and ill-starred extension plan. Now is the time for calm thought, not impetuous action.

I would like to call to mind one of the great triumphs of the human spirit, the monumental struggle of the citizens of London to shield St. Paul's Cathedral and its glorious dome from the devastating rocket and bombing attacks of the Second World War. The efforts of these citizens were successful, against incredible odds, and St. Paul's was saved. Yet today, in Washington, there are those who would sacrifice the integrity of our Capitol on the altar of congressional seniority and the need for additional office space. Not since the British burned the Capitol in the War of 1812 has it faced such serious danger.

A comparison of the 1969 Legislative Branch Appropriations Act and findings of the Praeger report follows:

Comparison of 1969 Legislative Branch Appropriations Act (Public Law 91-145) and findings of the Praeger Report

Congressional Requirements for Restoration in Public Law 91-145, (December 12, 1969):	Findings of Praeger-Kavanagh-Waterbury Report on Feasibility and Cost Study of Restoration (December 21, 1970):
"That after submission of such study and report and consideration thereof by the Commission, the Commission shall direct the preparation of final plans for extending such west central front in accord with Plan 2 (which said Commission has approved), unless such restoration study report establishes to the satisfaction of the Commission:	"Through survey, research and analysis, the following findings are submitted with regard to the five conditions established by Congress on the question of whether to extend or restore the west front of the Capitol, as defined in Public Law 91-145:
"(1) That through restoration, such west central front can, without undue hazard to safety of the structure and persons, be made safe, sound, durable, and beautiful for the foreseeable future;	"(1) The West Central Front can be made safe, sound and durable for the foreseeable future without impairing its inherent beauty and without hazard to safety of the structure and persons by cleaning the wall, strengthening it by grouting and restoring its appearance by repainting.
"(2) That restoration can be accomplished with no more vacation of west central front space in the building proper (excluding the terrace structure) than would be required by the proposed extension Plan 2;	"(2) Such restoration can be accomplished without vacation of west central front office space or the terrace structure.
"(3) That the method or methods of accomplishing restoration can be so described or specified as to form the basis for performance of the restoration work by competitive, lump sum, fixed price construction bid or bids;	"(3) Restoration methods can be specified to form a basis for peformance of the work by competitive lump sum construction bids.
"(4) That the cost of restoration would not exceed $15,000,000; and	"(4) The cost of restoration can be limited to $15,000,000.
"(5) That the time schedule for accomplishing the restoration work will not exceed that heretofore projected for accomplishing the Plan 2 extension work."	"(5) The restoration work can be accomplished within the time projected for the Plan 2 extension work."

The letter of transmittal of the Praeger report contains the following general conclusions:

> Our studies indicate that while the Capitol is over one hundred and fifty years old and has been exposed to many adverse conditions, it survives in relatively good condition, attesting to the excellence of its builders and to the concern of those responsible for maintaining this, the national monument to our Republic.
>
> Based upon a detailed investigation of the west front walls, we conclude that under conditions indicated in the report, restoration of the west central front of the Capitol is feasible. Further, the restoration can be accomplished within the general guidelines set forth by Congress as a directive to the Commission for Extension of the Capitol.

Mr. President, as I understand the position of the Senator from South Carolina, he wants to insure simply that we have full information on the issue before extension of the Capitol proceeds. It seems to me that this is an enormously fair and reasonable way of proceeding.

May I ask the Senator from South Carolina if he would be willing, if this matter is deferred on this appropriations legislation, to hold a subcommittee hearing in order to provide the Senate with the kinds of detailed information that are necessary for any Senator to make an informed decision on the issue of extension versus restoration. Would it be possible for the Senate to address itself fully to this issue at some time later in the session? Would that not be a reasonable way of proceeding so that the membership of the Senate would have full information, and not just partial information, before it makes such a momentous decision?

Mr. HOLLINGS. Mr. President, replying to the Senator from Massachusetts, it is the design and intent of this particular language to have full information so that we could all know, we would have a hearing, and we would all have an understanding of the same things:

> Funds available under this appropriation may be used for the preparation of preliminary plans for the extension of the west central front:

So that we would all know where the rooms would be, and the kinds of rooms:

> Provided, however, That no funds may be used for the preparation of the final plans or initiation of construction of said project until specifically approved and appropriated therefor by the Congress.

That is the time we would have to approve or disapprove, at the public hearing.

Mr. KENNEDY. Does the Senator feel the $2 million is needed to move ahead with the kind of program the Senator has mentioned?

Mr. HOLLINGS. I think it could well come within $2 million. I think the final plans would exceed that.

Mr. KENNEDY. Does the Senator feel that preliminary plans could be made for something less?

Mr. HOLLINGS. Yes. However, I do not think there is any difference on the money. If it cost $5 million, I would vote for it, to see what I was voting for. But we have not really had it presented to us, so we do not know what we are voting on.

Mr. KENNEDY. Is the Senator concerned, as I am, about the shifting sands of the rationale for extension of the Capitol? It seems to me that when it was first being talked about back in 1966, there was great stress in terms of dining rooms, cafeterias, and visitors' facilities. Now, those arguments have been met by the proposed expansion of Union Station, and so we have a different rationale for extension of the Capitol. Does not the Senator agree with me that the Senate ought to have a very clear and precise idea as to exactly what is being contemplated?

Mr. HOLLINGS. The Senator from Massachusetts has stated it very clearly and concisely. We are all trying to do, I think, the same thing, but I am not going to respond unknowingly to the actions of this Commission, whose record shows that they got the report saying the five conditions can be met in December, never met until this month, that inflation had then put one of the conditions met in December 1970 uncertain in March of 1972, and ipso facto, saying, "They cannot be met, and, therefore, we will go ahead with final plans," the expression "settled" having been used, I do not think it is settled. I think we ought to be at least seeing the same thing, and then make our judgment. But that is what we have not had in the Appropriations Committee.

Mr. KENNEDY. Is the Senator also concerned about the fact that the Commission had the benefit of the Praeger-Kavanagh-Waterbury report for more than a year. Yet, the Commission only made its new recommendations a few days before the Appropriations Committee was about to act on this year's bill, and a few days before the Senate was going to have to make a final judgment on it? Is the Senator concerned about that as well? Has not the timing of the Commission's announcement cut off at least some of the possible remedies that might be available to us because the time is so short? Should not we have time to try to gain more information about the position of the Commission, as well as information generally which would be useful to the Senate in making a proper judgment on this issue?

Mr. HOLLINGS. That is correct. I think that what we really ought to do is get this out of the hands of the Commission. Why was the Commission designated in the first place? To get it beyond the question of repair, for the consideration of Congress as of the particular time, and it was gotten through under circumstances that have been amended several times. Each time, they used very inaccurate language. The particular Commission language here for the extension of the Capitol approved in December 1969 is bad draftsmanship.

But it was worked out on the floor at that time, and that is the best they could do to have a meeting of the minds. I do not think it is necessary in order to make final judgment to award a contract, with the past record of Congress on the Senate Office Building and the Rayburn Building, and these political committees constructing buildings around this town, to leave it to any Commission that can meet in closed session, when you do not know they are meeting; and when you ask for information, it is said that you are questioning the integrity of the Commission. I do not like to represent the State of South Carolina to put people in any spot. They say, "You approved it," when you did not.

Mr. KENNEDY. What reasons did the Commission give the Senator's committee for its action?

Mr. HOLLINGS. They did not give us any. They did not give us any information. As a matter of fact, they filed another matter that came to us over the weekend. They have not given us the cost of the final plans. You ask about cafeterias and they say it was thought it might be a good idea. No cafeterias. Somebody else is against windows and they say, "No windows." They will go to any extent to leave it obscure so that they have the question settled and can go headlong into this thing, and the people will not have their day in court.

Mr. KENNEDY. Did the Senator or the committee ask the members of the Commission about how they reacted to the Praeger report or the feasibility of restoration, which indicated quite clearly that restoration was possible according to the congressional requirements laid out in Public Law 91-145? What did the Commission say in response to that type of inquiry?

Mr. HOLLINGS. The Commission did not say on the House side. We never had the opportunity. We saw that Mr. STRATTON and those concerned on the House side were rebuffed out of hand, and they never really had a fair chance.

On the Senate side, we raised the question at the first opportunity that was afforded us. In the Appropriations Committee, last Friday afternoon, we unanimously agreed to language which we all say, in exchange of dialog and the colloquy held on the floor, that we all want. We want a preliminary plan. We want to look at it. We want to have hearings so that the people can see the plan and I can see the plan, and the majority and the minority can see it, and everybody can look at the same thing and say it is good or bad, and then approve or disapprove it.

When we asked for that, they said, "Oh, no; let's go along with the final plans and the Commission's procedures on it."

It is highly questionable up to this point.

Mr. KENNEDY. I know that the Senator has referred to the five conditions which were laid out in Public Law 91-145 to express the sentiment of the Senate on the requirements of restoration. I know that the Senator has referred to this, but I think this is certainly a point that needs stressing.

First of all, Public Law 91-145 states that there can be no restoration unless the "west central front can, without undue hazard to safety of the structure and persons, be made safe, sound, durable, and beautiful for the foreseeable future."

The Praeger report indicated, as the first requirement:

> (1) The West Central Front can be made safe, sound and durable for the foreseeable future without impairing its inherent beauty and without hazard to safety of the structure and persons by cleaning the wall, strengthening it by grouting and restoring its appearance by repainting.

The second requirement for restoration is:

> (2) That restoration can be accomplished with no more vacation of west central front space in the building proper (excluding the terrace structure) than would be required by the proposed extension Plan 2.

The Praeger report finds:

> (2) Such restoration can be accomplished without vacation of west central front office space or the terrace structure.

The third requirement for restoration is:

> (3) That the method or methods of accomplishing restoration can be so described or specified as to form the basis for performance of the restoration work by competitive, lump sum, fixed price construction bid or bids.

The Praeger report finds:

> (3) Restoration methods can be specified to form a basis for performance of the work by competitive lump sum construction bids.

The fourth requirement for restoration is:

> (4) That the cost of restoration would not exceed $15,000,000.

The Praeger report finds:

> (4) The cost of restoration can be limited to $15,000,000.

The fifth requirement for restoration is:

> (5) That the time schedule for accomplishing the restoration work will not exceed that heretofore projected for accomplishing the Plan 2 extension work.

The Praeger report finds:

> (5) The restoration work can be accomplished within the time projected for the Plan 2 extension work.

As I understand it, the five statutory conditions were thoroughly considered by the Praeger report. And the Praeger report—which is very extensive, exhaustive, and commendable—says that the five conditions can be complied with. Am I not correct in that conclusion?

Mr. HOLLINGS. That is correct, as of the time of the report on the matter of cost. The Praeger report said $13.7 million in December 1970. Now the Architect uses the characterization "indeterminate," that he cannot say that it can be done within the $15 million. Therefore, the five conditions cannot be met. That is the point of misunderstanding.

Mr. KENNEDY. Now the Commission has come back with a fresh recommendation for extension. Yet, as I understand it, the Commission has not provided, or will not provide, or cannot provide the information to the Senator's committee or to the Senate about how much weight they gave to the conditions which were established in the legislation or to the findings in the Praeger report. They cannot say to the Appropriations Committee or to the Senate how they reached their decision or how persuasive the Praeger findings were in this matter.

Mr. HOLLINGS. That is correct.

Mr. KENNEDY. I support the position of the Senator from South Carolina. I feel that it is an eminently sound way to proceed. I commend him for the work he has done in this area.

I think that the American people realize that the Capitol is one of the finest buildings in the Nation. It is the work of some of the greatest architects and founders of the Republic. The people of the Nation have every right to expect that, before this building is defaced, whether internally or externally, Congress will have the information which is necessary to make a considered judgment. More important, we must have the opportunity for sound and full debate and discussion in the committee and on the floor.

I agree with the Senator from South Carolina that we should not operate in a vacuum or in secrecy, particularly when this is a matter of such great importance to the American people and to the Nation's Capitol. I commend the Senator from South Carolina for the leadership he has provided.

Mr. HOLLINGS. I thank the distinguished Senator from Massachusetts. I commend him for his awareness and his persistence in following through in this matter so that we can preserve our Nation's Capitol.

I am not unaccustomed to one of these struggles or fights when it comes to historic preservation. The Senator from Massachusetts is from a historic city, the city of Boston. My hometown of Charleston has 124 "firsts" in America—from the first chamber of commerce, the first theater, to the first museum, and right on down the line. I have former partners in a law firm in South Carolina who occupy a building that we renovated under the historic trust.

On Friday, having raised the question, if we had not prevailed for a clear understanding on the procedures, I was prepared to yield the leadership post on the bill and suggest that the Commission be abolished, because that is where the Commission ought to go—to abolition.

We cannot operate in the dark with a Commission of that kind, if two or three are interested. The distinguished majority leader is trying to catch up with the facts as between plans and studies and whether or not it costs $2 million or more than $2 million for final plans. I understand him to say that he has been to only one meeting. Do we know of any other report between the Praeger report in December 1970 and this month, 14 months later?

Did they have any particular meeting? That is no way to handle the people's business. I would hate to have to defend the extension of the Capitol. I would hate to have to lose, but I have done my best to defend the procedures of the Senate. I would hate to sit there and have nothing done about it. They would run circles around us, and then they would say, You approved it. Why did you not raise your voice? I did speak up so that the people would have an interest in it, and we would discuss it, and we could bring it into the light of day and have an orderly procedure on the preliminary plans that the Architect has asked for. I call for hearings so that the public, cultural societies, and all other interested people, including the landscape architects, can give us the best of advice and not have to say that we go along with the Commission because the Commission has done it. I think that is a poor way to do business. I did not want to have to do away with the Commission. We can raise the point we all are agreed on, on what, in my judgment, after this discussion, results in understandable language. The preliminary plans are that we want to go ahead with any construction and the final plans are on the expenditure of the millions of dollars until specifically approved or appropriated therefor by Congress.

The aim of this amendment is to go right down the middle. I know how to draft amendments. Why do they want to knock out the "preliminary" when at the same time they say, We have got it? Why do you not come in here? We have been on this thing for 2 hours. The Commission has been running around here so that everybody wants to go along with the Vice President—not everybody but many—the Speaker of the House, the leaders of the Senate, the Architect of the Capitol. We are all in the political business. We would like to get approval for them. We would like to give them approval, but, when it comes down to it, this would be bad—very bad.

I say to the Senator from Massachusetts that we really should look at not only what the Praeger committee says, but what the American Institute of Architects stated. They came down to the Nation's Capitol in the spring of last year. All along this high level commission, saying nothing either to the people or to Congress, saying nothing in the light, at that time, of five conditions being met. The figure was there. So the American Institute of Architects, in May, visited the Capitol and architect of the Capitol and reviewed the report and they filed a report in September. They had a synopsis of this very thick and voluminous restoration of the West Central Front report. They said to go ahead with the renovation and repair, that it could be done safely without disturbing anything. They said it could be done within reason for $15 million and that it would preserve not only the building but also the landscaping, the grounds, and the general overall appearance of the building.

With respect to the use of space, they said that space in the Capitol is crowded. Let me read the language in this one little squib:

> The task force observed that the present space usage in the Capitol is crowded, misused, or under-used.

Now, what about that?

These are things that your committee, Mr. President, either the subcommittee or the full Appropriations Committee, never stated the facts on. As of this minute, the chairman of the Committee on Rules and Administration, for the first time, has directed a study of the allocation of rooms in this particular building.

If we put the four gentlemen under oath, or anyone else under oath, to say how many rooms there are and who occupies the rooms, we cannot get an answer. Let the Pentagon operate that way—and you know there would be so many joint committees, and hearings, you wouldn't be able to move. But when Congress engages in this kind of conduct, they say that we should gloss over it all—senatorial courtesy, if you please.

Look at the offices, look at the building, when they are asking for more space. The Senate Disbursing Office does not need to be in the Capitol. The House Disbursing Office is in the Cannon Office Building. It is not in the Capitol. Why cannot we do the same thing with the Democratic Senatorial Campaign Photo Lab? That is highly important? How are we going to explain that to the people? If it costs $368 per square foot, if we are going to extend the Capitol, we shall need more room. The Contract Office we could put elsewhere. The Flag department we could put elsewhere. The Airline ticket office we could put elsewhere. The House has it in the Longworth Office Building. We could put it in one of our office buildings. We could build that for $100 a square foot, or $150 a square foot. That would at least be a tremendous saving.

I believe that Members deceive themselves in never having considered the fact that we can physically add on x number of rooms. To add on x number of rooms will mean additional meetings, cafeteria rooms, and everything else for everyone to come to. When they are used either for committee purposes, or an individual Senator's purpose, or a chairman's purpose, or a majority leader's purpose, or a cafeteria's purpose, or whatever the purpose, when we get through a meeting at the lunch hour, there is the usual break, and as goes on on both the House and Senate sides, they say, "Oh, by the way, do you want to go over and see your Congressman or Senator in debate?" And they crowd up all into one place, which makes it impossible, because we have no rooms to take care of those who would like to linger. We create all kinds of problems—people pollution, traffic jams, and so forth.

Mr. President, I do not want to put people out of the Capitol but because of the usage of this historic shrine, in which we work, it should be considered as an historic shrine and not one just for office space, like any building. We should not fall into the argument that because the Nation has grown so much, this Capitol should grow too. We must respect the tradition of the past and the investment the people of this country have in this structure as it stands. We have not studied the space problem or the extension problem and they should be studied. They do not have to go together though.

Mr. KENNEDY. I think that what the Senator from South Carolina has just mentioned is extremely valuable, especially the point on assessment of the special needs in the Capitol. All of us are very much aware that Senators have offices in the Capitol. I had an office in the Capitol for a brief time when I was assistant majority leader. How am I going to go back and explain to the people of Massachusetts, or to any of the respective States, that we voted to deface the Capitol because the Members of the Senate wanted to have a little more office, in spite of the fact that we already have offices in the Old Senate and New Senate Office Buildings? I think that would be an extremely difficult argument to make.

I think the Senator is correct that we ought to assess what our real space needs are. How many functions take place in the Capitol building that are not essential to the workings and the functions of the Capitol? Obviously, there are many. Many others are necessary. But the Senator is entirely correct in indicating that we should have that information before we go ahead.

I would like to ask the Senator from South Carolina whether accurate information has been developed as to the cost of restoration versus extension?

As I understand it from the figures that have been presented, we are talking about approximately $15 million for restoration and approximately $60 million for extension. We all know the enormous inflation in construction costs. That $60 million could very well, and probably will, move on up to $70 million or $85 million or even $100 million. Is that any way to spend the taxpayers' money?

I think that the American people will want to know why we are spending anywhere from four to five times as much for extension as we would for restoration. Is this a sound economic program that is being presented? Are there sound economic reasons for spending such large sums, at a time when we have a $23 billion deficit in 1971, a $39 billion deficit in 1972, and the expectation of a $25 billion deficit for 1973? I wonder if that is not of concern also to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I think the Senator from Massachusetts has gone to the heart of the problem. We cannot justify the economics of $60 million in additional money for additional space. We should never confuse the Capitol with space needs. We should only relate the Capitol to Capitol needs.

I think there is a positive need for eating facilities, for parking facilities, and for office space perhaps for all of us, but not in the Capitol.

We know the parking crisis that exists. I have a member on my staff for whom I am trying to search around so that she might get parking space for her car. She has some $60 worth of parking tickets. I have members of my staff that come here way before 8 o'clock in the morning just so they can find a place to park. I have to let them go early because of the unsafe condition of the streets where their cars are parked.

When a poor constituent arrives, he has to get to the Senate Office Building and then to the fourth floor without much in the way of directions or parking. I try my level best to see him because I know how he has fought to get there. He has literally had to fight to find a place to park his car and then he has to walk all kinds of distances to find the office with no directions.

We really put our constituents to a tough task when they come here. I see them when they come here. They need parking space and eating facilities, and

I want to provide them but not within the Nation's Capitol.

It would forbid the full use of the Capitol for the sightseeing that we want all to enjoy if we were to put aside little rooms for special uses, even a cafeteria.

The Architect says that a group is coming to the Capitol and wants to have lunch here. Every one of the Senators will be setting up facilities for groups.

Can the Senators imagine, if 100 Senators and 435 Representatives were to arrange luncheons, what the people pollution would be here? It would be drastic. I do not think that Congress wants to do it.

I agree with my distinguished leader that we should have preliminary plans laid in front of us. There is no complaint. I am not picking between $250,000 for preliminary plans and for $2 million for final plans. That is not the point. If we get preliminary plans, we will know what we are doing, and we would not be blamed, as we are in the discourse here, when one Member stands and says that he thinks this is settled.

Mr. KENNEDY. Mr. President, I commend the Senator from South Carolina. I think he is making a very reasonable request for additional kinds of information. He has raised it squarely. The matter has not yet been resolved. The satisfactory answers have not been received by the committee. We ought not to be proceeding with this project under such conditions.

I think the Senator has shown great statesmanship in coming to the floor here and taking this position. So often, when such matters come out of a committee, the chairman is asked to respond to the issues and questions, such as space or any of these other items. He realizes and recognizes that he cannot give this information to the membership and is distressed by it, and we should all be.

I commend the Senator again for the effort he has made in this undertaking.

Mr. HOLLINGS. I thank my friend, the Senator from Massachusetts.

Mr. President, we are on limited time. I have almost exhausted my time.

Mr. MANSFIELD. Mr. President, I am in receipt of the preliminary plans and estimates of cost for the extention of the West Central Front of the Capitol.

These were drawn up pursuant to Public Law 84–242, Public Law 84–406, Public Law 88–248, and Public Law 89–309.

To show how preliminary this has been, the letter of transmittal by Mr. J. George Stewart, the Architect of the Capitol, is dated May 8, 1967, is addressed to the Honorable John W. McCormack, Chairman of the Commission for the Extension of the United States Capitol.

The Commission for the Extension of the United States Capitol then consisted of the Speaker of the House of Representatives, John W. McCormack, Chairman; Vice President Humphrey, the minority leader of the Senate, former Senator Dirksen, the minority leader of the House of Representatives, Representative Ford, and the Architect of the Capitol, Mr. J. George Stewart.

Since that time, it will be noted from a reading of the list of membership that the minority and majority leaders of the Senate and the majority leader of the House have been added to the Commission.

The contents contain a report and recommendations of the Associate Architects, covering the preliminary plans and estimates of cost for the extension of the west central front of the U.S. Capitol, in accordance with plan 2 approved by the Commission at a meeting of June 17, 1966, and a report of the Advisory Architects on plan 2, and a summary of the engineering study by the Thompson & Lichtner Co., Inc., dated November 1, 1964.

Mr. President, this indicates that this preliminary plan is something which was done under the sponsorship of the preceding Architect of the Capitol.

Mr. President, I ask unanimous consent, in view of the interest generated by this particular meeting, that the preliminary plans and estimates of cost for the extension of the west central front of the Capitol be printed in the Record.

There being no objection the preliminary plans were ordered to be printed in the Record, as follows:

Letter of Transmittal

May 8, 1967.

Hon. John W. McCormack,
Chairman, Commission for Extension of the U.S. Capitol, Congress of the United States, Washington, D.C.

Dear Mr. Chairman: I am forwarding, herewith, the following documents:

(1) Report and recommendations of the Associate Architects, covering the preliminary plans and estimates of cost for the Extension of the West Central Front of the United States Capitol, in accordance with Plan II approved by your Commission at meeting of June 17, 1966.

(2) Report of the Advisory Architects on Plan II.

These are preliminary plans and estimates of cost which the Commission approved at meeting of June 17, 1966, and directed that they be completed and perfected. Large scale plans are available for inspection in my office. As you know, at your direction, a scale model of the United States Capitol showing the proposed extension of the West Central Front in marble as proposed under Plan II has been on exhibit in Statutary Hall in the United States Capitol since November 21, 1966.

I strongly endorse the plans and recommendations of the Associate and Advisory Architects.

I am also enclosing for ready reference a summary of the engineering study by The Thompson & Lichter Co., Inc., dated November 1, 1964.

With best wishes, I am
Sincerely yours,
J. George Stewart,
Architect of the Capitol.

Preliminary Plans and Estimates of Cost for the Extension of the West Central Front of the Capitol

(Report and recommendations, J. George Stewart, Architect of the Capitol; Associate Architects; Alfred Easton Poor, Albert Homer Swanke, Roscoe DeWitt, Jesse M. Shelton)

(Note.—Photographs referred to are not printed in the Record.)

ENABLING LEGISLATION

In 1955, the project for the extension of the Capitol was initiated when the 84th Congress passed Public Law 242 as amended by Public Law 406, as follows:

"The Architect of the Capitol is hereby authorized, under the direction of a Commission for Extension of the United States Capitol, to be composed of the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, the Minority Leader of the House of Representatives and the Architect of the Capitol, to provide for the extension, reconstruction and replacement of the central portion of the United States Capitol in substantial accordance with Scheme B of the Architectural Plan submitted by a Joint Commission of Congress and reported to Congress on March 3, 1905 (House Document numbered 385, Fifty-Eighth Congress), but with such modifications and additions, including provisions for restaurant facilities, and such other facilities in the Capitol grounds, together with utilities, necessary items, as may be approved by said Commission . . ."

The work of extension and reconstruction of the East Central Front was approved and was completed in 1962. The work stands as mute evidence of the validity of the decision to provide for the needs of the Seat of Government while preserving the Capitol as a National Shrine.

HISTORICAL BACKGROUND

The extension and reconstruction of the West Central Front of the Capitol is a project that has been under consideration through the years.

As first substantially completed in 1829, the Capitol consisted of only the central portion, capped by a relatively small copper covered dome of wood construction, consonant in size with the body of the building which it then enhanced.

During the 1850's the North and South wings were added to properly accommodate the Senate and the House of Representatives. Those additions increased the body of the structure to the point where the relatively small dome was inadequate as an expression of the building. Thus, the cast iron dome, as we know it today, was added during the years 1856–1865.

During the 1880's, need arose for further expansion of the Capitol, and that need offered the opportunity to improve the westerly approaches of the Capitol. Thus, the westerlv terraces, as we know them today, were added during the years 1884–1892.

No further work of consequence has been accomplished on the West side of the Capitol since the 1880's.

Subsequent to the completion of the East Central Front of the Capitol in 1962, the Commission for the Extension of the Capitol began to concern itself with the West Central Front of the Capitol, activated by the rapidly deteriorating condition of the West Front.

During 1964, at the direction of the Commission, The Thompson & Lichtner Co., Inc., Professional Engineers, of Brookline, Massachusetts, were engaged by the Architect of the Capitol to study the conditions of the West Central Front and to recommend any required remedial action. The study was made and a report submitted in five volumes. This firm recommended that the old wall be retained as an interior wall and that this section of the building be extended westward to provide the required lateral support (in a manner similar to the East Front Extension of 1958–1961).

The Commission held a public hearing on this study and report on June 24, 1965. After hearing the testimony of Dr. Clair, President of The Thompson & Lichtner Co., Inc., and others, and after reviewing the engineering report and the exhibits, the Commission adopted the following recommendation unanimously:

That the Architect of the Capitol be authorized and directed by the Commission for the Extension of the United States Capitol to submit to the Senate and House Appropriations Committees requests for funds for the preparation of a new set of preliminary plans and estimates of cost for the extension, in marble, of the West Central Front of the Capitol, based on the findings in The Thompson & Lichtner report.

Pursuant to this decision of the Commission, the Architect of the Capitol submitted a request to the Senate and House Appropriations Committees for funds for the preparation of preliminary plans and estimates of cost. Hearings were held on this request by the Appropriations Committees of the Senate and of the House, and the funds were included in the Supplemental Appropriation Act, 1966.

Dr. Clair, President of The Thompson & Lichtner Co., Inc., at the hearing before the Commission for the Extension of the Capitol, June 24, 1965, and again at a meeting with the Commission, July 21, 1965, recommended that certain emergency work of a temporary nature be undertaken to secure portions of the deteriorated sandstone west section of the Capitol Building. This work included temporary shoring of the lower sections of the walls of the original Senate and House wings and the supporting of displaced portions of the architrave in the West Central Portico. His recommendations were approved by the Commission.

The temporary wood shoring was installed last summer and will remain in place until permanent work has progressed sufficiently to provide the required stability to these sections of the buildings.

ACTION BY THE COMMISSION FOR THE EXTENSION OF THE U.S. CAPITOL AND IMPLEMENTATION BY THE ARCHITECT OF THE CAPITOL OF THE INSTRUCTIONS ISSUED BY THE COMMISSION

Subsequent to the approval of funds requested by the Architect of the Capitol in the Supplemental Appropriations Act of 1966, as directed by the Commission, the Commission further directed the Architect of the Capitol as follows:

"Upon approval of the Supplemental Appropriation Act, 1966, you are hereby authorized and directed to direct Roscoe DeWitt, Fred L. Hardison, Alfred Easton Poor, Albert Homer Swanke, and Jesse M. Shelton, the architects for the Extension of the Capitol project, to proceed under their contract ACbr–427 with the preparation of new preliminary plans and estimates of cost for the Extension of the West Central Section of the United States Capitol, such extension to be in marble . . . and to take such action as may be necessary to implement this directive."

Thereupon, the Architect of the Capitol continued the engagement of the above Architects, as associate architects for this work, the group who accomplished the work of Extension and Reconstruction of the East Central Front of the Capitol, and who are under a continuing contract for the Extention of the Capitol work, and continued the engagement of the following advisory group: John Harbeson, architect of Philadelphia, Pennsylvania; Paul Thiry, architect of Seattle, Washington; and Gilmore D. Clarke, landscape architect of New York City.

The requirements of the contract with the Associate Architects provide:

1. To make such surveys and studies and supervise the preparation of such models as in the judgment of the Architect of the Capitol may be necessary and to prepare and furnish to the Architect of the Capitol preliminary drawings for the extension of the west central portion of the United States Capitol, such extension to be in marble, and to include the areas between the Senate and House Wings of the United States Capitol—the preliminary drawings to consist of such plans, elevations, sections and perspective views as may be necessary to fully describe and explain the size, character, arrangement and essential elements and features of the proposed changes and improvements.

2. To make such inspections of the existing construction of the West Central Portion of the United States Capitol Building as may be necessary and to examine and study all drawings of the Capitol Building available in the files of the Architect of the Capitol.

3. To prepare such measured drawings for the West Central Portion of the United States Capitol Building as may be necessary for the proper performance of this contract: provided that any scaffolding required for the purposes of items (2) and (3) hereof shall be furnished by the party of the first part without expense to the parties of the second part.

4. To submit to the Architect of the Capitol a report embodying a description of the proposed changes and improvements, the considerations determining the various features of the design, and estimates of cost of the project: provided that the preliminary drawings and studies required hereunder shall include alternate schemes for the Extension of the West Central Portion of the United States Capitol Building—the number of alternate schemes to be as directed by the Architect of the Capitol: provided further, that the parties of the second part (the Associate Architects), shall submit to the party of the first part (the Architect of the Capitol), periodically, progress studies and other information developed from time to time with respect to the said alternate schemes.

THE NEEDS

The need for improvements on the West Central Front of the Capitol is primarily concerned with the facts that the West Central Front is in an advanced state of deterioration and that its reconstruction cannot be delayed.

The statement made in Volume I, Report and Recommendations for the Extension of the Capitol Project, Washington, D.C., published in 1957, and which was the basis for the Extension and Reconstruction of the East Front of the Capitol still obtains:

"The deterioration of the sandstone out of which the East and West facades of the central portion are constructed, began with the fire started by the British during the war of 1812, was further aggravated, particularly in the East, by the gas explosion and fire of 1898, and has continued ever since, abetted by the distintegration caused by the countless coats of paint applied through the years. As a safety measure and in order to preserve the Capitol not only as a National Shrine, but also as the Seat of Government, the East and West walls must be replaced."

Since that time, weather and the normal processes of aging have wrought further changes in the West Central Front of the Capitol. The process of deterioration reached the point where the Architect of the Capitol was directed by the Commission for the Extension of the Capitol to order a structural survey of its condition by an eminent independent consulting engineering firm, The Thompson & Lichtner Co., Inc., headed by Dr. Miles N. Clair of Boston. The findings of Dr. Clair's survey are expressed by the Summary, Conclusions and Recommendations of his report submitted during 1964. After examination of several alternate methods of correction of the extant conditions, Dr. Clair found and recommended:

"Retention of the wall as an interior wall of an extended building is recommended as the least hazardous and as causing the least interference with the occupancy of the present structure. A properly designed and constructed extension would also provide desirable lateral support for the west central portion of the Capitol."

Acting on the recommendations of Dr. Clair, the Architect of the Capitol was directed by the Commission to effect temporary repairs to insure against an actual failure on the West Front, work that was accomplished last year.

Through the years much concern has been expressed about the architectural inadequacy of the West Central Front of the Capitol. With one of his letters to Trumbull, in 1836, Bullfinch enclosed a sketch which delineated a pediment above the central portico of the West Front, one similar to that of Latrobe's earlier drawings.

Further concern was expressed about the West Front and its relationship with the newly completed dome by Thomas U. Walter in 1865.

Olmsted, in connection with his studies for the West Terraces in 1882, prepared sketches which suggested the strengthening of the West Central Front, including in one sketch the provision of a central pediment similar to that on the East Central Front, and in the other the provision of three pediments.

Harper's Weekly, in a commentary on the Capitol in 1885 observed: "The Capitol has always been unfortunate in an architectural sense. The great dimensions of the dome have overweighted the whole lower structure, and the building has always conveyed the impression of lacking adequate foundation and stability."

Concern has been expressed by others through the years about the West Central Front.

Advisory architects, Brown, Harbeson and Shepley, stated in their report on the Extension of the Capitol, June 11, 1957:

". . . The West Front of the Capitol is less successful as an architectural composition than the East Front. Although adequate for the original building, it is not suited to the enlarged composition resulting from the addition of the wings and of the present dome".

Architects Ralph Walker, designated Architect of the Century and awarded The 100 Year Gold Medal by The American Institute of Architects, Lorimer Rich, F.A.I.A., and Douglas Haskell, an architectural editor, urged in a memorandum dated July 3, 1958:

". . . The real needs of Congress could in any event be best cared for by extending the building to the west where there is no great architectural masterpiece to be preserved".

The Memorandum of the American Institute of Architects, dated January, 1958, stated:

"It is believed that the space requirements could be better filled—at far less cost—by leaving the East Front alone and instead developing a proposed scheme for expansion on the west side of the building".

Thus, the impelling need for reconstruction of the West Central Front of the Capitol affords the opportunity to satisfy needs in other areas:

1. The need for additional space for legislative functions.

2. The need for the provision of adequate service facilities for the Capitol.

3. The need for horizontal circulation at the west.

4. The need for additional restaurants and cafeteria facilities in the Capitol.

5. The need for additional provision for visitors to the Capitol.

THE PROGRAM

The solutions to the needs outlined are summarized as follows:

Reconstruction

The inescapable need for the reconstruction of the West Central Front of the Capitol is dealt with in detail in the report submitted by The Thompson & Lichtner Co., Inc. The Associate Architects concur in those findings and endorse the recommendations of that report. It is inescapable that something must be done—and soon.

The Thompson & Lichtner Company report considered and rejected the following possibilities:

"Retention and repair of the existing walls as corrective action is not recommended as it would require the hazardous removal of much of the facing so as to allow installation of ties to the backup wall, or the installation of ties through the face joints with resulting disfiguration of the structure. There would still be walls and foundations of structurally inferior construction with the walls requiring continuing protective treatment.

"Facing of the existing walls as corrective action with durable marble and granite, leaving the sandstone in place, is not recommended because it would require additions to the present foundations and there would still remain walls and foundations of structurally inferior construction without preserving the historic architecture.

"Removal of the sandstone completely and replacement by high quality marble and granite as corrective action is not recommended because it would be a very costly and hazardous operation and there would still remain walls and foundations of structurally inferior construction.

"Removal of the entire wall and foundation and replacement by reinforced concrete with a facing of high quality granite for the course at grade and high quality marble above for the face stone is not recommended because of the hazard, cost and interference with occupancy."

The Associate Architects do not recommend, nor would they undertake, the reconstruction of the existing wall, stone by stone, because of the structural condition of the existing exterior wall and its structural relationship with the floor arches. Although theoretically such work could be accomplished, the cost and hazards of such work would be overwhelming.

The construction of a new exterior wall, as a veneer on the existing wall, would involve the exposure of the foundations on the existing retaining walls to install additional foundations for the new veneer, and the end product would add little to the structural stability of the existing retained wall, and would not eliminate the continued effort of expansion and contraction in the future.

The Associate Architects recommend the construction of a new free-standing exterior wall of sound new material, structurally capable of stabilizing the existing wall for posterity, designed and installed to avoid exposure of the existing foundations walls, except for localized underpinning in a manner similar to that employed for the extension and reconstruction of the East Front.

Additional space

Volume I, Report and Recommendations for the Extension of the Capitol Project, Washington, D.C., published in 1957, which was the basis for the extension and reconstruction of the East Front of the Capitol, dealt at length with the occupancy and use of the Capitol. That report indicated a need for an increase in total net occupied area of 139,250 square feet.

The reconstruction of the East Front satisfied the need for additional space in part only, and a deficiency still exists, aggravated by the increase in demand for additional restaurant facilities, legislative occupancy, and storage space that has developed since 1957.

Service

The extension and reconstruction of the East Front as constructed did not allow or provide for adequate service facilities in that such provisions were to be provided in the Underground Garages which have never been approved by the Commission for the Extension of the Capitol project. The United States Capitol is still without adequate means for service. It is one of the few major buildings in the United States that is without truck docks, service elevators, or other means for the orderly handling of the necessary services of the building and for its occupants.

Food is still delivered to, and garbage removed from, the restaurants of the Capitol by means of sidewalk lifts or hoists at the East Front Plaza. Supplies are similarly handled or brought in through public areas of the building. These methods are as inefficient as they are unsightly.

Circulation

The extension and reconstruction of the East Front provided horizontal circulation semi private to legislators in that area, and has allowed direct access from one end of the building to the other without crossing the visitors' traffic that is concentrated in the central north/south circulation of the Capitol.

No such circulation presently exists at the West Central Front of the Capitol.

Restaurants

The extension and reconstruction of the East Front of the Capitol provided for the extension of the restaurant facilities of the Capitol within the space limitations imposed by the extent of the area made available by that work and the demands made on that space by other uses.

Experience since the completion of that work shows that even the new facilities are overcrowded, and that the need for restaurant facilities for visitors has increased.

The extension and reconstruction of the West Front will provide the urgently needed restaurant facilities.

Visitors

As recently as 1935, there were only approximately 100,000 annual visitors to the Capitol. By 1955, this number had increased to approximately 1,000,000 per year. Last year, 1965, the count had increased to 6,300,000. If the rate of growth from 1955 to 1965 is maintained, the 1975 visitor population in the Capitol will reach 11,600,000.

The maximum daily influx of visitors in 1965 was 30,000, a figure that may be expected to reach 50,000 by 1975. These are hard and inescapable facts. Thus, the only course is to accept the fact that people in these indicated numbers must be accommodated as a responsibility of the Congress.

These visitors should have easy and ready access to the Museum elements of the Capitol, as well as the Galleries of the Chambers, and adequate means of circulation must be provided, sufficiently separate from that of the legislators to allow the orderly operation of the legislative function of the Capitol while allowing the orderly passage of visitors through the Capitol. These visitors must be provided with adequate facilities.

THE RECOMMENDED SOLUTION, EXTENSION AND RECONSTRUCTION

It is inescapable that the West Central Front of the Capitol must be extended to preserve the exterior walls. The needs and the program indicate that if such reconstruction is accomplished it should be done so as to satisfy the other impelling reasons for this work.

To be meaningful and to allow a useful architectural and functional employment of the advantages inherent with such a reconstruction, the Westerly Central Front should be extended to the west approximately 44′–0″ at the center and approximately 88′–0″ at the westerly courts, with the connecting wings brought forward approximately 56′–0″.

Such a solution will allow for the satisfaction of the requirements for additional space, service, horizontal circulation at the west, (semiprivate to legislators), additional restaurant facilities for the legislators, and for the adequate accommodation of visitors.

The Recommended Solution contemplates the reconstruction and substantial architectural reproduction of the West Central Front, including the connections to the Senate and House wings at the forward and westerly locations indicated on the drawings, extended to satisfy the requirements of the program.

The exterior steps and configurations of the West Terraces would remain generally unchanged except for a slight reduction in width of the steps and their relocation to center on the old wings of the West Central Front and their relocation further to the west.

The requirements of the program would be satisfied in all respects:

Additional space

The deficiency in space would be satisfied by the addition of 269,528 gross square feet, with a net usable area of 162,468 square feet. Not only would the additional space be provided, but it would be provided in areas where most needed; adequate hearing rooms and administrative facilities would be provided in readily accessible locations, service and storage needs would be satisfied, adequate horizontal circulation, (semiprivate to the legislators), would be provided, the additional dining facilities would enjoy the finest outlook in the Capitol, and adequate provisions would be made for the ever increasing flow of visitors to the Capitol.

Service

This solution undertakes the correction of presently insufferable conditions by the provision of access and service at the West Front. A vehicular drive from Constitution or Pennsylvania Avenues to and through West Front to Independence or Maryland Avenues will allow deliveries and removals to and from separate service docks located at the subbasement level in the area of the Old Senate and House wings flanking the west central wing of the Capitol.

A new service elevator, contiguous with the service dock, will provide ready distribution of supplies and removal of trash to and from all areas of the Capitol. Horizontal access will be provided from the service docks to the easterly portions of the basement to allow service to those areas and the restaurant kitchens located in the East Front.

Circulation

The extension and reconstruction of the West Front as contemplated will provide through horizontal circulation at the west, semiprivate to legislators, and will complete the circulation system flanking the heavy concentration of visitors' traffic in the central north/south axis of the Capitol.

Restaurants

This solution provides for new restaurants at the basement level as follows:

On the Senate Side:	*Persons*
One Senate restaurant seating	242–303
One private dining room seating	42
One cafeteria seating	264–396
On the House Side:	
One House restaurant seating	242–303
One private dining room seating	42
One cafeteria seating	264–396

These restaurants will overlook the Mall to the Washington Monument, the most magnificent view in the city; one of the finest in the world. Each will overlook a terrace where pedestrians may stroll and enjoy the magnificent view.

Ready access will be had to the new restaurants from the Senate and House by the two new passenger elevators located west of the Old Senate and House wings flanking the west central wing of the Capitol.

Visitors

This solution recognizes the needs of visitors, and the need to accommodate them in a manner which will allow the proper maintenance of the legislative functions of the Capitol. It provides a main entrance to the Capitol from the west at grade level of the west lawn, and makes such entrance accessible by a vehicular drive from Constitution or Pennsylvania Avenues to and through the West Front to Independence or Maryland Avenues which will allow delivery and pickup under cover by vehicles.

It is anticipated that tourist buses might discharge passengers at the foot of the west lawn at First Street West, that the passengers would approach the Capitol from the West by foot and enter the West Entrance.

From that entrance, the visitors could proceed up and east by escalators and elevators to the Rotunda on the second floor, or by elevators to any other portion of the Capitol, or via subways to other buildings on Capitol Hill.

Adequate toilet, telephone, and other such facilities are provided in readily available locations.

The redirection of visitor traffic to the new lower west entrance should do much to minimize the traffic and congestion at the East Front, and provide a means whereby, hopefully, vehicular traffic can be lessened at the East Plaza.

A review of the history of the Capitol will reveal that the West Front as designed by Bulfinch was related to the West Central Front only, with no anticipation of the future addition of the Senate and House wings, and in scale with the original copper covered wooden dome (1829), with no thought to its being replaced (circa 1863) by the presently powerful cast iron dome added by Thomas U. Walter. Obviously, the West Central Front Portico is not in proper scale nor is it visually adequate to the task of supporting the present dome and of competing successfully with the overwhelming enframement of the Senate and House wings (1851–1859).

This architectural inadequacy has been noted time and again during the last hundred years. Both Latrobe and Bulfinch, in the very early part of the nineteenth century prepared drawings which contemplated a pediment for the West Central Front. When engaged in the addition of the westerly terraces, undertaken to improve the aspect of the Capitol from the West, Olmsted prepared a sketch which indicated a widening and strengthening of the westerly portico, including the addition of a pediment to supplement and give direction to the placement of the Walter dome as the central element of the Capitol.

Even in the heat of discussions in recent years in the matter of the reconstruction of the East Front, the American Institute of Architects and some of its prominent members urged that work be accomplished at the West, where aspects of the Capitol left something to be desired.

It is inescapable that the West Front, with its magnificent outlook to the Potomac, should be of prominence and dignity consonant with the East Front. The recommended solution seizes the opportunity afforded to render the West Front compatible with the East Front and the whole of the Capitol.

For these reasons the Recommended Scheme contemplates the widening and strengthening of the West Central Portico, the addition of a pediment, consonant with that of the East Front, to give direction to the Capitol on the East/West axis, to accentuate the dome, to interrupt the long straight line of the existing roof balustrade, and to strengthen the central element by the introduction of circular openings and an arcade at the ground floor level. It includes the relocation of the two central westerly stairway approaches to relate them to the dominant central features of the flanking facades of the West Central Portico.

This solution contemplates the development of the Westerly Terraces as adjuncts to the restaurants located at the West Central Front—to provide a means of enjoyment of the magnificent view down the Mall to the Washington Monument and beyond.

The Associate Architects, with the concurrence of the Advisory Architects, recommend this solution because:

1. It satisfies the basic program, and

2. It strengthens the West Capitol Facade architecturally without a radical departure from the architect and general aspects of the West Front, and

3. It can be accomplished in the shortest possible time with the least inconvenience.

TEMPORARY RELOCATION

The construction program has been planned to impose the minimum dislocation and disturbance to the occupancy in the central portion of the Capitol. Except for the occupancy in the West Terraces, the effect of the construction program will impose little more burden than that imposed on the occupancy of the East Front during its extension.

The situation of the occupancy of the West Terrace is such that it should be relocated during the prosecution of the work. While it would be possible to so stage the work that this occupancy could be relocated in final locations in the areas of construction that will be constructed in the West Courts flanking the West Central Front, in the disused subway tunnels, and in the mezzanine of the House Subway Terminal, it is the recommendation of the Associate Architects that temporary structures of approximately 15,000 sq. ft. each be constructed at the north and south ends of the West Terrace.

Thus, the affected occupancy of the West Terrace could be relocated in these temporary structures, and the entire work could go forward without interruption, and could be completed at the earliest possible date.

Although the provision of temporary structures and their ultimate removal from site would cost approximately $500,000, the total construction time would be shortened by approximately one year.

If one applies the current cost escalation factor to a total cost of $300,000,000, a savings of $900,000 is realized by the shortening of the construction period.

The areas affected in the West Terraces which must be vacated extend from the south wall of the Senate Wing to the north wall of the House Wing.

The solutions offered are so planned that the existing mechanical rooms and the air tunnels serving those areas at the West Terrace will be virtually undisturbed. The Terminal for the House Subway Building leading to the Rayburn Building will be bypassed, as will the recently installed transformed vaults and electrical switching centers at the west lawn.

The contemplated work has been planned to avoid general underpinning of the existing Capitol structure, and the new structural system will be installed to add stability to the entire West Central Portion of the Capitol, in a manner similar to the work accomplished on the East Front.

The work contemplated includes the relocation of the chilled water, electric, and other utilities that cross the terrace at the west without serious disruption of service.

PERMANENT RELOCATION

The areas in the extension of the West Central Front have been developed for such basic elements as ingress and egress, vertical and horizontal circulation, service, restaurant and kitchen facilities, and where space is devoted to utilities, machine rooms, etc.

Elsewhere, tentative layouts have been indicated on the drawings only for the purpose of exposing the potential use of space and occupancy. These layouts have been explored in preliminary form to the point of assuring that all existing occupancy deprived of an exterior exposure or displaced by the work can be reassigned to an equal or better occupancy.

The proposed work will, in addition to the area added, provide considerably more exterior space than now exists, with the superb view of the Mall to the West.

SUMMARY OF AREAS—ROOMS—FACILITIES

Gross Area: 269,528 square feet.
Net Usable Area: 162,468 square feet.
Areas—Rooms—Facilities/Totals by Floors:

In the sub-subbasement:
1 unassigned space of 6,500 square feet.
10 storage areas totaling 18,310 square feet.
2 local service elevators.
5 stairs.
2 mechanical equipment rooms.

In the Subbasement:
1 unassigned hall (public space) of 9,052 square feet.
8 storage areas totaling 9,048 square feet.
2 service docks with control offices.
2 general service elevators.
2 local service elevators.
4 stairs.
2 men's toilets.
2 women's toilets.
2 service toilets.
2 garbage refrigeration rooms.
2 janitors closets.
2 electric closets.
2 mechanical equipment rooms.

In the Basement:
2 cafeterias—each seating, 264 to 396 persons.
2 dining rooms—each seating 242 to 303 persons.
2 private dining rooms—each seating 42 persons.
2 dining foyers.
6 offices (2 large—4 medium).
2 office areas totaling 3,360 square feet.
1 entrance lobby.
2 elevator lobbies.
4 passenger elevators.
2 general service elevators.
2 local service elevators.
4 stairs.
2 kitchens—each with pantry and dishwashing facilities.
2 kitchen storage—locker—toilet areas.
2 mens toilets.
2 womens toilets.
2 janitors closets.
2 electric closets.
2 telephone closets.
2 mechanical equipment rooms.

On the First (Ground) Floor:
1 large committee room, 44 x 50.
1 large conference room, 20 x 40.
23 offices (13 large—9 medium—1 small).
1 barber shop, 15 x 44.
3 storage areas totaling 820 square feet.
4 private toilets.
1 entrance lobby.
2 elevator lobbies.
4 passenger elevators.
2 general service elevators.
2 stairs.
2 mens toilets.
2 womens toilets.
2 janitors closets.
2 electric closets.
2 telephone closets.
2 mechanical equipment rooms.

On the Second (Principal) Floor:
1 large subcommittee room, 41 x 44.
1 office area totaling 896 square feet.
28 offices (14 large—12 medium—2 small).
10 private toilets.
1 entrance lobby.
2 elevator lobbies.
4 passenger elevators.
2 general service elevators.
2 stairs.
2 mens toilets.
2 womens toilets.
2 janitors closets.
2 electric closets.
2 telephone closets.
2 mechanical equipment rooms (1 a mezzanine).

On the Third (Gallery) Floor:
1 joint conference room, 38 x 43.
1 large subcommittee room, 42 x 46.
1 document room, 15 x 44.
27 offices (14 large—13 medium).
1 elevator lobby.
4 passenger elevators.
2 general service elevators.
2 stairs.
2 mens toilets.
2 womens toilets.
2 janitors closets.
2 electric closets.
2 telephone closets.
2 mechanical equipment rooms.

On the Fourth (Attic) Floor:
18 offices (17 medium—1 small).
1 large unassigned area of 5,380 square feet.
1 large storage area of 6,300 square feet.
3 small storage rooms of 224 square feet.
2 elevator lobbies.
4 passenger elevators.
2 general service elevators.
2 stairs.
2 mens toilets.
2 womens toilets.
2 janitors closets.
2 electric closets.
2 telephone closets.
3 mechanical equipment rooms.

Offices are classified above as:

Large—if of an area greater than 400 square feet.

Medium—if of an area greater than 180 square feet.

Small—if of an area of less than 180 square feet.

Areas—Rooms—Facilities/Totals by Types:

Joint conference rooms	1
Large committee rooms	1
Large subcommittee rooms	2
Large conference room	1
Large offices (or conference rooms)	43
Medium offices	55
Small offices	3
Dining rooms	2
Dining foyers	2
Private dining rooms	2
Cafeterias	2
Document room	1
Barber shop	1
Unassigned office areas (4,256 square feet)	3
Unassigned public space (subbasement)	1
Unassigned space (subbasement)	1
Unassigned storage space (34,702 square feet)	25
Private toilets	14
Entrance lobbies	3
Elevator lobbies	10
Escalators	2
Passenger elevators	4
General service elevators	2
Local service elevators	2
Stairs	19
Mens toilets	12
Womens toilets	12
Kitchens	2
Kitchen facilities	2
Service docks with control facilities	2
Garbage refrigeration rooms	2
Service toilets	2
Janitors closets	12
Electric closets	12
Telephone closets	10
Mechanical equipment rooms	15

TIME SCHEDULE

If funds are available during or before October, 1966, to implement the direction given by the Commission, and the order to proceed is given during October, it is anticipated that:

Construction of temporary structures can begin March, 1967.

Granite and marble supply can begin June, 1967.

The foundation work can begin July, 1967.

Temporary structures can be occupied September, 1967.

The construction of the superstructure can begin May, 1968.

The work should be substantially complete mid-1970.

The details of the projected time schedule are explored in the action/time chart following.

Cost of Relocation and Preparation:	
Temporary structures	$500,000
Relocation of utilities and other facilities	460,000
Total contract 1	960,000
Cost for Granite and Marble Supply: Granite and marble—cut/carved/delivered. Total contract 2	6,272,000
Cost for Foundations: Demolition—excavation — footings—structural to terrace. Total contract 3	5,300,000
Cost for Superstructure:	
Structural above terrace—setting granite and marble.	
Mechanical — electrical — plumbing—vertical transporation.	
Interior finishes.	
Total contract 4	14,584,000
Total estimated building cost	27,116,000
Cost for Interior Furnishings: Carpets — drapes—furniture—accesories	1,116,000
Total building and furnishings	28,232,000
Additional Costs: Associate architects and administrative costs	3,529,000
Total	31,761,000
Add 10% contingency	3,176,100
Total estimated cost	34,937,100

ARCHITECTURAL

Architecturally, the West Central Front Extension will follow in design and materials the quality established by the Extension of the East Central Front.

The exterior walls will be faced with new white marble, and generally, except for the widening of the central portico, the addition of a pediment thereto, and the introduction of an arcade at the windows of the terrace level, as a reproduction of the existing facade, brought forward to the west. The columns will be white marble.

The marble facing and columns of the connections between the West Central Portion of the Capitol and the Senate and House wings will be removed and re-set in the new location at the west.

Granite will be used for the base above the main terrace level. The existing pre-cast concrete paving of the main terrace will be reused, as will such of the granite extant in the present west terraces as may prove recoverable. All exposed faces of the terrace structures will be of new marble, except for the driveway beneath the terrace steps, which will be of granite recovered from demolition, and the new granite base of the Extension.

Exterior bronze light standards will be re-used and supplemented as needed, as will area drains, railing, grilles, urns, etc. The statue of Marshall will remain in place, with the new work built around.

The exterior walls will be backed up with brick, structurally anchored to the reinforced concrete frame, and will be provided with adequate built-in expansion joints.

Interior walls and partitions, shafts and other enclosures will be constructed of concrete block, with finishes applied.

In general, marble will be employed for floors and walls in corridors, lobbies and other public places. Offices and conference rooms, in general, will be carpeted, with acoustic plaster walls and ceilings, and fireproof wood wainscot and cornices. Work areas will be finished with resilient tile floors, vinyl wall covering or paint on hard white plaster walls, with acoustic ceilings.

In general, architectural finishes, fixtures, furniture and furnishings will follow the standards set for design and quality by the Extension of the East Central Front.

STRUCTURAL SYSTEMS

The report of Dr. Miles N. Clair, President of The Thompson & Lichtner Company, Inc., on the structural condition of the West Central portion of the United States Capitol, submitted to the Architect of the Capitol in November, 1964, states: "A properly designed and constructed extension would also provide desirable lateral support for the west central portion of the Capitol."

The associate architects and their engineering consultants, Mueser, Rutledge, Wentworth & Johnston and Severud-Perrone-Fischer-Sturm-Conlin-Bandel, agree with this recommendation and believe the work should be accomplished with the least possible disturbance of existing foundations and exterior walls.

Unlike the East Central Front of the Capitol, the West Central Front sits on the edge of Jenkins' Hill, with the land falling down and away to the west, and with the existing foundations resting only a few feet below grade. For these reasons, the design of the extension has been laid out to generally restrict bottoms of footings and other new construction above a slope of repose of one in two. To further insure against further structural deterioration, the entire structure below the main terrace level has been designed as a buttressing frame of reinforced concrete, with vertical buttresses extending to and against the lower portions of the wall of the West Central Front to provide lateral support.

The loadings on the soil have been restricted to four tons per square foot on the hard mottled, brown, grey and green silty clay which underlies the West Front, extends to the east, and which provided similar bearing for the Extension of the East Central Front of the Capitol.

The design requires minimum underpinning at the west. Where special conditions require localized underpinning, it will be accomplished in a manner and sequence that will be least disturbing to the existing structure.

For those areas of the extension above the main terrace level at the West Central Front and in the North and South Courts, the structural system will be a rigid concrete frame, so arranged that it will carry its own load on its own new columns, independently of the existing structure, with columns located as far as practical away from existing walls, and with the floor slabs cantilevered to provide horizontal restraint for the existing exterior walls. This cantilevering will be supplemented by vertical struts between slabs to provide vertical buttressing for the existing exterior walls.

The structural framing in the area of the connecting wings between the central portion of the Capitol and the Senate and the House wings will be steel, similar to the system used successfully in the Extension of the East Central Front. The structural framing at the attic for the roof of the extension will be steel, similar to the system employed for the Extension of the East Central Front.

MECHANICAL SYSTEMS

(Heating—Ventilating—Air Conditioning)

Steam and chilled water will be taken from the central system of the Capitol to provide heating and air conditioning throughout all occupied areas of the extension by systems independent of those now serving the existing Capitol building.

New mechanical rooms will be created in central locations, and the occupied areas will be heated and air conditioned by a low-pressure, draw-through system of ductwork, provided with hot water terminal re-heat coils to afford flexibility of room temperature control. The system will provide comfort control of temperature and humidity, both winter and summer, by the circulation of filtered air, heated or cooled, humidified or de-humidified, as may be required.

Ductwork in occupied areas will be concealed, and registers, grilles, and other elements of the mechanical systems will be concealed or made a part of the architecture in a manner similar to the East Central Front Extension.

Adequate exhaust and ventilation will be provided for all kitchen, toilet and storage areas, discharged in a manner to avoid the fouling of any occupied areas.

Provision will be made mechanically for the installation of the new Senate and House Restaurants and Cafeterias.

ELECTRICAL SYSTEMS

Electric power will be supplied from the existing switchgear located in the Terrace. New systems for light and power, independent of those now in place, will be provided, distributed as required throughout the West Central Front Extension at 480 volts, and stepped down to 120/208 volts as needed by the use of dry type transformers.

A general capacity for occupancy loads of 10 watts per square foot is being provided throughout all occupied areas.

Lighting fixtures and light sources similar to those of the East Central Front will be provided.

Emergency electric power for emergency lighting and essential power will be provided from the existing emergency generators.

Low tension systems will be provided throughout occupied areas for telephone, legislative calls and clocks. Telephone conduit will be extended from the existing terminal room to convenient distribution centers on each floor. The legislative call system will be extended from the existing signal generators.

The existing fire alarm system will be extended to serve the extensions.

Provision will be made electrically for the installation of the new Senate and House Restaurants and Cafeterias.

Birdproofing, as installed on the East Front, will be provided throughout the West Central Front Extension.

PLUMBING

The existing drainage system will be extended to provide roof, terrace, court, and site drainage for the West Central Front Extension.

The existing water supply will be extended to serve the additional toilets and kitchens. A new chilled water system for drinking fountains will be provided and new fountains installed at convenient locations throughout.

New basic kitchen equipment, including dishwashing facilities, will be provided for the new Senate and House Restaurants and Cafeterias. New slop sinks will be conveniently located on each floor.

Plumbing fixtures and facilities will be similar to those installed in the East Central Front Extension.

Sprinklers and standpipe protection will be provided as required.

VERTICAL TRANSPORTATION

The design of the West Central Front Extension includes the establishment of a new vertical circulation core in each of the North and South Courts flanking the West Portico, each consisting of two passenger elevators, each with a capacity of 20 persons and a speed of 500 feet per minute, and one freight elevator, with a platform size of 6′–8″ x 8′–6″, a capacity of 4,500 pounds and a speed of 350 feet per minute (30 persons). The passenger elevators serve the basement, first (ground) floor, second (principal) floor, third (gallery) floor, and fourth (attic) floor, and the freight elevator serves the sub-basement in addition to those floors served by the passenger elevators.

Escalators of a width of 48″, with a capacity of 8,000 persons per hour, are provided on the east/west center line of the Capitol, serving between the new entrance from the west at the sub-basement level and the basement, at which level inter-connection with the new circulation cores is readily made.

Freight elevators are provided, one each at the north and south truck docks at the sub sub-basement level and sub-basement level, serving the restaurants and cafeterias at the basement level. These elevators have a platform size of 6′–8″ x 6′–8″, a capacity of 2,500 pounds, and a speed of 100 feet per minute.

By the installation of these freight elevators, with the attendant freight docks, the Capitol, for the first time in its history, will be provided with adequate means for the handling and distribution of freight and services throughout the Capitol.

APPENDIX—REPORT CONTENT SUMMARY

This volume III is the written text of the "Report & Recommendation—Extension of the Capitol Project". It is attendant to Volume IV, which includes Photographs—Renderings—Drawings as follows:

Photographs and Renderings:
The West Front Existing.
The West Front Extended.
Model—West Front Extended.
Model—West Front Extended.
Elevations:
West Elevation—West Front Extended.
Court Elevation—West Front Extended.
Plans and Sections:
1. Plot Plan.
2. Sub-Subbasement Plan.
3. Subbasement Plan.
4. Basement Plan.
5. First (Ground) Floor Plan.
6. Second (Principal) Floor Plan.
7. Third (Gallery) Floor Plan.
8. Fourth (Attic) Floor Plan.
9. East/West Centerline Section.
10. East/West Court Section.

These Photographs-Renderings-Drawings appear in this Volume III at reduced size.

Volume IV is supplemented with Technical Drawings (Bound Separately) as follows:

1. Perspective of West Front.
2. Rendered Elevation
3. Rendered Section.
4. Plot Plan.
5. Sub-Subbasement Plan.
6. Subbasement Plan.
7. Basement Plan.
8. First (Ground) Floor Plan.
9. Second (Principal) Floor Plan.
10. Third (Gallery) Floor Plan.
11. Fourth (Attic) Floor Plan.
12. East/West Centerline Section.
13. East/West Court Section.
T–1. Temporary Structures.
F–1. Plan and Section/Foundations.
F–2. Sections/Foundations.
S–1. Plan and Section/Structural Frame.
P–HVAC–E–1. Sub-Subbasement Plan.
P–HVAC–E–2. Subbasement Plan.
P–HVAC–E–3. Basement Plan.
P–HVAC–E–4. First (Ground) Floor Plan.
P–HVAC–E–5. Second (Principal) Floor Plan.
P–HVAC–E–6. Third (Gallery) Floor Plan.
P–HVAC E–8. Diagrams and Details.

NOTE.—Volumes I and II deal with the Extension of the East Front of the United States Capitol (1958).

Consultants to the Associate Architects: Mueser, Rutledge, Wentworth & Johnson foundations; Severud, Perrone, Fischer, Sturm, Conlin, Bandel; structural; Leo L. Landauer & Associates, Inc., Mechanical, Electrical, Plumbing, and Vertical Transportation.

ADDENDUM I

Subsequent to the issuance of the "Report and Recommendations" in August, 1966, of which this addenudm is a part, it occurred to the associate architects that additional information, taken from the records of the office of the Architect of the Capitol might be of interest in connection with the Extension and Reconstruction of the West Central Portion of the United States Capitol.

Prior to 1897 the Library of Congress was housed in the West Central Portion of the Capitol, the Supreme Court was housed in the original north wing of the Capitol, and the only offices available to the Congress were within the Capitol itself.

In the years following the completion of the Senate and House wings, and prior to the end of the nineteenth century, growth began crowding out these ancillary functions, to provide additional space for purely legislative use.

Thomas U. Walter became involved with these problems, both while in office as the Architect of the Capitol, and subsequently after he returned to private practice in 1865.

Studies and drawings made by him during this period to solve these continuing space problems indicate his concern that the addition of the Senate and House wings and the Dome had overpowered the original central portion of the Capitol.

Records indicate that Walter prepared many solutions concerned with both the problems of space and the exterior configuration and design of the Capitol. The first, in 1865, shows the extension and redesign of the East Central Front. Just prior to his retirement as Architect of the Capitol, Walter prepared plans which included the extension and re-design of both the East and West Fronts of the Capitol.

In 1874, Walter prepared further drawings which proposed an extension of the East Central Portion of the Capitol, with variations concerned with the proposed extension of the West Central Portion of the Capitol.

The extension favored by Walter, and presented to the Joint Committee on the Library on October 30, 1874, proposed extensions and re-design of both the East and West Central Portions of the Capitol. This scheme contemplated a re-design of the West Central Portion to include a portico increased in width from 102 feet to 116 feet, with a double row of columns and with a pediment. The extension of the west was 58 feet at the center, 104 feet at the east and west courts flanking the central portion, and 80 feet at the connecting wings.

These extensions provided for additional legislative space at the east and for the expansion of the Library of Congress at the west.

Although generally of the configuration of the westerly extension outlined by the "Report and Recommendations", Walter's scheme went somewhat further west; 14 feet further at the center, 16 feet further at the north and south courts flanking the central portion, and 24 feet further at the connecting wings. The West Central Front was redesigned by Walter to provide not only a widened portico and a pediment, but to break with the past and join with the later architecture of the Senate and House wings which he had designed.

Walter's concern with exterior scale and design persisted, after abandonment of his earlier schemes, in his suggestion that the addition of the West Terraces in 1882 by Olmsted include an enlarged West Central Portico with pediment (page 25 of this "Report and Recommendations").

Edward Clark, who succeeded Thomas U.

Walter as Architect of the Capitol, in his report of July 1, 1889 wrote:

"The importance given to the western front of the Capitol by the construction of this terrace seems to require that the central portion of the building be extended and remodeled, which, when done, should be constructed of marble, as are the porticoes of the wings."

Elliott Woods, who succeeded Edward Clark as Architect of the Capitol, shortly after his appointment recommended one of the Walter plans of 1874, and in his report of May 3, 1902, to the Speaker of the House of Representatives stated:

. . . "a sacrilage to offer any other plan for consideration than the Walter plan."

Frederick Law Olmsted, who conceived the grandeur of the west as expressed by the landscaping and the terraces, was concerned with the architectural quality of the West Central Portion of the Capitol: "On the West it is assumed * * * the present facade of the old Capitol will eventually be replaced by a wall of marble corresponding in dimension and architectural character to those of the wings * * *".

So through the years of the late nineteenth and early twentieth centuries, the Library of Congress building, the Senate and the House office buildings, and the Supreme Court building were constructed to remove these ancillary functions to adequate quarters to provide expansion for the legislative functions, and to accommodate the ever increasing public visitations. And through those years the architectural deficiency of the West Front was recognized, and efforts were made to effect correction as need for space dictated that consideration be given to the enlargement of the Capitol.

The floor plan following indicates the extent of the Extension of the East Central Front as now constructed, and the extent of the Extension of the West Central Front as set forth in this "Report and Recommendations" is compared with a plan proposed by Thomas U. Walter in 1874 and endorsed by his next two successors in the office of the Architect of the Capitol.

These recommendations have not been hastily or lightly come by. They have been examined at length over the years and endorsed by many.

ADDENDUM II

Cost of work, preliminary estimate, west front extension

Item A—Contract 1—Cost for relocation and preparation:	
Temporary structures	$480,000
Site work	20,000
Total temporary structures	500,000
Relocation work:	
Power feeders	$68,000
Control circuits and telephone	31,300
Lighting panels	2,700
Total	102,000
Heating, ventilating, and air conditioning:	
New chilled water feeds—12'', 600' at $60	36,000
Valves and connections	10,000
New tunnel manholes: 2 at $9,000	18,000
Relocation 30'' sewer 340' at $50	17,000
Relocation 18'' sewer 430' at $30	12,900
New manholes: 4 at $250	1,000
Relocation unit No. 12	44,000
Relocation unit No. 15A	17,000
Relocation terrace unit	21,000
Relocation: Reverse flow heating	6,500
Relocation HW generators	$5,000
Relocation existing ductwork and piping in existing fan rooms	89,600
Relocation of miscellaneous drainage	15,500
Relocation of lawn sprinklers and fire hydrants	17,600
Total	312,000
Subtotal relocation work	414,000
Contingency and escalation	46,000
Total relocation work	460,000
Total cost for relocation and preparation: Contract 1	960,000
Item B—Contract 2—Cost for granite and marble supply:	
Granite: Rework existing stone for base course	50,213
Marble: Cut/carved/delivered:	
Terrace: 41,391 cu. ft. at $54.50	2,255,810
First floor: 15,087 cu. ft. at $38.76	584,772
Second and third floors: 28,609 cu. ft. at $70.09	2,005,205
Top of column caps to roof: 22,789 cu. ft. at $60.38	1,376,000
Total	6,221,787
Total cost for granite and marble supply: Contract 2	2,221,000
Item C—Contract 3—Cost for foundation work:	
Demolition	1,403,900
Excavation and backfill	448,500
Underpinning	284,750
Sheet piling	500,500
Steel bracing	210,000
Structural steel	205,000
Concrete	1,836,590
Waterproofing	129,750
Sand	14,640
Timber supports	24,000
Barricades and closure walls	10,000
Subtotal foundation work	5,067,630
Contingency and escalation	232,370
Total cost for foundation work: Contract 3	5,300,000
Item D—Contract 4—Cost for superstructure:	
Concrete and steel:	
Arch work	810,000
Fill and finish	270,000
Roofing and sheet metal	100,000
Set all stonework	1,000,000
Exterior wall backup, windows, and furring plaster, etc	1,100,000
Finishes:	
Unfinished areas: Partitions, doors and frames, hardware, hung ceilings, floor finish, stairs and painting	1,050,000
Finished areas: Partitions, doors and frames, hardware, special ceiling, wall and floor finishes, miscellaneous and ornamental metals, and finished toilet areas, etc	4,907,787
Vertical transportation	500,000
Subtotal superstructure	9,737,787
Heating, ventilating, and air conditioning:	
Piping, pumps, convertors and reheat coils	325,000
Sheet metal and outlets	360,300
Insulation	437,000
Air apparatuses, fans, filters	335,000
Controls	190,000
New chilled water loop	149,000
New steam service extended	93.000
Steam and return for existing building	84,000
Subtotal heating, ventilating, and air conditioning	$1,973,300
OH and profit on subcontractors	150,000
Contingency and escalation	465,893
Subtotal heating, ventilating, and air conditioning	2,589,193
Electrical:	
Lighting and power distribution wiring	524 ,000
Lighting fixtures and close-up lamps	137,000
Underfloor duct systems	260,000
Bird control system	109,000
Clocks and legislative calls	154,000
Signal and alarm systems	98,000
Total electrical	1,282,000
Contingency and escalation	279,220
Subtotal electrical	1,561,220
Plumbing:	
Waste and vent piping	250,000
Fixtures	53,000
Sprinkler systems	28,600
Fire standpipe systems	17,000
Roof and terrace drainage	165,400
Drinking water systems	34,000
Product refrigeration	18,000
Total plumbing	566,000
Contingency and escalation	129,800
Subtotal plumbing	695,800
Total cost for superstructure: Contract 4	14,584,000
Total estimated building cost	27,116,000
Item E—Cost for interior furnishings:	
Carpets	239,400
Drapes	130,500
Furniture	574,200
Accessories	60,300
Total	1,004,400
Contingency and escalation	111,600
Total cost for interior furnishings	1,116,000
Total cost for building and furnishings	28,232,000
Item F—Additional costs:	
Associate architect's fee for building	2,033,700
Surveys — measured drawings—contract documents—Shop drawings—Travel and expenses.	
Associate architect's fee for interior furnishings	94,860
Total associate architect costs	2,128,560
Administrative cost: Architect of the Capitol	1,400,440
Total additional costs	3,529,000
Total estimated cost before contingency	31,761,000
10% contingency	3,176,100
Total estimated cost	34,937,100

GENERAL DESIGN CRITERIA

STRUCTURAL SYSTEMS

Loads

Footings, foundations, and the structural frame of the extension will be designed to accommodate loads in addition to the dead weight of the building as follows:

Live Loads:	*Square feet*
Offices and committee rooms	100#
Corridors and pubic assembly	100#

Live Loads—continued	
Stairs and toilets	100#
Mechanical rooms	100#
Document storage	250#
Terrace	100#
Roof	25#
Dead Loads:	
Floor fill	60#
Partitions	40#
Hung ceilings	10#

The terraces will be strengthened to structurally accommodate the concentrated wheel load of a truck in any position, and the service driveway and loading docks will be strengthened to structurally accommodate on H-20/S-16 loading—sufficient for a tractor-truck or semitrailer.

Bearing

Footings, foundations, and walls bearing on earth will be designed on the basis of an allowable soil bearing intensity of four tons per square foot.

Underpinning

Underpinning will be installed at existing foundations as necessary to protect existing foundations against the effect of the new work. Existing foundations will be underpinned where new construction bears on existing walls.

Footings

Footings, in general, will be constructed directly on the sub-grade exposed by general excavation. Where footings are adjacent to existing work they will be constructed in sheeted boxes. In the central portion, footings supporting the new main and outer colonnade walls, because of their depth below and proximity to existing foundations, will be constructed in sectionalized steel sheeted and braced cofferdams.

Structural fame

Below the terrace level, depending on column spacing and floor loads, the floor systems will be reinforced concrete, concrete joist, or composite steel and concrete construction, with all columns of reinforced concrete.

Above the terrace level, the structural frame generally will be a composite system of reinforced concrete and steel frame, with self-supporting exterior stone masonry walls, with all elements anchored together at each floor, to work together, and to provide the maximum buttressing effect for the existing structure.

At the West Central Portion, the structural frame above the terrace and up to and including the fourth floor, will be of reinforced concrete. In the connecting wings between the central portion of the Capitol and the Senate and the House wings the structural system will be of steel in composite action with the concrete floor slabs, above the terrace and up to and including the attic floor.

The roof will be framed in structural steel, with a precast roof plank.

All structural steel beams and girders will be fireproofed with asbestos or vermiculite spray insulation, and all steel columns will be fireproofed by masonry enclosures.

Exterior walls will be constructed of stone with masonry back-up, anchored to the structural frame at each floor level.

Buttressing

The foundations and floor systems for the floors below the terrace will be designed to incorporate a series of reinforced concrete buttresses which bear directly against the existing structure below the first floor, continuous in the east-west direction, terminating at the westerly limits of the new foundations, and with "deadmen" below the subgrade where possible.

Above the first floor, the structural frame, utilizing the weight of the exterior stonework, all tied together, will provide buttressing for the existing structure in the following manner:

(*a*) Each floor slab will abut the existing structure in such a manner as to transmit lateral pressure against the old structure without imposing any vertical pressure from the dead load of the new structure.

(*b*) At two locations on each side of the central portion, vertical lines of buttressing will be accomplished by installing vertical struts between each floor to receive the lateral thrust.

(*c*) At the west face, the lateral thrusts from the buttressing will be transferred to the ground through the rigid structural framing and to the exterior shear walls.

(*d*) At the connections, the thrusts from the north and south faces of the West Central Portion will be transferred through the new floor slabs to the Senate and House wing structures.

Materials

The quality of materials proposed is:

(*a*) Structural concrete: 3000 psi.

(*b*) Reinforcing steel: ASTM 432.

(*c*) Structural steel: ASTM A36.

Expansion joints

Provision will be made for the effect of temperature changes in the exterior materials by the introduction of four east/west expansion joints, located at the north and south ends of the West Central Portico, and between the new construction and the existing Senate and House structures, installed in a manner similar to the methods employed at the East Central Front Extension.

MECHANICAL SYSTEMS—HEATING—VENTILATING—AIR CONDITIONING

Environmental design conditions

The air conditioning system will serve all enclosed areas with the exception of storage areas. Summer conditions within air conditioned areas of the building will be maintained at 75° F. dry bulb, 62° F. wet bulb, with outside summer condition of 95°F. dry bulb and 78°F. wet bulb. Inside conditions during winter will be maintained at 75°F. dry bulb and 53.5° F. wet bulb with outside temperature of 0° F.

Utility sources

Steam will be supplied by the Government at approximately 200 psig pressure at the existing team manhole on the House side of the Capitol. The steam distribution system is carried in dual mains. Dual 12 inch lines, with a single 6 inch condensate return line, will be extended from the House side steam manhole to the Senate side of the sub-subbasement and stubbed through the north wall for continuation by the Government.

Steam will be distributed from both the House and Senate sides to the building at 50 psig. The new steam service will serve the entire building including the East Front Extension. Existing steam loads are as follows:

Existing building House side: 15,000 pounds per hour.

Existing building Senate side: 15,000 pounds per hour.

Existing East Front: 7,800 pounds per hour.

These existing loads will be served at a pressure of 50 psig at the points indicated on the preliminary drawings. The condensate return system for the entire building will be reversed and pumped to the new condensate return line which will be installed along the new West Front.

Pumping pressure into this line will be 50 psig at elevation 31.0 Steam pressure reducing stations will be installed throughout the building as required. Pressure reducing stations from 200 psi to 50 psi will have two stages of reduction. Steam pressure reducing stations will be installed in equipment rooms to reduce steam pressure to 5 psi, for both heating and domestic water heating. Certain kitchen equipment will be served at 50 psi pressure. Each pressure reducing valve station will consist of two pressure reducing valves. These valves will be sized for summer and winter loads respectively.

Chilled water

This is available for air conditioning use with adequate differential pressures for circulation. Chilled water supply temperature from central system is approximately 40 F. All dehumidifiers within the building will be designed for a temperature rise of 12 F.

Relocation of existing equipment and systems

The existing chilled water loop which is installed in the terrace will be re-routed underground, around the new West Front Extension with a portion of the new loop passing through the new sub-subbasement area. New connectons to the existing chilled water distribution mains will be extended through the existing fresh air tunnels and re-connected to the existing distribution piping in the existing equipment room areas.

The new portico will require relocation of certain equipment in both the House and Senate fan rooms. On the House side the relocation will consist of relocating apparatus No. 12, driving motor for apparatus No. 3, freeze protection pumps and convertor, and the apparatus presently serving the House terrace. Senate side relocation will consist of temperature controls, air compressors, hot water generators, cloak room supply unit, and filter washing pump and converter.

New outside air ducts will be provided for apparatus No. 2 on the House side and for apparatus No. 7 on the Senate side.

Relocation of existing equipment will, generally, consist of the construction of new equipment before the dismantling of the existing equipment in order to assure continuous service to the existing building.

Ventilating system

Outside air will be preheated and, where obtained near grade level will be prefiltered. Systems of exhaust will be installed for kitchen, storage, and toilet areas. Sub-subbasement and subbasement areas will be exhausted into truck dock for ventilation of this area. Heated air will be introduced at window units to prevent drafts during the cold weather. Kitchen and toilet exhaust will be discharged through the room in locations remote from outside air intakes.

Heating system

Heating will be generally accomplished by means of hot water reheat coils located in the duct work. Heating converters located in the basement and attic equipment rooms will provide hot water for the heating systems. These converters will operate at 5 psi steam pressure. Leaving water temperature will be reset by means of an outside thermostat. Central circulating pumps will circulate heating water throughout the building (above the subbasement floor). Zone pumps located in equipment rooms on each floor will circulate water from the mains to the individual terminal reheat coils.

Air-conditioning system

Air conditioned areas will be served by a system of low pressure conventional ductwork from the various air conditioning apparatuses. Outside air and return air will be mixed, filtered and passed into a sprayed coil dehumidifier, through reheat coils into the conditioned area. Space temperature conditions will be maintained by means of room thermostats which will control modulating 3-way valves at each reheat coil. Reheat coils will be installed in the duct system for each zone.

In general, each air conditioning apparatus will consist of an inlet plenum in which outside air and return air is mixed. Outside air connections to this plenum will be fitted with both maximum and minimum section dampers. Maximum section will pass 100% outside air, minimum section will pass 15% outside air. Return and relief air dampers will be installed. These will operate in conjunction with the maximum outside air damper to provide a 100% outside air ventilating cycle. Filters will be of the high efficiency type similar to Microton Corporation's "Micromatic".

Sprayed coil dehumidifiers will consist of spray assembly, cooling coil and eliminators. Adequate access will be provided to spray section and between coil and eliminator section. Fans will be double or single width and double or single inlet as indicated. Each apparatus will be field assembled of factory components and will have adequate access between all components. Each apparatus will have interior lighting.

Humidity will be controlled during the winter by the operation of the sprays. Return air ducts will be fitted with smoke detection devices. All air conditioning apparatus housings will be constructed of factory fabricated insulated metal panels. Each apparatus will be fitted with gauges and the thermometers including draft gauges to indicate filter resistance, dehumidifier resistance and total static pressure.

Plumbing—design conditions and utility sources

Systems of sanitary waste and vent piping will be provided to serve the various plumbing fixtures throughout the building. Sanitary piping systems will be designed in accordance with the requirements of the District Plumbing Code. Sanitary sewers will be extended to the west and connected to the existing brick combination sewer.

Storm drainage systems will be installed for the roof and terrace areas. These drainage systems will be extended separately from the new sanitary system to the existing brick combination sewer along the west side of the building.

Cold water systems for domestic water supply will be extended from existing city mains along the West Front. Separate systems will be provided for the House and Senate sides. These systems will be distributed throughout the building to all plumbing and other water consuming equipment.

Plumbing fixtures will be selected in type and quality to match the existing fixtures in the new East Front Extension.

Hot water generators will be installed for kitchens and for domestic use. Hot water will be extended to all fixtures requiring hot water. Hot water recirculating pumps and piping will be installed to insure circulation of hot water to each fixture. Hot water generators will be of the storage type. Heating medium will be 5 psi steam.

Drinking water chillers will be installed on both House and Senate sides to provide chilled drinking water to each of the drinking fountains in the new West Front Extension.

Systems of fire protection sprinklers will be installed for storage, truck dock drive and storage areas. Water supply, for these systems will be indepndent of the existing fire sprinkler system.

A fire standpipe system will be provided for all areas. First aid hose cabinets and 2½'' fire department connections will be located to service all areas as required. Water supply for the standpipe system will be taken from the existing fire loop in order that the existing fire pump may be utilized.

Relocation of existing equipment and systems

Relocation of existing plumbing systems will consist primarily of rerouting the existing sewers which extend through the terrace to the combination sewer along the West Front of the Capitol. The fire protection loop will be completed during the new construction. Ends of this loop will be capped during the construction period and an existing 4-inch connection between the Senate side of the loop and the fire pump located in the House side will be utilized during the construction period.

Electrical—utility sources and supply

Electrical power for new West Front Extension will be obtained from existing substation "A" on the House side and existing substation "B" on the Senate side. Power will be supplied at 480-volts, three-phase, 60-cycle. Existing spare breakers will be utilized in switchgear "B". A new 1600-ampere circuit breaker will be installed in the existing space in switchgear "A" and the existing spare breaker in this switchgear will also be utilized.

Two new feeders from each substation will be extended to serve the new West Front Extension. One of these feeders will serve lighting loads, the other will supply motor and other power loads. Feeders and branch circuits will not cross the centerline of the Capitol and thus the House and Senate sides will be entirely independent of each other for power and lighting services.

The two feeders from each of the existing switchgear rooms will be extended to a central distribution point in the basement of the new West Front Extension. The available fault current at the existing switchgear is 50,000 amperes rms. Fuses of the time delay, high interrupting capacity type, will be installed in the mains at this distribution center as required, to limit the available fault current to the various branches to a level which will not exceed the interrupting capacity of the various terminal breakers.

It is estimated that the new West Front Extension will add a demand of approximately 650 kva on each of the substations "A" and "B".

Grounding system presently installed within the building will be extended throughout the new West Front Extension.

Emergency power and lighting

Emergency power for the West Front Extension will be obtained from the existing emergency engine generators. Emergency power will be extended from each of the generators to automatic transfer switches in the new East Front. One automatic transfer switch will be utilized to provide emergency power to the elevators. The other automatic transfer switch will provide emergency power to the emergency lighting sources throughout the building.

Each elevator serving the basement through attic floors will be so arranged that it may be served by the emergency power source. Capacity in the emergency power feeder will enable any single elevator in each bank to operate during an electrical power outage.

Emergency lighting will consist of elevator cab lighting, exit lighting, and selected fixtures throughout the building. General lighting levels in exit routes will be adequate to prevent panic and to provide safe passage.

Emergency lighting will be provided for exit signs, elevator cabs and for general exit passageways and corridors.

Relocation of existing equipment and systems

Several relocations will be required before demolition can begin to provide uninterrupted service to the building. The existing electrical ducts which pass under the existing terrace courts contain feeders serving the existing building. These feeders will be rerouted from the existing switchgear rooms to their persent termination or in some instances, to a convenient splice point within the existing building. The duct bank under the terrace court carries communication, control, and supervisory circuits in addition to the above described power feeders. A temporary control center will be installed in the House wing during the construction period. Control circuits will be continued to the existing control center as construction permits.

Supervisory circuits will be interrupted during the construction period and continued through the new construction as construction permits.

Lighting

Lighting throughout the building will be selected on an occupancy basis. Fluorescent lighting of adequate intensity will generally be employed throughout the work and storage areas of the building.

Private offices, public areas, dining rooms, committee rooms, and conference rooms will be lighted to suitable levels by means of a combination of fluorescent, incandescent, and architectural fixtures.

Lighting outlets will be provided for illuminated signs.

Power

Power for receptacles and portable appliances will be distributed to all spaces by means of raceways. Flexibility of possible locations of outlets in office areas will be provided by means of an underfloor duct system. The underfloor duct system will also provide flexibility in the location of telephone outlets.

Controls and special systems

Signal, alarm and control systems will be installed for the following functions:

(*a*) A signal system will be installed on both House and Senate sides. This system will indicate elevator position, and other pertinent elevator data. Extension to the existing panels in the Engineer's offices on both the House and Senate sides will be provided as required to house the indicating devices.

(*b*) Control circuits for the emergency operation of the elevators will be extended to the Engineers offices on the House and Senate sides respectively.

(*c*) Smoke detection devices located in return and exhaust air duct-work throughout the building shall sound audible and visual alarms in the Engineers offices on the House and Senate sides respectively. Silencing switches will be installed for the audible alarms.

(*d*) Remote control circuits for exterior lighting will be extended to the control center which is located in the basement level of the Senate side.

Legislative call system

This will be provided for both the Senate and House sides. Audible and visual signals for this system will match the signals which are installed in the new East Front Extension to the building. Signals receivers will be installed as required to transmit the legislative calls to the various audio-visual locations.

The existing signal generators, which impress high frequency signals for legislative calls on the electrical distribution system, are adequate in capacity for the new West Front Extension, and will be utilized for the new West Front Extension.

Electronic clock system

The existing system will be extended to serve the new West Front of the building. Clocks will be selected in quality and type to match those installed in the new East Front Extension.

Communications system

A system of empty conduits will be installed in accordance with the requirements of the Chesapeake and Potomac Telephone Company. Conduits will be extended from existing telephone equipment rooms on both the Senate and House sides to new equipment rooms located at the basement floor level on both the Senate and House sides of the new West Front Extension. Telephone distribution closets, approximately 6′ by 10′ in size, will be located on both Senate and House sides of each floor. These closets will be connected to each other and to the basement telephone equipment room by a system of empty conduit risers. Branch conduits and underfloor duct systems serving individual telephone outlets will terminate in telephone closets located on each floor. Galvanized fish tapes will be pulled into each empty conduit for use by the telephone company.

A communication system will be installed which will follow the pattern set in the existing building. This system will consist of sound powered telephones located in equipment rooms. The system will interconnect with the existing and will be compatible with it.

Sound reinforcement systems will be provided for the committee and joint conference rooms. Sound reinforcement systems will be limited to speakers and amplifiers. Adequate input jacks will be provided for microphone connections.

Fire alarm system

The existing fire alarm system will be extended as required to serve the new West Front Extension. All devices will match those installed in the new East Front Extension.

Electric bird control system

The system provided will be of the same extent as that installed on the new East Front Extension except that it will be designed to control birds as small as sparrows.

Vertical circulation

The present West Central Portion of the Capitol is serviced by two small passenger elevators which operate between the basement and attic floors, and no service or freight elevators. The West Front Extension will add two cores of elevators—one on the Senate and one on the House side—near the center of the added floor space and equidistant between the connecting necks and the east-west corridor at the West Portico.

Each core will consist of two medium-speed passenger elevators with a lobby off the main circulation artery and a freight elevator with its enclosed lobby adjacent to the corridor. These elevators will serve all floors from the basement thru the fourth and the freight elevators will extend down to serve the sub-basement floor which ties in with the service drive and loading docks.

Vertical pedestrian circulation from the basement floor down to the westerly main entrance and service drive will be provided by moving stairs on the east/west center-line of the building at the extended West Front. Corridors on the basement floor connect the new elevator cores with the new moving stairs.

The new passenger elevators will have a capacity of 2500 pounds at a rate of 400 feet per minute; the service or freight elevators, 4000 pounds at 200 feet per minute. The moving stairs will be the standard 30-degree incline with a rate of rise of 90 feet per minute, forty-eight inches in width.

The extension has been planned with new horizontal circulation connecting the westerly north-south corridor of the Senate Wing, Central Portion, and the House Wing. Adjacent to the new elevator cores on the ground floor, new east-west corridors will be provided in the existing building connecting the main north-south corridor with the new north-south corridor provided in the extension.

An additional passenger-freight elevator will be provided in the terrace spaces on both the Senate and House sides serving the three floors in that area. They will be hydraulic of a capacity of 4500 pounds at a rate of 65 feet per minute. These elevators will be located adjacent to the kitchen and pantry areas at the basement floor, have a stop at the service loading dock on the subbasement floor, and continue down to the storage areas at the sub-subbasement floor.

REPORT TO THE ARCHITECT OF THE CAPITOL BY THE ADVISORY GROUP, GILMORE D. CLARKE, JOHN F. HARBESON, PAUL THIRY

Appointed by direction of the Commission for Extension of the United States Capitol to advise the Architect of the Capitol in the carrying out of the "Legislative Appropriation Act, 1956", incorporating provisions for the extension, reconstruction and replacement of the central portion of the United States Capitol in substantial accordance with Scheme B after architectural plan submitted by a joint committee of Congress on March 3, 1905, but with such modifications and additions as may be approved by the Commission. This report relates to the West Central Portion, the East Central Portion having been extended and reconstructed in 1958–1962.

The commission

The Congress, in 1955, in its legislation for the extension of the Capitol provided that the work should be under the direction of a Commission composed of the President of the Senate, the Speaker of the House of Representatives, the Minority Leaders of the Senate and the House of Representatives, and the Architect of the Capitol.

We who are Advisers to the Architect of the Capitol express confidence in the wisdom of the Commission for the Extension of the United States Capitol and in the conduct of the project by the Architect of the Capitol. We express approval of the design for the West Front made by the Associate Architects.

The technical advisers

The Architect of the Capitol, in calling upon members of the professions of architecture and engineering to carry out the work, with the approval of the Commission for the Extension of the United States Capitol chose specialists of established reputation to investigate the needs of the Congress and the condition of the present structure including the foundations and the need for underpinning; he chose architects to study the program of requirements and the formulation of plans and elevations; he selected the advisory group, with membership from various parts of the country, to study with the specialists and architects the facets of the work, particularly that related to architectural design and landscape setting.

In the choice of these associates the Commission directed that they must be selected to assure that any new work be in harmony with the architecture of the Capitol as conceived by George Washington and more particularly by Thomas Jefferson, and that it be in the classic style of the early Federal Period. The Commission indicated that there is no justification for that expression of transcience apparent in many of the more recent government office buildings.

The east central front of the Capitol

The rebuilding of the central part of the East Front was undertaken essentially by the same professionals now entrusted with the extension of the West Front. That work has been satisfactorily accomplished, a marble construction faithfully carried out in the architecture of the Early American Republic. The new relationship of the East Portico to the great dome has proved the validity of one of the arguments for making this change. The result is distinguished. The new construction has successfully stabilized the stresses of the east side of the original structure.

The present condition of the exterior of the Capitol is excellent except for the central part of the West Front. That portion is in disrepair, the walls are cracked in many places, large pieces of stone have fallen from the cornice and, in many places on the surface, an outer layer of stone has scaled off and has been patched with cement. The entablature over the West Portico is sagging, conditions which successive coats of paint do not conceal.

In 1963, the Commission authorized the retention of a competent engineering firm to study the structural conditions of the West Central Portion. These engineers, The Thompson & Lichtner Co., Inc., reported that the West Front originally had not been well built; that it was poorly constructed after destruction by fire by the British in August 1814 and further damaged by the fire of 1851 and the explosion of 1898, and that there is excess loading within the structure. They further reported that the penetration of moisture forced stones out of place and that the core construction, between the outer and inner walls, is of poor masonry held together with inferior mortar. These bearing walls nevertheless support the outward thrust of heavy brick vaults on one story over another.

The Engineers recommend buttressing of the entire West facade to be accomplished by an extension providing lateral stability. They recommend against any attempt to restore and to repair the present exterior wall because of its inferior construction.

Your Advisers have examined the present condition of the West Front and are familiar with the particulars of the distintegration that is apparent. They have carefully studied the detailed report of The Thompson & Lichtner Co., Inc., and endorse its recommendations, namely that the existing walls be retained as interior walls and that an extension, be constructed to provide lateral support for them.

Restoration of present exterior walls

We are convinced that the exterior walls cannot be repaired in their present position because of the attendant danger of collapse of the interior vaults that thrust against them, thus causing the destruction of the Brumidi frescoes on these vaults and the supporting walls.

We wish clearly to state that the present West Central Portion of the Capitol is *not*, as has been averred, "a last external vestige of the work done by Thornton, Latrobe and Bulfinch remaining as visual evidence of our heritage"; it is but a travesty, a poor travesty, in fact, of that architecture. The original design has been patched with cement and has been covered with forty coats of paint, in some cases ⅜ inch thick, thus masking dentils, eggs and darts, small scale rinceaux and acanthus leaves on the capitals and the brackets. The tips of many of the acanthus leaves have been broken off and some are missing; band ornaments have been eroded away. For many years it has become divested of all of the qualities which would make it a distinguished relic. The precise relation of each part to every other part so necessary in classic architecture, is completely negated by the many thick coats of paint. Mouldings are distorted out of recognition, while all marks of handicraft and age are lost.

Rebuilding in place not retention of history

We want to make it clear that if it were deemed to be feasible to replace each exterior stone with a new stone, whether the replacement be of sandstone or of marble and cut by today's artisans, the result would not be a preservation of the architecture of Thornton, Latrobe and Bulfinch but rather a modern simulacrum, much like some of the reconstruction in Williamsburg and other architectural reproductions. To call it preservation is to deceive the public with a specious falsehood.

To attempt to "restore" the existing West Front in its existing location, the interior rooms would have to be vacated for as long as ten years. The walls would have to be uniformly supported on shoring while the stone facing, which is bearing, is removed stone by stone to a height of five floors. To support the arches and the vaults, while the exterior supporting wall is removed, would be both difficult and dangerous, resulting in a possible collapse of the vaulting. The Brumidi frescoes would be irreparably damaged by the centering supports below and the great weight above.

To buttress the walls by extending the West Front to the west will save many parts of the exteriors and many frescoes on vaults and walls that an attmepted restoration in place would surely destroy.

Uninformed opinion

There has been some controversy in Congressional Hearings and much in the Public Press, the latter being neither well informed nor based upon a knowledge of the conditions that obtain. It has been swayed largely by emotion. It is discouraging that so few representatives of the Press have made an effort to learn of the existing conditions so as to be able to arrive at an understanding of the problems involved and of the particulars of the proposed solution before printing opinions, particularly editorial opinions, which so far have been superficial, emotional and untrustworthy. This is regrettable inasmuch as it concerns the country's most important building and symbol, the United States Capitol.

A statement made at a recent public hearing should be noted. It was there stated, "Nobody denies the West Front is in need of some repair and reconstruction. Much of its present condition is the result of almost total neglect over the past five years; the masonry has not been pointed up, the paint is peeling badly * * *. Any building will deteriorate if nobody does the regular maintenance work."

The West Front was pointed and repainted in 1960 before the late President Kennedy's inauguration; its disrepair is not due to neglect or to improper maintenance but rather to several causes well known to those who have made the detailed structural examination. The causes have their origin from the very beginning of the original construction:

(1) The foundations were not carried to adequate depth; they rest on soil of poor bearing quality. This is the primary reason for the cracked window and door heads and for many other cracks in the masonry walls.

(2) Much of the stone used was of poor quality. The Aquia Creek quarry did not have enough good stock to provide all of the stone required for such a large building. The architects selected the best stock for the capitals, the cornices and the moulded and ornamented band courses. Much of the plain ashlar stock was from beds of stone of inferior quality.

(3) The mortar used in the original building was made from lime, much of which was fashioned by burning oyster shells. The artisans were not experienced and, as a result, the fabrication was improperly done; the mortar used has disintegrated into powder. The inferior mortar cannot be corrected by pointing.

(4) The burning by the British in 1814 calcined much of the stone and discolored large portions of it. Some of this stock was replaced when Latrobe rebuilt the burned sections; those parts merely discolored were later hidden by the painting of the exterior which process has also hidden disintegration by calcination.

(5) The paint, while it improved appearance, did not serve as a preservation but rather as a cause of further disintegration of the stone. The only paint then known had a linseed oil base. Linseed oil, when mixed with water, made an emulsion which broke down the cementitious material which held together the grains of sand of the sandstone, resulting in a progressive scaling of the surfaces.

Need for space

A careful survey was made for the Architect of the Capitol in 1957 with many of the chief officers of the Senate and the House occupying space in the Capitol. This survey indicated that an additional 140,000 square feet of space was required to enable the Government to operate efficiently. The reconstruction of the East Front has made available approximately one third of this space; the remainder is still needed, as well as additional space requirements made since that survey. This can be provided by the plan proposed for extending the West Front.

Portions of building not functional

The sunken courtyards on the west are unsightly and have not been appropriately developed. The lower floors, particularly under the Olmsted terraces, are much subdivided and not useful in a modern sense.

The service requirements of the Capitol, such as deliveries, maintenance, shipping, storage, mechanical equipment, are inadequate, unsightly and outmoded. To correct such deficiencies within the present building would necessitate visual and structural changes of magnitude.

A proposal to move the Congress

It has been proposed in the Public Press, to avoid the necessity to provide an increase in area in the Capitol for the expanding needs of the Congress, that all government functions connected with the Legislative Branch be moved out of the Capitol to a new building, constructed in the current fashion of plate glass, concrete, steel and metal trim leaving the Capitol that has served the Congress since 1800, as a "shrine", a lifeless shell. This building, the scene of more than 160 years of great events would be abondoned to became a museum to exhibit our past glories.

To us this is unthinkable. The legislative halls made the Capitol the Seat of Government; they have served as such since the beginning of the 19th Century and the Congress can continue so to operate in the Capitol by causing to be made the changes now proposed; to do so will make all areas more efficiently serviceable to the Members of the Congress and their staffs without in any way marring the building's unique architectural qualities of beauty and proportion.

Visitors

The Capitol is the most important edifice in the United States. Not only have many important episodes in the Nation's history been enacted there, its laws debated and passed, including a score of amendments to the Constitution, but still more important it is the seat of the Government's legislative assemblies. Here citizens from all over the United States may visit and talk with their legislators in action; in fact they do. More than 20,000 citizens on an average visit the Capitol daily and the number is increasing. They come in part to see the halls and chambers of the Capitol including the Rotunda that has been the temporary resting place of deceased presidents and heroes, the great stairways, the statues, portraits and paintings. But primarily they come to see their Representatives and their Senators in the actual process of debating problems before the two legislative bodies in the chambers where the difficulties related to the Civil War and two World Wars were argued. Here they witness the passing of laws, including providing for appropriations to carry on the many projects that go before the Congress.

The Capitol housed the deliberations of the lawmakers of our infant Nation; it continues so today and should continue so to do in the future as a symbol that this Country is a living institution of worthy traditions, still able to solve larger problems in the spirit of the Founding Fathers who formulated the institutions of the young nation.

The Commission is planning to make appropriate provisions for visitors. Provisions are now inadequate for the reception of visitors; for example, there is inadequate circulation to take them from the Senate side to the House side of the Capitol without interfering with the work of Congress. The proposed plans provide adequate facilities for visitors, including briefing rooms, separate vertical circulation and space for passage north to south on the public floors of the Capitol.

Whereas the Capitol serves as an historical museum it must also serve many useful functions. With the growth in the complexity of the Government and of the duties of its legislators, it is inevitable that the building must undergo changes when they are necessary. The Government is in need of more adequate space for the operation of those functions that must remain within the fabric of the Capitol.

The problem

The problem, which has been studied by the Associate Architects, is one requiring both technical and aesthetic competence of a high order. To restore the structural integrity or soundness of the structure, to preserve the character and detail of the work of the original architects in an enduring material, to increase the usable areas of the Capitol, to make all areas more serviceable to the Members of Congress and their staffs, as well as to the other employees of the building, while still conserving the historic aspects of the structure together with its unique architectural qualities of beauty and proportion, is a difficult task.

In his book, published in 1939 and entitled "Washington Past and Present," Dr. Charles Moore, a distinguished historian of Washington, Secretary of the Senate Park Commission of 1901 and a member of the National Commission of Fine Arts from 1910 to 1940 (chairman 1915–1937), wrote the following paragraph at the beginning of Chapter V, "The United States Capitol":

"The Capitol is historically the most important building in the United States. Architecturally, it stands among the great buildings of the world. It marks the beginning and typifies the growth of the nation. Like the great cathedrals of Europe, its chief merit is not its completeness but its aspirations."

The Capitol is not finished. Changes are going on constantly. What is now proposed will complete the process that Thomas U. Walter started when he added the wings and the great dome.

The proposed solution

The design for the modification of the West Front of the Capitol, that has been presented by the Associate Architects, has been carefully studied. The renderings, the model, the drawings of elevations, sections and plans that have been submitted have the endorsement of the Advisory Board. These should be equally satisfactory to all those willing to familarize themselves with the program and the conditions and who are willing to study these documents with unprejudiced minds. For more than ten years the Associates and the Advisers have been studying a workable plan to solve the various problems and to accommodate present and projected space requirements.

When the work on the West Front, as now projected, is completed the citizens of the Country will take an increased pride in this great building which will, indeed, be the most handsome and most dignified legislative structure in the world.

The new west front

The design submitted will preserve most of the basic elements of the existing West Central Front built before the Senate and House Wings were added and before the great dome replaced the low wooden dome designed by Bulfinch and related to the present portico. Although adequate to the original building, the design of the present portico is not suited to the enlarged composition comprising the Senate and the House wings and the great dome. When the wings for the Senate and the House chambers were completed in 1857 and 1859, the necessity for replacing the low wooden dome over the Rotunda became increasingly evident. The existing cast iron dome, designed and added by Thomas U. Walter, is completely satisfying as the crowning motive to the enlarged building, a symbol of the growing importance of our Government.

With the completion of this enlarged dome, it was apparent to Walter that the East Portico, which the drum of the dome overhung, would have to be extended further to the East; and that the West Portico, with its loose intercolumniation, would have to be replaced by a feature more appropriate in size to relate properly with the increased mass of the expanded building. He prepared designs for both the east and the west facades of the central building.

Charles Bulfinch designed the present West Central facade and portico for what was a small building compared to the present structure. His portico for the Massachusetts State House (erected 1795–97) makes use of the same motives, viz., end bays of doubled columns with single columns between. There he used four intermediate columns, not two, the base course having rounded arches. He crowned the back wall with a pediment to mark the axis of this important building, relating the portico to the crowning high dome. It is such a scheme which is now proposed for the Capitol to make a suitable composition at the east end of the Mall as provided in the McMillan Commission plans of 1901 and subsequently built as one sees it today.

The ideas to provide for an improved west facade of the central element of the Capitol have been advanced before; Bulfinch himself recommended a central pediment, and a pediment was proposed by Thomas U. Walter at the time he designed the great dome. More than two decades ago, the distinguished architect members of the National Commission of Fine Arts, after viewing the model showing proposed changes to the Capitol as designed by Carrere and Hastings, stressed the desirability of the suggested modifications of the West Front in order to bring it into scale with the dome.

Your Advisers are also of that opinion. In our judgment the Associate Architects have prepared an eminently successful solution to a difficult problem. We have had a part in the development of the studies of this elevation and we agree that the enlarged central element with the handsome pediment will provide for the Nation's Capitol a degree of distinction and a compositional relation to the great dome which, up to now, it has lacked. The relationship between the several elements, the wings, the central part and the dome, will be magnificent.

From its beginnings the Capitol has been an imposing structure. None of the departures from the original design have interfered with the simplicity and dignity of the building, nor will the changes as now proposed. Those persons most appreciate the Capitol who familiarize themselves with the adaptations which the growth of this Country have brought about. The enlarged Capitol will enable a correction in the proportion of the building to the dome, and greater compatibility with the impending program for the Mall and surrounding areas.

The landscape setting

The minor aesthetic modifications of the grounds on the West, made necessary by the proposed extension of the West Front, are minimal and wholly in consonance with the original design. In our considered judgment the proposed increase in dimension between the two large flights of steps, so that they may center on the "Thornton" elements of the facade, materially aids the scale and composition of the terraces. The proposed planting on both sides of each of the flights of steps will also contribute nobly to the composition.

The grounds west of the steps, developed and executed from plans by Olmsted, remain unchanged. The projected road necessary to serve the Capitol, which passes under one of the terraces, fits the ground; it will not intrude into the composition for it will be screened from view from the terraces and from the west by trees and other appropriate planting.

President Lincoln, during the Civil War, directed that work on the new dome should not cease, saying: "If the people see the Capitol going on, it is a sign we intend the Union shall go on." We urge that the vital proposed reconstruction of the Capitol should now be pursued for the same reason. We feel it appropriate to quote from another speech of that President:

"With malice toward none, with charity for all, with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in."

Respectfully submitted,

JANUARY 1, 1967.

GILBERT D. CLARKE,
JOHN F. HARBESON,
PAUL THIRY.

THE THOMPSON & LICHTNER CO., INC.,
Brookline, Mass, November 1, 1964.

Hon. J. GEORGE STEWART,
Architect of the Capitol,
U.S. Capitol, Washington, D.C.

DEAR MR. STEWART: We present herewith in five volumes a Report on the Structural Condition of the West Central Portion of the United States Capitol, Extension of the Capitol Project, in fulfillment of Control No. ACbr–540 of March 13, 1964, which included under paragraph 4, submission of a report of findings to the Architect of the Capitol upon completion of examinations, analyses, and studies, together with recommendations with respect to such remedial measures as may be deemed necessary, including recommendations as to (1) whether the existing wall, if found deficient, can be repaired in its present condition, (2) whether the existing wall can be refaced with marble in its present condition, (3) whether remedial action requires extension of the west central front and its reconstruction in marble, or (4) whether any other means of preservation are deemed feasible and advisable.

Plans and Specifications for Exploratory Work, including test pits, soil borings and cores of walls were prepared under date of May 15, 1964 with Invitation for a Proposal of June 10, 1964. The J. F. Fitzgerald Construction Co., Inc. of Canton, Massachusetts, was awarded the Contract No. ACbr–545 for this work on June 29, 1964. Observations of the exploratory work, consultation and advice, examination, study, analyses and tests were performed by representatives of The Thompson & Lichtner Co., Inc. resident at the site or in Brookline, Massachusetts.

The purpose of this study being primarily to determine the structural condition of the exterior west wall of the Central or original portion of the Capitol, information was obtained on the quality of the facing sandstone, the backup fieldstone, the mortar used in laying the stone, the thickness, the workmanship, and the stresses in the wall. As the stability of the wall is dependent on the foundations and supporting soils, the Report on the Foundation Investigation of the Capitol of May 1957 was examined in detail and such additional borings, test pits and tests were made as appeared necessary. The interior of the West Portion of the Capitol was examined to determine whether there was evidence of structural distress and, in particular, if such conditions were affecting the exterior walls. The use to which an old structure, such as the Capitol has been subjected, and the conditions under which it was constructed required study of its history in evaluating the structural condition, particularly since much of the construction is covered by ornamentation and cannot be examined.

The facing stone is a white to light gray sandstone obtained locally and known as Aquia Creek sandstone. The color of much of this stone is also light brown gray or buff, depending on the iron content. Pieces of stone were removed and cores cut from the walls at sufficient locations to evaluate the quality of the walls. These samples were examined in the field and laboratory. Analysis shows the stone is composed of quartz grains cemented together largely by silica and therefore it is inert relative to compounds usually found in the atmosphere. Tests for compressive strength and absorption show that it is relatively weak and absorptive compared to sandstone normally used for exposed building stone. Observations of the disintegration of unpainted areas of the stone, such as the Bulfinch gate posts on Constitution Avenue at 7th and 15th Streets, confirm the low quality as related to resistance to weathering. Spalled areas are found throughout the wall surfaces and in the ornamentation, particularly of the entablature at the top of the building. There were also numerous patched areas and areas of replacement of stone. Spalling in certain areas probably is partly the result of the burning of the Capitol by the British in 1814.

The major portion of the stone shows softening and discoloration to a depth of 3/16" and no other signs of weathering despite the inferior quality of the stone, because it has been covered with paint. Painting started about 1822 and the wall was painted at about 8-year intervals thereafter as evidenced by the thickness of paint on the stone at present. Although the painting has been effective as protection, it has affected the architectural detail and quality which is found objectionable by those interested in the appearance. The removal of the paint should involve the removal of the affected 3/16" of stone behind and this would give rise to a similar objection since such removal of the paint could not be made without changing the texture as well as the dimensions. The stone would then have to be repainted or treated with silicone at not over 5-year intervals to protect it from the weather.

Although the stone does not show evidence of major weathering because of the paint, there is a serious amount of cracking and dislocation of stones. The stones are found to have been carefully cut on the face and sides to uniform dimensions and plane, but rough cut in the back and the rear portion of the sides. The resulting ashlar dimensional sandstone masonry is of good line and surface and of excellent appearance. Voids of varying widths were found, however, behind almost all facing stone and the fieldstone or brick backup, evidencing movement of the two resulting from temperature and moisture, as well as settlement and load adjustment effects. The fact that the fieldstone is of granite gneiss means that it has a thermal coefficient of expansion of about 70% of that of the sandstone. The sandstone will have a higher or lower temperature than the backup and the differential movement in 100 feet could be ¼ of an inch or more. There is no provision for expansion or contraction and, as the joints of the dimensional stone are very small, expansion could cause the poorly backed ashlar to bulge out and contraction would open up the joints causing cracks to appear. Water getting into the cracks and freezing would further open the cracks and cause heaving out of the wall. The situation is aggravated by the fact that in many locations voids of several inches in width are found in back of the ashlar which had not been filled in during the laying of the wall. The areas of the wall at the basement floor level above the terraces on the Old House and Old Senate Wings which had been veneered at a later date are in a dangerous condition. Bonding was done in those areas by the use of metal ties which have corroded and broken. Apparently the space between the veneer and the backup was not filled with mortar as called for by good practice. The walls are leaning and must be replaced shortly or they will fall.

The character of the cracking in the walls shows that an important factor is also settlement. Shrinkage cracks normally will appear at the edges of openings, such as windows and door frames, but would not cause cracking and dropping of lintels. Keystones will drop due to excessive loading or release of the support of the abutment stones of the arch. There must have been differential settlement of the foundations through the years causing cracking of the walls as investigation of the stresses due to loads does not indicate overloading of the arches or lintels as a cause. The backup of the ashlar sandstone is brick masonry with lime mortar in the Old Senate Wing and elsewhere it is fieldstone or granite gneiss rubble with lime mortar. The stone is of good strength; the workmanship varies but, in general, is not of good quality containing many voids. The masons laid a reasonably good face in back of the sandstone and a poorer inside face, but were generally very careless about the interior of the wall which appeared to be constructed in some cases by dumping the stone in little or no mortar as a bed. The cores taken through this masonry and examination of the holes by means of a boroscope disclosed not only voids, but also cracked stone and brick, providing further evidence of settlement.

Cracking of the walls can also result from shrinkage of mortar and because of the low strength of lime mortar, adjustment of the stone to solid bearing during the early life of the wall. Laboratory tests show that the brick and stone were of acceptable strength.

The lime mortar was poorly mixed in many cases, and in one case the lime shells from which the lime was made were found in the mortar. The mortar is of such quality that it can only be classified as generally weak.

The structure, except for the exterior walls, has not been subjected to weathering and is not in a hazardous condition. Certain areas of the exterior walls are now in a dangerous condition and the entire walls in a very few years will be in a similar condition unless proper corrective measures are taken.

The structure represents a high quality of engineering for the materials, manpower and construction facilities available at the time of construction. The use of the local sandstone was probably dictated by time limitations and cost. The poor workmanship on the walls was undoubtedly the lack of good mechanics and the quality of inspection.

The conclusions and recommendations are summarized in the following:

1. The workmanship on the sandstone ashlar masonry facing is generally good.

2. The workmanship on the fieldstone rubble masonry is generally inferior.

3. The workmanship on the brick masonry is generally acceptable.

4. The sandstone used for the exterior facing is an inferior material for use in a monumental structure.

5. The fieldstone used for the backup of the sandstone and for foundation walls is generally a good material.

6. The brick used for the backup of the sandstone and for interior floor and foundation arches and walls is generally a satisfactory material.

7. The mortar used is largely a lime mortar and is generally not of good quality for such mortar.

8. The masonry facings at the terrace level on the west side of both the Old Senate and Old House Wings, which were not part of the original construction, are displaced and require prompt removal and replacement with proper bonding to the backup wall. The bottom course should be of granite.

9. The entablature at the front of the Center Wing is displaced and requires prompt removal and replacement.

10. The retaining walls of the terraces at both the Old Senate and Old House Wings require reconstruction of the foundations to provide adequate frost protection.

11. The exterior walls of the West Central Portion of the Capitol are distorted and cracked, and require corrective action for safety and durability.

12. Retention and repair of the existing walls as corrective action is not recommended as it would require the hazardous removal of much of the facing so as to allow installation of ties to the backup wall, or the installation of ties through the face joints with resulting disfiguration of the structure. There would still be walls and foundations of structurally inferior construction with the walls requiring continuing protective treatment.

13. Facing of the existing walls as corrective action with durable marble and granite, leaving the sandstone in place, is not recommended because it would require additions to the present foundations and there would still remain walls and foundations of structurally inferior construction without preserving the historic architecture.

14. Removal of the sandstone completely and replacement by high quality marble and granite as corrective action is not recommended because it would be a very costly and hazardous operation and there would still remain walls and foundations of structurally inferior construction.

15. Removal of the entire wall and foundation and replacement by reinforced concrete with a facing of high quality granite for the courses at grade and high quality marble above for the face stone is not recommended because of the hazard, cost and interference with occupancy.

16. Retention of the wall as an interior wall of an extended building is recommended as the least hazardous and as causing the least interference with the occupancy of the present structure. A properly designed and constructed extension would also provide desirable lateral support for the West Central Portion of the Capitol.

17. The attic roof slab in the House Wing requires corrective action because of the extensive corrosion of the reinforcing steel.

18. Drawings should be prepared of the Capitol so that there is readily available information on the structural condition in relation to the many mechanical and electrical, and other installations which have resulted in much cutting and patching. These drawings should be kept current so that the safety of the structure as affected by changes in installations and usage can be readily checked.

19. Level readings of vertical movements and measurements of horizontal movements should be taken annually of all important elements of the Capitol so as to provide data as a basis for corrective action before cracking and failures occur.

20. Piezometer readings to check the ground water level should be made on a regular schedule and the data used to assist analysis of the settlement data.

Respectfully,

Miles N. Clair,
President.

Mr. MANSFIELD. Mr. President, may I say that many questions have been raised concerning this matter which the distinguished chairman of the committee has brought to the attention of the Senate today. For example, there is the question of eating places, cafeterias, and dining rooms, the question of the needs and the program, and the pictures which cannot be incorporated in the Record; the program, the subtitle of which is entitled "The solution to the needs outlined are summarized as follows: The recommended solution, extension and reconstruction—with recommended changes—temporary relocation, permanent relocation, summary of areas, rooms, spaces, facilities, time schedule, cost of work; outline specifications for architectural, structural, mechanical, electrical, plumbing, and vertical transportation; consultants to the associate architects; report and recommendations on extension of the Capitol project; extension and reconstruction of the west-central portion of the U.S. Capitol; cost of the work; and general design criteria."

So there is much to be considered by the committee. It would be my hope that now that we have this set of preliminary plans—which are out of date at the present time—that the Senate would see fit to allow the remaining amount with the stipulation on the part of both Houses that if this is done, any requests for appropriations would have to come before the appropriating subcommittees and the Appropriations Committees, and they would have to render a judgment in addition to that rendered by the commission. That would be up to those committees to stipulate as to whether or not they would be willing to appropriate funds. And if they do, it would be up to Congress to confirm. And if they do not confirm, it would be up to Congress to decide the matter.

It appears to me that much has been done in the way of preliminary studies under the present Architect, who is an architect. So, we have the moneys expended by the previous Architect. There is a need to face up to the question which have been raised on the Senate floor today.

And it would be my hope that the Senate would agree to the amendment to the end that this matter could go ahead and be settled one way or another.

Mr. HOLLINGS. Mr. President, quickly responding to the distinguished majority leader, obviously these are not preliminary plans upon which we could make a judgment. I am the chairman of of the subcommittee. I refer, for instance, to the apprehension that the ranking minority member (Mr. Cotton) had in connection with certain restaurant facilities. He did not see this, and I have only seen it now for the first time.

We are only asking for plans by this new Architect because I think there has been a substantial change for the good, so that we can all consider the same thing. We have a supplementary bill. There is nothing wrong with the preliminary plans, but we should have plans that we can all look at. This preliminary plan presented by the leader was prepared in 1966 and does not have the allocations, certainly not current ones. I am looking at the statements which are not agreed upon. Then, if Congress wanted to do so in a later supplemental this year, it could go ahead with final plans. That is why the Committee on Appropriations unanimously agreed to the language, and that is why we are not for striking preparation of plans because then we would leave it in the realm of misunderstanding.

Mr. MANSFIELD. Mr. President, I have to disagree with the chairman of the committee because there is a preliminary plan and an estimate of cost for the extension which was done under the previous Architect of the Capitol. There is information relative to additional space, service, circulation, restaurants, and all the questions which have been brought up in the course of debate today, and they could be answered in finalizing the plans which would then be subject to scrutiny of the committee of the Senator from South Carolina. I think the necessary funds are needed and then I think it would be time for the Senate and the House, first through its Appropriation Subcommittees and then Appropriation Committees to render a decision based on the evidence produced at that time.

If I have any time remaining I yield it back.

Mr. HOLLINGS. Mr. President, I will use a few minutes to finally bring into focus the difference between the amendment presented and the language adopted by the Committee on Appropriations. It was adopted after all sides were heard. We agreed funds under this appropriation may be used for preparation of preliminary plans for the extension of the west central front, provided no funds be used for the preparation of final plans or initiation of construction of said project until specifically approved and appropriated therefor by Congress.

That was the suggestion of the Senator from New Hampshire. We both wanted to sit down and have a hearing.

I charged them with running around and they went out and found a 5-year-old book which no one considers worthwhile on any score at this time. These are not the preliminary plans we want. We want this present Architect with his acumen as a full-fledged architect—the previous Architect was never an architect, to prepare plans on how the space will be used. The present Architect is past president of the AIA. We want him and his group to give us preliminary plans on which we can make a judgment, and not a 5-year-old booklet.

I would oppose the amendment. I think the language is extremely clear to me and by agreeing to the language of this amendment, in essence, it would put the matter in the realm of arguing. I think we are all trying to do the same thing. We are just not letting the Commission do it for us. I want Congress to have a full-fledged hearing, look at one plan and vote it up or down. That we do not have now. This Commission insisted on its operation to make certain Congress does not get the power that is before us now and it is wrong.

Mr. MANSFIELD. This is the only preliminary plan the Office of the Architect has. I sent down and asked them for it. It is very old. It indicates something must be done to bring it up to date. That need is already stated in the Record. If the present language is retained in the bill reported by the committee it means no funds will be available and nothing can be done.

Mr. HOLLINGS. Oh, yes; funds are available, but the first funds available under this appropriation; that is, up to $2 million, may be used for preparation of preliminary plans.

Mr. MANSFIELD. That is correct. Preliminary is the committee word. I wish the Senate would keep that in mind because we have that and need the rest of the report.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time.

Mr. MANSFIELD. On my time, if I have any remaining.

The PRESIDING OFFICER (Mr. Stevenson). Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I ask that, momentarily, we not change the unanimous-consent agreement for a vote at 2 o'clock, but that the Senate be permitted to take up an additional amendment, which is agreed to by the majority and minority at this time, consider it, and adopt it.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I send that particular amendment to the desk.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read the amendment, as follows:

On page 23, in line 5, after the word, "art", and before the comma, insert the following "and procurement of fabric and installation of same on the wall panels in the galleries of the Senate Chamber".

Mr. HOLLINGS. Mr. President, this particular amendment is necessary for the replacement of the tapestry in the galleries and the Senate walls of the Senate Chamber. It has become soiled and defaced. We have had it looked at by experts. We think it should be replaced. This is the necessary language. The distinguished ranking minority member (Mr. Cotton) agrees to the amendment.

I ask for adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the pending amendment occur at the hour of 2 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I also think I should suggest to the Senate that immediately after that amendment is disposed of, there will be a rollcall vote on final passage. I do not see enough Senators in the Chamber to get the yeas and nays at this time, but at the appropriate time I will make that request.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, March 28, 1972, he presented to the President of the United States the following enrolled bills:

S. 18. An act to amend the U.S. Information and Educational Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty; and

S. 1975. An act to change the minimum age qualification for serving as a juror in Federal courts from 21 years of age to 18 years of age.

TRANSPORTATION OF GOVERNMENT TRAFFIC BY CIVIL AIR CARRIERS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily and that the Senate turn to the consideration of Calendar No. 490, S. 1821; that it be laid before the Senate and made the pending business.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read the bill by title, as follows: A bill (S. 1821) to amend the Federal Aviation Act, as amended, with respect to the transportation of Government traffic by civil air carriers of the United States.

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE BRANCH APPROPRIATIONS, 1973

The Senate resumed the consideration of the bill (H.R. 13955) making appropriations for the legislative branch for the fiscal year ending June 30, 1973, and for other purposes.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that after the vote on the Mansfield-Scott amendment we proceed immediately to vote on the final passage of the bill and vitiate rule XII so that we can vote back to back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Is the time to be charged against the Senator from Montana?

Mr. MANSFIELD. Yes, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate now resume the transaction of routine morning business, with statements limited therein to 3 minutes, and that the period for the transaction of routine morning business close at 2 o'clock p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Later in the day this order was changed to provide for the Senate to convene at 11 a.m. tomorrow.)

TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. I ask unanimous consent that, following the recognition of the two leaders under the standing order tomorrow, there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSPORTATION OF GOVERNMENT TRAFFIC BY CIVIL AIR CARRIERS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate now proceed, until the hour of 2 o'clock p.m. today, with the consideration of S. 1821.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate continued with the consideration of the bill (S. 1821) to amend the Federal Aviation Act, as amended, with respect to the transportation of Government traffic by civil air carriers of the United States.

The PRESIDING OFFICER. Who yields time?

PRIVILEGE OF THE FLOOR

Mr. CANNON. Mr. President, I ask unanimous consent that Mr. Bob Ginther of the committee staff be permitted to remain on the floor during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CANNON. Mr. President, I yield myself 12 minutes, as I understand we have a vote at 2 o'clock.

Mr. President, the purpose of S. 1821 is to amend the Federal Aviation Act of 1958, as amended, to establish a firm legal requirement that certificated air carriers of the United States be used to the fullest extent practicable by Government agencies for international movements of persons or property by air. The requirement will apply with respect to both transportation procured or provided by the Government directly and transportation which is financed or assisted with Government funds.

The legislation is needed both to prevent unwarranted diversion of Government traffic to foreign flag air carriers and to prevent the use of Government-owned and operated aircraft for the movement of traffic which should move on civil air carriers. The most urgent need arises from the fact that the Air Force's Military Airlift Command is operating a vast international airline in competition with the civil airlines and in violation of the policy established and supported by the Congress and the President over the past decade.

NEED FOR THE BILL—GOVERNMENT TRAFFIC GENERALLY

Mr. President, many departments and agencies of the U.S. Government use air transportation for international movements of passengers and cargo. From time to time, the Congress and the Executive have indicated the desirability of using U.S. flag civil air carriers for these movements. However, there has not been a firm and comprehensive statutory requirement on the subject. While detailed data on the use of foreign flag airlines, or Government-owned aircraft, for Government-financed passengers and cargo have not been compiled on a comprehensive basis, it is apparent that in the aggregate such usage is substantial.

On October 1, 1962, the Congress passed a concurrent resolution—Senate Concurrent Resolution 53—87th Congress—expressing the sense of the Congress that when Government officers and employees traveled on official business, a preference should be given to the use of U.S. flag carriers. However, this concurrent resolution is not considered legally binding and is frequently disregarded. Some departmental regulations prescribe the use of U.S.-flag carriers. However, such regulations provide Government employees with wide latitude in the selection of U.S.-flag or foreign-air carriers.

Section 901 of the Merchant Marine Act of 1936 as amended (46 U.S.C. 1241), requires the use of American vessels for the necessary transportation by sea of Government employees, cargos and certain other Government-financed traffic. No parallel statutory requirement exists in the case of air transportation. The absence of specific legislative direction has permitted the development of practices inconsistent with other actions being taken by the U.S. Government to place primary emphasis on financing of goods and services of U.S. origin. This is particularly so in the case of the international air transportation of persons and goods under Government-approved contracts, or loans, in the use of Public Law 480 or other acquired currencies for the purchase of air transportation, and in the transportation involved in other Government financed programs, such as educational and cultural exchange programs.

Some foreign governments require the use of their national air carriers by government personnel and engage in various devices to induce others to use such national carriers.

Testimony before the committee indicates that one foreign government has ordered its national carrier to offer a 40-percent discount for travel to and from its country for all foreign nationals, including U.S. citizens, who are engaged in work on Government projects. This would apply to all AID, Peace Corps, and so forth, personnel whose expenditures, including transportation, are funded by the U.S. Government, AID has already told its personnel to utilize this program.

If all a foreign government has to do is order its national carrier to introduce a discounted fare for U.S. personnel or cargo in order to divert this traffic from U.S. carriers, it is all too likely to do so, since it knows there exist no U.S. statutory requirements for U.S. personnel to use U.S. carriers. In fact, we understand that other governments are studying this question now, particularly in view of the fact that AID has taken action to implement the program in the first instance it had the opportunity.

In addition, we heard testimony indicating that another foreign government has directed that all personnel participating in events which are financed by that government, by appropriations or other means, must use that nation's air carriers. This directive even applies to those employed with unions, organizations, or enterprises the capitol of which—original capital or capital stock—is wholly or partly owned by the national government.

In view of the restrictions imposed by foreign governments favoring their national airlines, the committee believes that it is only prudent, fair, and financially sensible for the United States to require use of U.S.-flag carriers in connection with Government-financed traffic, so that U.S. traffic will not contribute to the U.S. balance-of-payments deficit.

It should also be recognized that in a large percentage of cases, foreign air carriers are subsidized instrumentalities of foreign governments, whereas our U.S. air carriers are privately owned, nonsubsidized businesses.

When U.S. Government funds are expended for transportation on foreign flag carriers, it has the effect of strengthening foreign competition. This, in turn, imposes financial strains on and can adversely affect employment by U.S.-flag carriers. Although such expenditures may be a relatively small portion of total

Government expenditures abroad, Government leadership in efforts to improve the U.S. balance-of-payments position in the transportation account by use of U.S.-flag carriers would have an immediate beneficial effect. An amendment to the Federal Aviation Act of 1958 as amended establishing requirements in concert with the philosophy of the Merchant Marine Act of 1936 as amended for the transportation of Government sponsored direct or indirect traffic is in order. Legislative action in this area will constitute a positive step to provide guidance and leadership in solving a serious problem while supporting and promoting American business interests in international trade and transportation.

In summary, this proposed legislation is necessary because it helps support the U.S. dollar; it supports U.S. airline employment; and it supports financially troubled U.S.-flag carriers against discriminatory restrictions by foreign governments in favor of their national airlines and against unwarranted competition from aircraft owned and operated by their own government.

DEPARTMENT OF DEFENSE TRAFFIC

Over the past decade, the President and Congress have established and supported a broad policy establishing a major role for the civil air carriers in meeting the airlift requirements of our national defense both during peace and war. The cornerstone of this policy has been that the Nation's civil certificated air carriers were to carry, pursuant to contract with the Government, the great bulk of routine, channel-type Department of Defense cargo and passengers in order to permit them to maintain, in time of peace or war, a major airlift capability to be availabile to the United States in times of emergency.

A major purpose of S. 1821 is to reaffirm this policy and implement it with firm statutory requirements in the case of international air movements of traffic of the Department of Defense. In considering this bill, the committee's attention has been focused particularly on present international cargo movements of the Air Force's Military Airlift Command—MAC. However, the provisions of the bill are applicable with respect to movements of both persons and cargo by other units of the Department or the armed services, as well as the Military Airlift Command. The committee has recently received information concerning domestic air transportation operations of the Department which may, upon further study, indicate the need for legislation in the domestic field as well.

BACKGROUND

The concept that an effective military airlift system must be based upon a partnership between what was then known as the Military Air Transport Service—MATS—and the civil air carriers can be traced back to the late 1940's and early 1950's, when a series of Defense Department studies all concluded that programs and policies must be developed for the rapid mobilization of civil aircraft to augment the military airlift system in time of national crisis. Pursuant to Executive Order 10219, issued by President Truman on February 28, 1951, the Department of Defense developed the first plan for the establishment of a Civil Reserve Air Fleet—CRAF—which was issued on March 20, 1952.

It was recognized very soon thereafter that in order to have a large and modern civil fleet available for use in time of crisis, the Government would also have to use that fleet for routine traffic in peacetime. Thus, in 1954, a report entitled "Civil Air Policy," prepared for President Eisenhower by the Air Coordinating Committee, comprised of Government officials of both military and civil agencies, advanced the following recommendations, among others:

> (3) In determining the extent to which air transportation will be used in meeting military peacetime and wartime airlift requirements, the Department of Defense should continue its policy not to engage in competition with private industry, and to support the expansion of the Nation's civil airlift capability on an economically sound basis. (p. 17)
>
> (4) The Government should, to the greatest extent practicable, adjust its use of air transportation so as to use existing unutilized capacity of United States air carriers. (p. 17)
>
> (5) Federal agencies should, within . . . sound . . . supply management, expand their use of civil cargo airlift as it becomes available for routine, non-emergency use. (p. 24)

In 1955, the Hoover Commission's report on transportation recommended:

> That the peacetime operations of the integrated military air transport service be restricted and realistically limited to persons and cargo carefully evaluated as to necessary for military air transportation and, only after commercial carriers have been utilized to the maximum extent, should transportation on service carriers be authorized. (p. 59)
>
> We believe it important that the Congress direct the Department of Defense to transfer, wherever possible, military mail, cargo and passengers to United States certificated air carriers. As stated in the (air coordinating) commission's report, prompt action by the Department would result not only in a significant reduction in subsidy for international carriers, but also in the development of an economic self-sufficient civil airline system, thus providing a substantial reservoir of airlift to be available to meet mobilization emergencies. (p. 30)

These policies, however, were not really implemented in the 1950's as the MATS fleet of military aircraft expanded, the Department of Defense tended increasingly to utilize these aircraft for purposes which could appropriately be served by the civil carriers. Several congressional committees took note of this problem, and asked the Defense Department to correct the situation. For example, in 1956 the House Appropriations Committee emphasized the fact:

> That commercial air facilities, including scheduled and non-scheduled airlines, are an essential part of the overall mobilization transport strength of the United States.

And called upon the Air Force to:

> Give attention to handling its air transport business in such a way as to assist in keeping the non-scheduled and other airlines in a reasonably sound financial and operating position—(H. Rep. No. 2104, 84th Cong., 2nd Session, p. 46 (1956)).

The Senate committee fully concurred with this view, as it made clear in its report the following year:

> Last year in the conference committee on the defense appropriations bill the Senate joined with the House in stating in a letter to the Secretary of Defense that the Government should, to the greatest extent practicable, adjust its use of air transportation so as to use existing unutilized capacity of United States air carriers. This statement was based upon our position that maximum utilization by the Department of Defense of United States civil air carriers is essential both in the promotion of our free enterprise economy and in the provision of the necessary ready reserve civil airlift for national defense; and that Government operations of its own air transport facilities should be limited to that essential to military security—(S. Rep. No. 543, 85th Cong., 1st session, P. 13 (1957)).

The report went on to direct the Department of Defense to advise the committee by January 1, 1958, as to the progress made in expanding the use of the civil carriers—Id. at p. 14.

In 1958, a comprehensive investigation of the entire relationship between the civil carriers and the Department of Defense was undertaken by the Military Operations Subcommittee of the House Government Operations Committee. The committee produced a lengthy and thorough report, containing 22 specific recommendations. Among them were the following:

> ### RECOMMENDATION NO. 2
>
> The Military Air Transport Service should concentrate on outsize and special-cargo traffic and technical missions, leaving to the civil air carriers the primary responsibility for the transportation of passengers and the more conventional kinds of military cargo.
>
> ### RECOMMENDATION NO. 3
>
> The applicable military directives and regulations should be redrafted to eliminate the preferential position of the Military Air Transport Service in peacetime military airlift and to establish, consistent with other recommendations in this report, a full partnership role for civil carriers in moving peacetime military traffic through the civil reserve air fleet.
>
> ### RECOMMENDATION NO. 4
>
> In the event the applicable military directives and regulations are not redrafted to eliminate the preferential position of the Military Air Transport Service and an effective program is not developed for expanding the use of commercial air services, the Congress should adopt appropriate legislation to achieve these objectives.
>
> ### RECOMMENDATION NO. 5
>
> The civil reserve air fleet should be expanded and more closely integrated with military airlift missions. It is especially important that the Air Force encourage the civil air carriers to procure more modern cargo aircraft for the civil reserve air fleet, by allocating to these civil carriers a larger share of the cargo traffic of the military air transport service. Such action would more adequately provide the incentive necessary to overcome the dangerous risk inherent in the deficit that now exists in meeting overall wartime requirements for cargo airlift—(H.R. No. 2011, 85th Cong., 2nd Sess., pp. 5–7 (1958)).

Another detailed investigation was conducted in 1960 by the Airlift Subcommittee of the House Armed Services Committee. Its report clearly revealed the extent to which the Defense Department's underutilization of civil carriers had seriously weakened the Nation's overall airlift capability:

> In the cargo area the CRAF capability is not only grossly inadequate in terms of capacity, but it is limited and outmoded in terms of equipment. . . . There is not a single aircraft is CRAF's cargo fleet which was specifically deisgned for cargo operations. It is this gross deficiency which gives rise to an overriding requirement that new, turbine-powered cargo aircraft be procured by the civil carriers who participate in CRAF and that there be created an incentive for such participation—(H. Rep. No. 53, 86th Cong. 2nd Sess., p. 4042 (1960)).

To meet this problem, the subcommittee recommended that new procurement policies be devised which could create a greater incentive for the civil carriers to modernize and expand their cargo capacity.

In the same year, the Department of Defense issued a detailed report of its own on the entire problem, entitled "The Role of Military Air Transport Service in Peace and War." This report, for the first time, articulated a clear division between the respective roles of the military and civil in the total airlift system:

> In the context of the philosophy of maintaining within the armed forces only the resources or capability essential ot the effective implementation of military strategy, MATS ideally should perform only the "hard core mission" leaving to the commercial carriers the job of providing airlift for routine logistic supply and normal personnel movements in accordance with criteria prescribed by the Department of Defense. This is a realistic delineation between military and commercial carriers for programming purposes. However, for peacetime operations economic considerations will dictate some adjustment—(P. 9).

That report also noted that:

> Current airlift procurement policies and practices are not accomplishing the desired results in promoting a healthy growth of United States overseas commercial cargo airlift capability. With congressional approval, if necessary, they should be better adapted to reflect the long-term interest of the Department of Defense in commercial airlift capability and provide the continuity and stability required for effective and economical support of military forces—(P. 4).

A number of specific "presidentially approved courses of action" were set forth in the report designed to implement the policies and objectives noted above. These included the curtailment of MATS operations with respect to other than hard-core traffic, and the expanded utilization of commercial carriers for these purposes. To provide greater incentive for expansion of the civil cargo fleet, the report called for the elimination of competitive bidding, which had generally produced uneconomical rates for the transportation of military cargo, and the substitution of CAB ratemaking in this area. In addition, it proposed a major overhaul of the CRAF program, and the development of a formula by which a carrier's share of military traffic would be determined by such factors as the quantity and relative value of the aircraft which it has committed to CRAF, and its willingness to acquire cargo aircraft.

"The Role of MATS in Peace and War" was the product not only of Defense Department studies, but also of the work which had been done over the years by various committees of the Congress. The policies which it contained were promptly implemented, and resulted in a rapid expansion and modernization of both the military and civil segments of the airlift system.

As a result of the new policies adopted at the beginning of the decade, the cargo capacity of both the military and civil carriers was greatly expanded and modernized in the sixties. On the military side, MAC has acquired a massive fleet of C–141's now being supplemented by the C–5A's. On the civil side, new modern turbine-powered cargo and cargo-convertible aircraft have been acquired and committed to CRAF. The total civilian capacity in cargo ton-miles committed to CRAF has increased five and one-half fold since 1960.

The benefits of the policy are well described in a 1966 report of the Military Airlift Subcommittee of the House Armed Services Committee, as follows:

> This increased activity on the part of the commercial carriers in support of military requirements has benefited both the military and civil airlines. The commercial airlift relieved military aircraft to perform other missions and to be available to meet military contingencies that arose. The civil carriers benefited from this government business at a minimum rate determined to be fair and reasonable by the Civil Aeronautics Board. The revenue from this government business has served the intended purpose of helping the commercial airlines to modernize their fleet by acquiring new long-range jet aircraft which are more efficient, reliable and less costly to operate. This increased capability, especially in the long-range jet cargo equipment, becomes an important asset to our national airlift inventory, and will make a substantial contribution in the future toward meeting the military requirement for airlift in times of emergency.

Despite the enormous progress which has been made, however, there is still insufficient civil air cargo capacity to meet defense needs. As last year's report of the House Airlift Subcommittee of the Armed Services Committee noted:

> The problem of obtaining adequate commercial cargo airlift to augment our military capability in times of emergency remains. At the time of the subcommittee's hearings, no wide-bodied cargo jets had been ordered by the U.S. civil carriers and only ten wide-bodied convertible aircraft had been ordered. The convertible "jumbo jets" have been ordered by supplemental air carriers with an option to procure an additional five aircraft. The large scheduled air carriers have not ordered these large cargo/convertible aircraft apparently because of cost and the lack of a commercial requirement for this increased cargo capability. It is obvious to the committee that the procurement of the jumbo cargo/convertible aircraft will be at a slow pace unless some incentive is offered to the carriers to obtain these aircaft and contribute that increased capability and flexibility toward meeting military requirements—(H.A.S.C. No. 1–59, p. 9236 (1970)).

It is thus apparent that the underlying reasons for the policies established in "The Role of MATS in Peace and War" are still valid. Moreover, those policies which were approved by the President and implemented pursuant to his direction, have never been officially revised or repealed. Nevertheless, the actions of the Department of Defense in recent years have been in direct conflict with those policies.

RECENT DEVIATIONS FROM ESTABLISHED POLICIES

In fiscal year 1960, the total volume of military cargo which was moved by air was approximately 170,000 tons, of which only 17,500 tons or 10.5 percent was handled by the civil carriers. In the years which followed, the total volume of military cargo increased dramatically, largely as a result of the expanding war in Vietnam. The civil carriers, responding to the need, greatly expanded their cargo capacity, and the Department of Defense, in accordance with its announced policies, allocated to them an ever-increasing amount of military cargo. In percentage terms, the civil carriers' share of military cargo reached its peak in fiscal year 1962, when they carried 40.5 percent of all cargo moved by air. In terms of tonnage, the peak was reached in fiscal year 1967, when the civil carriers handled a total of 202,000 tons, which represented 33.6 percent of the total military cargo shipped that year.

Then, very suddenly, the trend was reversed. Although total military cargo shipments continued to grow in fiscal years 1968 and 1969, the amounts allocated to the civil carriers fell to 163,000 tons or 24 percent in 1968, and 148,000 tons or 20.3 percent in 1969.

In fiscal years 1970 and 1971 the total military cargo shipped began to decline due to the reduction in the level of warfare in Vietnam. The amount carried by the civil carriers, however, fell off much more dramatically. In 1970, the civils carried only 15.7 percent or 104,000 tons.

Mr. President, I ask unanimous consent that a chart showing the percentage of channel Department of Defense international cargo carried by CRAF carriers, fiscal year 1960 to 1973, be printed at this point in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

Percentage of channel DOD international cargo carried by CRAF carriers—fiscal years 1960–73

	Percent of total
1960	10.4
1961	16.5
1962	40.5
1963	37.4
1964	22.1
1965	26.0
1966	30.1
1967	33.6
1968	24.0
1969	20.3
1970	15.7
1971 (estimate)	8.9
1972 (January 1 estimate)	2.2
1972 (June 24 estimate)	9.0
1972 (July 20 estimate)	18.0
1972 (September 30 estimate)	22.0
1972 (February 15 estimate)	31.0
1973 (estimate)	27.0

Mr. CANNON. What has happened is obvious. There has been a complete reversal of policy. After inducing the civil carriers to acquire substantial cargo capacity by offering them a fair share of military cargo business, the Department of Defense has simply pulled the rug out.

In a memorandum submitted by the Air Force to me on April 7, this reversal of policy is quite clearly revealed. That memorandum states that—

> Efficiency and economy dictate the use of this (MAC) capability to satisfy logistic support requirements. (P. 1)

It further states that

> The primary role now developing for the civil air carriers is to replace the MAC aircraft on their worldwide DOD logistics support route when they are diverted to carry out a wartime deployment. (P. 2) Otherwise, the only role contemplated for the civil carriers, so far as international cargo is concerned, is "to satisfy peak international cargo demands. (P. 3)

In "The Role of MATS in Peace and War," the very first item listed under the heading "Presidentially Approved Courses of Action" reads as follows:

> 1. That MATS be equipped and operated in peacetime to meet approved military hardcore requirements in a general war and in situations short of general war, and such other military requirements as cannot be met adequately by commercial carriers on an effective and timely basis. (P. 5)

The Air Force has now turned this policy on its head. It proposed to use the civil carriers only for "such other military requirements as cannot be met adequately" by the military.

CURRENT SITUATION

Aside from being militarily shortsighted, the new Air Force policy is contrary to the whole philosophy of our free enterprise system. In effect, MAC is now running a cargo airline, at the taxpayers' expense, in direct competition with the commercial carriers. In the 1950's, the Congress repeatedly criticized MATS for engaging in precisely this kind of competition with private enterprise. The Department of Defense ultimately recognized the validity of this criticism, and specifically altered its policies in response to it. This, indeed, is what "The Role of MATS in Peace and War" was all about.

MAC's cargo operations today go far beyond the requirements of minimum training of flight crews. Until recently, MAC's cargo fleet was operating as much as 8 hours per day, and it is only because the volume of cargo has diminished that it is now proposing to reduce its operations to 4.25 hours per day. The Air Force memorandum submitted to me on April 7 makes it crystal clear that its utilization of military cargo aircraft is now being pegged to military cargo requirements, rather than training and hard-core requirements. This is squarely contrary to established policy, and constitutes direct competition with the commercial carriers.

The current Air Force policy flouts not only the long-standing policy of the President, but also the recommendations made just last year by the House Airlift Subcommittee. In its report, that committee specifically disapproved the reduction in the civil carriers' share of military cargo traffic:

> This reduction in cargo airlift allocated to the CRAF participants is no incentive for the commercial carriers to order new cargo aircraft to offset the existing deficit.
>
> The C-5A was designed to airlift vehicles and cargo outsize to the C-141, not troops or general cargo. Yet the Air Force and MAC now propose to use the C-5 in peacetime for movement of general cargo—both bulk and palletized—under the guise of maintaining flight crew proficiency.
>
> The effect of such a policy will be the elimination of a substantial commercial cargo airlift capability now available from the civil carriers, in particular the supplementals . . . (H.A.S.C. No. 91-59, pp. 9236-37.)

The Air Force seems to think it can use its own aircraft for routine cargo carriage in times of peace, and still expect the civil carriers to take over that function in times of emergency or of "peak" demand. Clearly, this makes no economic sense. The commercial carriers cannot afford idle capacity—their present financial posture makes that clear enough. If the Department of Defense does not use their cargo capability then they will be forced to put it to work elsewhere or dispose of it. Either way, it will not be available to provide immediate airlift service for the military in times of national crisis. And certainly the civil carriers will not be willing or able to expand their cargo capacity unless there is an immediate and continuing market for it.

The basic concept of the policies which were developed and applied so successfully in the early 1960's was that MAC, not the civil carriers, should retain a substantial reserve capacity for use in times of emergency. The routine cargo missions, which must be performed in peace as well as in war, were to be handled by the civil carriers, thus leaving MAC free not only to carry the "hardcore" traffic, but also the sufficient capacity in reserve to expand its hardcore operations in times of crisis. If MAC aircraft are heavily committed to routine supply missions, they will be unable to respond to an emergency without causing a substantial disruption of normal service. Moreover, unless the civil carriers are used to perform this function in times of peace, they will simply not have the capacity which would be needed in time of war.

Even from a training viewpoint, the current Air Force policy makes no sense. It seems elementary that if MAC is to carry hardcore traffic in times of crisis, it must train for that mission by performing the same functions in peacetime. This principle was recognized in a MATS document entitled "Review of the Civil Reserve Air Fleet Program" issued in 1963:

> It is imperative that any concept or system which is to be employed in warttime must be nothing more than an expansion of the system utilized in peacetime. Therefore there must be designed and tested in peacetime the operational concept and organization which must do the job in war. (P. 16)

MAC'S MISSION

MAC's wartime mission requires it to be capable of performing such combat missions as troop drops with the C-141, short field landings with the C-141 and C-5A, and other difficult and specialized military operations. The idea that MAC can achieve meaningful training for its combat role by performing routine logistical support missions in and out of major airports or military air fields in peacetime is simply unrealistic. And it is even more unrealistic to think that a large and modern civil cargo fleet can simply be available, on a standby basis, "to replace the MAC aircraft on their worldwide DOD logistics support routes when they are diverted to carry out a wartime deployment," or even "to satisfy peak international cargo demands." Anyone who thinks this is possible has not read the history of the decade of the 1950's.

THE NEED FOR CONTINUATION AND STRENGTHENING OF THE CRAF PROGRAM

Even the Air Force has acknowledged that the continuation of the Civil Reserve air fleet—CRAF—is essential to the Nation's defense system. The CRAF concept, which was originated in 1952, has been periodically modified to meet changing defense needs, and to reflect economic realities. Under the initial plan, only the entire CRAF fleet could be activated. This was changed in 1963, when the program was made more flexible so that it could respond more readily to limited as well as general emergencies. There are now three separate stages of CRAF. Stages I and II, to which aircraft are committed voluntarily by the carriers, can be activated separately—stage I by the commander of MAC and stage II by the Secretary of Defense—to meet an immediate crisis which falls short of a full national emergency. Stage III would be activated only in times of complete national mobilization.

Recent history has dramatically demonstrated the needs for civil augmentation of military airlift to meet emergency situations. In every major crisis since World War II—the Berlin blockade, the Korean conflict, the Cuban missile crisis, the Vietnam war—the civil carriers have played an important role in providing essential transportation service to the military. Although the need to activate CRAF has never arisen, this is only because the civil carriers responded to the need voluntarily. And the fact that they had the capacity to respond was, especially in recent years, largely the result of the CRAF program.

An essential part of that program is the procurement policy which was developed in the early 1960's. Under this program, each carrier's military business is related directly to its CRAF commitments, not only in terms of the number of aircraft committed, but also the size and type of aircraft involved. Before this procurement policy was initiated, the CRAF fleet was woefully inadequate. Today, as a result of the enlightened policies of the early 1960's, the CRAF passenger fleet consists of 126 long-range passenger jets and 196 cargo jets, of which 12 are fully convertible.

As the House Airlift Subcommittee observed in its recent report, however, "modernization of the CRAF is a continuous process." House Armed Services Committee Report No. 91-59, page 9236. In particular the committee noted that—

> Current firm orders for new aircraft do not indicate production of enough convertible or cargo aircraft to fulfill projected wartime requirements." (Ibid.)

And continuous expansion and modernization of the entire fleet is obviously essential if it is to be capable of meeting tomorrow's needs as well as those of today.

The recent decision of the Air Force to withdraw large amounts of national military cargo traffic from the civil carriers is certainly not calculated to preserve and strengthen CRAF. On the contrary, its inevitable effect will be to weaken the ability of the civil carriers to respond in times of crisis—particularly in the area of cargo capacity, where a shortage already exists. What we are witnessing today is a repetition of the same shortsighted policies which, in the 1950's prevented the expansion of the civil fleet.

We believe the policies set forth in "The Role of MATS in Peace and War" should be continued, subject only to such changes or modifications as are needed to carry out the underlying objectives of those policies. One needed change, which was recommended in the report of the House Airlift Subcommittee last year, is to provide an increased incentive for the acquisition of cargo-convertible jets by appropriate revisions in the procurement formula and by requiring carriers to use such aircraft to the greatest extent possible in performing military contracts. The implementation of these reforms, of course, presupposes a continuing flow of cargo business to the civil carriers.

The military-civil partnership which was fostered by the policies of the 1960's yielded enormous benefits to the Government, the air transport industry and, most importantly, the Nation as a whole. It provided an essential military airlift capacity at a cost far below what the taxpayers would have had to spend if that capacity had been provided primarily by the military services themselves. Simply by using civil carriers for the performance of needed military cargo and passenger transportation, at rates which were far below those paid by commercial passengers and shippers, the Government was able to obtain not merely efficient transportation service, but also a huge reserve fleet of aircraft which is available on a moment's notice to augment the military airlift capability in time of war. This reserve fleet, which has an estimated value of $3 billion, was created without cost to the Government, entirely through private financing.

The acquisition by the carriers of aircraft suited to the needs of the Department of Defense was no mere accident. It was the result of a carefully planned procurement policy, designed to encourage and reward such acquisition. The continued modernization and expansion of this fleet will depend upon the continuation of the same kind of policy.

The procurement policy which the Air Force has adopted in the last year or two ignores the demonstrated benefits of the military-civil partnership concept which was developed in the 1960's. It ignores also the need for the continued maintenance and modernization of the civil fleet. It represents a return to the policies of the 1950's, which failed to produce an adequate airlift capability and which were condemned by the Congress and the President.

COMMITTEE EFFORTS TO FIND SOLUTION

For the past 12 months, the Committee on Commerce has been trying to work with the Air Force and the civil carriers to find a solution to this problem without resorting to legislation. As a result of these efforts, the committee has become convinced that legislation is necessary to assure that the Air Force will adhere to the previously established policy for major use of the civil carriers for scheduled movements of channel cargo.

When S. 1821 was introduced on May 11, 1971, the available information indicated that the Air Force intended virtually to phase out the civil airlines from the carriage of international DOD cargo. For example, it appeared that the Air Force then was projecting that civil carriers would carry only about 2 percent of such cargo in fiscal 1972. At that time, no contracts had been awarded to the civil carriers for such cargo for fiscal 1972.

At the hearings on S. 1821 on June 24, 1971, the Air Force stated that the fiscal year 1972 budget submitted to the Congress for the Department of Defense included $43.2 million for commercial cargo service to support MAC. This sum represents carriage of about 9 percent of DOD's international cargo for fiscal 1972, thus being substantially larger than the original estimate projected by the Air Force. But still no specific contracts for cargo movements for fiscal year 1972 had been awarded the civil carriers.

Following the hearings in June, an executive session of the committee was scheduled for July 20, 1971, to consider S. 1821. However, on that day the committee received a letter from Assistant Secretary of the Air Force Whittaker explaining what appeared to be a revision of DOD policy on airlift procurement. Secretary Whittaker's letter indicated that based on a new evaluation of DOD requirements the civil carriers could expect their international military cargo revenues for fiscal 1972 to reach $85 million instead of the $43 million that had been mentioned in June, an increase of nearly 50 percent which would make available to the civil carriers about 18 percent of total DOD international cargo.

THE "REAL" PROGRAM

In addition, Secretary Whittaker reported that a new program being established by the Army called the routine economic airlift program—REAL—would result in even further cargo increases available to the CRAF carriers. He said that from this new program "an increase in air cargo tonnages in the magnitude of 200,000 per year is foreseeable."

After receipt of Secretary Whittaker's letter, the committee deferred action on S. 1821 pending further review and analysis of DOD's revised estimates. In particular, the committee wanted to ascertain exactly what effect the REAL program might have on total airlift procurement for fiscal 1972, hoping that this new program could lead to significant additional cargo and revenue for the CRAF carriers. However, at later hearings on September 30, 1971, when pressed for more specific information on the REAL program, the Air Force estimated that the program would generate only 10,000 tons of cargo in fiscal 1972—not 200,000 tons—and gave no assurances that this program would result in any net increase at all in the MAC business awarded the CRAF carriers. Thus, it becomes apparent that the REAL program holds little genuine hope for a solution of the immediate program.

ANALYSIS OF REVISED AIR FORCE ESTIMATES

The committee also wanted further information as to the revised estimate contained in Secretary Whittaker's letter of July 20, 1971, that the international cargo airlift procured from the civil carriers in fiscal 1972 would be $85 million—apart from the REAL program. The committee wanted to know if this revised estimate reflected a change in the Air Force policy. Accordingly, the Subcommittee on Aviation requested the Air Force and the CRAF carriers to provide further information as to the latest operations under the cargo procurement program.

Secretary Whittaker, in a letter of September 21, 1971, reported to the committee as follows:

> In regard to international cargo movements, cargo actually turned over to the military airlift command (MAC) for airlift from July through August, and now estimated for September and October, exceeds forecast levels for fiscal year 1972. To accommodate these added requirements, the *capability of the military airlift force was increased to the maximum extent practical,* within existing resources. Since the cargo being generated exceeded this adjusted military capacity, the increased requirements have resulted in additional orders for commercial air cargo services.

Thus, it appears, first, the reason for increased commercial procurement was that total cargo exceeded forecast levels; second, the Air Force first increased the capability of its own military airlift force "to the maximum extent practicable, within existing resources"; and third, the additional orders for commercial cargo services resulted only because "the cargo being generated exceeded this adjusted military capacity." The committee finds this disquieting, because the Air Force followed a policy of increasing its own capability before turning to the civil carriers, but even worse, this adjusted military capacity was not able to handle relatively moderate increased demands. This does not speak well of MAC's surge capability to meet real emergencies.

On the other side of the coin, the experience of the past few months shows how the policy the Air Force has been following reduces the available capacity of the CRAF cargo fleet as well as reducing MAC's own surge capability. Beginning in July, MAC did offer more cargo to the civil carriers. But it was offered on very short notice with no advance planning or programing. All of this was "expansion" business, with the carriers having no fixed-buy contracts. Having no earlier contracts, they had, of necessity, committed their aircraft elsewhere, and were therefore limited in the response they could make to short-notice MAC requests.

In short, the experience of the past few months has shown that the Air Force policy of committing the major part of MAC's capability to routine commercial-type operations and leaving only the overflow traffic to the civil carriers—relying on them to meet surge requirements—weakens the capability of both the military and civil cargo fleets to meet and utilize such capacity.

EXCESSIVE UTILIZATION OF MAC AIRCRAFT

The Air Force has programed 4.25 hours per day average utilization for its long-range cargo aircraft—claiming this is necessary to provide adequate training and to maintain proficiency and to maintain maximum surge capacity. In fact, this rate of utilization is far in excess of that needed for training and leaves far too little opportunity to increase utilization when surges are needed.

Using, as the Air Force does, three crews per aircraft, 4.25 hours utilization per day provides an average of 42½ flying hours per month for each crew member. The Air Force has reported to the committee that in fact the average hours flown per month by MAC airlift aircrews during August 1971 was as follows:

Aircraft commanders	47.2
Copilots	44.3
Navigators	59.2
Flight engineers	48.5
Loadmasters	45.1

The average flying hours of an airline pilot working full time ranges from 60 to 80 a month. Civil air carriers have testified that 6 to 8 hours' flying time per month is adequate to maintan a pilot's proficiency. In fact, the only Federal regulation pertaining to maintenance of proficiency for airline crews is that a pilot makes at least three takeoffs and landings every 90 days. This is in addition to his semiannual proficiency checks.

In testifying before the committee, the Air Force spelled out the Military Airlift Command's mission priorities as follows:

> The highest priority for peacetime use of MAC aircraft is internal training of the MAC force for combat readiness. The next priority is joint training and exercises with other elements of the Armed Forces. The third priority is performance of special airlift missions not suitable for incorporation in the MAC channel airlift system. Movement of DOD channel traffic on military airlift aircraft is the lowest priority peacetime mission for those aircraft. To the extent, however, that productive airlift capability is created through training activities, we believe it to be in the interest of the national defense and of the taxpayers to minimize the cost to the government by using this capability effectively to meet current transportation needs.

However, under questioning the Air Force testified that its flying hours are distributed among the training priorities in the following pattern:

	Percent
1. Internal training of the force for combat readiness (this is the highest priority)	8.4
2. Joint training and exercise with other elements of the Armed Forces	15.4
3. Performance of special airlift missions	21.1
4. Movement of DOD channel traffic on military aircraft	48.5

Thus, only 35.9 percent of the total flying hours performed by MAC crews is devoted to the three highest mission priorities. The lowest priority mission—the one the civil carriers are capable of performing—accounts for nearly half of the total flying time of the Military Airlift Command Force.

Clearly, this is indicative that the flying hours are inflated over and above those necessary to provide adequate training to meet the MAC mission and the committee is of the view that the current flying hour program could be reduced significantly without impairing the training and exercise of the MAC force.

Recent experience with the C–5A aircraft clearly indicates that the current flying hour program—that is, 4.25 hours per day per aircraft—is inflated over and above that which is strictly needed for crew training and proficiency. For example, during the last 6 months of 1971, the utilization rate of the C–5A ranged from 2.41 hours per day down to 0.79 hours per day. This significant reduction in flying is, of course, attributable to the fact that the C–5A aircraft were undergoing severe structural problems during this period, which resulted in far less than optimum daily flight hours.

Nonetheless, the aircraft were flown in training and proficiency exercises, and I doubt very seriously that the Air Force would contend that present C–5A crews are not proficient or are not in a state of readiness to meet a national emergency as a result of reduced flying time.

While I am not advocating a reduction in flying hours of the magnitude recently forced on the C–5, I clearly believe, based on my long experience as an Air Force command pilot, that an aircraft utilization rate of 2½ hours per day is certainly sufficient to provide adequate training for the three crews assigned to that aircraft.

The MAC aircraft themselves, of course, need no training. On the contrary, these extremely expensive logistic aircraft, purchased for high priority military cargo, are being needlessly utilized and worn out at too fast a pace in routine cargo operations. These expensive logistic aircraft were not procured for the purpose of flying routine cargo, post exchange goods, and foot lockers around the world.

Mr. President, an alarming example of the needless utilization and unnecessary waste associated with the excessive use of MAC aircraft is the C–5A.

According to the latest Air Force figures, C–5 aircraft is costing the taxpayers $57 million each, the most expensive production aircraft ever produced. The C–5's history of problems and trouble is well known. For example, while the Air Force specified that the aircraft was to be designed for a standard 30,000 flight hours life expectancy, recent problems and malfunctions have vastly reduced the service life which may be expected from this giant aircraft. The Air Force now estimates that the C–5A's life expectancy has been drastically reduced to between 7,500 and 12,500 hours with the possibility—and I stress possibility—that the aircraft's life may be extended to 20,000 hours. But based on the 7,500-hour estimate, at least one C–5 in the present fleet is 20 percent used up; that is, it has been flown 1,500 hours and may have only 6,000 hours remaining.

Mr. President, my colleagues may be shocked to learn that based on the current Air Force plan for C–5A utilization—that is, 4.25 flight hours per day—these gigantic airplanes may be used up after only 4.8 years of service with the Military Airlift Command. Even using the more optimistic estimate of a 12,500-hour life span, with utilization at the present planned level, the C–5 aircraft will be completely worn out in 8 years.

Mr. President, these airplanes are being needlessly worn out at a rate of an astonishing $7,600 per flight hour, or more than $31,000 a day if the Air Force succeeds in flying them the planned 4.25 hours per day.

With those facts in mind, it seems clear to me that utilization of this expensive aircraft in carrying routine channel cargo is gross mismanagement of an expensive piece of military hardware which was built and paid for to perform a completely different mission. The C–5 is being needlessly used up in an effort to effect short term illusory savings. However, this policy, if continued, will result in massive new long term expenditures for new aircraft long before the MAC fleet should have been worn out.

Mr. President, the C–141 starlifter, the backbone of the MAC force, which has been a highly successful aircraft designed to meet the needs of the military in an emergency or war time situation, is also being foolishly overutilized and therefore worn out at a rate far in excess of normal needs.

While these aircraft have a service life of 30,000 flying hours, they will nonetheless be worn out at an excessive rate if current Air Force plans prevail. Clearly, it would be more economical to keep these aircraft in reserve, utilizing them only at a sensible rate to maintain their crew proficiency and state of readiness.

As to surge capability, it is obvious that the larger the number of hours flown regularly, the smaller the number of hours remaining for expanding operations. If any proof were needed, the very limited ability of MAC to expand its operations in the past few months clearly shows that its surge capability is reduced by its excessive commitment to routine cargo operations.

COSTS OF THIS PROGRAM AND THE "40-PERCENT SET ASIDE

I wish to emphasize that this bill provides that, to the greatest extent practicable, all Government and military routine channel international cargo must be moved on the Nation's civil air carriers. However, the committee recognizes that a variety of schemes and ruses could be used to nullify the spirit of this legislation, resulting in the same pattern of unsatisfactory cooperation as we have witnessed in the past several years. For this reason, the committee decided that some minimum statutory level must be established to insure that the Department of Defense in particular continues to provide adequate routine cargo to the civil air carriers.

RATIONALE FOR SELECTION OF 40 PERCENT MINIMUM ALLOCATION IN CONNECTION WITH S. 1821—ALLOCATION OF CIVIL-ELIGIBLE CARGO TO CIVIL CARRIERS

While any percentage figure may be regarded as somewhat subjective, there are several measures of reasonableness. First, the amount of cargo generated at the 40-percent level is a reasonable match with available civil and military capacity. Second, it will still leave room for expansion in the civil fleet in the event of an emergency. Third, it will also provide a reasonable level of cargo for MAC to haul on concurrent training missions.

Many percentage figures were considered during the drafting of the legislation. Seventy-five percent was initially considered, and the bill, as originally submitted, contained a 50-percent minimum. After considerable dialog with the Department of Defense relative to their ability to transport civil-eligible freight during training missions, the 50-percent minimum was further reduced to 40 percent by the Senate committee in recognition of available Air Force capability with their C–141 and C–5 fleets.

The establishment of a percentage figure will resolve one of the principal deficiencies in our present MAC/CRAF system. As presently structured, the demands placed on the airlines can fluctuate from zero to almost any amount of cargo without advance notice or planning. This leaves the airline no ability to reasonably schedule either equipment or crews and, certainly, no basis for long range planning in terms of aircraft acquisition. This latter fact directly impacts, of course, the carrier's ability to modernize its CRAF-eligible cargo fleet. An assured 40-percent allocation would provide the airlines with a meaningful level of traffic for planning purposes and would also tend to stimulate development of advanced cargo aircraft. A lesser percentage would probably be ineffective in both of these areas.

The whole idea of CRAF is based on a partnership or sharing concept between the military and civil branches of aviation. The civil carriers of this country have been willing to commit their aircraft to national defense under the CRAF program, on the basis that their participation will entitle them to peacetime DOD business. In addition, the peacetime business enables them to maintain a state of training and readiness for emergency call-up. It has been maintained by some that utilization of the passenger capability would achieve this objective. This is unrealistic, inasmuch as the major deficiency for an emergency situation is cargo rather than the passenger capability. To be ready for massive cargo moves during an emergency, a reasonable level of cargo must be available to exercise the system during nonemergency periods. A 40-percent minimum is the least that will meet this test.

Mr. President, while the enactment of this bill, without a reduction in MAC flying hours, will result in some increase in current expenditures by the Department of Defense, more importantly the bill will, result in long-range savings a good many times greater than the current cost increase.

One of the fallacies of the Air Force position on this bill is that the Air Force takes into account only actual out of pocket costs or direct operating costs, while ignoring the enormous costs of depreciating the MAC aircraft at a rate much faster than is necessary.

Any businessman knows that depreciation of capital equipment—in this case aircraft—is as an important and meaningful a cost as direct cash outlays. Because some time in the future the worn out equipment will have to be replaced by new equipment requiring a vast new capital investment. At some point in the future the Air Force will come to the Congress asking for funds for the development and purchase of new MAC aircraft—to replace aircraft that will have been worn out needlessly early if the Air Force continues its wasteful policy of over utilization. Despite this simple law of economics the Air Force chooses to completely ignore and even obfuscate the tremendous costs relating to depreciation which are being incurred under its present policy. It is our intent not to increase the cost to the Government for moving military cargo, but to reduce it and I shall point out how this bill will achieve that end in a moment.

The Air Force has submitted estimates of the increase in current expenditures that would result from increased use of civil carriers for routine cargo movements. These estimates relate to costs involved if 40 percent of MAC's cargo traffic was moved on civil carriers.

The Air Force estimates, based on current CAB rates and current projected tonnages for fiscal year 1973, that if 40 percent of total DOD international cargo was consigned to civil carriage it would result in additional payments to the civil carriers of $41.90 million over that now programed.

Because the volume of DOD international cargo varies significantly from year to year and because unforeseen contingencies which may arise creating additional airlift needs, it is not possible for the committee to estimate the costs of the 40 percent "set aside" for periods beyond the present fiscal year.

The committee has attempted to calculate the net Government cost of the 40 percent "set aside" program in conjunction with a reduction in MAC flying hours consistent with the greater reliance on the civil air carriers, MAC utilization rates could be cut from the fiscal year 1972 rate of 4.25 hours per day to to 3.60 hours per day at a savings in direct operating costs of $22.4 million in fiscal year 1973. This savings when deducted from the increase in payments to the civil air carriers results in a net cost increase of $19.5 million for fiscal year 1973.

As explained in more detail above, the committee is convinced that present levels of utilization of MAC aircraft are far in excess of those needed for training and readiness maintenance. This means the surge capability of MAC would be increased if current utilization rates of its aircraft in routine cargo movements were reduced. It also means the C–5A and other critically important high-priority logistical aircraft are being subjected to needless mechanical wear and structural fatigue. Experience with the C–5A thus far indicates that it is very unwise indeed to use up such lifespan as it may have in carrying routine cargo.

Mr. President, the committee has calculated the tremendous savings to the Government which would accrue if the MAC flying hour program was reduced by a modest 15 percent, thus giving the civil carriers an opportunity to carry at least 40 percent of the routine cargo traffic.

A 15-percent reduction in the planned flying hour program for the C–5 aircraft would result in depreciation-cost savings of $52,425,000. Similarly, a reduction of 15 percent in the planned flying hour program for the C–141 will yield significant savings. For example, this small reduction in flying hours will yield $5,590,000 in savings each year. Mr. President, these are real savings—they will result in a greater lifespan for our military cargo aircraft and will postpone the day when Congress will have to appropriate new funds for aircraft to replace the worn out C–141's and C–5's.

Taking into account these enormous savings that may be achieved by enacting this bill, I have calculated that rather than costing the taxpayer $41.9 million additional each year, we will actually save the taxpayer $38,515,000 each year.

Mr. President, I ask unanimous consent to have printed in the RECORD a table indicating how these calculated savings will be achieved.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

REDUCED DEPRECIATION OF MAC MILITARY AIRCRAFT IF 40 PERCENT OF MAC CARGO WERE TRANSPORTED IN COMMERCIAL AIRCRAFT, FISCAL YEAR 1973

	C–141 (234)	[1] C–5A (60)
1. Cost/unit (thousands)	$6,251	$57,000
2. Service life (hours)	30,000	7,500
3. Depreciation/hours of use	$208	$7,000
4. Cargo shifted from military aircraft to commercial aircraft to reach 40 percent (million nautical ton miles) [2]	253.1	236.5
5. Reduced MAC military aircraft requirement (hours)	26,925	6,898
6. Saving in depreciation (fiscal year 1973 (thousands)	$5,590	$52,425
7. Total saving in depreciation fiscal year 1973 (thousands)		$58,015
8. Saving in industrial fund cost from reduced flying (thousands)		$22,400
9. Total saving from reduced flying (thousands)		$80,415
10. Less increased payments to civil carriers (thousands) [2]		$41,900
11. Net saving to DOD (thousands)		$38,515

[1] Assumes average of 60 C–5A's used in moving channel cargo in fiscal year 1973.

[2] Derived from Air Force data submitted to the committee.

Note.—(Assumes cargo shifted is allocated between C–141's and C–5A's in proportion to the cargo capability of the respective fleets).

Mr. CANNON. Mr. President, in addition, the cargo capable aircraft in the Civil Reserve Air Fleet provide a strategic airlift capability over 1½ times as great as the cargo capability of MAC's entire fleet of 234 active C–141's. Everyone, including the Air Force, agrees that this CRAF capability is essential for defense purposes. Everyone, including the Air Force, agrees that this capability will diminish unless the civil carriers can be assured of a substantial amount of DOD international cargo. However, the Air Force is unwilling to provide these assurances and has no other plans for replacing this essential defense capability. It is the view of our committee that the strategic airlift capability of CRAF is essential, that it must be maintained, and that the cost of maintaining it by assuring business to the civil carriers is far less than the cost of providing and maintaining equivalent capability in MAC. The long-range savings thus realized will be much larger than the increased current costs discussed above.

LEGISLATIVE BRANCH APPROPRIATIONS, 1973

The Senate continued with the consideration of the bill (H.R. 13955), making appropriations for the legislative branch for the fiscal year ending June 30, 1973, and for other purposes.

Mr. HOLLINGS. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. The hour of 2 p.m. having arrived, the question is on agreeing to the amendment of the Senator from Montana, which will be stated.

The assistant legislative clerk read as follows:

> On page 25, strike out beginning on line 2 all language through line 7 and insert the following:
>
> "Funds available under this appropriation may be used for the preparation of plans for the extension of the West Central Front: *provided* however that no funds may be used for construction of said project until specifically approved and appropriated therefor by the Congress."

The PRESIDING OFFICER. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), the Senator from Mississippi (Mr. STENNIS), the Senator from Nevada (Mr. BIBLE), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Louisiana (Mr. ELLENDER), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from Georgia (Mr. GAMBRELL), and the Senator from Washington (Mr. MAGNUSON), would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Massachusetts (Mr. BROOKE), the Senator from Hawaii (Mr. FONG), the Senator from Maryland (Mr. MATHIAS), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Massachusetts (Mr. BROOKE). If present and voting, the Senator from Texas would vote "yea" and the Senator from Massachusetts would vote "nay."

The result was announced—yeas 35, nays 40, as follows:

[No. 129 Leg.]

YEAS—35

Aiken
Baker
Beall
Bennett
Boggs
Brock
Cooper
Curtis
Dole
Dominick
Fannin
Goldwater
Gravel
Griffin
Gurney
Hansen
Hartke
Hatfield
Hruska
Javits
Mansfield
McGee
Metcalf
Moss
Pastore
Pearson
Percy
Saxbe
Schweiker
Scott
Stafford
Stevens
Taft
Talmadge
Young

NAYS—40

Allen
Allott
Anderson
Bentsen
Buckley
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cotton
Cranston
Eagleton
Eastland
Ervin
Fulbright
Hollings
Hughes
Inouye
Jordan, Idaho
Kennedy
Miller
Mondale
Montoya
Nelson
Packwood
Pell
Proxmire
Randolph
Ribicoff
Roth
Smith
Spong
Stevenson
Symington
Thurmond
Tunney
Williams

NOT VOTING—25

Bayh
Bellmon
Bible
Brooke
Byrd,
Harry F., Jr.
Ellender
Fong
Gambrell
Harris
Hart
Humphrey
Jackson
Jordan, N.C.
Long
Magnuson
Mathias
McClellan
McGovern
McIntyre
Mundt
Muskie
Sparkman
Stennis
Tower
Weicker

So Mr. MANSFIELD's amendment was rejected.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. COTTON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I wish to yield to the Senator from Maine who, I believe, has a point to clarify in the bill.

Mrs. SMITH. Will the distinguished chairman of the Appropriations Subcommittee advise the Senator from Maine if anywhere in the bill there is a complete amount set aside for food, food facilities, and personnel having to do with food in the restaurant?

Mr. HOLLINGS. Yes. There is an amount of $497,000, which is contained in the provision on page 6 of the bill and on page 7 of the committee report. That is to use so much of the $497,000 as may be needed—not to exceed $497,000, but to be expended from time to time under the jurisdiction of the Committee on Rules and Administration. For example, at the present time, of the sum of $497,000 for this fiscal year, about $205,000 has been expended so far.

Mrs. SMITH. Will the Senator advise if that includes restaurant personnel and labor?

Mr. HOLLINGS. I am advised by the committee staff that there are certain members of the management people under the Senate Office Building appropriation that are included as personnel, and that includes those.

Mrs. SMITH. That is identified as "labor"?

Mr. HOLLINGS. Yes.

Mrs. SMITH. I thank the chairman very much.

The PRESIDING OFFICER (Mr. BROCK). The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 13955) was read the third time.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to vote on passage of the bill. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. BIBLE), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Georgia (Mr. GAMBRELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Massachusetts (Mr. BROOKE), the Senator from Hawaii (Mr. FONG), the Senator from Maryland (Mr. MATHIAS), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Hawaii (Mr. FONG), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 76, nays 0, as follows:

[No. 130 Leg.]

YEAS—76

Aiken
Allen
Allott
Anderson
Baker
Beall
Bennett
Bentsen
Boggs
Brock
Buckley
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fulbright
Goldwater
Gravel
Griffin
Gurney
Hansen
Hartke
Hatfield
Hollings
Hruska
Hughes
Javits
Jordan, Idaho
Kennedy
Long
Mansfield
McGee
Metcalf
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tunney
Williams
Young

NAYS—0

NOT VOTING—24

Bayh
Bellmon
Bible
Brooke
Byrd,
Harry F., Jr.
Fong
Gambrell
Harris
Hart
Humphrey
Inouye
Jackson
Jordan, N.C.
Magnuson
Mathias
McClellan
McGovern
McIntyre
Mundt
Muskie
Sparkman
Stennis
Tower
Weicker

So the bill (H.R. 13955) was passed.

Mr. HOLLINGS. Mr. President, I move that the Senate insist on its amendments, request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. HOLLINGS, Mr. ELLENDER, Mr. INOUYE, Mr. COTTON, Mr. BROOKE, and Mr. YOUNG conferees on the part of the Senate.

TRANSPORTATION OF GOVERNMENT TRAFFIC BY CIVIL AIR CARRIERS

The Senate continued with the consideration of the bill (S. 1821) to amend the Federal Aviation Act, as amended, with respect to the transportation of Government traffic by civil air carriers of the United States.

Mr. CANNON obtained the floor.

Mr. SYMINGTON. Mr. President, will the Senator from Nevada yield?

Mr. CANNON. I am delighted to yield to the Senator from Missouri.

Mr. SYMINGTON. Before making my remarks I should like to ask the Senator a question or two. As I understand it, from what the Senator says—and there is no more knowledgeable Senator on the subject of air power than the distinguished Senator from Nevada (Mr. CANNON)—this will save many millions of dollars for the taxpayers if we follow his recommendations; is that not correct?

Mr. CANNON. The Senator is exactly correct. If we take into consideration the lifespan of the 141's and the C–5's, which is very short with respect to the C–5 with all the problems we have been having there, and if we take that into consideration, we know very well we will have to replace them or have to do something to them to extend their lifespan.

The net savings to the Department of Defense, based on the recommendations we have made here, to have a modest reduction in flying hours and thus extend the life expectancy of the aircraft itself, would be $38,515,000 per year.

Mr. SYMINGTON. Will the distinguished Senator yield further?

Mr. CANNON. I am delighted to yield.

Mr. SYMINGTON. It is my understanding that, with the exception of a few countries, and the only ones I know of are Greece and Iceland, all the airlines are Government-owned. In the United States, however, a percentage of any profits made by our airlines—automatically around 48 percent of such profits—is returned to the Government to help to pay the cost of Government.

If the unfortunate profit record of the airlines in recent years continues, we will either have to take them over or go to something such as the previous Lockheed loan. Am I not correct in that?

Mr. CANNON. The Senator is correct. If we are going to maintain a healthy and viable United States, we are going to have to do something to help them.

The distinguished Senator from Mississippi (Mr. STENNIS) made a statement on the floor the other day, unfortunately an erroneous statement and I want to correct him on it—I am sorry he could not be in the Chamber now—but he said in his statement, in effect, that this bill would further subsidize the aircraft carriers.

Well now, Mr. President, nothing could be further from the truth. The trunk air carriers are not subsidized and do not receive one nickel of subsidy, nor do the supplemental carriers under any of the Government business that they get from the Government. The trunk carriers have long been off the subsidy. The only carriers that get any subsidies are the local carriers, and they are not involved in this big problem.

Mr. SYMINGTON. Mr. President, will the Senator yield further?

Mr. CANNON. I am delighted to yield.

Mr. SYMINGTON. It will mean forcing our own airlines in the private sector to compete for U.S. Government business against those airlines operated by governments supported by foreign aid contributions of the American taxpayer; is that not correct?

Mr. CANNON. The Senator is correct. As I said in my remarks here, most of the foreign carriers who are basically owned by their own governments require even our people—and some of the programs are working in those countries—to use or subsidize their own carriers.

Mr. SYMINGTON. I thank the Senator from Nevada very much.

Mr. President, I ask the distinguished manager of the bill, may I proceed for 10 minutes?

Mr. CANNON. Mr. President, I yield 10 minutes to the Senator from Missouri.

The PRESIDING OFFICER (Mr. BROCK). The Senator from Missouri is recognized for 10 minutes.

MAINTENANCE OF THE CIVIL RESERVE AIR FLEET

Mr. SYMINGTON. Mr. President, let me congratulate Senator CANNON and members of the Senate Commerce Committee for bringing forward this legislation relative to the transportation of Government traffic by civil air carriers. I am glad he has pointed out in his talk today on the floor, that this will save the taxpayers around $38 million a year.

In my understanding S. 1821 has as its general objective the firming up of long-standing policies for use of U.S.-flag carriers by the Government when it has need to transport personnel and property by air. More specifically, with regard to movements of military cargo, it is required that at least 40 percent of the annual gross tonnage of all property moved internationally by the Department of Defense be transported by those U.S. carriers who are participants in the Civil Reserve Air Fleet—CRAF—program.

These air carriers are committed to provide aircraft for use of the Department of Defense in the event of a national emergency declared by the Congress or the President; and in crises which fall short of a full national emergency, they may be activated by the commander of the Military Air Command and by the Secretary of Defense. Their obligation includes the commitment of specified aircraft to the reserve fleet and the purchasing of special aircraft for cargo use.

In return, under policies supported for more than a decade by the Congress and the President, these carriers were to handle in peacetime routine defense cargo and passengers.

The Defense Department acknowledges that the continuation of the Civil Reserve Fleet is essential to the Nation's defense system, but the Commerce Committee has found that the Department's recurrent resistance to a cornerstone of these policies makes it necessary to write into the law a firm 40-percent international cargo set-aside for CRAF carriers.

The Air Force, in recent years, has diverted routine international military cargo from the commercial carriers to move it, instead, on the Military Air Command system. More and more it has come to appear that the military is running, in effect, a cargo airline, this in a sense in direct competition with the commercial carriers, a highly questionable procedure in a country built on the concept of private enterprise. According to an article appearing in the September 1970 Armed Forces Journal entitled "MAC's Private Airline?" in 1969 MAC carried 2.6 million ton-miles of cargo in its own fleet—more than half of all freight carried by all 44 scheduled and supplemental carriers on both domestic and international routes.

In its report on S. 1821, the Commerce Committee states that there has been a complete reversal of policy and that "after inducing the civil carriers to acquire substantial cargo capacity by offering them a fair share of military cargo business, the Department of Defense has simply pulled the rug out." I read from the report:

> In a memorandum submitted by the Air Force to Chairman Cannon on April 7, this reversal of policy is quite clearly revealed. That memorandum states that "Efficiency and economy dictate the use of this (MAC) capability to satisfy logistic support require-

ments." (p. 1.) It further states that "the primary role now developing for the civil air carriers is to replace the MAC aircraft on their world wide DOD logistics support route when they are diverted to carry out a wartime deployment." (p. 2) Otherwise, the only role contemplated for the civil carriers, so far as international cargo is concerned, is "to satisfy peak international cargo demands." (p. 3.)

In "The Role of MATS in Peace and War," the very first item listed under the heading "Presidentially Approved Courses of Action" reads as follows:

> 1. That MATS be equipped and operated in peacetime to meet approved military hardcore requirements in a general war and in situations short of general war, and such other military requirements as cannot be met adeqately by commercial carriers on an effective and timely basis. (p. 5.)

The Air Force has now turned this policy on its head. It proposed to use the *civil carriers* only for "such other military requirements as cannot be met adequately" by *the military*.

There are at least three reasons why commercial carriers should transport routine military traffic in peacetime: First, emergency use of CRAF committed carriers for routine military traffic frees the military transports for the highly specialized logistics missions for which they are designed. Second, it enables the commercial carriers to become proficient in peacetime in a job they will be called upon to perform in times of national emergency. Three, movement of routine peacetime military traffic via commercial carriers provides an economic incentive to these carriers to invest in the type of aircraft most needed in CRAF.

I thought this concept with respect to the use of CRAF committed carriers for the movement of routine military traffic was clearly settled and agreed upon more than a decade ago. I remember that back in 1959, during hearings on military airlift and related matters, I joined former Senator MONRONEY in writing the following suggestions to the Secretary of Defense.

We suggested that the essential function of the Military Air Transport Service, MATS—it has since become the Military Airlift Command, MAC—should be to provide the strategic airlift required in a military emergency on an immediate readiness basis; that to insure availability of MATS aircraft in an emergency, routine logistic operations should be the responsibility of the commercial carriers; and that the MATS peacetime function should be limited to providing that portion of military air logistics which cannot be provided by commercial carriers because of the nature, size, or destination of the cargo.

The reply from the Assistant Secretary of Defense for Supply and Logistics said in substance:

First. That the Department of Defense should depend upon the commercial carriers for the routine transportation of people and things and on MATS for strategic airlift for a military emergency.

Second. That passengers could be handled on this basis immediately; and

Third. That movement of cargo would be shifted to the commercial carriers as rapidly as their capacity permitted.

After trying for many months to work with the Air Force and the civil carriers to find a solution without resorting to legislation the Committee on Commerce has become convinced that it is now necessary to enact S. 1821 in order to assure that the Air Force will adhere to established policies for major use of the civil air carriers for scheduled movements of military cargo in international traffic.

It is almost impossible to determine whether or in what amount this legislation might involve additional costs to the taxpayer. Such a determination rests on answers to several questions.

Is the amount of MAC flying schedules outside the continental United States essential for training purposes? The Assistant Secretary of Air, Philip N. Whittaker, answers that question in the affirmative and states that this is necessary in order that all MAC aircrews may be familiar with the many different parts of the world to which they might be required to operate immediately in a contingency. Defense Department thus looks upon military cargo carriage as a byproduct of their training requirements.

In contrast, the Commerce Committee found that MAC's cargo operations today go far beyond the requirements of minimum training of flight crews and also found that the programed 4.25 hours per day average utilization for its long-range cargo airlift is far in excess of that needed for training and leaves too little opportunity to increase utilization when surges are needed. In fact, the committee found that only 35.9 percent of MAC's total flying hours are devoted to its three highest mission priorities while the lowest priority mission—the movement of DOD channel traffic on military aircraft—accounted for nearly half of MAC's total flying time. The committee concluded that the current flying hour program could be reduced significantly without impairing the training and exercise of the MAC force.

Using an estimated $527.7 million as representing organic costs for DOD to maintain its strategic airlift for fiscal 1972, the Air Force further estimates that a 40-percent setaside would result in total payments to civil carriers of $132 million as against $85 million that had been programed for civil air augmentation. The Air Force estimate of the increased cost of the 40-percent setaside is thus reasoned to be $47 million and this would not take into account any savings that might be effected through reduction of MAC flying hours. The committee however, estimates that if, as they believe possible, MAC utilization rates were reduced from 4.25 hours to 3.6 hours per day, there would be a MAC savings of $30.9 million in fiscal 1972. When that is deducted from the increased payments to CRAF carriers, the net cost increase of the 40-percent setaside amounts to $16.1 million; further reduced to $9.1 million when an additional $7 million in taxes returned to the Government is calculated.

On a 1-year basis then, the Defense estimate amounts to an increased cost of $47 million in contrast to the committee suggested estimate of $9.1 million. But it must be borne in mind that the original cost estimates on which those figures are based, the $527.7 million for moving MAC cargo in fiscal 1972, does not include any allowance for the original costs of the aircraft for the Reserve or MAC fleet.

So what about long-range costs to the taxpayers? Opponents of the legislation may urge that MAC's fleet of 234 C–141's and growing fleet of C–5A's being more than adequate to satisfy all peacetime military cargo airlift requirements, full use should be made of this fleet and savings will accrue to taxpayers. This contention however fails to recognize that if the Civil Reserve Air Fleet does not obtain military cargo business, these carriers cannot afford to maintain their cargo capacity which the Defense Department recognizes as essential for defense purposes. With a reduction in CRAF capacity, would we not then be asked to furnish additional DOD funds for the replacement of these aircraft? The carriers estimate net capital costs of replacement of their airlift capability at $2.6 billion, with a further cost of $4.1 million for operating and maintaining such equipment by MAC over a 10-year period—the latter figure includes additional military pay and allowances. MAC replacement and operating costs for the 10-year period would amount to $6.8 billion as against only $1.4 billion estimated cost to continue CRAF with a 40 percent set aside.

The Commerce Committee has found that long-range savings to the taxpayers should be far in excess of any increased current costs. In light of the above figures, such a conclusion is reasonable for the funds required to replace the capacity of CRAF would be heavy indeed.

Since this legislation will serve to assure orderly and consistent adherence to policies that provide for the maintenance of the Civil Reserve Air Fleet, I support the bill and urge its passage.

Mr. CANNON. Mr. President, I thank my distinguished colleague for his remarks, particularly the complimentary remarks he made about me.

I understand the Senator from California has a question he wished to ask and I yield now to the Senator from California.

Mr. CRANSTON. I thank the Senator for giving me this opportunity. I join the Senator from Missouri in praising the very effective work the Senator from Nevada has done on this measure.

Mr. President, I understand the bill applies mainly to international shipments of standard military-related aircargo, but I would like to know whether or not the bill is intended to exclude the services of an outsized cargo air carrier such as Aero Space Lines of Santa Barbara.

Mr. CANNON. The bill pertains only to the international shipment of Government and DOD cargo and the 40-percent requirement pertains only to international shipments. However, the committee is equally concerned that the Department of Defense, to the maximum extent practicable. utilize the civil air carriers for the domestic transportation of Government and DOD goods.

We hope the Department of Defense

will continue to rely on carriers such as Aerospace Lines to meet its routine transportation needs not only internationally but also domestically.

Mr. CRANSTON. I thank the Senator. His answer deals with the problem I was concerned about.

Mr. STENNIS. Mr. President, I want to emphasize a defect in this bill, S. 1821, which I mentioned last Friday. This is the planned underutilization of our very expensive military cargo fleet.

The military air command operates craft to meet its cargo carrying requiremainly with C-141 and C-5A cargo aircraft to meet its cargo carrying requirements. The Government has invested some $6.8 billion for this capability. This is a significant sum of money to me and I believe to every American taxpayer.

Here are the facts: First, we are now using our military air cargo fleet at only 60 percent of capacity—as the Air Force reckons it, and this in itself is a serious matter. Second, if this bill passes, the rate of use goes down to 48 percent. Third, looking down the road to completion of the C-5A aircraft deliveries next year, the rate of use drops to 39 percent if this bill becomes law. Fourth, the utilization rate would further drop with this law to as low as 20 percent if all the C-5A and C-141 aircraft are available and the Air Force were to use the aircraft 8 hours a day, similar to that which airlines use their aircraft.

I submit, Mr. President, that approval of this bill would result in gross mismanagement of a very large investment which we have made on behalf of the American taxpayer.

At present there are 54 C-5A aircraft and 277 C-141 aircraft in the military inventory. The last C-5A is in the production line right now and will be added to the fleet next year. Completion of that program will greatly increase our cargo capability at the time when this bill would reduce our cargo requirement. This does not make sense to me—especially when I look at the money that Congress has spent to increase this capability. The fiscal year 1973 budget contains a request of over $200 million to complete the C-5A program.

The cargo workload requirements projected for fiscal year 1973 when compared to the current capability show a utilization rate of only 60 percent as the situation now stands—that is without this bill. If S. 1821 is enacted, the utilization rate immediately drops to 48 percent because the cargo will have to be shifted to commercial carriers.

In other words, our investment of $6.8 billion will be used at only 48 percent of capacity while we are asked to appropriate $41 million more dollars to transfer this cargo to commercial airlines. It does not even make good business sense to operate this way, and the facts make the true picture even worse.

When the full complement of C-5A aircraft are in the inventory next year, and if this S. 1821 is enacted, the utilization factor will drop even further to only 39 percent. I do not mean to get all wrapped up in these figures and percentages, but I do want to reemphasize my point. Many people will easily understand that when an investment of $6.8 billion is being used at 39 percent of its capability, we are not doing a very good job in managing the taxpayer's dollar.

That is not all. Mr. President, in computing the 39 percent utilization factor, I have assumed that aircraft would only be used an average of 3.87 hours per day. That is the Air Force projection. However, normal commercial cargo aircraft are flown an average of at least 8 hours per day. If the Pentagon decided to fly its cargo aircraft, when all C-5A's are delivered, the same as commercial airlines, the utilization factor would be reduced to only 20 percent if this bill becomes law.

The point is that the utilization of these military cargo planes is low already. Should this be compounded by transferring the cargo to commercial airlines at additional cost to the taxpayer? I think not.

Congress has invested about $6.8 billion in air cargo capability which must be on hand for emergency. Meanwhile, we are using it at only 60 percent of capability—even without the pending bill's ill effects.

To protect the defense dollar and the hard-pressed taxpayer who must provide it, I urge the Senate to reject S. 1821.

Mr. COTTON. Mr. President, I wish to associate myself with remarks of the distinguished chairman of our Aviation Subcommittee of the Committee on Commerce, the Senator from Nevada (Mr. CANNON), in supporting and urging passage of the bill S. 1821.

As previously noted, the purpose of the bill S. 1821 is to so amend the Federal Aviation Act of 1958 as to establish a statutory requirement with respect to the utilization of certificated air carriers of the United States in the transportation of persons or property generated by the United States. This is by no means a novel concept. For example, with respect to American merchant vessels, it is a concept which has been with us for more than 65 years with the enactment of a statute in 1904 (10 U.S.C. 2631), providing preferences to American-flag vessels in the ocean transportation of Army and Navy ". . . coal, provisions, fodder, or supplies, . . ." And, this same principle with respect to marine transportation has been extended further to be applicable to Federal officer and employee travel and to the transportation of personnel effects and automobiles.

Mr. President, what is involved here is the age-old issue of balancing the equities of promoting viable transportation facilities to meet our national needs both in peacetime and in periods giving rise to national security requirements. It is the conflict between effective utilization of the capacity of private enterprise versus that of the Government's. With respect to aviation, an attempt was made to meet this issue through the establishment of a Civil Reserve Air Fleet—CRAF—established pursuant to an Executive order of February 1951 issued by President Truman. With respect to marine transportation, it was the so-called Wilson-Weeks agreement executed in August 1954 between then Secretary of Defense C. E. Wilson and then Secretary of Commerce Sinclair Weeks. Neither of these has served to abate the built-in conflict between the utilization of Department of Defense air and sea lift capability vis-a-vis the commercial sector.

Insofar as concerns airlift capability, the problem has become particularly acute. Under the leadership of President Nixon, the requirements of the conflict in Southeast Asia have diminished substantially creating a surplus of airlift capability in the commercial sector. At the same time, the military has been expanding rapidly its own airlift capability through the development and production of C-5A aircraft. This ever-growing military airlift capability has only served to aggravate the existing problem which the Department of Defense has failed to meet effectively through administrative action, although provided an opportunity to do so by the distinguished chairman of our Aviation Subcommittee (Mr. CANNON).

Mr. President, I am aware of the argument on the other side of the coin with respect to those who would oppose the bill S. 1821. It is the thinking of some that since the Congress has funded the development of this military airlift capability, to now require by statute that a specified amount of Government-generated traffic be transported on U.S. commercial air carriers would be both inconsistent and would serve to unduly burden the American taxpayer. I—and I am sure my colleagues on the Committee on Commerce—share this concern. But, I question whether the opponents of this measure have carefully examined all of its ramifications. For example, with respect to the matter of cost, the Commerce Committee report estimates a net cost increase in the first fiscal year of the bill's application on the magnitude of $16 million which does not appear to me to be too great a price to pay for the maintenance of a viable U.S. air carrier industry.

Perhaps even more telling in this regard is the declaration of national policy which the Congress itself has approved in the Federal Aviation Act of 1958, as amended. In section 102 of that act there is imposed upon the Civil Aeronautics Board the following obligation:

> (a) *The encouragement and development of an air-transportation system properly adapted to the present and future needs of the foreign and domestic commerce of the United States*, of the Postal Service, and *of the national defense*; (Emphasis Supplied)

Similarly, in section 103 the same act mandates that the Secretary of Transportation shall consider, among other things, as being in the public interest the following:

> (a) *The regulation of air commerce in such manner as to best promote its development and safety and fulfill the requirements of national defense*; (Emphasis Supplied)

In conclusion, Mr. President, while I share the fiscal concerns of the opponents of S. 1821, I firmly believe that we must be ever mindful of the above-quoted policy declaration which the Congress itself has enunciated. S. 1821 is, in my opinion, in keeping with this declaration of policy and I, therefore, respectively urge the favorable consideration of the bill S. 1821.

Mr. CANNON. I thank the distinguished Senator.

Mr. President, I reserve the remainder of my time.

Mr. ELLENDER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ELLENDER. Is the bill open to amendment at the present time?

The PRESIDING OFFICER. The committee amendments must be acted upon first.

Mr. ELLENDER. Mr. President, I send to the desk an amendment to which there is no objection on the part of the manager of the bill. During the consideration of the defense bill on November 23d last year, the distinguished Senator from Nevada agreed that when the bill came up for consideration he would accept an amendment that would provide that the mandatory 40-percent set-aside provision would not be effective during the fiscal year ending June 30, 1972.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. CANNON. The Senator is absolutely correct. I did agree at that time and I am willing to accept such an amendment to provide that the effective date of the bill would be July 1, 1972, to make it effective for fiscal year 1973.

If it is necessary, I ask unanimous consent that that amendment be considered in order at this time.

The PRESIDING OFFICER. Is there objection?

Mr. ELLENDER. Mr. President, I send the amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will read.

The legislative clerk read the amendment, as follows:

On page 4, line 8, after "rates" insert the following:

Provided, That this paragraph shall not be effective during the fiscal year ending June 30, 1972

The PRESIDING OFFICER. Who yields time?

Mr. ELLENDER. Mr. President, as I just indicated, the purpose of this amendment is simply not to have the mandatory 40-percent set-aside effective until after the present fiscal year 1972, which ends on June 30.

Mr. CANNON. Mr. President, as I said, I am willing to accept the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. CANNON. I am willing to yield back my time on the amendment.

Mr. ELLENDER. I yield back my time, Mr. President.

The PRESIDING OFFICER. All time having been yielded back, the question occurs on the amendment of the Senator from Louisiana.

The amendment was agreed to.

Mr. CANNON. Mr. President, in order to be in a proper situation legislatively, I ask unanimous consent at this time that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment will be considered and agreed to en bloc.

Does the Senator wish that the bill as amended be considered as original text for the purpose of the amendment?

Mr. CANNON. Yes, Mr. President. I ask unanimous consent that the bill as thus amended be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, I intended to offer another amendment to delete the mandatory 40-percent set-aside provision from the bill, but after reading the bill, I decided that the primary purpose of the bill is the 40-percent set-aside feature and a vote against this provision is the same as a vote against passage of the bill. The bill, aside from the 40-percent set-aside provision is a declaration of policy.

If the bill before us is adopted as written, it will increase Department of Defense cost during fiscal year 1973, $42 million. If the bill had been applicable to the current fiscal year, according to a letter I have from Mr. Packard, who was then Deputy Secretary of Defense, the total cost to the Government would have been about $120 million.

That is the reason why I obtained an agreement with the distinguished Senator from Nevada not to have the 40-percent set-aside effective during the current fiscal year.

As chairman of the Committee on Appropriations and chairman of the Department of Defense Subcommittee, I now want to express my opposition to the passage of Senate bill No. 1821.

I want to call the Senate's attention to paragraph (b) (2) of the bill which begins on line 24 of page 3 and ends on line 8 of page 4. This paragraph reads as follows:

(2) As a minimum, at least 40 per centum of the annual gross tonnage (measured in ton-miles) of all property moved by the Department of Defense by air between such places (except property that must move in military aircraft because of special military considerations which by their nature preclude the use of civil aircraft, or because of security, or because of limiting physical characteristics such as size or dangerous properties) shall be transported by air carriers participating in such program and holding such certificates to extent such carriers are available at such rates.

That, of course, is the provision of the bill which the Defense Department objects to.

This provision makes it mandatory that at least 40 percent of all Department of Defense requirements for international air cargo services shall be given to civil reserve air fleet air carriers, exclusive of cargo which is outsize or dangerous. This mandatory provision does not take into consideration the Department's total requirement for these services nor the capability of the Military Airlift Command's flight training program to meet this requirement

Mr. President, I wish to point out that in the early 1960's the Congress made a decision to equip the Military Airlift Command with modern jet transport aircraft. This decision led to the production of the C–141 and C–5A aircraft.

Mr. President, I have the responsibility to manage the Department of Defense appropriation bills recommended by the Committee on Appropriations, and when I have these bills on the floor, I am plagued with the question: Why did the committee not recommend further reductions? On this point, I have made my position clear on many occasions. I want to make as large a reduction in the pending Department of Defense budget as can be made without endangering the security of our country. However, the passage of this bill would mean that we would have to provide an additional $42 million for the Department of Defense for fiscal year 1973. I intend to discuss this point in detail later.

On July 8, 1971, former Deputy Secretary of Defense David Packard in a letter to the distinguished chairman of the Committee on Commerce (Mr. MAGNUSON) expressed the opposition of the Department of Defense to legislation of this nature. Secretary Packard stated:

Although we certainly support a healthy and viable air transport industry, and hope that it will develop more commercial cargo business as a peacetime alternative to our contingency needs, we do not believe the defense budget should be used as a medium to support the industry in peacetime at the expense of defense programs and military force readiness. Under the circumstances, we strongly oppose enactment of S. 1821 in its current form and recommend that other avenues be sought to assist the airlines in their currently depressed economic state.

I ask unanimous consent that the text of Secretary Packard's letter to the Senator from Washington be printed in the RECORD at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, D.C., July 8, 1971.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce, U.S. Senate.

DEAR MR. CHAIRMAN: As you are aware, the Aviation Subcommittee of the Senate Committee on Commerce completed its hearings last week on S. 1821 which we understand would set aside 50% of the defense cargo moving over Military Airlift Command channels for carriage by the participants in the Civil Reserve Air Fleet program.

In our view this proposal is inconsistent with maintaining the full combat readiness of our airlift forces. Of importance also is the fact that enactment of this proposal will increase the cost of the defense programs before the Congress by at least $120 million for fiscal year 1972, although the net economic benefit to the airlines would be considerably less than this amount.

The size of our active military airlift force is determined so that it, together with the full capacity of our Reserve and National Guard airlift forces, and the capacity of those suitable U.S. civil aircraft which the Department of Transportation will allocate to the Civil Reserve Air Fleet, can meet peak contingency airlift needs. These contingency needs far exceed the Department of Defense peacetime airlift needs.

In the late 1950s, Congressional interest in modernizing our military airlift forces and making full use of available civil airlift led to a Presidentially directed study in 1960 on "The Role of Military Air Transport Service in Peace and War" which has guided our relationships with the airlines for the past ten years. In keeping with the conclusions of this study, Congress guided the Military

Airlift Command modernization into cargo and troop carrier aircraft and urged the Department of Defense to turn the bulk of its passenger transportation business over to the commercial carriers who had adequate capacity for that purpose. The practice has been for commercial carriers to meet passenger requirements and peak cargo requirements in peacetime, with wartime commitments to move both passenger and cargo traffic. The airlines have been told repeatedly that the military would not provide peacetime scheduled passenger travel but would, as a product of wartime readiness training, move defense cargo.

As the Vietnam situation developed, we experienced a progressive demand for airlift of cargo which exceeded the capability of the available airlift force, even with the new C-141 aircraft operating 8 hours a day. The airlines participated extensively in this contingency airlift requirement; however, at the same time they were cautioned repeatedly of the decline in military cargo business which would be experienced as the activity in Southeast Asia came to an end. The carriers have also been told specifically ever since 1963 that they should not buy more aircraft based upon anticipated defense business, but only if the growth of their commercial business justified such procurements.

As defense requirements for cargo airlift have reduced, the Air Force has reduced the active Military Airlift Command's daily flying hour rate per aircraft from 8 to 4.25 hours. The total amount of flying currently scheduled for Military Airlift Command aircraft outside the continental United States is considered necessary for training replacement aircrews, for training with Army and Marine forces, and to assure that all the Military Airlift Command crews may be familiar with operating procedures for the many different parts of the world in which they might be required to operate immediately in a contingency. It is during this system readiness training that the Department of Defense makes economic use of the available military airlift by transporting defense cargo throughout the world.

Although current projections of Department of Defense air cargo movement requirements indicate that only limited amounts of cargo service will be needed from the civil carriers, the Department's total business with the civil air carriers procured through Military Airlift Command remains substantial. During the peak year of 1938, about $740 million was paid to the airlines under MAC contracts and for mail service paid for by MAC. The corresponding figure for Fiscal Year 1972 is estimated at $440 million, the majority of which is for the movement of Department of Defense passengers. The difference between these two sums is accounted for largely by the reduction in Southeast Asia cargo airlift needs.

In our view, the proposed legislation is an outgrowth of the generally depressed air carrier industry and the progressive reduction in defense cargo movements as the United States phases out of SEA.

If the proposed legislation were enacted into law, the Fiscal Year 1972 DOD budget would be insufficient, by at least $120 million, to comply with its provisions. As indicated above, the net economic benefit to the airlines would be considerably less than this amount. The airlines would incur substantial operating costs in performing the additional business. Thus, the improvement in the industry's profit and loss position by reason of the additional DOD business would be much less than the $120 million added cost to the Government. A comparable improvement in the industry's financial position could be achieved at a much lower cost to the Government by a direct subsidy or a temporary rebate of taxes or of airline payments to the Government for services.

The implications of the proposed legislation upon the war readiness posture of our military forces would become progressively more severe if military air cargo movement requirements continue to decline in the next few years. The only alternatives to increased expenditures for readiness training would be a reduced ability to respond immediately and effectively to demanding contingency airlift requirements, or a diversion of funds from other important defense programs. Neither alternative can be justified by the Department of Defense.

The 4.25 flying hour per day utilization rate programmed for the training of our Military Airlift Command aircrews amounts to 42.5 flying hours per month per crew. A typical airline crew flies nearly twice this much. In this amount of time the Military Airlift Command crews must not only maintain their training to perform missions comparable to airline missions on a worldwide basis, but must also maintain their training for a variety of special military missions such as airdrops, operations at semi-prepared runways, and operations at airfields without normal ground handling equipment. Additionally, the 29% per year turnover in crew personnel experienced by the Military Airlift Command is unknown in any established airline.

In addition to the foregoing considerations, we believe the legislation would negate our continuing efforts to encourage the transition of the Services' surface based logistics systems to a greater reliance on air transportation with lower stock levels. This unfortunate result would occur because enactment of this legislation would force a substantial increase in the rates charged to the Services for air cargo transportation, and any increase in the use of airlift is directly dependent on the cost of that service.

Although we certainly support a healthy and viable air transport industry, and hope that it will develop more commercial cargo business as a peacetime alternative to our contingency needs, we do not believe the defense budget should be used as a medium to support the industry in peacetime at the expense of defense programs and military force readiness. Under the circumstances, we strongly oppose enactment of S. 1821 in its current form and recommend that other avenues be sought to assist the airlines in their currently depressed economic state.

Sincerely,

David Packard.

Mr. ELLENDER. In recent years, as I have stated, the Congress has provided over $2 billion to the Air Force for the procurement of a fleet of approximately 275 C-141 jet transport aircraft, and everybody is familiar with the fact that we are in the process of acquiring a fleet of 81 C-5A jet transport aircraft which will cost in excess of $4 billion. These aircraft must be operated at a reasonable rate to maintain combat readiness, and common sense dictates that they be operated efficiently, which is to meet, in part, the international air cargo requirements of the Department of Defense.

In a letter to the distinguished chairman of the Committee on Armed Services (Mr. Stennis) dated February 22, 1972, the Secretary of the Air Force, in commenting on this bill, stated:

> As reported, the bill would establish a fixed rule that at least 40% of DOD's international air cargo which is physically suitable for civil aircraft be transported in civil aircraft without regard to other considerations. This would have the following effects:
>
> Increase annual cost to the taxpayer. In FY 1973 this could be as much as $42 million.
>
> Force Military Airlift Command (MAC) to fly empty or with inefficient loads in order to give commercial carriers more cargo.
>
> Force DOD to buy commercial airlift which would not otherwise be needed. This would increase the ton mile cost of airlift to the DOD user.
>
> Inhibit adequate training of the MAC for its wartime mission.

I ask unanimous consent that the Secretary's letter to Chairman Stennis be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of the Air Force,
Washington, D.C., February 22, 1972.

Hon. John C. Stennis,
Chairman, Committee on Armed Services,
U.S. Senate,
Washington, D.C.

Dear Mr. Chairman: You will recall that I wrote to you on November 3, 1971, expressing my strong objections to the enactment of S. 1821 which had been favorably reported by the Senate Committee on Commerce, with certain amendments. As the Executive Agent of the Department of Defense for airlift I must reiterate the opposition of the Department of Defense and the Air Force to the enactment of this legislation.

As reported, the bill would establish a fixed rule that at least 40% of DOD's international air cargo which is physically suitable for civil aircraft be transported in civil aircraft without regard to other considerations. This would have the following effects:

Increase annual cost to the taxpayer. In FY 1973 this could be as much as $42 million.

Force Military Airlift Command (MAC) to fly empty or with inefficient loads in order to give commercial carriers more cargo.

Force DOD to buy commercial airlift which would not otherwise be needed. This would increase the ton mile cost of airlift to the DOD user.

Inhibit adequate training of the MAC for its wartime mission.

The Air Force has consistently recognized the importance of the commercial airline industry to national defense. This is attested by the fact that in the past ten years the DOD support of the industry has exceeded $7 billion. In FY 1973 the total estimated DOD expenditure for military and commercial airlift will amount to approximately $900 million. Of this amount, $560 million, more than 62% of the total expenditure, will go to the civil air carrier industry.

In addition to the airlift of passengers, mail, and domestic cargo which is virtually all carried solely by the commercial air carriers, we are presently transporting between 25 and 30% of DOD's international air cargo on commercial aircraft. On the basis of present estimates, this will amount to about $120 million in FY 1972 and over $92 million in FY 1973. We feel that these amounts are reasonable and equitable when viewed in the context of the total airlift dollars.

If the bill is enacted in its present form, it will not only distort what we feel is a proper balance between the military and civil workload but would in effect force MAC to fly empty or with inefficient loads. It would seem inexcusable if MAC were required to fly empty or partially loaded aircraft to maintain a constant state of readiness while at the same time funds are expended to procure commercial airlift.

A collateral ramification of forcing DOD to buy unneeded commercial airlift is that it will raise the ton mile cost to the DOD user significantly. Commercial airlift procured by MAC is purchaesd at set rates. Since MAC airlift capability is a by-product of readiness training, the cost is considerably less than that procured from the commercial carriers. DOD is trying to encourage the military departments to make more use of airlift in order to reduce total logistics costs. However, an increase in airlift costs may work in opposition to both this goal and the intent of the bill if the departments make less cargo available for airlift.

In summary, there appears to be no basis for a judgment that substantial benefits would accrue to the taxpayer upon the enactment of S. 1821. Nor would national security interests be furthered because the airlines would not necessarily buy any new modern cargo airlift but could handle the additional cargo afforded by this bill with their present fleet. To the contrary, significant added costs to the taxpayer, clearly unnecessary, appear inevitable should the proposed legislation be adopted. Accordingly, I solicit your assistance to prevent enactment of S. 1821.

Sincerely,

ROBERT C. SEAMANS, JR.

Mr. ELLENDER. The pending Department of Defense budget for fiscal year 1973 includes approximately $309 million for international air cargo requirements. Of this total requirement, approximately $216.9 million can be provided by using the capability generated by the required operation of the Military Airlift Command's C-141's and C-5A's to maintain combat readiness. The balance, $92.9 million, will be obtained by contract from the commercial carriers.

However, if the pending bill is enacted in time to be effective on July 1, 1972, we will have a different situation. The mandatory 40-percent set-aside for the commercial carriers will require approximately $134.8 million, and $216.1 million will still be required to operate the C-141's and C-5A's to maintain combat readiness, giving a total of $350.9 million—an increase of $41.9 million. This is the fiscal year 1973 increase of $42 million referred to by the Secretary of the Air Force in his letter to Chairman STENNIS.

The Congress has seen fit to authorize the production of a fleet of C-141's and C-5A's which will cost the taxpayers of this country over $6 billion. As I stated earlier, these aircraft have to be operated at a reasonable rate in order to maintain combat readiness. For the Congress now to enact legislation that will require these aircraft to fly empty or with inefficient loads, with a resulting additional cost of over $40 million annually, shows complete disregard for the interests of the American taxpayer.

In his letter to Chairman STENNIS, the Secretary of the Air Force pointed out that, during the past 10 years, the Department of Defense has procured from the commercial airline industry services costing in excess of $7 billion. During fiscal year 1966, the Department of Defense spent $841.3 million for airlift, of which $622.9 million—74 percent—was obtained from the commercial carriers; during fiscal year 1969, the Department of Defense spent $1,255.5 million for airlift, of which $872.1 million—69.5 percent—was obtained from the commercial carriers; during fiscal year 1971, the Department of Defense spent $1,069.5 million for airlift, of which $744.4 million—69.6 percent—was obtained from the commercial carriers. The current estimate for fiscal year 1972 is a total of $1,103.7 million for airlift, of which $789.8 million—71.5 percent—will be obtained from the commercial carriers. The budget for fiscal year 1973 is based on a total of $876.9 million for airlift, of which $554.2 million—63.2 percent—will be obtained from the commercial carriers.

Mr. President, legislation may be required to provide a subsidy for these commercial carriers. However, if this is true, I submit that the proper way to grant this subsidy is not a statutory set-aside of 40 percent of the Department of Defense's international air cargo requirements. This form of subsidy is needlessly wasteful and should not be a charge against the Department of Defense.

Mr. President, since receiving these letters from the Defense Department, which I have placed in the RECORD, I further considered the matter, and I wonder what the position of the executive branch of Government might be with respect to this bill.

On March 23, I requested the Honorable George P. Shultz, Director of the Office of Management and Budget, to give me the views of his office on this legislation.

Yesterday, Mr. Shultz replied and stated:

> On February 22, 1972, the Secretary of the Air Force expressed his opposition to this bill in a letter to Senator Stennis.

Mr. President, this is the letter that I referred to earlier in my comments and included in the RECORD.

To continue, Mr. Shultz went on to state:

> For the reasons given in the Secretary's letter we recommend against enactment of S. 1821.

Mr. President, it is clear that the executive branch of the Government does not favor the enactment of this bill.

I ask unanimous consent that my letter of March 23 and Mr. Shultz' reply of March 27 be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MARCH 23, 1972.

Mr. GEORGE P. SHULTZ,
Director, Office of Management and Budget, Executive Office Building, Washington, D.C.

DEAR MR. SHULTZ: The Senate is scheduled to consider Senate Bill 1821 next Tuesday, March 28. I am sure you are aware of the fact that this bill includes a provision making it mandatory that the Department of Defense obtain 40% of its international air cargo services from commercial carriers. It is my understanding that this could result in an increased cost of such services of as much as $42 million for fiscal year 1973.

I would appreciate having the views of the Office of Management and Budget on this legislation prior to its consideration next Tuesday.

With kindest regards and best wishes, I am,

Sincerely,

ALLEN J. ELLENDER,
Chairman.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., March 27, 1972.

Hon. ALLEN J. ELLENDER,
Chairman, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your letter of March 23, 1972 requesting the views of the Office of Management and Budget on S. 1821 a bill, "To amend the Federal Aviation Act, as amended, with respect to the transportation of Government traffic by civil air carriers of the United States."

On February 22, 1972, the Secretary of the Air Force expressed his opposition to this bill in a letter to Senator Stennis. A copy of the Secretary's letter is attached for your consideration. For the reasons given in the Secretary's letter, we recommend against enactment of S. 1821.

Sincerely,

GEORGE P. SHULTZ,
Director.

Mr. ELLENDER. I yield the floor.

Mr. YOUNG. Mr. President, I wish to join in the position taken by the distinguished chairman of the Senate Appropriations Committee.

Unquestionably, the U.S. airlines operating overseas are getting into deep financial trouble. This is understandable, because most foreign airlines are operated by the governments themselves. There is a big difference in salaries paid by the various airlines. For example, a pilot of a 747 on a U.S.-operated airline is paid approximately $61,000 a year. The salary of a 747 pilot for a big overseas airline such as BOAC is only about half that.

Many foreign countries now are charging our airlines an overflight fee for flying over their country.

There are many differences such as this which are causing our airlines to get into more and more financial trouble.

It is much like the situation with respect to our merchant marine. We are now subsidizing our merchant marine in direct payments of hundreds of millions of dollars a year. For the past several years, 50 percent of the food for peace that we sold to other countries—agricultural commodities—had to be carried in U.S. bottoms. In almost every instance, the costs for foreign bottoms are far less than our own.

I am not opposed to helping our airlines, but I do not think they should be subsidized by the Department of Defense, particularly in legislation such as this, which is permanent. This 40 percent is not for 1 year. It is permanent legislation.

In the Appropriations Committee, we usually have a formula each year of a percentage of Navy construction and repairs to be done in Navy shipyards and a percentage to be built and repaired in privately owned shipyards. I would not object to something like this for cargo carried by airlines.

The jurisdiction certainly belongs to the Appropriations Committee or the Armed Services Committee. If we were to adopt any kind of program such as this, it should be on a year-to-year basis. Forty percent extended permanently is a wrong approach to a difficult problem.

I think the airlines are being very unreasonable in making a request for this kind of subsidy. It is just as unreasonable as subsidizing the merchant marine in the food-for-peace program. We have enough problems getting the amount of money in a defense bill to provide necessary military security for this country.

So, Mr. President, I have to oppose vigorously the adoption of this kind of legislation. I point out again that the Armed Services Committee or the Appropriations Committee properly has jurisdiction of a matter such as this.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Brock). Without objection, it is so ordered.

Mr. CANNON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PROXMIRE. Mr. President, for 3½ years I have fought to bring commonsense to bear on the question of military cargo airlift. Year after year, my staff and I have probed for concealed facts, painfully dragged figures out of the Pentagon and analyzed them in attempts to persuade the Congress to stop, look, and listen before charging off in a mad and ruinously expensive effort to increase the capacity of the Military Airlift Command beyond all reasonable need. We have worked as hard as we know how to head off the worst effects of the utterly disastrous and scandalous procurement of the C–5A transport plane.

Mr. President, we lost those fights. All our attempts to get the facts on the C–5A rip-off as it developed were resoundingly defeated. Billions of dollars of the taxpayers' money have been spent for C–5A airplanes which, according to the Comptroller General, cannot fly their originally intended tactical mission of landing heavy equipment on rough airfields at the FEBA, the forward edge of the battle area. However, we are told that Fat Albert, as the C–5A is known, can be flown from one smooth airport to another provided it is done carefully. Therefore, I think we may assume that we have at least added to the Military Airlift Command's capability to carry routine channel traffic cargo in return for the tragically wasteful investment of $5 billion of hard-earned taxpayer dollars.

Even without the C–5A, MAC's cargo carrying capacity is enormous. MAC's C–141 fleet alone could easily transport MAC's necessary ordinary-sized cargo for the foreseeable future, not only in peacetime, but also during a sizable war. One C–141 airplane carrying 30 tons of cargo at an average block speed of 400 miles an hour would carry 12,000 ton-miles per hour or 4,380,000 ton-miles per year flying an average of only 1 hour per day. If our fleet of 234 C–141's flew with similar loads and speeds, the fleet would carry more than 1 billion ton-miles of cargo per year for each hour of daily utilization.

Now, the fact is that our C–141's are vastly under utilized, but if they were used fully, the fleet could carry all the military cargo airlifted in 1961 flying only 1.5 hours per day. In 1968, at the peak of our Southeast Asia airlift effort, MAC and its contractors hauled just under 7.5 billion ton-miles of cargo. This level of business would require a fully utilized fleet of C–141's operating an average of 7.5 hours per day. The C–141's have already demonstrated a capability of operating at this level, flying an average of 7.8 hours per day in 1969 and 7.2 hours per day in 1970.

Commercial companies operating modern jet aircraft in similar service have achieved aircraft utilization rates of more than 14 hours per day over a whole year. Although MAC has not yet demonstrated such a high daily utilization rate, I am confident they could if called on to do so. The Air Force's policies and habits in buying airplanes leave much to be desired, but our MAC pilots and ground crews are magnificent. They are among the best men our Nation has produced, and I am confident they could duplicate the efficiency of commercial cargo airlines if required. If they could, the C–141's alone could support the equivalent of almost two Vietnams.

The C–5A's, costing more than $60 million each, are now coming into service. By next year all 79 of them should be in MAC's hands. Each C–5A has been highly advertised as the equal of three C–141's in cargo carrying capability. If this is true, if Fat Albert can be made to work, our C–5A fleet of 79 airplanes should be equal to 237 C–141's, which would almost double MAC's airlift capacity. This would mean that MAC alone, without any cargo help from contractors, could support almost four Vietnams, an expeditionary force of more than 2 million men in Southeast Asia. Because of shorter distances and extensive prepositioning many more men could be supported in a European war.

While this vast increase in MAC cargo capacity is taking place, the legitimate requirements for airlift is declining sharply. Whereas about 7.5 billion ton-miles of cargo was airlifted at the peak of the Asian war, volume declined to 4.9 billion ton-miles in 1971. Legitimately, this volume should decline further, hopefully receding to about the 2 billion ton-mile per year level of pre-Vietnam years. Unfortunately, the Air Force does not plan to let this reduction take place if they can help it. They are scrambling frantically to find enough cargo to fly both the C–141's and C–5A's 4.25 hours per day. Their plans were revealed in the following exchange between Senator Cannon and Assistant Secretary of the Air Force Phillip Whittaker during the Committee on Commerce hearings on S. 1821:

> Mr. Whittaker. Eventually we hope to get to the 4.25 level, the same as for the C–141.
>
> Senator Cannon. Does this mean that you are going to be hunting additional cargo to carry in the C–5 when you increase that hourly utilization?
>
> Mr. Whittaker. Absolutely. That is one of the reasons why we are trying to be just as friendly to the Army as we know how to be.

In other words, having conned the taxpayers out of $5 billion for unneeded C–5A's, the Air Force is now energetically drumming up business to try to justify their action. This will produce fresh horror stories of military waste. GAO investigators have told my staff that MAC is now hauling large amounts of household goods—furniture and the like—in their efforts to generate new business.

Other ridiculous examples abound. I recently received a package of documentation dealing with a supposedly urgent requirement for an item to be brought sole-source for hurry-up airlift to the troops in Vietnam. To facilitate this procurement, which would not wait on normal competitive processes, a page from the sole-source supplier's catalog was attached to the two-page Government order form. The page was clipped from a Sears catalog. It pictured and described the line of toilets—ordinary bathroom commodes—offered by Sears. As usual, Sears offered a variety of models ranging through "good, better, and best" qualities. The "good" model appeared to be a perfectly serviceable device for the "low, low" price of $27.95. Did our guardians of the rockbottom, bare-bones Pentagon budget buy this model? You know they did not. Nor did they choose from the "better" models offered at $36.95, $41.95, $44.95, $77.95, $82.05 and $94.95. Our stewards of the public purse chose the top of the line, the "best" model at $104.95. It was baby blue. It was described as "ideal for carpeted baths," and promised "silent as a whisper operation."

Justification for the urgent airlift of the baby blue silent as a whisper toilet was supported by three pages from Air Force Manual 67–1. Those pages were attached to the documentation package, and had applicable sections marked for emphasis. The section authorizing this transaction began by describing "item(s) required for immediate end use."

Mr. President, the enormous overcapacity already evident in the MAC fleet is wasting huge sums and will get worse as the Pentagon's bureaucracy attempts to find things to haul in order to justify their disastrous purchases. Now we are being asked to compound the overcapacity problem by requiring that MAC contract out 40 percent of its cargo airlift. This is the principal requirement of S. 1821.

Proponents of this bill claim the measure will save money. They point to the lower ton-mile cost of commercial cargo carriage as compared to MAC when full comparable costs of MAC operations, including depreciation, are considered. They are right regarding comparable total costs, and this would have been an excellent argument to make in 1965, in 1968, 1969, 1970, or even 1971 when some of my colleagues and I were pleading vainly for an intelligent, orderly and balanced analysis of the C–5A investment decision. We would have welcomed the support of the Senators and industry lobbyists who are now promoting S. 1821 so energetically. Tragically, they were silent then, and now it is too late to undo this damage to the taxpayers. The chief lobbyists for S. 1821, the Air Transport Association, should have made their case when the investment decisions were being made, or at least before so much money had been spent. Billions have already been spent in unnecessary expansion of the MAC fleet. Most of the money is gone. Now the Pentagon can make comparisons on an out-of-pocket basis which show that it is cheaper to haul cargo in Air Force planes than to contract it out. From now on they can make a case for ignoring the huge sunk costs.

Supporters of S. 1821 are claiming that they were misled on the intended use of the C5-A. Some say they were led to believe it would be used only for hauling outsize cargo. They were not paying attention. They should have listened to the debate in this Chamber in 1969. The C-5A was pictured as the great freight train in the sky, hauling everything from Cadillacs and Volkswagens to lobsters in addition to a complete range of military cargo and personnel. The able chairman of the Armed Services Committee made it perfectly clear that the C-5A's would replace the aging C-124's and C-133's in the MAC fleet. Both the C-124 and the C-133 were used to meet the general airlift requirements in addition to carrying outsized cargo.

Supporters of S. 1821 have made a strong point of citing a September 3, 1971, letter from the Comptroller General to the chairman of the Committee on Commerce. Lobbyists claim this letter "validates" a need to expand the Civil Reserve Air Fleet, pointing to a passage reading "it has been estimated that 85 additional aircraft of the so-called wide-bodied jet cargo types are needed in the reserve fleet to satisfy current planning for airlift in wartime or in the event of other major contingency."

Mr. President, the GAO did not make such a determination. They have no figures that support such an assumption. According to explanations by the GAO relayed to me, the Comptroller General was merely reporting assertions made by others in his letter to the chairman of the Committee on Commerce.

Asked directly to state their stand on mandatory airlift contracting, GAO airlift specialists told my staff flatly, "We're against it."

Despite my criticism of the past inaction of the Air Transport Association and their members and supporters, I can sympathize with their plight. They believe they have been flim-flammed by the Air Force. They think they have been taken. They are not alone. We have all been played for suckers, and the taxpayers are footing the bill. We should resolve never to let it happen again, and should start work immediately on a comprehensive study of what our legitimate airlift requirements are likely to be—excluding bathroom fixtures, of course—and how they may be met most economically. I would welcome the support and assistance of the Air Transport Association in such an economic study. I believe a sound economic study would be invaluable in guiding our next big investment decision on military cargo planes.

However, the mandatory contracting provisions of S. 1821 are not a proper response to the C-5A heist. S. 1821 is an airborne leaf-raking project. With MAC's present growing organic capability, coupled with a declining legitimate requirement for military airlift, mandatory contracting will stimulate further wasteful aerial busywork, and will encourage such nonsense as airlifting furniture, toilets, telephone poles, and concrete blocks, all examples of waste which have been documented or witnessed by my staff.

S. 1821 should be resoundingly rejected.

Mr. PEARSON. Mr. President, I wish to associate myself with the remarks of my chairman, the distinguished Senator from Nevada (Mr. CANNON). The statement he has made in support of S. 1821 is complete, comprehensive, and thoroughly fair. The case for immediate passage of this legislation, without crippling amendment, is compelling. The arguments advanced by opponents of the bill have been met.

The plain truth is that the Military Airlift Command—MAC—operates an airline, at public expense, in competition with U.S. air carriers. Nearly half of all MAC flying hours are devoted to the routine transportation of air cargo. This pattern of MAC utilization is in derogation of express congressional policy, and must be reversed by express congressional action.

Mr. President, among other things the pending bill would require the Department of Defense to move not less than 40 percent of its international air cargo by civil air carriers participating in the Civil Reserve air fleet program. This provision has been termed "needlessly costly" by spokesmen of the Department of Defense. The contrary, of course, is true. The enactment of S. 1821 would promote a significant cost savings to the taxpayer by insuring a longer useful life for each of the aircraft in the MAC fleet.

The knowledgeable taxpayer is acutely aware that vast sums of money must be appropriated for procurement of military hardware. The C-5 aircraft, for example, is costing the taxpayers $57 million per copy—the most expensive production model ever procured. Under the current Air Force plan for utilization of the C-5, these aircraft may be worn out after only 4.8 years' service with the Military Airlift Command. The Congress and the American taxpayers, in that eventuality, will be faced all too soon with the obligation to allocate additional billions for new, replacement aircraft to maintain the combat readiness of the MAC.

Mr. President, the distinguished chairman has enumerated the depreciation cost savings which will accrue to the Air Force under the terms of the pending bill. This is an occasion when Congress must legislate to conserve military hardware from overuse in routine, nondefense related missions. This is an occasion when Congress must legislate to insure that long-term cost savings are achieved by prudent management policies today.

The committee report on S. 1821 shows that net additional cost to the Government in fiscal year 1972 should not exceed $9.1 million, a tolerable immediate increase when the long-range cost savings in procurement of replacement aircraft is considered.

Mr. President, there is no question that the Civil Reserve Air Fleet carriers have acquired a substantial cargo-carrying capacity to fulfill their obligation to the national defense. The current CRAF capacity is more than 1½ times as great as all the C-141 aircraft in the MAC fleet. The CRAF carriers cannot be expected to maintain this vital defense capability without assurances that they will secure a reasonable proportion of routine international military air cargo during peacetime.

The pending bill would establish a minimum requirement upon the Department of Defense: At least 40 percent of all international military air cargo must move by civil air carrier under its terms. This requirement, Mr. President, is not unreasonable. In fiscal year 1962, the civil air carriers were allocated 40.5 percent of the military air cargo. In fiscal 1966, they were allocated 30.1 percent. During the next fiscal year, the Air Force estimates that the CRAF carriers will be allocated 27 percent of the total international air cargo of the Department of Defense.

But in fiscal year 1971, the civil air carriers received only 8.9 percent of DOD's international air freight. No responsible manager of a civilian air carrier could be expected to maintain his CRAF capability when he has no assurance that capital costs will be recovered, and operating expenses will be met. The legislation before the Senate would provide a basis upon which civil air carriers could rely. The overall national defense interest would be served.

Mr. President, there is no justification for the needless depreciation of the MAC fleet, at the expense of private enterprise. There is no basis for the suggestion that routine cargo operations are needed to maintain pilot proficiency in the Military Airlift Command. The pilots and crew members of MAC devote countless hours to their primary missions—internal training of the force for combat readiness; joint training and exercise with other elements of the Armed Forces; and performance of special airlift missions.

In conclusion, I would urge my colleagues to vote in favor of S. 1821 to promote a viable Civil Reserve Air Fleet, to stabilize the proportion of international air cargo operations undertaken by the CRAF carriers for the Department of Defense, to achieve long-term cost savings to the taxpayers, and to promote the national defense.

Mr. SPONG. Mr. President, I am opposed to that section of S. 1821 which would require that 40 percent of military air cargo be shipped by commercial air carrier, because I believe it would be an unconscionable waste of taxpayers' money.

The American people have been taxed heavily to provide for an adequate military air cargo capability, and it makes no sense to me to provide now that those aircraft cannot be used to the maximum. Just today, the press carried reports of a GAO study estimating cost overruns for the C-5A cargo plane at a billion dollars. That is just the cost overrun; many additional billions of dollars have been invested in developing and building a fleet of these aircraft and other air cargo planes. Can we now tell the American taxpayers that these planes are not going to be used, that the military is going to be required by law to duplicate its capability by subsidizing the air carriers to do the job for it? Can we justify increasing defense costs by $120 million in fiscal year 1972 alone, which is what the Defense Department estimates this legislation will cost?

The basic rationale for this legislation is that the air carriers are required to maintain a reserve defense airlift capability, and that they are not now compensated for that requirement.

I do not know all the facts as to what kind of requirement is really put upon the air carriers, what kind of expense may be involved, or even whether it is a necessary requirement any longer. I do know that the Defense Department has a required airlift capability, and that it has cost the taxpayers a great deal to maintain that capability. It would seem to me that somewhere in this situation there is waste and duplication. Either we did not need all those cargo planes we purchased for the military, or we do not need this legislation. I believe that question should be explored before we take action of the kind contemplated today.

Mr. President, the second argument used is that a vote for S. 1821 is a vote to preserve and promote a sound air transportation system. That is a worthy objective, but I do not believe it is an obligation of the Defense Department. If the air carriers are in trouble, Congress ought to look into the situation and consider such steps as may be necessary, but we should not require the Defense Department and the taxpayers to bail them out through this kind of subsidy.

Mr. President, I have no objection to giving preference to U.S. air carriers when Federal civil agencies are utilizing commercial air for overseas shipment of cargo. I think it is quite proper that we do all we can to benefit U.S. civil aviation. But, again I do not think this should come at the cost of duplicating existing military capabilities.

VISIT TO THE SENATE BY THE HONORABLE DAVID ANDREWS, CHIEF WHIP OF THE GOVERNMENT PARTY OF THE REPUBLIC OF IRELAND

Mr. ROBERT C. BYRD. Mr. President, I am delighted at this time to be able to present to the Senate a very distinguished visitor to our country from the Republic of Ireland.

He is here as a participant in a culture and education program. He is Parliamentary Secretary to the Taoiseach and to the Minister for Defense. He is a Member of the House of Representatives of the Republic of Ireland, and he has been a Member of that body for 10 years.

We are honored with the presence here today of this very honorable gentleman who, for the past 2½ years, has been and is now the Chief Whip of the Government Party of the Republic of Ireland.

Mr. President and my colleagues, it is my honor and privilege to present to the Senate our distinguished visitor and guest, Mr. David Andrews.

[Applause, Senators rising.]

TWO-MINUTE RECESS

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess for 2 minutes so that Senators may greet our distinguished visitor.

The motion was agreed to; and at 4:03 p.m., the Senate took a recess for 2 minutes.

The Senate reassembled at 4:05 p.m. when called to order by the Presiding Officer (Mr. BROCK).

TRANSPORTATION OF GOVERNMENT TRAFFIC BY CIVIL AIR CARRIERS

The Senate continued with the consideration of the bill (S. 1821) to amend the Federal Aviation Act, as amended, with respect to the transportation of Government traffic by civil air carriers of the United States.

Mr. CANNON. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 3 minutes.

Mr. CANNON. Mr. President, in light of the questions which have been raised with respect to this bill, many of which have been answered in a press release which I made today and is provided on the desk of each Senator, I ask unanimous consent that the press release be printed in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

SENATE'S AVIATION SUBCOMMITTEE CHAIRMAN SAYS ENACTMENT OF S. 1821 WILL SAVE THE GOVERNMENT MORE THAN $38 MILLION A YEAR

Senator Howard W. Cannon, D-Nev., Chairman of the Senate's Aviation Subcommittee said today that the government would save more than $38 million in fiscal year 1973 as a result of enactment of S. 1821 coupled with a slight reduction in the Air Force's wasteful utilization of the Military Airlift Command's C-5A and C-141 aircraft.

Cannon's estimate of government savings will be made in a statement to be delivered on the Senate floor today urging favorable action on S. 1821. The bill, sponsored by Senator Warren G. Magnuson, D-Wash., would require that at least 40% of the Department of Defense's routine international cargo shipments be transported on civil aircraft owned by the nation's certificated airlines.

The Air Force has charged that the bill would result in additional costs of $41.9 million in FY 1973. However, the Air Force estimate ignores the tremendous depreciation costs associated with its use of MAC aircraft to carry routine government cargo.

In his statement, Cannon charges the Air Force with excessive and wasteful utilization of its fleet of 294 C-141's and C-5A's, leading to higher costs and premature depreciation of the MAC aircraft. Cannon said that at planned utilization rates of 4.25 hours per day per aircraft, the Air Force will have worn out the C-5A's—costing $57 million apiece—in less than 5 years.

He added that a modest 15% reduction in the MAC flying hour program would save the taxpayers more than $80 million a year in depreciation and out of pocket operating costs. The reduction in MAC's utilization rate would permit the nation's airlines to carry at least 40% of the international DOD cargo, affecting a net government saving of $38,515,000 in fiscal year 1973.

Attached is a chart showing the cost savings outlined in the statement.

Cannon said, the 40% "set aside" will assure the airlines who participate in the Civil Reserve Air Fleet a fair share of government cargo in peacetime so that adequate modern airline long-range cargo aircraft will continue to be available to the government in times of war or emergency. Recently, the Air Force has sought to virtually exclude the civil air carriers from carrying routine DOD international cargo by using its own fleet of cargo aircraft, despite the long-range costs savings which would be effected by using the MAC aircraft only for essential training purposes.

REDUCED DEPRECIATION OF MAC MILITARY AIRCRAFT IF 40 PERCENT OF MAC CARGO WERE TRANSPORTED IN COMMERCIAL AIRCRAFT, FISCAL YEAR 1973

	C-141 (234)	[1] C-5A (60)
1. Cost/unit (thousands)	$6,251	$57,000
2. Service life (hours)	30,000	7,500
3. Depreciation/hours of use	$208	$7,600
4. Cargo shifted from military aircraft to commercial aircraft to reach 40 percent (million nautical ton miles)[2]	253.1	236.5
5. Reduced MAC military aircraft requirement (hours)	26,925	6,898
6. Saving in depreciation, fiscal year 1973 (thousands)	$5,590	$52,425
7. Total saving in depreciation, fiscal year 1973 (thousands)		$58,015
8. Saving in industrial fund cost from reduced flying (thousands)		$22,400
9. Total saving from reduced flying (thousands)		$80,415
10. Less increased payments to civil carriers (thousands)[2]		$41,900
11. Net saving to DOD (thousands)		$38,515

[1] Assumes average of 60 C-5A's used in moving channel cargo in fiscal year 1973.

[2] Derived from Air Force data submitted to the committee.

Note.—(Assumes cargo shifted is allocated between C-141's and C-5A's in proportion to the cargo capability of the respective fleets).

Mr. CANNON. Mr. President, I have a few brief comments that I wish to make before we go to a vote.

First, the statement by the Air Force that they would have additional costs of just under $42 million a year does not take into consideration two very important points. One of them is that they have considered no reduction in flying hours. As I pointed out carefully in my presentation, we feel that a 15-percent reduction could be made in the flying hours, which would result in a longer life for the aircraft themselves. Second, they completely disregard the depreciation factor. I pointed out earlier, based on their own estimate of 7,500 hours of life expectancy for a C-5 aircraft, that the net saving to the Department of Defense on a yearly basis, based on this year's figures, would be $38,515,000, taking into consideration: First, the reduced flying hours and, second, the reduced depreciation, which has the side effect of extending the life of the C-5 and the C-141, which means that we would not be required to come up with Federal moneys in the meantime either to supplement those aircraft or to provide replacement aircraft.

Just one other point, and that is this: The purpose of providing military equipment is to train the services that have it so that it can be used in time of an emergency if needed.

We do not go out with the Navy and have them use every ship they have, just to haul cargo or to compete by hauling Government cargo. As a matter of fact, we have a "set-aside" required in the Merchant Marine Act. The Navy does not even try to haul or to compete with Department of Defense cargo. They try to use those ships for the purpose of training and to carry out their missions.

Take the Army, for example; we do not have the Army try to go out into the surface transportation hauling business with their trucks. They have many very fine 2½-ton trucks and up—some smaller—and they very likely could haul a good bit of military cargo from place to place if that was the policy of our Government; but that is not the policy of our Government.

They use their vehicles for the purpose of training so that they will be available. They preserve them and take good care of them so that they will have them if they need them in the event of an emergency.

We do not want the Army to get in on the ground transportation hauling business with their trucks, hauling military cargo from place to place.

We do not want the Navy to be placed in that same position, or the Air Force to be in any position except a position necessary for training.

I submit, on the facts as presented here, that instead of having a $41.9-million deficiency, we would really have, when we take into consideration the depreciation of these very expensive aircraft, a saving of $38,515,000 a year to the American taxpayers.

Mr. President, if no other Senator wishes to speak at this time, I am willing to yield back the remainder of my time.

Mr. ELLENDER. Mr. President, will the Senator from Nevada yield me 2 minutes?

Mr. CANNON. I yield 2 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 2 minutes.

Mr. ELLENDER. Mr. President, as I stated earlier, the Congress made a decision to modernize the fleet of the Military Airlift Command in the latter part of the 1950's and the early 1960's. Based on this decision the Congress has spent over $6 billion for the C–141's and C–5A's. I think it would be a mistake for us not to use them to the fullest extent, consistent with sound operations policies.

Let me point out, Mr. President, that the executive branch of the Government is against this bill and, of course, the Department of Defense and the Air Force is against it.

Mr. President, I feel confident that if this bill is enacted into law, the President might veto it.

Mr. CANNON. Mr. President, I yield back the remainder of my time if there are no further amendments.

The PRESIDING OFFICER. All time has expired. If there be no further amendments to be offered, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the affirmative). On this vote I have a pair with the Senator from Washington (Mr. Magnuson). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Bible), the Senator from Virginia (Mr. Harry F. Byrd, Jr.), the Senator from Florida (Mr. Chiles), the Senator from Georgia (Mr. Gambrell), the Senator from Oklahoma (Mr. Harris), the Senator from Michigan (Mr. Hart), the Senator from South Carolina (Mr. Hollings), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Jackson), the Senator from North Carolina (Mr. Jordan), the Senator from Washington (Mr. Magnuson), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Maine (Mr. Muskie), the Senator from Alabama (Mr. Sparkman), and the Senator from Mississippi (Mr. Stennis) are necessarily absent.

On this vote, the Senator from Mississippi (Mr. Stennis) is paired with the Senator from Washington (Mr. Jackson).

If present and voting, the Senator from Mississippi would vote "nay" and the Senator from Washington would vote "yea."

I further announce that, if present and voting, the Senator from Florida (Mr. Chiles) and the Senator from Georgia (Mr. Gambrell) each would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Massachusetts (Mr. Brooke), the Senator from Hawaii (Mr. Fong), the Senator from Maryland (Mr. Mathias), the Senator from Texas (Mr. Tower), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

Also the Senator from Colorado (Mr. Dominick), the Senator from Arizona (Mr. Goldwater), the Senator from Florida (Mr. Gurney), the Senator from Nebraska (Mr. Hruska), the Senator from Pennsylvania (Mr. Scott), the Senator from Alaska (Mr. Stevens), and the Senator from Ohio (Mr. Taft) are necessarily absent.

On this vote, the Senator from Pennsylvania (Mr. Scott) is paired with the Senator from Massachusetts (Mr. Brooke). If present and voting, the Senator from Pennsylvania would vote "yea" and the Senator from Massachusetts would vote "nay".

On this vote, the Senator from Alaska (Mr. Stevens) is paired with the Senator from Texas (Mr. Tower). If present and voting, the Senator from Alaska would vote "yea" and the Senator from Texas would vote "nay".

The result was announced—yeas 32, nays 35, as follows:

[No. 131 Leg.]

YEAS—32

Allott
Anderson
Baker
Beall
Bentsen
Boggs
Brock
Burdick
Byrd, Robert C.
Cannon
Cotton
Cranston
Dole
Eagleton
Gravel
Griffin
Hartke
Inouye
Metcalf
Miller
Mondale
Montoya
Moss
Packwood
Pearson
Percy
Randolph
Ribicoff
Stafford
Symington
Tunney
Williams

NAYS—35

Aiken
Allen
Bennett
Buckley
Case
Church
Cook
Cooper
Curtis
Eastland
Ellender
Ervin
Fannin
Fulbright
Hansen
Hatfield
Hughes
Javits
Jordan, Idaho
Kennedy
Long
McGee
Nelson
Pastore
Pell
Proxmire
Roth
Saxbe
Schweiker
Smith
Spong
Stevenson
Talmadge
Thurmond
Young

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, against.

NOT VOTING—32

Bayh
Bellmon
Bible
Brooke
Byrd, Harry F., Jr.
Chiles
Dominick
Fong
Gambrell
Goldwater
Gurney
Harris
Hart
Hollings
Hruska
Humphrey
Jackson
Jordan, N.C.
Magnuson
Mathias
McClellan
McGovern
McIntyre
Mundt
Muskie
Scott
Sparkman
Stennis
Stevens
Taft
Tower
Weicker

So the bill (S. 1821) was not passed.

Mr. ELLENDER. Mr. President, I move to reconsider the vote by which the bill was not passed.

Mr. COOK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

WAR POWERS ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 577, S. 2956. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The bill was read by title as follows:

A bill (S. 2956) to make rules governing the use of armed forces of the United States in the absence of a declaration of war by the Congress.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations with an amendment to strike out all after the enacting clause and insert:

SHORT TITLE

Section 1. This Act may be cited as the "War Powers Act".

PURPOSE AND POLICY

Sec. 2. It is the purpose of this Act to fulfill the intent of the framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of the Armed Forces of the United States in hostilities, or in situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations after they have been introduced in hostilities or in such situations. Under article I, section 8, of the Constitution, it is specifically provided that the Congress shall have the power to make all laws necessary and proper for carrying into execution, not only its own powers but also all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof. At the same time, this Act is not intended to encroach upon the recognized powers of the President, as Commander in Chief and Chief Executive, to conduct hostilities authorized by the Congress, to respond to attacks or the imminent threat of attacks upon the United States, including its territories and possessions, to repel attacks or forestall the imminent threat of attacks against the Armed Forces of the United States, and, under proper circumstances, to rescue endangered citizens and nationals of the United States located in foreign countries.

EMERGENCY USE OF THE ARMED FORCES

SEC. 3. In the absence of a declaration of war by the Congress, the Armed Forces of the United States may be introduced in hostilities, or in situations where imminent involvement in hostilities is clearly indicated by the circumstances, only—

(1) to repel an armed attack upon the United States, its territories and possessions; to take necessary and appropriate retaliatory actions in the event of such an attack; and to forestall the direct and imminent threat of such an attack;

(2) to repel an armed attack against the Armed Forces of the United States located outside of the United States, its territories and possessions, and to forestall the direct and imminent threat of such an attack;

(3) to protect while evacuating citizens and nationals of the United States, as rapidly as possible, from any country in which such citizens and nationals are present with the express or tacit consent of the government of such country and are being subjected to a direct and imminent threat to their lives, either sponsored by such government or beyond the power of such government to control; but the President shall make every effort to terminate such a threat without using the Armed Forces of the United States, and shall, where possible, obtain the consent of the government of such country before using the Armed Forces of the United States to protect citizens and nationals of the United States being evacuated from such country; or

(4) pursuant to specific statutory authorization, but authority to introduce the Armed Forces of the United States in hostilities or in any such situation shall not be inferred (A) from any provision of law hereafter enacted, including any provision contained in any appropriation Act, unless such provision specifically authorizes the introduction of such Armed Forces in hostilities or in such situation and specifically exempts the introduction of such Armed Forces from compliance with the provisions of this Act, or (B) from any treaty hereafter ratified unless such treaty is implemented by legislation specifically authorizing the introduction of the Armed Forces of the United States in hostilities or in such situation and specifically exempting the introduction of such Armed Forces from compliance with the provisions of this Act. Specific statutory authorization is required for the assignment of members of the Armed Forces of the United States to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such Armed Forces are engaged, or there exists an imminent threat that such forces will become engaged, in hostilities. No treaty in force at the time of the enactment of this Act shall be construed as specific statutory authorization for, or a specific exemption permitting, the introduction of the Armed Forces of the United States in hostilities or in any such situation, within the meaning of this clause (4); and no provision of law in force at the time of the enactment of this Act shall be so constituted unless such provision specifically authorizes the introduction of such Armed Forces in hostilities or in any such situation.

REPORTS

SEC. 4. The introduction of the Armed Forces of the United States in hostilities, or in any situation where imminent involvement in hostilities is clearly indicated by the circumstances, under any of the conditions described in section 3 of this Act shall be reported promptly in writing by the President to the Speaker of the House of Representatives and the President of the Senate, together with a full account of the circumstances under which such Armed Forces were introduced in such hostilities or in such situation, the estimated scope of such hostilities or situation, and the consistency of the introduction of such forces in such hostilities or situation with the provisions of section 3 of this Act. Whenever Armed Forces of the United States are engaged in hostilities or in any such situation outside of the United States, its territories and possessions, the President shall, so long as such Armed Forces continue to be engaged in such hostilities or in such situation, report to the Congress periodically on the status of such hostilities or situation as well as the scope and expected duration of such hostilities or situation, but in no event shall he report to the Congress less often than every six months.

THIRTY-DAY AUTHORIZATION PERIOD

SEC. 5. The use of the Armed Forces of the United States in hostilities, or in any situation where imminent involvement in hostilities is clearly indicated by the circumstances under any of the conditions described in section 3 of this Act shall not be sustained beyond thirty days from the date of the introduction of such Armed Forces in hostilities or in any such situation unless the continued use thereof in such hostilities or in such situation has been authorized in specific legislation enacted for that purpose by the Congress and pursuant to the provisions thereof.

TERMINATION WITHIN 30-DAY PERIOD

SEC. 6. The use of the Armed Forces of the United States in hostilities, or in any situation where imminent involvement in hostilities is clearly indicated by the circumstances, under any of the conditions described in section 3 of this Act may be terminated prior to the thirty-day period specified in section 5 of this Act by an Act or joint resolution of Congress.

CONGRESSIONAL PRIORITY PROVISIONS

SEC. 7. (a) Any bill or joint resolution authorizing a continuation of the use of the Armed Forces of the United States in hostilities, or in any situation where imminent involvement in hostilities is clearly indicated by the circumstances, under any of the conditions described in section 3 of this Act, or any bill or joint resolution terminating the use of Armed Forces of the United States in hostilities, as provided in section 6 of this Act, shall, if sponsored or cosponsored by one-third of the Members of the House of Congress in which it is introduced, be considered reported to the floor of such House no later than one day following its introduction unless the Members of such House otherwise determine by yeas and nays. Any such bill or joint resolution, after having been passed by the House of Congress in which it originated, shall be considered reported to the floor of the other House of Congress within one day after it has been passed by the House in which it originated and sent to the other House, unless the Members of the other House shall otherwise determine by yeas and nays.

(b) Any bill or joint resolution reported to the floor pursuant to subsection (a) or when placed directly on the calendar shall immediately become the pending business of the House in which such bill or joint resolution is reported or placed directly on the calendar, and shall be voted upon within three days after it has been reported or placed directly on the calendar, as the case may be, unless such House shall otherwise determine by yeas and nays.

SEPARABILITY CLAUSE

SEC. 8. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to any other person or circumstance shall not be affected thereby.

EFFECTIVE DATE AND APPLICABILITY

SEC. 9. This Act shall take effect on the date of its enactment but shall not apply to hostilities in which the Armed Forces of the United States are involved on the effective date of this Act.

PROGRAM

Mr. MANSFIELD. Mr. President, it is my understanding there will be no debate or discussion on this bill (S. 2956) tonight. Therefore, there will be no further votes. It is anticipated we will get underway on the pending legislation tomorrow. Also at that time, during the course of the day, we will take up Senate Joint Resolution 218, a joint resolution to extend the authority conferred by the Export Administration Act of 1969.

Mr. JAVITS. I congratulate and appreciate the consideration of the leadership in not requiring debate tonight.

My reason for saying that is that we really deserve to have as many Senators as possible, and that the opening statement on the bill should not be pro forma, but should really be a considered presentation on a critically important historic event, to wit, the opening of this debate. I think the setting tomorrow, when we get ready for it, will be much more appropriate for that purpose. I am deeply grateful to the majority leader for recognizing that and the dispositions he has made tonight.

Mr. MANSFIELD. Mr. President, may I say I agree completely with the remarks of the Senator from New York, except for the last sentence with reference to me, because this is a most important measure, and I think it is entitled to debate and serious consideration. I am sure it will receive that.

I anticipate that it will take a matter of days, because a grave constitutional question is inherent in this bill, reported out of the Foreign Relations Committee. Therefore, it is necessary that due and deliberate consideration be given to it.

May I say, incidentally, that I announced this morning that up to today there had been 116 rollcall votes. With what has happened today, the number now stands at 119, which is an extraordinary application of the Senate's energy covering a 2-month period.

May I say also that the calendar is pretty clean? The committees have been very diligent in what they have done.

As far as appropriation bills are concerned, the House has passed three; the Senate has passed three. The Senate is up to the mark. As a matter of fact, it is ahead of what I anticipated a month or so ago.

I just want to take this means to extend my congratulations and commendations to all Senators on both sides of the aisle for what they have been able to do, because what they have done reflects great credit on the Senate.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. McGEE. I wanted to inject, with regard to the question of the Senator from New York a moment ago, but also to mention to my majority leader, that while we are passing out plaudits on the number of rollcall votes we have had, one single measure accounted for a great many. So we take credit for it in the Committee on Civil Service and Post Office, in view of the voter registration impasse we reached here at one point. If that is a laudatory record, we file for some kind of purple heart under the circumstances.

However, I do want to raise a serious question with respect to that raised by the Senator from New York in terms of the procedures now on the war powers billt—he Javits bill, really—at the present time. As I understand it, there will be no presentation of a basic position or a basic paper by the bill's chief sponsor tonight. Is that the understanding?

Mr. MANSFIELD. Not tonight. There will be no further debate on it.

Mr. McGEE. In other words, it is on the calendar as the pending business?

Mr. MANSFIELD. Yes.

Mr. JAVITS. I will do that tomorrow. I will speak tomorrow.

Mr. MANSFIELD. I know the Senator from New York, the Senator from Missouri (Mr. Eagleton), and other Senators have indicated an interest in the bill and will want to be heard, because its authorship is quite a composite.

Mr. Javits. Yes, and I would be the first to confirm that.

Mr. McGEE. And, to continue the inquiry, we are doing that tomorrow so we will have a much wider attendance? Did I hear that mentioned?

Mr. MANSFIELD. Not necessarily. As the distinguished Senator is well aware, some Senators have a very important engagement this evening, if they desire to attend to it. The Senate has had a pretty good day. The calendar is fairly clean. I think a little respite now and again does us some good.

Mr. McGEE. I think it would be helpful. I raised my question inasmuch as I would want to raise some points in regard to the war powers measure passed to the Senate from the Foreign Relations Committee. I was hopeful it would fall at a time when there were likely to be many Senators around town. I was wondering what the anticipated show might be tomorrow in terms of orators who would be interested in this very serious constitutional and updating question.

Mr. MANSFIELD. May I say I would expect the attendance to be about average. If any Senator expects the turnout to be bigger than they have been when he speaks, he is going to be disappointed. The record will have to speak for itself. What I have said applies to every Senator as well as to the Senator from Montana himself. I would say the Senator from Wyoming, being here as long as he has and being well-versed in the mores of the Senate, was well aware of what my answer would be.

Mr. McGEE. The Senator from Wyoming did anticipate. I was wondering whether it might be more practicable to develop the scheduling of the opening dialog of this measure on the return of Senators. I hasten to add that the Senator from Wyoming is going to be here the entire week, and he would just as soon we discussed it on Friday or on Saturday next.

Mr. MANSFIELD. No; Good Friday is a day we all like to observe. Holy Saturday is a day we all like to observe. Easter is a day we al llike to commemorate, because of what lies behind it.

We will have plenty of time on this bill. I would not want to come back after meeting later this afternoon and get started. I think it would be a little late. The attendance would be very sparse. Tomorrow will be a good day, at about 11 o'clock.

Mr. McGEE. The Senator from Wyoming is ready to proceed either right now or to defer to the commitments of his colleagues and proceed tomorrow at 11 o'clock. Is that the time we will meet tomorrow?

Mr. MANSFIELD. Yes.

Mr. McGEE. And await his turn in line for the dropping of pearls of wisdom that the circumstances will permit.

Mr. MANSFIELD. May I say that the Senator from Wyoming, for some reason, reminds me of a colt scratching the ground, waiting to get out the gate or corral to get going. I am sure we will have plenty of time.

Mr. McGEE. Well, the Derby is not very far off. It is spring, and there are colts that are very impatient, even though the Senator from Wyoming is confined to a Mustang with its top down. So we will begin the dialog tomorrow morning at about 11?

Mr. MANSFIELD. After the morning business.

TREATY ON THE SWAN ISLANDS—REMOVAL OF INJUNCTION OF SECRECY

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Treaty on the Swan Islands with the Government of Honduras, signed at San Pedro Sula on November 22, 1971 (Executive H, 92d Congress, second session), transmitted to the Senate today by the President of the United States, and that the treaty with accompanying papers be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

I am transmitting for the Senate's advice and consent to ratification the Treaty on the Swan Islands between the Government of the United States of America and the Government of Honduras, signed at San Pedro Sula on November 22, 1971. The Treaty provides for the recognition by the United States of the sovereignty of Honduras over the Swan Islands. The two Governments also agree to establish a cooperative meteorological program to maintain the weather observation and telecommunications facility there, with Honduras assuming the responsibility fo roperation o fthe radio air navigation facility.

The Treaty will thus settle amicably a long-standing difference between the United States and Honduras resulting from their conflicting claims to the Swan Islands. These Caribbean islands are rock keys about 98 miles off the coast of Honduras, the larger of the two islands being two miles long and one-half mile wide. The islands have no intrinsic value for the United States, and our interests for many years have been confined to maintaining a weather observation and telecommunications facility there, as well as an air navigation beacon. The only inhabitants are the few Americans who operate the facility and a small group of Honduran and Cayman Island workers.

The United States claim to the islands is based on the 1863 bonding of the islands "as appertaining to the United States" under the Guano Act of 1856. The Honduran claim is based on succession to the alleged discovery of the islands by the Spaniards, and the incorporation of the islands into Spanish possessions, in the early sixteenth century. The conflicting claims have been an irritant in the otherwise friendly relations between the United States and Honduras.

In a joint communique issued in November of 1962, President Kennedy and President Villeda Morales of Honduras recognized the need to resolve this question, taking into account the rights and interests of both parties. Following appropriate Congressional consultation and exploratory talks wit hthe Hondurans, I authorized the Secretary of State in October of 1969 to seek a settlement of the issue.

The resulting Treaty meets the practical needs of both countries. Acknowledgment of Honduran sovereignty over these islands satisfies a long-held desire of the Honduran people. At the same time, the practical interests of the United States are fully met through retention of the right to operate and maintain, with the active cooperation of Honduras, the meteorological observation and telecommunications facility on the Swan Islands. The enclosed report of the Department of State describes the arrangements under the Treaty in greater detail.

I believe this Treaty exemplifies our ability to reach a peaceful settlement of a territorial dispute in a spirit of good will. I hope the Senate will act favorably concerning the Treaty in the near future.

Richard Nixon.

The White House, *March 28, 1972.*

THE NOMINATION OF RICHARD KLEINDIENST TO BE ATTORNEY GENERAL

Mr. FANNIN. Mr. President, it is quite evident that the time has come to bring an end to the ITT hearings and to vote on the confirmation of Mr. Richard Kleindienst as Attorney General of the United States.

Despite more than 3 weeks of testimony, no evidence has been found to link Richard Kleindienst with any wrongdoing or indiscretion. It is clear that nothing will be found no matter how long these hearings continue.

The hearings have gone far past the point of serving any good purpose.

Richard Kleindienst was placed on trial as a result of allegations by columnist Jack Anderson. Mr. Kleindienst denied these allegations under oath before the Senate Judiciary Committee. I have known Dick Kleindienst for 20 years, and I know that he is a God-fearing man who is sincere, honest, and devoted to his Nation.

Anderson failed to produce any proof of his charges.

The question boils down to this: Do we believe the highest administrator of justice and law enforcement in this Nation, or do we believe the unsubstantiated allegations of a gossip columnist?

The only persons who have anything to gain out of continuation of the hearings are those who thrive on innuendo or character assassination.

Reports today are that Mrs. Dita Beard will not be able to testify again for at least 6 months. She has denied—by affidavit and in testimony before a subcommittee—that she wrote the memorandum in dispute.

This is the appropriate time to put an end to these hearings which have ranged far and wide.

I would remind everyone that the original purpose of the sessions concerned Richard Kleindienst and his nomination to be Attorney General.

All the evidence—and much more—is in. It is time for a verdict.

Mr. President, I call on my colleagues to join in urging a decision in this matter. Let us bring the nomination before the Senate and confirm it.

It is unfair to the administration, to the Justice Department, and to Mr. Kleindienst, to allow the fishing expedition to continue indefinitely.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. FANNIN. I yield to the Senator from Michigan.

Mr. GRIFFIN. To what the distinguished Senator from Arizona has said I would add that every day the political three-ring circus before the Judiciary Committee continues is another day that the committee is not considering important legislation pending before the committee. I refer, for example, the President's busing moratorium bill which has been referred to the Committee on the Judiciary and which should have its prompt attention.

Obviously, the ITT circus has now bogged down. It has been interesting but it has had little or nothing to do with Mr. Kleindienst's fitness to be the Attorney General. Indeed, most people have forgotten that the question before the Judiciary Committee is supposed to be the nomination of Richard Kleindienst.

So, I join the Senator from Arizona in suggesting that it is about time for the Senate to get about the business of rendering a verdict on whether or not Mr. Kleindienst should be the Attorney General. It is also time for the Judiciary Committee to get about the business of considering some of the important legislation that should come before this body.

Mr. FANNIN. I thank the distinguished Senator from Michigan. He certainly has placed the matter in proper perspective. I agree with him on the importance of the question of bringing this busing legislation before the Senate and making decisions that are very important to the people of this Nation. I know the Senator agrees that there are many other matters of vast importance that will be before the Committee on the Judiciary, and should have full consideration. I thank the Senator for his comment. I know he has a great interest in what is being done by the Committee on the Judiciary and in what should be done, and I commend him for the statement he has made at this time.

Mr. President, I yield the floor.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, before moving to adjourn, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene tomorrow at 11 a.m. After the two leaders have been recognized under the standing order, there will be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair will lay before the Senate the unfinished business (S. 2956), a bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress.

The distinguished majority leader has indicated that at an early hour tomorrow, the Senate will also proceed to consider Senate Joint Resolution 218, a joint resolution to extend the authority conferred by the Export Administration Act of 1969.

It has been indicated by Senators, who ought to be in a position to know, that there will not likely be a rollcall vote on the export administration bill. However, as all Senators are well aware, rollcall votes can and do sometimes occur when they are least expected. It is not anticipated, however, that much time will be required for debate and action on the Export Administration Act.

The Senate will proceed, throughout most of tomorrow's session, to debate the unfinished business, the war powers legislation, and as of now it is not anticipated that there will be any rollcall votes on that measure tomorrow.

On Thursday, the Senate will resume its consideration of the war powers bill. Debate will continue thereon, and in all likelihood this will be the measure before the Senate when it reconvenes following the Easter recess on Tuesday, April 4.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock tomorrow morning.

The motion was agreed to; and at 4:48 p.m. the Senate adjourned until tomorrow, Wednesday, March 29, 1972, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate March 28, 1972:

SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

Dr. Jerome H. Jaffe, of Virginia, to be Director of the Special Action Office for Drug Abuse Prevention, (new position).

Paul Louis Perito, of Massachusetts, to be Deputy Director of the Special Action Office for Drug Abuse Prevention, (new position).

UPPER MISSOURI RIVER REGIONAL COMMISSION

Robert L. McCaughey, of South Dakota, to be Federal Cochairman of the Upper Missouri River Regional Commission, (new position).

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. George Edward Pickett, [redacted] U.S. Army.

IN THE MARINE CORPS

The following named officers of the Marine Corps for permanent appointment to the grade of lieutenant colonel:

Jesse L. Altman, Jr.
Thomas C. Andrew, Jr.
George L. Bailey
George N. Bailey, Jr.
Harry H. Bair
Terrance P. Baker
John A. Barry
Karlton L. Batt
Andrew F. Bauer
Robert C. Baughman
Pierre H. Begnaud
Daniel T. Benn
Arthur A. Bergman
Donald C. Bieger
Edward A. Birzer
Carl E. Black
William A. Bloomer
George F. Boemerman
George J. Bollard
Royce L. Bond
William Boone
Charles K. Breslauer
Clyde W. Brewer, Jr.
Earl E. Brown
Ralph E. Brubaker
Richard D. Buttolph
Pasquale L. Cacace
Michael P. Cady
Ronald E. Cardwell
Daniel I. Carroll
Brendan J. Cassidy
Ralph L. Chapman
Keith L. Christensen
Richard J. Coogan
Thomas D. Cooney
James M. Cox
Thomas C. Cox
James O. Cranford
Ernest C. Cunningham, Jr.
Kenneth D. Curry, Jr.
Stanley J. Czubai

Donald A. Dalrymple
Neal L. Derickson
Donald E. Dilley
William E. Dodds
Lloyd J. Draayer
John L. Driefer
Orville R. Edmondson
Myrddyn E. Edwards
Robert F. Eggers
Stephen S. Eisenhauer
Gordon P. Emery
Eldon L. Erickson
George J. Ertlmeier
George G. Evans, Jr.
Richard L. Evans
William R. Fails
Michael J. Fibich, Jr.
William M. Foley
Clarence D. Foreman
William J. Forristall
Robert D. Fowner
Charles H. Frazier, Jr.
Laurence R. Gaboury
Louis F. Gagnon
Edward E. Gerding
John C. Gonzalez
Frank E. Graham
James R. Green
Jimmie L. Green
Joe L. Gregorcyk
Jesse R. Greer
Charles E. Griggs
Darold L. Guttormson
Charles R. Habgood
Robert D. Hagan
Manuel H. Hedges
Charles A. Henry
Arthur R. Hickle
Gary W. Hintz
Lyell H. Holmes
Robert R. Hull
Donald L. Humphrey
Will D. Isbell
Henry C. Ivy, Jr.
Russell E. Jamison
Edward P. Janz
Fidelas W. Jarnot
Leroy E. Johnson
Richard J. Johnson
Homer P. Jones
Walter A. Jupp
Raymond G. Kennedy, Sr.
Alvah J. Kettering
John R. Koch
Russell L. Kramer
Billy D. Kraxberger
Harold F. Kuhn
Allan W. Lamb
Erik Larsen
George H. Leach
Julius M. Lewis, Jr.
Orville V. Lippold, Jr.
John A. Livingstone
Robert E. Loehe
John E. Lorzing
Peter F. Lottsfeldt
Arthur S. Loughry
Cornelius W. MacFarlan
Joseph M. Magaldi, Jr.
Gordon E. Malone
Marvin P. Mann, Jr.
Frank M. Manrod
John A. Manzione, Jr.
Samuel J. Marfia
Manuel O. Martinez
Andrew G. Marushok
Howard J. McCarty
Charles A. McCluskey
Melvin W. McCoury, Jr.
Charles J. McDonald, Jr.
Ernest P. Meier
Paul F. Melcher
Henry G. Miller, Jr.
James E. Miller
Hubert A. Monteau
Robert D. Myers
Arthur A. Nelbach, Jr.
Stephen Ondrako, Jr.
Alfonso Oseguera
Billy E. Pafford
James E. Page
Charles E. Parker
Marvin E. Peacock
David W. Phifer
Louis J. Piantadosi
Robert Plant
George E. Pratt
Leonard T. Preston, Jr.
Lonnie E. Ramsey
Eugene W. Rawlins
Thomas S. Reap
Van S. Reed
Elwin Reichert, Jr.
Richard G. Ritchie
James A. Roberts
Charles D. Robinson
Jon R. Robson
George F. Rogers, Jr.
Peter C. Scaglione, Jr.
Kenneth L. Scarborough
Harold Schofield
Norbert F. Schnippel, J
Charles C. Seabrook
Walter C. Service III
Karl E. Sharff
James F. Sheehan
William P. Shunkey, Jr
Con D. Silard, Jr.
Paul D. Slack
Clarence E. Smith, Jr.
Norman A. Smith
William R. Smith
Richard P. Spreier
David N. Sprott
Victor D. Stauch, Jr.
Richard G. Steffey
Arthur L. Stewart, Jr.
Francis T. Sullivan
Bernace M. Symm
Robert W. Topping
Donald J. Verdon
Ralph V. Walker, Jr.
Alphonse I. Warczakowski
Charles Ward
Lloyd K. Warn
Donald E. Webb
Gerald A. Weiland
William L. Whelan
Robert E. White
Warren H. Wiedhahn, Jr.
Martin J. Williams
James W. Willkomm
Paul A. Wilson, Jr.
Henry F. Witter
Peter R. Worden
Neal B. Wynn
Walter N. Yanochik
John T. Zych, Jr.

The following named officers of the Marine Corps Reserve for permanent appointment to the grade of lieutenant colonel:

Kenneth R. Allen
Louis W. Alter, Jr.
Lloyd J. Barnes
Bobby A. Barringer
Donald J. Berryman
Robert E. Black
Ronald J. Bordenaro
John T. Brassfield
William F. Braucher
Clayton P. Brennan
Anthony J. Brosco
Irvin C. Brown
Thomas F. Burke
Paul T. Campbell
Donald J. Capinas
Joseph A. Caprara
Michael W. Cervenak
Charles T. Chapman
Edward A. Clark
Robert M. Clark.
George F. Coleman
Wiley E. Conder
Richard M. Condrey
John H. Coram
Thomas J. Cribbs
Robert M. Croll
George Cutsogeorge
Wayne B. Daniels
Louis Datillo
Allan D. Davis
Johnny O. Dean
William Delorenzo, Jr.
William L. Dickens
Dwight R. Dickey
Russell E. Dolan
Thomas L. Dunton
John R. Enright
Charles R. Ensley
Edmund R. Euler
Louis E. Farrell
Roland B. Field
Robert E. Finney
Patrick J. Foley
Ronald L. Fraser
Francis R. Frola
John E. Gallagher
Gordon Gannon, Jr.
Charles R. Gardiner
Theodore L. Gey, Jr.
Alvin H. Goeser, Jr.
Henry J. Goffi
Thomas J. Golden, Jr.
William L. Golemon
Ed W. Graham
Donald H. Green
Jean B. Green
John J. Griffin
Francis D. Hadden
Bernard J. Harmon
David M. Hatfield
James C. Heigham
Travis N. Hines
Theodore T. Hogan, Jr.
Gordon W. Holm
Francis M. Horn
Edmund L. Hudson
Eugene L. Hughes
Bobby G. Hunter
Marvin H. Janson
Ernest F. Janney, Jr.
Warren I. Jaycox
Frederick R. Jerrett
Eugene D. Johnson
Kenneth W. Johnson
Dennis K. Joyce
David P. Karcher
Douglas F. Keith
Thomas F. Kelaher
Thomas C. Kerr
George Kiraly, Jr.
Fred W. Koehler, Jr.
John E. Kussman, Jr.
James H. Lane, Jr.
John E. Laurent
Dewitt B. Lawrenson, Jr.
Albert M. Leahy
Hillary M. LeClaire, Jr.
John K. LeDeaux
Edward C. LeLouis, Jr.
Harold A. Lipska
Candido H. Lucero
Charles F. Lundy
Peter J. Lynch
Peter H. Lyons
Richard S. Manley
James V. Martin, Jr.
Robert S. Masters
David S. Manuel
Harry A. Marmion
Gerald S. Mayer
William F. McCaffrey
Vincent J. McGarry, Jr.
Jimmie L. McWhirt, Sr.
John R. Merrill
William F. Messerli
Bardell D. Miller
Alwin L. Moeller, Jr.
Robert A. Monfort
Domenick Muffi
John R. Mullin
Timothy C. Murphy
Frank G. Nelson
Clynch Newsome, Jr.
William L. Nicolls
Robert D. Nolan
Joseph G. Norton
Kenneth W. Northwick
Kermet W. Northwick
Donald F. Oatis
Philip F. Oestricher
Paul J. Otis
Paul J. Pardy
Joseph M. Parker, Jr.
Stephen Percy.
James W. Persons
William Piper
John R. Powers
Paul E. Pruett
Robert W. Rauch
Thomas P. Redden, Jr.
Harold W. Robbins
Edward H. Roemer
John K. Roschlau
Russell A. Rourke
Robert F. Ruan II
Frederick H. Russell
William H. Sackett
Ronald W. Salmon
Gordon A. Samuel
William D. Saylor
James H. Schell
Robert D. Scherer
John F. Schmitt
William L. Seay
Richard T. Secrest
Robert H. Shortsleeve
John D. Slack
Clarence L. Smith
John P. Stayton
George B. Stebbins, Jr.
Leonard B. Stolba
George E. Strickland
Ray U. Tanner
Paul E. Thomsen
Romaine D. Thorfinnson
Tommy A. Tinker
Frank T. Tobin
Howard Troxell
Fred T. Schopp, Jr.
Paul D. Tucker
Gerald H. Turley
Emil L. Veer
Jerry T. Verkler
Richard D. Wagner
Robert T. Waters
Ben F. Weaver
Larry M. Wheeler
Robert E. Wheeler
Alexander P. White, Jr
Joel A. Yarboro
William E. Yeager

The following-named officers of the Marine Corps for temporary appointment to the grade of first lieutenant:

Lynn Adams III
Bruce J. Adkins
James A. Albright
John H. Alico
Edward T. Allard III
Kenneth C. Allison, Jr.
Robert C. Anderson
Walter Antin, Jr.
Michael R. Antonelli
Charles L. Armstrong
Ronald J. Armstrong
Russell P. Armstrong
Christopher C. Ashby
Lewis Babre
Rayfel M. Bachiller
Welles D. Bacon
Gerald D. Badinger
Calvin D. Baker, Jr.
Lorenza T. Baker
William B. Baker
William F. Ball III
Gary W. Barnes
Michael F. Barone
Thomas W. Battaglia
Larry E. Beagley
Jonathan M. Beall
Fred W. Beard
Peter R. Beavins
Jimmy E. Belcher
George G. Berg
Dan T. Bergstrom
William L. Bettes
Albert H. Bickmore
Jerome F. Bierly
Ralph A. Bingham
Sammy G. Binion
Michael J. Bixiones
Carl V. Black
Robert R. Blackman, Jr.
Archie G. Bobo
John N. Bockstanz, Jr.
John R. Bollman
Harvey L. Borden
John L. Borst
Raymond D. Bourque
Rodney L. Bowers
Charles F. W. Bowman, Jr.
Joseph S. Boyd
Robert J. Boyd, Jr.
John Boyle IV
Richard T. Brady, Jr.
Robert L. Brake
Frank X. Braun IV
Brooks J. Breece
Donald C. Brewer, Jr.
Richard T. Brady, Jr.
Eugene D. Brindle
Jude T. Brock
William F. Broderick
Dennis R. Brons
Clifton R. Brooks, Jr.
Donald R. Brown
Jerome S. Brown
Shepard R. Brown
Thomas A. Browne
Paul V. Bruckner
Bruce E. Brunn
Johnny Bruntlett
David M. Bryan
Thaddeus H. Burak, Jr.
Gary C. Burch
Joseph E. Bruch
Timothy L. Burfield
Jerry L. Burton
Lawrence A. Butterini
Edward C. Caliri
John V. Calkins
Thomas J. Callan, Jr.
Kenneth D. Cameron
John T. Campbell, Jr.
Edward L. Carman III
Martin D. Carpenter
Thomas T. Carpenter
William H. Carroll, Jr.
John E. Casey
Barry L. Cassidy
Norman A. Chandler II
Jonah H. K. Chang
Connie S. Chavez
Jimmy H. Church
Robert M. Churchill
Anthony J. Ciotti
James K. Cobb
Dan M. Colglazier
James A. Collins
Henry J. Colyar, Jr.
Leroy J. Cook
Patrick C. G. Coulter
John D. Counselman, Jr.
James P. Courtney
Bruce P. Couturier
Glenn B. Cowen
Joseph R. Crockett, Jr.
Ronald J. Cruz
Eugene P. Cuccaro
Mark L. Danin
James B. Darcy, Jr.
James R. Daugherty
Charles E. Davis, Jr.
John W. Davis
Joseph J. Day
Orland O. Defrates, Jr.
Timothy G. Delaney
Donald V. Demikis
Glenn C. Remunck
Robert J. Depass
Lawrence S. Derrig
Howard Devore, Jr.
Kurt M. Dieterle
Alphonso B. Diggs, Jr.
Louis A. Dirker, Jr.
Kenneth R. Dobrovolny
Dennis R. Dodd
John T. Donahue
Cleve B. Doster
Dennis R. Dowling
Steven J. Draper
Ronald M. Dressin
Christian F. Dubia, Jr.
Paul V. Duncan
Clifford D. Dunn, Jr.
Robert W. Dyar, Jr.
Robert A. Edmond
Sidney B. Edwards
James B. Egan
Robert P. Eichorn
Richard K. Eisert
Thomas L. Ekle
Jeffery S. Eliason
Roger L. Emch
Richard A. Engel
William J. Esmann
Robert G. Essink
Riley S. Ethington
Jot Eve
James L. Ewoldsen
Kenneth R. Falasco
Charles B. Farber
Phillip F. Fargotstein
Jon W. Farmer
Michael C. Fassion
Thomas R. Fasulo
Paul M. Felix
George W. Fels, Jr.
Arnold Fields
Vincent L. Fischer, Jr.
Ronald C. Fish
Lloyd D. Fitzpatrick
Jan P. Fladeboe
Homer W. Fogle, Jr.
Robert A. Forrester
Percy E. Foster, Jr.
David W. Fowkes
Charles K. Freeman
Joseph B. Freeman
Richard B. French
John D. Frew
Roland V. Funk
Edward A. Gabarra
Timothy M. Gahan
Francis O. Galloway, Jr.
Thomas G. Gasparenas
Vito F. Gentile
Terry A. Geron
Edward C. Gerstner
James H. Gesner
Williams J. Gibbons
Richard A. Glover
Patrick J. Glynn
Bruce A. Gombar
Franz M. Gottleib
John A. Granger
William M. Grant
Robert A. Grice
Arthur J. Grimley III
Orrin L. Grover III
William C. Grubb, Jr.
Ronald L. Gruber
Robert L. Gruber
Edward B. Guckert
Ralph T. Gutierrez
William R. Hackney III
Dennis G. Hagen
Donald C. Haines
Stephen D. Haley

John B. Hall
John E. Hall
Robert J. Halliday
James C. Hardee
Robert R. Hare III
Gregory Harrison
Robert L. Hart
Guy B. Harwood
James E. Haskins
Michael J. Havrilla
Edward G. Hayden II
James L. Hayes
Askold T. Haywas
Homer L. Hazel
Dennis J. Hellman
David H. Henderson, Jr.
Michael W. Henig
Leon F. Henley, Jr.
Roger D. Herring
Bruce A. Henry
John P. Hertel
Stephen M. Hill
William H. Hill III
Timothy J. Himes
Kingsley E. Hoemann
William D. Holcomb
John R. Hollcraft
Louis S. Hollier IV
William D. Hollister
James E. Hollopeter
Jack W. Holt, Jr.
Richard A. Houston, Jr.
Sylvester Howard
Vance B. Howerton, Jr.
Thomas W. Hoysa
Thomas P. Hudson, Jr.
Jan C. Huly
Jerry D. Humble
Dennis B. Ioerger
Timothy J. Ireland
Gordon R. Jackson
Robin S. Jackson
Joseph D. Jeffares
Siguard L. Jensen III
Eddie E. Johansson III
Thomas S. Jones
Timothy J. Joyce
Larry J. Jurica
Kenneth M. Jurjevich
Robert L. Jones
Michael R. Kain
Terry R. Kane
Raymond J. Kaufman
Robert J. Keller
Michael M. Kephart
Joe Killebrew
Robert J. Kimble, Jr.
David L. King
Robert C. King
Bruce J. Kirry
Ray E. Kittilstved
Clifford H. Kittle, Jr.
Herbert W. Klein, Jr.
William L. Kleinpeter
Joseph Kochuba
Clifford J. Kolson II
Gregory C. Koons
Raymond M. Kruse
Walter M. Kubiak
Gregg C. Kubu
Mitchell A. Kudla
William P. Kyle
Paul A. Lambert
Roland L. Lambert, Jr.
Harry J. Landau
Charles E. Landry, Jr.
John Langdon II
Charles R. Larkin, Jr.
Michael W. Leach
David J. Lee
Dean J. Legidakes
Gregory G. Lemmer
James F. Leonard
Richard C. Lepley
Timothy B. Levan
Terry N. Lewis
Robert J. Livingston
Carl J. Loguidice
Herbert B. Long II
Leonard A. Long
Michael E. Lowe
John F. Lucas
Edmund A. Lucke
John K. Lynn
John M. Machen
James W. MacMurray Jr.
Don B. MacNamee
Thomas A. Manfredi
Edwin C. Mann
William T. Manning
Esmond W. Marks
Gary W. Marshall
George L. Marshall, Jr.
Thomas M. Marsilio
Terry L. Martin
Harold Mashburn, Jr.
Danny C. Masters
Robert A. Matthews
Aove E. Mattox
Roger J. Mauer
William L. Maxey
Jerry C. McAbee
Robert P. McCaleer
Robert F. McCarthy
John I. McClurkin
Larry H. McCollum
Richard M. McCool III
Boyd S. McCord
John J. McDermott
Ian D. McDonough
Bryan M. McGill
Terry W. McKinsey
James F. McLean
Billy D. McMillin
Gene S. Mead
Kenneth H. Medeiros
William J. P. Melby
David L. Mellott
Joseph A. Menart
Richard D. Metcalf
Francis J. Meyer
Robert D. Michael
Gene A. Milleson
Thomas P. Milne
Alex G. Mitkevich
Charles G. Mittnacht
Robert J. Moberg II
Robert A. Mohlin
Donald J. Monroe
Samuel Moore Jr.
William M. Moore
Richard C. Morgan
Terrence C. Morgar
Robert V. Morris
Louis R. Moyzan
John C. Mullane, Jr.
Robert S. Mutcher
John W. Muth III
William N. Myers
Gerald N. Nance
James M. Naylor
Lannie D. Neal
John G. Nemec, Jr.
Paul S. Nickolaus
Miken J. Nielsen
Raymond K. Noll
William R. Norton III
Jerry R. Oberg
Gerald B. Ogden
Ward C. Ogle
Gregory C. Okelly
Steven E. Olmstead
Thomas F. Oreilly
Michael C. Osajda
Paul R. Ottinger
Joseph J. Pantalone
Frederick D. Parker
Charles A. Parlier II
James W. Parrish
Clarence F. Patten III
Christopher R. Pastel
William W. Pattison II
Ralph E. Pearcy III
Wiley H. Pearson
Frederick C. Peck
Hugh F. Phillips
Henry N. Pilger
John W. Pitz
Carl O. Plath, Jr.
Allan J. Polachowski
Raymond L. Polak
Christopher C. Polson
James J. Porter, Jr.
Gregory M. Potter
Ronald G. Powell
Andrew N. Pratt
Francis J. Priest
Kenneth L. Priestley
Bernard C. Proctor
David A. Proffitt
Randall B. Pyles
Henry A. Pyzdrowski, Jr.
Leamond C. Ramsey
Garrett V. Randfl, Jr.
Robert W. Rathbun
Brett D. Rayman
Edward J. Reardon, Jr.
Peter J. Reding
James L. Reid
Steven S. Reinemund
John H. Reynolds
Larry J. Richardson
Dwight G. Rickman
David W. Riggle
James W. Rinschler
Richard H. Roamer
Edward J. Robeson IV
Robert S. Robichaud
Edmond L. Robin
James R. Robinson II
Earl W. Rogers
Jeffrey A. Rogers
Winston E. Rorabaugh
Wiley J. Rosemond
James M. Rosen
Alfred G. Roth
Robert M. Rudolf
Jeffrey C. Rupp
Robert A. Rys
Robert J. Saffer
Roger A. Sager
James E. Sall, Jr.
David W. Sanasack
Lewis M. Sanders
Edward J. Sandrick
David A. Sannes
Ervin W. Scarlett, Jr.
Jeffrey E. Scheferman
Raymond W. S. Schellinger
David K. Scmmidt
Robert D. Schow
James R. Schwenk
Roland R. Seaman
James E. L. Seay
William J. Seemeyer
Gary C. Seiser
Ellsworth A. Shaw
Michael J. Shaw
Anthony P. Shepard
Stevan A. Shepherd
John E. Sherbin
Jimmy R. Shideler
James D. Shimp
Mitchell E. Shivers
James G. Shockley
Thomas J. Short
Ronnie E. Sirmans
Joel M. Skousen
James L. Smee
Arthur M. Smith, Jr.
Charles L. Smith
Delmer Smith
Dennis R. Smith
Edward D. Smith, Jr.
Lyle W. Smith
Terry A. Smith
William G. Smith
Jon W. Smythe
Leslie Solymossy
Robert E. Sonnenberg, Jr.
Douglas K. Spaulding
Jerry L. Spencer
Sidney L. Spurgeon
Joseph F. Startari
Richard M. Stearns
Robert E. Steinhorst, Jr.
Stephen K. Steinmeyer
Thorys J. Stensrud
Bruce M. Stevens
Ronald L. Stevens
Henri P. Stewart
David A. Stockwell
John D. Stokes
Timothy F. Stoufer
Robert L. Strawser
Andre D. Summers
Larry A. Sunn
Leonard M. Supko
Donald F. Swanda, Jr.
John R. Switzer
Aloysius Sypniewski
Alfred J. Talevi
James M. Tarkington
Rex N. Taylor
Jon D. Terry
Paul W. Thomas
Jimmie R. Thompson
John L. Thompson
Wayne P. Thompson
Joseph Thorpe
Erik B. Thueson
Joseph Thurmond
Theodore K. Tolle
James F. Trahern
Dennis E. Tripp
Robert F. Turbyfill
Craig J. Turner
Conrad B. Turney
Douglas D. Tyler
Larry F. Vance
Martin R. Vanderbrook
Neal W. Vanhouten, Jr.
John A. Vansteenberg
Lowell F. Vanwagenen
Robert J. Varley
Gerald A. Vianello
Bruce R. Wahlsten
William W. Walker
Lawrence C. Walt
Clark L. Waters
Larry D. Walters
James G. Ware
Merrill C. Waters
David M. Webster
Michael J. Weiss
Charles N. Wells
Steven G. Western
Robert H. Whitlock
Paul A. Whitham
Gene W. Whitten
Leo V. Williams III
Nicholas J. Williams, Jr.
Norris E. Williams
Clarence E. Willie, Sr.
Douglas G. Wilson
Thomas E. Wilson
Richard P. Wolfe
Thomas S. Wolfe
James E. Woodruff, Jr.
Donald W. Workman
Gary J. Wright
James L. Young III
George E. Zakielarz
William E. Zales, Jr.

WITHDRAWAL

Executive nomination withdrawn from the Senate March 28, 1972:

IN THE COAST GUARD

Capt. William H. Brinkmeyer, U.S. Coast Guard, from further consideration for appointment to the grade of rear admiral, U.S. Coast Guard. His name was submitted together with that of one other nominee for appointment to the grade of rear admiral in the Coast Guard on March 20, 1972.

HOUSE OF REPRESENTATIVES—*Tuesday, March 28, 1972*

The House met at 12 o'clock noon.

Rev. Bob W. Parrott, Seabrook United Methodist Church, Seabrook, Tex., offered the following prayer:

Let us pray.

Almighty God, we have desired position more than wisdom to handle the responsibility. And we have paid for it, not in loss of office, but in loss of confidence that we are doing our best.

Help us regain integrity, which comes by being truthful. The truth is, before we vote, we need to listen—to those who put us in office and to You who put us in the world.

You have programed us with a curiosity to fly to the moon, and beyond; with a desire to help the underdog; with the potential to be truthful. O God, electrify this Chamber with truth in order that our words and actions will declare, "Not my will but Thy will be done."

In Jesus' name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

REV. BOB PARROTT, PASTOR, SEABROOK UNITED METHODIST CHURCH

(Mr. CASEY of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CASEY of Texas. Mr. Speaker, it has indeed been our honor to have our invocation given by the Reverend Bob Parrott, pastor of the Seabrook United Methodist Church, which is part of my congressional district.

Reverend Parrott is truly a "space-age parson," as his church is located near the Manned Spacecraft Center, and he has astronauts and NASA personnel as most of his congregation. He is an instrument-rated pilot, flies his own Beechcraft Bonanza, and has authored two space-oriented books, "A Man Talks With God," and "Earth, Moon, and Beyond." He has a third book scheduled to be published late this year.

Rev. Bob Parrott's real pride and accomplishment has been the leadership he gave his 1,200 members in establishing the Edward H. White II Memorial Youth Center, in memory of America's first man to walk in space. He and the members of his church were successful in persuading Bob Hope and other prominent entertainers to perform a benefit at the Dome Stadium in Houston in May of 1970, which resulted in raising $300,000 for the building of this great center and memorial. The Seabrook United Methodist Church owns and operates this center, and it is indeed a great source of inspiration and guidance to the youth of their community.

Reverend Parrott, a graduate of the Perkins School of Theology, Southern Methodist University, is married to Doris Ann Melton of Tyler, Tex., and they have one daughter, Deborah Ann. I hope that many of my colleagues will have the opportunity to meet and talk personally with Reverend Parrott on the occasion of his visit to our Chamber.

ADJOURNMENT FROM MARCH 29 TO APRIL 10, 1972

Mr. BOGGS. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 571) and ask for its immediate consideration.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 571

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Wednesday, March 29, 1972, it stand adjourned until 12 o'clock meridian, Monday, April 10, 1972.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON FRIDAY, APRIL 28, 1972, TO RECEIVE FORMER MEMBERS OF THE HOUSE OF REPRESENTATIVES

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that it shall be in order for the Speaker to declare a recess on Friday, April 28, 1972, subject to the call of the Chair, for the purpose of receiving in this Chamber former Members of the House of Representatives.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

CALL OF THE HOUSE

Mr. CEDERBERG. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 91]

Abernethy
Abourezk
Badillo
Baring
Blanton
Bow
Chisholm
Clark
Clawson, Del
Clay
Collins, Ill.
Corman
de la Garza
Dellums
Diggs
Dowdy
Dwyer
Edwards, La.
Fish
Fisher
Gallagher
Gaydos
Gettys
Goldwater
Gray
Green, Pa.
Hébert
Hosmer
Hull
McKinney
Madden
Mann
Mitchell
O'Konski
Patman
Pelly
Pryor, Ark.
Quillen
Rarick
Rees
Reid
Rooney, N.Y.
Rostenkowski
Roy
Scherle
Scheuer
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Tiernan
Van Deerlin
Whitten
Yates

The SPEAKER. On this rollcall 378 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR THE COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

THE DOORMEN'S SECURITY CLASS

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, a series of classes are in progress designed to improve the efficiency of the House doormen. The schedule calls for 2 weeks of classroom activity which all doormen must attend. Classes are for a 2-hour period, and are held in the Capitol Police training room in the Rayburn Building. Subsequent courses will be conducted annually. Capt. William Garner, of the Metropolitan Police, has been assigned to the Capitol to conduct the course. The courses consist of a variety of topics, including duties of doormen, introductions, courtesy, methods of dealing with mentally disturbed or suspicious persons, first aid, identification of suspicious packages. Captain Garner will be assisted by instructors from the Washington area bomb squad. Personnel in the office of the Capitol physician will assist in first aid classes. Films and other classroom aids will be used.

The security classes were initiated by the House Doorkeeper with the cooperation and assistance of the Sergeant at Arms and the Capitol physician.

THE 92D CONGRESS DEMOCRATIC CLUB

(Mr. McCORMACK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. McCORMACK. Mr. Speaker, the 92d Congress Democratic Club, made up of Freshman Democrats, recently elected new officers for 1972.

As fate would have it, a tie occurred between the two candidates running for President: Ron Mazzoli of Kentucky, and Congressman Les Aspin of Wisconsin. Congressman Aspin and Congressman Mazzoli have agreed to share the office of president of the freshman Democrats, dividing the responsibility so that Congressman Mazzoli would be President until June 15, and Congressman Aspin will serve from June 15 until new officers are elected in January 1973. Other officers elected are: Bob Bergland of Minnesota, vice president; John Seiberling of Ohio, secretary; Dawson Mathis of Georgia, treasurer.

It has been a great honor for me to serve as President for the first year of the 92d Congress Democratic Club, and to have the support of Congressman Gunn McKay of Utah, retiring vice president; Congresswoman Louise Day Hicks of Massachusetts, retiring secretary; and Congressman Nick Begich of Alaska, retiring treasurer.

I know they will join me in extending appreciation to all the other Members of Congress for the support you have given us during our first year on the Hill, and in encouraging all the other Members of Congress to continue this sort of enthusiastic support for our new officers.

SPRING CONFERENCE OF THE INTERPARLIAMENTARY UNION

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, as president of the U.S. Group to the Interparliamentary Union for the 92d Congress, I wish to report on the House Members who will participate in the spring conference of the IPU, which will be held from April 3 through April 9, 1972, at Yaounde, Cameroon.

The Honorable Alexander Pirnie, of New York, and the Honorable Lee Hamilton, of Indiana, will serve on the council of the IPU.

Other House Members who will serve on various committees of the IPU are: John Jarman, of Oklahoma; Paul Rogers, of Florida; Edward Patten, of New Jersey; Robert McClory, of Illinois and myself.

Senators serving on the delegation, by appointment of their respective party leaders, are Ernest Hollings, of North Carolina; Birch Bayh, of Indiana; and William Saxbe, of Ohio.

We will make a full report to the House on the conference.

UPLAND GAME CONSERVATION ACT

(Mr. ZWACH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ZWACH. Mr. Speaker, the upland game bird population in our agricultural areas has declined almost to the point of extinction. Wildlife is a part of our heritage which is important to urban and rural residents alike, whether or not they hunt. In Minnesota alone, the popular ring-necked pheasant is now present at about 20 percent of its numbers just 10 years ago. Population of other farm wildlife has declined by a somewhat lesser degree.

This alarming decrease in the upland game population is largely due to today's farming practices of eliminating fence rows and clear cultivation and annual rotation of crops. There is a definite need to provide a permanent section-by-section system of game shelters.

In an effort to remedy this situation, I introduced the Water Bank Act which preserves wetlands for water fowl and other wildlife. This was enacted in the last Congress and is now in the process of being implemented. As a companion measure, I, along with other Members here, am now introducing an upland game act which would provide cover, nesting habitat and feeding areas for pheasants, grouse, and partridge, as well as preserve some of our natural beauty areas.

The Upland Game Conservation Act would provide that landowners enter into agreements with the Secretary of Agriculture for a period of not more than 10 years or not to exceed 10 acres per farm. While requiring a cover crop, the landowner would not harvest any crop from nor graze the acreage during the agreement period.

We owe it to the generations after us to rebuild our wildlife population and I hope this measure will receive the consideration and implementation it deserves.

BEEF CARCASS PRICES BELOW COST OF 20 YEARS AGO

(Mr. ANDREWS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. ANDREWS. Mr. Speaker, the propaganda which has been floating around recently concerning the price of beef has been far more confusing than honest. I think it is important to get some honesty in the discussion about the prices of beef and I would hope that our metropolitan newspapers will take note of what the farmer is really getting for his choice beef.

On August 13, 1971, the President imposed the economic freeze. That date, choice beef carcasses at Omaha were selling for $54 per hundred pounds. Last Friday, March 24, 1972, choice beef carcasses at Omaha brought $53.25, below the August 13, 1971, figure and, probably more important, below what beef carcasses were 20 years ago.

I wonder if my colleagues realize that during the past 20 years, Government employees salaries have increased 430 percent, wages for off-farm labor have gone up 340 percent, and business and professional income has increased 200 percent. Yet, during that same period, the 70 major farm commodities have increased in price by only 7 percent. We have seen editorial cartoons in a Washington paper indicating the consumer is being forced to pay outrageous prices for beef and that the farmer should get less for his product. I would like to point out that 20 years ago, the Sunday edition of this newspaper was selling for 10 cents. Today it costs the consumer 40 cents, an increase of 400 percent.

Perhaps if the Price Commission is concerning itself with a product whose cost is below what it was 20 years ago, I think it is only equitable that it should review a product whose price has gone up fourfold.

Think about it.

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972

Mr. BLATNIK. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 11896) to amend the Federal Water Pollution Control Act.

The SPEAKER. The question is on the motion offered by the gentleman from Minnesota.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 11896, with Mr. SMITH of Iowa in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the Clerk had read the first section of the committee amendment in the nature of a substitute, ending on page 198, line 6. If there are no amendments to be proposed to this section, the Clerk will read.

The Clerk read as follows:

SEC. 2. The Federal Water Pollution Control Act is amended to read as follows:

"TITLE I—RESEARCH AND RELATED PROGRAMS

"DECLARATION OF GOALS AND POLICY

"SEC. 101. (a) The objective of this Act is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. In order to achieve this objective it is hereby declared that, consistent with the provisions of this Act—

"(1) it is the national goal that the discharge of pollutants into the navigable waters be eliminated by 1985;

"(2) it is the national goal that wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water be achieved by 1981;

"(3) it is the national policy that the discharge of toxic pollutants in toxic amounts be prohibited;

"(4) it is the national policy that Federal financial assistance be provided to construct publicly owned waste treatment works;

"(5) it is the national policy that areawide waste treatment management planning processes be developed and implemented to assure adequate control of sources of pollutants in each State; and

"(6) it is the national policy that a major research and demonstration effort be made to develop technology necessary to eliminate the discharge of pollutants into the navigable waters, waters of the contiguous zone, and the oceans.

"(b) It is the policy of the Congress to recognize, preserve, and protect the primary responsibilities and rights of States to prevent and abate pollution, to plan the development and use (including restoration, preservation, and enhancement) of land and water resources, and to consult with the Administrator in the exercise of his authority under this Act. It is further the policy of the Congress to support and aid research relating to the prevention and abatement of pollution, and to provide Federal technical services and financial aid to State and interstate agencies and municipalities in connection with the prevention and abatement of pollution.

"(c) It is further the policy of Congress that the President, acting through the Secretary of State and such national and international organizations as he determines appropriate, shall take such action as may be necessary to insure that to the fullest extent possible all foreign countries shall take meaningful action for the prevention, control, and abatement of pollution in their waters and in international waters and for the achievement of goals regarding the elimination of discharge of pollutants and the improvement of water quality to at least the same extent as the United States does under its laws.

"(d) Except as otherwise expressly provided in this Act, the Administrator of the Environmental Protection Agency (hereinafter in this Act called 'Administrator') shall administer this Act.

"(e) Public partipication in the development, revision, and enforcement of any regulation, standard, or effluent limitation established by the Administrator or any State under this Act shall be provided for, encouraged, and assisted by the Administrator and the States. The Administrator, in cooperation with the States, shall develop and publish regulations specifying minimum guidelines for public participation in such processes.

"(f) It is the national policy that to the maximum extent possible the procedures utilized for implementing this Act shall encourage the drastic minimization of paperwork and interagency decision procedures, and the best use of available manpower and funds, so as to prevent needless duplication and unnecessary delays of all levels of government.

"(g) In the implementation of this Act, agencies responsible therefor shall consider all potential impacts relating to the water, land, and air to insure that other significant environmental degradation and damage to the health and welfare of man does not result.

"COMPREHENSIVE PROGRAMS FOR WATER POLLUTION CONTROL

"SEC. 102. (a) The Administrator shall, after careful investigation, and in cooperation with other Federal agencies, State water pollution control agencies, interstate agencies, and the municipalities and industries involved, prepare or develop comprehensive programs for abating or reducing the pollution of the navigable waters and ground waters and improving the sanitary condition of surface and underground waters. In the development of such comprehensive programs due regard shall be given to the improvements which are necessary to conserve such waters for public water supplies, propagation of fish and aquatic life and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses. For the purpose of this section, the Administrator is authorized to make joint investigations with any such agencies of the condition of any waters in any State or States, and of the discharges of any sewage, industrial wastes, or substance which may adversely affect such waters.

"(b) (1) In the survey or planning of any reservoir by the Corps of Engineers, Bureau of Reclamation, or other Federal agency, consideration shall be given to inclusion of storage for regulation of streamflow for the purpose of water quality control, except that any such storage and water releases shall not be provided as a substitute for adequate treatment or other methods of controlling waste at the source.

"(2) The need for and the value of storage for this purpose shall be determined by these agencies, with the advice of the Administrator, and his views on these matters shall be set forth in any report or presentation to the Congress proposing authorization or construction of any reservoir including such storage.

"(3) The value of such storage shall be taken into account in determining the economic value of the entire project of which it is a part, and costs shall be allocated to the purpose of water quality control in a manner which will insure that all project purposes share equitably in the benefits of multiple-purpose construction.

"(4) Costs of water quality control features incorporated in any Federal reservoir or other impoundment under the provisions of this Act shall be determined and the beneficiaries identified and if the benefits are widespread or national in scope, the costs of such features shall be nonreimbursable.

"(5) No license granted by the Federal Power Commission for a hydroelectric power project shall include storage for regulation of streamflow for the purpose of water quality control unless the Administrator shall recommend its inclusion and such reservoir storage capacity shall not exceed such proportion of the total storage required for the water quality control plan as the drainage area of such reservoir bears to the drainage area of the river basin or basins involved in such water quality control plan.

"(c) (1) The Administrator shall, at the request of the Governor of a State, or a majority of the Governors when more than one State is involved, make a grant to pay not to exceed 50 per centum of the administrative expenses of a planning agency for a period not to exceed three years, which period shall begin after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, if such agency provides for adequate representation of appropriate State, interstate, local, or (when appropriate) international interests in the basin or portion thereof involved and is capable of developing an effective, comprehensive water quality control and abatement plan for a basin or portion thereof.

"(2) Each planning agency receiving a grant under this subsection shall develop a comprehensive pollution control and abatement plan for the basin or portion thereof which—

"(A) is consistent with any applicable water quality standards, effluent and other limitations, and thermal discharge regulations established pursuant to current law within the basin;

"(B) recommends such treatment works as will provide the most effective and economical means of collection, storage, treatment, and elimination of pollutants and recommends means to encourage both municipal and industrial use of such works;

"(C) recommends maintenance and improvement of water quality within the basin or portion thereof and recommends methods of adequately financing those facilities as may be necessary to implement the plan; and

"(D) as appropriate, is developed in cooperation with, and is consistent with any comprehensive plan prepared by the Water Resources Council any areawide waste management plans developed pursuant to section 208 of this Act, and any State plan developed pursuant to section 303(e) of this Act.

"(3) For the purposes of this subsection the term 'basin' includes, but is not limited to, rivers and their tributaries, streams, coastal waters, sounds, estuaries, bays, lakes, and portions thereof, as well as the lands drained thereby.

"INTERSTATE COOPERATION AND UNIFORM LAWS

"SEC. 103. (a) The Administrator shall encourage cooperative activities by the States for the prevention and abatement of pollution, encourage the enactment of improved and, so far as practicable, uniform State laws relating to the prevention and abatement of pollution; and encourage compacts between States for the prevention and control of pollution.

"(b) The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, for (1) cooperative effort and mutual assistance for the prevention and control of pollution and the enforcement of their respective laws relating thereto, and (2) the establishment of such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts. No such agreement or compact shall be binding or obligatory upon any State a party thereto unless and until it has been approved by the Congress.

"RESEARCH, INVESTIGATIONS, TRAINING, AND INFORMATION

"SEC. 104. (a) The Administrator shall establish national programs for the prevention and abatement of pollution and as part of such programs shall—

"(1) in cooperation with other Federal, State, and local agencies, conduct, and promote the coordination and acceleration of, research, investigations, experiments, training, demonstrations, surveys, and studies relating to the causes, effects, extent, prevention, and abatement of pollution.

"(2) encourage, cooperate with, and render technical services to pollution control agencies and other appropriate public or private agencies, institutions, and organizations, and individuals, including the general public, in the conduct of activities referred to in paragraph (1) of this subsection;

"(3) conduct, in cooperation with State water pollution control agencies and other interested agencies, organizations and persons, public investigations concerning the pollution of any navigable waters, and report on the results of such investigations;

"(4) establish advisory committees composed of recognized experts in various aspects of pollution and representatives of the public to assist in the examination and evaluation of research progress and proposals and to avoid duplication of research;

"(5) in cooperation with the States, and their political subdivisions, and other Federal agencies establish, equip, and maintain a water quality surveillance system for the purpose of monitoring the quality of the navigable waters and ground waters and the contiguous zone and the oceans and the Administrator shall, to the extent practicable, conduct such surveillance by utilizing the resources of the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, and the Coast Guard, and shall report on such quality in the report required under subsection (a) of section 516; and

"(6) initiate, and promote the coordination and acceleration of research designed to develop the most effective practicable tools and techniques for measuring the social and economic costs and benefits of activities which are subject to regulation under this Act; and shall transmit a report on the results of such research to the Congress not later than July 1, 1973.

"(b) In carrying out the provisions of subsection (a) of this section the Administrator is authorized to—

"(1) collect and make available, through publications and other appropriate means, the results of and other information, including appropriate recommendations by him in connection therewith, pertaining to such research and other activities referred to in paragraph (1) of subsection (a);

"(2) cooperate with other Federal departments and agencies, State water pollution control agencies, interstate agencies, other public and private agencies, institutions, organizations, industries involved, and individuals, in the preparation and conduct of such research and other activities referred to in paragraph (1) of subsection (a);

"(3) make grants to State water pollution control agencies, interstate agencies, other public or nonprofit private agencies, institutions, organizations, and individuals, for purposes stated in paragraph (1) of subsection (a) of this section;

"(4) contract with public or private agencies, institutions, organizations, and individuals, without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5), referred to in paragraph (1) of subsection (a);

"(5) establish and maintain research fellowships at public or nonprofit private educational institutions or research organizations;

"(6) collect and disseminate, in cooperation with other Federal departments and agencies, and with other public or private agencies, institutions, and organizations having related responsibilities, basic data on chemical, physical, and biological effects of varying water quality and other information pertaining to pollution and the prevention and abatement thereof; and

"(7) develop effective and practical processes, methods, and prototype devices for the prevention or abatement of pollution.

"(c) In carrying out the provisions of subsection (a) of this section the Administrator shall conduct research on, and survey the results of other scientific studies on, the harmful effects on the health or welfare of persons caused by pollutants. In order to avoid duplication of effort, the Administrator shall, to the extent practicable, conduct such research in cooperation with and through the facilities of the Secretary of Health, Education, and Welfare.

"(d) In carrying out the provisions of this section the Administrator shall develop and demonstrate under varied conditions (including conducting such basic and applied research, studies, and experiments as may be necessary):

"(1) Practicable means of treating municipal sewage and other waterborne wastes to remove the maximum possible amounts of pollutants in order to restore and maintain the maximum amount of the Nation's water at a quality suitable for repeated reuse;

"(2) Improved methods and procedures to identify and measure the effects of pollutants on water uses, including those pollutants created by new technological developments; and

"(3) Methods and procedures for evaluating the effects on water quality and water uses of augmented streamflows to control pollution not susceptible to other means of abatement.

"(e) The Administrator shall establish, equip, and maintain field laboratory and research facilities, including, but not limited to, one to be located in the northeastern area of the United States, one in the Middle Atlantic area, one in the southeastern area, one in the midwestern area, one in the southwestern area, one in the Pacific Northwest, and one in the State of Alaska, for the conduct of research, investigations, experiments, field demonstrations and studies, and training relating to the prevention and control of pollution. Insofar as practicable, each such facility shall be located near institutions of higher learning in which graduate training in such research might be carried out.

"(f) The Administrator shall conduct research and technical development work, and make studies, with respect to the quality of the waters of the Great Lakes, including an analysis of the present and projected future water quality of the Great Lakes under varying conditions of waste treatment and disposal, an evaluation of the water quality needs of those to be served by such waters, an evaluation of municipal, industrial, and vessel waste treatment and disposal practices with respect to such waters, and a study of alternate means of solving pollution problems (including additional waste treatment measures) with respect to such waters.

"(g) (1) For the purpose of providing an adequate supply of trained personnel to operate and maintain existing and future treatment works and related activities; and for the purpose of enhancing substantially the proficiency of those engaged in such activities, the Administrator shall finance pilot programs, in cooperation with State and interstate agencies, municipalities, educational institutions, and other organizations and individuals, of manpower development and training and retraining of persons in, on entering into, the field of operation and maintenance of treatment works and related activities. Such program and any funds expended for such a program shall supplement, not supplant, other manpower and training programs and funds available for the purposes of this paragraph. The Administrator is authorized, under such terms and conditions as he deems appropriate, to enter into agreements with one or more States, acting jointly or severally, or with other public or private agencies or institutions for the development and implementation of such a program.

"(2) The Administrator is authorized to enter into agreements with public and private agencies and institutions, and individuals to develop and maintain an effective system for forecasting the supply of, and demand for, various professional and other occupational categories needed for the prevention, control, and abatement of pollution in each region, State, or area of the United States and, from time to time, to publish the results of such forecasts.

"(3) In furtherance of the purposes of this Act, the Administrator is authorized to—

"(A) make grants to public or private agencies and institutions and to individuals for training projects, and provide for the conduct of training by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;

"B) establish and maintain research fellowships in the Environmental Protection Agency with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships; and

"(C) provide, in addition to the program established under paragraph (1) of this subsection, training in technical matters relating to the causes, prevention, and control of pollution for personnel of public agencies and other persons with suitable qualifications.

"(4) The Administrator shall submit, through the President, a report to the Congress not later than December 31, 1973, summarizing the actions taken under this subsection and the effectiveness of such actions, and setting forth the number of persons trained, the occupational categories for which training was provided, the effectiveness of other Federal, State, and local training programs in this field, together with estimates of future needs, recommendations on improving training programs, and such other information and recommendations, including legislative recommendations, as he deems appropriate.

"(h) The Administrator is authorized to enter into contracts with, or make grants to, public or private agencies and organizations and individuals for (A) the purpose of developing and demonstrating new or improved methods for the prevention, removal, and abatement of pollution in lakes, including the undesirable effects of nutrients and vegetation, and (B) the construction of publicly owned research facilities for such purpose.

"(i) The Administrator, in cooperation with the Secretary of the department in which the Coast Guard is operating, shall—

"(1) engage in research, studies, experiments, and demonstrations as he deems appropriate, relative to the removal of oil from any waters and to the prevention, control, and elimination of oil and hazardous substances pollution;

"(2) publish from time to time the results of such activities; and

"(3) from time to time, develop and publish in the Federal Register specifications and other technical information on the various chemical compounds used in the control of oil and hazardous substances spills.

In carrying out this subsection, the Administrator may enter into contracts with, or make grants to, public or private agencies and organizations and individuals.

"(j) The Secretary of the department in which the Coast Guard is operating shall engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to equipment which is to be installed on board a vessel and is designed to receive, retain, treat, or discharge human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes with particular emphasis on equipment to be installed on small recreational vessels. The Secretary of the department in which the Coast Guard is operating shall report to Congress the results of such research, studies, experiments, and demonstrations prior to the effective date of any regulations established under section 312 of this Act. In carrying out this subsection the Secretary of the department in which the Coast Guard is operating may enter into contracts with, or make grants to, public or private organizations and individuals.

"(k) In carrying out the provisions of this section relating to the conduct by the Administrator of demonstration projects and the development of field laboratories and research facilities, the Administrator may acquire land and interests therein by purchase, with appropriated or donated funds, by donation, or by exchange for acquired or public lands under his jurisdiction which he classifies as suitable for disposition. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Administrator as the circumstances require.

"(l) (1) The Administrator shall, after consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, as soon as practicable but not later than October 3, 1972, develop and issue to the States for the purpose of carrying out this Act the latest scientific knowledge available in indicating the kind and extent of effects on health and welfare which may be expected from the presence of pesticides in the water in varying quantities. He shall revise and add to such information whenever necessary to reflect developing scientific knowledge.

"(2) The President shall, in consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, conduct studies and investigations of methods to control the release of pesticides into the environment which study shall include examination of the persistency of pesticides in the water environment and alternatives thereto. The President shall submit reports, from time to time, on such investigations to Congress together with his recommendations for any necessary legislation.

"(m) (1) The Administration shall, in an effort to prevent degradation of the environment from the disposal of waste oil, conduct a study of (A) the generation of used engine, machine, cooling, and similar waste oil, including quantities generated, the nature and quality of such oil, present collecting methods and disposal practices, and alternate uses of such oil; (B) the long-term, chronic biological effects of the disposal of such waste oil; and (C) the potential market for such oils, including the economic and legal factors relating to the sale of products made from such oils, the level of subsidy, if any, needed to encourage the purchase by public and private nonprofit agencies of products from such oil, and the practicability of Federal procurement, on a priority basis, of products made from such oil. In conducting such study, the Administrator shall consult with affected industries and other persons.

"(2) The Administrator shall report the results of such study to the Congress within 18 months after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972.

"(n) (1) The Administrator shall, in cooperation with the Secretary of the Army, the Secretary of Agriculture, the Water Resources Council, and with other appropriate Federal, State, interstate, or local public bodies and private organizations, institutions, and individuals, conduct and promote, and encourage contributions to, continuing comprehensive studies of the effects of pollution, including sedimentation, in the estuaries and estuarine zones of the United States on fish and wildlife, on sport and commercial fishing, on recreation, on water supply and water power, and on other beneficial purposes. Such studies shall also consider the effect of demographic trends, the exploitation of mineral resources and fossil fuels, land and industrial development, navigation, flood and erosion control, and other uses of estuaries and estuarine zones upon the pollution of the waters therein.

"(2) In conducting such studies, the Administrator shall assemble, coordinate, and organize all existing pertinent information on the Nation's estuaries and estuarine zones; carry out a program of investigations and surveys to supplement existing information in representative estuaries and estuarine zones; and identify the problems and areas where further research and study are required.

"(3) The Administrator shall submit to Congress, from time to time, reports of the studies authorized by this subsection but at least one such report during any three year period. Copies of each such report shall be made available to all interested parties, public and private.

"(4) For the purpose of this subsection, the term 'estuarine zones' means an environmental system consisting of an estuary and those transitional areas which are consistently influenced or affected by water from an estuary such as, but not limited to, salt marshes, coastal and intertidal areas, bays, harbors, lagoons, inshore waters, and channels, and the term 'estuary' means all or part of the mouth of a river or stream or other body of water having unimpaired natural connection with open sea and within which the sea water is measurably diluted with fresh water derived from land drainage.

"(o) (1) The Administrator shall conduct research and investigations on devices, systems, incentives, pricing policy, and other methods of reducing the total flow of sewage, including, but not limited to, unnecessary water consumption in order to reduce the requirements for, and the costs of, sewage and waste treatment services. Such research and investigations shall be directed to develop devices, systems, policies, and methods capable of achieving the maximum reduction of unnecessary water consumption.

"(2) The Administrator shall report the preliminary results of such studies and investigations to the Congress within one year after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, and annually thereafter in the report required under subsection (a) of section 516. Such report shall include recommendations for any legislation that may be required to provide for the adoption and use of devices, systems, policies, or other methods of reducing water consumption and reducing the total flow of sewage. Such report shall include an estimate of the benefits to be derived from adoption and use of such devices, systems, policies, or other methods and also shall reflect estimates of any increase in private, public, or other cost that would be occasioned thereby.

"(p) In carrying out the provisions of subsection (a) of this section the Administrator shall, in cooperation with the Secretary of Agriculture, other Federal agencies, and the States, carry out a comprehensive study and research program to determine new and impoved methods and the better application of existing methods of preventing and abating pollution from agriculture, including the legal, economic, and other implications of the use of such methods.

"(q) (1) The Administrator shall conduct a comprehensive program of research and investigation and pilot project implementation into new and improved methods of preventing, abating, reducing, storing, collecting, treating, or otherwise eliminating pollution from sewage in rural and other areas where collection of sewage in conventional, community-wide sewage collection systems is impractical, uneconomical, or otherwise infeasible, or where soil conditions or other factors preclude the use of septic tank and drainage field systems.

"(2) The Administrator shall conduct a comprehensive program of research and investigation and pilot project implementation into new and improved methods for the collection and treatment of sewage and other liquid wastes combined with the treatment and disposal of solid wastes.

"(r) The Administrator is authorized to make grants to colleges and universities to conduct basic research into the structure and function of fresh water aquatic ecosystems, and to improve understanding of the ecological characteristics necessary to the maintenance of the chemical, physical, and biological integrity of freshwater aquatic ecosystems.

"(s) The Administrator is authorized to make grants to one or more institutions of higher education (regionally located and to be designated as 'River Study Centers') for the purpose of conducting and reporting on interdisciplinary studies on the nature of river systems, including hydrology, biology, ecology, economics, the relationship between river uses and land uses, and the effects of development within river basins on river systems and on the value of water resources and water development activities. No such grant in any fiscal year shall exceed $1,000,000.

"(t) The Administrator shall, in cooperation with State and Federal agencies and public and private organizations, conduct continuing comprehensive studies of the effects and methods of control of thermal discharges. In evaluating alternative methods of control the studies shall consider (1) their relative engineering and technical feasibility, (2) their relative social and economic costs and benefits, and (3) their relative impact on the environment, considering not only water quality but also air quality, land use, and effective utilization and conservation of natural resources. Such studies shall consider methods of minimizing adverse effects and maximizing beneficial effects of thermal discharges. The results of these studies shall be reported by the Administrator as soon as practicable, but not later than one year after enactment of this subsection, and shall be made available to the public and the States, and utilized by the Administrator in proposing regulations with respect to thermal discharges under section 316 of this Act.

"(u) There is authorized to be appropriated (1) $100,000,000 per fiscal year for the fiscal year ending June 30, 1973, and the fiscal year ending June 30, 1974, for carrying out the provisions of this section other than subsections (g), (p), and (r); (2) not to exceed $7,500,000 for fiscal year 1973 for carrying out the provisions of subsection (g) (1); (3) not to exceed $2,500,000 for fiscal year 1973 for carrying out the provisions of subsection (g) (2); (4) not to exceed $10,000,000 for each of the fiscal years ending June 30, 1973, and June 30, 1974, for carrying out the provisions of subsection (p); and not to exceed $15,000,000 per fiscal year for the fiscal years ending June 30, 1973, and June 30, 1974, for carrying out the provisions of subsection (r).

"GRANTS FOR RESEARCH AND DEVELOPMENT

"SEC. 105. (a) The Administrator is authorized to conduct in the Environmental Protection Agency, and to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of assisting in the development of—

"(1) any project which will demonstrate a new or improved method of preventing and abating the discharge into any waters of pollutants from sewers which carry storm water or both storm water and pollutants; or

"(2) any project which will demonstrate advanced waste treatment and water purification methods (including the temporary use of new or improved chemical additives which provide substantial immediate improvement to existing treatment processes), or new or improved methods of joint treatment systems for municipal and industrial wastes;

and to include in such grants such amounts as are necessary for the purpose of reports, plans, and specifications in connection therewith.

"(b) The Administrator is authorized to make grants to any State or States or interstate agency to demonstrate, in river basins or portions thereof, advanced pollution treatment and environmental enhancement techniques to control pollution from all sources, within such basins or portions thereof, including nonpoint sources, together with in-stream water quality improvement techniques.

"(c) The Administrator is authorized to conduct in the Environmental Protection Agency, to make grants to, and to enter into contracts with, persons for research and demonstration projects for prevention of pollution by industry including, but not limited to, treatment of industrial waste. No grant shall be made for any project under this subsection unless the Administrator determines that such project will develop or demonstrate a new or improved method of treating industrial wastes or otherwise prevent pollution by industry, which method shall have industrywide application.

"(d) In carrying out the provisions of this section, the Administrator shall conduct, on a priority basis, an accelerated effort to develop, refine, and achieve practical application of:

"(1) waste management methods applicable to point and nonpoint sources of pollutants to eliminate the discharge of pollutants, including, but not limited to, elimination of runoff of pollutants and the effects of pollutants from inplace or accumulated sources;

"(2) advanced waste treatment methods applicable to point and nonpoint sources, including inplace or accumulated sources of pollutants, and methods for reclaiming and recycling water and confining and containing pollutants so they will not migrate to cause water or other environmental pollution; and

"(3) improved methods and procedures to identify and measure the effects of pollutants on the chemical, physical, and biological integrity of water, including those pollutants created by new technological developments.

"(e) (1) The Administrator is authorized to (A) make, in consultation with the Secretary of Agriculture, grants to persons for research and demonstration projects with respect to new and improved methods of preventing and abating pollution from agriculture, and (B) disseminate, in cooperation with the Secretary of Agriculture, such information obtained under this subsection, section 104(p), and section 304 as will encourage and enable the adoption of such methods in the agricultural industry.

"(2) The Administrator is authorized, (A) in consultation with other interested Federal agencies, to make grants for demonstration projects with respect to new and improved methods of preventing, abating, reducing, storing, collecting, treating, or otherwise eliminating pollution from sewage in rural and other areas where collection of sewage in conventional, community-wide sewage collection systems is impractical, uneconomical, or otherwise infeasible, or where soil conditions or other factors preclude the use of septic tank and drainage field systems, and (B) in cooperation with other interested Federal and State agencies, to disseminate such information obtained under this subsection as will encourage and enable the adoption of new and improved methods developed pursuant to this subsection.

"(f) Federal grants under subsection (a) of this section shall be subject to the following limitations:

"(1) No grant shall be made for any project unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Administrator;

"(2) No grant shall be made for any project in an amount exceeding 75 per centum of the cost thereof as determined by the Administrator; and

"(3) No grant shall be made for any project unless the Administrator determines that such project will serve as a useful demonstration for the purpose set forth in clause (1) or (2) of subsection (a).

"(g) Federal grants under subsections (c) and (d) of this section shall not exceed 75 per centum of the cost of the project.

"(h) For the purpose of this section there is authorized to be appropriated $70,000,000 per fiscal year for the fiscal year ending June 30, 1973, and the fiscal year ending June 30, 1974, and from such appropriations at least 10 per centum of the funds actually appropriated in each fiscal year shall be available only for the purposes of subsection (e).

"GRANTS FOR POLLUTION CONTROL PROGRAMS

"SEC. 106. (a) There are hereby authorized to be apppropriated the following sums, to remain available until expended, to carry out the purposes of this section—

"(1) $60,000,000 for the fiscal year ending June 30, 1973; and

"(2) $75,000,000 for the fiscal year ending June 30, 1974;

for grants to States and to interstate agencies to assist them in carrying out programs for the prevention and abatement of pollution.

"(b) From the sums appropriated in any fiscal year, the Administrator shall make allotments to the several States and interstate agencies in accordance with regulations promulgated by him on the basis of the extent of the pollution problem in the respective States.

"(c) The Administrator is authorized to pay to each State and interstate agency each fiscal year either—

"(1) the allotment of such State or agency for such fiscal year under subsection (b), or

"(2) the reasonable costs as determined by the Administrator of developing and carrying out a pollution program by such State or agency during such fiscal year,

whichever amount is the lesser.

"(d) No grant shall be made under this section to any State or interstate agency for any fiscal year when the expenditure of non-Federal funds by such State or interstate agency during such fiscal year for the recurrent expenses of carrying out its pollution control program are less than the expenditure by such State or interstate agency of non-Federal funds for such recurrent program expenses during the fiscal year ending June 30, 1971.

"(e) Grants shall be made under this section on condition that—

"(1) Such State (or interstate agency) files with the Administrator within one hundred and twenty days after the date of enactment of this section:

"(A) a summary report of the current status of the State pollution control program, including the criteria used by the State in determining priority of treatment works; and

"(B) such additional information, data, and reports as the Administrator may require.

"(2) No federally assumed enforcement as defined in section 309(a)(2) is in effect with respect to such State or interstate agency.

"(3) Such State (or interstate agency) submits within one hundred and twenty days after the date of enactment of this section and before July 1 of each year thereafter for the Administrator's approval its program for the prevention and abatement of pollution in accordance with purposes and provisions of this Act in such form and content as the Administrator may prescribe.

"(f) Any sums allotted under subsection (b) in any fiscal year which are not paid shall be reallotted by the Administrator in accordance with regulations promulgated by him.

"AREA ACID AND OTHER MINE WATER POLLUTION CONTROL DEMONSTRATIONS

"SEC. 107. (a) The Administrator in cooperation with other Federal departments, agencies, and instrumentalities is authorized to enter into agreements with any State or interstate agency to carry out one or more projects to demonstrate methods for the elimination or control, within all or part of a watershed, of acid or other mine water pollution resulting from active or abandoned mines. Such projects shall demonstrate the engineering and economic feasibility and practicality of various abatement techniques which will contribute substantially to effective and practical methods of acid or other mine water pollution elimination or control, including techniques that demonstrate the engineering and economic feasibility and practicality of using sewage sludge materials and other municipal wastes to diminish or prevent pollution from acid, sedimentation, or other water pollutants and to restore the lands on which such projects are located to usefulness for forestry, agriculture, recreation, or other beneficial uses.

"(b) The Administrator, in selecting watersheds for the purposes of this section, shall (1) require such feasibility studies as he deems appropriate, (2) give preference to areas which have the greatest present or potential value for public use for recreation, fish and wildlife, water supply, and other public uses, and (3) be satisfied that the project area will not be affected adversely by the influx of acid or other mine water pollution from nearby sources.

"(c) Federal participation in such projects shall be subject to the conditions—

"(1) that the State or interstate agency shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, or personal property or services, the value of which shall be determined by the Administrator; and

"(2) that the State or interstate agency shall provide legal and practical protection to the project area to insure against any activities which will cause future acid or other mine water pollution.

"(d) There is authorized to be appropriated $15,000,000 to carry out the provisions of this section, which sum shall be available until expended. No more than 25 per centum of the total funds available under this section in any one year shall be granted to any one State.

"POLLUTION CONTROL IN GREAT LAKES

"SEC. 108. (a) The Administrator, in cooperation with other Federal departments, agencies, and instrumentalities is authorized to enter into agreements with any State, political subdivision, interstate agency, or other public agency, or combination thereof, to carry out one or more projects to demonstrate new methods and techniques and to develop preliminary plans for the elimination or control of pollution, within all or any part of the watersheds of the Great Lakes. Such projects shall demonstrate the engineering and economic feasibility and practicality of removal of pollutants and prevention of any polluting matter from entering into the Great Lakes in the future and other abatement and remedial techniques which will contribute substantially to effective and practical methods of pollution elimination or control.

"(b) Federal participation in such projects shall be subject to the condition that the State, political subdivision, interstate agency, or other public agency, or combination thereof, shall pay not less than 25 per centum of the actual project costs, which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, and personal property or services the value of which shall be determined by the Administrator.

"(c) There is authorized to be appropriated $20,000,000 to carry out the provisions of subsections (a) and (b) of this section, which sum shall be available until expended.

"(d)(1) In recognition of the serious conditions which exist in Lake Erie, the Secretary of the Army, acting through the Chief of Engineers, is directed to design and develop a demonstration waste water management program for the rehabilitation and environmental repair of Lake Erie. Prior to the initiation of detailed engineering and design, the program, along with the specific recommendations of the Chief of Engineers, and recommendations for its financing, shall be submitted to the Congress for statutory approval. This authority is in addition to, and not in lieu of, other waste water studies aimed at eliminating pollution emanating from select sources around Lake Erie.

"(2) This program is to be developed in cooperation with the Environmental Protection Agency, other interested departments, agencies, and instrumentalities of the Federal Government, and the States and their political subdivisions. This program shall set forth alternative systems for managing waste water on a regional basis and shall provide local and State governments with a range of choice as to the type of system to be used for the treatment of waste water. These alternative systems shall include both advanced waste treatment technology and land disposal systems including aerated treatment-spray irrigation technology and will also include provisions for the disposal of solid wastes, including sludge. Such program should include measures to control point sources of pollution, area sources of pollution, including acid-mine drainage, urban runoff and rural runoff, and sources of in-place pollutants, including bottom loads, sludge banks, and polluted harbor dredgings.

"(e) There is authorized to be appropriated $5,000,000 to carry out the provisions of subsection (d) of this section, which sum shall be available until expended.

"TRAINING GRANTS AND CONTRACTS

"SEC. 109. The Administrator is authorized to make grants to or contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the preparation of undergraduate students to enter an occupation which involves the design, operation, and maintenance of treatment works, and other facilities whose purpose is water quality control. Such grants or contracts may include payment of all or part of the cost of programs or projects such as—

"(A) planning for the development or expansion of programs or projects for training persons in the operation and maintenance of treatment works;

"(B) training and retraining of faculty members;

"(C) conduct of short-term or regular session institutes for study by persons engaged in, or preparing to engage in, the preparation of students preparing to enter an occupation involving the operation and maintenance of treatment works;

"(D) carrying out innovative and experimental programs of cooperative education involving alternate periods of full-time or part-time academic study at the institution and periods of full-time or part-time employment involving the operation and maintenance of treatment works; and

"(E) research into, and development of, methods of training students or faculty, including the preparation of teaching materials and the planning of curriculum.

"APPLICATION FOR TRAINING GRANT OR CONTRACT; ALLOCATION OF GRANTS OR CONTRACTS

"SEC. 110. (1) A grant or contract authorized by section 109 may be made only upon application to the Administrator at such time or times and containing such information as he may prescribe, except that no such application shall be approved unless it—

"(A) sets forth programs, activities, research, or development for which a grant is authorized under section 109 and describes the relation to any program set forth by the applicant in an application, if any, submitted pursuant to section 111;

"(B) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

"(C) provides for making such reports, in such form and containing such information, as the Administrator may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Administrator may find necessary to assure the correctness and verification of such reports.

"(2) The Administrator shall allocate

grants or contracts under section 109 in such manner as will most nearly provide an equitable distribution of the grants or contracts throughout the United States among institutions of higher education which show promise of being able to use funds effectively for the purpose of this section.

"(3) (A) Payment under this section may be used in accordance with regulations of the Administrator, and subject to the terms and conditions set forth in an application approved under subsection (a), to pay part of the compensation of students employed in connection with the operation and maintenance of treatment works, other than as an employee in connection with the operation and maintenance of treatment works or as an employee in any branch of the Government of the United States, as part of a program for which a grant has been approved pursuant to this section.

"(B) Departments and agencies of the United States are encouraged, to the extent consistent with efficient administration, to enter into arrangements with institutions of higher education for the full-time, part-time, or temporary employment, whether in the competitive or excepted service, of students enrolled in programs set forth in applications approved under subsection (a).

"AWARD OF SCHOLARSHIPS

"Sec. 111. (1) The Administrator is authorized to award scholarships in accordance with the provisions of this section for undergraduate study by persons who plan to enter an occupation involving the operation and maintenance of treatment works. Such scholarships shall be awarded for such periods as the Administrator may determine but not to exceed four academic years.

"(2) The Administrator shall allocate scholarships under this section among institutions of higher education with programs approved under the provisions of this section for the use of individuals accepted into such programs, in such manner and according to such plan as will insofar as practicable—

"(A) provide an equitable distribution of such scholarships throughout the United States; and

"(B) attract recent graduates of secondary schools to enter an occupation involving the operation and maintenance of treatment works.

"(3) The Administrator shall approve a program of any institution of higher education for the purposes of this section only upon application by the institution and only upon his finding—

"(A) that such program has as a principal objective the education and training of persons in the operation and maintenance of treatment works;

"(B) that such program is in effect and of high quality, or can be readily put into effect and may reasonably be expected to be of high quality;

"(C) that the application describes the relation of such program to any program, activity, research, or development set forth by the applicant in an application, if any, submitted pursuant to section 110 of this Act; and

"(D) that the application contains satisfactory assurances that (i) the institution will recommend to the Administrator for the award of scholarships under this section, for study in such program, only persons who have demonstrated to the satisfaction of the institution a serious intent, upon completing the program, to enter an occupation involving the operation and maintenance of treatment works, and (ii) the institution will make reasonable continuing efforts to encourage recipients of scholarships under this section, enrolled in such program, to enter occupations involving the operation and maintenance of treatment works upon completing the program.

"(4) (A) The Administrator shall pay to persons awarded scholarships under this section such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(B) The Administrator shall (in addition to the stipends paid to persons under subsection (a)) pay to the institution of higher education at which such person is pursuing his course of study such amount as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(5) A person awarded a scholarship under the provisions of this section shall continue to receive the payments provided in this section only during such periods as the Administrator finds that he is maintaining satisfactory proficiency and devoting full time to study or research in the field in which such scholarship was awarded in an institution of higher education, and is not engaging in gainful employment other than employment approved by the Administrator by or pursuant to regulation.

"(6) The Administrator shall by regulation provide that any person awarded a scholarship under this section shall agree in writing to enter and remain in an occupation involving the design, operation, or maintenance of treatment works for such period after completion of his course of studies as the Administrator determines appropriate.

"DEFINITIONS AND AUTHORIZATIONS

"Sec. 112. (a) As used in sections 109 through 112 of this Act—

"(1) The term 'institution of higher education' means an educational institution described in the first sentence of section 1201 of the Higher Education Act of 1965 (other than an institution of any agency of the United States) which is accredited by a nationally recognized accrediting agency or association approved by the Administrator for this purpose. For purposes of this subsection, the Administrator shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

"(2) The term 'academic year' means an academic year or its equivalent, as determined by the Administrator.

"(b) The Administrator shall annually report his activities under sections 109 through 112 of this Act, including recommendations for needed revisions in the provisions thereof.

"(c) There are authorized to be appropriated $25,000,000 per fiscal year for the fiscal years ending June 30, 1973, and June 30, 1974, to carry out sections 109 through 112 of this Act.

"ALASKA VILLAGE DEMONSTRATION PROJECTS

"Sec. 113. (a) The Administrator is authorized to enter into agreements with the State of Alaska to carry out one or more projects to demonstrate methods to provide for central community facilities for safe water and elimination or control of pollution in those native villages of Alaska without such facilities. Such project shall include provisions for community safe water supply systems, toilets, bathing and laundry facilities, sewage disposal facilities, and other similar facilities, and educational and informational facilities and programs relating to health and hygiene. Such demonstration projects shall be for the further purpose of developing preliminary plans for providing such safe water and such elimination or control of pollution for all native villages in such State.

"(b) In carrying out this section the Administrator shall cooperate with the Secretary of Health, Education, and Welfare for the purpose of utilizing such of the personnel and facilities of that Department as may be appropriate.

"(c) The Administrator shall report to Congress not later than January 31, 1974, the results of the demonstration projects authorized by this section together with his recommendations, including any necessary legislation, relating to the establishment of a statewide program.

"(d) There is authorized to be apropriated not to exceed $2,000,000 to carry out this section

"ECONOMIC GROWTH CENTERS

"Sec. 114. In the case of any economic growth center designated under section 143 of title 23, United States Code, the Administrator is authorized to make a supplemental grant to such center in any case where such center receives a grant for construction of treatment works under this Act. Such supplemental grant shall be for such percentage of the costs of such works as the Administrator determines. There is authorized to be appropriated to carry out this section not to exceed $5,000,000.

"TITLE II—GRANTS FOR CONSTRUCTION OF TREATMENT WORKS

"PURPOSE

"Sec. 201. (a) It is the purpose of this title to require, and to assist the development and implementation of, waste treatment management plans and practices.

"(b) Waste treatment management plans and practices shall provide for the application of the best practicable waste treatment technology before any discharge into receiving waters, including reclaiming and recyclying of water, and confined disposal of pollutants so they will not migrate to cause water or other environmental pollution and shall provide for consideration of advanced waste treatment technology and aerated treatment-spray-irrigation technology.

"(c) To the extent practicable, waste treatment management shall be on an areawide basis and provide control or treatment of all point and nonpoint sources of pollution, including in place or accumulated pollution sources.

"(d) (1) The Administrator is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the construction of publicly owned treatment works.

"(2) The Administrator shall not make grants from funds authorized for any fiscal year beginning after June 30, 1974, to any State, municipality, or intermunicipal or interstate agency for the erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works unless the grant applicant has satisfactorily demonstrated to the Administrator that—

"(A) alternative waste management techniques have been studied and evaluated and the works proposed for grant assistance will provide for the application of the best practicable waste treatment technology over the life of the works consistent with the purposes of this title; and

"(B) as appropriate, the works proposed for grant assistance will take into account and allow to the extent practicable the application of technology at a later date which will provide for the reclaiming or recycling of water or otherwise eliminate the discharge of pollutants.

"(3) The Administrator shall not approve any grant after July 1, 1973, for treatment works under this section unless the applicant shows to the satisfaction of the Administrator that each sewer collection system discharging into such treatment works is not subject to excessive infiltration.

"(4) The Administrator is authorized to make grants to applicants for treatment works grants under this section for such sewer system evaluation studies as may be necessary to carry out the requirements of paragraph (3) of this subsection. Such grants shall be made in accordance with rules and regulations promulgated by the Administrator. Initial rules and regulations shall be promulgated under this paragraph not later than 120 days after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972.

"FEDERAL SHARE

"SEC. 202. (a) The amount of any grant for treatment works made under this Act from funds authorized for any fiscal year beginning after June 30, 1971, shall be 60 per centum of the cost of construction thereof (as approved by the Administrator); except that the amount of such grant shall be increased to 75 per centum of such cost if the State agrees to pay at least 15 per centum of the cost of construction of each treatment works for which Federal grants are to be made from funds allocated to such State for such fiscal year. Any grant (other than for reimbursement) made prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 from any funds authorized for any fiscal year beginning after June 30, 1971, shall, upon the request of the applicant, be increased to the applicable percentage under this section.

"(b) The amount of the grant for any project approved by the Administrator after January 1, 1971, and before July 1, 1971, for the construction of treatment works, the actual erection, building or acquisition of which was not commenced prior to July 1, 1971, shall, upon the request of the applicant, be increased to the applicable percentage under subsection (a) of this section for grants for treatment works from funds for fiscal years beginning after June 30, 1971, with respect to the cost of such actual erection, building, or acquisition. Such increased amount shall be paid from any funds allocated to the State in which the treatment works is located without regard to the fiscal year for which such funds were authorized. Such increased amount shall be paid for such project only if—

"(1) a sewage collection system that is a part of the same total waste treatment system as the treatment works for which such grant was approved is under construction or is to be constructed for use in conjunction with such treatment works, and if the cost of such sewage collection system exceeds the cost of such treatment works, and

"(2) the State water pollution control agency certifies that the quantity of available ground water will be insufficent to meet the future requirements for public water supply, unless effluents from publicly owned treatment works, after adequate treatment are injected into the ground to replenish the supply of ground water.

"PLANS, SPECIFICATIONS, ESTIMATES, AND PAYMENTS

"SEC. 203. (a) Each applicant for a grant shall submit to the Administrator for his approval, plans, specifications, and estimates for each proposed project for the construction of treatment works for which a grant is applied for under section 201(d)(1) from funds allotted to the State under section 205 and which otherwise meets the requirements of this Act. The Administrator shall act upon such plans, specifications, and estimates as soon as practicable after the same have been submitted, and his approval of any such plans, specifications, and estimates shall be deemed a contractual obligation of the United States for the payment of its proportional contribution to such project.

"(b) The Administrator shall, from time to time as the work progresses, make payments to the recipient of a grant for costs of construction incurred on a project. These payments shall at no time exceed the Federal share of the cost of construction incurred to the date of the voucher covering such payment plus the Federal share of the value of the materials which have been stockpiled in the vicinity of such construction in conformity to plans and specifications for the project.

"(c) After completion of a project and approval of the final voucher by the Administrator, he shall pay out of the appropriate sums the unpaid balance of the Federal share payable on account of such project.

"LIMITATIONS AND CONDITIONS

"SEC. 204. (a) Before approving grants for any project for any treatment works under section 201(d)(1) the Administrator shall determine—

"(1) that such works are included in any applicable areawide waste treatment management plan developed under section 208 of this Act;

"(2) that such works are in conformity with any applicable State plan under section 303(e) of this Act;

"(3) that such works have been certified by the appropriate State water pollution control agency as entitled to priority over such other works in the State in accordance with any applicable State plan under section 303(e) of this Act;

"(4) that the applicant proposing to construct such works agrees to pay the non-Federal costs of such works and has made adequate provisions satisfactory to the Administrator for assuring proper and efficient operation, including the employment of trained management and operations personnel, and the maintenance of such works in accordance with a plan of operation approved by the State water pollution control agency or, as appropriate, the interstate agency, after construction thereof;

"(5) that the size and capacity of such works relate directly to the needs to be served by such works, including sufficient reserve capacity. The amount of reserve capacity provided shall be approved by the Administrator on the basis of a comparison of the cost of constructing such reserves as a part of the works to be funded and the anticipated cost of providing expanded capacity at a date when such capacity will be required;

"(6) that no specification for bids in connection with such works shall be written in such a manner as to contain proprietary, exclusionary, or discriminatory requirements other than those based upon performance, unless such requirements are necessary to test or demonstrate a specific thing or to provide for necessary interchangeability of parts and equipment, or at least two brand names or trade names of comparable quality or utility are listed and are followed by the words 'or equal'.

"(b)(1) Notwithstanding any other provision of this title, the Administrator shall not approve any grant for any treatment works under section 201(d)(1) after June 30, 1973, unless he shall first have determined that the applicant (A) has adopted or will adopt a system of charges to assure that each recipient of waste treatment services within the applicant's jurisdiction, as determined by the Administrator, will pay its proportionate share of the costs of operation, maintenance (including replacement), and expansion of any waste treatment services provided by the applicant; (B) has made provision for the payment to such applicant by the industrial users of the treatment works, of that portion of the cost of construction of such treatment works (as determined by the Administrator) which is allocable to the treatment of such industrial wastes to the extent attributable to the Federal share of the cost of construction; and (C) has legal, institutional, managerial, and financial capability to insure adequate construction, operation, maintenance, and expansion of treatment works throughout the applicant's jurisdiction, as determined by the Administrator.

"(2) The Administrator shall, within one hundred and eighty days after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, and after consultation with appropriate State, interstate, municipal, and intermunicipal agencies, issue guidelines applicable to payment of waste treatment costs by industrial and nonindustrial recipients of waste treatment services which shall establish (A) classes of users of such services, including categories of industrial users; (B) criteria against which to determine the adequacy of charges imposed on classes and categories of users reflecting all factors that influence the cost of waste treatment, including strength, volume, and delivery flow rate characteristics of waste; and (C) model systems and rates of user charges typical of various treatment works serving municipal-industrial communities.

"(3) Revenues derived from the payment of costs by industrial users of waste treatment services, to the extent costs are attributable to the Federal share of eligible project costs provided pursuant to this title, as determined by the Administrator, shall be retained by the grantee for use solely for the operation, maintenance, expansion, and construction of treatment works which are publicly owned, in accordance with regulations promulgated by the Administrator.

"(4) Approval by the Administrator of a grant to an interstate agency established by interstate compact for any treatment works shall satisfy any other requirement that such works be authorized by Act of Congress.

"ALLOTMENT

"SEC. 205. (a) All sums authorized to be appropriated pursuant to section 207 for each fiscal year beginning after June 30, 1972, shall be allotted by the Administrator not later than the January 1st immediately preceding the beginning of the fiscal year for which authorized, except that the allotment for fiscal year 1973 shall be made not later than 30 days after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972. Such sums shall be allotted among the States by the Administrator in accordance with regulations promulgated by him, in the ratio that the estimated cost of constructing all needed publicly owned treatment works in each State bears to the estimated cost of construction of all needed publicly owned treatment works in all of the States. For the fiscal years ending June 30, 1973, and June 30, 1974, such ratio shall be determined on the basis of the table on page 18 of volume I of Senate Document 92–23 entitled 'The Cost of Clean Water'. Allotments for fiscal years which begin after the fiscal year ending June 30, 1974, shall be made only in accordance with a revised cost estimate made and submitted to Congress in accordance with section 516(b) of this Act and only after such revised cost estimate shall have been approved by law specifically enacted hereafter.

"(b)(1) Any sums allotted to a State under subsection (a) shall be available for obligation under section 203 on and after the date of such allotment. Such sums shall continue available for obligation in such State for a period of one year after the close of the fiscal year for which such sums are authorized. Any amounts so allotted which are not obligated by the end of such one-year period shall be immediately reallotted by the Administrator, in accordance with regulations promulgated by him, generally on the basis of the ratio used in making the last allotment of sums under this section. Such reallotted sums shall be added to the last allotments made to the States. Any sum made available to a State by reallotment under this subsection shall be in addition to any funds otherwise allotted to such State for grants under this title during any fiscal year.

"(2) Any sums which have been obligated under section 203 and which are released by the payment of the final voucher for the project shall be immediately credited to the State to which such sums were last allotted. Such released sums shall be added to the amounts last allotted to such State and shall be immediately available for obligation in the same manner and to the same extent as such last allotment.

"REIMBURSEMENT AND ADVANCED CONSTRUCTION

"SEC. 206. (a) Any publicly owned treatment works in a State on which construction was initiated after June 30, 1966, but before July 1, 1971, which was approved by the appropriate State water pollution control agency and which the Administrator finds an application was made prior to initiation of construction for financial assistance under this Act and which the Administrator finds meets the requirements of section 8 of this Act in effect at the time of the initiation of construction but which was constructed (1) without financial assistance authorized by such section 8 solely because of the lack of Federal funds or (2) with financial assistance authorized by section 8 but in a lesser percentage of the cost of construction than authorized by such section 8 shall qualify for payment and reimbursement of State or local funds used or committed (including retroactive use or commitment of State funds) for such project prior to July 1, 1974, from sums allocated to such State under this section for any fiscal year ending prior to July 1, 1974, to the maximum extent that assistance could have been provided under such section 8 and for which it would have qualified if such project had been approved thereunder and adequate funds had been available (including retroactive State participation).

"(b) Any publicly owned treatment works constructed with or eligible for Federal financial assistance under this Act in a State between June 30, 1956, and June 30, 1966, which was approved by the State water pollution control agency and which the Administrator finds meets the requirements of section 8 of this Act immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 but which was constructed without assistance under such section 8 or which received such assistance in an amount less than 30 per centum of the cost of such project shall qualify for payments and reimbursements of State or local funds used for such project from sums allocated to such State under this section in an amount which shall not exceed the difference between the amount of such assistance, if any, received for such project and 30 per centum of the cost of such project.

"(c) There is authorized to be appropriated to carry out subsection (a) of this section not to exceed $2,000,000,000 and, to carry out subsection (b) of this section, not to exceed $750,000,000. The authorizations contained in this subsection shall be the sole source of funds for reimbursements authorized by this section.

"(d)(1) In any case where all funds allotted to a State under this title have been obligated under section 203 of this Act, and there is construction of any treatment works project without the aid of Federal funds and in accordance with all procedures and all requirements applicable to treatment works projects, except those procedures and requirements which limit construction of projects to those constructed with the aid of previously allotted Federal funds, the Administrator, upon his approval of an application made under this subsection therefor, is authorized to pay the Federal share of the cost of construction of such project when additional funds are allotted to the State under this title if prior to the construction of the project the Administrator approves plans, specifications, and estimates therefor in the same manner as other treatment works projects. The Administrator may not approve an application under this subsection unless an authorization is in effect for the future fiscal year for which the application requests payment, which authorization will insure such payment without exceeding the State's expected allotment from such authorization.

"(2) In determining the allotment for any fiscal year under this title, any treatment works project constructed in accordance with this section and without the aid of Federal funds shall not be considered completed until an application under the provisions of this subsection with respect to such project has been approved by the Administrator, or the availability of funds from which this project is eligible for reimbursement has expired, whichever first occurs.

"AUTHORIZATION

"SEC. 207. There is authorized to be appropriated to carry out this title, other than sections 208 and 209, for the fiscal year ending June 30, 1973, $5,000,000,000, for the fiscal year ending June 30, 1974, $6,000,000,000, and for the fiscal year ending June 30, 1975, $7,000,000,000.

"AREAWIDE WASTE TREATMENT MANAGEMENT

"SEC. 208. (a) For the purpose of encouraging and facilitating the development and implementation of areawide waste treatment management plans—

"(1) The Administrator, within ninety days after the date of enactment of this Act and after consultation with appropriate Federal, State, and local authorities, shall by regulation publish guidelines for the identification of those areas which, as a result of urban-industrial concentrations or other factors, have substantial water quality control problems.

"(2) The Governor of each State, within sixty days after publication of the guidelines issued pursuant to paragraph (1) of this subsection, shall identify each area within the State which, as a result of urban-industrial concentrations or other factors, has substantial water quality control problems. Not later than one hundred and twenty days following such identification and after appropriate consultation with the officials of all local governments having jurisdiction in such areas, the Governor shall designate (A) the boundaries of each such area, and (B) a single representative organization capable of developing effective areawide waste treatment management plans for such area. The Governor may in the same manner at any later time identify any additional area (or modify an existing area) for which he determines areawide waste treatment management to be appropriate, designate the boundaries of such area, and designate an organization capable of developing effective areawide waste treatment management plans for such area.

"(3) With respect to any area which, pursuant to the guidelines published under paragraph (1) of this subsection, is located in two or more States, the Governors of the respective States shall consult and cooperate in carrying out the provisions of paragraph (2), with a view toward designating the boundaries of the interstate area having common water quality control problems and for which areawide waste treatment management plans would be most effective, and toward designating, within one hundred and eighty days after publication of guidelines issued pursuant to paragraph (1) of this subsection, of a single representative organization of developing effective areawide waste treatment management plans for such area.

"(4) Existing regional agencies may be designated under paragraphs (2) and (3) of this subsection.

"(5) Designations under this subsection shall be subject to the approval of the Administrator.

"(b)(1) Not later than two years after the date of designation of any organization under subsection (a) of this section such organization shall have in operation a continuing areawide waste treatment management planning process consistent with section 201 of this Act. Plans prepared in accordance with this process shall contain alternatives for waste treatment management, and be applicable to all wastes generated within the area involved.

"(2) Any plan prepared under such process shall include, but not be limited to—

"(A) the identification of treatment works necessary to meet the anticipated municipal and industrial waste treatment needs of the area over a twenty-year period, annually updated (including an analysis of alternative waste treatment systems), including any requirements for the acquisition of land for treatment purposes; the necessary waste water collection and urban storm water runoff systems; and a program to provide the necessary financial arrangements for the development of such treatment works;

"(B) the establishment of construction priorities for such treatment works and time schedules for the initiation and completion of all treatment works;

"(C) the establishment of a regulatory program to—

"(i) implement the waste treatment management requirements of section 201(c),

"(ii) regulate the location, modification, and construction of any facilities within such area which may result in any discharge in such area, and

"(iii) assure that any industrial or commercial wastes discharged into any treatment works in such area meet applicable pretreatment requirements;

"(D) the identification of those agencies necessary to construct, operate, and maintain all facilities required by the plan and otherwise to carry out the plan;

"(E) the identification of the measures necessary to carry out the plan (including financing), the period of time necessary to carry out the plan, the costs of carrying out the plan within such time, and the economic, social, and environmental impact of carrying out the plan within such time;

"(F) a process to (i) identify, if appropriate, agriculturally related nonpoint sources of pollution, including runoff from manure disposal areas, and from land used for livestock and crop production, and (ii) set forth procedures and methods (including land use requirements) to control to the extent feasible such sources;

"(G) a process to (i) identify, if appropriate, mine-related sources of pollution including new, current, and abandoned surface and underground mine runoff, and (ii) set forth procedures and methods (including land use requirements) to control to the extent feasible such sources;

"(H) a process to (i) identify construction activity related sources of pollution, and (ii) set forth procedures and methods (including land use requirements) to control to the extent feasible such sources; and

"(I) a process to (i) identify, if appropriate, salt water intrusion into rivers, lakes, and estuaries resulting from reduction of fresh water flow from any cause, including irrigation, obstruction, ground water extraction, and diversion, and (ii) set forth procedures and methods to control such intrusion to the extent feasible where such procedures and methods are otherwise a part of the waste treatment management plan.

"(3) Areawide waste treatment management plans shall be certified annually by the Governor or his designee (or Governors or their designees, where more than one State is involved) as being consistent with applicable basin plans and such areawide waste treatment management plans shall be submitted to the Administrator for his approval.

"(c)(1) The Governor of each State, in consultation with the planning agency designated under subsection (a) of this section, at the time a plan is submitted to the Administrator, may designate one or more waste treatment management agencies for each area designated under subsection (a) of this section and submit a list of such designations to the Administrator.

"(2) The Administrator shall approve any such designation, within ninety days of designation, only if he finds that the designated management agency (or agencies) is authorized—

"(A) to carry out appropriate portions of an areawide waste treatment management plan developed under subsection (b) of this section;

"(B) to manage effectively waste treatment works and related facilities serving such area in conformance with any plan required by subsection (b) of this section;

"(C) directly or by contract, to design and construct new works, and to operate and maintain new and existing works as required by any plan developed pursuant to subsection (b) of this section;

"(D) to accept and utilize grants, or other funds from any source, for waste treatment management purposes;

"(E) to raise revenues, including the assessment of waste treatment charges;

"(F) to incure short- and long-term indebtedness;

"(G) to assure in implementation of an areawide waste treatment management plan that each participating community pays its proportionate share of treatment costs;

"(H) to refuse to receive any wastes from any municipality or subdivision thereof, which does not comply with any provisions of an approved plan under this section applicable to such area; and

"(I) to accept for treatment industrial wastes.

"(d) After a waste treatment management agency has been designated under this subsection for an area and a plan for such area has been approved under subsection (b) of this section, the Administrator shall not make any grant for construction of a publicly owned treatment works under section 201(d)(1) within such area except to such designated agency and for works in conformity with such plan.

"(e) No permit under section 402 of this Act shall be issued for any point source which is in conflict with a plan approved pursuant to subsection (b) of this section.

"(f)(1) The Administrator shall make grants to any agency designated under subsection (a) of this section for payment of the reasonable costs of developing and operating a continuing areawide waste treatment management planning process under subsection (b) of this section.

"(2) The amount granted to any agency under paragraph (1) of this subsection shall be 100 per centum of the costs of developing and operating a continuing areawide waste treatment management planning process under subsection (b) of this section for each of the fiscal years ending on June 30, 1973, June 30, 1974, and June 30, 1975, and shall not exceed 75 per centum of such costs in each succeeding fiscal year.

"(3) There is authorized to be appropriated to the Administrator to carry out this subsection not to exceed $100,000,000 for the fiscal year ending June 30, 1973, and not to exceed $150,000,000 for the fiscal year ending June 30, 1974.

"(g) The Administrator is authorized, upon request of the Governor or the designated planning agency, and without reimbursement, to consult with, and provide technical assistance to, any agency designated under subsection (a) of this section in the development of areawide waste treatment management plans under subsection (b) of this section.

"(h)(1) The Secretary of the Army, acting through the Chief of Engineers, in cooperation with the Administrator is authorized and directed, upon request of the Governor or the designated planning organization, to consult with, and provide technical assistance to, any agency designated under subsection (a) of this section in developing and operating a continuing areawide waste treatment management planning process under subsection (b) of this section.

"(2) There is authorized to be appropriated to the Secretary of the Army, to carry out this subsection, not to exceed $50,000,000 per fiscal year for the fiscal years ending June 30, 1973, and June 30, 1974.

"BASIN PLANNING

"SEC. 209. (a) The President, acting through the Water Resources Council, shall, as soon as practicable, prepare a Level B plan under the Water Resources Planning Act for all basins in the United States. All such plans shall be completed not later than January 1, 1980, except that priority in the preparation of such plans shall be given to those basins and portions thereof which are within those areas designated by a Governor or Governors under paragraphs (2) and (3) of subsection (a) of section 208 of this Act.

"(b) The President, acting through the Water Resources Council, shall report annually to Congress on progress being made in carrying out this section. The first such report shall be submittted not later than January 31, 1973.

"(c) There is authorized to be appropriated to carry out this section not to exceed $200,000,000.

"ANNUAL SURVEY

"SEC. 210. The Administrator shall annually make a survey to determine the efficiency of the operation and maintenance of treatment works constructed with grants made under this Act, as compared to the efficiency planned at the time the grant was made. The results of such annual survey shall be included in the report required under section 516(a) of this Act.

"SEWAGE COLLECTION SYSTEMS

"SEC. 211. No grant shall be made under this title for a sewage collection system unless such system is for an existing community and is necessary to the integrity of a total waste treatment works system.

"DEFINITIONS

"SEC. 212. As used in this title—

"(1) The term 'construction' means any one or more of the following: preliminary planning to determine the feasibility of treatment works, engineering, architectural, legal, fiscal, or economic investigations or studies, surveys, designs, plans, working drawings, specifications, procedures, or other necessary actions, erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works, or the inspection or supervision of any of the foregoing items.

"(2)(A) The term 'treatment works' means any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature to implement section 201 of this Act, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment, and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

"(B) In addition to the definition contained in subparagraph (A) of this paragraph, 'treatment works' means any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste, including storm water runoff, or industrial waste, including waste in combined storm water and sanitary sewer systems. Any application for construction grants which includes wholly or in part such methods or systems shall, in accordance with guidelines published by the Administrator pursuant to subparagraph (C) of this paragraph, contain adequate data and analysis demonstrating such proposal to be, over the life of such works, the most cost efficient alternative to comply with sections 301 or 302 of this Act, or the requirements of section 201 of this Act.

"(C) For the purposes of subparagraph (B) of this paragraph, the Administrator shall, within one hundred and eighty days after the date of enactment of this title, publish and thereafter revise no less often than annually, guidelines for the evaluation of methods, including cost-effective analysis, described in subparagraph (B) of this paragraph.

"(3) The term 'replacement' as used in this title means those expenditures for obtaining and installing equipment, accessories, or appurtenances during the useful life of the treatment works necessary to maintain the capacity and performance for which such works are designed and constructed.

"(4) The term 'industrial user' means those industries identified in the Standard Industrial Classification Manual, Bureau of the Budget, 1967, as amended and supplemented, under the category 'Division D—Manufacturing' and such other classes of significant waste producers as, by regulation the Administrator deems appropriate under this title.

"TITLE III—STANDARDS AND ENFORCEMENT

"EFFLUENT LIMITATIONS

"SEC. 301. (a) Except as in compliance with this section and sections 302, 306, 307, 318, 402, and 404 of this Act, the discharge of any pollutant by any person shall be unlawful.

"(b) In order to carry out the objective of this Act there shall be achieved—

"(1)(A) not later than January 1, 1976, effluent limitations for point sources, other than publicly owned treatment works, (i) which shall require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of this Act, or (ii) in the case of a discharge into a publicly owned treatment works which meets the requirements of subparagraph (B) of this paragraph, which shall require compliance with any applicable pretreatment requirements and any requirements under section 307 of this Act; and

"(B) for publicly owned treatment works in existence on January 1, 1976, or approved pursuant to section 203 of this Act prior to June 30, 1974 (for which construction must be completed within four years of approval), effluent limitations based upon secondary treatment as defined by the Administrator pursuant to section 304(d)(1) of this Act; or

"(C) not later than January 1, 1976, any more stringent limitation, including those necessary to meet water quality standards, treatment standards, or schedules of compliance, establish pursuant to any other State or Federal law or regulation, or required to implement any applicable water quality standard established pursuant to this Act.

"(2)(A) except as provided in section 315, not later than January 1, 1981, effluent limitations for point sources, other than publicly owned treatment works, (i) which shall require the elimination of the discharge of pollutants, unless on the basis of facts presented by the owner or operator of any such sources, among other information, the State under a program approved pursuant to section 402 of this Act (or, where no such program is approved, the Administrator) finds, that compliance is not attainable at a reasonable cost, in which event there shall be applied an effluent limitation based on that degree of effluent control achievable through the application of the best available demonstrated technology, taking into account the cost of such controls, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of this Act, and the environmental impact, or (ii) in the case of a discharge of a pollutant into a publicly owned treatment works which meets the requirement of subparagraph (B) of this paragraph, which shall require compliance with any applicable pretreatment requirements and any requirement under section 307 of this Act; and

"(B) not later than January 1, 1981, compliance by all publicly owned treatment works with the requirements set forth in section 201(d)(2)(A) of this Act.

"(3) The Administrator may extend for any point source the dates prescribed in subparagraphs (A) and (B) of paragraph (1) of this subsection. No extension or extensions of such date shall exceed a total of two years from the date prescribed in such subparagraph. Public hearings must be held by the Administrator in connection with any such extension prior to granting such extension. No extension shall be granted unless the Administrator determines (i) that it is not possible either physically or legally to complete the necessary construction within the statutory time limit, or (ii) that a longer time period is provided in the plan of implementation for the applicable water quality standard. An extension of dates under this authority may also include a waiver for the same period of any applicable water quality standard.

"(c) Any effluent limitation required by paragraph (2) of subsection (b) of this section shall be reviewed at least every five years and, if appropriate, revised pursuant to the procedure established under such paragraph.

"(d) Effluent limitations established pursuant to this section or section 302 of this Act shall be applied to all point sources of discharge of pollutants in accordance with the provisions of this Act.

"(e) Notwithstanding any other provisions of this Act it shall be unlawful to discharge any radiological, chemical, or biological warfare agent or high-level radioactive waste into the navigable waters.

"(f) Notwithstanding any other provision of this Act, any point source the construction or modification of which is commenced after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 and before the expiration of the one-year period which begins on the date of submission of the report required by section 315 of this Act, and which is so constructed or modified as to meet affluent limitations based upon the best available technology at the time of such construction or modification, shall not be subject to any more stringent effluent limitations with respect to such effluents during a 12 year period beginning on the date of completion of such construction or modification or during the period of depreciation or amortization of such facility for the purposes of section 167 or 169 (or both) of the Internal Revenue Code of 1954, whichever periods ends first.

"WATER QUALITY RELATED EFFLUENT LIMITATIONS

"SEC. 302. (a) Whenever, in the judgment of a State or the Administrator, discharges of pollutants from a point source or group of point sources, with the application of effluent limitations required under section 301(b)(2) of this Act, would interfere with the attainment or maintenance of that water quality in a specific portion of the navigable waters which shall assure protection of public water supplies, agricultural and industrial uses, and the protection and propagation of a balanced population of shellfish, fish and wildlife, and allow recreational activities in and on the water, effluent limitations (including alternative effluent control strategies) for such point source or sources shall be established which can reasonably be expected to contribute to the attainment or maintenance of such water quality.

"(b)(1) Before establishing any effluent limitation under subsection (a) of this section, the Administrator shall issue a notice of intent to establish such limitation to the Chairman of the Council of Economic Advisers, the Chairman of the Council on Environmental Quality, and the Director of the Office of Science and Technology. Each person so notified shall have a ninety-day period to submit to the Administrator written comments and recommendations which shall be made part of the public record with respect to the establishment of such limitation. If any part of such written recommendations are not accepted by the Administrator, then the Administrator shall notify, in writing, the person submitting such recommendation, of his failure to so accept such recommendations together with his reasons for so doing. Thereafter, the Administrator shall issue notice of intent to establish such limitation and within ninety days of such notice hold a public hearing to determine the relationship of the economic, social, and environmental costs of achieving any such limitation or limitations, including any economic or social dislocation in the affected community or communities, to the economic, social, and environmental benefits to be obtained (including the attainment of the objective of this Act) and to determine whether or not such effluent limitations can be implemented with available technology or other alternative control strategies.

"(2) Prior to establishment of any effluent limitation pursuant to subsection (a) of this section, the State shall issue notice of intent to establish such limitation and within ninety days of such notice hold a public hearing to determine the relationship of the economic, social, and environmental costs of achieving any such limitation or limitations, including any economic or social dislocation in the affected community or communities, to the economic, social, and environmental benefits to be obtained (including the attainment of the objective of this Act) and to determine whether or not such effluent limitations can be implemented with available technology or other alternative control strategies.

"(3) If a person affected by such limitation demonstrates at such hearing that (whether or not such technology or other alternative control strategies are available) there is no reasonable relationship between the economic, social, and environmental costs and the benefits to be obtained (including attainment of the objective of this Act), such limitation shall not become effective and the State or the Administrator shall adjust such limitation as it applies to such person. Whenever the Administrator adjusts or refuses to adjust any limitation as it applies to any person under this paragraph he shall, prior to the time such limitation takes effect, set forth in writing his reasons for such action, and such reasons shall be part of the public record with respect to such limitation.

"(c) The establishment of effluent limitations under this section shall not operate to delay the application of any effluent limitation established under section 301 of this Act.

"WATER QUALITY STANDARDS AND IMPLEMENTATION PLANS

"SEC. 303. (a)(1) In order to carry out the purpose of this Act, any water quality standard applicable to interstate waters which was adopted by any State and submitted to, and approved by, or is awaiting approval by, the Administrator pursuant to this Act as in effect immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, shall remain in effect unless the Administrator determined that such standard is not consistent with the applicable requirements of this Act as in effect immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972. If the Administrator makes such a determination he shall, within three months after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, notify the State and specify the changes needed to meet such requirements. If such changes are not adopted by the State within ninety days after the date of such notification, the Administrator shall promulgate such changes in accordance with subsection (b) of this section.

"(2) Any State which, before the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, has adopted, pursuant to its own law, water quality standards applicable to intrastate waters shall submit such standards to the Administrator within thirty days after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972. Each such standard shall remain in effect, in the same manner and to the same extent as any other water quality standard established under this Act unless the Administrator determines that such standard is inconsistent with the applicable requirements of this Act as in effect immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972. If the Administrator makes such a determination he shall not later than the one hundred and twentieth day after the date of submission of such standards, notify the State and specify the changes needed to meet such requirements. If such changes are not adopted by the State within ninety days after such notification, the Administrator shall promulgate such changes in accordance with subsection (b) of this section.

"(3)(A) Any State which prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 has not adopted pursuant to its own laws water quality standards applicable to intrastate waters shall, not later than one hundred and eighty days after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, adopt and submit such standards to the Administrator.

"(B) If the Administrator determines that any such standards are consistent with the applicable requirements of this Act as in effect immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, he shall approve such standards.

"(C) If the Administrator determines that any such standards are not consistent with the applicable requirements of this Act as in effect immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, he shall, not later than the ninetieth day after the date of submission of such standards, notify the State and specify the changes to meet such requirements. If such changes are not adopted by the State within ninety days after the date of notification, the Administrator shall promulgate such standards pursuant to subsection (b) of this section.

"(b)(1) The Administrator shall promptly prepare and publish proposed regulations setting forth water quality standards for a State in accordance with the applicable requirements of this Act as in effect immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, if—

"(A) the State fails to submit water quality standards within the times prescribed in subsection (a) of this section,

"(B) a water quality standard submitted by such State under subsection (a) of this section is determined by the Administrator not to be consistent with the applicable requirements of subsection (a) of this section.

"(2) The Administrator shall promulgate any water quality standard published in a proposed regulation not later than one hundred and ninety days after the date he publishes any such proposed standard, unless prior to such promulgation, such State has adopted a water quality standard which the Administrator determines to be in accordance with subsection (a) of this section.

"(c) (1) The Governor of a State or the State water pollution control agency of such State shall from time to time (but at least once each three year period beginning with the date of enactment of the Federal Water Pollution Control Act Amendments of 1972) hold public hearings for the purpose of reviewing applicable water quality standards and, as appropriate, modifying and adopting standards. Results of such review shall be made available to the Administrator.

"(2) Whenever the State revises or adopts a new standard, such revised or new standard shall be submitted to the Administrator. Such revised or new water quality standard shall consist of the designated uses of the navigable waters involved and the water quality criteria for such waters based upon such uses. Such standards shall be such as to protect the public health or welfare, enhance the quality of water and serve the purposes of this Act. Such standards shall be established taking into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses, and also taking into consideration their use and value for navigation.

"(3) If the Administrator, within sixty days after the date of submission of the revised or new standard, determines that such standard meets the requirements of this Act, such standard shall thereafter be the water quality standard for the applicable waters of that State. If the Administrator determines that any such revised or new standard is not consistent with the applicable requirements of this Act, he shall not later than the ninetieth day after the date of submission of such standard notify the State and specify the changes to meet such requirements. If such changes are not adopted by the State within ninety days after the date of notification, the Administrator shall promulgate such standard pursuant to paragraph (4) of this subsection.

"(4) The Administrator shall promptly prepare and publish proposed regulations setting forth a revised or new water quality standard for the navigable waters involved—

"(A) if a revised or new water quality standard submitted by such State under paragraph (3) of this subsection for such waters is determined by the Administrator not to be consistent with the applicable requirements of this Act, or

"(B) in any case where the Administrator determines that a revised or new standard is necessary to meet the requirements of this Act.

The Administrator shall promulgate any revised or new standard under this paragraph not later than ninety days after he publishes such proposed standards, unless prior to such promulgation, such State has adopted a revised or new water quality standard which the Administrator determines to be in accordance with this Act.

"(5) No revised or new standard under this subsection shall have any application to thermal discharges in accordance with regulations issued pursuant to section 316 of this Act.

"(d) (1) Each State shall identify those waters within its boundaries for which the effluent limitations required by section 301 (b) (1) (A) and section 301(b) (1) (B) are not stringent enough to implement any water quality standard applicable to such waters. The State shall establish a priority ranking for such waters, taking into account the severity of the pollution and the uses to be made of such waters. Each State shall establish for the waters so identified, and in accordance with the priority ranking, the total maximum daily load, with seasonal variations and margins of safety, for those pollutants which the Administrator identifies under section 304(a) (2) as suitable for such calculation. Such load shall be established at a level necessary to implement the applicable water quality standards with a margin of safety which takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality.

"(2) Each State shall submit to the Administrator from time to time, with the first such submission not later than one hundred eighty days after the date of publication of the first identification of pollutants under section 304(a) (2) (D), for his approval the waters identified and the load established under paragraph (1) of this subsection. The Administrator shall either approve or disapprove such identification and load not later than thirty days after the date of submission. If the Administrator approves such identification and load such State shall incorporate them into its current plan under subsection (e) of this section. If the Administrator disapproves such identification and load, he shall not later than thirty days after the date of such disapproval identify such waters in such State and establish such loads for such waters as he determines necessary to implement the water quality standards applicable to such waters and upon such identification and establishment the State shall incorporate them into its current plan under subsection (e) of this section.

"(3) For the purpose of developing information, each State shall identify all waters within its boundaries which it has not identified under paragraph (1) of this subsection and establish for such waters the total maximum daily load, with seasonal variations and margins of safety, for those pollutants which the Administrator identifies under section 304(a) (2) as suitable for such calculation, at a level that would implement the water quality standards.

"(e) (1) Each State shall have a continuing planning process approved under paragraph (2) of this subsection which is consistent with this Act.

"(2) Each State shall submit not later than 120 days after the date of the enactment of the Water Pollution Control Amendments of 1972 to the Administrator for his approval a proposed continuing planning process which is consistent with this Act. Not later than thirty days after the date of submission of such a process the Administrator shall either approve or disapprove such process. The Administrator shall from time to time review each State's approved planning process for the purpose of insuring that such planning process is at all times consistent with this Act. The Administrator shall not approve any State permit program under title IV of this Act for any State which does not have an approved continuing planning process under this section.

"(3) The Administrator shall approve any continuing planning process submitted to him under this section which will result in plans for all navigable waters within such State, which include, but are not limited to, the following:

"(A) effluent limitations and schedules of compliance at least as stringent as those required by section 301(b) (1), section 301(b) (2) (B), section 306, and section 307, and at least as stringent as any requirements contained in any applicable water quality standard in effect under authority of this section;

"(B) the incorporation of all elements of any applicable areawide waste management plans under section 208, and applicable basin plans under section 209 of this Act;

"(C) total maximum daily load for pollutants in accordance with subsection (d) of this section;

"(D) procedures for revision;

"(E) adequate authority for intergovernmental cooperation;

"(F) adequate implementation, including schedules of compliance, for revised or new water quality standards under subsection (c) of this section;

"(G) controls over the disposition of all residual waste from any water treatment processing;

"(H) an inventory and ranking, in order of priority, of needs for construction of waste treatment works required to meet the applicable requirements of sections 301 and 302.

"(f) Nothing in this section shall be construed to affect any effluent limitation, or schedule of compliance required by any State to be implemented prior to the dates set forth in sections 301(b) (1) and 301(b) (2) nor to preclude any State from requiring compliance with any effluent limitation or schedule of compliance at dates earlier than such dates.

"INFORMATION AND GUIDELINES

"SEC. 304. (a) (1) The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall develop and publish, within one year after the date of enactment of this title (and from time to time thereafter revise) criteria for water quality accurately reflecting the latest scientific knowledge (A) on the kind and extent of all identifiable effects on health and welfare including, but not limited to, plankton, fish, shellfish, wildlife, plant life, shorelines, beaches, esthetics, and recreation which may be expected from the presence of pollutants in any body of water, including ground water; (B) on the concentration and dispersal of pollutants, or their byproducts, through biological, physical, and chemical processes; and (C) on the effects of pollutants on biological community diversity, productivity, and stability, including information on the factors affecting rates of eutrophication and rates of organic and inorganic sedimentation for varying types of receiving waters.

"(2) The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall develop and publish, within one year after the date of enactment of this title (and from time to time thereafter revise) information (A) on the factors necessary to restore and maintain the natural chemical, physical, and biological integrity of all navigable waters, ground waters, waters of the contiguous zone, and the oceans; (B) on the factors necessary for the protection and propagation of shellfish, fish, and wildlife and to allow recreational activities in and on the water; and (C) on the measurement and classification of water quality; and (D) on and the identification of pollutants suitable for maximum daily load measurement correlated with the achievement of water quality objectives.

"(3) Such criteria and information and revisions thereof shall be issued to the States and shall be published in the Federal Register and otherwise made available to the public.

"(b) For the purpose of adopting or revising effluent limitations under this Act the Administrator shall, after consultation with appropriate Federal and State agencies and other interested persons, publish within one year of enactment of this title, regulations, providing guidelines for effluent limitations, and, at least annually thereafter, revise, if appropriate, such regulations. Such regulations shall—

"(1) (A) identify, in terms of amounts of constituents and chemical, physical, and biological characteristics of pollutants, the degree of effluent reduction attainable through the application of the best practicable control technology currently available for classes and categories of point sources (other than publicly owned treatment works); and

"(B) specify factors to be taken into account in determining the control measures and practices to be applicable to any point sources (other than publicly owned treatment works) within such categories or classes. Factors relating to the assessment of best practicable control technology currently available to comply with subsection (b)(1) of section 301 of this Act, shall take into account the age of equipment and facilities involved, the process employed (including whether batch or continuous), the engineering aspects of the application of various types of demonstrated control techniques, process changes, the cost and the economic, social, and environmental impact of achieving such effluent reduction, foreign competition, and such other factors as the Administrator deems appropriate;

"(2)(A) identify, in terms of amounts of constituents and chemical, physical, and biological characteristics of pollutants, the degree of effluent reduction attainable through the application of the best available demonstrated control measures and practices including treatment techniques, process and procedure innovations, operating methods, and other alternatives for classes and categories of point sources (other than publicly owned treatment works); and

"(B) specify factors to be taken into account in determining the best measures and practices available to comply with subsection (b)(2) of section 301 of this Act to be applicable to any point source (other than publicly owned treatment works) within such categories or classes. Factors relating to the assessment of best available demonstrated technology shall take into account the age of equipment and facilities involved, the process employed (including whether batch or continuous), the engineering aspects of the application of various types of demonstrated control techniques, process changes, the cost and the economic, social, and environmental impact of achieving such effluent reduction, foreign competition, and such other factors as the Administrator deems appropriate; and

"(3) identify control measures and practices available to eliminate the discharge of pollutants from categories and classes of point sources, taking into account the cost of achieving such elimination of the discharge of pollutants.

"(c) The Administrator, after consultation, with appropriate Federal and State agencies and other interested persons, shall issue to the States and appropriate water pollution control agencies within one year after enactment of this title (and from time to time thereafter) information on the processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of this Act. Such information shall include technical and other data, including costs, as are available on alternative methods of elimination or reduction of the discharge of pollutants. Such information, and revisions thereof, shall be published in the Federal Register and otherwise shall be made available to the public.

"(d)(1) The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall publish within sixty days after enactment of this title (and from time to time thereafter) information, in terms of amounts of constituents and chemical, physical, and biological characteristics of pollutants, on the degree of effluent reduction attainable through the application of secondary treatment.

"(2) The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall publish within nine months after the date of enactment of this title (and from time to time thereafter) information on alternative waste treatment management techniques and systems available to implement section 201 of this Act.

"(e) The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall issue to appropriate Federal agencies, the States, water pollution control agencies, and agencies designated under section 208 of this Act, within one year after the effective date of this subsection (and from time to time thereafter) information including (1) guidelines for identifying and evaluating the nature and extent of nonpoint sources of pollutants, and (2) processes, procedures, and methods to control pollution resulting from—

"(A) agricultural and silvicultural activities, including runoff from fields and crop and forest lands;

"(B) mining activities, including runoff and siltation from new, currently operating, and abandoned surface and underground mines;

"(C) all construction activity, including runoff from the facilities resulting from such construction;

"(D) the disposal of pollutants in wells or in subsurface excavations;

"(E) salt water intrusion resulting from reduction of fresh water flow from any cause, including extraction of ground water, irrigation, obstruction, and diversion; and

"(F) changes in the movement, flow, or circulation of any navigable waters or ground waters, including changes caused by the construction of dams, levees, channels, causeways, or flow diversion facilities.

Such information and revisions thereof shall be published in the Federal Register and otherwise made available to the public.

"(f)(1) For the purpose of assisting States in carrying out programs under section 402 of this Act, the Administrator shall publish, within one hundred and twenty days after the date of enactment of this title, and review at least annually thereafter and, if appropriate, revise guidelines for pretreatment of pollutants which he determines are not susceptible to treatment by publicly owned treatment works. Guidelines under this subsection shall be established to control and prevent the discharge into the navigable waters, the contiguous zone, or the ocean (either directly or through publicly owned treatment works) of any pollutant which interferes with, passes through, or otherwise is incompatible with such works.

"(2) When publishing guidelines under this subsection, the Administrator shall designate the category or categories of treatment works to which the guidelines shall apply.

"(g) The Administrator shall, within one hundred and eighty days from the date of enactment of this title, promulgate guidelines establishing test procedures for the analysis of pollutants that shall include the factors which must be provided in any certification pursuant to section 401 of this Act or permit application pursuant to section 402 of this Act.

"(h) The Administrator shall (1) within ninety days after the enactment of this title promulgate guidelines for the purpose of establishing uniform application forms and other minimum requirements for the acquisition of information from owners and operators of point sources of discharge subject to any State program under section 402 of this Act, and (2) within ninety days from the date of enactment of this title promulgate guidelines establishing the minimum procedural and other elements of any State program under section 402 of this Act which shall include:

"(A) monitoring requirements;

"(B) reporting requirements (including procedures to make information available to the public);

"(C) enforcement provisions; and

"(D) funding, personnel qualifications, and manpower requirements (including a requirement that no board or body which approves permit applications or portions thereof shall include, as a member, any person who receives, or has during the previous two years received, a significant portion of his income directly or indirectly from permit holders or applicants for a permit).

"(i) The Administrator shall, within one year after the effective date of this subsection (and from time to time thereafter), issue such information on methods, procedures, and processes as may be appropriate to restore and enhance the quality of the Nation's publicly owned fresh water lakes.

"(j)(1) The Administrator shall, within six months from the date of enactment of this title, enter into agreements with the Secretary of Agriculture, the Secretary of the Army, and the Secretary of the Interior to provide for the maximum utilization of the appropriate programs authorized under other Federal law to be carried out by such Secretaries for the purpose of achieving and maintaining water quality through appropriate implementation of plans approved under section 208 of this Act.

"(2) The Administrator, pursuant to any agreement under paragraph (1) of this subsection is authorized to transfer to the Secretary of Agriculture, the Secretary of the Army, or the Secretary of the Interior any funds appropriated under paragraph (3) of this subsection to supplement any funds otherwise appropriated to carry out appropriate programs authorized to be carried out by such Secretaries.

"(3) There is authorized to be appropriated to carry out the provisions of this subsection, $100,000,000 per fiscal year for the fiscal year ending June 30, 1973, and the fiscal year ending June 30, 1974. Sums so appropriated shall remain available until expended.

"WATER QUALITY INVENTORY

"Sec. 305. (a) The Administrator, in cooperation with the States and with the assistance of appropriate Federal agencies, shall prepare a report to be submitted to the Congress on or before July 1, 1973, which shall—

"(1) describe the specific quality, during 1972, with appropriate supplemental descriptions as shall be required to take into account seasonal, tidal, and other variations, of all navigable waters and the waters of the contiguous zone;

"(2) include an inventory of all point sources of discharge (based on a qualitative and quantitative analysis of discharges) of pollutants into all navigable waters and the waters of the contiguous zone; and

"(3) identify specifically those navigable waters, the quality of which

"(A) is adequate to provide for the protection and propagation of a balanced population of shellfish, fish, and wildlife, and allow recreational activities in and on the water;

"(B) can reasonably be expected to attain such level by 1976 or 1981; and

"(C) can reasonably be expected to attain such level by any later date.

"(b)(1) Each State shall prepare and submit to the Administrator by July 1, 1974, and shall bring up to date each year thereafter, a report which shall include—

"(A) a description of the water quality of all navigable waters in such State during the preceding year, with appropriate supplemental descriptions as shall be required to take into account seasonal, tidal, and other variations, correlated with the quality of water required by the objective of this Act (as identified by the Administrator pursuant to criteria published under section 304(a) of this Act) and the water quality described in subparagraph (B) of this paragraph;

"(B) an analysis of the extent to which all navigable waters of such State provide for the protection and propagation of a balanced population of shellfish, fish, and wildlife, and allow recreational activities in and on the water;

"(C) an analysis of the extent to which the elimination of the discharge of pollutants and a level of water quality which provides for the protection and propagation of a balanced population of shellfish, fish, and wildlife and allows recreational activities in and on the water, have been or will be achieved by the requirements of this Act, together with recommendations as to additional action necessary to achieve such objectives and for what waters such additional action is necessary;

"(D) an estimate of (i) the economic, social, and environmental costs necessary to achieve the objectives of this Act in such State; (ii) the economic, social, and environmental benefits of such achievement; and (iii) an estimate of the date of such achievement; and

"(E) a description of the nature and extent of non-point source of pollutants, and recommendations as to the programs which must be undertaken to control each category of such sources, including an estimate of the costs of implementing such programs.

"(2) The Administrator shall transmit such State reports, together with an analysis thereof, to Congress on or before April 1, 1975, and annually thereafter.

"NATIONAL STANDARDS OF PERFORMANCE

"SEC. 306. (a) For purposes of this section:

"(1) The term 'standard of performance' means a standard for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

"(2) The term 'new source' means any source, the construction or modification of which is commenced after the publication of proposed regulations prescribing a standard of performance under this section which will be applicable to such source, if such standard is thereafter promulgated in accordance with this section.

"(3) The term 'source' means any building, structure, facility, or installation from which there is or may be the discharge of pollutants.

"(4) The term 'owner or operator' means any person who owns, leases, operates, controls, or supervises a source.

"(5) The term 'modification' means any construction (other than construction of pollution abatement facilities as determined by the Administrator or appropriate State agency) which may alter the nature or may increase the amounts of pollutants, or combinations of such pollutants, discharged by a source.

"(6) The term 'construction' means any placement, assembly, or installation of facilities or equipment (including contractual obligations to purchase such facilities or equipment) at time the premises where such equipment will be used, including preparation work at such premises.

"(b) (1) (A) The Administrator shall, within ninety days after the date of enactment of this title publish (and from time to time thereafter shall revise) a list of categories of sources, which shall at the minimum, include:

"pulp and paper mills;
"paperboard, builders paper and board mills;
"meat product and rendering processing;
"dairy product processing;
"grain mills;
"canned and preserved fruits and vegetables processing;
"canned and preserved seafood processing;
"sugar processing;
"textile mills;
"cement manufacturing;
"feedlots;
"electroplating;
"organic chemicals manufacturing;
"inorganic chemicals manufacturing;
"plastic and synthetic materials manufacturing;
"soap and detergent manufacturing;
"fertilizer manufacturing;
"petroleum refining;
"iron and steel manufacturing;
"ironferrous metals manufacturing;
"phosphate manufacturing;
"steam electric powerplants;
"ferroalloy manufacturing;
"leather tanning and finishing;
"glass and asbestos manufacturing;
"rubber processing; and
"timber products processing.

"(B) As soon as practicable, but in no case more than one year, after a category of sources is included in a list under subparagraph (A) of this paragraph, the Administrator shall propose and publish regulations establishing Federal standards of performance for new sources within such category. The Administrator shall afford interested persons an opportunity for written comment on such proposed regulations. After considering such comments, he shall promulgate, within one hundred and twenty days after publication of such proposed regulations, such standards with such adjustments as he deems appropriate. The Administrator shall, from time to time, as technology and alternatives change, revise such standards following the procedure required by this subsection for promulgation of such standards. Standards of performance, or revisions thereof, shall become effective upon promulgation. In establishing or revising Federal standards of performance for new sources under this section, the Administrator shall take into consideration factors relating to the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of demonstrated control techniques, process changes, the cost of and the economic, social, and environmental impact of achieving such effluent reduction, foreign competition, and such other factors as he determines appropriate.

"(C) Such standards of performance shall apply to all sources within such category, unless, upon application from an owner or operator of any source which as a result of modification is subject to this section, the Administrator determines, after public hearing, that the economic, social, and environmental costs of implementing such standard bear no reasonable relationship to the economic, social, and environmental benefits (including water quality objectives) to be obtained. Any such determination shall be accompanied by an appropriate adjustment of such standard for such source, which shall reflect the greatest degree of effluent reduction which the Administrator determines can reasonably be achieved by such source.

"(2) The Administrator may distinguish among classes, types, and sizes within categories of new sources for the purpose of establishing such standards and shall consider the type of process employed (including whether batch or continuous).

"(3) The provisions of this section shall apply to any new source owned or operated by the United States.

"(c) After the effective date of standards of performance promulgated under this section, it shall be unlawful for any owner or operator of any new source to operate such source in violation of any standard of performance applicable to such source.

"TOXIC AND PRETREATMENT EFFLUENT STANDARDS

"SEC. 307. (a) (1) The Administrator shall, within ninety days after the date of enactment of this title, publish (and from time to time thereafter revise) a list which includes any toxic pollutant or combination of such pollutants for which an effluent standard (which may include a prohibition of the discharge of such pollutants or combination of such pollutants) will be established under this section. The Administrator in publishing such list shall take into account the toxicity of the pollutant, its persistence, degradability, the usual or potential presence of the affected organisms in the receiving waters, the importance of the affected organisms and the nature and extent of the effect of the toxic pollutant on such organisms.

"(2) Within one hundred and eighty days after the date of publication of any list, or revision thereof, containing toxic pollutants or combination of pollutants under paragraph (1) of this subsection, the Administrator, in accordance with section 553 of title 5 of the United States Code, shall publish a proposed effluent standard (or a prohibition) for such pollutant or combination of pollutants which shall take into account the toxicity of the pollutant, its persistence, degradability, the usual or potential presence of the affected organisms in the receiving waters, the importance of the affected organisms and the nature and extent of the effect of the toxic pollutant on such organisms, and he shall publish a notice for a public hearing on such proposed standard to be held within thirty days. As soon as possible after such hearing, but not later than six months after publication of the proposed effluent standard (or prohibition), unless the Administrator finds, on the record, that a modification of such proposed standard (or prohibition) is justified based upon a preponderance of evidence adduced at such hearings, such standard (or prohibition) shall be promulgated.

"(3) If after a public hearing the Administrator finds that a modification of such proposed standard (or prohibition) is justified, a revised effluent standard (or prohibition) for such pollutant or combination of pollutants shall be promulgated immediately. Such standard (or prohibition) shall be reviewed and, if appropriate, revised at least every three years.

"(4) Any effluent standard promulgated under this section shall be at that level which the Administrator determines provides an ample margin of safety.

"(5) When proposing or promulgating any effluent standard (or prohibition) under this section, the Administrator shall designate the category or categories of sources to which the effluent standard (or prohibition) shall apply.

"(6) Any effluent standard (or prohibition) established pursuant to this section shall take effect on such date or dates as specified in the order promulgating such standard, but in no case more than one year from the date of such promulgation.

"(7) Prior to publishing any regulations pursuant to this section the Administrator shall, to the maximum extent practicable within the time provided, consult with appropriate advisory committees, States, independent experts, and Federal departments and agencies.

"(8) After the effective date of any effluent standard or prohibition promulgated under this subsection, it shall be unlawful for any owner or operator of any source to operate any source in violation of any such effluent standard or prohibition.

"(b) (1) The Administrator shall, within one hundred and eighty days after the date of enactment of this title and from time to time thereafter, publish proposed regulations establishing pretreatment standards for introduction of pollutants into treatment works (as defined in section 212 of this Act) which are publicly owned for those pollutants which are determined not to be susceptible to treatment by such treatment works or which would interfere with the operation of such treatment works. Not later than ninety days after such publication, and after opportunity for public hearing, the Administrator shall promulgate such pretreatment standards. Pretreatment standards under this subsection shall specify a time for compliance not to exceed three years from the date of promulgation and shall be established to prevent the discharge of any pollutant through treatment works (as defined in section 212 of this Act) which are publicly owned, which pollutant interferes with, passes through, or otherwise is incompatible with such works.

"(2) The Administrator shall from time to time, as control technology, processes, operating methods, or other alternatives change, revise such standards following the procedure establish by this subsection for promulgation of such standards.

"(3) When proposing or promulgating any pretreatment standard under this section, the Administrator shall designate the category or categories of sources to which such standards shall apply.

"(4) Nothing in this subsection shall affect any pretreatment requirement established by any State or local law not in conflict with any pretreatment standard established under this subsection.

"INSPECTIONS, MONITORING, AND ENTRY

"SEC. 308. (a) Whenever required to carry out the objective of this Act, including but not limited to (1) developing or assisting in the development of any effluent limitation, or other limitation, prohibition, or effluent standard, pretreatment standard, or standard of performance under this Act; (2) determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or standard of performance; (3) any requirement established under this section; or (4) carrying out sections 305, 311, 402, and 504 of this Act—

"(A) the Administrator shall require the owner or operator of any point source to (i) establish and maintain such records; (ii) make such reports, (iii) install, use, and maintain such monitoring equipment or methods (including where appropriate, biological monitoring methods), (iv) sample such effluents (in accordance with such methods, at such locations, at such intervals, and in such manner as the Administrator shall prescribe), and (v) provide such other information as he may reasonably require; and

"(B) the Administrator or his authorized representative, upon presentation of his credentials—

"(i) shall have a right of entry to, upon, or through any premises in which an effluent source is located or in which any records required to be maintained under clause (A) of this subsection are located, and

"(ii) may at reasonable times have access to and copy any records, inspect any monitoring equipment or method required under clause (A), and sample any effluents which the owner or operator of such source is required to sample under such clause.

"(b) Any records, reports, or information obtained under this section shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that records, reports, or information, or particular part thereof (other than effluent data), to which the Administrator has access under this section, if made public would divulge methods or processes entitled to protection as trade secrets of such person, the Administrator shall consider such record, report, or information, or particular portion thereof confidential in accordance with the purposes of section 1905 of title 18 of the United States Code, except that such record, report, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act.

"FEDERAL ENFORCEMENT

"SEC. 309. (a) (1) Whenever, on the basis of any information available to him, the Administrator finds that any person is in violation of any condition or limitation which implements section 301, 302, 306, 307, 308, or 316 of this Act in a permit issued by a State under an approved permit program under section 402 of this Act, he shall proceed under his authority in paragraph (3) of this subsection or he shall notify the person in alleged violation and such State of such finding. If beyond the thirtieth day after the Administrator's notification the State has not commenced appropriate enforcement action, the Administrator shall issue an order requiring such person to comply with such condition or limitation or shall bring a civil action in accordance with subsection (b) of this section.

"(2) Whenever, on the basis of information available to him, the Administrator finds that violations of permit conditions or limitations as set forth in paragraph (1) of this subsection are so widespread that such violations appear to result from a failure of the State to enforce such permit conditions or limitations effectively, he shall so notify the State. If the Administrator finds such failure extends beyond the thirtieth day after such notice, he shall give public notice of such finding. During the period beginning with such public notice and ending when such State satisfies the Administrator that it will enforce such conditions and limitations (hereafter referred to in this section as the period of 'federally assumed enforcement'), the Administrator shall enforce any permit condition or limitation with respect to any person—

"(A) by issuing an order to comply with such condition or limitation, or

"(B) by bringing a civil action under subsection (b) of this section.

"(3) Whenever on the basis of any information available to him the Administrator finds that any person is in violation of section 301, 302, 306, 307, 308, or 316 of this Act, or is in violation of any permit condition or limitation implementing any of such sections, in a permit issued under section 402 of this Act by him or by a State, he shall issue an order requiring such person to comply with such section or requirement, or he shall bring a civil action in accordance with subsection (b) of this section.

"(4) A copy of any order issued under this subsection shall be sent immediately by the Administrator to the State in which the violation occurs and other affected States. Any order issued under this subsection shall be by personal service and shall state with reasonable specificity the nature of the violation, specify a time for compliance, not to exceed thirty days, which the Administrator determines is reasonable, taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements. In any case in which an order under this subsection (or notice to a violator under paragraph (1) of this subsection) is issued to a corporation, a copy of such order (or notice) shall be served on any appropriate corporate officers. An order issued under this subsection relating to a violation of section 308 of this Act shall not take effect until the person to whom it is issued has had an opportunity to confer with the Administrator concerning the alleged violation.

"(b) The Administrator is authorized to commence a civil action for appropriate relief, including a permanent or temporary injunction, for any violation for which he is authorized to issue a compliance order under subsection (a) of this section. Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to restrain such violation and to require compliance. Notice of the commencement of such action shall be given immediately to the appropriate State.

"(c) (1) Any person who willfully or negligently violates section 301, 302, 306, 307, 308, or 316 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act by the Administrator or by a State, shall be punished by a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than one year, or by both. If the conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than $50,000 per day of violation, or by imprisonment for not more than two years, or by both.

"(2) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this Act, shall upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or by both.

"(3) For the purposes of this subsection, the term 'person' shall mean, in addition to the definition contained in section 505(5) of this Act, any responsible corporate officer.

"(d) Any person who violates section 301, 302, 306, 307, 308, or 316 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act by the Administrator, or by a State, and any person who violates any order issued by the Administrator under subsection (a) of this section, shall be subject to a civil penalty not to exceed $10,000 per day of such violation.

"(e) Whenever a municipality is a party to a civil action brought by the United States under this section, the State in which such municipality is located shall be joined as a party. Such State shall be liable for payment of any judgment, or any expenses incurred as a result of complying with any judgment, entered against the municipality in such action to the extent that the laws of that State prevent the municipality from raising revenues needed to comply with such judgment.

"INTERNATIONAL POLLUTION ABATEMENT

"SEC. 310. (a) Whenever the Administrator, upon receipts of reports, surveys, or studies from any duly constituted international agency, has reason to believe that pollution is occurring which endangers the health or welfare of persons in a foreign country, and the Secretary of State requests him to abate such pollution, he shall give formal notification thereof to the State water pollution control agency of the State or States in which such discharge or discharges originate and to the appropriate interstate agency, if any. He shall also promptly call such a hearing, if he believes that such pollution is occurring in sufficient quantity to warrant such action, and if such foreign country has given the United States essentially the same rights with respect to the prevention and control of pollution occurring in that country as is given that country by this subsection. The Administrator, through the Secretary of State, shall invite the foreign country which may be adversely affected by the pollution to attend and participate in the hearing, and the representative of such country shall, for the purpose of the hearing and any further proceeding resulting from such hearing, have all the rights of a State water pollution control agency. Nothing in this subsection shall be construed to modify, amend, repeal, or otherwise affect the provisions of the 1909 Boundary Waters Treaty between Canada and the United States or the Water Utilization Treaty of 1944 between Mexico and the United States (59 Stat. 1219), relative to the control and abatement of pollution in waters covered by those treaties.

"(b) The calling of a hearing under this section shall not be construed by the courts, the Administrator, or any person as limiting, modifying, or otherwise affecting the functions and responsibilities of the Administrator under this section to establish and enforce water quality requirements under this Act.

"(c) The Administrator shall publish in the Federal Register a notice of a public hearing before a hearing board of five or more persons appointed by the Administrator. A majority of the members of the board and the chairman who shall be designated by the Administrator shall not be officers or employees of Federal, State, or local governments. On the basis of the evidence presented at such hearing, the board shall within sixty days after completion of the hearing make findings of fact as to whether or not such pollution is occurring and shall thereupon by decision, incorporating its findings therein, make such recommendations to abate the pollution as may be appropriate and shall transmit such decision and the record of the hearings to the Administrator. All such decisions shall be public. Upon receipt of such decision, the Administrator shall promptly implement the board's decision in accordance with the provisions of this Act.

"(d) In connection with any hearing called under this subsection, the board is authorized to require any person whose alleged activities result in discharges causing or contributing to pollution to file with it in such forms as it may prescribe, a report based on existing data, furnishing such information as may reasonably be required as to the character, kind, and quantity of such discharges and the use of facilities or other means to prevent or reduce such discharges by the person filing such a report. Such report shall be made under oath or otherwise, as the board may prescribe, and shall be filed with the board within such reasonable period as it may prescribe, unless additional time is granted by it. Upon a showing satisfactory to the board by the person filing such report that such report or portion thereof (other than effluent data), to which the Administrator has access under this section, if made public would divulge trade secrets or secret processes of such person, the board shall consider such report or portion thereof confidential for the purposes of section 1905 of title 18 of the United States Code. If any person required to file any report under this paragraph shall fail to do so within the time fixed by the board for filing the same, and such failure shall continue for thirty days after notice of such default, such person shall forfeit to the United States the sum of $1,000 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States in the district court of the United States where such person has his principal office or in any district in which he does business. The Administrator may upon application therefor remit or mitigate any forfeiture provided for under this subsection.

"(e) Board members, other than officers or employees of Federal, State, or local governments, shall be, for each day (including traveltime) during which they are performing board business, entitled to receive compensation at a rate fixed by the Administrator but not in excess of the maximum rate of pay for grade GS-18, as provided in the General Schedule under section 5332 of title 5 of the United States Code, and shall, notwithstanding the limitations of sections 5703 and 5704 of title 5 of the United States Code, be fully reimbursed for travel, subsistence, and related expenses.

"(f) When any such recommendation adopted by the Administrator involves the institution of enforcement proceedings against any person to obtain the abatement of pollution subject to such recommendation, the Administrator shall institute such proceedings if he believes that the evidence warrants such proceedings. The district court of the United States shall consider and determine de novo all relevant issues, but shall receive in evidence the record of the proceedings before the conference or hearing board. The court shall have jurisdiction to enter such judgment and orders enforcing such judgment as it deems appropriate or to remand such proceedings to the Administrator for such further action as it may direct.

"OIL AND HAZARDOUS SUBSTANCE LIABILITY

"SEC. 311. (a) For the purpose of this section, the term—

"(1) 'oil' means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

"(2) 'discharge' includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping;

"(3) 'vessel' means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel;

"(4) 'public vessel' means a vessel owned or bare-boat-chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

"(5) 'United States' means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(6) 'owner or operator' means (A) in the case of a vessel, any person owning, operating, or chartering by demise, such vessel, and (B) in the case of an on-shore facility, and an offshore facility, any person owning or operating such onshore facility or offshore facility, and (C) in the case of any abandoned offshore facility, the person who owned or operated such facility immediately prior to such abandonment;

"(7) 'person' includes an individual, firm, corporation, association, and a partnership;

"(8) 'remove' or 'removal' refers to removal of the oil or hazardous substances from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches;

"(9) 'contiguous zone' means the entire zone established or to be established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone;

"(10) 'onshore facility' means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under any land within the United States other than submerged land;

"(11) 'offshore facility' means any facility of any kind located in, on, or under, any of the navigable waters of the United States other than a vessel or a public vessel;

"(12) 'act of God' means an act occasioned by an unanticipated grave natural disaster;

"(13) 'barrel' means 42 United States gallons at 60 degrees Fahrenheit;

"(14) 'hazardous substance' means any substance designated pursuant to subsection (b)(2) of this section.

"(b)(1) The Congress hereby declares that it is the policy of the United States that there should be no discharges of oil or hazardous substances into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone.

"(2)(A) The Administrator shall develop, promulgate, and revise as may be appropriate, regulations designating as hazardous substances, other than oil as defined in this section, such elements and compounds which, when discharged in any quantity into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, present an imminent and substantial danger to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines and beaches.

"(B)(i) The Administrator shall include in any designation under subparagraph (A) of this subsection a determination whether any such designated hazardous substance is itself actually removable.

"(ii) The owner or operator of any vessel, onshore facility, or offshore facility from which there is discharged any hazardous substance determined not removable under clause (i) of this subparagraph shall be liable, subject to the defenses to liability provided under subsection (f) of this section, as appropriate to the United States for a civil penalty per discharge established by the Administrator based on toxicity, degradability, and disposal characteristics of such substance, in an amount not to exceed $50,000, except that where the United States can show that such discharge was a result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States for a civil penalty in such amount as the Administrator shall establish, based upon the toxicity, degradability, and disposal characteristics of such substance.

"(3) The discharge of oil or hazardous substances into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone in harmful quantities as determined by the President under paragraph (4) of this subsection, is prohibited, except (A) in the case of such discharge of oil into the waters of the contiguous zone, where permitted under article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, and (B) where permitted in quantities and at times and locations or under such circumstances or conditions as the President may, by regulation, determine not to be harmful. Any regulations issued under this subsection shall be consistent with maritime safety and with marine and navigation laws and regulations and applicable water quality standards.

"(4) The President shall by regulation, to be issued as soon as possible after the date of enactment of this paragraph, determine for the purposes of this section, those quantities of oil and any hazardous substance the discharge of which, at such times, locations, circumstances, and conditions, will be harmful to the public health or welfare of the United States, including, but not limited to, fish, shellfish, wildlife, and public and private property shorelines, and beaches except that in the case of the discharge of oil into or upon the waters of the contiguous zone, only those discharges which threaten the fishery resources of the contiguous zone or threaten to pollute or contribute to the pollution of the territory or the territorial sea of the United States may be determined to be harmful.

"(5) Any person in charge of a vessel or of an onshore facility or an offshore facility shall, as soon as he has knowledge of any discharge of oil or a hazardous substance from such vessel or facility in violation of paragraph (2) of this subsection, immediately notify the appropriate agency of the United States Government of such discharge. Any such person who fails to notify immediately such agency of such discharge shall, upon conviction, be fined not more than $10,000, or imprisoned for not more than one year, or both. Notification received pursuant to this paragraph or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

"(6) Any owner or operator of any vessel, onshore facility, or offshore facility from which oil or a hazardous substance is discharged in violation of paragraph (2) of this subsection shall be assessed a civil penalty by the Secretary of the department in which the Coast Guard is operating of not more than $5,000 for each offense. No penalty shall be assessed unless the owner or operator charged shall have been given notice and opportunity for a hearing on such charge. Each violation is a separate offense. Any such civil penalty may be compromised by such Secretary. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the owner or operator charged, the effect on the owner or operator's ability to continue in business, and the gravity of the violation, shall be considered by such Secretary. The Secretary of the Treasury shall withhold at the request of such Secretary the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), of any vessel the owner or operator of which is subject to the foregoing penalty. Clearance may be granted in such cases upon the filing of a bond or other surety satisfactory to such Secretary.

"(c)(1) Whenever any oil or a hazardous substance is discharged, into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, the President is authorized to act to remove or arrange for the removal of such oil or substance at any time, unless he determines such removal will be done properly by the owner or operator of the vessel, onshore facility, or offshore facility from which the discharge occurs.

"(2) Within sixty days after the effective date of this section, the President shall prepare and publish a National Contingency Plan for removal of oil and hazardous substances, pursuant to this subsection. Such National Contingency Plan shall provide for efficient, coordinated, and effective action to minimize damage from oil and hazardous substance discharges, including containment, dispersal, and removal of oil and hazardous substances, and shall include, but not be limited to—

"(A) assignment of duties and responsibilities among Federal departments and agencies in coordination with State and local agencies, including, but not limited to, water pollution control, conservation, and port authorities;

"(B) identification, procurement, maintenance, and storage of equipment and supplies;

"(C) establishment or designation of a strike force consisting of personnel who shall be trained, prepared, and available to provide necessary services to carry out the Plan, including the establishment at major ports, to be determined by the President, of emergency task forces of trained personnel, adequate oil and hazardous substance pollution control equipment and material, and a detailed oil and hazardous substance pollution prevention and removal plan;

"(D) a system of surveillance and notice designed to insure earliest possible notice of discharges of oil and hazardous substances to the appropriate Federal agency;

"(E) establishment of a national center to provide coordination and direction for operations in carrying out the Plan;

"(F) procedures and techniques to be employed in identifying, containing, dispersing, and removing oil and hazardous substances; and

"(G) a schedule, prepared in cooperation with the States, identifying (i) dispersants and other chemicals, if any, that may be used in carrying out the Plan, (ii) the waters in which such dispersants and chemicals may be used, and (iii) the quantities of such dispersant or chemical which can be used safely in such waters, which schedule shall provide in the case of any dispersant, chemical, or waters not specifically identified in such schedule that the President, or his delegate, may, on a case-by-case basis, identify the dispersants and other chemicals which may be used, the waters in which they may be used, and the quantities which can be used safely in such waters.

The President may, from time to time, as he deems advisable revise or otherwise amend the National Contingency Plan. After publication of the National Contingency Plan, the removal of oil and hazardous substances and actions to minimize damage from oil and hazardous substance discharges shall, to the greatest extent possible, be in accordance with the National Contingency Plan.

"(d) Whenever a marine disaster in or upon the navigable waters of the United States has created a substantial threat of a pollution hazard to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and the public and private shorelines and beaches of the United States, because of a discharge, or an imminent discharge, of large quantities of oil, or of a hazardous substance from a vessel the United States may (A) coordinate and direct all public and private efforts directed at the removal or elimination of such threat; and (B) summarily remove, and, if necessary, destroy such vessel by whatever means are available without regard to any provisions of law governing the employment of personnel or the expenditure of appropriated funds. Any expense incurred under this subsection shall be a cost incurred by the United States Government for the purposes of subsection (f) in the removal of oil or hazardous substance.

"(e) In addition to any other action taken by a State or local government, when the President determines there is an imminent and substantial threat to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and public and private property, shorelines, and beaches within the United States, because of an actual or threatened discharge of oil or hazardous substance into or upon the navigable waters of the United States from an onshore or offshore facility, the President may require the United States attorney of the district in which the threat occurs to secure such relief as may be necessary to abate such threat, and the district courts of the United States shall have jurisdiction to grant such relief as the public interest and the equities of the case may require.

"(f)(1) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any vessel from which oil or a hazardous substance is discharged in violation of subsection (b)(2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil or substance by the United States Government in an amount not to exceed $100 per gross ton of such vessel or $14,000,000, whichever is lesser, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. Such costs shall constitute a maritime lien on such vessel which may be recovered in an action in rem in the district court of the United States for any district within which any vessel may be found. The United States may also bring an action against the owner or operator of such vessel in any court of competent jurisdiction to recover such costs.

"(2) Except where an owner or operator of an onshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil or a hazardous substance is discharged in violation of subsection (b)(2) of this section shall be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil or substance by the United States Government in an amount not to exceed $8,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action against the owner or operator of such facility in any court of competent jurisdiction to recover such costs. The Secretary is authorized, by regulation, after consultation with the Secretary of Commerce and the Small Business Administration, to establish reasonable and equitable classifications of those onshore facilities having a total fixed storage capacity of 1,000 barrels or less which he determines because of size, type, and location do not present a substantial risk of the discharge of oil or a hazardous substance in violation of subsection (b)(2) of this section, and apply with respect to such classifications differing limits of liability which may be less than the amount contained in this paragraph.

"(3) Except where an owner or operator of an offshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil or a hazardous substance is discharged in violation of subsection (b)(2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil or substance by the United States Government in an amount not to exceed $8,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action against the owner or operator of such a facility in any court of competent jurisdiction to recover such costs.

"(g) In any case where an owner or operator of a vessel, of an onshore facility, or of an offshore facility, from which oil or a hazardous substance is dischargd in violation of subsection (b)(2) of this section, proves that such discharge of oil or hazardous substance was caused solely by an act or omission of a third party, or was caused solely by such an act or omission in combination with an act of God, an act of war, or negligence on the part of the United States Government, such third party shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for removal of such oil or substance by the United States Government, except where such third party can prove that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of another party without regard to whether such act or omission was or was not negligent, or any combination of the foregoing clauses. If such third party was the owner or operator of a vessel which caused the discharge of oil or a hazardous substance in violation of subsection (b)(2) of this section, the liability of such third party under this subsection shall not exceed $100 per gross ton of such vessel or $14,000,000, whichever is the lesser. In any other case the liability of such third party shall not exceed the limitation which would have been applicable to the owner or operator of the vessel or the onshore or offshore facility from which the discharge actually occurred if such owner or operator were liable. If the United States can show that the discharge of oil or a hazardous substance in violation of subsection (b)(2) of this section was the result of willful negligence or willful misconduct within the privity and knowledge of such third party, such third party shall be liable to the United States Government for the full amount of such removal costs. The United States may bring an action against the third party in any court of competent jurisdiction to recover such removal costs.

"(h) The liabilities established by this section shall in no way affect any rights which (1) the owner or operator of a vessel or of an onshore or an offshore facility may have against any third party whose acts may in any way have caused or contributed to such discharge, or (2) the United States Government may have against any third party whose actions may in any way have caused or contributed to the discharge of oil or hazardous substance.

"(i)(1) In any case where an owner or operator of a vessel or an onshore facility or an offshore facility from which oil or a hazardous substance is discharged in violation of subsection (b)(2) of this section acts to remove such oil or substance in accordance with regulations promulgated pursuant to this section, such owner or operator shall be entitled to recover the reasonable costs incurred in such removal upon establishing, in a suit which may be brought against the United States Government in the United States Court of Claims, that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether such act or omission was or was not negligent, or of any combination of the foregoing causes.

"(2) The provisions of this subsection shall not apply in any case where liability is established pursuant to the Outer Continental Shelf Lands Act.

"(3) Any amount paid in accordance with a judgment of the United States Court of Claims pursuant to this section shall be paid from the fund established pursuant to subsection (k).

"(j)(1) Consistent with the National Contingency Plan required by subsection (c)(2) of this section, as soon as practicable after the effective date of this section, and from time to time thereafter, the President shall issue regulations consistent with maritime safety and with marine and navigation laws (A) establishing methods and procedures for removal of discharged oil and hazardous substances, (B) establishing criteria for the development and implementation of local and regional oil and hazardous substance removal contingency plans, (C) establishing procedures, methods, and equipment and other requirements for equipment to prevent discharges of oil and hazardous substances from vessels and from onshore facilities and offshores facilities, and to contain such discharges and (D) governing the inspection of vessels carrying cargoes of oil and hazardous substances and the inspection of such cargoes in order to reduce the likelihood of discharges of oil from vessels in violation of this section.

"(2) Any owner or operator of a vessel or an onshore facility or an offshore facility and any other person subject to any regulation issued under paragraph (1) of this subsection who fails or refuses to comply with the provisions of any such regulation, shall be liable to a civil penalty of not more than $5,000 for each such violation. Each violation shall be a separate offense. The President may assess and compromise such penalty. No penalty shall be assessed until the owner, operator, or other person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the owner, operator, or other person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by the President.

"(k) There is hereby authorized to be appropriated to a revolving fund to be established in the Treasury not to exceed $35,000,000 to carry out the provisions of subsections (c), (d), (i), and (l) of this section. Any other funds received by the United States under this section shall also be deposited in said fund for such purposes. All sums appropriated to, or deposited in, said fund shall remain available until expended.

"(l) The President is authorized to delegate the administration of this section to the heads of those Federal departments, agencies, and instrumentalities which he determines to be appropriate. Any moneys in the fund established by subsection (k) of this section shall be available to such Federal departments, agencies, and instrumentalities to carry out the provisions of subsections (c) and (i) of this section. Each such department, agency, and instrumentality, in order to avoid duplication of effort, shall, whenever appropriate, utilize the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities.

"(m) Anyone authorized by the President to enforce the provisions of this section may, except as to public vessels, (A) board and inspect any vessel upon the navigable waters of the United States or the waters of the contiguous zone, (B) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (C) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(n) The several district courts of the United States are invested with jurisdiction for any actions, other than actions pursuant to subsection (i)(1), arising under this section. In the case of Guam and the Trust Territory of the Pacific Islands, such actions may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the United States District Court for the District of the Canal Zone.

"(o)(1) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, or of any owner or operator of any onshore facility or offshore facility to any person or agency under any provision of law for damages to any publicly owned or privately owned property resulting from a discharge of any oil or hazardous substance or from the removal of any such oil or hazardous substance.

"(2) Nothing in this section shall be construed as preempting any State or political subdivision thereof from imposing any requirement or liability with respect to the discharge of oil or hazardous substance into any waters within such State.

"(3) Nothing in this section shall be construed as affecting or modifying any other existing authority of any Federal department, agency, or instrumentality, relative to onshore or offshore facilities under this Act or any other provision of law, or to affect any State or local law not in conflict with this section.

"(p)(1) Any vessel over three hundred gross tons, including any barge of equivalent size, but not including any barge that is not self-propelled and that does not carry oil or hazardous substances as cargo or fuel, using any port or place in the United States or the navigable waters of the United States for any purpose shall establish and maintain under regulations to be prescribed from time to time by the President, evidence of financial responsibility of $100 per gross ton, or $14,000,000 whichever is the lesser, to meet the liability to the United States which such vessel could be subjected under this section. In cases where an owner or operator owns, operates, or charters more than one such vessel, financial responsibility need only be established to meet the maximum liability to which the largest of such vessels could be subjected. Financial responsibility may be established by any one of, or a combination of, the following methods acceptable to the President: (A) evidence of insurance, (B) surety bonds, (C) qualification as a self-insurer, or (D) other evidence of financial responsibility.

Any bond filed shall be issued by a bonding company authorized to do business in the United States.

"(2) The provisions of paragraph (1) of this subsection shall be effective April 3, 1971, with respect to oil and one year after the date of enactment of this section with respect to hazardous substances. The President shall delegate the responsibility to carry out the provisions of this subsection to the appropriate agency head within sixty days after the date of enactment of this section. Regulations necessary to implement this subsection shall be issued within six months after the date of enactment of this section.

"(3) Any claim for costs incurred by such vessel may be brought directly against the insurer or any other person providing evidence of financial responsibility as required under this subsection. In the case of any action pursuant to this subsection such insurer or other person shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if an action had been brought against him by the claimant, and which would have been available to him if an action had been brought against him by the owner or operator.

"MARINE SANITATION DEVICES

"SEC. 312. (a) For the purpose of this section, the term—

"(1) 'new vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters, the construction of which is initiated after promulgation of standards and regulations under this section;

"(2) 'existing vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters, the construction of which is initiated before promulgation of standards and regulations under this section;

"(3) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

"(4) 'United States' includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, and the Trust Territory of the Pacific Islands;

"(5) 'marine sanitation device' includes any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage;

"(6) 'sewage' means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

"(7) 'manufacturer' means any person engaged in the manufacturing, assembling, or importation of marine sanitation devices or of vessels subject to standards and regulations promulgated under this section;

"(8) 'person' means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel;

"(9) 'discharge' includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

"(b)(1) As soon as possible, after the enactment of this section and subject to the provisions of section 104(j) of this Act, the Administrator, after consultation with the Secretary of the department in which the Coast Guard is operating, after giving appropriate consideration to the economic costs involved, and within the limits of available technology, shall promulgate Federal standards of performance for marine sanitation devices (hereafter in this section referred to as 'standards') which shall be designed to prevent the discharge of untreated or inadequately treated sewage into or upon the navigable waters from new vessels and existing vessels, except vessels not equipped with installed toilet facilities. Such standards shall be consistent with maritime safety and the marine and navigation laws and regulations and shall be coordinated with the regulations issued under this subsection by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating shall promulgate regulations, which are consistent with standards promulgated under this subsection and with maritime safety and the marine and navigation laws and regulations governing the design, construction, installation, and operation of any marine sanitation device on board such vessels.

"(2) Any existing vessel equipped with a marine sanitation device on the date of promulgation of initial standards and regulations under this section, which device is in compliance with such initial standards and regulations, shall be deemed in compliance with this section until such time as the device is replaced or is found not to be in compliance with such initial standards and regulations.

"(c)(1) Initial standards and regulations under this section shall become effective for new vessels two years after promulgation; and for existing vessels five years after promulgation. Revisions of standards and regulations shall be effective upon promulgation, unless another effective date is specified, except that no revision shall take effect before the effective date of the standard or regulation being revised.

"(2) The Secretary of the department in which the Coast Guard is operating with regard to his regulatory authority established by this section, after consultation with the Administrator, may distinguish among classes, type, and sizes of vessels as well as between new and existing vessels, and may waive applicability of standards and regulations as necessary or appropriate for such classes, types, and sizes of vessel (including existing vessels equipped with marine sanitation devices on the date of promulgation of the initial standards required by this section), and, upon application, for individual vessels.

"(d) The provisions of this section and the standards and regulations promulgated hereunder apply to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security. With respect to vessels owned and operated by the Department of Defense, regulations under the last sentence of subsection (b)(1) of this section and certifications under subsection (g)(2) of this section shall be promulgated and issued by the Secretary of Defense.

"(e) Before the standards and regulations under this section are promulgated, the Administrator and the Secretary of the department in which the Coast Guard is operating shall consult with the Secretary of State; the Secretary of Health, Education, and Welfare; the Secretary of Defense; the Secretary of the Treasury; the Secretary of Commerce; other interested Federal agencies; and the States and industries interested; and otherwise comply with the requirements of section 553 of title 5 of the United States Code.

"(f)(1) After the effective date of the initial standards and regulations promulgated under this section, no State or political subdivision thereof shall adopt or enforce any statute or regulation of such State or political subdivision with respect to the design, manufacture, or installation or use of any marine sanitation device on any vessel subject to the provisions of this section.

"(2) If, after promulgation of the initial standards and regulations and prior to their effective date, a vessel is equipped with a marine sanitation device in compliance with such standards and regulations and the installation and operation of such device is in accordance with such standards and regulations, such standards and regulations shall, for the purposes of paragraph (1) of this subsection, become effective with respect to such vessel on the date of such compliance.

"(3) If the Administrator determines upon application by a State that the protection and enhancement of the quality of specified waters within such State requires such a prohibition, he shall by regulation completely prohibit the discharge from a vessel of any sewage (whether treated or not) into such waters.

"(g)(1) No manufacturer of a marine sanitation device shall sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States for sale or resale any marine sanitation device manufactured after the effective date of the standards and regulations promulgated under this section unless such device is in all material respects substantially the same as a test device certified under this subsection.

"(2) Upon application of the manufacturer, the Secretary of the department in which the Coast Guard is operating shall so certify a marine sanitation device if he determines, in accordance with the provisions of this paragraph, that it meets the appropriate standards and regulations promulgated under this section. The Secretary of the department in which the Coast Guard is operating shall test or require such testing of the device in accordance with procedures set forth by the Administrator as to standards of performance and for such other purposes as may be appropriate. If the Secretary of the department in which the Coast Guard is operating determines that the device is satisfactory from the standpoint of safety and any other requirements of maritime law or regulation, and after consideration of the design, installation, operation, material, or other appropriate factors, he shall certify the device. Any device manufactured by such manufacturer which is in all material respects substantially the same as the certified test device shall be deemed to be in conformity with the appropriate standards and regulations established under this section.

"(3) Every manufacturer shall establish and maintain such records, make such reports, and provide such information as the Administrator or the Secretary of the department in which the Coast Guard is operating may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this section and regulations issued thereunder and shall, upon request of an officer or employee duly designated by the Administrator or the Secretary of the department in which the Coast Guard is operating, permit such officer or employee at reasonable times to have access to and copy such records. All information reported to or otherwise obtained by the Administrator or the Secretary of the department in which the Coast Guard is operating or their representatives pursuant to this subsection which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this section. This paragraph shall not apply in the case of the construction of a vessel by an individual for his own use.

"(h) After the effective date of standards and regulations promulgated under this section, it shall be unlawful—

"(1) for the manufacturer of any vessel subject to such standards and regulations to manufacture for sale, to sell or offer for sale, or to distribute for sale or resale any such vessel unless it is equipped with a marine sanitation device which is in all material respects substantially the same as the appropriate test device certified pursuant to this section;

"(2) for any person, prior to the sale or delivery of a vessel subject to such standards and regulations to the ultimate purchaser, wrongfully to remove or render inoperative any certified marine sanitation device or element of design of such device installed in such vessel;

"(3) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under this section; and

"(4) for a vessel subject to such standards and regulations to operate on the navigable waters of the United States, if such vessel is not equipped with an operable marine sanitation device certified pursuant to this section.

"(i) The district courts of the United States shall have jurisdictions to restrain violations of subsection (g)(1) of this section and subsection (h) (1) through (3) of this section. Actions to restrain such violations shall be brought by, and in, the name of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(j) Any person who violates subsection (g)(1) of this section or clause (1) or (2) of subsection (h) of this section shall be liable to a civil penalty of not more than $5,000 for each violation. Any person who violates clause (4) of subsection (h) of this section or any regulation issued pursuant to this section shall be liable to a civil penalty of not more than $2,000 for each violation. Each violation shall be a separate offense. The Secretary of the department in which the Coast Guard is operating may assess and compromise any such penalty. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by said Secretary.

"(k) The provisions of this section shall be enforced by the Secretary of the department in which the Coast Guard is operating and he may utilize by agreement, with or without reimbursement, law enforcement officers or other personnel and facilities of the Administrator, other Federal agencies, or the States to carry out the provisions of this section.

"(l) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, (1) board and inspect any vessel upon the navigable waters of the United States and (2) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(m) In the case of Guam and the Trust Territory of the Pacific Islands, actions arising under this section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the District Court for the District of the Canal Zone.

"FEDERAL FACILITIES POLLUTION CONTROL

"SEC. 313. Each department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government (1) having jurisdiction over any property or facility, or (2) engaged in any activity resulting, or which may result, in the discharge or runoff of pollutants shall comply with Federal, State, interstate, and local requirements respecting control and abatement of pollution to the same extent that any person is subject to such requirements, including the payment of reasonable service charges. The President may exempt any effluent source of any department, agency, or instrumentality in the executive branch from compliance with only such a requirement if he determines it to be in the paramount interest of the United States to do so; except that no exemption may be granted from the requirements of section 306 or 307 of this Act. No such exemption shall be granted due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation. Any exemption shall be for a period not in excess of one year, but additional exemptions may be granted for periods of not to exceed one year upon the President's making a new determination. The President shall report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with his reason for granting such exemption.

"CLEAN LAKES

"SEC. 314. (a) Each State shall prepare or establish, and submit to the Administrator for his approval—

"(1) an identification and classification according to eutrophic condition of all publicly owned fresh water lakes in such State;

"(2) procedures, processes, and methods (including land use requirements), to control sources of pollution of such lakes; and

"(3) methods and procedures, in conjunction with appropriate Federal agencies, to restore the quality of such lakes.

"(b) The Administrator shall provide financial assistance to States in order to carry out methods and procedures approved by him under this section.

"(c)(1) The amount granted to any State for any fiscal year under this section shall not exceed 70 per centum of the funds expended by such State in such year for carrying out approved methods and procedures under this section.

"(2) There is authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973; and $150,000,000 for the fiscal year 1974 for grants to States under this section which such sums shall remain available until expended. The Administrator shall provide for an equitable distribution of such sums to the States with approved methods and procedures under this section.

"NATIONAL ACADEMIES STUDY

"SEC. 315. (a) The National Academy of Sciences and the National Academy of Engineering, acting through the National Research Council, shall make a full and complete investigation and study of all of the technological aspects of achieving, and all aspects of the total economic, social, and environmental effects of achieving or not achieving, the effluent limitations and goals set forth for 1981 in section 301(b)(2) of this title. A report shall be submitted to Congress of the results of such investigation and study, together with recommendations, not later than two years after the date of enactment of this title. Notwithstanding the provisions of section 301(b)(2) of this title or any other provision of this Act to the contrary, effluent limitations, goals, and policies established for 1981 for point and nonpoint sources (other than publicly owned treatment works) and later years for point and nonpoint sources, by this Act shall not take effect until such time as Congress shall, by statute enacted after the submission of the report required by this subsection, specifically so provide.

"(b) The heads of the departments, agencies, and instrumentalities of the executive branch of the Federal Government shall cooperate with the Academies in carrying out the requirements of subsection (a) of this section, and shall furnish to such Academies such information as the Academies deem necessary to carry out this section.

"(c) There is authorized to be appropriated to the President, for use in carrying out this section, not to exceed $15,000,000.

"REGULATION OF THERMAL DISCHARGES

"SEC. 316. (a) As soon as practicable, but not later than one year after enactment of this section, the Administrator shall issue proposed regulations with respect to control of thermal discharges.

"(b) Such proposed regulations shall recognize that the optimum method of control of any thermal discharge may depend upon local conditions, including the type and size of the receiving body of water. The regulations shall require any person proposing to make such a discharge to consider all alternative methods for controlling such a discharge, including, but not limited to (1) utilization of available water bodies or cooling devices, including once-through cooling, mixing zones, cooling ponds, spray ponds, evaporative or nonevaporative cooling towers, (2) dilution of heated waters with cooler waters, and (3) an alteration of the outlet configuration. In evaluating such alternative methods of control consideration shall be given to (1) their relative engineering and technical feasibility, (2) their relative social and economic costs and benefits, (3) their relative impact on the environment, considering not only water quality but also air quality, land use, and effective utilization and conservation of natural resources, and (4) methods of minimizing adverse effects and maximizing beneficial effects of such discharges.

"(c) The Administrator shall afford interested persons an opportunity, not to exceed sixty days, for written comment on such proposed regulations. After considering such comments, he shall promulgate, within one hundred and twenty days after publication of such proposed regulations, final regulations. The Administrator shall, from time to time, as technology and alternatives change, revise such regulations.

"(d) Such regulations shall apply to thermal discharges from all sources, unless the Administrator determines, after a public hearing requested by the owner or operator of a point source, that the economic and social costs of implementing the regulations at a point source bear no reasonable relationship to the economic and social benefits (including water quality objectives) to be attained. Any such determination shall be accompanied by an appropriate adjustment of such regulations for such source, which shall reflect the greatest degree of control which the Administrator determines can reasonably be achieved at such source.

"(e) The provisions of this section shall apply to point sources owned or operated by the United States or instrumentalities thereof.

"FINANCING STUDY

"SEC. 317. (a) The Administrator shall continue to investigate and study the feasibility of alternate methods of financing the cost of preventing, controlling and abating pollution as directed in the Water Quality Improvement Act of 1970 (Public Law 91-224), including, but not limited to, the feasibility of establishing a pollution abatement trust fund. The results of such investigation and study shall be reported to the Congress not later than two years after enactment of this title, together with recommendations of the Administrator for financing the programs for preventing, controlling and abating pollution for the fiscal years beginning after fiscal year 1976, including any necessary legislation.

"(b) There is authorized to be appropriated for use in carrying out this section, not to exceed $1,000,000.

"AQUACULTURE

"SEC. 318. (a) The Administrator is authorized, after public hearings, to permit the discharge of a specific pollutant or pollutants under controlled conditions associated with an approved aquaculture project under Federal or State supervision.

"(b) The Administrator shall by regulation, not later than January 1, 1974, establish any procedures and guidelines he deems necessary to carry out this section.

"TITLE IV—PERMITS AND LICENSES

"CERTIFICATION

"SEC. 401. (a)(1) Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate, that any such discharge will comply with the applicable provisions of sections 301, 302, 306, 307, and 316 of this Act. In the case of any such activity for which there is not an applicable effluent limitation or other limitation under sections 301(b) and 302, and there is not an applicable standard under sections 306 and 307, and there is not an applicable regulation under section 316, the State shall so certify, except that any such certification shall not be deemed to satisfy section 511(d) of this Act. Such State or interstate agency shall establish procedures for public notice in the case of all applications for certification by it and, to the extent it deems appropriate, procedures for public hearings in connection with specific applications. In any case where a State or interstate agency has no authority to give such a certification, such certification shall be from the Administrator. If the State, interstate agency, or Administrator, as the case may be, fails or refuses to act on a request for certification, within a reasonable period of time (which shall not exceed one year) after receipt of such request, the certification requirements of this subsection shall be waived with respect to such Federal application. No license or permit shall be granted until the certification required by this section has been obtained or has been waived as provided in the preceding sentence. No license or permit shall be granted if certification has been denied by the State, interstate agency, or the Administrator, as the case may be.

"(2) Upon receipt of such application and certification the licensing or permitting agency shall immediately notify the Administrator of such application and certification. Whenever such a discharge may affect, as determined by the Administrator, the quality of the waters of any other State, the Administrator within thirty days of the date of notice of application for such Federal license or permit shall so notify such other State, the licensing or permitting agency, and the applicant. If, within sixty days after receipt of such notification, such other State determines that such discharge will affect the quality of its waters so as to violate any water quality requirement in such State, and within such sixty-day period notifies the Administrator and the licensing or permitting agency in writing of its objection to the issuance of such license or permit and requests a public hearing on such objection, the licensing or permitting agency shall hold such a hearing. The Administrator shall at such hearing submit his evaluation and recommendations with respect to any such objection to the licensing or permitting agency. Such agency, based upon the recommendations of such State, the Administrator, and upon any additional evidence, if any, presented to the agency at the hearing, shall condition such license or permit in such manner as may be necessary to insure compliance with applicable water quality requirements. If the imposition of conditions cannot insure such compliance such agency shall not issue such license or permit.

"(3) The certification obtained pursuant to paragraph (1) of this subsection with respect to the construction of any facility shall fulfill the requirements of this subsection with respect to certification in connection with any other Federal license or permit required for the operation of such facility unless, after notice to the certifying State, agency, or Administrator, as the case may be, which shall be given by the Federal agency to whom application is made for such operating license or permit, the State, or if appropriate, the interstate agency or the Administrator, notifies such agency within sixty days after receipt of such notice that there is no longer reasonable assurance that there will be compliance with the applicable provisions of sections 301, 302, 306, 307, and 316 of this Act because of changes since the construction license or permit certification was issued in (A) the construction or operation of the facility, (B) the characteristics of the waters into which such discharge is made, (C) the water quality criteria applicable to such waters or (D) applicable effluent limitations or other requirements. This paragraph shall be inapplicable in any case where the applicant for such operating license or permit has failed to provide the certifying State, or, if appropriate, the interstate agency or the Administrator, with notice of any proposed changes in the construction or operation of the facility with respect to which a construction license or permit has been granted, which changes may result in violation of section 301, 302, 306, 307, or 316 of this Act.

"(4) Prior to the initial operation of any federally licensed or permitted facility or activity which may result in any discharge into the navigable waters and with respect to which a certification has been obtained pursuant to paragraph (1) of this subsection, which facility or activity is not subject to a Federal operating license or permit, the licensee or permittee shall provide an opportunity for such certifying State, or, if appropriate, the interstate agency or the Administrator to review the manner in which the facility or activity shall be operated or conducted for the purposes of assuring that applicable effluent limitations or other limitations or other applicable water quality requirements will not be violated. Upon notification by the certifying State, or if appropriate, the interstate agency or the Administrator that the operation of any such federally licensed or permitted facility or activity will violate applicable effluent limitations of other limitations or other water quality requirements such Federal agency may, after public hearing, suspend such license or permit. If such license or permit is suspended, it shall remain suspended until notification is received from the certifying State, agency, or Administrator, as the case may be, that there is reasonable assurance that such facility or activity will not violate the applicable provisions of section 301, 302, 306, 307, or 316 of this Act.

"(5) Any Federal license or permit with respect to which a certification has been obtained under paragraph (1) of this subsection may be suspended or revoked by the Federal agency issuing such license or permit upon the entering of a judgment under this Act that such facility or activity has been operated in violation of the applicable provisions of section 301, 302, 306, 307, or 316 of this Act.

"(6) No Federal agency shall be deemed to be an applicant for the purposes of this subsection.

"(7) In any case where actual construction of a facility has been lawfully commenced prior to April 3, 1970, no certification shall be required under this subsection for a license or permit issued after April 3, 1970, to operate such facility, except that any such license or permit issued without certification shall terminate April 3, 1973, unless prior to such termination date the person having such license or permit submits to the Federal agency which issued such license or a certification and otherwise meets the requirements of this section.

"(b) Nothing in this section shall be construed to limit the authority of any department or agency pursuant to any other provision of law to require compliance with any applicable water quality requirements. The Administrator shall, upon the request of any any Federal department or agency, or State or interstate agency, or applicant, provide, for the purpose of this section, any relevant information on applicable effluent limitations, or other limitations, standards, regulations, or requirements, or water quality criteria, and shall, when requested by any such department or agency or State or interstate agency, or applicant, comment on any methods to comply with such limitations, standards, regulations, requirements, or criteria.

"(c) In order to implement the provisions of this section, the Secretary of the Army, acting through the Chief of Engineers, is authorized, if he deems it to be in the public interest, to permit the use of spoil disposal areas under his jurisdiction by Federal licensees or permittees, and to make an appropriate charge for such use. Moneys received from such licensees or permittees shall be deposited in the Treasury as miscellaneous receipts.

"(d) Any certification provided under this section shall set forth any effluent limitations and other limitations, and monitoring requirements necessary to assure that any applicant for a Federal license or permit will comply with any applicable effluent limitations and other limitations, under section 301 or 302 of this Act, standard of performance under section 306 of this Act, or prohibition, effluent standard, or pretreatment standard under section 307 of this Act, or any regulation under section 316 of this Act, and shall become a condition on any Federal license or permit subject to the provisions of this section.

"NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

"SEC. 402. (a) (1) Except as provided in sections 318 and 404 of this Act, the Administrator may, after opportunity for public hearing, issue a permit for the discharge of any pollutant, or combination of pollutants or any thermal discharge, notwithstanding section 301(a), upon condition that such discharge will meet either all applicable requirements under sections 301, 302, 306, 307, 308, 316, and 403 of this Act, or prior to the taking of necessary implementing actions relating to all such requirements, such conditions as the Administrator determines are necessary to carry out the provisions of this Act.

"(2) The Administrator shall prescribe conditions for such permits to assure compliance with the requirements of paragraph (1) of this subsection, including conditions on data and information collection, reporting, and such other requirements as he deems appropriate.

"(3) The permit program of the Administrator under paragraph (1) of this subsection, and permits issued thereunder, shall be subject to the same terms, conditions, and requirements as apply to a State permit program and permits issued thereunder under subsection (b) of this section.

"(4) All permits for discharges into the navigable waters issued pursuant to section 13 of the Act of March 3, 1899, shall be deemed to be permits issued under this title, and permits issued under this title shall be deemed to be permits issued under section 13 of the Act of March 3, 1899, and shall continue in force and effect for their term unless revoked, modified, or suspended in accordance with the provisions of this Act.

"(5) No permit for a discharge into the navigable waters shall be issued under section 13 of the Act of March 3, 1899, after the date of enactment of this title. Each application for a permit under section 13 of the Act of March 3, 1899, pending on the date of enactment of this Act shall be deemed to be an application for a permit under this section. The Administrator may authorize a State, which he determines has the capability of administering a permit program which will carry out the objective of this Act, to issue permits for discharges into the navigable waters within the jurisdiction of such State. The Administrator may exercise the authority granted him by the preceding sentence only during the period which begins on the date of enactment of this Act and ends either on the ninetieth day after the date of the first promulgation of guidelines required by section 304(h)(2) of this Act, or the date of approval by the Administrator of a permit program for such State under subsection (b) of this section, whichever date first occurs, and no such authorization to a State shall extend beyond the last day of such period. Each such permit shall be subject to such conditions as the Administrator determines are necessary to carry out the provisions of this Act. No such permit shall issue if the Administrator objects to such issuance.

"(b) At any time after the promulgation of the guidelines required by subsection (h) (2) of section 304 of this Act, the Governor of each State desiring to administer its own permit program for discharges into navigable waters within its jurisdiction may submit to the Administrator a full and complete description of the program it proposes to establish and administer under State law or under an interstate compact. In addition, such State shall submit a statement from the attorney general (or the attorney for those State water pollution control agencies which have independent legal counsel), or from the chief legal officer in the case of an interstate agency, that the laws of such State, or the interstate compact, as the case may be, provide adequate authority to carry out the described program. The Administrator shall approve each such submitted program unless he determines that adequate authority does not exist:

"(1) To issue permits which—

"(A) apply, and insure compliance with, any applicable requirements of sections 301, 302, 306, 307, and 403;

"(B) are for fixed terms not exceeding five years; and

"(C) can be terminated or modified for cause including, but not limited to, the following:

"(i) violation of any condition of the permit;

"(ii) obtaining a permit by misrepresentation, or failure to disclose fully all relevant facts;

"(iii) change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

"(D) control the disposal of pollutants into wells;

"(2)(A) To issue permits which apply, and insure compliance with, all applicable requirements of section 308 of this Act, or

"(B) Except with respect to sources owned or operated by the United States, to inspect, monitor, enter, and require reports to at least the same extent as required in section 308 of this Act;

"(3) To insure that the public, and any other State the waters of which may be affected, receive notice of each application for a permit and to provide an opportunity for public hearing before a ruling on each such application;

"(4) To insure that the Administrator receives notice of each application (including a copy thereof) for a permit;

"(5) To insure that any State (other than the permitting State), whose waters may be affected by the issuance of a permit may submit written recommendations to the permitting State (and the Administrator) with respect to any permit application and, if any part of such written recommendations are not accepted by the permitting State, that the permitting State will notify such affected State (and the Administrator) in writing of its failure to so accept such recommendations together with its reasons for so doing;

"(6)(A) To issue permits which apply, and insure compliance with, all applicable requirements of section 316 of this Act; or

"(B) Except with respect to sources owned or operated by the United States, to apply and enforce control of thermal discharges from point sources located in such State to at least the same extent as is provided in section 316 of this Act;

"(7) To insure that no permit will be issued if, in the judgment of the Secretary of the Army acting through the Chief of Engineers, after consultation with the Secretary of the department in which the Coast Guard is operating, anchorage and navigation of any of the navigable waters would be substantially impaired thereby; and

"(8) To abate violations of the permit or the permit program, including civil and criminal penalties and other ways and means of enforcement.

"(c)(1) Not later than ninety days after the date on which a State has submitted a program (or revision thereof) pursuant to subsection (b) of this section, the Administrator shall suspend the issuance of permits under subsection (a) of this section as to those navigable waters subject to such program unless he determines that the State permit program does not meet the requirements of subsection (b) of this section or does not conform to the guidelines issued under section 304(h)(2) of this Act. If the Administrator so determines, he shall notify the State of any revisions or modifications necessary to conform to such requirements or guidelines.

"(2) Any State permit program under this section shall at all times be in accordance with this section and guidelines promulgated pursuant to section 304(h)(2) of this Act.

"(3) Whenever the Administrator determines after public hearing that a State is not administering a program approved under this section in accordance with requirements of this section, he shall so notify the State and, if appropriate corrective action is not taken within a reasonable time, not to exceed ninety days, the Administrator shall withdraw approval of such program. The Administrator shall not withdraw approval of any such program unless he shall first have made public, in writing, the reasons for such withdrawal.

"(d)(1) Each State shall transmit to the Administrator a copy of each permit application received by such State and provide notice to the Administrator of every action related to the consideration of such permit application, including each permit proposed to be issued by such State.

"(2) No permit shall issue if the Administrator within sixty days of the date of his notification under subsection(b)(5) of this section objects in writing to the issuance of such permit.

"(3) The Administrator may, as to any permit application, waive paragraph (2) of this subsection.

"(e) In accordance with guidelines promulgated pursuant to subsection (h)(2) of section 304 of this Act, the Administrator is authorized to waive the requirements of subsection (d) of this subsection at the time he approves a program pursuant to subsection (b) of this section for any category (including any class, type, or size within such category) of point sources within the State submitting such program.

"(f) The Administrator shall promulgate regulations establishing categories of point sources which he determines shall not be subject to the requirements of subsection (d) of this section in any State with a program approved pursuant to subsection (b) of this section. The Administrator may distinguish among classes, types, and sizes within any category of point sources.

"(g) The Administrator or any State shall not issue a permit under this section for any point source unless such permit shall assure the maintenance or enhancement of the quality of any affected waters.

"(h) Any permit issued under this section for the discharge of pollutants into the navigable waters from a vessel or other floating craft shall be subject to any applicable regulations promulgated by the Secretary of the Department in which the Coast Guard is operating, establishing specifications for safe transportation, handling, carriage, storage, and stowage of pollutants.

"(i) In the event any condition of a permit for discharges from a treatment works (as defined in section 210 of this Act) which is publicly owned is violated, a State with a program approved under subsection (b) of this section or the Administrator, where no State program is approved, may proceed in a court of competent jurisdiction to restrict or prohibit the introduction of any pollutant into such treatment works by a source not utilizing such treatment works prior to the finding that such condition was violated.

"(j) Nothing in this section shall be construed to limit the authority of the Administrator to take action pursuant to section 309 of his Act.

"(k) A copy of each permit application and each permit issued under this section shall be available to the public, in an appropriate place (1) in each State; (2) in a regional office of the Environmental Protection Agency; or (3) with the Administrator, whichever is appropriate. Such permit application or permit, or portion thereof, shall further be available on request for the purpose of reproduction.

"(l) Compliance with a permit issued pursuant to this section shall be deemed compliance, for purposes of sections 309 and 505, with sections 301, 302, 306, 307, 316, and 403, except any standard imposed under section 307 for a toxic pollutant injurious to human health. Until January 1, 1976, in any case where a permit for discharge has been applied for pursuant to this section, but final administrative disposition of such application has not been made, and such discharge is not in violation of any applicable water quality standard under subsections (a) and (b) of section 303 of this Act, and is not in violation of any applicable regulation under section 316 of this Act, such discharge shall not be a violation of (1) this Act (other than an order under section 504), or (2) section 13 of the Act of March 3, 1899, unless the Administrator or other plaintiff proves that final administrative disposition of such application has not been made because of the failure of the applicant to furnish information reasonably required or requested in order to process the application.

"OCEAN DISCHARGE CRITERIA

"SEC. 403. (a) No permit under section 402 of this Act for a discharge into the territorial sea, the waters of the contiguous zone, or the oceans shall be issued, after promulgation of guidelines established under subsection (c) of this section, except in compliance with such guidelines.

"(b) The requirements of subsection (d) of section 402 of this Act may not be waived in the case of permits for discharges into the territorial sea.

"(c)(1) The Administrator shall, within one hundred and eighty days after enactment of this Act (and from time to time thereafter), promulgate guidelines for determining the degradation of the waters of the territorial seas, the contiguous zone, and the oceans, which shall include:

"(A) the effect of disposal of pollutants on human health or welfare, including but not limited to plankton, fish, shellfish, wildlife, shorelines, and beaches;

"(B) the effect of disposal of pollutants on marine life including the transfer, concentration, and dispersal of pollutants or their byproducts through biological, physical, and chemical processes; changes in marine ecosystem diversity, productivity, and stability; and species and community population changes;

"(C) the effect of disposal, of pollutants on esthetic, recreation, and economic values;

"(D) the persistence and permanence of the effects of disposal of pollutants;

"(E) the effect of the disposal at varying rates, of particular volumes and concentrations of pollutants;

"(F) other possible locations and methods of disposal or recycling of pollutants including land-based alternatives; and

"(G) the effect on alternate uses of the oceans, such as mineral exploitation and scientific study.

"(2) In any event where insufficient information exists on any proposed discharge to make a reasonable judgment on any of the guidelines established pursuant to this subsection no permit shall be issued under section 402 of this Act.

"PERMITS FOR DREDGED OR FILL MATERIAL

"SEC. 404. (a) The Secretary of the Army, acting through the Chief of Engineers, may issue permits, after notice and opportunity for public hearing, for the discharge of dredged or fill material into the navigable waters, where the Secretary determines that such discharge will not unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities.

"(b) In making the determination required by subsection (a) of this section as to whether a permit may be issued, the Secretary shall apply any guidelines which have been promulgated by the Administrator pursuant to section 403(c)(1), together with an evaluation by the Secretary of the effect on navigation, economic and industrial development, and foreign and domestic commerce of the United States. In applying the guidelines established by the Administrator, the Secretary shall consult with the Administrator and shall give due consideration to the views and recommendations of the Administrator in that regard and also in regard to the designations of the Administrator of recommended sites for disposal. The Secretary may issue no permit for discharge of dredged or fill material which would violate the designation of the Administrator, found necessary to protect critical areas, of a site within which certain material may not be discharged. In regard to the designation of recommended sites or sites where certain material may not be discharged, the Secretary after consultation with the Administrator, need not follow the designation of the Administrator where the Secretary certifies that there is no economically feasible alternative reasonably available.

"(c) In connection with Federal projects involving dredged or fill material the Secretary may, in lieu of the permit procedure, issue regulations to govern the discharge of dredged or fill material into the navigable waters which shall require the application to such projects of the same criteria, other factors to be evaluated, the same procedures, and the same requirement which are made applicable to the issuance of permits under subsections (a) and (b) of this section.

"TITLE V—GENERAL PROVISIONS

"ADMINISTRATION

"SEC. 501. (a) The Administrator is authorized to prescribe such regulations as are necessary to carry out his functions under this Act.

"(b) The Administrator, with the consent of the head of any other agency of the United States, may utilize such officers and employees of such agency as may be found necessary to assist in carrying out the purposes of this Act.

"(c) Each recipient of financial assistance under this Act shall keep such records as the Administrator shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(d) The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this Act.

"(e)(1) It is the purpose of this subsection to authorize a program which will provide official recognition by the United States Government to those industrial organizations and political subdivisions of States which during the preceding year demonstrated an outstanding technological achievement or an innovative process, method, or device in their waste treatment and pollution abatement programs. The Administrator shall, in consultation with the appropriate State water pollution control agencies, establish regulations under which such recognition may be applied for and granted, except that no applicant shall be eligible for an award under this subsection if such applicant is not in total compliance with all applicable water quality requirements under this Act, or otherwise does not have a satisfactory record with respect to environmental quality.

"(2) The Administrator shall award a certificate or plaque of suitable design to each industrial organization or political subdivision which qualifies for such recognition under regulations established under this subsection.

"(3) The President of the United States, the Governor of the appropriate State, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall be notified of the award by the Administrator and the awarding of such recognition shall be published in the Federal Register.

"(f) Upon the request of a State water pollution control agency, personnel of the Environmental Protection Agency may be detailed to such agency for the purpose of carrying out the provisions of this Act.

"GENERAL DEFINITIONS

"SEC. 502. Except as otherwise specifically provided, when used in this Act:

"(1) The term 'State water pollution control agency' means the State agency designated by the Governor having responsibility for enforcing State laws relating to the abatement of pollution.

"(2) The term 'interstate agency' means an agency of two or more States established by or pursuant to an agreement or compact approved by the Congress, or any other agency of two or more States, having substantial powers or duties pertaining to the control of pollution as determined and approved by the Administrator.

"(3) The term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

"(4) The term 'municipality' means a city, town, borough, county, parish, district, association, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of this Act.

"(5) The term 'person' means an individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State, or any interstate body.

"(6) The term 'pollutant' means, but is not limited to, dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, agricultural, and other waste discharged into water. This term does not mean (A) 'sewage from vessels' within the meaning of section 312 of this Act; or (B) water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the State in which the well is located, and if such State determines the injection or disposal of such water, gas, or other material will not result in the degradation of ground or surface water resources; or (C) thermal discharges in accordance with regulations issued pursuant to section 316 of this Act; or (D) organic fish wastes.

"(7) The term 'pollution' means the man-made or man-induced alteration of the natural chemical, physical, biological, and radiological integrity of water.

"(8) The term 'navigable waters' means the navigable waters of the United States, including the territorial seas.

"(9) The term 'territorial seas' means the belt of the seas measured from the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, and extending seaward a distance of three miles.

"(10) The term 'contiguous zone' means the entire zone established or to be established by the United States under article 24 of the Convention of the Territorial Sea and the Contiguous Zone.

"(11) The term 'ocean' means any portion of the high seas beyond the contiguous zone.

"(12) The term 'effluent limitation' means any restriction established by a State or the Administrator on quantities, rates, and concentrations of chemical, physical, biological, and other constituents (other than thermal discharges) which are discharged from point sources into navigable waters, the waters of the contiguous zone, or the ocean, including schedules and timetables for compliance.

"(13) The term 'discharge of a pollutant' and the term 'discharge of pollutants' each means (A) any addition of any pollutant to navigable waters from any point source, (B) any addition of any pollutant to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft.

"(14) The term 'toxic pollutant' means those pollutants, or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the Administrator, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction) and physical deformations, in such organisms or their offspring.

"(15) The term 'point source' means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged, or from which there is or may be a thermal discharge.

"(16) The term 'biological monitoring' shall mean the determination of the effects on aquatic life, including accumulation of pollutants in tissue, in receiving waters due to the discharge of pollutants (A) by techniques and procedures, including sampling of organisms representative of appropriate levels of the food chain, appropriate to the volume and the physical, chemical, and biological characteristics of the effluent, and (B) at appropriate frequencies and locations.

"(17) The term 'thermal discharge' means the introduction of water into the navigable waters or the waters of the continguous zone from a point source at a temperature different from the ambient temperature of the receiving waters.

"(18) The term 'discharge' when used without qualification includes a discharge of a pollutant, a discharge of pollutants, and a thermal discharge.

"WATER POLLUTION CONTROL ADVISORY BOARD

"SEC. 503. (a)(1) There is hereby established in the Environmental Protection Agency a Water Pollution Control Advisory Board, composed of the Administrator or his designee, who shall be Chairman, and nine members appointed by the President, none of whom shall be Federal officers or employees. The appointed members, having due regard for the purposes of this Act, shall be selected from among representatives of various State, interstate, and local governmental agencies, of public or private interests contributing to, affected by, or concerned with pollution, and of other public and private agencies, organizations, or groups demonstrating an active interest in the field of pollution prevention and control, as well as other individuals who are expert in this field.

"(2)(A) Each member appointed by the President shall hold office for a term of three years, except that (i) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (ii) the terms of office of the members first taking office after June 30, 1956, shall expire as follows: three at the end of one year after such date, three at the end of two years after such date, and three at the end of three years after such date, as designated by the President at the time of appointment, and (iii) the term of any member under the preceding provisions shall be extended until the date on which the successor's appointment is effective. None of the members appointed by the President shall be eligible for reappointment within one year after the end of his preceding them.

"(B) The members of the Board who are not officers or employees of the United States, while attending conferences or meetings of the Board or while otherwise serving at the request of the Administrator, shall be entitled to receive compensation at a rate to be fixed by the Administrator, but not exceeding $100 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

"(b) The Board shall advise, consult with, and make recommendations to the Administrator on matters of policy relating to the activities and functions of the Administrator under this Act.

"(c) Such clerical and technical assistance as may be necessary to discharge the duties of the Board shall be provided from the personnel of the Environmental Protection Agency.

"EMERGENCY POWERS

SEC. 504. Notwithstanding any other provision of this Act, the Administrator upon receipt of evidence that a pollution source or combination of sources is presenting an imminent and substantial endangerment to the health of persons, may bring suit on behalf of the United States in the appropriate district court to immediately restrain any person causing or contributing to the alleged pollution to stop the discharge of pollutants causing or contributing to such pollution or to take such other action as may be necessary.

"CITIZEN SUITS

"SEC. 505. (a) Except as provided in subsection (b) of this section, any citizen may commence a civil action on his own behalf—

"(1) against any person (including (i) the United States, and (ii) any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of (A) an effluent standard or limitation under this Act or (B) an order issued by the Administrator or a State with respect to such a standard or limitation, or

"(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act which is not discretionary with the Administrator.

The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such an effluent standard or limitation, or such an order, or to order the Administrator to perform such act or duty, as the case may be, and to apply any appropriate civil penalties under section 309(d) of this Act.

"(b) No action may be commenced—

"(1) under subsection (a)(1) of this section—

"(A) prior to sixty days after the plaintiff has given notice of the alleged violation (i) to the Administrator, (ii) to the State in which the alleged violation occurs, and (iii) to any alleged violator of the standard, limitation, or order, or

"(B) if the Administrator or State has commenced and is diligently prosecuting a civil or criminal action in a court of the United States or a State to require compliance with the standard, limitation, or order, but in any such action in a court of the United States any citizen may intervene as a matter of right.

"(2) under subsection (a)(2) of this section prior to sixty days after the plaintiff has given notice of such action to the Administrator,

except that such action may be brought immediately after such notification in the case of an action under this section respecting a violation of sections 301, 302, 306, and 307 of this Act, or in violation of a permit, or conditions thereunder, issued by the Administrator under section 402 of this Act, or in violation of an order issued by the Administrator pursuant to section 309 of this Act. Notice under this subsection shall be given in such manner as the Administrator shall prescribe by regulation.

"(c)(1) Any action respecting a violation by a discharge source of an effluent standard or limitation or an order respecting such standard or limitation may be brought under this section only in the judicial district in which such source is located.

"(2) In such action under this section, the Administrator, if not a party, may intervene as a matter of right.

"(d) The court, in issuing any final order in any action brought pursuant to this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

"(e) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any effluent standard or limitation or to seek any other relief (including relief against the Administrator or a State agency).

"(f) For purposes of this section, the term 'effluent standard or limitation under this Act' means (1) effective July 1, 1973, an unlawful act under subsection (a) of section 301 of this Act; (2) an effluent limitation or other limitation under section 301 or 302 of this Act; (3) standard of performance under section 306 of this Act; (4) prohibition, effluent standard or pretreatment standard under section 307 of this Act; (5) certification under section 401 of this Act; or (6) a permit or condition thereof issued under section 402 of this Act, which is in effect under this Act (including a requirement applicable by reason of section 313 of this Act).

"(g) For the purposes of this section the term 'citizen' means (1) a citizen (A) of the geographic area and (B) having a direct interest which is or may be affected, and (2) any group of persons which has been actively engaged in the administrative process and has thereby shown a special interest in the geographic area in controversy.

"(h) A Governor of a State may commence a civil action under subsection (a), without regard to the limitations of subsection (b) of this section, against the Administrator where there is alleged a failure of the Administrator to enforce an effluent standard or limitation under this Act the violation of which is occurring in another State and is causing an adverse effect on the public health or welfare in his State, or is causing a violation of any water quality requirement in his State.

"APPEARANCE

"SEC. 506. The Administrator shall request the Attorney General to appear and represent the United States in any civil or criminal action instituted under this Act to which the Administrator is a party. Unless the Attorney General notifies the Administrator within a reasonable time, that he will appear in a civil action, attorneys who are officers or employees of the Environmental Protection Agency shall appear and represent the United States in such action.

"EMPLOYEE PROTECTION

"SEC. 507. (a) No person shall fire, or in any other way discriminate against, or cause to be fired or discriminated against, any employee or any authorized representative of employees by reason of the fact that such employee or representative has filed, instituted, or caused to be filed or instituted any proceeding under this Act, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

"(b) Any employee or a representative of employees who believes that he has been fired or otherwise discriminated against by any person in violation of subsection (a) of this section may, within thirty days after such alleged violation occurs, apply to the Secreatry of Labor for a review of such firing or alleged discrimination. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the Secretary of Labor shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to such review to enable the parties to present information relating to such alleged violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation, the Secretary of Labor shall make findings of fact. If he finds that such violation did occur, he shall issue a decision, incorporating an order therein and his findings, requiring the party committing such violation to take such affirmative action to abate the violation as the Secretary of Labor deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative of employees to his former position with compensation. If he finds that there was no such violation, he shall issue an order denying the application. Such order issued by the Secretary of Labor under this subparagraph shall be subject to judicial review in the same manner as orders and decisions of the Administrator are subject to judicial review under this Act.

"(c) Whenever an order is issued under this section to abate such violation, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees), as determined by the Secretary of Labor, to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation.

"(d) This section shall have no application to any employee who, acting without direction from his employer (or his agent) deliberately violates any prohibition of effluent limitation or other limitation under section 301 or 302 of this Act, standards of performance under section 306 of this Act, effluent standard, prohibition or pretreatment standard under section 307 of this Act, thermal discharge regulation under section 316 of this Act, or any other prohibition or limitation established under this Act.

"FEDERAL PROCUREMENT

"SEC. 508. (a) No Federal agency may enter into any contract with any person, who has been convicted of any offense under section 309(c) of this Act, for the procurement of goods, materials, and services if such contract is to be performed at any facility at which the violation which gave rise to such conviction occurred, and if such facility is owned, leased, or supervised by such person. The prohibition in the preceding sentence shall continue until the Administrator certifies that the condition giving rise to such conviction has been corrected.

"(b) The Administrator shall establish procedures to provide all Federal agencies with the notification necessary for the purposes of subsection (a) of this section.

"(c) In order to implement the purposes and policy of this Act to protect and enhance the quality of the Nation's water, the President shall, not more than one hundred and eighty days after enactment of this Act, cause to be issued an order (1) requiring each Federal agency authorized to enter into contracts and each Federal agency which is empowered to extend Federal assistance by way of grant, loan, or contract to effectuate the purpose and policy of this Act in such contracting or assistance activities, and (2) setting forth procedures, sanctions, penalties, and such other provisions, as the President determines necessary to carry out such requirement.

"(d) The President may exempt any contract, loan, or grant from all or part of the provisions of this section where he determines such exemption is necessary in the paramount interest of the United States and he shall notify the Congress of such exemption.

"(e) The President shall annually report to the Congress on measures taken in compliance with the purpose and intent of this section, including, but not limited to, the progress and problems associated with such compliance.

"ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

"SEC. 509. (a) In connection with any determination under section 301(b)(3) of this Act, or for purposes of obtaining information under section 305 of this Act, the Administrator may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and he may administer oaths. Except for effluent data, upon a showing satisfactory to the Administrator that such papers, books, documents, or information or particular part thereof, if made public, would divulge trade secrets or secret processes, the Administrator shall consider such record, report, or information or particular portion thereof confidential in accordance with the purposes of section 1905 of title 18 of the United States Code, except that such paper, book, document, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act, or when relevant in any proceeding under this Act. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Administrator, to appear and produce papers, books, and documents before the Administrator, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(b) Review of the Administrator's action (1) in promulgating any standard of performance under section 306, (2) in making any determination pursuant to section 306 (b)(1)(C), (3) in promulating any effluent standard, prohibition, or treatment standard under section 307, (4) in making any determination as to a State permit program submitted under section 402(b), (5) in approving or promulgating any effluent limitation or other limitation under section 301, 302, or 306, and (6) in issuing or denying any permit under section 402, may be had by any interested persons in the district court of the United States for the district in which such person resides or transacts such business upon application by such person. Any such application shall be made within thirty days from the date of such determination, approval, promulgation, issuance or denial, or after such date only if such application is based solely on grounds which arose after such thirtieth day.

"(c) In any judicial proceeding brought under subsection (b) of this section in which review is sought of a determination under this Act required to be made on the record after notice and opportunity for hearing, if any party applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, in such manner and upon such terms, and conditions as the court may deem proper. The Administrator may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original determination, with the return of such additional evidence.

"STATE AUTHORITY

"SEC. 510. Except as expressly provided in this Act, nothing in this Act shall (1) preclude or deny the right of any State or political subdivision thereof or interstate agency to adopt or enforce (A) any standard or limitation respecting discharges of pollutants, or (B) any requirement respecting control or abatement of pollution; except that if an effluent limitation, or other limitation, effluent standard, prohibition, pretreatment standard, standard of performance, or thermal discharge regulation is in effect under this Act, such State or political subdivision or interstate agency may not adopt or enforce any effluent limitation, or other limitation, effluent standard, prohibition, pretreatment standard, standard of performance, or thermal discharge regulation which is less stringent than the effluent limitation, or other limitation, effluent standard, prohibition, pretreatment standard, standard of performance, or thermal discharge regulation under this Act; or (2) be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters (including boundary waters) of such States.

"OTHER AFFECTED AUTHORITY

"SEC. 511. (a) This Act shall not be construed as (1) limiting the authority or functions of any officer or agency of the United States under any other law or regulation not inconsistent with this Act; (2) affecting or impairing the authority of the Secretary of the Army (A) to maintain navigation or (B) under the Act of March 3, 1899 (30 Stat. 1112); except that any permit issued under section 404 of this Act shall be conclusive as to the effect on water quality of any discharge resulting from any activity subject to section 10 of the Act of March 3, 1899, or (3) affecting or impairing the provisions of any treaty of the United States.

"(b) The consultation and coordination requirements of the Act of March 10 1934, as amended (16 U.S.C. 661, et seq.), shall apply under this Act only to the provisions of (1) section 306 of this Act; (2) the publication of information under section 304 of this Act; and (3) the establishment of guidelines under section 403 of this Act.

"(c) Discharges of pollutants into the navigable waters subject to the Rivers and Harbors Act of 1910 (36 Stat. 593; 33 U.S.C. 421) and the Supervisory Harbors Act of 1888 (25 Stat. 209; 33 U.S.C. 441–451b) shall be regulated pursuant to this Act, and not subject to such Act of 1910 and the Act of 1888 except as to effect on navigation and anchorage.

"(d) The requirements of the National Environmental Policy Act of 1969 (83 Stat. 852) as to water quality considerations shall be deemed to be satisfied—

"(1) by certification pursuant to section 401 of this Act with respect to any Federal license or permit for the construction of any activity; and

"(2) by certification pursuant to section 401 of this Act and the issuance of a permit pursuant to section 13 of the Act of March 3, 1899, or section 402 of this Act with respect to any Federal license or permit for the operation of any activity.

"SEPARABILITY

"SEC. 512. If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

"LABOR STANDARDS

"SEC. 513. The Administrator shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on treatment works for which grants are made under this Act shall be paid wages at rates not less than those prevailing for the same type of work on similar construction in the immediate locality, as determined by the Secretary of Labor, in accordance with the Act of March 3, 1931, as amended, known as the Davis-Bacon Act (46 Stat. 1494; 40 U.S.C., sec. 276a through 276a–5). The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c).

"AGRICULTURAL FACILITIES

"SEC. 514. In the case of any water pollution control facility required to be constructed for any property used for any agricultural purpose, no owner or operator of any such property shall be required to expend any funds for the construction of any such facility (A) until a plan for such facility and its operation shall have been approved by the Administrator; and (B) until a certification by the Administrator that such plan, and the construction and operation of any facility in accordance with such plan, will not result in a violation of the laws or regulations of any local, State, or Federal health agency or other governmental agency.

"EFFLUENT STANDARDS AND WATER QUALITY INFORMATION ADVISORY COMMITTEE

"SEC. 515. (a) (1) There is established an Effluent Standards and Water Quality Information Advisory Committee, which shall be composed of a Chairman and eight members who shall be appointed by the Administrator within sixty days after the date of enactment of this Act.

"(2) All members of the Committee shall be selected from the scientific community, qualified by education, training, and experience to provide, assess, and evaluate scientific and technical information on effluent standards and limitations.

"(3) Members of the Committee shall serve for a term of four years, and may be reappointed.

"(b) (1) No later than one hundred and eighty days prior to the date on which the Administrator is required to publish any proposed regulations required by section 304 (b) of this Act, any proposed standard of performance for new sources required by section 306 of this Act, or any proposed toxic effluent standard required by section 307 of this Act, he shall transmit to the Committee a notice of intent to propose such regulations. The Chairman of the Committee within ten days after receipt of such notice may publish a notice of a public hearing by the Committee, to be held within thirty days.

"(2) No later than one hundred and twenty days after receipt of such notice, the Committee shall trasnmit to the Administrator such scientific and technical information as is in its possession, including that presented at any public hearing, related to the subject matter contained in such notice.

"(3) Information so transmitted to the Administrator shall constitute a part of the administrative record and comments on any proposed regulations or standards as information to be considered with other comments and information in making any final determinations.

"(4) In preparing information for transmittal, the Committee shall avail itself of the technical and scientific services of any Federal agency, including the United States Geological Survey and any national environmental laboratories which may be established.

"(c) (1) The Committee shall appoint and prescribe the duties of a Secretary, and such legal counsel as it deems necessary. The Committee shall appoint such other employees as it deems necessary to exercise and fulfill its powers and responsibilities. The compensation of all employees appointed by the Committee shall be fixed in accordance with chapter 51 and subchapter III of chapter 53 of title V of the United States Code.

"(2) Members of the Committee shall be entitled to receive compensation at a rate to be fixed by the President but not in excess of the maximum rate of pay for grade GSX18, as provided in the General Schedule under section 5332 of title V of the United States Code.

"(d) Five members of the Committee shall constitute a quorum, and official actions of the Committee shall be taken only on the affirmative vote of at least five members. A special panel composed of one or more members upon order of the Committee shall conduct any hearing authorized by this section and submit the transcript of such hearing to the entire Committee for its action thereon.

"(e) The Committee is authorized to make such rules as are necessary for the orderly transaction of its business.

"REPORTS TO CONGRESS

"SEC. 516. (a) Within ninety days following the convening of each session of Congress, the Administrator shall submit to the Congress a report, in addition to any other report required by this Act, on measures taken toward implementing the objective of this Act, including, but not limited to, (1) the progress and problems associated with developing comprehensive plans under section 102 of this Act, areawide plans under section 208 of this Act, basin plans under section 209 of this Act, and plans under section 303(e) of this Act; (2) a summary of actions taken and results achieved in the field of water pollution control research, experiments, studies, and related matters by the Administrator and other Federal agencies and by other persons and agencies under Federal grants or contracts; (3) the progress and problems associated with the development of effluent limitations and recommended control techniques; (4) the status of State programs, including a detailed summary of the progress obtained as compared to that planned under State program plans for development and enforcement of water quality requirements; (5) the identification and status of enforcement actions pending or completed under such Act during the preceding year; (6) the status of State, interstate, and local pollution control programs established pursuant to, and assisted by, this Act; (7) a summary of the results of the survey required to be taken under section 210 of this Act; (8) his activities including recommendations under sections 109 through 111 of this Act; and (9) all reports and recommendations made by the Water Pollution Control Advisory Board.

"(b) The Administrator, in cooperation with the States, including water pollution control agencies and other water pollution control planning agencies, shall make (1) a detailed estimate of the cost of carrying out the provisions of this Act; (2) a detailed estimate, biennially revised, of the cost of construction of all needed publicly owned treatment works in all of the States and of the cost of construction of all needed publicly owned treatment works in each of the States; (3) a comprehensive study of the economic impact on affected units of government of the cost of installation of treatment facilities; and (4) a comprehensive analysis of the national requirements for and the cost of treating municipal, industrial, and other effluent to attain the water quality objectives as established by this Act or applicable State law. The Administrator shall submit such detailed estimate and such comprehensive study of such cost to the Congress no later than February 10 of each odd-numbered year. Whenever the Administrator, pursuant to this subsection, requests and receives an estimate of cost from a State, he shall furnish copies of such estimate together with such detailed estimate to Congress.

"GENERAL AUTHORIZATION

"SEC. 517. There are authorized to be appropriated to carry out this Act, other than sections 104, 105, 106(a), 107, 108, 112, 113, 114, 206, 207 208 (f) and (h) 209, 304, 311 (c), (d), (1), (1), and (k), 314, 315, and 317, $250,000,000 for the fiscal year ending June 30, 1973, $300,000,000 for the fiscal year ending June 30, 1974, and $350,000,000 for the fiscal year ending June 30, 1975.

"SHORT TITLE

"SEC. 518. This Act may be cited as the 'Federal Water Pollution Control Act'."

Mr. BLATNIK (during the reading). Mr. Chairman, I ask unanimous consent that section 2 be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. DINGELL. Mr. Chairman, reserving the right to object, I know my good friend and colleague from Minnesota is always agreeable, and I ask the gentleman if he will agree that we will not find ourselves faced with an undue limitation on time.

Mr. BLATNIK. We certainly hope not. Our only purpose in doing this is because of the nature of the section, which encompasses all five titles. Several amendments will touch some two or perhaps three of the titles simultaneously, so they would be rather small amendments which would be confusing in a technical sense. This will expedite matters and make much clearer the intent, if we do as I have requested unanimous consent to do, and it certainly will not restrict us. It should not. I certainly shall see that we give the fullest consideration to these important amendments.

Mr. DINGELL. Mr. Chairman, I am well satisfied, and I thank my good friend for his gracious assurance. I withdraw my reservation.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

(Mr. McCLORY asked and was given permission to extend his remarks at this point in the Record.)

Mr. McCLORY. Mr. Chairman, I wish first of all to commend the committee on producing a comprehensive measure designed to reduce water pollution throughout the Nation and to authorize funding which can lead toward reduction and eventual elimination of municipal wastes and other resources of contamination of our waterways.

Mr. Chairman, there is a broad area of distinction between this bill and the measure passed earlier in the other body (S. 2770). Many persons have the feeling that S. 2770 is the panacea for all our water pollution woes—and are recommending to the Members of this House that we amend the pending bill to make it identical with the Senate version.

Mr. Chairman, it seems to me that by establishing a target date of 1976 for the initial cleanup goals of the major sources of water pollution, we will be meeting the standard established in the other body. In addition, insofar as the 1981 and 1986 goals for the intended elimination of all pollution are concerned, we should be better informed as to precisely where we are going.

The provision in the pending bill which would require a study by the National Academy of Science upon which the 1981 and 1985 target dates would be established is, in my opinion, quite valid and responsible. To establish a final "no discharge" target at this time—without clear evidence that such a goal is possible—and with virtually no reliable estimate as to cost—if funds alone can accomplish such a result—would seem most inadvisable.

Mr. Chairman, in expressing myself in this way on behalf of the House bill, I do not want to indicate that I will not be supporting various amendments which may be proposed in the course of the debates. Indeed, it is my intention to vote in favor of various amendments which I expect will be offered. In that connection, I will comment on the amendments at that time and will endeavor to vote consistently with a long-range and meaningful program to reduce sources of pollution wherever they exist throughout the Nation. Again, let me commend the committee for producing a strong and comprehensive bill which should be most encouraging to the American public, one that demonstrates that the Congress is determined to take necessary legislative action to improve the waters of our Nation.

AMENDMENT OFFERED BY MR. REUSS

Mr. REUSS. Mr. Chairman, I offer an amendment, known as the title III, section 301 and section 315 Reuss-Dingell-Saylor package amendment.

The Clerk read as follows:

Amendment offered by Mr. REUSS: Page 267, line 19, strike the words "except as provided in section 315,"; and

Page 346, strike the sentence beginning on line 19 and ending on line 2, page 347.

Mr. REUSS. Mr. Chairman, section 301 of the reported bill provides that all polluters shall install by 1981 the best available technology, taking into consideration cost factors related to such technology. This same provision is found in the bill S. 2770, passed by the Senate last November 86 to 0.

It is a most reasonable provision. We should insist that within the next decade polluters must move toward establishment of the best available technology to treat their wastes before discharging them, or to avoid discharging them, into the waters of our country.

We find, however, that section 301 (b)(2) of the bill contains a clause that refers to another section of the bill, namely section 315. In that section we find that the reported bill provides for a study to be conducted by the National Academy of Sciences and the National Academy of Engineering concerning the soundness of this requirement for 1981.

We, of course, do not object to such study. But what we do object to is the fact that the bill delays the effectiveness of the 1981 requirement until: First, the study is completed; second, a report is submitted to Congress some time in 1974; and third, the 94th Congress, or some later Congress, passes a new law establishing the 1981 limitation that we are considering today.

Even with this requirement there are several factors that must be applied in assessing the best available technology. For example, there are such factors as the age of equipment and the facilities involved, the process employed, the cost and the economic, social, and environmental impact of achieving this degree of effluent reduction. Foreign competition also will be considered.

In addition, the bill provides a means for extending the 1981 deadline an additional 2 years where it is not physically or legally possible to complete the necessary changes by 1981.

Let me emphasize at this point that the 1981 limitation does not mandate a no-discharge requirement. The no-discharge goal which is set forth earlier in the bill is for 1985, and it is merely a goal, not a requirement. Our amendment does not affect that goal in any way.

Our amendment would delete the provision in section 315 which delays the 1981 requirement until some future act of Congress. Our amendment would not affect the study by the National Academies. That study would, of course, be made and the results of the studies made available to Congress. The Congress will then have ample opportunity to consider the results of the study. If we find that we need legislation to modify the 1981 requirement, we can act then.

But we think that we have enough information today to establish this requirement for 1981 now. We think it is misleading to the public to state in one portion of the bill that a goal of "best available technology" for 1981 is sound, but then refuse to establish it as a requirement until such time as a future Congress passes a new law.

We think it is time we establish a mechanism by which we can insure long range planning for industry and avoid the countless changes that have occurred for industry over the last several years.

If we allow further delay, we will find that the cost of pollution control will increase. Polluters will be forced to install minimal treatment which may not be compatible with the future systems that may be necessary for 1981. Establishment of the 1981 requirement today will influence and encourage the use of greater technology at reasonable costs.

Mr. Chairman, this is the amendment which would make the bill mean what it seems to mean about making the year 1981—that is 10 years from now—a year in which the best available technology, taking into consideration costs, should be the rule of the road for water pollution. Our amendment would, as I say, make the bill mean what it seems to mean.

The bill before us now says just what I have said, but then it goes on to say that it does not really mean it, that there will have to be a study taking several years by the National Academy of Sciences and the National Academy of Engineering and then, after these august bodies have submitted their report, a future Congress will have to enact the standard.

Well, this is just saying that H.R. 11896 hath given, H.R. 11896 hath taken away, and the public is not going to regard H.R. 11896 as very blessed in this particular, because we do shirk what seems to me our obligation to set up a standard.

The 1981 standard in the bill, if it were not repealed by a later section of the bill, is an excellent standard. It requires all sorts of factors to be taken into account, such as the age of the equipment, the process employed, the costs, the economic, social, and environmental impact, and the impact of foreign competition.

Let me emphasize that the 1981 limitation I am talking about does not mandate a no-discharge requirement. That is done by the 1985 sweet by-and-by goal, which is not a statutory requirement at all and which this amendment would in no way affect. Our amendment would simply delete the provision in section 315 which delays the 1981 requirement until some future act of Congress.

Our amendment would not affect the study by the national academies. That would go on just as in the case of the air pollution law now on the statute books. Congress would have ample opportunity to study these reports and, if it sees fit, alter the 1981 standard. But what is important is that industry and the States know now what the standards are. Otherwise industry, with the best of good faith, is going to start on a career of water pollution control which later law may change.

So, I would hope that this amendment No. 1 in the clean water package, supported by some 30 organizations, would be adopted. This would conform it in general with the bill unanimously passed by the other body, and I believe it is the right thing to do.

Mr. GROSS. Will the gentleman yield?

Mr. REUSS. I am glad to yield to my friend from Iowa.

Mr. GROSS. The gentleman keeps reverting to his amendment as "our amendment." Would he say what "our" in this case means?

Mr. REUSS. Yes. I certainly will. "Our" is a group which started with 11 and then became 30 and 40 and 70 and 140, and I hope that the word "our" will refer to a majority of this body when the teller vote with clerks procedure is undertaken in just a few minutes. I suppose the possessive pronoun "our" also refers to the whole series of organizations, the League of Women Voters and some of our great labor union organizations and a dozen or more conservation organizations, a total of some 30 of them, which believe that this bill can be substantially improved by adding to it the six principal amendments that we are offering here today, of which this is No. 1.

Mr. GROSS. In other words, it takes in all outdoors as well as indoors. Is that correct?

Mr. REUSS. The gentleman, as usual, has said it all, and I thank him.

Mr. WRIGHT. Mr. Chairman, I rise in opposition to the amendment. It is not pleasant for me to be in the posture of opposing an amendment offered by my distinguished colleague from Wisconsin and my very good friend HENRY REUSS. Perhaps it is not pleasant for any of us to be in the posture of opposing an amendment that comes to us under the well-intentioned aegis of any environmental organization. I honor the credentials of the gentleman from Wisconsin; I honor his dedication to the ideals of a clean environment.

But what he would do in this amendment would remove from the bill the very critical triggering factors that leave it to the Congress of the United States to determine, after a thorough study by the National Academy of Sciences and the National Academy of Engineers, just what the cost environmentally, sociologically, and economically will be of achieving these ambitious goals that are contained in the House and Senate bills.

Now, Mr. Chairman, admittedly, the Senate bill is more ambitious in its concepts. It holds out the total expectation of no discharge of any kind into any stream in the United States by 1975 as a policy of the United States.

We, in our bill, hold this out as a goal. Certainly, everyone wants to achieve that goal. Certainly, everyone would like to see marihuana stopped in the next 5 years for example. But we cannot simply set a goal and say there will be no more marihuana in use in the United States in the next 5 years and have any realistic expectation that our promise will come true.

Surely, we would like to pass a law and say that there will be no more poverty in the United States in the next 5 years. However, saying it and doing it are two different things.

The House bill promises performance and in my judgment it will produce performance. But it promises no more than we honestly believe it will perform.

Mr. Chairman, Larry O'Brien said something the other day which I feel is worth repeating here. He said that public officials have gained the reputation, unfortunately, among much of the electorate of being big promisers and cruel deceivers. So I think the choice confronts us here as to whether we shall promise big and perform relatively less, or perform more and promise no more than we know we can perform.

The House bill authorizes, a thorough, comprehensive study by the National Academy of Sciences to determine the feasibility and costs of achieving these laudible, ambitious goals.

Let me recite to you the words of Senator MUSKIE, the sponsor of the bill in the other body, when commenting upon this question. He said:

> The committe realizes that there is insufficient evidence to implement the policies and objectives of this Act without additional information.

He said further:

> Consequently, the 1985 deadline for achieving no discharge of pollutants is a policy objective. It is not locked in concrete. It is not enforceable. It simply establishes what the committee thinks ought to be done on the basis of present knowledge.

Then later on in the debate Senator PEARSON asked this perceptive question:

> The other question I wish to ask the Senator is whether some estimate or judgment has been made as to the cost of achieving zero pollution by 1985, both as to capital cost and operative cost.

Now, listen to the answer which was given by Senator MUSKIE:

> There are no estimates of that kind that, in my judgment, have any validity.

He later states:

> But the 1985 target has not been related to cost. The bill does provide for water quality inventories which by the mid-seventies are designed to give us some hard estimates as to the cost of achieving no pollution discharge by 1985. When we have that information, then it will be for Congress to decide whether achieving no discharge by 1985 is within the ability of the American people to absorb the cost.

So, Mr. Chairman, this is what we provide for in this bill. When this learned academy reports to us after 2 years we shall sit down and see what the costs of achieving the 1981 and 1985 goals will be. Then we shall be in a position to act knowledgeably and responsibly.

Some of the most knowledgeable people in the field have represented to the committee in lengthy testimony the probability that removing the last 3 percentage points of pollution based upon our present knowledge and our projected technology may cost as much as the total cost—and, I am not speaking in terms of billions, I am speaking in terms of hundreds of billions of dollars—for removing the first 97 percent.

Mr. Chairman, Governor Rockefeller testified that in order to achieve no discharge in his State, the State of New York alone, it would cost something like $275 billion. We need to know the costs before we make irrevocable promises. Therefore, I urge that the amendment be rejected.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent (at the request of Mr. GROSS) Mr. WRIGHT was allowed to proceed for 1 additional minute.)

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. Of course I yield to the gentleman from Iowa.

Mr. GROSS. In view of the statement by Mr. MUSKIE, what does the Senate bill provide? Does it provide for 1985 and no study?

Mr. WRIGHT. The Senate bill does not provide for any study whatever.

Mr. GROSS. Although the target date is 1985 or 1981?

Mr. WRIGHT. The Senate bill provides a 1981 requirement of best available technology and a policy of no discharge by 1981. The best available technology, regardless of the cost or the demonstrated capability within American industry and American research to achieve that goal and the author of the Senate bill admits that we do not know what the cost is going to be.

That is a fine objective, and we are for it, but we want to know what the cost is going to be.

Mr. GROSS. I assume from what the gentleman has said, and despite what he read from the statement of Senator MUSKIE, that the Senator then went right ahead and voted for the bill?

Mr. WRIGHT. Of course he did. Every Member of the Senate present at the time voted for the bill, I will say to the distinguished gentleman from Iowa. But I want to say further that what we provide in the House bill is what the majority of the people in the Senate thought they were providing for in the Senate bill.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

(On request of Mr. HORTON, and by unanimous consent, Mr. WRIGHT was allowed to proceed for 2 additional minutes.)

Mr. WRIGHT. Mr. Chairman, I thank the gentleman for the additional time.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. Of course I will yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I appreciate the gentleman from Texas yielding to me. I have great respect for the gentleman from Wisconsin (Mr. REUSS) and the position that he takes, as I am sure the gentleman in the well also has. I am concerned about the statement that the gentleman from Wisconsin made with regard to the uncertainty that business would have if the committee bill was adopted. I would wish that the gentleman in the well would make some comment with regard to the cost problem.

Mr. WRIGHT. Numerous representatives of industry are fearful that, if we require these objectives that we have set forth without a study of what they will cost, it might conceivably put them at a competitive disadvantage with foreign competitors to the extent that they would have to move to other lands to conduct their business, rather than to comply with these objectives which might be prohibitively costly. I do not know what they will cost. I do not believe anybody knows what they will cost. I do not believe the gentleman from Wisconsin knows what they will cost.

I think the Congress should know what they will cost, what the alternatives are, what is the best available and what is the next best available, and some relation of benefit to cost in achieving the objectives we seek to achieve. It is for this purpose that the House bill creates the study to which this debate refers.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. Mr. Chairman, I will first yield to the gentleman from Maryland (Mr. LONG) and then if I have sufficient time to do so I will again yield to the gentleman from New York (Mr. HORTON).

Mr. HORTON. I thank the gentleman.

Mr. WRIGHT. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I want to start cleaning up our waters, and I want to do so without delay. Will the House bill as it stands start us right now on the road toward cleaning up our water, and greatly cutting down on undesirable discharges?

Mr. WRIGHT. Absolutely, beyond any question or doubt, the House bill represents the most significant advance in pollution abatement in this country that has ever been undertaken. It is stronger than the Senate bill in the amount of help it provides to assist municipalities and the States to achieve these objectives.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. ZION. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, I think all of us on the committee share a sincere desire to clean up our water. There is little question about that. But the question of cost is something that we are unable to answer.

The gentleman from Texas (Mr. WRIGHT) said it would cost somewhere in excess of $2.3 billion to put this into effect in the State of New York. Extrapolating that figure, we find that we are talking of something in the nature of $2.5 trillion insofar as it affects this country, which is considerably more than the gross national product of the world.

There is also this question concerning unemployment. We had but one industry testify before our committee, and that was the paper industry. They said that if they could have considerably more electric power than they are getting—and we all know that there is a very dim future for increases in electric power—the production of increased electric power often causes pollution itself—that they might be able to comply with this legislation. But it would result in a price increase of between 50 and 60 percent. They then testified that this would wind up the paper industry in this country, and we would forfeit the papermaking industry to Canada and Sweden.

So we are concerned about unemployment. When this bill came before us I sought some help from the AFL–CIO. I talked to their chief economist. They were going to send somebody over to talk to me about it. Several times I tried to get a little more attention from them, to see if they were interested in this problem, but they never did contact me.

Then on the day the bill was written up we received a new section 6, which was going to be presented from the AFL–CIO, which not only anticipates massive unemployment, but which would give them the opportunity to create the largest new welfare bill in the history of this country.

Let me read part of what they were proposing here under a new section 6:

> Declaration of Policy. The Congress hereby finds and declares that closure and/or reduction of employment in workplaces subject to provisions of the Act are matters of serious national concern. Therefore, in order to prevent and relieve such adverse consequences to employees, employers and communities which otherwise may result from strong environmental control standards and their vigorous enforcement a program of federal regulation and assistance is hereby created.

Look at what they want to do. They want to maintain a continuous evaluation of all private industry as to potential employment loss within a community or facility which he has reason to believe or it is alleged will result from a standard or an order issued under this act.

That is rather extensive. They recognize that the possibility of loss of employment may well go up into the millions.

According to their proposed amendment—

> Where the Administrator has found and determined that unemployment loss of 15 or more jobs from a facility or a single community has resulted from a standard or enforcement order issued under this Act, he may provide economic assistance to such individuals.

In other words, this is creating a brand new welfare program for the hundreds of thousands or millions of people who might be unemployed under this act.

Look at what else is included:

> Where such job loss has been alleged by the owner or operator of a facility as stemming from a standard or enforcement order under this Act, * * *

If a man loses his job and it is alleged that he lost his job because of this strong pollution bill—

> Such owner or operator shall reimburse the United States Government for all sums expended for assistance under this Title.

My colleagues, if there are serious questions about the cost of this bill and certainly there are if some people think it is going to cost over $2 trillion—if there are serious questions about the unemployment effect of this bill, as the AFL–CIO anticipates massive unemployment and wants to convert this to a massive welfare bill—I think this is something that should be looked at.

Mr. Chairman, I do not think we can disregard the need for future congressional action after the National Academy studies to do so would simply emasculate this legislation of its commonsense approach to cleaning up our environment.

Our prescribed obligations in all matters of public concern is to legislate responsibility. We must recognize that effluent limitations, goals, and policies set forth in this bill will have major impacts upon all elements of our modern society.

Until we know more precisely what effect this bill will have on costs and employment, we have no right to commit future generations to its provisions.

Mr. JONES of Alabama. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment, and all amendments thereto, close in 10 minutes.

Mr. DINGELL. Mr. Chairman, I object.

Mr. JONES of Alabama. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment, and all amendments thereto, close in 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN. The gentleman from California (Mr. GUBSER) is recognized.

Mr. GUBSER. Mr. Chairman, I take this time in order to ask a question of the gentleman from Wisconsin (Mr. REUSS).

I do not know how it started—I presume some Washington organization notified a number of my constituents regarding this bill but I received numerous identical telegrams, all of which asked me to support the "Tingell-Reuss" substitute.

I wonder if the gentleman from Wisconsin could inform me as to who "Mr. Tingell" is.

Mr. REUSS. He is "tingling" with emotion right now.

Mr. GUBSER. I thank the gentleman.

(By unanimous consent, Mr. GUBSER yielded his remaining time to Mr. HARSHA.)

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, it pains me to be on the other side from my good friends on the committee, but I must observe regretfully that they are talking about an amendment other than that which is offered to the House today.

The amendment offered by my good friend from Wisconsin (Mr. REUSS) is very simple. It is a part of the clean-water package, and what it says is that, very simply, by 1981, the Federal law would require, without study or previous congressional action, that the industries of this Nation go to the best available technology. The amendment does not affect the 1985 requirement study before in abating water pollution and in treating our wastes. The requirement is imposed for zero discharge at all. It makes the requirement that polluters go to the best available technology subject to the reasonableness of the cost of the requirement that has to be met.

Let me just recap that very briefly, because this point is important: All that is required by this amendment is that industry by 1981 go to the best available technology, and that such requirement is subject to reasonableness of cost.

Now I yield to my good friend, the gentleman from Alabama (Mr. JONES) to state whether or not I have been telling the truth.

Mr. JONES of Alabama. Of course the gentleman has been telling the truth——

Mr. DINGELL. I thank the gentleman.

Mr. JONES of Alabama. The bill so provides.

Mr. DINGELL. The bill does not so provide. The bill requires a study before that takes place. The bill gives with the right hand and then takes away with the left by saying that is subject to section 315. Section 315 says but no one really need not do it until after legislation and study. There has to be a study first. This is a giving with the right hand and a taking away with the left. If the committee had wanted congressional action to take place before we go to the highest available technology, they should have just simply deferred the whole question, and we could then come back and consider this question again in 1979 or thereabouts. What we do here essentially to engage in what is really an unfair practice with our constituents by giving with the right hand and taking away with the left. The amendment offered by the gentleman from Wisconsin (Mr. REUSS) provides that what we are giving with the right. We will not take with the left. All you have to do is to go up to 1981 with the best technology, and that is subject to reasonableness of cost.

I yield back the balance of my time.

Mr. HARRINGTON. Mr. Chairman, yesterday, I discussed some of the good points of the water pollution bill before us.

Today, I would like to direct my remarks toward the bill's weaknesses. Congressmen Dingell, Reuss, Rangel, and Congresswoman Abzug have done an excellent job of pointing out these defects and have prepared the "clean water amendments" package to overcome the faults. I wish to commend my colleagues for the fine job they have done. I fully support and will vote for each of these amendments. Let me explain why.

The Congress, particularly the House, often displays the skill of a magician. The sleight-of-hand that takes place here on the floor and in committee is astounding. The object of the exercise is often to legislate without legislating—to pass a law with no teeth so that the status quo remains unchanged. The water pollution bill we are amending today is a fine example of congressional magic.

We say we are going to set goals for the elimination of pollution, and there they are in section 101 of the bill. This section states that—

> It is the National goal that the discharge of pollutants into the navigable waters be eliminated by 1985.

And that—

> It is the national goal that wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water be achieved in 1981.

These are only goals—not a legislative mandate—but they are dates which give us a framework for our efforts. Section 301 of the bill further strengthens these goals by making them "statutory limitations." But looking further on in the legislation we come across a beautifully contrived disappearing act. Suddenly we find that before these dates become either statutory mandates or even goals, we must have a study by the National Academy of Sciences and the National Academy of Engineering "of the technological aspects of achieving, and all aspects of the total economic, social and environmental effects of achieving or not achieving the effluent limitations and goals" for 1981.

The study will be sent to Congress 2 years after enactment of this bill. On the surface, no one could possibly object to such a study, and I certainly have no objections. The impact of pollution on our society has not really been studied in depth. But, the hooker in this bill is that none of the goals or the legislative mandates for 1981 and 1985 can go into effect until the report has been received by the Congress and the Congress votes to put those dates into effect. There is no cleanup requirement beyond 1976 in this bill. Thus, by voting on the bill with this provision in it today, we are voting to delay the 1981 and 1985 effective dates and are destroying the goals the Senate and many Members of the House have tried so hard to achieve. The Senate bill requires "zero discharge" and "best available technology" only when it can be done at a "reasonable cost." In addition, the 1985 date is merely a target date for planning purposes—not a rigid legislatively enforceable mandate.

I support the amendment requiring that we vote today on establishing these goals and require that the study be made for our future knowledge. We cannot wait for the results of the study before we establish goals for clean water and rational planning for industry. Congress can always amend these goals in the future if necessary.

This bill attempts to change our previous method of controlling pollution by shifting the primary focus of water pollution control from water quality standards to effluent limitations. The change is effected by the establishment of a permit program for effluent discharges. Under the Senate bill, the EPA would have the final say about the issuance of permits. Under H.R. 11896 the permit program must be put solely in the hands of the States if they meet certain loose Federal guidelines. And, once this grant of power is complete, EPA is not required to initiate proceedings to take back the State program if the State is not complying with the Federal guidelines in administering the program. Finally, the power of the EPA to review and when appropriate to veto individual permits for industries issued by the States—who may be unduly influenced by local and powerful industry groups or not have adequately trained personnel—is removed.

We can have no coherent, realistic and fair water pollution standards unless EPA has the final veto power over permits. The system established under H.R. 11896 would lead to competition between States for industry which will locate in the States with the lowest standards to comply with. What about States with tough standards now? They will lose businesses to States with more relaxed standards. We cannot hope to make the permit system work without strong enforcement. The House bill dissolves that enforcement authority—leaving the shell of a good idea gutted by impractical and unreasonable restrictions.

I support the amendment to give final veto power to the Federal EPA.

One of the most critical problems inherent in legislating water pollution controls is that the standards will be so haphazard that workers will be pushed out of jobs by industries moving from State to State in search of less strict pollution standards. The House bill in not allowing the EPA a veto over individual permits establishes dangerous policies for the industrial workers. We must establish national effluent limitations to prevent industrial "shopping" and we must establish an equitable system of assistance to those workers and communities affected by plant closures due to environmental regulations.

The present amendment offers workers the right to ask for both a study and a hearing of their allegations that their company is either closing or laying off employees because it is unable to operate as a result of the new regulations.

Although I do not believe the amendment goes far enough, I will support it at this time. It is my understanding that hearings will be held later this year by the Public Works Committee or EDA and that direct economic assistance to workers out of jobs as a result of stringent, but necessary, pollution standards will be considered at that time. Such assistance is essential.

I also support amendments to retain the integrity of the Fish and Wildlife Coordination Act. Under this act State fish and game agencies and the Fish and Wildlife Service of the Interior Department may comment on all discharge permits to insure both fish and wildlife resources protection. This comment procedure should be a part of the current law and I will vote to reinsert the provision.

Finally, I support the amendment to retain the public's procedural rights and consideration of water quality problems by agencies granting Federal licenses and permits under the National Environmental Policy Act. As H.R. 11896 is presently written these rights would be seriously weakened.

All of these amendments are important for strong legislation. We only hurt ourselves by passing a weak bill. Antipollution costs are skyrocketing. There is a definite danger to health. If we are so shortsighted that we crumble in the face of a real commitment to ending pollution now, we will pay the price later and wonder at our own stupidity. The time for magic tricks is over. We have been long overdue in seeing the reality of the crisis facing us.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. Gude).

(By unanimous consent, Mr. Hechler of West Virginia yielded his time to Mr. Gude.)

Mr. GUDE. Mr. Chairman, I would like to commend the committee for the time and effort which it has put into developing this legislation. H.R. 11896 is unquestionably a great improvement over the law presently on the books.

The bill, for example, goes far toward aiding municipalities in constructing treatment facilities. It provides money on a contract basis thus giving the local officials the kind of assurance they need to make wise, long-range plans.

The bill when fully funded taking into consideration updated needs would provide the necessary funds to continue the upgrading and expansion of the Blue Plains treatment plant in the Washington metropolitan area. This plant, with its high level tertiary treatment, will serve as a model for communities around the Nation which are considering going the route of regional cooperation.

As one of the supporters of the clean water package of amendments, I recognize and applaud the committee's efforts. The amendments we are offering today are designed to round out and better implement the basic framework already well developed by the committee.

The amendment to H.R. 11896 proposed by my colleague Mr. Reuss is, I believe, necessary and vital, if this legislation is going to fulfill its promise.

In the policy section of the bill it is held to be a national goal that the discharge of pollutants into the navigable waters be eliminated by 1985. It is also stated that, as an interim goal, we achieve water quality sufficient to allow recreation and the protection and propagation of fish, shellfish, and wildlife by 1981.

Having stated these admirable goals this legislation then removes them in section 315 of the bill by calling for a study by the National Academy of Science and the National Academy of Engineering of the potential effects of their achievement. Thus the 1981 and 1985 standards are made dependent on future legislation.

If H.R. 11896 passes in its present form the polluters of the Nation will be on notice that Congress has failed to bite the bullet and write a water pollution law that will bring results within the foreseeable future. These polluters will be on notice that delay, and obfuscation are still available to them as they use our Nation's waterways as open sewers.

The heart of the amendment offered by the gentleman from Wisconsin is to the question of why the crippling language of section 315 is necessary? The main criticism has been that these provisions will entail exorbitant costs which will close down industries and lay off workers in large numbers.[1] This is the kind of scare tactic which is regularly employed whenever the House takes up pollution control legislation. It is, however, highly misleading, based on several faulty premises, and destined to lead to even higher costs in the future.

First of all, the 1981 requirements only take effect when they can be applied at a "reasonable cost." If they cannot be accomplished at a reasonable cost, the requirement of "best available technology" will be applied, but here again there is a caveat—"taking into account the cost of such controls." In addition, the 1985 no discharge goal is merely a target date for planning purposes. It is not a rigid legislative deadline which can be enforced, but is something to aim for.

Now, those of us who are familiar with how pollution control legislation has fared in the past realize that these loopholes are already potentially damaging. It will depend on how the administration interprets the will of Congress and the public as to how strictly they will be enforced.

Another reason why the cost argument is overblown is that the figures being thrown about—such as the $316.5 billion cost of the zero discharge goal—are not based on reality. It is absurd to suggest that the zero discharge goal would be achieved solely by advanced removal techniques. The zero discharge goal is designed to move industry toward closed-loop recycling systems, and where it is practical, toward land disposal systems.

This alternative was practically ignored in the cost estimate. In fact, many industries have reported that the costs of pollution controls can be substantially recovered when recycling systems are used.[2]

Even where the cost estimates are applicable; namely, those situations where treatment, rather than recycling, is employed, it is foolish to assume, as the cost estimate did that the treatment will consist of the distillation of waste water, a process nearly twice as expensive as the most advanced forms of tertiary treatment.

Instead of being economical by delaying the effective date of these deadlines, we are in fact being extravagant since we are discouraging industries from going ahead with plans for recycling. We are putting the burden on the public to prove the feasibility of the goals rather than on industry to prove that the costs are reasonable.

The committee, as I mentioned, has done a good job with this bill and has taken an important step forward in tightening up our water pollution laws. But the American people deserve a commitment on the part of Congress that the polluters will not be able to drag their feet, and degrade our resources with impunity in the future as they have in the past. Let us put the burden of proof on the polluters, not the citizens. Let us preserve the 1981 and 1985 requirements intact so that we will not not have to meet again here in 3 or 4 years to make up for the time that has been lost.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. GUDE. I yield to the gentleman from Maryland (Mr. Long).

Mr. LONG of Maryland. Mr. Chairman, do I understand the gentleman does concede the House bill, as it stands, is a very significant improvement on the existing legislation and would result in a very great improvement in control of pollution?

Mr. GUDE. It is a significant advance, and it would be a much more significant advance if we could adopt the amendment of the gentleman from Wisconsin. The committee, as I mentioned, has done a good job in this bill and has taken an important step toward tightening up our antipollution laws, but the American people deserve a commitment from Congress that polluters will not be able to drag their feet with impunity in the future as they have in the past.

As I previously stated let us put the burden of proof on the polluters, not on the citizens. Let us preserve the 1981 and 1985 requirements intact so that we will not have to meet again here in 3 or 4 years to make up for the time that has been lost.

The CHAIRMAN. The Chair recognizes the gentlewoman from New York (Mrs. Abzug).

Mrs. ABZUG. Mr. Chairman, as a member of the Public Works Committee, I support this amendment. I hope that we can all agree to it, for it will strengthen our bill significantly.

Both this bill and the bill which passed the other body last year require the use of the "best practicable" technology by 1976; both bills contain language requiring use of the "best available" technology by 1981, but our bill renders this requirement meaningless by providing that it will not take effect until a National Academy of Sciences study is completed and Congress enacts legislation to make it effective.

It is important—and perhaps unfortunate—to note that "best available," as defined in our bill, does not mean "best available at any price." Section 301(b)(2) speaks of controls achievable through the best available demonstrated technology, "taking into account the cost of such controls," and section 304 (b)(2) requires that the assessment of what constitutes the best available demonstrated technology shall take into account, among other things, the cost, and the economic, social and environmental impact of achieving such effluent reduction, foreign competition, and such other factors as the Administrator deems appropriate.

It is apparent that the "best available" requirement has enough fudge factors in it to allow for almost any difficulty which may arise. To remove it altogether, as the bill proposes, would clearly allow industry to take its good time about getting about the job of abating water pollution; in addition, because no one will know just what to expect after 1976 and the leadtime on treatment facilities is considerable, it will end up costing industry—and the consumer—far more in the long run.

I note in this connection that there was testimony before the Public Works Committee to the effect that retention of the "best available" requirement in the bill would cost more than anyone could afford. In point of fact, questioning by members of the committee including myself demonstrated that many of these figures were made up out of whole cloth, and were no more than a smokescreen to delay the earliest possible attainment of clean water in this country.

To restore the 1981 target date, as this amendment would do, would be to make a resounding statement that we really do intend to make our waters clean again. It would afford industry and State and local authorities plenty of time to plan for their future needs. With all the "ifs, ands and buts" in the definition of "best available" no one will be compelled to do anything which is at all unreasonable. Furthermore, if for some reason we have not built enough leeway into the definition, and it develops that industries and localities which are really doing their best cannot meet the deadline, I am certain that we in the Congress would be willing to reconsider it.

We must make it clear that we mean business, and we must give the Nation sufficient notice of exactly what will be required in terms of the task of cleaning up our waters. I urge the adoption of this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. Frenzel).

(By unanimous consent, Mr. Frenzel yielded his time to Mr. Harsha.)

---

[1] Environmental and Economic Benefits and Costs Related to Various Water Pollution Abatement Strategies (administration report).

[2] See Business Week, Feb. 5, 1972, p. 70–71, "The Stormy Debate Over Zero Discharge."

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Don H. Clausen).

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Ohio (Mr. Harsha), the ranking minority member of the Committee on Public Works in his introductory remarks yesterday commented upon the National Academy of Sciences and the National Academy of Engineering Studies.

As he pointed out, the procedure to implement the 1981 requirement could have such tremendous economic and social impact it should be made only on the basis of thorough study and evaluation in line with competing priorities, potential costs, and benefits of these requirements.

During the hearings on this bill the committee heard evidence that the proposed water quality goals might be undesirably strict from an overall environmental point of view. Recycling and land disposal, for example, might be environmentally less desirable than controlled discharge to water.

Increased energy needs or solid waste disposal problems could be created. The purpose of the study is to determine the best balance, based on better information and experience than is presently available to us, and to avoid setting goals prematurely, which may turn out to be quite undesirable in ways which we are not well enough informed to foreseee.

The amendment implies that time would be lost in moving toward the 1981 and 1985 goals.

I submit that this is not necessarily the case. The two goals will serve as a focal point for research, development and demonstration efforts.

Such development of technology will be required in any event. The technology to meet these goals is not sufficient at this time.

Many of the plants and factories in the United States are less modern than their European and Japanese counterparts. It is estimated that U.S. industries must invest $26 billion to meet secondary treatment requirements.

Recognizing that the time period from project evaluation to actual plant start-up can easily be 10 years, it is easy to see that if this amendment were passed we would create a 2-year delay because managers will not authorize new construction knowing that there were existing laws which could make their proposed plant useless in 1981. It is conceivable to advance the 1981 requirement based on the academy's study.

We must modernize both for economic competitiveness and environmental control. This amendment could slow or stop such needed modernization for up to 2 years.

We cannot afford in an uninformed manner to let this happen.

Heed what my friend from Ohio said:

> The magnitude of the effects of this amendment could require an immediate major national program with immediate and major effects on all aspects of the life of this Nation, a program with unknown costs, without the assurances that this major potential disruption to the life of our Nation will ultimately be required or can be afforded.

Congress needs a definition of "best available" technology. It is conceivable that a city could have built a modern plant and, because of discretionary power of the Administrator of EPA, that plant would not meet the "best available" criteria.

We cannot reverse the key triggering device of the national academy study. We must reject this amendment.

(By unanimous consent, Mr. Don H. Clausen yielded the remainder of his time to Mr. Harsha).

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. Reuss).

Mr. REUSS. Mr. Chairman, I shall not take my 2 minutes. I want to make the point that my amendment is not unfriendly or disrespectful to the great Committee on Public Works.

The Committee on Public Works, right at the start of the committee amendment, on page 268, set forth a very reasonable and sensible standard for 1981. I am reading starting on line 3, page 268:

> There shall be applied an effluent limitation based on that degree of effluent control achievable through the application of the best available demonstrated technology, taking into account the cost of such controls,

That is an entirely sensible standard. The only trouble is that 78 pages later, on page 346, it is all taken back, when it says that at some future date, after years of uncertainty, a future Congress shall vote on this.

I say, vote for the clean water amendment, and in so doing you are not just backing the committee's opposition, but also reinforcing the Public Works Committee in its first good instinct, which is a splendid expression of what we ought to have by 1981, at the end of the environmental decade.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. Harsha).

Mr. HARSHA. Mr. Chairman, I yield to the gentleman from New York (Mr. Horton).

Mr. HORTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, after a period of several months of consideration of the provisions of the Senate bill and this bill, I have decided to oppose this amendment. I see no point in quibbling over whether Congress considers its 1981 and 1985 deadlines for effluent cleanup to be a policy or a goal, for there is probably not a single Member in either body who is not firmly committed to the elimination of water pollution as both a policy and a goal.

It seems that this amendment seeks to strengthen the resolve behind the policy by eliminating the provision for a comprehensive study by the National Academy of Sciences to determine the estimated costs and alternatives available to achieve the eradication of water pollution by the next decade.

For several reasons, which to me seem perfectly clear, I think that Congress and the Nation could benefit from such a study, conducted at a high level, and with adequate financial support.

We have seen in the literature that has been sent to our offices regarding the costs of cleaning up our waterways by the 1980's that "authoritative" cost estimates for completing the task range everywhere from $55 billion to close to half a trillion dollars. Without agreement on more precise cost estimates, how can the Appropriations Committees of Congress and the budgeting agencies of the administration possibly come up with realistic and effective tax dollar allocations to fund the antipollution effort?

The NAS study could well determine that the amounts authorized in both the House and Senate bills for the Federal share of these programs is woefully inadequate to assure that the job of cleaning up our waters can and will be done. Should we not seek and have this information at a time soon enough to intelligently plan and commit the proper resources to doing the job?

The prime sponsor and supporter of the Senate bill, the distinguished Senator from Maine, stated himself that further information on costs and technological alternatives would be needed before the policy or goal of zero effluent could be planned and implemented. What better way to obtain reliable estimates and reliable scientific information than for Congress to make the gathering of this data a central and intrinsic part of its strong legislative commitment to clean water.

I feel the funds for the NAS study will not be wasted. On the contrary, the study could save us countless millions of dollars in misallocated projects, and it could even provide technological data which may shorten the time between now and the day when our Nation can enjoy pollution-free waters.

Mr. HARSHA. Mr. Chairman, we have heard here a back-and-forth discussion of a variety of costs for this program. I believe this is very indicative of the fact that no one really knows what this program is going to cost. That is why it is so important to get this study completed before we get on the path of an irretrievable position on this; before we lose more than we actually gain.

While we are talking about studies, I want to call the attention of Members to a report by the Environmental Protection Agency, the Council on Environmental Quality, and the Department of Commerce. This involves a study contracted out to private persons to determine the effect of air and water pollution on some 14 industries.

This study concluded that there would be an estimated loss of 50,000 to 125,000 jobs simply because of the 1976 date, not the 1981 date, to which this amendment addresses itself. So obviously there are going to be many jobs lost in this program if we do not know where we are going and how we are going to go about it.

The gentleman from Wisconsin and the gentleman from Michigan indicated that this was not a no-discharge requirement. I would refer them to the language of the bill, which says that the 1981 date is a no-discharge requirement, that it is a no-discharge mandate, unless, if we cannot attain that at a reasonable cost, we have to fall back on the best available technology.

I should also like to raise the point that if this study is knocked out, if the triggering mechanism of this study is knocked out, conceivably the National Academy of Sciences could come back to say that this goal can be reached prior to 1981. If we take out the triggering mechanism we are locking in on the best available technology by 1981, unless Congress comes back to enact subsequent legislation. Let us not block ourselves from moving up this 1981 date if that is feasible under the circumstances.

I would like to point out, also, that nobody, not industry or anyone else, is going to know what is required of them until 1 year after the publication of the rules and regulations and guidelines setting up how the factors are to be determined and what is to go into the decision of the judgment of what is the best available or best practicable technology. So it will be at least a year from the enactment of this bill before the guidelines are ready.

We are talking about a study that will be ready and before the Congress only a year hence, and it seems to me to be a lot more reasonable and prudent to wait until we can act in an informed manner.

I would also like to point out that while we require all industry to use the best practicable technology available by January 1, 1976, that that is only a floor; it is not a maximum. It is a floor, and we fully intend that that floor shall be attained before January 1, 1976. So there will be a continuing process from now on up until that date to achieve the best practicable technology available.

In addition to that, we require water quality standards on all intrastate waters. Heretofore it has not been required of the legislation. This feature is not in the Senate bill. They do not require water quality standards on intrastate waters.

In addition to water quality standards, Mr. Chairman, we require load limits on all of the waters within a State and require a continual upgrading of these load limits which are based upon water quality standards. Thus no industry can say that it is going to meet the 1976 requirement of the best practicable technology, and that is all it must do. We require in this bill, if the best available or best practicable control technology does not meet the water quality standards or does not coincide with the load limits on the streams, that they must upgrade it.

So we are providing in this legislation a much more stringent requirement for effluent limitations and water quality standards and load limits than the other body did. Therefore industry will be on notice now that they are to meet at the very minimum no later than January 1, 1976, this very desirable goal of using the best practicable technology, but they have to go beyond that and assure that the best practicable technology will meet the water quality standards and the load limits and they are put on notice that they are going to be continually revised so that they cannot sit on their laurels but must continue to upgrade the process.

We have one more control in this bill. I refer to new source performance standards. Most industries will, by 1981, be modernizing their facilities. Thus, they will have to meet new source standards. These standards consist of best available technology. Thus, new sources must meet the 1981 standards.

Until we have adequate information by the National Academy of Sciences and the National Academy of Engineers, we cannot proceed in an informed manner.

Mr. Chairman, the Honorable Russell E. Train, of the Council on Environmental Quality testified before our committee. His statement was clear and to the point. I would like to insert portions of it at this time.

> H.R. 11895 would require no discharges or best available technology by 1981 with a goal of no discharges by 1985. This sounds like a simple, straightforward, and laudatory goal. But in practice, I believe it would either be very costly compared to the benefits or would, in fact, be ineffective.
>
> As you are doubtless aware, the marginal costs of abatements increase greatly as higher levels of reductions are required. For example, the EPA estimates that as a general proposition 85 percent reduction costs only 20 percent as much as 100-percent reduction.
>
> To go from 95-percent treatment to 98-percent treatment costs the same amount as going from 85- to 95-percent treatment. And to reduce another percentage of wastes costs the same amount. The last percent of reduction often costs as much as the first 99 percent.
>
> If we insist that the public pay—through tax revenues and increased prices for manufactured goods—many billions of dollars for water cleanup byond the point where added benefits can be demonstrated or even assumed, I believe we will hurt the environmental cause in two ways: First, the public legitimately will question our wisdom on this and other environmental matters and perhaps feel that the measures needed to deal with environmental problems are being exaggerated.
>
> Second, the imposition of enormous incremental costs unsupported by water quality benefits attained will divert an inordinate amount of our resources from other environmental priorities, where they could be much more effectively utilized.
>
> In addition, since wastes will not simply disappear and must be disposed or recycled in some way, a no-discharge requirement presupposes that it is uniformly preferable to dispose of all waterborne waste on the soil or in the air rather than in the water except where some type of reuse is possible.
>
> It is true that the land should be considered and quite possibly used to a much greater extent as an alternative to water or water for waste disposal, particularly for wastes that are composed of usable nutrients. However, I am aware of no evidence that land can be regarded as the best or even a viable solution for all or most waste disposal requirements. There are practical limits on land availability; there is potential for contamination of soil and ground waters by heavy metals and other materials.

I urge defeat of this amendment.

Mr. RUPPE. Mr. Chairman, I rise in support of the amendment. In all candor, I have grave reservations about the zero-discharge provision. None of us can be certain that this goal can be attained. The question, therefore, is not whether this goal is realistic at this time. The question is whether setting such a goal will actually help us to solve one of the most pressing issues of our time.

I have reached the conclusion that setting a target date for zero discharge will, even though we may never be able to attain that goal, draw attention to the incalculable value of our fresh water. By encouraging the maximum use of recycling, and by striving toward the elimination of all discharge of pollutants, the Nation will become aware that our supplies of fresh water are finite and extremely valuable.

Mr. Chairman, I represent a district that is almost surrounded by the three largest bodies of fresh water in the world: Lake Superior and Lake Michigan, and Lake Huron. When you add to that the heavy precipitation—I might point out to my colleagues that the snow is still falling in northern Michigan—you would think that my constituents would not be too concerned about the supplies of fresh water. However, the contrary is true. They are deeply concerned. In northern Michigan we have grown up knowing what crystal clear water looks like. Now, we are beginning to see the signs of change in water quality, and my constituents want to reverse the trend before it becomes irreversible.

It is not enough to merely say, "it can't be done," and lower our sights accordingly. The mere fact that our present capabilities seem to render those goals unattainable is no excuse, in my mind, to eliminate those goals. How many times in history has the impossible been reached? And how many times would it have been reached if the impossible were not sought after?

I suggest that we set the goals for zero discharge, that we get to work to achieve those goals, and if, after we have made the effort to develop the technology, that goal is deemed to be unattainable, then and only then, should we lower our sights. Those on both sides of this issue must plead ignorance about our chances of winning the battle against pollution, but the issue is important enough to warrant the utmost effort.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Wisconsin (Mr. REUSS).

The question was taken; and the Chair announced that the noes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. REUSS. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. REUSS. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers: Messrs. Reuss, Wright, Zion, and Dingell.

The Committee divided, and the tellers reported that there were—ayes 140, noes 249, not voting 43, as follows:

[Roll No. 92]

[Recorded Teller Vote]

AYES—140

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Tenn.
Annunzio
Aspin
Badillo
Bell
Bergland
Biaggi
Biester
Bingham
Brademas
Brasco
Brinkley
Broomfield
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Carney
Celler
Clay
Conte
Corman
Cotter
Coughlin
Culver
Daniels, N.J.
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Fascell
Fish
Foley
Ford, William D.
Fraser
Frenzel
Frey
Gibbons
Grasso
Green, Pa.
Griffiths
Gude
Halpern
Hamilton
Hanley
Harrington
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Wash.
Hillis
Jacobs
Karth
Kastenmeier
Kemp
Koch
Leggett
Lujan
McCloskey
Macdonald, Mass.
Madden
Mailliard
Melcher
Mikva
Minish
Mink
Minshall
Moorhead
Morgan
Morse
Moss
Murphy, Ill.
Nedzi
Nix
Obey
O'Hara
O'Neill
Patten
Pelly
Pepper
Peyser
Pike
Podell
Preyer, N.C.
Price, Ill.
Pucinski
Rangel
Rees
Reuss
Riegle
Rodino
Rogers
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roush
Roybal
Ruppe
Ryan
St Germain
Sarbanes
Saylor
Seiberling
Smith, N.Y.
Steele
Stokes
Stratton
Sullivan
Symington
Taylor
Tiernan
Udall
Vander Jagt
Vanik
Waldie
Whalen
Whitehurst
Wilson, Charles H.
Wolff
Wydler
Wylie
Yatron
Young, Fla.
Zablocki
Zwach

NOES—249

Abbitt
Albert
Alexander
Anderson, Ill.
Andrews
Archer
Arends
Ashbrook
Ashley
Aspinall
Baker
Barrett
Begich
Belcher
Bennett
Betts
Bevill
Blackburn
Blatnik
Boggs
Boland
Bolling
Bray
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clark
Clausen, Don H.
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Crane
Curlin
Daniel, Va.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
Delaney
Dellenback
Dennis
Derwinski
Dickinson
Dorn
Downing
Duncan
Edmondson
Edwards, Ala.
Erlenborn
Esch
Eshleman
Evans, Colo.
Findley
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Fuqua
Galifianakis
Garmatz
Giaimo
Gonzalez
Goodling
Green, Oreg.
Griffin
Gross
Grover
Gubser
Hagan
Haley
Hall
Hammerschmidt
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway
Hébert
Henderson
Hicks, Mass.
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Keating
Kee
Keith
King
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Lennon
Lent
Link
Lloyd
Long, La.
Long, Md.
McClory
McClure
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Mahon
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Metcalfe
Michel
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Mizell
Mollohan
Monagan
Montgomery
Mosher
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Passman
Perkins
Pickle
Pirnie
Poage
Poff
Powell
Price, Tex.
Purcell
Quie
Randall
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Roe
Roncalio
Rousselot
Roy
Runnels
Ruth
Sandman
Satterfield
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Snyder
Spence
Springer
Stanton, J. William
Stanton, James V.
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Talcott
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Veysey
Vigorito
Waggonner
Wampler
Ware
Whalley
White
Whitten
Widnall
Williams
Wilson, Bob
Winn
Wright
Wyatt
Wyman
Young, Tex.
Zion

NOT VOTING—43

Abernethy
Baring
Blanton
Bow
Chisholm
Clancy
Clawson, Del
Conyers
de la Garza
Devine
Dow
Dowdy
Dwyer
Edwards, La.
Evins, Tenn.
Fulton
Gallagher
Gaydos
Gettys
Goldwater
Gray
Hawkins
Hull
Mitchell
O'Konski
Patman
Pettis
Pryor, Ark.
Quillen
Railsback
Rarick
Reid
Rostenkowski
Scherle
Scheuer
Smith, Calif.
Staggers
Steed
Stuckey
Ullman
Van Deerlin
Wiggins
Yates

Mr. CARNEY and Mr. DENT changed their votes from "no" to "aye."

So the amendment was rejected.

AMENDMENT OFFERED BY MR. VANIK

Mr. VANIK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Vanik: Page 306, line 25, before the words "any permit" insert the following: "any order issued by the Administrator under subsection (a) of this section, or".

Mr. VANIK. Mr. Chairman, I want to compliment our committee for its fine work on this bill. I concur in thousands of the words that have been written, and I simply offer an amendment to add 12 words to the bill.

Mr. Chairman, the amendment I am offering is not a controversial one. It makes a small change in the language providing for the Federal enforcement of this act and the penalties for violating this act—a change which makes the enforcement provisions of the House bill comparable to the bill passed by the other Chamber.

The amendment provides that anyone who "willfully or negligently" violates an order issued by the Administrator, shall be subject to criminal penalties, just as he would be if he violated a permit condition or the other major provisions of the act—such as the control of discharges of toxic wastes.

Everyone knows that the enforcement and penalty provisions provided in previous pollution control laws have been so cumbersome as to be unworkable. Under the 1948 abatement procedure, only one case has reached the courts in more than two decades. The 1899 Refuse Act has been a useful new enforcement tool, but it has weaknesses: it applies only to industrial polluters and it is under the divided jurisdiction of two different Federal agencies.

A strong new enforcement tool is needed.

The enforcement provisions in the committee bill and in S. 2770 are almost identical to the enforcement powers provided by the landmark 1970 Clean Air Act. And it should be noted that the Clean Air Act—Public Law 91-604, section 113(c)(1)(B)—provides that a person who "knowingly" "violates or fails or refuses to comply with any order issued by the Administrator" is subject to criminal penalties of up to $25,000 or 1 year in jail.

The intentional violation of a clean air order can result in a criminal penalty—surely the same provision should apply to the willful violation of clean water orders.

An administrative order, issued through procedures in accordance with a law passed by Congress and signed by the President should have force behind it. When such an order is "willfully or negligently" violated, the public should have recourse to criminal prosecution.

In additional views made by two members of the committee and included in the committee's report, it is suggested that the failure to provide for criminal penalties for anyone who willfully or negligently violates an order may just be a drafting defect.

I urge that this amendment be accepted so that this defect may be corrected and the enforcement provision be brought into line with that worked out by the other Chamber, and with the provisions of other major pollution control laws.

Mr. WRIGHT. Mr. Chairman, I rise in opposition to the amendment.

This is not a weak bill. As it comes to the House, it is a very tough bill. I would like for Members to listen to this section as it appears in the bill. The bill provides that—

> Any person who willfully or negligently violates—

The requirements of this act—

> shall be punished by a fine of not less than $2,500 nor more than $25,000 per day—

And that is per day—

> of violation, or by imprisonment for not more than one year, or by both.

For any subsequent convictions, a violation committed after first conviction shall be punishable—

by a fine of not more than $50,000 per day of violation, or by imprisonment for not more than two years, or by both.

That is already in the bill. What the gentleman from Ohio would add to that is not only that a person who violates the law or a person who violates the requirements of the law would be subject to these penalties, but also that a person who violates any order of the Administrator would be subject to these penalties.

Now, normally we would assume that an order of the Administrator would be issued in conformity with the law. Normally we would assume that the Administrator would be judicious and wise in his issuance of orders. But, Mr. Chairman, I have seen illustrations to the contrary on occasion—and there is one extant right now, in which an Administrator for the Department of Transportation is issuing certain orders to States in violation of the clear language of the enacting statute.

What defense would there be for an individual in case of an arbitrary order, if this amendment were adopted? No defense whatever, so long as he had violated the order, notwithstanding the fact that he might make a case that he was, indeed, abiding by the law.

What defense would there be against an ill-advised or uninformed order or an order based upon a legitimately controversial interpretation of what the law requires? As I read the amendment, there would be more.

We believe the committee has done a thorough job. We believe we have done a hard, tough job in requiring compliance with this act, but we do not believe it would be wise to place the Administrator in the ultimate position of power in which, simply by the issuance of an order, he could place someone subject to this kind of fine, and/or imprisonment.

For that reason, I ask that the Members stay with the committee bill. It is a good bill. It is an effective bill. It provides effective enforcement for those who violate the law. Let us not encumber it by placing an administrator in the position of putting a man in jeopardy of imprisonment, based upon a controversial order. I urge the Members to vote "no" on the amendment.

Mr. HARSHA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like to call to the attention of my colleagues the fact that in this legislation we already can charge a man for simple negligence, we can charge him with a criminal violation under this bill for simple negligence. When a violation occurs, the Administrator or the State or the interstate agency, whoever may be involved, can either file a criminal charge under this law if there is negligence or if there is a willful violation of the law.

Assuming there was some discharge of pollutants contrary to this act and the Administrator notified the violating party as he is required under this act and told him what he was doing wrong and told him where it was happening, and ordered the violator to stop, and if the polluter did not obey that order, then the polluter becomes a willful violator and can be charged under this section as a willful violator.

Thus the amendment of the gentleman from Ohio is not needed. It is superfluous. The violator can be proceeded against both civilly and criminally under this law. I urge the Committee to reject the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. VANIK).

The amendment was rejected.

AMENDMENT OFFERED BY MR. HECHLER OF WEST VIRGINIA

Mr. HECHLER of West Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HECHLER of West Virginia: Page 291, between lines 11 and 12, insert the following:

"(k) The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall publish within six months after the date of enactment of this title (and from time to time thereafter) regulations for the effective treatment, including, where appropriate, the safe storage for treatment purposes of mine water wastes resulting from new or currently operating surface and underground coal mines. Effluent limitations for point sources established by this title shall, where applicable, be in accord with such regulations. Upon promulgation such regulations would be subject to the enforcement provisions of section 309 (a) of this title."

Mr. HECHLER of West Virginia. Mr. Chairman, each of us has read or seen or heard of the Buffalo Creek tragedy in the State of West Virginia, the effects of which caused the death of more than 120 persons. Possibly as many as 150 are dead and missing.

At 8 a.m. on February 26, a wall of greasy, grimy water and sludge thundered down the Buffalo Creek Valley in Logan County, W. Va. My amendment is a direct outgrowth of the Buffalo Creek disaster.

These retaining dams, which are frequently formed in the first instance by excavation of the mine and the large amount of rock or soil or slag which is separated from the coal, not only hold back rainwater but also are utilized in the coal cleaning and preparation process.

In many instances, with the present coal cleaning facilities, the acid, sludge, and other polluted mine waste water will either be diverted into a sludge pond or retaining dam or else dumped directly into the streams.

My amendment directs the Environmental Protection Agency to publish enforceable regulations for the treatment of mine waste water. This can be done.

As a matter of fact, it is now being done in many mines in West Virginia and Kentucky. For example, the Eastern Associated Coal Co., to its great credit, has installed closed circuit coal preparation facilities at its mines located in Herndon, Stotesbury, Granttown, and Affinity, W. Va. The Pikeville Coal Co., in Kentucky, is another example of a company which has made progressive efforts to install such a system.

Several companies build these systems, such as the Roberts & Schafer Manufacturing Co. in Chicago and the J. O. Lively Co. in Beckley, W. Va.

These systems, Mr. Chairman, recycle and reuse the waste mine water, so that it is not discharged into a waterway or an impoundment.

Mr. Chairman, many other coal companies have not followed this example of the companies I have just mentioned, because to construct a dam out of mine refuse is much cheaper. But, at the same time, it creates a hazard to people who live below these unsafe dams and also to our waterways.

Mr. Chairman, the people of West Virginia are fed up with living and dying with these repeated tragedies. We are tired of building monuments to people who were killed in air crashes or mine disasters or in the collapse of a bridge like the Silver Bridge.

We want to do what is necessary to protect the living instead of building monuments for the dead.

Mr. Chairman, I ask for support of this amendment, which will truly indicate our determination to protect human beings instead of profits and production alone.

Mr. JAMES V. STANTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, no one can do anything but sympathize with my colleague from West Virginia regarding the plight of the people in Logan County, W. Va., in the tragedy which struck that county. However, nobody, has more concern for the problems of West Virginia than our Committee on Public Works of the House.

The reason for our opposition to the gentleman's amendment is that the existing water pollution control law already provides for a program of demonstration projects to develop methods for the elimination or control within all or part of a watershed of acid or other mine water pollutants emanating from active or abandoned mines. This bill continues this demonstration program and authorizes $15 million for this purpose.

In addition to that, there are provisions in this legislation controlling discharges from point sources as well as numerous other requirements which cover the matter presented in this amendment.

Accordingly, I believe the amendment would duplicate provisions contained in this bill and therefore we oppose the amendment.

Mr. HECHLER of West Virginia. Will the gentleman yield?

Mr. JAMES V. STANTON. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. I appreciate the comments of my good friend from Ohio, but what we need are not demonstration projects but action. My amendment provides for immediate action instead of further demonstration projects.

Mr. JAMES V. STANTON. What this committee cannot control are the illegal dams. It is my understanding that the dam in Logan County was an illegal dam. No one can control that. This committee can only act within the purview of the law.

Mr. DON H. CLAUSEN. Will the gentleman yield?

Mr. JAMES V. STANTON. I yield to my colleague from California.

Mr. DON H. CLAUSEN. I want to state, as a member of the Flood Control and Internal Development Subcommittee of the Committee on Public Works, that we just recently visited the area of Buffalo Creek. As far as action is concerned, it is my understanding that the Governor of that State, Arch Moore, did take some action wherein he demanded that they drain all of these slag piles, which are not dams. They are not dams; they are just refuse from the mines.

In addition to this, the Watershed Subcommittee of the Committee on Public Works, chaired by Mr. KEE, of West Virginia, has a committee evaluation and inspection program underway in addition to what we are advancing in this legislation, in the form of pilot projects.

So there is a definite program of action, and you, Mr. STANTON, are absolutely correct in your response.

Mr. KEE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the Committee on Public Works is keenly aware of the flood dangers which the gentleman's amendment seeks to deal with. As you know, the collapse of an earthen dam in Logan County, W. Va., last month cost the lives of many men, women, and children in my own district and brought untold misery to their survivors.

With other members of the committee and staff experts, I have made on-the-spot inspections of the disaster area with a view to developing comprehensive measures that will prevent a recurrence of such disasters.

My colleague's proposed amendment has merit, but frankly it does not get to the heart of the problem, and I feel strongly that this problem touches too closely on the lives of our fellow citizens to be dealt with in hasty fashion.

The chairman of the Public Works Committee has authorized a special subcommittee, which I have the honor to chair, to go thoroughly into this matter and develop realistic, effective answers to this terrible problem. We want the most effective action we can get. Half way measures would not do.

For that reason, Mr. Chairman, I oppose the amendment. Our committee, Mr. Chairman, is going back down there as we have before.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. KEE. I yield to the gentleman.

Mr. HECHLER of West Virginia. Is it not true that there are many companies operating in West Virginia like the Eastern Associated Coal Co., that have been able through closed circuit systems to recycle these mine wastes in such a way as not to pollute our waterways? We have been too easy on those coal companies that find it is cheaper to keep their mine wastes behind a retaining dam without treating the wastes.

Unless we can support the more progressive efforts of those coal companies, we would be penalizing the better coal companies and also threatening the people who are living below these areas with both pollution and danger to their safety; is that not true?

Mr. KEE. We have no idea of penalizing innocent coal companies that do the job. Our purpose is to get down there and get the facts and find out just what the situation is. You cannot tell me or anyone else—including our committee—why that dam broke. We are going to do this right after the primary and work on it until every single one of them is inspected and we will make an onsite investigation and come up with a watershed on this. I can assure the gentleman of that.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield further?

Mr. KEE. Yes; I yield further to my colleague.

Mr. HECHLER of West Virginia. I would hope we could take early and decisive action instead of all of this investigating. All of us know what the problem is. The Department of the Interior and the Bureau of Mines came out with a full-blown report which was presented to the gentleman's committee, and it seems to me that now we ought to take action.

Mr. KEE. That is exactly what we are going to do but we have to have the facts so we will know exactly what to do and so we can do it in a logical fashion.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. KEE. Yes; I yield to the gentleman from California.

Mr. DON H. CLAUSEN. I want to reiterate again that these are not structured dams. They are nothing more than a piling up of waste from the mines and mining operations.

I would simply state to the gentleman that I am sympathetic to the problem because I have seen disasters of this type all over this Nation. However, immediate action has been taken to avoid a recurrence of this by Gov. Arch Moore when he ordered that all these areas be drained.

Once we move in the direction that this legislation provides, we will then come up with a permanent and comprehensive solution, and if there is any additional requirement, then our subcommittees that have jurisdiction over flood control, watersheds, and conservation will also be looking into the matter. In addition to the Oversight and Investigation Subcommittee of which I am a member.

Mr. Chairman, I oppose the amendment.

Mr. DON H. CLAUSEN. Mr. Chairman, I do not think the amendment is really needed at this point.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield further so that I may ask a question of the gentleman from California?

Mr. KEE. Yes.

Mr. HECHLER of West Virginia. I would like to ask the gentleman from California, through the kindness of the gentleman from West Virginia in yielding further to me, whether the drainage of these dams——

Mr. DON H. CLAUSEN. They are not dams. By describing them as dams, it tends to mislead people into believing that an engineered structure broke or gave way—causing this horrible disaster. This is not the case.

Mr. HECHLER of West Virginia. If the gentleman cares to call these garbage piles, that contain water——

Mr. DON H. CLAUSEN. That is more appropriate.

Mr. HECHLER of West Virginia. Whatever you want to call them, when you drain them, they pour polluted water and sludge into our streams, when this could be recycled before it is dumped into our waterways. Once they are drained, they will refill again with the wastes from the coal preparation plants, and all I am trying to do is to insure that these coal mine wastes are treated before they cause hazards and are polluting our waterways.

Mr. DON H. CLAUSEN. My response to that was, if the gentleman will recall, I said, however, that if I had my choice between people and fish, I will protect the people. As I understand the situation, this is the reason Governor Moore ordered the immediate drainage of water behind these slag piles in order to prevent any future disasters of a similar nature, until such time as a comprehensive and coordinated program can be advanced to a point of implementation.

I certainly understand the motivation behind Mr. HECHLER's amendment. The West Virginia disaster should have been avoided.

The tragedy was needless and it is certainly recognized that the potential for repetition exists and legislative actions must be taken promptly.

Unfortunately, I do not believe that Mr. HECHLER's amendment will do what is required.

Problems of this magnitude require more comprehensive legislation.

Therefore, I suggest to the Congress that this amendment be rejected and that the committee and particularly the special subcommittee headed by Mr. KEE to study this problem be charged with developing comprehensive legislation at the earliest possible time.

A start toward the development of this legislation was made when Mr. KEE and myself made an investigation trip to West Virginia to evaluate the immediate problem and to make a determination as to what steps the committee should take.

I know that Mr. KEE has been most concerned and most involved in the preliminary steps toward the development of this legislation.

He is chairman of the appropriate subcommittee and the full talents of the professional staff will be available to accomplish the task in the comprehensive and yet detailed manner that is required.

Rejection of this amendment is not turning our back on the problem. I assure you that legislation will be forthcoming. Mr. KEE and the subcommittee are committed to the development of comprehensive legislation.

Reject this amendment because I can assure you our committee will do what is necessary to eliminate the types of conditions which resulted in the West Virginia tragedy.

Mr. HARSHA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

I would like to call the attention of the members of the Committee to the remarks which were made by the distinguished gentleman from Ohio (Mr. JAMES V. STANTON). He pointed out that the problem is adequately covered in our demonstration projects provision in this bill. It is also dealt with in the Appalachian program. We have means and methods by which we can cure this problem.

Certainly, I am wholeheartedly sympathetic with the distinguished gentleman from West Virginia with reference to this problem. However, I am also aware that this amendment is not needed because there are other provisions in this bill in addition to the demonstration projects.

We have in this bill a provision providing for areawide waste water management procedures. These are for areas of urban and industrial development, or other areas where there are water quality problems. Obviously this part of West Virginia has such a water quality problem. Thus, the State in implementing an areawide water quality management plan must consider this problem.

Also let me point out to my good friend, the gentleman from West Virginia (Mr. HECHLER), that under that requirement for areawide waste water management plans there must be a process to identify, if appropriate, mine-related sources of pollution, including new, current, and abandoned surface and underground mine runoff. There must be set forth procedures, processes, and methods—including land use requirements—to control such sources to the extent feasible.

We have built into this legislation a means whereby we can deal with this problem and a means whereby the States can deal with it. So I really do not think the amendment offered by the gentleman from West Virginia (Mr. HECHLER) serves any purpose, but simply reiterates something which is already in the bill.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. It was under the very State regulations for the protection of the waterways by the State of West Virginia that caused the Pittston Coal Co. to create this garbage pile which backed up the water, and the collapse of which caused this horrible disaster which many people called an act of God. But it was a terrible act of man which caused the tragedy at Buffalo Creek.

Mr. HARSHA. That may well be, but what we are providing for in this bill is areawide waste water management procedures and programs. We require the States to develop the plans. They can secure a grant from the Federal Government for developing such a program in conformance with the Federal guidelines and regulations. The State of West Virginia will certainly have to do this for the specific situation that you have described. I am sincere, and I am telling my good friend, the gentleman from West Virginia, that I think his situation is amply covered under the legislation we have here.

Therefore, Mr. Chairman, I urge the defeat of the amendment offered by the gentleman from West Virginia (Mr. HECHLER).

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. HECHLER).

The amendment was rejected.

AMENDMENT OFFERED BY MRS. ABZUG

Mrs. ABZUG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mrs. ABZUG: on page 390, strike lines 6 through 16 inclusive.

Mrs. ABZUG. Mr. Chairman, I rise to offer an amendment which was printed in the CONGRESSIONAL RECORD on March 22, on page 9690.

The amendment reads as follows:

> On page 390, strike lines 6 through 16 inclusive.

Mr. Chairman, section 511(d) of the bill before us, to which this amendment refers, strikes at the heart of the National Environmental Policy Act of 1969. This amendment, one of the clean water package amendments, was referred to by Mr. RANGEL and myself in our separate views in the committee report and is supported by many of my colleagues and by numerous conservation groups throughout the country. It would delete section 511(d), thus leaving the National Environmental Policy Act intact.

The National Environmental Policy Act requires every agency to consider the total impact of its work on the environment before embarking on any project which may have a significant impact on the environment. Every agency must now examine not merely its narrow mission, such as building a dam, a road, or a sewer outfall, but also the unavoidable adverse effects of its action, the alternatives, and the resources which would be irretrievably committed by the action. The National Environmental Policy Act also requires the agency to prepare an environmental impact statement after consultation with other agencies, and to receive the views of the public.

Section 511(d) of the reported bill provides that the "requirements of the National Environmental Policy Act of 1969" "as to water quality considerations shall be deemed to be satisfied" by a certification issued by a State with respect to Federal licenses or permits for the construction or operation of "any activity."

The language of the bill does not specify just what those "requirements" are. Thus, the committee bill leaves it to the courts to try to determine what requirements in the law are, in fact, satisfied by this certification.

The committee, in its report—page 137—states that the differences in language between this section in the House bill and a similar one in the Senate bill are "editorial." Yet a careful review of these differences shows that the Senate provisions apply only to waste "discharges," whereas the House bill applies to "any activity" which has a Federal license or permit. This would include not only waste discharges but also such matters as dams licensed by the Federal Power Commission and permits to mine coal on Federal lands issued by the Interior Department.

Under the House bill, the States will be handling almost all of the certifications and permits under sections 401 and 402. Hence, section 511(d) would mean that all kinds of activities having "Federal" permits or certifications will be deemed to have complied with NEPA without ever having to be considered by any Federal official. Furthermore, many sources of water pollution will not have to file environmental impact statements, even though they are being constructed with Federal grants, so long as they have a certification or a permit under the bill.

The National Environmental Policy Act has been one of the significant statutes enacted in our time. It requires a full airing of governmental decisionmaking where the environment is invloved. Informal administrative procedures which were once closed are now open to full public view and participation, and agencies are forced to articulate the rationale behind actions which might affect our precious environment.

Most Federal agencies have learned to live with NEPA in the 2 years since its enactment. They have learned to look at their responsibilities in a new, broader light, and all the people are profiting as a result.

The argument has been advanced that the requirements of NEPA cause delays in projects and place undue administrative burdens on Federal agencies. However, according to Russell Train, Chairman of the Council on Environmental Quality:

> Of all the suits filed under [NEPA], only a small proportion (less than 15 percent) have resulted in Government actions being held up in whole or in part. Even in these instances, the court has ordered only a temporary halt—pending either trial, preparation of a 102 [environmental impact] statement, or revision of agency NEPA procedures.

The committee says that section 511(d) is necessary to reverse the effect of Federal District Judge Robinson's decision in *Kalur* v. *Resor*, 3 ERC 1458, which held that the Corps of Engineers must make environmental impact statements before issuing Refuse Act permits. But the committee report admits—page 139—that section 511(d) may be wholly ineffective to accomplish this objective. The report states——

The CHAIRMAN. The time of the gentlewoman from New York has expired.

(Mrs. ABZUG asked and was given permission to proceed for 2 additional minutes.)

Mrs. ABZUG. Mr. Chairman, the report states:

> If it is determined after enactment of this legislation that section 102 of NEPA is applicable to Section 402 permits, the Administrator may be required to prepare environmental impact statements prior to his issuing such a permit.

Indeed, the Kalur decision would not have occurred if the Corps of Engineers, the Council on Environmental Quality, and the Environmental Protection Agency had listened to the advice which many of the Members of the Congress repeatedly gave to them before they issued their Refuse Act regulations.

I think the Corps' regulation waiving all environmental impact statements in connection with the Refuse Act was a violation of law. In short, if you will excuse the expression, I think the arguments for section 511(d) just do not hold any water. The only activities which have have been delayed or stopped are those which failed to comply with NEPA, a law designed to protect our environment.

It is interesting to note that just a few weeks ago, Interior Secretary Rogers Morton, a respected former Member of this body, testifying that he did not "think NEPA needs changing. We have got to learn to administer it. I think that we haven't given it a fair chance."

I think so, too, Mr. Chairman.

My amendment would simply strike paragraph (d) of section 511 from the bill. Whatever problems there may be with NEPA ought to be considered in connection with the bills concerning it that are now being considered by the committee which has legislative jurisdiction over NEPA.

As a matter of fact, I read a bill in today's CONGRESSIONAL RECORD—at page 10299—which would meet the specific problems raised by the 20,000 applications for Corps of Engineer permits now pending, which require environmental impact statements under the Kalur decision. I believe this bill, proposed by Mr. DINGELL, would provide some relief for these 20,000 cases. I see no reason, therefore, to sweep away the requirement of the environmental impact statement in so wide a variety of cases as section 511(d) does.

Mr. WRIGHT. Mr. Chairman, I rise in opposition to the amendment. The amendment has primary application to the Atomic Energy Commission. This language was deliberately inserted in the bill in the other body upon the motion of Senator BAKER, the Senator from Tennessee. It was suggested by the Joint Committee on Atomic Energy. That committee of the House and of the Senate recommended that this language be included.

The language which would be stricken by the amendment offered by the gentleman from New York merely states:

> The requirements of the National Environmental Policy Act of 1969 as to water quality shall be deemed to be satisfied by the certifications pursuant to section 401.

Section 401 sets forth an elaborate procedure whereby the States would have to certify, in the first place, that any such discharge would comply with the applicable provisions of the 1976, 1981 and other goals of this act, including the "no discharge" and point limitations, and that would have to be agreed to by the EPA, the Environmental Protection Agency. This is already required in section 401. It seems illogical to require that, after that has already been done by people who presumably know what it is all about, they would have to come and get still another determination as to environmental impact. What we are trying to do in all of this is to reduce pollution in streams in the first place. Therefore, I urge defeat of the amendment.

Mr. DINGELL. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, yesterday in the RECORD my good friend and colleague, the Senator from Washington (Mr. PELLY), and I announced the introduction of legislation to afford reasonable relief both as to time and as to quantity with regard to the Kalur decision. That legislation would afford a reasonable opportunity to EPA to issue discharge permits, without filing environmental impact statements on each discharge permit. Our bill, H.R. 14103 would exempt effluent permits from the requirements of an environmental impact statement under section 102(2)(c) of the National Environmental Policy Act for approximately 5 years. It is our intention to afford reasonable relief to EPA and to allow them to move rapidly forward in issuing permits without having to file an environmental impact statement on each and every one of the thousands of permits which they would propose to issue. But I think we have to see what the committee bill does. This committee bill does more than to give relief from environmental impact statements. It says that for all intents and purposes, once a State has certified a water quality standard, all of the requirements of the National Environmental Policy have been met. What does this say? This says they no longer have to consider the cost-benefit requirements that are included in the National Environmental Policy Act. It says they no longer have to consider all the other questions relating to the wholesomeness of environment. They no longer have to consider the question of permit on the basis of systematized interdisciplinary approach to achieve a quality environment.

I do not know who suggested this language to the Committee on Public Works, but I will tell the gentlemen of the Committee on Public Works it was never cleared with the subcommittee of which I am chairman, which authored the National Environmental Policy Act. It was never cleared with the Committee on Merchant Marine and Fisheries, which wrote the National Environmental Policy Act.

It was never cleared with the Senate Interior Committee, which participated with me jointly in the writing of the National Environmental Policy Act.

What this provision of the bill does is to make a clear attempt, not to give the limited relief which is necessary, but rather to see to it that there is a total exemption from the requirements of the National Environmental Policy Act with coordination with EPA, or by the Council on Environmental Quality, or by any other Federal agencies. As a result, the language of the committee bill is very bad.The language of the amendment offered by the gentlewoman from New York is an extremely valuable attempt to preserve an important measure of environmental protection. She and her colleague, the gentleman from New York (Mr. RANGEL) have provided both valuable leadership to this body and to the conservationists in a move forward with the very valuable report which they submitted to this body, setting forth for the first time to this body the clean water package which we offer today, of which this amendment is an extremely important part.

Just to recap briefly, there will be relief given from the question of the Kalur decision. My subcommittee is working very closely with the Council on Environmental Quality and with the Environmental Protection Agency to afford this opportunity. I anticipate within the very near future my subcommittee will be legislation on H.R. 14103 to afford the appropriate measure of relief without gutting the National Environmental Policy Act.

Mr. Chairman, I urge my colleagues, if they are interested in good environment legislation, if they are interested in a good, wholesome, systematized approach that deals with all aspects of the environmental problem, to support the amendment offered by the gentlewoman from New York, and thereby change the committee bill significantly for the better.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. ABZUG).

TELLER VOTE WITH CLERKS

Mr. DINGELL. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. DINGELL. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Mrs. ABZUG and Messrs. WRIGHT, DINGELL, and HARSHA.

The Committee divided, and the tellers reported that there were—ayes 125, noes 268, not voting 39, as follows:

[Roll No. 93]

[Recorded Teller Vote]

AYES—125

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Ashley
Aspin
Badillo
Bell
Bergland
Biester
Bingham
Brademas
Brasco
Brotzman
Burke, Mass.
Burlison, Mo.
Burton
Carney
Conyers
Corman
Coughlin
Culver
Dellenback
Dellums
Dennis
Dingell
Dow
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Esch
Fascell
Fish
Foley
Ford, William D.
Forsythe
Fraser
Frenzel
Fulton
Gallagher
Gibbons
Grasso
Green, Pa.
Griffiths
Gubser
Gude
Halpern
Hamilton
Harrington

Hathaway
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hillis
Howard
Jacobs
Karth
Kastenmeier
Keating
Kemp
Koch
Leggett
Link
Long, Md.
Lujan
McClory
McCloskey
McClure
McKinney
Macdonald, Mass.
Madden
Mallary
Mazzoli
Meeds
Melcher
Mikva
Mink
Minshall
Mitchell
Mosher
Moss
Nedzi
Nix
Obey
O'Hara
Pelly
Pepper
Peyser
Pike
Podell
Pucinski
Quie
Rangel
Reuss
Roe
Rogers
Rosenthal
Roush
Roy
Roybal
Ruppe
Ryan
Sarbanes
Saylor
Scheuer
Seiberling
Skubitz
Smith, Iowa
Smith, N.Y.
Stanton, J. William
Udall
Veysey
Waldie
Whalen
Wilson, Charles H.
Wolff
Yatron
Zwach

NOES—268

Abbitt
Albert
Alexander
Andrews
Annunzio
Archer
Arends
Ashbrook
Aspinall
Baker
Barrett
Begich
Belcher
Bennett
Betts
Bevill
Biaggi
Blackburn
Blatnik
Boggs
Boland
Bolling
Bray
Brinkley
Brooks
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Cotter
Crane
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
Delaney
Denholm
Dent
Derwinski
Devine
Dickinson
Donohue
Dorn
Dowdy
Downing
Duncan
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Eshleman
Evins, Tenn.
Findley
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Fountain
Frelinghuysen
Frey
Fuqua
Galifianakis
Garmatz
Gettys
Giaimo
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Gross
Grover
Hagan
Haley
Hall
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harsha
Harvey
Hays
Hébert
Henderson
Hicks, Wash.
Hogan
Holifield
Horton
Hosmer
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Kee
Keith
King
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Latta
Lennon
Lent
Lloyd
Long, La.
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McMillan
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Metcalfe
Michel
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mizell
Monagan
Montgomery
Moorhead
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
O'Neill
Passman
Patten
Perkins
Pettis
Pickle
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Railsback
Randall
Rees
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rousselot
Runnels
Ruth
St Germain
Sandman
Satterfield
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Snyder
Spence
Springer
Staggers
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Ullman
Vigorito
Waggonner
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wright
Wyatt
Wylie
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion

NOT VOTING—39

Abernethy
Baring
Blanton
Bow
Broyhill, Va.
Chisholm
Clawson, Del
Clay
de la Garza
Diggs
Dwyer
Edwards, La.
Evans, Colo.
Gaydos
Goldwater
Hansen, Wash.
Hastings
Hawkins
Hull
Landrum
Mollohan
Morse
O'Konski
Patman
Pryor, Ark.
Purcell
Quillen
Rarick
Reid
Riegle
Rostenkowski
Scherle
Stanton, James V.
Stokes
Van Deerlin
Vander Jagt
Vanik
Wydler
Yates

So the amendment was rejected.

AMENDMENT OFFERED BY MR. WOLFF

Mr. WOLFF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Wolff: Page 388, line 10, after "Sec. 510." insert "(a)". Page 389, after line 4, insert the following:

"(b) Nothing shall preclude or deny the right of any State or political subdivision thereof or interstate agency, with respect to radioactive materials and thermal discharges, to adopt or enforce any standard or limitation respecting the release of radioactive materials and thermal discharges into water, or any requirement respecting control or abatement of pollution from such radioactive materials and thermal discharges; except that if an effluent limitation or other limitation, effluent standard, prohibition, pretreatment standard, standard of performance, or regulation relating to radioactive materials or thermal discharges is in effect under this Act, such State or political subdivision or interstate agency may not adopt or enforce any effluent limitation or other limitation, effluent standard, prohibition, pretreatment standard, standard of performance, or regulation relating to such radioactive materials or thermal discharges which is less stringent than the effluent limitation or other limitation, effluent standard, prohibition, pretreatment standard, standard of performance, or regulation under this Act.

POINT OF ORDER

Mr. PRICE of Illinois. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. PRICE of Illinois. Mr. Chairman, the proposed amendment is directed to "any other law" which the Congress after due deliberation has passed relative to radioactive materials and thermal discharges. It does not seek to improve upon or clarify the bill before us. As to radioactive materials, the target of the amendment is clearly the Atomic Energy Act of 1954 which is the only "other law" providing for the regulation of such materials. The reason it is the only other law is that Congress intended by that law to fully occupy that field and preempt that authority to the Federal Government to be exercised by the Atomic Energy Commission. A Federal district court in Minnesota so held and the U.S. Court of Appeals for the Eighth Judicial Circuit affirmed that decision. This proposed amendment seeks to reverse the decision of the courts and seeks to reverse the clear intention of the Congress when it adopted the Atomic Energy Act of 1954.

As to the matter of thermal discharges, I must confess that I know of no "other law" under which such discharges are regulated other than the Federal Water Pollution Control Act now being considered. The provisions of the amendment as to such discharges are already provided in section 510 of the bill as reported by the committee. It appears, therefore, that in this respect the amendment is redundant.

Mr. Chairman, I therefore raise a point of order that the proposed amendment is not germane to the bill since it is directed only at "other law" and not toward any provision of the bill before this Committee.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. WOLFF. I do so desire, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Wolff).

Mr. WOLFF. Mr. Chairman, for the information of the gentleman from Illinois (Mr. Price) who raised the point of order, the amendment, when originally conceived of, had reference to "any other law." The amendment as it was offered here did not mention "any other law," and stated specifically that nothing shall preclude or deny the right of any State. That language was originally in the amendment, but was excluded from the amendment before it was offered. Therefore the amendment is germane to the question of effluents of radioactive waste material, and related pollutions, as it refers to this matter.

There is nothing in here that refers to "any other law," but merely amends the legislation that we have before us today.

The CHAIRMAN. Does the gentleman from Minnesota (Mr. Frenzel) seek recognition?

Mr. FRENZEL. Mr. Chairman, I do. As the coauthor of the amendment I would like to speak to the point of order raised against the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota for that purpose.

Mr. FRENZEL. Mr. Chairman, H.R. 11896, in sections 1, 3, and 5, touches on control and regulation of both radioactive wastes and thermal discharge.

In section 502(6), page 372, radioactive materials are defined as pollutants, or rather, the definition of pollutants includes radioactive material.

In section 104(T), page 221, the Administrator is charged with conducting studies in cooperation with State and Federal agencies on the effects and control of thermal discharges.

In section 301(E), page 269, radiological warfare agents and high-level radiological wastes are included. In section 316(A), page 347, the Administrator is charged with issuing regulations with respect to control of thermal discharges.

In section 316(E) on page 349, the Administrator's regulations are made to apply at point sources owned or operated by the United States or an instrumentality thereof.

In paragraph (D) on page 346, the regulations apply to thermal discharges from all sources.

In section 510, on page 388, the section to which the Wolff-Frenzel amendment applies, thermal discharges are included.

Mr. Chairman, the entire bill is shot full of references to thermal discharges and radioactive wastes. Clearly it was the intent of the committee and the bill's authors to provide for control of these types of pollution. An amendment which merely specifies a type of control is surely germane to this bill.

The CHAIRMAN. For what purpose does the gentleman from Ohio (Mr. HARSHA) rise?

Mr. HARSHA. Mr. Chairman, I rise in support of the point of order.

The CHAIRMAN. The gentleman from Ohio is recognized for that purpose.

Mr. HARSHA. Mr. Chairman, I simply wish to say that the amendment attempts by reference to amend a separate statute already on the law books, and as such is not germane, and subject to a point of order. And, insofar as the amendment treats with thermal discharges, whether or not there is jurisdiction in this particular bill to require that kind of amendment or the portions of it concerned with thermal discharges with the portions concerned with amending the Atomic Energy Act, the two cannot be separated, and therefore the point of order must lie.

The CHAIRMAN (Mr. SMITH of Iowa). The Chair is prepared to rule on the point of order.

The amendment of the gentleman from New York (Mr. WOLFF) to which a point of order has been raised by the gentleman from Illinois (Mr. PRICE) reads that "nothing shall preclude or deny the right of any State or political subdivision thereof or interstate agency," and then it addresses itself to the definitions of the term "pollutants" on page 372 in which radioactive materials are referred to.

In view of these circumstances, the Chair holds that the amendment is germane and overrules the point of order.

The gentleman from New York (Mr. WOLFF) is recognized for 5 minutes in support of his amendment.

Mr. WOLFF. Mr. Chairman, there is an urgent open item of legislative policy that prompts me to propose, with my respected colleagues, the gentleman from Minnesota (Mr. FRENZEL), an amendment to H.R. 11896, and this is the need to reaffirm the right of the States to set standards for the discharge of radioactive materials and waste heat into the Nation's waters, standards that are more stringent than those of Federal agencies.

Our amendment would do this by adding a new paragraph to section 510 of the Federal Water Pollution Control Act amendments which would specifically prevent anything in any other law from precluding or denying the right of any State or political subdivision thereof, or interstate agency, to adopt or enforce any standard or limitation respecting the release of radioactive materials and thermal discharges into water, or any requirement respecting control or abatement or pollution from such radioactive materials and discharges; except, that these standards, and so forth, could not be less stringent than those set under the Water Pollution Control Act Amendments of 1972.

This amendment is germane to the legislation before us, for in title III, section 301(e), the bill makes it unlawful to discharge any radiological, chemical, or biological warfare agent or high-level radioactive waste into the navigable waters, and in section 316 provides for regulation of thermal discharges. It does seem strange to me, though, that the bill fails to prohibit the routine discharge of radioactive wastes from nuclear powerplants into the water. Our amendment will give the States a voice in deciding what kinds and amounts of such radioactive wastes may be discharged into their waters.

If there ever was a case for States' rights, this is it.

The States that have already petitioned to do this on their own are the States of Minnesota, Michigan, Illinois, Vermont, Wisconsin, Hawaii, Kentucky, Maine, North Dakota, Pennsylvania, Utah, and Virginia.

The primary reason for this amendment is to give the States a long delayed voice in dealing with the public health and environmental effects of the mammoth nuclear powerplants that are starting to litter the landscape. These plants routinely emit radioactive gases into the air and other radioactive wastes into the waters. They also discharge enormous amounts of waste heat, and, I submit, no State should be expected to accept the risks of these plants to the public health and to the quality of the environment without the option of being able to set standards more restrictive than those set on the Federal level.

Today, a quarter century after the Atomic Energy Commission was established, and some 17 years after the Atomic Energy Act was revised to open the way to commercial nuclear power, we still find nuclear powerplants being designed, built and operated to routinely emit radioactive wastes into the air and water surrounding a powerplant. When we consider that the Federal Power Commission forecasts that within 20 years virtually half of the electricity generated will come from nuclear powerplants, and when we further consider that this span of years barely encompasses three generations of nuclear powerplants, it seems abundantly evident to me that now is the time to seriously consider standards more stringent than those promulgated by the AEC.

If a State government anticipates having a dozen or so huge new nuclear powerplants built within its borders during the next two decades and wishes to impose stringent standards for emission of radioactive and thermal wastes, standards more strict than Federal ones, who are we to second-guess the responsibility exercised by State officials and say "nay"?

I would like to recall that on September 2, 1969, the National Governor's Conference adopted a policy statement on natural resources which bears upon the radioactive waste issue. The conference resolved that—

> While we fully recognize the problems of environmental abuse such as pollution respect no governmental boundaries and that, therefore, leadership in setting minimum standards of environmental quality can be a proper concern of the Federal Government, it is the position of the Governors that the States have and must retain the authority to establish additional environmental controls as required by special conditions.

The Republican Governors followed suit by adopting a similar position on December 12, 1969.

The heart of opposition to reasserting the right of the States to control discharges of radioactive and thermal wastes within their boundaries lies in the fear by proponents of nuclear power that a State might impose such unduly restrictive requirements as are tantamount to the exclusion of nuclear facilities within their borders. However, the fact of the matter is that there are many other ways in which a State government, if it wished, could curtail expansion of nuclear power generating capacity. States clearly have the power presently to do this by refusing to issue certificates of convenience and necessity for construction and operation of new powerplants; State Public Utility Commissions could forbid use of expensive nuclear power by their rate determinations. So our amendment would not give any special, unique power to the States. It would simply reassert the full range of their present authority in our federal system.

In conclusion, I urge support for this amendment because the perils of nuclear power are too grave, too fearsome to exclude a voice for the States. The government that is closest to the people who will be personally affected should be able to set stricter standards if in its balancing of economic costs and social benefits, such standards are indicated.

Mr. Chairman, I urge my colleagues to join with me and with my distinguished colleague from Minnesota (Mr. FRENZEL) in support of this amendment. We have before us today the opportunity to reaffirm the rights of the States to set stricter standards for emission of radioactive and thermal wastes from nuclear powerplants; these rights must be carefully guarded and vigorously reasserted in accordance with the best interests of every American citizen.

Mr. HOLIFIELD. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from California is recognized.

(Mr. HOLIFIELD asked and was given permission to speak for an additional 3 minutes and to revise and extend his remarks.)

Mr. HOLIFIELD. Mr. Chairman, we have before us an old problem. This is not a new problem. It is a problem which has been considered now for about 25 years by the committee that the House formed to consider this problem, the whole problem of atomic energy, the use and application of atomic energy with safety to the American people. This complex problem should not be legislated on the floor today under advocacy of people who have no real expertise in the subject, and

I say that with due respect to every one of my colleagues. At this time let me point to a pile of volumes of hearings that have been held over the years, over 15 volumes on the operation of atomic reactors with safety to the people of the United States. The bulk of that testimony reveals what has happened since the first reactor was built which made the bomb that destroyed Hiroshima, and that is a record of no fail, no damage to the people of this country.

I want you to listen to what I am about to say very carefully. In 1958, because we wanted the States to participate in this development, we passed a law permitting the States to participate in it. I hold the text of that law in my hands. I do not have the time to read it. That was contingent upon the States' first wanting to do the job and, second, showing that they had the people with the expertise to do the job—not the birdwatchers, not the people who are emotionally disturbed about pollution in our environment, but the physicists, the scientists, and the engineers who have built 100 submarines in each of which more than 100 men live within a few feet of the reactors for many months, and there has not been one case of radioactive damage to our personnel in those submarines. We are not even talking about close proximity like that. We are talking about reactor plants with concrete and steel insulation, from 5 to 7 feet thick, and around that a big steel vessel to prevent any kind of gas or any radioactive material from escaping which would be noxious or harmful to the people of the United States.

This issue has been put to test in the State of Minnesota in the courts, and the lower Federal court found that the Federal Government, under the act of Congress, had preempted, in this very narrow field, this subject and, as I said before, we provided in a law that States could participate in this development, but only 23 out of the 50 States have shown a desire to do so. Now many of those States have a petition before the Joint Committee for Federal funding to help them do what they are supposed to do. That is the situation that exists. Those are the facts of life. We are dealing with something here that can be tremendously dangerous, or it can be handled safely. The record of the last 30 years shows it has been handled safely. Now comes forth these new-found proponents of environment and ecology who say, "We are afraid that something will happen, and because we are afraid, turn this matter over to the States to perform this highly complex job."

The States have in the past 15 years shown an incapacity or an unwillingness to build on the State level the expertise required.

Here is one place, I can tell Members, where if they vote for States rights in this instance, they are voting to endanger the people of their States, because the States do not know how to do this job. The States do not know how to do this job. If they learn how to do the job, under the 1958 law, I am sure that they will be given enlarged fields of control of radiation.

The case in Minnesota was taken, not only to the lower Federal courts, but also to the court of appeals, and the court of appeals upheld the lower court's decision that the Federal Government had preempted this narrow but very important field of safety to the people of the United States.

The court of appeals upheld the lower court. The case went to the Supreme Court. It has not yet been heard, but the Supreme Court has asked the Solicitor General to prepare a brief before the Supreme Court on this matter, and that brief sustains the actions of the other two courts. It says that Congress has preempted this right for the Federal Government and that the Federal Government is disposing of it in a careful way.

If the Members want to gamble—and I am not just talking to the 23 States that are already learning how to do this job of radiation monitoring and control, but I am also talking about the 27 States that have not even a vestige of control apparatus in them—I would point out many reactors are being built in these States. I do not want to go into the subject of the need for electricity from these nuclear reactors. I am telling the Members this, and the testimony is ample, that before the end of this century most of the fossil fuels are going to be depleted, and if we are going to have energy in this Nation of ours to meet the energy needs, we are going to have to have it from nuclear energy. Long after I am gone from the Congress the Congress is going to have to watch this and guard it because this is the only source of heat and energy that will provide for the Nation in the next thousand years the energy needs of the people of this Nation.

I am saying this. We are not fooling with dynamite. We are fooling with the state of the Nation. There are certain areas where protection has to be extended across State boundaries, and this is one of those instances, because if we have a State in one place that is enforcing the law, and if we have a State next to it that is not enforcing the law and does not know how to enforce the law, it can damage all the States around it. This is not anything to consider lightly or to fool with.

I say to the Members this is a dangerous amendment and ought to be voted down.

Mr. FRENZEL. Mr. Chairman, I rise in favor of the amendment.

Mr. Chairman, along with the distinguished gentleman from New York (Mr. WOLFF) I am a sponsor of the pending amendment to give States the right to set more restrictive standards for radioactive and thermal pollution than the Federal Government. I urge you to adopt it.

The distinguished gentleman from New York and I mean no disrespect for the committee. They have done a first-rate, workmanlike job. We believe that we are simply clarifying the intent of section 510 which extends to States the right to set stricter standards. We want to make sure this policy is broad enough.

I am a proud sponsor—proud because my State of Minnesota has taken the lead in the fight to establish any State's right to protect its citizens in a reasonable method of its own choice.

My State's proud story is also a sad one. In 1969 we tried to establish standards stricter than the AEC for a nuclear powerplant. We lost in district court in 1970. We lost, on a split decision in the Eighth Circuit Court of Appeals in 1971. Now we are on our way to the Supreme Court.

Today you can save us the trouble of begging the Supreme Court for our State's rights. You can also stand up for the rights of all our States by adopting our amendment.

In 1970, our then Gov. Harold LeVander told the Joint Committee on Atomic Energy:

> We hold that the State has an obligation to protect its citizens against environmental pollution. We are not willing to abdicate this obligation.

The Governor said he could not sort out the conflicting opinions of distinguished scientists:

> I do not know who is correct. I do know I have a duty to protect the health and welfare of the citizens of my State.

Minnesota has been critical of AEC standards from the beginning. The standards which our State has set are far stricter than the AEC standards. Since 1969, we have not had any reason to suspect that our standards are not far better for our citizens. The AEC is a marvelous and effective institution. Its scientists are brilliant and distinguished. But the AEC has a dual mission—that of promotion as well as safety. In Minnesota we worry more about the health and welfare of our citizens than about the promotion of nuclear power.

Like Governor LeVander, I do not know who is correct. I do feel that the State has the responsibility to err on the side of safety in the standards that it sets. If its standards are more strict than those of the promotional agency, the AEC, it should have the opportunity to operate under its stricter standards and to prove that they are superior for the protection of its citizens.

LeVander, a Republican, was speaking for Minnesota and for all States. His successor, Democrat Wendell Anderson, has spoken and acted with equal vigor in pursuit of the right of States to protect their own citizens.

The present Federal preemption tells us how closely the Congress and the AEC cling to the concept that "The King can do no wrong." Washington centralists seem to be telling the States and local governments that only Federal big shots can be trusted with this important business.

Most of us have believed in the ability of local governments to solve local problems where they have sufficient authority. In this case, my State, and, perhaps someday your State, felt that stricter standards were a local solution to a local problem. Proponents of nuclear promotion and AEC will say that local standards will restrict the growth of nuclear power. If such restrictions occur in the name of the public safety, then they are worth while. However, it is more than likely that whatever restrictions the various States set will not be bad enough, nor so nonuniform, as to restrict unduly the growth of nuclear power. Before the States are accused of being crazy, they ought to have a chance to prove that they can react reasonably.

Like my two Governors, I believe that my State, and yours, has the responsibility, and should have the authority, to protect its citizens no matter what Federal big shot, or what appointed bureaucrat, may say to the contrary. If the States do wrong, let AEC take them to court, not vice versa.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from New York.

Mr. WOLFF. I thank the gentleman for yielding.

In the previous statement made by the gentleman from California he questioned whether or not the States would jeopardize the lives of the people by setting standards that were perhaps below the standards set by the AEC today. That is not the case. Our amendment specifically states that no standards could be set below the AEC standards. In fact, the standards would be higher more restrictive standards.

Mr. FRENZEL. I thank the gentleman for his contribution. That is exactly correct.

This Congress gave the States the right to set stricter limits under the Air Pollution Control Act. This body voted the States that right in the Ocean Dumping Act. Let us not give up on State government in this important pollution bill.

For over 30 years we have watched an acquisitive central government gather unto itself and its agencies all manner of powers formerly belonging to the States. For over 30 years we have witnessed Federal failure after Federal failure in countless areas where States and local governments could have done the job.

I believe in a Federal standard as a floor under State efforts. But I do not condone a Federal floor, Federal ceiling and four Federal walls to form a Federal coffin, boxing State authorities and stifling State initiatives.

Some of us may be attracted to the "papa knows best" theory. Centralism always dies hard, I suppose But if enough of us still believe in State and local governments—in their ability to solve local problems—we can, by passing this amendment, give our States the authority to exercise their rightful responsibilities.

Mr. McCORMACK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the amendment offered by the gentleman from New York (Mr. WOLFF) and the gentleman from Minnesota (Mr. FRENZEL) would allow any State or any political subdivision of any State to totally preempt the regulatory authority of the Atomic Energy Commission with respect to the discharge of radioactive materials.

I know this amendment is well intentioned. I know the appeal to States' rights sounds attractive, but in my considered opinion, gentlemen, nothing could be more dangerous to this Nation than to adopt the amendment.

Mr. Chairman, I am the chairman of the Science and Astronautics Committee's Task Force on Energy Research and Development. During the past 6 months we have conducted more than 2 dozen briefings and information collecting sessions on our Nation's energy crisis.

Let me assure the Members that this crisis is real and very dangerous to this Nation. It will affect our gross national product, our national defense, our level of employment, and the protection of our environment.

We have no alternative but to proceed with all haste, consistent with maximum safety, to consider all forms of energy conversion: coal, oil, gas, nuclear, geothermal, hydro, and some time in the future, solar and fusion.

During the next 50 years our Nation must depend on nuclear fission as a major source of power.

We cannot afford delay. Every area of this Nation is in imminent danger of brownouts and blackouts during peakload periods.

The Wolff-Frenzel amendment would submit the life and death of any nuclear powerplant to the whim of any person, qualified or unqualified, representing any political subdivision of any State.

Ladies and gentlemen, I have worked for 20 years as a nuclear research scientist at the Hanford atomic energy plant. The fact is that the Atomic Energy Commission reactor safeguards program has the best safety record of any industrial activity in history. I believe it can be shown that more detailed research has been conducted by the Atomic Energy Commission on nuclear safety and safety with regard to radioactive materials than on any other subject of any kind in history.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. No.

Thousands of man-years of highly qualified work have gone into a study of each radioisotope, its half-life, its disintegration energy levels, its daughters, its biological paths and its biological concentrations and their effects. Nothing exists outside of this meticulous work which remotely compares to it in quality, accuracy or thoroughness with regard to safety considerations. Nothing in any State remotely compares to the work of the Atomic Energy Commission. AEC safety standards are totally consistent in detail with the safety standards for the International Agency for Atomic Energy.

To accept the Wolff-Frenzel amendment would amount to throwing away all of this rational work and substituting for it what is at best semi-informed opinion, and what is many times nothing more than hysteria.

I would like to point out to you that I live on the Columbia River. It is my home. This is the river that is supposed to be "the most radioactively polluted river in America," if I may quote some persons. Hundreds of outstanding scientists live alongside me on this river—physicists, chemists, and biologists. We and our children and our wives spend all of our summer days swimimng, fishing, scuba diving, water skiing, sailing, and drifting on rafts on this river. We have a "whole-body counter" at Hanford with which the level of radioactivity in human beings may be measured.

A person is isolated from all outside radiation, and a large radiation detector is placed against the chest and stomach, and another near the head. All the radioactivity in a body is counted. Every employee at Hanford is "counted," as are most children in the area's schools.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. EDMONDSON, Mr. McCORMACK was allowed to proceed for 3 additional minutes.)

Mr. McCORMACK. I thank the gentleman. I will finish and then I will yield to the gentleman from Oklahoma.

This whole body count was made on me on my last day of work, as it had been each year. As the tape comes out of the computer one can tell what radioactive materials, and how much a person has in his body. The cesium 137, which everybody carries from weapons tests, shows up. So does the potassium 40 that every human being has in his body, and has had from the beginning of time. In spite of my work activity and my recreation on the river, nothing has ever shown up in me that is not also present in every person in this room.

Mr. EDMONDSON. Will the gentleman yield?

Mr. McCORMACK. I am glad to yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I thank the gentleman for yielding and for giving the Committee of the Whole the informed judgment which he has given with regard to this particular amendment, which itself on its face does have considerable appeal. What the gentleman is saying when you boil it down to the final meat of the coconut is that we have an assured expert surveillance of this system at the present time with know-how built into the system, and there is great danger under the proposed amendment of some well-intentioned amateurs writing some strong legal language which might preempt the inspection field and eliminate existing expertise and know-how from the safety operation. Is that correct?

Mr. McCORMACK. I thank the gentleman from Oklahoma. I agree with his statement, and express my respect for his knowledge in this subject, since he serves on the Joint Committee on Atomic Energy, as well as the Public Works Committee.

I would like to conclude by saying that it is obvious from the report by the House Committee on Public Works for this bill, and from the committee report from the other body that this bill does not impact directly upon the Atomic Energy Act of 1954. This bill applies only to radioactive materials not covered by the Atomic Energy Act of 1954 and, as such, the amendment is not relevant to this bill at all.

I suggest for these reasons that the amendment should be rejected.

Mr. JONES of Alabama. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto conclude in 5 minutes.

The CHAIRMAN. Is there objection to

the request of the gentleman from Alabama?

Mr. HOSMER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

MOTION OFFERED BY MR. JONES OF ALABAMA

Mr. JONES of Alabama. Mr. Chairman, I move that all debate on this amendment and all amendments thereto conclude in 7 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from Alabama (Mr. JONES).

The question was taken; and on a division (demanded by Mr. WOLFF) there were—ayes 56, noes 46.

So the motion was agreed to.

Mr. JONES of Alabama. Mr. Chairman, I ask unanimous consent that all debate on section 2 and all amendments thereto be concluded within 30 minutes after the consideration of the pending amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

Mr. REUSS. Mr. Chairman, I object.

Mr. JONES of Alabama. Mr. Chairman, I ask unanimous consent that all debate on section 2 and all amendments thereto be concluded in 1 hour.

PARLIAMENTARY INQUIRY

Mr. HARSHA. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HARSHA. Does that include all amendments to the rest of the bill?

Mr. JONES of Alabama. All amendments to section 2.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

Mr. DINGELL. Mr. Chairman, I object.

MOTION OFFERED BY MR. JONES OF ALABAMA

Mr. JONES of Alabama. Mr. Chairman, I move that all debate on section 2 and all amendments thereto be concluded within 1 hour.

Mr. DINGELL. Mr. Chairman, I think under the rules of the House I am entitled to be heard on this point.

Mr. JONES of Alabama. Mr. Chairman, the earlier request was a unanimous-consent request.

Mr. DINGELL. Mr. Chairman, as I understand the rules of the House, I am entitled to be heard on this motion.

The CHAIRMAN. The gentleman from Alabama made a motion.

The question is on motion offered by the gentleman from Alabama (Mr. JONES).

The motion was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Chairman, I ask unanimous consent to yield my time to the gentleman who most deserves the right to speak on water pollution, the gentleman from Pennsylvania (Mr. FLOOD).

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. FLOOD).

Mr. FLOOD. Mr. Chairman, the gentleman from Indiana is quite right. I do have an inherent right to be heard on water pollution, being that my name is FLOOD. But I am speaking on behalf of the Governor of the Commonwealth of Pennsylvania, and the attorney general of that great State, and to say that we want to hold hands with our friends from the State of Minnesota on the question of the rights of the States.

Can you imagine Pennsylvania taking the lead with our friends on the question of States' rights? Pennsylvania is the Keystone State—never forget that—who has a better right?

The levels of pollution of atomic wastes and safety levels have never been set by anyone, especially with reference to nuclear fallout pollution. The Federal Government has set its own standards and has preempted the rights of the States—Pennsylvania insists on its right to set standards above those set by the Federal Government.

Mr. Chairman, I rise in support of this amendment to permit State and local agencies to adopt regulations restricting radiological or thermal discharges more stringent than those prescribed by the Federal Government—it is germane to the legislation at hand and is not only desired by the States, who have been traditionally charged with the responsibility for the health and safety of its citizens; but is critically needed to insure maximum abatement and control of such water pollution.

The attorney general of the State of Pennsylvania has expressed his opinion to me concerning the amendment: "It is a good idea, an excellent amendment, and I strongly urge its adoption," said Attorney General Cramer, and for good reasons. The States have set radiological standards since the discovery of the potential danger of the X-ray. This is nothing new. Control of radiation has been in the hands of the States dealing with their regulation over dental, medical, industrial, and recently laser emissions. It is perfectly consistent that they be granted the opportunity, which has been their right previously, to regulate radiation passing into their streams and waterways.

Concern to protect the public safety does not exist solely in the Federal Government. Surely the States have the right to protect their citizens which reside within their borders. The State governments are much closer to the citizens affected by radioactive waste; and furthermore, have a direct physical threat to them. The nuclear "sword of Damocles" hangs over their heads and for this primary reason I support the amendment to give the States a large voice in dealing with the public health and environmental dangers which the multiplying nuclear plants represent to them.

It is a routine matter for nuclear powerplants to discharge radioactive wastes into the water and vast amounts of waste heat which constitutes thermal pollution. It is a commonly known fact amongst outdoorsmen that in the critical summer months a rise in stream temperature of 1 or 2 degrees can cause a massive fish kill and promote the oxygen depleting growth of algae. Should a State government such as Pennsylvania, which leads the Nation in fish licenses issued and invests a substantial amount of money into fish culture and hatchery programs; and whose citizens themselves invest money in such sport, should such a government have no say in the regulation of powerplants which have the real potential to despoil all of the above investment. This, Mr. Chairman, is to say nothing of the harm to nature herself, to generations unborn who may be deprived of the opportunity to see a clean stream in any form.

It is apparent also that special conditions exist within each State—varying conditions of climate, topography, degree of urbanization, and so forth; and for this reason I would again urge adoption of this amendment. Each State must have the right to decide what suits the special conditions within its borders that may require additional and more stringent regulation of radioactive and thermal waste.

In conclusion, Mr. Chairman, I would state that the Constitution recognized the need for concurrent powers and that need should be met by this body today. This is merely to say that the perils of nuclear power are so threatening; that no one knows what is indeed a safe level of radiation; that levels of radiation will indeed be apparent in waterways adjacent to and downstream from nuclear powerplants; and that the States, while meeting minimum levels, should not be denied their right to go beyond the concept of minimum safety into the higher order of maximum safety.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York (Mr. WOLFF). This amendment would permit State and local agencies to adopt regulations restricting radiological or thermal discharges more stringent than those prescribed by the Federal Government.

It is consistent with the bill's intent to place the primary responsibility for pollution control in the States. States should not be subject to the preemptive action exercised by the Atomic Energy Commission regarding such discharges.

I am neither a bird watcher nor an atomic expert, but we have one of these situations in my district, and I can tell you that they cannot clean it up. I do not know what they are going to do with it, and nobody else does, either. The university wanted it, AVCOM wanted it. Contractors wanted $170,000 to clean it up, and then spent $3 million before deciding that they could not decontaminate it. I think it is certainly proper that we let the States work on this important problem.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. HOSMER).

Mr. HOSMER. Mr. Chairman, radioactive emission standards are either safe or unsafe. They are either unsafe or safe all over the United States, and if you try to segment this and let 50 different States set 50 different standards, and 50 different ways of handling radioactive emissions, you will ruin the nuclear industry in this country, and you still will not make anyone any more safe, that being an absolute matter of immutable physical laws and by no means an accident of a State regulator's opinion. By fractionating controls you will make it possible to impose additional requirements, above and beyond those required for public health and safety. This is unnecessary. It is uneconomic. It is xenophobic. It can impose operating conditions on reactors which are over stringent and a detriment rather than a contribution to safe operation.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. ANDERSON of Illinois yielded his time to Mr. HOSMER).

Mr. HOSMER. Mr. Chairman, I merely ask the Members that we observe the immutable laws of safety which cannot be amended by this body as to nuclear reactors any more than this body can, by statute, repeal the law of gravity. I urge the defeat of this amendment, which is totally mischievous and nonproductive.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Chairman, addressing first the question of thermal wastes, let me say that I believe section 316 is quite clear in its requirements that while thermal discharges may be permitted, they must be consistent with regulations to be promulgated by the Administrator.

These would apply to any source of a thermal discharge. On the question of control of radioactive wastes, it seems to me that the gentleman's amendment is clearly an attempt to modify the Atomic Energy Act. This is not in the jurisdiction of this committee.

There is a serious energy crisis developing in this Nation. It is far greater than the average person is aware of. The Interior Committee of which I am a member, is planning to hold indepth hearings on the energy crisis.

Normally, I would be in favor of the principle of this amendment but as stated before, I believe the section 316 and the bill itself provides sufficient latitude for the States and political subdivisions as well as interested persons, who have the opportunity to provide written comment to the Administrator, on proposed regulations.

I will read the section 316 on regulation of thermal discharges in full into the RECORD in further substantiation of the earlier point I made. It states as follows:

"SEC. 316. (a) As soon as practicable, but not later than one year after enactment of this section, the Administrator shall issue proposed regulations with respect to control of thermal discharges.

"(b) Such proposed regulations shall recognize that the optimum method of control of any thermal discharge may depend upon local conditions, including the type and size of the receiving body of water. The regulations shall require any person proposing to make such a discharge to consider all alternative methods for controlling such a discharge, including, but not limited to (1) utilization of available water bodies or cooling devices, including once-through cooling, mixing zones, cooling ponds, spray ponds, evaporative or non-evaporative cooling towers, (2) dilution of heated waters with cooler waters, and (3) an alteration of the outlet configuration. In evaluating such alternative methods of control consideration shall be given to (1) their relative engineering and technical feasibility, (2) their relative social and economic costs and benefits, (3) their relative impact on the environment, considering not only water quality but also air quality, land use, and effective utilization and conservation of natural resources, and (4) methods of minimizing adverse effects and maximizing beneficial effects of such discharges.

"(c) The Administrator shall afford interested persons an opportunity, not to exceed sixty days, for written comment on such proposed regulations. After considering such comments, he shall promulgate, within one hundred and twenty days after publication of such proposed regulations, final regulations. The Administrator shall, from time to time, as technology and alternative change, revise such regulations.

"(d) Such regulations shall apply to thermal discharges from all sources, unless the Administrator determines, after a public hearing requested by the owner or operator of a point source, that the economic and social costs of implementing the regulations at a point source bear no reasonable relationship to the economic and social benefits (including water quality objectives) to be attained. Any such determination shall be accompanied by an appropriate adjustment of such regulations for such source, which shall reflect the greatest degree of control which the Administrator determines can reasonably be achieved at such source.

"(e) The provisions of this section shall apply to point sources owned or operated by the United States or instrumentalities thereof.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. ZWACH).

Mr. ZWACH. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from New York (Mr. WOLFF) and the gentleman from Minnesota (Mr. FRENZEL) and I am sure that if adopted it will accomplish the necessary purpose in this legislation, because if there is any area where the Federal Government has failed to keep on top of a situation and to modernize it, it is in this area.

We have a peculiar situation in our State of Minnesota, and I believe that we ought to have the right to deal with it ourselves.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. Fraser).

Mr. FRASER. Mr. Chairman, our State Pollution Control Agency hired an expert, knowledgeable in the field of radioactive emissions, to establish standards for our State of Minnesota with respect to nuclear reactors, and he set standards higher than those of the AEC in the belief that this would better protect the health and welfare of the people of the State of Minnesota.

I think that the right of a State to establish higher standards ought to be sustained.

Mr. FRENZEL. Mr. Chairman, the gentleman from California (Mr. HOLIFIELD), said that AEC preempts a narrow band, but I would state that the general health and welfare of the people of our country is not a narrow band. The States do have a responsibility here, and the way to give it to them is through this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. JAMES V. STANTON).

Mr. JAMES V. STANTON. Mr. Chairman, I rise in opposition to the amendment offered by my colleague, the gentleman from New York (Mr. WOLFF).

The amendment presents the House with a very complex and difficult proposition. It proposes to take authority for the setting of pollution control standards from the AEC and places it in the hands of EPA. For normal operations involving pollution, that control properly belongs under EPA. But atomic energy is a peculiar field. To date, the operation of the atomic energy program has been under the control of the Commission itself. Eventually, such control will be delegated to the States as more and more knowledgeable people at the State level become involved in the atomic energy program. That time, however, has not yet arrived. Until we reach that stage it is obvious that the control of which we speak should remain with the Atomic Energy Commission itself, as the committee points out on page 131 of House Report 92-911 which accompanies this bill. For this reason, I would oppose the amendment offered by my distinguished colleague.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Chairman, I have a large nuclear reactor in my congressional district constructed by Commonwealth Edison Co. At the time the permit was granted, I communicated with the Atomic Energy Commission and in my opinion they did a totally inadequate job with respect to a consideration of the subject of thermal pollution.

Mr. Chairman, at the time the application for a permit was addressed to the Atomic Energy Commission, I presented a statement to the Commission, as follows:

[United States Atomic Energy Commission, Dockets Nos. 50–295 and 50–304]

(In the Matter of Commonwealth Edison Company (Zion Station Units 1 and 2), Hearing on Application for Provisional Construction Permits)

STATEMENT OF ROBERT McCLORY,
MEMBER OF CONGRESS

It is my opinion that the two-unit nuclear generating station which Commonwealth Edison Company proposes to construct at Zion, Illinois, is essential to meet adequately the power needs of the area of Northeastern Illinois which applicant intends to serve, and to prepare for the community growth that is anticipated.

The Commonwealth Edison Company has an excellent reputation for responsible management, financial stability, and efficient and economical service to the public. It can be expected to take all reasonable and necessary steps to protect the public interest while utilizing the advantages of atomic energy in generating the much needed additional power.

Special attention should be given to the subject of possible thermal pollution of the waters of lake Michigan from the operation of such facilities. Although I am not acquainted with the details involved in the

> plans for these atomic energy generator units, I am confident that the Commission will give full and adequate consideration to this subject, to the end that marine life in the immediate area will not be affected adversely.
>
> In conclusion, I want to express emphatically my support in behalf of the application of Commonwealth Edison Company.
>
> Respectfully yours,
>
> ROBERT MCCLORY,
> *Member of Congress.*
>
> August 30, 1968.

Unfortunately, Mr. Chairman, when the Atomic Energy Commission rendered its decision in December 1968, it was stated:

> The Commission view is that it does not have jurisdiction over reactor caused thermal effects on liquids used for cooling, and that another administrative agency has control of thermal levels in lakes, for instance, pursuant to a divided regulatory program.

Mr. Chairman, the position which I am representing appears to be supported by the U.S. Court of Appeals in the case of Calvert Cliff's Coordinating against U.S. Atomic Energy Commission, decided last July. Perhaps the holding in that case—and subsequent amendments passed by the Congress will impress upon the AEC that it must secure assurances that thermal effects will be nonpolluting before it grants permits to construct nuclear-powered generating plants.

Mr. Chairman, in order to make eminently clear that we are controlling nuclear and thermal pollution in this bill, we should adopt the amendment offered by my colleagues from New York (Mr. WOLFF), and Minnesota (Mr. FRENZEL).

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. PRICE).

Mr. PRICE of Illinois. Mr. Chairman, the proposed amendment to section 510 of the bill would extend the effect of this legislation well beyond that intended by the committee. This bill takes the form of a major amendment—in fact a rewriting—of the current Federal Water Pollution Control Act. It is far reaching and pervasive in its effect on water quality, but it was not intended to amend other basic enabling statutes. The proposed amendment is directed solely at other statutes, since its provisions relative to this basic bill are already contained in the language of section 510 as reported by the committee.

The bill as reported establishes a program of effluent limitations and standards, and section 510 clearly provides that the States may set more restrictive standards should they so desire. The proposed amendment is aimed at two so-called pollutants—radioactive materials and thermal discharges—and seeks to collaterally amend any statute enacted by the Congress relative to them without any specific reference to the statutes that might be affected. As to radioactive materials, the target of the amendment is obvious. It seeks to reverse the decisions of the courts which have held that the Atomic Energy Act of 1954 preempted to the Federal Government, acting through the Atomic Energy Commission, the exclusive jurisdiction to regulate most radioactive materials. Clearly, if such is the will of the House, it should be undertaken only after a thorough examination of the impact of such a decision and it should be done directly by amending the statute involved—the Atomic Energy Act—not collaterally through this legislation. If this amendment had been proposed as a piece of original legislation, it would have been referred to the appropriate committee for hearings and evaluation of all the pertinent factors involved in such a decision. I could go on with the explanation of those factors, but this is not the time nor the place for such a consideration in the first instance. This bill is not the appropriate vehicle for amending a major piece of legislation, thoroughly considered in committee and by the Congress, which established at the direction of the Congress a thorough and pervasive regulatory program relative to radioactive materials.

As to thermal discharges, I must confess that I know of no other law under which regulations governing thermal discharges are promulgated. Therefore, that portion of this proposed amendment appears to be surplusage. Section 316 of this bill provide for the establishment of regulations with respect to control of thermal discharges which are to be established by the Administrator of EPA. Section 510 as reported by the committee reserves the right of the States to set more restrictive standards than those promulgated by EPA should the States so desire. I could only ask the sponsors of the proposed amendment to identify the legislation which they seek to amend indirectly on this point.

Mr. Chairman, I urge rejection of the proposed amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. WOLFF).

Mr. WOLFF. Mr. Chairman, actually science agrees there is no safe level of radiation.

The gentleman from California says that Congress has preempted the rights of the States. That is exactly what this amendment tries to do—to upset the preemption by the Congress and give the right to protect its citizens back to the States to set their own standards, higher than the AEC standards, not lower.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. HARSHA).

Mr. HARSHA. Mr. Chairman, I would just like to put this debate in perspective.

This amendment purports to deal not only with radioactive material under the jurisdiction of the Atomic Energy Commission, but also thermal discharges. This bill specifically provides that any State can issue a regulation or a permit or control of thermal discharges that can be as stringent as it wants it to be. Thus, the question is moot in this amendment.

The only thing we are talking about is radioactive material which should be left up to the agency that has the expertise.

Mr. Chairman, I urge the defeat of this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. JONES).

Mr. JONES of Alabama. Mr. Chairman, I do not ever recall hearing so many contradictions as I have seen here this afternoon.

We have one group up here that says that we must have the Federal Government to do everything under this bill. Yet, the same advocates come back and say that the States have to do it.

We have to rationalize under our bill, we have brought in the Federal Government and the States to work together on this program. This is exactly what the gentleman from Ohio has pointed out.

Mr. Chairman, I hope the amendment is defeated.

The CHAIRMAN. The time for debate on the pending amendment has expired.

The question is on the amendment offered by the gentleman from New York (Mr. WOLFF).

The question was taken; and on a division (demanded by Mr. WOLFF), there were—ayes 36, noes 106.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. M'DONALD OF MICHIGAN

Mr. McDONALD of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. McDONALD of Michigan: Page 248, line 5, strike out "(B)" and all that follows down through and including "(C)" on line 11 and insert in lieu thereof "(B)".
>
> Page 249, strike out lines 6 through 13, inclusive.
>
> Page 249, line 14, strike out "(4)" and insert in lieu thereof "(3)".
>
> Change any references to such provisions accordingly.

Mr. McDONALD of Michigan. Mr. Chairman, my amendment would delete from H.R. 11896, the Water Quality Bill, title II, section 204 (b) (1) (B) and (b) (3) or, in other words, those provisions requiring industrial users of municipal treatment works to pay, in addition to user charges for the maintenance and operation of the plant, a portion of the initial Federal capital investment.

Studying the problems of water pollution and finding solutions to those problems is a long and arduous task. The Public Works Committee has done a most commendable job on the Water Control Act, and as a member of that committee, I am proud to have taken part in the deliberations which went into this bill.

I would, however, like to draw your attention to that section of the bill which I wish to amend. While I am a firm believer in the concept of user charges for the purpose of maintenance and operation, I feel it is a grave inequity for the bill to single out industry as the one user also responsible for capital costs. This inequity will surely be destructive as far as development of hoped for regional concepts in water pollution control is concerned.

Revenue must be generated from users on a proportionate basis that will take care of the maintenance, operation, and expansion. To charge industry a fee beyond that of user charges, however, is unfair. Businesses, like individuals, are taxpayers and deserve the benefit from Federal grant programs as do other taxpayers. It is clearly unjust and inequitable to require reimbursement from industry while not requiring reimbursement from other users.

What is necessary today to correct our water pollution problem is a massive, cooperative effort on the part of every individual and corporate entity. And any legislation which has as its intent a solution to this highly complex problem must assign the responsibility equally between those who are creating the problem.

If this bill is to be just, either we make all users pay part of the investment costs, or we release all users from such charges.

Now the general intent of this legislation is to eradicate pollution by fostering joint and regional approaches to water control projects, and to provide Federal tax dollars to help achieve this objective. The section which I propose to amend assesses a penalty to industry which may lead to the bill's intent being thwarted. Should this amendment fail, there are two ramifications which should be considered:

First, industry, basing their action on the cost factors of paying user charges in addition to investment costs, could well decide to find it more economical to build its own plant rather than participate with municipalities or regional authorities in developing a comprehensive water pollution control project. This means that the charges of constructing, maintaining and operating the water facility will not be based on the most possible number of users.

Second, the user would have to pay a premium price for clean water simply because industry, using its own facilities, would not be sharing in the maintenance and operations costs.

What those two ramifications bring, then, is a fragmented approach to solving water pollution problems. I do not think I oversimplify when I say that the increased costs of a piecemeal water pollution control program are going to end up coming out of the taxpayer's pocket.

Another facet of the bill which disturbs me is the lack of direction regarding the amount of the investment capital to be paid back, how to pay it back, and when to pay it back. Those decisions are left up to the local municipality, the regional commission, or whomever the original applicant for the grant happens to be. The problem of additional industrial users coming into the region as new customers also will pose a problem. Under the language of the Senate version of this bill, the definition of industrial users would include many commercial entities other than manufacturing, thereby increasing the problems of regional authorities.

In a large region we can expect continuous growth. This means that each time a hotel, apartment building, restaurant, car wash, or some other commercial user joins the region, it could necessitate a recomputation of the capital investment charge, which could become a daily occurrence. I feel that the looseness and ambiguity of this section must be stricken from the legislation.

My amendment would curb the double taxation, it would foster a unified attack on the problems of water pollution, and would keep user taxes down. Industry can be—in fact must be—a willing ally in our quest for a cleaner environment. I feel this amendment will do much toward achieving that objective.

Mr. EDMONDSON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the committee felt that the allocation system that was developed in this bill in section 204 was one that dealt fairly with both the general user and the industrial user, and one that assured that fee revenues paid in by the industrial users would remain in the community for the development and construction and operation and maintenance of treatment works which are publicly owned. We felt it was a method by which we could accomplish a quantum step forward in connection with much needed treatment work in the various communities of the country.

The gentleman has said we are going to create problems about allocation and reallocation of cost. Well, we are going to have a continual addition of new users of this system outside the case of the industrial user, but the gentleman does not endeavor to eliminate from this bill the provision that other users must continue to contribute and pay a portion of the costs. He is concerned solely with the problem of the industrial user, and if we are going to have a recomputation problem with the industrial uses, we will have the same problem with the addition of new residents that are not industrial users. I feel the gentleman's point does not have substance.

We have devised here a system that will assure strong new effort in the community to assess user charges fairly and to plow the income from those user charges back into the system. We are trying to the limit of our ability to encourage local effort and local initiative in this very important field.

The gentleman's amendment would just cut the heart out of the revenue portion of this system by eliminating from it the user fees that would be allocable to the industrial users under this system, to recover part of the Federal investment and to use it for the purpose of additional improvement and development in the communities.

Mr. Chairman, I think the amendment should be defeated. Certainly if we want to write a bill that indicates a real bias in favor of industry, the Members will adopt the gentleman's amendment.

Mr. McDONALD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. Mr. Chairman, I yield to the gentleman from Michigan.

Mr. McDONALD of Michigan. Mr. Chairman, I would have to disagree with the gentleman, because there is a user charge for every user in the bill, including industrial users. The point I was making in my amendment was to eliminate the added user charge to industry. We do not know how this will be computed. Let me point out to the gentleman, user charges to all users under an earlier section of the bill will be computed on the cost of maintenance and use of the plant. Under section 204 of the bill, which we attempt to amend, the portion of the Federal grants that the user would have to pay would have to be recomputed each time a new user would come into the system, because each user is required to pay his proportionate share of that Federal outlay. So if we add a new user, perhaps daily, the shares of all the other users would have to change, and it would mean daily in large areas we would have to compute their user fee, whereas the flat rate user fee would not have to be recomputed, because it would be on each individual user.

Mr. EDMONDSON. Is the gentleman contending the industrial polluter-user should not be considered a more substantial and dangerous polluter?

Mr. McDONALD of Michigan. No. The industrial polluter will pay his proportionate user fee share.

Mr. EDMONDSON. The committee did not feel he would be paying his proportionate share without the provision included in the bill.

Mrs. ABZUG. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentlewoman from New York.

Mrs. ABZUG. Mr. Chairman, as I understand it, the gentleman objects to the industrial user being charged their fair portion of construction costs. I oppose the amendment because the fact is in a large Federal grant program which has a high percentage of construction funds, that it would be unfair to expect the taxpayer to subsidize the industrial user. I am quite surprised at the gentleman's amendment, because the fact is the industrial user is being given the opportunity to participate in a municipal plant based on a user charge schedule and of the users proportional share of financing construction costs without interest rates. If the industrial user would have to construct his own plant he would have to find the money and then pay interest, and large interest rates, and he would find it could not be done on an economic scale that would make it cheaper.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mrs. ABZUG. Mr. Chairman, I rise in opposition to the amendment.

As a member of the committee I can tell you that I thought we should include interest charges to industrial users, but the committee in its wisdom overruled me.

What this means is that the industrial user is actually getting the capacity to participate in the use of the municipal plant without paying as much as it would cost if, being free he built his own plant of the burden of interest rates.

I believe we recognized in the committee that there may be administrative difficulties in establishing various classes of industrial users. It is left to the local system to set up a fair and equitable system, subject to the approval of the Administrator.

Any other provision would actually place an onerous burden on the taxpayer, to subsidize the industrial user, and also make it impossible for a municipality to conduct an effective system. I oppose the amendment.

Mr. SEIBERLING. Mr. Chairman, I rise in opposition to the amendment.

I must say when I read the gentleman's "colleague" letter on this it had a certain appeal, because it implied industrial users were going to be charged twice. However, when one analyzes the effect of his amendment, it would have the result that industrial users would be charged for maintenance and operation of treatment facilities but not for amortization of capital cost. This strikes me as being an unsound principle. Industrial polluters should not be placed in a position to require that local taxpayers subsidize a part of the capital cost of eliminating the pollution generated by industry as the price for obtaining Federal assistance under this section.

Mr. CLEVELAND. Mr. Chairman, I rise in support of the amendment.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I rise in support of the amendment offered by my colleague from Michigan (Mr. McDONALD).

This amendment will correct a large inequity in both the bill before us and the version passed by the other body—an inequity that has been largely overlooked in the flood of proposed amendments and "Dear Colleague" letters that have been circulating for the past week.

The inequity stems from title II section 204(b)(1)(B). This section requires that industry, unlike other users of facilities, must reimburse the Federal Government for a portion of the initial capital investment. This reimbursement is in addition to the user charges industry must pay for the maintenance and operation of the facilities.

Mr. Chairman, if there is one concept that must prevail in the final version of this bill, it is the concept that industry must be a participant in, not the victim of, the fight against pollution. This holds true not only for industry but for the thousands of employees dependent on industry for their livelihood.

Section 204(b)(1)(B) is contrary to this concept. My colleague from Michigan has estimated that the section will result in an additional charge to industry of some $7 billion over the next 4 years. That figure is probably conservative. More important than the cost in dollars, however, is the cost in jobs.

I represent a district that has several small paper mills located within it. These industries are not rich, they are fighting for their very survival. For many of them, the reimbursement of the initial capital investment is simply beyond their capacity. It will force them to close their doors. Hundreds of jobs will be lost. I am sure that the situation in my district is representative of that in many other parts of the country.

The amendment proposed by the gentleman from Michigan (Mr. McDONALD) is not a so-called weakening amendment. It does not change the goals or basic mandates of the bill. It merely provides for a rearrangement of the burdens of costs for what we all desire. As a person who has supported virtually every sound conservation and pollution-abatement measure that has come before this body in my 14 years in Congress, I would not be supporting this amendment if I were not convinced that it is consistent with a sincere concern for the protection of our environment.

By deleting section 204(b)(1)(B), we can make industry and its employees participants in this struggle. We can clean up our waters without destroying jobs. I, therefore, urge passage of this amendment.

Thank you.

Mr. CLEVELAND. Mr. Chairman, there has been a good deal of misunderstanding about this amendment.

I am addressing myself now to the members of the committee at the desk, and particularly the gentleman from Oklahoma who rose in opposition to this amendment, and particularly the members of the staff who wrote this section of the bill.

In fairness to the gentleman from Michigan, he has raised a valid point. In fairness to the gentleman from Michigan, the Public Works Committee overlooked a real problem in drafting this section of the legislation.

I received a letter from the New Hampshire Water Supply and Pollution Control Commission after they had an opportunity to review this matter. This involves one of their chief objections to the legislation as written.

This is from the water quality people. It is not from industry. Any attempt to suggest that the gentleman from Michigan is offering a proindustry antipublic amendment is not only totally unfair but is totally untrue on the record.

This is the criticism of the New Hampshire water quality people. If the New York people, the Texas people, and the California people had been given an opportunity to read this bill, they might have joined in objecting to this section of the bill.

This is why, and I quote from the letter:

> The arrangement with regard to industry bearing not only its share of operating costs, but also capital construction costs, will certainly serve to discourage joint projects. Industry will soon decide to go it alone because it will be easier, and, in many instances, more economical to do so.

Do not forget that the Ways and Means Committee has given industry a 60-month writeoff privilege. Do not forget that many States, like New Hampshire, totally remove any pollution abatement properties from the property tax.

Do not forget that industry using their own labor and not having to go through the layer after layer after layer after layer of Federal requirements and redtape may find it cheaper, as we have already found in Turnkey projects, to build their own sewage treatment plants. And that is where the gentleman from Michigan comes in, because, when they go their own way and build their own plants, it may leave John Q. Public having to build an uneconomic plant. That is what the gentleman from Michigan is trying to point out.

The committee made a mistake when they wrote this portion of the bill, and they will not admit it or do anything about it. That is the unfortunate thing about what we are doing here today. The very least we should do is permit the Administrator to waive this provision to prevent undue economic hardship.

Now, let me continue with a quote from the New Hampshire Pollution Control Commission:

> The main underlying objective which the bill seeks to promote; namely, regional solutions, areawide treatment concepts, and so forth, will be frustrated.

The full text of the letter appear in yesterday's RECORD, page 10245.

I can point to situations in my district where it will totally frustrate the objectives of this legislation.

It is a shame that the committee closed their eyes in this area of joint projects which are permitted now. They are trying to say the gentleman from Michigan is trying to give special privilege to industry. What he is trying to do here is encourage cooperative effort undertaken between industry and the local districts.

Mr. EDMONDSON. Will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman.

Mr. EDMONDSON. Will the gentleman explain to me how in the gentleman's view the cost of building their own plant would be less than the cost would be of participation in a municipal plant with Federal grants participating in the cost of the municipal plant that was jointly used? Will you explain to me how industry would have a cheaper operation for industry to go its own way and build its own plant? I would like to hear that explanation.

Mr. CLEVELAND. The explanation is clear. First of all they get the fast writeoff if they spend it themselves, a privilege the Committee on Ways and Means has already given them. Second, if they build it themselves, they have none of the requirements of the Davis-Bacon Act or any of the other legislative acts and countless rules, regulations, and requirements that we have put on top of them. We have some towns in my district that are building without Federal participation because, under the so-called Turnkey approach, they can do it cheaper than with Government aid. We are living in a dream world if we do not realize such facts and others which I cannot detail as my time has expired.

Mr. ROE. Mr. Chairman, I rise in opposition to the amendment.

Mr. EDMONDSON. Will the gentleman yield?

Mr. ROE. I yield to the gentleman.

Mr. EDMONDSON. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 5 minutes after the time now being taken by the gentleman from New Jersey.

Mr. BYRNES of Wisconsin. Mr. Chairman, I must object. Give us some more time. Give us 15 minutes.

Mr. EDMONDSON. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 15 minutes after the presentation being made by the gentleman from New Jersey.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ROE. Mr. Chairman, I subscribe to the point of view that the committee in no way made any mistake whatever on the intent of the user charge section of this legislation as it relates to industry.

The committee was adroit. They listened to the testimony and thoroughly understand this issue. It ought to be called to the attention of the House that the statement was made that it would be cheaper for industry to go it alone rather than joining in with the municipalities in the overall program because they were paying twice. Well, they are not paying twice. The purpose of the user charges would be that those funds would in part go to the municipalities to help not only the maintenance of the program but in turn help to amortize part of the capital expenditures granted by the Federal Government.

It would be fundamentally wrong for the Federal Government to provide funding directly to industry in order to build their sewage disposal plants and, in fact, under existing law this has happened. What has happened is that industry has gone into towns where there were small populations and they did not have a sewage disposal system and they have gone to the governing bodies of those towns and said:

> We want to locate a plant here and we want you, the small town, to create a sewage disposal authority and apply for Federal grants.

This was part of the testimony in dozens of cases in dozens of States where representatives testified before us and, in effect, will be—and I do not mean this unkindly—the utilization of the last Federal law or the present Federal law which would have the effect of milking the public to build the plant so that they did not have to pay the bill.

All we are saying here, in effect, is that this insures two things. It insures the capability of the municipality to provide the revenues to pay this amortization on local bonds and the proper taxes on equipment which would be equipment designed to handle exotic chemicals in wastes which are not provided for normally by a municipality.

Second, it simply says that industry pays its fair share.

Further, let this House understand one thing and the important point is that the provision of the bill setting the date of 1985 that there will be no discharge unless it is economically or physically impossible to do so, the point remains that this applies to municipal and governmental sewage disposal systems also. So, it means before this House, that come 1985 the "no discharge" provision still prevails, it means at that point the municipalities have to come to grips with this situation and they have got to pay their fair share.

I think this bill as it was meant to be written, and in only one instance, in the words of my colleague from New York (Mrs. ABZUG), that industry is being required to pay its fair share and no more.

The CHAIRMAN. Under the time limitation, the Chair recognizes the gentleman from Michigan (Mr. McDONALD).

Mr. McDONALD of Michigan. Thank you, Mr. Chairman.

I have just received today a telegram from the director of one of the largest waste treatment area facilities in the United States, and I quote, in part, from the telegram.

> Pay back by industry should be opposed. Otherwise industry will build their own pollution facilities rather than join the regional system. It is a form of paying twice, once to pay for public system and again to pay back or build their own; impossible to administrate . . .

The telegram is signed by Gerald Remus, director of an area-wide sewage disposal system in the Detroit area which encompasses the area of Detroit and 72 other cities.

Mr. Chairman, this is a backup to the statement of the gentleman from New Hampshire (Mr. CLEVELAND) as to how the people in New Hampshire feel, those people who are actively and daily engaged in the business. Grants are to be made at 60 percent if there is not some kind of a State program, but if there is a State program, grants will be made up to 75 percent.

I can foresee industry being opposed to seeing a State program come about so that they would not have to pay that extra 15 percent of the Federal share of cost of construction.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. VANDER JAGT).

Mr. VANDER JAGT. Thank you very much, Mr. Chairman.

We are concerned here today with costs. We are concerned with the cost to industry and the possibility of plants closing, as well as the cost to the Federal Treasury.

I would like to ask the gentleman from Michigan (Mr. McDONALD) if he could tell us if we removed this industrial repayment, what the cost will be to the Federal Treasury?

Mr. McDONALD of Michigan. Mr. Chairman, if the gentleman will yield, there will not be any cost to the Federal Treasury because under the House bill the funds would be recovered in the double payment that industry would have to make that would go directly to the municipality. They would be used for the same purposes as the original user charge, that which the industry would pay anyway along with all other users of the system.

Mr. VANDER JAGT. If this amendment is adopted, industries in the regional systems will be paying the full user charge that everybody else is paying in that area, is that correct?

Mr. McDONALD of Michigan. They will be paying that but in addition they would be paying what could amount to an extra $7 billion in the next 4 years for the same purpose for maintenance and operation of plants.

Mr. VANDER JAGT. Mr. Chairman, I think in terms of economy to industry and also as long as this provision remains in the bill, the bill would cause industry to keep from participating in the local system, thereby driving the cost up to the housewife, I strongly support the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. ZION).

Mr. ZION. Mr. Chairman, I rise in support of the amendment. We talk about the flight of business and jobs overseas. Many companies in this country are voluntarily including very expensive air and water pollution control devices in construction of their plants.

For example, in Indiana the Bethlehem Steel Co. is spending over $43 million on air and water pollution control devices, while their competitors in Japan, with twice the capacity, is spending $7 million.

Eli Lilly Co. spends 20 percent of the construction costs of its new plants for new air and water pollution control devices. If we are going to double tax the industries in addition to the cost they now pass on to their customers, the problem will become more compounded, and we will lose more business to our competitors overseas. When we create more unemployment we lessen the tax moneys we would otherwise be collecting from those businesses and their employees. We thus have less tax money with which to support and broaden this vital program.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. TERRY).

Mr. TERRY. Mr. Chairman, I do not believe we are looking at the other side of the coin. The first fact being that the real estate tax would not be borne by the corporation; the system would be a part of the municipal system. Second, eminent domain is available to the municipality or other governmental operator.

The responsibility for correction of a construction defect would rest with the governmental operator. Thus, the private industries using the municipal system would be relieved of the responsibility which would be corrected by the area-wide municipal operator.

Therefore I oppose the amendment.

The gentleman from New Hampshire (Mr. CLEVELAND) stated that some of the States may not have gone over this as closely as did the State of New Hampshire. I would like to advise my distinguished colleague that the State of New York has displayed the utmost care in the examination of this measure. The State representatives have been in the Nation's Capitol continuously reviewing this complex measure and have expressed no objection to the provisions which the gentleman from Michigan (Mr. McDONALD) seeks to amend.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. GROVER).

(By unanimous consent, Mr. HARSHA yielded his time to Mr. GROVER.)

Mr. GROVER. Mr. Chairman, I rise in opposition to the amendment.

The provision that industrial users of publicly owned systems be required to pay charges for their fair portion of the costs of a treatment facility attributable to use by industrial sources is a controversial feature of this bill. This proposal was originally made by the administration, with such charges being repaid into the Treasury. The Senate bill likewise contains such a provision.

Under our bill, however, revenues derived from the payment of costs by industrial users of waste treatment facilities would be retained by the applicant for use in the operation, maintenance, expansion, and construction of treatment works. Such uses could include the repayment of principal and interest on indebtedness incurred by the applicant in constructing such facilities. Our committee report also enumerates other possible uses for revenues received under this provision.

In establishing this user charge system, our desire is that industrial users pay a fair portion of costs, including capital costs, attributable to their use of waste treatment facilities. This is a Federal grant program. The Federal Government is providing a major percentage of construction costs. It is certainly not intended that a construction subsidy by the taxpayers be made to industrial users.

The requirement that industries repay their fair share of construction costs is a reasonable one. Although payments would be phased over the lifespan of the facility, no interest would be charged to industrial users. No doubt there will be some difficulties in establishing an equitable system of charges, but we do not believe that this is an insurmountable obstacle.

I might also point out one fact which seems to be overlooked by opponents of industrial user charges. They complain that the definition of section 212(4) restricts repayment of a proportionate share of construction costs to industrial user only. As a matter of fact, the definition is broader than this. While "industrial user" includes all industries classified under "Division D—Manufacturing" of the Standard Industrial Classification prepared by the Bureau of the Budget in 1967, other classes of significant waste producers are also included. Let me read the entire definition:

> The term "industrial user" means those industries identified in the Standard Industrial Classification Manual, Bureau of the Budget, 1967, as amended and supplemented under the category "Division D—Manufacturing" and such other classes of significant waste producers as, by regulation the Administrator deems appropriate under this title.

Clearly, the Administrator of the Environmental Protection Agency is given wide latitude in this regard. He may include other classes of significant waste producers through the publication of regulations relating to them. The Senate Report on S. 2770 (92–414) makes this clear. According to it:

> This definition permits the Administrator to designate as an "industrial user" any commercial or business enterprise which, as a class, or as a single installation, discharges significant wastes to a municipal system, under the intent of the Act.

Thus, any businesses which pollute to a significant degree may be classified as an industrial user so as to require repayment.

Another factor alleged by proponents of this amendment is the so-called discriminatory nature of the repayment requirement. A covered manufacturing enterprise, to be sure, would have to pay a regular user charge as well as paying its proportionate share for the cost of constructing the treatment work facility.

But there is another side to the coin. Failure to provide recovery of the Federal share of capital costs allocable to industrial users would constitute a Federal subsidy for those particular businesses so benefited. In other words, those industries which were fortunate enough to be situated so as to be able to make use of public facility would receive what amounts to a Federal water pollution abatement subsidy. Other businesses, however, which were not so favorably located, would have to foot the costs on their own. Under the circumstances, I am very much afraid that the competitive advantage afforded by such a quasi-subsidy would tend to promote further concentration of industry at a time when national policy should be seeking to disperse it.

As to the assertion that requiring industrial users to pay their fair share of construction costs will discourage their participation in the cost of constructing municipal facilities, I suggest that the economies of scale and other benefits of public treatment works would still permit a net capital saving to business. By that I mean that on balance industrial users would still, except in rare instances, opt for participation in a municipal program.

Now it is true that in some cases the requirement to repay could pose an undue hardship on some industrial users. In such cases, provision has been made for special small business loans to cover up to 100 percent of the cost of pollution abatement facilities.

Self-sufficiency is a primary aim of the program. In the case of industrial users, the only way it can be attained is through user charges of this type. Of the types of payments sought to be eliminated by this amendment, to my knowledge, industry as a whole has offered no strenuous objections to this provision.

I, therefore, urge rejection of the amendment of the honorable gentleman from Michigan.

Certainly a majority of us here do feel that if this McDonald amendment were honored by passage it would indeed amount to a subsidy of industry, and I am not persuaded that industry is going to run away and build its own plants, and not contribute in any way to assist us because of this so-called double taxation provision because, as has been pointed out, they can get away with one great big break, and that is that they pay no real estate tax. They must fund the money from the outset, and they have millions of dollars of capital costs from the outset. By participating as required in this bill they do not have to raise the cost at once, and they can spread it through the lifespan of the system.

Also, they pay no interest charges on the money that they would normally have to pay if they were building their own plants. Participation, also, reduces their potential liability. Since we are continuing to develop technological improvements, and there is often doubt whether the present technology is going to work, where the liability is imposed upon the municipal waste facilities administrators, the industry which is participating with a municipality is relieved of that liability, and secure from it.

So, in short, Mr. Chairman, they do not have to develop their own capital, they pay no interest, the community has the right of eminent domain for getting easements across privately owned property for outfall, and other facilities, and there are a good many other advantages to their participating in the municipal system.

Another factor is that in the payment, if they had to build their own, they had to give 100 percent of the money at the outset—or the bonds from the outset. In this case, they are only charged up to 75 percent of the total capital cost because they are only reimbursing for the Federal share.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. GROVER. I yield to the gentleman.

Mr. EDMONDSON. I thank the gentleman for pointing out that the administration is in support of the user charge provisions in this bill. I think the gentleman is correct in stating that the bill provides a balanced operation that is fair to industry when you look at the whole picture.

Mr. GROVER. I thank the gentleman.

May I point this out, too. I am sympathetic with the position of the gentleman from New Hampshire. He has a very serious local problem. I think this committee should continue oversight to get relief in areas where these situations do continue to exist.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman, I can both appreciate and understand the apprehensions expressed by the sponsors of this amendment. We have to strike a balance between the demands of ecology and the demands of the economy. But I really believe the provisions contained in the House bill would not do the violence that they fear.

It seems clear to me that we provide only that which the majority of the people desire, and that is if an industrial polluter imposes by reason of his discharge a certain burden upon the municipal treatment plant that he pay a fair share of the cost, a share that would have some relation to the volume of discharge that he puts into that plant.

He can charge that off for tax purposes as a cost of doing business. The user fee is deductible just as a tax is deductible. I do not see that this places any undue burden upon him.

The bill requires that the Administrator come up with guidelines that are equitable and fair with regard to such charges and that they be based upon the elements of volume and delivery flow of waste that goes into the system.

That money would stay in the municipality. It would not be recoverable by the Federal Government. It would stay right there and be used by the municipality in the operation, maintenance, expansion, and construction of treatment works.

It seems to me that it is a fair provision.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma (Mr. EDMONDSON).

Mr. EDMONDSON. Mr. Chairman, I think the point has been well covered.

I have sympathy for the position of the sponsors of this amendment, but I believe the merits have been fairly considered by the committee and the committee's position is to deal fairly with all users in this bill.

The position of an industrial user is different basically from the position of the residential user. For one thing, he is in a position to offset his cost through tax deductions that the average individual residential user cannot charge off for his water bill and his sewage bill in his tax return.

Mr. GROVER. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman from New York.

Mr. GROVER. I might point this out. The gentleman from Wisconsin said that this is too narrow, that it is for the manufacturer only to be subject to the user charge. I might point out that in Senate Report 92–14 it is made clear that the administrator has wide latitude to promulgate regulations to include other industrial users such as large laundries or other business facilities omitting large quantities of effluent.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. I thought we were debating the House bill, not the Senate bill. The House bill defines industrial users as those classified in this volume here of several hundred pages as manufacturers. The rest of them are those performing services or something else. They were not covered in the House bill.

Mr. GROVER. I point out to the gentleman that the identical provision is in both the House and the Senate bills.

Mr. EDMONDSON. Mr. Chairman, we ask for defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. McDONALD).

The question was taken; and the Chairman announced that the noes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. McDONALD of Michigan. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. McDONALD of Michigan. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. McDONALD of Michigan, EDMONDSON, CLEVELAND, and Mrs. ABZUG.

The Committee divided, and the tellers reported that there were—ayes 66, noes 337, not voting 29, as follows:

[Roll No. 94]

[Recorded Teller Vote]

AYES—66

Abbitt
Archer
Ashbrook
Betts
Bray
Broomfield
Brown, Mich.
Burke, Fla.
Byrnes, Wis.
Camp
Cederberg
Chamberlain
Clancy
Cleveland
Collier
Conte
Crane
Davis, Wis.
Dennis
Devine
Downing
Dulski
Erlenborn
Esch
Eshleman
Fish
Forsythe
Goodling
Gross
Hall
Harvey
Heckler, Mass.
Hicks, Wash.
Hunt
Johnson, Pa.
Jonas
Landgrebe
Lujan
McClure
McDonald, Mich.
Martin
Mills, Md.
Montgomery
Peyser
Powell
Price, Tex.
Quillen
Robinson, Va.
Rousselot
Ruppe
Satterfield
Saylor
Schmitz
Scott
Sebelius
Shriver
Steiger, Ariz.
Talcott
Thompson, Ga.
Vander Jagt
Ware
Whalley
Whitehurst
Williams
Wyman
Zion

NOES—337

Abourezk
Abzug
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews
Annunzio
Arends
Ashley
Aspin
Aspinall
Badillo
Baker
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brinkley
Brooks
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Cabell
Caffery
Carey, N.Y.
Carney
Carter
Casey, Tex.
Celler
Clark
Clausen, Don H.
Clay
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conyers
Corman
Cotter
Coughlin
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Delaney
Dellenback
Dellums
Denholm
Dent
Derwinski
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Drinan
Duncan
du Pont
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Galifianakis
Gallagher
Gettys
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hastings
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kyl
Kyros
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, La.
Long, Md.
McClory
McCloskey
McCollister
McCormack
McCulloch
McDade
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Minish
Mink
Minshall
Mizell
Mollohan
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
Passman
Patten
Pelly
Pepper
Perkins
Pettis
Pickle
Pike
Pirnie
Poage
Podell
Poff
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Quie
Railsback
Randall
Rangel
Rees
Reuss
Rhodes
Riegle
Roberts
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roush
Roy
Roybal
Runnels
Ruth
Ryan
St Germain
Sandman
Sarbanes
Scheuer
Schneebeli
Schwengel
Seiberling
Shipley
Shoup
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Whalen
White
Whitten
Widnall
Wiggins
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zwach

NOT VOTING—29

Abernethy
Baring
Blanton
Bow
Chappell
Chisholm
Clawson, Del
de la Garza
Dowdy
Dwyer
Edwards, La.
Garmatz
Gaydos
Goldwater
Hanna
Hull
Kuykendall
Landrum
Mayne
Mitchell
O'Konski
O'Neill
Patman
Rarick
Reid
Rostenkowski
Scherle
Van Deerlin
Yates

So the amendment was rejected.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. GERALD R. FORD. Mr. Chairman, late in 1971 the EPA submitted to the Office of Management and Budget a proposal for accelerating the fight against water pollution in the Great Lakes. The cost figure for this accelerated program ranged from $133 million to $141 million. The Office of Management and Budget did not approve these budget items for submission to the Congress in 1972.

EPA's plan includes $100 million for the treatment of sanitary sewerage and storm water involving the Great Lakes, a $25 million proposal for setting up a Great Lakes soil conservation program, a special $5 million program that calls for EPA to work with State and local communities on the cleanup of a selected river basin such as the Maumee River, and a $5 million accelerated research program in Great Lakes water pollution problems. It also provided for an additional 100 personnel positions in EPA's organizational structure.

I have done some investigating to determine whether this Great Lakes accelerated clean water program is authorized under current law or prospective legislation, including this bill. I have discussed the matter with the gentleman from Alabama and the gentleman from Ohio. I have worked with EPA, and I would like to have the assurance of the two gentlemen handling this bill that this program is authorized under existing law or prospective legislation. If it is not, I am prepared to offer an amendment to this bill which would provide such an authorization.

Can the gentleman from Alabama respond to my inquiry?

Mr. JONES of Alabama. Yes, if the gentleman from Michigan will yield to me.

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. JONES of Alabama. The amendment that you propose to offer would be merely repetitious of existing law. Therefore, it would not require a new authorization under this bill. Consequently, the only problem that would be involved is the appropriation of the necessary funds to carry out the project.

Mr. GERALD R. FORD. I thank the gentleman from Alabama.

Would the gentleman from Ohio give me the benefit of his views?

Mr. HARSHA. If the gentleman will yield to me, I will be glad to respond to him.

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. HARSHA. It is my understanding and I am of the opinion, I may say to my good friend the distinguished minority leader, that under existing law, under research investigations and demonstration programs already written into the law such as those of sections 108, 104(h) and 105(a)(1), I also say that parts of the subject project could be constructed using grants from the treatment works construction grant program of title II. There is ample authority for the construction of a demonstration project of the nature that the minority leader speaks about.

I also note that we have written into this new law a new definition of treatment works which would include storm sewers or combination storm and sanitary sewers under the grant program where we provide over a period of 3 years the sum of $18 billion.

It is my understanding and I think it is quite clear from a reading of the report and the bill itself that the intent is that a project of the nature that the minority leader speaks could be funded under the grant section in the new definition of treatment works. I refer to title II. We did not intend to exclude projects of this type.

I think a combination of States or an interstate agency could join together in this effort and each with a proportionate share of their allocation can fund this type of project, particularly where it will benefit a multiplicity of States and such a large number of citizens.

Mr. GERALD R. FORD. I thank the gentleman from Ohio.

Mr. BLATNIK. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I am glad to yield to the chairman of the committee.

Mr. BLATNIK. I want to thank the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD) for yielding and I want to congratulate the gentleman for his consistent concern over many years and for his bipartisan effort to get long delayed assistance to all of the five Great Lakes.

I wish to associate myself with the remarks of the gentleman from Alabama (Mr. JONES) as well as the explanation which was made by the gentleman from Ohio (Mr. HARSHA).

Under this bill you will have eight of the nine States participating, the eight States that border the Great Lakes.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(By unanimous consent (at the request of Mr. BLATNIK) Mr. GERALD R. FORD was allowed to proceed for 3 additional minutes.)

Mr. BLATNIK. Mr. Chairman, if the gentleman will yield further, there will be authorized approximately $4.8 billion to accomplish the purpose which the gentleman seeks.

Mr. GERALD R. FORD. I thank the gentleman very much.

I think we now have on the record ample indication of the legislative authority for the accelerated Great Lakes pollution control program. All we need is the appropriation, and we are going to work on that.

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Illinois.

Mr. MIKVA. Mr. Chairman, I wish to associate myself with the efforts of the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD), and the very serious concern that all of us have in the Great Lakes States in trying to save our lakes.

I wish to congratulate the gentleman on the fact that this does authorize the appropriate agencies to do what is necessary. I want to assure the gentleman from Michigan that I will bend every effort to try to get the very necessary money with which to carry out this most necessary program.

AMENDMENT OFFERED BY MR. PODELL

Mr. PODELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PODELL: Page 221, after line 20 insert the following:

"(u) The Administrator shall, in cooperation with the appropriate Federal, State, interstate, or local public bodies and private organizations, institutions, and individuals, conduct and promote continuing comprehensive studies of the effects of pollution on the shorelines and beaches on their ecosystems, on fishing, on recreation in and on the water and on other beneficial purposes. Such studies shall also consider the effects of demographic trends, exploitation of mineral resources and fossil fuels, land and industrial development and hurricanes upon the pollution of beaches and shorelines."

Page 221, line 21, strike out "(u)" and insert "(v)"

Mr. PODELL. Mr. Chairman, title I, section 104 of the bill before us, the Federal Water Pollution Control Act Amendments of 1972, is remarkable in its scope and foresight, authorizing the Administrator to establish a wide range of research and development programs in fundamental areas of water ecosystems and pollution abatement.

The act authorizes the Administrator of Environmental Protection Agency to enlist the services and expertise of State and local governments, universities, public and private agencies, and organizations in the investigation of water pollution and its effects on the health and welfare of our citizens.

The legislation provides funds for coordinated research and development of accurate measurements of social, economic and environmental costs of pollution and pollution abatement, for researching the prevention and control of pollution, as well as specific problem areas like pesticide residues, waste oil disposal, and thermal discharge.

In addition, the act designates funds for special research into the ecology of river basins, river systems, fresh water lakes, the great lakes, and estuaries and estuarine zones.

But the act, in defining an estuary as a mouth of a river or stream with unimpaired natural connection with the natural sea and within which the sea water is measurably diluted with fresh water from land drainage, while encompassing many of the areas effected, does not specify clearly enough an area that has born the brunt of extensive water pollution—our beaches and shorelines.

Unless a generous administrator expands the definition of estuaries and estuarial zones, many of our beaches and shorelines will not be eligible for research assistance, and some importanct pollution problems related to beaches and shoreline will go unstudied. Rather than this, I propose adding a provision to the act which would specify beaches and shoreline as eligible for funds under title I and would instruct the Administrator to study the effects of pollution on beach and shoreline ecosystems.

The beaches and shoreline of our country suffer from all types of pollution—sewage, garbage, thermal discharge, oil wastes and spills, and more—leading to their closing to recreation in and out of the water. The Environmental Protection Agency estimated last year that 91 beaches were closed due to pollution. In addition to those, 13 were labeled "unsatisfactory" and another 10 were called "not recommended for use." And this survey did not include all beaches.

The survey pointed to another drastic consequence of water pollution: few new beaches have been opened, although increasing population and leisure time have made the growing need for new facilities all the more plain.

Still, the number of beaches declines and demands rise. Rare these days is the quiet, clean shore that affords a moment's reflection and escape from the pace of our mechanized lives. And these rare spots all too often succumb to development plans and new land uses, new economic opportunities, and pollution from nearby such "progress."

But, although we have some conception of the problem, we need comprehensive studies and reseach before we can understand or cope with it and its implications.

To assure that such research will be undertaken to help us clean up our beaches and shorelines, this additional subsection must be added to section 104 of title I.

Mr. PODELL. In a discussion with the chairman of the committee, I had been told that even though the bill does not refer to beaches and shorelines specifically, it is the legislative intent of the bill before us, particularly section 104, to include beaches and shorelines so that the thrust of my amendment would be included in the bill.

Mr. ROBERTS. The gentleman is correct; it would be included. And I would like to compliment the gentleman because the first section of his amendment, the first half of it, is word for word almost the language of the bill providing for research and development, and his proposal would be covered, the Administrator would have the authority to do exactly as the gentleman suggests.

Mr. PODELL. If the gentleman will yield further, so therefore it is my understanding that, despite the fact that the words "beaches and shorelines" are not included, nevertheless it is the legislative intent that beaches and shorelines will be included under the language of this bill.

Mr. ROBERTS. The committee intended that it should, and the answer is "Yes."

Mr. PODELL. I thank the gentleman for his statement.

Mr. ROBERTS. I again commend the gentleman.

Mr. PODELL. Mr. Chairman, I ask unanimous consent that I may be permitted to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT OFFERED BY MR. PODELL

Mr. PODELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PODELL: Page 359 amend line 15 to read as follows: "approve each such submitted program if it is as or more stringent than the permit program of the Administrator under paragraph (1) of this subsection unless he determines".

Mr. PODELL. Mr. Chairman, title IV, section 402 of the bill we have before us, the Federal Water Pollution Act Amendments of 1972, provides for the establishment of State and Federal permit programs to allow the discharge of pollutants into the navigable waters.

The rationale for permitting exceptions to the general requirements of this act is sound—indeed, in some instances, it is either technologically or economically not feasible to enforce the provisions as such. State administration of permit programs would draw on the States' expert professional staffs in these areas whose close contact with the parties and issues involved put them in the optimal position to weight the public interest and all the other complex factors. However, this close contact, while one of the strengths of State administration of permit programs, is also one of its most dangerous weaknesses.

It is difficult to put a market price on environmental balance and clean water—it is by far easier to attach a dollar and cents figure to economic benefits of industrial expansion. Interstate competition for this industrial investment, with its emphasis on noninterference, low tax rates, tax discounts and incentives, and hints and illusions to flexible environmental policies and languid enforcement, is well known and needs no exposition.

These combined pressures may be too strong for economically conscious State officials to resist, unless this act develops a baseline which will insure that the quality of our waterways and their environs will not be sacrificed to industrial development.

But establishing minimum guidelines for the components of a State permit program is not enough: Intensive industrial lobbying combined with the sort of pressures I cited earlier, can make too many individual cases the exception to the rule.

In order to minimize interstate competition and safeguard our water from the hazards of leniency, we must require that State permit programs be as, or more stringent than the Federal one. That is, rather than only establishing minimum guidelines in accordance with section 304(h)2 as the legislation presently instructs, the Federal permit program itself would serve as a minimum standard.

If my amendment is adopted, State-suggested permit programs, whose administrators serve in the direct line of economic fire, would be acceptable only if they are more stringent than the Federal one.

Using the Federal program as a minimum standard, as my amendment requires, rather than only issuing minimum guidelines as outlined in the legislation has other advantages as well: It encourages equality and uniformity in standards; it makes the program easier to administer and enforce; it gives personnel a wider base of experience on which to draw.

But most important, it insulates State officials to some extent from the severest economic pressures, thus eliminating one of the key hazards of State administration of permit programs while retaining State flexibility.

Mr. ROE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment deals specifically with the permit section of the legislation. Section 402, title IV, establishes a national discharge elimination system.

The gentleman's amendment would in essence require that any State desiring to administer its own permit program under the Federal guidelines must first prove that its program is stronger and more stringent than the Federal guidelines would require.

The gentleman's logic in a way escapes me. If any State wishes to establish a program stronger than the Federal criteria, there is nothing in this legislation that will prevent the State from doing so.

The gentleman's amendment seems to be based on the completely unfounded assumption that the Federal guidelines would be too weak and ineffective and that the State would automatically have to go beyond that.

I think it is important to note that the responsibility of the EPA Administrator is to establish minimum Federal standards which all States that want to participate in the program must at least adopt those minimum standards.

There is nothing to say, however, in the law that if a State chooses because of peculiar environmental characteristics in its State or peculiar types of exotic chemicals involved in the discharge of waste, they can amend and expand as long as it does not denigrate the approved program of the EPA Administrator.

Therefore, the State has the prerogative under the law of expanding the requirements, if they so desire.

Mr. PODELL. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman.

Mr. PODELL. The gentleman will note in the amendment before the House the words used were, "Standards as strong as; if not stronger." So, in no event can the standards be made weaker.

There was no attempt to make them stronger than. It is as strong as or stronger. It is up to the State to provide, if the gentleman will yield further, there should be Federal standards and up to now there are no standards, but merely guidelines and there is a substantial difference.

Mr. ROE. Once EPA establishes the Federal program and establishes the guidelines, the States must live up to a minimum of that program to be eligible to participate. Therefore, the legislation covers it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. PODELL).

The amendment was rejected.

AMENDMENT OFFERED BY MR. REUSS

Mr. REUSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REUSS: Page 358, strike all after the period on line 7 through to the end of line 24.

Page 359, lines 15 and 16, strike "unless he determines that adequate authority does not exist:" and insert in lieu thereof the following: "if he determines, and publishes his determination, that adequate authority does exist:".

Page 359, lines 18 and 19, strike out "any applicable" and insert in lieu thereof: "all".

Page 362, line 25, insert a comma after the word "Administrator"; and on page 363, line 2, strike "(b)(5) of this section" and insert in lieu thereof the following "(d)(1) of this section that such State proposes to issue a permit,".

Page 363, line 13, after the period insert the following: "No waiver shall be made under this subsection unless regulations have been first promulgated under subsection (f) of this section relating to the category of point sources with respect to which each waiver is proposed".

Page 365, line 1, after "a" insert "valid".

Page 365, strike out the sentence beginning on line 5 and ending on line 19.

Mr. REUSS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record. It is a legal and technical amendment having to do with the permit program.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. REUSS. Mr. Chairman there are many good provisions in H.R. 11896 and I thoroughly support them.

I commend our distinguished Chairman, Congressman Blatnik, for his great leadership in improving our Federal laws to combat water pollution.

My amendment is one of the clean water package amendments sponsored by me and more than 40 of our colleagues. It deals with several weaknesses in the permit program which will be established by section 402 of the committee bill.

The Federal permit program which the President established in December 1970 under the Refuse Act of 1899, has proven to be, as the President rightly said, one of the best tools to combat water pollution. It has helped to identify, and to limit, toxic substances in water which were previously uncontrolled by industry. It has helped to create national water standards and has substantially encouraged industries to take more vigorous action to control them.

But section 402 would transfer the permit program to the States, and we shall then have 54 separate programs in the States, Puerto Rico, District of Columbia, Virgin Islands, and Guam, with no meaningful Federal control over the program.

When Governor Anderson of Minnesota testified before the Public Works Committee last December, he pointed out that the greatest political barrier to effective pollution control is the threat by industrial polluters to move their factories out of any State that seriously tries to protect its environment. That threat can be answered only by a review at the Federal level of permits.

It is at this point that the committee bill is weakest.

The committee's bill permits the transfer of the permit program to the States before standards for toxic pollutants and for pretreatment are adopted, and before effluent limitations are established. Our amendments would require that these standards and limitations be established before EPA turns the permit program over to the States.

Under the committee's bill, once the permit program is turned over to the States, EPA would lose all voice over the permits unless it chose to cancel the whole State program. As Governor Anderson said, why should EPA be forced to cancel the State's entire program because it objects to the issuance of a few permits.

Under our amendments, EPA would be allowed 60 days to review and object to the issuance of any State permit. If EPA fails to act within that time, the permit will issue. EPA's veto power would be used only for the more important permits, since EPA would have the right to waive the notice and veto provisions pursuant to regulations concerning the category of point sources with respect to which a waiver is proposed.

The committee bill also gives immunity from prosecution, under the Refuse Act and this bill, until 1976 to all pollutors who apply for discharge permits. We say that there is no justification for granting such immunity. President Nixon granted no such immunity in the Refuse Act permit regulations for the mere filing of a permit application. We should do likewise.

EPA review of individual permits is essential to protect against the unfair competition which will result when some States weaken their pollution controls to lure industries from those States which have effective pollution control regulations. Such competition will harm not only the environment but also the industries of our country and the workers of our Nation. Without Federal review of the waste discharge program, the economic and political pressures generated by such unfair competition will undercut the effectiveness of pollution controls in many States.

I urge the adoption of my amendment.

Mr. ROE. Mr. Chairman, I rise in opposition to the amendment.

Mr. JONES of Alabama. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be concluded in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. ROE. Mr. Chairman, the tone of the debate and the amendments we are hearing at this point really come to grips with the situation of the partnership between the States and the Federal Government. I am one who believes that, as this legislation evolves into a determination by this body, it should not be a piece of legislation that has established the Federal Government in competition with the States. I believe that the common effort of the Federal Government and the State governments, in protection of our natural resources in the States of the people, is the job we are all about.

Mr. Chairman, I rise in opposition to the amendments.

Time and time again we hear of the need to strengthen the role of the States in our Federal-State relationship. And yet over and over again when legislation comes to the floor the trend is in the opposition direction.

Mr. Chairman, simply put, the amendment which we have just heard declares in loud, shrill tones that the States cannot be trusted. The gist of the amendment is that only the Administrator of the Environmental Protection Agency in Washington, D.C., can prevent environmental nightmare and economic chaos—and that if we rely on the States to carry out anything but the most mechanical and menial acts, our waters will be forever ruined.

In my humble judgment, this is nonsense—simple, pure unadulterated nonsense.

The States with appropriate cooperation by the Federal Government are capable of insuring that the quality of our waters will be preserved and enhanced. To believe otherwise is sheer folly. A successful program of this kind requires the total efforts at all levels of government. It requires the assistance of the general public and of industry. A successful program cannot be established on the basis of mistrust or on the belief that the Federal Government and only the Federal Government is endowed with honesty and integrity.

I have had considerable experience working on this program at the State level as a cabinet officer in New Jersey, and I can attest to the fact that State officials are as capable as their counterparts in EPA. And they enjoy an advantage not shared by those who work in our Nation's Capital in that they are closer to the problems and, in many cases, have a better understanding of what has to be done.

I think that just about everybody now agrees that in order to have an effective water pollution control program we need a permit program to regulate the effluent discharges entering our waters. The question then becomes what is the best approach. In my judgment, the approach in H.R. 11896 is sound and workable.

Much has been said about the Refuse Act of 1899 and the permit program initiated in December 1970. It should be noted that after 15 months only 21 permits have been granted under that program. The committee's long and extensive hearings revealed several very important defects in the Refuse Act. The overall direction of the program was in the Corps of Engineers and not EPA. The Refuse Act permit program is a totally Federal program and as such usurps the enforcement of water quality control from the States. The program also duplicates the efforts of the States in administering a system of permits and thus destroys the initiative of the States and local government.

H.R. 11896 declares to be unlawful the discharge of any pollutant by any person except as specifically authorized in the bill. The bill establishes in section 402 a new Federal-State discharge permit program. All permits issued under this program must be consistent with the specific requirements of the bill, including effluent limitations, national standards of performance, toxic and pretreatment standards, and ocean discharge.

Section 402 provides that upon enactment of this bill, no new permits will be issued under the 1899 Refuse Act. Permits previously issued under that act will be considered to be permits under this new program. Pending applications under the Refuse Act program would be transferred from the Corps of Engineers to the Administrator of the Environmental Protection Agency who would be initially responsible for the administration of the new program.

The Refuse Act is continued without modification as a valuable enforcement tool.

The Administrator would have 90 days to issue guidelines as to what constitutes an acceptable State permit program. In this interim period, he would be solely responsible for administering the permit program. If, however, he determined that a State had a satisfactory program, he could, during this interim period, transfer authority to the State to issue permits. The Administrator would retain the right to review and veto any of these proposed permits during that period.

After the guidelines are issued, if the State submits an acceptable program, the Administrator would approve it and the State would take over administration of the permit program in that State. In States which fail to meet the guidelines, the Administrator would carry on the program.

The committee considered extensively the proposition that all the permits issued by the States ought to be subject to review and possible veto by the Administrator. During the hearings, the Governors and other representatives of the States, almost unanimously, stressed the need to put the maximum responsibility for the permit program in the States. They deplored the duplication and second guessing that could go on if the Administrator could unilaterally veto the State decisions. In our judgment, the States ought to have the opportunity to assume the responsibilities that they have requested. If, however, a State fails to carry out its obligations and misuses the permit program, the Administrator is fully authorized under subsection (c)(3) of this section to withdraw his approval of a State program—after public hearing.

H.R. 11896 includes a provision that any permit program administered by the State must insure that any other state whose waters may be affected by the issuance of a permit have an opportunity to submit written recommendations with respect to the permit application. If any part of the recommendations are not accepted by the permitting State, the affected State and the Administrator must be notified in writing of its failure to accept such recommendations together with its reasons for so doing. Subsection (d)(2) provides that no permits shall issue if the Administrator within 60 days of his notification objects to the issuance of such permits. This procedure was included to protect States which might otherwise be affected by the issuance of a permit in a second State.

As the argument that has been made that industry will play one State off against another and go where the water quality requirements are the lowest, stated in the bluntest of language, this just is not so.

Section 306 requires that new sources of water pollution be constructed to meet a standard that reflects the greatest degree of effluent reductions that can be achieved by the use of the best available, demonstrated control technology. If practicable, the standard would permit no discharge of pollutants. Each new plant or modification of an existing plant will be required to follow this standard. In other words, what we are saying is that if an industry threatens to leave an area because of its stringent requirements, it would be confronted with the requirement of meeting the 1981 goal immediately.

One final point I would make is that the purpose of subsection (d) in section 402 which would be deleted by the amendment, is to protect from harassment an applicant for a permit who has done everything he can possibly do, has furnished all the information he has been asked for, and, most importantly, is complying with all the applicable water quality standards.

I ask that the amendment be soundly defeated and that the House support section 402 as it now appears in H.R. 11896.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. TERRY).

Mr. TERRY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the amendment offered by the gentleman from Wisconsin would, in effect, give the Administrator permit-by-permit review and veto authority over all permits issued under permit programs already approved by the Administrator as meeting his guidelines. It would require a total duplication of the effort required to review permit applications. The amendment, however, apparently recognizes that the States should issue permit.

We have numerous provisions in this bill that are intended to encourage State participation in the water pollution control program. We have numerous provisions to encourage training of environmental control personnel. Now we have a proposed amendment that would exacerbate the manpower problem we are trying to solve and reduce the effectiveness and initiative of State programs.

This amendment would place the State permit personnel in the position of having someone look over their shoulder at each action instead of overlooking the total program. On the one hand we are trying to develop local participation in accordance with the federal system. On the other this amendment would have us say—we are going to duplicate your every move. Scarce, trained personnel, in short supply at both the Federal and State level, would duplicate each other's efforts. This would be unreasonably wasteful.

Section 402(b) of H.R. 11896 requires that the Administrator shall not approve any State permit program unless he determines that adequate authority exists to issue permits which comply with the discharge controls imposed by sections 301, 302, 306, 307, and 403. It also provides that any permit can be terminated for cause.

The system proposed by the current bill language is designed to promote three purposes: First, to assure and encourage full implementation of permit issuing authority to States which are qualified and have approved programs; second, to retain Federal overview authority to the extent actually needed to prevent any abuse by the State of its permit-issuing authority; and, finally, to provide Federal review of all permits which might result in impacts on States other than the issuing State.

If a State is not administering permit programs in accordance with the requirements, the Administrator can withdraw his approval after notice of hearing. The Administrator has a rigid control over permits via this provision.

In addition to the overall program control, any State whose waters may be affected by the issuance of a permit may submit written recommendations to the permitting State. If these recommendations are not accepted, the Administrator is notified. Then the Administrator upon receiving such notice can veto the permit in question if he determines that the complaint of the downstream State is reasonable.

Thus, H.R. 11896 provides for a veto on any permit where a downstream State objects and he has a veto over the overall approval of the program. The committee believes these provisions are sufficient to assure proper control over the issuance of permits.

I also call your attention to the provisions for a State permit program during the interim period from the date of enactment to a time 90 days after the promulgation of guidelines for State permit programs. If the Administrator, under the authority that would be available under section 402(a)(5), approves an interim State permit program, he would retain a permit-by-permit veto. Thus, until a State permit program meets the Administrator's guidelines, there would be the veto you suggest.

This system makes wise and efficient use of State and Federal governmental resources and authority and adequately protects Federal interests and the goals of the Federal Water Pollution Control Act. The proposed amendment would create needless, burdensome, and duplicative work at the Federal level and uselessly undercut the powers of the States.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. HARSHA).

Mr. HARSHA. Mr. Chairman, I would like to call the attention of my colleagues to the last part of the amendment the gentleman offered. We are merely trying to prevent a discharger who is meeting the water quality standards and who has made a valid application for a permit from being prosecuted where he is meeting the water quality standards and otherwise not violating the laws. There are 25,000 permits on the books now. Conceivably there will be 30,000 in the future. Time does not permit the handling or processing of those permits immediately. Obviously it will take some time. As long as the applicant has done nothing to delay or impede the issuing of that permit, he should not be prosecuted because the Federal Government or the State is dilatory or cannot get to the job of processing his application.

In addition to the applicant having to comply with the water quality standards, discharges and violations can be enforced by the Administrator who has the fallback of the emergency powers. Also, notwithstanding any other provision of this act, the Administrator, upon receipt of evidence that a pollution source or combination of sources is presenting imminent and substantial and dangerous problems for the health of persons, may bring a suit and bring an end to the discharge of that pollutant.

So there is ample authority on this point to protect the environment and protect the State and Federal Government.

I would also like to address the question of the interim permit program. The Administrator could authorize a State which has the capability of administering a permit program which will carry out the objectives of this act, to issue discharge permits for the period between enactment of this act and a time 90 days after the promulgation of the guidelines for permit programs. He would give this authorization only if he were confident water quality control would not suffer. I also wish to emphasize that the Administrator would maintain a permit-by-permit veto power during the interim period.

On the question of a permit-by-permit veto power for approved State programs which are consistent with the Administrator's guidelines, I wish to associate myself with the excellent remarks offered by the gentleman from New York (Mr. TERRY).

He pointed out that such a veto power would require needless duplication of effort. It would waste valuable, trained manpower. The amendment is unnecessary.

I urge my colleagues to reject this amendment.

The CHAIRMAN. The gentleman from Alabama is recognized.

Mr. JONES of Alabama. Mr. Chairman, the amendment offered by the gentleman from Wisconsin, if adopted, would simply mean the demise of the genesis and theory of this whole bill. It would erase the State-Federal relationship. I hope under the principles we have established in this bill, that have so far received almost universal support, the Federal-State relationship will be continued in this bill and that the amendment will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. REUSS).

TELLER VOTE WITH CLERKS

Mr. REUSS. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. REUSS. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. REUSS, ROE, TERRY, and DINGELL.

The Committee divided, and the tellers reported that there were—ayes 154, noes 251, not voting 27, as follows:

[Roll No. 95]

[Recorded Teller Vote]

AYES—154

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Tenn.
Annunzio
Ashley
Aspin
Badillo
Barrett
Bell
Bergland
Biaggi
Biester
Bingham
Boland
Brademas
Brasco
Brown, Mich.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Carney
Clay
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Danielson
Delaney
Dellenback
Dellums
Dingell
Dow
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Esch
Eshleman
Fascell
Fish
Foley
Ford, William D.
Fraser
Frelinghuysen
Fulton
Gallagher
Gibbons
Grasso
Green, Pa.
Gubser
Gude
Halpern
Hamilton
Hanley
Harrington
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Hicks, Mass.
Hicks, Wash.
Hillis
Horton
Hungate
Karth
Kastenmeier
Kemp
Koch
Kyros
Latta
Leggett
Lent
Long, Md.
Lujan
McCloskey
McKinney
Macdonald, Mass.
Madden
Meeds
Melcher
Metcalfe
Mikva
Mink
Minshall
Mitchell
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Nedzi
Nix
Obey
O'Hara
O'Neill
Pelly
Pepper
Peyser
Pike
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Rangel
Rees
Reuss
Riegle
Rogers
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roush
Roy
Roybal
Ruppe
Ryan
St Germain
Sarbanes
Saylor
Scheuer
Seiberling
Stanton, J. William
Steele
Steiger, Wis.
Stokes
Stratton
Sullivan
Symington
Tiernan
Udall
Vander Jagt
Vanik
Vigorito
Waldie
Whalen
Wilson, Charles H.
Wolff
Wylie
Yatron
Zablocki
Zwach

NOES—251

Abbitt
Albert
Alexander
Anderson, Ill.
Andrews
Archer
Arends
Ashbrook
Aspinall
Baker
Begich
Belcher
Bennett
Betts
Bevill
Blackburn
Blatnik
Boggs
Bolling
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Buchanan
Burleson, Tex.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Crane
Curlin
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, S.C.
Davis, Wis.
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Donohue
Dorn
Dowdy
Downing
Duncan
Edmondson
Edwards, Ala.
Erlenborn
Evans, Colo.
Evins, Tenn.
Findley
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Forsythe
Fountain
Frenzel
Frey
Fuqua
Gettys
Giaimo
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Hagan
Haley
Hall
Hammerschmidt
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway
Helstoski
Henderson
Hogan
Holifield
Hosmer
Howard
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Keating
Kee
Keith
King
Kyl
Landgrebe
Landrum
Lennon
Link
Lloyd
Long, La.
McClory
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McMillan
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Michel
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mizell
Mollohan
Monagan
Montgomery
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Passman
Patten
Perkins
Pettis
Pickle
Pirnie
Poage
Poff
Powell
Price, Tex.
Purcell
Quillen
Railsback
Randall
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Roncalio
Rousselot
Runnels
Ruth
Sandman
Satterfield
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, James V.
Steed
Steiger, Ariz.
Stephens
Stubblefield
Stuckey
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Ullman
Veysey
Waggonner
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wright
Wyatt
Wydler
Wyman
Young, Fla.
Young, Tex.
Zion

NOT VOTING—27

Abernethy
Baring
Blanton
Bow
Chisholm
Clawson, Del
de la Garza
Dwyer
Edwards, La.
Galifianakis
Garmatz
Gaydos
Goldwater
Hawkins
Hébert
Hull
Kluczynski
Kuykendall
McCulloch
O'Konski
Patman
Rarick
Reid
Rostenkowski
Scherle
Van Deerlin
Yates

So the amendment was rejected.

AMENDMENTS OFFERED BY MR. WILLIAMS

Mr. WILLIAMS. Mr. Chairman, I offer two amendments and ask unanimous consent that they be considered en bloc because they cover the same subject.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. WILLIAMS: Page 243, after line 10, insert the following:

"(5) Notwithstanding any other provision of this Act, or of any other law, no treatment works, whether publicly or privately owned, shall be constructed unless the Administrator has first approved such construction. This subsection shall apply to all treatment works whether or not such works receive any Federal financial assistance under this Act or under any other provision of law. The requirements of this subsection shall take effect on the date of enactment of the Federal Water Pollution Control Act Amendments of 1972.

And on page 264, line 2, immediately after "Sec. 211." insert:

(a) Page 264, immediately after line 5, insert:

"(b) Notwithstanding any other provision of this Act, or of any other law, no sewage collection system, whether publicly or privately owned, shall be constructed unless the Administrator has first approved such construction. This subsection shall apply to all sewage collection systems whether or not such systems receive any Federal financial assistance under this Act or under any other provision of law. The requirements of this subsection shall take effect on the date of enactment of the Federal Water Pollution Control Act Amendments of 1972.

Mr. WILLIAMS. Mr. Chairman, I have two amendments at the desk and I ask unanimous consent that they be considered en bloc.

Mr. Chairman, these amendments increase the power of the EPA Administrator to control pollution.

We are here today to try to find answers to the ecological problems that we face. The quality of our water has changed so much since we were children that it all but surpasses belief. As a child I recall swimming in Lake Erie and enjoying the experience. Now we are told that Lake Erie is dying or dead. The pollution is so severe that swimming and wading cannot be allowed.

Our rivers have become open sewers and a threat to our very health. We are polluting the oceans to an almost unbelievable degree. Thor Heyerdahl, of Kon Tiki fame, reports that on his recent RA expedition he found petroleum and plastic pollution in the middle of the Atlantic Ocean. I ask you to consider that, gentlemen. Hundreds of miles from the nearest shoreline and Heyerdahl found pollution. We must act now if we are to save our priceless waters.

In this bill we are taking many admirable steps and the committee has done a fine job. However, I fear that we have left a loophole in the final draft. In this bill we charge the Administrator with the duty of approving the plans for those facilities for sewage treatment which are to be constructed using Federal funds. But I ask, why should he not also have approval authority for those facilities constructed without Federal funds?

I am well aware that there are many communities and industries which have thrown up their hands is disgust when they have learned how costly the requirements are for Federal grants. Many have decided not to apply simply because the costs involved have been overwhelming. As a result, they have chosen to build a waste treatment plant that does not meet EPA standards because it is cheaper to do so without a Federal grant and thereby continues pollution.

Today we are not here to debate the need for grants. We are here to attempt to save our priceless water supplies. But if we are serious in our efforts we must apply the same standards to all similar sources of pollution.

I believe that the administrator must be given the power to approve all plants before construction or enlargement. Since all of these plants are similar, and all will be discharging similarly treated sewage into our rivers and streams, and all should comply with the same standards.

We are dealing with two separate constructions in this bill. The first is sewage treatment plants, and the second is sewage collection systems. The basic plans for each combine to determine how effectively the sewage will be treated.

In recent years we have all seen how the growth of our metropolitan areas has created severe overloading of treatment capacity in sewage systems in many areas. We have also seen combined sewage systems which collect sanitary sewage and storm water, repeatedly exceed their capacity following rainstorms and thereby discharge raw, untreated sewage into our waterways. As our population continues to grow, the pollution potential soars. I know of combination systems that have been extended without Federal grants because it was too costly to meet Federal requirements.

We have stated in this act that it is our "national goal that the discharge of pollutants into the navigable waters be eliminated by 1985." If we are to achieve this goal we must act now to give the administrator the authority to place the same requirements on all treatment plants and collection systems, without regards to where the funds to construct them may have originated.

In the past we have not placed this centralized clearance authority with the executive and now we are paying a high price for that failure. If we do not act now we may never reach our goal for 1985.

Mr. WRIGHT. Mr. Chairman, I rise in opposition to the amendment.

Certainly we would honor the motive and the purpose that impels our colleague, the gentleman from Pennsylvania, to offer this kind of an amendment.

I am sure he hopes to improve the quality of the construction of treatment works throughout the country by requiring that every treatment work be approved as a project by the Administrator of EPA.

I think perhaps that what the gentleman may not fully understand is that we have created in this bill a very finely tuned working relationship between the Administrator of EPA and the various States.

Obviously, it definitely is to the benefit the cause of clean water to bring the States with their administrative machinery carefully and energetically and vigorously into the act.

The bill already requires that the Administrator of EPA shall promulgate guidelines and that those guidelines will be adhered to by the States in their permit practices. The bill already requires that by 1976 every industrial discharger of any kind of pollution into streams must apply the best practicable technology.

The bill already requires that by 1981, every industrial discharger into the streams must apply the best available demonstrated technology, and that every municipal sewage treatment work by that year would apply not only secondary treatment, but the best available demonstrated technology.

I do not know that we can require any more than that. Surely we do not want to place upon the Administrator of this nationwide agency the burden of having to look at each individual project—whether it be a small industry or a big industry or a small town or a big town—and approve that construction individually. That is not the work of the EPA's nationwide Administrator—that is the work of the local administrator.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. Of course, I yield to my friend, the gentleman from Pennsylvania.

Mr. WILLIAMS. Let me say this.

First, the first point is that you are going to have a far better protection agency at the Federal level and the only way we are going to achieve the objective for 1976 and 1981 and 1985 is to make absolutely certain that the guidelines are being adhered to.

We have had these guidelines for a matter of years.

Unless we do that, we are not going to achieve our goals.

Mr. WRIGHT. I would say to the gentleman, under the bill the Administrator does have the ultimate authority. The bill confers upon the Administrator the right to bring a civil action or to issue orders if in his judgment someone has not compiled with the requirements of the act. I think that is the only duty we can confer upon the Administrator.

Surely we do not want to make the Administrator look at every single treatment works and say that no treatment works could be built until the Administrator here in Washington has approved the plans and specifications for it.

What we are trying to do is to encourage them to move forward, and to prevent the establishment of an extra layer of bureaucracy with these extra duties which would slow down the program.

While the amendment offered by the gentleman is certainly well intentioned and I have no argument with his goals, I think the result of such an amendment as this would surely be to slow down the program when what we are trying to do is to speed it up. We are trying to bring the States, municipalities, and industries themselves into active compliance. I believe the bill contains adequate safeguards and protections, as well as adequate penalties for those who would fail or who would refuse to abide by this law.

I do not see that we need to create an extra layer of bureaucracy by having every little individual project brought before the Administrator himself for his personal approval.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. Of course I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. We created an additional layer of bureaucracy when we created the EPA. The gentleman and I both know, and so do the members of this committee, that the EPA has a series of regional administrators throughout this country. It is not a question of the Administrator himself. We are not talking about that. When you say "the Administrator," you mean the EPA, and we can rely on his regional administrators to approve plans or disapprove. It is not another layer of bureaucracy at all. It is simply using what we have right now.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Pennsylvania.

The amendments were rejected.

Mr. HOLIFIELD. Mr. Chairman, I take the well at this time to make some legislative history locally, and I would like to have the attention, if I might, of the manager of the bill, Mr. Jones, and the manager, Mr. Harsha. On page 372 of the bill, section 6, there is a definition of the word "pollutant." On line 10 there occur the words "radioactive materials." Has the gentleman found those words? On page 131 of the report, in the second indented paragraph, the following language appears:

> The term "pollutant" as defined in the bill includes "radioactive materials." These materials are those not encompassed in the definition of source, byproduct, or special nuclear materials as defined by the Atomic Energy Act of 1954, as amended, and regulated pursuant to that Act. "Radioactive materials" encompassed by this bill are those beyond the jurisdiction of the Atomic Energy Commission. Examples of radioactive material not covered by the Atomic Energy Act, and, therefore, included within the term "pollutant," are radium and accelerator produced isotopes.

The question I should like to ask the gentleman from Alabama, the manager of the bill, is this: Is that a true and clear definition of the intent of the committee in the utilization of the words "radioactive materials" on line 10, page 372?

Mr. JONES of Alabama. The gentleman is correct. That was the intent. The gentleman has just read from page 131 of the report, and that is our specific intention, as I understand.

Mr. HOLIFIELD. I thank the gentleman for that response, and I assume it is the intent of the gentleman, if he is one of the managers of the bill in conference, to try to sustain that definition to the best of his ability.

Mr. JONES of Alabama. Certainly I shall be directed by the action of the House on a bill, and will stand as steadfastly for that action as I know how.

Mr. HOLIFIELD. I thank the gentleman from Alabama.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to my colleague from California.

Mr. HOSMER. I should like to address the same question to the gentleman from Ohio and also another question.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Ohio.

Mr. HARSHA. I will respond in the affirmative to that question. That is definitely what we mean. As I said earlier in the debate on the Wolff amendment, we intended to leave the jurisdiction of radioactive material that came within the Atomic Energy Act up to the Atomic Energy Commission. The language applies only to everything outside the jurisdiction of AEC. That is definitely the intent of the wording of the bill and the intent of the committee.

Mr. HOSMER. Mr. Chairman, will the gentleman yield further?

Mr. HOLIFIELD. I yield to the gentleman from California.

Mr. HOSMER. I would like to ask the gentleman from Ohio a further question. Earlier in the afternoon a point of order was made to an amendment offered by the gentleman from New York (Mr. Wolff). The point of order was decided upon a definition of the words "radioactive material." The same definition is contained in the bill before the House today. There is no distinction raised between the source, byproduct and other nuclear material as defined in the Atomic Energy Act of 1954. I ask the gentleman if it is his intent that the ruling was made in recognition of the distinction between the definitions?

Mr. HARSHA. I do not know that I could answer on what basis the Chairman or the Parliamentarian based their ruling. I felt it was not germane to this act in view of the way we had written the language of the act and the language of the report. We definitely intended to exclude from our jurisdiction of radioactive material that which lies within the jurisdiction of the Atomic Energy Commission under the Atomic Energy Act.

Mr. HOSMER. That is exactly the way I see it. I thank the gentleman.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, I want to thank the able gentleman from California for helping to clarify the earlier position as included in the earlier ruling. As a member of the Committee on Public Works and also as a member sitting on the Joint Committee on Atomic Energy, it has been enlightening to me. There is no intention on the part of the Committee on Public Works to move into the jurisdiction of the Joint Committee on Atomic Energy, or in any way to disturb the existing responsibilities that are declared under that law.

AMENDMENT OFFERED BY MR. ASPIN

Mr. ASPIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Aspin: Page 277, line 3, after "navigable waters" insert "and the ground waters".
>
> Page 277, line 4, after "such" insert "navigable and ground".
>
> Page 278, line 3, after "navigable waters" insert "and ground waters".
>
> Page 278, line 6, after "such" insert "navigable or ground".
>
> Page 281, line 8, after "navigable waters" insert "and ground waters".
>
> Page 372, line 14, strike out "water," and all that follows down through and including "(C)" on line 22.
>
> Page 372, line 24, strike out "(D)" and insert "(C)".
>
> Page 373, line 21, after "navigable waters," insert "ground waters,".
>
> Page 374, line 4, strike out the period and insert in lieu thereof a comma and the following: "(C) any addition of any pollutant to ground waters from any point source."

Mr. ASPIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ASPIN. Mr. Chairman, the amendment which the gentleman from Massachusetts (Mr. Conte) and I are introducing involves some small but important changes in the bill, concerning one subject: ground water pollution. Ground water is that water which lies below the surface of the earth. It is in reservoirs and pools, it is well water, it is drinking water. In other words, it is subsurface water.

Mr. Chairman, the bill we have before us today deals mostly with navigable water, rivers and streams and lakes and other surface waters but it deals only ambiguously and, in some cases, inconsistently with the subject of ground water. The purpose of our amendment is to eliminate some of these ambiguities and inconsistencies.

The amendment does two things, two very simple things.

First, the amendment brings ground water into the subject of the bill, into the enforcement of the bill. Ground water appears in this bill in every section, in every title except title IV. It is under the title which provides EPA can study ground water. It is under the title dealing with definitions. But when it comes to enforcement, title IV, the section on permits and licenses, then ground water is suddenly missing. That is a glaring inconsistency which has no point. If we do not stop pollution of ground waters through seepage and other means, ground water gets into navigable waters, and to control only the navigable water and not the ground water makes no sense at all.

So our amendment eliminates that inconsistency.

The second thing our amendment does is eliminate the inconsistency between the way we treat oil companies in this bill and the way we treat other companies. Oil companies and other industries can pollute ground water, through the operation of what are called "waste injection wells."

Industry sinks wells into the ground to get rid of waste. The chemical industry sinks wells into the ground to get rid of waste. The steel industry sinks wells into the ground to get rid of waste. The oil industry does it. The danger to the ground water from these waste injection wells is obvious. If the waste injection well is not built properly, if standards are not met, if the waste injection well is not operated properly, the pollution of ground water can result.

What this bill does is cover the waste injection wells of every industry except oil. The waste injection wells of the chemical industry are covered. The waste injection wells of the steel industry are covered. The waste injection wells of every industry except oil are covered. But, Mr. Chairman, 99 percent of all the waste injection wells in this country are oil industry waste injection wells.

Again, this is an inconsistency which should not be allowed to stand. This amendment would eliminate this inconsistency.

Mr. Chairman, the amendment offered by the gentleman from Massachusetts (Mr. Conte) and I really does not raise the question of strengthening or weakening the bill, but would simply make this important legislation more consistent and rational.

Mr. Chairman, I urge the adoption of this amendment.

Mr. RONCALIO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as much as I hate to oppose the amendment offered by the esteemed gentleman from Wisconsin, with whom I have spent a great deal of time since we came to the 92d Congress together, I must oppose him on these basic grounds.

The saline content of water that is seeped into the ground and returns to the aqua turf or streamflow is not a point discharge. This entire bill is applicable to it.

Second, I would like to call your attention to page 131 of the committee's report on H.R. 11896 wherein the committee's intent is clearly and forcibly stated, and I quote:

> It is the intent of the Committee that the exclusion from the term "pollutant" relating to the injection of water, gas, or other materials into wells applies only to the properly executed injection of materials into wells to stimulate the primary, secondary, or subsequent production of crude oil or natural gas, and to the properly executed disposal in wells of brines derived in association with the production of crude oil or natural gas, with appropriate precautions taken to assure that such injection or disposal does not lead to, or make substantially more likely, the degradation of usable water resources. *For such exclusion to be effective, the State is required* (1) to approve the well used either to facilitate production or for disposal purposes, and (2) to make a determination, based on sufficient investigation and evidence that such degradation has not taken place and has not been or will not be made substantially more likely as a result of such injection or disposal."

If the State fails to approve the wells or fails to make the required determination, then there is no exclusion from the coverage of the term "pollutant." I believe this is a fair and reasonable approach and strongly urge that the amendment be defeated.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in the early deliberations within the committee which resulted in the introduction of H.R. 11896, a provision for ground waters, similar to that suggested by the gentleman from Wisconsin, was thoroughly reviewed and it was determined by the committee that there was not sufficient information on ground waters to justify the types of controls that are required for navigable waters.

We recognized this lack of information and date and the committee sought to correct it.

I refer the gentleman to the objectives of this act as stated in section 101(a). The objective of this act is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters.

I call your attention to the fact that this does not say the Nation's navigable waters," "interstate waters," or "intrastate waters."

It just says "waters." This includes ground waters.

In section 102 the Administrator in cooperation with other Federal and State agencies is required to prepare and develop comprehensive programs for abating and reducing the pollution of the Nation's waters and ground waters and for improving the sanitary conditions of both surface and underground waters.

In the development of such programs, the Administrator is required to consider those improvements which are necessary to conserve surface and underground waters for public water supplies, propagation of fish and aquatic life and wildlife, recreational purposes, and agriculture, industrial, and other legitimate actions.

We recognized the need for control of the disposal of pollutants into wells in order to protect our ground waters. Therefore, in section 402(b)(1)(D) we provided that the Administrator shall approve a State program unless he determines that authority does not exist to control the disposal of pollutants into wells.

As I stated, the committee recognizes the need for research and development both in determining the effects of underground disposal of pollutants and the migration of such pollutants.

The Administrator under his broad research powers as set out in sections 104, 105, and 106 is expected to concentrate a portion of his research effort on the study of underground disposal in order that the Congress might have a basis for determining the need and appropriately extending the controls of H.R. 11896 as they apply to navigable waters to ground waters if needed.

The gentleman from Wisconsin testified during the committee's hearings that he felt that we should delete item (B) of paragraph (c) of section 502.

While the committee did not delete the provision in question, I call to my colleague's attention lines 20 through 22 of page 372 of H.R. 11896. The committee added language specifying that the exemption is applicable only if the State involved has determined that the injection or disposal of such water, gas or other material will not result in the degradation of ground or surface water resources.

I then call my colleague's attention to page 131 of the committee report. I read from the report:

> It is the intent of the Committee that the exclusion from the term "pollutant" relating to the injection of water, gas, or other materials into wells applies only to the property executed injection of materials into wells to stimulate the primary, secondary, or subsequent production of crude oil or natural gas, and to the properly executed disposal in wells of brines derived in association with the production of crude oil or natural gas, with appropriate precautions taken to assure that such injection or disposal does not lead to, or make substantially more likely, the degradation of usable water resources. For such exclusion to be effective, the State is required (1) to approve the well used either to facilitate production or for disposal purposes, and (2) to make determination, based on sufficient investigation and evidence, that such degradation has not taken place and has not been or will not be made substantially more likely as a result of such injection or disposal.

The report language makes it clear that State approval of any disposal will be based upon investigation and evidence.

I believe this committee amendment and the legislative history clarify the intent of the provisions of paragraph (c) of section 502. I do not believe further amendments or deletion is required to protect our waters. I do not agree with the gentleman from Wisconsin. I urge the House to reject the amendment.

Mr. FASCELL. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, it seems to me the issue is equal application of Federal standards. If we are going to make these standards apply to the steel companies and the chemical companies and the paper companies who have the least part of this ground water problem, it seems to me that we ought to make it apply equally to oil companies that have the greatest part of the ground water problem.

If injections that affect ground water are properly handled, there need not be any danger, but from what I have heard and understood with respect to the potential of this pollution, and it is very vital in the State of Florida, just as it is all over the country, the contamination would last for centuries because of the fact that there are no living organisms in the water and it is very slow moving. Once that happens I am not sure what it would take to undo it.

It seems to me that we should not have State standards subject to review on the Federal level in one case and in the other case have only Federal standards that everyone will have to live up to. If we are going to be fair, we should do it across the board. We should have Federal standards that everyone will have to live up to.

Mr. HANNA. Will the gentleman yield?

Mr. FASCELL. I yield to the gentleman.

Mr. HANNA. Does the gentleman understand, as I do, that what we are talking about here is the enforcement provisions relating to the standards which this amendment tries to make across the board, including the oil companies?

Mr. FASCELL. That is the way I understand it.

Mr. HANNA. And the testimony of the other gentleman that there is wordage in the bill that includes ground water is true, but we are talking about a specific section of the bill that has to do with enforcement under the standards.

Mr. FASCELL. That is the way I understand it. We are talking about equal application of the enforcement provisions.

Mr. HANNA. I thank the gentleman.

Mr. ROBERTS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am very much appreciative of what the gentleman seeks to do, but he is missing the point a little bit. He is confusing injection with secondary recovery from oil wells. The committee understood it, and I think he has missed the point.

When you bring out a barrel of oil, you bring out from three to five barrels of salt water with it. If you put that salt water back in the same hole that you took it out of—and you have to do that if you are going to keep recovering oil—you are not polluting but, in fact, you are putting it back in the same hole and in the same strata.

There is no industry in the world that is regulated as much as the drilling industry. Every State where they produce oil requires surface casing, which is a big piece of steel pipe that is cemented on all the way through the fresh water stratas. When you pump the water back, it goes into a smaller tube into that same strata, and it mingles with that production.

I agree with the gentleman in his basic statement concerning ground water, but he is talking about two different things here.

Mr. Chairman, I urge that this amendment be rejected.

Mr. ASPIN. Will the gentleman yield?

Mr. ROBERTS. I am happy to.

Mr. ASPIN. I understand what the gentleman is saying about how the oil industry is different in that it uses the pumped waste into the ground to get a secondary recovery.

Mr. ROBERTS. You are confusing waste and pollution because it comes out of one place and goes into the same place.

Mr. ASPIN. Exactly. But as it comes out and then goes back it passes through the ground water.

The effect is going to be no different with pumping oil than pumping paper waste from paper mills or waste from the steel industry.

Mr. ROBERTS. It goes through the casing and down through the casing and it is cemented. We had a scientist to testify to the effect that the casing is solidly cemented. The scientist testified that in 1970, which was the last year we had figures on this matter, there were probably six failures that polluted ground water. Five of those were in a section that had been abandoned some time back in the twenties. Only one well—and we are not sure it was a failure—showed evidence of this. So, there is absolute protection from the secondary recovery of the oil business, whether it is gas or oil or water and there should be. I agree with the gentleman's position that we ought to be sure, but we have more stringent regulations now on the oil industry than we could ever impose through this legislation.

Mr. ASPIN. If the gentleman will yield further, if that is the case and if the oil company is doing such a good job, then why not let it come under the regulations just the same as the chemical companies, the steel companies, and others?

Mr. ROBERTS. Because we have already got them regulated in a similar fashion in which the Atomic Energy Commission, for instance, is regulated as well as others are already regulated.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by my colleague (Mr. Aspin).

The amendment would delete section 502(b) from the bill before us today. That section presents yet another example of special favorable treatment for oil producers. Its inclusion in the bill demeans the very honest attempt that has been made to produce a progressive, fair, and effective bill to clean up our waters.

Under section 102(a) of the proposed legislation, the Administrator of EPA is authorized to make investigations of any "pollutant." Section 502(b), however, would exclude from such scrutiny the material which oil companies inject into their wells to facilitate production. For some unknown reason we are asked to declare by legislative fiat that such material should not be classified as a pollutant. Considering the threat that such injections pose to our groundwaters, I can only conclude that section 502(b) is based on the financial interests of the oil companies rather than on a concern for clean water.

This is just one more loophole that has been forged by the powerful oil lobby. Are we going to again close our eyes to the interests of the public in order to serve the interest of the oil barons? When will they be satisfied? They are already protected from foreign competition by the oil import quotas which cost our consumers more than $5 billion per year in excess prices. Their special tax breaks result in an annual loss to our Treasury of more than $4 billion. The Justice Department, through inaction, has granted them immunity from antitrust violations in their acquisition of other competitive energy sources, such as coal and uranium.

And now we are asked to grant them immunity from EPA scrutiny of the effects of their drilling practices. Our answer to their latest request for favored treatment must be "no." To give such an answer we must delete section 502(b) by approving the amendment offered by my colleague, Mr. Aspin.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I am glad to yield to my colleague, the gentleman from Illinois (Mr. McClory).

Mr. McCLORY. Mr. Chairman, I rise in support of the amendment offered by my colleague from Wisconsin (Mr. Aspin) and cosponsored by my colleague from Massachusetts (Mr. Conte) to include ground water within the provisions of the Water Pollution Control Act of 1972.

Mr. Chairman, to consider that we are providing for protection of the surface waters—which we can see—and omitting from the strong provisions of this measure vast ground-water supplies—is to my mind unthinkable.

Mr. Chairman, the extent of pollution of surface waters is readily visible. In addition, there is ready access to these waters when it comes to eliminating pollutants. However, the problem of eliminating pollution from ground waters—once these become polluted—is far more complicated. The eventual points which may be reached by polluted ground waters are virtually unknown.

Mr. Chairman, we know that vast bodies of ground waters have already been polluted by nondegradable detergents. All ground-water supplies could be threatened unless protection is provided in this bill by specifically including ground waters within the definition as contained in section 502(b) and elsewhere.

Mr. Chairman, I support this amendment and hope that it will receive the favorable vote of the Members.

Mr. HARSHA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the first part of this amendment purports to require water-quality standards for ground water. We do not have the knowledge or the technology to devise water-quality standards for ground water. We do not as yet know how to do that; we do not have the ability. That is why we have provided for the study by the Administrator to determine that.

The second part of the amendment deals with the question of the injection process, and the technology for the extraction and the removal of oil and gas. This is a highly technical process, certain technology has to be perfected in order to successfully extract the oil and the gas from under the ground.

Initially the gentleman came to the committee with his amendment, and at that time there were not as many safeguards in the bill as there have been included since his appearance before the committee. As a result of the committee's consideration of the gentleman's amendment we added an amendment which I offered which is H.R. 11896—is much more stringent than S. 2770—its Senate-passed counterpart, on this issue. My amendment on page 372, line 17, tightens this provision down considerably and will not permit this process until the State makes a finding or determination that such process will not degrade the waters. This provision recognizes that those States which pioneered and developed effective methods of protecting subsurface waters against contamination from oil and gas production—long before any great public concern about surface water pollution—shall continue to have primary responsibility for protecting those subsurface waters.

The injection or brine water resulting from petroleum operations back into the earth for disposal purposes is itself an important form of pollution control. Similar injection of "water, gas, or other material" to facilitate production—referred to in the petroleum industry as "secondary recovery"—is not only an excellent form of pollution control, but also the only known method for bringing up millions upon millions of barrels of oil that otherwise would be totally lost to this country. Water flood recovery, already of tremendous importance, now accounts for almost one-third of all the petroleum produced in the United States, and in the years ahead secondary recovery is expected to continue to contribute substantially to our energy supplies.

Few people outside the petroleum producing States are sufficiently aware of a simple, but crucial fact about the production of oil and gas. Normally, the same well that produces oil and gas also produces from the same reservoir varying quantities of associated water, ranging from fresh to saline. Huge volumes of water are commonly found in the same underground strata as oil and gas and come up with produced oil and gas.

In 1970, for example—the latest year for which complete data are available—the United States produced 9,447,000 barrels of crude oil and 64,327,000,000 cubic feet of natural gas per day. Produced in association with this oil and gas were more than 30 million barrels of salt water per day. Produced in association with this oil and gas were more than 30,000,000 barrels of salt water per day. Put another way, on the average, for every barrel of crude oil that comes up, about three barrels of salt water also come up. All of this salt water—which for the year 1970 amounted to more than 11 billion barrels—must be disposed of safely, somewhere. Both disposal wells and secondary recovery injection wells return the salt water deep into the earth from which it originally came. Most fresh water strata lie near the surface of the earth, usually hundreds, sometimes thousands of feet above the strata into which the disposal and secondary recovery water is injected. Such wells actually offer the best and sometimes the only disposal method available to oil producers, who otherwise would be compelled to dispose of the salt water in evaporation pits on adjacent lands or in surface waters.

Over the years, the State regulatory bodies where substantial petroleum operations are conducted have built up a vast store of knowledge essential to the full protection of subsurface waters. These agencies are thoroughly familiar with petroleum operations and the local geology where such operations are conducted. They have experts knowledgeable in such disciplines as fluid dynamics and reservoir and petroleum engineering. Such knowledge is needed in evaluating applications for disposal and secondary well permits. Approval of these wells, for example, involves such technical data as permeability and porosity of the underground strata, which govern the amount and flow-rate of liquids and gases; the geographic extent of the reservoir; and the pressure of the reservoir.

During the last 35 years, and particularly during the last 10 years, the State regulatory agencies have developed and enforced oil-field disposal and secondary recovery methods which have reduced the risk of subsurface pollution to a minimum. Without prodding or assistance from the Federal Government they have established a record of strict and effective control over oil and gas operations involving deep disposal and secondary recovery production. It does not seem appropriate that such control should be displaced by new Federal authority.

Therefore, Mr. Chairman, I urge the defeat of the amendment.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I appreciate the gentleman yielding to me.

I would state to the gentleman that I believe the testimony reveals in these States that the standards and requirements are substantially higher than in many cases are necessary.

Mr. HARSHA. That is quite true. The injection of the brine resulting from a petroleum operation back into the well, is in itself a pollution abatement, or pollution control process.

Mr. DON H. CLAUSEN. I thank the gentleman.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from California.

Mr. SISK. Mr. Chairman, I appreciate the gentleman yielding to me.

Mr. Chairman, I think this is a very dangerous amendment, and I hope that we do not accept it lightly because, as I understand, what they are attempting to do here is bring ground water under the control of the EPA. It is further my understanding that the committee has provided for a study of this subject.

Is that correct?

Mr. HARSHA. The gentleman is correct.

Mr. SISK. I am wholly in favor of that. I recognize the possibility of pollution of ground water, but this whole matter at this point in time, with no more knowledge than we have, bringing this ground water under this type of control, is improper, and I think is a very dangerous thing to do. I would certainly hope that the House would not adopt the amendment.

Mr. KASTENMEIER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by my colleague, the gentleman from Wisconsin (Mr. Aspin), to bring ground water under the coverage of the Federal Water Pollution Control Act Amendments of 1972, which we are now considering.

The committee bill is drilling a loophole into which contaminants from the injection wells of the oil producers will be permitted to flow, thus adding to the pollution of our ground water resources. This is inexcusable. There is no other industry in America that is more pampered and that benefits more from special-interest legislation than that of oil. Not content with import quotas, tax writeoffs, a 22-percent depletion allowance, international cartel arrangements and joint ventures—all of which cost the American public additional billions of dollars each year—the oil industry and its friends in the Congress now have the sheer nerve to seek an exemption from our antipollution laws.

In the United States far more fresh water is stored in aquifers than in all the Nation's rivers, reservoirs, and lakes. With proper planning, this vast storehouse of fresh water can be managed as effectively as surface reservoirs. Around 20 percent of the Nation now is dependent on ground water. Nearly one-third of the 100 largest cities in our country obtain all or part of their drinking water from wells. About 90 percent of rural families drink ground water. More than half the water used for irrigation and livestock comes from underground water. Ground water used to have a reputation of being free of chemical and biological contamination. Now, this resource, too, is threatened by pollution. Unlike surface water, however, the slow movement of ground water makes the correction of pollution both time consuming and very expensive. While injection wells may represent the best presently available technology for dealing with certain oil industry pollutants, it is not in the best public interests to grant the oil industry in perpetuity the free and unregulated privilege of continuing to pump into such wells numerous chemicals and other pollutants, such as brine and acid, which eventually may escape into ground water and thus destroy the purity of this important water resource.

Mr. Chairman, if we are to be serious about our efforts to stop pollution and to begin the immense task of restoring the quality of our environment, in this instance, our water resources, then it would be the height of hypocrisy for the Congress to grant any exemption and, in particular, to one of the Nation's greatest polluters, the gluttonous oil industry, from our basic antipollution laws. I urge my colleagues to accept this amendment which will assure that the pollution of ground waters is subjected to the same regulation as pollution of navigable waters.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. Aspin).

The question was taken; and on a division (demanded by Mr. Aspin), there were—ayes 34, noes 86.

So the amendment was rejected.

Mr. DANIELS of New Jersey. Mr. Chairman, I rise in support of H.R. 11896.

This is probably one of the most difficult and complex pieces of legislation this body has ever considered. It creates the basis, foundation and framework for the total and eventual solution to the problem of cleaning up our Nation's waters.

We have moved from 1956 and the days before that to a period, over the last 16 years, when all of us know that the American public wants and demands that this job be done. Here is the bill that will do it. It is the result of countless weeks and months of work in the Committee on Public Works which was the creater of the original Federal program for water pollution legislation.

The bill today will give us in one complete package the start to provide funding, planning, research, programing, and enforcement to achieve our goals. The money in it is but the beginning, but it is a start. The time has come when we must vote and vote for what is needed.

This bill is the answer, and I urge its adoption without amendment.

Mr. LEGGETT. Mr. Chairman, I believe the Public Works Committee should be complimented on this bill. It is a commendable piece of legislation which makes a sincere effort to come to grips with our water pollution problems. In some respects it is even preferable to the excellent bill the Senate passed unanimously. It authorizes $18.35 billion for waste treatment construction grants, allotted to States on the basis of need. In contrast, the Senate bill only authorizes $14 billion for waste treatment, and allots it on the less justifiable basis of population. The House bill authorizes a total of $24.62 billion through fiscal year 1965, as opposed to only $20 billion in the Senate bill.

The House bill originates the concept, not mentioned in the Senate bill, of a $100 million Environmental Financing Authority, set up in the Treasury Department, which would make low-interest loans to communities unable to borrow conventional funds for their matching share of waste treatment construction. I understand there may be an amendment to delete the Environmental Financing Authority. I hope any such amendment will be defeated.

My colleague, Les Aspin, one of the most conscientious and capable Members of this body, is going to propose a ground water pollution amendment designated to deal with oil waste injection wells. I share his concern over the danger of waste oil contaminating our drinking water, and if this were the extent of his amendment I would happily support it. But I do not believe it is a good idea to inject the Federal bureaurcy into ground water problems in general, and for this reason I will oppose his amendment unless it is split into two parts.

I am convinced that basic management of ground water basins must be left under State and local control.

In addition, I feel very strongly that supervision of dredge spoil permits must be kept in the hands of the Corps of Engineers, and I will oppose any efforts to take it from them.

But many other of the proposed amendments are desirable, and I shall support them. The Reuss-Dingell clean-water package is excellent; I hope it will pass in its entirety. I am particularly impressed by the need to proceed directly to our clean-water goals without wasting another 2 years on a National Academy of Sciences study. We do not need another study to tell us we have water problems; a dip in the Potomac will confirm that beyond doubt. The amendment does not ask the impossible; it has a reasonable economic escape clause. I cannot imagine why anyone would oppose it.

Another particularly desirable amendment is the Heinz proposal to charge industries for the pollutants they produce. This is really the only way to absolutely discourage an industry from polluting: make it more costly to pollute than not to pollute. Industries do not pollute because they are inherently evil; they do it because it saves them money. Take away the economic incentive, and we eliminate the bulk of our pollution.

I understand there will be a series of amendments to encourage and support recycling. Congressman Vander Jagt's reasoning on this matter is perfectly sound: Recycling is not simply "one of a number of ways of dealing with waste"; it is by far the most desirable. I hope his amendments will be accepted.

In closing, I again compliment the Public Works Committee for its excellent work. This is a bill everyone from Ralph Nader to Richard Nixon can be happy with, particularly if the best of the amendments are accepted.

Mr. MIKVA. Mr. Chairman, the water pollution control bill before us today deserves the support of every Member of the House of Representatives. It establishes two national goals to save the environment: an end to the deadly pollution of this country's rivers and lakes by 1985 and, by 1981, clean water in the lakes and rivers— clean enough for people to swim in, clean enough to support fish and plant life. The bill is a step forward, but it does not go far enough. The bill sets noble goals, but it equivocates on the best way to reach them. That is why I joined Congressman Dingell and Reuss and more than 40 of our colleagues in asking the House to adopt six amendments to the bill called the clean water package. The amendments had the support of a coalition of 25 conservation, environmental, consumer, and labor groups, and should be given careful consideration by the House.

The United States is the most technologically advanced country in the world. It is the most prosperous. Those distinctions have not come without a price. In the process of developing our industries and cities, we have destroyed our environment. In the most prosperous and technologically advanced country in the world, there is a river so overrun with volatile industrial discharges that it is a fire hazard. There is a lake, one of the Great Lakes, that has become a dead sea—fit only for scavenger fish, sludge worms, and algae which seem to thrive on the industrial and municipal waste. Near my own home in Illinois, beaches are regularly closed because there is too much bacteria in the water. It is hardly safe to touch the water, let alone drink it.

In the cities of medieval Europe, the people dumped human waste and garbage into the streets. We have progressed in the last 400 years. Now, we dump it into the water. And things are not getting any better. The last few years have seen the beginning of a new national awareness on the problems of the environment. Despite that, we are losing ground in the battle against pollution. For example, every one of the Great Lakes is more polluted today than it was 5 years ago. As a Nation, we still are spending more time and money polluting the Great Lakes than we are spending to revitalize them. We must change that. We must begin to repay the debt to the environment—a debt that compounds with every gallon of sewage dumped into the lakes and rivers of this country, a debt that threatens the very quality of our lives. This bill can be the first installment on that debt, but it needed strengthening.

There has been a great deal of debate over the costs involved in meeting the 1981 and 1985 deadlines. The bill does provide adequate protection against exorbitant costs, and one of the purposes of the "no discharge" goal for 1985 is to stimulate the search for new ways to recycle our wastes and protect the environment. Critics of the "no discharge" proposal have ignored new waste treatment systems like land disposal—a system that the Corps of Engineers studied for the Chicago area and found feasible and economical. The cost of meeting these deadlines will be great, but the cost of not meeting them will be even greater.

Mr. Chairman, I specifically would like to commend the committee for its attention to the problems of pollution in the Great Lakes. Section 108 of the bill outlines a comprehensive program of demonstration projects for the Lakes. It is aimed at developing new methods and techniques to eliminate pollution, and the program is based on cooperation among Federal, State, and local governments. The Great Lakes desperately need this kind of help because they are being poisoned by pollution—slowly but surely.

Nowhere has the threat to the environment been more real, nowhere have we failed so miserably in attacking the problem, than in the Great Lakes. Late last year, the Environmental Protection Agency asked the administration for $141.3 million to support a proposal which assigned "national priority" to the fight against pollution in the Great Lakes. It was a comprehensive proposal—bold and innovative with a clear-cut goal and a good chance of meeting it—but the Office of Management and Budget rejected the request. It was another example of the chronic gap between what is said and what is done in the area of environmental protection.

This bill may help close the gap and, therefore, I will vote for it. When the Environmental Protection Agency's budget comes before Congress, I will ask that an additional $2 million be appropriated to hire more personnel to enforce Federal antipollution laws and to enforce the provisions of this bill. With that additional money and with the provisions of this bill, many of EPA's plans to save the Great Lakes will be possible to complete.

Altogether, this bill represents a modest start. We have talked about pollution for years. We simply cannot afford to wait any longer to start doing.

Mr. PRYOR of Arkansas. Mr. Chairman, the consideration of H.R. 11896 this afternoon marks a significant crossroads this great body must face on the long road to total environmental quality in this Nation.

The distinguished chairman and members of the House Public Works Committee have labored long and hard on this most important piece of legislation, and they are to be commended for the result of their efforts. H.R. 11896 is a good and substantial piece of legislation.

It is my feeling, however, that the measure does not go quite far enough in insuring that not only the goal but the policy of this Government will be, without a doubt, a return to the best possible natural environment for our people in the shortest possible time.

Everyone of esteemed colleagues realizes the growing concern of the American people over the deteriorating quality of our water resources. And each and every one of you hope to see this condition alleviated. Here, we are in agreement, just as were our friends in the Senate when they unanimously passed S. 2770. The division occurs over the exact methods and emphasis that we shall impose on this high priority.

I would respectfully urge my distinguished colleagues in this Chamber to support the amendments as offered by the gentleman from Michigan (Mr. Dingell) and the gentleman from Wisconsin (Mr. Reuss) and a large bipartisan group of Members representing a wide spectrum of our Nation.

I believe it is imperative that industry begin as soon as possible to plan the implementation of the most efficient waste treatment technology. And our good friends in industry are not in objection to clean waters. They have always tried to comply with governmental standard in this regard because a happier, healthier public is in their favor. Resident industry in my great State has been sincere in its attempts to keep Arkansas waters as clean and clear as they have always been. But with the future development of Arkansas and new industries finding a pleasant and productive home for their enterprises, the Federal Government must provide them with definitive guidelines upon which to plan and base their efforts. Putting off the establishment of the deadline by which time the best available techniques will be employed has the effect of wasting time, money, natural resources, and, perhaps even lives.

We can no longer delay. Man is responsible for his polluted atmosphere, and man is responsible for its cleansing. The longer we wait, the more difficult the task.

In regard to other amendments offered, I firmly believe that the EPA should have some part to play in the issuing of discharge permits. After all, the American people are financially supporting this agency—it has the experience and expertise in these matters—and if they have the money and the personnel, I believe that their resources should most definitely be put to use for the good of the States. This would provide a safeguard for those States that might not have the facilities or their own resources to give adequate consideration of permit requests.

I further am of the persuasion that every citizen should have the right to bring suit against pollutors or the EPA. The bill as reported restricts this right only to those directly affected. But the courts are the proper institutions to determine who has a legitimate right standing to bring suit. And let us remember that the maintenance of a quality environment is the responsibility of every citizen.

And if we are to impose stringent but necessary measures to clean our national waters, there should be no question that these provisions should be applied in all States, and that any worker displaced due to compliance with the law should be assisted economically as well as any affected communities. There are other amendments I support, but I do not wish to consume an unreasonable amount of time, though I hope that I make my point very clear. I do not desire to place unreasonable burdens on any segment of our society. The safeguarding of our environment is not the sole responsibility of any one interest, but of all interests, all governments, and all individuals. But we can hesitate no longer.

Let us legislate now a goal of the best possible environment quality so that all our people can earnestly and sincerely begin the fight to clean up the mess that we have all made.

Mr. DONOHUE. Mr. Chairman, as one who has consistently advocated and supported increasingly stringent environmental pollution control measures, I most earnestly urge and hope that this pending "clean water package" of strengthening amendments, to the Federal Water Pollution Control Act now before us, is overwhelmingly adopted by this House.

I think that our action on the basic substance, as well as the proposed strengthening amendments, on this bill should and must be governed by our conscious realization that we are, in effect, dealing with a subject that is virtually a matter of life or death to our entire population. I also very deeply believe there can be no higher order of priority and prudent spending than the protection and preservation of human life together with the constant improvement of the quality of that life by insuring adequate facilities for wholesome recreational exercise and sporting activities.

Mr. Chairman, the goals set forth in this bill, to eliminate the discharge of pollutants into our water by 1985 and the achievement by 1981 of water quality that will actually protect our fish and wildlife resources and permit participation in water recreation activities without serious health menace, are imperative to our national survival and progress as a people. With all due respect to the sincerity and motivation of those of other opinion, I have the very deepest conviction that these goals cannot be accomplished without the establishment of definite timetables of attainment. Past experience has demonstrated that, unless we have a definite target to hit or a definite point to reach, we tend to become rather loose in our aim and laggard in our pursuit. We cannot afford to be either if we expect to timely remove the poison that is now in our rivers and streams and repair the sources and agents that cause the disastrous pollution of our waters.

On this score, I think that the distinguished and dedicated chairman of the House Public Works Committee and his diligent committee associates deserve the appreciation and the congratulations of the country and the Congress for the thought, the work, the time and the constructive suggestions that are contained in this basic bill. It is, without doubt, the most stringent and all-embracing water pollution control bill ever to be presented to the House of Representatives. In most of its aspects, it is commendable and in many areas it gives real promise of effective impact, particularly in those several provisions which directly affect our States, our municipalities, and our industries and businesses.

To most of us and particularly to those of us who have comparatively small communities within our districts, it is obvious that these communities need the greatest possible amount of Federal assistance to construct, repair, and expand their deficient waste treatment facilities. In recent years and more especially in the unhappy economics situation in the country today, these smaller cities and towns just have not been able to raise the money from their already overburdened taxpayers to provide these facilities. Fortunately, both the already-passed Senate bill and the measure up before us now move toward the correction of this inequity, with the House bill recommending higher maximum Federal contributory share of 75 percent if the States will contribute 15 percent of the project cost. I shall urge and earnestly hope that the higher House-provided contribution will prevail and that the Congress will, if and when the need arises, as I think it will, increase the authorization and appropriation from the $20 billion suggested in the pending measure to whatever higher figure is actually required to help our communities to do the job that must be done. Too often in the past, promises of assistance have been held out to these financially pressed cities and towns that have not been carried out. This type of action has naturally lessened the confidence of these cities and towns in the performance of the Federal Government and, in too many instances, has caused great financial hardships to fall upon the local citizens. That evil should and I think will be corrected in this bill through the section that now requires contractual obligations to be set up between the Federal Government and municipalities in these financial transactions. This procedure will reassure our municipalities and States that they can plan waste treatment construction projects with the confidence that once these plans are approved, the construction can go forward to completion in an orderly manner without fear of sudden stoppage or cancellation.

A further most equitable and timely provision in this bill authorizes retroactive reimbursements to States, municipalities and other agencies for waste treatment projects that were initiated after 1956 and constructed but for which they did not receive the Federal contribution to which they were entitled. The committee deserves special commendation for their recognition and rectification of this major injustice.

Mr. Chairman, another aspect of our common effort to clean up the Nation's waters that is of intense concern to me as it is to so many others who have a great number of small businesses in their districts, is to insure that these businesses, especially in this time of high unemployment and economic depression, will not be inequitably burdened by this legislation beyond their ability to survive and carry on normal operations. At the request of myself and a great many other Members of the House, the committee has commendably and rightfully recognized the economic pressures and hardships that will fall upon a great many small businesses and their employees and has attempted to relieve this threatening situation by including a section to provide at least $800 million in low-cost loans to businesses and industries "likely to suffer substantial economic injury without assistance," in meeting the water pollution operating standards established by this bill. The loans could be used to assist any small business or industry "in effecting additions to or alterations in the equipment, facilities—including the construction of pretreatment facilities and interceptor sewers—or methods of operation of such concern to meet water pollution control requirements established under the Federal Water Pollution Control Act."

Mr. Chairman, the committee and its members, as well as a great many of my colleagues here, have wisely and justly indicated and registered their intent not to project this legislation in such harsh or unmindful manner as to primarily influence the close-down of businesses and industries that earnestly and honestly desire to observe any newly enacted pollution regulations but who, because of the present precarious and repressive state of our economy, might be forced to substantially reduce or eliminate their operations. Unfortunately, there are no authoritative guiding statistics yet available about the extent of the financial difficulties that may be visited upon our smaller businesses and industries because of the imperative national necessity to control water and other pollution, but this is an area in which the proper Federal Government agencies can promptly begin to lend a resourceful and useful hand and I am hopeful that our Chief Executive will order and encourage that type of administration cooperation in our common effort to remove all dangerous pollutants from our waters.

In any case, the $800 million included in this bill to help these small businesses and industries is a very wholesome initial recognition of the problem by the Congress and, from the attitude of the great majority of the Members here, I would unhesitatingly predict that if the amount projected proves inadequate, it will be quickly and overwhelmingly increased to an amount that will meet the purpose.

Mr. Chairman, in summary, this bill is, of course, a very complex and expansive legislative proposal for the achievement of an imperative national objective. To accomplish that objective within the timetables set will require the highest measure of cooperative understanding and effort on the part of every responsible element within our society and most of all, it will require the highest acceptance of individual and organizational sacrifice. However, I earnestly believe the very great majority of the American people want our Nation's waters to be cleaned up in the shortest time possible. The appropriations, definite goals and realistic enforcement provisions contained in this bill and the proposed strengthening amendments are all designed to meet and overcome the very serious water pollution problem and challenge that threatens our very existence and I urge its adoption in the present national interest and for our future progress.

Mr. ANNUNZIO. Mr. Chairman, today we are considering a bill which may be the most important of this Congress—the Federal Water Pollution Control Act Amendments of 1972. One can hardly overstate the importance of good, clean water to man. It is, of course, essential to life; we must drink water every day. It is also essential to our industry, agriculture, and energy production. The average American family of four uses 600 gallons of water per day. In industry, it takes 600 gallons of water to produce a loaf of bread, 700 gallons to process a ton of oranges into juice, and 660,000 gallons to manufacture a ton of synthetic rubber. The steel industry uses 13 billion gallons of water per day. One acre of irrigated farmland consumes 1.6 million gallons in a growing season; nationwide, irrigation accounts for 135 billion gallons per day. The rates of water use are, furthermore, increasing.

Reuse of water is essential. Yet the water resources of much of the Nation are so polluted as to require extensive treatment if they are to be usable. One-fifth of the Nation's shellfish beds have been closed. Recreation uses have been eliminated in some areas, sharply curtailed in others; one estimate reported by the Council on Environmental Quality put the loss of recreation opportunities for the Delaware Basin alone at $350 million for 1966. How much more sensible it would be if our rivers and streams flowed with pure usable water. This is the need addressed by the bill before us, H.R. 11896.

This bill contains many important provisions for the abatement of water pollution. These have been reviewed and commented on by many—provisions such as the goal of no polluting discharge by 1985 and the interim goal of water quality suitable for the protection and propagation of fish, shellfish, and wildlife and for swimming by 1981; and the provisions prohibiting toxic pollutants, intensifying research, and encouraging the construction of waste treatment facilities. As a comprehensive attack on water pollution, this bill is promising: but unfortunately it contains some critical flaws, making it weaker than S. 2770, unanimously passed by the Senate and vigorously attacked by polluters. These flaws must be corrected if we are to have adequate water for this Nation's future.

And these shortcomings in H.R. 11896 can be rectified. Mr. Reuss, along with many others, has introduced a "clean water package of amendments" to perfect the bill. These amendments are basically technical—they do not in any way contravene the fundamental goals and policies established in this legislation. These amendments have the support of a wide range of interested citizens, including environmental groups like the Sierra Club and the National Wildlife Federation; unions such as the United Steelworkers and the Oil, Chemical & Atomic Workers Union; and the National Farmers League, the League of Women Voters, and the National Consumer's League, and many more, as listed by Mr. Reuss when he introduced his amendments on March 22, 1972, with the support of 39 other Members of the House.

I am now adding my strong support for these amendments; and I call on all my other colleagues to support them also. They are absolutely essential if this Nation is to have adequate supplies of clear, clean water for future consumption, use, and recreation.

The most important of the deficiencies in H.R. 11896 and the correcting amendments are as follows:

First. H.R. 11896, while establishing a zero discharge goal for 1985 and an interim goal for 1981 and effluent limitations to achieve them, includes a requirement that action to achieve these goals after 1976 is contingent on further congressional action subsequent to a National Academy of Sciences-National Academy of Engineering Study—section 301(b)(2)(A) and section 315(a).

I cannot believe that we require yet another study to know what needs to be done. We know that our waters must be cleaned up. The requirement for further congressional action will merely delay the effective abatement of pollution and provide an opportunity for more waffling. Furthermore, by putting off establishing a firm goal, industry will not know what action it must begin taking to meet the ultimate standards; it is in everyone's best interest, including especially those who must plan how to abate pollution, to know where they stand now and in the future. Uncertainty will lead to future delays and expense. Therefore I most strongly support the amendment which strikes from H.R. 11896 the language requiring further congressional action. The NAS–NAE study will still be carried out, and it may indicate some adjustments to be made; but the goal will be established toward which abatement actions will be directed.

Second. A further critical defect in the present bill is the repeal of the permit program as established by President Nixon—Executive Order No. 11574—and turning Federal control of permits over to the States. According to H.R. 11896, the Administrator of EPA authorizes the States to issue permits, while he can set only very general guidelines, and only under certain very restricted conditions can the Administrator veto State actions.

This provision could destroy the comprehensive, national program to abate pollution. Some States could set very weak standards, allowing industry to shop around for a location where they could pollute the most, and thus continue to destroy our water resources. There is, of course, a need for local and regional inputs to the establishment of standards and for granting of permits; but the only way to make a coordinated national attack on water pollution is to place the final responsibility where it belongs, with the Administrator of the Environmental Protection Agency.

Mr. Reuss' amendment will do this by cutting out the provision (section 402(a)(5)) which authorizes the Administrator to turn over the permit granting powers to State or local authorities without retaining significant control or veto powers over them.

Third. While the retention of Federal powers over the granting of permits will discourage industries from shopping around for sites, an activity which would destroy healthy employment patterns, requirements for pollution abatement will in some cases place strains on employers. Consequently, an amendment is included to ease, as far as possible, any undesirable impacts on employment; this amendment to section 507 requires the Administrator to consider employment aspects when issuing effluent limitation orders and to investigate and to hold hearings if requested, on any losses of jobs resulting from pollution abatement programs.

Fourth. Another major shortcoming in

H.R. 11896 is a provision—section 402 (1)—according to which a polluter who has filed an application for a permit has immunity until 1976 from any enforcement action of the Federal Government under the bill or the 1899 Refuse Act. This would permit polluters to continue until 1976 to continue discharging even if they could start abating it sooner, for this immunity clause removes from the Government its most potent antipollution weapon, one which has proven itself in the last few years. An application for a permit should not itself be a permit. I urge support for Mr. Reuss' amendment which would strike the immunity clause from the bill.

Fifth. Two further critical defects in the present bill are its impacts on existing legislation. Section 511(d) of H.R. 11896 amends the National Environmental Policy Act of 1969—the act which has become the guardian of the quality of our lives—by adding to it a loophole such that certification of water pollution permits would constitute compliance with NEPA. Under present interpretations, the issuance of such permits would have to be reviewed by agencies of the Federal Government to insure that approval of the permit took into account environmental impacts; the proposed amendment to NEPA would remove that requirement for review.

Such a weakening of NEPA should not be allowed, certainly not without greater analysis of what it would imply. The Committee on Merchant Marine and Fisheries has jurisdiction over NEPA and is presently holding hearings on this very problem of permits. Surely any action to amend NEPA should await the careful scrutiny of the appropriate committee. We should all, therefore, support the clean water package of amendments which excises the subsection affecting the requirements of NEPA.

The second legislation affected by H.R. 11896 is the Fish and Wildlife Coordination Act. Under present law activities impinging on fish and wildlife must be reviewed by the Fish and Wildlife Service before they are carried out, including such activities as permits for discharge of pollutants or for dredging and filling. H.R. 11896 would remove the requirement for coordination in the granting of permits for discharge and for dredge and fill activities. The committee report says it did not "intend—to decrease or limit the consideration of fish and wildlife," but this exclusion would certainly do so. Therefore, I again support the clean-water package of amendments, which specifically makes the requirements of the Fish and Wildlife Coordination Act apply to the permits for discharge and for dredge and fill.

Sixth. While H.R. 11896 recognizes the need for citizens to be able to sue polluters or the Administrator for not performing his nondiscretionary duties, the bill is defective in closely limiting who has standing to sue. According to H.R. 11896, those with standing to sue are citizens of the geographic area and having a "direct interest," and groups of the area having a direct interest, and, in addition, having actively engaged in the administrative process.

These limitations are too restrictive and confusing. Furthermore, they are regressive. The Clean Air Act of 1970 and the Noise Pollution Control Act adopted by the House on February 29 of this year make no such limitations. Who has standing is an issue which should be up to the courts to decide in each particular case. This defect is corrected in the package of amendments, which says any "person" may sue: the regressive limitations being stricken.

(7) The final major provision of the Clean Water Package of Amendments correct what is, I suspect, an oversight in the present bill. According to section 309(c), violations of the law or of permit conditions are subject to criminal penalties, but violations of a pollution abatement order by the Administrator of EPA are not. The clean water package of amendments correct this deficiency by inserting in the list of violations subject to criminal penalties, the words "any order issued by the Administrator." Without this correction, the Administrator would have no way to back up his directives to abate pollution.

Additionally, section 206 of H.R. 11896, establishes conditions for reimbursing States, municipalities, intermunicipal agencies, or interstate agencies for any publicly owned treatment works constructed by them for which the full Federal contribution to which they were entitled was not received. As presently written, section 206 designates as eligible for retroactive Federal assistance those projects that were initiated after June 30, 1966, but before June 30, 1971. An amendment offered by Mr. Wright of Texas would extend the June 30, 1971 date to June 30, 1972, and I wholeheartedly support this amendment. It would mean reimbursement to the various States for funds expended in good faith during fiscal year 1972 for which the full Federal contribution was not immediately available. For my own State of Illinois, this would mean an additional $165 million in advance reimbursement funds, and would benefit the other States as well.

Mr. Chairman, H.R. 11896 is fundamentally a good bill. With the passage of the amendments I have cited, H.R. 11896 will be an excellent bill. The deficiencies I have listed and the corrections of the Clean Water Package of Amendments and the Wright amendment are important—so important that without the passage of these needed improvements, little progress in abating water pollution can be expected. But by making the goals of the bill firm by eliminating the requirement for further action after the NAS–NAE report; by reaffirming Federal control over the permit program rather than granting such power completely to the States; by insuring that the possible impacts of abatement orders on employment are considered; by striking the immunity clause from the bill which would allow pollution to continue until 1976 without penalty; by removing the restrictions on the National Environmental Policy Act and the Fish and Wildlife Coordination Act; by providing every citizen the right to sue for relief from water pollution; and by establishing sanctions for orders of the Administrator, this bill is made workable, is made truly a protector of our precious waters.

These amendments deserve the support of everyone—everyone in this Chamber and everyone in the Nation. They are not anti-industry, or anti-any group: they are antipollution. That is the purpose of this bill, these amendments, and of our actions today—to clean up our rivers and streams, our harbors and estuaries, so that we and our children may live better. I believe that H.R. 11896, with the passage of these amendments, will provide for that cleanup. I urge each and every one of my colleagues to join with me and the 40 introducers of these amendments to vote "yea" on them. And to vote "yea" for H.R. 11896 as thus amended.

LIMITATION OF DEBATE ON AMENDMENTS

Mr. JONES of Alabama. Mr. Chairman, I ask unanimous consent that debate on all amendments to the bill conclude 2 hours after the Committee of the Whole House on the State of the Union resumes consideration of this bill tomorrow, Wednesday, March 29, 1972.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. JONES of Alabama. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. Smith of Iowa, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11896) to amend the Federal Water Pollution Control Act, had come to no resolution thereon.

HOUR OF MEETING TOMORROW

Mr. JAMES V. STANTON. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10 o'clock tomorrow morning.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. HALL. Mr. Speaker, reserving the right to object, may we have some announcement of the intended program in addition to the unanimous-consent request just agreed to, when we meet tomorrow?

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman.

Mr. GERALD R. FORD. I understand that we have two other bills on the whip notice—one is the Coast Guard authorization and the other is the Maritime authorization. I think the gentleman is specifically asking whether those will be on the program tomorrow; is that correct?

Mr. HALL. I would say that that is among the questions the answers to which I would like to know before we allow this unanimous consent request to go through.

I would like to know if the previously announced Ways and Means Committee bill is going to be brought up under unanimous consent, and any other program that might be planned in addition to the 2-hour stint.

The SPEAKER. The Chair hesitates to make this announcement, but the gentleman from New Jersey has some privileged resolutions from the Committee on House Administration.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman.

Mr. BOGGS. Mr. Speaker, I announced yesterday that besides the regular program, we would consider by unanimous consent a bill from the Committee on Ways and Means plus six money resolutions from the Committee on House Administration.

Now whether or not after we have concluded that business we would have time to consider the authorizations listed on the whip notice I do not know. If it is not too late in the afternoon, I think we would take up at least one of them and, if not, they would go over until after the Easter recess.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman.

Mr. BYRNES of Wisconsin. If the gentleman has objection to the bill from the Committee on Ways and Means, I would see no point in calling it up, and I am sure the chairman would not call it up. I do not know why that would interfere necessarily on the question of the time for the House to meet tomorrow. If the gentleman would like to have my assurance, I will guarantee that the bill will not come up. I will object myself, if that is the gentleman's desire.

Mr. HALL. That is the kind of talk I like to hear. Do I hear any others?

Mr. BYRNES of Wisconsin. Does the gentleman desire that the Ways and Means Committee bill be taken off? I would like an answer to that question.

Mr. HALL. Yes, Mr. Speaker.

Mr. BYRNES of Wisconsin. All right, then, it will not be called up.

Mr. HALL. I do understand about the House Administration investigating resolutions. I have no objection to them. Would it be the intention to program them before or after the 2-hour stint to which we have just agreed after completion of the antipollution bill?

Mr. BOGGS. It would be my intention to program them after we have completed this legislation.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

TRUTH ABOUT MEAT PRICES HEARINGS APRIL 10 AND 11

(Mr. MELCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, the war of words on food costs and inflation is generating more heat than light, and half truths circulate galore.

The White House has its own Punch & Judy show in progress, with its puppets espousing both sides of their own self-made verbal battle, to attract voters of clashing views.

Secretary of Agriculture Dr. Earl L. Butz is cast as a villian to consumers and hopefully as a hero to farm voters, in a curious charade in which C. Jackson Grayson, the little known chairman of the Price Commission, and Virginia Knauer, the President's consumer adviser, speak for the other side. They wallop each other with all the zest of Barnum & Bailey's most experienced clowns, hopefully to the delight of everyone in the national audience whether pro or con.

Secretary Butz, in a clumsy attempt to appear to champion the cause of the beef producer, told his audience in Atlanta last week, "The price of steak is just right." Obviously the Secretary has never talked to housewives in front of a meat counter. There never has been a time when that ultimate was attained—because steak prices in the eyes of the buyer and in the family budget are invariably considered high. But it was considered a good act for the man who had only recently raised red meat import quotas 10 percent over last year's imports.

If you are selling—and the farmers and ranchers are always on that end as far as meat is concerned—the best sales technique is to listen to your customer and explain the advantages of your product. To start an argument with consumers, as Secretary Butz' speeches have done, and slyly infer that organized labor is the real cause of higher food prices, does not provide the rebuttal facts that should be provided for the inquiries of Mr. Grayson and Mrs. Knauer.

The most curious aspect of this series of episodes, leading to full-page ads by food chains advising their customers to avoid buying red meats, is that the wholesale price of choice steer beef at Chicago has dropped 5 percent or $3.07 per hundredweight during the past 60 days. All the recent rhetoric, all the claims and counterclaims, cannot refute the facts of the marketplace. Farm and wholesale beef prices are down and the decrease should have a measurable impact on the retail pricing system of the chain stores. Last week's wholesale price was $55.15.

I was shocked at the retail meat price figures for February which I just obtained from the Department of Labor. It showed the national average price of every cut of beef went up in February, while the wholesale price of beef was going down.

The week of January 29, choice beef carcasses in carlots at Chicago sold for $58.22. The week of February 26 they were down to $57.17 or $1.05 per hundredweight. But during February choice round steak went from $1.44 average per pound in January in major U.S. cities to $1.51 per pound—7 cents a pound higher. Boneless choice rump roast went up from $1.41 to $1.48 per pound—up 7 cents. Hamburger went up from 70.8 cents a pound to 73.2 cents or 2.4 cents per pound. Choice chuck rose from 79 cents to 84 cents. Sirloin steak went up from $1.49 to $1.54, or 5 cents.

Chairman Grayson calls for a Price Commission hearing on meat costs for April 12 and he should have facts and figures such as these:

First. Red meat wholesale prices for meat produced in the United States since July of 1970 are hardly up at all. I have looked up carlot prices at Chicago July 18, 1970, and March 18 this year, and here is what I found:

	Per hundredweight	
	July 18, 1970	Mar. 18, 1972
Price of beef [1]	$50.50	$55.15
Price of pork [2]	55.62	51.10
Combination	106.12	106.25
Percentage increase		0.1

[1] Choice steer beef, carlot price Chicago.

[2] Average of 8–14 pound loins, Boston Butts and spareribs.

Second. Imported hamburger meat has increased 8 percent between August 12, 1971 and March 20 of this year. The wholesale price on this low-grade hamburger meat last week was 67 cents per pound. Imported meats are given only a slipshod inspection for sanitation and wholesomeness and end up for the most part in hamburger and hot dogs and are not the best buy either in nutritional value or dollar value.

Third. Eastern prices on beef are substantially higher than Midwest or western beef prices. This is not accounted for by freight costs and reflects a different pricing policy—even within the same chain stores. It indicates that larger profit margins are charged up to consumers in the big eastern metropolitan centers where, after all, most of the Nation's beef supply is consumed. The wholesale price of beef is the same for an eastern supermarket as it is for a Midwest supermarket except for 1 cent per pound for freight and yet the average retail price on beef cuts is running up to 40 percent higher in the East. This could be a clear case of deliberate consumer gouging.

Judge for yourself from these January Bureau of Labor Statistics retail prices in Chicago as compared to five metropolitan centers in the populous Northeast.

	Chicago	Baltimore	Washington	New York	Philadelphia	Boston
Round steak	1.22	1.62	1.42	1.71	1.60	1.73
Rump roast	1.24	1.55	1.45	1.51	1.58	1.47
Hamburger	.72	.76	.69	.94	.74	.83

In an election year any damn fool thing can happen, but I believe it is time to blow the whistle on some of the far-out verbal baloney that is being thrown around to attract voting blocks. In the long run consumers and producers, farmers and labor, have a common goal—each strives to survive and progress. If there is any political gain by inciting one group against another, I am sure it is a shallow gain only hurting us in the long haul.

If this country continues as it has for 200 years we shall continue to raise the standard of living of the people and part of that will be an increase in red meat consumption. We will want to provide it at fair prices. Production costs are extremely high and are locked in, but there is evidence that distribution costs, at least in some areas, are higher than necessary. That is the area that we should be looking at first.

The President's appointments to membership on the Price Commission and Pay Board failed to include anyone representing agriculture. This failure to include representatives from this most basic of our industries perhaps explains the quandry now evidenced by administration officials. Chairman Grayson's Price Commission requested hearings on food prices reflects an absence of facts concerning food production costs, and the existing markets on agriculture products and the pricing policy of food wholesalers, jobbers, and retailers.

It is apparent that a serious void exists for information on food costs within the Price Commission. Representatives of agricultural producers can supply factual data on markets and available food supplies.

Yesterday, I called hearings before the Agricultural Task Force of the Democratic Study Group to assemble and sort factual information on agricultural production and costs for April 10 and 11.

Chairman GRAHAM PURCELL of the Livestock and Grains Subcommittee of the House Agriculture Committee was also setting hearings for the same purpose on those same dates.

The official hearings are preferable, and I am pleased they have been called.

The transcript should provide Chairman Grayson, as he goes into his April 12 hearings, information so he may know that farmers and ranchers are not causing inflation—they are the goats of the inflation he is failing to control.

IF I SHOULD DIE

(Mr. CABELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CABELL. Mr. Speaker, in January 1969 I had the privilege of giving a principal appointment to West Point to a young man then serving in Vietnam. This young man had volunteered in service to his country and had been commissioned on the field of battle. His tour of duty would have ended with his entrance into the military academy.

But before this could take place—he was killed by a Communist bullet April 9, 1969.

Only last week I was furnished a copy of his last letter to his father. I am extending this letter at this time in the RECORD, with the hope that every Member of this body will read it. This letter is typical of the love of country and bravery exhibited by thousands of young men who have given their lives in protest of Communist tyranny.

After reading this letter I hope that you will give sober thought before advocating blanket amnesty to those who fled to other countries to avoid the draft, or even worse, deserted their posts of duty and sought foreign sanctuary.

IF I SHOULD DIE

If I should die during my tour in Vietnam, I want my parents to read and understand the following:

1. I came here by choice, I joined the Army by choice, I chose to become an Infantry Officer. It was my destiny to become a professional soldier. It (Fighting for my country—right or wrong) is a job that must be done. It is a job I feel I am best at.

2. The American people too often forget what the Flag stands for—I am a Patriot, I believe in our country, and I believe in our system of government—I Feel that My country is worth Fighting for and if need be dying for. The Country we have today was not built by the weak, and the disbelievers—It was built with the blood of men who felt they had something worth dying for. I think it is the duty, the right, and the privilege of every American to fight for this country. It has to be this way, and thank God there are still Men left who believe. The people in the streets who protest our country and its policies have that right to protest only because Men believed enough in the system to give their lives for it. There are still Men with dreams and Ideals that they feel are worth fighting for. This is what I also believe in.

If I die it was for a reason, my life bought something, it was not wasted, I believe this, otherwise I would not be here.

I am a believer, a dreamer, a patriot, and most of all a professional soldier in the United States Army, from the bottoms of my boots to the top of my steel hat. I feel proud and honored to serve for my country and with men who believe.

My Life Was Not Wasted.
Your Loving Son Bruce.
Thank You For Everything.

CAN WE AVOID A GREAT AMERICAN TRAGEDY?

(Mr. HALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HALL. Mr. Speaker, it is indeed significant that on this day when we find ourselves embroiled in debate over what will probably become landmark antipollution legislation, I have received a copy of past remarks, made by my lifelong friend, Mr. Joseph W. Rittenhouse, group vice president, electrical products of the Joslyn Manufacturing Co., Chicago, to the National Association of Purchasing Management in Denver, entitled, "Can We Avoid a Great American Tragedy?" Mr. Rittenhouse discusses the demands made on the electrical industry, not only by the users, but by the environmentalists as well. In his remarks a series of question are:

Can we as a Nation survive without the basic industries that have been the muscle and cartilage binding us together for nearly 200 years? He answers with three other questions:

1. Where are we? Squarely in the middle, caught between conflicting forces in a seemingly unbreakable grip. On the one hand those who want to flip the switch and partake of the $100 billion in plant and equipment that supplies 1.5 trillion kilowatt hours per year. While on the other hand, the counter demands for less pollution at any cost.

2. How did we get there? From zero a scant 90 years ago to present day investor owned segment that employs nearly 400,000 people; paying them more than $2.5 billion annually, and paying taxes to the tune of $3.5 billion in 1970. Balance this off against the impossibility of satisfying demands for more of everythng, at a zero rate of pollution growth, with industry as the sole culprit rather than the highway litterers and those who generate the 360 million tons of solid waste per year.

3. Where do we go from here? The government must stop over regulation, conflicting policies, and indecisions which affect esential, massive project and increased costs which in turn will be paid by each of us. The environmentalists must become more realistic in the goals they seek, with the knowledge that the real polluter may be the one who flips the switch rather than the one who supplies the electricity but do we dare to turn the electricity off?

Mr. Speaker, there is much in what Mr. Rittenhouse has to say. I offer his remarks for the enlightenment of all:

CAN WE AVOID A GREAT AMERICAN TRAGEDY?

(By Joseph W. Rittenhouse)

Today we may be facing the most demanding set of contradictions ever confronted by industry, not just ours, but by all of industry and, in fact, by the very roots of our capitalistic society.

Whether the power business can survive is a monumental question; but, monumental as it is, it fades to insignificance in the shadow of the threat to survival of our entire social system.

As I see it, we are a spoiled people. Our national history is a nearly 200 year distillation of the electoral process into the simple question: which candidate has promised the most for the least?

So long have the American people been promised more for less that great masses of them now insist upon privileges as rights, and woe unto the politician who dares approach election day on a platform of economic privation or self-denial.

By giving impetus to a burgeoning bureaucracy and appeasement to our mollycoddled masses, our "promising" politicians have succeeded in virtually denuding the country of its radio production, and television is not far behind.

Every significant producer of automobiles in the country has established major holdings in foreign companies; I suspect as a hedge against the day when federal paternalism chokes the life blood or profit out of their domestic operations.

The steel industry is staggering under the trip hammer blows of our managed economy and foreign labor rates.

Textiles, clothing, and perhaps even food itself, are someplace in the queue of industries that leads to the sewers of self-destruction designed and built by greed, a greed that has learned for nearly 200 years that the masses cast more votes than management, and they respond more gleefully to the euphoria of the give-away than they do to the soberness of self-sacrifice.

By now, I have opened such a Pandora's box that we could spend the rest of our lives debating how best to get the lid back on.

I have raised the question: how can we as a nation survive without the basic industries that have been the muscle and cartilage binding us together for nearly 200 years? My major purpose today is to concentrate on the implications of these generalities to our industry.

Where are we? How did we get there? And where can we go from here?

I believe that the answers to these questions will reply to the query "Can we avoid a great American tragedy?"

WHERE ARE WE?

I guess this depends upon your point of view, and I think that I was invited to speak from my point of view.

We are at a pinnacle of achievement unmatched by any other industry in any other nation in the world. In the short span of about 90 years, the investor owned segment alone has risen from virtually nothing to the mighty stature of a 100 billion dollars investment in plant and equipment. An investment capable of supplying man's needs for 1.5 trillion kilowatt hours per year, and capable of responding instantly at the flip of a switch with a nearly 100% perfect record of satisfying the demand.

From the point of view of the bureaucrat perhaps the most confounding aspect of this gargantuan achievement is that throughout its entire growth our industry has rarely failed to pay taxes on real profits; it has rarely reached for the federal dole; and it has continually reduced the price of its product. The self-same kilowatt hour that cost 11.2¢ in 1906 can be bought for about 2¢ today.

Perhaps it is jealousy that prompts our critics to characterize us as nasty conniving monsters, belching fire and noxious fumes into the atmosphere, killing babies with mysterious and sinister radiations, and scalding the very rocks into which the innocent fish are lured to deposit their eggs.

Perhaps also there is a thread of reason in the concern that they express for our ecology. Whatever their motivations, though, it seems clear that however great are our accomplishments, we are today precariously balanced on a razor's edge. On the one hand there are the demands of the people for more power for less cost. On the other hand, there are the counter demands for less pollution whatever the cost.

It is not enough that we must get as many as 40 different approvals to build a generating station; we are expected to do this and continue to meet society's demands of more for less.

It is not enough that we must tolerate seemingly endless delays in getting rate increases; we must suffer the debilitating impact of reduced ratings for bond issues which, according to the Wall Street Journal, a Standard & Poor's official has attributed to "lagging increases in rates" and consequent declining margins between earnings and fixed charge debt payments.

The conflicts of our dilemma would seem irreconcilable to a less formidable adversary than we. Our heritage, though, is rich in the surmounting of Herculean odds.

In the 90 years of our growth, we have honed to a razor's edge the knife for cutting through the persiflage and duplicity of the heckling obstructionists. We have become exceedingly adept at defining the problem, evolving its solution, and implementing that solution. Our deliberateness and efficiency thoroughly confound the harbinger of doom whose perch is supported by a pipeline to the trough of federal gratuities.

Nevertheless, here is where we are. Squarely in the middle, caught between conflicting forces in a seemingly unbreakable grip.

Let us proceed then to examine my second question: how did we get there? How is it possible that we could have fallen into such a seemingly bottomless pit?

Again, we are at a question of point of view, and again I choose to take my own.

It all began with our gigantic bootstrap operation.

Starting with direct current generators belted to reciprocating steam engines just before the turn of the century, we have expanded our technology to allow construction of single shaft turbogenerators having maximum ratings of 150 megawatts in 1950, 350 megawatts in 1960, and 800 megawatts in 1970.

From zero a scant 90 years ago, we had nearly 3,500 generating stations in 1970, and, as I have already said, the investor owned segment of the industry had about 100 billion dollars in plant and equipment in 1970.

From zero the investor owned segment alone has grown until it employs over 372,500 people; paying them more than 2.5 billion dollars a year, and it paid taxes to the tune of 3.5 billion dollars in 1970.

From zero we have made it possible for more than 90% of the homes in this country to contain refrigerators, radios, washing machines, television sets, and vacuum cleaners.

From zero we have advanced the technology of electric power transmission from the hundreds of volts level to the 765 kV level, and we have established a level of reliability that is second to no other industry in the world.

In a nutshell, our industry has performed a miracle, a miracle of technological advance through self-improvement, and all of this in spite of the tirades of the hecklers, the opportunists, and the headline seekers.

Where then have we gone wrong? If we are so great, how did we end up in such a bind?

I think that Mr. George J. Bloom, Chairman of the Pennsylvania Public Utility Commission, succinctly summarizes one link in the sinister chain of circumstances. On January 26, speaking before the New York Society of Security Analysists, he said:

"Beginning about 1967 . . . What happened to the electric industry was that the trend lines from which it projected public demands for service, and which had proven reliable in the past, suddenly became unreliable.

"Public use greatly exceeded the predictions, and the industry—until then quite comfortable in the knowledge that it had ample generating capacity—confronted a demand that dangerously reduced reserves, and created the strong probability of brownouts and blackouts.

"The particular difficulty which this phenomenon caused for the electric utilities arises from the fact that a generating station requires five or more years to translate drawing-board plans into a fully operating plant, without the roadblocks we experience today."

He goes on to comment on the financial implications of a rapid corrective reaction by the utilities. He points out, for example, that prior to 1968, the seven utilities in Pennsylvania had a net plant investment of about 3.5 billion dollars and that between 1971 and 1975, they will invest 5 billion dollars in new plant and that 3.9 billion of that ". . . will have to be raised in the capital markets.".

He takes cognizance of the reality that ". . . when all the utilities began competing at the same time for huge chunks of investors' money, the cost of that money also moved upward. First mortgage bond money, which had cost 3.5% in the mid-fifties and 5% in the mid-sixties, moved up to cost in the 8% to 9% range by 1970.".

Then he takes the bit in his teeth and summarizes in a few short paragraphs the crux of my next point. He cites ". . . the public's increased service requirements . . ." as the trigger that forces the utilities into new plant construction which in turn ". . . obliges the utilities to sell securities . . ." which establishes the responsibility of the commission to allow ". . . a rate level sufficient to make the securities attractive".

He says, "If I don't do my job . . . (by allowing reasonable rate relief) . . . the utility cannot sell its securities, the plant construction will not take place, and the public will find service in short supply.".

As Mr. Bloom points out, the general public does not understand the relationship between rates that will attract capital and reliability of electric service.

My point is that unscrupulous politicians do understand it, and they also understand that the masses will vote for one who opposes a rate increase; so, as Mr. Bloom says, they call the regulators "cats' paws" of the utilities then they oppose the rate increases. In Bloom's words, "If the political demagogues had their way—if four years from now the householder pushed his wall switch and the lights did not go on—the politicians would disclaim any responsibility and charge the regulatory commissions with neglect of duty."

Between the election-hungry politicians, the power-hungry people, and the skyrocketing cost of money, then, we have all the makings of a real donnybrook, but there is still another link in the chain to compound our sorry plight; the ecology!

There simply has been no way to satisfy the demands of the people for more of everything, including power, at a zero rate of pollution growth, but industry alone is not the sole culprit.

Some of our most accomplished polluters are the garbage skows of New York, the incinerators of Chicago and the beer drinkers and automobile drivers among the people. Cans and soft drink and beer bottles constitute 17.7% of the litter on our highways.

It costs 4.5 billion dollars per year to dispose of the nation's garbage.

We, the people, generate 360 million tons of solid waste per year, and by 1980 we will increase this to enough to build a pile 10 feet deep from Los Angeles clear past New York and into the Atlantic Ocean.

When the question of pollution began to get serious attention, as I'm sure it should, it was immediately seized upon by every vote-hungry headline seeker in the land.

The clarion call to action was picked up by the long-haired malcontents, the holier-than-thou do-gooders, and all the other rabble rousers who would much rather march than work.

The sincere and conscientiously concerned ecologist was quickly lost in the clamor for an audience, and this is a shame because he is a reasonable man and we all could have worked in harmony with him to satisfy all of our major requirements.

"Now" (if Mr. Lincoln will forgive me) "we are engaged in a great civil war . . ." testing whether our great industry or, indeed, this great nation can much longer endure.

The answer to how we got there then is really sort of simple. Over the decades:

1. The people, spoiled by the politicians' perpetual promise of more for less, have demanded more power.

2. We have responded to these demands with speed and efficiency.

3. Exponential growth of population has produced exponential growth in demand. Satisfaction of this demand has caused some cluttering of our environment.

4. The enormous value of our contribution to society has exaggerated our profile on the horizons of pollution.

5. The vote seekers and headline hogs, attracted to this profile, have singled us out for such castigation as will serve their selfish purposes.

6. The money market's coincidental response to massive demands has been substantial escalation of prices.

The combination of these six circumstances has put us across the proverbial barrel, and the situation could soon be ripe for the classical stupidity of a hue and cry for government take-over, and this brings me to my third question:

Where can we go from here?

Dr. John J. McKetta, the E. P. Schoch Professor of Chemical Engineering at the University of Texas, expressed some views relative to this question in the 1971 annual report of Dresser Industries. Dr. McKetta served in 1970–71 as Chairman of the Advisory Committee on Energy to the Secretary of the Interior.

On the subject "Energy—a Growing National Crisis", and more specifically in response to a question as to whether or not our problems all boil down to a matter of money, he says:

"Not entirely. As a matter of fact, as the energy crisis grows, money may eventually be the easiest part of the solution. The more difficult problems lie in the areas of establishing more realistic government policies and setting environmental standards that can be economically attained . . ."

Still speaking in terms of energy in general, he says:

"The government must stop over regulation, conflicting policies, and indecisions which affect essential, massive projects and increase costs which in turn will be paid by each of us.—The environmentalists must become more realistic in the goals they seek."

Still speaking of the supply problems of energy in general, he says ". . . we need an informed public . . ." and ". . . an enlightened government . . .". He goes on to say, ". . . too many people, including some of our national politicians, simply refuse to recognize the plain hard facts. They think someone will always come up with a magic solution and the problem will go away.".

The challenge is clear.

The bandwagon politicians in league with scaremongers and irresponsible self-servers, have spun a thread of truth into a mighty cable with the potential strength to pull down the greatest society in all of history. We can parry their thrust if we can arouse the people with the facts, and above all else, continue to satisfy their demands for more power.

I need not dwell too long on the dimensions of their future demands. The statistics are almost commonplace:

1. Electric Light & Power says that housing starts will increase 18% in 1972 and another 18% in 1973.

2. Eleven billion dollars worth of electric appliances will be produced this year. This is 4.2 billion more than was produced 10 years ago.

3. Virginia Electric and Power Co. reported a 12% increase in annual residential use of electricity last year over the previous year.

4. A single Chicago plant requires 4,000 kilowatts to grind up junk automobiles for re-melting.

5. We plan to spend 13 billion dollars on new plant and equipment in 1972, and nearly 14 billion in 1973.

6. The Atomic Energy Commission projects that nuclear generating capacity will expand to 150 million kilowatts by 1980, and 123 million of it is already under construction or on order.

7. Electric Light & Power says that by the year 2000 we will double the size of our plant four times.

8. They say that we will add 1,000 power plants at a cost of 480 billion dollars by 1980 and 269 of those plants are now under construction.

9. They also project a total plant investment of 600 billion dollars by 1990.

I think we can satisfy the demands.

The problem is how do we reach the people with the facts? The politician who jumps on the environment theme and castigates the power industry has a platform that is not available to us. He is running for office and we are not. By the time we can respond to his charges, he is off to a new television interview where a whole new set of charges are made, and we are slaughtered by the lightning blows of his trip hammer approach.

Our only recourse is to a patient and persistent indulgence in facts with all our available resources. We must counter every half truth with a truth; we must convert innuendo to fact, but we must get our message to the masses who vote.

It does little good for us to talk to each other as we are doing today. We must organize a massive effort to reach the platforms of the Rotary Clubs, the garden clubs, the college campuses and the public schools.

We dare not overlook the assembly halls of our schools because our children are daily being shown our stack plumes by teachers who would rather conduct inspection trips than teach.

The people must learn that the real polluter may be the one who flips the switch, rather than the one who supplies the electricity, but part of our problem is that we dare not demonstrate this by turning the electricity off.

We can't even refuse to accept any new load. To do so would simply unleash new charges of unreliability.

We can certainly tell the people the truth and we won't have to look very far for half truths to rectify. The fakery of the witch's tales about nuclear plants is ripe for exposure, and typical of the job that we must do is the strange case of Dr. Ernest J. Sternglass.

Dr. Sternglass, of the Department of Radiology, University of Pittsburgh, recently charged that the infant mortality rate in Illinois began a "sharp climb" in 1964 with a "peak in 1965 of 25.6 per thousand births", and he tied this to Commonwealth Edison's nuclear power station at Dresden, Illinois. Dr. Sternglass failed to mention that while this nuclear plant continued in operation during 1966 to 1969, the infant mortality rate in Illinois began a steady decline to 22.4 in 1969.

In his statement, he referred to higher infant mortality rates in the "downwind" counties adjacent to the Dresden plant. Yet meteorolgical data indicates that the predominant wind in the Dresden area is away from the counties cited by Dr. Sternglass.

It required time and expert testimony of scientists, physicians, and bio-statisticians to repudiate this man's allegations.

Perhaps somebody should tell Dr. Sternglass that a transcontinental airplane trip exposes him to more radiation than he would receive in a year's residence adjacent to a nuclear power plant.

Then there is the case of the missing "not". On February 1 of this year, the Chicago Tribune ran a story that Commonwealth Edison was considering closing down its Dresden Unit I because of excessive radioactive emissions. The truth is that the plant was shut down for refueling.

The next day the Tribune ran a correction, a small one hidden in the inside pages and admitting that a quote from a biophysicist at Argonne National Laboratory should have said the emissions from the plant were not dangerously high. In its initial big-headlined story the Tribune had omitted the word "not".

Indian Point # 2 has now been delayed for three years by militant environmentalists. In the meantime, Johnny Carson continues to poke fun at Con Ed's power supply problems.

Quad Cities has stood idle for over five months while the courts consider the cases of environmentalists. This plus the plight of Point Beach Plant could result in Commonwealth Edison's having to operate with extremely skinny reserves this summer. Somebody must insure that the people get the facts in these cases because if power shortages occur you can be sure that your friendly newscaster will lay the blame to poor planning and bad management.

In the non-nuclear area, even Arthur Miller, the playwright, has had his day, and who would dare dispute his authority. When Connecticut Light & Power Co. recently sought a route for a 345 kV line he charged that they were seeking ". . . approval of a project which cuts a mile wide corridor down the State of Connecticut for a distance of 70 miles."

The actual width of the proposed right-of-way, of course, was 250 feet, not 5,280.

Typical of wholly irresponsible heckling is a report prepared recently by three undergraduate students. They were employed for the summer by the Wisconsin State Attorney General's office under a Students to Oppose Pollution Program.

They charged the utilities with not using such methods of pollution abatement as tall stacks, low sulphur coal, tangentially-fired boilers, electrostatic precipitators and cooling ponds, when in truth the utilities were using all of these techniques.

Where then do we start?

Let's dispel the myth that electricity comes out of the wall. Let's dispel the myth that we are irresponsible, money grubbing polluters. Let's dramatize the miracle of electric power until it transcends the federal giveaway as man's great benefactor.

I suggest a direct mail campaign using the routine electric power bill as a vehicle. At a cost little greater than the ink to print it we can tell each householder what his monthly contribution to pollution was. We need simply print on his bill the number of equivalent pounds of coal that were burned to produce his kilowatt hours.

We can tell him on a routine and frequent schedule how many dollars are invested in generation, transmission, and distribution equipment to insure satisfaction of his kilowatt requirements.

We can tell him how many dollars in taxes, labor, and other expense are spent to guarantee that his lights will respond instantly to his light switch.

We can even show him with a series of mailing pieces exactly how the energy in a piece of coal is converted to serve his needs.

Obviously, we will have to digress from the language of the engineer. Minds that are attuned to Pogo will not respond readily to the partial differential equation; but Disney built a fortune on knowledge of how to appeal to the masses. His techniques are available to us.

I suggest a massive cooperative effort to reach the popular platforms and their audiences. An activity reminiscent of the flying truth squads of Eisenhower might even become apppropriate.

If this seems a little revolutionary, then I have made my point. If it seems old hat in the sense that you think we're already doing it, then we've been wasting each other's time.

I'm talking about a vigorous, hard-hitting program of activism in which we energetically search out the source of the big lie and attack it in its favorite haunts.

We select from throughout all of our industry the finest communicators that we have.

We organize them into a dynamic task force available for use all over the land.

We equip them with all of the education and facts they can absorb relative to the issues of the moment then unleash them upon the dealers in half-truths wherever they may be.

The women's clubs, civic groups, college assemblies, and public schools are fertile fields in which to spread the seeds of truth.

Can we avoid a great American tragedy? I wish I could say.

We have come a long way. Our path is lined with accomplishments that were not really possible.

Unfortunately, just as we are on the verge of even greater miracles we find ourselves beset on all sides by vicious howling packs bent, however innocently, on bringing to a halt everything that does not look to Washington for direction and support.

In the words of Thomas Sheppard, Jr., Publisher of the late Look Magazine, "Free enterprise is a relative newcomer as a method of commerce. It could vanish as quickly as it came, and there are signs that it may be on the way out.".

Where can we go from here? The goals are clear; 600 billion dollars in plant, 1,100 generating stations, eleven billion per year in electric appliances, and on and on and on . . . if! If we can overcome the distractions of those who would bring us to our knees before the graven images of the welfare state and a federally controlled economy.

Woe unto us when Betty Furness prevails in her insistence, as Sheppard says, on a law requiring manufacturers to tell ". . . not only what they know about a product but also what they don't know.".

We can achieve our goals, and we can avoid a great American tragedy, but only if we match fact to lie with a vigor that overwhelms. Failing in that we are doomed to lose our freedom—a freedom that Shepard says has many facets including ". . . an individual's right to live in a manner of his own choosing, even if his selections are not the most efficient or the most salubrious or the most esthetically pleasing, in the eyes of a government bureau. It includes his right to buy and eat the least nutritious breakfast cereal, if he happens to like the taste. He may even buy a product that is not the most economical of its kind. It's his decision, his choice, his responsibility.".

Can we avoid a great American tragedy? I think we can. Whether we will or not is the real question. The odds are bad, but I have seen us overcome great odds before. This time success or failure by our industry determines more than in any previous crisis the fate not alone of industry, but of the greatest society in all of history.

Gentlemen, if you don't like my proposal, in heaven's name develop one of your own because this time we dare not fail.

AMNESTY OPPOSED FOR THOSE WHO FAILED TO ANSWER CALL OF THEIR COUNTRY

(Mr. GOODLING asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GOODLING. Mr. Speaker, as the war is winding down in Vietnam, there are some in our midst who are contemplating extending amnesty, conditional or otherwise, to those Americans who ran from the boundaries of the United States to hide in foreign lands for the purpose of escaping military duty in Vietnam.

I am vigorously opposed to extending such amnesty, and I have today introduced legislation designed to thwart any grant of pardon to those who failed to answer the call of their country.

I feel these escapees are utterly undeserving of amnesty.

For one thing, these individuals have deserted their country in its time of need; hence, they have been morally wrong. Other American citizens might have differed with the effort of the United States in Vietnam, but they still responded to their country's petition for service, subordinating their personal feelings to the will of their Nation.

In effect, these draft dodgers and deserters have accepted their country on a conditional basis; that is, only when things are pleasing and acceptable to them. These "conditional patriots" must realize, of course, that while American citizens have a multitude of privileges, they also have corresponding responsibilities. A major responsibility is an allegiance to country, a resolve to serve America in its time of need. In brief, these individuals committed a breach of obligation.

For another thing, these persons broke faith with those who responded to the call of duty. Many of those who went forth to fight did not live to return to their homeland, while many others returned with injuries and ailments suffered in the line of duty. Amnesty, then, for those who ducked military service would make a mockery of the sacrifice made by those who obeyed the call to national service and fulfilled their enlistment oath.

Furthermore, these escapees from military service violated the law, purely and simply. The fact that conditions are continuously improving in Vietnam does not change the fact that these individuals who fled the United States and sought safety abroad from the draft and military assignment were breaking the law. They should be dealt with accordingly.

Fundamentally, a national security issue is involved in all of this. If amnesty were extended these draft dodgers and deserters, it would encourage others to avoid their obligation to military service, both in the present and the future. There would be no need to answer a call to the colors, because failure to do so would be excused.

Those who have dodged the draft and deserted the military ranks must realize that if they return to the homeland they fled in time of emergency, they will have to plead their case before a court of law. In doing so, they will be satisfying both their own conscience and the law. Amnesty will be supplanted by justice, and it is, indeed, in their good fortune that while justice will have to be served, justice is not without mercy.

THE ENERGY CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. ASPINALL) is recognized for 60 minutes.

Mr. ASPINALL. Mr. Speaker, like many Americans, I have been wrestling with the problem of our Nation's energy resources. I know that our Nation's greatness has been possible largely because of the availability and development of economical energy resources. I know that huge quantities of these resources will be required to conquer our national problems of poverty, unemployment, and environmental degradation. I know, too, that, if energy costs continue to escalate, our battle against inflation will be adversely affected. I firmly believe that the isolated blackouts and brownouts we have helplessly confronted in recent years are mere preludes to what will happen on a much broader scale if we fail to heed their warning.

I have been listening to spokesmen for environmental and consumer groups, the Government, and private industry, and they have agreed almost unanimously on one point: Our country is facing an energy crisis.

In conversations with representatives of each group over the past months, I have learned that there is unanimous agreement that public discussion, thought, and understanding of our total energy picture must be stimulated.

Each of these interests, quite naturally, defines the crisis in terms of its own point of view, and, if we are to deal effectively with the situation, these divergent points of view must be brought together. There is, however, no dispute on the following premises:

First. Our country has grown and prospered in great measure because of low-cost energy resources;

Second. Our consumption of energy resources is increasing more rapidly than our development of new resources;

Third. Even if new resources are developed, we must recognize their finite nature and guard closely this trust for future generations;

Fourth. Wanton degradation of the environment cannot be permitted.

The sum of these premises is that we are confronted with one of the major problems of this decade and one of the great problems of our time. Balances must be made, attitudes changed, and perhaps some alteration of our way of life is necessary. For if our future course is not clear, our present direction is.

Take electricity, for example. After World War II, consumption increased at about 7 percent per year. In 1970 it increased 9.2 percent over the previous year. By the year 2000 if present trends continue, this Nation will consume six times as much electricity as it did in 1971.

Crunches this year and next are inevitable, and it makes little difference in which section of the country you live. According to the Federal Power Commission, brownouts are likely in Chicago and Miami this summer. Shortages also may occur in the New York metropolitan area, southern California, large parts of the Southeast, the Midwest, and elsewhere. If nuclear powerplants now ready to operate remain closed by legal actions, the problems could multiply. Some kind of emergency legislation to permit the use of such facilities may be necessary.

With natural gas, the situation is more critical. The Washington Gas Light Co. in the Nation's Capital is accepting no new customers. A Chicago firm can meet only 30 percent of new demand for service. And other cities are experiencing similar difficulties.

The future is not much brighter. For, with less than 6 percent of the world's population, the United States today consumes roughly one-third of the world's energy production. Over the next 15 years, we are told, the demand for fuels and energy will double. Where will it come from, and at what cost?

At present, 96 percent of our primary energy comes from the traditional fossil fuels—petroleum, 43 percent; natural gas, 33 percent; coal, 20 percent—while the remaining 4 percent is divided between waterpower and nuclear power, an underdeveloped resource. Because nuclear plants take 7 to 10 years to plan and build, because technical and environmental questions have not been entirely satisfied, and because capital costs are high, nuclear energy is not likely to reach maturity as a major source of energy for many years.

For the short-term period, then, certainly for the next 15 years, we must continue to rely heavily on our traditional energy resources. And here we are confronted with a paradox: Despite difficulties meeting demand for gas, oil, and coal, geologists tell us the United States has enough of these fuels underground or offshore to last until the nuclear egg is hatched.

But paradox or not, abundance or not, we still have problems. As natural gas supplies fail, reserves and productive capacity of petroleum in the continental United States decline and determination to protect the environment impacts upon production and use of energy in all forms, dependence on energy sources over which we have no control increases.

Last year billions of dollars left the United States to pay for foreign fuels. That outflow can only be expected to increase substantially in the future.

Today about 25 percent of our liquid fuel is imported, mostly from Venezuela and Canada. By 1980, less than 10 years away, as much as 50 percent may be imported—the bulk of it from the Middle East—and it will not be cheap. I know that Americans are willing to pay for what they get, but we are all entitled to know we are getting what we pay for.

Why am I concerned about this trend? I am concerned because increasing U.S. dependence on foreign supplies will permit the seller to set virtually any price he wants. I use the singular word seller because with petroleum we now must deal with one entity, the Organization of Petroleum Exporting Countries—OPEC.

As our dependency grows, this 11-nation international monopoly could assume autocratic power over petroleum. And competition from other consumer blocs, primarily Western European countries and Japan, who also need more and more oil, will strengthen this power.

National security is a paramount issue. But the implications of the Organization of Petroleum Exporting Countries extend well beyond balance of payments and national security into the whole question of balance of power throughout the world. For, as Secretary Morton has suggested, OPEC's "demands may not always be stated in purely economic terms."

This country needs to take a hard look at its energy resource supplies. It needs to view these supplies in relation to projected demand, the reasons for that demand, and the governmental and industrial policies designed to balance supply and demand.

I believe there are alternatives to brownouts and blackouts, and alternatives to homes without heat and factories without power. I believe there are alternatives to foreign domination of our major energy resource, and alternatives to broad-scale social and economic disruptions. And I believe these alternatives need not be at the expense of a livable world. To the contrary, I believe they may insure a livable world for the future.

But interim solutions and stopgap measures are not enough. National problems require national thought and attention, not the first aid of temporary repair. Do not misunderstand, I respect the job being done by our administrators. Unfortunately, however, they do not always have the time to develop public understanding as they try to extinguish the brush fires in the energy resource area.

For these reasons the Committee on Interior and Insular Affairs has undertaken a project which I hope will stimulate rational discussion and lead to better understanding and practical solutions. In the last week or so, the staff put out a reader intended to acquaint committee members with broader dimensions of the problem.

I realize there is a superabundance of studies on the fuel and energy situation—more than 1,000, in fact, since 1962. Yet these studies more often than not fragment the overall picture. They look at the energy crisis in terms of offshore drilling, or gas shortages, or too many air conditioners, or not enough air conditioners, or blackouts, or too much economic growth, or not enough growth, or too much water pollution, or too many automobiles. And while the studies continue to proliferate—often oblivious to each other—so does the energy crisis.

A second staff report resulting from our study, therefore, will synthesize and evaluate some of the best of these studies. We are hopeful it will identify the major issues and provide a common ground for future discussion. Also planned are reports projecting supply and demand over the next 15 years—outlining what our resources are and what the demands on them are likely to be during this period.

In addition, the Committee on Interior and Insular Affairs plans hearings from April 10–18. These will bring together a range of recognized experts in an attempt to inform the Congress and the public of the dimensions of the energy crisis and explore alternatives to further crises over the next 15 years. We want these hearings to provide a platform for the best minds we can find, whatever their points of view.

At this point I do not contemplate any specific legislation coming from this project, which we expect to conclude by midsummer. Legislation may be called for at some future time, but that is not our intent now. At this time we merely want to gather the facts, and we want to do this without the constraint of trying to focus one eye on the problem and the other on the legislation.

I am pleased to say that Secretaries Morton and Connally are among those who will be appearing, and that an outstanding environmentalist, Dr. Barry Commoner, has agreed to testify. We welcome these men and look forward to receiving their views, and those of others.

I am disappointed to say that Ralph Nader has decided not to appear before this committee. For perhaps more than any other single interest group, American consumers will feel the impact of our fuels and energy crisis. As a spokesman for consumer interests, Mr. Nader's views would have been appreciated.

Finally, we know that the politics of energy involves special interests and firm points of view. In staffing the committee for these hearings, we have tried to avoid any conflict of interest. Because the burden of the energy crisis will fall heavily on the young, I want the young to be actively involved in helping to solve the problem.

In keeping with these goals, we have named Edward Weidenfeld, a New York attorney, as counsel on energy matters. Mr. Weidenfeld, though only 28, is a man of demonstrated intellectual ability, and he has never represented any energy firm, nor does he have financial holdings in any energy interest. I believe his selection symbolizes what the committee hopes to accomplish—a fresh, unbiased overview of one of our major domestic problems.

I am not a young man and I honestly do not know at this time whether I will run for reelection. I do know that a project of this magnitude, added to the heavy burden of existing committee work, will require personal sacrifice on my part and on the part of my fellow committee members. Yet this sacrifice is essential if we are to meet our responsibilities.

In deciding to confront these issues, I thought of the vast beauty of this land, nowhere more lovely than in my own State of Colorado, and of this country's greatness, and I thought of the New Englander who, like all of us, worried about his commitments. The lines were written by Robert Frost:

> The words are lovely, dark and deep. But
> I have promises to keep. . . .

The promise of abundant, low-cost energy has brought our Nation prosperity and growth. It will play a major role in achieving peace and in improving the quality of life for all of us. It is a promise that, together with the promise of a clean earth, we must keep.

At this time I shall be glad to recognize my colleague from Oklahoma.

Mr. EDMONDSON. Mr. Speaker, I thank the able chairman for yielding.

I am very, very pleased to hear from my chairman this public disclosure and explanation of the goals of the Committee on Interior and Insular Affairs and of the scope of the studies and hearings that are contemplated for the future. I believe personally this is one of the most important undertakings the Committee on Interior and Insular Affairs has ever launched. I think the chairman of the committee demonstrated his usual foresight and his usual statesmanship in putting together the essential elements of a successful study of this kind. He has assembled what I know to be an expert staff. He has given the staff an assignment that has taken them across the country already in their exploration of the facts and deep into the other studies that have been made on this subject. I think it is literally true that the future of the American leadership of the world in terms of our industrial economy is one of the very important stakes that will be involved in the study which is being conducted at this time by the committee. I am very proud of the committee decision to go ahead with it and commend the gentleman from Colorado for his leadership on this important subject.

Mr. ASPINALL. I wish to thank my friend from Oklahoma for his remarks and for his aid as we have gotten these proposed hearings thus far.

I yield to my good friend from California now (Mr. MILLER).

Mr. MILLER of California. Mr. Speaker, I should like to congratulate the distinguished chairman of the Committee on Interior and Insular Affairs on his remarks concerning the fuel and energy crisis.

I certainly agree that we have an energy crisis of potentially staggering magnitude facing us today.

It is imperative that our Nation take immediate and forthright steps to meet this crisis.

The distinguished gentleman from Colorado has accurately defined the basic problem.

As he stated, our consumption of energy resources is increasing much more rapidly than our development of new resources for the production of energy.

The fact that 96 percent of our energy comes from traditional fossil fuel sources emphasizes the great drain which these resources are undergoing.

At the present rate of increase in consumption, these fossil fuels will last for only a brief span in man's existence on this planet.

Many of us find it hard to realize that mankind has consumed more energy since 1940 than it did in all of recorded history up until that time.

This means that in order to adequately cope with energy demands in the face of decreasing supplies of traditional fossil fuels, we must develop new sources.

In my view, research and development is the key to an adequate, long-term solution to the energy crisis.

I should like to point out to my colleagues that the Committee on Science and Astronautics has recognized the need to take a careful look at energy research and development.

The Subcommittee on Science, Research, and Development, which is chaired by the distinguished gentleman from Georgia (Mr. DAVIS) plans hearings on energy R. & D. in May.

We have also established a task force on energy within the Science Subcommittee.

This task force is chaired by the only scientist presently sitting in the House of Representatives, MIKE MCCORMACK of the State of Washington.

The task force has made much progress in looking at the overall energy research and development issue.

Their work and the work of the subcommittee as a whole will, I am confident, be a great help in developing the kinds of answers that we need to meet the energy crisis, both in the immediate future and in the 21st century and beyond.

I should also like to point out that research and development is only a part of the answer to the energy crisis.

An adequate resource base is also an important aspect of the energy problem, an aspect which we must face immediately and deal with swiftly.

I applaud the leadership which the distinguished gentleman from Colorado is giving the Congress in this regard.

I should like to point out that the interests of our respective committees, interior and insular affairs and science and astronautics, complement each other with regard to the energy issue.

We have already a record of close cooperation.

It is important that the Congress get a total picture of all components of the energy crisis.

I believe this can be done if there is adequate cooperation and coordination among the various legislative committees.

Our committee system exists in order to serve effectively the needs of the Congress and the Nation.

The energy problem overlaps the jurisdictions of several committees, and cannot be solved by any one committee acting alone.

But if each does its part, we can find viable solutions.

I look forward to working closely with Chairman Aspinall in the future, as in the past, as we attempt to find the illusive answers to this important problem facing our Nation.

Mr. ASPINALL. I thank my able colleague, the gentleman from California, who has so distinguished himself as the chairman of the Committee on Science and Astronautics.

Mr. HOLIFIELD. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I would be glad to yield to my friend from California (Mr. HOLIFIELD), the present distinguished chairman of the Committee on Government Operations and the former chairman of the Joint Committee on Atomic Energy.

Mr. HOLIFIELD. Mr. Speaker, I strongly support remarks of my colleague, Congressman WAYNE ASPINALL, concerning the importance of energy to our Nation. I am sure that the hearings he has announced before his Interior Committee, which are scheduled to start on April 10, will be a basic source of information for the public, the Congress, and the executive agencies to plan to meet the Nation's energy requirements.

The President's June 4 energy message last year clearly recognized the national importance of energy. I strongly endorsed his message. Its contents contained research and development plans to meet our long-term energy needs; but, as I said at a recent Atomic Energy Commission authorization hearing, it may be time for another Presidential energy message.

I refer to the need for informing the public of the more immediate energy requirements problem since I believe the public does not appreciate the tight situation which is developing for the next year or two. I am sure a message by the President would help a great deal in getting national public attention to this matter. Of course, the hearings planned by my colleague will be of outstanding value to convey the facts concerning this matter to the public.

There are many obstacles to the attainment of a concerted and satisfactory effort toward meeting our energy requirements in a way which will not burden this country in its international role and will not put a greater burden on the quality of our environment. One problem, of course, is the education of the public concerning the multiple factors in the energy equation—the need for clean energy to control environmental insults, the need for energy from the standpoint of national security, the need for energy for our welfare in this industrial society, and the need to conserve energy.

One aspect of the energy problem which it is so very difficult for the lay public to understand is the lead time required to obtain solutions to energy requirements. We must inform the public of the irreversible consequence of an action now on energy supplies years in the future. We must inform the public that once a basic shortage devleops, nothing can be really done to solve the problem in less than about a decade. I am sure that the hearings that my respected colleague has announced will help a great deal in these areas.

As I told a group of utility executives recently, I would be the first to admit we need changes in our Government to better handle problems of energy and the environment. We need changes at all levels. Energy and energy fuels are, to a major degree interchangeable. They should be treated as a unit by the Government. But such is not the case in our Federal Government. The President has proposed a Department of Natural Resources which combines responsibilities concerning energy. Although some of my colleagues in the Congress differ on the specific packaging of an all-energy organization, most agree a combined energy organization in the executive branch is necessary. As you know, the President's bill to establish a Department of Natural Resources is before me officially in my position as chairman of the Government Operations Committee.

I believe an organization on energy lines is also called for in the Congress. The hearings that my colleague has announced will probably develop very important factors which the Congress should consider in organizing itself on an overall energy basis. I believe that when these hearings are finished and the Senate Resolution 45 hearings are completed in the Senate, we will have the facts we need to organize the Congress on the basis of national energy needs. One approach could be the setting up of a joint committee on energy. Another approach could be to form Energy Committees in the House and the Senate. Clean and plentiful energy supplies are now of such importance to the welfare and future of our Nation to warrant such special considerations.

Many studies have been made concerning the demand for and supply of energy. One of the earliest comprehensive ones was the one entitled "Civilian Nuclear Power—A Report to the President—1962". I think it is important to consider a statement at the beginning of this report which considered all significant energy sources—and I quote:

> Next to the land, the water, and the air, without which we could not exist at all, energy is by far the most important of our terrestrial resources. Without it our industrial society would be impossible. In common with the other three it has no substitute.

I am most pleased to hear the attention of the Interior Committee is planning to give to energy.

Mr. ASPINALL. I thank my colleague from California for his contribution.

At this time I would be glad to yield to my other colleague from California (Mr. Don H. Clausen), a member of the committee and one who is certainly interested in this subject.

Mr. DON H. CLAUSEN. Mr. Speaker, I am proud to be associated with this special order that has been taken today to focus attention on the rapidly developing energy crisis in the United States and to commend the chairman again for demonstrating the kind of leadership that we have grown to expect from him as the chairman of our Interior Committee upon which I have the privilege of serving.

Mr. Speaker, for so long the people of the United States have taken for granted the fact that we have unlimited resources upon which to develop the energy of this land and yet there is too little information known upon which to base a finding of fact.

Mr. Speaker, just as I serve on the Public Works Committee, we today having been debating the central issue of water pollution and how to handle some of our energy resources as they relate to pollution, again we find over and over again that there is a need for more and more information. So, I am pleased and proud to be a part of the committee and hope that we can bring to the American people a greater awareness of what I believe to be one of the most impending crises that the United States has yet faced.

I thank the chairman for yielding.

Mr. ASPINALL. I wish to thank my friend from California who has served so ably on these committees.

Mr. PRICE of Illinois. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I am glad to yield to my friend, the gentleman from Illinois (Mr. Price), the present vice chairman of the Joint Committee on Atomic Energy.

Mr. PRICE of Illinois. Mr. Speaker, I rise to voice my support of the statement delivered by my distinguished colleague from Colorado (Mr. Aspinall), the chairman of the Interior and Insular Affairs Committee. His intention to conduct public hearings on the energy needs of our Nation should represent an important step toward the development of a public record of the energy crisis which confronts us.

The record of this body over the past several years is replete with statements by Members calling attention to the energy needs of our Nation and the manner in which energy production and utilization of energy resources relate to the quality of our environment. In the overall picture we must consider all energy sources, both those that are now available to us and those which future research may provide. Unfortunately, many efforts to date have dealt with the problem in piecemeal fashion.

The Interior Committee is directing its attention to our need for energy principally between the present time and the year 1985. It appears unlikely that research, either present or planned, can produce new means of generating energy or provide new energy resources which can make a significant contribution during this time period. Therefore, in large part we will have to meet these energy requirements by the conventional means now available—oil, natural gas, coal, hydroelectric and nuclear power. We have all heard of dwindling supplies of oil and natural gas in the face of increasing demand. I might comment that I may be for the first time referring to nuclear power as a "conventional" source of energy. At the present time nuclear-power stations are generating only 3 percent of the electricity in this country. By 1980, the contribution is expected to rise to 22 percent, and, by the year 2000, in the range of 50 percent.

I certainly agree with Chairman Aspinall, and I reemphasize his statement that energy resources are important national assets which we will need to conquer our problems of poverty, unemployment, and environmental degradation. We should be wary of becoming overly dependent upon foreign sources of energy fuels. To the best of our ability we should attempt to conserve our own energy resources and to utilize them as efficiently and effectively as we can.

I am hopeful that the witnesses to be called before the Interior Committee will represent not only the Federal agencies and representatives of industry but also spokesman for responsible environmental organizations and members of the public at large. Such public discussion and consideration of all points of view should permit developing a record which will serve as a valuable reference for the use of the Congress and for the public as well.

Mr. ASPINALL. I wish to thank my friend, the gentleman from Illinois (Mr. Price) for his cooperation.

Mr. Speaker, I now yield to the gentleman from Idaho (Mr. McClure).

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. McCLURE. I will be happy to yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Speaker, I just want to acknowledge the fact that the gentleman from Idaho (Mr. McClure) is the chairman of the Task Force on Energy and Resources for the Republican Research Committee. I think that this special order today demonstrates that there is a genuine bipartisan concern and interest for this subject. I believe the remarks that he will make will add greatly to the record on this matter.

Mr. McCLURE. Mr. Speaker, I thank the gentleman from California for his kind comments.

Mr. Speaker, I wish to thank the chairman, the gentleman from Colorado (Mr. Aspinall) for yielding this time to me, and to thank the gentleman, as indeed I think all of the people of our country should also do, for taking this special order to focus attention on this matter, which I think is of such fundamental importance to the health and the welfare and the safety of this country. Certainly there is no question upon which we will focus our attention that is more important to the future of the country than that of our energy resources, and the problems of meeting the energy demands of our economy in future years.

Mr. Speaker, this country is poised on the brink of a national energy crisis. Oil reserves dwindle, gas companies freeze out new customers, power blackouts threaten entire regions of our country, and the cost of energy soars upward. The environment is threatened, not only by the production of energy, but also by its use. Whether or not we can meet this challenge depends on how quickly the American people wake up.

Energy has become an issue of major importance to the people of the United States. We are discovering as energy influences each aspect of our daily lives it affects all segments and individuals in our society. The impact of energy on the worker, the businessman, the consumer, the housewife, the environmentalist—on each of us—is being vividly demonstrated in 1972, not only by increasing prices, but also through continuing announcements of energy shortages. It is difficult to overemphasize the scope or direct relationship of energy in areas of national importance. Our economic well-being is one example of how energy can determine which direction a society goes.

Economic growth cannot be separated from the problems of energy supply and demand. As the Commission on Population Growth and the American Future recently concluded:

> Energy makes the difference between poverty and affluence.

The Commission goes on to say, in part I of its final report:

> The reason per capita income in the United States is so high is that the average American worker has at his command more energy, chiefly in the form of electricity, than any other worker in the world.

I believe the text of their statement is of value, and ask that it be included at the conclusion of my remarks—attachment 1. The analysis of future needs as our population grows, whether under a two-child projection or a three-child projection, indicates the need for new R. & D. efforts directed toward clean energy.

One classic indication of the state of our economy is the gross national product. From 1947 to 1966, the United States benefited from the generally increasing efficiency with which energy was used to meet our economic needs. The ratio of energy consumption to GNP, expressed in terms of British thermal units per dollar, decreased from 106.1 in 1947 to 86.5 in 1966. This meant that we were able to produce a dollar's worth of goods and services with less energy input, a situation which began to change in 1967. During the last 4 successive years, this energy-GNP ratio has increased, and the reversal is of more than academic interest. As discussed in a report by National Economic Research Associates, this "phenomenon" is definitely cause for concern. It questions our future ability to meet the expanding economic needs of our society, within the framework of finite energy resources. I would like to include a portion of the NERA report at the conclusion of my remarks. Attachments II and III.

Analysis for 1971 will soon be available, and should allow a projection for the critical period from now to 1976, a period when demands for new jobs and Government revenues are expected to increase at least as rapidly as new sources of energy, if not faster.

To better understand future energy needs, we do have projections concerning anticipated consumption for each sector of society. One such projection, published by the National Petroleum Council, discusses each energy consuming group—residential/commercial, industrial, transportation, and so forth—and illustrates both absolute energy requirements through 1985, in terms of British thermal units, and relative percentages for each grouping.

In addition, the report of the Council projects primary energy consumption by geographic breakdown for selected census divisions. Attachments IV and V. One dominant feature of these projections is the future growth of the electric utilities. As the chart shows, electric utilities will consume over a third of our primary energy by 1985.

As of December 31, 1971, the electric power industry had a total capability of 367,396 megawatts. Of this, 15 percent was hydroelectric, 75 percent was fossil fuel, and 2 percent was nuclear. By 1980, this capability is projected to be 665,000 megawatts, with 10 percent hydro, 60 percent fossil, and 22 percent nuclear. And, by 1990, estimates for total electric utility capability are 1,260,000 megawatts, with 6 percent hydro, 45 percent fossil, and 40 percent nuclear. To keep these figures in perspective, we need only remember that one megawatt is equal to one million watts of electric power.

Fuel use by electric utilities is also high. In 1971, electric power generating plants consumed 329 million tons of coal, 386 million barrels of oil, and almost 4 trillion cubic feet of natural gas.

By 1980, coal consumption alone is estimated at 472 million tons, rising to 600 million tons by 1990.

We cannot, however, underestimate the impact of present electric generating plants on our natural environment. Operating at less than 40 percent efficiency, they reject over 60 percent of their heat to the environment. Fortunately, the United States still has vast potential sources of geothermal energy, energy which like hydroelectric can help meet our future needs with decreased levels of air and water pollution. It is important that any investigation of our energy crisis includes consideration of environmental impacts and I consider it especially noteworthy that Chairman Aspinall has made protection of the environment a major item for the forthcoming energy hearings by the House Committee on Interior and Insular Affairs.

Another item of importance is the end-use of electrical energy. We know that of the 1,463 billion kilowatt-hours sold during the 12-months ending November 30, 1971, over 497 billion kw.-hr. were for residential consumers. In fact, residential consumption of electricity during that same period increased 7.1 percent, compared to only 3.1 percent for industrial consumers. To better understand how energy is used by residential consumers, I would like to include the following table, received from the Chase Manhattan Bank, for the year 1970:

Residential electricity sales
(billion Kw.-hr.)

Kitchen use:	
Refrigeration	84
Cooking	32
Other	23
Cleaning & Grooming:	
Water heating	69
Cleaning appliances	31
Lighting	71
Radio and television	34
Space heating	31
Air conditioning	27
Miscellaneous appliances	46
Total	448

As we can see, nearly one-third of the residential energy was used in the kitchen, and over one-half of that was for refrigeration. Lighting and water heating were also large users of energy.

Energy shortages have been predicted for this summer and the following winter, 1972–73, due in a large part to delays in operation of new steam-electric powerplants. The Federal Power Commission has prepared information concerning reserve margins for various regions of the United States, for both critical periods—Attachment VI. The margin percentages are calculated both with and without the new generation capacity. I believe that they demonstrate the seriousness of one aspect of our energy issue.

Another aspect which has recently hit very close to the residential home is the natural gas shortage. I believe by now we're aware of gas utility announcements concerning freezes on new customer hookups, including new homes.

There are presently three general approaches to supplementing domestic production: pipeline imports from Canada and Mexico, liquified natural gas—LNG—imports, and synthetic gas, produced from coal or liquid hydrocarbons.

Pipeline imports from Canada and Mexico have been projected to 1996, and are included in the attached chart—attachment VII—which also indicates the natural gas supply situation for those two countries. As we can see, authorized annual imports decrease from 1,041,319 million cubic feet in 1971 to 7,656 million cubic feet in 1995. Of this amount, over 95 percent is from Canada. Based on present data, we cannot expect any substantial increase in imports from Mexico, due to low levels of exploration activity and the small undiscovered gas potential.

Any increases in authorized imports from Canada will depend on approvals by the Canadian Government. As we have recently seen, the National Energy Board of Canada has denied three applications for export to the United States, based on the need to maintain Canada's reserve-to-production ratio at 30 for the next 20 years.

LNG imports to the United States are increasing, and I have attached information concerning existing applications, peak shaving plants—operating and under development—and export/import points—attachments VIII, IX, and X. I believe that there are two pertinent facts illustrated by the data.

First, LNG will cost two to three times more than domestic natural gas. Whereas long term contracts are for about $1 per thousand cubic feet, short term projects can run about $2 per thousand cubic feet and above.

Second, we will be competing with European nations, such as France, Italy, Spain, and England, plus Japan, for future supplies and, even more important, future LNG tanker capacity. And, a list of 39 new LNG tankers either under construction or on order shows not one single tanker to be built in U.S. shipyards.

Synthetic gas facilities are planned extensively for the United States. A projection of coal-gasification plants—attachment XI—estimates a total production capacity of 17.3 trillion cubic feet, cumulative, by 1990. Total capital expenditures by 1990 are projected to be $7,955,000,000, cumulative. The anticipated impact on future demand for bituminous coal and lignite is also available, shown in attachment XII, with historical figures for reference.

Another major source of synthetic gas is liquid hydrocarbons. These plants, utilizing naptha, natural gas liquids, crude oil, and so forth, will be heavily dependent on foreign sources and the estimated rate is from $0.77 to $1.50 per thousand cubic feet. Additional details on the plants, including geographic location, are contained in attachment XIII.

The Federal Power Commission has estimated that by 1980, domestic production of natural gas will be able to meet less than 60 percent of the U.S. demand. All other sources combined—pipeline imports, LNG, Alaskan gas, synthetic gas—will meet less than 15 percent of the total demand. This will leave over 8 trillion cubic feet of natural gas demand which will not be met under existing projections.

Mr. Speaker, even though I have touched on only a few issues involved in our energy crisis, I believe that they typify the serious questions which must be answered, and answered soon. Under the leadership of Chairman ASPINALL, I am confident that the House Committee on Interior and Insular Affairs will provide a better understanding and a basis for solutions to this crisis. And, by hearing all points of view and providing a platform for rational discussion of dissenting opinions, the committee's energy hearings will undoubtedly result in a complete presentation of the facts, facts which the people of the United States need to know. As a member of the committee, I look forward to participating in the future hearings concerning our Nation's energy resources.

I include the following:

ATTACHMENT I: REPORT, COMMISSION ON POPULATION GROWTH AND THE AMERICAN FUTURE

ENERGY

Energy makes the difference between poverty and affluence. The reason per capita income in the United States is so high is that the average American worker has at his command more energy, chiefly in the form of electricity, than any other worker in the world. With energy we refine aluminum, make rubber, shape steel, form new synthetic chemical compounds, propel automobiles, and heat our homes.

How much energy we have available depends on the availability of the necessary fuels and on our ability to convert the fuels to energy—the greatest advance in this regard was the development of inexpensive methods of electricity production. The technology of fuels acquisition and the technology of energy conversion are both critical. So is purchasing power—the ability to pay for domestic development of fuels or to import them. The original inhabitants of North America occupied a continent rich in energy fuels. But they neither knew how to get the fuels out of the ground nor how to convert them to energy. Some modern countries with advanced means of energy conversion lack their own fuel supplies; they buy them from other countries.

The ability of the United States to meet its future energy needs will be determined chiefly by development in technology—the technology of conversion and the technology of fuels acquisition. A major question will be whether we can find methods that are environmentally safe. Virtually every stage of energy use—fuel production, delivery, conversion, and consumption—has a significant environmental impact. For example, one-third of all coal is produced by strip mining, and the consequence is a scarred landscape and severe runoff into streams and rivers. Oil spills which contaminate the oceans and beaches may result from offshore drilling. Much airborne pollution comes from the use of such relatively dirty fuels as coal and oil. Some scientists are beginning to raise the possibility of thermal pollution resulting from concentrated use of energy in local areas. Nuclear power generation requires the disposal of radioactive atomic wastes. Because of these problems, the development of energy-production capacity could be impaired.

The increase in our energy needs will be immense under any projection, although not as large under the 2-child population projection as under the 3-child projection. The relative difference in energy demands under the different population projections is about the same as for minerals, and it becomes very large after the population with the lower rate of growth stabilizes.

Whether population growth will strain fuel supplies, or cause serious environmental damage in the process of acquiring and using the necessary fuels, depends on future developments in technology.

With no major changes in technology, oil and gas supplies could become a problem for the United States by the year 2000—we would be importing more and paying higher prices; and supplies would certainly be a problem for some world regions. These problems could be averted if we found inexpensive means of using such potential sources as oil shale and tar sands, but using these sources is likely to have environmental consequences as serious as those from the strip-mining of coal. If we unlock the secrets of atomic fusion, we could have an environmentally clean way of generating electricity, with no fuel supply problem. The energy from converting the deuterium contained in 30 cubic kilometers of seawater would equal that of the earth's original supply of coal and petroleum.

Our review of the energy situation indicates that high priority ought to be given to research and development in clean sources of energy production. The faster population grows, the more urgent such breakthroughs become. We turn now to several areas where population growth dominates other considerations—where we cannot be hopeful about the ability of purchasing power and technical development to avert population problems.

ATTACHMENT II: REPORT, NERA

At a time when environmental preservation has become a dominant national concern and when the inherent conflict between measures to that end and the continuing growth in energy consumption is creating a growing policy dilemma, it is of interest to examine a recent phenomenon that has occurred in the statistical series measuring energy consumption per dollar of (constant dollar) GNP. As shown in Figure I and Table I, the ratio followed a secular decline at an annual compounded rate of 0.7 per cent) between the end of World War II and 1966; since then the year-to-year change has been consistently upward (at an annual compounded rate of 3.0 per cent). On the basis of preliminary 1970 figures, the ratio has risen to the level of the early 1950s. The trend reversal is all the more interesting because of the full length of the period of decline, which was previously shown to date from the early 1920s.[1]

This phenomenon has profound implications for the energy-environment policy dilemma. The demand for energy *in toto* can be viewed as being separate and distinct from the demand for the individual forms of energy because of the wide range of substitutability among the different energy commodities. A given level of population and GNP will generate a certain demand for energy which will be satisfied by a mix of energy commodities, the nature of which will be determined by relative price levels, convenience and taste. As long as the energy/GNP ratio declines, economic growth results in a less than proportionate increase in energy consumption; but with an increasing ratio,economic growth acts as a multiplier. Even with the declining trend in the ratio there has never been any dispute that the economy will require very large increases in energy supplies during the coming decades. A reversal in the trend of the ratio, however, implies even greater increases in the future and consequently greater difficulties in reconciling energy consumption (and the economic growth responsible for it) with environmental preservation.

One can obtain a measure of the significance of the trend reversal by assuming that it did not occur and calculating what aggregate energy consumption would have been on that basis in 1970. The actual level of the ratio in 1970 was 95,400 Btu per dollar of GNP. Projecting the 1947-1966 trend in the ratio to that year, the ratio would have been 84,000 Btu per dollar of GNP, or 12 per cent less. When this ratio is applied to the 1970 GNP figure, we find that aggregate energy consumption in that year would have been 8,258 trillion Btu, or 12 per cent, less than actual consumption. (See Figure I.) This difference is a quantity of energy equivalent to more than the total coal consumption by electric utilities in 1970. *Indeed, it seems fair to conclude that in the absence of the trend reversal in the energy/GNP ratio, the energy supply crisis of 1970 would have been far less severe or would not have occurred at all.*

ATTACHMENT III: REPORT, NERA

ENERGY CONSUMPTION, GROSS NATIONAL PRODUCT AND THE ENERGY/GNP RATIO, 1947-70

Year	Aggregate energy consumption		GNP (1958 dollars)		Energy/GNP ratio	
	Amount (trillion B.t.u.'s) (1)	Percent change from preceding year (2)	Amount (billions) (3)	Percent change from preceding year (4)	Amount (thousand B.t.u.'s per dollar) (5)	Percent change from preceding year (6)
1947	32,870	----------	$309.9	----------	106.1	----------
1948	33,994	+2.5	323.7	+4.5	105.0	−1.0
1949	31,604	−7.0	324.1	+.1	97.5	−7.1
1950	34,153	+8.1	355.3	+9.6	96.1	−1.4
1951	36,913	+8.1	383.4	+7.9	96.3	+.2
1952	36,576	−.9	395.1	+3.1	92.6	−3.8
1953	37,697	+3.1	412.8	+4.5	91.3	−1.4
1954	36,360	−3.5	407.0	−1.4	89.3	−2.2
1955	39.956	+9.9	438.0	+7.6	91.2	+2.1
1956	42,007	+5.1	446.1	+1.8	94.2	+3.3
1957	41,920	−.2	452.5	+1.4	92.6	−1.7
1958	41,493	−1.0	447.3	−1.1	92.8	+.2
1959	43,411	+4.6	475.9	+6.4	91.2	−1.7
1960	44,960	+3.6	487.7	+2.5	92.2	+1.0
1961	45,573	+1.4	497.2	+1.9	91.7	−.5
1962	47,620	+4.5	529.8	+6.6	89.9	−2.0
1963	49,649	+4.3	551.0	+4.0	90.1	+.2
1964	51,515	+3.8	581.1	+5.5	88.7	−1.6
1965	53,785	+4.4	617.8	+6.3	87.1	−1.8
1966	56,948	+5.9	658.1	+6.5	86.5	−.7
1967	58,868	+3.4	675.2	+2.6	87.2	+.8
1968	62,448	+6.1	707.2	+4.7	88.3	+1.3
1969	65,832	+5.4	727.1	+2.8	90.5	+2.5
1970[1]	[2] 69,099	+5.0	724.3	−.4	95.4	+5.4

[1] Preliminary.

[2] Corrected from Bureau of Mines published values on the basis of Federal Power Commission data.

Source: col. (1)—1947–67: U.S. Department of the Interior, Minerals Yearbook, vol. II, 1962–68; 1968: U.S. Department of the Interior, news release of Apr. 7, 1970, revised; 1969–70: U.S. Department of the Interior, news release of Mar. 9, 1971; col. (3)—1947–65: U.S. Department of Commerce, Business Statistics, 1969, 17th biennial edition (Washington: U.S. Government Printing Office, 1969); 1966–70: U.S. Department of Commerce, Survey of Current Business, July 1970, and unpublished data.

ATTACHMENT IV: REPORT, NATIONAL PETROLEUM COUNCIL

U.S. PRIMARY ENERGY CONSUMPTION PROJECTION BY CONSUMING SECTORS

U.S. PRIMARY ENERGY[1] CONSUMPTION IN TRILLIONS OF B.T.U.'S

Sector	1960	1970	1975	1980	1985
Residential/commercial	9, 426	12, 994	14, 733	16, 669	18, 768
Industrial	13, 056	17, 798	20, 039	22, 341	24, 667
Transportation	10, 817	16, 282	19, 905	23, 870	28, 214
Electric utilities	8, 387	16, 695	23, 525	32, 996	44, 363
Nonenergy and miscellaneous	2, 916	4, 058	5, 279	6, 705	8, 930
Total	44, 602	67, 827	83, 481	102, 581	124, 942

AVERAGE ANNUAL PERCENT CHANGE IN U.S. PRIMARY ENERGY[1] CONSUMPTION

Sector	1960–70	1970–75	1975–80	1980–85	1970–85 projection
Residential/commercial	3. 3	2. 6	2. 5	2. 4	2. 5
Industrial	3. 1	2. 4	2. 2	2. 0	2. 2
Transportation	4. 2	4. 1	3. 7	3. 4	3. 7
Electric utilities	7. 2	7. 1	7. 0	6. 1	6. 7
Nonenergy and miscellaneous	3. 4	5. 4	4. 9	5. 9	5. 4
Total	4. 3	4. 2	4. 2	4. 0	4. 2

PERCENTAGE BREAKDOWN OF U.S. PRIMARY ENERGY[1] CONSUMPTION

Sector	1960	1970	1975	1980	1985
Residential/commercial	21. 1	19. 2	17. 6	16. 2	15. 0
Industrial	29. 3	26. 2	24. 0	21. 8	19. 7
Transportation	24. 3	24. 0	23. 9	23. 3	22. 6
Electric utilities	18. 8	24. 6	28. 2	32. 2	35. 5
Nonenergy and miscellaneous	6. 5	6. 0	6. 3	6. 5	7. 2
Total	100. 0	100. 0	100. 0	100. 0	100. 0

[1] Includes fossil-fuel consumptions in each sector. The nuclear and water power outputs are converted to fossil-fuel input equivalents at average central station heat rates and are included in the electric utility sector.

Source: The historical volumes are from the U.S. Bureau of Mines, except for the 1970 electric utility estimate which is based on Federal Power Commission data for 1970. The B.t.u. conversion factors also are from the Bureau of Mines except for modifications in the bituminous coal factors as follows: Electric utility coal is calculated at 24,000,000 B.t.u.'s per short ton and all other bituminous at 26,200,000 B.t.u.'s per ton.

ATTACHMENT V: REPORT, NATIONAL PETROLEUM COUNCIL

SELECTED CENSUS DIVISIONS GEOGRAPHIC BREAKDOWN OF U.S. PRIMARY ENERGY CONSUMPTION PROJECTION BY CONSUMING SECTORS[1]

(Trillion B.t.u.'s)

	1970	1975	1980	1985
New England:				
Residential/commercial	1, 042	1, 141	1, 249	1, 341
Industrial	297	311	322	326
Transportation	761	919	1, 094	1, 280
Electric utilities	647	894	1, 155	1, 496
Mid-Atlantic:				
Residential/commercial	2, 892	3, 213	3, 572	3, 895
Industrial	2, 792	3, 031	3, 267	3, 469
Transportation	2, 337	2, 805	3, 249	3, 685
Electric utilities	2, 364	3, 222	4, 388	5, 692
South Atlantic:				
Residential/commercial	1, 277	1, 436	1, 596	1, 783
Industrial	1, 627	1, 848	2, 063	2, 249
Transportation	2, 454	3, 084	3, 821	4, 656
Electric utilities	2, 565	3, 835	5, 742	8, 073
East North Central:				
Residential/commercial	3, 404	3, 860	4, 401	5, 011
Industrial	4, 414	4, 689	4, 960	5, 303
Transportation	2, 877	3, 529	4, 227	4, 963
Electric utilities	3, 189	4, 187	5, 675	7, 276

[1] Note: Energy consumption in these Census Divisions is not totaled because a breakdown of nonenergy and miscellaneous uses is not available;

ATTACHMENT VI: REPORT, FEDERAL POWER COMMISSION

Within individual areas of the contiguous 48 states, five regions merit special attention in evaluating power supply conditions in the summer of 1972: New York (a part of the Northeast Power Coordinating Council area); Northern Illinois-Wisconsin (part of the Mid-America Interpool Network Council) and Iowa (part of the Mid-Continent Area Reliability Coordination Council area); Virginia-Carolinas and Florida (both part of Southeastern Reliability Council area).

The Commission's staff estimates that with and without the planned nuclear units and fossil-steam units, the following conditions will obtain in the summer of 1972. Because of constant revisions of load estimates and new power purchase agreements, the staff estimates may not exactly agree with latest utility estimates.

ATTACHMENT VI

	Megawatts	Percent
New York:		
Estimated peak loads	20, 050	
Planned capacity	24, 414	
Estimated reserve margin[1]	4, 363	21. 8
Without one nuclear unit	3, 491	17. 4
Without one nuclear and two fossil steam units	2, 483	12. 3
Northern Illinois-Wisconsin:		
Estimated peak loads	18, 414	
Planned capacity	20, 920	
Estimated reserve margin	2, 506	13. 6
Without three nuclear units	1, 604	8. 7
Without three nuclear and one fossil steam units	764	4. 2
Iowa:		
Estimated peak loads	3, 117	
Planned capacity	3, 476	
Estimated reserve margin	359	11. 5
Without one nuclear unit	−45	−1. 5
Without one nuclear and one fossil steam unit	−366	−12. 8
Virginia-Carolinas:		
Estimated peak loads	20, 605	
Planned capacity[2]	23, 078	
Estimated reserve margin	2, 473	12. 0
Without two nuclear units	812	3. 9
Without two nuclear and two fossil steam units	−78	−0. 4
Florida:		
Estimated peak loads	11, 706	
Planned capacity	13, 454	
Estimated reserve margin	1, 748	14. 9
Without one nuclear unit	1, 348	11. 5
Without one nuclear and two fossil steam units	665	5. 7

[1] Estimated reserve margin is equal to the difference between planned capacity and estimated peak loads.

[2] Does not reflect the elimination of 841 megawatts associated with Oconee 1.

Winter 1972–73—The projected conditions which may prevail with and without—if the planned cumulative generation additions of 15 nuclear units and 44 fossil units (currently through January 1973) do not become operative, are as follows. The most adversely affected regions are New England, the Virginia-Carolinas area, Florida, the Tennessee Valley, and the Rocky Mountain area.

The projected loads, generating capacities and reserves are:

ATTACHMENT VI

	Megawatts	Percent
New England:		
Estimated peakloads	13, 543	
Planned capacity	16, 942	
Estimated reserve margin	3, 399	25. 1
Without 2 nuclear units	2, 229	16. 5
Without 2 nuclear and 3 fossil steam units	980	7. 3
Virginia-Carolinas:		
Estimated peakloads	18, 965	
Planned capacity	23, 412	
Estimated reserve margin	4, 447	23. 4
Without 2 nuclear units	2, 786	14. 7
Without 2 nuclear and 2 fossil steam units	1, 796	9. 5
Rocky Mountain:		
Estimated peakloads	1, 725	
Planned capacity	2, 108	
Estimated reserve margin	383	22. 2
Without 1 nuclear unit	153	8. 8
No fossil additions		
Florida:		
Estimated peakloads	12, 231	
Planned capacity	14, 802	
Estimated reserve margin	2, 571	21. 0
Without 2 nuclear units	1, 121	9. 2
Without 2 nuclear and 3 fossil steam units	55	0. 4
Tennessee Valley Authority:		
Estimated peakloads	18, 410	
Planned capacity	21, 605	
Estimated reserve margin	3, 465	19. 1
Without 1 nuclear unit	2, 400	13. 2
Without 1 nuclear and 1 fossil steam unit	1, 100	6. 1

ATTACHMENT VII: REPORT, FEDERAL POWER COMMISSION

U.S. NATURAL GAS IMPORTS—MAXIMUM AUTHORIZED ANNUAL IMPORTS FROM CANADA AND MEXICO[1] 1971-96

(All volumes in millions of cubic feet at 14.73 psia and 60° F. at 1,000 B.t.u. per cubic foot)[2]

Year	El Paso Natural Gas Co.	Pacific Gas Transmission Co.	Montana Power Co.	Midwestern Gas Transmission Co.	Great Lakes Gas Transmission Co.	St. Lawrence Gas Co.	Vermont Gas Systems Inc.	Inter-City Minnesota Pipelines Ltd., Inc.	Tennessee Gas Pipeline Co.	Total from Canada	Mexico	Total
1971	270,393	373,500	49,092	147,235	[3] 103,763	6,700	[4] 5,318	[5] 8,052	39,000	1,003,311	[6] 38,008	1,041,319
1972	310,377	373,500	49,092	147,235	103,763	5,520	5,318	8,052	(7)	1,002,857	35,000	1,037,857
1973	332,359	373,500	29,661	147,235	103,763	5,520	5,318	8,052		1,005,408	32,000	1,037,407
1974	332,359	373,500	29,200	147,235	103,763	5,520	5,318	8,052		1,004,947	29,000	1,033,948
1975	332,359	373,500	29,200	147,235	103,763	5,520	5,318	8,052		1,004,947	26,000	1,030,947
1976	332,359	373,500	29,200	147,235	103,763	5,520	5,318	8,052		1,004,947	23,000	1,027,947
1977	332,359	373,500	29,200	147,235	103,763	5,520	5,318	8,052		1,004,947	20,000	1,024,947
1978	332,359	373,500	29,200	147,235	103,763	5,520	5,318	8,052		1,004,947	17,000	1,021,947
1979	332,359	373,500	29,200	147,235	103,763	5,520	5,318	8,052		1,004,947	14,000	1,018,947
1980	332,359	373,500	29,200	147,235	103,763	5,520	5,318	8,052		1,004,947	10,000	1,014,947
1981	329,427	373,500	29,200	100,400	103,763	5,520	5,318	8,052		955,180	6,000	961,180
1982	281,359	373,500	29,200	73,235	103,763	5,520	5,318	8,052		879,947	1,709	881,656
1983	281,359	373,500	29,200	73,235	103,763	5,520	5,318	8,052		879,947		879,947
1984	281,359	373,500	29,200	73,235	103,763	5,520	5,318	8,052		879,947		879,947
1985	281,359	362,221	28,590	73,235	103,763	5,520	5,318	8,052		868,058		868,058
1986	281,359	280,389	23,725	73,235	103,763	5,520	5,318	8,052		781,361		781,361
1987	281,359	152,730	14,600	73,235	103,763	1,909	5,318	8,052		640,966		640,966
1988	281,359	152,730	14,600	73,235	103,763		5,318	8,052		639,057		639,057
1989	234,344	140,226	13,383	64,496	103,763		5,314	8,052		569,578		569,578
1990		77,900	7,300	17,184	91,784			8,052		202,220		202,220
1991		72,336	6,783		26,736			8,052		113,907		113,907
1992		44,600	4,200					8,052		56,852		56,652
1993		37,147	3,500					8,052		48,699		48,699
1994								8,052		8,052		8,052
1995								7,656		7,656		7,656
1996												
Total	5,772,926	6,549,276	565,726	2,167,075	2,090,017	91,409	101,038	200,904	39,000	[8] 17,577,632	251,717	17,829,349

[1] As authorized by the Federal Power Commission and the National Energy Board, through Jan. 1, 1971.

[2] B.t.u. content of Mexican imports are unspecified.

[3] Figures represent volumes for U.S. consumption. The company is authorized to transport additional volumes for redelivery to Trans-Canada at St. Clair and Sault Ste. Marie, Mich.

[4] Annual volumes of 6,700,000,000 cubic feet are authorized by NEB. However, if scheduled at this rate the remaining reserves would not extend over the life of the license. Actual imported volume in 1970 was 2,532,000,000 cubic feet.

[5] Figures represent volumes for U.S. consumption. The company is authorized to transport additional volumes for redelivery to customers in Canada.

[6] Volumes shown are dedicated to Texas Eastern Transmission Co. Relatively small volumes. (34,000,000 cubic feet in 1970) are imported for ultimate consumption by the city of Roma, Texas. However, annual volumes remaining under this contract are not available.

[7] Temporary authorization on an interruptible basis. Present authorization expires on Apr. 1, 1972. License is renewable on an annual basis if gas is available.

[8] Actual volumes authorized for export from Canada as of Jan. 1, 1971 were 17,656,686,000,000 cubic feet, 79,054,000,000 cubic feet more than above. This difference is due to the maximum annual volumes, as authorized by NEB, not being imported every year prior to 1971.

Sources: FPC form 15, NEB Annual Report for 1970 and report to the Governor in Council, August 1970.

NATURAL GAS SUPPLY OF CANADA AND MEXICO, 1960–70

CANADA

(All volumes in million M c.f. at 14.73 p.s.i.a. and 60° F.)

	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970
Proved reserves[1]	30,507	33,356	35,245	36,759	43,155	44,131	43,214	45,434	47,407	51,669	53,086
Production[1]	537	783	944	1,000	1,108	1,245	1,119	1,209	1,387	1,548	1,789
R/P ratio	56.8	42.6	37.3	36.8	38.9	35.4	38.6	37.6	34.2	33.4	29.7
Reserve additions	4,578	3,631	2,833	2,489	7,476	2,229	4,180	3,425	3,362	5,809	3,186
F/P ratio	8.5	4.6	3.0	2.5	6.7	1.8	3.7	2.8	2.4	3.8	1.8
Gas well completions	292	392	331	338	366	390	386	374	432	498	723
Exploratory	147	159	110	136	145	162	165	149	161	176	267
Development	145	233	221	202	221	228	221	225	271	322	456
Total wells drilled[2]	2,852	2,833	2,741	3,090	3,569	3,842	3,185	2,824	2,789	3,105	2,898

MEXICO

(All volumes in million M c.f. at 14.69 p.s.i.a. and 68° F.)

	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970
Proved reserves	10,120	11,128	11,204	11,368	11,510	11,250	11,724	11,851	11,819	12,000	12,000
Production	341	361	371	402	485	493	529	573	577	609	665
R/P ratio	29.7	30.8	30.2	28.3	23.7	22.8	22.2	20.7	20.5	19.7	18.1
Reserve additions	(3)	1,369	447	56.6	627	233	1,003	700	545	790	665
F/P ratio	(3)	3.8	1.2	1.4	1.3	.5	1.9	1.2	.9	1.3	1.0
Gas well completions	33	53	63	68	97	36	44	90	97	89	26
Exploratory	19	17	25	16	24	14	27	12	17	15	7
Development	14	36	38	52	73	22	17	78	80	74	19
Total wells drilled[2]	762	726	639	554	631	361	296	497	602	519	523

[1] Through 1965 the Canadian Petroleum Association reported "proved remaining recoverable reserves" and production therefrom. In 1966 they discontinued publishing the reserves defined in this manner, showing instead "proved remaining marketable reserves," and production therefrom. Marketable gas reserves measured on a dry gas basis equals recoverable gas less field and plant fuel requirements, and gas vented or flared.

[2] Total oil and gas well completions and dry holes.

[3] Not available.

Sources: Canada; Reserves and production, CPA. Well data 1960–66, Canadian Petroleum Association Statistical Yearbooks, 1967–70, Oilweek's Annual Forecast-Review Issues. Mexico; Reserves and production, World Oil, "Mexico" International Outlook issues, Aug. 15, 1961 through Aug. 15, 1971 and American Association of Petroleum Geologists, "Mexico" Foreign Developments issues, July 1961–July 1963 and August 1964–August 1971. Well data from American Association of Petroleum Geologists Foreign Development Issues.

ATTACHMENT VIII: REPORT FEDERAL POWER COMMISSION

FEDERAL POWER COMMISSION SHORT-TERM LIQUEFIED NATURAL GAS IMPORT APPLICATIONS NOV 30, 1971

No.	Applicant	Docket number	Source	Delivery point	Transport mode	Estimated volume and price[1]		For deliveries
						(MMcf)	(Mcf)	
1.	Boston Gas Co	CP69-112	Algeria	Boston, Mass	Ship	200	$1.14	
2.	Lowell Gas Co	CP70-143	do	do	do	[2] 374	1.52	
3.	Willbros Terminal Co	CP70-194	Canada	do	Truck	[3] 266	2.20	

Footnotes at end of table.

ATTACHMENT VIII: REPORT, FEDERAL POWER COMMISSION—Continued

FEDERAL POWER COMMISSION SHORT-TERM LIQUEFIED NATURAL GAS IMPORT APPLICATIONS NOV. 30, 1971—Continued

No.	Applicant	Docket number	Source	Delivery point	Transport mode	Estimated volume and price[1] (MMcf)	(Mcf)	For deliveries
4.	Texas Eastern Transmission Corp	CP70-208	Algeria	Staten Island, N.Y	Ship	2,600	1.37	
5.	Boston Gas Co	CP70-291	do	Boston, Mass	do	1,600	1.70	
6.	Fall River Gas Co	CP70-305	Canada	Fall River, Mass	Truck	[4] 150	1.12	
7.	Lowell Gas Co	CP71-9	do	Tewksbury, Mass	do	630	1.25	Oct. 7, 1970.
							1.94	Oct. 7, 1970, to Apr. 30, 1971.
8.	Boston Gas Co	CP71-61	do	Boston, Mass	do	220	1.25	Oct. 19, 1970, to Nov. 1, 1970.
							2.00	Nov. 1, to Apr. 1, 1971.
9.	Boston Gas Co	CP71-247	do	do	do	[5] 714	1.30	Apr. 1, 1971, to Sept. 1, 1971.
							1.45	Sept. 1, 1971, to Nov. 1, 1971.
							1.92	Nov. 1, 1971, to Apr. 1, 1972.
10.	Boston Gas Co	CP71-248	Algeria	Boston, Mass	Ship	1,250	1.66	
11.	Lowell Gas Co	CP72-10	Canada	Tewksbury, Mass	Truck	[5] 696	1.30-1.45	Apr. 1, 1971, to Oct. 31, 1971.[6]
							1.92	Nov. 1, 1971, to Apr. 1, 1972.
12.	Fall River Gas Co	CP72-18	do	Fall River, Mass	do	[5] 120	1.30	Aug. 31, 1971.[6]
							1.45	Oct. 31, 1971.
13.	Texas Eastern Transmission Corp	CP72-93	Libya	Staten Island, N.Y	Ship	[5] 11,160	.81	

[1] Volumes and prices rounded to the nearest million cubic feet (MMcf) and cents per thousand cubic feet (Mcf) where necessary; B.t.u. content not given; delivery at shiprail or truckside.

[2] Estimated at 52 thousand cubic feet per metric on the basis of the original application.

[3] Estimated at 88.693 cubic feet per gallon on the basis of reported volumes delivered.

[4] Estimated at 83.3 cubic feet per gallon on the basis of the original application.

[5] Volume is in billion B.t.u. and prices are for million B.t.u.

[6] Based on estimated transportation cost of 45 cents per million B.t.u.

ATTACHMENT IX: REPORT, FEDERAL POWER COMMISSION

U.S. LIQUEFIED NATURAL GAS PEAK SHAVING PLANTS OPERATING OR UNDER DEVELOPMENT

Company and location

1. Alabama Gas Corp., Birmingham, Alabama.
2. Arkansas-Missouri Power Co., Blytheville, Arkansas.
3. Atlanta Gas Light Co., Riverdale, Georgia.
4. Baltimore Gas & Electric Co., Baltimore, Maryland.
5. Boston Gas Co., Boston, Massachusetts.
6. Brooklyn Gas Co., Brooklyn, New York.
7. Chattanooga Gas Co., Chattanooga, Tennessee.
8. Citizens Gas & Coke Utility, Beach Grove, Indiana.
9. Commonwealth Natural Gas Co., Tidewater, Virginia.
10. Connecticut Natural Gas Co., Rocky Hill, Connecticut.
11. Consolidated Edison Co., Astoria, New York.
12. Delmarva Power & Light Co., Wilmington, Delaware.
13. Fall River Gas Co., Fall River, Massachusetts.
14. Iowa-Illinois Gas & Electric Co., Bettendorf, Iowa.
15. Long Island Lighting Co., Holbrook, New York.
16. Lowell Gas Co., Lowell, Massachusetts.
17. Memphis Light Gas & Water Div., Memphis, Tennessee.
18. New England Electric System, Lynn, Massachusetts.
19. New England Gas & Electric Assoc. and Air Products & Chemicals, Inc., Hopkinton, Massachusetts.
20. Northern States Power Co., Eau Claire, Wisconsin.
21. Northwest Natural Gas Co., Portland, Oregon.
22. Peoples Gas Light & Coke Co., Mahomet, Illinois.
23. Philadelphia Electric Co., West Conshohocken, Pennsylvania.
24. Philadelphia Gas Works, Philadelphia, Pennsylvania.
25. Roanoke Gas Co., Roanoke, Virginia.
26. San Diego Gas & Electric Co., Chula Vista, California.
27. Southern Connecticut Gas Co., Bridgeport, Connecticut.
28. Texas Eastern Transmission Corp., Staten Island, New York.
29. Transcontinental Gas Pipe Line Corp., Hackensack, New Jersey.
30. Union Light, Heat & Power Co., Erlanger Kentucky.
31. Wisconsin Natural Gas Co., Oak Creek, Wisconsin.
32. Piedmont Natural Gas Co., Charlotte, North Carolina.

Source: Pipeline & Gas Journal, "LNG Continues Big Growth—More Projects, More Dollars," June 1971, pp. 44-45; International Gas Highlights, "Carolina Plant to Liquefy, Store Gas," August 30, 1971, p. 2.

ATTACHMENT X: REPORT, FEDERAL POWER COMMISSION

CURRENT AND PROSPECTIVE WORLDWIDE LNG OCEAN TRADE

EXPORT AND IMPORT POINTS

Current

1. Arzew, Algeria: Canvey, England; LeHavre, France.
2. Kenai, Alaska: Negishi, Japan.
3. Marsa el Brega, Libya: Barcelona, Spain; La Spezia, Italy.

Prospective and planned

4. Skikda, Algeria: Fos, France (Mediterranean); Boston, Mass.; Staten Island, New York.
5. Brunei: Japan.
6. Sarawak: Japan.
7. Persian Gulf Area of Iran: Japan.
8. Arzew, Algeria: Cove Point, Md.; Savannah, Ga.
9. Venezuela: U.S. East Coast.
10. Alaska: California.
11. Ecuador: U.S. West Coast.
12. Trinidad: U.S. West Coast.
13. Nigeria: U.S. East Coast.
14. North Sea: U.S. East Coast.

Sources: FPC files; "Proceedings: The Second International Conference and Exhibition on Liquefied Natural Gas," Paris, France, October 19-23, 1970; various news clippings and trade journal articles; personal communications.

ATTACHMENT XII: REPORT, FEDERAL POWER COMMISSION

HISTORICAL AND PROJECTED U.S. DEMAND FOR BITUMINOUS COAL AND LIGNITE

[Millions of tons]

Year	Domestic conventional usage[1] Production	Domestic conventional usage[1] Demand	Domestic demand including gasification Demand
1961	403.0	374.4	
1962	422.1	387.8	
1963	458.9	409.2	
1964	487.0	431.1	
1965	512.1	459.2	
1966	533.9	486.3	
1967	552.6	480.4	
1968	545.2	498.8	
1969	560.5	507.3	
1970	602.9	517.0	517.0
1971		533.8	533.8
1972		551.2	551.2
1973		569.1	569.1
1974		587.6	587.6
1975		606.7	606.7
1976		626.4	626.4
1977		646.7	646.7
1978		667.7	667.7
1979		689.4	689.4
1980		711.9	711.9
1981		735.0	749.6
1982		758.9	789.4
1983		783.5	831.2
1984		809.0	875.3
1985		835.3	921.6
1986		862.4	970.5
1987		890.5	1,021.9
1988		919.4	1,076.1
1989		949.3	1,133.1
1990		980.1	1,193.2

[1] Historical data, U.S. Bureau of Mines. Excludes tonnage for conversion to synthetic gas.

ATTACHMENT XI: REPORT, FEDERAL POWER COMMISSION

PROJECTION OF UNITED STATES COAL GASIFICATION CAPABILITY—1976-90

[Gas volumes in trillions of cubic feet; coal in millions of tons; expenditures in millions of dollars; gasification plant capacity is 250 million cubic feet per day]

	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990
Gas production from coal:															
During year	0.1	0.2	0.2	0.3	0.3	0.5	0.5	0.7	1.0	1.4	1.6	2.0	2.4	2.8	3.3
Cumulative	.1	.3	.5	.8	1.1	1.6	2.1	2.8	3.8	5.2	6.8	8.8	11.2	14.0	17.3
Availability of coal for gasification:															
During year	6	6	0	6	0	15	30	47	66	87	109	131	157	184	213
Cumulative	6	12	12	18	18	33	63	110	176	263	372	503	660	844	1,057

	1976	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990
Coal gasification plants:																
Added during year		1	1	0	1	0	2	0	3	3	4	3	4	4	5	5
Cumulative		1	2	2	3	3	5	5	8	11	15	18	22	26	31	36
Coal gasification capital expenditures:																
In mines during year		20	20	0	20	0	100	100	120	120	140	140	160	160	180	200
In mines—cumulative		20	40	40	60	60	160	260	380	500	640	780	940	1,100	1,280	1,480
In plants during year		200	250	0	200	0	400	0	525	525	700	525	700	700	875	875
In plants—cumulative		200	450	450	650	650	1,050	1,050	1,575	2,100	2,800	3,325	4,025	4,725	5,600	6,475
Total during year		220	270	0	220	0	500	100	645	645	840	665	860	860	1,055	1,075
Cumulative total		220	490	490	710	710	1,210	1,310	1,955	2,600	3,440	4,105	4,965	5,825	6,880	7,955

ATTACHMENT XIII: REPORT, FEDERAL POWER COMMISSION

U.S. LIQUID HYDROCARBON/SNG PLANTS UNDER CONSTRUCTION, PLANNED, OR PROPOSED

Company	Location	Investment (Millions of dollars)[1]	Feedstock				Output			Number of plants	Status/comments
			Mb/d [2]	Type	Cents per gallon [2]	Source	MMcf/d [2]	Dollar Mcf	Plant operation		
Columbia LNG Corp.[3]	Green Springs Ohio.	37.8	[4] 285	Natural gas liquids.	[5] 84.5	Alberta, Canada	250	[6] 1.12	Yearlong	1	Under construction; projected completion 1973.
Algonquin SNG, Inc.[3] [7]	Freetown, Mass.	39.5	27.2	Naphtha	10.5	Bayway, N.J.	120	[6] 1.41	do	1	Design stage; projected completion Oct. 1973; total feedstock required not under contract
Tecon Gasification Co.[3] [7]	South Plainfield, N.J.	139.8	110	do	[8] 10.3 [9] 8.3	⅓ domestic; ⅔ foreign	500	[6] 1.23	do	1	Contracts let for design and construction; projected completion 1973; total feedstock required not under contract.
Consumers Power Co	Marysville, Mich.	40	25	Natural gas liquids.		Alberta, Canada.	100		do	1	Under construction; projected completion 1973; capacity to double in 1974.
Brooklyn Union Gas Co	New York	20	10	Naphtha		New Jersey.	50	1.50	Seasonal	1	Contract let for engineering and design; projected completion 1973.
Public Service Electric & Gas.[7]	New Jersey	30	25	do	7	Foreign	125	.77	Yearlong	1	Precedent agreements for feedstock have been entered into; contracts for engineering to be let soon; projected completion 1973.
Boston Gas Co	Everett, Mass.	4.5	10	Propane/ Naphtha.			40	1.30	Seasonal	1	Contract let for design; projected completion 1972.
Continental Oil Co.[7]			33	LPG		Foreign	125			2	Under consideration; possible by 1974.
Panhandle Eastern Pipe Line Co.[7] (trunkline)	Illinois	50–60	60	Naphtha		do	250	1.20–1.30		1	Proposed.
Transcontinental Gas Pipe Line Corp.	New York	80–85		do			250			1	Planned.
Zapata Norness, Inc.[7]	East coast	200–250	85–90	Crude oil	5.9–7.1	Foreign	400	.85–.95	Yearlong	2	Proposed program; could have 1 plant ready by 1974; liquid fuels would also be produced.
Foster Wheeler Corp.[7]	Nansemond County Va.	189–326	180	do	6.5	Kuwait	250–700	.95	do	1	An evaluation program done for a large group of gas transmission and electric power companies for a fuels complex producing various outputs of SNG, Nos. 2, 6 and bunker fuels, and sulfur, depending on equipment configuration.
Tenneco Oil Co.[7]				Crude and unfinished oils.						1	Under investigation; byproduct distillate would also be produced.
Consolidated Gas Supply Corp.	Oswego, N.Y.			Naphtha						1	Under study in conjunction with Niagara Mohawk Power and New England petroleum Corp.
Northern Illinois Gas Co	Illinois	50	36	Natural gas liquids.		Domestic	150			1	Letter of intent for feedstock supply has been signed; projected completion 1973.
Ashland Oil of Kentucky				Petroleum liquids.							Development program underway.
Peoples Gas Co		100		do							Part of a 3-year company program for expansion by 1974.
Crown Central Petroleum Corp.[7]	Baltimore, Md.	200		Crude oil		Foreign	100	1.05		1	Columbia Gas System has agreed to purchase the SNG; projected completion 1973–74; liquid fuels will also be produced.
Felmont Oil Corp.[7]	Olean, N.Y.		22.5–24	Naphtha		do	[10] 35				Planned.
APCO Oil Corp	East	30	28	do		Freeport, Bahama Islands	125	1.05–1.13		1	A letter of intent has been signed under which APCO will produce SNG for Columbia Gas System; first deliveries 1974.
Amerada Hess Corp	Reading, N.J.	14		Naphtha							Included in proposal to expand existing facility.
Howard Oil Co	Philadelphia, Pa.		150	Crude oil		Foreign					Proposed; site acquired, design in progress, and a market waiting.
Indiana Gas Co	Indiana			Naphtha		Middle East					Under investigation in conjunction with other distributors in the area.
Tenneco, Inc				do							Negotiating stage; expected to be on-stream by 1974; more than 1 plant.

---

[1] May include various equipment and offsites depending on the particular project.

[2] Except where noted.

[3] Filed with the Federal Power Commission.

[4] MMM B.t.u./d.

[5] Cents per B.t.u.

[6] Based on full production rate; subject to contractual escalation or adjustment.

[7] Filed with the Oil Policy Committee or the Office of Emergency Preparedness.

[8] Domestic.

[9] Foreign.

[10] MMM c.f. per year.

Sources: FPC files; trade journals and reports; personal communication.

(Mr. McCLURE asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. ASPINALL. Mr. Speaker, I wish to thank my colleague, the gentleman from Idaho, who serves so ably as the counterpart on the minority side as the Chairman of the Subcommittee on Mining and Mines, whose interest is also in this particular field.

Mr. Speaker, I now yield to my colleague who is the only scientist that we have in the House of Representatives at the present time, the gentleman from Washington (Mr. McCORMACK)

Mr. McCORMACK. Mr. Speaker, I thank the gentleman from Colorado (Mr. ASPINALL) for yielding me this time.

Mr. Speaker, it is indeed a privilege to participate in this special order called by the distinguished Chairman of the House Committee on Interior and Insular Affairs, the gentleman from Colorado (Mr. ASPINALL) to announce hearing on the Nation's fuels and energy crisis.

I wish to associate myself completely with the calling of these hearing, with the hearings themselves, and with the remarks of Mr. ASPINALL, as well as those of the Honorable Chairman of the House

Committee on Science and Astronautics, the gentleman from California, Mr. GEORGE MILLER, and with those of the Vice Chairman of the Joint Committee on Atomic Energy, the gentleman from Illinois, the Honorable MEL PRICE, and the gentleman from California, the Honorable CHET HOLIFIELD, and the other members of that joint committee.

The consequences of failure on the part of this Nation to provide clean and adequate energy at a reasonable price are truly frightening. They go far beyond the inconvenience and discomfort which most people associate with brownouts and blackouts.

Energy shortages and the consequent skyrocketing costs of energy will lead to industrial stagnation and even shutdowns for those industries that consume large amounts of energy.

The immediate effect of this is increased unemployment in those industries that are large consumers of energy, and soon thereafter unemployment in all those industries that are dependent on the output of the high-energy industries. In short, almost all of our industrial production and employment will suffer.

If we do not have adequate and inexpensive energy we cannot have clean energy. The environmental controls we need to assure future generations of clean air and water, and the measures we must adopt now for ourselves will require, according to Dr. Killian, a 25-percent increase in energy production.

Chairman ASPINALL, I will do everything I can in my power to aid you in your hearings.

Mr. ASPINALL. Mr. Speaker, I wish to thank my friend, the gentleman from Washington, for his leadership in the task force operation and for his cooperation that he has given to this special study on the energy problems in the near future.

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that any Member of the House desiring to do so may have 5 legislative days in which to extend his remarks on this subject at this point in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

A NEW HARVEST OF SHAME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. O'HARA) is recognized for 15 minutes.

Mr. O'HARA. Mr. Speaker, last week the Subcommittee on Agricultural Labor of the House Committee on Education and Labor began hearings on several pending legislative proposals in the field of labor-management relations in agriculture. On March 23, the subcommittee of which I am chairman, took testimony from several Members who had introduced bills on this subject. It is our intention to resume these hearings shortly after the Easter recess, first, hearing from other Members, and then from organizations and individuals who are concerned with this issue, and, to the extent they can shed light on the problem, from Government agencies. Dates are not yet fixed for the post-Easter hearings, but they will shortly be announced. In the meantime, groups or individuals who would like to be heard should so advise the subcommittee, at its office in room 320, Cannon House Office Building, so that we can work out a hearing schedule that will provide for a comprehensive and expeditious examination of the issues and problems involved.

Coincident with the subcommittee's opening of hearings on this problem however, Mr. Peter Nash, who was chosen by the President to be General Counsel of the NLRB, began an effort to overthrow years of precedent, and to bring a farmworker's union under the punitive provisions of the present National Labor Relations Act. Quite in keeping, of course, with the basic policy of this administration, Counsel Nash made no perceptible effort to provide farmworkers with any of the protections of the act. As the President's hand-picked NLRB General Counsel, Mr. Nash, of course, shares the standard Nixon administration one-way of the question of the rights and obligations of farmworkers.

The petition filed by the Los Angeles Regional Office of NLRA, under Mr. Nash's direction, for an injunction against the United Farm Workers' current boycott activity, while based on the alleged presence of a few dozen UFW members in nonfarm labor jobs, is, in fact, aimed at the entire union, and at all its boycott activities, including, for all practical purposes, those which are legal under present law, and even, arguably, those which would be legal if agricultural labor were covered by the National Labor Relations Act.

It is worth noting, too, Mr. Speaker, that Mr. Nash is not only changing the policy of the Board with regard to farmworkers, but he is doing so in the face of a clear prohibition in the most recent NLRB appropriation legislation, Public Law 92–80, against the expenditure of any NLRB funds "in connection with investigations, hearings, directives or orders concerning bargaining units composed of agricultural laborers * * * as defined in section 3(f) of the Fair Labor Standards Act. I have, today, incidentally, sent the Comptroller General of the United States a formal request to examine Mr. Nash's decision to initiate this complaint, in the light of that appropriations limitation, and to see if the will of the Congress is again being ignored by the administration.

In going down the one-way street, Mr. Nash is, of course, following the party line long since made "perfectly clear" by President Nixon. During his campaign for election to the Presidency, Mr. Nixon posed for publicity shots showing him eating California table grapes, at a time when the efforts of the United Farm Workers to organize grape pickers and bring them into the 20th century were largely dependent on the grape boycott. Candidate Nixon got the backing he hoped that picture would bring him among grape growers and other segments of agribusiness, and now that his 4-year uninterrupted campaign for reelection is reaching a crucial phase, he is again sending out signals, this time through Peter Nash, to his agribusiness supporters that he fully intends to do whatever he can to break the farmworkers' union and to keep farmworkers on the bottom of the economic ladder.

It is ironic, of course, that the President, his Cabinet members, and his other campaign workers are trying to paint a picture of this administration as "caring" about members of the Spanish-speaking community, through the appointment of a few—a very carefully selected few—members of that community to conspicuous and powerless Federal posts, while the President's other aides—the fellows who are running the Government while the President is running for reelection—are carrying out what gives every appearance of being a deliberate, multiagency effort to harass the farmworker whenever he actually tries to improve his own lot through his own efforts. The campaign poster shows Richard Nixon similing benevolently at a farmworker, while the ugly reality is one of neglect where that will do the job, and active hostility where neglect is insufficient.

A few other instance will suffice to fill in the picture, Mr. Speaker.

Yesterday, my subcommittee took testimony with regard to the administration of section 301 of the Sugar Act. This section of that act establishes, as a condition of the payment of subsidies, that employers must pay their workers a fair and reasonable wage as determined by the U.S. Department of Agriculture. According to a table entered into the record of those hearings, covering the period 1949–71, there have been increases almost every year in that period. The increases have not been tremendous, there have been years where there were no increases, and even the present Sugar Act "fair and reasonable wage" in Louisiana has only "risen" to $1.65 per hour. But nonetheless, a small but perceptible increase, based on hearings in the summer, announced in mid-September, and made effective September or October at the beginning of the harvest season, has been the annual pattern in this industry.

But this year, a new pattern was worked out. And I must express my admiration for the USDA or other Nixon administration officials who thought this one up. Because they managed to announce an increase in the Sugar Act wage on the basis of an "increase" which was wholly nonexistent in Louisiana, and nearly so in Florida.

This bit of administrative legerdemain was performed by the simple device of holding the customary hearings in July, making the customary sugar price determinations at the customary time, and then waiting until December to announce the "new wage," and making that wage effective only after the harvest season was over. The USDA's action meant in effect that the planters could pay their help during the harvest season at last year's rate, while the USDA could issue a press release triumphantly claiming that it had increased cane harvesters' wages.

The Department justified this specious reasoning by linking it to the President's "wage-price freeze," although the wage freeze was long since over when they made their announcement, and the "price freeze" had never applied to sugar, anyway.

There are other areas where the Nixon administration plays this game of "now you see it, now you don't" with the farmworker. The Manpower Administration of the Department of Labor has proudly, and with great fanfare, announced its "$20 million migrant manpower program," but neither the farmworkers who hoped to use manpower programs to break out of their endless cycle of exploitation, nor my subcommittee, which 9 months ago asked the Labor Department for some hard information about its plan, have seen anything substantial, except more press releases.

In the occupational safety field, in spite of a specific mandate in the Occupational Safety and Health Act that the Department must give special priority to the most dangerous occupations, and in spite of the fact that agriculture is the third most hazardous occupation in the Nation, the Department of Labor is still on dead center, promising that an ad hoc advisory committee will be appointed "in a couple of weeks to begin the long task of developing standards, while it refers inquiries to the Department of Agriculture, which promised last winter to name some farmworkers to its Advisory Committee on Farm Safety, and has not yet kept that promise.

The Subcommittee on Farm Labor, Mr. Speaker, would be hard put to cope with, or even to keep advised of, all the forms of discrimination and harassment the farm labor movement is experiencing under the Nixon administration. But we can examine it from case to case, and we can try to cope with it on the same basis. In the case of the NLRB, we can, and we will, invite Mr. Nash to appear at the hearings that have already begun on labor-management relations, and we can ask him just what benefits, if any, he believes will accrue to farmworkers if his slightly myopic interpretation of the law should prevail. We can, I suppose, ask him his opinions on what legislation is needed, but a letter of August 20, 1971, from the Education and Labor Committee to the Board asking for the Board's views on one labor-management bill, has gone as yet unanswered. Similar letters to the Labor and Agriculture Departments, I should mention, have received the same silent treatment.

Our hearings on the administration of the Sugar Act will continue tomorrow, when the Secretary of Agriculture has been asked to appear. I am informally advised that he will not be there, and that he is sending instead a career USDA official who only carries out the policies set by the administration. We will nonetheless do our best to pursue the issues raised in yesterday's hearing.

The Labor Department has been invited for April 24 to explain whatever happened to the migrant manpower program. At that time they will also be asked to explain why a Department response to a complaint, filed by farmworkers against the rural manpower service, has yet to appear, even though the rural manpower service is already beginning to process another year's cycle of farm placement requests.

Mr. Speaker, the fact that the farmworker stands at the lowest rung of the economic ladder; the fact that he is excluded from coverage under most labor protective legislation, and covered inadequately under the rest; the fact that he subsidizes the rest of us by his low wages, his miserable working conditions, and the labor of his children—all these facts have been documented so often as to have become cliches. Why, Mr. Speaker, even Nixon administration officials have been heard to express concern over the pattern of legislative exclusion—though they have been uniformly and eloquently silent when asked for help in changing some of the laws. I would certainly hope that the Nixon administration is not increasing the burden already borne by the farmworker in the form of inequality under the law, by adding to it an equally broad and far more effective pattern of harassment and hostility.

But if that pattern exists, then a new "harvest of shame" is being planted and cultivated right now at the White House.

SPACE EXPLORATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. ESCH) is recognized for 20 minutes.

Mr. ESCH. Mr. Speaker, whenever I listen to our national debate on the future of the space program I somehow conjure up visions of a similar one which must have taken place within the court of Ferdinand and Isabella nearly 500 years ago. I am sure there were courtiers then who said, "but we do not know whether he will find the way. Maybe all the money will be wasted." Some undoubtedly argued that there were serious problems existing in Spain which needed instant attention. Perhaps still others were cautious about how much the Government was spending and urged that the fantastic project be dropped in order to bring the royal budget into balance.

Similarly, a year later when Columbus returned from his journey, the skeptics must have continued to greet him with scorn. After all, though he had found something he had not brought back any great quantity of gold or rich spices—just a couple Indians and some new plants.

Yet the discovery which Columbus had made was to expand the horizons of the world and to improve the quality of life everywhere. It was Columbus' discovery which initiated and inspired much of the progress made in the next few centuries. It was to inspire both bold new ideas and bold new ways of life.

So, too, has it been with our space program. From the beginning the skeptics have urged that money should be spent instead on "urgent domestic priorities." Many have argued that we simply cannot afford the costs in light of our budget deficits. We all have realized that we really do not know just what we will find and how it will apply to us here on earth. Mr. Speaker, in my opinion, we should not be short-sighted. Our resources are great. We need not turn our backs on any segment of this Nation, including our great cities. To proceed with this project does not mean that we are going to neglect these grave responsibilities. I have faith that as Americans we will respond affirmatively to these challenges.

Our explorations of space, like Columbus' journey to the Western Hemisphere will expand the horizons of the entire world and, I am convinced, will improve the quality of life everywhere. Already, the spinoff of presently ongoing space programs have made vast advances in medical science, in miniaturization, in weather prediction—and thus protection of populations from violent storms—in the location of natural resources, in the location of plant diseases and their control, and many others.

In the next few weeks we will begin debating a new concept of space travel which will determine whether or not the United States will take advantage of the tremendous opportunities and challenges of the new horizons we have found in space. We will decide, like the Spaniards of old, whether we should exploit our new discoveries, or whether we should forego their possibilities.

I strongly feel that we should accept the latest challenge and that we should embark on the new method of exploring the outer reaches of space science.

Space exploration, as we all know, has been extremely expensive. The cost will continue to be high—almost prohibitive—as long as we continue to use today's expendable, one-shot launch vehicles. The kind of extensive manned and unmanned program which could result in so many important discoveries to improve life here on the earth will be impossible unless we find some means of reducing the cost of space exploration.

The space shuttle, as proposed by NASA is our chance to reduce those costs to an acceptable level. The space shuttle represents an entirely new basis of transportation for men and materials from earth to outer space and back. It will take off like a rocket, fly in orbit like a spaceship, and land like an airplane. It will not only take materials and satellites and men into space and serve as their spacecraft, but it will return to earth intact. It is completely reusable.

The space shuttle will expand our space horizons in many ways. First, and perhaps most obvious, it will reduce the cost of putting a payload into orbit, an effort which presently costs from $700 to $1,000 per pound. The shuttle will reduce that cost to $100 per pound. It is estimated that over the initial 12 years of operation, the space shuttle will save the Nation $12 billion in launch and payload costs.

However, far more important than the money saving aspects of the shuttle are its contributions to making our space program more flexible and more useable in solving the difficult problems we face in the decades ahead. The space shuttle will reduce drastically the amount of training that a person will have to undergo in order to participate in a space flight. It is projected that, within a short period of time, the space shuttle will become a sort of commuter plane for scientists and technicians. It will not be necessary for each of them to be trained in all the essentials of space flight. Thus, if a particular mission involving plant disease is undertaken, agronomists can be transported into space to do the work. Or, if we are having difficulty with communications satellites, we can send our best communications technicians into space to examine the orbiting communications satellite and repair it.

In short, the shuttle will make manned space flight far more productive in scientific discoveries and in practical applications. It will give us a working presence in space. It will also make unmanned space exploration more productive through the repair of unmanned instruments, and perhaps through the collection of actual films rather than just radio signals of the photographs taken. The shuttle will remove the barriers between manned and unmanned research and unify them into a more effective whole.

Additionally, with the shuttle's easy and routine access to space, scientists and astronauts of many nations could be taken into orbit with their experiments to join first-hand in space studies. Thus the expertise of the scientists throughout the world can be brought to bear. In the area of science, perhaps more than in any other, international cooperation and friendship have transcended national borders, hostilities and philosophies.

One important aspect of the space shuttle proposal will be its contributions as a spur to our economy. The leadership momentum this country has maintained in the past has depended upon the "cutting edge" provided by our major national technological programs which have focused our advanced management/scientific/engineering / production talents on the achievements of specific capabilities at specific times. The shuttle program is well suited to replace Apollo as the cutting edge which is required to maintain our national technological superiority.

I sometimes think when we discuss money spent on the space program that many believe the money is sent off in a Buck Rogers-like vehicle to float through the vacuum of the far reaches. To the contrary, every dollar spent on the space program is invested here on earth. A recent economic study indicated that $10 billion invested in the space shuttle over a period of 15 years would result in almost $27 billion in additional indirect stimulation of our economy.

It is well, when we discuss this new proposal, to review the many areas in which the space program has already made significant contributions to our quality of life. The space shuttle can, in every case, expand the practical applications and usefulness of these space research programs. Briefly, the major areas of contribution are:

First. Communications—satellite communications has, within the decade, moved from novelty to accepted convenience. World Olympics, Presidential visits to China, and other historical events, made possible only through use of communications satellites, are now accepted matter of factly by the general public.

Second. Weather—meteorological observation via satellite has provided one of the most significant advances in weather reporting in the Nation's history. Until the advent of earth satellites 80 percent of the earth was subject to only scattered weather observations. Reliable long-range weather predictions of 2 weeks or longer should be attainable using weather satellites.

Third. Navigation—satellite navigation systems can provide global coverage. They are practically invulnerable to weather, available day or night, and are capable of responding instantaneously.

Earth orbiting navigational satellites discern ship and aircraft positions much more accurately than previous systems. In our fast moving environment of air traffic, such a capability is essential for traffic control, and collision avoidance. With satellite assists, controllers can pinpoint an aircraft's position within approximately 1 mile.

Fourth. Agriculture and forestry—observation via satellite will offer a substantial improvement in the kind of crop and fire observation that was initially made possible through aerial photography. The satellite method makes possible regular periodic observation on a routine basis.

Using satellites and their remote sensors, man will be assisted in his management of food crop and timber resources. He can monitor the health of timber resources, aid in determining the best time to plant and to harvest for maximum yields, detect potential damaged crops, help improve land use, conduct crop inventories, spot plant blights before they spread, and be forewarned of impending droughts, erosion, and floods.

Fifth. Astronomy—Astronomers have heretofore been limited in their observations of space by the earth's obscuring atmosphere. Observing equipment placed outside the earth's atmosphere will aid substantially in understanding celestial mechanisms. Manned attendance of astronomical instruments within the shuttle orbiter will allow for modification, adjustment, maintenance, repair, and film recovery and replenishment.

Advancements such as this will assist in transforming astronomy from mere data collection to a better understanding of the universe.

Sixth. Earth resources—the space shuttle will offer man a new and comprehensive view of the earth's resources. It will be a view that will contribute to conservation, as well as utilization.

Man will be able to monitor mineral resources such as iron, copper, and gold. Nonmetallic deposits such as sand, gravel, limestone, oil, and gas will also be observed from the space shuttle. Electromagnetic energy and the electrical properties of rocks and terrains will be much more satisfactorily observed from the shuttle than is presently possible from the limited height of aircraft observation.

The infrared scanners which will be utilized in the space shuttle will be able to track thermal pollution in overheated waterways, follow forest fires through the thickest smoke, and, coupled with other sensors, will monitor oil spills and solid waste dispersal. Utility companies will be assisted by the shuttle through detection of such things as hot spots in transmission lines and location of underground geothermal sources, which have been suggested as pollution-free sources of energy for powerplants.

Forest services and agricultural groups will be benefited by the shuttle's ability to detect crop and plant diseases. The very same film that is used to detect these crop and plant diseases will also be used to detect local underground faults.

Air pollution will be observed by the shuttle and it will become an invaluable tool in charting corrective action as it reports the movement and diffusion of pollutants and the effects of weather and climate in the creation and dissipation of pollution.

In short, the space shuttle will provide the human race with its first opportunity to take an inventory of the planet. Man will be able to know exactly what is on his planet in the way of plants, animals, forests, land, water, minerals, and people. He will be able to determine the stresses that he and nature are placing on this planet, and hopefully be able to establish a harmonious relationship between himself and his surroundings.

Seventh. Oceanography—two-thirds of the earth's surface is covered by the oceans. They can be viewed in their entire scope only from a distant point in space. This distant point of view, which the shuttle will provide, will be utilized to increase our understanding of the oceans, to utilize them as a medium of transport, to detect their influence on weather and climate, and to evaluate them as fishing grounds.

The continually changing state of the sea requires that information, in order to be useful, must be gathered quickly. This is feasible only using satellite techniques.

Eighth. Pollution control—the increased use of outer space afforded us by the shuttle will aid us in locating and minimizing pollution of the oceans and major lakes. It will detect the heat and content changes that typify pollution growth, and will continue to detect disease and insect growth patterns.

Ninth. Space manufacturing—the shuttle's cargo bay, and ability to service stations in space will make it an ideal mechanism for aiding in the development of products that are more easily created in the weightlessness and hard vacuum of space. These possibilities include foamtype steel that has the strength of solid steel yet the lightness of balsa wood and the growth of crystals for industrial uses.

In conclusion, Mr. Speaker, it is my firm belief that 500 years from now when future generations are discussing history, they will point to our decisions to pursue the exploration of space with the same kind of respect which we accord to the decisions our ancestors made to explore the new world. For all of mankind, space is the new world, the new frontier. An investment in the space shuttle is an investment in the future.

PENSION PLAN REFORM LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANDERSON) is recognized for 30 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker last week the House received a major document from the President, a comprehensive statement of proposals and programs directed toward helping older Americans. A key element of that wide-ranging package was a plan to reform this Nation's private pension system. Today I offer two bills presented by the President which address the issues of pension expansion and protection and aim to encourage broader coverage and sounder management of private retirement plans.

This century has seen a phenomenal growth in retirement and pension programs as, for the first time in history, significant numbers of people have lived past the Biblical three score and ten and into a phase of life where they have no longer been actively employed. While widespread growth of pension plans was somewhat late in coming to the United States, once it began, it expanded dramatically in both the public and private sectors.

Three million people were covered under private pension plans in 1930. Today some 30 million people are under such plans, a growth given tremendous impetus during World War II when massive amounts were shifted into pensions while wages and salaries were controlled. Some 4 million retired persons are now receiving private pensions totaling about $5 billion a year. Private pension plans now claim assets of over $130 billion, a figure that will soar to $215 billion by 1980.

Even with these impressive figures, however, the pension picture needs qualification. Many are still not covered—perhaps half of the country's wage earners are not in private group plans—and many are in plans deemed inadequate for a retirement income or supplement. Older Americans are particularly aware of such deficiencies and have, in forums like the recent White House Conference on Aging, spoken eloquently about them. Besides broadening coverage, there is the issue of protecting pension rights, the matter of assuring a measure of funds to an employee even before retirement—the vesting principle—as well as the post-retirement income of our older citizens.

As a spur to broaden the coverage of retirement plans, I offer today the Individual Retirement Benefits Act which supports pension contributions in a sound, noncompulsory way via tax incentives. It would allow individuals to invest up to 20 percent of their income, up to a level of $1,500, to private retirement plans and claim a tax deduction for that amount. Such investments could be placed in a broad range of assets held in custodial accounts. To further enhance such investments, earnings on amounts contributed to individual retirement plans would be excludable from gross income.

The act also liberalizes the limitation on contributions on behalf of self-employed individuals. The bill calls for a tax deductible level of 15 percent of earned income or $7,500, up from earlier figures of 10 percent or $2,500. The earlier limitations offered little incentive for the self-employed to contribute to pension plans for themselves or their employees. Since corporations making such contributions on behalf of their employees are subject to no such limitation, the present law has, in effect, forced the self-employed to incorporate for pension purposes. The new ample deduction will encourage the self-employed to continue to operate on their own with adequate retirement benefits for themselves and their workers.

Finally, the act establishes a minimum standard for vesting pensions based on what is called the "Rule of 50." A Presidential message of last year explained the concept:

> Under this standard, every pension would be considered half vested when an employee's age plus the number of years he has participated in the pension plan equals 50. The vesting process would begin with this jump to half-vested status. After this point has been reached, an additional ten percent of the pension would be vested every year—so that the pension would be fully vested five years later.
>
> Under this standard, which must apply to workers who are 30 years of age or older, anyone joining a plan when he is 30 years old would find that his pension would begin to vest at age 40, when his years of participation (10) plus his age (40) would equal 50. The pension of an employee joining at age 40 would begin to vest at age 45, and that of an employee joining at age 50 would begin to vest immediately. And in each case, the degree of vesting would increase from 50 percent to 100 percent over the subsequent five-year period.

There are any number of existent vesting formulas, all addressed to guaranteeing employee pension benefits before retirement age. Many plans already have liberal vesting arrangements, the great majority of large single employer plans providing 100 percent vesting by the 15th year of service. This bill does not attempt to underwrite anything like rapid, full vesting, but it does set a solid base of protection as a standard for employees subject to the whim of a business downturn or an act of employer arbitrariness.

Related to this desire for protection of retirement plans, I also offer the President's Employee Benefits Protection Act which would amend the welfare and pension plans disclosure of 1958. The President cited this legislation in his message of last Thursday. He noted there his original proposal of this legislation 2 years ago, yet the Congress has not seen fit to act upon it. I introduce it today to underline the importance of pension protection, a subject the Congress has too long neglected. A distinguished bipartisan group of members of the Education and Labor Committee have already endorsed the bill and acted as its original sponsors.

This measure aims at strengthening the interests of those participating and benefiting from pension and welfare plans. It achieves this by broadening reporting and disclosure requirements, by establishing a "prudent man" standard for evaluating fiduciaries entrusted with plans, and by providing remedies through the courts to insure that the act's protections can be effectively enforced. Abuses of welfare and pension funds are by no means widespread; most are soundly and honestly run.

Yet we know of the periodic spectacular case in the press, and these and other offenses have been little subject to remedy or redress, either by plan participants or Government entities. This bill proscribes fiduciary conduct under the law of trusts, opens and expands information on the use of funds, and allows civil suits to be brought upon malfeasance of such funds by those responsible. This bill's introduction gives me a chance to reiterate the urgency of the President's original exhortation to the Congress to act in this area.

These are important steps toward fostering and protecting private pension plans. More can be done, particularly in the areas of funding, portability, and reinsurance. I personally favor the reinsurance concept, that is, Federal insurance of private pension plans. While the need for such insurance may not be widespread—a datum still to be confirmed—its object seems highly laudable; protection of an employee whose plan is terminated through no fault of his own. There is widespread concern in my district about this issue and I hope Congress will soon address it. A revealing fact about the need for reinsurance is that my constituents who favor it represent almost wholly organized workers. If union members, who may already possess certain pension safeguards through their membership, feel the issue strongly, how much more do those unorganized, less advantaged workers need it?

Still, reinsurance, as well as funding and portability are controversial issues: One side's focus is on protection for those not covered or for those summarily treated, the other sees increased costs, the specter of Government regulation and the dampening of the future expansion of pension plans. One vision sees the worker dropped after 20 years' service because of a plant layoff and without sufficient service time to qualify for the company pension. The other foresees eventual Government interference in management's options, an employer burdened with costly bookkeeping and denied flexibility in an area where he should be free to work out agreements with his employees.

These are serious issues and have and will be fully debated within this Congress. Toward that end, I am delighted that the General Subcommittee on Labor has undertaken a special study of pension plans which will offer data pertinent to legislation in these areas. How many pension programs possess adequate funding? How necessary is reinsurance due to plant closings or business layoffs? How viable are present portability arrangements? These are the kinds of questions we will be better able to answer from the committee study, hopefully this spring.

The skepticism about private pension plan coverage was neatly summarized in a recent CRS report which cited a former Assistant Secretary of Labor:

> In all too many cases the pension promise shrinks to this: "If you remain in good health and stay with the same company until you are 65 years old, and if the company is still in business, and if your department has not been abolished, and if you haven't been laid off for too long a period, and if there is enough money in the fund, and if that money has been prudently managed, you will get a pension."

An overdrawn example perhaps, but still too true in too many cases for too many wage earners. I urge the Congress to move expeditiously on the bills I have presented today and to followup in producing Federal standards for this Nation's private pension system.

PROTECTING EMPLOYEE PENSION BENEFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. RUPPE) is recognized for 10 minutes.

Mr. RUPPE. Mr. Speaker, today I am introducing the Employee Benefits Protection Act of 1972, a bill to protect the private pension benefits of over 27,000,000 American working men and women.

To date this huge segment of our national labor force and employers have built up private pension reserve assets totaling some $125 billion, and this figure is growing at the rate of $10 to $15 billion annually. As letters of despair from a number of my constituents clearly and tragically indicate, however, this sizable employee investment in a secure retirement is never enjoyed by some contributors because of job transfer, lack of tenure, or plant shutdown. My legislation, therefore, introduces stronger Federal regulation into this virtually unregulated field in order to foster the creation and maintenance of sounder, more secure private pension plans.

I would like to emphasize my firm belief in the role of private pensions as an important, desirable source of retirement income for our senior citizens. The job of the Federal Government, as I see it, is to eliminate those cases where a worker loses all his pension benefits because of unintentional accidents, shortsighted planning, or misuse of private pension programs.

To accomplish this goal, the Employee Benefits Protection Act includes the following key provisions:

One. The legislation requires minimum vesting standards for pension plans, to assure that no plan sets its eligibility standards so high as to deny rights to the majority of the participants in the plan. This vesting requirement states that after 6 years of contribution to a plan, the worker would be guaranteed the right to at least 10 percent of any benefits he had earned up to that time. Each succeeding year an additional 10 percent of his benefits would be vested, so that by the 15th year there would be full vesting. Gradual vesting has a distinct advantage over flat, ungraduated 100-percent vesting in the 15th year; it avoids the situation where a worker is laid off after 14 years and 11 months of participation in the pension plan, thereby losing his right to receive any of his retirement benefits.

Two. Minimum funding standards are required to assure the sound, responsible operation of pension programs and the delivery of promised retirement incomes.

Three. A Federal insurance program is established for private pension programs in order to guarantee the payment of benefits if an employer goes out of business before the plan is fully funded.

Four. Rules of conduct covering conflict of interest and other unethical practices are established to prevent graft and mishandling of pension funds.

Five. The legislation consolidates present regulatory standards for pension plans—now administered by various Federal agencies—into a new, single Pension and Employee Benefit Plan Commission.

Six. Finally, the Employee Benefits Protection Act provides for effective judicial enforcement of the bill's provisions, and for recovery of pension benefits.

I do not take credit for authoring this bill; this legislation represents years of research and debate by many legislators, administrators, and staffers. Neither does this bill mark the end of the debate over what role the Federal Government should play in regulating private pension plans. Nevertheless, I have carefully studied the various proposals before the Congress, and I firmly believe that this bill is a far-reaching and comprehensive approach which will fully guarantee retired employees the private pension benefits which are rightfully due to them.

Because of the urgency and desirability of insuring that our Nation's senior citizens can enjoy full lives and secure retirement years, I strongly hope that the Congress will actively consider this year the Employee Benefits Protection Act or similar legislation.

JOINT ECONOMIC REPORT—1972

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BRADEMAS) is recognized for 15 minutes.

Mr. BRADEMAS. Mr. Speaker, I wish to call to the attention of my colleagues the 1972 Joint Economic Report of the Joint Economic Committee, and particularly, the supplementary views of our distinguished majority leader, HALE BOGGS.

Mr. BOGGS is well versed in both legislative and economic matters, and his supplementary views are an excellent statement of the leadership of the Congress in the effort to stimulate employment, halt inflation, and restore the economy to its former health.

I am inserting the text of Mr. BOGGS' supplementary views in the RECORD and calling it to the attention of my colleagues:

THE 1972 ECONOMIC REPORT OF THE JOINT ECONOMIC COMMITTEE

SUPPLEMENTARY VIEWS OF REPRESENTATIVE BOGGS

I am in general accord with the views expressed in the Majority Report and hasten to commend my associates on the Joint Economic Committee both for the hard working and thorough way in which they went about exploring the President's economic policy recommendations and for their impressive competence in appraising it. Regrettably, my duties as Majority Leader did not permit me to participate fully in the hearings and, for this reason, it would not be appropriate for me to take a position on each and every recommendation in the Report.

At the same time, I want to take this opportunity to emphasize the fundamental conclusion that the misguided economic policies of the Administration have cost this country some $125 billion in lost production during the past two years and brought about a situation where 5 million people are out of work. What is more, had it not been for the programs put through at the initiative of the 92nd Congress, the situation would have been far worse.

In the circumstances, I feel it incumbent on me to set forth briefly in these supplement views the legislative record of the 92d Congress aimed at the goal of restoring to this nation the full employment enjoyed prior to January 1969 and toward ending the unhappy and unprecedented combination of escalating inflation and plunging employment which has been our lot during the past two years.

When this Congress convened in January 1971, we found the nation's economy in disarray. The legacy of full employment bequeathed President Nixon by the outgoing Democrats in January 1969 had been dissipated and replaced in two years by an additional two million jobless Americans. After witnessing a steady growth of the economy throughout the Kennedy-Johnson years we were now faced with an industrial plant operating below 75 percent of capacity and an annual GNP $74 billion below its potential.

The costs to the nation of this deliberate slowdown have been enormous. Far from bringing down prices as intended, Administration policies produced an unprecedented combination of inflation and recession. The cost of living was 12 percent higher in January than it had been two years before, and unemployment was approaching the ten-year high of 6 percent where it has stayed throughout the year. The number of Americans living in poverty increased in 1970 for the first time in a decade, and welfare rolls also hit all-time highs.

Because this nation obviously could no longer afford inaction, the 92nd Congress extended the authority it had given the President in 1970 to control wages and prices, and urged him once again to act immediately. The Congress approved emergency employment legislation and accelerated public works authorization to get the Federal government into the attack on joblessness.

And after the President finally adopted our recommendations on August 15, we expeditiously enacted tax relief to stimulate the economy and a further extension of the economic stabilization legislation to give full latitude to the Phase II proposal. The Congress strengthened and refined both these measures to provide balance and equitable treatment for all Americans.

A partial list of the measures passed by the 92nd Congress demonstrates the extent and character of our actions up to now.

Cost of Living Stabilization Act.—On its own initiative the Congress kept the Economic Stabilization Act of 1970 operative through April 30, 1972, despite the President's repeated disclaimers that he would not invoke the wage-price control mechanism it authorized. However, when the continuing poor performance of our economy led to the August 15 unveiling of the New Economic Program, the President requested a further extension of the controls, and we complied by making the Act operative until 1973 while including additional provision for standby authority to control interest rates.

Emergency Employment Act.—With persistent unemployment the most troublesome aspect of our sluggish economy, we enacted several bills to give the job market a shot-in-the-arm. The Emergency Employment Act authorizes $2.25 billion over the next two years to reimburse State and local governments for placing the unemployed in public service jobs—in health, education, sanitation, public works, environmental control. It provides for special consideration for Vietnam veterans and earmarks funds for unemployed professional and technical personnel. And, when unemployment hovered consistently at the six percent level throughout 1971 we expedited a separate $1 billion appropriation in early August to get the Act immediately implemented.

Accelerated Public Works.—Another major Congressional initiative aimed at our pervasive unemployment problem would have authorized $5.5 billion for a program of accelerated public works projects, extension of the Public Works and Economic Development Act, and the Appalachian Regional Development Act. The $2 billion that was earmarked for job creation in speeded-up public works projects proved unacceptable to the President, however, and drew a veto which the Senate sustained. With such Administration intransigence toward the highest unemployment in a decade, we were forced to re-draft a compromise bill to extend Appalachia aid and EDA, with only $500 million for unemployment in accelerated public works. Though we passed this legislation on August 5, the President did not order its implementation until December, and then only in a most parsimonious manner.

Revenue Act.—To provide stimulation for a lagging economy we approved $15.8 billion in personal and business tax relief. These tax breaks included a seven percent investment tax credit for industry and speed-up of personal tax exemption and deduction increases scheduled for subsequent years. The final product due to Democratic Congressional efforts gave a far greater measure of tax relief to those in the low and moderate income brackets than would have the President's original proposal.

Small Business Loan Ceiling Increase.—To ease problems faced by small businessmen during recessionary times, we increased SBA's outstanding loan ceiling from $2.2 billion to $3.1 billion for regular and displaced loans, trade adjustment loans, prime contracts and opportunity loans through fiscal 1972.

Unemployment Compensation.—In a bill amending the administration of the Federal unemployment tax collection system, we authorized the payment of an additional 13 weeks of unemployment compensation to individuals who have exhausted their benefits in States with a jobless rate over 6.5 percent.

Conventional text book wisdom of our era has it that, in areas of paramount legislative importance, the President proposes and the Congress disposes. Like so many unexamined maxims dealing with human affairs, this, when tested against the practical experience of the 92nd Congress, proves to be less than the entire truth. This Congress, certainly in the economics sphere, to an extent unwitnessed probably for half a century, has been the innovator, the proposer; the President and the entire Executive Branch, by way of contrast, have played the passive role of reactor or receiver, sometimes opposing, sometimes accepting with great reluctance economic reforms emanating from Capitol Hill. The current combination of inflation and recession would be much worse had the Congress relied on the Administration's recommendations alone and failed to enact on its own initiative the economic legislation placed on the statute books during the past year.

The Congress will not allow continued high unemployment and underutilization of productive ability to further pile up the mass of lost potential. We will stand ready during the year to expand public employment further, to enact emergency grants to State and local governments to tide them over the recession, to build additional necessary public facilities, and thereby meet basic needs while providing additional employment, and take any other steps necessary to restore our economic well being.

A PLEA TO END SECOND-CLASS CITIZENSHIP FOR GOVERNMENT EMPLOYEES OR LET US PUT THE HATCH ACT BACK IN THE EGG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. Begich) is recognized for 10 minutes.

Mr. BEGICH. Mr. Speaker, last week, I introduced H.R. 14036, a bill to restore to Federal civilian employees their rights to participate fully in the political life of the Nation. More specifically, it is legislation designed to remove the outdated and unreasonable restrictions of the Hatch Act. Today, I would like to follow-up the introduction of the bill with some comments on this legislation, especially as it might affect the people of Alaska.

In making these comments, I want to specifically associate myself with the gentleman from California (Mr. Waldie) and the gentleman from Illinois (Mr. Mikva), who are standardbearers in the cause of eliminating the repressive features of the Hatch Act. Both of these gentlemen appeared on February 29, 1972, before the Elections Subcommittee of the House Administration Committee, and made articulate statements advocating Hatch Act reform. H.R. 13737, by Mr. Waldie, is the basis for my own bill. It is my privilege to join them in this cause. My action in doing so fulfills both a campaign promise to the people of Alaska, and a strong personal conviction on my own part.

I do not intend to retread the ground covered so well by others, but I believe a brief review of the Hatch Act history will be useful here.

In 1939, the Hatch Act was enacted for a single important reason. It was intended to protect public employees from involuntary political activity. The key word, I believe, is involuntary.

In 1940, the act was amended to extend its prohibitions to State and local government employees working in federally funded programs.

In 1966, the act was amended to cover employees of private groups carrying out community action programs funded under the Economic Opportunity Act.

Finally, the passage of over 30 years has also brought forth a barrage of incomprehensible rules and regulations to administer the act. Any person who has ever worked under the Hatch Act's shadow knows very well the key rule for survival: "When in doubt, do not do anything, because what you do might be wrong." The classic rule was quoted by Mr. Waldie in the recent hearings when he read from the Civil Service Commission Pamphlet No. 20, "Political Activity, Federal Officers and Employees," under "Activity by Indirection":

> Employees are therefore accountable for political activity by persons other than themselves including wives or husbands if, in fact, the employees are accomplishing by collusion and indirection what they may not do openly and directly.

In summary, the repressive effects of the Hatch Act now fall on over 5 million Federal and Federal-related employees. Also, the Hatch Act has spawned a great number of State level "Little Hatch Acts," which offer varying degrees of the same treatment. The ambiguity of the regulations which carry out the act is pervasive, stopping the expression of opinion in the worst instances and frustrating the expression of opinion even in the best of cases. An act which was originally intended only to protect public employees from involuntary political activity now serves primarily to deny these same employees the freedom to engage in voluntary political activity.

The other face of the argument against the Hatch Act is that it effectively deprives our democratic system of the participation of 5 million citizens. As one who considers Government service to be among the highest callings in our society, I believe this particular 5 million persons to be especially vital to the system. Locking them out of the political process is, very simply, an expense to democracy which we cannot afford.

Let me state specifically why my own commitment is so firm. It is because few States are hit so hard by the twin losses of individual rights and nonparticipation of this valuable component in democracy as is my own State of Alaska.

Nationwide, 5 million employees are restricted in their activities out of a population of 210 million. This is approximately 2½ percent of the total population, and about 7 percent of the voting population of approximately 73 million. As sad as these figures are, they are exceeded substantially by the statistics describing denial of participation in Alaska.

In Alaska, there are over 17,000 Federal employees in a population of 302,000. This means that approximately 6½ percent of the population is restricted, or about 21 percent of the voting population of 82,000.

I really do not believe that either the Nation or Alaska can or should have to stand the loss of this many people from the process of democracy.

The bill which I have introduced is based on the philosophy that the original intent of the Hatch Act is a valid one. That is, to protect public employees from involuntary political activities, and to prevent political activities from becoming a part of the individual's performance of his employment. To this extent, this bill retains features of the present law.

At the same time, the bill I have introduced totally rejects the notion that voluntary political activity, carried on separately from the employment, should be restricted to any degree. Among the rights specifically protected by this legislation are:

Expression of political opinion.

Candidacy for any public office at any level.

Candidacy for, and service as, a party convention delegate or officer.

Participation in, or organization of, meetings, caucuses, conventions, or rallies for political purposes.

Membership in political clubs.

Political campaigning.

I believe strongly that an individual's exercise of these basic rights of political participation should not be a sacrifice required by Government employees. The recent hearings by the House Administration Committee indicate that others feel the same way, and that interest is finally being expressed in reconsidering the Hatch Act. For the sake of over 5 million citizens, I hope that reform is undertaken in a rapid manner and to a meaningful extent.

PHASE II FLOATS LIKE CORK BUT IS NO STOPPER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, I fail to understand what is taking the administration so long to conclude that something has to be done to control skyrocketing food prices. I thought I knew what the answer was up until a few ays ago. I just assumed that the administration, with its eyes firmly planted on the 1972 election, was going out of its way to court the farm vote and what might make sense to some east coast or west coast housewives might not be popular with the families who work on farms. But investigations I have been able to make into this matter convince me that this is a classic case of misplaced concern. The fact of the matter is that, as on so many occasions in American history, the answer is not the one who is making the profits—certainly not the small farmer every public official holds so dear in his speeches—but rather the middlemen who are buying from the farmers and selling to the supermarket chains. I think the administration is gradually coming around to realizing this. Thus, in the space of one weekend, we hear the Secretary of the Treasury and the President himself thinking out loud and indicating that action to control food prices may well be essential if phase II is going to have any chance of success. The problem, of course, will be to convince the Secretary of Agriculture, Mr. Butz, who has gone way out on the limb on this issue, and with no if's, and's, or but's about it, committed himself to opposing price controls over food.

But I, as a Congressman who has to read letters from hundreds of housewives in my district, complaining about ever-increasing food prices while their husbands' wages are held down, cannot be satisfied with this weekend treat of high administration officials thinking out loud and admitting that there is a problem and that something must be done. Phase II has been in operation for far too long. Complaints have been coming in for too many months for this administration to pretend that a problem has just been uncovered and in a few months' time action will be forthcoming. A family's food budget is just too big a factor to be left out of price controls in the first place for me or any other Member of Congress to be satisfied with an assurance that our concern is very much in the forefront of the President's thinking these days. This is not saving the housewife a single blessed penny and, in fact, has cost families across the land millions of dollars in higher food prices.

I do not mind admitting, while I am on the subject of phase II, that this food price fiasco is simply the latest in a whole series of inexplicable sins of omission perpetrated by the designers and architects of the "house of sand" we refer to as phase II. High on my list of sins of omission for some time now was the initial failure of the administration to include insurance premiums covering medical costs in the initial freeze and subsequent guidelines. Again, health costs are just too big a factor for families across this Nation to be subjected to 22, 37, or 44 percent proposed increases in health insurance rates. The fact that in the end the Federal Employees' Blue Cross/Blue Shield premium was rolled back to a staggering 22-percent increase is no cause for universal celebration. A 22-percent increase in such a major budget item as health insurance not only makes a mockery out of the attempt to hold down costs in and of itself, but sets a poor example to the rest of the economy. The Government cannot even control the costs of the Federal employees' health insurance program.

Also high on the list of sins of omission is the failure to effectively control utility costs. The same month that citizens of Massachusetts were hit with announced rate increases from the health insurance companies, we find that they have also been informed about rate increases in their electric bills and telephone bills and other utility bills. Anyone who thinks that after a family writes out the checks to cover all these bills, that that family can possibly feel that inflation is being tackled across-the-board is certainly pipedreaming and has been in Washington too long. He ought to get out of this city and go back to the city from whence he came.

Also high on my list of sins of omission by the architects of phase II is the rather ridiculous pretense that one can have effective control of costs when local property taxes are deliberately exempted from any wage-price control program. I am well aware that States and local government have the right to collect taxes independently from the Federal Government, but the local property taxes are just too big an item in the budget of every American citizen for them to be able to afford the pretense that these taxes can be ignored by the wage-price control people and still have inflation kept in control. Make no mistake about it, you do not have to own property to appreciate what I am getting at. Rent adjustments permitted after the freeze in most cases simply tried to adjust to increases in local property taxes. We all know local property taxes have spiraled in recent years to dizzying heights with no end in sight. Reading the local papers in my district in the past few months has made it crystal clear to me that wage-price controls, phase II, the whole show down here has not made one iota of difference in keeping down the trend of local property taxes increasing by leaps and bounds.

Now I ask you, how can anyone pretend that wage-price controls are working when the architects of the policy have gone out of their way to omit health insurance premiums, local property taxes, food prices, and utility rates from direct controls? In other words, if you leave out health, home, food, heat, and water from controls who is kidding whom that inflation has a chance of being restrained?

The American people are seeing through this, my constituents certainly are. They are not in the mood to take it much longer. Patchwork controls, half-hearted efforts are no substitute for effective controls and ultimate victory over inflation. The wage-price controls were billed originally as a long-awaited lid on costs and price. Some lid. Most of the time the lid seems more and more like a helpless cork, bobbing on the top of the ever-rising tide of higher prices, just barely keeping its head above water. This is not my idea of an effective lid. If the administration is serious about putting the lid on prices, let us get a lid with real clamps that will work instead of float. The time for action is now, without further delay.

ILLEGAL ADMINISTRATIVE ACTION AGAINST FARMWORKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 5 minutes.

Mr. DENT. Mr. Speaker, through the course of the years since the initiation of the trade and labor movement in this country, big business, and corporate interests in general have used cruel and insidious methods to try to thwart and even reverse this trend.

These people have tried to use both economic coercion and physical intimidation to frighten the union members. They have used scab labor and illegal aliens in order to break strikes. When threats of violence did not work, they used violence itself. At one point, groups of companies even hired their own police forces in order to legitimize that violence. The people of Pennsylvania remember them well. The ultimate step, or at least what I thought until now was the ultimate step, came when State governments and even the Federal Government intervened with laws prejudicial to the unions.

Today, unionism is well established in this country. Yet, the fight against it continues, and it continues in even more subtle ways. Instead of management contravening the laws, the executive branch of the Government is now doing it for them. I am speaking specifically about the action by the General Counsel of the National Labor Relations Board against the United Farm Workers Union.

First of all, farmworkers have been specifically excluded from coverage under the National Labor Relations Act ever since that act was passed. Since agricultural workers have never been covered by the benefits and protection of the NLRA, there was no way until just now that one could construe that they are covered by the prohibitions. Yet, that is exactly what Peter Nash, the new NLRB General Counsel, is trying to do.

Nevertheless, I have a more immediate concern, and it should be the concern of the Congress as a whole. This action is in direct conflict with congressional mandate as manifested in the Department of Labor Appropriations for 1972. In title III the law explicitly states that no part of the National Labor Relations Board appropriations should be available "to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, as defined in section 3(f) of the act of June 25, 1938 (29 U.S.C. 203)." In the face of congressional mandate as well as judicial precedent, Peter Nash has initiated a very questionable action.

For the purposes of the Appropriations Act, the definition of agricultural labor is the same as that in the Fair Labor Standards Act of 1938 which is within the purview of my General Subcommittee on Labor. The act originally excluded any employee employed in agriculture and defined agriculture as:

> Farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in section 15(g) of the Agricultural Marketing Act, as amended), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices . . . performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market.

Therefore, it would seem as though the members of the United Farm Workers Union are clearly covered under that provision.

Now, what is Mr. Nash doing? He is using both the power and the resources of the U.S. Government against specific congressional mandate to suppress a movement of workers who have traditionally been most exploited and the poorest paid group of workers in the country. Is this not the most despicable and illegal device yet used to prevent hardworking people from earning a decent, livable wage? I wonder what our country has come to when its Government, one for all the people, uses its powers to suppress a segment thereof.

I am happy to join today with my honorable colleague from Michigan (Mr. O'HARA), in exposing the actions of an administration long unfriendly to labor. This is only one case in a series of prejudicial actions perpetrated against American workers. Let us hope that the tide soon turns. Viva la causa of the United Farm Workers.

THE NATIONAL HEALTH CARE SERVICES REORGANIZATION AND FINANCING ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. ULLMAN) is recognized for 30 minutes.

Mr. ULLMAN. Mr. Speaker, the legislation which I am submitting to the Congress today represents an essentially new concept for this Nation's health care system. It is a new concept that can be be phased in over a 5-year period with changes in both the financing and delivery of health care accomplished on a practical timetable. Although it is as broad in scope as any of the major health care proposals now being considered, I believe it is the most realistic. After nearly 2 months of hearings in the Ways and Means Committee, it is my opinion that the administration's proposals are only a piecemeal approach to the problems of national health care, while the Kennedy-Griffiths plan would create a monolithic, federal system tied too closely to Washington. My plan would build on existing resources to reorient our system of health care delivery and would improve and ease the financing of health services for all people. It is a blueprint for the future. But it is also the basis for change today.

The problems of our health care system are certainly well known. We need to restructure the system so that it can more effectively provide services for all. We need to put an end to the fragmentation of services. We need desperately to pull it all together. We need full health insurance coverage for everyone.

The National Health Care Services Reorganization and Financing Act has provisions to move us toward such goals.

It would create a new and better system built on the best resources of the existing system.

It would provide the benefits everyone wants, and absorb medicare and medicaid.

It would assist the average family through government sources and assure that everyone would be provided with comprehensive health care coverage.

Above all, this act would make health services much more readily available to all and would emphasize outpatient services so that illness could be prevented, or treated before it reaches an acute stage.

At the heart of the bill is the establishment of HCC's or health care corporations, locally organized and operated units that would pull community health resources together in a meaningful way, in keeping with community customs and precedent. These HCC's would be organized and run by providers—hospitals, doctors, dentists, and other health professionals, as well as nursing homes and key organizations—within the community. They would grow out of the community and be suited to it, be required to provide for citizen or consumer representation, and would be accountable to the public.

HCC's would, in time, be required to offer services to their enrollees or registrants on a capitation basis. This means that they would provide services for so much per person per year. And providers would then have an incentive to deliver the most appropriate service in the most effective, least costly way. Outpatient services would be used much more widely, and therefore costly inpatient services would be utilized much more wisely.

Every employer would be required to provide a program of comprehensive health care benefits for his employees, paying 75 percent of the premium costs.

For individuals and their families who registered with HCC's, the Federal Government would contribute 10 percent of premium costs.

The Department of Health, Education, and Welfare would set standards of quality for the total program and establish the scope of health insurance benefits. It would purchase coverage for the aged and, to the extent necessary, for those needing assistance in meeting the cost of health insurance protection.

State health commissions, newly appointed by State governors, would approve HCC's for operation and approve charges for service. These same commissions would regulate the administration of health insurance benefits and approve the insurance premium charges of underwriters. Thus, State government would play a vital role and there would be no need for large bureaucratic operations for the system out of Washington.

The details of the act are set forth in the section by section summary, as well as in the bill itself. But in this brief statement, I would like to emphasize these features of the bill especially:

It offers everyone, regardless of age or income, the same broad package of benefits;

It consolidates all HEW health programs;

It insures everyone against the cost of catastrophic illness so that no one's resources could be depleted as a result of his being seriously sick;

It has the Federal Government pay the costs of health care for the poor and the old, and part of the costs for all others;

It offers free medical, dental, and eye care provisions for all children up to age 12;

It emphasizes an increase in outpatient services so that everyone will know where to turn in time of need for health care;

It places the incentives for keeping costs down and the responsibility for care where they belong—at the community level, allowing maximum Federal support with minimum Federal interference;

It develops resources for better health education to raise the levels of health maintenance, nutrition, and the management of illness in the family.

I feel that the national health care program set forth in this bill is truly workable and not just theoretically appealing. Its concept originated in a special committee of the American Hospital Association, which also applied technical resources to its development. Now it has been translated into a realistic, workable bill that deserves the serious consideration of Congress and of the American people.

The program is realistic because communities could begin immediately to coordinate health care resources and to form HCC's. It would take time and much effort to bring about the necessary affiliations among providers of services, but the need to do so is well known and universally understood.

Every individual would have an opportunity to join an HCC, and would have a choice among HCC's in communities where more than one would be formed. In large communities, HCC's would compete with each other for registrants on the basis of quality of service, convenience, and cost. HCC's in underserved areas, rural and urban, would be linked within the requirements of a State plan to HCC's in areas where resources are better developed. In this way, every State would be able to link its health care resources, and all of the people would be served.

Under the restructured system, registrants of HCC's would have a choice in determining what community health services should be provided and how they should be provided. The governing boards of HCC's would include representatives of the community, as well as representatives of affiliated providers of service. There would be, in each State, provisions for fair hearings and for solving problems inherent in any system of health services. This provision is especially important in the development of a system better suited to the public need.

Individuals would continue to have a choice of health insurance carrier, as they do now, and all HCC registrants, regardless of the sources of funds to finance their health insurance protection, would be assumed a common level of benefits and services. Eligibility for federally purchased benefits, whether these would be purchased by the Government in whole or only in part, would be based on income tax records or declarations of income. And recipients of such benefits would not need special identification at the time they sought health services. The restructured system, in other words, would prevent dual class medicine.

HCC's would provide emergency services to all persons, including travelers registered with HCC's elsewhere, or any nonregistered individuals. This would greatly mitigate discontinuity in service and in health insurance protection in our highly mobile society.

HCC's would, through mutual arrangements, provide special services for other HCC's such as cancer therapy, open heart surgery, or dialysis, thereby reducing the need for the most costly of services on a standby and duplicative basis.

The newly formed State health commissions would approve HCC's for operation and would assure the adequacy and quality of health services. These commissions would formulate detailed plans for the coordination of health services and would submit them for approval to the Secretary of HEW. They would have responsibility for approving the rates charged for services by all health care providers, including those not affiliated with HCC's. Their duties would include control of the benefit and premium structures of prepayment plans and insurance companies at the State level, and the issuance of certification of need for new health facilities and services.

The State health commissions would approve HCC proposals to offer services on a capitation basis to their registrants. These proposals would have to result in active programs within 5 years after the approval of HCC's for operation.

In effect, Government would be responsible in the restructured system for fulfilling the principle that health care is an inherent right of every person. This would be a joint responsibility of the Federal and State governments, with the Secretary of HEW in charge of the total national health program, responsible to the President, and also responsible for making reports to Congress as well as recommendations for future legislation.

This, then, is a complex and comprehensive program. But of necessity it must be so. And for this reason the bill provides for appropriate phasing in of benefits and of strengthening resources.

Following the enactment of the legislation, there would be a 5-year period for the development of State plans, the establishment of HCC's, and the setting up of new governmental agencies. It would also be a period for experimentation with various forms of HCC's, and it would provide the interval needed for combining of parts A and B under medicare and for the Federal financing of most benefits under medicare.

The essence of the act is the coordination of our health care system and its financing. Its objective is the improvement of health care services for all. It is aimed at the containment of health care costs and removal of the threat to American families of disastrously high health care expenses.

The bill represents the culmination of much effort, and its basic concepts reflect major policies of the American Hospital Association. It is, in my opinion, the most flexible and progressive solution to the Nation's health care problems, and the most comprehensive bill of its kind. My hope is that it will become the basis in Federal law for better health services for generations to come.

The above-mentioned material follows:

Section-by-Section Analysis

To establish a new program of health care delivery and comprehensive health care benefits (including catastrophic coverage) to be available to the employed, the unemployed, and low income individuals at a cost related to their income.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act, divided into titles, parts, and sections, may be cited as the "National Health Care Services Reorganization and Financing Act."

FINDINGS AND DECLARATION OF PURPOSE

Section 2(a) states that in recognizing health care as an inherent right of each individual and of all the people of the United States, Congress declares that health services must be so organized and financed as to make them readily available to all, without regard to race, creed, color, sex, or age, and without regard to any person's ability to pay; that health services must enhance the dignity of the individual and promote better community life; and that it is a function of government to see that these ends are attained.

(b) calls for reorganization of the methods of delivery, and methods of financing health services, these purposes to be accomplished through a nationwide system of independent Health Care Corporations embodying specific principles:

(1) each corporation must provide through its own resources, or through affiliations with qualified institutional and professional providers, five levels of comprehensive health care: health maintenance services, and primary, specialty, restorative and health-related custodial care;

(2) through a system of independent corporations, every individual would be provided an opportunity to register and, where possible, to have a choice of Health Care Corporations;

(3) Health Care Corporations should be locally established and operated, but subject to State regulation and to national standards of quality and scope of services.

This section also states that with Federal financial assistance in developing corporations and needed outpatient facilities, the system can become operative within five years after the enactment of legislation.

(c) states that in addition to its responsibilities cited above, the Federal government should include financial assistance to the public in obtaining the services of corporations, in accordance with these principles:

(1) the Federal government should require all employers to participate in the purchase of Comprehensive Health Care Benefits for their employees;

(2) the Federal government should purchase or subsidize health insurance for those unable to pay, or unable to pay in full;

(3) social insurance should continue to finance health care for the aged;

(4) to encourage participation by individuals in new health delivery and benefit programs, the Federal government should bear a part of the cost of services.

(d) provides that:

(1) in the fifth year following enactment, every person residing in the United States will be eligible to participate in the program;

(2) every individual will be entitled to the services established in the Act if he has registered with a Health Care Corporation and has obtained health benefit coverage from a qualified insurance carrier, or has had it provided on the basis of his income or age;

(3) coverage will be provided without cost to persons in the lowest income bracket and at reduced cost to persons in higher income brackets specified in this Act; and

(4) coverage will be provided through social insurance to those 65 and over.

DEFINITIONS

Section 3 defines the term "Comprehensive Health Care Benefits" as the benefits described in Title II part B; the term "State" as including the District of Columbia and Puerto Rico; the term "United States" (when used in a geographic sense) as meaning the 50 States, the District of Columbia, and Puerto Rico; the term "Governor" as including the Commissioner of the District of Columbia; and the term "Secretary" as the Secretary of Health, Education, and Welfare.

TITLE I—REORGANIZATION OF NATIONAL HEALTH SERVICES

SHORT TITLE

Section 100. Title I may be cited as the "National Health Services Reorganization Act.

Part A—Federal Administration

ESTABLISHMENT OF OFFICE OF HEALTH AFFAIRS; UNDER SECRETARY FOR HEALTH

Section 101(a) establishes a new organizational entity at the departmental level in the Department of Health, Education, and

Welfare, hereafter referred to as the Office of Health Affairs.

(b) establishes a new position of Under Secretary for Health, DHEW.

(1) states that the appointments to this position shall be made by the President with the advice and consent of the Senate.

(2) establishes the grade and salary level for the Under Secretary.

(3) establishes the Under Secretary for Health as director of the Office of Health Affairs, HEW.

FUNCTIONS AND RESPONSIBILITIES OF THE OFFICE OF HEALTH AFFAIRS

Section 102(a) transfers to the Office of Health Affairs all of the health programs of the Department of HEW, including those under the direction of the Assistant Secretary for Health and Scientific Affairs, the health activities of the Social Security Administration, and the Social and Rehabilitation Service.

(b) charges the Under Secretary for Health, Office of Health Affairs, with responsibility for planning, operation, coordination, and evaluation of all of the health programs of HEW.

(c) with respect to the Health Services Reorganization and Financing Act, charges the Under Secretary for Health with:

(1) continuous review of the activities of State Health Commissions;

(2) liaison with all Federal agencies administering health or health-related programs, and with private national accrediting and other agencies concerned with standards of care and qualifications of health personnel, including the approval and listing of certifying bodies;

(3) responsibility for annual reports, to be transmitted through the Secretary of HEW to the President, first to evaluate the progress of State plans and the development of Health Care Corporations, and thereafter, to evaluate the national program, including recommendations for legislation, if any;

(4) dissemination to State governments, providers of service, and the public, of all pertinent information about the national program; and to State governments, providers of service, and potential sponsors of Health Care Corporations, information concerning the organization and responsibilities of such corporations.

REGULATIONS OF THE SECRETARY

Section 103(a) authorizes the Secretary of HEW to prescribe all further regulations that it considers necessary to implement this Act.

(b) further authorizes the Secretary to prescribe by regulation—

(1) uniform systems of accounting for Health Care Corporations;

(2) the method(s) to be used in determining the financial requirements of institutional health care providers, including operating and capital requirements, and for non-institutional providers, all reasonable fees, salaries, or other compensation for services;

(3) standards of quality and safety, such standards to require as a minimum that hospitals, extended care facilities, and home health agencies meet the applicable requirements contained in title XVIII of the Social Security Act, and that nursing homes meet such requirements as the Secretary finds appropriate;

(4) standards relating to the qualifications and use of paramedical personnel as assistants to physicians and dentists; and

(5) standards for the determination of qualified carriers under Section 232.

NATIONAL HEALTH SERVICES ADVISORY COUNCIL

Section 104(a) establishes a National Health Services Advisory Council, whose Chairman shall be the Under Secretary for Health Affairs, with 20 other members to be appointed by the Secretary.

Members of the Council shall include representatives of health care providers; not less than half of the members shall be representatives of consumers of health care services. Members are to be appointed for four-year staggered terms, with five members appointed each year.

Council members representing providers shall be outstanding in fields related to medical, hospital, and health activities, or be representatives of organizations of professional health personnel. Consumer representatives shall not be engaged in or have financial interest in furnishing health services and shall be persons knowledgeable about health needs and the problems of providing health services.

(b) authorizes the Advisory Council to appoint professional or technical committees; and states that the Council, its members, and its committees may hire staff as authorized by the Secretary. The Council shall meet not less than four times each year and as often as the Secretary deems necessary.

(c) charges the Council with:

(1) advising the Secretary on general policy, and

(2) studying the activities of State Health Commissions, and Health Care Corporations, and other health care providers in order to recommend changes to the Secretary. The Council shall make an annual report to the Secretary which shall be transmitted to Congress with a report by the Secretary on any administrative recommendations of the Council that have not been followed. The Secretary shall report to Congress his views of the Council's recommendations for legislation.

(d) provides that the Council's members and members of its committees shall be compensated for their work at rates fixed by the Secretary but not more than the daily rate for grade GS-18 of the General Schedule; and that they will be reimbursed for travel expenses.

STUDIES OF DELIVERY AND FINANCING OF HEALTH CARE

Section 105(a) requires the Office of Health Affairs to make a continuing study of the operations under this title, including all of the aspects of services of health care providers, the effectiveness of supervision by State Health Commissions, and the financing of services through insurance. The Office is further authorized to study alternative methods of furnishing and financing health care services, and methods of improving the delivery of health services.

(b) authorizes the Office to conduct the functions under this section through contract and to make grants to public or other nonprofit agencies for this purpose.

(c) requires the Office to publish the results of its studies from time to time.

UTILIZATION OF STATE AGENCIES

Section 106(a) authorizes and encourages HEW to make arrangements with State Health Commissions which will enable the commissions:

(1) to contract, as agent and in the name of the Department of HEW, with health insurance carriers approved by the Secretary; and

(2) to perform other functions that the Secretary may deem appropriate.

(b) requires the Department to pay State Health Commissions for their administrative costs pursuant to the arrangements above.

FEDERAL FINANCING RESPONSIBILITIES FOR HEALTH SERVICES

Section 107(a) amends (effective January 1 or July 1, whichever comes first, at least 6 months after the date of enactment of this Act) the Social Security Act to:

(1) make available to all persons eligible for Part A of Title XVIII also eligible for Part B of that Title, and to finance Part B contributions through appropriations from general Federal revenue.

(2) provide for annual appropriations by the Federal government for health insurance benefits that are equal to Title XVIII benefits (with no obligations for copayments or deductibles) for all those eligible under income class 1 as defined in Section 203(a)(1).

(3) provides that no premium or similar amount shall be payable by any individual eligible for benefits under (1) and (2) above.

(b) provides that effective on the first day of the third full fiscal year that begins after this Act is enacted, the Federal government will make annual appropriations in behalf of the program outlined in Title II to meet the following estimated cost for the fiscal year:

(1) expansion of Title XVIII benefits to include Section 225 Catastrophic Expense Benefits for the Aged;

(2) prepaid coverage equivalent to Title XVIII benefits and Section 225 Catastrophic Expense Benefits for persons under 65 who are low income persons or members of low income families and the net cost, after deducting the contribution required of them of this coverage for persons who are under 65 who are medically indigent or members of medically indigent families; and

(3) the cost of providing a 10 per cent premium subsidy for those individuals in Income Class 5 under Section 202(c) who register with Health Care Corporations also provided are appropriations for additional costs incurred under this subsection.

(c) provides that effective on the first day of the fifth fiscal year that begins after the calendar year in which this act is enacted, the Federal government will make annual appropriations in behalf of the program outlined in Title II, to meet the following estimated costs for the fiscal year:

(1) prepaid coverage for Comprehensive Health Care Benefits for persons under 65 who are low-income persons or members of low-income families;

(2) the net cost, after deducting the contribution required of them, of such coverage for persons under 65 who are medically indigent or members of medically indigent families;

(3) the net cost, after deducting the contribution from the Title XVIII Part A trust fund, of such coverage for aged persons; and the added cost of those 65 and over who are either low-income persons or members of low-income families, or are medically indigent persons or members of medically indigent families;

(4) the cost of providing a 10 per cent premium subsidy for those individuals in Income Class 5 (as defined in Section 202(c)) who register with Health Care Corporations;

(5) the cost of establishing or maintaining a reserve of 5 per cent of the foregoing costs; and

(6) the cost of administration incurred by HEW in providing the coverages in (1), (2), and (3).

(d) states that the Secretary shall estimate the costs of (a) and (b) and make requests to Congress for necessary annual appropriations.

CONTRACTING AUTHORITY OF THE SECRETARY

Section 108(a)(1) states that the Secretary shall provide prepaid coverage, through contracts with carriers for the benefits to which individuals and their families (i.e., the aged, the low-income, and the medically indigent) are entitled under Section 203.

(2) permits the Secretary to establish qualifying standards for carriers in addition to those set forth in this part of the Act.

(b)(1) permits the Secretary to negotiate and enter into (A) contracts with a carrier or carriers to provide Comprehensive Health Care Benefits for all individuals in the above-mentioned categories; (B) contracts with qualified carriers which have underwritten a prepayment plan for a Health Care Corporation operating wholly or primarily on a predetermined capitation charge basis; and (C) direct contracts with Health Care Corporations under Section 235 if the corporations operate on a predetermined capitation charge basis and as such qualify as carriers.

(2) permits the Secretary to authorize State Health Commissions to act as his agents in contracting with carriers described in (1).

(3) exempts contracts under this part from any provision of law requiring competitive bidding and from such other requirements of law as the Secretary may waive. It requires the Secretary, however, to communicate to all qualified carriers a description of the coverage he desires, the requirements and provisions of this title and regulations, and to invite these carriers to submit proposals. The paragraph lists some of the factors which the Secretary is to consider in negotiating contracts, such as the carriers' experience with group health insurance or prepayment plan coverage. It further provides that the Secretary may require the contracting carrier to reinsure with other carriers, and states that he shall enter into a contract with a combination of carriers only if this does not result in high premium rates and only if it best serves the purposes of this title. The term "combination of carriers" is defined.

FEDERAL RESPONSIBILITY FOR DEVELOPMENTAL GRANTS

Section 109(a) states it to be a responsibility of the Secretary to promote and assist the establishment, as soon as practicable, of the system of comprehensive health care delivery contemplated by this title, this to be accomplished through a variety of means of financial and technical assistance in the planning and development of Health Care Corporations, including the provision of incentives for use of the capitation method of payment for health care and the development and improvement of outpatient care centers, particularly in poverty and rural areas.

(b) authorizes the Secretary to recommend necessary appropriations for each fiscal year to carry out this responsibility.

AUTHORIZATION OF DEVELOPMENT FINANCIAL ASSISTANCE

Section 110(a) authorizes the Secretary to:

(1) make grants for planning, organizing, developing, and establishing Health Care Corporations, including their affiliation agreements with providers of health care;

(2) enter into contracts to pay all or part of the operating deficits of these corporations during their establishment or expansion;

(3) make grants to such corporations or their affiliated public or nonprofit providers for the initial operation of new outpatient care centers or new or expanded services in outpatient care centers; and

(4) make grants for major health maintenance, diagnostic, or therapeutic equipment, data processing systems or equipment, or central service equipment, needed for the initial operation of Health Care Corporations.

(b)(1) requires the Secretary, in making the above grants and/or contracts, to take into consideration existing health care resources and systems, and relative needs of States and areas within States; and requires the Secretary to make equitable distribution of such assistance.

(2) states that not more than 15 percent of the appropriations made for such grants or contracts may be spent in any one State.

(3) states that in awarding such contracts during the first five years for which funds have been appropriated, the Secretary shall give priority to corporations that (a) operate primarily on predetermined capitation charges, or (b) are in the process of converting primarily to that basis, or (c) agree to operate on or convert to primarily that basis if awarded such a contract. After the 5-year period, the Secretary may award contracts only to such corporations.

(4)(a) states that a grant or contract shall not be awarded when there is a State plan approved under this part of the Act, unless the State Health Commission has recommended approval of the application and has certified:

(1) in the case of start-up funds for a Health Care Corporation, that such a corporation is needed in the area involved, consonant with the State plan;

(2) in instances of a contract to meet for a reasonable period operating deficits of a Health Care Corporation, that the corporation applicant satisfies the definition of a Health Care Corporation and has been, or upon approval of the contract by the Secretary will be, approved by the commission;

(3) in the case of grants for the initial operation or equipping of outpatient care centers or for the expansion of such centers, or for major equipment, that the corporation satisfies the requirements referred to in paragraph (2) above, and that the outpatient care center or major equipment involved is needed for the effective discharge of the functions of the respective Health Care Corporation under the State plan.

(c) declares that in a state in which there is not yet an approved State plan but in which a State Health Commission and a State Advisory Council have been established, the Secretary shall not make a grant or contract under the foregoing sections unless the commission, the State planning agency, if any, and the appropriate areawide health planning agency (if it is different from the State planning agency) have had an opportunity to review and comment on the application. This paragraph also defines "appropriate areawide health planning agency" as that agency referred to in Section 314(b) of the Public Health Service Act or, if there is no such agency, another public or nonprofit private agency or organization (if any) performing similar functions.

GRANTS FOR STATE PLANS

Section 111(a) authorizes the Secretary to make grants to State Health Commissions for all or part of the cost of developing State plans, including the expenses of State Advisory Councils, and the cost of dissemination of information about the proposed plan, and of public hearings.

(b) authorizes appropriations for grants under this section for each fiscal year in the period beginning with the fiscal year of enactment and ending with the close of the 3rd full fiscal year.

(c) requires the Secretary to pay to each State with an approved plan a percentage of the expenditures for the administration of the plan, beginning with 90 per cent during fiscal years ending before the effective date of the benefit program of this Act (Section 201 and 202), and diminishing to 85 per cent during the next two fiscal years and to 75 per cent thereafter. With respect to Federal functions as agent of the Secretary (see Section 124(b)(10)) the Federal percentage is fixed at 100.

FINANCIAL ASSISTANCE UNDER OTHER PROGRAMS

Section 112(a)(1) states that the Secretary shall, to the optimum extent, use other programs of financial assistance in the field of health care to promote the purposes of this Act.

(2) authorizes the Secretary, notwithstanding any other provision of law, to give highest priority to the needs of Health Care Corporations in the administration of such other programs, particularly in urban or rural poverty areas.

(b)(1) requires the Secretary to develop and disseminate informational materials about the availability of assistance under this part of the Act.

(2) states that the Secretary, on request, may provide advice, counsel, and technical assistance to Health Care Corporations and other named in this part in preparing applications and meeting requirements for grants and contracts.

PENALTIES FOR FRAUD

Section 113(a) provides for any individual, provider of health care, carrier or other person who knowingly or willingly makes or causes to be made any false statement or representation of a material fact in the application of any benefit or any grant or other payment under this Act or makes false statements or fails to disclose or who willingly converts such benefit or payment to any other use or purpose shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $10,000 or imprisoned for not more than one year or both.

(b) provides a similar penalty for any provider of health care or other person who furnishes items or services to an individual for which payment is made under this Act for a kick-back or bribe or furnishing of such services or a rebate of any fee or charge.

(c) provides a $2,000 fine or imprisonment for not more than 6 months or both for false statements or misrepresentations of a material fact with respect to the conditions or operation of any organization, institution, or facility in order that it may qualify as a carrier or provider of health care for purposes of this Act.

PART B—STATE FUNCTIONS

General conditions of State participation

Section 121 requires that in order for its residents to participate in the provision of Comprehensive Health Care Benefits that are financed or assisted by Federal funds, a State (1) must accept the provisions of this title and establish a newly-constituted and independent agency to carry out its provisions, this agency to be headed by a governing body to be known as the State Health Commission; (2) must establish a State Advisory Council; and (3) must have the Secretary's approval of a State plan submitted by the State Health Commission under section 124 for carrying out the State's responsibilities. (See also sec. 129, Federal Exercise of State Functions in Cases of Noncompliance by States.)

State health commissions

Section 122 (a) establishes the following requirements, among others, for State Health Commissions: a membership of three or five commissioners (depending upon the State law establishing the commission) appointed by the governor, for staggered terms (renewable) of six years. Not more than two members of a three-member commission, nor more than three members of a five-member commission, shall be members of the same political party. The governor shall designate one of the members as chairman.

(b) lists the principal qualifications of and requirements for State health commissioners. It provides that commissioners should be chosen not primarily for their experience in health affairs, but for their ability to bring effective and objective policy direction to the commission's affairs, and it requires that (1) health professionals shall not constitute a majority of the membership of a State Commission; (2) commissioners shall serve full-time and not be engaged in any other business; (3) the chairman and the commissioners shall be salaried at levels comparable to those of heads of State executive departments; (4) commissioners may be subject to removal only for causes listed in this section; and (5) commissioners (and other officers or employees of the commission) may not hold any official or contractual relation with, or have any pecuniary interest in, any Health Care Corporation or provider of health care under the regulatory jurisdiction of the State Health Commission. This regulation is not to bar persons having such a relation or interest from serving as members of the State Advisory Council.

State advisory council

Sec. 123 states that members of the State Advisory Council shall consist of (1) persons broadly representative of providers of health care in the State, including but not limited to representatives of Health Care Corporations, other nongovernmental and public organizations, and representatives of schools and institutions concerned with education or training of persons in the health professions and ancillary occupations, and (2) not less than an equal number of persons representative of consumers of health care who are neither providers nor have a financial interest in providing care, are familiar with the State's health care needs, and have knowledge of the problems of providing health care.

State health care plans

Sec. 124(a) states the requirements for State plans: (1) conformity with subsection (b) below; (2) submission of the plan in detail to the Secretary by the State Health Commission; (3) preparation of the plan in consultation with the State Advisory Council; and (4) in the case of submission of the initial plan to the Secretary, or of a submission for annual renewal of the Secretary's approval after major revision of the plan, prior reasonable opportunity to the public to express its views of the plan.

(b) itemizes the State plan requirements, including the following:

(1) designation of the State Health Commission as sole administrative agency for the plan;

(2) evidence of the Commission's authority to carry out the plan;

(3) provision for adequate consultation with the State Advisory Council;

(4) statement of qualifications for personnel responsible for administration of the plan;

(5) provision of methods for efficient administration, including personnel merit system standards consistent with those of the Civil Service Commission (but the Secretary shall have no authority with respect to the selection, tenure, and salary of individuals if employed in accordance with the merit system methods); and provision for utilization of qualified professional medical personnel and other professional personnel;

(6) provision for the designation of preferred service areas by applicant Health Care Corporations (in keeping with section 135); approval for each such area of one or more Health Care Corporations (in accordance with section 126); and inclusion of a program for the completion of these initial designations and approvals (including creation of governmental corporations if necessary to carry out the policy of this Act to provide every individual with an opportunity to register and, when possible, to have a choice of Health Care Corporations) as well as registration of eligible individuals with approved Health Care Corporations, not later than the end of the fourth fiscal year that begins after the calendar year in which the bill is enacted;

(7) provision for State arrangements to assure group coverage for Comprehensive Health Care Benefits at reasonable rates, for themselves or their employees, to all residents not entitled to HEW-purchased coverage, and for effective enforcement of these arrangements (subject to review by the Secretary with respect to enforcement of Federal regulations); and provision for regulation of the premium rates of carriers (except under contracts negotiated directly by the Secretary) by the State Health Commission or one to which it delegates that function or alternatively, by the State's insurance department; provision for other regulation and supervision of the carriers by the State Health Commission (including, for Comprehensive Health Care Benefits, a required standard provision for temporary continuation of coverage for the family in the event of the primary insured's death); and provision for hearings, before the Commission, on claims of Health Care Corporations against carriers, and for adjudicating such claims;

(8) provision for optimum use or adaptation of various Federally-aided programs developed for the State and at regional and local levels with respect to comprehensive health planning;

(9) provision that when requested by the Secretary the State Health Commission will, in behalf of the Secretary, contact with qualified carriers for CHCB coverage (other than coverage negotiated and contracted directly by the Secretary) required to be financed by Federal purchase; act as fiscal agent of the Secretary in transactions with carriers;

furnish to the Secretary all information necessary for prospective estimates of government appropriations for implementation of this Act; and review and make recommendations with respect to applications for grants under Part A of this title or for other Federal aid administered by the Secretary;

(10) inclusion of a program whereby the State can cooperate with HEW in a nationwide system for the collection of health data;

(11) protection of individual registrants or applicants for registration through safeguards on the use or disclosure of identifying information collected under paragraph (10) above;

(12) evaluation, at least annually, of the effectiveness of the activities of the State Health Commission, of Health Care Corporations, and other health care providers;

(13) provision that the Commission will make reports of such evaluations of effectiveness, as well as such other reports as the Secretary may require; and

(14) provision that the Commission will review the State plan at least annually and submit modifications to the Secretary.

(c) requires the Secretary to approve a State plan meeting the above-stated requirements, except that the Secretary is directed not to approve a State plan if the plan or other State law, or the practice of a State licensure or regulatory authority—

(1) prevents or limits Health Care Corporations from providing services to registrants through the employment of licensed medical or other health care practitioners by the corporation or other nonprofit providers; or through group practice or other arrangements;

(2) deprives any Health Care Corporation of its rights to designate its preferred service area and of its right of appeal for change in such service area, in accordance with the provisions of this Act;

(3) disqualifies a physician from serving on the governing board of a Health Care Corporation or of an institutional provider thereof;

(4) prevents health care practitioners from employing or arranging with assistants under their supervision to perform health care functions for which they are trained; and

(5) prevents or limits carriers from offering coverage of health care provided in accordance with (1), (2), (3), or (4) above, unless the Secretary finds that the State prohibition or restriction is consistent with the purposes of this title.

(d) stipulates that, with certain minor exceptions, the approval of a State plan shall be for one calendar or one fiscal year, whichever the Secretary determines.

Designation of health care areas

Section 125(a) requires each State Health Commission to make a study and survey with a view to approval of service areas for applicant Health Care Corporations and establishes criteria to be considered for that purpose, including the following: size and distribution of population, and patterns of illness among population groups in various parts of the State; existing health care resources, their potential for sponsoring or participating in Health Care Corporations, and their distribution in relation to need for health care; local governmental structures; transportation; patterns of organization for the delivery of care and patterns of use; and requires the Commission, in that connection, to set a date for initial applications of Health Care Corporations indicating their preferred service areas (or statements of intention by proposed sponsors of such corporations) to assist the Commission in its study.

(b) requires, in addition to (a), that the Commission consult representatives of the general public; of public and private health care institutions or their organizations; of medical and other health care profession (including representatives of group practice); of appropriate State and local government agencies; where appropriate, of State Health Commissions in adjoining States; and other interested groups and individuals.

(c)(1) obligates the Commission to publish, as part of the State plan, its survey findings and the designation of service areas for Health Care Corporations. The Commission is required to conduct public hearings on its proposal and thereupon to issue initial designations.

(2) states that the Commission may, in cooperation with another state, designate jointly a service area or areas that include parts of both States.

(d) permits subsequent amendment of a designated service area under subsection (c) either on the Commission's own initiative or on petition of Health Care Corporations or other concerned parties, but requires that final action on the amendment may be taken only after reasonable notice and opportunity for a fair hearing.

Regulatory functions of State health commissions

SEC. 126(a) requires that a State plan shall, in addition to requirements above—

(1) stimulate the organization of Health Care Corporations through every means available and provide for cooperative arrangements with other State commissions in jointly or reciprocally approving corporations to serve joint or adjoining service areas;

(2) provide for authorizing the incorporation (or admission into the State from another State) of Health Care Corporations, either through the Commission or other appropriate state agency;

(3) provide for the evaluation of the application of any corporation for approval to operate as a Health Care Corporation in a service area or areas approved by the Commission in accordance with Section 125, and describes the procedure for granting approval and issuing a certificate of approval for the service area or areas involved;

(4) provide that in areas, in whole or in part, where more than one Health Care Corporation has been approved the Commission may, if necessary, restrict the number of individuals to be registered by each corporation, residents to be accepted for registration within that number on a first-applied-first-accepted basis;

(5) limit the charges of approved Health Care Corporations and other licensed providers to charges and rates prospectively approved by the Commission; and require that services are not duplicative or excessive, that charges for physicians' services (such as radiologists and pathologists) which are generally available to all inpatients of an institution, be included as part of institutional service charges and not as separate physicians' charges (regardless of the method of payment to the physician), the purpose being to require no additional copayment from the patient for such services; require that the budgets of Health Care Corporations and other institutional providers be prepared as prescribed by the Secretary; and provide that all providers are entitled to a fair hearing if it is dissatisfied with a decision of the Commission with respect to its charges;

(6) provide for effective enforcement, by

the Commission, of the responsibility of Health Care Corporations and other licensed providers as defined in this Act, assuring that with respect to Health Care Corporations their services be of not less than the scope, quality, and comprehensiveness required by this title, including standards prescribed by the Secretary, and requirements for the provision of services by Health Care Corporations as prescribed in Sections 133 and 134 of this title, and for other providers, requirements for the provision of services similar to those specified in Section 134 as defined by regulations;

(7) prohibit the construction of health care facilities, or changes in major services, or their establishment through rental of major equipment or existing structures, by Health Care Corporations or other providers except when authorized by the Commission on the basis of a finding of need;

(8) authorize the Commission to adjudicate controversies between corporations, affiliated providers, and non-affiliated providers.

(9) provide for a fair hearing, before the Commission, of any individual not accepted for registration by an approved Health Care Corporation of whose service area he claims to be a resident; or with respect to a monetary claim of at least $100 by a registrant against a corporation or carrier; or to any individual who alleges that the corporation has failed to fulfill its obligations under this Act and that the failure is part of a pattern of conduct;

(10) provide for review and approval of peer review systems of approved Health Care Corporations and continued surveillance over their operations; and

(11) provide for implementation of comparable peer review systems for services performed by providers not affiliated with Health Care Corporations.

(b) recognizes that compliance with the procedures set forth in Sections 1863 through 1865 of the Social Security Act are to be employed in establishing compliance with this Act for Health Care Corporations and non-affiliated providers.

(c) (1) authorizes the Commission to take prompt corrective action whenever it determines that a Health Care Corporation has failed to fulfill all of its obligations; and states that the corporation is entitled to opportunity for a hearing with respect to the Commission's decision in this regard, the outcome subject to judicial review as provided by State law. However, initiation of a proceeding for judicial review shall not operate as a stay of the Commission's decision unless so ordered by the court.

(2) states that, paragraph (c) (1) notwithstanding, the Commission may give its order immediate effect, subject to reversal or modification following judicial review, if it decides that a corporation's failure to function creates an imminent hazard to the health of its registrants.

(3) empowers the Commission, in addition to its authority for corrective action above, to revoke (following fair hearing) its certificate of approval for operation by the corporation in its service area and to approve for service in that area another Health Care Corporation or corporations, or, in lieu of this, to bring the delinquent corporation into compliance through appointment of a receiver or other effective means. The order of the Commission shall be subject to judicial review in a State court.

(d) authorizes the Commission to take corrective action whenever it determines that any provider not affiliated with a Health Care Corporation has failed to fulfill the obligations set forth in this Act, this action to include suspension of payment for services performed under Comprehensive Health Care Benefits. Appeal procedures outlined in (c) apply to this provision.

Judicial review

Section 127(a) states that any State dissatisfied with the Secretary's action under section 128 (other than subsection (c) (3)) may obtain judicial review of the action, and establishes requirements for the petitioning of such review.

(b) provides that the findings of fact of the Secretary, if supported by substantial evidence, shall be conclusive on the court, but that the court, for good cause shown, may remand the case to the Secretary to take further evidence.

(c) provides that the judgment of the court shall be final, subject to review by the Supreme Court, and that the commencement of proceedings under this section shall not, unless ordered by the court, operate as a stay of the Secretary's action.

Federal exercise of State functions in cases of noncompliance by States

Section 128(a) deals with the authority of HEW in the case of any State which has not established a State Health Commission in conformity with Section 122 and submitted an approvable State plan prior to the third fiscal year beginning after the calendar year of enactment of this Act. It grants authority to the Secretary in such an instance to appoint commissioners, hire staff, and assume all functions of a State commission in compliance with the provisions of this Act, and in that event to utilize for that purpose any Federal funds available for administration of State plans under the Act.

(b) stipulates that the Secretary shall not refuse approval of a State plan without reasonable notice to the State and opportunity for hearing; and that, when an application for renewal of approval of the State plan is pending, the Secretary may temporarily postpone expiration of its last approval until it has come to a decision concerning renewal.

(c) (1) describes the instances under which the Secretary may withdraw approval of a State plan which, no longer complies with Section 124(c), and may withhold further payments (or may, in its discretion, suspend approval of parts of a plan and limit payments thereby), until it is satisfied that there will no longer be such a failure to comply.

(2) states that the Secretary may postpone action under (1) to allow necessary time for compliance.

(3) provides that in addition to or in lieu of taking action under (1) the Secretary may request the Attorney General to institute a civil action by the United States against the State to enforce the requirements of this part.

(4) permits the Secretary, when he has withdrawn approval of a State plan, to exercise the functions and use the funds referred to in subsection (a).

Cooperative interstate activities and uniform laws

Section 129(a) states that the Secretary shall:

(1) encourage and assist the States and their State Health Commissions with interstate agreements and approvals with respect to Health Care Corporations, including the establishment of joint health service areas; and

(2) shall assist in the development of model State legislation in the areas covered by this Act.

(b) provides for Congressional consent to any two or more States that wish to enter into agreements as cited above.

Other administrative procedures

Sec. 130 amends section 505(a) (2) of the Social Security Act to require that the State agency required to administer, or supervise the administration, of a State plan under title V of the Social Security Act be the "State Health Commission" (rather than the "State health agency") of the State (in the case of any State that is a participating State under Title I of the bill). (The amendment would not supersede the grandfather clause of section 505(a) (2) which allows the crippled children's service portion of a State plan to continue to be administered (or supervised) by a welfare agency in the case of a State which on July 1, 1967, provided for administration of its crippled children's service plan by that agency.)

PART C—HEALTH CARE CORPORATIONS

Incorporation and State approval

Sec. 131. (a) defines a Health Care Corporation as a nonprofit private or governmental corporation organized to furnish services (through its own resources or through affiliation with other providers, nonprofit or for-profit) to registrants, and to engage in education, research, and other activities related to the furnishing of personal health services. The section specifies that the governing board of the Health Care Corporation must have effective and equitable representation of the corporation's registrants and of its affiliated institutional and professional providers.

(b) requires that a Health Care Corporation must be found by the State Health Commission to satisfy the requirements in (a) above and must be approved by the Commission for service in a designated service area or areas of the State (in accordance with Sections 125 and 126) upon a finding that the corporation is well organized under professionally competent management, has adequate resources in facilities and personnel, and has given satisfactory assurance of financial responsibility.

Registration with health care corporations

Section 132(a) specifies that the corporation shall register all residents, within the designated service area for which it has been approved by the State Health Commission, who seek registration during a period of open registration; and that the corporation shall make reasonable effort to register those residents of the area who have failed to apply for registration.

(b) Permits the Health Care Corporation to recruit and register persons outside of its designated service area if its quota of registrants has not been filled;

(c) states that, in accordance with regulations of the Secretary, a registrant may effect registration for his or her spouse and their children under 19;

(d) requires the corporation to disseminate to the public infomation about its operations and its services, including registration information in detail; that it must disseminate information about benefit coverages; assist individuals in establishing entitlement to coverage purchased by the Secretary and in obtaining other coverage;

(e) sets the registration period at 12 months; permits termination of registration with change in residence or for such cause as may be approved by the State Health Commission.

Undertaking to furnish services

Section 133(a) states that the Health Care Corporation shall provide all of the services for which registrants have Comprehensive Health Care Benefits coverage and which are medically necessary (or, in the case of health maintenance services, medically appropriate).

(b) permits the corporation to contract for services through (an) affiliated provider(s)—hospital(s), extended care facility(ies), nursing home(s), or home health service agency(ies); physicians, dentists, podiatrists, or optometrists, or combinations of these, such as partnerships, clinics, or group practice organizations; or other kinds of providers designated in regulations. Providers may affiliate with more than one Health Care Corporation, but must designate one such affiliation as primary.

(c) permits the provision of drugs, devices, appliances and equipment to ambulatory patients, and ambulance and other emergency transportation services through providers not affiliated with the corporation; it states that medical and other services of a specialized nature, with permission of the

State Health Commission, may be provided through arrangements with other Health Care Corporations or with providers that are not affiliated with the Health Care Corporation.

(d) emphasizes health maintenance (including health education) for all registrants, assurance of continuity of care, and to the greatest extent possible, the provision of care on an outpatient basis. Health maintenance services are to be periodically scheduled; outpatient services furnished in centers and in physicians' offices; emergency care, including ambulance service, to be available at all times.

(e) requires that a system of outpatient care centers be developed by the Health Care Corporation, these centers to provide health maintenance services and community-based services such as home care, medical social services, and well-baby clinics and mental health clinics. These centers are to be related to institutional and other providers in order to provide necessary laboratory and other diagnostic services and referral and transfer of patients to facilities providing more comprehensive services.

(f) stipulates that the Health Care Corporation must review services provided for registrants in time of emergency by other corporations or providers and, upon approving the charges, submit them to the carriers responsible for payment. Not included are payments for services rendered to registrants who leave their place of residence expressly to obtain health care, unless by arrangement with the corporation.

(g) stipulates that the corporation shall so far as practicable furnish necessary emergency health services to persons not registered with it and may furnish other services to such persons when it can do so without interference to service to its registrants.

Quality of services

Section 134(a) fixes the responsibility on the Health Care Corporation for the quality of all health services it provides, or had provided in its behalf, including responsibility for compliance with standards of quality and comprehensiveness prescribed by the Secretary. The corporation is made responsible for maintaining controls on utilization of services; for continuing appraisal of the effectiveness of services; and for identifying problems that require planning for additional services. To these ends the corporation is required to have a system of comprehensive peer review by physicians (and dentists in the case of dental services) which covers all services provided by the corporation and its affiliates. The corporation is required to maintain a program of continuing education for its physicians, dentists and nurses.

(b) requires that all medical policies of the corporation be established with the advice of physicians and all dental policies with the advice of dentists; that all medical judgments must be made by or under the supervision of physicians, and dental judgments by or under the supervision of dentists.

(c) encourages participation of physicians in all aspects of policy formulation and operation of the Health Care Corporation.

Participation of professional practitioners

Section 135(a) requires the corporation, so far as practicable, to provide opportunity to all practitioners in its approved service area (physicians, dentists, podiatrists, and optometrists) to furnish services in its behalf. The corporation is required to annually review the scope of services of each practitioner in accordance with his training, experience, and professional competence as determined through peer review. A practitioner must be able to enlarge the scope of his services through in-service training.

(b) stipulates that the corporation may not discriminate in selecting practitioners on any ground unrelated to professional qualifications, but may in initial recruitment give preference to local practitioners as between equally qualified persons.

(c) requires the corporation to permit each practitioner to select, consistent with the requirements for the corporation established by the Act, the form of practice in which he wishes to engage.

Charges by health care corporations

Sec. 136(a) requires that charges made by a Health Care Corporation be made at rates fixed prospectively for 12-month periods and approved by the State Health Commission. These may be revised under circumstances that would create hardship, with Commission approval.

(b) states that charges shall consist of an annual capitation amount per registrant or registrant family, or of itemized charges for separate services or units of service. With approval of the Commission, the corporation may vary its methods of determining charges; capitation charges, except for variations based on size and composition of families, must be uniform for all registrants to whom they are applicable, other than registrants having coverage under government-purchased contracts. After three years of operation, the corporation must submit to the State Health Commission a plan to commence two years thereafter for offering capitation rates to its registrants who choose to purchase coverage directly from the corporation. This plan must be implemented by making this option to all registrants five years after the HCC's incorporation.

(c) specific that the corporation's charges shall meet its financial requirements as determined in accordance with regulations and with systems of accounting as prescribed by the Secretary. This section states that the corporation must justify to the Commission the rates it pays to affiliated providers, and must justify the budgets of any affiliated providers on which these rates are based. In cases where an affiliated provider contracts with more than one Health Care Corporation, the corporation with which it has a primary affiliation becomes responsible for the justification of budgets and rates.

(d) affirms that in reviewing budgets and rates the corporation and the Commission must assure that services are provided without unnecessary duplication and that services are not excessively costly.

Continuing personal health records

Section 137(a) requires the maintenance by the Health Care Corporation of a personal health record for each registrant and states that these records must be readily available to the medical and other staff of the corporation and its affiliated providers, and that they must make it possible for the Commission to carry out its statistical responsibilities, including those related to the utilization and cost of health services.

(b) states that the corporation must be equipped to promptly transmit personal health records of registrants to appropriate providers.

(c) requires transfer of personal health records from corporation to corporation when registrants transfer; and transmission of information from personal health records to corporations and providers when they furnish emergency services to the registrant of a Health Care Corporation.

(d) restricts the disclosure of personal health information without consent of the registrant to purposes necessary to the administration of the corporation, the State plan, or benefit coverage and provides up to a $1,000 penalty or one year of imprisonment or both for violation of this confidential information.

Participation by registrants; health education

Section 138(a) requires corporations to establish methods by which registrants may express their views about the program and performance of the corporation and the health needs of the community, in addition to representation on the corporation's governing board; requires that such opportunity be available to groups of registrants (geographic, economic, or other), and to the extent practicable, to individual registrants; and that advisory committee representation be afforded registrants in general, with subcommittees or separate committees formed for representatives of groups whose interests may differ from those of other registrants.

(b) requires that the corporation undertake a program of continuing health education for its registrants, with special emphasis directed toward low income and medically indigent registrants, affording representation to registrants in the formation of such a program. The section defines the scope of such a program and further requires collaborative efforts in community-wide health education with governmental and private agencies. It also requires the corporation, so far as practicable, to provide assistance to registrants in overcoming language or educational handicaps in obtaining access to health care.

NONDISCRIMINATION; COMPLAINTS

SEC. 139. (a) bars discrimination by the corporation in recruitment, registration, and in provision of services (subject to medically appropriate differentiations, or as specifically authorized in this title), on the ground of race, creed, color, national origin, age, sex, occupation, economic status, or condition of health.

(b) requires the establishment of complaint procedures for registrants or for persons whose applications for registration have been refused. Records of complaints and their disposition must be available for inspection by the Commission.

(c) requires the establishment of procedures for the settlement of disputes with affiliated providers and other providers with whom the corporation has made arrangements for services to its registrants.

Responsibilities for manpower and for research

Section 140(a) requires a corporation to coordinate determination of its manpower needs and those of its affiliated providers; coordinate recruitment and allocation of such personnel; and determine qualification and performance standards for such personnel, to be at least equal to standards of recognized professional organizations. Corporations are required to conduct in-service training programs and to encourage these among affiliated providers and to encourage the use of physician assistants and other ancillary personnel under professional supervision.

(b) states that the corporation shall engage in continuing research concerning the organization and methods of delivery of health services, and concerning their quality, effectiveness, and cost. Results of such research are to be available to the State Health Commission and the Secretary of HEW for their use.

Records and reports

Section 141 specifies that corporations shall keep records with respect to such areas as financing, utilization of services, and the results of peer review, and require that affiliated providers do the same, all such records to meet reporting requirements of the Commission, in accordance with regulations of the Secretary and to be available for inspection by the Commission.

TITLE II—FINANCING OF NATIONAL HEALTH SERVICES

Short Title

Section 200. Title II may be cited as the "National Health Services Financing Act."

PART A—EMPLOYER REQUIREMENTS AND ENTITLEMENT TO BENEFITS

Employer benefit requirements

Section 201(a) amends the Social Security Act to require that employers have an approved health care plan for their employees (and their families). The new Section 230 of Title II of the Social Security Act:

(a) requires every employer within the meaning of this title to provide for each of his employees (and members of their families) coverage equivalent to Title XVIII benefits (both Parts A and B) and Section 225 Catastrophic Expense Benefits during the third and fourth full fiscal years after enactment and to provide Comprehensive Health Care Benefits coverage beginning on the first day of the fifth full fiscal year of enactment.

(b) lists the situations in which the provision of subsection (a) do not apply—

(1) (A) to any employer which is the United States, a state or political subdivision thereof (notwithstanding any agreement entered into in Section 218), or any agency or instrumentality of one or more of the foregoing, or any other employer, all of the services performed for which are excluded from employment by one or more of the numbered paragraphs of Section 210 (a);

(B) in the case of individuals or members of the same families who have multiple employers, all of the employers except the employer paying the highest total taxes under Section 3111 (a) of the Internal Revenue Code of 1965;

(2) (A) with respect to an employee (or member of an employee's family) who is entitled to health insurance benefits under Title XVIII; or

(B) with respect to any medically indigent person or family which elects to obtain coverage under Section 107 (b) or (c).

(c) (1) provides that the Secretary shall pay to or on the behalf of an employer, whose average premiums payable for the health insurance required in subsection (a) an amount by which the premium payments exceed 4 per cent of the average wages paid by him to such employees multiplied by the number of such employees (not in excess of 10).

(2) provides for the prescription of regulations by the Secretary on the period for determining the number of employees of an employer, the wages of the employees, and the premiums payable under subsection (a), as well as the method for determining such wages (and the average thereof) in the cases in which the payment may be made to a payee other than the employer.

(3) provides that payments by the Secretary may be made in advance or by way of reimbursement at such times, in such manner, and in such installments as the Secretary shall deem to be appropriate.

(4) provides that the employer's contributions must be at least the actuarial equivalent of 75 per cent of the premium cost of benefits equivalent to the Medicare coverage during the third and fourth full fiscal years and of the premium cost of Comprehensive Health Care Benefits coverage beginning on the first day of the fifth full fiscal period. This requirement shall in no way prohibit an employee choosing to register with a Health Care Corporation operating in whole or in part on a capitation basis.

(5) stipulates that the period of coverage extends from the date of involuntary termination until the employee becomes eligible for unemployment compensation benefits or until the expiration of —— days from such termination, whichever occurs first.

(b) amends Title IX of the Social Security Act by adding at the end thereof a new section which requires the Secretary of Labor in accordance with regulations prescribed in consultation with the Secretary of HEW to purchase coverage as defined in subsection 201 (a) for every individual who is receiving benefits under any federal or state unemployment compensation law for the individual and members of his family.

ENTITLEMENT TO BENEFITS

Section 202(a) specifies that every individual who is a resident of the U.S., including the District of Columbia and Puerto Rico, is eligible for full or partial Federal contribution to the premium cost of qualified Comprehensive Health Care Benefits (CHCB).

(b) obligates the Secretary to contract with carriers for coverage in behalf of the aged, the low-income, and the medically indigent.

(c) allows all others who are eligible for the program, and those (other than the aged) who are eligible but choose not to enroll in an HEW-contracted plan, to obtain a Federal subsidy of 10 per cent of the premium cost incurred for the purchase of qualified CHCB, irrespective of the source of payment, if the individual (and his family) is registered with an approved Health Care Corporation or with any other similar organization that demonstrates it meets standards prescribed by the Secretary. If existing coverage is broader than CHCB, an actuarial equivalent of CHCB will be utilized to determine the amount of the subsidy.

(d) refers to definitions of the low-income and medically indigent income classes.

INCOME CLASSES

Section 203(a) defines a low-income person or family as a single individual (i.e., one who is not a member of a "family" as defined) or a low-income famliy in income class 1; a medically indigent person or family as a single individual or family in income classes 2, 3, or 4; and the remainder of the population as falling in income class 5.

(b) establishes the following table of income classes for the above-defined categories:

TABLE OF INCOME CLASSES[1]

Col. I	Col. II	Col. III	Col. IV	Col. V
	Family size and income ranges			
Income class	Single individual	Family of 2	Family of 3	Family of 4 or more
1	0 to $2,000	0 to $3,000	0 to $4,500	0 to $6,000.
2	$2,001 to $3,000	$3,001 to $4,500	$4,501 to $6,000	$6,001 to $7,500.
3	$3,001 to $4,500	$4,501 to $6,000	$6,001 to $7,500	$7,501 to $9,000.
4	$4,501 to $6,000	$6,001 to $7,500	$7,501 to $9,000	$9,001 to $10,500.
5	Above $6,000	Above $7,500	Above $9,000	Above $10,500.

[1] These amounts are to be adjusted under sec. 204, according to increases in the Consumer Price Index.

PERIODIC REVISION OF INCOME CLASSES

Section 204 provides for an increase by the Secretary in the initially fixed dollar amounts of the income class tables, the premium contributions by the medically indigent, the copayments, and the catastrophic expense benefit expenditure limits, whenever in any calendar year the monthly average of the Consumer Price Index for the July-September quarter exceeds by 3 per cent or more the monthly average of the CPI for the corresponding quarter of the base year. The increase would be effective for any "coverage year" that begins in the next fiscal year of the United States. (A "coverage year" is defined by section 222 with respect to an individual, as a 12-month period of CHCB coverage of the individual under an insurance contract or prepayment plan that coincides with a 12-month (annually renewable) term of that contract or plan.)

DETERMINATION OF INCOME LEVEL

Section 205 (a) provides that for the purposes of this part the rate of an individual's (or family's) income shall be determined on the basis of his adjusted gross income (or the family's combined adjusted gross income), as defined in accordance with regulations prescribed by the Secretary in consultation with the Secretary of the Treasury, for the calendar year preceding the coverage year, except that the Secretary may by regulation exclude items of income that are not reasonably available for living expenses and include items that are reasonably available for living expenses although not included in adjusted gross income, and may by regulation provide for redetermination of an individual's or family's rate of income on a more current basis when necessary to prevent serious hardship or inequity.

(b) defines the term "family" as (1) a husband and wife and their dependent unmarried children under 19 or (2) an individual and his or her dependent unmarried children under 19, and defines the terms "child" and "dependent" (as applied to a child) as having the same meaning as in section 1512 of the Internal Revenue Code.

PREMIUM CONTRIBUTIONS FOR FEDERALLY CONTRACTED COVERAGE

Section 206(a) specifies the contributions to premiums for Federally-contracted CHCB coverage to be made by the individuals or families in the 3 income classes of the medically indigent (i.e., income classes 2, 3, and 4), with the amounts rising as income rises. (Section 203(b) contains the table of income classes.) The amounts of contributions initially are $50 for a single individual and $125 for a family in income class 2, $100 and $250 respectively in income class 3, and $150 and $375 in income class 4. In the case of a family in any such income class) in which there is only one member under 65, the contribution rate for a single individual applies. The amounts set initially by section 206 (a) (as well as the income ranges in the income class table) would be adjusted according to increases in the Consumer Price Index under section 204.

(b) requires that individual or family premium contributions by the medically indigent for Federally-contracted coverage be paid to the carrier in accordance with the Secretary's regulations and that there shall be no recourse against the United States in the event of delinquency or default in the payment of such contributions.

INCOME TAX DEDUCTIONS

Section 207 permits individual taxpayers to deduct 100 percent, without dollar limit, of the amounts paid by them as premiums for insurance contracts or prepayment plans approved by State Health Commissions for the actuarial equivalent of CHCB.

LIMITATION OF MEDICAID TO SUPPLEMENTATION OF UNIFORM HEALTH BENEFITS

Section 208(a) provides that, beginning with the effective date of part A of title II of this bill (creating entitlement to Comprehensive Health Care Benefits coverage), the State plan under Title XIX of the Social Security Act (of a participating State under title I of the bill) shall not be required to cover, and there shall be no Federal matching for expenditures for, services or items that are covered by Comprehensive Health Care Benefits and that are furnished to an individual who is entitled to such coverage under section 202 of the bill and who either is a resident of a service area of the State designated in accordance with section 125 or is in fact registered with a health care corporation that holds a certificate of approval for another service area.

(b) requires the Secretary to prescribe the minimum scope of services to be included in a State plan under title XIX of the Social Security Act (instead of the requirements of section 1903(a)(13) of that Act) on and after the effective date of part A of title II of the bill, with a view to supplementing the coverage of Comprehensive Health Care Benefits.

PART B—CONTENT OF COMPREHENSIVE HEALTH CARE BENEFITS

Payment for comprehensive health care benefits

Section 221(a) stipulates that coverage for CHCB entitles the registrant to have payment made by his carrier to his HCC for all medically necessary or appropriate services and items at the HCC's approved predetermined charges. HCCs would receive the full amount of such charges from the carrier; the carrier would bill the registrant for the dollar amounts related to copayments, and certain non-covered services (with the residual risk of nonpayment accruing to the provider) as provided in part C of the bill. Special reference to HCCs operating on a capitation basis is made in Sec. 235.

(b) stipulates that payment for coverage for CHCB for an individual who has not registered with an HCC shall be made by his carrier at approved predetermined charges, less copayments applicable for the services provided.

Definition of comprehensive health care benefits

Section 222(a) describes Comprehensive Health Care Benefits as consisting of the following components: outpatient services; inpatient services; and catastrophic expense benefits. The Secretary is authorized to issue from time to time such further regulations to adjust the application of these benefits to best carry out the purposes of this Act.

In addition, this section defines, among other things, the terms coverage year, benefit period and regulations as they relate to CHCB.

(b) states in tabular form the actual benefits to be included in the CHCB package. Emphasis is on outpatient services, including a wide range of health maintenance benefits. Cost sharing (in addition to premium contributions by the medically indigent) would be achieved through copayments and a limitation on the number of inpatient institutional care days and outpatient physician visits. Copayments would be removed through the catastrophic expense provisions, once the covered individual or family reached the predetermined expenditure limit ceilings. Once the catastrophic expense provisions apply the limitations would be removed on the number of physician visits (except for mental illness in a non-HCC environment), the number of inpatient hospital care days (except for mental illness, alcoholism, and drug dependence in a non-HCC environment) and the number of days under outpatient institutional care programs for mental illness, alcoholism, and drug dependence.

TABLE OF COMPREHENSIVE HEALTH CARE BENEFITS

I—SERVICES AND ITEMS COVERED	II—COPAYMENTS* AND LIMITATIONS
A. OUTPATIENT SERVICES	
1. Periodic Health Evaluation	No copayment.
a. Screening tests and examinations, as prescribed by regulations under section 226, followed by physical examination by a physician or physicians when indicated by the screening.	Within such limits as may be prescribed by regulation under section 226.
b. All Immunizations	No copayment and no limitation.
c. Well-Baby Care (for infants under age 5)—	No copayment.
(i) during 1st 12 months following birth;	8 visits.
(ii) during next 12 months;	4 visits.
(iii) during next 3 years.	2 visits per coverage year.
d. Dental Services	
The following professional dental services, including drugs and supplies that are commonly furnished, without separate charge, as an incident to such professional services:	Items d (i) and (ii) in column I apply initially only to children born not more than 7 years before the effective date of this subpart. For those initially covered, the benefits extend through age 12.
(i) Oral examination, including (I) prophylaxis (with fluoride application at appropriate ages), (II) dental X-rays, and (III) in accordance with regulations, other accepted preventive dental procedures.	No copayment. 1 examination per coverage year.
(ii) To the extent prescribed by regulation under section 226 and not covered under (i), above, dental care other than orthodontia; but including, insofar as the Secretary finds that resources of facilities and personnel make practicable, routine extractions, dental fillings, and appropriate prosthetic appliances.	Copayment 20% of charges.
e. Vision Services (in accordance with regulations under section 226).	For individuals through age 12.
(i) Professional services in routine eye examination, including procedures performed (during the course of an eye examination) to determine the refractive state of the eyes and procedures for furnishing prosthetic lenses, provided either by an opthalmologist or other physician skilled in diseases of the eye or by an optometrist (whichever the patient may select).	No copayment. 1 visit per coverage year (including therein a follow-up verification of conformity of prescribed lenses with a prescription issued during the visit).
(ii) Eyeglasses, with prescription lenses, including the fitting thereof, and including additional lenses and frames as needed.	Copayment 20% of charges. Initially, one set of eyeglasses (including frame and lenses); thereafter, only newly prescribed lenses (but not frames) as required (but not more often than once a coverage year) because of a change in the condition of the eyes. Standards to be established by regulations promulgated by the Secretary in accordance with section 226.
2. Physicians' Services and Ancillary Health Care.	
When not otherwise covered under this table—	
a. Physicians' services (including radiotherapy) on an outpatient basis in any appropriate setting (including home calls), and services in any such setting under a physician's supervision by allied health personnel (as defined in regulations).	For physicians' services, a copayment for each visit of two dollars. Copayments under this paragraph for services in facilities involved in clauses c. and d. below apply only to services of attending physician. Limited to 10 visits per coverage year. Except that, in accordance with regulations, no limit on the number of visits shall apply to services preceding or following inpatient care in cases (such as surgery or pregnancy and obstetrical care) in which a single combined approved charge is made by the provider for such outpatient and inpatient services.
b. Diagnostic procedures on an outpatient basis (when not covered under subparagraph a.), including diagnostic tests, prescribed or ordered by a physician in connection with services referred to in paragraph a.	20% copayment. Copayment requirement waived for registrants of Health Care Corporations. No separate limitation.
c. Hospital or outpatient-center services (not included above) rendered to outpatients and incidental to physicians' services covered under paragraph 1.	No separate copayment. No separate limitation.
d. Supplies, materials, and use of facilities and equipment in connection with the foregoing services, including drugs administered or used as a part of services covered in paragraph 1, 2, or 3.	No separate copayment. No separate limitation.
e. Ambulance services.	20% copayment. Covered only when other methods of transportation are contra-indicated by the patient's condition, and only to the extent provided in regulations.

* Footnote at end of table.

TABLE OF COMPREHENSIVE HEALTH CARE BENEFITS—Continued

I—SERVICES AND ITEMS COVERED—Continued	II—COPAYMENTS* AND LIMITATIONS—Continued
A. OUTPATIENT SERVICES—continued	
3. Other Outpatient Services a. Outpatient Institutional-Care Program for Mental Illness, Alcoholism, or Drug Abuse and Dependence. Such day-care or other part-time services and other items as may be specified in regulations under section 226, furnished to patients, other than inpatients, under a program for the treatment of mental illness, alcoholism, or problems of drug abuse and drug dependence.	A two dollar copayment, per day, except that copayments may, by regulation, be waived for treatment of drug abuse and drug dependence. (No separate copayment for physicians' services applies under this subparagraph, whether or not such services are charged for separately.) Limited to visits or sessions on 3 days under such a program in lieu of each day of inpatient hospital care allowable during a benefit period (under paragraph B.1.a. below) for the treatment of mental illness, alcoholism, or drug abuse or drug dependence.
b. Drugs, Prosthetic Devices, and Medical Equipment (i) Drugs (other than those covered under paragraph A.1., A.2., or B.1. of this table) dispensed to patients other than inpatients.	For each drug prescription, and each refilling of such a prescription, a one dollar copayment. Covered only if (1) the drug (whether or not it is subject to a prescription requirement under any law other than this title) has in fact been prescribed by a physician and is listed under its established name (as defined in section 502(e) of the Federal Food, Drug, and Cosmetic Act) in a list established for the purposes of this title by the Secretary under section 226(c), and (2) in the case of a drug listed under section 226(c)(2)(B), the disease or condition for which the drug has been prescribed is one for the treatment of which the drug is designated in that list as appropriate.
(ii) Prosthetic devices (including hearing aids) prescribed by a physician and not otherwise covered in this table.	Copayment 20% of charges. Covered only if listed in, and in accordance with, regulations under section 2206.
(iii) In accordance with regulations, durable medical equipment (not otherwise covered) as described in section 1861(s)(6) of the Social Security Act, certified by a physician as being medically required.	Copayment 20% of charges. Covered only if listed in, and in accordance with, regulations under section 226; and subject to criteria for payment prescribed under that section.
c. Home Health Services Such items and services as are defined as "home health services" by section 228(d) and regulations thereunder.	For each visit, a two dollar copayment. Coverage of such services shall be limited to 100 visits per coverage year. The certification and recertification requirements of section 1835(a)(2) of the Social Security Act, with such modifications (if any) as the Secretary may by regulation prescribe, may be applied by the carrier.
B. INPATIENT SERVICES	
1. Institutional Services a. Inpatient Hospital Care Items and services defined by section 228(e) as "inpatient hospital care."	A five dollar copayment, per day. Coverage is limited to 90 days of inpatient hospital care received in any benefit period: except that for treatment of mental illness, alcoholism, and problems and conditions of drug abuse or drug dependence the limit is 45 days. (The limitation on treatment of mental illness, alcoholism, and problems and conditions of drug abuse or drug dependence is 90 days of inpatient hospital care for registrants of Health Care Corporations.)
b. Post-Hospital Extended Care Extended care services (as defined in section 228(b)) furnished an individual after transfer from a hospital in which he was an inpatient for not less than 3 consecutive days. For the purposes of the preceding sentence, the second sentence of section 1861(i) of the Social Security Act shall apply.	A two dollar and fifty cent copayment, per day. Limited to 30 days of such care received in any benefit period.
c. Nursing Home Care Nursing home care as defined in section 228.	A two dollar and fifty cent copayment, per day. Coverage shall be limited to 90 days of such care received in any benefit period.
2. Physicians' Services and Ancillary Health Care. Those physicians' services to inpatients which are not included as "institutional services" under paragraph B.1. a., b., or c.	A two dollar copayment, per visit of the attending physician only. In accordance with regulations under section 226, in the case of services (such as surgery or pregnancy and obstetrical care) in which a single charge is made by the corporation for the attending physicians' services combined with any preceding or following outpatient services related thereto, a copayment of 10% of such combined charges shall apply. Copayments for physicians' services under this paragraph are in addition to the daily copayments for institutional care. No separate limitations.
C. CATASTROPHIC EXPENSE BENEFITS Section 225 defines the conditions under which these benefits become effective in any coverage year with respect to any individual or family. To summarize: In the case of a low-income person or low-income family (class 1), these benefits are effective immediately. In the case of medically indigent persons or families (classes 2–4), they become effective when the person or family has incurred in a coverage year, for premium contribution, copayments, and certain other expenditures combined, a total expenditure equal to an amount determined by application of a table in section 225. In the case of individuals or families in income class 5, these benefits apply when a variable expenditure limit is reached, determined by taking 10% of the individual's or family's income. The dollar figures in the tables and the absolute expenditure limit may be adjusted by the Secretary on an annual basis, whenever the Consumer Price Index is more than 3% above the index for the base period (see sections 204 and 224).	For elimination of certain limits on coverage for Physicians' Services and Inpatient Hospital Services when Catastrophic Expense Benefits take effect in a coverage year, see section 225.

* The initial amounts of the dollar copayments are subject to changes in the Consumer Price Index as determined under sections 204 and 224.

The definition of institutional services for inpatients includes, for benefit purposes, physicians' services, such as those of radiologists and pathologists, which are held out as generally available to all inpatients of an institution, regardless of the method by which the Health Care Corporation compensates the physicians.

Limitations and exclusions

Section 223(a) lists the limitations and exclusions, including the exclusion of services that are not medically necessary or appropriate; treatment of TB, mental illness, alcoholism, and drug dependence, when these illnesses are not in an acute phase; purely custodial care; cosmetic surgery (except for prompt repair of accidental injury or improvement of functioning of a malformed member of the body); and certain other services or items.

(b) excludes from CHCB services for which payment is made through workmen's compensation or motor vehicle insurance.

(c) excludes from CHCB (1) charges for items or services (other than emergency services) furnished by a Federal provider, except (under arrangements with the HCC) one that functions as a community institution, or (2) charges by providers for services required to be furnished at public expense by Federal law or contract with the Federal government.

(d) defines the difference between semi-private and private institutional accommodations and excludes carrier payment for charges in excess of the semi-private rate unless the more expensive accommodations were required for medical reasons.

(e) limits carrier payment to approved charges for covered services, or items where the provider has furnished to an individual services, or items in excess of or more expensive than those covered by CHCB. (However, part C permits the HCC, to the extent authorized by the Secretary's regulations, to have the carrier make payment for noncovered services when billed by the provider, subject to refund if the individual does not reimburse the carrier.)

Copayment provisions

Section 224(a) outlines the conditions under which copayments, when indicated in the benefit table, for services or items furnished by the HCC, become the obligation of the registrant for payment to his carrier, or in the instance of an individual not registered with an HCC, by the individual to the provider. Nominal copayments must be paid except by low-income persons or where the out-of-pocket expenditure ceiling has been reached and catastrophic benefits are in effect (see Table of Special Expenditure Limits).

(b) specifies the applicable dollar amounts and refers to the benefit table for the applicable percentage amounts, of copayments related to the various categories of benefits included in the CHCB package. The dollar amounts set initially by this section would be adjusted according to increases in the Consumer Price Index.

Catastrophic expense benefits

Section 225(a) stipulates that all copayments would cease, and that except as noted under sec. 222(b) restrictions on the number of physicians' visits and inpatient hospital care days, and outpatient institutional care days under programs for mental illness, alcoholism, and drug dependence (except for extended care and nursing home care days) would become inapplicable when the catastrophic expense benefits provision is in effect.

(b) describes the conditions under which catastrophic expense benefits would take effect. These benefits would be instituted automatically for the low-income persons and families (i.e., those in income class 1), so that no out-of-pocket expenditures would be required to be incurred for this group. As income rises above that category, individuals or families would be required to incur an increasing amount of out-of-pocket expenditures before catastrophic expense benefits take effect, with the actual amounts specified in the Special Expenditure Limit Table.

SPECIAL EXPENDITURE LIMIT TABLE

Income class	Expenditure limit under 65	Expenditure limit 65 and over
2	$250	$125
3	500	250
4	750	375

The dollar amounts initially set for the expenditure limit table would be adjusted according to increases in the Consumer Price Index. For individuals or families in income class 5, the special expenditure limit varies according to level of income, with the exact limit set at 10 percent of income as defined by regulations.

Expenditures creditable toward this ceiling include (1) premiums for CHCB coverage (whether paid by the individual or in his behalf by an employer), (2) copayments related to covered services (including a three-month carry over provision) and (3) expenditures for covered services rendered beyond the specified limits on physician visits (excluding mental illness), on inpatient hospital care days, and on outpatient institutional care days under programs for mental illness, alcoholism, or drug dependence.

Regulations for comprehensive health care benefits

Section 226(a) calls for the issuance of regulations by the Secretary to implement the benefit table, in addition to regulations and standards required in other sections of the bill.

(b) provides guidelines for the Secretary in developing regulations relating to health maintenance benefits, in particular, specification of the services that the Secretary may wish to require in the periodic health evaluation portion of CHCB. Special attention through the development of regulations is also given to dental services and vision services, under the expectation that the Secretary shall prescribe the scope of benefits for these services, and allow for future increases, based on the availability of resources.

(c) provides guidance to the Secretary in other key areas of CHCB, including the establishment of the national categories of drugs for outpatient care. The Secretary is directed to list those categories which he finds to be necessary for the treatment of diseases or conditions requiring drug therapy of such duration and cost as commonly to impose substantial financial hardship, and also list the diseases for which drugs are required for treatment, diseases deemed by the Secretary of special importance to the public health, e.g. VD. With respect to the latter drug categories, ambulatory benefits extend only to categories of drugs for diseases or conditions thus listed with respect to it. This section also requires the Secretary to develop special regulations and standards relating to CHCB categories of "prosthetic devices and medical appliances" and to the special outpatient institutional care programs related to the treatment of mental illness, alcoholism, and drug dependence.

Phasing of benefits

Section 227 requires the Secretary to submit recommendations for the expansion of benefits after the first five years of the program and to give special consideration to the expansion of dental and vision service benefits.

Other definitions

Section 228 defines the terms "drug", "extended care services", "nursing home care", "health-related custodial care", "home health services", "inpatient hospital care", "physician" (by cross reference to section 1861(r) of the Social Security Act), "physicians' services", and "attending physicians". These terms all occur in the benefit table, except for "health-related custodial care" which is referred to in section 223.

PART C—CARRIERS FOR COMPREHENSIVE HEALTH CARE BENEFITS

Definition of "Carrier"

Section 231 broadly defines carriers as nongovernmental organizations that underwrite insurance for the cost of health care, or provide health benefit plans of the service type, in consideration of predetermined premiums. Approved Health Care Corporations qualify under the definition if they charge for covered health care on an annually predetermined capitation basis in accordance with section 136(b).

Determination of qualified carrier

Section 232 establishes qualifications for carriers, essentially that they must be authorized in each State for whose residents they operate health benefit prepayment plans or insurance at group rates, must comply with Section 233, must meet any special Federal standards in the case of a contract with HEW and must, with respect to coverage (under other contracts) for which a Federal premium contribution is requested, accord to HEW and its agents the same informational rights and access to records that HEW is entitled to in the case of coverage purchased by the Secretary.

Requirement that carriers participate under State plan

Section 233 requires that a carrier agree to participate in a coverage pool if so required (in accordance with provisions of a State plan pursuant to Section 124(b)(7) in order to qualify for a contract with HEW or for issuance of CHCB coverage eligible for a federal premium subsidy under Section 202 (c).

Conditions of approval of carrier contracts or plans for Federal premium subsidy

Section 234 provides that the Secretary shall, for the purpose of the Federal premium subsidy under Section 202(c) approve a carrier prepayment plan or contract only if it is in conformity with applicable State standards and regulations and contains payment provisions and protective provisions (specified in Section 124(b)(7)) similar to those provided for in Section 108 for HEW contracts with carriers.

Contracts with health care corporations on capitation basis

Section 235 makes it possible for HEW to enter into a contract with a Health Care Corporation that operates on the basis of predetermined capitation charges to provide Comprehensive Health Care Benefits to which registrants are entitled under Section 202(b). The copayment component of the corporation's capitation charges or any separate copayments charged for by the corporation, would not be paid by HEW but collected by the corporation directly from the registrant. This section makes the same requirement of corporations with respect to records and notification of registrants as Section 108 imposes on carriers. Corporations are also required to establish record and payment centers and to issue identical membership cards to all of their registrants to prevent discrimination on account of economic status at the point of service.

Effect of nonpayment

Section 236(a) sets forth requirements for premium contributions and special premiums to be paid in advance to carriers by or on behalf of individuals.

(b) contains provisions for termination of benefit coverage (subject to a grace period) in the event of nonpayment with respect to the above.

Enrollment under contracts with carriers

Section 237(a) vests authority in the Secretary to establish regulations for the enrollment of registrants entitled to HEW-purchased Comprehensive Health Care Benefits.

(b) limits the types of enrollment to enrollment by a registrant for himself only or for himself and his spouse and other registrants who are members of his family. The conditions for change in type of enrollment are left to regulations. The individual enrolling for himself and his family is held liable for premium contributions related to family coverage.

(c) specifies that to the optimum extent open enrollment periods under this section and open registration periods for Health Care Corporations shall be coordinated, and that a corporation's registration center shall provide information concerning enrollment.

Reports by, and audits of carriers

Section 238 states that contracts shall require carriers to make such reports as the Secretary finds necessary, to keep essential records, and to assure the correctness and verification of its reports.

Jurisdiction of courts

Section 239 invests district courts with original jurisdiction, concurrent with the Court of Claims, of a civil action or claim against the United States concerning this part of the Act.

Prospective regulations

Section 240 specifies that contract regulations, or amendments thereto, or to this title, shall not apply until the next contract year if their applications would increase the obligations or adversely affect the rights of a contracting carrier unless made applicable by the contract itself or by amendment thereto.

TITLE III—EFFECTIVE DATES

TRANSITIONAL EFFECTIVE DATES

Section 301(a) except as otherwise provided in this section and in section 302 (including any amendments made by it to existing law) shall be effective upon the date of the enactment of this Act.

(b) Sections 101, 102, 107(a), 109, 110, 111, and 112 and parts B and C of Title I shall take effect upon the first January 1 or July 1 which occurs 6 months or more after the date of enactment of this Act.

(c) Section 107(b), 128 (with respect to States which have not complied with Sections 122 and 124), and the amendments made by Section 201 shall take effect on the first day of the third fiscal year which begins after the date of enactment of this Act.

FULL OPERATION OF PROGRAM

Section 302. The program under this Act shall be fully in operation, and the benefits of part B of Title II shall be fully effective and available (in lieu of any benefits which would otherwise be available under Title XVIII of the Social Security Act), in accordance with all the provisions of this Act, on and after the first day of the fifth fiscal year which begins after the date of enactment of this Act.

H.R. 14140

A Bill to establish a new program of health care delivery and comprehensive health care benefits (including catstrophic coverage), to be available to employed, unememployed, anl low-income individuals at a cost related to their income

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, divided into titles, parts, and sections in accordance with the following table of contents, may be cited as the "National Health Care Services Reorganization and Financing Act".

TABLE OF CONTENTS

Sec. 2 Findings and declaration of purpose.
Sec. 3. Definitions.

TITLE II—REORGANIZATION OF NATIONAL HEALTH SERVICES

Sec. 100. Short title.

PART A—FEDERAL ADMINISTRATION

Sec. 101. Establishment of Office of Health Affairs; Under Secretary for Health.
Sec. 102. Functions and responsibilities of the Office of Health Affairs.
Sec. 103. Regulations of the Secretary.
Sec. 104. National Health Services Advisory Council.
Sec. 105. Studies of delivery and financing of health care.
Sec. 106. Utilization of State agencies.
Sec. 107. Federal financing responsibilities for health services.
Sec. 108. Contracting authority of the Secretary.
Sec. 109. Federal responsibility for developmental grants.
Sec. 110. Authorization of developmental financial assistance.
Sec. 111. Grants for State plans.
Sec. 112. Financial assistance under other programs.
Sec. 113. Penalties for fraud.

PART B—STATE FUNCTIONS

Sec. 121. General conditions of State participation.
Sec. 122. State Health Commissions.
Sec. 123. State Advisory Councils.
Sec. 124. State health care plans.
Sec. 125. Designation of health care areas.
Sec. 126. Regulatory functions of State Health Commissions.
Sec. 127. Judicial review.
Sec. 128. Federal exercise of State functions in cases of noncompliance by States.
Sec. 129. Cooperative interstate activities and uniform laws.
Sec. 130. Other administrative procedures.

PART C—HEALTH CARE CORPORATIONS

Sec. 131. Incorporation and State approval.
Sec. 132. Registration with Health Care Corporations.
Sec. 133. Undertaking to furnish services.
Sec. 134. Quality of services.
Sec. 135. Participation of professional practitioners.
Sec. 136. Charges by Health Care Corporations.
Sec. 137. Continuing personal health record.
Sec. 138. Participation by registrants; health education.
Sec. 139. Non-discrimination; complaints.
Sec. 140. Responsibilities for manpower and for research.
Sec. 141. Records and reports.

TITLE II—FINANCING OF NATIONAL HEALTH SERVICES

Sec. 200. Short title.

PART A—EMPLOYER REQUIREMENTS AND ENTITLEMENT TO BENEFITS

Sec. 201. Requirement of Comprehensive Health Care Benefits coverage.
Sec. 202. Entitlement to benefits federally subsidized.
Sec. 203. Income classes.
Sec. 204. Periodic revision of income classes.
Sec. 205. Determination of income level.
Sec. 206. Premium contributions for federally contracted coverage.
Sec. 207. Income tax deductions by individuals.
Sec. 208. Limitation of Medicaid to supplementation of Comprehensive Health Care Benefits.

PART B—COMPENSATIVE HEALTH CARE BENEFITS

Sec. 221. Payment for Comprehensive Health Care Benefits.
Sec. 222. Definition of Comprehensive Health Care Benefits.
Sec. 223. Limitations and exclusions.
Sec. 224. Copayment provisions.
Sec. 225. Catastrophic Expense Benefits.
Sec. 226. Regulations for Comprehensive Health Care Benefits.
Sec. 227. Phasing of additional benefits.
Sec. 228. Other definitions.

PART C—CARRIERS FOR COMPREHENSIVE HEALTH CARE BENEFITS

Sec. 231. Definition of "carrier".
Sec. 232. Determination of qualified carrier.
Sec. 233. Requirement that carriers participate under State plan.
Sec. 234. Conditions of approval of carrier contracts or plans for Federal premium subsidy.
Sec. 235. Contracts with Health Care Corporations on capitation basis.
Sec. 236. Effect of nonpayment of premiums.
Sec. 237. Enrollment under contracts with carriers.
Sec. 238. Reports by and audits of carriers.
Sec. 239. Jurisdiction of courts.
Sec. 240. Prospective regulations.

TITLE III—EFFECTIVE DATES

Sec. 301. Transitional effective dates.
Sec. 302. Full operation of program.

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) Recognizing health care as an inherent right of each individual and of all the people of the United States, the Congress finds and declares that health services must be so organized and financed as to make them readily available to all, without regard to race, creed, color, sex, or age, and without regard to any person's ability to pay; that the services must be so provided as to enhance the dignity of the individual and promote better life for all; and that it is a function of Government to assure that these ends are attained.

(b) The Congress finds that achievement of these purposes requires substantial modification of the organization and methods of delivery of health services and the methods of financing them, and that these purposes will best be served by the creation of a nationwide system of independent Health Care Corporations embodying the principles—

(1) that each corporation should combine, either in its own structure or by affiliation, institutions and professionals qualified to furnish the entire range of health services, and should provide to its registrants an integrated and comprehensive program of health services, emphasizing preventive and outpatient care and embracing health maintenance services, primary care, specialty care, restorative care, and health-related custodial care;

(2) that such independent corporations should span the Nation, so that every resident of the country will have the opportunity to register with a corporation and, where practicable, a choice among corporations; and

(3) that such corporations should be locally established and operated, but should be subject to State regulation and to national standards of quality and scope of services;

and the Congress finds that, with financial assistance by the Federal Government in the development of Health Care Corporations and the creation of needed outpatient facilities, such a system can become operative nationwide within five years atfer the enactment of this Act.

(c) The Congress further finds that, in addition to stimulating and assisting the creation of Health Care Corporations and the establishment of State Health Commissions, and setting nationwide standards for the operation of Health Care Corporations, the functions of the Federal Government should include financial assistance to members of the public in obtaining the services of such corporations, in accordance with the principles—

(1) that the Federal Government should require all employers to participate in the purchase of Comprehensive Health Care Benefits for their employees;

(2) that the Federal Government should assume the cost of purchasing or subsidizing health insurance for those unable to pay for it, or unable to pay in full;

(3) that social insurance should continue to finance hospital care for the aged and that general revenues be used to fully finance medical care; and

(4) that to encourage participation by individuals in new health delivery and benefit programs, the Federal Government should bear a part of the cost of services.

(d) Pursuant to the foregoing findings, and to carry out the foregoing declarations, the Congress by the enactment of this Act declare and provides—

(1) that all persons residing in the United States will be eligible to participate in the program created by this Act, beginning in the fifth year after its enactment;

(2) that each person so participating will be entitled to receive from a Health Care Corporation services as described in this title, if he has registered with the corporation and has obtained a qualified health benefit coverage from a carrier, or on the basis of his income or his age has been provided with such a coverage;

(3) that such coverage will be provided through a Government contribution without cost to persons in the lowest income bracket and at reduced cost to persons in the other income brackets specified in this title; and

(4) that such coverage will be provided through social insurance and general revenues to persons who have attained the age of 65.

DEFINITIONS

SEC. 3. For the purposes of this title—

(1) the term "Comprehensive Health Care Benefits" means the benefits described in part B of title II;

(2) the term "State" includes the District of Columbia and the Commonwealth of Puerto Rico;

(3) the term "United States", when used in a geographical sense, means the fifty States, the District of Columbia, and the Commonwealth of Puerto Rico;

(4) the term "Governor" includes the Commissioner of the District of Columbia; and

(5) the term "Secretary" means the Secretary of Health, Education, and Welfare.

TITLE I—REORGANIZATION OF NATIONAL HEALTH SERVICES

SHORT TITLE

SEC. 100. This title may be cited as the "National Health Care Services Reorganization Act".

PART A—FEDERAL ADMINISTRATION

ESTABLISHMENT OF OFFICE OF HEALTH AFFAIRS; UNDER SECRETARY FOR HEALTH

SEC. 101. (a) There is hereby established within the Department of Health, Education, and Welfare, as a separate organizational entity, the Office of Health Affairs.

(b) The Office of Health Affairs shall be under the direction and control of an Under Secretary for Health, Department of Health, Education, and Welfare, who shall be appointed by the President by and with the advice and consent of the Senate, and who shall receive compensation at the rate provided for positions in level III of the Executive Schedule as set forth in section 5314 of title 5, United States Code.

FUNCTIONS AND RESPONSIBILITIES OF THE OFFICE OF HEALTH AFFAIRS

SEC. 102. (a) All of the health programs of the Department of Health, Education, and Welfare, including the programs under the direction of the Assistant Secretary for Health and Scientific Affairs, and the health activities of the Social Security Administration and the Social and Rehabilitation Service, are transferred to the Office of Health Affairs.

(b) The Office of Health Affairs shall be charged with responsibility for the planning, administration, operation, coordination, and evaluation of all programs so transferred as well as the program under this Act.

(c) With respect to the program under this Act, the Office of Health Affairs shall be specifically charged with responsibility for—

(1) continuous review of the activities of State Health Commissions;

(2) liaison with all Federal agencies administering health or health-related programs, and with private national accrediting and other agencies concerned with standards of care and qualifications of health personnel, including the approval and listing of certifying bodies;

(3) annual reports, to be transmitted through the Secretary to the President, first to evaluate the progress of State plans and the development of health care corporations, and thereafter to evaluate the national program, including recommendations for legislation, if any; and

(4) dissemination to State governments, and to providers of service and the public, of all pertinent information about the national program, and to State governments, providers of service, and potential sponsors of health care corporations of information concerning the organization and responsibilities of such corporations.

REGULATIONS OF THE SECRETARY

SEC. 103. (a) In addition to regulations specifically required or authorized by this title, the Secretary is authorized to prescribe such further regulations, not inconsistent with law, as he deems necessary to the efficient administration of the title. Regulations shall be issued in accordance with the provisions of section 553 of title 5, United States Code.

(b) In addition to authority otherwise conferred by this title, the Secretary is authorized to prescribe by regulation—

(1) uniform systems of accounting to be used in determining the reasonableness of the budgets and charges of Health Care Corporations and other providers of health care;

(2) the method or methods to be used, and the elements to be considered, in determining, for the purposes of section 136 the financial requirements of Health Care Corporations and other providers, including—

(A) for such corporations and for institutions, all reasonable operating costs (including approved educational costs) and sufficient capital payments to permit the corporation or institution to reasonably finance existing or needed facilities and equipment for comprehensive health services; and

(B) for individual providers or groups of providers, all reasonable fees, salaries, or other compensation for needed professional and related services;

(3) standards of quality and standards of safety for all facilities of, and all services furnished by, Health Care Corporations (including facilities of, and services furnished by, affiliated providers or other providers acting under arrangements with such corporations) and other providers; such standards to require, as a minimum, that hospitals, extended care facilities, and home health agencies (including units of Health Care Corporations performing the functions of any such institutions) meet the applicable statutory requirements, pertaining to quality and safety, contained in title XVIII of the Social Security Act, and that nursing homes meet such of the foregoing requirements as the Secretary finds appropriate;

(4) standards relating to the use of paramedical personnel as assistants to physicians and dentists, and relating to the qualifications of such personnel; and

(5) standards for the determination of qualified carriers under section 232.

NATIONAL HEALTH SEVICES ADVISORY COUNCIL

SEC. 104. (a) There is hereby established a National Health Services Advisory Council (hereinafter in this section referred to as the "Council"), which shall consist of the Undersecretary for Health, who shall serve as Chairman of the Council, and twenty members, not otherwise in the employ of the United States, appointed by the Secretary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. The appointed members shall include persons who are representative of providers of health services, and of persons (who shall constitute not less than one-half of the Council) who are representative of consumers of such services. Each appointed member shall hold office for a term of four years, except that (1) any member appointed to fill a vacancy occurring during the term for which his predecessor was appointed shall be appointed for the remainder of that term, and (2) the terms of the members first taking office shall expire, as designated by the Secretary at the time of appointment, five at the end of the first year, five at the end of the second year, five at the end of the third year, and five at the end of the fourth year, after the date of the enactment of this Act. Members of the Council who are representative of providers of health care shall be persons who are outstanding in fields related to medical, paramedical, hospital, or other health activities, or who are representative of organizations or associations of professional health personnel; and members who are representative of consumers of such care shall be persons, not engaged in and having no financial interest in the furnishing of health services, who are familiar with the needs of various segments of the population for personal health services and are experienced in dealing with problems associated with the furnishing of such services.

(b) The Council is authorized to appoint such professional or technical committees, from its own members or from other persons or both, as may be useful in carrying out its functions. The Council, its members, and its committees shall be provided with such secretarial, clerical, or other assistance as may be authorized by the Secretary for carrying out their respective functions. The Council shall meet as frequently as the Secretary deems necessary, but not less than four times each year. Upon request by seven or more members it shall be the duty of the Chairman to call a meeting of the Council.

(c) It shall be the function of the Council (1) to advise the Secretary on matters of general policy in the administration of this title and in the formulation of regulations, and (2) to study the operation of this title and the activities of State Health Commissions, Health Care Corporations, and other providers, with a view to recommending any changes in the administration of this title or in its provisions which may appear desirable. The Council shall make an annual report to the Secretary on the performance of its functions, and the Secretary shall transmit the report to the Congress, together with a report by the Secretary on any administrative recommendations of the Council which have not been followed, and a report by the Secretary of his views with respect to any legislative recommendations of the Council.

(d) Appointed members of the Council and members of technical or professional committees, while serving on business of the Council (inclusive of travel time), shall receive compensation at rates fixed by the Secretary but not exceeding the daily equivalent of the rate specified at the time of such service for grade GS-18 of the General Schedule; and while so serving away from their places of residence they shall be entitled to receive actual and necessary traveling expenses, including per diem in lieu of subsistence, as authorized by section 5703 (b) of title 5, United States Code, for persons in the government service employed intermittently.

STUDIES OF DELIVERY AND FINANCING OF HEALTH CARE

SEC. 105. (a) The Office of Health Affairs shall make a continuing study of the operation of this title, including the adequacy, quality, and utilization of services furnished by Health Care Corporations and other providers, the effectiveness of peer review and cost controls, the effectiveness of supervision of such corporations by State Health Commissions, the financing of services through insurance and otherwise, and all other aspects of the system of health care created pursuant to this title. The Office is authorized, also, to make studies and conduct research in regard to alternative methods of furnishing and financing health care (including methods followed in other countries), and of methods of enhancing, through financial incentives or otherwise, the quality of care and the economy and efficiency of its delivery.

(b) The Office may carry out its functions under this section directly or through contracts, and it is authorized to make grants to public or other nonprofit agencies or institutions for studies and research which it deems likely to further the purposes of this section.

(c) The Office shall from time to time publish the results of studies and research conducted pursuant to this section.

UTILIZATION OF STATE AGENCIES

SEC. 106. (a) The Secretary may, and to the optimum extent determined by him to promote efficient administration of this title shall, make arrangements with State Health Commissions (in accordance with section 124(b)(9) whereby the commission involved (directly or through arrangements approved by the Secretary with another State agency or agencies) will—

(1) subject to the applicable provisions of part C of title II, contract, as agent and in the name of the Department of Health, Education, and Welfare, with carriers approved by the Secretary, as provided in paragraph (1) (B) and (C) of section 108(b); and

(2) from time to time perform such other functions for or on behalf of the Secretary, other than the issuance of Federal regulations and standards, under this title as the Secretary may deem appropriate.

(b) The Secretary shall, in accordance with section 111, pay State Health Commissions the cost of the proper and efficient administration of their functions under arrangements made with them pursuant to subsection (a).

FEDERAL FINANCING RESPONSIBILITIES FOR HEALTH SERVICES

SEC. 107. (a) Notwithstanding any provision to the contrary in title XVIII of the Social Security Act or in any other law, effective with respect to items and services furnished (and periods occurring) on or after the first transitional effective date as specified in section 301(b) and before the effective date for full operation of the program under this Act as specified in section 302—

(1) every individual who is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act shall be automatically enrolled in the supplementary medical insurance program established by part B of such title (with such coverage period, and subject to such other terms and conditions, as may be prescribed by the Secretary in regulations);

(2) every resident of the United States who is a low-income person or a member of a low-income family (as those terms are defined in section 203(a)(1) of this Act), and who is not otherwise entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act or enrolled in the supplementary medical insurance program established by part B of such title, shall, under regulations prescribed by the Secretary (but without regard to age, insured status, or any other eligibility requirements, or any coinsurance, copayment, or deductible requirements, which might otherwise apply), be provided by the Secretary, from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund (as may be appropriate), with benefits under this Act equivalent to the hospital insurance benefits available under part A of title XVIII of the Social Security Act and the supplementary medical insurance benefits under part B of such title; and

(3) no premium or similar amount shall be payable by any individual for or on account of his enrollment in or coverage under the insurance program established by part B of such title XVIII, or for or on account of the provision to him of benefits under paragraph (2) of this subsection.

There are authorized to be appropriated from time to time to the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund (as may be appropriate) sums equal to (A) the cost of the additional benefits paid from such funds by reason of paragraph (2), and (B) the total premiums which, but for paragraph (3), would be payable by all individuals for or on account of enrollment in or coverage under the insurance program established by part B of such title XVIII or the benefits provided to them under paragraph (2).

(b) Effective with respect to items and services furnished (and periods occurring) on or after the second transitional effective date as specified in section 301(c) and before the effective date for full operation of the program under this Act as specified in section 302—

(1) every individual age 65 or over described in paragraph (1) or (2) of subsection (a) shall be provided by the Secretary (in addition to the benefits provided such individual under subsection (a)) with Catastrophic Expense Benefits coverage under and in accordance with section 225 of this Act but without regard to any special expenditure limit which might otherwise apply under subsection (b) of such section;

(2) every resident of the United States who is a medically indigent person or a member of a medically indigent family (as such terms are defined in section 203(a)(2) of this Act), and who is not otherwise entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act or enrolled in the supplementary medical insurance program established by part B of such title, shall, under regulations prescribed by the Secretary (but without regard to age, insured status, or any other eligibility requirements which might otherwise apply), be provided by the Secretary, from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund (as may be appropriate), with benefits under this Act equivalent to the hospital insurance benefits available under part A of title XVIII of the Social Security Act and the supplementary medical insurance benefits available under part B of such title, and in addition shall be provided with Catastrophic Expense Benefits coverage under and in accordance with section 225 of this Act at premium rates determined under secttion 206; and

(3) any other individual who registers with a Health Care Corporation shall be entitled to the 10-percent premium subsidy under section 202(c).

There are authorized to be appropriated from time to time to the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund (as may be appropriate) sums equal to the additional costs incurred by such Funds by reason of benefits under this subsection.

(c) There is authorized to be appropriated for each fiscal year beginning on or after the effective date specified in section 302, for the purpose of financing the program set forth in title II of this Act, an amount sufficient to pay (on the basis of estimates for such fiscal year)—

(1) the cost of providing prepaid coverage for Comprehensive Health Care Benefits to persons who are under the age of 65 and are low-income persons or members of low-income families;

(2) the net cost, after deducting the contribution to be required of them, of providing such coverage to persons who are under the age of 65 and are medically indigent persons or members of medically indigent families;

(3) (i) the added cost, resulting from their low incomes or their medical indigence, of providing such coverage to persons who have attained the age of 65 years and who either are low-income persons or members of low-income families or are medically indigent persons or members of medically indigent families, and (ii) the added cost of Comprehensive Health Care Benefits available to those eligible for benefits under part A of title XVIII of the Social Security Act;

(4) the cost of providing the 10-percent premium subsidy under section 202(c) for all individuals who register with Health Care Corporations and purchase Comprehensive Health Care Benefits privately (or for whom such benefits are purchased by private sources);

(5) the cost of establishing or maintaining a reserve equal to 5 percent of the foregoing costs; and

(6) the cost of administration incurred by the Secretary in providing the coverages referred to in paragraphs (1), (2), and (3).

(d) For each fiscal year the Secretary shall estimate the costs referred to in subsections (a), (b), and (c) by projection based upon the costs in the second preceding fiscal year, or (in the case of the first two fiscal years involved) upon the Secretary's estimate of the costs that would have been incurred in such second preceding fiscal year if this title had then been in effect. Each projection shall take account of the then current rate of change in the cost of health services, expected changes in the low-income population and the medically indigent population, trends in the utilization of health services, and other factors which the Secretary finds relevant; and, in projecting aggregate contributions to be made by medically indigent persons and families, shall take account of the then current rate of change in the Consumer Price Index.

CONTRACTING AUTHORITY OF THE SECRETARY

SEC. 108. (a)(1) The Secretary shall, through contracts with carriers, provide the prepaid coverage for the benefits to which aged, low-income, and certain other individuals and their families are entitled under section 203.

(2) In addition to the qualifying requirements for carriers specifically set forth in this title, the Secretary may establish further qualifying standards for carriers (or classes thereof).

(b)(1) The Secretary may negotiate and enter into (A) contracts with a carrier or carriers to administer Comprehensive Health Care Benefits for all individuals entitled to benefits under section 203; (B) contracts with qualified carriers which have underwritten a prepayment plan for a Health Care Corporation operating wholly or primarily on a predetermined capitation charge basis; and (C) direct contracts with Health Care Corporations under section 235 if the corporations operate on a predetermined capitation charge basis and as such qualify as carriers.

(2) The Secretary may authorize State Health Commissions to act as his agents in contracting with carriers as described in paragraph (1).

(3) Contracts under this part are exempted from any provision of law requiring competitive bidding and from such other

requirements of law as the Secretary may waive. The Secretary is required, however, to notify all potentially qualified carriers a description of the contract requirements he desires and the requirements and provisions of this title and regulations, and to invite these carriers to submit proposals. Among the factors which the Secretary is required under this title to consider in negotiating and approving contracts shall be the carriers' experience with group health insurance or prepayment plan coverage. The Secretary may require the contracting carrier to subcontract with other carriers, and he shall enter into a contract with a combination of carriers only if this does not result in higher administrative costs and only if it best serves the purposes of this title. The term "combination of carriers" or "combination," as used in this section, means (i) a group of qualified carriers that have entered into a joint venture or other cooperative arrangement for the purpose of administering coverage under a contract under this part, or (ii) a corporation (which itself is a qualified carrier) designated or caused to be created by a group of qualified carriers for the purpose stated in clause (i); and any further reference in this part to a "carrier" shall be deemed to include reference to such a combination.

FEDERAL RESPONSIBILITY FOR DEVELOPMENTAL GRANTS

SEC. 109. (a) It is one of the purposes of this part to establish the responsibility of the Secretary to encourage, promote, and assist the establishment, as soon as practicable, of the comprehensive health care delivery system contemplated by this title, by providing financial and technical assistance for the early planning, development, establishment, and initial operation of Health Care Corporations, including incentives for use of the capitation payment method for health care and for the development and improvement of outpatient care centers, particularly in poverty and rural areas.

(b) There are authorized by the Secretary to be appropriated for each fiscal year, for carrying out the purpose stated in subsection (a), such sums as may be necessary. Sums so appropriated for grants or contracts for any fiscal year shall remain available for obligation until the close of the succeeding fiscal year.

AUTHORIZATION OF DEVELOPMENTAL FINANCIAL ASSISTANCE

SEC. 110. (a) For the purpose stated in section 111, the Secretary is authorized, in accordance with the provisions of this part, to make—

(1) grants for planning, organizing, developing, and establishing Health Care Corporations (or for any one or more of such activities), including affiliation or other arrangements (if any) of such a corporation with providers of health care, in conformity with part C of this title;

(2) contracts, in connection with the establishment or substantial expansion of Health Care Corporations, to pay for a reasonable period all or part of any operating deficits of such corporations;

(3) grants to Health Care Corporations, or to public or nonprofit providers affiliated therewith, for the initial operation of (A) new outpatient care centers or (B) new or expanded services in (or based in) outpatient care centers; and

(4) grants for major health-maintenance, diagnostic, or therapeutic equipment, data processing systems or equipment, or central-service equipment, needed for initial operating capability of Health Care Corporations.

(b) (1) In making grants and contracts under this part, the Secretary (A) shall take into account existing health care resources and health care delivery systems in the several States, the relative need of the States and areas within the States for such assistance, and their populations, and (B) shall have due regard to the achievement, consistently with the purposes of this title and this part, of an equitable distribution of such assistance.

(2) Not more than 15 percent of the appropriations made for grants or contracts under this part may be expended in any one State.

(3) In making grants and awarding contracts during the first five fiscal years for which funds have been appropriated under this part, the Secretary shall give priority to the applications of corporations that (A) operate primarily on the basis of predetermined capitation charges, or (B) are in the process of converting to primarily that basis, or (C) agree to operate on or convert to primarily that basis if awarded such a contract. After that period, the Secretary may award such contracts only to such corporations.

(4) (A) A grant or contract shall not be made or awarded under the preceding provisions of this part when there is in effect, for the State that includes the area involved in the application for such assistance, a State plan approved under part B, unless the State Health Commission has recommended approval of the application and has certified—

(1) in the case of an application for a grant under subsection (a) (1) of this section 111, that (A) there is need for a Health Care Corporation in the area involved (or of an additional Health Care Corporation if one approved under part B has already been assigned to the area), and (B) the area has been designated as a health service area in accordance with the State plan or, if not, there is probable cause to believe that it will be so designated;

(2) in the case of an application for a contract under subsection (a) (2) of this section or section 112, that the applicant (A) is a Health Care Corporation in conformity with section 131(a), (B) has been approved, or upon the Secretary's approval of the application for the contract will be approved, by the Commission under part C, and (C) has been, or upon approval of the contract application by the Secretary will be, assigned by the Commission under the State plan to the health care area or areas involved in the application; or

(3) in the case of an application for a grant under subsection (a) (3), that (A) the Health Care Corporation which is the applicant or involved in the application is in conformity with section 131(a) and has been, or upon approval of the grant application by the Secretary will be, approved by the Commission under part B and assigned under the State plan to the health service area involved in the application for the grant; and (B) the outpatient care center or services thereof, or the equipment or system, for which the grant is sought, is needed for the effective discharge of the corporation's functions under the State plan.

(c) (1) In the case of a State for which there is not yet in effect a State plan approved by the Secretary under part B but in which a State Health Commission and a State Advisory Council have been established in conformity with that part, the Secretary shall not make a grant or contract under the foregoing sections of this part unless the Commission, the State planning agency (if any) designated or established for the State as required under section 314(a) (2) (A) of the Public Health Service Act (if it is a separate agency from the commission), and the appropriate areawide health planning agency (if it is different from the State planning agency) have had an opportunity (in accordance with regulations of the Secretary) to review and comment on the application for the grant or contract.

GRANTS FOR STATE PLANS

SEC. 111. (a) In order to facilitate and expedite the submission of State plans to the Secretary pursuant to section 124, the Secretary is authorized to make grants to State Health Commissions for all or part of the necessary cost of developing and preparing such plans, including (but not limited to) the expenses of their State advisory councils consulted in connection therewith, the cost of disseminating to the public and to others information concerning a proposed plan, and the most of public hearings thereon.

(b) There are authorized to be appropriated for grants under this section such sums as may be necessary for each fiscal year in the period beginning with the fiscal year in which this Act is enacted and ending with the close of the third full fiscal year after this Act is enacted.

(c) (1) From the sums appropriated therefor, the Secretary shall pay to each State which has a plan approved under this title an amount equal to the Federal percentage of the sums expended for the proper and efficient administration of the State plan. Such payments and payments under grants pursuant to this section may be made in installments (not less often than quarterly) and may be made in advance (on the basis of estimates) or by way of reimbursement, with necessary adjustments on account of prior overpayments or underpayments.

(2) The Federal percentage, for the purpose of paragraph (1), shall be 90 percent with respect to sums expended by a State during fiscal years ending prior to the effective date of the benefit program under this Act (as set forth in sections 201 and 202), 85 percent with respect to sums so expended during the next two fiscal years, and 75 percent with respect to sums expended thereafter; except that with respect to sums expended by the State for proper and efficient administration pursuant to provisions of the State plan contained therein in compliance with section 124(b) (10) the Federal percentage shall always be 100 percent.

FINANCIAL ASSISTANCE UNDER OTHER PROGRAMS

SEC. 112. (a) (1) In administering other programs of financial assistance in the field of health care (including construction of facilities for health care) the Secretary and, on recommendation of the Secretary, other Federal agencies shall to the optimum extent utilize those programs to promote the purposes of this Act.

(2) Notwithstanding any other provision of law, the Secretary may, and such other agencies when requested by the Secretary shall, in the administration of such other programs, give (or require agencies and organizations assisted to give) highest priority to the needs of Health Care Corporations, particularly in areas determined by the Secretary to be urban or rural poverty areas.

(b) (1) The Secretary shall prepare and widely disseminate, through publications and otherwise, information concerning the availability of assistance under this part.

(2) The Secretary may upon request provide advice, counsel, and technical assistance to Health Care Corporations and other interested organizations and agencies in preparing applications, and in meeting the requirements of this part and of the Secretary, for grants and contracts authorized by this part.

PENALTIES FOR FRAUD

SEC. 113. (a) Any individual, provider of health care, carrier, or other person who—

(1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in any application for any benefit, or any grant or other payment, under this Act,

(2) at any time knowingly and willfully makes or causes to be made any false statement or representation of a material fact for use in determining rights to any such benefit or payment,

(3) having knowledge of the occurrence of any event affecting (A) his or its initial or continued right to any such benefit or payment of any other person in whose behalf he or it has applied for or is receiving such benefit or payment, conceals or fails to disclose such event with an intent fraudulently to secure such benefit or payment either in a greater amount or quantity than is due or when no such benefit or payment is authorized, or

(4) having made application to receive any such benefit or payment for a particular use or purpose and having received it, knowingly and willfully converts such benefit or payment or any part thereof to any other use or purpose,

shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

(b) Any provider of health care or other person who furnishes items or services to an individual for which payment is or may be made under this Act and who solicits, offers, or receives any—

(1) kickbacks or bribe in connection with the furnishing of such items or services or the making or receipt of such payment, or

(2) rebate of any fee or charge for referring any such individual to another person for the furnishing of such items or services.

shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

(c) Whoever knowingly and willfully makes or causes to be made, or induces or seeks to induce the making of, any false statement or representation of a material fact with respect to the conditions or operation of any organization, institution, or facility in order that it may qualify as a carrier or a provider of health care for purposes of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $2,000 or imprisoned for not more than 6 months, or both.

PART B—STATE FUNCTIONS

GENERAL CONDITIONS OF STATE PARTICIPATION

SEC. 121. (a) Except as otherwise provided in this Act, the Comprehensive Health Care Benefits provided for individuals in this title and financed or assisted from Federal funds shall be available in any State if, and only if, in conformity with the requirements of this part, (1) the State has accepted the provisions of this Act and created, as a newly constituted and independent establishment within the executive branch of the State government, a State agency for carrying out the responsibilities devolving upon the State under this Act headed by a multimember governing body hereinafter in this title referred to as the "State Health Commission" (or as the "State commission" or the "commission"); (2) there has been established in that agency a State Advisory Council; and (3) there is in effect an approval, by the Secretary, of a State plan submitted by the State Health Commission under section 124 for carrying out the State's responsibilities under this title.

(b) For Federal exercise of State functions in cases of noncompliance by States, see section 103.

STATE HEALTH COMMISSIONS

SEC. 122. (a) The State Health Commission of a State shall be composed of three or five members (whichever number may be authorized under the law of its creation) appointed by the Governor of the State for staggered terms, which shall be renewable. Each term shall be for six years, except as necessary in the case of initial appointments to meet the requirement of staggered terms, and except in the case of a member appointed to fill a vacancy occurring before the expiration of the term of his predecessor. Not more than two members of a three-member commission, nor three members of a five-member commission, shall be members of the same political party. The Governor shall designate one of the members of the commission to serve as chairman.

(b) (1) It is the sense of the Congress that the members of a State Health Commission should be chosen, not primarily from the standpoint of specialized experience in the subject matter fields within the commission's jurisdiction, but rather with a view to their ability to bring to the affairs of the commission broad gaged, highly qualified, effective, and disinterested policy direction. Persons representative of the health care professions shall not constitute a majority of the membership of the commission.

(2) During his term of membership, no member of the commission shall engage in any other business, vocation, or employment.

(3) The chairman and other members of the commision shall receive salaries at levels comparable to the compensation of the head of a principal executive department of the State.

(4) No member of the commission shall during his term of office be subject to removal except for dereliction of duty, corruption, incompetency, or conviction of a crime involving moral turpitude, or for a cause stated in paragraph (5) of this subsection.

(5) Any individual, while in the employ of or holding any official or contractual relation to or affiliation with a Health Care Corporation or any other corporation or provider of health care under the regulatory jurisdiction of the State commission, while in any manner pecuniarily interested in any such corporation or provider, shall be disqualified from being a member, officer, or employee of the commission; except that if such disqualification by reason of pecuniary interest arises otherwise than voluntarily while such individual is such a member, officer, or employee, the individual may be permitted to remain in office or employment if within a reasonable time he divests himself of that pecuniary interest. The preceding sentence shall not apply to membership on the State Advisory Council by an individual who discloses his interest in or relation to a corporation or provider, nor shall it apply to any individual solely because he is a registrant of a Health Care Corporation or a beneficiary member of or subscriber to another provider of health care.

STATE ADVISORY COUNCILS

SEC. 123. The Advisory Council to the State Health Commission of a State, which shall consult with the commission in the development and carrying out of the State plan, shall consist of (1) persons broadly representative of providers of health care (including health maintenance) in the State (including but not limited to persons representative of Health Care Corporations when organized and approved, other nongovernmental and public organizations, societies and groups of health professionals, and schools and institutions particularly concerned with education or training of persons in the health professions and ancillary occupations), and (2) not less than an equal number of persons who are representative of consumers of health care and (A) neither are providers nor have a pecuniary interest in the provision of such care, (B) are familiar with the needs of the various segments of the State's population for such care, and (C) are experienced in dealing with problems associated with the provision of such care.

STATE HEALTH CARE PLANS

SEC. 124. (a) In order to be approvable under this part for any year the State plan of any State must—

(1) meet the requirements of subsection (b);

(2) have been submitted to the Secretary by the State Health Commission (constituted and operating in conformity with the preceding sections of this part) at such time and presented in such detail, and contain or be accompanied by such information, as the Secretary deems necessary;

(3) have been prepared in consultation with the State Advisory Council; and

(4) have been submitted to the Secretary only after the commission has afforded to the general public of the State a reasonable opportunity for presentation of views on the plan in the case of submission of the plan for initial approval or for annual renewal of approval after major revision of the plan.

(b) The State plan must—

(1) designate the State Health Commission of the submitting State as the sole agency for the administration of the plan, except as otherwise authorized by this part;

(2) contain or be supported by satisfactory evidence that the commission has the authority to carry out the plan in accordance with this part;

(3) provide for adequate consultation with the State Advisory Council in carrying out the plan;

(4) set forth, in such detail as the Secretary may prescribe, the qualifications for personnel having responsibilities in the administration of the plan;

(5) provide for such methods of administration as are found by the Secretary to be necessary for the proper and efficient administration of the plan, including (A) methods relating to the establishment and maintenance of personnel standards on a merit basis consistent with such standards as are or may be established by the Civil Service Commission under section 208(a) of the Intergovernmental Personnel Act of 1970 (Public Law 91–648), and (B) provision for utilization of qualified professional medical personnel (particularly in connection with the development or administration of standards of quality and utilization of health care) and of paramedical and other qualified professional staff; but the Secretary shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with the methods relating to personnel standards on a merit basis established and maintained in conformity with this paragraph;

(6) (A) provide for the designation of preferred service areas by applicant Health Care Corporations in accordance with the requirements of section 135 and for approval in each such area of one or more Health Care Corporations in accordance with section 126;

(B) include, with respect to existing and proposed Health Care Corporations, their affiliated providers of health care, and other such providers, (i) provisions incorporating the requirements of part C of this title, and (ii) the provisions required by section 126;

(C) provide, in accordance with sections 125 and 126, for cooperation with other States in the administration of the plan, and in particular authorize cooperative arrangements with adjoining States with respect to (i), joint service areas and (ii) establishment, admission, and approval of Health Care Corporations for service in such joint areas for serving separate areas in the cooperating States; and

(D) include a program by completing (i) the initial approval of Health Care Corporations for service in designated areas (including, if necessary to carry out the purpose stated in section 2(b)(2), the creation of governmental Health Care Corporations), and (ii) the initial registration of eligible individuals with such approved corporations, not later than the close of the fourth fiscal year that begins after the calendar year in which this Act is enacted;

(7) (A) include such provisions for effective arrangements or procedures as will as-

sure an opportunity to obtain group coverage for Comprehensive Health Care Benefits at reasonable rates, for themselves or their employees, to all residents of the State who are not entitled to coverage of such benefits purchased by the Secretary, and provide for the effective enforcement of these arrangements and procedures by the commission (subject to review by the Secretary with respect to enforcement of Federal regulations);

(B) provide for regulating the premium rates of carriers issuing group health benefit prepayment plans or insurance contracts for residents of the State (except under contracts negotiated and made directly by the Secretary), except that the plan may—

(i) vest in the State agency primarily charged by State law with regulating the business of insurance in the State, or

(ii) authorize the commission to delegate to that or another appropriate State agency, the function of regulating the premium rates for such prepayment plans or insurance contracts charged by carriers (other than Health Care Corporations acting as carriers for their own registrants);

(C) provide, consistently with regulations and standards of the Secretary relating to Comprehensive Health Care Benefits coverage, for the regulation and supervision of such carriers and such plans and contracts by the commission, including in the case of group coverage for Comprehensive Health Care Benefits the establishment, by the commission, of required standard provisions whereby, in the event of interruption or termination (by death or otherwise) of a covered individual's status as a member of the employee or other group that the plan or contract covers, the individual (or covered members of his family in case of his death) will have the privilege of continuing coverage under the plan or contract for a specified period (not less than 30 days) that the commission deems reasonable; and

(D) provide (subject to any regulation by the Secretary or interpretations thereunder with respect to contracts with carriers or otherwise with respect to coverage for Comprehensive Health Care Benefits)—

(i) for granting an opportunity for a fair hearing, before the commission, to any approved Health Care Corporations or nonaffiliated provider whose claim against a carrier for payment of charges for services or items furnished to a registrant of the corporation covered by the carrier for Comprehensive Health Care Benefits, or for payment of capitation charges with respect to a thus covered registrant in the case of a Health Care Corporation operating on a capitation charge basis, has been denied by the carrier in whole or in part, and

(ii) for adjudicating the claim;

(8) provide effective methods and procedures for (A) optimum utilization or adaptation, in the administration of the plan submitted under this section, of (i) such plans as have been or will be developed for the State pursuant to subsection (a) of section 314 of the Public Health Service Act, (ii) the State plan approved under subsection (d) of that section, (iii) any comprehensive plans developed under subsection (b) of that section for regions, metropolitan areas, or other local areas wholly or partly within the State, and (iv) relevant plans developed under any other programs, and (B) coordination (or, at the State's option, consolidation in the case of planning at State level) of planning under the plan submitted under this section with ongoing or projected planning activities under those subsections or programs;

(9) provide that, if and to the extent requested by the Secretary, the commission (directly or through appropriate arrangements, approved by the Secretary, with another appropriate State agency or agencies) will perform, for or on behalf of the Secretary, any or all of the following functions:

(A) as authorized by section 108, contract, as agent of the Secretary, with qualified carriers for Comprehensive Health Care Benefits coverage in the State required under this Act to be financed by Federal purchase of such coverage from a carrier;

(B) act as fiscal agent of the Secretary in transactions with carriers (or classes thereof) in the State, including (if and to the extent that the Secretary assumes this function) the collection or receipt, and transmittal to carriers, of premium contributions by beneficiaries of federally purchased Comprehensive Health Care Benefits coverage (or by others on their behalf) when such contributions are required by or pursuant to this Act;

(C) furnish to the Secretary such timely information and prospective estimates as the Secretary may find necessary for developing its estimates of costs and required Government contributions under section 107;

(D) review, and make recommendations with respect to, applications to the Secretary for grants under appropriate sections of part A of this title, and, when requested, review and make recommendations with respect to applications to the Secretary for grants or contracts under other provisions of law administered by the Secretary, act as agent for the Secretary in investigating and certifying compliance with the terms and conditions of such grants or contracts, and make payments from Federal funds thereunder; and

(E) perform such other functions for or on behalf of the Secretary as he may reasonably request;

(10)(A) in cooperation with the Secretary, and in accordance with such methods as may be recommended for the design and implementation of a nationwide cooperative system for producing comparable and uniform health-related information and statistics, function as a center, for the State, for the collection (from Health Care Corporations and other providers, health benefit prepayment plans and private health insurance companies, and other sources), retrieval, analysis, reporting, and publication of statistical and other information related to health and health care, including data on the fiscal operations of such corporations, plans, and companies and including data of the kinds enumerated in section 305 of the Public Health Service Act, and (B) require such corporations and providers, and such plans and companies doing business in the State, to make statistical and other reports of such information and data to the commission;

(11) provide safeguards that restrict to purposes directly connected with the administration of the plan the use or disclosure of identifying information concerning (A) individuals with respect to whom information is obtained in carrying out the State plan provisions required by paragraph (10), or (B) individuals who are registrants or applicants for registration under this Act or who claim eligibility for Comprehensive Health Care Benefits coverage by a carrier;

(12) provide, in accordance with methods and procedures prescribed or approved by the Secretary, for the evaluation, at least annually, of the health-related and economic effectiveness of the activities of the commission and of Health Care Corporations (including their affiliated providers) and other providers under the commission's supervision, including a review and comparative evaluation of data on utilization of health care services (including drugs) provided by Health Care Corporations and other providers;

(13) provide that the commission will make such annual and other reports (including reports of evaluations made pursuant to the provisions contained in the plan in accordance with the preceding paragraph) as the Secretary may from time to time reasonably require, and comply with such provisions as the Secretary may find necessary to assure the correctness and verification of such reports; and

(14) provide that the commission will from time to time, and in any event not less often than annually, review the plan and submit to the Secretary any modification thereof which it considers necessary.

(c) The Secretary shall approve any State plan and any modification thereof which complies with subsections (a) and (b); except that he shall not grant such approval if the plan or modification or other State law (statutory or otherwise) or the practice of a State licensure or regulatory authority under color of law—

(1) prevents or limits Health Care Corporations (approved by the commission under the plan) from undertaking to provide covered health care to registrants (and to others at its election) (A) through direct employment of medical or other licensed health care practitioners by the corporation or other nonprofit providers, or (B) through group practice (as defined by regulations of the Secretary) or other arrangements by the corporation or other providers with such practitioners or groups thereof (whether such arrangements be on a capitation, fee-for-service, or other basis); or

(2) deprives any Health Care Corporation of its right to designate its preferred service area and of its right of appeal for change in such service areas, in accordance with the provisions of this Act;

(3) disqualifies from service on the governing board of a Health Care Corporation or affiliated institutional provider thereof a physician who is on the staff of the Health Care Corporation or the institution or is an affiliated provider of the Health Care Corporation;

(4) prevents or limits such practitioners from employing or arranging with appropriately trained assistants under this supervision to perform, consistently with standards of the Secretary prescribed under section 103(b)(4), health care functions commensurate with their qualifications and training; or

(5) prevents or limits carriers from offering coverage of health care provided in accordance with paragraph (1), (2), (3), or (4), unless the Secretary determines, in accordance with regulations issued by him, that the prohibition or restriction is consistent with the purposes of this title.

(d)(1) An approval of a State plan submitted to the Secretary under this part shall, unless renewed, or unless sooner withdrawn or suspended under this part, be in effect for a period of one calendar or fiscal year, whichever the Secretary determines, except that the initial approval may be for the remainder of the fiscal or calendar year then current or, where deemed appropriate by the Secretary, may be made effective until the end of the succeeding year.

(2) For the purposes of this Act, a State with respect to which there is in effect an approval of a State plan by the Secretary under this part, or with respect to which the Secretary is performing the functions that he is authorized to perform under section 128(a) or (c)(4), is a "participating State".

DESIGNATION OF HEALTH CARE AREAS

SEC. 125. (a) As soon as practicable after its organization, the State Health Commission of each participating State shall conduct a study and survey with a view to the approval of service areas for applicant Health Care Corporations as a basis for the issuance of certificates of approval by the commission (in accordance with section 126(a)(3)), with the objective of affording to all the people in the State equal and ready access to the full range of comprehensive health care of high quality provided for in this title and, where practicable, a choice among Health Care Corporations. In making its study and survey, the commission shall give appropriate consideration to (1) the size and distribution of the State's population and the incidence of illness or disease in population groups in different regional, metropolitan, or other local areas (or parts thereof) of the State, (2) existing health care organizations, institutions, or resources for the provision of health care, their potential for sponsoring or participating in the organization of Health Care Corporations, and their distribution in relation to the need for care, (3) local governmental structures, (4) transportation facilities, (5) patterns of organization for the delivery of health care, (6) patterns of use of health care, and (7) other relevant factors. To assist in its study and survey, and especially in connection with its consideration and evaluation of the factors referred to in clause (2) of the preceding sentence, the commission shall set a date by which shall be filed with it applications by Health Care Corporations for certificates of approval for operation in areas defined in the respective applications (or statements of intention, by proposed sponsors of such corporations, to file such applications). No such certificate shall be granted under section 126 until a final regulation has been issued under the last sentence of subsection (c)(1) of this section.

(b) In addition to making the study and survey referred to by subsection (a), and before approving applications for certificates of approval, the commission shall consult with persons representative of the general public, representatives of public and private health care institutions or their organizations, representatives of the medical and other health care professions, including persons representative of health care practitioners engaged or employed in group practice, representatives of appropriate State and local governmental agencies, State commissions in adjoining States (where appropriate), and other interested groups and individuals.

(c)(1) After its study, survey, and consultation, the commission shall publish a proposed regulation setting forth its findings and approvals of Health Care Corporations and the service areas proposed, which need not coincide with the areas of existing municipalities or political subdivisions of the State. The commission shall give reasonable public notice of its proposal and of a public hearing or hearings on the proposal and shall, after such hearing or hearings, by final order confirm the regulation or issue a revised regulation.

(2) In carrying out this section the commission may, in accordance with cooperative arrangements referred to in section 124(b)(6)(C), designate with another State or States a service area or areas that include parts or all of such States.

(d) The commission may, either on its own motion or on petition of any interested Health Care Corporation or other interested provider of health care, an interested registrant or organization representing registrants, or any other interested person, amend or repeal a final regulation issued under subsection (c), but final action on a proposal under this subsection may (upon request of an interested person filing objections to the action proposed, specifying with particularity the changes desired, and stating reasonable grounds therefor) be taken only by decision on the record made after fair hearing.

REGULATION FUNCTIONS OF STATE HEALTH COMMISSIONS

SEC. 126. (a) For the purposes of part C of this title and of paragraph (6) of section 124(b), a State plan shall, in addition to complying with section 125—

(1) provide for (A) stimulating and encouraging the organization of Health Care Corporations (as defined in section 131(a)) where needed by (i) giving information and advice to providers of health care and other potential sponsors as to the requirements for organization of such corporations and for commission approval of such corporations for service, (ii) giving technical assistance to sponsors in meeting such requirements, and (iii) in appropriate cases recommending to the Secretary grants or contracts under part A of this title; and (B) in accordance with cooperative arrangements referred to in section 124(b)(6), cooperating with State Health Commissions of the other States in jointly (or concurrently) or reciprocally admitting and approving Health Care Corporations for service, especially in joint or adjoining service areas of the respective States;

(2) provide for authorizing the incorporation in the State, or admission from other States, of nonprofit corporations and, at the State's option, of governmental corporations that can under the law of the State qualify as Health Care Corporations in accordance with section 131(a), but this function may at the option of the State be vested in an authority of the State other than the State Health Commission if this will not substantially permit the duplication of functions of the commission or impede the objectives of this Act;

(3)(A) provide for evaluation of the application of any corporation (incorporated in or admitted to the State in accordance with paragraph (2)) for approval to operate as a Health Care Corporation in a service area or areas approved by the commission in accordance with section 125;

(B) provide for granting such approval (evidenced by a certificate of approval) if (after reasonable notice and opportunity for hearing to the applicant, to any other corporation which holds or has applied for a certificate of approval for the service area or areas involved, and to the public) the commission finds—

(i) that the applicant qualifies as a Health Care Corporation in conformity with section 131(a) and satisfies the requirements of clauses (2) and (3) of section 131(b),

(ii) that there is need for the facilities and services to be provided by the applicant in the area or areas covered by the certificate,

(iii) if another Health Care Corporation or corporations already holds a certificate of approval for a service area covered by the certificate, that the additional operation of the applicant in that area will be economically feasible and will promote the purpose of giving a choice to registrants as stated in section 2(b)(2), and

(iv) if there is also pending before the commission the application of another Health Care Corporation for approval of its operation in a service area included in the certificate granted to the first-mentioned applicant, that the proceedings for the consideration of both applications have been consolidated and either (I) that approval is also granted to the other applicant or (II) that for reasons stated in the commission's findings approval to the other applicant is denied; and

(C) provide that any certificate of approval granted by the commission is subject to revocation or amendment in accordance with subsection (c) of this section or upon revision of the approved service area or areas, covered by the certificate, under the provisions included in the State plan in accordance with section 125;

(4) provide, with respect to any service area for which more than one Health Care Corporation is approved and in which the combined capacity of all such corporations is sufficient to serve adequately all residents of the area but in which the separate capacity of one or more (but less than all) of such corporations can serve adequately only a reasonable proportion of the area's residents, for allowing any such corporation (whose capacity is thus limited) to restrict to a number approved by the commission the number of individuals whom it will accept for registration, and requiring the corporation in that event to accept, in such manner as may be required by the commission, residents of the area up to that number for registration on a first-applied first-accepted basis; but the plan shall preclude any action or procedure under this paragraph that does not assure the adequate provision, on a nondiscriminatory basis, of all the benefits of this Act to all the residents of the area who desire to register;

(5)(A) provide for limiting all charges of approved Health Care Corporations and other licensed providers for health services and items to the kinds of charges and the rates that are prospectively approved by the commission, in accordance with the principles and requirements of section 136, after (i) review of the provider's budget and its proposer charges, and (ii) such review or examination of other data, and such inspection, as the commission may deem appropriate; (B) require that the provider's budget and charges (i) do not make provision for services that are excessive or unnecessarily duplicative and (ii) do not take into account any actual or proposed capital ependitures (as defined in regulations of the Secretary) related to construction or rental of health care facilities by or for the provider for which the commission has not granted a certificate of need when required under the plan; (C) require that charges for physicians' services, such as those of radiologists and pathologists, that are held out as generally available to all inpatients of an institution, be included as part of institutional-service charges and not as separate physicians' services charges (regardless of the method of payment to the physician); (D) require that the provider's budget and proposed charges be prepared in accordance with accounting principles, prescribed by the Secretary, designed to bring about uniform methods of determining institutional costs and financial requirements; and (E) provide for granting an opportunity for a fair hearing to any health care provider which is dissatisfied with a decision of the commission with respect to the provider's proposed charges;

(6) provide for effective enforcement, by the commission, of the responsibility of approved Health Care Corporations and other licensed providers to (A) provide the necessary health care and items for which the registrants have Comprehensive Health Care Benefits coverage, (B) assure that such care be of not less than the scope, quality, and comprehensiveness required by this Act, including regulations and standards of the Secretary prescribed under part A of this title, (C) in the instance of Health Care Corporations, perform the functions specified in sections 133 and 134 with respect to services furnished by others to registrants while absent from their place of residence or in emergencies, and (D) in the instance of nonaffiliated providers, perform functions similar to those specified in section 134, as specified in regulations;

(7) prohibit the construction, modernization, or expansion of facilities and services of hospitals, extended care facilities, nursing homes, or other health care facilities, or the establishment of such facilities through rental of major equipment or existing structures, by Health Care Corporations or other providers, except when authorized by a certificate of need by the commission;

(8) authorize the commission in its discretion to adjudicate, at the request of an approved Health Care Corporation or a provider affiliated with it, or a nonaffiliated provider, a controversy between the corporation and the provider with respect to any matter within the regulatory or supervisory authority of the commission;

(9) provide for granting an opportunity for a fair hearing before the commission (A)

to any individual who is not accepted for registration by an approved Health Care Corporation of whose approved service area he claims to be a resident; or (B) with respect to a monetary claim by a registrant against a provider or against a carrier under whose prepayment plan the individual is covered for Comprehensive Health Care Benefits, or by a provider or a carrier against the individual relating to the provision of health care or to such coverage, where the claim has been denied (in whole or part) or is not acted upon with reasonable promptness and the amount in controversy is $100 or more; or (C) to any individual who alleges a substantial failure of the provider with respect to the provider's obligations to provide health care to the individual, and alleges facts showing that the failure is part of a pattern of similar conduct;

(10) provide for review and approval of peer review systems of approved Health Care Corporations and for continuous surveillance over the performance of approved Health Care Corporations in relation to their obligations under this Act, and enforcement of those obligations as provided for in this section; and.

(11) provide for review and approval of peer review systems of nonaffiliated providers and for continuous surveillance over the performance of such providers in relation to their obligations under this Act, and enforcement of those obligations as provided in this section.

(b) If a Health Care Corporation or nonaffiliated provider complies with the procedures set forth in sections 1863 through 1865 of the Social Security Act, such provider shall be deemed to meet the standards relating to comparable elements established by this Act and regulations thereunder.

(c) (1) (A) Whenever the State Health Commission determines that there is a failure on the part of an approved Health Care Corporation (whether owing to its own acts or omissions or those of a provider furnishing services on its behalf) to fulfill all obligations assumed by the corporation or placed upon it by this Act, the commission shall by order direct the corporation to take prompt corrective action.

(B) If the corporation, within such reasonable period as may be required by the commission by regulation, requests a hearing on the commission's order and states reasonable grounds for objecting to the decision, the commission shall give the corporation reasonable notice and opportunity for a hearing with respect to the commission's decision and, if a hearing is held, shall on the basis of the record at the hearing render a decision, subject to such judicial review on the record as may be provided by applicable State law. Initiation of a proceeding for judicial review shall not operate as a stay of the commission's decision unless so ordered by the court.

(2) Notwithstanding paragraph (1), where the failure of a Health Care Corporation to comply with its obligations is so gross as in the judgment of the commission to create an imminent hazard to the health of registrants, the commission may give its order immediate effect, subject to later reversal or modification if so determined after hearing or after judicial review.

(3) In addition to the authority of the commission to order corrective action to be taken as above provided, the State plan shall, in the event of a substantial failure of the corporation to fulfill its obligations, empower the commission, after reasonable opportunity for a fair hearing, (A) to revoke its certificate of approval for operation by the corporation and issue for the service area involved a certificate of approval to another Health Care Corporation, or corporations, or (B) in lieu of such revocation, to take effective action (through appointment of a receiver for the corporation or other appropriate means) to bring the corporation into compliance with its obligations and provide its registrants with the health care services to which they are entitled. The order of the commission shall, when final, be subject to judicial review in a State court of competent jurisdiction on the basis of the record before the commission, and the findings of fact of the commission shall, if supported by substantial evidence in the record when considered a whole, be binding on the court.

(d) The commission is authorized to take corrective action whenever it determines that any provider not affiliated with a Health Care Corporation has failed to fulfill the obligations set forth in this Act, this action to include suspension of payment for services performed under Comprehensive Health Care Benefits. The appeal procedures outlined in subsection (c) shall apply with respect to action taken under this subsection.

JUDICIAL REVIEW

SEC. 127. (a) Any State that is dissatisfied with a final action of the Secretary taken under section 128 (other than subsection (c)(3) thereof) may obtain judicial review of such action by filing, within sixty days after such action, a petition for review with the United States court of appeals for the circuit in which the State is located. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or any officer designated by him for that purpose. The Secretary shall thereupon file in the court the record of the proceedings on which it based it action, as provided in section 2112 of title 28, United States Code. Upon the filing of the petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record the Secretary may modify or set aside its order.

(b) The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this section shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action.

FEDERAL EXERCISE OF STATE FUNCTIONS IN CASES OF NONCOMPLIANCE BY STATES

SEC. 128. (a) In the case of any State which has not established a State Health Commission in conformity with section 122, and submitted to the Secretary an approvable State plan pursuant to section 124, prior to the third fiscal year that begins after the calendar year in which this Act is enacted, the Secretary may, until such a State plan has been submitted to and approved by him under this title, assume and exercise, through the Department of Health, Education, and Welfare, with respect to the area of that State, those functions which would be required or authorized by this title to be exercised by the State Health Commission of that State if there were in effect a State plan approved under this title, and may utilize for that purpose any funds available under this title for payments for the administration of State plans. In any case in which the Secretary invokes the authority contained in the preceding sentence, any State law or practice that under section 124(c) would preclude approval of a State plan under this title shall be inoperative.

(b) (1) The Secretary shall not finally refuse to approve a State plan submitted to it under this title except after according to the State reasonable notice and opportunity for hearing.

(2) If, at the scheduled expiration of the effective period of approval of a State plan, there is pending before the Secretary an application of the State for renewal of the approval, the Secretary may, by order, temporarily postpone the scheduled expiration date until its decision on the application for renewal.

(c) (1) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State Health Commission administering a State plan approved under section 124 (c), determines—

(A) (i) that the plan has been so changed that it no longer complies with the provisions of section 124(b), including any provision of this title incorporated therein by reference, or (ii) that in the administration of the plan there is a failure to comply substantially with any such provision;

(B) that there is a failure to comply with any requirement of section 122; or

(C) that the State law or practice is such as, under the provisions of section 124(c), would preclude approval of the plan; the Secretary shall by order withdraw approval of the plan and withhold further payments under section 124(e) (or, in the Secretary's discretion, suspend approval as to the part or parts of the plan affected by a failure determined under clause (A) or (B) of this paragraph and limit payments to those payable with respect to other parts), until the Secretary is satisfied that there will no longer be any such failure to comply or, in a case described in clause (C), until the plan is approvable under section 124(c), and shall forthwith notify the Commissioner of the order.

(2) If in the judgment of the Secretary it would better promote the purposes of this title to do so, he may postpone the effective date of his order under paragraph (1) for such reasonable period as he finds appropriate to allow necessary time for compliance with the requirements of this title.

(3) In addition to or in lieu of issuing an order pursuant to paragraph (1), the Secretary may request the Attorney General to institute a civil action by the United States against the State to enforce the requirements of this title.

(4) Whenever the Secretary has withdrawn approval of a State plan pursuant to paragraph (1), he may, with regard to the State involved, exercise the functions and use the funds referred to in subsection (a).

COOPERATIVE INTERSTATE ACTIVITIES AND UNIFORM LAWS

SEC. 129. (a) The Secretary (1) shall encourage and assist the States and their State Health Commissions in carrying out cooperatively with other States their respective functions in accordance with part B, including the making of agreements between States for that purpose with respect to the establishment, admission (into jurisdictions other than those of incorporation), and approval of Health Care Corporations, the establishment of joint health care areas and assignment of such corporations thereto, the exchange of information, and other matters, and (2) shall develop and encourage the enactment of model State legislation in the fields covered by this title.

(b) The consent of the Congress is hereby given to any two or more States to enter into agreements of the kinds referred to in subsection (a), not in conflict with any provision of this Act or regulation of the Secretary thereunder or with any other law or treaty of the United States.

OTHER ADMINISTRATIVE PROCEDURES

SEC. 130. (a) Effective on and after the effective date of part A of title II of this Act, the Secretary is authorized and directed, notwithstanding any provision of title V of the Social Security Act, to provide by regulation for limiting the use (directly or indirectly) of Federal funds under title V of the Social Security Act for personal health services and items (or for reimbursement for expenditures for such services or items) in participating States (as defined in section 124(d)(2) of this Act) in such manner as will avoid to the maximum extent practicable the use of such funds for personal health services or items for individuals to the extent that these individuals are entitled under section 202(b) of this Act to Comprehensive Health Care Benefits coverage for like services and items.

(b)(1) Section 505(a)(2) of the Social Security Act is amended (A) by striking out "State health agency" the first time these words occur and inserting in lieu thereof "State Health Commission (established in accordance with section 121 of the National Health Care Services Reorganization and Financing Act)", and (B) by striking out "State health agency" the second time these words occur and inserting in lieu thereof "State Health Commission".

(2) The amendments made by paragraph (1) shall, with respect to any State, become effective on the date on which the State becomes a participating State (as defined in section 124(d)(2) of this Act).

PART C—HEALTH CARE CORPORATIONS

INCORPORATION AND STATE APPROVAL

SEC. 131. (a) A Health Care Corporation is a nonprofit private or governmental corporation which (1) is organized for the purpose of furnishing (through its own facilities and personnel or through other providers, nonprofit or for-profit) comprehensive and coordinated personal health services to persons registered with the corporation, furnishing personal health services to other persons to the extent authorized by this title, and engaging in educational, research, and other activities incidental or related to the furnishing of personal health services; and (2) provides (or will provide after the period of organization and initial registration) effective and equitable representation, on its governing board, of the registrants with the corporation and of the affiliated institutional and professional providers furnishing services on its behalf.

(b) A Health Care Corporation is eligible, for the purposes of this title, to furnish services in a State only if it is approved by the State Health Commission of the State, for operation in an approved service area or areas of the State (under the provisions of the State plan in accordance with sections 125 and 126), upon a finding by the commission (1) that the corporation conforms to the provisions of subsection (a), (2) that it has an adequate organization under professionally competent management, and adequate resources in facilities and personnel (including resources available to it through contracts with affiliated providers), to meet the requirements of this part and of regulations prescribed thereunder and requirements prescribed by the State Health Commission, and (3) that it has given assurances (including assurances of financial responsibility), satisfactory to the commission, that in operation it will meet all such requirements.

REGISTRATION WITH HEALTH CARE CORPORATIONS

SEC. 132. (a) A Health Care Corporation shall, in accordance with regulations of the State Health Commission—

(1) register with the corporation all persons (or such number of persons as may be required by the commission pursuant to section 126(a)(4)), resident in the service area approved for it by the commission, who apply for such registration during a period of open registration fixed by the commission, or apply therefor after termination of registration with another corporation pursuant to subsection (e); and

(2) make all reasonable efforts, on a continuing basis, to procure the registration of persons resident in the area who, having failed to apply for registration, have been assigned by the commission to the corporation for recruitment.

(b) Within its capacity to furnish services and with the approval of the commission, the corporation may recruit and register persons (whether or not residents of the area) whom it is not required by subsection (a) to recruit or register.

(c) In such cases and such manner as may be specified in regulations of the Secretary, a registrant may effect registration on behalf of his or her spouse and children under 19 years of age.

(d) The corporation shall make available, and shall employ all reasonable means to disseminate throughout its approved service area, full information about its operations, including descriptions of the services it furnishes and places where they are furnished, and including information about the methods and times of registration; and information about the benefit coverages (both those purchased by the Secretary and others) available to residents of the area, and the methods of obtaining such coverage. It shall assist registrants and applicants for registration to establish entitlement to coverage purchased by the Secreary under section 202, and to obtain other coverage as appropriate.

(e) Registration with a Health Care Corporation shall be effective for a period of twelve months, except that a registrant may terminate his registration if he changes his place of residence or for such other cause as may be approved by the State Health Commission.

UNDERTAKING TO FURNISH SERVICES

SEC. 133. (a) A Health Care Corporation shall assume responsibility for making available and furnishing to each registrant with the corporation, and to any other person to the extent required by regulations of the Secretary, all services for which he has Comprehensive Health Care Benefits coverage and which are medically necessary (or, in the case of health maintenance services, medically appropriate). The acceptance of a registration shall constitute an obligation of the corporation to the registrant to furnish all such services, either through the facilities and personnel of the corporation, through affiliated providers meeting the requirements of subsection (b), or through other providers in accordance with subsection (c).

(b) Services may be provided through an affiliated provider who, by contract with the Health Care Corporation, has undertaken (1) to furnish on behalf of the corporation a portion of the services for which the corporation is responsible, and (2) to cooperate and (to the extent practicable) participate in discharging all other responsibilities of the corporation under this part. Affiliated providers may be hospitals, extended care facilities, nursing homes, or home health service agencies (hereafter referred to collectively as "institutional providers"); physicians, dentists, podiatrists, or optometrists; combinations of the foregoing, such as partnerships, clinics, or group practice organizations, which may include appropriate paramedical, technical, or other supporting personnel; or other providers of kinds designated in regulations of the Secretary. The services of an affiliated provider may, but need not, be furnished exclusively on behalf of one Health Care Corporation. A provider may be affiliated with two or more Health Care Corporations, but in the case of an institutional provider shall designate one affiliation as the provider's primary affiliation.

(c) Drugs, devices, appliances, and equipment may be furnished to outpatients, and ambulance and other emergency transportation services may be furnished, through providers not affiliated with the corporation, under arrangements which the commission finds assure adequate availability of such items and services. Medical and other services of specialized nature, which the commission in accordance with regulations of the Secretary finds cannot practicably be furnished by a Health Care Corporation or its affiliated providers, may be furnished through arrangements with or referral to other Health Care Corporations or other providers.

(d) The organization of the services furnished by or on behalf of the corporation shall emphasize health maintenance (including health education) of registrants, assure continuity of care and referral of patients to such services and at such times as may be medically appropriate, and to the greatest extent possible provide care on an outpatient basis. All services shall be made as readily available as is practicable to all registrants within the approved service area of the corporation, and the corporation shall (in accordance with regulations of the Secretary) maintain a system of scheduling periodic health maintenance services for each registrant and reminding him thereof. Outpatient care shall be furnished in centers and physicians' offices conveniently accessible throughout the area. Emergency care, including ambulance service within the approved service area of the corporation, shall be available at all times.

(e) The corporation shall as rapidly as practicable develop, by affiliation with existing organizations or otherwise, a system of outpatient care centers throughout its approved service area, utilizing hospital medical staffs and other physicians practicing in the area, and staffing the centers with physicians and appropriate ancillary personnel to furnish primary medical care. To the extent practicable, the corporation shall also furnish through or in conjunction with such centers health maintenance services and community-based services such as home care, medical social services, and the services of well-baby clinics and mental health clinics. Centers shall be so related to institutional or other providers as to assure the availability of necessary laboratory and other diagnostic services, and the ready referral and transfer of patients to facilities providing more comprehensive services when medically appropriate.

(f) Whenever services for which the corporation is responsible under subsection (a) are furnished by another Health Care Corporation to a registrant who is absent from his place of residence, or are furnished in an emergency by any provider (wherever situated) who is not affiliated with the corporation or acting under arrangements with it, the corporation shall review a report of the services rendered and the charge therefor and shall submit it to the carrier responsible for its payment; or, if it is itself the carrier or is otherwise responsible for payment, shall pay the charge. This subsection shall not be applicable in the case of a registrant who, otherwise than pursuant to arrangement by the corporation, has left his place of residence for the purpose of obtaining health services.

(g) The corporation shall so far as practicable furnish necessary emergency health services to persons not registered with it, and may furnish other services to such persons when it can do so without interference with services to its registrants.

QUALITY OF SERVICES

SEC. 134. (a) A Health Care Corporation shall assume responsibility (1) for the quality of all services furnished by it either through its own facilities and personnel or by providers affiliated or acting under arrangements with it, and for compliance with standards of quality and comprehensiveness prescribed by the Secretary, (2) for maintaining controls upon the utilization of all such services, (3) for continuing appraisal, through medical audits and otherwise, of the effectiveness of such services, and (4) for identifying problem areas requiring planning for additional services. For these purposes the corporation shall maintain a system (approved by the commission) of comprehensive peer review by a group or groups of physicians (and a group or groups of dentists in the case of dental services) selected from its staff and from affiliated providers and their staffs, embracing services furnished by affiliated providers as well as services furnished directly by the corporation, and shall require similar review by a staff committee or committees of each hospital and extended care facility affiliated with it. The corporation shall, through an appropriate staff committee or committees, maintain a program of continuing professional education of physicians, dentists, and nurses (and, to the extent the corporation deems desirable, of other professional personnel) furnishing services on its behalf.

(b) All medical policies of the corporation shall be established with the advice of physicians, and all dental policies with the advice of dentists. All medical judgments related to health care shall be made by or under the supervision of physicians, and all dental judgments by or under the supervision of dentists.

(c) The corporation shall encourage the participation of physicians in all aspects of its policy-formulation and operation (including budget review), both in administrative and in advisory capacities.

PARTICIPATION OF PROFESSIONAL PRACTITIONERS

SEC. 135. (a) Within the limits of its need for physicians, dentists, podiatrists, and optometrists (hereafter referred to collectively as "practitioners"), and so far as is consistent with the furnishing of the highest practicable quality of care, a Health Care Corporation shall provide opportunity to all practitioners practicing in its approved service area to furnish services on its behalf, either (at the election of the corporation) as members of its professional staff or as affiliated providers. It shall fix, and review annually, the scope of services which each practioner may so furnish, in accordance with his training, experience, and professional competence as determined, pursuant to rules of the corporation, through peer review of his credentials and performance. A practitioner who desires to enlarge the scope of services assigned him shall be assisted through inservice training in acquiring added experience and professional competence, and his assigned scope of service shall be reconsidered from time to time.

(b) In selecting practitioners to furnish services on its behalf and in fixing the scope of services which each may furnish, the corporation shall not discriminate on any ground unrelated to professional qualifications; but in carrying out the purpose of subsection (a) in its initial recruitment of practitioners the corporation may give preference, as between equally qualified persons, to those who at the time are practicing in its approved service area.

(c) The corporation shall so organize the services furnished by practitioners on its behalf as to meet the purposes of sections 133 and 134. To the extent consistent with such organization it shall permit each practitioner to elect the form or forms of practice (individual office practice, group practice, or other form of practice) in which he wishes to engage.

CHARGES BY HEALTH CARE CORPORATIONS

SEC. 136. (a) All charges by a Health Care Corporation for health services shall be made at rates fixed by the corporation prospectively for a twelve-month period and approved by the commission. Rates so approved may be revised before the end of the period only on the basis of events, occurring subsequent to the approval, which the commission finds (1) could not reasonably have been foreseen at the time of approval, and (2) will, if the rates are not revised, impose severe financial hardship on the corporation.

(b) Such charges shall consist either of an annual amount for each registrant or registrant family (hereafter referred to as a "capitation amount"), or of itemized charges for separate services or units of service. With the approval of the commission, the corporation may use one method of determining charges for some services or with respect to some registrants and the other method for other services or with respect to other registrants. After three years of operation, the corporation must submit to the State Health Commission a plan to commence two years thereafter for offering capitation rates to its registrants who choose to purchase coverage directly from the corporation. This plan must be implemented by the corporation by making this option to all registrants five years after its incorporation. Except for reasonable variations (in accordance with regulations of the Secretary) based on the size and composition of families, capitation amounts shall be uniform for all registrants to whom they are applicable, other than registrants having coverage under contracts purchased by the Secretary.

(c) Charges of the corporation, by whichever method determined, shall be at rates estimated to be sufficient for the twelve-month period to meet the financial requirements of the corporation, as reflected in its budget for the period, to enable it to fulfill its responsibilities under this part. The financial requirements shall be determined in accordance with regulations, and with systems of accounting, prescribed by the Secretary under section 103(b). The corporation shall be responsible for justifying to the commission the rates the corporation proposes to pay to affiliated and other providers for services it has undertaken to furnish, and for justifying the budgets of any affiliated providers on which such rates are based; except that justification of the budget and rates of an institutional provider affiliated with two or more health care corporations shall be the sole responsibility of the corporation with which the institutions has its primary affiliation.

(d) The corporation and the commission, in developing and reviewing the budget of the corporation and the rates to be paid to other providers, and in reviewing the budgets of any affiliated providers, shall seek to assure that adequate services are available to registrants of the corporation without unnecessary duplication or other excessively costly or excessive services.

CONTINUING PERSONAL HEALTH RECORD

SEC. 137. (a) A Health Care Corporation shall develop, and keep current, a continuing personal health record for each registrant of the corporation, in such form, consistent with regulations of the Secretary, as may be required by the commission for the purposes (1) of making medical histories and other pertinent data readily available to the medical and other staff of the corporation and its affiliated providers, and (2) of enabling the corporation to meet requirements of the commission for gathering and reporting health care statistics, including statistics on the utilization and cost of health services.

(b) The corporation shall, to the greatest extent practicable, equip its facilities, and assure that facilities of its affiliated providers are equipped, for the prompt transmission, to appropriate members of the staffs of all such facilities, of the personal health records of its registrants.

(c) Whenever a registrant with one Health Care Corporation transfers his registration to another such corporation, his personal health record shall be transferred to the latter corporation. To such extent as may be required by regulations of the Secretary, a Health Care Corporation shall make available to other Health Care Corporations, and other providers (not affiliated with it), who furnish emergency or other health services to its registrants, information from the personal health records of the registrants.

(d) Personal health records, information contained therein, and other information concerning individual registrants or applicants for registration shall be used or disclosed, without the consent of the individual only (1) in accordance with this section, or (2) for purposes necessary to the administration of the Health Care Corporation, the State plan, or any benefit coverage pursuant to this tile. Any person who violates any provision of this subsection shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding $1,000, or by imprisonment not exceeding one year, or both.

PARTICIPATION BY REGISTRANTS; HEALTH EDUCATION

SEC. 138. (a) A Health Care Corporation shall establish methods by which (in addition to their representation on its governing board) registrants may express their views with regard to the policies and operation of the corporation, the health needs of the community, and the need for any modification or expansion of the services furnished by the corporation. The corporation shall take all practicable steps to assure that this opportunity is readily available to all substantial groups (geographic, economic, or other) of registrants, and to the extent practicable, to individual registrants. The corporation shall establish an advisory committee representative of registrants in general, and subcommittees or separate committees representative of any groups whose interests may differ materially from those of other registrants. Through such committee or committees, the corporation shall seek a continuing evaluation by its registrants of its program and performance.

(b) The corporation shall undertake a program of continuing health education, with special emphasis directed toward low-income and medically indigent registrants. The program shall be designed and conducted with the advice and participation of representatives of the registrants, for the purpose of overcoming lack of information and correcting misinformation on the part of registrants about personal health matters, encouraging their interest in healthful living, proper nutrition, and the avoidance of illness, and enabling them to make more responsible and effective use of health maintenance services and, when illness occurs, of the diagnostic and therapeutic services available to them. Corporations shall provide, to registrants in need thereof, assistance in overcoming language or education handicaps in obtaining access to health care. In carrying out this subsection the corporation shall collaborate with governmental and private agencies engaged in community wide health education.

NONDISCRIMINATION; COMPLAINTS

SEC. 139. (a) In recruitment and registration a Health Care Corporation shall not discriminate on the ground of race, creed, color, national origin, age, sex, occupation, economic status, or condition of health. Subject to such differentiations as are medically appropriate or are specifically authorized by this title, the corporation and other providers shall not discriminate on any of the foregoing grounds in furnishing services on behalf of the corporation.

(b) The corporation shall establish adequate procedures for the receipt and disposition of complaints by registrants with respect to service furnished them, failure to furnish services or to pay for services furnished by others, or the propriety of charge made by the corporation; and complaints by persons whose applications for registration have been refused. The corporation shall, to such extent and in such form as may be required by the commission, maintain records of such complaints and of their disposition, and shall make such records available for inspection by the commission.

(c) The corporation shall establish adequate procedures for the settlement of disputes with affiliated providers, with other providers having arrangements with the corporation for the furnishing of health care to its registrants, and with nonaffiliated providers.

RESPONSIBILITES FOR MANPOWER AND FOR RESEARCH

SEC. 140. (a) A Health Care Corporation shall coordinate among its own staff and the staffs of its affiliated providers determination of the needs for the several classes of health personnel, and the recruitment and allocation of such personnel; shall set qualification and performance standards for such personnel, which shall at least equal standards established or recommended by recognized professional organizations; and shall conduct within its own organization and encourage in its affiliated providers such programs of inservice training as it finds necessary or useful in meeting manpower needs, improving the quality of care, and promoting upward mobility within the several health professions and occupations. To the extent permitted by the law of the State in accordance with section 124(c)(3), and consistent with regulations of the Secretary and good professional practice, the corporation shall encourage the use of physician assistants and paramedical and other ancillary personnel, under appropriate professional supervision, to increase the productivity of its medical and dental staff and of affiliated providers and their staffs.

(b) The corporation, in addition to a continuing evaluation of its own performance, shall engage or participate in continuing research concerning the organization and methods of delivery of health services, and concerning their quality, effectiveness, and cost. The results of such research shall be made available to the commission and the Secretary for such dissemination as the commission or Secretary may deem proper.

RECORDS AND REPORTS

SEC. 141. A Health Care Corporation shall keep such records, and on behalf of itself and its affiliated providers make such reports to the commission, as the commission, in accordance with regulations of the Secretary, shall require with respect to financial matters, the utilization of services, the results of peer review of quality, and other matters; and shall require that its affiliated providers keep such records and furnish it with such information as may be necessary for this purpose. The corporation and its affiliated providers shall make the records required pursuant to this section available for inspection by representatives of the commission when necessary for the purpose of verification of such reports.

TITLE II—FINANCING OF NATIONAL HEALTH SERVICES

SHORT TITLE

SEC. 200. This title may be cited as the "National Health Care Services Financing Act".

PART A—EMPLOYER REQUIREMENTS AND ENTITLEMENT TO BENEFITS

REQUIREMENT OF COMPREHENSIVE HEALTH CARE BENEFITS COVERAGE FOR EMPLOYEES

SEC. 201. (a) Title II of the Social Security Act is amended by adding at the end thereof the following new section:

"REQUIREMENT OF COMPREHENSIVE HEALTH CARE—BENEFITS COVERAGE FOR EMPLOYEES

"SEC. 230. (a) Under regulations prescribed by the Secretary (subject to subsection (b)), every person who is an employer within the meaning of this title shall be required—

"(1) during the period beginning on the transitional effective date specified in section 301(b) of the National Health Care Services Reorganziation and Financing Act and ending on the day before the effective date specified in section 302 of such Act, to provide benefits under such Act equivalent to the hospital insurance benefits available under part A of title XVIII of this Act and the supplementary medical insurance benefits available under part B of such title, and in addition to provide Catastrophic Expense Benefits coverage under and in accordance with section 225 of the National Health Care Services Reorganization and Financing Act, for each of his employees (performing employment for him within the meaning of section 210(a) of this Act) and for the members of the family of each such employee and

"(2) from and after the effective date specified in section 302 of the National Health Care Services Reorganization and Financing Act, to provide Comprehensive Health Care Benefits coverage (as provided or made available under such Act) to each such employee and for the members of the family of each such employee.

"(b) The provisions of subsection (a) shall not apply—

"(1)(A) with respect to any employer which is the United States, a State or political subdivision thereof (not withstanding any agreement entered into under section 218), or any agency or instrumentality of one or more of the foregoing, or any other employer all of the services performed for which are excluded from 'employment' by one or more of the numbered paragraphs of section 210(a); or

"(B) in any case where the employed member of a family has two or more employers, or where two or more members of the family each have one or more employers, with respect to any such employer other than the one whose total taxes paid under section 3111(a) of the Internal Revenue Code of 1954 on account of the employment of such members or members is greatest; or

"(2)(A) with respect to any employee (or member of an employee's family) who is entitled to health insurance benefits under title XVIII; or

"(B) with respect to any medically indigent person or family (as defined and determined under section 203 of the National Health Care Services Reorganization and Financing Act) who or which elects to obtain comprehensive Health Care Benefits coverage under the National Health Care Services Reorganization and Financing Act without regard to this section.

"(c)(1) The Secretary shall reimburse any employer to whom subsection (a) applies for any amount by which such employer's share of the average premiums payable for the coverage of his employees to whom such subsection applies during any period exceeds (1) 4 percent of the average wages per employee paid by such employer to such employees for such period, multiplied by (2) the number of such employees (not in excess of ten).

"(2) The Secretary shall prescribe regulations for purposes of this subsection relating to the period for determining the number of employees of an employer, the wages of the employees, and the premiums payable under the National Health Care Services Reorganization and Financing Act, as well as the method for determining such wages (and the average thereof) and the cases in which payment may be made to a payee other than the employer.

"(3) Payments by the Secretary pursuant to this subsection shall be made in advance or by way of reimbursement, at such times, in such manner, and in such installments as the Secretary shall determine to be appropriate.

"(4) For purposes of this section the employer's contribution must be at least the actuarial equivalent of 75 percent of the premium cost of the coverage provided by him for his employees as required by subsection (a). The requirement for an employer's contribution shall not in any way prohibit the employee from choosing to register with a Health Care Corporation operating in whole or in part on a capitation basis.

"(5) The period of coverage of any employee whose employment is involuntarily terminated shall extend from the date of such termination until the employee becomes eligible for unemployment compensation benefits or until the expiration of — days from such termination, whichever first occurs."

(b) Title IX of the Social Security Act is amended by adding at the end thereof the following new section:

"REQUIREMENT OF COMPREHENSIVE HEALTH CARE BENEFITS COVERAGE FOR INDIVIDUALS RECEIVING UNEMPLOYMENT COMPENSATION BENEFITS

"SEC. 906. Every individual who is receiving benefits under any Federal or State unemployment compensation law, and the members of his family, shall be entitled under the National Health Care Services Reorganization and Financing Act (while such individual is eligible for and receiving such benefits)—

"(1) during the period beginning on the transitional effective date specified in section 301(b) of the National Health Care Services Reorganization and Financing Act and ending on the day before the effective date specified in section 302 of such Act, to coverage in the form of (A) benefits under such Act equivalent to the hospital insurance benefits available under part A of title XVIII of this Act and the supplementary medical insurance benefits available under part B of such title, and (B) Catastrophic Expense Benefits coverage under and in accordance with section 225 of the National Health Care Services Reorganization and Financing Act; and

"(2) from the after the effect date specified in section 302 of the National Health Care Services Reorganization and Financing Act, to Comprehensive Health Care Benefits coverage as provided or made available under such Act.

The Secretary of Labor, in accordance with regulations prescribed in consultation with the Secretary of Health, Education, and Welfare, shall purchase such coverage for, and determine the methods by which (and the terms and conditions under which) it is to be made available to, such individuals and members. There are authorized to be appropriated to the Secretary of Labor such sums as may be necessary to carry out this section."

ENTITLEMENT TO BENEFITS FEDERALLY SUBSIDIZED

SEC. 202. (a) Every individual who is a resident of the United States shall, as provided in this section and under the conditions and to the extent otherwise specified in this part, be entitled—

(1) in cases specified in subsection (b), to coverage for Comprehensive Health Care Benefits (as described in this part) contracted for by the Secretary, or

(2) in cases specified in subsection (c), to a Federal contribution to the premium cost of coverage for such benefits under an approved insurance contract or prepayment plan to which the Secretary is not a party.

(b) Such an individual shall be entitled to such coverage contracted for by the Secretary with a carrier under section 108, if he—

(1)(A) has attained the age of 65, or (B) is under 65 but is a low-income person or a member of a low-income family, or

(2) is under 65 and is a medically indigent person who complies, or a member of a medically indigent family which complies, with the requirement of section 206 with respect to contributions to premiums for such coverage.

(c)(1) Every other individual referred to in subsection (a) who is registered with an approved Health Care Corporation in a participating State, or with any other organization providing comprehensive health care and services which is engaged in the delivery of such care and services to a defined population group established through open enrollment and has demonstrated such standards as the Secretary may prescribe in order to assure that it will be operated and its services delivered in an effective manner consistent with the purposes and provisions of this Act, and every individual under 65 who is entitled to coverage under subsection (b) but elects not to enroll therefore, shall be entitled to a Federal subsidy of 10 percent of the amount of premium charged by a qualified carrier (as determined under section 232) at an approved group rate for prepaid coverage of the individual for Comprehensive Health Care Benefits under an approved insurance contract or prepayment plan to which the Secretary is not a party, except that in the case of individuals under 65 who are entitled to coverage under subsection (b) but elect not to enroll therefor the Federal contribution shall not exceed an amount equal to 10 percent of the total premium rate for such individuals that would have applied if they had elected coverage under subsection (b). Payments under this subsection shall, upon certification by the Secretary, be made to the carrier.

(2) As used in this subsection, (A) the term "approved group rate" means a group rate prescribed or approved (for the coverage referred to in paragraph (1)) by the State Health Commission (or its delegate agency) under the State plan (approved under part B of title I) of the participating State of which the individual concerned is a resident or, in the case of coverage under an employer plan, the State in which the individual is employed; (B) the term "approved insurance contract or prepayment plan" means an insurance contract or prepayment plan that is approved by the Secretary under section 234; and (C) the term "premium" does not include special premiums payable, in accordance with the provisions referred to in section 234, by a registrant to a carrier to cover the copayment component of capitation charges paid by the carrier to the registrant's Health Care Corporation.

(3) If the coverage of the insurance contract or prepayment plan for an individual (or an individual and his family) entitled to a contribution under paragraph (1) includes Comprehensive Health Care Benefits but also includes benefits greater than those required for Comprehensive Health Care Benefits coverage and a combined premium rate is charged by the carrier for the total coverage, the Federal contribution payable under paragraph (1) shall be based on that portion of the total premium which, in accordance with actuarial principles, is attributable to coverage for Comprehensive Health Care Benefits for that individual (or him and his family) and shall be determined in accordance with regulations of the Secretary.

(4) Entitlement to a contribution under paragraph (1), and the amount thereof, shall be determined without regard to whether the cost of the remainder of the premium is borne (or whether in the absence of that contribution the cost of that portion of the premium which is equal to the contribution would be borne) by the covered individual, by his employer, or by any other person or agency.

(d) For definitions of "low-income person", "low-income family", "medically indigent person", "medically indigent family", and "family", see sections 203 through 205.

INCOME CLASSES

SEC. 203. (a) For purposes of this part—

(1) the terms "low-income person" and "low-income family" mean, respectively, a single individual or family in income class 1;

(2) the terms "medically indigent person" and "medically indigent family" mean, respectively, a single individual or family in income class 2, 3, or 4;

(3) all persons or members of families not in income class 1, 2, 3 or 4 are classified as being in income class 5;

(4) the term "income class", with respect to a single individual or a family, means for any coverage year the individual's or family's income class as determined by application of—

(A) the table set forth in subsection (b) of this section, or

(B) if containing higher dollar amounts, the redetermined income class table promulgated by the Secretary for that year under section 204; and (5) the term "single individual" means an individual who is not a member of a "family" within the meaning of section 205.

(b)(1) The income class table referred to in subsection (a)(4)(A) is as follows:

TABLE OF INCOME CLASSES

Column I	Column II	Column III	Column IV	Column V
	Family size and income ranges			
Income class	Single individual	Family of 2	Family of 3	Family of 4 or more
1	$0 to $2,000	$0 to $3,000	$0 to $4,500	$0 to $6,000.
2	$2,001 to $3,000	$3,001 to $4,500	$4,501 to $6,000	$6,001 to $7,500.
3	$3,001 to $4,500	$4,501 to $6,000	$6,001 to $7,500	$7,501 to $9,000.
4	$4,501 to $6,000	$6,601 to $7,500	$7,501 to $9,000	$9,001 to $10,500.
5	Above $6,000	Above $7,500	Above $9,000	Above $10,500.

PERIODIC REVISION OF INCOME CLASSES

SEC. 204. (a) Not later than December 31 of each calendar year (after the year in which this Act is enacted), the Secretary shall, in accordance with subsection (b), redetermine and promulgate—

(1) the dollar amounts in the table of income classes under section 203(b);

(2) the amounts of annual premium contributions to be required of medically indigent persons and medically indigent families under section 206;

(3) the dollar amounts of copayments under section 222; and

(4) for Catastrophic Expense Benefits, the dollar amounts for the special-expenditure limits under section 225.

(b) The redetermined amounts shall be the same as the amounts specified in the respective sections cited in subsection (a) unless the average of the Consumer Price Index for the months of July, August, and September of the calendar year in which the redetermination is made exceeds by 3 percent or more the average of that index for the corresponding months of the year in which this Act is enacted. In the latter event, the Secretary shall adjust each of the amounts so specified by increasing it by the same percentage as the percentage increase (referred to in the preceding sentence) in the average of the Consumer Price Index, after rounding the latter percentage to the nearest multiple of 0.1 percent (or to the next higher multiple if the percentage is an odd multiple of 0.05 percent) and rounding each dollar amount so obtained—

(1) for the table of income classes, to the nearest multiple of $100 (or to the next higher multiple if the amount to be rounded is an odd multiple of $50),

(2) for premium contributions to be made by medically indigent persons and medically indigent families, to the nearest multiple of $10 (or to the next higher multiple if the amount to be rounded is an odd multiple of $5),

(3) for copayments, to the nearest multiple of 25 cents (or to the next higher multiple if the amount to be rounded is an odd multiple of 12½ cents), and

(4) for the special-expenditure limits for Catastrophic Expense Benefits, to the nearest multiple of $100 (or to the next higher multiple if the amount is to be rounded is an odd multiple of $50).

(c) The amounts as so redetermined and promulgated in any calendar year (whether or not the same as the amounts specified in the sections cited in subsection (a)) shall be effective for any coverage year that begins in the fiscal year beginning in the following calendar year.

(d) As used in this section, the term "Consumer Price Index" means the Consumer Price Index (All Items—United States City Average) published monthly by the Bureau of Labor Standards of the Department of Labor.

DETERMINATION OF INCOME LEVEL

SEC. 205. (a) For the purposes of this part, the rate of income of a single individual or a family shall be determined on the basis of his adjusted gross income (in the case of a single individual) or the family's combined adjusted gross income (in the case of a family), as defined in accordance with regulations prescribed by the Secretary in consultation with the Secretary of the Treasury or his delegate, for the calendar year preceding the coverage year with respect to which the determination is made; except that—

(1) the Secretary may prescribe regulations (A) excluding from the amount thus determined items of income that are not reasonably available for living expenses, and (B) including therein items that are reasonably available for living expenses although not included in adjusted gross income, and

(2) the Secretary may by regulation provide for redetermination of an individual's or family's rate of income on a more current basis when necessary to prevent serious hardship or inequity.

(b) For the purposes of this part—

(1) the term "family" means (A) a husband and wife (not divorced or judicially separated), or (B) such spouses and their dependent unmarried children under 19, or (C) an individual and his or her dependent unmarried children under 19; and

(2) the terms "child" and "dependent" (as applied to a child) have the meanings assigned them in sections 151 and 152 of the Internal Revenue Code of 1954.

PREMIUM CONTRIBUTIONS FOR FEDERALLY CONTRACTED COVERAGE

SEC. 206. (a)(1) In the case of medically indigent persons and members of medically indigent families referred to in section 202 (b)(2), entitlement to coverage contracted for by the Secretary shall be subject to the condition that the individual or family concerned, or another person or agency on the individual's or family's behalf, contribute to the carrier's annual premium charge for such coverage.

(2)(A) The annual amount of contribution so required with respect to such an individual or family shall be—

(i) $50 for a single individual, and $125 for a family, in income class 2;

(ii) $100 for a single individual, and $250 for a family, in income class 3;

(iii) $150 for a single individual, and $375 for a family, in income class 4;

except that in the case of a family (in any such income class) in which only one member is under the age of 65, the amount of contribution required under the foregoing clause applicable to that income class shall be the amount specified in that clause for a single individual, and except that if, by reason of an increase in the Consumer Price Index, higher contribution amounts are promulgated under section 204 by the Secretary with respect to single individuals or families in income class 2, 3, or 4 for any coverage year, those amounts shall apply for that year.

(B) For determination of income classes, see section 203.

(b) Annual contributions under this section shall be payable, by or on behalf of the individual or family concerned, to the carrier under whose contract with the Secretary the individual or family is enrolled, in such installments and in such manner as may be prescribed by the Secretary by regulation. There shall be no recourse against the United States under this title on account of any delinquency or default in the payment of such contributions. For effect of delinquency or default on coverage, see section 236.

INCOME TAX DEDUCTIONS BY INDIVIDUALS

SEC. 207. Section 213(a)(2) of the Internal Revenue Code of 1954 (relating to individual's deduction for medical insurance expense) is amended to read as follows:

"(2) the sum of—

"(A) an amount (not in excess of $150) equal to one-half of the expenses (other than those deductible under subparagraph (B)) paid during the taxable year for insurance which constitutes medical care for the taxpayer, his spouse, and dependents (as defined in section 152), and

"(B) in the case of a taxpayer who at any time during the taxable year is covered under an insurance contract or prepayment plan approved by the appropriate State Health Commission under title I of the National Health Care Services Reorganization and Financing Act, an amount equal to all the expenses paid during the taxable year for Comprehensive Health Care Benefits coverage, as defined in section 222 of that Act."

LIMITATION OF MEDICAID TO SUPPLEMENTATION OF COMPREHENSIVE HEALTH CARE BENEFITS

SEC. 208. (a) On and after the effective date of entitlement to benefits under part A of title II, a participating State (as defined in section 124(d)(2)) shall, notwithstanding any provision of title XIX of the Social Security Act (relating to grants to States for medical assistance programs), not be required to provide in its State plan under that title for paying under that plan for any service or item (set forth in section 222) that is covered by Comprehensive Health Care Benefits and is furnished to an individual who is entitled to such coverage under section 202 and who (1) is a resident of a service area of that State (designated in accordance with section 125) or (2) is in fact registered with a Health Care Corporation that holds a certificate of approval for a service area of that State other than the area of which he is a resident. Any amount expended by such a participating State for furnishing any such service or item to such an individual on or after the date (whether or not the service or item is in fact covered under that State plan) shall be disregarded in determining the amount of any payment to be made to the State under title XIX of that Act.

(b) The Secretary shall, with a view to supplementing (so far as practicable), through State plans under title XIX of the Social Security Act, the coverage of Comprehensive Health Care Benefits for individuals referred to in subsection (a), prescribe by regulation the minimum scope of services and items that shall (in lieu of the requirements of section 1903(a)(13) of that Act) be included, on and after the date referred to in subsection (a), in a State plan as a condition of approval under title XIX of that Act.

PART B—COMPREHENSIVE HEALTH CARE BENEFITS

PAYMENT FOR COMPREHENSIVE HEALTH CARE BENEFITS

SEC. 221. (a)(1) Except as provided in paragraph (2), coverage of a registrant for Comprehensive Health Care Benefits shall entitle the registrant to have the carrier pay, in accordance with part C of this title but subject to the limitations of this part, the approved predetermined charges of the Health Care Corporation, of which he is a registrant, for services and items (set forth in section 222) furnished to him and covered by such benefits, or, in those instances in which subsection (b)(3) applies, the charges (approved and submitted to the carrier in accordance with section 133(f)) of another Health Care Corporation or provider that furnished to him covered services or items. Such coverage is subject to the carrier's right (as provided in part C of this title) to reimbursement from the registrant in the amount of the copayments (if any) payable under this part, and subject to the other provisions of this part.

(2) In the case of registrants of an approved Health Care Corporation that operates on a capitation charge basis, coverage for Comprehensive Health Care Benefits shall entitle the registrant to have the covering carrier (or the Secretary where the registrant is enrolled under a contact of the Secretary with the corporation under section 235) make payment of capitation charges (instead of fee-for-service charges) on his behalf in accordance with the applicable provisions of part C of this title. The conditions under which, the manner in which, and the extent to which the amounts of copayments provided for in this part, or the actuarial equivalent of such copayments, is to be paid and collected in such cases, is also governed by part C of this title.

(3) For payment by the carrier to the Health Care Corporation for certain charges not covered by Comprehensive Health Care Benefits, see section 234.

(b) In the case of an individual not registered with a Health Care Corporation, such individual shall make copayments in the amounts specified in the benefit table in section 222, and subject to changes in the Consumer Price Index as determined in sections 204 and 224. Such individuals shall be responsible for copayments and payment for noncovered services at the time services are provided, the carrier paying the non-affiliated provider for covered services, less the copayment amount, in accordance with charges approved by the State Health Commission.

DEFINITION OF COMPREHENSIVE HEALTH CARE BENEFITS

SEC. 222. (a)(1) Comprehensive Health Care Benefits shall, subject to other provisions of this title, consist of benefits for (A) Outpatient Services, (B) Inpatient Services, and (C) Catastrophic Expense Benefits, as described or referred to in the benefit table set forth in subsection (b) and in other provisions of this title. In addition to specific requirements for the issuance of regulations in the table and in other provisions of this part, the Secretary is authorized to issue from time to time such further regulations governing and otherwise adjusting the application of the table as in his judgment will best carry out the purposes of this Act.

(2) For the purposes of the table and of the subsequent provisions of this part—

(A) the term "coverage year" with respect to an individual means a 12-month period of Comprehensive Health Care Benefits coverage of the individual under a qualified carrier's insurance contract or prepayment plan which coincides with a 12-month (annually renewable) term of that contract or plan; and the Secretary shall by regulation provide for application of the table to an individual whose initial enrollment under such a contract or plan occurs after the beginning of a then current 12-month term of the contract or plan or who is enrolled under a carrier contract with the Secretary that has a shorter initial term;

(B) the term "benefit period" with respect to an individual means a period of consecutive days—

(i) beginning with the first day (not included in a previous benefit period) that occurs during a coverage year and on which he is furnished covered inpatient hospital services, post-hospital extended care services, nursing home care, or services under an outpatient institutional-care program for mental illness, alcoholism, or drug abuse or drug dependence (as provided in paragraphs A.3.a. and B.1, respectively, of the benefit table), and

(ii) ending with the close of the first period of 60 consecutive days thereafter (whether or not in the same coverage year) on which he is not receiving any of the care or service referred to in clause (i);

(C) the term "regulations" refers to regulations of the Secretary; and

(D) the term "outpatient services" means services listed under the heading "Outpatient Services of Health Care Corporations" in the benefit table (including such services to patients confined to the home) and furnished to individuals who are not inpatients covered for services under paragraph B.

For other definitions of terms used in the table, see section 228.

(b) The table referred to in subsection (a) is as follows:

TABLE OF COMPREHENSIVE HEALTH CARE BENEFITS

I—SERVICES AND ITEMS COVERED	II—COPAYMENTS* AND LIMITATIONS
A. OUTPATIENT SERVICES	
1. Periodic Health Evaluation	No copayment.
a. Screening tests and examinations, as prescribed by regulations under section 226, followed by physical examination by a physician or physicians when indicated by the screening.	Within such limits as may be prescribed by regulation under section 226.
b. All Immunizations	No copayment and no limitation.
c. Well-Baby Care (for infants under age 5)—	No copayment.
(i) during 1st 12 months following birth;	8 visits.
(ii) during next 12 months;	4 visits.
(iii) during next 3 years.	2 visits per coverage year.
d. Dental Services	

* Footnote at end of table.

I—SERVICES AND ITEMS COVERED—Continued A. OUTPATIENT SERVICES—continued	II—COPAYMENTS* AND LIMITATIONS—Continued
The following professional dental services, including drugs and supplies that are commonly furnished, without separate charge, as an incident to such professional services: (i) Oral examination, including (I) prophylaxis (with fluoride application at appropriate ages), (II) dental X-rays, and (III) in accordance with regulations, other accepted preventive dental procedures.	Items d (i) and (ii) in column I apply initially only to children born not more than 7 years before the effective date of this subpart. For those initially covered, the benefits extend through age 12. No copayment. 1 examination per coverage year.
(ii) To the extent prescribed by regulation under section 226 and not covered under (i), above, dental care other than orthodontia; but including, insofar as the Secretary finds that resources of facilities and personnel make practicable, routine extractions, dental fillings, and appropriate prosthetic appliances.	Copayment 20% of charges.
e. Vision Services (in accordance with regulations under section 226)	For individuals through age 12.
(i) Professional services in routine eye examination, including procedures performed (during the course of an eye examination) to determine the refractive state of the eyes and procedures for furnishing prosthetic lenses, provided either by an ophthalmologist or other physician skilled in diseases of the eye or by an optometrist (whichever the patient may select).	No copayment. 1 visit per coverage year (including therein a follow-up verification of conformity of prescribed lenses with a prescription issued during the visit).
(ii) Eyeglasses with prescription lenses, including the fitting thereof, and including additional lenses and frames as needed.	Copayment 20% of charges. Initially, one set of eyeglasses (including frame and lenses); thereafter, only newly prescribed lenses and frames as required (but not more often than once a coverage year) because of a change in the condition of the eyes. Standards to be established by regulations promulgated by the Secretary in accordance with section 226.
2. Physicians' Services and Ancillary Health Care When not otherwise covered under this table— a. Physicians' services (including radiotherapy) on an outpatient basis in any appropriate institutional or noninstitutional setting (including home calls), and services in any such setting under a physician's supervision by allied health personnel (as defined in regulations).	For physicians' services, a copayment for each visit or two dollars. Copayments under this paragraph for services in facilities involved in clauses c. and d. below apply only to services of attending physician. Limited to 10 visits per coverage year. Except that, in accordance with regulations, no limit on the number of visits shall apply to services preceding or following inpatient care in cases (such as surgery or pregnancy and obstetrical care) in which a single combined approved charge is made by the provider for such outpatient and inpatient services.
b. Diagnostic procedures on an outpatient basis (when not covered under subparagraph a.), including diagnostic tests, prescribed or ordered by a physician in connection with services referred to in paragraph a.	20% copayment. Copayment requirement waived for registrants of Health Care Corporations. No separate limitation.
c. Hospital or outpatient-center services (not included above) rendered to outpatients and incidental to physicians' services covered under paragraph 1.	No separate copayment. No separate limitation.
d. Supplies, materials, and use of facilities and equipment in connection with the foregoing services, including drugs administered or used as a part of services covered in paragraph 1, 2, or 3.	No separate copayment. No separate limitation.
e. Ambulance services.	20% copayment. Covered only when other methods of transportation are contraindicated by the patient's condition, and only to the extent provided in regulations.
3. Other Outpatient Services a. Outpatient Institutional-Care Program for Mental Illness. Alcoholism, or Drug Abuse and Dependence. Such day-care or other part-time services and other items as may be specified in regulations under section 226, furnished to patients, other than inpatients, under a program for the treatment of mental illness, alcoholism, or problems of drug abuse and drug dependence.	A two-dollar copayment, per day, except that copayments may, by regulation, be waived for treatment of drug abuse and drug dependence. (No separate copayment for physicians' services applies under this subparagraph, whether or not such services are charged for separately.) Limited to visits or sessions on 3 days under such a program in lieu of each day of inpatient hospital care allowable during a benefit period (under paragraph B.1.a. below) for the treatment of mental illness, alcoholism, or drug abuse or drug dependence.
b. Drugs, Prosthetic Devices, and Medical Equipment (i) Drugs (other than those covered under paragraph A.1., A.2., or B.1. of this table) dispensed to patients other than inpatients.	For each drug prescription, and each refilling of such a prescription, a one dollar copayment. Covered only if (1) the drug (whether or not it is subject to prescription requirement under any law other than this title) has in fact been prescribed by a physician and is listed under its established name (as defined in section 502(e) of the Federal Food, Drug, and Cosmetic Act) in a list established for the purposes of this title by the Secretary under section 226(c), and (2) in the case of a drug listed under section 226(c)(2)(B), the disease or condition for which the drug has been prescribed is one for the treatment of which the drug is designated in that list as appropriate.
(ii) Prosthetic devices (including hearing aids) prescribed by a physician and not otherwise covered in this table.	Copayment 20% of charges. Covered only if listed in, and in accordance with, regulations under section 2206.
(iii) In accordance with regulations, durable medical equipment (not otherwise covered as described in section 1861(s)(6) of the Social Security Act, certified by a physician as being medically required.	Copayment 20% of charges. Covered only if listed in, and in accordance with, regulations under section 226; and subject to criteria for payment prescribed under that section.
c. Home Health Services Such items and services as are defined as "home health services" by section 228(d) and regulations thereunder.	For each visit, a two-dollars copayment. Coverage of such services shall be limited to 100 visits per coverage year. The certification and recertification requirements of section 1835(a)(2) of the Social Security Act, with such modifications (if any) as the Secretary may by regulation prescribe, may be applied by the carrier.

* Footnote at end of table.

TABLE OF COMPREHENSIVE HEALTH CARE BENEFITS—Continued

I—SERVICES AND ITEMS COVERED—Continued	II—COPAYMENTS* AND LIMITATIONS—Continued
B. INPATIENT SERVICES	
1. Institutional Services a. Inpatient Hospital Care Items and services defined by section 228(e) as "inpatient hospital care."	A five-dollar copayment, per day. Coverage is limited to 90 days of inpatient hospital care received in any benefit period; except that for treatment of mental illness, alcoholism, and problems and conditions of drug abuse or drug dependence the limit is 45 days. (The limitation on treatment of mental illness, alcoholism, and problems and conditions of drug abuse or drug dependence is 90 days of inpatient hospital care for registrants of Health Care Corporations.)
b. Post-Hospital Extended Care Extended care services (as defined in section 228(b)) furnished an individual after transfer from a hospital in which he was an inpatient for not less than 3 consecutive days. For the purpose of the preceding sentence, the second sentence of section 1861(i) of the Social Security Act shall apply.	A two-dollar-and-fifty-cent copayment, per day. Limited to 30 days of such care received in any benefit period.
c. Nursing Home Care Nursing home care as defined in section 228.	A two-dollar-and-fifty-cent copayment, per day. Coverage shall be limited to 90 days of such care received in any benefit period.
2. Physicians' Services Those physicians' services to inpatients which are not included as "institutional services" under paragraph B.1. a., b., or c.	A two-dollars copayment, per visit of the attending physician only. In accordance with regulations under section 226, in the case of services (such as surgery or pregnancy and obstetrical care) in which a single charge is made by the corporation for the attending physicians' services combined with any preceding or following outpatient services related thereto, a copayment of 10% of such combined charges shall apply. Copayments for physicians' services under this paragraph are in addition to the daily copayments for institutional care. No separate limitations.
C. CATASTROPHIC EXPENSE BENEFITS Section 225 defines the conditions under which these benefits become effective in any coverage year with respect to any individual or family. To summarize: In the case of a low-income person or low-income family (class 1), these benefits are effective immediately. In the case of medically indigent persons or families (classes 2–4), they become effective when the person or family has incurred in a coverage year, for premium contributions, copayments, and certain other expenditures combined, a total expenditure equal to an amount determined by application of a table in section 225. In the case of individuals or families in income class 5, these benefits apply when a variable expenditure limit is reached, determined by taking 10% of the individual's or family's income. The dollar figures in the tables and the absolute expenditure limit may be adjusted by the Secretary on an annual basis, whenever the Consumer Price Index is more than 3% above the index for the base period (see sections 204 and 224).	For elimination of certain limits on coverage for Physicians' Services and Inpatient Hospital Services when Catastrophic Expense Benefits take effect in a coverage year, see section 225.

*The initial amounts of the dollar copayments are subject to changes in the Consumer Price Index as determined under sections 204 and 224.

LIMITATIONS AND EXCLUSIONS

SEC. 223. (a) Notwithstanding any other provision of this title, Comprehensive Health Care Benefits shall not cover charges for—

(1) services or items that are not medically necessary (or, in the case of health maintenance services under paragraph A. 1. of the benefit table, medically appropriate), as determined in accordance with regulations and subject to such requirements for certification and recertification by physicians as are specified in this part or in regulations;

(2) inpatient treatment of tuberculosis, mental illness, alcoholism, or problems of drug abuse or drug dependence, unless the condition of the patient is in an acute phase;

(3) custodial care, other than health-related custodial care;

(4) cosmetic surgery or charges incurred in connection therewith, except as required for the prompt repair of accidental injury or for improvement of the functioning of a malformed body member;

(5) personal comfort items;

(6) drugs not prescribed, except when administered by or under the immediate supervision of a physician; or

(7) (A) treatment of flat-foot conditions and the prescription of supportive devices therefor, or

(B) routine foot care (including the cutting or removal of corns or calluses, the trimming of nails, and other routine hygienic care).

(b) Comprehensive Health Care Benefits shall not cover any item or service to the extent that payment has been made, or can reasonably be expected to be made (as determined in accordance with regulations), with respect to that item or service under a workman's compensation law or plan of the United States or a State or under a motor vehicle insurance policy or plan. Any payment by the carrier under coverage under this title with respect to any item or service shall be conditioned on reimbursement to the carrier when notice or other information is received that payment for the item or service has been made under such a law, policy, or plan.

(c) Comprehensive Health Care Benefits shall not cover—

(1) charges for items or services (other than emergency services in accordance with section 133(f)) furnished by a Federal provider of services, except a provider of services which the appropriate State Health Commission determines is providing services (by arrangement with a Health Care Corporation or otherwise in accordance with part C of title I) as a community institution or agency; or

(2) charges of a Health Care Corporation or other provider for any item or service which the corporation or provider is obligated by a law of, or contract with the United States to render at public expense.

(d) (1) If the bed and board furnished as part of inpatient institutional services is in accommodations more expensive than semiprivate accommodations, the amount taken into account for purpose of payment with respect to such care under Comprehensive Health Care Benefits coverage may not exceed an amount equal to the approved charges of the Health Care Corporation or nonaffiliated institutional provider for such services if furnished in semiprivate accommodations unless the more expensive accommodations were required for medical reasons.

(2) If the bed and board furnished as part of inpatient services is in accommodations other than, but not more expensive than, semiprivate accommodations and the use of such other accommodations was neither at the request of the patient nor for a reason consistent with the purposes of this Act (as determined under regulations), the amount of the payment, if any, with respect thereto shall in no event be greater than the corporation's or nonaffiliated provider's approved charge for bed and board in the accommodations furnished.

(3) For purposes of this subsection, the term "semiprivate accommodations" means two-bed, three-bed, or four-bed accommodations.

(c) If, any other case, items or services are furnished to an individual in excess of, or more expensive than, items or services with respect to which payment may be made under Comprehensive Health Care Benefits Coverage, there shall be taken into account, for purposes of payment by the carrier, only the approved charges of the corporation or other provider with respect to which such payment may be made.

COPAYMENT PROVISIONS

SEC. 224. (a) Except to the extent that Health Care Corporations operate on a predetermined capitation charge basis and do not impose separate charges for services and other items covered by Comprehensive Health Care Benefits at the time such services and items are furnished to a covered individual, and except when Catastrophic Expense Benefits are in effect as determined under section 225, coverage for Comprehensive Health Care Benefits is subject to the payment, by the covered individual or on his behalf by another person or agency, of copayments in the case of services or items with respect to which copayments are specified in the benefit table set forth in section 222, but only if the individual is not a low-income person or a member of a low-income family (as defined in section 203). As provided in part C of this title, the amount of such copayments shall not be deducted by the carrier from payment to the Health Care Corporation for covered services and other items but shall be recovered by the carrier as provided in that part, without recourse against the corporation. Payment for coverage for Comprehensive Health Care Benefits for an individual who has not registered with a Health Care Corporation shall be made by his carrier at approved predetermined charges, less copayments applicable for the services provided.

(b) In those cases in which the table in section 222 specifies as the required copayment a stated percentage of charges with respect to a covered service or item, the amount of the copayment shall, subject to section 223, be equal to that percentage of the approved charges of the provider involved for the covered service or item. In those cases in which the copayment in the table is stated as a dollar amount, if by reason of an increase in the Consumer Price Index, a higher amount is promulgated for any coverage year under section 204 by the Secretary with respect to any copayment item than the amount specified in the table of benefits for that item, the amount so promulgated shall apply with respect to that year.

CATASTROPHIC EXPENSE BENEFITS

SEC. 225. (a) When Catastrophic Expense Benefits are in effect as a part of coverage for Comprehensive Health Care Benefits with respect to a covered individual in a coverage year, (1) copayments that would otherwise be required to be made by or on behalf of that individual shall not be required with respect to services or items furnished in that coverage year on or after the effective date of those benefits, and (2) the benefit limits shown in column II of the benefit table for physicians' services and ancillary health care (paragraph A. 2. a.), for outpatient institutional-care programs for mental illness, alcoholism, or drug abuse or drug dependence (paragraph A. 3. a.), and for inpatient hospital care (paragraph B. 1. a.) become inapplicable during that period for those classes of services and care except as otherwise indicated in that column.

(b) (1) In the case of a covered individual who is (or whose family is) in income class 1, with respect to a coverage year, Catastrophic Expense Benefits shall automatically be in effect during the entire year as part of his coverage for Comprehensive Health Care Benefits.

(2) In the case of any covered individual (or his family) in income class 2, 3, or 4, Catastrophic Expense Benefits shall become effective in a coverage year when the sum of creditable expenditures incurred by him, or incurred by him and all other members of his family in the case of an individual who is a member of a family, equals the amount of a special expenditure limit determined as in the table below (or the amount redetermined by the Secretary for that year under section 204).

SPECIAL EXPENDITURE LIMIT TABLE

Income class	Expenditure limit under 65	Expenditure limit 65 and over
2	$250	$125
3	500	250
4	750	375

(3) In the case of an individual and his family who are in income class 5, the special expenditure limit beyond which Catastrophic Expense Benefits are to take effect shall vary according to the level of income, with the exact limit set at 10 percent of the individual's or family's income (as defined in accordance with regulations prescribed by the Secretary in consultation with the Secretary of the Treasury or his delegate). The income base to which the 10 percent is to be applied shall be rounded to the nearest multiple of $100 (or to the next higher multiple if the amount to be rounded is an odd multiple of $50).

(4) The following expenditures incurred by a covered individual, or incurred by him and other members of his family in the case of an individual who is a member of a family, shall be counted as creditable expenditures in determining under paragraph (2) whether and when Catastrophic Expense Benefits become effective with respect to him in a coverage year:

(A) Expenditures incurred for premiums, or contributions to premiums, for Comprehensive Health Care Benefits coverage (for that year) of that individual, or of him and other members of his family.

(B) Expenditures incurred in that year for copayments under Comprehensive Health Care Benefits coverage, and expenditures for copayments incurred in the last 3 months of the immediately preceding coverage year under such coverage.

(C) (i) Expenditures incurred in the coverage year involved for charges for physicians' services and ancillary health care (other than treatment of mental illness) described in column I of paragraph A.2 of the benefit table, or for outpatient institutional care for mental illness, alcoholism, or drug abuse or drug dependence as described in paragraph A.3.a. in that column, or for inpatient hospital care or physicians' services to inpatients (other than for mental illness, alcoholism, or drug abuse or drug dependence) described in paragraph B.1.a. or B.2. in that column, if those charges were excluded from coverage under such paragraph solely because of the applicable limitations in column II of the benefit table on the number of visits per coverage year or on the number of days of care per benefit period; and (ii) like expenditures incurred in the last 3 months of the immediately preceding coverage year and applied toward the applicable expenditure limit or limits under this section for that year.

(5) For the purposes of this section—

(A) expenditures or (whether or not payment is or has been made) deemed to be incurred—

(i) in the case of premiums or contributions to premiums, when payment is due; or

(ii) in the case of copayments, and of charges described in paragraph (4) (C), when the service or item giving rise to the copayment or charge was provided, unless payment is sooner made; and

(B) expenditures are deemed to be incurred by a covered individual (unless they are Federal payments) if paid or payable by the covered individual or on his behalf by another person or agency.

REGULATIONS FOR COMPREHENSIVE HEALTH CARE BENEFITS

SEC. 226. (a) In addition to any other regulations and standards with respect to the coverage of Comprehensive Health Care Benefits and the various classes thereof, payment of charges to Health Care Corporations for services and items covered thereby, collection of copayments by carriers as provided in part C of this title, and other matters relating to such benefits, the Secretary shall issue regulations on the matters required by this section. Section 240, relating to regulations affecting the rights and obligations of carriers, shall also apply to regulations under this part.

(b) The Secretary shall issue regulations amplifying the provisions of the benefit table with respect to health maintenance benefits covered by paragraph A. 1. of the benefit table and in particular shall—

(1) in the light of the special emphasis of this Act on the obligation of Health Care Corporations for health maintenance, prescribe the coverage of Comprehensive Health Care Benefits with respect to periodic health evaluation as comprehensively as resources of facilities and personnel will permit and with a view to keeping in step with modern developments in this field, and in this connection consider—

(A) insofar as the frequency of evaluations for particular age groups is concerned, the provision of one appropriate evaluation per coverage year for individuals aged 65 or older, one every second year for those aged 19 to 64 inclusive, and one every five years for those aged 5 to 18 inclusive; and

(B) insofar as the components of such evaluations are concerned, including in such coverage, as the Secretary may deem medically appropriate and practicable for the different age, sex, and other patient groups, regularly scheduled complete histories, blood tests, serologies, urinalyses, and other appropriate chemical laboratory tests; chest X-rays; electrocardiograms; Papanicolaou smear tests; rectal and proctoscopic examinations; glaucoma tests; and hearing tests; and

(2) issue regulations with respect to the coverage of paragraph A.1.e. of the benefit table for vision services.

(c) The Secretary shall issue standards and other regulations with respect to coverage under paragraphs A.2. and A.3. and paragraph B of the benefit table, and in particular shall—

(1) define the physicians' and other services, and the drugs and other items, that are to be covered as benefits under paragraph A.3.a. of the benefit table in outpatient institutional-care programs for mental illness, alcoholism, or problems of drug abuse and drug dependence, and set forth such criteria for these benefits as will encourage the establishment and use of such programs on a sound basis and lessen the need for inpatient treatment of these conditions; and waive, or provide for the waiver, of copayments in such programs for the treatment of drug abuse and drug dependence to the extent that the Secretary finds that such waiver is desirable in order to encourage the use of these programs by persons who are in need of such treatment;

(2) for the purpose of coverage of drugs under paragraph A.3.b.(i) of the benefit table, establish and keep current, on the basis of determinations of the Secretary with respect to the safety and efficacy of the drugs involved—

(A) a list of the categories of drugs that the Secretary finds to be appropriate for the treatment of diseases or conditions requiring drug therapy of such duration and cost as commonly to impose financial hardship; and

(B) a list that (i) designates diseases and conditions, requiring intensive drug therapy (with drugs other than those listed under subparagraph (A)), which the Secretary finds to be of especial importance to the public health, and (ii) specifies with respect to each such disease or condition the category of drugs which the Secretary finds to be appropriate for the treatment thereof;

(3) (A) designate prosthetic devices (including such devices not included under section 1861(s) of the Social Security Act and including hearing aids) to be covered under paragraph A. 3. b. (ii) of the benefit table, and (B) prescribe the conditions for coverage of durable medical equipment (as described in section 1861(s) of the Social Security Act) under paragraph A. 3. b. (iii) of that table (including criteria for determining whether payment for expensive purchased equipment shall be made on a rental-equivalent basis);

(4) (A) (i) prescribe regulations for determining what is to be counted as a visit in the case of physicians' services coverage under paragraph A. 2. a. of the benefit table and physicians' services coverage under paragraph B. 2. of the table; (ii) prescribe regulations (I) exempting from the limits on the number of visits under paragraph A. 2. a. of the table physicians' services preceding or following inpatient care in cases (such as surgery, or pregnancy and obstetrical care) in which a single combined charge is made by the provider involved, for any outpatient and inpatient services, and (II) providing for copayments in such cases in an amount equal to a percentage of the combined covered charges for outpatient and inpatient, phy-

sicians' services as specified in column II of paragraph B. 2. of the table; and

(5) prescribe regulations, referred to in column II of paragraph A. 3. c. of the benefit table, with respect to the nature and number of visits to be counted for home health services coverage purposes.

PHASING OF ADDITIONAL BENEFITS

SEC. 227. The Secretary shall submit to Congress recommendations for the expansion of benefits after the program is in operation as specified in section 302. The Secretary shall give special consideration to the expansion of benefits for dental and vision services based on the availability of resources.

OTHER DEFINITIONS

SEC. 228. For the purposes of this part:

(a) The term "drug" means a drug within the meaning of section 201(g)(1) of the Federal Food, Drug, Cosmetic Act, as now in force or as hereafter amended, including any product of a kind subject to licensing under section 351 of the Public Health Service Act.

(b) The terms "extended care services" and "nursing home care" mean, respectively, services and items specified as such in regulations of the Secretary (including the services specified in section 1861(h) of the Social Security Act) for the respective classes of institutions, if the services are—

(1) furnished to patients who require active inpatient treatment but are not in an acute phase of illness and who currently either require primarily convalescent or restorative services or require primarily health-related custodial care;

(2) furnished under arrangements, in accordance with section 133(d), for the transfer of patients among inpatient care facilities as medically appropriate;

(3) furnished by an institution which (A) meets the requirements of paragraphs (1) through (9) of section 1861(j) of the Social Security Act (defining the term "extended care facility" for purposes of title XVIII of that Act), (B) meets such other conditions relating to the physical facilities or to the safety or quality of care of patients as the Secretary may by regulations prescribe for the respective classes of institutions, and (C) is not an institution primarily for the care and treatment of mental illness or tuberculosis; and

(4) in the case of extended care services, furnished by an institution which is structurally a part of, physically connected with, or in immediate proximity to a hospital, and either is under the supervision of the professional staff of the hospital or has an organized medical staff.

(c) The term "health-related custodial care" means that component of comprehensive health care which—

(1) is furnished to a patient who has a non-curable disease diagnosed by a physician (as defined in section 1861(r)(1) of the Social Security Act) as still requiring medical or nursing care (or both), for palliation or as terminal care, through extended care services or nursing home care or home health services or physicians' home calls;

(2) has the purpose of maintaining the well-being of that patient to the maximum degree possible; and

(3) involves a patient who either—

(A) is bedridden, or unable to get into and out of bed without assistance, or

(B) requires nursing care procedures (such as complicated dressings, irrigations, or intravenous medications) that cannot be performed by the patient or by nonnursing personnel (such as a family member or companion), or

(C) experiences frequent episodes of sudden, acute illness requiring emergency treatment that cannot be controlled by medication (such as uncontrolled diabetes, epilepsy, paroxysmal tachycardia, or fibrillation), or

(D) requires constant physical restraints to prevent injury to himself or others (as in the case of senile patients or patients who suffer from certain mental illnesses).

(d)(1) The term "home health services" means (subject to paragraph (3)) the items and services specified in paragraph (2), if—

(A) they are furnished to an individual who is under the care of a physician;

(B) they are furnished by a Health Care Corporation either directly or through an affiliated provider that is a "home health agency" as defined in section 1861(o) of the Social Security Act (but not excluding an agency or organization that is primarily for the care and treatment of mental illness);

(C) they are furnished under a plan, established and periodically reviewed by a physician, for furnishing them to the individual; and

(D) they are, except as provided in paragraph (2)(G), furnished on a visiting basis in a place of residence used as the individual's home.

(2) The items and services referred to in paragraph (1) are—

(A) part-time or intermittent nursing care provided by or under the supervision of a registered professional nurse;

(B) physical, occupational, or speech therapy;

(C) medical social services under the direction of a physician;

(D) to the extent permitted in regulations, part-time or intermittent services of a home health aide;

(E) medical supplies (other than drugs), and the use of medical appliances, while under the plan referred to in paragraph (1)(C);

(F) medical services provided by an intern or resident-in-training in a provider institution; and

(G) any of the foregoing items and services which are provided on an outpatient basis, under arrangements made by the Health Care Corporation or home health agency referred to in paragraph (1)(B), at a hospital, extended care facility, or rehabilitation center, and

(i) the furnishing of which involves the use of equipment of such a nature that the items and services cannot readily be made available to the individual in the place of residence referred to in paragraph (1)(D); or

(ii) which are furnished at that facility while he is there to receive any item or service referred to in clause (i) of this subparagraph,

but not including transportation of the individual in connection with any such item or service.

(3) Notwithstanding the provisions of paragraphs (1) and (2), the term "home health services" does not include any item or service if it would not be included under "inpatient hospital care" (as defined in subsection (e)) if furnished to an inpatient of a hospital.

(e) The term "inpatient hospital care" means the following items and services furnished to an inpatient of a hospital and, except as otherwise specified, by the hospital:

(1) Bed and board.

(2) Such physicians' services in the hospital (such as those of radiologists and pathologists) as are held out as generally available to all inpatients of a hospital and which are charged for by the hospital as part of its services.

(3) Such nursing services and other related services, such use of hospital facilities, and such medical social services as are ordinarily furnished by the hospital for the care and treatment of inpatients, and such drugs, supplies, appliances, and equipment, for use in the hospital, as are ordinarily furnished by the hospital for the care and treatment of inpatients.

(4) Such other diagnostic or therapeutic items or services, furnished by the hospital, as are ordinarily so furnished to inpatients of the hospital.

(f)(1) The term "physician" means, except when otherwise specified, a physician as defined in section 1861(r) of the Social Security Act. Such term also includes a chiropractor who is licensed as such by the State (or, in a State which does not license chiropractors as such, is legally authorized to perform the services of a chiropractor in the jurisdiction in which he performs such services), and who meets uniform minimum standards promulgated by the Secretary, but only for the purpose of paragraph A.2. of the benefit table and paragraph (2) of this subsection and only with respect to treatment by means of manual manipulation of the spine which he is legally authorized to perform by the State or jurisdiction in which such treatment is provided.

(2) The term "physicians' services" means professional services performed by physicians, including surgery, consultation, and home, office, and institutional calls.

(3) The term "attending physician" means, with respect to a patient, the physician having primary responsibility for the patient's medical care.

PART C—CARRIERS FOR COMPREHENSIVE HEALTH CARE BENEFITS

DEFINITION OF "CARRIER"

SEC. 231. As used in this Act, the term "carrier" means—

(1) a voluntary association, corporation, partnership, or other nongovernmental organization that is engaged in providing, paying for, or reimbursing the cost of, health care under insurance policies or contracts, medical or hospital service agreements, membership or subscription contracts, or similar group arrangements, in consideration of predetermined premiums or other periodic charges payable to the carrier; and

(2) a Health Care Corporation approved by a State Health Commission under a State plan approved by the Secretary under this Act, to the extent that the corporation charges for covered health care on an annually predetermined capitation basis in accordance with section 136(b).

DETERMINATION OF QUALIFIED CARRIER

SEC. 232. A carrier is a qualified carrier for the purposes of this Act if—

(1) it is authorized to operate health benefit prepayment plans or insurance at group rates in each State for whose residents it provides, or proposes to provide, coverage under this Act, is in compliance with section 233, and meets such additional standards as the Secretary may establish, including, in the case of contracts with the Secretary under sections 202 and 206, any special standards established for the purpose of those sections; and

(2) with respect to coverage for which a premium contribution by the Secretary is requested under section 202(c), the carrier agrees to accord to the Secretary and his agents the same rights to information and access to the carrier's records as is required to be accorded to them under section 241.

REQUIREMENT THAT CARRIERS PARTICIPATE UNDER STATE PLANS

SEC. 233. A carrier shall not be qualified for award of a contract with the Secretary under section 202 or 206 or for issuance of Comprehensive Health Care Benefits coverage eligible for a premium subsidy under section 202(c), unless the carrier agrees, if required by the appropriate State Health Commission (or its delegate agency) of a State, to participate in a coverage pool in accordance with provisions therefor contained in the State plan pursuant to section 124(b)(7), or unless the carrier is in fact such a participant.

CONDITIONS OF APPROVAL OF CARRIER CONTRACTS OR PLANS FOR FEDERAL PREMIUM SUBSIDY

SEC. 234. The Secretary shall, for the purpose of any premium contribution under section 202(c), approve an insurance contract or prepayment plan of a carrier (including such a contract or plan under State plan provisions referred to in section 124(b)(7)) only if the insurance contract or prepayment plan—

(1) is in conformity with applicable regulations and standards prescribed under the State plan (approved under part B of title I) of the appropriate participating State;

(2) provides for 12-month coverage terms;

(3) does not permit any exclusion from, or limitation with regard to, coverage of an individual because of health status (pre-existing, current, or future), economic status, race, sex, occupation, age, or establishment of any other condition inconsistent with regulations of the Secretary, but this paragraph shall not be construed to preclude reasonable classification of risks for premium rate purposes in accordance with actuarial principles; and

(4) contains such provisions as the Secretary may prescribe or approve relating to coordination of the coverage under the insurance contract or prepayment plan involved with overlapping or duplicative coverages under other insurance contracts or prepayment plans.

CONTRACTS WITH HEALTH CARE CORPORATIONS ON CAPITATION BASIS

SEC. 235. In the case of a Health Care Corporation that operates on the basis of predetermined capitation charges (approved by the appropriate State Health Commission), the Secretary may, if satisfied as to the corporation's financial responsibility to qualify as a carrier for itself under this section, provide the coverage for Comprehensive Health Care Benefits under this Act to which registrants of the corporation are entitled under section 202(b), by entering (directly or through the State Health Commission as the Secreary's agent as authorized by section 108(c)(2)) into a contract with the corporation, whereby the Secretary, in consideration of the corporation's undertaking to provide (or, when authorized under part C of title I, pay for) the services and items covered by such benefits, agrees that there shall be paid by the Secretary to the corporation, with respect to those registrants of the corporation who enroll under the contract, the same amounts that a third-party carrier would be required to pay under a contract with the Secretary, except that a contract under this section—

(1) shall authorize the Secretary in the case of a Health Care Corporation that does not impose separate charges equivalent to copayments in addition to capitation charges, to deduct, from any capitation payments otherwise payable by the Secretary to the corporation on behalf of an individual enrolled under the contract, the value (as determined on the basis of actuarial principles) of any copayments to which the covered registrants would be subject under part B of title II if the corporation imposed separate charges equivalent to copayments;

(2) shall not, in the case of a Health Care Corporation that imposes separate charges equivalent to copayments in addition to capitation charges, undertake to pay those charges to the corporation;

(3) shall provide that the corporation shall itself collect from a registrant (or from others on his behalf) all copayments and premium contributions (in the form of capitation charges) payable by the registrant, and shall keep for the registrant the record of such copayments and contributions incurred by him (or his family) and notify him when he has reached the applicable expenditure limit under section 225 giving rise to Catastrophic Expense Benefits; and

(4) shall require the corporation to establish, in accordance with regulations or with provisions in the contract, effective procedures (through such means as establishment of a separate record and payment center and issuance of identical membership cards to all its registrants, regardless of whether they have benefit coverage purchased by the Secretary) that will prevent persons who furnish health services or items for the corporation from identifying those registrants who enjoy coverage purchased by the Secretary and discriminating against them on that account.

Any reference in this part to premiums, or contributions to premiums, shall be deemed to include capitation amounts paid by the Secretary, or contributions to capitation charges by registrants, respectively, under contracts made under this section.

EFFECT OF NONPAYMENT OF PREMIUMS

SEC. 236. (a) Premium contributions and special premiums payable pursuant to section 206, by individuals referred to therein who are enrolled under a contract under this title, shall be paid by or on behalf of the registrant to the carrier (from sources other than the Secretary) in periodic installments in advance in a manner and at the time or times prescribed in regulations of the Secretary but not less often than quarterly nor more often than monthly.

(b) In the event of nonpayment of a contribution or special premium installment, when due, to the carrier by or on behalf of an individual, the benefit coverage to which the overdue installment relates shall, upon notice by the carrier in accordance with regulations of the Secretary, and unless payment is made prior to the expiration of a grace period (not in excess of 90 days) prescribed by the regulations, except that (1) the manner and order of termination of coverage of family members in the event of partial delinquency or default in family contribution installments payable under section 206 shall be determined in accordance with regulations, (2) delinquency or default in contribution installments under section 206 shall not affect the coverage of any family member who has attained the age of 65, and (3) delay in payment shall not give rise to termination of coverage if attributable to an act or omission of a Federal officer or employee used as a conduit for transmitting such installments.

ENROLLMENT UNDER CONTRACTS WITH CARRIERS

SEC. 237. (a) The Secretary may, by regulations consistent with other provisions of this Act, prescribe the time or times at which, the manner in which, and the conditions under which individuals may (1) enroll, under a contract made under this part, for Comprehensive Health Care Benefits coverage purchased by the Secretary to which under section 202 they are entitled, or (2) change enrollment under one contract to enrollment under another.

(b) The regulations under this section shall permit enrollment by an individual for himself only, or for himself and his spouse and other individuals who are members of his family (as defined in section 205(b)), and shall prescribe the times at which, the manner in which, and the conditions under which a change from one such type of enrollment to another may be made. An individual enrolling for himself and family shall be liable for any premium contributions on which entitlement to family coverage is conditioned.

(c) To the optimum extent, (1) open enrollment periods under this section and open periods for registrations with Health Care Corporations approved by State commissions under approved State plans under this Act shall be closely coordinated, to the end that registration and enrollment, and changes therein, may be effected concurrently, and (2) registration centers of Health Care Corporations shall function also as centers at which to apply for, and obtain information concerning, enrollment.

REPORTS BY AND AUDITS OF CARRIERS

SEC. 238. Each contract with a carrier under this title, including contracts with Health Care Corporations qualifying as carriers and contracting with respect to their registrants, shall require the carrier to make such reports, in such form, and containing such information as the Secretary or his agents may require to carry out their functions under this Act, and to keep such records and afford such access thereto as the Secretary or his agents may find necessary to assure the correctness and verification of the reports and otherwise to carry out its functions under this Act.

JURISDICTION OF COURTS

SEC. 239. The district courts of the United States shall have original jurisdiction, concurrent with the Court of Claims, of a civil action or claim against the United States founded on this part.

PROSPECTIVE REGULATIONS

SEC. 240. Regulations, amendments to regulations, or amendments to this Act, issued or enacted during an annual contract term under this title, shall not, to the extent that their applications would increase the obligations or adversely affect the rights of the contracting carrier, apply to that contract until the next contract year unless made applicable by the contract or by amendment thereto.

TITLE III—EFFECTIVE DATES

TRANSITIONAL EFFECTIVE DATES

SEC. 301. (a) Except as otherwise provided in this section and section 302, this Act (including and amendments made by it to existing law) shall be effective upon the date of its enactment.

(b) Sections 101, 102, 107(a), 109, 110, 111, and 112, and parts B and C of title I, shall take effect upon the first January 1 or July 1 which occurs six months or more after the date of the enactment of this Act.

(c) Section 107(b), section 128 (with respect to States which have not complied with sections 122 and 124), and the amendments made by section 201 shall take effect on the first day of the third fiscal year which begins after the date of the enactment of this Act.

FULL OPERATION OF PROGRAM

SEC. 302. The program under this Act shall be fully in operation, and the benefits under part B of title II shall be fully effective and available (in lieu of any benefits which would otherwise be available under title XVIII of the Social Security Act), in accordance with all of the provisions of this Act, on and after the first day of the fifth fiscal year which begins after the date of the enactment of this Act.

REAR ADM. LEVERING SMITH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. HÉBERT) is recognized for 10 minutes.

Mr. HÉBERT. Mr. Speaker, on the 31st of March Rear Adm. Levering Smith, U.S. Navy, retires after 40 years of naval service. Since April of 1956 he has held positions in the Strategic Systems Projects Office—formerly designated Special Projects Office—and in February 1965 he was appointed its Director.

During those 16 years with the Polaris and Poseidon programs, he has contributed immeasurably to the defense of the Nation.

Although Admiral Smith will continue to serve on active duty as Director in a retired status, the occasion of his formal retirement from regular active duty presents an excellent opportunity for a grateful Nation to express recognition of Admiral Smith's accomplishments and contributions to its defense. Through his forceful leadership and unswerving devotion, he has overcome formidable obstacles and directed a crucial defense program with notable and continuing success. For this he deserves a hearty "well done."

CLEVELAND COMMUNITY COMMITTEE ON CONSUMER PRICES TESTIMONY BEFORE THE PRICE COMMISSION, WASHINGTON, D.C., MARCH 28, 1972

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 15 minutes.

Mr. VANIK. Mr. Speaker, it was my privilege today to introduce and accompany Mrs. Carolyn Sugiuchi, of South Euclid, Ohio, during her testimony before the Price Commission, which was holding public hearings on the economic stabilization program in Washington, D.C.

When President Nixon on August 15, 1971, announced his new economic policy, the citizens of my community organized a Community Committee on Consumer Prices.

Mrs. Carolyn Sugiuchi, and the chairman of the committee, Mr. Craig Seasholes, and the other 215 volunteers of the Community Committee on Consumer Prices, have rendered a great service to our community, and the whole Nation.

This dedicated group of concerned citizens has monitored over 6,600 prices of a complete range of consumer goods in an effort to help make phase II successful in the Cleveland community. Our committee has a record of base prices—those in existence before November 15.

At the time the President announced his price control program, I urged that all consumer prices be cataloged for future reference. From what I can gather—this was never done by a public agency.

It may be that the Community Committee on Consumer Prices of the 22d District of Ohio has the best records in America on base prices.

I was pleased to present Mrs. Carolyn Sugiuchi to the Price Commission as a citizen who has provided exemplary public service in a great American struggle to hold back the tide of inflation.

Mrs. Sugiuchi's statement is as follows:

STATEMENT OF CAROLYN SUGIUCHI

Mr. Chairman, members of the Council: I appreciate this opportunity to appear before you and to share with you some of the work and experiences of the Community Committee on Consumer Prices. The Committee is a group composed of approximately 250 (275) citizen volunteers from Ohio's 22nd Congressional District. This District is largely middle income, middle class with comfortable homes and family life. These volunteers are extremely concerned about the critical state of the Nation's economy and their own economic situation. The Committee is organized into 12 subcommittees on the basis of geographical area within the boundaries of the District; each subcommittee has a chairman, all of whom combine to form an Executive Committee. Two student representatives, a Chairman, and a Secretary complete this smaller planning group. In addition to individual participation, several school and community organizations have done work on a group basis.

Our volunteers are anxious to continue monitoring prices and can be mobilized at a moment's notice. They are eager to work to insure the stabilization of prices in a unified effort to stop inflation.

The Committee was formed at a public meeting on October 25, 1971. This meeting was called in response to inquiries from citizens who were concerned about rising prices. These people wanted to do something constructive and wanted to co-operate with the Administration. They agreed on a project of helping in monitoring the voluntary compliance sought by the Economic Stabilization Program. In accord, our plan has been one of organized and directed checking of consumer items and prices.

To implement the purpose of our Committee, we began by dividing consumer items into eight categories—Autos and Transportation, Clothing, Food, Health, Housing, Recreation, Services, and Utilities. Pricing forms which were developed to organize data collections, were given along with a set of instructions to each volunteer. Volunteers were asked to do their initial listing of items in a ten-day period—November 1–10 before the end of Phase I. They could chose any category—and goods or services—in any number desired—while recognizing that some products were under control and others were not.

The original sheets were collected, indexed, and items catalogued with "Freeze Prices." For mass price checks, all volunteers were asked to do their monitoring within a stipulated period of time. We encouraged people to report any increases which they felt might be a violation to people to report any increases which they felt might be a violation to the Economic Stabilization Program. A listing of monitored items was the Economic Stabilization Program. A listing of monitored items was maintained in a separate catalogue with the Phase I price and the current price for comparative purposes.

The results of the first mass check conducted from December 1st through 10th indicated that prices in most of the categories held fairly well. Items increased in price in three categories—Food, Health, and Services. Only three items increased out of 113 checked in Health and Services. What became glaringly obvious early in our checking was the number of food items which increased, and the amounts of those increases. In comparison to three items increasing out of 113 in Health and Services, Food items checked revealed 93 items increasing in price out of 708. This trend continued in the January 3rd through 25th check when 1805 items were monitored. This month five categories contained item increases—adding Housing and Recreation to those already mentioned. The checks in Health, Housing, Recreation and Services revealed that 34 items increased in price out of 484 checked. In the Food category among 231 items increased out of 1203 food items checked. Of all the specific items under Food, beef, fresh fruit, and fresh vegetables were responsible for nearly one-third of these increases. In the January check period, 57 beef items increased in price out of 81 checked; 28 produce items went up in price out of 73 items checked. Complete reports on the two mass food checks may be found in the addenda. Examples of price increases in beef are as follows:

Hamburger—least expensive with 24–30% fat content:

November 8: 59c/lb.
December 7: 67c/lb.
January 21: 69c/lb.
March 27: 89c/lb.
Rump Roast:
November 4: $1.38/lb.
December 6: $1.39/lb.
January 3: $1.44/lb.
March 27: $1.49/lb.
Top Round Steak:
November 4: $1.29/lb.
December 6: $1.39/lb.
January 3: $1.49/lb.
March 27: $1.49/lb.

One can readily understand the cries of absolute indignation over meat prices. Food budgets are simply devastated by such price increases in this single food item. In early March, one volunter buying a small rump roast (less than three pounds) found that this one item accounted for over 10% of his total bill for the week at the supermarket. The headline "Meat Leads Spiral" was hardly front page news to the volunteers in the 22nd Congressional District when we picked up the morning paper last Friday. We have been well aware of this spiral which has squeezed our food budgets for months.

In the attempt to work within the structure of the Economic Stabilization Program, the people have met many frustrations. When Phase II began, people thought prices would be controlled, that prices would not increase, but would stabilize. Our understanding of the word "stabilize" is to remain unchanged, non-fluctuating, but this is not what has happened, to say the least. People are confused and amazed to learn that a price increase is not necesarily a violation. We are further confused when told "The goal of the (Price) Commission is to hold increases of prices and rents, on the average for the whole nation, to no more than 2½% a year." We are puzzled, because we see increases of much more than 2½% on items that are supposed to be controlled. Early in Phase II a man who had been purchasing a chocolate coconut bar cookie for 12 cents found the same bar cookie increased in price by 3 cents. He calculated three over twelve equals one fourth which equals 25%—considerably more than 2½%. The Economic Stabilization Program explained, "It's not that simple." It certainly isn't! Reading from the General Information pamphlet (S–2) provided by Internal Revenue Service we learned that *extra costs* incurred can be passed on to the consumer *in addition* to the usual percentage of profit margin, something the consumer does not know. With these allowances and conditions which permit price increases, plus the exclusion of some items from control altogether, the man wonders, as we all wonder, where is the price control and where is stabilization. We can only conclude that these are really misnomers, more than a little bit misleading, and a source of much dissatisfaction with the Stabilization Program.

The use of the Base Price Catalog or Forty Items List is another source of difficulty. The choices, if one has the time and energey to invest in checking a base price, are going to the store's office (often several floors away), trying to locate a list which may not exist, or, in supermarkets, finding an item in a huge, unindexed catalog whose pages are filled with many items and numbers from which to extract a base price. At best, one or two items might be checked, but to check all items which could be in violation would be impossible. The entire procedure for determining violations is too complicated and not at all realistic.

Although it is obvious that many businesses have been co-operative, another problem for the people is that of violators. Notice of violators has not been forthcoming for the public, and we wonder who we might be patronizing that has been or is a violator. For example, one volunteer who had been paying 68¢ for a twelve-ounce package of pasteurized process American cheese found the price increased to 75¢ in mid-February. On February 18, 1972, an Alleged Violation Form was sent to the Economic Stabilization Program and an acknowledgement received on February 22, 1972. Over a month has passed with no communication, and, as of last Saturday, the cheese was still 75¢. The volunteer wonders whether the price is a violation, how many unsuspecting people are paying the higher price unnecessarily, and when the Economic Stabilization Program will advise her.

What does the present economic situation mean to our families personally? Hoping that no one becomes ill, no appliance needs repair, the car holds together, families are cutting down and cutting out to what is absolutely necessary—and the list of what is essential is getting shorter and shorter. Women who turned to economy meats found they are not inexpensive—stewing beef in one market was priced $1.24 per pound on March 18, 1972; that same week, boneless short ribs were $1.04 per pound. For the woman who has a policy of spending no more than $1.00 per pound for meat, her choices last Saturday (March 25, 1972) would have been from such things as beef heart—59¢ per pound, back and neck bones—52¢ per pound, country style sausage 84¢ pre pound, beef tongue—74¢ per pound.

As for meat substitutes, fish and cheese prices have increased also. Budget stretchers such as beans, noodles, and macaroni are starches. One volunteer who has $50 table money for her two children, her husband, and herself, has to stretch that amount not one week, but two, rather difficult at today's prices. Most disheartened, and most disheartening, of all are those retirees on fixed, low incomes who already have been counting every penny and cutting every corner. Even a small increase on items causes a hardship, and these people, along with the rest of us, are fearful of where it will end.

Several suggestions have been made by the Executive Committee and volunteers regarding the Economic Stabilization Program. They suggest that all foods be controlled, that raw materials for manufacturing be controlled, that prices be set firmly so that everyone knows the cost, that people be permitted to report possible violations by telephone, that the public be informed of violators, and that profits be limited.

Mr. Chairman, I hope that my statement illustrates to the Council the utter frustration of the individual consumer with rising prices and the apparent ineffectiveness of Phase II. At the same time I want you to know that this Community Committee will continue to monitor prices and undertake whatever else may be needed to make the Economic Stabilization Program effective.

In addition, Mr. Speaker, I would like to include in the Record the text of my remarks to the Price Commission which followed Mrs. Sugiuchi's presentation. The recommendations which I made to the Price Commission have largely been based on the information and data which the 22d District Community Committee on Consumer Prices has furnished my office during the last several months:

Statement of Congressman Charles A. Vanik

Mr. Chairman, members of the Commission: The testimony of Mrs. Sugiuchi demonstrates the value of community committees on consumer prices. These efforts demonstrate the availability of community service—people are delighted to be a part of this program. They will work in the cause of halting inflation without compensation.

Not only have they monitored prices in the Cleveland area and helped instill a greater sense of price consciousness, but their reports have been invaluable to me in my congressional efforts to help develop a successful economic stabilization program. Their reports have provided me with detailed and individualized information on price changes and trends, often a month before government statistics are available.

I, therefore, recommend that Citizens' Committees on Consumer Prices be established in every Congressional district of America. Until a better plan is devised, these Committees could be appointed by Members of Congress and include representatives of all segments of the community. The Cost of Living Council could fund the basic cost of a community office and a fulltime consumer agent. If we can provide every community with an agricultural agent—why not a consumer agent to carry on the administrative work of the community committee?

A Citizens' Committee can provide facts on price changes with astounding speed. Two months before government agencies were aware of meat price escalation, our 22nd District Committee reported this fact and it sounded the alram—one of the first in the Nation.

My efforts to provide greater price stabilization in meat prices were largely inspired by the findings of this citizen committee. In early December, this citizens' group predicted that fresh food prices were rising to a dangerous level. As a result of the Community Committee on Consumer Prices' findings, I directed letters to the Council and to the Secretary of Agriculture on January 5th asking that immediate action be taken to control rising food prices. Unfortunately, no significant action has been taken.

From our community efforts, we also conclude that the President's Economic Program to Control Inflation is absolutely doomed if the Administration persists in exempting meat, fresh vegetables and fruits from price control.

We cannot expect Agriculture and the food processors to monitor themselves or exercise effective restraints on price abuse. The temptations for "quick profits" are too grave. If controls reduce supplies, as some have suggested, let us test that challenge in the open market place.

Present pricing policies on meat have, for all practical purposes, already created a shortage for the low and moderate income families. Their dinner tables have already felt the sting of reduced meat rations. High meat prices have already driven millions of people to some degree of voluntary meat rationing. They buy the meat they can afford—and it is less and less every day.

You simply cannot convince the worker, whose real income fell last month, that an economic program which freezes his wages is good for America while the price he must pay for meat, fresh fruits and vegetables is on a trajectory to the moon.

The average American family spends $41 for food each week. Of this purchase 54% is for meat and fresh fruits and vegetables. The average consumer has to face up to increased food prices as a daily experience. This inflationary effect is felt with every swallow, and he has already taken more inflation than he can stomach.

It is now obvious that the decision to exempt fresh produce and meats from some forms of controls was a serious mistake.

I hope that the alarming rate of price increases during the last few months will at last move the Commission to take action.

There are several actions which can be taken.

First, the supply—and, therefore, the price—of lean and manufacturing meats used in hot dogs, hamburgers, and other cheaper cuts of meat is largely determined by restrictions imposed under the authority of the Meat Quota Law of 1964. While this year's quota has been set at a level 7% higher than last year's, it is still too restrictive. We are simply not letting enough lean meat into this country to meet demand or stabilize prices.

Therefore, I have introduced legislation, along with Congressman Rosenthal of New York and 30 others to repeal the Meat Quota Law of 1964.

Some have said that the repeal of the Quota Law would not be helpful. Others have said that it would hurt the American farmer at the time when they are finally beginning to receive a more adequate return on their investments and efforts. Their arguments are a smokescreen thrown up to blind the American consumer.

The American farmer and rancher simply does not produce the tough, range fed meat that certain foreign countries do. This foreign meat is too tough to be used in the higher priced roasts and steaks, which the American producers specialize in. It can only be used in items like hamburger meat, hot dogs, sausages, and tinned meats. To a very large extent, American meat and foreign meat are not in the same competitive categories.

The price of meat for the cheaper cuts, which the middle and lower income families of America rely on, is still rising. Although it is late in the shipping season, a repeal of the Meat Import Quota Law could help stabilize these rising prices.

My last point, Mr. Chairman, concerns the method by which the Internal Revenue Service investigates violations.

The man on the street has the right to know who is holding the line on prices and who is violating the "national conscience." But the I.R.S. has informed me that, while they will make some information available to a person who makes a specific complaint, they will not "make public" the news of violators. Only if the Justice Department files suit against a company or corporation will this information be made public.

A number of my constituents have indicated that if they knew which companies and businesses had been found to be in violation by the I.R.S.—but the Justice Department had not yet acted—it would influence their shopping habits. In other words, the public might like to avoid patronizing those companies and stores which are not cooperating during the present economic emergency.

For example, my office received a press release from the Council just this last Friday that reported that the first suit had been brought against Tier I prenotifier—Purity Supreme, Inc., a $150 million sales per year company which operates 39 discount supermarkets in Massachusetts. The press release further noted that the improper actions of the company occurred between November 18 and December 17 of last year. Yet only now, three months later, is the government clearly publicizing this case. I am sure that quicker action and better publicity in this case would have altered the shopping habits of many in the Boston area.

In an effort to increase the public's awareness of violators, I have introduced legislation "to direct the posting in all local and regional offices of the Internal Revenue Service of up-to-date lists of violators of orders and regulations issued under the Economic Stabilization Act." These violator lists should be those found in violation by the Cost of Living Council before court litigation.

The success of your program—of our program to control inflation—depends upon a total partnership between industry, agriculture, and the consumer. There can be no exceptions to this commitment. The exemptions set the stage for the destruction of your work.

LEWIS E. TURNER RECEIVES THE DISTINGUISHED SERVICE CITATION

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, one of the able and effective members of the Department of the Air Force, the Honorable Lewis E. Turner, has received the Distinguished Service Citation from the Reserve Officers Association of the United

States. Mr. Turner who is the Deputy Assistant Secretary of the Air Force for Installations received this important award on February 25. It was made by the Air Force Chief of Staff, Gen. John D. Ryan.

Mr. Turner's friends are legion and his outstanding work is appreciated throughout the Nation. I present for publication in the CONGRESSIONAL RECORD the news release on the occasion, the citation which accompanied the award, and a biographical sketch of Mr. Turner.

LEWIS E. TURNER RECEIVES RESERVE CITATION

WASHINGTON, March 3.—Lewis E. Turner, Deputy Assistant Secretary of the Air Force for Installations, received the Reserve Officers Association of the United States' Distinguished Service Citation February 25. Presentation was made by Air Force Chief of Staff General John D. Ryan during the Association's 50th Anniversary Mid-Winter Council Meeting at the Washington Hilton Hotel.

Mr. Turner was cited for providing ". . . outstanding service to the United States Air Force, Active and Reserve, in timely provisioning of facilities to support mission requirements of a rapidly changing force."

The Reserve Officers Association further credited Mr. Turner with providing priority efforts to the approval process for individual Air Force Reserve construction and maintenance projects. "His support in the vital review and approval process has contributed immeasurably to earlier contract awards with the resultant reduction in the time required to provide facilities support for the Air Force Reserve units," the citation accompanying the award concluded.

The award consists of a laminated plaque and is awarded for outstanding contributions to national security through support of the United States reserve forces.

CITATION TO ACCOMPANY AWARD OF ROA DISTINGUISHED CITATION TO MR. LEWIS F. TURNER

As the Deputy Assistant Secretary of the Air Force for Installations since 1964, Mr. Turner has "performed outstanding service to the United States Air Force, Active and Reserve, in timely provisioning of facilities to support mission requirements of a rapidly changing force."

On numerous occasions Mr. Turner has provided priority efforts to the approval process for individual Air Force Reserve construction and maintenance projects. His support in the vital review and approval process has contributed immeasurably to earlier contract awards with the resultant reduction in the time required to provide facilities support for Air Force Reserve units.

Mr. Tuner's consistent support of USAFR programs and purposes and distinguished service have brought great credit to himself, the Air Force Reserve and the United States Air Force.

BIOGRAPHY: LEWIS E. TURNER, DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE (INSTALLATIONS)

As the Deputy Assistant Secretary for Installations, Mr. Turner is the senior official, within the Department of the Air Force, responsible for installations and civil engineering matters. In this capacity, he directs the management, utilization and maintenance of the Air Force's $16.6 billion inventory of real property involving the annual expenditure of over $1.7 billion in construction and maintenance efforts. He executes these functions through an organization consisting of 95,000 engineers and technicians, operating from bases located on every continent of the world.

Mr. Turner was born in Radford, Va., on June 7, 1917. He was educated in the Virginia public school system and has completed various management courses conducted by military and civilian institutions in the Washington area, including a short course at the Air War College in 1952. He has also attended the Defense Advanced Management Systems Course at Monterey, Calif., and the Brookings Institution Management and Program Executives Course at Williamsburg, Va.

He began his career in the Government in 1940 with the Civil Service Commission, later moving to the General Accounting Office and the War Production Board. At the end of World War II he became associated with the War Assets Administration where he worked as a budget officer. When the Air Force became a separate service, he was asked to join the Air Force Budget Office to assist in establishing a management and budgeting system for the Department.

In 1959 Mr. Turner moved to the Office of the Secretary of the Air Force as Deputy Assistant Secretary (Financial Control). He left the Government service in 1961 to enter private industry as Executive Vice President of a large construction and maintenance firm in Los Angeles, Calif. He returned to the Air Force in February 1964 to assume his present post after three successful years in private industry.

During Mr. Turner's career in the Government, he has received many awards and public recognition: Outstanding Performance Ratings each year of Government service; in 1961 and 1969 Exceptional Civilian Service Awards by the Secretary of the Air Force; in 1969 the Air Force Association Citation was presented "For exceptionally outstanding service to the United States Air Force active and reserve, in the timely provisioning of facilities to support mission requirements of a rapidly changing military force." In 1967 Mr. Turner was nominated by the Secretary of the Air Force for the National Civil Service League Career Service Award.

Mr. Turner is married to the former Della Kate Pettus of Montgomery, Ala., and they have three children. He and his family are members of the Walker Chapel Methodist Church of Arlington. Mr. Turner is a member of the Westwood Country Club of Northern Virginia, Officers' Clubs of Bolling and Andrews Air Force Bases, and is a non-resident member of the Oakmont Country Club of Glendale, Calif.

The family resides at 3539 North Valley Street, Arlington, Va.

IRVING BRANT COMMENTS ON RACISM IN AMERICA

(Mr. EDWARDS of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, I would like to commend to the attention of my colleagues a speech delivered by Mr. Irving Brant, recipient of the E. B. MacNaughton Civil Liberties Award in Oregon this year and renowned constitutional authority and defender of liberties.

Mr. Brant addresses himself to a problem that has long been with us, and one which remains basically unsolved and immensely threatening to our society and to the American people as a whole.

Irving Brant was born only 19 years after the formal abolition of slavery. Yet, the Nation's slavery to racism continues to this day. His comments on the continuing racism in our country show the insight and perception that only a man of his years, intelligence, and sensitivity could provide.

The speech follows:

SHALL RACISM DESTROY AMERICA?

(Speech of Irving Brant, accepting E. B. MacNaughton Civil Liberties Award, Mar. 4, 1972, Eugene, Oreg.)

I cannot begin to tell you how deeply this award is appreciated. Personally, it affords the keenest pleasure, although my contributions have been small compared to the dedicated service of those who devote time and effort, day after day, to the operations of the American Civil Liberties Union. The very existence of this annual award testifies to the depth of the ACLU dedication at a time when civil rights and liberties are being challenged throughout our country and the world. Here in the United States that challenge is seen in the mindless attitudes of unthinking people and in the callousness of congressional majorities. It is seen in senators who disregard the basic philosophy of Supreme Court nominees. It is seen in a President and Attorney General who yearn to name, for that high tribunal, more extreme deniers of liberty than they can hope to get away with.

The Supreme Court today is at a stage of crisis. I remember reading, about sixty years ago, the remark of some prominent American that the only really important function of a President is to appoint members of the Supreme Court. The clear implication was that the country would be safe only as long as that court continued to misconstrue the Fourteenth Amendment and employ it to strike down state laws regulating corporations.

That perversion ended with the first four Supreme Court appointments made by Franklin D. Roosevelt. His purpose was to select justices who would uphold the power of Congress to cope with national economic emergencies. No primary thought was given by him at the outset to the guarantees of personal liberty, which were not acutely at issue then. It was more or less by the laws of chance that four of the eight Roosevelt appointees turned out to be exceptionally valiant defenders of the Bill of Rights.

President Truman made five appointments to the Supreme Court, choosing personal friends. His closest approach to a judicial philosophy, perhaps, lies in a remark he made to me: "I can tell you one thing. I never will appoint a professional liberal to the Court." My idea of a professional liberal is a conservative who, for political gain, tries to make a public record as a liberal. I suspect that Mr. Truman's real animus was against intellectual liberals. The breed repelled him, and his conservative appointments reflected that fact.

Then came President Eisenhower, who made four appointments and regretted two and one-half of them. I remarked one day to Chief Justice Warren that he and Justice Brennan were "happy accidents." He replied with a smile, "I doubt if the President expected us to take the stands we have taken." A third Eisenhower selection, Justice Potter Stewart, has moved gradually toward the liberal side; not decisively, but enough so that bitter outcries are reaching him from the Ohio rightwingers who rejoiced at his appointment.

Truman's appointee Tom Clark is another conservative who became increasingly liberal as the years passed. He always was that way on one point. I asked him once why he was a stricter enforcer of the ban on unreasonable search and seizure than of other constitutional guarantees. He replied that he did not know that this was true but if it was, it was because, as a prosecuting attorney in Texas, he was denounced by a judge in open court for refusing to prosecute a Negro whose house had been almost torn to pieces by ransacking police.

Speaking of Justice Clark, Hugo Black said to me: "The only thing wrong with Tom is that he doesn't read enough." I suspect that if Tom Clark had steeped himself in Hallam's *History of England* and Howell's *State Trials*, he would have become as ardent a libertarian as his son Ramsey, of whom he is justly proud.

Most members of the Supreme Court, but especially the liberals, are avid readers on controversial topics. I told Black about a splendid, impartial paper on the history of the NAACP, delivered by an Alabama Negro before the Southern Historical Association. Black asked me to get it for him. I did so, requesting its return. It came back—from Chief Justice Warren.

John F. Kennedy and Lyndon Johnson, I believe, were the only Presidents, unless Woodrow Wilson can be included, who consciously sought to place libertarians on the Court. Johnson is commonly regarded as a Southern conservative who, as Senate leader, opposed civil-rights legislation until it was forced on him by political pressures. I know better. In 1957, I was asked to come to Johnson's office. There a special assistant told me that Johnson was considering the introduction of a sweeping bill based on the Fifteenth Amendment, to clear up the entire race problem at one stroke. I was asked to submit an opinion on what could be done under that amendment. A week later this assistant called me and said the decision had been made to push a milder bill that would be assured of passage. Thurgood Marshall was put on the Supreme Court because of outstanding fitness and Lyndon Johnson's sense of racial justice. Incidentally, Tom Clark, a southerner, helped put Marshall in line for that post.

Chief Justice Warren did not rule the "Warren Court," but the Warren Court died with the Chief Justice's retirement and the loss of three other members. In the making of four replacements, two Nixon nominees were rejected by the Senate as unfit, seven indicated presidential choices were negated either by the American Bar Association or the bar of public opinion. All replacements were made by a President who was the enthusiastic partner of Senator Joe McCarthy in the infamous political revival of Salem witchhunting. Picture the fate of the country if the Senate had no veto!

The years just ahead will be the most critical since 1798, as far as the rights and liberties of the American people are concerned. In 1798, a Congress crazed with fear of the French Revolution and American democracy tore the Constitution to shreds with a Sedition Act that wiped out every vestige of freedom of speech and press. Justices of the Supreme Court in that day rode circuit, and every one of them enforced the Sedition Act with the same ferocity displayed by Congress.

There is no possibility of that situation recurring; public opinion would not permit it. A few weeks ago a right-wing newspaper columnist observed that the Warren Court period was a deviation from nearly two hundred years of judicial conservation. The recent liberal epoch, he said hopefully, might prove to be a brief interlude, giving way to a long-term swing in the conservative direction.

This is possible, but the Warren Court did not invent liberalism. The Fourteenth Amendment, as a protection of human rights, lay dormant for more than fifty years. Then social imperatives began piling up, expressed in dissenting opinions by Justices Holmes and Brandeis. In 1925, a Supreme Court ruled by reactionaries ushered in a new day by planting a libertarian dictum in a vicious decision.

Upholding the conviction of Socialist Benjamin Gitlow under New York's criminal anarchy statute, Justice Sanford wrote: "For present purposes we may and do assume that freedom of speech and of the press are . . . protected by the due process clause of the Fourteenth Amendment from impairment by the States." That grudging concession, won by the ACLU, did not save Gitlow, but it opened the floodgates of reform. Step by step, the guarantees of the first eight amendments were brought within the compass of due process of law and equal protection of the laws, commanded by the Fourteenth Amendment. These concepts of liberty have become the stabilizing imperatives of American society. No Supreme Court, no matter how heavily Nixonized and Mitchellized, will ever jam the Fourteenth Amendment back into an iron-spiked coffin. In the debate on William Rehnquist's confirmation to the Court, it was brought out that as law clerk to Justice Robert Jackson, he had drafted a brief upholding *Plessy* v. *Ferguson* and its "separate but equal" device for maintaining segregated schools. Mr. Rehnquist protested that he took this side by direction of Justice Jackson to help Jackson reach a decision. That may well be true, but even if not, *Plessy* v. *Ferguson* would stay dead if there were nine Rehnquists on the Court. Regardless of his rightwing politics, Justice Rehnquist is an intelligent man, an able lawyer of good intentions, and he understands, perhaps too well, the driving forces of politics.

This does not imply a liberal stance in the Nixon appointees; far from it. The danger is not that a Nixonized Court will strip itself of basic authority, under the Fourteenth Amendment, to uphold racial equality and protect freedom of religion, speech and press against violations by the states. Nor will such a court formally abdicate other applications of the Bill of Rights to the states. The danger is far more insidious. It lies in acceptance of the working principles of Nixonism-Mitchellism itself, in undue zeal for law and order at the expense of liberty, in insensitivity to wrongs, in subordination of rightful judicial power to the other branches of government. Successfully remodeled such a Court will undermine all constitutional guarantees, in both state and federal fields, by loose and devitalizing construction of the guarantees themselves. Chipping off a bit here, a bit there, such a Court may with the best of intentions nullify a great part of the Bill of Rights.

Even that would not be fatal, however unfair and repugnant to the Constitution, if it merely reduced for a time the protections thrown around persons guilty or innocent of conventional criminality. The deadly peril lies in the impact of such a trend upon the American racial crisis. Strip the guiltiest robber or rapist of constitutional protections and it opens the way to harassment by police, prosecutors and courts of all organized groups working for social objectives. On that score, all too little recognized, the very existence of the United States as a viable society is at stake. Looming above all else, in this respect, is the racial conflict, to which I shall devote the remainder of this address.

The race struggle will not be settled by the Supreme Court. It will be ended by Congress, by state governments, and by the American people, or it will destroy this nation. Popular reaction against the Sedition Act of 1798 overthrew the political party that imposed it on the country. Political freedom prevailed, after that, until the growing cancer of Negro slavery corroded American society and finally plunged the nation into the calamity of civil war.

And what since then? From the time the slaves were set free and were guaranteed equality by the Constitution, the ancient corrosion has continued to corrupt society. No longer clearly visible, as it was in the days of slavery, it has worked with a deadliness comparable to parasites in the human body, feeding on a victim that does not know it is infested. *Brown* v. *Board of Education* cleared the skin but failed to cure the deeper infection.

I came into this world in 1885, only nineteen years after slavery came to an end. That is comparable to the speck of time since Eisenhower entered the White House. Two years before I was born the Supreme Court struck down the Civil Rights Acts passed for the protection of the emancipated slaves. Thus my life span has been virtually identical with the period of oppression that began in a bargain between Northern Republicans and Southern Democrats. The North said to the South: "You can do what you like to the blacks, if you will let us do what we want for the corporations." The bargain thus entered into has a residue today in what is called the Southern Strategy of Richard Nixon.

You may perhaps assume, from my present remarks, that I have been a lifelong recognizer of racial equality. By no means. I have never at any time felt hostility toward persons of a different color of skin. However, my growing up, in regard to racial equality involved a shedding, one by one, of nearly every false cliche about Negro inferiority ever possessed by a Georgia hillbilly, or, at that time, by a Northern professor of ethnology.

Like virtually all white Americans, I believed in early years that intelligence in a Negro was prima facia evidence of white blood in his veins. I did not scoff at the barbershop idea that Jack Johnson won the heavyweight boxing championship because Negro skullbones were a quarter of an inch thick.

I was seventeen years old before I became personally acquainted with a Negro. Before that, my racial impressions were picked up from blackface comedians in minstrel shows. My first black acquaintance was Hal Short, an Iowa City high school classmate, the only Negro in school. He was a topnotch student, who must therefore have had a white grandfather, although he did not look it. We elected him class treasurer. He went with us kids to Reichardt's ice cream parlor. This proved that we were completely free of racial prejudice. Of course, we said in Hal's absence, he knew enough not to come to class parties. He understood his place. In truth, our dumb self-satisfaction did not spring from conscious prejudice. It was thoughtlessness based on ignorance. That was carried to the limit, indeed far beyond the limit, in our high school football yell—the same yell that was given in thousands of high schools throughout the United States. I can never forget its wording:

"Nigger, nigger, hoe pertater,
Half past alligator,
Ram, ram, bulligator,
Sizz boom bah!
Iowa City high school, rah, rah, rah!"

Half a century ago, the average white American did not know that black people had feelings, did not believe that they were fully human. For a parallel, go back to Shakespeare's *Merchant of Venice*. Listen to the words of Shylock, whom every Christian spat upon:

"I am a Jew! Hath not a Jew eyes? Hath not a Jew hands, organs, dimensions, senses, affections, passions? Fed with the same food, hurt with the same weapons, subject to the same diseases, healed by the same means, warmed and cooled by the same winter and summer as a Christian? If you prick us, do we not bleed? If you tickle us, do we not laugh? If you poison us, do we not die?"

Let me go back to Hal Short, who also became my classmate in the University of Iowa. He graduated in engineering—a course I would have been sure to flunk. A year after graduation he came back to Iowa City and resumed his old job as porter in a barber shop. "That's it," I thought, "the shiftlessness of a black man will always come through." I did not hear the words Hal Short had been listening to, day after day, month after month, at engineering employment offices all over the United States: "No opening." "Sorry, no opening." "No opening." "No opening."

My awakening to Negro intelligence began in Washington, in 1938, when I started work on my biography of President Madison, a man who worked to abolish slavery but could not escape it himself. I discovered that during Madison's sixteen years' residence in the national capital one of his farms, of 2,000 acres, was under the unsupervised management of a Negro slave.

Then I read a slender book of recollections of Madison by his black valet. The excellent literary style marked the book, for me, as a white man's writing based on a black man's talk—until I ran across a letter written by that slave, written at the same intellectual level as the book.

In the Papers of Thomas Jefferson I came upon the original manuscript of the remarkable treatise on mathematics written by the Negro Robert Banneker. It had the same effect upon me that it had on Jefferson—it wiped out every preconception of racial inferiority in a fullblooded black.

That effect was magnified when I ran across, in the French Archives, the letters written to Napoleon by Toussaint Louverture, black leader of the slave revolt in Haiti. Writing in perfect French, he dealt with the master of Europe in terms of equality, dignity and strength. His large bold signature heightened the effect. No wonder that Napoleon made him a general in the French army before tricking him into a peace conference, under a sacred pledge of safe conduct, and then throwing him into a dungeon for the rest of his life.

My research in the Library of Congress took me into the Legislative Reference division. There I had the surprise of my life. The executive secretary, essentially the highest working official, turned out to be a Negro woman. That meant that whenever a Mississippi senator phoned the Library of Congress to ask for material to prove Negro inferiority, the request was handled by a black woman, and, like as not, was assigned to a black researcher. Hundreds of others on the library staff furnished proof that black men and women were the intellectual equal of whites.

But these Negroes had grown up in a white society, benefiting from association with whites. Did African Negroes possess similar qualities? I doubted it. That doubt was swept away by a guest speaker at a luncheon of the Overseas Writers Club, Tom Mboya of Kenya. I listened for an hour as he fielded questions from a hundred hard-hitting correspondents about Kenya's relations with the British government. At the conclusion of the session I remarked that I had never heard a man better fitted to be prime minister of England. And this man was a product of the African plains and jungles.

Within the past year a prominent doctor of philosophy has published a book affirming once more, by alleged impartial scientific inquiry, the discredited theory of inherent inferiority in the Negro mentality. Disclaiming all racial prejudice, the author claims that the absence of certain genes of heredity in the black race inescapably reduces Negroes to a lower level of achievement. This book has been eagerly seized on by racial segregationists. I discussed the book recently with another doctor of philosophy—a woman—who said that she had been a student at Antioch College when the author of that book was on the faculty. "My clearest recollection of him," she said, "is of his intense dislike of Negroes." So, it appears, the defect is not in Negro genes governing intelligence, but in white genes governing candor.

The whole issue is silly, anyway. If you should disfranchise all voters, black and white, whose IQ falls below the highest IQ achieved by a Negro, you would wipe out ninety-nine per cent of the electorate. Distribute governing power according to intelligence quotients, and this country will certainly be in a hell of a fix.

Prejudice! Prejudice! That is what the nation is up against today. The innate equality of blacks and whites has been demonstrated by the unchallengeable criterion of human experience. The only remaining obstacle to attainment of equal status is the white man's refusal to face reality. A continuance of that refusal spells national disaster, threatens national destruction.

Seventy years ago the great majority of blacks picked cotton, cut sugar cane, or plowed corn, as sharecroppers or farm hands in fourteen Southern states. They were kept in economic subjection, enforced illiteracy and political impotence by landowner pressure, sheriffs' deputies and the Ku Klux Klan. The white North looked upon that situation with complacent disregard or even support. As late as 1938, an Atlanta newspaper editor told me that ninety per cent of the Georgia Negroes south of Macon were living in peonage. Such may still be the case in some southern counties, but nationally, that situation of the blacks has disappeared forever. It has been destroyed by their northward migration, by the Supreme Court, by the voting rights acts of Congress, by education, and by Negro voting power. What they face now is exclusion from the skilled working force and denial of the right to live where they please.

How has the white population responded to this near-revolution? By a flight to the suburbs that turns the big cities into black ghettos. By job discrimination, by housing discrimination, by police harassment. What happens in physics and chemistry when a constantly expanding mass encounters constantly increasing pressure? Sooner or later an explosion is bound to result. So it is in our cities today. Ghetto confinement and frustration are building an atomic bomb, to which, if the pressure is not relieved, despair and anger will some day furnish the trigger.

Black Americans, once helpless on the farms, today lack only national organization to give the United States a choice between racial equality and universal chaos. The black ghettos soon will control the governments of all large cities. Once fully organized, their officers need only to act together to halt every railroad train in the nation, to block every major truck route. And national organization will come if the pressure inducing it continues to mount.

The remedy is simple, though not easy. All that is needed is sufficient insight and resulting action, based either on goodwill or the necessities of self-preservation. The black population must be admitted to an equal share in the fruits promised by the preamble of the Constitution—A Constitution written and ordained to "secure the blessings of liberty to ourselves and our posterity." The one overwhelming need is for white people to recognize black people as a genuine part of our common society.

NATIONAL PEACE ACTION COALITION IS CONTROLLED BY SOCIALIST WORKERS PARTY

(Mr. ICHORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ICHORD. Mr. Speaker, at a series of hearings last June held by the House Committee on Internal Security which I have the honor to chair, a considerable amount of evidence established that a group in this country called the National Peace Action Coalition is completely controlled by the Socialist Workers Party, a collection of Trotskyite Communists.

While considerable attention is paid to the various demonstrations and other activities carried out by the NPAC, little heed has been paid to the fact that its leadership is topheavy with members of the SWP and its youth arm, the Young Socialist Alliance.

Now one might take the fact that the Socialist Workers Party controls every activity of the NPAC—this has never really been denied or challenged—and adopt a ho-hum attitude.

"What danger does this present to us?" one might ask.

Well, Mr. Speaker, the danger represented by the worldwide movement of the Trotskyite Communists—those who advocate armed revolution on an international scale—is already close to home.

Its dangers are as fresh as can be found in the daily news accounts from Argentina and that country, Mr. Speaker, is in the Western Hemisphere, not far off in Southeast Asia.

I talk, Mr. Speaker, of the deeds of the Trotskyite Revolutionary Army of the People in Argentina, a group that this moment is holding prisoner Mr. Oberdan Sallustro, an executive of Fiat, a large Italian motorcar company. That is, they are holding him prisoner if they have not yet, as promised, murdered him.

This revolutionary army, known by its Spanish initials as E.R.P., has threatened to execute Mr. Sallustro if its demands for ransom in various forms of $1 million are not met. It also seeks other concessions for the release of Mr. Sallustro, 56-year-old Fiat manager for Argentina. These include release of 50 jailed guerrillas and their safe conduct to a country of their own choosing.

Last year, Mr. Speaker, the same group kidnaped the manager of a Swift meat packing plant in Argentina, freeing him only after similar demands were met. The Committee on Internal Security described this kidnaping in appendix B of part 2 of the hearings held last year on the NPAC and the People's Coalition for Peace and Justice.

During the hearings on NPAC, an expert witness, Mr. Milorad Popov, who is assistant editor of the Yearbook on International Communist Affairs put out by the Hoover Institution at Stanford University, testified that the Socialist Workers Party is for all intents and purposes a segment of an international collection of Trotskyite Communists called the Fourth International.

I would like to point out, Mr. Speaker, that the revolutionary army in Argentina is also one segment of the Fourth International. This connection came up during my questioning of Mr. Popov.

Also described in part 2 of the hearings is a statement of views of the E.R.P. as carried in the Intercontinental Press, official organ of the international Socialist Workers Party.

I would like to quote some of these aims for the benefit of my colleagues. Remember, Mr. Speaker, that these are the words of the official organ of the Socialist Workers Party.

> The strategic principle guiding us is to extend the war, which in our opinion has already begun . . .
>
> We carry forward this extension of the

> people's civil war through (both) political and military action.
>
> What is involved in activity that is both "open" and clandestine...
>
> Among us we have neither rankings nor insignia. Our only commandante is and will be Che Guevara . . . This alone defines our internationalist revolutionary tradition—our complete solidarity with Cuba.
>
> For us the road to liberation in Latin America passes historically through armed revolution.
>
> On the world level we view with revolutionary sympathy Korea, Vietnam and China in addition to Cuba.

There may be those, Mr. Speaker, who believe that "it cannot happen here," that this country faces no danger of political kidnapings, of demands for huge ransoms, of ultimatums to free convicted criminals upon pain of execution of some hapless and helpless individual whose only crime is being important enough to serve as a suitable hostage.

I am not that sanguine, Mr. Speaker; this country has already suffered from a wave of bombings carried out by radicals.

Let us hope, Mr. Speaker, that when the SWP decides that marches and demonstrations are insufficient to bring about imposition of the form of government it prefers on this country, we are not confronted with the kind of terrorist activities already launched in Argentina and elsewhere in this hemisphere.

As I have said before, Mr. Speaker, the Socialist Workers Party and its allies do not represent the "doves" of honorable peace; they are instead the "hawks" of the other side.

I think, Mr. Speaker, it is not only the right of those of us in this House to be concerned by what they are doing and what they might do—it is our duty.

TAX REFORM ACT OF 1972

(Mr. HORTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HORTON. Mr. Speaker, in the Tax Reform Act of 1969, Congress sought to distribute the tax burden fairly among the poor, middle-income, and wealthy Americans as well as businesses and corporations. Many improvements in the Federal tax system were made, but it is equally apparent that further adjustments are needed to correct remaining deficiencies.

In an effort to remedy this situation, I have introduced today H.R. 14144, the Tax Reform Act of 1972. This measure would bring in an additional $5.25 billion in Federal revenue. Included in the bill are several provisions plugging loopholes for wealthy Americans now paying little or no taxes. The legislation also provides for tightening tax rules on the income of foreign subsidiaries of American corporations. Under the reform package, the Federal Government would receive an estimated $2.1 billion in revenue through taxing capital gains on property transferred at death or by gift and in offering an alternative to States and localities issuing only tax-free bonds. Through adjustments such as these, Federal revenue can be increased substantially, the exportation of American jobs to foreign countries can be discouraged, and many inequities in our tax system can be erased.

While the Congress succeeded in enacting comprehensive tax reforms in 1969, it is by no means too early to consider more needed reforms. Indeed, given our high unemployment rates and huge budget deficits, tax reform should be one of the primary issues which Congress confronts. Apart from strictly economic considerations, this is an election year. Each of us will be asking our constituents for another vote of confidence and economic questions will rank high, if not first, among their concerns.

Mr. Speaker, the legislation I have introduced does not address all the tax loopholes that need closing, but it will eliminate some of the most glaring inequities, it will create jobs, and it will raise desperately needed Federal revenue. Because H.R. 14144 is limited in scope, it can and should serve as a bipartisan vehicle for meaningful tax reform—one that can be acted upon quickly in the remainder of this session.

An explanation and complete text of H.R. 14144 follows:

SECTION-BY-SECTION EXPLANATION OF H.R. 14144

TITLE I. TAXATION OF CAPITAL GAINS ON PROPERTY TRANSFERRED AT DEATH OR BY GIFT

(Anticipated Annual Revenue Gain: $2–3 billion.)

When shares of stock, real estate, and other forms of property increase in value, the increase is taxed as a capital gain. Under present law, the capital gains tax rate on assets held longer than 6 months is about half of the tax rate for ordinary income.

Take, for example, an individual who purchases stock in a company for $50,000. Assume that the company's stock rises dramatically in price so that, in a few years, his stock is worth $150,000. If he sells the stock, he will have to pay a capital gains tax on the $100,000 increase in value. If he is in the top 70% tax bracket, he would have to pay a tax of $30,000—25% of the first $50,000 plus 35% of the second $50,000.

However, if this individual never sells the stock but passes it on to his heirs, no capital gains tax is paid by anyone. The heirs would only have to pay capital gains taxes on any increase in the value of the stock beyond $150,000 and only if they sell it.

Several billion dollars in tax revenue fall through this loophole each year. Who benefits? Those individuals with large amounts of accumulated wealth to pass on to the next generation.

H.R. 14144 would close this capital gains loophole by treating property transferred at death as if the decedent had sold it at death. An income tax would be imposed on the capital gain and the tax would be treated as a debt of the decedent's estate. It would thus be deductible from the gross estate for estate tax purposes and would reduce the estate tax liability. Estates under $60,000 would be exempted and there would be additional exemptions for personal and household effects, transfers to a husband or wife, and to orphans. The gain on appreciated property transferred by gift would also be taxed at the time of transfer to avoid giving an artificial incentive for lifetime gifts.

Closing the capital gains loophole was originally recommended by the Treasury Department in 1968 in its "Tax Reform Studies and Proposals", published by the House Ways and Means Committee and the Senate Finance Committee. H.R. 14144 would not only correct the inequitable policy of not taxing appreciation on assets transferred at death, but also eliminate the incentive to older Americans to hold on to and, in effect, immobilize their assets.

TITLE II. FEDERAL INTEREST SUBSIDY TO STATES AND LOCALITIES TO ENCOURAGE ISSUANCE OF TAXABLE BONDS

(Anticipated Annual Revenue Gain: $100 Million.)

State and local bonds have long been an attractive investment for the very rich because the interest paid on such bonds is tax-free. The average taxpayer sees no great advantage in buying tax-free municipal bonds paying 4 or 5 percent interest when he can buy taxable corporate bonds paying higher interest. But tax-free interest becomes progressively more attractive as a taxpayer's marginal tax bracket climbs to around 42 percent. It has been estimated that over 80 percent of the tax-free bonds purchased by individuals are held by the wealthiest 1 percent of the population.

This tax exemption does serve an important purpose because it enables states and cities, suffering terrific revenue crises, to raise funds at relatively low interest rates to finance roads, schools, sewage treatment plants and other vital facilities. If we simply taxed the interest on municipals, our states and localities would be forced to forgo badly-needed public improvements or pay higher interest rates, which few could afford. Neither of these alternatives is acceptable.

H.R. 14144, therefore, would allow states and localities to continue issuing tax-free bonds. But it would give them the additional option of issuing taxable bonds and receiving an interest subsidy from the Federal Government to make up for the higher interest rate they would have to pay bond purchasers. The Federal interest subsidy could be as high as 40 percent of the total interest paid, with no strings attached.

The treasury now loses far more revenue by failing to tax the interest on municipal bonds than states and localities save in lower borrowing costs. A conservative estimate put the saving to states and localities at $1.3 billion annually, while the yearly revenue loss to the Federal Government was estimated at $1.8 billion. Thus, it is reasonable to expect a revenue gain of $100 million each year from this provision.

Apart from raising additional revenue, H.R. 14144 would make municipal bonds salable to a much wider market. Tax-free municipals are now bought almost exclusively by very wealthy individuals, banks and other financial institutions. By enabling these bonds to be sold at higher, Federally-subsidized interest rates, H.R. 14144 would make them attractive to a far wider spectrum of investors.

This provision was included in the House-passed version of the 1969 Tax Reform Act, but was dropped in conference with the Senate.

TITLE III. TAXATION OF INCOME OF FOREIGN SUBSIDIARIES OF U.S. CORPORATIONS ON A CURRENT BASIS

(Anticipated Annual Revenue Gain: $150 Million.)

The income of foreign subsidiaries of U.S. corporations is not taxed by the United States until it is returned to the parent corporation or corporations in this country. As a result, the tax on this income is usually deferred for many years, and in some cases the income may never be taxed at all.

In addition to costing the Treasury roughly $150 million a year in lost revenue, this tax loophole gives U.S. corporations an artificial incentive to build plants in foreign countries and export American jobs. A U.S. firm may well decide to build a plant in a foreign country in order to get the tax deferral benefits of present law.

H.R. 14144 would close this revenue-losing loophole by taxing foreign subsidiary income on a current basis. Only "controlled" foreign corporations—those with more than half of their stock held by American corporations—would be covered. Each American corporation holding more than 10 percent of a controlled foreign corporation's stock would have to include in its U.S. tax return each year its pro rata share of the foreign corporation's earnings and profits for that year.

While this provision is not intended to sharply curtail the investment of U.S. business capital abroad, it will be a step toward equalizing at least a part of low labor costs and other advantages to U.S. firms doing business abroad at the same time it provides a modest revenue gain for the Treasury.

TITLE IV. TIGHTENING OF MINIMUM TAX ON TAX PREFERENCES

(Anticipated Annual Revenue Gain: $3 Billion.)

The Minimum Tax provision was included in the 1969 Tax Reform Act to deal with the problem of very wealthy persons who paid little or no Federal income taxes. There were, for example, 301 persons with reported incomes for 1969 in excess of $200,000 who paid no Federal income tax at all for that year.

The Minimum Tax provision has had some impact, but not enough. In 1970, the first year the Minimum Tax was in effect, there were still 112 persons with reported incomes in excess of $200,000 who paid no Federal income tax for that year.

The problem is that the Minimum Tax contains so many exclusions and exemptions that relatively little "preference income" is reached by it. In addition, the taxpayer's total "tax preference" income must exceed $30,000 plus the amount of income tax he pays on his regular, non-preference income before the Minimum Tax is even assessed. Moreover, the Minimum Tax rate is only 10 percent, about what a married couple filing separately would pay on a total family income of $12,000.

According to preliminary figures released by the Treasury, the Minimum Tax brought in only $116.9 million in additional revenue in 1970. When the 1969 Tax Reform Act was passed, the Treasury estimated that the Minimum Tax would bring in about $500 million a year in additional revenue when fully implemented. H.R. 14144 would raise an additional $3 billion a year by making the following changes in the Minimum Tax:

1. Eliminate the deduction presently allowed for the amount of tax paid on regular, non-preference income;
2. Include state and local bond interest among the "tax preference" items subject to the Minimum Tax; and
3. Increase the Minimum Tax rate from 10 percent to 20 percent.

H.R. 14144

A bill to amend the Internal Revenue Code of 1954 to raise needed additional revenues by tax reform

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Tax Reform Act of 1972".

(b) TABLE OF CONTENTS.—

TITLE I—GAIN ON CERTAIN PROPERTY TRANSFERRED AT DEATH OR BY GIFT

Sec. 101. Gains and losses on property transmitted at death.
Sec. 102. Gains and losses on lifetime gifts.
Sec. 103. Gross income definition.
Sec. 104. Basis of certain property acquired from a decedent.
Sec. 105. Basis of property acquired by gift.
Sec. 106. Contributions of certain property to charity.
Sec. 107. Time for filing decedent's final income tax return.
Sec. 108. Extension of time for paying tax.
Sec. 109. Effective date.

TITLE II—STATE AND LOCAL BONDS

Sec. 201. Interest on State and local obligations.

TITLE III—FOREIGN CORPORATIONS

Sec. 301. Taxation of earnings and profits of controlled foreign corporations.
Sec. 302. Effective dates.

TITLE IV—MINIMUM TAX FOR TAX PREFERENCES

Sec. 401 Repeal of deduction for taxes and rate increase.
Sec. 402. Inclusion of interest on State obligations.
Sec. 403. Effective date.

(c) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

(d) TECHNICAL AND CONFORMING CHANGES.—The Secretary of the Treasury or his delegate shall, as soon as practicable but in any event not later than 90 days after the date of the enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives a draft of the technical and conforming changes in the Internal Revenue Code of 1954 which are necessary to reflect throughout such Code the changes in the substantive provisions of law made by this Act.

TITLE I—GAIN ON CERTAIN PROPERTY TRANSFERRED AT DEATH OR BY GIFT

SEC. 101. GAINS AND LOSSES ON PROPERTY TRANSMITTED AT DEATH.

(a) Part II of subchapter B of chapter 1 of subtitle A of the Internal Revenue Code of 1954 (relating to items specifically included in gross income) is amended by adding at the end thereof the following new section:

"SEC. 84. GAINS AND LOSSES ON PROPERTY AT TIME OF DEATH.

"(a) IN GENERAL.—In the case of the death of a taxpayer there shall be included in computing taxable income for the taxable period in which falls the date of his death, the gains and losses which would be taken into account if the taxpayer had sold all property (except items of income in respect of a decedent under section 691), which is considered to have been acquired from or to have passed from the decedent taxpayer (within the meaning of section 1014(b)) at a selling price equal to its fair market value at death, or if an election is made under section 2032 (relating to the alternate valuation date), at a price equal to its fair market value on such date. The gains and losses so computed shall be considered amounts received from the sale or exchange of a capital asset held for more than six months. For purposes of this section, losses shall be determined without regard to section 1091.

"(b) EXEMPTIONS.—Subsection (a) shall not apply to the following:

"(1) HOUSEHOLD OR PERSONAL EFFECTS.—Gain on a personal or household item acquired from a decedent or which has passed from a decedent (within the meaning of section 1014(b)), if the fair market value of such item at death (or, if an election is made under section 2032, relating to the alternate valuation date, the fair market value on such date) is less than $2,000.

"(2) PROPERTY WHICH PASSES OR HAS PASSED TO SURVIVING SPOUSE.—Property which passes or has passed from the decedent to his surviving spouse, but only to the extent deductible under section 2056 (relating to the allowance of an estate tax marital deduction).

"(c) BASIS FOR COMPUTING GAIN OR LOSS.—For purposes of subsection (a), the following rules shall apply in determining basis for computing gain or loss:

"(1) MINIMUM BASIS.—Property to which subsection (a) applies shall be considered to have a minimum total adjusted basis to the decedent of $60,000 or the total fair market value of the property, if lower.

"(2) PROPERTY ACQUIRED BEFORE DATE OF ENACTMENT.—In the case of property acquired before the date of enactment of this section, if the basis otherwise determined under this subtitle, adjusted as provided in section 1016, is less than the fair market value of the property as of the date of enactment of this section, then the basis for determining gain shall be such fair market value.

"(3) ALLOCATION OF BASIS.—If subsection (a) does not apply, by reason of paragraph (2) of subsection (b), the basis of property (as determined under paragraphs (1) and (2)) shall be allocated (pursuant to rules and regulations prescribed by the Secretary or his delegate) among all property (other than cash) to which subsection (a) applies in proportion to the fair market value of such property.

"(d) LOSS CARRYBACK.—If the application of subsection (a) produces a net long term capital loss, the amount thereof (to the extent not utilized against net capital gain, computed without regard to subsection (a), for the decedent's final taxable period) shall be a loss carryback to each of the three taxable years preceding the decedent's final taxable year. The entire amount of the net loss produced by subsection (a) shall first be carried, as a net long term capital loss, to the earliest of the taxable years to which such loss may be carried, and the portion of such loss which shall be carried to each of the other years to which such loss may be carried shall be the excess, if any, of such loss over the total of the net capital gains for each of the prior taxable years to which such loss may be carried. If there remains, after the application of the preceding sentence, any unused loss produced by subsection (a), one-half of the amount thereof shall first be carried, as a loss deductible against ordinary income, to the earliest of the taxable years to which such loss may be carried, and the portion of such loss which shall be carried to each of the other taxable years to which such loss may be carried shall be that portion, if any, of one-half of such loss which is not used to reduce the amount subject to income taxation for a prior taxable year to which such loss may be carried. The carryback of a loss pursuant to this paragraph may not increase or produce a net operating loss (as defined in section 172(c)) for the taxable year to which it is being carried back.

"(e) LIABILITY FOR INCOME TAX ON GAINS AT DEATH.—Unless the decedent directs otherwise in his will, if any part of the property which is subject to tax by reason of section 84 (relating to income taxation of gains at death) consists of property transferred by the decedent during his lifetime, the executor shall be entitled to recover from the donee to which the decedent made a transfer during his lifetime, such portion of the total tax paid by reason of section 84 as the tax attributable to the property transferred during the decedent's lifetime bears to the total tax paid."

(b) The table of sections for part II of such subchapter is amended by adding at the end thereof the following item:

"SEC. 84. Gains and losses on property at time of death."

SEC. 102. GAINS AND LOSSES ON LIFETIME GIFTS.

(a) Part II of subchapter B of chapter 1 of subtitle A of the Internal Revenue Code of 1954 (relating to items specifically included in gross income) is amended by adding at the end thereof the following new section:

"SEC. 85. GAINS AND LOSSES ON LIFETIME GIFTS.

"(a) IN GENERAL.—In the case of the transfer of property by gift, there shall be included in computing taxable income for the taxable period in which the transfer was made, the gains and losses which would be taken into account if the taxpayer had sold the transferred property at a selling price equal to its fair market value at the time of the transfer.

"(b) Exemptions.—Subsection (a) shall not apply to the following:

"(1) Property transferred to spouse.—Property transferred by gift to an individual who at the time of the transfer is the taxpayer's spouse, but only to the extent the property transferred is deductible (without regard to the limitation equal to one-half of the value of the transferred property) under section 2523 (relating to the allowance of a gift tax marital deduction).

"(2) Annual per donee exemption.—In the the case of transfers of property by gift made to any person during the taxable year, the first $1,000 of the amount of gain which would otherwise be taken into account for purposes of subsection (a).

"(c) Basis for Computing Gain or Loss.—In the case of property acquired before the date of enactment of this section, if the basis otherwise determined under this subtitle, adjusted as provided in section 1016, is less than the fair market value of the property as of the date of enactment of this section, then the basis for determining gain shall be such fair market value.

"(d) Losses Between Related Parties.—No deduction shall be allowed in respect of losses from transfers of property by gift where both the donor and the donee (or transferee) are persons specified within any one of the paragraphs of subsection (b) of section 267."

(b) The table of sections of part II of such subchapter is amended by adding at the end thereof the following item:

"Sec. 85. Gains and Losses on Lifetime Gifts."

Sec. 103. Gross Income Definition.

Section 61(a) of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following:

"(16) Gains derived, pursuant to section 84, on property at time of death.

"(17) Gains derived, pursuant to section 85, on property transferred during lifetime."

Sec. 104. Basis of Certain Property Acquired From a Decedent.

Section 1014 of the Internal Revenue Code of 1954 (relating to basis of property acquired from a decedent) is amended by striking out paragraph (6) of subsection (b) and by adding at the end thereof the following new subsection:

"(d) Property Not Subject to Tax at Death.—The basis of property in the hands of a person acquiring the property from a decedent or to whom the property passed from a decedent, which is not, pursuant to paragraph (2) of section 84(b) (relating to property which passes or has passed to surviving spouse), subject to taxation under section 84(a), shall be the adjusted basis of the property, determined with regard to section 84(c)(3) (relating to allocation of basis), immediately before the death of the decedent."

Sec. 105. Basis of Property Acquired by Gift.

Section 1015 of the Internal Revenue Code of 1954 (relating to basis of property acquired by gifts and transfers in trust) is amended by adding at the end thereof the following subsection:

"(e) Property Subject to Tax Upon Transfer.—To the extent that gain or loss is taken into account in computing taxable income, pursuant to section 85(a) (relating to gains and losses on lifetime gifts), the basis of property in the hands of a person acquiring the property by gift shall be the fair market value of the property at the time of the transfer by gift."

Sec. 106. Contributions of Certain Property to Charity.

Section 170(e) of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new paragraph:

"(3) Property subject to tax upon transfer to a charity.—In determining the amount of any charitable contribution of property otherwise taken into account under this section no reduction shall be made under paragraph (1) to the extent gain is taken into account in computing taxable income under section 85(a) (relating to gains and losses on lifetime gifts)."

Sec. 107. Time for Filing Decedents Final Income Tax Return.

Section 6072 is amended by redesignating subsection (e) as subsection (f) and by adding after subsection (d) the following new subsection:

"(e) Final Income Tax Return of a Decedent.—The return for a decedent's final taxable period, required under section 6012 or 6013, shall be filed on or before the date required by subsection (a) or within 9 months after the date of the decedent's death, whichever is later."

Sec. 108. Extension of Time for Paying Tax.

(a)(1) Section 6161(a)(1) of the Internal Revenue Code of 1954 is amended by inserting "or income tax due for the decedent's final taxable period" after "estate tax" in the parentheses in the first sentence thereof.

(2) Section 6161(a)(2) of such Code is amended by striking out the comma at the end of subparagraph (A) thereof and inserting in lieu thereof "or section 84 (relating to income taxation of gains at death),".

(3) The heading of section 6161(a)(2) is amended to read "Estate Tax or Income Tax on Gains at Death."

(b)(1) Section 6166(a) of such Code is amended by inserting "section 84 (relating to income taxation of gains at death) or" before "section 2001" in the first sentence thereof.

(2) Section 6166(b) of such Code is amended—

(A) by inserting "imposed by section 2001" before "which may be paid in installments"; and

(B) by adding at the end thereof a new sentence to read as follows: "The maximum amount of tax imposed by section 84 (relating to income taxation of gains at death) which may be paid in installments as provided in this section shall be an amount which bears the same ratio to the tax imposed by section 84 as the gain attributable (pursuant to rules and regulations prescribed by the Secretary or his delegate) to the interest in the closely held business bears to the total gains subject to tax pursuant to section 84."

(3) Section 6166(f) of such Code is amended by inserting "section 84 (relating to income taxation of gains at death) or" before "section 2001" in the first sentence thereof.

(4) Section 6166(h)(1)(B) of such Code is amended by inserting "section 84 (relating to income taxation of gains at death) or" before "section 2001" in the last sentence thereof.

(5) The heading of section 6166 is amended by inserting "Or Income Tax on Gains at Death" after "Estate Tax" and the item relating to section 6166 in the table of sections for subchapter B of chapter 62 of subtitle F is amended to read as follows: "Extension of time for payment of estate tax or income tax on gains at death where estate consists largely of interest in closely held business."

Sec. 109. Effective Date.

The amendments made by this Act shall apply to decedents dying on or after the first day of the first calendar year beginning after the date of the enactment of this Act.

TITLE II—STATE AND LOCAL BONDS

Sec. 201. Interest on State and Local Obligations.

(a) Election To Issue Taxable Bonds.—Section 103 (relating to interest on certain governmental obligations) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) Election To Issue Taxable Bonds.—

"(1) Subsection (a) not to apply.—The issuer of obligations described in subsection (a)(1) may elect to issue obligations to which subsection (a)(1) does not apply.

"(2) Election.—The election described in paragraph (1) shall be made (at such time, in such manner, and subject to such conditions as the Secretary or his delegate by regulations prescribes) with respect to each issue of obligations to which it is to apply. An election with respect to any issue once made shall be irrevocable."

(b) United States To Pay Fixed Percentage of Interest Yield on Taxable Issues.—

(1) Permanent appropriation.—There are appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this subsection; and such appropriations shall be deemed permanent annual appropriations.

(2) Payment of fixed percentage of interest yield.—

(A) In general.—The Secretary of the Treasury or his delegate shall pay a fixed percentage of the interest yield on each issue of obligations with respect to which an election under section 103(e) of the Internal Revenue Code of 1954 (relating to election to issue taxable bonds) applies. Before the first day of each calendar quarter, the Secretary or his delegate shall determine (and publish in the Federal Register) the fixed percentage—

(i) for calendar quarters beginning before January 1, 1977, not less than 30 percent and not more than 40 percent, and

(ii) for calendar quarters beginning after December 31, 1976, not less than 25 percent and not more than 40 percent,

of the interest yield which he determines it is necessary for the United States to pay in order to encourage the States and political subdivisions thereof to make elections under section 103(e). The fixed percentage so determined and published shall apply with respect to all issues of obligations made during such calendar quarter to which elections under such section 103(e) apply.

(B) Interest yield.—For purposes of this subsection, the interest yield on any issue of obligations shall be determined immediately after such obligations are issued.

(C) Time of payment.—Payment of any interest required under subparagraph (A) shall be made by the Secretary of the Treasury or his delegate not later than the time at which the interest payment on the obligation is required to be made by the insurer.

(3) Dual coupon obligations.—At the request of the issuer, the liability of the United States under this subsection to pay the interest to the holder of an issue of obligations shall be made through assumption by the United States of the obligation to pay a separate set of interest coupons issued with the obligations.

(4) Subsection to apply only to section 103(e) obligations.—This subsection shall apply only to obligations which, but for an election under section 103(e) of the Internal Revenue Code of 1954, would be obligations to which section 103(a)(1) of such Code applies.

(c) Effective Date.—This section shall apply only to obligations issued in a calendar quarter beginning after June 30, 1973.

TITLE III—FOREIGN CORPORATIONS

Sec. 301. Taxation of Earnings and Profits of Controlled Foreign Corporations.

(a) In General.—Part III of subchapter N of chapter 1 (relating to income from sources without the United States) is amended by inserting after subpart H thereof the following:

"Subpart I—Controlled Foreign Corporations

"Sec. 982. Amounts included in gross income of United States shareholders.

"Sec. 983. Definitions.

"Sec. 984. Rules for determining stock ownership.

"Sec. 985. Exclusion from gross income of previously taxed earnings and profits.

"Sec. 986. Adjustments to basis of stock in controlled foreign corporations and of other property.

"Sec. 987. Records and accounts of United States shareholders.

"Sec. 982. Amounts Included in Gross Income of United States Shareholders.

"(a) Amounts Included.—

"(1) In general.—If a foreign corporation is a controlled foreign corporation for an uninterrupted period of 30 days or more during any taxable year, every United States shareholder of such corporation who owns (within the meaning of section 984(a)) stock in such corporation on the last day in such year on which such corporation is a controlled foreign corporation shall include in its gross income, for its taxable year in which or with which such taxable year of the corporation ends, its pro rata share of the corporation's earnings and profits for such year.

"(2) Pro rata share of earnings and profits.—A United States shareholder's pro rata share referred to in paragraph (1) is the amount—

"(A) which would have been distributed with respect to the stock which such shareholder owns (within the meaning of section 984(a)) in such corporation if on the last day, in its taxable year, on which the corporation is a controlled foreign corporation it had distributed pro rata to its shareholders an amount (i) which bears the same ratio to its earnings and profits for the taxable year, as (ii) the part of such year during which the corporation is a controlled foreign corporation bears to the entire year, reduced by

"(B) an amount (i) which bears the same ratio to the earnings and profits of such corporation for the taxable year, as (ii) the part of such year described in subparagraph (A)(ii) during which such shareholder did not own (within the meaning of section 984(a)) such stock bears to the entire year.

"(b) Earnings and Profits.—For purposes of this subpart, under regulations prescribed by the Secretary or his delegate, the earnings and profits of any foreign corporation, and the deficit in earnings and profits of any foreign corporation, for any taxable year—

"(1) except as provided in section 312(m)(3), shall be determined according to rules substantially similar to those applicable to domestic corporations,

"(2) shall be appropriately adjusted for deficits in earnings and profits of such corporation for any prior taxable year beginning after December 31, 1971,

"(3) shall not include any item of income which is effectively connected with the conduct by such corporation of a trade or business within the United States unless such item is exempt from taxation (or is subject to a reduced rate of tax) pursuant to a treaty obligation of the United States, and

"(4) shall not include any amount of earnings and profits which could not have been distributed by such corporation because of currency or other restrictions or limitations imposed under the laws of any foreign country.

"(c) Coordination With Election of a Foreign Investment Company to Distribute Income.—A United States shareholder who, for his taxable year, is a qualified shareholder (within the meaning of section 1247(c)) of a foreign investment company with respect to which an election under section 1247 is in effect shall not be required to include in gross income, for such taxable year, any amount under subsection (a) with respect to such company.

"(d) Coordination With Foreign Personal Holding Company Provisions.—In the case of a United States shareholder who, for his taxable year, is subject to tax under section 551(b) (relating to foreign personal holding company income included in gross income of United States shareholders) on income of a controlled foreign corporation, the amount required to be included in gross income by such shareholder under subsection (a) with respect to such company shall be reduced by the amount included in gross income by such shareholder under section 551(b).

"Sec. 983. Definitions.

"(a) United States Shareholder Defined.—For purposes of this subpart, the term 'United States shareholder' means, with respect to any foreign corporation, a domestic corporation which owns (within the meaning of section 984(a)), or is considered as owning by applying the rules of ownership of section 984(b), 10 percent or more of the total combined voting power of all classes of stock entitled to vote of such foreign corporation.

"(b) Controlled Foreign Corporation Defined.—For purposes of this subpart, the term 'controlled foreign corporation' means any foreign corporation of which more than 50 percent of the total combined voting power of all classes of stock entitled to vote is owned (within the meaning of section 984(a)), or is considered as owned by applying the rules of ownership of section 984(b), by United States shareholders on any day during the taxable year of such foreign corporation.

"Sec. 984. Rules for Determining Stock Ownership.—

"(a) Direct and Indirect Ownership.—

"(1) General rule.—For purposes of this snubpart, stock owned means—

"(A) stock owned directly, and

"(B) stock owned with the application of paragraph (2).

"(2) Stock ownership through foreign entities.—For purposes of subparagraph (B) of paragraph (1), stock owned, directly or indirectly, by or for a foreign corporation or foreign estate (within the meaning of section 7701(a)(31)) or by or for a partnership or trust shall be considered as being owned proportionately by its shareholders, partners, or beneficiaries. Stock considered to be owned by a person by reason of the application of the preceding sentence shall, for the purposes of applying such sentence, be treated as actually owned by such person.

"(b) Constructive ownership.—For purposes of section 983, section 318(a) (relating to constructive ownership of stock) shall apply to the extent that the effect is to treat any domestic corporation as a United States shareholder within the meaning of section 983(a), or to treat a foreign corporation as a controlled foreign corporation under section 983(b), except that—

"(1) In applying subparagraphs (A), (B), and (C) of section 318(a)(2), if a partnership, estate, trust, or corporation owns, directly or indirectly, more than 50 percent of the total combined voting power of all classes of stock entitled to vote of a corporation, it shall be considered as owning all of the stock entitled to vote.

"(2) In applying subparagraph (C) of section 318(a)(2), the phrase '10 percent' shall be substituted for the phrase '50 percent' used in subparagraph (C).

"Sec. 985. Exclusion From Gross Income of Previously Taxed Earnings and Profits.

"(a) Exclusion From Gross Income.—For purposes of this chapter, the earnings and profits for a taxable year of a foreign corporation attributable to amounts which are, or have been, included in the gross income of a United States shareholder under section 982(a) shall not, when such amounts are distributed directly, or indirectly, through a chain of ownership described under section 984(a), to—

"(1) such shareholder (or any domestic corporation which acquires from any person any portion of the interest of such United States shareholder in such foreign corporation, but only to the extent of such portion, and subject to such proof of the identity of such interest as the Secretary or his delegate may by regulations prescribe), or

"(2) a trust (other than a foreign trust) of which such shareholder is a beneficiary, be again included in the gross income of such United States shareholder (or of such domestic corporation or of such trust).

"(b) Exclusion From Gross Income of Certain Foreign Subsidiaries.—For purposes of section 982(a), the earnings and profits for a taxable year of a controlled foreign corporation attributable to amounts which are, or have been, included in the gross income of a United States shareholder under section 982(a), shall not, when distributed through a chain of ownership described under section 984(a), be also included in the gross income of another controlled foreign corporation in such chain for purposes of the application of section 982(a) to such other controlled foreign corporation with respect to such United States shareholder (or to any other United States shareholder who acquires from any person any portion of the interest of such United States shareholder in the controlled foreign corporation, but only to the extent of such portion, and subject to such proof of identity of such interest as the Secretary or his delegate may prescribe by regulations).

"(c) Allocation of Distributions.—For purposes of subsections (a) and (b), section 316(a) shall be applied by applying paragraph (2) thereof, and then paragraph (1) thereof—

"(1) first, to earnings and profits attributable to amounts included in gross income under section 982(a), and

"(2) then to other earnings and profits.

"(d) Distributions Excluded from Gross Income Not To Be Treated as Dividends.—Any distribution excluded from gross income under subsection (a) shall be treated, for purposes of this chapter, as a distribution which is not a dividend.

"Sec 986. Adjustments to Basis of Stock in Controlled Foreign Corporations and of Other Property.

"(a) Increase in Basis.—Under regulations prescribed by the Secretary or his delegate, the basis of a United States shareholder's stock in a controlled foreign corporation, and the basis of property of a United States shareholder by reason of which it is considered under section 984(a)(2) as owning stock of a controlled foreign corporation, shall be increased by the amount required to be included in its gross income under section 982(a) with respect to such stock or with respect to such property, as the case may be, but only to the extent to which such amount was included in the gross income of such United States shareholder.

"(b) Reduction in Basis.—

"(1) In General.—Under regulations prescribed by the Secretary or his delegate, the adjusted basis of stock or other property with respect to which a United States shareholder or a United States person receives an amount which is excluded from gross income under section 985(a) shall be reduced by the amount so excluded.

"(2) Amount in excess of basis.—To the extent that an amount excluded from gross income under section 985(a) exceeds the adjusted basis of the stock or other property with respect to which it is received, the amount shall be treated as gain from the sale or exchange of property.

"Sec. 987. Records and Accounts of United States Shareholders.

"(a) Records and Accounts To Be Maintained.—The Secretary or his delegate may by regulations require each person who is, or has been, a United States shareholder of a controlled foreign corporation to maintain such records and accounts as may be prescribed by such regulations as necessary to carry out the provisions of this subpart.

"(b) Two or More Persons Required To Maintain or Furnish the Same Records and Accounts With Respect to the Same Foreign Corporation.—Where, but for this subsection, two or more persons would be required to maintain or furnish the same records and accounts as may by regulations be required under subsection (a) with respect to the same controlled foreign corporation for the same period, the Secretary or his delegate may by regulations provide that the maintenance or furnishing of such records and accounts by only one such person shall satisfy the requirements of subsection (a) for such other persons."

(b) Technical and Conforming Amendments.—

(1) Section 864(c)(4)(D) is amended to read as follows:

"(D) No income from sources without the United States shall be treated as effectively connected with the conduct of a trade or business within the United States if it consists of dividends, interest, or royalties paid by a foreign corporation in which the taxpayer owns (within the meaning of section 958(a)), or is considered as owning (by applying the ownership rules of section 958 (b)), more than 50 percent of the total combined voting power of all classes of stock entitled to vote."

(2) Section 951 is amended by adding at the end thereof the following:

"(e) Taxable Years Ending After December 31, 1971.—No amount shall be required to be included in the gross income of a United States shareholder under subsection (a) (other than paragraph (1)(A)(ii) of such subsection) with respect to a taxable year of a controlled foreign corporation ending after December 31, 1971."

(3) Section 1016(a)(20) is amended by striking out "section 961" and inserting in lieu thereof "sections 961 and 986".

(4) Section 1246(a)(2)(B) is amended by inserting "or 982" after "section 951" and by inserting "or 985" after "section 959".

(5) Section 1248 is amended—

(A) by striking out subsection (b);

(B) by revising subsection (d)(1) to read as follows:

"(1) Amounts included in gross income under section 951 or 982.—Earnings and profits of the foreign corporation attributable to any amount previously included in the gross income of such person under section 951 or 982, with respect to the stock sold or exchanged, but only to the extent the inclusion of such amount did not result in an exclusion of an amount from gross income under section 959 or 983.";

(C) by striking out in subsection (d)(3) "section 902(d)" and inserting in lieu thereof "subsection (h)", and by adding at the end of such subsection "No amount shall be excluded from the earnings and profits of a foreign corporation under this paragraph with respect to any United States person which is a domestic corporation for any taxable year of such foreign corporation ending after December 31, 1971."; and

(D) by adding at the end thereof the following:

"(h) Less Developed Country Corporation Defined.—For purposes of this section, the term "less developed country corporation" means—

"(1) a foreign corporation which, for its taxable year, is a less developed country corporation within the meaning of section 955 (c) (1) or (2), and

"(2) a foreign corporation which owns 10 percent or more of the total combined voting power of all classes of stock entitled to vote of a foreign corporation which is a less developed country corporation within the meaning of section 955(e)(1), and—

"(A) 80 percent or more of the gross income of which for its taxable year meets the requirement of section 955(c)(1)(A); and

"(B) 80 percent or more in value of the assets of which on each day of such year consists of property described in section 955 (c)(1)(B)."

Sec. 302. Effective Dates.

(a) Except as provided in subsection (a), the amendments made by this title shall apply with respect to taxable years of foreign corporations ending after December 31, 1971, and to taxable years of United States shareholders within which or with which such taxable years of such foreign corporations end.

(b) The amendments made by subsection (b)(4) of section 301 shall apply with respect to sales or exchanges occurring in taxable years beginning after December 31, 1971.

TITLE IV—MINIMUM TAX FOR TAX PREFERENCES

Sec. 401. Repeal of Deduction for Taxes and Rate Increase.

(a) In General.—Section 56(a) (relating to imposition of minimum tax for tax preferences) is amended to read as follows:

"(a) In General.—In addition to the other taxes imposed by this chapter, there is hereby imposed for each taxable year, with respect to the income of every person, a tax equal to 20 percent of the amount (if any) by which the sum of the items of tax preference exceeds $30,000."

(b) Repeal of Tax Carryover Provision.—Section 56(c) (relating to tax carryovers) is hereby repealed.

Sec. 402. Inclusion of Interest on State Obligations.

Section 57(a) (relating to items of tax preference in general) is amended by inserting after paragraph (10) the following new paragraph:

"(11) Interest on certain governmental obligations.—The interest on obligations which is excludable from gross income for the taxable year under section 103."

Sec. 403. Effective Date.

The amendments made by this title shall apply only with respect to taxable years ending after the date of the enactment of this Act.

PRIMARY PROLIFERATION

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, last Tuesday I introduced H.R. 13985, to require that every primary election held for the expression of a preference for the nomination of persons for election to the office of President be held within 30 days before the national nominating convention. This bill is a companion to H.R. 8606 which I introduced on May 20, 1971, to limit presidential campaigns to a period of 60 days.

The March 21 edition of the Hartford Times carried an editorial entitled "Illinois Just the Third; 19 Primaries Still To Go" which concisely indicates the major deficiencies of the present primary system. The American public are fed up with the length, the inanity, the frustration, and the waste of presidential primaries and campaigns. They are aghast at the pouring out of huge sums of money and the inability to focus on issues which affect the fate of our country. I know that my colleagues will read the editorial with interest:

Illinois Just the Third; 19 Primaries Still to Go

The long, wearying trek began in cold, snowy New Hampshire on March 7. It will end on a warm June day in New York State.

On that day, if not before, one of the Democratic aspirants for nomination for president should be clearly in the forefront.

Presidential primaries, 22 of them this year, can be wearisome affairs not only for the candidates, but for the electorate. Do we really need more than four months of campaigning to get to know the competitors and where they stand? Is it really necessary to spend millions of dollars on staff and on advertising and on travel expenses? Could there not be one national primary held on the same day in every state?

The answer is that yes, of course four months of campaigning is too long, the money expenditure is monstrous (Paul N. McCloskey of California and Fred Harris of Oklahoma have already dropped out of the race because of lack of money) and there could be (and probably some day will be) a national primary day.

But much as many people would like to see these reforms, there are those who find merits in our present scrambled system.

Arthur Schlesinger, former aide to President Kennedy, says the extended primary race gives a candidate an exceptional chance to get to know the country, its people, their problems and their moods.

Likewise, the long primary gives voters a chance to shop and compare, and make both factual and intuitive judgments on the men seeking their votes. (Senator Muskie, in a moment of emotion, sheds angry tears in Manchester, N.H., as a good many Americans watched via television. They are entitled to their own conclusions).

Mr. Schlesinger is also candid in describing the primaries as a device for Democrats to get their message before the people, offsetting the President's daily access to the news media.

But even Democrats wonder if it's worth while.

One of the most dogged advocates of campaign reform is Rep. John Monagan of Waterbury. He has long urged a time limit on election campaigns. This month he suggested a similar time limit on primary electioneering: A law requiring that no primary contest occur any earlier than one month before the nominating convention itself.

Were such a law in effect now, the weekly parade of state contests—Illinois today, Florida last week, New Hampshire the week before—wouldn't even have begun yet.

The Monagan proposal is less stringent than that offered by some—including John M. Bailey, Connecticut's Democratic chairman—for a single national primary day. A "primary month" would allow more local exposure for candidates, and more of the kind of give-and-take Schlesinger champions.

But the primaries would be neatly concentrated in June, and serious campaigning wouldn't really begin until May. Meantime, our political aspirants could concentrate on doing the job they were elected to do.

Congressman Monagan should keep plugging away. He makes sense.

LISTENING TO RADIO FREE EUROPE

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, just last week, after a prolonged deadlock, the two Houses of the Congress gave their approval to legislation which authorizes financing of Radio Free Europe and Radio Liberty through the end of the current fiscal year.

What will happen to these two stations after June 30 is anyone's guess. The House, on November 19 of last year, voted overwhelmingly—271 to 12—in favor of a study proposal which I advanced and which could have provided the Congress with reliable, indepth information on which to base its decision regarding the future of these broadcasting operations.

The Senate conferees, however, would not accept this proposal.

While the issue is still before us, therefore, I thought that many of my colleagues would be interested to read an article by Mr. Henry Kamm which appeared in the March 26 issue of the New York Times Magazine.

One passage in the article struck me as being particularly pertinent to the debate which has engaged the Congress in recent months. It reads:

> Despite its cold-war origins and CIA sponsorship, Radio Free Europe's listeners consider it not a propaganda station, but the anti-propaganda station that adjusts the one-sided view of the world laid down for all domestic media by the information department of the central committee of each /Eastern European/ country's Communist party. The people of Eastern Europe are sophisticated enough to know that Radio Free Europe is interested in influencing their minds, but they seem to feel that its methods do less violence to their intelligence than do those of the state media.

Mr. Kamm's article follows:

Listening in on Radio Free Europe—The Station That Fulbright Wants To Shut Down

(By Henry Kamm)

Munich.—*"Mr. President, I submit that these radios should be given an opportunity to take their rightful place in the graveyard of cold-war relics."*—Senator J. W. Fulbright, speaking in the Senate on Feb. 17, 1972.

"It happens quite often that I am unable to hear your station because of the jamming. At such moments I feel like smashing the radio, as if the wooden box were to blame, and I almost cry in helpless rage. It seems to me that somebody wants to tear me away by force from my good friends. Be with us, as we remain with you—"Your Listener From Chrudim," writing to the Czechoslovak Department of Radio Free Europe on Sept. 27, 1971.

No doubt the Senator from Arkansas is right. Radio Free Europe began broadcasting to five countries of Eastern and Central Europe at the height of the cold war, not to mention a hotter one raging in Korea, on July 4, 1950. But just as surely, the lady from Chrudim is right. She is just one of millions in her own country, Poland, Hungary, Rumania and Bulgaria who believe that their own newspapers, television and radio tell them lies, that nothing available to them is quite so reliable as Radio Free Europe.

As Chairman of the Senate Foreign Relations Committee, Fulbright prevented all Congressional attempts to renew funding for Radio Free Europe and its sister station, Radio Liberty, which broadcasts to the Soviet Union, before their last appropriation expired Feb. 22. Despite a House bill providing new funds through June 30, 1973, and a Senate measure guaranteeing funds through next June 30, Fulbright has kept the stations living on borrowed time by blocking any compromise bill. The House will no doubt accept the Senate version (which the Administration has reluctantly backed) to keep the stations from dying before June 30, but there is still permission here about its prospects. At a time when President Nixon will be preparing to visit Moscow, the pessimists ask, what chance is there for the passage of a measure to continue a service that has been a thorn in the Soviet side for many years?

The disclosure that Radio Free Europe and Radio Liberty operated on funds secretly supplied by the Central Intelligence Agency set off in the United States a heated debate on the propriety of continuing to pretend that they were private institutions supported by charitable contributions, and that debate ultimately led to Fulbright's stand. But the disclosures and the debate caused no concern among the stations' listeners. They continue to tune in with as much faith as an American might bring to a newspaper that has a decent record for factual reporting and an editorial policy with which he agrees more often than not. Their devotion is almost unmatched in countries that offer more than one credible source of news.

It takes a while for a newcomer to the countries of the East to stop being surprised when a Polish or Rumanian friend says, "I heard on the radio last night . . ." and relays a bit of news that the Polish or Rumanian radio would announce only if its management, the Government, were to repudiate everything it stands for. "The radio" means Radio Free Europe; the Warsaw or Bucharest stations are more likely to be discussed as "they."

Despite its cold-war origins and C.I.A. sponsorship, Radio Free Europe's listeners consider it not a propaganda station, but the antipropaganda station that adjusts the one-sided view of the world laid down for all domestic media by the information department of the central committee of each country's Communist party. The people of Eastern Europe are sophisticated enough to know that Radio Free Europe is interested in influencing their minds, but they seem to feel that its methods do less violence to their intelligence than do those of the state media.

"We don't project one point of view, but the diversity of freedom," said Jan Nowak, the head of Radio Free Europe's Polish service.

Although it is an American station, recognized by its audience as such despite its neutral name, its programs do not reflect a specifically American point of view. The bulk of its news report is drawn from four news agencies, of which only one, United Press International, is American. The others are Reuters, of Britain; Agence France-Presse, and Deutsche Presse Agentur. More European newspapers of all political persuasions than American are cited in the press reviews that form an essential part of the programing.

Unlike the three other foreign broadcasters with large audiences in Eastern Europe—the British Broadcasting Corporation, the Voice of America and the West German Deutsche Welle—Radio Free Europe is not regarded as an official station pushing a government point of view. In countries in which only government views are broadcast and there is a deep audience skepticism toward all official views, Radio Free Europe's quasi-private sponsorship gives it a great credibility edge.

"The programs of the B.B.C. or the Voice of America are welcome, but they bear an official stamp," said Karel Jezdinsky, one of the most popular and politically influential commentators of Radio Prague when that station found its long-muffled voice for a few glorious months in 1968. "Their news programs are limited to news from a national point of view. The rest are nonpolitical programs of no basic interest to the listener. They can get some nonpolitical news on life in England or America even in their own press. The achievements of American science, for instance, are discussed even on the Czech radio.

"Radio Free Europe is unique in broadcasting Western ideas as such," said the bearded, 32-year-old commentator. "You can't tell what country they come from." Jezdinsky's listening experience goes back to his school days. He recalls a period in the early nineteen-fifties when Czechoslovak school children were warned by their teachers to pay no attention to the Radio Free Europe leaflets being dropped from balloons over that country as well as Poland and Hungary. "My teacher would say to the class, 'Don't read them, just bring them to school,' but privately he would ask me whether I'd read one and what it said."

In 1969 Jezdinsky, then the Prague radio correspondent in Belgrade, held a news conference to announce that he could no longer work for a station that collaborated with the forces occupying his country. He intended to accept a post with the B.B.C. "But then I thought that I would have more freedom here to comment in the way I was used to . . . . I would not be just a translator of an Englishman's commentary."

Since then, Jezdinsky says, he has been broadcasting his own views without interference or suggestion from any quarter. Listener mail encourages him and Slava Volny, another popular broadcaster of the Prague Spring who joined R.F.E., to believe that they made the right choice.

Radio Free Europe's balloon-launching days are long over. Flamboyant gestures are eschewed, as are excited words. The American front office and the five broadcasting departments, each headed by a former national of the country it serves, are kept aware of the charges to which the station laid itself open after the Soviet Union crushed the Hungarian Revolution of 1956.

After the collapse of the revolution, the station was accused of having incited rebellion and having promised the rebels foreign assistance. Independent investigations failed to bear out the charges, but a subsequent reappraisal of the station's functions and performance introduced an attitude of prudence and restraint that prevails to this day.

While station officials contend that there was never any organized campaign to fan the flames of revolution in Budapest, they concede that a number of broadcasts indicated strongly, even after resistance was doomed, that if the rebels held out a few more days help would arrive. "There was an absence of control during the critical four days," said James F. Brown, a soft-spoken, scholarly Briton who heads Radio Free Europe's research department.

In what Brown called an "agonizing reappraisal" after the revolution, a number of heads rolled. Some of those who had been writing political commentaries or directing that work found themselves reporting on sports or other less sensitive matters. A new feeling pervaded the sprawling building in Munich's English Garden, a feeling that a station like Radio Free Europe had a potential for provoking violence and that it must not use the potential—but must expect to be accused of doing so.

"As a radio man, I am against any supposition that one can from afar influence policy on such important matters directly," said Jezdinsky, who holds a doctorate in sociology and mas media. "You can inform and educate and give ideas, but I don't think any action committed in Czechoslovakia in the last 20 years was incited by R.F.E. As a listener, I never heard any appeal to tell me what I should do or should not do."

While there is no doubt that the tone of the broadcasts softened progressively after 1956, most officials here contend that this was caused more by the softening of the East European governments after Nikita S. Khrushchev's repudiation of Stalinism than by the Hungarian catastrophe. Thinking back again on his days as a listener, Jezdinsky said:

"Sure, the tone was rough in condemning the terroristic system that objectively existed and was called Stalinism. The tone was justified, because life then was horrible. We used the same tone when we were able to broadcast from Radio Prague about that period in 1968. Journalists too young to have listened to R.F.E. in those days "discovered" the same facts independently and spoke about them on the air from Prague just as harshly as R.F.E. did."

Harsh speech is rare these days on Radio Free Europe. The harshest denunications of the Soviet Union and its allied parties and governments that are broadcast are the condemnations issued by dissidents from within the Soviet Union and by critics in Western Communist parties.

In its own commentaries, Radio Free Europe tries hard to encourage reforming trends in the countries to which it broadcasts. But it avoided strong criticism of Wladyslaw Gomulka, who was carried to power by liberal Communist forces in Poland in 1956, long after he had repudiated his original supporters. And it is sparing now in criticizing his successor, Edward Gierek, because it fears that the alternatives are worse.

Istvan Bede, Hungary's first postwar Ambassador to Britain and since 1957 the head of the Hungarian service of Radio Free Europe, remembers a joke that circulated in Budapest after the party's First Secretary, Janos Kadar, introduced in the later nineteen-sixties economic reforms that were unpopular because a number of consumer prices rose. "The joke," says Bede, "was that the only ones who were for the reforms were Kadar and Radio Free Europe. We supported the reforms because we think they are sound and good for the people."

Like other department chiefs, Bede comes down hard against any intention to "liberate" his former homeland or to "roll back" Communism. "I wouldn't even say we are an opposition party," he remarks. "Opposition parties sometimes go to extremes, and we must always be restrained. We are not asking the Communists to give up Communism. Friends who have been to Hungary tell me they believe Socialism is now generally accepted in the country. I don't wish it, but one must accept reality. I am not entitled by the Hungarian people to represent or lead them. I have no mandate from anybody. I am not the voice of Free Hungary or the Hungarian conscience. We don't broadcast the views of Hungarian émigré politicians because they live in the past. We have to be realistic. We would like a beautiful Communism or, as Khrushchev said, goulash Communism."

The Czechoslovak service, broadcasting to a country in which unhappiness with the Communist leadership is greatest and the wounds are still fresh, in which the political arrests continue and the gulf between those who govern and those who are governed is widest, is doing its utmost to discourage either rage or unwarranted hope. To Rozina Jadrna, a disk jockey with a large following, the job is mainly one of binding wounds. In reply to many despairing letters from young people, she occasionally plays a record called "Desiderata," on which a singer named Les Crane recites against a musical background a bit of prose containing these lines:

"Go placidly amid the noise and haste and remember what peace there may be in silence. As far as possible without surrender be on good terms with all persons. Speak your truth quitely and clearly and listen to others, even the dull and ignorant; they, too, have their story. With all its sham, drudgery and broken dreams, it is still a beautiful world. Be careful, strive to be happy."

Miss Jadrna played that record on Jan. 19, the third anniversary of the death of Jan Palach, the Prague youth who set himself aflame and became a symbol of his country's martyrdom. She also played a song by Leonard Cohen, the American pop poet and singer, about Joan of Arc at the stake. She made no comment, but she received a letter thanking her for remembering Palach on his anniversary.

In these days when opponents of Soviet-imposed "normalization" are regularly arrested, Radio Free Europe employs a caution that some consider to be excessive. The temporary detention of Jiri Dienstbier, a liberal former radio commentator, had not yet been broadcast several days after his release because only one newspaper had published a report of his arrest, and Radio Free Europe rules require a second corroborating source before an item is put on the air.

Even the strongest personalities on the staff express a sense of the limitations their role imposes on them. Jan Nowak, who left Poland as a courier to London during the Warsaw uprising of 1944 (carrying the archives of the Resistance in bandages on an arm that had been broken in a parachute drop), customarily answers questions about when he left Poland with, "I have never left Poland." The director of the Polish service, which he runs with an iron hand, he has more independent political support in the United States than anyone else at Radio Free Europe because of the political strength of the Polish-American community.

But the 57-year-old Nowak says he recognized, for instance, that on a cardinal question for Poland on which he saw eye-to-eye with the Communist Government he could never broadcast any commentary. The question was that of Poland's western frontier on the Oder-Neisse Line. Because Radio Free Europe broadcasts from West Germany, which did not recognize the loss of German territories behind the line, the Polish service could not comment on the issue until Chancellor Willy Brandt accepted Poland's borders.

Nowak rejects allegations that Radio Free Europe represents the thinking of those who want to restore the prewar right-wing rule over Poland. "I don't believe for a moment that Poland can be capitalist or should be capitalist. My own dream is that the system should be more pragmatic, more human and more free. That is all we want, and it can happen. Policy is the art of the possible, and socialism has many meanings. I would be most happy if Poland had social democracy. I don't see any other practical solution."

Asked to apply the sensitive barometer of anti-Semitism, usually a reliable measure of how right-wing a Polish organization may be, Nowak reluctantly—because, he said, he did not like this way of looking at people—noted that there were a number of Jews among his closest associates. During the anti-Semitic purge of 1968, Radio Free Europe was habitually branded by the Government as a key part of the "Zionist conspiracy" against Poland.

"I wouldn't take any other job," Nowak said. "It is not a sacrifice but a privilege. Our voices are in every Polish home. We defend intellectuals, repressed Communists, the church, Jews and peasants. We defend with equal zeal Kolakowski and Wyszynski." Leszek Kolakowski, a philosopher driven out of the Communist party and now in emigration, and Stefan Cardinal Wyszynski, the Primate of Poland, represent the opposite ends of their nation's political spectrum.

Perhaps Nowak was exaggerating when he said R.F.E. was in every Polish home, but there is no doubt that it is very popular, the most trusted source of news and the most keenly resented opposition medium in Poland. Poles call it Warsaw West, to contrast with the official Warsaw station. Dinner-table conversation often assumes that all present have been listening to the station, and foreign correspondents called on the carpet for dispatches that the Foreign Ministry's press officials find objectionable have noted that the officials' displeasure seems to be in direct proportion to the use Radio Free Europe has made of the offending article.

The station's audience-research projects, conducted in seven West European countries among tourists from the five nations to which it broadcasts, consistently put Poland at the top of the list. In 1971, 60 per cent of Poles over 14 years of age listened to the station often. In Rumania, it was 57 per cent; in Hungary, 53 per cent; in Bulgaria, 46, and in Czechoslovakia, 45. Jamming is heaviest in the last two countries, widespread in Poland, weak in Hungary and nonexistent in Rumania.

It is doubtful that Radio Free Europe has ever broadcast a prepared commentary that conflicted directly with a clearly defined United States foreign-policy position. "We operate under a generally understood frame of reference in this building," said Ralph E. Walter, the 47-year-old Minnesotan who has been director of the station since 1968 and has never worked for anyone else. ("I am not a C.I.A. man," he says. "I have never been a C.I.A. man.")

But there is enormous freedom within the frame of reference Walter describes. The restriction applies only to commentaries by staff members; the full range of the world press is available for broadcast. American opposition to the war in Vietnam has been expressed in many excerpts from hostile newspaper editorials and columns that must have made some listeners wonder whether they had turned on their national stations by mistake. The controversy over the Pentagon Papers published by The New York Times last year received more coverage than a European audience—even in the West—could have found interesting.

But imagine what a Rumanian listener, accustomed by his press and radio to a solidly one-sided news presentation, must have thought of a "propaganda" station that wound up a review of American, British, French, West German and Swedish comment on the Pentagon Papers with an editorial from the Swiss newspaper Neue Zuercher Zeitung. "Europeans, having read Thucydides, may find [the Pentagon Papers] naive and ask again if a country where these things occur can be a leading power," it said of the country that paid to have the remark broadcast to a hostile nation.

"On foreign affairs I say what I want," contends Noel Bernard, the head of the Rumanian service, who speaks in the clipped English he learned in Palestine and perfected at the B.B.C. "I don't know another radio station that has as much freedom as this station. It's been quite uncanny."

Bernard, who left Rumania in 1940, said there was no pro-American bias. "I have difficulty making my six people in New York be more objective in reporting from America. They are much too kind, probably because they are new immigrants and very pro-American. They are so grateful."

Walter, the director, believes that Radio Free Europe's autonomy is the *sine quo non* of its operation. "We don't sit here and take orders from the State Department, the C.I.A. or anybody," he said. "If it has been effective—and I think it has been—it is because of the way it has been allowed to operate."

Policy direction from the front office is loose. The practice of issuing guidance summaries daily was abandoned more than 10 years ago, and they now appear only occasionally (there were 40 in 1971 and two in the first two months of this year). The summaries are windy accounts of publicly available information on such complex problems as Chinese-American or Soviet-Rumanian relations and end with the instruction that broadcasters will report "along the above lines." They provide a lot of leeway and little guidance.

The American hand is felt strongest in the area of news. In the central newsroom, Nathan Kingsley, a former national editor of The New York Herald-Tribune and editor of its Paris edition, applies rigorous standards of objectivity that are straight out of American journalism textbooks. Nothing that has not been put on the internal wire from the news room to each broadcasting service may be used in the 10-minute hourly newscasts prepared separately by each service. Kingsley's staff, an English-language rock in the currents of East European languages swirling around it, is made up of American and Commonwealth newsmen.

They work like any large news organization, relying on a variety of commercial sources. In addition to the four news agencies to which it subscribes, Radio Free Europe receives the reports of all the official press agencies of the Communist world. The station has correspondents in the major capitals of Western Europe, as well as in New York and Washington. The news staff also scours the major newspapers of the West.

President Nixon's China trip, to take one example, was passed off with a minimum of highly editorialized coverage by the East European media while Radio Free Europe's New York office monitored all American television broadcasts from China and sent second-hand "live" coverage to Munich to enliven the official statements, toasts and speeches with a sense of presence at the event.

Eastern and Western official and press reaction to the Presidential trip, rather than the station's comments, made up most of the coverage after Nixon's return. In addition to news, commentaries and press reviews, the bulk of Radio Free Europe's programing is devoted to discussions under such specific headings as "economics," "labor," "agriculture," "literary life" or "problems of youth." There are readings from books that circulate secretly in their countries of origin but are published openly in the West. A Sunday religious service is broadcast in each of the languages, and disk jockey shows present the most popular Western commodity in the East, pop music.

There are 1,140 Radio Free Europe employes here, 344 at its transmitters in Portugal and 96 at its New York offices. They broadcast 20 hours daily to Czechoslovakia, 19 each to Poland and Hungary, 12 to Rumania and 7½ to Bulgaria. "What nobody else has ever in history done, the Americans have done here," said Bede, the Hungarian service chief. "They have brought five nations who have forever detested each other together under one roof and there have never been disputes between us." He says American sponsorship of the station comes close to "pure idealism," and he expresses a feeling that is widespread in the warren of offices and studios:

"Not for a moment do I have the feeling that R.F.E. is American and receives American money and therefore I have to serve American interests. This would be possible only under the Americans because Americans are most liberal in accepting others as full-fledged partners. The British would also let you do it your way, but if once it came out in a way they didn't like you'd be out. If you worked for French money, it would have to show in what you did. The Americans have a tolerance that no Europeans have."

Senator Fulbright's onslaught, which has left the station's staff feeling that it is living on borrowed time, has brought out the sardonic humor that is native to Central and Eastern Europeans in times of political stress. Over an unending flow of coffee in the basement cafeteria, the former Bulgarians, Poles, Hungarians, Czechoslovaks and Rumanians, most of whom are now stateless or American, puzzle over the paradox: A man who gained an international reputation for liberalism by sponsoring an unprecedentedly large program of educational exchanges now, in the name of the same liberalism, wants to cut off the principal source of news from the citizens of the Soviet Union and its dependencies. Since Radio Free Europe's building was designed to be usable as a hospital when the station is closed, a statue of the Senator is being proposed for the entrance hall with the inscription, "To the man who made this hospital possible."

Jezdinsky, the Czechoslovak commentator, says it is all very familiar to him—he attended the demise of Radio Free Prague. Fulbright's contention that Radio Free Europe and Radio Liberty are roadblocks on the way to Soviet-American *détente* has a familiar ring to Czechs, Jezdinsky said. "Chamberlain and Daladier once came to this city to arrange a *modus vivendi* with Hitler. And to the Czechs who said that the price for the arrangement was very heavy for them, they said, 'You bloody Central Europeans are just an irritant here.' "

To the R.F.E. staff, this is the heart of the issue. Even many here who agree with Fulbright on his opposition to the war in Indochina and who, like him, think Congress should not have been deceived about the funding of the stations are hurt by being written off as rusty knights riding off to a superannuated cold war.

"Every Eastern European statement I read about peaceful coexistence—and I read at least three a week—," says Bernard, the chief of the Rumanian service, "they're all in favor of it, but there must never be peaceful coexistence in the realm of ideas. So why should we capitulate? The time to close this is when there will be a reasonably free press in Eastern Europe."

There is general agreement here that Fulbright is right in saying that the nations of Western Europe should participate in the financing of the stations. But they have been getting it for nothing, the view here goes, and it is even more difficult to persuade a government to start paying for something it already gets free than to create something new at its own expense. European support in the latest crisis has been expressed by most of the major newspapers of the Continent and Britain and by the many scholars of Soviet and Eastern European affairs who depend on research material provided by the stations.

"Send Senator Fulbright to Poland for a little," said Krystyna Milotworska, who came to Radio Free Europe in 1968 straight from Sztandar Mlodych, the Communist youth daily, "to write what they wouldn't let me write there."

"It depends on how you understand *détente*," said another staff member, Lucjan Perzanowski, who left the Polish Weekly Forum in 1967. "If you mean a better relationship between governments while borders remain practically closed, censorship fully in effect and contacts between people unfree, then Senator Fulbright's criticism has some justification. But I understand *détente* as a long-range process, involving the people at large. If nothing is done to keep the Western side alive, then this real *détente* will die. Radio Free Europe and Radio Liberty are factors keeping real *détente* alive."

Beneath the sarcasm and the optimism, one senses at Radio Free Europe a feeling of deep concern that a cause in which people believe—far beyond their concern for their jobs—is in danger of dying, that Senator Fulbright may succeed in doing what only Alexander Dubcek has come close to accomplishing. In 1968, when the Czechoslovak press and radio were free, serious thought was given to closing the Czechoslovak service.

That Prague spring did not last. The winter, the coldest war against the truth, that has been restored throughout the Soviet empire will be colder yet if the two major voices of uncensored news are stilled.

ADDRESS BY H. E. JOAO AUGUSTO DE ARAUJO CASTRO, AMBASSADOR OF BRAZIL TO THE UNITED STATES

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on the 11th of February, 1972, His Excellency H. E. Joao Augusto De Araujo Castro, Ambassador of Brazil to the United States, delivered a very able address before the University of California at Los Angeles Symposium on the "Semana De Arte Moderna" entitled "Brazil and the Community of Nations." The Ambassador of Brazil to the United States is one of the most learned men of our hemisphere. He is a scholar, a man of letters, a statesman, and a great spokesman for his country, indeed for the Western Hemisphere. When so great a country speaks through so distinguished a spokesman her message is a meaningful expression.

It is with particular pleasure, as an admirer of His Excellency the Ambassador and of his country, that I commend the Ambassador's outstanding address upon the part of his country in the Community of Nations, delivered on this significant occasion, to my colleagues and to my fellow countrymen.

I therefore insert the Ambassador's address immediately following my remarks in the Record.

Brazil and the Community of Nations

Mr. Chairman, first of all, I wish to extend to you and the other Members of the Organizing Committee of the UCLA Semana de Arte Moderna Symposium my heartiest appreciation for your kind invitation to address you today and to participate in the commemorations of two anniversaries, of two events, which are one hundred years apart in time, but which reflect, within the pattern of the history of Brazil, the same desire for independence, for authenticity and for the creation and preservation of a national identity. For better and for worse, we have decided in 1822—and we have reiterated this decision in 1922—to remain Brazilians; and we still insist on being Brazilians, even before we insist on being nationalist. Art and culture cannot be dissociated from life. They are not the outward trappings of a civilization. They are part of its spirit and of its very soul. It is thus only proper and fitting that chronological fortuitousness permit us to hold today a joint celebration. The Modern Art Week was a manifestation of youth at the respectable age of 100, decades before the rather recent assertion of the promises and wonders of geriatrics, which is the youngest of sciences still in the throes of immaturity.

It was an effort towards endowing art and literature with a richer social and national significance. It was, as I have indicated, an effort towards authenticity and towards identity, not an effort towards narrow nationalism or isolation. We believe in Brazil as part and parcel of the community of nations and, likewise, we believe in Brazilian culture as part and parcel of the culture of Man.

ON BEING HUMAN

Out of step with what is happening elsewhere, we are still absorbed by and obsessed with the problems of Man and the problems of the Earth. This explains why the cultural events of 1922 were both earthly and human. Brazil is a land of many races and many cultures, of unity and diversity, a melting-pot of ideas and conceptions, philosophies and prejudices, dogmas and heresies. Brazil grew and asserted itself as a nation, in spite of the gloomy prophecies and predictions of scholars and social scientists. Its economy developed in direct and open defiance of the accepted tenets of economic orthodoxy. It is a chapter by itself and, yet, it is a chapter of humanity. It is a land where you can still locate a fast disappearing species, the human being, with all his shortcomings and possibilities, his contradictions and his qualities, his liabilities and his assets. But of course you may enquire whether there is much to be said on behalf of the human being or on the merits of being human and this would necessarily reopen the whole question. This debate could carry us too far and it is safer to leave it at this point, for the sake of brevity and for the sake of prudence. My only purpose was to stress the basic humanism, for all it is worth, which permeates and helps to explain the history of Brazil. This accounts for 1822 and for 1922. And this accounts for today.

SUDDENLY, LAST SUMMER . . .

Before dealing specifically with the theme "Brazil and the Community of Nations", it might perhaps be helpful to try to characterize certain trends in today's international pattern. We have recently said that the Washington summer of 1971 might still be recorded in History as the Summer of Transition, inasmuch as it was a Summer in which many dogmas were broken or were altogether dispelled. Political dogmas, diplomatic dogmas, financial dogmas, monetary dogmas. July and August may have been little more than adjustments to realities, and it is only proper that we should strive towards defining, identifying and characterizing the realities of our present situation, the realities we are called to live in. The reasonings and assumptions of only six or seven months ago are no longer valid and no longer do they prevail; they have been superseded by the logic, the impact or the forcefulness of events. The new policies announced in July and August will determine not only political and economic consequences of far-reaching portent. They will precipitate—and have already precipitated—tremendous psychological changes, attitudes, postures and patterns of international behaviour. Dogmas have been broken and until new dogmas are erected—they eventually will—there prevails the impression that anything goes, that all is permissible and admissible in this age of transition. The world and the dollar will never be quite the same again.

THE END OF THE POST-WAR PERIOD

This may well be the end of a post-war period which had been protracted beyond measure, beyond expectation and even beyond reason, and the re-emergence of Japan and Germany as Major Nations, although not so in a strictly military sense, may well symbolize the end of this post-war period. We may well be going through the birth-pangs of a new world and we wish to make it a world of Hope. We may well be at a new pre-Dumbarton Oaks and at a new pre-Bretton Woods stage. Power is fluid and volatile by nature and Power is still the measuring-rod and the yardstick against which people are gauging the acts of men and the acts of nations. We may be entering a period that will bear a close resemblance to the period of 1945–1948, which laid the basis for the post-war period we are just quitting.

THE NEW PENTARCHY

Suddenly, last Summer, we were launched into a new cycle of History, perhaps into a cycle of Pragmaticism, which is a recurring human fantasy. Adam Smith and John Foster Dulles appear to have been relegated to to the past. China was again called to play a major role in world affairs and it might even be said that some consideration is now being given to the concept of a new Pentarchy of Power, which would no longer coincide with the present five Permanent Members of the Security Council. It even appears that some Professors think of a world concert, which could, on a world scale, follow the general pattern and fit into the broad mould of the old and outmoded European concert. We appear to be reviving and resuscitating theories and doctrines which have been proved illusory and self-defeating in the past, theories of Balance of Power which constitute the negation of the very Purposes and Principles of the Charter of the United Nations.

THE UNITED NATIONS AND THE FREEZING OF THE STRUCTURE OF POWER

On many occasions, in the United Nations and in other international bodies, Brazil has consistently stressed the dangers inherent to this new cult of Power, which appears to inspire some of the basic documents of our age, such as the Treaty on the Non-Proliferation of Nuclear Weapons. This Treaty institutionalizes the inequality of nations and establishes different categories of States: one category of adult and therefore responsible States and one category of non-adult and therefore non-responsible States. The overheralded Non-Proliferation Treaty, which is interpreted as a complement of the Charter of the United Nations in the process of the Freezing of the Structure of World Power, is in direct violation, however, of several of the Purposes and Principles of the Charter, inasmuch as it accepts the premise that the strong countries will become ever stronger and the weak one will become ever weak. On the other hand, the Non-Proliferation Treaty extends to the fields of Science and Technology privileges and prerogatives which the Charter of the United Nations had conferred on the five Permanent Members of the Security Council in the exclusive domain of the maintenance of world Peace and Security. The Treaty is the most flagrant example of the whole process of the Freezing of the Structure of World Power. And when we say Power, we do not mean Military power alone. We are referring to economic, financial, scientific and technological power. Not only does the Treaty adhere to the philosophy that only five nations, which by the way include Red China, are adult and responsible enough to be granted licenses to carry certain weapons, but it appears inspired by the nation that access to knowledge and research, science and technology, should be controlled by a dependable Board of Nuclear Trustees, which may not be guided by educational and character-building criteria alone.

COLLECTIVE SECURITY IN THE ECONOMIC FIELD

The same purpose of stabilization and maintenance of Power have led the Great Powers to oppose tenaciously the efforts of the developing countries towards modifying the norms that still govern international trade. It is clear that some evolution has occurred in the attitude of the industrialized countries since March 1964, the date of the installation of the UNCTAD I. It happens, however, that the specific problems of the developing countries have become aggravated at a much faster tempo than that of the changes in question, and in consequence the problem of underdevelopment has never presented more somber and discouraging aspects.

It suffices to consider the following: the entire development program of the United Nations (UNDP) has at its disposal yearly a maximum of two hundred and thirty million dollars, representing one tenth of one percent of merely the world's yearly military expenditures. At one of the General Assemblies of the UN, Brazil advocated that a quantitative fund corresponding to one percent of such expenditures be allocated for the tasks of development, which would permit a tenfold increase in the effort actually undertaken. "We are only asking for one percent of human folly"—was the explanation then given by the Brazilian Delegation.

It should be noted that the attitude adopted by the USSR and the other socialist countries has been extremely negative in the matter of multilateral programs for economic development. In this field, the socialists paradoxically cling to outdated principles of economic liberalism and show themselves to be ultra-faithful followers of Jean Baptiste Say's "laissez faire, laissez aller." It has been said that when the socialist Delegates are preparing to attend any meeting of the Economic and Social Council or of the Second Committee of the UN General Assembly, they take the elementary precaution of leaving in the cloakroom all their books by Karl Marx.

Actually, what the developing countries are seeking to do is to transpose into the international field certain principles of social justice and redistribution of wealth that have been gradually gaining ground within the internal systems of the more politically advanced countries. Ultimately, the objective is to obtain international recognition and enforcement of the principle of "collective security in the economic field", similar to that which we are trying, gradually and slowly, to outline in the field of peace and international security. It must be admitted that the results to date have not been too promising. The First Decade of Development implemented by the United Nations was a failure and the prospects for the Second Decade are not very promising either. At bottom, it is a matter of determining whether the United Nations, or rather, the States comprising that Organization, are willing or not willing to accept a collective responsibility in the field of economic development.

THE DIVIDEND AND THE DIVISOR

There exist, however, other factors that are beginning to affirm themselves within this process of freezing of world power. We refer specifically to some tendencies which are emerging in the treatment of the problems of population and preservation of the environment. It is said that the "population bomb" can become more fatal and nefarious than the nuclear bomb itself and there is a growing tendency to handle the problem on uniformly universal bases, ignoring that the matter lies within the exclusive competences of each State, which, in the exercise of its full sovereignty, has to take into account facts and circumstances of an eminently national character. No one doubts that there are overpopulated States, just as no one should doubt that some States, such as Brazil for instance, with its ninety five million inhabitants—are requiring a demographic growth in line with their needs for full use of their natural resources and the effective occupation of their territories. To try to solve the problem in the abstract, on allegedly cold and statistical terms, without taking into account a series of factors of the greatest importance to the survey of the general problem of Development, strikes us as an attitude devoid of logic and surely fated to political failure. It is argued that demographic growth neutralizes the advantages of the growth of the Gross National Product, in the evaluation of per capita income, held nowadays in a rather simplistic manner as the sole and absolute index of economic development. In short, instead of insisting on an increase in *dividend,* or in other words the GNP, insistence is being made on the immobilization of the *divisor,* that is, the population contingent. Still in other words: It is attempted to convert the grave problem of underdevelopment into a mere problem of stabilization, thus ignoring the fact that any attempt to stabilize the economies of many countries at their present levels would be tantamount to accepting extremely low levels as a target for stabilization.

AGAIN, THE HAPPY SAVAGE

On the other hand, in tackling the problems related to the preservation of the human environment, the tendency is to place an unduly strong accent on the dangers of rapid industrialization. Emphasis is laid on the dangers of pollution, certainly serious for the highly industrialized countries, while the larger part of the planet is still in a stage of pre-contamination, or, in other words, it has not yet had a chance to become polluted. Two-thirds of mankind are far more threatened by hunger and poverty than by the evils of pollution. For this same reason, much concern was felt over the recent statement by Mr. McNamara—contradicted by Brazil in the Economic and Social Council—to the effect that the World Bank henceforth would not authorize any project for economic development without a minute prior evaluation of possible repercussions on the environment. It is clear that the developing countries will not want to fall into the same errors incurred by the highly industrialized countries, but it is evident that we could not passively accept the resurrection, in the twentieth century, of Rousseau's theory of the "happy savage" which lent flavor and color to French romanticism. "Do not let happen to your cities what has happened to New York", "Preserve your beautiful landscapes" such warnings are constantly hammered into the ears of the representatives of developing countries. Now, these developing countries start from the premise that the preservation of the human environment ought to take into account the basic factors of Development, since underdevelopment represents by itself one of the worst forms of pollution of the human environment.

POLITICS AND TECHNOLOGY

At the moment the great Powers appear to be interested in "depolitizing" the United Nations, which is becoming really irrelevant in the matter of international Peace and Security. Every effort is now being centered on the so-called "new-tasks" (Non-Proliferation, Population Control, Narcotics, Environment etc.), which should be requiring new norms of international cooperation on *supra-national* terms. The Brazilian Delegation has consistently and openly opposed this tendency to transform the United Nations into a sort of "International Institute of Technology," or into a mere ineffective chapter of the International Red Cross. For this very reason, Brazil proposed, in a memorandum dated April 8, 1970, addressed to Secretary General U Thant, an entire process of "diplomatic reactivation of the UN", through the establishment of Ad-hoc Negotiation Committees within the scope and under the authority of the Security Council. More specifically, it proposed that one of those Committees be immediately constituted to explore the modalities of a peaceful solution of the question of the Middle East. Arabs and Israelis have, in principle, welcomed the Brazilian suggestion, which, to date, has been received coldly by the Great Powers. An effort is being made at the moment to "rationalize" the working methods of the General Assembly, with the concentration of all *technical* subjects in one of the Political Committees of the Assembly. Technical consideration of political subjects is one of the elements of this policy of Freezing of the World Power, it being well known that the developing countries are much less prepared for discussion on this terrain. Another method utilized by the policy of freezing consists in the idea of the constitution of Committees with memberships of experts or "wise men" instead of official and direct representatives of the Member States. Now, experience has shown that such scholars and wise men are, by the very reason of their wisdom, to defend the interests of the highly industrialized countries. The "depolitization" of the United Nations, a tendency that grows daily, is thus one of the main features of the whole process of the "freezing of the structure of World Power."

"MARE NOSTRUM"

On subjects relating to the Law of the Sea, the same tendency toward freezing is prevalent. The great maritime Powers are tenaciously opposed to the fixing of limits to territorial seas beyond the perfectly arbitrary distance of twelve miles. Here, also, it is argued that national sovereignty must yield ground to norms of a supranational character that should govern the subject on the basis of the principle of freedom of the seas, "for the common benefit of mankind". It is pertinent, however, to note that in regard to the utilization and exploitation of the resources of the sea, the Major Powers refuse to accept the logical consequences and implications of the thesis of the "common heritage of mankind". Through the initiative of the Brazilian Delegation, adoption by the XXIV General Assembly of the United Nations was obtained—actually by two-thirds of the membership—for a Resolution establishing a moratorium of freeze for the exploitation of the sea-bed pending an agreement on an international regime on the matter. The Great Powers not only opposed stubbornly the Resolution but declared expressly that they would not comply with the recommendations of a Resolution adopted against their will. They even held that Resolutions of this type could not be approved by a simple majority of two-thirds; on subjects of such a general scope they said, unanimity or consensus would normally be required. This signifies that for all practical purposes, the Great Powers now wish to extend to the UN General Assembly the right of veto—already in force within the Security Council. On this particular subject, of the free and unlimited right to exploit the resources of the seabed the Great Powers, holders of the monopoly over adequate technology, cling to the traditional right of sovereignty, which they try to discredit in other areas.

INDEPENDENCE AND INTERDEPENDENCE

In order to provide a better international regulation of these questions of nuclear nonproliferation, population control, preservation of the environment and restrictions to the free and unimpeded exploitation of natural resources, the Great Powers, who make not the slightest concession of a political character in regard to the major themes of International Peace and Security, now appear to favor a concept of interdependence, which would imply a sensible attention of the concept and practice of national sovereignty. No one doubts that the world tends to become ever more interdependent. No one doubts that any tangible progress in the international field will have to be stimulated by reciprocal concessions of sovereignty. All this is true. It is our standpoint, however, that interdependence presupposes the independence, economic emancipation and sovereign equality of nations as an indispensable prerequisite. We cannot declare that the Principles inscribed on Article 2 of the San Francisco Charter are superseded, before we apply them and transform them into reality. First let us be independent. Then let us become—and as rapidly as possible—interdependent.

DEVELOPMENT AS A NATIONAL RESPONSIBILITY

Brazil has taken a firm stand on such international matters and has emphasized the necessity of a more affirmative response and a more constructive cooperation on the part of the highly industrialized nations of the world. Nevertheless, we are deeply conscious and aware of the fact that *the development of Brazil is our national responsibility and our national goal.* Although prospects are pretty gloomy for the world-wide pattern of development, Brazil's gross national product has risen steadily at a rate of more than nine percent a year in the last three years. The rate of growth for the year 1971 has been estimated at eleven percent, which is amazing and exceptional for any country, with the possible exception of Japan. Only two decades ago, the exports of coffee earned Brazil about ninety percent of the country's foreign exchange revenues. Now, for the first time, diversity has become the rule and provides the basis for Brazil's current economic boom. Coffee is no longer the mainstay of the national economy and currently accounts for roughly thirty-three percent of the exports. In 1971, Brazilian exports reached a record total close to the three billion dollar mark and manufactured goods accounted for nearly twenty percent of the total. Inflation has been brought down to manageable proportions and foreign exchange reserves have moved upwards to a record total of 1.2 billion dollars. As a result of policies adopted and of the implementation of plans already in operation, the Gross National Product is expected to rise by 41 percent in 1974 as compared to 1970. In that four-year period, population growth is estimated at 12 percent. Per capita income should grow by 26 percent in the same period. Foreign investment pouring into Brazil now totals five billion dollars.

The fact that such progress and development were possible in the specific case of Brazil does not invalidate what we said as regards the failure of the United Nations multilateral plans. Nor does it counteract our disappointment at the lack of a more affirmative response on the part of the highly industrialized nations in willing to accept a common responsibility for the problem of development.

In Brazil, development was possible through a tremendous national effort and untold sacrifices and because of the existence of certain basic conditions in manpower and natural resources, which may not prevail elsewhere. The so-called "Brazilian Miracle" should be taken as an example and a stimulus, not used as a convenient excuse for inaction and lack of imagination. Miracles are becoming less and less frequent in the world of today and the case of Brazil is an illustration of effort, determination and self-sacrifice, helped by a particular set of circumstances.

NATIONAL INTEGRATION

The basic policies of encouragement of economic growth and of inflation control which had been so highly successful in Brazil in the late sixties remain the cornerstone of current economic planning. A new element, however, has received increased attention from the Government: National integration as a means of creating a strong and healthy internal market and fostering improvements in income distribution so as to promote the raising of the general standards of living. For the ultimate goal is not the economy as such. The ultimate goal is the Brazilian Man. We view social development as being inseparable from the concept of economic development. National Integration is to be achieved mainly through the National

Integration Program, a Government plan launched in 1970 and designed to speed up the development of the still depressed regions of the Northeast and to encourage development of the virtually unoccupied Amazon region. To this effect, Government planners aim at a 7% annual growth in overall agricultural production. In the Northeast the programs call for a transformation of farming methods through land redistribution and the establishment of agricultural incentives. In the Amazon region, the chief aim is the expansion of the agricultural frontier so as to incorporate the Amazon basin as an economically productive region. An all-important element in this effort is the construction of the Transamazonic Highway, running on a rough parallel line south of the mighty Amazon River. The highway will provide the physical basis for the orientation and resettlement of population contingents from the Northeast into the Amazon Valley. Development programs for the Amazon region provide for settlement of families in homesteads along a 16 mile-wide strip on both sides of the highway. The land, expropriated by Government decree, is being sold to the homesteaders through long-term financing.

Of course the Transamazonic Highway is an act of faith in the destiny of Brazil and represents a willingness to sacrifice present resources for the sake of future rentability. It is a high and costly investment in the future of Brazil, much as the new capital, Brasilia, was so in the late fifties. Some pessimists say that available resources being necessarily restricted they should be applied in areas and projects of sure and immediate rentability. Those who adhere to this line of reasoning do ignore the fact that a country with the size, population and resources of Brazil, is not viable as a small or even a medium nation. By circumstances, if not by nature, we are bound to think big. Mediocre and small-scale solutions are not applicable or effective to the Brazilian case. And, as we have tried to point out, the whole idea behind the Transamazonic Highway is the idea of National Integration. We are determined to see that the whole of Brazil will benefit from the progress of economic development. The Transamazonic Highway symbolizes the Road to the Future.

THE BRAZILIAN MODEL OF GROWTH

The national model of economic development aims at the creation of a modern, competitive and dynamic economy and at the achievement of economic, social, racial and political democracy. In a nutshell, it aims at national integration on a Brazilian model. Overall objectives envisage the transformation of Brazil into a developed country, within one generation, i.e., duplicating *per capita* income by 1980 and achieving, as early as 1974, economic dimensions which allow for self-sustained growth at a stabilized rate of seven per cent a year. This calls for an increase in the rate of employment expansion, a further reduction of the inflation rate and the implementation of international trade policies geared for development. Main cornerstones of the development process thus conceived are improved distribution of wealth generated by the process, through all income levels and all regions of the country, social changes designed to modernize institutions, to accelerate growth and to promote better income distribution, political stability and national security. This is the sense of the Revolution daily developing in Brazil today.

THE INTERNATIONAL POLICY OF BRAZIL

The International Policy of Brazil, such as it has been defined and expressed within the United Nations, has as its objective the removal of all obstacles whatsoever that may counter its full economic, technological and scientific development, the preservation of its cultural heritage and national identity as a sovereign country, and the affirmation and growth of its National Power. Pending the establishment of a system of distributive justice among Nations, each State has the right, and even the duty, of promoting the active defense of its national interests. And these Brazil has not renounced. In the development of its International Policy, Brazil must continue to oppose tenaciously any attempt at *containment*, all the more so since it is sure that with the country at the threshold of a full economic development, Brazil would be, among the countries in the world one of those that would suffer the most through the affirmation of a policy of Containment, or in other words, of a Policy of Freezing of World Power. Brazil cannot accept shackles and hindrances to its free takeoff towards a full economic development. Nor can it accept limitations to any aspect of its growth, whether economic or demographic, in defense to a doubtful principle of interdependence or of a supranationality. On matters of sovereignty, concessions are possible when nations feel strong enough to make them. The moment has not yet come for us to yield. This International Policy is authentic in the measure in which Brazil preserves its national identity and in the measure in which it can fulfill its needs for social and economic development.

FREEDOM AND DEVELOPMENT

This is how and where Brazil stands today in the community of nations, conscious of its rights and legitimate claims which it will not renounce, but fully aware of its duties and obligations, towards the people of Brazil, towards Latin America, towards mankind and towards the humanism and universalism which are inherent to Brazilian History, in 1822, 1922 and 1972. Nationalism pushes us to participation and dialogue, not to isolation and soliloquy. Brazil wishes to grow and to diversify in a community of equally sovereign nations, directed towards Peace, Development and Freedom, under the aegis of which it was established as a nation and to which it is determined to remain faithful.

ADVANCE APPROPRIATION FUNDING FOR WATER POLLUTION CONTROL

(Mr. MAHON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MAHON. Mr. Speaker, unanimous consent having been granted, I insert in the RECORD at this point an amendment which I will offer to the bill H.R. 11896 now pending, as follows:

AMENDMENT TO BE OFFERED BY MR. MAHON

On page 245, in line 13, strike out all after the word "submitted"; strike out all of lines 14 and 15, and all of line 16 down to the period,

and,

On page 250, strike out all of line 18 after the word "shall"; strike out all of line 19; and strike out the words "for obligation" in line 20,

and,

On page 251, strike out the words "for obligation" in line 12,

and,

On page 254, add the following at the end of line 18:

To the end of affording eligible recipients of grants for costs of construction adequate notice of available Federal financial assistance therefor, appropriations pursuant to this section with respect to the fiscal years ending June 30, 1974 and June 30, 1975, respectively, are authorized to be included in the applicable appropriation Act for the fiscal year next preceding the fiscal year 1974 or 1975, as the case may be. Appropriations made pursuant to this section are authorized to be made available without fiscal year limitation.

Mr. Speaker, the amendment is a procedural one, striking out the 3-year contract authority language in the committee bill, substituting a 3-year direct appropriation authorization in the identical amounts but with language specifically authorizing 1-year advance funding.

The basic idea behind the 1-year advance appropriation authorization feature of the amendment is that when the advance appropriation is made, it provides advance notice for State and local planning purposes; some reasonable advance funding period on which they can rely; something tangible on which they can count, and plan, and move forward.

My amendment specifically provides that any appropriation made for waste treatment construction grants can be made available "without fiscal year limitation," that is, available until expended. So, whatever is appropriated would remain available as long as necessary—for as many years as necessary—to see through to completion whatever projects it funds.

When the administration approves an application for a construction grant for the Federal share of a project—for illustration, let me use a figure of $500,000—that amount would be chargeable to the State's allotment and to the appropriation available. It would thus be a firm obligation against the appropriation and would be so recorded on the books. It would remain open on the books as long as necessary to see the project to completion, because the appropriation itself would also remain open on the books "until expended."

Under section 203(b) on page 245 of the bill, the Administrator would "from time to time as the work progresses, make payments to the recipient of a grant for costs of construction incurred on a project."

The effect, then, of the amendment would be to keep Congress in the act year by year in dealing with the momentous problems of water pollution control. There would be no abdication of congressional authority.

Already, 71 percent of the 1973 spending budget is considered to be relatively uncontrollable under present law.

For the current fiscal year 1972, Congress, under the leadership of the House Committee on Appropriations, has already appropriated $2 billion for waste treatment construction grants, which is actually $350 million more than has thus far been authorized.

Some seem to feel that the contract authority approach guarantees full funding of authorizations. In that connection, let it be noted that a cumulative total—that is, over a period of years—of about $6.6 billion has been impounded in the Highway Trust Fund. According to the new budget, about $1.3 billion in fiscal 1973 is scheduled for impoundment in this contract authority-type program bringing the total to almost $8 billion.

Mr. Speaker, the direct appropriation procedure with 1-year advance funding with a no-year stipulation as to availability gives Congress the best platform to get action in the fight against water pollution.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. VANIK, for 15 minutes, today; to revise and extend his remarks.

(The following Members (at the request of Mr. HILLIS), to revise and extend their remarks and include extraneous matter:)

Mr. ESCH, for 20 minutes, today.

Mr. ANDERSON of Illinois, for 30 minutes, today.

Mr. RUPPE, for 10 minutes, today.

Mr. HALPERN, for 5 minutes, today.

(The following Members (at the request of Mr. DENHOLM), to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. HÉBERT, for 10 minutes, today.

Mr. BRADEMAS, for 15 minutes, today.

Mr. BEGICH, for 10 minutes, today.

Mr. BURKE of Massachusetts, for 10 minutes, today.

Mr. DENT, for 5 minutes, today.

Mr. ULLMAN, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. KEE and to include extraneous matter.

Mr. MCCLORY to extend his remarks prior to discussion of amendments on H.R. 11896.

Mr. RUPPE, prior to the vote on the first amendment offered by Mr. REUSS in the Committee of the Whole today.

Mr. DON H. CLAUSEN and to include extraneous matter.

(The following Members (at the request of Mr. HILLIS) and to include extraneous matter:)

Mr. FINDLEY.

Mr. CONTE.

Mr. DERWINSKI in three instances.

Mr. HORTON.

Mr. BLACKBURN in two instances.

Mr. WYMAN in two instances.

Mr. ESHLEMAN.

Mr. SNYDER in two instances.

Mr. MCDADE.

Mr. CÓRDOVA.

Mr. SMITH of New York in two instances.

Mr. MARTIN.

Mr. ZWACH.

Mr. ANDERSON of Illinois.

Mr. FRENZEL.

Mr. PRICE of Texas.

Mr. HOSMER in two instances.

Mr. SCHMITZ in three instances.

Mr. DELLENBACK.

Mr. WYDLER.

Mr. COLLIER in three instances.

Mr. BROOMFIELD.

Mr. LLOYD.

Mr. BAKER in two instances.

Mr. GUDE.

Mr. BRAY in two instances.

Mr. HALPERN.

(The following Members (at the request of Mr. DENHOLM) and to include extraneous matter:)

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. EDWARDS of California in three instances.

Mr. MURPHY of New York in two instances.

Mr. DINGELL in two instances.

Mr. EILBERG in three instances.

Mr. CARNEY.

Mr. JACOBS.

Mr. CORMAN in two instances.

Mr. ROONEY of New York in two instances.

Mr. BRASCO.

Mr. ROGERS in five instances.

Mr. DELANEY.

Mr. BURKE of Massachusetts in two instances.

Mr. MIKVA in eight instances.

Mr. METCALFE.

Mr. BYRNE of Pennsylvania.

Mr. MURPHY of Illinois in two instances.

Mr. HAMILTON.

Mr. PATTEN.

Mr. BEGICH.

Mr. PERKINS.

Mr. STOKES.

Mr. LENNON.

Mr. DAVIS of Georgia in five instances.

Mr. PRYOR of Arkansas.

Mr. DORN in three instances.

Mr. HANNA in five instances.

Mr. BADILLO in two instances.

Mr. VANIK in two instances.

Mr. HARRINGTON in three instances.

Mr. MILLER of California in five instances.

Mr. EDMONDSON in two instances.

Mr. GALIFIANAKIS.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 9526. An act to authorize certain naval vessel loans, and for other purposes.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, March 29, 1972, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1795. A letter from the Director, Office of Legislative Affairs, Agency for International Development, Department of State, transmitting copies of Presidential Determination 72-12; to the Committee on Foreign Affairs.

1796. A letter from the Chairman, U.S. Tariff Commission, transmitting the 55th Annual Report of the Commission; to the Committee on Ways and Means.

1797. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report of proposed actions to conduct certain programs at levels in excess of those authorized in the National Aeronautics and Space Administration Authorization Act, 1972, pursuant to section 4 of the act; to the Committee on Science and Astronautics.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee on Agriculture, H.R. 13361. A bill to amend section 316(c) of the Agricultural Adjustment Act of 1938, as amended; with amendment (Rept. No. 92-957). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 914. Resolution providing for the consideration of H.R. 9552, a bill to amend the cruise legislation of the Merchant Marine Act, 1936 (Rept. No. 92-958). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 915. Resolution providing for the consideration of H.R. 13188, a bill to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard (Rept. No. 92-959). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 916. Resolution providing for the consideration of H.R. 13324, a bill to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce. (Rept. No. 92-960). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 917. Resolution providing for the consideration of H.R. 13336, a bill to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations. (Rept. No. 92-961). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Illinois:

H.R. 14132. A bill to amend the Welfare and Pension Plans Disclosure Act; to the Committee on Education and Labor.

H.R. 14133. A bill to strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing retirement plans, by allowing deductions to individuals for personal savings for retirement, and by increasing contribution limitations for self-employed individuals and shareholder-employees of electing small business corporations; to the Committee on Ways and Means.

By Mr. BETTS:

H.R. 14134. A bill to amend the Internal Revenue Code of 1954 with respect to certain charitable contributions; to the Committee on Ways and Means.

By Mr. BIAGGI:

H.R. 14135. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several States, and for other purposes: to the Committee on the Judiciary.

By Mr. COLLIER:

H.R. 14136. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL:

H.R. 14137. A bill to amend the Environmental Policy Act of 1969; to the Committee on Merchant Marine and Fisheries.

By Mr. DULSKI:

H.R. 14138. A bill to amend section 103 of title 23 of the United States Code relating to additional mileage for the Interstate System; to the Committee on Public Works.

By Mr. EILBERG:

H.R. 14139. A bill to eliminate racketeering in the sale and distribution of cigarettes and to assist State and local governments in the enforcement of cigarette taxes; to the Committee on the Judiciary.

By Mr. ULLMAN:

H.R. 14140. A bill to establish a new program of health care delivery and comprehensive health care benefits (including catastrophic coverage), to be available to employed, unemployed, and low-income individuals at a cost related to their income; to the Committee on Ways and Means.

By Mr. ERLENBORN:

H.R. 14141. A bill to amend the Davis-Bacon Act to raise the minimum size of the construction contracts to which such act applies; to the Committee on Education and Labor.

By Mr. GUBSER:

H.R. 14142. A bill to amend title 5, United States Code, to provide for additional minimum amounts to which Federal employees group life insurance may be reduced after retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HARRINGTON (for himself and Mr. Pike):

H.R. 14143. A bill to provide for the establishment of an Office for the Aging in the Executive Office of the President, for the fulfillment of the purposes of the Older Americans Act, for enlarging the scope of that act, and for other purposes; to the Committee on Education and Labor.

By Mr. HORTON:

H.R. 14144. A bill to amend the Internal Revenue Code of 1954 to raise needed additional revenues by tax reform; to the Committee on Ways and Means.

By Mr. KYROS:

H.R. 14145. A bill to establish and implement a national transportation policy for the next 50 years, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. LENNON (for himself, Mr. Garmatz, Mrs. Sullivan, Mr. Mosher, Mr. Pelly, Mr. Rogers, Mr. Keith, Mr. Ashley, Mr. Goodling, Mr. Downing, Mr. Mailliard, Mr. Clark, Mr. Steele, Mr. Jones of North Carolina, Mr. Forsythe, Mr. Leggett, Mr. du Pont, Mr. Griffin, Mr. Mills of Maryland, Mr. Anderson of California, Mr. Grover, Mr. Biaggi, Mr. Ruppe, Mr. Kyros and Mr. McDonald of Michigan):

H.R. 14146. A bill to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zone, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. McDONALD of Michigan:

H.R. 14147. A bill to amend section 121 of title 23 of the United States Code relating to payments to the States for construction on Federal-aid highways, in order to authorize such payments in certain cases where materials are not at the construction site; to the Committee on Public Works.

By Mr. MATSUNAGA:

H.R. 14148. A bill to amend title 5, United States Code, to authorize the payment of increased annuities to secretaries of justices and judges of the United States; to the Committee on Post Office and Civil Service.

By Mr. MORGAN (by request):

H.R. 14149. A bill authorizing continuing appropriations for Peace Corps and for other purposes; to the Committee on Foreign Affairs.

By Mr. ROONEY of New York:

H.R. 14150. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. RUNNELS:

H.R. 14151. A bill to establish the El Malpais National Monument, in the State of New Mexico, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. VEYSEY:

H.R. 14152. A bill to amend title II of the Social Security Act to increase to $4,000 the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. CHARLES H. WILSON (for himself, Mr. Dulski, Mr. Udall, Mr. Hanley, Mr. Chappell, Mr. Derwinski, Mr. Rousselot, and Mr. Mallary):

H.R. 14153. A bill to amend title 13, United States Code, to assure confidentiality of information furnished in response to questionnaires, inquiries, and other requests of the Bureau of the Census, to provide for a mid-decade sample survey of population, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ZABLOCKI:

H.R. 14154. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary and/or secondary education of dependents; to the Committee on Ways and Means.

By Mr. ZWACH (for himself, Mr. Abourezk, Mrs. Abzug, Mr. Anderson of Illinois, Mr. Andrews, Mr. Aspin, Mr. Carter, Mr. Dellenback, Mr. Dingell, Mr. Dow, Mr. Duncan, Mr. Frenzel, Mr. Helstoski, Mr. Mayne, Mr. Nelsen, and Mr. Scott):

H.R. 14155. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to establish an upland game conservation program; to the Committee on Agriculture.

By Mrs. ABZUG:

H.R. 14156. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage under that act, to extend its coverage, to establish procedures to relieve domestic industries and workers injured by increased imports from low-wage areas, and for other purposes; to the Committee on Education and Labor.

By Mr. DUNCAN (for himself, Mr. J. William Stanton, and Mr. Roy):

H.R. 14157. A bill to amend section 120 of title 23, United States Code, to provide that the Federal share payable for Interstate System projects shall be 100 percent, and for other purposes; to the Committee on Public Works.

By Mr. FISHER (for himself, Mr. Runnels, and Mr. Burleson of Texas):

H.R. 14158. A bill to provide that the Secretary of Agriculture shall indemnify farmers and ranchers for certain farm animals and fowls which are killed by predatory animals; to the Committee on Agriculture.

By Mr. JOHNSON of California:

H.R. 14159. A bill to provide a sound physical basis and an operational system for predicting damaging earthquakes in heavily populated areas of California and Nevada; to the Committee on Interior and Insular Affairs.

By Mr. McCOLLISTER:

H.R. 14160. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide benefits to survivors of firemen and law enforcement officers killed in the line of duty; to the Committee on the Judiciary.

By Mr. MARTIN:

H.R. 14161. A bill to amend the Occupational Safety and Health Act of 1970 to exempt any nonmanufacturing business, or any business having 25 or less employees, in States having laws regulating safety in such businesses, from the Federal standards created under such act; to the Committee on Education and Labor.

H.R. 14162. A bill to amend the Internal Revenue Code of 1954 to provide that certain homeowner mortgage interest paid by the Secretary of Housing and Urban Development on behalf of a low-income mortgagor shall not be deductible by such mortgagor; to the Committee on Ways and Means.

By Mr. POAGE (for himself, Mr. Melcher, Mr. de la Garza, Mr. Kazen, Mr. Purcell, Mr. Denholm, Mr. Roberts, and Mr. Ullman):

H.R. 14163. A bill to amend the Agricultural Act of 1970, as amended, to indemnify farmers and ranchers whose domestic animals are killed by predatory animals; to the Committee on Agriculture.

By Mr. PODELL:

H.R. 14164. A bill to establish a Federal program to encourage the voluntary donation of pure and safe blood, to require licensing and inspection of all blood banks, and to establish a national registry of blood donors; to the Committee on Interstate and Foreign Commerce.

By Mr. QUILLEN:

H.R. 14165. A bill to create a special tariff provision for imported glycine and related products; to the Committee on Ways and Means.

By Mr. RIEGLE (for himself and Mr. James V. Stanton):

H.R. 14166. A bill to promote development and expansion of community schools throughout the United States; to the Committee on Education and Labor.

By Mr. RUPPE:

H.R. 14167. A bill to provide additional protection for the rights of participants in employee pension and profit-sharing-retirement plans, to establish minimum standards for pension and profit-sharing-retirement plan vesting and funding, to establish a pension plan reinsurance program, to provide for portability of pension credits, to provide for regulation of the administration of pension and other employee benefits plans, to establish a U.S. Pension and Employee Benefit Plan Commission, to amend the Welfare and Pension Plans Disclosure Act, and for other purposes; to the Committee on Education and Labor.

By Mr. SHIPLEY:

H.R. 14168. A bill to repeal the Gun Control Act of 1968, to reenact the Federal Firearms Act, to make the use of a firearm to commit certain felonies a Federal crime where that use violates State law, and for other purposes; to the Committee on the Judiciary.

By Mr. STUBBLEFIELD:

H.R. 14169. A bill to provide cost-of-living adjustments in retirement pay of Federal judges in the territories and possessions of the United States; to the Committee on the Judiciary.

By Mr. TIERNAN:

H.R. 14170. A bill to amend the Tariff Schedules of the United States to provide for the duty-free entry of fair stained and better india ruby mica films first or second quality; to the Committee on Ways and Means.

By Mr. BLACKBURN:

H.J. Res. 1133. Joint resolution providing for the designation of the third week of October of 1972 as "National German Shepherd Dog Week"; to the Committee on the Judiciary.

By Mr. DELLENBACK:

H.J. Res. 1134. Joint resolution to proclaim the last Friday in April as Arbor Day; to the Committee on the Judiciary.

By Mrs. MINK:

H.J. Res. 1135. Joint resolution proposing an amendment to the Constitution of the United States relating to the nomination of individuals for election to the offices of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. GOODLING:

H. Con. Res. 572. Concurrent resolution expressing the sense of Congress concerning the granting of amnesty to draft-evaders and deserters; to the Committee on Armed Services.

By Mrs. MINK (for herself and Mr. MATSUNAGA):

H. Con. Res. 573. Concurrent resolution to congratulate Waipahu, Hawaii, on its Diamond Jubilee; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

348. The SPEAKER presented a memorial of the Legislature of the State of Idaho, relative to the Salmon Falls Division project on the Salmon Falls Creek in Idaho; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. GREEN of Oregon:

H.R. 14171. A bill to incorporate in the District of Columbia the American Ex-Prisoners of War; to the Committee on the District of Columbia.

By Mr. O'NEILL:

H.R. 14172. A bill for the relief of Maria Fernanda Teodoro; to the Committee on the Judiciary.

By Mr. SEIBERLING:

H.R. 14173. A bill for the relief of Mr. Walter Edward Koeuig; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

A PRESIDENTIAL CLASSROOM FOR YOUNG AMERICANS

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 28, 1972

Mr. METCALF. Mr. President, from time to time it has been my privilege to visit with young students from my home State who are here to participate in the program A Presidential Classroom for Young Americans.

The week they spend in Washington enriches their studies in class and provides them a unique experience to observe their Government firsthand.

For a Member of Congress, visits with these bright young leaders are refreshing and delightful.

Among Presidential Classroom students this year was Miss Lauren Larson, whose account of her week here appeared in the Monitor, a weekly paper serving her home town of Boulder, Mont.

I ask unanimous consent that Miss Larson's report on her week in Washington be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Monitor, Boulder, Mont., March 2, 1972]

MISS LAUREN LARSON REPORTS ON PRESIDENTIAL CLASSROOM

(By Lauren Larson)

I flew out of Helena on Friday although the actual classroom did not begin until Saturday. There are six different weeks of the classroom and I was scheduled for the first one.

Saturday was mainly spent just meeting your roommates and being introduced to the program and the staff. My roommates were from California, Missouri, North Carolina and Pennsylvania.

Sunday, I attended Mass at St. Matthew's Cathedral. That afternoon we went on a tour of Washington and although it rained, we did see most of the major sights.

All of the instructors were lent from various government agencies to work at the classroom for its six weeks. There was, of course, also the Board of Directors who mainly set up the program.

When we arrived, among other things, we received a Syllabus which contained information on the different branches of government which we were to cover. Every night we received a Presidential Daily which contained the next day's schedule, what each seminar was to be on, a bibliography on the speakers and some bibliographies on the staff. Some of our speakers were Congressman Pierre Du Pont from Delaware, Senator Ted Stevens from Alaska, a White House speech writer, a member of the press, lobbyists, Mr. Oleg Sokolor from the Soviet Union and a Brigadier General.

Tuesday was spent on Capitol Hill in meetings with our Congressmen. There were three of us from Montana and I was proud to stand up in the National Student Body and say that the Montana delegation had been welcomed warmly when many students had not been. On that day we visited with Senator Mansfield and Senator Metcalf. Congressman Shoup was in Montana on Tuesday, but on Friday two of us returned to see him.

One of the really educational parts of the week were the evening discussion group.

I spent a few extra days in Washington with some relatives and so I was able to see even more of D. C. All in all I had one of the most wonderful times of my life and would go back at any moment.

I would like to thank very much all the people who helped make my trip possible.

SENATOR PAUL DOUGLAS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1972

Mr. JACOBS. Mr. Speaker, this is the excellent article about Senator Paul Douglas by Jean M. White which appeared in the Washington Post on Sunday, March 26, 1972.

I insert the article in the RECORD to remind America to remember that in Senator Douglas we have one of the authentic saints of our time:

PAUL DOUGLAS: REFORMER AT 80

(By Jean M. White)

A touch of mellowness, perhaps, that comes with the years, but the eyes are the same—the blue, piercing eyes the fixed evasive Senate witnesses; the same great shock of white hair; the same resonant voice that reached into the Senate galleries; the same mind—quick, lively, searching.

And still that same passionate concern for social justice and the righteous indignation at wrongs and chicanery.

"I say it because it is true," former Sen. Paul H. Douglas snapped tartly after he was gently reminded that perhaps an interview on the eve of his 80th birthday was not the time to recall bitter fights with two former colleagues over civil rights and reapportionment.

Sen. Douglas will be 80 today. It is a landmark in any man's life, but his birthday also is a landmark for the American liberal conscience.

Unlike Miniver Cheever, Paul Douglas was born too early, not too late. There were long, lonely years when he was a crusader for causes then unpopular to advocate, causes that came to be accepted in legislation touching the lives of every American—social security, tax reform, truth-in-lending, aid to education, area redevelopment, housing, minimum wage, and, above all and always, civil rights and liberties.

Fortunately, for us and the senator, he has lived long enough to become a prophet with honor.

Today a small circle of old friends will gather at the cheerful home at 2909 Davenport St. NW to share the 80th birthday with Sen. Douglas and his wife. Later will come a "queen's birthday" celebration in June when the sun warms the patio in the back.

A stroke 2½ years ago has left Sen. Douglas confined in a wheelchair, but only physically. The confinement does not extend to his mind or conscience.

The former Democratic senator from Illinois still percolates with stimulating ideas and questions, gets outraged at injustice ("I never knew a man who could get so outraged," a retired Senate reporter recalls), and talks vigorously about present problems and future needs—urban ills, federal-state-city relations, congressional reform. His wife, Emily Taft Douglas, a handsome, gracious woman, herself a former congresswoman, arranges the late-afternoon discussions that keep her husband in touch from his wheelchair.

Once the 80th birthday is out of the way, there are busy months ahead for Paul and Emily Douglas: Publication in mid-April of his 670-page autobiography, dedication of the Paul H. and Emily Taft Douglas Library building at Chicago State University and then perhaps a sentimental journey back to the Indiana Dunes country, that wild area along Lake Michigan where the Douglas family spent its summers, later to be saved by the senator as a national lakeshore park.

The autobiography—revised in longhand on yellow legal pads after the senator suffered his stroke in August, 1969—bears an apt title: "In the Fullness of Time: The Memoirs of Paul H. Douglas."

The memoirs of Paul Douglas should make quite a story as a reflection of American politics and life in the first seven decades of the 20th century.

It is the story of a professor in politics, a distinguished economist-scholar (the Cobb-Douglas Function, see economics textbooks) who ventured into the harsh reality of everyday politics as a city alderman from Chicago's South Side and specialized in problems of garbage collection.

It is the story of the 50-year-old patriot who, defeated in his first run for the Senate, enlisted the next day as a Marine private, won the bronze star and two purple hearts in landings in Okinawa and Peleliu and was left with a withered left arm from his war wounds. It is the story of the Democratic senator from Illinois, elected on his second try in 1948, who became the liberal goad of the Senate, always in the forefront of the fight for social advances in the crucial years of the 1950s and 1960s.

And it also will be the story of Paul and Emily Douglas, two people who share deep affection for each other and politics.

"I was the only man who ever succeeded my wife in Congress," Sen. Douglas likes to point out.

"Paul, why don't you say I was the only woman who ever preceded her husband in Congress. It's women's lib these days," Mrs. Douglas corrected her husband the other day.

Emily Taft Douglas, a former actress, served as congresswoman-at-large from Illinois with the same constituency her husband was to represent when he was elected senator in 1948.

Rugged, slouch-shouldered and bespectacled, the economics professor came to Washington and soon plunged into the midst of the early battles for social and reform legislation that came out of Congress in the following two decades. But he was too much of a maverick ever to become part of the Senate's inner circle. Douglas has a dramatic flair, which he employed effectively to focus attention on the causes he was championing.

There was a time that he wanted to take a hatchet and scalpel on the Senate floor to demonstrate the difference between hacking and surgically pruning a budget.

"His staff talked him out of that one," recalls Howard Shuman, who was the senator's administrative aide for 14 years and now holds the same post with Sen. William Proxmire (D-Wis.).

"But he did go on the floor with a huge magnifying glass once. The public works bill was up for vote, and projects are sacrosanct to senators. Anyways, the senator came into the chamber carrying a magnifying glass and a large map. It seems there was a river—in New England, I think—mentioned for an appropriation and the senator couldn't find it on the map."

Shuman remembers Douglas as "an absolutely honest man," even to avoiding the phone calls that can swamp a senator's time.

"When he couldn't take a phone call, before he would have his secretary say he was out of the office, he would open the door and step out into the hall. I've seen him do it numerous times."

Once William McChesney Martin, disturbed over remarks attributed to Douglas in criticism of Martin's fiscal policies, came up to the Hill to check with the senator personally.

The senator told him: "I honestly don't remember saying that. But I've thought it a number of times so I suppose I could have said it."

But the senatorial career of Paul Douglas has more substance than a collection of lively anecdotes. It is a career threaded with landmark legislation on the big issues that the nation faced in the 1950s and 1960s. Perhaps the most dramatic was the long fight for civil rights, crowned by the sweeping Civil Rights Act of 1964.

"As for 1964, that was done years earlier—that was done in the hard years when we could get only 20 votes or so," Douglas points out. "What was heresy then, the nation has accepted, intellectually at least. Now remans the pain of working it out."

Despite the acrimonious legislative fights and his lonely crusades, Paul Douglas does not look back in anger or bitterness today.

"If he was righteous in causes, he was never self-righteous about people," Shuman says.

And the senator still has the buoying hope that sustains reformer.

"Well, I'm not a pessimist," he said the other day. "It's a great source of relief in bowing out of politics to see new men and good people coming up."

In the Senate, he points to such men as Proxmire, Alan Cranston of California, Adlai Stevenson III (whose father ran for governor of Illinois on the same ticket with Douglas), Walter Mondale of Minnesota. And Douglas always remembers Sen. Hubert H. Humphrey, who fought by his side in many of the old battles.

Among the governors, Douglas singles out Florida's Reubin Askew and Ohio's John J. Gilligan as "absolutely fine men."

Douglas also sees promise in the young people. "We had a bad convention in 1968. But I see healthy signs with the younger people working in politics, social causes, environment."

If some of the Douglas causes have come in the fullness of time, there are those still being fought: cloture in the Senate, the family allowance (Douglas proposed this idea as a young economist in 1925), pollution, consumer protection, the vanishing wilderness of areas like the Indiana Dunes, disclosure of campaign financing, tax reform.

When he talks of tax loopholes today, there are flashes of the old Douglas indignation.

"I think they say we—Lister Hill of Alabama was with me—have saved the nation $4 billion up to now in blocking a clause that would have allowed offshore drilling in the open ocean to take oil," the Senator points out.

In 1967, at 75, when he was no longer a senator but a private citizen, Douglas journeyed to Colorado to inspect the oil shale deposits there.

The year before, defeated in his try for a fourth term in the Senate, Douglas had made a graceful exit, giving a final accounting of his assets and income and thanking the voters who had kept him in office 18 years. It took two farewell parties for all his friends and admirers to pay tribute.

In that race, Douglas campaigned with his usual vigor. But there was his age—he was 74 and his challenger, Charles H. Percy, was 47, with the attractive face of new Republican liberalism. There was the race backlash. And there was the deteriorating war in Vietnam, in which Douglas had been a firm supporter of the Johnson administration.

A pacifist in World War I from his Quaker upbringing, Douglas had gone to Europe in the 1930s and was in Italy when Mussolini sent his legions into Ethiopia. He warned of appeasement of Hitler. During World War II, he was an enlistee in the Marine Corps, accepting a commission only to get into battle when he saw they were not going to send 50-year-old riflemen overseas for combat.

He still believes in collective security, of "keeping our guard up while exploring the possibilities for peace."

After his 1964 defeat, Douglas went back to work in a double harness. He returned to teaching and served as head of the National Commission on Urban Problems, making a study at the time the incendiary cities were flaring up in riots and racial turmoil.

Soon after the Commission on Urban Problems made its report, the stroke hit the senator's right side. His recovery was complicated by his war-disabled left arm and a fall abetted by a football knee (Douglas played center on the Bowdoin College team while winning a Phi Beta Kappa key.).

In 1969, he returned a $5,000 check that went with an AFL–CIO award. While in the Senate, Douglas had set a $2.50 limit on the value of any gifts he would accept, and he is a man who holds firm to a principle.

If the "18 most stimulating years of my life" were spent in the Senate, Douglas also had several decades of achievement before he entered the Senate at 56.

As a distinguished economist, his applied work on the theory of wages and production is one of the bedrocks of contemporary economic analysis. The Coob-Douglas Function—a mathematical formula set forth in the 1920s—is discussed at length in the recent Nobel Prize-winning work of Prof. Paul A. Samuelson.

"I once was an economist," the senator says now with a rueful smile. "They are now feeding information into the computers at Brookings Institution and coming out with figures to support the formula."

Born in Salem, Maine, March 26, 1892—the New England twang has been leveled a bit by the Midwest plains—Douglas remembers when mill workers in Newport, Maine, were told not to vote for Bryan and the factory whistles sounded for 24 hours when McKinley was elected.

"And I grew up feeling it was . . . well, improper," he once told an interviewer.

He was a friend of Jane Addams and Clarence Darrow. He helped organize the steel workers. Even before entering politics as a Chicago city alderman in 1939, he was one of the earliest advocates of old-age pensions and unemployment insurance in the 1920s and 1930s, working with then New York Gov. Franklin D. Roosevelt and Pennsylvania Gov. Gifford Pinchot.

Now, the autobiography finished, there will be two labors of love for the 80-year-old economist and former senator.

First, another look at the theory of wages and productivity as a statistical study. Then a study of the last days, the winter years of genius, in the lives of Beethoven, Shakespeare, Michelangelo, and Titian.

"A fine subject for a crippled politician," Douglas observes.

It will be a fine subject for the senator who brought a graceful touch of erudition and scholarship to the Senate. In Douglas' former office, Suite 109 in the Old Senate Office Building, photographs of live politicians never were hung. Instead, there were studies of Michelangelo's majestic, brooding figures for the tombs of the Medici and Titian reproductions.

As a campaigner, Douglas was known to quote John Stuart Mill of "Spoon River Anthology" poetry to voters at the factory gate.

The other day, on the eve of her husband's 80th birthday, Emily Taft Douglas looked fondly, but objectively, at her husband and said:

"He's a much handsomer man than the man I married. He doesn't wear glasses any more. They say we make our own faces. It is a good man that makes a good face."

THE DELAWARE VFW HONORS PRESIDENT DuBOIS

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Tuesday, March 28, 1972

Mr. BOGGS. Mr. President, recently it was my privilege to attend a testimonial dinner in honor of Mrs. Edith DuBois, president of the Ladies Auxiliary to the Veterans of Foreign Wars, Department of Delaware.

This fine dinner was held at the J. F. Speer Post 615 in Wilmington, and it was heartening to be among the large numbers of people who turned out to honor this distinguished lady.

The speaker for the occasion was

Mr. Elmer Saxton, the service officer for the Department of Delaware. Mr. Saxton does an excellent job for our veterans and for all the people of Delaware. He is a most conscientious servant.

Mr. President, I ask unanimous consent that Mr. Saxton's most informative remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF MR. SAXTON

In the area of benefits, the VFW has always been very strong in its feelings that all veterans should be treated alike with respect to assistance and benefits. It is however quite difficult today to ignore the fact that there are over 1.5 million WWI veterans in the midst of our society whose average age is 76. At the opposite end of the age scale are 5 million young or Viet Nam veterans many of whom are in the early 20's. It is easy to see that even though their sacrifices and contributions are common, their needs will be quite different, and the help that we can provide the young veteran starting out in life will be of little significant assistance to the WWI veterans. Most of the WWI veterans have retired, and are now concerned with a modest and yet realistic income or pension which will provide them and theirs adequate food, clothing and shelter.

This then is the reasoning behind present emphasis on legislation for these two categories. Help and rehabilitate the younger veteran back into our society and provide for the older veteran that which is sufficient to enjoy a dignified and well earned retirement.

Scheduled for congressional consideration as mandates of the Dallas convention are programs to insure best hospital and medical care; with emphasis on—elimination of paupers oath for any admission to VA Hospital, construction and modernization program to keep VA Hospitals second to none, drug treatment and both medical and employment rehabilitation for all drug dependent veterans. Much is being said about a National Health Care Program. Your attention is invited to an article in the February VFW Magazine by Representative Wilbur Mills, D-Ark.

Congressman Mills said that he will oppose any provision which would obliterate or adversely affect VA Medical Programs. He relates the success of the VA in drug treatment cure for TB, first pacemaker which established regular heartbeat, cancer research and training. In 1971 over 53,000 persons were trained in our VA Hospitals. But without funds and adequate staffing this can't be expected to go on. This article expresses the firm desires of the VFW that we do not want the VA system becoming a second rate hospital system, or being closed in favor of any other national system.

In the immediate concern of the WWI veteran such provisions as a pension of $125 for single veteran and $150 per month for a married veteran, with hospital and medical care, furnishing of drugs and medicines and a greater expanded hometown nursing care program are being proposed. As mentioned earlier, increases in pension rates have been made. The next cycle for increase, again geared more to inflation or its highly related companion, "cost of living" will be increases in compensation, and expansion of the GI and Education Training Programs. Some features of this are an addition to the funds to be provided for regular attendance assistance in paying for costs of books, tuition, etc., to funds for providing more on the job training, for those who do not seek or desire higher education, to increase the educational payments and increase entitlement from present 36 months to 48 months, and to restore educational benefits to WWII and Korean veterans who have never availed themselves to this program to date. Real assistance for returning Vietnam Veterans is programmed in contact and outreach programs, personal, letters and news media to insure that every veteran knows his rights and benefits. Crash programs to create jobs for the over 100,000 veterans returning monthly, and establishment of a low cost insurance program similar to that earlier provided to WWII and Korea. Jobs and job security initiated through actions by the Department of Labor to preserve the preference for veterans employed by the Federal Service and also to insure that all agencies, companies or other industries and employers who work under government contracts employ at least a minimum of 10% veterans in their work forces.

National Cemeteries, and our state lacks one, are proposed for transfer to the VA, with a cemetery in every state. This may or may not be affected by a counter proposal to increase the burial allowance to ranges between $350 to $750. This increase is proposed and the struggle will be continued to oppose those who have long favored elimination of Social Security death benefits when this VA allowance is payable.

It has been a longstanding bone of contention with military retirees that they are forced to reduce their retirement pay by the amount of VA compensation they might be entitled to. Service connected veterans, not retirees, may continue to work, may be retired and compensation payments will not be affected. It is hoped that a remedy for this situation will soon be resolved.

What does the Ladies Auxiliary mean to the V.F.W. There is a simple one word answer—Plenty! First, if it were not for the 460,000 ladies in our auxiliary it could be readily assumed that there wouldn't be as many as 1,700,000 in our national men's organization. More will be said on Department totals later. Another question is why do we depend so much on our ladies Auxiliary. This is primarily because they contribute so much to the VFW planning and the outstanding development of so many of its programs. How is this done? The accomplishments are the results of always working together, and it is this togetherness that has helped build our reputation as the world's leading combat veteran's organization.

It all boils down to one, good, hard fact, that true success in anything is founded upon action not just words. Also good action has to reach, be important to and produce satisfactory results in all segments of our population, not only here in Delaware but across the entire span of our more than 204 million American citizens. Incidentally have you ever stopped to think that in this great nation of ours that there are over 26,000,000 veterans, and also that the families of these individuals add up to over 100,000,000 or almost half of that total. This should put you in the proper perspective as to the vastness of the tasks before us.

In order to reach everyone we want to benefit, our VFW men and women—together—create a wide variety of very important campaigns. This includes programs to provide better health, more jobs, community improvements and others.

Yes, the VFW men and women are translating ideals into action. And the fact that they are succeeding is proved by our popularity and growth in both the VFW and its ladies auxiliary. This growth has been going on for many years. As you know the VFW dates back to September 1899, and its ladies Auxiliary was organized in September 1914. This indicates our men and women have been working together very well for well over a half a century. Here in Delaware the VFW has approximately 4,800 members. This is nearly 95% of our total membership last year. Also, in 1972, well over 1220 women are ladies Auxiliary members, over 100% compared with last year. This figure was reached by December 31, 1971. Truly an outstanding achievement.

A few words of praise now and then are most important to that individual who through her enthusiastic and vigorous leadership, has inspired her loyal co-workers to perform this truly outstanding work, and have they stopped there? Rested a little maybe, but they are just gathering their second wind (or waiting for the men to catch up, which is another example of their fine cooperation) we are here to recognize that lady, Madam President Mrs. Leland Edith DuBois of the Ladies Auxiliary, Department of Delaware, Veterans of Foreign Wars. She presently resides in Simonds Gardens, New Castle, The couple have three children and three grandchildren. Her daughter, Sandy is equally active in VFW affairs and is president of the J. Ferdinand Speer Post 615 Auxiliary. Edith is a volunteer worker at Emily Bissell Hospital, a hospital for respiratory illnesses. She is also a member of the Greater Wilmington Federation of Women's Organization, Inc. Therefore Edith contributes to many helpful activities in addition to her V.F.W. Auxiliary leadership.

Personally, I had the honor to meet Edith for the first time at another Auxiliary President's Testimonial Dinner. She was Chaplain on that occasion and I was your brand new Service Officer. I have since been able to learn that she has held every post in her auxiliary, right here in J. F. Speer, had simiiar positions in district one and right on up in department to her present position in state leadership. Edith has been present at many functions, planning, social or informative in nature as a worker, chairman or leader. She has always displayed the strongest desire to accomplish the chore at hand in the best manner. Not the easiest or shortest, but in the way that would produce the best results. Her spirit has always been undaunted. She has been fully able to impart this aura to those who were her co-workers.

Proof of this winning personality and her ever vigorous, devoted dedication toward helping others—and toward building our Ladies Auxiliary—is made very clear in many, many ways.

How is the Ladies Auxiliary making out in the development and following through of several key campaigns? Auxiliary members in greater numbers than ever are contributing personal services—and generous funds—toward assisting veterans and their families—for the VA Hospital, other hospitals, nursing homes and convalescent centers.

They are helping to guide young Americans through VFW youth programs, and have assisted in one of the finest years that our Voice of Democracy programs has ever had. The Buddy Poppy Sale for this year is just getting up a head of steam. Also they are supporting Cancer Research and Cancer Aid—rehabilitation work—and a wide variety of community activities.

Delaware is a small state, but here our voices are loud and clear in behalf of the policies and goals set by the VFW and its Ladies Auxiliary. This year's ladies membership pace has been the pacemaker for the entire nation. There is some rumor that South Carolina has displaced our ladies, but factual or not, it is only that temporary respite mentioned earlier, where the lassies are waiting for we lads to catch up. Just a little food for thought for the entire crowd is the fact that there are over 30,000 veterans in this state eligible for membership in our organization. This leads one to believe that we could still make better progress on our totals, but equally important is the fact that with a little more help from the 5,000 men we already have, Edie's Ladies Auxiliary would easily outdistance South Carolina or any other upstart state aspiring to beat this

Department's Auxiliary in this or any year.

I would like to digress once more to allude to remarks by our National Commander in Chief Joseph L. Vicities and Ladies Auxiliary President Frances Harmon. These remarks seem to be so ably sum up the attitude and aims that Madam President Edith DuBois has instilled into all of her programs this year.

CIC Vicities has related that—we shall work for veterans and their families—and for everything that strengthens opportunities, loyalties, unity and progress here in the America we love. He also adds—we are building to strengthen the positive—and to align ourselves against all threatening negative influences, and we shall counteract any neglect or outright destruction of our freedom ideals. National President Harmon tells us, Our VFW Auxiliary women are standing tall, proud and enjoying the view. We are putting into practice one of America's cherished ideals—which is—that all of our people can and will work together when they have a common purpose. She says further that the primary goals shall be to show love for our country—and to assist veterans and their families—to work closely with the Veterans of Foreign Wars and towards strengthening our many valuable service programs.

You have heard earlier words of praise for various attributes of our honored Madam President here tonight. These are echoes of the praise that she has been getting all year. They are recognition and proof of capable leadership and equally enthusiastic and good response. What better way is there to prove that the winning combination so strongly sanctioned and supported by our national organizations leaders is firmly established here in Delaware. Yes, this lady has proven her position very clearly—and with the added support of truly remarkable results.

Madam President, it has been an honor and a privilege for me to lead the accolades for your contributions to the Veterans of Foreign Wars, Department of Delaware Ladies Auxiliary this year. I would conclude my remarks with the simple statement that your skill is very evident, I would exhort you to keep right on working—leading the auxiliary and boosting us—throughout Delaware.

ALASKA: YES, NO, MAYBE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1972

Mr. DINGELL. Mr. Speaker, the New York Times of March 21, 1972, carried an editorial under the heading, "Alaska: Yes, No, Maybe," which makes clear the need for additional public hearings on the Trans-Alaska pipeline environmental impact statement. I would like to share this editorial with my colleagues:

ALASKA: YES, NO, MAYBE

A year ago the Department of the Interior issued a preliminary statement declaring that, despite some adverse environmental impact, an oil pipeline across Alaska along the route eagerly desired by the international oil consortium was acceptable. That draft statement was so cursory in its analysis and so biased in its premises that intense criticism developed at the departmental public hearings. Under pressure of this criticism by scientists, conservationists and members of Congress, and confronted with lawsuits, the department withdrew the statement and began to prepare a complete substitute.

After repeated postponements, Interior yesterday unveiled the substitute. This time the department has tried the converse technique. Instead of last year's superficial statement of fewer than 200 pages, there is a tidal wave of words running to thousands of pages in nine volumes. Naturally, no one outside Government has yet had time to study this document.

According to Interior Department officials, the report discusses several possible routes for an oil pipeline, finds that no single route would be free of damage to the environment and reaches no conclusion. Since a pipeline is sure to be built, the basic questions are which route would be least damaging and which ecological values are going to have to bear the greatest loss and risk—birds, marine life, scenery, wilderness, soil or animals.

The route favored by the oil companies, for example, would run from the North Slope to Valdez, an ice-free port east of Anchorage, where the oil would be transshipped in tankers. The normal oily wastes discharged when tankers are cleaned at sea and the spectacular oil spills when tankers accidentally collide would over the long term have an adverse effect an Alaskan salmon and on marine life generally. By contrast, some conservationists favor a land route running mostly through Canada, although this route also poses some hazards.

Clearly, a report of this size and complexity needs careful study and thorough public discussion. Otherwise, an environmental impact statement would be no more than a screen of words covering a predetermined decision. Yet Interior officials announced that a final decision on the pipeline might be forthcoming after 45 days. Moreover, they peremptorily declared that there would be no public hearings on the new statement. One official went so far as to say that hearings would only add a "circus" atmosphere.

This undemocratic fiat cannot be allowed to stand. If independent scientists and citizen conservationists are to evaluate this mass of data, they will need at least two or three months for study. The Interior Department then has an obligation to hear their views in public hearings. Otherwise the procedures set forth by Congress would be nicely circumvented while the Administration and the international oil men quietly reached their own decision about the future of Alaska.

The voice of the American people must be heard in the making of that decision for they are the owners of this last great unspoiled frontier on the continent of North America. That is no circus; that is self-government.

BOYCOTT OF FRENCH WINES

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1972

Mr. WOLFF. Mr. Speaker, we in the Congress are all too well aware of the plethora of serious problems which are direct and indirect results of heroin addiction. During the past 2 months I have been calling my colleagues' attention to the dangers of the drug traffic coming out of the Far East. However, we must also bear in mind the traffic which comes to our streets from Turkey via France.

This deadly narcotics traffic must be stopped. The governments involved are finally beginning to crackdown on the traffickers. The American people must continue to keep up the pressure to act on this vital issue. I was therefore pleased to receive a resolution adopted by the Long Island Restaurant and Caterers Association which proposes a boycott of French wines. I am including the text of this resolution at the conclusion of my remarks.

This boycott is an excellent step which I hope will be broadly accepted and also broadened to include other French imports. Only in this way will the French Government understand how critical this situation is to all Americans.

The resolution follows:

LONG ISLAND RESTAURANT AND CATERERS ASSOCIATION—PROCLAMATION

Whereas, The Long Island Restaurant & Catering Association, representing 120 of the outstanding restaurants and caterers on Long Island and in cooperation with and appeal to 30,000 restaurants in the State of New York and,

Whereas, it is necessary to take drastic steps to protect our youth from the use of heroin, the most damaging and insidious of all drugs and

Whereas, the main source of supply of the world heroin cache is imported from Turkey and processed in Marseilles, France and then illegally distributed throughout the world, and

Whereas, this insidious plague of moral and physical destruction is eventually sold at enormous profits by criminal elements to our youth in the United States, and

Whereas, the illegal profits from the sale of heroin is used by organized crime to further their inroads into the very foundation of the American way of life, and

Whereas, many appeals to the French Government to seriously crack down on the importers, processors and exporters of heroin for foreign consumption have gone unanswered and

Whereas, it is necessary, for the future of our youth, that the restaurant industry take the initial step, even though it may mean financial loss of income, to impress the French Government that we will take a strong stand against their apathy in dealing with this problem,

Be it therefore resolved, That the Long Island Restaurant and Caterers Association recommends to its members, to members of the State Restaurant Association of New York, and to the National Restaurant Association, and to the General Public of the United States, that in order to make same effective, the sale of all imported French wines, liquors and brandies, be boycotted and other imported and domestic wines be suggested in all our restaurants, until evidence of positive action by the French Government is shown to curtail the illegal activities of French heroin processors and exporters becomes evident to the American people.

NATIONAL WEEK OF CONCERN FOR AMERICANS WHO ARE PRISONERS OF WAR OR MISSING IN ACTION

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Tuesday, March 28, 1972

Mr. CHURCH. Mr. President, this is the second year that Congress and the President have set aside a week to remember those Americans now being held as prisoners of war in Indochina or who are listed as missing in action. This is also the seventh anniversary of the capturing of the first American by the North Vietnamese. In this time of national concern for those nearly 2,000 Americans held captive or missing, we renew together our pledge to maintain unrelenting pressure on the Government of North Vietnam, the Pathet Lao, the Khmer Rouge, and the Vietcong, to render more humane treatment to these prisoners and bring nearer the day they may return home.

In a free society such as our own, we must expect and cherish differences of opinion as to the best way for this country to end its part in the war in Indochina. Yet, regardless of these differences, Americans are united in their deep concern for the plight of our young men who are known or thought to be prisoners. No one in Hanoi, or any other place in the world, should underestimate the unity of feeling with which we support these men. No one should misunderstand our desire to see them freed.

I myself look forward to the day when all American military personnel—those still engaged in the continuing war as well as the prisoners—are returned home to their families. The notion of a residual force to be left behind must be rejected. Our prisoners will never be released, and nothing in the long run will be gained, by attempting to retain an American garrison in South Vietnam.

The President should agree, therefore, to fix a date for the completion of our withdrawal, contingent only upon the release of our prisoners of war. Fixing a deadline for our withdrawal could become a lifeline for our prisoners. As the French learned before us, the release of prisoners does not precede, but follows, the commitment to withdraw.

It is time for Congress, the President, and the American people to join together in ending further American hostilities in Indochina so that there will be no need next year for proclaiming still another Prisoners of War-Missing in Action Week.